



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
OPEN MEETING**

29 January 2020

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THE PUBLIC IS ADVISED THAT IT IS COUNCIL POLICY TO RECORD THE PROCEEDINGS OF MEETINGS OF COUNCIL ON DIGITAL MEDIA TO ASSIST IN THE PREPARATION OF MINUTES AND TO ENSURE THAT A TRUE AND ACCURATE ACCOUNT OF DEBATE AND DISCUSSION OF MEETINGS IS AVAILABLE. THIS AUDIO RECORDING IS AUTHORISED BY THE *LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015*

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON WEDNESDAY 29 JANUARY 2020, COMMENCING AT 6.00PM

	From	To	Time Occupied
Open Council	6.00PM	6.31PM	31MINS
Planning Authority	6.31PM	7.09PM	38MINS
Open Council	7.09PM	8.38PM	89MINS
Closed Council	8.38PM	9.08PM	30MINS
Open Council	9.08PM	9.08PM	0MINS
TOTAL TIME OCCUPIED			98MINS

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

The Chairman declared the meeting open, welcomed those present in attendance and advised that the meeting will be recorded, in accordance with the Council Policy '**GOV.017 - Audio Recording of Council Meetings**' to "record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available".

ACKNOWLEDGEMENT OF COUNTRY

I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today, the Tommeginne people, and to pay our respect to those that have passed before us, their history and their culture.

ANNOUNCEMENT VIDEO RECORDING OF COUNCIL MEETING

The Mayor advised that Council would be filming the meeting and that the recording would be made available to the public the following day.

1.0 RECORD OF ATTENDANCE

1.1 ATTENDANCE

Mayor Robby Walsh
Councillor Mary Duniam
Councillor Darren Fairbrother
Councillor Celisa Edwards
Councillor Allie House
Councillor Gary Bramich
Councillor Kevin Hyland
Councillor Andrea Courtney

IN ATTENDANCE

Shane Crawford - General Manager
Daniel Summers - Director Infrastructure and Development Services
Tracey Bradley - Director Community and Engagement
Samantha Searle – Director Organisational Performance
Ashley Thornton – Manager Development and Regulatory Services
Sally Blanc - Executive Officer

1.2 APOLOGIES

Nil received.

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 9 December 2019, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

Nil

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

9/12/19	Federal Minister Hon. Mark Coulton – Workshop
9/12/19	Meeting with Constituent
9/12/19	Council Meeting
10/12/19	7BU Radio Interview
10/12/19	Meeting with General Manager
10/12/19	RSL Function
11/12/19	Hon Michael Ferguson MP - Meeting re Coastal Pathway
11/12/19	Meeting with General Manager and Mayor Circular Head Council
11/12/19	CR EDWARDS Boat Harbour Primary Grade 6 Graduation Ceremony
12/12/19	Meeting with Constituent
13/12/19	CR EDWARDS Boat Harbour Primary Presentation Evening
13/12/19	CCA Councillors Function
16/12/19	St Brigid's Primary End of Year Assembly & Awards
16/12/19	Table Cape Primary – Grade 6 Presentation
16/12/19	Somerset Primary – Grade 6 Assembly and Presentation
16/12/19	Coastal FM Radio Interview
17/12/19	Somerset Rotary and School of Special Education – Handover of New Bus
17/12/19	Meeting with General Manager
17/12/19	Meeting with UTAS
17/12/19	Wynyard High School Presentation Evening
19/12/19	Yolla School Presentation Assembly
20/12/19	Wonders of Wynyard Volunteer Function
6/1/19	Meeting with Constituent
7/1/19	Meeting with General Manager
15/1/19	Australia Day Awards Meeting

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That the Council note the Mayors Communications

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Upcoming Workshops – Indicative Only

3/2/20	Review of 2019
3/2/20	Community Activation Grants
5/2/20	iCEP Workshop
10/2/20	CCA Tasmanian Cat Management Presentation Long Term Financial Plan Review
19/2/20	Wynyard Community Conversations
24/2/20	OSSR Fees and Charges Discussion
26/2/20	Capital Works Projects Site Visits & Budget Discussion

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Council note the following Councillor Workshops

21/1/20	Waste Management Facilities Tour Presentation – Signature Story Stop White Hills Lookout Shared Services Update Treasury Policy Review Waste Management Strategy Actions
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The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

5.0 PUBLIC QUESTIONS AND STATEMENTS

5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil received.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

5.2.1 C HUTCHISON - PUBLIC CONSULTATION POLICY

QUESTION

My question relates to the Council's *Public Consultation Policy*, some of which I highlight below:

Principles:

- 5.1 (a) Council decision-making should be open, transparent and accountable;
(b) The Council will identify potential stakeholders in each specific circumstance;
(g) The Council will listen and respond to community views in a balanced way, taking account of all submissions made by various stakeholders;
(i) The Council's desire to balance community views and interests with other influences such as budgetary constraints.

Procedures:

- 6.2 c) The Council will consider any submissions received as part of its decision-making process

Objectives

- 2.1 (a) To promote positive relations between the Council and the community;
(b) To promote effective communication and consultation between the Council and the community;
(c) To enable the community to participate in Council planning and decision making;
(d) To provide the framework for community involvement in Council planning and decision making;
(e) To promote Council decision-making that is open, transparent, responsive and accountable to the community.

My question is specifically in relation to the objectives of Council's public consultation policy and it is in parts, if the Responding Officer could please provide evidence with each response.

- a) Does Council have positive relations with the Preolenna Community?
- b) What have Council done to provide effective communication and consultation with the Preolenna Community?
- c) What was the framework for involvement and when has the Council enabled the Preolenna community to participate in council planning and decision making?
- d) Has the council been open, transparent, and responsive to requests from the Preolenna Community?

OFFICERS RESPONSE

While there are no formal means to accurately respond to the question, there is no reason to suggest that there is anything other than positive relations with the Preolenna community. The Preolenna community was represented admirably by former Councillor, Colleen Dibley who expressed the views of the local community throughout her tenure on Council.

The Preolenna community is offered the same opportunities to engage with Council on strategic projects as anywhere else in the municipal area. Council has commenced

Community Conversations in the larger population centres during the last six months and following a review of these forums at the end of the first twelve-month cycle, consideration will be given to whether small areas will be included in future rotations. The same customer service standards, transparency and responsiveness is provided to community requests, regardless of location.

5.2.2 MR C. HUTCHISON - FREEDOM CAMPING

QUESTION

In Relation to the December 2019 Council meeting – item 5.3.1

Mr Hutchison of Preolenna referred to item 5.2.2 on the agenda and asked what is the progress of the investigations and discussions into alternate sites for Freedom Camping, he asked if council could provide evidence of what is being done in this space, and if an alternate freedom camping site been identified?

The Director of Community and Engagement advised that the Sisters Beach Working Group is developing a discussion paper to put to the Sisters Beach community to determine if camping could occur in Sisters Beach. The group is also reviewing other areas and a report will be presented to Council when the review is completed

The Director of Community engagement also stated:

“We’ve also had requests from other areas, which are not formalised yet. But other areas which are in the municipal area that are interested in having some public camping in those places as well. And when we know further about that, we will be able to talk about those as well.”

My question is in parts –

- a) Will the public have access to the Sisters Beach Working Group’s discussion paper, and if so when?
- b) Where are these areas that have yet to be formalised, which of those areas in the municipality have requested to have camping, and which of those areas has council approached without being requested?
- c) Given that the meeting occurred on December 9th, and the time of response is January 22nd, has council identified an alternate freedom camping site in the Greater Wynyard area, and if so, when can the public expect it to be operational?

OFFICERS RESPONSE

The Director Community and Engagement advised the following in response to questions raised:

- a. The Discussion Paper will be available to the public through Councils Website and other communication channels within Sisters Beach. The Discussion Paper will be released once it is completed;

-
-
- b. The discussions on alternate locations have been informal and no decision or progression of these has occurred.
 - c. An alternate freedom Camping site has not been identified.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.3.1 MR C HUTCHISON – EOI PREOLENNA HALL

Mr Hutchison of Preolenna asked if Council would be discussing the Preolenna Hall Expression of Interests received during the Closed Council Meeting tonight and if council would consider sending a letter to all residents updating them on the outcomes.

The General Manager advised that the matter would be considered in the Closed Meeting and advised that should a decision be made to proceed with disposal of public land the Statutory Process would be followed which outlines protocols around advertising and notification to residents.

5.3.2 MR C HUTCHISON – RMPAT DECISION

Mr Hutchison of Preolenna asked that, in relation to item included in Senior Management Report on page 85 of the agenda, if Councillors think that \$8369 spent (and growing) was good value for rate-payers money in relation to the refusal of a dwelling extension at 267 Port Road Boat Harbour Beach and the subsequent loss against the appellant at the Appeals Tribunal and asked if Councillors in favour of the refusal could comment.

The Mayor advised that Councillors could not comment on the matter.

5.3.3 MR B CAMERON – SOUTHERN RETAINING WALL

Mr Cameron of Wynyard asked:

1. Has the Council discussed with TasWater the fact that parts of the high pressure main which runs to the North of the Caravan Park is occasionally covered by sea surge and has the council been advised of the current condition of the high pressure main? He also asked whether relocation should be considered in the future.
2. Is the council seeking expert advice from geomorphologists and coastal engineers in areas where:
 - a. Buildings, roads and infrastructure are at risk;
 - b. The Inglis River is continuing to lose sand;
 - c. New developments are submitted for planning approval and the site has potential for inundation during the 50 year expected life span of the development;
 - d. The seawall at the mouth of the Inglis River is collapsing
 - e. Sea water washes over 30% of the adjacent car park during north eastern coastal surges

The Director of Infrastructure and Development Services took the question on notice and made comment that:

-
- He is aware that TasWater is looking at replacing the high pressure main in question, Coastal engineering advice has been received and considered
 - Council is currently working with the Wynyard Yacht Club and Crown Land Services regarding repairs to the southern seawall.

5.3.4 MRS R CAMERON – COASTAL INNUNDATION

Mrs Cameron of Wynyard asked if Council could unite with other council's and the State Government to determine a strategy for development of land predicted to suffer inundation.

The General Manager took the question on notice to provide a reply in writing.

5.3.5 MRS R CAMERON – COMMUNITY CONVERSATIONS

Mrs Cameron of Wynyard noted the advertising for a Community Conversation on Monday 3 February at 10.30am that she thought Community Conversations were a great idea. She asked if Community Conversations could be organised in the evening or on weekends as soon as possible so that Councillors and staff can have a better understanding of ratepayers concerns.

The General manager advised that Community Conversations were introduced in July last year and that six had been held to-date. He advised that the first six Community Conversations had been held in evening and that the second round will be during the day to allow different groups of people to attend . At the end of the first 12 month period the process will be reviewed and this will include timing of forums.

5.3.6 MR K BOYLE – CLIMATE CHANGE, COASTAL EROSION AND INNUNDATION

Mr Boyle of Wynyard asked what policies and procedures Council has in place already to help protect the community against the effects of sea level rise and are these adequate.

The General Manager took the question on notice and also advised that Council was well aware of environmental issues and the need for forward planning and that it was part way through developing an Integrated Community Environmental Plan.

5.3.7 MR K BOYLE – DEVELOPMENT PROPOSALS ADVICE

Mr K Boyle of Wynyard asked if specialist input is sought for development proposals in hazardous coastal areas.

The Director Infrastructure and Development Services took the question on notice.

5.3.8 MR K BOYLE - SEAWALLS

Mr K Boyle of Wynyard asked if there are any building standards for seawalls in our municipal area and if there is a policy/position to determine which areas would be protected from sea level rises or erosion.

The General Manager took the question on notice.

5.3.9 MR B WALSH – KATELYN DRIVE FIREBREAK

Mr B Walsh of Wynyard asked if anything is being done about a fire break at the rear of Katelyn Drive Wynyard. He noted that on the radio on 28 January TasFire Service advised that a 30m firebreak is required and that there is currently only a 5.5m firebreak.

The General Manager advised that council regularly inspects and maintains fire breaks. He took the question on notice to provide a detailed response.

5.3.10 MRS W BOYLE – DECISION MAKING PROCESS

Mrs W Boyle of Wynyard asked how probity could be guaranteed where Council is the proposer/applicant for a development and the Council is also the arbitrator of the proposal.

The General Manager advised that that external planners are hired to prepare development reports for Council applications and that there a strict, legislated rules on probity in place to ensure an open and transparent process.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

5.5.1 MR C HUTCHISON – SECTION 178A OF THE LOCAL GOVERNMENT ACT 1993

Mr Hutchison of Preolenna made a statement relating to the requirements of Section 178A of the *Local Government Act 1993 – Appeal (the Act)*..

He wished to highlight that an appeal may be made if the decision made by council is not in the public interest due to the loss of access to, and the use of, the public land, or there is no similar facility available to users of that facility. He hoped that Councillors would take this into consideration when discussions are held in closed session tonight (regarding the Preolenna Hall EOI)..

5.5.2 MR B CAMERON – COASTAL REMEDIATION WORKS

Mr Cameron made the following statement about Coastal Remediation matters:

Councillors and Council Staff are surely aware of the fact that a section of the concrete sea wall on the southern side of the Inglis River has fallen into the River and that a further section has been totally undermined causing sink holes to appear at the upper level. Thousands of cubic metres of sand have gone from the River requiring the placement of rock river walls adjacent to the Yacht Club. Tas Water have also on occasions worked under spotlights to repair sewerage drains in the area. In July 2015 they worked until 3am locating and repairing a leak to the high pressure line in the adjacent car park.

Clear recommendations are being made by experts that new buildings and other infrastructure should not be located in any areas which may require protection from rising sea levels within their life time. The coast line in the above area is already experiencing inundation. Has the council discussed with Tas Water the fact that parts of the high pressure main which runs to the North of the caravan park is occasionally covered by sea surge and has the Council been advised of the current condition of the High Pressure main, the expected life of the main if sea levels rise, or the future protection required for the main. Alternatively should relocation be considered in the future. The signs of inundation are here and along the North west coast as are the warnings by the experts. Is the council seeking expert advice from Geomorphologists and coastal Engineers in areas where,

- 1). Buildings, roads and infrastructure are at risk.
- 2). The Inglis river is continuing to lose sand.
- 3). New developments are submitted for planning approval and the site has potential for inundation during the 50 year expected life span of the development.
- 4). The sea wall at the mouth of the Inglis River (in close proximity to the high pressure sewage line) is collapsing.
- 5). Sea water washes over 30% of the adjacent bitumen carpark during North Eastern coastal surges.

If there is inaction in this area Council are pushing the cost of remediation works into the future, resulting in potentially more damage and greater costs for rate payers.

Planning for the effects of climate change is required now.

Thankyou


Bruce Cameron

5.5.3 MR K BOYLE – CLIMATE CHANGE AND COASTAL EROSION

Mr Boyle made the following statement about Climate Change and Coastal Erosion matters:

CLIMATE CHANGE AND COASTAL EROSION AND INUNDATION

This year's bushfire season has focussed attention on the need to take Climate Change seriously; the Reserve Bank has issued warnings; company boards have been put on notice by APRA and ASSIC; the trustees of a superannuation fund face court over not taking climate change into account in its investments; and there is a growth of grass roots protest movements demanding serious action be taken.

What policies and procedures does Waratah Wynyard Council have in place already to help protect its Wynyard citizens against the effects of sea level rise, and are these adequate?

Specifically,

- a) **Is specialist input obligatory for development proposals in coastal areas identified by the State Government as being of high risk of erosion and/or inundation as a result of Climate Change?** Specialist input is specified in many areas – e.g. structural engineers for buildings; fire assessors for bushfire prone area developments; but none appears for the hazard of coastal erosion or inundation. What specialists does the Council expect to have input about such areas?
- b) **Are there any building standards to be applied to flood mitigation structures?** The Council has many building standards - for boundary fences; for crossovers; for buildings of any description; for street or road construction. So, what is the definition of a seawall; who can build sea walls and where can they build them? Are there any building standards for the construction of sea walls applied in our Municipality?
- c) **Is there a policy to not protect any areas of Wynyard from sea level rises?** The cost of coastal protection could become immense. Some mainland councils are having to make the decision to defend some areas, and to allow nature to take its course in others. Proactivity beats reactivity. So does the Council have a position about which areas will be given priority for protection?

Keith Boyle

6.0 PLANNING AUTHORITY ITEMS**PLANNING AUTHORITY OPENED AT 6.31PM****6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS****6.1.1 MR K LOUGHRAN – SD2071 – IRBY SUBDIVISION SISTERS BEACH**

Mr K Loughran of Sisters Beach asked Council to amend permit conditions for SD2071 to include underground power to the development site (rather than overhead) in a similar manner to Stage 1.

The General Manager noted the question for consideration by the Planning Authority.

6.1.2 MR C HOCKING - SD2071 - IRBY SUBDIVISION SISTERS BEACH

Mr Hocking of Sisters Beach asked is Council confident that the flora and fauna (including habitat) at the site has been fully cleared, rather than continuing to exist in modified form so that native flora and fauna still survive on the site – what is the evidence provided to Council that that the proposed development site has been fully cleared of native flora, fauna and habitat, especially for threatened species e.g. Eastern Barred Bandicoot and Tasmanian Devil.

The Manager Development and Regulatory Services advised that the Clearing and Conversion of Vegetation Code was not applicable to the proposal for several reasons, including that the land is zoned for residential development, the land was previously grazing land and that limited clearing is proposed for the development.

6.1.3 MR C HOCKING - SD2071 - IRBY SUBDIVISION SISTERS BEACH

Mr Hocking of Sisters Beach asked if Council was aware that evidence of the existence of nationally threatened species on the site (regardless of the status of the vegetation) constitutes grounds for referring the site to the Federal Minister for the Environment under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*, and that failure to advise the developer to do so may leave the Council liable for future action.

The Manager Development and Regulatory Services advised that no aspect of the development application would trigger consideration under the *Environmental Protection and Biodiversity Conservation (EPBC) Act 1999*. He also advised that further information can be provided to clarify this and advised that he was happy to arrange a meeting with Mr Hocking to discuss.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

6.2.1 MR K LOUGHRAN – SD2071 – IRBY SUBDIVISION SISTERS BEACH

Mr Loughran read the following statement regarding SD2071 at Sisters Beach:

IRBY SUBDIVISION SISTERS BEACH STAGE 2 SD# 2071

When reviewing the advertised proposal it appeared a similar plan to stage 1 which we consider an appropriate design, with number and size of lots, sealed road, underground power and similar distance from Irby Boulevard to the development site.

When we started to review stage 3, which has been advertised the past few weeks, we became aware of a discretion in stage 2 to allow overhead powerlines "as there are existing reticulation lines".

We spoke to the Council planner yesterday and he advised "it is up to the developer and Tas Networks to decide if power should go underground". He also stated that Council has no conditions regarding the method of power reticulation for this development.

Council's planning scheme states (13.4.8) A1 "Electricity reticulation and site connections must be installed underground", for discretion to be applied P1 states "It must be impracticable, unreasonable, or unnecessary to install electricity cables and site connections underground".

This development is almost identical to stage 1 where underground power has been installed, we cannot see any reason for discretion apart from the small increase in cost to the developer.

It would be interesting to know why the developer has now chosen to provide overhead power supply only months after providing underground services in a similar development?

By approving this application in the current form council is virtually giving advance approval or expectation for overhead power supply through the forthcoming stage 3 and future subdivisions, this would be a major step back in the town's development.

We ask that council ^{Amend Permit conditions for SD2071 Ken} request underground power supply to the development site in a similar manner to stage 1. ~~Due to the lateness of our submission, where we only identified the discretion when reviewing the forthcoming stage 3, council might consider it appropriate to postpone discussion to allow officers to reconsider the matter.~~

In its present form the discretion undermines the positive future planning determined when Serrata Crescent was developed (by Council). It would be a backward step to now lower expected standards.

Yours sincerely
Ken & Kim Loughran

6.3 DWELLING AT 44A BLACKABYS ROAD BOAT HARBOUR - DA 161/2019

To: Council
Reporting Officer: Town Planner
Responsible Officer: Manager Development and Regulatory Services
Report Date: 8 January 2020
File Reference: 9769058

Supporting Documents: 1. DA161/2019 Documentation Set
2. Representation- E & C Sargent
3. Extension of Time Form

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA161/2019 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site consists of one title identified as CT 3/50762 with a total site area of 1.92ha referred to as 44A Blackabys Road, Boat Harbour. Currently the site is vacant with no improvements. The site is accessed by an existing crossover and access handle from Blackabys Road located at the east. The site is located within the Rural Living zone, as are the properties to the north, south and east, with the property to the immediate west zoned Rural Resource. A locality plan identifying the subject lot is provided in Figure 1 below.



figure 1- Location Map

DETAILS

The applicant is seeking approval for the construction of a new three-bedroom dwelling located at 44A Blackabys Road, Boat Harbour.

The proposed dwelling is to be sited 10m from the eastern boundary and 8m from the southern side boundary.

The subject dwelling will have a total floor area of 231.5m², including 46.8m² of roofed decking and 185m² of gross floor area. The proposal details a three-bedroom dwelling with built ins and an ensuite and walk-in located in the main bedroom. An open plan living, dining kitchen is detailed with a built-in pantry.

The proposed dwelling is single storey reaching a maximum height above natural ground level of 6.6m. The proposal is clad in Colorbond Custom orb cladding, with Colorbond Custom Orb roofing gutters and fascia.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representation received during the public exhibition period. The subject property is zoned Rural Living under the Planning Scheme. The proposal is defined as a Residential Use Class. This is a Permitted use within the zone, should the application meet all the relevant Acceptable Solutions. The applicant is applying for discretion under the following clause: -

- 13.4.3 (P2) Location and configuration of development

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 4 December 2019. One (1) representation has been received. The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

Representation- C and E Sargent

Issues Raised:	Response:
The reduced setback would diminish the privacy of the representor.	The subject new dwelling proposal for 44A Blackabys Road Boat Harbour, is seeking a setback relaxation from the permitted side setback of 10m on the southern boundary to a side setback of 8m. This does trigger the need for discretion and assessment to be undertaken against the performance criteria of clause 13.4.3 (P2) of the planning scheme. For a full assessment of this clause please see planning assessment comments.
With a new house so close to our existing house it would reduce the value of our property. There is a house built at 44B Blackabys Road and having built in between these two properties ourselves, feel that it will be congested and resemble living in town. Ultimately not what we moved into the area for.	Valuations of properties are not a consideration of the planning scheme and cannot be considered when assessing the application. The Rural Living zone provisions are set out in Part 13 of the <i>Waratah-Wynyard Interim Planning Scheme 2013</i> , provided all acceptable solutions are met a planning authority must approve an application. However, if a

	discretionary application is lodged seeking assessment against a performance criterion the application must be assessed against that relevant discretion and can be approved should it meet the performance criteria.
Suggestion made that the land area appears that the residence could be built further away from our residence which would not encroach on our privacy as much.	The subject new dwelling proposal for 44A Blackabys Road Boat Harbour, is seeking a setback relaxation from the permitted side setback of 10m on the southern boundary to a side setback of 8m. This does trigger the need for discretion and assessment to be undertaken against the performance criteria of clause 13.4.3 (P2) of the planning scheme. For a full assessment of this clause please see planning assessment comments.
The proposed location of the residence will result in a significant amount of trees being removed from the area. These currently provide a wall of privacy, a highway sound barrier and shield the view of the highway which is what is enjoyable about our property.	The site is currently modified with cleared areas already prepared for a building area. There are no covenants on associated titles relating to the protection of this vegetation.

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

1. All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.
2. In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
3. Loading and unloading of vehicles is to be confined to within the boundaries of the property.
4. Stormwater from the development is to be fully contained within the boundaries of the property.

Note:

An "Activity within the Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.

Environmental Health

The application was referred to the Environmental Health Officer. The following condition was recommended:

1. Control measures are to be installed for the duration of the construction phase so as to limit the loss of soil and other debris from the site.

Note:

This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application was not required to be referred to external referral agencies.

PLANNING ASSESSMENT

The subject site is zoned Rural Living under the *Waratah-Wynyard Interim Planning Scheme 2013*. The use is a Residential use which is a Permitted use within the zone, should the application meet all the relevant acceptable solutions of the planning scheme.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the relevant discretionary provision for the Rural Living Zone and relevant Codes is provided below.

13.4.3 Location and configuration of development

<p>A2</p> <p>All buildings must be contained within a building envelope determined by –</p> <ul style="list-style-type: none">(a) the applicable frontage setback;(b) a setback of not less than 10.0m from each side boundary;(c) a setback of not less than 10.0m from the rear boundary;(d) a setback of not less than 20.0m from any designated building area on each adjacent site; or(e) any building area shown on a sealed plan; and(f) building height of not more than 8.5m	<p>P2</p> <p>Building height and location of a building in relation to site boundaries must –</p> <ul style="list-style-type: none">(a) minimise likelihood for overshadowing of a habitable room in an adjacent dwelling on the site;(b) take account of the relationship between appearance and design characteristics of the buildings and any buildings on adjacent land;(c) minimise the apparent scale, bulk, massing and proportion relative to any adjacent building;(d) be consistent with the rural setting and the streetscape;(e) respond to the effect of the slope and orientation of the site to attenuate impact on adjacent land
<p>Planning Comments: Complies</p> <p>The proposed dwelling is to be setback 8m from the southern side boundary, therefore it does not meet the acceptable solution and is to be assessed against the performance criteria.</p> <p>The subject dwelling is single storey in height reaching a maximum height of 6.6m from the natural ground level at the lowest side of the site in the north-eastern elevation.</p> <p>The lot is currently vacant therefore any overshadowing caused by the dwelling will not overshadow a habitable room in an adjacent dwelling within the site.</p> <p>The subject building is also unlikely to create overshadowing in a habitable room on the adjacent dwelling identified as 44B Blackabys Road to the south, due to the topography being more elevated on 44B Blackabys Road. Additionally, the subject dwelling will be single storey and proposes an earthwork cut of approximately 1m deep to further reduce the likelihood of overshadowing. The proposed new</p>	

dwelling is located to the north-east of the existing building located at 44B Blackabys Road, ensuring that access to northern sunlight from late morning onwards will not be impacted.

The proposed new dwelling details a single storey dwelling with a skillion roof portion of the dwelling and a gable portion of roof. The house will be clad in Colorbond Custom Orb cladding and selected timber cladding with aluminium framed windows and doors. These design characteristics are consistent with the residential dwellings and associated outbuildings located in Blackabys Road, Boat Harbour.

The proposed new dwelling will have an earthwork cut of approximately 1m at the southern end of the dwelling. This will assist with reducing the bulk of the single storey dwelling when viewed from an adjoining property to the south. The scale, bulk, proportion and massing is consistent with the buildings on adjacent land. The different rooflines assist with reducing the proportions of the building.

The southern property identified as 44B Blackabys Road has an established dwelling located 11m from the shared boundary. The separation between the proposed dwelling and the closest dwelling to the southern boundary will be approximately 19m. Such separation is consistent with that of the Rural Living setting. The streetscape of Blackabys Road will become consistent with the already developed eastern side of Blackabys Road.

It is worth noting that many of the lots located on the western side of Blackabys Road are internal lots with tapered access handles. Many of the lots, including this application have proposed to locate a dwelling in the first half of the lot, in order to prevent the amount of further clearing required for bushfire hazard purposes. The subject application has proposed some earthwork in the form of a small cut, which will further reduce the height of the lot when viewed from adjacent properties.

The proposal complies with the performance criteria.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993 (the Act)* and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) under S.48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representation received. It is noted that one (1) representation was received during the exhibition period.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified as part of this application.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

The Land Use Planning and Approvals Act 1993 provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a & 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

COMMENT

This report is presented for Council's consideration, together with the recommendations contained at the beginning of the report.

The proposed dwelling meets the relevant performance criteria of the planning scheme. The proposal is seeking a 2m setback reduction to the side boundary. The separation will continue to reflect the current setbacks of the buildings located within the streetscape of Blackabys Road.

When viewed from the streetscape of Blackabys Road, the properties will continue to appear as Rural Living lifestyle lots.

The application is considered to comply with the Rural Living Zone Code and all other applicable codes of the *Waratah-Wynyard Interim Planning Scheme 2013*.

MOVED BY	CR HYLAND
SECONDED BY	CR HOUSE

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a Dwelling for 44A Blackabys Road, Boat Harbour subject to the following conditions:

- 1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a. Proposal Plans with Project Number 1920-14 and Drawing Number 1-5 Revision 2 as prepared by Steven Penton Building Design and dated 29 November 2019.****
- 2) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.**
- 3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.**
- 4) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.**

-
- 5) **Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.**
 - 6) **Stormwater from the development is to be fully contained within the boundaries of the property.**

Notes: -

The following is provided for information only and does not constitute condition(s) of permit.

- This project must be substantially commenced within two years of the issue of this permit.
- An “Activity in Road Reservation” permit must be obtained from Council for all activity within the Road Reservation.
- The development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.
- This permit is based on information and particulars set out in DA161/2019. Any variation requires an application for further planning approval of Council.
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact Aurora Energy on 1300 132 003 to ensure these works do not impede on existing electricity easements and are at a safe distance from power lines. Failure to do so could result in the relocation of electricity assets at your cost.
- For letterbox placement please contact ‘Australia Post 64345580’ for correct guidelines.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council’s decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, GPO Box 2036, Hobart, 7001.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

6.4 SUBDIVISION (1 INTO 9 LOTS) AT BRIDGE STREET (CT178029/1) AND IRBY BOULEVARD (CT169593/2 & CT145850/4)

To: Council
Reporting Officer: Manager Development and Regulatory Services
Responsible Officer: Director Infrastructure and Development Services
Report Date: 13 January 2020
File Reference: SD2071

Supporting Documents: 1. Application documents
2. Representation - F Loughran
3. Extension of Time

PURPOSE

The purpose of this report is for Council to consider the merits of the application SD2071 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject property is contained in CT 178029/1 and is 9.231ha in area. The proposal includes the creation of eight new lots and one road lot.

The site is zoned Rural Living, with a small portion in the north-western corner zoned Low Density Residential. One lot is to be created within the Low Density Residential zoned land, seven residential lots will be created in the Rural Living zoned land.

Adjoining properties to the north are also zoned as Low Density Residential. Adjoining properties to the east, south and west are zoned Rural Living.

Properties described as CT 169593/2 & CT 145850/4 also form part of the proposal. The land is not to be subdivided, but it is proposed for drainage to be directed through these lots.

DETAILS

The applicant is seeking approval for a subdivision of the property described as lot 1 on SP178029 Bridge Street, Sisters Beach and is located to the south of Irby Boulevard. The proposal is seeking approval for the 1 lot to become 8 residential lots, and a lot dedicated as road. A breakdown of the lots is provided below.

Lot number	Lot Size (ha)	Lot status
1	0.0669	Vacant – Low Density Residential zone
2	1.00	Vacant
3	1.23	Vacant
4	1.44	Vacant
5	1.09	Vacant
6	1.44	Vacant
7	1.61	Vacant
8	1.02	Vacant
100	14.26	Cul de sac to be dedicated as road

This report assesses the proposal against the Planning Scheme and takes into account the representation received during the public exhibition period. The proposal is defined as a Residential Use Class, a Permitted Use under the Planning Scheme. The applicant is applying for discretion under the following clauses:-

- Suitability of a site or lot for use or development 12.4.1 (P1);
- Dwelling density 12.4.2 (P1);
- Reticulation of an electricity supply to new lots on a plan of subdivision 12.4.9 (P1);
- Subdivision 13.4.7 (P2) (Lots 4, 6 & 7 only);
- Reticulation of an electricity supply to new lots on a plan of subdivision 13.4.8 (P1); and
- Development in proximity to a water body, watercourse or wetland E10.6.1 (P1).

CONSULTATION PROCESS

The consultation process was the public notification period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining land owners, public notices onsite and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The period for representations closed on 16 December 2019. One (1) representation was received. The representation and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

<p>Representor – F Loughran</p> <p>Issues Raised</p> <p>The representors’ issues raised have been summarised as the following:</p> <p>(1) The potential costs of fencing between the representor’s property at 50A Irby Boulevard (PID 9100261) and proposed Lots 2 – 6, which equates to more than 600m. The representor is concerned that they will be responsible for half of the fencing costs under the <i>Boundary Fences Act 1908</i>, and believe that current rural fencing is sufficient.</p>
<p>Planning Response:</p> <p>(1) As per the <i>Boundary Fences Act 1908</i>, boundary fences are a civil issue between adjoining property owners. The website for Legal Aid Tasmania contains a boundary fences fact sheet which provides further information regarding rights and responsibilities under this Act. The factsheet includes the following definition of ‘sufficient fence’:</p> <p><i>The term ‘sufficient fence’ means a fence of the description and quality agreed upon or awarded by an arbitrator where such fence is in a city or town or adjacent to a dwelling house. Otherwise, a fence which is ordinarily capable of resisting the trespass of sheep and cattle.</i></p> <p>Regarding the status of this representation, in accordance with Clause 8.10.1 of the Planning Scheme, Council must take into consideration any representations received under ss57(5) of LUPAA when determining whether to approve or refuse a discretionary application. However, Council may only take into account the merits of each representation received insofar as the matters raised are relevant to the discretion applied for. Matters relating to the <i>Boundary Fences Act</i> do not fall under Council’s jurisdiction and are not relevant to any of the discretions invoked by SD 2071. Furthermore Council, acting as a Planning Authority, is not entitled to place any conditions on a permit which it does not have the jurisdiction to enforce.</p>

INTERNAL REFERRALS

Engineering Services Department

The following engineering conditions were recommended.

All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.

Construction of civil engineering work associated with the development is to comply with the requirements of Council's Policy PR003 Standard requirements for construction of new infrastructure assets and the replacement of existing infrastructure assets.

Relevant engineering plans, specifications, calculations and computations are to be prepared or certified by a Chartered Professional Engineer and submitted to the director infrastructure and development services for approval. No work is to commence until a construction certificate has been issued by the Director Infrastructure and Development Services.

On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations, and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital-as-constructed information" template is to be supplied. Template can be obtained from Council's website.

In the course of undertaking the development/use there is to be no damage caused to any council owned infrastructure or property.

The final survey plan submitted for sealing by the council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.

Connection of stormwater drains to Council's drainage network is to occur only in accordance with the requirements and approval of the Director Infrastructure and Development Services.

A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure and Development Services is to be lodged with council prior to:

- A) The issue of the Maintenance Period Commencement document; or
- B) Prior to sealing of the Final Survey Plan.

A driveway with a sealed surface is to be constructed for lots 1, 2, 3, 4, 5, 6, 7 & 8 from the edge of the bitumen surfaced pavement of the internal road to the property boundary in accordance with Tasmanian Standard Drawing TSD-R03-v1, Rural Roads Typical Property Access & TSD-R04-v1, Rural Roads Typical Driveway Profile and the conditions in a "Activity in Road Reservation Permit".

Loading and unloading of vehicles is to be confined to within the boundaries of the property.

A stormwater connection point, including an accessible inspection opening at ground level, is to be constructed for lots 1, 2, 3, 4, 5, 6, 7 & 8 at the lowest point of the lot to permit connection to Council's stormwater drainage reticulation network. The connection point is

to be inspected and approved by the Director Infrastructure and Development Services before backfilling.

A reticulated stormwater drainage system is to be provided with individual lot connections, road drainage and method of discharge in accordance with the reasonable requirements of the Director Infrastructure and Development Services. The design return interval for the reticulation network is to be 1 in 10-year ARI for property only, 1 in 20-year ARI for road drainage and provision is to be made to contain a 1 in 100-year ARI major overland flow-path.

An 18-metre wide road reservation, with lot boundaries splayed where necessary is to be provided and shown as "Road" on the final survey plan lodged for sealing.

The road reservation is to be widened to a minimum of 25 metres in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads with lot boundaries splayed where required to accommodate a vehicular turning area and shown as "Road" on the final survey plan lodged for sealing.

The road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a sealed pavement width of 6 metres and a minimum total pavement thickness of 300mm plus a minimum two coat bitumen spray coat seal. The road is to incorporate 1-metre wide shoulders of minimum 100mm thickness of compacted crushed rock and minimum 1-metre wide table drains, all in accordance with the Tasmanian Standard Drawing TSD-R06-v1, rural roads sealed. Construction is to satisfy the reasonable requirements of the Director Infrastructure and Development Services.

Road intersections, both internally and within the Council road network are to be assessed in regard to the various requirements of the Austroads Guide to Traffic Management set. All upgrade and works required to achieve compliance with the Austroads Guide to Traffic Management set are to be addressed as part of the road design process.

The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a set of traffic management drawings that are to be submitted to and approved by Department of State Growth.

A court bowl of radius 9 metres and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads is to be provided at the termination of the internal road to facilitate the turning movement of large service vehicles. Construction is to be of equivalent standard to the internal road.

Street lighting is to be provided in accordance with AS 1158 and the requirements of TasNetworks and the Director of Infrastructure and Development Services. The street

lighting is to be designed to minimise off site glare and reflected light. The use of nonstandard lighting poles is not permitted in the development.

Power is to be provided to each lot in the development in accordance of the requirements of Aurora Energy and IPWEA standard drawings and specifications.

Telecommunication services are to be provided to each lot in the development in accordance of the requirements of Telstra and IPWEA standard drawings and specifications.

Environmental Health

The following environmental health notes were recommended.

Note: this development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application was initially referred to TasWater on 18 April 2019. TasWater requested additional information from the applicant, with TasWater accepting the information and issuing conditions on 25 November 2019. TasWater conditions are to be attached to a permit if granted.

PLANNING ASSESSMENT

The subject site is zoned Low Density Residential and Rural Living under the Waratah-Wynyard Interim Planning Scheme 2013.

The application does not meet all of the acceptable solutions and is therefore submitted as a discretionary application under Section 57 of the *Land Use Planning & Approvals Act 1993* (LUPAA) and assessed under the Waratah-Wynyard Interim Planning Scheme 2013 and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the relevant provisions for the Low Density Residential and Rural Living Zone Codes and relevant Codes is provided below.

12.4.1 (P1) Suitability of a site of lot for use or development

A1 A site or each lot on a plan of subdivision must – (a) have an area of - (i) not less than 500m ² excluding any access strip; or (ii) if in a locality shown in the Table to this clause, not less than the site area shown for that locality; and	P1 A site or each lot on a plan of subdivision must (a) be of sufficient area for the intended use or development without likely constraint or interference for – (i) erection of a building if required by the intended use; (ii) access to the site; (iii) use or development of adjacent land;
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<p>(b) contain a building area of not less than 10.0m x 15.0m -</p> <ul style="list-style-type: none"> (i) clear of any applicable setback from a frontage, side or rear boundary; (ii) clear of any applicable setback from a zone boundary; (iii) clear of any registered easement; (iv) clear of any registered right of way benefitting other land; (v) clear of any restriction imposed by a utility; (vi) not including an access strip; (vii) accessible from a frontage or access strip; and (viii) if a new residential lot, with a long axis within the range 30° east of north and 20° west of north 	<ul style="list-style-type: none"> (iv) a utility; and (v) any easement or lawful entitlement for access to other land; and <p>(b) if a new residential lot, be orientated to maximise opportunity for solar access to a building area</p>
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Planning Comment: Complies

The minimum lot size in Sisters Beach is 800m². The lot proposed in this zone is 669m², therefore the proposal is to be assessed against the performance criteria. Performance Criteria.

Proposed lot 1 cannot be any larger without it being subject to a split zoning. It is best to avoid split zonings, as it makes future development more complicated. The lot cannot be any larger due to existing development to the north and east, and location of the road to the west.

Proposed Lot 1 is intended to be connected to available reticulated services (sewerage and stormwater). Therefore, land is not required to accommodate on-site services, with the exception of water tanks.

The lot will gain access from the proposed new road, with an 18m long frontage to this road.

The adjoining lots to the north and east have been developed, and it has been demonstrated that a building envelope that meets all required setbacks can be established on the lot. Development of the new lot will not constrain development of adjoining properties.

The long axis of the lot runs east to west, therefore there is potential for the longest side of a future dwelling to be facing north.

The proposal is considered to comply with the performance criteria.

12.4.2 (P1) Dwelling Density

<p>A1</p> <p>The site area per dwelling must –</p> <ul style="list-style-type: none"> (a) be not less than 500m² if the site has – <ul style="list-style-type: none"> (i) connection to a reticulated water supply; 	<p>P1</p> <p>The number of dwellings on a site must be consistent with the capability of the land for residential use in terms of –</p> <ul style="list-style-type: none"> (a) a suitable building area;
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<ul style="list-style-type: none"> (ii) connection to a reticulated sewer system; and (iii) connection to a stormwater system; or <p>(b) if the site is in a locality shown in the Table to this Clause, not less than the site area for that locality.</p>	<ul style="list-style-type: none"> (b) access from a road; (c) provision of a water supply; (d) disposal of sewage; (e) disposal of stormwater; and (f) a tolerable level of risk from a natural hazard.
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Planning Comment: Complies

The minimum lot size in Sisters Beach is 800m². The lot proposed in this zone is 669m², therefore the proposal is to be assessed against the performance criteria. Performance Criteria.

The submitted plans demonstrate that a standard building envelope can be accommodated within the proposed lot. Therefore, a suitable building area is provided.

The lot will gain access from the proposed new road, with an 18m long frontage to this road.

Rain water tanks will be required to provide a dwelling with a water supply. There is sufficient room on site to accommodate tanks for water supply.

Proposed Lot 1 is intended to be connected to available reticulated services (sewerage and stormwater). Therefore, land is not required to accommodate on-site services.

There is no natural hazard identified as impacting proposed lot 1.

The proposal is considered to comply with the performance criteria.

12.4.9 (P1) Reticulation of an electricity supply to new lots on a plan of subdivision

A1	P1
Electricity reticulation and site connections must be installed underground	It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground

Planning Comment: Complies

Currently there are existing electricity reticulation lines provided overhead. It is unreasonable to request new underground lines be installed underground.

The proposal complies with the performance criteria.

13.4.7 (P2) Subdivision

A2	P2
A lot, other than a lot to which A1(b) applies, must not be an internal lot	<ul style="list-style-type: none"> (a) An internal lot on a plan of subdivision must be – <ul style="list-style-type: none"> (i) reasonably required for the efficient use of land as a result of a restriction on the layout of lots imposed by – <ul style="list-style-type: none"> a. slope, shape, orientation and topography of land;

	<ul style="list-style-type: none"> b. an established pattern of lots and development; c. connection to the road network; d. connection to available or planned utilities; e. a requirement to protect ecological, scientific, historic, cultural or aesthetic values, including vegetation or a water course; or f. exposure to an unacceptable level of risk from a natural hazard; and <p>(ii) without likely impact on the amenity of adjacent land</p>
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Planning Comment: Complies

The proposed subdivision includes three internal lots located at the end of the cul de sac. Therefore, the proposal must be assessed against the performance criteria.

Lots 1, 2, 3, 5 and 8 have a road frontage provided by the new road in the proposal, however lots 3, 4 and 6 are internal lots.

Connection of the new cul de sac to the road network is available to Irby Boulevard. However, in order to reduce costs associated with new road construction for the relatively limited number of lots proposed, internal lots are required to provide individual accesses at the cul de sac head.

The new road is located between 54 and 56 Irby Boulevard. Each property is currently developed with single dwellings and outbuildings. 54 Irby Boulevard has a garage located on the western side of the dwelling, which will provide a buffer between the residence and the new road. 56 Irby Boulevard is setback approximately 5 m from the shared boundary.

Due to the limited nature of the subdivision, traffic generation will be limited to approximately 72 movements per day. This low level of use is unlikely to impact the amenity of the adjoining properties.

The proposal complies with the performance criteria.

13.4.8 (P1) Reticulation of an electricity supply to new lots on a plan of subdivision

A1	P1
Electricity reticulation and site connections must be installed underground	It must be impractical, unreasonable, or unnecessary to install electricity reticulation and site connections underground
Planning Comment:	
Currently there are existing electricity reticulation lines provided overhead. It is unreasonable to request new underground lines be installed underground.	

The proposal complies with the performance criteria.

The proposal complies with the performance criteria.

Part E Codes

Bushfire-Prone Areas Code

E1 The proposal included a Bushfire Hazard Management Plan by Bruce Harpley of Environmental Service and Design and details the proposal as compliant with the Code.

Airport Impact Management Code

E2 Not applicable to this application.

Clearing and Conversion of Vegetation Code

E3 Not applicable to this application. The development is exempt from the code as the clearing of vegetation is on previously cleared land.

Change in Ground Level Code

E4 The proposal complies with the exemptions from the Code.

Local Heritage Code

E5 Not applicable to this application.

Hazard management Code

E6 Not applicable to this application.

Signs Code

E7 Not applicable to this application.

Telecommunications Code

E8 Not applicable to this application.

Traffic Generating Use and Parking Code

E9 The proposal complies with the relevant acceptable solutions within the code.

Water and Waterways Code

E10 The proposal is within 30m of a watercourse and assessment against the Performance Criteria is required.

A1 There is no acceptable solution	P1 Development must – (a) minimise risk to the function and values of a water body watercourse or wetland [R37] , including for - (i) hydraulic performance; (ii) economic value; (iii) water based activity;
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	<ul style="list-style-type: none"> (iv) disturbance and change in natural ground level; (v) control of sediment and contaminants; (vi) public access and use; (vii) aesthetic or scenic quality; (viii) water quality management arrangements for stormwater and sewage disposal; (ix) modification of a natural drainage channel; (x) biodiversity and ecological function; (xi) level of likely risk from exposure to natural hazards of flooding and inundation; and (xii) community risk and public safety; and <p>(b) be consistent with any advice or decision of a relevant entity administering or enforcing compliance with an applicable protection and conservation regulation for –</p> <ul style="list-style-type: none"> (i) impact of the development on the objectives and outcomes for protection of the water body, watercourse or wetland; and (ii) any condition or requirement for protection of the water body, water course or wetland
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Planning Comment: Complies

The proposed subdivision has two creeks running through the property. These watercourses run through lots 5, 6 and 7. There are also some small dams existing on the property. The proposal must address the performance criteria.

All potential building envelopes on the proposed lots are capable of being located over 30m from a watercourse and water bodies. The proposed road is also clear of all of the watercourses.

The proposal does not seek to make changes to these water bodies as part of this proposal. The proposed road will not further impact the hydraulic performance of the waterway.

The economic value of the watercourse, creeks and small dams is limited to the provision of intermittent water to the rural lifestyle blocks to provide for a very limited number of pets. No further changes are being made to the watercourses.

The water bodies are not capable of being utilised for water-based activity.

The sites are flat and there is limited potential to impact upon natural ground level when the sites are developed for residential use.

The waterways are not on public land. The waterways do not have any scenic or aesthetic value as they are located on private land and not evidently visible from adjoining parcels.

Stormwater and sewage will be managed by reticulated systems and therefore reducing the impact on the watercourses. A condition is recommended for stormwater connection points to be provided to each lot in order to connect to the stormwater system.

No modification to the waterbodies is proposed as part of this application.

The subject development is unlikely to further impact the ecological function of the watercourse.

The level of likely risk from exposure to natural flooding and inundation is considered to be kept to a minimum. Provided the watercourses remain clear, this would provide sufficient management to minimise the risk.

There are no further conservation regulations or protection applicable to this watercourse.

It is considered that the proposal complies with the Performance Criteria, subject to conditions.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993 (the Act)*, and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013 (the Planning Scheme)* under S.48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received.

Local Government (Building & Miscellaneous Provisions) Act 1993

The application has been considered against the requirements of section 85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The application is generally consistent with these provisions.

STRATEGIC IMPLICATIONS

There are no significant strategic implications identified as part of this application.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a and 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

CONCLUSION

This report is presented for Council's consideration, together with the recommendations contained at the beginning of this report.

The proposal meets the performance criteria by demonstrating the proposed lots can contain suitable building envelopes for residential use. The application is considered to comply with the Low Density Residential and Rural Living Zone Codes, and all other applicable codes of the Waratah-Wynyard Interim Planning Scheme 2013.

It is therefore recommended that Council approve a planning permit for the proposed development.

MOVED BY	CR DUNIAM
SECONDED BY	CR EDWARDS

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a Subdivision (1 into 9 lots) at Bridge Street (CT 178029/1) and Irby Boulevard (CT 169593/2 & CT 145850/4), Sisters Beach subject to the following conditions:-

PART A CONDITIONS:

- (1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:
 - a. Proposal plans with Drawing Number 218115 as prepared by Michell Hodgetts and Associates Pty Ltd and dated 3 August 2018.**
 - b. Planning report with Project Number 17.024 Issue 2 as prepared by Plan Place and dated November 2019.**
 - c. Roads and Services layout Plan with Drawing Number 4106-C02 Revision B as prepared by CSE Tasmania Pty Ltd and dated 10 July 2019.****
- (2) The development is to be in accordance with the submitted Bushfire Hazard Management Plan as prepared by Bruce Harpley of Environmental Service and Design and dated 6 March 2019.**
- (3) A driveway with a sealed surface is to be constructed for lots 1, 2, 3, 4, 5, 6, 7 and 8 from the edge of the bitumen surfaced pavement of the internal road to the property boundary in accordance with Tasmanian Standard Drawing TSD-**

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- R03-v1, Rural Roads Typical Property Access & TSD-R04-v1, Rural Roads Typical Driveway Profile and the conditions in a “Activity in Road Reservation Permit”.
- (4) An 18-metre wide road reservation, with lot boundaries splayed where necessary is to be provided and shown as “Road” on the final survey plan lodged for sealing.
 - (5) The road is to be of compacted crushed rock pavement, designed in accordance with the Austroads Pavement Design Guidelines, with a sealed pavement width of 6 metres and a minimum total pavement thickness of 300mm plus a minimum two coat bitumen spray coat seal. The road is to incorporate 1-metre wide shoulders of minimum 100mm thickness of compacted crushed rock and minimum 1-metre wide table drains, all in accordance with the Tasmanian Standard Drawing TSD-R06-v1, Rural Roads Sealed. Construction is to satisfy the reasonable requirements of the Director Infrastructure and Development Services.
 - (6) Road intersections, both internally and within the Council road network are to be assessed in regard to the various requirements of the Austroads Guide to Traffic Management set. All upgrade and works required to achieve compliance with the Austroads Guide to Traffic Management set are to be addressed as part of the road design process.
 - (7) The applicant is to supply and install traffic management devices that include, but are not limited to, signage and line marking in accordance with the suite of AS 1742 standards and which meet the requirements of Department of State Growth. Before a Construction Certificate may be issued, the applicant or his designer is to prepare a set of traffic management drawings that are to be submitted to and approved by Department of State Growth.
 - (8) The road reservation is to be widened to a minimum of 25 metres in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads with lot boundaries splayed where required to accommodate a vehicular turning area and shown as “Road” on the final survey plan lodged for sealing.
 - (9) A court bowl of radius 9 metres and otherwise in accordance with Tasmanian Standard Drawing TSD-R07-v1, Urban Roads Cul-De-Sac Turning Heads is to be provided at the termination of the internal road to facilitate the turning movement of large service vehicles. Construction is to be of equivalent standard to the internal road.
 - (10) Connection of stormwater drains to Council’s drainage network is to occur only in accordance with the requirements and approval of the Director Infrastructure and Development Services.
 - (11) A stormwater connection point, including an accessible inspection opening at ground level, is to be constructed for lots 1, 2, 3, 4, 5, 6, 7 and 8 at the lowest point of the lot to permit connection to Council’s stormwater drainage

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- reticulation network. The connection point is to be inspected and approved by the Director Infrastructure and Development Services before backfilling.
- (12) A reticulated stormwater drainage system is to be provided with individual lot connections, road drainage and method of discharge in accordance with the reasonable requirements of the Director Infrastructure and Development Services. The design return interval for the reticulation network is to be 1 in 10 year ARI for property only, 1 in 20 Year ARI for road drainage and provision is to be made to contain a 1 in 100 year ARI major overland flow-path.
- (13) Relevant engineering plans, specifications, calculations and computations are to be prepared or certified by a Chartered Professional Engineer and submitted to the Director Infrastructure and Development Services for approval. No work is to commence until a Construction Certificate has been issued by the Director Infrastructure and Development Services.
- (14) Construction of civil engineering work associated with the Development is to comply with the requirements of Council's Policy PR003 Standard requirements for construction of new infrastructure assets and the replacement of existing infrastructure assets.
- (15) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.
- (16) On completion of work covered by a Construction Certificate a Chartered Professional Engineer is to certify by declaration that all work has been carried out fully in accordance with the approved plans, specifications, calculations, and computations. "Works as Constructed" drawings that comply with the requirements of Council's "Submission of digital –as-constructed information" template are to be supplied. Template can be obtained from Council's website.
- (17) Street lighting is to be provided in accordance with AS 1158 and the requirements of TasNetworks and the Director of Infrastructure and Development Services. The street lighting is to be designed to minimise off site glare and reflected light. The use of nonstandard lighting poles is not permitted in the development.
- (18) The Final Survey Plan submitted for sealing by the Council is to show all easements required for powerlines, sewerage, water, drainage purposes and legal access.
- (19) A twelve (12) month maintenance period is to apply to all works within the development which are to become Council infrastructure. A maintenance bond of 5% of the cost of the civil works as approved by the Director Infrastructure and Development Services is to be lodged with Council prior to:
- (a) the issue of the Maintenance Period Commencement document; or
 - (b) prior to sealing of the Final Survey Plan.
- (20) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the Developer.

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- (21) Loading and unloading of vehicles is to be confined to within the boundaries of the property.
 - (22) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.
 - (23) Underground Power is to be provided to each lot in the development in accordance of the requirements of Aurora Energy and IPWEA standard drawings and specifications.
 - (24) Telecommunication services are to be provided to each lot in the development in accordance of the requirements of Telstra and IPWEA standard drawings and specifications.

PART B CONDITIONS:

- (1) The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B which the Regulated Entity (trading as TasWater) has required the planning authority to include in the permit, pursuant to section 56Q of the Water and Sewerage Industry Act 2008, reference TWDA 2019/00556-WWC (attached).

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
	CR BRAMICH	CR HYLAND	

AGAINST

CR HOUSE			CR COURTNEY

Cr House and Cr Courtney abstained, as per section 28.3 of the *Local Government (Meeting Procedures) Act 2015* the votes are recorded as in the negative.

PLANNING AUTHORITY CLOSED AT 7.09 PM

The Manager Development and Regulatory Services left the meeting at 7.09pm

7.0 MATTERS RAISED BY COUNCILLORS**7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR FAIRBROTHER - TARKINE PROGRESS GROUP****QUESTION**

Cr Fairbrother asked if more detail could be provided about the Tarkine Progress Group

OFFICERS RESPONSE

The General Manager provided the following response to Councillors on 10 December 2019.

The Tarkine Progress Group is the re-named Circular Head Progress Association. They are supported by Circular Head Council to promote economic development in the Circular Head area. One of their priority projects has been to push for land conversion from plantation forestry to pasture, to support the demand for dairy products. This is also an action from the Murchison Plan.

Officers have met the group to explore opportunities to work with them in advocating for land conversion as to date there has been little political interest in supporting conversion.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE**7.3.1 CR HOUSE - CONFLICT OF INTEREST TRAINING**

Cr House asked when Conflict of Interest training would occur.

The General Manager stated that he would advise Councillors of a date.

7.3.2 CR BRAMICH – UPDATE ON BASS HIGHWAY / WILKINSON STREET JUNCTION CLOSURE

Cr Bramich asked for an update on the closure of the Bass Highway / Wilkinson Street process.

The General Manager advised that the submissions received have been forwarded to the Magistrate for determination and that a hearing date has been set for 19 March 2020.

The General Manager to advise if the hearing is open to the public.

7.3.3 CR BRAMICH – CALDER ROAD ROUNDABOUT

Cr Bramich asked if Council officers could discuss maintenance of the roundabout at Calder Road with State Growth.

The Director Infrastructure and Development Services took the question on notice.

7.3.4 CR FAIRBROTHER – REGIONAL TOURISM ORGANISATION BOARD NOMINATIONS

Cr Fairbrother asked if any staff were nominating for the Cradle Coast Authority Regional Tourism Board.

The General Manager stated that the Expression of Interest process has yet to be circulated to staff so was unable to provide a definitive response.

7.3.5 CR BRAMICH – REGIONAL TRUCK WASHES

Cr Bramich asked that pressure be put on the Cradle Coast Authority to complete the establishment of truck washes despite any changes to saleyard locations.

The General Manager agreed to seek an update on the project.

7.3.6 CR DUNIAM – NEW CRADLE COAST AUTHORITY POSITIONS

Cr Duniam asked that the Cradle Coast Authority be asked to provide an update on change of roles and the value to councils.

The General Manager took the question on notice.

8.0 NOTICE OF MOTION

Nil received.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 SISTERS BEACH HARDSTAND

To:	Council
Reporting Officer:	Director Community and Engagement
Responsible Manager:	General Manager
Report Date:	13 January 2020
File Reference:	02
Enclosures:	1. Sisters Beach Skate Park Concept Design

PURPOSE

To provide Councillors with a recommendation for design and funding variation to the Sisters Beach Hardstand project after community consultation through the Sisters Beach Working Group.

BACKGROUND

The Sisters Beach Hardstand area was constructed in 2018 with a hard-court surface and various recreation activities attached. This included marking out for games and equipment including soccer nets. The surface experienced some drainage and pooling issues after construction was complete.

A budget allocation was made in the 2019-2020 capital works program for the Hardstand area to rectify the pooling issues and to further enhance the effectiveness of this space for recreation.

DETAILS

In August 2019 the Sisters Beach Work group was established to work with Council on three projects including delivery the Hardstand project.

The group undertook extensive consultation to identify the best outcome for the community, to enhance the project deliverables and to leverage from the funding provided by Council to seek further external funding and in-kind support to create a skate/recreation space.

The Sisters Beach Working Group has taken a lead in consulting and working constructively to enhance the outcome from this project. The Working Group has worked with a designer to develop the concept plan and under taken ongoing community consultation and communication strategies. The group held an open day which was well supported and attended and is working to secure external funding through a grant, sponsorship and in-kind support. The additional funds for the project will be secured through these external sources.

Concept plans are attached for information.

STATUTORY IMPLICATIONS

Statutory Requirements

The Local Government Act 1993 Section 82 (4) states that Council by an absolute majority may alter any estimates of capital works referred to in section 82 (2)(d) of the Act during the financial year.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
3.5 Provide high quality shared and multi-use community hubs that combine a range of recreational, sporting and educational uses.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no new own source capital expenditure implications. The increased funds as a result of the recommended budget amendment will be sourced externally. The estimated ongoing life cycle costs to Council as a result of this project are nominally \$10,000 per annum made up of approximately \$5,000 per year depreciation (25-year average design life for the different infrastructure components) and \$5,000 per year in operations and maintenance (including electricity costs from lighting etc.).

RISK IMPLICATIONS

- Reputational Risk
The Sister Beach Hardstand project has not fully delivered the anticipated community benefit. This project is a collaborative delivery approach which will mitigate further reputational risk from this project.

CONSULTATION PROCESS

The Sisters Beach Working Group have been engaged throughout the project and have requested the variation to scope.

CONCLUSION

The Sisters Beach Working Group has undertaken extensive work to develop this project to ensure an enhanced outcome for the community. They have made every endeavour to consult and promote this as a positive outcome for the community and remain committed to delivering an exciting experience in Sisters Beach.

MOVED BY	CR FAIRBROTHER
SECONDED BY	CR DUNIAM

That Council:

- 1. Adopt the revised design for the Sisters Beach Hardstand area as a multi-use skate and recreation area**
- 2. Note that budget for the project is \$140,000 and council support an application from the Sisters Beach Community Association seeking external funding and in-kind support for \$70,000 to complete the project.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.2 FUNDING REQUEST - DOGS HOMES OF TASMANIA

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 8 January 2020
File Reference: 01 01

Enclosures: 1. Dogs Home of Tas - Letter re Funding Request
2. Dogs Home Tas - Critical Infrastructure Report

PURPOSE

The Dogs Homes of Tasmania has requested a contribution of \$5000 from the councils which use its facilities towards \$24,000 improvements to the Pound area.

BACKGROUND

Council holds a contract with Dogs Homes of Tasmania for housing of impounded dogs and euthanasia services.

DETAILS

Council has received a request(attached) from Dogs Homes of Tasmania for assistance via a one-off contribution to assist with its critical capital works program (details attached).

The organisation has limited opportunity to raise the additional funds required to complete necessary programs which enable them to continue to provide services to Councils across the state.

They have achieved government funding and bequest income which will enable them to operate dogs' homes and complete most critical works with a shortfall of approximately \$50,000. The organisation is seeking support from councils to provide funding to the value of \$24,000.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.4 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

Whilst there are no funds in the budget to support this request, it can be covered through operational efficiencies without having an effect on the final projected budget position. \$5000 will be in addition to the existing contractual sum paid to the Burnie Dogs Home each month.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

It is recommended that Council support the Dogs Homes of Tasmania request for assistance as a one-off payment.

MOVED BY	CR COURTNEY
SECONDED BY	CR HOUSE

That Council support Dogs Homes of Tasmania with a one-off contribution of \$5000 towards their critical Infrastructure Works Program to be used at the Burnie Dogs Home.

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE			CR COURTNEY

AGAINST

	CR BRAMICH	CR HYLAND	

9.3 NOMINATION OF ACTING DEPUTY MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR

To:	Council
Reporting Officer:	Director Community and Engagement
Responsible Manager:	Director Community and Engagement
Report Date:	13 January 2020
File Reference:	1
Enclosures:	Nil

PURPOSE

To consider and nominate a Deputy Municipal Emergency Management Coordinator in accordance with Section 23 of the *Emergency Management Act 2006* ('the Act').

BACKGROUND

Following the resignation of Joshua Fraser who was Council's Deputy Municipal Coordinator in accordance with the Waratah-Wynyard Emergency Management Plan and the Act, Council is required to appoint someone to the position to fulfil its obligations under the Act.

DETAILS

In accordance with Section 23 of the Act the Council is required to nominate a person to fulfil the position of Deputy Municipal Emergency Management Coordinator.

The functions of the position are to coordinate, advise and assist the Council on all matters pertaining to emergency management within the Municipal area. The specific powers and functions of the position are laid out in the Act.

While Council completes the process to recruit someone into the position which Joshua Fraser has vacated, Mrs Bradley has the requisite background, skills and ability to act in the position and she has advised that she is prepared to accept a nomination to fill the position until a permanent replacement is found. Accordingly, it is recommended to Council that Mrs Tracey Bradley be nominated as Acting Deputy Municipal Emergency Management Coordinator for the Waratah-Wynyard Municipal Area.

STATUTORY IMPLICATIONS

Statutory Requirements

Under Section 23 of the Act the Minister is to appoint a Municipal Emergency Management Coordinator and a Deputy Municipal Emergency Management Coordinator for each municipal area.

The *Emergency Management Amendment Act 2018* states that the amendments have been incorporated in the original act

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
Our community is welcoming and supportive.
Our Priorities
3.7 Promote and strengthen community safety to retain and attract families to live and recreate in Waratah-Wynyard.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

- Legislative compliance
It is a legislative requirement to comply with the Act. Failure to comply might adversely affect the Council's preparedness to optimise the safety, security and continuity of the community putting people at risk and leave the Council open to complaint and reputational risk.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

MOVED BY	CR HYLAND
SECONDED BY	CR HOUSE

That Council nominate Mrs Tracey Bradley to be the Acting Deputy Municipal Emergency Management Coordinator in accordance with Section 23 of the *Emergency Management Act 2006*

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.4 INVESTMENT POLICY AND BORROWING POLICY

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	28 May 2019
File Reference:	1111
Enclosures:	1. Investment Policy 2. Proposed New Borrowing Policy

PURPOSE

The Investment of Council Funds Policy is due for review, and this report presents the updated policy including an extension of the scope of the Policy.

A new Borrowing Policy is also presented for Council consideration.

BACKGROUND

The current Investment Policy was adopted by Council on 15 November 2010. The Policy has been reviewed it provides robust control and direction to Council officers in relation to the investment of community.

Surplus funds that are in excess of immediate operational requirements should be managed holistically and applied in a way that minimises the net interest costs to Council and the community (i.e. instead of investing surplus funds it may be more beneficial to reduce debt if there is a large difference between the interest rate we pay and the interest rate we earn). The revised Investment Policy and proposed Borrowing Policy requires this to occur.

DETAILS

Investment Policy

An Investment Policy provides guidance to those undertaking the investment process. Without an approved policy, the investment officers may make decisions that are not in accordance with the objectives, practices or risk appetite intended by Council.

The existing policy has been reviewed against best practice standards and the scope of the Policy has been extended to include:

- Council's investment strategy adopted in June 2019 (as a part of the Financial Management Strategy).
- The inclusion of a restriction in the value of funds invested in any one institution with no more than 50% of Council's total investment portfolio to be invested with any one institution.
- Reporting obligations including the requirement to maintain an investment register (this already occurs in practice).
- A list of approved and explicitly prohibited investments.
- The ability to manage the net interest revenue to Council by requiring consideration of debt reduction where borrowing costs exceed the expected return on investment.

Borrowing Policy

The Borrowing Policy is a proposed new policy that provides guidance to Council officers in undertaking borrowing activities and managing Councils loan portfolio.

Borrowing decisions will continue to be made annually as part of Council's Annual Budget process and the Financial Management Strategy will guide the decision making of Council.

The Policy is consistent with the Financial Management Strategy principles adopted by Council in June 2019.

The Policy requires that officers keep debt levels low at any point in time as its Annual Plan and Budget Estimates, Long Term Financial Plan and associated cash flow projections allow.

Council's Financial Management Strategy recognises that borrowings as an important funding source as it provides the opportunity to bring unfunded projects forward and ensures that the full cost of infrastructure is not borne entirely by present-day ratepayers.

Borrowings may be used as an effective mechanism of linking the payment for long term assets (i.e. debt repayments) to the populations who receive benefits over the life of the asset. This matching concept is frequently referred to as 'inter-generational equity'.

Whilst Council do not have plans to borrow in the short-term it is likely that borrowings will be considered from time to time as a funding source for new infrastructure.

Key provisions in the policy include:

- Council's borrowing strategy adopted in June 2019 (as a part of the Financial Management Strategy).
- The ability to use surplus funds not immediately required to reduce the loan portfolio or to defer and/or reduce the level of new borrowings that would otherwise be required.
- How interest rate exposure will be managed - Council will seek to balance minimising interest costs with maximising best value for our community over the long term without introducing undue volatility in annual interest costs.
- The ability to consider leases as a funding source where appropriate.
- Borrowing limits – Council will not borrow to fund recurrent operational expenditure or recurrent capital works (asset renewals and replacements). These will be funded from cash generated from operating activities).

STATUTORY IMPLICATIONS

There is no specific section of the *Local Government Act 1993* requiring Council to make this policy, however the following must be taken into consideration:

Funds for Investment

Investments of Council's funds are to be in accordance with Council's power of investment under the *Local Government Act 1993* - Section 75.

Authority for implementation of the Policy is delegated to the General Manager in accordance with Section 75 of the *Local Government Act 1993*.

Borrowing of Funds

Borrowings by Council will be in accordance with the *Local Government Act 1993* - Section 78-80.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We are a knowledgeable organisation—we demonstrate best practices in our business processes.
Our Priorities
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

POLICY IMPLICATIONS

Adoption of both policies will not have an impact on any other Council policies. Council adopted a Financial Management Strategy in June 2019 and the principles applied with both policies are consistent with that strategy.

FINANCIAL IMPLICATIONS

There are no financial implications arising because of this report.

RISK IMPLICATIONS

The policies presented are a control mechanism designed to assist Council in ensuring that interest rate and liquidity risks associated with borrowing and investments are managed appropriately.

Borrowing and investment of funds is governed by the *Local Government Act*. The adoption of the Policies presented is expected to reduce the risk on non-compliance.

CONSULTATION PROCESS

The policies have been reviewed in consultation with the Senior Management Team and Finance staff.

CONCLUSION

That council adopt the revised investment policy as presented replacing the current investment of council funds policy (fin.004) and that council adopt the new borrowing policy as presented.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council:

- 1. Adopt the revised Investment Policy as attached replacing the current Investment of Council Funds Policy (FIN.004) and;**
- 2. Adopt the new Borrowing Policy as attached with immediate effect.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.5 PUBLIC ART POLICY AND ASSOCIATED PROCEDURES

To:	Council
Reporting Officer:	Manager Community Activation
Responsible Manager:	Director Community and Engagement
Report Date:	16 January 2020
File Reference:	001
Enclosures:	<ol style="list-style-type: none">1. Public Art Policy 201911082. Public Art Advisory Group Operating Procedure3. Public Art Procedures

PURPOSE

The Public Art Policy and associated procedures seek to provide a framework for the development, planning, acquisition, maintenance, decommissioning and integration of Public Art across the municipal area. The policy seeks to ensure all proposed Public Art is strategic, considers current and future plans, and complements existing assets.

BACKGROUND

Public Art can create a unique community identity that informs or enhances a sense of place and can generate iconic branding for an area. Public Art can contribute to the vibrancy of public spaces for the enjoyment of locals and visitors, enhance community identity and enrich cultural life.

DETAILS

The Public Art Policy and associated procedures have been created to provide framework to support the existing budgetary allocation of funds. This is Council's first Public Art policy.

Public Art is defined as any permanent or temporary art object, installation or activity in the public realm (excluding galleries, museums and public collecting institutions). In general, Public Art is sited on public land and has been commissioned by a public authority.

Council demonstrates its commitment to Public Art through including an annual provision in the budget, continuing to apply for external funding for determined projects, developing partnership arrangements and creating a Public Art Advisory Committee that will operate at a strategic level to assist Council to implement the policy and guidelines.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.4 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

GOAL 3: Connected Communities
Desired Outcomes
Waratah-Wynyard is a modern community—moving forward but not forgetting where it started.
Our Priorities
3.3 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.

GOAL 3: Connected Communities
Desired Outcomes
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
3.4 Build community capacity through services and programs that strengthen, support and care for our community.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.5 Collaborate with community organisations that provide recreation opportunities to our community.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report. There is an existing annual budget allocation to support this policy.

RISK IMPLICATIONS

Public Art needs to be considered strategically, with future projects and planning in mind to create a considered environment and reduce the risk of an ad hoc approach to problematic placement, style and themes. The lack of a Public Art Policy and associated procedures results in Council being vulnerable to risk associated with an unfair selection or commissioning process and does not provide a transparent or uniform approach to public consultation and input into artwork that appears in public spaces.

CONSULTATION PROCESS

The draft copies of the Public Art Policy and associated procedures were distributed in December to the community for feedback via the regular Council communication channels. Three separate instances of written feedback were received, and are tabled below:

Feedback to Public Art Policy December 2019 – January 2020

Name	Date	Comment	Action
Alwyn Friedersdorff	10/12/19	Hello Bronwyn, I am responding directly to you as time is running out! I am delighted to finally see this off the ground! Thank you so much for your work! I want to make a minor alteration to the attached Public Art Policy Doc.: In 2.1 and 3.1 alter the word 'can' to 'will'. Reason: A Policy is about what will happen, rather than what can... And if Council is serious about the implementation of this Policy then there must be a positive will to get things done. (I think the use of the words 'may be' and 'can' in 1.2 are appropriate) In happy anticipation, Alwyn Friedersdorff - ArtsCape member	Noted. Email to confirm receipt.
Alex Downes	3/12/19	Hi Bronwyn, I am interested in being part of the advisory group. One of our school parents has mentioned to me that she is also interested. What is the process to be involved? Warm regards Alex Downes, Principal - Wynyard High School	Noted. Email to confirm details
Svetla Gula	13/12/19	Hi Bronwyn, Herewith I would like to express my desire to be on the Advisory Group as per the correspondence below. Apart from a parent of students at both Wynyard High School and Boat Harbour Primary School, I am also the owner of LightNC Art, Fabric and Party Shop operating both in Burnie and Wynyard. I look forward to hearing back from you. Kind regards, Svetla Gula - LightNC Art, Fabric and Party Shop	Noted. Email to confirm details

After due consideration, no changes were made as a result of the feedback received.

CONCLUSION

It is recommended that Council adopt the Public Art Policy and associated procedures with immediate effect. The Community Activation Manager is to facilitate the setup of the Public Arts Advisory Committee to ensure the Public Art Policy and associated procedures are reflective of community aspirations.

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That Council adopts the Public Art Policy, Public Art Procedures and the Public Art Advisory Group Operating Procedure with immediate effect

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.6 WYNYARD CBD PLAZA TENDER REPORT - CONTRACT 741

To: Council
Reporting Officer: Director Infrastructure and Development Services
Responsible Manager: Director Infrastructure and Development Services
Report Date: 17 January 2020
File Reference: Contract 741

Enclosures: 1. Tender Assessment summary - Confidential
2. Tender Assessment Detail - Confidential

PURPOSE

To determine Council's position in relation to tenders submitted for the construction of the Wynyard CBD Plaza.

BACKGROUND

Construction of the Wynyard CBD Plaza will complete the Goldie Street Car Park Project. The main drivers for converting this parcel of land from its current car park use to a pedestrian plaza are:

- Provide a safe pedestrian pathway from the new Goldie Street Car Park through to the CBD; and
- Provide a quality public open space area within the eastern CBD serviced with public toilets.

A call for tenders for construction of this project was published in the Advocate Newspaper on Saturday, 26 October 2019. At the close of tenders on 21 November 2019, five (5) tender submissions were received for the works.

DETAILS

The Contract is Lump Sum with a Schedule of Prices. The Schedule of Prices is used to assess progress claims and assist with valuing any changes to the scope of work. The Schedule of Prices is also used for the tender price comparison and assessment of completeness of the tenders and expose any pricing risk in the Tenderers' total Lump Sum amounts as provided to complete the works.

All of the five (5) Tenderers have demonstrated experience within the industry, have established safety and management systems in place, and have been assessed as competent and capable in the performance of the works for which they have tendered. All Tenderers have and continue to provide the services associated with this Contract to other Councils and developers within Tasmania.

Weighting factors associated with, price, capability and resources, quality control and Health and Safety issues have all been considered in the assessment process. Each Tenderer has provided sufficient evidence to demonstrate their competence and capability to perform the works within the timeframes and to the quality required. Accordingly, there is no significant

alteration to the selection of preferred Tenderer based upon these considerations, and the selection of Tenderer is considered primarily to be a matter of price in this instance.

The electric awnings proposed for the side walls of French Sticks and Noah's Café, were included in the Schedule of Prices as a provisional item pending each business pursuing outdoor tables. French Sticks indicated they would pursue this, but Noah's weren't in a position to commit due to the leasehold tenure of their business. At a cost of around \$25,000 for each awning, further discussions with these businesses is recommended prior to proceeding with these items. As such, the awnings remain a provisional item not included in the agreed scope of work and are deducted from the provisional amount for each of the tenderer's Lump Sum amounts.

On completion of a comprehensive tender assessment of all tenders received AJ&M Construction and AJR Construct finished ahead of the other tenders with scores of 89.83 and 89.85 respectively. RT & NJ Construction Services scored 86.61 in third place and Vos Construction and Joinery were fourth with a score of 84.98. CBB Contracting score of 69.3 was particularly low due to their very high Lump Sum price.

Following the very close assessment scores of AJ&M and AJR, post tender interviews were held with each of these contractors. After the interviews, AJ&M provided best assurance in their approach to deliver a quality project for Council. AJ&M also provided the lowest Lump Sum price to deliver this project.

AJ&M have an excellent record of low project variation costs and depending on the outcome of the discussions with the business operators regarding the awnings we may have sufficient surplus funds to improve the appearance of the boundary walls, particularly the stark wall on Noah's boundary. Options for this can be assessed and progressed as a variation to the contract if it is within the project budget.

STATUTORY IMPLICATIONS

Statutory Requirements

Council's procurement policy and guidelines were followed for the tendering of this project.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 5: Economic Prosperity
Desired Outcomes
We understand our local and regional potential, and we plan for and encourage investment in it.
Our Priorities
5.8 Ensure evidence-based allocation of infrastructure and land use to enable sustainable growth.
GOAL 3: Connected Communities
Desired Outcomes
Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
3.3 Deliver planning for activation through effective urban design and planning that promotes liveability, social gathering and connectedness, and which recognises and celebrates local history.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

Council has budgeted \$500,000 to complete this project. If the Tender is adopted as recommended, the cost for the project, excluding the electric awnings, is \$435,647 ex GST. This leaves an estimated surplus of \$64,353.

RISK IMPLICATIONS

The risk implications because of this report are: -

- Reputational Risk
 - The use of experienced Contractors coupled with contract documents would minimise any risk to Council of non-delivery of the works.
- Financial Sustainability
 - This contract is Lump Sum with a schedule of prices. Lump Sum provides a lower financial risk to Council as the project cost is not subject to quantity adjustments.

CONSULTATION PROCESS

Stakeholders were consulted during the planning and the detailed design development phases of this project. Visualisations of the development were provided by the Architect and were on public display with an “on-site” meeting prior to completing the detailed design. On-going communication with stakeholders associated to this project is critical to the success of this project. Initial public and stakeholder communication will be provided by

Council, but it is expected that the contractor will liaise directly with affected business operators throughout the construction period of this project.

CONCLUSION

The tender submitted by AJ&M Construction with a price of \$435,677 ex GST has been assessed as the best option and the lowest cost to Council. Accordingly, it is recommended Contract 741 be awarded to AJ&M Construction.

MOVED BY	CR BRAMICH
SECONDED BY	CR FAIRBROTHER

That Council award Contract 741 – Wynyard CBD Plaza construction to AJ&M Construction for \$435,647.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.7 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2019

To: Council
Reporting Officer: Accountant
Responsible Manager: Director Organisational Performance
Report Date: 7 January 2020
File Reference: 1
Enclosures: Nil

PURPOSE

To provide an overview, summarising the financial position of the organisation on a monthly basis.

BACKGROUND

The financial reports presented incorporate:

- Underlying Position
- Balance Sheet
- Statement of Cashflows
- Cash Position
- Rate Summary
- Capital Works Summary
- Capital Program Monthly Progress

STATUTORY IMPLICATIONS

This special purpose financial report is prepared under *Australian Accounting Standards* and the *Local Government Act 1993*.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.8 Review and adjust service levels to provide value for money.
2.2 Facilitate effective knowledge management practices.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

COMMENT

The Capital Works progress as expected slowed down in December due to end of year holidays and is anticipated to pick up again towards the end of January. The Financial Report has been prepared up until 31 December 2019.

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That Council notes Financial Reports for the period ended 31 December 2019.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.8 SENIOR MANAGEMENT REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 12 December 2019
File Reference: 1202
Enclosures: 1. Planning Appeal 89/19P 267 Port Road Boat Harbour Beach

SUMMARY/PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operations.

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 30 November to 22 January.

Corporate

- Continued Shared Services projects and discussions including a joint strategic planning workshop for the direction of shared services
- Met with Parks and Wildlife Service and Crown Lands Services to discuss a range of matters from erosion to leases
- Met with Director Local Government, Alex Tay to provide an update on activities
- Attended the staff Christmas breakup function

Community

- Participated in the Community Conversations Forum in Somerset at the Somerset Surf Life Saving Club
- Attended International Day of People with Disability event at Council with guest speakers Chris Symonds (Wynyard resident and international champion athlete), Judy Huett (Tasmanian attendee at the United Nations Convention on the Rights of Persons with Disabilities); Julie Butler (Speak Out - Advocacy) and The Fairy Godmothers (All Abilities Playground in Somerset)
- Met with Matt Bulkeley, CEO Football Federation Tasmania, to discuss upgrades to the Cardigan Street facility used by the Somerset Soccer Club
- Participated in the second working group meeting for the Coastal Pathway
- Continued discussions with representatives of the SBEG 25-43 group regarding Sisters Beach erosion including a site visit to inspect areas of concern on the beach
- Met with Professor Jim Cavaye (UTAS) to receive an update on UTAS activities and explore how the university and Council can work together in the future

-
- Met with parties who expressed an interest through the Preolenna Hall Expression of Interest process

Industry

- Met with Ian Jones and Justin McErlain from Business North West to discuss opportunities to extend the reach and profile of the organisation throughout Waratah-Wynyard
- Attended the LGAT General Meeting in Hobart
- Met with Shawn Britton, Britton Timbers regarding the future plans for the Somerset Veneer Mill following their recent acquisition of the site
- Attended a general meeting of the North West Local Government Professionals
- Attended a meeting with the Hon Mark Coulton, Federal Minister Regional Services, Decentralisation and Local Government to discuss challenges faced by communities on the NW Coast

Other

- Annual leave was taken over the Christmas/New Year period and the week commencing Monday 13 January 2020

ADMINISTRATION – USE OF CORPORATE SEAL

4/12/19	Adhesion Order	3 Murchison Highway, 4 Athol Street, 10 and 12 Athol Street Somerset
12/12/19	Land title	Transfer of Land - sale of Serata Crescent Block
7/1/20	Funding Agreement	Dept. Health Funding Agreement \$180k grant

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That Council note the monthly Senior Management Report.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.9 MINUTES OF OTHER BODIES/COMMITTEES

9.9.1 MINUTES FROM BUILDING SOMERSET'S FUTURE

To:	Council
Reporting Officer:	Community Development Officer
Responsible Manager:	Director Community and Engagement
Report Date:	4 December 2019
File Reference:	400.33
Enclosures:	1. Minutes of Building Somerset's Future meeting 9 December 2019

PURPOSE

To provide the minutes of the Building Somerset's Future meeting held on 9 December 2019 for Councils information.

BACKGROUND

Building Somerset's Future is a community group formed to advance the interests of Somerset residents.

Council and Building Somerset's Futures entered into a partnership agreement in September this year. The partnership agreement establishes a set of principles and expectations in relation to arrangements and activities between the Council and Building Somerset's future to enhance the delivery of a range of initiatives in Somerset.

Council is represented by the Community Development Officer at the meetings and provides a point of contact at other times.

DETAILS

Items of note for Council from the meeting include:

- The status of the bike racks in Somerset
- Traffic Management
- New Cam River Bridge proposal and potential impacts during construction.
- Consideration of LED lighting on the canopy across Wragg Street.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
1.1 Commit to best practice in community engagement.

GOAL 3: Connected Communities
Desired Outcomes
Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
1.2 Strengthen our communication with the community using diverse communications channels relevant to the demographic.
3.2 Deliver engagement strategies that adapt to community needs to ensure effective communication and collaboration.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

It is recommended that Council note the Minutes from Building Somerset's Future meeting held on the 9 December 2019.

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That Council note the Minutes of the Building Somerset's Future meeting held on 9 December 2019.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.9.2 MINUTES OF OTHER BODIES/COMMITTEES - CRADLE COAST AUTHORITY REPRESENTATIVES MEETING HELD 28 NOVEMBER 2019

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 12 December 2019
File Reference: 1204
Enclosures: 1. CCA Representatives Meeting Minutes 28 November 2019

PURPOSE

To note the Unconfirmed Minutes of the Meeting of the Cradle Coast Authority Representatives meeting held on 28 November 2019.

BACKGROUND

The Cradle Coast Authority (CCA) is the regional voice of North West Tasmania, established by nine Local Government Councils to represent and advocate the needs of the region.

The CCA collaborates and facilitates a diverse range of projects and initiatives involving all tiers of government, industry and the community largely focused on Economic Development and Natural Resource Management. The activities and strategic direction of the Authority are managed by a Board.

DETAILS

The unconfirmed minutes of the meeting of the CCA Representatives of 28 November 2019 are circulated for noting. Key items discussed at the meeting were:

- Progress on Coastal Pathway was noted with representatives committing to providing preliminary design and costings by September 2020. The CCA will increase communications so the public is aware of what is happening and how the project is progressing.
- Regional Employment Trial – The CCA CEO noted that the trials have been a success with some participants already being offered internships.
- It was noted the Cradle Coast Tasting Trail was likely to move under the auspices of the new Regional Tourism Organisation (RTO). The RTO has also asked that two local government representatives be appointed to the Board.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
1.4 Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Tourism	Memorable visitor experiences all year round – The must see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Education	Lifelong learning and education – Education and lifelong learning is valued and there is access to vocational training and tertiary education. Education retention rates have increased.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

COMMENT

It is recommended that the Unconfirmed Minutes of the Meeting of the Cradle Coast Authority Representatives meeting held on 28 November 2019 be noted.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council note the Unconfirmed Minutes of the Cradle Coast Authority Representatives meeting held on 28 November 2019.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

9.9.2.1 NOMINATION TO CCA REGIONAL TOURISM BOARD

MOVED BY	CR DUNIAM
SECONDED BY	CR HOUSE

That Council supports a nomination from Cr Fairbrother for the Regional Tourism Board.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

That the Council RESOLVES BY AN ABSOLUTE MAJORITY that the matters listed below be considered in Closed Meeting:

<i>Matter</i>	<i>Local Government (Meeting Procedures) Regulations 2015 Reference</i>
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 8.38PM

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

12.0 RESUMPTION OF OPEN MEETING

At 9.08pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council, pursuant to Regulation 15(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, authorises the release to the public of the following discussions, decisions, reports or documents relating to this closed meeting:

Min. No.	Subject	Decisions/Documents
19.1	Preolenna Hall Expressions of Interest Outcome	Formal Public Land disposal process to commence with report to March Council Meeting.
19.2	Strategic Land Acquisition	General Manager to commence negotiations to purchase property.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR DUNIAM	CR FAIRBROTHER	CR EDWARDS
CR HOUSE	CR BRAMICH	CR HYLAND	CR COURTNEY

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED
AT 9.08pm.

Confirmed,

MAYOR

17 February 2020