



MINUTES

Ordinary Meeting

TUESDAY, 28 JANUARY 2020

7.00PM

CITY OFFICES, 80 WILSON STREET, BURNIE

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO001-20	COUNCILLOR DECLARATIONS OF INTEREST	9
AO002-20	CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING OF COUNCIL HELD ON 10 DECEMBER 2019	10
<i>QUESTIONS ON NOTICE</i>		
AO003-20	QUESTION ON NOTICE - COOEE POINT FREE CAMPING	11
AO004-20	QUESTION ON NOTICE - BURNIE RATE CHARGES	13
<i>MOTIONS ON NOTICE</i>		
AO005-20	MOTION ON NOTICE - ANNUAL CHRISTMAS EVENT	22
AO006-20	MOTION ON NOTICE - BURNIE INN	24
AO007-20	MOTION ON NOTICE - CHRISTMAS FESTIVITIES	26
AO008-20	MOTION ON NOTICE - QUESTIONS WITHOUT NOTICE	35
AO009-20	MOTION ON NOTICE - RECYCLE BINS AT SPORTING AND COMMUNITY EVENTS AND VENUES	36
AO010-20	MOTION ON NOTICE - BURNIE BRAND	37
AO011-20	MOTION ON NOTICE - BURNIE STREET ART	38
AO012-20	MOTION ON NOTICE - LOCAL ARTISTS	39
<i>PUBLIC QUESTION TIME</i>		
AO013-20	PUBLIC QUESTION TIME	40
<i>PLANNING AUTHORITY</i>		
AO014-20	BURNIE INTERIM PLANNING SCHEME 2013 PERMIT APPLICATION DA 2019/84 ESTABLISH A SPORT AND RECREATION USE (PILATES STUDIO) 38A BASS HIGHWAY, COOEE	46

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO015-20	TASMANIAN PLANNING SCHEME DRAFT BURNIE LOCAL PROVISIONS SCHEDULE REPRESENTATIONS RECEIVED DURING EXHIBITION PERIOD	88
<i>OFFICERS' REPORTS</i>		
<i>WORKS AND SERVICES</i>		
AO016-20	QUEEN STREET SAFETY REVIEW	272
AO017-20	LAND DISPOSAL PROPOSAL TO TRANSFER A PORTION OF PUBLIC LAND TO THE UNIVERSITY OF TASMANIA NEAR WEST PARK OVAL, BASS HIGHWAY, PARKLANDS WITHIN CONVEYANCE 22/4840, CT VOLUME 137631, FOLIO 1	313
<i>CORPORATE AND BUSINESS SERVICES</i>		
AO018-20	STREET DINING BY-LAW, BY-LAW NO. 1 OF 2020	327
<i>GENERAL MANAGER</i>		
AO019-20	APPOINTMENT OF ACTING GENERAL MANAGER - 2020	355
AO020-20	GENERAL MANAGER'S REPORT - OPEN SESSION	358
AO021-20	GENERAL MANAGER'S INFORMATION REPORT FOR WORKS AND SERVICES DECEMBER 2019	372
AO022-20	GENERAL MANAGER'S INFORMATION REPORT FOR LAND AND ENVIRONMENTAL SERVICES DECEMBER 2019	380
AO023-20	GENERAL MANAGER'S INFORMATION REPORT COMMUNITY AND ECONOMIC DEVELOPMENT DECEMBER 2019	391
AO024-20	GENERAL MANAGER'S INFORMATION REPORT CORPORATE AND BUSINESS SERVICES DECEMBER 2019	401
<i>COUNCIL COMMUNICATIONS</i>		
AO025-20	COMMUNICATIONS JOURNAL JANUARY 2020	419
AO026-20	COMMUNICATIONS JOURNAL - THE SALVATION ARMY AUSTRALIA TERRITORY (BURNIE CORPS) - BUSHFIRE APPEAL FUNDRAISER - BURNIE'S BIT	427

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO027-20	COMMUNICATIONS JOURNAL - BURNIE HISTORICAL SOCIETY INC - NWMAG - RELOCATION OF THE OLD BURNIE INN	431
AO028-20	COMMUNICATIONS JOURNAL - FRIENDS OF THE BURNIE REGIONAL ART GALLERY - REVISITING WINTER WEEKEND CLOSURES	435
AO029-20	COMMUNICATIONS JOURNAL - CRADLE COAST WASTE MANAGEMENT GROUP - ANNUAL REPORT 2018/2019	438
AO030-20	COMMUNICATIONS JOURNAL - BUSINESS NORTH WEST - PROMOTIONS GROUP	468
AO031-20	COMMUNICATIONS JOURNAL - HON ROGER JAENSCH MP, MINISTER FOR PLANNING - MAJOR INFRASTRUCTURE DEVELOPMENT APPROVALS ACT 1999 (MIDAA)	471
<i>MINUTES AND REPORTS OF COMMITTEES</i>		
AO032-20	CRADLE COAST AUTHORITY REPRESENTATIVES COMMITTEE MEETING AND AGM - UNCONFIRMED MINUTES OF MEETING HELD ON 28 NOVEMBER 2019	557
<i>NON AGENDA ITEMS</i>		
AO033-20	NON AGENDA ITEMS	565

**MINUTES OF THE OPEN SESSION ORDINARY MEETING
OF THE BURNIE CITY COUNCIL
HELD AT THE CITY OFFICES ON TUESDAY, 28 JANUARY 2020**

HOUR: 5.31pm - 5.32pm
7.00pm – 8.38pm

TIME OCCUPIED: 1 hour 39 minutes

PRESENT: Mayor S Kons, Deputy Mayor G Simpson, Cr A Boyd, Cr T Brumby,
Cr T Bulle, Cr A Keygan, Cr C Lynch, Cr D Pease.

Officers in Attendance:

General Manager (A Wardlaw), Director Community and Economic Development (R Greene), Director Land and Environmental Services (P Earle), Acting Director Works and Services (M Foster), Executive Manager Corporate Finance (M Smith), Executive Manager Corporate Governance (M Neasey) and Governance Officer (N French).

APOLOGIES: Cr K Dorsey was an apology.

‘CLOSED SESSION’: COUNCIL

The General Manager advised that in his opinion, the agenda items listed below are prescribed items in accordance with Clause 15 of the *Local Government (Meeting Procedures) Regulations 2015* (i.e. confidential matters), and therefore Council may by absolute majority determine to close the meeting to the general public.

	Meeting Regulations Reference
AC001-20 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC002-20 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 10 DECEMBER 2019	15(2)(g)
AC003-20 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC004-20 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC005-20 PERSONNEL REPORT DECEMBER 2019	15(2)(a)
AC006-20 TENDERS CONTRACT 2645 WEST RIDGLEY ROAD AND TALUNAH ROAD CULVERT UPGRADES	15(2)(d)
AC007-20 OUTSTANDING DEBTORS	15(2)(j)
AC008-20 COMMUNICATIONS JOURNAL - COASTAL WEED SPRAYING - ANNUAL WEED SPRAYING SERVICES CONTRACT	15(2)(a)
AC009-20 BURNIE CITY COUNCIL AUDIT COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 12 DECEMBER 2019	15(2)(g)
AC010-20 NON AGENDA ITEMS	15(2)(f)
AC011-20 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC012-20 COMPLETION OF CLOSED SESSION / MEETING ADJOURNMENT	15(2)(f)

RECOMMENDATION

“THAT the meeting be closed to the public to enable Council to consider agenda items AC001-20 to AC012-20 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

COUNCIL RESOLUTION**Resolution number: MO001-20****MOVED:** Cr A Boyd**SECONDED:** Cr C Lynch

“THAT the meeting be closed to the public to enable Council to consider agenda items AC001-20 to AC012-20 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”.

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Reg	Confidential Reason
------------	----------------------------

- | | |
|----------|--|
| 15(2)(a) | Personnel matters, including complaints against an employee of the council and industrial relations matters |
| 15(2)(b) | Information that, if disclosed, is likely to confer a commercial advantage or impose a commercial disadvantage on a person with whom the council is conducting, or proposes to conduct, business |
| 15(2)(c) | Commercial information of a confidential nature that, if disclosed, is likely to (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret |
| 15(2)(d) | Contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal |
| 15(2)(e) | The security of (i) the council, councillors and council staff; or (ii) the property of the council |
| 15(2)(f) | Proposals for the council to acquire land or an interest in land or for the disposal of land |
| 15(2)(g) | Information of a personal and confidential nature or information provided to the council on the condition it is kept confidential |
| 15(2)(h) | Applications by councillors for a leave of absence |
| 15(2)(i) | Matters relating to actual or possible litigation taken, or to be taken, by or involving the council or an employee of the council |
| 15(2)(j) | The personal hardship of any person who is resident in, or is a ratepayer in, the relevant municipal area |

RESUMPTION

At 7.00pm the Meeting of Council resumed in Open Session.

ACKNOWLEDGEMENT OF COUNTRY

The Mayor commenced the Open Session with the Acknowledgement of Country.

The Burnie City Council acknowledges Tasmanian Aborigines as the traditional owners of the land on which we are meeting and on which this building stands.

AUDIO RECORDING

It is noted that the Open Session of the Meeting will be audio recorded. The audio recording will be made available to the public in accordance with Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*.

PRAYER

The meeting was opened with prayer by Richard Chapman from the Uniting Church.

AO001-20 COUNCILLOR DECLARATIONS OF INTEREST

The Mayor requested Councillors to declare any interest that they or a close associate may have in respect of any matter appearing on the agenda.

Cr T Brumby declared an interest in items AO016-20 Queen Street Safety Review and AO026-20 Communications Journal – The Salvation Army Australia Territory (Burnie Corps) – Bushfire Appeal Fundraiser – Burnie's Bit.

**AO002-20 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING
OF COUNCIL HELD ON 10 DECEMBER 2019****RECOMMENDATION:**

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at City Offices on 10 December 2019, be confirmed as true and correct.”

COUNCIL RESOLUTION

Resolution number: MO002-20

MOVED: Cr G Simpson

SECONDED: Cr D Pease

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at City Offices on 10 December 2019, be confirmed as true and correct.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

QUESTIONS ON NOTICE**AO003-20 QUESTION ON NOTICE - COOEE POINT FREE CAMPING**

FILE NO: 15/5/5; 944827
PREVIOUS MIN:

THE GENERAL MANAGER referred to Councillor David Pease's Question on Notice which asked:

What Council resources are currently required in order to provide free camping at Cooe Point?

COUNCILLOR'S COMMENTS

A number of ratepayers have commented that Cooe Point should be further developed as a free camping area. While free camping has no cost to the user it does still have a cost to Council, and increasing the amenities and facilities at Cooe Point would most likely have an increased cost to Council. Knowing the broad cost of operating the facility as it stands may be useful in any discussion around improving the area.

GENERAL MANAGER'S COMMENTS

The Council currently provides opportunity for short-term no cost and no facilities camping by fully self-contained mobile homes and caravans only within a designated area on Cooe Point.

The Council's current costs are confined to operational tasks associated with the general management of Council land and do not include any activity that is particular to the conduct of a camping ground.

The Council's activities in providing for camping on land at Cooe Point have been regularly scrutinised and periodically challenged by commercial camping ground operators on the northwest coast.

The Council was directly investigated some years ago by the Officer of the Tasmanian Economic Regulator for alleged breaches of the National Competition Policy. The Regulator determined that because the site provided no facilities and minimum supervision that there was on that occasion no breach.

However, the provision of no-cost or low cost camping sites by local government is the subject of continuing scrutiny.

Camping grounds are considered a significant business activity for purposes of National Competition Policy. Competitive neutrality principles require that a council must compete

on an equal footing with commercial providers, and must therefore not subsidise provision and management of camping facilities from other revenue sources.

A council may not be required to charge a camping fee if a site does not provide facilities or management that is specific to its function as a camping ground.

However, if facilities and services such as a water supply, toilets and bathrooms, waste collection, security, and site management are provided then all direct and indirect costs associated with the facility must be recovered from the user.

Any improvement of facilities at Cooe Point to cater for the campers is likely to introduce a requirement under national Competition Policy to apply a charge for use of a camp site.

Council must also be cognisant of its intentions to redevelop the Cooe Point land, and should therefore be careful not to over capitalise camping facilities or to create a facility that may be difficult to later abandon.

RECOMMENDATION:

“THAT the information be noted.”

COUNCIL RESOLUTION

Resolution number: MO003-20

MOVED: Cr D Pease

SECONDED: Cr G Simpson

“THAT the information be noted.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

QUESTIONS ON NOTICE**AO004-20 QUESTION ON NOTICE - BURNIE RATE CHARGES****FILE NO:** 15/5/5; 944827**PREVIOUS MIN:**

THE GENERAL MANAGER referred to Councillor David Pease's Question on Notice which asked:

Burnie's rate charges are above the State average and Council has embarked on a financial management strategy to reduce them. Specifically, what areas of Burnie Council expenditure are above the State average? For example, depreciation or capital works perhaps due to topography?

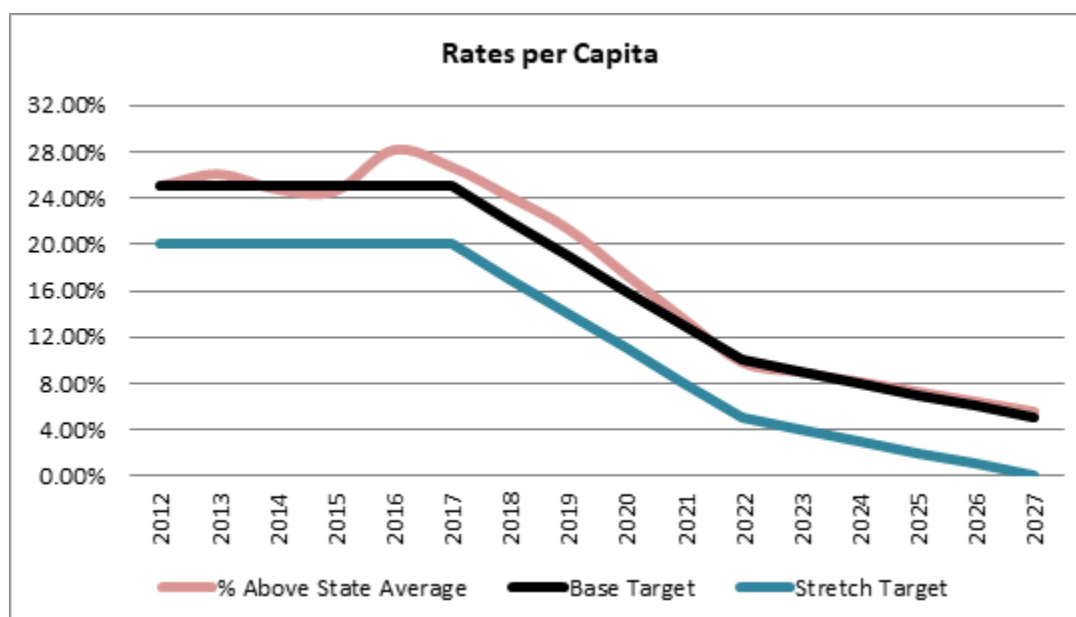
COUNCILLOR'S COMMENTS

While it is generally believed the provision of regional facilities and amenities is a partial reason for the current level of rate charges a more detailed analysis is required if we are to truly understand why Burnie is a high rating Council. Drilling down to the finer detail will help determine where savings can be made, or indeed if they can without reducing services. Wholesale cost cutting across all Departments may not be appropriate for any number of reasons, including delivering Councils economic plan.

GENERAL MANAGER'S COMMENTS

In 2017 Council adopted an updated Financial Management Strategy (FMS) which introduced a five year program of reducing the rate burden on Burnie ratepayers. The strategy allowed for a reduction in rates and charges (excluding the state fire levy) of 1 % per year for five years. The strategy would be met through operational savings estimated at the time to be \$2.250 million over the life of the strategy.

The catalyst for the introduction of the rate cutting program was Council's feeling that the rates burden on Burnie ratepayers was too high. At the time rates and charges were 24.69% above the state average on a per capita basis. Council is currently in year 3 of the program and it is expected to hit the required targets for 2019-20. In its most recent FMS Council's rates and charges had dropped to 17.38% in 2019-20 and was expected to be below Council's target of 10% in 2021-22 as shown by the graph below.



While providing an in depth analysis of Council's performance against the state average would be a very complex process, mainly due to the significant variances in the size, location and services each Council within Tasmania provides, benchmarking does provide some common metrics to assess Council's financial performance against both other Council's and the state average.

On an annual basis the Tasmanian Audit Office (TAO) publishes Council benchmarking as part of the Auditor General's report to parliament. A copy of the benchmarking for 2017-18 is **attached** (2018-19 data has not yet been tabled in parliament and is therefore not publically available).

In the benchmarking Burnie City Council is classified in the urban small category alongside Devonport City, Central Coast, Brighton and West Tamar Councils. Some commentary on Council's performance compared to both the Council's in its category and the state average is provided below.

Rates base

One of the key metrics in assessing why Council's rates per capita is above the state average is the Council's rates base. As at 30 June 2018 Council had a population of 19,245 which is higher than the state average per municipality (17,961) but lower than the small urban category average of 21,413.

In terms of population density Council had a much more dispersed population, with 31.5 people per square kilometre compared to the state average of 62.3 and the category average of 83.1.

The analysis above would suggest that Council's population is consistent with the state average per municipality but is much more dispersed and could therefore provide some reasoning as to why our rates are above the state average with the provision of services costing more to provide to a population spread over a larger area.

Council's current rates base also includes some significant regional facilities such as the Burnie port and North West Regional Hospital along with a regional CBD. These properties provide services to a wider demographic than just Burnie residents, but when comparing rates and charges on a per capita basis the rates and charges for these properties are only spread over the Burnie population therefore increasing the rates per capita in the Burnie municipality.

Employee costs

Burnie's total number of full time equivalents (FTE's) for 2017-18 (140) was above the average for both the urban small category FTE's (115) and the state average FTE's (114). But was consistent with both Devonport (142) and Central Coast (139). There are a number of factors which can affect the FTE's of a Council due to the different nature and scope of services each individual Council provides to the community.

Council's average cost per FTE (\$85k) is comparable with both the average for its category (\$85k) and the average for the state (\$85k), and is equal to Devonport (\$85k) and slightly higher than Central Coast (\$79k).

While Council's FTE numbers are higher than the state average, this is expected as Council is one of the larger Council's within the state. One notable difference is the number of FTE's per 1000 population where Council (7.3) is below the state average (7.9) but is significantly higher than its category average (5.3).

The analysis above suggests that while Council has a very similar number of FTE's and provides similar services to some Council's within its category (Devonport and Central Coast) it has a lower population base to share the burden of these costs.

Council Revenue

The benchmarking for 2017-18 shows that Council gains much more of its revenue from rates and charges (66.5%) than the state average (58.6%) and receives much lower operating grant income (7.4%) than the state average (18.4%).

Due to Council's revenue mix being much more skewed towards rates and charges this has a significant effect on the rates per capita for the municipality. Burnie places more of a burden on its ratepayers to fund Council operations when compared with the state average.

Depreciation & Capital Works

Council's depreciation expenditure for 2017-18 was 23.7% of operating revenue which is consistent with the state average of 23.8%.

Capital works do not directly affect Council's operating position and subsequently the level of rates revenue, but increased capital works can place additional depreciation burden on Council in future years. Council's spending on Property Plant & Equipment (Capital Works) per 1000 people was \$17,234, below the state average of \$19,805

The analysis above suggests that Council has depreciation and capital works expenditure which is consistent with the rest of the state.

Fire Service Levy

In its 2018-19 budget the State Fire Commission expected to raise \$45,635,000 from Council fire levy contributions, Burnie's contributions towards that was \$2,027,387.

Area	2018-19 Fire Levy	2017-18 Population	Fire Levy per person	Rateable Properties	Fire Levy per property
All Tasmanian Councils	\$ 45,635,000.00	520,877	\$ 87.61	276,951	\$ 164.78
Burnie City Council	\$ 2,027,387.00	19,245	\$ 105.35	9,764	\$ 207.64

As shown in the table above, Burnie has a significantly higher fire levy burden compared to the state average on both a per person and per property basis. If Council was to be levied based on the state average per property the Council's fire levy would be reduced by roughly \$418k equivalent to 2.8% of general rates.

Another example of the increased fire levy burden on Burnie residents is in Council's recent submission to the review of the Fire Service Act 1979 which highlighted that a Burnie property with the with an AAV of \$18,200 on one side of the Cam River would pay a Fire Service Levy of \$260 compared with a Somerset property on the other side of the Cam River less than 100 metres away paying only \$75.

Conclusion

While there is not one single reason why Burnie's rates per capita are higher than the state average, the analysis above highlights a number of potential reasons, being:

- A more highly dispersed population, increasing the cost of the provision of services
- The municipality having some significant regional properties which increase the rates per capita
- Burnie providing services of a similar nature to other urban centres but with a lower population to cover the costs of those services
- Lower operating grant revenue than the state average and a higher reliance on rates revenue to fund Council operations
- Increased burden of the state's fire service costs due to the current State Fire Commission funding model

RECOMMENDATION:

"THAT the information be noted."

ATTACHMENTS

1. [Tasmanian Audit Office - Local Government Benchmarking 2017-18](#)

COUNCIL RESOLUTION**Resolution number: MO004-20*****MOVED:*** ***Cr D Pease******SECONDED:*** ***Cr C Lynch******“THAT the information be noted.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

LOCAL GOVERNMENT COMPARATIVE ANALYSIS Demographics - 2017-18						
Council	Population	Area in Square Kilometres	Population Per Square Kilometre	Number of Rateable Valuations	Number of Rateable Valuations Per Square Kilometre	Average Rateable Valuations Per Head of Population
Urban medium						
Clarence	55 659	386	144.2	25 336	65.6	0.5
Glenorchy	46 790	121	386.4	21 222	175.2	0.5
Hobart	52 191	78	670.0	24 297	311.9	0.5
Kingborough	36 734	720	51.0	16 903	23.5	0.5
Launceston	67 004	1 411	47.5	32 362	22.9	0.5
UM Total 2017-18	258 378	2 716	95.1	120 120	44.2	0.5
UM Average per Council 2017-18	51 676	543	259.8	24 024	119.8	0.5
Urban small						
Brighton	16 872	171	98.6	7 810	45.6	0.5
Burnie	19 245	611	31.5	9 764	16.0	0.5
Central Coast	21 908	993	23.5	10 902	11.7	0.5
Devonport	25 317	111	227.5	12 385	111.3	0.5
West Tamar	23 721	691	34.3	11 641	16.8	0.5
US Total 2017-18	107 063	2 518	42.5	52 502	20.9	0.5
US Average per Council 2017-18	21 413	504	83.1	10 500	40.3	0.5
Rural agricultural, very large						
Derwent Valley	10 148	4 108	2.5	5 049	1.2	0.5
Huon Valley	16 919	5 507	3.1	10 740	2.0	0.6
Latrobe	11 108	601	18.5	6 135	10.2	0.6
Meander Valley	19 583	3 331	5.9	10 119	3.0	0.5
Northern Midlands	13 128	5 135	2.6	6 981	1.4	0.5
Sorell	14 648	584	25.1	9 341	16.0	0.6
Waratah-Wynyard	13 791	3 536	3.9	7 656	2.2	0.6
RAVL Total 2017-18	99 325	22 802	4.4	56 021	2.5	0.6
RAVL Average per Council 2017-18	14 189	3 257	8.8	8 003	5.1	0.6
Rural agricultural, large						
Break O'Day	6 167	3 524	1.8	6 470	1.8	1.0
Circular Head	8 145	4 898	1.7	5 107	1.0	0.6
Dorset	6 715	3 231	2.1	5 218	1.6	0.8
George Town	6 846	653	10.5	4 296	6.6	0.6
Kentish	6 319	1 156	5.5	3 527	3.1	0.6
Southern Midlands	6 103	2 616	2.3	3 675	1.4	0.6
RAL Total 2017-18	40 295	16 078	2.5	28 293	1.8	0.7
RAL Average per Council 2017-18	6 716	2 680	4.0	4 716	2.6	0.7
Rural agricultural, small and medium						
Central Highlands	2 139	7 982	0.3	3 726	0.5	1.7
Flinders	943	1 997	0.5	1 252	0.6	1.3
Glamorgan Spring Bay	4 555	2 592	1.8	5 763	2.2	1.3
King Island	1 614	1 096	1.5	1 661	1.5	1.0
Tasman	2 389	661	3.6	3 405	5.2	1.4
West Coast	4 176	9 584	0.4	4 208	0.4	1.0
RASM Total 2017-18	15 816	23 910	0.7	20 015	0.8	1.3
RASM Average per Council 2017-18	2 636	3 985	1.3	3 336	1.7	1.3
Total State 2017-18	520 877	68 023	7.7	276 951	4.1	0.5
Average per Council 2017-18	17 961	2 346	62.3	9 550	29.7	0.6
Total State 2016-17	517 588	68 018	7.6	273 997	4.0	0.5
Average per Council 2016-17	17 848	2 345	61.9	9 448	29.4	0.6
Total State 2015-16	515 396	68 018	7.6	274 205	4.0	0.5
Average per Council 2015-16	17 772	2 345	61.2	9 455	29.3	0.6
Total 2014-15	513 839	68 018	7.6	273 637	4.0	0.5
Average per Council 2014-15	17 719	2 345	61.0	9 436	29.4	0.7

Source

Population figures obtained from Australian Bureau of Statistics (ABS) - Regional Population Growth, Australia 2016-17. Released 24 April 2018.

Local Government areas obtained from ABS - Australian Statistical Geography Standard: Volume 3 - Non-ABS Structures. Released July 2018.

Rateable properties obtained from council.

LOCAL GOVERNMENT COMPARATIVE ANALYSIS Employee Costs - 2017-18								
Council	Total Employee Costs (including capitalised wages) \$'000s	FTE's No.	Average Cost per FTE + \$'000s	FTE per 1000 Population No.	Employee Expenses to Operating Revenue %	Employee Expenses to Operating Expenditure %	Provisions for Employee Entitlements \$'000s	Employee Entitlements per FTE \$
Urban medium								
Clarence	19 926	239	83	4.3	26.7	30.3	4 821	20 172
Glenorchy	23 673	237	100	5.1	37.9	38.0	5 797	24 460
Hobart	58 963	596	99	11.4	42.2	43.5	15 199	25 502
Kingborough	15 825	182	87	5.0	37.1	37.5	2 791	15 335
Launceston	41 467	440	94	6.6	36.8	38.0	7 463	16 961
UM Total 2017-18	159 854	1 694					36 071	
UM Average per Council 2017-18	31 971	339	93	6.5	36.2	37.4	7 214	20 486
Urban small								
Brighton	4 777	55	87	3.3	31.5	30.7	1 222	22 218
Burnie	11 876	140	85	7.3	33.1	33.5	2 706	19 329
Central Coast	10 982	139	79	6.3	36.4	37.8	3 093	22 252
Devonport	12 021	142	85	5.6	28.7	29.8	2 540	17 887
West Tamar	8 833	99	89	4.2	33.2	36.4	2 022	20 424
US Total 2017-18	48 489	575					11 583	
US Average per Council 2017-18	9 698	115	85	5.3	32.6	33.7	2 317	20 422
Rural/agricultural, very large								
Derwent Valley	4 372	59	75	5.8	33.0	32.3	1 663	28 345
Huon Valley	10 947	133	78	7.9	38.0	40.4	1 798	13 519
Latrobe	3 846	45	85	4.1	27.6	28.8	1 124	24 834
Meander Valley	6 774	86	79	4.4	31.4	33.4	1 570	18 298
Northern Midlands	5 239	60	87	4.6	27.1	27.2	1 169	19 483
Sorell	5 750	65	88	4.4	30.6	26.7	1 232	18 954
Waratah-Wynyard	6 907	84	82	6.1	34.0	34.8	1 953	23 325
RAVL Total 2017-18	43 235	531					10 509	
RAVL Average per Council 2017-18	6 176	76	82	5.3	31.7	32.0	1 501	20 966
Rural/agricultural, large								
Break O'Day	4 583	53	86	8.6	31.1	32.7	1 007	19 000
Circular Head	5 908	55	96	6.8	32.9	33.1	1 365	24 630
Dorset	4 497	58	78	8.6	26.0	28.0	929	16 017
George Town	3 869	37	105	5.4	33.5	33.2	680	18 378
Kentish	3 002	29	102	4.7	28.0	29.0	451	15 309
Southern Midlands	4 223	46	92	7.5	37.6	35.9	1 349	29 326
RAL Total 2017-18	25 482	279					5 781	
RAL Average per Council 2017-18	4 247	46	93	7	32	32	964	20 443
Rural/agricultural, small and medium								
Central Highlands	1 999	27	72	12.6	26.6	26.9	783	29 000
Flinders	2 131	23	93	24.4	25.6	21.3	335	14 565
Glamorgan Spring Bay	4 506	51	88	11.2	33.4	35.2	851	16 686
King Island	2 325	33	70	20.4	30.4	28.7	275	8 333
Tasman	1 104	20	55	8.4	16.5	17.1	319	15 950
West Coast	4 695	60	78	14.4	38.4	40.0	748	12 467
RASM Total 2017-18	16 700	214					3 311	
RASM Average per Council 2017-18	2 783	36	76	15.2	28.5	28.2	552	16 167
Total State 2017-18	293 760	3293					67 255	
Average per Council 2017-18	10 130	114	85	7.9	31.9	32.4	2 319	19 688
Total State 2016-17	282 986	3291					66 121	
Average per Council 2016-17	9 758	113	83	7.9	33.1	33.5	2 280	19 477
Total 2015-16	276 772	3273					68 866	
Average per Council	9 544	113	81	8.0	33.0	33.3	2 375	19 394
Total 2014-15	271 180	3308					64 399	
Average per Council	9 351	114	79	8.0	35.1	35.5	2 221	18 892
Total 2013-14	268 949	3404					62 585	
Average per Council 2013-14	9 253	117	76	8.2	35.7	35.2	2 158	17 665

* Employee costs include capitalised salaries and wages

² Many authors have found that the more information a person has about a situation, the more likely they are to act. For example, a person who knows that a fire is in progress is more likely to act than a person who does not know that a fire is in progress.

Page 21

MOTIONS ON NOTICE**AO005-20 MOTION ON NOTICE - ANNUAL CHRISTMAS EVENT**

FILE NO: 15/5/2; 944732
PREVIOUS MIN:

Councillor Giovanna Simpson has given notice that she would move the following motion at this meeting:-

“THAT Council holds an annual event in the City at the beginning of the festive season that will involve the placement of a giant Christmas tree and lighting of the tree Ceremony, similar to the annual event held in Launceston.”

COUNCILLOR’S COMMENTS

I propose that the City of Burnie hold an annual event to commence the Christmas season. The event, as in Launceston would host live music, kids events, late night shopping, an appearance from Santa Claus, food vans if required etc.

This event will have the town buzzing and will bring communities and families together to celebrate the beginning of the season. The events main focus, will be the lighting of the Christmas Tree.

I would be happy for the placement of the tree to go to a Council workshop as well as perhaps some community discussion. There would be obvious costing for the purchase of the tree and decorations, but the tree would give value for many years to come with correct storage etc.

Late night shopping is something that Burnie has not had for a long time and I think it would only benefit retailers during this season. The evening would only perhaps run from 6pm until 9pm.

I have attached a photo of the Launceston Christmas tree and can also provide live footage of the Launceston ceremony if required.

Launceston City Council’s Christmas Tree:

<https://www.launceston.tas.gov.au/Events/Christmas-in-the-City>
<https://www.youtube.com/watch?v=M5T6eqzXvPU&app=desktop>

GENERAL MANAGER’S COMMENTS

There are two key elements to be considered within this motion.

The first element relates to the purchase and installation of a Christmas Tree, ensuring the best site to achieve the purpose of bringing people into the city, as well as managing risk and safety issues (a resident was badly injured trying to climb the Launceston tree).

It is understood that a Christmas Tree could cost in excess of \$100,000 depending on size and technology utilised. Officers will undertake further research to present some options during Council's capital budget considerations. Another option could be further lighting of the Norfolk Pine at the end of Wilson Street, however this may not align with the purpose to attract people into the city.

Based on the recent Street Art Festival, a family Christmas event similar to what is proposed would cost approximately \$5,000 but this would be dependent on the amount of advertising, and the size of the event (eg: number of food vendors, types of children's activities etc). Should Council support this motion, funds would be allocated in next year's budget to this event.

Organisation of the event would require the input of the new Burnie Promotions Committee to ensure retailers support and gain value from the event.

COUNCIL RESOLUTION

Resolution number: MO005-20

MOVED: Cr G Simpson

SECONDED: Cr A Keygan

"THAT Council holds an annual event in the City at the beginning of the festive season that will involve the placement of a giant Christmas tree and lighting of the tree Ceremony, similar to the annual event held in Launceston."

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

MOTIONS ON NOTICE**AO006-20 MOTION ON NOTICE - BURNIE INN**

FILE NO: 15/5/2; 944827
PREVIOUS MIN:

Councillor David Pease has given notice that he would move the following motion at this meeting:-

“THAT consideration be given to relocating the old Burnie Inn, currently located at Burnie Park, to the site of the proposed North West Museum and Art Gallery, (NWMAG).”

COUNCILLOR’S COMMENTS

The Burnie Historical Society presents a strong case for the relocation of the old Burnie Inn to the proposed NWMAG site. It would appear prudent given the historical significance of the Burnie Inn and the proposed development of the current BRAG and BRM site to consider this relocation in deliberations, including a broad costing of re-siting the Inn within the new development.

GENERAL MANAGER’S COMMENTS

As per the response to correspondence from the Burnie Historical Society later in the Agenda, it would be difficult to relocate the Burnie Inn for two key reasons.

The first relates to the new focus on the North West Museum and Art Gallery to be a truly regional cultural facility, with an emphasis on telling stories that are regionally significant or that represent the entire region to residents and visitors. As per the advice from our museum consultants, this project presents an opportunity to “own” the whole of the north west, given no organisation or Council has shown an interest in this to date.

It is important that the new facility is based on the important stories and experiences from the region, rather than on building the facility around artefacts. Residents and visitors to cultural heritage institutions are attracted by stories, rather than by collection items per se.

While the Burnie Inn is of local historical significance, it would be doubtful that it would be of significance to the residents of Devonport, Circular Head or the West Coast. If Council were to include the Burnie Inn in the new facility, it could then be open to requests to include other similar buildings requiring a home from across the region.

The second issue relates the amount of space and resource required to relocate and present the Burnie Inn within the context of a contemporary cultural facility. While the building is of a significant budget for Council, in reality, the building is quite constrained in terms of space and floor area to represent the entire region. This issue is compounded by the need to focus on semi-permanent and short term exhibitions to ensure the museum is constantly changing

and offering new experiences to residents and returning visitors. To house the Burnie Inn within the new facility, would not only require significant floor space and resource to ensure it fits within the contemporary nature of what is being proposed; but would also effectively create a permanent exhibition and remove flexibility for constant change.

Alternative Motion:

“That the information be noted.”

COUNCIL RESOLUTION

Resolution number: MO006-20

MOVED: Cr D Pease

SECONDED: Cr C Lynch

“THAT consideration be given to relocating the old Burnie Inn, currently located at Burnie Park, to the site of the proposed North West Museum and Art Gallery, (NWMAG).”

For: Cr S Kons, Cr C Lynch, Cr G Simpson, Cr D Pease.

Against: Cr A Boyd, Cr T Brumby, Cr A Keygan, Cr T Bulle.

LOST

MOTIONS ON NOTICE**AO007-20 MOTION ON NOTICE - CHRISTMAS FESTIVITIES**

FILE NO: 15/5/2; 944827
PREVIOUS MIN:

Councillor David Pease has given notice that he would move the following motion at this meeting:-

“THAT Council allocate greater resources, both financial and personnel, within the 2020/21 Annual Budget for the provision of Christmas festivities.”

COUNCILLOR’S COMMENTS

The Christmas/New Year period is a time of high visitation to our City and it is important for a number of reasons, (economic and social) that Burnie is showcased. Many of Councils decorations are old and in need of systematic replacement. A tree has been ‘lit’ on North Terrace but the opportunity exists to broaden this lighting concept to be a feature for the City.

Council has also found it necessary to operate the Christmas Parade. The Parade appears we’ll organised and run, however, the number of floats has been disappointing particularly given the excellent ratepayer response in attending the Parade. Additional personnel hours may allow direct contact with businesses, schools and Clubs to increase float participation.

GENERAL MANAGER’S COMMENTS

A lighting of the Christmas Tree event (whether a new tree or lighting the existing Norfolk Pine) is dealt with in the Motion from Councillor Simpson.

A significant portion of Council’s Christmas decorations are in need of renewal. Based on previous costs, Council would need to allocate \$60,000 in its capital Budget to replace the existing decorations and Christmas banners.

Feedback from community groups suggests that the key factor for the reduction in floats relates to Council’s Risk management approach to the event (see attached Registration Form). Many participants have advised that these requirements are onerous and either no longer participate, or have chosen to walk the Parade rather than enter a float. Council officers have sufficient resources to further promote the event, however it is doubtful that this will increase the number of floats.

ATTACHMENTS

1 [!\[\]\(2b17f17ebbacc911bb0ff784ab641779_img.jpg\)](#) Christmas Parade Registration Form

COUNCIL RESOLUTION**Resolution number: MO007-20****MOVED:** *Cr D Pease***SECONDED:** *Cr G Simpson****“THAT Council allocate greater resources, both financial and personnel, within the 2020/21 Annual Budget for the provision of Christmas festivities.”*****For:** Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.**Against:*****CARRIED UNANIMOUSLY***

REGISTRATION FORM

2019

Friday 13 December 7pm

Sea FM Burnie Christmas Parade



1. Read the information

2. Submit the Registration Form by Wednesday 4 December 2019


Late registrations are not guaranteed participation.

 Attn Allison Daley
Burnie City Council
PO Box 973, Burnie 7320

 Email adaley@burnie.net
Please request
confirmation of receipt

 In Person
To Revenue Services
at Burnie City Council



	Burnie Christmas Parade Registration Form and Requirements	Document Code: FO-CED-ME-001 Version: 5.0 Approved Date: 6 Nov 2019	Burnie City Council PO Box 973, Burnie TAS 7320 P 03 6430 5700 F 03 6431 3896 E burnie@burnie.net
---	---	---	---

Sea FM Burnie Christmas Parade 2019

Terms and Conditions of Entry

1. Entry and Participant Requirements

- 1.1. The Organiser of this event is Burnie City Council.
- 1.2. All entrants must relate to, or be in keeping with the Christmas Festive Season.
- 1.3. All entries will be considered by the Organiser and acceptance or otherwise will be advised in writing.
- 1.4. Entries will not be permitted on the day without an approved registration form.
- 1.5. The Organiser retains the right to modify any aspect of the entrant's float/presentation, and the right to position entrants in the Parade where it sees fit, giving consideration to content, theme and impact on other participants.
- 1.6. Bike riding, skateboarding, rollerblading and scooter riding are all permitted in the Parade, however, appropriate personal protective equipment must be worn at all times and all wheels must be in contact with the ground at all times. Helmets are a requirement of participation. Persons under the age of 18 should have appropriate adult supervision/permission.
- 1.7. Participation by any sort of animal must receive prior approval from the organiser and if approved, the animal must be on a lead and led or ridden by a suitably experienced adult. If your group has animals, plastic bags or pooper scoopers must be carried at all times and used as required.
- 1.8. The movement of the Parade will be controlled by Burnie City Council, State Emergency Service (SES) and/or Tasmania Police. Participants must adhere to their directions at all times. Failure to do so will result in the removal of entrants from the Parade.
- 1.9. Throwing of any item from a float is prohibited, as it may encourage young people to run out in front of moving vehicles. This includes the discharge of water from water pistols.
- 1.10. Handing out of items along the Parade route is permitted, if conducted in a controlled manner at street level only. Hand-outs must not encourage people to step into the road. The Organiser must be informed if your entry intends to hand out any items.
- 1.11. All electrical appliances should be tagged and tested to comply with Australian Standards and be water resistant with its cords sealed and weather proofed.
- 1.12. Items and props should not pose a threat to participants or spectators.
- 1.13. Please consider whether your entry requires the use of a vehicle. Remember that amazing displays can be achieved with walking groups, allowing participants greater interaction with the crowd.
- 1.14. All participants in the Parade are expected to perform courteously, in good taste and with their own safety and that of the spectators in mind at all times.
- 1.15. Only ONE SANTA CLAUS is permitted to participate in the Christmas Parade, this Santa will be provided by the Organiser.
- 1.16. The Christmas Parade is encouraged to be a smoke-free event.

2. Vehicle Types

- 2.1. Only vehicles and rigid trucks up to and including two axles will be permitted entry into the Parade. This means that no semi-trailers or extremely large trucks will be allowed in the parade due to difficulties that may be encountered along the route.
- 2.2. All vehicles must be registered and roadworthy unless otherwise approved. One day registrations permits can be obtained from Service Tasmania outlets for special vehicles, or online at www.transport.tas.gov.au. Please think about whether your entry requires the use of a vehicle.

3. Safety Railings / Fall Protection on Moving Vehicles

- 3.1. If participants are positioned on a moving vehicle, all vehicles must have fall protection (no matter what length, height or type).
- 3.2. Fall protection should include a sturdy rail at least 900mm high, supported by posts or suitable infill to prevent falls.
- 3.3. If children are aboard vehicles, they must receive adequate adult supervision.

4. Vehicle Safety

- 4.1. All drivers must adhere to Tasmanian Road Safety Rules and Standards.
- 4.2. Vehicles must be driven by individuals with the appropriate license.
- 4.3. Vehicle registration number, the name of the driver and the driver's licence number must all be provided on the Registration Form prior to the Parade.
- 4.4. Vehicles and trailers used in the Parade must be insured with a minimum of third party insurance (through vehicle registration).
- 4.5. Do not attach anything to the exhaust, drive/tail shaft or wheels of your vehicle.
- 4.6. Do not obstruct the steering of the vehicle.
- 4.7. Do not obstruct brake or reverse lights of the vehicle.
- 4.8. Do not obscure the driver's vision, including the windscreen and rear view mirrors.
- 4.9. Secure all large, loose items to the vehicle appropriately.
- 4.10. The vehicle should not leak any fluids.
- 4.11. All vehicles must move no faster than walking pace.
- 4.12. Refuelling of generators must occur in assembly area ONLY and only when generators are cooled down. Refuelling on route is banned.

5. Inspection of Entries

- 5.1. Parade safety officers will be inspecting all entries during the assembly period. If requested, drivers must exit the vehicle during inspection to liaise with inspectors and must take direction from safety or marshalling officers.
- 5.2. Failure to comply with safety requirements may jeopardise participation in the event.
- 5.3. The Organiser reserves the right to modify or remove entries if they are deemed unsafe prior to, or during the parade. If you are uncertain about any safety aspects of your entry please contact Allison Daley on 6430 5706.



Burnie Christmas Parade Registration Form and Requirements

Burnie City Council
PO Box 973, Burnie TAS 7320
P 03 6430 5700 | F 03 6431 3896
E burnie@burnie.net

6. Driver Requirements

- 6.1. Each group must nominate two drivers per vehicle who hold a current driver's licence. Information relating to the second driver must be provided on the Registration Form.
- 6.2. This means that if the first preferred driver is unable to make it on the day, a second backup driver has already been registered.
- 6.3. Please note, under no circumstances will drivers with a learner or provisional licence be allowed to drive any vehicle in the Parade.
- 6.4. Vehicles are not to leave their position in the Parade and must remain in the left hand lane. No hand slapping to crowds is permitted by the driver.

7. Nomination of a Responsible Person

- 7.1. Each entry in the Parade will need to appoint a Responsible Person who will be participating with the entry on Parade Day.
- 7.2. For a Float, the Responsible Person must be different to the driver of the vehicle.
- 7.3. The role of the Responsible Person is to ensure that all safety and other requirements of entry are met by their group and all of its participants, in line with the direction and instructions of the Organiser or Tasmania Police.
- 7.4. The nominated Responsible Person must:
 - Be over 18 years.
 - Ensure that all participants in the entry aged under 18 years, do so with parental or guardian consent.
 - Communicate the safety information during the Assembly period to all participants who form part of their entry.
 - Facilitate the inspection of the group's entry on Parade Day, including any moving vehicle/s prior to the Parade commencing.
 - Act as the Responsible Person on Parade day to ensure the safety of all participants within their group.

Should these requirements not be met, your group may be removed from the Parade.

8. Insurance

- 8.1. It is preferred that all entries be covered by their own Public Liability insurance.
- 8.2. Groups who do not have public liability must inform the Organiser of this on the Registration Form.
- 8.3. The Organiser reserves the right not to approve an entry that does not hold public liability insurance, based on an assessment of risk associated with the entry.
- 8.4. If public liability is held, a copy of your group's Certificate of Currency should be submitted with your entry. It is important to check with your insurer that your group is covered for events such as the Christmas Parade.

9. Communication

- 9.1. Confirmation of receipt of your registration will be sent to the Contact Person named on the Registration Form.
- 9.2. The Organiser will post general information on the Burnie City Council Facebook page.
- 9.3. Prize winners will be announced on the Burnie City Council Facebook page after the event.

10. Assembly Information

- 10.1. Once your participation in the Parade has been confirmed, you will receive further information about the event.
- 10.2. Assembly of all Parade entries is at 6.00pm on Marine Terrace (entry via Spring Street only).
- 10.3. It is vital that entrants adhere to the specific assembly times to allow sufficient time for safety checks and to determine the position of your float within the Parade.
- 10.4. Road closures will remain in place until approximately 8.30pm for disassembly purposes.
- 10.5. The official starting area for the Parade will be at the intersection of Marine Terrace and Cattley Street.

11. Assembly Area Safety

- 11.1. All parade participants are to adhere to the assembly area arrangements and a centre clear way for emergency vehicles is to be maintained at all times.

12. Supervision of Children Participating in Parade

- 12.1. Children participating in your entry must be adequately supervised by adults.
- 12.2. Please ensure your group has an appropriate ratio of adults to children.

13. Photography/Video

- 13.1. Please be aware that the general public will be taking photographs of the Parade as it travels the route.
- 13.2. By entering in the Parade you agree to the Burnie City Council taking photographs and video footage of your entry, including individuals involved. You further acknowledge that Council has the authority to publish and use this material for subsequent advertising and marketing purposes.

14. War on Waste

- 14.1. Please help us as we try to eliminate single use plastics ie. plastic lolly wrappers, balloons. With Council, parade participants and the community working together, we can do our bit for the war on waste.

15. Description for MC

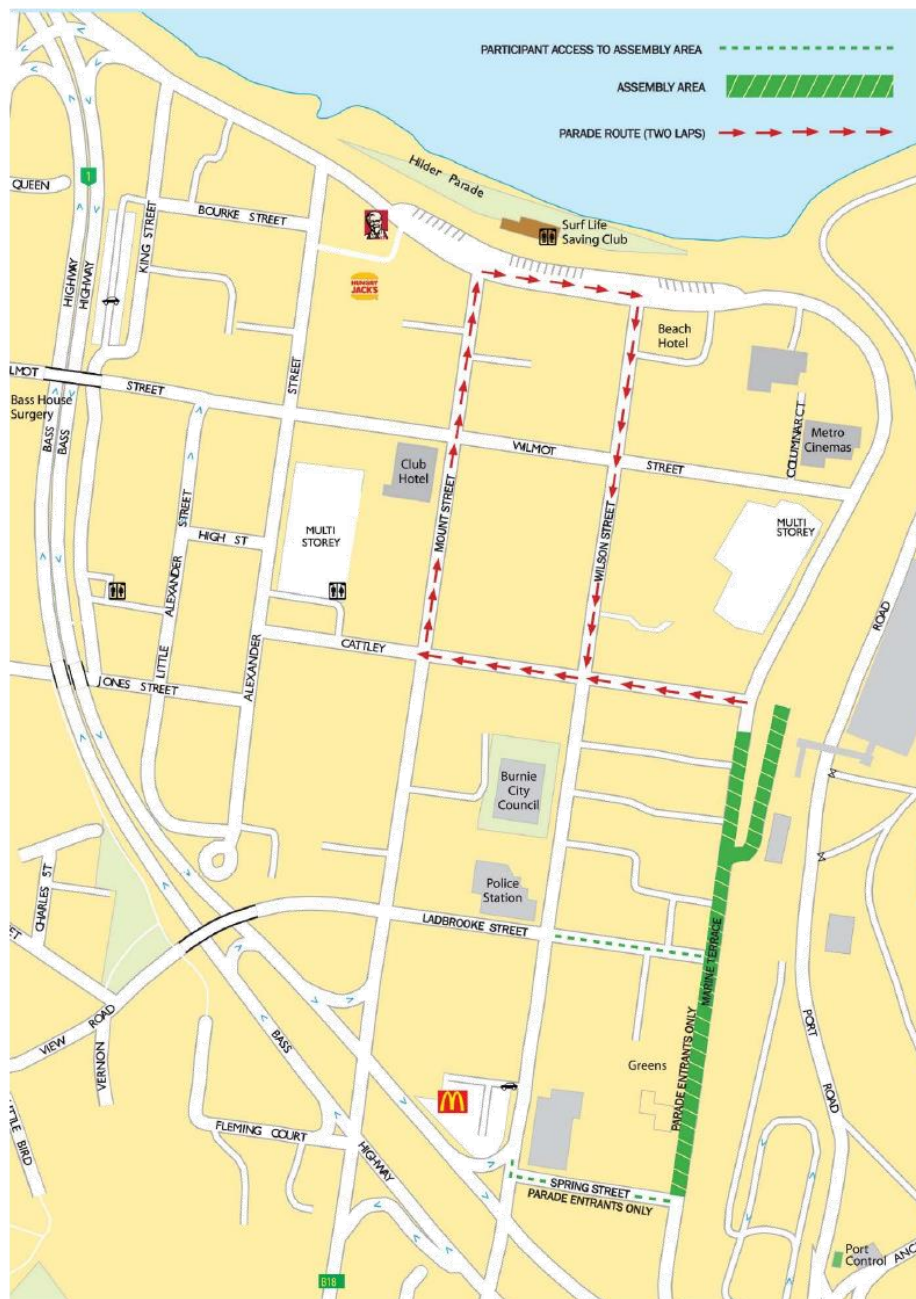
- 15.1. Description for MC - please ensure this section is completed.

Assembly Period:	6.00pm on Marine Terrace Entry via Ladbroke Street for large vehicles. All other vehicles via Spring Street only.
Parade Commences:	7.00pm
Please ensure you assemble at Marine Terrace via Spring Street by 6.00pm to allow time for safety inspections and briefing information.	

	Burnie Christmas Parade Registration Form and Requirements	Document Code: FO-CED-ME-001 Version: 5.0 Approved Date: 6 Nov 2019	Burnie City Council PO Box 973, Burnie TAS 7320 P 03 6430 5700 F 03 6431 3896 E burnie@burnie.net
---	---	---	---

14. Site and Parade Route Map

- 14.1. The Parade route will start and finish at the intersection of Marine Terrace and Cattley Street.
- 14.2. Vehicles must assemble on Marine Terrace for unloading and inspection no later than 6.00pm.





Burnie Christmas Parade Registration Form and Requirements

Burnie City Council
PO Box 973, Burnie TAS 7320
P 03 6430 5700 | F 03 6431 3896
E burnie@burnie.net

Safety Information Checklist

The following is a checklist to assess the safety of your entry.
All entries will be assessed on Parade Day against this checklist to ensure requirements are met.
If you need assistance with, or are unsure of any aspect of the safety of your entry,
please contact Allison Daley at Burnie City Council on 6430 5706 during business hours.

RESPONSIBLE PERSON

- ☐ Nominated responsible person has been identified.

VEHICLES

If your entry has vehicles, we will be looking for the following:

Size of Float, Truck or Trailer

- ☐ All moving vehicles are within maximum size restrictions (refer Vehicle Types page 1).

Exhaust system

- ☐ All flammable items are free from the entire exhaust system.
- ☐ No items are tied or secured to any part of the exhaust system.

Driver's access/vision

- ☐ Vision from the driver's front windscreen is not restricted and driver has clear view.
- ☐ Rear vision mirrors are accessible and give clear vision of the rear of the vehicle and movement around the vehicle.
- ☐ Driver's access is not restricted and driver is able to enter and exit the vehicle with ease.

Steering

- ☐ Full movement of the steering is achieved and no objects restrict the steering movement.

Tail Shaft

- ☐ No objects are secured to any moving tail shafts or drive chains.
- ☐ No objects are hanging within the tail shaft or drive chains areas.

Wheels

- ☐ All wheels are free from any hanging objects and are not obstructed in any manner.

Leaks

- ☐ There are no obvious fuel, oil or gas leaks.

Float / Truck / Trailer

- ☐ All items are secured to the float, truck or trailer.
- ☐ Adequate safety railings or fall protection are provided as per Safety Railings/Fall Protection on page 1
- ☐ General float, truck or trailer is in good condition with no obvious faults or protruding parts.
- ☐ Electric cords are sealed, weather proofed, tagged and tested.
- ☐ Residual Current Devices (RCD's) are fitted where generators are used.

Passenger Safety

- ☐ All children on vehicles are safely secured and adequately supervised by adults.

The Driver

- ☐ Either of the two registered drivers is driving the vehicle.
- ☐ Driver's licence is sighted.

PEDESTRIANS

- ☐ If your entry has PEDESTRIANS, we will be looking for the following:

Supervision of Participants

- ☐ Child participants in your entry are adequately supervised by adults.
- ☐ The Responsible Person in the group is present and understands their responsibility.

Items being carried

- ☐ Any items being carried do not pose a risk to either participants or spectators. This includes items like large sticks or items that protrude into the crowd.

Safety of participants and members of the viewing public

- ☐ All participants riding on any moving object (including bikes, scooters or skateboards) have ensured that their equipment is in a safe working condition.
- ☐ All participants riding on any moving object are wearing appropriate personal protective equipment.

Configuration and layout of group

- ☐ The group is not too spread out and is gathered in a neat and orderly fashion so as not to interfere with other groups.

ANIMALS

- ☐ If your entry has animals, we will be looking for the following:

Animals correctly leashed


- ☐ Only pre-approved animals are participating on Parade Day.
- ☐ Animals are correctly restrained and are under the control of a suitably experienced adult.

Cleaning up after animals

- ☐ The group accepts their responsibility for cleaning up after their animals prior to, during and after the parade.
- ☐ Plastic bags or pooper scoopers for cleaning up after animals sighted.

The activities that each and every group carryout on Parade day must not pose a safety risk to either participants or spectators.

Please think of those areas that may be a risk with your own entry and contact Allison Daley at Burnie City council on 6430 5706 if you have any queries or concerns.

	Burnie Christmas Parade Registration Form and Requirements	Burnie City Council PO Box 973, Burnie TAS 7320 P 03 6430 5700 F 03 6431 3896 E burnie@burnie.net
---	---	---

Sea FM Burnie Christmas Parade - Registration Form

Complete and return Registration by **Wednesday 4 December 2019** (see cover for details)


Group or Organisation Details	
Name of Organisation:	
Name of Entry:	
Postal Address:	

Responsible Person Contact Details			
Name:			
Email:			
Mobile:		Daytime Phone:	

About your entry			
Tick the category(s) you feel best suits your transport type:	<input type="checkbox"/> Small truck (max 2 axles only) <input type="checkbox"/> Tractor <input type="checkbox"/> Machine	<input type="checkbox"/> Car <input type="checkbox"/> Van <input type="checkbox"/> Motorcycle <input type="checkbox"/> Trailer	<input type="checkbox"/> Marching / Walking <input type="checkbox"/> Bicycle <input type="checkbox"/> Scooter / Skateboard <input type="checkbox"/> Other (animals)
Description of Float:			
Approximate length of Float (m):			
Number of people with float:			
Will you have animals with your entry?	<input type="checkbox"/> Yes – Provide details here: <input type="checkbox"/> No		
Does your entry intend to make a noise?	<input type="checkbox"/> Yes – Provide details here: <input type="checkbox"/> No		
Do you intend to give away any items?	<input type="checkbox"/> Yes – Provide details here: <input type="checkbox"/> No		
For judging purposes, please select the category that best describes your entry:	<input type="checkbox"/> Best corporate group	<input type="checkbox"/> Best community group	<input type="checkbox"/> Best school group

Complete this section if you will be including a vehicle (for multiple vehicles, please attach a separate list)			
Vehicle Registration Number:		Registration Expiry Date:	
Approximate length of float (m):			
Driver 1 Details		Driver 2 Details (Backup Driver if Driver 1 unavailable on the day)	
Name:		Name:	
Phone:		Phone:	
Licence Number:		Licence Number:	
Licence Expiry:		Licence Expiry:	

Insurance:	
Do you have your own public liability insurance?	<input type="checkbox"/> Yes - Please attach a copy of your Certificate of Currency with your Entry Form <input type="checkbox"/> No

	Burnie Christmas Parade Registration Form and Requirements	Burnie City Council PO Box 973, Burnie TAS 7320 P 03 6430 5700 F 03 6431 3896 E burnie@burnie.net
---	---	---

Description for the MC:	
Please provide a description of your entry for the MC on the day <i>50 words or less</i> (Eg theme, personnel, equipment, animals, music).	

Indemnity:
<p>I have read all the information provided within this registration form, including the Terms and Conditions and the Safety Information and agree to abide by them.</p> <p>In addition to the inherent risks, I am aware that participating in the Burnie Christmas Parade may involve a significant degree of risk or physical harm to myself and/or entrants I represent. Dangers include, but are not limited to injury from falling, injury from collision, weather extremes, subject to sudden and unexpected change, physical exertion.</p> <p>I agree to hold harmless the Burnie City Council, its employees, volunteers, servants and agents from all claims resulting from damage, loss, death or injury whatsoever which I, and/or entrants I represent may suffer and/or sustain in any way as a result of participating in the Burnie Christmas Parade, except to the extent where the organisers are proved to be negligent.</p> <p>In addition, I hereby agree to indemnify the Burnie City Council, its employees, volunteers, servants and agents from and against all actions, costs, claims, charges, expenses, penalties, demands and damages whatsoever which may be brought, made or claimed against them, or any of them, arising from an activity directly related to my, and/or the entrants I represent acts, errors or omissions.</p> <p>I understand that all bikes, scooters, roller-bladers, skate boarders and motorcyclists are required to wear an Australian Standards approved helmet during the Parade.</p> <p>I understand that all vehicle drivers are subject to Tasmanian Road Safety Rules and Standards.</p> <p>I agree to the Burnie City Council taking photographs and video footage of my / our Organisation's entry. I further agree that Council has the authority to publish and use this material for subsequent advertising and marketing purposes.</p> <p>I understand that it is our responsibility as the Registered Organisation to ensure that all participants in our entry aged under 18 years, do so with parental or guardian consent, and that I / our Organisation will be responsible for their safety while participating.</p> <p>By signing this form, I acknowledge that I am authorised to sign on behalf of the organisation below.</p> <p>Signature: _____ Date: _____</p> <p>Printed name: _____</p> <p>On behalf of (organisation): _____</p>

<p>Privacy Statement</p> <ol style="list-style-type: none"> 1. Council is committed to upholding your right to privacy. 2. Personal information collected by Burnie City Council is used in the provision of services. 3. Information collected will be retained confidentially and disposed of in accordance with requirements of the Personal Information Protection Act 2004. 4. You have the right to access your own personal information on request.

The Mayor advised that Item AO008-20 Motion on Notice – Questions Without Notice was not put as the provider of the Motion, Cr K Dorsey, was absent from the Meeting. The Motion was not put in accordance with regulation 16(7) of the *Local Government Meeting Procedures) Regulations 2015*.

MOTIONS ON NOTICE**AO008-20 MOTION ON NOTICE - QUESTIONS WITHOUT NOTICE****FILE NO: 15/5/2; 944827****PREVIOUS MIN:**

The Mayor advised that Item AO009-20 Motion on Notice – Recycle Bins at Sporting and Community Events and Venues was not put as the provider of the Motion, Cr K Dorsey, was absent from the Meeting. The Motion was not put in accordance with regulation 16(7) of the *Local Government Meeting Procedures) Regulations 2015*.

MOTIONS ON NOTICE**AO009-20 MOTION ON NOTICE - RECYCLE BINS AT SPORTING AND
COMMUNITY EVENTS AND VENUES****FILE NO: 15/5/2; 944944****PREVIOUS MIN:**

The Mayor advised that Item AO010-20 Motion on Notice – Burnie Brand was not put as the provider of the Motion, Cr K Dorsey, was absent from the Meeting. The Motion was not put in accordance with regulation 16(7) of the *Local Government Meeting Procedures) Regulations 2015*.

MOTIONS ON NOTICE**AO010-20 MOTION ON NOTICE - BURNIE BRAND****FILE NO: 15/5/2; 944944****PREVIOUS MIN:**

The Mayor advised that Item AO011-20 Motion on Notice – Burnie Street Art was not put as the provider of the Motion, Cr K Dorsey, was absent from the Meeting. The Motion was not put in accordance with regulation 16(7) of the *Local Government Meeting Procedures) Regulations 2015*.

MOTIONS ON NOTICE**AO011-20 MOTION ON NOTICE - BURNIE STREET ART****FILE NO: 15/5/2; 944956****PREVIOUS MIN:**

The Mayor advised that Item AO012-20 Motion on Notice – Local Artists was not put as the provider of the Motion, Cr K Dorsey, was absent from the Meeting. The Motion was not put in accordance with regulation 16(7) of the *Local Government Meeting Procedures) Regulations 2015*.

MOTIONS ON NOTICE**AO012-20 MOTION ON NOTICE - LOCAL ARTISTS****FILE NO: 15/5/2; 944959****PREVIOUS MIN:**

PUBLIC QUESTION TIME**AO013-20 PUBLIC QUESTION TIME****FILE NO: 15/5/5**

In accordance with Clause 31 of the Local Government (Meeting Procedures) Regulations 2015 Council conduct a Public Question Time.

Our Process for Public Questions

A public question must be provided to Council in writing prior to the start of the meeting. You can submit your question at any time online at www.burnie.net or complete a form at the entry to the Meeting Room.

At each meeting the Mayor will invite those members of the public who have provided written questions to ask their questions.

There is a limit of two questions per person.

When requested please approach the microphone and state your name clearly, and then ask your question as it is written.

Council Meetings are recorded. If you do not wish to be recorded, you may choose for a Council Officer to read your question aloud for you.

Please note:

- Parliamentary Privilege does not apply at Council Meetings
- If it is not possible to answer the question at the meeting, the General Manager will provide a written answer within 10 days
- The question and answer cannot be debated
- The Mayor may refuse to accept a question

Karli Franks of Burnie asked:

- 1) *On Council's website it states that: "Council is committed to reducing its emissions and energy use, and to working with its community to increase awareness and assist in transitioning to a low carbon lifestyle."*

Can you please explain what actions Council is currently taking to achieve these ambitions, how each action is being measured and where is the progress being reported?

- 2) *If not already, we propose that the following actions are explored within the 6 months to July 2020:*

- 1. Undertaking a comprehensive emissions audit of all Council buildings and*

operations.

- 2. Setting an ambitious target (with actions and reporting) for Council to achieve an emissions reduction in line with the globally agreed target of limiting the temperature increase to 1.5° Celsius.*
- 3. Transitioning Council fleet vehicles to electric, utilising local charging stations and promoting and developing further electric vehicle charging options in our community.*
- 4. Developing a grants program for the Burnie community to support emissions and energy saving projects and resources, and information to help households understand and reduce their and energy use.*
- 5. Lobbying other levels of government for more immediate and aggressive emissions reductions targets. This action could even include nominating and resourcing Council-based ambassadors or a 'green team'.*

The Mayor replied that Council has not yet set any numerical carbon reduction targets. However, Council has over the last several years undertaken a number of energy audits of Council buildings and operations; and has introduced a number of measures in response to climate change, including to install solar cells on many Council buildings, and to reduce energy use by replacing equipment and plant with more energy efficient models.

We have not yet made a decision on the introduction of electric vehicles given the limited infrastructure currently available across Tasmania to support their use. The option is becoming increasingly more practical as more charging stations are installed and vehicle technologies improve.

These measure make sound business sense for cost reduction as well as assisting to reduce our carbon outputs.

Council is also aware of risks associated with changes in weather patterns, sea level, and the intensity and frequency of storm events; and has introduced design and planning considerations to address its actions and requirements on new use and development. Local and regional emergency management plans now incorporate consideration for the implications of climate change.

There is considerable information of a very practical nature available from reputable sources on a multiple of websites for both mitigation and adaptation measures. We will consider how best to provide the community with links to this material.

We must be careful in implementing any locally funded grants programs for climate change initiatives. There must be clear criteria for eligibility, and an understanding that grants are in effect a redistribution of monies collected from our community by the Council under its rating and other revenue powers. There are a number of clean energy rebate schemes operated by the Commonwealth and State and governments.

Council is aware of the need to further reduce its carbon footprint, and to assist individuals and organisations in the community to increase their involvement and results in carbon reduction. It appears to me that at present the movement toward a

carbon neutral world is in large part being driven from the ground up, and that central government has yet to settle on meaningful and major initiatives. Council will consider whether and how it can encourage greater support and action for policy and practice change.

Council will continue to adjust its practices and provisions to provide and accommodate measures to address climate change.

Some of the practical and measurable actions we have taken are:

Electricity

- Roof-mounted Solar PV system on Council City Offices (2015)
- Roof-mounted Solar PV system on Council Works Depot (2018)
- Roof-mounted Solar PV system on Burnie Arts and Function Centre (2018)
- Roof-mounted Solar PV system on Burnie Regional Museum (2018)

Lighting

- Replacement of fluorescent tubes with LED tubes to Council offices and Works Depot
- Replacement of floodlights with LED lights at Works Depot
- Replacement of fluorescent tubes with LED tubes to Multi-Storey Carpark (\$20k per annum reduction in lighting costs)
- Installation of motion sensor switches for lighting in toilets, passages and non-office areas

Heating Ventilation and Air Conditioning (HVAC)

- Installation of solar blanket at Burnie Aquatic Centre to supplement gas indoor pool heating
- Replacement of Chiller unit to City Offices with more efficient unit

Motor Vehicle Fleet

- Council currently has no electric or hybrid vehicles in its fleet
- As hybrid vehicle options become more readily available Council will assess them based on lifecycle and ownership cost/benefits. Hybrid/electric options are not readily available for the larger plant in the works fleet, which is predominately Euro 5 and 6 diesel emissions compliant.

As far as Measuring and Reporting is concerned, Council is currently unable to measure its real-time energy generation versus consumption however the size of the systems installed in the various facilities are designed to produce enough energy to offset electricity sourced from the grid during peak use times.

Financial reporting of electricity costs will show over time, by yearly comparison, the amount of reduction to energy costs.

We will continue to investigate and where appropriate invest in energy efficiency projects. Council is conscious of it and will lobby other Governments. Council thanks you for your interest. It is an awareness process, not only for us, but for Council and to continually create that awareness so we do not become complacent and forget.

Council will provide a response in writing to Ms Franks.

Trent Aitken of Burnie asked:

1. *Most communities across Australia are suffering from dangerous Hoon driving and constant Burnouts in built up residential areas. Burnie is not immune to this idiotic and moronic practice. Is the council concerned about the safety of its residents, and if so, has the council taken steps to express their concerns to the police?*

The Mayor replied that Council does not condone anti-social behaviour associated with irresponsible driving of motor vehicles.

Council has no authority to deal with offenders and the community should report activities in their area to Tas Police.

2. *Is the council Pool car authorised to be used for non-official Council Business by Councillors and if any Councillors use it for non-council business should they reimburse the community? and if such use is found to be unauthorised, is it a Breach of the council code of Conduct and Local Government act and what sanctions are to be applied if proven to be so used.*

The Mayor replied "Council provides a dedicated Pool Car for use by Councillors in the exercise of their duties and functions as a Councillor. For cost efficiency it is preferred that Councillors seek the use of the Councillors' Pool Car for business travel outside the municipality that exceeds 100km return.

"The Code of Conduct requires that a councillor use resources appropriately in the course of public duties. Resources must not be used for private purposes except as provided by Council policies and procedures.

"Any sanctions associated with a breach of Councils Code of Conduct is a matter for the Code of Conduct Panel.

"I am aware that Government agencies do take a dim view to using vehicles for private purposes. Councillors must ensure they declare any use of any council vehicle to satisfy council that it is being used for council travel. Council will have a look at the log book. I have asked a question around the table a couple of years ago to the General Manager to provide a record of use. That record is kept for people using the car."

The General Manager replied that Council has a system when all Council pool cars are used so Council is aware when they are out.

The Mayor replied that the log book will provide whether the use is legitimate or not. Any unauthorised use of any council vehicle on that basis will be looked upon dimly. Council will provide an audit over the last 12 months.

Council will provide a response in writing to Mr Aitken.

Alan Moret of Burnie asked:

1. *How long is the Council going to take and bring a smoke free zone to Burnie CBD?*
2. *How many more cigarette butts bins are going to be removed?*

The Mayor replied that Council has not agreed to ban smoking in the Burnie CBD. It is has agreed to investigate all relevant issues, and will discuss the matter further at a workshop in March.

Council installs waste bins in public locations where evidence suggests there is a demand. Bins will be removed if there is no evidence of regular or significant use. The approach assists in managing the Council's waste management costs, and reduces the amount of street furniture within the town centre.

If there is to be a statutory ban, then Council must remove all butt bins because it must not provide any facility that will recognise or entice smoking.

Council will provide a response in writing to Mr Moret.

Ian Jones of Burnie asked:

1. *Will Council consider providing free parking for service veterans as a means of thanking them for their service to our nation?*

The Mayor firstly acknowledged and thanked all our veterans for all their hard work and dedication to our nation. The whole of Council, and community, is aware of the efforts that they put in. Council will provide a response to Mr Jones as parking is part of Council's revenue stream. There are other avenues where Council provides support, in particular RSL and other events like that.

Council will provide a response in writing to Mr Jones.

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advised that for items AO014-20 and AO015-20 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

The Mayor advised that the following provisions apply with respect to motions relating to recommendations on a land use planning process:

- (a) a councillor moving a motion contrary to the recommendation is to:-
 - (i) provide the motion in writing; and
 - (ii) provide in writing supporting reasons for approval or refusal;
- (b) the motion and supporting reasons for approval or refusal are to be provided to the general manager at least 24 hours prior to the meeting to allow for circulation and consideration by all members of the planning authority;
- (c) the general manager is to ensure that the supporting reasons provided under paragraph (a)(ii) are recorded in the minutes, in accordance with regulation 25 of the Local Government (Meeting Procedures) Regulations 2015.

PLANNING AUTHORITY

AO014-20 BURNIE INTERIM PLANNING SCHEME 2013
PERMIT APPLICATION DA 2019/84
ESTABLISH A SPORT AND RECREATION USE (PILATES STUDIO)
38A BASS HIGHWAY, COOEE

FILE NO: 7721759

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	5	A NATURAL AND BUILT ENVIRONMENT THAT IS RESPECTED AND CARED FOR
Objective	5.5	A built environment that is valued, reflects our past and embraces our future.
Strategy	5.5.1	Ensure the use and development of land enables communities to provide for their social, economic and cultural well-being and for their health and safety, while maintaining the potential for land to meet reasonably foreseeable needs, without risk to the life supporting capacity of land, air and water.

1.0 RECOMMENDATION:

“THAT Council acting in its role as a Planning Authority under the Land Use Planning and Approvals Act 1993 determine:-

- A) *The representations made in relation to Permit Application DA 2019/84 do not contain matters relevant to Council’s excise of discretion and do not contain matters that warrant a decision to refuse the grant of a permit or a requirement for specific conditions on any permit granted; and***
- B) *In accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and pursuant to Clause 8.8 of the Burnie Interim Planning Scheme 2013, to GRANT a permit to establish a Sports and Recreation use (Pilates Studio) on CT 56073/3 identified as 38A Bass Highway, Cooe, subject to the following conditions:-***

Nature of Approval

- 1. *That the use and development is to proceed and be maintained generally in accordance with the descriptions, commitments and recommendations contained in the following documents, copies of which are attached to the Permit and endorsed to be documents forming part of this Permit:-***
 - a) *Supporting Documentation, as prepared by PDA Surveyors, dated 25 November 2019;***
 - b) *Site Plan, as prepared by PDA Surveyors, reference. 44439, dated 22 August 2019; and***

- c) Floor Plan, as prepared by PDA Surveyors, reference. 44439, dated 22 August 2019."*

2.0 SUMMARY

A land use permit application has been made seeking grant of a permit to establish a 'Sports and Recreation' use in the form of a fitness studio within part of existing premises on land described in CT 56073/3 and known as 38A Bass Highway, Cooeee.

This report describes the proposed development, identifies the applicable planning controls under the *Burnie Interim Planning Scheme 2013* and discusses compliance, including matters raised in representations.

It is recommended a conditional permit be granted.

3.0 BACKGROUND

The site at 38 Bass Highway contains an existing single story building comprised of three separate occupancies, each with floor area of 123 m², and contained on strata plan 56073.

There is common property under the strata scheme comprised of land developed for a total of eleven (11) car parking space between the building and the Bass Highway frontage and to the rear of the building.

Two of the units within the building are currently occupied. The third unit is currently vacant. Figures 1 & 2 below show the subject property and identify the existing occupations on the site.



Figure 1: The subject site at 38A Bass Highway, Cooebe (highlighted) - Source: Map Info



Figure 2 – Front elevation of the subject site – former Pizza Hut store.

The site has access from Bass Highway on the eastern side of the site. A benefiting right of way exists to the immediately to the west of the site over 40 Bass Highway which enables access to eight car parking spaces located to the rear of the building that forms part of the common property for the strata title.

The existing development was approved in 1988 under permit BP88075 with a total of 11 practical car parking spaces – see figure 3 below showing portion of the approved plans from 1988.

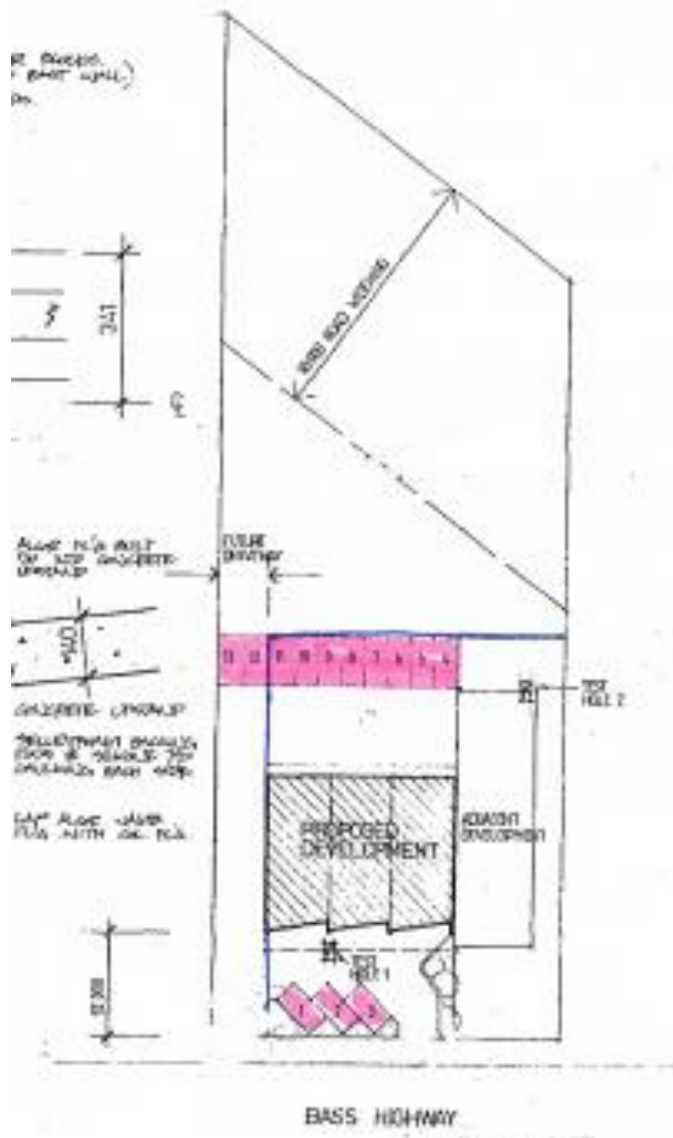


Figure 3 – Shows a portion of the approved plans for the existing development on the subject property in 1988.

The application states the proposed fitness studio will operate five and a half days a week between 6 am and 11 am and 4 pm and 8 pm and from 7 am until 12 pm on Saturday to provide services for fitness, pain, aches, injuries, weight loss, injury prevention and chronic disease conducted as both individual consultations and group pilates sessions.

The maximum number of staff on site is stated to be two (2), with maximum patrons at thirteen, although group sessions will generally involve six to nine people.

4.0 LEGISLATIVE REQUIREMENTS

The following legislation applies to the use of the land:-

The application seeks grant of a permit under the *Land Use Planning and Approvals Act 1993* to use the premises for sports and recreation purposes in the form of a fitness studio in accordance with the opportunity provided in the *Burnie Interim Planning Scheme 2013*.

a) Land Use Planning and Approvals Act 1993

The Act establishes –

- i) In section 12 that nothing in a planning scheme is to prohibit or impose additional requirements on an existing lawful use or an existing lawful development
- ii) in s 51 - requirements for making a valid application if a permit is required by a planning scheme;
- iii) in s 54 - process for a planning authority to request additional information to complete a permit application;
- iv) in s 57 – the period within which a decision must be made on a permit application is 42-days; and in s 59, the process that is to be followed if a decision is not made within that period;
- v) in s 57 - process for notifying and publicly exhibiting an application if the grant of a permit is discretionary;
- vi) in s 51 - matters to be taken into consideration when determining a permit application, including the objectives for the land use planning system, the applicable provisions of a planning scheme, and the matters in any representation received if s 57 applies;
- vii) in s 57 - power to refuse or grant a permit and to include conditions on a permit if granted; and
- viii) in s 61 - opportunity for the applicant or for any person who has made a representation to appeal the decision of a planning authority on a permit application.

b) Burnie Interim Planning Scheme 2013

A planning scheme contains the purpose, outcomes, and compliance tests that are applicable for use or development of land, and establishes whether a permit is required.

The site at 38A Bass Highway, Cooe is assigned to the Commercial zone (Zone 23).

The proposed fitness studio fits within the use class of 'Sport and Recreation', being any undertaking *'for organised or competitive recreation or sporting purposes*

including associated clubrooms. Examples include a bowling alley, fitness centre, firing range, golf course or driving range, gymnasium, outdoor recreation facility, public swimming pool, race course and sports ground'.

Sport and Recreation is a discretionary use in the Commercial zone.

The applicable provisions of the BIPS2013 are –

- Clause 23.3 – Use Table which establishes a permit for a sport and recreation use is discretionary;
- Clause 23.3.1 – standards for Discretionary Permit Use;
- Clause 23.4.1 – Suitability of a site or lot for use or development in relation to lot size, access and services;
- Code E7 – Sign Code in relation to any proposed signage; and
- Code E9 – Traffic Generating use and Parking Code in relation to on-site car parking arrangements

The objective for each standard is satisfied if the development complies with the relevant acceptable solution criteria.

If one or more of the applicable standards cannot be satisfied on the acceptable solution criteria the application must rely on the corresponding performance criteria for grant of a permit.

A permit may be refused if the planning authority is not satisfied the outcome required by the objective will be met. The level of variation from the corresponding acceptable solution is not relevant to the determination.

An application that relies on performance criteria must be notified in accordance with section 57 of the Act and provide opportunity for public consideration and comment.

A planning authority must have regard to each matter in any representation that is relevant to the performance criteria in the standard relied upon by the permit application.

5.0 POLICY CONSIDERATIONS

There is no policy consideration associated with the determination of a permit application.

A planning authority must limit its consideration to whether the information provided with the permit application allows it can be satisfied there will be compliance to the applicable standards and relevant criteria as prescribed in the planning scheme.

The strategic or policy matters which may underpin the current provisions of the planning scheme, or which may inform a potential to amend the planning scheme, are not relevant and have no part in the decision.

6.0 FINANCIAL IMPACT

There are no financial impacts directly associated with the requirement for a planning authority to make a decision on whether a permit application is in compliance to the applicable provisions of a planning scheme.

There may be a subsequent cost to engage legal and specialist representation and to appear and give evidence if the decision of the planning authority is appealed.

The nature of these impacts are that the planning authority may be required to meet the costs of the applicant or a third party if an appeals tribunal decides that the planning authority did not act appropriately in relation to the issues or processes relevant to determining the permit application.

These are structural costs associated with operation of the land use planning system.

7.0 DISCUSSION

The proposed use of the site as a fitness studio is defined within the planning scheme as Sports and Recreation use class.

Sport and Recreation use class is a discretionary use within the Commercial Zone. In this regard, the proposal relies on Performance Criteria under 22.3.1 (P1) relating to its discretionary use status.

There is no Acceptable Solution listed under 22.3.1 and any proposal for a discretionary use must rely on Performance Criteria.

The function of performance criteria is to guide an application in the exploration of opportunities for meeting the objective in a standard other than as set out in the acceptable solution.

The proposal complies with all other applicable Acceptable Solutions within the planning scheme, including requirements in clause E9 for arrangements for parking.

The objective for each standard is satisfied if the development complies with the relevant Acceptable Solution criteria.

The only discretionary matter of which the permit application relies is the Performance Criteria under 22.3.1.

No other matters can be taken into consideration for whether or not a permit application should be granted.

The following discusses compliance of the proposal to the performance criteria under 22.3.1.

22.3.1 Discretionary Permit Use

The objective for Clause 22.3.1 is that discretionary permit use is to –

- (a) provide for large format and bulky goods retail, trade support, and service industries uses;*
- (b) excludes general retailing, including beverages, food and clothing; and*
- (c) complement and enhance the drawing power of alternate retail and business areas*

The Performance criteria contains four (4) tests, all of which must be satisfied.

Performance Criteria	Comment
<i>Discretionary permit use must –</i>	
<i>a) be consistent with local area objectives;</i>	<p>The Local Area Objectives for the Commercial zone are set out below:-</p> <p><i>(a) Commercial areas provide for activities that are typically unsuited for location within the Local Business, General Business or Central Business zone by reasons of a requirement for –</i></p> <ul style="list-style-type: none"> <i>(i) a large floor or site area for display, sale, storage or operation;</i> <i>(ii) immediate access to customer car parking and loading areas; and</i> <i>(iii) a high standard of freight transport and vehicle access and facilities for the delivery and collection of goods</i> <p><i>(b) Commercial areas make efficient use of land and optimise available infrastructure through a priority for infill and redevelopment and adaptive reuse of existing sites and buildings</i></p> <p>"Consistent" means not to be at odds with.</p> <p>The existing tenancy has a floor area of 123 m². The floor plan suggests that most of the area within the tenancy will be utilised as open class area with a waiting area and reception deck at the front of the building and a consulting room, small storage area and toilet at the rear of the building. Although the floor area is not particularly large in nature, the proposed use still requires a reasonable amount of floor area to provide for an uninterrupted space.</p> <p>The use will make efficient use of the land and existing development on site through reuse of the existing building.</p> <p>The proposed use does not have any specific requirement for facilities for the delivery of goods; and has existing constructed and lawful access to available parking on site.</p> <p>The proposed use is not at odds with the Local Area Objectives.</p>

Performance Criteria	Comment
b) <i>be consistent with any applicable desired future character statement;</i>	<p>The Desired Future Character Statement for the commercial zone states:-</p> <p><i>Use or development in a commercial area –</i></p> <p><i>(a) do not include a supermarket, department, or variety stores, or the specialist retailing of food, clothing, and carryaway consumer goods;</i></p> <p><i>(b) provide buildings with large floor area and bulk;</i></p> <p><i>(c) potentially attract a high volume and turnover in freight transport, light commercial, and passenger vehicles;</i></p> <p><i>(d) feature sites with –</i></p> <p><i>(i) well defined frontage access; and</i></p> <p><i>(ii) expansive external hardseal and illuminated areas for display and storage of goods and for the movement, loading, and parking of vehicles;</i></p> <p><i>(e) may feature prominent corporate liveries and signage in external building treatment and site appearance;</i></p> <p><i>(f) may operate extended hours;</i></p> <p><i>(g) is not required to be comparable with the type and form of development on land in an adjoin zone; and</i></p> <p><i>(h) has potential to impact on the amenity of use or development on adjacent land through factors associated with the operational characteristics of permitted use, including higher traffic volume, duration and frequency of activity, the type, form and scale of buildings, provision for vehicle parking, the presence and movement of people, extended or intermittent hours of operation, and a readily apparent visual or functional presence within an urban setting.</i></p> <p>The building is existing, and there are no external changes proposed apart from replacement of existing signage at the same type and size as existing. While the characteristics of the proposed use in terms of operating hours and times may differ from the previous use of the site as food services, the proposed use is deemed consistent with and not at odds with the Desired Future Character Statement.</p>
c) <i>be required to service requirements of the municipal or regional resident and visitor population; and</i>	<p>The application states:-</p> <p><i>“The methods of delivery for Pilates, developed by Best Body would be designed to meet the individual requirements of each person from within the region or the municipality. At a municipal and regional level, providers of health and wellbeing services are an integral and necessary part of the social fabric.”</i></p> <p>The application demonstrates compliance with the test in c)</p>

<p>d) <i>minimise potential to have immediate, incremental or cumulative adverse effect on the municipal and regional pattern of retail and service provision</i></p>	<p>The application states :-</p> <p><i>“Small health and fitness facilities are often based around social networks and their geographical distribution tends to be based on opportunistic vacancies or shared public facilities (disused town halls, Scout halls, parks, sports clubs). In some cases, home based businesses offer fitness classes. As a result, they tend not to congregate in particular areas and they can be geographically spread out. People are often willing to travel to a preferred instructor or for a preferred type of exercise. It is considered that this spatial distribution is likely to continue and therefore the location of the proposed fitness centre would be relatively inconsequential in terms of the municipal and regional pattern of retail and service provision.”</i></p> <p>The application demonstrates compliance with Clause d).</p>
---	---

Representations

Five (5) representations were received during the public exhibition period, copies of which are attached.

Representations were received from:-

- 1) Ken Greig, Director, Newmans Heating Shop (occupier of 36 Bass Highway)
- 2) Anthony Taylor (owner of 36 Bass Highway)
- 3) Ian Newman (34 Bass Highway – occupied by Autobarn)
- 4) M Dunn, A Willard and G Osborn (obo of 34D Bass Highway, The Painters Pot)
- 5) Glenn Ringrose (Managing Director, The Painters Pot (Tas) Pty Ltd)



Figure 4 – Showing the subject site highlighted in red and the representor locations in green – Source – Map Info

Each representation raises issues in relation to car parking.

A summary of each representation is provided below.

Matter Raised

Newmans Heating Shop – 38A Bass Highway, Cooee

- *Insufficient available car parking – 38 Bass Highway has 11 spaces shared between 3 strata premises which is clearly inadequate given the anticipated average occupancy is calculated at 6-9 persons notwithstanding the maximum 15 person occupancy which would clearly be beyond available capacity.*
- *Given the 6am start of sessions predicated our concern is that all available car parking in the immediate area, including our own will be occupied by the time the employees and customers of neighbouring business are arriving to commence trading and are searching for parking spaces.*
- *The proponents reliance on the regulatory loophole afforded by Clause E9.5.1 (d) to carry forward apparent non-compliance of the previous occupier is completely disingenuous and ignores the reality that there is clearly inadequate local parking to accommodate an increase of traffic management to the anticipated level.*

Ian Newman (director GD Newman Investments Pty Ltd)

- *Insufficient parking – overflow parking onto surrounding street parking space will be an unacceptable problem for existing business especially due to the likely length of stay by studio customers.*

Matter RaisedGlenn Ringrose

- *No objection to the use of the former Pizza Hut premises as a Pilates Studio as such, objection is to the absolute lack of consideration or requirement to provide the necessary numbers of car park spaces by the proponent to support their application.*
- *Note from their submission that each class conducted on the premises (together with 2 staff) may consist of 15 attendants. That provides the need for 15 car parking spaces maximum. Should consecutive classes cross over there may be need for up to 30 spaces.*
- *We never had issues with Pizza Hut as these patrons generally stopped for short periods of time to collect pre ordered food, That situation can not be compared even closely to the proposed situation where 15-30 parking spots may be required at any one time.*
- *We have issues now on a day to day basis where illegal parking in our car park occurs regularly, thus interfering with our customers' ability to park satisfactorily. The current proposal will exacerbate this problem dramatically. An add onto this issue will be the use of Turrugh Street, immediately outside our premises being utilised by patrons attending the pilate's studio. I image a similar issue will exist for Autobarn, over the road from us.*
- *The applicants should be required to be independent in their needs to service their clientele. I have been at all times and do not wish to have my rights to my leased property abused and my customers privileges interfered with.*

Anthony Taylor

- *As the owner of the adjacent building 36 Bass Highway, Cooee, currently tenanted to Newmans Heating, I have concerns regarding the parking in the area.*
- *As a local business owner and operator I find the parking proposal unsatisfactory and concerning, as the type of business proposed requires far more parking than the current area provides.*
- *I am a supporter of small business and very much in favour of local growth bur it needs to be best for all.*

Mike Dunn

- *Insufficient parking available on site to cater for the proposed business.*
- *The proposal calls for 7 spaces on site for customers and the two other business (that are also part of the same stratum title as the building subject to the application) are using 7 or 8 spaces between them out of the total of 11 spaces that leaves just 3 for this development.*
- *The development also refers to a staff of two and if as would be normal practice these staff park on site leaves just one space left for customers.*
- *The laneway on the western side of the 3 buildings which is part of our title has a row over it in favour of the owners of these buildings but parking by any party in this laneway is not permitted so we fail to see how sufficient on-site parking can be achieved.*
- *Further concerns that the customers for this business will have to park somewhere and as out 12 carparks that we must provide under the planning scheme for Inspirations Paints*

Matter Raised

boarder the carport for these 3 next door buildings it is reasonable to assume that we will be forced to monitor and administer this carpark to prevent use by others.

- *Should we be successful in administration of our carpark (time and expense we should not have to bear) another major concern is the customers for this proposal will then park at the next nearest location being Cooee Point Road adjacent to business Autobarn and Inspirations paints. While both these business have their own carparks 90% of their customers park kerb side in Cooee Point Road.*
- *The proposal states classes will run for 45 minutes which in turn means required carparking for each class will be needed for at least 55 minutes at a time and the operating hours advised will class heavily with our tenant Inspirations pains which does a large amount of business the painting trades early and late afternoon.*
- *The overlap period between classes finishing and the next starting could well see a demand for parking in their overlap period to anywhere between 14 to 30 spaces in the immediate vicinity.*
- *The proposal by PDA Surveyors refers to parking standards E9.5.2 in one area of the proposal then E9.5.1 in another and refers to Pizza Hut the former tenant as having a parking requirements of 12 to 15 spaces (there are only 11 all up?) and is a little misleading in the matter of comparison.*
- *Pizza Hut was a long established takeaway and delivery business only and operated different the hours to this proposal also much of the pickup business we pre ordered by phone, many of the customers would require on site time of just a few minutes for payment and collection compared with this proposal.*

Code E9 - Traffic Generating Use and Parking Code

Code E9 of the planning scheme deals with traffic generating use and parking.

The codes provides in Table E9.1 the minimum provision of parking spaces required to meet the Acceptable Solution under Clause 9.5.1.

The proposed use as Sports and Recreation (fitness centres and gymnasiums) requires 7 x spaces / 100 m² gross floor area for a total of nine (9) spaces

It has been established that the former use of the site as Food Services ceased approximately 15 months ago. The premises have existing non-conforming use rights and is protected under section 12 of the *Land Use Planning & Approvals Act*.

Table E9.1 sets out specific criteria relevant to the calculation of requirements for car parking space, including:-

“The requirement for parking in a changed or enlarged use must be calculated as the difference between the required parking for the changed or enlarged use and any existing parking requirement (whether or not there is full compliance with this Code) provided the

total number of spaces in the current parking provision is retained as part of the proposed use (albeit such spaces may be relocated within the redevelopment).

The application seeks to change the existing former use of the premises, and is provided with the benefit of the instruction in Table E9. The parking requirement must be calculated as the difference between the required parking for the changed use and any existing parking requirement (whether or not there is full compliance with Code E9).

The site provides for a total of 11 car parking spaces within the common property to be shared between the three strata entitlements. There is no division of car parking spaces between each use.

The current BIPS 213 parking requirement for a take-away 'Food Services' use is 12 x spaces/ 100 m² gross floor area; and onsite queuing space in drive through lanes for not less than 8 vehicles, for a total of 14 spaces.

The proposed use as Sports and Recreation (fitness centres and gymnasiums) requires 7 x spaces / 100 m² gross floor area, for total of nine (9) spaces.

The premises has a floor area of 123 m². The former use generated a requirement for 14 spaces against a requirement for 9 spaces by the proposed use.

There is no increase in the required number of parking spaces for the proposed use.

The proposal therefore meets the Acceptable Solution in Clause 9.5.1.

The application does not invoke discretion in relation to arrangements for parking. Matters in relation to parking contained in representations are in accordance with Clause 8.10 of the BIPS 2013 not matters that the planning authority can properly take into account when determining the permit application.

8.0 RISK

There is risk –

- a) The decision of the planning authority may be appealed if the applicant, or a third party who has made a representation, is dissatisfied.
- b) The applicant or a third party may allege breach of procedural fairness in relation to the execution of one or more of the statutory processes applicable for determining a permit application.

Both categories of risk are inherent in the statutory land use planning process.

A planning authority may minimise likelihood of an appeal or a challenge on procedural fairness by –

- a) determining a permit application by reference only to the information provided with the permit application and in any representation received;
- b) determining compliance by reference only to the relevant tests which are applicable for the permit application; and
- c) by remaining impartial and not indicating any position on the application until the matter is raised for decision.

The following table identifies relevant risks and how they may need to be addressed to either eliminate or reduce the risks.

9.0 CONSULTATION

This report has been prepared in consultation with all relevant staff of the Burnie City Council.

ATTACHMENTS

- 1 [↓](#). Council Report Attachments - DA 2019/84 - 38A Bass Highway, Cooe

COUNCIL RESOLUTION

Resolution number: MO008-20

MOVED: Cr T Brumby

SECONDED: Cr A Keygan

“THAT Council acting in its role as a Planning Authority under the Land Use Planning and Approvals Act 1993 determine:-

- A) The representations made in relation to Permit Application DA 2019/84 do not contain matters relevant to Council’s excise of discretion and do not contain matters that warrant a decision to refuse the grant of a permit or a requirement for specific conditions on any permit granted; and***
- B) In accordance with Section 51 and Section 57 of the Land Use Planning and Approvals Act 1993 and pursuant to Clause 8.8 of the Burnie Interim Planning Scheme 2013, to GRANT a permit to establish a Sports and Recreation use (Pilates Studio) on CT 56073/3 identified as 38A Bass Highway, Cooe, subject to the following conditions:-***

Nature of Approval

- 1. That the use and development is to proceed and be maintained generally in accordance with the descriptions, commitments and recommendations contained in the following documents, copies of which are attached to the***

Permit and endorsed to be documents forming part of this Permit:-

- a) Supporting Documentation, as prepared by PDA Surveyors, dated 25 November 2019;***
- b) Site Plan, as prepared by PDA Surveyors, reference. 44439, dated 22 August 2019; and***
- c) Floor Plan, as prepared by PDA Surveyors, reference. 44439, dated 22 August 2019.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

BURNIE CITY COUNCIL
PO Box 973, BURNIE, TASMANIA 7320.
Ph : (03) 6430 5775 Fax : (03) 6431 6840
Email : burnie@burnie.net

**Land Use Planning and Approvals Act 1993****Burnie Interim Planning Scheme 2013****PERMIT APPLICATION**

Office use only

Application No _____

Date Received _____

Permit Pathway - Permitted/Discretionary

Use or Development Site:

Street Address

38A BASS HIGHWAY, COOEE, 7320
40 BASS HIGHWAY, 'COOEE', 7320.

Certificate of
Title Reference

56073/3, 130064/1

Applicant

First Name

Second

Surname

Name

PDA SURVEYORS

Owner (note – if more than one owner, all names must be indicated)First
NameSecond
Name

Surname

ROBERT

EDWARD ARTHUR

CROPPER

ALSO:- PHILIP ANDREW KEDMAN

- BRENT PIETER & SHARON MARIE PLANT

- MICHAEL DUNN, CYNTHIA ANNE ROSEMARY WILLARD, GREGORY
WILLIAM OSTROEN

Permit Information	(NB If insufficient space, please attach separate document)
Proposed Use:	
Use Class: SPORT & RECREATION,	
Documents included with the permit application to describe the Use	
COVER LETTER.	
Proposed Development: PILATES STUDIO.	
Use class to which the development applies: SPORT & RECREATION	
Documents included with the permit application to describe the Development	
COVER LETTER SITE PLAN FLOOR PLAN.	
Provisions and Standards relied upon for grant of a Permit	
MULTIPLE - SEE APPLICATION DOCUMENTATION.	

Notification of Landowner/s	
If land is not in applicant's ownership	
I, <u>THOMAS REILLY</u> , declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.	
Signature of Applicant	Date <u>25/11/19</u> <u>23/08/19</u>
If the permit application involves land owned or administered by the BURNIE CITY COUNCIL	
Burnie City Council consents to the making of this permit application.	
General Manager (Signature)	Date
If the permit application involves land owned or administered by the CROWN	
I, the Minister responsible for the land, consent to the making of this permit application.	
Minister (Signature)	Date
Applicant Declaration	
I, <u>THOMAS REILLY</u> , declare that the information I have given in this permit application to be true and correct to the best of my knowledge.	
Signature of Applicant	Date <u>25/11/19</u> <u>23/08/19</u>

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 130064	FOLIO 1
EDITION 4	DATE OF ISSUE 05-Oct-2000

SEARCH DATE : 22-Aug-2019

SEARCH TIME : 12.26 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 1 on Plan 130064

Derivation : Part of 50,000 Acres Gtd to The Van Diemens Land Company

Derived from SP 117107

Prior CTs 112631/2 and 117107/1

SCHEDULE 1

C78983 & C79006 TRANSFER to MICHAEL DUNN of one undivided 1/2 share and CYNTHIA ANNE ROSEMARY WILLARD and GREGORY WILLIAM OSBORN (jointly as between themselves) of one undivided 1/2 share as tenants in common Registered 18-Dec-1997 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

B160111 BURDENING EASEMENT:A right of drainage (appurtenant to Lot 1 on Diagram No. 29388) over the Drainage Easement marked C.D. on Plan No. 130064

SP 51399 BURDENING EASEMENT:A right of carriageway (appurtenant to Lot 1 on Sealed Plan No. 51399) over the land marked "Right of Way" on Plan No. 130064

SP 51399 BURDENING EASEMENT:A right of drainage (appurtenant to Lot 1 on Sealed Plan No. 51399) over the Drainage Easement marked A.B. on Plan No.130064

C79006 FENCING PROVISION in Transfer

B471297 ADHESION ORDER under Section 477A of the Local Government Act 1962 Registered 01-Nov-1991 at 12.01 PM

C93057 ADHESION ORDER under Section 110 of the Local Government (Building and Miscellaneous Provisions) Act 1993 Registered 05-Aug-1998 at noon

UNREGISTERED DEALINGS AND NOTATIONS



RESULT OF SEARCH

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



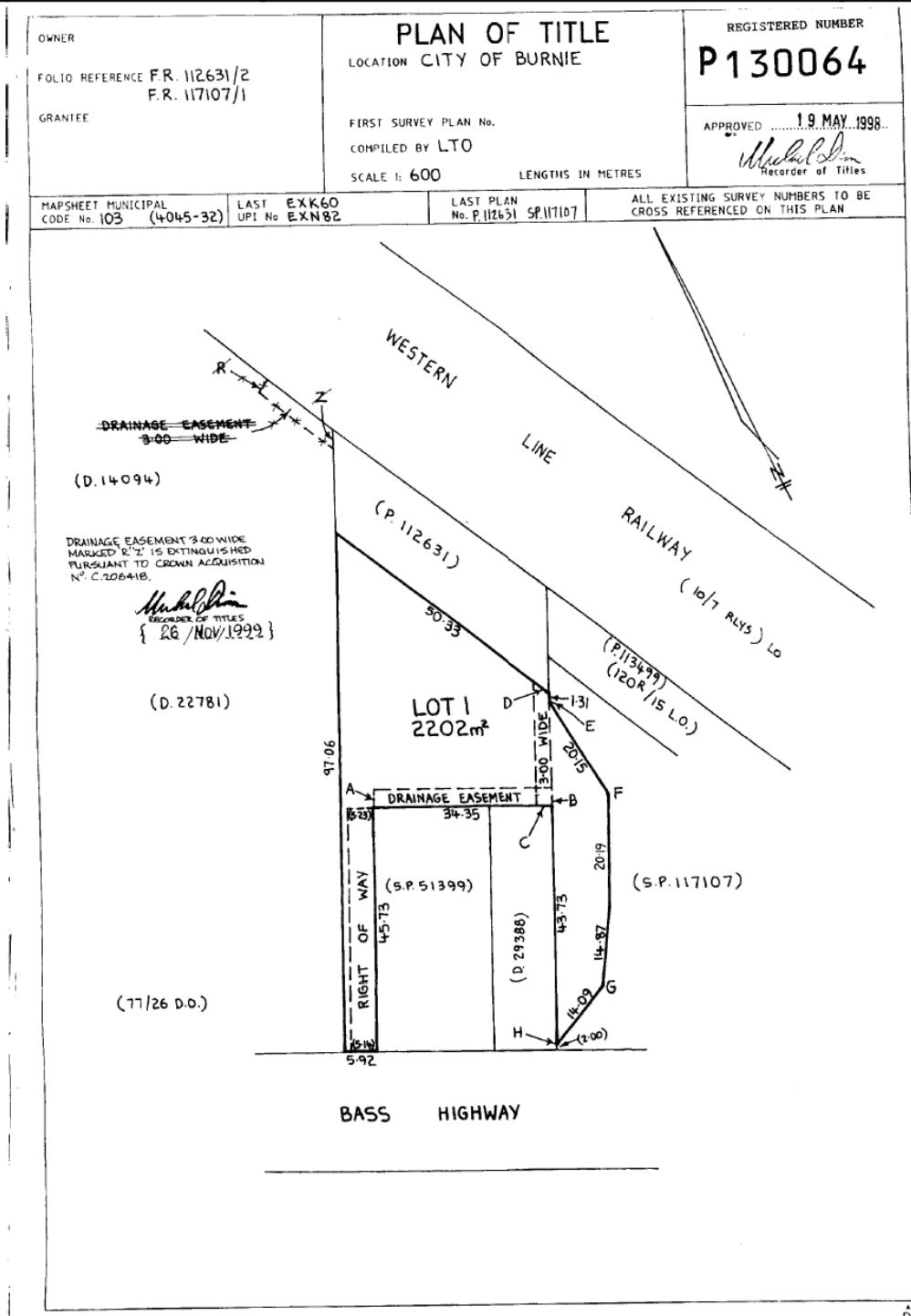
No unregistered dealings or other notations



FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 22 Aug 2019

Search Time: 12:27 PM

Volume Number: 130064

Revision Number: 02

Page 1 of 1

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 56073	FOLIO 3
EDITION 6	DATE OF ISSUE 28-May-1999

SEARCH DATE : 29-Jun-2019

SEARCH TIME : 04.07 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 3 on Strata Plan 56073 (formerly being STR3424) and a
general unit entitlement operating for all purposes of the
Strata Scheme being a 1 undivided 1/3 interest

Derived from Strata Plan 56073

Derivation : Part of 50,000 Acres Gtd to The Van Diemens Land
Company

Prior CT 4831/5

SCHEDULE 1

B571974 TRANSFER to ROBERT EDWARD ARTHUR CROPPER

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

The registered proprietor holds the lot and unit entitlement

subject to any interest noted on common property

Folio of the Register volume 56073 folio 0

SP 51399 BENEFITING EASEMENT: Right of Carriageway over the
Right of Way thereonSP 51399 BENEFITING EASEMENT: Right of Drainage over the
drainage easement thereon

SP 51399 FENCING PROVISION in Schedule of Easements

B571975 MORTGAGE to Westpac Banking Corporation Registered
02-Sep-1992 at 12.02 PMB600649 CAVEAT by Esanda Finance Corporation Ltd Registered
03-Nov-1992 at noonB761523 DISCHARGE OF MORTGAGE B571975 Registered 18-Jul-1994
at noonE7332 CAVEAT by Yum! Restaurants Australia Pty Limited
Registered 23-Apr-2015 at noonUNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 56073	FOLIO 0
EDITION 3	DATE OF ISSUE 28-May-1999

SEARCH DATE : 29-Jun-2019

SEARCH TIME : 04.07 PM

DESCRIPTION OF LAND

City of BURNIE

The Common Property for Strata Scheme 56073 (formerly being STR3424)

Derivation : Part of 50,000 Acres Gtd to The Van Diemens Land Company

Prior CT 4825/93

SCHEDULE 1

STRATA CORPORATION NO. 56073, 38 BASS HIGHWAY, COOEE

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 51399 BENEFITING EASEMENT: Right of Carriageway over the Right of Way thereon

SP 51399 BENEFITING EASEMENT: Right of Drainage over the drainage easement thereon

SP 51399 FENCING PROVISION in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



\$265
Conveyancing and Law of Property Act 1884

STRATUM PLAN

REGISTERED NUMBER

No. 3424

Sheet 1 of 3 Sheets

City or Town BURNIE

56073

Locality COOEE

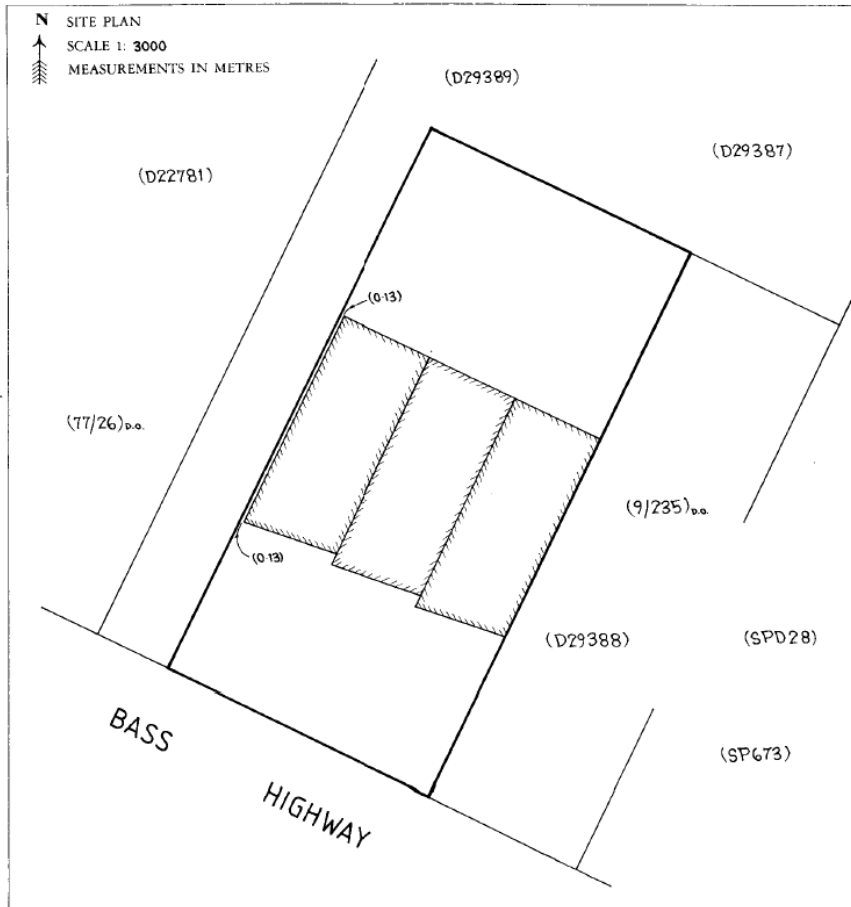
Reference to Title C.T. 4025 / 93

Site comprises the whole portion of Lot 1 on Plan No. S.P.51399 in the Diagram

Lands Titles Office

The name of the building is 38 Bass Highway - Cooe

External
surface
boundaries of
the site and
the location of
the building
in relation
thereto to
be delineated
in this space



REGISTERED this 19 day of 19, No. 3424

This plan is lodged for registration by

McCrath, Guesl

Handwritten signature
Recorder of Titles

05-D 754



FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



If further sheets are required to illustrate the flats, the sheets should be pinned here. Further sheets must be of paper supplied for the purpose by the Recorder of Titles and bearing his seal, and be numbered consecutively, commencing from sheet 4.

Sheet 2 of 3 Sheets

No.



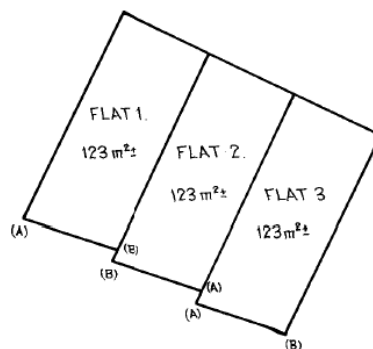
Town Clerk/Council Clerk

ALL HORIZONTAL FLAT BOUNDARIES ARE SHOWN BY HEAVY UNBROKEN LINES AND ARE ALONG :

- THE CENTRE OF WALLS UNLESS OTHERWISE DESCRIBED.
- THE OUTER FACE OF CLASS WALL MARKED A-B.

THE VERTICAL FLAT BOUNDARIES EXTEND FROM THE CENTRE OF THE FLOOR TO THE CENTRE OF THE CEILING ABOVE .

SCALE 1:3000





FOLIO PLAN

DEPUTY RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Sheet 3 of 3 Sheets

No. 3424

~~Town Clerk/Council Clerk~~

The address for service of notices on the company is:—

38 Bass Highway
Cooee 7320

UNIT ENTITLEMENTS

[illegible]

SURVEYOR'S CERTIFICATE

I, Brian John Rollins
of Burnie
a surveyor registered under the *Land Surveyor's Act 1909*, hereby certify that the building erected on the site described and delineated on sheet 1 of this plan is within the external boundaries of the title stated on sheet 1.

Dated this 21st day of August 199/....

B. Collins
Registered Surveyor

COUNCIL CLERK'S CERTIFICATE

I certify that the subdivision shown in this plan
has been approved by the BURNIE

Dated this 2ND day of OCTOBER 1991

~~Town Clerk/Council Clerk~~

FOR OFFICE USE ONLY

BURNIE & DEVONPORT
A.J. Hudson, B. SURV. (Tas.), M.SSSI. (Director)
A.W. Eberhardt, B. GEOM. (Tas.), M.SSSI. (Director)
HOBART
C.M. Terry, B. SURV. (Tas.), M.SSSI. (Director)
H. Clement, B. SURV. (Tas.), M.SSSI. (Director)
M.S.G. Denholm, B. GEOM. (Tas.), M.SSSI. (Director)
KINGSTON
A.P. (Lex) McIndoe, B. SURV. (Tas.), M.SSSI. (Director)
LAUNCESTON
J.W. Dent, OAM, B. SURV. (Tas.), M.SSSI. (Director)



PDA Surveyors

Surveying, Engineering & Planning

86a Gunn Street
Devonport Tasmania, 7320
Phone (03) 6423 6875

ABN 71 217 806 325
Fax (03) 6431 6663
Email: pda.dpt@pda.com.au
www.pda.com.au

25 November 2019

Planning Authority
Burnie City Council

Sent by email to: planning@burnie.net

Dear Sir or Madam,

FITNESS STUDIO AT 38A BASS HWY COOEE TAS 7320

PDA Surveyors act for Best Body in the preparation and submission of this application for use of 38A Bass Highway, Cooe as a studio for personal fitness. Please find enclosed the following supporting documentation:

- Completed application form.
- Site Plan by PDA Surveyors;
- Title documentation for FR130064/1 and 56073/3;

The site is one of three Strata entitlements on the parent title, which has an overall area of 1006m². It shares the 11 available parking spaces with the two other tenancies, with no formal arrangement as to who has use of each. It was used for food services previously (Pizza Hut) and is now vacant.

People come to Best Body for help with fitness, pain, aches, injuries, weight loss, injury prevention, and chronic diseases. A consulting room would be available for personal assessments involving 1 health professional and 1 client at a time. Recommended action plans are developed with the health professional including follow-up re-assessments thereafter to manage progress.

The primary activity on site involves group Reformer Pilates classes with a maximum class size of 12 but the more likely average number within the class would be 6-8 (including one instructor). The instructor would also manage the site and undertake administrative tasks. Each class goes for 45 minutes, and each individual is guided through a variety of exercises, factoring in capacity and limitations.

The maximum number of staff onsite would be 2 and the maximum number of patrons would be 13, a total of 15. More likely is that there would be 6-9 people on-site during regular class times. Classes are designed to suit those that work regular hours. When fully operational classes would be as follows:

Monday	6:00am - 11:00am, 4:00pm - 8:00pm
Tuesday	6:00am - 11:00am, 4:00pm - 8:00pm
Wednesday	6:00am - 11:00am, 4:00pm - 8:00pm
Thursday	6:00am - 11:00am, 4:00pm - 8:00pm
Friday	6:00am - 11:00am, 4:00pm - 7:00pm
Saturday	7:00am - 12:00pm
Sunday	Closed

OFFICES ALSO AT:

- 127 Bathurst Street, Hobart, 7000 (03) 6229 2131
- 6 Freeman Street, Kingston, 7050 (03) 6431 4400

- 8/16 Main Road, Huonville, 7109 (03) 6264 1277
- 3/23 Brisbane Street, Launceston, 7250 (03) 6331 4099
- 16 Emu Bay Road, Deloraine, 7304 (03) 6362 2993

Burnie Interim Planning Scheme 2013

It is considered that the proposed use category is Sport and recreation, a discretionary use without qualification. The development of the site involves internal refurbishment. No external works other than new signage to replace the existing signage is proposed. In accordance with E7.4.2(p) the signage would be replacement display panels on lawful existing sign structures. No circumstances described in E7.4.1 would be present.

The demand on services is likely to be minimal. Water usage would be low, liquid and other waste would be low, electricity consumption low also. There would be no service or food or drink involved other than patrons bringing their own refreshments. There would be no noise heard from other premises other than the instructor's voice occasionally and the sound of people coming and going. There would be no machinery operating on-site other than space heating and cooling.

As the proposal involves little changes to physical environment, the only standards requiring particular consideration are the use standards at 23.3.1 and the parking standards at E9.5.2. Each is considered below.

23.3.1 Discretionary permit use

- a) It is noted that the site has already been developed in a manner unsuited to large format retailing or other use aligned with the Zone Purpose. Nevertheless, Pilates is guided movement and exercise for the treatment of pain and injuries, as well as some prevention. Due to the likely number of patrons managing pain and injury, it is considered that immediate access to customer car parking is a reasonable requirement of the use. Therefore, it is considered that there is consistency with Local Area Objective (a)(ii).

Further to Local Area Objective (b), the proposal involves the adaptive re-use of existing sites and buildings. On this basis it is considered that there is a suitable degree of consistency with the Local Area Objectives.

- b) It is also noted that the character of the site would not be significantly impacted by the proposed use. Nevertheless, the Performance Criteria states that the use "must be consistent with any applicable desired future character statement" (emphasis added). Further to this requirement it is noted that the hours of operation are 6:00am – 8:00pm, which is extended beyond regular business hours.

As the proposal would not take the physical character of the area further from that desired and on the basis of the slightly extended operating hours, it is considered that there is an acceptable degree of consistency with the Desired Future Character Statements.

- c) The methods of delivery for Pilates, developed by Best Body would be designed to meet the individual requirements of each person from within the region or the municipality. At a municipal and regional level, providers of health and wellbeing services are an integral and necessary part of the social fabric.
- d) Small health and fitness facilities are often based around social networks and their geographical distribution tends to be based on opportunistic vacancies or shared public facilities (disused town halls, Scout halls, parks, sports clubs). In some cases, home based businesses offer fitness classes. As a result, they tend not to congregate in particular areas and they can be geographically spread out. People are often willing to travel to a preferred instructor or for a preferred type of exercise. It is considered that this spatial distribution is likely to continue and therefore the location of the proposed fitness centre would be relatively inconsequential in terms of the municipal and regional pattern of retail and service provision.

E9.5.1 Provision for parking

Note (d) states as follows:

The requirement for parking in a changed or enlarged use must be calculated as the difference between the required parking for the changed or enlarged use and any existing parking requirement (whether or not there is full compliance with this Code) provided the total number of spaces in the current parking provision is retained as part of the proposed use (albeit such spaces may be relocated within the redevelopment);

Further to the above, the existing parking requirement for Pizza Hut would have been either 12 or 15 spaces per 100m² gross floor area. As the proposal requires only 7 spaces per 100m² gross floor area, the acceptable solutions of the Planning Scheme consider that the proposal involves a reduction in the demand for parking and so it is taken that there is no requirement for further parking.

Access and stormwater

We have attached advice from the road Authority indicating that “the existing vehicular access from the Bass Highway to the property is adequate in this location and for the use proposed.”.

We further note that the proposed use and development:

- Utilises existing vehicular and drainage access arrangements;
- Does not modify existing access or stormwater infrastructure
- Requires no change in access or stormwater infrastructure
- Will not increase drainage flows or access usage.

Accordingly, the deemed compliance checklist was completed online.

Conclusion

It is considered that the proposal involves a moderate intensity use with no significant adverse impacts on the surrounding land uses. It is considered that the requirements of the Planning Scheme are adequately met and therefore an exercise of discretion to approve the development is appropriate.

Thank you for your consideration of this application. Please contact me on 6423 6875 if you have any questions.

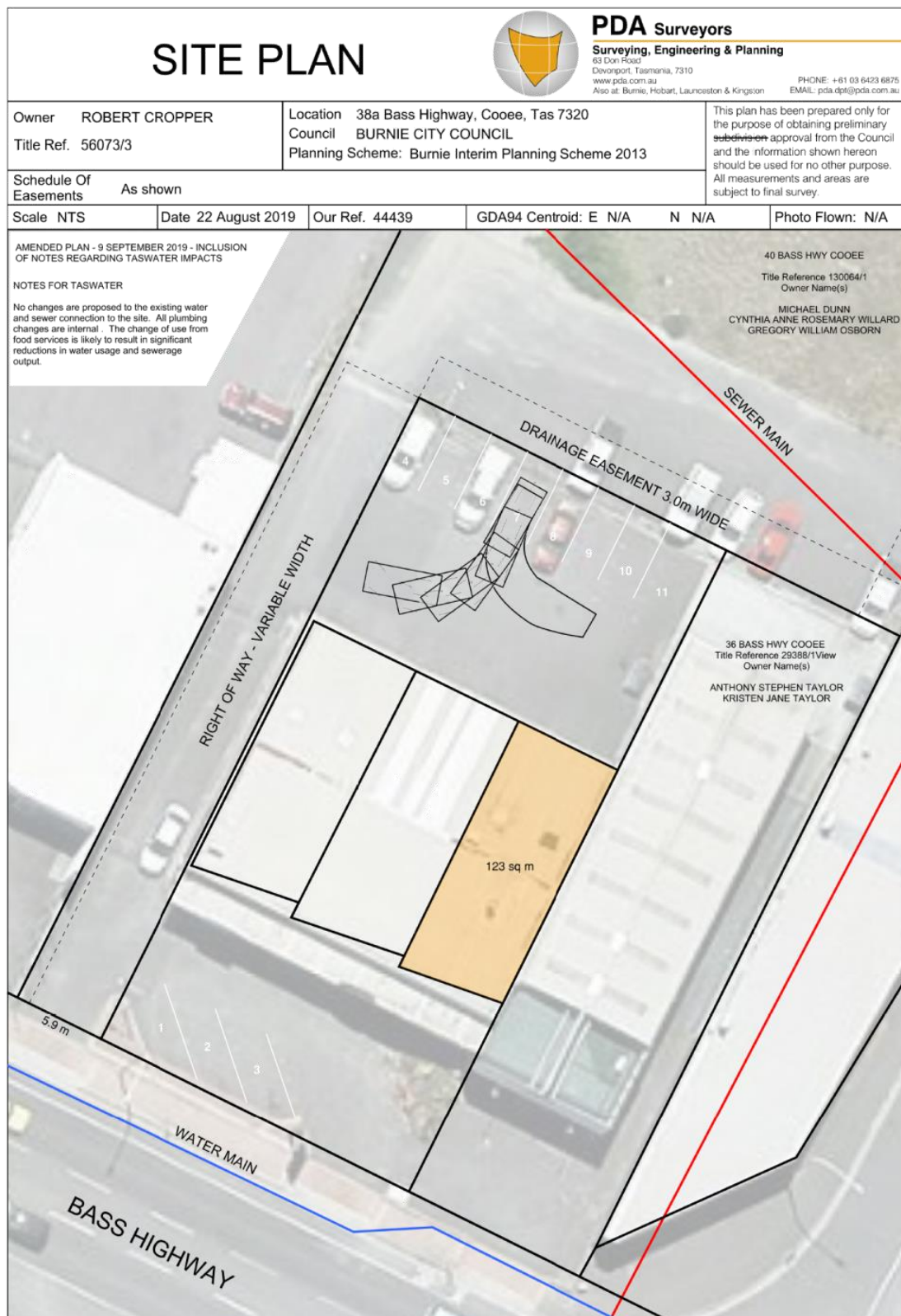
Yours sincerely

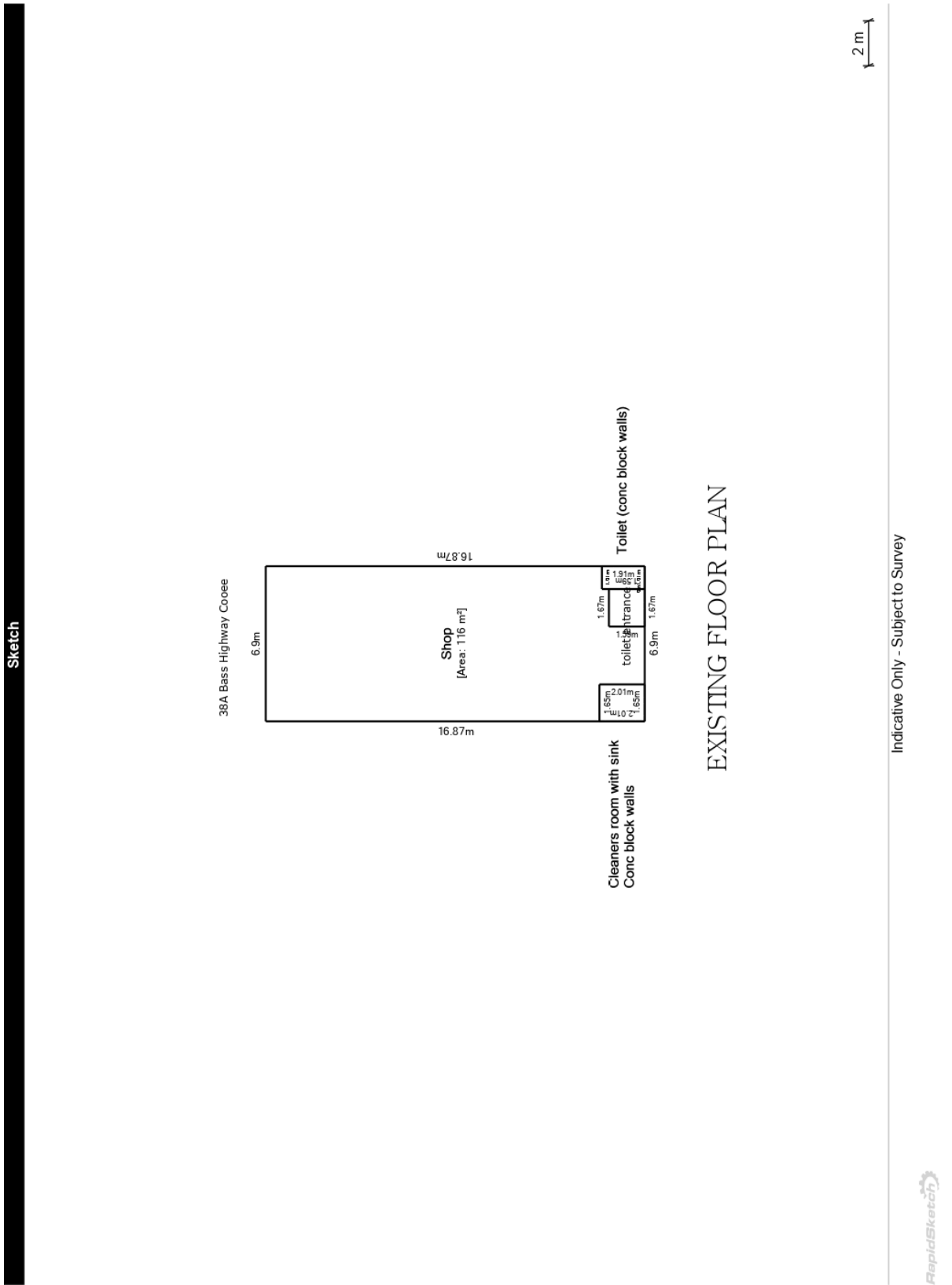
PDA Surveyors

per:



Tom Reilly





<h1 style="margin: 0;">FLOOR PLAN</h1>				PDA Surveyors Surveying, Engineering & Planning 63 Don Road Devonport, Tasmania, 7310 www.pda.com.au Also at: Burnie, Hobart, Launceston & Kingston		PHONE: +61 03 6423 6875 EMAIL: pda.dpt@pda.com.au	
Owner ROBERT CROPPER Title Ref. 56073/3		Location 38a Bass Highway, Cooe, Tas 7320 Council BURNIE CITY COUNCIL Planning Scheme: Burnie Interim Planning Scheme 2013		This plan has been prepared only for the purpose of obtaining preliminary subdivision approval from the Council and the information shown hereon should be used for no other purpose. All measurements and areas are subject to final survey.			
Schedule Of Easements As shown							
Scale NTS	Date 22 August 2019	Our Ref. 44439	GDA94 Centroid: E N/A	N N/A	Photo Flown: N/A		

AMENDED PLAN - 9 SEPTEMBER 2019 - INCLUSION OF NOTES REGARDING TASWATER IMPACTS

NOTES FOR TASWATER

No changes are proposed to the existing water and sewer connection to the site. All plumbing changes are internal. The change of use from food services is likely to result in significant reductions in water usage and sewerage output.






SIGNAGE IMPRESSION

Tom Reilly

From: Potter, Mia
Sent: Thursday, November 21, 2019 3:20 PM
To: Tom Reilly
Subject: Approval Sought for Change of Use From Pizza Hut to Reformer Pilates Studio at 38a Bass Highway, Cooe - Advice from State Roads

Good Afternoon Tom,

I have spoken with our Traffic Engineering Branch and can advise that the existing vehicular access from the Bass Highway to the property is adequate in this location and for the use proposed.

Therefore, State Roads have no issues with the proposal.

Please take this email as advice from the relevant road authority in accordance with the requirements of the *Burnie Interim Planning Scheme 2013*. You are welcome to share this correspondence with the Council.

Kind Regards,

Mia Potter | Environment and Planning Approvals Officer
Environment & Development Approvals
State Roads | Department of State Growth
Level 2, 4 Salamanca Place, Hobart TAS 7000 | GPO Box 536, Hobart TAS 7001
Phone: (03) 6166 3382
www.stategrowth.tas.gov.au

DEPARTMENT OF STATE GROWTH COURAGE TO MAKE A DIFFERENCE THROUGH:



From: Tom Reilly
Sent: Tuesday, September 10, 2019 5:05 PM
To: Potter, Mia
Subject: RE: s52 consent - Agriplex and accesses off 329 Ridgley Highway, Romaine

Good afternoon Mia,
We have lodged an application to the Burnie City Council seeking approval for a change of use from Pizza Hut to a Reformer Pilates studio. I have attached the application documentation. Can you please provide Road Authority advice to address the Council's Planning Scheme standard highlighted below.

1

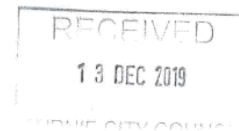
11/12/2019

The General Manager,
Burnie City Council
PO Box 973
BURNIE 7320

★
36 Bass Highway Cooeee★
Telephone – 6431 9109

Facsimile – 6431 6811

Dear Sir,



**DA2019/84 PERMIT APPLICATION
38A Bass HWY COOEE**

We are the tenant of the property immediately adjoining the premises subject to this application at 38A Bass Hwy Cooeee.

We wish to lodge our objection to the granting of a permit for this application.

Our primary concern with this proposed use is insufficient available parking. 38 Bass Hwy has 11 parking spaces, shared between the 3 strata premises, which is clearly inadequate given the anticipated average occupancy is calculated at 6-9 persons notwithstanding the maximum 15-person occupancy which would clearly be beyond available capacity.

The anticipated occupancy is also rotational given the scheduled period nature of this activity and would therefore place heavy demand on available parking spaces within proximity.

Given the 6.00AM start of sessions predicted our concern is that all available car parking in the immediate area, including our own, will be occupied by the time the employees and customers of neighbouring business are arriving to commence trading and are searching for parking spaces.

The proponent's reliance on the regulatory loophole afforded by clause E9.5.1(d) to carry forward the apparent non-conformance of the previous occupier is completely disingenuous and ignores the reality that there is clearly inadequate local parking to accommodate an increase of traffic management to the anticipated level.

Cont/2

A division of Greig and Gibson Holdings Pty Ltd ABN 52 139 792 332



2

Despite the nominal parking requirement the previous occupier (Pizza Hut) may have had concession from, their business did not operate as a restaurant but effectively as a home delivery/takeaway kitchen, so the limited parking actually provided would have usually been adequate and possibly benefited by the on-street parking available on the northern side of the highway at the time of their original opening.

Notwithstanding the difficulties this proposed activity would impose upon us and the other neighbouring businesses, it is puzzling the proponents have not recognised these same difficulties would also be shared by their own frustrated customers.

Yours truly,



Ken Greig
DIRECTOR
GREIG & GIBSON HOLDINGS Pty Ltd

A division of Greig and Gibson Holdings Pty Ltd ABN 52 139 792 332



Sam Seaton

From: Ian Newman Howth
Sent: Monday, 23 December 2019 8:37 AM
To: burnie
Subject: Objection to development application

Dear Sir,

I manage the trust that owns the building situated at 34 Bass Highway, Cooe that is currently occupied by the Autobarn. I wish to lodge an objection to the application DA 2019/84, to open a Pilates studio on the site previously occupied by the Pizza Hut. My objection is solely based on parking. If the required 7 parking spaces are secured on site, I see no problem. However should this not be the case I believe the overflow parking onto surrounding street parking space will be an unacceptable problem for existing businesses. This is especially so due to the likely length of stay by studio customers.

Regards,

Ian Newman (director G D Newman Investments Pty Ltd



Sent from [Mail](#) for Windows 10

Sam Seaton

From: Mike Dunn
Sent: Friday, 20 December 2019 2:37 PM
To: burnie
Subject: FW: re DA2019/84 38A and 40 Bass highway Cooee

From: Mike Dunn [mailto:
Sent: Friday, December 20, 2019 1:14 PM
To: 'burnie@burnie.net'
Subject: re DA2019/84 38A and 40 Bass highway Cooee

The General Manager
Burnie City Council
PO Box 973 Burnie 7320
Dear Sir

On behalf of the owners of 34 D Bass highway Cooee we wish to lodge our objection to this application being approved on the basis there is insufficient parking available on site to cater for the proposed business . The proposal calls for 7 spaces on site for customers and as the two other businesses(that are also part of the same stratum title as the building subject to the application) are using 7 or 8 spaces between them out of a total of 11 spaces that leaves just 3 for this development . The development also refers to a staff of two and if as would be normal practice these staff park on site leaves just one space left for customers .

The laneway on the western side of the 3 buildings which is part of our title has a right of way over it in favor of the owners of these buildings but parking by any party in this lane way is not permitted so we fail to see how sufficient on site parking can be achieved to support the application .

Our further concerns are that the customers for this business will have to park somewhere and as our 12 carparks that we must provide under the planning scheme for Inspirations Paints border the carpark for these 3 next door buildings it is reasonable to assume that we will be forced to monitor and administer this carpark to prevent use by others (we have existing issues already) .One measure we may have to put in place is fencing off the southern boundary of our land which will prevent any persons accessing these buildings carpark through our carpark with its access off Cooee Point Road (as happens now) this will in turn force all traffic from and to the carpark provided for these 3 buildings directly to the Bass Highway Access .

Should we be successful in administration of our carpark (time and expense we should not have to bear) another major concern is the customers for this proposal will then park at the next nearest location to the proposal , that being on Cooee point Road adjacent to the Businesses, Auto Barn and Inspirations paints . While both these businesses have their own carparks 90% of their customers park kerb side in Cooee Point Road .

The proposal states classes will run for 45 minutes which in turn means required carparking for each class will be needed for at least 55 minutes at a time and the operating hours advised will clash heavily with our tenant Inspirations paints which does a large amount of business to the Painting trades in the early morning and late afternoon .

The proposal advises that a maximum number of customers and staff can be as many as 15 and whilst we have only addressed the lower numbers in this letter thus far it can be anticipated there will be times when it will run closer to capacity . The overlap between classes finishing and the next starting could well see a demand for parking in this “overlap period “ to anywhere between 14 and 30 spaces in the immediate vicinity

The proposal by PDA surveyors refers to parking standards E9.5.2.in one area of the proposal and then E9.5.1 in another and refers to Pizza Hut the former tenant as having a parking requirement of 12 to 15 spaces ? (there are only 11 all up) and is a little misleading in the manner of comparison.

Pizza Hut was a long established takeaway and delivery business only and operated different hours to this proposal also much of their pickup business we pre ordered by phone, many of their customers would require on site time of just a few minutes for payment and collection compared with as we have been able to demonstrate nearly one hour blocks of parking per car for this proposal.

We are not against any reasonable development particularly for existing vacant buildings however we see the longer term parking requirement for this development, which is unable to be catered for on their site as a real threat to customer access for existing businesses in the immediate vicinity and for their future viability

Yours faithfully

M Dunn A Willard and G Osborn

C/- Michael Dunn

20 December 2019

The General Manager
Burnie City Council
PO Box 973
BURNIE TAS 7320

Dear Sir,

**DA2019/84 Permit Application
38A Bass Highway, COOEE**

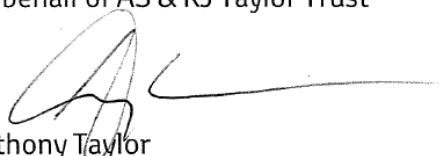
As the owner of the adjacent building 36 Bass Highway, Cooee, currently tenanted to Newman's Heating, I have concerns regarding the parking in the area, with reference to the above application.

As a local business owner and operator, I find the parking proposal unsatisfactory and concerning, as the type of business proposed requires far more parking than the current area provides.

I would like the opportunity to discuss, in person, the proposed permit and the impact it will have as it stands.

I am a supporter of small business and very much favour local growth but it needs to be best for all.

Yours sincerely,
On behalf of AS & KJ Taylor Trust


Anthony Taylor
DIRECTOR OF AS & KJ TAYLOR TRUST

Sam Seaton

From: Glenn Ringrose
Sent: Wednesday, 18 December 2019 9:17 AM
To: burnie
Cc: 'Mike Dunn'
Subject: DA 2019/84 - attn General Manager

Dear Sir/Madam,

I wish to submit my thoughts relative to DA 2019/84 – proposal to establish a New Sport & Recreational use (Pilates Studio) at 38A & 40 Bass Highway, Cooee.

I own the business Inspirations Paint currently of 34D Bass Highway, Cooee.

My business trades 7 days per week at that location. Mon – Friday 7.30 am – 5.30pm, Saturday 8.30 – 4.00 & Sundays 9.00 – 4.00

My customers are heavily reliant on the ability to park their vehicles close to my store thus allowing easy pickup, carry & delivery.

The leased premises that we occupy include provision of several car park spaces at the rear of our shop. These together with customers parking in Turrung St, outside of our shop entrance is sufficient for our current needs. Our major competitor in the Industry in which we trade, (Retail & Trade Paint Sales) is Bunnings Warehouse. To allow us to remain competitive we need to have continued uninterrupted access for our customers to on-site parking.

This brings me to the point of this letter. **I wish to lodge my total opposition to DA 2019/84 as advertised recently in the Advocate newspaper.**

I have no objection to the use of the former Pizza Hut premises as a Pilates Studio as such, I do however strongly object to the absolute lack of consideration or requirement to provide the necessary numbers of car park spaces by the proponent to support their application.

I note from their submission that each class conducted on the premises (together with 2 staff) may consist of 15 attendees. That provides the need for 15 car spaces maximum

Should consecutive classes cross over, there may be a need in the short term for up to 30 car spaces. The site that it is proposed to convert to the Pilates Studio has 3-4 spaces at the front of the premises, substantially less than the number of spots that will be required.

We never had issues with Pizza Hut patrons and parking in the past as these patrons generally stopped for short periods of time to collect pre ordered food orders. That situation can not be compared even closely to the proposed situation where 15 – 30 parking spots may be required at any one time.

We have issues now on a day to day basis where illegal parking in our car park occurs regularly, thus interfering with our customers ability to park satisfactorily. The current proposal will exacerbate this problem dramatically.

An add on to this issue will be the use of Turrung Street, immediately outside our premises being utilised by patrons attending the Pilates Studio. I imagine a similar issue will exist for Autobarn, over the road from us.

I do not wish to speak against the commencement of new businesses in the area. I merely object to their inability to provide the necessary car spots for their patrons, thus relying on neighbours (such as ourselves) to have our provided parking useage abused.

I also point out that I was hoping to sign a new lease on 34D Bass Highway from March 2020 onwards. Should the council allow DA 2019/84 to get the 'green light', I will have to consider my options for future tenancy.

The applicants should be required to be independent in their needs to service their clientele. I have been at all times and do not wish to have my rights to my leased property abused and my customers privileges interfered with.

Can you please confirm your receipt of this objection letter by return email.

Could you please ensure also that I am kept abreast of any future considerations and decisions relative to DA 2019/84

Regards

Glenn

Glenn Ringrose

PLANNING AUTHORITY**AO015-20 TASMANIAN PLANNING SCHEME
DRAFT BURNIE LOCAL PROVISIONS SCHEDULE
REPRESENTATIONS RECEIVED DURING EXHIBITION PERIOD****FILE NO: 3041449****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3	Council is compliant in all areas and carries out the role of regulatory enforcement in a fair and effective manner.
Strategy	7.3.1	Ensure Council remains compliant with all its statutory and regulatory obligations and contributes to the regulatory environment which affects our community.

1.0 RECOMMENDATION:

“THAT Council in its capacity as a planning authority under the Land Use Planning and Approvals Act 1993 and in accordance with section 35F of the Act, provide a report to the Tasmanian Planning Commission in relation to the draft Burnie Local Provision Schedule, such report to contain –

- a) a copy of all representations made to the planning authority during the draft BUR LPS exhibition period;***
- b) a copy of the representation made by Tasrail to the planning authority after the end of the exhibition period;***
- c) a statement of the planning authority’s opinion on the merits and implication of each matter contained in each representation made on the draft BUR LPS in accordance with the comments contained in Section 7 of this report as presented to the meeting of the planning authority held on 28 January 2020;***
- d) an opinion that the planning authority is satisfied the draft BUR LPS meets the LPS criteria in section 34 for the reasons set out in the Draft Burnie Local Provision Schedule Supporting Report dated 11 October 2019; and***
- e) the following recommendations in accordance with section 35F(2)(e) of the Act in relation to the draft BUR LPS as a whole –***
 - i) there is no requirement to modify the draft BUR LPS other than to correct identified drafting errors in the zone and code overlay maps;***
 - ii) the recommended modifications are amendments of a kind to which section***

40I of the Act applies and will therefore have no effect on the purpose, content and compliance of the draft BUR LPS as a whole;

- iii) the provisions of the draft BUR LPS are not inconsistent with a provision of the SPPs;***
- iv) other than to correct an error or inconsistency on the BUR LPS maps for the application of a zone or code provision, there is no requirement for the draft BUR LPS to add to, modify, or substitute the application of an SPP provision to an area of land within the Burnie municipal area; and***
- v) there are no matters in addition to those matters contained in the exhibited instrument for which the draft BUR LPS should, or should not contain a provision of a kind permitted by section 32."***

2.0 SUMMARY

The purpose of this report is to provide the Burnie planning authority's response on all representations received during and after the exhibition period for the draft Burnie Local Provisions Schedule, and to make recommendations to the Tasmanian Planning Commission on the merits and implications of such representations for the future of the draft BUR LPS.

3.0 BACKGROUND

The Parliament of Tasmania amended the *Land Use Planning and Approvals Act 1993* in late 2015 and inserted provisions to require all current municipal planning schemes, including the Burnie Interim Planning Scheme 2013, be replaced with a single state-wide planning scheme to be known as the Tasmanian Planning Scheme.

The Burnie City Council in its statutory capacity as a planning authority is required to prepare a draft Burnie Local Provision Schedule (BUR LPS) for inclusion in the Tasmanian Planning Scheme.

The purpose of a Burnie Local Provisions Schedule is to –

- a) establish how the common mandatory provisions of the Tasmanian Planning Scheme will apply for the use, development, protection and conservation of land within the Burnie municipal area; and
- b) introduce provisions that will add to, modify, or substitute for the common mandatory provisions in the Tasmanian Planning Scheme if necessary to provide for the use or development of an area of land within the Burnie municipal area –
 - i. in a manner that is of significant social, economic or environmental benefit to the State, a region or a municipal area; or
 - ii. that has particular environmental, economic, social or spatial qualities that require provisions that are unique to the area of land

The Burnie planning authority by resolution dated 19 March 2019 (AO065-19) determined to provide the Tasmanian Planning Commission with a draft Burnie Local Provision Schedule and supporting information in accordance with section 35(1) of the Act.

The decision to provide the Commission with a draft LPS was confirmed at the planning authority's meeting of 16 April 2019, and the requisite documents were provided to the Commission shortly thereafter.

The Tasmanian Planning Commission advised the Burnie planning authority that it had accepted submission of the draft BUR LPS on 8 May 2019 and commenced a consideration of the draft BUR LPS against the LPS criteria in section 34 of the Act.

The Commission issued a direction in accordance section 35(5) for minor modifications to the draft BUR LPS and supporting documents.

The planning authority provided the Commission with the information required by the direction.

On 16 October 2019 the Commission directed the Burnie planning authority in accordance with section 35B to publicly exhibit the draft BUR LPS and supporting material.

The Commission did not issue any LPS criteria outstanding issues notice under section 35B(4B) in relation to the draft BUR LPS.

The Burnie planning authority gave notice of the exhibition of the draft BUR LPS as required by section 35C on 19 October; and commenced exhibition of the draft BUR LPS for a period of 60 days from 21 October 2019 until 20 December 2019 in accordance with section 30C of the Act.

The Council provided written advice of the exhibition period for the draft BUR LPS to the State agencies nominated by the Commission in accordance with section 35B(5)(a) of the Act.

The planning authority is not required to provide written advice of the exhibition period for the draft BUR LPS directly to all owners and occupiers within the Burnie municipal area.

The statutory exhibition period provided opportunity for both the public and the nominated State agencies to examine the draft BUR LPS and to make representations by way of support or opposition in relation to the relevant draft BUR LPS documents.

4.0 LEGISLATIVE REQUIREMENTS

The relevant statutory requirements are contained in the *Land Use Planning and Approvals Act 1993*.

Section 34 requires that a draft LPS must meet the following criteria –

- a) *contain all the provisions that the State Planning Provisions (SPPs) specify must be contained in an LPS; and*
- b) *be in accordance with section 32 in relation to matters that must, may or cannot be included in the content of an LPS; and*
- c) *further the objectives set out in Schedule 1 of the Act for the resource management system of Tasmania and for the planning processes required under the Act; and*
- d) *be consistent with each State policy; and*
- e) *satisfy the relevant criteria in relation to any Tasmanian Planning Policy; and*
- f) *as far as practicable, be consistent with the Cradle Coast Regional Land Use Strategy (CCR LUS); and*
- g) *have regard to the strategic plan, prepared under section 66 of the Local Government Act 1993 for the Burnie municipal area; and*
- h) *as far as practicable, be consistent with and co-ordinated with any Local Provisions Schedule that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- i) *have regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

Section 35F requires that following conclusion of the exhibition period for the draft BUR LPS the Burnie planning authority must consider each of the matters in each of the representations that are relevant to the draft BUR LPS within the meaning of section 35E and provide to the Commission a report in which the planning authority must –

- a) *include a copy of each representation, if any, made under section 35E(1) in relation to the relevant exhibition documents for the draft BUR LPS during the exhibition period;*
- b) *include a copy of each representation, if any, made under section 35E(1) in relation to the relevant exhibition documents for the draft BUR LPS after the end of the exhibition period that the planning authority has determined at its discretion to receive and include;*
- c) *a statement containing the planning authority's response to the matters referred to in any LPS criteria outstanding issues notice issued by the Commission in relation to the draft BUR LPS;*
- d) *a statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to –*
 - i. *whether the planning authority is of the opinion that the draft BUR LPS ought to be modified to take into account the representation; and*
 - ii. *the effect on the draft BUR LPS as a whole of implementing the recommendation; and*
- e) *a statement as to whether the planning authority is satisfied that the draft BUR LPS meets the LPS criteria; and*
- f) *the recommendations of the planning authority in relation to the draft BUR LPS, including for whether –*
 - i. *a provision of the draft BUR LPS is inconsistent with a provision of the State Planning Provisions; or*

- ii. the draft BUR LPS should, or should not, apply a provision of the State Planning Provisions to an area of land; or*
- iii. the draft BUR LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.*

Section 35E(5) provides any matter contained in a representation is not to be taken to be part of the representation if it is in relation to a matter that -

- a) does not relate to the contents or merits of the draft BUR LPS;*
- b) is to the effect that a provision of the State Planning provisions should be altered; or*
- c) is not a matter which addresses whether -*
 - i. a provision of the draft BUR LPS is inconsistent with a provision of the SPPs;*
 - ii. the draft BUR LPS should, or should not, apply a provision of the SPPs to an area of land; or*
 - iii. the draft BUR LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain*

Section 35G provides that a planning authority may, as a result of any matter contained in a representation, advise the TPC that it is of the opinion that the content of a provision of the SPPs should be altered. The TPC is to provide the Minister with its advice and opinion if it considered the planning authority's suggested alteration has merit.

Section 35H provides that the TPC is to hold a hearing in relation to each of the representations made on the draft BUR LPS unless –

- a) the representation is in support of the draft BUR LPS;*
- b) the person making the representation advised the TPC that they do not wish to be heard; or*
- c) the matter is in relation to correcting an error or anomaly in the content, form, or structure of the LPS or an inconsistency between the provisions of the LPS and the provisions of any Act or policy relevant to the LPS*

Section 35J requires that after considering the report of the planning authority, the draft BUR LPS, any information obtained at the hearings, the TPC must determine whether it is satisfied that the draft BUR LPS meets the LPS criteria set out in section 34 of the Act, and whether any modification is required to the draft BUR LPS.

Section 35K requires that the public exhibition and hearing process must be repeated if significant modifications are required to the draft LPS by the TPC.

Section 35L provides that the TPC may, with the agreement of the Minister, approve a draft LPS in which event the LPS is included in the Tasmanian Planning Scheme and the TPS takes effect as the planning scheme applicable to the municipal area.

5.0 POLICY CONSIDERATIONS

An LPS is not a policy document.

An LPS is a regulatory instrument for the purpose of implementing and enforcing the relevant objectives and outcomes of strategy and policy for how land is to be used, developed and protected.

6.0 FINANCIAL IMPACT

There are no specific financial impacts associated with the provision of a response on representations made on the draft BUR LPS.

The planning authority will be required to appear at any hearing conducted by the TPC on the draft BUR LPS, and to provide any information and advice required by the TPC.

The costs of such attendance and assistance is internalised as an operational expense associated with the Council's functions and duties as a planning authority and can be accommodated within the current budget allocations.

7.0 DISCUSSION

The Burnie planning authority by resolution dated 19 March 2019 determined to provide the Tasmanian Planning Commission with a draft Burnie Local Provision Schedule and supporting information in accordance with section 35(1) of the Act.

The decision to provide the Commission with a draft LPS was confirmed at the planning authority's meeting of 16 April 2019, and the requisite documents were provided to the Commission shortly thereafter.

The Tasmanian Planning Commission advised the Burnie planning authority that it had accepted submission of the draft BUR LPS on 8 May 2019 and commenced a consideration of the draft BUR LPS against the LPS criteria in section 34 of the Act.

The Commission issued a direction in accordance section 35(5) for minor modifications to the draft BUR LPS and supporting documents.

The planning authority provided the Commission with the information required by the direction.

On 16 October 2019 the Commission directed the Burnie planning authority in accordance with section 35B to publicly exhibit the draft BUR LPS and supporting material.

The Commission did not issue any LPS criteria outstanding issues notice under section 35B(4B) in relation to the draft BUR LPS.

The Burnie planning authority gave notice of the exhibition of the draft BUR LPS as required by section 35C on 19 October; and commenced exhibition of the draft BUR LPS for a period of 60 days from 21 October 2019 until 20 December 2019 in accordance with section 30C of the Act.

The Council provided written advice of the exhibition period for the draft BUR LPS to the State agencies nominated by the Commission in accordance with section 35B(5)(a) of the Act.

The planning authority is required to provide the Tasmanian Planning Commission with –

- a) A copy of each representation made to the planning authority on the draft BUR LPS in accordance with section 35E(1) during the exhibition period
- b) A copy of each representation made to the planning authority on the draft BUR LPS in accordance with section 35E(1) after the end of the exhibition period that the planning authority has agreed to include as matter in its report to the Commission;
- c) A statement of the planning authority's opinions on the merit of each representation received in relation to the relevant exhibition documents, including –
 - i) whether the planning authority is of the opinion the draft BUR LPS ought to be modified to take into account the representation; and
 - ii) the effect on the draft BUR LPS as a whole of implementing any recommendation to modify the draft BUR LPS
- d) A statement as to whether the planning authority is satisfied the draft BUR LPS meets the LPS criteria; and
- e) The recommendations of the planning authority in relation to the draft BUR LPS, including for whether –
 - i) the draft BUR LPS is inconsistent with the provisions of the SPPs;
 - ii) the draft BUR LPS should or should not apply a provision of the SPPs to an area of land; or
 - iii) the draft BUR LPS should or should not contain a provision that an LPS is permitted under section 32 to contain

The relevant exhibition documents for the draft BUR LPS included a Draft Burnie Local provisions Schedule Supporting Report dated 11 October 2019 in which the planning authority set out its reasons for how the draft BUR LPS has applied the SPPs and for why it will meet the LPS criteria.

The explanations and conclusions contained in the Supporting Report will only require change if it is necessary to modify the draft BUR LPS in response to matters contained in representations made on the relevant exhibition documents.

Representations

The planning authority must consider each of the matters contained in each of the representations and provide a response.

Each representation has been assigned a unique identification number by the planning authority.

- a) Nine (9) representations were made on the relevant draft BUR LPS documents during the exhibition period.

Representation No 1 from *D Thompson* seeks to apply the Low Density Residential zone and the Light Industrial zone to part of land at Wivenhoe to which the draft BUR LPS applies the General Industrial zone.

Representation No 2 submitted by GHD for *MG and FM Jack, CJ and JE Margetts, MP Redman and DJ Howard* seeks to apply the Low Density Residential zone to land contained on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1 off West Mooreville Road located within an area of land to which the draft BUR LPS applies the Rural Living (A) zone.

Representation No 3 submitted by planplace for *Pentach Pty Ltd* seeks to apply the General Residential zone to part of land on CT 134067/2 off Massy Greene Drive to which the draft BUR LPS applies the Rural zone.

Representation No 4 submitted by EnviroPlan Pty Ltd for *A McCrae* seeks to apply the the Low Density Residential zone to land contained on CT 122547/1 to which the draft BUR LPS applies the Rural zone.

Representation No 5 from the *Department of Communities* advises the Department has no comment on the draft BUR LPS.

There is no matter on which the planning authority is required to make a statement in relation to the merits or effect of the representation on the draft BUR LPS.

Representation No 6 from the *Department of Police, Fire and Emergency Services* makes comment on the manner in which the planning authority should apply the provisions in SPP code C11 – Coastal Inundation Hazards and Code C12 – Flood-Prone Areas Hazards.

Representation No 7 from *TasNetworks* seeks to apply the Utilities zone to all TasNetwork substations and communication facilities sites; and to delete application of SPP Code C7 – Natural Assets and Code C8 – Scenic Protection to land to which Code C4 – Electricity Transmission Infrastructure Protection applies.

Representation No 8 from *TasWater* seeks to apply the Utilities zone to all major water storage areas, raw water and waste water treatment plants, and distribution reservoirs.

Representation No 9 from *L Knight* seeks to simplify the form and structure of an SAP.

- b) One (1) representations was made on the relevant draft BUR LPS documents after the end of the exhibition period.

The planning authority may in accordance with section 35F(2)(b) to provide the TPC with a response on any representation made after close of the exhibition period.

Representation No 10 from TasRail seeks to clarify application of the Utilities zone and SPP Code C3 to land comprising the State rail network and any land that may be declared a strategic infrastructure corridor; and to modify the BUR LPS to require all proposed use and development on land within 50 metres of a rail or strategic infrastructure corridor be referred to the rail entity for consideration, comment and condition.

TasRail advised disappointment that the entity did not receive notification of the exhibition period, and was therefore delayed in preparing a response. The response was subsequently misdirected to the wrong email and was therefore was not received by the planning authority until after close of the exhibition period.

The planning authority's records show a letter addressed to the CEO of TasRail was sent by registered mail on 17 October in accordance with an instruction of the TPC under section 35B(5) to advise the entity of arrangements for exhibition of the draft BUR LPS.

The representations was received after the end the exhibition period notwithstanding an attempt by the entity that it be made during the exhibition period.

The representation contains matters in relation to the identification of rail network land in the BUR LPS; and for the process under which the rail entity can engage in the consideration of proposals for use and development on land in proximity of a railway. These matters require clarification in order to assist effective operation of the BUR LPS and the Tasmanian Planning Scheme.

<p><i>It is recommended the TasRail representation be included within the report provided to the TPC.</i></p>
--

A full copy of each representation, including any document included with the representation, is attached to this report.

Consideration of Representations

Matters contained in representations may be conveniently classified for purposes of assessment and determination as –

a) Matters in relation to the application of the State Planning Provision zones to land within the Burnie municipal area

The draft BUR LPS seeks to apply the SPP zones in a manner that will retain the strategies and policies that underpin the current Burnie Interim Planning Scheme 2013.

In this regard the draft BUR LPS has applied the SPP zone with a purpose that is most comparable to the purpose of the current BIPS 2013 zone, and on the same spatial application.

Change has only been made if –

- i. there is no SPP zone with a comparable purpose to the current BIPS zone;
- ii. required by the zone application criteria set out in Guideline No 1 – Local Provision Schedule - zone and code application (June 2018) issued by the Tasmanian Planning Commission; or
- iii. there are strategic or policy reasons to modify the purpose for which land is zoned

A detailed explanation for how the draft BUR LPS has applied the SPP zones is provided in the draft BUR LPS Supporting Report - a copy of which was included in the relevant exhibition documents during the exhibition period, and which continues to be available on the Burnie City Council website.

An proposition to amend the draft BUR LPS and change the zone that applies to an area of land is a proposition to change the purpose and conditions under which land may be used and developed. The proposition must have merit from each of a statutory, strategic and practical perspective.

A change in the purpose for which land is to be zoned under the draft BUR LPS should only occur if –

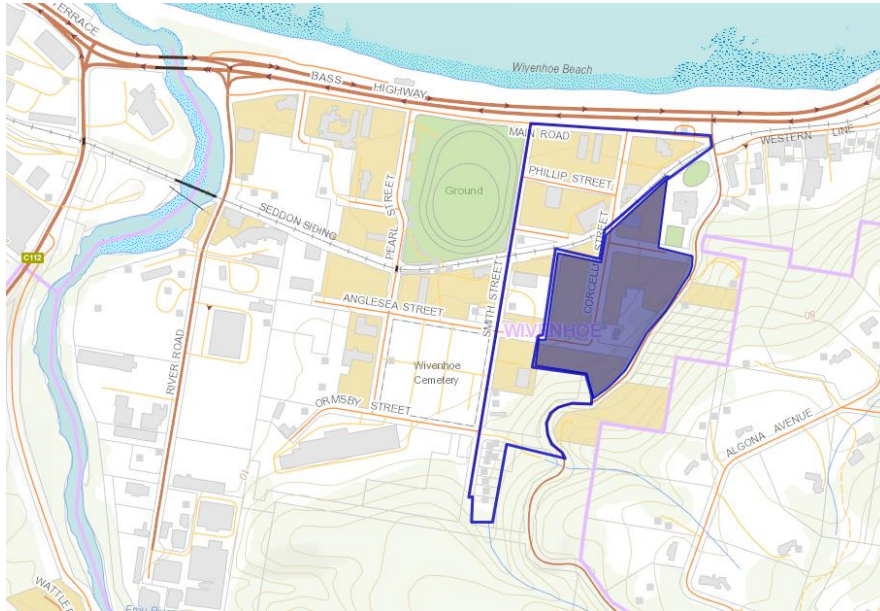
- i. there is an error in the conversion of the spatial application of the zone applied under the BIPS 2013 to the most corresponding SPP zone;
- ii. an SPP zone is applied contrary to the instructions contained in Guideline No 1 – Local Provision Schedule - zone and code application (June 2018) issued by the Tasmanian Planning Commission; or
- iii. there is an existing and documented strategic reason to change the purpose for which land may be used, developed or protected; and
- iv. the change will meet the LPS criteria in section 34

Seven (7) representations address matters in relation to the application of the SPP zones.

Representation No 1

D Thomson

The representation seeks to modify application of the SPP General Industrial zone to portion of land at Wivenhoe.



Land to which the representation relates



Land at Wivenhoe to which the draft BUR LPS applies the general Industrial zone shown in deep Purple

The representation questions the continued relevance of strategies which underpin application of the SPP General Industrial zone to land at Wivenhoe, and suggests the BUR LPS should apply zones that more accurately reflect the established patterns of land use and the constraints on industrial use and development within the eastern part of the Wivenhoe industrial estate; and identifies a number of

possible reasons for failure to complete transition of land at Wivenhoe for use and development as an industrial estate.

It is proposed in the alternative that land at Wivenhoe has strategic advantage for residential use; and in particular, that a the main area of existing residential use and development revert to a residential zone.

The representation submits the BUR LPS should be modified in so as to –

- i) delete the General Industrial zone and apply instead the Low Density Residential zone to a section of land located in the south-eastern portion of the estate below Stowport Road and generally at the eastern end of Anglesea Street and including lots with frontage to Smith Street south of the rail corridor to recognise longstanding and existing residential land use and development, and topographic constraints on industrial use; and
- ii) delete the General Industrial zone and apply instead the Light Industrial zone to the balance of the land east of Smith Street to provide a transitional space between the Wivenhoe Cemetery, Wivenhoe Recreation Ground, community purpose (school) and local business areas, and the major industrial area west of Pearl Street to the Emu River

Planning authority's views and opinions

A number of existing State, regional and municipal research and policy statements have repeatedly advocated the importance of Wivenhoe as an area for manufacturing, process, storage and transport use. The relatively low demand for industrial land, and a residual presence of residential use does not of itself evidence a failure of strategic purpose. There is no articulated reason to reduce the amount of land zoned for general industrial use and development at Wivenhoe.

There is some merit in the proposition that elevated land south of Hull Street and fronting Corcellis Street and below Stowport Road is topographically unsuited to industrial development and that established residential use is unlikely to change.

However, the representation does not address the LPS criteria; and there is insufficient information currently available to the planning authority on which to support a modification of the draft BUR LPS through the representation and hearing process.

There is no immediate need to change the zoning that applies for land under established residential use. The Act provides adequate protection for existing lawful residential use.

The matter of whether to change the zone applied to land south of Hull Street and fronting Corcellis Street and below Stowport Road at Wivenhoe can be separately dealt with outside the current LPS process.

It is recommended that no modification be made to the draft BUR LPS to apply the Low Density Residential zone and the Light Industrial zone to part of the land at Wivenhoe to which the draft BUR LPS applies the General Industrial zone.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if –

- i) the Low Density Residential zone is not applied to land south of Hull Street with frontage to Corcellis Street and below Stowport Road; and
- ii) the Light Industrial zone is not applied to land east of Smith Street that is not proposed for application of the Low Density Residential zone

Representation No 2

(prepared by GHD for MG and FM Jack, CJ and JE Margetts, MP Redman and DJ Howard)

The representation seeks to apply the Low Density Residential zone to an area of some 5.8 ha of land described on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1 and located off West Mooreville Road west of Cooe Creek within an area of land to which the draft BUR LPS applies the Rural Living (A) zone.

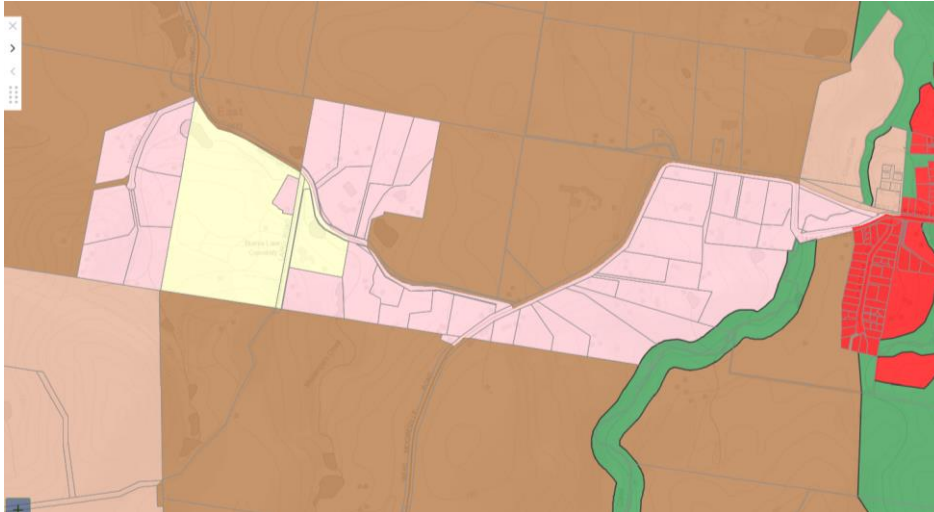


Land to which representation relates

Planning authority's views and opinions

The land described on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1 contains an area of some 5.8 ha, and forms part of a 50 ha area located on the north-western end of a ridgeline west of the main Burnie settlement area and aligned to West Mooreville Road and East Cam Road to which the draft BUR LPS applies the Rural Living (A) zone.

The area to which the Rural Living (A) zone applies has been identified under successive planning schemes by application of a zone with the specific purpose to provide land for residential use and development on larger lots within a rural setting.



Land at East Cam to which the draft BUR LPS applies the Rural Living (A) zone shown shaded light Pink

There are currently 33 separate and developed residential lots ranging in area from 0.5 to 5.43 ha, with an average size of 1.5 ha. While eleven (11) existing lots have an area of less than 1.0 ha, only one (1) is less than 5,000 m². The majority of lots were created prior to introduction of the BIPS and were consistent with the standards of the then applicable former scheme

Land to the north and south of the Rural Living area has been developed for agricultural purposes.

The site to which the application applies is about 600 m from and west of Cooe Creek. Land to the east of Cooe Creek has been assigned for urban residential purposes and provides for both low density and general residential development. The site is entirely separate and separated from other land on which there is opportunity for higher density residential use.

The purpose of the SPP Rural Living (A) zone is to *“provide for residential use and development in a rural setting where a) services are limited; or b) existing natural and landscape values are to be retained”*.

The SPPs requires a minimum lot size of 1.0 ha and a dwelling density of not less than one (1) dwelling per hectare for use and development within the Rural Living (A) zone.

The draft BUR LPS has applied the Rural Living (A) zone as the most comparable SPP zone to the BIPS Rural Living zone on the same spatial boundaries.

The purpose of SPP Low Density Residential zone is to *“provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.”* Zone requirements permit subdivision to create lots with an acceptable solution minimum area of 1,500 m². Residential development is permitted for both single and multiple dwellings.

The land proposed for application of the Low Density Residential zone has potential for 39 lots, and not less than 35 additional dwellings, within an isolated pocket remote from other areas of similar scale and intensity of development.

The scale and intensity of development in accordance with the opportunities available under the Low Density Residential zone would be at significant odds with the scale and character of existing residential use and development on the balance of the surrounding area to which the draft BUR LPS applies the Rural Living (A) zone, and represent a conversion in the purpose for which land is zoned.

The representation cannot be supported for the following reasons –

- i) It seeks to establish an isolated pocket of low density residential use and development within an established area of rural living lots.
- ii) The application misapplies the instruction in Guideline No 1 for application of the SPP Low Density Residential zone.

The SPPs provide four (4) residential zones, each with a specific and separate purpose and different standards for use and development to provide diversity and choice in the location and form of housing.

The application mistakenly assumes the SPP residential zones provide a hierarchy of dwelling density; and that transition from one zone to another is appropriate if zone application criteria are satisfied.

A more accurate description of the SPP residential zones is that each is intended to provide for diversity and choice in the location for housing. The setting within which residential use may occur is of equal importance to the capability of the land to accommodate residential use.

It is not appropriate to apply the Low Density Residential zone simply because the land may satisfy some of the criteria for application of the zone.

The existence of land with a capability to accommodate an increase in residential density does not of itself warrant an increase in the opportunities available under a planning scheme – it is necessary to firstly consider context and need.

There is no consideration of the criteria in Guideline No 1 for application of the Rural Living zone.

- iii) The land may satisfy the zone application criteria in LDRZ 1(a) because the land forms part of an existing residential area where there are limits on higher density residential development.

However, the site does not satisfy LDRZ 1(b) in that there is no strategic intention for the locality to be a small residential settlement; and in LDRZ 1(c) in that the locality is not an existing low density residential area characterised by a pattern of subdivision specifically planned to provide for such development and there is no strategic intention to support development at higher densities.

- iv) There is no quantitative evidence to support the availability and capacity of a water supply, and availability of a connection to a sewage and stormwater drainage system sufficient to service potential future use; or of the capability of the land to accommodate on-site waste water disposal area at the permitted dwelling density.
- v) The representation relies on an inaccurate proposition that the land west of Cooe Creek is within an area of transition between the higher density urban residential settlement and the broader land use patterns and smaller scale of rural use and development.

It is submitted the area is not within a rural setting; and does not acknowledge the relatively recent findings of the Resource Management and Planning Appeals Tribunal (in C & H Margetts v Burnie City Council [2017] TASRMPAT 18) that the land in CT 15444/2 is located within a rural setting and does not have the features and characteristics of a low density residential area.

The criteria for application of the Rural Living (A) zone are more appropriate to the existing and intended character and intensity of development on land west of Cooe Creek.

- vi) The application relies on misunderstood and misapplied strategic principles said to be contained in the Cradle Coast Regional Land Use Strategy (CCR LUS) and the Burnie Settlement and Investment Strategy to increase dwelling density in any residential location where land is suitable and infrastructure services are available.

It is incorrect to assert such strategies specifically support the proposed amendment.

The land described on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1 is not identified or intended for increased dwelling density under any State, regional or municipal strategy or policy applicable to land that is relevant to preparation and approval of the BUR LPS

The application specifically addresses each of the Implementation objectives contained in section 1 of the CCR LUS.

Section 1 deals with the high level principles and instructions for application of the CCR LUS; and does not in itself contain any objective on which to

determine the merits of an application to change the zone that applies to an area of land.

The principles specifically identify in 1.6(a) that the CCR LUS *“is to be read and applied in its entirety and all applicable policies are to be applied.”*

However, the application does not address any of the objectives that describe the desired end-state for particular land use issues and considerations as detailed in section 2 for Wise Use of Resource, in section 3 on Support for Economic Development, in section 4 on Places for People, or in section 5 for Planned Provision for Infrastructure.

The application suggests that because the CCR LUS variously promotes both infill development and the highest and best use of land in accordance with land capability and suitability, and the optimum use of existing and planned infrastructure, it is appropriate to intensify an existing pattern of residential development.

The creation of an isolated pocket of land to which the Low Density Residential zone applies is not infill development.

- vii) The representation relies on statutory compliance tests in former section 300 and 32 of the Act that are not relevant to a representation on a draft LPS or for any subsequent amendment of an approved LPS.
- viii) The representation does not specifically address the LPS criteria in section 34;
- ix) Application of the LDRz to an isolated pocket of land is not consistent with the objective in LUPAA Schedule 1 *“to provide for fair, orderly and sustainable use and development of land”* and therefore fails the LPS criteria in Section 34(2)(c);
- x) There is no evidence provided for the claim of a market demand or a shortage of development ready lots to justify application of the Low Density Residential zone to land for the purpose of providing lots of a size transitional between the General Residential zone and the Rural Living zone.

There is no consideration for the likely impact of an opportunity to increase dwelling density on the existing supply of zoned residential land in Burnie; particularly having regard to the Commission’s recent position on the effect of clause 4.3.1(d) of the CCR LUS.

- xi) The representation relies on local area objective and desired future character statements in the current BIPS 2013 for the Low Density Residential zone that are not part of the SPP provisions for the Low Density Residential zone and which are not otherwise contained in the BUR LPS

In summary, the proposition is not supported by any current land use strategy; is contrary to the instructions for application of the Low Density Residential zone contained in Guideline No 1; and is inconsistent with the established characteristics of the locality as providing large residential lots in a rural setting.

It is recommended that no modification be made to draft BUR LPS to apply the Low Density Residential zone to land off West Mooreville Road that is described on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1.

There is no effect for the draft LPS as a whole, including for its ability to meet the LPS criteria, if the Low Density Residential zone is not applied to the land off West Mooreville Road described on CT 15444/1, CT 15444/2, CT 15444/3 and CT 112555/1

Representation No 3

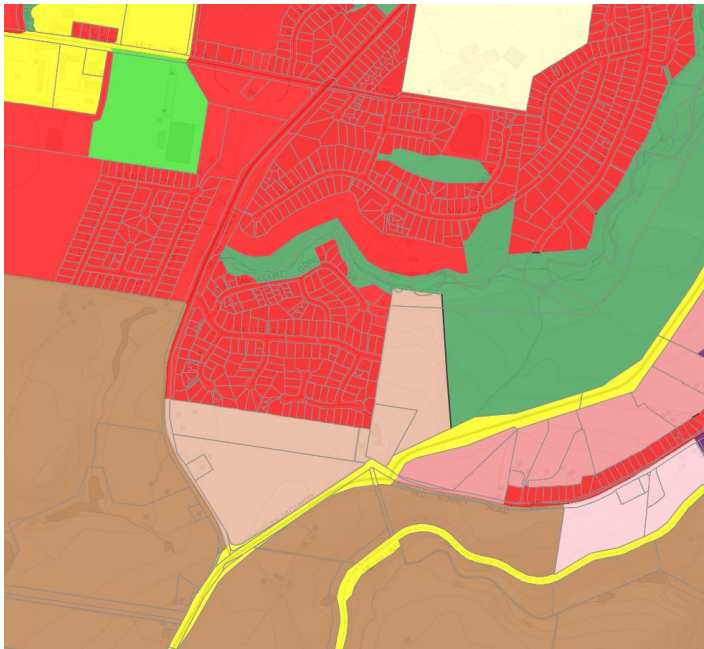
Prepared by planplace for Pentach Pty Ltd

The representation does not identify any error in the transposition of zones from the BIPS into the draft BUR LPS; or any misapplication of the Rural zone contrary to the instructions in Guideline No 1.

The representation seeks to reverse a decision of the TPC made on 19 November 2019 to reject an amendment of the BIPS to change the zoning applicable to part of land described on CT 134067/2 from Rural Resource to General Residential on grounds that a change of zone to permit new residential use and development is inconsistent with the requirements in clause 4.3.1(d) of the Cradle Coast Regional Land Use Strategy.



Land to which representation relates



Land to which draft BUR LPS applies Rural zone shown light brown

The representation argues that if the reasons given in the TPC decision are correct, the decision precludes ability for the draft BUR LPS to meet the LPS criteria in section 32(2)(e) of the Act and be consistent with the CCR LUS.

Given the BUR LPS makes a like-for-like transition from the spatial application and purpose of zones under the BIPS 2013 to the most comparable SPP zone, it will maintain a considerable over supply of zoned vacant residential land contrary to the direction in clause 4.3.1(d) of the CCR LUS.

The representation argues the LPS process enables a complete revision of the strategic foundation for application of the TPS to the Burnie municipal area, including to reduce the area of land assigned to the General Residential zone to create a vacant land supply that will be more consistent to the standard in 4.3.1(d), and to give priority to locations where land has an immediate suitability for residential use and development, including the land in part of CT 134067/2.

The representation suggests the BUR LPS should reduce the area of land assigned to the General Residential zone to create a vacant land supply that will be more consistent to the standard in 4.3.1(d), and to give priority to locations where land has an immediate suitability for residential use and development, including the land in part of CT 134067/2.

Planning authority's views and opinions

The representation addresses two separate issues –

i) Suitability of part of the land on CT 134067/2 for future residential use

There is some merit in relation to suitability of land in CT 134067/2 for residential use and development. The property provides opportunity for

additional zoned residential land in a location within the Burnie settlement boundaries where there is a logical expansion from an established suburban residential estate, infrastructure services are available and there are no economic, cultural or environmental limitations for residential use and development.

However, the TPC has determined that while the land may have future value for residential purposes, application of a residential zone is premature for the reasons that there is an existing over-supply of zoned residential land in Burnie relative to the criteria for land supply contained in the Cradle Coast Regional Land Use Strategy; and, release for residential use would fail the statutory objective for land use planning to provide for the fair, orderly and sustainable use and development of air, land and water.

It is not recommended the draft BUR LPS be modified.

There is no effect for the draft LPS as a whole if the General Residential zone is not applied to part of the land described on CT 134067/2.

ii) Whether the BUR LPS meets the LPS criteria in section 34(2)(e) for practicable consistency to the CCR LUS

There is an apparent logic in the proposition that the draft BUR LPS cannot be consistent with clause 4.3.1 of the CCR LUS if it is to retain an oversupply of zoned residential land contrary to the formula in clause 4.3.1(d) of the CCR LUS.

The representation assumes the TPC is correct in its opinion on the application of clause 4.3.1(d) as stated in the decision of 19 November 2019.

The planning authority submits clause 4.3.1(d) does not have a distinct and severable function to require that the supply of residential land must be sufficient to provide not be less than 10 but must not be more than 20 years.

The position of the planning authority on application of the CCR LUS generally, and in particular to application of 4.3.1(d), for compliance to the test in section 34(2)(e) is set out in its submissions to the TPC on the draft amendment. The planning authority does not depart from that position.

The planning authority also notes –

- i) there is no evidence in the representation to indicate what, where, and why land to which the draft BUR LPS applies the General Residential is unsuitable for residential use and development;
- ii) the current supply of zoned vacant residential land is in large part a legacy of historic planning decisions pre-dating the draft BUR LPS;

- iii) the current application of the General Residential zone under the BIPS 2013 was independently determined by the TPC to comply with the then applicable tests under the Act, including a requirement expressed in the same terms as section 34(2)(e) for practicable consistency to the CCR LUS;
- iv) a change in zone to reduce the amount of land to which the General Residential zone applies requires a corresponding consideration for which of the SPP zones is to apply in the alternative for each location, including for how the change will meet the LPS criteria;
- v) it is not practical to exclude land from the current application of the General Residential zone in locations where a vacant site is embedded within a larger area of developed and developing residential land

It is recommended that no modification be made to the draft BUR LPS to remove application of the General Residential zone from other land within the Burnie municipal area.

There is no effect for the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if there is no change in the spatial application of the General Residential zone.

Representation No 4

Prepared by EnviroPlan for A McCrae and family

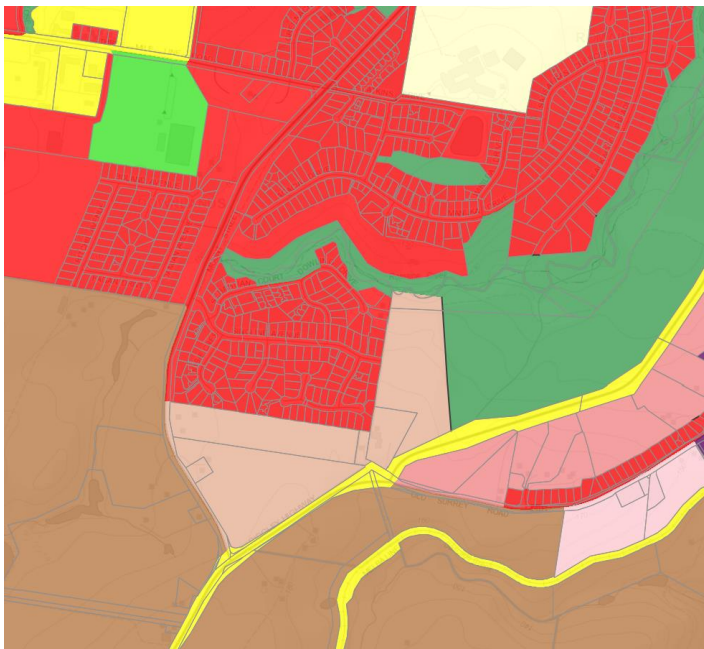
Representation seeks to change application of the Rural zone and apply instead the Low Density Residential zone to some 6.39 ha of land described on CT 112547/1 located between Mount Street and Old Surrey Road, Romaine so as to create opportunity for an isolated pocket of new residential use and development.

Planning authority's views and opinions

The representation includes a document addressing matters corresponding to the LPS criteria.



Land in CT CT 112547/1 shown shaded purple



Land to which the draft BUR LPS applies the Rural zone shown light brown

However, the report does not allow the planning authority can be satisfied application of the Low Density Residential zone will meet the LPS criteria -

- i) the land is not contiguous with any established residential estate, and application of the Low Density Residential zone would create an isolated pocket of residential use contrary to the statutory objective for land use planning to provide for the fair, orderly and sustainable use and development of air, land and water; and to the specific objectives in the Cradle Coast Regional Land Use Strategy for a logical and orderly sequence in any expansion of settlement land;

- ii) the representation acknowledges there is no published strategic reason, including in the CCR LUS, to expand the area of available zoned residential land to include the land described on CT 112547/1;
- iii) there is no strategic or practical explanation against the criteria in Guideline No 1 – Local Provision Schedule - zone and code application for application of the Low Density Residential zone;
- iv) the TPC has recently determined that there is an existing over-supply of zoned residential land in Burnie relative to the criteria for land supply contained in the Cradle Coast Regional Land Use Strategy; and, that the release of additional land for residential use would fail the statutory objective for land use planning to provide for the fair, orderly and sustainable use and development of air, land and water.

It is recommended that no modification be made to the draft BUR LPS to apply the Low Density Residential zone to land described on CT 112547/1.

The proposed application of the Rural zone to the land as detailed in the draft BUR LPS meets the LPS criteria.

There is no effect for the draft LPS as a whole, including for its ability to meet the LPS criteria, if the Low Density Residential zone is not applied to the land described on CT 112547/1.

Representation No 7

TasNetworks

The representation identifies the role and function of TasNetworks in providing for the transmission of an electricity supply within Tasmania; identifies the entity's infrastructure assets located within the Burnie municipal area; and sets out TasNetworks' policy position for a consistent approach by all the LPSs to be included within the Tasmanian Planning Scheme on application of the mandatory code and zone provisions in the SPPs.

In this regard TasNetworks seeks that the BUR LPS –

- i) apply the Utilities zone to -
 - a. Emu Bay electricity substation located at 15 -17 Devon Street, South Burnie being land described on CT 109072/1 and CT 251613) instead of the General Industrial zone; and
 - b. part of CT 164460/1 on which the Hampshire electricity substation at 2753 Ridgley Highway, Hampshire is located instead of the Rural zone

Planning authority's views and opinions

Application of the Utilities zone to major substations is consistent with the instructions contained in Guideline No 1.

It is recommended the draft BUR LPS be modified to correct a drafting oversight and apply the Utilities zone to –

- a. Emu Bay electricity substation located at 15 -17 Devon Street, South Burnie being land described on CT 109072/1 and CT 251613); and
- b. part of CT 164460/1 on which the Hampshire electricity substation at 2753 Ridgley Highway, Hampshire is located; and that TasNetworks provide survey data for the area to which the zone will apply to allow accurate identification on the LPS map

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is modified to correct drafting errors as such changes are of the kind permitted by section 40I.

- ii) apply the Utilities zone to TasNetworks communication towers on land at –
 - a. Round Hill described on CT 132976/1 instead of the Environmental Management zone; and
 - b. Companion Hill described on CT 164459/1 instead of the Rural zone

Planning authority's views and opinions

It is not agree communication towers are major utility infrastructure within the meaning of criteria UZ1 of the Guideline No 1; and that criteria UZ6 applies to require the site of such facilities be included within the zone that applies for surrounding land.

While acknowledging the critical importance of communication systems to operation of the TasNetworks distribution system, the entity is not unique in its provision and reliance on communication infrastructure for performance and service. There are multiple communication, telecommunication, and data transmission infrastructure sites within the municipal area associated with other service providers.

Consistency and fairness would require that each of these facility sites be identified and included in application of the Utilities zone. The impracticality of the proposition is recognised in criteria UZ6 of Guideline No 1.

SPP Code C4 – Electricity Transmission Infrastructure Protection Code applies to each of the TasNetworks communication sites to create a communication

station buffer area within which building and other works are regulated to manage risk of adverse impact on the safety, operation, and access to communication towers.

There is no advantage to application of Code C4 and for protection of communication infrastructure to apply the Utilities zone to the land on which a tower is located.

The Code provision is a level of protection not available to the operators of other communication facilities.

It is inappropriate to contemplate application of the Utilities zone for the purpose of avoiding application of any Code applicable to land within the municipal area.

It is recommended that no modification be made to the draft BUR LPS to apply the Utilities zone to the TasNetworks communication tower sites on Round Hill and Companion Hill.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the Utilities zone is not applied to TasNetwork communication sites.

The BUR LPS will apply Code C4 to provide protection of electricity transmission infrastructure.

Representation No 8

TasWater

- i) The representation recommends the Utilities zone be applied to land containing water treatment and sewage treatment plants, and to major water storage areas.

The exhibited draft BUR LPS applies the Utilities zone to the Ridgley Water Treatment Plant and to the Round Hill Waste Water Treatment plant, and to the major water storage areas of the Pet Reservoir and the Guide Reservoir.

There is no requirement to modify the draft BUR LPS.

- ii) The representation also seeks to modify the draft BUR LPS and apply the Utilities zone to the following infrastructure sites on grounds that each is a use that fits the definition of the use class “Utilities” as provided within the SPPs.

NAME	TYPE	SERVICE	CT	OWNER	PROPERTY_ID	PROPERTY_ADDRESS
Ridgley Header Tank	Reservoir	Water	115016/ 1	TasWater	1584327	Ridgley Highway Ridgley
Mount Road Basin	Reservoir	Water	148941/ 1	TasWater	7626946	Ridgley Highway Romaine
Cooee Basin	Reservoir	Water	83960/1 151107/ 1	TasWater	6183899	Bass Highway Cooee Atkins Drive
Upper Burnie Basin	Reservoir	Water	151108/ 1	TasWater	6170617	Romaine Ridgley Highway
Cascade Road Basin Mooreville Road Reservoir	Reservoir	Water	151108/ 1	TasWater	7901290	Romaine Wright Street
Wivenhoe Reservoir	Reservoir	Water	66260/1	TasWater Parks and Wildlife Service	6187101	Shorewell Park
Elizabeth St Reservoir	Reservoir	Water	197043/ 1	TasWater	6115263	Stowport Road Wivenhoe 10a Elizabeth Street
Havenview Reservoir	Reservoir	Water	15624/1	TasWater	6176402	Montello Old Surrey Road Havenview

Planning authority's views and opinions

The draft BUR LPS does not apply the Utilities zone to land containing the water distribution reservoirs listed in the representation.

Each of the sites is included within the zone that applies to the land surrounding the utilities site.

The SPPs describe the Utilities use class to mean the *“use of land for utilities and infrastructure including telecommunications; electricity generation; transmitting or distributing gas, oil, or electricity; transport networks; collecting, treating, transmitting, storing or distributing water; or collecting, treating, or disposing of storm or floodwater, sewage, or sullage”*.

Examples include an electrical sub-station or powerline, gas, water or sewerage main, optic fibre main or distribution hub, pumping station, railway line, retention basin, road, sewage treatment plant, storm or flood water drain, water storage dam and weir.”

The SPPs also include a definition for “minor utilities” to mean *“use of land for utilities for local distribution or reticulation of services and associated infrastructure such as a footpath, cycle path, stormwater channel, water and sewer pipes, retention basin, telecommunication lines, gas pipelines or electricity substations and power lines up to but not exceeding 110kV.”*

The water storage facility sites identified by TasWater as appropriate for application of the Utilities zone are each part of the water distribution and reticulation system for Burnie, and are within the definition of “minor utilities”.

Guideline No 1 – Local Provision Schedule - zone and code application instructs in criteria UZ1- *“The Utilities zone should be applied to land that is used, or intended to be used, for major utilities infrastructure”*, and in criteria UZ4 *“the Utilities zone may be applied to land for water storage facilities for the purposes of water supply directly associated with major utilities infrastructure, such as dams and reservoirs”*.

The Guideline expressly instructs in criteria UZ6 that *“the Utilities zone should not be used for minor utilities or underground utilities as these are more appropriately contained with the surrounding zone to which it is located.”*

The proposition to apply the Utilities zones to each of these sites is contrary to the instruction contained in criteria UZ1, UZ4 and UZ6 in the Guideline No 1.

It is recommended that no modification be made to the draft BUR LPS to apply the Utilities zone to the land containing each of water distribution storage facilities identified in the representation.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the Utilities zone is not applied to the land containing each of the identified water storage facilities.

Representation No 10

TasRail

The representation seeks to correct alleged inaccuracies contained in the relevant exhibition documents in relation to what constitutes existing rail infrastructure within the Burnie municipal area, and in relation to intention of the Strategic Infrastructure Corridor legislation.

The representation submits the Utilities zone must apply to all land that is part of the State Rail Network (including sidings and terminals) and to any land forming part of the current rail network that may be declared a Strategic Infrastructure Corridor.

Planning authority’s views and opinions

The draft BUR LPS intends to apply the Utilities zone to all existing land comprising the State Rail Network; and in this regard has relied on information published on the LIST for identification of relevant railway land.

TasRail do not identify any specific error in application of the Utilities zone to land within the State Rail Network.

TasRail should be requested to provide details of any inaccuracy in application of the Utilities zone to land forming the rail network.

There is no declared Strategic Infrastructure Corridor within the Burnie municipal area. The planning authority understand the purpose of an SIC is to permit alternate use of land within the state rail network while simultaneously protecting ability for the land to revert to railway use.

If the BUR LPS applies the Utilities zone to land within the State Rail Network, there should be not requirement to modify the BUR LPS in the event an SIC is declared over all or part of that land.

It is recommended the draft BUR LPS be modified if necessary to correct any inaccuracy in the application of the Utilities zone to land within the State Rail Network.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, to correct errors in drafting of the BR LPS as such matters are within the scope of section 40I.

b) Matters in relation to the application of State Planning Provision Codes to land within the Burnie municipal area

Representation No 6

Department of Police, Fire and Emergency Services

The representation is in relation to land within the Burnie municipal area that is known to be flood prone, and to land located within a Coastal Inundation Hazard Area; and addresses administrative matters for operation of SPP Code C12 – Flood Prone Areas Hazard Code and SPP Code C11 – Coastal Inundation Hazard Code.

The representation notes the draft BUR LPS flood prone overlay maps apply for a number of stream systems within the Burnie municipal area. However, the absence of a Statewide flood prone hazard map means the BUR LPS may not apply Code C12 to all areas at risk of flooding.

It is noted C12.2.3 applies the Code to any use in a habitable building or for any development of land that is at risk from flood or that has the potential to cause increased risk from flood if identified in a report obtained from a suitably qualified person

It is also noted C12.2.4 requires that a planning authority may only request such a report be obtained if it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.

The representation advises the SES is working with Department of Justice to prepare a Guideline for issue by the TPC under Section 8A of the Act in relation to the nature of information a planning authority should use to determine whether it

reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood.

An interim list of publicly available information is included.

The representation notes land north of West Mooreville Road on Janet Drive flood proposed in the BUR LPS for change in zone from Low Density Residential to General Residential is in part within a flood prone hazard area and subject to application of Code C12.

Planning authority's views and opinions

The representation is in relation to the content and merits of the BUR LPS and indicates –

- i) in relation to flood prone land, that operation of the BUR LPS will require the planning authority may seek further information in accordance with C12.2.3 if land is known to be at risk from flooding but is not shown on the overlay maps to be within a flood prone hazard area; and
- ii) in relation to coastal inundation hazard areas, that there is merit in the BUR LPS applying the *Coastal Inundation Hazard Bands AHD Levels* prepared by DPAC for application of Coastal Inundation Hazard Code for land in the Burnie municipal area.

The representation is observational in that it notes the BUR LPS makes an appropriate application of the applicable provisions of the SPPs to manage risk associated with the use and development on land in the Burnie municipal area that is either exposed to a flood hazard or that is located within a coastal inundation hazard.

While it is noted the current level of information on flood prone areas is incomplete, and that a planning authority may require information from a suitably qualified person if it reasonably believes land outside a mapped flood prone area is a risk from flooding, the representation does not suggest or raise any matter on which it is necessary to modify the BUR LPS.

No modification is required to the draft BUR LPS in response to the matters in the representation.

Representation No 7

TasNetworks

The representation identifies a number of matters in relation to application of the SPP Codes.

i) Application of Code C4 – Electricity Transmission Infrastructure Protection Code

It is submitted there are minor discrepancies between the BUR LPS Code C4 overlay map and the data contained on the ETIPC overlay published on the LIST map in relation location of electricity transmission corridors, communication station buffer areas, and substation facility buffer areas; and that such discrepancies need correction.

TasNetworks can provide the necessary GIS data.

Planning authority's views and opinions

The SPPs and Guideline No 1 require the BUR LPS include an overlay map prepared in accordance with the information published on LIST for location of electricity transmission corridors, communication station buffer areas, and substation facility buffer areas.

It is unclear whether the discrepancies exist in the source data from which the BUR LPS maps were prepared, or were created by the planning authority in the application of that data.

It is recommended the draft BUR LPS be modified to correct any inaccuracy identified by TasNetworks in the BUR LPS Code C4 overlay map for location and application of code provisions for protection of electricity transmission corridors, communication station buffer areas, and substation facility buffer areas.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is modified to correct drafting errors as such changes are of the kind permitted by section 40I.

ii) Application of Code C7 – Natural Assets Code

It is submitted the priority vegetation overlay required under the Natural Assets Code should not apply to land containing a communication site identified on the Code E4 overlay map.

The representation identifies clearance of vegetation for the safe and reliable operation of electricity infrastructure is work of minor environmental impact as is exempt under provisions of the *Electricity Supply Industry Act 1996* and the *Electricity Supply Industry Regulations 2008* from a requirement to comply with any regulation on development imposed under the *Land Use Planning and Approvals Act 1993*.

It is also noted Table 4.4 of the SPPs exempts the clearance and conversion of a threatened native vegetation community on any land to enable the

construction and maintenance of electricity infrastructure in accordance with the Forest Practices regulation 2007.

It is submitted that it is inconsistent with the relevant legislated and SPP exemptions to apply the priority vegetation provisions to land containing a communication tower identified in Code C4.

Planning authority's views and opinions

An LPS is required by clause LP 1.7.5(c) of the SPPs to include a priority vegetation overlay map based on the prescribed vegetation data bases.

The BUR LPS includes a priority vegetation map prepared the Regional Ecological Model developed in accordance with the requirements in clause LP 1.7.5(c) for use by all Tasmanian planning authorities in preparation of the required overlay map for application of the Natural Asset Code provisions.

Clause LP 1.7.5(d) of the SPPs provides a planning authority may modify a priority vegetation overlay map prepared in accordance with clause LP1.7.5(c) if necessary to addresses any anomalies or inaccuracies in the mapping and data in sub-clause LP1.7.5(c); to provide more recent or detailed local assessment of the mapping and data in subclause LP1.7.5(c); or to identify other native vegetation of local importance, including habitat for native fauna of local importance.

TasNetworks do not identify any circumstances relevant to the criteria in clause LP 1.7.5(d) to support modification of the BUR LPS overlay map.

The effect of the *Electricity Supply Industry Act 1996* and the *Electricity Supply Industry Regulations 2008* is that there is no requirement for TasNetworks to engage with or otherwise comply with the land use planning process in relation to any of the works that are specified as exempt.

The effect of the exemption in SPP clause 4.4.1(b) is to provide the works described are not matters to which the planning scheme applies.

The combined effect of the legislated and SPP exemptions is to exclude application of Code E4 to electricity supply works. The exemptions apply irrespective of whether the provisions of a planning scheme are shown to apply to land on which exempt work may occur.

There are a number of other activities for which legislation and/or the SPPs provide exemptions from a need to comply with any requirement in a planning scheme in relation to clearance and conversion of vegetation.

The purpose of a code overlay map is to represent the spatial extent of a condition or circumstance for which the planning scheme intends a particular outcome. Fragmentation of that representation on criteria that are not

relevant to the regulated condition or circumstance distorts reality and undermines integrity of the code purpose and provision by suggesting such land does not contain the value or interest to be managed.

It would also be impractical for a planning scheme to identify each of the sites on which an exempt activity may occur and to represent and exclude such land from identification on a code overlay map.

The purpose of an exemption is to recognise that although planning objectives may require there should be a general control on use or development, there are some circumstances in which it is legitimate to exclude that control. The most practical approach is to frame the planning instrument or map so as to apply for all relevant activity, conditions or circumstance, and to separately identify those activities that are exempt.

To exclude application of a provision to land on the basis that one or more activities on the land may be exempt from operation of that provision carries risk of creating a broader exemption contrary to the purpose of the scheme.

The nature of the exemptions available to TasNetworks from the provisions of a planning scheme applicable to the clearing and conversion of vegetation are sufficient to provide the entity with certainty that it will not be subject to any requirement on priority vegetation under SPP Code C7.

It is recommended that no modification be made to the draft BUR LPS to exclude TasNetwork communication site from the priority vegetation overlay map.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS applies the priority vegetation provisions in Code C7 to TasNetwork communication sites.

The statutory and Tasmanian Planning Scheme permit exemptions available to the entity for the clearance and conversion of vegetation mean the Code will have not operational effect.

iii) Application of Code C8 – Scenic Protection Code

Identifies that the provisions of Code C8 – Scenic Protection apply to sections of the transmission corridors TL 441, TL 445 and TL 415 to which the provisions of Code C4 also apply.

It is submitted the requirements of Code C8 for scenic protection are in conflict with the purpose of Code C4 for protection of electricity transmission infrastructure.

It is requested that the draft BUR LPS be modified to remove application of Code C8 – Scenic Protection from land to which Code C4 applies.

Planning authority's views and opinions

The spatial application of Code C8 – Scenic Protection in the draft BUR LPS is a transitional matter instructed by the Minister for Planning under Schedule 6 of the Act.

The planning authority does not have discretion to modify the transitional direction.

The areas to which the code applies are lands on which there was a corresponding provision under the formed Burnie Planning Scheme 1989 and the Burnie Interim Planning Scheme 2013. Controls in the nature of Code C8 are not a new consideration for use and development.

The *Electricity Industry Supply Act* provides that where an electricity entity proposes to carry out work on the construction, installation, modification, maintenance, demolition or replacement of electricity infrastructure; and the work is of a kind classified by the regulations as work of minor environmental impact, the work is not to be regarded as development for the purposes of the *Land Use Planning and Approvals Act 1993* and is not subject in any other way to that Act.

Work of minor environmental impact is specified by the Electricity Supply Industry Regulations 2008 to include -

- a. *the removal, repair, maintenance or modification of existing powerlines for the transmission, distribution or supply of electricity;*
- b. *the removal, repair, maintenance or modification of an existing substation or a transformer associated with the transmission, distribution or supply of electricity;*
- c. *the installation or erection of powerlines along any public street, road or highway and on public land for the distribution or supply of electricity;*
- d. *the laying, removal, repair, maintenance or modification of any underground cable for the distribution or transmission of electricity;*
- e. *the clearing or lopping of trees, branches or other vegetation to the extent necessary for the protection of electricity infrastructure or public safety;*
- f. *the installation and erection of any substation or transformer associated with the distribution or supply of electricity;*
- g. *the installation, erection, removal, repair, maintenance, modification, or use, on land, of any electricity-generating plant that –*

- i. *is not used, or intended by the Hydro-Electric Corporation to be used, to generate electricity for more than 12 months after the plant is installed or erected on the land; and*
- ii. *is installed or erected on land that is, or on land that is adjacent to, land on which there is already situated an electricity-generating plant, substation or switchyard or on which not less than 200 gigawatt hours of electricity was consumed during the 2015 calendar year.*

The Tasmanian Planning Scheme will not apply to any minor environmental impact work undertaken by TasNetworks.

The parliament has not intended that works of major environmental impact be exempt application of any planning processes required under the *Land Use Planning and Approvals Act 1993*.

To exclude application of Code C8 to land to which Code C4 applies has the potential to expand the exemptions provided under the *Electricity Supply Industry Act* in a manner that may be inconsistent with the intentions of the parliament.

It is recommended that no modification be made to the draft BUR LPS to exclude application of Code C8 to land to which Code C4 applies

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS applies the provisions for scenic protection in Code C8 to land to which Code C4 applies.

Any internal conflict between provisions in the SPP Codes is not a matter that can be resolved through the LPS process.

Representation No 10

TasRail

The representation submits the BUR LPS must include Code C3 – Road and Railway Assets Code.

The representation also submits the BUR LPS should be modified “*for the recommended 50 metre attenuation zone to be applied in all planning decisions to ensure that future planning decisions do not do impede, constrain or limit railway operations and future railway operations*”

The representation further submits that “*at the very least any development or planning application within a 50 metre attenuation zone must be advised to the Rail Infrastructure Manager (TasRail) or the designated SIC corridor manager for review and opportunity to make representations in accordance with the Road and Railway Assets Code (and Utilities zoning).*”

Planning authority's views and opinions

The BUR LPS will apply the Road and Railway Assets Code.

The draft BUR LPS includes the required overlay maps to indicate application of the Code.

The representations proposes changes to the mandatory SPP code provisions; and is therefore a matter to which section 35E(5) applies to make it a matter that is not to be part of a representation.

However, the planning authority considers it is valuable to examine the proposition in order to identify the apparent misunderstandings that appear to exist between the rail entity and planning authorities in relation to the role of the Tasmanian Planning scheme in protection of rail assets and operations.

The draft BUR LPS does not define a railway attenuation area; and relies instead on the default 50 metre attenuation area for the purposes of clause C3.6.1.

Clause C3.6.1 only applies for sensitive use development for which a permit is required.

The purpose of C3.6.1 (and C3.7.1) is *"to minimise the effects of noise, vibration, light and air emissions on sensitive uses from existing and future major roads and the rail network."* The Code does not have a specific intention to protect the railway from the likely impact of new use or development.

The effect of mandatory SPP clause C3.6.1 A1 is that the objective of the provision is satisfied if the proposed sensitive use development meets one or more of the relevant A1 criteria.

There is no requirement to notify an application to the extent that it relies on C3.6.1 A1; and therefore no opportunity for the rail entity to examine the application or to make comment on it.

If the application is otherwise notifiable, a representation must by virtue of SPP clause 6.10 be particular to the discretion being exercised.

Unless an application relies on C3.6.1 P1 there is no lawful opportunity for the rail entity to consider or respond on an application for sensitive use development on any land located within the 50 metre railway attenuation area.

In the event clause C3.6.1 P1 or C3.7.1 P1 applies, the relevant and valid views and opinions of the rail authority are those that relate to the objective in the standard, and cannot properly extend to a more general interest to protect the safety and performance of rail infrastructure and operations.

A similar assessment applies for subdivision for sensitive uses under SPP clause C3.7.1.

There is no requirement to apply railway attenuation consideration under Code C3 for use or development that is not for a sensitive use.

There is a requirement in C3.6.1 P1 and C3.7.1 P1 for a planning authority to have regard to any advice received from a road or railway authority.

The provision is misleading in that it does create a referral and response mechanism. Instead, a rail entity must rely on the representation process under section 57 of the Act. If the rail entity is not an adjoining owner or occupier of the land to which the permit application applies, it will not receive a written notification of exhibition from the planning authority and must rely instead on the published public notice in a newspaper or on a sign on the site.

There is no mechanism currently available under the *Land Use Planning and Approvals Act 1993* to allow a planning authority to directly invite representations from the rail entity and to include any submissions and requirements as matters for determining or conditioning a permit. The agency referral mechanism in former section 60 of the Act has been long repealed.

It is noted the *Rail Infrastructure Act* provides that the portfolio Minister may declare a planning corridor of any width adjoining a rail or infrastructure corridor; and in so doing will activate a referral arrangement and enable the State to examine and stipulate requirements in relation to use or development on land in whole or part within the corridor.

The referral requirement would apply irrespective of whether an application is for sensitive use development, and is relevant for both permitted and discretionary permit applications.

Declaration of a rail planning corridor is the most effective means by which the rail entity can achieve the objective described in the representation. However, such an action is outside the jurisdiction of the planning authority to provide; and is not a matter to be addressed in the LPS process.

Declaration of a strategic infrastructure corridor under the *Strategic Infrastructure Corridor Act 2016* immediately creates a referral requirement under which all applications for use or development on land in whole or part within 50 metres of a declared strategic infrastructure corridor must be referred to the Minister, and the planning authority is to have regard to any advice provided by the Minister, including any requirement for conditions relating to the corridor safety and use objectives.

The effect of the SIC legislation is to remove any need for the modifications suggested by TasRail for referral and consideration of an application for use or development of land in the proximity of a strategic corridor.

It is recommended that no modification be made to the draft BUR LPS in response to the representation to change the provisions of Code E3 because the matter is in relation to an alteration of the SPPs.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified.

It is not appropriate for the planning authority to make any submissions in accordance with section 35G to amend the SPPs because there is an available solution to the concerns expressed by the rail entity in the provisions of the *Rail Infrastructure Act 2007* and the *Strategic Infrastructure Corridor Act 2016*; and it is not appropriate for subordinate legislation to create parallel or alternate mechanisms to those which the parliament has enabled by legislation.

c) Matters in relation to the provision of a Specific Area Plan

Representation No 7

TasNetworks

- i) The representation seeks a definition and clarification for application of terms used within the BUR LPS BUR s1.0 SAP for the Heybridge Residential Nature Reserve in order to ensure the relevant provisions do not apply for TasNetworks infrastructure –
 - a. “Electricity supply”

Planning authority’s views and opinions

The intention of the SAP is to require that all distribution and reticulation cables for electricity supply within a lot be installed underground.

The term is self-explanatory as used within clause BUR –S1.7.3 A2 as referring to the supply arrangement between the network and any development on a lot created by subdivision.

The term is not intended to apply for network distribution and reticulation cables of an electricity supply entity.

The provision does not apply for the prescribed minor environmental impact works by TasNetwork because of the exemptions created under the *Electricity Supply Industry Act*.

It is recommended that no modification be made to the draft BUR LPS to include a definition for the term “electricity supply” as used in clause BUR –S1.7.3 A2

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified to introduce a definition for electricity supply as it is exclusively use within clause BUR – S1.7.3 A2.

b. “Telecommunication cables”

Planning authority’s views and opinions

The intention of the SAP is to require that all distribution and reticulation cables for communication supply within a lot be installed underground.

The term is self-explanatory as used within clause BUR –s1.7.3 A2.

The term is not intended to apply for network distribution and reticulation cables of a communications entity.

The requirement does not apply for minor communications infrastructure of the kind described in clause 4.2.6 of Table 4.1 in the SPPs.

It is recommended that no modification be made to the draft BUR LPS to include a definition for the term “telecommunication cable” as used in clause BUR –S1.7.3 A2

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified to introduce a definition for telecommunication cable as it is exclusively use within clause BUR –S1.7.3 A2.

- ii) amend clause BUR-S1.8.1 A1 to insert after the words “Each lot” the word “or a lot proposed on a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities”

Planning authority’s views and opinions

The amendments are not necessary because the purpose of clause BUR-S1.8.1 is to restrict subdivision to the lots described on the “approved subdivision” as defined in clause BUR-S1.4.1.

The SAP intends there is to be no further subdivision within the area to which the SAP applies. The proposed text would have no operation within the SAP.

It is recommended that no modification be made to the draft BUR LPS to insert in BUR-S1.8.1 A1 the words requested by the representation.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified insert words to exclude

application of the provision to subdivision for public open space, reserves and Utilities .

- iii) Amend Clause BUR-S1.8.1 A3 to insert at the commencement of the clause the words *“Excluding for public open space, a riparian or littoral reserve or Utilities ..”*

Planning authority’s views and opinions

The amendments are not necessary because the purpose of clause BUR-S1.8.1 is to restrict subdivision to the lots described on the “approved subdivision” as defined in clause BUR-S1.4.1.

The SAP intends there is to be no further subdivision within the area to which the SAP applies.

It is recommended that no modification be made to the draft BUR LPS to insert in BUR –S1.8.1 A3 the words requested by the representation.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified insert words to exclude application of the provision to subdivision for public open space, reserves and Utilities .

- iv) Amend clause 1.8.2 A1 to insert at the commencement of the clause the words *“Excluding for public open space, a riparian or littoral reserve or Utilities”*

Planning authority’s views and opinions

The amendments are not necessary because the purpose of clause BUR-S1.8.1 is to restrict subdivision to the lots described on the “approved subdivision” as defined in clause BUR-S1.4.1.

The SAP intends there is to be no further subdivision within the area to which the SAP applies.

It is recommended that no modification be made to the draft BUR LPS to insert in BUR –S1.8.2 A1 the words requested by the representation.

There is no effect on the draft BUR LPS as a whole, including for its ability to meet the LPS criteria, if the BUR LPS is not modified insert words to exclude application of the provision to subdivision for public open space, reserves and Utilities .

d) Matters in relation to the form and structure of the BUR LPS

Representation No 9*L Knight*

Identifies the form and structure of the Specific Area Plans within the draft BUR LPS is confusing; and suggests the document could be improved if all relevant provisions applicable to the land to which the SAP applies are contained within the SAP.

Planning authority's views and opinions

The suggestion has merit in that a restructuring of the LPS in relation to the form and content of an SAP could reduce fragmentation of provisions and simplify use of the document.

Section 35E(4) of the Act provides that any matter contained in a representation to the effect that the content of a provision of the SPPs should be altered is not to be taken as a representation.

The submission relates to instructions contained in clause LP 1.2 of the State Planning Provisions (SPPs) for the manner in which an LPS must structure the content of a Specific Area Plan.

e) Matters in relation to the State Planning Provisions

The planning authority notes the requirement in section 35E(5) of the Act that any representation that contains a matter to the effect that the content of a provision of the State Planning Provisions should be altered is not taken to be a part of the representation.

The planning authority notes the opportunity provided by section 35G for a planning authority to advise the Commission on any opinion that the content of a provision of the SPPs should be altered.

The representations made on the draft BUR LPS include the following matters to the effect that the content of a provision of the SPPs should be altered.

It is recommended that the planning authority not make any submissions in accordance with section 35G to alter the SPPs in relation to the form and structure of an SAP

Representation No 1*D Thomson*

The SPPs should be altered to include a Regional Mixed Use zone or a Residential and Artisan zone as a companion zone to the Urban Mixed Use zone and provide land where there can be a combination of residential and low impact manufacturing and processing uses to reflect contemporary approach to small scale artisan activity.

Planning authority's views and opinions

The SPPs take a traditional and conservative approach to zone purpose and the standards applicable to permissible use and development.

There is a strong consideration for measuring proposed new use and development against the values and characteristics of established use and development, and a strong residential-centric concern.

The Tasmanian Planning Scheme does not reflect emerging patterns in use and development of land, and does not adequately or effectively express objectives for the kind and form of future use and development.

The planning authority consider the Tasmanian Planning Scheme requires significant review and modification, including in the description and purpose of zone and the content of use and development standards.

However, such a review is hindered by the sustained absence of articulated and agreed State planning policy.

It is recommended that the planning authority not make any submissions in accordance with section 35G to alter the SPPs in relation to the number and purpose of zones

Representation No 7*TasNetworks*

The representation makes submissions in relation to altering the content of the SPPs.

- i) Application of exemption provisions in clause 4.1 to use and development on land to which Code C4 for protection of electricity transmission infrastructure applies, and the impact on the ability to manage risk to human safety from exposure to electricity infrastructure

Planning authority's views and opinions

The planning authority accepts that operation of the exemption provisions under clause 4.1 of the SPPs may have the effect of diluting the effectiveness of planning controls with a purpose to protect the health, safety and welfare of people, property and the environment.

Exemptions are conceived to accommodate low impact activity for which application of zone or code provisions is patently unnecessary.

It appears, however, there are matters of alleged importance to the health, safety and welfare of people, property and the environment that are either not included within the provisions of the SPPs or that are excluded by operation of the exemption provisions.

The planning authority considers this to be a matter that requires careful review. It is necessary to establish a valid and reasoned balance between the level of regulatory intervention required to provide a tolerable level of risk and the desire to minimise "red tape".

This is an exercise that exceeds the capacity of the planning authority within the context of the LPS process.

It is recommended that the planning authority not make any submissions in accordance with section 35G to alter the SPPs in relation to the operation of exemptions provisions for use and development on land to which Code C4 applies

- ii) An absence of a general exemption for electricity transmission infrastructure from application of Code C8 for scenic protection

Planning authority's views and opinions

It is not appropriate for the planning authority to recommend SPPs be altered in order that the electricity supply industry be provided with exemptions to exceed the matters for which the parliament has legislated through the *Electricity Supply Industry Act*.

It is recommended that the planning authority not make any submissions in accordance with section 35G to alter the SPPs to provide wider exemptions for use and development of electricity supply infrastructure on land to which Code C4 applies

Conclusion

A consideration of the matters contained in representations made on the draft BUR LPS has identified –

- a) There are some drafting errors in the application of the Utility zone to land containing a major infrastructure use that must be corrected;
- b) There is no justification to apply the Utilities zone to land containing minor utility infrastructure;
- c) There is an apparent discrepancy on the overlay map for spatial application of Code C4 – Protection of Electricity Transmission Infrastructure that must be corrected;
- d) Submissions to change the purpose for which land is zoned under the draft BUR LPS do not contain sufficient information to support a conclusion that the LPS criteria will be met if the draft BUR LPS is modified to apply an alternate zone;
- e) There is no justification to exclude application of Code C7 – Natural Assets and Code C8 – Scenic Protection from land to which Code C4 – Protection of Electricity Transmission Infrastructure applies; and
- f) There are no matters on which the planning authority should make a recommendation to alter the SPPs;

It is recommended the planning authority make the following recommendations to the TPC in relation to the draft BUR LPS as a whole in accordance with section 35F(2)(e) of the Act –

- a) There is no requirement to modify the draft BUR LPS other than to correct identified drafting errors in zone and code overlay maps;***
- b) The recommended modifications are amendments of a kind to which section 40I applies and will therefore have no effect on the purpose, content and compliance of the draft BUR LPS as a whole;***
- c) The draft BUR LPS meets the LPS criteria in section 34 for the reasons set out in the Draft Burnie Local Provision Schedule Supporting Report dated 11 October 2019;***
- d) The provisions of the draft BUR LPS are not inconsistent with a provision of the SPPs;***
- e) Other than to correct an error or inconsistency on the BUR LPS maps for the application of a zone or code provision, there is no requirement for the draft BUR LPS to add to, modify, or substitute the application of an SPP provision to an area***

of land within the Burnie municipal area; and

- f) There are no matters in addition to those matters contained in the exhibited instrument for which the draft BUR LPS should, or should not contain a provision of a kind permitted by section 32*

8.0 RISK

The following risks are associated with providing the Tasmanian Planning Commission with a response on each of the matters contained in each of the representations made on the draft BUR LPS –

- a) The party making a representation may be aggrieved if the planning authority does not support the modifications requested to the draft BUR LPS;
- b) The TPC may require the planning authority to provide more information or to further explain its position in relation to any one or more of the matters contained in a representation;
- c) The TPC may take an alternate view to the planning authority and to the party making a representation and either reject or reverse the position stated by the planning authority;
- d) The TPC may require substantial amendments be made to the draft BUR LPS, in which event the instrument may have to be re-exhibited and the representation and hearing process repeated

Each of these risks is inherent in the role and function of a planning authority, and in the statutory process set out for the preparation and determination of a draft Local Provision Schedule in the Tasmanian Planning Scheme.

The planning authority can mitigate the level of risk to acceptable by proper observance to the relevant statutory processes; and by taking an objective approach to the provision of its views and opinions on the matters contained in representations and in its recommendations on the future of the draft LPS.

9.0 CONSULTATION

This report has been prepared in consultation with the relevant officers of the Council.

ATTACHMENTS

- 1 [!\[\]\(896151ec231b70900e969d67696ca48d_img.jpg\) Copy of representations made in relation to Draft BUR LPS](#)

COUNCIL RESOLUTION

Resolution number: MO009-20

MOVED: Cr C Lynch

SECONDED: Cr T Bulle

“THAT Council in its capacity as a planning authority under the Land Use Planning and Approvals Act 1993 and in accordance with section 35F of the Act, provide a report to the Tasmanian Planning Commission in relation to the draft Burnie Local Provision Schedule, such report to contain –

- a) a copy of all representations made to the planning authority during the draft BUR LPS exhibition period;***
- b) a copy of the representation made by Tasrail to the planning authority after the end of the exhibition period;***
- c) a statement of the planning authority’s opinion on the merits and implication of each matter contained in each representation made on the draft BUR LPS in accordance with the comments contained in Section 7 of this report as presented to the meeting of the planning authority held on 28 January 2020;***
- d) an opinion that the planning authority is satisfied the draft BUR LPS meets the LPS criteria in section 34 for the reasons set out in the Draft Burnie Local Provision Schedule Supporting Report dated 11 October 2019; and***
- e) the following recommendations in accordance with section 35F(2)(e) of the Act in relation to the draft BUR LPS as a whole –***
 - i) there is no requirement to modify the draft BUR LPS other than to correct identified drafting errors in the zone and code overlay maps;***
 - ii) the recommended modifications are amendments of a kind to which section 40I of the Act applies and will therefore have no effect on the purpose, content and compliance of the draft BUR LPS as a whole;***
 - iii) the provisions of the draft BUR LPS are not inconsistent with a provision of the SPPs;***
 - iv) other than to correct an error or inconsistency on the BUR LPS maps for the application of a zone or code provision, there is no requirement for the draft BUR LPS to add to, modify, or substitute the application of an SPP provision to an area of land within the Burnie municipal area; and***
 - v) there are no matters in addition to those matters contained in the exhibited***

instrument for which the draft BUR LPS should, or should not contain a provision of a kind permitted by section 32.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Sam Seaton

From: burnie
Sent: Tuesday, 3 December 2019 11:27 AM
To: burnie
Subject: Representation for the draft Burnie Local Provisions Schedule (BUR LPS)
Attachments: 101203 TPS-SPP Exhibition Submission.pdf; 22642851.png

Representation for the draft Burnie Local Provisions Schedule (BUR LPS)

Question	Response
Name of person or body making representation	
First name	Debbie
Last name	Thomson
Contact number	
email	
Postal address	
Representation	
I make the following representation in relation to the content and merits of the draft Burnie Local Provisions Schedule as contained in the relevant exhibition documents. If you need more space to make your comments, please prepare on separate document and upload below.	Proposal to separate and re-zone as residential a section of South East Wivenhoe. Proposal to include a regional mixed zone into the TPS-SPP for residential / artisan development.
If you would like to upload additional information or documents to support your representation please upload below. Note: maximum total uploads is 10MB	101203 TPS-SPP Exhibition Submission.pdf
Submission	
	Ready to submit your final representation?

Signature	Link to signature
-----------	-----------------------------------

Records please register to file 20/5/6 – Tasmanian Planning Scheme

Title: Representation for the draft Burnie Local Provisions Schedule (BUR LPS) - [Name]

Action: to Patrick Earle

OpenForms



This submission advocates the division of Wivenhoe into smaller zones that represent the prevailing uses, topographical limitations, and the future needs of the local and broader community. It propose the segregation and re-zoning of an area of a persistently residential use precinct bounded (fig.1) by Stowport Road in the South & East, the access lane between Corcellis & Smith Streets in the West and the rail corridor and primary school in the North to (for want of a more useful alternative) "Low Density Residential", as described in Section 10 of the proposed Tasmanian Planning Scheme – State Planning Provisions (TPS-SPP).

I further advocate that the remaining "General Industrial" classification between Smith Street & Stowport Road be upgraded to 'Light Industrial' to provide a rational transition between the 'Open Space' (cemetery), "Recreation" (sporting facilities) "Community Purpose" (primary school) & "Local Business" (regional shopping strip) and the "General Industrial" uses to the west.

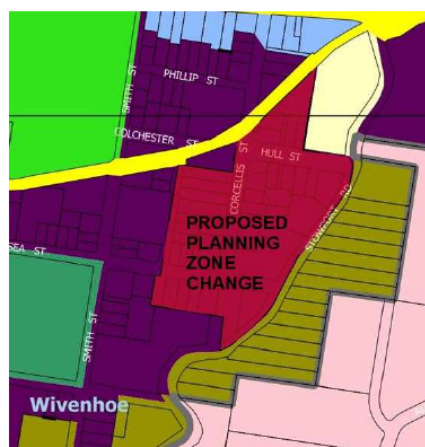


Fig.1 – SPP Map w Overlay

It is fair to say that the TPS_SPP does not appear to draw distinction between the current 'allowed use', 'actual use' or 'suitability for future use' in its application of direct transference from old to new. That whilst the expectation or aspirational approach which appears to have been applied to zoning of this area in the past is recognised, continuous acceptance without contemporary questioning should be considered invalid. Areas such as the subject locality remain as a contradiction to previous planning schemes projected demographic expectations. A directed transference of previous use allowance without investigation constitutes inaction, not evidence based, therefore rational, review.

Arguments in support of this proposal.

- 1) The 1989 Burnie Planning Scheme appears to have envisaged a complete transition of the Wivenhoe area to Industrial use, including the area the subject of this submission. This area has remained largely 'intact' as a residential precinct

and whilst there have been some incursions of “Light Industrial” development (a canvas workshop, a joinery, a builder office) the predominant land use remains (long term) residential (fig 2 - attached). This has remained the case for the life of the previous planning and interim schemes, a period of 30 years. We have not witnessed transition of the area from residential to industrial, nor does this appear likely through the term of the currently proposed TPS_SPP;

Fig.2 – Attached PDF. “LIST Map w Overlay”

- 2) The industrial type uses expectations of 1989 have not attracted the market; the demand has diminished or did not exist in the first place. Probable reasons for this are:
 - a) Allotments in the precinct are generally residential in scale. A majority would have to be amalgamated to meet the minimum requirements for development under “General Industry” or “Light Industrial” zoning (fig 2 - attached),
 - b) The existing allotments are typically steeply sloping and more suitable for smaller “Low Density Housing” use than for larger “General Industrial” use (fig 2 - attached),
 - c) Land more suitable to “General Industrial” development is available elsewhere. The recent clearing of a large area of open, reasonably flat, industrial zoned land in South Burnie there is no longer a need or commercial desire for this neighbourhood to remain industrial,
 - d) Much of the existing industrial development west of the precinct is currently vacant and available for easier occupancy and
 - e) A large area (the flatter western side) of the Wivenhoe “General Industrial” zone is subject to flooding (fig 3). Contemporary industrial users are more aware of their environmental responsibilities and believe Wivenhoe unsuitable for such occupancy.



Fig 3 – LIST Map with Emu River Flood overlay.

- 3) Ongoing residential occupancy has remained. Probable reasons for this are:
- a) There is a greater need for residential use than for other uses. That fact that the council and planning authorities are currently allowing the rezoning of rural and community use land to residential use in other areas of the municipality acknowledges this.
 - b) The existing houses in Wivenhoe are situated in a neighbourhood that meets all of the prerequisites for good residential planned zones with easy access to shops, schools and public transport. This is more desirable to many residential users than new suburban fringe development.

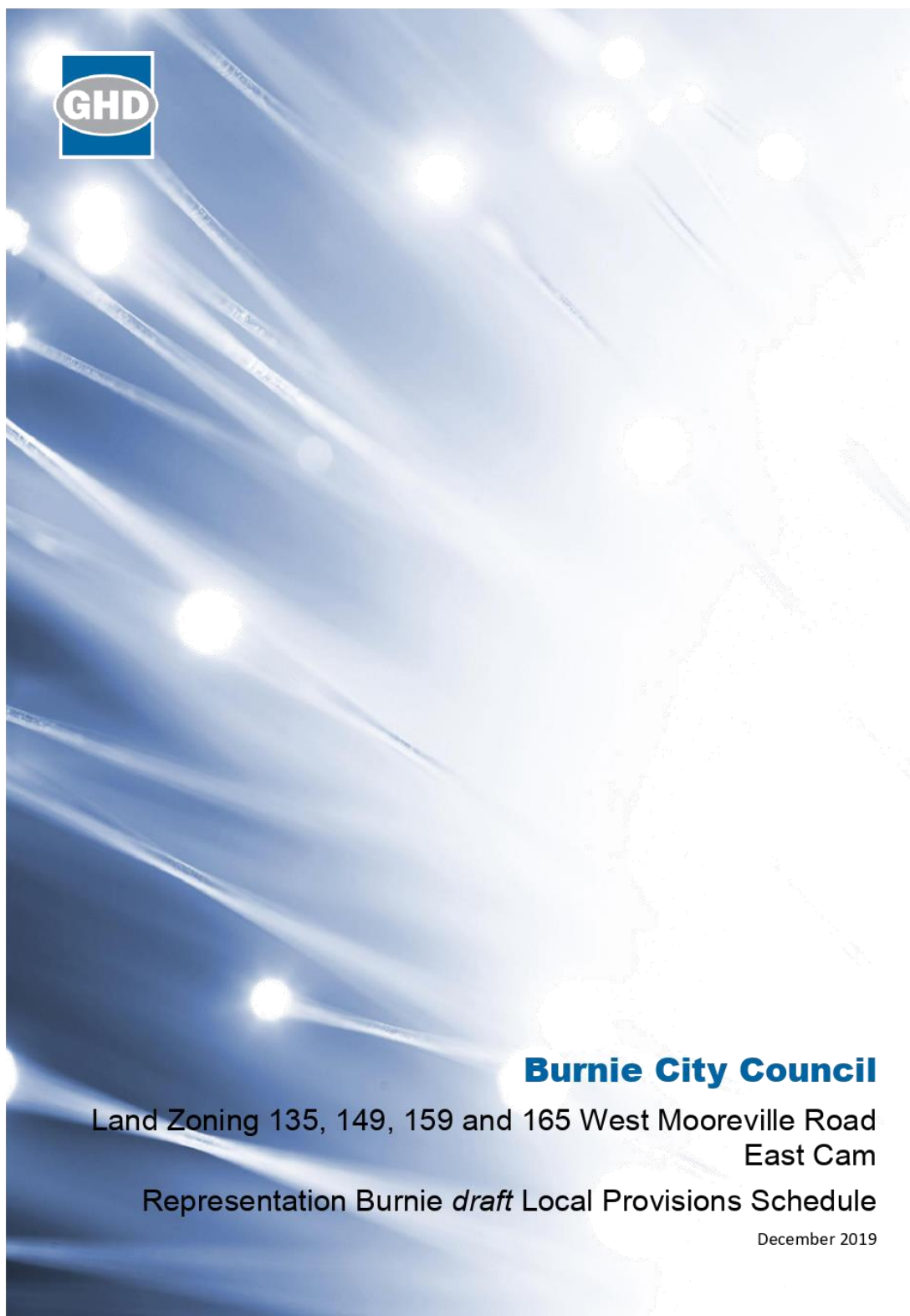
Further improvements to the TPS_SPP.

I have proposed a changed zoning in a portion of Wivenhoe (as argued above) to "Low Density Residential" This zone exists within the list of currently available and would allow the immediate remediation, from within the TPS-SPP as it stands, of the current dichotomy.

HOWEVER

It is far from a rational fit. The rational fit is an presumably mistaken omission from the use zone options scheduled in the TPS_SPP. An "Urban Mixed Use" zone does exist but a Regional Mixed Use or Residential/Artisan zone does not, yet. Via this submission I additionally advocate the inclusion of such a zone for regional centre, small business (albeit small light industry business) users. This occupancy is common in the SE corner of Wivenhoe, it reinforces the Tasmanian regional resurgence of the commercial artisan and positively reflect the Burnie motto of "City of Makers". It could be scheduled to encourage or incubate existing artisan manufacture that exists outside of code descriptors. I do not see any conflict if the use classes were intelligently listed and this zone adds to the available transition options between Light or General Industry and others uses perceived to be incongruous.





WATER | ENERGY & RESOURCES | ENVIRONMENT | PROPERTY & BUILDINGS | TRANSPORTATION

Table of contents

1.	Executive Summary.....	2
2.	Introduction	4
2.1	Summary.....	4
2.2	Report Purpose	5
3.	Background	6
3.1	2014-2017: Application for subdivision of 149 West Mooreville Road, East Cam	6
3.2	Current representation and request for amendment	6
4.	Site Analysis	7
4.1	Site Characteristics	7
4.2	Surrounding Area.....	11
4.3	Zoning and Overlays	15
5.	Submission	19
6.	Planning Assessment	20
6.1	State Legislation and Strategies.....	20
6.2	Regional Legislation and Strategies	28
6.3	Local Legislation and Strategies.....	35
7.	Conclusion.....	48

Table index

Table 1: Identification of Subject Site and Property Owners.....	4
Table 2: Identification of Subject Site and Area.....	7
Table 3: Select facilities within 2.5 km of subject site.....	12
Table 4: Assessment against the objectives of the RMPS.....	21
Table 5: Assessment against the objectives of the LUPAA	22
Table 6: Assessment against provisions of Section 35E of the LUPAA.....	24
Table 7: Assessment against provisions of Section 37 of the LUPAA.....	25
Table 8: Amendments under Divisions 2 and 2A of interim planning schemes	26
Table 9: Requirements for the preparation of amendments.....	27
Table 10: Principles for Implementation of the goals of the CCRLUF.....	29
Table 11: Zone Purpose Statements of the Low Density Residential Zone	35
Table 12: Local Area Objective of the Low Density Residential Zone	38
Table 13: Desired Future Character of the Low Density Residential Zone	41

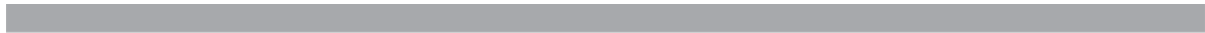


Table 14: Guiding Principles of the Settlement and Investment Strategy for Burnie to 202645

Figure index

Figure 1: Submission sites - black highlight.....4

Figure 2: Title references, boundaries, and area of properties within the subject site.....8

Figure 3: Subject Site with 10 metre elevation contours.....9

Figure 4: Water serviced land, reticulation mains, and water hydrants10

Figure 5: Sewered area.....10

Figure 6: Subject site and regional population density (scale 1:27,084)11

Figure 7: Subject site and facilities within 3.0 km radius14

Figure 8: Subject Site within Rural Living Zone15

Figure 9: Rural Living Zones and City of Burnie LGA16

Figure 10: Subject Site and surrounding Zones.....17

Figure 11: Subject Site and Landslide Hazard Overlay18

Figure 12: Lot sizes in nearby Low Density and General Residential Zone developments43

Appendices

Appendix A – Certificates of Title

Scope and limitations

This report has been prepared by GHD for the Proponents, as identified in Section 2 of this report and may only be used for the purpose set out in that Section. GHD otherwise disclaims responsibility to any person other than the Proponents arising in connection with this report. GHD also excludes implied warranties and conditions, to the extent legally permissible.

The services undertaken by GHD in connection with preparing this report were limited to those specifically detailed in the report and are subject to the scope limitations set out in the report. The opinions, conclusions and any recommendations in this report are based on conditions encountered and information reviewed at the date of preparation of the report. GHD has no responsibility or obligation to update this report to account for events or changes occurring subsequent to the date that the report was prepared.

The opinions, conclusions and any recommendations in this report are based on assumptions made by GHD described in this report. GHD disclaims liability arising from any of the assumptions being incorrect.

1. Executive Summary

- a) *The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties which will enable the realisation of infill development to maximise efficient use of the land and services.*
- b) *In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the Burnie draft Local Provisions Schedule (BUR-LPS), given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.*
- c) *The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.*
- d) *In terms of the description of the 'urban area' it is recognised that this is generally characterised by an organised concentration of activity – people, improvement, including building, roads and other activity spaces, to provide a permanent multi-purpose location such as a city, town or village. It is submitted that the location of the subject properties adjacent existing closer settlement residential development and associated services equates to infill development as a part of that urban area.*
- e) *Neither does the proposal represent 'urban expansion,' which is described as enlarging the footprint or extending a defined urban centre beyond the existing designated legal and policy boundaries, and generally involves the conversion of land from another use. The existing use is residential and therefore a change in the zone will not introduce a change in the existing use.*
- f) *As has been recognised by the Tasmanian Planning Commission, the introduction of the Low Density Residential zone provides the opportunity for differentiation within the urban area relative to the market offerings in that lot sizes will differ from that of the closer settlement option within the General Residential zone.*
- g) *Under the State Planning Provisions (SPP's) the area per dwelling within the LDR zone is increased to 1500m² as opposed to the current Burnie Interim Planning Scheme 2013 (BIPS) which allows lot sizes to 500m² thereby recognising the constraints in terms of servicing the land. The subject site is not connected to reticulated stormwater in accordance with the Urban Drainage Act 2013 and is connected to a local road network managed by the Burnie City Council in accordance with the Local Government (Highways) Act 1982.*
- h) *The LDR zone provides a mix of lots in terms of market demand and should also provide a variety in choice. Assuming the proposal recommended under the BUR-LPS to rezone to General Residential the area in Park Grove (Janet Drive) is accepted, this opportunity to provide a choice in offering will be further diminished. Notwithstanding, there is no objection to the zone change at Park Grove, however we note the reality that the result will likely produce more of the same in terms of residential lot types.*
- i) *In the case of LDR zoned land elsewhere within the Burnie urban area, all are significantly impacted as a result of physical constraint whether this be as a result of land stability or potential flooding inundation. This in turn reduces significantly the*

market offerings in terms of variation in lot size available within the LDR zone and ultimately the ability to achieve a meaningful mix in residential development options.

- j) *Of particular relevance are the principles underlying the development of the Tasmanian Planning Scheme in the application of the Rural Living zone which is not to be applied to land which is intended and suitable for urban development. In this regard adequate reticulated water and sewerage systems are available to the subject land in accordance with the requirements of the Water and Sewerage Industry Act 2008. This infrastructure allows the opportunity to achieve the highest and best use of the subject site facilitating a greater density of residential development for which the LDR zone is considered the most appropriate.*
- k) *The subject site will not represent an area of new release but an opportunity for infill redevelopment of residential land which with infrastructure service constraints, will achieve a greater density and lot supply.*
- l) *The supply of serviced vacant residential land as outlined in the assessment related to the LPS determines that the current forecast to meet demand is a period well in excess of 20 years on current trends. Also it is proposed that areas – 62 ha west of Mooreville road be rezoned from General Residential to Agriculture thereby reducing urban residential land stock to approx. 155 hectares. However, this assumes that the land which is currently zoned but not yet subdivided or at least development ready, will be brought on line within that period.*
- m) *The concept of 'development ready' assumes the availability of lots to the market which are at the moment of need available for immediate residential development. The acute shortage of these residential lots are impacting the potential satisfaction of demand for affordable housing. The provision of additional LDR zoned land in providing greater flexibility in residential living, must assist in addressing the demand by providing an alternative residential option for other than affordable housing needs.*
- n) *The Tasmanian Planning Commission has recognised and accepted the proposition that not all land zoned for residential development will necessarily come on line within a predetermined timeframe or even within the period of reasonable demand say a 10-20 year horizon. This is because decision about staging is led by land developers based upon commercial considerations. Likewise land holdings which are staged for development. On that basis the argument that the introduction of the LDR zone will necessarily frustrate or circumvent the development of this land is not a significant determinant, particularly as in the case of the subject land, this will result in the development of land size and density which will necessarily become a different offering.*
- o) *The proposal satisfies all applicable specified criteria within the zone purpose statement and the section 8A Guidelines for application of the LDR zone.*

2. Introduction

2.1 Summary

GHD has been engaged by the owners of four properties in East Cam to submit a representation to the *Burnie draft Local Provisions Schedule (BUR-LPS)* exhibited by Burnie City Council. The representation addresses the application of the Rural Living A Zone to land identified in Table 1 seeking application of the Low Density Residential Zone to the land. Copies of the relevant Certificates of Title are included in Appendix A.

Table 1: Identification of Subject Site and Property Owners

Property Addresses	Title References	Property Owners
135 West Mooreville Rd, East Cam	CT 15444/1	Michael Graham Jack and Frances Mary Jack
149 West Mooreville Rd, East Cam	CT 15444/2	Colin James Margetts and Jacqueline Elizabeth Margetts
159 West Mooreville Rd, East Cam	CT 15444/3	Marie Patricia Redman
165 West Mooreville Road, East Cam	CT 112555/1	Derek Royce Howard

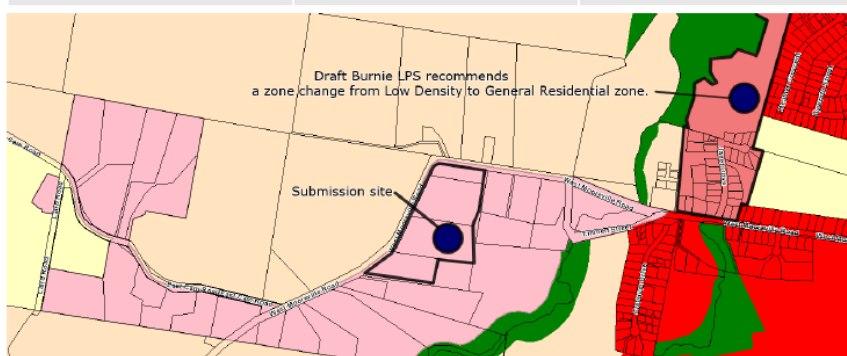


Figure 1: Submission sites - black highlight

This submission seeks an amendment to the *BUR-LPS*, to change the zoning of the subject site to Low Density Residential. It is argued in this report that with consideration of the topography and capability of the subject site in terms of available infrastructure, and the proximity of the site to facilities and services, the site is more appropriately related to the purposes and provisions of the Low Density Residential Zone.

Importantly, the introduction of the Low Density Residential Zone provides simply for infill development of the site at a greater density allowing the introduction of new allotments, which can be serviced without significant impost to the Burnie community, achieving the highest and best use for land located on the edge of the city's residential precincts.

a) The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties

which will enable the realisation of infill development to maximise efficient use of the land and services.

b) In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the draft BUR LPS, given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.

c) The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.

d) The proposal satisfies all applicable specified criteria within the zone purpose statement and the section 8A Guidelines for application of the LDR zone.

The representation is made under Section 35E of the *Land Use Planning and Approvals Act 1993* (LUPAA).

2.2 Report Purpose

This report is provided as part of the documentation to support a representation and amendment to the *BUR-LPS* exhibited by Burnie City Council, in accordance with Part 3A and 3B of the LUPAA. The report provides a detailed assessment of the application with reference to the objectives of the LUPAA, the *Burnie Interim Planning Scheme 2013* (the Scheme), the Cradle Coast Regional Land Use Planning Framework, and applicable State Policies.

3. Background

3.1 2014-2017: Application for subdivision of 149 West Mooreville Road, East Cam

Previous applications to develop the land at 149 West Mooreville Road at a greater density have been unsuccessful, and whilst it is recognised that these densities are challenging in terms of the existing Rural Living Zone, the change of zone to a Low Density Residential classification will recognise the following indicators

- the existence on site of reticulated water and sewerage, electricity, and telecommunications infrastructure, kerbside rubbish collection, daily mail delivery and direct access to West Mooreville Road;
- the existing development pattern in the immediate locality which includes lots ranging in size from 1,900 m² to 21,000 m²; and
- the strategic location of the site on Burnie's urban fringe, within 430 metres of land zoned General Residential and Low Density Residential (Janet Drive property currently recommended for a change to General Residential zone 92 lots).

Given the situation of the nominated properties, it is submitted that the sites at West Mooreville Road are ideally qualified for the application of Low Density Residential zoning. Importantly in accordance with strategic policies outlined in the *Cradle Coast Regional Land Use Planning Framework*, the change in zoning will optimise available infrastructure and infill opportunities within established residential settlements with access to services and facilities.

GHD submits that the context within which the development of these sites at greater density is proposed sits comfortably within the criteria outlined within the *Zone Purpose Statement, Local Area Objectives and Desired Future Character Statements of the Low Density Residential Zone* identified in the State Planning Provisions.

Relevantly, the primary use of land within the present Rural Living Zone is residential, as would be the case with the change to the Low Density Residential classification, albeit at increased density. The zone change then does not alter the overriding objective, which is to allow for residential development. The use of the land will not change.

3.2 Current representation and request for amendment

This representation is made to the *BUR-LPS* with respect to the application of the Rural Living Zone to the subject site identified in Section 2, which includes properties at 135, 149, 159 and 165 West Mooreville Road (the subject site). Council is asked to consider a request for an amendment of the *BUR-LPS* to rezone the subject site from Rural Living to Low Density Residential.

An analysis of the subject site is presented in Section 4 of this report. The proposed representation and requested amendment is outlined in Section **Error! Reference source not found.**, and assessment against planning instruments in Section 6.

4. Site Analysis

4.1 Site Characteristics

The subject site is comprised of four (4) separate titles in East Cam, each with access to West Mooreville Road and a combined area of 5.86 hectares, as defined by the boundaries of each site respectively. Table 2 identifies the area of each property.

Table 2: Identification of Subject Site and Area

Property Addresses	Title References	Property Area (m ²)
135 West Mooreville Rd, East Cam	CT 15444/1	5,779
149 West Mooreville Rd, East Cam	CT 15444/2	20,230
159 West Mooreville Rd, East Cam	CT 15444/3	20,630
165 West Mooreville Road, East Cam	CT 112555/1	11,960
Total Area		58,599

The boundaries of the site are defined by West Mooreville Road to the north and west, and by the neighbouring properties to the south and east. The southern and eastern boundaries are adjacent private driveways within the neighbouring properties, each servicing a single detached dwelling between 250 m and 300 m from West Mooreville Road.

Each property within the subject site contains a single detached dwelling, associated outbuildings, and landscaping, and is otherwise undeveloped open ground. Figure 2 identifies the location of each property forming the subject site.



Figure 2: Title references, boundaries, and area of properties within the subject site

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

Site elevation ranges between 110 m and 140 m with the land generally falling toward the east over distances of 140 m to 230 m. Land to the west of the subject site, opposite West Mooreville Road, rises to approximately 150 m. Land to the south and east of the subject site falls toward Cooe Creek with slopes becoming steeper closer to the Creek (see Figure 3).

Beyond the boundaries of the subject site, the slope of the land to Cooe Creek is significant, which reflects the hazard classification and affects the existing development, the pattern of which reflects this issue.



Figure 3: Subject Site with 10 metre elevation contours

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

Sewer and water mains run along the northern boundary of 159 West Mooreville Rd (CT15444/3) and transect the south-eastern portion of 149 West Mooreville Rd (CT15444/2). Reticulated water and sewerage services are available for the entire subject site and future development of this land can be serviced accordingly. Stormwater can be managed on site through in-ground absorption and onsite storage systems. See Figure 4 and Figure 5 for water and sewer services available to the subject site.

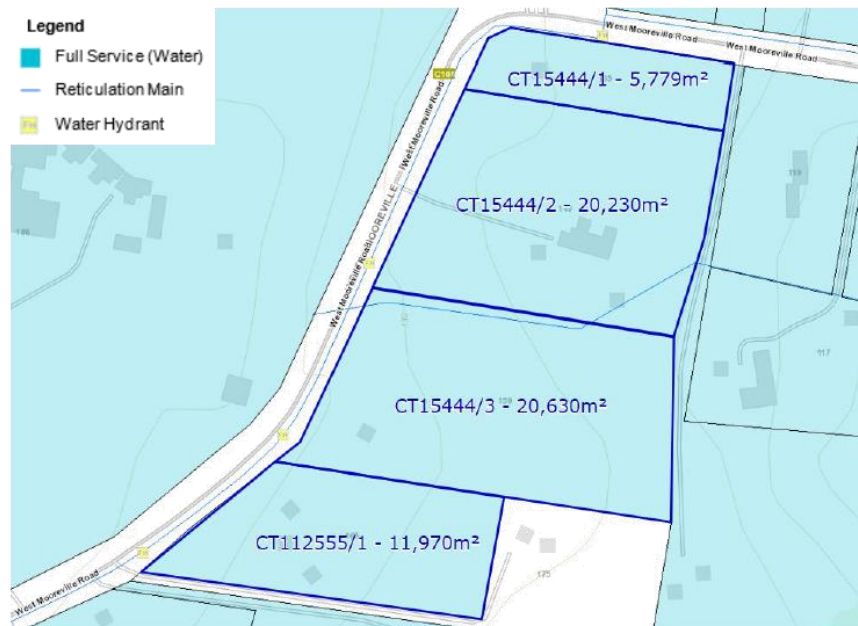


Figure 4: Water serviced land, reticulation mains, and water hydrants

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

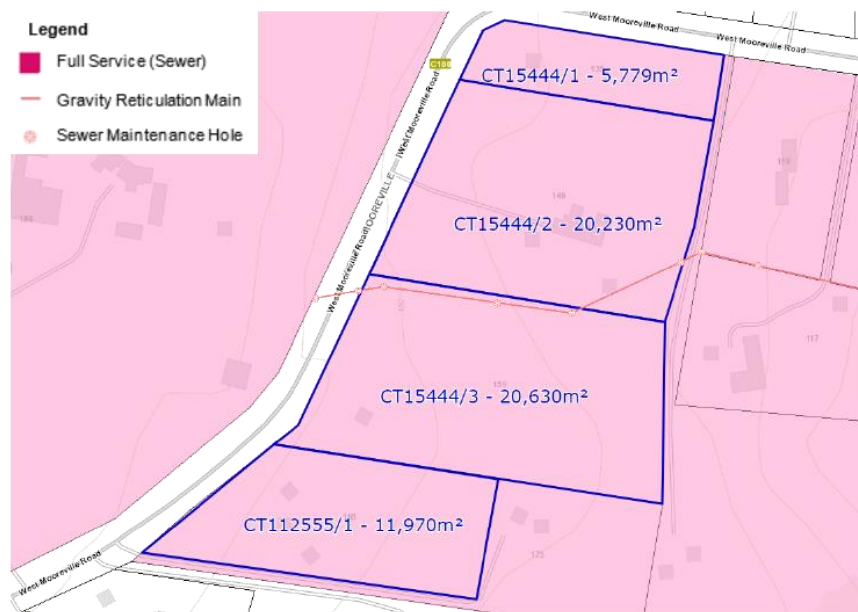


Figure 5: Sewered area

Services available to the site include the National Broadband Network (NBN) with Fibre to the Node (FTTN); power supply via the network along West Mooreville Road; Australia Post deliveries; and weekly refuse collection services.

4.2 Surrounding Area

The subject site is located within a residential corridor to the west of Burnie’s urban boundary, and is within 3.0 km of the urban centres of Burnie and Somerset respectively (see Figure 6). Residential land uses dominate the area east of the subject site, including recent residential developments along Platinum Drive and Janet Drive approximately 430 m from the subject site, and continuing to the south of Burnie CBD.

North of the site, opposite West Mooreville Road, are rural properties including farms with and without housing, which continue for approximately 1.4 km to the suburb of Cooe. To the south are properties with housing, which are subject to the Rural Living Zone. This pattern of development continues to Cooe Creek within approximately 250m of the subject site. To the west, opposite West Mooreville Road, is a supported accommodation facility for people with severe disabilities. A mix of agricultural, residential and community land uses predominate further west of the subject site.

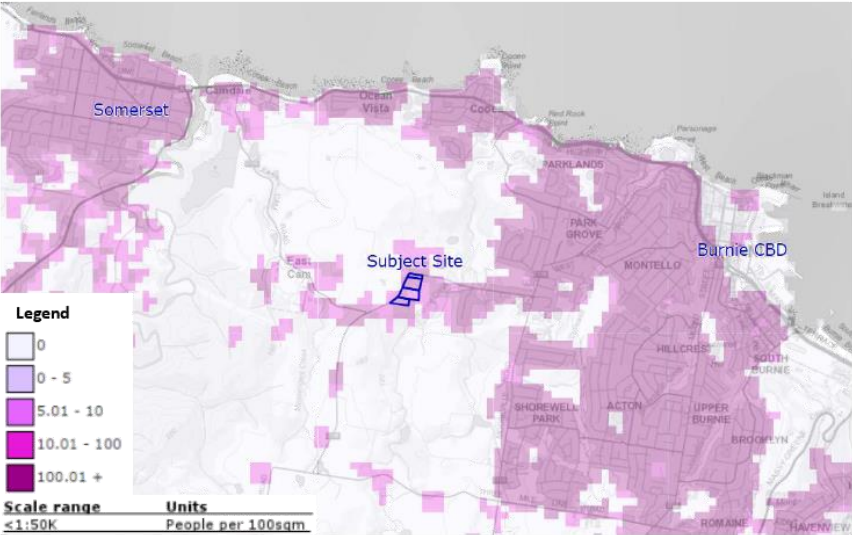


Figure 6: Subject site and regional population density (scale 1:27,084)

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

A variety of facilities are located within 3 km of the subject site, especially between the site and Burnie CBD, which provide all services necessary for residential and community land uses. Select facilities within 2.5 km of the subject site are identified in Table 3 and Figure 7.

Table 3: Select facilities within 2.5 km of subject site

Facilities within 2.5 km of the subject site	
Community facilities and organisations	Parks and reserves
Burnie Community House	Cooee Beach
Burnie Girl Guide Hall	Cooee Point (beach)
Burnie Lawn Cemetery	Eastwood Reserve
Burnie Masonic Centre	Jorgensen Street Reserve
Burnie PCYC	Ocean Vista (beach)
Burnie Scouts Hall	Sampson Street Reserve
Burnie Seventh Day Adventist Church	Healthcare
Cooee Memorial Hall	North West Pathology and Laboratory
Cooee Uniting Church	North West Private Hospital
Footprints Education Complex (crèche)	North West Regional Hospital
Kookaburra Junction (crèche)	Pharmacy One
Martin Luther Lutheran Church	Sports grounds, clubs and facilities
Parkside Funerals head office and Chapel	Burnie Aquatic Centre
Riding for the Disabled Association of Tasmania (horse riding)	Burnie Bowls Club
St David's Anglican Church	Burnie Council walking trails
Tasmanian Family History Society	Burnie Golf Course/Club
Education	Burnie Netball Complex
Burnie High School (public)	Burnie Park
Burnie Primary School (public)	Burnie Rugby Club
Cooee Primary School (primary and infant)	Burnie Soccer Club
Hellyer College (secondary private)	Burnie Softball Club
Marist Regional College (private)	Burnie Tennis Club/Centre
Stella Maris Catholic School (private primary and secondary)	Healthglo Fitness and Leisure
TasTAFE Burnie Campus (public)	Montello Recreation Ground
UTAS Cradle Coast Campus Park Grove (public)	TLC Aquatics swim school and remedial pool complex
UTAS Rural Clinical School Cooee	Retail

Residential	Bass Highway Cooe: includes hardware and auto parts stores, take away restaurants, furniture stores, car yards, and other shops.
Abbeyfield House Burnie (assisted living)	Burnie Indoor Market
Hellyer College student accommodation	Camdale Mobil Service Station
Panorama Supported Accommodation	Coee Post Office
TasTAFE student accommodation	Park Grove IGA X-press
Umina Park Nursing Home	Shorewell (Hilltop) Plaza; includes IGA Everyday, BWS, and other shops.
UTAS Cradle Coast Campus student accommodation	Terrylands Shopping Complex; includes Radfords Takeaway and Happy Days Takeaway, Caltex Service Station, and other shops.

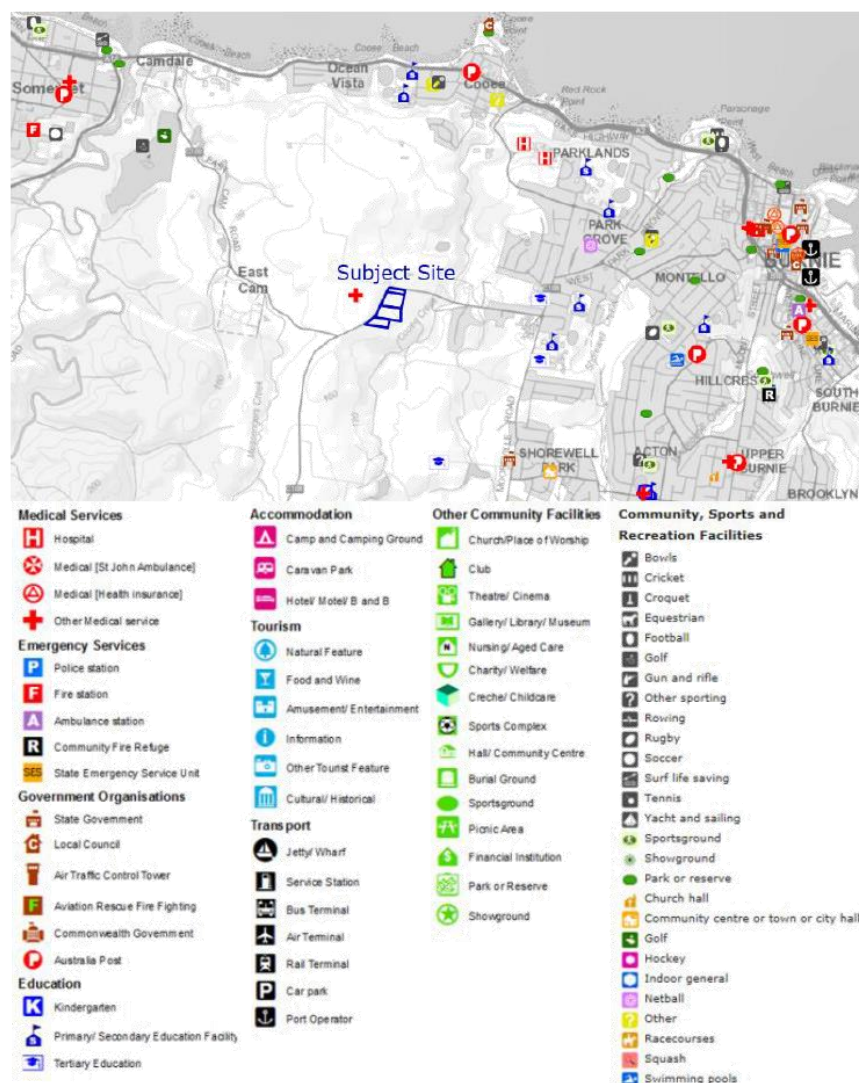


Figure 7: Subject site and facilities within 3.0 km radius

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

4.3 Zoning and Overlays

4.3.1 Rural Living Zones

The subject site is within a 51 ha area of Rural Living zoning that borders Laird Road in the west and Cooe Creek in the east (see Figure 8).

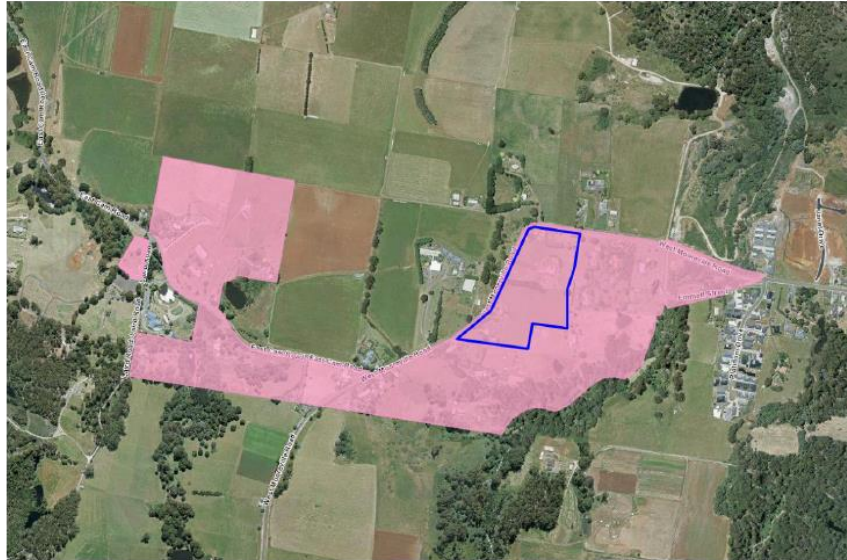


Figure 8: Subject Site within Rural Living Zone

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

In the broader context the Rural Living Zone containing the subject site is the only Rural Living Zone west of Burnie that is within the City of Burnie Local Government Area (LGA). A substantially larger Rural Living Zone, over 510 ha, borders the western side of Cam River within the Waratah-Wynyard LGA, between 2.5 km and 4.5 km from the subject site (see Figure 9).

Three Rural Living Zones within the Burnie LGA are located south and south-east of Burnie's urban footprint. Two of these zones are at the south-eastern urban fringe of Burnie, adjacent the Melba railway line, and are approximately 10.3 ha and 5.6 ha respectively.

A larger Rural Living Zone of 154.9 ha is located approximately 6.5 km by road south of Burnie town centre, and shares its western boundary with the Melba railway line. Other Rural Living Zones are located significantly further south in Hampshire, Upper Natone, Natone, and Stowport.

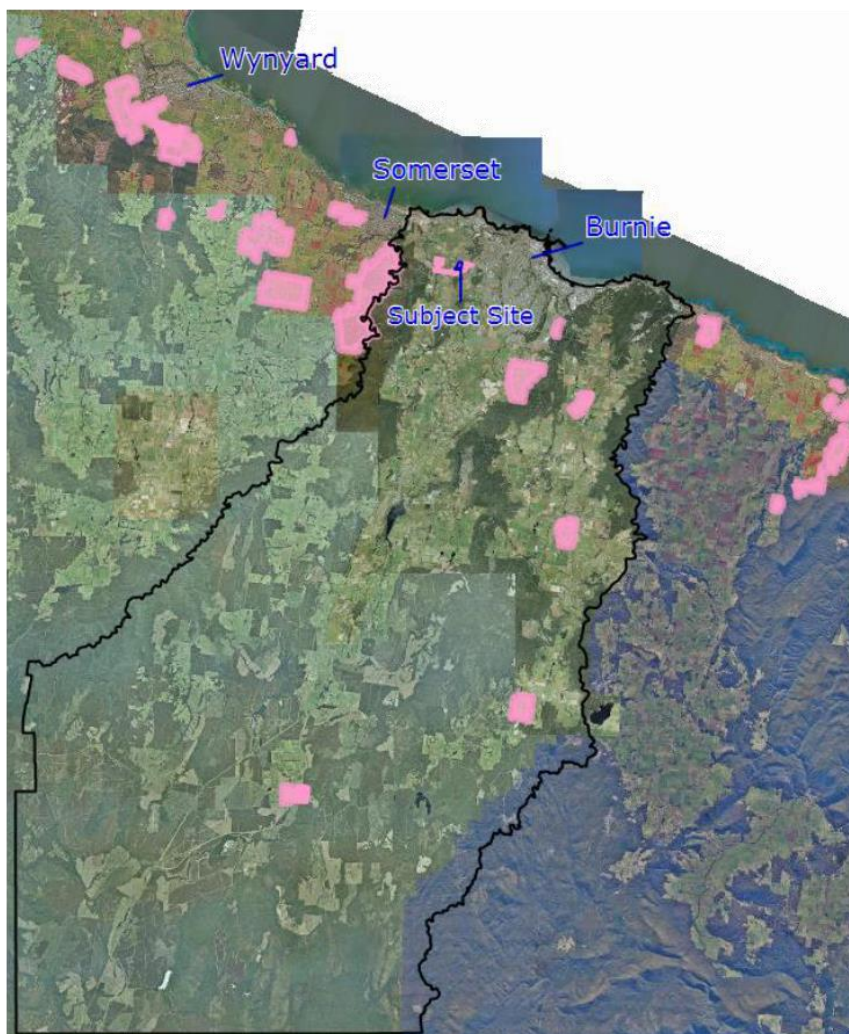


Figure 9: Rural Living Zones and City of Burnie LGA

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

4.3.2 Surrounding Zones

The subject site's Rural Living zone at its western boundary is bordered by West Mooreville Road and the Rural Resource zone to the north and west, an Open Space Zone, which buffers Cooee Creek at its eastern boundary and the General Residential zone to the east a distance of approximately 430 metres.

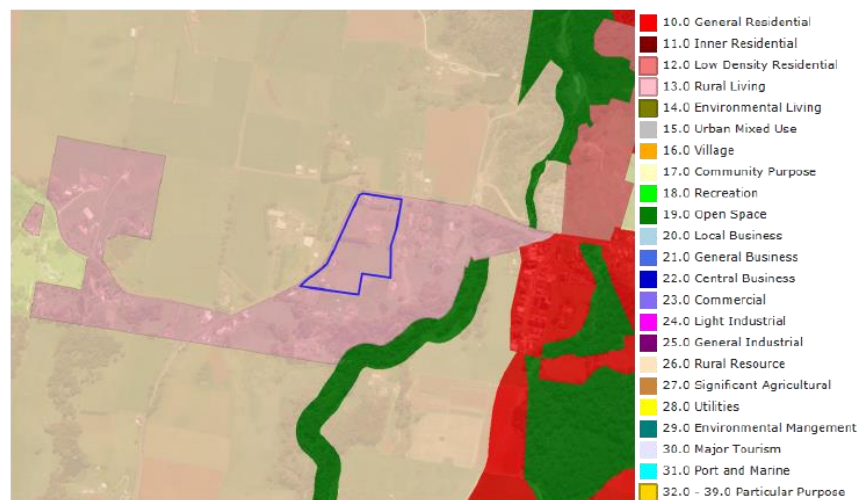


Figure 10: Subject Site and surrounding Zones

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

4.3.3 Overlays

The subject site contains areas of low and medium landslide hazard identified on the Landslide Hazard Overlay map. Medium landslide hazard is identified at the eastern boundary of the subject site, which extends further east to Cooee Creek. Low landslide hazard is identified at the western boundary of the subject site, which extends further east for approximately 80 m (see Figure 11). The area of medium risk impacting the subject site has been the subject of geotechnical investigation, which concluded that the risk is tolerable given application of good hillside design.

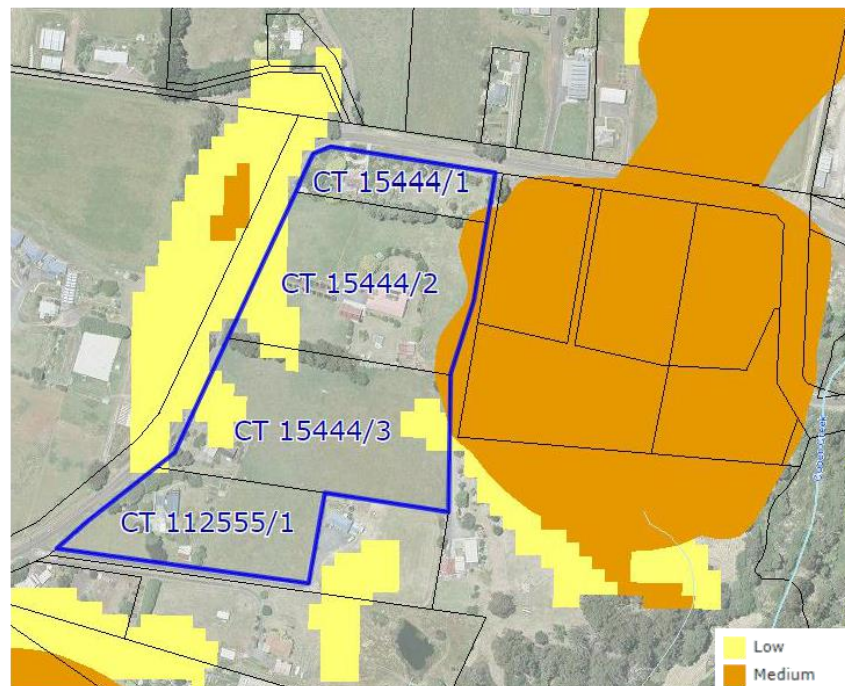


Figure 11: Subject Site and Landslide Hazard Overlay

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

5. Submission

A representation to the application of the Rural Living Zone to the subject site identified in Sections 2 and 4 of this report is made in accordance with Section 35E of the LUPAA,.

The requested change to the proposed *BUR-LPS* to alter the zone of the subject site rezoning will ultimately facilitate the re-subdivision of the respective properties maximising use of existing reticulated infrastructure.

The proposed change to the zoning classification of the land to Low Density Residential is considered to represent a logical progression of the residential area west of Burnie. This is supported by the subject site's access to reticulated water and sewerage, energy and communications utilities, access to West Mooreville Road, and proximity to facilities and services including daily mail delivery and weekly Council refuse collection that support a higher density of residential development. These factors are addressed in more depth in Section 6.

6. Planning Assessment

The statutory requirements for the representation to, and requested change to the *BUR-LPS* are determined through a combination of legislative documents applying at state, regional, and local levels. These include:

State

All planning assessment is guided by the objectives of the Resource Management and Planning System of Tasmania (RMPS). These objectives are considered in the assessment provided in 6.1.1 of this report.

The *Land Use Planning and Approvals Act 1993* (LUPAA) is the primary legislative document in guiding the development and implementation of Planning Schemes in Tasmania, including the creation and implementation of Local Provision Schedules (LPS). The representation to, and requested amendment of the *BUR-LPS* is assessed against the relevant sections of the LUPAA in 6.1.2 of this report.

Regional

Assessment of the proposed amendment in relation to the Cradle Coast Regional Land Use Framework 2010-2030 is required by Section 300 of the LUPAA and is included in Section 6.2.1 of this report.

Local

The *Burnie Interim Planning Scheme 2013* is the key local legislation guiding development in the City of Burnie LGA, and the document to which the requested rezoning amendment applies. An assessment of the proposed amendment in relation to the Scheme is provided in Section 6.3.1

The proposed amendment is also assessed in relation to the *Settlement and Investment Strategy for Burnie to 2026* in Section 6.3.2 of this report.

6.1 State Legislation and Strategies

6.1.1 Resource Management and Planning System of Tasmania

The Resource Management and Planning System of Tasmania (RMPS) is the overarching statutory framework for guiding development and the application of planning legislation in the state. The proposed rezoning accords with the objectives of the RMPS, which are identified in Schedule 1 Part 1 of the LUPAA. Each of the objectives, and a corresponding comment with respect to the proposed rezoning, are provided in Table 4 below.

Table 4: Assessment against the objectives of the RMPS

Objectives of the Resource Management and Planning System of Tasmania	Comment
a. <i>to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;</i>	The proposed zone change will not impact the sustainability of natural or physical resources, the maintenance of ecological processes, or genetic diversity within or surrounding the subject site. The site is currently used for residential purposes and does not contain vegetation communities or species of significant ecological or biological value, and is not subject to a conservation covenant or wildlife corridor.
b. <i>to provide for the fair, orderly and sustainable use and development of air, land and water;</i>	The proposed zone change will provide for the continued orderly intensification of residential uses and development on the urban fringe of the City of Burnie, where utilities and social infrastructure are currently underutilised.
c. <i>to encourage public involvement in resource management and planning;</i>	Community consultation will form part of the amendment process.
d. <i>to facilitate economic development in accordance with the objectives set out in the above paragraphs;</i>	The change in zoning will provide the opportunity for further development within the subject site, which may increase economic activity, including employment opportunities and investment in the local area.
e. <i>to promote the sharing of responsibility for resource management and planning between the different spheres of government, the community and industry in the State.</i>	The statutory process for the proposed zone change facilitates coordination between levels of government, industry and the community.

The objectives of the RMPS are promoted through the application of the LUPAA, which draws on the objectives of the RMPS to guide planning and development processes in Tasmania.

6.1.2 Land Use Planning and Approvals Act 1993

The specific requirements for the contents of a representation to, or an amendment of a LPS are not identified in the current version of the LUPAA. However, these requirements are identified in a previous version of the LUPAA, which applied between 1 April 2015 and 16 December 2015. This report provides assessment against the relevant sections of both versions of the LUPAA. Where a difference exists between the two versions, assessment is made against the current version only.

The relevant sections of the LUPAA included in this assessment are:

Current version

- Schedule 1 Part 1, which defines the objectives of the RMPS, and the objectives of the planning process established by the LUPAA.
- Section 35E, which identifies the requirements for a representation to an LPS.
- Section 37, which identifies the requirements for a request to amend an LPS.

Version in effect between 1 April 2015 and 16 December 2015

- Section 300, which identified requirements for amendments under Divisions 2 and 2A of the Act (Divisions 2 and 2A of the Act referred to the making of amendments to a Planning Scheme). Section 300 also provides that an amendment is to be consistent with the relevant land use strategy (see 6.2.1 of this report for assessment against the *Cradle Coast Regional Land Use Framework 2010-2030*).
- Section 32, which identified the requirements for the preparation of amendments.

Objectives of the planning process established by the LUPAA

The LUPAA establishes the planning and development processes of Tasmania, and is guided by nine (9) objectives. These objectives support those of the RMPS and are set out in both the previous and current versions of the LUPAA (Schedule 1 Part 1). The objectives of the planning process established by the LUPAA and a corresponding comment with respect to the proposed rezoning are provided in Table 5 below.

Table 5: Assessment against the objectives of the LUPAA

Objectives of the Planning Process Established by the LUPAA	Comment
<i>a. to require sound strategic planning and co-ordinated action by State and local government; and</i>	The proposed zoning change advances strategic planning objectives prescribed by local, regional and state authorities respectively. The rezoning will provide opportunities for continued residential development within a population growth corridor on the urban fringe of the City of Burnie (see Figure 6). The land, which is serviced by utilities infrastructure and is in close proximity to social services and facilities, is underutilised as a result of the current low-density limits of the Rural Living Zone. The proposed rezoning will allow for further densification of this residential land.
<i>b. to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and</i>	The proposed zoning change does not conflict with this objective as all aspects of the use and development have been considered and adequately addressed throughout the report.
<i>c. to ensure that the effects on the environment are considered and provide for explicit consideration</i>	The proposed zoning change will have minimal effect on the surrounding environment, as the primary use of the land

Objectives of the Planning Process Established by the LUPAA	Comment
<i>of social and economic effects when decisions are made about the use and development of land; and</i>	will remain residential. Rezoning will provide the opportunity for economic development through the intensification of residential development, which in turn will provide housing in close proximity to physical, commercial and social infrastructure.
<i>d. to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and</i>	This objective is not effected by the rezoning as a policy framework has already been established, which satisfies this requirement.
<i>e. to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and</i>	The proposed zoning change is considered as a part of the coordinated process.
<i>f. to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and</i>	The proposed zoning change will increase opportunities for people to live in a pleasant and well serviced Tasmanian locality that has convenient access to social and community facilities. The rezoning will allow the development of different residential offerings which provide further choice within the residential market.
<i>g. to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and</i>	The proposed zoning change, being for residential land on the urban fringe of the City of Burnie, will not alter buildings or areas possessing special cultural values or interest.
<i>h. to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and</i>	The proposed zoning change will provide opportunities, through the intensification of residential development, for the improved utilisation of existing public utilities and social infrastructure. The proposal will not lead to adverse impacts.
<i>i. to provide a planning framework which fully considers land capability.</i>	The present zoning change of the site recognises the primary use of the land as residential as reflected by its land capability.

Compliance with Section 35E of the LUPAA

The submission is a representation to the application of the Rural Living Zone to the subject site in the draft LPS. Section 35E of the LUPAA identifies the requirements for a representation to be made in this context. The proposal is assessed against provisions of Section 35E in Table 6 below.

Table 6: Assessment against provisions of Section 35E of the LUPAA

The LUPAA - Section 35E Representations	Comment
<i>(1) A person or body may make to a planning authority a representation in relation to a draft LPS that is made available by the planning authority for viewing by the public at exhibition premises in accordance with section 35D(1)(a).</i>	(1) This representation is made by GHD on behalf of the Proponents identified in Section 2 of this report.
<i>(2) A representation in relation to a draft LPS –</i> <i>(a) is to be made under subsection (1) within the exhibition period in relation to the draft LPS; and</i> <i>(b) must be made by submitting the representation to the premises, or to the electronic address, that are specified, in accordance with section 35C(4)(b), in the exhibition notice in relation to the draft LPS.</i>	(2) This representation is made: (a) under subsection 35E(1) within the exhibition period; and (b) is made by submission to the electronic address specified in the draft LPS.
<i>(3) Without limiting the generality of subsection (1), a person or body may make in relation to a draft LPS a representation as to whether –</i> <i>(a) a provision of the draft LPS is inconsistent with a provision of the SPPs; or</i> <i>(b) the draft LPS should, or should not, apply a provision of the SPPs to an area of land; or</i> <i>(c) the draft LPS should, or should not, contain a provision that an LPS is permitted under section 32 to contain.</i>	(3) This representation submits that: (a) Not applicable. (b) the <i>BUR-LPS</i> should not apply the Rural Living Zone to the subject land identified in sections 2 and 4 of this report. (c) Not applicable.
<i>(4) A representation in relation to a draft LPS must not be a representation to the effect that the content of a provision of the SPPs should be altered.</i>	(4) This representation does not propose the alteration of the content of a provision of the SPP.

<p>(5) For the purposes of this Part, any matter, contained in a representation under subsection (1) in relation to a draft LPS, that –</p> <p>(a) does not relate to the contents or merits of the draft; or</p> <p>(b) is not a matter to which subsection (3) relates; or</p> <p>(c) is a representation to which subsection (4) relates –</p> <p>is not to be taken to be part of the representation.</p>	<p>(5) All matters to which this representation relates should be taken to be part of the representation as it:</p> <p>(a) relates to the contents and merits of the application of the Rural Living Zone to the subject land, as per the draft LPS;</p> <p>(b) relates to subsection (3)(b); and</p> <p>(c) does not relate to subsection (4).</p>
---	---

Compliance with Section 37 of the LUPAA

This submission requests an amendment to the draft LPS to alter the proposed zoning of the subject site from Rural Living to Low Density Residential. Section 37 of the LUPAA identifies the requirements for a request to amend an LPS. The requested amendment is assessed against provisions of Section 37 of the LUPAA in Table 7.

Table 7: Assessment against provisions of Section 37 of the LUPAA

The LUPAA - Section 37 Request for amendment of an LPS	Comment
(1) A person may request a planning authority to amend an LPS that applies to the municipal area of the planning authority.	(1) This representation requests the amendment to the application of the Rural Living Zone to the subject site within the BUR-LPS.
(2) A request under subsection (1) is to be in a form approved by the planning authority or, if a form has been approved by the Commission, is to be in that form.	(2) This application is made in accordance with the relevant provisions of the current and past versions of the LUPAA.
<p>(3) A request under subsection (1) by a person to a planning authority to amend the zoning or use or development of one or more parcels of land specified in an LPS must, if the person is not the owner, or the sole owner, of the land –</p> <p>(a) be signed by each owner of the land; or</p> <p>(b) be accompanied by the written permission of each owner of the land to the making of the request.</p>	<p>(3) This representation is made by GHD on behalf of the Proponents identified in Section 2 of this report, and is;</p> <p>(a) contractual approval for GHD to act on the owner's behalf each of whom is identified in Section 2 of this report.</p> <p>(b) Not applicable.</p>

Compliance with Section 300 of the LUPAA

Section 300 of the version of the LUPAA in effect between 1 April 2015 and 16 December 2015 specified the requirements for the amendment of a Planning Scheme. The proposed amendment is assessed against provisions of Section 300 of the LUPAA in Table 8:

Table 8: Amendments under Divisions 2 and 2A of interim planning schemes

300. Amendments under Divisions 2 and 2A of interim planning schemes	Comment
<i>(1) An amendment may only be made under Division 2 or 2A to a local provision of a planning scheme, or to insert a local provision into, or remove a local provision from, such a scheme, if the amendment is, as far as is, in the opinion of the relevant decision-maker within the meaning of section 20(2A), practicable, consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the scheme applies.</i>	The requested amendment to the <i>BUR-LPS</i> is shown to be consistent with the Cradle Coast Regional Land Use Framework 2010-2030 through the assessment provided in Section 6.2.1 of this report.
<p><i>(2) An amendment, of a planning scheme, that would amend a local provision of the scheme or insert a new provision into the scheme may only be made under Division 2 or 2A if –</i></p> <p><i>(a) the amendment is not such that the local provision as amended or inserted would be directly or indirectly inconsistent with the common provisions, except in accordance with section 30EA, or an overriding local provision; and</i></p> <p><i>(b) the amendment does not revoke or amend an overriding local provision; and</i></p> <p><i>(c) the amendment is not to the effect that a conflicting local provision would, after the amendment, be contained in the scheme.</i></p>	The representation and requested amendment to the <i>BUR-LPS</i> would result in the rezoning of land from Rural Living to Low Density Residential, but would not alter the content of the provisions (including an overriding provision) of either Zone.
<p><i>(3) Subject to section 30EA, an amendment may be made to a local provision if –</i></p> <p><i>(a) the amendment is to the effect that a common provision is not to apply to an area of land; and</i></p>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.

<i>(b) a planning directive allows the planning scheme to specify that some or all of the common provisions are not to apply to such an area of land.</i>	
<i>(4) An amendment may not be made under Division 2 or 2A to a common provision of a planning scheme unless the common provision, as so amended, would not be inconsistent with a planning directive that requires or permits the provision to be contained in the planning scheme.</i>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.
<i>(5) Subject to section 30EA, an amendment of a planning scheme may be made under Division 2 or 2A if the amendment consists of –</i> <i>(a) taking an optional common provision out of the scheme; or</i> <i>(b) taking the provision out of the scheme and replacing it with another optional common provision.</i>	Not applicable. The requested amendment, being for rezoning only, will not alter a common provision of the Scheme.

Compliance with Section 32 of the LUPAA

Section 32 of the version of the LUPAA in effect between 1 April 2015 and 16 December 2015 identified the requirements for the preparation of amendments. The proposed amendment is assessed against provisions of Section 32 in Table 9:

Table 9: Requirements for the preparation of amendments

32. Requirements for preparation of amendments	Comment
<p><i>(1) A draft amendment of a planning scheme, and an amendment of a planning scheme, in the opinion of the relevant decision-maker within the meaning of section 20(2A) –</i></p> <p><i>Note: subsections 32(1)(a)-(d) have been repealed.</i></p> <p><i>(e) must, as far as practicable, avoid the potential for land use conflicts with use and development permissible under the planning scheme applying to the adjacent area; and</i></p>	<p>(e) The subject site is immediately adjacent residential uses established under the Rural Living Zone, which applies to land south and west of the site. To the east within 550m of the site are recently developed residential settlements within Low Density Residential (Janet Drive) recommended for a zone change to the General Residential Zones.</p> <p>Land under the Rural Resource Zone to the west and north of the subject site, which is separated by West Mooreville Road, contain residential uses, including residential uses within the Panorama Supported Accommodation facility. The Resource Management and Planning Appeal Tribunal in its consideration of the issue of land use conflict associated with the most</p>

<p><i>(ea) must not conflict with the requirements of section 300 ; and</i></p> <p><i>(f) must have regard to the impact that the use and development permissible under the amendment will have on the use and development of the region as an entity in environmental, economic and social terms.</i></p>	<p>recent application to subdivide the land at 149 West Mooreville Road, found that there was no likelihood of land use conflict, having considered all potential uses within the nearby Rural Resource zone. It is reasonable to conclude given the context of the subject properties, that such a conclusion will result.</p> <p>The zone change to this land will provide opportunities for the intensification of existing residential uses consistent with the nearby residentially zoned areas. Such intensification will access existing, underutilised infrastructure to minimise potential conflict with less intense residential uses in the area.</p> <p>(ea) The requested change to the zoning is consistent with the requirements of 300, as discussed in Table 8 of this report.</p> <p>(f) The proposed zone change will create opportunities for the intensification of residential land use and subsequent economic investment and stimulation in the region.</p> <p>By utilising an underutilised infill site the potential developments will be made without extending into greenfield areas that have separate economic and environmental values.</p>
<p><i>(2) The provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9) apply to the amendment of a planning scheme in the same manner as they apply to planning schemes.</i></p>	<p>The requested zone change will not conflict with the provisions of section 20 (2), (3), (4), (5), (6), (7), (8) and (9).</p>

6.2 Regional Legislation and Strategies

6.2.1 Cradle Coast Regional Land Use Framework 2010-2030

The Cradle Coast Regional Land Use Framework 2010-2030 (CCRLUF) provides strategic context at a regional level for planning schemes, and contains strategies for the future use and development of land within the region. Part C Section 1.5 of the CCRLUF includes fifteen Principles for Implementation for a range of overarching goals and strategic directions. A response to each principle that is relevant to the requested rezoning is provided in Table 10 below.

Table 10: Principles for Implementation of the goals of the CCRLUF**Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030*****a. All levels of government, industry and the community work collaboratively, share responsibility, and are accountable for sustainable land use***

This is a core objective for the Tasmanian land use planning system. It requires all processes and decisions relevant for land and resource use must be consistent with the outcomes required for the resource management and planning system.

Comment

The proposed zoning change represents a collaboration between members of the Burnie community (the Proponents) to improve the utilisation of residential land through local and state planning regulatory processes. The change to the zone is consistent with the objectives of the RMPS, the goals of the Regional Land Use Strategy, and other regional and local strategic land use initiatives (see section 6.3).

b. Strategies, policies and decisions for land use are integrated across all levels of government, industry and the community

Land use policy must not be made in isolation. A regional perspective must apply and actions must coordinate and be aligned with other management programs applying for the same resource, locality or issue.

Land use planning must operate in concert with all of Tasmania's statutory and structural frameworks and is not to embellish, substitute or override the intentions, rules and requirements of other arrangements for managing social, economic and environmental outcomes for the State.

Comment

The proposed zone change is consistent with the regional pattern of residential land use development, and proposed in accordance with the statutory requirements of State, Regional and Local authorities. It is considered that the proposed zone change will support positive social, economic and environmental outcomes within the regional community.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

c. Land is a limited, non-renewable resource and is not wasted

Policies are to promote opportunities for use and development to accommodate future population and employment growth without unnecessary or unreasonable adverse effect.

Land is to be used in the manner best matched to its highest capability to support social, cultural and economic endeavour while always protecting health of the environment.

Implementation actions for sustainable development are to provide for intensification and redevelopment of land in preference to new release. Policies are to identify the priority use for land and allow adaptability, flexibility and innovation in the rules and technical requirements applying for matters such as zoning, conforming land use mix, development density, site coverage and urban, building, utility and community service design and provision.

Land is to be provided for –

- *Conservation*
- *Primary production*
- *Economic activity*
- *Housing*
- *Community purposes*

Implementation requires repositioning on many established land use conventions. There must be an acceptance that progress, change and transition will continually occur within the established order of use and development.

Comment

The proposed zone change provides infill opportunities for residential development while making efficient use of existing infrastructure. The subject site would be used in a manner that better matches its capability by intensifying its residential use within the urban development footprint.

The subject site, being fully serviced by reticulated water and sewerage infrastructure and close to a complete range of community facilities, is well suited to a higher density of housing without compromising alternative land uses in the surrounding area.

d. Facilitate use and development

Land use strategy is to encourage use and development provided the costs of adverse impacts of the development on natural, economic and social systems and the impact of natural, economic and social systems on the use or development do not outweigh the benefits a community may derive from such development.

Comment

The proposed zone change will allow future applications to be made for the subdivision and development of serviced residential land, suitable for higher density development. The proposal, and potential subsequent residential developments, will not impact natural systems as the land already comprises residential uses and does not contain features of significant natural value. Economic and social systems stand to benefit from the proposed

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

rezoning as potential subsequent residential developments will provide economic opportunities and diversify housing supply in a well serviced location.

e. Improve the liveability and sustainability of communities

Planning policy assists to provide communities with pleasant, efficient and safe places in which to live, work and visit. Land use has a profound impact on liveability.

Comment

The proposed zone change will provide opportunities for residential development in a well serviced location, convenient to a range of facilities that support pleasant and safe living. The subject site is within two kilometres of education, healthcare, and retail facilities, while employment opportunities are supported throughout Burnie and its surrounds. A higher density of residential development at the subject site represents a more efficient use of the land.

f. Land and resources are consumed at a rate sufficient to meet social and economic needs of the present generation without compromise to the ability of future generations to also meet their own needs

The principle of sustainable development is central to the Tasmanian land use planning system.

Sustainable development helps to enhance the long-term viability of urban and rural places.

Implementation action must have regard to the rate and efficiency of consumption and to the cumulative effect of use and development on the health of all natural, human and economic systems.

Future benefit takes precedent over short-term expediency. The principle of inter-generational responsibility is to apply for all forms of land use. Decisions must be mindful of the long-run consequence on the economic, social and environmental capacity of land and resources for future generations.

The planning system requires a custodial responsibility to ensure land and resources remain available to be used into the future - whether or not for the same purpose.

Comment

The zone change would provide opportunities for intensified use of land and infrastructure for an existing residential purpose, in a location serviced by appropriate social facilities. By intensifying the use of the subject site, the zone change would achieve these things without encroaching upon, nor affecting non-residential uses or land. It is anticipated that the redevelopment would result in the creation of approximately 25 to 35 additional lots.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

g. Decisions and choices are informed by science and expert knowledge

Knowledge based decisions require authoritative and defensible information.

Implementation actions must focus on objective information and analysis of direct and substantive relevance.

There is an imperative to fill knowledge gaps and to ensure the currency and completeness of information on which strategies and policies are founded.

Decisions with a subjective basis and unfettered discretion are avoided.

Comment

Previous applications for the subdivision of 149 West Mooreville Road were supported by a number of assessments by specialists which evaluated a range of factors of concern to the adaptability of the site for increased residential development. These reports assessed landslip hazard risks, stormwater drainage capacity, agricultural land capability and related land use conflict potential, traffic impacts, water and wastewater capacity. On the basis of the findings of these reports it was concluded there was no substantive issue upon which residential development of the land could not proceed.

h. Consider the complete and cumulative effect of past, present and likely future use and development on the health or carrying capacity of a natural or human system

Assessment for the immediate impact of use and development on a proposal by proposal basis does not allow understanding on the combined impacts over time or identification of appropriate management requirements.

The principle of Inter-generational equity is encompassed within the notion of sustainable development. It warrants particular consideration in the context of regional land use strategy. From a land use perspective the principle implies that use or development should meet the needs of the present without compromising the ability of future generations to meet their own needs. In practical terms, this means that planning decisions should account for the impact not just on present generations, but also on generations to come.

Comment

The subject site is within a growing corridor of residential land use along West Mooreville Road from Burnie (see Figure 6). The proposed zone change will maintain the primary residential purpose of the land, while providing opportunities for the intensification of residential uses into the future, thereby supporting the initiative of sustainable development.

i. Where there are threats of serious or irreversible social, economic or environmental damage the lack of scientific certainty is not to be used as a reason for postponing measures to prevent harm or degradation

The precautionary principle is an essential element in the concept of sustainable development. The principle requires that where the known likelihood of adverse effect cannot be ignored for the reason only that there is an absence of scientific certainty for the magnitude of such impact.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

Implementation action must adopt a risk management perspective and ensure planning policy and decisions are made having regard to an acceptable level of risk and appropriate measures to avoid, remedy or mitigate risk of serious or irreversible damage.

Comment

Not Applicable

j. Decisions are responsive to changing economic, environmental and social circumstance

Strategy policies reflect the current state of knowledge and an alignment with policy of relevance. The Strategy is not a static instrument. It recognises influences and circumstances of relevance within the region are dynamic.

Implementation actions must continually monitor and adjust policy content and response from a regional perspective as new data, understanding and direction emerge.

Implementation actions must ensure land use planning does not reflect or retain conservative or out-dated models for economic activity, community development or environmental protection. Flexible, organic requirements are necessary.

Comment

The requested zone change responds to the established westward trend in residential development from the Burnie centre toward West Mooreville Road, and the higher residential density developing along this corridor. Importantly, the proposal will result in the intensification of residential use within the existing urban and peri-urban footprint absent the requirement for significant infrastructure upgrades.

k. Principles and policies are reviewed for possible correction, replacement or repeal where negative unintended consequences are identified

The appropriateness, adequacy, and continued relevance of policy and implementation action for all circumstances of the Region must be maintained and adjusted as required.

Comment

The proposed zone change provides an opportunity to improve the residential use of the subject site, whilst the present application of the Rural Living Zone limits the potential to achieve greater residential densities and the associated progress towards the goals of strategic land use policy for the region.

l. Maintain and enhance state, national and international connectedness and competitiveness

Extra-regional and global influences on Strategy must be recognised and considered.

The principle reflects a reality that the Region does not exist and cannot function in isolation from connection with the world beyond its boundaries.

The Strategy has a responsibility to ensure activity within the Region reflect and match trends and requirements necessary to remain relevant and productive from a global perspective. The Region has national and global responsibility for the consequences of its actions.

Relevant Principles for Implementation of goals of the Cradle Coast Regional Land Use Framework 2010-2030

Comment

Not applicable

m. Assessment processes and decision criteria are specific, measurable, reasonable, robust, and attainable

Planning instruments derived from the Strategy provide certain, clear, consistent and credible outcomes which are not subject to political, economic or social expediency, and avoid unreasonable or unnecessary impost on the cost of development and compliance.

Rules and requirements are supported by clear jurisdictional authority and apply only to matters for which intervention is necessary and appropriate.

Comment

Not applicable

n. Market-based mechanisms and incentives are used as an alternative to regulatory control wherever feasible

Planning instruments are not always the only or most effective tool for delivering desired land use actions.

Implementation authorities must consider a range of alternate options.

Comment

Recent and ongoing residential developments throughout the region, including General Residential development within 340m of the subject site, provide a clear indication of the demand and cost effectiveness of higher density residential developments within the immediate locality of the subject site.

o. Decisions and actions provide for broad community involvement on issues which affect them

The land use planning system intends a shared responsibility between government, industry and the community; and encourages public involvement in land use planning processes.

Implementation action must ensure opportunity is available for the community to be both aware of and included within issue identification, policy preparation and review so as to ensure land use planning process remains in accordance with objectives for the system.

Comment

This representation to rezone the subject site will be placed on public view as part of the BUR-LPS process. Potential subsequent subdivisions of the land will also require advertising under the LUPAA.

6.3 Local Legislation and Strategies

6.3.1 Burnie Interim Planning Scheme 2013

Zone Controls

The zoning maps, as they relate to the subject properties, are provided in Section 4.3 of this report. All properties are within the Rural Living Zone, which the representation and requested amendment seek to change.

Use Classification & Approval Status

In accordance with Table 8.2 of the Scheme, the use of the land falls within the Residential Use Class, which is defined as follows:

use of land for self-contained or shared living accommodation. Examples include an ancillary dwelling, boarding house, communal residence, home-based business, hostel, residential aged care home, residential college, respite centre, retirement village and single or multiple dwellings.

The existing use of each property in the subject site falls within the above definition as self-contained accommodation and single dwellings.

The status is prescribed as permitted, with no qualifications, under provisions of both the Rural Living Zone and Low Density Residential Use Tables (Clauses 13.2 and 12.2 of the Scheme respectively).

Rationale for rezoning under the Scheme

Under the Scheme, with respect to the Zone Purpose, the subject site is more appropriately suited to Low Density Residential Zoning. The following tables assess the provisions of the Low Density Residential Zone against the characteristics of the subject site.

The Zone Purpose Statements, Local Area Objectives and Desired Future Character Statements of the Low Density Residential Zone are assessed in Table 11 to Table 13 of this report.

Table 11: Zone Purpose Statements of the Low Density Residential Zone

Zone Purpose Statements of the Low Density Residential Zone	
Zone Purpose	
12.1.1.1	<i>To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</i>
12.1.1.2	<i>To provide for non-residential uses that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.</i>
10.1.3	<i>To provide for Visitor Accommodation that is compatible with residential character.</i>
Comment	
The proposed zone change of the subject site to Low Density Residential is consistent with the Zone Purpose. The subject properties are currently zoned Rural Living, within which residential use is the prime purpose. Accordingly, the subject titles have all been developed for residential use, and the site therefore fits the category of a 'residential area.'	

Zone Purpose Statements of the Low Density Residential Zone

Infrastructure services are available to the subject sites. Importantly, the rezoning of the land will enable the containment and orderly redevelopment which will capitalise upon infrastructure services available to the land achieving a liveable and sustainable community.

Access to the subject site is via West Mooreville Road, which connects the site to facilities throughout the surrounding region. Electricity is available from power lines along West Mooreville Road, and communications services are available through NBN Fibre to the Home infrastructure, which transects each property within the site. Daily mail deliveries and weekly Council refuse collections are available.

Reticulated water and sewerage mains are located along the northern boundary of 159 West Mooreville Road and transect the south-eastern portion of 149 West Mooreville Road. Reticulated water and sewerage services are available to all properties within the subject site.

Previous applications for the subdivision of 149 West Mooreville Road showed that stormwater could be managed on site with arch absorption trenches, which would operate in tandem with 20,000 L rainwater tanks utilised for firefighting purposes (see **Error! Reference source not found.**). The redevelopment of the site at greater density can be achieved with appropriate stormwater management.

Part 9.5 'Low Density Residential Zone Provisions' of the *Draft State Planning Provisions Explanatory Document* (07/03/2016) provides expanded commentary on the intended purpose of the Zone, which notes that fully serviced residential land should be zoned General Residential.

That document also provides commentary on the density of residential development, which is pertinent to the proposed rezoning. Clause 10.6.1 'Lot Design' notes the importance of Low Density Residential Zoned land being efficiently utilised through densities appropriate to the residential hierarchy. Low Density Residential Living, is the third tier in this hierarchy, which ranges from the Inner Residential Zone through to the Rural Living Zone.

The subject site, through higher residential densities, is capable of more efficient use of access to social infrastructure (such as schools, shops and medical services) while maintaining amenity associated with privacy and the separation of buildings.

Clause 10.6.3 'Services' stipulates that each lot must have a connection to a reticulated water supply, sewerage system, and a stormwater system where available. The lack of reticulated stormwater is considered to be a constraint that may result in the land being zoned Low Density Residential, as opposed to General Residential. Whilst the sites can be serviced with reticulated sewerage it is also noted through advice from the Building Control Unit that lots 1,500 m² in size can be serviced by on-site wastewater systems.

Environmental constraints have minimal impact on the subject sites, being a relatively small portion of the site highlighted as potential medium risk of landslide adjacent the east boundary of titles CT15444/1 and CT15444/2.

Therefore the environmental constraints associated with the site, including landslide hazard, do not affect the potential for higher density residential development. In total, medium landslip hazards are identified as affecting approximately 3.4% of the subject site along the eastern boundary, which protrude no more than 18 m into the site (see Figure 11).

Zone Purpose Statements of the Low Density Residential Zone

A geotechnical report was submitted with the previous application for the subdivision of 149 West Mooreville Road. The report concluded that a tolerable level of risk could be achieved if principles of good hillside practice are followed in the development of the site.

Table 12: Local Area Objective of the Low Density Residential Zone

Local Area Objectives of the Low Density Residential Zone
<p>12.1.2</p> <p>(a) Land is available for residential use in urban and semi-urban settings;</p> <p>(b) Low density residential areas make efficient use of land and optimise available infrastructure provision through a balance between infill and redevelopment of established residential areas and by incremental release of new land;</p> <p>(c) The type, scale, and intensity of use or development are consistent with the level of permanent constraint on residential use at suburban densities.</p> <p>(d) New or intensified use or development is restricted if the limit of a known constraint on residential use is uncertain;</p> <p>(e) Low density residential areas provide equivalent opportunity for single dwelling and multiple dwelling developments and for shared and supported accommodation through private, public, and social investment.</p> <p>(f) Low density residential areas enable opportunity for convenient access to basic level services and facilities for education, health care, retail, social, and recreation purposes;</p> <p>(g) Low density residential areas provide small-scale employment opportunities in home occupation and home based business.</p> <p>(h) The amenity and character of low density residential areas is commensurate with the location of housing and support activity within a shared urban or semi-urban living space, and is to take into account –</p> <ul style="list-style-type: none"> (i) the likely impact on residential use from the occurrence and operation of non-housing activity; (ii) suitability of a site for intended use; (iii) possible absence in provision or capacity of community services, transport infrastructure and utilities; (iv) restriction imposed by an environmental constraint; (v) the level of risk from exposure to a natural hazard; and (vi) the effect of location and configuration of buildings within a site on - <ul style="list-style-type: none"> a. apparent bulk and scale of buildings and structures; b. opportunity for on-site provision of private open space and facilities for parking of vehicles; c. opportunity for access to daylight and sunlight; d. visual and acoustic privacy between adjacent dwellings; and e. consistency of the streetscape; and f. the relationship between new sensitive use and the use of land in an adjoining zone
Comment

Local Area Objectives of the Low Density Residential Zone

The proposed change to the zone of the subject site to the Low Density Residential classification is consistent with the Local Area Objectives of the Zone as follows:

The requested zone change is assessed against provisions of the Low Density Residential Zone:

(a) The subject site is currently used for residential purposes adjacent semi-urban settings, including General Residential Zones and the existing Low Density Residential development east of the site. The *BUR-LPS* recommends the zoning of this site be changed to General Residential.

(b) The subject site can more efficiently use and optimise available infrastructure through higher density infill development, having access to West Mooreville Road and being serviced by power, water and sewerage utilities. All services including mail and refuse collection are currently available. The rezoning of the site will support the incremental release of new land.

(c) The subject site is comprised of four (4) properties between 5,779 m² and 20,630 m², each containing a residential dwelling and associated outbuildings, which are used for residential purposes only. The site is within 430 m of General Residential zoning, and shares access to utilities and infrastructure with those areas. These sites are already zoned for residential use.

A detailed review of potential land use conflict associated with the further development of the property at 149 West Mooreville Road in July 2017 demonstrated to the satisfaction of the RMPAT that the further subdivision of the land would not impact, fetter or constrain agricultural activity or the right to farm on land zoned Rural Resource, and in the vicinity. Given also that the existing Rural Living Zone extends south to Cooe Creek, which enables the buffering of the now proposed subject site, the greater density of development will not generate land use conflict.

The site is largely free of risk from natural hazards, with the exception a small section of the site being subject to landslip hazards; these are not expected to significantly limit further residential development if recommendations for proper hillside development practices are adopted based upon the findings of the Geotechnical assessment undertaken relative to this issue.

(d) The subject site has the capacity to accommodate higher density residential uses. Lot yield from the rezoning may increase residential development in the area by up to 35 lots.

(e) The subject site is comprised of four dwellings that do not provide employment or home based-businesses on land that has been assessed as limited capacity for primary production purposes. Re-zoning of the site to Low Density Residential would enable the site to provide single and multiple dwelling development opportunities under various investment models.

(f) The subject site has been assessed to determine its capacity for increased residential densities, and is shown to be capable of accommodating higher densities without constraint by utilities or infrastructure other than for stormwater, which can be managed. The site is also shown on Scheme hazard maps to be largely free of constraints imposed by natural hazards. The subject site is within 2 km of basic facilities, including crèches, primary and high schools, tertiary education, healthcare, retail, social, and recreation facilities.

Local Area Objectives of the Low Density Residential Zone

(g) A land capability assessment of 149 West Mooreville Road has demonstrated that the redevelopment of the site will not impact, fetter or constrain agricultural activities on Rural Resource Zoned land within the area.

By comparison, the existing General Residential Zone to the east of the subject property incorporating the development at Platinum Drive appears not to have impacted the agricultural use of the Rural Resource zoned land, which is immediately adjacent. The proposed rezoning of the subject property differs markedly in its context and the potential impact on agricultural use.

(h) The subject site is comprised of four residential properties. The site is on the western outskirts of the City of Burnie's urban footprint and is within 430 m of General Residential zoning, with which it shares access to infrastructure and utilities, contributing to its consistency with the amenity and character of the surrounding area. This takes into account:

(i) the following factors –

- a. The proposed rezoning to Low Density Residential will not affect the potential occupational and operational practices of primary industry and other uses on rural land. Rural Resource zoned land is separated from the northern boundary of subject site by West Mooreville Road. Rural Resource zoned land to the west of the subject site, also separated by West Mooreville Road, accommodates a respite facility with which the proposed rezoning will not conflict.
- b. The subject site is accessed from West Mooreville Road, which connects the site to facilities throughout the city of Burnie. Utilities infrastructure is located within the subject site (water and sewerage mains, and fibre optic cables) and adjacent the site (power lines).
- c. The subject site is within 3.4 km of the urban centres of Burnie and Somerset respectively. All facilities for convenience retail, education, entertainment, health and social support, and for sports and recreation are within this area.
- d. A section of medium risk landslide hazard is identified along part of the eastern boundary of the subject site, and amounts to approximately 3.4% of total site area. Previous geotechnical analysis of 149 West Mooreville Road concluded that the risk to development could be managed by following principles of good hillside practice.
- e. The subject site is not remote, as it is within 3.0 km of the urban centres of Burnie and Somerset respectively, and is within 2.5 km of a wide range of social infrastructure services including shopping, educational, recreational, and community facilities.

(ii) While no development is proposed with this representation and requested amendment, the effect of location and configuration of buildings within the site are considered as follows:

Local Area Objectives of the Low Density Residential Zone

- a. The apparent bulk and scale of buildings and structures on the subject site can be increased in line with Low Density Residential Zone provisions, which is consistent with adjacent zones east of the subject site.
- b. The provisions of the Low Density Residential Zone, if applied, would maintain a scale and density of development that ensures opportunities for the on-site provision of private open space and facilities for parking.
- c. The scale and density of development under the Low Density Residential Zone would maintain requirements for access to daylight and sunlight.
- d. Visual and acoustic privacy between adjacent dwellings is a requirement under provisions of the Low Density Residential Zone.
- e. The change of zone to Low Density Residential will be consistent with the character of nearby General Residential zoning within 430 m of the subject site.

Table 13: Desired Future Character of the Low Density Residential Zone**Desired Future Character of the Low Density Residential Zone****12.1.3**

Use or development in a low density residential area is to provide –

- (a) sites that are typically larger than suburban lots, although size is dependent on availability of utilities and land capability;*
- (b) choice and diversity in the design, construction, and affordability of buildings;*
- (c) housing as a predominant but not exclusive form of development;*
- (d) buildings that are typically of one or two storeys;*
- (e) a streetscape in which buildings are setback consistently from the frontage;*
- (f) buildings that are set apart from adjacent buildings to –*
 - (i) reduce apparent bulk and scale;*
 - (ii) enable each an opportunity for access to sunlight; and*
 - (iii) assist visual and acoustic privacy of adjoining residents;*
- (g) site coverage that retains unbuilt area for recreation, service activity, vehicle parking, and on-site disposal of sewage or stormwater; and*
- (h) an ordered pattern of lots and an internal road network*

Comment

The proposed zone change of the subject site to Low Density Residential is consistent with the Desired Future Character of the Zone as follows:

Characteristics of the subject site, including its proximity to higher density residential development and a range of facilities and services required to support such land uses, demonstrate suitability within the terms of the desired future character of the Low Density Residential Zone rather than the existing Rural Living Zone.

Desired Future Character of the Low Density Residential Zone

(a) A change to the zone of the subject site would encourage an ordered cluster of dwellings supported by access to utilities and infrastructure, and provide a point of difference in the housing market in Burnie.

(b) The subject site is capable of increasing residential density while providing lots that are larger than typical suburban lots. The previous proposal for the subdivision of 149 West Mooreville Road included lots ranging from 2,014 m² to 4,720 m² (averaging 2,717 m²). The recent subdivision of lots within the Low Density Residential Zone of Park Grove for example which is located approximately 520 m east of the subject site, resulted in lots ranging from 642 m² to 2,129 m² (averaging 946 m²). Development within the General Residential Zone at Platinum Drive is within 430 m of the subject site. See Figure 12.

(c) The requested zone change does not include a proposal for development, but would not impede the potential for non-residential uses in the subject site.

(d) Not applicable.

(e) Building heights of one to two storeys are desired future characteristics of both the Rural Living and Low Density Residential Zones.

Given the required minimum lot size of 1,500 m² the requested rezoning will:

(f) maintain a landscape that supports setbacks between buildings that protect access to sunlight, visual and acoustic privacy.

(g) maintain a requirement for "larger than suburban lots" that provide space for car parking, recreation, and on-site disposal of stormwater.

(h) maintain access to water, sewerage, communication and energy utilities, and the capacity for on-site drainage of stormwater.

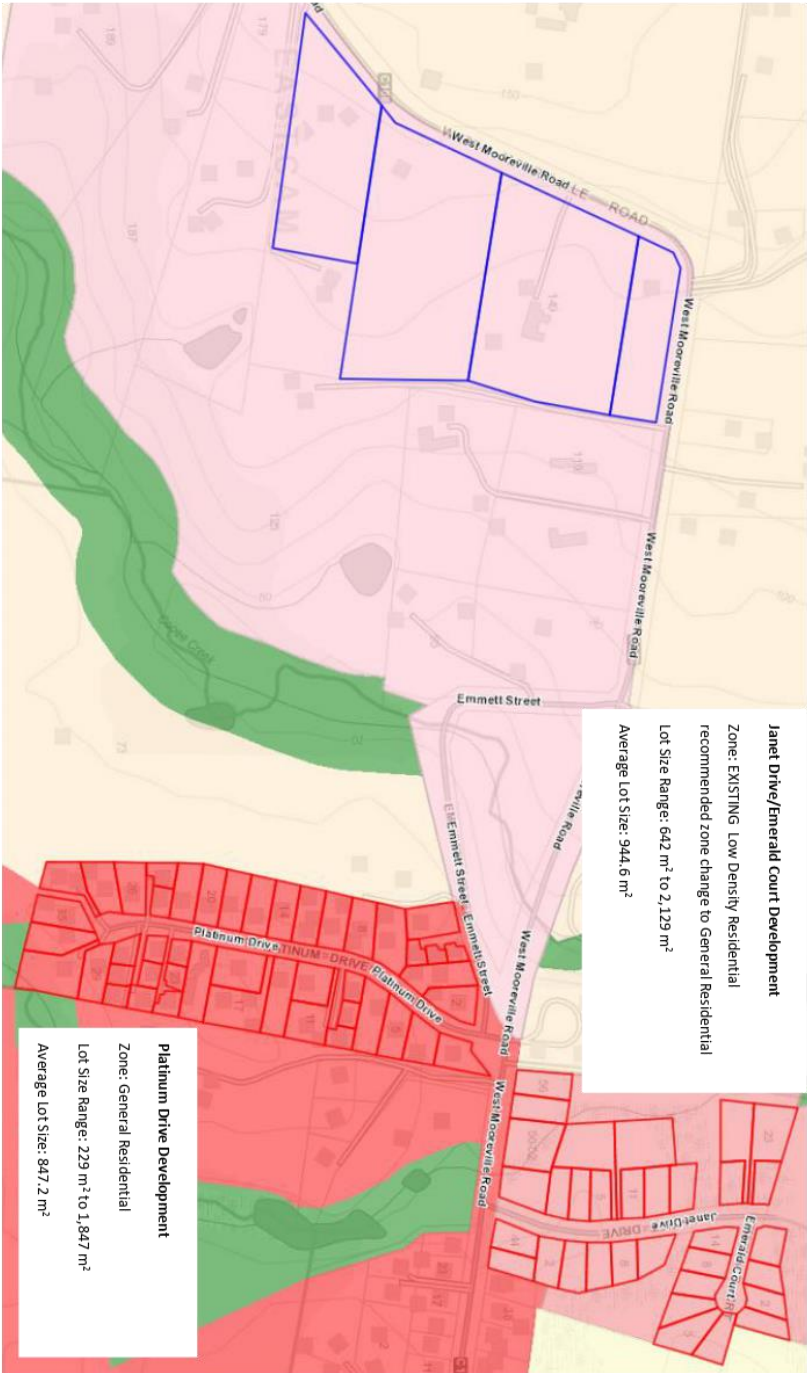


Figure 12: Lot sizes in nearby Low Density and General Residential Zone developments

Sourced from TheLIST (www.thelist.tas.gov.au) © State of Tasmania.

6.3.2 A Settlement and Investment Strategy for Burnie to 2026

A Settlement and Investment Guide for Burnie to 2026 is a key strategic document in considering the appropriateness of rezoning land within the Burnie LGA. The Strategy, originally released in 2007 and revised in 2016, observes that the recent trend in smaller households is expected to continue over the decade to 2026, and that this will be reflected in a demand for at least 59 allotments per annum. The strategy identifies three localities on the fringe of the Burnie urban area (Romaine, Shorewell Park and Park Grove) that have traditionally accounted for 60% of all vacant residential sales over the calendar years 2014 and 2015. In this context, being advanced more than half way through the period 2007-2026, the current request for a zoning amendment accords with a number of the strategic recommendations of the Strategy.

The Strategy is intended to:

“...guide development and investment decisions in Burnie in a manner that will provide a pattern of settlement and infrastructure provision that is achievable, orderly, economic and sustainable, and that will be relevant to future needs, capabilities and potentials.”

The Strategy addresses a range of matters to which this report responds to demonstrate the appropriateness of the requested rezoning.

Table 14: Guiding Principles of the Settlement and Investment Strategy for Burnie to 2026

5.1 Guiding Principles	Response
<i>(a) Actively managing settlement patterns and forms to encourage the right activities in the right locations;</i>	The subject site comprises four residential dwellings and associated buildings, is adjacent higher density residential land use in Park Grove, and has the capacity to accommodate a higher density of residential development.
<i>(b) Reducing conflicts between competing uses;</i>	Being within the Rural Living Zone the Purpose of the subject site is for residential use of an appropriate scale. Adjacent Rural Resource Zoned land is used for primarily residential purposes, including the Panorama Westwood respite centre.
<i>(c) Promoting the economic base of the City;</i>	The redevelopment of the land will result in a further offering of up to 35 new allotments all an area of approximately 1500 m ² , which is a point of difference from many of the existing land within the present urban fringe.
<i>(d) Improving the quality of the environment and avoiding detrimental environmental impact;</i>	Detrimental environmental impact will not result from the redevelopment of the subject site.
<i>(e) Providing for residential, industrial, commercial and community growth in an orderly manner;</i>	The requested zone change will provide land for residential development consistent

	with growth patterns in the surrounding area.
<i>(f) Allowing for the effective development and operation of transport and related services;</i>	The subject site is accessed via West Mooreville Road, which allows for more effective use of existing transport infrastructure.
<i>(g) Providing for the recreational and open space needs of both residents and visitors;</i>	Not applicable.
<i>(h) Recognising new trends in the use of and development of land;</i>	The proposed zone change recognises and supports the trend in higher density residential development in the west of Burnie's urban footprint, including recent developments in the Low Density (recommended for General Residential zone) and General Residential Zone of Park Grove within 430 m of the subject site.
<i>(i) Promoting development at a rate and in locations that can be provided with infrastructure services.</i>	The subject site is serviced by water and sewerage mains, and communications and electricity infrastructure, mail and refuse collection services together with access to West Mooreville Road.
AND	
<i>(a) Preference given to development resulting in urban growth and consolidation on land that adjoins other land which is already being used for urban purposes and is the most economic to service;</i>	The subject site is within 430 m of recent residential developments in Park Grove, and is able to utilise existing water, sewerage, electricity, communications and transport infrastructure.
<i>(b) Not provide for development of land which is unsuitable for urban growth due to its agricultural capability consistent with State policy;</i>	The zoning of the existing properties has as its primary purpose, residential use. The topography of the subject is consistent across the four (4) properties and will allow residential development at attractive and workable densities.
<i>(c) Not include for development land that is unsuitable due to any environmental hazard or sensitivity unless an assessment of the risk has been made and is considered to be minor or alternatively provision is made for the control of that hazard;</i>	The subject site is generally free of environmental hazard, with the exception of a very small section of medium risk landslip hazard along the eastern boundary, which amounts to approximately 3.4% of the subject site. A geotechnical report prepared for the previous application for subdivision of 149 West Mooreville Road concluded that a tolerable level of development risk could be achieved by following principles of good hillside practice.

<i>(d) Not include for development land which has conservation value or which has heritage, environmental or cultural significance;</i>	Not applicable.
<i>(e) Have regard for landscape and scenic values;</i>	The proposed zone change will not alter the primary residential use of the land, but will allow for a higher density of residential development being cognisant of the level of existing infrastructure services. Provisions of the Low Density Residential Zone will maintain appropriate setbacks and site coverage requirements to protect landscape and scenic values.
<i>(f) Have regard to the rural character and heritage significance of small settlements and the need to maintain that character and significance;</i>	Residential developments to the east of the site are advancing the urban footprint of Burnie, which connects to the subject site through a corridor of residential use within the Rural Living Zone.
<i>(g) Integrate land use and transport to minimise the need to travel and encourage energy and resource efficiency; and</i>	The subject site is accessed via West Mooreville Road and is serviced by a range of utilities, which improves the resource efficiency of increasing residential density at the subject site.
<i>(h) Provide for sustainable development within a performance based system that ensures the viability of existing operators and best manages risks associated with under and over investment over the planning period.</i>	The proposed zone change will enable the subject site to be utilised for increased residential development without reliance on new utilities infrastructure, which supports the sustainability of potential development.

7. Conclusion

It is submitted that the proposal to change the zone classification of this land is justified given the context of the site, availability of infrastructure services, and the potential for residential intensification. In particular, the following is advanced in support of the proposition:


1. The proposed amendment is in accordance with the *Land Use Planning and Approvals Act 1993, Division 1* and *Division 2*, section 32 and section 300 relative to the Cradle Coast Regional Land Use Strategy.
2. Through assessment against the Zone Purpose Statement, Local Area Objectives, and Desired Future Character Statement of the Low Density Residential Zone the subject site is demonstrably more suited to use for a higher density of residential development.
3. The Settlement and Investment Guide for Burnie to 2026, through its guiding principles, provides justification for the use of the land for intensified residential purposes.
4. The primary purpose of both the current Rural Living and proposed Low Density Residential Zones is the provision of residential land. Scheme provisions are intended to manage the scale and density of development within the Rural Living Zone. However, an assessment of the subject site in Section 4 of this report demonstrates that the land is more suitable for the increased density of development permitted by the Low Density Residential Zone. Therefore, the opportunity to maximise the capacity of significant infrastructure services available to the site will generate sustainable development of infill residential allotments.
5. Whilst the land is on the fringe of the existing residential growth boundary, it has been demonstrated that the development of the land at greater densities will not impact, fetter or constrain agricultural activity within the nearby Rural Resource zoned land.
6. Further, the subject site is within a residential growth corridor extending westward from Burnie, with new residential development at similar and greater density in Park Grove, within 430 m of the subject site. Importantly, the rezoning of the land will enable the containment and orderly redevelopment which will capitalise upon infrastructure services available to the land achieving a liveable and sustainable community
7. The Local Area Objectives and Desired Future Character of the Low Density Residential Zone suggest that the subject site is well positioned to more efficiently use the land for which the type, scale and intensity of development is consistent with available infrastructure services and land capability. Assessment in this report demonstrates that the subject site and immediate surrounds are used primarily for residential purposes, and that the site possesses the capacity to accommodate a greater density of residential development through further utilisation of services infrastructure and associated services.
8. The opportunity to further develop the subject site is consistent with the guiding principles of the Settlement and Investment Strategy for Burnie to 2026 and of the Cradle Coast Regional Land Use Framework 2010-2030, which promote the continuation of settlement patterns to promote development where existing utilities infrastructure can be more economically utilised.
9. The proposal to alter the zone will improve the efficiency and sustainability in the provision of increased residential development opportunities/offers while advancing the strategic intentions of local and regional development policies.
10. The proposal speaks to the proposition to change the zone classification of the subject sites in recognition of the attributes and services available to the existing properties which will

enable the realisation of infill development to maximise efficient use of the land and services.

11. In this sense, the existing status of the subject land and the proposed application of the Low Density Residential (LDR) zone classification represents the most corresponding purpose in terms of the translation to the *BUR-LPS*, given the above and the site's present classification as a residential use. Relevantly the application of the LDR zone to the subject site is consistent with the criteria LDRZ1(a) in Guideline No1.
12. The underlying premise for the request for a change in zoning for the subject sites from Rural Living to the Low Density Residential zone is the suitability of the area and the capacity of the land to meet the prequalification requirements of the Low Density Residential zone specified within the Tasmanian Planning Scheme.
13. In terms of the description of the 'urban area' it is recognised that this is generally characterised by an organised concentration of activity – people, improvement, including building, roads and other activity spaces, to provide a permanent multi-purpose location such as a city, town or village. It is submitted that the location of the subject properties adjacent existing closer settlement residential development and associated services equates to infill development as a part of that urban area.
14. Neither does the proposal represent 'urban expansion,' which is described as enlarging the footprint or extending a defined urban centre beyond the existing designated legal and policy boundaries, and generally involves the conversion of land from another use. The existing use is residential and therefore a change in the zone will not introduce a change in the existing use.
15. Of particular relevance are the principles underlying the development of the Tasmanian Planning Scheme in the application of the Rural Living zone which is not to be applied to land which is intended and suitable for urban development. In this regard adequate reticulated water and sewerage systems are available to the subject land in accordance with the requirements of the Water and Sewerage Industry Act 2008. This infrastructure allows the opportunity to achieve the highest and best use of the subject site facilitating a greater density of residential development for which the LDR zone is considered most appropriately applied.
16. Finally, it is argued that the change to the zoning of the land is in keeping with the strategic intent for residential development within the context of the State Planning Framework and State Planning Provisions.

A large, solid blue rectangular block that occupies a significant portion of the lower half of the page. The word "Appendices" is written in white, bold, sans-serif font in the lower right corner of this block.

Appendices



Appendix A – Certificates of Title

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 15444	FOLIO 1
EDITION 5	DATE OF ISSUE 23-Sep-2013

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.31 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 1 on Plan 15444

(Formerly Lot 1 on SPD No 932)

Derivation : Part of 50,000 Acres Gtd to The Van Diemens Land
Company

Prior CT 4163/7

SCHEDULE 1C216168 TRANSFER to MICHAEL GRAHAM JACK and FRANCES MARY JACK
Registered 22-Feb-2000 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SPD 932 EASEMENTS in Schedule of Easements

45/4898 CONVEYANCE Made Subject to Boundary Fences Condition

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



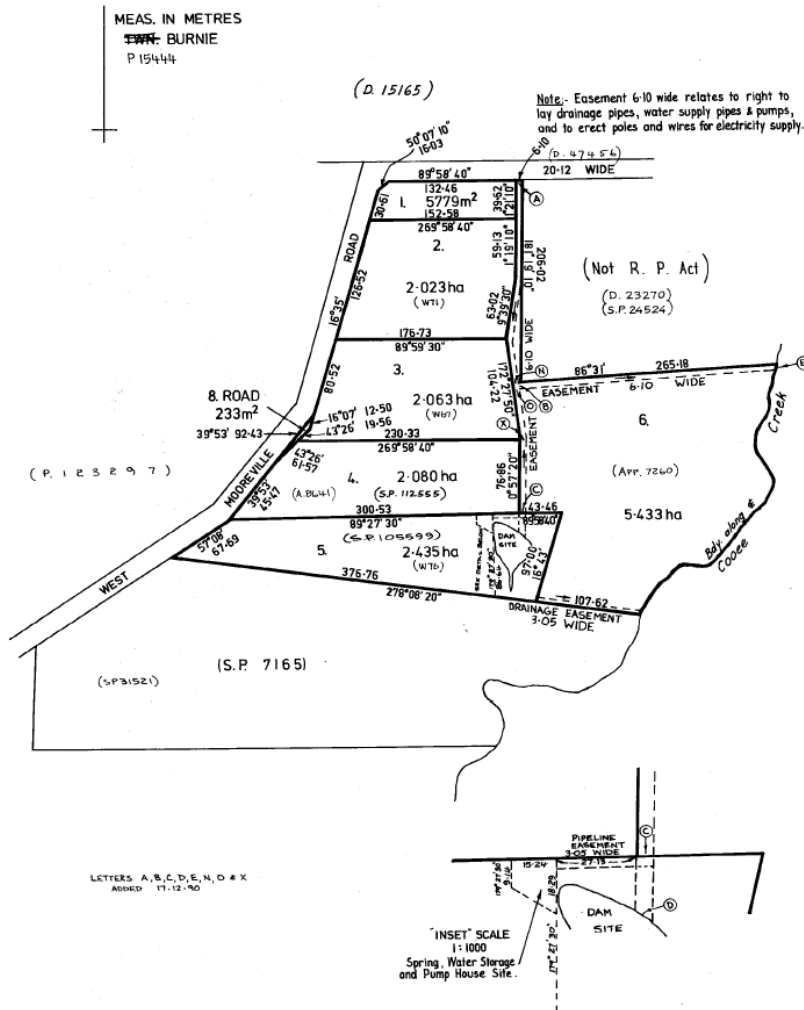
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner:	PLAN OF SURVEY	Registered Number:
Title Reference:	by Surveyor of land situated in the	P. 15444
Grantee: PART OF 50,000 Acres, EMU BAY BLOCK, GRANTED TO THE VAN DIEMAN'S LAND COMPANY.	TOWN OF BURNIE	Approved 15 DEC 1980 J. Stowell ACTING DEPUTY Recorder of Titles
	SCALE 1: 3000	



CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME 15444		FOLIO 2
EDITION 3	DATE OF ISSUE 07-Jan-2008	
Page 1		of 2

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.

**DESCRIPTION OF LAND**

City of BURNIE
Lot 2 on Plan 15444
(formerly Lot 2 on S.P.D. 932)
Derivation : Part of 50,000 Acres Gtd. to The Van Diemens Land
Company
Prior CT 4163/8

SCHEDULE 1

C783115 TRANSFER to COLIN JAMES MARGETTS and JACQUELINE
ELIZABETH MARGETTS Registered 07-Jan-2008 at 12.01
PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 15444 EASEMENTS in Schedule of Easements
BURDENING EASEMENT: the rights created by Indenture No.
55/4049 made between Oscar Nielson and Mary Ann
Nielson (hereinafter called "the Grantors") of the
one part and the Society for Multiply Handicapped of
Tasmania (Multicap) Incorporated (hereinafter called
"the Grantee") of the other part whereby the Grantors
as registered proprietors of the said land within
described (hereinafter called "the Servient
Tenement") granted to the Grantee as registered
proprietors of an estate in fee simple of 12.95
hectares comprised in Certificate of Title Volume
3443 Folio 68 and 13.76 hectares comprised in
Conveyance No. 52/4056 (hereinafter called "the
Dominant Tenement") the right to lay a water pipe and
sewerage pipe and mains under the surface of the land
marked Drainage Easement 2.00 metres wide part of
their land described as aforesaid for the purpose of
installing a water supply and sewer mains servicing
the dominant tenement known as Multicap Heights in
the following terms The full and free right and
liberty at all times to use the drainage easement to
be laid under the surface of the servient tenement in
common with any other person lawfully entitled
thereto and freely to run and pass water and sewerage

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

CERTIFICATE OF TITLE

LAND TITLES ACT 1980



TASMANIA

TORRENS TITLE

VOLUME		FOLIO
15444		2
EDITION	DATE OF ISSUE	
3	07-Jan-2008	
Page 2		of 2

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.

Alice Kawa

Recorder of Titles.

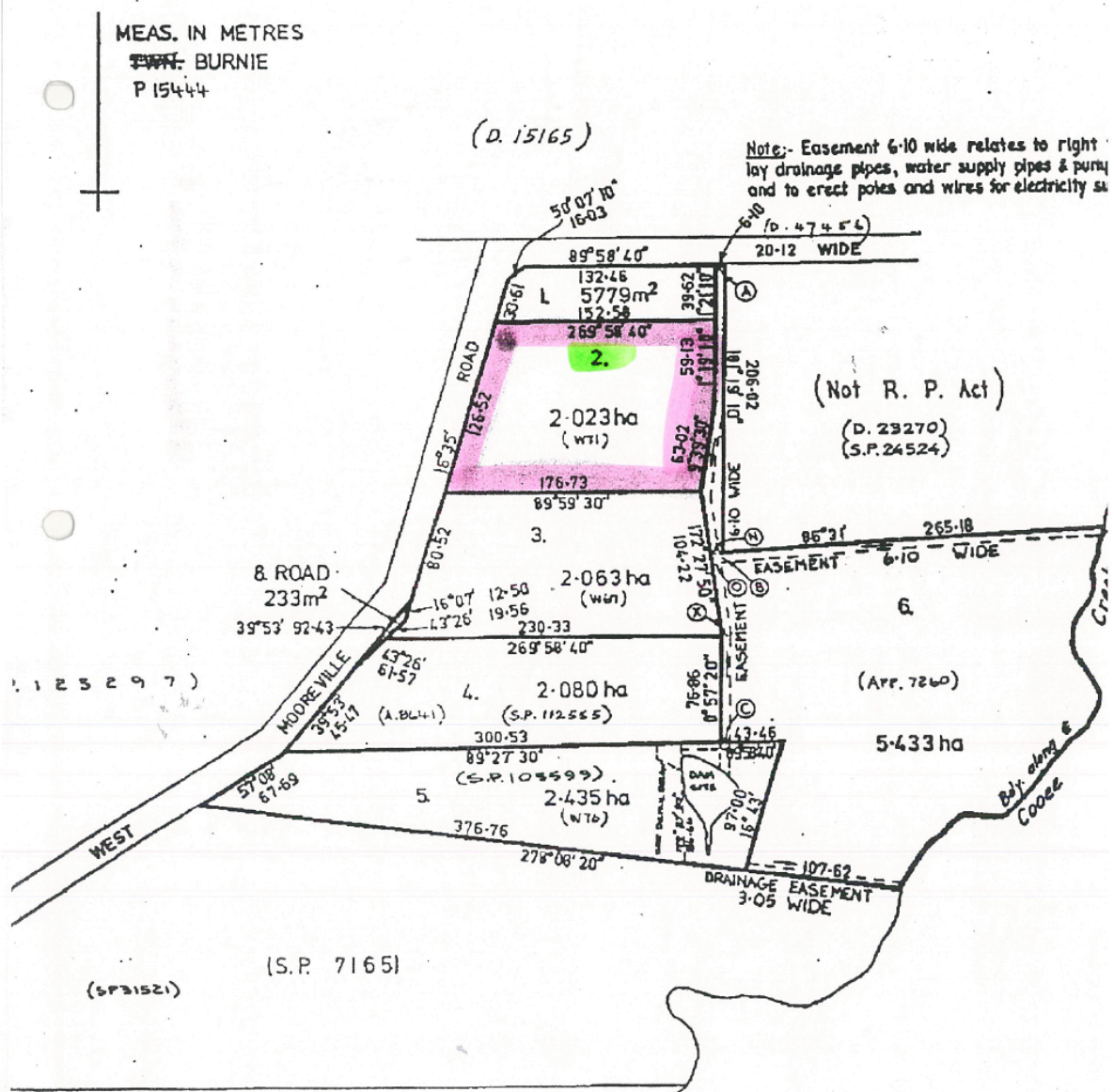


through under and along the respective pipes and from time to time and at all times to enter upon that portion of the servient tenement where the drainage easement is located to inspect cleanse repair and maintain the drainage easement and when and where necessary to lay new pipes in substitution therefor AND (a) For the purposes of the full enjoyment of the aforesaid rights the Grantee shall have full free and uninterrupted right and liberty at all times and from time to time to enter upon to go pass and repass over and along the drainage easement and shall have the right to enter upon and under the servient tenement with or without inspectors workmen or other persons or to open or brake only the soil necessary of the servient tenement as well the sub-surface thereof and to bring and place in and upon the servient tenement and remove such materials machinery tools and other articles and to do such things as the Grantee shall in its discretion shall think fit doing as little damage or inconvenience as may be to the owners or occupiers for the time being of the servient tenement (b) The grantors will not at any time build upon that portion of the servient tenement upon which the drainage easement is located or use or permit the said land to be used in such a way as to obstruct or interfere with the drainage easement. (c) The Grantee hereby agrees with the Grantors that the Grantee will at all times hereafter exercise the rights and privileges hereby granted in a proper and workmanlike manner so as to cause as little inconvenience as possible and to do as little damage as practicable to the servient tenement

C755960 MORTGAGE to Westpac Banking Corporation Registered
07-Jan-2008 at 12.02 PM

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER

<p>Sections 29 & 30</p> <p>PART OF 50,000 Acres. EMU BAY</p> <p>GRANTED TO THE VAN</p> <p>DIANS LAND COMPANY.</p>	<p>PLAN OF SURVEY</p> <p>by Surveyor</p> <p>of land situated in the</p> <p>TOWN OF BURNIE</p> <p>SCALE 1: 3000</p>	<p>Registered Number:</p> <p>P. 15441</p> <p>Approved 15 DEC 1900</p> <p><i>J. Brown</i></p> <p>ACTING DEPUTY Recorder of Titles</p>
---	---	--



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 15444	FOLIO 3
EDITION 3	DATE OF ISSUE 09-Dec-2014

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.31 PM

DESCRIPTION OF LAND

City of BURNIE
 Lot 3 on Plan 15444
 formerly Lot 3 on S.P.D. No. 932
 Derivation : Part of 50,000 Acres Gtd. to The Van Diemens Land
 Company
 Prior CT 4162/93

SCHEDULE 1

D150464 MARIE PATRICIA REDMAN Registered 09-Dec-2014 at 12.
 01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SPD 932 EASEMENTS in Schedule of Easements
 BURDENING EASEMENT: Rights created by Indenture No. 55/3506
 made between Kevin Frederick Redman and Marie
 Patricia Redman (hereinafter called "the Grantors")
 of the one part and The Society for Multiply
 Handicapped of Tasmania (Multicap) Incorporated
 (hereinafter called "the Grantee") of the other part
 whereby the Grantors as registered proprietors of the
 said land within described (hereinafter called "the
 Servient Tenement") granted to the Grantee as
 registered proprietors of an estate in fee simple of
 12.95 hectares comprised in Certificate of Title
 Volume 3443 Folio 68 and 13.76 hectares comprised in
 Conveyance No. 52/4050 (hereinafter called "the
 Dominant Tenement") the right to lay a water pipe and
 sewerage pipe and mains under the surface of the land
 marked Drainage Easement 2.00 metres wide on P15444
 for the purpose of installing a water supply and
 sewer mains servicing the dominant tenement known as
 Multicap Heights in the following terms: The full
 and free right and liberty at all times to use the
 drainage easement to be laid under the surface of the
 servient tenement in common with any other person

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

lawfully entitled thereto and freely to run and pass water and sewerage through under and along the respective pipes and from time to time and at all times to enter upon that portion of the servient tenement where the drainage easement is located to inspect cleanse repair and maintain the drainage easement and when and where necessary to lay new pipes in substitution therefor AND (a) For the purposes of the full enjoyment of the aforesaid rights the Grantee shall have full free and uninterrupted right and liberty at all times and from time to time to enter upon to go pass and repass over and along the drainage easement and shall have the right to enter upon and under the servient tenement with or without inspectors workmen or other persons or to open or brake only the soil necessary of the servient tenement as well the sub-surface thereof and to bring and place in and upon the servient tenement and remove such materials machinery tools and other articles and to do such things as the Grantee shall in its discretion shall think fit doing as little damage or inconvenience as may be to the owners or occupiers for the time being of the servient tenement; (b) The Grantors will not at any time build upon that portion of the servient tenement upon which the drainage easement is located or use or permit the said land to be used in such a way as to obstruct or interfere with the drainage easement; (c) The Grantee hereby agrees with the Grantors that the Grantee will at all times hereafter hereby exercise the rights and privileges hereby granted in a proper and workmanlike manner so as to cause as little inconvenience as possible and to do as little damage as practicable to the servient tenement

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



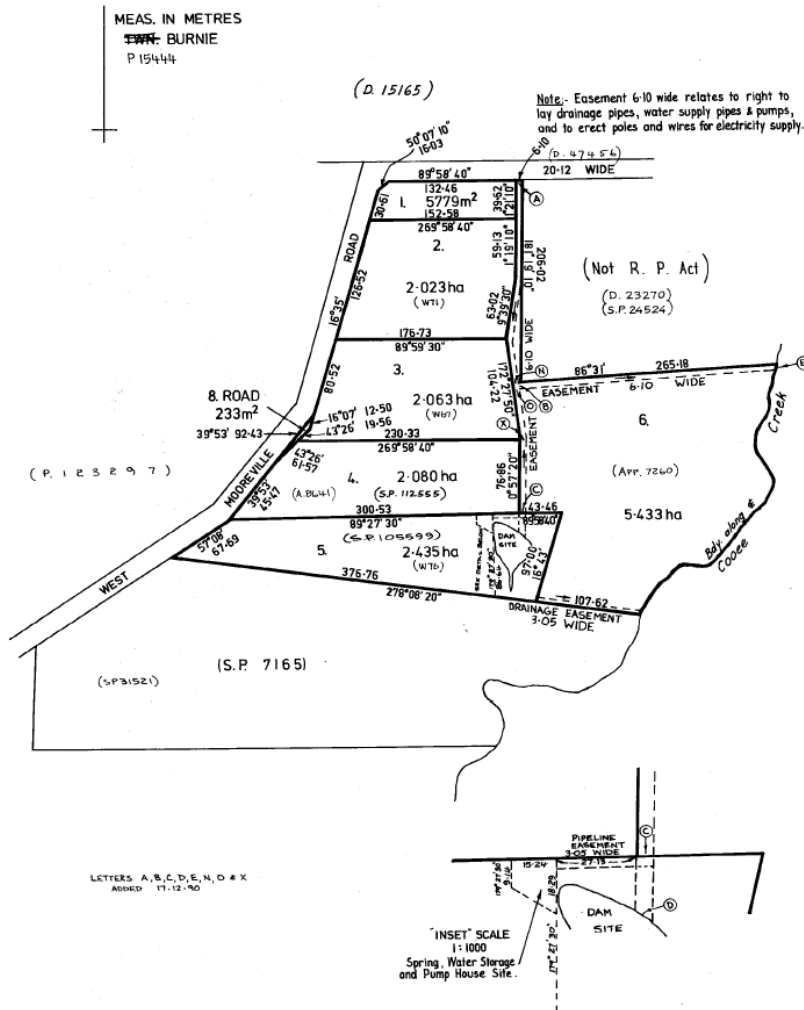
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner:	PLAN OF SURVEY	Registered Number:
Title Reference:	by Surveyor of land situated in the	P. 15444
Grantee: PART OF 50,000 Acres, EMU BAY BLOCK, GRANTED TO THE VAN DIEMAN'S LAND COMPANY.	TOWN OF BURNIE	Approved 15 DEC 1980 J. Stroud ACTING DEPUTY Recorder of Titles
	SCALE 1: 3000	



**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 112555	FOLIO 1
EDITION 4	DATE OF ISSUE 19-Sep-2012

SEARCH DATE : 06-Jun-2018

SEARCH TIME : 02.32 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 1 on Sealed Plan 112555

Derivation : Part of 50,000 Acres Gtd. to Van Diemens Land

Company

Prior CT 15444/4

SCHEDULE 1B955927 & C950937 TRANSFER to DEREK ROYCE HOWARD Registered
19-Sep-2012 at 12.01 PMSCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 112555 EASEMENTS in Schedule of Easements

SP 112555 COVENANTS in Schedule of Easements

SP 112555 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

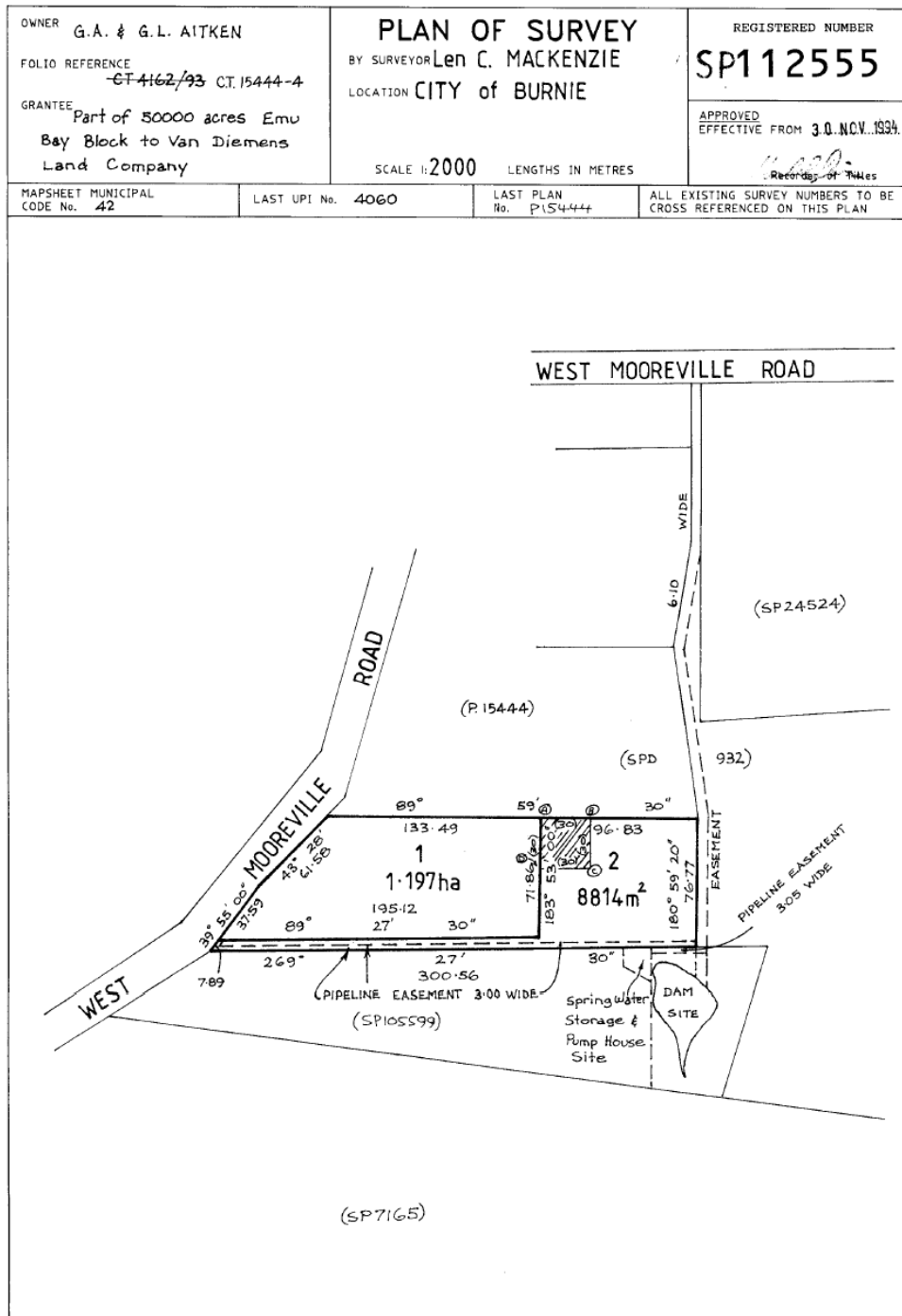
No unregistered dealings or other notations



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Search Date: 06 Jun 2018

Search Time: 02:32 PM

Volume Number: 112555

Revision Number: 01

Page 1 of 1

Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au


GHD

23 Paterson Street
Launceston, Tasmania, 7250
T: (03) 6332 5500 F: (03) 6332 5555 E: lmailto:ghd.com

© GHD 2018

This document is and shall remain the property of GHD. The document may only be used for the purpose for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form whatsoever is prohibited.

Document Status

Revision	Author	Reviewer		Approved for Issue		
		Name	Signature	Name	Signature	Date
Final	Ryan Robinson	John Ayers	On File	John Ayers		11/12/2019



www.ghd.com



17.009 LPS SUBMISSION



9 December 2019

Burnie City Council
PO Box 973
Burnie TAS 7320

c/- burnie@burnie.net

To whom it may concern,

REPRESENTATION TO THE BUR LPS

We write in regard to the draft BUR LPS and in particular the land known as Massey Greene Drive, South Burnie (CT 134067/2).

The site is currently split within the existing Rural Resource and Open Space zones under the interim planning scheme. These zonings are proposed to be translated directly into the BUR LPS, with the Rural and Open Space zones to be applicable, as well as various and necessary overlays.

The entire land title has been identified as being located within the town boundaries of Burnie, and suitable for infill development. Burnie is identified as being within a medium growth scenario, where "demand is driven by internal population change and growth and/or moderate positive inward migration. Growth relies on intensification of existing land supply within designated urban boundaries and/or expansion" (p.66 CCRLUS).

17.009 LPS SUBMISSION

Place.

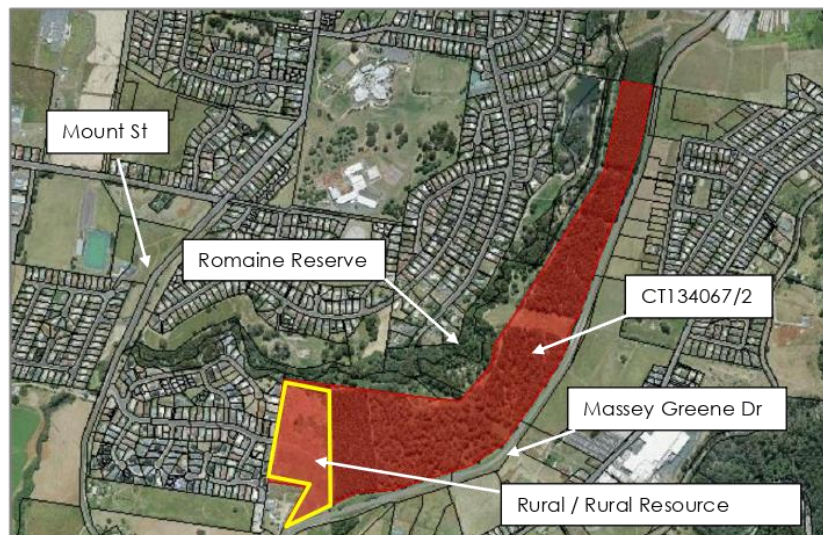


Figure 1. Aerial photo of site (Source: ListMap)

Our client wishes to register concern at the like for like translation approach to the land zoning for the entirety of this site, and the broader potential interactions and implications of the recent Tasmanian Planning Commission decision in relation to this particular approach for an LPS.

The recent decision by the Tasmanian Planning Commission (2019-1) recognises the suitability of the site for residential expansion. The proposed rezoning was rejected solely on the grounds that there is an oversupply of General Residential land within the municipal area.

If indeed there is considered to be an oversupply of General Residential land within the municipality and such oversupply is considered sufficient to refuse logical expansion of the zone within the town boundaries, a like for like translation is no longer appropriate. There is therefore a previously unforeseen responsibility upon the planning authority as part of the LPS process to reassess which sites are zoned as such and prioritise these accordingly.

17.009 LPS SUBMISSION

Place.



Figure 2. Appropriate division of zoning (General Residential and Open Space)

17.009 LPS SUBMISSION

Place.

A like for like translation, with the proposed minor reduction in land to be zoned as General Residential area across the municipal area, does not achieve this prioritisation, and results in land being allocated to this zone without strategic oversight. The LPS process provides a unique opportunity to achieve such strategic oversight, to the benefit of the wider community, providing land which is able to be developed for affordable residential development. In contrast, much of the land zoned for General Residential (current and proposed) requires extensive supporting infrastructure to be implemented prior to any development occurring.

We submit that this portion of the site is most appropriately zoned as General Residential under the Burnie LPS.

Yours sincerely,



Theresia Williams
Director Plan Place Pty Ltd



Application for Planning Scheme Amendment
PROPOSED REZONING OF LAND

CT's: 112547/1

443 - 473 Mount Street, Romaine

Supporting Documentation

December 2019



This document has been prepared for the sole use of the client and for a specific purpose, as expressly stated in the document. EnviroPlan Australia undertakes no duty nor accepts any responsibility to any third party not being the intended recipient of this document. The information contained in this document has been carefully compiled based on the clients' requirements and EnviroPlan Australia's experience, having regard to the assumptions that EnviroPlan Australia can reasonably be expected to make in accordance with sound professional principles. EnviroPlan Australia may also have relied on information provided by the client and/or other external parties to prepare this document, some of which may not have been verified. Subject to the above conditions, EnviroPlan Australia recommends this document should only be transmitted, reproduced or disseminated in its entirety.

Document Status


Revision No	Author	Reviewer	Signature	Date
1	M. Wells			20 December 2019

Table of Contents

1	Proposed Amendment.....	4
2	Site Analysis.....	4
2.1	Title & Location.....	4
2.2	Existing Zoning and Overlays of the Site and Surrounds	5
2.3	Topography	6
2.4	Land Stability.....	6
2.5	Infrastructure.....	6
2.5.1	Access and Connectivity	6
2.5.2	Water Supply.....	7
2.6	Existing Use and Development of the Site and Surrounds.....	7
2.7	Land Capability.....	7
2.8	Natural Values	8
3	Statutory and Making Burnie 2030 Analysis	8
3.1	Land Use Planning and Approvals Act 1993 (the Act)	8
3.1.2	Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives	9
3.1.3	State Policies	11
3.1.3.1	State Policy on the Protection of Agricultural Land 2009.....	11
3.1.3.2	State Coastal Policy 1996.....	11
3.1.3.3	State Policy on Water Quality Management 1997	12
3.1.3.4	National Environment Protection Measures.....	12
3.1.4	Making Burnie 2030 - Community Strategic Plan	13
3.1.5	Gas Pipelines Act 2000	13
3.2	Cradle Coast Regional Land Use Strategy 2010 – 2030	13
3.2.1	Settlement Management Strategies.....	14
3.2.2	Regional Protection of Agricultural Land	14
3.3	Demand and Supply Considerations.....	15
3.4	Demand Considerations.....	15
4	Conclusion.....	17

1 Proposed Amendment

EnviroPlan Australia has been commissioned by Alister McCrae and family to prepare supporting documentation for an application to make a representation to the Council in accordance with the Tasmanian Planning Commission's directive for the public exhibition of the Draft Burnie Local Provisions Schedule (LPS) under s. 35B of the *Land Use Planning and Approvals Act 1993 (the Act)*.

This representation for the proposed amendment seeks to rezone a portion of land located on current CT: 112547/1 from Rural Resource to Low Density Residential under the LPS. The subject land is approximately 6.39 ha and located at 443 - 473 Mount Street, Romaine.

The amendment to the proposed zoning of the land will enable the land to be utilised for future residential use and development on the lower portion of the hillside whilst retaining the upper hillside rural activities. The amended zoning of the subject land accommodates the expansion of residential use and development in the Romaine area that is consistent with an established settlement development pattern, provides for the appropriate arrangement and juxtaposition of zoning, and is consistent with guiding principles of the Cradle Coast Regional Land Use Strategy 2010 - 2030. Further the proposed amendment better utilises the available infrastructure within the subject area.

This report provides an analysis of the site and the consideration of the statutory requirements and the Making Burnie 2030 - Community Strategic Plan as well as the Cradle Coast Regional Land Use Strategy 2010 - 2030 against the merits of the proposed amendment.

2 Site Analysis

2.1 Title & Location

The Certificate of Title for the subject site is CT: 112547/1 (PID: 6170588). The approximately 6.39 ha area fronts onto Mount Street, Romaine and Alister McCrae and family are the proponents of the amendment to the LPS.



Figure 1 – Location of land CT: 112547/1 Mount Street / Old Surrey Road, Romaine. (Source: www.thelist.tas.gov.au)

2.2 Existing Zoning and Overlays of the Site and Surrounds

The current zoning of the site under the Burnie Interim Planning Scheme 2013 is Rural Resource (as identified by Figure 3 below). The zoning in this area is proposed to be retained whilst the land south of the site (southern side of West Ridge Road) is to be designated as Agriculture Zone.

Land designated to the General Residential zone is within 87m of the subject land to the north and the site abuts the Old Surry Road / Ridgely Highway (Utilities zone) and rural resource zones to the south, west and east

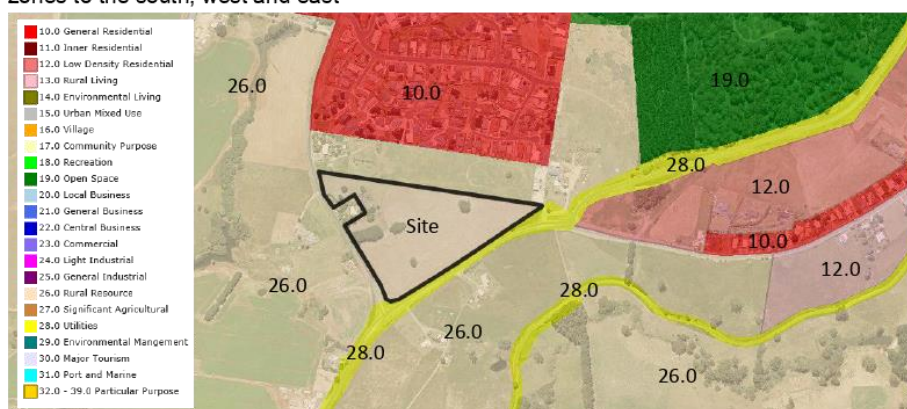


Figure 3 – Zoning of Site under the Burnie Interim Planning Scheme 2013. (Source: www.thelist.tas.gov.au)

Low and Medium risk landslip overlays are not over the site as demonstrated in Figure 4 below.

No specific area provisions nominated under the Draft Burnie Local Provisions Schedule or under the current Interim Scheme are observed for the subject land.

Four existing residential uses of surrounding land are examined within a 200m radius are shown below:

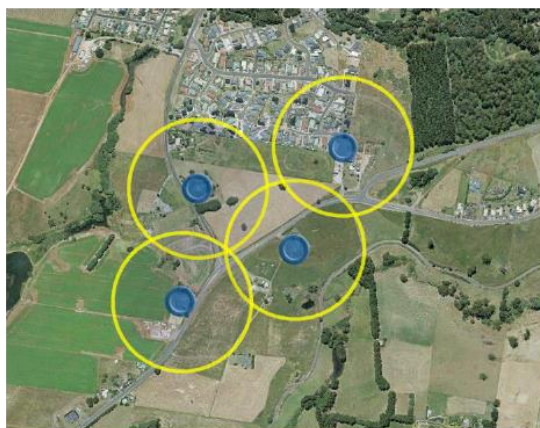


Figure 4 – 200m radius – existing residential uses

As demonstrated left; the existing residential uses adjacent to the site already place constraints on the rural activities of the site which are limited by water availability and major roads to the west and south. A rezoning of this land will not have an increase in detriment to adjoining rural resource uses over and above that of existing circumstance nor to the road network within the area.

2.3 Topography

The subject site comprises of a sloping hillside that runs from the south to north of the site.

The land falls away from Old Surrey Road / Ridgley Highway (on the southern boundary) with a gentle slope orientated toward the north.

2.4 Land Stability

It is understood that the landslide mapping incorporated into the Burnie Interim Planning Scheme 2013 is based upon mapping produced by the Department of Premier and Cabinet (DPAC) in consultation with Mineral Resources Tasmania (MRT), and provides for the State land area to be mapped and categorised into four Landslide Hazard Bands. This is understood to be transferred through to the new LPS.

In accordance with Figure 5 below, low and medium landslide risks are present around the land and are identified as being susceptible to landslide hazard.



Figure 5 – Landslide Hazard susceptibility of Site. Source: www.theist.tas.gov.au (Landslide Planning Map – Hazard Bands)

2.5 Infrastructure

2.5.1 Access and Connectivity

The site fronts onto Mount Street to the west with no access points off Old Surrey Road / Ridgley Highway.

Access to and from the site is via Mount Street which would require upgrades as part of any future development on the land. An alternative entry to the site could be formed off Old Surrey Road to the eastern corner of the site. Both access points have good sight line distances with the road system easily accommodating to the traffic volumes. Therefore it is highly unlikely that there would be any problems dealing with traffic generated from any future residential development on the land.

2.5.2 Water Supply

Water reticulation is available to the subject area and the site is already connected to this service. On Old Surrey Road there is a 300mm reticulation main that features fire hydrants.

2.5.3 Sewerage and Stormwater Disposal

TasWater sewerage reticulation infrastructure is available within the area which is downslope toward the north west along Mount Street. A 150mm reticulation main is located 120m north west of the site.

Stormwater reticulation is available to the site and likewise is toward the north west of the site.

As such – the site is already fully serviceable for residential development.

2.6 Existing Use and Development of the Site and Surrounds

The subject land is being used for low intensity agricultural uses of Rural Resource land located on CT: 112547/1 (PID: 6170588)

The site is observed to contain no habitable buildings or other structures with grassland and scattered housing located south, west and east of the site. North of the site is open grassland with a single residential dwelling and immediately north of that is general residential zone uses.

Surrounding land to the west, east and south of the subject allotment is predominantly rural resource use. Lands to the north is rural land which is also suitable for a General / Low Density Residential zone expansion whilst land to the east similarly has the same potential as these about the General Residential zone.

This proposal also addresses the issues of bushfire prone areas interfaces of the Rural Resource zone with residential zones. Often these interfaces prohibit residential uses within residential zones because of the exposures and risk that this type of interface presents.

2.7 Land Capability



Figure 6 – Land Capability - Site

The site is listed in the land capability lay of theList as containing class 2 & 3 soils.

However the site does not contain any bulk water storages and without that capability its ability to be a commercially viable operation is compromised where it has to rely on municipal treated water for irrigation purposes. This being a costly exercise and negatively impacting any gains achieved with cropping.

Further the land abuts Mount Street / Old Surrey Road and Ridgely Highway which places limitations on any irrigation within these areas due to driver safety issues on a busy intersection. In addition a residential use of land is 'notched' into the site on the western boundary which limits activities within this area as well. Therefore there is only a small section

adjacent to the northern boundary that is unfettered by existing uses adjacent to the site and that section is not locally or regionally significant for agricultural uses.

Given these constraints that diminish the capability of the site; the 1:100,000 scale applied to the land requires further evaluation and assessment by an agricultural consultant to verify the above.

2.8 Natural Values

The site is cleared of native vegetation and may be generally characterised as rural use. This observation together with the existing use and development on the site is deemed to indicate the site has limited importance in a natural values context.

3 Statutory and Making Burnie 2030 Analysis

3.1 Land Use Planning and Approvals Act 1993 (the Act)

The *Land Use Planning and Approvals Act 1993* (the Act) provides transitional arrangements (as described in Schedule 6 of the Act) with respect to the commencement of the *Land Use Planning and Approvals Amendment (Tasmanian Planning Scheme) Act 2015* (the Amending Act).

These transitional arrangements being - that Parts 2A and 3 of the former provisions (i.e. those existing prior to 17 December 2015) of the Act remain in force for an interim planning scheme that was in effect before the commencement day of the Amending Act (being 17 December 2015) until a Local Provisions Schedule (made under the Tasmanian Planning Scheme) comes into effect for a municipal area.

However, for the purposes of this proposed amendment to the draft zoning; the Act prescribes the requirements for the preparation of an amendment to a planning scheme which is carried forward for consideration for the amendment to the draft LPS. Specifically, section 32 of the Act provides:

- (e) An LPS is to consist of provisions that apply only to a single municipal area specified in the LPS.
- (ea) must not contain a provision that is inconsistent with a provision of section 11 or 12 ; and
- (3) Without limiting subsection (2) but subject to subsection (4), an LPS may, if permitted to do so by the SPPs, include –
 - (c) a site-specific qualification, being a provision, or provisions, in relation to a particular area of land, that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.
- (4) An LPS may only include a provision referred to in subsection (3) in relation to an area of land if –
 - (b) the area of land has particular environmental, economic, social or spatial qualities that require provisions, that are unique to the area of land, to apply

to the land in substitution for, or in addition to, or modification of, the provisions of the SPPs.

In addition to the above requirements any amendment to the draft LPS must have further regard to:

- *The furtherance of the objectives set out in Schedule 1 of the Act;*
- *State Policies made under the section 11 of the State Policies and Projects Act 1993;*
- *The strategic plan of a council referred to in Division 2 of Part 7 of the Local Government Act 1993; and*
- *Safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000;*

3.1.2 Land Use Planning and Approvals Act 1993 - Schedule 1 Objectives

Part 1 – Objectives of the Resource Management and Planning System of Tasmania

- (a) *to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*

Comment:

The rezoning of the subject land accommodates the expansion of residential zoned land for use and development in the Romaine area that is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land. The proposed amendment seeks to zone land appropriately for the existing infrastructure and physical resources of the site to promote sustainable development within the Romaine area.

- (b) *to provide for the fair, orderly and sustainable use and development of air, land and water; and*

Comment:

The proposed rezoning of the land comprising CT: 112547/1 (PID: 6170588) is identified as an area appropriate from the Draft LPS zoning from Rural to Low Density Residential. The proposed amendment to the LPS is consistent with the Making Burnie 2030 which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The rezoning of the subject land accommodates the expansion of sustainable residential use and development in the Romaine area that is consistent with Councils key focus areas for overall population growth, middle aged population, professionals and trade, reduction in crime and cultural participation.

- (c) *to encourage public involvement in resource management and planning; and*

Comment:

The proposed amendment is consistent with the Making Burnie 2030 and for a site planned for the expansion of residential use and development in the

Romaine area. This Making Burnie 2030 Plan was developed in accordance with public consultation. Should the planning authority determine to initiate the draft amendment of the LPS presented through this representation; the planning authority must make available all representations for public viewing when a report is prepared for the Council.

- (d) *to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b), and (c); and*

Comment:

The Cradle Coast Regional Land Use Strategy does not feature Romaine in its growth scenarios however it broadly lists Burnie as a 'Medium Growth' scenario with a 'Contained Settlement Strategy'.

In addition to the above, the 2009 census data used within the Cradle Coast Regional Land Use Strategy is outdated and not reflective of the economic boom that Tasmania is experiencing today or the significant increase in migration to Tasmania.

This proposed amendment via representation to the Draft LPS seeks to facilitate economic development within the area and is consistent with the objectives set out in the paragraphs (a), (b), and (c).

- (e) *to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Comment:

The proposed amendment to the Draft LPS facilitates the rezoning of the subject land from Rural to Low Density Residential zone is consistent with the Making Burnie 2030 and represents land planned for the expansion of residential use and development in the Romaine area.

The Making Burnie 2030 provides for the guidance of appropriate future use and development of the settlement areas of the entire municipal area governed by the Burnie Council.

The above-mentioned Making Burnie 2030 planning documents, and recommendation/guiding principles contained therein, have been developed in accordance with public and community consultation.

The statutory processes associated with the making of an application for a planning scheme amendment further provide for public consultation, and local and state government involvement in the process.

Part 2 – Objectives of the Planning Process Established by this Act

It is considered that the prescribed Part 2 objectives are furthered predominantly by the statutory processes associated with the assessment of the merits of representations received in the exhibition of the Draft LPS and for any future use and development of the subject land under a revised zoning as proposed through this representation. Such processes include the

planning authority's assessment of the proposed amendment, public consultation (if the amendment is initiated), environmental considerations, and the final determination of an initiated amendment by the Tasmanian Planning Commission.

This representation has provided appropriate rationale that the proposed amendment to the LPS and is consistent with the *Cradle Coast Regional Land Use Strategy 2010 – 2030*, and further consistent with the *Making Burnie 2030*.

3.1.3 State Policies

3.1.3.1 State Policy on the Protection of Agricultural Land 2009

As the proposed amendment involves the rezoning of the subject land from Rural to Low Density Residential zone, consideration of the *State Policy on the Protection of Agricultural Land 2009* (the PAL Policy) is applicable and relevant. The purpose of the PAL Policy is to conserve and protect agricultural land so that it remains available for the sustainable development of agriculture, recognising the particular importance of prime agricultural land.

Whilst the land is mapped as class 2 & 3 soils, it is being used for low intensity agricultural use and development and has limitations placed upon it from water availability to the site and adjacent land uses and access constraints. Further assessment is required by an agronomist to demonstrate the already learned limitations of the site (acquired by owner) as not being land of significant value for primary industry uses.

The site abuts rural zoned land to the south, west and east which forms part of a larger section of rural zoned land extending further to the south. The site is elevated 10 m above the existing residential use of the land to the north.

Accordingly, the amendment to the Draft LPS of the subject land accommodates the expansion of residential use and development in the Romaine area that is not only consistent with an established settlement development pattern and provides for the appropriate arrangement and juxtaposition of zoning.

Given the existing land use with its limitations and surrounding zonings; the proposed amendment to the Draft LPS is not considered to result in the unnecessary or unreasonable loss of locally or regionally significant agricultural land, and is therefore considered to be appropriately consistent with the PAL Policy.

3.1.3.2 State Coastal Policy 1996

The *State Coastal Policy 1996* (the Coastal Policy) is not applicable to the proposed amendment as the subject land is identified as being outside the coastal zone (including State Waters) and all land to a distance of 1km from the high water mark.

The proposed amendment to the Draft LPS seeks to rezone the land comprising CT: 112547/1 (PID: 6170588) from Rural Resource to a Low Density Residential zoning under the Draft Burnie Local Provisions Schedule. The subject site is not within proximity of the high tide water mark of Bass Strait (Emu Bay) and is approximately 3.4km south of the water body.

Accordingly the rezoning is considered to be appropriately consistent with the Coastal Policy.

3.1.3.3 State Policy on Water Quality Management 1997

The *State Policy for Water Quality Management 1997* (the Water Quality Policy) applies to all surface waters, including coastal waters and ground waters.

The proposed amendment to the Draft LPS seeks to rezone the land comprising CT: 112547/1 from Rural Resource to Low Density Residential zoning under the Draft Burnie Local Provisions Schedule. The revised rezoning of the land will enable the land to be utilised for existing and future residential use and development.

The declaration of the Draft Burnie Local Provisions Schedule in accordance with section 35(B) of the Act provides that it has been prepared in accordance with State Policies. Accordingly any future use and development will be assessed against the applicable provisions of the LPS, which reflect the requirements of the Water Quality Policy. With respect to future residential use and development (including subdivision) of the site, the LPS provides appropriate provisions to ensure that adequate arrangements are made for water quality management including requirements for the management and disposal of sewerage and stormwater.

Accordingly the representation for the amendment to zoning is considered to be appropriately consistent with the Water Quality Policy.

3.1.3.4 National Environment Protection Measures

National Environment Protection Measures (NEPMs) are developed under the *National Environmental Protection Council (Tasmania) Act 1995*, and outline common national objectives for the protection or management of particular aspects of the environment. In accordance with section 12A of the *State Policies and Projects Act 1993*, an NEPM is taken to be a State Policy.

The NEPMs adopted as Tasmanian State Policies are:

- National Environment Protection (Used Packaging Materials) Measure;
- National Environment Protection (Ambient Air Quality) Measure;
- National Environment Protection (Movement of Controlled Waste Between States and Territories) Measure;
- National Environment Protection (National Pollutant Inventory) Measure;
- National Environment Protection (Assessment of Site Contamination) Measure;
- National Environment Protection (Diesel Vehicle Emissions) Measure; and
- National Environment Protection (Air Toxics) Measure

The proposed amendment seeks to rezone the land comprising CT's: 112547/1 from Rural Resource to Low Density Residential zoning under the Draft LPS. The proposed amendment to zoning of the land will enable the land to be utilised for future residential use and development.

It is considered that the representation for the amendment to zoning is not directly relevant to the NEPMs.

3.1.4 Making Burnie 2030 - Community Strategic Plan

The *Making Burnie 2030* - Strategic Plan provides a framework to inform the Council's decision making into the future.

The proposed the representation for the amendment to zoning of the land comprising CT's: 112547/1 is consistent with the *Making Burnie 2030* where it contributes toward the Council's key focus areas and accordingly is considered consistent with the *Making Burnie 2030*.

Given the broad nature of policy direction established by the Strategic Plan; it is perhaps difficult to reconcile that one particular principle (or policy statement) should be read in isolation from the others to imply a particular action or consequence.

Notwithstanding the above comment, the Act provides for any person to make request upon a planning authority (local council) to amend a planning scheme which it administers including for representations to draft planning schemes. This representation provides an analysis of the site and the considerations of statutory requirements and strategic merits of the amendment to proposed zoning. The use of the site as a Low Density Residential area enables the consolidation and co-location of similar use and development, and utilises the locational advantages for the site with respect to proximity and access to established transport routes and linkages as well as established municipal infrastructure.

Accordingly the proposed draft amendment to the Draft LPS and the development of a Low Density Residential zoning within the site is not considered to conflict with the *Making Burnie 2030*.

3.1.5 Gas Pipelines Act 2000

The subject land is identified as being within the vicinity of the gas pipeline infrastructure corridor that is located to the west and south of the site and is capable of utilising this infrastructure with a Low Density Residential use of the site.

3.2 Cradle Coast Regional Land Use Strategy 2010 – 2030

The Cradle Coast Regional Land Use Strategy 2010 – 2030 (the Regional Strategy) provides the Burnie Council policy foundation for the preparation of planning schemes under the Regional Planning Initiative. The Regional Strategy is given effect as a statutory instrument under the Act, which provides that planning schemes must be consistent with, and further the objectives and outcomes of the Regional Strategy.

The Regional Strategy outlines the *Making Burnie 2030* Strategic Plan direction and desired outcomes for land use planning, and is intended to guide the land use planning process within the Cradle Coast Region through to 2030¹.

However the Regional Strategy should be read as a guide and be considered together with data that reflects the current situations, current growth rates and population expansions seen on the North West Coast.

¹ *Cradle Coast Regional Land Use Strategy 2010 – 2030*, Cradle Coast Regional Planning Initiative (2011).

3.2.1 Settlement Management Strategies

The Cradle Coast Settlement Management Strategy² details growth scenarios and settlement strategies for the major settlement areas of the Cradle Coast Region. Romaine (Burnie area) is described under a medium growth scenario which *promotes a mix of intensification and strategically planned expansion to retain compact urban form and provide a mix of development and growth opportunities. The mix does not need to occur in balanced proportion. The approach allows for optimum use of available and planned infrastructure in both established and new release areas.*³

The management strategy prescribed for the Romaine settlement area (Burnie area) is a *Contained strategy which promotes many actions associated with stable and contained development scenarios which can improve the liveability of a place if implemented as part of a coordinated approach for urban improvement. These include regulatory arrangements which provide a broad-based approach to allocation of land use and less emphasis on discrete single purpose zoning, require increased connectivity between urban spaces for walking and cycling, and which promote energy efficiency, water re-use and avoidance of known hazards.*⁴ *Provision of appropriate design and development guidelines for development, including subdivision lay out, building density, height and mass, and urban spaces in both the public and private domain can assist capture and understanding of the essential character and identity attributes for each centre. Standards can assist to ensure new development is reflective and courteous to existing character without compromise adaptability, innovation, performance and attractiveness as a place to live, work or visit*⁵.

The proposed amendment to the zoning contained within the Draft LPS of the land comprising CT's: 112547/1 is identified as an area appropriate for rezoning from Rural Resource to Low Density Residential zone. The proposed amendment to the Draft LPS is further consistent with the *Making Burnie 2030* which serves as a master plan for the designation of proposed use and development (including expansion) of land within the defined master plan area.

The proposed amendment to the Draft LPS zoning of the subject land accommodates the expansion of residential use and development in the Romaine area that is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land, and in accordance with the defined local settlement strategy.

3.2.2 Regional Protection of Agricultural Land

As the proposed amendment of the Draft LPS involves the rezoning of the subject land from Rural Resource to Low Density Residential zone; it is relevant to consider the value of the land as an agricultural land resource both in a local and regional context.

As detailed under section 2.7 of this Report; the area has been identified as containing class 2 & 3 soils and the land is under low intensity rural resource use because of the availability of water and reticulated water costs. Further the land is constrained for agricultural use and it is therefore not considered to have a negative impact on regional agricultural land.

² *Cradle Coast Regional Land Use Strategy 2010 – 2030*, Cradle Coast Regional Planning Initiative (2011).

³ *Ibid.*

⁴ *Ibid.*

⁵ *Ibid.*

The rezoning of the subject land accommodates the expansion of established residential use and development in the Romaine area that is consistent with an established settlement development pattern, provides for the appropriate arrangement and juxtaposition of zoning, and is in accordance with the defined local settlement strategy for Romaine.

3.3 Demand and Supply Considerations

The *Making Burnie 2030* provides for the guidance of appropriate future use and development of the settlement areas of land throughout the municipal area and is a master planning document, which prescribes key focus areas of the plan in the use and development of land within the identified master plan area.

The proposal site is located within a good road network area and has appropriate water, sewerage and stormwater reticulation systems adjacent to the site with good connections to the General Residential zone to the north of the site.

Burnie has seen a consistent increase in residential subdivision and has been a popular residential settlement area over the past 10 years. The inclusion of 443 - 473 Mount Street into the Draft LPS zoning for residential uses will continue the residential settlement pattern established by the general Burnie City area and contribute to the sustainable growth of the Romaine area.

3.4 Demand Considerations

The local government area of Burnie comprises two major settlement areas located at Burnie and Somerset. Romaine is a suburb area with the municipality projected to be a medium growing local government area in percentage terms from 2013 – 2037, with a projected average growth rate of 0.30 per cent per annum under a medium growth scenario⁶. This compares to an estimated State average growth rate of 0.5 per cent per annum in the same period⁷.

This predicted population growth is expected to likely result in an increase in housing demand for the settlement area at a rate driven by market demand and has already been seen in the neighbouring area of Mooreville over the past 10 years. Given the proportion of residential zone use and development in the Mooreville area in recent times with subdivision to the west of the subject site and take-up, it seems a reasonable observation that Romaine has an inherent attraction for such residential lifestyle and housing opportunity particularly when looking at the Singline Estate take-up toward the north of site. It seems further reasonable to expect that demand for such opportunity would increase with an increasing population.

The market for the development of Low Density Residential zoned land has been identified as a continuing pattern associated with the preference to build upon vacant land, rather than purchase established residential properties. Low Density Residential use and development presents as a legitimate housing option, and given the predicted growth prospects for the Romaine area under the current and un-forecasted population increases it is considered to be a reasonable justification for an increase in fully reticulated serviced residential land to be

⁶ 2014 Population Projections – Tasmania and its Local Government Areas, Department of Treasury and Finance (December, 2014)

⁷ Ibid.

made available for such housing options, and particularly in such areas that have been identified as appropriate for such residential expansion.

4 Conclusion

The subject land is within the *Romaine* area and is appropriate for the amendment of zoning through representation to Council of the Draft LPS to a Low Density Residential zone. The amendment of the zoning contained within the Draft LPS of the subject land accommodates the expansion of residential land use and development in the Romaine area that is a subservient residential node to Burnie (District Activity Centre) and is consistent with an established settlement development pattern, consistent with the zoning, use and development of adjacent land.

Further the proposal provides an introduction to the residential use areas from the rural resource areas where housing densities are lower reflecting existing residential uses of adjacent lands to the subject site.

The amended zoning of the section of land located on current CT: 112547/1 (PID: 6170588) is a logical utilisation of land as the land has extremely limited agricultural use or ability due to access, surrounding land use, and more importantly water availability. It is simply not sustainable to use potable water (treated water) for crop irrigation. Water is a valuable resource and using potable water for such activates is wasteful.

It is further considered commensurate with the anticipated growth of the settlement area of Romaine and surrounds whilst providing the subject title with an appropriate zoning for the future use of land.

Accordingly, it is submitted through representation that the proposed amendment to Draft LPS zoning of land comprising CT: 112547/1 (PID: 6170588) 443 - 473 Mount Street, Romaine can be supported by the planning authority.



Patrick Earle

From: Mohan, Hazelyn
Sent: Monday, 2 December 2019 9:36 AM
To: Planning
Subject: Exhibition – Burnie Draft Local Provisions Schedule
Attachments: Department of Communities Tasmania.pdf
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Courtney

Thank you for your email.

The Department of Communities Tasmania has no comment on the BUR LPs.

Kind regards

Hazelyn



Hazelyn Mohan
Coordinator
Office of the Secretary
Communities Tasmania
Level 5, Marine Board Building, 1 Franklin Wharf, Hobart TAS 7000

www.communities.tas.gov.au

From: Planning <planning@burnie.net>
Sent: Friday, 18 October 2019 9:30 AM
To: Pervan, Michael
Subject: Exhibition – Burnie Draft Local Provisions Schedule

Good Morning,

Please find attached correspondence from the Burnie City Council regarding Exhibition – Burnie Draft Local Provisions Schedule.

Any questions please contact Burnie City Council on 0364305700.

Kind Regards
Courtney

Courtney Field
Development Services Support Officer | Burnie City Council
80 Wilson Street (PO Box 973) Burnie TAS 7320
P: (03) 6430 5838 | www.burnie.net

We value your feedback on our service

Working Hours:

Monday: 9.00am – 5.00pm

Thursday: 9.00am – 2.00pm

Friday: 9.00am – 2.00pm

Disclaimer

The information contained in this communication from the sender is confidential. It is intended solely for use by the recipient and others authorized to receive it. If you are not the recipient, you are hereby notified that any disclosure, copying, distribution or taking action in relation of the contents of this information is strictly prohibited and may be unlawful.

This email has been scanned for viruses and malware, and may have been automatically archived by **Mimecast Ltd**, an innovator in Software as a Service (SaaS) for business. Providing a **safer** and **more useful** place for your human generated data. Specializing in; Security, archiving and compliance. To find out more [Click Here](#).

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.

CONFIDENTIALITY NOTICE AND DISCLAIMER

The information in this transmission may be confidential and/or protected by legal professional privilege, and is intended only for the person or persons to whom it is addressed. If you are not such a person, you are warned that any disclosure, copying or dissemination of the information is unauthorised. If you have received the transmission in error, please immediately contact this office by telephone, fax or email, to inform us of the error and to enable arrangements to be made for the destruction of the transmission, or its return at our cost. No liability is accepted for any unauthorised use of the information contained in this transmission.



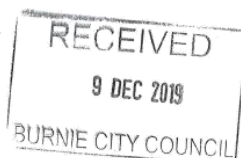
Department of Police, Fire and Emergency Management
STATE EMERGENCY SERVICE
GPO Box 1290 HOBART TAS 7001
Phone (03) 6173 2700
Email ses@ses.tas.gov.au Web www.ses.tas.gov.au



Our ref: A19/232046

5 December 2019

Mr Andrew Wardlaw
General Manager
Burnie City Council
PO Box 973
BURNIE TAS 7320



Dear Mr Wardlaw,

Representation – Burnie City Draft Local Provisions Schedule

Thank you for the opportunity to make a representation on the Burnie City Draft Local Provisions Schedule (LPS). This representation raises matters related to:

- Flood-Prone Hazards; and
- Coastal Inundation Hazards.

Flood-Prone Hazards

State Emergency Service (SES) notes that the draft LPS Flood-Prone Areas Hazard Overlay, is based on the 1% AEP, drawn from the:

- Shorewell Creek Flood Study 2010;
- Whalebone Creek Flood Study 2010;
- Cooe Creek Flood Study 2011;
- Emu River Flood Study 2018; and
- Romaine Dam – Dam Safety Emergency Plan 2018.

SES notes that while the majority of flood-prone areas will have been identified in the overlay, there may be areas within the Burnie City municipality that are at risk from flooding and not mapped.

In recognition of the limitations of information relating to flood-prone areas across Tasmania, the State Government is undertaking the Tasmanian Flood Mapping Project. This project will deliver a state-wide comprehensive and consistent flood hazard map by 2021. The map will be made available to planning authorities for land use planning activities including updating LPS Flood-Prone Areas Hazard Overlays. The SES invite Burnie City Council to participate in this project.

Until the state-wide flood hazard map is delivered, some flood-prone areas may remain unmapped within the LPS Flood-Prone Areas Hazard Overlay.

The Flood-Prone Hazard Areas Code applies in a number of circumstances, including to use of a habitable building, or development of land, identified in a report prepared by a

suitably qualified person, that is requested by a planning authority, as subject to risk from flood, or that has the potential to cause increased risk from flood.

A planning authority may request such a report where it reasonably believes, based on information in its possession, that the land is subject to risk from flood or has the potential to cause increased risk from flood.

SES is working with the Department of Justice to prepare draft guidance on what information a planning authority should use to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood. A request will be made to the Tasmanian Planning Commission to consider issuing the guidance under section 8A of the *Land Use Planning and Approvals Act 1993*.

In the interim, SES suggests that to determine if it reasonably believes that land is subject to risk from flood or has the potential to cause increased risk from flood, planning authorities should have regard to the best, publicly available flood hazard information including:

- any report adopted by a council in accordance with regulation 52(2)(b) of the *Building Regulations 2016*;
- any flood study available on the Australian Flood Risk Information Portal - <https://www.ga.gov.au/scientific-topics/community-safety/flood/afrip>;
- any flood hazard report prepared in accordance with the Flood-Prone Areas Hazard Code;
- any flood marks, photos, or other historical evidence that are publicly discoverable
- Flood Data books available from the Department of Primary Industries, Parks, Water and Environment; and
- the modelled 2016 flood high water mark extent map available on [ListMap](#) (layer called *June 2016 Flood HWM Extent*).

SES notes that there is a proposed change in zoning to several lots in the West Mooreville Road and Janet Drive area that are affected by the Flood-Prone Area overlay, from Low Density Residential in the current planning scheme to General Residential in the draft LPS. SES notes that any future intensification in density as a result of a change in zoning in the hazardous area, will be managed by the Planning Authority in accordance with the Flood-Prone Areas Hazard Code.

Coastal Inundation Hazards

SES notes that the draft LPS written instrument includes a table headed, *BUR – Table C11.1 Coastal Inundation Hazard Bands AHD Levels*, on page 25, and that the data included in this table has been informed by the Department of Premier and Cabinet's - *Coastal Hazards Technical Report - Appendix 9*. SES supports the use of this table to inform the application of the Coastal Inundation Hazard Code.

Yours faithfully



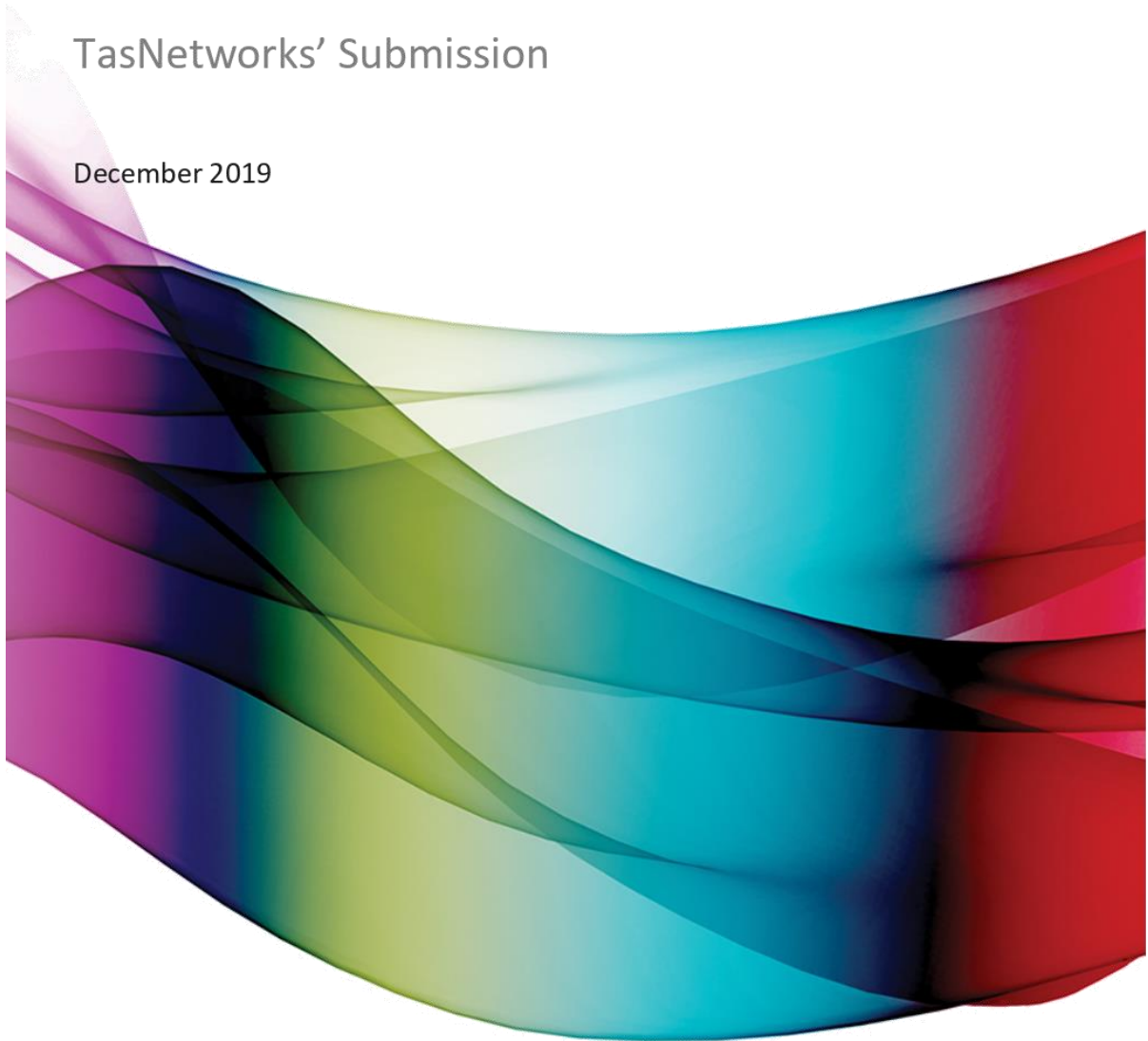
Andrew Lea ESM
Director



Burnie City Council Draft Local Provisions Schedule

TasNetworks' Submission

December 2019





Contents

1. Who is TasNetworks?.....	4
2. Executive Summary.....	6
3. Overview	7
3.1. Glossary	7
3.2. Existing Assets	8
3.3. North West Tasmania Strategic Transmission Plan, Marinus Link and North West Tasmania Transmission Upgrades Project	10
4. Submission	14
4.1. Overview.....	14
4.2. Zoning.....	16
4.3. Overlays: Natural Asset Code – Priority Vegetation Overlay	16
4.4. Scenic Protection Overlay	17
4.5. SAP and PPZ.....	18
4.6. ETIPC.....	18
4.7. SPP Issues	19
4.7.1. Exemptions.....	19
5. Amendments by Asset	22
5.1. Emu Bay Substation.....	22
5.2. Burnie Substation	23
5.3. Hampshire Substation.....	24
5.4. Communication sites.....	26
5.5. Electricity Transmission Corridors.....	28
5.6. Particular Purpose Zones and Specific Area Plans	29
6. Appendix	31
6.1. Appendix 1 SPP Issues	31



Index of Figures

Figure 1	TasNetworks' role in Tasmania's Electricity Supply System	5
Figure 2	TasNetworks Assets within Burnie LGA	9
Figure 3	North West Tasmania Strategic Transmission Plan	12
Figure 4	LPS Mapping – ETIPC Emu Bay Substation	23
Figure 5	LPS Mapping – ETIPC Burnie Substation.	24
Figure 6	LPS Mapping – ETIPC Hampshire Substation	25

Index of Tables

Table 1	Definitions.....	7
Table 2	TasNetworks Assets in Burnie	8
Table 3	Policy Position – Submission Summary.....	14
Table 4	Substation Policy Position Summary	25
Table 5	Substation Assessment Overview	26
Table 6	Communication Site Policy Position Summary.....	27
Table 7	Communication Site Assessment Overview	27
Table 8	PPZ and SAP Policy Position Summary	29
Table 9	SAP Assessment Overview	30



1. Who is TasNetworks?

TasNetworks was formed on 1 July 2014, through a merger between Aurora Energy's distribution network (the poles and wires) and Transend Networks (the big towers and lines). We're a Tasmanian state-owned corporation that supplies power from the generation source to homes and businesses through a network of transmission towers, substations and powerlines.

Transmission

TasNetworks own, operate and maintain 3564 circuit kilometres of transmission lines and underground cables, 49 transmission substations and six switching stations across the state.

Distribution

TasNetworks own, operate and maintain 22,400km of distribution overhead lines and underground cables, 227,000 power poles, 18 large distribution substations and 33,000 small distribution substations. There's also 20,000 embedded generation and photovoltaic (PV) grid-connected installations connected to the distribution network.

Communications

TasNetworks own, operate and maintain communication network infrastructure to enable safe and efficient operation of the electricity system.

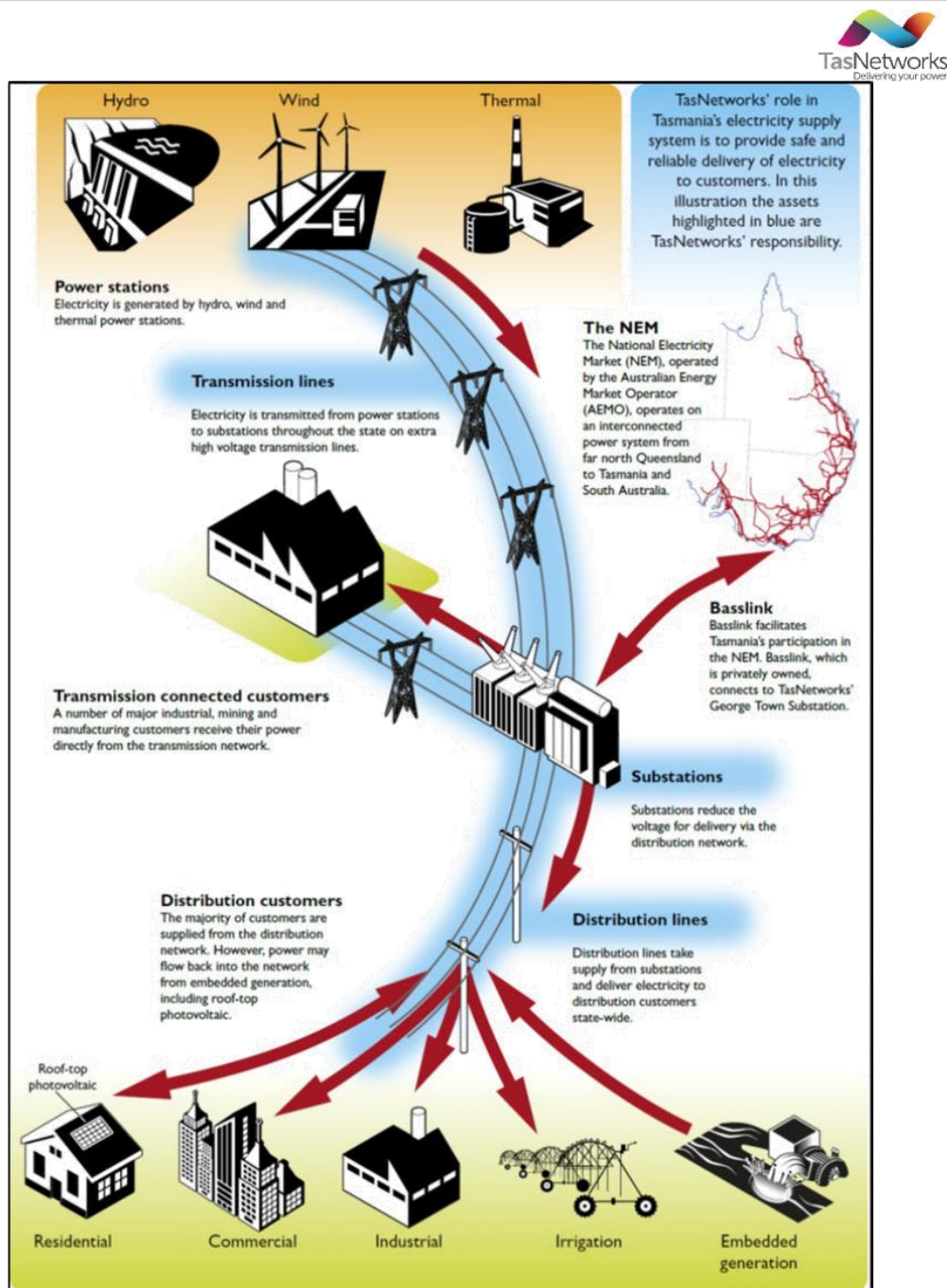


Figure 1 TasNetworks' role in Tasmania's Electricity Supply System



2. Executive Summary

TasNetworks, as a referral agency, has been notified of the public exhibition of Burnie City Council's Draft Local Provisions Schedule (LPS) under section 35B of the *Land Use Planning and Approvals Act 1993* (LUPAA). Council has been given direction by the Tasmanian Planning Commission to publicly exhibit the LPS and invite representations. TasNetworks has undertaken a review of the LPS and makes the following representation with a view of seeking a state-wide consistent approach to major electricity infrastructure.

TasNetworks assets within the Burnie Local Government Area includes three substations, six communication sites and five electricity transmission corridors.

Electricity transmission infrastructure is protected by the Electricity Transmission Infrastructure Protection Code (ETIPC) under the State Planning Provisions. The Code applies to transmission lines, terminal (or transmission) substations and switching stations and transmission communication assets. The Code purpose is:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure;*
- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure;*
- *To maintain future opportunities for electricity transmission infrastructure.*

The LPS includes the ETIPC Overlay maps which is based on data provided by TasNetworks. As part of its review, TasNetworks has examined the ETIPC Overlay maps to ensure that it applies to all relevant assets and that the locations of these assets is correct.

The LPS also includes the spatial application of zoning and overlays via the mapping. In preparing this representation, TasNetworks has reviewed the LPS maps for each of its assets. This representation seeks to ensure:

- Utilities zoning is applied to existing substations and communication facilities;
- Impacts on the strategic benefits and development potential of existing corridors through the application of the Landscape Conservation Zone are mitigated;
- The Natural Asset Code – Priority Vegetation Overlay is not applied to part of a substation or communication site that is cleared of native vegetation; and
- The Scenic Protection Code – Scenic Protection Area has not been applied to substations, communication site or corridors.

These submissions are consistent with those previously made by TasNetworks (and formerly Transend) on the Meander Valley, Brighton and Central Coast draft LPS's as well as the State Planning Provisions and Interim Planning Schemes.

The LPS and the potential impact on future development has also been reviewed. These considerations include whether there is a permissible approval pathway for Utilities under the Particular Purpose Zones or Specific Area Plans; and any Local Area Objectives or Site



Specific Qualifications. TasNetworks representation is made having regard to the LPS requirements under LUPAA.

3. Overview

3.1. Glossary

The following table provides the definitions of the terms used throughout this submission.

Table 1 Definitions

Term	Definition
Commission	Tasmanian Planning Commission
Council	Burnie City Council
D	Discretionary
ESI exemption	Activities classified as 'work of minor environmental impact' for the purposes of Regulation 8 of the <i>Electricity Supply Industry Regulations 2008</i> .
ETC	Electricity Transmission Corridor
ETIPC	Electricity Transmission Infrastructure Protection Code
Guideline	<i>Guideline No. 1 – Local Provisions Schedule Zone and Code Application</i> (Tasmanian Planning Commission, 2018)
IPA	Inner Protection Area
Interim Scheme	Burnie Interim Planning Scheme 2013
LGA	Local Government Area
LPS	Burnie Draft Local Provisions Schedule
NPR	No Permit Required
P	Permitted
SPP	State Planning Provisions
TPS	Tasmanian Planning Scheme
UWA	Unregistered Wayleave Agreement



3.2. Existing Assets

Burnie LGA is located in TasNetworks northern planning geographic area. An operationally significant part of the Tasmanian transmission electricity network is contained within the boundaries of the Burnie LGA. This includes:

- A number of transmission lines which:
 - o Connect wind farms in the far north west to the greater part of the Tasmanian transmission network at Burnie Substation;
 - o Provide critical power transfer from wind farms in the far north west and backup connection to the west coast via 110 kV and 220 kV transmission lines from Burnie Substation; and
 - o Transfer power to Hampshire and Emu Bay substations via 110kV lines.
- A number of substations including:
 - o Burnie Substation which is a major 'hub' in the Tasmanian transmission network and is the main 22kV supply point for local customers;
 - o Emu Bay and Hampshire substations which are 22kV supply points for customers in these respective areas.
- A number of communications sites used in operation of the transmission electricity network.

Notification and negotiation of work or changes in land use around these assets is critical for the safety and operation of the electricity network, the safety of people working on these assets and the general public whether living near or traversing the transmission network areas.

The following table and figure details TasNetworks' assets within Burnie LGA.

Table 2 TasNetworks Assets in Burnie

Asset	Location
Substation sites (terminal)	<ul style="list-style-type: none"> - Emu Bay Substation - Burnie Substation - Hampshire Substation
Communication sites	<ul style="list-style-type: none"> - Round Hill - Burnie Substation - Hampshire Substation - Companion Hill - Emu Bay Substation (fibre) - Burnie 3 Mile Line (fibre)
Electricity Transmission Corridors	<ul style="list-style-type: none"> - Sheffield – Burnie 220kV (blue) - Sheffield – Burnie 110kV (pink) - Emu Bay Spur 110kV (purple) - Burnie – Smithton 110kV (red) - Burnie – Waratah 110kV (light blue)

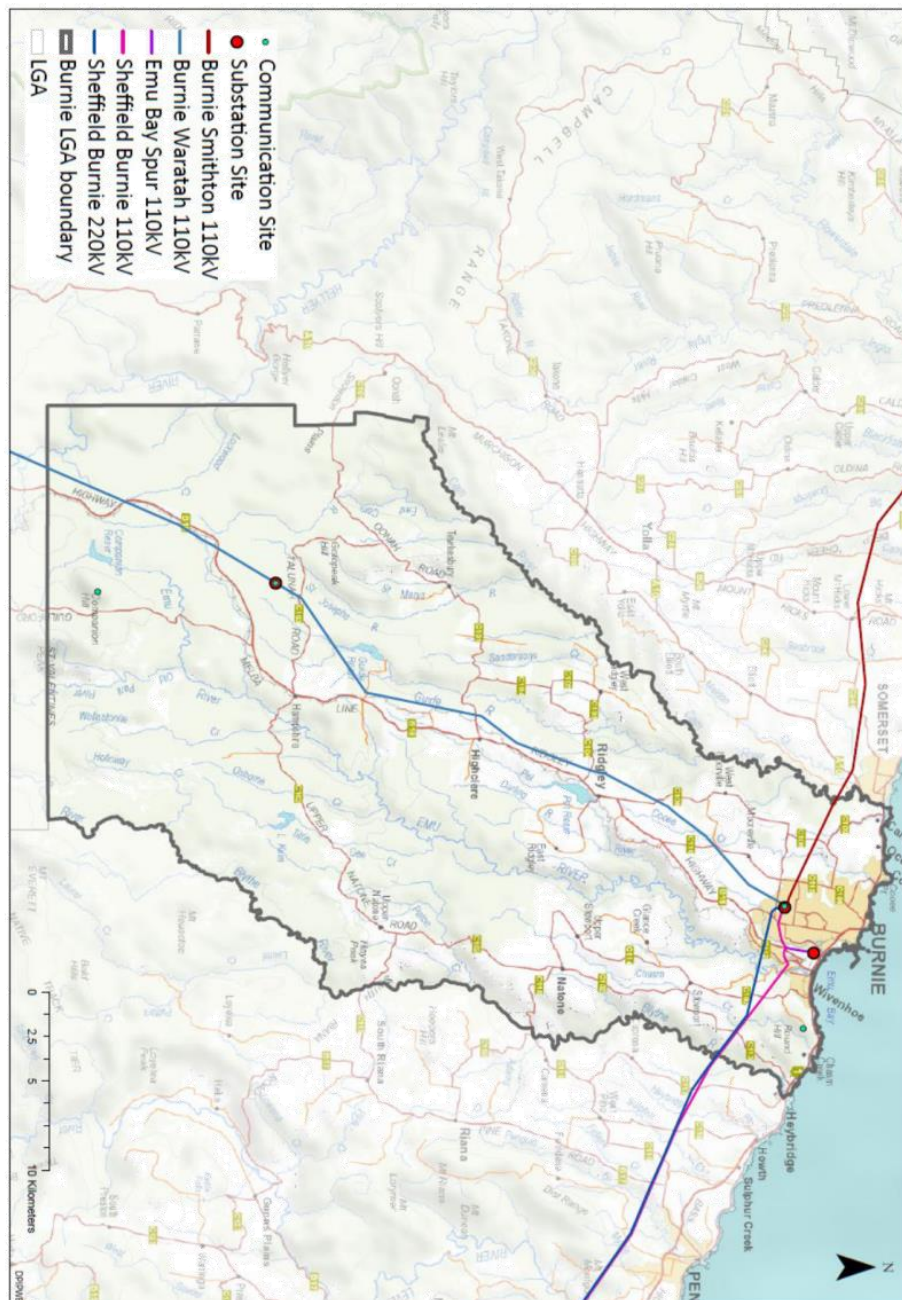


Figure 2 TasNetworks Assets within Burnie LGA



3.3. North West Tasmania Strategic Transmission Plan, Marinus Link and North West Tasmania Transmission Upgrade Project

As Tasmania's transmission and distribution network service provider, and Tasmania's jurisdictional planner in the National Electricity Market (NEM), we have a responsibility to ensure the infrastructure to supply Tasmanians with electricity evolves to meet customer and network requirements in an optimal and sustainable way. We achieve this through our network planning process to ensure the most economic and technically acceptable solution is pursued.

The need for network changes can arise from a number of factors. Annually TasNetworks undertakes a planning review that analyses the existing distribution and transmission networks and considers their future requirements to accommodate changes to load and generations, and whether there are any limitations in meeting the required performance standards¹.

Integrated into our planning process is our [network transformation road map 2025](#). This ensures that what we do in the next 10 to 15 years facilitates an efficient and orderly transition of the network to its new roles in a changing energy sector. This includes consideration of impact of large scale wind farms, solar generation, pumped hydro (battery of the nation), batteries, electric vehicles, and a potential second inter connector.

More specifically, TasNetworks has been appointed by the Commonwealth and Tasmanian Governments to undertake an assessment of further Bass Strait interconnection (Marinus Link) including the need for new or upgraded electricity transmission infrastructure to support this.

The Australian mainland electricity generation fleet is transforming from being predominately made up of baseload generation to one dominated by intermittent renewable generation.² Tasmania has enormous potential to support this transformation with its access to some of Australia's most cost-competitive renewable energy and storage resources. A number of studies have highlighted Tasmania's wealth in renewable energy resources.³ These resources include existing hydroelectric generators that have capacity

¹ [Link to TasNetworks' Annual Planning Report 2019](#)

² See, for example, Dr Alan Finkel's review of the electricity market, *Independent Review into the Future Security of the National Electricity Market*, June 2017, <https://www.energy.gov.au/sites/default/files/independent-review-future-nem-blueprint-for-the-future-2017.pdf>

³ See, for instance, AEMO, *2018 ISP Appendices*, July 2018, Appendix A, pp. 35-8, and Hydro Tasmania, *Battery of the Nation: Analysis of the future National Electricity Market*, April 2018, p. 2.



available at times of peak demand in the NEM, cost-competitive long duration (**deep**) pumped hydro energy storage potential, and an abundance of world-class wind resources.⁴

North West Tasmania, in particular, has excellent potential for developing renewable energy generation and storage projects, including:

- New large-scale wind generation in the order of 2,000 megawatts (**MW**); and
- New pumped hydro energy storage developments of at least 750 MW.

This is in addition to approximately 400 MW of existing hydro generation capacity and approximately 250 MW of further hydro generation capacity with moderate upgrades. As a result of these resources, the region has been identified as a high priority renewable energy zone (**REZ**) in the Australian Energy Market Operator's (**AEMO's**) 2018 Integrated System Plan (**ISP**).⁵

North West Tasmania hosts the expected connection point for Marinus Link (the Burnie area in particular, has been identified as the preferred likely location), a proposed 1500 MW capacity undersea and underground electricity connection that will link North West Tasmania to Victoria.⁶ This will require the installation of new converter stations required to convert electricity transported between Tasmania and Victoria across Marinus Link from direct current (DC) to alternating current (AC) to enable transmission within the existing and upgraded transmission network in North West Tasmania and the existing transmission network in Victoria.

Further Bass Strait interconnection through Marinus Link will help deliver Tasmania's high value renewable energy zones to the NEM. The potential size of the resources available in North West Tasmania exceeds Tasmanian demand and the capacity of Basslink, the existing electricity connection between Tasmania and Victoria. Furthermore, while there is growth in renewable generation throughout the NEM, this is largely in the form of wind and solar generation. These variable generation resources will need 'firming' capacity from

⁴ In referring to energy storage systems, 'depth' often refers to the energy to capacity ratio, where a 'deep' storage system has a high energy to capacity ratio. This means that it can operate for long periods at high output before exhausting its energy storages. Storage 'depth' is a reference to how long that storage would last. It is independent of the peak capacity of the system.

⁵ AEMO is the power system operator and national planner for the NEM, and jurisdictional planner for Victoria. AEMO's 2018 ISP provides a blueprint for the whole-of-system redevelopment required for the NEM. Writing in its capacity as the national transmission planner, AEMO's ISP has "modelled and outlined targeted investment portfolios that can minimise total resource costs, support consumer value, and provide system access to the least cost supply resources over the next 20 years to facilitate the smooth transition of Australia's evolving power system." (*Integrated System Plan*, July 2018, <https://www.aemo.com.au/Electricity/National-Electricity-Market-NEM/Planning-and-forecasting/Integrated-System-Plan/2018-Integrated-System-Plan>, p. 3). AEMO has also released an Insights Paper and two independent reports that provide further analysis and insights into the ISP, which can be found here: <https://www.aemo.com.au/Electricity/National-Electricity-Market-NEM/Planning-and-forecasting/Integrated-System-Plan>. AEMO will be releasing its draft 2019-20 ISP in December 2019, with the final report due for release in June 2020.

⁶ The potential size of the resource exceeds both the Tasmanian demand and the capacity of Basslink. While there is growth in renewable generation in other regions in the NEM, particularly in wind and solar generation, these variable resources will need 'firming' capacity from dispatchable generation and storage to ensure customer energy needs are met. Marinus Link can help smooth this transition by providing the NEM with access to Tasmania's existing and potential renewable resources, which are a valuable source of new and dispatchable generation and would benefit electricity supply in the NEM. For more information, refer to: TasNetworks, *Project Marinus Business Case Assessment*, December 2019 (<https://www.marinuslink.com.au/business-case-assessment/>), and TasNetworks, *Project Marinus Initial Feasibility Report* February 2019 (<https://www.marinuslink.com.au/initial-feasibility-report/>).



dispatchable generation and storage to ensure customer energy needs are met. Providing access to Tasmania's existing and potential renewable resources, which are a valuable source of new and dispatchable generation, would benefit electricity supply in the NEM and help ensure that the most cost-effective outcomes are delivered for end-use customers.

TasNetworks has developed a long-term strategic transmission plan for North West Tasmania to support the energy market in the long term. The plan includes proposed upgrades to and potential new routes on the transmission network, which will increase network capacity and to ensure the power system can accommodate developments proposed for the region.⁷ The plan is flexible, accommodating a number of scenarios that can be developed in stages as required. Figure 3 presents the North West Tasmania Strategic Transmission Plan.

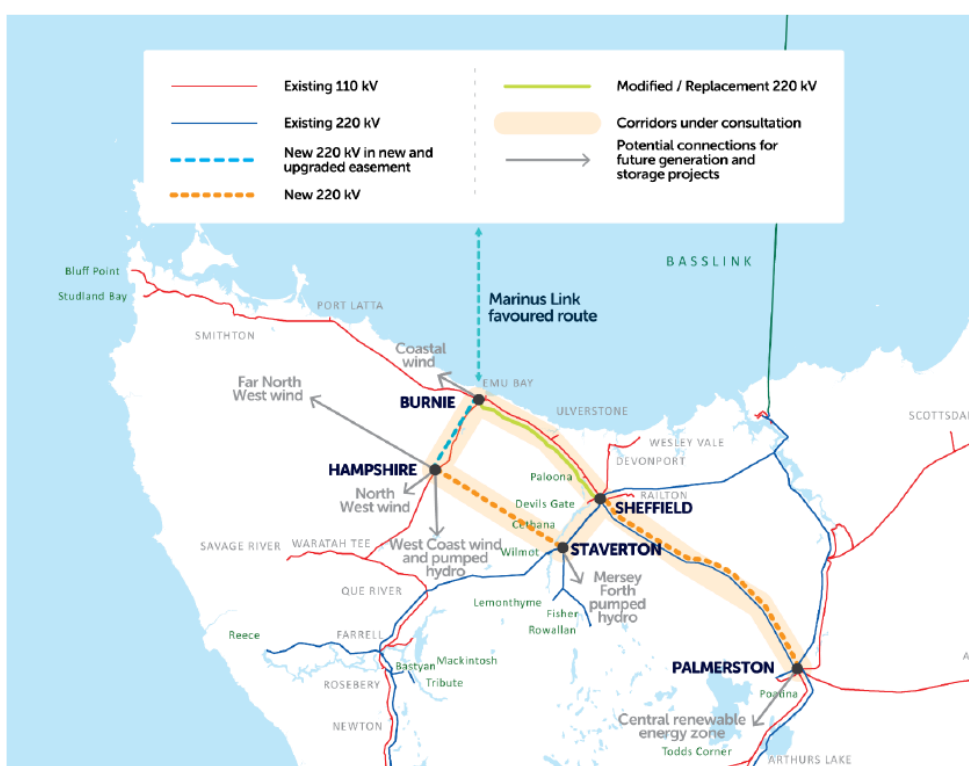


Figure 3 North West Tasmania Strategic Transmission Plan

The existing transmission network in North West Tasmania is sufficient to service existing needs. However, as indicated above, upgrades to the existing transmission network, along

⁷ TasNetworks owns, operates and maintains the existing electricity transmission and distribution networks in Tasmania and has jurisdictional responsibility for transmission system planning in Tasmania under the National Electricity Law.



with potential new routes, will be required to support development of the potential new renewable energy generation and storage projects in the region as well as Marinus Link. This Project is called the North West Transmission Upgrades Project and will play a critical role in unlocking the region's renewable energy generation and storage resources.

TasNetworks is in the development phase for the North West Transmission Upgrades Project and has identified new and upgraded electricity transmission infrastructure required to support implementation of TasNetworks' North West Tasmania Strategic Transmission Plan. Together with Marinus Link, the North West Transmission Upgrades Project will help unlock Tasmania's clean, cost-competitive generation and storage resources as part of the lowest cost solution to provide dispatchable energy to the NEM. This work will also deliver significant ongoing employment and add economic value to the region and Tasmania.

Given this context, it is important that the LPS provides appropriate approval pathways for potential future electricity transmission use and development.



4. Submission

4.1. Overview

TasNetworks is seeking state-wide consistency across all LPSs in the treatment of its assets. TasNetworks policy position is summarised in Table 3 and is further detailed below.

Table 3 Policy Position – Submission Summary

LPS Mapping / Controls	Submission	Rationale
Zoning	<ul style="list-style-type: none"> - Substations (terminal and zone) to be zoned Utilities - Communication sites to be zoned Utilities where the communications facility is the primary use of the site 	<ul style="list-style-type: none"> - Reflects the primary use of the site and the nature of the asset - Reflects the long asset lifespan - Utilities zone allows for the future operation, maintenance modification and development requirements of the asset (this is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established) - Clear message to the community about the existing and long term use of the site.
	No specific zoning is to be applied to ETC	<ul style="list-style-type: none"> - Allows for other compatible uses to occur in corridor - Corridors are protected by ETIPC
	Landscape Conservation Zone (through LPS rezoning) is not applied to ETC	<ul style="list-style-type: none"> - Conflicts with the existing use of the land for electricity transmission - Diminishes strategic benefit of existing corridors making consideration of new corridors more likely - More onerous approvals pathway for augmentation of assets - Sends conflicting message to public regarding the ongoing use of the land
Natural Asset Code – Priority Vegetation Overlay	Not to be applied to <ul style="list-style-type: none"> - Substations or communication sites 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance



LPS Mapping / Controls	Submission	Rationale
	where the site is cleared of native vegetation	<ul style="list-style-type: none"> - Clearing of vegetation is exempt under ESI Act - Where asset already exists impact on the natural assets have already been assessed/ approved and will continue to be impacted for the lifespan of the asset - Supports strategic value of the site - Clear messaging to community regarding the use of the site.
Scenic Protection Code Overlay	Not to be applied to <ul style="list-style-type: none"> - substations, - communication sites, or - electricity transmission corridors 	<ul style="list-style-type: none"> - Assets are required to be cleared for safety and maintenance - Where asset already exists impact on scenic quality / natural assets have already been assessed/ approved and will continue to be impacted for the lifespan of the asset.
Utilities Use Approval Status	In all zones, PPZ and SAPs the Use Class for Utilities and Minor Utilities must be either <ul style="list-style-type: none"> - No Permit Required, - Permitted or - Discretionary Utilities must not be Prohibited	The ability to consider Utilities Use Class in all zones is a requirement for the effective planning and development of linear utility infrastructure, which is required to be located in a range of areas and will be subject to multiple zonings.
SAPs	Not to apply to substations	To ensure that future development on these sites is not unreasonably affected by SAP.
PPZs or SAPs use and development standards	Are drafted with at least a discretionary approval pathway. For example: <ul style="list-style-type: none"> - No absolute height limit 	<ul style="list-style-type: none"> - Consistent with policy in SPPs that enables consideration of Utilities in all zones and no finite quantitative development standards.



LPS Mapping / Controls	Submission	Rationale
	- Allow subdivision for utilities	
ETIPC	Is mapped and applied to relevant transmission infrastructure	Consistent with policy in SPPs

4.2. Zoning

This review has identified that the Utilities Zone has not been applied to the Emu Bay Substation or the Hampshire Substation sites. Similarly, the Round Hill, Hampshire Substation and Companion Hill communication sites require rezoning to the Utilities Zone. The Utilities Zone should be applied to TasNetworks substation and communication sites as it appropriately reflects the primary purpose of the sites, is consistent with TasNetworks policy position and is in line with the State's drafting Guidelines.

The introduction of the Landscape Conservation Zone has not been applied to any of TasNetworks assets which is supported.

4.3. Overlays: Natural Asset Code – Priority Vegetation Overlay

This review has identified that the Natural Asset Code – Priority Vegetation Overlay has been applied to the Burnie Substation site. Its application is not over developed areas of the site and therefore TasNetworks has no objection to this application.

The Priority Vegetation Overlay has been applied to the Round Hill Communications Site. This site is surrounded by three other communication assets that are all also cleared of vegetation. TasNetworks requests that the overlay be removed from the areas where infrastructure exists and that are cleared of native vegetation.

This is sought to recognise that vegetation management and clearance is required as a critical function of maintaining the safety of TasNetworks assets, and to recognise that vegetation removal is already approved in accordance with other Acts.

The Priority Vegetation Overlay applies to threatened vegetation communities as identified by Council. It is understood that the values determined by Council are based off the Regional Ecosystem Model and the data source is considered variable. Aerial imagery and confirms that the Overlay has been applied to portions of the site that are developed and cleared of vegetation.

Under the *Electricity Supply Industry Act 1996* and associated *Electricity Supply Industry Regulations 2008* vegetation clearance for the safe and reliable operation of electricity infrastructure is classified as 'work of minor environmental impact' and as such, is not



considered development for the purposes of LUPAA and is not subject to that Act in any way.

The SPP provides for vegetation clearance exemptions under Table 4.4. Relevant to TasNetworks this includes: Clause 4.4.1(b) *harvesting of timber or the clearing of trees, or the clearance and conversion of a threatened native vegetation community, on any land to enable the construction and maintenance of electricity infrastructure in accordance with the Forest Practices Regulations 2007.*

This exemption recognises that vegetation removal by TasNetworks is undertaken in accordance with an Environmental Management Systems (EMS) endorsed by the Forest Practices Authority. This endorsement recognises that TasNetworks EMS is sufficient to minimise the need for clearance and conversion of threatened native vegetation communities with respect to the construction and maintenance of its infrastructure.

TasNetworks also has agreement with Parks and Wildlife Services in relation to Reserve Activity Assessments – Electricity Entities Operation Plan. This Plan identifies works that do not require formal assessment and includes those that relate to existing infrastructure within the existing transmission infrastructure footprint.

TasNetworks submits that it is inconsistent with the *Electricity Supply Industry Act 1996* and SPP vegetation exemptions and more broadly Schedule 1 of LUPAA to apply the Priority Vegetation Overlay over the ETIPC Overlay Communication Site. The objectives of the planning process established under Schedule 1, Part 2 of LUPAA relevantly provides under subsection e) *to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals.*

4.4. Scenic Protection Overlay

This review has identified that the Scenic Protection Code Overlay – Tree Preservation Overlay has been applied to both lines in the east (TL 441 & TL445) and the western line (TL415). It is understood that this overlay has transitioned from the Interim Scheme as part of Schedule 6. TasNetworks would like to highlight the conflict between the purpose ETIPC and the Scenic Protection Code.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's Guidelines the Code is applied where: *SPC2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.*

The ETIPC Code Purpose is to:

- *To protect use and development against hazards associated with proximity to electricity transmission infrastructure.*



- *To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.*
- *To maintain future opportunities for electricity transmission infrastructure.*

TasNetworks submits the Scenic Protection Overlay mapping is inconsistent with the ETPIC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities. It also believes that applying this Code to the ETC is inconsistent with the application guidelines for these locations given the presence of TasNetworks transmission infrastructure and associated State based and SPP vegetation clearance exemptions for existing and future electricity infrastructure.

The removal of the Scenic Protection Code Overlay would also remove the perception of controls affecting this land. For example, under the ESI exemption TasNetworks can clear vegetation to the extent necessary for the protection of electricity infrastructure or public safety. It also has exemptions under the SPPs for vegetation clearance. Accordingly it can undertake vegetation clearance, notwithstanding the Code.

For works that do not have the benefit of these exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Northern Regional Land Use Strategy.

TasNetworks requests the Council support changes to the Scenic Protection Code in the SPPs to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC.

It is noted that this would require changes to the SPPs and if Council chooses to prepare a report in accordance with Section 35G of LUPAA, it would be greatly appreciated if these matters could be considered.

4.5. SAP and PPZ

The LPS may include provisions that modify the application of the SPPs to a particular area via the PPZ, SAP or site specific provisions. This review identifies that no such provisions apply to existing substation or communication sites.

The LPS provisions have also been reviewed to assess the potential impact on future Utilities use and development. This review has identified a number of amendments are required to the Heybridge Residential Nature Reserve SAP to allow for subdivision exemptions for utilities. The request is consistent with the SPP drafting conventions.

4.6. ETIPC

Transmission infrastructure assets are often protected within easements. These are not however always easily apparent to developers and land owners. The application of the ETIPC Overlay provides for the spatial protection of these assets and then the opportunity



for TasNetworks and developers to negotiate outcomes at the planning phase of a development. It also provides an opportunity to highlight the ongoing responsibilities associated with the easement.

TasNetworks has reviewed and has identified some discrepancies associated with how the substations are mapped within the ETIPC. TasNetworks can provide the correct data to council.

4.7. SPP Issues

Please note, this aspect of TasNetworks' representation should not be taken as a request to change or amend the SPPs. However, this information is provided to highlight fundamental land use conflict issues that could occur as each LPS implements the SPPs across the State.

4.7.1. Exemptions

In this representation, TasNetworks would like to highlight a failing in the SPPs that causes a fundamental conflict between existing electricity transmission easement rights and SPP Exemptions and will prevent implementation of the purpose of the ETIPC. This failing is resulting from not applying the Code, in particular, the Electricity Transmission Corridor (ETC) and Inner Protection Area (IPA) to certain exemptions that would:

- On almost every occasion, conflict with easement rights (and have the potential to impact human safety) and compromise the Purpose of the Code; and
- Unless managed appropriately, have the potential to conflict with easement rights (and have the potential to impact human safety) and the Purpose of the Code.

Where the Code does not apply, easement rights still exist but can only be enforced once a breach has occurred or (at best) is imminent. This can result in a costly process of removal or relocation and in the interim, could pose a safety risk. When the Code applies, it provides developers, Council and TasNetworks an opportunity to avoid or manage this issue early in the application process. See Appendix 1 for benefits that can be realised by considering electricity transmission assets in the planning process and conflict examples.

4.7.2. Scenic Protection Code

The Scenic Protection Code – Tree Preservation Overlay has been utilised within the draft Burnie LPS and applied to both transmission lines to the east of Burnie (TL 441 & TL445) and the line west of Burnie (TL415) as set out in Figure 2. The following corridors are impacted:

- Sheffield – Burnie 110kV (Line reference TL 441) which similarly extends east from the Burnie Substation linking within with (TL444). Identified in pink in Figure 2.
- Burnie – Smithton 110kV (Line reference TL 415) runs west from the Burnie Substation towards the municipal boundary. Identified in red in Figure 2.



- Burnie – Waratah 110kV (Line reference TL 445) extends from the south of the LGA boundary linking Hampshire Substation with Burnie Substation. Identified in light blue in Figure 2.

The Scenic Protection Code does not apply to sites in the Utilities Zone. As a result, assuming a Utilities zoning, TasNetworks' substations and communication sites are not subject to the application of this Code, thus supporting the continued and consolidated use and development of these sites for electricity infrastructure.

TasNetworks' recognises that a Council may wish to regulate other activities in the Electricity Transmission Corridor that could impact on scenic values. However, application of the Scenic Protection Code to new electricity transmission use and development within an existing electricity transmission corridor has a number of impacts in conflict with the continued use of these corridors:

- Does not recognise the already established vegetation clearance and scenic quality as a result.
- Does not recognise existing and continued use of these corridors, including vegetation clearance, for significant linear infrastructure on a state wide basis.
- Unreasonably diminishes the strategic benefit of the ETC.
- Devalues the substantial investment already made in the establishment of these corridors.
- Unreasonably fetters augmentation of existing corridors by imposing development standards relating to scenic protection to electricity transmission use and development in an existing electricity transmission corridor.
- Conflicts with the purpose of the ETIPC;
- Supports a misconception in the community that where the Scenic Protection Code (tree preservation) is applied, vegetation clearance will be limited, when in fact vegetation clearance for transmission lines is required and authorised by separate regulatory regimes in these locations.

If the Scenic Protection Code in the SPPs were amended to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC, these impacts could be largely mitigated. This approach recognises the presence of this substantial electricity infrastructure and:

- its place in a broader state-wide network that is essential to the safe and reliable provision of electricity to Tasmania (as recognised in the Regional Land Use Strategy);
- implements the purpose of the ETIPC;
- facilitates continued use or augmentation of existing corridors and ensures that future development (that is not otherwise exempt) can be efficiently provided.

The purpose of the Scenic Protection Code is to recognise and protect landscapes that are identified as important for their scenic values. In accordance with the Commission's



Guidelines the Code is applied where: SPC2 The scenic protection area overlay and the scenic road corridor overlay should be justified as having significant scenic values requiring protection from inappropriate development that would or may diminish those values.

The ETIPC Code Purpose is to:

- To protect use and development against hazards associated with proximity to electricity transmission infrastructure.
- To ensure that use and development near existing and future electricity transmission infrastructure does not adversely affect the safe and reliable operation of that infrastructure.
- To maintain future opportunities for electricity transmission infrastructure.

The application of the Scenic Protection Code to electricity transmission use and development in an ETC is inconsistent with the ETPIC purpose to retain electricity transmission infrastructure in these locations and to maintain future development opportunities.

For works that do not have the benefit of ESI exemptions, it would be difficult to comply with the Scenic Protection Code standards. Further, these assets form part of a wider network that is essential to the safe and reliable provision of electricity to Tasmania which is recognised in the Regional Land Use Strategy.

Please note that these issues have been previously raised and discussed with Meander Valley Council, Brighton Council and Central Coast Council and the Commissioners throughout the draft LPS assessment process and will continue to be raised as part of this process.



5. Amendments by Asset

It is noted that Burnie area is the likely favoured location to host the landing points and converter stations for Marinus Link.

5.1. Emu Bay Substation

The Emu Bay Substation is located at 15 - 17 Devon Street, South Burnie (CT109072/1 and CT251613/1 respectively). Within the Interim Scheme and the LPS the site is within the General Industrial Zone.

Subsequent to the provision of draft ETIPC mapping for inclusion on the LISTMap, Number 15 Devon Street (CT109072/1) has been strategically acquired to accommodate intended modifications to the existing substation to install a new switch gear building and associated infrastructure. The strategic acquisition of this land and future consolidation of titles aids the cost efficient implementation of necessary infrastructure replacement program thereby ensuring the delivery of safe and reliable electricity services.

As such, TasNetworks requests that the LPS be amended to apply the Utilities Zone to the Emu Bay Substation site. The Utilities zoning reflects the primary and future use of the site and is consistent with the zone application guidelines issued by the State.

The ETIPC has been applied to part of the site as shown in the following figure. TasNetworks requests that the Substation Facility and Substation Facility Buffer Area be amended to relate to the entire site (including both 15 and 17 Devon Street) as described above.

Further to this, TasNetworks notes that there is a slight discrepancy between the ETIPC layer in the LPS and the ETIPC Overlay on LISTMap, in particular how the borders of each layer are identified. TasNetworks requests that the LPS mapping be amended to reflect the ETIPC Overlay on LISTMap. TasNetworks can provide this data if required.

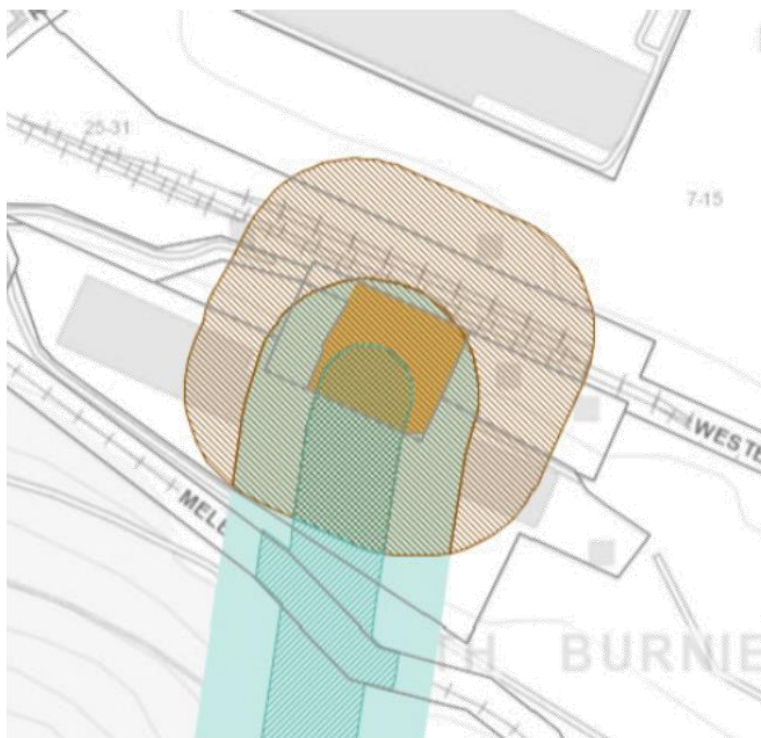


Figure 4 LPS Mapping – ETIPC Emu Bay Substation

5.2. Burnie Substation

The Burnie Substation is located at 38-40 Three Mile Line Road, Acton (CT132778/1). Within the Interim Scheme and the LPS the site is within the Utilities Zone which is supported by TasNetworks.

The ETIPC has been applied to the site as shown in the following figure. Similar to the Emu Bay Substation, TasNetworks notes that there is a slight discrepancy between this layer and the ETIPC Overlay on LISTMap, in particular how the borders of each layer are identified. TasNetworks requests that the LPS mapping be amended to reflect the ETIPC Overlay on LISTMap.

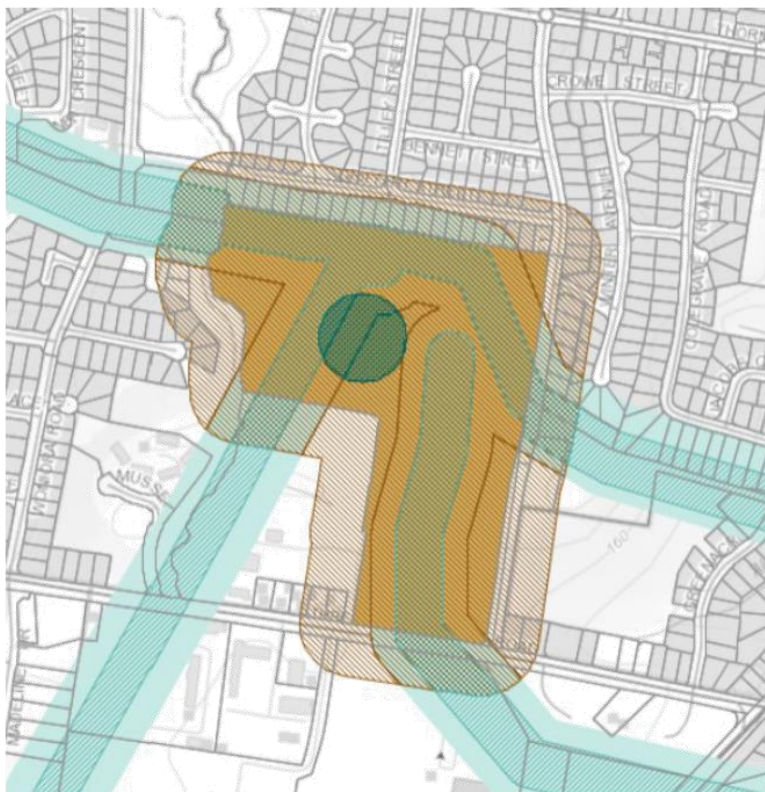


Figure 5 LPS Mapping – ETIPC Burnie Substation.

5.3. Hampshire Substation

The Hampshire Substation is located at 2753 Ridgley Highway, Hampshire (CT164460/1). The substation is not located on its own individual title, however, it is fenced and exclusively occupied for this purpose. The substation is zoned Rural within the LPS. TasNetworks requests that the Utilities Zone be applied to the site to reflect the primary and future use of the site. It is requested that the rezoning be applied to the Substation Facility area as defined in the ETIPC.

Similar to the requests for Emu Bay and Burnie Substation's TasNetworks requests that the ETIPC be amended to reflect the ETIPC Overlay on LISTMap.



Figure 6 LPS Mapping – ETIPC Hampshire Substation

Table 4 and Table 5 provide an overview assessment of the proposed LPS planning controls applied to the site against the TasNetworks planning policy position with respect to substations.

Table 4 Substation Policy Position Summary

Zoning	Overlay	SAP / PPZ	ETIPC
Zoned Utilities	Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied

**Table 5 Substation Assessment Overview**

Asset	Consistent with zone policy (Y/N)	Consistent with code (Overlay) policy (Y/N)	Amendment Required (Y/N)	Amendment Request
1. Emu Bay Substation	N	N	Y	<ul style="list-style-type: none"> - Rezone to Utilities (including adjoining title) - Amend substation buffers over both titles - Reflect ETIPC appropriately
2. Burnie Substation	Y	N	Y	<ul style="list-style-type: none"> - Reflect ETIPC appropriately
3. Hampshire Substation	N	N	Y	<ul style="list-style-type: none"> - Rezone site to Utilities - Reflect ETIPC appropriately

5.4. Communication sites

There are six communication sites operated by TasNetworks within Burnie LGA. Of these, Round Hill, Burnie Substation, Hampshire Substation and Companion Hill all form part of the electricity transmission communications backbone. TasNetworks has a regulatory obligation to provide this service. The electricity transmission communications backbone is required to enable communication between power generators and TasNetworks control room to ensure safe and reliable operation of the electricity transmission network in Tasmania. The other two communication sites, Emu Bay Substation and Burnie Three Mile utilise a fibre connection and therefore do not require the ETIPC to be applied and as such do not form part of this submission.

Table 6 provides an overview assessment of the proposed LPS planning controls applied to communication sites against TasNetworks communications policy.

The Round Hill Communication Site (CT132976/1) is zoned Environmental Management within the LPS. The site not located on an individual title and despite being cleared of native vegetation is subject to the Priority Vegetation Overlay and the Scenic Protection Area – Tree Preservation Overlay. Further the site is surrounded by three other communication towers. As such, it is requested that the site be rezoned to Utilities with the Priority Vegetation and Scenic Management overlays removed from the site where infrastructure exists and the site is cleared of native vegetation. As the site is not located on its own individual title it is requested that a 20m (radius) buffer area is used to accurately identify and apply the Utilities Zone. TasNetworks can provide this GIS data if required.



No amendment is proposed regarding how the Burnie Substation Communication Site is represented in the LPS.

The LPS includes an ETIPC Communication Buffer approximately three 3 km east of the Hampshire Substation at CT129871/6. This is incorrect and should be removed and a Communication Buffer should be applied to the Hampshire Substation site at 2753 Ridgley Highway, Hampshire (CT164460/1). TasNetworks can provide the correct GIS data. Zoning the Hampshire Substation to Utilities, as requested in the abovementioned section, will also zone the communications site Utilities.

Companion Hill Communication Site (CT164459/1) is zoned Rural within the LPS. The site is located on its own title owned by TasNetworks. It is requested that the LPS be amended to apply the Utilities Zone to this site.

The Utilities zoning is required for communication sites to ensure the future operation, maintenance modification and development requirements of the asset. This is particularly important for communications sites as these do not enjoy any ESI Act exemptions once established. The application of the Utilities Zone to these sites is consistent with Guideline No 1 Zone and Code Application issued by the State.

The following tables provide TasNetworks policy position regarding communication sites and the communication site assessment overview.

Table 6 Communication Site Policy Position Summary

Zoning	Overlay	SAP / PPZ	ETIPC
All communication sites to be zoned Utilities.	Not applied - Scenic Protection (SP) - Priority Vegetation (PV) - where the site is cleared of native vegetation	Not applied or - Utilities use is NPR, P or D. - No finite discretionary development standards	Applied to transmission communication backbone sites

Table 7 Communication Site Assessment Overview

Asset	Consistent with zone policy (Y/N)	Consistent with code (Overlay) policy (Y/N)	Amendment Required (Y/N)	Amendment Request
1. Round Hill	N	N	Y	- Rezone site to Utilities (20m radius) - Remove PV overlay



Asset	Consistent with zone policy (Y/N)	Consistent with code (Overlay) policy (Y/N)	Amendment Required (Y/N)	Amendment Request
				- Remove SP overlay
2. Burnie Substation	Y	Y	N	- No amendment required
3. Hampshire Substation	N	N	Y	- Rezone site to Utilities as per substation request - Remove current Communication Buffer and replace at Substation site.
4. Companion Hill	N	Y	Y	- Rezone site to Utilities

5.5. Electricity Transmission Corridors

There are five electricity transmission corridors that extend through the Burnie LGA. These include:

- Sheffield – Burnie 220kV (Line reference TL 504) which extends east towards the municipal boundary from Burnie Substation. Identified in blue in Figure 2.
- Sheffield – Burnie 110kV (Line reference TL 441) which similarly extends east from the Burnie Substation linking within with (TL444). Identified in pink in Figure 2.
- Emu Bay Spur 110kV (Line reference TL 444) extends north-south from Emu Bay Substation to TL 441 identified in purple in Figure 2.
- Burnie – Smithton 110kV (Line reference TL 415) runs west from the Burnie Substation towards the municipal boundary. Identified in red in Figure 2.
- Burnie – Waratah 110kV (Line reference TL 445) extends from the south of the LGA boundary linking Hampshire Substation with Burnie Substation. Identified in light blue in Figure 2.

These corridors are identified in Figure 2 and are located within the LPS ETIPC Overlay Electricity Transmission Corridor and Inner Protection Area mapping which is supported by TasNetworks.

Some corridors are identified for augmentation as part of the North West Transmission Upgrades Project refer to Section 3.3 of this submission for more information and Figure 3.



The Burnie area is also the likely favoured location to host the landing points and converter stations for Marinus Link.

There are a range of zones applied to the land underneath these corridors and as the SPP allows for consideration of Utilities in all zones this is acceptable to TasNetworks.

However, the Scenic Protection Code – Tree Preservation Overlay has been applied to both lines in the east (TL 441 & TL445) and the western line (TL415). It is understood that this overlay has transitioned from the Interim Scheme in accordance with Schedule 6 of LUPAA. TasNetworks has highlighted a number of issues created by the application of this Code where the ETPIC has also been applied in Section 4.7.2 of this submission. It is noted that if the suggested approach is supported, this would require changes to the SPPs and if Council chooses to prepare a report in accordance with Section 35G of LUPAA, it would be greatly appreciated if these matters could be considered, particularly with respect to changes to the Scenic Protection Code in the SPPs to ensure that, where this Code intersects with an ETC, it does not apply to electricity transmission use and development in that ETC.

5.6. Particular Purpose Zones and Specific Area Plans

The following table provides an overview of TasNetworks policy position regarding Particular Purpose Zones (PPZ) and Specific Area Plans (SAP).

Table 8 PPZ and SAP Policy Position Summary

Application	Policy
Use Standards in PPZ or SAP	<ul style="list-style-type: none"> - Use Class for Utilities or Minor Utilities must be either NPR, P or D. Must not be Prohibited - Use standards must include Utilities as an excluded use (e.g hours of operation)
Development Standards in PPZ or SAP	<ul style="list-style-type: none"> - Are not drafted without a discretionary approval pathway (e.g not include an absolute height limit) - Allow subdivision for Utilities use in all zones

The LPS includes two SAPs

- BUR-S1.0 Heybridge Residential Nature Reserve Specific Area Plan; and
- BUR-S2.0 Burnie Town Centre Parking Specific Area Plan.

Neither of these SAP's have been applied over a substation or communication site. However, the Heybridge Residential Nature Reserve SAP intersects with both 110kV (TL441) and 220kV (TL504) Sheffield – Burnie Lines near Maydena Road, Stowport.

It is understood that both of the SAPs have been introduced through the LPS as the Interim Scheme did not include any SAPs.



The following provides an assessment of the SAPs within the LPS. No amendment is required to BUR-S2.0 Burnie Town Centre Parking SAP however, clarification is required regarding the definition of terms within the BUR-S1.0 Heybridge Residential Nature Reserve SAP as well as amendments to the subdivision standards. These amendments are in line with the SPP drafting conventions.

Table 9 SAP Assessment Overview

Instrument	Clause	Amendment requested or Clarification required
BUR-S1.0 Heybridge Residential Nature Reserve SAP	1.7.3 Landscape protection A2	Clarification required: Neither the SAP, LPS nor the SPPs provide a definition for “electricity supply” or “telecommunication cable”. As such TasNetworks is unable to determine if this clause applies to our services. For shared network assets and/or development undertaken by TasNetworks this provision should not apply.
	1.8.1 Subdivision A1	Amendment requested (in <i>italics</i>): <i>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must contain an areas shown as “Zone A” on sealed plan to: ...</i>
	A3	Amendment requested (in <i>italics</i>): <i>Excluding for public open space, a riparian or littoral reserve or Utilities, the timing of subdivision for hamlet 5 on the approved subdivision plan...</i>
	1.8.2 A1	Amendment requested (in <i>italics</i>): <i>Excluding for public open space, a riparian or littoral reserve or Utilities, work associated with subdivision in a priority vegetation area must ...</i>

6. Appendix

6.1. Appendix 1 SPP Issues

In addition to TasNetworks' request regarding the Scenic Protection Code application, this appendix outlines the benefits of considering electricity transmission assets in the planning process for new development

The following benefits can be realised if impact on electricity transmission assets are considered in the planning process. (See Table 1 for the list of relevant exemptions):

- Removes the incorrect perception that buildings and other works exempt under the SPPs can safely occur in a transmission line or underground cable easements without the need to consider asset easement rights or operational requirements.
- Empowers the Planning Authority to request further information, condition or refuse a development that conflict with the Code requirements and Purposes.
- Saves developers, Councils, TasNetworks and the community time, cost and distress associated with easement right enforcement after a building, structure or other works have either commenced construction or have been built.
- Reflects the reality with respect to what can and cannot safely occur in an electricity easement.
- Saves developers project delay and cost required as a result of reworking proposals to ensure easement rights are not compromised later in the process.
- Increases the chances of considering the impact of new development on electricity assets early in the planning assessment process, before significant expenditure on project preparation has occurred.
- Prevents land use conflict between existing critical electricity transmission assets and new development.
- Protects human safety.
- Aligns the planning considerations and electricity easement rights.
- Avoids increased acquisition or construction cost for future assets as a result of encroachment (eg: dwelling encroachments within strategically beneficial easements may not cause operational issues for existing assets. However, dwelling acquisition and increased community and social impact of processes required to remove dwellings in the easement if it is required later can be avoided if encroachment is prevented in the first place.

- Supports compliance with AS 7000.
- The strategic benefit of existing electricity easements and the strategic purpose of the Code is preserved.

Conflict Examples

Table 1 presents examples of exempt development where TasNetworks believes conflict with easement rights can occur.

Colour coding indicates the following:

Conflicts with easement rights and may be capable of management to ensure appropriate alignment with easement rights.

Conflicts with easement rights. In almost all cases, this exemption will pose a safety and operational hazard for overhead and underground transmission lines and cables.

Table 1 Exemptions and land use conflict with electricity transmission assets

SPP exemption	Comment
4.3.6 unroofed decks	<p>If not attached to a house and floor level is less than 1m above ground level.</p> <p>A deck of this nature can pose an impediment to safe access and due to other exemptions can be roofed without further assessment which is in conflict with easement rights and could compromise safety.</p> <p>A deck over the operational area required for an underground cable would always be unacceptable.</p>
4.3.7 outbuildings	<p>One shed: up to 18m², roof span 3m, height 2.4m, fill of up to 0.5m.</p> <p>Up to two shed: 10m², sides 3.2m, height 2.4m.</p> <p>Similar to PD1.</p> <p>This type of building almost always poses a safety and operational hazard for transmission lines, cables and human safety.</p> <p>This type of building over the operational area required for an underground cable always poses an unacceptable safety risk.</p>
4.3.8 outbuildings in Rural Living	4.3.8

SPP exemption	Comment
Zone, Rural Zone or Agriculture Zone	Provides for an unlimited number of outbuilding per lot as follows: Floor area 108m ² , height 6m, wall height 4m.
4.3.9 agricultural buildings and works in the Rural Zone or Agriculture Zone	<p>Already subject to the Local Historic Heritage Code.</p> <p>Slightly broader than PD1.</p> <p>4.3.9</p> <p>New and broader than PD1 exemptions.</p> <p>Provides for unlimited number of outbuilding per lot as follows:</p> <p>Must be for agricultural use, floor area 200m², height 12m.</p> <p>Already subject to the Local Historic Heritage Code and the Scenic Protection Code.</p> <p>TN COMMENT:</p> <p>These exemptions create a new and potentially more dangerous conflict with electricity transmission lines and cables where a larger and higher building can be constructed in an electricity transmission easement without the need for planning approval.</p> <p>Buildings of this nature can severely impede TasNetworks' ability to safely access, operate and maintain electricity transmission lines. If built, these buildings could also present a threat to human safety.</p> <p>As a result, in almost all cases, if built, buildings covered by these exemptions would necessitate the enforcement of easement rights, either during or after construction and after the planning and building (exemption), process has occurred. This will likely mean relocating the proposal, a further planning assessment and added cost and time to a development.</p> <p>The nature of electricity transmission line assets (ie: running from isolated generation locations into populated areas) means the zones mentioned in this exemption are almost certain to contain (and appropriately so) electricity transmission assets. The cost of removing substantial agricultural buildings from easements required for new assets also adds to future asset construction costs.</p>

SPP exemption	Comment
4.3.11 garden structures	<p>Unlimited number, 20m², 3m height max. Already subject to the Local Historic Heritage Code.</p> <p>If not managed appropriately, this type of structure has the potential to compromise clearances and the safe and reliable operation of transmission lines and underground cables. Depending on location within an easement, could also present a threat to human safety.</p> <p>Cost of removal is limited, however still requires post breach enforcement of easement rights.</p>
4.5.1 ground mounted solar energy installations	<p>Each installation can be 18m² area. Already subject to the Local Historic Heritage Code.</p> <p>This type of activity has the potential to compromise clearances or adversely impact easement access (especially during emergency repair conditions).</p>
4.5.2 roof mounted solar energy installations	<p>Already subject to the Local Historic Heritage Code. This would likely only apply to existing buildings within easements.</p> <p>Encroachment is likely existing, however, this exemption has the potential to compromise clearances in what may be a compliant situation.</p>
4.6.8 retaining walls	<p>4.6.8 Allows for retaining 1m difference in ground level. This exemption is already subject to the Local Historic Heritage Code and the Landslip Hazard Code. Reflects what was in PD1.</p> <p>4.6.9 Allows for filling of up to 1m above ground level. This exemption is already subject to the Natural Assets Code, Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code and Landslip Hazard Code. Reflects what was in PD1.</p> <p>TN COMMENT:</p> <p>This type of activity has the potential to compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Subject to appropriate management, this type of activity can usually occur within transmission line easements, however, may pose a more challenging risk for underground cables.</p>
4.6.9 land filling	

SPP exemption	Comment
4.6.13 rain-water tanks	Rainwater, hot water & air conditioner exemptions with the 1.2m stand were already included in PD1 and were carried through to the draft and finalised SPPs.
4.6.14 rain-water tanks in Rural Living Zone, Rural Zone, Agriculture Zone or Landscape Conservation Zone	This was one exemption in the draft SPPs and was modified by the Commission into four exemptions. TasNetworks requested the original exemption be subject to the Code. 4.6.13: attached or located to the side or rear of a building and can be on a stand height 1.2m high. Subject to the Local Historic Heritage Code.
4.6.15 fuel tanks in the Light Industrial Zone, General Industrial Zone, Rural Zone, Agriculture Zone or Port and Marine Zone	4.6.14 attached or located to the side or rear of a building with no height limit. Subject to the Local Historic Heritage Code. 4.6.15 no height limit, no requirement is be located near a building. Limited when storage of hazardous chemicals is of a manifest quantity and Coastal Erosion Hazard Code, Coastal Inundation Hazard Code, Flood-Prone Areas Hazard Code, Bushfire-Prone Areas Code or Landslip Hazard Code, applies and requires a permit for the use or development.
4.6.16 fuel tanks in other zones	4.6.16 must be attached or located to the side or rear of a building, max 1kL capacity, on a stand up to 1.2m high and subject to the Local Historic Heritage Code. TN COMMENT: These exemptions allow for water tanks on stands and some have no height limit. These developments have the potential to compromise access to the easement, compromise ground clearances for existing transmission lines and safe operational separation for underground transmission cables. Depending on location in the easement, these developments could pose a threat to human safety. Subject to appropriate management, this type of activity may occur within transmission line easements, however, may pose a more challenging risk for underground cables.

Sam Seaton

From: Taylor, Jason
Sent: Friday, 20 December 2019 7:18 AM
To: burnie
Subject: TasWater Representation - Draft Local Provisions Schedule

To Whom It May Concern,

Please consider this email a representation from TasWater regarding Brighton Council's Local Provisions Schedule. The below table is land containing TasWater infrastructure (specifically water reservoirs, that fit the definition of Utilities) that we consider should be zoned Utilities:

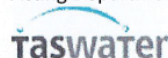
NAME	TYPE	SERVICE	VOLUME	FOLIO	OWNER	PROPER
Ridgley Header Tank	Reservoir	Water	115016	1	TasWater	1
Mount Road Basin	Reservoir	Water	148941	1	TasWater	7
Cooee Basin	Reservoir	Water	83960	1	TasWater	6
Upper Burnie Basin	Reservoir	Water	151107	1	TasWater	6
Cascade Road Basin	Reservoir	Water	151108	1	TasWater	7
Mooreville Road Reservoir	Reservoir	Water	66260	1	TasWater	6
Wivenhoe Reservoir	Reservoir	Water		0	Parks and Wildlife Service	7
Elizabeth St Reservoir	Reservoir	Water	197043	1	TasWater	6
Havenview Reservoir	Reservoir	Water	15624	1	TasWater	6

TasWater are of the opinion that treatment plants for both water and sewer, and water storages should be zoned as Utilities, but pump stations are suited to the underlying/surrounding zoning remaining in place. There are also some other smaller water tanks within the municipality, however due to their small size and that they sit on private land parcels with undefined boundaries around the infrastructure, then the underlying/surrounding zoning is also most suitable.

Regards

Jason Taylor

Acting Department Manager – Development Services

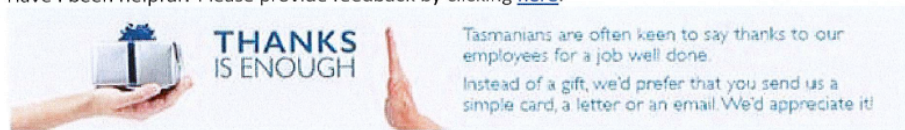


F 1300 862 066

A GPO Box 1393, Hobart TAS 7001
 169 Main Road, Moonah, TAS 7009

W <http://www.taswater.com.au/>

Have I been helpful? Please provide feedback by clicking [here](#).

**Disclaimer**

This email, including any attachments, may be confidential and/or legally privileged. You must not use, access or disclose it other than for the purpose for

which it was sent. If you receive this message or any attachments or information in it in error, please destroy and delete all copies and notify the sender immediately by return email or by contacting TasWater by telephone on 136992. You must not use, interfere with, disclose, copy or retain this email. TasWater will not accept liability for any errors, omissions, viruses, loss and/or damage arising from using, opening or transmitting this email

Sam Seaton

From: burnie
Sent: Monday, 16 December 2019 9:12 AM
To: burnie
Subject: Representation for the draft Burnie Local Provisions Schedule (BUR LPS)
Attachments: signature.jpg

Representation for the draft Burnie Local Provisions Schedule (BUR LPS)

Question	Response
Name of person or body making representation	
First name	Leigh
Last name	Knight
Contact number	
email	
Postal address	
Representation	
I make the following representation in relation to the content and merits of the draft Burnie Local Provisions Schedule as contained in the relevant exhibition documents. If you need more space to make your comments, please prepare on separate document and upload below.	<p>I reviewed a section of the proposed LPS for a client and had to refer to an SAP.</p> <p>The SAP substitutes requirements in some provisions of the underlying zones and in this instance it was specific individual clauses across a number of zones and codes. This means that to work out the impact it is necessary to flick between the general scheme provisions and the SAP amending provisions.</p> <p>Surely it is easier (and less likely to result in omission and error) to produce an entire set of SAP provisions which amend the relevant codes and requirements and include these in</p>

	full. It would result in some duplication but make the scheme easier to use.
If you would like to upload additional information or documents to support your representation please upload below. Note: maximum total uploads is 10MB	
Submission	
	Ready to submit your final representation?
Signature	Uploaded signature image: signature.jpg

Records please register to file 20/5/6 – Tasmanian Planning Scheme

Title: Representation for the draft Burnie Local Provisions Schedule (BUR LPS) - [Name]

Action: to Patrick Earle

OpenForms



Sam Seaton

From: Jennifer Jarvis
Sent: Friday, 20 December 2019 4:40 PM
To: burnie@burnie.net.au
Subject: Draft BURLPS - TasRail representation

Attention Planning Department.

Re: Burnie Local Provisions Schedule (Draft)

TasRail only recently became aware of the Draft Burnie Local Provisions Schedule and is disappointed that it did not receive any notification of the process/public exhibition. For this reason TasRail has not had reasonable time to prepare a detailed response but in the interests of placing on record a number of key concerns, it is submitting this short-form representation via email.

The documentation viewed by TasRail contains a number of inaccuracies, particularly in relation to the acknowledgement of what state rail infrastructure exists within the Burnie municipality, and also the intention of the Strategic Infrastructure Corridor legislation.

State Rail Network

- The definition of the State Rail Network is set out in Schedule One of the Rail Infrastructure Act 2007.
- Of interest to the Draft BURLPS proposal is the Western Line, being the railway commencing at the western end of the rail bridge on the North Esk River and running to Wiltshire via the East Tamar Junction and Western Junction. Specifically, the Western Line is the major connection linking the State's freight network to the Port of Burnie where TasRail operates not only the rail network but also significant strategic assets such as the Shiploader being Tasmania's only multi-purpose bulk handling facility that supports major mines/employers across the West and North West; and the Bulk Handling Storage Facility including the Tipler. TasRail also provides supply chain/logistics to multiple customers, culminating at Burnie.
- TasRail also operates major maintenance facilities including Quick Fix Workshop, Under Floor Wheel Lathe etc.
- The Burnie Port Optimisation was a tripartite project that delivered more efficient infrastructure to support the growth of the Burnie Port boosting intermodal volumes and noting that Toll's major facilities at Burnie are directly integrated and linked to TasRail's facilities.
- The Melba Line (formerly known as the Emu Bay railway) is defined as the railway running from the port at the City of Burnie to Melba Flats. The Melba Line is critically important to major miners and connects these significant enterprises to export markets.
- TasRail is confident that the Melba Line and the Western Line (currently up to Burnie) and other facilities at Burnie will continue to support economic growth.

Given the above, it is TasRail's view that the BURLPS must include the Road and Railway Assets Code but the proposed BURLPS as set out in the draft documentation needs to be modified to recognise that all State Rail Network land that includes rail sidings and terminals should be protected by including provision for the recommended 50metre attenuation zone to be applied in all planning decisions to ensure that future planning decisions do not impede, constrain or limit railway operations and future railway operations.

RIO. Once that corridor or part thereof has been declared an SIC, then the removal of rail assets can only occur in accordance with the provisions of the SIC legislation.

TasRail would welcome the opportunity to discuss the Draft BURLPS and the content of this representation.

Should you require any clarification or further information related to the above please don't hesitate to contact property@tasrail.com.au

Yours sincerely

TasRail's Property Department will be closed from Tuesday 24 December 2019 and will re-open on Thursday 2 January 2020.

Any TasRail Permits for Works or Access required during this time should be submitted prior to Friday 13 December 2019 to allow time for processing and issue before the office closes for the Christmas/New Year Period.

Jennifer Jarvis



Manager Group Property & Compliance |

11 Techno Park Drive, Kings Meadows, Tasmania, 7249



facebook.com/Follow.TasRail



twitter.com/TasRail



Please consider the environment before printing this e-mail

This e-mail and any attachments may contain confidential and privileged information. If you are not the intended recipient, please notify the sender immediately by return e-mail, delete this e-mail and destroy any copies. Any dissemination or use of this information by a person other than the intended recipient is unauthorised and may be illegal. Opinions, conclusions, views and other information in this message that do not relate to the official business of the Tasmanian Railway Pty Ltd are the views of the individual sender and shall be understood as neither given nor endorsed by Tasmanian Railway Pty Ltd.

Cr T Brumby left the meeting, the time being 7.52pm

WORKS AND SERVICES

AO016-20 QUEEN STREET SAFETY REVIEW

FILE NO: 31/3/314 & RD102780

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council staff monitor pedestrian and vehicle interaction at the driveway of 32 Queen Street and under trim the NZ Christmas tree as it grows to provide clear sight.”

2.0 SUMMARY

This report responds to Council Resolution of the 16 April 2019 (AO098-19) meeting;

“That Council review the safety of property accesses at 30 and 32 Queen Street upon the completion of current Queen Street works.”

The 16 April 2019 report **(attached)** resulted from the property owners seeking compensation for the loss of on-street parking and in the case of 32 Queen Street, also a concern about the impact on their property in terms of access safety.

This report is a safety review of the function of the two property accesses following the Queen Street upgrade and it uses traffic volume and speed data to support the review.

Officers sought the views of the two property owners and a collective view of nearby residents and other interested parties that have expressed a view about the Queen Street upgrade, and in particular comment regarding the traffic calming measures installed as part of the upgrade works.

This report concludes there are no immediate safety issues to respond to, however there are some improvements that could be made by the property owner of number 32 Queen Street to enhance safety of a reverse manoeuvre from the property access.

The report recommends Council staff monitor pedestrian and vehicle interaction at 32 Queen and under trim the NZ Christmas tree as it grows to provide clear sight.

3.0 BACKGROUND

Refer to the appended April 2019 report.

The Queen Street upgrade works commenced in January 2019 and were complete in June 2019. During the early phase of the construction period the property owners of 30 and 32 Queen Street contacted Council regarding concerns they held on a loss of on street parking and access safety.

Both owners sought a level of compensation from Council to address their concerns.

Council considered the matter in the April 2019 report and determined to not consider compensation at that time, but resolved to understand the impact of their concerns by awaiting completion of the works and the outcome.

To broaden this safety review in terms of the traffic calming measures implemented and the overall safety outcomes of the project, Officers sought comments from the two property owners, a nearby resident that offered a collective view of their neighbours that reside north of the Wilmot Street intersection, Council Officers and a Councillor.

4.0 LEGISLATIVE REQUIREMENTS

Council has responsibility for the management of local highways and applies the provisions of the *Local Government Highways Act 1982* in discharging its responsibilities.

To address safety, asset condition, service levels and the like, Council may upgrade, change or limit the use of a particular aspect of a local highway.

Examples of such works may be to install footpath and kerb and channel, implement parking controls, pedestrian crossing points and install traffic calming devices.

Whilst it is good practice to consult with the community and particularly consider the issues and concerns of property owners and residents associated with planned and built works, it should be noted that there is, in most circumstances, no statutory requirement to do so.

5.0 POLICY CONSIDERATIONS AND STANDARDS

The background to this report includes requests for compensation associated with the loss of on-street parking.

Council has no obligation to compensate a property owner or resident for the loss of on-street parking opportunities associated with street improvement works or measures aimed at addressing road safety.

This review is conducted in reference to the following Australian Standards and Guidelines as follows:

- *Austrroads Guide to Road Design Part 4A: Unsignalised and Signalised Intersections, Section 3.2.2*
- *Municipal Standards/IPWEA Guide to Intersection and Domestic Access Sight Distance Requirements, Drawing No. TSD-RF01*
- *AS 1742.13: 2009 Local Area Traffic Management*
- *VicRoads Raised Safety Platforms RDN 03-07 July 2017*

6.0 FINANCIAL IMPACT

The April 2019 report identified that if Council was of a mind to provide compensation for the loss of on-street parking, a potential contribution would be \$10,000 per property.

No funds have been allocated to a financial implication that may arise from this report.

7.0 DISCUSSION

This discussion comprises a summary of the views and comments provided via email to Council Officers as follows ;

- comment by the property owners of 30 and 32 Queen Street
- collective view of nearby residents that reside on Queen Street north of the Wilmot Street intersection
- comment from Councillor Pease (includes views expressed to him by residents that are regular travellers on Queen and Wilmot Streets)
- traffic data

The safety review conducted by Council Officers is discussed in Section 8 and a safety review conclusion is presented in Section 9.

7.1 32 Queen Street Property Owner

- Does not have space at the rear of his property for vehicles to park and manoeuvre.
- The changes with respect to his property access and the Wilmot Street intersection are not a safety enhancement.
- Pedestrian traffic crossing Queen Street at the south end of the Wilmot Street intersection is concentrated adjacent his driveway causing congestion and potential pedestrian conflict with vehicles entering the driveway; is an increased risk to pedestrian safety compared to pre-upgrade.

- The upgrade works reduced the road width causing the pathway of vehicles reversing out of the driveway to encroach onto the south bound lane, and thus causing dangerous conditions for motorists, and citing a comparison with Mooreville Road (precedent assistance with off street parking) which has wider travel lanes.
- The speed humps were installed in lieu of a Raised Safety Platform without consultation, citing the driveway is encased by all three (3) speed humps which have caused vehicles lockups from excessive braking and a substantial increase in noise from vehicles passing over the humps.
- Despite consultation regarding the planting of a NZ Christmas tree in the garden outside the property, the tree obstructs the view of the road when exiting the property
- Agreement that there is adequate parking within the property, and compensation is now sought, not for the loss of on-street parking but for unsafe exit practices onto Queen Street.
- The issues raised regarding access safety concerns and compensation denied thus far for construction of a vehicular turn area inside the property, means the matter is unresolved to the property owners satisfaction, citing anguish and disgust at Council revoking a verbal agreement with Council staff.

7.2 30 Queen Street Property Owner

Comment was sought from the property owner, however they were unavailable for comment. Previous verbal advice to officers was conveyed as follows:

“The outcome is a wonderful improvement and the speed cushions are successful in slowing traffic through the intersection. There is no noise of concern.”

7.3 Residents on Queen, north of Wilmot Street

- Despite initial concerns that speed cushions installed at approaches to the Raised Safety Platform would create ongoing and new noise for residents, they discern a minor reduction in overall traffic volume and note a significant reduction in noise and speed, most particularly on Queen Street.
- The residents immediately north of the Wilmot Street intersection *“are extremely happy with the outcome and fully urge and support the retention of the current traffic calming measures,”* including the use and location of the speed cushions.
- They believe Queen Street and the Wilmot Street intersection now *“looks, feels and is demonstrably safer.”*
- Given the increase in speed and noise resulting from the North Terrace one way changes many years ago, and that the current traffic calming measures have

substantially addressed speed and noise for residents, they contend the amenity of the area should be considered over passing motorists.

7.4 Councillor Pease and constituents

The comments are primarily from nearby residents of Jones, William, Amy, Harrison, Amelia, Hodgman and Charles Streets and some residents of Princes and Regent Streets and Seaview Avenue that regularly use Queen Street, as follows:

The number of speed cushions:

- It is acknowledged that the Wilmot Street leg speed cushion is necessary as pre-upgrade, vehicles failed to give way at the intersection and the incidence of cars turning without giving way has seemingly reduced. The cushion slows vehicles and should they fail to give way it is currently at a much slower speed.
- The northern speed cushion is necessary to reduce the speed of cars turning right out of Wilmot Street and reduces opportunity to accelerate on Queen Street.
- It is felt the southern speed cushion serves little purpose, as north bound vehicles from William Street are unable to accelerate significantly on Queen and are required to slow to either turn right into Wilmot or cross the northern speed cushion. Further, south bound vehicles on Queen Street travelling to William must first slow to cross the northern speed cushion and then slow again for the 90 degree turn into William. It is contended that the southern speed cushion may be able to be removed with little effect on the traffic calming objectives.

The severity of speed cushions:

- Most residents understand the need for traffic slowing measures, however there is complaint regarding the approach and departure angle of the speed cushions which cause items in trailers, utes and long wheel base vans to dislodge.
- The Queen/Wilmot Street speed cushions are more severe on vehicles than of those in Olive Street and that a more gradual speed hump would achieve the same aim. Further, unladen southbound commercial vehicles on Queen will occasionally spin their rear wheels due to the need to accelerate from a near standstill on crossing the speed cushions on an inclining surface.

7.5 Traffic Data

Queen Street traffic volume, speed and vehicle type data, for both travel lanes, was captured to compare traffic conditions before and after the upgrade works.

The 85th percentile speed which is typically used in traffic studies is defined as the speed at or below of 85% of all vehicles.

Traffic counters were placed outside number 25 Queen Street (50 m north of Wilmot) to capture conditions near the Wilmot Street intersection and outside number 20 Queen Street (40 m north of Princes Street) to capture conditions more representative of a straight run on Queen.

The data captured before the works was from Monday 13th to Monday 20th August 2018 and after the works from Monday 9th December to Monday 16th December 2019.

The data appended to this report is summarised in the table below based on weekday averages. Approximately 63 % of total traffic volume is north bound and 37 % south bound.

Summary Table of Traffic Count Data Before and After Works

DATA TYPE	2018 Before Works	2019 After Works	COMMENT
Total Average Daily Volume (weekdays)	2,541	2,328	Slight reduction of 8%
Light Vehicles (Class 1 & 2) Average Daily Volume	2,458	2,224	Slight reduction of 9.5 %
Heavy Vehicles Average Daily Volume	83	100	Increase of 20 % but a reduction of semi-trailers
85 th % Speed at # 25	50.4 km/h	37.1 km/h	26 % reduction
85 th % Speed at # 20	51.1 km/h	46.4 km/h	9 % reduction

The data shows there has been a moderate reduction in the overall traffic volume and significant speed reductions of up to 26 % outside 25 Queen Street.

There is an increase in the number of heavy vehicles (mostly 8.8 m long two axle service type trucks) which could be related to a busy period for commerce in the lead up to Christmas 2019, compared to the August period in 2018. Most notably the large 19 m long semi trailer trucks of 4 to 6 axles has reduced significantly.

8.0 OFFICER SAFETY REVIEW

This section responds to a summary of the comments provided (in italics below) in Section 7 in the context of a safety review of the traffic and pedestrian conditions in accordance with the relevant Austroads Design Guides, Australian and Municipal Standards.

The safety review focusses on the two property accesses, but in so doing, includes an examination of traffic volume, speed, design and functionality of the traffic calming measures; the Raised Safety Platform, speed cushions and noise.

Officers tested vehicle manoeuvring conditions at the two property accesses and over the speed cushions in all directions using a design standard passenger car, a 2019 Subaru Liberty sedan. Tests were also conducted in Olive Street on driveways and speed humps for comparison.

The **attached** Parking Comparison Plan and photographs should be read in conjunction with this section.

8.1 32 Queen Street

The principal safety concerns of the property owner are associated with reversing from the driveway, pedestrian concentration adjacent the driveway and obstruction of sight distance by the NZ Christmas tree to the north of the driveway.

Sight Distance

Officers evaluated sight distance in accordance with the municipal standard which references the Australian Standard. Sight distance to the north is compliant and greatly enhanced by the removal of the car parking spaces between the two subject driveways. The garden wall is 600 mm high above the road surface and does not obstruct the view of drivers.

The NZ Christmas tree is establishing and currently does obstruct a narrow band of view for a driver. It is Officers' intention for the tree to remain and as it grows to under trim it to approximately 1.2 m above the top of the garden wall, similar to the NZ Christmas tree shape established at the Waterfront, so as to remove the obstruction over time.

Sight distance to the south is compliant for these conditions and remains relatively unchanged from before the works. A driver reversing out of the driveway needs to exercise caution to look around any parked cars south of the driveway. The pedestrian crossing island that existed before the works is replaced by a 600 mm high garden wall in the same location and therefore sight conditions and constraints are relatively unchanged.

As noted, the garden wall is positioned in the same location as the previous pedestrian crossing island and the driveway post locations have not changed. Similar care needs to be exercised for a reverse manoeuvre and a vehicle is positioned on the road in a similar location as before the works.

Reversing from the Driveway

In reversing out of the driveway a turn cannot be made until the front of the vehicle begins to clear the driveway fence post. The test resulted in the rear of the Officers car, at the end of the reversing manoeuvre, being positioned approximately 800 mm over the road centreline. Depending on the size of a vehicle and its turn circle, it could be positioned further into the south bound lane at the end of the manoeuvre.

The Officers reverse manoeuvre was also replicated using Council's AutoCAD vehicle turn path design software, which replicated almost exactly the physical test undertaken.

Officers tested similar reverse manoeuvres out of driveways on Olive Street and the conditions are similar, ie a reversing vehicle may be positioned part way into the opposing travel lane, but must be done when safe to do so.

The road rules require drivers to exercise due care to avoid conflict with another vehicle or pedestrians. Should the reversing manoeuvre place a vehicle over the road centreline, a driver is able to do so, provided care is exercised and it is safe to do so.

Officers also tested conditions for exiting the driveway in a forward direction, left turn onto Queen. It is acknowledged that overall safety is better than a reverse manoeuvre due to improved sight and achieving a turn path into the north bound lane without encroaching over the centreline.

It is concluded that the primary physical constraint in making a reverse manoeuvre out of the driveway onto Queen Street is the narrow width between the driveway fence posts of 2.6 m, and the location of the north end of the garden wall, not the current width of Queen Street, as the property owner contends.

A widening of the driveway between the fence posts would create a substantial improvement in the overall safety of the reverse manoeuvre which should mitigate encroachment over the road centreline.

Pedestrian Movements

The area is popular with pedestrians to and from the CBD. The pedestrian crossing point south of the driveway is located approximately 4 m further to the north than before the upgrade, to be adjacent the driveway of number 32. South bound pedestrians on the west side of Queen need to cross the driveway to access the crossing point and this was the case before the works.

It is agreed that the crossing point is closer to the driveway and there is increased potential for conflict.

The Tasmanian Road Rules require pedestrians to cross a road safely. At an informal crossing point such as this, pedestrians are required to give way to vehicles on the road and vehicles are required to exercise caution when reversing.

It is concluded that Officers need to further investigate and monitor (by video camera if necessary) to capture data of the interaction of pedestrians using the crossing point and the use of the driveway to determine if any changes need to be made to improve safety.

Speed Cushions

Refer to Section 8.4 for a discussion on the speed cushions in the context of comments by the property owner of number 32.

8.2 30 Queen Street

The property owner has not expressed any concerns regarding functionality, noise, speed or safety and is very satisfied with the completed works.

Nevertheless, Officers conducted a safety review of the property accesses using the same methods as for 32 Queen. There are no sight distance issues and vehicles can easily reverse without encroaching over the road centreline, primarily due to the design of the upgrade utilising the parking lane width for the driveway access.

8.3 Traffic Volume and Speed

The data in Section 7.5 shows a moderate reduction in the overall traffic volume, a meaningful reduction in semi-trailer use and a significant speed reduction, in particular through the intersection.

The 85th percentile speed recorded outside number 25 Queen Street, 50 m north of the Wilmot Street intersection is down from 50 km/h to 37 km/hr. Speed 40 m north of Princes Street is down from 51 km/h to 46 km/h.

These changes translate to an improvement in overall safety of the street and property accesses for all users.

8.4 Speed Cushions

There are a range of views expressed on the location and performance of the speed cushions.

The property owner of number 32 cites encasement of the intersection on all three intersection legs as causing excessive braking and a substantial increase in noise as vehicles pass over the cushions.

The residents of Queen Street north of Wilmot Street are very happy with the performance of the speed cushions in reducing speed and noise and strongly support retention of the speed cushions and the other current traffic calming measures.

Councillor Pease and constituents (local residents of streets to the south west of Queen) recognise that the speed cushions are necessary and have resulted in slowing vehicles at the intersection and improvement in traffic safety, but question the need for the southern leg speed cushion. Further, they express concern regarding the severity of the approach and departure gradient of the speed cushions causing dislodgement of items in vehicles and occasional spinning of wheels of light commercial vehicles when traversing the cushions.

All of the resident comments acknowledge the success of the traffic calming measures in slowing vehicles with a resultant improvement in overall safety, particularly at the intersection with Wilmot.

The design intent of the Raised Safety Platform (RSP) at the intersection is to have approach and exit ramps at a suitable gradient to slow vehicles down on entry and exit. It is a well-established and successful traffic calming feature. In this instance, unfortunately the design gradient is 3 % and it was constructed to the design, however it should have been 6 % to comply with the VicRoads design standard for a 50 km/hr operating speed environment and an approach speed of 30 km/h. The result was an approach gradient that did not affect slowing of vehicles sufficiently for the RSP to be successful without modification.

A solution to this incorrect design gradient was to install rubber speed cushions as a trial to determine if they would function satisfactorily. The speed cushions installed are compliant with the *Austrroads Guide to Traffic Management, Part 8: Local Area Traffic Management* and have the required 6 % gradient each side of the cushion, which requires vehicles to slow down substantially to cross them upon entering and exiting the RSP.

The speed cushions are very effective both in terms of slowing vehicles to make the intersection safe and their rubber material absorbs sound very well. Officers observed a range of vehicles through the intersection for over one (1) hour and concluded that they function very successfully to meet the traffic calming objective, probably more so than a standard RSP and they are very quiet under traffic. There were no vehicles approaching the speed cushions at excessive speed or any vehicles scraping on the cushions during all Officer observations as part of this review.

In response to a view that the southern leg speed cushion may not be warranted, Officers hold the view that if it was not there, some motorists would be inclined to speed north bound through the intersection and would not start slowing until they passed the southern pedestrian crossing and the Wilmot Street hold line, both points of potential conflict. Similarly south bound vehicles would be able to accelerate through the intersection past the above-mentioned conflict points.

It is concluded that despite the speed cushions not forming part of the RSP design, they are absolutely necessary for the intended function, do it very well, and are all needed to maintain a safe intersection and reduce speeds on Queen and the Wilmot approach.

Retention of the speed cushions is strongly supported by the residents of Queen Street north of Wilmot whom have engaged with Council over many years to respond to their concerns regarding traffic volume, speed and noise.

9.0 SAFETY REVIEW CONCLUSION

This review has received the view of the property owners of number 30 and 32 Queen Street and that of other Queen Street residents and regular users that reside in the area.

It has examined those views in the context of safe functionality in accordance with the traffic and speed data captured, the relevant Australian Standards and Austrroads Guidelines for sight distance, intersection design, traffic calming measures and the Tasmanian Road Rules.

Speeds and therefore safety in Queen Street and at the intersection with Wilmot which is located opposite 30 and 32 Queen, have significantly reduced as a result of the upgrade works.

There are no immediate safety issues to address however it is concluded that:

- Officers will monitor the interaction of pedestrians and vehicles at the pedestrian crossing point adjacent the driveway of number 32 to determine if any changes are required.

- Council is to under trim the NZ Christmas tree as it grows, to provide clear sight for number 32.
- Retention of the speed cushions is critical in maintaining safety for Queen Street and its intersection with Wilmot and most importantly for the property owners and their visitors using the accesses at number 30 and 32 Queen Street.
- A widening of number 32 driveway whilst not necessary, would improve safety of the reverse manoeuvre.

10.0 RECOMMENDATION

The safety review concludes there are no immediate safety issues to respond to, however there are some improvements that could be made by the property owner of number 32 to enhance safety of a reverse manoeuvre.

It is recommended that Council staff monitor pedestrian and vehicle interaction at the driveway of number 32 Queen Street and under trim the NZ Christmas tree as it grows to provide clear sight at the property frontage of 32 Queen Street.

11.0 RISK

This report responds to a previous request from property owners for a level of compensation associated with loss of on-street parking associated with the Queen Street upgrade. In consideration of that matter, Council resolved to undertake a safety review of the property accesses at 30 and 32 Queen Street following completion of the works, prior to any further consideration of the matter.

This safety review concludes that the accesses are safe and the RSP and speed cushions are critical traffic calming elements in providing safety, and that any improvement in safety would be moderate if changes enabled the property owner at number 30 to exit the driveway in a forward direction.

A risk is the property owner of number 32 may not be satisfied with the conclusion of this safety review and continue to seek compensation from Council. If compensation is considered for 32 Queen, the property owner of 30 Queen may also seek retrospective compensation. As stated in the April 2019 report, Council is not obligated to provide any level of compensation to either property owner.

12.0 CONSULTATION

All consultation on this matter is outlined in section 3.0 and 7.0 of this report.

ATTACHMENTS

1. [Open Minutes - Ordinary Meeting of Council – 16 April 2019 - AO098-19 Queen Street Off-Street Parking Request](#)
2. [Parking Comparison Plan](#)
3. [Traffic Data](#)
4. [Queen Street Safety Review Photographs](#)

COUNCIL RESOLUTION

Resolution number: MO010-20

MOVED: *Cr D Pease*

SECONDED: *Cr T Bulle*

“THAT Council staff monitor pedestrian and vehicle interaction at the driveway of 32 Queen Street and under trim the NZ Christmas tree as it grows to provide clear sight.”

For: Cr S Kons, Cr A Boyd, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Cr T Brumby returned to the meeting, the time being 8:01pm

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019**WORKS AND SERVICES**

Mayor S Kons vacated the chair and left the meeting, the time being 7.59pm
Deputy Mayor G Simpson took the chair for Item AO098-19

**AO098-19 QUEEN STREET
OFF-STREET PARKING REQUEST**

FILE NO: 31/3/314 & RD102780
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:***"THAT Council:***

1) Declines the requests for compensation;

OR

2) Provides compensation to each of the property owners of value \$5,000 per on-street parking space removed abutting their property."

2.0 SUMMARY

Two property owners in Queen Street, Burnie, approached Council through the consultation phase of the Queen Street project seeking compensation for the loss of on-street parking abutting their property.

The existing parking opportunities are to be removed as part of a street upgrade incorporating traffic calming measures.

This report explores the requests and identifies a similar circumstance where financial support was provided to abutting property owners, associated with a previous street upgrade where on-street parking opportunities were removed.

Council may either consider supporting or declining the requests.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

As expressed in the report, Council has no legislative obligation to provide compensation or financial support in such circumstances.

3.0 BACKGROUND

Council is progressing the upgrade of Queen Street between Wilmot Street and Olive Street.

A component of this project is to install traffic calming measures to address resident concerns associated with through traffic.

The layout of the street upgrade and associated traffic calming measures is **attached** for reference.

A key component of the traffic calming works is the installation of a raised safety platform, at the intersection of Queen Street and Wilmot Street. The space occupied by this device will mean that the on-street parking adjacent to 30 and 32 Queen Street will be removed.

Consultation with Queen Street residents and Councillors in respect to this project occurred throughout the latter part of 2018, with a group consultation/information session occurring at the Burnie Arts and Function Centre (BAFC).

During the concept and preliminary design phase the ownership of 32 Queen Street changed and the new property owner raised concerns with officers that the loss of on-street parking would have a material impact on their property in terms of access safety and loss of on-street parking and sought assistance from Council to address this impact. The initial discussions centred around design development of additional parking and manoeuvring space within the property of 32 Queen Street. Subsequently the matter of compensation for the loss of parking arose.

In February 2019 the owner of 30 Queen Street approached Council to voice concern related to the loss of on-street parking in front of their property and seeking some compensation for that impact. The basis for compensation being that the property owner had at their expense a number of years ago constructed internal parking and manoeuvring facilities on their property. This work was in response to the introduction of the one way traffic flow on North Terrace, consequential increases in traffic on Queen Street and the resident having concerns with safe entry and exit to their property.

It noted that interactions noted in this report have only involved officers and the respective property owners.

This report outlines the responsibilities of Council in this matter and proposes recommendations for consideration.

4.0 LEGISLATIVE REQUIREMENTS

Council has responsibility for the management of local highways and applies the provisions of the *Local Government Highways Act 1982* in discharging these responsibilities.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

To address safety, asset condition, service level issues and the like, Council may upgrade, change or limit the use of a particular aspect of a local highway.

Examples of such works may be to install footpath and kerb and channel, implement parking controls, install traffic management devices and the like.

While it is general practice to consult with the community and particularly consider the issues and concerns of property owners and residents associated with planned works, it should be noted that there is, in most circumstances, no statutory requirement to do so.

This is important to understand in relation to on-street parking opportunities. The parking outside a property, while a convenience to that property, is provided for the benefit of the broader community, subject to complying with any parking scheme that may apply.

As such, Council may change the parking arrangements in a street should it consider there is a benefit to the community to do so.

5.0 POLICY CONSIDERATIONS

The subject of this report are requests for compensation associated with the loss of on-street parking.

Council has no obligation to compensate a property owner or resident for the loss of on-street parking opportunities associated with street improvement works or measures aimed at addressing road safety.

In recent times there has been one example where Council has assisted abutting residents through a contribution to off-street parking arrangements and improved access to their property.

This was in relation to three properties abutting Mooreville Road, as part of the Mooreville Road/West Park Grove intersection modification, including extension of a right turn lane and traffic islands installation.

The intersection changes necessitated the loss of on-street parking. The abutting residents expressed their concerns with the loss of parking and safety concerns associated with entering and exiting their property related to the changes to the intersection. The properties affected were relatively small lots, had been developed with houses close to the frontage and there was limited existing off-street parking on the property.

A contribution of between \$10,000 to \$12,000 was provided to these property owners to assist with creation of parking and manoeuvring space within their properties.

The decision to provide the financial support was made at management level, primarily related to safety and acknowledging the impact on the abutting properties due to the loss of parking.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

Within the CBD some 20 years ago there were extensive changes to on-street parking arrangements associated with the new streetscape. It is understood that there was no compensation made associated with the loss of parking outside respective businesses.

There have been a number of requests made to Council over the last 10 years or so associated with persons seeking compensation (economic impacts), associated with roadworks. Council has not provided support in respect to these requests.

6.0 FINANCIAL IMPACT

The issue raised by the two property owners is the loss of on-street parking and safety concerns associated with entry and exit from their driveway and seeking a compensation (contribution) to the development of off-street parking on the property.

Were Council to be supportive of the requests from the two property owners, the value of the contribution should be reflective of the notional value of replacing the on-street parking opportunity on the properties.

Two parking spaces will be lost abutting each property, the notional value of a contribution to an off-street parking space is estimated at \$5,000, based on the support provided in respect to the Mooreville Road project, thus the potential contribution for each would be \$10,000 per property.

No funds have been allocated in the Queen Street project budget for this financial implication.

7.0 DISCUSSION

Council has been approached by two property owners in Queen Street seeking compensation for the loss of on-street parking adjacent to their property, associated with the installation of a traffic management device in the street.

As noted above, compensation was provided to three property owners in Mooreville Road in recognition of safety concerns related to the 2010 upgrade of the intersection of Mooreville Road and West Park Grove, necessitating improved access arrangements and associated off-street parking opportunities.

As noted in the legislative section of this report, Council has no obligation to provide compensation or assistance in such matters, however there is also a need to work cooperatively with the community on projects, appreciating that some projects do have material impacts on property owner and residents. However, such support would usually be applicable to the broader community.

32 Queen Street

The ownership of this property changed hands during the consultation period on the project design.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

The new property owner contacted officers and raised concerns regard the loss of parking and access impacts to the property, associated with the proposed street upgrade and engaged with officers to seek advice on an alternate access arrangement, a "horseshoe" entry/exit arrangement. This was found not to be practical and would have compromised the proposed traffic calming arrangement at the Wilmot Street intersection.

Officers undertook to provide some assistance, as part of the project, to develop a design concept for a manoeuvring and parking opportunity on-site.

Officers have progressed discussions with the property owner (instigated by the property owner) to consider the potential of contributing to parking improvements on their property and indicated their support for a contribution of up to \$10,000 based upon the precedent of past contributions, i.e. the Mooreville Road project.

There has been no formal agreement by Council on any compensation to date.

It is noted that the size of the allotment on which 32 Queen Street sits is much larger than those on Mooreville Road and there are parking opportunities available at the rear of the property.

The property owner has been advised that this matter will be formally considered by Council.

30 Queen Street

The property owner raised concerns with officers as to safety on entry and exit to their property due to increased traffic flow on Queen Street, post the introduction of the North Terrace one-way traffic flow.

There is potential that as part of those discussions the property owner raised the issue of Council assisting to address these concerns, however no record of such a request could be located. In any event no financial support was provided.

The property owner subsequently developed off-street parking and manoeuvring facilities on their property to address their needs and have had the benefit of these works for a period of time.

In February 2019 a request has been made to officers for Council to provide compensation for the loss of on-street parking. Noting the works carried out on the property in the past.

Two (2) car parking spaces will be removed from in front of this property.

Officers have made no commitment in regard to this request and have advised the property owner that the request will come before Council.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

Options to Explore

In a limited number of circumstances support for on-property works has been provided by Council in respect to vehicle parking and manoeuvring and safe entry and exit.

There was no formal Council decision relating to these works.

In regard to the removal of on-road parking opportunities Council has no obligation to consider requests for compensation.

There would have been instances in the last 10 years where requests for assistance, generally associated with economic loss related to street works, have not been accepted by Council.

In progressing the discussions with the owner of 32 Queen Street, officers have relied on the precedence of the support provided in the Mooreville Road intersection upgrade project however this approach may not be reflective of the view of Council, given there is no obligation for Council to provide any support in such circumstances.

Establishing a policy position to guide Officers in the future in respect to such requests would provide certainty in considering future requests should they arise.

The two options before Council in this report are:

- That Council declines the request for compensation

This would be on the basis that Council has no obligation to compensate a property owner for the loss of on-street parking abutting their property as the parking is a community facility, not tied to a property.

- That Council provides compensation to each of the property owners to the value \$5,000 per parking space removed abutting their property.

Declining to provide compensation would be consistent with more recent considerations by Council in respect to compensation requests associated with roadwork impacts on normal community activity during the period the works were in train.

If this were the case, Officers would continue to provide design support to the owner of 32 Queen Street should they wish to progress the works on the property at their cost.

8.0 RISK

There may be many circumstances where on-street parking may be removed, generally this is related to safety concerns (a need to improve sightlines, congested intersections) or to reinforce road rules.

There will also be circumstances where street upgrades occur and parking is lost for a variety of reasons e.g. traffic management devices, dedication of the road space to other uses.

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

As noted above, Council has no obligation to compensate a property owner for loss of on-street parking in either circumstances.

Provision of compensation in one circumstance and not the other leads to equity and fairness concerns.

As such the key risk in this matter, should compensation be provided, is in setting a policy position. It is probable that there would be similar future requests made to Council.

There would be a need to develop some form of assessment framework to consider future requests.

Alternatively if no compensation is provided, this is consistent with Council's legislative position, however the respective property owners may be dissatisfied with the decision.

9.0 CONSULTATION

Consultation on this matter has generally been related to internal discussions and discussions with both of the respective property owners.

There has been general consultation with Elected Members as to the concept design, community consultation and project updates.

Officers have not engaged with or been contacted by elected members in respect to the two matters at hand.

ATTACHMENTS

- 1  Queen Street Layout Plan and Features

OPEN SESSION

MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

COUNCIL RESOLUTION

Resolution number: MO089-19

MOVED: Cr A Boyd**SECONDED:** Cr C Lynch*"That the matter be deferred."*

For: Cr A Boyd, Cr C Lynch, Cr D Pease.

Against: Cr K Dorsey, Cr A Keygan, Cr G Simpson, Cr T Bulle.

LOST

COUNCIL RESOLUTION

MOVED: Cr A Keygan**SECONDED:** Cr T Bulle*"THAT Council provide compensation for build of a turn circle or equivalent at 32 Queen Street but no compensation for loss of on-street parking."*

For: Cr A Keygan, Cr T Bulle.

Against: Cr A Boyd, Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr D Pease.

LOST

COUNCIL RESOLUTION

MOVED: Cr D Pease**SECONDED:** Cr A Keygan*"That Council review the safety of property accesses at 30 and 32 Queen Street upon the completion of current Queen Street works."*

For: Cr A Boyd, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

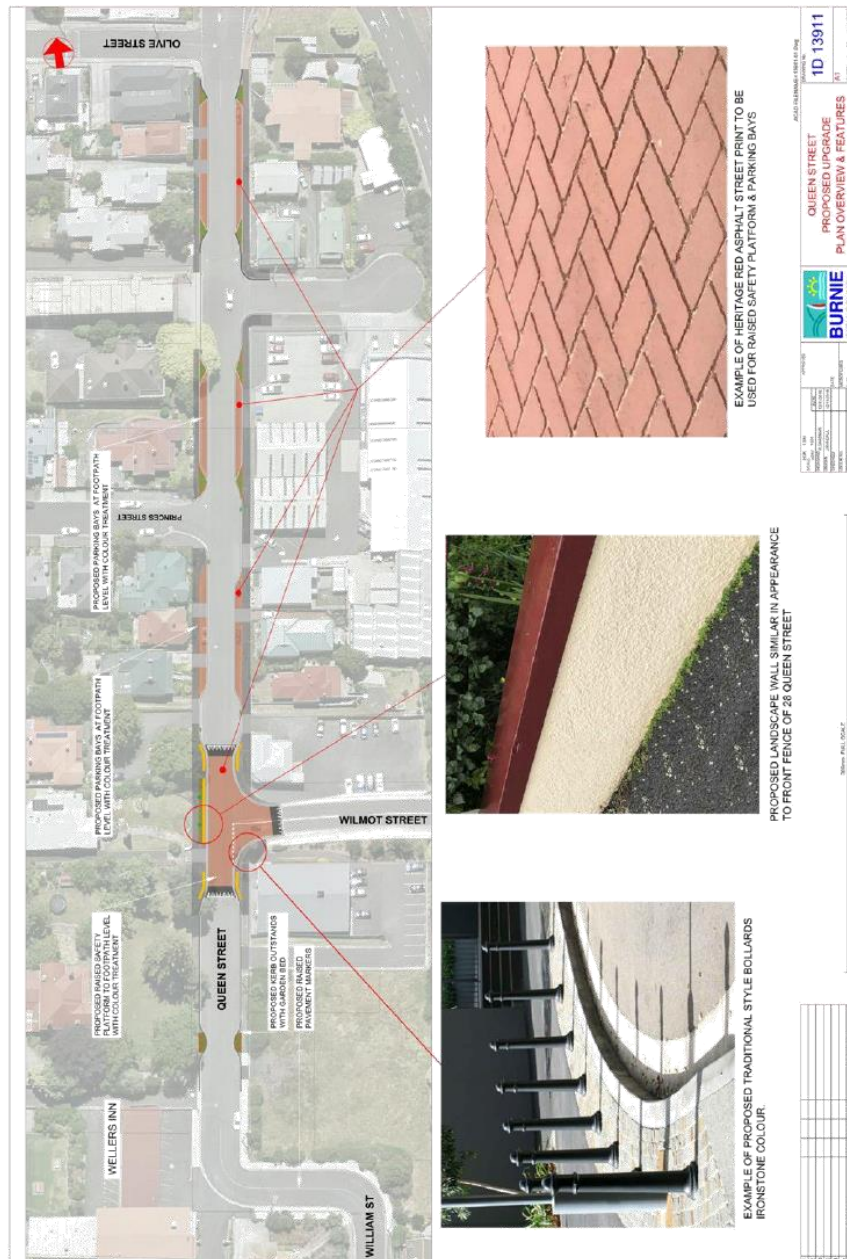
OPEN SESSION

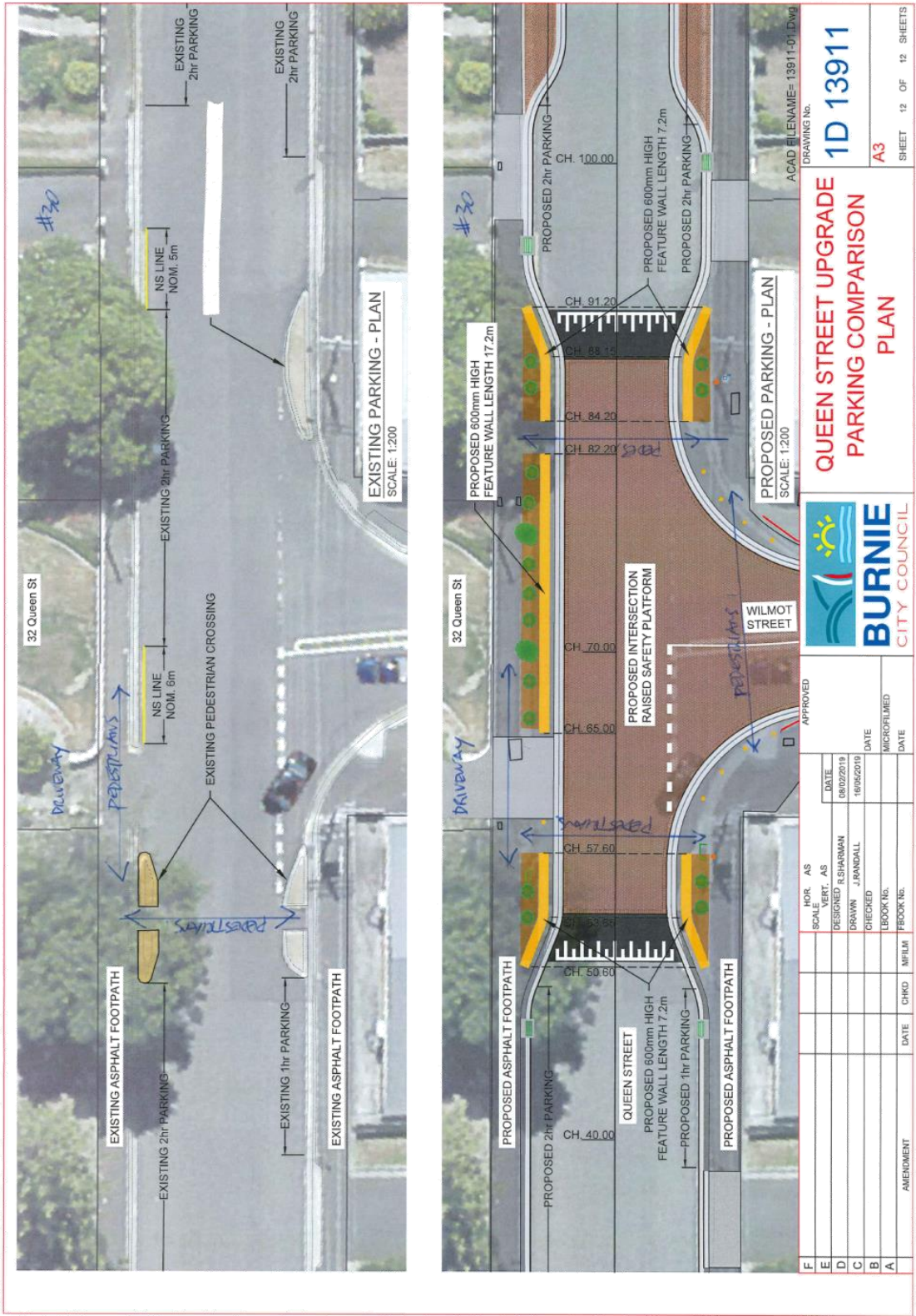
MINUTES - ORDINARY MEETING OF COUNCIL
TUESDAY, 16 APRIL 2019

Against:

CARRIED UNANIMOUSLY

Mayor S Kons returned to the meeting, the time being 8.14pm.
Mayor S Kons resumed the Chair





SpeedStat-54 Page 2

Speed Statistics**SpeedStat-54**

Site: 03.0.0N
Description: Queen St adjacent No. 20
Filter time: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019
Scheme: Vehicle classification (ARX)
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Vehicles = 34018

Posted speed limit = 60 km/h, Exceeding = 149 (0.44%), Mean Exceeding = 65.15 km/h

Maximum = 88.3 km/h, Minimum = 10.1 km/h, Mean = 39.2 km/h

85% Speed = 46.4 km/h, 95% Speed = 51.1 km/h, Median = 39.2 km/h

20 km/h Pace = 30 - 50, Number in Pace = 28156 (82.77%)

Variance = 57.95, Standard Deviation = 7.61 km/h

Speed Bins (Partial days)

Speed	Bin		Below		Above		Energy		vMult	n	* vMult
0 - 10	0	0.0%	0	0.0%	34018	100.0%	0.00		0.00		0.00
10 - 20	401	1.2%	401	1.2%	33617	98.8%	0.00		0.00		0.00
20 - 30	3313	9.7%	3714	10.9%	30304	89.1%	0.00		0.00		0.00
30 - 40	14225	41.8%	17939	52.7%	16079	47.3%	0.00		0.00		0.00
40 - 50	13765	40.5%	31704	93.2%	2314	6.8%	0.00		0.00		0.00
50 - 60	2165	6.4%	33869	99.6%	149	0.4%	0.00		0.00		0.00
60 - 70	127	0.4%	33996	99.9%	22	0.1%	0.00		0.00		0.00
70 - 80	16	0.0%	34012	100.0%	6	0.0%	0.00		0.00		0.00
80 - 90	6	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
90 - 100	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
100 - 110	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
110 - 120	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
120 - 130	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
130 - 140	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
140 - 150	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
150 - 160	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
160 - 170	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
170 - 180	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
180 - 190	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00
190 - 200	0	0.0%	34018	100.0%	0	0.0%	0.00		0.00		0.00

Total Speed Rating = 0.00

Total Moving Energy (Estimated) = 0.00

Speed limit fields (Partial days)

Limit	Below	Above
0 60 (PSL)	33869 99.6%	149 0.4%

SpeedStat-54 Page 1

MetroCount Traffic Executive
Speed Statistics**SpeedStat-54 -- English (ENA)****Datasets:**

Site: [03] Queen St adjacent No. 20
Direction: 1 - North bound, A hit first. **Lane:** 0
Survey Duration: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019
Zone:
File: Queen Street Adjacent No. 20 0319Dec2019.EC0 (Plus)
Identifier: R5188VT4 MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (ARX)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 34018 / 34042 (99.93%)

SpeedStat-53 Page 2

Speed Statistics**SpeedStat-53**

Site: 03.0.0N
Description: Adjacent 20 Queen St
Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018
Scheme: Vehicle classification (ARX)
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Vehicles = 30569

Posted speed limit = 60 km/h, Exceeding = 769 (2.52%), Mean Exceeding = 66.80 km/h

Maximum = 117.3 km/h, Minimum = 10.4 km/h, Mean = 43.7 km/h

85% Speed = 51.1 km/h, 95% Speed = 56.5 km/h, Median = 43.9 km/h

20 km/h Pace = 34 - 54, Number in Pace = 24403 (79.83%)

Variance = 74.54, Standard Deviation = 8.63 km/h

Speed Bins (Partial days)

Speed	Bin	Below	Above	Energy	vMult	n	* vMult
0 - 10	0	0.0%	0	0.0%	0.00	0.00	0.00
10 - 20	244	0.8%	244	0.8%	0.00	0.00	0.00
20 - 30	1670	5.5%	1914	6.3%	0.00	0.00	0.00
30 - 40	7048	23.1%	8962	29.3%	0.00	0.00	0.00
40 - 50	15662	51.2%	24624	80.6%	0.00	0.00	0.00
50 - 60	5176	16.9%	29800	97.5%	0.00	0.00	0.00
60 - 70	614	2.0%	30414	99.5%	0.00	0.00	0.00
70 - 80	99	0.3%	30513	99.8%	0.00	0.00	0.00
80 - 90	37	0.1%	30550	99.9%	0.00	0.00	0.00
90 - 100	15	0.0%	30565	100.0%	0.00	0.00	0.00
100 - 110	3	0.0%	30568	100.0%	0.00	0.00	0.00
110 - 120	1	0.0%	30569	100.0%	0.00	0.00	0.00
120 - 130	0	0.0%	30569	100.0%	0.00	0.00	0.00
130 - 140	0	0.0%	30569	100.0%	0.00	0.00	0.00
140 - 150	0	0.0%	30569	100.0%	0.00	0.00	0.00
150 - 160	0	0.0%	30569	100.0%	0.00	0.00	0.00
160 - 170	0	0.0%	30569	100.0%	0.00	0.00	0.00
170 - 180	0	0.0%	30569	100.0%	0.00	0.00	0.00
180 - 190	0	0.0%	30569	100.0%	0.00	0.00	0.00
190 - 200	0	0.0%	30569	100.0%	0.00	0.00	0.00

Total Speed Rating = 0.00

Total Moving Energy (Estimated) = 0.00

Speed limit fields (Partial days)

Limit	Below	Above
0 60 (PSL)	29800 97.5%	769 2.5%

SpeedStat-53 Page 1

MetroCount Traffic Executive
Speed Statistics**SpeedStat-53 -- English (ENA)****Datasets:**

Site: [03] Adjacent 20 Queen St
Direction: 1 - North bound, A hit first. **Lane:** 0
Survey Duration: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018
Zone:
File: 20 Queen Street 22 Aug 2018.EC0 (Plus)
Identifier: R5188VT4 MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (ARX)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 30569 / 30761 (99.38%)

DailyClass-69 Page 1

MetroCount Traffic Executive
Daily Classes**DailyClass-69 -- English (ENA)****Datasets:**

Site: [03] Queen St adjacent No. 20
Direction: 1 - North bound, A hit first. **Lane:** 0
Survey Duration: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019
Zone:
File: Queen Street Adjacent No. 20 0319Dec2019.EC0 (Plus)
Identifier: R5188VT4 MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (AustRoads94)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 34018 / 34042 (99.93%)

DailyClass-69 Page 2

Daily Classes

DailyClass-69

Site: 03.0.0N

Description: Queen St adjacent No. 20

Filter time: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 2 December 2019

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Tue*	1380	8	66	3	0	2	0	0	0	0	0	0	1459
(%)	94.6	0.5	4.5	0.2	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	
Wed	1992	15	103	2	0	1	0	0	1	0	0	0	2114
(%)	94.2	0.7	4.9	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Thu	2128	9	104	2	0	3	0	1	0	0	0	0	2247
(%)	94.7	0.4	4.6	0.1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	
Fri	2315	17	107	1	0	2	2	0	0	0	0	0	2444
(%)	94.7	0.7	4.4	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
Sat	1889	11	51	0	0	1	1	0	0	0	0	0	1953
(%)	96.7	0.6	2.6	0.0	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.0	
Sun	1224	11	34	0	0	1	0	0	0	0	0	0	1270
(%)	96.4	0.9	2.7	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	

Average daily volume

Entire week	1909	12	79	1	0	1	0	0	0	0	0	0	2005
(%)	95.2	0.6	3.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Weekdays	2145	13	104	1	0	1	0	0	0	0	0	0	2268
(%)	94.6	0.6	4.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Weekend	1556	11	42	0	0	1	0	0	0	0	0	0	1611
(%)	96.6	0.7	2.6	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	

* - Incomplete

DailyClass-69 Page 3

Daily Classes

DailyClass-69

Site: 03.0.0N

Description: Queen St adjacent No. 20

Filter time: 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 9 December 2019

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon	1975	9	76	0	3	2	1	0	0	0	0	0	2066
(%)	95.6	0.4	3.7	0.0	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	
Tue	2109	7	89	5	1	0	1	0	0	0	0	0	2212
(%)	95.3	0.3	4.0	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Wed	2126	10	96	3	0	1	1	0	0	0	0	0	2237
(%)	95.0	0.4	4.3	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Thu	2330	8	87	2	0	1	1	0	0	0	0	0	2429
(%)	95.9	0.3	3.6	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Fri	2588	22	110	2	0	0	2	0	2	0	0	0	2726
(%)	94.9	0.8	4.0	0.1	0.0	0.0	0.1	0.0	0.1	0.0	0.0	0.0	
Sat	1693	12	62	0	0	1	0	0	0	0	0	0	1768
(%)	95.8	0.7	3.5	0.0	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	
Sun	1243	7	44	0	0	0	2	0	0	0	0	0	1296
(%)	95.9	0.5	3.4	0.0	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	

Average daily volume

Entire week

	2008	10	80	1	0	0	0	0	0	0	0	0	2104
(%)	95.4	0.5	3.8	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekdays

	2225	11	90	1	0	0	1	0	0	0	0	0	2333
(%)	95.4	0.5	3.9	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend

	1467	9	53	0	0	0	0	0	0	0	0	0	1532
(%)	95.8	0.6	3.5	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

* - Incomplete

DailyClass-69 Page 4

Daily Classes**DailyClass-69****Site:** 03.0.0N**Description:** Queen St adjacent No. 20**Filter time:** 12:00 Tuesday, 3 December 2019 => 12:31 Thursday, 19 December 2019**Scheme:** Vehicle classification (AustRoads94)**Filter:** Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 16 December 2019

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon	2247	17	91	1	2	0	0	1	0	0	0	0	2359
(%)	95.3	0.7	3.9	0.0	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Tue	2231	16	117	5	2	0	3	1	0	0	0	0	2375
(%)	93.9	0.7	4.9	0.2	0.1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	
Wed	2315	14	94	2	2	0	0	0	0	0	0	0	2427
(%)	95.4	0.6	3.9	0.1	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Thu*	603	5	26	2	0	0	0	0	0	0	0	0	636
(%)	94.8	0.8	4.1	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Fri*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Sat*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Sun*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Average daily volume**Entire week**

	2263	15	100	2	1	0	0	0	0	0	0	0	2387
(%)	94.8	0.6	4.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekdays

	2263	15	100	2	1	0	0	0	0	0	0	0	2387
(%)	94.8	0.6	4.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend No complete days.

* - Incomplete

DailyClass-68 Page 1

MetroCount Traffic Executive
Daily Classes**DailyClass-68 -- English (ENA)****Datasets:**

Site: [03] Adjacent 20 Queen St
Direction: 1 - North bound, A hit first. **Lane:** 0
Survey Duration: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018
Zone:
File: 20 Queen Street 22 Aug 2018.EC0 (Plus)
Identifier: R5188VT4 MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (AustRoads94)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 30569 / 30761 (99.38%)

DailyClass-68 Page 2

Daily Classes

DailyClass-68

Site: 03.0.0N

Description: Adjacent 20 Queen St

Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 6 August 2018

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Tue*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Wed*	941	4	9	3	3	0	0	0	0	0	0	0	960
(%)	98.0	0.4	0.9	0.3	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Thu	2445	14	62	8	6	0	0	1	1	0	0	0	2537
(%)	96.4	0.6	2.4	0.3	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Fri	2649	12	64	10	7	0	0	0	1	0	0	0	2743
(%)	96.6	0.4	2.3	0.4	0.3	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Sat	1632	10	23	4	5	0	0	0	2	0	0	0	1676
(%)	97.4	0.6	1.4	0.2	0.3	0.0	0.0	0.0	0.1	0.0	0.0	0.0	
Sun	1228	5	18	0	4	0	0	0	1	0	0	0	1256
(%)	97.8	0.4	1.4	0.0	0.3	0.0	0.0	0.0	0.1	0.0	0.0	0.0	

Average daily volume

Entire week

	1988	10	41	4	5	0	0	0	1	0	0	0	2052
(%)	96.9	0.5	2.0	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekdays

	2546	13	63	8	6	0	0	0	1	0	0	0	2640
(%)	96.4	0.5	2.4	0.3	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend

	1429	7	20	2	4	0	0	0	1	0	0	0	1465
(%)	97.5	0.5	1.4	0.1	0.3	0.0	0.0	0.0	0.1	0.0	0.0	0.0	

* - Incomplete

DailyClass-68 Page 3

Daily Classes

DailyClass-68

Site: 03.0.0N

Description: Adjacent 20 Queen St

Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 13 August 2018

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon	2241	12	79	5	7	2	1	2	1	0	0	0	2350
(%)	95.4	0.5	3.4	0.2	0.3	0.1	0.0	0.1	0.0	0.0	0.0	0.0	
Tue	2287	14	71	5	3	0	2	0	1	0	0	0	2383
(%)	96.0	0.6	3.0	0.2	0.1	0.0	0.1	0.0	0.0	0.0	0.0	0.0	
Wed	2356	9	76	9	8	0	1	0	3	0	0	0	2462
(%)	95.7	0.4	3.1	0.4	0.3	0.0	0.0	0.0	0.1	0.0	0.0	0.0	
Thu	2544	9	82	8	4	1	1	0	0	0	0	0	2649
(%)	96.0	0.3	3.1	0.3	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Fri	2641	11	62	5	6	0	2	0	2	0	0	0	2729
(%)	96.8	0.4	2.3	0.2	0.2	0.0	0.1	0.0	0.1	0.0	0.0	0.0	
Sat	1646	7	24	2	0	0	0	0	2	0	0	0	1681
(%)	97.9	0.4	1.4	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	
Sun	1290	2	18	2	2	0	0	0	2	0	0	0	1316
(%)	98.0	0.2	1.4	0.2	0.2	0.0	0.0	0.0	0.2	0.0	0.0	0.0	

Average daily volume

Entire week

	2143	8	58	4	3	0	1	0	1	0	0	0	2223
(%)	96.4	0.4	2.6	0.2	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekdays

	2413	10	74	6	5	0	1	0	1	0	0	0	2514
(%)	96.0	0.4	2.9	0.2	0.2	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend

	1467	4	21	2	0	0	0	0	2	0	0	0	1498
(%)	97.9	0.3	1.4	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	

* - Incomplete

DailyClass-68 Page 4

Daily Classes

DailyClass-68

Site: 03.0.0N

Description: Adjacent 20 Queen St

Filter time: 15:00 Wednesday, 8 August 2018 => 9:48 Wednesday, 22 August 2018

Scheme: Vehicle classification (AustRoads94)

Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Monday, 20 August 2018

	1	2	3	4	5	6	7	8	9	10	11	12	Total
Mon	2270	6	50	3	1	0	0	1	2	0	0	0	2333
(%)	97.3	0.3	2.1	0.1	0.0	0.0	0.0	0.0	0.1	0.0	0.0	0.0	
Tue	2498	4	439	83	2	0	0	1	0	0	0	0	3027
(%)	82.5	0.1	14.5	2.7	0.1	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Wed*	418	2	36	10	0	0	1	0	0	0	0	0	467
(%)	89.5	0.4	7.7	2.1	0.0	0.0	0.2	0.0	0.0	0.0	0.0	0.0	
Thu*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Fri*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Sat*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	
Sun*	0	0	0	0	0	0	0	0	0	0	0	0	0
(%)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Average daily volume

Entire week

	2384	4	244	42	1	0	0	0	1	0	0	0	2680
(%)	89.0	0.1	9.1	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekdays

	2384	4	244	42	1	0	0	0	1	0	0	0	2680
(%)	89.0	0.1	9.1	1.6	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	

Weekend No complete days.

* - Incomplete

SpeedStat-39 Page 2

Speed Statistics**SpeedStat-39**

Site: 02.0.0N
Description: Queen St adjacent No. 25
Filter time: 0:00 Thursday, December 12, 2019 => 1:00 Sunday, December 15, 2019
Scheme: Vehicle classification (ARX)
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Vehicles = 7326

Posted speed limit = 60 km/h, Exceeding = 2 (0.03%), Mean Exceeding = 65.33 km/h

Maximum = 66.9 km/h, Minimum = 10.1 km/h, Mean = 31.4 km/h

85% Speed = 37.1 km/h, 95% Speed = 41.0 km/h, Median = 31.3 km/h

20 km/h Pace = 22 - 42, Number in Pace = 6703 (91.50%)

Variance = 34.87, Standard Deviation = 5.91 km/h

Speed Bins (Partial days)

Speed	Bin	Below	Above	Energy	vMult	n * vMult
0 - 10	0 0.0%	0 0.0%	7326 100.0%	0.00	0.00	0.00
10 - 20	214 2.9%	214 2.9%	7112 97.1%	0.00	0.00	0.00
20 - 30	2716 37.1%	2930 40.0%	4396 60.0%	0.00	0.00	0.00
30 - 40	3865 52.8%	6795 92.8%	531 7.2%	0.00	0.00	0.00
40 - 50	515 7.0%	7310 99.8%	16 0.2%	0.00	0.00	0.00
50 - 60	14 0.2%	7324 100.0%	2 0.0%	0.00	0.00	0.00
60 - 70	2 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
70 - 80	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
80 - 90	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
90 - 100	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
100 - 110	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
110 - 120	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
120 - 130	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
130 - 140	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
140 - 150	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
150 - 160	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
160 - 170	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
170 - 180	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
180 - 190	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00
190 - 200	0 0.0%	7326 100.0%	0 0.0%	0.00	0.00	0.00

Total Speed Rating = 0.00

Total Moving Energy (Estimated) = 0.00

Speed limit fields (Partial days)

Limit	Below	Above
0 60 (PSL)	7324 100.0%	2 0.0%

SpeedStat-39 Page 1

MetroCount Traffic Executive
Speed Statistics**SpeedStat-39 -- English (ENU)****Datasets:**

Site: [02] Queen Stadjacent No. 25
Direction: 1 - North bound, A hit first. Lane: 0
Survey Duration: 12:00 Tuesday, December 03, 2019 => 15:31 Wednesday, December 18, 2019
Zone:
File: Queen Street Adjacent No. 25 0218Dec2019.EC0 (Plus)
Identifier: FV266CCY MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 0:00 Thursday, December 12, 2019 => 1:00 Sunday, December 15, 2019
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (ARX)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 7326 / 25567 (28.65%)

SpeedStat-40 Page 2

Speed Statistics**SpeedStat-40**

Site: 02.0.0N
Description: Adjacent 25 Queen St
Filter time: 15:00 Wednesday, August 08, 2018 => 9:42 Wednesday, August 22, 2018
Scheme: Vehicle classification (ARX)
Filter: Cls(1 2 3 4 5 6 7 8 9 10 11 12) Dir(NESW) Sp(10,160) Headway(>0)

Vehicles = 24112

Posted speed limit = 60 km/h, Exceeding = 604 (2.50%), Mean Exceeding = 65.03 km/h

Maximum = 108.2 km/h, Minimum = 10.4 km/h, Mean = 42.5 km/h

85% Speed = 50.4 km/h, 95% Speed = 56.2 km/h, Median = 42.1 km/h

20 km/h Pace = 32 - 52, Number in Pace = 18998 (78.79%)

Variance = 74.95, Standard Deviation = 8.66 km/h

Speed Bins (Partial days)

Speed	Bin	Below	Above	Energy	vMult	n	* vMult
0 - 10	0	0.0%	0	0.0%	24112	100.0%	0.00
10 - 20	291	1.2%	291	1.2%	23821	98.8%	0.00
20 - 30	1307	5.4%	1598	6.6%	22514	93.4%	0.00
30 - 40	7437	30.8%	9035	37.5%	15077	62.5%	0.00
40 - 50	10986	45.6%	20021	83.0%	4091	17.0%	0.00
50 - 60	3487	14.5%	23508	97.5%	604	2.5%	0.00
60 - 70	510	2.1%	24018	99.6%	94	0.4%	0.00
70 - 80	85	0.4%	24103	100.0%	9	0.0%	0.00
80 - 90	8	0.0%	24111	100.0%	1	0.0%	0.00
90 - 100	0	0.0%	24111	100.0%	1	0.0%	0.00
100 - 110	1	0.0%	24112	100.0%	0	0.0%	0.00
110 - 120	0	0.0%	24112	100.0%	0	0.0%	0.00
120 - 130	0	0.0%	24112	100.0%	0	0.0%	0.00
130 - 140	0	0.0%	24112	100.0%	0	0.0%	0.00
140 - 150	0	0.0%	24112	100.0%	0	0.0%	0.00
150 - 160	0	0.0%	24112	100.0%	0	0.0%	0.00
160 - 170	0	0.0%	24112	100.0%	0	0.0%	0.00
170 - 180	0	0.0%	24112	100.0%	0	0.0%	0.00
180 - 190	0	0.0%	24112	100.0%	0	0.0%	0.00
190 - 200	0	0.0%	24112	100.0%	0	0.0%	0.00

Total Speed Rating = 0.00

Total Moving Energy (Estimated) = 0.00

Speed limit fields (Partial days)

Limit	Below	Above
0 60 (PSL)	23508 97.5%	604 2.5%

SpeedStat-40 Page 1

MetroCount Traffic Executive
Speed Statistics**SpeedStat-40 -- English (ENU)****Datasets:**

Site: [02] Adjacent 25 Queen St
Direction: 1 - North bound, A hit first. **Lane:** 0
Survey Duration: 15:00 Wednesday, August 08, 2018 => 9:42 Wednesday, August 22, 2018
Zone:
File: 25 Queen Street 22 Aug 2018.EC0 (Plus)
Identifier: R508XX9S MC56-L5 [MC55] (c)Microcom 19Oct04
Algorithm: Factory default (v3.21 - 15315)
Data type: Axle sensors - Paired (Class/Speed/Count)

Profile:

Filter time: 15:00 Wednesday, August 08, 2018 => 9:42 Wednesday, August 22, 2018
Included classes: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12
Speed range: 10 - 160 km/h.
Direction: North, East, South, West (bound)
Separation: All - (Headway)
Name: Default Profile
Scheme: Vehicle classification (ARX)
Units: Metric (meter, kilometer, m/s, km/h, kg, tonne)
In profile: Vehicles = 24112 / 24130 (99.93%)





WORKS AND SERVICES**AO017-20 LAND DISPOSAL
PROPOSAL TO TRANSFER A PORTION OF PUBLIC LAND
TO THE UNIVERSITY OF TASMANIA
NEAR WEST PARK OVAL, BASS HIGHWAY, PARKLANDS
WITHIN CONVEYANCE 22/4840, CT VOLUME 137631, FOLIO 1**

FILE NO: 5/2/5; 7460835; 2213333
PREVIOUS MIN: AO312-19

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council determines to:

- 1) Dispose of a portion of public land near West Park Oval, Bass Highway, Parklands, contained within Conveyance 22/4840, CT Volume 137631, Folio 1, as shown on the plan (Attachment 2) delineated by the blue lines, to the University of Tasmania (UTAS);***

and

- 2) That the Friends of Burnie Penguins Inc be made aware of Council's decision, their appeal rights and be provided with a copy of this report.”***

2.0 SUMMARY

This report recommends that Council finalise a public land disposal process in relation to the future transfer of a portion of public land at the rear of West Park Oval, Bass Highway, Parklands within Conveyance 22/4840, CT Volume 137631, Folio 1, as shown on the plan **(Attachment 2)** delineated by the blue lines, to the University of Tasmania (UTAS).

The transfer of the land, once various conditions precedent in the Development Deed (the Deed) are completed, will fulfil an outstanding action in the Deed between Council and the UTAS and support in the development of facilities associated with the UTAS campus, as described in the Development Approval issued for the project.

A representation has been lodged by the Friends of Burnie Penguins Inc in regard to the disposal of public land, the matters raised in the submission have been addressed in the discussion section of this report.

There are provisions for a Representor to appeal the decision of Council.

3.0 BACKGROUND

Council entered into the Deed with the UTAS to facilitate the development of a campus on the West Park Precinct.

The transfer of various Council owned parcels of land to the UTAS was a key component of the Deed. A number of the parcels of land could be designated as public land.

The land transfers were to be dealt with in three (3) stages, (**Attachment 1**), generally describes the land transfer stages. Processes associated with Stages 1 and 2 of the land transfers have been progressed.

The Stage 2 land transfer is yet to be finalised, requiring matters associated with the construction of the student accommodation to be addressed, before the transfer can be affected.

The UTAS have obtained a Development Approval for the balance of site development works.

At the November 2019 meeting Council considered a report recommending that a public land disposal process be commenced in regard to the disposal of various lands (refer to **Attachment 2** which describes the lands). Council supported that recommendation.

In implementing this determination, a public notice was published twice in The Advocate newspaper on Saturday, 23 November 2019 and on Wednesday, 27 November 2019 (copies **attached**). Notices placed on the property boundaries contained the same information as the public notice.

Submissions in respect to the public land disposal process were required to be received by Council, no later than 21 days from the publication of the initial public notice.

At the completion of that period, one submission was received.

4.0 LEGISLATIVE REQUIREMENTS

Council must comply with the provisions of the *Local Government Act 1993* in respect to the disposal of Council land.

Section 177 of the Act (reproduced below):

177. Sale and disposal of land

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under [section 4 of the Land Valuers Act 2001](#).

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) <https://www.legislation.tas.gov.au/view/html/inforce/2005-07-01/act-2005-008> - [GS101@Hpa@EN](#) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

A valuation for the land has been obtained.

The land in question is identified as public land on Council's Public Land Register.

Council is required to comply with *Section 178, 178A and 178B* in relation to the disposal of public land.

Section 178 of the Act describes the process to be followed:

178. Sale, exchange and disposal of public land

(1) *A Council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.*

(2) *Public land that is leased for any period by a Council remains public land during that period.*

(3) *A resolution of the Council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.*

(4) *If a Council intends to sell, lease, donate, exchange or otherwise dispose of public land, the General Manager is to–*

(a) *publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*

(ab) *display a copy of the notice on any boundary of the public land that abuts a highway; and*

-
- (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*
 - (5) If the General Manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the Council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).*
 - (6) The Council must –*
 - (a) consider any objection lodged; and*
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*
 - (i) that decision; and*
 - (ii) the right to appeal against that decision under section 178A.*
 - (7) The Council must not decide to take any action under this section if –*
 - (a) any objection lodged under this section is being considered; or*
 - (b) an appeal made under section 178A has not yet been determined; or*
 - (c) the Appeal Tribunal has made a determination under section 178B(b) or (c).*
 - (8)*

A determination on whether to dispose of the land must take into account any submission received from the community.

Section 178A provides that any person who made an objection and is dissatisfied with the decision of the Council may appeal to the Resource Management and Planning Appeals Tribunal, on grounds that disposal of the land is not in the public interest in that –

- a) The community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
- b) There is no similar facility available to the users of the facility.

There has been one representation received in respect to this public land disposal process.

This report concludes the public land disposal process.

5.0 POLICY CONSIDERATIONS

This report is consistent with Council's decision of 20 August 2013 (AC145-13), in relation to entering into a revised heads of agreement with the UTAS, for the purpose of developing the West Park Precinct. The Deed between Council and the UTAS was executed on 27 June 2014.

The public land disposal process is a statutory process and in itself has no policy implications for Council.

6.0 FINANCIAL IMPACT

The implementation of the disposal of public land process required that Council incur costs in relation to advertising its intention to dispose of the land.

The Deed between Council and the UTAS provides for peppercorn consideration to be provided to Council in exchange for the transfer of the lands associated with the Deed.

A copy of the valuation for the land proposed to be transferred to the UTAS was provided to Council at the November 2019 meeting.

The assessed valuation is \$555,000 excluding GST.

7.0 DISCUSSION

At the November 2019 meeting, Council determined to progress a public land disposal process for lands at West Park, refer to **Attachment 2** which describes the subject lands.

Rationale for disposal

Council executed the Deed with the UTAS on 27 June 2014. The Deed provides a framework to guide the implementation of the Heads of Agreement that both parties had previously entered into, which facilitates the development of portion of the West Park Precinct for educational facilities and associated student accommodation use and development.

The Deed provides for a number of parcels of land owned by Council to be transferred to the UTAS.

At a strategic level, the disposal of the public land and transfer to the UTAS demonstrates the community's support and commitment to education and learning in our region. The contribution of this land provides substance to the Making Burnie 2030 objective, "*that Burnie is a centre for information, knowledge and learning.*"

The West Park site, which includes the public land, offers greater opportunities for students through improved access to transport, public transport and services. UTAS has also recognised that West Park offers clear advantages in terms of visibility and profile, greater opportunities for community engagement and the potential for campus differentiation. The location of the campus close to the CBD is consistent with the State Innovation Strategy, and the most recent research indicating successful regional universities must be embedded in the local community. The development of a University campus with significant students within close proximity to the City provides opportunities for the ongoing reinvigoration of the Burnie CBD. Therefore, there is a clear public benefit to Council's acceptance of this proposal.

The UTAS development also presents an opportunity for a sustainable, high-value use of the site, in keeping with values the community places on the West Park Precinct as articulated in the West Park Strategic Guidelines.

The establishment of a campus of the University at West Park would meet the guidelines of the West Park Strategic Plan developed by Council in 2008.

Parcels of land proposed to be transferred (Stage 3) are listed on Council's Public Land Register.

This land is described on the plan (**Attachment 2**) and comprises all land within the boundary delineated by the solid blue lines.

Activities which currently occur on the subject lands include:

- Car parking associated with a range of abutting site uses.
- Coastal Pathway.
- Bandrooms.
- Little Penguin Observation Centre.

The UTAS, in the development of the campus Master Plan and in the supporting information associated with the Development Application for the site development, have addressed how these activities/uses will continue to be facilitated within the broader precinct.

There is nothing particular within the West Park Strategy that incites the need to retain the land in public ownership and use for any of the reasons the Council would normally acquire and hold public land.

In the absence of other uses, disposing of the subject land to the UTAS will enable the land to be put to a productive use, including facilitating many of the current uses, and which will support a number of outcomes identified in Council's Strategic Plan.

Public land disposal process

Council has followed the prescribed processes under the *Local Government Act 1993* associated with the disposal of public land.

Specifically, this has been the placement of public notices (two occasions) informing the community of Council's intention to dispose of public land and the placement of physical notices on the site boundaries (three locations).

The submission period closed on 16 December 2019. One submission was received and is **attached**.

Submission to Council

A submission was received from the Friends of the Burnie Penguins Inc.

Key points in the submission are summarised below:

- The land north of the existing fence is a penguin colony.
- The land should remain under the control of Council.
- Clarification of the intention of Council to continue with the Friends in respect to protecting the penguin habitat.
- Seeking surety that best practice will be adopted in the ongoing management of the penguin colony.

Currently the lands on the north side of the rail corridor, at West Park, are owned by Council, with some remnant Crown lands at the land/sea interface. A portion of the penguin colony and the Little Penguin Observation Centre are located on the lands to be transferred.

The resident penguins are a protected species and regardless of the ownership of the subject lands, there is oversight by relevant State Agencies to review and monitor activities or works that may impact on the resident penguin population.

Council has committed to lease back of the Little Penguin Observation Centre from UTAS and will continue to work with the Friends in regard to supporting their activities. This arrangement has been communicated to representatives of the Friends.

The master planning for the UTAS development describes extensive revegetation in the vicinity of the Little Penguin Observation Centre and it is understood that ongoing discussion between the UTAS and the Friends is occurring to develop appropriate management arrangements in regard to interfaces between the activities of the Friends and the UTAS.

There is recognition by all parties that the resident penguin population at West Park is an integral and important characteristic of the precinct and a shared commitment to protecting and enhancing penguin habitat.

Conclusion

The desire of the Friends of Burnie Penguins Inc to ensure that the resident penguin population is not impacted by the development of the West Park Precinct is understood and acknowledged.

As noted above, there have been ongoing discussions between Council, UTAS and the Friends and commitments given to working collectively in regard to penguin management activities. These commitments have been given in the knowledge of the proposed land transfer.

The transfer of ownership of the subject lands to UTAS firms the commitments given by the UTAS to work with the Friends.

While the concerns of the Friends of the Burnie Penguins Inc are acknowledged, it is suggested to Council that there are appropriate arrangements in place to address their concerns.

It is recommended to Council that it determines to dispose of the lands noted in this report to UTAS.

8.0 RISK

The public land disposal process in itself presents no risk to Council, in that it is a statutory process for which there are clear guidelines for its implementation.

The primary risk in the public land disposal process is not following the procedural requirements as detailed within *Section 178* of the *Local Government Act 1993*.

The actions taken by Officers to progress the public land disposal process have been compliant with the *Act*.

Council is aware that there have been divergent views within the community in respect to the development of the West Park Precinct by UTAS.

UTAS have undertaken a range of consultation processes in the development of the Master Plan for the campus development at West Park and have shared the Master Plan with the broader community.

A representation in regard to the proposed land transfer has been received and Officers have discussed the concerns raised in this report.

Officers believe that the concerns raised are suitably addressed with current arrangements and commitments in place.

The outcome of the public land disposal process though may result in a decision that aggrieves some parties and an appeal against the Council decision may result.

The appeal provisions are noted in the legislative section of this report.

9.0 CONSULTATION

The *Act* does not require that a specific consultation process occur in regard to the disposal of public land.

It does require that Council advise the community of its intention to dispose of public land, seek submissions in regard to the disposal, and consider any objections lodged in its further deliberation of the disposal.

This notification process was implemented in accordance with the requirements of the *Act*.

One submission was received and is discussed within this report.

Officers have recommended that the public land disposal progresses and that Council determines to transfer the subject land to UTAS.

The Friends of Burnie Penguins Inc will be advised of Council's decision, be made aware of the appeal provisions and provided with a copy of this report.

ATTACHMENTS

1. BCC to UTAS - Land Transfer Staging - West Park Precinct
2. Stage 3 - Land Transfer
3. Public Notices - Advocate 23/11/2019 and 27/11/2019
4. Letter from Friends of Burnie Penguins Inc 15/12/2019

COUNCIL RESOLUTION

Resolution number: MO011-20

MOVED: *Cr G Simpson*

SECONDED: *Cr D Pease*

"THAT Council determines to:

- 1) Dispose of a portion of public land near West Park Oval, Bass Highway, Parklands, contained within Conveyance 22/4840, CT Volume 137631, Folio 1, as shown on the plan (Attachment 2) delineated by the blue lines, to the University of Tasmania (UTAS);***

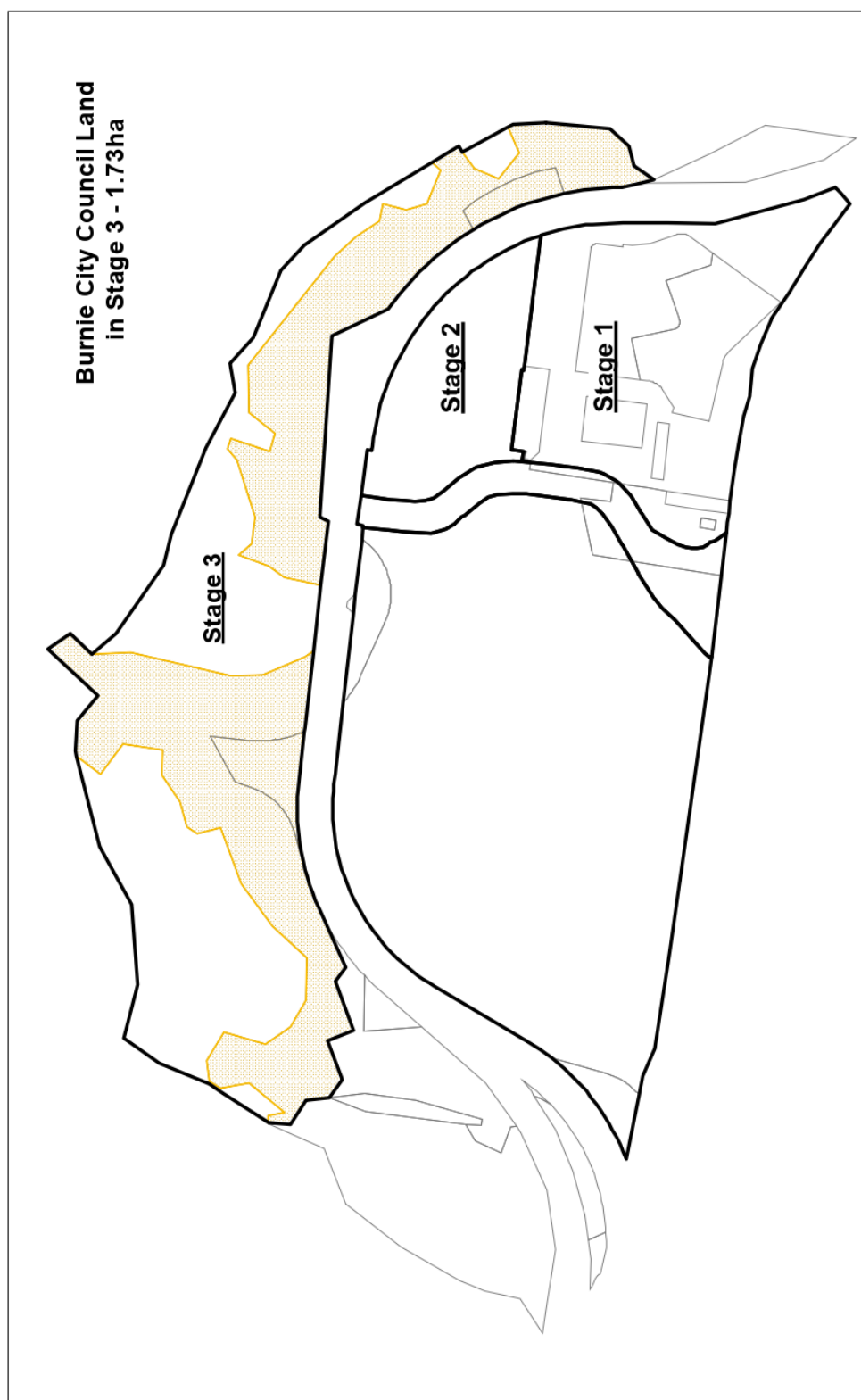
and

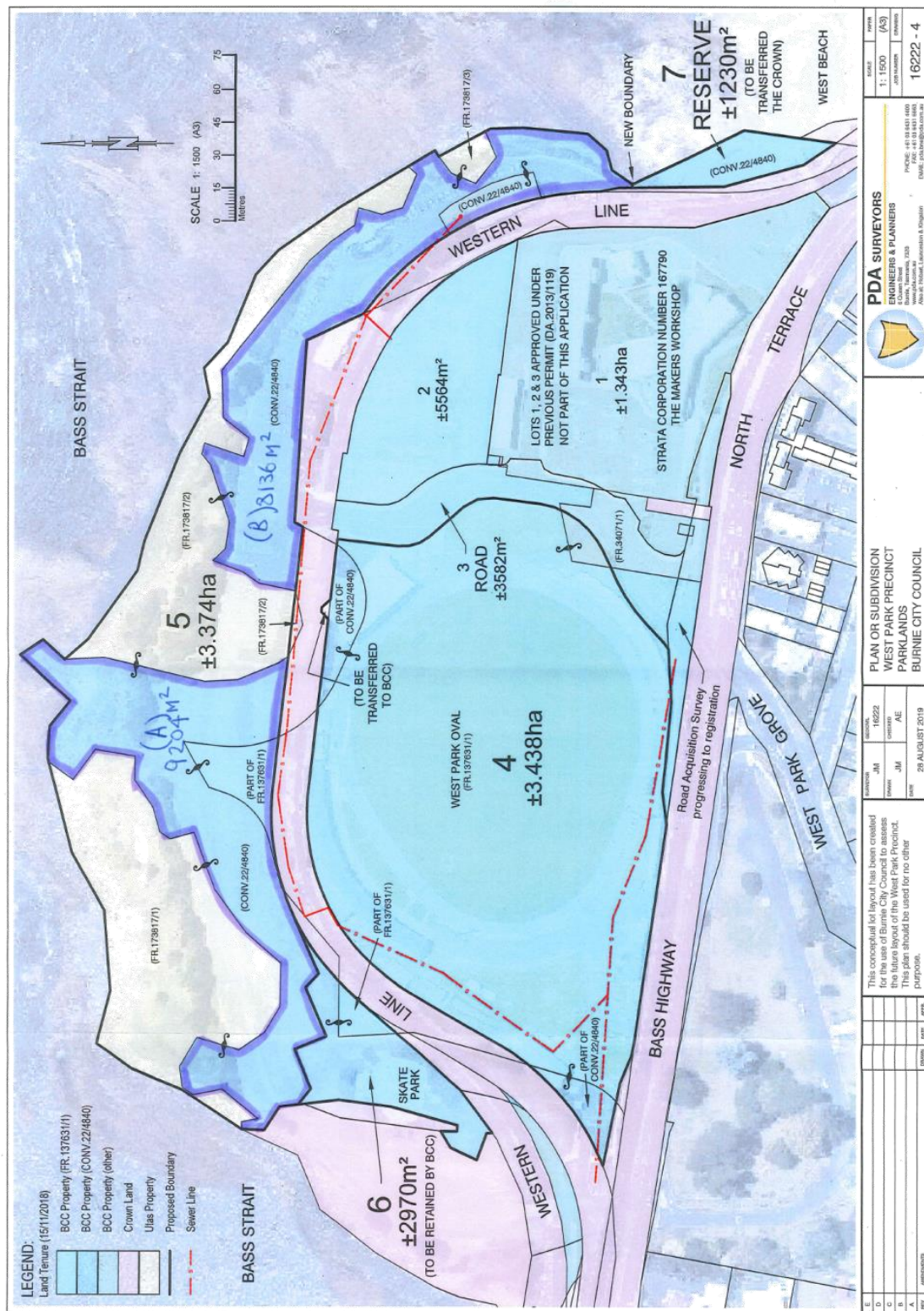
- 2) That the Friends of Burnie Penguins Inc be made aware of Council's decision, their appeal rights and be provided with a copy of this report."***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

BCC to UTAS: Land Transfer Staging - West Park Precinct



BURNIE CITY COUNCIL**NOTICE OF DISPOSAL OF PUBLIC LAND**

Burnie City Council determined at its meeting on 19 November 2019 its intention to dispose of a portion of land contained within Conveyance 22/4840 and CT Volume 137631, Folio 1, located near West Park Oval, Bass Highway, Parklands, comprising an area of 1.734Ha, as it is considered surplus to Council's needs. The land is "public land" for the purposes of Section 178 Local Government Act 1993.

A plan detailing the land can be viewed at Customer Services at the City Offices, 80 Wilson Street, Burnie or online at www.burnie.net

Submissions regarding the disposal of the land are to be made in writing to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or burnie@burnie.net to be received no later than 4pm on **Monday, 16 December 2019**.

Council will consider submissions before making a final decision on disposing of the land.

Dated: 23 November 2019

Andrew Wardlaw
GENERAL MANAGER

www.burnie.net



TA5594254

BURNIE CITY COUNCIL**NOTICE OF DISPOSAL OF PUBLIC LAND**

Burnie City Council determined at its meeting on 19 November 2019 its intention to dispose of a portion of land contained within Conveyance 22/4840 and CT Volume 137631, Folio 1, located near West Park Oval, Bass Highway, Parklands, comprising an area of 1.734Ha, as it is considered surplus to Council's needs. The land is "public land" for the purposes of Section 178 Local Government Act 1993.

A plan detailing the land can be viewed at Customer Services at the City Offices, 80 Wilson Street, Burnie or online at www.burnie.net

Submissions regarding the disposal of the land are to be made in writing to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or burnie@burnie.net to be received no later than 4pm on **Monday, 16 December 2019**.

Council will consider submissions before making a final decision on disposing of the land.

Dated: 27 November 2019

Andrew Wardlaw
GENERAL MANAGER

www.burnie.net



TA5595196



Friends of Burnie Penguins inc

15th December 2019

Disposal of a portion of land contained within Conveyance 22/4840 and CT Volume 137631, Folio 1, located near West Park Oval, Bass Highway, Parklands.

Dear Sir,

Friends of Burnie Penguins would like to indicate that the land north of the fence line indicated in much of the council's map is in fact a penguin colony i.e. the foreshore area as identified in the document presented in the BCC minutes of November 19th 2019. This can be seen to be the vegetated area in the photograph on the north side of the car park.

We are wondering why it is the intention of the council to transfer this portion of the land to the University when it should remain under Burnie City Council management? Mind you we note that this has already occurred in other sections (parts of FR.173817/1, FR.173817/2 and FR.17381/3).

Specific Location Map



Site 'A' is the western (left) parcel, while Site 'B' is the eastern (right) portion.

Over the last 15 years Friends of Burnie Penguins has worked in partnership with Burnie City Council in the management of the vegetation in the penguin habitat, and we hope this will continue into the future. At this stage we are concerned that the intention of disposal of this public land may not be in the best interests of the penguin colony.

Given that penguins are a drawcard for visitors to this area, we are hoping that best practices will still be adopted in the ongoing management of the penguin colony in the future. Consequently, is this disposal of "public land", particularly the penguin colony in the best interests for the council?

We look forward to your advice on this matter,

Yours sincerely,



Dr Perviz Marker
Coordinator
Friends of Burnie Penguins inc

CORPORATE AND BUSINESS SERVICES**AO018-20 STREET DINING BY-LAW, BY-LAW NO. 1 OF 2020**

FILE NO: 21/8/20
PREVIOUS MIN: AO103-19

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3	Council is compliant in all areas and carries out the role of regulatory enforcement in a fair and effective manner.
Strategy	7.3.2	Resource the reasonable enforcement of the legislative and regulatory provisions for which Council is responsible within its financial resources, and ensure the community is well informed of their obligations.

1.0 RECOMMENDATION:

“THAT Council:

- 1) Determine to make the Street Dining By-Law, By-law No. 1 of 2020 in accordance with sections 156 - 167 of the Local Government Act 1993; and***
- 2) Authorise the General Manager to proceed with the formal process for the certification, sealing and gazetting of the By-law in accordance with sections 161 to 167 of the Local Government Act 1993.”***

2.0 SUMMARY

Under the timeframe set by the *Local Government Act 1993*, the Burnie City Council Street Dining By-law, By-law No. 12 of 2007 expired in September 2019.

The first step in making a new By-law requires that Council resolve by absolute majority to make a new By-law. Council took this step at its meeting of 16 April 2019 (AO103-19), by resolving:

“THAT in accordance with section 156 of the Local Government Act 1993:

- a) the Council give notice of its intention to make a Street Dining By-law; and***
- b) that the purpose and content of the replacement by-law be consistent with that of the Street Dining By-law 2009.”***

Since that time, the by-law draft has been developed, a Regulatory Impact Statement prepared, and a public comment period undertaken.

This report outlines the process undertaken in accordance with the *Local Government Act 1993* to develop the by-law, and presents the final by-law document in order for Council to consider the motion to make the by-law.

A decision in absolute majority is required on this report in order to make the new by-law.

3.0 BACKGROUND

All by-laws expire after ten years and cannot be extended. This requires the review of an existing by-law and if appropriate the creation of a new by-law.

Following the resolution of Council of its intention to make a new by-law, a review process has been undertaken to incorporate improvements that reflect current needs and practices.

4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* provides the process for the creation of by-laws:

Local Government Act 1993

156. Motion of intention to make by-law

- (1) A council which intends to make a by-law is to pass a resolution by an absolute majority to that effect.***
- (2) A by-law which is made without the resolution referred to in subsection (1) is invalid.***

156A. Regulatory impact statement

- (1) A council is to prepare a regulatory impact statement in respect of any by-law it intends to make.***
- (1A) Subsection (1) does not apply to any by-law –***
 - (a) the whole purpose of which is to repeal another by-law; or***
 - (b) that is an amendment to an existing by-law that –***
 - (i) is of a minor and technical nature; or***
 - (ii) does not significantly alter the purpose or effect of the existing by-law; or***
 - (iii) does not significantly alter the impact on the public of the existing by-law.***
- (2) A regulatory impact statement is to include the following:***
 - (a) the objectives of the by-law and the means by which the by-law is intended to achieve them;***
 - (b) the nature of any restriction on competition;***
 - (c) an assessment of the costs and benefits of –***
 - (i) any restriction on competition; or***
 - (ii) any impact on the conduct of business;***
 - (d) any alternative option considered by the council;***
 - (e) an assessment of the greatest net benefit or least net cost to the community;***
 - (f) an assessment of the direct and indirect economic, social and environmental impact of the by-law;***
 - (g) details of the proposed public consultation process.***
- (3) If a council assesses that a proposed by-law is unlikely to impact on business or restrict competition, it is to state in the regulatory impact statement the reasons for that assessment.***
- (4) If a council assesses that a proposed by-law is likely to impact on business or restrict competition, it is to state in the regulatory impact statement whether or not the benefits of the impact or restriction outweigh the costs.***
- (5) A council is to submit the regulatory impact statement to the Director.***
- (5A) A council may only submit to the Director a regulatory impact statement in relation to a proposed by-law if a motion of intention to make the proposed by-law has been passed by the council under section 156(1).***
- (6) On receipt of the regulatory impact statement, if satisfied as to the statement, the Director is to issue to the council a certificate –***
 - (a) certifying that the statement is satisfactory; and***

(b) stating that the council may commence the public consultation process.

157. Notice of proposed by-law

- (1) On receipt of a certificate issued under [section 156A\(6\)](#), the general manager is to give notice in accordance with this section.
- (1A) The notice must state the prescribed matters.
- (2) The notice must be –
- (a) published at least once in a daily newspaper circulating in the municipal area; and
 - (ab) made available for viewing at a website of the council from the day when the notice is first published in the newspaper until the end of the day specified in the notice as the earliest day by which the notice may be removed from the website; and
 - (b) displayed in a conspicuous place in the public office of the council from the day when the notice is first published in the newspaper until the end of the day specified in the notice.
- (3)
- (4) The day specified in the notice must be no earlier than 21 days after publication of the notice in the newspaper.
- (5) If a notice is published more than once in a newspaper, a reference to publication of the notice is a reference to its first such publication.
- (6) The price of a copy of a proposed by-law and a copy of the regulatory impact statement must not exceed the approximate cost to the council of having the copy available for purchase and, if the copy is supplied to a purchaser by post, the cost of the postage.

158. Proposed by-laws open to inspection and may be purchased

The general manager must make available –

- (a) a copy of a by-law the council proposes to make and the regulatory impact statement prepared under [section 156A](#) for inspection by the public until the date specified in the notice referred to in [section 157](#); and
- (ab) a copy of a by-law the council proposes to make, and a copy of the regulatory impact statement, for viewing at a website of the council as soon as practicable after publication of the notice referred to in [section 157](#) until the day specified in the notice; and
- (b) copies of a by-law the council proposes to make and the regulatory impact statement for purchase at the public office as soon as practicable after publication of the notice until the date specified in the notice referred to in [section 157](#).

159. Submissions in respect of proposed by-law

- (1) Any person may make a submission in respect of the making of a by-law a council proposes to make.
- (2) A council must consider every submission properly made to it.

160. Alterations to proposed by-law

If a council decides to alter a by-law it proposes to make–

- (a) it may do so by absolute majority; and
- (b) does not need to give public notice unless the alteration substantially changes the purpose, or the effect on the public, of the proposed by-law.

161. Making by-laws

A council may only make a by-law under its common seal.

162. Certification of by-law

- (1) A by-law made by a council is to be certified by –
- (a) a legal practitioner that its provisions are in accordance with the law; and
 - (b) the general manager of the council that it is made in accordance with this Act.
- (2) A by-law that is not certified in accordance with [subsection \(1\)](#) is of no effect.

163. Commencement of by-law

A by-law that is made or adopted by a council commences –
(a) on the day on which it is published in the Gazette; or
(b) on a later day specified in the by-law.

164. By-law to Director

A council that makes a by-law is to forward to the Director –
(a) a sealed copy of the by-law; and
(b) the certification under [section 162](#); and
(c) a statement explaining –
(i) the purpose and effect of the by-law; and
(ii) the outcomes of public consultations in respect of the by-law.

165. Title and numbering of by-laws

A by-law that is made or adopted by a council is to–
(a) have in its title a reference–
(i) to the municipal area to which it relates; and
(ii) to the subject matter of the by-law; and
(iii) to the year in which it is made or adopted; and
(b) be numbered so that no other by-law relating to that municipal area and subject matter has the same number in that year.

166. Copies of by-laws

- (1) The general manager is to keep a sealed copy of every by-law in force and make available copies for inspection or purchase by the public and for viewing at a website of the council.
- (2) The purchase price is to be no greater than the approximate cost to the council of providing the document.

167. Notice of by-laws

- (1) A council is to place at appropriate locations notices advising of any by-law affecting the conduct of the public.
- (2) A notice is to include –
(a) the purpose and effect of the relevant by-law; and
(b) the penalty for a contravention of, or failure to comply with, the by-law.
- (3) A person cannot use as a defence the failure of a council to comply with these provisions.

In summary, the key procedural steps to making a By-law are:

1. Council's motion of intention to make a by-law (AO103-19, passed on 16 April 2019)
2. Regulatory Impact Statement (certified by Director of Local Government - attached)
3. Public consultation process (undertaken from 25 November – 16 December 2019)
4. Council Meeting to consider submissions and amendments if necessary (this report)
5. Council makes the by-law by absolute majority
6. By-law to be gazetted to take effect

Further information is provided under section 7.0 Discussion, below.

5.0 POLICY CONSIDERATIONS

The proposed by-law is a local government law which sets out the policy position of Council in an enforceable framework.

The Council has a statutory responsibility under the *Local Government (Highways) Act 1982* for care, control and management of local roads within the municipal area.

The responsibility extends to include protection for the safety and efficiency of a road in terms of its design function and the people and vehicles that use it, and for the infrastructure assets in the construction and operation of a road.

Footpaths and road verges form part of the road area, and are used primarily for pedestrian and parking purposes.

In some locations it may be appropriate to allow use of the footpath and road verge area for other purposes.

The Council has variously stated a policy position to increase the attraction of the city for residents and visitors, including to allow the use of public spaces by activities that will add variety and increase the range and appeal of available offerings.

The Street Dining By-law provides a head of power under which to deliver the broader policy outcome.

6.0 FINANCIAL IMPACT

Operation of the current By-law has minimal financial impact on Council.

There is limited take-up of the opportunity provided by the By-law, and therefore the administrative and enforcement tasks are small and can be absorbed within the general administrative duties of Council officers.

Council may set fees in accordance with section 205 of the *Act* for grant of an approval to operate street dining.

Fees have applied since inception of the first By-law based on the number of tables and chairs approved for each street dining area.

Certain tasks in the process for preparation of the By-law must be performed by a qualified legal practitioner.

Costs to replace the By-law are estimated at \$3,000, and will be covered under the Legal Expenses item in the 2019/2020 operational budget.

7.0 DISCUSSION

Procedural steps for making a by-law

Council's motion of intention to make a by-law (s156)

Council passed a unanimous resolution on 16 April 2019 (AO103-19), of its intent to make a Street Dining By-law. A copy of this report is available on www.burnie.net

Regulatory Impact Statement (s156A)

A Regulatory Impact Statement outlining the purpose and impact of the new by-law was prepared and subsequently certified by the Director of Local Government. A copy of the Regulatory Impact Statement and the certificate of approval is **attached**.

Public consultation process (s157-159)

The proposed Street Dining By-law, No 1 of 2020 together with the Regulatory Impact Statement was made available for public comment for a period of three weeks, from 25 November to 16 December 2019. To promote this opportunity, an ad was placed in the local newspaper (copy **attached**), a media release was issued, a display and copies available were placed in the atrium, and the opportunity was promoted on social media.

All submissions are required to be made in writing to the General Manager.

In accordance with the Regulatory Impact Statement, copies of both documents were also sent to the following parties, to specifically seek any comment or feedback:

- Tasmania Police, Burnie
- Royal Guide Dogs Association
- Royal Society for the Blind and Deaf
- Existing applicants and food operators
- Department of State Growth – Transport Division

Council to consider submissions (s159)

Submissions were received as follows:

1) *Tasmania Police*

A response was received from Tasmania Police. The letter is self-explanatory and expresses no objections to the draft by-law as set out. A copy of the correspondence is **attached**.

There have been no further comments received from either the general public, or other parties who were invited to comment.

Council makes the by-law by absolute majority

The purpose of this report is to put forward the by-law in its final draft form, considering any submissions received, for Council to pass a resolution to make the by-law. To take effect, such a decision must have an absolute majority of Council.

Certification and gazettal of by-law (s161-163)

The by-law must then be certified by the General Manager with the common seal applied, and certified by a legal practitioner. It must then be published in the Tasmanian Gazette in order to take effect. The by-law comes into force on the day of gazettal. Should this recommendation be passed, the gazettal date is expected to be mid-February 2020.

A number of procedural steps will then take place to formally table and publish the by-law.

Content of proposed Street Dining By-law

The following excerpt is information repeated from the initial report to Council on 16 April 2019 (AO103-19), and is included for completeness, prior to making this by-law.

The Council has created and enforced compliance to two previous by-laws over a period of 22 years.

Each by-law has had a common purpose - although some provisions for control and enforcement and the scope and quantum of penalties changed with the 2009 version in response to external regulatory factors.

The current by-law will expire in late 2019.

It is necessary that the Council make a replacement by-law if it intends to continue in the provision of opportunity and control for street dining in a road area.

A street dining by-law is a necessary regulatory instrument for the purpose of establishing an enforceable authority to control the use of a road area for the regular serving and consumption of food and beverages and the placement of tables and chairs as part of an adjacent business.

The current by-law has operated since 2009 without challenge or controversy.

The instrument provides an adequate and functional arrangement by which to describe those matters which must be observed by the operators of a street dining area, and a sufficient level of authority to confidently and lawfully enforce compliance.

There is an apparent public acceptance of street dining evidenced by an absence of compliant, criticism or opposition.

The level of take-up by food premises operators has not been significant. There are two businesses that have consistently operated street dining facilities since the By-law was first introduced. Licenses have been issued and were used in two other locations for a period, but were surrendered when the businesses closed. Enquiry suggests a level of continuing interest, albeit applications do not necessarily follow.

The By-law is a useful and necessary regulation and should be retained.

There is no need to make a replacement by-law which departs from the content of current by-law.

A copy of the draft Street Dining By-law is **attached**.

8.0 RISK

The following excerpt is information repeated from the initial report to Council on 16 April 2019, and is included for completeness, prior to making this by-law.

The following risks may occur if the Council does not replace the current Street Dining By-law –

- a) A medium to high level of unacceptable risk for road and footpath assets and infrastructure in the absence of regulation which prescribes prohibited activities and provides a penalty sufficient to act as an incentive against damage resulting from inappropriate use and behaviour within a road area;*
- b) A medium to high level of unacceptable risk to compliance, integrity, and professional indemnity systems if actions occur to control or prosecute use of a parking area in the absence a valid head of power.*
- c) A low to medium level of unacceptable risk to the environment if there are not prescriptions and sanctions available to prevent and penalise the operation of street dining areas in a manner which may give rise to discharge of a pollutant;*
- d) A low but unacceptable level of risk that the financial management strategies and the operational budgets of the Council cannot be satisfied if there is no lawful means by which to enforce payment of a fee and to issue infringements for use of a street dining area on council land;*
- e) A medium to high and unacceptable level of political risk for competence and credibility of the Council if parts of a road area become dysfunctional as a result of uncontrolled access and occupation of for street dining; or if the Council is successfully challenged in relation to any fee, instruction or penalty it seeks to enforce in relation to the use or occupation of a road area for street dining;*
- f) A medium to high and unacceptable level of public safety risk if requirements and sanctions are not available under which to enforce compliance to standards for safe operation of a street dining area; and*
- g) A high and unacceptable level of risk to Council workers required to enforce compliance to street dining controls if the necessary authority and scope of powers are not lawfully provided and enforceable;*

The Council's risk management practices instruct specific measures are required to address a risk which is assessed as medium or above.

There are a number of risk classifications in relation to street dining where the level of risk is significantly above medium. Risk avoidance, mitigation or management measures are warranted.

The most appropriate risk management action is to replace the Street Dining By-law with a similar instrument prior to the date on which the current by-law will expire.

The following levels of risk may occur if the Council replaces the current by-law –

- a) a low level and acceptable level of risk to road and foot path assets and infrastructure and corporate business systems because means will be available by which to manage activity that is likely to be damaging, and on which to prosecute any occurrence of an action or behaviour which results in a damage;*
- b) a low level and acceptable level of risk to business systems if the appropriate authority is in place to instruct and support actions to control a street dining area;*

- c) a low and acceptable level of risk to the environment is appropriate offences exist to prevent or prosecute actions specific to conduct of a street dining area that may result in an environmental harm;*
- d) a low and acceptable level of risk to achieving financial strategies and operational budgets if a lawful foundation exists on which to apply and collect fees and to enforce compliance for payment;*
- e) a low and acceptable level of political risk if arrangements exist on which to fairly and lawfully apply and enforce compliance to controls providing an equitable opportunity for operation of street dining;*

Any opposition to a replacement by-law, or challenge to validity of the by-law if made, has a low level of success if the by-law is made in accordance with the relevant statutory process; and the antecedents of the by-law as an established and unchallenged regulatory device are taken into account.

- f) A low and acceptable level of risk to public safety if requirements for safety are prescribed, and penalties exist for non-compliance;*
- g) A low and acceptable level of regulatory risk for the Council to properly administer and enforce controls on street dining;*
- h) A low and acceptable level of risk that the authority and scope of powers of a Council worker to inspect and enforce compliance to controls on street dining can be successfully challenged.*

The level of risk associated with making and enforcing compliance to a by-law to replace the current Street Dining By-law is assessed as low and acceptable.

The Council's risk management practices allow that an action with a low level of risk may be acceptable provided standard measures to observe due process and normal practices for operation are observed.

Risk assessment indicates the most appropriate course of action if the Council intends to retain opportunity for street dining on a Council managed road area is to replace the current Street Dining By-law with a new by-law before the current by-law has expired.

9.0 CONSULTATION

The proposed Street Dining By-law, No 1 of 2020 together with the Regulatory Impact Statement was made available for public comment for a period of three weeks, from 25 November to 16 December 2019. To promote this opportunity, an ad was placed in the local newspaper (copy attached), a media release was issued, a display and copies available were placed in the atrium, and the opportunity was promoted on social media.

In accordance with the Regulatory Impact Statement, copies of both documents were also sent to all named parties, to specifically seek any comment or feedback. All submissions received have been discussed in the report above.

ATTACHMENTS

- 1 [↓](#). Street Dining By-law No 1 of 2020 - Draft
- 2 [↓](#). Regulatory Impact Statement
- 3 [↓](#). Certificate of Approval - RIS - Director Local Government
- 4 [↓](#). Copy of advertisement for consultation
- 5 [↓](#). Response from Tas Police

COUNCIL RESOLUTION

Resolution number: MO012-20

MOVED: *Cr G Simpson*

SECONDED: *Cr T Bulle*

“THAT Council:

- 1) Determine to make the Street Dining By-Law, By-law No. 1 of 2020 in accordance with sections 156 - 167 of the Local Government Act 1993; and***
- 2) Authorise the General Manager to proceed with the formal process for the certification, sealing and gazetting of the By-law in accordance with sections 161 to 167 of the Local Government Act 1993.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

BURNIE CITY COUNCIL
Street Dining By-law (DRAFT)
By-law No. 1 of 2020

A By-law of the Burnie City Council made under section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling the conduct of street dining on the highways in the municipal area of Burnie.

Part 1

PRELIMINARY

SHORT TITLE

1. This By-law may be cited as the *Street Dining By-law No. 1 of 2020*.

COMMENCEMENT

2. This By-law commences on the date it is published in the *"Tasmanian Government Gazette"*.

APPLICATION

3. This By-law applies to the municipal area of the City of Burnie.

INTERPRETATION

4. In this By-law:

"authorised officer" means an employee of Council authorised by Council for the purposes of this By-law;

"certificate of registration" means the certificate of registration under the *Food Act 2003* issued with respect to the food business to which the application for a licence, or a licence, is related;

"Council" means the Burnie City Council;

"food business" has the meaning assigned to it in the *Food Act 2003*;

"footpath" means that area of a highway between the highway pavement and/or property line paved or unpaved, primarily used by pedestrians;

"furniture" includes chairs, tables, umbrellas, screens, barriers, awnings, waste bins, heaters and portable lighting;

"General Manager" means the General Manager of the Council;

"highway" has the same meaning as under the *Local Government (Highways) Act 1982*;

"infringement notice" means a notice issued by an authorised officer to a person who commits an offence against this By-law;

“penalty unit” means the amount of money set under the *Penalty Units and Other Penalties Act 1987* as amended;

“permit” means a statement in writing with or without conditions issued by an authorised officer authorising an activity regulated by the By-law;

“premises” means the premises with respect to which a certificate of registration is issued to the proprietor of the food business carried on in those premises;

“proprietor” has the same meaning as provided in the *Food Act 2003*;

“street dining” means the consumption of food and or beverages by customers seated in an area on a highway external to a food business;

“street dining permit” means street dining permit issued by the Council in accordance with this By-law;

“street rubbish bins” means rubbish bins installed by the Council on the footpath;

“trading day” means each day that the holder of a street dining permit opens a food business.

Part 2

STREET DINING PERMIT

PLACEMENT OF FURNITURE ON A HIGHWAY

3.

- (1) A person must not cause or permit any furniture to be placed on a highway for the purpose of encouraging or permitting street dining except in accordance with a permit.

Penalty: a fine not exceeding seven (7) penalty units and, in the case of a continuing offence, a daily fine not exceeding one (1) penalty unit.

- (2) A person must not cause or permit any furniture to be placed on a highway such that it unreasonably prevents the free and unrestricted use of the highway by pedestrians.
- (3) A person must not place any furniture on a highway such it obstructs the lawful movement of traffic along the highway.
- (4) A person must not place any furniture on a highway such that is obstructs or may obstruct a motor vehicle entering or leaving land that adjoins the highway.
- (5) A person must not place any furniture on a highway such that it intrudes into any part of the highway that is set aside for parking.
- (6) A person must only place furniture on a highway in a location authorised by the Council in a permit granted in accordance with Clause 4 of this By-law.

APPLICATION FOR A PERMIT

- 4.
- (1) The proprietor of a food business may apply to the Council for a permit with respect to premises if:-
 - (a) the proprietor holds a certificate of registration with respect to those premises; and
 - (b) those premises adjoin a highway; and
 - (c) the food business includes the sale of food or beverages for human consumption on those premises
 - (2) An application for a licence is to be in accordance with Form 1 in Schedule 2 and be lodged with the General Manager and is to be accompanied by the following:-
 - (a) a copy of the current certificate of registration;
 - (b) a copy of the certificate of currency of the public and products insurance referred to in clause 11(1)(a);
 - (c) a drawing with sufficient details to determine the location and extent of the furniture to be placed on the footpath;
 - (d) such other information as an authorised officer may reasonably require or as may be required by any Act or regulation;
 - (e) any applicable fee.
 - (3) It is a condition of granting a permit that the applicant has a current certificate of registration.
 - (4) The Council may grant a permit to a person on such terms and conditions as it thinks fit.
 - (5) The grant of a permit permits the holder of the permit to provide a street dining service.
 - (6) Street dining may only take place on a footpath outside a food business.

DISPLAY OF A PERMIT

5. The holder of a street dining permit must display that permit in a prominent location at the entrance to the premises.

Penalty: A fine not exceeding 5 penalty units.

FAILURE TO COMPLY WITH THE CONDITION OF A STREET DINING PERMIT

6. Any person who is the holder of a street dining permit issued pursuant to this By-law and who fails to comply with any condition of that permit is guilty of an offence.

Penalty: A fine not exceeding 10 penalty units.

REVOCATION OF A PERMIT

- 7.
- (1) An authorised officer may revoke a permit if the holder of the permit does not:
 - (a) comply with the terms and conditions of the permit; and/or
 - (b) comply with provisions of this By-law.
 - (2) An authorised officer is to give the permit holder seven (7) days notice in writing of the revocation of a permit.
 - (3) An authorised officer may revoke a permit immediately if a permit holder breaches clause 11 of this By-law.

REMOVAL OF FURNITURE

- 8.
- (1) Any furniture placed on a highway pursuant to a permit granted in accordance with Clause 4 of this By-law must be removed by the holder of a street dining permit within (30) minutes of the food business closing at the end of each trading day.
 - (2) An authorised officer may remove any furniture that is placed on a highway in contravention of clause 3 and store it in a safe location until any penalty that may be payable pursuant to this By-law has been paid to the Council.
 - (3) An authorised officer intending to remove any furniture pursuant to this clause must give an offending permit holder two (2) days written notice of that person's intention to remove the furniture.

CLEANLINESS

- 9.
- (1) The permit holder must ensure that the area covered by the permit and the area immediately adjacent is at all times clean, tidy and in a sanitary condition.
 - (2) Without limiting what is required in order to comply with clause 8(1) of this By-law, the permit holder must regularly empty waste bins, wash the pavement on a daily basis, and immediately a table is vacated clean away any liquid, food, debris, broken glass, cigarette butts or waste from the table and wipe the surface of the table.
- Penalty: A fine not exceeding three (3) penalty units and in the case of a continuing offence, a further daily fine not exceeding one (1) penalty unit.

STREET RUBBISH BINS

10. A permit holder must not use existing street rubbish bins for the disposal of table waste.
- Penalty: A fine not exceeding three (3) penalty units and in the case of a continuing offence, a further daily fine not exceeding one (1) penalty unit.

INSURANCES

11.

- (1) (a) An applicant for a street dining permit must have a current public liability and products liability insurance policy that covers the area designated for street dining before the applicant is issued with a permit.
- (b) The insurance cover is to be for a minimum sum of ten (\$10) million dollars and be in a form acceptable to Council.
- (2) (a) A permit holder must produce a Certificate of Currency of the insurance referred to in clause 10(1)(a) if requested by an authorised officer.

Penalty: A fine not exceeding 5 penalty units.
- (b) A copy of the Certificate of Currency is to be prominently displayed on the premises.

Penalty: A fine not exceeding 2 penalty units.
- (3) An authorised officer may cancel a permit immediately if:
 - (a) a permit holder refused to allow an authorised officer to view relevant certificate of insurance; or
 - (b) the insurance cover lapses during the term of the permit.

Part 3**INFRINGEMENT NOTICES****INFRINGEMENT NOTICE**

12.

- (1) An authorised officer may:
 - (a) Issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
 - (b) Issue one infringement notice in respect of more than one specified offence;
 - (c) Impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (2) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 2 to this By-law and the penalty specified in Column 2 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (3) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Services for enforcement action the person issued with an infringement must either:

- (a) pay the total amount of the monetary penalty stated on the infringement notice to;
- or
- (b) lodge a notice of election to have the offence heard by a Court with;
- the General Manager within 28 days of the date of service on the notice.
- (5) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (6) All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law.

Schedule 1 – Street Dining By-law No. 1 of 2020**INFRINGEMENT NOTICE OFFENCES**

CLAUSE	GENERAL DESCRIPTION OF OFFENCE	PENALTY (Penalty Units)
3(1)	Placing furniture on a highway without permit	3.5
5	Failure to display permit	2.5
6	Failure to comply with permit conditions	5
9(2)	Licensee using street rubbish bins	1.5 + 0.5 per day
10	Use of street rubbish bins	1.5 + 0.5 per day
11(2)(a)	Licensee failing to produce policy of insurance	2.5
11(2)(b)	Failure to display Certificate of Currency	1

Schedule 2 – Street Dining By-Lay No. 1 of 2020

FORMS

FORM 1

BURNIE CITY COUNCIL
Application for a Street Dining Licence

1. Applicant's full name:
2. Address of applicant:
3. Trading name of Business:
4. Telephone number:
5. Address of Premises:
6. Indicate (.....) owner (.....) occupier of the premises.
7. Attach plan showing the location of the proposed street dining area, size, number and location of screens, tables and chairs proposed, together with placement of waste bins.
8. Brief description of street furniture proposed:
 - 8.1 number of chairs:
 - 8.2 number of tables:
 - 8.3 colours of chairs and tables:
 - 8.4 number of umbrellas:
 - 8.5 colour of umbrellas:
9. Outline proposed method for the disposal of waste:
10. period for which licence is sought:-
 - ☐ to the expiration of the certificate of registration of the food business
 - ☐ to/...../..... (being an earlier date)
11. Attach:-
 - 11.1 a copy of a current certificate issued by the Council in respect of the food business pursuant to the *Food Act 2003*
 - 11.2 a copy of the certificate of currency of the public and products insurance referred to in clause 11 (1)(a)
 - 11.3 a drawing with sufficient detail to determine the location and extent of the furniture to be placed on the footpath

I/we apply for a licence pursuant to the Street Dining By-law, a copy of which I/we have read and agreed and undertake that upon the issue of any licence pursuant to this application I/we will abide by the provisions of that By-law.

Dated this day of 2

Signature of Applicant/s

The Street Dining By-law, By-law No. 1 of 2020:

Was certified as being in accordance with the *Local Government Act 1993* by Andrew Wardlaw, General Manager.

Was certified as being in accordance with the law by _____, Legal Practitioner.

The common seal of the Burnie City Council has been hereunto affixed pursuant to a resolution of the Council passed on the ____ day of _____ 2019 in the presence of A Wardlaw, General Manager.

Dated _____ at Burnie.

Proposed By-law No. 1 of 2019**Burnie City Council - Street Dining By-law****Regulatory Impact Statement**

The following Regulatory Impact Statement has been prepared for the proposed Street Dining by-law to be made by the Council.

In the Regulatory Impact Statement and in the Street Dining By-law the phrase "food business" means a business that involves the handling of food that is intended for sale and where that business has been registered as a food business under the *Food Act 2003*.

Purpose & Process of Regulatory Impact Statement

The Local Government Act 1993 requires that when a council wishes to make a by-law it must prepare a Regulatory Impact Statement ("RIS"). The preparation of an RIS requires the Council to analyse and determine the most effective way of regulating the subject matter of a proposed by-law. In the present case the proposed by-law is to regulate street dining. The Council must consider whether there is any restriction on competition and if so, what are the benefits or otherwise of that restriction. It must also consider whether there is an impact on business that will result from the terms of the by-law. A council is required to:

1. Assess the nature of any restriction on competition;
2. Assess an assessment of the costs and benefits of –
 - (i) any restriction on competition; or
 - (ii) any impact on the conduct of business;
3. Assess any alternative option considered by the council;
4. Make an assessment of the greatest net benefit or least net cost to the community;
5. Make an assessment of the direct and indirect economic, social and environmental impact of the by-law;
6. Provide details of the proposed public consultation process.

The Local Government Act, under Section 156A, provides that once the RIS has been prepared Council must submit it to the Director of Local Government, Department of Premier and Cabinet, for assessment. If the Director is satisfied that the RIS meets the statutory requirements he or she will issue a certificate to that effect and Council may then commence the public consultation process.

Pursuant to section 158 of the Local Government Act 1993 copies of the By-law and RIS are available by contacting the Council one of the following ways:

Telephone: 03 64305700

Email: burnie@burnie.net
Mail: PO Box 973, Burnie, Tasmania 7320
Internet: <https://www.burnie.net>
In person: 80 Wilson Street, Burnie
Office hours: 8.30 am — 5.00 pm Monday to Friday

Copies may either be inspected at the Council's office or alternatively are also available for purchase at a cost of \$1.10 each.

Background

The street dining by-law has been developed for the purpose of regulating dining on the street outside food premises within the municipal area of Burnie.

The by-law will apply only to those people who wish to serve food and beverages to customers on a footpath that is part of a highway that is under the control of the Council. The by-law will authorise the issuing of permits to the proprietors of a food business. The grant of a permit will enable the proprietor of a food business to serve food and beverages to patrons who wish to dine on the footpath outside a food premises rather than inside. Apart from creating a system of permits to regulate street dining the by-law will forbid the placement of furniture on a footpath without the obtaining of a permit, it will restrict the placement of furniture such that it impedes the unrestricted use of a highway either by pedestrians or vehicles and prohibits the furniture intruding into any area set aside for parking.

Included in the by-law are fees that must be paid for the issue of a permit, the creation of offences with appropriate fines for those who breach the terms of the by-law and a requirement that permit holders hold public and products liability insurance.

There is no existing State legislation that appropriately deals with issues relating to dining on the footpath area of public highways. The Local Government (Highways) Act 1993 gives the Council general care and control of local highways but does not provide for the specific regulation of the service of food and beverages on the highway in circumstances that must take account of the Food Act.

Allowing people to dine on a footpath adjacent to a public highway raises issues of public safety both in terms of the diners who are sitting on the footpath and pedestrians using the footpath. It is important that any furniture associated with street dining be placed in a position so that it does not affect the overall commodiousness of the footpath nor be in a position that places those using the furniture in danger from motor vehicles that use the adjacent road pavement. It is also important to ensure that the service of food to those wishing to dine on the footpath is only conducted from a food business within the meaning of the Food Act 2003.

1. Objectives of the By-law

Council wishes to make a By-law using the powers within the *Local Government Act 1993* with the following objectives:

- To prohibit street dining unless the operator of a food premises obtains a permit from the Council.
- To establish a permit system whereby street dining is permitted in an area where the commodiousness of the footpath is not unduly compromised by the presence of furniture associated with street dining and street diners.
- To regulate street dining such that it only takes place outside a business that serves food, that standards of cleanliness and tidiness are maintained and that appropriate insurance is held by the permit holders.
- To provide an administrative framework within which the Council can approve the operation of street dining enterprises.
- To provide for the appropriate handling of food in an outdoor environment and proper disposal of food waste;
- To discharge the Council's statutory obligations arising from the *Local Government (Highways) Act 1982* as the authority responsible for management of streets and roads within the Council area;
- To try and protect both the Council and the public against damages and loss by setting the basic level of public liability insurance to be held by the operator of such an enterprise, including products extension.

2. The Nature of the Restriction on Competition

The By-law allows those to whom a permit is granted to use the footpaths in the municipal area for street dining and to do so in a way that allows:-

- (a) such dining to occur only in appropriate locations; and
- (b) in such a way that the street dining does not impede the commodiousness of the footpath.

In other respects the proposed by-law relates to issues of governance and there is generally no restriction on competition as a result of it.

Within the By-law, a framework is created to enable the Council to approve and police the operation of street dining enterprises.

The only provision in the By-law that potentially restricts competition is that it gives a power to the Council to determine who can be licensed to operate a street-dining enterprise. The purpose of the By-law is to prohibit the conduct of such activities on public streets in the absence of the permit.

A permit is primarily required in order to ensure that pedestrians are not unreasonably and

improperly obstructed in their use of the footpath by the use of the footpath for street dining; that vehicles are not restricted in their use of a highway and that areas set aside for parking are not compromised by street furniture.

3. Impact on the Environment

Council believes that the By-law will have no adverse effect on the environment as the By-law requires the permit holder to ensure that the street dining area covered by the permit and the area immediately adjacent to it is at all times kept in a clean, tidy and sanitary condition.

4. Impact on Business

In recent years there has been a significant demand by the operators of food premises to be granted a permit that would allow them to place furniture on the footpath and serve food and beverages to their customers outside the food premises. The Council has the care, control and management of those highways on which street dining would occur. The Council recognises that there is an expectation amongst the dining public that they be able to consume food outdoors. Therefore in order to enable business to provide a service to the public, the Council is prepared to allow, in appropriate locations, the placement of furniture that will enable and facilitate street dining. The By-law does **not** provide any disincentives and there are no compliance costs or reporting costs that are in addition to the cost of the permit system and the enforcement of the by-law.

Enabling a food business to expand the area where it is able to serve food will mean that it can cater for a greater number of patrons and for differing requirements of patrons. It may also provide the opportunity of employment for more people. Therefore, it is unlikely that the By-law will have any significant detrimental impact on business, rather it is likely to have a positive impact.

It will also provide the permit holder with a larger area to place tables and chairs enabling the business to cater for a greater number of patrons.

The Council has had in force a Street Dining By-Law for the past ten years and there has been no complaints from businesses within the city that there has been any adverse effect on it from the operation of the by-law.

5. Costs and Benefits of the Restriction on Competition

The cost to business of the By-law will be the cost of obtaining a permit. The Council will assess what it will cost to issue a permit and set its fees accordingly. In the first instance it is likely that the fee for the issue of a street dining permit will be in the vicinity of \$5.30 per chair per month.

The By-law will provide a range of penalties for a breach of its terms. The monetary penalty will be spelled out in the By-law.

The benefit to business is that the obtaining of a permit will give certainty to the permit holder of the right to serve food to patrons on the street. Thus businesses can safely invest in the furniture and other equipment that is necessary to provide for street dining in a safe and comfortable environment.

The permit system will ensure that all businesses that wish to provide a street dining service have to meet the same standards and do so at a common cost.

The only prohibition that arises from the By-law is that street dining will not be permitted in the absence of a permit. As the right to apply for a permit will be the same for all operators of premises that serve food, there is no unfair prohibition on competition. The restriction that will exist in terms of having to obtain a permit would ensure, because of the terms upon which the permit is granted, that the use of the footpath by pedestrians is not unreasonably obstructed. It will also enable a common standard to apply to street dining facilities that are installed.

The Council believes that any restriction that flows from the By-law is justified as the benefits to the community far outweigh the costs of complying with the proposed bylaw.

6. Assessment of any Direct or Indirect Economic, Social and Environmental Impact

The ambience created by street dining is an aesthetic value that the Council believes has greatly enhanced the streetscape in the city. Over the past ten years street dining has not caused any adverse environmental issues and there have been no complaints of any adverse social issue arising from it. However, in order to ensure that appropriate standards are maintained it is important for public health and safety reasons that minimum standards be set that permit holders must meet. This by-law will continue the regulation of street dining such that health, safety and environmental standards are maintained in areas where street dining is permitted. The administrative costs of a permit system will be covered by the cost of the permit and thus will not impose any burden on the ratepayers generally. The enforcement costs will be minimal as the Council will use its existing staff to police the By-law. The cost of the legal enforcement of the By-law should be largely met by the recovery of penalties and legal costs.

There is no impact on the existing infrastructure from the operation of the By-law.

The facilitating of street dining will continue to create opportunities for food businesses to expand and that should provide employment opportunities. Providing that street dining furniture and other equipment is appropriately located there will be no adverse impact on other users of the footpath. The permit system will enable the Council to determine where the dining furniture is located and act to remove it if it is inappropriately placed.

From a social perspective the direct benefit is the facilitating of what appears to be an increasing demand for outside dining.

By placing the service of food and beverages in the hands of registered food premises with the responsibility to keep the area in a hygienic, clean and tidy fashion, it will largely overcome the littering that occurs when people purchase food and sit on an adjacent park bench to consume it.

Economic benefits will result from providing the opportunity for food businesses to expand their business and provide a different form of dining experience which is likely to lead to more diners, greater profit and therefore more employment.

An indirect benefit is that street dining will improve the vitality and viability of the district of Burnie in general.

The ambience created by street dining is an aesthetic value that the Council believes enhances the streetscape in Burnie.

7. Alternative Options

In preparing the By-law the following options were explored:-

- (a) ***Do nothing.*** This option was not acted upon because of the perceived need to provide a means for permitting and encouraging street dining. The only alternative for the Council, as it could not regulate how and where street dining was to occur, is either:
 - i. to prohibit it; or
 - ii. to allow it to occur in an unregulated fashion. Given the demand for street dining in Burnie and the potential for a public nuisance to occur or health and safety issues to arise, neither option is regarded as appropriate.
- (b) ***Permit anyone to apply for approval to provide street dining.*** This is not recommended because the desirability of having the street dining immediately adjacent to a food premises. Such a control should minimise the risk of poor food handling procedures being adopted. The Council is concerned that there may be a risk to public health should food not be prepared in hygienic conditions and if the service of food is not confined to being from a registered food business. It is considered to be in the best interests of the public for the operation of street dining enterprises to be linked with a food business.

Without an appropriate By-law proper standards cannot be imposed to ensure that:-

- (a) the pedestrians are not inconvenienced by street diners; and
- (b) that diners are not required to sit in an area that may be unsafe because of the presence of traffic on the adjacent road pavement.

In the event that the Council could not be satisfied that public safety is not being compromised there would be no alternative other than to prohibit street dining.

8. Statement of Consultation Process

The Public Consultation process will consist of:-

- (a) Referral of the proposed By-law to the following persons or organisations:-
 - Tasmania Police, Burnie
 - Royal Guide Dogs Association
 - Royal Society for the Blind and Deaf
 - Existing applicants and food operators
 - The transport division of Department of State Growth in relation to public safety and traffic control

- (b) In accordance with the *Local Government Act 1993* and as part of the By-law making process, submissions will be invited from the public.

Any person wishing to comment on this proposed By-law may do so in writing addressed to the General Manager, within 21 days from the date of publication of the initial notice in the Advocate newspaper. Council will take into consideration all submissions properly made to it during the public comment period.

- (c) Copies of the proposed By-law and regulatory impact statement are available from the Council Office at 80 Wilson Street, Burnie and on the Council website.
- (d) Reference to the draft By-law in media articles and press releases.

Council will place a notice in the Local Government Notices section of The Advocate newspaper, notifying its intention to make the By-law and inviting submissions within the public comment period.

The Council will issue a media statement of Council's intention to make the By-law and invite submissions within the public comment period.

The Council will publish the proposed by-law and regulatory impact statement on its website www.burnie.net and invite submissions within the public comment period.

The Council will use its social media channel to raise awareness of the proposed By-law and provide a link to the website page for further information during the public comment period.

- (e) For further information about the proposed By-law enquiries are invited and contact should be made with Michelle Neasey – Executive Manager Corporate Governance or Patrick Earle – Director Land and Environmental Services at the City Offices, 80 Wilson Street, Burnie, phone: 03 64305700 or Fax: 03 6431 3896 or by email at burnie@burnie.net



Local Government Act 1993
Section 156A

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

BURNIE CITY COUNCIL – STREET DINING BY-LAW NO.1 OF 2019

The Regulatory Impact Statement for the Street Dining By-Law No.1 of 2019 has been examined for the purposes of compliance with section 156A of the *Local Government Act 1993*.

The Regulatory Impact Statement addresses the following statutory requirements:

- the objectives of the by-law and the means by which the by-law is to achieve them;
- the nature of any restriction on competition;
- an assessment of the costs and benefits of any restriction on competition;
- an assessment of the costs and benefits of any impact of the by-law upon the conduct of business;
- any alternative option considered by the council;
- an assessment of the greatest net benefit or least net cost to the community;
- an assessment of the direct and indirect economic, social and environmental impacts of the by-law; and
- the proposed public consultation process.

I therefore certify that for the purposes of section 156A of the *Local Government Act 1993* -

- (i) the Regulatory Impact Statement is satisfactory; and
- (ii) the Council may commence the public consultation process.

Dated this 8th day of November 2019

A handwritten signature in black ink, appearing to be "AT", written over a horizontal dotted line.

Alex Tay
Director of Local Government

Department of Premier and Cabinet

**BURNIE CITY COUNCIL****PROPOSED NEW BY-LAW
STREET DINING BY-LAW**

Notice is hereby given that it is the intention of Burnie City Council to make the following by-law:

Street Dining By-Law: A by-law made under section 145 of the *Local Government Act 1993* for the purpose of regulating and controlling the conduct of street dining on the highways in the municipal area of Burnie.

The proposed by-law has a Regulatory Impact Statement which outlines the potential impacts and main features of the by-law to achieve its objectives.

Copies of the proposed by-law together with the Regulatory Impact Statement are available free of charge for inspection or for purchase for \$1.10 at the City Offices, 80 Wilson Street, Burnie; or by download from www.burnie.net until **16 December 2019**.

General enquiries on the proposed by-law may be directed to Burnie City Council on 6430 5700 or to Revenue Services at the City Offices.

Submissions in respect of the proposed by-law may be made in writing to the General Manager, Burnie City Council, PO Box 973, Burnie 7320 or by email to burnie@burnie.net, and must be received no later than COB on Monday, **16 December 2019**.

Dated: 23 November 2019

Andrew Wardlaw
GENERAL MANAGER

www.burnie.net



TA55942/45

TASMANIA POLICE

Western District

PO Box 19, Burnie, TAS, 7320

Phone (03) 6477 7240 Fax (03) 6434 5316

Email western@police.tas.gov.auWeb www.dpfem.tas.gov.au www.police.tas.gov.au

Our ref: A19/246879

Your ref:

Enquiries:

16 December 2019

Andrew Wardlaw
General Manager
Burnie City Council
80 Wilson Street
BURNIE 7320

Dear Andrew

BURNIE CITY COUNCIL STREET DINING BY-LAWS

Thank you for your correspondence dated 22 November 2019 relating to the Proposed Street Dining By-Law for Burnie City Council. I have referred the By-Laws to the Officer in Charge Burnie Division for review.

It is noted that the proposed By-Law does not relate to any premises possessing a liquor permit and these By-Laws do not allow the sale or consumption of liquor on a public street. It also noted that Tasmania Police are not required to police any conditions proposed and Police Officers are not authorised officers under the proposed By-Laws.

Provided any By-Law amendment allows for the un-hindered free movement of pedestrian foot traffic, Tasmania Police do not oppose any conditions of the By-Laws. I thank you for consulting with Tasmania Police and providing an opportunity for comment in respect of your proposed new By-Laws.

Yours sincerely

A handwritten signature in blue ink, appearing to read "DJ Williams".

DJ WILLIAMS
Commander

GENERAL MANAGER**AO019-20 APPOINTMENT OF ACTING GENERAL MANAGER - 2020**

FILE NO: 15/2/5
PREVIOUS MIN: AO014-19

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1	A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1	Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:

“THAT Council, in accordance with the provisions of the Local Government Act 1993 under section 61B, appoint Gary Neil, Director Works and Services as the Acting General Manager during any absence of the General Manager Andrew Wardlaw for the period 1 February 2020 until 31 January 2021.”

2.0 SUMMARY

The *Local Government Act 1993* contains specific clauses on how appointments of Acting General Managers are to be made, in times of absence of the General Manager.

This report puts forward a recommendation for Council to appoint the Acting General Manager for the next twelve months commencing 1 February 2020.

3.0 BACKGROUND

The *Local Government Act Amendment (Targeted Review) Act 2017* brought in new provisions to the *Local Government Act 1993* that affect the way Councils appoint an Acting General Manager during times of absence of the General Manager (such as annual leave, long service leave, emergency leave or incapacitation).

This report puts forward a recommendation for Council to make an appointment in accordance with the new provisions.

4.0 LEGISLATIVE REQUIREMENTS

Section 61B of the *Local Government Act 1993* relating to the appointment of Acting General Managers, states:

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
 - (a) he or she is absent from duty for any reason; or
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or
 - (c) the position of general manager is vacant.
- (2) The mayor may appoint a person to act in the office of general manager if –
 - (a) the general manager is absent and no person holds an appointment under [subsection \(4\)](#) ; or
 - (b) the general manager is absent and the person appointed under [subsection \(4\)](#) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under [subsection \(2\)](#) ends when the first of the following occurs:
 - (a) the general manager returns to duty;
 - (b) the term of the appointment expires;
 - (c) the mayor or the council revokes the appointment;
 - (d) a person is appointed as general manager under [section 61](#) .
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.
- (5) An appointment under [subsection \(4\)](#) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
 - (a) the term of the appointment expires;
 - (b) the council revokes the appointment;
 - (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

The intention of the provision is to provide for the Council (rather than the General Manager) to appoint the Acting General Manager.

5.0 POLICY CONSIDERATIONS

There are no policy considerations relevant to this matter.

6.0 FINANCIAL IMPACT

There is no financial impact relevant to this matter.

7.0 DISCUSSION

A council may make such an appointment at any time, and as frequently as it likes. The term of the appointment may not exceed five years.

Past practice has allowed for different members of the Executive Management Team to undertake the role of Acting General Manager from time to time, depending on circumstances of the day, and allowing for professional development across the team.

Since January 2018 it was established that Council will make an appointment of an Acting General Manager for the term of one year commencing 1 February, and that this appointment be reviewed at the January Council Meeting every year with the suggestion of rotating the responsibility through the Directors as appropriate. Such a decision continues to be at the discretion of Council.

During 2018, Rodney Greene undertook the Acting General Manager role when and as required and during 2019, the role was undertaken by Patrick Earle.

It is recommended that Gary Neil be appointed for the coming year 2020.

The changeover date is 1 February each year, rather than 1 January which is in the middle of the holiday period when various events are in place.

The Council may revoke its appointment of an Acting General Manager at any time, and make a new appointment, for any term it sees fit.

The Acting General Manager may only exercise the powers of General Manager during the absence of the General Manager, as defined under the Act in section 61B(1).

8.0 RISK

Correct procedures for the appointment of Acting General Manager are important due to the broad range of duties and powers that must be executed under the position of General Manager. In order for those powers and duties to be executed lawfully, the appointment must be in accordance with the newly prescribed procedures under the Act.

9.0 CONSULTATION

Discussion has taken place with the General Manager and the Executive Management Team.

COUNCIL RESOLUTION

Resolution number: MO013-20

MOVED: Cr G Simpson

SECONDED: Cr A Keygan

“THAT Council, in accordance with the provisions of the Local Government Act 1993 under section 61B, appoint Gary Neil, Director Works and Services as the Acting General Manager during any absence of the General Manager Andrew Wardlaw for the period 1 February 2020 until 31 January 2021.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

GENERAL MANAGER**AO020-20 GENERAL MANAGER'S REPORT - OPEN SESSION****FILE NO:** 4/18/2**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:***“THAT Council note the information contained in the General Manager’s Report.”*****2.0 SUMMARY**

This report includes the following items:

- 2.1 General Manager’s Communications
- 2.2 Council Meeting Action List

2.1 GENERAL MANAGER’S COMMUNICATIONS

The General Manager advises Council the following functions and meetings were attended, since the last Council Meeting report:

Date	Meeting / Function
3 December	UTAS Consultative Committee Meeting
	UTAS West Park Transition Working Group Meeting
	Meeting with Ken Clarke, Audit Committee Chairperson
4 December	Shared Services Strategic Planning Workshop
	LG Professionals – Branch Meeting
5 December	Meeting with Darren Harris, RACT
	Cooee to Wynyard Coastal Pathway Working Group Meeting
6 December	Meeting with Alex Tay, Director Local Government
	LGAT - General Meeting
9 December	Working lunch with Hon Mark Coulton MP and Gavin Pearce
	Burnie Community House – 35 Year Celebration

Date	Meeting / Function
	Meeting with Heather Crescent Residents
10 December	University of Tasmania's Graduation Ceremony
11 December	Christmas Luncheon with Hon Will Hodgman MP (Premier) and Tasmanian State Liberal Team
	2030 Tourism Industry Forum
12 December	Audit Committee Meeting
	CCA - Councillors Christmas Get Together (Devonport)
13 December	CCA - Board Strategic Workshop
	CCA - Councillors Christmas Get Together (Burnie)
16 December	BAC - Board Meeting
17 December	UTAS West Park Transition Working Group Meeting
18 December	Business North West General Meeting
19 December	Bank of us – Bank of useful ideas announcement
	NWMAG 50% Concept Design workshop
10 January	Meeting with Grant Parke, Café Europa
15 January	CCA - Harvest Moon Site Visit
	CCA - Board Meeting
	Business North West General Meeting
17 January	Meeting with Minister Mark Shelton MP

2.2 COUNCIL MEETING ACTION LIST

The action lists from Council Meetings in Open Session are attached.

ATTACHMENTS

1. [Open Session - All Actions - 10 December 2019](#)
2. [Open Session - Outstanding Actions - Jan 2018 to Nov 2019](#)

COUNCIL RESOLUTION

Resolution number: MO014-20

MOVED: Cr A Keygan

SECONDED: Cr A Boyd

“THAT Council note the information contained in the General Manager’s Report.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Council Meeting Action Report

All Actions for Open Session of 10 Dec 2019

Date From: 10/12/2019
Date To: 10/12/2019
Printed: Monday, 20 January 2020Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO333-19	MOTION ON NOTICE - CONTRACTORS - ROADWORK SIGNS	12 Dec 2019 RES: Prepare correspondence from the Mayor to the State Government in accordance with the resolution of Council AO333-19. 15 Dec 2019 NOTE: Letter drafted	Works and Services	
Council 10/12/2019				
AO334-19	MOTION ON NOTICE - PUBLIC MEET AND GREET	12 Dec 2019 ACT: Make arrangements for Councillor quarterly public meet and greet sessions to commence February/March 2020.	Corporate and Business Services	
Council 10/12/2019				
AO335-19	MOTION ON NOTICE - CLOCK REPLACEMENT	13 Dec 2019 RES: Make arrangements to replace clock in Wilson Street. 15 Dec 2019 NOTE: Refer to budget process	Works and Services	
Council 10/12/2019				
AO337-19	MOTION ON NOTICE - BEDDOWN - MULTI STOREY CAR PARK	13 Dec 2019 RES: Investigate and discuss with stakeholders a pop up shelter for those in the area who are homeless and sleeping rough. Arrange further discussion at a workshop in accordance with the resolution of Council AO337-19. 13 Dec 2019 RES: Write to the Minister for Housing in accordance with the resolution of Council AO337-19.	Community and Economic Development	
Council 10/12/2019				
AO339-19	LAND USE PLANNING BURNIE INTERIM PLANNING SCHEME AMENDMENT REQUEST TO INITIATE A SCHEME AMENDMENT 10 SMITH STREET & 17, 19 & 21 ANGLESEA STREET, WIVENHOE	12 Dec 2019 RES: Prepare draft amendment and undertake public notification and exhibition for 10 Smith Street and 17, 19 and 21 Anglesea Street, Wivenhoe, in accordance with the resolution of Council AO339-19.	Land and Environmental Services	
Council 10/12/2019				
AO340-19	POLICY REVIEW - BOUNDARY FENCE CONTRIBUTION - PUBLIC RESERVES CP-CBS-SG-014	12 Dec 2019 RES: Finalise the Boundary Fence Contribution - Public Reserves Policy in the Corporate Document Framework and publish to Council website, in accordance with the resolution of Council AO340-19. 12 Dec 2019 Action completed. Updated and Published.	Corporate and Business Services	12/12/2019
Council 10/12/2019				
AO341-19	POLICY REVIEW - PUBLIC AMENITIES CP-CBS-SG-035	12 Dec 2019 RES: Finalise the Public Amenities Policy in the Corporate Document Framework and publish to Council website, in accordance with the resolution of Council AO340-19. 12 Dec 2019 Action completed. Updated and Published.	Corporate and Business Services	12/12/2019
Council 10/12/2019				
AO342-19	TOURISM DEVELOPMENT PLAN	12 Dec 2019 ACT: Schedule a workshop to further discuss the Burnie Economic Development Plan. 23 Dec 2019 Action completed. Workshop Scheduled.	Community and Economic Development	23/12/2019
Council 10/12/2019				

Council Meeting Action Report

All Actions for Open Session of 10 Dec 2019

Date From: 10/12/2019
Date To: 10/12/2019
Printed: Monday, 20 January 2020Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO343-19	BURNIE PROMOTIONS COMMITTEE	12 Dec 2019 RES: Advise discontinuation of the Local Traders Marketing Program as at 31 December 2019 in accordance with the resolution of Council AO343-19. 12 Dec 2019 RES: Prepare a Partnership Agreement with Business North West to establish a Burnie Promotions Committee in accordance with the resolution of Council AO343-19.	Community and Economic Development	
Council 10/12/2019				
AO344-19	REQUEST FOR ASSISTANCE STRINGALONG ORCHESTRA	12 Dec 2019 RES: Prepare correspondence and make arrangements for support from Council's Financial Assistance Grants Program to the Burnie Stringalong Orchestra in accordance with the resolution of Council AO344-19. 23 Dec 2019 Action completed. Stringalong Orchestra advised of Council's decision.	Community and Economic Development	23/12/2019
Council 10/12/2019				
AO345-19	REQUEST FOR FINANCIAL ASSISTANCE BURNIE ATHLETIC CLUB	12 Dec 2019 RES: Negotiate additional works required to complete the entry at the south western end of the West Park Oval Grandstand in accordance with the resolution of Council AO345-19. 13 Dec 2019 Action completed. Revised pricing provided for works, within the funding allocation provided in council determination. Mid March commencement.	Works and Services	13/12/2019
Council 10/12/2019				
AO345-19	REQUEST FOR FINANCIAL ASSISTANCE BURNIE ATHLETIC CLUB	12 Dec 2019 RES: Prepare a Lease Agreement with BAC for the area under the south western end of the West Park Oval Grandstand in accordance with a, b and c of the resolution of Council AO345-19. 23 Dec 2019 Action completed. Burnie Athletic Club advised of Council's decision.	Community and Economic Development	23/12/2019
Council 10/12/2019				
AO346-19	REQUEST FOR ASSISTANCE BURNIE HARNESS RACING CLUB	12 Dec 2019 RES: Prepare correspondence and make arrangements for support from Council's Financial Assistance Grants Program to the Burnie Harness Racing Club in accordance with the resolution of Council AO346-19. 23 Dec 2019 Action completed. Letter sent to Harness Racing Club advising of Council's decision.	Community and Economic Development	23/12/2019
Council 10/12/2019				

Council Meeting Action Report**All Actions for Open Session of 10 Dec 2019**

Date From: 10/12/2019
 Date To: 10/12/2019
 Printed: Monday, 20 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO352-19	COMMUNICATIONS JOURNAL DECEMBER 2019	12 Dec 2019 ACT: Arrange acknowledgement of letter to the Minister for Infrastructure and Transport in relation to the Coastal Pathway. 12 Dec 2019 ACT: Arrange acknowledgement of letter to the Minister for Planning in relation to the Local Provisions Schedule. 12 Dec 2019 RES: Arrange acknowledgement of letter to Landcare Tasmania. 16 Dec 2019 Action completed. Letters of acknowledgement sent - DOC ID numbers 942440, 942441, 942442.	Office of the General Manager	16/12/2019
Council 10/12/2019				
AO353-19	COMMUNICATIONS JOURNAL - NORTHWEST TASMANIAN VETERAN WELFARE BOARD - BOARD POSITION INVITATION	12 Dec 2019 ACT: Update Special Committees Schedule of Members. 12 Dec 2019 Action completed. Updated Register and published.	Corporate and Business Services	12/12/2019
Council 10/12/2019				
AO353-19	COMMUNICATIONS JOURNAL - NORTHWEST TASMANIAN VETERAN WELFARE BOARD - BOARD POSITION INVITATION	12 Dec 2019 RES: Prepare correspondence to the Northwest Tasmanian Veteran Welfare Board appointment Cr A Keygan, proxy Deputy Mayor G Simpson, as per the resolution of Council AO353-19. 16 Dec 2019 Action completed. Letter finalised and emailed 16/12 - DOC ID 942471	Office of the General Manager	16/12/2019
Council 10/12/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
 Date To: 30/11/2019
 Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO011-18	MOTION ON NOTICE - PROPOSED RECREATIONAL PIER	<p>31 Jan 2018 RES: Write to the State Government to request financial support to complete a feasibility study for a recreational pier at West Beach, in accordance with the resolution of Council AO011-18.</p> <p>7 Feb 2018 NOTE: Letter prepared for Minister Hidding. Awaiting comment from State Government.</p> <p>11 May 2018 NOTE: Awaiting response from the State Government.</p> <p>25 Jun 2018 NOTE: Awaiting advice from SG.</p> <p>2 Oct 2018 NOTE: Follow up letter sent to Minister's office.</p> <p>14 Dec 2018 NOTE: No response to date.</p> <p>4 Mar 2019 NOTE: No response received as at 4 March.</p> <p>26 Nov 2019 NOTE: Further correspondence drafted to new minister in regard to this matter.</p>	Works and Services	
Council 30/01/2018				
AO074-18	CONTROLLED ENTITIES - AUDIT REQUIREMENT	<p>21 Mar 2018 RES: Write to the Auditor-General and request dispensation from the requirement for an audit for BAC and TC, in accordance with the resolution of Council AO074-18.</p>	Corporate and Business Services	
Council 20/03/2018				
AO105-18	COMMUNICATIONS JOURNAL - BURNIE ATHLETIC CLUB INC - WEST PARK CLUB ROOMS	<p>17 Apr 2018 RES: Work with the appointed interim Working Group for West Park Sports Ground to develop the draft Terms of Reference for a West Park Special Advisory Committee, incorporating members as per the resolution of Council AO105-18.</p> <p>3 Aug 2018 NOTE: To be considered at next Working Group meeting in late August.</p> <p>9 Nov 2018 NOTE: Funding application submitted for BAC Clubroom extension and other improvements at West Park.</p>	Community and Economic Development	
Council 17/04/2018				
AO126-18	BURNIE LOOP TRAIL	<p>18 May 2018 RES: Progress signage and marketing collateral and implement the Burnie Loop Trail as endorsed by Council resolution AO126-18.</p> <p>14 Dec 2018 NOTE: Route identified. Signage plan in development.</p>	Works and Services	
Council 15/05/2018				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
 Date To: 30/11/2019
 Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO198-18	MOTION ON NOTICE - SINGLE USE PLASTICS	<p>23 Aug 2018 RES: Develop and communicate a council-wide approach to the banning of single use plastics at all Council-run events, and encourage the same by external events on council property in accordance with the resolution of Council AO198-18.</p> <p>5 Sep 2018 NOTE: Initial discussion of ban workshopped with Aldermen 28 August. Council officers to present draft policy in early 2019.</p> <p>18 Jan 2019 NOTE: A working group established to develop policy.</p> <p>27 Sep 2019 NOTE: Policy being completed. To be presented to a Workshop of Council in February 2020.</p>	Community and Economic Development	
Council 21/08/2018				
AO237-18	MOTION ON NOTICE - BIKE TRACK VIEW ROAD	<p>21 Sep 2018 RES: Arrange a workshop visit to View Road Bike Track and seek interest in a working group for improvements in 2019-20 budget, in accordance with the resolution of Council AO237-18.</p> <p>9 Nov 2018 NOTE: To be arranged for a workshop in the new year.</p> <p>19 Jun 2019 NOTE: Workshop scheduled for 22 October 2019.</p> <p>23 Oct 2019 NOTE: Council visited site, Pump track concept to be explored and further briefing provided to Council.</p> <p>26 Nov 2019 NOTE: Council further discussed project at 26 November workshop.</p> <p>15 Dec 2019 NOTE: Working group to be established.</p>	Works and Services	
Council 18/09/2018				
AO303-18	MOTION ON NOTICE - INVESTIGATE WATERSLIDE COSTS	<p>22 Nov 2018 RES: Investigate the cost to install a waterslide at the Aquatic Centre, and a timeline for 50m pool upgrade, in consultation with working with the Aquatic Centre Working Group, Youth Council and Aquatic Centre operator, per AO303-18.</p> <p>4 Mar 2019 NOTE: Indicative costs being developed as part of federal election prospectus. Engagement with Aquatic centre working group to occur.</p>	Works and Services	
Council 20/11/2018				
AO311-18	MOTION ON NOTICE - WALKING TRAILS	<p>22 Nov 2018 RES: Review the opportunity to create two walking trails - a cultural Red Line trail, and an environmental Green Line trail in accordance with the resolution of Council AO311-18; and provide an update to councillors on current walking trail plans in progress.</p> <p>5 Jul 2019 NOTE: Trails being considered as part of broader track / trail strategy. Briefing previously provided to Council on signage strategy.</p>	Works and Services	
Council 20/11/2018				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
Date To: 30/11/2019
Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO335-18	MOTION ON NOTICE - UPPER BURNIE SPORTS CENTRE	13 Dec 2018 RES: Undertake a review of the Upper Burnie Sports Centre building in terms of current and future needs and a comparison of costs for upgrading versus replacing the facility, in accordance with the resolution of Council AO335-18. 20 Feb 2019 RES: Incorporate subsequent resolution AO031-19 on 19 Feb 2019 to explore requirements, benefits, cost and location for an indoor multi-sport facility prior to the federal election. 4 Mar 2019 NOTE: Developing an improvement plan discussed as part of 25 Feb workshop. 26 Nov 2019 NOTE: Working group established to consider new stadium project.	Works and Services	
Council 11/12/2018				
AO065-19	BURNIE PLANNING SCHEME 10 SMITH STREET, WIVENHOE	22 Mar 2019 RES: Initiate a draft amendment to the BIPS 2012 to permit proposed additional permitted use and development of land at 10 Smith Street Wivenhoe, in accordance with the resolution of Council AO065-19. 3 Jun 2019 NOTE: Consultant appointed to prepare submission for draft scheme amendment. 23 Oct 2019 NOTE: Awaiting consent of each landowner in accordance with requirements of the Land Use Planning and Approvals Act 1993 before a request can be made to initiate a draft scheme amendment.	Land and Environmental Services	
Council 19/03/2019				
AO057-19	MOTION ON NOTICE - JORGENSEN STREET RESERVE	22 Mar 2019 RES: Schedule a workshop session to review the Jorgensen Street Reserve and provide a subsequent report to Council, per AO057-19. 25 Mar 2019 NOTE: Meeting date being sought. 6 May 2019 NOTE: To be discussed at 14 May workshop. 23 May 2019 NOTE: Reviewed at workshop - site development concept (play space improvements) to be developed. 26 Nov 2019 NOTE: Paper prepared. To be referred to workshop in 2020.	Works and Services	
Council 19/03/2019				
AO088-19	MOTION ON NOTICE - REEVES STREET	18 Apr 2019 RES: Write to Metro to consider the possibility of a bus shelter in the vicinity of the Reeves St - Bunnings connection, in accordance with the resolution of Council AO088-19. 5 Jul 2019 NOTE: Department of State Growth are reviewing bus routes in Burnie. Opportunity to include stops on Reeve street under consideration by DSG and Metro.	Works and Services	
Council 16/04/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
 Date To: 30/11/2019
 Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO103-19	BY-LAW STREET DINING BY-LAW	18 Apr 2019 RES: Progress the development of a new Street Dining By-law in accordance with the resolution of Council and the required consultation process under the Local Government Act. 24 May 2019 NOTE: Draft information compiled and sent to lawyer for review and drafting of Regulatory Impact Statement. 25 Nov 2019 NOTE: RIS Certification received from Director Local Government. Consultation phase underway. 2 Dec 2019 NOTE: Consultation phase in process - report to come to January meeting.	Corporate and Business Services	
Council 16/04/2019				
AO098-19	QUEEN STREET OFF-STREET PARKING REQUEST	18 Apr 2019 RES: Review the safety of property accesses at 30 and 32 Queen Street upon the completion of current Queen Street works, in accordance with the resolution of Council AO098-19. 6 May 2019 NOTE: Property owners advised of Council decision. To review when works complete. 5 Jul 2019 NOTE: Project now complete. Officers will review operation over the next month or two and then engage with Residents as to how the street scheme is operating. 15 Dec 2019 NOTE: Report to the January 2020 meeting.	Works and Services	
Council 16/04/2019				
AO086-19	MOTION ON NOTICE - INVESTIGATION INTO INDUSTRIAL NOISE	18 Apr 2019 RES: Investigate the cause of industrial noise from the port that can be heard over large areas of Burnie and provide options to resolve the issue, in accordance with the resolution of Council AO086-19. 3 Jun 2019 NOTE: Revised Target Date. Reason: waiting on public to provide information; and for Toll to complete environmental survey on impact of new vessel. 4 Jul 2019 NOTE: Burnie Port Authority has advised results of a noise study conducted at a residential premises in Princes Street. General noise from atmospheric, ocean and other activities does not exceed thresholds for noise emissions. Low frequency hum audible in residence - does not exceed thresholds, but may be considered a nuisance. However, noise detectable during periods when Toll ship not in port. Further analysis required.	Land and Environmental Services	
Council 16/04/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
Date To: 30/11/2019
Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO159-19	MOTION ON NOTICE - CITY AND SUBURB INFRASTRUCTURE 2019-20	19 Jun 2019 RES: Prepare a framework for a city and suburb infrastructure plan that addresses the matters put forward in the resolution of Council AO159-19. 5 Jul 2019 NOTE: Officers working on a consultation framework.	Works and Services	
Council 18/06/2019				
AO158-19	MOTION ON NOTICE - VIDEO RECORDING OF MOTIONS ON NOTICE AND PUBLIC QUESTION TIME AT COUNCIL MEETINGS	19 Jun 2019 RES: Investigate livestreaming of Council Meetings, in accordance with resolution of Council AO158-19.	Corporate and Business Services	
Council 18/06/2019				
AO161-19	MOTION ON NOTICE - AURORA BOXES ARTWORK	19 Jun 2019 RES: Investigate the potential to pain Aurora boxes in Burnie and workshop further with Council, as per the resolution of Council AO161-19. 5 Jul 2019 NOTE: Youth development officer has carriage of project. Currently liaising with relevant agencies.	Works and Services	
Council 18/06/2019				
AO189-19	MOTION ON NOTICE - FOOD ORGANICS AND GARDEN ORGANICS (FOGO) COLLECTION	17 Jul 2019 RES: Provide an updated FOGO Discussion Paper at a 2019 Workshop incorporating community consultation and cost implications for the FMS, so that the matter can be considered prior to the 2020-21 budget process, in accordance with the resolution of Council AO 189-19. 5 Sep 2019 NOTE: Paper drafted to be presented to 29 October workshop. 23 Oct 2019 NOTE: Briefing provided to 22 October workshop. To progress to an education and communication planning process with CCWMG. 15 Dec 2019 NOTE: Issue discussed with CCWMG. Awaiting a response for the group in regard to Council's suggestions.	Works and Services	
Council 16/07/2019				
AO218-19	MOTION ON NOTICE - STREET ART WORKING GROUP	22 Aug 2019 RES: Form a street art working group to develop a 3 year strategy and action plan for street art in the city, to be presented to council in March 2020, in accordance with the resolution of Council AO218-19. 23 Dec 2019 NOTE: First Working Group meeting held.	Community and Economic Development	
Council 20/08/2019				
AO215-19	MOTION ON NOTICE - SKATE PARK LIGHTING	22 Aug 2019 RES: Engage a lighting designer and prepare an indicative design and price to install lighting at the Burnie Skate Park for consideration, in accordance with the resolution of Council AO215-19. 11 Sep 2019 NOTE: Concept design obtained. To be referred to budget process.	Works and Services	
Council 20/08/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
 Date To: 30/11/2019
 Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO257-19	COMMUNICATIONS JOURNAL - BURNIE FIELD NATURALIST CLUB INC - MEMORIAL PLAQUE AND/OR DEDICATION SEAT FOR THE LATE LEXIE PAUL	19 Sep 2019 RES: Send a response to the Burnie Field Naturalists Club confirming Council's support for the installation of a plaque and memorial seating for the late Ms Lexie Paul, and make arrangements for this to be implemented, per resolution AO257-19. 22 Sep 2019 NOTE: Club advised of Council's decision. Officer to works with the Club.	Works and Services	
Council 17/09/2019				
AO245-19	MOTION ON NOTICE - MAGAZINE OR NEWSLETTER OF ACTIVITIES, FUNCTIONS AND EVENTS	19 Sep 2019 RES: Introduce a printed newsletter featuring activities, functions, events, and promotions and any other information relating to the City, at least every six months, with participating advertisers to help defray the costs, in accordance with the resolution of Council AO245-19.	Corporate and Business Services	
Council 17/09/2019				
AO242-19	MOTION ON NOTICE - CITY REVITALISATION PLAN	30 Sep 2019 RES: Prepare a report to Council with proposed Terms of Reference for a CBD Revitalisation Working Group, in accordance with the resolution of Council AO242-19. 1 Oct 2019 NOTE: Listed for discussion at Workshop on 8.10.2019. 9 Oct 2019 NOTE: The establishment of a terms of reference was discussed at Council workshop on 8.10.2019. The consensus of the discussion was that this matter be deferred for six months. This will be discussed further with Council in April 2020. 13 Jan 2020 NOTE: Revised Target Date. Reason: Councillors to review in April 2020.	Office of the General Manager	
Council 17/09/2019				
AO244-19	MOTION ON NOTICE - SMOKING BAN IN CBD	19 Sep 2019 RES: Prepare a report to council that investigates matters relevant to proposing the town centre be a smoke free area, by addressing each of the matters contained in Council resolution AO244-19.	Land and Environmental Services	
Council 17/09/2019				
AO269-19	MOTION ON NOTICE - MULTI STOREY CAR PARK - FIRST HOUR FREE - DECEMBER PROMOTION	20 Oct 2019 RES: Implement first hour free parking at MTCP from 14-31 December and request journal allocation to Finance of \$2,500 from the Local Traders Marketing Grants Program. 23 Oct 2019 NOTE: Arrangements in hand to provide a "grace period" of one hour for which no payment is required for use of a parking space in the MTCP from 14 December until 31 December 2019	Land and Environmental Services	
Council 15/10/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
Date To: 30/11/2019
Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO277-19	MOTORCYCLE PARKING	20 Oct 2019 RES: Implement steps to allocate 15 motorcycle parking spaces in the MTCP for a 12 month trial basis, in accordance with the resolution of Council AO277-19. 23 Oct 2019 NOTE: Instructions issued to prepare and mark additional motorcycle parking bays adjacent to existing provision in the MTCP and to monitor use for a period of 12 months.	Land and Environmental Services	
Council 15/10/2019				
AO279-19	BURNIE BOWMEN - HOSTING OF NATIONAL ARCHERY TITLES	20 Oct 2019 ACT: Add budget note for 2020-21 to include \$10,000 to support the National Senior Archery Championships in October 2020, in accordance with the resolution of Council AO279-19.	Corporate and Business Services	
Council 15/10/2019				
AO311-19	PROPOSAL TO DISPOSE (LEASE) A PORTION OF PUBLIC LAND TO BURNIE POLICE AND CITIZENS BOYS AND GIRLS CLUB INC (PCYC) 1-5 TERRYLANDS STREET, BURNIE CT VOLUME 158965 FOLIO 1	21 Nov 2019 RES: Negotiate a community lease with PCYC, in accordance with the resolution of Council AO311-19.	Community and Economic Development	
Council 19/11/2019				
AO312-19	LAND DISPOSAL PROPOSAL TO TRANSFER A PORTION OF PUBLIC LAND TO UNIVERSITY OF TASMANIA NEAR WEST PARK OVAL, BASS HIGHWAY, PARKLANDS WITHIN CONVEYANCE 22/4840, CT VOLUME 137631, FOLIO 1	21 Nov 2019 RES: Undertake public land disposal consultation process for portion of West Park land to UTAS and provide a further report to Council, in accordance with the resolution of Council AO312-19. 25 Nov 2019 NOTE: Advertising of the proposed disposal occurred 23 Nov. Report to be considered at the January 2020 meeting. 15 Dec 2019 NOTE: Submission period concludes 16 December 2019.	Works and Services	
Council 19/11/2019				
AO322-19	COMMUNICATIONS JOURNAL - NORTH WEST CAR CLUB OONAH ROAD HILLCLIMB - COURSE SAFETY IMPROVEMENTS	21 Nov 2019 RES: Invite the NWCC to a workshop to provide briefing on course safety improvements for Oonah Road Hillclimb, in accordance with the resolution of Council AO322-19. 15 Dec 2019 NOTE: Club invited to a workshop.	Works and Services	
Council 19/11/2019				

Council Meeting Action Report**Outstanding Actions for Open Sessions Jan 2018 to Nov 2019**

Date From: 30/01/2018
 Date To: 30/11/2019
 Printed: Tuesday, 21 January 2020

Key: RES = Action arising from Resolution; ACT = Action required in addition;
 QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO325-19	PUBLIC ART PROJECTS SPECIAL ADVISORY COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 30 OCTOBER 2019 Council 19/11/2019	21 Nov 2019 RES: Undertake an EOI process for locations for a public art commission as per AO214-19.	Community and Economic Development	
AO325-19	PUBLIC ART PROJECTS SPECIAL ADVISORY COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 30 OCTOBER 2019 Council 19/11/2019	21 Nov 2019 RES: Arrange refurbishment of the water front and Cattley Street seats as per AO325-19.	Community and Economic Development	

GENERAL MANAGER**AO021-20 GENERAL MANAGER'S INFORMATION REPORT FOR WORKS AND SERVICES DECEMBER 2019****FILE NO:** 4/18/2**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5	A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2	Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT the General Manager’s Information Report for Works and Services December 2019 be noted.”

2.0 SUMMARY

The report includes the following items:

- 3.0 Capital Works
 - 3.1 Request for Expressions of Interest, Quotations, Tenders and Contracts
 - 3.2 Civil Construction and Stormwater
 - 3.3 Buildings
 - 3.4 Parks, Reserves, Sporting Grounds and Cemeteries
 - 3.5 Waste Management
- 4.0 Operations and Maintenance
 - 4.1 Civil Construction and Stormwater
 - 4.2 Buildings
 - 4.3 Parks, Reserves, Sporting Grounds and Cemeteries
 - 4.4 Waste Management
- 5.0 Vandalism and Reported Incidents
- 6.0 Private Works
- 7.0 SES and Burnie Emergency Management Committees Activity Reports
- 8.0 Energy Management

3 CAPITAL WORKS

3.1 Request for Expressions of Interest, Quotations, Briefs, Tenders and Contracts

No information to report.

3.1.1 Expressions of Interest

No information to report.

3.1.2 Quotations

a) Quotation 2643 – Burnie Tennis Centre – Acrylic Resurfacing

Remediation works were complete on Friday 20 December 2019. Council has applied to Tennis Australia under their National Court Rebate Fund for a grant to resurface the walkway areas, if successful this work is planned for March 2020.

3.1.3 Briefs

a) Consultant Services Brief 198 – Bridge Management Services

The successful Consultant was AusSpan.

3.1.4 Tenders

a) Contract 2645 – West Ridgley Road and Talunah Road Culvert Upgrades

Tenders were called on Saturday 21 December 2019 and closed on 17 January 2020. A tender report is included in the confidential section of this agenda.

b) Contract 2639 – HVAC Maintenance and Repair Services – Council Facilities

The successful Contractor was Airmaster Australia Pty Ltd.

3.1.5 Contracts

a) Architect Services Brief 194 (Rev 2) – North West Museum and Art Gallery

- Terroir presented the 50% Concept Design to the Project Working Group with some Councillors in attendance on 19 December 2019 which was favourably received and approved to progress.
- The 50% Concept Design was also presented to a Council Workshop on 23 December 2019 which was favourably received and approved to progress.
- Life Cycle Management are compiling a cost estimate based on the information provided by Terroir at 50% Concept Design stage, and additional information from Terroir's engineering sub-consultants.

- Terroir are continuing to the next hold point of 80% Concept Design.

b) Contract 2633 – Bitumen Surfacing Services 2019-2020

Sealing works commenced in November 2019 and works planned for and in progress during the December/January period include:

- West Park Grove reseal from Olive to Oldaker Streets.
- Mooreville/West Mooreville Road roundabout.
- Hodgman and Charles Street by Council.
- Mount Street between Federal Street and Roslyn Avenue.

Council has allocated funds in the current Capital Works Program to resurface the parking lanes on Mount Street between Federal Street to Roslyn Avenue.

The Department of State Growth (DSG) has also allocated funds for the repair of failed sections of road pavement and through lane resurfacing on the same section of Mount Street.

There needs to be a coordinated approach taken to the progression of the works, so as to:

- Implement the works efficiently and limit inconvenience to the travelling public.
- Ensure that the interface between the Council work and DSG work is appropriately integrated to limit potential for future failure.
- Remove the potential for rework (two Contractors working over each other's work).

It would be logical to use the same Contractor for both of these project elements, as a means to address such concerns.

The Department of State Growth has engaged their North West Maintenance Contractor, DM Roads, to undertake the resurfacing works on the through carriageways.

The cost of the works, parking lanes, a Council responsibility is \$168,433.55, excluding GST and the price includes provision for:

- Emulsion seal (a waterproofing layer, not a normal Council requirement).
- Profiling works (usually a m² rate).
- Night works.

Officers have undertaken a value for money assessment and consider the price submitted by DM Roads is generally comparable (in terms of asphalt supply) to the contract rates Council secured under the 2019/2020 sealing tender, noting however:

- The provision for additional works noted above.
- More extensive traffic control requirements.
- A high specification asphalt mix.

Due to the need for a coordinated approach and for the reasons identified above, prices have not been sought from other Contractors to undertake the parking lane resurfacing works.

This purchasing approach is outside the normal purchasing policy of Council, in not seeking competitive prices for a purchase greater than \$100,000. It is noted the tendering threshold under the *Local Government (General) Regulations 2005* is \$250,000.

Council's Code for Tender and Contracts notes a number of provisions that provide an opportunity to not progress the established purchasing process.

The General Manager has considered a proposal to apply the exemption provided under 13 (i) and the particular reasons being:

Where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;

It is noted that the exemption is not associated with the requirements of the Regulations, rather the Council policy.

The General Manager has authorised the approach noted above and officers are working with DM Roads to progress the works.

Officers have been advised by DM Roads that the Mount Street reseal works are programmed to commence on 4 March 2020. This date is dependent on progress of a large amount of asphalt resurfacing works being undertaken on the Bass Highway between Stowport Road and West Park Grove by DM Roads.

As part of the reseal works Council is proposing to improve traffic flow from Mount Street to the Woolworths Carpark and Whitford Street by installing short right turn lanes, subject to DSG approval. This work will involve line marking only and no loss of car parking.

c) Contract 2629 – West Park Grandstand Facilities Upgrade

The works are complete excepting some minor items associated with paint touch and door locks. Following a Council resolution at the December 2019 meeting, works will resume by the Contractor to complete the new double door and stair entry into the Burnie Athletic Club rooms in March 2020.

d) Contract 2613 – Waterfront Eastern Promenade

The project is progressing well with boardwalk bearers, joists, decking and handrail posts almost complete. Outstanding works include the viewing platform and photo frame, balustrade rail and wires and the stairs to the beach. The project is expected to be complete by the end of February 2020.

3.2 Civil Construction and Stormwater

- Mooreville Road upgrade – Stage 3 – complete.
- Driveway crossover upgrade program – 35% complete.
- Stormwater flooding hotspot improvement works – 60% complete.
- Maydena Place stormwater upgrade – 30% complete.
- Wiseman Street car park extension – 15% complete.

3.3 Buildings

- Barker Street toilet – 90% complete.
- View Road retaining wall – complete.
- Wivenhoe events storage shed – storage platforms and sink area – complete.
- BAFC accessibility toilet – 25% complete.
- CED office alterations – 85% complete.

3.4 Parks, Reserves, Sporting Grounds and Cemeteries

- Waterfront Western Boardwalk Bolt Renewal – 60% complete.
- West Park Grove – Tree work prior to reseal work – complete.

3.5 Waste Management

No information to report.

4 OPERATIONS AND MAINTENANCE**4.1 Civil Construction and Stormwater**

Operation and maintenance in accordance with the Service Level Document, including:

- Customer Request Module (CRM) works – as required.
- Road signage repairs and installation – ongoing.
- Rural and urban hotmix patching program, pothole repairs and monitoring of road shoulder hotspots – ongoing.
- Stormwater hotspot inspections and monitoring – ongoing.
- Driveway maintenance program – ongoing.
- Gravel roads maintenance program – 45% complete.
- Road shoulder grading program – 50% complete.
- Kerb and channel maintenance program – ongoing.
- Footpath maintenance program – ongoing.
- CBD paver maintenance program – ongoing.
- Annual urban and rural roadside spraying program – first spray 50% complete.
- Roadside slashing program – 30% complete.

4.2 Buildings

Planned and reactive maintenance and minor works in accordance with the Service Level Document and maintenance program, including:

- CRM works – as required.
- Building gutters clean out – seasonal recurring.
- Rooftop solar panel cleaning - City Offices and Guide Falls toilet – seasonal recurring.
- Electrical testing and tagging – numerous Council locations – ongoing.
- Plumbing maintenance and inspections of public amenities and Council facilities – ongoing (grease traps, backflow prevention devices, valves, etc.) – ongoing.
- CBD line marking – as required.
- Vandalism repairs and painting – as required.
- Sports Centre basketball court floor repairs – 50% complete.
- Replacement of Backflow devices at Depot and Burnie Park – complete.
- Christmas banner and plaza decorations removal – complete.

4.3 Parks, Reserves, Sporting Grounds and Cemeteries

Maintenance and minor works in accordance with the Service Level Document, including:

- CRM works – as required.
- Preventative tree maintenance – ongoing.
- Dangerous tree assessments/removal – as required/identified.
- Grass care and ground and feature care schedules – ongoing.
- Sports grounds maintenance and mowing schedules – ongoing.
- Walking track annual maintenance program – ongoing.
- Routine playground maintenance and statutory inspections – in accordance with SLD and regulations. Soft fall mulch replacement – ongoing.
- West Park Oval and sports grounds maintenance and wicket preparation – ongoing (including New Year's Eve Athletic Carnival preparations).
- Sports grounds maintenance – ongoing.
- Durham Reserve tree removal – 85% complete. On-hold awaiting drier conditions.
- Christmas street decorations installed 30 November. Scheduled for removal 4 January 2020.
- Annual Fire Hazard Reduction Program – complete.
- Annual Broadleaf spraying (Contracted service) – 15% complete.
- Annual (summer) sand sifting at West Beach – commenced 23 November 2019. Due to conclude 22 March 2020.

4.4 Waste Management

- Wetlands maintenance – ongoing.
- Wetlands road maintenance – 90% complete.
- Mulched green waste removal from site – 75% complete.
- Gas flare maintenance – 90% complete.
- Wetlands planting program – complete.

Waste data and information is reported quarterly and due next in the February 2020 agenda.

5 VANDALISM AND REPORTED INCIDENTS

Vandalism and reported incidents to Council property are as follows:

DATE	LOCATION	VANDALISM AND REPORTED INCIDENTS	POLICE REPORT FILED	MONTHLY SUMMARY TO POLICE	CCTV FOOTAGE	OUTCOME	ESTIMATED MONTHLY COST	PROGRESSIVE ANNUAL TOTAL
DECEMBER								
	Facilities	Aggregate of incidents reported or identified from inspections - Remediation by painting, cleaning or general repairs		Yes	No	Damage made good and surfaces cleaned, repaired and repainted as necessary	\$650.00	
	Parks and Reserves (including Cemeteries)	Aggregate of incidents reported or identified from inspections - Remediation by painting, cleaning or general repairs		Yes	No	Damage made good and surfaces cleaned, repaired and repainted as necessary	\$560.00	
	Transport Services	Aggregate of incidents reported or identified from inspections - Remediation by painting, cleaning or general repairs		Yes	No	Damage made good and surfaces cleaned, repaired, replaced or repainted as necessary	\$350.00	
2/12/19	West Park Grandstand	Smashed Window on Northern Side of Grandstand	No	Yes	No	Replaced Glass	\$450.00	
TOTAL							\$2,010.00	\$14,382.00

6 PRIVATE WORKS

No information to report.

7 SES AND BURNIE EMERGENCY MANAGEMENT COMMITTEES ACTIVITY REPORTS

North Western Regional Emergency Management Committee (NWREMC) – Meeting held 13 November 2019 at Ulverstone Fire Station.

Western Fire Management Area Committee (FMAC) – Risk Planning Workshop held on 14 November 2019 at Tasmania Fire Service North West Headquarters, Burnie. Deputy Emergency Management Coordinator attended.

Western Emergency Management Committee (WEMC) – Meeting held 21 November 2019 at Waratah-Wynyard Council.

Council is currently working with Tas Fire Bushfire Risk Unit (formerly Fuel Reduction Unit) to plan fuel reduction burns to high-risk areas and public information sessions in Havenview and Round Hill areas.

- Council officers are working with the Tas Fire Community Development and Education Unit to organise a bushfire readiness information session for Round Hill residents tentatively scheduled for Thursday 20th February 2020. The purpose of this session is to inform residents of their bushfire risk and to provide information on preparing bushfire readiness and evacuation plans to ensure their safety in the event of bushfire in the Round Hill area. Flyers are currently being prepared by Tas Fire for letterbox dropping by Council in early February. Venue and time is yet to be confirmed.

SES Burnie Unit Activity Report – Currently upgrading first aid kits and purchasing cribbing.

8 ENERGY MANAGEMENT

No information to report.

COUNCIL RESOLUTION

Resolution number: MO015-20

MOVED: Cr T Brumby

SECONDED: Cr A Boyd

“THAT the General Manager’s Information Report for Works and Services December 2019 be noted.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

GENERAL MANAGER**AO022-20 GENERAL MANAGER'S INFORMATION REPORT FOR LAND AND ENVIRONMENTAL SERVICES DECEMBER 2019**

FILE NO: 4/18/2
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3	Council is compliant in all areas and carries out the role of regulatory enforcement in a fair and effective manner.
Strategy	7.3.2	Resource the reasonable enforcement of the legislative and regulatory provisions for which Council is responsible within its financial resources, and ensure the community is well informed of their obligations.

1.0 RECOMMENDATION:

“THAT the General Manager’s Information Report for Land and Environmental Services for December 2019 be noted.”

2.0 SUMMARY

The report includes the following items:-

- 2.1 Health
- 2.2 Building Applications
- 2.3 Planning
- 2.4 Parking
- 2.5 Cemetery Statistics

2.1 HEALTH**2.1.1 Environmental Enquiries / Investigations**

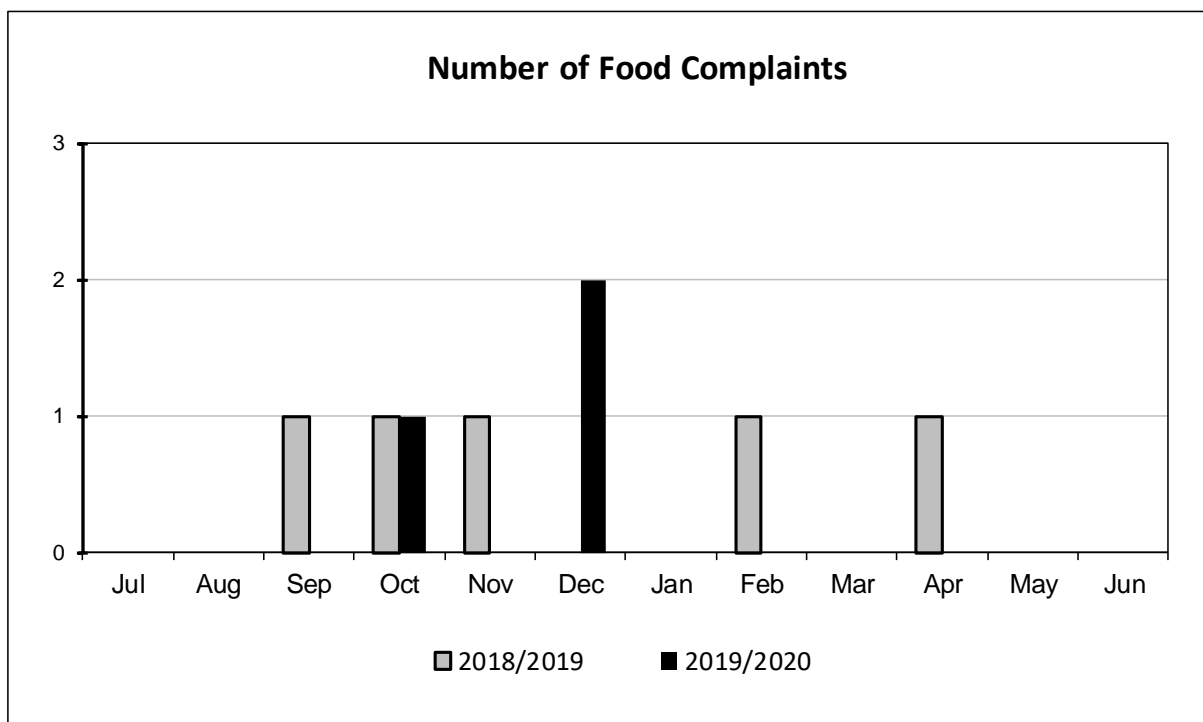
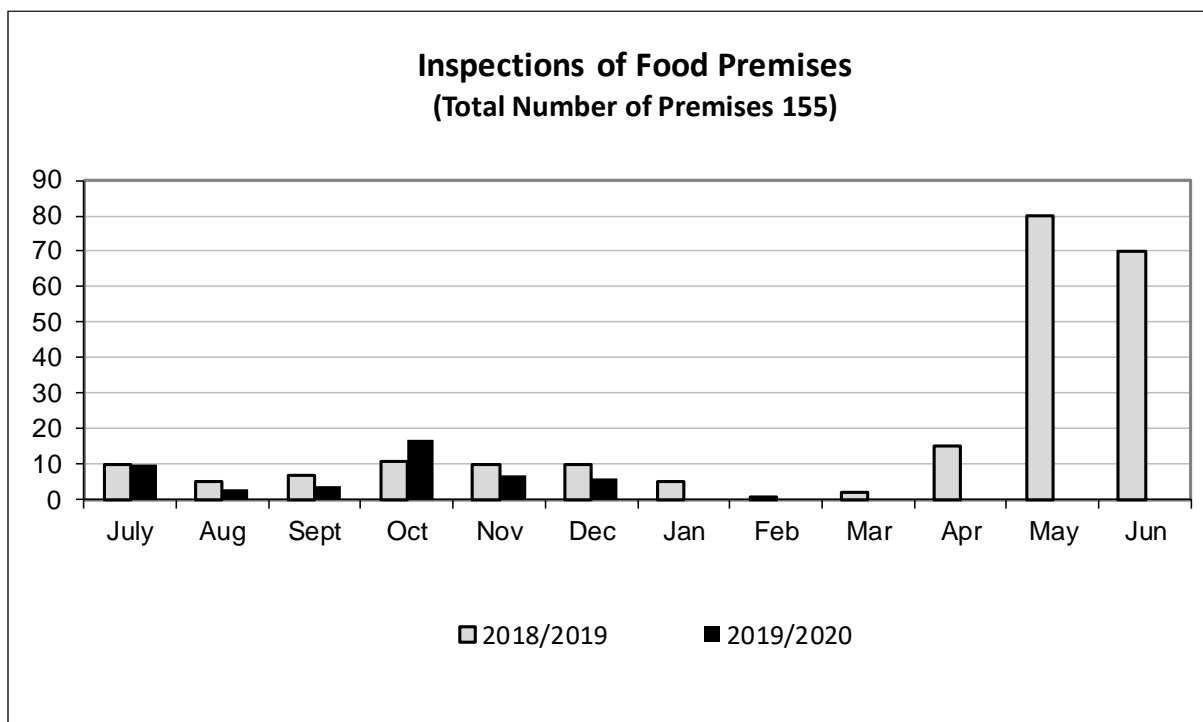
Type	Number of Enquiries / Investigations	
	December 2019	YTD Total
Air	1	8
Water	2	4
Noise	1	5
Solid Waste	0	2
Other	2	3

YTD is measured from 1 July each year.

2.1.2 Environmental Sampling

Type	Number of Samples Taken	
	December 2019	YTD Total
Beach Water Samples (summer months only)	5	10
Public Swimming Pool samples	5	35

YTD is measured from 1 July each year.

2.1.3 Food

Zero food complaints for February, March, May, July, August and December 2018.

Zero food complaints in January, March, May, June, July, August, September and November 2019.

2.2 BUILDING APPLICATIONS

Permit Authority Applications - 2018												
Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Notifiable Plumbing	4	9	3	6	11	4	8	11	7	5	3	3
Notifiable Building	6	8	9	11	7	9	8	17	11	10	7	6
Permit Plumbing	3	3	2	0	2	5	0	4	2	3	4	2
Permit Building	3	7	2	2	6	5	3	8	4	3	0	7
Substantial Compliance	0	1	0	0	2	1	2	0	0	0	0	2
Notifiable Demolition	0	0	0	0	0	0	0	2	0	0	0	0
Permit Demolition	0	0	1	0	1	0	0	1	0	1	0	0
Permit Refused	0	0	0	0	0	0	0	0	0	0	0	0
Application Value \$	5,035,168	4,107,085	2,459,856	2,958,652	2,683,319	2,227,180	2,522,141	5,871,485	1,705,925	2,137,527	357,624	2,625,655
Cumulative Total \$	5,035,168	9,142,253	11,602,109	14,560,761	17,244,080	19,521,260	22,043,401	27,914,886	29,620,811	31,758,338	32,115,962	34,741,617

Permit Authority Applications - 2019												
Month	Jan	Feb	Mar	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec
Notifiable Plumbing	3	3	13	4	8	7	5	9	4	4	9	8
Notifiable Building	7	13	6	14	10	8	4	9	5	6	5	9
Permit Plumbing	2	3	1	5	5	4	5	5	4	7	3	2
Permit Building	2	5	4	4	5	1	7	6	1	3	5	11
Substantial Compliance	2	0	1	1	2	0	0	0	1	2	0	0
Notifiable Demolition	0	0	0	0	0	0	0	0	0	0	0	0
Permit Demolition	0	0	0	1	1	0	0	0	0	2	0	0
Permit Refused	0	0	0	0	0	0	0	0	0	0	0	0
Application Value \$	3,166,007	1,796,148	1,022,630	3,714,353	5,931,974	1,336,546	2,978,446	5,352,472	1,639,537	3,344,759	1,709,660	5,192,312
Cumulative Total \$	3,166,007	4,962,155	5,984,785	9,699,138	15,631,112	16,967,658	19,946,104	25,298,576	26,938,113	30,282,872	31,992,532	37,184,844

2.3 PLANNING**2.3.1 Summary Land Use and Development Applications**

LAND USE AND DEVELOPMENT APPLICATIONS	Dec 18	Jan 19	Feb 19	Mar 19	Apr 19	May 19	Jun 19	Jul 19	Aug 19	Sept 19	Oct 19	Nov 19	Dec 19
Permitted Use & Development	4	0	4	6	5	5	7	4	9	9	11	7	5
Discretionary Use & Development	10	6	8	8	5	4	2	7	5	8	8	11	6
Subdivisions	0	1	2	1	1	0	1	1	3	2	1	0	1
TOTAL APPLICATIONS	14	7	14	15	11	9	10	12	17	19	20	18	12
Determined by Delegation	10	8	10	12	14	18	6	8	10	16	20	17	16
Determined by Council	0	1	2	0	1	0	1	0	1	0	1	0	0
Withdrawn	0	0	0	4	0	3	2	2	0	1	1	2	2
Applications Cancelled by Planning Authority	0	0	0	1	0	0	2	0	0	0	0	0	0
Consent Decisions	0	0	0	0	0	0	0	0	0	0	0	0	0
Application Approved by Tasmanian Planning Commission	0	0	0	0	0	0	0	0	0	0	0	1	0
Applications Appealed and Approved by Resource Management & Planning Appeals Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0
PLANNING SCHEME AMENDMENTS													
Amendment requests	0	0	1	1	0	0	0	0	0	0	0	1	0
Amendment finally approved	0	0	0	0	0	0	0	0	0	0	1	0	0
Amendment Refused by Tasmanian Planning Commission	0	0	0	0	0	0	0	0	0	0	0	1	0
Applications Appealed and Refused by Resource Management & Planning Appeals Tribunal	0	0	0	0	0	0	0	0	0	0	0	0	0

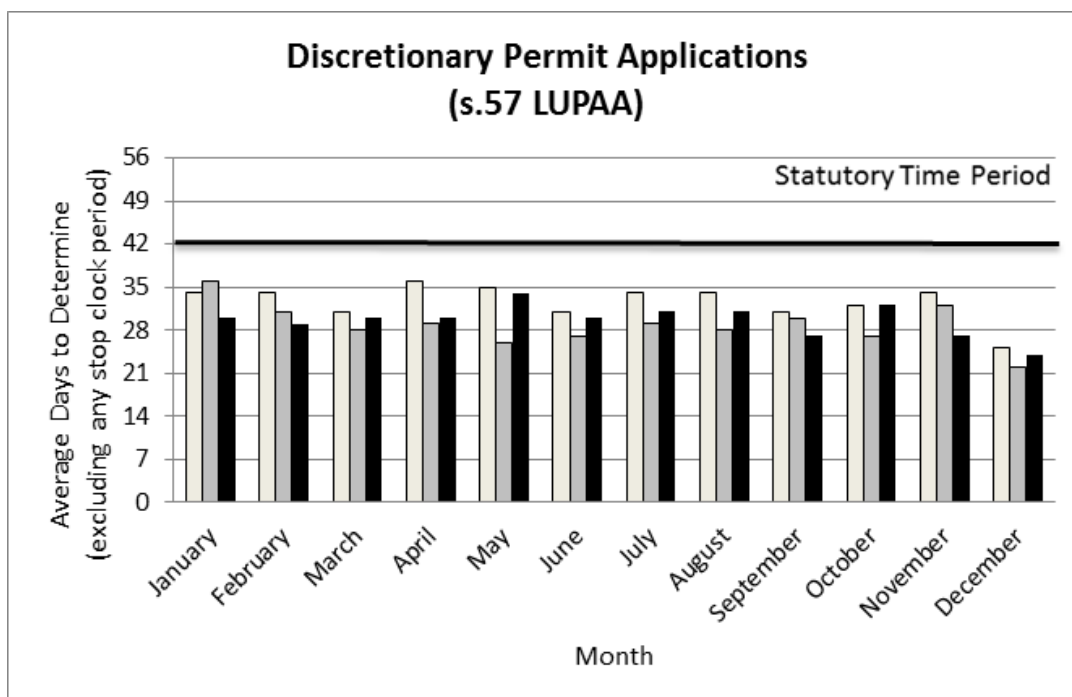
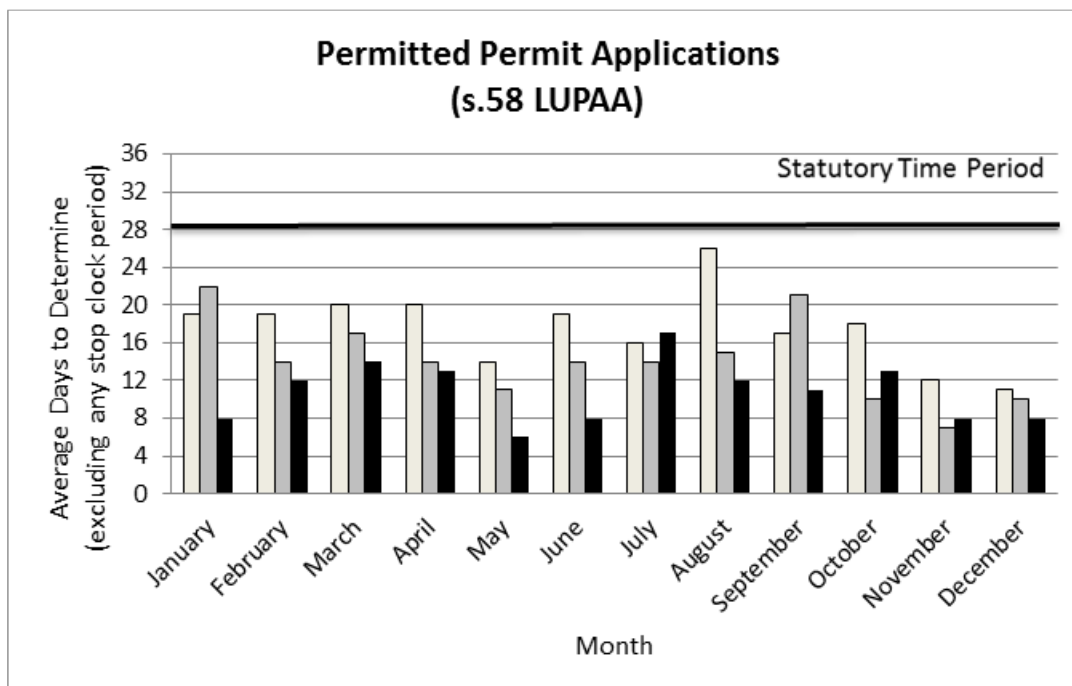
2.3.2 Land Use Permit Applications

DATE	PERMIT NO.	LOCATION	TYPE OF DEVELOPMENT	PUBLIC NOTIF. DATE	EXPIRY DATE	DECISION / DATE
14/12/19	2018/143	329 Ridgley Highway, Romaine	Agriplex	N/A	N/A	Withdrawn by Applicant 20/12/2019
24/10/19	2019/115	35 Queen Street, Burnie	Single Dwelling – Reliant on performance criteria for grant of permit	23/11/19	09/12/19	Approved 12/12/2019
24/10/19	2019/116	22 Bellavista Road, Romaine	Outbuilding to contain pool & gym and including a deck associated with an existing residential use – Reliant on performance criteria for grant of permit	09/11/19	25/11/19	Approved 05/12/2019
25/10/19	2019/117	21 Marine Terrace, Burnie	Establish a new Visitor Accommodation use – Reliant on performance criteria for grant of permit	23/11/19	09/12/19	Approved 13/12/2019
28/10/19	2019/120	31 Dowling Drive, Romaine	Single Dwelling – Reliant on performance criteria for grant of permit	09/11/19	25/11/19	Approved 04/12/2019
29/10/19	2019/121	2-10 Massy-Greene Drive, South Burnie	Establish a new Storage use and Extensions to existing Shed – Reliant on performance criteria for grant of permit	16/11/19	02/12/19	Approved 10/12/2019
29/10/19	2019/122	93 Madeline Drive, Mooreville	Multiple Dwellings x 4	N/A	N/A	Withdrawn by Applicant 05/12/2019
05/11/19	2019/125	40 Nairana Avenue, Shorewell Park	Single Dwelling – Reliant on performance criteria for grant of permit	09/11/19	25/11/19	Approved 03/12/2019
08/11/19	2019/127	126 Bird Street, Montello	Retrospective approval for onsite parking in association with existing multiple dwellings x 2 – Reliant on performance criteria for grant of permit	30/11/19	16/12/19	Approved 17/12/2019
11/11/19	2019/128	32-34 Pearl Street, Wivenhoe	Establish a new Service Industry use and develop a Storage Shed	N/A	N/A	Approved 12/12/2019
12/11/19	2019/130	41 Algona Avenue, Round Hill	Outbuilding in association with an existing Residential use – Reliant on performance criteria for grant of permit	23/11/19	09/12/19	Approved 12/12/2019
13/11/19	2019/131	10 Dowling Drive, Romaine	Single Dwelling, Change in Ground Level and Retaining Walls – Reliant on performance criteria for grant of permit	07/12/19	23/12/19	Approved 24/12/2019
20/11/19	2019/135	19 Strahan Street, South Burnie	Establish a new Transport Depot and Distribution use – Reliant on performance criteria for grant of permit	04/12/19	18/12/19	Approved 19/12/2019
22/11/19	2019/138	463 West Ridgley, West Ridgley	Outbuilding in association with an existing Residential use – Reliant on performance criteria for grant of permit	30/11/19	16/12/19	Approved 18/12/2019
26/11/19	2019/139	948 Oonah Road, Tewkesbury	Dwelling Additions and Renovations, Demolition work and Relocate an existing Office – Reliant on performance criteria for grant of permit	04/12/19	18/12/19	Approved 19/12/2019
04/12/19	2019/144	32 Elizabeth Street, Montello	Carport – land beneath operation airspace	N/A	N/A	Approved 11/12/2019

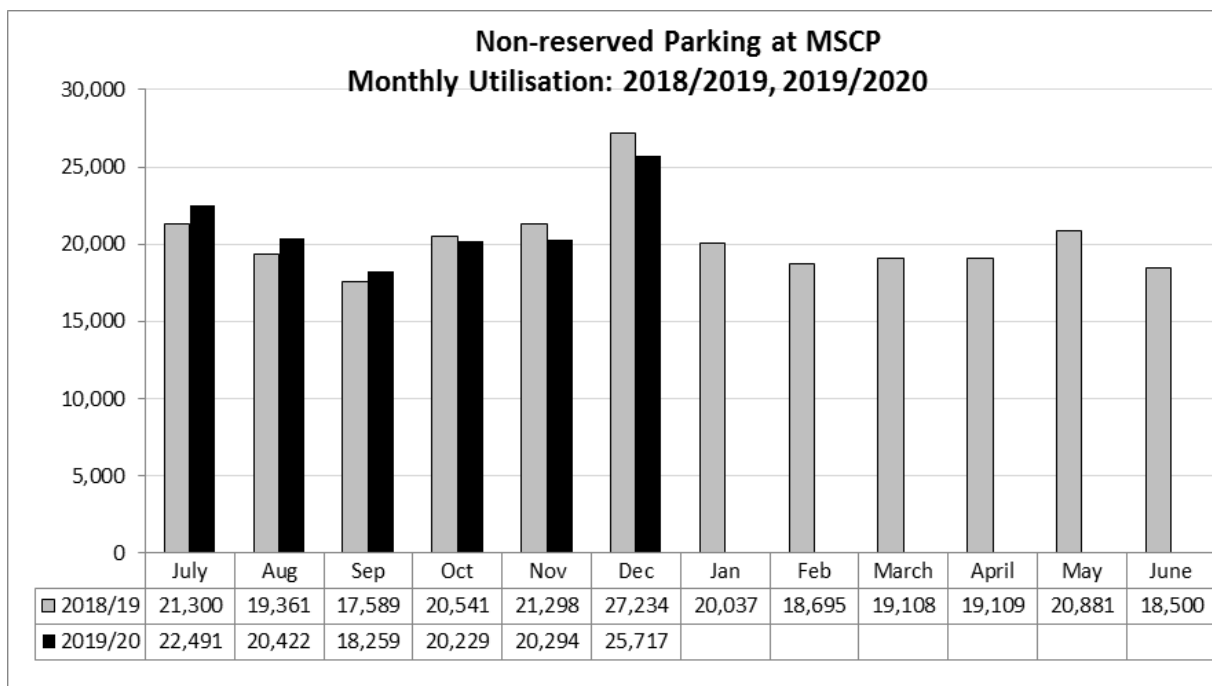
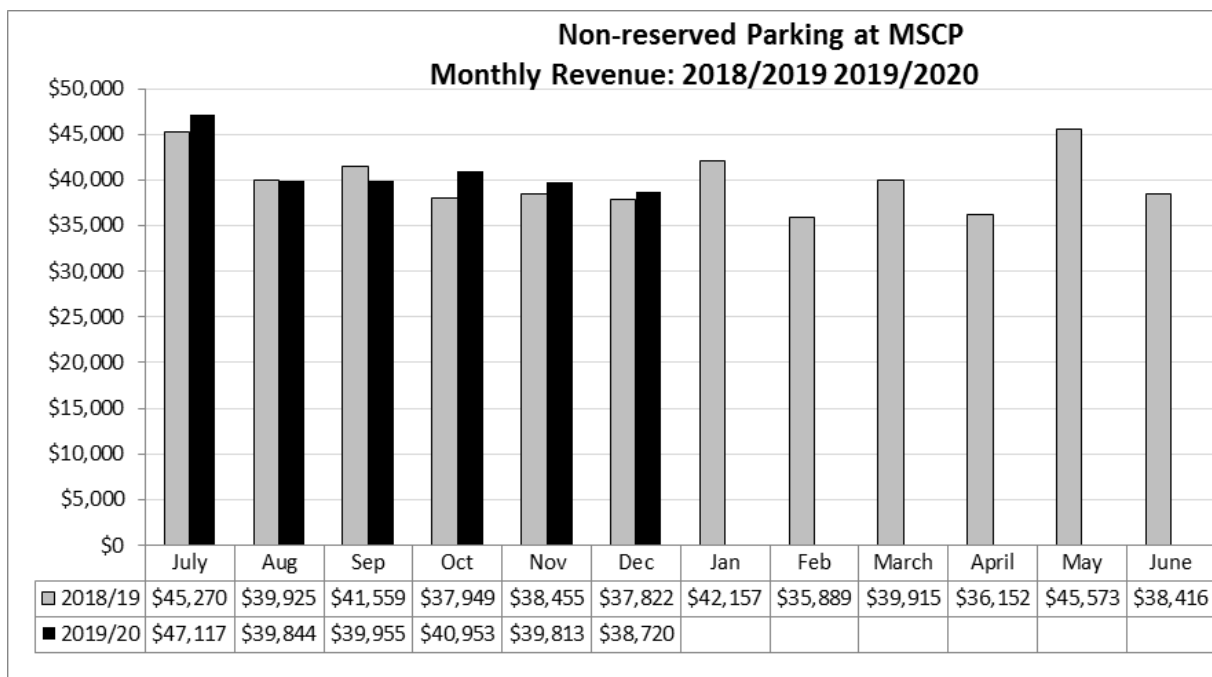
DATE	PERMIT NO.	LOCATION	TYPE OF DEVELOPMENT	PUBLIC NOTIF. DATE	EXPIRY DATE	DECISION / DATE
17/12/19	2019/150	Wiseman Street, Shorewell Park	Extension to an existing Car Park, including Change in Ground Level	N/A	N/A	Approved 19/12/2019
18/12/19	2019/151	301 West Mooreville Road, East Cam	Ancillary Dwelling in association with existing Residential use	N/A	N/A	Approved 23/12/2019

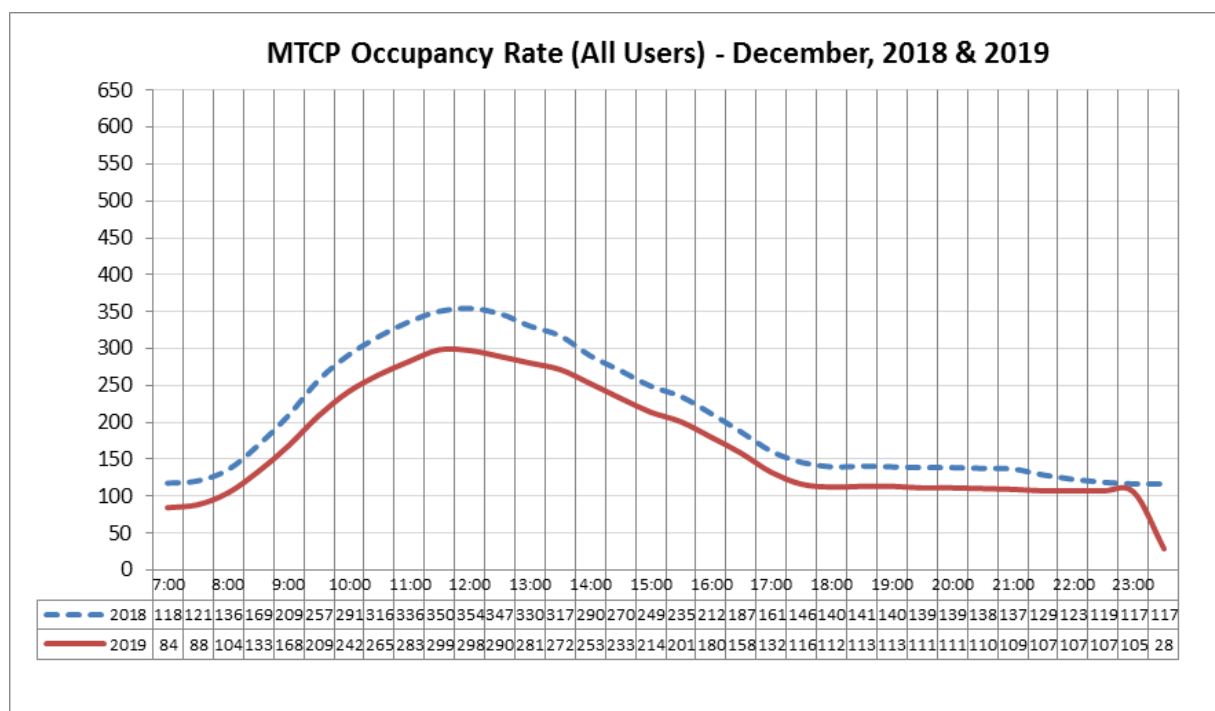
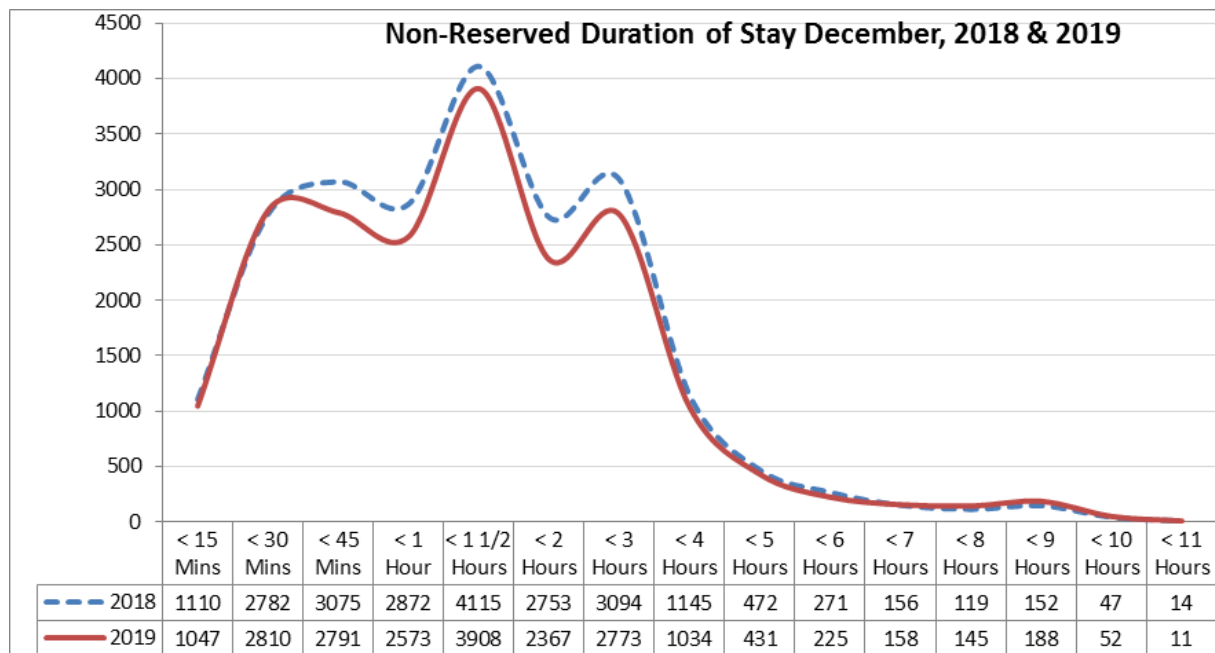
2.3.3 Subdivision Applications

Nil.



Average time for determination of permit applications decided by month.

2.4 PARKING



Calculated on remaining spaces – 109 Reserved spaces for 2018, 78 Reserved spaces for 2019

2.5 CEMETERY STATISTICS

Burials	December 2019	YTD Total
Lawn Cemetery	5	42
Wivenhoe / Ridgley	0	1
Other	0	0
Total	5	43

YTD is measured from 1 July each year.

Ashes Interred	December 2019	YTD Total
Lawn Cemetery	9	19
Wivenhoe / Ridgley	0	0
Total	9	19

YTD is measured from 1 July each year.

COUNCIL RESOLUTION

Resolution number: MO016-20

MOVED: *Cr D Pease*

SECONDED: *Cr A Boyd*

“THAT the General Manager’s Information Report for Land and Environmental Services for December 2019 be noted.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

GENERAL MANAGER**AO023-20 GENERAL MANAGER'S INFORMATION REPORT COMMUNITY AND ECONOMIC DEVELOPMENT DECEMBER 2019****FILE NO: 4/18/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	2	AN INCLUSIVE AND HEALTHY COMMUNITY
Objective	2.3	A place where everyone feels accepted and participates freely in community activities.
Strategy	2.3.4	Promote inclusiveness and participation within identifiable groups.

1.0 RECOMMENDATION:

“THAT the General Manager’s Information Report for Community and Economic Development December 2019 be noted.”

2.0 SUMMARY

This report provides the past month’s updates under the following areas:

Community and Economic Development

- 2.1 Business and Recreation
- 2.2 Community / Cultural Development
- 2.3 Burnie Regional Museum
- 2.4 Burnie Regional Art Gallery
- 2.5 Makers’ Workshop – Visitor Information Centre
- 2.6 Marketing and Events
- 2.7 Collective Impact
- 2.8 Youth Development

2.1 BUSINESS AND RECREATION

Burnie Gift Card Christmas promotion

The Council promoted our Burnie Gift cards during early December through social media, website and commercial radio. The cards are redeemable at most local Burnie stores including Woolworths and Harvey Norman. During December just over \$23,000 of cards were purchased.

Burnie CBD sound system

The sound system began operation during December broadcasting Christmas music through the streets and arcades of Burnie's CBD. Councillor Pease volunteered to administer the system as its controls are located immediately outside his store under the Wilson Street archway.

2.2 COMMUNITY / CULTURAL DEVELOPMENT

Health and Wellbeing Information Hub in Burnie

An information session was held on 27 November in the Braddon Hall at the Burnie Arts and Function Centre.

Around 24 people attended, with 12 people signing up to be on the Steering Committee and another three people signed up as volunteers.

A Steering Committee meeting will be held late January, 2020.

Burnie Christmas Parade

The 2019 SeaFM Christmas Parade was held Friday 13 December with a total of 22 floats consisting of: 14 community floats with the remaining floats made up by Tas Police, Tas Fire, SES, SeaFM and Santa.

First and second prize winners were as follows:

- School Category: 1st Cooe Primary; 2nd Ridgley Primary School and Montello Primary School.
- Community Category: 1st Burnie Anglican Church; 2nd Burnie Girl Guides.
- Corporate Category: 1st R & A Treloar; 2nd Spraoi Child Care Centre.

Burnie Farmers Market

An Expression of Interest for Manager of Burnie Farmers Market was advertised in the Advocate on 23 November with closure date on Friday 13 December, 2019.

Council received two Expressions of Interest and will be following up with interested parties in January.

Penguin Rehab and Release

The Penguin Rehabilitation and Release Facility opened on 27 November, 2018 and has received 45 Penguins during this time.

2019/2020 Financial Assistance Grants (as at 20/12/20)**Round One 2019-20**

Name/Organisation	Committed	Paid	Description of Project
Stowport Cricket Club	\$7,039	\$4,660	Removal of old and replacement of the main cricket pitch at Stowport Cricket ground.
Cradle Coast Outrigger Canoe Club	\$1,270	\$1,270	Purchase 12 junior paddles and 6 junior life jackets for junior paddlers.
South Burnie Bowls Club	\$4,480	\$3,725	Replace outdoor seating around the Greens and purchase 25 tables for clubrooms.
Burnie PCYC	\$2,118	\$2,118	To purchase two 'Assault Bikes' for the PCYC Operation Resilience Program.
Carers Tasmania Inc	\$2,310	\$0	To provide a high tea for unpaid family carers residing in Burnie.
Old English Country Dancing	\$100	\$100	To purchase a second hand computer.
Cooee to Camdale Coastcare	\$1,000	\$1,000	To purchase a laptop and software.
Hellyer District Venturer Scouts	\$3,560	\$0	To replace storage shed to store equipment.
Tas Conservation Trust	\$3,000	\$0	Withdrawn request for funding. To assist with the costs of producing a Penguin Tourism Viewing Translation Website.
Total	\$24,877	\$12,873	

Round Two 2019-20

Name/Organisation	Committed	Paid	Description of Project
Burnie Athletic Club	\$5,500	\$5,500	To assist with costs for broadcasting and media coverage of the Burnie Athletic Carnival (conditional on sourcing remaining funding).
Burnie Surf Life Saving Club	\$2,170	\$2,170	For a Beach Safety Awareness Project.
Western Division Badminton Association	\$1,162	\$1,162	Update I.T. Equipment.
Women's Essential Service Providers	\$8,864	\$8,864	For a series of Workshops over five days as part of 16 Days of Activism Against Gendered Violence.
The Salvation Army – Oakleigh Accommodation Service	\$5,000	\$0	To upgrade playground at Oakleigh House. (conditional on TCF funding).
The Humour Foundation	\$3,969	\$0	The Clown Doctors Program at the NW Regional Hospital.
Burnie Stringalong Orchestra	\$2,000	\$0	To enable holding a weekend Workshop for students from Burnie schools.
Total	\$28,655	\$17,696	

Committed Three Year Sponsorship (2017-2020)

Burnie Men's Shed (\$1,716 over 3yrs)	\$572	\$286	Assist with costs for kerbside collection.
Stowport Community Morning Tea Group (\$608 over 3yrs)	\$202	\$202	Exemption of hall hire fees for annual Great Big Community Morning Tea and Christmas Luncheon for seniors.
Total	\$774	\$488	

Committed Three Year Sponsorship (2019-2022)

Cooee to Camdale Coastcare (\$7,410 over 3yrs)	\$2,470	\$285	To purchase equipment, clothing and assist with insurance and telephone costs.
Burnie Amateur Swimming Club (\$9,000 over 3yrs)	\$3,000	\$3,000	To assist with the costs of hiring the Burnie Aquatic Centre.
Burnie Harness Racing Club (2019/2020 - \$1,485) (2020/2021 - \$1,980) (2021/2022 - \$1,980)	\$1,485	\$495	To off-set costs associated with access across the rail corridor at Wivenhoe.
Total	\$6,955	\$3,780	

Other Annual Community Group Assistance

Name/Organisation	Committed	Paid
Morning Melodies	\$1,460	\$1,379
Tasmanian Special Children's Christmas Party	\$1,500	\$1,500
Koori Kids - NAIDOC Week	\$400	\$400
Total	\$3,360	\$3,279

State Representatives Allowance

	Budget	Paid
State Representatives	\$10,000	\$7,650

Mayor Financial Assistance Minor Sponsorship Requests

	Budget	Paid
Minor Sponsorship Requests	\$2,500	\$0

Food License Permits Requests

	Budget	Paid
City of Burnie Lions Club		\$138
Somerset Rotary Club		\$26
Cancer Council		\$138
Total		\$302

Community Bands Assistance

Name/Organisation	Committed	Paid
Burnie Concert Band	\$2,500	\$2,500
Burnie Highland Pipe Band	\$2,500	\$0
Burnie Youth Choir	\$2,500	\$0
City of Burnie Brass Band	\$2,500	\$0
EMUsicians	\$2,500	\$2,500
Stringalong Music Programme	\$2,500	\$1,686
Total	\$15,000	\$6,686

Other - Annual Assistance

Name/Organisation	Committed	Paid
Carols by Candlelight	\$4,500	\$4,500
Total	\$4,500	\$4,500

Waste Disposal Costs for Charitable & NFP Organisations

Name/Organisation	Committed	Paid
Australian Red Cross	\$720	\$30
Launceston City Mission	\$1,000	\$0
The Salvation Army Thrift Shop	\$720	\$0
Total	\$1,720	\$30

YTD Totals

Name/Organisation	Budget	Committed	Paid
Financial Assistance Grants Round 1		\$24,877	\$12,873
Financial Assistance Grants Round 2		\$28,665	\$17,696
Committed Three Year Sponsorship (2017-2020)		\$774	\$488
Committed Three Year Sponsorship (2019-2022)		\$6,955	\$3,780
Other Annual Community Group Assistance		\$3,360	\$3,279
State Representatives Allowance		\$10,000	\$7,650
Minor Sponsorship Grants by Mayor		\$2,500	\$0
Food License Permits		\$1,000	\$302
Total Financial Assistance Grants	\$70,500	\$78,131	\$46,068
Community Bands		\$15,000	\$6,686
Other – Annual Assistance		\$4,500	\$4,500
Waste Disposal Costs for Charitable & NFP Organisations	\$5,000	\$1,720	\$30

2.3 BURNIE REGIONAL MUSEUM

BRM Total Admissions

Month	2018	2019
Dec	3512	740

BRM Total Attendance

Month	2018	2019
Dec	4079	5388

BRM Total Revenue

Month	2018	2019
Dec	14069	5206

2.4 BURNIE REGIONAL ART GALLERY

Attendance Figures

Month	2018	2019
Dec	2,831	1,440

2.5 MAKERS' WORKSHOP – VISITOR INFORMATION CENTRE**Visitor Numbers – December 2019**

Makers Workshop Door Count	10 979 people
Visitor Centre Count	1 380 people (VIC engagement not counted on cruise ship days)
Cruise ships	6 Ships

Creative Paper Tasmania – December 2019

Hand Made Paper Tour Experience	704 entries
Coach/School Groups	10 groups
Creative Paper Website	5 enquiries. 7 online sales.

2.6 MARKETING AND EVENTS**Burnie Bite and Brew NYE 2019 (A Night on the Terrace)**

Burnie Bite & Brew on NYE was held on 31 December 2019. This year's event coincided with the Burnie New Year's Eve Sports (previously run on New Year's Day), patrons to the sports event are offered free admission to the Bite & Brew Event.

Gate takings for this year's event amounted to \$22,000, with the crowd estimated to be between 7,000 -7,500.

This year we established a free children's area with entertainment provided by The Fairy God Mothers and Fairy Tails and Pirate Sails, this area also had 2 food vendors, patrons with small children were able to access this area if they did not wish to enter the main area at no charge. The two organisations offered a range of entertainment and activities for children at minimal or no cost.

Entertainment in the licenced area consisted of the following bands: - Clinton Hutton, Women of Rock (Jimmy Reece and Sherry Rand), The Blues Brothers Revival Band and The Ringmasters.

Food vendors in the licensed area reported great results, with a number selling out of produce.

We continued with our "War on Waste" with all vendors required to provide environmentally sustainable food packaging. This year alcoholic beverages were dispensed or decanted into BioCups, this helped capture recyclables at point of service, and avoided

cans and bottles ending up in general waste, whilst not 100% successful it gives us something to build on for the next event.

Burnie Bite and Brew 2020

Officers are currently working on the next Bite & Brew event, to be held on the 7 February, in the Burnie Baptist Church car park and extend out onto the concourse area besides the Council building. Vendors are currently being engaged for the event.

Kids in the Park 2020

Officers have commenced planning for the 2020 Kids in the Park event, to be held on 12 April. This year's event will be the 12th Kids in the Park, the format of the event remains relatively the same with some minor changes introduced to achieve some efficiencies.

Burnie Bite and Brew NYE 2020

Officers have already commenced planning for Burnie Bite & Brew NYE 2020, with bands booked. Entertainment for the Beach Stage also booked.

2.7 COLLECTIVE IMPACT**Burnie Works**

Burnie Works is continuing to work with the State and Federal Governments on the roll out of Stronger Places, Stronger People support. Funding for the 2019-2020 financial year was received in December.

The Local Enabling Group held their AGM on 4 December 2019, and is holding a planning day on January.

Dream Big

Dream Big is currently planning for 2020 Higher Education Visits.

Local Drug Action Team

The Local Drug Action completed development of the second Community Action Plan. The plan has been submitted to the Alcohol and Drug Foundation for funding.

Employment Partnership Group

The Transport to Work Regional Employment Trial participants undertook job preparation skills training in December. This included visits to onsite visits to employers. The trail will now move to job placements and providing transport to work for participants.

2.7 YOUTH DEVELOPMENT**Burnie Youth Council**

The Burnie Youth Council end of year excursion was held on the Friday, 6 December 2019.

Youth Councillors attended "In The Zone" in Burnie for a number of games of Laser Tag, followed by a movie at the Burnie Metro, "Frozen 2".

Due to windy weather it was decided to have a pizza party in Burnie Council Chambers rather than a BBQ at the beach. Card games, charades, music and other activities occurred over lunch.

Burnie Street Art Festival

Planning for Burnie Street Art Festival was a celebration of street art aimed at brightening up our city, was held on Saturday 11 January.

While Council has received largely positive feedback on the street art, attendance at the Festival was disappointing.

The total budget for the event was \$10,000 – expenditure was broken down as follows:

Artists	\$5,000.00
Audio, speakers, staffing, sound production, stage	\$1,564.00
Musicians	\$1,800.00
Facebook/Instagram Advertising	\$ 50.00
Car Park Hire	\$ 560.00
Generator	\$ 261.63
Truck	\$ 294.00
Online stall holder booking form	\$ 15.00
Contractor	<u>\$ 288.75</u>
TOTAL	\$9,833.38

Promotion and Advertising for the event included:

Media Release

8 Jan – Burnie Street Art Festival – Artwork Preparation Begins (sent to Advocate only for an exclusive)

16 Dec – Burnie to kick off the New Year with new Street Art Festival concept

7 Aug – Media Comment to Advocate – we will be holding a Street Art Festival, date to be announced

Advocate stories x 3 including 2 front covers

9 Jan – Story promoting festival and photo Paul Eggins painting (online version had more images)

19 Dec – Front Cover plus story on page 5 (online version included video)

8 Aug – Front Cover plus story on page 3

Radio

7 Jan – Councillor Keygan spoke to Martin Agatyn on 7BU

Facebook

10 Jan – Burnie's Street Art Festival is on tomorrow, Saturday 11 January 2020, 10am to 4.30pm – link to burnie.net news story which included the video produced by the Advocate

9 Jan – Shared Burnie Library's photos of Damian working – included times and information about the bands and market plus link to burnie.net for more details

8 Jan – Preparations have begun for the Burnie Street Art Festival, a celebration of street art aimed at brightening up our city, which will be held on Saturday 11 January. Visit our website to find out more – linked to website event with all details

19 Dec – Want to be part of this exciting new concept for Burnie! Details and sign up form on below link – link for vendors

16 Dec – The Burnie Street Art Festival, a celebration of street art aimed at brightening up our city, will be held on Saturday 11 January 2020. Link to media release on burnie.net (3274 reach, 23 shares)

Facebook Advertising (6007 people reached, 569 engagements)

Website

Event listing on the events page

Featured content promo image on home page including Advocate cover photo – link to event page

Online Stall Registration Form

Link from event to Advocate article 19 Dec

Media Releases were all posted to burnie.net

Street Art Working Group

The newly formed Burnie Street Art Group met on 16 December 2019 at Burnie City Council, to discuss the development of a Street Art strategy. Caragh Lawson and Noah Beskin-Clark from the 2019 Youth Council are sitting on the committee.

A second meeting is to be organised for early 2020.

Skate, Scooter and BMX Competition

Risk assessment, permits and partnerships organised with a date set for the planned Skate, Scooter and BMX event on the Saturday 14 March 2020.

Other

Planning on delivering a sand sculpture competition in conjunction with SeaFM Beach Party.

COUNCIL RESOLUTION

Resolution number: MO017-20

MOVED: Cr A Keygan

SECONDED: Cr A Boyd

“THAT the General Manager’s Information Report for Community and Economic Development December 2019 be noted.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

GENERAL MANAGER**AO024-20 GENERAL MANAGER'S INFORMATION REPORT CORPORATE AND BUSINESS SERVICES DECEMBER 2019****FILE NO: 4/18/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4	A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.2	Demonstrate financial accountability and ensure strong internal controls underpin performance.

1.0 RECOMMENDATION:

“THAT the General Manager’s Information Report for Corporate and Business Services for December 2019 be noted.”

2.0 SUMMARY

The report includes the following items:

Corporate and Business Services

- 2.1 Summary Financial Statements
- 2.2 Schedule of Investments
- 2.3 Operational Report by Directorate/Department
- 2.4 Receivables Analysis
- 2.5 Rates Analysis
- 2.6 Capital Expenditure Report
- 2.7 Contracts Awarded
- 2.8 Consultants Engaged
- 2.9 Governance – Use of Council Seal

2.1 SUMMARY FINANCIAL STATEMENTS**Statement of Comprehensive Income**

This report provides the draft YTD operating results for the period ending 31 December 2019.

YTD Comprehensive Income Statement

	YTD Actual	YTD Budget	YTD Variance to Budget	Annual Budget 2020	Annual Forecast 2020	Forecast Variance to Budget	
	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
Recurrent Income							
Rates and charges	22,771	22,836	✖ 66	22,923	22,884	⚠ 40	U
Statutory fees and fines	569	512	✔ (57)	1,024	1,016	⚠ 8	U
User fees	2,185	2,401	✖ 217	4,732	4,760	✔ (28)	F
Grants	1,605	1,700	✖ 95	3,399	3,413	✔ (14)	F
Reimbursements	372	157	✔ (215)	323	565	✔ (241)	F
Other income	355	451	✖ 96	902	779	✖ 123	U
Investment income	67	458	✖ 391	917	939	✔ (22)	F
Total recurrent income	27,923	28,516	✖ 592	34,221	34,355	✔ (134)	F
Recurrent Expenses							
Employee benefits	5,780	5,819	✔ (40)	12,210	12,208	✔ (2)	F
Materials and services	4,531	5,395	✔ (864)	10,786	10,755	✔ (32)	F
Depreciation and amortisation	3,780	3,883	✔ (103)	7,765	7,766	⚠ 1	U
Finance costs	31	29	⚠ 2	57	57	✔ -	F
Other expenses	1,785	1,795	✔ (9)	3,400	3,395	✔ (4)	F
Total recurrent expenses	15,906	16,921	✔ (1,014)	34,219	34,181	✔ (38)	F
Operating surplus/(deficit)	12,017	11,595	✔ (422)	2	174	✔ (172)	F
Capital Items							
Capital grants	632	1,081	✖ 449	2,163	2,163	✔ -	F
Expenditure on assets not owned by Council	-	-	✔ -	-	-	✔ -	F
Contributions - non-monetary assets	18	-	✔ (18)	-	-	✔ -	F
Net gain/(loss) on disposal of assets	1	-	✔ (1)	(250)	(250)	✔ -	F
	651	1,081	✖ 430	1,913	1,913	✔ -	F
Surplus/(deficit)	12,668	12,676	⚠ 8	1,915	2,087	✔ (172)	F
Operating Margin	1.76	1.69		1.00	1.01		

✔ A favourable variance

⚠ An unfavorable variance < \$50k

✖ An unfavorable variance > \$50k

F = YTD favourable variance to budget

U = YTD unfavourable variance to budget

Council is currently forecasting to have a favourable operational variance to budget of \$0.172m. While there are a number of favourable and unfavourable variances across the budget the favourable variance of \$172k is predominately due to funds received from the State and Federal government for reimbursement of operational costs for the June 2016 floods.

Statement of Financial Position

The Statement of Financial Position provides a snapshot of Council's financial position at the end of the reporting period. The current ratio line is an indicator of Council's liquidity and ability to pay its debts when they fall due. A ratio of more than 1.00 or more indicates that there is more cash and short terms assets than short term liabilities.

Statement of Financial Position

	Actual 2020 \$'000	Budget 2020 \$'000	Forecast 2020 \$'000
Assets			
Current assets			
Cash and cash equivalents	10,694	4,096	3,766
Trade and other receivables	6,962	1,492	1,492
Inventories	140	139	139
Other assets	15	34	34
Total current assets	17,810	5,761	5,431
Non-current assets			
Investment in water corporation	75,672	75,672	75,672
Investments in subsidiaries	2,103	2,103	2,103
Investment in joint venture	3,311	3,311	3,311
Property, infrastructure, plant and equipment	339,207	342,869	343,171
Total non-current assets	420,292	423,955	424,257
Total assets	438,102	429,716	429,688
Liabilities			
Current liabilities			
Trade and other payables	1,202	2,347	2,347
Trust funds and deposits	132	138	138
Interest-bearing loans and borrowings	326	329	329
Employee provisions	2,432	2,411	2,411
Total current liabilities	4,092	5,225	5,225
Non-current liabilities			
Interest-bearing loans and borrowings	778	1,811	1,811
Employee provisions	164	163	163
Total non-current liabilities	942	1,974	1,974
Total liabilities	5,033	7,199	7,199
Net Assets	433,069	422,517	422,489
Equity			
Accumulated surplus	274,147	274,348	274,148
Surplus/(deficit)	12,668	1,915	2,087
Reserves	146,255	146,254	146,254
Total Equity	433,069	422,517	422,489
CURRENT RATIO	4	1.10	1.04

Statement of Cash Flows

This report details cash and investment movements and balances as at the end of the reporting period.

Council's cash and investments balance as at 31 December 2019 is \$10.694m.

Burnie City Council
Statement of Cash Flows

	Actual 2020 \$'000	Budget 2020 \$'000	Forecast 2020 \$'000
Cash flows from operating activities			
Rates and charges	17,268	22,923	22,850
Statutory fees and fines	569	1,023	1,016
User fees	2,185	4,679	4,760
Grants	1,605	3,399	3,413
Reimbursements	372	323	565
Other income	355	925	779
Payments to suppliers	(5,305)	(10,731)	(11,584)
Payments to employees	(5,904)	(12,357)	(12,354)
Other payments	(1,785)	(3,400)	(3,395)
Net cash provided by (used in) operating activities	9,359	6,784	6,049
Cash flows from investing activities			
Payments for property, infrastructure, plant and equip	(4,060)	(11,970)	(11,073)
Dividends and distributions	67	917	939
Capital grants	650	2,163	2,163
Net cash provided by (used in) investing activities	(3,343)	(8,890)	(7,971)
Cash flows from financing activities			
Finance costs	(31)	(57)	(57)
Trust funds & deposits	-	3	-
New borrowings	-	1,200	1,200
Repayment of interest bearing loans and borrowings	(161)	(324)	(324)
Net cash provided by (used in) financing activities	(191)	822	819
Net increase (decrease) in cash and cash equivalents	5,825	(1,284)	(1,104)
Cash and cash equivalents at the beginning of the financial year	4,870	5,380	4,870
Cash and cash equivalents at the end of the period	10,694	4,096	3,766

2.2 SCHEDULE OF INVESTMENTS

A schedule of Council's investments is provided as at 31 December 2019:

Investments Schedule as at 31/12/19							
Institution	Term	Rate	S&P Rating	Lodgement Date	Maturity	Amount	Total
ANZ	At Call	1.90%	A1+			1,458	1,458
MyState	365 Days	1.90%	A2	2/09/2019	2/09/2020	1,000,000	
My State	120 Days	1.75%	A2	9/11/2019	9/03/2020	1,000,000	
MyState	150 Days	2.20%	A2	12/08/2019	12/01/2020	1,000,000	3,000,000
NAB	180 Days	1.92%	A1+	31/07/2019	31/01/2020	1,000,000	
NAB	180 Days	1.83%	A1+	8/08/2019	8/02/2020	500,000	1,500,000
BOQ	180 Days	1.75%	A2	21/08/2019	21/02/2020	1,000,000	
BOQ	180 Days	1.75%	A2	30/08/2019	27/02/2020	1,500,000	
BOQ	270 Days	1.65%	A2	30/09/2019	26/06/2020	500,000	3,000,000
ME Bank	184 Days	1.70%	A2	21/08/2019	21/02/2020	500,000	500,000
Westpac	180 Days	1.65%	A1+	30/09/2019	30/03/2020	1,000,000	
Westpac	180 Days	1.61%	A1+	31/10/2019	30/04/2020	500,000	1,500,000
Suncorp	207 Days	1.65%	A1	30/09/2019	24/04/2020	500,000	500,000
							10,001,458

Investment Allocation by Credit Rating

Credit Rating	%	Amount	WAIR
A1+	30%	\$3,001,458	1.76%
A1	5%	\$500,000	1.65%
A2	65%	\$6,500,000	1.83%
	100%	\$10,001,458	

Investment Allocation by Bank

Bank	%	Amount
ANZ	0%	\$1,458
MyState	30%	\$3,000,000
NAB	15%	\$1,500,000
BOQ	30%	\$3,000,000
ME Bank	5%	\$500,000
Westpac	15%	\$1,500,000
Suncorp	5%	\$500,000
	100%	\$10,001,458

Council's Treasury Management Policy CP-CBS-SG-038 sets the parameters for management of Council's investment portfolio.

Cash reserves require careful management to both achieve optimum investment incomes and to ensure that cash is available when needed for planned expenditures. Funds are

invested in a manner that allows Council to earn interest on community funds for as long as possible while retaining flexibility in accessing those funds for Council operations.

The primary tool for deciding on how much and how long to invest is the cash flow budget. A buffer of funds is retained in an interest bearing at call account to ensure funds are available to meet the Council's commitments.

Council's risk from exposure to any individual institution is restricted through diversification of the investment portfolio. No more than 40% of Council's total investment portfolio will be invested in any one institution. Council is also mindful of limiting its exposure to institutions with a credit rating of less than A1 and will not invest more than \$3,000,000 with any one institution with a credit rating of less than A1.

2.3 OPERATIONAL REPORT BY DIRECTORATE/DEPARTMENT

This section provides an overview of the operational performance of each department. Forecasts are provided for each department highlighting anticipated variances to budget identified to date.

Explanations are provided for forecast budget variances of \$20,000 or more.

Department	30-Nov	Annual Budget	Forecast	Forecast Variance to Budget	Note
Community & Economic Development					
Burnie Arts & Function Centre	456,606	919,939	920,814	875 Unfavourable	
Burnie Regional Art Gallery	190,586	536,080	530,545	(5,535) Favourable	
Burnie Regional Museum	104,142	292,928	292,883	(45) Favourable	
Burnie Works	(724,231)	85,951	85,951	- Favourable	
Business & Recreation	157,378	218,656	225,926	7,270 Unfavourable	
CED Management	218,001	347,710	352,076	4,366 Unfavourable	
Community & Youth	163,034	296,308	295,872	(436) Favourable	
Marketing & Events	184,315	499,811	507,166	7,355 Unfavourable	
Visitor Information Centre	186,461	449,133	455,132	5,999 Unfavourable	
Community & Economic Development Total	936,294	3,646,516	3,666,365	19,849 Unfavourable	
Corporate & Business Services					
Accounting Services	(30,631)	(1,513)	(5,941)	(4,428) Favourable	
Information Management	85,520	190,686	207,559	16,873 Unfavourable	
Information Technology Services	(27,793)	128,970	89,076	(39,894) Favourable	1
Revenue Services	196,439	430,046	409,510	(20,536) Favourable	2
Strategic and Governance	(15,582,782)	(15,699,821)	(15,641,602)	58,219 Unfavourable	3
Corporate & Business Services Total	(15,359,247)	(14,951,632)	(14,941,398)	10,234 Unfavourable	
Employee Oncost Recovery					
Oncosts	58,306	-	-	- Favourable	
Employee Oncost Recovery Total	58,306	-	-	- Favourable	
Land & Environmental Services					
Compliance Support	(342,256)	(645,042)	(646,599)	(1,557) Favourable	
Development Services	322,278	711,159	743,061	31,902 Unfavourable	4
Management LES	155,675	325,371	323,571	(1,800) Favourable	
Land & Environmental Services Total	135,697	391,488	420,033	28,545 Unfavourable	
Office of the General Manager					
Executive Management	227,539	499,303	476,859	(22,444) Favourable	5
People & Safety	(17,846)	12	(23,021)	(23,033) Favourable	6
Office of the General Manager Total	209,693	499,315	453,838	(45,477) Favourable	
Works & Services					
Cemetery Services	(1,302)	(3,221)	(3,221)	- Favourable	
Facilities Management	1,031,765	2,168,587	2,150,699	(17,888) Favourable	
Management WS	(265,753)	(20,982)	(22,493)	(1,511) Favourable	
Parks & Reserves	928,714	871,210	870,583	(627) Favourable	
Sporting Grounds	517,535	1,470,451	1,462,343	(8,108) Favourable	
Stormwater Services	(1,039,695)	(461,939)	(468,407)	(6,468) Favourable	
Transport Services	2,375,129	4,225,634	4,099,118	(126,516) Favourable	7
Waste Management	(2,195,407)	-	(24,128)	(24,128) Favourable	8
Works & Services Total	1,350,986	8,249,740	8,064,494	(185,246) Favourable	
Total	(12,668,271)	(2,164,573)	(2,336,668)	(172,095) Favourable	

Corporate & Business Services***1. Information Technology Services***

This business unit is where costs associated with the maintenance of business systems used to assist Council in achieving its objectives and the management of Council's IT resources and infrastructure.

The favourable forecast variance to budget of \$40k for Information Technology Services is due to a reduction in contract costs relating to system development.

2. Revenue Services

The Revenue Services department levies and collects all Council revenue including rates and charges. The department provides a first point of contact for all customers' enquiries and plays a key role in ensuring that the community is able to access information in a professional, informative and expedient manner.

The favourable forecast variance to budget of \$21k for Revenue Services is due to lower than budgeted employee benefits due to a staff vacancy.

3. Governance and Strategic

This business unit provides the overall governance focus for Council. General rate revenue and expenses attributed with Councillors, the compilation of Council agendas and minutes, the facilitation of civic and ceremonial events, the oversight of insurance, organisational policies and by-laws, as well as attendance to Council's legislative imperatives are captured here.

The unfavourable forecast variance to budget of \$58k for Strategic & Governance is predominately due to lower than budget interest income on Council's term deposits due to reductions in the RBA cash rate.

Land and Environmental Services***4. Development Services***

The development services business unit includes land use planning, building compliance and environmental health.

The unfavourable forecast variance to budget of \$32k for Development Services is due to higher than budgeted employee costs.

Office of the General Manager***5. Executive Management***

This business unit provides strategic leadership and direction to Council and focuses on the development of strategic projects, effective communications both within and outside Council, and managing the overall performance of Council.

The favourable forecast variance to budget of \$22k for Executive Management is due to staffing vacancies.

6. People & Safety

This business unit provides professional services relating to health, safety, risk management and human resource advice.

The favourable forecast variance to budget of \$23k for People and Safety is due to a staff vacancy which has now been filled.

Works and Services**7. Transport Services**

Transport services is where the costs relating to construction and maintenance of Council's local roads network, maintenance and management of road reservations is captured.

The favourable forecast variance to budget of \$126k for Transport Services is predominately due to receiving funds for natural disaster funding from the floods of June 2016.

8. Waste Management

The Waste Management business unit provides waste management services including domestic garage collection, recycling, commercial garbage and litter bin collections and operation of the Burnie Waste Management Centre. This area includes maintenance and management of Burnie's CBD and street cleaning.

The favourable forecast variance to budget of \$24k for Waste Management is due to higher than budgeted rates income (\$11k) and lower than budgeted rates discount costs (\$9k).

2.4 RECEIVABLES ANALYSIS

The receivables analysis summarises all current amounts owed to Council as at the end of the reporting period. Graphical analysis is provided for the breakup of main receivable categories.

Receivables Analysis as at 31 December 2019

	<u>Total</u>	<u>Current - 30 Days</u>	<u>60 Days</u>	<u>90 Days</u>	<u>120+ Days</u>
Trade Debtors					
Sundry Debtors	275,208	245,439	18,518	2,726	8,525
Reserved Parking Spaces	10,099	8,602	209	80	1,209
Burnie Venues & Catering	14,800	10,360	1,213	3,228	
Lease Debtors	28,641	27,954	-	-	688
Business & Recreation Debtors	39,085	38,020	75		990
Waste Debtors	68,945	68,794	101	306	(257)
Total Trade Debtors	436,778	399,168	20,115	6,340	11,154
Goods & Services Tax	225,092				
Infringements & Parking	1,324,484				
Other Receivables	389,290				
Rates & Charges	5,677,955				
Allowance for Impaired Debts	(1,091,745)				
Total Receivables	6,961,854				

Infringements & parking

	Dec-19		Dec-18		Movement	
	Count	Balance	Count	Balance	Count	Balance
Issued 2020	2,251	139,901			2,251	139,901
Issued 2019	1,548	149,875	1,873	126,701	(325)	23,174
Issued 2018	1,046	75,199	1,451	125,897	(405)	(50,698)
Issued 2017	1,657	57,272	1,714	73,985	(57)	(16,713)
Issued 2016	990	39,029	1,022	47,550	(32)	(8,521)
Issued 2015	585	37,444	639	42,252	(54)	(4,808)
Issued 2014	525	34,415	573	39,205	(48)	(4,790)
Issued 2013	623	37,270	684	42,299	(61)	(5,029)
Issued 2012	531	33,081	565	36,102	(34)	(3,021)
Issued 2011	534	32,460	584	36,236	(50)	(3,776)
Issued 2010	649	24,041	693	27,124	(44)	(3,083)
Issued 2009	763	52,878	810	56,629	(47)	(3,751)
Issued 2008	1,442	71,329	1,472	74,675	(30)	(3,346)
Issued Pre-2007	11,893	546,747	11,933	553,253	(40)	(6,506)
	25,037	1,330,941	24,013	1,281,908	1,024	49,033

2.5 RATES ANALYSIS

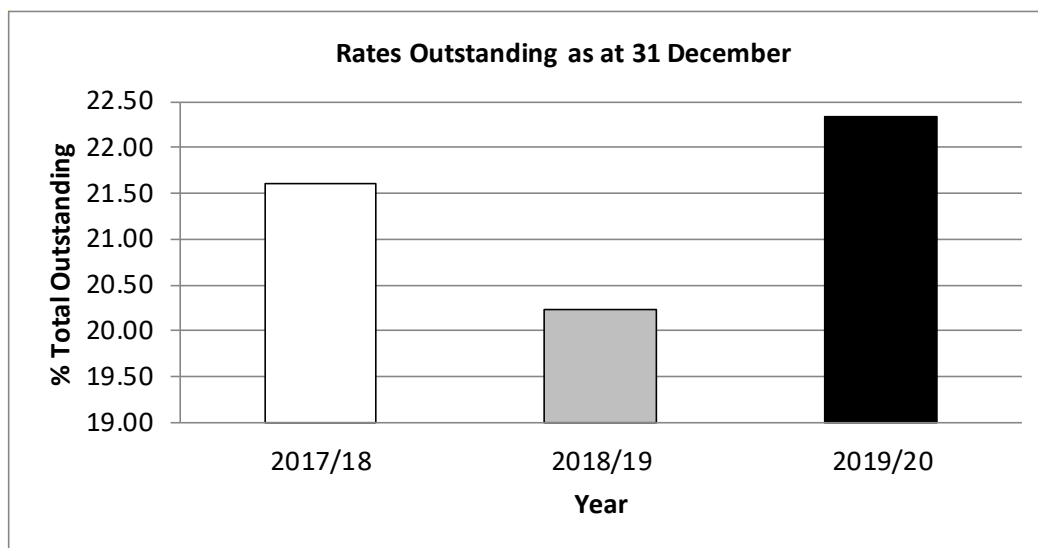
The rates analysis contains a summary of rating transaction movements for 2019/20 including the total levied, the total paid to date and the total unpaid as at the end of the reporting period. Rates are levied in July each year.

Rates Outstanding as at 31/12/2019

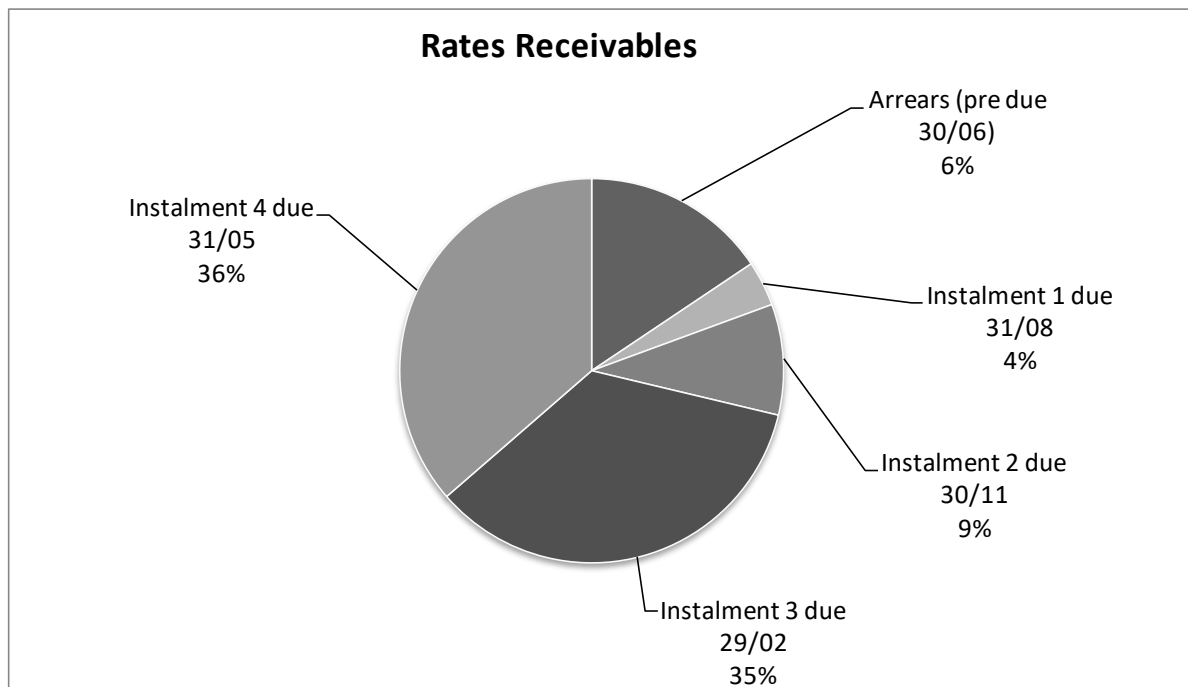
	This Financial Year 31 Dec 2019		Last Financial Year 31 Dec 2018		Change
		\$		\$	\$
Arrears Brought Forward as at July	2.88%	674,513	5.32%	1,239,630	(565,117)
Credit Brought Forward	-0.44%	(103,929)	-2.98%	(692,968)	589,039
Add Current Rates & Charges Levied	97.08%	22,709,789	96.27%	22,412,979	296,810
Penalty	0.22%	52,554	0.19%	45,268	7,287
Supplementary Rates	0.26%	60,891	1.18%	275,583	(214,693)
Gross Rates and Charges Demanded	100.00%	23,393,818	100.00%	23,280,493	113,326
Less: Rates & Charges Collected	73.00%	17,078,223	74.76%	17,403,427	(325,203)
Pension Remission	3.07%	718,732	3.02%	702,954	15,778
Residential Waste Remission	0.08%	19,008	0.08%	18,144	864
Hardship Interest Remission	0.00%	76	0.00%	234	(158)
Private Conservation	0.00%	165	0.00%	105	60
Misc Remissions	0.00%	-	0.06%	12,988	(12,988)
Services Remissions	0.00%	-	0.00%	-	-
Stormwater Remission	0.04%	8,933	0.03%	8,133	800
General Rate Remission	0.00%	-	0.02%	4,611	(4,611)
- Legal Fees	0.00%	(468)	-0.01%	(2,317)	1,849
- Discounts	1.47%	344,877	1.81%	420,970	(76,093)
- Roundings/Adjustments	0.00%	4	0.00%	(2)	5
Sub Total	77.67%	18,169,549	79.76%	18,569,248	(399,699)
Unpaid Rates & Charges as at 31/12	22.33%	5,224,269	20.24%	4,711,244	513,025

		<u>2019/2020</u>		<u>2018/2019</u>
Outstanding as at 31 December		5,597,807		5,048,973
Rates in credit		(373,538)		(337,729)
		5,224,269		4,711,244
Total number of assessments		10,062		10,017
Assessments outstanding	66.25%	6,666	45.7%	4,573
Credit Rates	-7.2%	(373,538)	-7.2%	(337,729)
Arrears (pre due 30/06)	16.7%	873,883	12.1%	569,524
Instalment 1 due 31/08	4.1%	212,250	5.5%	257,170
Instalment 2 due 30/11	10.0%	521,550	9.6%	451,949
Instalment 3 due 29/02	37.4%	1,954,473	39.2%	1,847,347
Instalment 4 due 31/05	39.0%	2,035,650	40.8%	1,922,984
	100.00%	5,224,269	100.00%	4,711,244

There were 6,666 assessments outstanding as at 31 December 2019 compared to 4,573 as at 31 December 2018.



The following graph provides a breakdown of total rates outstanding by instalment:



2.6 CAPITAL EXPENDITURE REPORT

The following report outlines council's YTD capital expenditure compared to budget as at 31 December 2019. Explanations are provided below for project forecast variances to budget of \$20,000 or more.

YTD Capital Expenditure 2019/20						
	YTD Expenditure	Annual Budget	Balance Unspent	Forecast	Forecast Variance to Budget	Note
ROADS						
RURAL ROADS						
Upgrade Programme	581,421	888,920	307,499	890,477	● 1,557	
Rural Roads Resealing	1,223	86,700	85,477	86,700	● -	
Rural Roads Major Patching & Resealing	33,128	146,120	112,992	166,014	⚠ 19,894	
Rural Roads Bridges Programme	25,778	362,900	337,122	362,900	● -	
TOTAL RURAL ROADS	641,550	1,484,640	843,090	1,506,091	✖ 21,451	
URBAN ROADS						
Car Parking Improvements	76,522	151,710	75,188	158,702	● 6,992	
Driveways, Footpaths and Channel	74,548	221,120	146,572	227,987	● 6,867	
Retaining Walls	84,061	450,817	366,756	453,631	● 2,814	
Urban Infrastructure	110,852	409,920	299,068	430,353	✖ 20,433	1
Urban Road Renewal & Upgrades	118,572	520,160	401,588	544,193	✖ 24,033	2
Urban Road Resealing	168,091	985,823	817,732	985,823	● -	
TOTAL URBAN ROADS	632,647	2,739,550	2,106,903	2,800,689	✖ 61,139	
TOTAL ROADS	1,274,196	4,224,190	2,949,994	4,306,780	✖ 82,590	
STORMWATER						
Storm Water Upgrades & Replacements	172,435	652,389	479,954	652,584	● 195	
TOTAL STORMWATER	172,435	652,389	479,954	652,584	● 195	
PARKS, RESERVES AND SPORTING FACILITIES						
General Parks and Reserves	468,645	3,080,893	2,612,248	3,121,224	✖ 40,331	3
Cemeteries	32,150	218,480	186,330	218,980	● 500	
Sporting Grounds & Facilities	180,900	237,076	56,176	277,563	✖ 40,487	4
TOTAL PARKS, RESERVES & SPORTING FACILITIES	681,695	3,536,449	2,854,754	3,617,767	✖ 81,318	
WASTE						
Garbage and Recycling	1,645	42,045	40,400	42,045	● -	
Waste Management Centre	27,553	300,179	272,626	300,179	● -	
TOTAL WASTE MANAGEMENT	29,198	342,224	313,026	342,224	● -	
BUILDINGS						
Sporting Facilities	458,094	656,336	198,242	656,336	● -	
Public Amenities	161,128	474,670	313,542	528,753	✖ 54,083	5
Burnie Arts & Function Centre	17,597	328,240	310,643	328,240	● -	
Burnie Regional Museum	-	-	-	-	● -	
Other Buildings	479,714	1,077,419	597,705	1,115,341	✖ 37,922	6
TOTAL BUILDINGS	1,116,532	2,536,665	1,420,133	2,628,670	✖ 92,005	
PROPERTY, PLANT & EQUIPMENT (PPE)						
Computer Equipment	8,882	438,050	429,168	438,050	● -	
Vehicles	21,802	134,600	112,798	134,600	● -	
Plant	527,200	960,976	433,776	960,976	● -	
Other	158,905	246,416	87,511	278,959	✖ 32,543	7
Parking Equipment	51,160	37,200	(13,960)	51,160	⚠ 13,960	
Furniture & Fittings	13,446	49,295	35,849	49,295	● -	
Heritage Assets	4,949	11,860	6,911	11,860	● -	
TOTAL PLANT/EQUIPMENT/VEHICLES	786,344	1,878,397	1,092,053	1,924,900	✖ 46,503	
TOTAL	4,060,400	13,170,314	9,109,914	13,472,925	✖ 302,611	

Note 1 – Urban Infrastructure

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
CBD Arch Refurbishment	38,524	26,420	38,524	12,104	46%
Replace Footpath - Princes St	22,561	14,232	22,561	8,329	59%

CBD Arch Refurbishment - Budget estimate was inadequate and did not cover additional paint preparation works required

Replace Footpath – Princess St - Approved variation to scope of works for extra concreting and road pavement preparation for sealing

Note 2 - Urban Road Renewal & Upgrades

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
Queen St - William St - Bass Hwy	24,033	0	24,033	24,033	0%

Queen St - William St - Bass Hwy – Last year's budget

Note 3 – General Parks and Reserves

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
Fernglade Reserve - Install new path	53,213	13,779	53,213	39,434	286%

Fernglade Reserve – Install new path – Scope of works has increased as boardwalk sections required.

Note 4 – Sporting Grounds & Facilities

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
Tennis Club Remediation	103,609	75,000	103,609	28,609	38%
Ridgley Bowls Club - Fencing	29,668	17,790	29,668	11,878	67%

Tennis Club Remediation - Refer Council Workshop report for details

Ridgley Bowls Club – Fencing - Unforeseen additional electrical and concrete work required due to latent conditions

Note 5 – Public Amenities

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
Waterfront Playground Toilet	120,253	66,170	120,253	54,083	82%

Waterfront Playground Toilet – Construction costs estimate was greater than the original budget due to a number of factors thus, carried forward funds were not sufficient to fund the balance of the project. To balance across the capital works program.


Note 6 – Other Buildings

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
City Offices - HVAC Chiller Unit Replacement	181,245	153,000	181,245		28,245 18%
City Offices - Flagpole - Aboriginal Flag	9,677	0	9,677		9,677 0%

City Offices – HVAC Chiller Unit Replacement - Refer Council report - Original budget estimate inadequate

City Offices – Flagpole – Aboriginal Flag - Unbudgeted expenditure approved by Council

Note 7 – Other PPE

Project Description	YTD Actual	Annual Budget	Forecast	Forecast Variance	% Variance
Point POS System	4,949	0	4,949		4,949 0%
BRAG - Art Acquisitions	24,446	20,400	24,446		4,046 20%
Asset Failure Contingency - (*)	69,108	51,000	69,108		18,108 36%
Building Revaluation	5,440	0	5,440		5,440 0%

Point POS System – Last year's budget

BRAG – Art Acquisitions – Last year's budget. 2018-19 budget carried forward.

Asset Failure Contingency – (*) Unexpected asset and equipment failures exceeded budget provision

Building Revaluation – Last year's budget

2.7 CONTRACTS AWARDED

The following table shows contracts awarded over \$100,000 (full contract value) during December 2019:

Contract Number	Contract Title	Contractor Registered Business Name and Address	Awarded Date	Initial Term/ Delivery Date	Value of Contract (Ex GST)
Brief 194 (Rev 02)	Contract - Architect Services Brief 194 (Rev 02) - North West Museum and Art Gallery (NWMAG)	Terrior Pty Ltd 181 Elizabeth Street Hobart TAS 7000	15/10/2019	5 months	\$566,473.00
2642	Supply and Delivery of Two (2) Single Cab Tilt Tray Trucks	Webster Trucks 8c Lampton Avenue Derwent Park TAS 7009	3/12/2019	Awaiting Delivery	\$169,333.64
2639	HVAC Maintenance and Repair Services Council Facilities	Airmaster Australia Pty Ltd 21 / 16-18 Goodman Court Invermay TAS 7248	10/12/2019	4 years	\$41,490.00 (per annum indexed)
2635	Supply and Delivery of One (1) 4WD Backhoe	JF Machinery Pty Ltd 288 Georgetown Road Rocherlea TAS 7248	19/11/2019	22/12/2019	\$145,380.00

2.8 CONSULTANTS ENGAGED

The following table lists consultants engaged throughout the current financial year for a cost greater than \$10,000. For the purpose of this table, a consultant is defined as a person or organisation that provides Council with professional advice in areas of strategy, planning or engineering. Consultants are engaged in accordance with Council's policy *Code for Tenders and Contracts CP-CBS-SG-012*.

Reasons that consultants may be engaged:

- A Lack of resource within Council
- B Specialist expertise required
- C Independence
- D Value for money (where Council cannot provide the service as efficiently)
- E Legal requirement

Project	Consultant	Description	Committed \$	Actual \$ LTD	Reason	Funded from	Complete
West Park Grandstand Upgrade	JD2 Consulting	Consultant Brief 192 Architectural Design and Project Delivery	37,170	33,345	B	Capital Works Allocation	No
North West Museum & Art Gallery	Lifecycle Cost Management	Quantity Surveyor Cost Estimating, Stage 1 Services	19,550	1,9550	B	Budget Allocation Required	No
Mooreville Road Upgrade Stage 3	PDA Surveyors	Detail Land Survey and Structures assessment	16,300	9,400	B	Capital Works Allocation	No
Bay Street Upgrade	PDA Surveyors	Detail survey and civil design	15,000	2,500	A/B	Capital Works Allocation	No
Linton Street Upgrade	PDA Surveyors	Detail survey and civil design	21,500	5,500	A/B	Capital Works Allocation	No
West Ridgley Culverts Upgrade	Pitt & Sherry	Detail design of culverts	29,920	29,920	A	Capital Works Allocation	Yes
North West Museum & Art Gallery	Terrior	Stage 1 Services – Concept and Design Development	566,473	217,228	B	Capital Works Allocation	No

2.9 GOVERNANCE – USE OF COUNCIL SEAL

9 December 2019	Adhesion Order – 65 West Park Grove, Park Grove – CT 63214/6 and CT 63214/5
12 December 2019	Burnie Interim Planning Scheme 2013 – Scheme Amendment No. 2019/3 – 10 Smith Street and 17, 19 & 21 Anglesea Street, Wivenhoe – CT 216413/8, CT 76195/9, CT216005/10, CT 232168/1, CT 167400/1, CT 223549/1, CT 77451/1, CT 77451/2, CT 60836/1, CT 60836/2, CT 231380/1, CT 231381/1 and CT 222644/1
19 December 2019	Deed of Variation of Lease – Lease of Car Park – Acton Recreation Ground

COUNCIL RESOLUTION**Resolution number: MO018-20****MOVED:** *Cr G Simpson***SECONDED:** *Cr A Keygan****“THAT the General Manager’s Information Report for Corporate and Business Services for December 2019 be noted.”***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

AO025-20 COMMUNICATIONS JOURNAL JANUARY 2020

FILE NO: 2/17/3
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.2	Inform the community of key decisions and actions of Council.

1.0 RECOMMENDATION:

“THAT Council note the information contained in the Communications Journal as listed.”

2.0 SUMMARY

The purpose of the Communications Journal section of the Agenda is to provide Council with relevant general communication items received that need to be brought to the attention of Councillors.

Items contained in this monthly report are generally for noting. Any specific correspondence items which require an officer’s comment and a recommendation are tabled in the reports immediately following this one.

3.0 MAYOR’S COMMUNICATIONS

The Mayor advised that the following meetings, events or appointments were attended since the last Council Meeting report:

- UTAS Consultative Committee Meeting
- Burnie City Council – 25 Year Club Luncheon
- Exhibition Opening – Ship to Shore
- Exhibition Opening - Eamon O’Toole: BigBoysToys
- Stella Maris End of Year Celebration
- Working lunch with Hon Mark Coulton MP and Gavin Pearce
- Burnie Community House – 35 Year Celebration
- Marist Regional College - Evening of Excellence
- UTAS Town and Gown Parade and Graduation Ceremony
- Meeting with Hon. Michael Ferguson MP and Mayor Robbie Walsh (WWC) - North-West Coastal Pathway
- Christmas Luncheon with Hon Will Hodgman MP (Premier) and Tasmanian State Liberal Team

- 2030 Tourism Industry Forum
- Cruise Ship Welcome on the Wharf – Vasco Da Gama
- Natone Primary School – Celebration Evening
- Ridgley Primary School – End of Year Assembly
- Cradle Coast Authority – Councillors Christmas Get Together
- Cruise Ship Welcome of the Wharf – Queen Elizabeth
- Montello Primary School – Grade 6 Graduation and Presentation Dinner
- Havenview Primary School – End of Year Assembly
- Cruise Ship Welcome of the Wharf – Queen Elizabeth
- Cruise Ship Welcome on the Wharf – Vasco Da Gama
- Cruise Ship Welcome on the Wharf – Silver Muse
- Cruise Ship Welcome on the Wharf – Noordam
- Cruise Ship Welcome on the Wharf – Regatta
- Cruise Ship Welcome on the Wharf – Maasdam
- NW Tasmanian Liliium Society - Burnie Liliium Show
- Cruise Ship Welcome on the Wharf – Regatta
- Meeting with Hannah Saddler, Carly Franks and Moyra Roberts-Thompson (Climate Change Event Organisers)
- Business North West – General Meeting
- Cruise Ship Welcome on the Wharf – Sun Princess
- Meeting with Minister Mark Shelton MP

The Mayor advised that the following meetings, events or appointments were attended on his behalf since the last Council Meeting report:

- LGAT General Meeting - attended by Cr Ken Dorsey
- Children's University Tasmania Graduation – attended by Deputy Mayor Giovanna Simpson
- Cooe Primary School – End of Year Assembly – attended by Deputy Mayor Giovanna Simpson
- Leighland Christian School - Awards Evening – attended by Deputy Mayor Giovanna Simpson
- School of Special Education NW - End of Year Assembly – attended by Cr Ken Dorsey
- Burnie High School – Presentation Evening – attended by Cr Chris Lynch
- Burnie Primary School – 2019 Celebration Assembly – attended by Cr Amina Keygan
- Parklands High School – Presentation Assembly – attended by Deputy Mayor Giovanna Simpson
- Romaine Park Primary School – End of Year Assembly – attended by Deputy Mayor Giovanna Simpson

4.0 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	23 December 2019	
Councillors in attendance	Mayor Kons, Deputy Mayor Simpson, Cr Dorsey, Cr Pease	
Apologies	Cr Boyd, Cr Brumby, Cr Bulle, Cr Keygan, Cr Lynch	
Items Discussed	NWMAG - Design review	Discussion with Councillors

5.0 CORRESPONDENCE FOR NOTING

The following correspondence is **attached** for noting.

ATTACHMENTS

1. [Download](#) Correspondence received from Hon Elise Archer MP, Minister for the Arts - North West Museum and Art Gallery (NWMAG)
2. [Download](#) Correspondence received from the Director of Local Government - Notification of resignation
3. [Download](#) Correspondence received from the Office of the Valuer-General - Rating Valuations for Home Based Businesses
4. [Download](#) Correspondence received from Roberts Ltd - Centralisation of Tasmanian stock saleyards

COUNCIL RESOLUTION

Resolution number: MO019-20

MOVED: Cr G Simpson

SECONDED: Cr A Keygan

“THAT Council note the information contained in the Communications Journal as listed.”

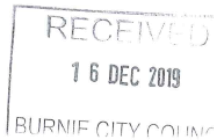
For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Attorney-General
Minister for Justice
Minister for Corrections
Minister for Building and Construction
Minister for the Arts
Minister for Racing

Level 10 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7739
Email Minister.Archer@dpac.tas.gov.au



12 DEC 2019

Mayor Steve Kons
Burnie City Council
PO Box 973
BURNIE TAS 7320

Steve

Dear Mayor Kons

Thank you for your letter dated 25 November 2019 regarding the new North West Museum and Art Gallery (NWMAG).

I am interested to learn more about the proposal and the strategy that underpins it. I am also interested to hear of the project scope, the partnerships that are developing, and the proposed governance and funding model that will shape and realise the cultural vision of the NWMAG.

At this time, a project of this scope would be most appropriately considered through a submission to the 2020-21 State Budget Community Consultation process. Details on how to best make a submission are available at www.treasury.tas.gov.au/budget-and-financial-management/guidelines-instructions-and-legislation/budget-guidelines/budget-community-consultation/2020-21-state-budget-community-consultation.

My office will be in contact to arrange a time to meet in the New Year.

Yours sincerely

A handwritten signature in blue ink, appearing to be "Elise Archer", followed by a checkmark.

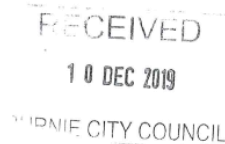
Hon Elise Archer MP
Minister for the Arts

Department of Premier and Cabinet

Executive Building 15 Murray Street HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: 1300 135 513 Fax: (03) 6233 5685
Web: www.dpac.tas.gov.au



Cr Steve Kons
Mayor
Burnie City Council
PO Box 973
BURNIE TAS 7320



Dear Mayor

As advised to Mayors present at LGAT's Professional Development day, I have some news to share with you in that I will be moving on from the position of Director of Local Government to take up a role in the Department of Education. I will finish up on Christmas Eve.

I would like to thank you for the opportunity to work with you and your council over the past three years. I have personally learnt a lot and appreciated the opportunity to get to know councillors and council staff in that time. There are some very capable and talented people in local government. Their leadership will be vital to ensure that sustainable council services can be delivered to meet the needs of Tasmania's significantly changing communities of interest.

I expect the Department will advise the sector on who will be appointed to the Director of Local Government position soon.

I wish you and your Council, and importantly your community, the best for the future.

Yours sincerely

Alex Tay
Director of Local Government

6 December 2019

Department of Primary Industries, Parks, Water and Environment

OFFICE OF THE VALUER-GENERAL

GPO Box 44 HOBART TAS 7001
Web www.dpipwe.tas.gov.auEnquiries: Tim Grant
Ph: 03 6165 4666
Mob: 0418 556 953
Tim.Grant@dpipwe.tas.gov.auAndrew Wardlaw
General Manager
Burnie City Council
PO Box 973
Burnie TAS 7320By email: burnie@burnie.net

Dear Sir,

RATING VALUATIONS OF HOME BASED BUSINESSES

I refer to your letter dated 30 August 2019 in relation to Rating Valuations for Home Based Businesses. I apologise for the delay in my response.

I have discussed this issue with the valuation contractor Karl Cundall, ValueIT Pty Ltd, who undertook the recent Fresh Valuation of Burnie.

The query refers to "**home based businesses** operating from **residential premises**". These terms can mean different things to different people.

A home based business is where the business is operated out of the same place where the operator of that business lives. It doesn't necessarily mean that the occupier owns the property but often this is the case. There is a range of usage from someone operating their business via a computer on a desk, through to a tradesperson having a large shed from which they operate their business, which all can be classed as home based business.

Sometimes the residential property is located within a Commercial or Industrial zone, and sometimes in a Residential zone. Usually, the home based business is secondary or ancillary to the residential usage.

From a valuation perspective the home based business that utilizes a desk/computer in a bedroom or study will not influence the valuation, as this use is very mobile and portable and doesn't influence the rental that the residence can achieve. If, however, modifications are required to the property, such as conversion of room/s to a Hair Salon, or the building of a shed to operate the business from, these can be assessed either by a Supplementary Valuation or during the Fresh Valuation process and reflected in the Capital Value and AAV assessments.

Where the home based business has a clearly identifiable area, that can be classed as separately occupiable, separate tenancy assessments for the dwelling and "business premise" are created.

Where this is not the case and the business occupation is not separately identifiable, one assessment for the property is returned, but it reflects the physical improvements used to operate that business. Consequently, the valuations reflect the improvements on the property.

Where a home based business has an advertising sign on the front of the property, during the Fresh Valuation process an inspection is undertaken, to ensure that the valuer considers whether there are improvements relating to that business operation, that need to be reflected in the valuations returned on that property.

Regarding B&B's or Air BnB and other forms of similar tourist accommodation, it depends on the extent of the usage, and any modifications to residential premises that have been undertaken such as the introduction of ensuites etc. The valuer's task is to reflect market values, and when such modifications increase the value of property, as shown by sales evidence, they will be reflected in the valuations returned.

The use of a spare bedroom for Air BnB is unlikely to be reflected in higher valuations. At this stage, when being sold as a vacant dwelling, there is nothing to distinguish this property from other residential properties. However, if the property has been modified with additional ensuites and such like, these will be reflected in the valuations returned.

The Statutory Valuations are based on the definitions of value, as contained in the *Valuation of Land Act 2001*. Where any home based business use is operating to such a degree, that the improvements are modified or built, and the values of the property are affected, they will be reflected in the valuations returned. If the home based business can be sustained where there are no changes to the property, and the rental value of that property is not influenced by the business use, then the values returned will be the same as similar adjoining properties.

The valuations returned on Fresh Valuation for commercial and industrial premises, reflect the real estate market at the time of the valuation. These valuations (and all other valuations) are based on market evidence, such as sales and rental information. Therefore, I consider that the valuation process is equitable for all commercial operators when this office is advised of changes through the supplementary valuation process or they are identified on Fresh Valuation.

Yours sincerely



Tim Grant
VALUER-GENERAL

12 December 2019

20 January 2020

Mr Andrew Wardlaw
General Manager
Burnie City Council

Dear Andrew

Centralisation of Roberts Ltd's Tasmanian stock saleyards

I am pleased to share news that will improve Nutrien Ag Solutions' service offering to the livestock industry and maximise the opportunity for Tasmanian livestock producers.

In 2020, we will centralise our Tasmanian prime market sales at our Powranna saleyards, utilising this state-of-the-art facility to provide a single saleyard that meets environmental, animal welfare and safety best practices. We believe this will allow us to create a vibrant multi-agent selling centre with strong buyer support and improved bidding competition for our clients' stock.

To facilitate this, our intention is to close and decommission the Quoiba saleyards by the middle of 2020 and transition all sales to Powranna. Monthly store sheep sales will remain at Oatlands.

The Powranna facility will be rebranded as Tasmania Livestock Exchange and will be run as a separate operation. Other agencies will be given the opportunity to yard livestock in Tasmania Livestock Exchange under a user agreement similar to other selling centres across Australia.

The Tasmania Livestock Exchange will offer vendors and users access to infrastructure that supports improved occupational health and safety and animal welfare outcomes. The site is also more environmentally friendly. The site currently handles annual sales of 15,000 cattle and 70,000 sheep and has the capacity to increase to 40,000 and 150,000 respectively.

The transition will begin in February 2020 and is expected to be completed by the end of June 2020. All agents currently operating at the Quoiba saleyards will gradually move their operations to Powranna. A small number of casual staff employed on sale-days at Quoiba may not make this transition.

The Quoiba yards have served us well for many years, but the move to industry best-practice yards will allow us to meet and exceed regulatory standards and community expectations, and to provide a high-quality service, into the future.

If you have any questions or concerns about the transition, please contact Rafe Bell on 0419 120 702 or myself on 0418 130 414.

Regards



John Tuskin
General Manager Tasmania
Roberts Limited

418 Evandale Road, Western Junction, Tas 7212
Ph (03) 6391 6555 | Fax (03) 6391 8579
WWW.ROBERTSLTD.COM.AU | BUILDING THE FUTURE

Roberts
A RURALCO BUSINESS

Cr T Brumby left the meeting, the time being 8.18pm

**AO026-20 COMMUNICATIONS JOURNAL - THE SALVATION ARMY
AUSTRALIA TERRITORY (BURNIE CORPS) - BUSHFIRE APPEAL
FUNDRAISER - BURNIE'S BIT**

FILE NO: 2/17/3; 944145

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:

“THAT Council agree to provide support of up to \$3,773 to the Salvation Army Bushfire Appeal Fundraiser – Burnie’s Bit.”

2.0 SUMMARY

Correspondence has been received from The Salvation Army Australia Territory (Burnie Corp) requesting the support of Burnie City Council for their Bushfire Appeal Fundraiser – Burnie’s Bit on Saturday, 1 February 2020.

3.0 GENERAL MANAGER’S COMMENTS

The event organisers have requested the following to conduct the Fundraiser Event at the Burnie Arts and Function Centre.

- Town Hall hire for set up on Friday = \$420.00
- Town Hall hire for Saturday = \$1173.00
- PA system hire in Town Hall = \$165.00
- PA system hire in Foyer = \$110.00
- PA system hire Civic Plaza = \$165.00
- Technicians x 2 between 11am and 5pm @ \$65.00 per hour = \$780.00
- One Technician between 5pm and 11pm @ \$65.00 per hour = \$390.00
- Cleaning \$195.00
- Kitchen \$375.00 (to be confirmed)

Total including kitchen is \$3,773.00. This includes direct staffing costs of \$1,640.

Normally, the event would attract a community subsidy of \$956, meaning that Council is being asked to make a further contribution of \$2,817.

The organisers have also requested the following equipment:

- 4 large gazebo's and weights
- Bean Bags
- 6 trestle tables
- 12 large round tables
- 14 small round tables
- 128 chairs
- 5 witch's hats

At the time of writing, Council Officers are seeking to accommodate the equipment request, however there are three other events in Burnie that day also requiring equipment (Sidewalk Sell-out, Beach Party, Tennis Challenger event).

While there is a risk that this support will set a precedent for Council given the many worthwhile causes that hire the Burnie Arts and Function Centre, it is clear the recent bushfires around Australia have resulted in widespread community support and a desire to raise funds for devastated communities, both nationally and internationally. In that context, it is recommended that Council agree to waive the costs of hire and staffing for this event, with these funds paid from Council' community access fund for the BAFC.

ATTACHMENTS

- 1 [↓](#). Correspondence from The Salvation Army Australia Territory (Burnie Corps) - Bushfire Appeal Fundraiser - Burnie's Bit

COUNCIL RESOLUTION**Resolution number: MO020-20****MOVED:** *Cr A Keygan***SECONDED:** *Cr D Pease****“THAT Council agree to provide support of up to \$3,773 to the Salvation Army Bushfire Appeal Fundraiser – Burnie’s Bit.”*****For:** Cr S Kons, Cr A Boyd, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.**Against:*****CARRIED UNANIMOUSLY***

Cr T Brumby returned to the meeting, the time being 8.18pm

**The Salvation Army Australia Territory**

Burnie Corps

99 Wilson Street Burnie, Tasmania, 7320
PO Box 134, Burnie, Tasmania, 7320

P 03 6430 4100

Burnie City Council
80 Wilson Street
Burnie, Tas, 7320

Dear Andrew,

As we are all aware the national bushfire crisis is affecting every state and territory in Australia. Resources are stretched as we battle to face what has turned out to be a horrific fire season in Australia.

At The Salvation Army we have had many people in our community contacting us wanting to help in some way but not sure how to help those affected by these fires.

Due to the overwhelming response of concern from our community we would like to host a fiesta, 'Burnie's Bit' at the Burnie Arts and Function center in Burnie on Saturday the 1st of February.

We believe that together we can make a difference from a distance.

While our primary focus is to raise money for the victims of the bushfires we also see the benefit such an event will have on our community as we gather together to support our country.

We do have a few members of the council on our team who are helping with the facilitation of this event.

As you can understand we would like to maximise the generosity of our community by ensuring all funds raised will go directly to bushfire assistance and recovery.

We would greatly appreciate it if the council could consider waiving, the hire fees of the Arts and Function Centre for this event. It would also be of great assistance to us if we were able to meet with a staff member from the events team at council to assist with the execution of the event the week prior particularly to assist us with items that may be available for the event eg. Table and chairs.

I thank you for taking the time to consider our request and ways the council can assist us.

Kind Regards

Belinda Smith, Captain

Founder **William Booth**
General **Brian Poddie**
Territorial Commander **Commissioner Robert Donaldson***Wherever there is hardship or injustice, Salvos will live, love and fight
alongside others to transform Australia one life at a time with the love of Jesus***salvationarmy.org.au**

**AO027-20 COMMUNICATIONS JOURNAL - BURNIE HISTORICAL SOCIETY INC
- NWMAG - RELOCATION OF THE OLD BURNIE INN****FILE NO:** 2/17/3; 5/5/147; 944149**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1	AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.2	A community that celebrates and participates in its arts, culture and heritage.
Strategy	1.2.3	Support projects and initiatives that promote our cultural heritage and history through a variety of formats.

1.0 RECOMMENDATION:

“THAT Council advise the Burnie Historical Society that due to the regional focus and budget for the North West Regional Museum and Art Gallery, it will not be relocating the Burnie Inn to the new cultural facility.”

2.0 SUMMARY

Correspondence has been received from the Burnie Historical Society Inc requesting consideration of the relocation of the old Burnie Inn to the new NWMAG precinct.

3.0 GENERAL MANAGER’S COMMENTS

While the Burnie Inn is of local significance and importance, the new North West Museum and Art Gallery will have a much broader regional focus, telling the stories which are of relevance to the entire region, rather than just locally.

The NWMAG is also constrained by budget and space, with the relocation to and accommodation of, the Burnie Inn within the new facility either internally or externally adding a significant cost to the Project, which is already projected to be \$18 million.

While Council will need to review the future of the Burnie Inn at some stage, it is recommended that the Historical Society be advised that due to the above factors, Council will not be considering the Burnie Inn as part of the new cultural facility.

ATTACHMENTS

1. [Correspondence from Burnie Historical Society Inc - Concept Plans for the new NWMAG and relocation of the old Burnie Inn](#)

COUNCIL RESOLUTION**Resolution number: MO021-20****MOVED:** *Cr A Keygan***SECONDED:** *Cr D Pease*

“THAT Council advise the Burnie Historical Society that due to the regional focus and budget for the North West Regional Museum and Art Gallery, it will not be relocating the Burnie Inn to the new cultural facility; and invite the Burnie Historical Society to a workshop with Council.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Subject: Concept Plans for the new NWMAG - Relocation of the old Burnie Inn

From: Brian Rollins

Sent: Monday, 6 January 2020 2:39 PM

Subject: Concept Plans for the new NWMAG - Relocation of the old Burnie Inn

Dear Mayor Kons, Councillors and General Manager,

I write on behalf of the Burnie Historical Society.

The BRM's Curator Georgia Wade has forwarded concept plans of the new NWMAG to the BHS for our members' information and comment.

Our committee met on Thursday 19 December. While our members have been encouraged to comment individually to Georgia, committee felt the need to highlight to Council that there appears to be no provision for transferring the old Burnie Inn to the new NWMAG.

The Burnie Inn is the town's oldest surviving building. While its removal from the original site on Marine Terrace back in 1973 ensured its preservation, it is languishing in the current position in Burnie Park. It appears well cared for (all credit to the Caretaker), but is disused and out of the way for proper appreciation of its heritage values.

In recent years Mr Bob Brunetti has gone to considerable effort to investigate the relocation of the Inn to the Civic Centre precinct. It seems to us that with the upcoming redevelopment there can be no better time to achieve this worthy object.

The historic value of this building is beyond doubt, but it begs the question – what is achieved by leaving the Inn where it is now?

Certainly there is cost and inconvenience in shifting it one final time.

However, in its state of disuse in the damp environment near Shorewell Creek, it is not serving the public interest particularly well. If relocated, and perhaps placed under cover, the cost of ongoing maintenance is likely to be much less. We – you and the ratepayers of Burnie – have a responsibility to protect this building far into the future.

The Inn could become an actively used and integral part of the NWMAG facility, supporting the building's ongoing preservation, and at the same time allowing fuller appreciation of its cultural heritage – in the precinct specifically set aside for that activity.

It would also be fitting in an historical context for the Inn to be relocated to the NWMAG precinct.

The original builder and owner of the c.1847 Inn, Joseph Law, also purchased a VDL Co Forest Farm, Lot 12 of 86 acres, in 1854. The BRM and Civic Centre stand on part of Law's old farm property. It would be almost like bringing the Inn 'home' again as it cannot go back to the original site on Marine Terrace at Centrelink. And Joseph Law's only two children, whose early childhoods would have been spent playing on the Inn's verandah, would again be brought closer to the haunts of their past. Both daughters died of consumption at far too early an age (17 and 29) and were buried close-by in the old View Road cemetery.

We strongly urge Council to give active consideration to the relocation of the Burnie Inn and to 'bite the bullet', once and for all.

Yours sincerely,
Brian Rollins
Secretary
Burnie Historical Society Inc.
burnie.history@gmail.com



**AO028-20 COMMUNICATIONS JOURNAL - FRIENDS OF THE BURNIE
REGIONAL ART GALLERY - REVISITING WINTER WEEKEND
CLOSURES****FILE NO: 2/17/3; 944175****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:

“THAT Council review the winter weekend closure of the Burnie Regional Art Gallery and Burnie Regional Museum during the 2020/21 budget considerations.”

2.0 SUMMARY

Correspondence has been received from Friends of the Burnie Regional Art Gallery requesting Council reconsider weekend closures of the Burnie Regional Art Gallery and Burnie Regional Museum over the winter period.

3.0 GENERAL MANAGER’S COMMENTS

As was noted at Councils meeting in November 2019, this request will need to be discussed as part of the 2020/21 budget preparations noting that if the Gallery remains open, there will be an expectation that the Museum will also remain open. Management is planning to undertake a survey of visitors to both facilities in 2020.

ATTACHMENTS

1. Correspondence from Friends of the Burnie Regional Art Gallery - Request to revisit Winter Weekend Closures of the Burnie Regional Art Gallery and Burnie Regional Museum

COUNCIL RESOLUTION

Resolution number: MO022-20

MOVED: *Cr G Simpson*

SECONDED: *Cr A Boyd*

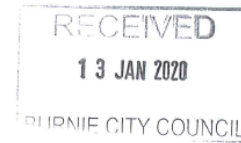
“THAT Council review the winter weekend closure of the Burnie Regional Art Gallery and Burnie Regional Museum during the 2020/21 budget considerations.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

Friday 10 January 2020



Cr Steven Kons – Mayor
Burnie City Council
80 Wilson Street
BURNIE TAS 7320

Dear Mayor Kons

Re: Revisiting Winter Weekend Closures

At a meeting of the Burnie Regional Art Gallery Advisory Committee held Monday 18 November 2019, the committee discussed at length the appropriate action for it to request the Burnie City Council re-visit weekend closures of the Gallery and Museum over the winter period.

Advisory Committee members expressed concern that the negative public feeling and general confusion over opening hours at Burnie's two major cultural and heritage facilities (the Regional Museum and Gallery), will have wider and long-term impacts on the city's reputation as a welcoming community in the North West. Any perceived cost-saving achieved by winter closure may be offset by negative public relations. Further, the committee understands that while we expect things to be slower in the winter, visiting the Gallery or Museum offers inexpensive activities for Burnie residents and visitors to the region.

Sincerely

A handwritten signature in dark ink, appearing to read "E. Austin".

Eleanor Austin, Chair, Friends of the Burnie Regional Art Gallery and Committee Member

Neil Thorne, Committee Member

A handwritten signature in dark ink, appearing to read "Neil Thorne".

For the Burnie Regional Art Gallery Advisory Committee

cc: M Neasey – Executive Manager Corporate Governance

**AO029-20 COMMUNICATIONS JOURNAL - CRADLE COAST WASTE
MANAGEMENT GROUP - ANNUAL REPORT 2018/2019****FILE NO:** 2/17/3; 2/5/37**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	5	A NATURAL AND BUILT ENVIRONMENT THAT IS RESPECTED AND CARED FOR
Objective	5.4	A region that is energy, water and waste efficient.
Strategy	5.4.3	Support the State and regional strategies in waste reduction.

1.0 RECOMMENDATION:

“THAT Council receive the 2018/2019 Annual Report from the Cradle Coast Waste Management Group.”

2.0 SUMMARY

The Cradle Coast Waste Management Group (CCWMG) has forwarded a copy of their 2018/2019 Annual Report to Council for information.

3.0 GENERAL MANAGER’S COMMENTS

The 2018/2019 Annual Report from the CCWMG, reports on the activities and achievements of the Group over the previous financial year.

The Chairperson’s report can be found on page 10 and provides a detailed overview of the group’s activities during the year.

Key projects of the CCWMG are reported in section 3.2 of the Annual Report and include:

- Illegal dumping funding – to support Council based projects to address illegal dumping. BCC have successfully applied for funding to assist with the cost of clean-up of dumped waste in bushland on the outskirts of our town, e.g. Fernglade Road and Blythe River west bank mouth.
- Best Practice Improvements – funding program to assist Councils to upgrade waste transfer station facilities. BCC have successfully applied for funding to construct an extension to the oil and gas bottles storage shed for e-waste, paint, fluoro tubes etc. which will assist in making these services more visible and accessible to the public within the resource recovery loop at the BWMC.
- Community based recycling initiatives - funding program to assist Community Groups to implement waste collection and diversion initiatives. This is an important initiative

for groups wishing to promote recycling and provided bin toppers to Councils for use at community events.

- Recycling bin assessments – annual audit of recycling bins which provides data to inform the region of where to target programs for maximum effect to achieve the waste management objectives of reducing waste to landfill and increasing sustainability through closed loop initiatives
- Education and promotion – content regularly published on Rethink Waste Facebook and Website and resources developed to assist people to improve resource recovery.
- Public events – Waste Education stall held at Ecofest in Ulverstone.
- Waste Transfer Station diversion Initiatives – awareness campaign targeted at reducing waste to landfill and improving resource recovery rates.

Each of the projects contributes in some way to reducing waste to landfill and diverting materials to alternate uses including recycling, repurposing and reusing. The group continues to monitor and review the opportunity to establish a kerbside collection for Food Organics and Garden Organics (FOGO) throughout the region.

These projects are discussed more fully in the Annual Report. Further, the Rethink Waste website is an excellent resource for Council and the community to learn about how to do more without reinventing the wheel.

ATTACHMENTS

- 1 [!\[\]\(223f1a84e0bc2cacb9c165f716817dcc_img.jpg\)](#). Cradle Coast Waste Management Group Annual Report 2018-2019

COUNCIL RESOLUTION**Resolution number: MO023-20*****MOVED: Cr C Lynch******SECONDED: Cr T Bulle******“THAT Council receive the 2018/2019 Annual Report from the Cradle Coast Waste Management Group.”*****For:** Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.**Against:*****CARRIED UNANIMOUSLY***



Annual Report

Cradle Coast Waste Management Group



2018-19



This report was prepared by:

Cradle Coast Waste Services
Level 1/17 Fenton Way
Devonport TAS 7310
Email: admin@dulverton.com.au
Web: www.dulverton.com.au

ABN: 11 784 477 180

For: Cradle Coast Waste Management Group

©Cradle Coast Waste Management Group/Cradle Coast Waste Services 2019

Contents

GLOSSARY OF ABBREVIATIONS	4
1 INTRODUCTION	5
1.1 Who We Are	5
1.2 Our Principles, Goals and Targets	6
1.3 Regional Waste Trends	8
2 REPORTS	10
Chairperson's Report	10
3 ACTIVITIES UNDERTAKEN FOR YEAR	11
3.1 Regional Contracts	11
a) Mulching of Green Waste Contract	11
b) Regional Recycling Contract	12
c) Regional Cardboard Recycling Contract	14
3.2 Key Projects	15
a) Illegal Dumping Funding (2.2)	15
b) Best Practice Improvements (2.3)	16
c) Community Based Recycling Initiatives (2.5)	17
d) Recycling Bin Assessments (2.6)	17
e) Education & Promotion (2.11)	18
f) Public Events (2.14)	18
g) WTS Diversion Initiatives (2.24)	19
4 ACHIEVEMENTS AGAINST THE 5 YEAR STRATEGY	20
5 FINANCIAL	25
6 SUMMARY	26

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

GLOSSARY OF ABBREVIATIONS

BCC	Burnie City Council
CCA	Cradle Coast Authority
CCC	Central Coast Council
CHC	Circular Head Council
CCWMG	Cradle Coast Waste Management Group
CCWS	Cradle Coast Waste Services
DCC	Devonport City Council
DPIPWE	Department of Primary Industries, Parks, Water and Environment
DWM	Dulverton Waste Management
EPA	Environmental Protection Authority
ERF	Emissions Reduction Fund
FOGO	Food Organics Garden Organics
KC	Kentish Council
LC	Latrobe Council
LGAT	Local Government Association of Tasmania
MRA	MRA Consulting Group
MRF	Materials Recycling Facility
MSW	Municipal Solid Waste
NSRF	National Stronger Regions Fund
NTWMG	Northern Tasmania Waste Management Group
WGPC	Waste Governance Project Coordinator
WSS	Waste Strategy South
WTS	Waste Transfer Station
WWC	Waratah Wynyard Council

4 > ABBREVIATIONS

1 INTRODUCTION

1.1 WHO WE ARE

The Cradle Coast Waste Management Group (CCWMG) was formed in 2007 and represents seven northwest Tasmanian municipal councils participating in the voluntary waste levy including: Burnie City (BCC), Central Coast (CCC), Circular Head (CHC), Devonport City (DCC), Latrobe (LC), Kentish (KC) and Waratah Wynyard (WWC).

It is made up by a representative from each council and includes practitioners skilled in engineering, environmental health, waste management, corporate governance and general management.

The 2018/19 CCWMG representatives include:

- > **Rowan Sharman**, Engineering Representative from the BCC.
- > **Sandra Ayton (Chair)**, General Manager Representative from the CCC.
- > **James Brewer**, Engineering Representative from the CHC.
- > **Matthew Atkins**, Management Representative from the DCC.
- > **Adam Gardner**, Environmental Health Representative from LC & KC.
- > **Dana Hicks**, Service Officer Representative from the WWC.

The Cradle Coast Authority's Chief Executive Officer (CEO) is an ex-officio member of the CCWMG, providing corporate governance support and expertise. The CCA Representatives Group nominate an observer to attend the meetings on their behalf. These members include:

- > **Daryl Connelly**, CEO from the CCA; and
- > **Don Thwaites**, Observer on behalf of the CCA Representatives Group.

The Cradle Coast Waste Services (CCWS), operated by Dulverton Waste Management (DWM), provides project management support and waste expertise to the CCWMG and is represented by:

- > **Mat Greskie**, CEO; and
- > **Mel Pearce**, Project Officer (PO).

The CCWMG's vision is to deliver a sustainable community in the Cradle Coast region of Tasmania by implementing strategies which minimise waste through increases in waste diversion and recovery.



2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

1.2 OUR PRINCIPLES, GOALS AND TARGETS

The CCWMG's *5 Year Strategy 2017 – 2022* was ratified in June 2017 by the Cradle Coast Council's participating in the voluntary waste levy of \$5 per tonne.

The Strategy's four goals are:

1. **Waste diversion:** Diversion of materials from landfill to increase resource recovery, extend the life of existing landfills and reduce greenhouse gas emissions from waste.
2. **Regional planning & efficiencies:** Provide regional planning and coordination of waste infrastructure and services to provide improved resource recovery, delivering efficiencies and reducing costs of services/waste infrastructure.
3. **Partnerships:** Maintain partnerships with government, planning authorities and the 3 waste regions to shape waste management policies and regulation to influence future regulatory requirements and to identify programs and infrastructure best delivered with a state-wide approach.
4. **Community engagement:** Work with the community and industry, through education and feedback, to take ownership of waste avoidance and reuse to improve the use of existing and future services.

The CCWMG have also set measurable and achievable objectives in the Strategy which will allow the CCWMG and member councils to track their progress over the 5-year plan. The objectives take the form of Key Performance Indicators (KPIs), which include:

1. By 2022, divert 50% of all MSW from local government landfill facilities across the region.
2. By 2022, increase the proportion of recycling bin receiving a pass mark as part of the recycling bin assessments to 90% across the region (based on the 2015-16 assessment pass rate of 81%).
3. By 2022, reduce incidents of illegal dumping at hotspot sites by 25% across the region (upon first establishing baseline data from council reports).
4. By 2022, member councils to be collection and reporting a standardised set (for material types, units, etc.) of data in relation to waste and resource recovery activities.

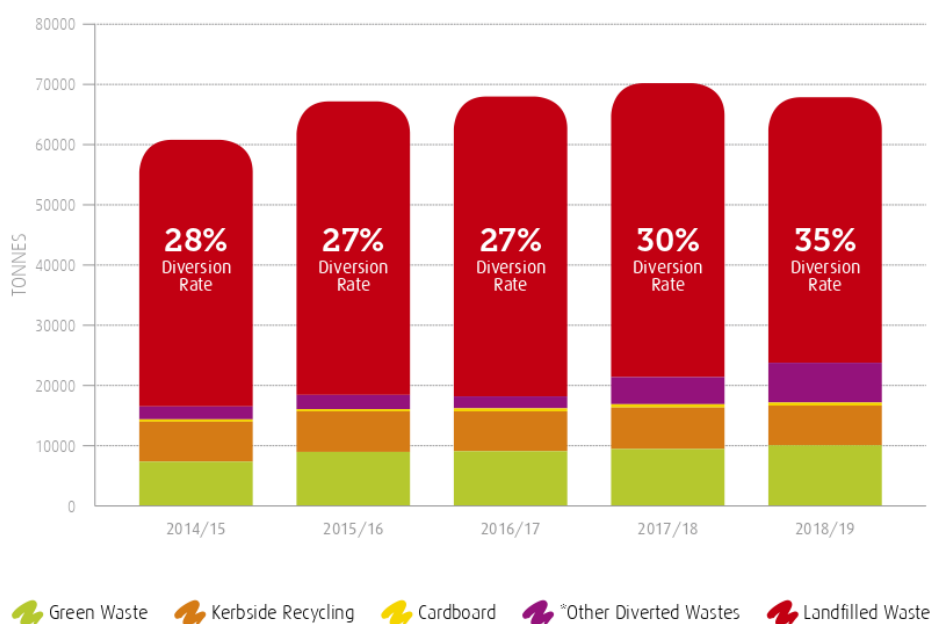
The interim MSW diversion target of 50% took into account the implementation of a kerbside Food Organic Garden Organic (FOGO) collection service, which was estimated to divert approximately 50% (20,000 tonnes) of waste placed into kerbside bins from landfill into composting. In early 17/18 councils determined not to proceed with a FOGO collection and are likely to revisit this project again into the future.

The region continues to perform well achieving a waste diversion rate of 35% in 2018/19, which is a testament to the efforts made to improve resource recovery across the region. The diversion rates should be considered conservative as there are still some Councils who are yet to input data into the regional data collection portal.

Figure 1 displays the tonnes of MSW landfilled by the region compared with the tonnes of wastes diverted.

6 > INTRODUCTION

**Figure 1 – Tonnes of Regional Municipal Waste:
Landfilled vs Diverted**



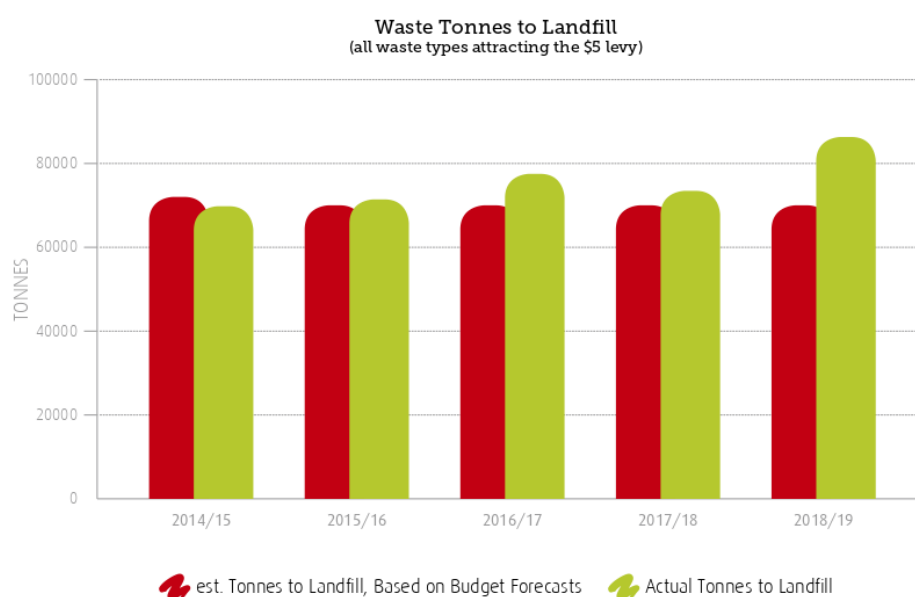
*Other diverted wastes includes the smaller scale recycling initiatives carried out by the regional transfer stations including the recycling of steel, e-waste, tyres, concrete and oil for example.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

1.3 Regional Waste Trends

Waste landfilled at the DWM, Ulverstone (inert) and Port Latta Landfills is charged the voluntary waste levy of \$5 per tonne. Figure 2 displays the tonnes of waste (attracting the \$5 levy) landfilled annually compared with the budgeted waste projections.

Figure 2 – Tonnes to Landfill vs Budgeted Waste Projections



A total of 86,281 tonnes of waste was recorded in 2018/19, a 14% increase from 2017/18 which recorded 73,441 tonnes.

Approximately 50% of this waste is made up of MSW and the remainder is a mixture of waste types generated by the commercial sector.

A number of factors can influence the tonnages of waste to landfill, over the years some standout events include:

- > The mono-cell special project at DWM in 2016/17, resulting in an additional 6,306 tonnes of waste landfilled;
- > Extreme weather events such as the flooding in June 2016, resulting in significant property damage which consequently required landfilling; and
- > Another special project at DWM in 2018/19 charged by cubic meter, resulting in excess of 11,000 cubic metres of waste landfilled.

8 > INTRODUCTION

**Figure 3 – Tonnes of Municipal Solid Waste to Landfill –
Specific Tonnes Received for Each Landfill**

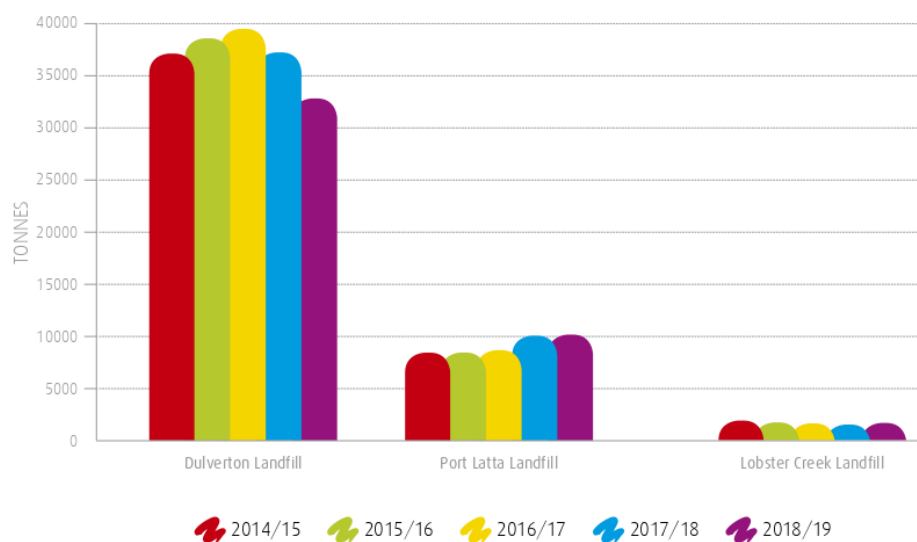


Figure 3 displays the MSW tonnages received at each Council owned landfill since 2012/13. Municipal waste is the term used to describe the waste collected at waste transfer stations (WTS) and from kerbside waste bins.

The Dulverton Landfill predominately receives MSW from BCC, CCC, DCC, KC and LC. In 2018/19 the waste received at the Dulverton Landfill decreased by 12%. This decrease was predominately due to an improved alignment of landfill waste codes conducted by DWM, where waste previously reported by a customer as MSW was reassigned to the Commercial & Industrial Waste category.

Both Lobster Creek (predominately MSW from CCC) and Port Latta (MSW from CHC and WWC) saw a slight increase in MSW landfilled.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

2 REPORTS

CHAIRPERSON'S REPORT

I have pleasure in presenting the Cradle Coast Waste Management Group's Annual Report on behalf of the Group to member Councils.

The report provides an overview of the Group's activities throughout the 2018-2019 financial year, to deliver on the objectives and actions of the 5 Year Strategic Plan for our region. The Group have actioned many projects this last year and I implore you to read through the rest of the Annual Report to understand the activities that have been undertaken. These activities are funded via a voluntary levy on waste deposited to landfill which at present is \$5 per tonne.

Our four key focus areas as highlighted in the Strategic Plan for 2017-2022: • waste diversion; • regional planning and efficiencies; • partnerships; and • community engagement.

The report also provides information that all councils should be aware of to help us in strategically preparing for the future, both within our region and at individual council level. Information such as the tonnes of municipal waste landfilled, green waste mulched, kerbside recycling and cardboard recycling provide targets and trends that should be at the forefront of our thinking, particularly as our Strategic Plan is centred around a major waste diversion target.

This year has seen a focus on progressing the review of governance and waste management arrangements for waste management services within the region.

All seven Councils agreed to investigate and determine the most appropriate governance model to be implemented by the Cradle Coast Waste Management Group. It is pleasing to be able to report that this project has moved forward and all Councils resolved to transition the management of the regional

waste management services, including administration and financial services to a separate project arm of the Dulverton Regional Waste Management Authority.

This will allow greater opportunities within our regional through the availability of specialist skills within the waste area. Once the new governance model has proven successful, Councils will then consider the next stage, which includes the regional delivery of waste management services.

It is pleasing that the State Government is committed to the development of a Waste Action Plan for the State. In June 2019, the Tasmanian Government released its draft Waste Action Plan for comment. We will be watching the development of this Plan with interest as it will have implications for our Regional Waste Management Groups in the strategic areas that the state wishes the EPA, Local Government and the Waste Industry to progress and work together on.

The Cradle Coast Waste Management Group is a Local Government skills-based group hosted by the Cradle Coast Authority (CCA). Participation in the CCWMG is voluntary with representation from Burnie City Council, Central Coast Council, Devonport City Council, Circular Head Council, Latrobe Council, Kentish Council and Waratah-Wynyard Council.

I would like to sincerely thank them for the time and focus that they put into the Group for the benefit of the region. This is on top of their own work at their Councils. I would also like to thank both Dulverton Waste Management and the Cradle Coast Authority for their expertise and dedication of skills to this Group as well. I commend this report to you.

Sandra Ayton, Chair

10 > REPORTS

3 ACTIVITIES UNDERTAKEN FOR YEAR

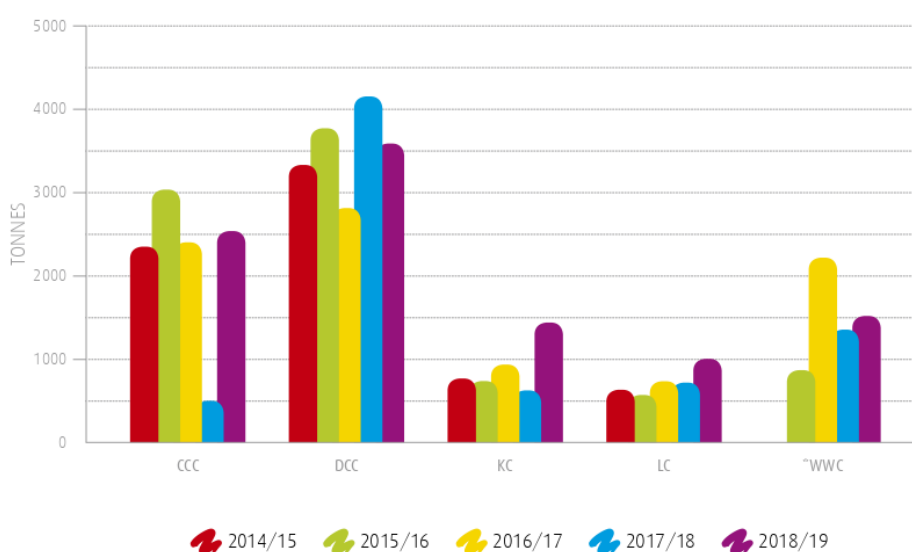
3.1 REGIONAL CONTRACTS

a) Mulching of Green Waste Contract

The current green waste mulching contract with Fieldwicks Crushing and Screening is in place until 2020, participating councils include CCC, CHC, DCC, LC, KC and WWC. Green waste collected at each participating Council's WTS is mulched and unless Council has a specific use for it, it is transported to the DWM Organics Recycling Facility (DORF) for composting. Green waste is a critical ingredient in the composting process and the efforts being made to keep contamination minimised is evident by the high quality green waste received at the DORF over the past 12 months.

Figure 4 displays the total tonnages of green-waste mulched through the Mulching of Green Waste contract from 2014/15 to 2018/19.

Figure 4 – Tonnes of Green Waste Mulched Under Contract



*Waratah Wynyard Council commenced utilising the service in 2015/16.

NOTE: Circular Head Council are not included in Figure 4 as they have not yet utilised the mulching service.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

b) Regional Recycling Contract

A regional recycling contract was implemented in 2009, between Veolia Environmental Services and the CCWMG Councils. This contract currently services approximately 42,973 tenements across the region.

Table 1 compares the average number of tenements eligible for a kerbside recycling service with the average number of bin collections per month during 2018/19.

Table 1 – 18/19 Kerbside Recycling Collection, Average Tenement and Bin Collection Breakdown by Council

Council	*Average Number of Tenements Eligible for Collection	Average Bin Pickups per Month	Bin Presentation Rate
Burnie City Council	8,238	10,816	76%
Central Coast Council	8,775	13,797	64%
Circular Head Council	2,137	2,418	88%
Devonport City Council	11,758	16,207	73%
Kentish Council	1,708	2,370	72%
Latrobe Council	5,346	7,996	67%
Waratah Wynyard Council	5,011	6,688	75%

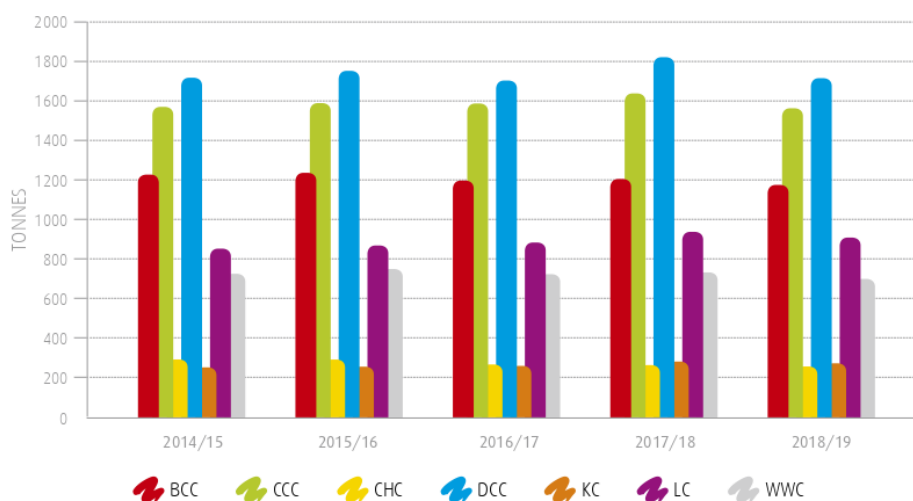
**Every month the quantity of tenements within the kerbside recycling collection service zone increases as new properties are built and subdivisions are developed. The average number of tenements is therefore calculated taking an average of the monthly recorded tenements for each Council in 2018/19, using information provided by Veolia.*

A bin presentation rate was determined for each Council by comparing the average tenements with average bin pickups per month. From a regional perspective, the average presentation rate for 2018/19 was 74%. This is lower than the presentation rate recorded in the kerbside recycling assessments of 86%. The difference may be due to the kerbside assessments only capturing approximately 12 weeks of residential activity in select Council areas, avoiding known holiday areas (shacks) and locations under development.

An annual breakdown of the tonnes of kerbside recycling received by Veolia from each Council is detailed in Figure 5.

Approximately **42,973**
households across the region are
participating in kerbside recycling.

12 > ACTIVITIES

Figure 5 – Tonnes of Kerbside Recycling by Council

In 2018/19 6,585 tonnes of recyclables were collected under the kerbside recycling contract across the region, a 4% decrease when compared to 2017/18.

The types of waste being recycled can have an impact on the annual tonnages of recycling, for example less weighty items such as newspapers/magazines and more plastic bottles (which are lighter) can result in a reduction in total weight.

The total tonnes of kerbside recycling collected since 2012 is detailed in Table 2.

Table 2 – Annual Regional Kerbside Recycling Collection Tonnages

Year	Tonnes
2012/13	6,974
2013/14	6,807
2014/15	6,631
2015/16	6,737
2016/17	6,613
2017/18	6,874
2018/19	6,585

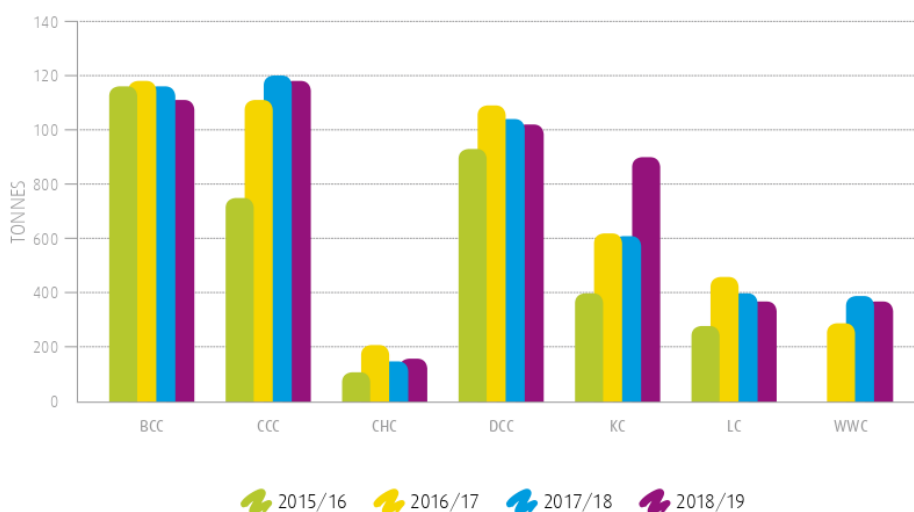
2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

c) Regional Cardboard Recycling Contact

In 2015 a regional cardboard recycling contract was established with Veolia, providing a cardboard collection bin at all Council WTS (except the small rural sites). This service was discounted by Veolia due to the participation of all CCWMG Councils.

In 2018/19, 512 tonnes of cardboard was collected, a 3% increase when compared to 2017/18 (495 tonnes). Cardboard collection data for each Council is displayed in Figure 6.

**Figure 6 – Tonnes of Cardboard Recycled by Council
(Under the Regional Recycling Contract)**



14 > ACTIVITIES

3.2 KEY PROJECTS

A significant number of projects were completed by the CCWMG in 2018/19, with the complete list detailed under Section 6. Each project can be referenced back to the Annual Plan and Budget 2018/19 using the project number detailed within each heading.

a) Illegal Dumping Funding (2.2)

Two rounds of illegal dumping funding were conducted, with up to \$90,000 available to assist Councils with implementing illegal dumping reduction initiatives. Applications were received from the CCC, LC and DCC, all of which were approved either in part or in full. A total of \$23,800 worth of signage, surveillance cameras and funding assistance for clean ups was awarded.

A portion of the remaining budget was allocated to a regional illegal dumping education campaign and conducting a security camera installation workshop for Council staff.

Feedback on the illegal dumping funding program received to-date has been positive. Particularly pleasing was DCC's report that they have seen a dramatic decrease in dumping incidents since conducting clean-ups and erecting signage in 2017/18.

A total of **\$23,800** worth of illegal dumping funding was awarded for signage, surveillance cameras and funding assistance for clean ups.



Figure 7 – Clean-up before and after images in the Latrobe Municipality.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT



**Figure 8 –
Undercover storage
area at White Hills WTS.**



**Figure 9 –
New bins at the
Spreyton WTS.**

b) Best Practice Improvements (2.3)

Another round of funding was made available to Council in 2018/19, aimed at improving WTS across the region. Councils were encouraged to refer to the independent audit conducted in 2014, against the Transfer Station Best Practice Guidelines, for improvement ideas and to suggest other initiatives which will improve the safety, environmental impact and/or functionality of their WTS.

A total of 11 applications were received from CCC, CHC, DCC and WWC, all of which applied for more than one improvement.

CCC received funding to install a block wall and concrete pad to place a co-mingled recycling skip bin at the Preston WTS. Additionally the CCC installed Armco railing, to improve the safety for visitors at the Preston WTS.

CHC tackled safety risks at the White Hills WTS by receiving part funding for installation of a security boundary fence. Funding was also received for an undercover storage shed to house the paint, batteries and gas bottle collection points and a trolley jack to assist the operator to safely move pallets of waste.

DCC utilised the funding to replace their old open top domestic recycling bins with new bins that have a pedal lid, providing safe and easy access to residents and to keep the recyclables out of the elements.

A signage upgrade was conducted by WWC at the Wynyard WTS, who also received funding to install a safety rail at the general waste disposal drop off point.

Approximately **\$55,000**
of funding was awarded for
improvements at a number of
regional WTS.

16 > ACTIVITIES

c) Community Based Recycling Initiatives (2.5)

Community groups had the opportunity to apply for funding to implement waste collection and diversion initiatives.

A number of applications were received and \$3,562 worth of funding was awarded to 4 community groups whose applications met the criteria.

The following initiatives were funded:

- > TS Mersey Australian Navy Cadets: purchase of bins for recycling.
- > Lorinna Residents & Ratepayers Association: purchase of bins to collect soft plastic and co-mingled waste for recycling.
- > Live Well Tasmania: funding to conduct a repair café which was free to access by the community and involved workshops by people experienced in repairing clothing, furniture, electrical appliances, bicycles and toys.
- > Wynyard Men's Shed: purchase of tools to process waste timber into furniture.

Additionally, a number of Councils made an application for bin toppers to use at community events. As a consequence of this interest, bin toppers were supplied to each Council and a marketing campaign conducted to raise awareness and assist people with using them.



Figure 10 – Bin topper education campaign poster/handout.

d) Recycling Bin Assessments (2.6)

Residential recycling bin assessments and contamination education was completed across the region in October/November 2018 and again in April 2019. A total of 13,734 properties were visited and 11,887 bins assessed, 36% of which had bins with some form of contamination. Soft plastic was the most common contaminant found with 129 occurrences recorded per 1,000 bins. Recycling packed inside plastic bags was the second most commonly occurring contaminant, followed by garbage and/or garbage in bags, foil food bags (a form of soft plastic) and foam meat trays.

Overall the region performed well with an 85% pass rate, which was slightly less than 86% which was achieved in 2017/18. With the passion for improving waste management practices evident across the community, it is looking promising that a 90% pass rate will be achieved by the year 2022 target.

36% of properties assessed had bins with some form of contamination.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT



**Figure 11 –
Some lucky residents
who won a Facebook
competition to visit the
Materials Recycling Facility
in Spreyton.**



e) Education & Promotion (2.11)

The three regional waste groups continued the state-wide waste education with some great content regularly published on both the Rethink Waste Facebook and Website.

A number of resources were developed to assist people in improving resource recovery including fact sheets, mini videos, education about the waste hierarchy and case studies, to name a few.



**Figure 12 –
The display at Ecofest.**

f) Public Events (2.14)

The CCWMG held a waste educational stall at Ecofest in Ulverstone, which was estimated to have over 1,500 attendees.

The stall inspired some great discussions and learning experiences, particularly around compostable packaging and how it is not recyclable in the kerbside recycling bin.

Over **1,500**
people attended Ecofest

18 > ACTIVITIES

g) WTS Diversion Initiatives (2.24)

A number of 2018/19 projects targeted at reducing waste to landfill and improving resource recovery rates had their budgets merged into the WTS Diversion Initiatives project. Doing so allowed the CCWMG to roll out a number of resource recovery services at a WTS in each Municipality and to conduct a supporting awareness campaign.

The services include providing residents with the opportunity to dispose of and recycle the following items for free:

- > Household batteries;
- > E-waste;
- > Paint; and
- > Fluoro Globes and Tubes.

A 2\$/tyre subsidy was also implemented, to assist Councils with recycling tyres collected at WTS. A total of 4,319 tyres were recycled under this initiative in 2018/19.

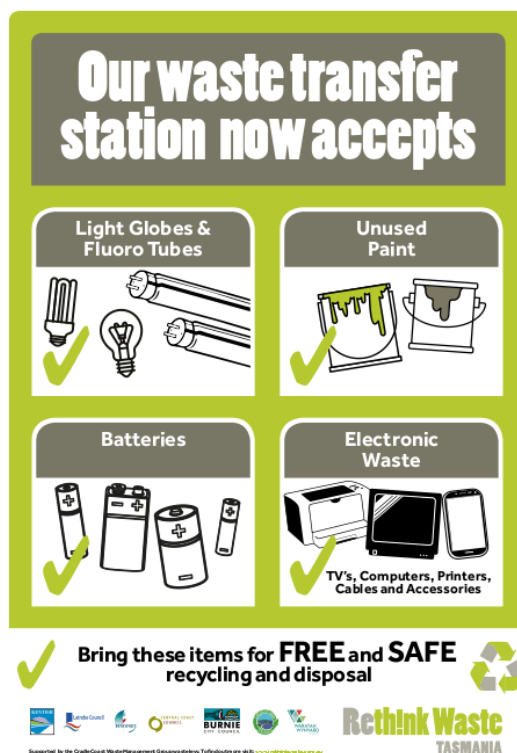











Figure 13 – Example of the awareness campaign for the new resource recovery services.

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

4 ACHIEVEMENTS AGAINST THE 5 YEAR STRATEGY

 Action Not Started
  Action on Hold
  Action in Progress
  Action Completed/Ongoing

NO.	ACTIONS	COMMENTS	
FOOD AND GARDEN ORGANICS			
1	Establish which member councils intend to participate in FOGO tender and appoint contractor where applicable.	17/18: Implementation of a kerbside FOGO collection was considered by each Council who determined not to proceed at this stage. 18/19: Revised FOGO pricing was provided to Councils, based on funding assistance received from the State Government, no further action was taken.	
2	Where applicable, work in partnership with successful FOGO tenderer and member councils to implement communications materials, bin rollout and collection services to best practice standards for recovered organics.		
3	Develop and secure markets for reprocessed organics products in the agricultural or land rehabilitation sectors. Facilitate trials where necessary and utilise results in market development activities.		
4	Support the development of a Tasmanian organics strategy.	18/19: In June 2019 the Department of Primary Industries, Parks, Water and Environment released the Tasmanian Draft Waste Action Plan. This plan included actions associated with improving organic waste recovery and the CCWMG will respond to the Action Plan by the deadline.	
ILLEGAL DUMPING AND LITTER			
5	Facilitate liaison between member councils, the regional group and relevant Tasmanian Government departments responsible for managing illegal dumping incidents by establishing an illegal dumping working group.	18/19: The Tasmanian Draft Waste Action Plan does not appear to address whether there will be state-wide approach to the management of illegal dumping, the CCWMG will query this as part of their feedback submission.	
6	Using data obtained from the Illegal Dumping Web Database, produce an annual report to be disseminated amongst member councils in order to provide a measurable evidence base to group members.	18/19: A report on the regional illegal dumping database is provided to the CCWMG annually. At present the database is under utilised resulting in insufficient information available to form an accurate evidence base.	
7	Call for annual applications from member councils for funding of projects to address illegal dumping (e.g. clean-up of hotspots, installation of signage/CCTV). Establish process for determination of successful applications, distribution of funding, reporting requirements and measurement of outcomes	18/19: Two rounds of illegal dumping funding were conducted. It is anticipated that this project will be ongoing, with funding available annually to target illegal dumping.	
8	Use the Keep Australia Beautiful (2016) Litter Toolkit to build a litter reduction campaign to be rolled out across the region. Incorporate the litter reduction campaign in the regional communications and education plan.		
9	Provide evidence-based input to any further discussions regarding the introduction of container deposit scheme (CDS) legislation in Tasmania.	17/18: The EPA engaged consulting firm Marsden Jacob to generate a report on the framework for a CDS in Tasmania. DWM provided input on behalf of the CCWMG and Marsden Jacob were invited to attend a CCWMG meeting, however this did not eventuate. The EPA have released the report and there has been no further action at this stage. 18/19: The Tasmanian Draft Waste Action Plan addresses a CDS and the CCWMG will respond to the Action Plan by the deadline.	











20 > ACHIEVEMENTS

NO.	ACTIONS	COMMENTS	
INFRASTRUCTURE			
10	Continue work to establish a standardised set of data collection parameters and ensure all councils are reporting data to the waste data collection portal according to the standard (including material categories, units and frequency of reporting). Monitor and audit data inputs into the centralised waste data collection portal.	17/18: The regional data collection portal was implemented and quarterly reporting to the CCWMG was carried out. To date a number of Councils are not inputting data, affecting the integrity of the reporting. 18/19: Quarterly reporting is ongoing, however some Councils are still not entering data into the portal.	◆
11	Conduct a recycling activity survey in order to: a) establish the size of the recycling and reprocessor network b) measure the quantity of materials managed throughout the network c) establish the flow of materials between member councils and other regions d) identify opportunities for network expansion or rationalisation. This could be conducted in conjunction with other regional groups in order to build a picture of the resource recovery network in Tasmania.	17/18: The Recycling Activity Survey was complete and a master spreadsheet developed housing the collected information.	◆
12	Conduct an assessment of the region's tip-shop network. Develop standardised guidelines for tip-shops which define material diversion, stock and inventory control, material storage requirements, etc.		●
13	Internally review progress of actions recommended by the <i>Cradle Coast Transfer Station Audits</i> report completed for CCWMG (Blue Environment 2014) in order to bring facilities up to best practice standards. Call for applications from member councils for funding for facility upgrades, establish process for determination of successful applications, distribution of funding and reporting requirements.	18/19: A round of funding was made available to Councils to apply for improvements to their WTS in accordance with the <i>Cradle Coast Transfer Station Audits</i> report (or other initiatives that fit the criteria). Four Councils made an application and funding was awarded for 9 different projects.	◆
14	Investigate options for accepting additional materials at council resource recovery centres/transfer stations, including requirements for collection infrastructure, potential on-site reprocessing opportunities and material markets.	18/19: Implementation of Project 2.24, WTS Diversion Initiatives, has resulted in WTS being able to accept and recycle additional materials that were going to landfill.	◆
15	Explore community-based recycling initiatives with local community groups in order to identify feasible materials for collection and diversion. Where feasible, consider funding assistance to community groups to implement services (e.g. transport vehicles, temporary storage facilities, compactors, communications).	18/19: Community groups were given the opportunity to apply for funding to implement waste collection and diversion initiatives. Funding was awarded to 4 community groups across the region.	◆
SERVICES			
16	Continue to undertake annual residential recycling bin assessments and contamination education across the region.	18/19: A round of assessments were undertaken, resulting in a pass of 85%. This project will be conducted annually.	◆
17	In conjunction with NTWMG, continue to conduct landfill and kerbside waste composition audits.	17/18: Consulting firm Anne Prince Consulting (APC) conducted landfill audits at DWM, Ulverstone and Port Latta landfills.	◆
HAZARDOUS WASTE			
18	Provide for collection and management of household batteries across the region (including advertising, bins, collection services, transport and disposal). Measure and evaluate the collection's performance.	17/18: This project is ongoing.	◆
19	Hold a household hazardous waste collection event. Event actions will include advertising, establishing a waste management contractor (via tender process), determining program and location(s), measurement and reporting framework.		●

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

NO.	ACTIONS	COMMENTS	
20	Continue to monitor member council e-waste schemes and opportunities to provide an economical service in the region.	18/19: E-waste recycling was rolled out at one WTS in each municipality.	◆
21	Work with EPA Tasmania as required to implement the hazardous waste tracking system.		●
22	Liaise with EPA/other regions on investigations into hazardous waste stockpiles and disposal points in the CCWMG region.		●
TYRES			
23	Support the development of a tyre recycling site at Longford.	18/19: Tyre recycling at Longford appears to have stalled and as a consequence the CCWMG provided Councils with a \$2/tyre subsidy, to recycle tyres at Tyrecycle in Hobart.	◆
24	Work with EPA and other regional groups to investigate end users for end-of-life tyres.		●
25	Disseminate and support the statewide waste tyre recycling guidelines/management strategy when released by EPA.		●
C&D AND C&I RECOVERY			
26	Work with the EPA to develop and align strategies to divert C&D and C&I materials from landfill. Investigate funding opportunities as they arise.	18/19: The Tasmanian Draft Waste Action Plan addresses C&D and C&I and the CCWMG will respond to the Action Plan by the deadline.	▲
27	Conduct a review of C&I waste in the region to build on previous reviews conducted for C&D waste. Include consultation with key industries and identification of synergies with C&D waste processing and disposal.	18/19: The Tasmanian Draft Waste Action Plan addresses C&D and C&I and the CCWMG will respond to the Action Plan by the deadline.	▲
28	In conjunction with member councils, investigate the options for expanding residential recycling collections to cover C&I customers.	18/19: The Tasmanian Draft Waste Action Plan addresses C&D and C&I and the CCWMG will respond to the Action Plan by the deadline.	▲
REGIONAL GOVERNANCE ARRANGEMENTS			
29	Develop and document a governance framework which stipulates the roles, responsibilities and expectations of CCWMG member councils.	17/18: A CCWMG Terms of Reference document was developed and implemented.	◆
30	Create a role within CCWMG to manage stakeholder group member engagement. The role should be part-time for a minimum of one year and be at an experienced/senior level.	17/18: Greg Preece was appointed as the Waste Governance Project Coordinator to work with the CCWMG and member Councils to determine the most appropriate governance model and assist with the implementation. 18/19: Stage 1 of the proposed model was agreed to by the CCWMG, which involved transitioning the management of the regional waste management services, administration and financial services to DWM. Works are ongoing into 19/20 regarding an interim agreement for Stage 1 and progressing into Stage 2.	▲
COLLABORATIVE ARRANGEMENTS BETWEEN COUNCILS			
31	Continue to identify opportunities for collaborative resourcing by investigating current contractual arrangements in each council.		●
32	Investigate and facilitate human resource sharing between member councils.		●
33	Establish a platform for councils to share information with regards to their current projects and outcomes of previous projects (e.g. as an agenda item at CCWMG meetings).	18/19: Councils have an opportunity to raise projects and outcomes at the CCWMG meetings.	

22 > ACHIEVEMENTS

NO.	ACTIONS	COMMENTS
BUILDING REGIONAL CONSISTENCY		
34	Review member council landfill and resource recovery centre/transfer station charges and services offered and investigate barriers to implementing total cost recovery pricing.	
WORKING WITH THE TASMANIAN GOVERNMENT		
35	Establish a framework for cooperation and collaboration between state government, waste management groups and local councils to: <ul style="list-style-type: none"> a) influence policy and strategy documents b) highlight current issues impacting on waste management in the region c) contribute to and support government policy on emerging waste issues. 	18/19: The Tasmanian Draft Waste Action Plan addresses governance and waste management issues, the CCWMG will respond to the Action Plan by the deadline. 
36	Maintain key dialogue and build contacts with state government agencies. Encourage EPA to attend CCWMG meetings.	17/18: Dialogue has been undertaken with LGAT representative regarding the status of kerbside recycling in Tasmania. Dialogue with the EPA is ongoing as required, EPA representative attended a CCWMG meeting to discuss illegal dumping. Will invite other representatives to attend CCWMG meetings as appropriate. 18/19: DWM and the CCWMG will be providing feedback to the EPA regarding the Tasmanian Draft Waste Action Plan. 
37	Highlight current waste management issues to state government on an as needed basis as raised by member councils.	17/18: This is ongoing, consultation carried out with state government as the need arises. 18/19: Regional waste issues will be communicated to the state government as part of the feedback provided on the Tasmanian Draft Waste Action Plan. 
38	Provide assistance and advice to state government on emerging waste issues.	17/18: Ongoing, will provide appropriate assistance as requested. 18/19: Waste issues will be communicated to the state government as part of the feedback provided on the Tasmanian Draft Waste Action Plan. 
39	Identify funding options from various Tasmanian Government departments, not just those responsible for waste or environment issues.	17/18: Currently monitoring opportunities for funding and approaching local members for opportunities to receive funding assistance for implementation of a FOGO collection. 
WORKING WITH INDUSTRY		
40	Establish a framework for cooperation and collaboration between state government, waste management groups and industry to facilitate improvements to C&I and C&D waste management and resource recovery.	18/19: The Tasmanian Draft Waste Action Plan has actions to address C&I and C&D waste management and resource recovery. 
41	Facilitate a regional industry workshop/forum to encourage innovation and sharing of waste and resource management practices. Where feasible, consider using local service groups to extend CCWMG reach into local businesses.	17/18: Conducted an industry workshop in Burnie, there were 43 attendees and a number of discussions around better use of by-products. 
42	Maintain key dialogue and build contacts with industry sectors.	17/18: Commenced building industry contacts through the recycling activity survey and the industry workshop. 18/19: Obtained Master Builders Association Membership as part of the state-wide waste communications. It is envisioned that communications will target members of this association in future years. 
43	Support the development of a Tasmanian recycling market development strategy.	18/19: Likely to be addressed by the Tasmanian Draft Waste Action Plan. 

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

NO.	ACTIONS	COMMENTS	
COLLABORATING WITH OTHER REGIONS			
44	Pending state government regional group coordination, establish a direct link between other regional groups (which may involve quarterly/six monthly meetings, etc.) to continue collaboration.	18/19: Key Project Officers from each of the waste groups regularly meet to discuss waste communications and other upcoming projects as necessary.	◆
45	Conduct a mid-term strategy review to consider linkages between regional strategies and funding requirements.		●
COMMUNITY EDUCATION			
46	Develop a regional or cross regional communications and education plan with input from member councils, including for: a) FOGO service b) other kerbside services c) illegal dumping d) e-waste recycling e) other waste initiatives as appropriate.	18/19: Year 2 of the Tasmanian Waste Communications Plan was successfully completed by the three waste groups.	◆
47	Develop communication materials that promote CCWMG, the Rethink Waste website and brand and correct waste and recycling practices using: a) media releases b) TV, radio and newspaper advertising c) promotional materials (e.g. bags, pens, caps) d) fact sheets e) social media (e.g. YouTube, Facebook, Twitter) Where possible, activities to be jointly undertaken with the NTWMG.	18/19: Year 2 of the Tasmanian Waste Communications Plan (which covers these activities) was successfully completed by the three waste groups.	◆
48	Continue to support the Rethink Waste Schools Program. Establish a program for visits to schools in the region to conduct waste education programs.	17/18: A list of schools has been developed and a number of workshops conducted at the Kids4Kids event in Burnie. 18/19: Work to secure an education officer was undertaken, with school visits to commence in 2019/20.	▲
49	Coordinate with member councils and other regions to provide consistent updates to the Rethinkwaste.com.au website.	18/19: Councils are required to review and provide updates to their page annually. Other updates undertaken as required.	◆
RAISING AWARENESS			
50	Provide regular briefings to Cradle Coast Authority member councils (to be disseminated throughout each), in order to build group awareness. This could be done through scheduled group meetings and dissemination of CCWMG minutes of meetings.	18/19: CCWMG receive a copy of the meeting minutes and also a monthly waste communications report.	◆
PUBLIC EVENTS			
51	Research and maintain a calendar of public events (such as local shows, market days, etc.) which would be appropriate to host an education session/stall/booth. Attend two public events per year.	18/19: A stall was held at Ecofest in Ulverstone. This project is ongoing.	◆
52	Conduct community consultation forums when introducing new programs or services (as appropriate).		●

24 > ACHIEVEMENTS

5 FINANCIAL

Table 3 – Cash Flow Summary

Table 3 details the CCWMG Waste Levy Account opening and closing balance as at 30/06/2019.

2018/19 Cash Flow Summary Regional Waste Management Levy	
Opening Balance 30/06/2018	359,440
Levy funds received 01/07/2018 to 30/06/2019	431,404
Interest	8,345
Total Cash Inflow During 2018/19	799,189
2018/19 Annual Plan & Budget Project Expenditure	(392,996)
Closing CCWMG Waste Levy Account balance 30/06/2019	406,193

Table 4 – 2018/19 Profit and Loss

Table 4 details the CCWMG profit and loss for 2018/19.

2018/19 Profit and Loss Regional Waste Management Levy	
Waste Levy Income for period 01/07/2018 to 30/06/2019	431,404
Interest	8,345
Total Income for 2018/19	439,749
2018/19 Annual Plan & Budget Project Expenditure	(392,996)
Total Expenditure for 2018/19	(392,996)
Net Profit (Loss) as at 30/06/2019	46,753

2018-19 > CRADLE COAST WASTE MANAGEMENT GROUP ANNUAL REPORT

6 SUMMARY

With over 18 discreet projects for the CCWMG to undertake, the 2018/19 financial year was completed in a successful manner with a high project completion rate.

Many of the projects implemented provided immediate outcomes consistent with the goals of the CCWMG Strategic Plan. The balance of the projects form the foundation for implementation of actions in coming years. Table 5 displays a summary of the 2018/19 actions and their status at 30 June 2019. For more information please refer to the CCWMG Annual Plan & Budget 2018/19.

Table 5 – 2018/19 Action Summary as at 30 June 2019

KEY: CF = Carried Forward IP = In Progress NP = CCWMG Resolved Not to Proceed TC = Task Complete

REF#	PROJECT NAME	ACTION SUMMARY	STATUS
2.1	Illegal Dumping Database	Manage and report on the established regional illegal dumping database.	TC
2.2	Illegal Dumping Funding	Conduct two rounds of illegal dumping funding.	TC
2.3	WTS Best Practice Improvements	Assist Councils in improving transfer stations in line with the Best Practice Guidelines.	TC
2.4	WTS Material Diversion	Assist Councils in implementing recommendations from the 2017/18 Additional Material Diversion Options investigation report.	TC
2.5	Community Based Recycling Initiatives	Funding assistance for community groups to implement waste collection and diversion initiatives.	TC
2.6	Recycling Bin Assessments	Undertake kerbside recycling bin assessments and contamination education across the region.	TC
2.7	Household Battery Recycling	Continue to fund a free household battery recycling program to be managed by councils.	TC
2.8	Hazardous Waste Collection	Tender for and conduct a household hazardous waste collection event.	NP
2.9	Waste Governance Project Coordinator	Fund a role within the CCWMG to manage stakeholder group member engagement.	TC
2.10	Annual Industry Workshop	Facilitate an industry workshop/forum to facilitate sharing of waste management and resource recovery ideas.	NP
2.11	Education & Promotion Year 2	Implementation of year 2 of the state wide Communications Plan to promote correct waste and recycling practices.	TC
2.12	Schools Program	Visit schools to provide waste education / presentation.	CF
2.13	Rethink Waste Website	Management and ongoing improvements to the Rethink Waste Website.	TC
2.14	Public Events	Host an education stall at 2 public events.	TC
2.15	WTS Staff Training	Fund an asbestos awareness training session for two WTS staff from each Council.	TC
2.16	Landfill Audit Findings	Implement a recommendation(s) from the 2017/18 Landfill Audit Report.	TC
2.17	Regional Waste Data Collection	Support the Regional Waste Data Collection Portal	TC
2.24	WTS Diversion Initiatives	Combination of project budgets from 2.4, 2.7, 2.8, 2.15 & 2.16. Provided free household battery, flouro tube, globe, e waste and paint collection. Also funded a \$2/tyre subsidy for Councils and staff training.	TC

26 > SUMMARY



Level 1/17 Fenton Way
Devonport TAS 7310
admin@dulverton.com.au
www.dulverton.com.au

**AO030-20 COMMUNICATIONS JOURNAL - BUSINESS NORTH WEST -
PROMOTIONS GROUP****FILE NO:** 2/17/3; 944729**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1	AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.5	A vibrant and progressive central business district.
Strategy	1.5.1	Continue to invest in renewal of the CBD as a vibrant, attractive and cohesive retail and business hub.

1.0 RECOMMENDATION:

“THAT Council agree to the request from Business North West to expend funds on the following promotional activities, as an interim arrangement while a Partnership Agreement is being progressed.

- ***Side Walk Sellout***
- ***Easter Promotion***
- ***Mother’s Day Promotion.”***

2.0 SUMMARY

Correspondence received from Business North West regarding establishment of a Promotions Group for Burnie.

3.0 GENERAL MANAGER’S COMMENTS

At its meeting on 10 December 2019 (AO343-19), Council resolved;

“THAT Council:

- 1) Discontinue the Local Traders Marketing Program as at 31 December 2019; and***
- 2) Council enter into a Partnership Agreement with Business North West to establish a Burnie Promotions Committee including Council resourcing of:***
 - a) 0.4 FTE staff member;***
 - b) Up to \$20,000 in discretionary funding for the remainder of the 2019/20 Financial Year; and***
 - c) Up to \$40,000 in discretionary funding per annum for the 2020/21 – 2023/24 Financial Years;***

with the Committee to seek cash and in-kind contributions from businesses towards promotional activities where appropriate.”

This decision of Council is being progressed, with discussions commencing with Business North West around a Partnership Agreement and the recruitment of a Promotions Officer.

However, Business North West has advised it wishes to commence planning for a number of key promotional activities, and is seeking Council's agreement to expend funds on the following activities prior to June 2020, while the Partnership Agreement is progressed:

- Side Walk Sellout
- Easter Promotion
- Mother's Day Promotion

Given timing issues, arrangements are already in place to support the Side Walk Sellout on Saturday 8 February.

This request is consistent with Council's motion to support promotional activities, and ensures a continuity in promotional activities for the city, while arrangements between Council and Business North West are finalised.

ATTACHMENTS

1. Correspondence from Business North West - Promotions Group

COUNCIL RESOLUTION

Resolution number: MO024-20

MOVED: Cr D Pease

SECONDED: Cr G Simpson

"THAT Council agree to the request from Business North West to expend up to \$6,000 on the following promotional activities, as an interim arrangement while a Partnership Agreement is being progressed.

- ***Side Walk Sellout***
- ***Easter Promotion***
- ***Mother's Day Promotion."***

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



Business Northwest
PO Box 139
BURNIE, Tas. 7320
January 16th, 2020

Mr R Greene
Burnie City Council
80 Wilson St
Burnie 7320

PER EMAIL

Dear Rodney

Business Northwest was pleased that Council voted unanimously to work with our organisation on promotions for Burnie in coming years. I look forward to receiving the proposed agreement from you in coming weeks.

Meanwhile we will be working on three promotions in the short term (up to the end of June).

They are:

1. Sidewalk Sale
2. Easter Promotion
3. Mother's Day

I look forward to participating with you on the selection process for the promotions admin role - it is vital to select the right person.

We are entering an exciting phase of cooperation and I can assure you my group is committed to driving the city forward via well organised and inclusive promotions.

Yours faithfully

A handwritten signature in blue ink that reads "Ian C Jones".

President

A DIVISION OF THE BURNIE CHAMBER OF COMMERCE AND INDUSTRY INC.

**AO031-20 COMMUNICATIONS JOURNAL - HON ROGER JAENSCH MP,
MINISTER FOR PLANNING - MAJOR INFRASTRUCTURE
DEVELOPMENT APPROVALS ACT 1999 (MIDAA)****FILE NO: 2/17/3; 944867****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3	Council is compliant in all areas and carries out the role of regulatory enforcement in a fair and effective manner.
Strategy	7.3.1	Ensure Council remains compliant with all its statutory and regulatory obligations and contributes to the regulatory environment which affects our community.

1.0 RECOMMENDATION:***“THAT Council advise the Minister for Planning –***

- 1) it supports declaration of the proposed North-West Tasmanian Transmission Upgrades Project as a major infrastructure development under the Major Infrastructure Development Approvals Act 1999; and***
- 2) it is of the opinion any permit application should be assessed and determined by a combined planning authority comprised of representatives from each of the municipal areas within which the proposed new transmission line will be located.”***

2.0 SUMMARY

Correspondence has been received from the Hon Roger Jaensch MP, Minister for Planning, requesting the Burnie City Council –

- a) indicate whether it will support a declaration that the TasNetworks proposed North-West Tasmanian Transmission Upgrades Project is a major infrastructure development under the *Major Infrastructure Development Approvals Act 1999* (MIDAA); and
- b) advise the Council’s views on whether the project’s application for a land use permit should be assessed by a combined planning authority or by the Tasmanian Planning Commission.

3.0 GENERAL MANAGER'S COMMENTS

Background

TasNetworks has indicated a need to construct new electricity transmission lines across land within several municipalities in northwest Tasmania to accommodate additional loads associated with the implementation of the North West Tasmania Strategic Transmission Plan.

Details of the project are attached.

Legislative Requirements

The *Major Infrastructure Development Approvals Act 1999* (MIDAA) provides opportunity for the land use permit requirements for linear infrastructure projects extending over two or more municipal areas to be determined under a single process rather than as a number of separate permits issued under the *Land Use Planning and Approvals Act 1993* by the planning authority for each of the municipal areas in which the infrastructure is located.

Details on the operation of the *Act* are set out in the report provided with the Minister's letter.

Policy Considerations

The Council is the planning authority for the Burnie municipal area.

The MIDAA process will remove the independence of the planning authority to determine the outcome of any permit for that part of any new transmission line development in the Burnie municipal area.

The Minister's request requires that the Council consider as a matter of policy the extent to which it seeks to retain an involvement in determination of any permit application for a new transmission line.

Financial Impact

Financial impact will be limited to the cost of any participation in a combined planning authority.

Discussion

The Council is asked by the Minister to indicate –

- a) whether it supports declaration of the proposed new transmission line as a major infrastructure development project, and if not, to state its reasons; and
- b) whether it desires to participate in the assessment and determination of any permit application made under the MIDAA through membership of a combined planning

authority constituted of representatives from each of the municipal area in which the transmission line will be located; or in the alternative, whether it is prepared to allow the Tasmanian Planning Commission undertake the task.

In relation to declaration as a major infrastructure development project

A comparison between the normal separate permit process under LUPAA and the combined permit process under MIDAA is set out in Table 9 at page 64 to 66 of the attached TasNetworks report.

It is evident there are significant advantages in the MIDAA approach. These advantages are summarised in the draft Ministerial declaration included after page 78 of the TasNetworks report

In relation to determination of any permit application by a combined planning authority or by the TPC

The project has potential to attract considerable community interest. While there are advantages in consolidating the permit application and determination process, it is important to retain some level of local ownership for the decision.

For this reason any application should be determined by a combined planning authority comprised of representatives from each of the Burnie City, Waratah-Wynyard, Central Coast, Kentish, Meander Valley and Northern Midlands Councils.

ATTACHMENTS

1. [!\[\]\(dce81645e0100714e86d66fe4d06ecba_img.jpg\)](#) Correspondence received from Minister Roger Jaensch MP - MIDAA Report

COUNCIL RESOLUTION**Resolution number: MO025-20****MOVED:** *Cr A Boyd***SECONDED:** *Cr C Lynch****“THAT Council advise the Minister for Planning –***

- 1) it supports declaration of the proposed North-West Tasmanian Transmission Upgrades Project as a major infrastructure development under the Major Infrastructure Development Approvals Act 1999; and***
- 2) it is of the opinion any permit application should be assessed and determined by a combined planning authority comprised of representatives from each of the municipal areas within which the proposed new transmission line will be located.”***

For: *Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.*

Against:

CARRIED UNANIMOUSLY

Minister for Human Services
Minister for Housing
Minister for Disability Services and Community Development
Minister for Planning
Minister for Aboriginal Affairs



Level 5 4 Salamanca Place, Parliament Square Building HOBART TAS 7000 Australia
GPO Box 123 HOBART TAS 7001 Australia
Ph: +61 3 6165 7686
Email: minister.jaensch@dpac.tas.gov.au

21 January 2020

Alderman Steve Kons
Mayor
Burnie City Council
PO Box 973
BURNIE TAS 7320

Email: burnie@burnie.net

Dear Mayor

I refer to my correspondence of 20 December 2019, where I advised you that I had received a request from TasNetworks for the North-West Tasmania Transmission Upgrades Project to be declared as a 'major infrastructure project' and assessed under the *Major Infrastructure Development Approvals Act 1999* (MIDAA).

As the responsible Minister, and having reviewed the supporting report provided by TasNetworks, I am satisfied that the Project meets the conditions precedent, as outlined in s.8 of MIDAA, and intend to recommend to the Governor the making of an Order declaring the Project to be a major infrastructure project.

As noted in my previous correspondence, an assessment under MIDAA would be undertaken by a combined planning authority, made up of representatives from each of the relevant councils, or the Tasmanian Planning Commission.

In accordance with s.9 of MIDAA, could you advise whether your Council supports the making of the Order, and if not, please provide your reasons. Also, could you please provide advice as to your Council's view on whether the project should be assessed by a combined planning authority or the Tasmanian Planning Commission.

MIN20/1224
DOC/20/877

2

For your information, I have attached the supporting report provided by TasNetworks, a copy of the draft Order, and my reasons for recommending the making of the Order.

Please provide your response within 21 days of the date of this notice to the Department of Justice's Planning Policy Unit (PPU) by email at planning.unit@justice.tas.gov.au or by mail to:

Planning Policy Unit
GPO BOX 825
Hobart TAS 7001

If you would like further clarification on the MIDAA process, the PPU would be happy to provide a briefing and can be contacted on 6166 1429.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'R Jaensch', enclosed within a large, loopy oval shape.

Hon Roger Jaensch MP
Minister for Planning

Cc: Mr Andrew Wardlaw, General Manager

Attachments:

1. Report from Proponent – TasNetworks,
2. Statement of my reasons for proposing to declare the project a major infrastructure project
3. Draft Order



PROJECT MARINUS

Request to Declare a Major Infrastructure Project

North West Transmission Upgrades Project







Proponent contact details:

TasNetworks Pty Ltd

Contact: Benjamin White

Stakeholder & Environmental Lead Project Marinus

PO Box 606

Moonah TAS 7009

Email: team@marinuslink.com.au

DATE: 20 December 2019

REVISION: 2.0





Table of Contents

Purpose of this report.....	5
Executive Summary	6
1 Outline of the Project.....	7
1.1 Background of the Proponent.....	11
1.2 Background and Purpose of the Project.....	12
1.3 Project Description	15
1.3.1 Description of each use or development comprised in the project	15
1.3.2 Description of all proposed major buildings, structures, equipment, infrastructure and ancillary facilities comprised in the project and proposed ongoing operations associated with the project	17
1.4 The level of investment that will be required to establish the project.....	20
1.5 State and Commonwealth legislation and State Policies relevant to the project.....	20
1.5.1 State Integrated Assessment Processes (with MIDAA)	21
1.5.2 State Non-integrated Approvals	24
1.5.3 Land Access and Acquisition	25
1.5.4 Commonwealth Legislation	25
1.5.5 State Policies	26
1.6 Proposed geographical location of the project, including the municipal areas and municipal boundaries relevant to the project and an outline of any constraints analysis and alternative route investigations undertaken by the proponent	27
1.6.1 Geographical location and Municipal boundaries	27
1.6.2 An outline of the constraints analysis and alternative route investigations undertaken	27
1.7 A statement as to whether a corridor is required and the proposed width of the corridor	38
1.8 A statement as to whether the proponent wishes the Crown to acquire and sell to the proponent any land for the purposes of the project and, if so, details, to the extent known, of the land likely to be required	39
1.9 Details of any land or easements, including construction and corridor access easements, that must be acquired in order for the project to proceed	39





1.10	A general description of the physical environment that may potentially be affected by the project.....	41
1.10.1	Ecology.....	42
1.10.2	Cultural Heritage.....	47
1.10.3	Key Statistics for route by segment.....	49
1.11	A general description of the social and economic environment that may potentially be affected by the project.....	51
2	Proposed timetable for the Project.....	55
2.1	Key activities.....	56
2.2	Further Studies and Surveys.....	58
2.3	Any discrete stages in the development of the project.....	59
3	An assessment of the public benefits of the project	60
3.1	Assessment of the Public Benefits of the Project.....	61
3.1.1	Matters to be considered in determining whether or not it is in the public interest for the project to be declared a major infrastructure project in accordance with the Act.....	61
3.2	Other potential social, economic and environmental impacts associated with the project that the proponent considers relevant to the determination	66
3.2.1	Potential Impacts.....	66
4	Consultation so far and planned consultation	71
4.1	Regulators	71
4.2	Public and Council landowners/managers	73
4.3	Community and private landowners	75
5	Other matters required by the Act	78
5.1	Use and Development Status – Planning Schemes	78





Index of Figures

Figure 1 The Major Infrastructure Project for assessment under MIDAA with geographical location and Municipal boundaries.....	10
Figure 2: North West Tasmania Strategic Transmission Plan.....	14
Figure 3 Illustration of comparative tower height.....	18
Figure 4 EPA guidelines and the MIDAA process.....	22
Figure 5 Cross-section of Palmerston to Sheffield route segment.....	30
Figure 6 Cross-section of Sheffield to Burnie route segment.....	31
Figure 7 Cross section of Burnie to East Cam route segment.....	32
Figure 8 Cross-section of East Cam to Hampshire route segment.....	33
Figure 9 Cross-section of Hampshire to Staverton route segment.....	34
Figure 10 Feasible routes for Hampshire to Staverton: Northern (green), Southern (orange) and Deep Southern (yellow).....	38

Index of Tables

Purpose of this report

The purpose of this report is to meet the information requirements set out in the *Major Infrastructure Development Approvals Act* (1999) (MIDAA) Regulations for a report supporting the proponent's request to the Minister for Planning to declare a project a Major Infrastructure Project (MIP).¹

¹ This report will also be used by the Environment Protection Agency (EPA) together with other relevant information provided to the EPA regarding 'work of minor environmental impact' that does not require planning approval to determine if the Project or the 'work of minor environmental impact' require assessment under the *Environmental Management and Pollution Control Act* 1994 (EMPCA).





Executive Summary

This section addresses MIDAA regulation 4(1)(a).

The North West Transmission Upgrades Project (**the Project**) is required to support implementation of the North West Tasmania Strategic Transmission Plan, and is essential to facilitating the development of anticipated wind generation, Marinus Link, and long duration pumped hydro energy storage in North West Tasmania. Collectively, these developments will help unlock Tasmania's renewable energy generation and storage resources as part of the lowest cost solution to provide dispatchable energy to the National Energy Market (**NEM**) and thereby support the energy transformation that is underway.

The Project will also enable significant ongoing employment and add economic value to North West Tasmania through the related transmission and generation developments it supports. The construction of Marinus Link and supporting transmission in the North West would bring an estimated 1,100 jobs to the region during peak construction.² The Project would also enable up to 800 construction jobs³ and 230 ongoing jobs⁴ through the renewable generation projects (e.g. Battery of the Nation pumped hydro, upgrades to existing hydro, and new wind generation) supported by their development. Economic analysis also indicates there would be a significant economic contribution to the whole of Tasmania from the development, construction, and operation of the Project and Marinus Link, including value forecast to be potentially up to \$1.4 billion and a total of 1,400 jobs.⁵ This growth, in turn, will generate skills and opportunities in regional Tasmania and will support Australia's continuing transition to a cleaner energy sector.

TasNetworks has evaluated the available approval processes in Tasmania. Assessment as an MIP under MIDAA is considered in the public interest because it supports:

- holistic assessment of the project in terms of public benefits, general and specific impacts;
- consistency of assessment and approvals;
- retention of the referral (or "call in") process for environmental assessment of development applications pursuant to the *Environmental Management and Pollution Control Act 1994*; and

² Jobs figure represents estimated direct and indirect jobs at peak construction for the period spanning 2025 to 2027. Figures sourced from Ernst & Young, *The Economic Contribution of Marinus Link and Supporting Transmission*, November 2019.

³ Jobs figure represents the estimated average of direct and indirect jobs at peak construction for the period spanning from 2030 to 2034. Figures sourced from: Ernst & Young, *The Economic Contribution of Marinus Link and Supporting Transmission*, November 2019.

⁴ Jobs figure represents the estimated average of direct and indirect jobs at peak construction for the period spanning from 2030 to 2050. Figures sourced from: Ernst & Young, *The Economic Contribution of Marinus Link and Supporting Transmission*, November 2019.

⁵ Jobs figure includes jobs in North West Tasmania and represents estimated direct and indirect jobs at peak construction for the period spanning 2025 to 2027. Figures sourced from Ernst & Young, *The Economic Contribution of Marinus Link and Supporting Transmission*, November 2019.





- a flexible and coordinated development of the transmission network that efficiently unlocks renewable generation resources in North West Tasmania.

The Project will support the development of renewable energy and storage resources in Tasmania. By doing so, it will help deliver low cost, reliable and clean energy to Tasmania and the NEM, in addition to providing broader benefits to the region in terms of construction, on-going jobs and economic growth.

1 Outline of the Project

The following sections address regulation 4(1)(b) and 4(2) as listed below:

Reg	Description	Report section
4(1)(b)	For the purpose of section 8(1)(b) of the Act, the following information is prescribed as the information to be contained in a report to the Minister from the proponent of a project... an outline of the project as specified in subregulation (2)	Section 1
4(2)(a)	background of the proponent of the project including details of experience and financial capacity to undertake the project and details as to where the proponent may be contacted	Section 1.1
4(2)(b)	the purpose of the project	Section 1.2
4(2)(c)	a project description of the proposed project including –	Section 1.3
	(i) a description of each use or development comprised in the project; and	Section 1.3.1
	(ii) a description of all proposed major buildings, structures, equipment, infrastructure and ancillary facilities comprised in the project; and	Section 1.3.2
	(iii) a description of the proposed ongoing operations associated with the project;	Section 1.3.2
4(2)(d)	the level of investment that will be required to establish the project	Section 1.4
4(2)(e)	details of –	Section 1.5
	(i) any legislation of this State and the Commonwealth relevant to the project; and	1.5.1, 1.5.2, 1.5.3 & 1.5.4
	(ii) any State policy , within the meaning of the State Policies and Projects Act 1993 , relevant to the project	Section 1.5.5





4(2)(f)	details of the proposed geographical location of the project, including details of the municipal areas and municipal boundaries relevant to the project and an outline of any constraints analysis and alternative route investigations undertaken by the proponent	Section 1.6 Figure 1 Section 1.6.2
4(2)(g)	statement as to whether a corridor is required and the proposed width of the corridor	Section 1.7
4(2)(h)	a statement as to whether the proponent wishes the Crown to acquire and sell to the proponent any land for the purposes of the project and, if so, details, to the extent known, of the land likely to be required	Section 1.8
4(2)(i)	details of any land or easements, including construction and corridor access easements, that must be acquired in order for the project to proceed	Section 1.9
4(2)(j)	a general description of the physical environment that may potentially be affected by the project including landforms, waterways, land uses, existing infrastructure, flora, fauna and heritage values	1.10
4(2)(k)	a general description of the social and economic environment that may potentially be affected by the project	1.11

For the purposes of the declaration as a MIP, the Project comprises:

- East Cam, Heybridge, Hampshire and Staverton Substations;
- Palmerston-Sheffield, Sheffield-Burnie (replacing existing 220 kilovolt (**kV**) transmission lines) including Heybridge Spur, Burnie-East Cam, East Cam-Hampshire and Hampshire–Staverton 220 kV transmission lines.

There will be other necessary works that are proposed to be undertaken in conjunction with the Project, that are not included as part of the Project for the purposes of the declaration as an MIP and these are:

- Removal of the existing Sheffield-Burnie 220 kV transmission line (this is classified as 'work of minor environmental impact'⁶ and does not require planning approval);

⁶ In accordance with Section 57 of the *Electricity Supply Industry Act 1995*, where an electricity entity proposes to carry out work on the construction, installation, modification, maintenance, demolition or replacement of electricity infrastructure, and the work is of a kind classified by the regulations as work of minor environmental impact, the work is not to be regarded as development for the purposes of the *Land Use Planning and Approvals Act 1993* and is not subject in any other way to that Act.





- Modification to existing Burnie, Palmerston and Sheffield Substations (this is classified as 'work of minor environmental impact' and does not require planning approval);
- Modification to existing transmission lines between new Staverton Substation and existing Sheffield Substation (this is classified as 'work of minor environmental impact' and does not require planning approval); and
- Once the transmission infrastructure is established, repair, maintenance or modification of the assets (this is classified as 'work of minor environmental impact' and does not require planning approval).

Those elements of the Project that do not require planning approval do not form part of this request for an order pursuant to MIDAA. However, all elements (including those not requiring planning approval) will form part of the Project's environmental and cultural heritage assessment.

The Project affects six Council areas:

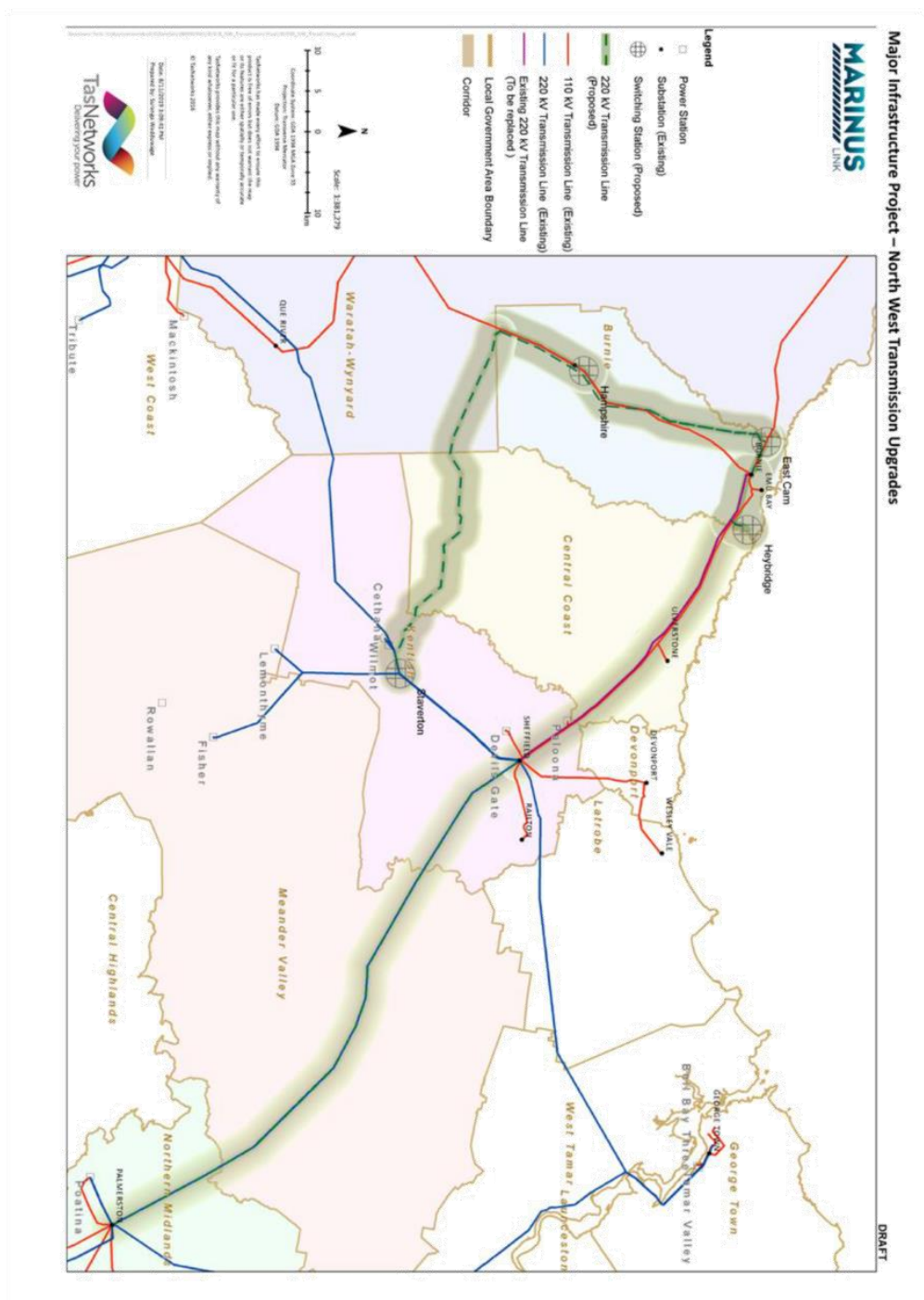
Burnie	Central Coast	Waratah/Wynyard
Kentish	Meander Valley	Northern Midlands

Figure 1 below presents elements of the Project proposed for inclusion in the MIP order together with its geographical location and an indication of Councils affected (also addressing regulation 4(2)(f)).



Figure 1 The Major Infrastructure Project for assessment under MIDAA with geographical location and Municipal boundaries

Major Infrastructure Project – North West Transmission Upgrades





The preferred approval pathways for the Project are:

- Declaration of an MIP assessed under MIDAA. Two applications for permits within the declared MIP, one for the southern route from Hampshire to Staverton and one for other routes.
- If required, the provision of guidelines for assessment by the Environment Protection Agency under the *Environmental Management and Pollution Control Act 1994*.
- Two referrals under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC). One for the southern route from Hampshire to Sheffield and one for other routes. If the Project requires assessment under the EPBC, the preferred approach will be to utilise the Bilateral Agreement (between the Commonwealth and Tasmania) to facilitate coordinated State and Commonwealth environmental assessment.

1.1 Background of the Proponent

This section addresses regulation 4(2)(a).

Experience

TasNetworks is the owner and operator of the electricity transmission and distribution networks in Tasmania and as a result has the knowledge and experience required to undertake the Project. TasNetworks and its predecessors have been responsible for planning, building, owning and operating all existing shared network transmission and distribution electricity assets in Tasmania together with contestable connection assets where negotiated.

Financial Capacity

A regulatory investment test for transmission (RIT-T) project assessment draft report (PADR) has been prepared in accordance with National Electricity Rules (NER) requirements⁷. The assessment shows that Mariner Link and supporting transmission deliver a net market benefit and should proceed. With a successful RIT-T, and consequent regulated revenue allowance, Mariner Link and supporting transmission can provide a commercial rate of return to owners as a regulated service. A range of possible ownership, funding, and commercial options are open to the project.

New pricing arrangements will need to be agreed to achieve fair pricing outcomes. TasNetworks is working with the Tasmanian State Government and other stakeholders to progress this outcome. An appropriate pricing outcome is required for Mariner Link to proceed. Further government infrastructure contributions to underwrite the project, such as those recently announced to support timely development of the Queensland to New South

⁷ Released 5 December 2019: <https://www.marinerlink.com.au/rit-t-process/>





Wales interconnector upgrade, can also ensure that the national benefits from Marinius Link and supporting transmission are delivered in a timely way.

A connection application has prompted TasNetworks to bring forward part of the proposed network upgrades planned for this region, with acceleration at the developer's cost. As a result, the first corridor TasNetworks expects to progress for approvals and construction lies between the Hampshire and Staverton areas. The proposed transmission line would be built, owned and operated by TasNetworks. It is proposed that this new line would initially connect the Robbins Island and Jims Plain wind farms and the under this arrangement, UPC Renewables would pay for the right to use the line. This corridor is identified as part of TasNetworks' North West Tasmania Strategic Transmission Plan, to provide 'shared' network services for a number of customers and Marinius Link.

Contact Details for the Proponent

Proponent: TasNetworks Pty Ltd

Please contact Benjamin White
Stakeholder & Environment Lead Project Marinius
TasNetworks Pty Ltd
PO Box 606
Moonah TAS 7009

Email: team@mariniuslink.com.au

1.2 Background and Purpose of the Project

This section addresses regulation 4(2)(b).

As highlighted in the *Independent Review into the Future Security of the National Electricity Market* a report authored by Dr Alan Finkel, the Australian mainland generation fleet is undergoing a transformation from a predominately base load generation to one dominated by intermittent renewable generating systems. Tasmania is ideally placed to assist with the transformation of the mainland generation fleet with its world-class wind resources, existing hydroelectric generators and cost-competitive for long-duration (deep) pumped hydro energy storage potential.

North West Tasmania could play a key role in delivering low-cost, reliable and clean energy to Tasmania and the National Electricity Market (NEM). Upgrades to the existing transmission network, along with potential new routes, will be required to increase network capacity and ensure the power system can accommodate developments forecast for the region.





North West Tasmania:

- has been identified as a high priority renewable energy zone in the Australian Energy Market Operator's 2018 Integrated System Plan (ISP)⁸;
- is the expected connection point for Marinus Link, an undersea and underground electricity connection that will link North West Tasmania to Victoria⁹; and
- has high potential to host deep pumped hydro energy storage¹⁰.

TasNetworks owns, operates and maintains the existing electricity transmission and distribution networks in Tasmania and has jurisdictional responsibility for transmission system planning in Tasmania under the National Electricity Law.

As indicated above, Tasmania has significant renewable energy resource potential, particularly hydroelectric power and wind energy. The potential size of the resource exceeds both the Tasmanian demand and the capacity of Basslink. Growth in renewable generation in other regions in the NEM, coupled with the forecast retirement of baseload coal-fired generators, is reducing the availability of dispatchable generation. Marinus Link can help smooth this transition by providing the NEM with access to Tasmania's existing and potential renewable resources, which are a valuable source of new and dispatchable generation and would benefit electricity supply in the NEM.

TasNetworks has developed a long-term strategic transmission plan for North West Tasmania to facilitate these potential developments. The plan is flexible, accommodating a number of scenarios that can be developed in stages as required. Figure 2 presents the North West Tasmania Strategic Transmission Plan.

⁸ Link to: [AEMO Integrated System Plan 2018](#)

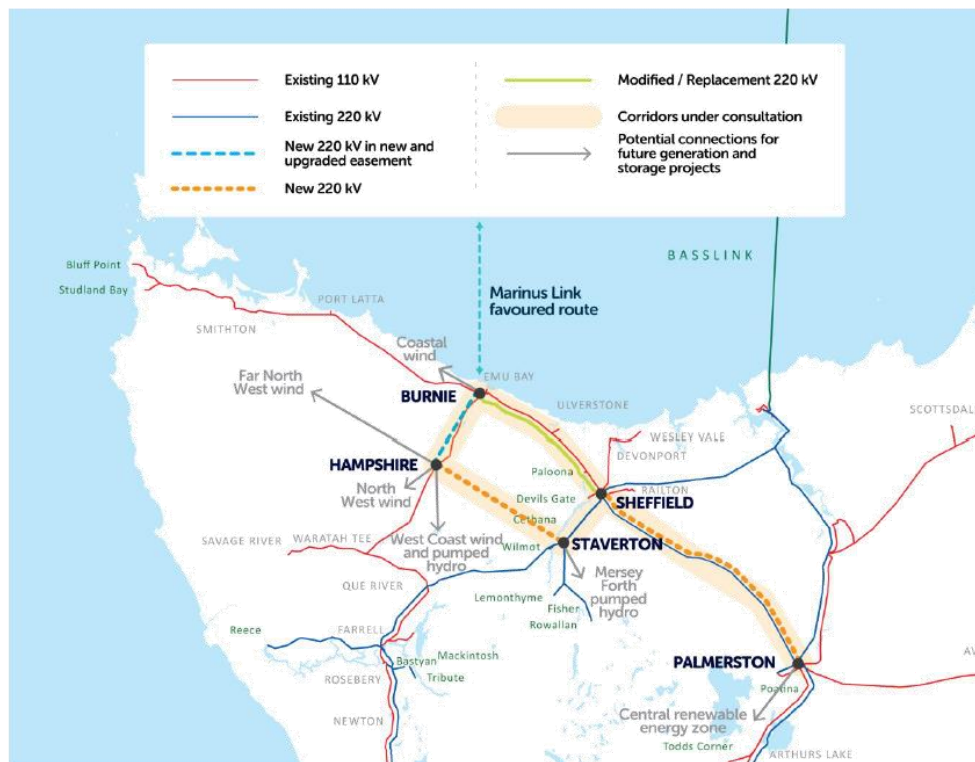
⁹ Link to: [Marinus Link Initial Feasibility Report 2018](#)

¹⁰ Link to: [Hydro Tasmania - Battery of the Nation](#)





Figure 2: North West Tasmania Strategic Transmission Plan



The purpose of the Project is to support development of the anticipated new wind generation, Marinus Link, and pumped hydro energy storage in North West Tasmania.





1.3 Project Description

This section addresses regulation 4(2)(c) as listed below:

Reg	Description	Report Section
4(2)(c)	a project description of the proposed project including	Section 1.3
4(2)(c)(i)	(i) a description of each use or development comprised in the project	Section 1.3.1
4(2)(c)(ii) & (iii)	(ii) a description of all proposed major buildings, structures, equipment, infrastructure and ancillary facilities comprised in the project; and (iii) a description of the proposed ongoing operations associated with the project	Section 1.3.2

1.3.1 Description of each use or development comprised in the project

This section addresses regulation 4(2)(c)(i).

The Project is for a 'Utilities'¹¹ use including electricity transmission infrastructure upgrades, new infrastructure works, and all other activities required are ancillary to that primary 'Utilities' use.

The Project will be comprised of the following main developments in the following locations described in Table 1. Land and easement requirements for each component of the Project are described separately in Section 7.2 of this report.

Table 1 Main Project Components and Locations

Projects described by corridor	Description of main developments	Location
Palmerston to Sheffield	A new 220 kV transmission line.	New transmission line located in an existing corridor containing an existing 220 kV transmission line and local distribution lines.

¹¹ [Planning Directive No. 1 - The Format and Structure of Planning Schemes](#)





Projects described by corridor	Description of main developments	Location
Sheffield to Burnie via Heybridge	A new 220 kV transmission line	3 Municipalities: Kentish, Meander Valley, Northern Midlands
	New spur lines to and from Heybridge Substation comprising two 220 kV transmission lines	New transmission line within existing corridor and as close as practical to the alignment as existing TL504 220 kV transmission line (which will be removed). The corridor also contains an existing 110 kV transmission line and local distribution lines.
	New Heybridge Substation	New corridor for Heybridge Spur lines.
		New site for Heybridge Substation,
Burnie to East Cam	New 220 kV transmission line	3 Municipalities: Kentish, Central Coast and Burnie
	New East Cam Substation	New transmission line located within an existing corridor that also contains an existing 110 kV transmission line and local distribution assets. A small portion of new corridor required from the existing corridor to the East Cam Substation.
		New site for East Cam Substation.
East Cam to Hampshire	New 220 kV transmission line	1 Municipality: Burnie
	New Hampshire Substation	New transmission line requires a new corridor from East Cam Substation until it merges with the existing Burnie-Hampshire corridor that also contains a 110 kV transmission line as it moves towards Hampshire.
		New site for Hampshire Substation.
Hampshire to Staverton	New Staverton Substation	1 Municipality: Burnie
	New 220 kV transmission line between Hampshire and Staverton Substation	New site for Staverton Substation.
		New transmission line: Hampshire – Wey River area mostly within an existing corridor also containing an existing 110 kV transmission line. Wey River area - Staverton Substation requires a new corridor.





Projects described by corridor	Description of main developments	Location
		4 Municipalities: Burnie, Waratah/Wynyard, Central Coast, Kentish

1.3.2 Description of all proposed major buildings, structures, equipment, infrastructure and ancillary facilities comprised in the project and proposed ongoing operations associated with the project

This section of the report addresses regulations 4(2)(c)(ii) & (iii).

1.3.2.1 Transmission Lines

Double circuit 220 kV transmission towers with conductors and optic fibre ground wire (OPGW).

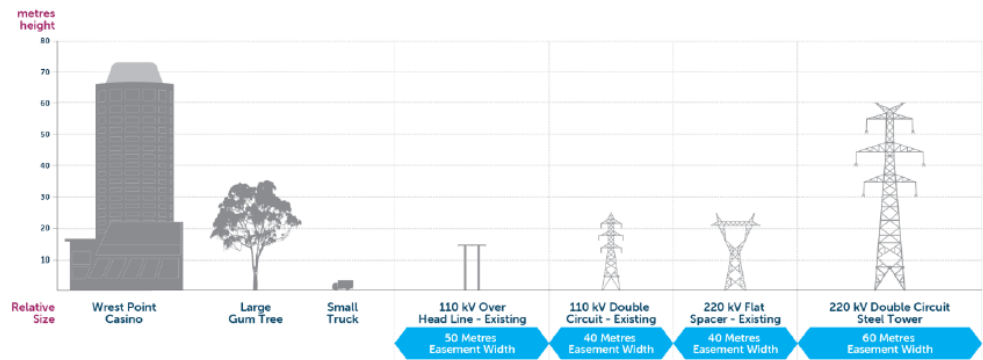
The transmission line towers are likely to be traditional lattice structure based on existing designs used around the State. The towers will be between 36 and 60m in height, depending on terrain, environmental values, cultural values, visual impact considerations, impact on land use and cost together with other constraints and opportunities. A nominal area of 50m x 50m will be required to construct a transmission tower which has a nominal footprint of 10m x 10m.

Foundations for the towers will vary subject to soil condition variations. The transmission towers will be strung with conductors and requisite fittings together with associated safety and warning fixtures. This equates to twelve wires (conductors) in total at six wires per side of each tower. Figure 3 illustrates a comparative tower height. This represents the tallest tower likely to be required for the project.





Figure 3 Illustration of comparative tower height



1.3.2.2 Access tracks

Tracks of approximately 6m wide and up to 1km long from existing roads and access tracks will be required to enable access to tower sites and for vegetation maintenance. The access tracks include construction of associated drainage, culverts, bridges, security gates and the like. Both transmission line and substation infrastructure require access roads or access tracks, intersection infrastructure, drainage, culverts, bridges and security fences and gates to facilitate construction and operation. All permanent access tracks/roads, as a minimum, are constructed and maintained to Class 4 Forestry standard. The location and rehabilitation for temporary access tracks will be negotiated with the impacted landowner in accordance with the approval conditions.

All access infrastructure onto Council and State managed roads is constructed to relevant Australian Standards and subject to State and Local Government permits depending on the location of works.

1.3.2.3 Telecommunications

With the addition of new and upgraded electricity transmission infrastructure, new and upgraded communications infrastructure will be required to support its monitoring, operation, maintenance and repair. This may include upgrades to existing communications facilities, installation of new overhead or underground communication cables (co-located with existing or proposed transmission lines), dishes and ancillary buildings, structures and tracks. Ongoing operation involves communication between TasNetworks' and its generation and load customers and within the electricity network to our control room to ensure the safe and





reliable operation of the electricity system in accordance with our regulatory requirements. Once assets are established, vegetation clearance will be undertaken to maintain the safe and reliable operation of the asset.

1.3.2.4 Substations

The four 220 kV substations situated at Heybridge, East Cam, Hampshire and Staverton have a nominal 300m x 200m footprint. Typically, substations are secured premises, with signed electrified fencing, security cameras, external lighting and security gates and may include alarms.

Infrastructure in substations may include extra high voltage switching or transforming equipment, buried infrastructure and services, buried copper earthing, lattice steel gantries, control buildings, transmission system protection equipment, communication equipment, AC/DC power supply equipment, amenities buildings, fire control, drainage and roadway/parking infrastructure.

Operational traffic loads associated with the substations are typically in the order of less than six vehicle visits per month. Traffic loads will vary during maintenance periods. Ongoing operation includes the transformation or switching of electricity to service customer and network needs in accordance with our regulatory requirements.

1.3.2.5 Vegetation clearing and rehabilitation

Typically, vegetation clearance up to 60m wide will be required for 220 kV transmission lines. Where two lines are proposed, as with the Heybridge spur, vegetation clearance is typically 90m. Where practicable, vegetation clearance may be reduced through design responses including supporting retention of riparian vegetation to maintain wildlife corridors, impact on species and communities listed for protection at Commonwealth and State level and to limit impact on crops for existing and planned agricultural activities. Design iterations will continue as analysis continues regarding impact and mitigation opportunities.

Typically, a permanently cleared area of approximately a 10m radius is required to be maintained for operation and maintenance around the centreline of a transmission tower. Where vegetation is likely to interfere with the safe and reliable operation of the transmission line, Substation or communication site, subject to any environmental approvals, it will be removed. Some vegetation types are suitable for transmission line corridors and near substations and communications sites. All areas of disturbance that do not contain permanent roads or substation sites will be rehabilitated with vegetation suitable for the safe and reliable operation of the transmission assets.





Construction activities and timing will take into account impact on environmental values and cropping cycles. Rehabilitation activity will be timed to taking into account crop cycles, rehabilitation success and efficient construction practices. These activities are typically staged, incorporating landowner requirements, and will require monitoring, maintenance and remediation where necessary.

1.3.2.6 Equipment storage facilities

The Project may involve the use of temporary storage locations or laydown areas for equipment, plant and materials prior to and during construction that could be located both within or outside a notified corridor. If required, the location, extent and any associated works will be specified at development application stage.

1.3.2.7 Temporary works

This could include construction camps or concrete batching. If required, the location, extent and any associated works will be specified at development application stage.

1.4 The level of investment that will be required to establish the project

This section of the report addresses regulation 4(2)(d). The preliminary estimate of required capital investment for all elements of the Project is estimated to be approximately \$500 million.

1.5 State and Commonwealth legislation and State Policies relevant to the project

This section addresses regulation 4(2)(e).

If the Project is declared a major infrastructure project, it will be subject to an integrated assessment that includes land use planning, environmental and cultural heritage approvals. Additionally, at a State level, the Project will be subject to separate approvals for Aboriginal Heritage and threatened species.

The State legislation and State Policies that are, and/or may be, relevant to the Project in the context of this integrated assessment and the need for separate approvals are addressed below.

The Commonwealth legislation relevant to this Project is also set out below.





The (State) land access and acquisition legislation that may be relevant to the Project are also set out in this section.

1.5.1 State Integrated Assessment Processes (with MIDAA)

1.5.1.1 Land Use Planning and Approvals Act (LUPAA)

The *Land Use Planning and Approvals Act 1993* (LUPAA) is the major piece of legislation that regulates the control of land use and development and requires the submission of development applications for assessment and grant or refusal of land use permits.

If the Project is declared a major infrastructure project pursuant to s7(2) of MIDAA, TasNetworks will need to make a development application or applications pursuant to LUPAA. The MIDAA framework provides for the establishment of a combined planning authority (CPA) made up of representatives from each Council whose municipal area is included in the Project. MIDAA also requires the assessment of the Project by the CPA in accordance with Project specific planning criteria instead of the applicable provisions of the relevant planning schemes or schemes that would otherwise apply. Whilst MIDAA modifies some parts of the LUPAA process (for example designates all use and development comprised in the Project to be for a use and development which the planning authority has a discretion to refuse or permit under s 57 of LUPAA), it does not replace the LUPAA process and a permit for land use and development under LUPAA is still required (albeit subject to some procedural modifications).

The grant (or refusal) of a permit for a Major Infrastructure Project is subject to appeal rights (including third party appeal rights) to the Resource Management and Planning Appeals Tribunal in accordance with the *Resource Management and Planning Appeals Tribunal Act 1993*.

1.5.1.2 Environment Management and Pollution Control Act 1994 (EMPCA)

The *Environmental Management and Pollution Control Act 1994* (EMPCA) is the primary environment protection and pollution control legislation in Tasmania, being part of the integrated development assessment process (with LUPAA) addressing and preventing environmental harm associated with development.

The assessment of an application for a permit by a CPA established under MIDAA is subject to the same assessment regime under EMPCA as an application for a permit that is not a major infrastructure project.





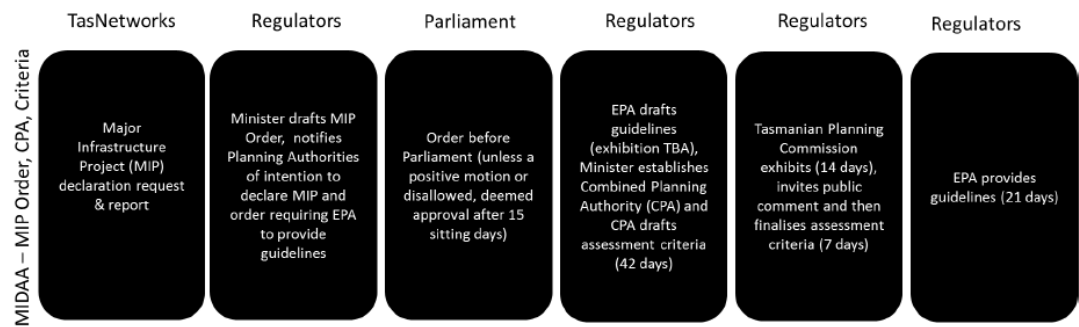
The Environmental Protection Authority (EPA) Director has the power to “call in” the Project and require that it is assessed under EMPCA.

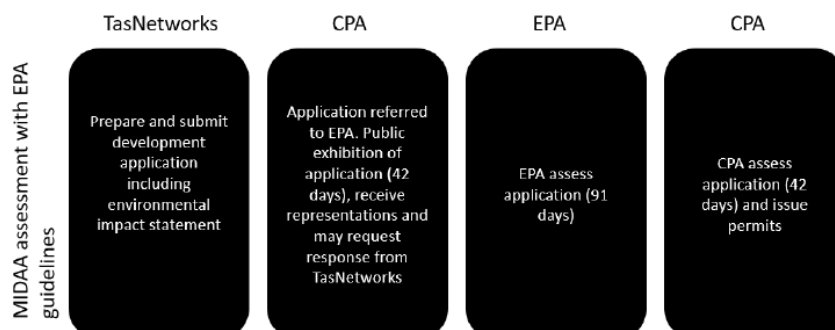
Pursuant to s24 of EMPCA, where an application has been made to a planning authority (which would include a CPA) for a permit for use or development (that is a permissible level 1 activity), the EPA Director has the power to require that the planning authority refer it to the EPA Board for assessment under EMPCA. The planning authority is then obliged to include the recommendations of the EPA Board in its assessment (including if the EPA Board requires that the permit be refused or that it include specified conditions).

The order sought by TasNetworks pursuant to MIDAA, includes a requirement that the EPA Board provide to both the proponent and the CPA, the guidance (as required by s74 of EMPCA) for the preparation of documentation for an environmental impact assessment (under EMPCA) 21 days prior to the finalisation of the planning criteria by the Tasmanian Planning Commission. The inclusion of such a requirement results in the provision of this guidance (which will be in the form of guidelines for assessment) at an earlier stage, than would otherwise be required under EMPCA, to enable the early preparation of the material required for assessment under EMPCA. This will enable TasNetworks to prepare for an assessment under EMPCA as part of the material prepared for submission of the development application. The EMPCA assessment (if the Project is “called in”) will be in accordance with the comprehensive statutory assessment under EMPCA. The inclusion of this requirement in the order will also enable the CPA to take into consideration (and if, considered appropriate, include) the guidelines in the planning criteria.

Figure 4 illustrates the MIDAA process where EPA guidelines are provided and the development applications (submitted to the CPA seeking approval for the Project) are required by the EPA to be referred for assessment.

Figure 4 EPA guidelines and the MIDAA process





1.5.1.3 Historic Cultural Heritage Act 1995 (HCHA)

The *Historic Cultural Heritage Act 1995* (HCHA) regulates developments that may affect historic heritage by requiring approval either through a certificate of exemption (for works that will have no or negligible impact) or a discretionary permit (where the works may impact on the heritage significance of a listed place). The assessment under the HCHA can occur as part of an integrated assessment by a CPA under MIDAA, with the CPA referring a development application (that requires works to a heritage listed site) to the Heritage Council for assessment. The Heritage Council's decision must be incorporated into the final permit (or refusal) of the CPA.

1.5.1.4 Electricity Supply Industry Act 1995 (ESIA) and 2018 Regulations

TasNetworks is a licensed electricity entity pursuant to the *Electricity Supply Industry Act 1995* (ESIA). The ESIA exempts licensed electricity entities from the requirement for a permit under LUPAA for works that are classified as "work of minor environmental impact" under the ESI Regulations (2018). The definition of "work of minor environmental impact" includes vegetation clearance for safety reasons for electricity infrastructure, new underground cables for the transmission or distribution of electricity and the modification, removal, maintenance or repair of;

- substations or transformers; or
- existing power lines.

Aspects of the Project will fall within the scope of the exemptions are indicated in the outline of the Project at Section 2 of this report.





1.5.2 State Non-integrated Approvals

In addition to the approvals that are integrated within a MIDAA assessment, the Project will also be subject to approvals and permissions from several other State Agencies. Whilst the MIDAA process envisages tailored criteria pursuant to which the CPA assesses any development applications for planning permission, it is important to acknowledge the separate specialised regimes that other State Agencies administer that cannot, and should not, be incorporated into the LUPAA/MIDAA planning approval process. In this respect, in order to avoid duplicated assessment regimes and potentially conflicting requirements as a result, it will be important to ensure the assessment criteria established under MIDAA do not include criteria relating to these separate assessment regimes.

1.5.2.1 Aboriginal Heritage Act 1975 (AHA)

An unavoidable impact on an Aboriginal heritage object, place or site requires a permit under the *Aboriginal Heritage Act 1975 (AHA)*. This process is required regardless of whether other development approvals (for example a LUPAA permit) have been obtained. For this Project TasNetworks will (separate to the MIDAA development application process) obtain a field survey and assessment by a qualified consulting archaeologist and an Aboriginal Heritage Officer. An Aboriginal Heritage Assessment Report and a cultural heritage management plan will also likely need to be prepared. Aboriginal Heritage Tasmania will then review the report and plan and determine if a permit for works to proceed is required (in the case of impacts to a heritage site that cannot be reasonably avoided) or if the Project can proceed with an Unanticipated Discovery Plan and/or mitigation measures.

1.5.2.2 Nature Conservation Act 2002 (NCA)

The *Nature Conservation Act 2002 (NCA)* regulates the conservation and protection of flora, fauna and geological diversity within Tasmania. The NCA also lists the vegetation communities that have protection under the Tasmanian resource management planning system. The NCA, together with the accompanying regulations, prohibit a range of activities and impose controls on other activities.

1.5.2.3 Threatened Species Protection Act 1995 (TSPA)

The *Threatened Species Protection Act 1995 (TSPA)* lists State threatened flora and fauna and provides a system of permits to "take" threatened species. To the extent that the Project impacts on threatened flora and fauna, a separate approval under this regime will be required.





1.5.2.4 National Parks and Reserves Management Act 2002 (NPRMA)

The *National Parks and Reserves Management Act 2002* (NPRMA), sets out the process for seeking approval, by way of a Reserve Activity Assessment, for activities proposed in national parks and reserves.

1.5.3 Land Access and Acquisition

1.5.3.1 Electricity Supply Industry Act 1995 (ESIA) and 2018 Regulations

The ESIA provides rights to access and undertake works on public land (which is defined as land belonging to the Crown or a local authority).

1.5.3.2 Land Acquisition Act 1993 (LAA)

TasNetworks as an electricity entity under the ESIA, is also an acquiring authority under the *Land Acquisition Act 1993* (LAA) and as such, it is unlikely that the Crown will be required to acquire any land on TasNetworks behalf. An acquiring authority may compulsorily acquire private land (including an easement in gross) under the LAA for the purposes of the operations that it is licensed to carry out. TasNetworks may only compulsorily acquire land under the LAA if the acquisition is authorised in writing by the Minister for Energy, or as delegated. The LAA sets out the process required to be followed, which includes the payment of compensation to landowners which can either be agreed or determined by the Supreme Court.

Whilst noting that TasNetworks has rights of access to public land under the ESIA, in general the following Acts are relevant to access and works to and on public land:

- ***Forest Management Act 1993***
- ***Crown Lands Act 1976***
- ***Road and Jetties Act 1935***
- ***Local Government (Highways) Act 1982***

1.5.4 Commonwealth Legislation

The *Environment Protection and Biodiversity Conservation Act 1999* (EPBC) provides a national framework for the protection and management of designated "matters of national environmental significance" (MNES). If the Commonwealth Minister for Environment determines that a project could potentially have a significant





impact on a MNES or involve Commonwealth land, the project is designated a “controlled action”. Controlled actions must be assessed and approved by the Commonwealth Minister before the project can proceed.

In Tasmania, a bilateral agreement allows the Commonwealth Minister to rely on a specified environmental impact assessment process, which includes assessment under EMPCA by the EPA. TasNetworks intends to refer the Project to the Commonwealth Minister for a determination as to whether the Project is a “controlled action”. If the Project is determined to be a controlled action and the EPA Director “calls in” the Project for assessment under EMPCA (as is set out under the EMPCA section of this the report), then the provisions of the bilateral agreement allows the EMPCA assessment to be relied upon by the Commonwealth Minister in making his/her decision.

1.5.5 State Policies

The following State Policies, pursuant to the *State Policies and Projects Act 1993* may be relevant to the assessment of the Project:

- *State Policy on the Protection of Agricultural Land 2009*
- *State Coastal Policy 1996*
- *State Policy on Water Quality Management 1997*
- *National Environmental Protection Measures*





1.6 Proposed geographical location of the project, including the municipal areas and municipal boundaries relevant to the project and an outline of any constraints analysis and alternative route investigations undertaken by the proponent

This section addresses regulation 4(2)(f) as listed below.

Reg	Description	Report Section
4(2)(f)	details of the proposed geographical location of the project, including details of the municipal areas and municipal boundaries relevant to the project and	Section 1 Figure 1 and Section 1.6.1
	an outline of any constraints analysis and alternative route investigations undertaken by the proponent	Section 1.6.2 and Figure 5 to Figure 9

1.6.1 Geographical location and Municipal boundaries

This section addresses regulation 4(2)(f).

Please see Figure 1 in Section 1.

1.6.2 An outline of the constraints analysis and alternative route investigations undertaken

The nominal preferred route is as set out at Figure 1. Further investigation and refinement of the route (including survey of the areas required) will take place for the purpose of preparing the plan required for the notified corridor. The delineation of the route will be based on further investigations to ensure that, to the extent possible, adverse environmental and landowner impacts are avoided or ameliorated.

The route rationale is based on the need to develop a network to support implementation of the North West Tasmania Strategic Transmission Plan and facilitate the development of anticipated wind generation, Marinus Link, and long duration pumped hydro energy storage in North West Tasmania.





For the purposes of describing the constraints analysis and alternative route investigations undertaken, the Project is divided into the following route segments;

1. Palmerston to Sheffield;
2. Sheffield to Burnie, via Heybridge;
3. Burnie to East Cam;
4. East Cam to Hampshire;
5. Hampshire to Staverton.

A comprehensive route selection process has been undertaken to inform the preferred route for the project. This has involved the identification of prudent and feasible options, which are progressively discounted as more detailed information about the options becomes available and is analysed. Routes and sites are discounted by comparison against technical parameters and environmental and social criteria. The technical parameters relate to project objectives and engineering considerations. Environmental and social criteria relate to the potential impacts of the project.

Existing infrastructure corridors provide opportunities to co-locate supporting transmission infrastructure where the uses are compatible. The proponent's existing linear infrastructure corridors present a key opportunity, as the uses are compatible, and easement widening or replacement of existing ageing transmission lines are prudent and feasible options from both technical and environmental parameters.

Of the above listed routes, there are three routes (the northern portion of East Cam to Hampshire, a significant portion of Hampshire to Staverton, and a small portion of the Sheffield to Burnie via Heybridge route that requires a new Spur) that do not have existing linear infrastructure corridors that are able to be utilised.

The factors relevant to the route segment selection for these sections are set out in detail in this section.

Table 2 provides a summary of the identified routes and their lengths.

Table 2 Summary of identified routes

Route name	Proposed infrastructure	Approximate Length (km)
Palmerston to Sheffield	New double-circuit 220 kV transmission line	79
Sheffield to Burnie via Heybridge	Sheffield to Burnie: New double-circuit 220 kV transmission line	51 3

Page 28 of 78





Route name	Proposed infrastructure	Approximate Length (km)
	Heybridge spur: two new double-circuit 220 kV transmission lines	
Burnie to East Cam	New double-circuit 220 kV transmission line	5
East Cam to Hampshire	New double-circuit 220 kV transmission line	25
Hampshire to Staverton	New double-circuit 220 kV transmission line	57

TasNetworks has undertaken a constraint analysis and route investigation with respect to each route, which is summarised below.

1.6.2.1 Palmerston to Sheffield

The Palmerston to Sheffield segment has an existing single circuit flat spacer 220 kV transmission line constructed in 1957. The existing transmission line has the benefit of an easement of varying width up to 80m over most of its length.

The widening of the existing easement by 20m over approximately 60km of the 79km route will provide enough space for the proposed transmission line. This will likely require approximately 261 towers ranging in height from 36m to 60m (depending on values and constraints). Tower spacing on the existing transmission line varies from 200m to 350m. Longer spans (450m on average) will be possible with the higher double-circuit 220 kV transmission line, providing opportunities to reduce land use impacts by siting towers adjacent to property and paddock boundary fences.

This segment is predominantly through agricultural land with scattered patches of remnant native vegetation and some larger areas of native vegetation including:

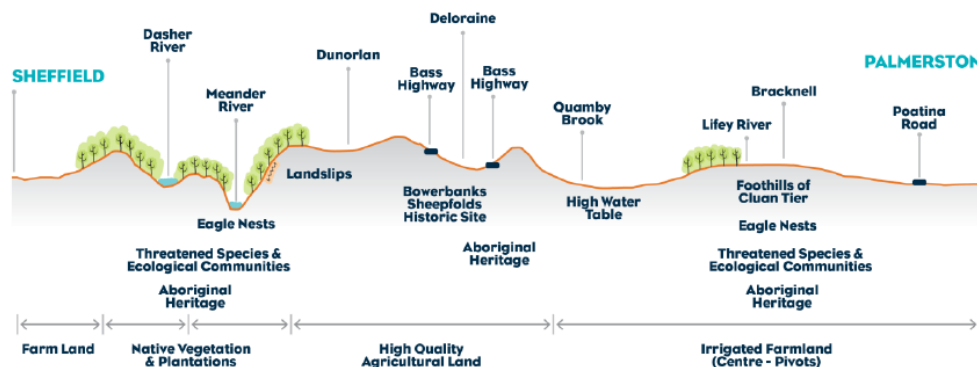
- at the base of the Cluan Tiers south east of Deloraine.
- at the base of the Western Tiers west of Cressy.

Figure 5 shows a representative cross-section of the Palmerston to Sheffield segment (not to scale), outlining the general terrain and land uses crossed by this segment of the proposed route including landforms, waterway crossings, landslip hazard areas, land uses, existing infrastructure, flora, fauna and heritage values.





Figure 5 Cross-section of Palmerston to Sheffield route segment



1.6.2.2 Sheffield to Burnie via Heybridge

The Sheffield to Burnie via Heybridge segment has two existing transmission lines including a single-circuit flat spacer 220 kV transmission line (TL504) and double circuit 110 kV transmission line (TL441). The two existing lines are parallel for most of this corridor, splitting and diverging in sections to address land use and topography constraints. West of Chasm Creek the transmission lines diverge and follow separate corridors to Burnie Substation. The transmission line has the benefit of an easement and, in parts, an unregistered wayleave easement that vary in width up to 140m wide where the transmission lines are parallel.

The placement of a new double circuit 220 kV transmission line on substantially the same alignment as existing TL504 and removal of that ageing asset will enable the existing easement to be utilised between Sheffield and the Minna Road area, Stowport with minor widening in a few locations.

Tower spacing on the existing transmission line varies from 200m to 350m. Longer spans (450m on average) will be possible with the higher double circuit 220 kV transmission, line providing opportunities to reduce land use impacts by siting towers adjacent to property and paddock boundary fences.

West of Minna Road, Stowport topography (Chasm Creek and Emu River) and urban development (Burnie) constrain route options to the existing 220 kV transmission line (TL504) alignment.

Construction of the new double circuit 220 kV transmission line adjacent to or on the same alignment as existing TL504 requires intermittent outages of this transmission line and for the Burnie-East Cam-Hampshire- Sheffield components of the project to be constructed first. This allows for removal of the

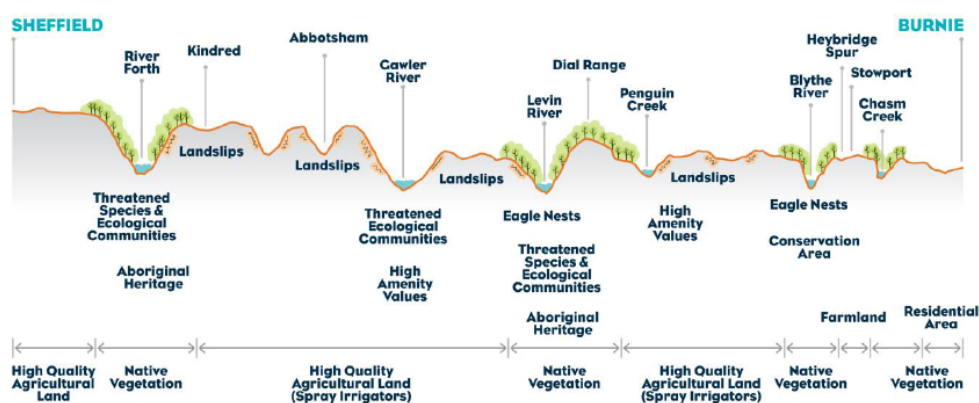




existing 220 kV transmission line (TL504) whilst maintaining system stability and supply to existing customers during construction of the new transmission line.

Figure 6 shows a representative cross-section of the Sheffield to Burnie (via Heybridge) segment (not to scale), outlining the general terrain and land uses crossed by this segment of the proposed route including landforms, waterway crossings, landslip hazard areas, land uses, existing infrastructure, flora, fauna and heritage values.

Figure 6 Cross-section of Sheffield to Burnie route segment



1.6.2.3 Burnie to East Cam

The Burnie to East Cam segment contains the existing Burnie to Smithton double-circuit 110 kV transmission line, two 22 kV distribution power lines and two 22 kV underground cables in an 80m wide easement. The underground cables are located between the double-circuit 110 kV transmission line and northern 22kV distribution power line. The cables run west from Burnie Substation to West Mooreville Road where they connect to overhead distribution lines.

A small widening of existing easement may be required to accommodate the new 220 kV transmission line from Burnie Substation to approximately Mooreville Road area.

At West Mooreville Road, a gas transmission pipeline easement joins, and in part, follows the existing Burnie to Smithton 110 kV transmission line easement west to near Laird Road. Minor deviation of the route will be required in this area if careful placement of towers cannot deal with the gas transmission pipeline in this area.





Figure 7 shows a representative cross-section of the Burnie to East Cam segment (not to scale), outlining the general terrain and land uses crossed by this segment of the proposed route including landforms, waterway crossings, landslip hazard areas, land uses, existing infrastructure, flora, fauna and heritage values.

Figure 7 Cross section of Burnie to East Cam route segment



1.6.2.4 East Cam to Hampshire

This segment contains new and widened existing easements. A new easement will be required from East Cam to Highclere where the new transmission lines join the existing 110 kV easement between Burnie and Waratah Tee. South of Highclere, the existing easement will require widening for approximately 10km to Hampshire Substation site.

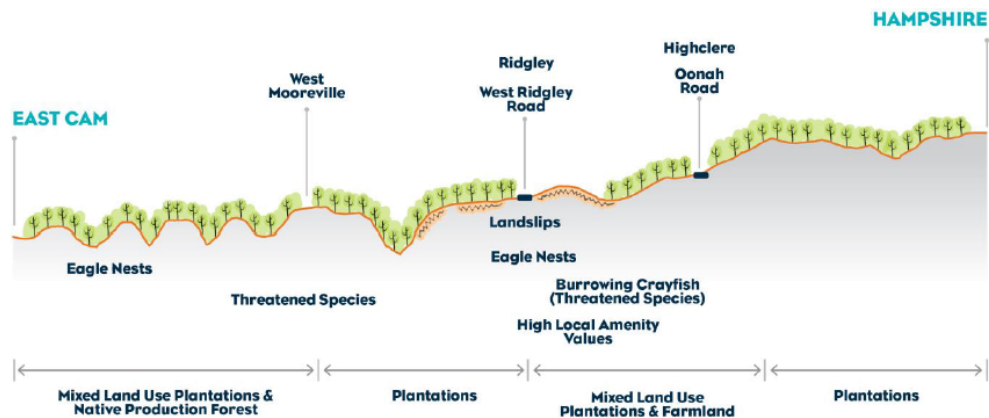
One alternative route was investigated for this segment, where the existing 110 kV easement was followed the entire length from Burnie direct to Hampshire. This route option was constrained in places by residences and existing infrastructure, including Burnie Shire Council's maintenance depot. A route adjacent and parallel to the existing OHTL was identified but necessitates crossing over the existing line several times to address pinch points caused by proximity to houses, farm buildings and infrastructure. The existing easement is less constrained south of Highclere where it enters plantations, which forms part of the preferred route outlined above.

Figure 8 shows a representative cross-section of the preferred East Cam to Hampshire segment (not to scale), outlining the general terrain and land uses crossed by this segment of the proposed route.





Figure 8 Cross-section of East Cam to Hampshire route segment



1.6.2.5 Hampshire to Staverton

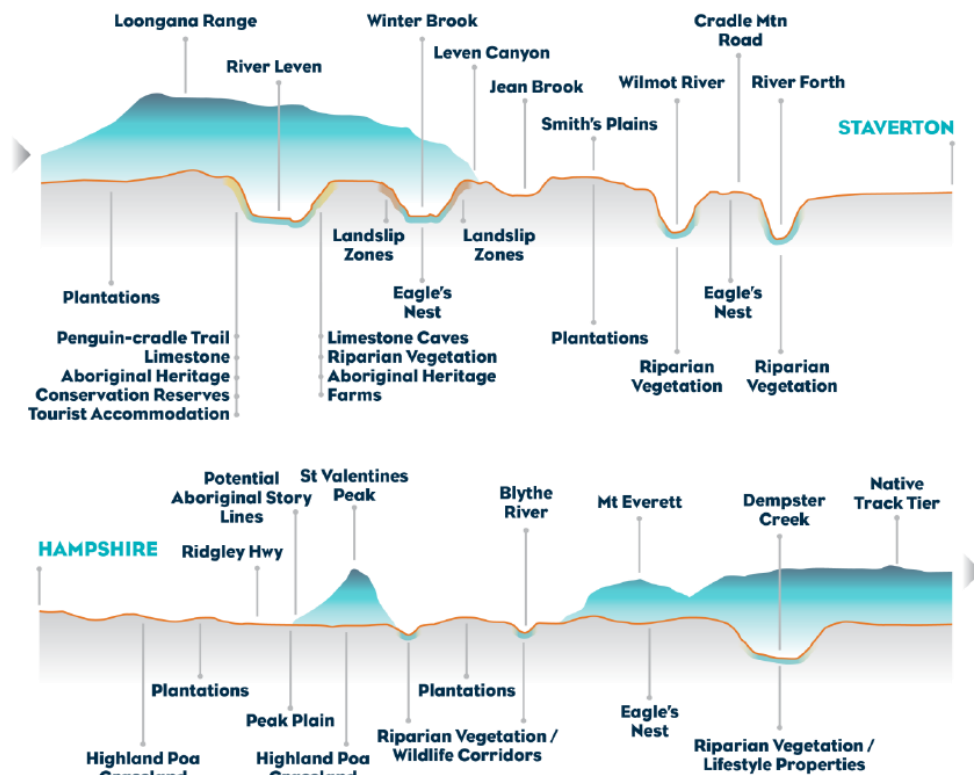
The proposed route for this segment assumes modifications to existing transmission lines between Staverton and Sheffield (not part of this MIP) and the building of the Staverton Substation (which is part of this MIP).

This segment requires a new route to be identified as there is no existing linear infrastructure that provides a corridor that could be utilised between Hampshire and Staverton.

Figure 9 shows a representative cross-section of the Hampshire to Staverton segment (not to scale), outlining the general terrain and land uses crossed by this segment of the proposed route including landforms, waterway crossings, landslip hazard areas, land uses, existing infrastructure, flora, fauna and heritage values.



Figure 9 Cross-section of Hampshire to Staverdon route segment



TasNetworks has investigated the route options for the new linear infrastructure and identified the preferred route (option 3). All options are described in detail below, and shown in Figure 10. The options are described as commencing at Staverdon and running to Hampshire.

Option 1

The Sheffield to Farrell 220 kV transmission line runs southwest from Staverdon and using this as the basis for a new transmission corridor was considered by TasNetworks. This was excluded as an option based on the following matters:



- The route traverses threatened ecological communities (highland poa grassland) and conservation reserves including Black Bluff Nature Recreation Area, Vale of Belvoir Conservation Area and Iris Farm Private Nature Reserve.
- The route would add an additional 49.5 km.
- The route would add an additional \$100M (to the estimated \$500M for the Project).
- The existing easement would need to be widened to accommodate the new 220 kV transmission line increasing impacts on threatened ecological communities and conservation areas.
- The existing transmission corridor traverses in view of Cradle Mountain Lake St Clair National Park. The proposed structures would be more visible as they will be double circuits comprising higher towers and 12 conductors in 6 sets of twin conductors.

Option 2 Routes north of Leven Canyon

Routes north of Leven Canyon Regional Reserve, Loongana Range and Mt Housetop are feasible but highly constrained and lengthy. The potential corridor would be through the network of valleys in which Nietta, South Preston, Gunns Plains, South Riana and Upper Natone are located. This route would impact small landholdings, intensive farming activities and would be highly visible. Centre-pivot irrigators in Gunns Plains and South Riana would constrain route options. This route was publicly tested by (private operator) UPC with respect to its potential windfarm development and feedback received showed this route was not preferred by the local community.

Option 3 (preferred)

The preferred route identified is through the River Leven Valley between Loongana Range and Black Bluff and south west of Valentines Peak.

This option is preferred as the Upper River Leven Valley is the only feasible corridor south of Loongana Range and the rugged Black Bluff Range with Fossey Mountains located south of the river unsuitable for transmission lines. Black Bluff is protected by a nature recreation area that encompasses Winter Brook Falls, a popular tourist attraction.

West of Loongana Range, route corridors east and west of Valentines Peak are feasible with the eastern corridor being more direct. Extensive tracts of native vegetation (wet forest, button grass plains and riparian vegetation along Old Park River) between Valentines Peak and Old Park Regional Reserve constrain route options in this corridor.





The Upper River Leven Valley connects Smiths Plains with Rabbit Plain and Peak Plain south of Valentines Peak. The plains have been extensively developed for plantation forestry and provide opportunities for feasible routes that reduce land use and amenity impacts.

The preferred route for this segment:

- Commences at Staverton, following the Sheffield to Farrell double-circuit 220 kV transmission line to the edge of plateau above Lake Barrington.
- Diverges from the existing transmission line and follows the spur adjacent to Cethana Road to make a perpendicular crossing of Lake Barrington.
- Passes through the edge of the Mount Roland Regional Reserve which extends to the Cethana Road. This section of the route crosses two mining prospects (DHPD84CC9 (pyrite)) and West Cethana Prospect (lead) that do not have registered mining leases and have not been developed.
- West of Lake Barrington, follows a ridge largely through and along the edge of plantation coups to the plateau between Lake Barrington and Wilmot River, passing north of Bell Mount, a prominent feature at the end of the plateau.
- Crosses Cradle Mountain Road, a popular tourist road, northeast of Bell Mount. This crossing ensures glimpses of Cradle Mountain and Black Buff are not encumbered by transmission lines as tourists drive around and down Bell Mount to Moina.
- West of Cradle Mountain Road, traverses plantations and the edge of farmland to a prominent spur above Wilmot River. This alignment enables a perpendicular crossing of Wilmot River.
- Ascends the small escarpment that forms the eastern edge of Smiths Plain to run largely in plantations down the eastern side of Jean Brook to near Loongana Road. The route avoids the alluvial deposits and swampy areas associated with Jean Brook and patches of threatened native vegetation communities (*Eucalyptus viminalis* wet forest).
- Turning west, runs along the undulating plateau through plantations to the spur above Winter Brook. A route along Loongana Road and through Griffiths Flats was discounted due to amenity impacts on properties and Loongana which is the main access road to Leven Canyon visitor's area and viewpoints.
- After crossing Winter Brook valley, runs in plantations adjacent to an unnamed tributary of River Leven, passing north of a sinkhole formed in the underlying karst limestone. The route has been sited between Webbs Flats and Frosts Flats and between Leven Cave and Tiger and Wicked Caves which are located adjacent to the river.
- Crosses into plantations west of River Leven to run along the base of Loongana Range to the spur above an unnamed tributary of River Leven.

Page 36 of 78



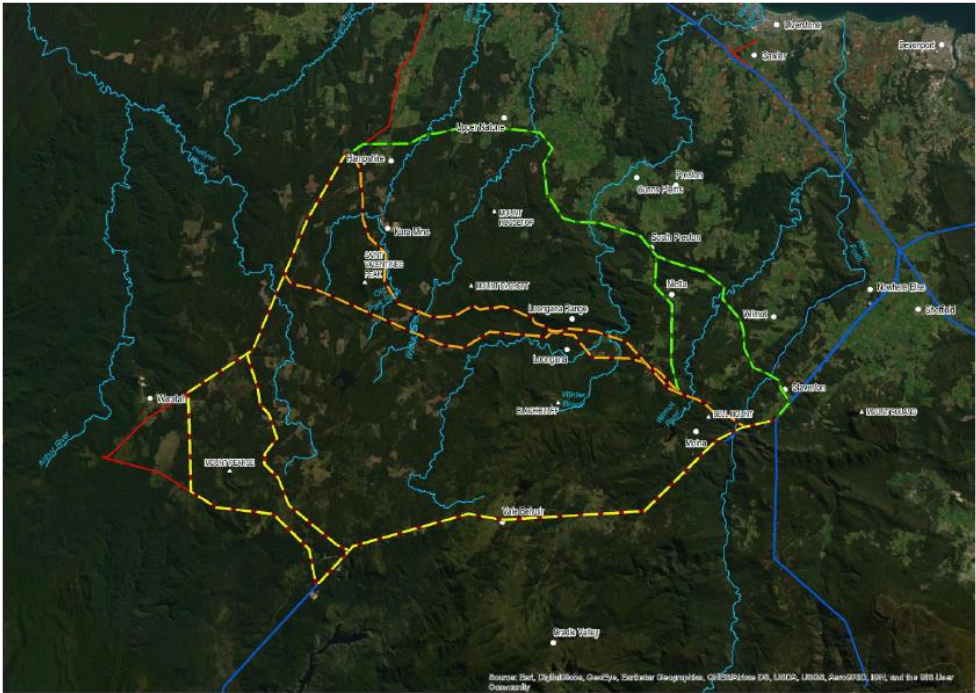


- Continues in plantations to the crest of Dempster Creek valley. Loongana Road runs along the eastern side of the creek with discharges to River Leven south of the road.
- West of Dempster Creek, traverses plantation coups located south of Maxfields Road. The plantations have been established on the watershed between Dempster Creek and River Leven catchments.
- Turns southwest to generally follow Dempster Creek Road which runs along the watershed between a tributary of Dempster Creek and River Leven. The road provides access to plantation coups through which the route has been located.
- East of Dempster Creek Road intersection with Maxfields Road, turns west-northwest to run mostly in plantation coups established on Rabbit Plain and Peak Plain between Surrey Hills and Valentines Peak.
- Crosses the headwaters of Blythe River and Old Park River east of Valentines Peak.
- After crossing Old Park River, runs along the watershed between Wey River and Emu River to Ridgley Highway and the Melba Line south of North Bunker Road.
- West of Ridgley Highway crosses the existing 110 kV transmission line which it then follows north to the proposed substation site at Hampshire. The existing easement (for the 110 kV transmission line) runs for 11km and will require widening.





Figure 10 Feasible routes for Hampshire to Staverton: Northern (green), Southern (orange) and Deep Southern (yellow)



1.7 A statement as to whether a corridor is required and the proposed width of the corridor

This Section addresses regulation 4(2)(g). A notified corridor is required for the Project and a nominal corridor of 120m is sought in the order. The final corridor width and location for the notified corridor, pursuant to s14 of MIDAA, is subject to refinement following further studies. Based on current information it is anticipated that the notified corridor will be of varied width (up to 120m and much less than 120m in some areas) The corridor width will likely be around 80m, (where the corridor is constrained) around the Burnie area (particularly where demolition and replacement is proposed), 120m for the spur line out to Heybridge (requiring 2 double circuit 220 kV transmission lines) and 90m in most locations. Section 2.2 sets out the studies required before the corridor can be defined.





1.8 A statement as to whether the proponent wishes the Crown to acquire and sell to the proponent any land for the purposes of the project and, if so, details, to the extent known, of the land likely to be required

This section addresses regulation 4(2)(h). TasNetworks as an electricity entity under the ESIA, is also an acquiring authority under the *Land Acquisition Act* 1993 (LAA) and as such, it is unlikely that the Crown will be required to acquire any land on TasNetworks' behalf.

1.9 Details of any land or easements, including construction and corridor access easements, that must be acquired in order for the project to proceed

This section addresses regulation 4(2)(i).

An easement of at least 60m is required to establish transmission lines proposed as part of this Major Infrastructure Project. In accordance with good practice, TasNetworks intends to obtain easements of between 60 – 90m. At some locations in existing corridors, existing easements are wide enough or easement rights can accommodate additional infrastructure. Where this is not the case, to ensure this easement width applies across the Project, TasNetworks intends to negotiate

- widening of existing easements; or
- new easements where easements do not exist; or
- new easements where existing easement rights do not allow for additional infrastructure.

TasNetworks intends to negotiate access for field surveys and other site investigations via an access licence with landowners, including appropriate compensation.

TasNetworks will purchase land for 220 kV Substation station sites at:

- Staverton;
- Hampshire;





- Heybridge; and
- East Cam.

The entire property containing each site will be purchased with the area occupied for each substation being approximately 300m x 200m.

Estimated requirements for new easement or to widen existing easements are shown in Table 3 below. This estimate relates to an easement of up to 90m.

Table 3 Estimated Land and Easement

Projects described by corridor	Works	Estimated land and easement requirement
Palmerston to Sheffield	New 220 kV transmission line.	Widening existing easements (or strengthening easement rights) by between 20-60m. This easement already contains a 220 kV transmission line and local distribution lines.
Sheffield to Burnie via Heybridge	New 220 kV transmission line	Within or minor widening of existing Sheffield –Burnie easements (or strengthening easement rights) with some deviations to avoid constraints. These easements already contain 220 kV and 110 kV transmission lines and local distribution lines.
	New spur lines to and from Heybridge Substation comprising two 220 kV transmission line	
	New Heybridge Substation	New easements for Heybridge Spur lines. New Heybridge Substation site.
	Removal of the existing TL504 220 kV transmission line between Sheffield and Burnie	
Burnie to East Cam	New 220 kV transmission line	Within or widening existing easements up to 30m and small portion of new easement to East Cam Substation. These easements already contain a 110 kV transmission line and local distribution lines. New East Cam Substation site
	New East Cam Substation	

Page 40 of 78





Projects described by corridor	Works	Estimated land and easement requirement
East Cam to Hampshire	New 220 kV transmission line New Hampshire Substation	New easement from East Cam Substation until it merges with the existing 110 kV transmission line easement then easement widening of up to 35m into Hampshire. New Hampshire Substation site.
Hampshire to Staverton	New Staverton Substation New 220 kV transmission line between Hampshire and new Staverton Substation	New Staverton Substation site. Hampshire-Staverton transmission line: <ul style="list-style-type: none"> From Hampshire, running south in the existing easement requires widening of up to 70m; When the line deviates east out of the existing easement to the Staverton Substation, a new easement is required.

1.10 A general description of the physical environment that may potentially be affected by the project

This section addresses the requirements of regulation 4(2)(j).

Reg	Description	Report Section
4(2)(j)	a general description of the physical environment that may potentially be affected by the project including landforms, waterways, land uses, existing infrastructure, flora, fauna and heritage values	Section 1.10.1 to Section 1.10.3, Section 1.6.2 and Figure 5 to Figure 9.

This section lists the ecological values, heritage values and land uses that may be affected by the Project by reference to each route segment. This section should be read in conjunction with Section 1.6.2.





Investigations to date have identified values that have the potential to be impacted by the Project. These preliminary investigations comprised terrestrial ecology, cultural heritage and geomorphology. Segments of the favourable route traverse native vegetation, agricultural land, waterways, and existing infrastructure.

Notable fauna that have been identified as having a presence along the favourable route corridors include; the spotted-tailed quoll, eastern quoll, Tasmanian devil, Tasmanian wedge-tailed eagle, grey goshawk, and white-bellied sea eagle. Further design responses and investigation are required to fully appreciate the impacts of the Project, and to develop management plans for any impacts.

All Project route components have potential to intersect with stone artefact sites and isolated artefacts at various locations. With regard to historical heritage, the Palmerston to Sheffield segment intersects with defined extent boundaries of two historical sites in Westbury and Deloraine. None of the segment areas intersect with historic places or areas included on relevant local government planning scheme heritage overlays.

1.10.1 Ecology

A summary of the ecological values potentially affected by the Project are provided in Table 4 below.

Table 4 Summary of ecological values

Project component	Summary of ecological values
Palmerston to Sheffield	The route between Palmerston and Sheffield is predominantly agricultural land, with scattered patches of remnant native vegetation, totaling approximately 40 hectares. There are two larger patches of native vegetation near Deloraine and Cressy. There is potential for two EPBC Act listed ecological communities as well as three NCA listed communities to be intersected by this segment. There is potential for up to 10 EPBC Act listed fauna species, three flora species and two migratory species, as well as up to 12 TSP Act listed flora and one fauna species. There are four previously recorded raptor nests in proximity to the corridor, however these were not found during recent surveys. One additional nest was identified in proximity to the corridor.
Sheffield to Burnie via Heybridge	The route between Sheffield and Burnie runs through predominantly agricultural land with scattered patches of remnant native vegetation. The proposed route intersects approximately 100 hectares of native vegetation. This segment intersects numerous parks and reserves including; Blythe River Conservation Area, Emu River Conservation Area, Mount Montgomery State Reserve, and potentially one private property with a conservation covenant. There are no listed EPBC Act threatened ecological communities mapped on the route, but there are two NCA listed communities. There is potential for up





Project component	Summary of ecological values
Burnie to East Cam	<p>to 14 EPBC Act listed fauna species and two migratory species, as well as up to 13 TSP Act listed flora species and six fauna species. Five raptor nests have previously been recorded in proximity to the corridor, but were not able to be located during recent surveys. However, three new nests were identified in proximity to the corridor.</p> <p>The route between Burnie and East Cam is predominantly through outer urban and agricultural land with scattered patches of remnant native vegetation. The segment from Burnie to East Cam intersects approximately five hectares of native vegetation, including two NCA listed vegetation communities. There are no EPBC Act listed ecological communities or flora species in this area. There is potential for five EPBC Act listed fauna species, two migratory species, one TSP Act listed flora species and one TSP Act fauna species in the corridor. There is a previously recorded raptor nest in proximity to the corridor and this was not located as part of recent surveys. However, one new raptor nest was located near the corridor as part of recent surveys. The corridor is in the vicinity of Cooe Creek, Messengers Creek and Shorewell Creek. There are two wetlands likely to be intersected by the corridor.</p>
East Cam to Hampshire	<p>The route from East Cam to Hampshire largely intersects forest plantation vegetation. There is approximately 80 hectares of native vegetation that could intersect with this segment. There are no EPBC Act or NCA listed vegetation communities identified as intersecting with this segment. One EPBC Act listed flora species, up to nine fauna species and two migratory species may be located within the corridor for this segment. Five TSP Act listed flora may also be present. Four raptor nests were previously recorded in proximity to the corridor and all were located during recent surveys with two being identified as viable. Six additional raptor nests were identified in proximity to the corridor. The Deep Creek, Forky Creek, Guide River, Reporter Creek, Western Creek waterways are also likely to intersect with this segment.</p>
Hampshire to Staverton	<p>The route from Hampshire to Staverton intersects approximately 140 hectares of native vegetation. The route intersects Mount Roland Regional reserve and potentially two properties with conservation covenants. There is potential for three EPBC Act listed threatened ecological communities as well as one NCA listed community. There is potential for six EPBC Act listed flora species and 11 EPBC Act listed fauna species, as well as four migratory species. There is also potential for eight TSP Act listed flora and four fauna species. There was one raptor nest previously recorded in proximity to the corridor and this was not located during recent surveys. Three additional raptor nests were identified in proximity to the corridor during recent surveys.</p>

The species and ecological communities protected under the EPBC and the TSPA which may occur in the area nominated for the Project are set out in Table 5 below.



**Table 5 EPBC Act-listed and TSP Act-listed species and ecological communities**

Table legend:

EPBC Act conservation status – CR = critically endangered, EN = endangered, VU = vulnerable, Mi = migratory

TSP Act (Tas) conservation status – en = endangered, vu = vulnerable, r = rare, t = threatened

Species/ecological community	Conservation status (EPBC Act / TSP Act)	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	East Cam to Hampshire	Staverton to Hampshire
Mammals						
<i>Dasyurus maculatus</i> subsp. <i>maculatus</i> (spotted-tailed quoll)	VU / r	✓	✓	-	✓	✓
<i>Dasyurus viverrinus</i> (eastern quoll)	EN	✓	✓	-	✓	✓
<i>Sarcophilus harrisii</i> (Tasmanian devil)	EN / en	✓	✓	-	✓	✓
Birds						
<i>Aquila audax</i> subsp. <i>fleayi</i> (Tasmanian wedge-tailed eagle)	EN / en	✓	✓	-	✓	✓
<i>Accipiter novaehollandiae</i> (grey goshawk)	en	-	✓	-	-	✓
<i>Haliaeetus leucogaster</i> (white-bellied sea eagle)	vu	-	✓	✓	-	-
Crayfish						
<i>Astacopsis gouldi</i> (giant freshwater crayfish)	VU / vu	-	✓	✓	-	-
<i>Engaeus granulatus</i> (central north burrowing crayfish)	EN/ en	-	✓	✓	✓	-
<i>Negates yabbimunna</i> (Burnie burrowing crayfish)	VU /vu	-	✓	✓	✓	-





Species/ecological community	Conservation status (EPBC Act / TSP Act)	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	East Cam to Hampshire	Staverton to Hampshire
Migratory birds						
<i>Myiagra cyanoleuca</i> (satin flycatcher)	Mi	✓	✓	✓	✓	✓
Flora						
<i>Caladenia congesta</i> (blacktongue finger-orchid)	en	-	-	-	-	✓
<i>Eucalyptus radiata</i> subsp. <i>radiata</i> (River Forth peppermint)	r	-	-	-	-	✓
<i>Rhodanthe anthemoides</i> (chamomile sunray)	r	-	-	-	-	✓
<i>Glycine latrobeana</i> (clover glycine)	VU / vu	✓-	-	-	-	✓
<i>Prasophyllum crebriflorum</i> (crowded leek-orchid)	EN / eu	-	-	-	-	✓
Ecological communities						
Lowland <i>Poa labillardierei</i> grassland (GPL) under 'Lowland Native Grasslands of Tasmania'	CR	✓	-	-	-	✓
<i>Sphagnum</i> peatland (MSP) under the 'Alpine Sphagnum Bogs and Associated Fens ecological community (Endangered)'	EN	-	-	-	-	✓
Dry <i>Eucalyptus ovata</i> forest and woodland and Wet	CR	✓	-	-	-	✓





Species/ecological community	Conservation status (EPBC Act / TSP Act)	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	East Cam to Hampshire	Staverton to Hampshire
<i>Eucalyptus brookeriana</i> forest (WBR) under 'Tasmanian Forests and Woodlands dominated by black gum or Brookers gum (<i>Eucalyptus ovata</i> / <i>E. brookeriana</i>)'						
<i>Eucalyptus amygdalina</i> forest and woodland on Cainozoic deposits	t	✓	✓	-	-	-
<i>Eucalyptus amygdalina</i> forest and woodland on sandstone	t	✓	✓	-	-	-
<i>Eucalyptus ovata</i> forest and woodland	t	✓	-	-	-	-
<i>Eucalyptus viminalis</i> wet forest	t	✓	✓	✓	-	-
Highland <i>Poa</i> grassland	t	-	-	-	-	✓
Undifferentiated Wetlands	t	-	-	✓	-	-





1.10.2 Cultural Heritage

Table 6 provides an overview of the protected sites identified to date for each segment.

Table 6 Summary of cultural heritage values

	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	East Cam to Hampshire	Staverton to Hampshire
Aboriginal					
Isolated artefacts	25	26	11	26	113
Artefact scatters	19	11	9	8	88
Mixed isolated artefact/artefact scatter	-	-	-	-	2
Rockshelter	1	-	-	-	1
Stone quarries	-	3	-	-	-
Modified tree	1	-	-	-	-
Shell midden	-	-	1	-	-
Historical Cultural Heritage					
Cultural heritage sites	4	-	-	-	-
Local Historic heritage Code overlays	-	-	-	-	-

1.10.2.1 Aboriginal Heritage

Preliminary assessment has identified a range of registered Aboriginal heritage sites, including artefact scatters and isolated artefacts. It is likely that detailed field surveys will result in the identification of further sites. More significant sites including registered and potential ochre quarries at Saint Valentines Peak and Mt Housetop are avoided by the routes. The Burnie to Hampshire and East Cam to Hampshire routes intersect





an Aboriginal walking track that connected these sites with the coast at Emu Bay. This area is expected to be particularly sensitive given its historical use.

Chert quarries are in places along the Sheffield to Burnie via Heybridge segment.

Although no known rock caves are recorded, cave sites are possible in the limestone formations that occur near Loongana (Winter Brook and River Leven) along the Staverton to Hampshire route. In the River Leven Valley. The Staverton to Sheffield route avoids the limestone formations and is therefore unlikely to impact such sites, if identified.

1.10.2.2 Historic Cultural Heritage

Historic heritage sites are intersected by and close to the Palmerston to Sheffield route. They are Exton House in Westbury (Tasmanian Heritage Register No 4855) and the Bowerbanks Sheepfold site in Deloraine (Tasmanian Heritage Register No 11206). Exton House is over 800m from the route, which passes through parts of the property being farmed. The historical features protected by Bowerbanks Sheepfold historic site are avoided by the Palmerston to Sheffield segment.

Two other sites are close to the Palmerston to Sheffield route. They are McMahon's cottage in Dunorlan (Tasmanian Heritage Register No 11142) and Saundridge in Cressy (Tasmanian Heritage Register No 5073). This segment will not impact on McMahon's cottage and grounds but may require some removal of vegetation at the back of the property. The proposed transmission line is approximately 1 km from the Saundridge property. The historic property and buildings will not be affected by the proposed transmission infrastructure. The Palmerston to Sheffield segment does not intersect any listed historic places or areas included on relevant local government planning scheme Local Historic Heritage Code overlays.

For the Sheffield to Burnie via Heybridge, the Burnie to East Cam the East Cam to Hampshire, and the Sheffield to Hampshire regional study areas, no historical cultural heritage sites were identified.

The routes do not intersect any listed historic places or areas included on Local Historic Heritage Code overlays under relevant local government planning schemes.





1.10.3 Key Statistics for route by segment.

The key statistics for the Project by segment are set out in Table 7 below. Statistics are approximate only.

Table 7 Key statistics by segment

Key statistic	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	Burnie to Hampshire	East Cam to Hampshire	Staverton to Hampshire
Length	79	51	5	25	25	57
Tenure						
Number of parcels intersected	179	233	16	78	37	75
Number of reserves intersected (by type)						
State reserve	-	1	-	-	-	-
Regional reserve	-	-	-	-	-	1
Conservation area	-	3	-	-	-	-
Conservation covenant	-	1	-	-	-	2
Management agreement	-	-	-	-	-	1
Other private reserve	1	-	-	9	17	38
Informal reserve on other public land	-	7	-	-	-	-
Informal reserve on permanent timber production	-	2	-	-	-	5
Resource tenure						
Number of mining leases intersected	1	6	-	-	1	-
Number of petroleum leases intersected	-	-	-	-	-	-
Occupation						
Number of houses within 300 m of transmission line	42	602	468	111	6	7
Land use						





Key statistic	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	Burnie to Hampshire	East Cam to Hampshire	Staverton to Hampshire
Length in agricultural land (km)	61.9	25.9	3.7	12.5	4.5	0.9
Length in high quality agricultural land (km)*	9.3	17.6	1.1	6.9	2.0	-
Length in plantations (km)	8.9	3.5	-	6.8	16.6	49.1
Length in native vegetation (km)	2.5	4.6	0.5	1.7	1.9	1.6
Vegetation cover (TasVeg 3.0)						
Length in agricultural, urban and exotic vegetation (km)	74.5	43.6	4.1	22.6	15.9	45.0
Length in native vegetation and other natural environments (km)	4.3	7.3	0.9	2.1	8.6	14.1
Planning scheme zones						
Length in 10.0 General Residential (km)	-	1.3	0.6	0.4	-	-
Length in 12.0 Low Density Residential (km)	-	0.2	-	-	-	-
Length in 13.0 Rural Living (km)	-	1.6	-	-	-	-
Length in 17.0 Community Purpose (km)	0.2	-	-	-	-	-
Length in 18.0 Recreation (km)	-	0.2	-	-	-	-
Length in 19.0 Open Space (km)	-	0.3	1.3	-	-	-
Length in 26.0 Rural Resource (km)	77.7	41.4	2.7	23.8	25.5	54.1
Length in 28.0 Utilities (km)	0.8	0.8	0.3	0.5	-	0.4
Length in 29.0 Environmental Management (km)	-	5.2	-	-	-	4.6
Planning scheme overlays						
Length in Flood Prone Areas (km)	3.9	-	-	-	-	-
Length in Landslip Hazard (km)	3.0	10.6	0.9	4.2	4.4	8.6





Key statistic	Palmerston to Sheffield	Sheffield to Burnie via Heybridge	Burnie to East Cam	Burnie to Hampshire	East Cam to Hampshire	Staverton to Hampshire
Length in Priority Habitat (km)	0.3	-	-	-	-	-
Length in Scenic Corridor (km)	0.4	-	-	-	-	-
Length in Tree Preservation (km)	-	7.0	1.5	-	3.8	-

* Defined by land capability classes 1, 2 and 3

1.11 A general description of the social and economic environment that may potentially be affected by the project

This section addresses regulation 4(2)(k).

The Project is proposed in North and North West Tasmania across the local government municipalities of Burnie, Waratah Wynyard, Central Coast, and Kentish which are all part of the Cradle Coast Region and Meander Valley and Northern Midlands which are part of the Northern Tasmania Region.

The economic benefits of the Project are set out in this report at section 3 (Public Benefits). As the Project is essentially for infrastructure, other than being the source of increased employment opportunities, it is anticipated that the Project will not have a large scale adverse impact on the social and economic environment. Any adverse impacts caused by the infrastructure works will likely be at a micro (individual landowner/ particular environmental or cultural heritage value) level and will be dealt with by minor deviations or ameliorating conditions at the development application stage. It is otherwise noted that the both of the regions in which the Project is proposed have listed renewable energy as an area of existing and growth industry in regional planning strategy documents. The Project is therefore considered likely to be compatible with the social and economic environment that currently exist in the relevant regions.

In this respect the social and economic environment is described by reference to the regions' own land use planning strategies.





The *Living on the Coast – The Cradle Coast Regional Land Use Planning Framework 2010 – 2030* (CCRLPR) which includes the local government areas of Kentish, Latrobe, Devonport City, Central Coast, Burnie City, Wynyard Waratah, Circular Head, West Coast and King Island describes the Cradle Coast Region as:

- A place where settlement exists in close proximity with an expansive wilderness and highly productive renewable and non-renewable natural resources.
- Having an extensive geological, flora and fauna, aboriginal, maritime, and historic cultural heritage, representing previous geological, ecological and climate activity, an extended period of Aboriginal settlement, and the more recent 200 years of western occupation.
- A place where population numbers are relatively small and stable at 112,000, where immediate prospects for growth are low at less than 1%, and where demographic trends reflect national movement toward an ageing population. It is also a place where families continue to form the dominant household type, where inward migration includes a significant proportion of people in the workforce, and where home ownership and housing accessibility remain high.
- A place where settlement densities are low and dispersed. Where there is no single dominant centre, where the established settlement patterns concentrate 70% of the population into the northern coastline to provide a network of small-scale well-connected individual towns, and where there remain a number of small but crucial centres in remote and isolated locations. Yet it is also a place where daily requirements and specialist needs for education, health, retail and recreation are readily accessible.
- Having an economic base founded on resource industries and is augmented by manufacturing and a range of dependent tertiary, transport and speciality activities and capacity in tourism and renewable energy.
 - Agricultural, mineral and forestry products have been the traditional mainstay of the Cradle Coast economy and continue to engage over 8% of the workforce.
 - While small in area (376,300 ha) the Region's farmlands are disproportionately productive. Relative significance in terms of Tasmanian agriculture is high and is likely to increase in the face of continued population and climate change.
 - A diverse range of commercial, community, professional and personal services have evolved to support industry and population needs.
 - Tourism and visitor services reflect interest in the distinctive natural and cultural attributes of the region and the isolation of the region relative to other population centres. Tourism and visitor support activities are a significant and expanding component of the regional economy.

The CCRLPR sets out the following points in relation to employment in the region:





- The Region's businesses are relatively small. Only 1% employing more than 50 people. 80% employ less than 20 people, and 58% having no employees.
- 85% of employment is in the private sector, with a large proportion (2200 or 27%) involved with the agricultural, forestry and fishing sector.
- The workforce has a relatively low formal skills profile but extensive on the job experience.
- Over three-quarters of the workforce are male and nearly 50% are in full time work.
- 65% of the workforce is aged over 35 although participation by those over 55 is below national average.
- 47% of the workforce was not in the labour force at 2006, which is above national average and part time work is increasing. Women make up the majority of those not in the workforce.

The *Northern Tasmanian Regional Land Use Strategy* of June 2018 (NTRLUS) aligns with the municipal areas of Break O'Day, Dorset, Flinders, George Town, Meander Valley, Northern Midlands and West Tamar.

The NTRLUS describes the region as:

- Comprising approximately one third of Tasmania's land mass and in 2016 had an estimated population of around 143,000.
- Being Tasmania's second largest region, with approximately 28% of the State's population and one third of its economy (domestic product).
- Having ideal growing conditions for pasture and cropping that support adaptive, flexible and dynamic viticulture.
- Having a wide and diverse industry base with competitive business costs, attractive to international and national companies.
- Including key business sectors of;
 - aquaculture and fishing
 - agriculture
 - forestry and timber
 - manufacturing
 - shipbuilding
 - tourism
 - food and beverage
- Recognised as having high environmental values and low levels of pollution that promote an association with purity and quality for many specialised manufacturing (food) and service industries (tourism).
- Having resources including education, transport, energy, agricultural land and natural beauty that provide a significant platform for future innovation.





- Containing significant industries that rely directly on the natural environment.
- Having a household size that is declining with smaller families and more single person households.
- Having an ageing population, with the greater proportion of the elderly being widowed or single.
- Having a density of residential settlement patterns, particularly within more built-up settlement, is low, with fewer than 10 dwellings per hectare. Part of this settlement has moved outward into the non-urban landscape areas of the region.
- Without intervention, is facing a struggle to meet demands for a skilled workforce across key professional and occupations.
- Envisaging renewable energy, aged health care housing and services and tourism as the areas of economic diversity.





2 Proposed timetable for the Project

This section has been prepared in chronological order of activities in the Project timetable, as opposed to the order set out in the MIDAA regulations. This section addresses regulations 4(1)(c) and 4(3) as listed below:

Reg	Description	Report Section
4(1)(c)	proposed timetable for the project as specified in subregulation (3)	Section 2
4(3)	The proposed timetable for the project is to include details of the timing of	Section 2
4(3)(a)	project planning and data collection relating to environmental issues and any other issues	Section 2.1 Table 8 items 1, 2 & 3 and Section 2.2
4(3)(b)	community consultation over the whole course of the project	Section 2.1 Table 8 items 1, 3, 4 and Section 4
4(3)(c)	surveys required to define the corridor	Section 2.1 Table 8 item 2 and Section 2.2
4(3)(d)	land acquisition required for the project	Section 2.1 Table 8 item 3 and Section 1.9
4(3)(e)	any discrete stages in the development of the project	Section 2.1 Table 8 all items and Section 2.3
4(3)(f)	construction and post-construction rehabilitation	Section 2.1 Table 8 item 14 and Section 1.3.2.5
4(3)(g)	completion of the project	Section 2.1 Table 8 item 13





2.1 Key activities

Table 8 shows the proposed timetable for key activities.

Table 8 Timetable for Key Activities

Item	Key activity	Indicative date Hampshire – Sheffield	Balance of North West Transmission Upgrades	Comment
1.	Landowner engagement	November 2019	February 2020	Directly impacted landowners engaged prior to broader community engagement occurs regarding proposed routes. Landowner engagement ongoing until land and easements are finalised and the project is complete.
2.	Field surveys commence (eg: ecological, Aboriginal heritage)	March 2020	May 2020	Seasonal surveys are required for ecological surveys and typically extend over a year or more
3.	Community engagement	November 2019	February 2020	Occurs in accordance with community engagement plan for the project and is ongoing until the project is complete.
4.	EPBC Act referrals	early-mid 2020	early-mid 2020	
5.	Commence preparation of DA/DPEMP Including specialist studies	early- mid 2020	early-mid 2020	Occurs once MIDAA planning criteria are finalised and any environmental guidelines issued.





Item	Key activity	Indicative date Hampshire – Sheffield	Balance of North West Transmission Upgrades	Comment
6.	Submit DA/DPEMP	early-mid 2021	mid-late 2021	Hampshire-Staverton brought forward to meet customer and network needs.
7.	Public exhibition period commences	early-mid 2021	late 2021-early 2022	
8.	EPA decision (if required)	mid-late 2021	mid-late 2022	
9.	CPA decision	+42 days after EPA	+42 days after EPA	
10.	Commonwealth decision (if a 'controlled action')	+30 business days after EPA	+30 business days after EPA	
11.	Appeals	Available to representors and the proponent	Available to representors and the proponent	
12.	Construction	18 months - 2 years post any appeals	18 months - 2 years post any appeals	
13.	Completion	late 2022 - late 2023	2028	
14.	Rehabilitation	Ongoing during construction, monitoring post project completion to meet project needs and support rehabilitation success		





2.2 Further Studies and Surveys

This section addresses regulations (4)(1(c) and 4(3)(a) and (c).

Detailed assessment of potential environmental impacts is planned and the scope of studies will be confirmed to address the planning criteria and environmental guidelines established for the Project.

We intend to request declaration of the notified corridor once there is sufficient clarity regarding likely corridor location as a result of directly impacted landowner negotiations, community engagement and studies/surveys required for the Project. This will also assist to narrow the land impacted by the corridor. The width of the corridor is anticipated to be approximately 90m with the exception of the Heybridge Spur (which will require 2 new 220 kV transmission lines). The Heybridge Spur could require the notified corridor to be up to 120m.

The preliminary studies identified a range of environmental, social and economic values within the Project area. The Project has the potential to impact on these values. A key focus of the route selection process has been to avoid impacts wherever possible. Further assessment of environmental, heritage and social values will inform further avoidance during detailed design and identify mitigation measures that can further reduce impacts. These further assessments may include:

- Landscape and visual assessment
- Air quality assessment
- Noise and vibration assessment
- Contaminated land assessment
- Geotechnical assessment
- Groundwater and surface water assessments
- Socioeconomic impact assessment
- Detailed ecology assessment
- Detailed cultural heritage assessment
- Electromagnetic field assessment





2.3 Any discrete stages in the development of the project

This section, together with Table 8 addresses regulation 4(3)(e).

The MIDAA process provides the proponent the ability to make separate development applications for different components within the Project. This is one of the reasons it is the preferred assessment pathway for the Project.

There are a number of factors that could lead to staging 'sub-projects' within the broader Project. Some of the key factors that could influence this are changes in customer, market or commercial environments. Considering these factors, our current timetable indicates that the first application for approval under the MIP is likely to be the route between Hampshire and Staverton.





3 An assessment of the public benefits of the project

Sections 8(1)(d) and 8(2) of MIDAA provide the power to prescribe matters to be taken into account when considering whether it is in the public interest to declare a Major Infrastructure Project. Whilst the MIDAA regulations do not directly address these sections of the Act, in the context of the proponent's report, MIDAA Regulation 4(1)(d) requires an assessment of the public benefits of the project including –

(i) the details of the matters to be considered in determining whether or not it is in the public interest for the project to be declared a major infrastructure project in accordance with the Act; and

(ii) details of other potential social, economic and environmental impacts associated with the project that the proponent considers relevant to the determination.

This section addresses regulation 4(1)(d) as listed below:

Reg	Description	Report Section
4(1)(d)	an assessment of the public benefits of the project including	Section 3
4(1)(d)(i)	the details of the matters to be considered in determining whether or not it is in the public interest for the project to be declared a major infrastructure project in accordance with the Act	Section 3.1
4(1)(d)(ii)	details of other potential social, economic and environmental impacts associated with the project that the proponent considers relevant to the determination	Section 3.2





3.1 Assessment of the Public Benefits of the Project

3.1.1 Matters to be considered in determining whether or not it is in the public interest for the project to be declared a major infrastructure project in accordance with the Act

This section addresses regulation 4(1)(d)(i) and provides an assessment of the public benefits of the Project and in this context addresses the public interest in having the Project assessed in accordance with MIDAA.

The Project, in combination with Marinus Link and the additional generation these projects can support in North West Tasmania, will unlock National Electricity Market benefits together with employment and economic opportunities in Tasmania.

These benefits are outlined below.

3.1.1.1 Energy market benefits

As noted in Section 1.2, North West Tasmania has excellent potential for developing renewable energy generation and storage projects that could play a critical role in helping support a transforming NEM. Notably, the potential size of the resources available in the region exceeds both the Tasmanian demand and the capacity of Basslink, the existing electricity connection between Tasmania and Victoria. Furthermore, the Project will be required to efficiently facilitate Marinus Link connection and the additional generation and pumped hydro developments forecast in North West Tasmania. Together with the development of Marinus Link, the Project will help unlock Tasmania's renewable energy generation and storage resources as part of the lowest cost solution to provide dispatchable energy to the NEM and thereby support the energy transformation that is underway.

Specifically, the benefits to the NEM that the Project and Marinus Link would unlock include:

- Enabling untapped and cost-competitive renewable wind, solar, and deep pumped hydro energy storage;
- Increasing supply security and firming renewables by providing clean, dispatchable energy;
- Harnessing a diversity of load and generation;
- Managing the risks of relying on a single interconnector across Bass Strait;
- Complementarity with existing and future interconnectors on mainland Australia; and





- Utilising robust and flexible converter technology to provide services to support the power system.

From a practical perspective, these benefits mean the cost of electricity supply in the NEM would be relatively lower with the Project and Marinus Link in service. In a competitive energy market, this should translate to relatively lower electricity prices for customers in the NEM than prices otherwise would have been without the Project and Marinus Link in service.

3.1.1.2 Employment and economic contribution

The Project will enable significant ongoing employment and add economic value to North West Tasmania through the related transmission and generation developments it supports. The construction of Marinus Link in the North West would bring an estimated 1,100 jobs to the region during peak construction. The Project, in conjunction with Marinus Link, would also bring up to 800 construction jobs and 230 ongoing jobs through the renewable generation projects that the two developments would enable. More broadly, economic analysis indicates there would be a significant economic contribution to the whole of Tasmania from the development, construction, and operation of the Project and Marinus Link, including value forecast to be potentially up to \$1.4 billion and a total of 1,400 jobs.

These developments also unlock a pipeline of investment in renewable energy and storage development in broader Tasmania with an estimated value of up to \$5.7 billion and 2,350 jobs. This growth will generate skills and opportunities in regional Tasmania and will support Australia's continuing transition to a cleaner energy sector.

TasNetworks continues to work with industry, government, and skills bodies to capture the vast social, economic, and employment opportunities these developments could bring to North West Tasmania. This work includes initiatives such as the Cradle Coast Future Energy Hub in Burnie, a partnership between TasNetworks and the Cradle Coast Authority.

3.1.1.3 Declaration of a major infrastructure project in accordance with MIDAA

In the context of the public benefits of the Project, it is in the public interest that the assessment of the Project occurs in accordance with the most suitable assessment regime.

TasNetworks has assessed all available pathways for approval in Tasmania and determined that the MIDAA process is the most suitable, noting that MIDAA was established as a process to assess applications for





large scale linear projects, and specifically refers to the infrastructure the subject of this Project, a power line within the meaning of the *Electricity Supply Industry Act 1995*.

TasNetworks believes declaration of the Project as a Major Infrastructure Project in accordance with MIDAA is in the public interest for the following key reasons:

- From an assessment perspective, MIDAA recognises that these types of projects need to be looked at holistically in terms of public benefits, general and specific impacts and consistency of assessment and approvals.
- It enables assessment of the whole Project by either a combined planning authority (CPA) established under MIDAA or the Tasmanian Planning Commission.
- The creation of a CPA or assessment by the Tasmanian Planning Commission gives the opportunity to assess, by a nominated representative or representatives, the whole Project, without being constrained to only assessing works within municipal boundaries.
- It enables the creation of project specific criteria to assess all applications comprised within the project whilst maintaining the robust assessment process under the *Land Use Planning and Approvals Act 1993* (including third party appeal rights).
- It retains the referral (or "call in") process for environmental assessment of development applications pursuant to the *Environmental Management and Pollution Control Act 1994*.
- It allows development application approval to be sought for the necessary stages of the Project in a manner that reduces the risk of piecemeal development assessment (up to 12 separate applications) and supports commencement of works in an orderly and efficient manner.
- As the timing of the need for transmission upgrades to support a 1500 MW Marinus Link and additional generation in the North West is dependent on a number of factors including the connection applications by other proponents, the MIDAA process supports the flexible and co-ordinated development of the transmission network that efficiently unlocks the North West REZ.

Other assessment processes considered include a Project of State Significance (PoSS) under the *State Policies and Projects Act 1994* and development applications under existing planning schemes. As the Projects of Regional Significance process under the *Land Use Planning and Approvals Act 1993* is under review, this process was not considered.

Whilst the Project is considered likely to meet the criteria of a PoSS and this process has the advantage of providing a complete suite of approvals, the PoSS process was discounted as it does not meet project needs with respect to flexible delivery. This process requires submission of one application, as opposed to staged or multiple applications, as provided for under the MIDAA process, and involves a number of stages requiring political involvement with unpredictable time frames. Feedback from State agencies also





indicates that due to the lack of appeal rights, there is likely to be limited support for use of this process in the context of this Project.

A comparison between the key features of the MIDAA process and the DA process under existing planning schemes is outlined in Table 9 below.

Table 9 MIDAA v DA

MIDAA	DA
Provides Councils an opportunity to influence the inclusion of considerations not currently in planning schemes to be considered in a project context (eg: scenic protection).	Must apply planning scheme provisions in place at the time the application is submitted.
Provides Councils and Communities an opportunity to make representations on draft project specific criteria.	No change to planning scheme as existing, however, the community has already had opportunities to make representation during the making of the existing planning scheme.
Applications are discretionary for both use and development, publicly exhibited and a CPA decision is subject to appeal rights.	Use status would depend on Zone (some permitted, some discretionary), however, applications would likely invoke development discretions. The applications would be publicly exhibited and a Planning Authority decision is subject to appeal rights.
Councils are free to advocate on behalf of their community without the constraint of being the Planning Authority assessing the applications.	In order to meet their statutory obligations with respect to conflict of interest and natural justice, Councillors must not advocate a position with respect to proposed projects.
Opportunity to group projects under less permits so that substantial	Requirement to substantially commence each individual permit within 6 years of issue (11-13





MIDAA	DA
commencement requirements are more manageable (1-2 permits). Application to extend to one CPA. Extension is at the CPA's discretion for only 1-2 permits.	permits). Application to extend permits required to each individual Council, at Council's discretion and on a permit by permit basis for each of the 11-13 permits.
Supports assessment of issues in a whole of project context.	Requires projects to be separated and assessed on a Council area by Council area basis (11-13 permits). This prevents assessment of issues in a whole of project context and increases risk of gaps in approval or inconsistent/difficult/costly to implement conditions.
Environmental considerations incorporated early at criteria drafting stage without the need to submit a full application.	As the projects are not a 'Level 2 Activity' under the <i>Environmental Management and Pollution Control Act 1994</i> (EMPCA), it is procedurally and practically difficult to incorporate environmental considerations early in the process.
One planning authority, resourced and dedicated to the project.	Six planning authorities, with limited resources and no single coordination framework for assessment, approval or enforcement.
Linear infrastructure specific legislation with criteria developed in the context of this specific linear infrastructure project.	<ul style="list-style-type: none"> Capable of consideration in all Zones, however, criteria for discretion to approve assume one site for the development, not linear infrastructure across many sites. Transition from existing Interim Planning Schemes to State Planning Provisions in the same time period as DA submissions increases risk of anomaly/ inconsistency.





MIDAA	DA
	<ul style="list-style-type: none"> Two planning regions with different strategic and planning scheme drafting approaches
<p>'Notified corridor' established and provides procedural and practical assistance to identify landowners that require notification regarding the Project.</p>	<p>Practical and procedural compliance risks regarding notification requirements under LUPAA for directly impacted and adjoining landowners for linear infrastructure.</p>

3.2 Other potential social, economic and environmental impacts associated with the project that the proponent considers relevant to the determination

This section addresses regulation 4(1)(d)(ii).

The public benefits of the Project, in terms of the social and economic benefits are set out above at Section 3.1.1.1 and 3.1.1.2 above. The other impacts associated with the Project that the Proponent considers relevant are addressed in this Section.

3.2.1 Potential Impacts

There are a range of potential impacts of the Project on social and environmental values, which will be assessed in detail through the MIDAA assessment and any assessment required pursuant to EMPCA and HCHA. As set out at Section 1.5 the Project may also be subject to separate assessments or applications for permits pursuant to the EPBC, AHA, NCA, TSPA, and NPRMA.

The most substantial impact of the Project on the environment, will be the need to clear native vegetation for construction and to maintain clearances during operation of the transmission lines.





Substantial effort has been put into avoiding areas of ecological significance in the route selection, in particular areas of conservation reserve, and spanning over waterways, to avoid these impacts where possible. Further, detailed field surveys will inform the next stage of design by ground truthing the finding of desktop assessments and identifying further opportunities to avoid impacts, as well as measures to mitigate impacts.

The Project has the potential to cause a range of social and economic impacts which will be considered as part of the impact assessment process. These impacts may include:

- Amenity impacts during construction phases of the project for neighbouring residents and communities including noise, dust and visual impacts.
- Changes to the visual character of scenic landscapes from natural to industrial.
- Direct landowner impacts caused by new powerlines or widened easements which may affect farm profitability, visual character, limit future uses of land and raise concerns about decreases in property values. The typical duration of planning projects can mean that uncertainty over the level of impacts can cause significant stress for landowners for several years.
- Construction workforce impacts may include skills shortages for existing industries or introduction of a construction workforce affecting supply of rental housing accommodation in regions with limited supply. Introduction of a construction workforce may also put pressure on community services (medical, education etc) if supply is at capacity.
- Impacts to tourism assets and sites potentially affected income for tourism related businesses and regional economies.
- Impacts to property values for adjacent properties (not those directly affected) to new and upgraded power lines.
- Concern over perceived health and safety impacts associated with EMF during operation, particularly close to houses and community facilities (e.g. schools or childcare centres) and increased heavy vehicle movements during construction.

Potential impacts to Indigenous and historic cultural heritage from the Project may include disturbance to stone artefact sites and additional scattered and isolated artefacts (known and potential additional sites). It is difficult to determine the extent of likely impacts without further site-specific survey, which will be completed for the project. The initial desktop assessment identified four places listed on the Tasmanian Heritage Register that are on properties that could be impacted by the Project.

Further to the above, Table 10 below provides a summary of potential environmental impacts from the Project.





Table 10 Potential environmental impacts

Project Component	Environmental/ Ecological Value	Potential Environmental Impact
Palmerston to Sheffield	Native vegetation	Potential impacts of clearing of vegetation on threatened ecological communities and threatened flora and fauna species.
	Threatened flora and fauna species and ecological communities	Potential impacts from clearing of vegetation and construction activities on threatened fauna species and their habitat including spotted-tailed and eastern quoll, Tasmanian devil, Tasmanian wedge-tailed eagle. Raptor nests have been identified near the proposed route. Raptors, along with other migratory birds (satin flycatcher), could be displaced if their nests or nesting areas are disturbed by construction works. Potential impacts from clearing for tower locations and access track on threatened plant species and ecological communities.
	Rivers and Creeks	The proposed route crosses a number of waterways, including (but not limited to) Brumby's Creek, Liffey River, Quamby Brook, Meander River, Mersey River, Minnow River and Dasher River. Potential impacts from construction activities in proximity to rivers and creeks, such as erosion and sedimentation and clearing of riparian vegetation.
Sheffield to Bumie via Heybridge	Native vegetation	The proposed route intersects approximately 100 hectares of native vegetation, of which some clearing will be required for construction and operation of the project.
	Threatened flora and fauna species and ecological communities	Potential impacts from clearing of vegetation and construction activities on threatened fauna species and their habitat including spotted-tailed and eastern quoll, Tasmanian devil, Tasmanian wedge-tailed eagle, grey goshawk and white-bellied sea eagle and three species of crayfish. Raptor nests (wedge-tailed eagle and grey goshawk) have been identified near the proposed route. Raptors, along with other migratory birds (satin flycatcher), could be displaced if their nests or nesting areas are disturbed by construction works. Potential impacts from clearing for tower locations, line clearance and access tracks on threatened plant species and ecological communities.
	Rivers and Creeks	The proposed route crosses a number of waterways, including (but not limited to) Don River, Hogg Creek, River Forth, Kindred Creek, Buttons Creek, Masons Creek, Gawler River, Skeleton Creek, River Leven, Blythe River and Emu River. Potential impacts from construction





Project Component	Environmental/ Ecological Value	Potential Environmental Impact
		activities in proximity to rivers and creeks, such as erosion and sedimentation and clearing of riparian vegetation.
	Reserves Estates	The proposed route traverses Blythe River Conservation Area and is near Mount Montgomery State Reserve and Emu River Conservation Area and potentially one private property with a conservation covenant. Potential impacts from clearing for tower locations, line clearance and access tracks.
Bumie to East Cam	Native vegetation	The proposed route intersects approximately 5 hectares of native vegetation, of which some clearing will likely be required for construction and operation of the project.
	Threatened flora and fauna species and ecological communities	Potential impacts from clearing of vegetation and construction activities on threatened fauna species and their habitat, including white-bellied sea eagle and three crayfish species. Potential impacts from clearing for tower locations, line clearance and access tracks on threatened ecological communities.
	Rivers and Creeks	The proposed route crosses Shorewell Creek, Cooe Creek, Messengers Creek and Cam River. Potential impacts from construction activities in proximity to rivers and creeks, such as erosion and sedimentation and clearing of riparian vegetation.
	Reserves Estates	The proposed route traverses Blyth River Conservation Area, which may be potentially impacted from clearing for tower locations, line clearance and access tracks.
East Cam to Hampshire	Native vegetation	The proposed route intersects 80 hectares of native vegetation, of which some clearing will be required for construction and operation of the project.
	Threatened flora and fauna species and ecological communities	Potential impacts from clearing of vegetation and construction activities on threatened fauna species and their habitat including the spotted-tailed and eastern quoll, Tasmanian devil, Tasmanian wedge-tailed eagle, and white-bellied sea eagle and two crayfish species. Raptor nests have been identified near the proposed route. Raptors, along with other migratory birds, could be displaced if their nests or nesting areas are disturbed by construction works.





Project Component	Environmental/ Ecological Value	Potential Environmental Impact
		Potential impacts from clearing for tower locations, line clearance and access tracks on threatened plant species and ecological communities.
	Rivers and Creeks	The proposed route crosses a number of waterways, including (but not limited to) Western Creek, Forky Creek, Reporter Creek and Guide River. Potential impacts from construction activities in proximity to rivers and creeks, such as erosion and sedimentation and clearing of riparian vegetation.
Staverton to Hampshire	Threatened flora and fauna species and ecological communities	<p>Potential impacts from clearing of vegetation and construction activities on threatened fauna species and their habitat including spotted-tailed quoll, Tasmanian devil, Tasmanian wedge-tailed eagle.</p> <p>Raptor nests have been identified near the proposed route. Raptors, along with other threatened birds, could be displaced if their nests or nesting areas are disturbed by construction works.</p> <p>Potential impacts from clearing for tower locations, line clearance and access tracks on threatened ecological communities</p>
	Rivers and river valleys	Potential impacts to significant river valley's including River Forth, Wilmont River, River Leven and Winter Brook from construction activities in proximity to rivers and creeks, such as erosion and sedimentation and clearing of riparian vegetation.
	Limestone formations and underground caves	Limestone formations and likely unrecorded underground caves near River Leven crossing are located near the proposed route. These sites may contain unique vegetation communities and species of significance to Aboriginal people.
	Significant landscapes	Some landscapes values may be changed by potential visual impacts from clearing of vegetation and the installation of overhead transmission lines and towers including; Loongana Range, Mount Everett, Mt Housetop, Saint Valentines and Black bluffs areas.
	Reserves Estates	The proposed route traverses the edge of Mount Roland Regional Reserve. Potential impacts from clearing for tower locations, line clearance and access tracks.





4 Consultation so far and planned consultation

This section addresses regulation 4(1)(e) which requires an outline of any consultation that has been undertaken with stakeholders and the outcome of that consultation and an outline of further consultation that is planned with respect to any of the matters specified in paragraphs (a) to (g) of subregulation (3). Matters specified in paragraphs (a) to (g) are:

- a) project planning and data collection relating to environmental issues and any other issues; and
- b) community consultation over the whole course of the project; and
- c) surveys required to define the corridor; and
- d) land acquisition required for the project; and
- e) any discrete stages in the development of the project; and
- f) construction and post-construction rehabilitation; and
- g) completion of the project.

TasNetworks has developed a Stakeholder Engagement Plan that covers stakeholder engagement and community engagement. The plan maps stakeholder engagement and communication activities for the planning, investigation, design, approvals and construction stages of the Project. Further engagement activities are ongoing in relation to the approvals and construction stages of the Project.

The outcomes of stakeholder engagement conducted to date together with planned engagement until Project completion are summarised in the information and tables below.

4.1 Regulators

All regulator engagement has been via face to face meetings or over the phone with the exception of an additional written request for feedback from Councils regarding the use of the MIDAA process for the Project. Table 10 provides a regulator stakeholder engagement summary.





Table 11 Regulator Stakeholder Engagement Summary

Stakeholder	Engagement Regarding	Sentiment *Date of status as of 20/12/19
State Agencies		
EPA	MIDAA process and EPA Guidelines Use of bilateral agreement Project timing	Support in principle
Planning Policy Unit (PPU)	Use of MIDAA process	Support in principle
State Growth	Use of MIDAA process Role of co-ordinating State agencies and support to set up MIDAA process	Support in principle
Commonwealth Department of the Environment and Energy	Composition of EPBC Act referrals	Support in principle
Councils		
Please note, as a result of initial feedback, written feedback was requested from all Councils regarding the use of the MIDAA process.		
Burnie City Council	<ul style="list-style-type: none"> Use of MIDAA process vs DA process Scheduled for Hampshire-Staverton 	Support in principle
Central Coast Council	<ul style="list-style-type: none"> Use of MIDAA process vs DA process Hampshire-Staverton 	Support in principle





Stakeholder	Engagement Regarding	Sentiment *Date of status as of 20/12/19
Kentish Council	<ul style="list-style-type: none"> Use of MIDAA process vs DA process Hampshire-Staverton 	Support in principle
Meander Valley Council	Use of MIDAA process vs DA process	No position, will consider more impacted Council's stance
Northern Midlands Council	Use of MIDAA process vs DA process	No position, will consider more impacted Council's stance.
Waratah Wynyard Council	<ul style="list-style-type: none"> Use of MIDAA process vs DA process Scheduled for Hampshire-Staverton 	Support in principle
Aboriginal Heritage Tasmania	Introduce project, outline assessment process evaluation, set up lines of communication	Support in principle
Tasmanian Heritage Council	Introduce project, outline assessment process evaluation, set up lines of communication	Support in principle
Policy Conservation Assessment Branch	Introduce project, outline assessment process evaluation, set up lines of communication	Support in principle

4.2 Public and Council landowners/managers

The requirement (as contained at s52 (1B) of LUPAA) for the consent of the Crown or the relevant Council to the submission of a development application (that includes land owned by the Crown or the relevant Council) applies in the MIDAA process. Table 11 sets out relevant State agency and Council landowners that may be affected by the project. As part of TasNetworks' engagement activities, all relevant public landowners will be





briefed on the Project. TasNetworks will identify land managed by a State agency or Council that may be impacted by the Project and work with each agency or Council to ensure their voices are heard as part of the design process, establish agreed processes to gain consent for field surveys, assist with identifying/clarifying any land where it is not clear which State agency or Council owns or manages that land, clarify the process to gain consent for submission of development applications and eventually consent to locate the infrastructure on their land.

Table 12 State agency and Council landowner engagement

Agency/Council	Initial briefing and consent process for surveys discussed.
Hydro Tasmania (land and water)	✓
Forestry (Sustainable Timbers Tas)	✓
State Growth (TasRail)	✓
State Growth (roads, easements, acquired roads, State roads)	✓
DPIPWE (Crown land & FPPF) – and PWS (Reserved Land). State owned water bodies	✓
TasWater	✓
Housing Tasmania	✓
Education Department	✓
Health Department	✓
Burnie City Council	✓
Central Coast Council	✓
Kentish Council	✓

Page 74 of 78





Agency/Council	Initial briefing and consent process for surveys discussed.
Meander Valley Council	Not required yet - To be scheduled
Northern Midlands Council	Not required yet - To be scheduled
Waratah/Wynyard Council	✓

Note: Councils have been engaged regarding the Project more broadly and the use of the MIDAA process and engagement is ongoing.

In order to align with our engagement strategy, engagement with Councils in their landowner capacity has been prioritised for those impacted by the Hampshire-Staverton segment.

4.3 Community and private landowners

In addition to briefing councils in the region on Marinus Link and the North West Strategic Transmission Plan, TasNetworks has also met with the Nietta Action Group (NAG) on two occasions. The purpose of these meetings was to introduce NAG to the projects and to answer any questions raised by the group. Besides these engagements, TasNetworks is in the early stages of implementing its Community and Stakeholder Engagement Strategy.

TasNetworks is commencing a 6 week campaign in North West Tasmania to educate and raise awareness about the Marinus Link and the North West transmission upgrades.

Key messages will be shared across a range of channels including postcards, print advertisements, radio interviews and social media.

Information about the projects will also be shared online via the project websites and online engagement platform. This will include a range of factsheets designed to provide quality, accessible information to mums and dads.

The launch began on 28 October, and was followed by the launch of 'Tasmania's Future Energy Hub' on Friday, 1 November at the Cradle Coast Authority offices in Burnie.

In the following weeks, pop-ups are planned for Sheffield, Ulverstone, Burnie and Deloraine.

In the week of 11 November, landowner engagements commence on the Hampshire- Sheffield route.





In the week of 18 November, the route for through Hampshire- Sheffield will be announced, allowing time for TasNetworks to respond before the Christmas break.

In the following 2 weeks after the announcement of the route, structured and facilitated community workshops are planned in Burnie, Ulverstone, Sheffield and Nietta.

In February 2020, a similar campaign is planned to launch the rest of the NW Tasmanian transmission route and the Victorian Mariner Link route.

Landowner engagement is planned to commence the first week of February.

Further engagement activities, such as pop-ups, drop-ins and community workshops, are planned to support the environmental referrals awareness campaign as part of the lodgement of referrals to the Commonwealth for all parts of Mariner Link and supporting transmission in March 2020.

Table 13 shows the proposed landowner and community engagement until construction commences. During construction TasNetworks will establish a construction engagement plan and implement agreed undertakings with landowners, the community and other stakeholders established as part of the project development and assessment phase. This will include establishing a communications and complaints management system to ensure any ongoing landowner, community or stakeholder issues can be tracked and effectively addressed.



Table 13 Marinus Link and supporting North West Tasmania Transmission Upgrades Engagement Framework 'Plan on a Page' (subject to change)

Engagement and Communications Approach				
Project Phases	Phase 1a – Business Case Assessment (BCA) and Southern Route (Tas) Release	Phase 1b – Remaining Routes Released and Environmental Referrals (All)	Phase 2a – Environmental Assessment & Planning Approvals (All)	Phase 2b Financial Close & Preconstruction (All)
	Feb 2019 – Dec 2019	Jan 2020 – April 2020	Mid 2020 – Late 2022	Late 2022 – Mid 2023
Key purpose	Introduce Marinus Link and Supporting Transmission in Tas Raise awareness and educate stakeholders about the Project and the regulatory assessment (RIT-T) and business case process, including promoting opportunities for feedback/comment Commence engagement with key stakeholders identified on the favourable route(s)	Grow awareness and support for the project in Vic, while building on existing awareness in Tas Increase awareness of environmental referral and decision making processes, and promote opportunities to provide feedback/comment Initial contact and build relationships with affected landowners and communities Seek feedback on Victorian route and remaining NW Tas routes Consult on the RIT-T PADR	Continue to align engagement with the environmental and planning referral processes, seeking insights and feedback regarding potential environmental and social impacts Support the delivery of economic development initiatives, leverage opportunities and fostering project advocates	"Close the loop" with stakeholders on the outcomes of the approvals process and how their feedback informed decision making. Advice of next steps in construction and operation and undertake engagement and communications planning to support construction commencement.
Key engagement actions.	<ul style="list-style-type: none"> Develop overarching engagement and communications strategy and Phase 1 plans Establish key feedback mechanisms and engagement planning/delivery tools Commence fostering relationships with key government, industry and local stakeholders Provide quality and timely information about the project, including proposed route options, need, benefits and assumptions Provide opportunities for stakeholders to express initial concerns and flag potential risks Commence targeted consultation with landowners on NW Tas Seek initial feedback on Hampshire to Stewarton route Release preferred route 	<ul style="list-style-type: none"> Commence landowner engagement for directly impacted landowners in Vic and remainder of NW Tas Provide quality information about the project and engagement opportunities Gain insight and feedback on community interests and concerns through delivery of targeted engagement events including pop-ups, drop-in information sessions, workshops, briefings and online engagement Support stakeholders to provide feedback through available statutory consultation processes Collaboratively explore and promote economic and social development opportunities Growing and supporting project champions 	<ul style="list-style-type: none"> Develop and implement Phase 2a engagement and communications plans Raise awareness and educate key stakeholders of the project planning and assessment process Gain insight and feedback on community interests and concerns through delivery of targeted engagement events including pop-ups, drop-in information sessions, workshops, briefings and online engagement Equip and support stakeholders to provide feedback through available statutory consultation processes Ensure stakeholder feedback and insights are informing the project assessment and planning process, including identifying potential mitigations to minimise adverse impacts Continue to explore and promote economic and social development opportunities Growing and supporting project champions 	<ul style="list-style-type: none"> Develop and implement Phase 2b engagement and communications plans Ensure stakeholder and engagement commitments are entrenched in construction procurement and delivery processes Follow up discussions/communications with all impacted landowners to seek feedback on construction process, advise of next steps and key contacts Provide quality updates and information on the proposed construction approach, community commitments and mitigations, and next steps through localised engagement and communications
Supporting communications	<ul style="list-style-type: none"> Marinus Link webpage Business Case Assessment Report and RIT-T PADR Report Marinus Link designed collateral, including fact sheets and report overviews 	<ul style="list-style-type: none"> Marinus Link webpage and online engagement platform Detailed project description, including preferred route alignment, and supporting referral documentation Designed collateral including fact sheets, graphics, web content, newsletters, direct mail outs, social media and advertising Advertise engagement opportunities to support EES Scoping Directions public exhibition period (if required) 	<ul style="list-style-type: none"> Marinus Link webpage and online engagement platform Environmental assessment reports and planning documents, supported by easy to understand summaries and collateral Detailed project maps and animated graphics Designed collateral including fact sheets, graphics, web content, newsletters, direct mail outs, social media and advertising Advertise engagement opportunities to support relevant statutory public exhibition periods 	<ul style="list-style-type: none"> Marinus Link webpage and online engagement platform Detailed project maps and animated graphics Designed collateral including fact sheets, graphics, web content, newsletters, direct mail outs, social media and advertising
Key stakeholder focus:	<ul style="list-style-type: none"> Broader Tasmanian community Directly affected landowners Industry stakeholders Local, state and federal governments Energy market bodies and regulators Media 	<ul style="list-style-type: none"> Directly affected landowners Neighboring landowners Local communities, business and interest groups Local, state and federal governments Industry stakeholders Media 	<ul style="list-style-type: none"> Directly affected landowners Neighboring landowners Local communities, business and interest groups Local, state and federal governments Industry stakeholders Media 	<ul style="list-style-type: none"> Directly affected landowners Neighboring landowners Local communities, business and interest groups Local, state and federal governments Industry stakeholders Media



5 Other matters required by the Act

This section addresses Section 11A of the Act.

5.1 Use and Development Status – Planning Schemes

Utilities use is either no permit required, permitted or discretionary in all Zones under existing Interim Planning Schemes. Some Special Area Plans (SAPs) prohibit utilities use and some development provisions in SAPs effectively prohibit utilities development through the imposition of finite height discretions. Utilities development can be considered under all Codes in Interim Planning Schemes.

Utilities use in the State Planning Provisions of the Tasmanian Planning Scheme also make Utilities use no permit required, permitted or discretionary in every Zone. Utilities development can be considered under all Codes in the Tasmanian Planning Scheme. However, with the transition of some existing SAPs from existing Interim Planning Schemes under Schedule 6 of LUPAA into Local Provision Schedules for each Council, the existing prohibitions in these SAPs are perpetuated under the Tasmanian Planning Scheme.

None of the proposed transmission corridors under consideration as part of this MIP has been identified as traversing an SAP that effectively prohibits either through use or finite development discretions.

Major Infrastructure Development Approvals Act 1999

Statement of Reasons

I, Roger Charles Jaensch, Minister for Planning, in accordance with the *Major Infrastructure Development Approvals Act 1999* (MIDAA), wish to propose that the Tasmania North West Transmission Line Project be declared a major infrastructure project.

Where the project would provide a high voltage power line from Palmerston to Burnie, via Heybridge, Burnie to Hampshire via East Cam and Hampshire to Staverton. The project will also include 4 substations and any necessary ancillary development, such as access tracks and storage areas.

In accordance with Section 8(3)(b) of the MIDAA, for the purposes of consultation with the Councils where the project is located, these are my reasons for wishing to propose the project to be declared a major infrastructure project –

1. I am satisfied that it is in the public interest for the declaration to be made;
2. The MIDAA process will provide for a single consolidated assessment of the project, and also a single avenue for appeal;
3. The assessment of the project will be conducted in accordance with the planning criteria created specific to the project and for the whole project;
4. Planning Authorities will save time and money through not assessing individual development applications for each section of the project within their municipal area;
5. Due to the anticipated timing of delivery of the project, it is essential that the approval of the whole project (if granted) occur at the same time, which will deliver certainty to TasNetworks (the proponent); and
6. The project has potential to contribute enormous benefit to the public, and as such warrants use of the MIDAA assessment process.



Hon Roger Jaensch MP

Minister for Planning

21 January 2020

MINUTES AND REPORTS OF COMMITTEES**AO032-20 CRADLE COAST AUTHORITY REPRESENTATIVES COMMITTEE
MEETING AND AGM - UNCONFIRMED MINUTES OF MEETING
HELD ON 28 NOVEMBER 2019****FILE NO: 2/5/3**

RECEPTION FOR DISCUSSION**RECOMMENDATION:**

“THAT the Unconfirmed Minutes of the Annual General Meeting and General Meeting of the Cradle Coast Authority Representatives Committee, held on 28 November 2019 be received for discussion.”

SUMMARY

At its meeting of 28 November 2019, the Representatives Committee Meeting discussed:

- 2018/19 Annual Report
- Coastal Pathway Development Plan
- Shared Services
- RTO Board Positions

ATTACHMENTS

- 1 [↓](#). Cradle Coast Authority Representatives Committee Meeting and AGM - Unconfirmed Minutes of Meeting held on 28 November 2019

COUNCIL RESOLUTION**Resolution number: MO026-20****MOVED:** *Cr D Pease***SECONDED:** *Cr A Keygan*

“THAT the Unconfirmed Minutes of the Annual General Meeting and General Meeting of the Cradle Coast Authority Representatives Committee, held on 28 November 2019 be received for discussion.”

For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY



MEETING MINUTES REPRESENTATIVES MEETING

Date: 28 November 2019
Time: 10:00am
Location: Cradle Coast Authority, Function Room

1. AGM MEETING OPEN

2. STANDING ITEMS

2.1. Welcome and Apologies

Chief Representative and meeting Chair, Mayor Jan Bonde, opened the meeting at 10:00am, welcoming attendees.

Attendees and apologies are noted at Attachment 1.

2.2. Declarations

Nil

2.3. Confirmation of 2018/19 Annual General Meeting Minutes

Minutes of the 2018 Representatives AGM Meeting were presented.

RESOLUTION

The Representatives accept the minutes of the meeting held 22 November 2018.

Moved: D Quilliam / Seconded: G Monson / CARRIED

2.4. Review the 2018/19 Annual Report

Moved: D Quilliam / Seconded: G Monson / CARRIED

S Sidebottom congratulated the CEO, team and Board on the successful organisational reform. He also thanked the Chief Representative and Deputy Chief Representative for their input during 2019. J Arnold credited the changes that have been made within the last 12 months and noted they are very happy members of CCA.

The CEO to clarify outstanding debtors on page 37 of the Annual Report.

3. FOR DECISION

Nil.

The AGM closed at 10:13am.

4. REPRESENTATIVES MEETING OPEN

Meeting opened at 10:14am.

5. STANDING ITEMS

5.1. Confirmation of Previous Minutes

Minutes of the 22 August 2019 Representatives Meeting were presented.

RESOLUTION

The Representatives accepted the minutes of the meeting held 22 August 2019.

Moved: M Atkins / Seconded: S Riley / CARRIED

5.2. Declarations

A Jarman declared a conflict of interest at agenda item 7.1.

6. CRADLE COAST AUTHORITY UPDATE

6.1. Quarterly Progress Report

The CEO spoke to the quarterly progress report. He provided a brief update on current projects, said the Coastal Pathway is tracking well and that he can't speak highly enough of the three General Managers and Council engineers who are involved. The turning of the sod will be held later in December.

The CEO said the Regional Employment Trials have been a success with participants already being offered internships. Councils can receive \$1,000 per internship. The CEO said he is also in the process of finalising an MoU with Economic Development Australia which will allow two representatives from each Council to receive membership benefits.

The CEO advised that the Tasting Trail is likely to decide to move over to the new RTO. CCA are in the process of facilitating this transfer.

RESOLUTION

The Representatives accepted the Quarterly Progress Report.

Moved: A Jarman / Seconded: S Riley / CARRIED

6.2. Quarterly Financial Report

The CEO spoke to the financial report and requested feedback on the new financial reporting. T Wilson said that he liked the new format and G Monson suggested it would be good to highlight and explain any variances.

The CEO said that the Board are starting to look at developing a financial management strategy and will consider the goal of having an underlying surplus. He also Spoke about changes to the way that grant funding is being treated on the balance sheet. A Rockliff noted there are cashflow risks associated with NRM, as the deliverables are affected by weather and other external factors.

RESOLUTION

The Representatives accepted the Quarterly Financial Report.

Moved: T Wilson / Seconded: S Ayton / CARRIED

7. FOR DECISION

7.1. Coastal Pathway Development Plan

A Jarman left the meeting at 10:34 am.

Representatives committed to providing at the next Representatives meeting, sections of the pathway that they can have preliminary designs and costings for completed by September 2020. It was agreed CCA would increase communication around the Coastal Pathway to renew community enthusiasm.

It was raised that there should be a focus on preparing for the 2022 elections. The Representatives agreed they would meet in February to discuss the Regional Investment Framework and to prepare for the 2022 elections.

RESOLUTION

The Representatives accepted the Management Recommendation

Moved: D Quilliam / Seconded: M Atkins / CARRIED

7.2. Shared Services

The CEO spoke to the document provided and presented a PowerPoint presentation on Shared Services.

A Rockliff and M Atkins left the meeting at 10:52am.

The Chair said this is an opportunity to provide a more efficient and effective workforce. S Ayton stressed shared services won't provide cash savings but will instead allow councils to deliver more and improved services.

S Sidebottom said the Premier was of the opinion that we would have a better case to approach the Treasurer to receive resources.

The Representatives suggested that opportunities exist to standardise fees, policies and procedures and that the CEO is to work alongside the General Manager's to work on the Shared Services Strategy.

8. Representatives Local Government Update

D Midson thanked the CEO and the Chair for attending the West Coast Council workshop.

P Voller gave an update on the NRM Committee's recent decision to move to a more conventional structure whereby NRM staff clearly report to the CEO rather than the Committee.

9. General Business

9.1. RTO Board Positions

The CEO said the RTO reached out and would like CCA to nominate two local government representatives for the RTO Board. It was agreed one representative would be representing the community and the other to represent Cradle Coast Authority.

RESOLUTION:

The Representatives agreed that at the February meeting, they will select two local government representatives to recommend to the RTO Board, via a process to be determined by the Chief Representative in consultation with the Deputy Chief Representative, Chairman and CEO.

Moved: D Quilliam / Seconded: M Duniam / CARRIED

9.2. CCA's Approach to Criticism

The Chief Representative asked of ways CCA can approach criticism by its members and there was a discussion. The Representatives agreed they need to be quick to respond and ensure they are proactive in promoting good news.

9.3. Professor Eversole to give a brief overview of Swinburne University

Professor Eversole and Sebastian Geers entered the meeting at 11:54am.

Professor Eversole provided an update on the work Swinburne University are currently doing in the area of social impact. Swinburne University are developing a program that focusses on regional areas, the Cradle Coast region being one. There will be a launch in early 2020 for this program.

10. GUEST

10.1. Sebastian Geers, Manager of Welcoming Cities

S Geers presented on Welcoming Cities and provided two documents, the Steps to Settlement Success tool kit, outlining key blocks to ensure immigration success and the Welcoming Cities Standards, used to encourage local migration and retention. Accreditation to become a Welcoming City is done via an online portal and they currently have 42 members and over 90 Councils have expressed interest. There is an international network of more than 250 municipalities

Page 4 of 6

across Australia, NZ, USA, Canada, Germany, UK. Welcoming Clubs is branching from Welcoming Cities and has been established to grow networks within sporting teams.

S Geers will provide information on Queensland Councils which are currently recognising new migrants entering their region. The CEO is to look into how Councils can be notified when migrants enter the region.

11. MEETING CLOSE

Meeting closed at 1:00pm. The next meeting will be held on 20th February 2020 at the Cradle Coast Authority offices.

UNCONFIRMED

Attachment 1: Attendees and Apologies**Representatives**

Alison Jarman	Deputy Mayor, Devonport City Council
David Midson	General Manager, West Coast Council (via video conference)
Don Thwaites	Deputy Mayor, Kentish Council
Gerald Monson	General Manager, Latrobe Council
Ken Dorsey	Councillor, Burnie City Council
Matthew Atkins	General Manager, Devonport City Council
Mayor Daryl Quilliam	Circular Head Council
Mayor Jan Bonde	Mayor Central Coast Council (Chief Representative)
Mayor Julie Arnold	King Island (via video conference)
Mayor Peter Freshney	Latrobe Council (Deputy Chief Representative)
Mayor Robby Walsh	Waratah-Wynyard Council
Mayor Tim Wilson	Kentish Council
Sandra Ayton	General Manager, Central Coast Council
Scott Riley	Circular Head Council
Shane Crawford	General Manager, Waratah-Wynyard Council
Shane Pitt	Deputy Mayor, West Coast Council

Cradle Coast Authority

Andrew Wardlaw	Director
Daryl Connelly	Chief Executive Officer
Katherine Schaefer	Director (via video conference)
Mayor Annette Rockliff	Director
Peter Voller	NRM Chair
Sid Sidebottom	Chairperson
Sophie Wright	Executive Assistant

Apologies

Claire Smith	Cradle Coast Authority
Giovanna Simpson	Deputy Mayor, Burnie City Council
Greg Alomes	General Manager, King Island
Malcolm Wells	CCA Director
Mayor Phil Vickers	West Coast Council
Mayor Robby Walsh	West Coast Council
Mayor Steve Kons	Burnie City Council
Sheree Vertigan	REDSG Chair
Don Thwaites	Deputy Mayor, Kentish Council

AO033-20 NON AGENDA ITEMS

In accordance with the requirements of Regulation 8(5) of the *Local Government (Meeting Procedures) Regulations 2015* a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

Council by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) the matter is urgent; and
- (c) that advice has been provided under section 65 of the *Act*.

There were no non agenda items.

There being no further business the Mayor declared the Meeting closed at 8.38pm.

CERTIFICATION OF MINUTES AS A TRUE RECORD

These minutes are confirmed as an accurate record of the Ordinary Meeting of Burnie City Council held on 28 January 2020.

Confirmed:

A handwritten signature in black ink, appearing to be 'A. Wardlaw', written in a cursive style.

Andrew Wardlaw, GENERAL MANAGER

Confirmed:

A handwritten signature in black ink, appearing to be 'S. Kons', written in a cursive style.

Steven Kons, MAYOR