



**GLAMORGAN SPRING BAY
COUNCIL**

Special Meeting Agenda

For the Special
Meeting of Council
to be held at the
Triabunna
Council Offices

16 October, 2019

THAT NOTICE OF SPECIAL MEETING

Notice is hereby given that the Mayor has called a Special Meeting of the Glamorgan Spring Bay Council in closed session to be held at the Triabunna Council Offices on Wednesday the 16th October 2019 at 5.30pm.



Dated this Friday 11 October, 2019

Chris Schroeder
GENERAL MANAGER

"I certify that with respect to all advice, information and recommendations provided to Council with this agenda:

- 1. The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation, and**
- 2. Where any advice is given directly to the Council by a person who does not have the required qualifications or experience, that person has obtained and taken into account in that person's general advice the advice from any appropriately qualified or experienced person. "**

Note: Section 65 of The Local Government Act 1993 states:

- (1) A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.**
- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless the general manager certifies in writing that such advice was obtained and taken into account in providing general advice to the council or council committee.**



Chris Schroeder
GENERAL MANAGER

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Audio/Video Recording of Ordinary and Special Meetings of Council

As determined by Glamorgan Spring Bay Council in April 2017 all Ordinary and Special Meetings of Council are to be audio/visually recorded and streamed live. A link is available on the Glamorgan Spring Bay Council website to the YouTube platform, where the public can view the meeting live and watch recordings of previous Council meetings.

In accordance with the Local Government Act 1993 and Regulation 33, these video/audio files will be retained by Council for at least 6 months and made available for viewing live, as well as online within 5 days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the video/audio recording of the meeting.

1. Opening

The Mayor to welcome Councillors, staff and members of the public and declare the meeting open at [time].

1.1 Acknowledgement of Country

The Glamorgan Spring Bay Council acknowledges the Traditional Owners of our region and recognises their continuing connection to land, waters and culture. We pay our respects to their Elders past, present and emerging.

1.2 Present and Apologies

1.3 In Attendance

1.4 Declaration of Interest or Conflict

The Mayor requests Elected Members to indicate whether they have:

- 1. any interest (personally or via a close associate) as defined in s.49 of the Local Government Act 1993; or*
- 2. any conflict as described in Council's Code of Conduct for Councillors,*

in any item included in the Agenda.

2. Officers' Reports Requiring a Decision

2.1 Policy 1.1 - Mobile Food Vans, Pop-Up Stalls & Kerbside Vending

Responsible Officer – General Manager

Background

At the Ordinary Council Meeting held 24 September 2019 Council revised and endorsed Policy 1.1- Mobile Food Vans, Pop-Up Stalls & Kerbside Vending (see decision below) with Minutes to be endorsed at the Ordinary Council Meeting 22 October 2019.

Decision: 159/19

Moved Cllr Keith Pyke, seconded Cllr Rob Churchill,

That:

Council adopts Policy 1.1 Mobile Food Vans, Pop-Up Stalls & Kerbside Vending, version 4, dated 24th September 2019.

Council amends the fees and charges for 2019-2020 to adopt the fee schedule listed below:

- One year licence fee is \$1000
- Three months licence fee is \$350
- One month licence fee is \$200
- Up to one week licence fee is \$75.

**The motion was put and carried
(6 Votes to 1)**

For: Mayor Debbie Wisby, Deputy Mayor Jenny Woods, Cllr Annie Browning, Cllr Rob Churchill, Cllr Keith Pyke, Cllr Michael Symons.

Against: Cllr Cheryl Arnol.


A request has been received to modify the endorsed Policy to protect events organised by local Clubs, Associations and Community Groups within the municipal area.

Examples of events whereby authority would need to be gained from the organiser by interested businesses/groups to participate/attend an event include rostered sporting events at recreation grounds, the Australia Day event at Our Park in Orford and the Bicheno Food and Wine Festival.

Recommendation

That Council include the following wording in Policy 1.1- Mobile Food Vans, Pop-Up Stalls & Kerbside Vending:-

For events organised by local Clubs, Associations and Community Groups within the municipal area such as rostered sporting events at recreation grounds, the Australia Day event at Our Park in Orford and the Bicheno Food and Wine Festival, written permission from the organising group is to be obtained to allow any mobile food van, pop-up stall or kerbside vending business to participate at the event.

 GLAMORGAN SPRING BAY COUNCIL	POLICY – MOBILE FOOD VANS, POP-UP STALLS & KERBSIDE VENDING	Policy 1.1	
		Version 4	Date 24/9/2019
Minutes Dated 24/09/2019	Approved By: Council Decision No. 159/19	Review Date As required but no later than 2023	

1. OBJECTIVES

The Policy provides that:

- GSBC will support existing and future ‘bricks and mortar’ businesses.
- GSBC recognises that mobile food vendors play an important role in the visitor economy as well as the local services economy.
- In reconciling these imperatives, GSBC will not permit a mobile food vendor within 100m of an existing take away or café food business situated on private tenure within town boundary and 1km outside of town boundary.
- GSBC encourages mobile food vendors to operate across identified sites in order to cater for demand. In doing so it is recognises that this policy must operate without a significant administrative burden.
- GSBC recognises that some mobile food vans have long-term occupancy and certain commercial rights to maintain but will limit any future long-term occupancy.

2. SCOPE

This Policy applies to mobile food vans, pop-up stalls and kerbside vending operating on public land.

- Mobile Food Vans that form part of a community event are exempt from this Policy.
- Mobile food vans on private land represent a use of the land and are regulated through the planning system.

3. PROCEDURE

A Mobile Food Van may apply for a licence to operate for:

- One year for a licence fee of \$1000 or otherwise prescribed in Council’s fee schedule.
- Three months for a licence fee of \$350 or otherwise prescribed in Council’s fee schedule.
- One month for a licence fee of \$200 or otherwise prescribed in Council’s fee schedule.
- Up to one week \$75 or otherwise prescribed in Council’s fee schedule.

A pop-up stall or kerbside vendor, inclusive of the sale of fresh fruit, vegetables and fish, may apply for a licence to operate for the same period of time as listed above for a mobile food van. The licence fee is to be determined at the discretion of the General Manager having regard to the nature and scale of the activity and any equivalence to the mobile food van. Any such stall or vendor for a charitable purposes shall be fee exempt.

A Mobile Food Van could be approved to operate in any one of the following locations at any one time:

- Triabunna Gatehouse
- Triabunna Boat Ramp
- Triabunna Recreation Ground
- Triabunna Memorial Park,
- Orford Our Park
- Spring Beach, Spring Beach Car Park
- Orford Recreation Ground
- Saltworks Boat Ramp (*subject to approval by the Crown)
- Swansea corner of Jetty Road and Franklin Street
- Swansea Recreation Ground
- Swansea Gordon Street Boat Ramp
- Swansea Saltwater River Playground
- Swansea Schouten Beach turning head / Waterloo Point Walk
- Dolphin Sands Beach Accesses
- Spiky Bridge Car Park (*subject to approval by the Crown)
- Bicheno, near Recreation Ground off Waubs Esplanade
- Bicheno Triangle Car Park (from 6pm to 10pm only)
- Bicheno entry point to Whalers Lookout Walk
- Bicheno Car Park opposite United Petroleum
- Bicheno Gordon Street cul-de-sac turning head
- Swanwick Recreation Area
- Coles Bay Jetty
- Coles Bay Boat Ramp
- Coles Bay Memorial Hall
- Coles Bay Information Booth

****Other locations may be considered by application to Council.**

Mobile Food Vans operation away from a through road will be permitted to place one sandwich board sign on the relevant junction during operating hours in predefined locations and with suitable anchoring.

Mobile Food Vans must be removed from the site and the close of business for each day and parked overnight on private property.

Insurance and other approvals

All licensees must hold a current certificate for \$5,000,000.00 public indemnity insurance and provide a copy of such insurance to Council on issuing of permit.

All licensees for a mobile food van must have such van approved and licenced under the *Food Act 2003* by Glamorgan Spring Bay Council or the Council in which the van is parked.

4. DELEGATION

General Manager

5. RESPONSIBILITY

General Manager

6. REPORTING

A register of licences issued is to be maintained at the Council offices.

7. STATUTORY REQUIREMENTS

- 1. Local Government Act 1993*
- 2. Public Health Act 2003*
- 3. Food Act 2003*

8. ATTACHMENTS

Nil

2.2 Australia Day Awards

Responsible Officer – General Manager

Background

The Glamorgan Spring Bay Australia Day Awards recognises the achievements of individuals that make a real and positive difference in the community, and help to inspire others.

Our community is full of inspiring people of all ages and from all walks of life who every day make our region the best it can be.

Elected Members have expressed interest in expanding the Australia Day Awards to recognise the achievements of residents with awards to be presented in the categories of:-

- Citizen of the Year
- Senior Citizen of the Year
- Young Citizen of the Year
- Community Volunteer of the Year
- Emergency Services Volunteer of the Year

Nomination eligibility requirements:-

- recognised as a citizen of Glamorgan Spring Bay
- nominees of all ages will be considered for the Citizen of the Year award
- nominees aged under 30 years will also be considered for the Young Citizen of the Year award
- nominees aged 65 years and over will also be considered for the Senior Citizen of the Year
- ages are as at 26 January of the awards year
- two or more individuals may be nominated jointly for an individual award

Recommendation

That Australia Day Awards are presented in the categories of:

Citizen of the Year

Senior Citizen of the Year

Young Citizen of the Year

Community Volunteer of the Year

Emergency Services Volunteer of the Year

Closing date for nominations for 2019 will be the 25 November 2019

2.3 *Prosser Plains Raw Water Scheme (PPRWS)*

Responsible Officer – General Manager

Background

This matter was included as agenda item 7.14 in the Ordinary Council Meeting agenda on 24 September 2019 however due to the lack of quorum this matter could not be considered.

At the January 2017 Ordinary Meeting, Council considered the (General Manager's) Officers' Report with respect to the **Tea Tree Rivulet Dam Approval and Construction (including approval of borrowing/budget amendments)**.

This Report included the *Prosser Plains Raw Water Scheme DRAFT Business Plan* that described the PPRWS as a business to be owned by Council (and operated on the farming property named "Twamley Farm") entailing the design, construction, maintenance and storage (by way of a dam) and delivery of up to 3,000mgl of fresh raw water per annum.

At the January 2017 Ordinary Meeting, Council then resolved the following:

Decision: 13/17

- (1) That Council by absolute majority authorises the General Manager to draw down in total \$4.5million of the approved treasury borrowings for the purpose of designing, engineering and construction of the dam on Tea Tree Rivulet as specified in the "Prosser Plains Raw Water Scheme". These borrowings will be in lots of \$1million as required to save interest costs.
- (2) That Council notes that if the dam does not proceed for any reason that the loan funds be repaid ASAP and all costs incurred by the Council be recovered from Tassal Operations as detailed in their letter and the MOU.
- (3) That Council authorities by absolute majority that the General Manager sign the MOU on behalf of Council.
- (4) That Council by absolute majority adjusts the 2016/2017 budget accordingly if adjustments are required and includes estimated project costs in its 2017/2018 budget.

The MOU subsequently entered between Council and Tassal (referred to in the above Decision 13/17) described the water scheme as consisting of;

- a. A 3,000ML water storage dam located on Tee (sic) Tree Creek on the property owned by the Turvey family;
- b. A pumping station on the Prosser River which extracts fresh water (released from the Tea Tree Creek dam) or alternate extraction site and routes depending on cost;
- c. A pipeline which carries water to the proposed Golf Club storage dam, and to Louisville Point foreshore – from which point Tassal plans to build an undersea pipeline to convey the water direct to the Okehampton Bay fin-fish lease.

The MOU described Council's responsibilities as including;

- a. To scope, get approval for, design, construct and commission, the water supply scheme;
- b. Developing a commercial agreement with Tassal for the provision of water from the scheme on a user pays basis in the long term and a cost recovery basis in the short term.

The MOU stated that the signing of the MOU was not a formal undertaking and that it implied that the signatories will strive to reach the objectives stated in the MOU to the best of their ability. Tassal also provided 2 letters of commitment (one dated 19 January 2017 and one dated 22 February 2018) which stated that, subject to the execution of binding commercial agreements between Tassal and Council and agreement as to expenditure, Tassal would reimburse Council's costs if the PPRWS did not proceed.

At the February 2018 Ordinary Meeting, Council considered the (General Manager's) Officers' Report with respect to the **Approval of borrowing budget amendments, pipeline approvals and construction.**

This Report provided an update that included;

- that since the January 2017 resolution a new water source (being an existing source) had been identified and incorporated into the original concept. As the water source was existing the PPRWS could then proceed with the completion of the pipeline supply of water to Solis, Tassal, TasWater and to the minor usage farmers.
- that the (then) current form of the PPRWS proposal was slightly different to the first proposal in that:
 - Council will own and operate all related infrastructure.
 - The pipelines, incorporating the project from the Prosser River to Okehampton Bay, will become one project and be owned and operated by Council.
 - The pipelines are the first stage of the project and will provide Solis with the water required in October 2019 and Tassal with fresh bathing water for their fish. Tassal will underwrite the project as they have done previously with more customers to come online to share the burden.
 - The dam will be stage 2 of the project and once commissioned will give access to over 6,000ML of water between the two systems.
 - The dam site was presently waiting approval from the federal government (no timelines could be placed on this) and will be considered when approval is given, and the business case completed to include updated costs and variations.
 - A request that, of the State Treasury approved borrowing of up to \$6million in the 2017/2018 year, that \$5million of these be drawn down in stages for the engineering design and construction of the pipeline from the Prosser River to Okehampton Bay.

At the February 2018 Ordinary Meeting, Council resolved the following:

Decision: 20/18

- (1) That Council authorise the General Manager to proceed with Stage 1 of the Prosser Plains Raw Water Scheme (construction of pipelines from Prosser River to Okehampton Bay) using funding previously authorised by Council (ref: decision 13/17) including the increase in borrowings to \$5million.
- (2) That Council authorises the General Manager to enter into a formal agreement with Tassal for the delivery of raw water to Okehampton Bay on a full cost recovery basis as detailed in the attached summary of costs on the pipelines.

Council then, in February 2019, entered into the Water Supply Agreement Prosser Plains Raw Water Scheme (**WSA**) with Tassal.

Under the WSA Council was obliged to commission Stage 1 of the PPRWS on or before 1 September 2019.

The WSA does not contain any obligation for Council to proceed with Stage 2 (being the dam construction or any dam construction).

Current Status

The Stage 1 (Prosser River to Okehampton Bay pipelines) PPRWS works (as required by the WSA) have not yet been completed and commissioning of the Stage 1 works is anticipated to occur by 31 January 2020.

Council had the capacity to borrow \$4M from State Treasury and a federal grant of \$2.3million for the PPRWS was approved. These funds have been allocated for the Stage 1 works.

Council has received a recent forecast that indicates that the Stage 1 works may cost an additional \$600,000 to finish. Council have reached the State Treasury safe borrowing limits during the construction of the Stage 1 works and have no further Council funds (cash reserves) left for the completion of the Stage 1 works.

Council has commenced negotiations with Tassal to resolve the lack of funds for the completion of the Stage 1 works and has requested that Tassal pay the additional \$600,000 required to complete the Stage 1 works.

Therefore it would not be financially responsible for Council to undertake the Stage 2 (Twamley dam works). As Council has not entered into any agreement that obliges it to undertake the Stage 2 works, it is recommended that Council resolve to not proceed with any aspect of the Stage 2 works.

Recommendation

- (1) That Council resolves that it will not proceed with the Stage 2 PPRWS works, which includes the Twamley Dam and/or the construction or inclusion of any other additional dams into the PPRWS.
- (2) That, in accordance with resolution (1) above, that no further work, including any investigative work, be undertaken by Council with respect to the Stage 2 PPRWS works.

Attachments:

1. *Prosser Plains Raw Water Scheme DRAFT Business Plan*
2. MOU between Tassal and Council
3. Tassal letter of commitment 19 January 2017
4. Tassal letter of commitment 22 February 2018



**GLAMORGAN SPRING BAY
COUNCIL**

Prosser Plains Raw Water Scheme

DRAFT Business Plan

Prepared: July 6, 2016

Updated: 18th January 2017

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Business Plan Summary

The Business

The business will be known as “Prosser Plains Raw Water Scheme”. The business will be owned by the Glamorgan Spring Bay Council and will operate on the farming property named “Twamley Farm” owned and operated by the Turvey family located in Buckland on the south eastern side of Tasmania. The business will entail the design, construction, maintenance and storage and delivery of up to 3,000mgl of fresh raw water per annum. It should be noted that members of the Turvey family are current employees of Glamorgan Spring Bay Council. This site was determined by professional qualified independent consultants as the best site servicing the Prosser River Catchment. It is important that there will be absolute transparency with business dealings with the Turvey family and Council.

Whilst the primary purpose of the dam will be to supply raw water to several proposed developments, the dam will also provide an excellent back up resource for TasWater regarding their residential water supply to both Orford and Triabunna and a form of recreational use for the many tourism activities being carried out on the farm. Main users of the raw water will be “Tassal” for farm expansion into Okehampton Bay (up to 500mgl per annum for bathing of salmon), “Solis” golf course (up to 300mgl per annum for watering of the golf course), TasWater raw water for water treatment residential use (up to 200mgl per annum as needed). In an average year there should be approximately 1,000mgl available for farming opportunities. Initial interest has been shown by up to ten farmers up to 20 kilometres north of the scheme’s discharge point at Louisville Point with two farmers actually putting in a formal expression of interest. It is considered by engineers that the dam could be expanded at a relatively small cost to increase the dam by up to 30%. Engineers have indicated they consider it is one of the best dam sites they have seen in Tasmania in relation to cost versus quantity and land use. This site has water surety at around 95% and the water license will be for 40 years under the Water Management Act once approved. This will allow Council to offer 40 year water licenses to all users.

Background

Both Tassal and the Glamorgan Spring Bay Council had been working on alternative options to supply fresh water to the salmon farm lease and the Solis golf course development. Early designs had indicated that preferred sites were not capable of large water holdings and only have surety of supply at around 75-80% putting pressure on both organisations to either find alternative sites or other options for raw water supply or take the risk in dry years. This is when it became clear that there was an opportunity to work together and see if there was a benefit for all stakeholders to benefit from this solution. Under this plan Council will be the natural owner of the infrastructure allowing it to deal with all stakeholders on a commercial basis. A single commercial owner does not afford the opportunity for the dam to become an economic driver for the local economy and community. Council has the ability, expertise and workforce to be involved in constructing some of the infrastructure including pipelines.

The Turvey family are long established respected farmers of the area and are very supportive of development, helping wherever they can. The development will complement their existing farming and tourism ventures and allow them to expand. A long term lease acceptable to all parties will be negotiated between the Turvey family and the Council.

Access to the site will be via existing accesses and a new access will be provided across the top of the dam to enable farming operations to continue. Council will ensure that these roads are maintained to an acceptable standard for all users.

The take out point of the dam is still to be decided with one option being to take water just to the south of the existing TasWater pump on the Prosser River. Any water taken from this point will be metered and the equivalent amount of water will be released from the dam to ensure that there is no negative effect on the environment or the drinking water supply. This water release will be calculated by a hydrologist and may be as high as 130% of water taken.

The Market

There is abundant data on the market potential and demand for such a quantity of water with a low capital cost. The capital cost of this project is expected to be around \$4.5 million to deliver water to the Louisville Point node and then a further \$7.0million to deliver it 20 kilometres north of that node in the future if the demand and market return is there making a total cost of around \$11.5 million dollars. This capital cost of \$3,833 per mega litre compares to a capital cost of \$8,500 per mega litre for other irrigation schemes of comparable size.

Operating costs of the system are expected to be around \$205,000 per annum or \$68.33 per mega litre which compares favourably to other irrigation systems at \$102.00 per mega litre for similar sizes. This operating cost also includes a cost allocation of \$35.00 per mega litre for renewal of assets including pump stations and dam walls. At this rate Council could set a water rate at \$3,833 per mega litre buy in and an annual usage rate of \$68.33 per mega litre. These rates would be cheaper for users closer to the Louisville node, as this is calculated at the furthest delivery point 20 kilometres north of the Louisville node. Alternatives could be a no upfront capital cost for users and Council borrow the funds ensuring the principal plus interest cost is returned to Council via the usage cost to users.

A more detailed analysis is provided as Annexure "A".

Vision, Values and Objectives

Vision

- To become an affordable raw water supplier to the South East Glamorgan Spring Bay area.
- To support future business expansion including farming and tourism.
- To produce an excellent reliable water supply at the lowest possible cost.
- To create a business that pays for itself but is not commercial in nature.
- To ensure future residential subdivisions are viable by helping TasWater to ensure adequate water supply well into the future and dry years.
- To make the Council sustainable by increasing business activity and creating new opportunities and employment.

Values

- Passion about economic support for businesses on the East Coast.
- Committed to supporting our farmers.
- Integrity, honesty and transparency in our business dealings.
- To value and protect the natural assets.

Objectives

- To build the water source as designed.
- To cover all costs including any finance costs.
- To be returning a small profit per annum of \$35.00 per mega litre to cover future infrastructure renewal costs.
- To achieve yearly turnover targets and usage.
- To expand on demand.

The Finances

Costs of Setting up the Venture

The capital cost of this project is expected to be around the \$4.5 million to deliver water to the Louisville Point node and then a further \$7.0million to deliver it 20 kilometres north of that node making a total cost of around \$11.5 million dollars. This capital cost of \$3,833 per mega litre compares to a capital cost of \$8,500 per mega litre for other similar sized irrigation schemes. At this rate Council could set a water rate at \$3,833 per mega litre buy in and an annual usage rate of \$58.33 per mega litre. Alternatives could be a no upfront capital cost for users and Council borrow the funds ensuring the principal plus interest cost is returned to Council via the usage cost to users. A more detailed analysis is provided as Annexure "A"

Ongoing Costs of the Venture

Operating costs of the system are expected to be around \$205,000 per annum or \$68.33 per mega litre which compares to other similar sized schemes at \$102.00 per mega litre. This operating cost also includes a cost allocation of \$35.00 per mega litre for renewal of assets including pump stations and dam walls. Operating costs are detailed in Annexure "A"

DRAFT

Risk Management

Risk	Likelihood	Impact	Strategy
Sourcing sufficient capital for start up	Low	High	<ul style="list-style-type: none"> Business case stacks up. MOU with major users or letters of intent.
Sourcing sufficient capital for other stages of venture	Low	Low	<ul style="list-style-type: none"> As in the first instance
Competition	Low	Low	<ul style="list-style-type: none"> Demonstrated lack of competition in this venture throughout Tasmania especially with the low capital cost and excellent dam site.
Inadequate management of resources	Moderate	Medium	<ul style="list-style-type: none"> Appoint experienced Team to carry out this tasks
Poor take up of allocations	Low	High	<ul style="list-style-type: none"> Not likely after selling the low capital costs, ongoing costs and reliability
Quality of construction	Low	High	<ul style="list-style-type: none"> Ensure appropriate project management and accountability
Community Acceptance and social license	High	Medium	<ul style="list-style-type: none"> Need to sell the benefits to the community
Users going into liquidation	Low	High	<ul style="list-style-type: none"> The water should be readily snapped up by other users Ensure appropriate conditions in contract of sale
Dispute with Landowner	Low	High	<ul style="list-style-type: none"> Needs to be managed and a fair outcome for all
Government Acceptance	Medium	High	<ul style="list-style-type: none"> Sell the benefits to all. Still semi Government owned
Unreliable water	Low	High	<ul style="list-style-type: none"> 95% surety

The Market

The market is proven on the East Coast of Tasmania. The northern section of the Glamorgan Spring Bay area has been largely taken care of by Tas Irrigation with the commissioning of the Swan Valley irrigation scheme. On the East Coast it is all about storing water when it rains.

This project will be one of the largest storage dams on the East Coast of Tasmania. With its added reliability it will provide assurance to the customers of the scheme which will promote serious economic activity. A recent analysis of the river shows that the dam will not adversely impact other Prosser River water users; it only acts to capture and store water during wet periods for later use. Prosser River flows can be quite extreme – experiencing not only long periods of dry, but also very large flows following major rainfall events. As an indication, records show that since 1965 there have been 640 times when Prosser River flows exceeded 1,000ML in a single day, and 237 days when flows exceeded 3,000 ML in a single day. The market for the water is assessed as considerable.

Target Markets

Tassal will require up to 500 mega litres of fresh raw water per annum for the bathing of their fish and Solis will require up to 300 mega litres of fresh raw water for the golf course. Of course usage on the golf course will be dependent on weather conditions and usage in the wetter years may be a lot less. Taswater will have a security of 200 mega litres per annum. Assuming the storage is kept at two years supply for these projects there should be up to 1,000 mega litres available for farmers and other users.

Marketing Strategy

Once the final dam is sized and costed a marketing strategy will be developed, although it is not likely that this will be needed considering the level of interest already generated by the project.

SWOT Analysis

Strengths	Weaknesses
High volume raw water of good quality	Community support
Relatively easy construction of dam	Council support and negativity
Low cost of capital in comparison to quantity of water	Possible resistance from State and Commonwealth Governments with the preference to fund or approve through Tas Irrigation
Everybody wins	
Opportunities	Threats
Provide Irrigation for new crops for up to 10 farmers	No take up of excess mega litres
The 2,000mgl Swan Valley Irrigation is expected to provide 32FTE jobs and \$16.6 million dollars at the farm gate. Based upon 3,000mgl can we determine 48FTE and \$24.9 million dollars at the farm gate	No social license
Provide water to the new salmon lease for Tassal. Up to a further 25 jobs initially with the possibility of up to a further 12 at the rendering plant	Lack of support from Council and Governments
Provide water to the Solis golf course coupled with the Eastcoaster	Poor marketing, poor experience and poor project management
Resort a further 25 jobs	Unreliable water – however 95% surety
Provide a unique visitor experience on the farm	

Our Competitors

Competitor details – Tasmania/Mainland

Competitor	Value to customers	Strengths	Weaknesses
Tas Irrigation	Raw water sales	Being a GBE are possibly more trusted than Council	High priced red tape organisation. Not known to owners of land. Owners of land will be caught up in red tape
Farm Dams	Raw water for farming	On site raw water	Low volume. Low reliability.

The Future

Vision statement:

The Prosser Plains Raw Water Scheme is seen as a major project for the south east portion of the Glamorgan Spring Bay Municipality. The Prosser Plains Raw Water Scheme will deliver fresh raw water to a number of commercial activities at the lowest possible cost to boost economic development and jobs for the area.

Strategic objectives:

The Prosser Plains Raw Water Scheme will deliver water to the south east region of the Glamorgan Spring Bay Municipality at the lowest possible cost to achieve commercial, primary and other industrial economic development and jobs. It will also provide surety around the town water supplies for Orford and Triabunna. The dam is easily expanded should the demand exceed supply.

Growth opportunities:

- Primary Production
- Surety of town water supplies enabling residential growth
- Commercial activities
- Jobs

Summary

Overall we believe that the business plan is sound with unlimited market potential. The project will provide a sustainable water supply that will not be easily duplicated within Tasmania and will stand against anything globally or nationally with regards to cost versus supply and land usage. The key to the development is to gain farming support and as a lead on, community support for the venture.

Forecast Start-up Costs

- Capital Cost of dam construction \$2,255,372
- Capital Cost of raw water delivery (Louisville Node) \$2,144,628
- Capital Cost of raw water delivery (20klms North of Louisville Node) \$7,000,000
- Approvals and engineering \$100,000
- **TOTAL ESTIMATED START UP COST \$11,500,000 *****

***** Costs compiled by**

**JOHNSTONE, McGEE & GANDY PTY LTD
Incorporating Dale P. Luck & Associates**

Annexure A: Analysis of Figures

<u>Draft Dam cost structures</u>	<u>MGL</u>	<u>Cost to Node</u> <u>Loushville Road</u>	<u>Source</u>	<u>Cost per</u> <u>MGL</u>	<u>Cost from Node</u> <u>20kms North</u>	<u>Source</u>	<u>Cost per</u> <u>MGL</u>
Capacity of Dam	3000	\$4,500,000	JMG	\$1,500	\$ 7,000,000	JMG	\$ 3,833
Maintenance Cost (Includes, Labour, Vehicles and Materials, Power, Renewal of Assets and estimated lease fee)	3000	\$175,000	JMG	\$58.33	\$50,000	JMG	\$68.33
Cost of Capital:							
Capital	3000	\$86,008.00	Tascorp	\$28.67	\$133,790.00	Tascorp	\$73.27
Interest	3000	\$158,993.00	Tascorp	\$53.00	\$247,323.00	Tascorp	\$135.44
INVESTORS:				<u>Initial</u>		<u>Ongoing</u>	<u>Initial</u> <u>Ongoing</u>
Capital plus Maintenance	3000			\$1,558.33		\$58.33	\$ 3,901.67 \$68.33
No Capital plus Maintenance	3000			\$140.00		\$140.00	\$277.04 \$277.04

Prosser Plains Raw Water Scheme

Annexure B: Checklist of required approvals –Based upon water take at the Prosser River

Checklist of permits and approvals

REASON	FROM	TYPE	Contact	PROP ID	PROPERTY ADDRESS	OWNERS ADDRESS
REGS	GSBC	Planning permit to build a pipeline- LUPA	David Metcalf			
REGS	GSBC	Building Permit Pump Station	David Metcalf			
POWER	TAS NETWORKS	Pump station power - Prossers River	Mather Taylor	TASNETWORKS - connect to Pole ID 330294 (Taswater)		
POWER	TAS NETWORKS	Pump Station Power - Golf Course				
Private	SOLIS (TASMANIA) PTY LTD	Construction access and easement	Mario	2549195	Lot 1 TASMAN HWY ORFORD TAS 7190	110 FRANKSTON GARDENS DR CARRUM DOWNS VIC 3201
Private	Taswater	Construction access and easement	Prossers Dam			
Private	Taswater	Pump Station and Power	Prossers Dam			
Private	SOLIS (TASMANIA) PTY LTD	Golf Course Dams		2549195		
Private	Turvey	50 + year rights	Main Dam			
REGS	ACDC(DPIPWE)	Turvey site Dam	MAC FRANK			
Private	DOUGLAS BLAIN	Construction access and easement	Prosser River	5970591	'BROCKLEY' - 160 BROCKLEY RD BUCKLAND TAS 7190	STONEHURST STONEHURST RD BUCKLAND TAS 7190
Private	SIMON SHERRIF ALLEN & KAREN ANN WILD-ALLEN	Construction access and easement	Prosser River	2971775	Lot 1 ALMA RD ORFORD TAS 7190	27 MORTYN PL HOWRAH TAS 7018
Private	IAN JAMES HARREX & ANN DOROTHY TOLSON	Construction access and easement	Adjacent Convict Road	2566905	321 ALMA RD ORFORD TAS 7190	32A ALSTON AV COMO WA 6152
Private	MICHAEL KEELING GRANGER & ERICA JEAN CUTHBERT		Adjacent Convict Road	3191711	Lot 6 TASMAN HWY ORFORD TAS 7190	10 MUSGROVE RD GEILSTON BAY TAS 7015
GOVT	PARKS AND WILDLIFE SERVICE	Construction access and Pipeline easement	Sheas Creek	5974792	'RASPINS BEACH CAMPING PARK' - 90 TASMAN HWY ORFORD TAS 7100	GPO BOX 1751 HOBART TAS 7001
GOVT	DPIPWE	Construction access and Pipeline easement	Sheas Creek	Crown Land		
GOVT		Construction permission	Convict Road - crown Lease agreement 61723	3251438		
GOVT		Construction permission	Convict Road - Road reserve			
	THREATENED SPECIES		everywhere			
	EUROPEAN HERITAGE		Convict Road			
	CULTURAL HERITAGE		everywhere			
REGS	DSG	Permission to enter and construct	Tasman Highway			
REGS	GSBC	Road crossing Louisville Road	David Metcalf			
REGS	DPIPWE	Crossing of Prossers River & Sheas Creek				
LANDOWNER	Taswater	PROSSERS DAM - power, extraction and pipeline	TASWATER- existing 300KW transformer on Pole 330294	5983552	7469 TASMAN HWY ORFORD TAS 7190	169 MAIN RD MOONAH TAS 7009

Annexure C: Water Licence Application

WATER ALLOCATION ASSESSMENT REPORT (WAAR)

Type of Water Licence Application



NEW WATER LICENCE




VARIATION TO AN EXISTING WATER LICENCE

WATER LICENCE No:

Applicant

Applicant (licensee):	Tassal Operations Pty Ltd & Glamorgan-Spring Bay Council		
Property address:	'Twamley', 156 Twamley Road, Buckland, Tas 7190		
Contact name:	Justin O'Connor		
Postal address:	GPO Box 1654, Hobart, Tas		
Business Phone:	03 6244 9018	Mobile Phone:	0448 134 421
Home Phone:		Fax:	
		Email:	justin.oconnor@tassal.com.au
Is the applicant the landowner or tenant?	Tenant		
If tenant, state name and address of landowner:	Derek Turvey 23 Kent Street, Buckland, Tas 7190		

Agent

Name:	Alistair Brooks		
Title:	Consultant		
Company:	Macquarie Franklin		
Company address	Tech 4, Unit 2 30-38 Innovation Drive Dowsing Point Tasmania 7010		
Business Phone:		Mobile Phone:	0438 476 215
Fax:		Email:	abrooks@macfrank.com.au
Signature: 			Date: 6/1/2016

Prosser Plains Raw Water Scheme

Reason for application

- | | |
|--|--|
| <input checked="" type="checkbox"/> New dam permit
<input type="checkbox"/> Application to increase storage capacity
<input type="checkbox"/> Other: | <input type="checkbox"/> Licence existing operation
<input type="checkbox"/> Reassessment of storage capacity |
|--|--|

Type of storage (if applicable)

- | | |
|--|--|
| <input checked="" type="checkbox"/> Instream | <input type="checkbox"/> Offstream (includes catchment, turkey nest) |
|--|--|

Dam ID No: (if known) (Proposed) Capacity at FSL: 3,000 ML

Location of storage – Water Management Plan (WMP)

Is the proposed storage located in a WMP area? ☐ Yes ☒ No

Name of WMP:

Is the application in accordance with the requirements of the WMP? ☐ Yes ☐ N/A

Details of Proposed Water Source

If the application involves more than one water source, please complete a separate report for each water source.

Stream name: Tea Tree Rivulet		
Proposed total period amount:	1	ML
Proposed surety levels:	927	ML at surety 5
	868	ML at surety 6
Proposed max.daily amount ¹ :		ML/day
Proposed take period:	1 st May to 31 st Oct	
Coordinates of extraction point [GDA 94]:	E564715	N 5277701
Upstream catchment size	50.62	km ²
Upstream catchment rainfall	793.39	mm/a
Access ² :	Instream Purpose ³ :Aquaculture & irrigation	

¹For daily amount insert pump capacity if via pump, proposed amount to be diverted if by diversion or est. take required if instream dam

² Access refers to how the water source is to fill the storage (e.g. instream dam, gravity diversion, pump from stream)

³Purpose may be irrigation, stock and/ or domestic, aquaculture, hydro, mining, commercial or other

Is the proposed take predominantly for a consumptive use? Yes ☒ No ☐

If No, how much of the proposed annual allocation is consumptive: ML

General Information

This assessment includes Aquaculture, Commercial and Hydropower allocations which may not return water to the extraction locality. These allocations need to be considered in deciding actual water availability.

The proponent is applying for a water allocation from Tea Tree Rivulet for the taking of water into a proposed 3,000ML storage dam. Tassal are currently undertaking an expansion of their salmon fish farming activities into the Triabunna region. Tassal are proposing to construct a 3,000ML storage on Derek Turvey's property on Tea Tree Rivulet near Buckland.

The WAT is currently showing the available allocation at the dam site to be 927ML at surety 5 and 868ML at surety 6.

It is likely that the development proposed for Louisville Point near Triabunna by Solis (Tasmania) Pty Ltd will also take water from this water resource for their requirements. At this stage Tassal are applying for the full water allocation but a percentage of that allocation may be transferred to Solis in the future.

The likely annual usage demand from the dam will be around 1,000ML, however due to the need to have a very high reliability of supply (97%) water will need to be carried over from one year to the next so a modelled dam capacity of 3,000ML is likely to be required.

A dam assessment is currently being undertaken and all the necessary reporting requirements will be submitted in due course. The proposal includes the establishment of a water course authority to release water from the dam site into the Prosser River with the extraction of the released flow near Orford.

Yield Assessment

Yield Reliability Table for proposed take location:

<i>Winter (May to November)</i>		
Reliability	Total flow	Winter environmental flow (ML)
50%	6120.02	852.15
60%	4654.98	852.15
70%	2892.82	852.15
80%	1779.82	852.15

Selected FDAT reference catchment number

1563,Prosser,24,SubcatYield

Justification for selection of reference catchment:
(if other than recommended reference catchment)

Click here to enter text.

Water Availability Assessment (May – Oct Take Period)

Catchment Level

Catchment Name

[Click here to enter text.](#)

Catchment Outlet Point

[GDA94]

E 572338.95 N 5288441.06

Reliability	Availability limit	Current allocated	Potentially available
Hi (S5)	???	2435.11	???
Mid (S6)	???	310	???

Subcatchment level

Subcatchment Outlet Point

[GDA94]

E 565351.12 N 5284789.1

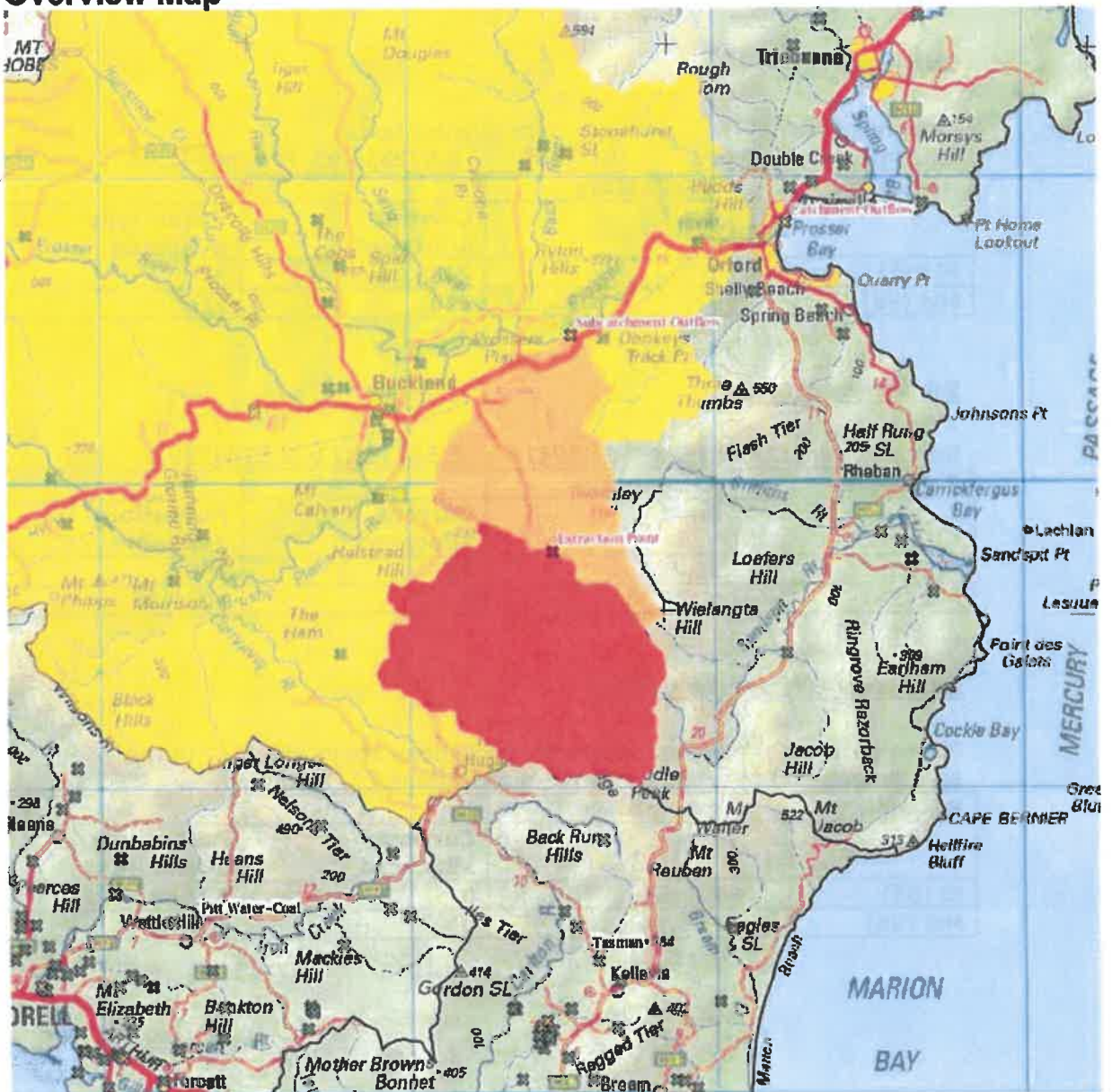
Reliability	Availability limit	Current allocated	Potentially available
Hi (S5)	1040.5	75	965.5
Mid (S6)	1079.36	0	1079.36

Local Level - Water take location

Please ensure any relevant secondary allocations are included in the assessment, add to existing upstream allocations if required.

Reliability	Availability limit	Current allocated	Potentially available
Hi (S5)	927.66	0	927.66
Mid (S6)	868.04	0	868.04

Overview Map



Proposed Surety 6 Takes (allocation within theoretical yield range between 50% Tay and 80% TAY):

Where a s6 allocation is proposed, please give details why a low risk scenario with regards to impacts on other persons taking water from this water resource, aquatic or riparian ecosystems is claimed.

- *Risk based rule with regards to allocation size/yield yet to be determined*
- If required, show extent of downstream zone of influence of a proposed s6 allocation¹ (please add supporting information, including a yield table for the endpoint of the zone of influence)
- Include a CFEV report covering the downstream zone of influence of the water allocation. Any statements discounting the relevance of listed values for must be supported by suitable evidence.
- Any other relevant information (for example, information in relation to ground-truthing of CFEV information, Natural Values Atlas extracts where relevant, ephemeral nature of stream etc)

Supplementary Information for Environmental Water Requirements

If a reduction of the default seasonal preserved volume (SPV) for environmental water requirements is requested for this proposed water allocation, please attach the relevant study determining seasonal preserved volumes, environmental flow requirements and proposed flow release regime. A reduction in the SPV for water allocation purposes will not be accepted without relevant supporting information.

Title and date of environmental flow study:

TBA

Additional Information for Low Reliability Water Take Applications

-TBA

¹ The downstream influence of an s6 water allocation extends to the point where existing and proposed water allocations are contained within the 80% TAY at that point. Please provide a yield allocation table for the downstream point zone of influence of the proposed water allocation.

**Annexure D: RAW WATER ANALYSIS - Louisville point draft
version 2**

JOHNSTONE, McGEE & GANDY PTY LTD
Incorporating Dale P. Luck & Associates

Attachment 3 Item 8.1: MOU with Tassal

Memorandum of Understanding



FRESH BATHING WATER SUPPLY TO PROPOSED TASSAL FISH FARM IN SPRING BAY

1. Preamble

Tassal is planning to develop a fish farming operation in Okehampton Bay, within the existing fin-fish lease used by Spring Bay Seafoods. This development will provide the Spring Bay, and East Coast, region of Tasmania with significant economic and community benefits. The farm will be developed and operated in accordance with Tassal's high sustainability, social and environmental standards – please refer Tassal's recent sustainability report located in the Tassal website. Tassal propose that the Okehampton Bay farm will be ready to receive its first fish in July 2018.

This farm will require a supply of up to 500 ML/pa of clean fresh water, supplied at a maximum rate of up to 5ML/day, to enable fish bathing operations. Salmon in the south east of Tasmania are bathed regularly to treat for AGD (amoebic gill disease). The fresh water effectively removes amoeba from the gills of salmon, without which the health of the fish would suffer.

The Glamorgan Spring Bay Council (GSBC) is keen to foster the economic and social growth of the Spring Bay area. As such GSBC are prepared to actively support both the Solis development (including world class golf course) and the Tassal Okehampton Bay development including the possibility of supplying water to local farms. For the Solis project to proceed a minimum of 300ML/pa of fresh clean water is required to support the development.

GSBC is proposing to establish and operate water storage and supply infrastructure which will provide the fresh water for both the Tassal, the Solis development, and local farmers, on a user pays basis in the long term and in the short term on a cost recovery basis to users. The scheme would also look to increase town water supply security for the area, through provision of supplementary storage capacity for Tawater's potential use, when and if they confirm interest.

This MOU describes the respective roles and responsibilities of Tassal and GSBC in establishing this water storage and supply scheme.

2. Scope

Memorandum of Understanding – Tassal and Glamorgan Spring Bay Council

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The scope of the water supply scheme is as described in "Fresh Water Supply Scheme for Spring Bay" document in Appendix A.

Generally the water scheme shall consist of:-

- a. A 3,000ML water storage dam located on Tee Tree Creek on the property owned by the Turvey family;
- b. A pumping station on the Prosser River which extracts fresh water (released from the Tea Tree Creek dam) or alternate extraction site and routes depending on cost;
- c. A pipeline which carries water to the proposed Golf Club storage dam, and to Louisville Point foreshore – from which point Tassal plan to build an undersea pipeline to convey the water direct to the Okehampton Bay fin-fish lease.

3. Objectives

The objective of the agreement is to facilitate the economic and community growth of the Spring Bay area by GSBC developing, owning and operating key water supply infrastructure and so support both the Soils, and Tassal proposed investments and farming enterprises in the local area. This project also has the potential to secure additional drinking water supplies for the towns of Triabunna and Orford.

4. Partner organisations

The Memorandum of Understanding is between:

1. Tassal Operations Pty Ltd ABN 38 106 324 127; and
2. Glamorgan Spring Bay Council

5. Roles and responsibilities

Project Development Stage – nominally to end of December 2016

Tassal responsible to:-

- a. Support GSBC in scoping, getting approval for and designing the water supply scheme (ie provision of Justin O'Connor advice as needed);
- b. Design and obtain approval for the undersea pipeline between Louisville Point and Okehampton Bay fin-fish lease;
- c. Develop a business case for the development of a salmon farming operation in Okehampton/Spring Bay;
- d. Developing a commercial agreement with GSBC for the receiving of water from the scheme on a user pays basis in the long term and a cost recovery basis initially; and
- e. Submit the business case to the Tassal Board for approval.

GSBC responsible to:-

- a. To scope, get approval for and design the water supply scheme;
- b. Developing a commercial agreement with Tassal for the provision of water from the scheme on a user pays basis in the long term and a cost recovery basis in the short term;

Memorandum of Understanding – Tassal and Glamorgan Spring Bay Council

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- c. Execute a lease agreement with the Turvey's such that the Tea Tree Dam can be constructed and operated for the benefit of GSBC, Tassal and Solis for a minimum of 50 years;
- d. Execute an agreement with Solis such that the water supply infrastructure (described in Appendix A) can be constructed and operated on Solis land;
- e. Execute agreements with any other third parties required for the successful implementation of this scheme (eg Tasnetworks for the power to the pump station, Taswater for access rights, other landowners (as and if needed);

Project Execution and Operational Stage – ongoing nominally from December 2016 to July 2018

Tassal responsible to:-

- a. Support GSBC in constructing and commissioning of the scheme (ie provision of Justin O'Connor advice as needed);
- b. Construct and commission the undersea pipeline between Louisville Point and Okehampton Bay fin-fish lease by July 2018
- c. Sign commercial agreement with GSBC for the receiving of water from the scheme on a user pays basis in the long term and cost recovery basis in the short term

GSBC responsible to:-

- a. To construct and commission the water supply scheme by December 2017, with the dam being constructed by March 2018 to allow sufficient time for it to fill;
- b. Sign a commercial agreement with Tassal for the provision of water from the scheme on a user pays basis in the long term and cost recovery basis in the short term;
- c. Develop an agreement with Solis such that the water supply infrastructure (described in Appendix A) can be constructed and operated on Solis land; and
- d. Submit the business case to the Tassal Board for approval, or otherwise, in around November 2016.

Both Tassal and GSBC agree to:-

- Fostering collaboration with any relevant 3rd parties;
- Support each other to remove obstacles to the successful delivery of the water supply scheme;
- Act in an appropriately commercial in confidence manner; and
- Maintain the focus on completing the scheme by the proposed dates;

6. Commercial

The commercial agreement between Tassal and GSBC will reflect the following agreed commercial basis:-

Memorandum of Understanding – Tassal and Glamorgan Spring Bay Council

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- a. GSBC responsible for funding the design and construction of the scheme within the timeline outlined;
- b. Tassal will pay a monthly usage fee based on:-
 - a. The interest on the capital that GSBC uses to fund the scheme;
 - b. Capital repayment rate over 30 years; and
 - c. Monthly costs for GSBC to operate the water scheme
- c. Tassal in the future to pay a monthly fee based on its share of water used (ie if Tassal uses 50% of the water, Tassal pays 50% of the monthly operating and capital repayment costs). Tassal will warrant to cover all the reasonable costs of the scheme in the instance no other water users are contributing.
- d. GSBC shall use its best endeavours to attract other users as required to assist fund the scheme, including Solis/golf club whilst reserving 500ML/yr and 5ML/day minimum flows for Tassal.

7. Governance structure and reporting

The respective officers charged with primary responsibility for successful execution of the MOU are:-

- a. Justin O'Connor: Tassal
- b. David Metcalf: GSBC

8. Meetings

- a. Meetings will be held on a regular basis to facilitate co-operation and keep both parties focussed on completing agreed objectives.
- b. Meetings will be co-chaired by David Metcalf and Justin O'Connor

9. Settling Disputes

Any dispute regarding the interpretation or application of this MOU will be resolved through consultation between the parties both parties acting in good faith and reasonably.

10. Authorisation

The signing of this MOU is not a formal undertaking. It implies that the signatories will strive to reach the objectives stated in this MOU to the best of their ability.

Tassal Operations Pty Ltd ABN 38 106 324
127


Mark Ryan (Managing Director and CEO)


Signature of witness

MANIKA MATHAN
Name of witness

Glamorgan Spring Bay Council

Date

Signature of authorised representative

Signature of witness

Name and title of authorised representative

Name of witness

Date

Memorandum of Understanding – Tassal and Glamorgan Spring Bay Council

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Attachment 7 Item 8.1: Tassal Letter of Commitment



19 January 2017

Mr. David Metcalf
General Manager
Glamorgan Spring Bay Council

By email: david@frcvcinet.tas.gov.au

Dear Mr Metcalf

Dam project – Prosser Plains Raw Water Scheme

LETTER OF COMMITMENT

RECITALS

- A. This purpose of this letter is to confirm certain commitments and undertakings hereby given by Tassal Operations Pty Ltd ABN 38 106 324 127 ("Tassal") in relation to present and future conduct in relation to a scheme for the supply of water under the abovenamed scheme ("Project"), as described in the Memorandum of Understanding between Tassal and the Glamorgan Spring Bay Council ("Council") which is annexed hereto (Memorandum of Understanding).
- B. As contemplated by the Memorandum of Understanding, there will be a Project Committee (comprising one representative from the Council and one from Tassal) which will be charged with the responsibility for the successful execution of the Project, including but not limited to, approval and sign-off on all commitments and or expenditure howsoever associated or connected with the Project
- C. Tassal confirms that it hereby requests Council to proceed with the investigation and design of the Project including but not limited to obtaining the relevant reports to enable the Project to proceed. (subject always to the approval of the Project Committee in relations to any associated costs and commitments)

1. TASSAL'S BINDING UNDERTAKING

Tassal agrees that, in the event that for any reason including that Council decides, acting reasonably, not to continue with the Project, that Tassal will reimburse the Council for any and all costs associated with the investigation and design of the Project, including obtaining relevant reports and plans provided always that the Council assigns and or transfers (or procures the assignment or transfer of) to Tassal, any and all its rights benefits title and interest in any and all leases licences proprietary and or access rights and any other documentation or matters howsoever associated with the Project and does all other things necessary to give effect to the intention of this clause

2. TASSAL'S FURTHER COMMITMENTS

2.1 Subject to the execution of commercial agreements by all the relevant participants in the Project including but not limited to Tassal and the Council

(a) Tassal indemnifies the Council in relation to any costs including but not limited to any maintenance costs, interest, capital and any other consultancy costs that may be required relating to the Project provided always that Tassal has agreed to and signed off on all such costs as part of the Project Committee.

(b) Tassal acknowledges that part of the negotiated water supply deal will entitle Taswater to 200ML of water from the scheme for no charge if and when required.

(c) Tassal hereby indemnifies the Council for all monetary outgoings should the Project not proceed for any reason at any stage of the development of the Project, upon production of evidence of expenditure and the relevant tax invoices provided always that:

1. Tassal has agreed to and signed off on all such costs as part of the Project Committee; and
2. the Council assigns and or transfers (or procures the assignment or transfer of) to Tassal, all its rights benefits title and interest in any and all leases licences proprietary and or access rights and any other documentation or matters howsoever associated with the Project and does all other things necessary to give effect to the intention of the clause.

3. AUTHORITY TO ACT FOR TASSAL

I Mark Ryan, being the Managing Director and CEO of Tassal Operations Pty Ltd hereby warrant that
in signing this document I am authorised to do so on behalf of Tassal.



Signed by Mark Ryan for and on behalf of Tassal Operations Pty Ltd



22nd February 2018

Mr. David Metcalf
General Manager
Glamorgan Spring Bay Council

By Email: david@freycinet.tas.gov.au

Dear Mr Metcalf,

Prosser Plains Raw Water Scheme LETTER OF COMMITMENT

The purpose of this letter is to confirm certain commitments and undertakings given by Tassal Operations Pty Ltd ("Tassal") to Glamorgan Spring Bay Council ("Council") regarding the above-named project ("the Project").

As contemplated by the Memorandum of Understanding and the previous Letter of Commitment dated 19th January 2017, there will be a Project Committee (comprising one representative from the Council and one from Tassal) who will be responsible for the successful execution of the Project.

As part of their responsibilities, the Project Committee will be required (including but not limited) to manage: approval, construction, commissioning and sign-off on all commitments and/or expenditure howsoever associated or connected with the Project.

Tassal requests Council proceed with the construction of the Project (subject always to the approval of the Project Committee), including the planned undersea pipelines to Tassal's marine operations site in Spring Bay.

Subject to execution of binding commercial agreements between Tassal, Council and any other relevant parties, Tassal agrees the following:

1. If Council reasonably decides to discontinue with the Project prior to construction, Tassal will reimburse Council for any and all costs associated with the investigation and design of the Project on condition that Council assigns and/or transfers to Tassal any and all its rights, benefits, grants, title and interest in all leases, licences, proprietary and/or access rights, and any other documentation or matters howsoever associated with the Project.
2. If the Project does not proceed at any stage for any reason, Tassal indemnifies Council for all outgoing costs of the Project, provided that:
 - a. Council produces evidence of expenditure and all relevant tax invoices;
 - b. The Project Committee had agreed to and signed off on all outgoing costs; and

Tassal Group Limited
ABN 13 106 062 220

Tassal Operations Pty Ltd
1000 West Street, Hobart
Tasmania 7000
Tel: 03 6233 1111
Fax: 03 6233 1112
Email: info@tassal.com.au
www.tassal.com.au

Melbourne

Hoonville

Hoonville

1300

- c. Should Tassal wish to continue with the Project, Council assigns or transfers to Tassal all its right, benefit, grants, title and interest in all infrastructure, leases, licence, proprietary and or access rights and any other equipment and documentation howsoever associated with the Project.
3. Tassal indemnifies Council in relation to maintenance costs, interest, capital and any other consultancy costs that relate to the Project prior to construction, subject to the Project Committee's approval of those costs.
4. TasWater is entitled to 200ML per annum of water from the Project at no charge to TasWater if and when required by Tassal.
5. Tassal commits to transfer all its right, benefit and interest to the Hobbs Lagoon water supply being water licence number 9230 with an allocation of 3,325ML. to Council.
6. Tassal commits to pay Council for the annual maintenance, financing (capital plus interest), electricity, licensing and other associated operating costs of the Project subject to the Project Committee's approval of those costs.

Tassal makes this commitment on the understanding that the Project will be self-funding inclusive of all design and approved construction costs, grants, water usage charges and operating costs, and on the principle that Council ratepayers are not to be financially burdened by the Project. It is a condition of this commitment that Council take proactive and all reasonable steps required to secure additional water users of the Project and all agreements with additional users are approved by the Project Committee, and are on fair and reasonable commercial terms.

Signed by Tassal Operations Pty Ltd by its authorised representative:



Mark Ryan
Managing Director and CEO

2.4 Prosser River Bird Sanctuary

Responsible Officer – General Manager

Background

A Section 24 (S24) Committee of Council, the Prosser River Mouth Master Plan Advisory Group, was formed (Decision 105/19 as documented in the May 2019 Minutes of Council Ordinary Meeting) and held its first meeting on the 20 September 2019.

On the 2nd October 2019 advice was received from Dr Eric Woehler, convenor BirdLife Tasmania and S24 Committee Member advising Fairy Terns had started to return to the Prosser River and requested the previously installed fencing (November 2018) be re-installed as per the previous location.

Recommendation

That Council considers the installation of a temporary fence and its exact location at the Prosser River Mouth Bird Sanctuary area whilst awaiting the Section 24 Committee of Council Prosser River Mouth Master Plan Advisory Group report, public consultation and final Council decision on the area.

2.5 By-Law

Responsible Officer – General Manager

Background

For your information I have set out below an overview of the process for creating the new by-law:

1. Council passed a resolution by absolute majority of its intention to make the by-law (see s.156.(1) of the Local Government Act 1993).
2. Council prepared a regulatory impact statement for the proposed by-law and submitted this statement to the Director of Local Government.
3. The Director of Local Government was content with the regulatory impact statement, Council was issued with a certificate to that effect.
4. Council received the certificate from the Director of Local Government, the General Manager gave public notice of the proposed by-law.
5. The public notification period was run for at least 21 days and the notices contained prescribed information (see r.36 of the Local Government (General) Regulations 2015).
6. During the public notification period members of the public could lodge a submission with Council in response to the proposed by-law.
7. There were no public submissions received.
8. If Council alters the proposed by-law and the amendments substantially change the purpose, or the effect on the public, of the proposed by-law then the public notification process must be repeated.

*Councils alterations were checked by its Lawyers and were deemed to be minor alterations.
9. Council now needs to resolve to make the by-law and
 - a. a legal practitioner must then certify that the by-law is in accordance with the law; and
 - b. the General Manager must certify that the by-law is in accordance with the Local Government Act 1993.
10. Following these certifications the new by-law must be published in the Government Gazette and a sealed copy must be sent to the Director of Local Government.
11. The new by-law will take effect on the date it is published in the Government Gazette unless the by-law specifies that it will come into operation on a later date.

Attachments:

1. Approval of Regulatory Impact Statements
2. Regulatory Impact Statements
3. Glamorgan Spring Bay Council Environmental Health By-Law (By-Law No. 1/2018)

Recommendation

That Council resolves to make a By-Law of the Glamorgan Spring Bay Council made under Section 145 of the Local Government Act 1993 (Tas) for the purpose of regulating and controlling matters of environment health - Environmental Health By-Law (By-Law No. 1 of 2018).

Local Government Act 1993
Section 156A

CERTIFICATE

APPROVAL OF REGULATORY IMPACT STATEMENT

**GLAMORGAN-SPRING BAY COUNCIL – ENVIRONMENTAL HEALTH BY-LAW NO.1 OF
2018**

The Regulatory Impact Statement for the Glamorgan-Spring Bay Council Environmental Health By-Law No.1 of 2018 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 7th day of December 2018



Alex Tay
Director of Local Government
Department of Premier and Cabinet



Regulatory Impact Statement

Environmental Health By-law

By-law No. 1/2018

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1.0 Background

The by-law provides for the renewal and revision of the current *Environmental Health By-Law 1 of 2008*.

The proposed by-law maintains the scope and many of the provisions of the current by-law and regulates:

- Refuse disposal sites
- Household refuse disposal
- Animal control, particularly the keeping of poultry and other animals
- Occupation of caravans on private land
- Controlling burning

The proposed by-law does not maintain any provisions on on-site aerated wastewater treatment systems which are regulated by the *Building Act 2016*.

The purpose of this bylaw is for the regulation and control of matters of environmental health so acceptable levels of health, amenity and environmental quality are maintained in the Glamorgan Spring Bay Municipal Area.

The bylaw will apply to the whole of the Glamorgan Spring Bay Municipal Area but will affect residents, ratepayers and visitors differently.

2.0 Reasons why the bylaw is required

With regard to the specific areas that the bylaw regulates, the following information outlines the reasons why the Bylaw is needed.

Refuse Disposal Sites

Council operates a number of waste transfer stations and other Refuse Disposal Sites across the Municipal Area which allow residents, business operators and visitors to dispose of waste that cannot be collected by roadside collection services. The Bylaw specifies how and when a Refuse Disposal Site may be used to provide for safety and health of the community and users and will reduce potential pollution and contamination.

Existing state legislation that regulates Waste Management such as the *Environmental Management & Pollution Control Act 1994* and associated *Waste Management Regulations 2010* do not contain the specific detail that is required to operate a Refuse Disposal Site.

Household refuse disposal

Council engages private contractors to collect mobile garbage bins on a weekly or fortnightly purpose from domestic and commercial properties for rubbish and recyclable material. The bylaw specifies how such bins are to be used, stored and maintained by users in order to protect the health and amenity of the Municipal Area.

Existing state legislation that regulates Waste Management such as the *Environmental Management & Pollution Control Act 1994* and associated *Waste Management Regulations 2010* do not contain the specific detail that is required to ensure the responsible use of mobile garbage bins.

Animal Control

The bylaw ensures that animals are effectively controlled, that premises are clean and sanitary and that animals do not cause a nuisance by way or noise, smell or other matter.

Due to the nature of animals, Council can receive regular complaints regarding noise, sanitation or other matters. It is necessary for Authorised Officers to issue notices or directions on what measures are necessary to prevent an animal creating a nuisance or to ensure sanitary conditions are provided for the keeping of animals.

The proposed bylaw provides more direct provisions with respect to poultry, racing pigeons and farm animals in residential areas in response to specific issues that have arisen over recent years. Provisions are similar to other bylaws and provide for effective action by Authorised Officers if necessary.

The *Local Government Act 1993* provides controls for impounding animals, Part 12, Division 5 and the statutory nuisance provisions in Division 6 of this part are applicable but do not have sufficient detail to deal with all animal keeping issues. The bylaw does not overlap with dog or cat management legislation.

Caravans

Through the existing bylaw Council licences the occupation of caravans through the Municipal Area.

The existing provisions are maintained but are expanded to provide control over the appearance of caravans, and to provide the ability to adopt and implement a Council policy on caravans. These provisions are necessary in response to some instances where caravans have had an adverse effect on neighbourhood amenity.

Controlled Burning

The *Distributed Atmospheric Emissions Regulations 1997* control the type of waste that may or may not be burnt and the size of the property that burning may occur on. The regulations also recognise that a Council may have a Bylaw that regulates backyard burning.

The Regulations provided clarity on what type of burning is prohibited and allow for easier enforcement rather than relying on proving that a fire is creating a nuisance. Council has issued a number of infringement notices for offences under the regulations but problems sometimes arise when a fire is left burning unattended and no one is there to extinguish it. Sometimes a person refuses to put out the fire and action is required to extinguish the fire to reduce the nuisance and risk to surrounding residents.

2.0 Objectives of the by-law

The objectives of the Bylaw are:

1. To establish controls on the use of any Refuse Disposal Site and disposal of waste.
2. To establish controls on the use of household refuse collection and disposal
3. Establish standards for the keeping of animals to minimise nuisances to neighbours.
4. Set minimum standards with respect to health, safety and amenity for caravans and mobile homes.
5. Provide controls that allow Authorised Officers to extinguish fires that are creating a nuisance to neighbours.

3.0 How will the objectives be achieved?

Objective 1 – Refuse Disposal Sites

- Outline where and when refuse and recycling can be left at a waste transfer station or other Refuse Disposal Site.
- Prohibit lighting of fires at a waste transfer station.
- Specify the type of waste that can be accepted at a waste transfer station and how such waste is accepted.
- Prohibit scavenging.

Objective 2 – Household Refuse Disposal

- Outline how mobile garbage bins are to be stored, maintained and used.
- Prohibit the placement of hot, corrosive, hazardous or other substance that may pose a risk to person or property.

Objective 3 – Control of Animals

- Structures, buildings and premises must be kept clean to prevent offensive odours.
- Require that animals do not make unreasonable amounts of noise and create a nuisance.
- Regulating the keeping of poultry and racing pigeons.
- Providing for the control of farm animals in residential areas.

- Allow Authorised Officers to issue notices to require the owner or occupier to take action to prevent a nuisance being created. This may involve keeping animals in cages, pens or enclosures.

Objective 4 – Caravans

- Require that caravans within the municipal area are licenced, other than caravans that are:
 - Stored at a residence and not used for residential purposes at that residence;
 - At a caravan park or overnight recreational vehicle parking area;
 - Caravans used for travelling showpersons or works crews.
- Conditions may be placed on a licence with respect to health and amenity issues such as – water supply, providing sanitary and washing facilities and refuse disposal.
- Allow for licences to be cancelled if conditions are not complied with.
- The General Manager may refuse to issue a licence for a caravan if the caravan would adversely affect the amenity of the neighbourhood or if inadequate sanitary or washing facilities are provided.

Objective 5 –Control Burning

- Allow an Authorised Officer to direct a person to extinguish a fire that is being burnt contrary to the *Environmental Management & Pollution Control Act 1993*;
- If a person refuses to put out the fire an authorised officer may use water, soil and materials on the property to extinguish the fire.
- The authorised officer may request the fire brigade to extinguish the fire at the owner's expense.
- This part does not apply to fire hazard reduction burning.

4.0 Restrictions on Competition

The provisions that relate to waste management, caravans, animals and burning do not restrict competition or the conduct of business. Waste management controls relate to appropriate use of existing waste services and how to use the waste transfer station. It does not relate to the awarding of contracts for waste collection services.

The Environmental Management & Pollution Control Act 1994 and the associated *Environmental Management & Pollution Control (Distributed Atmospheric Emissions) Regulations 2007* currently regulate the burning of waste, the impact on business has therefore already been considered. The bylaw only provides additional powers for Authorised Officers to deal with complaints by issuing directions to extinguish a fire.

Caravan regulation applies to domestic use of caravans and not the operation of caravan parks or other commercial businesses therefore, it has no direct impact on business. It does not typically prevent a caravan being located on private land but requires that a minimum standard of amenity is provided.

The bylaw does not establish sites for caravan parks or overnight self-contained motorhome parking areas that compete with caravan park businesses.

Animal keeping also relates to the domestic keeping of animals, as commercial businesses such as poultry farms are regulated under LUPAA.

5.0 Assessment of direct or indirect economic, environmental or social impacts

		Direct	Indirect
Economic	Benefits	Reduce administrative costs to Council and ratepayers by more efficient response and action to complaints	Protection of amenity maintains property values
	Costs	'Upfront' administrative costs of receiving and issuing licences, etc.	
Environmental	Benefits	Reduced pollution from burning of waste and noise from animals. Better air and water quality. Improved health outcomes for residents impacted from waste burning.	Fewer odour / noise complaints. Fewer public amenity complaints.
	Costs	Nil	Nil
Social	Benefits	Reduced noise and odour from animals. Less smoke pollution. Improved visual amenity when caravans are well maintained and have adequate facilities on private property.	Fewer complaints and disputes
	Costs	Administrative processes for residents to comply with.	Perceived 'red tape'

The fee payable under the bylaw is set annual by Council through its resolution on fees and charges. For 2018-2019, the annual fee for a caravan licence is \$220.00. The annual resolution on fees and charges includes various other fees that are indirectly related to this bylaw, including fees for Refuse Disposal Sites, Dog Registration and the like.

6.0 Similar Council bylaws

Below is a list of all Council Bylaws in Tasmania that regulate similar activities:

- *Brighton Council – Environmental Health 2017*
- *Burnie City Council - Refuse Collection and Waste Management 2007*
- *Derwent Valley Council – Waste Management 2004*
- *Glenorchy City Council – Environmental & Health Services 2011*
- *Hobart City Council – Health & Environmental Services 2008*
- *Huon Valley Council – Caravans 2005*
- *Kingborough Council – Health & Environmental Services 2011*
- *Latrobe Council – Waste Management 2006*

7.0 Alternatives

The current by-law provides an effective and efficient mechanism to regulate these matters.

The only practice alternative to the proposed by-law is to not have a by-law and rely on existing legislation.

This alternative is not sought for a number of reasons.

The *Local Government Act 1993* provides for statutory nuisances, but these are general and provide no specific guidance on appropriate measures to prevent animals creating a nuisance. The *Environmental Management & Pollution Control Act 1993* provisions on 'environmental nuisance' are also applicable for animals causing a nuisance but as for 'statutory nuisances' they are not specific.

The *Building Act 2016* and the *Land Use Planning and Approvals Act 1993* cannot be used to control health and amenity issues associated with caravans as they apply to buildings not vehicles.

In relation to waste management services the *Environmental Management Pollution Control (Waste Management) Regulations 2010* provide controls on waste disposal and the *Litter Act 2007* regulates waste dumping. They do not provide enforceable management prescriptions relevant to household collection or to Refuse Disposal Sites.

The *Environmental Management & Pollution Control Act 1994* and *Environmental Management & Pollution Control (Distributed Atmospheric Emission) Regulations 2007* both contain provisions for dealing with 'environmental nuisances' from fires. The Bylaw allows Authorised Officers the power to extinguish fires if they are being burnt contrary to the regulations. The Bylaw is more specific than the general powers of Authorised Officers under that legislation.

8.0 Assessment of public benefit

The public benefit test assesses whether the benefits outweigh the costs and determines whether a bylaw is the most effective option for achieving the objectives.

Residents, visitors and businesses in the Glamorgan Spring Bay Municipal Area will benefit from the implementation of this bylaw, as they have from the implementation of the current bylaw. The proposed bylaw will help protect public health and residential amenity by applying controls on caravans, burning, keeping of animals and waste management so that these activities do not create a nuisance to the public.

Without these controls it is highly likely that there would be an increase in nuisance complaints from residents and a decline in neighbourhood amenity. The bylaw provides a head of power that prevents these types of nuisances arising and when they occur provides the tools to resolve issues.

Regulation is considered the only feasible option to achieve the bylaw's objectives and the bylaw has been carefully constructed to ensure it imposes the least regulatory burden on the community as possible.

9.0 Public Consultant

Following certification of the Regulatory Impact Statement (RIS) further public consultation will occur:

1. Council will publish notice that it intends to make a new Environmental Health by-law:
 - a) In the Mercury & Examiner newspapers.
 - b) By displaying the notice on the notice board at the municipal offices from the day when the newspaper advertisement is first published until the end of the submission period which is specified in the notice.
 - c) On its Website.

The notice will state the purposes and general effect of the by-law, state that a copy of the by-law and RIS may be inspected in the Council office and on the Council website for the specified time and advise that submissions may be made in writing.

2. The specified day will be no earlier than 21 days after the publication of the notice in the newspapers.
4. The General Manager will make copies of the proposed by-law and the Regulatory Impact Statement will be available on the website for inspection by the public until the day specified in the notice.
5. Council will consider all submissions made concerning the by-law and, if it decides to make any amendments as a result of any of these submissions; it will do so by absolute majority. Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed by-law.
6. Council will then pass, by an absolute majority, a resolution to formally make the by-law.

7. The by-law will then be submitted to a legal practitioner for certification, and signed by the General Manager.
8. Council will then cause the by-law to be gazetted within 21 days of being made.
9. Council will also submit the by-law to the Subordinate Legislation Committee within 7 working days of gazettal, and to both Houses of Parliament within 10 sitting days of gazettal.
10. Finally, Council will send to the Director of Local Government a signed, sealed and certified original, together with a statement of purpose and effect and the outcome of public consultation.

Key stakeholders to be consulted:

- Residents and rate-payers of the Glamorgan Spring Bay Municipal Area.
- Relevant Government Agencies.

10.0 Comments on the proposed by-law

Submissions about the by-law and Regulatory Impact Statement may be made in writing, addressed to and lodged with the General Manager, stating the reasons for the submission and the facts relied upon to support those reasons.

The submission must be received before the day specified in the advertisement which is no earlier than 21 days after the publication of the advert in the Mercury & Examiner newspaper.

Council will consider all submissions that have been made to it concerning the by-law and the Regulatory Impact Statement and if it decides to amend the by-law as a result of any of these submissions it will do so by absolute majority. The Council does not need to give further public notice unless an amendment substantially changes the purpose or effect of the proposed Bylaw.

If you make a submission you will be notified of Council's decision in writing.

**GLAMORGAN SPRING BAY COUNCIL
ENVIRONMENTAL HEALTH BY-LAW**

By-Law No. 1 of 2018

A BY-LAW of the Glamorgan Spring Bay Council made under Section 145 of the *Local Government Act* 1993 (Tas) for the purposes of regulating and controlling matters of environmental health.

PART 1 – PRELIMINARY

1. Short Title

This By-Law may be cited as the Environmental Health By-Law No *1* of **2018**.

2. Repeal

The Glamorgan Spring Bay Council Environmental Health By-Law No. 1 of 2008 made on the **[INSERT DATE]** and notified in the Tasmanian Government Gazette on the **[INSERT DATE]** at page **[INSERT NO.]** is hereby repealed.

3. Interpretation

- (1) In this By-law, unless the contrary intention appears –

Act means the *Local Government Act* 1993 (Tas);

Authorised Officer means:

- (a) an employee of the Council appointed by the General Manager as an authorised officer for the purpose of this By-Law; or
- (b) an Environmental Health Officer;

By-Law is a reference to this Environmental Health By-Law No. **1** of **2018**;

Council means the Glamorgan Spring Bay Council (ABN 95 641 533 778) constituted pursuant to the Act;

Environmental Health Officer means a person employed by Council from time to time holding the position of Environmental Health Officer;

General Manager means the person appointed by Council from time to time to the position of general manager in accordance with section 61 of the Act;

Infringement Notice means a notice complying with section 149 of the Act;

local highway has the meaning given to that term in section 4 of the *Local Government (Highways) Act* 1982 (Tas);

Municipal Area means the municipal area of the Glamorgan-Spring Bay Council defined in accordance with section 16 of the Act.

person includes a body corporate;

proprietor includes the owner, occupier or any person having the control or management of land;

public land means land within the Municipal Area which is owned, vested in or managed by Council and includes any public place and any local highway;

public place has the meaning given to that term in section 3(1) of the *Police Offences Act 1935* (Tas);

Refuse means rubbish, waste and other similar articles or things including recyclable materials but does not include Trade Waste;

Refuse Disposal Attendant means a person who is employed by Council to work at one or more Refuse Disposal Sites;

Refuse Disposal Site means any land designated by Council for the disposal of Refuse and includes:

- (a) refuse disposal areas (i.e. tips),
- (b) waste transfer stations;
- (c) resource recovery facilities; and
- (d) recycling centers; and

Trade Waste means liquid or solid waste produced or generated on commercial premises or as a result of commercial activities.

PART 2 – REFUSE DISPOSAL SITES

4. Depositing Refuse

A person must not deposit, or caused to be deposited, any Refuse at a Refuse Disposal Site other than in accordance with the directions set out in any signage or notice located at the Refuse Disposal Site or given by a Refuse Disposal Attendant.

Penalty: Fine not exceeding 5 penalty units.

5. Hours of operation

A person must not, without the written permission of a Refuse Disposal Attendant or the General Manager, deposit or cause to be deposited any Refuse at a Refuse Disposal Site other than during the operating hours of that Refuse Disposal Site

as designated either by signage displayed at the entrance to the Refuse Disposal Site or on Council's website.

Penalty: Fine not exceeding 5 penalty units.

6. Fire safety

A person must not:

- (a) deposit any hot or incendiary materials including ashes, embers, or coals; or
- (b) light any fire; or
- (c) provide fuel for any existing fire,

at a Refuse Disposal Site without first obtaining the permission of a Refuse Disposal Attendant.

Penalty: Fine not exceeding 5 penalty units.

7. Scavenging

A person must not, without the written permission of an Authorised Officer, remove any article or thing deposited at a Refuse Disposal Site or interfere with any material, plant or equipment located at a Refuse Disposal Site.

Penalty: Fine not exceeding 5 penalty units.

8. Disposal of loose materials

A person must not deposit any loose paper, cardboard, plastic or similar materials at a Refuse Disposal Site other than by depositing such materials in disposal bins designated for that purpose.

Penalty: Fine not exceeding 5 penalty units.

9. Direction of Authorised Officer

- (1) Where a person (or persons) seeks to dispose of any item or material at a Refuse Disposal Site and a Refuse Disposal Attendant or an Environmental Health Officer forms the opinion that the relevant item or material:
 - (a) may pose a risk to the safety of Council employees, members of the public, or the environment if it were deposited at a Refuse Disposal Site; or
 - (b) is prohibited from being deposited at a Refuse Disposal Site by the regulatory conditions under which the Refuse Disposal Site is permitted to operate,

the Authorised Officer or Environmental Health Officer (as applicable) may direct that person (or persons):

- (c) not to deposit the relevant item or material at the Refuse Disposal Site;
or
 - (d) to deposit the relevant item or material in a specific manner.
- (2) A person (or persons) must not fail to comply with a direction given by an Authorised Officer or an Environmental Health Officer under clause 9(1) of this By-Law.

Penalty: Fine not exceeding 5 penalty units.

PART 3 – HOUSEHOLD REFUSE DISPOSAL

10. Interpretation

In this Part 3 -

Kerbside Collection Service means a service provided by Council consisting of:

- (a) the provision of mobile garbage bins for the separate disposal of recyclable and non-recyclable domestic Refuse; and
- (b) the periodic collection of Refuse from those mobile garbage bins; and

Notice means a public Council notice displayed in a daily newspaper circulated in the Municipal Area and provided by Council to persons to whom Council supplies domestic kerbside collection services.

11. Kerbside Collection Service

- (1) The General Manager may determine by Notice the classes of materials deemed to be recyclable for the purpose of the Kerbside Collection Service.
- (2) A person must not collect Refuse stored in mobile garbage bins that form part of the Kerbside Collection Service unless they are authorised to do so by Council.

Penalty: Fine not exceeding 2 penalty units.

12. Use of mobile garbage bins

The proprietor (or proprietors) of land serviced by the Kerbside Collection Service must:

- (a) store the mobile garbage bins wholly within the boundaries of their land unless authorised by an Authorised Officer, excepting when placed on the kerbside for collection;
- (b) only deposit in the recyclable mobile garbage bin recyclable Refuse as determined by Council;
- (c) only deposit in the non-recyclable mobile garbage bin non-recyclable Refuse as determined by Council;
- (d) only place in the mobile garbage bins Refuse produced on their land;
- (e) maintain the mobile garbage bins in a state of good repair (excepting fair wear and tear);
- (f) clean and disinfect the mobile garbage bins if directed to do so by an Authorised Officer;
- (g) keep the lid of their mobile garbage bins closed except when matter is being deposited in them;
- (h) put the mobile garbage bins out for collection at the times and in the manner and location notified by Council or as directed by an Authorised Officer;
- (i) ensure that the contents of any mobile garbage bin do not exceed fifty (50) kilograms;
- (j) remove the mobile garbage bins from the kerbside as soon as practicable following each collection;
- (k) not deposit Trade Waste in any mobile garbage bins; and
- (l) not deposit in any mobile garbage bins and material, item or substance which:
 - i. is hot, or is likely to become hot;
 - ii. may, or is likely to explode;
 - iii. may interact with other substances in the bin and generate toxic or poisonous gases or fumes;
 - iv. is corrosive or may otherwise damage the bin; or
 - v. contains sharps, hazardous waste or potentially infectious waste.

13. Penalties

- (1) A person must not fail to comply with any of sub-clauses 12(a), (b), (c), (d), (f), (g), (h) or (i) of this By-Law.

Penalty: in each case, a fine not exceeding 2 penalty units.

- (2) A person must not fail to comply with a direction given by an Authorised Officer under clause 12(e) of this By-Law.

Penalty: Fine not exceeding 2 penalty units.

- (3) A person must not fail to comply with any of sub-clauses 12(j) or (k) of this By-Law.

Penalty: in each case, a fine not exceeding 5 penalty units.

PART 4 – ANIMAL CONTROL

14. Interpretation

In this Part 4 -

animal includes any live companion animal, domestic animal, farm animal, fowl or native animal;

companion animal means an animal kept by a person as a companion pet;

domestic animal includes an animal or bird that is:

- (a) kept by an owner or some other person who has charge of the animal; and
- (b) reliant upon human contact to satisfy its welfare requirements;

farm animal means a horse, stock or any other animal that is commonly being farmed or grazed but excludes poultry;

poultry includes chickens (including hens and roosters) and any other commonly farmed avian species;

native animal means any animal native to Australia;

pest animal means a feral animal, vermin or vectors;

prepared food includes:

- (a) a product manufactured altered or modified for the purpose of consumption by animals; or
- (b) commercial products or household scraps used for the purpose of animal consumption,

but does not include hay or straw of any type;

stock includes cattle, goats, deer, sheep, pigs, or a combination of two or more

of them; and

vermin means rats, mice, flies, fleas, lice, or any other animal or insect pest.

15. Effective control of animals

- (1) Subject to clause 15(2) of this By-Law, the owner of any animal must ensure that their animal does not:
- (a) enter or remain on any private property without the consent of the owner or occupier of such property; or
 - (b) enter any public land unless there is a sign displayed on that land authorising the entry of that kind of animal.

Penalty: Fine not exceeding 5 penalty units.

- (2) Clause 15(1) of this By-Law does not apply to:
- (a) domestic cats or domestic dogs; or
 - (b) a situation where farm animals or stock are on a public road and are under the supervision and effective control of a competent person.

16. Maintenance of premises used by animals

- (1) The proprietor of any land must:
- (a) keep any structures, buildings, enclosures or areas to which animals have access in a clean and sanitary condition;
 - (b) keep any bedding or floor coverings used by animals, or to which animals have access, in a clean and sanitary condition;
 - (c) regularly empty any container used for the keeping of animal waste, animal food or manure and keep such container in a clean and sanitary condition; and
 - (d) not use or include any part of an adjoining property fence as part of an animal enclosure.

Penalty: Fine not exceeding 2 penalty units.

- (2) A person must not discharge, deposit, or allow or permit to be discharged or deposited, any animal waste including but not limited to faeces:
- (a) on to any property excepting the property on which the relevant waste is produced; or
 - (b) into any water course or drain,

Penalty: Fine not exceeding 5 penalty units.

17. Pest animals

- (1) An Authorised Officer may direct a proprietor of land where pest animals are present to take steps to remove or eradicate the relevant pest animals.
- (2) A person must not fail to comply with a direction given by an Authorised Officer pursuant to clause 17(1).

Penalty: Fine not exceeding 5 penalty units.

18. Storage of animal food

A person must not keep, store or allow to be kept or stored on any land, prepared food unless it is stored in a sealed receptacle constructed of a material that is resistant to access by pest animals.

Penalty: Fine not exceeding 2 penalty units.

19. Keeping of poultry

- (1) A person must not keep any poultry within 5 metres of any dwelling house or 2 metres of a property boundary.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not keep more than 6 poultry on a property within or partly within a residential zone as defined in a planning scheme applying to the area.

Penalty: Fine not exceeding 5 penalty units.

- (3) The occupier of any premises where an animal or poultry is kept must:-
 - (a) Maintain any structures, buildings, enclosures or areas which the animal or poultry has access to, so they are clean and sanitary;
 - (b) Not allow the animal or poultry to cause any nuisance through smell, noise, rodents, flies or drainage.

Penalty: Fine not exceeding 5 penalty units.

- (4) A person must not keep one or more roosters on any land less than 1000m² situated within the General Residential Zone as prescribed by the maps that form part of the planning scheme applying to the area without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 5 penalty units.

20. Prohibition on farm animals in General Residential Zone

A person must not keep, or allow to be kept, any farm animal on any land less than 1000m² situated within the General Residential Zone as prescribed by the maps that form part of the planning scheme applying to the area without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 5 penalty units.

21. Keeping of racing pigeons in the General Residential Zone

A person must not keep, or allow to be kept, racing pigeons on any land situated within the General Residential Zone as prescribed by the maps that form part of the planning scheme applying to the area without the written authorisation of the General Manager and without complying with any direction given in writing by the General Manager.

Penalty: Fine not exceeding 5 penalty units.

PART 5 – CARAVANS

22. Interpretation

(1) In this Part 5 -

Caravan:

- (a) means any object which has the general characteristics of a caravan, house on wheels, a covered van or trailer and any vehicle used or adapted for occupation which may or may not have the wheels or axles attached and may or may not be resting directly on the ground or placed on blocks or some other form of supports; and

Caravan Licence means a valid and current licence to occupy a caravan issued by an Authorised Officer in accordance with Form 2 of Schedule 2 to this By-Law;

development has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas);

occupy includes to reside or live in for the purposes of shelter, entertainment, sleeping, resting, cooking, eating, or for any other similar use whether on a temporary or permanent basis;

permit has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas);

planning scheme has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas); and

use has the meaning given to that term in section 3(1) of the *Land Use Planning and Approvals Act 1993* (Tas).

- (2) This Part 5 does not apply to any Caravan (or Caravans):
- (a) involved with, or forming part of, any use or development (or both) of land for which:
 - i. a permit has been issued under the *Land Use Planning and Approvals Act 1993* (Tas), including without limitation a permit issued for the operation of a caravan park; or
 - ii. a permit under the *Land Use Planning and Approvals Act 1993* (Tas) is required in order to secure compliance with any planning scheme applicable in the Municipal Area;
 - (b) used on a temporary basis by persons engaged in a travelling show, including but not limited to a circus or some other form of public performance; or
 - (c) used by work gangs or contractors involved in construction work authorised by Council.

23. Caravan Licence

- (1) A person must not have a caravan situated on land within the Municipal Area for a period exceeding thirty (30) days (consecutive or otherwise) in each calendar year without a current Caravan Licence issued by Council unless the caravan is situated at the person's principal place of residence solely for the purpose of storage.
- (2) A person may apply for a Caravan Licence by submitting to Council:
 - (a) an application made in accordance with Form 1 in Schedule 2 of this By-Law; and
 - (b) the application fee determined by Council.
- (3) Upon receipt of an application made in accordance with clause 23(2), an Authorised Officer may request that the applicant supply additional information for the purpose of assessing the application. If an applicant fails to comply with a request made pursuant to this clause 23(2) the relevant application will be refused.
- (4) Subject to sub-clauses 23(5) of this By-Law, an Environmental Health Officer may grant or refuse an application made in accordance with sub-clause 23(2) and if an application is granted the Authorised Officer may impose reasonable terms and conditions upon a Caravan Licence, including but not limited to the siting of the Caravan on the relevant site.

- (5) A Caravan Licence will not be granted unless an Environmental Health Officer has approved of the proposed method (or methods) for the disposal of refuse and on-site wastewater during the period of occupancy.
- (6) When considering whether to grant an application made in accordance with sub-clause 22(2), the Environmental Health Officer and Authorised Officer must take into consideration the following matters:
 - (a) the current and future appearance of the site where the Caravan is to be located as viewed from adjoining land, public roads and any other public place;
 - (b) whether the Caravan will have a negative visual impact on the relevant streetscape;
 - (c) whether the proposed occupancy of the Caravan will negatively impact upon the amenity of the users of land in the vicinity of the site where the Caravan is to be located;
 - (d) whether there is sufficient vehicular access to the site where the Caravan is to be located;
 - (e) whether the site where the Caravan is to be located is subject to natural hazards including but not limited to flooding and bushfire;
 - (f) the number of existing caravans on the site where the Caravan is to be located;
 - (g) the need for the provision of smoke alarms and fire extinguishers;
 - (h) restricted to a maximum of 2 caravan licences per lot under 1000m² in the General Residential zone; and
 - (i) any policy adopted by Council for the purposes of this By-Law.

24. Term of Caravan Licence

Once granted, a Caravan Licence will remain current up to and including the day falling on 30 June next occurring following the date on which the Caravan Licence was issued.

25. Non-compliance with Caravan Licence

The person to whom a Caravan Licence is granted must comply with the terms and conditions of that Caravan Licence.

Penalty: Fine not exceeding 5 penalty units.

26. No occupancy without Caravan Licence

- (1) A person (or persons) must not occupy a Caravan for a period exceeding thirty (30) days (consecutive or otherwise) in each calendar year without a Caravan Licence.

Penalty: Fine not exceeding 5 penalty units.

- (2) The proprietor of any land within the Municipal Area must not authorise, allow or otherwise permit any person to occupy a Caravan upon their land for a period exceeding thirty (30) days (consecutive or otherwise) in each calendar year unless such occupancy is authorised by a Caravan Licence.

Penalty: Fine not exceeding 5 penalty units.

27. No occupancy on public land

A person must not occupy a Caravan situated on any public land unless such land is authorised for that purpose.

Penalty: Fine not exceeding 5 penalty units.

28. Storage of caravans

A caravan being stored at a “principle place of residence” within the Municipal Area must not be occupied without a current licence.

Penalty: Fine not exceeding 5 penalty units.

PART 6 – CONTROL OF BURNING

29. Control of burning

- (1) An Authorised Officer may direct an owner or occupier of land, or any other person, to extinguish a fire which has been lit for the burning of waste or fuel or for any other purpose.
- (2) A person who receives a direction from an Authorised Officer to extinguish a fire pursuant to sub-clause 30(1) must not fail to comply with that direction.

Penalty: Fine not exceeding 10 penalty units.

- (3) If an owner or occupier of land or a person who has lit a fire does not comply with a direction to extinguish a fire pursuant to sub-clause 30(1), an Authorised Officer may extinguish the fire or instruct the Tasmanian Fire Service to extinguish a fire.
- (4) Council may recover all costs incurred by it as a result of any action taken pursuant to sub-clause 31(3) from the person who failed to comply with the direction given pursuant to sub-clause 31(1).

PART 7 – AUTHORISED OFFICERS

30. Obstruction, threats and intimidation

- (1) A person must not obstruct or hinder an Authorised Officer or a Refuse Disposal Attendant engaged in the exercise of any of the powers conferred by this By-Law.

Penalty: Fine not exceeding 5 penalty units.

- (2) A person must not intimidate, threaten or abuse an Authorised Officer or a Refuse Disposal Attendant engaged in the exercise of any of the powers conferred by this By-Law.

Penalty: Fine not exceeding 5 penalty units.

31. Power to remove

- (1) Pursuant to s.152(1) of the Act, Authorised Officers are hereby authorized to:
- (a) remove any person from land owned by, or under the control of the Council whom they reasonably believe is offending against this By-Law; and
 - (b) remove anything which is on such land without the approval of the Council.
- (2) Pursuant to s.152(2) of the Act, police officers are hereby authorised to:
- (a) carry out any of the actions under clauses 31(1)(a) and (b) of this By-Law; and
 - (b) arrest a person who is on land owned by, or under the control of, the Council and whom the police officer reasonably believes is offending against this By-Law.

32. Power of entry

For the purposes of this By-Law, an Authorised Officer may enter and remain on land after giving the proprietor of the land notice of their intention to do so in accordance with s.20A of the Act other than where such notice is not required pursuant to s.20A(3) of the Act.

PART 8 – INFRINGEMENT NOTICES & ENFORCEMENT

33. Interpretation of Part 7

In this Part 7, ‘**specified offence**’ means an offence against the clause of this By-Law specified in Column 1 of Schedule 1 to this By-Law.

34. Infringement notices – breach of By-Law

- (1) An Infringement Notice may be issued in respect of a specified offence and the monetary penalty set out adjacent to the offence in Column 3 of Schedule 1 to this By-Law is the penalty payable under the Infringement Notice issued in respect of that offence.

- (2) 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; and
 - (b) issue one Infringement Notice in respect of more than one specified offence; and
 - (c) issue a monetary penalty for the specified offence in respect of which the Infringement Notice is issued.
- (3) In addition to any other method of service, an Infringement Notice alleging that a vehicle has been used in relation to a specified offence may be served by affixing it to that vehicle.
- (4) Payment of an Infringement Notice issued under this By-Law must be made to the General Manager within 28 days of the issue of the Infringement Notice to avoid the Infringement Notice being referred to the Director, Monetary Penalties Enforcement Service.
- (5) The *Monetary Penalties Enforcement Act 2005* (Tas) applies to an Infringement Notice issued under this By-Law.

35. Recovery of expenses

In addition to a penalty imposed in relation to a failure to comply with or a contravention of this By-Laws, an expense incurred by Council in consequence of that failure or contravention is recoverable by Council as a debt payable by the person so failing to comply or contravening.

Environmental Health By-law No 1 of 2018

SCHEDULE 1

INFRINGEMENT NOTICES – PENALTIES

Column 1 CLAUSE	Column 2 OFFENCE	Column 3 PENALTY (Penalty Units)
4	Depositing Refuse	2
5	Hours of operation	2
6	Fire safety	2
7	Scavenging	2
8	Disposal of loose materials	2
9(2)	Failure to comply with direction	2
11(2)	Collection of refuse from mobile bins without authority	0.5
13(1)	Failure to comply with sub-clauses 13(a), (b), (c), (d), (f), (g), (h), or (i) of By Law	0.5
13(2)	Failure to comply with sub-clause 13€ of By-Law	0.5
13(3)	Failure to comply with sub-clauses 13(j) or (k) of By-Law	1.25
15(1)	Effective control of animals	2
16(1)	Maintenance of premises used by animals	0.5
16(2)	Maintenance of premises used by animals – discharge of waste	2

17(2)	Failure to comply with direction re pest animals	2	
18	Storage of animal food	0.5	
19(1)	Keeping of poultry	0.5	
19(2)	Keeping of poultry	2	
19(3)	Keeping of poultry	2	
19(4)	Keeping of roosters	2	
20	Farm animals in General Residential Zone	2	
21	Keeping of racing pigeons	2	
25	Non-compliance with Caravan Licence	2	
26(1)	No occupancy without Caravan Licence	2	
26(2)	No occupancy without Caravan Licence – proprietor	2	
27	No occupancy on public land	2	
28	Storage of Caravans	2	
29 (2)	Control of burning	2	
30 (1)	Obstruct or hinder Authorised Officer or Refuse Disposal Attendant	2	
31(2)	Intimidate, threaten or abuse Authorised Officer or Refuse Disposal Attendant	2	

Environmental Health By-law No [X] of 201[X]

SCHEDULE 2

CARAVAN LICENCE FORMS

Form 1 – Application Form



Application for a Caravan Licence

Applicant

Name:

Residential Address:

Postal Address:

Email:

Phone number:

About the Caravan

Registration number:

Period of registration:

Manufacture:

Model:

Size:

Colour:

Address where caravan will be placed:

If the applicant does not own this property:

Name of owner:

Address of owner:

Use of caravan

Purpose:

Number of people to occupy:

How regular will occupancy of the caravan be?"

Method of water supply:

Method of wastewater disposal:

Method of greywater disposal:

Method of solid waste / rubbish disposal:

Signature of applicant:

Date of application:

All application must include a site plan showing:

- The outline of the property, the siting of the caravan (including distances to all boundaries) and all existing buildings:
- The location of screening vegetation or fences:

All applications must include a photo of the caravan (external) and photos of all internal amenities and fixtures.

Occupation of a caravan – information and advice

Glamorgan Spring Bay Council recognises that many ratepayers utilise caravans on private lots for weekenders or on more permanent occupation over a short-period of time, such as whilst completing a permanent shack or dwelling. This is part and parcel of the culture and community on the East Coast and something which is encouraged where appropriate.

Council is also aware that occasionally caravans cause issues for neighbours. Common concerns raised are that caravans devalue properties, detract from the appearance of tourist roads, noise particularly from multiple caravans or extra guests and the environment through poor management of wastewater and greywater.

To minimise potential impacts, Council expects that:

- Your caravan and your lot will be maintained in good order and all times. There will be no waste or items stored externally that are visible from the street.
- Your caravan will be positioned away from the street and partially screened by 1.5m high boundary fencing, landscaping or garden walls. As a solid front boundary fence above 1.2m high requires a planning application, some form of screening will generally be required between the caravan and street.
- Any external bbq or main outdoor areas should be to the rear of the caravan.
- If you occupy on a regular basis and are located in a urban environment, you will construct an annex with toilet, kitchen and shower facilities so that all toilet and greywater is disposed of via TasWater services.
- You will limit the number of guests at any one time and allow no more than two

A maximum of two caravan licences per lot will be approved.

Form 2 – Form of Caravan Licence

Licence to Occupy a Caravan

A licence to occupy a caravan with the registration located at for a period of months is hereby granted subject to the following:

Standard condition list:

Condition	When to apply
General Amenity	
Rubbish and solid waste must be appropriately contained on site and removed to a waste transfer station on a regular basis.	For all
External storage of goods, sports equipment, and the like and amenities like washing lines must be located behind the caravan as viewed from the street.	For all
The caravan must be sited in the rear half of the lot and must be no less than 4m from a side or rear boundary unless adjacent to a neighbouring outbuilding [or must be (insert description)]	To specify precisely where caravan is to be located
The caravan must be partially screened by solid side and rear boundary fencing at least 1.5m high.	If the lot is in an urban environment and is not fenced.
The caravan must be partially screened by other buildings, plantings, garden walls or fencing between the street and caravan.	If the lot abuts a major road and the caravan may detract from the streetscape if not screened.
The site must be maintained at all times in good order to not detract from the amenity or appearance of the street.	For all
At any time, no more than two tents, campers, RVs or the like are to be on the lot in addition to the licensed caravan.	If lot is on a major public road
Vehicles accessing and using the site must do so in a manner that avoids dust, mud or sedimentation. If this occurs, a gravel driveway must be constructed.	
A working smoke alarm must be installed in the caravan.	
Greywater / Wastewater	
Greywater may be disposed of on-site but must not cause a nuisance either by its volume or quality. Kitchen scraps and similar material are to be separated and	

composted or remove to a waste transfer station.	
Wastewater must be disposed of off-site to an authorised dump point.	
An annex must be constructed within three months of the date of approval of this licence and this annex must contain a plumbed in toilet connected to TasWater water and sewer mains.	If caravan is to be occupied on a regular basis
<p>Bushfire</p> <p>Note: Further consultation with TFS required. TFS have no standard rules or prescriptions.</p>	If located in a bushfire prone area, you must maintain all vegetation within 20m in a low fuel state and have adequate measures in place for safe evacuation in case of bushfire including vacating the site when a high fire danger day is forecasted.
Occupation of the caravan must not cause excessive or unreasonable levels of noise either by use of generators or the actions of licensee or their guest.	

General Manager
Glamorgan Spring Bay Council

Date / /

Certified as being in accordance with the law by:

.....
Legal Practitioner

Dated this.....day of.....20 at

Certified as being in accordance with the *Local Government Act* 1993 (Tas)

.....
General Manager

Dated this.....day of.....20 at

The Common Seal of the Glamorgan Spring Bay Council has been placed on this document pursuant to a resolution of Council passed on theday of in the presence of:

.....
Mayor

.....
General Manager

2.6 Dog Management Policy

Responsible Officer – General Manager

Background

The Glamorgan Spring Bay Council approved the Dog Management Policy 2014/2019 Part A & B at its Ordinary Council Meeting 21st October 2014 (Decision No. 134/14).

The Dog Management Policy was discussed at a Workshop by Council on the 8th October 2019. The current Dog Management Policy expires on the 21 October 2019 and therefore it is imperative that Council act quickly to ensure appropriate dog management rules are in place.

Dog Control Act 2000 Section 7. Dog management policy

- (1) A council is to develop and implement a policy relating to dog management in its municipal area.
- (2) A dog management policy is to include the following:
 - (a) a code relating to responsible ownership of dogs;
 - (b) the provision of declared areas;
 - (c) a fee structure;
 - (d) any other relevant matter.
- (3) A council is to –
 - (a) invite public submissions relating to a proposed dog management policy; and
 - (b) consult with any appropriate body or organisation; and
 - (c) consider any submissions and results of any consultation before finalising the policy.
- (4) A council is to review its dog management policy at least once every 5 years.
- (5) In reviewing its dog management policy, a council is to take the actions referred to in subsection (3) .

Dog Control Act 2000 Section 24. Public notice of intention to declare areas

Before a council resolves to make a declaration under this Division in relation to an area, it is to –

- (a) notify, by public notice, the details of –
 - (i) the area; and
 - (ii) any condition relating to the use of that area; and
 - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and
- (b) invite submissions to be lodged within 15 working days after the notice is published; and
- (c) consider any submissions lodged.

Dog Control Act 2000 Section 25. Date and period of declaration

A council, by public notice, is to notify –

- (a) the date on which a declaration under this Division takes effect, being a date at least 20 working days after a notice under section 24 is published; and
- (b) the period during which the declaration remains in force.

Attachment:

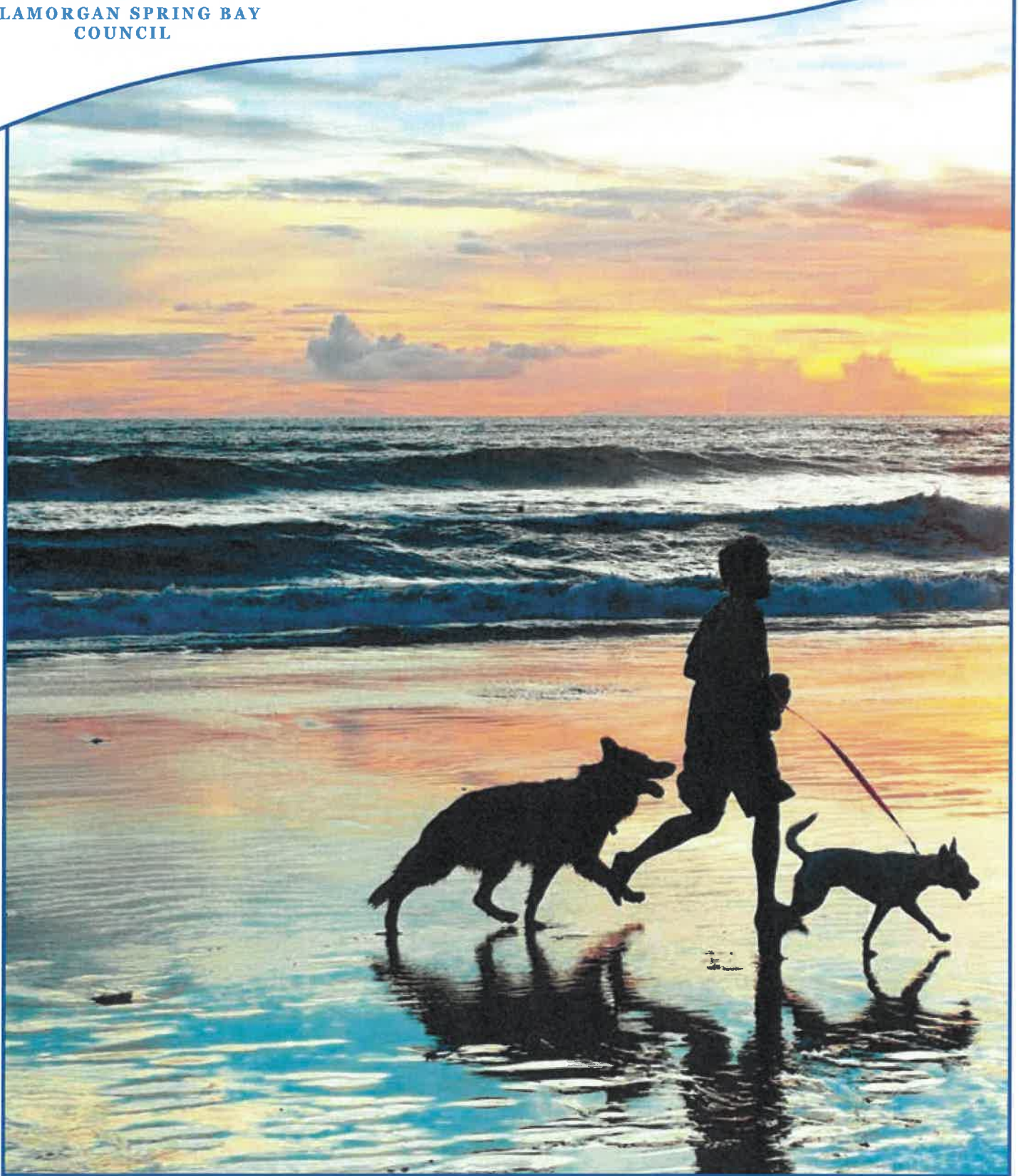
1. Glamorgan Spring Bay Council Dog Management Policy 2014-2019 Part A & B

Recommendation

1. That Council directs the General Manager to immediately commence the process for re-endorsement of the existing Dog Management Policy 2014-2019 with amendments as deemed necessary in accordance with the requirements of the *Dog Control Act 2000*.
2. That advertising occurs in The Mercury, the Examiner, the Great Oyster Bay News, the Bicheno Forward, the Echoes Around the Bay, Council's website and community notice boards.
3. That Council commits to conducting a further review of the new Dog Management Policy within 12 months of the *Dog Management Act 2000* amendments being finalised.



GLAMORGAN SPRING BAY
COUNCIL



GLAMORGAN SPRING BAY COUNCIL
Dog Management Policy 2014-2019
Part A

1. OBJECTIVE

The objectives of this Dog Management Policy are to:

- Ensure owners of dogs in the Glamorgan Spring Bay Municipal area comply with the requirements of the *Dog Control Act, 2000*;
- Actively promote responsible dog ownership through education and information, supported by regulatory measures when required and;
- Provide for reasonable exercise and recreational needs of dogs and their owners whilst respecting the rights of the broader public and protecting natural values.

2. SCOPE

This policy relates to all areas within the Glamorgan Spring Bay Municipality. Recommended declared areas cover public land owned or managed by Crown Land, the Glamorgan Spring Bay Council (the Council), and the Parks and Wildlife Service. Areas can also be declared on private land when requested by the landholder if the land is accessible by the public (such as beaches with a high tide title).

3. POLICY

INTRODUCTION

The *Dog Control Act 2000* came into effect on 2nd April, 2001. This legislation has repealed the *Dog Act 1987*, and therefore, becomes the primary legislation in this area.

Section 7 of the *Dog Control Act 2000* requires the Council to develop and implement a policy relating to dog management within its municipal area.

A Dog Management Policy is to include the following:

- A code relating to responsible ownership of dogs.
- The provision of declared areas.
- A fee structure.
- Any other relevant matter.

DOG MANAGEMENT POLICY – PROCESS

That the Council is to:

- Invite public submissions relating to a proposed *Dog Management Policy*, and
- Consult with any relevant body or organisation, and
- Consider any submissions and consultation outcomes before finalising the Policy.

DOG MANAGEMENT POLICY – REVIEW

A Council is to review its *Dog Management Policy* at least once every five years.

CODE OF RESPONSIBLE DOG OWNERSHIP

It is the responsibility of every dog owner to:

- Ensure that the dog is kept under control at all times;
- Ensure that their animals do not foul public places;
- Take all reasonable steps to ensure that the dog does not cause a nuisance, injure, endanger, intimidate, or otherwise cause distress to any person;
- Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any stock, poultry, domestic animal, or protected wildlife;
- Take all reasonable steps to ensure that the dog does not damage or endanger any property belonging to any other person;
- Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
- Ensure that the dog receives adequate exercise; and
- Comply with the *Dog Control Act, 2000*.

FEES

Council annually sets a fee structure reflecting the costs of Dog Management control. It is expected that dog owners pay a reasonable portion of the costs incurred by Council.

1. The entire system of Dog Control throughout the municipality is dependent on the ability of Council Officers to identify a dog's owner via the dog registration system which is a vital link needed to enforce the regulations and provisions of the *Dog Control Act 2000*.
2. All dogs six months of age or over are required to be registered.
3. The Council will continue to provide reduced registration fees for desexed dogs in order to reduce the instances of unwanted or abandoned dogs. Fees will be reduced for persons registering their dog before 31st July.
4. A discount will also be offered to pensioners for one dog only, any other dog incurs standard registration fees.
5. All relevant fees will be reviewed annually. The Council will take into consideration other Council's proposed fee structure to ensure all related dog fees maintain a level of consistency.
6. The Council will transfer dog registrations from other Tasmanian Council's at no cost to the dog owner, provided the registration is for the same registration period.
7. A maintenance (pound keeping fee) will be charged for every day impounded. An infringement notice will be issued in accordance with the *Dog Control Act 2000 Section 16(1)* "failure to ensure a dog is not at large". All fees must be paid before the dog will be released.

REGISTRATION FEES

All Registration Fees will be determined by the Council on an annual basis Pursuant to *Section 9(2)(a)(b)* of the *Dog Control Act 2000*. Details are available from Council Offices 6256 4777 or the website www.gsbc.tas.gov.au

KENNEL LICENCES

Where a person keeps more than two dogs (or, in the case of working dogs, 4 dogs) on any property they must apply to the Council for a Kennel Licence.

A notice of intention to apply for a kennel licence must be published in the public notices section of the Mercury and/or the Examiner Newspaper on any day except Sunday in the prescribed format.

Any person residing or owning land within 200 metres of the boundary of the property to which a licence relates may object to the granting of the licence within 14 days after the notice is published.

Any objection is to be in writing and set out the reasons for the objection.

Application Processing

The Council cannot consider an application until twenty eight (28) days after the publication of the "Notice of Intention to Apply for Kennel Licence".

A Council Officer will inspect a property applying for a kennel licence including all kennels and yards.

An application will not be considered until all dogs kept on the property seeking a kennel licence are registered.

Decision to grant a Licence

In reaching a decision as to whether to grant a licence and in considering what conditions, if any, shall apply to the licence, the General Manager may take into account any relevant objections.

The site inspection report will be considered together with any other matters that relate to public health and environmental laws.

The likelihood of kennelled dogs creating a nuisance by barking or otherwise will be taken into consideration.

Where the application is successful, the licence will be issued together with a covering letter drawing the licence holder's attention to the conditions that apply to the licence, and expiry date of the licence.

Where a licence is refused the applicant will receive written notification.

Refusal to Grant, Cancel or Renew a Licence

The General Manager on the recommendation of an Authorised Officer may refuse to grant a licence if he is of the opinion that:

- The premises are unfit for the purpose of keeping the number and type of dogs applied for;
- It would be in the public interest not to grant the licence.
- Renewal of a licence may be refused if the Council is of the opinion that:
- The requirements of the *Dog Control Act* and the *Public Health Act* are not being complied with;
- The condition of the premises is creating a nuisance;
- The requirements of the Dog Control Regulations are not being complied with;
- It is in the public interest that the licence not be renewed.
- A licence may be cancelled at any time if the Council is satisfied that:
- The premises do not comply with the Dog Control Regulations;
- Laws relating to public health and environmental protection are not being complied with;
- That the conditions of the licence are not being complied with.

If Council Refuses to Grant, or Renew, or Intends to Cancel a Licence, an appeal to a magistrate may be made.

An appeal shall:

- Be instituted by giving written notice to the Clerk of Petty Sessions on the prescribed form;
- Be accompanied by the prescribed fee;
- Be made within the prescribed time (21 days of the date of notifying the Council); and
- Otherwise be instituted in the prescribed manner.

At the hearing of an appeal, the magistrate may:

- Dismiss the appeal; or
- Direct the Council to grant or renew the licence;
- Quash the Council's decision to cancel the licence, subject to any conditions the magistrate thinks fit;
- The Council must comply with any directions given to it by the magistrate;
- The magistrate's decision is final.

Renewal of licence

Kennel licences expire on the 30th day of June each year.

Licences may be renewed for a further twelve months upon payment of the prescribed fee and a satisfactory inspection of the premises by an Authorised Officer.

Licences are not transferable from one person to another, nor are they transferable from property to property, therefore a new application will need to be submitted if you:

- Sell your property and the new owner requires a kennel licence; or
- You move to another property and wish to retain your licence.

Costs

Details of kennel licence costs are available from Council Offices 6256 4777 or the website: www.gsbc.tas.gov.au

Penalties

The Act states that a person who keeps more than two dogs (or in the case of working dogs, four dogs) six months of age or over, on any premises not being licenced premises, is guilty of an offence and is liable on summary conviction to a fine.

Normally an Authorised Officer would issue an Infringement Notice for unlicensed premises. Non payment of this fine would then involve the previously mentioned legal action being taken.

DANGEROUS DOGS

The *Dog Control Act 2000* substantially increases the penalties and restrictions on owners of dogs declared dangerous.

Any dog that has caused serious injury to a person or another animal may be declared a dangerous dog, unless the attack was of such a nature that the declaration is not considered warranted. The Council will also take into consideration the wishes of the victim involved, the circumstances involved, witnesses evidence if any and the offending dog owners proposed action.

The owner or person in charge of a dangerous dog must be at least 18 years of age, must ensure that whilst the dog is in public place, is on a lead not exceeding two metres, that the dog is muzzled and unable to bite a person or animal and when not in a public place housed in a child proof enclosure or secured and restrained by a lead not exceeding two metres. The dog must at all times wear an approved collar supplied by the Council.

The owner of a dog declared to be dangerous must ensure that the dog is implanted with an approved microchip within 30 days after notification that the dog has been declared dangerous.

The owner or person in charge of a dangerous dog must ensure that appropriate signs of an approved type warning of the presence of a dangerous dog are displayed at every entrance to the premises on which the dog is kept. These signs are only obtainable through the Council.

The cost associated with the purchasing of prescribed dog collar, micro-chipping and appropriate signage is the responsibility of the dog owner.

Any premises on which a declared dangerous dog is being kept will be inspected on a regular basis by an Authorised Officer to ensure that the dog is housed correctly and that the owner is complying with the requirements as defined in the *Dog Control Act 2000*.

Appropriate legal action will be taken against any dangerous dog owner not complying with the regulations.

NUISANCE DOGS

The Council currently spends large amounts of time associated with the problems caused by nuisance dogs and in particular the issue of excessive barking. The Council's preferred option is to consult with both the complainant and the dog owner addressing the issues why the dog is barking and offering advice and the Council resources. The objective is to resolve the issue quickly and avoid fines and legal proceedings which are costly and time consuming.

The most important issue is for the owner to be made aware of the nuisance and to be advised as to the best methods available to alleviate the problem.

Upon receipt of a complaint regarding a nuisance dog the following procedure is followed:

First Stage

A letter of warning is sent to the owner indicating the nature of the complaint and their responsibilities under the *Dog Control Act 2000*. The dog owner is asked to contact the Council to further discuss the matter and strategies may be discussed to reduce or minimise the nuisance.

Second Stage

The owner of the dog is given a reasonable amount of time, normally two weeks to address the nuisance and if requested an Authorised Officer may inspect the property and offer advice to overcome the problem such as the use of an anti bark collar or other methods. The aim of the discussion is to reach agreement acceptable to both the complainant and the dog owner without the need for legal action.

Third Stage

If no attempt has been made by the dog owner to alleviate the problem or no contact made with Council Officers the complainant is requested to complete the appropriate form in accordance with *Section 47(2) (a)* of the *Dog Control Act 2000*. The person is required to pay a fee that will be refunded if their complaint has substance. Following submission Council Officers will investigate the complaint. This may

involve speaking to neighbours in the vicinity and inspecting the offending property at various times to assess if the dog is considered a nuisance. If the complaint is found to be genuine the Council may institute proceedings for an offence under *Section 46 of the Dog Control Act 2000*.

The owner or person in charge of a dog must not permit the dog to become or create a nuisance. A dog is a nuisance if:

- a. It behaves in a manner that is injurious or dangerous to the health of any persons, or
- b. It creates a noise by barking or otherwise, it persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person or persons.

IMPOUNDING OF DOGS

A maintenance (pound keeping) fee will be imposed for every day impounded.

An infringement notice will be issued in accordance with the *Dog Control Act 2000 Section 16(1)* "Failure to ensure a dog is not at large" which must be paid before dog will be released.

If a dog is seized and its owner is not identifiable the dog will be impounded at the Council pound for a minimum of three working days. If the dog is not reclaimed within this period the dog will be transferred to the Dogs Home of Tasmania. The dog then becomes the property of the Dogs Home of Tasmania.

If a dog is seized and its owner is identifiable the General Manager is to notify in writing the owner of the dog that the dog has been impounded. If after five working days after notice has been given to the owner, the owner does not reclaim the dog the dog will be transferred to the Dogs Home of Tasmania located at Risdon Vale. The dog will then become the property of the Dogs Home of Tasmania.

PROVISION OF DECLARED AREAS

Under *Section 24 of the Dog Control Act 2000* the Council must resolve to make a declaration in relation to the intention to declare an area.

Before a council resolves to make a declaration

under this section in relation to an area, they must:

- (a) notify, by public notice, the details of:
 - (i) the area; and
 - (ii) any condition relating to the use of that area; and
 - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration; and
- (b) invite submissions to be lodged within 15 working days after the notice is published; and
- (c) consider any submissions lodged.

SIGNAGE

The Council (or Crown Land Service or the Parks and Wildlife Service) will continue to erect uniform signage to identify each declared area in the municipality.

DOG WASTE DISPOSAL

The Council will continue to install Dog Waste Disposal Bag Dispensers where required and as resources permit.

EDUCATION

The Council will continue with ongoing community education and awareness program about the Dog Management Policy in partnership with the relevant stakeholders as resources permit. This will include investigating opportunities for encouraging de sexing and micro-chipping, and also for suitable locations for fenced in exercise areas.

ENFORCEMENT

The Council will undertake enforcement of the Dog Management Policy as resources permit, in collaboration with the Parks and Wildlife Service and other agencies are required.

DOG CONTROL ACT

A full copy of the Act can be found at <http://www.thelaw.tas.gov.au/index.w3p>

4. IMPLEMENTATION

The policy will be implemented immediately following endorsement by Council.

5. DELEGATION

Regulatory Services Department.

6. RESPONSIBILITY

The compliance of this policy is the responsibility of the General Manager and Regulatory Services Manager.

7. REPORTING

Regulatory Services Manager will report monthly to the Council on activities that pertain to this policy.

8. REVIEW

A review of this policy will be undertaken at least within five years of its adoption by the Council, and more regularly should there be significant changes in community expectations, or there be amendments or changes to the *Dog Control Act 2000*.

The Council does have the right to declare additional areas in accordance with the appropriate sections of the Act, without having to review the entire Dog Management Policy.

9. STATUTORY REQUIREMENTS

Dog Control Act 2000, Threatened Species Protection Act 1995, National Parks and Reserves Management Act 2002, Nature Conservation Act 2002.

10. REFERENCES

Kingborough Council Dog Management Policy 4.3 (May 2010)

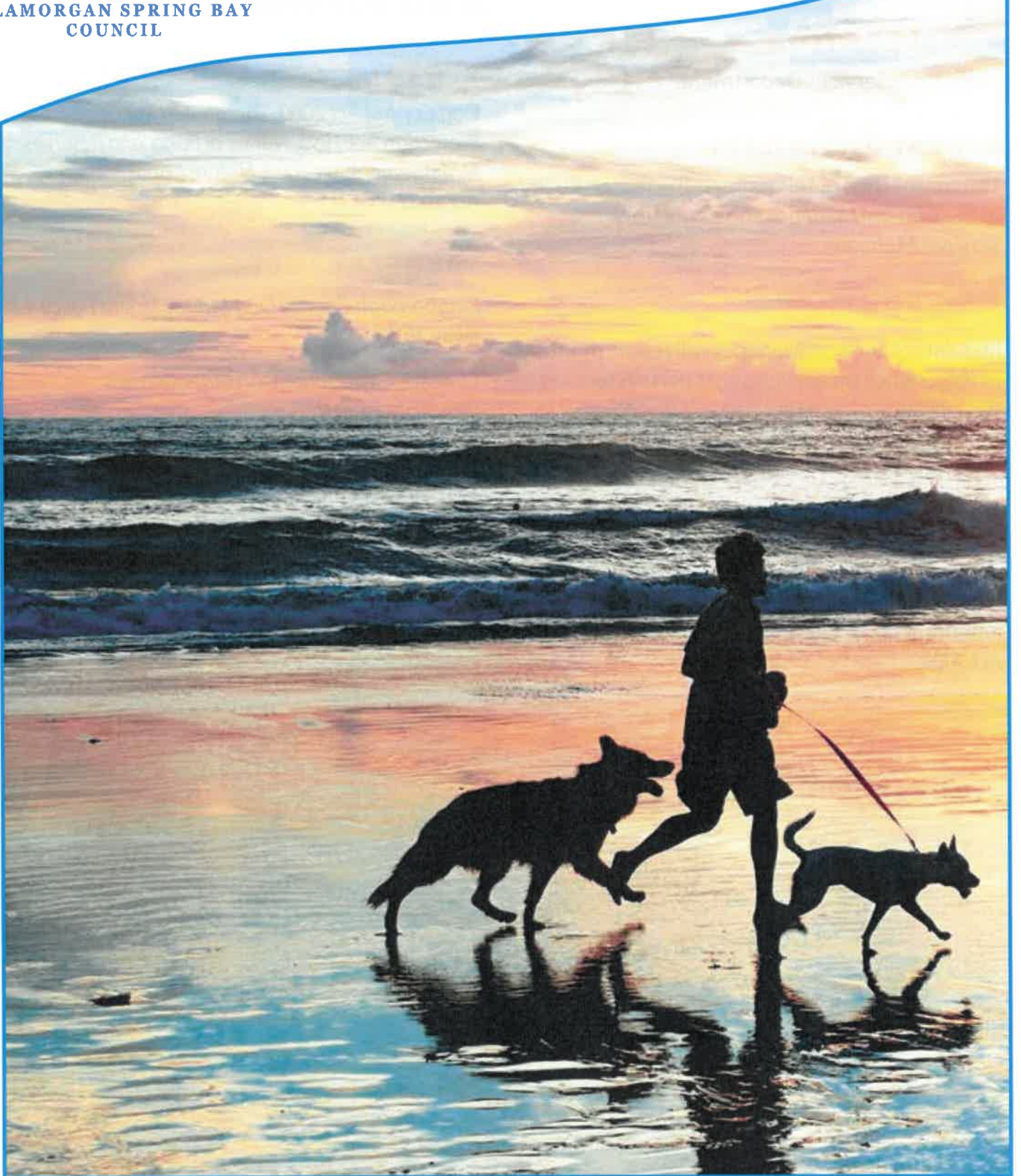
Clarence City Council Dog Management (November 2007)

11. ATTACHMENTS

Provision of Declared Areas (Dog Management Zones) for the Glamorgan Spring Bay Dog Management Policy 2014-2019.



GLAMORGAN SPRING BAY
COUNCIL



GLAMORGAN SPRING BAY COUNCIL
Dog Management Policy 2014-2019
Part B – Declared Areas

PROVISION OF DECLARED AREAS

(Dog Management Zones)

for the

Glamorgan Spring Bay (GSB) Dog Management Policy

Definitions of DECLARED AREAS under the Dog Control Act 2000, Part 3 – Control of Dogs, Division 2.

Exercise Areas (20)

A council may declare an area to be an area where dogs may be exercised subject to any specified conditions.

Training Areas (21)

A council may declare an area to be an area where dogs may be exercised subject to any specified conditions.

Prohibited Areas (22)

- 1) A council may declare an area containing sensitive habitat for native wildlife to be an area where dogs are prohibited from entering.
- 2) A person must not take a dog that is not a guide dog or a hearing dog into a prohibited area.

Dog Restricted Area (23)

- 1) A Council may declare an area to be an area where dogs, other than guide dogs or hearing dogs, are restricted from entering –
 - (a) During specified hours days or seasons; or
 - (b) During specified hours, days or season unless they are on a lead.
- 2) A person must not take a dog that is not a guide dog or a hearing dog into a restricted area otherwise than in accordance with the declaration.

PROHIBITED PUBLIC AREAS (28)

- 1) A person must not take a dog into:
 - a) Any grounds of a school, pre-school, kindergarten, crèche or any other place where the reception of children without the permission of the person in charge of the premises.
 - b) Any shopping centre or shop.
 - c) Any grounds of a public swimming pool.
 - d) Any playing area of a sports ground on which sport is being played.
 - e) Any areas within 10 metres of a children's playground.
- 2) These section does not apply to:
 - a) a guide dog that is accompanying a wholly or partially blind person or is in training for that purpose; or
 - b) a hearing dog that is accompanying a wholly or partially deaf person or is in training for that purpose; or
 - c) a pet shop; or
 - d) the premises of a veterinary surgeon; or
 - e) a pet-grooming shop; or
 - f) any other premises related to the care and management of dogs.

Definition of Dog Under Effective Control under the Dog Control Act 2000, Part 1 – Preliminary

(1) A dog is under the effective control of a person in a public place if the dog is –

- (a) Off the lead and –
 - (i) In close proximity to the person; and
 - (ii) In sight of the person; and
 - (iii) The person is able to demonstrate to the satisfaction of an authorised person that the dog is immediately responsive to the person's commands; or
- (b) Secured and restrained by means of a lead not exceeding 2 metres long held by had by a person of sufficient age and strength to control the dog; or
- (c) Tethered to a fixed object by a lead not exceeding 2 metres long for a period not exceeding 30 minutes.

(2) A dog is under effective control on a road or road-related area in a built-up area if the dog is secured and restrained by means of lead not exceeding 2 metres long held by hand by a person of sufficient age and strength to control the dog.

(3) A person, at any one time, must not have, in his or her charge, more than –

- (a) 2 dogs on a lead on a footpath; or
- (b) 4 dogs in a public place.

(4) A dog is under the effective control of a person on private premises if the dog is securely confined to those premises.

(5) A dog is under the effective control of a person while not on a lead if the dog is –

- (a) A working dog engaged in working; or
- (b) A hunting dog engaged in hunting; o
- (c) Engaged in racing or showing; or
- (d) Engaged in obedience or agility trials;

or

- (e) Engaged in training for any activity referred to in paragraphs (a), (b), (c) or (d); or
- (f) Engaged in training in a training area.

Prohibited Areas under the National Parks and Reserved Land Regulations 2009





Dogs are prohibited from all reserved land areas managed by the Tasmania Parks and Wildlife Service (PWS), however, there is provision to designate areas for dog exercise and recreation in certain reserve classes or where permitted by the management plan for the reserved land.

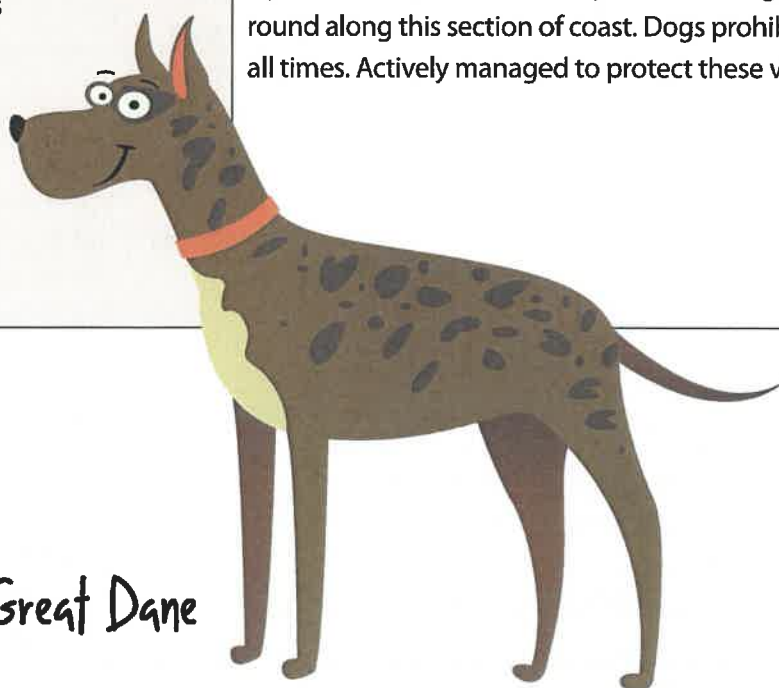
With the exception of the PWS reserved land declared Exercise Areas and Restricted Areas within this policy, dogs are not permitted on any other reserved land except where an authority has been granted in accordance with the *National Parks and Reserved Land Regulations 2009*.

Please note that only the higher usage and more accessible reserved lands where dogs are prohibited have been identified in this document.

The Parks and Wildlife Officers at Freycinet National Park are available for queries regarding land tenure. Contact: Freycinet National Park on ph. 6256 7000 or PWS Seven Mile Beach Office on ph: 6214 8100.

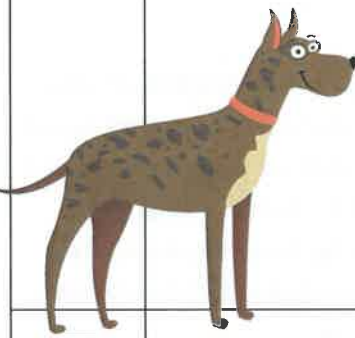







BICHENO

Dog Zone No.	Area description	DOG ZONE RULES	Justification
1	Denison River Carpark and within 100m either side of the river mouth. (Denison Beach Conservation Area, Parks and Wildlife Service (PWS))	DOG RESTRICTED AREA  <i>Dog on Lead</i> at all times	Popular local attraction and swimming area in summer. Narrow beach and picnic site access tracks and restricted space along river banks.
		PROHIBITED AREA  <i>Dogs Prohibited</i> from swimming in river mouth 1 st Dec to 1 st March	Social equity, public safety and water quality justification.
2	Area south of the Dog on Lead Zone (1) around the river mouth and north of the Southern Denison Beach access track (Denison Beach Conservation Area, PWS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> at all times	Popular section of beach for local residents to walk their dog off lead and under effective control. Good practice for dog owners to place their dog on a lead, to avoid potential conflict, whenever other dogs, people or birds are close by. Always walk on wet sand to separate dogs from potential birds nesting areas above high tide zone.
3	From Southern beach access track to Denison Beach south to the northern end of Redbill Beach, including Diamond Island Nature Reserve (Crown Land Service (CLS)/ PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Significant populations of Little Penguins and shorebirds (Hooded Plovers, Pied and Sooty Oystercatchers, Little and Fairy Terns) nesting year round along this section of coast. Dogs prohibited at all times. Actively managed to protect these values.










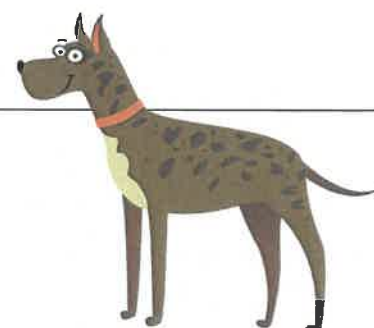
Bazza the Great Dane

BICHENO

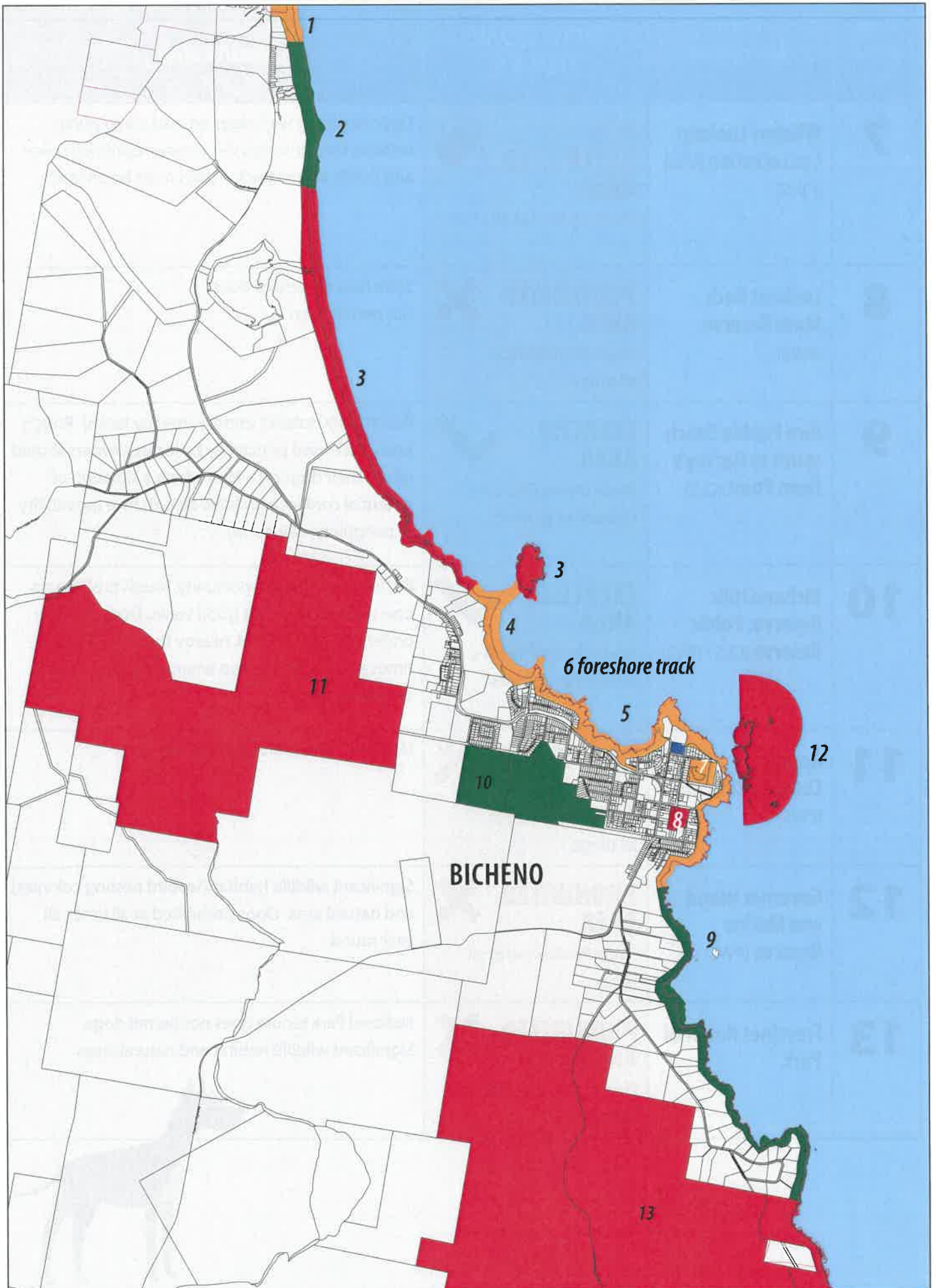
Dog Zone No.	Area description	DOG ZONE RULES	Justification
4	Redbill Beach. Public Reserve (CLS / PWS)	 <p>DOG RESTRICTED AREA </p> <p>Dogs Prohibited  from 10am to 6pm between Dec 1st to 1st March</p> <p>Dogs Prohibited  from dusk till dawn on the beach.</p> <p>Dogs Prohibited  in the dunes behind Redbill Beach at all times</p> <p>Dogs Under Effective control at all other times</p>	<p>Popular swimming, walking and surfing beach. High numbers of users during the peak season at peak times. Social equity and public safety justification - No dogs</p> <p>Little Penguins walk from the ocean to their burrows during the evening and early morning. Penguins and other wildlife in dunes behind Redbill Beach justifies no dogs in dunes at all times</p> <p>Opportunity to exercise dogs off lead on beach at all other times. Good practice for dog owners to place their dog on a lead (to avoid potential conflict) whenever other dogs or people or birds are close by; and always walk on wet sand to separate dogs from potential birds nesting areas above high tide zone</p>
5	Waub's Beach Public Reserve (CLS leased by GSBC)	<p>DOG RESTRICTED AREA </p> <p>Dogs Prohibited  between 10am to 6pm from 1st Dec to 1st March except to walk Dog On Lead to transit from one end of the beach to the other</p> <p>Dogs on lead at all other times</p>	<p>Social equity, nuisance and public safety reasons. Main public swimming beach in Bicheno. No dogs during peak use season at peak times. An exception will be trialled enabling dogs on lead to transit from one end of beach to the other</p> <p>Dogs on lead at non-peak times, provides a means of thoroughfare when walking around the Bicheno foreshore</p>
6	Bicheno foreshore track (and coastline) from southern end of Redbill Beach to Rice Pebble Beach (excluding Waub's Beach). Public Reserve (CLS leased by GSBC)	<p>DOG RESTRICTED AREA </p> <p>Dogs on lead at all times</p>	<p>Popular public walking track and coastline with dawn and dusk movement of Little Penguins to and from their burrows. Social equity, public safety and wildlife (penguin colony) along path. Dogs on a lead at all times safeguards against dogs roaming, impact on wildlife or social conflict issues. Please do not walk dogs in penguin areas at dawn or dusk when birds are on the move</p>

BICHENO




Dog Zone No.	Area description	DOG ZONE RULES	Justification
7	Whalers Lookout Conservation Area (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Opportunity to walk dogs on lead along public walking track through this reserve. Confined space and public access track – ‘dogs must be on lead’
8	Lookout Rock State Reserve (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	State Reserve tenure does not permit dogs
9	Rice Pebble Beach south to Harvey's Farm Point (CLS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> at all times	Beach fairly isolated (mostly used by locals). Rough bush track used principally by locals. Owners should return their dogs on a lead where a situation of potential conflict or wildlife disturbance (possibility of penguins) may occur.
10	Bicheno Hills Reserve. Public Reserve (CLS / PWS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> at all times	Bushland walking opportunity, rough bush tracks, open space, quiet and good views. Dogs must be under effective control, nearby their owner at all times and placed on lead when potential conflict situations arise
11	Apsley Conservation Area (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	No public access and wildlife habitat
12	Governor Island and Marine Reserve (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Significant wildlife habitat (seabird nesting colonies) and natural area -Dogs prohibited at all times all year round
13	Freycinet National Park	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	National Park tenure does not permit dogs. Significant wildlife habitat and natural areas



BICHENO









COLES BAY & SWANWICK

Dog Zone No.	Area description	DOG ZONE RULES	Justification
13	Freycinet National Park (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	National Park tenure does not permit dogs. Significant wildlife habitat and natural areas
14	'The Fisheries' (GSBC)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times on Council owned public reserve (Parsons Cove), and on any access tracks within the Fisheries A PWS access permit to be issued to ratepayers via council rates notice each year permitting tenants to drive with dogs to and from the Fisheries through the National Park. Permit is not for guests, visitors and holiday rentals	<i>Dogs are prohibited</i> in and around the 'Fisheries' other than on private property. No dogs on the small Parsons Cove Beach, on the Fisheries roads or anywhere outside of private property. Due to restricted public space, public safety, and close proximity to significant wildlife habitat of Freycinet National Park. PWS regulations require written permit for transport of a pet through the National Park
15	Coles Bay Public Reserve (CLS / PWS/ Council)	EXERCISE AREA  <i>Dogs Under Effective Control</i> at all times	Dogs may be walked off lead, under effective control, on the road and track systems within this reserve. Dogs should be placed on lead if they cannot remain close by owners at all times. This area contains wildlife which must not be harassed / chased by dogs






Curly the Fox Terrier





COLES BAY & SWANWICK

Dog Zone No.	Area description	DOG ZONE RULES	Justification
16	Rita and Doris Reserve - Council Depot (CLS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Public tracks and reserve within town boundary. Restricted space
17	Harold Street Reserve - Town Hall Tennis Courts Fire Shed (CLS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Public walking tracks within reserve surrounding tennis courts, hall and fire shed
18	Coles Bay foreshore (Coles Bay Conservation Area) (Council / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Public foreshore and walking track with wildlife habitat along the path and adjacent to esplanade public road. Dogs on lead at all times
19	Muir's Beach (Coles Bay Conservation Area) (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> along first 200m from Southern end of Muir's Beach between 1 st Dec to 1 st March <i>Dog under effective control</i> along entire beach at all other times other than restriction above. Dogs Prohibited  In dunes behind Muir's Beach at all times.	Main beach for recreational activities for Coles Bay. Dogs should be on lead around carpark / picnic and shops area at all times and should walk well clear of people on popular beach area (nearer boat ramp) during the peak season, before being let off lead - but still kept under close control Dogs may be let off lead outside of the 200m-restriction zone of Muir's beach. Owners should return their dogs on a lead where a situation of potential conflict or wildlife disturbance may occur The dunes behind Muir's Beach form an important wildlife corridor. There are no formal access tracks over the dunes and dogs should not be taken onto or permitted to roam on the dunes
20	Coles Bay Conservation Area, behind Coles Bay Public Reserve (with the exception of 21 & 22 – see below)	PROHIBITED AREA  Dogs Prohibited at all times	Wildlife habitat reserved for nature conservation

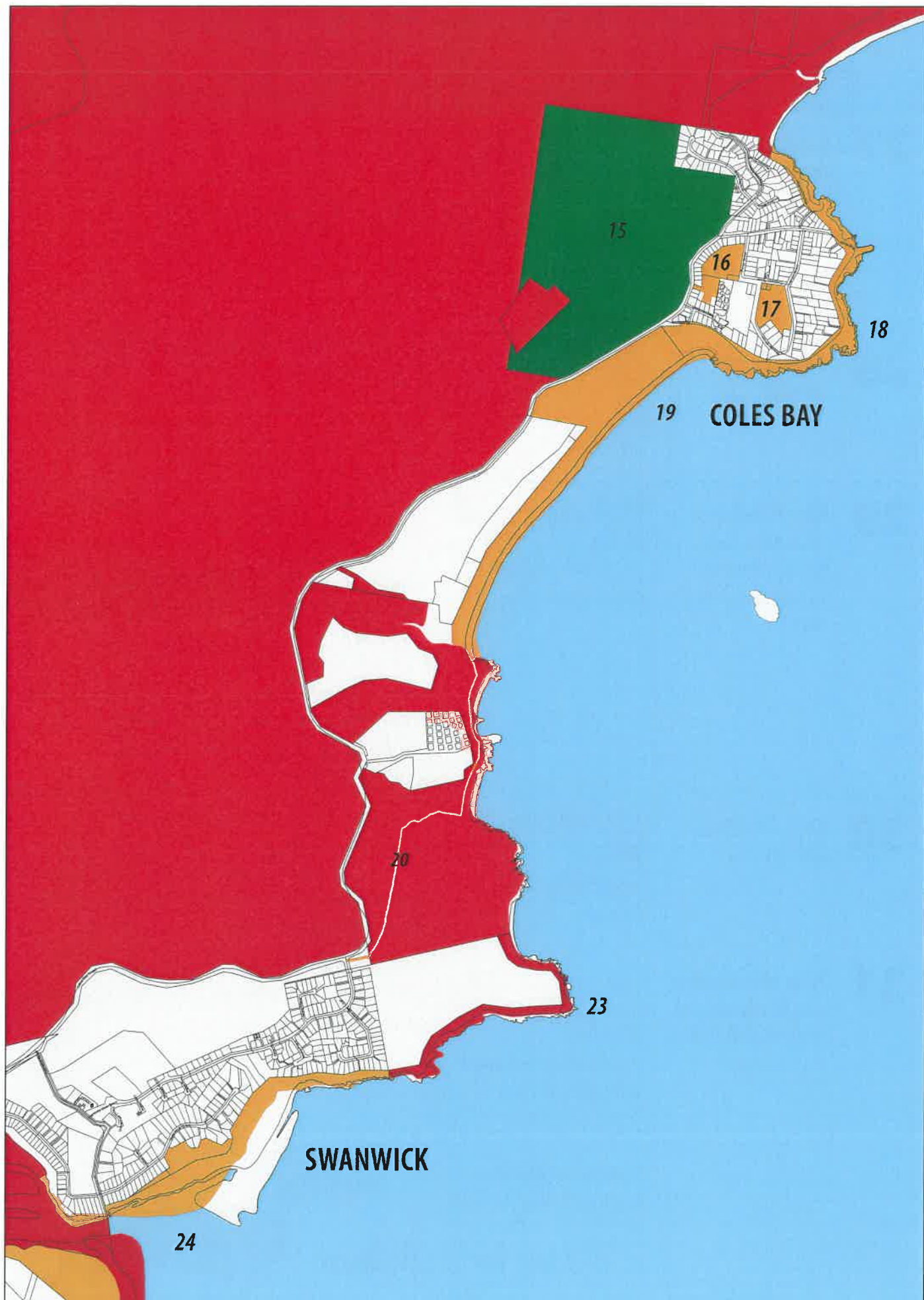
COLES BAY & SWANWICK

Dog Zone No.	Area description	DOG ZONE RULES	Justification
21	Corridor along track and foreshore linking Hazards View Road to the northern end of Muirs Beach (Coles Bay Conservation Area) (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Dogs must be on lead through this access corridor as marked. Principally due to wildlife habitat values within this part of the Coles Bay Conservation Area
22	Telstra Track (Coles Bay Conservation Area) (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Dogs must be on lead through this multi-use access corridor as marked. Principally due to wildlife habitat values within this part of the Coles Bay Conservation Area
23	Hepburn Point foreshore (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Dogs prohibited due to wildlife habitat
24	Foreshore of Hazards View and Swanwick subdivision (Coles Bay Conservation Area and Moulting Lagoon Game Reserve) including Swanwick Bay (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> between 10am to 6pm from 1 st Dec to 1 st March <i>Dogs Under Effective Control</i> at all other times	Sandpiper Beach is the main public beach for the increasing Swanwick and Hazards View communities. During peak hours of the peak summer season the beach is busy and dogs must be on a lead for public safety and social equity Outside of the peak hours dog owners may walk their dogs off lead. However, owners should return their dogs to a lead as required, to avoid potential conflict with other beach users or when shorebirds are sighted nearby on the beach
		<i>Dogs Prohibited</i>  from entering shorebird protection fenced off areas at all times.	The high tide zone of the beach is known to be a nesting site for Hooded Plover and Pied Oystercatchers. Protection fences will be installed to designate a prohibited area during the breeding season for humans and dogs to protect nest sites






COLES BAY & SWANWICK

Dog Zone No.	Area description	DOG ZONE RULES	Justification
25	Moulting Lagoon Game Reserve: foreshore and waterways including Meredith Point subdivisions and Pelican Bay (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> unless by general authority for duck hunting purposes only during the duck season. <i>(Note there is an exemption to allow dogs on lead at River and Rocks Campsite) (see 26).</i>	<p>Wetland and waterfowl habitat of the Internationally significant Moulting Lagoon.</p> <p>Legislation allows duck hunters to use dogs specifically for retrieving ducks. Dogs permitted only during the duck-hunting season and must be under effective control of their owners</p>
26	River and Rocks Campsite, Moulting Lagoon Game Reserve (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times (and dogs only permitted in the campsite area)	<p>Authority to have dogs within public camping area providing they are on a lead at all times and not outside of the campsite area. (i.e. Not onto Moulting Lagoon Foreshore area)</p>

COLES BAY & SWANWICK









SWANSEA & NINE MILE BEACH

Dog Zone No.	Area description	DOG ZONE RULES	Justification
27	Bagot Point day use area (CLS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times in day use area and boat launching area	Day Use Only. Dogs on lead at all times
28	Bagot Point sandspit (CLS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Shorebird breeding and feeding habitat on the river mouth sand delta Protection fences may be installed during the breeding season to protect nesting birds
29	Nine Mile Beach (excluding Swan & Meredith River mouth areas) (CLS / PWS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> at all times	Designated Dog Exercise Area along beach adjacent to Dolphin Sands subdivision Owners should be aware of potential conflict situations and immediately return their dog to a lead as required The steeper nature of this beach does not generally provide for optimum shorebird breeding habitat, however if sighted please keep well clear from shorebirds
30	Meredith River mouth (CLS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Dogs prohibited in area above wet sand. <i>Dogs can be walked on lead along wet sand of beach until past river mouth</i> . Significant populations of waterfowl and shorebirds breeding and feeding within the mouth and sand delta of the river
31	Nine Mile Beach to the Northern end of Jubilee Beach to (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> between 10am to 6pm from 1 st Dec to 1 st March <i>Dogs Under Effective Control</i> at all other times	Popular public beach requires dogs to be on a lead during summer months and under effective control at all other times





Sammy the Dachshund

SWANSEA & NINE MILE BEACH

Dog Zone No.	Area description	DOG ZONE RULES	Justification
32	Jubilee Beach, beach, jetty and parkland/ playground/BBQ area to end of Waterloo Beach (CLS/Council)	DOG RESTRICTED AREA  Dogs Prohibited  between 10am to 6pm from 1 st Dec to 1 st March Dogs on Lead at all other times	Main public beach, parkland and jetty area in Swansea. No dogs during peak times of summer season. Public safety and social equity reasons
33	Waterloo Beach to Gordon Street Boat ramp (excluding the Loontitetermairrehoiner Track) . (CLS / Council)	DOG RESTRICTED AREA  Dogs on lead between 10am to 6pm from 1 st Dec to 1 st March Dogs under effective control at all other times	Popular public beaches during peak use season therefore dogs on lead Dogs under effective control at other times however owners should return dogs to lead when potential conflict situations arise
34	Loontitetermairrehoiner (Waterloo Point) Walking Track (CLS / PWS / Council)	DOG RESTRICTED AREA  Dogs Prohibited  during night hours from DUSK till DAWN from 1 st Sept to 31 st April Dogs on Lead at all other times	Short tailed Shearwater (Tasmanian Muttonbird) breeding colony on Waterloo Point (and adjacent to walking track) between September to April each year. Birds return to burrows in evening Popular walking track all year round. Dogs on lead during September – end of April
35	Swansea Duck Park both sides of Saltwater Lagoon (PWS / Council)	DOG RESTRICTED AREA  Dogs on lead at all times	Popular walking track and picnic area within Swansea township. Dog on lead at all times for public safety and social equity reasons

SWANSEA & NINE MILE BEACH

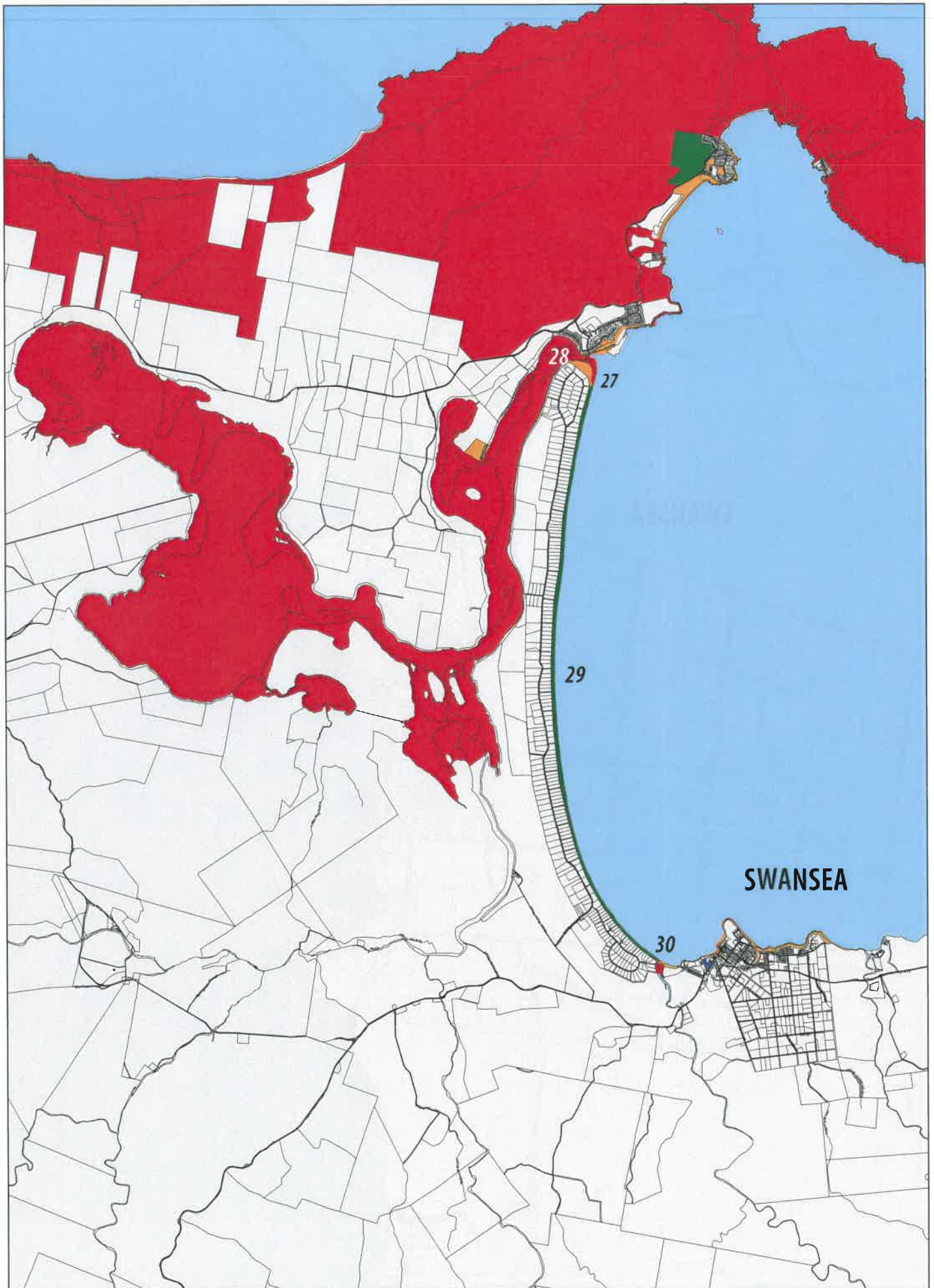
Dog Zone No.	Area description	DOG ZONE RULES	Justification
36	Gordon Street Boat Ramp along beaches and foreshore south to Stoney River (Coswell Beach Conservation Area) (PWS)	<p>DOG RESTRICTED AREA </p> <p>Dogs Prohibited  from all beach dune areas and within signposted penguin colony areas</p> <p>Dogs on Lead between 10am to 6pm from 1st Dec to 1st March on all beach areas (and at all times on foreshore walking tracks)</p> <p>Dogs Under Effective Control at all other times</p>	<p>All beach dunes in this area contain wildlife values, in particular Penguin colonies. Dogs are prohibited in all dunes and areas signposted as bird breeding areas</p> <p>Public beaches within the Swansea township with increasing local population using the beaches during peak times of summer. Public safety and social equity</p> <p>Outside of peak times owners may walk dogs off lead, however please return dogs to lead when near shorebirds or other beach users to avoid disturbance and conflict</p>






SWANSEA



NINE MILE BEACH







CRESSY, SPIKY, KELVEDON & MAYFIELD

Dog Zone No.	Area description	DOG ZONE RULES	Justification
37	Cressy Beach Conservation Area (PWS)	<p>DOG RESTRICTED AREA </p> <p>Dog Prohibited  Area at all times on the dunes of Cressy Beach</p> <p>Dogs on lead on beach east from access track and at all times in the carpark/ day use area</p> <p>Dogs under effective control at all times on the beach west from the beach access track (and outside of breeding season for eastern end)</p>	<p>Sensitive shorebird (September until March) and Short-tailed Shearwater (September to April) breeding colony in the dunes</p> <p>Dogs on lead east of the beach access track all year</p> <p>West from the beach access track, dogs may be walked on the beach off lead, but under effective control. However should be returned to a lead when a potential disturbance or conflict situation arises</p>
38	Spiky Beach Conservation Area (PWS)	<p>EXERCISE AREA </p> <p>Dogs under effective control at all times and on lead on carpark and access track</p>	<p>Owners may take their dogs off lead but under effective control at all times while on the beach, Owners should return their dogs to a lead when potential conflict situations arise with other beach users</p>




Colby the German Shepherd

CRESSY, SPIKY, KELVEDON & MAYFIELD

Dog Zone No.	Area description	DOG ZONE RULES	Justification
39	Kelvedon Beach Conservation Area (PWS)	<p>DOG RESTRICTED AREA </p> <p>Dog Prohibited  Area north of the beach access</p> <p>Dogs under effective control on the beach south from the public car park</p> <p>Dogs on lead in the public car park and picnic area</p>	<p>The northern part of Kelvedon beach and Troyhelener Lagoon supports sensitive shorebird breeding and feeding sites</p> <p>Dogs are permitted off lead, but under effective control to the south from the beach access however should be returned to a lead when a potential disturbance or conflict situation arises.</p> <p>Dogs on lead in car park and picnic area</p>
40	Mayfield Beach Conservation Area (PWS)	<p>DOG RESTRICTED AREA </p> <p>Dogs on lead at all times within the campsite area</p> <p>Dogs on lead on beach in front of campsite between 1st Dec to 1st March</p> <p>Dogs under effective control along the beach area south from the campsite but to be kept on the wet sand</p> <p>Dogs Prohibited  from entering shorebird protection fenced off areas at all times</p>	<p>Public camping site - Dogs must be on lead at all times within the campsite</p> <p>During the summer, the beach in front of Mayfield campsite is busy with families enjoying the beach. Dogs must be on lead during this time for public safety and social equity</p> <p>On the beach south from the campsite area, owners may walk dogs off lead but under effective control, However should return their dogs to a lead to avoid disturbance to shorebirds or potential conflict with other beach users</p> <p>Shorebirds are known to breed at the southern end of Mayfield Bay. Shorebird protection fences will be installed to designate a prohibited area during the breeding season for humans and dogs</p>



CRESSY, SPIKY, KELVEDON & MAYFIELD





Dog Zone No.	Area description	DOG ZONE RULES	Justification
41	Little Christmas Island Nature Reserve (PWS)	PROHIBITED AREA  <i>Dog Prohibited Area</i> at all times	Significant Little Penguin and Short-tailed Shearwater colony present on island



MAYFIELD








LITTLE SWANPORT & BOLTONS BEACH

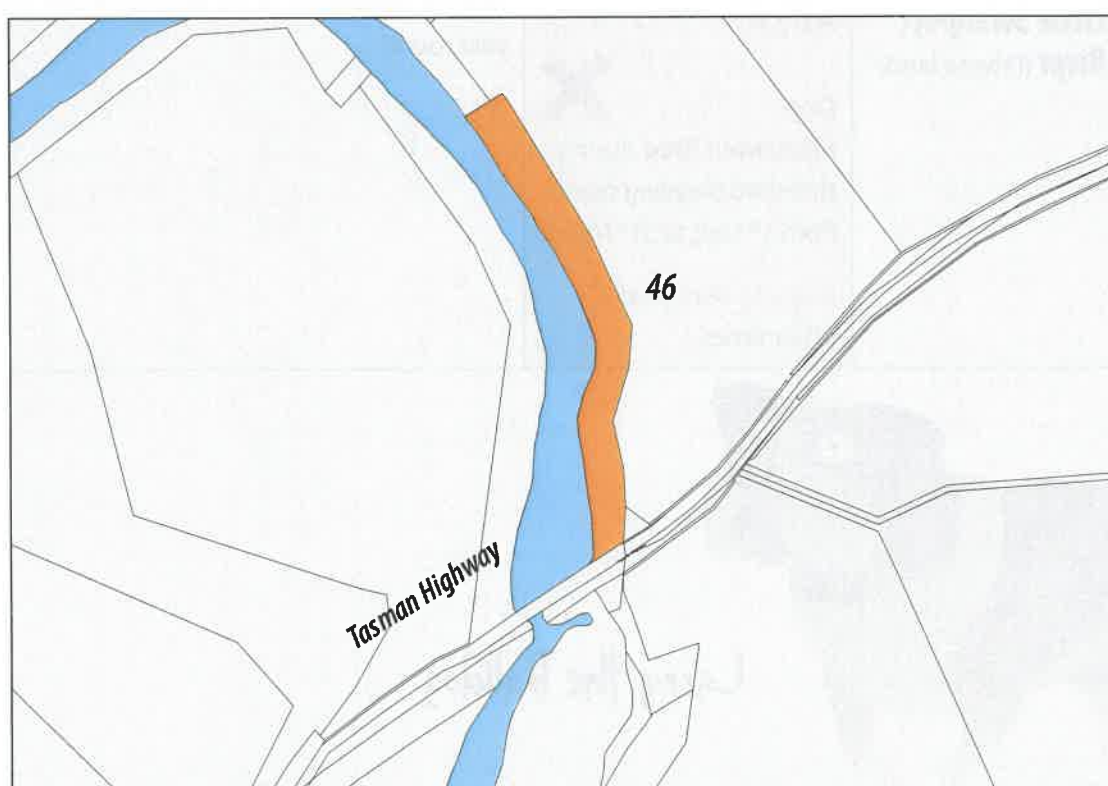
Dog Zone No.	Area description	DOG ZONE RULES	Justification
42	Northern end of Saltworks Coastal Reserve (Northern beach) (CLS / PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Significant threatened shorebird species breeding and feeding area
43	Saltworks Coastal Reserve and the northern side of the Little Swanport River mouth (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> on main Saltworks beach (<i>in front of the ruins</i>) between 10am - 6pm from 1 st Dec - 1 st March (<i>and on roads, walking tracks and around the jetty at all times</i>) <i>Dogs Under Effective Control</i> at other times in the large open area of the reserve	Popular beach and historic attraction. Also a popular jetty. Public safety and social equity Large open reserve for public use. Dogs may be walked off lead, when not on roads, however should be returned to a lead nearby other visitors to avoid conflict
44	Southern side of the mouth of the Little Swanport River (Private land)	DOG RESTRICTED AREA  <i>Dog Prohibited Area</i>  during shorebird breeding season from 1 st Sept to 31 st March <i>Dogs on lead</i> at all other times.	Significant shorebird breeding and feeding site on the delta at the mouth of the river southern side year round



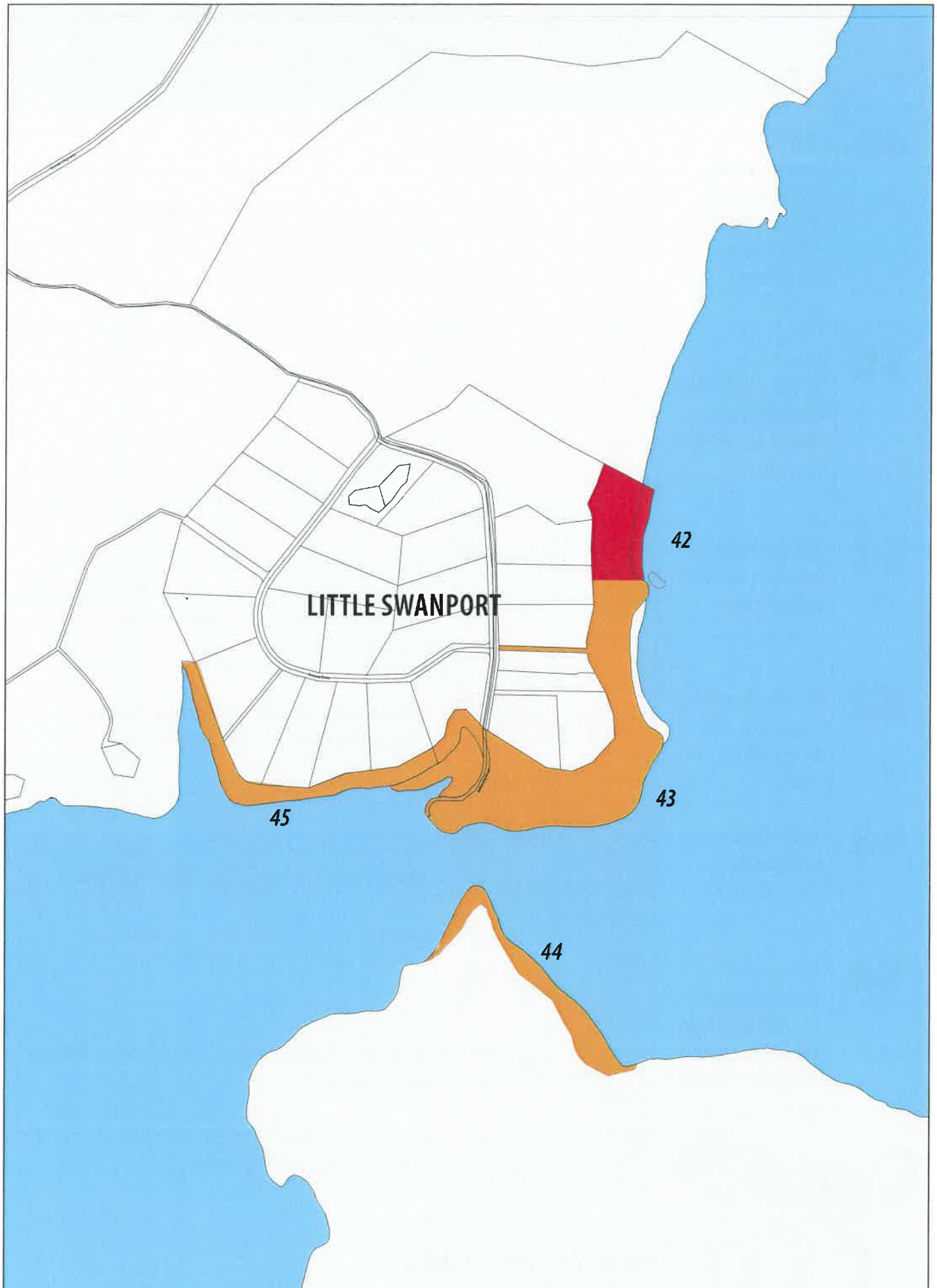
Larry the Bulldog

LITTLE SWANPORT & BOLTONS BEACH








Dog Zone No.	Area description	DOG ZONE RULES	Justification
45	Foreshore area of the Little Swanport Estuary and Coastal Reserve (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Estuary foreshore adjacent to private property – not generally accessible to public. Shorebird feeding areas present
46	Little Swanport River (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Popular fishing location. Public safety and social equity
47	Boltons Beach Conservation Area north of beach access track (PWS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> along the beach area north from the beach access track but to be kept on the wet sand	Beach environment with shorebird breeding and feeding populations year round 
48	Boltons Beach Conservation Area south of beach access track (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Significant habitat of threatened shorebird species including Hooded Plovers breeding and feeding populations all year round

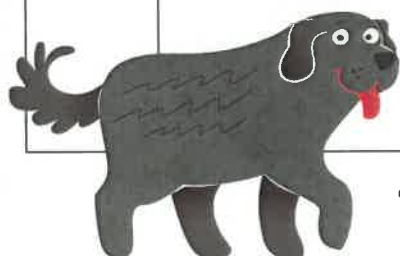


LITTLE SWANPORT & BOLTONS BEACH



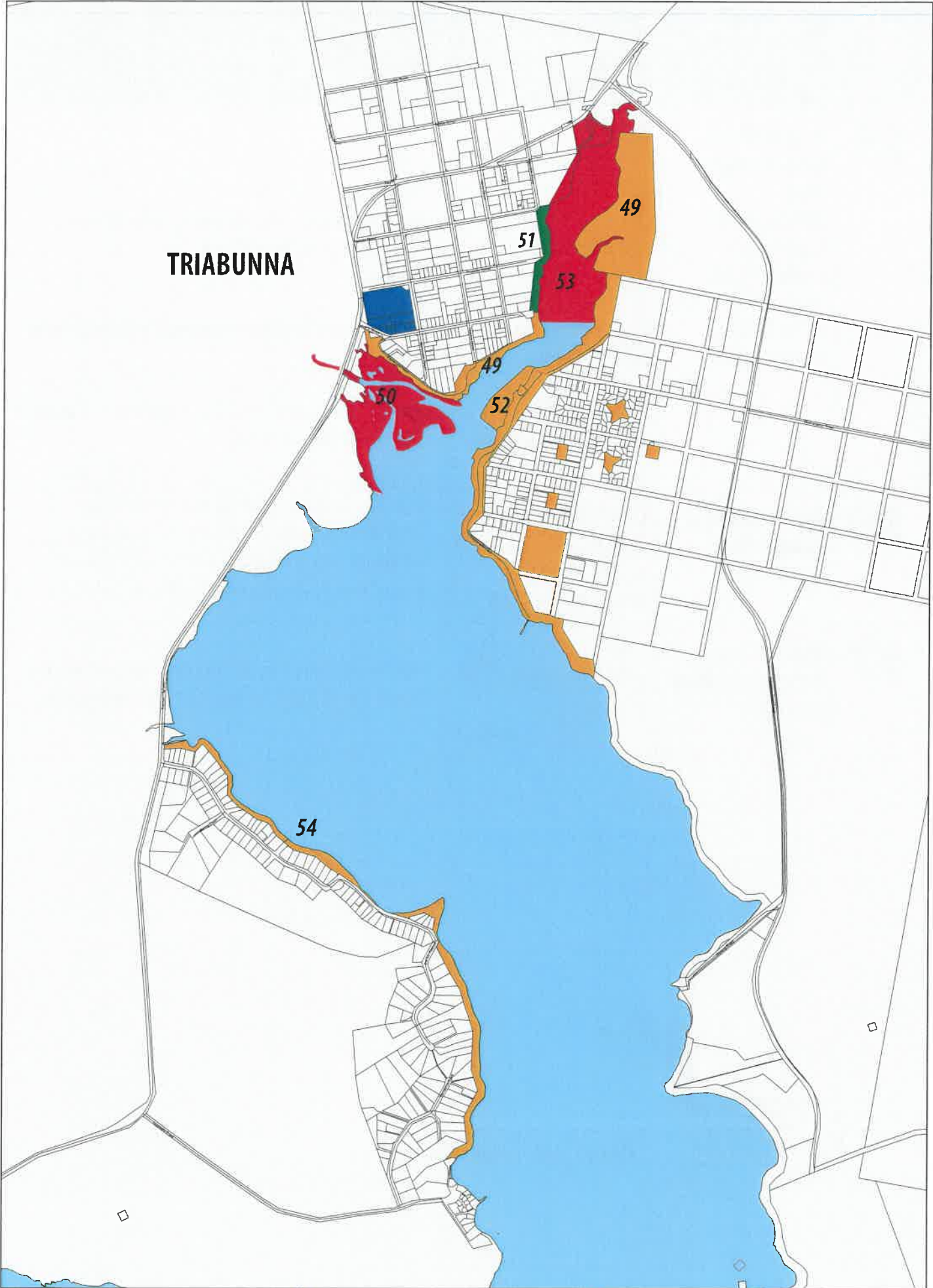
SPRING BAY INCL. TRIABUNNA & BARTON AVE

Dog Zone No.	Area description	DOG ZONE RULES	Justification
49	DPIPWE / Council Reserves and Foreshore areas including marina in Triabunna township (CLS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	In built up areas for reasons of public safety and social equity
50	MacLaines Estuary including Dead Man's Island (CLS / PWS / Council)	DOG RESTRICTED AREA  <i>Dog Prohibited</i>  <i>Area</i> at all times	Significant shorebird habitat area and important area for pelicans, ducks and cormorants
51	Pelican walk – western side of estuary (CLS / Council)	EXERCISE AREA  <i>Dogs Under Effective Control</i>	Open space in town with good visibility and away from roads. Dogs not to go down to the estuary and please be mindful of other uses and place dogs on leads if need be
52	Pelican Reserve – eastern side of estuary (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Coastal reserve adjoining estuary and road leading to old sewerage lagoons. Lots of bird values
53	Triabunna saltmarsh (CLS / PWS / Council)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Significant saltmarsh and waterbird habitat including resident and visiting pelicans, ducks, cormorants
54	Barton Ave foreshore from Double Creek on the Tasman Hwy to Louisville (CLS / PWS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times on narrow walking tracks. <i>Dogs Under Effective Control</i> on open grassed areas (not on saltmarsh)	In built up areas for reasons of public safety. Popular walking area No dogs are to be allowed on the saltmarsh due to vegetation and wildlife habitat






Sooty the newfoundland

SPRING BAY INCL. TRIABUNNA & BARTON AVE







ORFORD TO STAPLETON BEACH

Dog Zone No.	Area description	DOG ZONE RULES	Justification
55	Raspins Beach Conservation Area (PWS/Council) Excluding the sandspit in the Prosser River mouth, which is a Dog Prohibited Area	DOG RESTRICTED AREA  <i>Dogs on Lead</i> 10am - 6pm from 1st Dec - 1st March. <i>Dogs on Lead</i> on all walking tracks <i>Dogs Under Effective Control</i> at other times	Popular area for locals and tourists all year round. Public safety and social equity Dogs must be on leads on walking tracks at all times Generally quiet beach the rest of the year and popular dog exercise area for locals
56	Orford Sandspit, Prosser River (CLS / Council)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	Important shorebird habitat and breeding area – including endangered Fairy Terns. No dogs (or humans) at any time. Signs and fenced areas will be erected during the shorebird breeding season
57	Prosser River Estuary foreshore (CLS / PWS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Popular walking / bicycle track for locals and tourists all year round. Public safety and social equity issue









Arial the Dalmation

ORFORD TO STAPLETON BEACH

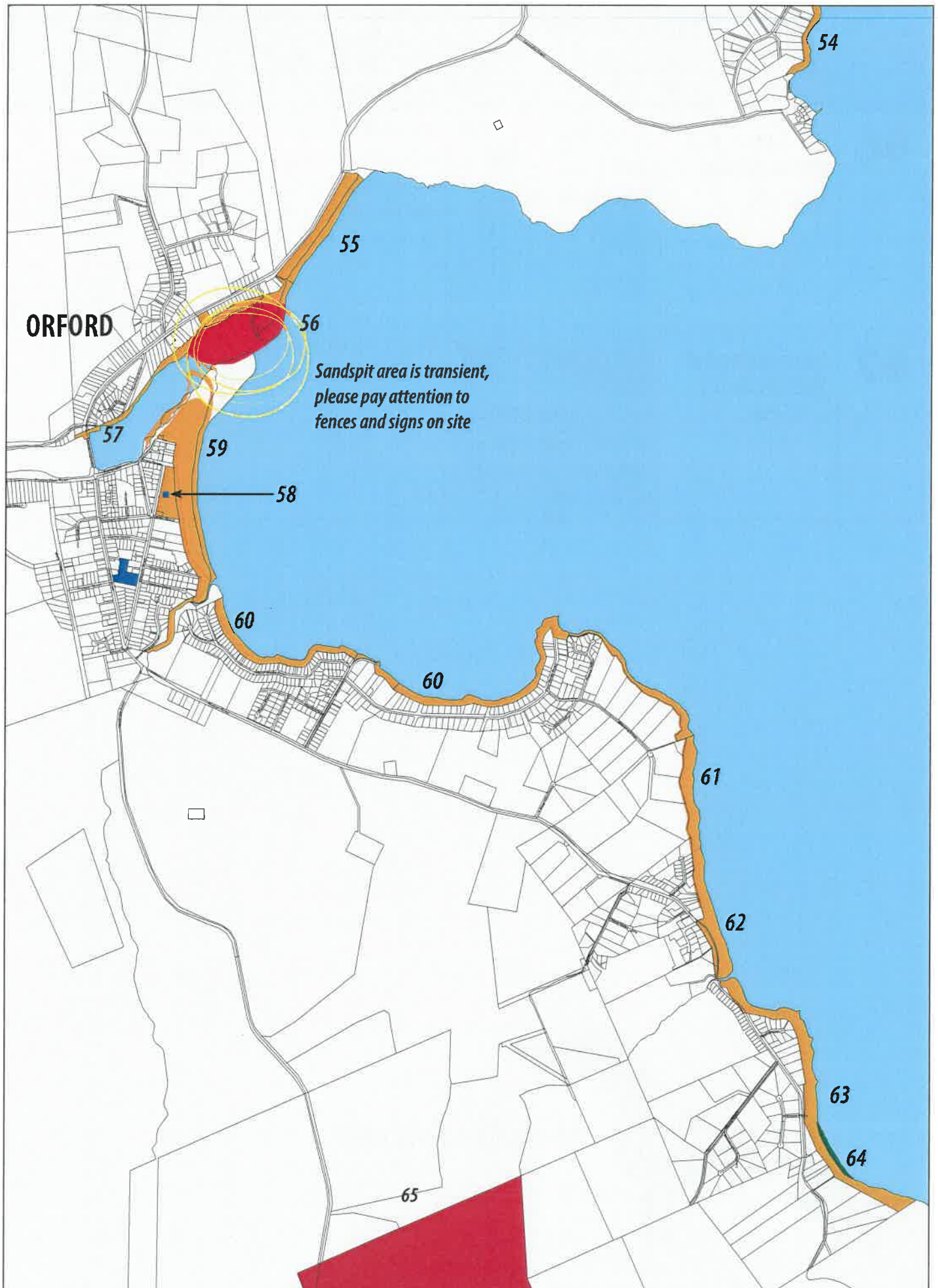
Dog Zone No.	Area description	DOG ZONE RULES	Justification
58	Our Park and 10 Minute Track, Orford (CLS / PWS / Council), vegetated areas and walking tracks within Millingtons Beach Conservation Area (PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Popular area for locals and tourists all year round. Public safety and social equity issue
	Our Park playground (Council)	PROHIBITED AREA  <i>Dog Prohibited Public Area</i> at all times in playgrounds	Playgrounds are a prohibited public area
59	Orford / Millingtons Beach (Millingtons Beach Conservation Area) (PWS)	DOG RESTRICTED AREA  <i>Dogs on Lead</i> 10am - 6pm from 1 st Dec - 1 st March on beach between Our Park to Rudd Avenue <i>Dogs Under Effective Control</i> north of Our Park and at other times	Popular family swimming beach. Dogs on lead between 10am - 6pm in peak use season. Public safety and social equity issue Dog exercise area close to town. Dogs must still be under effective control and not allowed to run in the dunes and through pine trees (sensitive wildlife area)
60	East and West Shelly Beach (CLS / Council) including public reserve	DOG RESTRICTED AREA  <i>Dogs on Lead</i> 10am to 6pm from 1 st Dec to 1 st March <i>Dogs Under Effective Control</i> at other times	Popular swimming and boating beach. Dogs on lead between 10am and 6pm in peak use season. Public safety and social equity. Dogs under effective control on beach in low season and in early mornings and evening during peak season. Dogs not to roam through vegetation along the coastal reserve





ORFORD TO STAPLETON BEACH

Dog Zone No.	Area description	DOG ZONE RULES	Justification
61	Shelley Beach to Spring Beach walking track (CLS / PWS / Council)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Popular walking track. Public safety, social equity as well as wildlife present in coastal vegetation along the path
62	Spring Beach (CLS / Council)	DOG RESTRICTED AREA  <i>Dogs on Lead</i> at all times from the 1 st Aug to 1 st April <i>Dogs Under Effective Control</i> from 1 st April to the 31 st July.	Public safety and social equity reasons. Significant shorebird values
		Dogs prohibited  from entering shorebird protection fenced off areas and in coastal vegetation at all times.	Fences to be erected when shorebirds are breeding and no dogs to enter vegetated areas to protect other sensitive wildlife
63	South of Spring Beach along the walking track to headland beyond Stapleton Beach (CLS / PWS)	DOG RESTRICTED AREA  <i>Dogs on lead</i> at all times	Popular walking track. Public safety and wildlife along path
64	Stapleton Beach (CLS)	EXERCISE AREA  <i>Dogs Under Effective Control</i>	Designated Dog Exercise Area Generally quiet beach and limited shorebird values. Please respect other beach users and place dogs on leads if required
65	Three Thumbs State Reserve (PWS)	PROHIBITED AREA  <i>Dogs Prohibited</i> at all times	State Reserve tenure does not permit dogs. Sensitive wildlife habitat

ORFORD TO STAPLETON BEACH



RHEBAN BEACH

Dog Zone No.	Area description	DOG ZONE RULES	Justification
66	Northern end of Rheban Beach (CLS / PWS)	EXERCISE AREA  <i>Dogs Under Effective Control</i> for access area for 1km south until next sign.	Low level of public use and limited bird values. However care needs to be taken when boats are launching. Respect other users (including horse riders) and place dogs on lead if need be. Keep dogs out of dunes at all times
67	Southern end of Rheban Beach (CLS / PWS)	PROHIBITED AREA  <i>Dog Prohibited Area</i> at all times beyond the sign 1km south of the public access point.	Significant shorebird breeding and feeding habitat areas



Harry the Doberman

RHEBAN BEACH



2.7 Deed Coles Bay Trailer Parking

Responsible Officer – General Manager

Background

The Tasmanian Government has approved a grant to assist the Glamorgan Spring Bay Council to undertake a new boat trailer parking development in Coles Bay including:

- (a) construction of formalised boat trailer parking and associated safe pedestrian egress (footpath) in Harold Street, Coles Bay; and
- (b) improved parking and traffic management (including the boat ramp access) in Garnett Avenue, Coles Bay through directional and management signage.

Stage 1 \$91,500 (ex GST) Completed December 2019
Four parallel boat trailer parks in Harold Street adjacent to the recreation reserve.

Stage 2 \$139,500 (ex GST) Completed April 2020
Concrete footpath along Harold Street (from Cosgrove Street to Jetty Road) and signage.

Stage 3 \$161,500 (ex GST) Completed April 2020
Construction of car parking allowing ten boat trailer parks adjacent the Coles Bay Community Hall (as per the Freycinet Peninsula Master Plan page 108). *Site layout will allow for an additional seven trailer parks on the southern side to be constructed at a future date.

Total estimated cost is \$392,500. Glamorgan Spring Bay Council are not required to contribute funds toward this project.

The total number of boat trailer parks created in Harold Street Coles Bay through the \$400,000 funding totals fourteen.

Recommendation

That Council endorses the \$400,000 grant from State Government for Coles Bay Boat Trailer Parking, includes the grant in its 2019/2020 Budget and directs the General Manager to execute the Deed on behalf of the Glamorgan Spring Bay Council.

2.8 Swansea Destination Action Plan (DAP) Sign

Responsible Officer – General Manager

Background

The Swansea DAP are currently developing a tourism information sign for Swansea. Originally the DAP were going to have an architect design a totally new structure that would incorporate a visual signboard and locate it at the front of the Visitor Information Centre in Noyes Street.

The Group then approached Council to place a sign on the new Loo with a View structure (closest to the street).

During previous discussions the DAP Group requested a Council budget allocation of \$25,000 in the 2019/2020 Budget. Council did not allocate any funds for this project.

The sign requested by the DAP Group would be 2.4m x 1.2m and placed on the new Loo with a View structure (closest to the street).

This matter is tabled for Councils consideration of the placement of the proposed sign on the Loo with a View only.

Recommendation

For Councils consideration and decision.

2.9 Dog Exercise Yards

Responsible Officer – General Manager

Background

Through the Federal Government Funding *Drought Communities Programme* the Glamorgan Spring Bay Council received funding to construct dog exercise areas at Bicheno, Coles Bay, Swansea, Triabunna, Orford and Buckland.

Council placed an advertisement in the Examiner and The Mercury for the intention to declare dog exercise areas with submissions closing on 18 September 2019. A summary of representations has been provided in this Agenda for Councils consideration.

It is an expectation of the Federal Government that all works associated with the funding will be completed by 31 December 2019.

Attachments:

1. Dog Exercise Areas – Summary of Representations
2. Copy of the Representations emailed to Councillors separately

Recommendation

For Councils consideration and decision.

DOG EXERCISE AREAS**Summary of Representations**

Location	Comments and Notes
Bicheno	<p>Nine submissions. All were generally in favour of an exercise area but all but one were concerned that the proposed area would impact on penguin habitat due to the proximity to the foreshore.</p> <p>These concerns have led to a moratorium on the proposed location and it appears a suitable alternative site cannot be found in the immediate future. (In the event that the dog exercise area for Bicheno is not endorsed by Council, further discussions will need to occur with the Federal Government Department and Council regarding the granted \$20,000).</p>
Swanwick	<p>Eleven submissions were received and all were in favour. There were suggestions for minor location alterations. These will be considered in the final construction phase.</p>
Swansea	<p>One submission from Birdlife Tasmania raised concerns regarding the Sheerwater Colony adjacent to the proposed area. The fenced area will be restricted to the existing mowed area (away from the Sheerwater habitat) and the existing dog restrictions to the adjacent Waterloo Point will be retained.</p>
Triabunna	<p>Two submissions were received. One was positive and one was in favour of the exercise areas but concerned as to the location. This location is considered well suited and will be monitored for any negative feedback.</p>
Orford	<p>Seven representations were received. Two were supportive (provided existing areas of dog control etc. were retained and the location was held over until the Foreshore Management Plan was finalised. The remainder did not support the concept. They generally felt that the funds should be spent on other local foreshore projects and/or felt the areas were not necessary in a rural municipality.</p>
Buckland	<p>One (negative) representation was received. This representation felt that enclosed exercise areas were not necessary in a rural municipality. This concern overlooked the value of these areas to less ambulant dog owners who will require a restricted area to ensure adequate control with minimum physical effort.</p>
General	<p>Ten representations were received that were not specifically related to sites. All ten were fully supportive. Two of these requested separation areas – this will be addressed by ensuring each area has two exercise areas for the purpose of separation should this be required.</p>

Representation Notes:

The suggested elimination of a Bicheno exercise area reflects serious and valid concerns as to the current instability of the penguin population. The location was a difficult choice as there was no suitable alternate location.

The Buckland and Orford representations raised issues that were not specifically relevant to the funding criteria. The comments regarding the size of, and the need for, and funding requirements did not address any issues that warranted reconsideration of the proposal. There is a clear mandate of support for the principle of fenced and serviced dog exercise areas. The funding for the drought relief program is subject to clearly expressed criteria - to foster wellbeing in a time of drought-induced community stress. Regardless of the many other possible initiatives where funding is needed, the opportunity to provide a safe and amenable area for human and canine interaction (particularly for the less mobile in our community) is worthy of encouragement, not derision.

The remainder of the areas can be utilised provided they are constructed with careful consideration of the concerns raised – this is particularly the case with the proximity to the Sheerwater colony habitat at Swansea.

Standard Facilities:

The recommended requirements for enclosed off-leash dog exercise areas are provided in two main 'manuals'. *The Tasmanian Off-leash Dog Park Design - Design Planning and Management Handbook* and *Notes from Australian Dog Park Manual*. These documents include recommended facilities to service the areas. They include adequate and appropriate fencing, fresh water drinking supply, waste management, shade areas, seating, special access requirements, etc.

The budgeted funding for each area allows for the provision of the recommended facilities and the layout of the areas has been designed to comply with the recommended structural design and facility recommendations.

Conclusion:

The provision of off-leash dog exercise areas to this municipality is an unprecedented concept. It is understandable that there will be a degree of scepticism from some within the community. The 'manuals' both provide rationale for provision of these areas and the community benefits they potentially provide.

As to the claims of irrelevance in our rural towns (as opposed to city suburbs), this issue is clearly a matter of relative scale. Numbers of users may vary but relevance remains a valid reason for their construction. The size, layout and locations of the areas have been chosen so as to provide a moderate yet satisfactory degree of experience. Utilising a user survey, similar to the sample provided at the rear of the *The Tasmanian Off-leash Dog Park Design - Design Planning and Management Handbook*, Council could monitor this feature.

Keith Breheny
October 2019

3. Confidential Item (Closed Session)

The Mayor to declare the meeting closed under regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 Statutory Rules 2015, No.38 the meeting will be closed to the public according to regulation 15 (2) (d) *contracts and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.*

Recommendation

That Council moves into a closed session (Time).

The live streaming and recording of meeting will now be switched off. Mayor to check that the streaming has been terminated.

4. Close

The Mayor will declare the Special Meeting closed at (Time).

CONFIRMED as a true and correct record.

Date:

Mayor Debbie Wisby