



1-1

Gov 6(1)

**NORTHERN MIDLANDS COUNCIL
MINUTES – ORDINARY MEETING
21 SEPTEMBER 2020**

297/20 PROPOSAL FOR THE COUNCIL OWNED PROPERTY AT 32 NORFOLK STREET, PERTH

Responsible Officer: Des Jennings, General Manager
Report prepared by: Des Jennings, General Manager

1 PURPOSE OF REPORT

The purpose of this report is to bring to the attention of Council a proposal submitted by Mr Robert Henley in relation to its property holding at 32 Norfolk Street, Perth.

2 INTRODUCTION/BACKGROUND

On 14 August 2020 a request and the following proposal was received from Mr Robert Henley in relation to its land holding at 32 Norfolk Street, Perth, copy attached.

1. *Name the public open space along Sheep Wash Creek the "Dolly Dalrymple Reserve".*
2. *Reorganise the subdivision boundaries at 32 Norfolk St so the cottage retains its current garden size, making it more attractive to potential purchasers in terms of its ability to be developed as a family home and thus potentially increase the revenue to the Council as the larger block would be worth more than a smaller block.*
3. *The Council, as owners of lot 2 and 3, would then be able to rehabilitate and restore the well (currently on lot 2 of the subdivision) and include this a special feature of the Dolly Dalrymple Reserve. E13.1.1 (a-e) of the Planning Scheme is concerned with the preservation and protection of historic cultural heritage. While the well is not included in the identified heritage places, the comment from the Council's Heritage Advisor demonstrates that the well is worthy of protection under the Planning Scheme. It would seem that Council has a moral as well as legal responsibility to protect the well.*
4. *The Reserve should be developed with walking paths, mass tree planting to attract birds and other natives species which have been "dislodged" since the gum trees and other shrubs and grasses have been removed from the area, including the clearing undertaken for the Cromwell St development. The reinstatement of some type of picnic/bbq area and appropriate shelter structures should also be considered.*
5. *Develop appropriate information panels outlining the history of Dolly Dalrymple, Adye Douglas and Frederick Houghton, the well, the history of Sheep Wash Creek, the history of Norfolk St as the main road and its alteration with the development of the train line.*

As per Council's decision to subdivide 32 Norfolk Street, works are well progressed and include:

- The formal subdivision is near finalisation
- Certificates of Titles are in preparation – with the well to be identified on the Certificate of Title
- Part Five Agreement is in train, detailing fencing type, finish and floor slab level
- Water and sewerage is connected to Lot 2
- Contract entered into for the supply of services to Lot 2
- Fencing contractor engaged and works near completion
- Contract for kerb, water table and footpath to be approved at September Council meeting (part of 10 Norfolk Street works).

Subsequently, as the project is well progressed, it is recommended that Council give consideration to the naming of the reserve and that the community be surveyed on the naming and the option of dual naming.

To progress the dual naming option:



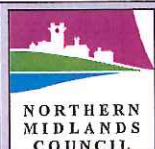
NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 21 SEPTEMBER 2020

- a) application must be completed providing supporting evidence including evidence of consultation with relevant aboriginal communities and organisations, consultation with local councils, statutory entities and landowners, and evidence that the proposed name conforms to the Tasmanian Place Naming Guidelines.
- b) applications are considered by the Reference Group.
- c) the Panel has established an annual calendar for Aboriginal and Dual Name submissions. Submissions are required to be received by the Registrar of Place Names prior to the end of March each year, following which they will be referred to the Reference Group for consideration and advice back to the Panel. The Reference Group will provide its report to the Panel by the end of September each year, to enable a recommendation to the Minister by the end of December. The timetable has been adopted to ensure there is sufficient time for the Reference Group to engage with all necessary stakeholders and to prepare its report for the Panel.

3 STRATEGIC PLAN 2017-2027

The Strategic Plan 2017-2027 provides the guidelines within which Council operates.

- Lead –
 - Leaders with Impact
Core Strategies:
 - ◆ Communicate – Connect with the community
 - ◆ Lead – Councillors represent honestly with integrity
 - ◆ Manage – Management is efficient and responsive
 - Money Matters
Core Strategies:
 - ◆ Budgets are responsible yet innovative
 - ◆ Improve community assets responsibly and sustainably
 - Best Business Practice & Compliance
Core Strategies:
 - ◆ Council complies with all Government legislation
- Progress –
 - Strategic Project Delivery – Build Capacity for a Healthy Wealthy Future
Core Strategies:
 - ◆ Strategic, sustainable, infrastructure is progressive
 - Economic Development – Supporting Growth & Changes
 - ◆ Towns are enviable places to visit, live & work
 - ◆ Developers address climate change challenges
 - ◆ Maximise external funding opportunity
- People –
 - Sense of Place – Sustain, Protect, Progress
Core Strategies:
 - ◆ Council nurtures and respects historical culture
 - ◆ Developments enhance existing cultural amenity
 - Lifestyle – Strong, Vibrant, Safe and Connected Communities
Core Strategies:
 - ◆ Living well – Valued lifestyles in vibrant, eclectic towns
 - ◆ Communicate – Communities speak & leaders listen
 - ◆ Participate – Communities engage in future planning
 - ◆ Connect – Improve sense of community ownership
 - ◆ Caring, Healthy, Safe Communities – Awareness, education & service
- Place –
 - Environment – Cherish & Sustain our Landscapes
Core Strategies:
 - ◆ Cherish & sustain our landscapes
 - ◆ Meet environmental challenges



NORTHERN MIDLANDS COUNCIL MINUTES – ORDINARY MEETING 21 SEPTEMBER 2020

- History – Preserve & Protect our Built Heritage for Tomorrow
Core Strategies:
 - ◆ Our heritage villages and towns are high value assets

4 POLICY IMPLICATIONS

No policy implications are identified.

5 STATUTORY REQUIREMENTS

Planning approvals have been given for the subdivision and the open space declared for both 10 and 32 Norfolk Street.

Local Government (Meeting Procedures) Regulations 2015

18. Motion to overturn decision

- (1) For the purposes of this regulation, a decision may be overturned, wholly or partly, by –
- (a) a motion directly rescinding or otherwise overturning the decision or part of the decision; or
 - (b) a motion that conflicts with, or is contrary to, the decision or part of the decision.
- (2) A council or council committee may only overturn a decision passed at a previous meeting held since the last ordinary election –
- (a) by an absolute majority, in the case of a council; or
 - (b) by a simple majority, in the case of a council committee.
- (3) Any report given by the general manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include –
- (a) a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision; and
 - (b) the details of that previous decision, or the part of that previous decision, that would be overturned; and
 - (c) advice as to whether or not that previous decision, or that part of that previous decision, directed that certain action be taken; and
 - (d) if that previous decision, or that part of that previous decision, directed that certain action be taken, advice as to whether or not that action has been wholly or substantially carried out.

Works are well progressed as identified earlier in this report.

If Council was to support the motion put forward by Mr Henley, the current subdivision approval and works on the site would need to be set aside.

Council would be required to initiate a new subdivision and also remove infrastructure that has been constructed on site that formed part of the original approval and have portions of agreed contractual arrangements also set aside. Contractual agreements are in place for TasNetworks and NBN is being progressed together with 10 Norfolk Street works.

To progress the dual naming option:

- a) application must be completed providing supporting evidence including evidence of consultation with relevant aboriginal communities and organisations, consultation with local councils, statutory entities and landowners, and evidence that the proposed name conforms to the Tasmanian Place Naming Guidelines.
- b) applications are considered by the Reference Group.
- c) the Panel has established an annual calendar for Aboriginal and Dual Name submissions. Submissions are required to be received by the Registrar of Place Names prior to the end of March each year, following which they will be referred to the Reference Group for consideration and advice back to the Panel. The Reference Group will provide its report to the Panel by the end of September each year, to enable a recommendation to the



**NORTHERN MIDLANDS COUNCIL
MINUTES – ORDINARY MEETING
21 SEPTEMBER 2020**

Minister by the end of December. The timetable has been adopted to ensure there is sufficient time for the Reference Group to engage with all necessary stakeholders and to prepare its report for the Panel.

6 FINANCIAL IMPLICATIONS

An estimate of expenditure to date is \$12,000, inclusive of subdivision and works on site; all associated costs incurred have as yet not been recognised.

Costs have included the actual site surveys, preparation of subdivision plans and necessary reports, including: Bushfire Hazard Assessment Report and Hazard Management Plan; Noise and Vibration Report; and Extant Record to support the development application.

The actual water and sewerage connection to Lot 2 have also been completed and contractor engaged to erect fencing for Lots 1 and 2.

The expected income from the residence on the Lot is expected to be in excess of \$220,000 and \$140,000 plus for Lot 2.

If Council was to agree to the proposal, the income from Lot 2 would be forgone.

7 RISK ISSUES

Council's Officers have expended funds to implement its decision related to the subdivision at 32 Norfolk Street. An amendment to the Development Application would necessitate expenditure of additional funds above those spent to date.

The loss of the income from the sale of Lot 2 would impact the future development of the site, as additional funds will need to be sought from other avenues, or impact other developments that would benefit from the estimated \$140,000 loss.

8 CONSULTATION WITH STATE GOVERNMENT

A new development application may necessitate consultation with authorities, including: TasWater and Tasrail.

9 COMMUNITY CONSULTATION

The initial development application required public consultation with the subdivision of the land.

10 OPTIONS FOR COUNCIL TO CONSIDER

Council may either take no action or give consideration to the suggestions made by Mr Henley.

1. *Name the public open space along Sheep Wash Creek the "Dolly Dalrymple Reserve".*
2. *Reorganise the subdivision boundaries at 32 Norfolk St so the cottage retains its current garden size, making it more attractive to potential purchasers in terms of its ability to be developed as a family home and thus potentially increase the revenue to the Council as the larger block would be worth more than a smaller block.*
3. *The Council, as owners of lot 2 and 3, would then be able to rehabilitate and restore the well (currently on lot 2 of the subdivision) and include this a special feature of the Dolly Dalrymple Reserve. E13.1.1 (a-e) of the Planning Scheme is concerned with the preservation and protection of historic cultural heritage. While the well is not included in the identified heritage places, the comment from the Council's Heritage Advisor demonstrates that the well is worthy of protection under the Planning Scheme. It would seem that Council has a moral as well as legal responsibility to protect the well.*



**NORTHERN MIDLANDS COUNCIL
MINUTES – ORDINARY MEETING
21 SEPTEMBER 2020**

4. *The Reserve should be developed with walking paths, mass tree planting to attract birds and other natives species which have been “dislodged” since the gum trees and other shrubs and grasses have been removed from the area, including the clearing undertaken for the Cromwell St development. The reinstatement of some type of picnic/bbq area and appropriate shelter structures should also be considered.*
5. *Develop appropriate information panels outlining the history of Dolly Dalrymple, Adye Douglas and Frederick Houghton, the well, the history of Sheep Wash Creek, the history of Norfolk St as the main road and its alteration with the development of the train line.*

As works have substantially commenced and are nearing completion, the Officer’s recommendation is that Council give consideration to the naming of the reserve , along with the option of dual naming.

11 OFFICER’S COMMENTS/CONCLUSION

In his document, Mr Henley has put forward the following suggestions:

1. Name the public open space along Sheep Wash Creek the “Dolly Dalrymple Reserve”.

Council may wish to consider seeking community comment on the naming of the public open space the “Dolly Dalrymple Reserve”.

Dual naming is also an important consideration.

2. Reorganise the subdivision boundaries at 32 Norfolk St so the cottage retains its current garden size, making it more attractive to potential purchasers in terms of its ability to be developed as a family home and thus potentially increase the revenue to the Council as the larger block would be worth more than a smaller block.

The actual finalisation of the subdivisions at 10 and 32 Norfolk Street are near completion, with title preparation well underway. Water and sewerage is also now connected to the new block with a fencing contractor engaged and works in progress.

3. The Council, as owners of lot 2 and 3, would then be able to rehabilitate and restore the well (currently on lot 2 of the subdivision) and include this a special feature of the Dolly Dalrymple Reserve. E13.1.1 (a-e) of the Planning Scheme is concerned with the preservation and protection of historic cultural heritage. While the well is not included in the identified heritage places, the comment from the Council’s Heritage Advisor demonstrates that the well is worthy of protection under the Planning Scheme. It would seem that Council has a moral as well as legal responsibility to protect the well.

The area of Lot 2 is 500m² (Lot 1 is 450m²), with the remaining 3,711m² (balance of the Lot) declared as public open space, a significant portion of land set aside by Council of the area for community purpose, for passive recreation purposes.

The actual well is not heritage listed, but Council is identifying the well on the Title of the property to protect the well. The well has also been capped to protect the infrastructure.

4. The Reserve should be developed with walking paths, mass tree planting to attract birds and other natives species which have been “dislodged” since the gum trees and other shrubs and grasses have been removed from the area, including the clearing undertaken for the Cromwell St development. The reinstatement of some type of picnic/bbq area and appropriate shelter structures should also be considered.

Council has endorsed the overall master plan for the Sheepwash Creek envelope, which includes future shared paths, appropriately located landscape planting that does not interfere with stormwater management and other passive recreational infrastructure.

A Water Sensitive Urban Design is currently being prepared for portion of number 10 Norfolk Street.



**NORTHERN MIDLANDS COUNCIL
MINUTES – ORDINARY MEETING
21 SEPTEMBER 2020**

5. *Develop appropriate information panels outlining the history of Dolly Dalrymple, Adye Douglas and Frederick Houghton, the well, the history of Sheep Wash Creek, the history of Norfolk St as the main road and its alteration with the development of the train line.*

Interpretation signage is a worthwhile initiative and is currently a component of the Perth Main Street Master Plan planning process, with a standard template in development.

As per Council's decision to subdivide 32 Norfolk Street, works are well progressed and near completion.

Subsequently, it is recommended that Council give consideration to the naming of the reserve and that the community be surveyed on the naming and the option of dual naming.

12 ATTACHMENTS

12.1 Dolly Dalrymple Reserve - A Proposal to the Northern Midlands Council

RECOMMENDATION

That Officer's survey the Perth Community on the proposal to name the reserve the "Dolly Dalrymple Reserve"; and explore the dual naming of the reserve with a further report back to Council.

The General Manager, Mr Des Jennings, drew the attention of Councillors to the following statement, submitted by Ms Kerry Donoghue of Perth, which was circulated to Councillors prior to the meeting:

I would like an explanation as to how you can "workshop" an idea today about the convict well in Norfolk Street when, last week, you enclosed it behind a paling fence to prepare the block for sale.

Your moral bankruptcy astonishes me. You have taken from Perth a possible great tourist attraction. You have made an unpromising area uglier. You are prepared to sell a block of land that has water on, in and under it.

There are other questions I have about the cottage that you have robbed of its garden. What happened to the palings that you removed? I asked if I could have them if you were throwing them out or purchase them. I have received no response.

What happened to the old sign post outside the cottage? Since September last year I have expressed interest in purchasing it for my coaching inn front garden. Again, no response.

Have they been destroyed or has someone taken them?

The convict well deserved to be celebrated, not erased!

What is your frenetic need to squeeze every dollar out of an area that could have become a lovely part of the recreational edge of Perth.

DECISION

Cr Polley/Cr Goninon

That the matter be discussed.

Carried unanimously

Cr Polley/Cr Calvert

That the name "Dolly Dalrymple Reserve" be put forward for the reserve formed by the subdivision at 10 and 32 Norfolk Street Perth.

Carried

Voting for the motion:

Mayor Knowles, Cr Adams, Cr Calvert, Cr Davis, Cr Goss, Cr Lambert, Cr Polley

Voting against the motion:

Cr Brooks, Cr Goninon

Cr Polley/Cr Lambert

That Council note the receipt of Ms Donoghue's letter.

Carried unanimously