



BURNIE
CITY COUNCIL

MINUTES

Ordinary Meeting

TUESDAY, 25 MAY 2021

7.00PM

CITY OFFICES, 80 WILSON STREET, BURNIE

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO077-21	COUNCILLOR DECLARATIONS OF INTEREST	9
AO078-21	CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING OF COUNCIL HELD ON 27 APRIL 2021	9
<i>MOTIONS ON NOTICE</i>		
AO079-21	MOTION ON NOTICE - PARKING	11
AO080-21	MOTION ON NOTICE - LIGHT UP NORFOLK PINES, BASS HIGHWAY	14
AO081-21	MOTION ON NOTICE - BURNIE REGIONAL ART GALLERY BUDGET	16
<i>PUBLIC QUESTION TIME</i>		
AO082-21	PUBLIC QUESTION TIME	18
<i>PLANNING AUTHORITY</i>		
AO083-21	TASMANIAN PLANNING SCHEME STATE PLANNING PROVISIONS RESIDENTIAL USE AND DEVELOPMENT WITHIN A TOWN CENTRE	24
AO084-21	LAND USE PLANNING TASMANIAN PLANNING SCHEME PERMIT APPLICATION DA 2021/40 SHOPS X 2 AND MULTIPLE DWELLINGS X 2 24A TERRYLANDS STREET, HILLCREST	38
<i>OFFICERS' REPORTS</i>		
<i>WORKS AND SERVICES</i>		
AO085-21	LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO BAYVIEWS RESTAURANT AND LOUNGE BAR 2 NORTH TERRACE, BURNIE CT VOLUME 147506, FOLIO 1	127
AO086-21	LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO FISH FRENZY 2 NORTH TERRACE, BURNIE CT VOLUME 147506, FOLIO 1	137

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO087-21	LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO ZODIACS GYMNASTICS CLUB INC 10 SMITH STREET, WIVENHOE CT VOLUME 167400, FOLIO 1	145
<i>CORPORATE AND BUSINESS SERVICES</i>		
AO088-21	POLICY REVIEW - PUBLIC INTEREST DISCLOSURES	154
AO089-21	RISK MANAGEMENT FRAMEWORK	200
AO090-21	LIVESTREAMING OF COUNCIL MEETINGS	219
<i>GENERAL MANAGER</i>		
AO091-21	GENERAL MANAGER'S REPORT - OPEN SESSION	234
<i>MINUTES AND REPORTS OF COMMITTEES</i>		
AO092-21	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE CONFIRMED MINUTES OF MEETINGS HELD ON 11 JANUARY 2021 AND 1 MARCH 2021	243
AO093-21	UPPER NATONE RESERVE SPECIAL COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 26 APRIL 2021	249
AO094-21	QUARTERLY REPORT TO TASWATER OWNERS' REPRESENTATIVES - PROGRESS UPDATE TO 31 MARCH 2021	251
<i>NON AGENDA ITEMS</i>		
AO095-21	NON AGENDA ITEMS	269

**MINUTES OF THE OPEN SESSION ORDINARY MEETING
OF THE BURNIE CITY COUNCIL
HELD AT THE CITY OFFICES ON TUESDAY, 25 MAY 2021**

HOUR: 6.00pm – 6.01pm
7.00pm – 8.18pm

TIME OCCUPIED: 1 hour 19 minutes

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

Officers in Attendance:

General Manager (S Overland), Director Land and Environmental Services (P Earle), Director Works and Services (G Neil), Director Corporate (B Lynch), Chief Financial Officer (B Pilgram), Executive Manager Corporate Governance (M Neasey), Governance Officer (N French) and Media and Communications Officer (D Bellamy).

APOLOGIES: There were no apologies tendered.

'CLOSED SESSION': COUNCIL

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

	Meeting Regulations Reference
AC045-21 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC046-21 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 27 APRIL 2021	15(2)(g)
AC047-21 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC048-21 TAS COMMUNICATIONS PTY LTD - QUARTERLY REPORT	15(2)(g)
AC049-21 COMMUNICATIONS JOURNAL - BURNIE AIRPORT CORPORATION	15(2)(i)
AC050-21 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC051-21 MEMORANDUM OF UNDERSTANDING	15(2)(g)
AC052-21 BURNIE CITY COUNCIL AUDIT COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 28 APRIL 2021	15(2)(g)
AC053-21 NON AGENDA ITEMS	15(2)(f)
AC054-21 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC055-21 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC056-21 COMPLETION OF CLOSED SESSION / MEETING ADJOURNMENT	15(2)(f)

RECOMMENDATION

“THAT the meeting be closed to the public to enable Council to consider agenda items AC045-21 to AC056-21 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

COUNCIL RESOLUTION**Resolution number: MO074-21****MOVED:** Cr C Lynch**SECONDED:** Cr A Keygan

“THAT the meeting be closed to the public to enable Council to consider agenda items AC045-21 to AC056-21 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

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

Against:

CARRIED UNANIMOUSLY

Reg Confidential Reason

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

In accordance with Regulation 34(1)(b) of the *Local Government (Meeting Procedures) Regulations 2015*, it is reported that the following matters were considered in Closed Session:

Agenda Item	Title	Brief Description
AC045-21	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC046-21	Confirmation of Minutes of the Closed Session Meeting of Council held on 23 March 2021	A motion to confirm the Minutes of the previous meeting
AC047-21	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC048-21	Tas Communications Pty Ltd – Quarterly Report	A report to receive the quarterly report from Tas Communications, which is a wholly owned entity of Council
AC049-21	Communications Journal – Burnie Airport Corporation	A report to consider correspondence from the Burnie Airport Corporation
AC050-21	General Manager’s Report – Closed Session	A report that considers various operational updates of a confidential nature
AC051-21	Memorandum of Understanding	A report to consider a draft Memorandum of Understanding
AC052-21	Burnie City Council Audit Committee Unconfirmed Minutes of Meeting held on 28 April 2021	A report to receive the Minutes of the Burnie City Council Audit Committee and consider any recommendations
AC053-21	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC054-21	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC055-21	Authorisation to Disclose Confidential Information	A report that authorises the Mayor and General Manager to disclose information if required during the course of implementing the decisions of Council
AC056-21	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of Closed Session

RESUMPTION

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

ACKNOWLEDGEMENT OF COUNTRY

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

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

AUDIO RECORDING

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

PRAYER

The meeting was opened with prayer by Pastor Scott Camac of Lifehouse Church.

AO077-21 COUNCILLOR DECLARATIONS OF INTEREST

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

There were no declarations of interest.

AO078-21 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING OF COUNCIL HELD ON 27 APRIL 2021

RECOMMENDATION:

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 27 April 2021, be confirmed as true and correct.”

COUNCIL RESOLUTION

Resolution number: MO075-21

MOVED: Cr C Lynch

SECONDED: Cr G Simpson

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 27 April 2021, be confirmed as true and correct.”

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

Against:

CARRIED UNANIMOUSLY

MOTIONS ON NOTICE**AO079-21 MOTION ON NOTICE - PARKING**

FILE NO: 15/5/2, 21/32054
PREVIOUS MIN:

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

“THAT Council:

- 1) Retain the first hour free in the MSCP;**
- 2) Adjust the second and subsequent hours in the MSCP as per schedule below;**
- 3) Increase on-street parking to \$2.00 per hour;**
- 4) Introduce Early Bird Parking in the MSCP; and**
- 5) Allocate unsuitable vehicle (car) locations for free motorcycle parking.”**

COUNCILLOR’S COMMENTS**Increase metered street spaces <2 hrs and MTCP to \$2.00/hr for 2nd and subsequent hours**

- 5-year average paid hours 2012/13- 2016/17 on meters <2 hrs = 331, 724 hours
- Adjust 5 year average for 5% loss if MTCP free 1st hour (331,724 x 0.95) = 315,138 paid hours
- Increase < 2 hr meter to \$2.00 (315,138 hours x \$2.00 = \$630,276)
- Increased revenue on <2 hr meters @\$2.00/hr = \$99,498
- MTCP paid occupation > 1 hour = 220,693 hours
- MTCP revenue @\$1.40/hr on 220,693 hours = \$308,970
- Increase MTCP to \$2.00/hr for 2nd and subsequent hours (220,693 hrs x \$2.00) = \$441,386
- Increased revenue (\$441,386 - \$308,970) = \$132,416
- Total increase revenue = \$231,914
- Shortfall = \$8086.

The first hour free in the car park is the trade off for all adjustment to parking fees. The idea that Council continues blindly on a policy that is hemorrhaging approximately \$240,000 per year whilst reducing services borders on insanity. A review of usage indicates that behaviours haven’t changed substantially and the fear that everyone will stay for one hour and leave have been disproven.

Following the University’s absorption of the majority of free parking behind their building there is a need for hundreds of “workers” to access affordable parking. There are those on Council who lose sight that those most affected are the lower paid workers in Burnie.

Monthly fees are too much for a part-time/casual employment and full fee services negate the point of working. Our policies are elitist in nature.

In all decisions you consider what the desired outcome is; I would suggest that the following resonate with the Council and people of Burnie:

1. A fair parking regime for the people of Burnie and visitors to our city
2. Greater use of the MSCP. The MSCP reaches a maximum most weeks/days/months of 40% occupancy or better put - 60% availability (390 spaces)
3. A fair return on investment and a fair income for the city of Burnie to be utilized for the benefit of residents.
4. An ability of residents and visitors to access parking facilities at a fair and reasonable cost
5. Fees that are commensurate with earnings and that everyone can access the parking that is affordable for their personal situation

To achieve the desired results have taken many turns over the years with strong resistance by Council Officers and some Councillors who believe our role is to maintain the status quo. We recently discovered – this is not necessarily in the best interest of the city. Doing what we have always done and increasing fees incrementally year by year takes little imagination nor does it necessarily meet the needs of the residents, workers, business owners or visitors.

We need a paradigm shift that encompasses the changes to employment statuses, recognizes the need to help the displaced workers, and assist short-term and long-term parking requirements in Burnie. The above motion meets the needs of all sectors and allows Council to stop the parking losses and allows us to balance the budget with sensible decisions.

GENERAL MANAGER'S COMMENTS

This motion groups together suggestions to adjust various parking rates, together with the provision of free motor cycle parking which has been considered and not supported in the past. Extensive advice has been provided in past reports relating to CBD parking.

It is recommended that Council consider any proposed parking rate changes as part of its budget deliberations in order to understand and model the impacts on the broader budget, together with the aims it is trying to achieve.

Motions put forward in this way are without strategic context and risk a disconnected and piecemeal approach to financial management and delivery of Council priorities and services.

COUNCIL RESOLUTION**Resolution number: MO076-21****MOVED:** Cr K Dorsey**SECONDED:** Cr G Simpson***“THAT Council:***

- 1) Retain the first hour free in the MSCP;***
- 2) Adjust the second and subsequent hours in the MSCP as per schedule below;***
- 3) Increase on-street parking to \$2.00 per hour; and***
- 4) Investigate means to introduce Early Bird Parking in the MSCP.”***

The motion was not put due to the following amendment motion

MOVED: Cr D Pease**SECONDED:** Cr C Lynch***“THAT the motion be amended by removing points 2, 3 and 4.”*****For:** Cr A Boyd, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr D Pease.**Against:** Cr S Kons, Cr T Brumby, Cr K Dorsey, Cr T Bulle.**CARRIED**

The amendment motion then became the motion

“THAT Council retain the first hour free in the MSCP.”**For:** Cr A Boyd, Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr D Pease.**Against:** Cr S Kons, Cr T Brumby, Cr A Keygan, Cr T Bulle.**CARRIED**

MOTIONS ON NOTICE**AO080-21 MOTION ON NOTICE - LIGHT UP NORFOLK PINES, BASS HIGHWAY**

FILE NO: 15/5/2, 21/32054
PREVIOUS MIN:

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

“THAT Council install “up-lights” on the Norfolk Pines along the Bass Highway eastern entrance to the city.”

COUNCILLOR’S COMMENTS

We have had a proposal to make Burnie a “City of Lights”. Whilst I personally don’t agree with all aspects of the proposals, the idea has some merit. The entry to Burnie from the East is relatively spectacular and lighting the way into the city would be an invitation to the great city of Burnie.

The idea that the city is kaput needs to be dispelled. The misinformation and accusations that Council funds have been mismanaged is misguided and erroneous. The idea that the city is falling into disrepair and is unable to sustain operations is a fallacy. The suggestion that Burnie stop progressing and putting on hold any advancement is akin to a betrayal of the city.

GENERAL MANAGER’S COMMENTS

There are no discretionary funds available to implement this motion. Council is entering its budget preparation process for the coming year, and in the current financial climate, discretionary funding will continue to be limited as Council focuses on its core priorities.

Motions put forward in this way are without strategic context and may lead to a disconnected and piecemeal approach as it is not based on agreed strategic priorities which are developed through the planning and budget process, taking into account highest risk areas, core operational objectives and asset renewal priorities.

Should the motion be supported it would not only be difficult to finance within existing constraints, but disruptive to planned works and risks distracting management from focusing on the delivery of agreed outcomes for the year.

COUNCIL RESOLUTION

Resolution number: MO077-21

MOVED: *Cr K Dorsey*

SECONDED: *Cr G Simpson*

“THAT Council investigate the installation of “up-lights” on the Norfolk Pines along the Bass Highway eastern entrance to the city.”

For: Cr S Kons, Cr K Dorsey, Cr C Lynch, Cr G Simpson.

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

LOST

MOTIONS ON NOTICE**AO081-21 MOTION ON NOTICE - BURNIE REGIONAL ART GALLERY BUDGET**

FILE NO: 15/5/2, 21/32054
PREVIOUS MIN:

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

“THAT Council eliminate the Burnie Regional Art Gallery budget of \$20,400 for art acquisition for the year 2021/22 and increase it in subsequent years to \$25,000 PA accumulating.”

COUNCILLOR’S COMMENTS

Council is closing the Art Gallery for an extended period to repurpose the AFC to become the cultural hub for the city. As the city does not have a gallery director nor has one been appointed, it seems a bit redundant to allocate funds to purchase art without direction or intent.

During this period, the funds budgeted for purchases can be allocated to a more useful endeavour of promoting the city and introducing new concepts and ideas to make Burnie 2030 a reality.

Once the newly refurbished gallery is opened and through consultation between the Gallery Director, established art groups, experts and artist determine the allocation of funds to enhance and build our collection.

To do so should not have a stipulated requirement that the funds need to be spent in the year they were allocated and that any residual funds be carried forward each year – this creates a greater opportunity to purchase more substantial pieces of art to enhance the cultural dimensions of the city.

GENERAL MANAGER’S COMMENTS

This matter should be considered in the context of the full operational and capital budget deliberations, by weighing up this suggestion alongside all other priorities for the Council. It may be considered an appropriate allocation at that time, but it should not be made as a standalone decision through a motion outside the budget process.

It is recommended that this motion not be supported, but is noted that the suggestion can be considered in the context of the relevant budget discussions at that time.

COUNCIL RESOLUTION**Resolution number: MO078-21****MOVED:** *Cr K Dorsey***SECONDED:** *Cr C Lynch****“THAT Council give consideration to the following:***

- ***Increased funding for art acquisitions;***
- ***Increased funding for art exhibitions; and***
- ***Increased funding for public art.”***

For: *Cr S Kons, Cr K Dorsey, Cr C Lynch, Cr G Simpson, Cr D Pease.***Against:** *Cr A Boyd, Cr T Brumby, Cr A Keygan, Cr T Bulle.****CARRIED***

PUBLIC QUESTION TIME**AO082-21 PUBLIC QUESTION TIME****FILE NO: 15/5/5**

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

Our Process for Public Questions

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

You can submit your question at any time prior to this online at www.burnie.net. There is a limit of two questions per person.

Your question will be read out by the Mayor during the meeting.

Council Meetings are recorded.

Please note:

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

Ruth Cresdee asked:

1. *Last New Year's Eve, the Burnie Yachties Club ran a function on the foreshore for 2 days and 2 nights. I consider the volume of noise from this was unacceptable and offensive. I don't believe that the conditions of the permit that council issued for this function were met. What is council doing to follow up on this discrepancy?*
2. *What can I and/or council do if they have another function where this occurs, in order to have the volume decreased?*

The Mayor replied that a written response would be provided.

Patrick Grieve asked:

1. *Who from the public have Hirst Concepts consulted with on the redevelopment of the Arts and Function Centre and will the rate payers of this municipality have the opportunity to have input into the final design and be able to recommend changes if the design does not meet community needs?*

The Mayor replied that Hirst Projects are the consultants who previously developed the business case for the North West Museum and Art Gallery and have been engaged to develop the business case for the refurbishment of the Burnie Arts and Function Centre. Hirst Projects have a well-developed understanding of Burnie arts and culture.

There has been limited public consultation in the development of the current business case.

There will be public consultation once the business case has been received and considered by Council. The community will have the opportunity to provide input, but the refurbishment will be delivered within the available funds.

2. *Given the critical role that the Burnie Regional Art Gallery has in providing curated exhibitions that are used as an educative tool for the schools in this region and the wider public, can the Burnie City Council guarantee that a suitably qualified professional will continue to pursue a curatorial program within the Burnie Regional Art Gallery.*

The Mayor replied that Burnie City Council will recruit a suitably qualified curator and curatorial staff for the new integrated facility.

Ian Cowan asked:

1. *Old Surrey road is covered in mud this time of year from log trucks coming in and out of the old pulp site. Mud is carried all the way up the highway nearly to Reeves St. I have contacted the council about this issue before. What can be done about this mess?*

The Mayor replied that a written response would be provided.

Jo Shugg asked:

1. *In April 2018 BCC rejected a recommendation for a statewide rise in rates. Would a rate rise, three years ago in 2018 have prevented the accumulation of debt and loss of amenity that our community faces today?*

The Mayor replied that this is a hypothetical question and do not believe that it is helpful or productive to engage in speculative debate about what the current situation might be had a different decision been made three years ago. For example, had such a decision been made in 2018, it may have resulted in other decisions that would have

put Council in a worse position now. It is simply impossible to say.

2. *Significant changes are afoot for the Burnie Community. No prior discussion with the community or stakeholders. What will the process be for community discussion in reshaping our Burnie community?*

The Mayor replied that the core purpose of the Council is to make informed decisions in the best interests of the Burnie community over the long-term. This necessarily involves balancing a wide range of often competing interests. Councillors, as the elected representatives of the Burnie community, reflect our community and bring their own experiences and understanding of the needs and wants of the community to Council decision making. There are times, such as at present, when very difficult decisions need to be made in circumstances that do not lend themselves to community consultation.

Burnie City Council has and will continue to consult with the whole Burnie community, as appropriate.

Ian Jones asked:

1. *What stage is the budgetary process at. Are the recently announced decisions irrevocable?*

The Mayor replied that generally most decisions that have been made and publically announced are irrevocable. Council is in the process of setting the budget potentially for the next council meeting and over the next few weeks will be discussing fees and charges. The rest of the decisions, and as far as capital is concerned, and a lot of the major decisions Council has announced over the last few weeks, are formulated on the basis of the Financial Management Strategy which sets the direction for Council over the next decade.

Heather Wild asked:

1. *With regard to the State Government...Can you explain why Burnie City Council's gallery and museum has never received recurrent funding from the state government in the same way as TMAG and QVMAG, how your recent announcements have impact the existing operational grants council receives from the state government, and what is the nature of support recently offered by Mr Gutwein to assist Council through its immediate financial crisis?*

The Mayor replied that the funding to TMAG and QVMAG were based on historic decisions made many years ago. The State Government used to provide recurrent funding but the philosophy for funding to Local Government and other associations and groups has changed dramatically where they do not give recurrent funding prefer to give grants. Burnie used to received \$60K in recurrent funding and after a long period of discussion, that amount was increased substantially in recent years.

The announcement that we recently made has had no repercussions on Council at this point in time. We will have ongoing discussions to ensure that is retained. The Mayor has spoken with Mr Gutwein and it was in caretaker mode at that point in time. The Mayor has spoken with the Local Government Division of State Government to explain the situation and will be in contact with them in the next few weeks to continue discussions now that the government has been finalised.

2. *With regard to our volunteers...Can you explain why our dedicated, knowledgeable and passionate volunteers who's work in recent years is directly related to the unique experience the city offers and also Burnie's rise as a tourist destination (particularly for cruise ships) have received no formal communication from council about the announcement of closure of the VIC and will there be a place for them in any new forms of visitor attractions and support or has council decided this immense bank of goodwill and human capital is dispensable.*

The Mayor replied that Council has not decided that they are dispensable. Approximately 150 letters were signed off as soon as decisions were made to try and get information out to the community to as many groups within our database that could be contacted. Consultation could not occur earlier because of staff matters. There has never been a decision of this Council to set aside our volunteers. We value them and have supported them in the past and continue to support them. There are still discussions and a long way to go in how we reshape the process into the future.

Jude Ball asked:

1. *Page 195 of the April minutes shows payments to consultants for work on the NWMAG totalling almost \$500,000. Are these already deducted from the \$5 million council will use to refurbish the new unified Arts and Function Centre facility – have any other expenses been deducted – in short, how much remains in the (yet to be formally approved) grant for this ambitious refurbishment?*

The Mayor replied that the initial grant was \$5 million for museum and art gallery. The amount spent to date has been on fees for architects, designers and consultants for the new building that was going to be built. Council will respond to clarify the amount spent.

Council is in the process of applying to the Commonwealth Government to repurpose the money to use it as effectively and usefully as we can rather than lose it. Council will also be seeking funding from the State Government and also consider a contribution by Council.

2. *The Making Burnie 2030 Strategic Plan and the absolutely true-to-form branding of Burnie as the 'City of Makers' came about through intensive community consultation. Your community has invested deeply in this shared vision and the announcements of 3 of May were a body blow leading many to say 'If this can happen, why do I bother?'. With your community feeling a deflated sense of pride and betrayal of trust, Mayor*

Kons, can you explain how you will rebuild these and give the community, once again, a reason to bother?

The Mayor replied that we are a community that moves on and adapts and springs back. Council is looking at what we are delivering, how we deliver it and if there is a better way that can be achieved and invest more in service delivery. The vision of Council is to try to involve more of our community, to economically broaden the number of people that come through and use our facilities and broaden community functions and facilities.

Lyndal Thorne asked:

- 1. During the 1000's of conversations we had with concerned residents when collecting signatures for the petition, consistent reference was made to Mayor Kons non-consultative style of leadership, including reference to this being the third time the Mayor has blind-sided the arts community with majorly impactful decisions (the first being the give-way of Makers' Workshop, the second being the closure of the gallery on weekends). With the phrase '3 strikes and you're out' coming to mind, what lessons have you learned from this latest episode of community fall-out and how will you incorporate them into your future leadership approach?*

The Mayor replied that he is passionate about Burnie, chooses to live here and loves it here. He stated that he assesses information that is before him and if he thinks something can be better, then he goes with it. If there is a mistake, then he wants to fix it. He stated that has been out there fronting the community to respond to these matters.

The Mayor wants to continue making Burnie a better place, with access to education as an example. The next task is to make sure services and Tafe are upgraded and made better to make it a better place for everyone.

- 2. Whilst the petition clearly sows significant community support for our stance in relation to council's decision, we have been contacted by several groups & individuals (sporting and arts sector) who did not want to be involved publically for fear they may looked on less favourable in any future relationship between themselves and council. Can you guarantee that by exercising a democratic right to respond to major decisions made by council, that all groups will be treated equitably as the new arts/events framework is implemented?*

The Mayor replied that Council will be dealing with everyone on equal footing and noted that people have a right to object to any decision. There are opportunities ahead and we need to work out how we seize them and make things potentially better.

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advised that for items AO083-21 and AO084-21 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

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

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

PLANNING AUTHORITY**AO083-21 TASMANIAN PLANNING SCHEME
STATE PLANNING PROVISIONS
RESIDENTIAL USE AND DEVELOPMENT WITHIN A TOWN CENTRE****FILE NO: 20/5/6-02****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1~AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.5~A vibrant and progressive central business district.
Strategy	1.5.1~Continue to invest in renewal of the CBD as a vibrant, attractive and cohesive retail and business hub.

1.0 RECOMMENDATION:

“THAT in accordance with section 30C(4) Land Use Planning and Approvals Act 1993 the Burnie planning authority request the Minister for Planning to prepare terms of reference to initiate a draft amendment of the State Planning Provisions to –

- a) revoke the requirement in the Use Table under clause 16.2 that the Residential use class is a use for which a Permitted permit is required if located above ground level, and insert instead in the Use Table to clause 16.2 that the Residential use class is a No Permit Required use if located above ground level;***
- b) modify clause 16.4.6 to provide that it does not apply to require a dwelling must provide adequate and useable private open space and storage for the needs of residents if the dwelling is development for a new Residential use located above ground level in an existing building; and***
- c) modify clause C2.5.1 to provide that it does not apply to require new Residential use make provision for parking space to service the needs of residents if the new Residential use is located above ground level in an existing building.”***

2.0 SUMMARY

Burnie City Council seek to remove permit and parking requirements under the Tasmanian Planning Scheme for new Residential use if carried out on a floor above the ground floor of an existing building on land to which the Central Business zone applies.

A decision to initiate a draft amendment must be made by a planning authority.

This report examines the current requirements of the Tasmanian Planning Scheme for residential use on land to which the central business zone applies; and identifies the relevant

statutory process by which a planning authority may make a request under the *Land Use Planning and Approvals Act 1993* for the Minister for Planning to initiate a draft amendment to the State Planning Provisions.

The report concludes there is no evident need to seek an amendment of the SPPs to facilitate conversion of existing premises within the Burnie town centre to residential use.

The report provides an appropriately worded Recommendation should the planning authority determine to support the decision of the Burnie City Council and pursue an amendment to the State Planning Provisions as contained in the Tasmanian Planning Scheme.

3.0 BACKGROUND

Burnie City Council has identified a concern that the current planning laws applying for use and development within the Burnie town centre unreasonably constrain conversion of floors above ground level in an existing building to Residential use.

The Council seeks to improve vitality and viability of the Burnie town centre by increasing residential occupancy; and to better utilise existing vacant building space for conversion to new residential use as a means to assist Tasmania's current housing shortage.

The Council has expressed a view that new Residential use in the upper floors of existing buildings should not require a permit under the *Land Use Planning and Approvals Act 1993*.

The Council has also indicated that new Residential use in an existing building should not be required to make provision for resident's parking for the reason inner city living reduces or extinguishes need for a private motor vehicle; and that if parking is required, it is matter for each individual resident, and no one for which a planning scheme should attach a requirement to use of a building.

The Council determined at its meeting of 27 April 2021 that it prepare the necessary documentation to remove the permit and parking provisions of the Tasmanian Planning Scheme as they apply for Residential use on land within the Burnie town centre.

A decision to initiate a draft amendment must be made by a planning authority having regard to the considerations relevant to that jurisdiction.

4.0 LEGISLATIVE REQUIREMENTS

The *Land Use Planning and Approvals Act 1993* provides for the creation and amendment of planning schemes.

Decisions relating to matters under the Act must be made by a Council acting in its role as a planning authority.

The Tasmanian Planning Scheme

The Act provides in sections 9 and 10 that Tasmanian Planning Scheme (TPS) is to be the planning scheme that will apply for the use, development, and protection of land within all municipal areas of Tasmania.

The TPS consists of –

- State Planning Provisions (SPPs) prepared and approved by the Minister for Planning to provide a common and consistent set of regulatory requirements for the use, development and protection of land in all municipal areas of Tasmania; and
- Local Provision Schedules (LPS) approved by the Minister for each municipal area to indicate the spatial application of the rules and requirements set by the SPPs, and to contain provisions which may be approved by the Minister and add to, modify or substitute for a matter to which the SPPs apply

The Tasmanian Planning Scheme took effect in the Burnie municipal area from July 2020.

Amending the State Planning Provisions

Section 30P provides the Minister for Planning with discretion to make an amendment that will modify, insert, revoke, or substitute one or more provisions in the SPPs.

An amendment to the SPPs will apply for all municipal areas where the TPS is in force.

The attached flow chart details the SPP amendment process.

A planning authority may in accordance with section 30C(4) request the Minister to consider preparing terms of reference to initiate a draft amendment.

Sections 15(3) and 30C(3) require that the Minister must not consider an amendment of the SPPs unless satisfied the draft amendment –

- a) is likely to meet the SPP criteria set out in section 15 of the Act; and
- b) is not likely to have the effect that any other provision of the SPPs will cease to meet the SPP criteria

Any amendment initiated by the Minister must be prepared in consultation with all planning authorities and State agencies; and a draft must be publicly exhibited.

The Minister may approve, modify or reject a draft amendment following consideration of a report from the Tasmanian Planning Commission on the merits and compliance of the draft amendment, and any representation received during the exhibition period.

An amendment of the SPPs will take effect from the date specified in a notice published in the Government Gazette.

State Planning Provisions – Central Business Zone

The State Planning Provisions provide the Central Business zone.

The Burnie Local Provision Schedule applies the Central Business zone to land bounded by the Bass Highway, North Terrace and the Burnie Port Area, and within which is contained the Burnie town centre.

The purpose of the Central Business Zone is set out in SPP clause 16.1 as –

- a) *To provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania's primary centres.*
 - b) *To provide for a type and scale of use and development supports and does not compromise or distort the activity centre hierarchy.*
 - c) *To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.*
 - d) *To encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained.*
- SPP clause 16.2 requires a permit for Residential use. A permit is discretionary if Residential use is located at ground level.
 - SPP clause 16.3.2 sets out the considerations for a decision on a discretionary permit application
 - SPP clause 16.4.1 addresses building height
 - SPP clause 16.4.2 addresses setback of buildings from a frontage or zone boundary;
 - SPP clause 16.4.3 addresses the interactions between a building façade and the amenity and function of other spaces within the town centre
 - SPP clause 16.4.4 addresses fencing
 - SPP clause 16.4.5 addresses location of outdoor storage areas
 - SPP clause 16.4.6 requires a dwelling for Residential use must provide adequate and useable private open space and storage for the needs of residents.

State Planning Provisions – Parking and Sustainable Transport Code

Purpose of the Code is to ensure an appropriate level of parking facilities is provided to service use and development in accordance with appropriate standards for function and safety, and without an unreasonable loss of amenity to the surrounding area.

The Code applies for all use and development. There are no exemptions

- SPP clause C2.5.1 requires all Residential use must make an appropriate provision of car parking space to service use and development.

5.0 POLICY CONSIDERATIONS

The State Planning Provisions are intended to give effect to the strategic and policy considerations referenced through the SPP criteria.

A request by a planning authority to initiate a draft amendment must relate to broader land use policy considerations, and not be particular to matters of concern within the municipal area.

6.0 FINANCIAL IMPACT

There are no direct financial impacts in making a request that the Minister for Planning initiate a draft amendment to the State Planning Provisions.

The planning authority may be required to provide supporting evidence for the proposed amendment, the preparation of which may involve a need to engage persons with expertise relating to the purpose of the amendment.

7.0 DISCUSSION

The Burnie City Council, acting in accordance with its role and function under the *Local Government Act 1993*, has determined there is a need to change the requirements of the State Planning Provisions as they apply to Residential use in existing premises on land to which the Central Business zone applies.

The Council has suggested the viability and the vitality of the town centre could be improved if vacant space could be converted to create an impetuous to growth and an alternate urban lifestyle with less dependency on motor vehicle use in a manner consistent with the experience in many cities around the world.

The Burnie City Council has expressed a view that the current provisions of the SPPs relating to permits and parking are inflexible and restrictive, and inhibit conversion of existing building stock to residential use, and should be abandoned.

It is further suggested that arrangements for the provision and use of parking space within the town centre allows that inner city residents will accept an absence of dedicated resident

parking space and the need to make private arrangements from within the available parking stock.

Any decision of a Council relating to a process set out in the *Land Use Planning and Approvals Act 1993* must be made in its statutory capacity as a planning authority.

The Tasmanian Planning Scheme - Burnie applies the Central Business zone to the land which contains the Burnie town centre.

A planning authority may request the Minister for Planning to initiate a draft amendment to the State Planning Provisions.

An interest to change the regulatory requirements in the SPPs for Residential use on land to which the SPP Central Business zone applies must be able to demonstrate that an objective to encourage Residential use above ground floor level cannot be achieved because of the current permit, private open space, or parking requirements.

Zone Purpose

The purpose of the Central Business zone is set out in the State Planning Provisions, and includes *“to encourage Residential and Visitor Accommodation use above ground floor level if it supports the viability of the activity centre and an active street frontage is maintained”*.

The intention is consistent with a zone purpose to *“provide for the concentration of the higher order business, retail, administrative, professional, community, and entertainment functions within Tasmania’s primary centres”* and to *“encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers”*.

Residential use is not prohibited on land to which the Central Business zone applies.

There is no conflict between purpose of the Central Business zone and the objective of the Council to improve vitality and viability of the town centre and better utilise existing floor space by conversion to residential use.

Requirement for a Permit

The purpose of a permit is to –

- a) test a proposed use or development for compliance to the applicable provisions of a planning scheme; and
- b) provide a means by which to impose terms and conditions to avoid, manage or mitigate any likely adverse impact of the proposed use or development on the purpose and objectives of the scheme

Permit requirements for use of land to which the Central Business zone applies are set out in the Use table under SPP clause 16.2.

The Table indicates a permit is necessary for the majority of use types permissible on land to which the zone applies; and does not suggest any particular inequity by imposing a permit requirement on Residential use.

A permit is required if new Residential use will be located above ground floor level, including by conversion of the upper floor in an existing building.

The alternate is that a use be identified under clause 16.2 as No Permit Required.

A use is prohibited if it is not identified on the table to clause 16.2.

SPP clause 6.6.1 instructs that in order to be lawful a No Permit Required use or development must comply with the acceptable solution in each applicable standard.

If the permit requirement for new Residential use above ground level in an existing building is removed, the Residential use must be classified as No Permit Required to avoid prohibition or operation of a discretionary permit process.

No Permit Required use must comply with the same SPP standards that are applicable for use which requires a permit. There will be no particular advantage against a need to comply with provisions of the planning scheme if the need for a permit is revoked.

Applicable Standards

Standards are the outcomes which must be met by use or development.

The SPP typically contain two means by which to achieve the intended outcome for an applicable standard –

- a) acceptable solution – specific and measurable criteria which if met, are deemed to comply; or
- b) performance criteria – considerations on which to demonstrate the standard will be satisfied; and which require exercise of discretion by a planning authority

The applicable standards for conversion of the upper floors of an existing building to create a dwelling for Residential use are –

- SPP clause 16.4.6 – Open Space and Storage

A dwelling for Residential use must provide adequate and useable private open space (as an outdoor area of the land or dwelling for the exclusive use of the occupants of the land or dwelling, excluding areas proposed or approved for vehicle access or vehicle parking), and storage for the needs of residents.

The objective is that residents have access from within the dwelling to fresh air and sunlight. The requirement is consistent for all forms of residential use on land to which any zone of the Scheme applies.

The private open space acceptable solution in 16.4.3 A1 is for an external area of not less than 8m² with a minimum horizontal dimension of not less than 1.5m. The performance criteria in 16.4.3 P1 is that a dwelling must be provided with sufficient private open space to include an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.

The acceptable solution in 16.4.6 A2 for storage is a dedicated and secured storage space of not less than 6m³. The performance criteria in 16.4.6 P2 is that each dwelling must be provided with adequate storage space.

The standard supports the statutory objective of the Act to provide for use and development that will ensure a pleasant, efficient and safe environment for working, living and recreation.

- SPP Clause C2.5.1 Car Parking Numbers

The Tasmanian Planning Scheme SPP Code C2 – Parking and Sustainable Transport has a purpose to ensure an appropriate level of car parking space is available to meet the needs of all new or changed use, including Residential use.

SPP clause C2.5.1 and Table C2.1 establish the number of on-site car parking spaces required by a use.

For Residential use on land to which the Central Business zone applies, the acceptable solution parking space requirement in Table C2.1 (rounded up to the nearest whole number) is –

- 1 space per bedroom; or
- 2 spaces per 3 bedrooms
- 1 visitor space for every 5 multiple dwellings or every 10 bedrooms

The Code in C2.5.1 A1(d) requires that an intensified or changed use must address the difference between the requirement that would apply under the Code for an existing use and the requirement applying under the Code for the new use. Therefore -

- a) if the number of spaces for the changed use is less than the number of spaces that would be required by the existing use under the Code, no additional parking space is required; and
- b) if the number of parking spaces required by the changed use is more than the number of spaces that would be required by the existing use under the Code, the changed use must address the difference

C2.5.1 A1(d) contemplates that previous planning schemes and decisions may have taken a different approach to provision of parking space. The Code does not necessitate that the requirement that would apply under the Code for the existing use must currently exist as actual parking space. The provision allows the existing use be

credited with the parking space that would have been required under the Code rather than the parking space that may actually be available to that use.

The provision in C2.5.1 A1(d) is important in the context of converting an existing building to residential use because it modifies the requirement to make a discrete provision for parking space to serve that use in accordance with Table C2.1.

Example

A building area of 100 m² for an existing office use has a Code requirement for three (3) parking spaces (1 space/40m² or part thereof). If the space is converted to a two or three (3) bedroom dwelling for residential use, the Code requirement in Table C2.1 is two (2) parking spaces.

Application of C2.5.1 A1(d) means the parking requirement is satisfied without need for any provision of parking space because there is a greater requirement under the Code on the existing office use than the requirement for the proposed residential use.

The outcome applies irrespective of whether there is an actual provision of parking space for the existing office use.

In the event C2.5.1 A1(d) will result in a requirement for additional parking space in a change to residential use, the Code does not mandate physical provision for parking if there are viable and secure alternatives.

The performance criteria in C2.5.1 P1.2 for Residential use is that the number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:

- (a) *the nature and intensity of the use and car parking required;*
- (b) *the size of the dwelling and the number of bedrooms; and*
- (c) *the pattern of parking in the surrounding area*

An application for a change to Residential use must address how the required parking space can be provided by alternate means.

The Tasmanian Planning Scheme instructs all use must address how it will provide for the parking demand generated by persons using the site. There are no exemptions.

However, the implication of a requirement to make provision for parking is not as daunting or restrictive as an initial awareness of the requirement may suggest. The details of the Code allow that a change in use must only meet the difference between what would already have been required and what is now required. The Code offers a number of options for how that difference may be satisfied.

The Code requirement for certainty and security for the number and location of parking space available to a use over its life is consistent with statutory objectives that land use planning processes ensure a pleasant, efficient and safe environment for

working, living and recreation; and reflects the high levels of private motor vehicle ownership and use in Tasmania. It is also consistent with the statutory position that a permit attaches to the land and not to the person who holds the permit.

The foundations of the Code do not currently allow an assumption that inner city living will extinguish need for a private vehicle; or that arrangements for provision of parking are matters external to the purpose of a planning scheme and best left to the personal endeavours of each successive occupant.

A permit is assured if a proposed new Residential use will comply with each of the acceptable solutions in 16.4.6 and C2.5.1.

A permit is discretionary if a proposed Residential use relies on performance criteria to satisfy one or both of 16.4.6 or C2.5.1.

Success in an amendment of the SPPs relies on an ability to demonstrate private open space, storage, and parking space for a dwelling will always be unnecessary and unreasonable on land to which the Central Business zone applies, regardless of the circumstances of the place in which new residential use is proposed in an existing building.

Close examination of the requirements of the Tasmanian Planning Scheme for conversion to residential use of existing premises on land to which the Central Business zone applies indicate there is no particularly oppressive or inequitable measure which may be described as a major impediment or obstacle to a successful outcome.

A permit is certain for creation of residential use above ground level if the requirements in 16.4.6 and C2.5.1 are addressed. The requirements in 16.4.6 and C2.5.1 are matters fundamental to the purpose and operation of the Tasmanian Planning Scheme.

There is no evidence of significant or thwarted demand for conversion of existing buildings within the Burnie town centre to residential use. There have been five (5) applications for residential or visitor accommodation use since 2015, each of which has been approved; and not all of which have made a provision for parking in accordance with the acceptable solution equivalent in SPP clause C2.5.1 and Table C2.1.

There is no evident need to seek an amendment of the SPPs to facilitate conversion of existing premises within the Burnie town centre to residential use.

However, the Council has determined that it make an application for an amendment to the Tasmanian Planning Scheme; and a recommendation is made which contains the appropriate wording for such a request.

8.0 RISK

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

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Assets and infrastructure	There are no assets and infrastructure of the planning authority likely to be effected by a request to initiate the draft amendment to the SPPs.	n/a
Corporate business systems	There are no corporate business systems of the planning authority likely to be effected by a request to initiate the draft amendment to the SPPs.	n/a
Emergency management	There are no emergence management issues within the responsibility of the planning authority associated with a request to initiate a draft amendment of the SPPs	n/a
Environmental	Increased demand on public and other private car parking space if new residential use is not required to make provision for an appropriate level of parking available to the dwelling	Review the Council Parking Policy relating to the provision and management of shared parking space within the Burnie town centre in the event an amendment is made
Financial	There is a low level of risk that the planning authority may be required to engage expert evidence in order to support the case for initiating a draft SPP amendment	Provision within the Council's budget to meet unplanned expenditure

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Political	<p>The Burnie City Council has determined a position which departs from the current requirements of the SPPs relating to permit and parking requirements for new residential use and development above ground level in an existing building within the Burnie town centre.</p> <p>There is risk that the credibility of the Council and the planning authority may be adversely impacted if the request is refused by the Minister, or if agreed, is subsequently defeated through the SPP amendment process on grounds that the Tasmanian Planning Scheme already contains provisions which encourage and provides a fair and reasonable opportunity to secure a permit.</p>	Accept the risk as consistent with the roles and functions of a Council.
Public Safety	There are no public safety issues within the responsibility of the planning authority impacted by a decision to request the Minister initiate a draft amendment to the SPPs	n/a
Strategic	There is likely risk to the strategies which underpin arrangements contained in the Tasmanian Planning Scheme - Burnie LPS for the provision of parking in the Burnie town centre if the amendment is successful.	Review the Burnie LPS and the Council Parking Policy relating to the provision and management of shared parking space within the Burnie town centre in the event an amendment is made
Regulations and Compliance	There are no regulatory and compliance risks for the planning authority in making a request to the Minister to initiate a draft amendment to the SPPs	n/a
Workers	There are no risks to workers of the planning authority in carrying out any decision of the planning authority to make a request to the Minister to initiate a draft amendment to the SPPs	n/a

9.0 CONSULTATION

This report has been prepared in consultation with all areas of the Council's administration with a responsibility relating to land use planning and provision and management of parking space.

ATTACHMENTS

1↓. [Flow Chart - Amendment of the SPPs](#)

COUNCIL RESOLUTION

Resolution number: MO079-21

MOVED: Cr T Brumby

SECONDED: Cr K Dorsey

“THAT in accordance with section 30C(4) Land Use Planning and Approvals Act 1993 the Burnie planning authority request the Minister for Planning to prepare terms of reference to initiate a draft amendment of the State Planning Provisions to –

- a) revoke the requirement in the Use Table under clause 16.2 that the Residential use class is a use for which a Permitted permit is required if located above ground level, and insert instead in the Use Table to clause 16.2 that the Residential use class is a No Permit Required use if located above ground level;***
- b) modify clause 16.4.6 to provide that it does not apply to require a dwelling must provide adequate and useable private open space and storage for the needs of residents if the dwelling is development for a new Residential use located above ground level in an existing building; and***
- c) modify clause C2.5.1 to provide that it does not apply to require new Residential use make provision for parking space to service the needs of residents if the new Residential use is located above ground level in an existing building.”***

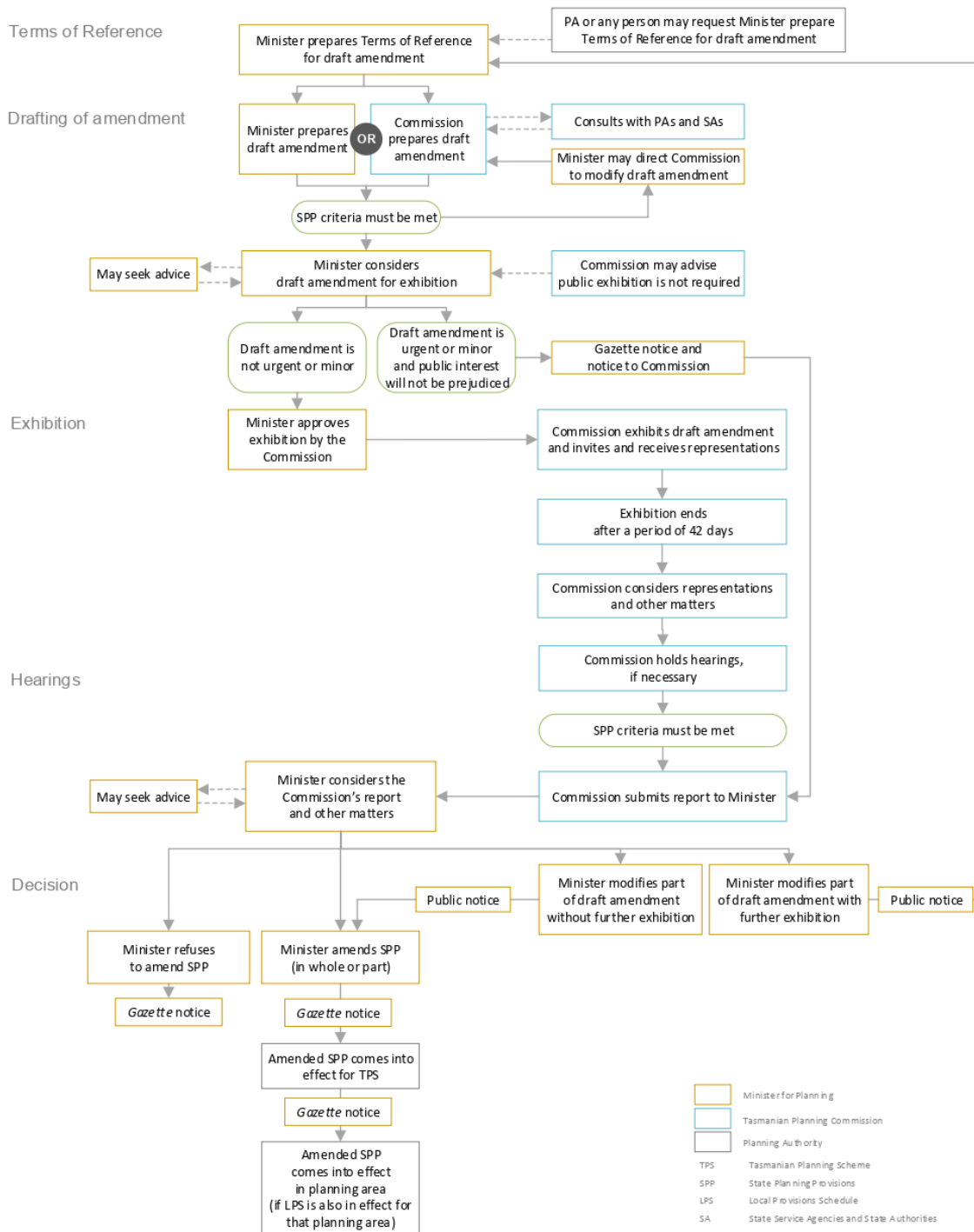
For: Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

CARRIED UNANIMOUSLY

TASMANIAN PLANNING COMMISSION

State Planning Provisions Amendment Process



July 2017

PLANNING AUTHORITY**AO084-21 LAND USE PLANNING
TASMANIAN PLANNING SCHEME
PERMIT APPLICATION DA 2021/40
SHOPS X 2 AND MULTIPLE DWELLINGS X 2
24A TERRYLANDS STREET, HILLCREST****FILE NO: DD.1.2021.40.1; 6153024
PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

1.0 RECOMMENDATION:***“THAT Council in its role as a planning authority under the land use Planning and Approvals Act 1993 -***

- A. Acknowledge the matters contained in the representation made during the section 57 exhibition period in relation to the proposed use and development described in permit application DA 2021/40, and determine that in so far as such matters are relevant to the exercise of discretion under the provisions of the Tasmanian Planning Scheme there are no matters that warrant refusal of a permit; and**
- B. In accordance with section 51(3A) and section 57(6) Land Use Planning and Approvals Act 1993 and clause 6.8.1 and 6.10 Tasmanian Planning Scheme, determine to GRANT a conditional permit to commence and carry out a multiple use and development on land described on CT 65152/1 and addressed as 24A Terrylands Street, Hillcrest for –**
- a) Uses within the General Retail and Hire or Business and Professional Services use classes contained in two (2) ground floor units; and**
 - b) Residential use contained in two (2) first floor one (1) bedrooms dwellings (multiple dwelling development); and**
 - c) Parking area to contain five (5) parking spaces**

The permit is subject to the following conditions and restrictions –

- 1. The use and development must be commenced and carried out generally in**

accordance with the specifications, recommendations and commitments contained in the following documents, copies of which are attached and endorsed to be documents forming part of this permit –

- a) Supporting Documentation, as prepared by EnviroPlan, rev. no. 2, dated 1 April 2021;*
- b) Traffic Impact Statement, as prepared by Pitt & Sherry, rev. no. 00, dated 24 February 2021;*
- c) Site Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 1, dated 1 December 2020;*
- d) Ground Floor Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 6, dated 1 December 2020;*
- e) First Floor Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 7, dated 1 December 2020;*
- f) Elevations, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 15, dated 1 December 2020;*
- g) Statement of Compliance, as issued by the Road Authority, dated 9 April 2021;*
- h) TasWater Submission to Planning Authority TWDA 2021/00541-BCC dated 20 April 2021*

2. Provision must be made and maintained on the site for –

- a) not less than five (5) onsite vehicle parking spaces designed and constructed in accordance with the requirements of clause C2 – Parking and Sustainable Transport Code; and*
- b) from the five (5) onsite vehicle parking spaces-*
 - i. one (1) space be marked and managed for exclusive use for Apartment 1;*
 - ii. one (1) space be marked and managed for exclusive use for Apartment 2; and*
 - iii. one (1) space be marked and managed as overflow parking for use only in conjunction with the residential use”*

2.0 SUMMARY

Application has been made seeking grant of a permit to commence and carry out use and development on a 289m² site located on land at 24A Terryland Street, Hillcrest to which the Local Business zone applies for –

- (a) a multiple use comprised of the General Retail and Hire or Business and Professional Services, and Residential use classes; and
- (b) development of a two storey building with total floor area of 251m² to contain two x retail or commercial units on the ground level and two x one-bedroom dwellings on the upper level.

The ground floor units are intended for occupation by uses within the Business and Professional or General Retail and Hire Use classes.

The application does not meet the acceptable solution requirement for provision of on-site car parking. The application relies upon the performance criteria in clause C2.5.1.

One representation expressed concern at inability of the proposed development to make adequate provision for parking is relevant to the decision.

There is insufficient grounds raised in the representation to warrant refusal of the application.

It is recommended that a conditional permit be granted.

3.0 BACKGROUND

The land at 24A Terrylands Street is a lot of 289m² contained on CT 65152/1.

The land is shown shaded on the aerial photograph below.



The land has a north south orientation and rectangular proportion, with the north-western and south-western corners cut off to form rounded corners. The land has a fall from north to south of approximately 2.0 m over a distance of 26 m toward Terrylands Street.

The lot is the westernmost and larger of a cluster of seven (7) small titles, each in separate ownership having frontage to the northern side of Terrylands Street, Hillcrest, and located opposite the Burnie Aquatic Centre.

The six (6) smaller titles are each developed with a single storey building constructed during the 1970's, and presenting as a row of conjoined units, each currently occupied as a separate commercial premises.

The land comprised of the seven (7) titles is circled by a Council road providing access to the rear to create the illusion the land is a single site.

The proposal is to construct a rectangular two storey building to contain a total floor area of 251m² comprised of –

- a) two (2) x separated commercial units with gross floor area of 59m² for Shop 1 and 58m² for Shop 2; and a usable floor area of 47m² and 44m² on the ground level; and
- b) two (2) x separate one-bedroom dwellings on the upper floor, with a gross floor area of 74 m² and 60m²

The building will be cut into the site and have an articulated façade comprised of various building materials, with large glazing areas within the Terrylands Street elevation for both floors; and will adjoin the existing building on the east.

There are no windows or openings to the ground floor and high slit windows on the upper floor on the western elevation.

Access to the upper floor residential space is from the rear or northern elevation via one external stairwell; and each unit will have a small external deck.

The ground surface at the front or southern elevation to Terrylands Street will be sealed to provide two (2) car parking spaces.

The rear or northern area will contain access stairwell to the upper units, and three (3) sealed parking spaces for a site total of five (5).

Documents and plans submitted with the application are **attached**.

4.0 LEGISLATIVE REQUIREMENTS

The relevant legislation is the *Land Use Planning and Approvals Act 1993*.

The Act requires in section 51 that –

- a) a person must not commence or carry out use or development of land for which a permit is required under a planning scheme applying in the municipal area unless such a permit has been granted and is in effect; and
- b) a decision of a planning authority on a permit application must be made by reference to the planning scheme in force for the municipal area on the day the decision is made

The Tasmanian Planning Scheme (TPS) is the applicable planning scheme, and is comprised of the State Planning Provisions (SPPs) and the Burnie Local Provisions Schedule (BUR LPS).

The BUR LPS applies the Local Business zone to the land at 24A Terrylands Street, Hillcrest.

The following provisions of the TPS are applicable -

- 6.2 – each use must be categorised into one of the specified use classes
- 6.8.1 – a permit for use or development that relies on a performance criteria in an applicable standard is discretionary, and the planning authority may refuse or grant a permit having regard to the level of compliance with the considerations set out in that performance criteria
- 6.10.1 – a decision on a permit application must consider the matters contained in any representation made in accordance with s57 but only in so far as that representation is relevant to the particular discretion being exercised
- 14.2 – Permissible use classes and any qualification
- 14.3.1 – Use Standards – hours for operation, external lighting and commercial delivery vehicles
- 14.4.1 – Building height
- 14.4.2 – Setbacks of buildings from a frontage
- 14.4.3 – Design – location of mechanical plant
- 14.4.5 – Outdoor storage
- 14.4.6 – Dwellings – provision for private open space and private storage
- C2.5.1 – Car parking numbers for each category of use
- C2.5.2 – Bicycle parking numbers
- C2.5.3 – Motorcycle parking numbers

The application relies on performance criteria in –

- Clause 14.4.2 – Setbacks - P1
- Clause 14.4.3 – Design - P1
- Clause C2.5.1 – Car parking numbers - P1.1
- Clause C2.5.2 – Bicycle parking numbers - P1

- Clause C2.5.3 – Motorcycle parking numbers - P1

Reliance on performance criteria requires a planning authority must exercise discretion, and the application must be notified and a period of public exhibition provided in accordance with section 57 of the Act to allow representations.

The application was notified and exhibited from 14 – 28 April 2021.

The application must also be assessment by the relevant entity under the *Water and Sewerage Industry Act 2008*; and any requirements of the entity must be included as conditions on any permit granted.

There are no other relevant regulatory requirements.

5.0 POLICY CONSIDERATIONS

There are no Council policy considerations relevant to determination of a permit application under the *Land Use Planning and Approvals Act 1993*.

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

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

The Tasmanian Planning Scheme identifies use which are permissible within a zone, and sets out the matters that are to be taken into account when determining a permit application.

6.0 FINANCIAL IMPACT

There are no financial impacts directly associated with the requirement for a planning authority to make a decision on a permit.

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

The nature of these impacts are that the planning authority may be required to meet the costs of the applicant or a third party if the decision of an appeals tribunal goes against the planning authority.

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

7.0 DISCUSSION

Application has been made seeking grant of a permit to commence and carry out use and development on a 289m² site located on land at 24A Terryland Street, Hillcrest to which the Local Business zone applies for –

- a) a multiple use comprised of the General Retail and Hire or Business and Professional Services, and Residential use classes; and
- b) development of a two storey building with total floor area of 251m² to contain two x retail or commercial units on the ground level, and two x one-bedroom dwellings on the upper level.

The ground floor units will be occupied by uses within the Business and Professional or General Retail and Hire Use classes, and the upper floor by use within the Residential use class.

Provision will be made for five (5) on-site parking spaces.

A copy of the permit application is attached.

The permit application fully describes the proposed use and development, and identifies and addresses each of the applicable zone and code standards of the Tasmanian Planning scheme – Burnie.

It can be agreed on the information provided with the permit application that the proposed use and development will meet the relevant acceptable solutions in each of the applicable standards of the Tasmanian Planning Scheme with the exception of the following, for which the application relies on performance criteria –

- Clause 14.4.2 – Setbacks - P1
- Clause 14.4.3 – Design - P1
- Clause C2.5.1 – Car parking numbers - P1.1
- Clause C2.5.2 – Bicycle parking numbers - P1
- Clause C2.5.3 – Motorcycle parking numbers - P1

The application addresses the considerations in clauses 14.4.2 P1, 14.4.3 P1, C2.5.1 P1.1 and P1.2, C2.5.2 P1 and C5.2.3 P1 in a manner that will allow the planning authority to be satisfied the proposed uses and development will comply with the purpose and objectives of the planning scheme.

The application was notified and exhibited in relation to the matters relying on performance criteria.

One representation was received in relation to the requirements in C2.5.1 for provision of parking (see Table 1 below).

Author	Matter	Relevant TPS Discretion	Response
S Stevens	<p>Parking</p> <p>Not enough parking spaces provided in the proposed development for 2 x new apartments or for the 2 x new shops as parking as there is already a shortage of parking for existing shops, and very little parking available on-street</p>	C2.5.1 P1.1 and C2.5.1 P1.2	<p>The representation is relevant to the discretion to be exercised under C2.5.1 P1.1 and P1.2.</p> <p>The application contains a traffic impact assessment prepared by a qualified traffic engineer (Pitt and Sherry) which addresses the considerations in C2.5.1 P1.1 and P1.2 and concludes the proposed parking arrangements for five (5) spaces will be sufficient to meet requirements of the use.</p>

Table 1 - Representation on DA 2021/40

The application may be considered to have adequately addressed the considerations in C2.5.1 P1.1 and P1.2.

Council can be satisfied the proposed arrangements will be *“an appropriate level of car parking spaces are provided to meet the needs of the use”*.

8.0 RISK

There is likely risk –

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

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

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

- a) determining a permit application by reference only to the information provided with the permit application and in any representation received;
- b) determining compliance by reference only to the relevant tests which are applicable for the permit application; and

- c) by remaining impartial and not indicating any position on the application until the matter is raised for decision

c) **CONSULTATION**

This report has been prepared following consultation with all relevant officers of the Council.

ATTACHMENTS

1. [Permit Application and Documents](#)
2. [Statement of Compliance from Road Authority](#)
3. [TasWater Submission to Planning Authority Notice](#)
4. [Representation - S Stevens](#)
5. [Signed Extension of Time](#)

COUNCIL RESOLUTION

Resolution number: MO080-21

MOVED: Cr K Dorsey

SECONDED: Cr G Simpson

“THAT Council in its role as a planning authority under the land use Planning and Approvals Act 1993 -

- A. Acknowledge the matters contained in the representation made during the section 57 exhibition period in relation to the proposed use and development described in permit application DA 2021/40, and determine that in so far as such matters are relevant to the exercise of discretion under the provisions of the Tasmanian Planning Scheme there are no matters that warrant refusal of a permit; and***
- B. In accordance with section 51(3A) and section 57(6) Land Use Planning and Approvals Act 1993 and clause 6.8.1 and 6.10 Tasmanian Planning Scheme, determine to GRANT a conditional permit to commence and carry out a multiple use and development on land described on CT 65152/1 and addressed as 24A Terrylands Street, Hillcrest for –***
- a) Uses within the General Retail and Hire or Business and Professional Services use classes contained in two (2) ground floor units; and***
 - b) Residential use contained in two (2) first floor one (1) bedrooms dwellings (multiple dwelling development); and***
 - c) Parking area to contain five (5) parking spaces***

The permit is subject to the following conditions and restrictions –

1. ***The use and development must be commenced and carried out generally in accordance with the specifications, recommendations and commitments contained in the following documents, copies of which are attached and endorsed to be documents forming part of this permit –***
 - a) ***Supporting Documentation, as prepared by EnviroPlan, rev. no. 2, dated 1 April 2021;***
 - b) ***Traffic Impact Statement, as prepared by Pitt & Sherry, rev. no. 00, dated 24 February 2021;***
 - c) ***Site Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 1, dated 1 December 2020;***
 - d) ***Ground Floor Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 6, dated 1 December 2020;***
 - e) ***First Floor Plan, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 7, dated 1 December 2020;***
 - f) ***Elevations, as prepared by Lachlan Walsh Design, project no. 20-611, page no. 15, dated 1 December 2020;***
 - g) ***Statement of Compliance, as issued by the Road Authority, dated 9 April 2021;***
 - h) ***TasWater Submission to Planning Authority TWDA 2021/00541-BCC dated 20 April 2021***

2. ***Provision must be made and maintained on the site for –***
 - a) ***not less than five (5) onsite vehicle parking spaces designed and constructed in accordance with the requirements of clause C2 – Parking and Sustainable Transport Code; and***

 - b) ***from the five (5) onsite vehicle parking spaces-***
 - i. ***one (1) space be marked and managed for exclusive use for Apartment 1;***
 - ii. ***one (1) space be marked and managed for exclusive use for Apartment 2; and***
 - iii. ***one (1) space be marked and managed as overflow parking for use only in conjunction with the residential use”***

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

Against:

CARRIED UNANIMOUSLY

PLEASE QUOTE

Your Ref:

Our Ref: PJE: SP 6153024

Enquiries: Mrs S A Pearce

80 Wilson Street, Burnie Tasmania
PO Box 973, Burnie TAS 7320ABN: 29 846 979 690
Phone: (03) 6430 5700
Email: burnie@burnie.net
Web: www.burnie.netWe value your feedback on our service.
Tell us about it at www.burnie.net/feedback

NOTICE OF APPLICATION FOR LAND USE PERMIT

(Section 57(3) Land Use Planning And Approvals Act 1993)

Advice To Adjoining Land Owner Or Occupier

Application No:-	DA 2021/40
Development Site:-	24A Terrylands Street HILLCREST CT 65152/1
Proposal:-	Shops x 2 and Multiple Dwellings x 2
Discretionary Matter:-	Reliant on performance criteria for grant of permit - Clauses 14.4.2 (P1) - 14.4.3 (P1) - 14.4.6 (P2) - C2.5.1 (P1.1)

Notice of the above application is served on you as an adjoining land owner or occupier.

The application may be viewed on the Burnie City Council's website at-

<https://www.burnie.net/permits>

A hard copy of the full application documents may be requested by telephoning 6430 5839; and on payment of a fee representing the cost of reproduction, provided to the person who requested the copy either by –

- (a) collection from a place nominated by an officer of the council; or
- (b) ordinary post to the address nominated

You are entitled to make representation in writing on any aspect of the proposal addressed to:-

**General Manager,
Burnie City Council,
PO Box 973, Burnie 7320**

or burnie@burnie.net by no later than 5.00 pm on **28 April 2021**. Council must have regard to any written representation received during the exhibition period when considering its decision on the application.

All persons who make representation will be notified within seven (7) days of the Council's decision. Any persons who made representation and is not satisfied with the Council decision may, under Section 61(5) of the *Land Use Planning and Approvals Act 1993*, lodge an appeal against that decision within fourteen (14) days of the date of that notice to:-

**The Resource Management and Planning Appeal Tribunal,
GPO Box 2036,
Hobart 7001.**

Should you have any enquiries regarding this development proposal, please do not hesitate to contact Mrs S A Pearce on (03) 6430 5700.

P Earle

DIRECTOR LAND & ENVIRONMENTAL SERVICES

Date of Notice:- **14 April 2021**

BURNIE CITY COUNCIL
PO Box 973, BURNIE, TASMANIA 7320.
Ph : (03) 6430 5700
Email : burnie@burnie.net



Land Use Planning and Approvals Act 1993
Tasmanian Planning Scheme
PERMIT APPLICATION

Office use only
Application No _____
Date Received _____
Permit Pathway - Permitted/Discretionary

Use or Development Site:

Street Address
24A Terrylands Street, Hillcrest

Certificate of Title Reference
65152/1

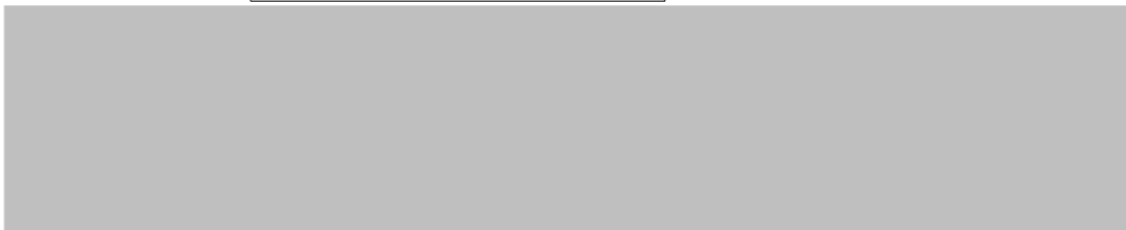
Applicant

First Name
EnviroPlan obo Platinum Group Aus
Surname
Second Name



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

First Name
Platinum Group Aus Pty. Ltd.
Surname
Second Name



Instruction for making a permit application**a) Use or development?**

The application must provide a full description of the proposed use and/or development and of the manner in which the use and/or development is to operate.

“Use” is the purpose or manner for which land is utilised. “Development” is any site works (including any change in natural condition or topography of land and the clearing or conversion of vegetation), and the construction, alteration, or removal of buildings, structures and signs, required in order to prepare a site for use or to change existing conditions within a site. Subdivision is development.

Clause 6.2 Tasmanian Planning Scheme provides the use classes by which all use or development must be described. Development must be categorised by reference to the use class it is to serve.

b) Required Information

Adequate statements, plans and specifications must be included within the permit application to address and demonstrate compliance with all applicable requirements of the planning scheme, including any site analysis, impact report and recommendation, and advice, consent or determination required from a State agency or utility entity.

The application must clearly identify the documents relied upon for determination.

Section 51(1AC) *Land Use Planning and Approvals Act 1993* provides that a permit application is not valid unless it includes all of the information required by a planning scheme. Clause 6.1 Tasmanian Planning Scheme prescribes the minimum information that is necessary in order to complete a valid permit application.

Section 54 *Land Use Planning and Approvals Act 1993* provides that the planning authority may require the applicant to supply further information before it considers a permit application. If the planning authority requires further information to more particularly address one or more of the applicable requirements of the Tasmanian Planning Scheme, the statutory period for determination of a permit application does not run until that information is answered to the satisfaction of the planning authority

c) Applicable Provisions and Standards

The permit application must be assessed against the applicable provisions and standards of the Tasmanian Planning Scheme. The application is to identify by reference the clauses it relies upon to demonstrate compliance. (eg clause 8.4.3 (A1 – A4, and P5)

d) Discretionary Permits

If a permit is discretionary the permit application must be notified for a period of 14 days to allow opportunity for any interested person to consider the proposed use and/or development and to provide comment on the discretionary matter.

If a permit application relies on performance criteria to satisfy an applicable standard or is discretionary under another provision of the interim planning scheme, the permit is discretionary only with respect to that standard.

The Council must have regard to all representations received during the notification period on a discretionary matter when determining whether to grant or refuse a permit.

e) If the applicant is not the landowner

If the applicant is not the owner of the land in the use or development site, the applicant is required to notify all of the owners either prior to or within 7 days from the date of making the permit application.

The permit application must identify all of the landowners; and the applicant must sign the application form to acknowledge the obligation to advise such landowners that the permit application has been made.

If the site includes land owned or administered by the Burnie City Council or by a State government agency, the consent in writing from the Council or the Minister responsible for Crown land must be provided at the time of making the application.

f) Applicant declaration

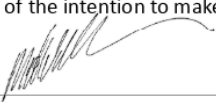
It is an offence for a person to do any act that is contrary to a compliance requirement created under the section 63 *Land Use Planning and Approvals Act 1993*. The applicant is required to complete a declaration that the information given in the permit application is true and correct.

g) Payment of Fees

The Council is not required to take any action on the permit application until all the relevant fees have been paid.


Permit Information	(NB If insufficient space, please attach separate document)
Proposed Use: Residential, General Retail and Hire, Professional Services	
Use Class	
Documents included with the permit application to describe the Use	
Planning Report Proposal Plans Traffic Impact Assessment	
Proposed Development	
Use class to which the development applies Residential, General Retail and Hire, Professional Services	
Documents included with the permit application to describe the Development	
Planning Report Proposal Plans Traffic Impact Assessment	
Provisions and Standards relied upon for grant of a Permit	



Notification of Landowner/s	
If land is not in applicant's ownership	
I, Micheal Wells (EnviroPlan), declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.	
Signature of Applicant 	Date 22/03/2021


If the permit application involves land owned or administered by the BURNIE CITY COUNCIL	
Burnie City Council consents to the making of this permit application.	
General Manager (Signature)	Date

If the permit application involves land owned or administered by the CROWN	
I, the Minister responsible for the land, consent to the making of this permit application.	
Minister (Signature)	Date

Applicant Declaration	
I, Micheal Wells (EnviroPlan) declare that the information I have given in this permit application to be true and correct to the best of my knowledge.	
Signature of Applicant 	Date 22/03/2021




CERTIFICATE OF TITLE
LAND TITLES ACT 1980




TORRENS TITLE	
VOLUME	FOLIO
65152	1
EDITION	DATE OF ISSUE
6	15-May-2020
Page 1	of 1

TASMANIA

I certify that the person described in Schedule 1 is the registered proprietor of an estate in fee simple (or such other estate or interest as is set forth in that Schedule) in the land within described subject to such exceptions, encumbrances, interests and entries specified in Schedule 2 and to any additional entries in the Folio of the Register.


 Recorder of Titles



DESCRIPTION OF LAND

City of BURNIE
 Lot 1 on Sealed Plan 65152 (formerly being SP3616)
 Derivation : Part of 3A-OR-39Ps. Gtd. to The Director of
 Housing
 Prior CT 3284/73

SCHEDULE 1

M820913 TRANSFER to PLATINUM GROUP AUS PTY LTD Registered
 15-May-2020 at noon

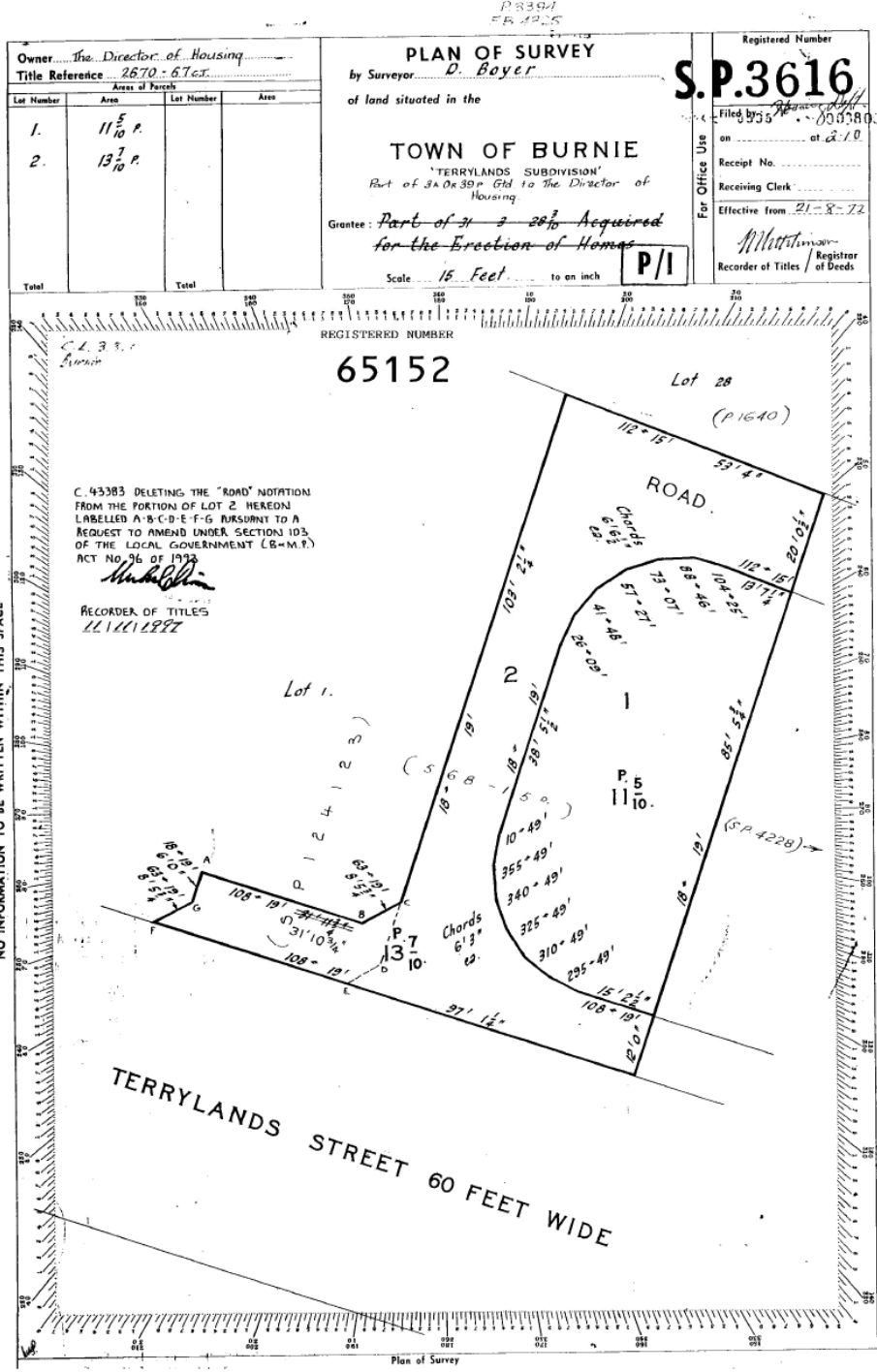
SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 65152 APPROVED for business purposes as defined by Section
 472(7) of the Local Government Act 1962

WARNING: BEFORE DEALING WITH THIS LAND SEARCH THE CURRENT FOLIO OF THE REGISTER



FOLIO PLAN
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980





SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS PLAN NO.

S.P.3616

NOTE:—The Town Clerk or Council Clerk must sign the certificate on the back page for the purpose of identification.

The Schedule must be signed by the owners and mortgagees of the land affected. Signatures should be attested.

No easements, profits a prendre, or covenants are created to benefit or burden any lots shown on the plan

THE DIRECTOR OF HOUSING

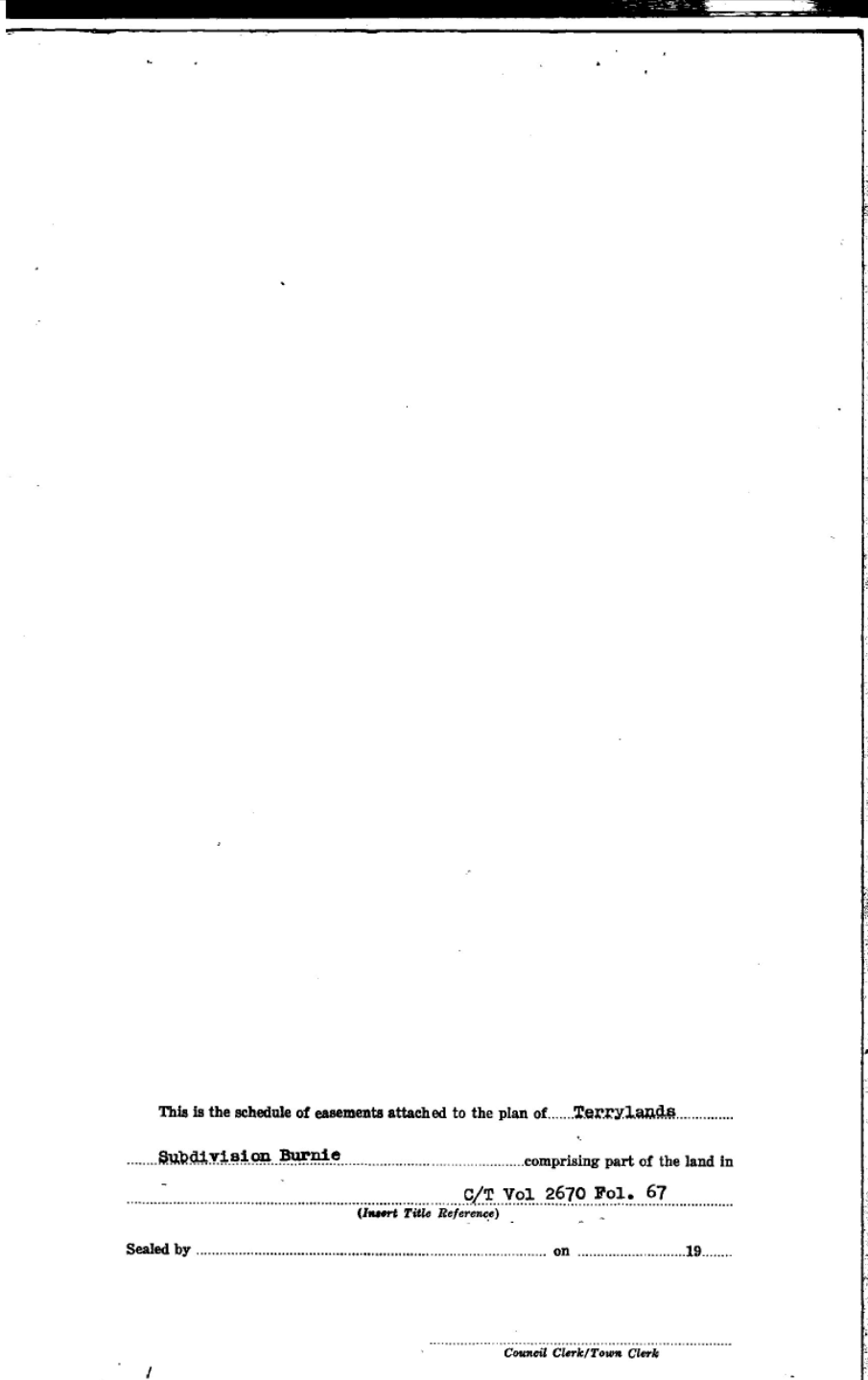
Registered Proprietor of
the land shown on the Plan
in the presence of -



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



This is the schedule of easements attached to the plan of Terrylands

Subdivision Burnie comprising part of the land in

C/T Vol 2670 Fol. 67

(Insert Title Reference)

Sealed by on 19.....

.....
Council Clerk/Town Clerk



Application for Planning Permit
Proposed Shops & Residential Units
In the
Local Business
24A Terrylands Street, Hillcrest

Supporting Documentation
01/04/2021

CONSULTANTs DETAILS


Mr. Micheal Wells GradDipUrbRegPlan.BEnvDes(Arch)
Town Planner, Bushfire Assessor, Building Designer, Fire Engineer (IFE)
Bushfire Accreditation No: BFP-128



Mr. Jeremy Lee
Cadet Town Planner

This document has been prepared for the sole use of the client and for a specific purpose, as expressly stated in the document. EnviroPlan Australia undertakes no duty nor accepts any responsibility to any third party not being the intended recipient of this document. The information contained in this document has been carefully compiled based on the clients' requirements and EnviroPlan Australia's experience, having regard to the assumptions that EnviroPlan Australia can reasonably be expected to make in accordance with sound professional principles. EnviroPlan Australia may also have relied on information provided by the client and/or other external parties to prepare this document, some of which may not have been verified. Subject to the above conditions, EnviroPlan Australia recommends this document should only be transmitted, reproduced or disseminated in its entirety.

Document Status

Revision No	Author	Vetting	Signature	Date
1	J. Lee	M. Wells		19/03/2021
2	J. Lee	M. Wells		01/04/2021

Engagement & Invoicing Directions

EnviroPlan Australia (the Agent) has been engaged by Platinum Group Aus Pty Ltd (the Permit Holder) to prepare documentation for a planning permit for a Proposed Shops & Residential Units located on land known as 24A Terrylands Street, Hillcrest. Any Permit issued is affixed to land and not an individual.

The services rendered by the Agent are strictly limited to the preparation of documentation in order to obtain planning permissions only. The Agent is not to be considered as the "permit holder" as part of any permit condition issued by any Authority and is not responsible for any costs incurred through a Permit Holder enacting a permit condition. All costs and invoices associated with this use or development is borne of the Permit Holder only.

In such circumstances where the primary Permit Holder named above sells land or otherwise relinquishes the land; the new permit holder is the party responsible for all costs and invoices incurred by enacting any permit issued that is affixed to the land.

In granting any permit or consent for this development the issuing or consenting Authority hereby agree and are bound to the terms listed above.

The Land – Site**Title & Description**

The Certificate of Title for the subject site is C/T: 65152/1, PID: 6153024. A copy of the title is provided as Annexure A.

The street address is 24A Terrylands Street, Hillcrest and Platinum Group Aus Pty Ltd is the property owner. Ali Elassaad is the proponent.



Figure 1 – Location of land 24A Terrylands Street, Hillcrest

The 0.0289 ha property fronts onto Terrylands Street and is located on the northern side of the road.

Existing Use and Development

The current use of land is vacant land with no buildings located on the property.

Site Analysis**Topography**

The land falls from North West to South East

The average slope of the land is an average of 4° over a 130m run.

Drainage

Drainage to the site is via the following method:

- The site is serviced with a stormwater system that services the local area.
- The site is serviced with a sewerage system that services the local area.

Land Capability

The land is not within a delineated area of the Land Capability Survey Tasmania and is not zoned as agricultural land nor is it in agricultural use; therefore this provision is not applicable.



Figure 2 – Land Capability of site – source: www.thelist.tas.gov.au

Access

Access to the site is via the following method:

- Access to the subject land is off Terrylands Road via a formed urban crossover.

Reticulated Services

The following describes the reticulated services that service the immediate area:

- Water reticulation is available to the subject site
- Sewer reticulation is available to the subject site
- Stormwater reticulation is available to the subject site
- Telephone services are available within the subject area
- Overhead electricity reticulation is available within the subject area

Surrounding Property Use

The surrounding land use is described as:

- Lands to the north is residential uses;
- East is commercial uses;
- South is Burnie Aquatic Centre; and
- West are residential uses.

Lands Limitations

Land Stability

No land limitations have been identified within the property boundaries.



Figure 3 – Landslide Layer, 24A Terrylands Street, Hillcrest – source: www.thelist.tas.gov.au

Coastal Erosion

No land limitations have been identified within the property boundaries.



Figure 4 – Coastal Erosion, 24A Terrylands Street, Hillcrest – source: www.thelist.tas.gov.au

Coastal Inundation

No land limitations have been identified within the property boundaries.



Figure 5 – Coastal Inundation, 24A Terrylands Street, Hillcrest – source: www.thelist.tas.gov.au

Flood Prone Areas

No land limitations have been identified within the property boundaries.



Figure 6 – Flood Prone Areas, 24A Terrylands Street, Hillcrest – source: www.thelist.tas.gov.au

Proposal

The proponents are seeking to develop land to construct a Proposed Shops & Residential Units within the Burnie municipal area under the Tasmanian Planning Scheme.

The development is best described as containing:

- a new residential use located on the land
- a commercial building to be located on the land.

A copy of the proposal plans is included as Annexure C.

The applicant is applying to the Council, as the Planning Authority, to utilise its discretion and approve the development in accordance with the provisions of Section 57 of the Land Use Planning and Approvals Act 1993.

Planning Scheme Provisions

The applicable planning instrument is the Tasmanian Planning Scheme with the Local Area Provisions of the Burnie Council. The subject land is zoned as Local Business.

The relevant sections of the Planning Scheme are listed below for discussion. The relevant issue and item identifier is provided and states whether the proposal meets the Acceptable Solutions (AS) or the Performance Criteria (PC) for each relevant section.

The clauses that are not applicable to the proposal have not been discussed.

The applicable Scheme standards for development in the Local Business Zone are described in the following relevant sections of the Scheme.

Zone Provisions

Below is a list of the zones that are contained within the Tasmanian Scheme. The relevant zone/s that apply to the subject land feature the responses to clauses applicable to the application:

14.0 Local Business Zone

14.1 Zone Purpose

The purpose of the Local Business Zone is:

- 14.1.1 To provide for business, retail, administrative, professional, community and entertainment functions which meet the needs of a local area.
- 14.1.2 To ensure that the type and scale of use and development does not compromise or distort the activity centre hierarchy.
- 14.1.3 To encourage activity at pedestrian levels with active frontages and shop windows offering interest and engagement to shoppers.
- 14.1.4 To encourage Residential and Visitor Accommodation use if it supports the viability of the activity centre and an active street frontage is maintained.

14.2 Use Table

The classified use of the proposal is Residential*, General Retail and Hire, Business and professional Services as described in Table 14.2 of the Scheme and is assigned a Permitted use class under the Scheme.

Uses marked with an " * " have planning scheme qualifications associated with that use. Refer to the Table of Uses within the Scheme for details.

14.3 Use Standards

14.3.1 All uses

Objective:

That uses do not cause unreasonable loss of amenity to residential zones.

<p>A1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P1 Hours of operation of a use, excluding Emergency Services, Natural and Cultural Values Management, Passive Recreation, Residential, Utilities or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the timing, duration or extent of vehicle movements; and (b) noise, lighting or other emissions.</p>
<p>Addressing Acceptable Solution The hours of operation are within 7am to 9pm (Mon to Sat) and 8am to 9pm Sundays and public holidays.</p>	<p>Addressing Performance Criteria</p>
<p>A2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must: (a) not operate within the hours of 11.00pm to 6.00am, excluding any security lighting; and (b) if for security lighting, be baffled so that direct light does not extend into the adjoining property in those zones.</p>	<p>P2 External lighting for a use, excluding Natural and Cultural Values Management, Passive Recreation, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the level of illumination and duration of lighting; and (b) the distance to habitable rooms of an adjacent dwelling.</p>
<p>Addressing Acceptable Solution The proposal does not intend on operating external lighting between the hours of 11pm and 6am (excluding security lighting) and security lights are to be directed to not extend into adjoining properties.</p>	<p>Addressing Performance Criteria</p>
<p>A3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be within the hours of: (a) 7.00am to 9.00pm Monday to Saturday; and (b) 8.00am to 9.00pm Sunday and public holidays.</p>	<p>P3 Commercial vehicle movements and the unloading and loading of commercial vehicles for a use, excluding for Emergency Services, Residential or Visitor Accommodation, on a site within 50m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must not cause an unreasonable loss of amenity to the residential zones, having regard to: (a) the time and duration of commercial vehicle movements; (b) the number and frequency of commercial vehicle movements; (c) the size of commercial vehicles involved; (d) manoeuvring required by the commercial vehicles, including the amount of reversing and associated warning noise;</p>

	(e) any noise mitigation measures between the vehicle movement areas and the residential zone; and (f) potential conflicts with other traffic.
Addressing Acceptable Solution	Addressing Performance Criteria
The hours of operation are between the hours of 7am and 9pm Monday to Saturday and 8am to 9pm on Sundays and public holidays.	

14.3.2 Discretionary uses - Not applicable to this application

14.3.3 Retail impact

Objective:

That retail uses do not compromise or distort the activity centre hierarchy.

A1 The gross floor area for Bulky Goods Sales and General Retail and Hire uses must be not more than 250m ² per tenancy.	P1 Bulky Goods Sales and General Retail and Hire uses must not compromise or distort the activity centre hierarchy, having regard to: (a) the degree to which the proposed use improves and broadens the commercial or retail choice with the area; (b) the extent that the proposed use impacts on other activity centres; and (c) any relevant local area objectives contained within the relevant Local Provisions Schedule.
Addressing Acceptable Solution	Addressing Performance Criteria
The proposal does not have a gross floor area of greater than 300m ² per tenancy as evidenced on the submission plans.	

14.4 Development Standards for Buildings and Works

14.4.1 Building height

Objective:

That building height:

- (a) is compatible with the streetscape; and
- (b) does not cause an unreasonable loss of amenity to adjoining residential zones.

A1 Building height must be not more than 9m.	P1 Building height must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the height, bulk and form of existing buildings on the site and adjacent properties; (c) the bulk and form of proposed buildings; (d) the apparent height when viewed from the adjoining road and public places; and (e) any overshadowing of adjoining properties and public places.
Addressing Acceptable Solution	Addressing Performance Criteria
The proposed development is not higher than 9m as demonstrated on the submission plans.	

14.4.2 Setbacks

Objective:

That building setback:

- (a) is compatible with the streetscape;
- (b) does not cause an unreasonable loss of amenity to adjoining residential zones; and
- (c) minimises opportunities for crime and anti-social behaviour through setback of buildings.

<p>A1 Buildings must be:</p> <ul style="list-style-type: none"> (a) built to the frontage at ground level; or (b) have a setback of not more or less than the maximum and minimum setbacks of the buildings on adjoining properties. 	<p>P1 Buildings must have a setback from a frontage that is compatible with the streetscape and minimises opportunities for crime and anti-social behaviour, having regard to:</p> <ul style="list-style-type: none"> (a) providing small variations in building alignment to break up long building façades; (b) providing variations in building alignment to provide a forecourt space for public use, such as outdoor dining or landscaping; (c) the avoidance of concealment spaces; (d) the ability to achieve passive surveillance; and (e) the availability of lighting.
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The application relies on a Performance Criterion.</p>	<p>The proposal is compatible with the streetscape where it provides for an offset building line. It avoids concealment spaces which allows for passive surveillance of the area with adequate lighting throughout seen on the proposal plans.</p>
<p>A2 Buildings must have a setback from an adjoining property within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, of not less than:</p> <ul style="list-style-type: none"> (a) 4m; or (b) half the wall height of the building, whichever is the greater. 	<p>P2 Buildings must be sited to not cause an unreasonable loss of amenity to adjoining properties within a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, having regard to:</p> <ul style="list-style-type: none"> (a) overshadowing and reduction in sunlight to habitable rooms and private open space of dwellings; (b) overlooking and reduction of privacy to the adjoining properties; or (c) visual impacts caused by the apparent scale, bulk or proportions of the building when viewed from the adjoining property.
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The proposed building has a setback greater than 4m from the adjoining property within the General Residential zone.</p>	
<p>A3 Air extraction, pumping, refrigeration systems or compressors must be separated a distance of not less than 10m from a General Residential Zone, Inner Residential Zone or Low Density Residential Zone.¹</p>	<p>P3 Air conditioning, air extraction, pumping, heating or refrigeration systems or compressors within 10m of a General Residential Zone, Inner Residential Zone or Low Density Residential Zone, must be designed, located, baffled or insulated to not cause an unreasonable loss of amenity to the adjoining residential zones, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics and frequency of emissions generated; (b) the nature of the proposed use; (c) the topography of the site and location of the sensitive use; and

	(d) any proposed mitigation measures.
Addressing Acceptable Solution	Addressing Performance Criteria
The location of air extraction, pumping, refrigeration systems or compressors are located within the storage areas of each shop and aircon units located on the roof for the units. All air systems for the building have a setback from a property containing a sensitive use that are not less than 10m as evidenced on the site plan.	

14.4.3 Design

Objective:

That building façades promote and maintain high levels of pedestrian interaction, amenity, and safety, and are compatible with the streetscape.

A1 New buildings must be designed to satisfy all the following: (a) mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, must be screened from the street and other public places; (b) roof-top mechanical plant and service infrastructure, including lift structures, must be contained within the roof; (c) not include security shutters or grilles over windows or doors on a façade facing the frontage or other public places; and (d) provide external lighting to illuminate external vehicle parking areas and pathways.	P1 New buildings must be designed to be compatible with the streetscape, having regard to: (a) minimising the visual impact of mechanical plant and other service infrastructure, such as heat pumps, air conditioning units, switchboards, hot water units and the like, when viewed from the street or other public places; (b) minimising the visual impact of security shutters or grilles and roof-top service infrastructure, including lift structures; and (c) providing suitable lighting to vehicle parking areas and pathways for the safety and security of users.
Addressing Acceptable Solution	Addressing Performance Criteria
The application relies on a Performance Criterion.	All mechanical plant is screened as far as practicable from the street and other public spaces as evidenced on the submission plans. The proposal minimises security shutters or grilles over windows or doors as well as rooftop service infrastructure as far as practicable through design elements on the facade facing the frontage or public places. Further the proposal provides external lighting to illuminate external parking areas and pathways around the proposal site to further pedestrian safety.
A2 New buildings or alterations to an existing façade must be designed to satisfy all of the following: (a) provide a pedestrian entrance to the building that is visible from the road or publicly accessible areas of the site; (b) if for a ground floor level façade facing a frontage: (i) have not less than 40% of the total surface area consisting of windows or doorways; or (ii) not reduce the surface area of windows or doorways of an existing building, if	P2 New buildings or alterations to an existing façade must be designed to be compatible with the streetscape, having regard to: (a) how the main pedestrian access to the building addresses the street or other public places; (b) windows on the façade facing the frontage for visual interest and passive surveillance of public spaces; (c) providing architectural detail or public art on large expanses of blank walls on the façade facing the frontage and other public spaces so as to contribute

<p>the surface area is already less than 40%;</p> <p>(c) if for a ground floor level façade facing a frontage must:</p> <p>(i) not include a single length of blank wall greater than 30% of the length of façade on that frontage; or</p> <p>(ii) not increase the length of an existing blank wall, if already greater than 30% of the length of the façade on that frontage; and</p> <p>(d) provide awnings over a public footpath if existing on the site or on adjoining properties.</p>	<p>positively to the streetscape and public spaces;</p> <p>(d) installing security shutters or grilles over windows or doors on a façade facing the frontage or other public spaces only if essential for the security of the premises and any other alternatives are not practical; and</p> <p>(e) the need for provision of awnings over a public footpath.</p>
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The proposal provides a pedestrian entrance to the building that is visible to the road and publicly accessible areas of the site and as seen in the submission plans.</p> <p>The proposal is a ground floor level and does not have less than 40% of the total surface area consisting of windows or doorways.</p> <p>The development does not include a single length of a blank wall greater than 30% of the length of the facade on that frontage as evidenced on the submission plans.</p> <p>The proposal provides for awnings over public footpath areas as shown on the elevation plans that accompany the application.</p>	

14.4.4 Fencing - Not applicable to this application

14.4.5 Outdoor storage areas

Objective:

That outdoor storage areas for non-residential use do not detract from the appearance of the site or surrounding area.

<p>A1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must not be visible from any road or public open space adjoining the site.</p>	<p>P1</p> <p>Outdoor storage areas, excluding for the display of goods for sale, must be located, treated or screened to not cause an unreasonable loss of visual amenity.</p>
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The proposal provides for outdoor storage areas that are not visible from the road or public open space adjoining the site as demonstrated on the submission documents.</p>	

14.4.6 Dwellings

Objective:

To provide adequate and useable private open space and storage for the needs of residents.

<p>A1</p> <p>A dwelling must have private open space that has an area not less than:</p> <p>(a) 24m² with a minimum horizontal dimension of not less than 4m; or</p> <p>(b) 8m² with a minimum horizontal dimension not less than 1.5m, if the dwelling is located wholly above ground floor level.</p>	<p>P1</p> <p>A dwelling must be provided with sufficient private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining and entertainment.</p>
--	---

Addressing Acceptable Solution	Addressing Performance Criteria
The proposal provides for 8m ² with a minimal dimension of not less than 1.5m as the dwelling is located wholly above the ground floor level.	
A2 Each dwelling must be provided with a dedicated and secure storage space of not less than 6m ³ .	P2 Each dwelling must be provided with adequate storage space.
Addressing Acceptable Solution	Addressing Performance Criteria
The application relies on a Performance Criterion.	As demonstrated on the submission plans - the proposal provides for sufficient secure storage space to cater to the anticipated volumes of the proposal.

14.5 Development Standards for Subdivision - Not applicable to this application

14.5.1 Lot design - Not applicable to this application

14.5.2 Services - Not applicable to this application

Specific Areas Plans Not applicable to this application - there are no Specific Area Plans that are relevant to the application.

Codes

The following Codes that have been determined as “Not Applicable” or “Exempted” are indicated as such. The relevant Code/s that apply to the subject application feature the responses to clauses applicable to the proposal:

C1.0 Signs Code - No signage is proposed in this application.

C2.0 Parking and Sustainable Transport Code

This code is applicable to this application and therefore the following provisions apply:

C2.1 Code Purpose

The purpose of the Parking and Sustainable Transport Code is:

- C2.1.1 To ensure that an appropriate level of parking facilities is provided to service use and development.
- C2.1.2 To ensure that cycling, walking and public transport are encouraged as a means of transport in urban areas.
- C2.1.3 To ensure that access for pedestrians, vehicles and cyclists is safe and adequate.
- C2.1.4 To ensure that parking does not cause an unreasonable loss of amenity to the surrounding area.
- C2.1.5 To ensure that parking spaces and accesses meet appropriate standards.
- C2.1.6 To provide for parking precincts and pedestrian priority streets.

C2.5 Use Standards

C2.5.1 Car parking numbers

Objective:

That an appropriate level of car parking spaces are provided to meet the needs of the use.

A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:
--	---

<p>(a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</p> <p>(b) the site is contained within a parking precinct plan and subject to Clause C2.7;</p> <p>(c) the site is subject to Clause C2.5.5; or</p> <p>(d) it relates to an intensification of an existing use or development or a change of use where:</p> <p>(i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</p> <p>(ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p>	<p>(a) the availability of off-street public car parking spaces within reasonable walking distance of the site;</p> <p>(b) the ability of multiple users to share spaces because of:</p> <p>(i) variations in car parking demand over time; or</p> <p>(ii) efficiencies gained by consolidation of car parking spaces;</p> <p>(c) the availability and frequency of public transport within reasonable walking distance of the site;</p> <p>(d) the availability and frequency of other transport alternatives;</p> <p>(e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;</p> <p>(f) the availability, accessibility and safety of onstreet parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;</p> <p>(g) the effect on streetscape; and</p> <p>(h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development, or</p> <p>P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <p>(a) the nature and intensity of the use and car parking required;</p> <p>(b) the size of the dwelling and the number of bedrooms; and</p> <p>(c) the pattern of parking in the surrounding area.</p>
<p>Addressing Acceptable Solution</p> <p>The application relies on a Performance Criterion.</p>	<p>Addressing Performance Criteria</p> <p>The proposal is accompanied with a Traffic Impact Assessment that addresses the above provisions.</p>

C2.5.2 Bicycle parking numbers

Objective:

That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

<p>A1 Bicycle parking spaces must:</p> <p>(a) be provided on the site or within 50m of the site; and</p> <p>(b) be no less than the number specified in Table C2.1.</p>	<p>P1 Bicycle parking spaces must be provided to meet the reasonable needs of the use, having regard to:</p> <p>(a) the likely number of users of the site and their opportunities and likely need to travel by bicycle; and</p> <p>(b) the availability and accessibility of existing and any planned parking facilities for bicycles in the surrounding area.</p>
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>

The proposal provides 2 bicycle spaces on the subject site which exceeds the requirements of Table C2.1.	
--	--

C2.5.3 Motorcycle parking numbers - Not applicable to this application

C2.5.4 Loading Bays - Not applicable to this application

C2.5.5 Number of car parking spaces within the General Residential Zone and Inner Residential Zone - Not applicable to this application

C2.6 Development Standards for Buildings and Works

C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

<p>A1 All parking, access ways, manoeuvring and circulation spaces must:</p> <ul style="list-style-type: none"> (a) be constructed with a durable all weather pavement; (b) be drained to the public stormwater system, or contain stormwater on the site; and (c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.
Addressing Acceptable Solution	Addressing Performance Criteria
Parking areas and manoeuvring areas are intended to be constructed with a durable all weather pavement and is intended to drain to the public stormwater system	

C2.6.2 Design and layout of parking areas

Objective:

That parking areas are designed and laid out to provide convenient, safe and efficient parking.

<p>A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <ul style="list-style-type: none"> (a) comply with the following: <ul style="list-style-type: none"> (i) have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; (ii) provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; (iii) have an access width not less than the requirements in Table C2.2; (iv) have car parking space dimensions which satisfy the requirements in Table C2.3; 	<p>P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> (a) the characteristics of the site; (b) the proposed slope, dimensions and layout; (c) useability in all weather conditions; (d) vehicle and pedestrian traffic safety; (e) the nature and use of the development; (f) the expected number and type of vehicles; (g) the likely use of the parking areas by persons with a disability; (h) the nature of traffic in the surrounding area;
---	--

<p>(v) have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces;</p> <p>(vi) have a vertical clearance of not less than 2.1m above the parking surface level; and</p> <p>(vii) excluding a single dwelling, be delineated by line marking or other clear physical means; or</p> <p>(b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6.</p> <p>A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <p>(a) be located as close as practicable to the main entry point to the building;</p> <p>(b) be incorporated into the overall car park design; and</p> <p>(c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.1</p> <p>(i) the proposed means of parking delineation; and</p> <p>(j) the provisions of Australian Standard AS 2890.1:2004 Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Offstreet commercial vehicle facilities.</p>	
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The proposed car parking layout meet the Australian Standards as mention in the Traffic Impact assessment. A1.2 is not applicable to this application.</p>	

C2.6.3 Number of accesses for vehicles

Objective:

That:

- (a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- (b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- (c) the number of accesses minimise impacts on the streetscape.

<p>A1 The number of accesses provided for each frontage must:</p> <p>(a) be no more than 1; or</p> <p>(b) no more than the existing number of accesses, whichever is the greater.</p>	<p>P1 The number of accesses for each frontage must be minimised, having regard to:</p> <p>(a) any loss of on-street parking; and</p> <p>(b) pedestrian safety and amenity;</p> <p>(c) traffic safety;</p> <p>(d) residential amenity on adjoining land; and</p> <p>(e) the impact on the streetscape.</p>
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>The proposal provides 1 access for each frontage satisfying A1 above</p>	
<p>A2</p>	<p>P2</p>

Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.	Within the Central Business Zone or in a pedestrian priority street, any new accesses must: (a) not have an adverse impact on: (i) pedestrian safety and amenity; or (ii) traffic safety; and (b) be compatible with the streetscape.
Addressing Acceptable Solution	Addressing Performance Criteria
Not applicable to this application.	

C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone - Not applicable to this application

C2.6.5 Pedestrian access - Not applicable to this application

C2.6.6 Loading bays - Not applicable to this application

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone - Not applicable to this application

C2.6.8 Siting of parking and turning areas - Not applicable to this application

C2.7 Parking Precinct Plan - Not applicable to this application

C3.0 Road and Railway Assets Code

This code is applicable to this application and therefore the following provisions apply:

C3.1 Code Purpose

The purpose of the Road and Railway Assets Code is:

- C3.1.1 To protect the safety and efficiency of the road and railway networks; and
- C3.1.2 To reduce conflicts between sensitive uses and major roads and the rail network.

C3.5 Use Standards

C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction

Objective:

To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.

<p>A1.1 For a category 1 road or a limited access road, vehicular traffic to and from the site will not require: (a) a new junction; (b) a new vehicle crossing; or (c) a new level crossing; or</p> <p>A1.2 For a road, excluding a category 1 road or a limited access road, written consent for a new junction, vehicle crossing, or level crossing to serve the use and development has been issued by the road authority; or</p> <p>A1.3 For the rail network, written consent for a new private level crossing to serve the use and development has been issued by the rail authority; and</p> <p>A1.4</p>	<p>P1 Vehicular traffic to and from the site must minimise any adverse effects on the safety of a junction, vehicle crossing or level crossing or safety or efficiency of the road or rail network, having regard to: (a) any increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any advice received from the rail or road authority.</p>
--	---

<p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <p>(a) the amounts in Table C3.1; or</p> <p>(b) allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road; and</p> <p>A1.5 Vehicular traffic must be able to enter and leave a major road in a forward direction.</p>	
<p>Addressing Acceptable Solution</p>	<p>Addressing Performance Criteria</p>
<p>A1.1 is not applicable to this application. The relevant road authority has given its consent for vehicle access arrangements for the proposed development complying with A1.2. A1.3 is not applicable to this application. Vehicle traffic movement to and from the site remains unchanged as part of this application and therefore remains consistent with Table C3.1. A1.5 is not applicable to this application.</p>	

C3.6 Development Standards for Buildings or Works - Not applicable to this application

C3.7 Development Standards for Subdivision - Not applicable to this application

C4.0 Electricity Transmission Infrastructure Protection Code - Not applicable to this application

C5.0 Telecommunications Code - Not applicable to this application

C6.0 Local Historic Heritage Code - Not applicable to this application

C7.0 Natural Assets Code - Not applicable to this application

C8.0 Scenic Protection Code - Not applicable to this application

C9.0 Attenuation Code - Not applicable to this application

C10.0 Coastal Erosion Hazard Code - Not applicable to this application

C11.0 Coastal Inundation Hazard Code - Not applicable to this application

C12.0 Flood-Prone Areas Hazard Code - Not applicable to this application

C13.0 Bushfire-Prone Areas Code - Not applicable to this application

C14.0 Potentially Contaminated Land Code - Not applicable to this application

C15.0 Landslip Hazard Code - Not applicable to this application

C16.0 Safeguarding of Airports Code - Not applicable to this application

Conclusion

This supporting documentation demonstrates that the proposal being a Proposed Shops & Residential Units supports and furthers the Planning Scheme aims and objectives, relevant Clauses and Schedules as set out for development within the Local Business Zone.

Where the proposal does not comply with the Acceptable Solution (AS) it has been demonstrated that the Performance Criteria (PC) are satisfied meeting the objective of the relevant provision and there is not an unreasonable loss of amenity as a consequence of this proposal.

With the above in mind, a planning permit for a Proposed Shops & Residential Units at 24A Terrylands Street, Hillcrest is respectfully sought from the Planning Authority.



pitt&sherry

24A Terrylands Street

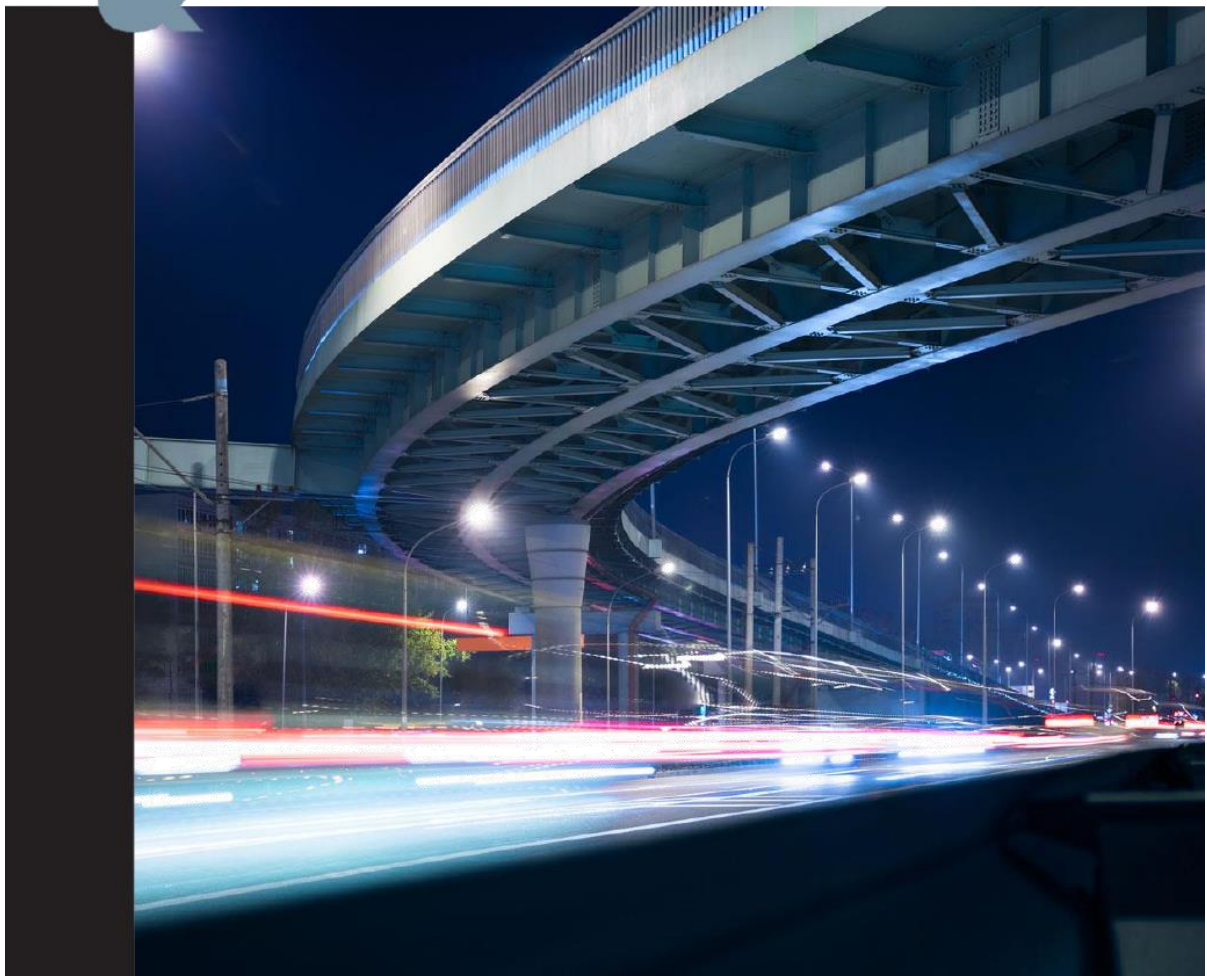
Traffic Impact Statement

Prepared for
Lachlan Walsh Designs

Client representative
Lachlan Walsh

Date
24 February 2021

Rev 00



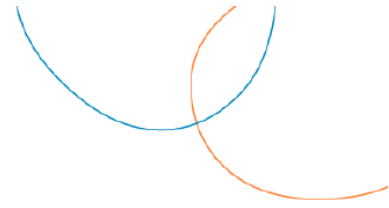


Table of Contents

1.	Introduction.....	4
2.	Existing Conditions	4
2.1	Site Location.....	4
2.2	Surrounding Road Network.....	5
2.2.1	Terrylands Street.....	5
2.2.2	Terrylands Lane	5
2.2.3	The Boulevard.....	5
2.2.4	Bird Street.....	5
2.3	Surrounding Intersections.....	5
2.4	Car Parking.....	5
2.4.1	Car Parking Inventory.....	5
2.4.2	Parking Survey and Results	6
2.4.3	Burnie Aquatic Centre Parking Demand.....	7
2.5	Public Transport.....	8
3.	Proposed Development	8
3.1	Overview.....	8
4.	Transport Assessment.....	8
4.1	Traffic Impact Assessment.....	8
4.1.1	Traffic Generation	8
4.1.2	Traffic Impacts.....	9
5.	Parking Assessment.....	9
5.1	Car Parking Requirement.....	9
5.2	Bicycle Parking Requirement	9
5.3	Car Parking Layout	10
6.	Planning Scheme Assessment	11
6.1	C2.0 Codes.....	11
6.2	C3.0 Codes.....	21
7.	Conclusion.....	22

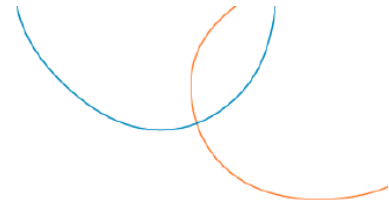
List of figures

Figure 1:	Site location in local context (Aerial Source: https://maps.thelist.tas.gov.au/listmap/app/list/map).....	4
Figure 2:	Location of on-street parking along Terrylands Street (Aerial Source: https://maps.thelist.tas.gov.au/listmap/app/list/map)	6
Figure 3:	Table 1.1 of AS/NZS 2890.1:2004	10

List of tables




Table 1:	On-street parking supply and restrictions	6
Table 2:	On-street car parking occupancy results	7
Table 3:	Car parking layout requirements	11
Table 4:	C2.0 Use Standards	11
Table 5:	C2.0 Development Standards.....	13
Table 6:	C3.0 Use Standards	21

ref: T-P.20.2070-TRA-REP-001-Rev00/LA/cy



Appendices

Appendix A — Development Plans

Prepared by — Leenah Ali-Lavroff		Date — 24 February 2021
Reviewed by — Rebekah Ramm		Date — 24 February 2021
Authorised by — Ross Mannering		Date — 24 February 2021

Revision History					
Rev No.	Description	Prepared by	Reviewed by	Authorised by	Date
00	Traffic Impact Statement	L. Ali-Lavroff	R. Ramm	R. Mannering	24/02/2021

© 2020 pitt&sherry. This document is and shall remain the property of pitt&sherry. The document may only be used for the purposes for which it was commissioned and in accordance with the Terms of Engagement for the commission. Unauthorised use of this document in any form is prohibited.

ref: T-P.20.2070-TRA-REP-001-Rev00/LA/cy



1. Introduction

A Development Application (DA) was lodged with Burnie City Council (Council) for a two-storey building at 24A Terrylands Street, Hillcrest. The building was to contain two commercial units on the ground floor level and two one-bedroom dwellings on the upper level. A total of 4 parking spaces were provided for the proposed development.

Following the lodgement of the DA, Council rejected the application on Tuesday 8 December 2020 on the basis that the application had a shortfall of parking and there was no available on-street parking.

The plans for the proposed development have since been changed, to reduce the floor area of each of the commercial units and one-bedroom dwellings. Lachlan Walsh, on behalf of his client, has requested that pitt&sherry prepare a Traffic Impact Statement addressing the available parking both on-site as well as in the immediate vicinity of the site.

2. Existing Conditions

2.1 Site Location

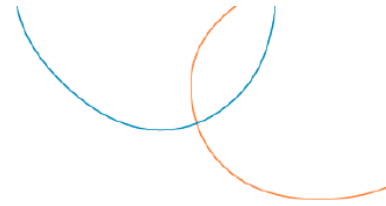
The site is located at 24A Terrylands Street in Hillcrest with a frontage to Terrylands Street and Terrylands Lane. The site has a land use classification as 14.0 Local Business under the *Tasmanian Planning Scheme*. The existing building on the site is currently vacant.

The site is located approximately 1.37km south-west of the Burnie Central Business District. The Burnie Aquatic Centre is located across the road to the south of the site while a number of small businesses including a dog grooming business, a hair salon and a takeaway restaurant are located to the east. Residential properties are located to the north and west of the site.

Figure 1 shows the location of the site in the local context.



Figure 1: Site location in local context (Aerial Source: <https://maps.thelist.tas.gov.au/listmap/app/listmap>)



2.2 Surrounding Road Network

2.2.1 Terrylands Street

Terrylands Street is a Council owned street with a single lane in each direction. The street operates in a north-west south-east direction and is subject to the Tasmanian Urban Speed Limit of 50km/h.

parking is not permitted on the northern side of Terryland Street which is currently utilised by a taxi zone, pedestrian crossing facility and driveways to the existing shops located to the east of the site. A large section of on-street parking is available along the southern side of Terryland Street, along with a decommissioned bus drop off zone (i.e. the bus drop off zone is no longer used and is not listed on the Metro Tasmania website). It was observed on site that the bus drop off zone has faded line marking, no signage and no indication of its current use. The decommissioned bus drop-off zone was observed at times to be used by vehicles for parking.

2.2.2 Terrylands Lane

Terrylands Lane is a Council owned road that operates with two-way traffic flow. The road wraps around the existing shops, intersecting with Terrylands Street between 12 and 14 and 24A and 26 Terrylands Street. It is primarily used to access the rear of the shops and although subject to the Tasmanian Urban Speed Limit of 50km/h, vehicles were observed to travel at a speed of approximately 10km/h. One parking spot was observed at the northernmost point of the lane, which is likely utilised by shop staff.

2.2.3 The Boulevard

The Boulevard is a Council owned collector road comprised of a single lane in each direction. The road operates in a north-east south-west direction and is subject to the Tasmanian Urban Speed Limit of 50km/h. Free parking is permitted along both sides of The Boulevard except in the bus drop off zones and across driveway accesses.

2.2.4 Bird Street

Bird Street is a Council owned road comprised of a single lane in each direction. The road operates in a predominantly north-east south-west direction and is subject to the Tasmanian Urban Speed Limit of 50km/h. Free parking is permitted along both sides of Bird Street except in the bus drop off zones and across driveway accesses.

2.3 Surrounding Intersections

The following intersections are located in the immediate vicinity of the site:

- Terrylands Street/ Terrylands Lane (give-way T-intersection)
- The Boulevard/ Terrylands Street (sign-controlled give-way T-intersection)
- Bird Street/ Terrylands Street (sign-controlled give-way T-intersection)

2.4 Car Parking

2.4.1 Car Parking Inventory

A considerable amount of on-street car parking is provided on the streets surrounding the site. The Monash University Institute of Transport Studies Publication *Traffic Engineering and Management* states that the 'convenient walking distance' for 15-minute parking is 107m. However, it was assumed that due to the abundance of parking along the southern side of Terrylands Street, cars would not park on Bird Street and The Boulevard and would rather park along Terrylands Street.



Based on this, the on-street car parking supply and demand within the convenient walking distance has been determined as shown in Table 1. The location of the parking spaces along Terrylands Street in the local context is shown in Figure 2.

It is noted that as the on-street car parking spaces were unmarked, it has been assumed that each parking space has a length of 7 metres.

Table 1: On-street parking supply and restrictions

Street	Restriction	Supply
Terrylands Street	Unrestricted	9
	Decommissioned Bus Zone	9



Figure 2: Location of on-street parking along Terrylands Street (Aerial Source: <https://maps.thelist.tas.gov.au/listmap/app/list/map>)

2.4.2 Parking Survey and Results

Car parking demand surveys were undertaken to gain an indication of the parking demand on a typical weekday. The surveys were completed in the locations detailed in Section 2.4.1 at the following times:

- Thursday 28 January 2021 12:00pm – 2:00pm
- Friday 29 January 2021 2:00pm – 4:00pm
- Monday 1 February 2021 4:00pm – 7:00pm
- Tuesday 2 February 2021 8:00am – 11:00am
- Wednesday 3 February 2021 10:00am – 12:00pm

The results of the car parking surveys are summarised in Table 2 below.

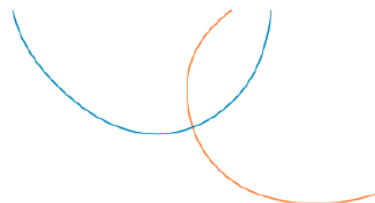


Table 2: On-street car parking occupancy results

Supply		Demand Percentage Occupancy	
		Unrestricted 9	Decommissioned Bus Zone 9
Day	Time		
Thursday 28 January 2021	12:00pm	0 0%	0 0%
	12:30pm	0 0%	0 0%
	1:00pm	0 0%	0 0%
	1:30pm	0 0%	0 0%
	2:00pm	0 0%	0 0%
Friday 29 January 2021	2:00pm	0 0%	0 0%
	2:30pm	0 0%	0 0%
	3:00pm	0 0%	0 0%
	3:30pm	0 0%	0 0%
Monday 1 February 2021	4:00pm	0 0%	0 0%
	4:00pm	0 0%	0 0%
	4:30pm	0 0%	0 0%
	5:00pm	0 0%	1 11%
	5:30pm	0 0%	1 11%
	6:00pm	0 0%	0 0%
	6:30pm	0 0%	0 0%
Tuesday 2 February 2021	7:00pm	0 0%	0 0%
	8:00am	0 0%	0 0%
	8:30am	0 0%	0 0%
	9:00am	0 0%	0 0%
	9:30am	0 0%	0 0%
	10:00am	0 0%	0 0%
Wednesday 3 February 2021	10:30am	0 0%	0 0%
	11:00am	0 0%	1 11%
	10:00am	0 0%	0 0%
	10:30am	0 0%	0 0%
	11:00am	0 0%	0 0%
	11:30am	0 0%	0 0%
	12:00pm	0 0%	0 0%

Table 2 shows that at most times the car parking on Terrylands Street is empty.

The *Austrroads Guide to Traffic Management Part 11: Parking* states that parking is generally considered to be 'at capacity' when available spaces are 85% occupied at times of peak demand. This level of occupancy is recognised as best practice approach to the management of parking.

The survey results above suggest that on-street parking in the vicinity of the site currently has significant spare capacity.

2.4.3 Burnie Aquatic Centre Parking Demand

It is understood that Council have advised that the on-street parking along Terrylands Street is used by the Burnie Aquatic Centre. During the site visit, it was observed that there is no signage along Terrylands Street advising the parking is reserved for Burnie Aquatic Centre patrons. It was also observed that there is currently no pedestrian access to the Aquatic Centre from Terrylands Street and any patron parked along Terrylands Street is required to walk to the Aquatic Centre access along The Boulevard (a minimum distance of 210m).

During the parking demand surveys, it was noted that swim classes were occurring at the Aquatic Centre on two occasions. On both occasions, all Aquatic Centre patrons were observed to be parked within the Aquatic Centre off-street car park, with no patrons parked on Terrylands Street.



2.5 Public Transport

Metro Tasmania provide the main mode of public transport in Burnie.

Currently, Routes 192 and 193 operate along Bird Street and Route 196 operates along The Boulevard. All bus routes operate to and from the Burnie CBD and operate hourly on weekdays between 8:00am and 5:00pm.

The nearest Bird Street bus stop is located approximately 120m away from the proposed development and the nearest bus stop on The Boulevard is located approximately 150m away. Both bus stops are within a 2 minutes walking distance from the proposed development.

3. Proposed Development

3.1 Overview

It is proposed to develop a two-storey building at 24A Terrylands Street, Hillcrest. The building is to contain two commercial units on the ground floor level and two one-bedroom dwellings on the upper level. One of the commercial units is proposed to have a floor area of 47m² while the other commercial unit is proposed to have a floor area of 44m². The commercial units are to be used as office space or retail shops.

A total of 5 parking spaces are provided for the proposed development.

Plans for the proposed development are included in Appendix A.

4. Transport Assessment

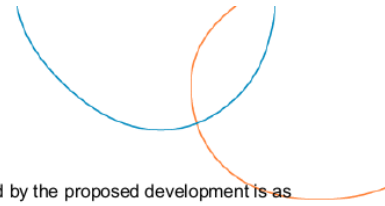
4.1 Traffic Impact Assessment

4.1.1 Traffic Generation

Traffic generation rates for the proposed commercial units have been sourced from the *Roads and Maritime Guide to Traffic Generating Developments* (RMS Guide) while traffic generation for the proposed residential dwellings have been sourced from the *Roads and Maritime Guide to Traffic Generating Developments Technical Direction TDT 2013/04a* (RMS Technical Direction).

The RMS Guide and Technical Direction specify the following traffic generation rates:

- Commercial Units
 - AM Peak Hour 2 trips per 100m² gross floor area
 - PM Peak Hour 2 trips per 100m² gross floor area
 - Daily 10 trips per 100m² gross floor area
- Residential Dwellings
 - AM Peak Hour 0.99 trips per dwelling
 - PM Peak Hour 0.95 trips per dwelling
 - Daily 10.7 trips per dwelling



Based on the generation rates above, the traffic generation expected to be generated by the proposed development is as follows:

- Commercial Units
 - AM Peak Hour 2 trips
 - PM Peak Hour 2 trips
 - Daily 9 trips
- Residential Dwellings
 - AM Peak Hour 2 trips
 - PM Peak Hour 2 trips
 - Daily 22 trips

4.1.2 Traffic Impacts

The traffic generation of 4 trips during the AM and PM peak hours and 31 trips daily is considered low and is not expected to result in a detrimental impact to the safety or function of the surrounding road network.

4.2 Parking Assessment

4.2.1 Car Parking Requirement

Table C2.1 of the Tasmanian Planning Scheme specifies parking rates for the proposed development as follows:

- Commercial units 1 space per 30m²
- Residential dwellings 1 space per dwelling + 1 additional space per 5 dwellings or part thereof.

Based on the above, the proposed development is required to provide 7 car parking spaces.

As the proposed development is providing 5 car parking spaces, there is a shortfall of 2 car parking space. It is noted however that while there is a shortfall of on-site car parking spaces, the parking survey results presented in Section 2.4 of this report show that there is capacity on-street to accommodate the additional parking required by the proposed development.

4.2.2 Bicycle Parking Requirement

Table C2.1 of the Tasmanian Planning Scheme specifies bicycle parking rates for the proposed development as follows:

- Commercial units 1 space per 500m²
- Residential dwellings No requirement

Based on the above, the proposed development is required to provide 1 bicycle parking space.

As the proposed development is providing 2 bicycle parking spaces, it meets the requirements set out in Table C2.1.



4.2.3 Car Parking Layout

The car parking layout of the proposed development has been assessed against the *Australian Standard for Off Street Car Parking AS/NZS 2890.1:2004* (Australian Standard).

In order to determine the class of parking, Table 1.1 of the Australian Standard has been reviewed. An excerpt of Table 1.1 is shown in Figure 3.

TABLE 1.1
CLASSIFICATION OF OFF-STREET CAR PARKING FACILITIES

User class	Required door opening	Required aisle width	Examples of uses (Note 1)
1	Front door, first stop	Minimum for single manoeuvre entry and exit	Employee and commuter parking (generally, all-day parking)
1A	Front door, first stop	Three-point turn entry and exit into 90° parking spaces only, otherwise as for User Class 1	Residential, domestic and employee parking
2	Full opening, all doors	Minimum for single manoeuvre entry and exit	Long-term city and town centre parking, sports facilities, entertainment centres, hotels, motels, airport visitors (generally medium-term parking)
3	Full opening, all doors	Minimum for single manoeuvre entry and exit	Short-term city and town centre parking, parking stations, hospital and medical centres
3A	Full opening, all doors	Additional allowance above minimum single manoeuvre width to facilitate entry and exit	Short term, high turnover parking at shopping centres
4	Size requirements are specified in AS/NZS 2890.6 (Note 2)		Parking for people with disabilities

Key

Commercial Units

Residential Dwellings

Figure 3: Table 1.1 of AS/NZS 2890.1:2004

Based on the above, the commercial units are a User Class 3A facility and the residential units are a User Class 1A facility.

The Australian Standard dimensional requirements for Use Class 1A and 3A car parking spaces are specified in Table 3.

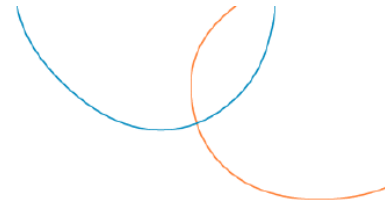


Table 3: Car parking layout requirements

Use Class	Feature	Minimum Requirement	Proposed
Use Class 1A	Parking Space Width (90 degree)	2.4m	2.4m
	Parking Space Length (90 degree)	5.4m	5.4m
Use Class 3A	Parking Space Width (90 degree)	2.6m	2.6m
	Parking Space Length (90 degree)	5.4m	5.4m

Based on the dimensions above, the proposed car park dimensions meet the Australian Standard requirements.

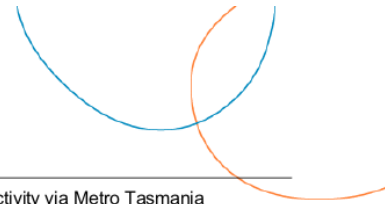
5. Planning Scheme Assessment

5.1 C2.0 Code

The proposed development has been assessed against the C2.0 Code of the Tasmanian Planning Scheme. The relevant use standards have been assessed in Table 4 while the relevant development standards have been assessed in Table 5.

Table 4: C2.0 Use Standards

C2.5.1 Car parking numbers	
Objective:	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if:</p> <ul style="list-style-type: none"> the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; the site is contained within a parking precinct plan and subject to Clause C2.7; the site is subject to Clause C2.5.5; or it relates to an intensification of an existing use or development or a change of use where: the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or 	<p>Satisfies Performance Criteria P1.1</p> <p>Table C2.1 requires the proposed development to provide 7 car parking spaces. As the proposed development is providing 5 car parking spaces, it is unable to comply with Acceptable Solution A1.</p> <p>The proposed development does however satisfy Performance Criteria P1.1 and P1.2 as follows:</p> <p>Performance Criteria P1.1</p> <ul style="list-style-type: none"> Parking survey results presented in Section 2.4 of this report show that there is capacity on-street to accommodate the additional parking required by the proposed development N/A Routes 192 and 193 operate along Bird Street and Route 196 operates along The Boulevard. All bus routes operate to and from the Burnie CBD and operate hourly on weekdays between 8:00am and 5:00pm. Bus stops along Bird Street and The Boulevard are located within a 2-minute walking distance of the proposed development



- the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows:

$$N = A + (C - B)$$

N = Number of on-site car parking spaces required

A = Number of existing on site car parking spaces

B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1

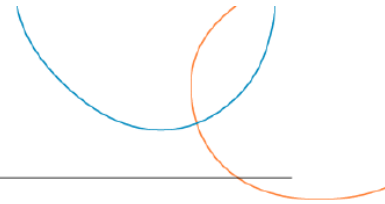
C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.

Performance Criteria P1.1

The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:

- the availability of off-street public car parking spaces within reasonable walking distance of the site;
- the ability of multiple users to share spaces because of:
 - variations in car parking demand over time; or
 - efficiencies gained by consolidation of car parking spaces;
- the availability and frequency of public transport within reasonable walking distance of the site;
- the availability and frequency of other transport alternatives;
- any site constraints such as existing buildings, slope, drainage, vegetation and landscaping;
- the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity;

- In addition to connectivity via Metro Tasmania buses, there is good footpath connectivity in the vicinity of the site
- N/A
- Terrylands Street is a Council owned local street with free unrestricted parking provided along the southern side of the street. Based on parking survey results presented in Section 2.4 of this report, there is significant spare capacity available along the street
- N/A
- This traffic impact statement has been prepared for the proposed development and identifies that there is enough on-street parking to accommodate the shortfall of parking for the proposed development



- the effect on streetscape; and
- any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development.

C2.5.2 Bicycle parking numbers

Objective:

That an appropriate level of bicycle parking spaces are provided to meet the needs of the use.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> • be provided on the site or within 50m of the site; and • be no less than the number specified in Table C2.1. 	<p>Complies with Acceptable Solution A1.</p> <p>Table C2.1 requires the proposed development to provide 1 bicycle parking space.</p> <p>As 2 bicycle parking spaces are provided on-site, the proposed development complies with Acceptable Solution A1.</p>

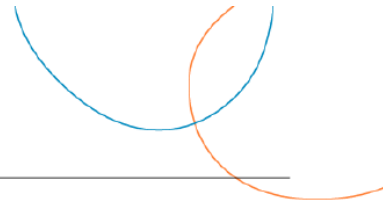
Table 5: C2.0 Development Standards

C2.6.1 Construction of parking areas

Objective:

That parking areas are constructed to an appropriate standard.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>All parking, access ways, manoeuvring and circulation spaces must:</p> <ol style="list-style-type: none"> be constructed with a durable all weather pavement; be drained to the public stormwater system, or contain stormwater on the site; and excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement. 	
<p>Performance Criteria P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ol style="list-style-type: none"> the nature of the use; 	

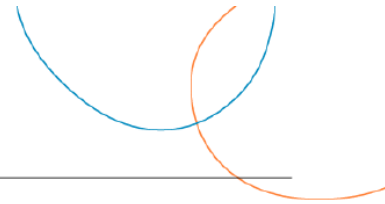


<ul style="list-style-type: none"> b) the topography of the land; c) the drainage system available; d) the likelihood of transporting sediment or debris from the site onto a road or public place; e) the likelihood of generating dust; and f) the nature of the proposed surfacing. 	
---	--

C2.6.2 Design and layout of parking areas

Objective:
That parking areas are designed and laid out to provide convenient, safe and efficient parking.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1.1 Parking, access ways, manoeuvring and circulation spaces must either:</p> <ul style="list-style-type: none"> a) comply with the following: <ul style="list-style-type: none"> i. have a gradient in accordance with Australian Standard AS 2890 - Parking facilities, Parts 1-6; ii. provide for vehicles to enter and exit the site in a forward direction where providing for more than 4 parking spaces; iii. have an access width not less than the requirements in Table C2.2; iv. have car parking space dimensions which satisfy the requirements in Table C2.3; v. have a combined access and manoeuvring width adjacent to parking spaces not less than the requirements in Table C2.3 where there are 3 or more car parking spaces; vi. have a vertical clearance of not less than 2.1m above the parking surface level; and vii. excluding a single dwelling, be delineated by line marking or other clear physical means; or b) comply with Australian Standard AS 2890- Parking facilities, Parts 1-6. <p>Acceptable Solution A1.2 Parking spaces provided for use by persons with a disability must satisfy the following:</p> <ul style="list-style-type: none"> a) be located as close as practicable to the main entry point to the building; b) be incorporated into the overall car park design; and 	



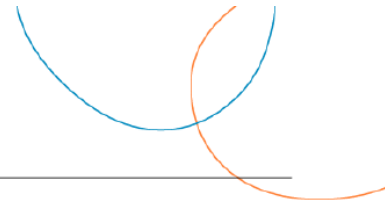
<p>c) be designed and constructed in accordance with Australian/New Zealand Standard AS/NZS 2890.6:2009 Parking facilities, Off-street parking for people with disabilities.</p>	
<p>Performance Criteria P1 All parking, access ways, manoeuvring and circulation spaces must be designed and readily identifiable to provide convenient, safe and efficient parking, having regard to:</p> <ul style="list-style-type: none"> a) the characteristics of the site; b) the proposed slope, dimensions and layout; c) useability in all weather conditions; d) vehicle and pedestrian traffic safety; e) the nature and use of the development; f) the expected number and type of vehicles; g) the likely use of the parking areas by persons with a disability; h) the nature of traffic in the surrounding area; i) the proposed means of parking delineation; and j) the provisions of Australian Standard AS 2890.1:2004 - Parking facilities, Part 1: Off-street car parking and AS 2890.2 -2002 Parking facilities, Part 2: Off-street commercial vehicle facilities. 	

C2.6.3 Number of accesses for vehicles

Objective:
That:

- a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;
- b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and
- c) the number of accesses minimise impacts on the streetscape.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1 The number of accesses provided for each frontage must:</p> <ul style="list-style-type: none"> a) be no more than 1; or b) no more than the existing number of accesses, whichever is the greater. 	
<p>Acceptable Solution A2 Within the Central Business Zone or in a pedestrian priority street no new access is provided unless an existing access is removed.</p>	
<p>Performance Criteria P1</p>	



<p>The number of accesses for each frontage must be minimised, having regard to:</p> <ul style="list-style-type: none"> a) any loss of on-street parking; and b) pedestrian safety and amenity; c) traffic safety; d) residential amenity on adjoining land; and e) the impact on the streetscape. 	
<p>Performance Criteria P1</p> <p>Within the Central Business Zone or in a pedestrian priority street, any new accesses must:</p> <ul style="list-style-type: none"> a) not have an adverse impact on: <ul style="list-style-type: none"> i. pedestrian safety and amenity; or ii. traffic safety; and b) be compatible with the streetscape. 	

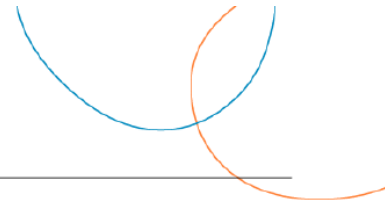
C2.6.4 Lighting of parking areas within the General Business Zone and Central Business Zone

Objective:

That parking and vehicle circulation roads and pedestrian paths within the General Business Zone and Central Business Zone, which are used outside daylight hours, are provided with lighting to a standard which:

- a) enables easy and efficient use;
- b) promotes the safety of users;
- c) minimises opportunities for crime or anti-social behaviour; and
- d) prevents unreasonable light overspill impacts.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roads and pedestrian paths serving 5 or more car parking spaces, which are used outside daylight hours, must be provided with lighting in accordance with Clause 3.1 "Basis of Design" and Clause 3.6 "Car Parks" in Australian Standard/New Zealand Standard AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting – Performance and design requirements.</p>	
<p>Performance Criteria P1</p> <p>In car parks within the General Business Zone and Central Business Zone, parking and vehicle circulation roadways and pedestrian paths, which are used outside daylight hours must be provided with lighting, having regard to:</p> <ul style="list-style-type: none"> a) enabling easy and efficient use of the area; b) minimising potential for conflicts involving pedestrians, cyclists and vehicles; c) minimising opportunities for crime or anti-social behaviour through the creation of concealment spaces; 	



<ul style="list-style-type: none"> d) any unreasonable impact on the amenity of adjoining properties through light overspill; and e) the hours of operation of the use. 	
---	--

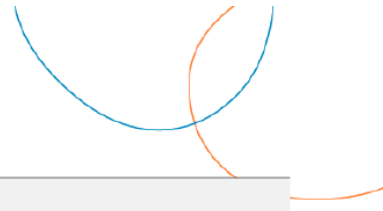
C2.6.5 Pedestrian access

Objective:
That pedestrian access within parking areas is provided in a safe and convenient manner.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1.1 Uses that require 10 or more car parking spaces must:</p> <ul style="list-style-type: none"> a) have a 1m wide footpath that is separated from the access ways or parking aisles, excluding where crossing access ways or parking aisles, by: <ul style="list-style-type: none"> i. a horizontal distance of 2.5m between the edge of the footpath and the access way or parking aisle; or ii. protective devices such as bollards, guard rails or planters between the footpath and the access way or parking aisle; and b) be signed and line marked at points where pedestrians cross access ways or parking aisles. <p>Acceptable Solution A1.2 In parking areas containing accessible car parking spaces for use by persons with a disability, a footpath having a width not less than 1.5m and a gradient not steeper than 1 in 14 is required from those spaces to the main entry point to the building.</p>	
<p>Performance Criteria P1 Safe and convenient pedestrian access must be provided within parking areas, having regard to:</p> <ul style="list-style-type: none"> a) the characteristics of the site; b) the nature of the use; c) the number of parking spaces; d) the frequency of vehicle movements; e) the needs of persons with a disability; f) the location and number of footpath crossings; g) vehicle and pedestrian traffic safety; h) the location of any access ways or parking aisles; and i) any protective devices proposed for pedestrian safety. 	

C2.6.6 Loading bays

Objective:
That the area and dimensions of loading bays are adequate to provide safe and efficient delivery and collection of goods.



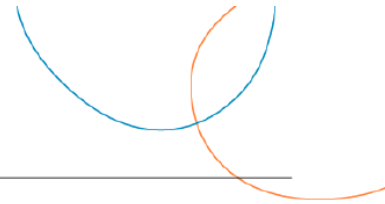
Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>The area and dimensions of loading bays and access way areas must be designed in accordance with Australian Standard AS 2890.2–2002, Parking facilities, Part 2: Off-street commercial vehicle facilities, for the type of vehicles likely to use the site.</p>	
<p>Acceptable Solution A2</p> <p>The type of commercial vehicles likely to use the site must be able to enter, park and exit the site in a forward direction in accordance with Australian Standard AS 2890.2 – 2002, Parking Facilities, Part 2: Parking facilities - Off-street commercial vehicle facilities.</p>	
<p>Performance Criteria P1</p> <p>Loading bays must have an area and dimensions suitable for the use, having regard to:</p> <ol style="list-style-type: none"> the types of vehicles likely to use the site; the nature of the use; the frequency of loading and unloading; the area and dimensions of the site; the topography of the site; the location of existing buildings on the site; and any constraints imposed by existing development. 	
<p>Performance Criteria P2</p> <p>Access for commercial vehicles to and from the site must be safe, having regard to:</p> <ol style="list-style-type: none"> the types of vehicles associated with the use; the nature of the use; the frequency of loading and unloading; the area and dimensions of the site; the location of the site and nature of traffic in the area of the site; the effectiveness or efficiency of the surrounding road network; and site constraints such as existing buildings, slope, drainage, vegetation, parking and landscaping. 	

C2.6.7 Bicycle parking and storage facilities within the General Business Zone and Central Business Zone

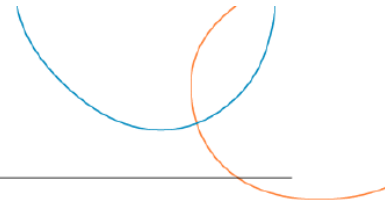
Objective:

That parking for bicycles are safe, secure and convenient, within the General Business Zone and Central Business Zone.

Acceptable Solution/ Performance Criteria	Comment
Acceptable Solution A1	



<p>Bicycle parking for uses that require 5 or more bicycle spaces in Table C2.1 must:</p> <ul style="list-style-type: none"> a) be accessible from a road, cycle path, bicycle lane, shared path or access way; b) be located within 50m from an entrance; c) be visible from the main entrance or otherwise signed; and d) be available and adequately lit during the times they will be used, in accordance with Table 2.3 of Australian/New Zealand Standard AS/NZS 1158.3.1: 2005 Lighting for roads and public spaces - Pedestrian area (Category P) lighting - Performance and design requirements. 	
<p>Acceptable Solution A2</p> <p>Bicycle parking spaces must:</p> <ul style="list-style-type: none"> a) have dimensions not less than: <ul style="list-style-type: none"> i. 1.7m in length; ii. 1.2m in height; and iii. 0.7m in width at the handlebars; b) have unobstructed access with a width of not less than 2m and a gradient not steeper than 5% from a road, cycle path, bicycle lane, shared path or access way; and c) include a rail or hoop to lock a bicycle that satisfies Australian Standard AS 2890.3-2015 Parking facilities -- Part 3: Bicycle parking. 	
<p>Performance Criteria P1</p> <p>Bicycle parking must be provided in a safe, secure and convenient location, having regard to:</p> <ul style="list-style-type: none"> a) the accessibility to the site; b) the characteristics of the site; c) the nature of the proposed use; d) the number of employees; e) the users of the site and the likelihood of travel by bicycle; f) the location and visibility of proposed parking for bicycles; g) whether there are other parking areas on the site; and h) the opportunity for sharing bicycle parking on nearby sites. 	
<p>Performance Criteria P2</p> <p>Bicycle parking spaces and access must be convenient, safe, secure and efficient to use, having regard to:</p> <ul style="list-style-type: none"> a) the characteristics of the site; b) the space available; c) the safety of cyclists; and 	

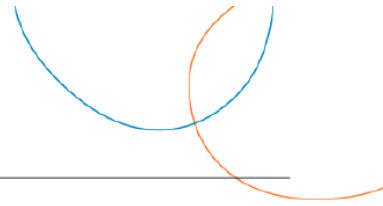


d) the provisions of Australian Standard AS 2890.3-2015 Parking facilities -- Part 3: Bicycle parking	
---	--

C2.6.8 Siting of parking and turning areas

Objective:
That the siting of vehicle parking and access facilities in an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone or Central Business Zone does not cause an unreasonable visual impact on streetscape character or loss of amenity to adjoining properties.

Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas must be located behind the building line of buildings, excluding if a parking area is already provided in front of the building line.</p>	
<p>Acceptable Solution A2</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must:</p> <ul style="list-style-type: none"> a) have no new vehicle accesses, unless an existing access is removed; b) retain an active street frontage; and c) not result in parked cars being visible from public places in the adjacent roads. 	
<p>Performance Criteria P1</p> <p>Within an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone or General Business Zone, parking spaces and vehicle turning areas, including garages or covered parking areas, may be located in front of the building line where this is the only practical solution and does not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <ul style="list-style-type: none"> a) topographical or other site constraints; b) availability of space behind the building line; c) availability of space for vehicle access to the side or rear of the property; d) the gradient between the front and the rear of existing or proposed buildings; e) the length of access or shared access required to service the car parking; f) the location of the access driveway at least 2.5m from a window of a habitable room of a dwelling; g) the visual impact of the vehicle parking and access on the site; h) the streetscape character and amenity; 	



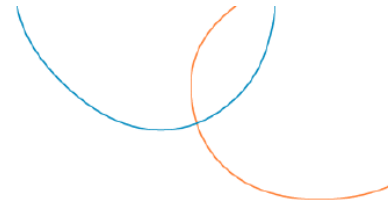
<p>i) the nature of the zone in which the site is located and its preferred uses; and</p> <p>j) opportunities for passive surveillance of the road.</p>	
<p>Performance Criteria P2</p> <p>Within the Central Business Zone, on-site parking at ground level adjacent to a frontage must be designed to screen the views of cars from public places in the adjacent roads, without blank walls facing onto a road, having regard to:</p> <p>a) the streetscape;</p> <p>b) any unreasonable loss of amenity of the occupants of adjoining properties; and</p> <p>c) maintaining opportunities for active uses on a street frontage in a pedestrian priority street.</p>	

5.2 C3.0 Code

The proposed development has been assessed against the C3.0 Code of the Tasmanian Planning Scheme. The relevant use standards have been assessed in Table 6. Development standards have not been assessed as they are not applicable to the proposed development.

Table 6: C3.0 Use Standards

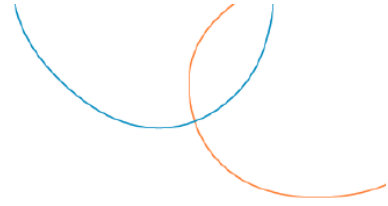
C3.5.1 Traffic generation at a vehicle crossing, level crossing or new junction	
<p>Objective:</p> <p>To minimise any adverse effects on the safety and efficiency of the road or rail network from vehicular traffic generated from the site at an existing or new vehicle crossing or level crossing or new junction.</p>	
Acceptable Solution/ Performance Criteria	Comment
<p>Acceptable Solution A1.4</p> <p>Vehicular traffic to and from the site, using an existing vehicle crossing or private level crossing, will not increase by more than:</p> <ul style="list-style-type: none"> the amounts in Table C3.1; or allowed by a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road. 	<p>Complies with Acceptable Solution A1.4</p> <p>As the proposed development is expected to generate less than the traffic volumes allowed under Table C3.1 and is not subject to a licence issued under Part IVA of the Roads and Jetties Act 1935 in respect to a limited access road, it complies with Acceptable Solution A1.</p>



6. Conclusion

pitt&sherry have been engaged to prepare a Traffic Impact Statement addressing the available parking both on-site as well as in the immediate vicinity of the proposed development at 24 Terrylands Street, Hillcrest. The findings of the assessment presented within this report may be summarised as follows:

- The traffic generation of the proposed development is considered low and is not expected to result in a detrimental impact to the safety or function of the surrounding road network
- As the proposed development is providing 5 car parking spaces, there is a shortfall of 2 car parking space
- The parking survey results presented in Section 2.4 of this report show that there is capacity on-street to accommodate the additional parking required by the proposed development
- The proposed development is providing 2 bicycle parking spaces which exceeds the Planning Scheme requirements
- The proposed car park dimensions meet the Australian Standard requirements.



24A Terrylands Street – Traffic Impact Statement

Contact

Leenah Ali-Lavroff
(03) 6210 1419
lali@pittsh.com.au

**Pitt & Sherry
(Operations) Pty Ltd**
ABN 67 140 184 309

Phone 1300 748 874
info@pittsh.com.au
pittsh.com.au

Located nationally —
Melbourne
Sydney
Brisbane
Hobart
Launceston
Newcastle
Devonport



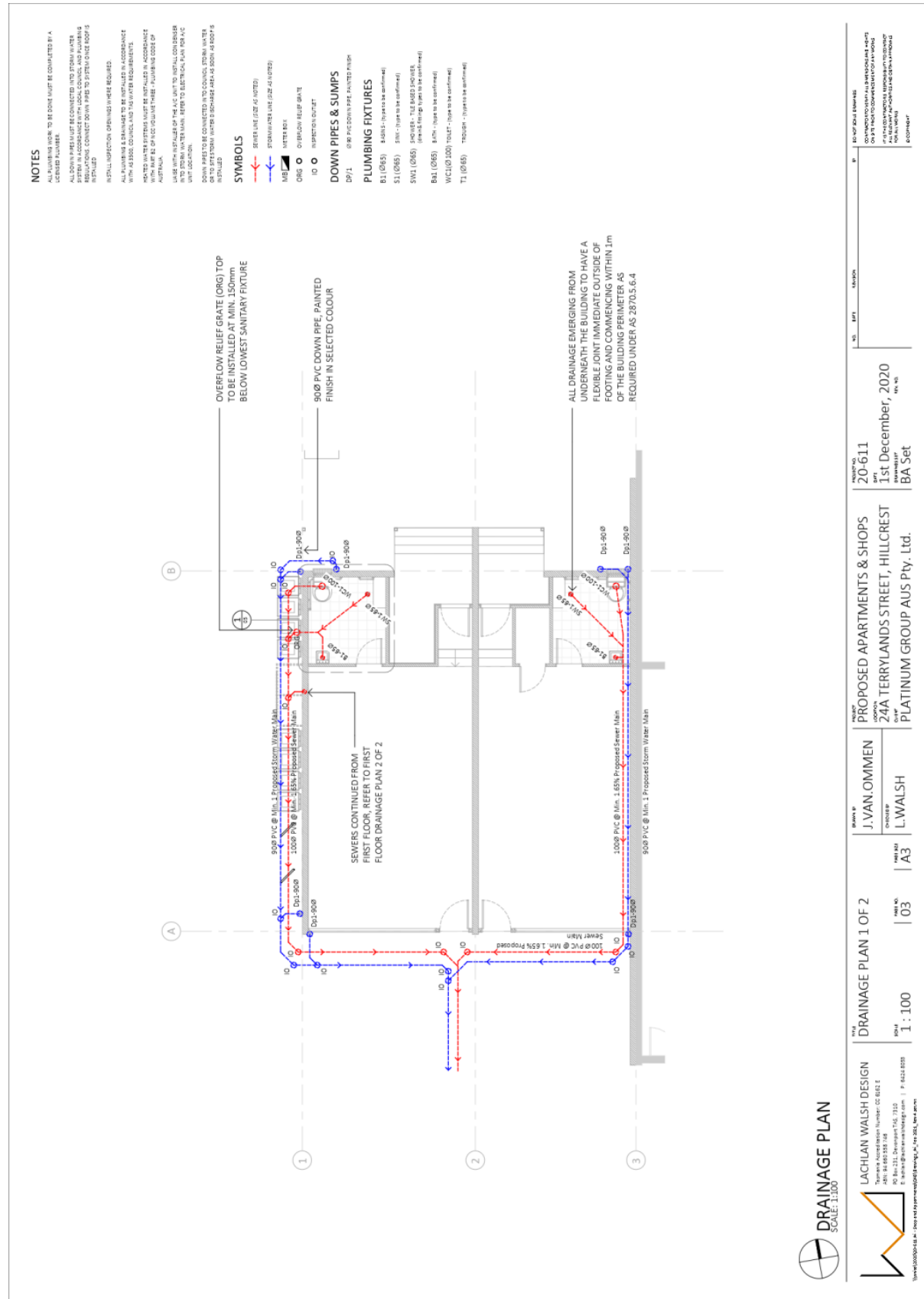
ref: T-P.20.2070-TRA-REP-001-Rev00/LA/cy



Development Plans

Appendix A

pitt&sherry



NOTES

- ALL PLUMBING WORK TO BE DONE MUST BE COMPLETED BY A LICENSED PLUMBER.
- ALL DOWN PIPES MUST BE CONNECTED INTO STORM WATER OR SEWER MAINS IN ACCORDANCE WITH THE LOCAL COUNCIL REGULATIONS. CONNECT DOWN PIPES TO SYSTEM ONCE ROOMS ARE INSTALLED.
- INSTALL INSPECTION OPENINGS WHERE REQUIRED.
- ALL PLUMBING IS TO BE INSTALLED IN ACCORDANCE WITH ALL LOCAL COUNCIL AND WATER REQUIREMENTS.
- HEATED WATER SYSTEMS MUST BE INSTALLED IN ACCORDANCE WITH ALL LOCAL COUNCIL AND WATER REQUIREMENTS.
- WATER FROM INSTALLATION OF THE A/C UNIT TO INSTALL CONDENSER INTO STORM WATER MAIN. REFER TO ELECTRICAL PLAN FOR A/C UNIT LOCATION.
- DOWN PIPES TO BE CONNECTED INTO COMMON STORM WATER OR SEWER MAINS UNDER BUILDING PERIMETER AS NOTED IS INSTALLED.

SYMBOLS

- SEWER LINE (SIZE AS NOTED)
- STORM WATER LINE (SIZE AS NOTED)
- METER BOX
- OVERFLOW RELIEF GRATE
- INSPECTION POINT

DOWN PIPES & SUMPS

- DP1 (Ø65) Ø65 PVC DOWN PIPE, PAINTED FINISH

PLUMBING FIXTURES

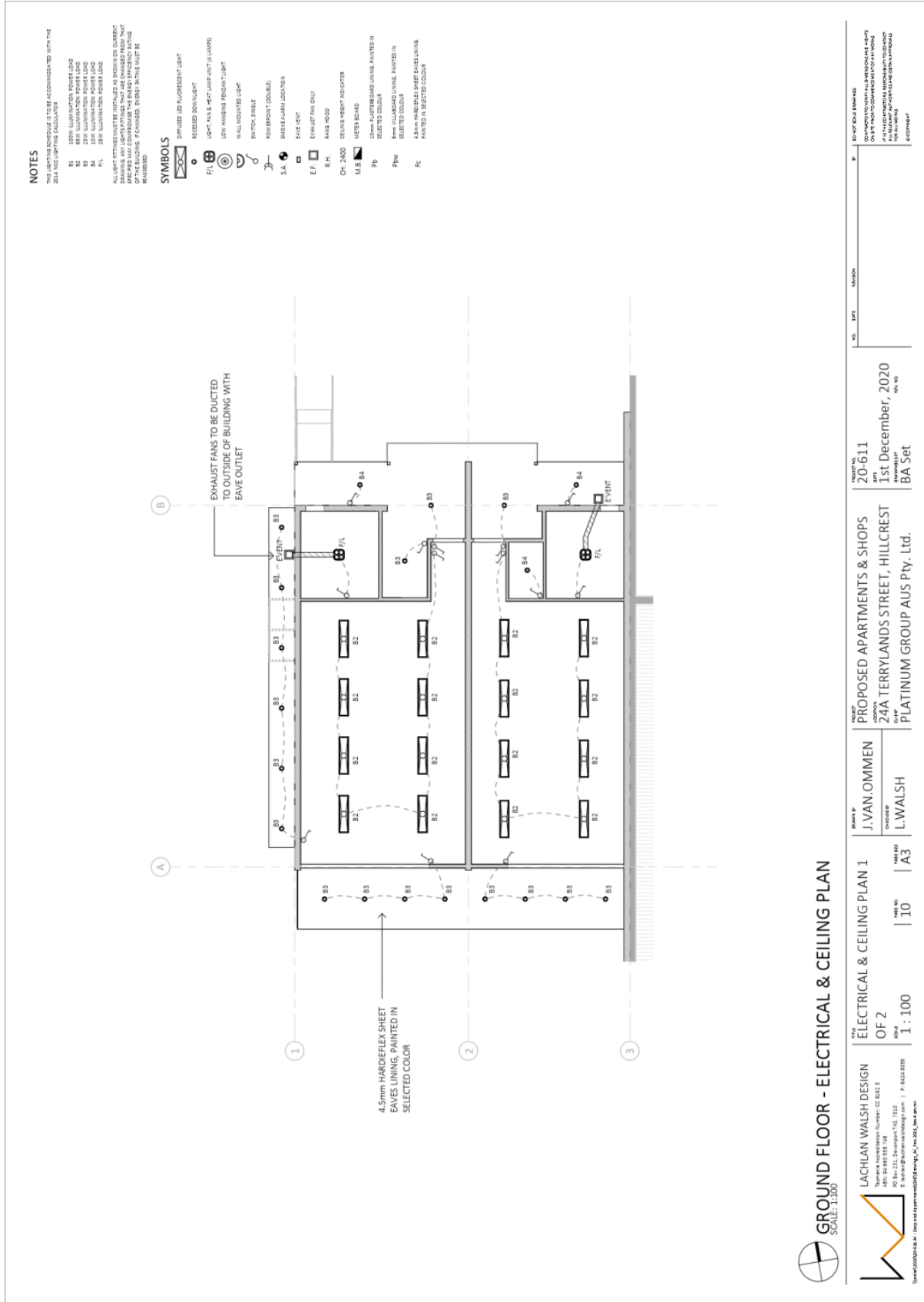
- BS1 (Ø65) 1/2" x 1/2" - (Type to be confirmed)
- SW1 (Ø65) 1/2" x 1/2" - (Type to be confirmed)
- BS1 (Ø65) 1/2" x 1/2" - (Type to be confirmed)
- WC1 (Ø100) TOILET - (Type to be confirmed)
- T1 (Ø65) TROUGH - (Type to be confirmed)

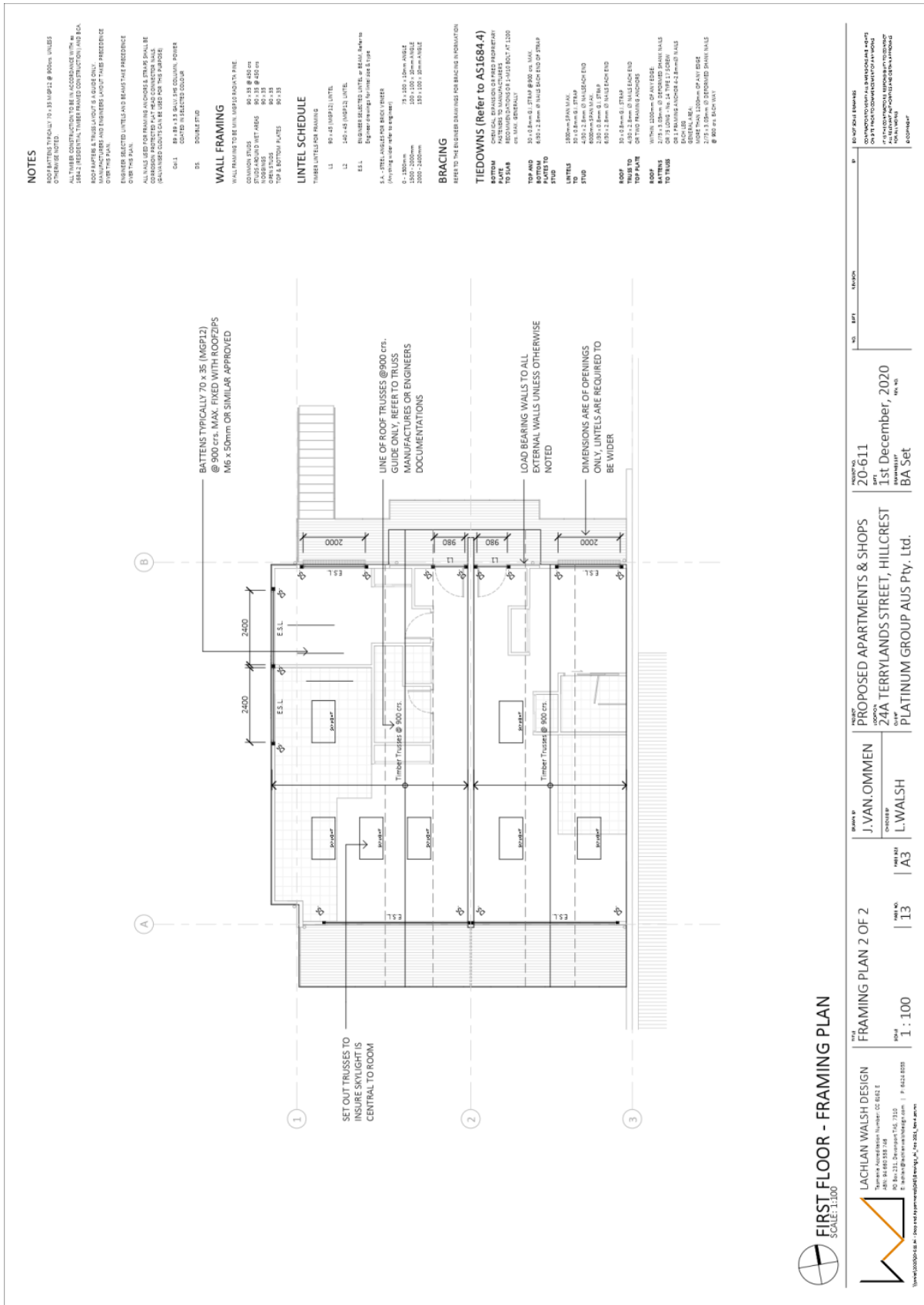
DRAINAGE PLAN
SCALE: 1:100

LACHLAN WALSH DESIGN
Lachlan Walsh Design
2/81-83 Bayswater Road
Bayswater, VIC 3105
P: 03 9594 1234
E: info@lwdesign.com.au
W: www.lwdesign.com.au

PROJECT NO: 20-611
DATE: 1st December, 2020
DRAWN BY: J. VAN OMMEN
CHECKED BY: L. WALSH
PROJECT: PROPOSED APARTMENTS & SHOPS
LOCATION: 24A TERRYLANDS STREET, HILLCREST
CLIENT: PLATINUM GROUP AUS Pty. Ltd.

NO. 101
DATE: 1st December, 2020
DRAWN BY: J. VAN OMMEN
CHECKED BY: L. WALSH
PROJECT: PROPOSED APARTMENTS & SHOPS
LOCATION: 24A TERRYLANDS STREET, HILLCREST
CLIENT: PLATINUM GROUP AUS Pty. Ltd.





NOTES
ROOF BATTENS TYPICALLY 75 X 35 MGP12 @ 900mm UNLESS OTHERWISE NOTED
ALL TIMBER CONSTRUCTION TO BE IN ACCORDANCE WITH THE BCA 2019 (AS 1600). TIMBER FRAMED CONSTRUCTION AND B.C.A. J-18.1 RESISTANCE, TIMBER JOINTS TO BE MADE IN ACCORDANCE WITH THE BCA 2019 (AS 1600) AND ENGINEERS' AND/OR FABRICATOR'S SPECIFICATIONS OVER THIS PLAN.
ENGINEER SELECTED LINTELS AND BEAMS TAKE PRECEDENCE OVER THIS PLAN.
ALL WALLS USED FOR FRAMING AND CHOLEL STRAPS SHALL BE CONSIDERED TO BE NON-STRUCTURAL WALLS AND SHALL BE CONSIDERED TO BE NON-STRUCTURAL WALLS UNLESS OTHERWISE NOTED.
SIZES ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.
SIZES ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.
SIZES ARE IN MILLIMETRES UNLESS OTHERWISE NOTED.

WALL FRAMING

WALL FRAMING TO BE IN ACCORDANCE WITH THE BCA 2019 (AS 1600) AND ENGINEERS' AND/OR FABRICATOR'S SPECIFICATIONS OVER THIS PLAN.
WALL BRACING TO BE IN ACCORDANCE WITH THE BCA 2019 (AS 1600) AND ENGINEERS' AND/OR FABRICATOR'S SPECIFICATIONS OVER THIS PLAN.

LINTEL SCHEDULE

REFERS TO THE EXISTING DRAWINGS FOR BRACING INFORMATION
TIEDOWNS (Refer to AS1684.4)
REFER TO THE EXISTING DRAWINGS FOR BRACING INFORMATION
TIEDOWNS TO BE IN ACCORDANCE WITH THE BCA 2019 (AS 1600) AND ENGINEERS' AND/OR FABRICATOR'S SPECIFICATIONS OVER THIS PLAN.
TIEDOWNS TO BE IN ACCORDANCE WITH THE BCA 2019 (AS 1600) AND ENGINEERS' AND/OR FABRICATOR'S SPECIFICATIONS OVER THIS PLAN.

FIRST FLOOR - FRAMING PLAN
SCALE: 1:100

LACHLAN WALSH DESIGN
2/201-244 TERRYLANDS STREET, HILLCREST QLD 4103 AUSTRALIA
P: 07 5586 6300
F: 07 5586 6301
WWW.LWALSH.COM.AU
LWALSH DESIGN PTY LTD
ABN 59 6224 0225

PROJECT NO: 20-611
SITE: PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
DATE: 1st December, 2020
BY: J. VAN OMMEN
CHECKED BY: L. WALSH
SCALE: 1:100
FIG NO: A3

NO. 1 | **NO. 2** | **NO. 3** | **NO. 4** | **NO. 5**

NO. 1 | **NO. 2** | **NO. 3** | **NO. 4** | **NO. 5**

NOTES

BUTTES AND DOWN PIPES SHALL BE IN ACCORDANCE WITH NCC 3.8.2 AND 3.8.300. THE DOWNPIPE SHALL BE LOCATED WITHIN 100mm OF THE EXTERIOR WALL AND SHALL BE PROTECTED BY A DOWNPIPE CAP. SHEET ROOFING, FLASHINGS & CAPPING SHALL BE IN ACCORDANCE WITH NCC 3.5.1. AN AUSTRALIAN STANDARD ROOF SAFETY HANDBOOK OR RESTRAINT SYSTEM SHALL BE USED DURING INSTALLATION. BURRUP ROOF PANELS VENTILATED AT THE RIDGE CAPPING AND FLASHING SHALL BE USED FOR ALL ROOF VENT LOCATIONS. DOWN PIPES TO BE CONNECTED INTO DOWNPipes DOWN WATER OR THE PIPE FROM WATER SUPPLYING ARE HAS DOWN AS ROOF IS INSTALLED.

SYMBOLS



DOWN PIPES & SUMPS

DP1 PVC DOWN PIPE PAINTED FINISH

FLASHING & FASCIAS

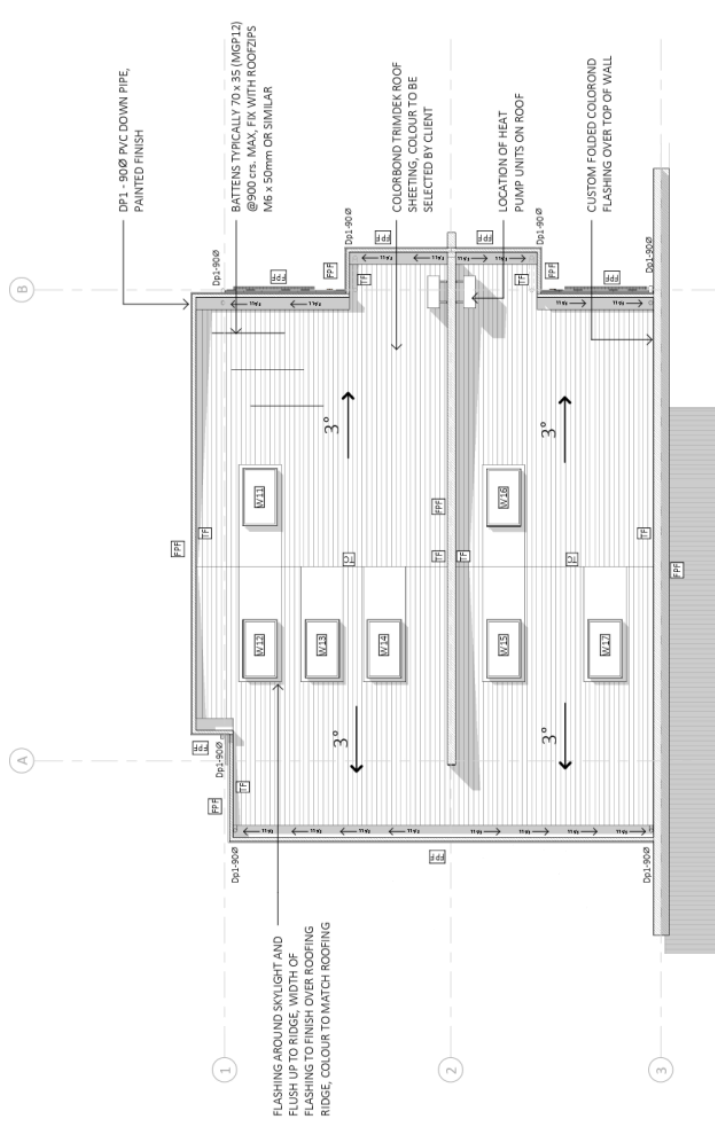
- CS COLOURED BARE COPPING, FINISH IN SELECTED COLOUR
- CF COLOURED TRIMMER COPPING, FINISH IN SELECTED COLOUR
- CFR COLOURED PARAPET FLASHING, FINISH IN SELECTED COLOUR

ROOF FINISH

COLOURED TRIMMER, FINISH IN SELECTED COLOUR

GUTTER TYPES

TYPE 1 - STAINLESS STEEL GUTTER BOX



ROOF PLAN
SCALE: 1:100

LACHLAN WALSH DESIGN
12/111-12/113 BROADWAY, SYDNEY NSW 1585
P 6422 8222
E info@lachlanwalshdesign.com.au
W www.lachlanwalshdesign.com.au

PROJECT NO. 20-611
PROJECT NAME: PROPOSED APARTMENTS & SHOPS
ADDRESS: 24A TERRYLANDS STREET, HILLCREST
DATE: 1st December, 2020
DRAWN BY: BA Set

DESIGNED BY: J. VAN OMMEN
CHECKED BY: L. WALSH
DATE: 14/11/20

NO. 14 | A3

NO. 14 | A3

NOTES

ALL GLAZED WINDOWS AND DOORS REFER TO THE LATEST WINDOW AND DOOR SCHEDULES IN LETTERS A TO D. REFER TO WINDOW SCHEDULES FOR WINDOW TYPES WITH LE-2388.

REFER TO WINDOW SCHEDULES FOR WINDOW FRAME TYPE.

POURINGS TO BE SET TO ALL SPECIFIC WINDOWS AND DOORS.

ALL PRODUCTS & MATERIALS NOTED ARE TO BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURER DETAILS. INTERPRETATION IS AT YOUR RISK.

SYMBOLS

- ▲ F400 FLOOR FLOORS OR ABOVE HIGH
- WINDOW (REFERS TO WINDOW SCHEDULE)
- DOOR (REFERS TO WINDOW SCHEDULE)
- M.B. METEOR BOX
- WINDOW WITH SHADING
- A JAWING WINDOWS
- FIXED WINDOW
- OPEN WINDOW
- OPENING WINDOW
- OPENING WINDOW
- OPENING WINDOW

FLASHING TO WALL OPENINGS

ALL OPENINGS MUST BE DETAIL FLASHED USING MATERIALS WITH EQUALING MANUFACTURER'S SPECIFICATIONS FOR BACK VERTICES OR LIGHT WEIGHT CLADDING CONSTRUCTION.

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

SOUTH ELEVATION
SCALE: 1:100

SOUTH ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

WEST ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

NORTH ELEVATION
SCALE: 1:100

PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP AUS Pty. Ltd.

ARCHITECT
J. VAN OMMEN
L. WALSH

DATE
15 / 03

SCALE
1:100

PROJECT NO
20-611

DATE
1st December, 2020

REVISION
BA Set

DATE
15 / 03

SCALE
1:100

SECTION 1
SCALE: 1:50

ROOF SARKING TO COMPLY WITH AS 4200, SARKING TO BE INSTALLED UNDER BATTENS TO REDUCE THERMAL BRIDGING, ENSURE VENTILATION IN SARKING ZONE, IF PERMASTOP BUILDING BLANKET IS TO BE USED INSTALL TO MANUFACTURERS RECOMMENDATIONS

ROOF SARKING TO COMPLY WITH AS 4200, SARKING TO BE INSTALLED UNDER BATTENS TO REDUCE THERMAL BRIDGING, ENSURE VENTILATION IN SARKING ZONE, IF PERMASTOP BUILDING BLANKET IS TO BE USED INSTALL TO MANUFACTURERS RECOMMENDATIONS

R4.0 BULK INSULATION TO BE INSTALLED TO HAVE A 100mm AIR GAP FROM VAPOUR PERMEABLE SARKING AROUND EDGE TO PROVIDE VENTILATION IN ROOF

ENGINEER TIMBER TRUSSES @900 crs. INSTALLED TO MANUFACTURERS SPECIFICATIONS

70x35mm (MGF12) BATTENS @900 crs. FIX WITH ROOFZIPS M6 x 50mm OR SIMILAR

90x35mm (MGF10) STUDS, NOGGINS & TOP/BOTTOM PLATES, STUDS @ MAX. 450 crs.

10mm PLASTERBOARD

RANDO FLUERING CHANNEL @ 450 crs.

HEAD FLASHING TURNED UP NO LESS THAN 150mm, FIXED TO FRAME AND TURNED OVER TOP OF LINTEL

4.5mm HARDIFLEX SHEET EAVERS LINING, PAINTED FINISH

POLY EAVER VENTS, INSTALLED AS PER MANUFACTURERS RECOMMENDATION, VENTILATION INTO ROOF CAVITY FOR CONDENSATION CONTROL

90x35mm (MGF10) STUDS, NOGGINS & TOP/BOTTOM PLATES, STUDS @ MAX. 450 crs.

90x35mm (MGF10) STUDS, NOGGINS & TOP/BOTTOM PLATES, STUDS @ MAX. 450 crs.

R2.5 BULK INSULATION TO EXTERNAL WALLS

VAPOUR PERMEABLE WALL WRAP, INSTALLED TO MANUFACTURERS RECOMMENDATIONS

WALL TIE DOWN TO SLAB, REFER TO MANUFACTURES DETAILS

FLOOR STRUCTURE IS A GUIDE ONLY, REFER TO ENGINEER DRAWINGS FOR CONSTRUCTION

COLORBOND FASCIA AND FLASHING, COLOUR SPECIFIED BY OWNER

FLOOR STRUCTURE IS A GUIDE ONLY, REFER TO ENGINEER DRAWINGS FOR CONSTRUCTION

20-611
BPT
1st December, 2020
BA Set

PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP AUS Pty. Ltd.

J. VAN OMMEN
ARCHITECT

L. WALSH
ARCHITECT

16 | **A3**

SECTION
SCALE: 1:50

LACHLAN WALSH DESIGN
Lachlan Walsh Design Pty Ltd
24/25-26/27 Terrylands Street, Hillcrest
Ph: 08 8353 5828 Fax: 08 8353 5829
E: info@lwdesign.com.au W: www.lwdesign.com.au

SCHEDULES

WINDOW SCHEDULES

Mark	Width	Height	Head	Opening	Type	Frame	Glazing	Type
W01	6140	2000	2000	FIXED	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W02	3140	2000	2000	FIXED	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W03	4140	580	2870	AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W04	3140	580	2870	AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W05	600	900	2700	OPAQUE AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W06	600	900	2700	OPAQUE AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W07	2000	1000	2100	AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W08	2000	1000	2100	AWNING	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W09	2400	800	2100	FIXED	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W10	2400	800	2100	FIXED	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W11	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W12	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W13	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W14	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W15	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W16	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1
W17	800	1400		SKYLIGHT	TYPE 1	TYPE 1	TYPE 1	TYPE 1

WINDOW NOTES

FRAME TYPE
TYPE 1 - ALUMINIUM WINDOW FRAME, POWDER COATED IN SELECTED COLOR, PNEUMATIC OPERATOR

GLAZING TYPE
GLAZING REQUIREMENTS AS OUTLINED IN THE ASSESSMENT BELOW AREA A GUIDE ONLY, GLAZING CALCULATOR OR ENERGY ASSESSMENT TAKE PRECEDENCE
TYPE 1 - GLAZING - L-VANUM, SHSC
Double Glazed - 4C07/10A/ACR - 4.32 - 0.55

DOOR SCHEDULES

Mark	Height	Width	Door	Type	Frame	Opening	Type
D01	2040	900	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D02	2040	900	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D03	2040	900	TYPE 1	TYPE 2	HINGED	TYPE 1	TYPE 1
D04	2040	800	TYPE 2	TYPE 1	HINGED	TYPE 1	TYPE 1
D05	2040	800	TYPE 2	TYPE 1	HINGED	TYPE 1	TYPE 1
D06	2300	900	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D07	2300	900	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D08	2100	4500	TYPE 3	TYPE 2	EX. GLASS SLIDING	TYPE 1	TYPE 1
D09	2100	4500	TYPE 3	TYPE 2	EX. GLASS SLIDING	TYPE 1	TYPE 1
D10	2040	800	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D11	2040	800	TYPE 1	TYPE 2	EX. HINGED	TYPE 1	TYPE 1
D12	2040	800	TYPE 2	TYPE 1	CAVITY SLIDER	TYPE 1	TYPE 1
D13	2040	720	TYPE 2	TYPE 1	HINGED	TYPE 1	TYPE 1
D14	2040	820	TYPE 2	TYPE 1	HINGED	TYPE 1	TYPE 1

DOOR NOTES

DOOR TYPE
TYPE 1 - ALUMINIUM GLASS EXTERIOR DOOR, POWDER COATED TO SELECTED FINISH, VISUAL INDICATORS TO SELECTED DESIGN

TYPE 2 - HUME TIMBER HONEYCOMB INTERNAL DOOR, PNEUMATIC OPERATOR, PAINTED FINISH TO SELECTED COLOR

TYPE 3 - ALUMINIUM GLASS SLIDING DOOR, POWDER COATED TO SELECTED FINISH, VISUAL INDICATORS TO SELECTED DESIGN

FRAME TYPE
TYPE 1 - HUME (MDF) TIMBER FRAME, PNEUMATIC OPERATOR, PAINTED FINISH TO SELECTED COLOR
TYPE 2 - ALUMINIUM DOOR FRAME, POWDER COATED IN SELECTED COLOR

NOTES

ALL GLAZED WINDOW AND DOOR ASSEMBLIES IN EXTERNAL WALLS TO COMPLY WITH AS 2047, ALL OTHER GLASS TO COMPLY WITH AS 1288
FL SCREENS TO BE FITTED TO ALL OPERABLE WINDOWS AND DOORS
ALL EXTERNAL OPENINGS TO BE ADEQUATELY FLASHED USING MATERIALS THAT COMPLY WITH AS 2304
WINDOWS TO BEDROOMS WHERE THE FLOOR HEIGHT IS 2 METERS OR GREATER MUST BE PERMANENTLY RESTRICTED TO OPEN A MAXIMUM OF 125mm OR HAVE A NON-REMOVABLE ROBUST SCREEN INSTALLED

THE SCHEDULES



LACHLAN WALSH DESIGN
 Business Registration Number: 02 663 218
 ABN: 66 663 218 748
 10/110-112/114-116/118/120/122/124/126/128/130/132/134/136/138/140/142/144/146/148/150/152/154/156/158/160/162/164/166/168/170/172/174/176/178/180/182/184/186/188/190/192/194/196/198/200/202/204/206/208/210/212/214/216/218/220/222/224/226/228/230/232/234/236/238/240/242/244/246/248/250/252/254/256/258/260/262/264/266/268/270/272/274/276/278/280/282/284/286/288/290/292/294/296/298/300/302/304/306/308/310/312/314/316/318/320/322/324/326/328/330/332/334/336/338/340/342/344/346/348/350/352/354/356/358/360/362/364/366/368/370/372/374/376/378/380/382/384/386/388/390/392/394/396/398/400/402/404/406/408/410/412/414/416/418/420/422/424/426/428/430/432/434/436/438/440/442/444/446/448/450/452/454/456/458/460/462/464/466/468/470/472/474/476/478/480/482/484/486/488/490/492/494/496/498/500/502/504/506/508/510/512/514/516/518/520/522/524/526/528/530/532/534/536/538/540/542/544/546/548/550/552/554/556/558/560/562/564/566/568/570/572/574/576/578/580/582/584/586/588/590/592/594/596/598/600/602/604/606/608/610/612/614/616/618/620/622/624/626/628/630/632/634/636/638/640/642/644/646/648/650/652/654/656/658/660/662/664/666/668/670/672/674/676/678/680/682/684/686/688/690/692/694/696/698/700/702/704/706/708/710/712/714/716/718/720/722/724/726/728/730/732/734/736/738/740/742/744/746/748/750/752/754/756/758/760/762/764/766/768/770/772/774/776/778/780/782/784/786/788/790/792/794/796/798/800/802/804/806/808/810/812/814/816/818/820/822/824/826/828/830/832/834/836/838/840/842/844/846/848/850/852/854/856/858/860/862/864/866/868/870/872/874/876/878/880/882/884/886/888/890/892/894/896/898/900/902/904/906/908/910/912/914/916/918/920/922/924/926/928/930/932/934/936/938/940/942/944/946/948/950/952/954/956/958/960/962/964/966/968/970/972/974/976/978/980/982/984/986/988/990/992/994/996/998/1000

NAME OF DEVELOPER
J. VAN OMMEN

NAME OF ARCHITECT
L. WALSH

DATE
1/7

DATE
1/7

PROJECT NO
20-611

DATE
1st December, 2020

PROJECT NAME
PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP AUS Pty. Ltd.

PROJECT NO
20-611

DATE
1st December, 2020

PROJECT NAME
PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP AUS Pty. Ltd.

SAFETY NOTES

FALLS, SLIPS, TRIPS

A) Working at Heights

During Construction
Wherever possible, components for this building should be prefabricated off-site or at a ground level to minimise the risk of workers falling more than two metres. However, construction of this building will require workers to be working at heights. Construction of this building should be planned so that any falls are likely to result from such a fall. The builder should provide a suitable barrier wherever a person is required to work in a situation where falling more than two metres is a possibility.

During Operation or Maintenance

Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, ladders, or other equipment should be used in accordance with relevant codes of practice, regulations or legislation.
For buildings where scaffold, ladders, trestles are not appropriate. Cleaning and maintenance of windows, walls, roof or other components of this building will require persons to be situated where a fall from a height in excess of two metres is possible. Where this type of activity is required, scaffolding, fall barriers or Personal Protective Equipment (PPE) should be used in accordance with relevant codes of practice, regulations or legislation.

Anchorages Points for portable scaffold or fall arrest devices have been included in the design for use by maintenance workers. Any persons engaged to work on the building after completion of construction work should be informed about the anchorage points.
Floor Finishes (Specified)
If finishes have been specified by designer, these have been selected to minimise the risk of floors and paved areas becoming slippery when wet or when walked on with wet shoes/feet. Any changes to this specified finish should be made in consultation with the designer or, if this is not practical, surfacing materials with a slip resistance should be chosen.

Steps, Loose Objects & Uneven Surfaces
Due to design restrictions for this building, steps and/or ramps are included in the building which may be a hazard to workers carrying objects or otherwise occupied. Steps should be clearly marked with both visual aid tactile warning during construction, maintenance, demolition and at all times when the building operates as a workplace. Building owners and occupiers should monitor the pedestrian access ways and in particular access to areas where maintenance is routinely carried out to ensure that surfaces have not become hazardous. Stray objects or any other matter that may cause a slip or trip hazard should be cleared or removed from access ways. Contractors should be required to maintain a tidy work site during construction, maintenance or demolition to reduce the risk of trips and falls in the workplace. Materials for construction or maintenance should be stored in designated areas away from access ways and work areas.

Falling Objects
Loose Materials or Small Objects
Loose materials or small objects falling from the building or from the roof are likely to injure persons working above ground level or above floor level. Where this occurs one or more of the following measures should be taken to avoid objects falling from the area where the work is being carried out onto persons below.

Prevent or restrict access to areas below where the work is being carried out.

- a. Provide toeboards to scaffoldings or work platforms.
- b. Provide protective structure below the work area.
- c. Ensure that all persons below the work area have Personal Protective Equipment (PPE)

Building Components

During construction, renovation or demolition of this building, part of the structure including structural steelwork, heavy panels and many other components will be in place. Contractors should ensure that temporary bracing or other required supports in place at all times where collapse which may injure persons in the area is a possibility.

Mechanical lifting of materials and components during construction, maintenance or demolition presents a risk of falling objects. Contractors should ensure that appropriate lifting devices are used, that loads are properly secured and that access to areas below the load is prevented or restricted.

Traffic Management
For buildings under construction, appropriate safety signage should be placed around the perimeter of the site to warn of the presence of a traffic hazard. During construction, maintenance or demolition of this building designated parking for workers and loading areas should be provided. Trained traffic management personnel should be responsible for the supervision of these areas.
For buildings where on-site loading/unloading is restricted, construction of this building will require loading and unloading of materials on the roadway. Deliveries should be well planned to avoid congestion of loading areas and trained traffic management personnel should be used to supervise loading/unloading.
For all buildings, busy construction and demolition sites present a risk of collision where deliveries and other traffic are moving within the site. A traffic management plan supervised by trained traffic management personnel should be adopted for the work site.

Services

Rupture of services during excavation or other activity creates a variety of risks including release of hazardous material. Existing services are located on or above ground level. Contractors should ensure that services are properly located using an appropriate service (such as Dial before You Dig), appropriate excavation practice should be used and, where necessary, specialist contractors should be used.

Locations with Underground Cables
Underground power lines MAY be located in or around this site. All underground power lines used prior to any construction, maintenance or demolition commencing should be identified and marked. Overhead power lines MAY be near or over the site. The construction of tracks or approaches by lifting devices or other plant and persons working above ground level. There is a danger of this occurring, power lines should be, where practical, disconnected or relocated. Where this is not practical adequate warning in the form of bright coloured tape or signage should be used or a protective barrier provided.

Manual Tasks

Components within this design with a mass in excess of 25kg should be lifted by two or more workers or by mechanical lifting device. Where this is not practical, suppliers or fabricators should be required to limit the components mass. All material packaging, building and maintenance components should clearly show the total mass of packages and where practical all items should be stored on site in a way which minimises bending before lifting. Advice should be provided on safe lifting methods in all areas where lifting may occur. Construction, maintenance and demolition of this building will require the use of portable tools and equipment in accordance with manufacturer specifications and not used where faulty or (in the case of electrical equipment) not carrying a current electrical safety tag. All safety guards or devices should be regularly checked and Personal Protective Equipment should be used in accordance with manufacturer specifications.

Hazardous Substances

Asbestos
For all alterations to a building constructed prior to 1990, it may contain asbestos. This existing building was constructed prior to 1990 - it may contain asbestos. If asbestos is present, it should be managed in accordance with the relevant legislation. Asbestos either in slaking or lining material or in the retardant insulation material. In either case, the builder should check and, if necessary take appropriate action before demolishing, cutting, sanding, drilling or otherwise disturbing the existing structure.

Powered Materials

Many materials used in the construction of this building can cause harm if inhaled in powdered form. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear appropriate respiratory protection against the inhalation of harmful material provided material is not being cut, drilled, sanded, cut or otherwise disturbing or creating powdered material.

Treated Timber

The design of this building may include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material provided material is not being cut, drilled, sanded, cut or otherwise disturbing or creating powdered material. Do not burn treated timber.

Volatile Organic Compounds

Many types of glue, solvents, spray paints, varnishes and some cleaning materials and disinfectants have dangerous emissions. Areas where these are used should be kept well ventilated while the material is being used and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

Synthetic Mineral Fibre

Synthetic mineral fibre and other material used for thermal or sound insulation may contain synthetic mineral fibre which may be harmful if inhaled or if it comes in contact with the skin, eyes or other sensitive parts of the body. Personal Protective Equipment including protection against inhalation of harmful material should be used when installing, removing or working near insulation material.

Timber Floors

This building may contain timber floors which have an applied finish. Areas where finishes are applied should be kept well ventilated during sanding and application and for a period after installation. Personal Protective Equipment may also be required. The manufacturer's recommendations for use must be carefully considered at all times.

Confined Spaces

Construction of this building and some maintenance on the building will require entry into confined spaces. Confined spaces are those which are not intended for continuous occupation and installation of these spaces may require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning excavation signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

Enclosed Spaces

For buildings with enclosed spaces where maintenance or other access may be required, enclosed spaces within this building may present a risk to persons entering. Enclosed spaces are those which are not intended for continuous occupation and installation of these spaces may require workers to enter the excavation. Where this is not practical, adequate support for the excavated area should be provided to prevent collapse. Warning excavation signs and barriers to prevent accidental or unauthorised access to all excavations should be provided.

Small Spaces

For buildings with small spaces where maintenance or other access may be required, some small spaces within this building will require access by construction or maintenance workers. The design documentation calls for documentation calls for warning signs and barriers to be provided. These should be maintained throughout the life of the building. Where workers are required to enter enclosed spaces, air testing equipment and Personal Protective Equipment should be provided.

Public Access

The design of this building will include provision for the inclusion of treated timber within the structure. Dust or fumes from this material can be harmful. Persons working on or in the building during construction, operational maintenance or demolition should ensure good ventilation and wear Personal Protective Equipment including protection against inhalation of harmful material provided material is not being cut, drilled, sanded, cut or otherwise disturbing or creating powdered material. Do not burn treated timber.

Other High Risk Activity

All electrical work should be carried out in accordance with the Code of Practice: Managing Electrical Risks at Work: Workplace Safety, and all licensing requirements. All work using Plant should be carried out in accordance with the Code of Practice: Managing Risks of Plant at the Workplace.
All work should be carried out in accordance with the Code of Practice: Managing Noise and Preventing Hearing Loss at Work.
Due to the history of serious incidents it is recommended that particular care be exercised when undertaking work involving steel construction and concrete placement. All the above applies.

SAFETY NOTES
LACHLAN WALSH DESIGN
Thames Valley University
2000 Park Road, Barking, London E14 4AP
Tel: 020 8485 5555 Fax: 020 8485 5555
www.lachlanwalshdesign.com

PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP AUS Pty. Ltd.

20-611
1st December, 2020
BA Set

20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

NCC COMPLIANCE NOTES (Class 2 to 9 Buildings)

Part 6.6. Construction Management
- In a sole-occupancy unit of a Class 2 building or Class 4 part of a building, risks associated with the use of a swimming pool must be managed to minimise their impact on the health of occupants.
- Where a shalable building membrane is installed in an external wall it must comply with AS/NZS 4000-1, and be installed in accordance with AS 4200-2. It is a vapour permeable membrane that must be provided to a swimming pool and be continued to the extent of the hazard.

Section 6. Auxiliary Provisions
- Swimming pools for the use of the public, a club or association or in connection with Class 3, 5, 6, 7, 8 or 9 must be constructed in accordance with AS 1521.1 of the BCA.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.7. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.8. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.9. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.10. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.11. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.12. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.13. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.14. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.15. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.16. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.17. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.18. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.19. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

Part 6.20. Access to Swimming Pools
- Access to a swimming pool must be provided to a swimming pool and be continued to the extent of the hazard.
- Any refrigerated cooling chamber, strong room, or vault which is a safe for a person to store valuables must be constructed in accordance with AS 1521.1 of the BCA.
- Any fire alarm system must be constructed in accordance with AS 1521.1 of the BCA.

LACHLAN WALSH DESIGN
Tasmania Accreditation Number: 02 663 1
481-86-6553-749
www.lwdesign.com.au

PROPOSED APARTMENTS & SHOPS
24A TERRYLANDS STREET, HILLCREST
PLATINUM GROUP APT. Pty. Ltd.

20-611
1st December, 2020
BA Set

NO PART
NO PART
NO PART
NO PART

PLEASE QUOTE

Your Ref:

Our Ref: 31/13/4; 6153024; 21/27086

Enquiries: Michael Jack (MJ:JYC)

80 Wilson Street, Burnie Tasmania
PO Box 973, Burnie TAS 7320ABN: 29 846 979 690
Phone: (03) 6430 5700
Email: burnie@burnie.net
Web: www.burnie.netWe value your feedback on our service.
Tell us about it at www.burnie.net/feedback

9 April 2021

Mr Jeremy Lee
EnviroPlan
PO Box 546
SOMERSET TAS 7322Email: admin@enviropianaustralia.com.au*A hard copy will not be sent unless requested*

Dear Mr Lee

**LOCAL GOVERNMENT (HIGHWAYS) ACT 1982
STATEMENT OF COMPLIANCE FOR ROAD ACCESS
PROPOSED DEVELOPMENT – 24A TERRYLANDS STREET, HILLCREST**

Thank you for your request for a 'Statement of Compliance for Road Access' dated 1 March 2021.

Access **can be provided** to the road network at 24A Terrylands Street to allow access to your proposed development. Access can be provided subject to the following:

- Access to the proposed site shall be located generally in accordance with the **attached** Drawing Reference 20-611 (Page 1) stamped by Burnie City Council for Statement of Compliance on 9 April 2021.

This 'Statement of Compliance' is not an approval to create an access nor is it a 'Land Use Permit' for the proposed use or development.

This 'Statement of Compliance' is valid for a period of 12 months from date shown above.

Should you have any further queries, please contact Council's Technical Officer – Development and Design, Mr Michael Jack on 6430 5754 or email: mjack@burnie.net

Yours faithfully

Gary Neil
DIRECTOR WORKS AND SERVICES

Enc


cc Planning Officers, Land and Environmental Services, BCC
Jon Randall, Technical Officer, Works and Services, BCC



Submission to Planning Authority Notice

Council Planning Permit No.	DA 2021/40	Council notice date	12/04/2021
TasWater details			
TasWater Reference No.	TWDA 2021/00541-BCC	Date of response	20/04/2021
TasWater Contact	Al Cole	Phone No.	0439605108
Response issued to			
Council name	BURNIE COUNCIL		
Contact details	planning@burnie.net		
Development details			
Address	24A TERRYLANDS ST, HILLCREST	Property ID (PID)	6153024
Description of development	Shops x 2 and Multiple Dwellings x 2		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Lachlan Walsh	Site Plan	N/A	1/12/2020
Conditions			
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:			
CONNECTIONS, METERING & BACKFLOW			
1. A suitably sized water supply with metered connections and sewerage system and connections to the development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.			
Advice: Sewer and/or water property connections in trafficable areas must be protected by a suitable trafficable box and lid to AS3996, to be supplied and installed by the developers plumbing contractor.			
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.			
3. Prior to commencing construction/use of the development, any water connection utilised for construction/the development must have a backflow prevention device and water meter installed, to the satisfaction of TasWater.			
DEVELOPMENT ASSESSMENT FEES			
4. The applicant or landowner as the case may be, must pay a development assessment fee of, \$351.28, to TasWater, as approved by the Economic Regulator and the fee will be indexed, until the date paid to TasWater.			
The payment is required within 30 days of the issue of an invoice by TasWater.			



Advice			
General			
For information on TasWater development standards, please visit http://www.taswater.com.au/Development/Development-Standards			
For application forms please visit http://www.taswater.com.au/Development/Forms			
Service Locations			
Please note that the developer is responsible for arranging to locate the existing TasWater infrastructure and clearly showing it on the drawings. Existing TasWater infrastructure may be located by a surveyor and/or a private contractor engaged at the developers cost to locate the infrastructure. The location of this infrastructure as shown on the GIS is indicative only.			
(a) A permit is required to work within TasWater's easements or in the vicinity of its infrastructure. Further information can be obtained from TasWater			
(b) TasWater has listed a number of service providers who can provide asset detection and location services should you require it. Visit www.taswater.com.au/Development/Service-location for a list of companies			
(c) TasWater will locate residential water stop taps free of charge			
(d) Sewer drainage plans or Inspection Openings (IO) for residential properties are available from your local council.			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
Authorised by			
			
Jason Taylor			
Development Assessment Manager			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au

To General Manager Burnie City Council

Application No : DA 2021/40

Development Site : 24A Terrylands Street Hillcrest CT 65152/1

Proposal : Shops x 2 and Multiple Dwellings x 2

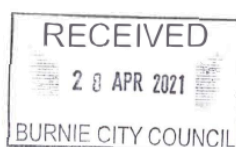
C2-S-1 (P1-1) parking.

In relation to the dwellings

Parking at the dwellings is inadequate as there is no space for parking in Terrylands lane as it is two way traffic and no area to park. So three spaces for two dwellings and no other parking option close by it seems inevitable the cars for these dwellings will end up parking in Terrylands lane blocking the traffic flow for the users of it.

In relation to the 2 shops

Two shops with only two parking spots to park also seems very inadequate as some types of shops have large volumes of customers let alone staff car parking. The 18 parking spots on Terrylands Street have only recently been made available to the public but the survey didn't take into account the Buses that service the Burnie Aquatic centre use those spaces to park their buses and to drop off children as there is insufficient space in their car park, there are also five other shops to utilize those spots when they are available. Also the council have recently decided to remove some parking on the Boulevard outside the Burnie Aquatic centre so this will only increase the need for street parking for the Burnie Aquatic centre patrons in the future



Shaun Stevens

Shaun Stevens

3 Belton Street Burnie
TAS 7320

PLEASE QUOTE

Your Ref:

Our Ref: PJE:CF 6153024

Enquiries: Mrs Sally Pearce

80 Wilson Street, Burnie Tasmania
PO Box 973, Burnie TAS 7320

ABN: 29 846 979 690

Phone: (03) 6430 5700

Email: burnie@burnie.net

Web: www.burnie.net


We value your feedback on our service.
Tell us about it at www.burnie.net/feedback



AGREEMENT FOR AN EXTENSION OF TIME

Pursuant to Clause 57(6A) of the *Land Use Planning and Approvals Act 1993*

I, Micheal Wells, as a representative of the Enviroplan Australia, agree to an extension of time until 27 May 2021 for DA 2021/40 - Shops x 2 and Multiple Dwellings x 2 at 24A Terrylands Street HILLCREST.

Signed 

Date: 6/05/2021

WORKS AND SERVICES**AO085-21 LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO BAYVIEWS RESTAURANT AND LOUNGE BAR
2 NORTH TERRACE, BURNIE
CT VOLUME 147506, FOLIO 1****FILE NO: 5/2/5, 5/20/1-02, 2745778**
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5~A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2~Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 2 North Terrace, Burnie (being part of CT Volume147506, Folio 1, the area identified on the plan attached), to Bonzak Pty Ltd (Bayviews Restaurant and Lounge Bar) to be used for the purposes of a restaurant and that a further report be presented to Council as to the outcome of the submission process.”

2.0 SUMMARY

The current lessee of the premises known as Bayviews Restaurant and Lounge Bar, Bonzak Pty Ltd, has expressed a desire to renew their lease prior to the end of the current lease term.

It is proposed to negotiate a new lease arrangement.

As the land occupied by the restaurant can be classified as public land and the term of a future lease will be greater than 5 years, the statutory process for disposing of public land, as described in the Local Government Act 1993, must be complied with before entering a new lease.

Progressing the public land disposal process as noted in this report enables Council to meet its statutory obligations under the *Local Government Act 1993*.

3.0 BACKGROUND

The Bayviews Restaurant and Lounge Bar, currently operated by Bonzak Pty Ltd has occupied the western portion of the first floor of the Surf Club complex (West Beach) since early 2007, under a commercial lease.

The lessee has expressed a desire to renew the lease prior to the end of the current lease term. There is no apparent reason why a new lease should not be negotiated.

It is anticipated that the term of the lease will be greater than five years. As the land occupied by the restaurant can be designated as public land under the relevant provisions of the *Local Government Act 1993*, Council must, as a first step in leasing the land, progress a public land disposal process. Refer to the legislative section of this report for the relevant sections of legislation.

The plan **attached** shows the footprint of the building occupied, delineated by a blue line.

The purpose of this report is to progress a public land disposal process in respect to the land occupied by the Bayviews Restaurant and Lounge Bar, for the purposes of operating a restaurant.

Completion of this process will then provide the opportunity for the General Manager to undertake negotiation on a new lease with the current lessee.

4.0 LEGISLATIVE REQUIREMENTS

The *Act* details specific requirements in relation to the sale and disposal (including lease) of land, as follows:

177. Sale and disposal of land

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

A separate and additional process for the disposal of public land is provided for under the Act. Section 177A of the Act (reproduced below) describes public land.

177A. Public land

(1) The following land owned by a council is public land:

(a) a public pier or public jetty;

(b) any land that provides health, recreation, amusement or sporting facilities for public use;

(c) any public park or garden;

(d) any land acquired under section 176 for the purpose of establishing or extending public land;

(e) any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993;

(f) any other land that the council determines is public land;

(g) any other prescribed land or class of land.

(2) The general manager is to –

(a) keep lists or maps of all public land within the municipal area; and

(b) make the lists and maps available for public inspection at any time during normal business hours.

The land which is the subject of this report is public land.

Section 178 of the Act (reproduced below) details the procedural steps that must be undertaken in respect to a proposal to dispose of public land (including leases greater than five years).

178. Sale, exchange and disposal of public land

(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.

(2) Public land that is leased for any period by a council remains public land during that period.

(3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.

(4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–

(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and

(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and

(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.

(5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).

(6) The council must –

(a) consider any objection lodged; and

(b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –

(i) that decision; and

(ii) the right to appeal against that decision under section 178A.

(7) The council must not decide to take any action under this section if –

(a) any objection lodged under this section is being considered; or

(b) an appeal made under section 178A has not yet been determined; or

(c) the Appeal Tribunal has made a determination under section 178B(b) or (c).

(8)

The purpose of this report is to commence the statutory process as outlined in Section 178.

Guidance on the process to follow in the disposal of public land is provided in an information sheet produced by the Local Government Division titled “Sale of Public Land”. It is noted that for the purposes of the *Act*, the term disposal includes a lease greater than five years. The subject land is not proposed for sale.

Reference has been made to that document in the preparation of this report.

5.0 POLICY CONSIDERATIONS

The Bayviews Restaurant and Lounge Bar has occupied the subject land since early 2007. The current lease is in its final term and the lessee has expressed a desire to negotiate a new lease.

Council originally developed the portion of the building occupied for the purpose of a restaurant.

6.0 FINANCIAL IMPACT

Section 177 of the *Local Government Act 1993* requires that a valuation for land be obtained before Council disposes of the land through a lease.

Council has engaged a company to provide a commercial valuation for the portion of the building occupied by the Bayviews Restaurant and Lounge Bar. The valuation will be provided to Councillors when it is finalised, prior to considering any submissions from the public land disposal process.

Due to the commercial in confidence nature of the valuation in respect to lease negotiations, the valuation will be provided to Councillors under separate cover.

7.0 DISCUSSION

The current lease for Bayviews Restaurant and Lounge Bar is in its final term and the lessee has expressed a desire to negotiate a new lease term. There would be no apparent reason why a new lease should not be negotiated.

Disposal of the premises via a lease for a term greater than five years, requires that the Council progress a public land disposal process.

The focus of this report is to progress a public land disposal process related to the disposal (via a lease) of a portion of land owned by Council, refer to the **attached** plan.

This is a process required under the *Local Government Act 1993* to ensure the community has a say in the disposal of public land. In this case the disposal is via a lease of term greater than five years.

The rationale for the disposal (via a lease) of the public land is to facilitate the ongoing occupation and use of a portion of the land as a Restaurant.

In regard to the public land disposal process, the following steps need to occur:

- a) Council determines its intention to dispose of the subject land.
- b) Council's determination is published as a public notice, twice, in a local newspaper advising interested parties of Council's intention to dispose of the land.
- c) A notice is required to be placed at the property boundary advising of Council's intention to dispose of the land.
- d) Submissions are invited from interested parties in respect to Council's intention to dispose of the subject land.

In providing the public notification, staff will refer to the Department of Local Government's information sheet "Sale of Public Land" (albeit noting that this is a lease disposal not a sale).

Any submissions received within the specified time frame will be considered by Council following the completion of the statutory period.

The *Act* contains appeal provisions, should a person who lodges a submission, be aggrieved by the subsequent Council decision.

8.0 RISK

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

The specific risk associated with the public land disposal process relates to ensuring the appropriate procedural steps are implemented and the necessary information to inform the community of the process is readily available.

Officers have reviewed the best practice guidelines issued by the Department of Local Government in the preparation of this report.

A general exploration of risk matters in relation to the subject land, the public land disposal process and development generally are noted for information.

RISK CATEGORY	COMMENT	MITIGATION STRATEGY
Assets and Infrastructure	No Council assets are impacted by the current use and occupation of the subject land.	No issue to manage.
Corporate Business Systems	Lease terms not complied with.	Lease, when executed, would be included on the lease register and compliance actions entered in the compliance register.
Emergency Management	The occupation of the land has no impact on such a risk.	None proposed.
Environmental	The occupation of the Council land presents no specific environmental risks.	None proposed.
Financial	The lease value will be commercially determined. Roles and responsibilities in terms of building management are contained in lease agreement.	Apply the lease provisions.
Political	Continuation of an existing an existing occupation arrangement. No identified issues.	None proposed.
Public Safety	No identified issues.	None proposed.
Strategic	Council developed the site occupied to be used as a restaurant	None proposed.
Regulations and Compliance	The public land disposal process is a statutory process and Council must demonstrate it has met all the proscribed elements of the process.	Council reports, records of notices and photos of site notices.
Workers	No identified issues.	None proposed.

9.0 CONSULTATION

Bonzak Pty Ltd have been advised of Council's intention to commence a public land disposal process.

The public land disposal process provides an opportunity for the community to make a submission in respect to the proposed disposal (via a lease) of land.

To inform the community of the intention to dispose of land there is a requirement to publish a public notice (twice) containing the prescribed information in a local newspaper.

In addition to the public notice, the same information is posted on the boundaries of the subject land.

The *Act* provides for a 21 day submission period from the date of first publication of the notice.

Subject to the decision of Council, the first notice will be published on Saturday, 29 May 2021.

A further report will be provided to Council following the submission period, to consider any submissions received.

ATTACHMENTS

1 [↓](#). Plan of Bayviews Restaurant and Lounge Bar Leased Area

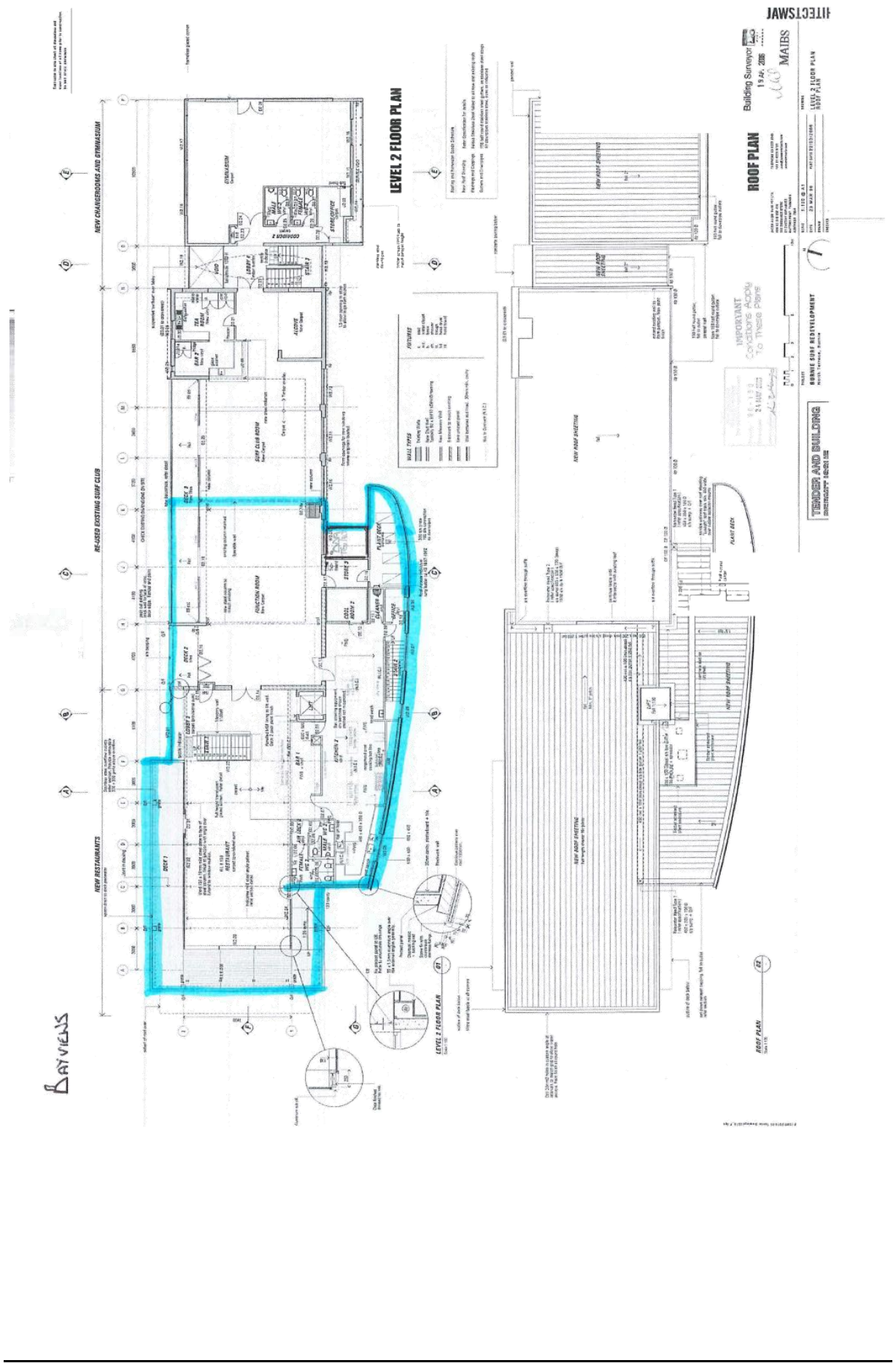
COUNCIL RESOLUTION**Resolution number: MO081-21****MOVED:** Cr A Keygan**SECONDED:** Cr G Simpson

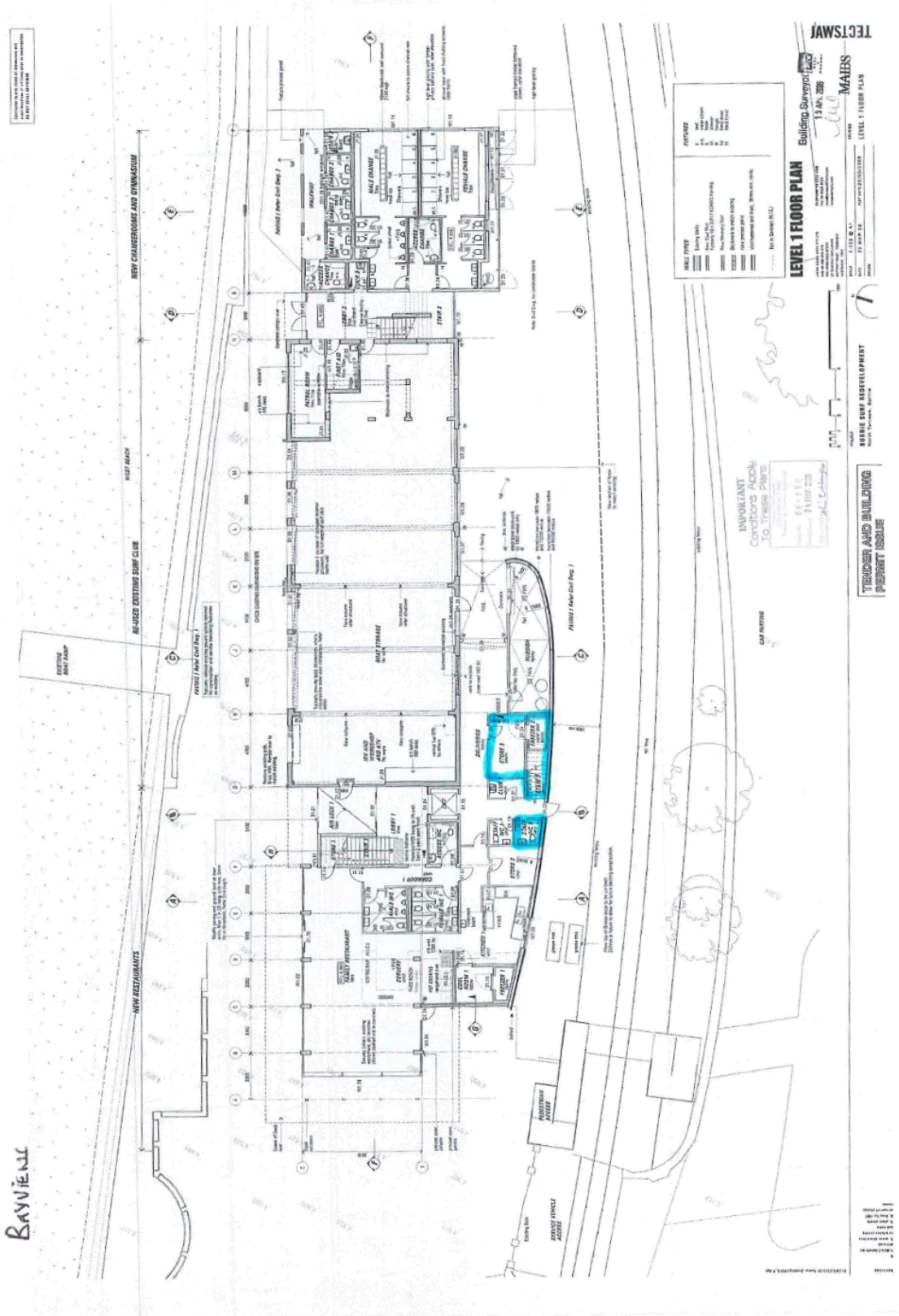
“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 2 North Terrace, Burnie (being part of CT Volume147506, Folio 1, the area identified on the plan attached), to Bonzak Pty Ltd (Bayviews Restaurant and Lounge Bar) to be used for the purposes of a restaurant and that a further report be presented to Council as to the outcome of the submission process.”

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

Against:

CARRIED UNANIMOUSLY





BAYVIEW

WORKS AND SERVICES**AO086-21 LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO FISH FRENZY
2 NORTH TERRACE, BURNIE
CT VOLUME 147506, FOLIO 1****FILE NO:** 5/2/5; 5/20/1-02, 2745778**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5~A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2~Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 2 North Terrace, Burnie (being part of CT Volume 147506, Folio 1, the area identified on the plan attached), to Burnie One Pty Ltd (Fish Frenzy Restaurant) to be used for restaurant purposes and that a further report be presented to Council as to the outcome of the submission process.”

2.0 SUMMARY

The current lessee of the premises known as Fish Frenzy Restaurant, Burnie One Pty Ltd, has expressed a desire to renew their lease prior to the end of the current lease term.

It is proposed to negotiate a new lease arrangement with the current lessee.

As the land occupied by the restaurant can be classified as public land and the term of a future lease will be greater than five years, the statutory process for disposing of public land, as described in the *Local Government Act 1993*, must be complied with before entering a new lease.

Progressing the public land disposal process as noted in this report enables Council to meet its statutory obligations under the *Local Government Act 1993*.

3.0 BACKGROUND

The Fish Frenzy Restaurant, currently operated by Burnie One Pty Ltd has occupied the western portion of the ground floor of the Surf Club complex (West Beach) since early February 2007, under a commercial lease.

The lessee has expressed a desire to renew the lease prior to the end of the current lease term. There is no apparent reason why a new lease should not be negotiated.

It is anticipated that the term of the lease will be greater than five years. As the land occupied by the Restaurant can be designated as public land under the relevant provisions of the *Local Government Act 1993*, Council must, as a first step in leasing the land, progress a public land disposal process. Refer to the legislative section of this report for the relevant sections of legislation.

The plan **attached** shows the footprint of the building occupied, delineated by a blue line.

The purpose of this report is to progress a public land disposal process in respect to the land occupied by the Fish Frenzy restaurant, for the purposes of continuing to operate a restaurant.

Completion of this process will then provide the opportunity for the General Manager to undertake negotiation on a new lease with the current lessee.

4.0 LEGISLATIVE REQUIREMENTS

The Act details specific requirements in relation to the sale and disposal (including lease) of land, as follows:

177. Sale and disposal of land

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

A separate and additional process for the disposal of public land is provided for under the Act. Section 177A of the Act (reproduced below) describes public land.

177A. Public land

(1) The following land owned by a council is public land:

(a) a public pier or public jetty;

(b) any land that provides health, recreation, amusement or sporting facilities for public use;

(c) any public park or garden;

(d) any land acquired under section 176 for the purpose of establishing or extending public land;

(e) any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993;

(f) any other land that the council determines is public land;

(g) any other prescribed land or class of land.

(2) The general manager is to –

(a) keep lists or maps of all public land within the municipal area; and

(b) make the lists and maps available for public inspection at any time during normal business hours.

The land which is the subject of this report is public land.

Section 178 of the Act (reproduced below) details the procedural steps that must be undertaken in respect to a proposal to dispose of public land (including leases greater than five years).

178. Sale, exchange and disposal of public land

(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.

(2) Public land that is leased for any period by a council remains public land during that period.

(3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.

(4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–

(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and

(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and

(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.

(5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).

(6) *The council must –*

(a) *consider any objection lodged; and*

(b) *by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*

(i) *that decision; and*

(ii) *the right to appeal against that decision under section 178A.*

(7) *The council must not decide to take any action under this section if –*

(a) *any objection lodged under this section is being considered; or*

(b) *an appeal made under section 178A has not yet been determined; or*

(c) *the Appeal Tribunal has made a determination under section 178B(b) or (c).*

(8)

The purpose of this report is to commence the statutory process as outlined in Section 178.

Guidance on the process to follow in the disposal of public land is provided in an information sheet produced by the Local Government Division titled “Sale of Public Land”. It is noted that for the purposes of the *Act*, the term disposal includes a lease greater than five years. The subject land is not proposed for sale.

Reference has been made to that document in the preparation of this report.

5.0 POLICY CONSIDERATIONS

The Fish Frenzy restaurant has occupied the subject land since early 2007. The current lease is in its final term and the current lessee has expressed a desire to negotiate a new lease.

Council originally developed the portion of the building occupied for the purpose of a restaurant.

6.0 FINANCIAL IMPACT

Section 177 of the *Local Government Act 1993* requires that a valuation for land be obtained before Council disposes of the land through a lease.

Council has engaged a company to provide a commercial valuation for the portion of the building occupied by the Fish Frenzy Restaurant. The valuation will be provided to Councillors when it is finalised, prior to considering any submissions from the public land disposal process.

Due to the commercial in confidence nature of the valuation in respect to lease negotiations, the valuation will be provided to Councillors under separate cover.

7.0 DISCUSSION

The current lease for Fish Frenzy is in its final term and the lessee has expressed a desire to negotiate a new lease term. There would be no apparent reason why a new lease should not be negotiated.

Disposal of the premises via a lease for a term greater than five years, requires that the Council progress a public land disposal process.

The focus of this report is to progress a public land disposal process related to the disposal (via a lease) of a portion of land owned by Council, refer to the attached plan.

This is a process required under the *Local Government Act 1993* to ensure the community has a say in the disposal of public land. In this case the disposal is via a lease of term greater than 5 years.

The rationale for the disposal (via a lease) of the public land is to facilitate the ongoing occupation and use of a portion of the land as a Restaurant.

In regard to the public land disposal process, the following steps need to occur:

- a) Council determines its intention to dispose of the subject land.
- b) Council's determination is published as a public notice, twice, in a local newspaper advising interested parties of Council's intention to dispose of the land.
- c) A notice is required to be placed at the property boundary advising of Council's intention to dispose of the land.
- d) Submissions are invited from interested parties in respect to Council's intention to dispose of the subject land.

In providing the public notification, staff will refer to the Department of Local Government's information sheet "Sale of Public Land" (albeit noting that this is a lease disposal not a sale).

Any submissions received within the specified time frame will be considered by Council following the completion of the statutory period.

The Act contains appeal provisions, should a person who lodges a submission, be aggrieved by the subsequent Council decision.

8.0 RISK

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

The specific risk associated with the public land disposal process relates to ensuring the appropriate procedural steps are implemented and the necessary information to inform the community of the process is readily available.

Officers have reviewed the best practice guidelines issued by the Department of Local Government in the preparation of this report.

A general exploration of risk matters in relation to the subject land, the public land disposal process and development generally are noted for information.

RISK CATEGORY	COMMENT	MITIGATION STRATEGY
Assets and Infrastructure	No Council assets are impacted by the current use and occupation of the subject land.	No issue to manage.
Corporate Business Systems	Lease terms not complied with.	Lease, when executed, would be included on the lease register and compliance actions entered in the compliance register.
Emergency Management	The occupation of the land has no impact on such a risk.	None proposed.
Environmental	The occupation of the Council land presents no specific environmental risks.	None proposed.
Financial	The lease value will be commercially determined. Roles and responsibilities in terms of building management are contained in lease agreement.	Apply the lease provisions.
Political	Continuation of an existing an existing occupation arrangement. No identified issues.	None proposed.
Public Safety	No identified issues.	None proposed.
Strategic	Council developed the site occupied to be used as a restaurant	None proposed.
Regulations and Compliance	The public land disposal process is a statutory process and Council must demonstrate it has met all the proscribed elements of the process.	Council reports, records of notices and photos of site notices.
Workers	No identified issues.	None proposed.

9.0 CONSULTATION

The Fish Frenzy Restaurant have been advised of Council's intention to commence a public land disposal process.

The public land disposal process provides an opportunity for the community to make a submission in respect to the proposed disposal (via a lease) of land.

To inform the community of the intention to dispose of land there is a requirement to publish a public notice (twice) containing the prescribed information in a local newspaper.

In addition to the public notice, the same information is posted on the boundaries of the subject land.

The *Act* provides for a 21 day submission period from the date of first publication of the notice.

Subject to the decision of Council, the first notice will be published on Saturday, 29 May 2021.

A further report will be provided to Council following the submission period, to consider any submissions received.

ATTACHMENTS

1↓. [Plan of Fish Frenzy Leased Area](#)

COUNCIL RESOLUTION

Resolution number: MO082-21

MOVED: Cr K Dorsey

SECONDED: Cr D Pease

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 2 North Terrace, Burnie (being part of CT Volume 147506, Folio 1, the area identified on the plan attached), to Burnie One Pty Ltd (Fish Frenzy Restaurant) to be used for restaurant purposes and that a further report be presented to Council as to the outcome of the submission process.”

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

Against:

CARRIED UNANIMOUSLY

WORKS AND SERVICES**AO087-21 LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF A PORTION OF PUBLIC LAND TO ZODIACS GYMNASTICS CLUB INC
10 SMITH STREET, WIVENHOE
CT VOLUME 167400, FOLIO 1****FILE NO: 5/2/5, 5/20/1-02, 3041449**
PREVIOUS MIN: AO111-20

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.5~A sustainable long term future is planned through the management of Council's infrastructure and assets.
Strategy	7.5.2~Ensure assets are adequately developed, maintained and renewed.

1.0 RECOMMENDATION:

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 10 Smith Street, Wivenhoe (being part of CT Volume 167400, Folio 1, the area identified on the plan attached), to Zodiacs Gymnastics Club Inc, and that a further report be presented to Council as to the outcome of the submission process.”

2.0 SUMMARY

Council is aware of the need to progress a public land disposal process where a community lease is to be for a period greater than five years and the land occupied is public land.

A new community lease is to be entered into with the Zodiacs Gymnastics Club Inc. This action will implement a decision of Council and triggers the need to progress a public land disposal process, as the lease term will be greater than five years and the land occupied is public land.

Progressing the public land disposal process as noted in this report enables Council to meet its statutory obligations under the *Local Government Act 1993*.

3.0 BACKGROUND

The Zodiacs Gymnastics Club Inc. have occupied portion of the former Burnie Agricultural and Pastoral Society (BAPS) land (10 Smith Street) at Wivenhoe for many years under a tenancy agreement with BAPS.

When Council purchased the site a number of years ago, the existing lease arrangement continued on. It is noted that that lease was on a commercial basis.

At the Council Meeting held on 28 April 2020, Council considered its Phase One COVID-19 support arrangements and as part of that process determined to convert the Zodiacs Gymnastic Club's lease to a community lease, refer to point 11) of AO111-20.

"11) Conversion of the Zodiacs Gymnastics Club to a community lease and apply the above community lease support arrangements;"

The principles of the community lease arrangements have been applied from that point to the Club's occupation.

To formalise these arrangements there is a need to prepare and execute a community lease with the Club. Officers are progressing discussions with the Club in that regard in accordance with the provisions of Council's policy *Community Leases CP-CBS-SG-036*.

The plan **attached** shows the footprint of the land occupied, including building (red line) and common area (yellow line).

The land occupied by the Zodiacs Gymnastics Club Inc. can be designated as public land under the relevant provisions of the *Local Government Act 1993*.

Council must follow the processes under the *Local Government Act 1993* for the disposal of public land, including the lease of land, where the period of the lease term is greater than five years. Refer to the legislative section of this report for the relevant sections of legislation.

Council's policy *Community Leases CP-CBS-SG-036* permits a community lease term to be a maximum of ten years. It is expected that the lease term with the Zodiacs Gymnastics Club Inc. will be the maximum permitted under the policy. A longer term requires a separate resolution of Council.

The purpose of this report is to progress the public land disposal process in respect to the proposed new lease with the Zodiacs Gymnastics Club Inc.

4.0 LEGISLATIVE REQUIREMENTS

The Act details specific requirements in relation to the sale and disposal (including lease) of land, as follows:

177. Sale and disposal of land

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

A separate and additional process for the disposal of public land is provided for under the Act. Section 177A of the Act (reproduced below) describes public land.

177A. Public land

(1) The following land owned by a council is public land:

(a) a public pier or public jetty;

(b) any land that provides health, recreation, amusement or sporting facilities for public use;

(c) any public park or garden;

(d) any land acquired under section 176 for the purpose of establishing or extending public land;

(e) any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993;

(f) any other land that the council determines is public land;

(g) any other prescribed land or class of land.

(2) The general manager is to –

(a) keep lists or maps of all public land within the municipal area; and

(b) make the lists and maps available for public inspection at any time during normal business hours.

The land which is the subject of this report is public land.

Section 178 of the Act (reproduced below) details the procedural steps that must be undertaken in respect to a proposal to dispose of public land (including leases greater than five years).

178. Sale, exchange and disposal of public land

(1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.

(2) Public land that is leased for any period by a council remains public land during that period.

(3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.

(4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—

(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and

(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and

(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.

(5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).

(6) The council must –

(a) consider any objection lodged; and

(b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –

(i) that decision; and

(ii) the right to appeal against that decision under section 178A.

(7) The council must not decide to take any action under this section if –

(a) any objection lodged under this section is being considered; or

(b) an appeal made under section 178A has not yet been determined; or

(c) the Appeal Tribunal has made a determination under section 178B(b) or (c).

(8)

The purpose of this report is to commence the statutory process as outlined in Section 178.

Guidance on the process to follow in the disposal of public land is provided in an information sheet produced by the Local Government Division titled “Sale of Public Land”. It is noted that for the purposes of the Act, the term disposal includes a lease greater than five years. The subject land is not proposed for sale.

Reference has been made to that document in the preparation of this report.

5.0 POLICY CONSIDERATIONS

The Zodiacs Gymnastics Club Inc. has occupied the subject land for many years and have developed a purpose built gymnastics facility on the land.

Council has determined to enter into a community lease with the Club for the occupation and use of the subject land.

The new lease with the Zodiacs Gymnastics Club Inc. will be in accordance with Council's policy *Community Leases CP-CBS-SG-036*.

6.0 FINANCIAL IMPACT

Section 177 of the *Local Government Act 1993* requires that a valuation for land be obtained before Council disposes of the land through a lease.

Council has engaged a company to provide a valuation for the premises occupied. The annual rental value was advised to be in the range of \$45,000 to \$55,000.

It is noted that the proposed lease arrangement with the Zodiacs Gymnastics Club Inc. would be in accordance with the Council's policy *Community Leases CP-CBS-SG-036*.

The lease fee payable by an eligible community organisation is specified in the policy. For 2020-2021, the applicable annual lease fee is \$387.80, including GST.

In addition, the organisation must reimburse Council the cost of the building insurance premium associated with the facility occupied.

7.0 DISCUSSION

Council has determined to convert the current lease with the Zodiacs Gymnastics Club Inc. to a community lease. The club has invested significant funds in the development of purpose built facilities for gymnastics.

The focus of this report is to progress a public land disposal process related to the disposal (via a lease) of a portion of land owned by Council to Zodiacs Gymnastics Club Inc.

This is a process required under the *Local Government Act 1993* to ensure the community has a say in the use of public land that is intended to be placed into a medium-long term lease.

The rationale for the disposal (via a lease) of the public land is to facilitate the ongoing occupation and use of a portion of the land by a community group.

In regard to the public land disposal process, the following steps need to occur:

- a) Council determines its intention to dispose of the subject land.

- b) Council's determination is published as a public notice, twice, in a local newspaper advising interested parties of Council's intention to dispose of the land.
- c) A notice is required to be placed at the property boundary advising of Council's intention to dispose of the land.
- d) Submissions are invited from interested parties in respect to Council's intention to dispose of the subject land.

In providing the public notification, staff will refer to the Department of Local Government's information sheet "Sale of Public Land" (albeit noting that this is a lease disposal not a sale).

Any submissions received within the specified time frame will be considered by Council following the completion of the statutory period.

The Act contains appeal provisions, should a person who lodges a submission, be aggrieved by the subsequent Council decision.

8.0 RISK

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

The specific risk associated with the public land disposal process relates to ensuring the appropriate procedural steps are implemented and the necessary information to inform the community of the process is readily available.

Officers have reviewed the best practice guidelines issued by the Department of Local Government in the preparation of this report.

A general exploration of risk matters in relation to the subject land, the public land disposal process and development generally are noted for information.

RISK CATEGORY	COMMENT	MITIGATION STRATEGY
Assets and Infrastructure	No Council assets are impacted by the current use and occupation of the subject land.	No issue to manage.
Corporate Business Systems	Lease terms not complied with.	Lease, when executed, would be included on the lease register and compliance actions entered in the compliance register.
Emergency Management	The occupation of the land has no impact on such a risk.	None proposed.

RISK CATEGORY	COMMENT	MITIGATION STRATEGY
Environmental	The occupation of the Council land presents no specific environmental risks.	None proposed.
Financial	The lease value will be in accordance with Council policy. Roles and responsibilities in terms of building management are contained in lease agreement.	Apply the lease provisions.
Political	Continuation of an existing an existing occupation arrangement. No identified issues.	None proposed.
Public Safety	No identified issues.	None proposed.
Strategic	The premises have been used for gymnastic activities for many years.	None proposed.
Regulations and Compliance	The public land disposal process is a statutory process and Council must demonstrate it has met all the proscribed elements of the process.	Council reports, records of notices and photos of site notices.
Workers	No identified issues.	None proposed.

9.0 CONSULTATION

The Zodiacs Gymnastics Club Inc have been advised of Council's intention to commence a public land disposal process.

The public land disposal process provides an opportunity for the community to make a submission in respect to the proposed disposal (via a lease) of land.

To inform the community of the intention to dispose of land there is a requirement to publish a public notice (twice) containing the prescribed information in a local newspaper.

In addition to the public notice, the same information is posted on the boundaries of the subject land.

The Act provides for a 21 day submission period from the date of first publication of the notice.

Subject to the decision of Council, the first notice will be published on Saturday, 29 May 2021.

ATTACHMENTS

1. [Land Disposal - Zodiacs Gymnasium Club - Leased Area Map](#)

COUNCIL RESOLUTION**Resolution number: MO083-21****MOVED:** Cr C Lynch**SECONDED:** Cr T Brumby

“THAT Council determines its intention to dispose (via a lease) of a portion of public land, located on 10 Smith Street, Wivenhoe (being part of CT Volume 167400, Folio 1, the area identified on the plan attached), to Zodiacs Gymnastics Club Inc, and that a further report be presented to Council as to the outcome of the submission process.”

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

Against:

CARRIED UNANIMOUSLY



CORPORATE AND BUSINESS SERVICES**AO088-21 POLICY REVIEW - PUBLIC INTEREST DISCLOSURES**

FILE NO: 4/10/1; 4/14/2
PREVIOUS MIN: AO280-17

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1~A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1~Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:

“THAT Council:

- 1) Rescind the existing Public Interest Disclosure Policy CP-CBS-SG-013; and***
- 2) Note the new Public Interest Disclosure Procedures as approved by General Manager and the Tasmanian Ombudsman."***

2.0 SUMMARY

These Procedures establish a system for reporting disclosures of improper conduct or detrimental action by members, officers or employees of the Burnie City Council.

3.0 BACKGROUND

The *Public Interest Disclosures Act 2002* commenced operation on 1 January 2004. It was substantially amended by the *Public Interest Disclosures Amendment Act 2009*, following a major review of the Act.

The purpose of the Act is:

- To encourage and facilitate disclosures of improper conduct by public officers and public bodies;
- To protect persons making those disclosures, and others, from reprisals;
- To provide for the matters disclosed to be properly investigated and dealt with; and
- To provide all parties involved in the disclosures with natural justice.

In colloquial terms, the Act is about “whistle-blowing” in the Tasmanian public sector. The Act is based on the precepts that it is in the public interest for whistle-blowing to occur, and that this will be encouraged and facilitated by providing due protection for whistle-blowers, and by ensuring that disclosures which they make are properly investigated and dealt with.

The *Public Interest Disclosures Act 2002* requires that each public body submit its procedures to the Ombudsman for approval once in each 3-year period.

The revised Procedures reflect recent changes in the Office of the Ombudsman's model guidelines.

4.0 LEGISLATIVE REQUIREMENTS

The *Public Interest Disclosure Act* requires a public body to establish procedures that comply with the guidelines and standards. Section 60 of the Act states:

60. Public body to establish procedures that comply with guidelines and standards

- (1) A public body is to establish procedures that comply with any guidelines and standards referred to in [section 38\(1\)\(c\)](#).
- (2) The procedures established by a public body under [subsection \(1\)](#) are to include procedures for the protection of the welfare of a person making a disclosure.
- (3) A large public body is to submit its procedures to the Ombudsman for approval, and is to submit its procedures to the Ombudsman at least once in each 3-year period following the initial approval.

5.0 POLICY CONSIDERATIONS

Up until the present time, the Council has had a policy titled Public Interest Disclosures Policy CP-CBS-SG-012, which was last adopted on 23 November 2020.

As outlined in the legislative section of this report, the Council is not required to have a Policy on the basis that the Act prescribes the necessary framework to be followed. The requirement of Council is to have in place comprehensive procedures which are the basis of this report.

It is subsequently proposed that the Council formally rescind the Policy.

The Procedures establish a system for reporting disclosures of improper conduct or detrimental action by members, officers or employees of the Council. The Procedures are also intended to assist members, officers and employees to understand the way in which the Act operates and needs to be administered.

The Procedures are operational in nature and give effect to the Act, and are based on the model procedures provided by the Ombudsman Tasmania, and are therefore authorised by the General Manager as the Principal Officer. The Procedures are subsequently attached for the information of the Council.

6.0 FINANCIAL IMPACT

There are no financial impacts which arise from adopting the Procedures.

7.0 DISCUSSION

The Procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures where appropriate.

The Procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be viewed on the Ombudsman's website at www.ombudsman.tas.gov.au.

The revised Procedures received formal approval by the Ombudsman on 9 April 2021 (ref 21/31820). The Procedures were reviewed by the Audit Committee on 28 April 2021. Minor changes and revisions which have since occurred, have been included and confirmed with the Ombudsman's Office.

8.0 RISK

The approved Procedures reduce the risk to Council of non-compliance with legislation.

The existence of Procedures may serve to reduce the risk of improper conduct or behaviour by public officers.

9.0 CONSULTATION

The Procedures have been reviewed by the Audit Committee on 28 April 2021.

Once approved, internal measures will be undertaken to ensure there is workforce awareness of the principles and expectations, and avenues for reporting are clearly articulated and encouraged.

ATTACHMENTS

1↓. [Public Interest Disclosure Procedure - 9 April 2021](#)

COUNCIL RESOLUTION**Resolution number: MO084-21****MOVED:** *Cr A Keygan***SECONDED:** *Cr T Bulle****“THAT Council:***

- 1) Rescind the existing Public Interest Disclosure Policy CP-CBS-SG-013; and***
- 2) Note the new Public Interest Disclosure Procedures as approved by General Manager and the Tasmanian Ombudsman.”***

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

Against:

CARRIED UNANIMOUSLY



Public Interest Disclosure Procedures

Approved 9 April 2021

 BURNIE CITY COUNCIL	PROCEDURE	
	Public Interest Disclosure Procedures	
Approved By:	General Manager	Document Code: PRO-CBS-SG-109
Doc Controller:	Executive Manager Corporate Governance	Version: 5.0
		Approved Date: 9 April 2021
		Next Review Date: 31 Jan 2024

- 1 PURPOSE**
To ensure Council's commitment to the implementation and ongoing management of the *Public Interest Disclosures Act 2002*.
- 2 OBJECTIVE**
To ensure that the Burnie City Council complies with its obligations under the Act, and provides an open and supportive environment to individuals in relation to public disclosures and associated investigations.
- 3 SCOPE**
These procedures relate to all employees and elected members of Council.
- 4 SOURCE**
The attached procedures are based on the Model Procedures to be followed by public bodies as issued by the Ombudsman Tasmania, 25 November 2020.
- 5 LEGISLATION**
Public Interest Disclosures Act 2002
Local Government Act 1993, in particular Section 63 (2)
Fair Work Act 2009

6 RELATED DOCUMENTS

<https://www.ombudsman.tas.gov.au/public-interest-disclosures/guidelines>

Document Control	
Responsibility:	It is the responsibility of the General Manager to implement and ensure compliance with the Public Interest Disclosures Procedures. It is the responsibility of the Director Corporate to implement and review the procedures at least every three years in accordance with s60 of the <i>Public Interest Disclosures Act 2002</i> . (See also section 16 of the Procedures) It is the responsibility of the Executive Manager Corporate Governance to maintain this policy within the corporate document framework.
Document Approval	This document was approved by the General Manager on 22 January 2021. This document received approval from the Tasmanian Ombudsman on 9 April 2021 (21/31820).
Previous document replaced:	This document replaces the previous Council Policy CP-CBS-SG-012 Public Interest Disclosure Policy version 4.1 dated 23 November 2020.
Date of Commencement:	10 April 2021
Publication of policy:	Employees, Councillors and members of the public may inspect this policy at the City Offices, or access it on Council's website (www.burnie.net)

Contents

1	Statement of Support	5
2	Purpose of these procedures	5
3	How the Act works	6
4	Roles and responsibilities	7
4.1	<i>Members, officers and employees</i>	7
4.2	<i>Principal Officer</i>	7
4.3	<i>Public Interest Disclosure Officer</i>	7
4.4	<i>Investigator</i>	8
4.5	<i>Welfare Manager</i>	8
5	Who can make a disclosure?	9
5.1	<i>Public officers</i>	9
5.2	<i>Contractors</i>	9
5.3	<i>Members of the public</i>	9
5.4	<i>Anonymous persons</i>	9
6	What can a disclosure be made about?	9
6.1	<i>Improper conduct</i>	10
6.2	<i>Corrupt conduct</i>	10
6.3	<i>Detrimental action</i>	11
7	Where to make a disclosure	13
8	How to make a disclosure	14
8.1	<i>Public Interest Disclosure Officers</i>	14
8.2	<i>Written or oral disclosure</i>	14
8.3	<i>Disclosure to the Ombudsman</i>	15
8.4	<i>Disclosure to the Integrity Commission</i>	15
9	Confidentiality	16
10	Assessing the disclosure	17
10.1	<i>What should the recipient of the disclosure do upon receipt of the disclosure?</i>	18
10.2	<i>Is it a protected disclosure?</i>	18
10.3	<i>Mixed content disclosures</i>	19
10.4	<i>Risk Assessment</i>	19
10.5	<i>Referral of a protected disclosure to the Integrity Commission</i>	19
10.6	<i>Is the disclosure a public interest disclosure?</i>	20

10.7 Referral of criminal conduct to the Commissioner of Police-----21

I 1 Protection ----- 21

11.1 When does protection commence?-----21

11.2 What protection does the Act provide?-----21

I 2 Investigation ----- 22

12.1 Introduction -----22

12.2 Matters that do not have to be investigated-----23

12.3 Appointment of investigator and framing of terms of reference -----23

12.4 Investigation plan -----24

12.5 Procedural fairness-----24

12.6 Conduct of the investigation-----25

12.7 Referral of an investigation to the Ombudsman -----25

12.8 Provision of information about the investigation -----26

I 3 Action taken after an investigation ----- 26

13.1 Investigator’s final report -----26

13.2 Action to be taken -----27

I 4 Managing the welfare of the discloser----- 27

14.1 Support for the discloser-----27

14.2 Keeping the discloser informed -----28

14.3 Occurrence of detrimental action -----28

14.4 Discloser implicated in improper conduct-----28

I 5 Management of the person against whom a disclosure has been made ---- 29

I 6 Approval and review of these procedures ----- 30

I. Statement of Support

The Burnie City Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002*. It will not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal corrupt conduct, conduct involving a substantial mismanagement of public resources, or conduct involving a substantial risk to public health and safety or the environment.

Council will take all reasonable steps to protect people who make such disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

The General Manager will ensure that comprehensive procedures are implemented and maintained in accordance with the requirements of the Act.

2. Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- Burnie City Council protects disclosers and affords procedural fairness¹ to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate.

Council's relevant policies and procedures for this are:

- Behaviours Framework Guideline GL-CBS-HR-010
- Employee's Code of Conduct Policy WP-CBS-HR-012

¹ Referred to as natural justice in the Act.

- Grievance Reporting and Resolution WP-CBS-HR-002
- Councillor's Code of Conduct Policy CP-CBS-SG-024

The procedures have been prepared in accordance with the Ombudsman's *Guideline One: Procedures for Public Bodies*. This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au.

3. How the Act works

Briefly, the Act works in this way:

- it gives certain people – public officers and contractors – the right to make disclosures about improper conduct or detrimental action to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);²
- it provides certain statutory protections for protected disclosures, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a public interest disclosure (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and
- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

² Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

4. Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within Burnie City Council.

4.1 Members, officers and employees

Members, officers and employees (public officers) of Burnie City Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of Burnie City Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

4.2 Principal Officer

The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by Burnie City Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Burnie City Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

4.3 Public Interest Disclosure Officer

A Public Interest Disclosure Officer is appointed by the Principal Officer under section 62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to be:

- *acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;*
- *making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receiving any disclosure from a public officer made orally or in writing;*
- *recording in writing the details of any disclosure which is made orally;*
- *impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, “a protected disclosure”);*
- *impartially assessing under s 33 of the Act whether a disclosure is a “public interest disclosure”;*
- *taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and*
- *administrative functions to support the role under the Act, as required.]*

See section 8.1 for a list of Burnie City Council’s Public Interest Disclosure Officers.

4.4 Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to the Burnie City Council for investigation, the Principal Officer, or the Public Interest Disclosure Officer where delegated, will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within Burnie City Council or a consultant engaged for that purpose.

4.5 Welfare Manager

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer where delegated, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;
- advise the discloser of the legislative and administrative protections available to them;³
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and

³ See [Protection](#) below for details of the legislative protections.

- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

The Welfare Manager for the Burnie City Council is either the Manager People or a consultant engaged for that purpose. The Welfare Manager must not be responsible for assessing or investigating the disclosure.

5. Who can make a disclosure?

5.1 Public officers

Any current public officer⁴ can make a disclosure to the Burnie City Council under the Act.

5.2 Contractors

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to the Burnie City Council. Public Interest Disclosure Officers should refer any contractors wanting to make a disclosure to either of these bodies.

5.3 Members of the public

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public Interest Disclosure Officers should refer any members of the public wanting to make a disclosure to either of these bodies.

5.4 Anonymous persons

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

6. What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to Burnie City Council as a whole or the Principal Officer of the Burnie City Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

⁴ This can include a public officer from another public body

6.1 Improper conduct

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

- a. conduct that constitutes an illegal or unlawful activity; or
- b. corrupt conduct; or
- c. conduct that constitutes maladministration; or
- d. conduct that constitutes professional misconduct; or
- e. conduct that constitutes a waste of public resources; or
- f. conduct that constitutes a danger to public health or safety or to both public health and safety; or
- g. conduct that constitutes a danger to the environment; or
- h. misconduct, including breaches of applicable codes of conduct; or
- i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.⁵

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a principal officer spends \$15,000 of public money on a staff Christmas party.

6.2 Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

⁵ See Public Interest Disclosure Guideline Two: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au

- a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or
- b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or
- c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or
- d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or
- e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

6.3 Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

- a. action causing injury, loss or damage; and
- b. intimidation or harassment; and
- c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and
- d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person's duties to their disadvantage;

- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

8. Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with section 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
A member, officer or employee of a public body other than the Police Service or a State Service Agency	that public body; or the Integrity Commission; or the Ombudsman
A member, officer or employee of a public body that is a State Service Agency	that State Service Agency; or the Integrity Commission; or the Ombudsman
The principal officer of a public body or State Service Agency	the Ombudsman; or the Integrity Commission
A member of the Police Service, other than the Commissioner of Police	the Commissioner of Police
The Commissioner of Police	the Ombudsman
A member of the Legislative Council	the President of the Legislative Council
A member of the House of Assembly	the Speaker of the House
A councilor, within the meaning of the <i>Local Government Act 1993</i>	the Ombudsman
A person employed under the provisions of the <i>Parliamentary Privilege Act 1898</i>	the Ombudsman; or the Integrity Commission
The Auditor-General	the chairman of the Public Accounts Committee.
The Ombudsman	the Joint Standing Committee on Integrity
A person employed in an office of a Minister, Parliamentary Secretary or other Member of Parliament	the Ombudsman
In any other case, including if the disclosure is about a public body as opposed to an individual public officer	the Ombudsman; or the Integrity Commission

9. How to make a disclosure

Public officers can make a disclosure about other public officers of Burnie City Council orally or in writing to the following officers:

- the General Manager – who is the Principal Officer of the public body, for the purposes of the Act; and
- a Public Interest Disclosure Officer.

9.1 Public Interest Disclosure Officers

The following staff are Public Interest Disclosure Officers and can receive disclosures:

- Director Works and Services;
- Director Corporate and Commercial Services;
- Executive Manager Corporate Governance; and
- Information Management Coordinator.

If someone wants to make a disclosure about the Principal Officer or the Burnie City Council as an entity, they should be referred to the Ombudsman or the Integrity Commission.

9.2 Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at

Burnie City Council
80 Wilson Street
BURNIE TASMANIA 7320

or

Burnie City Council
PO Box 973
BURNIE TASMANIA 7320

or

Email one of the Public Interest Disclosure Officers directly:

- Director Works and Services – gneil@burnie.net
- Director Corporate – blynch@burnie.net
- Executive Manager Corporate Governance – mneasey@burnie.net
- Information Management Coordinator – mwyatt@burnie.net

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure Officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

9.3 Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or at

Level 6, 86 Collins Street
HOBART TAS 7000

Website: www.ombudsman.tas.gov.au
Email: ombudsman@ombudsman.tas.gov.au
Phone: 1 800 001 170

9.4 Disclosure to the Integrity Commission

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission
GPO Box 822
HOBART TAS 7001

or at

Level 2
Surrey House
199 Macquarie Street
HOBART TAS 7000

Website: www.integrity.tas.gov.au
Email: contact@integrity.tas.gov.au
Phone: 1 300 720 289

10. Confidentiality

Burnie City Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The Burnie City Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

Burnie City Council uses a compliant Electronic Document Records Management System (EDRMS). A container should be created with appropriate security and access restrictions and all records registered to it. All physical information should be digitised and registered into the system and the physical record confidentially destroyed. Records such as interview recordings, photographs etc. can and will be registered to the container.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or
- information that is likely to lead to the identification of the person who:
 - made the disclosure; or
 - the person who is the subject of the disclosure.

11. Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to Burnie City Council,
 - has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
 - is it about the conduct of a public officer;
 - does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
 - is it about conduct that could objectively fall within the definition of improper conduct; and
 - does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

11.1 What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and any accompanying documents.⁶ If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

11.2 Is it a protected disclosure?

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at [Assessing the disclosure](#), and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

⁶ Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per [Who can make a disclosure?](#)

11.3 Mixed content disclosures

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on the Burnie City Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

11.4 Risk Assessment

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 2 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented.

A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or the Burnie City Council more broadly. The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

11.5 Referral of a protected disclosure to the Integrity Commission

Burnie City Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

Burnie City Council must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

11.6 Is the disclosure a public interest disclosure?

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the

Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under section 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

11.7 Referral of criminal conduct to the Commissioner of Police

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, Burnie City Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, Burnie City Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of Burnie City Council. The Principal Officer, or the Public Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

12. Protection

12.1 When does protection commence?

Where Burnie City Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see section 19 of the Act.

12.2 What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

13. Investigation

13.1 Introduction

Any disclosure Burnie City Council determines to be a public interest disclosure under section 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to section 64.

Burnie City Council must investigate every disclosure referred to it for investigation by the Ombudsman under section 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and

- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

13.2 Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in section 64 apply.

Any decision not to proceed with an investigation on a ground specified in section 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

13.3 Appointment of investigator and framing of terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under section 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, Burnie City Council may apply to the Ombudsman for an extension of up to a further six months.

13.4 Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

13.5 Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

Burnie City Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or
- against whom there are reasonable grounds for apprehending or suspecting bias.⁷

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

⁷ The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

13.6 Conduct of the investigation

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector⁸ is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

13.7 Referral of an investigation to the Ombudsman

Under section 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see [Referral of criminal conduct to the Commissioner of Police](#) above for more detail).

⁸ Accessible at <https://www.integrity.tas.gov.au/publications/prevention-resources/guides>.

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

13.8 Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by section 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

14. Action taken after an investigation

14.1 Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under section 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the Burnie City Council to prevent the conduct from continuing or occurring in the future; and

- any action that should be taken by the Burnie City Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

14.2 Action to be taken

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, Burnie City Council must, in accordance with section 75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to the Minister for Local Government or Burnie City Council as relevant under section 76 and the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by section 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under section 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

15. Managing the welfare of the discloser

15.1 Support for the discloser

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by Burnie City Council, they may report the matter to the Ombudsman.

15.2 Keeping the discloser informed

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by Burnie City Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by Burnie City Council in relation to a disclosure. All communication with the discloser must be in plain English.

15.3 Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

15.4 Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in improper conduct, Burnie City Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time Burnie City Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is

the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

16. Management of the person against whom a disclosure has been made

Burnie City Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

Burnie City Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of Burnie City Council is afforded [procedural fairness](#) in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

Burnie City Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the

matter has been publicly disclosed, the Principal Officer of Burnie City Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

17. Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on 9 April 2021.

The procedures will be submitted to the Ombudsman for review at least once every three years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

The date by which the procedures must be submitted to the Ombudsman for review is 31 January 2024.

Assessment of disclosure form (Attachment I)

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing officer:

Summary of disclosure:

Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

Part I: Is the disclosure a protected disclosure?

Question 1: Is the discloser a public officer?

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

Yes No

Please provide details if relevant:

Question 2: Is the disclosure about a public officer?

A disclosure can be made even if the discloser cannot identify the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

Yes No

Question 3: Has the disclosure been made to the right person or body?

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

Yes No

Please provide details:

Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?

Yes No

If no, provide details:

Question 5: Does the disclosure relate to improper conduct?

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

Yes No

Please provide details:

Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

Yes No

Assessment of Answers to Part I Questions

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

Part 2: Should the protected disclosure be referred to the Integrity Commission?

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

Yes No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

Yes No

If yes, please provide details

If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.

Part 3: Is the protected disclosure a public interest disclosure?

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

- a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer;
or
- b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.

This determination under s33 of the Act must be made within 45 days of the disclosure being received.

Yes No

Provide reasons for your decision and attach evidence if available

Next steps

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?

Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?

Yes No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?

Yes No

If yes, please provide details

Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?

Yes No

If yes, please provide details

Question 4: Did the discloser:

- have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and
- fail to give a satisfactory explanation for the delay in making the disclosure?

Yes No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?

Yes No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

Question 6: Is the public interest disclosure based on false or misleading information?

Yes No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?

Yes No

If yes, please provide details

Assessment of Answers to Part 4 Questions

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?

Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

Yes No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

Summary

Part	Question	Answer
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

Approval

Approved by:
Name of Public Interest Disclosure Officer or Principal Officer:

Date of approval:

Risk assessment template (Attachment 2)

Public Interest Disclosures Act 2002

File number:

Date of assessment:

Name of assessing officer:

Risk assessed to:

Please select all relevant options

- | | |
|--|--|
| <input type="checkbox"/> Discloser | <input type="checkbox"/> Other employees including potential witnesses |
| <input type="checkbox"/> Your public body | <input type="checkbox"/> Other (e.g. Tasmanian Government, the general public) |
| <input type="checkbox"/> The subject of the disclosure | |

Type of risk / possible harm

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

Please provide details:

Likelihood risk/s will occur

- Unlikely
- Possible
- Likely

Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

Please provide your reasons:

Seriousness of consequences if risk/s occurs

- Minor
- Moderate
- Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person’s work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

Please provide your reasons:

Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Determine your level of risk:

Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser
- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

Please provide details:

Action to be taken

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

Please provide details of your risk action plan:

Approval

Approved by:

Public Interest Disclosure Officer or Principal Officer – Type Name

Date of approval

Risk assessment review

Risk assessment to be reviewed on (date) or when (event) occurs.

Name of reviewing officer:

Date of assessment:

Notes on changes to risk since last assessment

Review outcome

No change to action plan

Further action required

Please provide details:

*Thank you to the Queensland Ombudsman for the use of some of its
risk assessment materials in this template.*

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name:

Date of disclosure:

Contact person: *(include telephone and email contact details)*

Date of s 33 determination: *(to be made within 45 days of date of disclosure)*

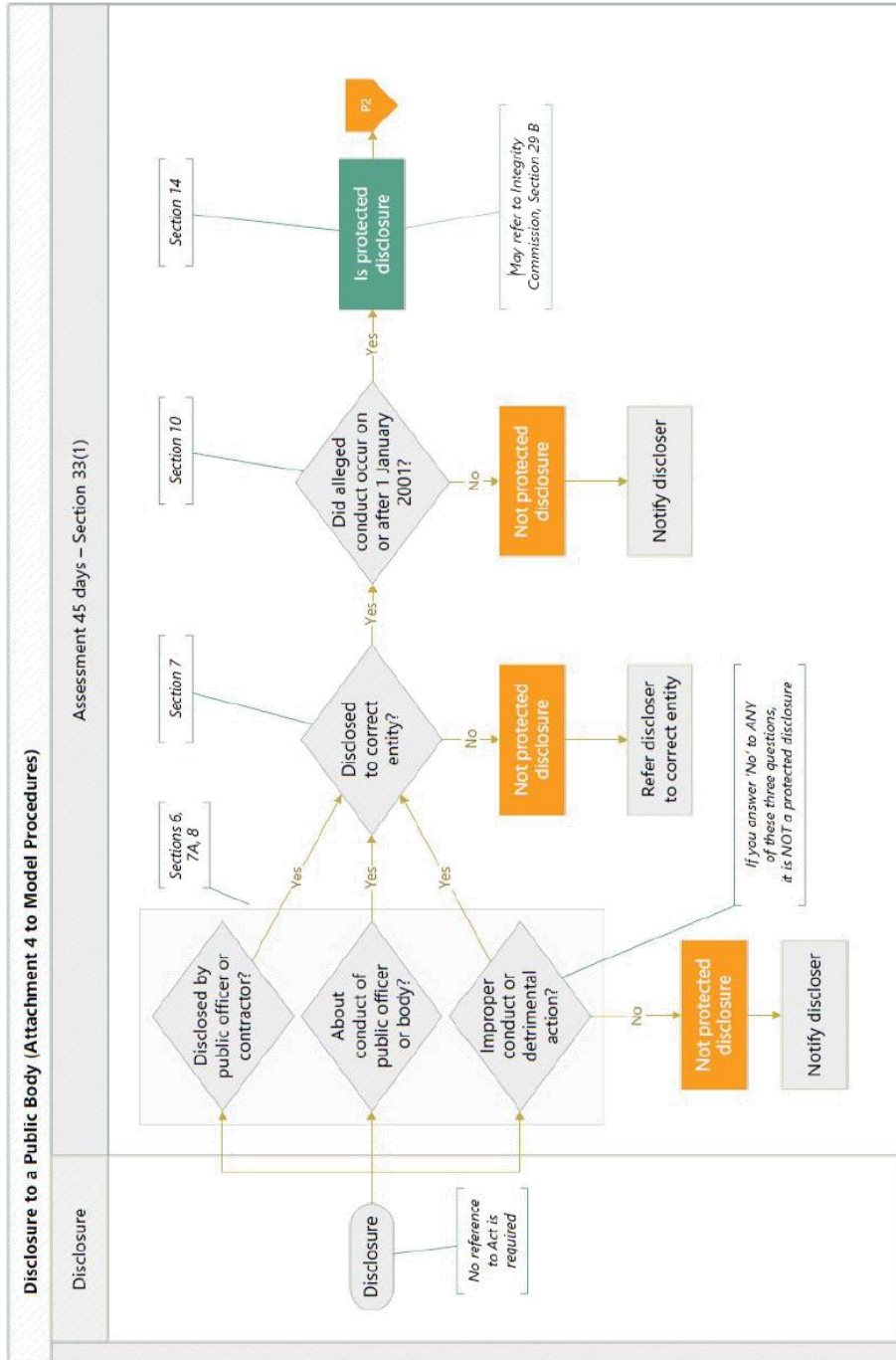
Date of notification:

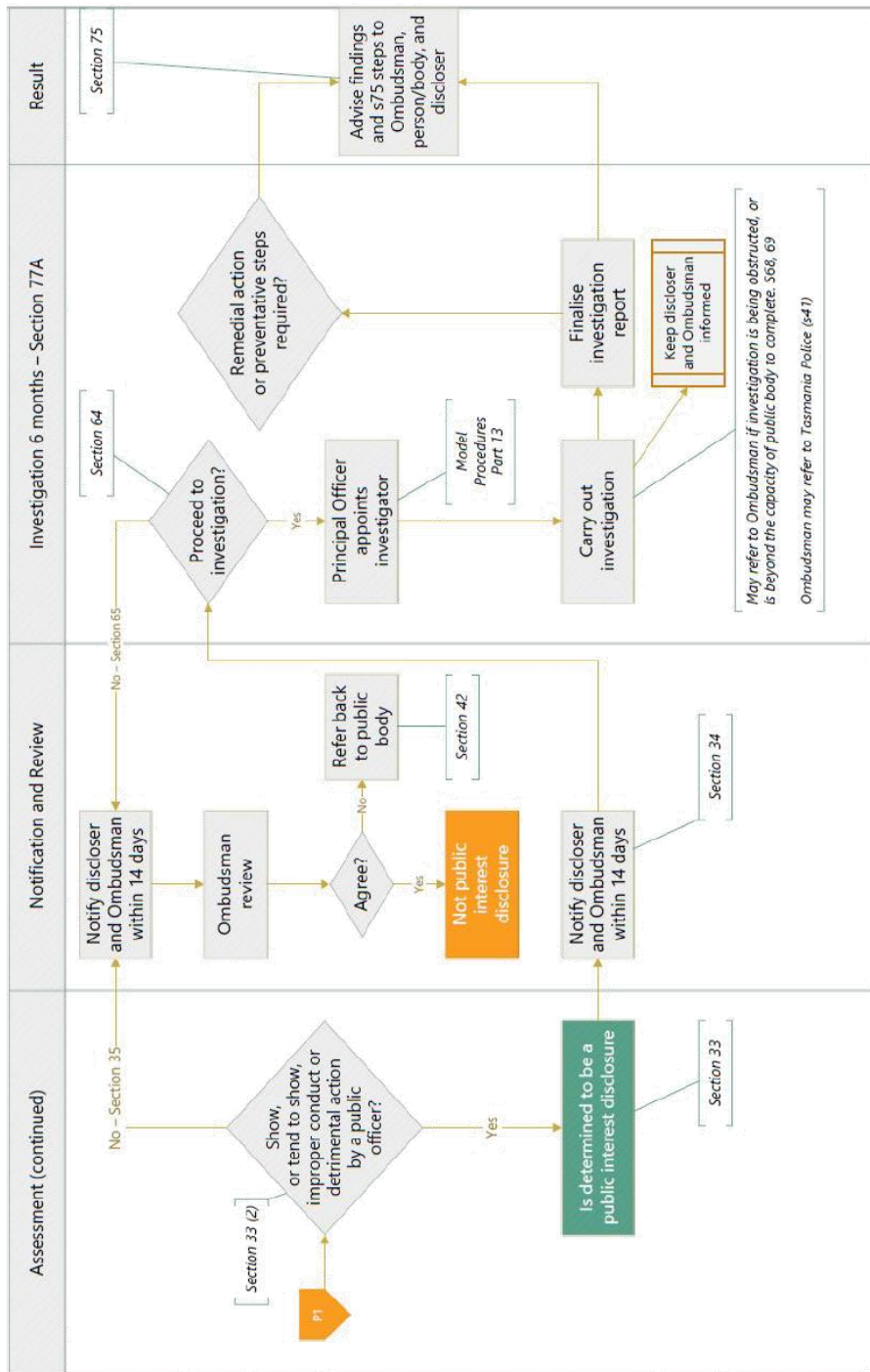
Notification type

- Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision
- Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision
- Section 65 – Decision not to investigate public interest disclosure under s 64
Notification to be made within 14 days of decision
- Section 76 – Findings of investigation and steps taken under s 75
Investigation to be completed within 6 months unless Ombudsman extension granted

Evidence attached

- Copy of original disclosure or record of oral disclosure
- Disclosure assessment
- Risk assessment/s
- Investigation report including:
 - the transcript or other record of any oral evidence taken, including audio or video recordings; and
 - all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.
- Any other material used to make determination (list):
 -
 -
 -





Ombudsman notification template - Attachment 3 to Model Procedures

CORPORATE AND BUSINESS SERVICES**AO089-21 RISK MANAGEMENT FRAMEWORK****FILE NO: 30/6/1****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.8~A best practice approach is taken to managing risk in the community and providing a safe work environment.
Strategy	7.8.1~Develop an integrated approach to risk management from the strategic level through to activity level.

1.0 RECOMMENDATION:

“THAT the Council endorse the Risk Management Framework GL-CBS-RM-001, as presented.”

2.0 SUMMARY

This report presents the revised Risk Management Framework for review and endorsement by the Council.

3.0 BACKGROUND

At the Council meeting of 23 February 2021 the Council’s revised Risk Management Policy CP-CBS-SG-027 was adopted. The policy sets the overarching principles and commitments of the Council to identifying, assess and mitigate risk to the community.

Subsequently a review of the Council’s underpinning Risk Management Framework has been conducted. This document is designed to be more operational and is typically aimed at those that are required to manage and control risk within the organisation.

4.0 LEGISLATIVE REQUIREMENTS

Council has a statutory duty of care under the *Work Health and Safety Act 2012* and the *Civil Liabilities Act 2002*, in addition to various responsibilities under other legislation.

This Risk Management Framework is based on the principles of the Australian Standard for Risk Management, AS 31000.

5.0 POLICY CONSIDERATIONS

The Framework gives effect to Council's Risk Management Policy CP-CBS-SG-027 which was adopted by the Council on 23 February 2021. The Policy is available at www.burnie.net

6.0 FINANCIAL IMPACT

There are no direct financial implications associated with approving the Risk Management Framework.

7.0 DISCUSSION

In the past the General Manager has approved this document, the last revision being 24 August 2018.

It is considered appropriate that moving forward that the Council endorse the Framework given that it outlines a number of strategic factors that should be determined by the Council. These include factors such as the risk appetite, and to ensure that strategic risks are central considerations that inform decision making into the future.

The attached document has been significantly revised to improve the content, clarify expectations and simplify the overall process. Additionally it sets fresh expectations around roles and responsibilities in line with new management structures and directions.

The Risk Management Framework outlines the key reference information to identify, analyse, evaluate, treat and monitor risks consistently across the organisation, at strategic, operational and project levels.

Key changes have included:

- Revision of risk categories
- Revision of likelihood scale
- Revision of consequence descriptors
- Inclusion of a risk appetite statement
- Inclusion of a section on monitoring, reviewing and reporting escalation
- Clarification and simplification of responsibilities
- Refinement of the overall structure of the document to be more sequential in stepping staff through the required process

The Audit Committee have provided their endorsement to the draft document, with some minor amendments which have been incorporated.

8.0 RISK

The Risk Management Framework is a primary risk management tool that guides a consistent approach across the organisation to:

- identify risks at strategic, operational and project levels
- analyse and categorise risk

- measure the level of risk (inherent risk)
- determine appropriate controls
- measure the risk after controls (revised risk)
- determine whether risks are acceptable or not acceptable, and
- monitor and review risks

9.0 CONSULTATION

Consultation on this Framework has incorporated review and feedback from senior management including the Council's Executive Management Team.

The Framework was submitted to the Audit Committee for review on 28 April 2021 and the Committee subsequently provided their endorsement of the document.

The Framework was reviewed and discussed with Councillors at the Council Workshop conducted on 4 May 2021.

ATTACHMENTS

[1↓](#) Risk Management Framework - Draft

COUNCIL RESOLUTION

Resolution number: MO085-21

MOVED: Cr T Bulle

SECONDED: Cr D Pease

"THAT the Council endorse the Risk Management Framework GL-CBS-RM-001, as presented."

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

Against:

CARRIED UNANIMOUSLY

	GUIDELINE	Document Code: GL-CBS-RM-001
	Risk Management Framework (DRAFT)	Version: 3.0 File: 30/2/1
	Approved By: General Manager	Approved Date: TBC
	Doc Controller: Director Corporate	Next Review Date: + 2 years

Risk Management Framework



	GUIDELINE	
	Risk Management Framework (DRAFT)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001
	Doc Controller: Director Corporate	Version: 3.0 File: 30/2/1
		Approved Date: TBC
	Next Review Date: + 2 years	

1 Introduction

Risk Management is the structured approach of aligning strategy, processes, people, technology and knowledge with the purpose of evaluating and managing risk.

Council's Risk Management Framework is an organisation wide commitment to a consistent approach to managing risks. The management of risk is not the responsibility of a particular directorate, team or service within Council, but a shared responsibility across the organisation. The acceptance of risk ownership is required by each staff member at every level within the organisation.

Council wishes to foster and promote a 'risk aware' but not 'risk averse' culture throughout the organisation. The purpose of the Risk Management Framework is to assist individuals in considering risks and opportunities in a consistent manner.

2 Objective

The objective of this document is to provide an effective framework which:

- Provides consistent terminology to aid, promote and improve understanding of risk management at Council;
- Improves planning processes by enabling the key focus to remain on core business and helping to ensure continuity of service delivery;
- Reduces the likelihood of negative 'surprises' and assists with preparing for challenging and undesirable events and outcomes;
- Contributes to improved prioritisation and resource allocation by targeting resources to the highest-level risks and risks, which if treated provide the organisation with best value; and,
- Improves accountability, responsibility, transparency and governance in relation to both decision-making and outcomes.

3 Scope

This document applies to all Councillors, employees, contractors and to any person or organisation that acts for or represents Council.

4 Definitions

The following definitions apply to this document:

Council	Burnie City Council (Council)
Inherent Risk	The effect of uncertainty on objectives (Note: an effect is a deviation from the expected and can be positive and/or negative).
Risk Management	Coordinated activities to direct and control an organisation regarding risk.
Consequence	The outcome or impact of an event, and in particular, the most probable worst-case scenario.
Control	Measure that is modifying risk.
Likelihood	Chance of something happening.
Mitigating actions	Additional processes, policies, devices, practices or actions that act to further minimise risk.

	GUIDELINE	
	Risk Management Framework (DRAFT)	
Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

Acceptable risk	A risk where current controls minimise risk sufficiently so that Council deems that mitigating actions are not required.
Residual risk	Risk remaining after risk treatment.
Risk owner	Person or entity with the accountability and authority to manage the risk.
Risk Management Framework	Set of components that provide the foundations and organisational arrangements for designing, implementing, monitoring, reviewing and continually improving risk management throughout the organisation.
Risk profile	The levels of risk assessed by Council.

5 Framework

Council’s Risk Management Framework provides the foundations for designing, developing, implementing, monitoring, reviewing, and communicating risk management and continuous improvement of performance associated with Council strategy, operations and routine tasks.

Council’s Risk Management Framework has been developed with a focus on managing risk at the strategic, operational and project levels of the business. This document is aimed at ensuring the concept of risk management is integrated in Council’s approach to all activities and projects to inform decision-making and inform organisational culture and outcomes

5.1 Risk Management Policy

The Risk Management Policy establishes Council’s commitment to risk management throughout the organisation, outlining Council’s objectives regarding risk and risk management.

5.2 Council’s Risk Profile

Risks are to be assessed at the following levels within the organisation:

Level	Description
Strategic Risks	Strategic risks for Council are those that affect the sustainability of the organisation or its ability to deliver on the strategic objectives of its corporate plan, are significant risks that affect the longer-term interests of Council and the community; and, are of a higher level, possibly affecting future service delivery.
Operational Risks	Operational risks are those that affect the viability of achieving activities associated with individual business units and operational objectives. These risks include issues that affect the basic services of business as usual activities of each business unit, relate to the effective and efficient use of Council’s resources, and can have a day-to-day impact on specific operations.
Project Risks	Project risks are risks associated with individual projects, initiatives or day-to-day business activities at Council, which can be assessed in the project planning phase and throughout the duration of a business activity.

	GUIDELINE	Risk Management Framework (DRAFT)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
	Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

5.3 Council’s Risk Appetite

Overview

Council’s risk appetite is defined as the amount and type of identified risk it is willing to pursue, retain, take or turn away from in the achievement of goals and objectives.

The following table outlines Council’s risk appetite:

	Assessed Risk Level	Required Action
Unacceptable	Extreme	Immediate action required
	High	Prioritised action required
Acceptable	Medium	Planned action required
	Low	Action by routine procedure

Statement

The establishment of the Risk Appetite Statement is intended to guide Council in their actions and ability to accept and manage risks. Through the risk management framework and its risk appetite statement, the Council will formally establish and communicate its risk appetite.

Council applies the following categories to determine its risk appetite by “Risk Class”:

Level of Risk Appetite	Description
Zero	No tolerance for accepting risk.
Minimal	Preference for options that avoid risk or have low inherent risk.
Moderate	Preference for safe options with low degree of residual risk and limited potential for reward.
Open	Willing to consider all options with a preference for prudent options and an acceptable level of reward.
Seeking Opportunity	Enthusiasm for innovation leading to preference for higher rewards despite greater inherent risk.

	GUIDELINE		Risk Management Framework (DRAFT)	
	Approved By:	General Manager	Document Code:	GL-CBS-RM-001
	Version:	3.0	File:	30/2/1
	Doc Controller:	Director Corporate	Approved Date:	TBC
		Next Review Date:	+ 2 years	

The below table is a visual overview of Council’s baseline risk appetite statement:

Burnie City Council’s Risk Appetite Statement					
Risk Category	Zero	Minimal	Moderate	Open	Seeking Opportunity
Strategic			✓		
Financial		✓			
Workers	✓				
Assets and Infrastructure			✓		
Environment		✓			
Public Safety		✓			
Emergency Management		✓			
Service Delivery			✓		
Technology			✓		
Legal and Compliance		✓			
Political			✓		
Reputational		✓			

From the above table, it can be seen that Council has the lowest appetite for risks which may:

- compromise the safety and welfare of Council employees, volunteers or contractors;
- compromise the financial sustainability of the organisation;
- compromise the natural environment of the Burnie municipality;
- compromise public safety
- compromise the effectiveness of emergency management
- compromise compliance with legislation and regulation or create significant legal impacts;
- result in widespread and sustained damage to the Council’s reputation.

Council has a moderate appetite for risks which may:

- be associated with strategic opportunities that improve efficiency, reduce costs or generate additional sources of revenue;
- result in significant loss or disruption of key Council assets;
- improve efficiency in the way services are delivered to the community;
- compromise the use or performance of technology as an enabler to service delivery;
- compromise the political standing of the Council.

Council does not take an open or progressive appetite to any categories of risk.

The risk appetite statement is indicative of Council’s position at the time of drafting this document (March 2021). The risk appetite of Council will change over time depending on a range of factors, and will be updated each time this document is reviewed.

	GUIDELINE	Document Code: GL-CBS-RM-001
	Risk Management Framework (DRAFT)	Version: 3.0 File: 30/2/1
	Approved By: General Manager	Approved Date: TBC
	Doc Controller: Director Corporate	Next Review Date: + 2 years

6 Risk Management Process

6.1 Establishing Context

Establishing the context requires an examination of the external, internal and risk management environments in which the risk identification, analysis and treatment options will be considered.

The external environment includes factors such as legal, regulatory, political, economic, social, cultural, technological, and external stakeholders. The internal context includes factors such as Council's organisational structure, governance, culture, policies, goals and objectives, capabilities and internal stakeholders.

When identifying and assessing risk against the adopted criteria contained within this document, management and staff should consider the context within which they operate.

Council will utilise the International Risk Management Guidelines ISO 31000:2018 to manage risks. This is a structured and proactive approach that can be applied organisation-wide to support management of strategic and/or operational risks.



	GUIDELINE	Risk Management Framework (DRAFT)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
	Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

6.2 Identify the risks

The aim of this step is to generate a comprehensive list of risks based on those events that might create, enhance, prevent, degrade, accelerate or delay the achievement of objectives. Therefore, this step requires the application of a well-structured systematic process, and helps to identify what, why and how adverse things can arise as the basis for future analysis. This includes identification of the sources of risk, areas of impacts, events (including changes in circumstances) and their causes and potential consequences.

Sources of risk could include:

- commercial/legal relationships
- socio-economic factors
- political/legal influences
- personnel/human behaviour
- financial/market activities
- management activities and controls
- technology/technical issues
- the activity itself/operational issues
- business interruption
- natural events

6.3 Risk Analysis

Risk analysis involves consideration of the causes and sources of risk, their potential consequences and the likelihood of those consequences occurring. Consequence and likelihood are combined to produce an estimate of the level of potential risk.

6.4 Risk Evaluation

Risks need to be evaluated and prioritised to ensure that management effort is directed towards resolution of the most significant risks first. The risk assessment criteria outlined in this document articulates Council's estimated levels of risks, which enables risks to be ranked to identify management priorities.

If the levels of risk are low, then risk may fall in to an acceptable category and treatment may not be required. The purpose of risk evaluation is to assist in making decisions, based on the outcomes or risk analysis, about which risks need treatment and the priority for treatment implementation.

The initial step in this risk evaluation stage is to determine the effectiveness, and/or existence of, controls in place to address the identified risks.

The following table assists in rating control effectiveness:

	GUIDELINE	
	Risk Management Framework (DRAFT)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001
	Doc Controller: Director Corporate	Version: 3.0 File: 30/2/1
	Approved Date: TBC	Next Review Date: + 2 years

Level of Control	Definition	Action Required
Good	A high degree of reliance can be place on the system of internal control. Compensating controls are in place such that even if part of the system breaks down, the control criteria will probably still be met.	Continue monitoring controls for effectiveness.
Satisfactory	The controls can be relied upon; however, some improvements to controls can be made to reduce the risk.	Continue monitoring controls for effectiveness.
Marginal	The system can generally be relied upon in most circumstances but there are some circumstances where the control criteria may not be met.	Develop a Risk Treatment Plan (RTP) to review controls and reduce risk. Consider escalation of risk.
Weak	The system of internal control cannot be relied upon to meet the control criteria. If there has not already been a significant breakdown, it is only a matter of time before this occurs.	Immediately develop a Risk Treatment Plan (RTP) to review controls and reduce risk. Consider escalation of risk as a matter of priority.

6.5 Risk Treatment

Risk treatment involves selecting one or more options for reducing the consequence and/or likelihood of risks and implementing those options. Once implemented, treatments provide or modify the controls.

Risks which are acceptable as per Council’s risk appetite must be monitored in case circumstances change.

For risks that are not acceptable, a specific Risk Treatment Plan (RTP) which includes the following must be developed and implemented by the responsible Officer or member of the Executive Management Team:

- The reasons for selection of treatment options, including expected benefits gained;
- Those who are accountable for approving the plan and those responsible for implementing the plan;
- Proposed actions;
- Resource requirements;
- Performance measures and constraints;
- Reporting and monitoring requirements; and
- Timing for implementation.

	GUIDELINE	Risk Management Framework (DRAFT)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
	Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

The table below summarises Council’s key treatment options:

Treatment	Description
Avoid the risk	Not to proceed with the activity or choosing an alternative approach to achieve the same outcome. Aim is risk management, not aversion.
Mitigate the risk	Reduce the likelihood by improving management controls and procedures or reduce the consequence by putting in place strategies to minimise adverse consequences, e.g. contingency planning, Business Continuity Plan, liability cover in contracts.
Transfer the risk	Shifting responsibility for a risk to another party by contract or insurance. Can be transferred as a whole or shared.
Accept the risk	Controls are deemed appropriate. These must be monitored, and contingency plans developed where appropriate.

	GUIDELINE	Document Code: GL-CBS-RM-001
	Risk Management Framework (DRAFT) Approved By: General Manager Doc Controller: Director Corporate	Version: 3.0 File: 30/2/1 Approved Date: TBC Next Review Date: + 2 years

6.6 Monitoring, Review and Report Escalation

Risks are to be monitored and reported depending on their level as identified in Council’s risk profile, as per the table below:

Risk Level	Monitoring and Review	Report Escalation
Strategic Risks	<ul style="list-style-type: none"> EMT will review the Strategic Risk Register annually to ensure that all identified risks are recorded, and any mitigation/controls are on track with intended progress. EMT will discuss any strategic risks with a residual rating of high or extreme at least quarterly, with a focus on the effectiveness of controls and treatment plans. Council’s Audit Panel will review Council’s Strategic Risk Register according to its annual work plan. Council will receive a report on the Strategic Risk Register twice a year – in October and April. 	<ul style="list-style-type: none"> Escalation of strategic risks to high or extreme, or potential new risks at this level, must be reported to the General Manager for appropriate action in accordance with Council’s risk appetite and management process. Strategic risks with a residual rating which is escalated to extreme must be reported to Council at the earliest reasonable opportunity.
Operational Risks	<ul style="list-style-type: none"> Operational Risk Owners are responsible for reviewing the Operational Risk Register regularly to ensure that all identified operational risks are recorded and any mitigation/controls are on track with intended progress. The Risk Management Committee will collectively review the Operational Risk Register quarterly to ensure that all identified operational risks are recorded and any mitigation/controls are on track with intended progress. The Risk Management Committee will discuss all Operational Risks with a residual rating of high or extreme at each quarterly meeting, with a focus on the effectiveness of controls and treatment plans. EMT will review the Operational Risk Register every six months, and focus on improving the controls for risks with a residual rating of high or extreme. Council’s Audit Panel will review Council’s Operational Risk Register according to its annual work plan. 	<ul style="list-style-type: none"> Escalation of operational risks to high or extreme must be reported to the General Manager (via the Director) for their information and potential action in accordance with Council’s risk appetite and management process. Operational risks with a residual rating which is escalated to extreme must be reported to Council at the earliest reasonable opportunity. Operational risks may escalate into a strategic risk. Operational Risk Owners are responsible for reporting to the General Manager (via their Director) for appropriate action if they identify that an operational risk could escalate into a strategic risk.
Project Risks	<ul style="list-style-type: none"> Each member of staff has the responsibility of assessing the risks associated with individual projects, initiatives or business activities they perform as part of their role. 	<ul style="list-style-type: none"> Escalation of project risks to high or extreme must be reported to that person’s relevant Manager and/or Director. Escalation of a project’s overall risk rating to high or extreme must be reported to the General Manager.

 <p>BURNIE CITY COUNCIL</p>	GUIDELINE		Risk Management Framework (DRAFT)			
	Approved By: General Manager		Document Code: GL-CBS-RM-001	Version: 3.0	File: 30/2/1	
	Doc Controller: Director Corporate		Approved Date: TBC	Next Review Date: + 2 years		

7 Risk Assessment Criteria

7.1 Risk Rating Matrix

In order to determine action to take in respect of a risk, each risk must be rated. To do this the level of likelihood of a risk is assessed against the risks level of consequence to provide a risk rating.

The levels below are those used to rate risk throughout the organisation:

		CONSEQUENCE				
		Insignificant	Minor	Moderate	Major	Catastrophic
LIKELIHOOD	Almost Certain	Medium	High	High	Extreme	Extreme
	Likely	Medium	Medium	High	High	Extreme
	Possible	Low	Medium	High	High	Extreme
	Unlikely	Low	Low	Medium	Medium	High
	Rare	Low	Low	Medium	Medium	Medium

7.2 Likelihood Descriptors

The likelihood table below provides guidance on assessing the likelihood of risk occurring:

Likelihood Category	Event Frequency (The risk has occurred, or it is probable that it will occur...)	Life Cycle Probability	Description
Almost Certain	More than one event per month	Probability >90%	Expected to occur, occurs regularly in the industry.
Likely	More than one event per year	Probability 50 – 90%	Will probably occur, has occurred many times in the industry.
Possible	Once every 1 to 20 years	Probability 5 – 50%	Might occur, has occurred several times in the industry.
Unlikely	Once every 20 to 100 years	Probability < 5%	Not likely to occur, has occurred in the industry.
Rare	Less than once every 100 years	Probability < 2%	May only occur in exceptional circumstances, very rarely heard of in the industry.

7.3 Consequence Descriptors

The following table provides guidance on consequences for assessing various risks to achieve consistency in risk reporting. It is important that there is a standard across risk owners when reporting.

		Consequence Level				
		Insignificant	Minor	Moderate	Major	Catastrophic
Strategic	Changes in government policy, social-economic conditions or local government sector has short term or limited impact (positive or negative) on organisation and/or community. Unlikely to require policy or resource responses and only limited consultation with stakeholders.	Changes in government policy, social-economic conditions or local government sector has measurable, though not insurmountable, impact on organisation and/or community. May involve minor re-allocation of resources, limited policy responses and some consultation with stakeholders.	Changes in government policy, social-economic conditions or local government sector has longer term impact on organisation and/or community. May involve new or revised policy responses and/or seeking additional and/or the reallocation of existing resources. Consultation and advocacy required.	Changes in government policy, social-economic conditions or local government sector will result in severe down-sizing of organisation or will have severe negative socio-economic impact on community. Will require whole-of-government response.	Changes in government policy, social-economic conditions or local government sector will result in severe down-sizing of organisation or will have severe negative socio-economic impact on community. Will require whole-of-government response.	Changes in government policy, social-economic conditions or local government sector will result in severe down-sizing of organisation or will have severe negative socio-economic impact on community. Will require whole-of-government response.
Financial	Risk is undesirable but has no serious impact on the program, directorate, or Council budget outcome and cash flow.	Risk could impair the ability for the program to deliver its core services within budget. The overall impact on Council's budget as a whole is not materially affected with potential loss being less than \$10,000.	Risk significantly impairs the ability for the program to deliver its core services and stated objectives within budget. The overall impact on the directorate and Council budget as a whole is materially affected with potential loss being greater than \$10,000.	Risk could significantly impair Council's ability to achieve its financial targets and strategic objectives in the current and/or future years. The impact on Council's budget and/or cash flows is material and in excess of \$500,000.	Risk has the potential to significantly impair Councils ongoing financial sustainability. Potential loss \$2,000,000 or more.	Risk has the potential to significantly impair Councils ongoing financial sustainability. Potential loss \$2,000,000 or more.
Workers	Injuries not requiring first aid. No significant impact on operational processes.	First aid required to treat injuries. Localised disruption of operational processes over the short term but able to cover internally.	Medical treatment required. Localised disruption to operational processes over a medium term with the need to sources externally.	Hospital admission required. Mild to long term disruption to operational processes that impact directly on the capability of a department to operate effectively with the utilising external labour.	Death or permanent disability to one or more persons. Wide spread and total disruption of Human Resources rendering Council unable to function in an operational capacity.	Death or permanent disability to one or more persons. Wide spread and total disruption of Human Resources rendering Council unable to function in an operational capacity.
Assets and Infrastructure	Inconsequential short term failure of infrastructure and service delivery. No disruption to public services.	Isolated cases of short to mid-term failure of infrastructure and service delivery. Localised inconveniences.	Mid-term failure of (significant) infrastructure and service delivery affecting large parts of the community, widespread inconveniences.	Mild to long term failure of significant infrastructure and service delivery affecting large parts of the community, initial external support required.	Long term failure of significant infrastructure and service delivery affecting all parts of the community. Ongoing support at large scale required.	Long term failure of significant infrastructure and service delivery affecting all parts of the community. Ongoing support at large scale required.
Environment	Harm or damage is localised and negligible. Although undesirable, it is without immediate or long-term risk for health or safety of any ecological system or species. No remedial action required.	Harm or damage is localised and could impair immediate to long-term health and safety of an ecological system or species. Remedial action is required and recovery can occur.	Harm or damage creates immediate or long-term risk and some injury to health and safety of an ecological system or species. Immediate and possible on-going remedial action is required and recovery may be short to medium term.	Harm or damage creates significant, widespread, and/or long-term injury and incapacitation or partial destruction for an ecological system or species. Immediate and on-going remedial action is required and recovery may be medium to long-term.	Harm and damage is significant and/or widespread and may range from serious injury and incapacitation to total and permanent destruction of one or more ecological systems or species. Immediate action is required to minimise further damage and to remove residual risk. Long-term remediation is required, although total recovery may never be possible.	Harm and damage is significant and/or widespread and may range from serious injury and incapacitation to total and permanent destruction of one or more ecological systems or species. Immediate action is required to minimise further damage and to remove residual risk. Long-term remediation is required, although total recovery may never be possible.
Public Safety	Injuries not requiring first aid. No significant impact on operational processes or infrastructure.	First aid required to treat injuries. Minimal impact on operational processes or infrastructure.	Medical treatment required. Localised and short term disruption of operational processes or access to infrastructure.	Hospital admission required. Mild to long term disruption of operational processes or access to infrastructure.	Death or permanent disability to one or more persons. Wide spread and total disruption of operational processes or access to infrastructure.	Death or permanent disability to one or more persons. Wide spread and total disruption of operational processes or access to infrastructure.

		Consequence Level				
		Insignificant	Minor	Moderate	Major	Catastrophic
Emergency Management	Near misses or minor injuries. No reliance on health system. Council manages the event within normal parameters, public administrations functions without disturbance, public confidence in governance, no media attention.	Isolated cases of serious injuries; health system operating within normal parameters. Council manages the event under emergency regime, public administration functions with some disturbances; isolated expressions of public concerns; media coverage locally or within region.	Isolated cases of loss of life (mortality > 1 in 1 million), health system operating at maximum capacity, isolated cases of displacement of people (less than 24 hrs). Council manages the event with considerable diversion from policy, public administration functions limited by focus on critical services, wide spread public protests, media coverage locally or within region.	Multiple loss of life (mortality > one in one hundred thousand) health system over-stressed, large numbers of people displaced (more than 24 hrs). Council absorbed with managing the event, public administration struggles to provide merely critical services; loss of public confidence in governance, media coverage regionally and beyond.	Widespread multiple loss of life (mortality > one in ten thousand) health system unable to cope, displacement of people beyond ability to cope. Council unable to manage the event, disordered public administration without effective functioning; public unrest, media coverage regionally and beyond.	
Service Delivery	Interruption to a service not requiring any further remedial action and with minimal impact on customers.	Interruption to a service requiring further remedial action and with moderate impact on customers.	Interruption to core business function or essential service with significant customer impact for up to 48 hours.	Interruption to core business function or essential service for 2-7 days.	Interruption to core business function or essential service for more than 7 days.	
Technology	Risk is undesirable but does not, in itself, impact the continuity of an activity, project or key business process. Disruption of services to internal and external customers is negligible. A breach is unlikely to result in fines or action for damages.	Risk event may disrupt the timely delivery of a small project or activity; a breach may have a minor impact on some other risk categories; the risk event may be an internal concern but unlikely to impact on overall business process outcomes. Potential liability less than \$10,000.	Risk event causes significant disruption to the operation of a large activity, project or business unit. Key deadlines or compliance requirements may not be met. A breach has a moderate impact on some other risk categories. Potential liability exceeds \$10,000. Dissatisfaction of internal and external customers is likely.	Risk event at this level may prevent a business unit from delivering most of its core functions and services. Adverse impact would be felt at an organisational level. Key service delivery to internal and/or external customers would be significantly compromised or unmet. A breach would have a major impact on other risk categories, with potential for significant fines, loss of accreditations or licensing, or high value damages claims. Potential liability >\$500,000.	Risk event may have a significant long term impact on the capacity of Council to deliver a core service. A breach would have a catastrophic impact on some other categories. Potential for fines, penalties or damages claims is likely to jeopardise the continuity of a key operation; or recovery and restoration is likely to be a significant long term process requiring expert involvement.	
Legal and Compliance	Breach is undesirable but has no impairment for satisfying a statutory obligation or for meeting the intended outcome of a regulatory or procedural requirement or undertaking. Minor corrective action may be required, but no likelihood for intervention by an enforcement agency or exposure to penalty and/or liability.	Breach could impair ability to fully meet a statutory obligation or to achieve the intended outcome of a regulatory or procedural requirement or undertaking. Overall impact on compliance as a whole is not materially affected, although corrective action is required. Possible intervention by an enforcement agency, and potential for punitive penalty or nominal liability.	Breach impairs ability to satisfy a statutory obligation or for meeting the intended outcome of a regulatory or procedural requirement or undertaking. Overall compliance is materially affected. Immediate corrective action is required. Intervention by an enforcement agency is required, and potential for penalty and/or liability.	Breach significantly impairs ability to satisfy a statutory obligation or for meeting the intended outcome of a regulatory or procedural requirement or undertaking. Action is non-compliant. Immediate and significant corrective action is required, but may not remedy breach. Mandatory intervention by an enforcement agency, and potential for substantial penalty and/or liability.	Breach renders the action unlawful or non-compliant in its entirety. Very limited potential for corrective action, although action required to limit further damage. Mandatory intervention by one or more enforcement agencies, and potential for substantial penalty and/or liability regardless of whether the breach is remedied.	

		Consequence Level				
		Insignificant	Minor	Moderate	Major	Catastrophic
Political	No significant adverse impact on the Council's reputation. Any adverse media coverage is limited to one or two days.	There is some limited damage to Council's reputation with media publicity that may last less than five days.	Significant impact on Council's reputation with adverse media publicity over more than five days. If a public issue, it may involve significant community response through various media. The risk may lead to some regulatory involvement such as a Code of Conduct complaint, involvement of the Local Government Office or other third party. Potential embarrassment for Council.	Major impact on Council's reputation with significant adverse and intense media publicity. If a public issue, it may involve formal channels of community appeal and considerable Council resources to address process and outcomes. The risk may require intervention or escalation to authorities such as the Code of Conduct Panel, Minister of Local Government or the Integrity Comm.	Extensive damage to the Council's reputation. Significant and sustained adverse media coverage, and loss of public confidence on a wide scale. Potential for an inquiry by the Minister for Local Government.	
	An issue may result in a number of adverse local complaints.	An issue may attract limited media coverage.	An issue may attract regional and state media coverage through various mediums with minimal consequence.	An issue may attract significant State and National media coverage with some effect on Council's reputation.	Prolonged adverse media attention. Staff and Elected members forced to resign.	
Reputational						

	GUIDELINE	Risk Management Framework (New DRAFT in Review)	
	Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
	Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

8 Responsibilities

Council is committed to making the necessary resources available to assist those with responsibilities as detailed in this document.

Role	Responsibility
Council	Responsible for: <ul style="list-style-type: none"> Approving the Risk Management Policy Reviewing Council’s strategic risks on a six monthly basis Managing risk in the exercise of policy setting and decision-making powers, and Considering advice relating to risk management contained in Council reports
Audit Panel	Responsibilities specific to risk management include: <ul style="list-style-type: none"> To review whether management has in place a current and comprehensive risk management framework, and associated procedures for effective identification and management of Council’s financial, business and environmental risks, including fraud Monitor organisational performance in managing the risks identified in the strategic risk register (Refer section 8.1 Delegation of Authority and Operating Procedures v6.0 31 Jan 2017)
Executive Management Team	Responsible for: <ul style="list-style-type: none"> Leading a risk management culture across the organisation that is consistent with the Risk Management Policy and Framework Ensuring appropriate risk management procedures apply throughout all business units and services within each department, and are embedded within the culture of Council’s day to day business
Director Corporate	Responsible for: <ul style="list-style-type: none"> Oversight of systems and procedures required to implement Council’s Risk Management Framework, and ensuring it continues to operated effectively Facilitation of the Risk Management Committee Maintaining Council’s Risk Registers and Facilitating the ongoing review of risks by risk owners in the Risk Register Coordination of risk awareness and training Preparation of risk management reports to Council
Risk Management Committee	Responsible for: <ul style="list-style-type: none"> Developing and maintaining the Risk Management Framework Providing advice to EMT and through EMT to Council on the identification and management of corporate and strategic risks, respectively Conducting programmed reviews and advising on the adequacy and performance of Council’s major risk control systems (Refer Risk Management Committee Terms of Reference TC-CBS-RM-001 v3.1 dated 15 March 2021)
All Staff	Responsible for: <ul style="list-style-type: none"> Being aware of the Risk Management Framework and their role in applying risk management principles within their position responsibilities to both operational activities and projects Identifying risks in the planning stage of any project (including individual projects, initiatives or business activities), and monitoring those risks throughout the life of the project Positively contributing to Council’s risk management culture Observing and informing Managers or Supervisors of any specific public risk Maintaining an awareness of risks (current and potential) that relate to their area of responsibility
Internal Auditors	Provide an internal review function to assist in identifying non-compliance, risk exposures and scope for improvement. May be requested: <ul style="list-style-type: none"> By Council or EMT By the Audit Panel
External Auditors	Provide an independent review function to Council to assist in identifying non-compliance, risk exposures and scope for improvement. May be requested: <ul style="list-style-type: none"> Internally by Council or EMT As part of the Audit Panel planned schedule of work Externally (for example Auditor-General’s performance review audits)

	GUIDELINE		
	Risk Management Framework (New DRAFT in Review)		
	Approved By: General Manager	Document Code: GL-CBS-RM-001	Version: 3.0 File: 30/2/1
	Doc Controller: Director Corporate	Approved Date: TBC	Next Review Date: + 2 years

9 Appendices

9.1 Summary of Key Risk Management Activities

Action	Description	Responsibility	Timeframe
Review Risk Management Policy	Review the currency and effectiveness of Council's Risk Management Policy	Director Corporate to facilitate review process. Council to adopt. Policy to be reviewed by the Audit Panel.	Every two years (as stated within the policy document).
Review Risk Management Framework	Review the currency and effectiveness of Council's Risk Management Framework, including Council's risk appetite statement, risk rating matrix and consequence/likelihood tables.	Director Corporate to facilitate review process with the Risk Management Committee. General Manager to approve. Framework to be reviewed by the Audit Panel.	Every two years
Review Strategic Risk Register	Review risks and controls contained in Council's Strategic Risk Register and identify new or emerging risks at this level.	Director Corporate to facilitate review process with EMT. Risk Owners responsible for adding and amending content. EMT responsible for reviewing and providing feedback and advice on content. Audit Panel to review according to their annual work plan.	EMT to review Strategic Risk Register quarterly and discuss strategic risks with a high or extreme residual risk rating. Audit Panel to review according to their annual work plan. Council to sign off risks in October and receive a review update in April each year.
Review Operational Risk Register	Review risks and controls contained in Council's Operational Risk Register and identify new or emerging risks to operational business units.	Risk and Safety Officer to facilitate review process with Risk Owners. Risk Owners responsible for adding and amending content. Directors responsible for reviewing and providing feedback and advice on content. Audit Panel to review according to their annual work plan.	Risk Management Committee to review Operational Risk Register quarterly and discuss operational risks with a high or extreme residual risk rating. Manex to review Operational Risk Register twice a year (March and September) with a focus on improving controls for those risks with a high or extreme residual risk rating. Audit Panel to review according to their annual work plan.
Extreme Residual Risks	Reporting of risks with a residual rating of extreme.	Risk Owners will ensure risks with a residual rating which is escalated to extreme are reported to Council at the earliest reasonable opportunity.	As required.
Review Project Risks	Review risk ratings of projects, initiatives and routine tasks.	All Staff	On-going
Communication / Training	Ensure all staff are aware of the Risk Management Framework and their obligations.	Director Corporate	On-going

CORPORATE AND BUSINESS SERVICES**AO090-21 LIVESTREAMING OF COUNCIL MEETINGS**

FILE NO: 15/5/4, 923342
PREVIOUS MIN: AO158-19

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2~Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.2~Inform the community of key decisions and actions of Council.

1.0 RECOMMENDATION:

“THAT Council EITHER:

1) Resolve to implement Livestreaming of Open Council Meetings and Limited Civic Events (Option 1);

OR

2) Agree to replacement of the Audio System only (Option 2);

OR

3) Resolve not to implement Livestreaming of Council Meetings and Replacement Audio, but to undertake Livestreaming of limited Civic Events (Option 3).”

2.0 SUMMARY

This report is provided in response to a current Motion of the Council seeking an investigation into the livestreaming of open Council meetings.

3.0 BACKGROUND

Over a number of years many scenarios around enhancing the accessibility of Council meetings to a wider audience have been considered by the Council.

The rationale for this is to enable more engagement with community and to provide real time access to Council decisions. The objective of this would be to create a level of involvement and engagement by the community in the democratic process and to enable the public to hear the first hand debate that occurs by Councillors, pertaining to individual matters.

There is a current Motion (AO158-19) before the Council which was submitted by Councillor Pease at the meeting of 18 June 2019. This Motion considered that:

“Motions on Notice and Public Question Time at monthly Council meetings are video recorded with a link to the videos posted with the Minutes of the Meeting on the Council website.”

The Council subsequently adopted to investigate livestreaming of open Council meetings.

This report also considers a number of more recent Question on Notice that have been raised by the community related to providing more opportunity to access Council meetings and events:

At the meeting of 27 April 2021 (AO063-21), Mr Ian Jones of Burnie asked:

When will the Council proceed with live casting of council meetings?

At the meeting of 23 March 2021 (AO045-21), Mr Ian Jones of Burnie asked:

Can Council consider live streaming the Citizenship and Awards Ceremony?

The recent attention by the community and the many motions over a period of the last four years suggests that there is interest in implementing an accessible platform for community to be more involved in the Council’s decision making and governance.

Since the impacts of COVID-19 the ability for members of the public to access Council meetings has significantly diminished through a substantial reduction in seating available each meeting, in order to comply with social distancing measures. It is fair to conclude also that with COVID-19 still having such an impact globally, that there may also be a portion of the community who do not feel comfortable placing themselves in a social setting at the present time. An online option may well be more palatable to this portion of the community.

Livestreaming is a service that many Councils across Australia are moving to, however equally many are also only introducing audio recordings, which Burnie City Council successfully delivers. The standard of these audio recordings however were assessed in 2018 and found to be ‘fair’ in terms of their quality.

This is an important contextual consideration which pertains to the matter of livestreaming. The microphones in use in the Council Chamber are at end of life, they are now ten years old. The current microphones would not be suitable should livestreaming be implemented.

Irrespective of the decision to progress livestreaming, there will be a need to replace this infrastructure in the next eighteen months as it is inadequate and is not providing a quality audio experience in its current state.

The microphones in the Chamber were purchased in 2011 at a cost of \$10,159. Current estimates indicate that to the purchase a suitable system (audio only) would cost approximately \$16,000.

4.0 LEGISLATIVE REQUIREMENTS

Section 33 of the *Local Government (Meeting Procedures) Regulations 2015* (LGMPR) sets out the requirements for audio recordings, which the Council currently offers, however is silent specifically on the livestreaming of meetings.

Section 37 of the LGMPR however, enables the Council to determine any other procedures relating to its meetings as it considers appropriate.

5.0 POLICY CONSIDERATIONS

The Corporate Plan of the Council outlines at objective 7.2 that “Council and the community are informed and engaged on issues of local importance.” Additionally a key strategy aligned to that objective is that the Council “inform the community of key decisions and actions of Council.”

The Council also has a strategy in its Corporate Plan aimed at “Promoting a culture of continuous improvement that encourages innovation and contemporary practice.” Livestreaming is considered a contemporary practice with more Councils across Australia moving to this technology of a means of community engagement in decision making.

The Council may determine any procedures relating to the livestreaming and recordings of its meetings. There are no current policies of the Council that prevent livestreaming being implemented at this time.

Should the Council wish to implement livestreaming of open Council meetings, a number of procedural matters would need to be implemented, such as:

- An introductory statement by the Mayor to inform the audience and members in the Chamber that livestreaming and recording is to commence;
- Procedures that ensure that livestreaming footage is kept securely in accordance with information management standards and is destroyed adequately at the appropriate time;
- Procedures, education and advice to internal staff, but equally as important the community, in terms of how to achieve the best livestreaming experience; and
- Procedures that relate to the conduct of the meeting, such as but not limited to: ensuring procedural equity in terms of one Councillor speaking at any given point; how to handle situations where a Councillor has a Conflict of Interest and departs the Chamber; and handling votes or straw polls that may need to be undertaken from time to time.

6.0 FINANCIAL IMPACT

Each option outlined in the discussion requires a financial investment of some degree. The matter is for the Council to consider by assessing the community benefit and value that will be derived from the implementation of these initiatives when considering the relative costs.

Any replacement of the audio that may be necessary is already factored into the renewal program on the basis that the existing technology is at end of life and requires replacement.

Therefore the financial impact arising from this report is in the range of \$4,000 to \$14,000.

7.0 DISCUSSION

It is important to understand that whilst there are relatively inexpensive options available for broadcasting meetings – such as Zoom and Youtube – these are options that staff have investigated but are not supportive of.

The Council does not have the technological foundation in place to support a successful implementation of livestreaming using these types of platforms.

An example of this is that recently the Chamber, and other internet services in the Council Centre have been experiencing outages. This has impacted the ability to utilise services such as Zoom and Microsoft Teams meetings at Council Workshops and during other important Council events. To consider these options at this time would be a risk, and one that may lead to considerable reputational loss.

Additionally there is not sufficient staffing capacity nor expertise in-house to undertake these activities internally. The Council has reduced the Media and Communications area from two full time equivalent positions some years ago, to one resource for instance and consequently there is simply insufficient resource available in order to deliver the alternative options.

Therefore it is recommended that the most viable options for the Council to consider are outlined in the three options provided below:

Livestreaming of Open Council Meetings and Limited Civic Events (Option 1)	
<p>Outsourced implementation and service delivery model</p> <p>Total cost is approximately \$30,000.</p> <p>An amount of \$14,000 would be required from the 2021-22 (draft) budget.</p> <p>The audio component of \$16,000 is already factored into the draft capital renewal program for 2021-22.</p> <p>The renewal funding increase (depreciation) required would be an additional \$2,000 per annum.</p>	<ul style="list-style-type: none"> • Three camera set up strategically capturing Council meeting activities. • Replacement audio that will deliver: <ol style="list-style-type: none"> 1) microphones that can be isolated; 2) microphones that cancel out unnecessary noise; 3) Individual filters that enable there to be one main speaker at any given point; 4) An additional microphone that can be used for Motions on Notice and Public Question Time and by Directors when responding to questions from councillors. • Dedicated internet line associated with livestreaming, maintained and monitored by the service partner.
Replacement Audio System Only (Option 2)	
<p>Total cost is approximately \$16,000</p> <p>This amount is already factored into the draft capital renewal program for 2021-22.</p> <p>The renewal funding increase (depreciation) required would be an additional \$600 per year.</p>	<ul style="list-style-type: none"> • Replacement audio that will deliver: <ol style="list-style-type: none"> 1) microphones that can be isolated; 2) microphones that cancel out unnecessary noise; and 3) Individual filters that enable there to be one main speaker at any given point. 4) An additional microphone that can be used for Motions on Notice and Public Question Time and by Directors when responding to questions from councillors.
Not Implement Livestreaming of Council Meetings and Replacement Audio, but Livestream Limited Civic Events (Option 3)	
<p>A saving of \$16,000 would be made in the renewal program for 2021-22.</p> <p>The in-house livestreaming of two civic events would be approximately \$4,000 per year.</p> <p>There are no depreciation increases relevant for this option.</p>	<ul style="list-style-type: none"> • Audio recordings would be continued in the existing manner. • Defer replacement of the microphone renewal and continue with the current technology. • Provide limited in-house expertise to livestream up to two civic event ceremonies annually.

8.0 RISK

There are a number of identified risks that should be considered as part of determining this matter.

The first is ensuring adequate internet band-width to ensure drop outs are controlled and mitigated. The livestreaming solution would be established with its own dedicated internet line that would be managed by the service provider of the equipment implemented. This would ensure that there is real time support should an issue arise, but also ensures that the line is not impacted by other service issues that may be experienced by the Council from time to time.

Whilst this will reduce the risk of problems arising due to any instability in the Council's infrastructure, the risk remains that community members may still be challenged with livestreaming depending upon their individual internet and band-width setup. This is however beyond the Council's ability to influence.

Additionally with any livestreaming implementation, there is a risk that the audio outputs may not be appropriate nor satisfactory to comply with the Disability Discrimination Act requirements. To mitigate this option 1 includes the upgrade of the audio infrastructure to ensure compliance can be achieved. The Council would also need to have a genuine approach in place to support transcripts of the meeting should a person with hearing impairment require this.

Attached is the assessment that the Municipal Association of Victoria (MAV) have made around this matter, compiled to provide advice and guidance to local government in considering livestreaming and audio options.

The most salient points are the quality and appropriateness of the content of discussions undertaken when livestreaming, and indeed audio recording. This is something that the Council is always mindful of in their deliberations. The responsibility therefore lies with councillors and senior staff in always giving careful consideration to their comments, as should always occur regardless of whether a livestream is occurring or an audio recording is being made.

Additionally the breach of copyright which may be read unintentionally in a Council meeting is a minor risk. Both of these factors, publishing defamatory statement or breaching confidentiality, can easily be lessened by introducing robust procedures around evaluating the content prior to its publication.

9.0 CONSULTATION

This matter has been discussed in detail with a number of technology providers and service partners in order to determine the most appropriate options for the Council to consider.

The matter has also been discussed with the Council's Executive Management Team.

ATTACHMENTS

1. [↓](#) MAV Insurance - Recording and Publishing of Council Meetings

COUNCIL RESOLUTION

Resolution number: MO086-21

MOVED: Cr C Lynch

SECONDED: Cr D Pease

"THAT Council resolve to implement Livestreaming of Open Council Meetings and Limited Civic Events."

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

Against: Cr T Brumby.

CARRIED



Recording and Publishing Council Meetings

Risk Management and Insurance Implications

The MAV encourage councils to maintain a publicly accessible audio archive of council meetings, in order to provide a fuller public record of proceedings than can be made available in addition to formal written minutes. As with any new business activity, however, there are risk considerations that should be assessed prior to councils confirming what (if any) approach to recording and publishing council meetings is the most appropriate for that council.

The purpose of this guidance document is to:

- Clarify the MAV Insurance Liability Mutual Insurance ("LMI") scheme's position regarding public liability insurance coverage for webcasting and audio recordings
- Identify some of the risks associated with webcasting and/or audio recordings
- Provide risk management recommendations to assist councils in making an informed decision when considering whether / how to record and publish their council meetings online

Benefits of Recording & Publishing Council Meetings

Webcasting and audio recording is recognized as promoting and improving the democratic process at the local Council level. Other benefits to Councils are:

- Improved accessibility of Council meetings to residents
- Improved participation and interaction in Council meetings
- Improved communication to residents of Councils' forthcoming plans and projects
- Improved transparency in the decision making process of Council
- Providing a complement to formal minutes
- Maintaining a more detailed historical record of meetings than formal minutes alone will offer

Identified Risks

Public Council meetings are an open forum of statements, questions and answers. Occasionally, some things that are said may be regarded as offensive, defamatory or contrary to law.

When such statements occur during a meeting that is not recorded, the potential for damage is generally confined to the audience in attendance. In contrast, when a recording of a meeting is published the audience is potentially far greater, increasing the likelihood and/or severity of potential liability. Additionally, whilst the council may not be

LEVEL 11/60 COLLINS STREET MELBOURNE
GPO BOX 4326 MELBOURNE VIC 3001
T 03] 8664 9344 F 03] 8664 9398
www.mav.asn.au



liable for any defamatory comments made by an individual at a meeting, it may be liable if it publishes that material. Outlined below are some of the risks associated with webcasting and audio recording, including defamation. Councils will note that the risks identified generally relate to the content of the meeting and the legal effect of publishing the content over the internet or making that material available in any other way.

Defamation

- Council may be liable for defamatory statements made by Councillors during a Council meeting. Council's liability risk is increased if the meeting is recorded and published online or made available to the public. In that case it may be liable for defamatory statements made by Councillors or members of the public, as it has published those comments.
- Defamation occurs when statements are made and published about a person, which causes injury to that person's reputation by:
 - Disparaging them
 - Causing others to shun or avoid them, or
 - Subjecting them to hatred, ridicule or contempt
- A defamatory statement can be in written form, or in verbal form.
- Scheme members should be aware of the provisions of the *Defamation Act 2005 (Vic)* and the *Defamation Act 2005 (Tas)*, which will apply in addition to the common law position stated above.

Infringement of Copyright

- A copyright owner has certain exclusive rights over their work. . The copyright owner has the exclusive right to reproduce the work in a material form, publish it, perform it in public, communicate it to the public, or make any adaptation of it.
- Infringement of copyright occurs when a person uses copyright material without the consent of the owner and the use contravenes one or more of the 'exclusive rights' of the owner
- If someone at a Council meeting reads material subject to copyright, without the consent of the copyright owner, the person may have violated the copyright owner's exclusive right to reproduce the material. The council may breach the person's exclusive right to the material, if the material is published as a webcast or audio recording.

Breach of Privacy / Disclosure of Personal Information

- Councils are required to comply with their state's privacy principles:
 - In Victoria the Information Privacy Principles are contained within Schedule 1 of the *Privacy Data and Protection Act 2014 (Vic)*
 - In Tasmania the Personal Information Protection Principles are contained within Schedule 1 of the *Personal Information and Protection Act 2004 (Tas)*.



Councils may be liable for breach of the privacy principles if Councillors or Council Officers are found to have used or disclosed personal, health or sensitive information about individuals during a Council meeting, and that information is made public.

Publishing of Offensive Material

- Council may be liable for an offence under:
 - The *Classification (Publications, Films and Computer Games) (Enforcement) Act 1995 (Vic)*
 - The *Classification (Publications, Films and Computer Games) Enforcement Act 1995 (Tas)*, or
 - Commonwealth legislation

If it publishes content through a webcast or audio recording relating to sex, drugs, violence or revolting or abhorrent phenomena, which is likely to cause offence to a reasonable person.

- Council should seek independent legal advice if in doubt of the appropriateness of the content of a council meeting prior to making it digitally available.
- Deliberately publishing offensive material with the intention to cause harm may be uninsured under LMI.

Offensive behaviour on basis of race, colour or national or ethnic origin

- Under section 18C of the *Racial Discrimination Act 1975 (Cth)*, it is unlawful for a person to do an act, otherwise than in private that is reasonably likely, in all the circumstances, to offend, insult, humiliate or intimidate another person or group of people and the act is done because of race, colour or national or ethnic origin of the other person or group of people.
- An act is taken not to be done in private if it causes the words, sounds, images or writing to be communicated to the public. Therefore, this may include councils publishing material that falls within this area.
- There are exemptions to this provision under 18D of the Act, which include making or publishing a fair and accurate record of any event or matter of public interest. However, it is arguable whether this will apply, as the council may not be considered to be reporting on the event but rather publishing it to the public. Accordingly, it is recommended councils seek legal advice before publishing such material.
- Deliberately publishing offensive behaviour with the intention to cause harm may be uninsured under LMI.

Vilification or inciting hatred

Victoria only

- In Victoria, councils may be liable if they publish material that vilifies groups on religious or racial grounds under the *Racial and Religious Tolerance Act 2001 (Vic)*.
- Behaviour that could be seen as vilification includes:
 - Speaking about a person's race or religion in a way that could make other people hate or ridicule them



- Publishing claims that a racial or religious group is involved in serious crimes without any proof
- Repeated and serious spoken or physical abuse about the race or religion of another person
- Encouraging violence against people who belong to a particular race or religion, or damaging their property
- Encouraging people to hate a racial or religious group using flyers, stickers, posters, a speech or publication, or using websites or email

Tasmania only

- In Tasmania the *Anti-Discrimination Act 1998 (Tas)* prohibits a person by public act from inciting hatred towards, serious contempt for, or severe ridicule of, a person or group of people on the grounds of:
 - Race
 - Being a member of any group
 - Disability
 - Sexual orientation
 - Lawful sexual activity, or
 - Religious belief / affiliation

General

- At the federal level, under section 85ZE of the *Crimes Act 1914 (Cth)* it is an offence to use the Internet intentionally to disseminate material that results in a person being menaced or harassed. Federal criminal law, therefore, is available to address racial vilification where the element of threat or harassment is also present, although it does not apply to material that merely causes offence.
- Deliberately publishing material that:
 - Vilifies groups on religious or racial grounds
 - Results in a people being menaced or harassed, or
 - Incites hatred

May be uninsured under the LMI policy.



Confidential or privileged council information

- Some material, including current litigation will be discussed at closed council meetings, rather than in an open forum. The council should record minutes that it has discussed this issue, without disclosing the material which is confidential or privileged.
- In Tasmania there is specific provision under Regulation 34 of the *Local Government (meeting procedures) Regulations 2005 (Tas)*, as to the recording of minutes of closed meetings.
- To ensure that this confidential and/or privileged material is not disclosed, it is recommended that those confidential parts of meetings which are not held in public not be audio or visually recorded.

Conflict of Interest

- Comments made by Councillors and Officers during meetings may be perceived as a conflict of interest, and the recording of such comments has the potential to increase their influence / impact. Among other consequences, such conflicts of interest may result in loss of income to third parties if the comments create an unfair advantage to a particular organisation.
- It is recommended that councils consider the removal of any statements which may be perceived as a conflict of interest from any recording, before it is made available publically.

Insurance Options

Insurance – MAV Insurance Liability Mutual Insurance

The LMI policy provides coverage in relation to 'libel and slander' and 'advertising'. Councils will be covered for any defamatory 'publication' that occurs as a result of webcasting / audio recordings, subject to the full terms and conditions of the LMI policy. The policy would, for example, cover the Council's liability for inadvertently webcasting a deliberate, malicious defamatory comment; however the councillor or officer knowingly making a deliberate, malicious statement would not be covered.

Please see the following "Libel and Slander" Extension No. 5 in the current LMI liability policy wording:

5 LIBEL AND SLANDER

Notwithstanding exclusion 10, this policy shall indemnify The Insured against any claim or claims first made against The Insured, and notified to the Association, during the insurance year arising out of the publication or utterance of a libel or slander or infringement of copyright, title, slogan, patent and design by The Insured, except any such publication or utterance of a libel or slander which is made by, or at the direction of, The Insured with The Insured's knowledge of the falsity thereof.

- Coverage is also subject to existing policy conditions, in particular council demonstrating it acted with 'reasonable care'. As mentioned previously, LMI is of the view that deliberately publishing:
 - Offensive material with the intention to cause harm
 - Material that vilifies groups on religious or racial grounds
 - Material that results in people being menaced or harassed, or



- o Material that incites hatred

Falls outside the LMI policy wording, and therefore is not covered.

Insurance – Other

In view of the LMI policy not covering Councillors for defamatory statements knowingly made during a Council meeting, Councils should ensure Councillors are adequately covered for defamation under another policy, such as a Councillors and Officers policy.

Risk Management Control Strategies

Risk Assessment

Prior to making a decision about publishing recordings or webcasting council meetings, councils should conduct a risk assessment to identify risks and determine appropriate controls. The risk assessment should be performed in consultation with experienced staff and/or experts in such areas as IT. LMI recommends where necessary, suitably qualified lawyers, may also be of assistance.

Resources / Community Response

Councils should determine whether it has adequate resources for both the initial and ongoing costs associated with recording and publishing council meetings. Initial costs include the purchase of recording equipment (e.g. cameras, microphones, encoder etc.). Ongoing costs are associated with employing staff to operate the equipment and monitoring the content of the recording.

Councils should also consult with stakeholders to gauge the response to online access to Council meetings. If a decision is made in the affirmative, delegate responsibilities, allocate resources etc.

Policy & Procedure

Prior to commencing online publishing of council meetings, Councils should have a detailed *policy and procedure* in place. The policy should outline how Council will manage the use of webcasting / audio recordings. Procedures should provide technical guidance for recording or conducting a webcast and include processes for reducing the associated risks.

These documents should be developed in consultation with experienced staff and/or relevant experts. Training should be provided to all relevant Council staff to ensure awareness and understanding of the policy provisions. The policy & procedure should consider:

- **Live or delayed publishing**

Most of the risks of webcasting can be eliminated or certainly reduced by monitoring the content of the webcast and editing the content where required. LMI recommends that councils pre-record the meetings and ensure the recording is thoroughly reviewed and signed off by an authorised member of Council before the webcast / audio record is made publicly available.



For those councils which prefer to broadcast meetings live or only with a short delay, it is important that a procedure is followed for the identification and treatment of problematic content (e.g. termination of webcast). Council's decision to pre-record or broadcast live should take into consideration the level of risk exposure Council is willing to retain.

Council will need to consider whether the webcast / audio recording will be made available for download at a later date, or will only be accessible via the website as a live broadcast. Both scenarios present risks:

- A downloadable file can be viewed several times and may reach a greater audience than a live broadcast, thus increasing the potential of a claim arising. In comparison,
- Defamatory content or other content that is problematic is more likely to be found in a live broadcast which has undergone little or no editing than a pre-recorded (downloadable) webcast / audio recording.

- **Attendees consent**

Councils should ensure members of the public attending the council meeting are notified of the fact that the meeting is being recorded and will be published online. They should advise that those who do not wish for their words or image to be recorded and/or published should contact a relevant contact council officer, and advise of their wishes. There should be a nominated person and procedure put in place for this occurrence.

- **Conflict of Interests**

While councils should have existing policies in place in relation to Conflicts of Interest, it may be worthwhile for councils to include guidance in relation to conflicts of interest within the policy / procedure for recording and publishing council meetings.

Disclaimer

Councils may consider accompanying the online content with a disclaimer. A disclaimer provides councils with some limited protection from liability. Generally, a disclaimer will include words to the effect that the opinions or statements made during the course of the Council meeting are those of the particular individual, and not the opinions or statements of council.

The disclaimer can be included as part of the broadcast, or separately as a link on the webpage prior to opening the link to the meeting recording. Councils should seek independent legal advice on the appropriate wording of a disclaimer, to ensure that it meets the council's specific requirements.

Formal Minutes

Victoria only

Victorian councils are required under Section 93 of the *Local Government Act 1989 (Vic)* to keep minutes of each meeting of council. Therefore, the council must ensure that it keeps formal minutes in addition to any recording of meetings.



Tasmania only

In Tasmania, Regulation 32 of the *Local Government (Meeting Procedures) Regulations 2005 (Tas)* requires that the council meet certain criteria in relation to the taking of minutes of meetings. These are subject to Regulation 34(1), which applies to closed council meetings. Accordingly, councils must ensure that they comply with this requirement to keep minutes in addition to any recording of meetings.

Tasmania has specific provisions in relation to audio recordings of council meetings under Regulation 33. These include that the council may determine that an audio recording be made of any meeting or part of a meeting.

If the council determines to make an audio recording, the recording of the meeting or part of meeting that is not closed to the public is to be:

- Retained for at least six months; and
- Made available for listening on written request by a person.

Under Regulation 33(3) the minutes of a meeting once confirmed will prevail over any audio recording

Under Regulation 33(4) a council may determine any other procedures relating to audio recording of meetings it considers appropriate.

For more information, please contact MAV Insurance Liability Mutual Insurance:

Phone: (03) 8664 9344

Email: riskhelp@jlta.com.au

GENERAL MANAGER**AO091-21 GENERAL MANAGER'S REPORT - OPEN SESSION**

FILE NO: 4/18/2
PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

1.0 RECOMMENDATION:

“THAT Council note the information contained in the General Manager’s Report.”

2.0 SUMMARY

This report includes the following items:

- 2.1 Mayor’s Communications
- 2.2 General Manager’s Communications
- 2.3 Notification of Council Workshops
- 2.4 Correspondence for Noting
- 2.5 Council Meeting Action List

2.1 MAYOR’S COMMUNICATIONS

The Mayor advises that the following meetings, events or appointments were attended since the last Council Meeting report:

- Teleconference with Women’s Legal Services
- Public Health Briefing – Wastewater Testing update with LGAT
- WxNW Strategy Session
- Business North West General Meeting
- WxNW Board Meeting
- Events Tasmania – Tourism event
- Umina Park ANZAC Day service
- Scouts Annual ANZAC Eve Vigil
- ANZAC Day Service
- Meeting with Darren Briggs re “Toxic” by Richard Flanagan
- Business North West Breakfast Session with Guest Speaker Andy Bower, GM - Hellyers Road Distillery

- Meeting with Assistant Minister for Customs, Community Safety and Multicultural Affairs, Jason Wood MP
- Meeting with UTAS Pro Vice Chancellor, Jim Cavaye
- Beyond 2021: Deputy Prime Minister Pre-Budget speech
- Meeting with Burnie Arts Council
- Meeting with Department of Premier and Cabinet
- BRAG Exhibition Opening
- Business North West Breakfast Session with Guest Speaker Paul Cenoz
- Meeting with Scott Campbell

The Mayor advised that the following meetings, events or appointments were attended on his behalf since the last Council Meeting report:

- South Burnie Bowls and Community Club Annual Dinner and Presentation Night attended by Councillor Alwyn Boyd

2.2 GENERAL MANAGER'S COMMUNICATIONS

The General Manager advises that the following meetings, events or appointments were attended since the last Council Meeting report:

Date	Meeting / Function
19 April	Meeting with Danielle Kidd, UTAS
	Meeting with Supported Affordable Accommodation Trust
	Meeting with Grant Kelly, Fish Frenzy
20 April	Meeting with Nathan Hughes
	UTAS/BCC West Park Transition Working Group
21 April	Meeting with Ruth Forrest MLC
	Business North West – General Meeting
22 April	Meeting with WxNW
	Events Tasmania – Tourism Event
	West Park Sports Facility Working Group Meeting
23 April	Meeting with Steve Bradley
	Meeting with Phil Leersen, UTAS
25 April	ANZAC Day Service
27 April	Meeting with Department of State Growth
	Meeting with Hirst Projects
28 April	Business North West Breakfast Session with Guest Speaker, Andy Bower, GM – Hellyer's Road Distillery
	Audit Committee Meeting
29 – 30 April	LGAT General Manager's Workshop

Date	Meeting / Function
3 May	Meeting with Assistant Minister for Customs, Community Safety and Multicultural Affairs, Jason Wood MP
4 May	Teleconference with ASU
	Meeting with UTAS Pro Vice Chancellor, Jim Cavaye
5 May	Beyond 2021: Deputy Prime Minister Pre-Budget speech
6 May	Meeting with Burnie Arts Council
	Meeting with Department of Premier and Cabinet
7 May	Teleconference with Mike Harris
	BRAG Exhibition Opening
11 May	Renewable Energy Expo Working Group Meeting
	Meeting with Business North West
12 May	Business North West Breakfast Session with Guest Speaker - Paul Cenoz
	Meeting with TasNetworks and Co-ordinator General's Office
	Meeting with Scott Campbell

2.3 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	4 May 2021
Councillors in attendance	Mayor Kons, Deputy Mayor Simpson, Cr Boyd, Cr Bulle, Cr Brumby, Cr Dorsey, Cr Keygan, Cr Lynch, Cr Pease
Apologies	
Items Discussed	Just Cats – Cat Management
	Dogs' Home of Tasmania
	Risk Management Framework
	UTAS Partnership
	General Manager's Update

Workshop	11 May 2021
Councillors in attendance	Mayor Kons, Deputy Mayor Simpson, Cr Boyd, Cr Bulle, Cr Brumby, Cr Dorsey, Cr Keygan, Cr Lynch, Cr Pease
Apologies	
Items Discussed	Quarterly Works Update and Futuna Avenue Traffic Study
	Hardwaste Collection
	Capital Works Program

	Budget Discussions
	Election of LGAT President
	General Manager's Update

2.4 CORRESPONDENCE FOR NOTING

Correspondence for Noting is **attached** as listed below.

2.5 COUNCIL MEETING ACTION LIST

The action lists from Council Meetings in Open Session are **attached** at the end of this report.

ATTACHMENTS

1. [Business North West letter of response to Burnie City Council - service delivery announcement](#)
2. [Alan Berechree, Burnie Newsagency - CBD Parking](#)
3. [Open Session - All Actions - 27 April 2021](#)
4. [Open Session - Outstanding Actions Jun 2019 to Apr 2021](#)

COUNCIL RESOLUTION

Resolution number: MO087-21

MOVED: *Cr G Simpson*

SECONDED: *Cr D Pease*

"THAT Council note the information contained in the General Manager's Report."

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

Against:

CARRIED UNANIMOUSLY



Promoting Regional Growth

PO Box 139
BURNIE, Tas. 7320
ABN 77 896 127 563

May 3rd, 2021

Mayor Kons
Burnie City Council
80 Wilson St
BURNIE 7320
Email: skons@burnie.net

Dear Steve

Thank you for today's letter regarding service delivery by Council.

Business Northwest understands the rationale of the decisions and commend the Council for undertaking the actions it has.

The need to restrict rate rises has been evident for some time now and I commend the Council's efforts of the past 3-4 years.

Rates have a significant impact on the outgoings for businesses renting premises in the CBD area especially, so this move is seen as positive for the strengthening of the commercial heart of the city.

Regarding the closure of the VIC, I would like to propose that Council commence the project for the mobile VIC and if our BBRF grant application is successful then those funds be applied to it. This should give us a chance of having it ready by July 1st. If we need to wait for the BBRF decision, then that deadline will probably be missed.

I have a meeting set with Simon for May 11th and will have further discussions about the content of the letter then.

Business Northwest looks forward to working with Council to provide many of the discretionary services mentioned and assure you of our commitment to growing the city.

Yours sincerely

A handwritten signature in blue ink that reads "Ian C Jones".

Ian Jones*President*

A DIVISION OF THE BURNIE CHAMBER OF COMMERCE AND INDUSTRY INC.

Alan Berechree
18 Wilson Street
Burnie TAS 7320

28th April 2021

Mayor and Aldermen
Burnie City Council



Dear Steve

Re: CBD parking

I was surprised to read in the report on the council meeting of 27th April 2021 that the council proposed a change to the planning scheme to remove parking requirements for residential developments in the CBD. These requirements have been established over the years to ensure that the limited parking in the CBD is utilised for retailers and other businesses to operate. The removal of these provisions would further erode the ability for retailers to successfully operate their businesses.

The current situation is that convenient parking from 6.00 to 9.30am daily, Saturdays from 12.30 pm and all day Sundays and public holidays is extremely difficult to obtain within the CBD and more specifically in Wilson Street. Residential developments in this area would further exacerbate this situation and all proposed redevelopments need to be assessed given consideration to the complete parking requirements.

The whole issue of parking within the CBD needs to be considered.

The council expends considerable energy to prevent residents parking outside their properties within the Burnie inner city and to change the planning scheme to further erode parking in the heart of the CBD seems contradictory.

I look forward to discussion on this matter.

Yours Faithfully

A handwritten signature in black ink, appearing to read "Alan Berechree".

Alan Berechree
Burnie Newsagency

Council Meeting Action Report				
All Actions for Open Meeting of 27 April 2021				
Key: RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			Date From: 27/04/2021	
			Date To: 28/04/2021	
			Printed: Friday, 14 May 2021	
Item Number	Report Title	Action	Department	Completed
AO058-21	MOTION ON NOTICE - BURNIE WASTE WATER TREATMENT PLANT	30 Apr 2021 RES: Prepare letter to State Government and Taswater to request planning for an upgrade to the Burnie Wastewater Treatment Plant, in accordance with the resolution of Council AO058-21. 1 May 2021 Action completed. Letter prepared for Mayor.	Works and Services	1/05/2021
Council 27/04/2021				
AO062-21	MOTION ON NOTICE - INNER CITY RESIDENCES	30 Apr 2021 ACT: Prepare a report back to Council with the required steps to pursue residential living in the CBD as a permitted use in accordance with the resolution of Council AO062-21.	Land and Environmental Services	
Council 27/04/2021				
AO063-21	PUBLIC QUESTION TIME	30 Apr 2021 ACT: Provide a written response to Mr McLaine for his public question relating to artwork on utility boxes, per AO063-21. 10 May 2021 Action completed. DOC ID 21/31125.	Office of the General Manager	10/05/2021
Council 27/04/2021				
AO064-21	FINANCIAL MANAGEMENT SPONSORSHIP AND DONATIONS FINANCIAL ASSISTANCE GRANTS 2020-21	30 Apr 2021 - RES: Advise successful grant applicants of the grants awarded by Council in accordance with the resolution of Council AO064-21; and notify unsuccessful applicants. 11 May 2021 Action completed. Letters sent out by Community Development Officer.	Corporate and Business Services	11/05/2021
Council 27/04/2021				
AO065-21	POLICY REVIEW FLYING OF FLAGS CP-CBS- SG-015	30 Apr 2021 - ACT: Finalise the Flying of Flags Policy in the Corporate Document Framework and make available to the public, per AO065-21. 30 Apr 2021 Action completed. Finalised and published 28.4.21.	Corporate and Business Services	30/04/2021
Council 27/04/2021				
AO067-21	STRATEGY REVIEW - FINANCIAL MANAGEMENT STRATEGY 2031	30 Apr 2021 ACT: Finalise the FMS in the Corporate Document Framework and make available to the public, per AO066-21. 30 Apr 2021 Action completed. Finalised and published 28.4.21.	Corporate and Business Services	30/04/2021
Council 27/04/2021				

Council Meeting Action Report		Date From: 18/06/2019	
Outstanding Actions for Open Sessions Jun 2019 to Apr 2021		Date To: 31/03/2021	
		Printed: Friday, 14 May 2021	
Key: RES = Action arising from Resolution; ACT = Action required in addition;			
QON = Question on Notice; NOTE = Progress Note			
Item Number	Report Title	Action	Department Completed
AO158-19	MOTION ON NOTICE - VIDEO RECORDING OF MOTIONS ON NOTICE AND PUBLIC QUESTION TIME AT COUNCIL MEETINGS	19 Jun 2019 - RES: Investigate livestreaming of Council Meetings, in accordance with resolution of Council AO158-19. 1 Jul 2020 - NOTE: Investigations progressing in sound quality at chambers for improved recording and potential livestreaming options. 14 Apr 2021 – NOTE: Pricing obtained related to video/audio livestreaming package. Canvassing single audio option also. Report to be tabled to the May Council meeting for consideration.	Corporate and Business Services
Council 18/06/2019			
AO045-20	MOTION ON NOTICE - RECYCLE BINS AT SPORTING AND COMMUNITY EVENTS AND VENUES	24 Feb 2020 - RES: Investigate the provision of recycle bins at sporting and community events at council venues to determine the demand and cost burden associated, and provide a report back to Council for 2020-21 budget considerations, per AO045-20. 5 Mar 2021 – NOTE: Aim for a report to June 2021 meeting.	Works and Services
Council 18/02/2020			
AO071-20	MOTION ON NOTICE - BURNIE 'HASHTAG' SIGN	24 Mar 2020 - RES: Investigate locations for Burnie 'hashtag' sign and provide report back to Council in accordance with the resolution of Council AO071-20. 5 Mar 2021 – NOTE: Options review occurs - paper to a workshop.	Works and Services
Council 17/03/2020			
AO163-20	MOTION ON NOTICE - BURNIE PROMOTION	23 Jul 2020 - RES: Report proposed ideas for messages of support to Burnie, to a council workshop, in accordance with the resolution of Council AO163-20. 5 Mar 2021 – NOTE: Working on options at present.	Works and Services
Council 21/07/2020			
AO238-20	MOTION ON NOTICE - WELCOME TO BURNIE SIGN - ROUNDHILL	22 Oct 2020 - RES: Develop signage concepts for entry signage at Roundhill, for consideration at a council workshop, with implementation planned for the current financial year, in accordance with the resolution of Council AO238-20. 15 Mar 2021 – NOTE: Project action to be considered in new financial year. Consider a broader approach to the signage strategy.	Works and Services
Council 20/10/2020			

Council Meeting Action Report**Outstanding Actions for Open Sessions Jun 2019 to Apr 2021**

Date From: 18/06/2019
Date To: 31/03/2021
Printed: Friday, 14 May 2021

Key: RES = Action arising from Resolution; ACT = Action required in addition;
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO265-20	MOTION ON NOTICE - DUAL NAMING POLICY	18 Nov 2020 - RES: Undertake community consultation (both Aboriginal and non-Aboriginal), and progress to develop a dual naming policy for Burnie, in accordance with the report and resolution of Council AO265-20. 14 Apr 2021 - NOTE: Written to TAC seeking to engage in discussion as a starting point, 21/26471.	Office of the General Manager	
Council 17/11/2020				
AO045-21	PUBLIC QUESTION TIME	29 Mar 2021 - ACT: Investigate potential for livestreaming Australia Day and Citizenship ceremonies, as raised in Public Questions AO045-21. 14 Apr 2021 – NOTE: Canvassing internal and external options for livestreaming video/audio. Options will be tabled in the broader report regarding livestreaming which will be tabled to Council at the May meeting.	Corporate and Business Services	
Council 23/03/2021				

MINUTES AND REPORTS OF COMMITTEES**AO092-21 BURNIE AUSTRALIA DAY SPECIAL COMMITTEE CONFIRMED
MINUTES OF MEETINGS HELD ON 11 JANUARY 2021 AND 1
MARCH 2021**FILE NO: 29/1/8

RECEPTION FOR DISCUSSION**RECOMMENDATION:**

“THAT the Confirmed Minutes of the meetings of the Burnie Australia Day Special Committee held on 11 January 2021 and 1 March 2021 be received for discussion.”

SUMMARY

At its meeting on 11 January 2021, the members of the Burnie Australia Day Special Committee met and finalised arrangements for the Australia Day Ceremony held on 26 January 2021.

At its meeting on 1 March 2021, the members of the Special Committee met and discussed the ceremony and possible improvements for the 2022 Australia Day ceremony.

It is recommended that both minutes be received for discussion.

ATTACHMENTS

- 1↓. [Burnie Australia Day Special Committee - Minutes of Meeting held on 11 January 2021](#)
- 2↓. [Burnie Australia Day Special Committee - Minutes of Meeting held on 1 March 2021](#)

COUNCIL RESOLUTION**Resolution number: MO088-21****MOVED:** *Cr K Dorsey***SECONDED:** *Cr G Simpson*

“THAT the Confirmed Minutes of the meetings of the Burnie Australia Day Special Committee held on 11 January 2021 and 1 March 2021 be received for discussion.”

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

Against:

CARRIED UNANIMOUSLY

  <p>BURNIE CITY COUNCIL</p> <p>Australia Day</p>	<p style="text-align: center;">MINUTES BURNIE AUSTRALIA DAY SPECIAL COMMITTEE</p> <p style="text-align: center;">Meeting held in the First Floor Meeting Room, Burnie City Council Offices</p> <p style="text-align: center;">Monday, 11 January 2021</p>
--	--

TIME 3.00pm

PRESENT Councillor Ken Dorsey (Chairman), R Bentley, M Leeson, M Harris, E Singleton, C White, Cr T Brumby. Guest, Stewart Holmes (BAFC)

Burnie City Council Staff: K Kelly

APOLOGIES

BUSINESS ARISING

<p>1. DECLARATION OF INTEREST</p> <ul style="list-style-type: none"> • Tabling of any Declarations of Interest. <p>NIL</p>
<p>2. CONFIRMATION OF MINUTES</p> <ul style="list-style-type: none"> • Confirmation of Minutes of the meeting held on 7 December 2020. <p><i>“That the minutes of the Burnie Australia Day Special Committee Meeting held on Monday, 7 December 2020, be confirmed as true and correct.”</i></p> <p>Moved: E Singleton</p> <p>Seconded: M Leeson</p> <p>Result: Carried unanimously</p>
<p>3. REVIEW OF OUTSTANDING ACTIONS</p> <ul style="list-style-type: none"> • Relocation of the Honour Boards to the Chamber foyer (Underway) • Estimate has been received for new boards at a cost of between \$700 - \$1,000. Committee agreed to proceed with the purchase of a new Honour Board up to the value of \$1,000. • Order 4 awards based on same design as 2020 awards. (Underway)

<ul style="list-style-type: none">Victoria League banner - purchase a new banner, including the Victoria League logo, up to the value of \$500 be purchased locally. (Underway) T Brumby requested the banner continue to be displayed at Australia Day events after the cessation of the Victoria League. Motion seconded by E Singleton.Chairman to request a list of required music and a quote for the cost from R Bentley, for review and approval of the committee. (Cr Dorsey)
4. CHAIRMAN'S COMMUNICATION <ul style="list-style-type: none">Nil
5. BUDGET <ul style="list-style-type: none">Update on budget status as at 11 January 2021.Burnie Brass Band invoice and music costs discussed. Committee agreed band would invoice for music as received, up to the value of \$1,500. Moved R Bentley, seconded M Leeson and carried unanimously by the committee.
6. AUSTRALIA DAY CEREMONY 2021 <ul style="list-style-type: none">Guest Speaker discussed. Gifts to be arranged, no alcohol.Draft Flyer and Draft Program discussed.
7. OTHER BUSINESS <ul style="list-style-type: none">Citizenship Ceremony – confereesSet up of Hall – Committee to meet to set up at 2pm on Monday, 25 January 2021.BBQ – to be set up on the verandah outside the hall. Cr Dorsey to confirm.COVID requirements discussed. Pre-registration encouraged and sign in sheet and check in app details to be made available. Signage required for one entry point and a different exit point.Discussed changing the order of the Australia Day Awards and the Citizenship Ceremony, however decided to leave in current order.

NEXT MEETING **Monday, 1 March 2021 at 3.00pm.**

MEETING CLOSED **4pm**

 BURNIE CITY COUNCIL	 Australia Day	MINUTES BURNIE AUSTRALIA DAY SPECIAL COMMITTEE Meeting held in the Councillor's Meeting Room, Burnie City Council Offices Monday, 1 March 2021
--	---	---

TIME	3.00pm
PRESENT	Councillor Ken Dorsey (Chairman), M Leeson, M Harris, E Singleton, C White. Burnie City Council Staff: K Kelly
APOLOGIES	R Bentley, Cr T Brumby

BUSINESS ARISING

1. DECLARATION OF INTEREST <ul style="list-style-type: none"> • Tabling of any Declarations of Interest. <p style="text-align: center;">NIL</p>
2. REVIEW OF OUTSTANDING ACTIONS <ul style="list-style-type: none"> • Relocation of the Honour Boards to the Chamber foyer (Complete) • Estimate has been received for new boards at a cost of between \$700 - \$1,000. Committee agreed to proceed with the purchase of a new Honour Board up to the value of \$1,000. (Complete) • Order 4 awards based on same design as 2020 awards. (Complete) • Victoria League banner - purchase a new banner, including the Victoria League logo, up to the value of \$500 be purchased locally. (Complete) • Chairman to request a list of required music and a quote for the cost from R Bentley, for review and approval of the committee. (Complete)
3. AUSTRALIA DAY CEREMONY 2021 – DISCUSSION AND DEBRIEF <u>Improvements for Australia Day 2022</u> <ul style="list-style-type: none"> • What was done well, what requires improvement

- Confusion with distributing the rhododendrons. Discussed an alternative to the rhododendrons as a gift, possibly something smaller or a native plant.
- BBQ location discussed as Rotary preferred the outdoor location.
- Riser required for the citizenship ceremony.
- Nationality of new citizens to be included in the presentation (on the screen).
- Advocate coverage of ceremony not that good.

2022 Ceremony

- Discussed a possible musical drawcard.
- Discussed the inclusion of the RAAF band.
- Discussed the Ambassador Program and guest speaker options.

4. OTHER BUSINESS

- Maggie Harris thanked Cr Dorsey for the Victoria League introduction.
- Cr Dorsey discussed the upcoming Council Meeting motion regarding Australia Day

NEXT MEETING **Monday, 10 May 2021 at 2pm (Deferred to Monday, 17 May 2021)**

MEETING CLOSED **3.35pm**

MINUTES AND REPORTS OF COMMITTEES**AO093-21 UPPER NATONE RESERVE SPECIAL COMMITTEE UNCONFIRMED
MINUTES OF MEETING HELD ON 26 APRIL 2021**FILE NO: 2/5/16; 3383617

RECOMMENDATION:

“THAT the Unconfirmed Minutes of Meeting of the Upper Natone Reserve Special Committee held on 26 April 2021, be received for discussion.”

SUMMARY

The Minutes report on the activities of the special committee.

The meeting focussed on reserve management activities.

The committee is to engage with Council officers on a number of maintenance matters.

ATTACHMENTS

1. [Unconfirmed Meeting Minutes from the Upper Natone Reserve Special Committee Meeting held on 26 April 2021](#)

COUNCIL RESOLUTION**Resolution number: MO089-21****MOVED: Cr K Dorsey****SECONDED: Cr T Brumby**

“THAT the Unconfirmed Minutes of Meeting of the Upper Natone Reserve Special Committee held on 26 April 2021, be received for discussion.”

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

Against:

CARRIED UNANIMOUSLY

Minutes of the Upper Natone Reserve Special Committee
26th April 2021

Meeting opened 733pm

Attendance: Phil Tustian (Secretary), Ivan Caston, Dianne Cripps, Garry Watts, Heather Ross, & Jessica Reynolds.

In the absence of the President Jessica Reynolds took the Chair.

Apologies: Fiona Tustian & Lachlan Girschik

Declaration of Interest – Nil Declarations

The Meeting scheduled for 12th April 2021 was unable to proceed due to lack of a forum, and this Meeting was rescheduled for 26th April 2021.

Minutes of the previous Meeting (8th February 2021) were read by the A/President

Moved Phil Tustian & seconded Gary Watts the Minutes be accepted as read **Carried**

Business arising:

1. Wayne Bramich yet to complete the scheduled work beyond the bridge because of equipment break down – hopeful to be completed in the near future
2. Boiler tank excavation – deferred to General Business
3. The gate over bridge now locked open
4. No further action in regard to “protected toilet roll holder”

Correspondence

22/3/21 Gary Neil ref water pump hose burst/repairs & reply

Pat Troughton (BCC) ref same

30/3/21 Pat Troughton ref repairs to storage cabinet

Emails ref Meeting 12/4/21 & 26/4/21

General Business

1. Financial Account for approval for Working Bee 14/2/21 (meat \$39-50, bread \$8-19, & toilet rolls \$8-99 – total \$56-68) moved Phil Tustian seconded Dianne Cripps accounts be passed for payment **Carried**
2. Authorisation for future “Working Bees” discussion and resolved that all further “Working Bees” be approved at a Committee Meeting, or any informal “Working Bee” to be discussed with the President who will approve and advise Gary Neil (BCC) prior to the event. This is a necessity to ensure appropriate safeguards/protocols are present.
3. Ivan advised of the new walking track cleared and some work required (including walkway) to improve same. Resolved to be viewed and discussed next Working Bee.
4. Boiler Tank excavation to be viewed/discussed next “working bee”
5. Toilet Security Cabinet – repairs completed via Pat Troughton (BCC)
6. Proposal for fallen tree to be cut into slabs for use a BBQ table tops etc. The Secretary to discuss with SST before proceeding further.
7. Proposal for a tap fixture to be included in the inlet pipe to the toilet block water tank, to enable a hose to be fitted so the area can be hosed down whilst the water pump is pumping water into the tank. The Secretary to discuss with the BCC.
8. Proposal that dying trees at the Reserve should be cut down. The Secretary to talk with SST as to necessity or otherwise as to action required.
9. Moved Gary Watts & seconded Jessica Reynolds that a “**Working Bee**” be held Sunday 16th May 2021 10am-1pm BBQ afterwards, Tustian’s authorised to provide meat etc.
Carried
10. Meeting Closed 8.26pm

MINUTES AND REPORTS OF COMMITTEES**AO094-21 QUARTERLY REPORT TO TASWATER OWNERS' REPRESENTATIVES
- PROGRESS UPDATE TO 31 MARCH 2021**FILE NO: 16/9/9; 21/31718

RECEPTION FOR DISCUSSION**RECOMMENDATION:**

“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 31 March 2021 be received.”

SUMMARY


TasWater have provided their quarterly report to 31 March 2021.

The report covers key aspects of performance for the quarter.

Key matters also for noting in the report include:

- Performance Results
- Externally funded major projects
- Price and Services Plan 4 (PSP4) update
- Rural Water Use Strategy
- State Government ‘Headworks Holiday’

ATTACHMENTS

[1](#)  Quarterly Report to Owners Representatives - Progress Update to 31 March 2021

COUNCIL RESOLUTION

Resolution number: MO090-21

MOVED: *Cr A Keygan*

SECONDED: *Cr K Dorsey*

“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 31 March 2021 be received.”

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

Against:

CARRIED UNANIMOUSLY



Quarterly Report to Owners' Representatives
Progress update to 31 March 2021





Document Approval and Issue Notice

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

PREPARED: Jonathon Bellette, Department Manager Business Performance Date: 30 April 2021
(For release)

ENDORSED: Kendall Mahnken, Acting Chief Financial Officer Date: 10 May 2021
(For release)

APPROVED: Michael Brewster, Chief Executive Officer Date: 13 May 2021
(For acceptance)

Build Status:

Version	Date	Author	Reason	Sections
1.0	13 May 2021	Davide Palermo	Approved for Release by CEO	All

Amendments in this release:

Section Title	Section Number	Amendment Summary

Distribution:

Copy No	Version	Issue Date	Issued To



Table of Contents

1.	INTRODUCTION	4
2.	EXECUTIVE SUMMARY	5
	2.1 Operating performance	5
	2.2 Innovations	5
3.	PERFORMANCE RESULTS FOR THE QUARTER	6
	3.1 Strategic performance summary	6
	3.2 Operational performance summary	7
	3.3 Financial Performance	8
	3.4 Significant incidents	9
	3.5 Capital expenditure	10
	3.6 Externally funded major projects	12
	3.7 Matters of public and key stakeholder interest	13
4.	KEY POLICY, RISK AND STRATEGY MATTERS	15
	4.1 Price and Services Plan 4 update	15
	4.2 Rural Water Use Strategy	15
	4.3 State Government 'Headworks Holiday'	15
5.	RESPONSES TO QUERIES FROM PRIOR UPDATES	16



1. Introduction

TasWater is pleased to present its third quarter (Q3) FY2020–21 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 March 2021. This includes performance against key performance indicators outlined in the FY2021-25 Corporate Plan as well as financial performance compared to the FY2020–21 Budget.

The report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators, as agreed with Owners as part of the development of the FY2021-25 Corporate Plan.



2. Executive Summary

2.1 Operating performance

Key points to note for the quarter include:

- Profit is significantly ahead of budget
- The full-year productivity savings target of \$3.4M is on track to be achieved
- Most recent brand research results show further improvement in overall customer satisfaction
- Capital expenditure is forecast to reach \$172.5M at the end of the financial year with a number of projects expected to be delivered earlier than previously forecast
- Three Lost Time Injuries (LTIs) occurred during the quarter, putting the total number of LTIs above the year-end target.

2.2 Innovations

W-Lab Program

TasWater is currently participating in a four-year program (W-Lab) being run in partnership with the Water Services Association of Australia (WSAA), Isle Utilities, Think Place and over 35 water utilities across Australia and New Zealand. The objective of the program is to provide a specialist network to leverage emerging technologies and innovations in the ongoing transformation of the water industry.

Bryn Estyn - 3D Modelling Tool

As part of the ongoing focus on leveraging new technology to drive better outcomes through the capital investment program, a 3D modelling tool has been used as part of the planning for the Bryn Estyn Upgrade project. As shown in Figure 1 below, the tool provides a 3D visual representation of large assets such as treatment plants and is likely to be of benefit for future large projects. A demonstration of the tool will be provided at the June 2021 Owners meeting.

Figure 1: Bryn Estyn 3D Snapshot





3. Performance Results for the Quarter

3.1 Strategic performance summary

Customer priorities	Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you				
Identify and close critical customer service gaps	Customer satisfaction percentage	FY2019-20 62%	FY2020-21 66%	Q3 FY2020-21 66% ¹
Improve our community engagement and understanding	Brand perception percentage	54%	58%	56% ¹
	Community and stakeholder satisfaction percentage	62%	62%	62%
Commercial and Economic – Give you value for money				
Deliver Price and Service Plan commitments	Capital Expenditure	FY2019-20 \$128.8M	FY2020-21 \$193.3M	Q3 FY2020-21 \$106.4M ²
Achieve further efficiencies	EBITDA ³	\$138.3M	\$103.5M	\$120.7M
	Interest cover ratio	1.7	0.5	3.6
Water and Environment – Provide you with safe drinking water and responsibly manage your sewage				
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) ⁴	FY2019-20 4.4%	FY2020-21 4.6%	Q3 FY2020-21 4.1% ⁵
	Number of dams above the ANCOLD LOT	4	3	4 ⁶
	Number of critically notifiable spills (less than or equal to)	8	5	8 ⁷
Optimise system performance	Treated waste water compliant with EPA requirements (flow-weighted)	90.8%	90.0%	88.7%
People and Culture – Build culture and skills for the long-term benefits of Tasmania				
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023	FY2019-20 Material improvement in pulse cultural survey results	FY2020-21 Material improvement in pulse cultural survey results	Q3 FY2020-21 Material improvement in pulse cultural survey results
Relentless focus on safety (Zero Harm)	Total Recordable Injury Frequency Rate (TRIFR)	18.2	12	12.2

1 These two metrics reflect the most recent brand research results received in February 2021. The metrics are updated twice per year.
 2 Refer to section 3.5 for further information on the capital program.
 3 Earnings before interest, taxation, depreciation and amortisation.
 4 Whilst all drinking water systems are compliant with the Australian Drinking Water Guidelines, this KPI measures the extent to which drinking water systems meet best-practice risk mitigation principles.
 5 The December 2021 result of 4.4 per cent was incorrectly calculated and has been adjusted for this quarter. Projects to be delivered during the June quarter are expected to result in the target being met.
 6 This KPI is now considered 'at risk' due to the expected timing of the appeals process for the Waratah Dam decommissioning. Further detail is provided in section 3.7.
 7 This KPI was incorrectly reported in the December quarter report. Seven spills occurred to 31 December 2021 and one spill occurred in January 2021 at the McKinley Street SPS at Midway Point.



3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you	FY2019-20	FY2020-21	Q3 FY2020-21
Total complaints	1,138	1,100	786
First point resolution percentage for calls	91.6%	90%	95.0%
Percentage of calls answered by an operator within 30 seconds	83.0%	85%	92.7%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	92.3%	90%	88.9%
Commercial and Economic – Give you value for money	FY2019-20	FY2020-21	Q3 FY2020-21
Productivity - savings realised	\$4.1M	\$3.4M	\$3.0M
Productivity - Increased revenue initiatives	\$8.8M	\$6.5M	\$7.6M
Total overdue debtors as a percentage of revenue at end of year	5.0%	19.0%	4.0%
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage	FY2019-20	FY2020-21	Q3 FY2020-21
Number of BWAs and DNCs throughout the year	1	1	1 ⁸
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	45%	85%	52% ⁹
Number of industrial customers on a long term agreement	10%	20%	13% ⁹
People and Culture – Build culture and skills for the long-term benefits of Tasmania	FY2019-20	FY2020-21	Q3 FY2020-21
Lost-time injury frequency rate (LTIFR)	2.9	2.4	3.8 ¹⁰
Number of lost-time injuries (LTIs)	10	6	7
Number of notifiable incidents	5	3	4 ¹¹
Number of full time equivalent (FTE) ¹²	869	866	851 ¹³

8 One BWA was applied to the Adventure Bay store for a period of one day.
 9 Due to a recent restructure and the movement of some key personnel, there has not been appropriate resource to be able to progress trade waste contracts. As a result, the full-year targets are not expected to be met.
 10 Two lost-time injuries (LTIs) were experienced in January 2021 and a further LTI occurred in March 2021. Accordingly, achievement of the full-year target remains at risk.
 11 An additional notifiable incident was experienced during the quarter. The KPI result has now exceeded year-end target.
 12 Includes TasWater FTEs in the Capital Delivery Office.
 13 Increased Electrical and SCADA contractors (22 FTEs) were not accounted for in initial targets.

Issue Date: 14/05/2021

Uncontrolled when printed

Page 7 of 17
Version No: 1.0



3.3 Financial Performance

Table 2: Financial summary

KPI	FY2019-20	FY2020-21			
	Actual Result	YTD Result	YTD Target	YTD Variance	EOY Target
Capital Expenditure (\$ Million)	128.8	106.4	134.8	(28.4)	193.3
Debt (\$ Million)	579.6	588.7	652.4	63.7	687.0
Gearing ratio	40.0%	39.1%	44.2%	5.1%	47.1%
Interest cover ratio (times)	1.7	3.6	1.0	2.6	0.5

As at 31 March 2021, TasWater recorded a net profit of \$38.8 million, which is \$35.9 million favourable to budget. The year to date underlying net profit of \$15.9M¹⁴ is \$26.8M above budget.

The year to date net profit result continues to be driven, in part, by the reduction of the small business rebate provision (\$5.7 million) and a favourable variance in development revenue (\$10.1 million). Whilst a significant reduction in developer activity was forecast due to the uncertainties associated with COVID-19, this reduction has yet to occur. This is a non-cash revenue stream that is excluded from the underlying results.

Bad and doubtful debt expenses are \$16.8M lower than budget and, as shown in Section 3.2, overdue debt as a percentage of revenue was 4.0 per cent as at 31 March 2021. This was favourable to the YTD forecast of 19.0 per cent, which anticipated a significant deterioration due to the impacts of COVID-19. With customer debt and portfolio performance remaining largely in line with pre-pandemic levels, no increase in bad debt provision has been provided for since October 2020 (a \$15.1M increase was budgeted).

The level of provisioning will be reassessed over the June quarter for any evidence of change with the easing of financial support relating to COVID-19. The approach to provisioning will seek to balance the current positive debtor experience and local COVID-19 status, with any remaining uncertainty that exists in connection with future outbreaks. This uncertainty is highlighted by the current overseas COVID-19 experience and the various restrictions imposed across Australia during the March quarter.

An interim dividend of \$5.0M was paid to Owners on 15 February 2021. The Board will consider an additional dividend payment of \$5.0M later in the June quarter should this be supported by underlying financial performance.

Capital expenditure accelerated significantly during the March quarter to \$106.4 million with a forecast end of year result of \$172.5M compared with a budget of \$193.3M. While the forecast result is below target, if realised it represents a 34 percent increase from last financial year. Further information on the capital program is provided in Section 3.5.

As at 31 March 2021, total debt was \$63.7 million lower than budget. This is predominantly due to the timing of capital expenditure compared with the profiled amounts, and higher level of receipts from customers paying their accounts.

¹⁴ Underlying net profit is the net profit/(loss) adjusted for contributed asset revenue.



3.4 Significant incidents

Coronavirus (COVID-19) pandemic

While the risk of a COVID-19 outbreak in Tasmania has remained low since the start of 2021, the business continues to operate in accordance with COVID-safe guidelines by maintaining appropriate physical distancing measures and hygiene and cleaning protocols at its sites.

Oyster Shutdowns

On 5 January 2021, a sewage overflow occurred at McKinly St Sewage Pumping Station (SPS) in Midway Point. The SCADA data collected showed the overflow was caused by pumps not being able to pump at their normal flow rate. As no SCADA alarms were triggered during the overflow period, the alarm systems have been reviewed and are now expected to detect any future similar faults. A SCADA review of all SPS in shellfish areas has also been initiated.

A project is currently being progressed for an emergency SPS storage upgrade at four high-risk shellfish areas in Dunalley and Midway Point, including the McKinly St SPS.

Ridgeway Dam

Ridgeway Dam remains at four metres below its full supply level to reduce the safety risk associated with the dam. Silt curtains were installed during the quarter and evidence to date indicates that they are assisting in managing turbidity within the reservoir. The curtains will be further optimised over coming months and preparation of tender documentation is also underway to procure a designer and civil contractor to implement the permanent erosion works.

During the quarter, the results of a detailed dam structural undertaken by SMEC Holdings (SMEC) was provided for internal consideration. The SMEC review identified some inconsistencies in the existing structural model and analysis. The structural model is being updated to address these inconsistencies and further analysis will be undertaken to develop a more accurate prediction of the behaviour of the dam. This work is expected to be completed during the June quarter and will facilitate a final decision on the scope of any upgrade works required.

Risdon Vale Wet Weather Overflows

As outlined in the December quarter report, the suburb of Risdon Vale has had historical issues with stormwater infiltration which, combined with recent growth, resulted in raw sewage discharging to the Grass Tree Rivulet during heavy rain events on 5 October 2020.

Blockages downstream of the overflow were cleared in November 2020 and ongoing monitoring for surcharge during rainfall events has occurred since this time. However, heavy rainfall in February 2021 led to further raw sewage discharge.

A flow monitoring survey is now being scoped for implementation over the winter months to inform inflow and infiltration remedial works. Design work to expand wet weather storage and controlled overflow structures will commence shortly and is expected to be completed by late 2021.

Yolla High Manganese Levels

On 4 March 2021 an incident was initiated in Yolla due to an exceedance of Australian Drinking Water Guidelines manganese guideline recommended values. Manganese is naturally found in raw water but can become an issue particularly in raw water storages in summer and autumn periods due to thermal stratification and turnover of water.

As a result of this incident, work is underway to better understand how manganese affects the performance of drinking water systems by exploring the development of an enhanced sampling program for raw water storages.



3.5 Capital expenditure

Summary

Significant progress was made on major projects during the March quarter, with three projects moving into the project delivery phase and a number of other projects expected to be delivered earlier than forecast in the December quarter report.

As previously advised to Owners, a decision was taken in December 2020 to split the responsibility for delivering capital projects between the CDO (for medium to large projects) and TasWater (for low-risk projects). For FY2020/21, we are forecasting \$140.0M for major capital infrastructure upgrades to be delivered by the CDO and \$32.5M of minor upgrades, IT upgrades, fleet replacement and facility improvements to be delivered by TasWater.

The relationship with the Civil Constructors Federation (CCF) has continued to improve. Direct feedback from the market in relation to the increasing amount of works being provided to the market has been positive, with many contractors pleased to see the increased stream of work to bid upon. This has been re-emphasised with a positive meeting with members of the CCF Board and their willingness to promote positive stories of TasWater and the CDO in their members' newsletter.

The Bryn Estyn Water Treatment Plant (WTP) upgrade is proceeding well with various tenders being let and awarded on schedule. Progress also continues to be made on the Launceston Sewerage Improvement Program (LSIP), including a review of river crossing options, release of a tender for flow monitoring and liaison with the Environment Protection Authority on discharge requirements and containment standards.

The current status of the Top 25 projects by total project budget are shown in Table 2 below. The table outlines changes in project budget estimates and completion dates since the December quarter report, including for projects that have reached the Target Out-turn Cost (TOC) stage.

Table 2: Status updates - Top 25 by total project budget

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn Water Treatment Plant Major Upgrade	Project Delivery	Jan-24	226,372 243,944	The project is on track in terms of time and approved budget. Note the approved project budget has not changed since that approved at the October 2020 Board meeting. The change in this report reflects a correction wherein the number quoted in the report is the TOC value, rather than the total budget which includes risk, contingency and out of scope activities retained by TasWater.
2	Northern Midlands Sewerage Improvement Plan - Longford Sewage Treatment Plant Upgrade	Project Delivery	Sep-21	33,672	On track
3	Whitemark raw water storage upgrade - Hendersons Dam raising	Project Delivery	Jul-21 Sep-21	11,686	Project delayed due to existing dam being in significantly worse condition than first anticipated. Further information provided in Section 3.7 of the Report
4	Mikany Dam Upgrade	Project Delivery	Jun-22 May-22	20,067	On track
5	Latrobe Sewerage System - Network Upgrade and Augmentation	Project Delivery	Aug-21 Jun-21	6,184	On track



No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
6	Davis St Smithton SPS Upgrade	Planning and Investigation	Jun-22 Aug-22	17,628	Minor delay due to approvals.
7	Booth Avenue Sewer Main Upgrade Stage 2	Project Delivery	Aug-21 Jun-21	3,800 3,043	On track
8	Bushy Park Waste Stream	Planning and Investigation	Feb-23 Apr-23	1,500	On track
9	Blackstone Rd SPS Upgrade	Project Development Project Delivery	Jul-21	3,230	On track
10	Wellington St SPS upgrade	Project Delivery	Feb-21 Apr-21	2,123	Minor delay associated with construction delays, but has now been completed.
11	Turriff Lodge STP Upgrade	Project Development	Jan-22 Jun-22	2,225	Delay associated with the development of the Business Case schedule and potential approvals required
12	RTWSP Stage 4 - WP4 (Dowlings Creek/Yolla, Manuka River/Strahan, Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Development	May-23	5,067	On track
13	UV Program - Stage 2 - (Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan)	Project Development	May-23	8,513	On track
14	STP AS4024 Machine Safety Audit and Upgrade	Project Development Project Delivery	Nov-21 Jun-21	Not yet approved	Earlier than expected delivery reflects reduction in scope associated with previous upgrades
15	Bicheno STP	Project Development	May-24	Not yet approved	On track
16	Upper Reservoir Dam Upgrade	Target Out turn Cost/Project Budget Estimate Project Delivery	Jan-22 Sep-21	4,150	On track
17	UV Program - Stage 1 - Phase 1 (Burnie, Distillery Creek, North Esk)	Project Development	Nov-24	5,032	On track
18	Pioneer Water Supply	Project Development	Jun-23 May 23	Not yet approved	Last quarter's forecast completion date was incorrect, it has now subsequently been corrected to match public commitment
19	Scottsdale STP	Project Development	May-24	Not yet approved	On track. Budget still being developed
20	Tasman Highway, Orford - Trunk main	Project Delivery	Sep-22 Dec-22	2,358	Project on hold as we wait for the Solis development between Orford and Triabunna to progress
21	Geeveston STP Upgrade	Project Development	Dec-23 Jun-23	3,238	Project date brought forward after detailed review of schedule



No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
22	Rosebery Additional Treated Water Storage Project	Target Out-turn Cost/Project Budget Estimate	Oct-22	Not yet approved	On track
23	Bridport Water Supply Improvements	Project Development	Aug-24 Sep-24	Not yet approved	Minor delay by one month
24	Ulverstone STP Upgrade	Project Development Target Out-turn Cost/Project Budget Estimate	Oct-23	7,620	On track
25	Queenstown STP remediation	Target Out-turn Cost/Project Budget Estimate	Jul-22 Aug-22	1,144	Minor delay by one month

FY2021/22 Capital Works Program

Planning for the FY2021/22 Capital Works Program is progressing well with most projects already having approved budgets. This is facilitating more accurate communications of the forward works program with the market, generating confidence for proponents to invest in the space and providing greater value for money for customers.

At \$229.9M, our forecast capital expenditure for FY2021/22 is approximately 33 per cent higher than our forecast full-year expenditure for FY2020/21. This is considered to be an achievable forecast, recognising that a number of projects are in the later stages of their lifecycle. A major portion of this expenditure is targeted towards improving water quality, including \$93.8M for the Bryn Estyn WTP upgrade. The forecast spend includes \$190.9M by the CDO and \$39.0M by TasWater.

3.6 Externally funded major projects

Macquarie Point STP funding and relocation

During the quarter, TasWater and the State Government executed an interim funding deed for \$3.5M that supports the preliminary investigation and design works for the relocation. Feedback was also provided to the Department of Treasury and Finance on a draft deed relating to the remainder of funding for the project. The main deed will be provided to the Owners for consideration following receipt of Ministerial approval and TasWater Board consideration of the deed.

More broadly, the scope and budget estimate for the Project Development phase of the project has now been finalised for internal approval. The scope for this phase includes three main objectives: to further develop the master planning and design of an augmentation at the Selfs Point site, to prepare the Detailed Business Case (inclusive of project plan, schedule and refined cost estimate) and to receive primary approvals for the project including the major Environmental Impact Statement.

The technical scope of work for master-planning, optioneering, and design development has been released to the market, with the tender closing on 14 May 2021. Preliminary work is also underway to finalise the location and design of the new pump station and overflow storage at Macquarie Point that will transfer sewage to the upgraded Selfs Point site. This work is being progressed in parallel with the detailed design work to realign the existing trunk main through the Macquarie Point Development Corporation site.



Tamar Estuary River Health Action Plan (TERHAP)

TasWater and the State Government have signed an interim Grant Deed that provides funding for the investigation, design and approval activities to be undertaken as part of the Target Out-turn Cost (TOC) phase of works. It is expected that a funding deed covering the full extent of the works will be developed after completion of the TOC phase.

During the quarter, contracts were awarded for the TOC design services which includes preparation of the engineering design, development of the construction methodology and a scheduling and risk assessment. The CDO has also awarded contracts in the local market to commence geotechnical investigations and survey/service location works. Meetings have also been held with City of Launceston and the Environment Protection Authority to continue progression of approvals.

3.7 Matters of public and key stakeholder interest

Waratah Dam

The decision to decommission the Waratah Dam reflects a range of factors, including the cost of repair work, the redundancy of the dam as an asset and the competing number of water and sewerage infrastructure priorities across Tasmania. However, it is recognised that some community members remain concerned by the decommissioning.

As previously advised, if a viable alternative was available to transfer ownership of the dam (and associated financial obligations), this would be considered by TasWater. In this regard, discussions continued during the quarter with a potential proponent for ownership of the dam. At this stage, the potential proponent's project is in an early stage and has a significant number of issues to resolve before they can consider taking ownership of the dam. The proponent has also advised that they do not require the existing dam as it is likely they would build their own in an alternative location.

In the absence of a viable alternative, TasWater's application to decommission the dam was submitted to the Department of Primary Industries, Parks, Water and Environment (DPIPWE) in January 2021. Following the required 12-week assessment period, DPIPWE approved this application subject to a 14-day appeal period. One appeal has been submitted and, as at 30 April 2021, the validity of the appeal remained under consideration.

Water supply security

Above average rainfall was recorded over summer for most of the north of the State, with average conditions experienced in the south due partly to the presence of La Nina conditions in the Pacific Ocean. Temperatures were close to average over the same period.

These conditions contributed towards close to average consumption for most supplies without major raw water constraints. In particular, no major demand-related issues were experienced in the Hobart system, although the system still requires careful stewardship due to production constraints at the Bryn Estyn WTP, the need to maintain levels in Ridgeway Dam at four metres below full supply level and high seasonal irrigation demand.

More broadly, Stage 1 water restrictions were implemented for Bridport due to the expected seasonal influx of tourists, typically low summer river flows and treatment capacity constraints. Restrictions were lifted on 10 February 2021 (ahead of the original planned date of 30 March 2021) due to good river flows and lower demand. The business case for improving supply to Bridport is expected to be delivered within the coming months.



On Flinders Island, the auxiliary spillway at Henderson Dam was damaged during the quarter as a result of unexpected heavy rainfall. This has delayed the construction of the Henderson Dam upgrade to enable repair works to be completed and for the dam to drain. Stage 2 water restrictions were introduced in the area on 4 January 2021 to help reduce water use and are expected to assist in managing reduced water storages during the construction period.

The annual water conservation campaign that complements TasWater's water supply security efforts was launched in November 2020 and concluded on 6 February 2021. The most recent brand research results demonstrate that the campaign had a positive impact on both overall sentiment and word of mouth. Importantly, there was a continued shift in the perception of TasWater being seen to be mainly responsible for water conservation to it being seen as a mutual responsibility shared by individuals, governments and TasWater.

Legislative Council Select Committee investigation into TasWater's operations

Malcolm Eastley (Trade Waste), Jim Collier (Tamar Estuary), Tim Slade (Pioneer), Paul Eckman (Trade Waste), Mount Rumney Water Scheme (Asset transfer/service introduction) and the Hon Michael Ferguson MP appeared before the Select Committee between 1-2 February 2021. Mr Graeme Gilmour of Beach Retreat Tourist Park Wynyard appeared on 5 March 2021 and a second hearing was held in camera with the Civil Contractors Federation.

TasWater appeared on 18 February 2021 represented by the Chair, CEO, CFO and the GM Project Delivery. Evidence was given on a range of matters with key focus areas being the CDO, TERHAP, the Launceston Sewerage Improvement Plan, dividends, Macquarie Point and Pioneer.

Following the announcement of the 2021 State Election, the State Government entered caretaker mode and all Legislative Council committees were formally dissolved. TasWater understands that the Select Committee intends to re-form after the State Election and that all evidence given to date would remain valid should this occur.

Closure of TasWater shop fronts

On 19 March 2020, the COVID-19 pandemic resulted in the closure of TasWater's three shop fronts located at Moonah, Launceston and Devonport. Since the lifting of restrictions, TasWater has decided to close the shop fronts permanently. This decision reflects a steady decline in customer demand for face-to-face services and increased demand for other communication channels.

The initial closure period provided the opportunity to consider the extent to which customers' needs were being met through alternative channels. Only seven per cent of customer interactions were attributed to shop fronts during FY2019/20 as opposed to the main communication channels of phone (62 per cent) and e-mail (23 per cent). It is worth noting that the two other major Tasmanian utilities in Aurora Energy and TasGas, do not have face to face services for their customers.

TasWater has communicated this change to its customers and key stakeholders, including contacting each customer who accessed a shop front in the twelve months prior March 2020 to make sure they are aware of alternative options. Customers can continue to access TasWater's services via the web, email, Messenger or phone and pay their bills using direct debit, BPAY, online banking and mail. Those who prefer to pay bills in-person can do so at Australia Post and Service Tasmania outlets.

The use of the shop front spaces as automated visitor check-in centres was made permanent during March 2021.



4. Key policy, risk and strategy matters

4.1 Price and Services Plan 4 update

The preparation of Price and Services Plan 4 (PSP4) is nearing completion and is due to be submitted to the Tasmanian Economic Regulator by 30 June 2021. PSP4 will set out the customer outcomes and prices to be delivered over the period 1 July 2022 to 30 June 2026.

Engagement with key stakeholders on major aspects of the proposal has now been finalised and quality assurance reviews are being undertaken to ensure that the proposal is accurate and provides sufficient justification for our proposed positions. Preparations have also continued to ensure that we can adequately support the Regulator's investigation of our proposal during FY2021/22.

4.2 Rural Water Use Strategy

As outlined in the December quarter report, TasWater raised a number of concerns with the draft Rural Water Use Strategy released by DPIPWE in October 2020.

A final version of the Strategy was released in March 2021 that included additional information relating to items outside of the scope of the Strategy that fall under other legislative and policy frameworks, including catchment management, water quality management and urban water supply security. These latest amendments are currently being considered by TasWater officers. Feedback will be provided to DPIPWE in due course.

4.3 State Government 'Headworks Holiday'

As part of its 2021 State Election commitments the State Government announced that, if re-elected, it will fund the waiving of headworks charges from TasWater and TasNetworks. As more detail becomes available, the impacts on TasWater will be assessed.

The State Government has also announced a 'no permit required' pathway for landowners to construct small self-contained 'ancillary' dwellings, additional to the primary home on a property. It is expected that further detail on these policy announcements will be forthcoming post the state election.



5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
24 September 2020	All	Provide further information regarding: <ul style="list-style-type: none"> • Proportions of CDO costs relating to labour and/or infrastructure • CDO costs and value 	Gary Arnold (Kingborough Council)	Will be addressed at the ORG General Meeting (Planning)
24 September 2020	All	Consider whether politicisation of pricing will be noted as a key strategic risk	Mayor Kristie Johnston (Glenorchy City Council)	Will be addressed at the ORG General Meeting (Planning)
24 September 2020	All	Provide insight into the review of the Long Term Strategic Plan (LTSP)	Mayor Wayne Johnston (Meander Valley Council)	Will be addressed at the ORG General Meeting (Planning)

Issue Date: 14/05/2021

Uncontrolled when printed

Page 16 of 17
Version No: 1.0

AO095-21 NON AGENDA ITEMS

In accordance with the requirements of Regulation 8(5) of the *Local Government (Meeting Procedures) Regulations 2015* a matter may only be discussed at a meeting if it is specifically listed on the agenda of that meeting.

Council by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported:

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) the matter is urgent; and
- (c) that advice has been provided under section 65 of the *Act*.


There were no non agenda items.

There being no further business the Mayor declared the Meeting closed at 8.18pm.

CERTIFICATION OF MINUTES AS A TRUE RECORD

These minutes are confirmed as an accurate record of the Open Session of the Ordinary Meeting of Burnie City Council held on 25 May 2021.

Confirmed:



Simon Overland
GENERAL MANAGER

Date:

22 June 2021

Confirmed:



Steven Kons
MAYOR

Date:

22/6/21