



## **MINUTES**

# **Ordinary Meeting**

**TUESDAY, 28 SEPTEMBER 2021**

**7.00PM**

**CITY OFFICES, 80 WILSON STREET, BURNIE**



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# ORDER OF BUSINESS

## OPEN SESSION

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# ORDER OF BUSINESS

## OPEN SESSION

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**MINUTES OF THE OPEN SESSION ORDINARY MEETING  
OF THE BURNIE CITY COUNCIL  
HELD AT THE CITY OFFICES ON TUESDAY, 28 SEPTEMBER 2021**

**HOUR:** 6.00pm 601pm  
7.00pm – 7.50pm

**TIME OCCUPIED:** 51 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), Acting Director Works and Services (R Sharman), Director Corporate (B Lynch), 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
AC093-21 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC094-21 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 24 AUGUST 2021	15(2)(g)
AC095-21 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC096-21 BURNIE AIRPORT CORPORATION PTY LTD - QUARTERLY REPORT	15(2)(g)
AC097-21 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC098-21 NON AGENDA ITEMS	15(2)(f)
AC102-21 COMMUNICATIONS JOURNAL - BURNIE AIRPORT CORPORATION	15(2)(i)
AC099-21 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC100-21 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC101-21 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 AC093-21 to AC101-21 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”***

**COUNCIL RESOLUTION**

**Resolution number: MO150-21**

**MOVED:** Cr K Dorsey

**SECONDED:** Cr A Boyd

***“THAT the meeting be closed to the public to enable Council to consider agenda items AC093-21 to AC101-21 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**

<b>Reg</b>	<b>Confidential Reason</b>
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:

<b>Agenda Item</b>	<b>Title</b>	<b>Brief Description</b>
AC093-21	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC094-21	Confirmation of Minutes of the Closed Session Meeting of Council held on 24 August 2021	A motion to confirm the Minutes of the previous meeting
AC095-21	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC096-21	Burnie Airport Corporation Pty Ltd – Quarterly Report	A report to receive the quarterly report from Burnie Airport Corporation, of which Council is a shareholder
AC097-21	General Manager's Report – Closed Session	A report that considers various operational updates of a confidential nature
AC098-21	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC102-21	Communications Journal – Burnie Airport Corporation	A report to consider correspondence from the Burnie Airport Corporation
AC099-21	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC100-21	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
AC101-21	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of Closed Session



## RESUMPTION

At 7pm 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 Burnie City Chaplain, Chris Swain.

## AO162-21 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.

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**AO163-21 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING  
OF COUNCIL HELD ON 24 AUGUST 2021****RECOMMENDATION:**

***“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 24 August 2021, be confirmed as true and correct.”***

**COUNCIL RESOLUTION**

**Resolution number: MO151-21**

***MOVED: Cr T Brumby***

***SECONDED: Cr D Pease***

***“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Offices on 24 August 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***

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**MOTIONS ON NOTICE****AO164-21 MOTION ON NOTICE - BURNIE WATERFRONT PRECINCT - YELLOW LINES**

**FILE NO:** 15/5/2, 21/48333  
**PREVIOUS MIN:**

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

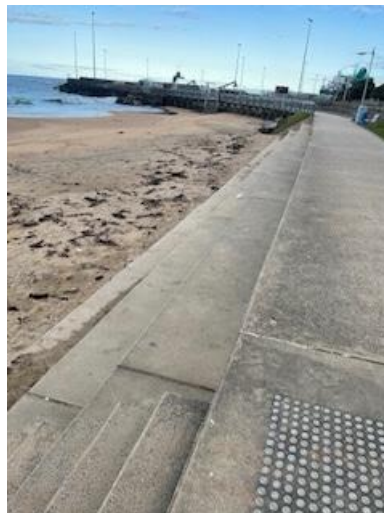
***“THAT Council consider placing yellow lines as shown in the pictures below, on the cement steps at the Burnie Waterfront precinct.”***

**COUNCILLOR’S COMMENTS**

There are many key hazards with steps as we all know and every day, it is noted that one person is hurt in a slip, trip or fall on stairs or steps. Descending on steps can be associated with many accidents.

By either painting or masking a yellow line across the top of the stairways at the foreshore, we can alert the community to the drop associated with the stairs and ensure safety for the community. It has been brought to my attention that children often run straight to the steps without stopping as they do not see the stairs from entering the area. There are also concerns within the community, for those with poor vision and are unable to see these clearly. Poor visibility can lead to misreading the stair edge, which can cause faulty foot placement and accidents. Surfaces such as these that are coloured safety yellow, are the most visually detectable.

I have pictures attached that I have taken from the stairs at the Outdoor Basketball Court at Burnie High School, which uses painted lines for safety and a photos from the Foreshore which show no safety lines.



**GENERAL MANAGER'S COMMENTS**

The primary purpose of the seawall along the West Beach waterfront is to protect the shoreline and the community infrastructure on the south side of the wall, from the effects of storm surge and coastal erosion.

The terraced nature of the seawall provides for convenient seating however the terraced blocks are not intended to be used as stairways.

At intervals along the seawall, steps and handrails have been provided to afford access to the beach.

Tactile markers have been installed at the threshold between the foreshore and stairways to identify the transition.

AS1428.1 Design for access and mobility requires that at the nose of the tread on stairways there be a luminance contrast of 30%, through provision of a strip no less than 50mm and no more than 75mm in width.

It would be appropriate and is a requirement that the nose of the stair treads be readily apparent.

A yellow painted nosing would suffice to meet this requirement. This is a cost effective solution but requires ongoing maintenance.

Propriety products with a longer life span are available to achieve the same outcome, at greater cost.

There is no requirement to paint nosing on the terraced elements of the seawall.

**COUNCIL RESOLUTION****Resolution number: MO152-21*****MOVED:***            ***Cr G Simpson******SECONDED:***      ***Cr A Boyd******“THAT Council consider placing yellow lines as shown in the pictures below, on the cement steps at the Burnie Waterfront precinct.”*****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***

Mayor S Kons vacated the chair, and Deputy Mayor G Simpson took the chair, the time being 7.05pm.

### **MOTIONS ON NOTICE**

#### **AO165-21 MOTION ON NOTICE - TRAFFIC SIGNALS CBD**

**FILE NO:** 15/5/2, 21/48334  
**PREVIOUS MIN:**

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

***“THAT in view of recent fatal incidents at level crossings in the CBD, that Council engage with State Growth to lengthen the time intervals between changes in traffic lights at the four major intersections of the CBD to allow a greater period before lights go through the sequence of Green to Yellow to Red and at the same time State Growth consider the installation of time mechanisms which indicate what time is left before the lights turn to red and if State Growth is disinterested, that Council applies to the Road Safety Levy Fund to obtain a grant for the installation of the above timing measures.”***

#### **COUNCILLOR’S COMMENTS**

I am concerned about pedestrian safety in our CBD and in particular our ageing population requiring longer periods to cross the streets.

#### **GENERAL MANAGER’S COMMENTS**

As stated in the Councillor’s comments the traffic signals are managed by the Department of State Growth.

It is understood that a consistent approach to walk times at signals is applied across the state, with some timing variation based the distance pedestrians must cross to safely navigate the road environment.

The most recent tragic incident in the CBD will be investigated by Tasmanian Police and it would not be appropriate to speculate as to the factors that may have contributed to the incident.

It is understood though that there is a broader level of concern in the community in relation to pedestrian safety in the CBD and the operation of traffic signals.

Gaining an understanding from the Department of State Growth as to the methodology for setting walk times at signals and the merits of the actions noted in the motion above would be appropriate.

It is noted that Officers have had some initial discussion with the Department on signal operation and are awaiting a response on a number of matters. The content of this Motion on Notice, should Council support the motion, would be provided to the Department and comment requested.

It should be noted that Council has no authority to undertake works on or modify the operation of traffic signals, without approval.

#### COUNCIL RESOLUTION

**Resolution number: MO153-21**

**MOVED:** Cr S Kons

**SECONDED:** Cr A Keygan

***“THAT in view of recent fatal incidents at level crossings in the CBD, that Council engage with State Growth to lengthen the time intervals between changes in traffic lights at the four major intersections of the CBD to allow a greater period before lights go through the sequence of Green to Yellow to Red and at the same time State Growth consider the installation of time mechanisms which indicate what time is left before the lights turn to red and if State Growth is disinterested, that Council applies to the Road Safety Levy Fund to obtain a grant for the installation of the above timing measures.”***

**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**

Deputy Mayor G Simpson vacated the chair, and Mayor S Kons resumed the chair, the time being 7.11pm.

**MOTIONS ON NOTICE****AO166-21 MOTION ON NOTICE - CITIZENSHIP CEREMONIES**

**FILE NO:** 15/5/2, 21/48443  
**PREVIOUS MIN:**

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

***“THAT Council provide meaningful recognition of Aboriginal Culture in all citizenship ceremonies. The means to do this would be an invitation to the TAC to provide an Elder or designated representative to all citizenship ceremonies to provide an Aboriginal perspective on “Welcome to Country”.”***

**COUNCILLOR’S COMMENTS**

- 1) At every meeting we “recognise” the traditional owners of the land but fail to do more.
- 2) A new genomic study has revealed that Aboriginal Australians are the oldest known civilization on Earth, with ancestries stretching back roughly 75,000 years.
- 3) Reconciliation begins at home; including cultural perspectives that will be meaningful and powerful for our new citizens.

This is a simple motion that request that we move to a more inclusive citizenship ceremony that recognises, acknowledges and respects the traditional owners of the land.

**GENERAL MANAGER’S COMMENTS**

Citizenship ceremonies are conducted under the authority of the Australian Government Minister responsible for citizenship matters. The protocols for ceremonies are set out in the Australian Citizenship Ceremonies Code, Department of Home Affairs (Commonwealth).

The Code affirms that there is great value in incorporating appropriate Aboriginal and Torres Strait Islander elements into citizenship ceremonies and the Department of Home Affairs encourages organisations conducting citizenship ceremonies to do so.

Council currently includes in its ceremony:

- Acknowledgement of Country – by the Mayor in their introductory remarks.
- Display of the Aboriginal flag, in addition to the Australian national and Tasmanian state flags.

The Code also includes the following explanation:

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## Welcome to Country/ Acknowledgement of Country

A Welcome to Country is a ceremony performed by Aboriginal or Torres Strait Islander people to welcome visitors to their traditional land. It can take many forms, depending on the particular culture of the traditional owners. It can include singing, dancing, smoking ceremonies or a speech in traditional language or English.

An Acknowledgement of Country is a way of showing awareness of and respect for the traditional Aboriginal or Torres Strait Islander owners of the land on which a meeting or event is being held, and of recognising the continuing connection of Aboriginal and Torres Strait Islander peoples to their Country.

If Council is of a view to support this motion, then consultation can occur with the relevant local Aboriginal community with a view to extending an invitation for an appropriate Welcome to Country to be incorporated into each ceremony.

### COUNCIL RESOLUTION

**Resolution number: MO154-21**

**MOVED:** Cr K Dorsey

**SECONDED:** Cr G Simpson

***“THAT Council provide meaningful recognition of Aboriginal Culture in all citizenship ceremonies. The means to do this would be an invitation to Indigenous groups to provide an Elder or designated representative to all citizenship ceremonies to provide an Aboriginal perspective on “Welcome to Country”.*”**

**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**

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**MOTIONS ON NOTICE****AO167-21 MOTION ON NOTICE - FISH FARMS**

**FILE NO:** 15/5/2, 21/48443, 21/48682  
**PREVIOUS MIN:**

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

***“THAT Council:***

- 1) Write to the State Government seeking a moratorium on fish farming on the NW Coast until proper independent verifiable scientific research is completed.***
- 2) Write to the other Councils seeking a combined stance against the expansion of fish farming on the Northwest Coast.***
- 3) Seek a meeting between the Wynyard Waratah, Circular Head and Burnie Councils and the Minister to discuss and detail expected environmental impact caused by fish farming on the NW Coast, the implications of short, medium and long term environmental damage and verifiable as well as quantifiable mitigation processes and management steps by government and the salmon industry should the salmon farms proceed in the NW.***
- 4) Seek verifiable information from the Minister on the state of Macquarie Harbour and the D’Entrecasteaux Channel with assurance that fish farming on the NW Coast will not create the same issues.***
- 5) Seek verifiable information that fish farming on the NW Coast won’t endanger the livelihoods of commercial fisherman and opportunity for recreational fishing, and negatively affect the tourism industry through a degraded coastal environment.”***

**COUNCILLOR’S COMMENTS**

29/5/2018 Industrial salmon farming began in **Macquarie Harbour** in the 1980s, with Tassal establishing operations there in 2003, joined by Huon in 2008 and Petuna around 2011. Between October 2017 and May 2018, 1.35 million salmon died in Macquarie Harbour. On one occasion, Petuna lost 55,000 fish in a day.

(Information sourced from: <https://www.abc.net.au/news/2018-05-29/salmon-deaths-in-macquarie-harbour-top-one-million-epa-says/9810720>)

The sudden spike in fish deaths, combined with pressure on the state's waste management system during the fruit fly crisis, led the EPA to approve emergency measures for 20,000 fish

to be buried in a landfill site on the West Coast rather than disposed of through the standard waste management.

Tasmanian salmon isn't wild, it's farmed. *Industrial salmon farms in Tasmania dump 10.6 million kg of poo a year into our oceans*, creating marine 'dead zones' under salmon pens and affecting water quality in areas kilometres away from the sites through the action of tides and currents. The algae and sediment has a detrimental effect on existing native marine species including crayfish, abalone and oysters. Large boats and farm infrastructure are spreading into endangered species habitat - like endangered whale calving habitat on Tasmania's east coast, and the use of underwater explosives to keep seals away is cruel to the seals (causing many deaths and injuries) and whales and dolphins.

It takes almost 2kg of wild fish to make 1kg of farmed salmon, salmon farming is emptying our oceans of fish. Also, the fish feed that is used to supplement the wild caught fish is made pargley from soy grown in the denuded rainforests of South America.

Rope, pipe and other materials from salmon farming activities frequently ends up in the waterways and polluting our beaches. Despite some efforts by companies to address this issue, debris from salmon farms is persistent in south-east Tasmania. Marine debris is one of the major pollutants. Lost and abandoned fishing gear which is deadly to marine life makes up the majority of large plastic pollution in the oceans, according to a report by Greenpeace.

(Information sourced from: <https://www.greenpeace.org.au/>).

More than 640,000 tonnes of nets, lines, pots and traps used in commercial fishing are dumped and discarded in the sea every year, the same weight as 55,000 double-decker buses.

The report, which draws on the most up-to-date research on "ghost gear" polluting the oceans, calls for international action to stop the plastic pollution, which is deadly for marine wildlife. About 300 sea turtles were found dead as a result of entanglement in ghost gear off the coast of Oaxaca, Mexico, last year.

A recent study of the "great Pacific garbage patch, an area of plastic accumulation in the north Pacific, estimated that it contained 42,000 tonnes of megaplastics, of which 86% was fishing nets.

Another expedition to the south Pacific found an estimated 18 tonnes of plastic debris on a 2.5km stretch of beach on the uninhabited Henderson Island and it was reportedly accumulating at a rate of several thousand pieces per day. In a collection of 6 tonnes of garbage, an estimated 60% originated from industrial fisheries.

Fish farms are the most significant source of ammonium, a form of nitrogen, in many marine areas due to the bacterial mineralization of fish faeces and feed. Salmon aquaculture increases the risk of localized oxygen depletion (dead zones) and excess nitrogen changes nutrient dynamics and increase the risk of algal blooms. Harmful Algal Blooms have started regularly occurring in waterways south of Hobart where around 70% of the state's farmed salmon production occurs.

Animals Australia report the following:

(Information sourced from: <https://animalsaustralia.org/features/fish-farms.php>)

*1. Fish farms are polluting the seas*

*Off-shore fish farms let faeces and food waste fall directly into the ocean below. The build-up of this waste can destroy marine ecosystems on the sea floor below, before eventually flowing into the ocean.*

*2. Fish in farms are eating up wild fish*

*Tuna and salmon are carnivores. And just like other farmed animals, they eat more than they produce. Every year, millions of anchovies, sardines and other small fish are caught from the ocean to be fed to fish in fish farms. Australia's largest salmon farmer, Tassal, uses 2 kg of wild caught fish in feed to produce just 1 kg of farmed salmon*

*3. Fish flesh dyed pink*

*Some fish farms are trying to reduce the number of wild caught fish they use by substituting vegetables, chicken and other land animals into fish feed. This change in salmon's natural diet makes the flesh of salmon turn an unappealing grey colour. So salmon farmers include a synthetic compound called astaxanthin in fish feed which dyes fish flesh the pink colour salmon eaters expect.*

*4. Seals shot with beanbag bullets*

*Naturally, seals are drawn to fish farms as a food source. In an effort to deter them, some fish farms fire beanbag bullets at seals who approach the farms. Documents have revealed that more than 8,700 bullets have been fired at seals around aquaculture sites in Tasmania since 2013. The ABC reported that there have been incidences of seals being blinded and deafened as a result of being hit by one of these beanbag bullets.*

*5. Many fish suffer from disease*

*The cramped environments in fish farms allow for disease to spread rapidly from fish to fish. Amoebic gill disease is a parasite which thrives in warm water, making it a common threat to fish in Australian farms, particularly during summer. The parasite deteriorates their gills, making it difficult for fish to get enough oxygen, eventually causing heart collapse and death if left untreated.*

*There are a range of other viruses, bacteria and parasites which can affect fish in farms, often with tragic results. In 2018, more than 1 million fish died from pilchard orthomyxovirus (POMV) in fish farms in Tasmania.*

*6. "Bathing" fish is stressful and dangerous*

*Amoebic gill disease can be washed off fish in a process called 'bathing' which involves pumping fish through a tube into a freshwater tank, and then returning them to their sea pen. In summer months, fish may be 'bathed' as often as every 30-40 days.*

*Processes like this are very stressful for fish and can result in injuries and mortalities, and in some instances mass deaths. In 2016, more than 175,000 salmon were killed 'by accident' during treatment for sea lice in farms in Scotland. In 2018, a Tassal farm in Tasmania killed 30,000 fish during a 'bathing' treatment, citing 'human error' as the cause. These fish are the fed to the "healthy fish".*

#### *7. Infecting wild fish populations*

*As many fish are farmed in sea cages in the open ocean, the prevalence of diseases in fish farms is a serious threat to ocean ecosystems as disease can spread into surrounding waters and infect wild fish populations.[3]*

#### *8. Mass deaths*

*On top of the risk of death from disease, salmon are sensitive to environmental changes such as temperature spikes and dips in oxygen levels. The build-up of waste on the sea floor under fish farms can negatively impact oxygen levels, as can the stocking density of fish, water flow, water temperature and a range of other factors. When oxygen levels drop, fish become stressed and struggle to breathe. In 2015, 85,000 salmon suffocated to death in a salmon farm in Tasmania due to a change in oxygen levels.*

*Atlantic salmon prefer cool waters and in the wild, they can migrate huge distances to find temperatures where they can thrive. In farms, their movement is restricted to pens, and when the temperature rises, they have no escape. In a New Zealand salmon farm, a large number of fish died when water temperatures rose to 18 degrees in 2015. The spokesperson for the farm refused to reveal the number of mortalities.*

#### *9. Fish suffering depression*

*As many as 1 in 4 fish in fish farms show signs of severe depression and simply "give up on life". These fish have stunted growth and can be seen floating lifelessly at the surface. The research concluded that depressed fish exhibit behaviours and brain chemistry almost identical to those of very stressed and depressed people. These fish are then fed to the "healthy fish".*

#### *10. Escapees from fish farms could be a threat to local ecosystems*

*Fish escape from sea pens both in an everyday 'trickle' which is around 2-3% of fish stock (amounting to thousands upon thousands of fish every year), and through major escapes as a result of storms, net tears and other causes. The fish farming industry is required to report major escapes of more than 1000 individuals. In 2000-2006, a total of 208,000 salmon were reported to have escaped in Tasmania in 11 escape episodes.*

*With the industry growing, so are these numbers. In 2018 one incidence unleashed 120,000 salmon into Tasmanian waters, and 2020 saw yet another outbreak occur, with the escape of 50,000 Tasmanian farmed salmon — giving further rise to fears among environmentalists that the breach could potentially "pollute" the marine environment and seriously impact local ecosystems.*

*There is little research done into the impacts and fate of farmed salmon being released into Australian waters but some research suggests that, as carnivores, they could decimate wild fish populations. Others suggest that they are unable to survive in the wild and slowly starve to death.*

This will be painted as a "Greenie" issue, it isn't. This is about the preservation of the NW Coast. Historical data does not support the expansion of fish farming – it is a disaster ecologically – it has destroyed Macquarie Harbour and the D'Entrecasteaux Channel. The fish are kept worse than caged hens, fed dye to add to their colour and antibiotics to reduce infections. The practice pollutes the sea with marine debris, coats the rocky shores and beaches with algae and the tonnes of untreated waste generated daily kills all marine life in proximity and well away from the pens, where the polluted waters are carried.

**GENERAL MANAGER'S COMMENTS**

Council is advised not to engage in this issue, in this way and at this time. If fish farming is to proceed in the North West of Tasmania there will undoubtedly be a range of regulatory processes to be followed. While there may be legitimate environmental concerns, there are also undoubtedly potential economic benefits and Council is advised to wait to see what specific proposals come forward, without being seen as pre-judging the issue of fish farming in the North West.

**COUNCIL RESOLUTION****Resolution number: MO155-21****MOVED:** Cr K Dorsey**SECONDED:** Cr G Simpson***"THAT Council:***

- 1) Write to the State Government seeking a moratorium on fish farming on the NW Coast until proper independent verifiable scientific research is completed.***
- 2) Write to the other Councils seeking a combined stance against the expansion of fish farming on the Northwest Coast.***
- 3) Seek a meeting between the Wynyard Waratah, Circular Head and Burnie Councils and the Minister to discuss and detail expected environmental impact caused by fish farming on the NW Coast, the implications of short, medium and long term environmental damage and verifiable as well as quantifiable mitigation processes and management steps by government and the salmon industry should the salmon farms proceed in the NW.***
- 4) Seek verifiable information from the Minister on the state of Macquarie Harbour and the D'Entrecasteaux Channel with assurance that fish farming on the NW Coast will not create the same issues.***
- 5) Seek verifiable information that fish farming on the NW Coast won't endanger the livelihoods of commercial fisherman and opportunity for recreational fishing, and negatively affect the tourism industry through a degraded coastal environment."***

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

***MOTIONS ON NOTICE***

**AO168-21 MOTION ON NOTICE - BUSINESS NORTHWEST - STREET ART**

**FILE NO: 15/5/2, 21/48443**  
**PREVIOUS MIN:**

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Item AO168-21 was withdrawn by Cr K Dorsey.

***MOTIONS ON NOTICE***

**AO169-21    MOTION ON NOTICE - LGAT - PROFESSIONAL DEVELOPMENT**

**FILE NO:**            15/5/2, 21/48443  
**PREVIOUS MIN:**

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Item AO169-21 was withdrawn by Cr K Dorsey.



**PUBLIC QUESTION TIME****AO170-21 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.

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**Our Process for Public Questions**

All public questions are required to be submitted by 5pm the day before the Council Meeting.

You can submit your question online at [www.burnie.net](http://www.burnie.net) or obtain a form from Customer Services. There is a limit of two questions per person.

During the meeting, you will be invited by the Mayor to read out your question. Please use the microphone as directed.

Please note:

- Due to COVID safe measures limiting the number of people who can physically attend Council Meetings, you do not have to be present at the meeting. Your question will be read out by the Mayor during the meeting
- If it is not possible to answer the question at the meeting, the General Manager will provide a written answer within 10 days
- All questions must be in writing and the question and answer cannot be debated
- The Mayor may refuse to accept a question
- Parliamentary Privilege does not apply at Council Meetings
- Council Meetings are recorded

Ian Jones of Burnie asked:

- 1) *The Coastal Pathway is an important piece of infrastructure from which our city will derive economic benefit for many years. Can Council provide an update on the progress of the Coastal Pathway and an estimate of completion date. Are there any known factors that put the project at risk?*

The Mayor provided the following response:

Council and the State Government are close to finalising the deed under which the State Government will provide part funding for the coastal pathway works and fully fund coastal erosion works along the pathway alignment.

In parallel with these discussions, work has progressed on the design of the pathway, with preparation works for the lodgement of a Development application for the

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pathway underway at the moment.

While there are a number of statutory processes still to be progressed in relation to the removal of rail infrastructure in the strategic infrastructure corridor and tender processes to follow, Council is working towards the commencement of preliminary site works in the mid part of 2022.

Richard Bender of Burnie asked:

- 1) *Can you please provide an update on when BCC will be providing livestreaming of Council meetings?*

The Mayor provided the following response:

Since the decision to implement a livestreaming system, Council officers have been exploring the various options available that might be utilised. Council advised at the time of making the decision that they were interested in exploring emerging livestreaming technology that may make the experience of those at home observing the meetings, more engaging by potentially exploring interactive cameras, as opposed to static cameras. A similar system is being implemented at the Glen Eira Council in Victoria however the implementation of this system has been delayed due to the ongoing lockdown in Victoria due to COVID-19. Council officer are hopeful this will be possible in the next few months. If this is not possible, a static implementation will be investigated.

Additionally the network cabling in the Council Chamber is currently being tested as it is possible that the connectivity may need to be upgraded to enable a more reliable internet connection and therefore a better quality livestreaming experience. This work is currently being planned and executed in preparation for an implementation.

Wayne Richards of Burnie asked:

- 1) *The City of Burnie Brass Band was promised that it would be provided with a facility that was as good, or better, than the existing bandroom. Council moved and carried a motion, indicating that the Band be provided with a new facility at least as good, or better.*

*The Council Resolution MO345-16, moved by S Kons, seconded by C Lynch states: "THAT Council give the Burnie Bands including the City of Burnie Brass Band a written guarantee that a new home will be provided of an equal or better standard than the current bandrooms when the Tasmanian University determines that the current rooms are demolished, for a minimum of ten years with further options to be determined at that time."*

- (i) *Who was the Council representative that authorised the plans and approved construction, and what consultation took place to ensure that the proposed building met the requirements for the Band?*

- 2) *It is believed that UTas agreed and committed to constructing a facility to meet that outcome and consult with the parties to ensure that was achieved. On completion, the building will be owned by Council.*

(ii) *What has the Council done to ensure that the new Bandrooms will meet the needs of the City of Burnie Brass Band?*

The Mayor provided the following response:

On 16<sup>th</sup> June 2020 Council considered a report on the construction of the Band Rooms.

The report advised that designs had been completed and agreed to by the Burnie Highland Pipe Band and City of Burnie Brass Band. A development application had been lodged, with the report further advising that the band rooms are a permitted use under the Planning Scheme following an amendment approved by the Tasmanian Planning Commission in January 2019 allowing Community Meeting and Entertainment use on landlocated north of the railway line at West Park, Burnie.

The report also stated that '[t]he bands have agreed that the current designs are of an equal or better standard than the current band rooms.'

Based on this advice Council resolved to accept the proposal from the University of Tasmania to construct two new band rooms at West Park, and on completion, ownership and responsibility of the Band Rooms will transfer to Council.

Kathleen Matthews of Burnie asked:

- 1) *The City of Burnie Brass Band had input to floor layout but no discussion on dimensions, with a promise that further consultation would occur after draft plans were developed.*

*Council representatives are known to have said "They signed off on it."*

(iii) *Who are 'they', and what consultation and authority was given for that to occur?*

- 2) *The City of Burnie Brass Band, with players and instruments, cannot physically fit into the allocated rehearsal space. Provision for library, instrument and uniform stores, and office do not meet current needs. The proposed building is not 'fit for purpose' in terms of dimensions and space, and certainly does not incorporate features that will cater for the Band into the future.*

(v) *What do Council propose to do in honouring their Resolution MO345-16, to assist the Band to ensure that the main room is made large enough to fit all their players, instruments, stands and chairs for rehearsals?*

Christine Bentley of Burnie asked:

- 1) *The new building under construction for the City of Burnie Brass Band is significantly smaller than the existing bandroom, being approximately 90 square metres less; (ie a decrease in floor space equivalent to an area of 9m x 10m).*
  - (iv) *What arrangements and support will Council provide to the City of Burnie Brass Band for further extensions to meet their current needs?*
- 2) *The City of Burnie Brass Band has requested Council and/or UTas to cease construction to prevent development and financial wastage on an unsuitable building, to enable time to establish a suitable resolve.*
  - (v) *Are Council prepared to intervene and take up the concerns highlighted by the Band to resolve the issues before the construction of the inadequate building is completed?*

The Mayor provided the following response:

In response to these questions, I refer to my earlier reply and the report that Council replied upon undertaken in June 2020. The Mayor discussed this matter with the General Manager and noted that this report will be released to the City of Burnie Brass Band in a public statement.

Jo Shugg of Burnie asked:

- 1) *In light of the very clear outline of the first draft/proposal from UTAS for The Makers Workshop moving forward could Mr.Kons please assure the Arts, Culture, Heritage Community that BCC now take full responsibility as sole custodians and investors in any future plans and developments without deflection of "co ownership/partnership with UTAS ?"*

The Mayor provided the following response:

It is difficult to answer this question. I am aware that the University of Tasmania is currently consulting about its intended future use of the Makers Workshop. That consultation is occurring independently of Council as it is likely that Council may have to consider a planning application and related issues.

The second part of the question attributes deflection and avoidance of responsibility on the part of Council which we do not accept.

- 2) *With your renewed commitment to retaining the status of Regional Art Gallery in Burnie could Mr.Kons confirm that regardless of the financial and funding requirements BCC now values this asset and expense?*

The Mayor provided the following response:

The question is again based on a false premise that Council doesn't value art and culture in Burnie, which is not correct given the significant financial investments Council has made over many years and is continuing to make, including in the refurbishment of the Arts and Function Centre and the recent recruitment of new staff to drive Council's plans in this area.

Amanda Uggenkiz of Burnie:

- 1) *Can Council consider placing more street lights on the bottom section of West Park Grove? There is one light near the Regent St intersection then no more until Oldaker St. The section between Regent St and Oldaker St is very dark and winding and is especially difficult in adverse weather conditions at night.*

The Mayor provided the following response:

Council Officers will undertake a night time review of lighting levels on that section of West Park Grove and liaise with TasNetworks to determine options for additional lighting if required. Council will correspondence with Ms Uggenkiz prior to and after that occurs.

Lyndal Thorne of Burnie asked:

- 1) *Having reviewed the proposal outlined in tonight's Agenda regarding disbanding the three Special Committees with an arts/heritage focus & reforming them to a body more suited to the new cultural centre precinct, can the Mayor, Councillors and General Manager guarantee that these committees (and their members – who volunteer their time because they care) are given due respect and how, in the future, will these these advisory bodies be given agency & are actually consulted when monumental decisions directly impacting their area of activity are brewing behind closed doors?*

The Mayor provided the following response:

This item on the agenda is yet to be considered by Council later this evening. I can not speculate about the outcome of Council's deliberations or future decisions about consultative mechanisms that may be adopted.

I am happy to reconfirm Council's commitment to the principle of co-design, which is core to the strategy recommended by the Hirst Project Report and endorsed by Council. I am also happy to reconfirm that Council is currently developing a Community Consultation Framework that will guide future consultation and engagement with our community.

- 2) *With tourism season fast approaching, what plan does council have to ameliorate the impact of the experience many visitors to Burnie will have when they arrive to find closed signs on the doors of our prime cultural venues - many of which still have a strong online presence across many platforms & hard copy promotion in places of*

*accommodation all along the coast?*

The Mayor provided the following response:

Thank you for your question.

Despite traditional tourism season approaching, in context I don't expect that tourism visitation for 2021 will be at a level as we have seen in prior years, given that the lockdowns that continue on mainland Australia are having a sustained impact on visitation across Tasmania. Burnie is no different.

The Council continues to engage with tourism magazines and journalists, such as RACT Journeys, about the plans for our new Cultural Centre in Burnie, highlighting that it is not in the public's best to promote attractions that once existed, for clarification what was there and what will be there – but citing the enormous opportunity that exists for visitors and our community to re-engage with these once the new Cultural Centre is open.

Additionally through a partnership with Business North West the Council is exploring opportunities to deliver meaningful visitor information to our area in different ways such as 'touch screens' around the City, along with the Burnie Hive pop up tourism information hub to be used for events and activation.

The Council's Customer Service, Burnie Arts and Function Centre and Museum teams have had a range of enquiries with regard to closures. Staff have been provided the refreshed Discover Burnie brochure and are encouraging visitors to consider different experiences within Burnie, which has to date proved very successful. The brochure which has just been reprinted is being circulated currently to those that have historically held the publication.

It goes without saying however that the reality is, in a digital age, we are never going to be able to reach everyone. So it is a reasonable assumption that there will still be a level of disappointment if visitors to our area do not have context into the Council's plans to broaden our cultural experiences in Burnie.

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**WORKS AND SERVICES****AO171-21 COUNCIL MAP**

**FILE NO: 31/21/1**  
**PREVIOUS MIN: AO244-20**

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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	7.5.1~Strategies and plans are well-developed and guide the future allocation of resources.

**1.0 RECOMMENDATION:**

***“THAT Council endorse the amended sheets of the Council Map (Urban):***

- ***Map Sheet C3 - Loongana Avenue North - extended by 160m;***
- ***Map Sheet D4 - Chloe Court - added 200m;***
- ***Map Sheet E3 - Webb Avenue - added 100m; and***
- ***Map Sheet E3 - Russell Place - added 80m;***

***as presented.”***

**2.0 SUMMARY**

This report recommends that Council endorse the amended sheets of the Council Map, as presented.

Four (4) road segments have been added to the Council Map, as noted in the discussion section of this report.

There is no legislative requirement for Council endorsement of the Council Map. However, in doing so, it provides an opportunity to put in place a process for ongoing review of the Council Map and ensures that Council is aware of the content of the Council Map.

Should Council endorse the amended Council Map sheets as presented, the community will be advised of the amendments and comments sought from interested persons.

**3.0 BACKGROUND**

The General Manager is required, under *Section 208* of the *Local Government Act 1993* to prepare and maintain a Council Map. This requirement is currently addressed through the specified information being identified in Council's Asset and GIS Systems.

The Council Map was previously reviewed in October 2020 and amendments presented to Council at the meeting held on 20 October 2020 for endorsement.

This report discusses the outcome of a recent review of the Council Map and presents revised Council Map sheets for Council endorsement.

#### **4.0 LEGISLATIVE REQUIREMENTS**

Section 208 of the *Local Government Act 1993* (reproduced below) requires that the General Manager to prepare a Council Map.

**208. Council map**

- (1) *The general manager is to keep up to date a map of its municipal area showing the following:*
  - (a) *all local highways maintainable by the council;*
  - (b) *all other highways, other than State highways, made, formed, paved or otherwise made good;*
  - (c) *all roads that an owner is liable to maintain;*
  - (d) *all streets that the council has resolved to construct under Part V of the Local Government (Highways) Act 1982;*
  - (e) *all roads leased under section 63 (2) of the Local Government (Highways) Act 1982;*
  - (f) *all lands not wholly subject to a highway;*
  - (g) *all declared landslip areas.*
- (2) *One combined map may be used for the purposes of this section and section 12 of the Urban Drainage Act 2013.*
- (3) *A map –*
  - (a) *may be on one sheet or several sheets and different information may be shown on different sheets of the same area; and*
  - (ab) *may be in an electronic form; and*
  - (b) *may be inspected, free of charge, by any person; and*
  - (c) *is evidence of the matters mentioned in subsection (1)(a), (b) and (c).*
- (4) *Subsection (3) does not operate to fix accurately –*
  - (a) *the boundary of a highway unless it is indicated on the map that the relevant information was obtained by a registered surveyor or from a plan prepared by a registered surveyor; or*
  - (b) *a boundary other than the boundary of a highway.*

A Map compliant with the requirements of the Act has been in place for many years, in a variety of formats.

The Act provides a mechanism for the community to seek corrections to the Council Map.

**209. Corrections of map**

- (1) *An owner who is aggrieved by any matter included in the map under section 208(1) (a), (b) or (c) may, by notice in writing, request the council to correct the map.*
- (2) *A notice is to –*
  - (a) *state the grounds for the request for correction; and*
  - (b) *be lodged with the general manager.*



- (3) *If the council does not correct the map as requested within 120 days after the owner has lodged a notice, the owner may apply to the Magistrates Court (Administrative Appeals Division) for a review of the decision.*
- (4) *If the council does not make a decision on whether or not to correct the map within 120 days after the owner has lodged a notice, the council is taken to have made a decision refusing to correct the map on the last day of that period.*

## **5.0 POLICY CONSIDERATIONS**

This report presents no policy considerations to Council in that it seeks Council endorsement of current Council practices in respect to the development and management of the Council Map.

## **6.0 FINANCIAL IMPACT**

This report presents no financial implications for Council.

## **7.0 DISCUSSION**

As noted in the Background section of this report, Council is required to prepare a Council Map.

The purpose of the Council Map is to clarify Council's responsibilities for:

- Local Highways management.
- Stormwater drainage management.

The Council Map aids in the administration of a range of legislation related to local highways and stormwater drainage management.

An example of using the Council Map would be to answer queries as to whether Council maintained a particular section of a road.

It is noted that maintenance responsibility does not imply ownership of the lands upon which the local highway or stormwater drain is constructed.

The current Council Map is in electronic format, has developed over time and from a road and drainage perspective, reflects the infrastructure currently maintained by Council. It is supported by data contained in the Asset Management System and Service Level Documents. The Council Map is administered by Works and Services.

A process of correlation between the Council local highways data and the data held by the State Government (The List) has occurred over recent years and good correlation now exists between the two data sets.

Given the importance of the Council Map in respect to administering relevant legislation, it is beneficial, from an administrative process perspective that the Council Map be endorsed by Council and that an annual review of the Council Map occurs.

Officers have undertaken a review of relevant information held by Council. In undertaking the review, Officers have regard to:

- New infrastructure taken on by Council as a result of subdivisional development: Council is aware of the new assets as part of the development approvals process.
- Requests to Council to construct a new local highway or drain: Considered by Council either during a budget process or via a formal report seeking a Council determination.
- Resident upgrades a road and Council has determined to accept responsibility for maintaining the section of upgraded road.
- Council determines to cease maintaining a road.
- Errors or omissions identified.

Proposed amendments to the Council Map are noted below:

### ***Local Highways***

A number of sections of road have been added to the Council Map:

#### **Urban**

- |                |   |   |
|----------------|---|---|
| - Map Sheet C3 | - | Loongana Avenue North - extended by 160m. |
| - Map Sheet D4 | - | Chloe Court - added 200m.                 |
| - Map Sheet E3 | - | Webb Avenue - added 100m.                 |
| - Map Sheet E3 | - | Russell Place - added 80m.                |

Drainage systems associated with the new road and subdivision infrastructure are noted also.

The amended Council Map sheets are ***attached***.

## **8.0 RISK**

Council Officers maintain a Council Map in accordance with the requirement of the *Local Government Act 1993*.

While there is no statutory requirement for Council to endorse the Council Map, such a process though provides for transparency in respect to future amendments to the Council Map.

## 9.0 CONSULTATION

The preparation of the Council Map is an administrative process for Council and draws upon relevant information held by Council.

Section 208 of the *Local Government Act 1993* requires that the Council Map be available to the public for inspection free of charge.

While not required by the *Act*, it is proposed that upon Council endorsement of the Council Map that the community be made aware of the Council Map and seeks public comment on the Council Map.

Section 209 of the *Local Government Act 1993* provides an ongoing opportunity for interested parties to make a submission to Council in respect to the Council Map.

## ATTACHMENTS

1. Council Map - Sheet C3
2. Council Map - Sheet D4
3. Council Map - Sheet E3

## COUNCIL RESOLUTION

**Resolution number: MO156-21**

**MOVED:** Cr A Keygan

**SECONDED:** Cr D Pease

***“THAT Council endorse the amended sheets of the Council Map (Urban):***

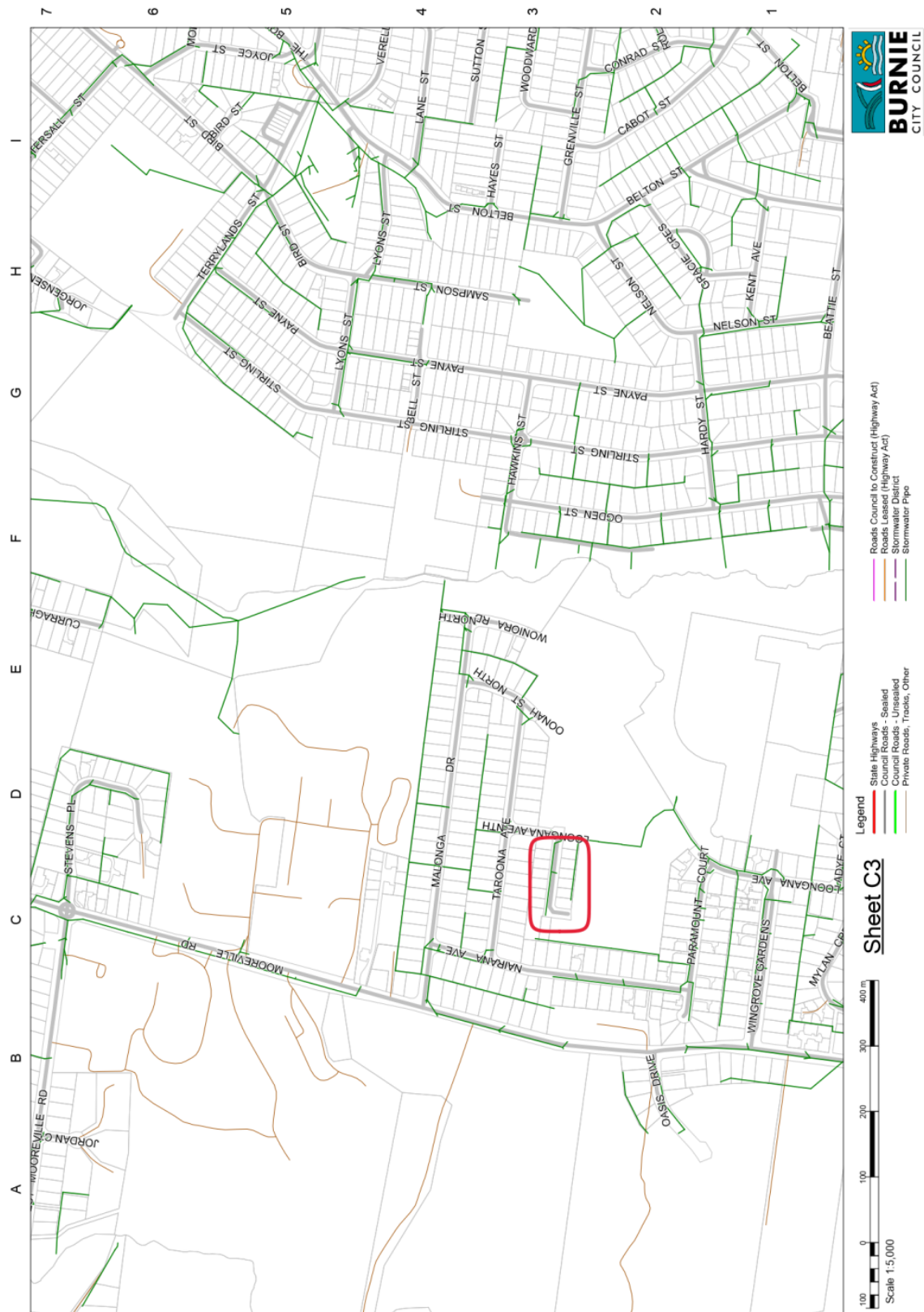
- ***Map Sheet C3 - Loongana Avenue North - extended by 160m;***
- ***Map Sheet D4 - Chloe Court - added 200m;***
- ***Map Sheet E3 - Webb Avenue - added 100m; and***
- ***Map Sheet E3 - Russell Place - added 80m;***

***as presented.”***

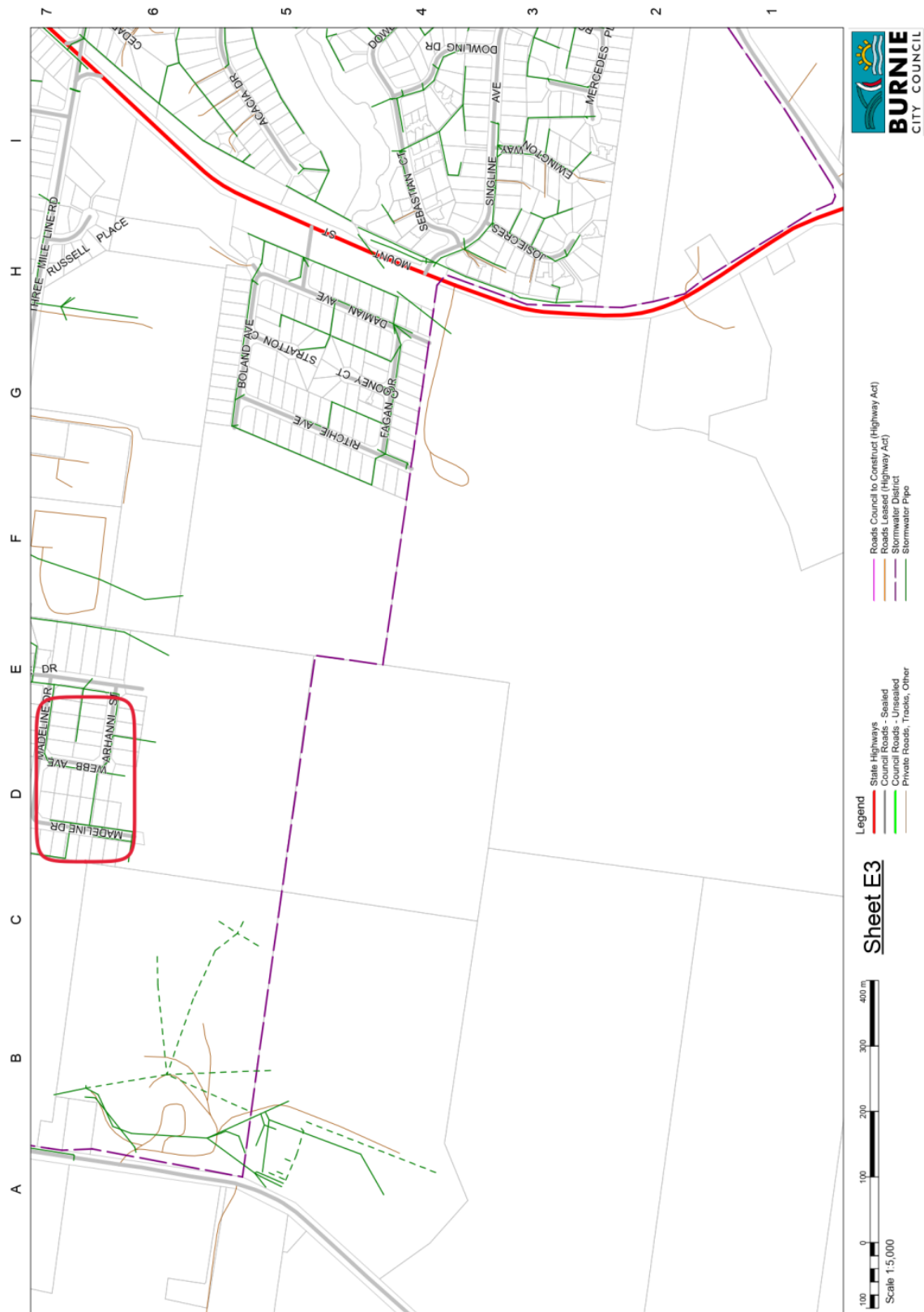
**For:** Cr S Kons, Cr A Boyd, Cr T Brumby, Cr K Dorsey, Cr C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

**Against:**

***CARRIED UNANIMOUSLY***







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**WORKS AND SERVICES**

**AO172-21 LAND DISPOSAL (VIA A LEASE) - PROPOSAL TO DISPOSE OF VARIOUS PORTIONS OF PUBLIC LAND TO MCKENNA PARK REGIONAL HOCKEY COMPLEX INC, CT VOLUME 153259, FOLIO 2; BURNIE NETBALL ASSOCIATION INC, CT VOLUME 83556, FOLIO 1; BURNIE TENNIS CLUB INC, CT VOLUME 50302 FOLIO 1; SOUTH BURNIE BOWLS AND COMMUNITY CLUB INC, CT VOLUME 153938, FOLIO 2; BURNIE SENIOR CITIZENS CLUB, CT VOLUME 171332, FOLIO 2 & 3; AND BURNIE UNITED SOCCER AND SPORTING CLUB INC, CT VOLUME 158953, FOLIO 1.**

**FILE NO: 5/2/5; 3459247; 2862413; 2199930; 7404569; 7595609 & 3015742**

**PREVIOUS MIN:**

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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.

**RECOMMENDATION:**

***“THAT Council:***

- 1) *Determines its intention to dispose (via a lease) of portions of public land, located at:***
  - a) *11 Three Mile Line Road, Downlands (being part of CT Volume 153259, Folio 2, the area identified on the plan attached), to McKenna Park Regional Hockey Complex Inc;***
  - b) *15-23 Howe Street, Park Grove (being part of CT Volume 83556, Folio 1, the area identified on the plan attached), to Burnie Netball Association Inc;***
  - c) *2 Eastwood Drive, Park Grove (being part of CT Volume 50302, Folio 1, the area identified on the plan attached), to Burnie Tennis Club Inc;***
  - d) *38 Strahan Street, South Burnie (being part of CT Volume 153938, Folio 2, the area identified on the plan attached), to South Burnie Bowls and Community Club Inc;***
  - e) *Jones Street, Burnie (being part of CT Volume 171332, Folio 2 & 3, the area identified on the plan attached), to Burnie Senior Citizens Club Inc;***

- f) 46 Terrylands Street, Montello (being part of CT Volume 158953, Folio 1, the area identified on the plan attached), to Burnie United Soccer Club; and*

- 2) Receives a further report 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 (5) years and the land occupied is public land.

New community leases are planned to be entered into with the six (6) groups as identified in this report.

This action triggers the need to progress a public land disposal process, as the lease term will be greater than five (5) years and the lands occupied are 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 current leases with the following six (6) groups will expire in the near future:

GROUP	FACILITY OCCUPIED	TITLE DETAILS
McKenna Park Regional Hockey Complex Inc.	Clubrooms at McKenna Park Hockey Complex, 11 Three Mile Line Road, Downlands	Part of Volume 153259, Folio 2
Burnie Netball Association Inc.	Clubrooms at Burnie Netball Centre, 15-23 Howe Street, Park Grove	Part of Volume 83556, Folio 1
Burnie Tennis Club Inc.	Clubrooms at Burnie Tennis Centre, 2 Eastwood Drive, Park Grove	Part of Volume 50302, Folio 1
South Burnie Bowls and Community Club Inc	Clubrooms at 38 Strahan Street, South Burnie	Part of Volume 50302, Folio 1
Burnie Senior Citizens Club	Senior Citizens Building, located adjacent to the BAFC, Jones Street, Burnie	Part of Volume 171332, Folio 2 and Folio 3
Burnie United Soccer and Sporting Club Inc	Clubrooms at 46 Terrylands Street, Montello	Part of Volume 158953, Folio 1

The plans **attached** show the footprint of the lands occupied, including building / leased area (red line) and common areas (yellow line).

The lands occupied by the six (6) groups 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 (5) 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 (10) years. It is expected that the lease term with the six (6) groups 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 leases with the six (6) groups.

#### **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 lands which are the subject of this report are 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 (5) 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 (5) years.

The subject lands are not proposed for sale.

## 5.0 POLICY CONSIDERATIONS

The six (6) groups have occupied the subject lands for many years.

Council has previously entered into community leases with the groups for the occupation and use of the subject lands.

The new lease with the groups will be in accordance with Council’s policy *Community Leases CP-CCS-CG-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.

In 2019 Council has engaged a company to provide valuations for a number of Council premises leased to third parties. The valuations in the table are as provided at that time.

GROUP	FACILITY OCCUPIED	RENTAL VALUATION (P.A.) EXC GST
McKenna Park Regional Hockey Complex Inc.	Clubrooms at McKenna Park Hockey Complex, 11 Three Mile Line Road, Downlands	\$67,344
Burnie Netball Association Inc.	Clubrooms at Burnie Netball	\$19,596

	Centre, 15-23 Howe Street, Park Grove	
Burnie Tennis Club Inc.	Clubrooms at Burnie Tennis Centre, 2 Eastwood Drive, Park Grove	\$157,412
South Burnie Bowls and Community Club	Clubrooms at 38 Strahan Street, South Burnie	\$26,976
Burnie Senior Citizens Club	Senior Citizens Building, located adjacent to the BAFC, Jones Street, Burnie	\$32,200
Burnie United Soccer and Sporting Club Inc	Clubrooms at 46 Terrylands Street, Montello	\$80,316

It is noted that the proposed lease arrangement with the six (6) groups would be in accordance with the Council's policy *Community Leases CP-CCS-CG-036*.

The lease fee payable by an eligible community organisation is specified in the policy. For 2021-2022, the applicable annual lease fee is \$407.20 including GST.

In addition, an organisation must reimburse Council the cost of the building insurance premium associated with the facility occupied.

## 7.0 DISCUSSION

The current lease arrangements with the following six (6) groups will expire in the near future:

- McKenna Park Regional Hockey Complex Inc.
- Burnie Netball Association Inc.
- Burnie Tennis Club Inc.
- South Burnie Bowls and Community Club Inc.
- Burnie Senior Citizens Club.
- Burnie United Soccer and Sporting Club Inc.

It is planned to renew the leases with the groups, in accordance with Council's policy *Community Leases CP-CCS-CG-036*.

The focus of this report is to progress a public land disposal process related to the disposal (via a lease) of portions of land owned by Council to the groups.

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.

Any submissions received within the specified timeframe 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
Strategic	The various premises have been used by the respective groups for many years.	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.
Workers	No identified issues.	None proposed.
Assets and Infrastructure	No Council assets are impacted by the current use and occupation of the subject land.	No issue to manage.
Environmental	The occupation of the Council land presents no specific environmental risks.	None proposed.
Public Safety	No identified issues.	None proposed.

RISK CATEGORY	COMMENT	MITIGATION STRATEGY
Emergency Management	The occupation of the land has no impact on such a risk.	None proposed.
Service Delivery	Existing lease in place and service expectations budgeted for in operational budget.	None proposed.
Technology	No identified technology risks	None proposed
Legal 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.
Political	Continuation of an existing an existing occupation arrangement. No identified issues.	None proposed.
Reputational	Disposal of land without following the prescribed process will impact on the integrity and image of Council	The public land disposal process demonstrates transparency in Council's dealing with land.

## 9.0 CONSULTATION

The six (6) groups 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, 2 October 2021.

## ATTACHMENTS

1. Site Plan - McKenna Park Hockey Complex - 11 Three Mile Line Road, Downlands
2. Site Plan - Burnie Netball Association - 15-23 Howe Street, Park Grove
3. Site Plan - Burnie Tennis Centre - 2 Eastwood Drive, Park Grove
4. Site Plan - Burnie Senior Citizens Club - 6 Jones Street, Burnie
5. Site Plan - Burnie United Soccer Club - 46 Terrylands Street, Montello

6. Site Plan - South Burnie Bowls and Community Club Inc - 38 Strahan Street, South Burnie

**COUNCIL RESOLUTION**

**Resolution number: MO157-21**

**MOVED:** Cr T Brumby

**SECONDED:** Cr K Dorsey

**“THAT Council:**

- 1) Determines its intention to dispose (via a lease) of portions of public land, located at:**
  - a) 11 Three Mile Line Road, Downlands (being part of CT Volume 153259, Folio 2, the area identified on the plan attached), to McKenna Park Regional Hockey Complex Inc;**
  - b) 15-23 Howe Street, Park Grove (being part of CT Volume 83556, Folio 1, the area identified on the plan attached), to Burnie Netball Association Inc;**
  - c) 2 Eastwood Drive, Park Grove (being part of CT Volume 50302, Folio 1, the area identified on the plan attached), to Burnie Tennis Club Inc;**
  - d) 38 Strahan Street, South Burnie (being part of CT Volume 153938, Folio 2, the area identified on the plan attached), to South Burnie Bowls and Community Club Inc;**
  - e) Jones Street, Burnie (being part of CT Volume 171332, Folio 2 & 3, the area identified on the plan attached), to Burnie Senior Citizens Club Inc;**
  - f) 46 Terrylands Street, Montello (being part of CT Volume 158953, Folio 1, the area identified on the plan attached), to Burnie United Soccer Club; and**
- 2) Receives a further report 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**





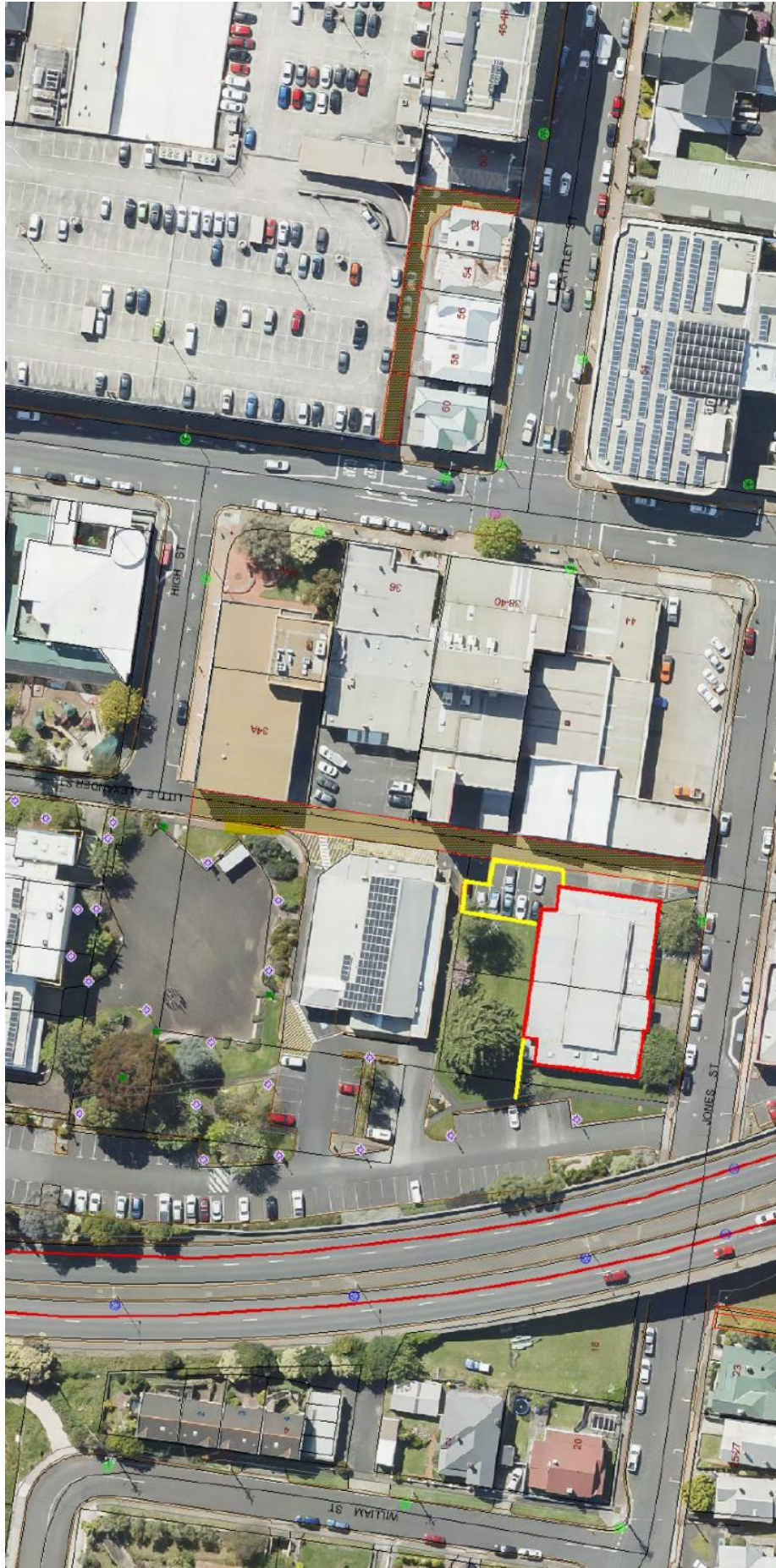




















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**WORKS AND SERVICES****AO173-21 POLICY REVIEW  
COMMUNITY GARDENS CP-CCS-CG-037****FILE NO: 4/14/2****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

**1.0 RECOMMENDATION:*****“THAT Council determines to rescind Policy CP-CCS-CG-037 Community Gardens.”*****2.0 SUMMARY**

Council's Public Reserves and Public Buildings Bylaw No 1 of 2011 and the Community Leases Policy (CP-036) provide a framework for managing use and activities on Council land.

As noted in the discussion section of this report a Community Garden is one of many activities that may be carried out on Council land.

It is contended that with such policy documents in place there is no longer a need for a specific policy in respect to detailing a management framework for Community Gardens.

It is recommended that Council rescind the Community Gardens Policy (CP-037).

**3.0 BACKGROUND**

Council, at its meeting of 19 September 2017 adopted *C37 Community Gardens* policy.

This policy is due for review in September 2021.

This report considers the ongoing need for such a policy.

**4.0 LEGISLATIVE REQUIREMENTS**

This report presents no legislative implications for Council.

**5.0 POLICY CONSIDERATIONS**

The report recommends that the Community Gardens Policy (CP-037) be rescinded.

Council's Public Reserves and Public Buildings Bylaw No 1 of 2001 and the Community Lease Policy (CP-036) provide a suitable framework for managing activities on Council land.

## **6.0 FINANCIAL IMPACT**

This report and policy do not present any financial implications for Council.

## **7.0 DISCUSSION**

Council has had a policy for over a decade to provide guidance to assess requests from the community to use Council land for the purpose of a Community Garden.

A copy of the policy is **attached**. The policy is due for review in September 2021.

The policy was originally developed in response to some community concern with permission being granted to a community group to use some land in Edwin Place as a community garden. Generally the concerns were related to activity occurring in close proximity of houses and the neighbours not having any opportunity to comment prior to the activity occurring.

Since the policy has been in place it has never been used to formally assess a request to use Council land for a Community Garden.

Occasionally a query in respect to establishing a community garden on Council land is received and the policy provided to the requestor but such requests have not progressed to any formal process.

The ongoing need for the Community Gardens Policy is the focus of this report.

Council's Public Reserves and Public Buildings Bylaw No1 of 2011 provides a framework for managing activities on Council land and provides a mechanism for permitting an activity or use , subject to appropriate controls and conditions. This By-law is currently under review.

The Community Lease Policy (CP-036) sets Council's position on the leasing of Council land and facilities and the expectations placed on groups who seek to lease Council land.

It is suggested that the two documents above, set the formal position of Council in respect to the leasing of Council lands for a range of purposes. A Community Garden is one of a range of activities or uses that could be the subject of a request to Council.

While the Community Gardens Policy is useful in that it specifies criteria that will be applied in assessing such requests, there would appear to be no reason why the detail cannot be operationalized and imbedded in existing processes associated with Community Leases and the permits processes associated with the Public Reserves and Public Buildings bylaw.

It is recommended that the Community Gardens Policy be rescinded by Council.

## 8.0 RISK

Council's Public Reserves and Public Buildings Bylaw No 1 of 2011 and the Community Leases Policy (CP-036) provide a framework for managing use and activities on Council land.

To remove multiple layers of policy dealing with the management of activities on Council land and the associated risk with multiple processes, this report recommends that the Community Gardens Policy (CP-037) be rescinded.

## 9.0 CONSULTATION

Discussions have occurred with relevant Council Officers and Councillors were provided with a briefing on the policy at the Council Workshop held on 31 August 2021.

## ATTACHMENTS

1. [Community Gardens Policy CP-037](#)

## COUNCIL RESOLUTION

**Resolution number: MO158-21**

**MOVED:** *Cr K Dorsey*

**SECONDED:** *Cr T Bulle*

### 2.0 RECOMMENDATION:

***"THAT Council determines to rescind Policy CP-CCS-CG-037 Community Gardens."***

**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***



 <b>BURNIE</b> CITY COUNCIL		<b>COUNCIL POLICY</b> <b>Community Gardens</b>	Document Code: <b>CP-CBS-SG-037</b>
Approved By: <b>Council</b>	Doc Controller: <b>General Manager</b>	File: 4/14/2	Version: <b>3.0</b>
			Approved Date: <b>19 Sep 2017</b>
			Next Review Date: <b>19 Sep 2021</b>

## 1 PURPOSE

This policy sets criteria and principles for the assessment of requests to establish a community garden on Council controlled lands and define the conditions of occupation for an approved community garden.

## 2 OBJECTIVE

This policy aims to ensure that a consistent approach is taken in the assessment of requests to establish a community garden on Council controlled lands, considering the needs of the broader community and the aims of the persons wishing to establish the community garden.

The policy details the approvals mechanism for a community garden project.

## 3 SCOPE

This policy applies to all Council owned lands.

## 4 POLICY

### 4.1 Background

Council is supportive of the establishment of community gardens and recognises the social benefits that can be derived from such facilities.

For the purpose of this policy, a community garden is defined as *"Council land occupied by the community for the growing of produce on a not for profit basis."*

The policy does not apply to crown lands managed by Council.

A set of assessment criteria and principles is contained within this policy to guide decision making and ensure the interests of persons wishing to develop a community garden and the broader community are equally considered.

### 4.2 Assessment Criteria / Principle

The following criteria and principles will be considered by Council in assessing applications to establish a community garden on Council owned lands:

#### 4.2.1 Ownership of Land

Proposed site of the garden to be land under Council ownership.

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Community Gardens</b>	Document Code: <b>CP-CBS-SG-037</b>
Approved By: <b>Council</b>	Doc Controller: <b>General Manager</b>	File: <b>4/14/2</b>	Version: <b>3.0</b>
			Approved Date: <b>19 Sep 2017</b>
			Next Review Date: <b>19 Sep 2021</b>

#### **4.2.2 Statutory/Regulatory**

Use of the site is to be consistent with Council strategies and management plans for open spaces.

#### **4.2.3 Source of Request**

- a) The group seeking to use land for a community garden is to be an incorporated body.
- b) The group to lodge a written proposal to Council detailing the types of activities to be carried out on the site and scale of proposed garden.
- c) Public liability insurance coverage to be demonstrated.

#### **4.2.4 Site Characteristics (issues to consider for site selection)**

- a) Availability and usability of the site.
- b) Proximity to high density living.
- c) Proximity to public toilet facilities (or suitable alternate facilities).
- d) Soil quality and drainage.
- e) Sun exposure.
- f) Close proximity to supporting infrastructure, such as water and car parking.
- g) Area of land available <500m<sup>2</sup> with a 20 metre buffer around the garden.

#### **4.2.5 Other Issues**

- a) Potential of the activity to displace other users.
- b) Security and safety concerns.
- c) Abutting property owners are aware of the proposal.

#### **4.3 Approvals**

Where Council supports the development of a community garden on Council land, the following conditions will apply to the approval:

- a) The proponent of the community garden to be responsible for obtaining any statutory approval required for the use of the land.
- b) A lease is to be entered into between Council and the project proponent based upon current lease arrangements used for Council buildings (community groups) and include provisions related to:
  - i) Term of lease to be five years or less.
  - ii) Restoration obligations of the proponent.

 <b>BURNIE</b> CITY COUNCIL	<b>COUNCIL POLICY</b> <b>Community Gardens</b> Approved By: <b>Council</b> Doc Controller: <b>General Manager</b> File: 4/14/2	Document Code: <b>CP-CBS-SG-037</b> Version: <b>3.0</b> Approved Date: <b>19 Sep 2017</b> Next Review Date: <b>19 Sep 2021</b>
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**5 LEGISLATION**

Local Government Act 1993

**6 RELATED DOCUMENTS**

Burnie Open Space Strategy

Policy Endorsement	
Responsibility:	It is the responsibility of the Director Works and Services to implement this policy. It is the responsibility of the Governance Unit to maintain this policy in the corporate document system.
Minute Reference:	Item AO214-17
Council Meeting Date:	19 September 2017
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous policy <i>Community Gardens</i> version 2.0 dated 16 Sep 2014 (Item AO233-14, 16 Sep 2014).
Date of Commencement:	20 September 2017
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )

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**CORPORATE AND COMMERCIAL SERVICES****AO174-21 POLICY REVIEW  
DEBT MANAGEMENT POLICY CP-CCS-CG-052**

**FILE NO:** 4/14/2  
**PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4~A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.2~Demonstrate financial accountability and ensure strong internal controls underpin performance.

**1.0 RECOMMENDATION:**

***“THAT Council:***

- 1) Adopt the Debt Management Policy CP-CCS-CG-052, as attached;***
- 2) Rescind clause 7 of Council’s decision AO111-20 of 28 April 2020, with regard to Writing Off Bad Debts under section 76 of the Local Government Act 1993;***
- 3) Delegate its powers and functions under section 76 of the Local Government Act 1993 to the General Manager, with a limit of \$5,000 per debt, subject to any write off occurring under this delegation being reported regularly to the Council;***
- 4) Rescind the Council’s decision AO062-14 of 18 March 2014 with regard to the Remission of Interest Penalty under section 129(3) of the Local Government Act 1993;***
- 5) By absolute majority delegate to the General Manager the power to grant remissions of rates, penalty or interest under Section 129(3) of the Local Government Act up to a value of \$1,000 per debt, if:***
  - a) The ratepayer has applied in accordance with Section 129 (2) of the Act; and***
  - b) The applicant has satisfied the General Manager that the remission should be granted;***

***and***

- 6) Determine that any decision taken under the delegation provided at clause 5 of this recommendation, that exceeds \$500 in value, must be reported regularly to the Council.”***

## 2.0 SUMMARY

The purpose of this report is to seek Council's endorsement for the Debt Management Policy CP-CCS-CG-052, as **attached**.

## 3.0 BACKGROUND

The Council at present does not have a documented set of principles that relate to the way in which debt management and recovery operates within the Council.

This is a valuable framework as it provides context for staff in determining debt management action in a consistent and equitable fashion, and enables the community to be clear around the expectations of payment of liabilities to the Council, and the action taken in the event that debt remains outstanding.

There are a number of delegations that exist which are in place in an attempt to provide governance around debt management principles, however moving forward a clearer, transparent and equitable approach is desirable.

## 4.0 LEGISLATIVE REQUIREMENTS

Division 10 and 11 of the *Local Government Act 1993* prescribes the way in which a council is able to collect rates and charges and the mechanisms available for recovery should a liability remain outstanding.

## 5.0 POLICY CONSIDERATIONS

The Council's Rates and Charges Policy CP-CCS-CG-004 was reviewed and adopted by the Council at its meeting of 22 June 2021. With the exception of enabling the provision of interest to be calculated, the policy does not relate to the mechanisms of collecting and managing debt associated with rates and charges.

### Delegations

- ***Section 77 Delegation – commercial rental***

There is a current temporary delegation in place (Council decision AO145-20, of 16 June 2020) that allows the General Manager to review debt management arrangements for those with commercial leases with the Council that have been significantly impacted by the events of COVID-19, with a view to entering into arrangements that would ordinarily be outside of this policy. For example by allowing an arrangement to span a two year period in the interests of acknowledging the financial hardship of the applicant.

***“THAT Council agree to the delivery of the following actions as part of a Phase Two - COVID-19 Community Support Package to assist our community to both manage and recover from the impacts of the COVID-19 Pandemic by:***

***.....***

- 2) Delegating its powers and functions under s77 of the Local Government Act 1993 to the General Manager, with a limit in relation to protected commercial leases of rent***

*waivers no more than 50% of the annual commercial rent, and rent deferral plans to be no greater than two years; and negotiations to be in accordance with the provisions of the COVID-19 Disease Emergency (Commercial Leases) Act 2020 and Regulations thereunder”*

- **Section 76 Delegation – write offs**

There is also a temporary write off provision (Council decision AO111-20, of 28 April 2020) delegated to the General Manager as follows:

*“THAT Council agree to the delivery of the following actions as part of a Phase One – COVID-19 Community Support Package to assist our community to both manage and recover from the impacts of the COVID-19 Pandemic by:*

- 7) *For a limited time, amend the limitation of its existing delegation to the General Manager for writing off bad debts, with the following delegation:  
That Council delegate its powers and functions under s76 of the Local Government Act 1993 to the General Manager, with a limit of \$5,000 per debt in place until 30 June 2021, after which time the limit will return to \$500 or any other value as determined by Council at that time.*

This delegation ceased on 30 June 2021, although it is not considered necessary to renew this delegation for the reasons outlined in the discussion section following.

- **Section 129(3) Delegation – remission of interest**

Finally, the Act enables the remission of interest on a property by absolute majority of the Council. At the Council meeting of 18 March 2014, the Council provided the following delegation to the General Manager (Council decision AO062/14):

*“THAT Council by absolute majority delegates to the General Manager the power to grant remissions of interest penalties under Section 129 (3) of the Local Government Act if:*

- a) *The ratepayer has applied in accordance with Section 129 (2) of the Act; and*
- b) *The applicant has satisfied the General Manager that the remission should be granted on the basis of financial hardship; and*
- c) *The ratepayer has agreed to enter into a suitable formal payment arrangement; and*
- d) *Where the application is made in respect of a residential property, that the property is the ratepayer’s principal place of residence.*

Again, the delegation in its current form is challenging to operationalise and subsequently a modified approach is considered appropriate, as outlined in the discussion section following.

## **6.0 FINANCIAL IMPACT**

There are no direct financial implications that result from the adoption of this policy.

Any charges which are incurred through using either a collection agency, or incurred through sale of a property under section 137, are recoverable from the ratepayer.

## 7.0 DISCUSSION

The context of the policy is that the Council will actively progress and pursue outstanding rates, charges and sundry debt using methods within its powers to do so.

After a debt reaches the final reminder stage in accordance with 5.1.2 of the policy, if no action is taken to resolve the matter, debt recovery action may be taken immediately without further notification to the debtor.

The Council will primarily use the Tasmanian Collection Agency to recover debts owed to the Council, within the scope of this policy. It is important to note that to enable the debt recovery process to be undertaken effectively, at the point of referral, Council officers cease being involved in the debt management process.

As a final resort, where Tasmanian Collection Agency is unable to recover a debt associated with rates and charges, the property may be considered for sale under the provisions of section 137 of the *Local Government Act 1993*. The Council will use this method to recover the debt only when other available options have been exhausted.

Currently some debtors have informal debt management arrangements in place that have essentially deferred their rates payments, for a range of reasons. With the introduction of this policy, council officers will contact those without a formal legitimate arrangement, in order to commence the new debt management process for those properties.

Invariably there may be extenuating circumstances from time to time that warrant a different debt management approach to that contained within the policy. In these circumstances, the Director Corporate and Commercial Services will submit these arrangements to the Council for determination.

### **Proposed amendments to Delegations**

At the Council Workshop on 14 September 2021, the question of write offs was discussed. Write off delegations were also discussed at the recent Audit Panel meeting. Having reflected on the delegations that exist currently, and the extent to which they can be operationalised, it is suggested that a number of amendments be considered by the Council to the delegations in place.

- ***Section 77 Delegation – commercial rental***

It is recommended that this delegation remain in place, unchanged.

- ***Section 76 Delegation – write offs***

It is the Director's opinion that this write off delegation should form part of the general operations of the Council insofar as forming part of the attached policy for debt management, to a financial threshold determined by the Council. Any write off consideration above the threshold would then be the subject of a report to the Council for determination.

This is on the basis that write offs should form part of any active debt management process throughout the year, and are fundamental to the end of financial year reconciliations and

financial statements. As Council would appreciate however, particularly at year end, there is limited time to prepare the statements, and a subsequent report to the Council before proceeding would be challenging. This may go some way to explaining why this action has not been undertaken in the past several years.

Additionally, if an operational write off provision does not exist staff are ineffective in responding to requests from our ratepayers whilst a report is provided to the Council, which depending upon the timing of which, may take several months to resolve. The substantive delegation is to a value of \$500 which is not considered adequate given the context of the debt that remains outstanding for the Council. This would result in considerable over-processing (one of the five wastes determined by the Council) requiring that the majority of applications go before the Council for a decision to be made.

It is therefore proposed in the policy, that the General Manager be delegated the ability to write off requests up to \$5,000 (as per the recent temporary delegation), subject to the quarterly reports to the Council advising of any decisions taken under this delegation for transparency and audit purposes. It should be noted that the attached policy also provides the ability for the General Manager to sub-delegate the same delegation to the Director Corporate and Commercial Services to the amount of \$1,000, as a means of ensuring that the General Manager is not dealing with a large volume of claims.

- ***Section 129(3) Delegation – remission of interest***

There are a significant amount of requests received annually for interest to be waived, and typically these are for very small amounts of income. The challenge with the delegation that exists currently is that all elements of the criteria needs to be met in order for the General Manager to remit the interest, and the delegation purports that the only situation where this should be permitted is when financial hardship is a factor. Operational reality is however that this is simply not the case, and there can be many legitimate reasons that exist outside of the criteria currently imposed, that would warrant a credit of interest to be made, such as:

- Where rates notices may have been sent to an incorrect address
- Delays with Australia Post delivering rates and reminder notices
- Settlement of properties taking longer than originally anticipated
- Technology issues with online payments that result in receipts being processed after the due date passes
- As an incentive for a payment plan to be put in place for overdue amounts, or outstanding rates instalments paid

Invariably there are many situations that might arise and therefore it is considered more effective and efficient that the Council provide a delegation to the General Manager to the amount of \$1,000 to remit interest where in their opinion, there is valid reason for doing so. The draft policy attached has been updated to reflect this. It should be noted that the attached policy also provides the ability for the General Manager to sub-delegate the same delegation to the Director Corporate and Commercial Services to the amount of \$500, as a means of ensuring that the General Manager is not dealing with a large volume of claims.



**8.0 RISK**

There is a risk that the introduction of this policy may be as unpalatable to some community members with regard to taking a more robust collection process to recover unpaid debts. This can be addressed by advising of the benefits that arise from having a consistent and equitable process where fairness is applied to all ratepayer on an equal basis.

Additionally the Council have made some challenging decisions in the interests of their community of late, in an effort to curb significant rate increases into the future. This policy will ensure that moving forward the Council's debt is reasonable, resulting in additional cash availability for the Council.

**9.0 CONSULTATION**

The draft policy has been discussed with the Audit Panel at the meeting conducted on 8 September 2021.

The matter has also been discussed internally with the Corporate Finance team.

**ATTACHMENTS**

1 [!\[\]\(faf942dc3e59ce8eb64b4ac481eca7e0\_img.jpg\)](#) Debt Management Policy - Draft

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**COUNCIL RESOLUTION****Resolution number: MO159-21****MOVED:** *Cr D Pease***SECONDED:** *Cr A Keygan****“THAT Council:***

- 1) Adopt the Debt Management Policy CP-CCS-CG-052, as attached;***
  - 2) Rescind clause 7 of Council’s decision AO111-20 of 28 April 2020, with regard to Writing Off Bad Debts under section 76 of the Local Government Act 1993;***
  - 3) Delegate its powers and functions under section 76 of the Local Government Act 1993 to the General Manager, with a limit of \$5,000 per debt, subject to any write off occurring under this delegation being reported regularly to the Council;***
  - 4) Rescind the Council’s decision AO062-14 of 18 March 2014 with regard to the Remission of Interest Penalty under section 129(3) of the Local Government Act 1993;***
  - 5) By absolute majority delegate to the General Manager the power to grant remissions of rates, penalty or interest under Section 129(3) of the Local Government Act up to a value of \$1,000 per debt, if:***
    - a) The ratepayer has applied in accordance with Section 129 (2) of the Act; and***
    - b) The applicant has satisfied the General Manager that the remission should be granted;***
- and***
- 6) Determine that any decision taken under the delegation provided at clause 5 of this recommendation, that exceeds \$500 in value, must be reported regularly to the Council.”***

**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***

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Debt Management Policy (Draft)</b>	
	Approved By:	Document Code: <b>CP-CCS-CG-052</b>
	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>1.0</b>
File: 4/14/2	Approved Date: <b>TBC</b>	
	Next Review Date: <b>TBC</b>	

## 1 PURPOSE

To establish a policy framework for the recovery of outstanding rates and charges and other amounts owed to the Council.

## 2 OBJECTIVE

The key objectives of this policy are to:

- a) Ensure a fair, consistent and accountable approach to Council's debt management and collection practice;
- b) Recognise the importance debt recovery has on the capacity of Council to deliver services to the community;
- c) Maximise the collection of outstanding debts;
- d) Consider the capacity of each debtor to pay, while endeavouring to treat debtors consistently;
- e) Establish timelines of communication and debt collection itself, which will deliver consistency of service; and
- f) Maximise the cost effectiveness of collection processes.

## 3 SCOPE

This policy applies to Burnie City Council ratepayers and other debtors who have a debt owed to the Council.

Infringements and fines are outside the scope of this policy as any overdue amount is recovered through the Monetary Penalties Enforcement Service (MPES).

## 4 DEFINITIONS

### **Accounts receivable**

An amount owed to the Council in payment for the supply of goods and/or services, other than services for which rates and charges are payable.

### **Debt**

Amount owed to Council including rates and charges, or payment for goods and/or services provided.

### **Debtor**

Any person, group or entity that owes the Council a debt.

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Debt Management Policy (Draft)</b>	
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**Overdue**

A debt is overdue if any portion of it is unpaid on the day after the due date for payment stated in the original notice.

**Rates and Charges**

As defined in Part 9 of the *Local Government Act 1993* rates and charges include differential general rates, minimum general rates, service rates and charges, construction rates and charges, separate rates and charges, supplementary rates and charges, fire levy and accrued interest owing on any outstanding balances. It also includes any costs associated with the collection of rates and charges, such as debt management or legal costs.

**Suitable Payment Arrangement**

A payment arrangement that will clear the outstanding debt before the end of the current rating period.

**5 POLICY**

Rates and charges levied under the Act provide a major source of revenue for the Council and effective collection processes are imperative to ensure the viability of the organisation, whilst giving all due consideration and assistance to ratepayers and debtors who display a genuine commitment to clearing their debt.

Division 10 of the Act provides mechanisms to recover overdue rates and charges. A debt may be recovered by bringing court actions against the person who is liable to pay the overdue rates and charges.

As a last resort, overdue rates and charges may also be recovered by selling the property for which the debt is associated, in accordance with the provisions of section 137 of the Act.

There are no obligations under the Act that require Council to take any particular action in respect of overdue rates and charges before commencing legal action. Debt collection is a legitimate and necessary business activity, but it is essential that such activity is conducted in a fair and appropriate manner.

Council needs to carefully monitor the level of overdue rates and other amounts due to it, and be vigilant in the recovery function, on the basis that high levels of outstanding debt can impact Council's cash flow and subsequently its operations. Rather than letting the level of overdue rates and other amounts escalate over time, it is preferable to constantly and consistently apply a fair, appropriate and vigilant recovery process.

It is sound administrative practice to adopt a policy that provides a uniform approach and not only assists employees in responding to enquiries but also demonstrates transparency by

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY		<b>Debt Management Policy (Draft)</b>	
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making clear the obligations of ratepayers and processes used by Council in assisting them meet their financial obligations.

The Corporate Finance Unit is responsible for managing the debt management process for the Council.

### 5.1 Initial Recovery Action

Legal action for the recovery of outstanding rates and charges may commence at any time after a rate becomes overdue in accordance with the *Local Government Act 2013*. Unless there are circumstances which justify taking an alternative course of action, Council's initial recovery action to recover overdue rates or charges is as follows:

#### 5.1.1. Reminder Notices

With regard to rates liabilities, Council will issue an initial reminder notice of the outstanding instalment, prior to the instalment falling due.

For sundry debt, the issue of the monthly statement serves as the initial reminder.

#### 5.1.2. Final Reminder Letters

Council will issue a final reminder letter if, at least thirty days after the issue of the initial reminder notice the outstanding debt:

- a) Has \$250 or more owing to Council; or
- b) A suitable payment arrangement has not been negotiated, or adhered to; and
- c) No other recovery action has commenced.

At this stage debtors will be advised that not resolving the matter by the date indicated, will result in the debt being referred to Council's debt recovery agency without further notification.

### 5.2 Debt Recovery Action

Once final reminder letters have been issued, and neither the outstanding amounts outlined in the final communication have not been resolved, or suitable arrangements are not put in place, the Council may immediately refer the debt to the Debt Recovery Agency to recover the debt.

Once the debt is lodged for collection, the Council Officers cease being the contact for the debt, and all debtors are referred only to the Debt Recovery Agency.

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### 5.3 Sale of Land for Unpaid Rates

Section 137 of the *Local Government Act 1993* states that:

If any rates in respect of land that is not Crown land have been outstanding for 3 years or more, the council may –

- (a) sell that land or part of that land as if it were the owner of the land –
  - (i) by public auction; or
  - (ii) if the proceeds of the sale are unlikely to meet the costs of the public auction, by direct sale;
- or
- (b) apply to the Minister for an order that the land be transferred to the council if it is not possible after reasonable inquiry to identify the owner of the land or the whereabouts of the owner.

Periodically the Director Corporate and Commercial Services will prepare a list of ratepayers with rates and charges outstanding in excess of the periods provided in the legislation for the consideration of the Council.

### 5.4 Suitable Payment Arrangement

Council has determined that any outstanding debt, including any additional charges applied in return for Council agreeing to defer payment of rates and charges, should be paid in full by the end of the relevant rating period. This is considered a suitable payment arrangement.

On this basis Council officers will grant a suitable payment arrangement for the payment of rates and charges in an operational manner as required.

The Director Corporate and Commercial Services and the General Manager may determine any other payment arrangement considered appropriate, that is outside of the definition of a suitable payment arrangement. As an example this may be an arrangement that takes longer to pay back than would otherwise be seen as ideal. Any agreement that is reached outside of the scope of a suitable payment arrangement, will be included in the regular reporting to the Council (closed portion of the meeting) with regard to outstanding debt.

All payment arrangements be requested in writing on the Payment Arrangement Request Form. Failure to meet the agreed payments will result in the cancellation of the payment arrangement. Following cancellation of an arrangement, no further communication will be provided to the debtor, and debt recovery action will commence.

### 5.5 Write Offs

Council officers will proactively assess in conjunction with the Collection Agency, those debts that are unrecoverable. Operational delegations exists for both the General Manager and

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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Director Corporate and Commercial Services to write off debts considered to be unrecoverable in accordance with financial thresholds determined by the Council from time to time. Any write off request above the officer delegations, must be submitted to the Council for determination.

Officers who utilise their delegation for write offs, must ensure that the information is provided on at least a quarterly basis to the Council for information and to ensure transparency.

#### **5.6 Remission of Rates, Penalties and Interest**

Under certain circumstances it may be legitimate for part of a rate, penalty or interest to be remitted against a property. This could be for a variety of reasons, or could be used as an incentive to negotiating suitable payment arrangements.

Operational delegations exists for both the General Manager and Director Corporate and Commercial Services to remit rates, penalties and interest when considered prudent in accordance with financial thresholds determined by the Council from time to time. Any remission request which is above the officer delegations, must be submitted to the Council for determination.

Officers who utilise their delegation for remissions, must ensure that the information is provided on at least a quarterly basis to the Council for information and to ensure transparency.

### **5 LEGISLATION**

*Local Government Act 1993*

Section 76 delegation under the *Local Government Act 1993*

Section 129(3) delegation under the *Local Government Act 1993*

### **6 RELATED DOCUMENTS**

Rates and Charges Policy CP-CBS-SG-004

Financial Hardship Assistance Policy CP-CBS-SG-049

Payment Arrangement Request Form FO-CBS-RS-011

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY <b>Debt Management Policy (Draft)</b>	Approved By: Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b> File: 4/14/2	Document Code: <b>CP-CCS-CG-052</b> Version: <b>1.0</b> Approved Date: <b>TBC</b> Next Review Date: <b>TBC</b>
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Policy Endorsement	
Responsibility:	<p>The General Manager is ultimately responsible for the financial management of the Council.</p> <p>The Director Corporate and Commercial Services has responsibility for the Corporate Finance Unit that oversees the development and implementation of this policy.</p>
Minute Reference:	TBC
Council Meeting Date:	TBC
Strategic Plan Reference:	<p>Strategy 7.1.1</p> <p>Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.</p>
Previous Policies Replaced:	This is a new Council policy.
Date of Commencement:	TBC
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )



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**GENERAL MANAGER****AO175-21 CONSIDERATION OF STATUS OF SPECIAL COMMITTEES**

**FILE NO:** 4/21/1  
**PREVIOUS MIN:**

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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	7.5.1~Strategies and plans are well-developed and guide the future allocation of resources.

**1.0 RECOMMENDATION:**

***“THAT Council:***

- 1) Disestablish the Burnie Regional Museum Special Advisory Committee; Burnie Regional Art Gallery Special Advisory Committee and Public Arts Project Special Advisory Committee;***
- 2) Recognise and thank the community members who have served on these special committees over many years;***
- 3) Disestablish the Burnie Sports Centre Special Committee as a special committee but agree that Council officers will continue to support it as a working group;***
- 4) Confirm that the Upper Natone Reserve Special Committee; Burnie City Youth Council Special Committee; Burnie Australia Day Special Committee; and General Manager's Performance Review Special Committee continue as special committees.”***

**2.0 SUMMARY**

A review has been conducted of the eight Special Committees currently in existence, and recommendations have been made with respect to the future operation of each.

**3.0 BACKGROUND**

Council has determined to review the operation of all of the eight Special Committees established pursuant to section 24 of the *Local Government Act 1993*, as a matter of good governance in reviewing the requirement for such formal bodies and because of recent changes to service delivery.

The review has resulted in recommended changes to disestablish four Special Committees, with one of these continuing as a working group. The remaining four Special Committees are recommended for retention.

#### 4.0 LEGISLATIVE REQUIREMENTS

Special Committees are provided for by section 24 of the *Local Government Act 1993*. The section reads as follows:

**24. Special committees**

- (1) A Council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) A special committee consists of such persons appointed by council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

A power conferred in legislation to establish a body, includes a power to disestablish. Council, may by simple majority disestablish special committees, should it determine to do so.

#### 5.0 POLICY CONSIDERATIONS

There are no policy considerations relevant to this report.

#### 6.0 FINANCIAL IMPACT

There is no direct financial impact to this decision. Status as a Special Committee requires Councillor and staff time, including in preparation of reports for Council meetings.

#### 7.0 DISCUSSION

Special Committees are provided for by section 24 of the *Local Government Act 1993*. Burnie City Council currently has eight special committees. These are:

1. Burnie Regional Museum Special Advisory Committee
2. Burnie Regional Art Gallery Special Committee
3. Public Arts Project Special Advisory Committee
4. Burnie Sports Centre Special Committee
5. Upper Natone Reserve Special Committee
6. Burnie City Youth Council Special Committee
7. Burnie Australia Day Special Committee
8. General Manager's Performance Review Special Committee

A number of the special committees have been impacted by COVID 19 and have not met for significant periods of time and some further impacted by the recent changes to service delivery.

While Council can regulate the membership and proceedings of special committees, the convention has been that each has councillors appointed as members and minutes are reported through Council meetings. Being a Council Special Committee also provides each with a status and level of Council's 'authority'. The purpose and operation of all special committees has been reviewed.

**Burnie Regional Museum Special Advisory Committee;  
Burnie Regional Art Gallery Special Advisory Committee; and  
Public Arts Project Special Advisory Committee**

With the changes to the Burnie Regional Museum and the Burnie Art Gallery and plans to develop an integrated Cultural Centre, it is timely to consider the future operation of the three associated special committees; the Burnie Regional Museum Special Advisory Committee; the Burnie Regional Art Gallery Special Committee and the Public Arts Project Special Advisory Committee.

The review of these three committees included writing to currently appointed members to seek their views. Four responses were received from current members of the respective committees, one a general submission about all three; two about the Burnie Regional Museum; and one about the Public Arts Project Special Committee. All supported the retention of their respective Committees.

The general submission observed that the committees had not functioned well because of infrequent meetings, confusion about role and process and staff turnover. The submission maintained that the committees still had a valuable role to play in gaining community and professional input, but needed to be better supported and empowered.

One of the submissions on the Museum Committee believed it has an important continuing role to play in obtaining more recurrent funding from the State Government. The other observed that the Museum Committee should continue to be involved in the on-going development of the new Cultural Centre.

The submission on the Public Arts Projects Committee argues it had provided expertise, clarity and coherence in improving public art in Burnie. It argued strongly for retention of the committee, noting that if the Hirst Report's (sic) vision is to be realised the 'corporate memory' comprised by the community members should be retained.

Strong community engagement and consultation is required in implementing and operating the new Cultural Centre and broader approach to arts in Burnie, adopted by Burnie City Council in accepting the directions recommended in the Hirst Project Report. Critically, this approach is more integrated, including in the collocation into the one building of the art gallery and key museum exhibits and it is difficult to see how the current three special committees could effectively work in this new context, particularly as there would be significant overlap.

New approaches to community engagement and consultation will need to be developed to support the principle of co-design, central to Council's approach. It is recommended that this start afresh and mechanisms be developed that best support and enable co-design as implementation is progressed. It may be that a single special committee is part of that approach, but this should be allowed to develop and not be constrained by past approaches and practices.

It is therefore recommended that Council dis-establish the Burnie Regional Museum Special Advisory Committee; Burnie Regional Art Gallery Special Advisory Committee and the Public Arts Project Special Advisory Committee. Council should acknowledge the important contribution of these special committees over many years.

**Burnie Sports Centre Special Committee; and  
Upper Natone Reserve Special Committee**

The Burnie Sports Centre and Upper Natone Reserve Special Committees appear to continue to serve their purpose, but it was questioned whether they need to continue as special committees. They could become 'ordinary' committees, meaning they continue with council officers as members, but without the need for formal councillor membership or reporting minutes through Council meetings.

Again, the views of current community members were sought. In relation to the Upper Natone Reserve Special Committee two responses were received. Both advanced significant arguments for retention of the committee as a special committee and it is recommended that its status as a special committee be retained.

In relation to the Burnie Sports Centre Special Committee it is recommended that it be dis-established as a special committee, but continue as a general committee. This would result in Council officers continuing to attend and support these meetings. Councillors would be welcome to attend should they wish to do so, but no councillors will be formally appointed to the committee and minutes will not be reported to Council. Any matters that require Council endorsement or which should be brought to councillors' attention will be done so by Council officers.

**Burnie City Youth Council Special Committee;  
Burnie Australia Day Special Committee; and  
General Manager's Performance Review Special Committee**

For a variety of reasons it is recommended these special committees be retained. The Burnie City Youth Council Special Committee provides an important conduit between Council and Burnie's youth. The formality of the Youth Council is educative and part of the benefit for the youth participating. Increasingly the Youth Council can be used to advise Council on youth related matters and areas where youth will have a particular perspective or interest. For example, many young people are very concerned about climate related issues and have fresh and different perspectives on this issue.

Burnie Australia Day Special Committee is responsible for organising Council's Australia Day celebrations and the committee in its current form works well. There is also good reason for it to formally report to Council given the significance of the occasion for which it is responsible.

The General Manager's Performance Review Special Committee is a committee comprised by the whole Council and enables the process of performance management of the General Manager, as required by the *Local Government Act*, to occur outside Council meetings, but to be appropriately linked and 'reported' back to the Council meeting.

**Burnie City Council Audit Panel**

For the purpose of completeness, it is noted that while the Burnie City Council Audit Panel originally commenced as a Special Committee, this was prior to amendments to the *Local Government Act 1993* which introduced the requirement for all councils to have an Audit Panel. The Act included clarification that the Audit Panel was not classed as a special committee of a council. The report to Council in July 2021, AO128-21, reviewed the Terms of Reference of the Audit Panel, which continues in accordance with the Act.

**8.0 RISK**

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

<b>Risk Category</b>	<b>Risk identified</b>	<b>Ways to eliminate or reduce the risk</b>
Service Delivery	Lack of community consultation and engagement	Council is developing a community consultation framework to guide improved community consultation. The new approach to arts and culture emphasizes co-design, which will require new and innovative ways of engaging with community
Political	Disestablishment of special committees will be publicly criticized	
Reputational	Disestablishment of the 'arts' special committees will be represented as a further retreat from support of the arts in Burnie	Explain Council's rationale and commitment to improved community consultation and engagement and

**9.0 CONSULTATION**

Community members of the special committees have been consulted as part of the review.

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**COUNCIL RESOLUTION****Resolution number: MO160-21****MOVED:** *Cr G Simpson***SECONDED:** *Cr T Bulle****“THAT Council:***

- 1) Disestablish the Burnie Regional Museum Special Advisory Committee; Burnie Regional Art Gallery Special Advisory Committee and Public Arts Project Special Advisory Committee;***
- 2) Recognise and thank the community members who have served on these special committees over many years;***
- 3) Disestablish the Burnie Sports Centre Special Committee as a special committee but agree that Council officers will continue to support it as a working group;***
- 4) Confirm that the Upper Natone Reserve Special Committee; Burnie City Youth Council Special Committee; Burnie Australia Day Special Committee; and General Manager’s Performance Review Special Committee continue as special committees.”***

**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***

**GENERAL MANAGER****AO176-21 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:

- Burnie Mens Shed AGM
- Meeting with Jeremy Rockliff MP
- Vietnam Veterans Day Service
- Meeting with David Jarvis and Graham Woods
- Business North West – General Meeting and AGM
- Meeting with Roger Jaensch MP
- Friends of Burnie Regional Museum AGM
- Business North West Breakfast Session with Guest Speaker Andrew Turner
- Meeting with Burnie Arts Council
- Tasmanian Forest Products Association dinner
- State Budget Briefing
- RSL Battle of Australia Day service and luncheon
- Project Marinus Briefing

- WxNW Board Meeting and AGM
- Burnie Hospital Auxiliary Annual Meeting
- Meeting with Jesse Bakes, St John
- Business North West Breakfast Session - Guest Speakers Ian Jones & Justin McErlain
- Meeting with John Kelly, Kelly's waste
- Official Opening of the Cradle Coast Campus at West Park
- Out of the Shadows – Suicide Awareness Walk
- Opening Night – Burnie High School production
- Meeting with FTI Consulting
- Meeting with Gavin Pearce MP

The Mayor advised that the following meetings, events or appointments were attended on his behalf since the last Council Meeting report:

- Nepalese Community of Burnie - Nepalese festival celebrations (Tej), attended by Cr Chris Lynch

## 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
12 August	Burnie Mens Shed AGM
	Meeting with Jeremy Rockliff MP
13 August	West Park Master Planning and Community & User Consultation Planning meeting
17 August	Meeting with UTAS
18 August	Business North West General Meeting and AGM
19 August	Meeting with Roger Jaensch MP
20 August	Friends of Burnie Regional Museum AGM
	West Park Master Planning and Community & User Consultation Planning meeting
25 August	Business North West Breakfast Session with Guest Speaker - Andrew Turner
	Meeting with Pitt and Sherry
	Meeting with Burnie Arts Council
26 August	Tasmanian Forest Products Association Dinner
27 August	Meeting with Ian Jones, Business North West
	West Park Master Planning and Community & User Consultation Planning meeting
	State Budget Briefing



Date	Meeting / Function
30 August	Hydrogen Workshop
31 August	Meeting with Dawn Oelrich
	Meeting with Colin Blacklow
1 September	RSL Battle of Australia Day Service and Luncheon
	Project Marinus briefing
3 September	West Park Master Planning and Community & User Consultation Planning meeting
7 September	Meeting with Jesse Bakes, St John
8 September	Business North West Breakfast Session with Guest Speakers - Ian Jones and Justin McErlain
	Audit Committee Meeting
10 September	Meeting with Co-Coordinator General - John Perry and Catherine Murdoch
	Official Opening of the Cradle Coast Campus at West Park
	West Park Master Planning and Community & User Consultation Planning meeting
13 September	Meeting with Gavin Pearce MP

### 2.3 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	17 August 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	Community Feedback – Cultural Centre (Hirst Report)
	Workplace Safety and Proposed Review
	Proposed Developments – 1 North Terrace - discussion
	Election Advocacy Priorities – review and discussion
	Band Rooms at West Park - discussion

<b>Workshop</b>	<b>31 August 2021</b>
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
	Community Gardens Policy – review and discussion
	Community Grants Policy – review and discussion
	UTAS Capitol Projects presentation (Project Officers in attendance)
	Council Meeting Procedures - discussion

<b>Workshop</b>	<b>7 September 2021</b>
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	SES (in attendance) - update and discussion
	Corporate Plan – review and discussion
	Service Plans – review and discussion

<b>Workshop</b>	<b>14 September 2021</b>
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	Debt Management Policy – review and discussion
	Burnie Airport Discussion
	General Manager's Update

## 2.4 CORRESPONDENCE FOR NOTING

No Correspondence for Noting.

## 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 [↓](#). Open Session - All Actions - 24 August 2021
- 2 [↓](#). Open Session - Outstanding Actions Jul 2020 to Jul 2021

**COUNCIL RESOLUTION****Resolution number: MO161-21*****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***

**Council Meeting Action Report****All Actions for Open Session of 24 August 2021**

Date From: 24/08/2021  
Date To: 24/08/2021  
Printed: Friday, 17 September 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
AO140-21	MOTION ON NOTICE - VICTORIA LEAGUE	25 Aug 2021 RES: Arrange installation of the Victoria League plaque in accordance with resolution of Council AO1470-21. 1 Sep 2021 Action completed. Plaque to be installed on second floor in first week September.	Corporate and Business Services	1/09/2021
Council 24/08/2021				
AO144-21	MOTION ON NOTICE - PIGEONS IN THE CBD	25 Aug 2021 RES: Undertake the two month pigeon capture trial and provide a report back to Council on its effectiveness and cost benefit, in accordance with the resolution of Council AO144-21. 1 Sep 2021 NOTE: Contractor engaged to progress trial. Capture rates will be monitored.	Works and Services	
Council 24/08/2021				
AO145-21	PUBLIC QUESTION TIME	25 Aug 2021 QON: Provide a response to Trent Aitken (absent) for 2x public questions at 24 August 2021, per AO145-21. 31 Aug 2021 Action completed. DOC ID 21/46270.	Office of the General Manager	31/08/2021
Council 24/08/2021				
AO148-21	LAND USE PLANNING HOUSING LAND SUPPLY ACT 2018 DRAFT HOUSING LAND SUPPLY ORDERS ORDER No 8 - PID 7695853 ROSLYN AVENUE, ROMAINE ORDER No 10 - 16-20 MOOREVILLE ROAD, PARK GROVE	25 Aug 2021 RES: Make a submission on the proposed Housing and Land Supply Orders in accordance with the report and resolution of Council, AO148-21. 15 Sep 2021 Action completed. Submission made during consultation period and lodged under signature of General Manager.	Land and Environmental Services	15/09/2021
Council 24/08/2021				
AO150-21	BUSINESS NORTH WEST PARTNERSHIP 2021-22	25 Aug 2021 RES: Write to Business North West to advise of Council's decision in relation activities for the 2021-22 financial year and request progress updates to workshops in January and July 2022, per resolution of Council AO150-21. 7 Sep 2021 Action completed. Correspondence sent to the President of BNW 7 September 2021.	Corporate and Business Services	7/09/2021
Council 24/08/2021				
AO151-21	BURNIE WORKS PARTNERSHIP 2021-22	25 Aug 2021 RES: Write to Burnie Works to advise of Council's decision in relation activities for the 2021-22 financial year and request progress updates to workshops in January and July 2022, per resolution of Council AO151-21.	Corporate and Business Services	
Council 24/08/2021				
AO152-21	POLICY - PORTABLE AND ATTRACTIVE ASSETS CP-CCS-SG-051	25 Aug 2021 RES: Finalise the Portable and Attractive Assets Policy in the corporate document framework and make available to the public, per AO152-21. 31 Aug 2021 Action completed. Finalised and published.	Corporate and Business Services	31/08/2021
Council 24/08/2021				

**Council Meeting Action Report****All Actions for Open Session of 24 August 2021**

**Date From:** 24/08/2021  
**Date To:** 24/08/2021  
**Printed:** Friday, 17 September 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
AO153-21	CONSIDERATION OF COMMUNITY FEEDBACK AND ENDORSEMENT OF HIRST PROJECT REPORT	25 Aug 2021 RES: Provide an acknowledgement and thank you to all individuals and organisations that have made formal submissions on the draft Hirst Project Report, noting relevant provisions of Council resolution AO153-21. 2 Sep 2021 Action completed. Email to all those who submitted feedback sent 31 August, thanking them and providing Fact Sheet #7 update of progress.	Corporate and Business Services	2/09/2021
Council 24/08/2021				
AO151-21	BURNIE WORKS PARTNERSHIP 2021-22	25 Aug 2021 RES: Finalise a funding agreement with Burnie Works Inc for annual funding until 2023-24 in accordance with the resolution of Council AO151-21.	Corporate and Business Services	
Council 24/08/2021				
AO153-21	CONSIDERATION OF COMMUNITY FEEDBACK AND ENDORSEMENT OF HIRST PROJECT REPORT	25 Aug 2021 ACT: Work with Comms to provide a Fact Sheet update to the community on the Hirst Project Report, per resolution of Council AO153-21. 1 Sep 2021 Action completed. Fact sheet #7 distributed 31 August 2021.	Corporate and Business Services	1/09/2021
Council 24/08/2021				
AO145-21	PUBLIC QUESTION TIME	25 Aug 2021 QON: Provide a response to Amanda Uggenkiz (absent) for public question at 24 August 2021, per AO145-21. 31 Aug 2021 Action completed. DOC ID 21/46271.	Office of the General Manager	31/08/2021
Council 24/08/2021				

**Council Meeting Action Report****Outstanding Actions for Open Sessions Jul 2020 to Jul 2021**

Date From: 21/07/2020  
Date To: 31/07/2021  
Printed: Friday, 17 September 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
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. 13 Jul 2021 NOTE: Options shared with GM for review.	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				
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				
AO090-21	LIVESTREAMING OF COUNCIL MEETINGS	28 May 2021 ACT: Implement the livestreaming of Open Council Meetings and limited civic events as appropriate, in accordance with the resolution of Council AO090-21. 13 Jul 2021 NOTE: The preferred consultant is currently implementing a more interactive solution for a mainland Council. This matter will be held until the outcome of that implementation in order to determine if it is suitable for the Burnie City Council. 11 Aug 2021 NOTE: Awaiting implementation of an interactive system for a mainland Council to demonstrate its functionality, on the basis that this may provide a better outcome for our public participants.	Corporate and Business Services	
Council 25/05/2021				
AO099-21	MOTION ON NOTICE - REMOVAL OF TREES IN CBD	24 Jun 2021 RES: Investigate works and costings for removal of silver birch trees in CBD and proposal for replacement trees, for Council Workshop as per Council resolution AO099-21.	Works and Services	
Council 22/06/2021				
AO122-21	BY-LAW - INTENTION TO MAKE A NEW BY-LAW - DRAFT PUBLIC PLACES BY-LAW	2 Aug 2021 RES: Implement steps to prepare RIS and certification from Director, followed by public consultation period and a final report to Council (est Jan 2022), per resolution of Council AO122-21. 9 Sep 2021 NOTE: Draft By-law sent to G Tremayne on 8.9.21 for review and request to prepare RIS.	Corporate and Business Services	
Council 27/07/2021				

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**MINUTES AND REPORTS OF COMMITTEES****AO177-21 BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE  
UNCONFIRMED MINUTES OF MEETING HELD ON 26 AUGUST 2021****FILE NO: 2/5/34**

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**RECOMMENDATION:**

***“THAT the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 26 August 2021, be received and noted.”***

**SUMMARY**

Tina, the School Health Nurse from Parklands and NWRH, attended the meeting and talked about her role helping kids to make appointments and provide support.

Members also shared upcoming activities to be held at their schools and shared ideas, including organising activities for lunch breaks.

**ATTACHMENTS**

1. [Burnie City Youth Council Special Committee Unconfirmed Minutes held 26 August 2021](#)

**COUNCIL RESOLUTION****Resolution number: MO162-21****MOVED: Cr G Simpson****SECONDED: Cr D Pease**

***“THAT the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 26 August 2021, be received and noted.”***

**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***

## Meeting Minutes



Meeting: **BURNIE CITY YOUTH COUNCIL**  
 Held on: Thursday 26 August 2021  
 Venue: Burnie City Council Chambers  
 File No(s): 2/5/34

The meeting opened at 9.30am

		Action
1.	<b>Acknowledgement of Country, Welcome</b>	
2.	<b>Present Youth Councillors:</b> Deputy Mayor Jai Mollinson (BHS), Amelia Dredge (HPS), Calais Emery (RPS), Thomas Jordan (SMP), Sana Shrestha (BPS), Tahira Stevens (RPS), Abbey Walker (SMP), Amarli Palmer (BPS), Olivia Saward (BHS), Cheala French (HPS), Grace Anderson (LCS), Tahlia Booth (LCS),	
2	<b>Apologies Youth Councillors:</b> Mayor Danielle Jones (PHS), Deputy Mayor Junior Oliver Ebdon (RPPS), Kieron Lyons (PHS), Charlotte Schumann (RPPS), Luka Blackwell (CPS), Courtney Brown (CPS), Chena McNaughton (MRC), Kaitlyn Cock (MRC), Jayda Taiaroa (MPS), Caleb Fraser (MPS),	
3	<b>Burnie Works Backbone Team in attendance:</b> Project Officer Olivia Lucas	
4.	<b>Burnie City Council Officers in attendance:</b> Deputy Mayor Giovanna Simpson	
5.	<b>Guests</b> Tina, School Nurse	
6.	<b>Minutes and Correspondence</b> <ul style="list-style-type: none"> <li>The June minutes were accepted.</li> <li>Moved : Grace Second : Olivia</li> <li>The July minutes were accepted.</li> <li>Moved : Amarli, Second : Amelia</li> </ul> <p>The Project Officer provided an update on the All Tasmania Youth Advisory Summary and an overview of the Mission Australia Youth Survey.</p>	Giovanna to find out if Parklands bus may be available.
7.	<b>General Business</b>  <b>Planning</b> Draft letters to Burnie City Council were reviewed. Drafts to be finalised and sent to Youth Mayor for signature.  Movie themes and suggestions were discussed for the Library Movie Night:	Project Officer to finalise.  Project Officer to confirm which films available and report back.



	Action
<p><b>Guest</b></p> <p>Tina is the School Health Nurse at Parklands and NWRH. Tina spoke about her role helping kids to make appointments and providing support. If you have a school nurse, approach them, and talk about mental health week and what is happening at your school 8-12 October and how you can raise awareness. Parklands making q cards with services on them, giving out mental health bracelets and raising awareness and thinking about where you can go and get help.</p> <p>Wrist bands are available from Beyond Blue.</p> <p><b>Pink Up Burnie</b></p> <p>Giovanna provided an overview of Pink Up Burnie, commencing on 1 October. Pink Up raises awareness of Breast Cancer and funding towards Breast Cancer Nurses in the North West. Activities currently planned were discussed. The following ideas and planned activities at schools were suggested:</p> <ul style="list-style-type: none"> <li>• Pink flags on street signs</li> <li>• Pink casual clothes day at school (BHS + PHS)</li> <li>• Classroom decoration competitions (BHS + PHS)</li> <li>• Movie night with pink theme: Legally Blonde (outside cinema or Metro)</li> <li>• Picnic in the Park with pink food: strawberry cupcakes and watermelon</li> <li>• Pink pikelet breakfast (BHS)</li> <li>• Wear pink in the Burnie Ten</li> <li>• Pink up the Newspaper</li> <li>• Dye hair pink</li> </ul> <p><b>What is happening at schools?</b></p> <p>Youth Councillors discussed the activities happening at their schools coming up and shared ideas. This included class captains organizing activities for lunch breaks and playing quidditch.</p> <p><b>Activity</b></p> <p>Youth Councillor's provided feedback on questions about growing up in Burnie, screen use, and Youth Council.</p> <p>Meeting close 11.25am</p>	
<p>8. <b>Next Meeting</b></p> <p>The next meeting will be held on Thursday 16 September 2021 at 9.15am – 11.30am at the Burnie City Council Chambers.</p>	

Signed and dated (upon confirmation at next meeting):

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Date

**MINUTES AND REPORTS OF COMMITTEES****AO178-21 UPPER NATONE RESERVE SPECIAL COMMITTEE  
CONFIRMED MINUTES OF ANNUAL GENERAL MEETING HELD ON  
24 AUGUST 2020**FILE NO: 2/5/16; 3383617

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**RECEPTION FOR DISCUSSION****RECOMMENDATION:**


***“THAT the confirmed Minutes of the Annual General Meeting of Upper Natone Reserve Special Committee held on 24 August 2020, be received for discussion.”***

The 2021 Annual General Meeting was held on 23 August 2021.

The AGM confirmed the proceedings of the 2020 Annual General Meeting of the Upper Natone Reserve Special Committee. A copy of the confirmed 2020 minutes is **attached**.

There are no specific matters to report.

**ATTACHMENTS**

- 1  Confirmed Upper Natone Reserve Special Committee 2020 Annual General Meeting Minutes

**COUNCIL RESOLUTION****Resolution number: MO163-21****MOVED:**            *Cr T Bulle***SECONDED:**      *Cr T Brumby****“THAT the confirmed Minutes of the Annual General Meeting of Upper Natone Reserve Special Committee held on 24 August 2020, 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 Upper Natone Reserve Special Committee AGM, 24th August 2020**

Meeting opened 7:33 pm (Natone School)

**Attendance**

**Present:** Fiona Tustian (President), Phil Tustian (Secretary) Ivan Caston, Dianne Cripps, Garry Watts, & Heather Ross & Gary Neil (BCC)

**Apologies:** Jessica Reynolds

**Declaration of Interest:** Nil

Minutes of the 2019 AGM were read

Moved Fiona Tustian, & seconded Gary Watts the Minutes be accepted as read. **Carried**

**Matters arising:** Nil

**President's Report:** The President's Report (2020) was read by Fiona Tustian. Moved Fiona Tustian & seconded Dianne Cripps the Report be accepted as read **Carried**

**Financial Statement:** The financial statement as detailed by Gary Neil showed expenditure of \$1,857.82 for the financial year, and an allocated Budget of \$2,000 for 2020/2021. Moved Fiona Tustian & seconded Heather Ross the Financial Report be accepted **Carried**

**Correspondence:** (In) Gary Neil – Financial Report 2019/2020  
(out) Notice of AGM

**Committee Members:** Gary Neil advised all nominated persons had been elected (Fiona Tustian, Phil Tustian, Ivan Caston, Gary Watts, Dianne Cripps, Jessica Reynolds & Heather Ross.)

**Election of Office bearers:**

Fiona Tustian declared all Office Holders positions vacant, & Gary Neil took the chair and called for nominations for the position of President.

Heather Ross nominated Fiona Tustian as President, seconded by Garry Watts. There were no other nominations.

Heather Ross nominated Phil Tustian as Secretary/Treasurer, seconded by Dianne Cripps.

There were no other nominations

Both nominees accepted and were declared elected.

Gary Neil advised the Committee positions were for a term of two (2) years.

**AGM declared Closed at 7:47pm**

**MINUTES AND REPORTS OF COMMITTEES****AO179-21 UPPER NATONE RESERVE SPECIAL COMMITTEE UNCONFIRMED  
MINUTES OF A MEETING HELD ON 23 AUGUST 2021****FILE NO: 2/5/16; 3383617**

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**RECOMMENDATION:*****“THAT:***

- 1) *The Unconfirmed Minutes of a Meeting of the Upper Natone Reserve Special Committee held on 23 August 2021, be received for discussion;***

***And***

- 2) *That Council appoint Richard Franks and Lachlan Girschik as community members of the Upper Natone Special Committee, with their term expiring August 2022.”***

**SUMMARY**

The Minutes report on a meeting of the Upper Natone Reserve Special Committee.

Correspondence to Council has been forwarded by the Committee and various members in respect to a desire to remain a Special Committee of Council.

Various matters for attention in the Reserve were noted. Officers to work with the Committee on these matters.

The minutes note interest from two (2) members of the public to join the Upper Natone Special Committee. The Committee has requested that Council consider appointing the following to the Special Committee. :

- Richard Franks; and
- Lachlan Girschik.

Both of these people regularly attend Committee meetings and participate in working bee's and reserve maintenance.

The Delegation of Authority and Rules of Operation for the Committee provide for between six (6) and nine (9) community members to be appointed to the committee.

Currently there are currently seven (7) community members appointed to the Committee.

Community members have a term of two (2) years, with the current appointments due to expire in August 2022.

There is provision in the Delegation of Authority and Rules of Operation for Council to appoint a community member outside the normal selection and appointment process, with the term to be until the next formal appointment process for the current Committee.

It is recommended to Council that:

- Richard Franks; and
- Lachlan Girschik;

Be appointed to the Upper Natone Reserve Special Committee, with their term expiring August 2022.

#### ATTACHMENTS

1. [Unconfirmed Minutes of the Upper Natone Reserve Special Committee held on 23 August 2021](#)

#### COUNCIL RESOLUTION

**Resolution number: MO164-21**

***MOVED: Cr T Bulle***

***SECONDED: Cr A Boyd***

***“THAT:***

- 1) ***The Unconfirmed Minutes of a Meeting of the Upper Natone Reserve Special Committee held on 23 August 2021, be received for discussion;***

***And***

- 2) ***That Council appoint Richard Franks and Lachlan Girschik as community members of the Upper Natone Special Committee, with their term expiring August 2022.”***

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  
23<sup>rd</sup> August 2021*

Meeting opened 730pm

**Attendance:** Fiona Tustian (President), Phil Tustian (Secretary), Ivan Caston, Dianne Cripps, Garry Watts, Jessica Reynolds, Gary Neil (BCC), Richard Franks, Lachlan Girschik & Malcolm Bailey.

**Apologies:** Heather Ross & Ken Dorsey (BCC).

*Declaration of Interest – Nil Declarations*

Minutes of previous Meeting (26<sup>th</sup> April 2021) and Special Meeting (26<sup>th</sup> July 2021) were read by the Secretary.  
Moved Gary Watts & seconded Dianne Cripps these Minutes be accepted as read. **Carried**

**Business arising:**

1. All matters to be discussed in General Business.

**Correspondence: (Inwards)** Gary Neil – financial report

**(Outwards)** notice of Special Meeting 26/7/21 & Meeting 23/8/21

**Financial Report:** Budget allocation of \$2000 for 2021/2022

**General Business:**

1. Nil reply from the General Manager of BCC Mr Overland, in relation to correspondence from the President of the Upper Natone Reserve Special Committee in relation to the proposal to de-commission the Committee. This matter will be discussed at the September BCC Meeting.
2. Work to be completed on Walking track/bridge with estimated \$200-\$300 of timber required. Moved Ivan Caston & seconded Jessica Reynolds approval be given for same. The Secretary to forward specifications to Gary Neil who will arrange purchase and delivery **Carried**.
3. Two hasps & padlocks fitted to the toilet storage cabinet via Pat Troughton (BCC) and keys provided to each Committee Member.
4. Proposal for fallen tree to be cut into slabs still to be discussed with STT by the Secretary.
5. Tap fixture to be installed at inlet pipe to water storage tank at toilet. Email with details to be forwarded to Gary Neil who will arrange same.
6. Proposal that dying trees be cut down still to be discussed with STT by the Secretary.
7. Working Bee on 16/5/21 did not proceed due to weather conditions. Working Bee scheduled for Saturday 4<sup>th</sup> September 2021 10-1pm with BBQ after. Moved Jessica Reynolds seconded Garry Watts Tustian's be authorised to provide refreshments **Carried**
8. Potholes are evident in the sealed roadway at the Reserve. Secretary to email Gary Neil with request for repairs.
9. Due to vacancies (2) on the Committee prospective Committee Members names to be forwarded to the BCC for consideration.
10. **Next Meeting: Monday 11<sup>th</sup> October 2021 7.30pm Natone School.**

**Meeting Closed 8.23pm**

**AO180-21 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.

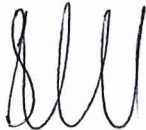
There being no further business the Mayor declared the Meeting closed at 7.50pm.



## 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 28 September 2021.

Confirmed:




**Simon Overland**  
**GENERAL MANAGER**

Date:

26/10/21

Confirmed:



**Steven Kons**  
**MAYOR**

Date:

26/10/21