



MINUTES

Ordinary Meeting

TUESDAY, 24 MAY 2022

7.00PM

CITY OFFICES, 80 WILSON STREET, BURNIE

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO076-22	COUNCILLOR DECLARATIONS OF INTEREST	9
AO077-22	CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING OF COUNCIL HELD ON 26 APRIL 2022	10
<i>QUESTIONS ON NOTICE</i>		
AO078-22	QUESTION ON NOTICE - COUNCIL BUDGET - CPI INDEXATION AND CAPITAL WORKS	11
AO079-22	QUESTION ON NOTICE - COUNCIL BUDGET	49
<i>MOTIONS ON NOTICE</i>		
AO080-22	MOTION ON NOTICE - PARKING ATTENDANTS	54
<i>PUBLIC QUESTION TIME</i>		
AO081-22	PUBLIC QUESTION TIME	55
<i>PLANNING AUTHORITY</i>		
AO082-22	TASMANIAN PLANNING SCHEME PERMIT APPLICATION DA 2022/20 SINGLE DWELLING 39 & 41 HILLFARM DRIVE, PARK GROVE	59
AO083-22	COUNCIL DELEGATIONS - LAND USE PLANNING	136
<i>OFFICERS' REPORTS</i>		
<i>CORPORATE AND COMMERCIAL SERVICES</i>		
AO084-22	COUNCIL DELEGATIONS - LOCAL GOVERNMENT ACT 1993	164
AO085-22	COUNCIL DELEGATIONS - BY-LAWS	172
AO086-22	GENERAL MANAGER'S PERFORMANCE AGREEMENT 2022-23	177
AO087-22	EMERGENCY MANAGEMENT ACT - NOMINATION FOR DEPUTY MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR	188
AO088-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE	192

ORDER OF BUSINESS

OPEN SESSION

Min No.	Business	Page No
AO089-22	POLICY REVIEW - SOCIAL MEDIA POLICY CP-CCS-CG-045	197
AO090-22	POLICY REVIEW - EDUCATIONAL BURSARIES AND AWARDS CP-CCS-CG-034	207
GENERAL MANAGER		
AO091-22	GENERAL MANAGER'S REPORT - OPEN SESSION	215
COUNCIL COMMUNICATIONS		
AO092-22	COMMUNICATIONS JOURNAL - A & M LEESON - RE-INTRODUCTION OF AN INFORMATION / INTERPRETATIVE CENTRE AT BURNIE	223
MINUTES AND REPORTS OF COMMITTEES		
AO093-22	BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE UNCONFIRMED MINUTES OF MEETING HELD ON 7 APRIL 2022	228
AO094-22	UPPER NATONE RESERVE SPECIAL COMMITTEE UNCONFIRMED MINUTES OF A MEETING HELD ON 11 APRIL 2022	233
NON AGENDA ITEMS		
AO095-22	NON AGENDA ITEMS	237

**MINUTES OF THE OPEN SESSION ORDINARY MEETING
OF THE BURNIE CITY COUNCIL
HELD AT THE CITY OFFICES ON TUESDAY, 24 MAY 2022**

HOUR: 6.00 pm – 6.01 pm
7.00pm – 7.52 pm

TIME OCCUPIED: 53 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 and Commercial Services (B Lynch), Chief Financial Officer (B Pilgrim), Executive Manager Corporate Governance (M Neasey) and Media and Communications Officer (F Loughran).

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
AC044-22 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC045-22 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 26 APRIL 2022	15(2)(g)
AC046-22 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC047-22 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC048-22 NON AGENDA ITEMS	15(2)(f)
AC049-22 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC050-22 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC051-22 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 AC044-22 to AC051-22 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”

COUNCIL RESOLUTION**Resolution number: MO070-22****MOVED:** *Cr G Simpson***SECONDED:** *Cr A Boyd****“THAT the meeting be closed to the public to enable Council to consider agenda items AC044-22 to AC051-22 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”***

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

Against:

CARRIED UNANIMOUSLY

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

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

Agenda Item	Title	Brief Description
AC044-22	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC045-22	Confirmation of Minutes of the Closed Session Meeting of Council held on 26 April 2022	A motion to confirm the Minutes of the previous meeting
AC046-22	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC047-22	General Manager's Report – Closed Session	A report that considers various operational updates of a confidential nature
AC048-22	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC049-22	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC050-22	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
AC051-22	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of Closed Session

RESUMPTION

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

ACKNOWLEDGEMENT OF COUNTRY

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

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

AUDIO RECORDING

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

PRAYER

The meeting was opened with prayer by Pastor Jeff Weston from the Combined Churches of Burnie.

AO076-22 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.

**AO077-22 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING
OF COUNCIL HELD ON 26 APRIL 2022****RECOMMENDATION:**

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Office on 26 April 2022, be confirmed as true and correct.”

COUNCIL RESOLUTION

Resolution number: MO071-22

MOVED: Cr K Dorsey

SECONDED: Cr G Simpson

“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Office on 26 April 2022, 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

QUESTIONS ON NOTICE**AO078-22 QUESTION ON NOTICE - COUNCIL BUDGET - CPI INDEXATION AND CAPITAL WORKS****FILE NO:** 15/5/5, 22/12906**PREVIOUS MIN:**

THE GENERAL MANAGER referred to Councillor Steve Kons' Question on Notice which asked:

Can you please provide a rationale as to why CPI is the main driver of Council budgets.

Highlighting which elements of the basket of the CPI goods impacts on Council budgets from the attached ABS documentation.

What dollar value of capital works has been delivered in the last three years and what was the budgeted value of works planned in each of those years.

What is the carry forward value of capital works planned this year but not capable of being delivered.

COUNCILLOR'S COMMENTS

Ratepayers are asking this question and seeking a public response.

ACTING GENERAL MANAGER'S COMMENTSCPI Indexation

CPI is generally the best measure for adjusting payments to consumers when the intent is to allow customers to purchase at today's prices. It is determined by the ABS by collecting prices for thousands of items in Australia which are grouped into 87 expenditure categories across 11 groups. As local government operates across a wide variety of services the vast majority of these expenditure groups have relevance to Council. In fact, with regard to the specific question, with the exception of tobacco, all groups are applicable to local government to some degree.

The Burnie City Council have had varying approaches to CPI over the years, and at times not increased by CPI at all. To not increase, does not sufficiently enable the Council's income and expenditure to keep pace with escalating costs. It should be noted that CPI is not always reflective of some expenditure groups which will potentially be under CPI, or at times there are many that are far in excess of CPI based upon variable factors. To illustrate this point, please see below the most impacted costs, which are likely to be in excess of CPI predictions for the upcoming financial year:

Insurance Costs – 8% estimate based on known market changes.

Building Costs – estimated 4.5% increase from 21-22 (12 months to 31/12/21 was 15.12% increase). This is particularly important for Council as this includes the materials required to undertake our maintenance and capital works programs.

Wage Price Index – currently this is 2.3% but will be under pressure due to the rising costs of living. It should be noted that Council will be renegotiating our Enterprise Agreement in 2023.

Fuel – estimated 13% increase from 21-22 (12 months to 31/12/21 was 32% increase). The fuel excise reduction is already in the fuel pump price, local government are not eligible for further reductions at this time.

CPI is however the best inflationary factor to use as it is informed by expert economist advice that the Council can rely on. It is also a measure that the majority of local government jurisdictions use across Australia.

The rationale as to why the Burnie City Councils uses CPI is that the Council sees the merit in adequately provisioning for increased costs which occur annually, as a means of meeting these costs both now and into the future. To not increase by CPI puts an unnecessary burden on future budgets, and ratepayers when retrospectively attempting to recoup underestimates in cost pressures.

Councillors were provided a comprehensive overview as part of the Financial Management Strategy discussion around the varying levels of indexation that management have used this year in the development of FMS and budget. This methodology was subsequently approved by the Council and subsequently underpins the draft FMS and draft budget 2022-23. As part of these discussions management informed the Council that one of the greatest risks to the draft budget 2022-23 is the CPI indexation. While it is estimated to be 3% there is a very real possibility that it will be higher and the Council has zero contingency in its 2022-23 to offset this.

Capital Works

What dollar value of capital works has been delivered in the last three years and what was the budgeted value of works planned in each of those years.

Financial Year	Original Budget	Carry Forward Value (inc in Original Budget)	Actual Value of Works Delivered	Variance	% complete
2020-21	\$13,229,876	\$3,992,396	\$7,690,107	\$5,539,769	58%
2019-20	\$13,170,314	\$1,883,166	\$8,428,344	\$4,741,970	64%
2018-19	\$11,996,583	\$1,994,897	\$8,722,390	\$3,274,193	73%

It should be noted that 2019-20 and 2020-21 capital works programs have had significant impacts associated with the COVID-19 pandemic.

What is the carry forward value of capital works planned this year but not capable of being delivered.

The forecast capital works for the 2021-22 financial year are \$9,659,353. The planned carry forward amount is \$1,548,128 which reflects project that will not be completed at 30 June 2022.

RECOMMENDATION:

“THAT the information be noted.”

ATTACHMENTS

1. <https://www.abs.gov.au/statistics/economy/price-indexes-and-inflation/consumer-price-index-australia/latest-release> Australian Bureau of Statistics - Consumer Price Index, Australia

COUNCIL RESOLUTION

Resolution number: MO072-22

MOVED: Cr A Keygan

SECONDED: Cr G Simpson

“THAT the information be 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



[Home](#) > [Statistics](#) > [Economy](#) > [Price indexes and inflation](#) > [Consumer Price Index, Australia](#) > March 2022

✓ Latest release

Consumer Price Index, Australia

The Consumer Price Index (CPI) measures household inflation and includes statistics about price change for categories of household expenditure

Reference period March 2022

Released 27/04/2022

On this page

- [Key statistics](#)
- [Main features](#)
- [Overview](#)
- [Main contributors to change](#)
- [Capital cities comparison](#)
- [Selected tables - capital cities](#)
- [Data downloads](#)
- [Article archive](#)
- [Using price indexes](#)
- [Methodology](#)
- [Media releases](#)

Key statistics

- The Consumer Price Index (CPI) rose 2.1% this quarter.
- Over the twelve months to the March 2022 quarter, the CPI rose 5.1%.
- The most significant price rises were New dwelling purchase by owner-occupiers (+5.7%) and Automotive fuel (+11.0%).

Main features

All groups CPI, quarterly and annual movement (%)



Weighted average of eight capital cities

	Dec Qtr 2021 to Mar Qtr 2022	Mar Qtr 2021 to Mar Qtr 2022
	% change	% change
All groups CPI	2.1	5.1
Food and non-alcoholic beverages	2.8	4.3
Alcohol and tobacco	1.1	1.8
Clothing and footwear	-0.6	-1.5
Housing	2.7	6.7
Furnishings, household equipment and services	1.1	4.9
Health	2.3	3.5
Transport	4.2	13.7
Communication	0.3	-0.8
Recreation and culture	0.6	3.0
Education	4.5	4.7
Insurance and financial services	0.5	2.7
CPI analytical series		
All groups CPI, seasonally adjusted	2.0	5.2
Trimmed mean	1.4	3.7
Weighted median	1.0	3.2

Overview

Underlying inflation highest since 2009

Annual CPI inflation increased to 5.1 per cent in the March quarter, due to higher dwelling construction costs and automotive fuel prices. Trimmed mean annual inflation, which excludes large price rises and falls, increased to 3.7 per cent, the highest since March 2009.

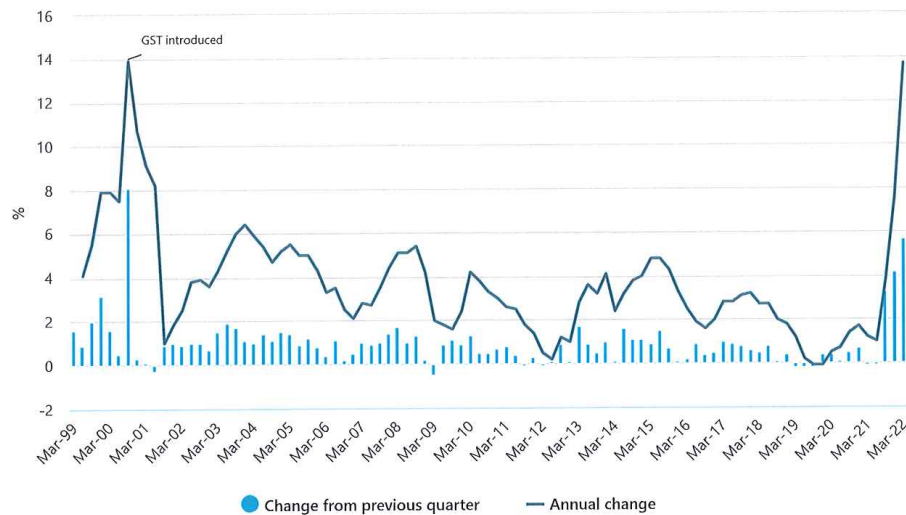
CPI, Trimmed mean and Weighted median, Annual movement (%)



Rising construction costs drove higher prices for new dwellings

New dwelling prices have recorded their largest rise since September 2000, following the introduction of the GST. Price rises were driven by high levels of building construction activity combined with ongoing shortages of materials and labour. Fewer payments of government construction grants compared to the previous quarter also contributed to the rise. These grants have the effect of reducing out of pocket expenses for new dwelling purchases.

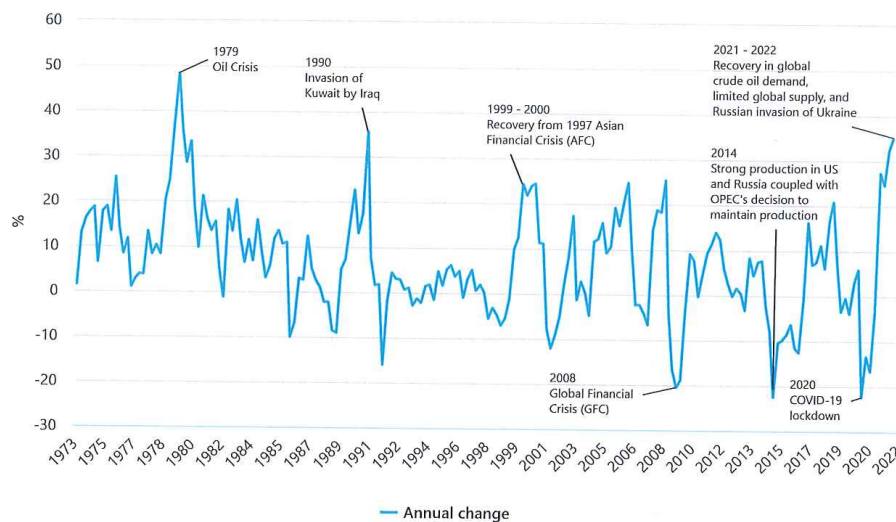
New dwelling purchase by owner occupier, Australia, quarterly and annual movement (%)



Fuel prices at record level

Automotive fuel prices rose for the seventh consecutive quarter, resulting in the strongest annual rise since the Iraqi invasion of Kuwait in 1990. The Automotive fuel series reached a record level in the March quarter due to an oil price shock caused by the Russian invasion of Ukraine, paired with ongoing easing of COVID-19 restrictions strengthening global demand. The national quarterly average price for unleaded petrol increased to \$1.83 per litre in the March quarter.

Automotive fuel, annual movement (%)

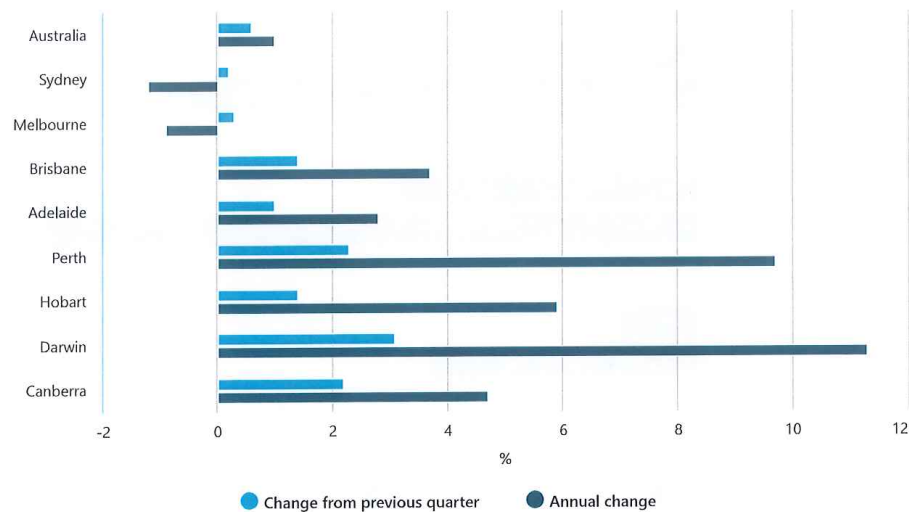


Two speed rental market continues across capital cities

Rents in Sydney and Melbourne recorded small rises in the March quarter. Rents across the remaining capital cities continue to record relatively stronger rises, reflecting historically low vacancy rates.

The positive growth in rents for Sydney and Melbourne was mainly driven by rising rents for houses, while other dwellings recorded a relatively smaller rise in Sydney and a small fall in Melbourne. Rental conditions for other dwellings remained subdued in Melbourne reflecting higher vacancy rates. Rents for both houses and other dwellings increased at a similar rate in the remaining capital cities.

Rents, quarterly and annual movement (%)

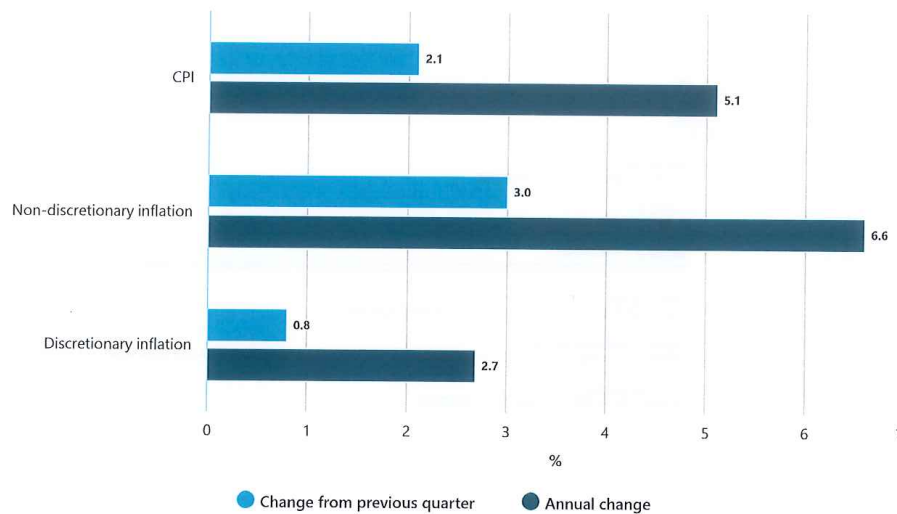


Gap between discretionary and non-discretionary inflation continued to grow

Non-discretionary annual inflation was higher than the CPI and more than twice the rate of Discretionary inflation. Non-discretionary inflation includes goods and services that households are less likely to reduce their consumption of, such as food, automotive fuel, housing and health costs which have all experienced price rises through the year.

In the quarter Non-discretionary inflation grew by 3 per cent. This was driven by Housing, Automotive fuel and Food.

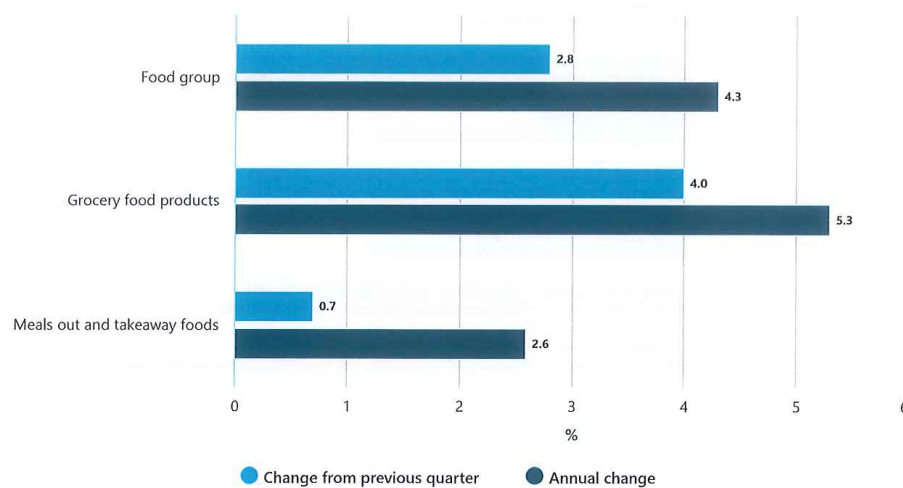
CPI, Non-discretionary and discretionary, quarterly and annual movement (%)



Vouchers for meals out and takeaway softened food price rises

The food group includes both grocery food products and meals out and takeaway foods. Grocery food products (+4.0%) were the main contributor to the food group in the March quarter. This movement was softened by meals out and takeaway foods (+0.7%), which saw price rises partially offset by voucher schemes reducing out of pocket costs for consumers in some cities.

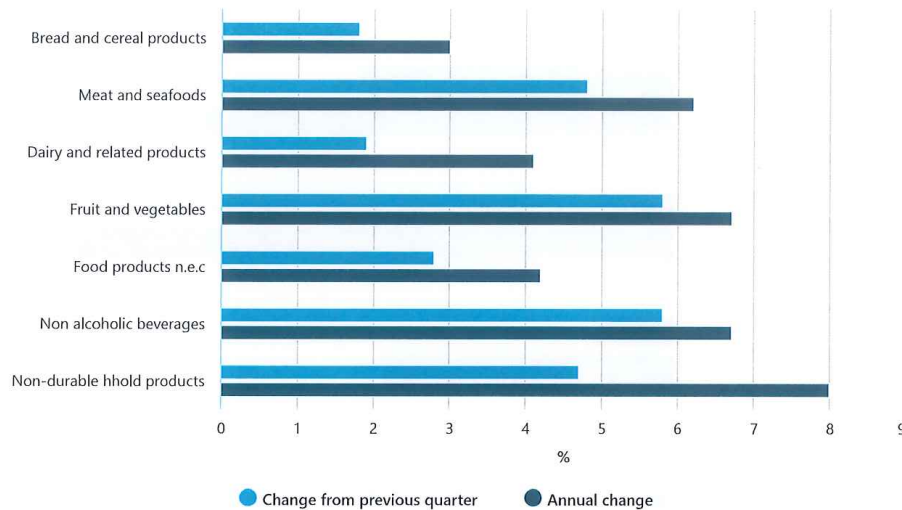
Food, Grocery food products and Meals out and takeaway foods, quarterly and annual movement (%)



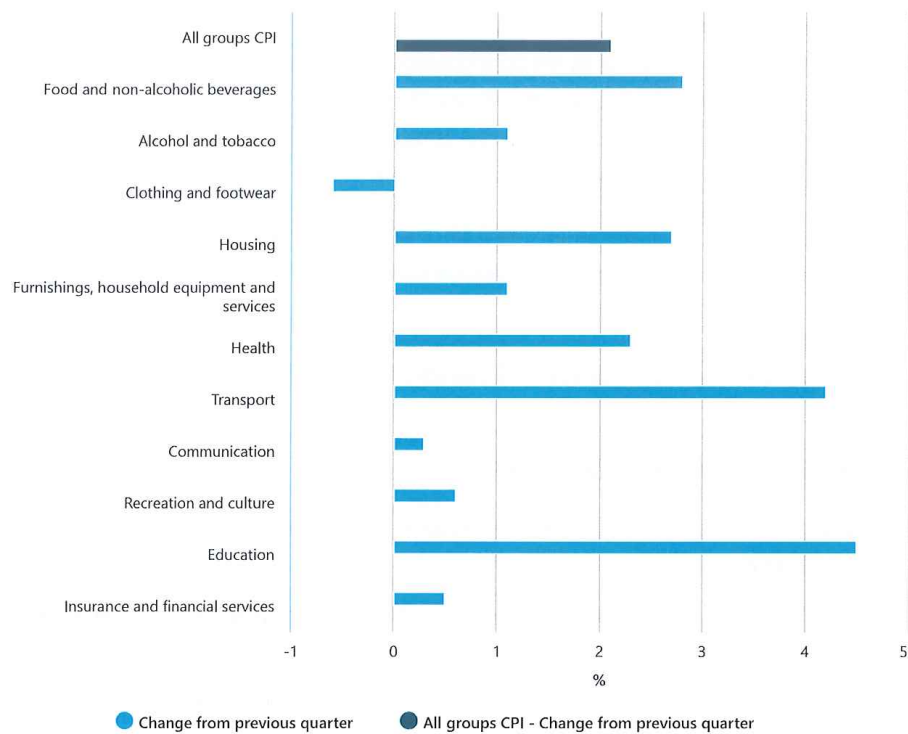
Price growth recorded across all grocery products

Price rises were seen across all food and non-food grocery products in the March quarter, reflecting a range of price pressures including transport costs, supply chain disruptions and increased input costs.

Grocery products, quarterly and annual movement (%)

Main contributors to change
CPI groups

Weighted average of eight capital cities, quarterly movement (%)



Food and non-alcoholic beverages group (+2.8%)

- Vegetables (+6.6%) and Fruit (+4.9%) rose due to COVID-related supply chain disruptions, and high transport and fertiliser costs. Flooding in production areas of New South Wales and Queensland also disrupted supply in early March, placing additional pressure on vegetable prices late in the quarter.

- Meat and seafoods rose 4.8% due to herd rebuilding in response to favourable weather conditions, reducing supply. Supply chain disruptions and high transport costs also contributed to the rise.
- Waters, soft drinks and juices rose 5.6% due to packaging, ingredient and freight costs pressures.
- Meals out and takeaway foods rose 0.7%. The pass through of increased input costs to consumers was partially offset by the NSW Government's 'Dine & Discover' and the City of Melbourne's 'Midweek Melbourne Money' voucher schemes. These voucher schemes have the effect of reducing out of pocket costs for consumers. Excluding the impact of these voucher schemes, meals out and takeaway foods rose 1.2%.

In seasonally adjusted terms, the group rose 2.0%. The main contributors were Beef and veal (+5.0%), Waters, soft drinks and juices (+3.8%) and Fruit (+3.4%).

Over the past twelve months, the group rose 4.3%. Meals out and takeaway foods (+2.6%), Vegetables (+12.7%) and Beef and veal (+12.1%) were the main contributors.

Alcohol and tobacco group (+1.1%)

- Alcohol rose 1.0% as prices returned from seasonal specials and the excise tax increase for beer and spirits.
- Tobacco rose 1.2%. The Average Weekly Ordinary Time Earnings (AWOTE) excise increase of 0.7% was applied from 1 March 2022.

In seasonally adjusted terms, the group rose 0.7%. The main contributor was Tobacco (+1.0%).

Over the past twelve months, the group rose 1.8%. The main contributor was Tobacco (+3.0%).

Clothing and footwear group (-0.6%)

- Garments (-1.2%) and Footwear (-2.4%) fell due to discounting of excess summer stock.
- Accessories rose 1.3% due to rises in gold jewellery, reflecting higher gold commodity prices.

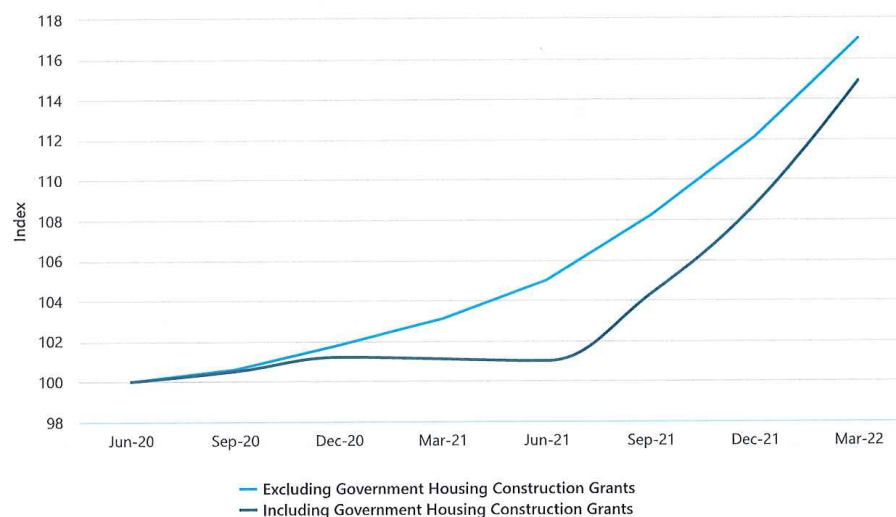
In seasonally adjusted terms, the group rose 0.2%. The main contributor was Accessories (+1.3%).

Over the past twelve months, the group fell 1.5%. The main contributor was Garments (-2.9%).

Housing group (+2.7%)

- New dwelling purchase by owner occupiers rose 5.7%. This was the largest rise since the September 2000 quarter, following the introduction of the GST. Continuing strong demand for housing construction enabled builders to pass through increases in costs for both materials and labour.
- Fewer grant payments this quarter from the Federal Government's HomeBuilder program and similar state-based housing construction programs also contributed to the rise.
- The following graph shows the new dwellings series including and excluding government housing construction grants.

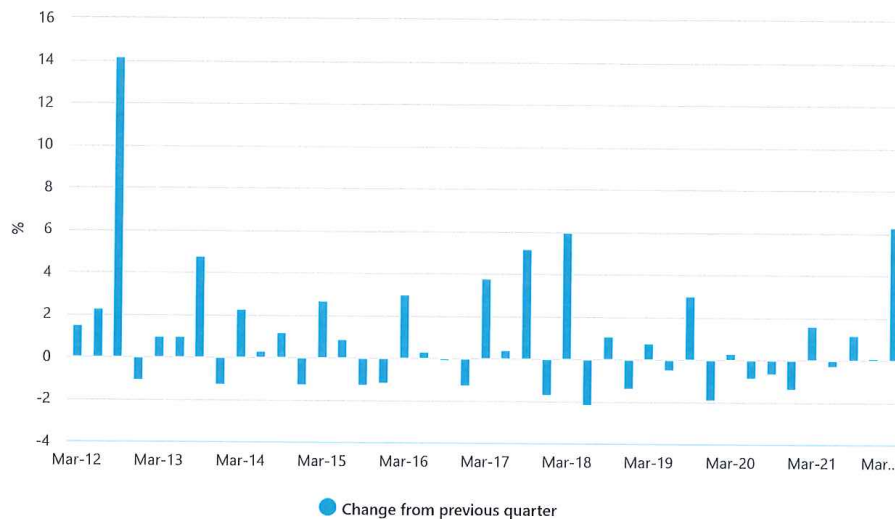
New dwelling purchase by owner-occupier, Index



Index, June 2020 = 100

- Gas and other household fuels rose 6.3% driven by Melbourne (+10.9%). This was the largest rise since the September 2012 quarter. The rise in Melbourne was driven by annual price reviews which factored in rising wholesale and network costs.

Gas and other household fuels, quarterly movement (%)



- Rents rose 0.6%, the largest rise since the September 2014 quarter. Sydney and Melbourne recorded their first rises since the December 2018 and December 2020 quarters respectively. Rents across the other capital cities continue to record relatively stronger rises reflecting historically low vacancy rates.

In seasonally adjusted terms, the group rose 2.5%. The main contributor was New dwelling purchase by owner occupiers (+5.7%).

Over the past twelve months the group rose 6.7%. The main contributor to the rise was New dwelling purchase by owner occupiers (+13.7%).

Furnishings, household equipment and services group (+1.1%)

- Other non-durable household products, such as toilet paper and paper towels, rose 6.7%.
- Domestic and household services rose 0.9% due to price increases for hairdressing and gardening services. Child care was unchanged this quarter as increased child care fees were

offset by the recent introduction of additional child care subsidies for families with two or more children under the age of six. This policy came into effect part way through the quarter and therefore will also impact the June 2022 quarter. The NSW Government's new before and after school care vouchers also had the effect of reducing families' child care out of pocket costs in Sydney.

- Furniture (-3.4%) partially offset the rise, due to post Christmas discounting.

In seasonally adjusted terms the group rose 2.1%. The main contributor was Other non-durable household products (+6.7%).

Over the past twelve months the group rose 4.9%. Other non-durable household products (+11.8%) and Furniture (+5.3%) were the main contributors.

Health group (+2.3%)

- Pharmaceutical products (+5.7%) and Medical and hospital services (+1.8%) rose as a result of the cyclical reduction in the proportion of consumers who qualify for subsidies under the Pharmaceutical Benefits Scheme (PBS) and Medicare safety net. The safety net thresholds for both the PBS and Medicare are reset on 1 January each year.

In seasonally adjusted terms the group rose 1.0%. Medical and hospital services (+1.2%) was the main contributor.

Over the past twelve months the group rose 3.5%. Medical and hospital services (+4.6%) was the main contributor.

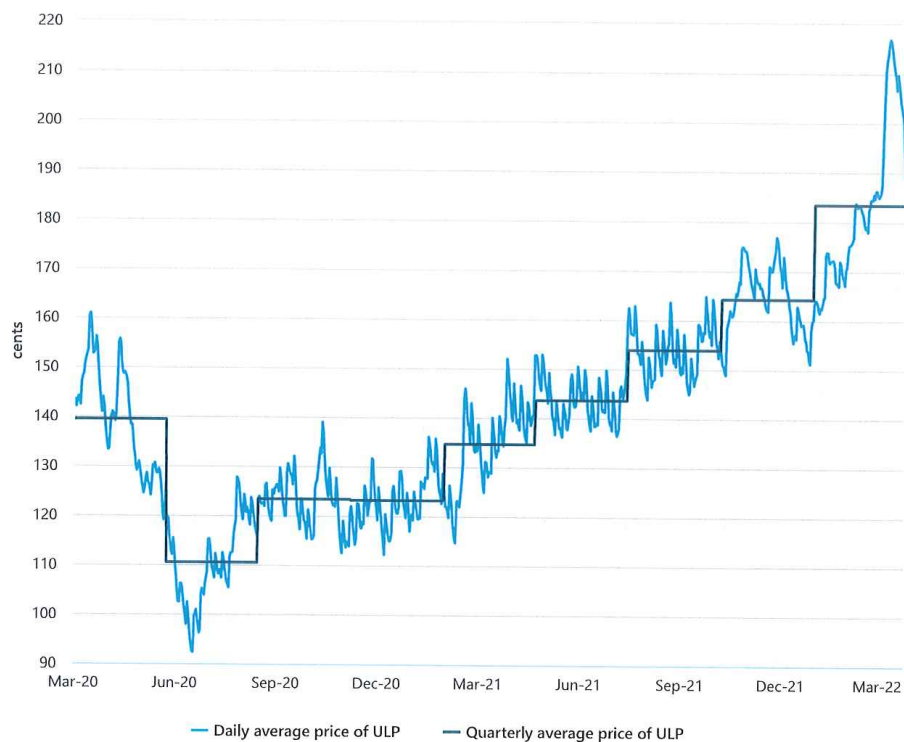
Transport group (+4.2%)

- Automotive fuel rose 11.0% due to an oil price shock caused by the Russian invasion of Ukraine, paired with ongoing easing of COVID-19 restrictions strengthening global demand. Fuel prices reached record levels in the March quarter.
- Motor Vehicles rose 1.0% due to ongoing global supply constraints restricting global supply chains, coupled with strong domestic demand.

In seasonally adjusted terms, the group rose (+4.2%). The main contributor was Automotive fuel (+11.0%)

Over the past 12 months, the group rose (+13.7%). Automotive fuel (+35.1%) and Motor vehicles (+6.6%) were the main contributors.

Average price of unleaded petrol (91 octane), cents per litre

**Communication group (+0.3%)**

- Postal services rose 3.8% due to rises in postage rates for international and domestic parcels.

The group is not seasonally adjusted.

Over the past twelve months the group fell 0.8%. The main contributor was telecommunication equipment and services (-1.1%).

Recreation and culture group (+0.6%)

- Pets and related products rose 6.7% due to price rises for cat and dog food.
- Equipment for sports, camping and equipment rose 2.0% due to price increases in major durables such as boats and caravans.
- International holiday travel and accommodation (-23.1%) partially offset the rise due to price falls in airfares as overseas carriers increased their Europe, America, and Asia services.

In seasonally adjusted terms, the group rose 1.3%. Pets and related products (+6.0%) was the main contributor.

Over the past twelve months the group rose 3.0%. Domestic holiday travel and accommodation (+4.6%) was the main contributor.

Education group (+4.5%)

- Tertiary education rose 6.3% due to the continuing impact of the job-ready graduate package that commenced in January 2021. When the new fee structure was introduced last year, fees for existing students were 'grandfathered' so that existing students paid either the same or lower fees, depending on the course they were doing. As students graduate, proportionately fewer are covered by the grandfathering arrangements, meaning that fees have increased on average.
- Secondary education (+3.0%) and Preschool and primary education (+4.5%) rose following the commencement of the new school year. The ending of free preschool in Victoria also contributed to the rise in preschool and primary school fees.

In seasonally adjusted terms, the group rose 2.5%. The main contributors were tertiary education (5.4%) and preschool and primary education (+1.7%).

Over the past twelve months, the group rose 4.7%. Tertiary education (+6.4%) was the main contributor.

Insurance and financial services group (+0.5%)

- Other financial services (+0.4%) was the main contributor to the rise.

In seasonally adjusted terms, the group rose 0.6%.

Over the past twelve months the group rose 2.7%.

International trade exposure - tradable and non-tradables

The tradables and non-tradables series measure the contribution of goods and services that are highly exposed to international trade influences (tradables), and those that are mostly influenced by domestic factors (non-tradables), to overall household inflation. Examples of tradables include automotive fuel, most food items, and clothing and footwear. Examples of non-tradables include housing and education.

Tradables (+2.8% quarter, +6.8% annual)

- Tradable goods component rose (+2.9%) due to Automotive fuel (+11.0%).
- Tradable services component fell (-8.4%) due to International holiday travel and accommodation (-23.1%).

Non-tradables (+1.8% quarter, +4.2% annual)

- Non-tradable goods component rose (+2.9%) due to New dwelling purchase by owner occupiers (+5.7%).
- Non-tradable services component rose (+1.2%) due to Tertiary education(+6.3%).

In seasonally adjusted terms, the tradables component of the All groups CPI rose 2.7% and the non-tradables component rose +1.6%.

Underlying inflation series

The Trimmed mean and the Weighted median provide measures of underlying inflation. These measures reduce the impact of irregular or temporary price changes in the CPI. For more information see [Underlying Inflation Measures: Explaining the Trimmed Mean and Weighted Median \(/statistics/research/underlying-inflation-measures-explaining-trimmed-mean-and-weighted-median\)](#).

In the March 2022 quarter:

- The Trimmed mean rose 1.4%, following a rise of 1.0% in the December 2021 quarter.
- Over the past twelve months to the March 2022 quarter, the Trimmed mean rose 3.7%, following a rise of 2.6% over the twelve months to the December 2021 quarter.
- The Weighted median rose 1.0% following a rise of 0.9% in the December 2021 quarter.

- Over the past twelve months, the Weighted median rose 3.2%, following a rise of 2.5% over the twelve months to the December 2021 quarter.

Seasonally adjusted analytical series

Seasonal adjustment is the process by which regular, calendar related effects are removed from the original series.

- All groups CPI seasonally adjusted rose 2.0% for the quarter.

Dec Qtr 2021 to Mar Qtr 2022 percentage change

	Original (%)	Seasonally Adjusted (%)
All groups CPI	2.1	2.0
Food and non-alcoholic beverages	2.8	2.0
Alcohol and tobacco	1.1	0.7
Clothing and footwear	-0.6	0.2
Housing	2.7	2.5
Furnishings, household equipment and services	1.1	2.1
Health	2.3	1.0
Transport	4.2	4.2
Communication(a)	0.3	
Recreation and culture	0.6	1.3
Education	4.5	2.5
Insurance and financial services	0.5	0.6
International trade exposure series		
Tradables	2.8	2.7
Non-tradables	1.8	1.6

a. Not seasonally adjusted

A detailed explanation of the seasonal adjustment of the All Groups CPI and calculation of the trimmed mean and weighted median measures is available in [Information Paper: Seasonal Adjustment of Consumer Price Indexes, 2011 \(cat. no. 6401.0.55.003\)](#)

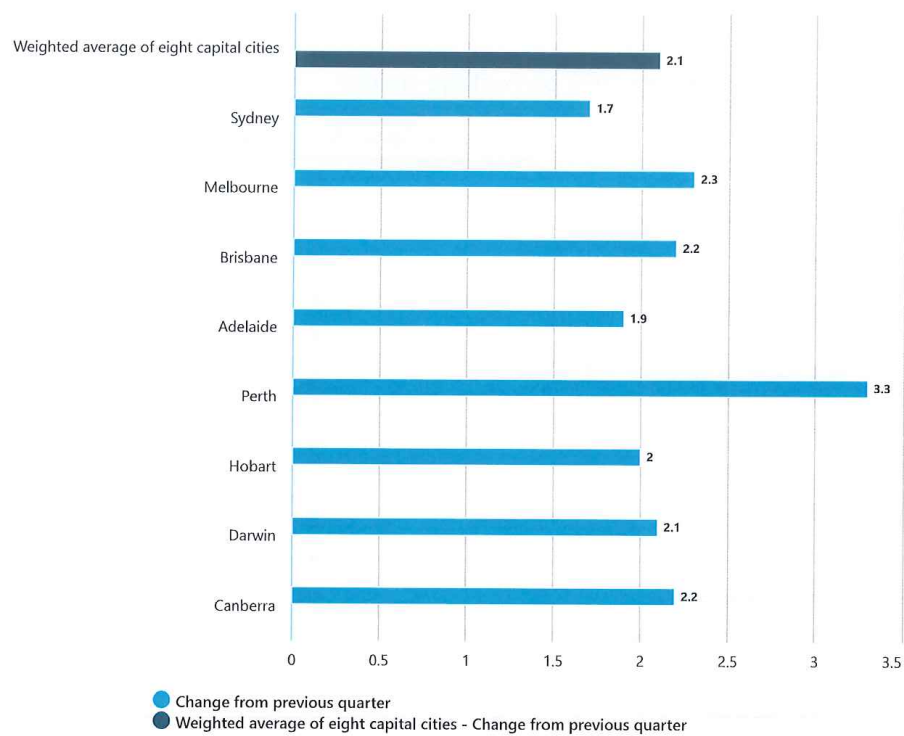
(<https://www.abs.gov.au/ausstats/abs@.nsf/Lookup/6401.0.55.003Main+Features22011>).

Revisions to the seasonally adjusted estimates can be the result of the application of concurrent seasonal adjustment, described on the methodology page.

Capital cities comparison

All groups CPI

All groups CPI, quarterly movement (%)



All groups CPI, All groups index numbers and percentage changes

	Index number(a)	Percentage change	
	Mar Qtr 2022	Dec Qtr 2021 to Mar Qtr 2022	Mar Qtr 2021 to Mar Qtr 2022
Sydney	123.7	1.7	4.4
Melbourne	124.2	2.3	4.5
Brisbane	125.3	2.2	6.0
Adelaide	122.7	1.9	4.7
Perth	123.3	3.3	7.6
Hobart	125.4	2.0	5.8
Darwin	120.7	2.1	5.5
Canberra	123.6	2.2	5.4
Weighted average of eight capital cities	123.9	2.1	5.1

a. Index reference period: 2011-12 = 100.0.

In all capital cities:

- New dwelling purchase by owner occupiers (+5.7%) rose. Continuing strong demand for housing construction enabled builders to pass through increases in costs for both materials and labour driven by ongoing supply constraints. The largest rise was recorded in Perth (+15.8%), followed by Brisbane (+6.0%) and Melbourne (+4.7%).
- Automotive fuel (+11.0%) rose due to a global oil price shock following the Russian invasion of Ukraine combined with easing COVID restrictions globally. The largest rise was recorded in Adelaide (+12.6%), followed by Darwin (+12.0%) and Brisbane (+11.9%).
- Tertiary education (+6.3%) rose due to the continued introduction of the new band and fee schedule with more students on the higher fee structure this year. The largest price rises were recorded in Hobart (+7.4%), Brisbane (+7.2%) and Canberra (+7.2%).

Capital city highlights:

At the All groups level, the CPI rose in all eight capital cities, ranging from 1.7% in Sydney to 3.3% in Perth.

Sydney (+1.7%)

Sydney recorded the smallest rise of all capital cities.

- New dwelling purchase by owner occupiers (+4.2%).
- Automotive fuel (+9.6%).
- Other non-durable household products (+7.6%)
- Furniture (-6.5%) partially offset the rise.

Sydney recorded an annual rise of 4.4%.

Melbourne (+2.3%)

- New dwelling purchase by owner occupiers (+4.7%).
- Automotive fuel (+11.4%).
- Gas and other household fuels (+10.9) rose due to rising wholesale and network costs.

Melbourne recorded an annual rise of 4.5%.

Brisbane (+2.2%)

- New dwelling purchase by owner occupiers (+6.0%).
- Automotive fuel (+11.9%).
- Tertiary education (+7.2%).
- Domestic holiday travel and accommodation (-5.0%) partially offset the rise.

Brisbane recorded an annual rise of 6.0%.

Adelaide (+1.9%)

- Automotive fuel (+12.6%).
- New dwelling purchase by owner occupiers (+4.4%).
- Other non-durable household products (+6.6%)

Adelaide recorded an annual rise of 4.7%.

Perth (+3.3%)

Perth recorded the largest rise of all capital cities.

- New dwelling purchase by owner occupiers (+15.8%) rose due to rising materials and labour costs, and fewer grant payments from the Federal Government's HomeBuilder and Western Australian Government's housing construction programs compared to the previous quarter.
- Automotive fuel (+11.1%).
- Other non-durable household products (+7.4%)
- Rents (+2.3%) rose due to historically low vacancy rates resulting in price rises.

Perth recorded an annual rise of 7.6%.

Hobart (+2.0%)

- Automotive fuel (+11.6%).
- New dwelling purchase by owner occupiers (+1.9%).
- Domestic holiday travel and accommodation (+4.2%)
- Rents (+1.4%) rose due to historically low vacancy rates resulting in price rises.

Hobart recorded an annual rise of 5.8%.

Darwin (+2.1%)

- Automotive fuel (+12.0%).
- Rents (+3.1%) rose due to continued strong levels of rental demand and low vacancy rates.
- New dwelling purchase by owner occupiers (+2.5%).

Darwin recorded an annual rise of 5.5%.

Canberra (+2.2%)

- Automotive fuel (+8.8%).
- New dwelling purchase by owner occupiers (+2.6%).
- Electricity (+6.9%) rose due to electricity costs returning to normal levels following the removal of a one-off \$200 rebate for concession customers introduced in the previous quarter.

- Rents (+2.2%) rose due to historically low vacancy rates resulting in price rises.

Canberra recorded an annual rise of 5.4%.

Quarterly percentage change by capital city

Group	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Darwin	Canber
All groups	1.7	2.3	2.2	1.9	3.3	2.0	2.1	
Food & non-alcoholic beverages	2.5	2.8	3.2	2.7	3.2	2.7	2.7	
Alcohol & tobacco	1.2	0.8	1.2	0.8	1.7	-0.1	1.0	
Clothing & footwear	-0.1	-0.5	-1.8	-0.7	-1.1	-0.7	-1.1	-
Housing	1.9	2.4	2.8	1.9	6.6	1.2	2.0	
Furnishings, household equipment and services	0.6	1.2	1.1	0.9	1.9	1.5	2.3	
Health	2.1	2.2	3.4	1.3	2.1	2.4	0.5	
Transport	3.2	4.7	4.2	5.4	4.5	6.0	5.0	
Communication	0.4	0.3	0.3	0.3	0.3	0.3	0.3	
Recreation & culture	-0.1	1.6	-0.2	1.0	1.3	2.0	0.3	
Education	3.8	5.4	4.9	3.7	3.6	4.6	6.6	
Insurance & financial services	0.6	0.7	0.5	-0.5	1.1	0.3	0.9	

◀ ▶

Selected tables - capital cities

All groups CPI, index numbers(a)

All groups CPI, Index numbers(a)

Period	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Darwin	Canberra
2022 March	123.7	124.2	125.3	122.7	123.3	125.4	120.7	123.6
2021 December	121.6	121.4	122.6	120.4	119.4	122.9	118.2	120.9
2021 September	120.2	120.1	120.7	118.6	117.7	120.2	117.3	119.7
2021 June	119.4	119.1	119.2	117.8	116.8	119.8	115.6	118.2
2021 March	118.5	118.8	118.2	117.2	114.6	118.5	114.4	117.3
2020 December	118.0	118.4	117.5	116.5	113.0	117.6	111.5	116.3
2020 September	116.8	116.7	116.2	115.7	114.1	116.7	110.8	115.4
2020 June	114.7	115.7	113.6	114.6	112.1	115.6	109.0	112.8
2020 March	117.4	117.8	116.2	115.8	113.5	117.2	111.8	115.5
2019 December	117.1	116.9	116.3	115.4	113.1	116.7	111.5	115.0
2019 September	116.5	115.9	115.5	114.5	112.6	114.7	111.3	114.3
2019 June	115.9	115.3	114.8	113.7	112.0	114.1	111.0	113.5
2019 March	115.1	114.7	114.1	113.1	111.2	113.4	110.1	113.2
2018 December	115.2	114.6	114.0	113.0	111.3	113.6	111.0	113.1
2018 September	114.7	114.0	113.4	112.4	110.8	112.2	110.8	112.3
2018 June	114.0	113.8	112.9	112.1	110.2	111.5	110.1	111.6
2018 March	113.6	113.3	112.4	111.6	110.0	111.1	109.7	111.2
2020-21	118.2	118.3	117.8	116.8	114.6	118.2	113.1	116.8
2019-20	116.4	116.6	115.4	115.1	112.8	116.1	110.9	114.4
2018-19	115.2	114.7	114.1	113.1	111.3	113.3	110.7	113.0

a. Unless otherwise specified, reference period of each index: 2011-12 = 100.0.

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All groups CPI, percentage changes

Percentage change (from previous financial year)

Period	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Darwin	Canberra	W av of ca cit
2020-21	1.5	1.4	2.1	1.5	1.6	1.8	2.0	2.1	
2019-20	1.0	1.7	1.2	1.8	1.3	2.4	0.2	1.2	
2018-19	1.7	1.7	1.6	1.5	1.3	2.5	0.9	2.1	

Percentage change (from corresponding quarter of previous year)

Period	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Darwin	Canberra
2022 March	4.4	4.5	6.0	4.7	7.6	5.8	5.5	5.4
2021 December	3.1	2.5	4.3	3.3	5.7	4.5	6.0	4.0
2021 September	2.9	2.9	3.9	2.5	3.2	3.0	5.9	3.7
2021 June	4.1	2.9	4.9	2.8	4.2	3.6	6.1	4.8
2021 March	0.9	0.8	1.7	1.2	1.0	1.1	2.3	1.6
2020 December	0.8	1.3	1.0	1.0	-0.1	0.8	0.0	1.1
2020 September	0.3	0.7	0.6	1.0	1.3	1.7	-0.4	1.0
2020 June	-1.0	0.3	-1.0	0.8	0.1	1.3	-1.8	-0.6
2020 March	2.0	2.7	1.8	2.4	2.1	3.4	1.5	2.0
2019 December	1.6	2.0	2.0	2.1	1.6	2.7	0.5	1.7
2019 September	1.6	1.7	1.9	1.9	1.6	2.2	0.5	1.8
2019 June	1.7	1.3	1.7	1.4	1.6	2.3	0.8	1.7
2019 March	1.3	1.2	1.5	1.3	1.1	2.1	0.4	1.8
2018 December	1.7	2.0	1.5	1.6	1.3	3.0	1.2	2.5
2018 September	2.0	2.2	1.8	1.8	1.2	2.7	1.3	2.5
2018 June	2.1	2.5	1.7	2.7	1.1	2.4	1.2	2.8
2018 March	2.1	2.2	1.7	2.3	0.9	2.0	1.1	2.4

Percentage change (from previous quarter)

Period	Sydney	Melbourne	Brisbane	Adelaide	Perth	Hobart	Darwin	Canberra
2022 March	1.7	2.3	2.2	1.9	3.3	2.0	2.1	2.2
2021 December	1.2	1.1	1.6	1.5	1.4	2.2	0.8	1.0
2021 September	0.7	0.8	1.3	0.7	0.8	0.3	1.5	1.3
2021 June	0.8	0.3	0.8	0.5	1.9	1.1	1.0	0.8
2021 March	0.4	0.3	0.6	0.6	1.4	0.8	2.6	0.9
2020 December	1.0	1.5	1.1	0.7	-1.0	0.8	0.6	0.8
2020 September	1.8	0.9	2.3	1.0	1.8	1.0	1.7	2.3
2020 June	-2.3	-1.8	-2.2	-1.0	-1.2	-1.4	-2.5	-2.3
2020 March	0.3	0.8	-0.1	0.3	0.4	0.4	0.3	0.4
2019 December	0.5	0.9	0.7	0.8	0.4	1.7	0.2	0.6
2019 September	0.5	0.5	0.6	0.7	0.5	0.5	0.3	0.7
2019 June	0.7	0.5	0.6	0.5	0.7	0.6	0.8	0.3
2019 March	-0.1	0.1	0.1	0.1	-0.1	-0.2	-0.8	0.1
2018 December	0.4	0.5	0.5	0.5	0.5	1.2	0.2	0.7
2018 September	0.6	0.2	0.4	0.3	0.5	0.6	0.6	0.6
2018 June	0.4	0.4	0.4	0.4	0.2	0.4	0.4	0.4
2018 March	0.3	0.9	0.1	0.4	0.1	0.7	0.0	0.8

Longer term series: all groups CPI, weighted average of eight capital cities, index numbers

	31 March no.	30 June no.	30 September no.	31 December no.
2022	123.9			
2021	117.9	118.8	119.7	121.3
2020	116.6	114.4	116.2	117.2
2019	114.1	114.8	115.4	116.2
2018	112.6	113.0	113.5	114.1
2017	110.5	110.7	111.4	112.1
2016	108.2	108.6	109.4	110.0
2015	106.8	107.5	108.0	108.4
2014	105.4	105.9	106.4	106.6
2013	102.4	102.8	104.0	104.8
2012	99.9	100.4	101.8	102.0
2011	98.3	99.2	99.8	99.8
2010	95.2	95.8	96.5	96.9
2009	92.5	92.9	93.8	94.3
2008	90.3	91.6	92.7	92.4
2007	86.6	87.7	88.3	89.1
2006	84.5	85.9	86.7	86.6
2005	82.1	82.6	83.4	83.8
2004	80.2	80.6	80.9	81.5
2003	78.6	78.6	79.1	79.5
2002	76.1	76.6	77.1	77.6
2001	73.9	74.5	74.7	75.4
2000	69.7	70.2	72.9	73.1
1999	67.8	68.1	68.7	69.1
1998	67.0	67.4	67.5	67.8
1997	67.1	66.9	66.6	66.8
1996	66.2	66.7	66.9	67.0
1995	63.8	64.7	65.5	66.0
1994	61.5	61.9	62.3	62.8
1993	60.6	60.8	61.1	61.2
1992	59.9	59.7	59.8	60.1
1991	58.9	59.0	59.3	59.9
1990	56.2	57.1	57.5	59.0
1989	51.7	53.0	54.2	55.2
1988	48.4	49.3	50.2	51.2

	31 March no.	30 June no.	30 September no.	31 December no.
1987	45.3	46.0	46.8	47.6
1986	41.4	42.1	43.2	44.4
1985	37.9	38.8	39.7	40.5

a. nil or rounded to zero (including null cells)

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Time Series Spreadsheets

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TABLES 1 and 2. CPI: All Groups, Index Numbers and Percentage Changes

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TABLE 8. CPI: Analytical Series, Weighted Average of Eight Capital Cities

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TABLE 9. CPI: Group, Sub-group and Expenditure Class, Index Numbers by Capital City

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TABLE 10. CPI: Group, Sub-group and Expenditure Class, Percentage change from corresponding quarter of previous year by Capital City

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TABLE 11. CPI: Group, Sub-group and Expenditure Class, Percentage change from previous quarter by Capital City

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TABLE 12. CPI: Group, Sub-group and Expenditure Class, Points Contribution, by Capital City

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TABLE 13. CPI: Group, Expenditure Class and Selected Analytical Series Index Numbers, Seasonally adjusted, Weighted Average of Eight Capital Cities

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TABLE 14. CPI: Expenditure Class, Combined seasonal adjustment factors, Weighted Average of Eight Capital Cities

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[Enhancing the Australian CPI: A roadmap](https://www.abs.gov.au/research/economy/price-indexes-and-inflation/enhancing-australian-cpi-roadmap/enhancing-australian-cpi-roadmap) (<https://www.abs.gov.au/research/economy/price-indexes-and-inflation/enhancing-australian-cpi-roadmap/enhancing-australian-cpi-roadmap>), August 2015

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CPI 17th series review

[The 2020 annual re-weight of the Australian Consumer Price Index](https://www.abs.gov.au/statistics/research/2020-annual-re-weight-australian-consumer-price-index)
(<https://www.abs.gov.au/statistics/research/2020-annual-re-weight-australian-consumer-price-index>), December 2020

[Information Paper: Introduction of the Consumer Price Index Weight Update](https://www.abs.gov.au/ausstats/abs@.nsf/mf/6470.0.55.002)
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[Consumer Price Index: Correspondence with 2015-16 Household Expenditure Classification 2017](https://www.abs.gov.au/ausstats/abs@.nsf/mf/6446.0.55.001)
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[Consumer Price Index: Historical Weighting Patterns, 1948-2017](https://www.abs.gov.au/ausstats/abs@.nsf/mf/6431.0)
(<https://www.abs.gov.au/ausstats/abs@.nsf/mf/6431.0>), January 2018

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(<https://www.abs.gov.au/ausstats/abs@.nsf/mf/6440.0>), January 2018

[Consumer Price Index: 17th Series Weighting Pattern](https://www.abs.gov.au/ausstats/abs@.nsf/mf/6473.0)
(<https://www.abs.gov.au/ausstats/abs@.nsf/mf/6473.0>), November 2017

[Information Paper: Introduction of the 17th Series Australian Consumer Price Index, 2017](https://www.abs.gov.au/ausstats/abs@.nsf/mf/6470.0.55.001)
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Using price indexes

Price indexes in contracts

Price indexes published by the Australian Bureau of Statistics (ABS) provide summary measures of the movements in various categories of prices over time. They are published primarily for use in Government economic analysis. Price indexes are also often used in contracts by businesses and government to adjust payments and/or charges to take account of changes in categories of prices (Indexation Clauses).

[Use of Price Indexes in Contracts](https://www.abs.gov.au/websitedbs/D3310114.nsf/home/Inflation+and+Price+Indexes+-+Use+of+Price+Indexes+in+Contracts)

(<https://www.abs.gov.au/websitedbs/D3310114.nsf/home/Inflation+and+Price+Indexes+-+Use+of+Price+Indexes+in+Contracts>) that sets out a range of issues that should be taken into account by parties considering including an Indexation Clause in a contract using an ABS published price index.

Frequently asked questions

The [Frequently Asked Questions](https://www.abs.gov.au/websitedbs/d3310114.nsf/home/Consumer+Price+Index+FAQs)

(<https://www.abs.gov.au/websitedbs/d3310114.nsf/home/Consumer+Price+Index+FAQs>) page that has answers to a number of common questions to do with price indexes and the Consumer Price Index, in particular.

Previous catalogue number

This release previously used catalogue number 6401.0.

Methodology

[Consumer Price Index, Australia methodology, March 2022](#)

QUESTIONS ON NOTICE**AO079-22 QUESTION ON NOTICE - COUNCIL BUDGET**

FILE NO: 15/5/5, 22/13119

PREVIOUS MIN:

THE GENERAL MANAGER referred to Councillor Steve Kons' Question on Notice which asked:

- 1) For each financial year from 2016/17 to current what were the deficits and surpluses each year.**

For the financial year:

2019/2020 what were

- 1. Reductions of budgeted revenue of over \$10k from the previous year per department area e.g., parking etc.*
- 2. Increases in budgeted expenditure of over \$50k per area over budgeted expenditure.*

2020/21 year what was

- 1. The value of the redundancy payments.*
- 2. The reduction in parking revenue.*
- 3. Any other revenue downturns from the previous year.*
- 4. Any other expenditure increases of say over \$10k.*

2021/22 year

Were there any redundancy payments in this financial year?

- 2) How many times have the Financial Assistance Grants been paid in advance over the past three years?**
- 3) Is the budget projected to be in surplus this financial year.**

Yes, or No?

4) What is the current cash balance as at the time of this question and the forecast cash balance at the end of this financial year?

COUNCILLOR'S COMMENTS

The question is raised to provide an explanation to the public as there exists confusion in the public's eyes as to Councils financial position.

ACTING GENERAL MANAGER'S COMMENTS

Please note that the following response is predicated on variances that meet the \$50K threshold as opposed to the requests to provide information down to a variable of \$10K.

The rationale for this is that \$50K is considered material to the Council's financial position, and additionally the resource needed to undertake detailed analysis of variables to such a low level are beyond the Council's capacity at this time.

For each financial year from 2016/17 to current what were the deficits and surpluses each year.

	Actual	Actual	Actual	Actual	Actual
	\$'000	\$'000	\$'000	\$'000	\$'000
	2020-21	2019-20	2018-19	2017-18	2016-17
Operating Revenue	32,834	33,703	33,372	33,346	34,596
Operating Expense	35,381	34,043	33,614	32,487	33,234
Net Operating Result	(2,547)	(340)	(242)	859	1,362

For the financial year:

2019/2020 what were

Reductions of budgeted revenue of over \$50k from the previous year per department area e.g., parking etc.

- *2019-20 was severely impacted by COVID-19 with significant lockdowns in the last quarter of 2019-20 affecting movement of people within the state and more broadly.*

The major revenue reductions over \$50K were: Tas Water dividend (\$414K), parking including fines (\$240K), permit application fees (\$54K), Cultural precinct (\$170K), lower interest rates meant reduced interest on investments (\$131K), reduced benefit from contract retentions forfeited reduced (\$90K).

Increases in budgeted expenditure of over \$50k per area over budgeted expenditure.

- *Increase in Tas Communication Service Level Agreement payments from BCC (\$87K), one off de-recognition of asset in 19-20 (\$113K), increased insurance costs (\$42K), maintenance costs (internal building team undertook works to modify our workspaces and customer facing areas to comply with COVID-19 requirements*

(\$42K), COVID-19 relief measures as per council package of measures (\$75K), pandemic leave (\$44K), increased use of stock on hand in BAFC kitchen and bar, parking spare parts on hand and clean out of museum and art gallery obsolete stock (\$60K), Sick Leave (\$53K).

2020/21 year what was***The value of the redundancy payments.***

- The total redundancy expense including leave payouts was \$1.358m and was included in the operating position for 20-21.*

Two staff did not leave until early in the 2021-22 financial year, however while these were paid out in that year, they were provisioned and taken up in 20-21.

The reduction in parking revenue.

- Parking revenue declined by \$197,345 from 2019-20 to 2020-21. Predominantly due to the Council's decision to offer 1 hour free parking at multi-storey car park.*

Any other revenue downturns from the previous year.

- 2020-21 was severely impact by COVID-19. The fees, charges and sales across the cultural precinct, cruise ships and cemetery (\$590K), reduced event entry fees (\$55K), reduced rental income (\$59K), parking fines and income as per above, and dividend from Burnie Airport Corporation (\$118K), lower interest rates meant reduced interest on investments (\$52K). There was also some reduction in grant income recognised based on activities being able to be undertaken on State Govt Funded grants (\$83K).*

Any other expenditure increases of say over \$50k.

- Consultant Costs predominantly associated with the transfer of previous Cultural Precinct plan to operational expense (\$560K) plus operational consultants required (\$639K), increase in depreciation (\$293K), COVID-19 additional leave in lieu of pay rise (\$112K), increased repairs and maintenance on account of COVID (\$63K), reduced overhead recovery from capital (\$109K), one off redundancy payments as above, Burnie Works funding (\$57,900).*

2021/22 year***Were there any redundancy payments in this financial year?***

Nothing further than that referred to previously.

2) *How many times have the Financial Assistance Grants been paid in advance over the past three years?*

In all three years.

3) Is the budget projected to be in surplus this financial year.

Yes, or No?

Yes. The Council have received \$2.21 million of Financial Assistance Grants from the Australian Government in advance. This income is associated with costs for the 2022-23 financial year. Therefore the underlying deficit of the Council – if this payment was not paid in advance – would be a deficit of \$1.34 million as originally forecast.

4) What is the current cash balance as at the time of this question and the forecast cash balance at the end of this financial year?

At 31 March 2022 the Council had \$19,134,759 in cash. The forecast cash position for 30 June 2022 is \$15,005,000.

The forecast result is higher than anticipated (increasing from \$13,986,000) based upon the following factors:

- The Council's financial performance and final anticipated operating result.*
- The Council's progress against the planned capital program and the associated cash payments required.*
- Receipt of \$2.219 million of grant income through an advance payment of the Financial Assistance Grant for 2022-23 financial year.*

The cash remaining is set aside to fund capital works programs that are not yet complete and additionally the Council have committed \$2 million of these funds towards the Cultural Centre refurbishment.

Additionally the balance of the \$10.2 million loan acquired by the Council is part of this balance with approximately \$1.598 million of these funds unallocated.

RECOMMENDATION:

"THAT the information be noted."

COUNCIL RESOLUTION**Resolution number: MO073-22*****MOVED: Cr G Simpson******SECONDED: Cr K Dorsey******“THAT the information be 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

MOTIONS ON NOTICE

AO080-22 MOTION ON NOTICE - PARKING ATTENDANTS

FILE NO: 15/5/2, 22/12851
PREVIOUS MIN:

The Mayor advised that this motion was withdrawn by Cr Dorsey.

PUBLIC QUESTION TIME**AO081-22 PUBLIC QUESTION TIME****FILE NO: 15/5/5**

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

Our Process for Public Questions

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 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:

- You must be present at the meeting to ask your question
- 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

Trent Aitken of Burnie, asked the following questions:

- 1) *Could the Mayor please read out the following statement?
As a concerned resident I would like to thank Bel Lynch, Favourite Deputy Giovanna Simpson and councillors Brumby and Dorsey for attending the public meeting held at the RSL regarding behaviour and Issues we face in the CBD.*
- 2) *How much money, if any is the Burnie City council paying for landscaping to be done on the U-Tas site at West Park ?*

The Mayor provided the following response:

“UTAS is responsible for landscaping the majority of the West Park site as part of the development of the new UTAS campus. Council will have responsibility for a small area of landscaping around the new bandrooms that are under construction at the western end of the precinct. It is estimated that this may cost in the vicinity of \$25,000.”

Ian Jones of Burnie, asked the following question:

- 1) *Can you explain the function of and rules surrounding the truck route in Havenview? I live on West Mooreville Road and see an increasing number of large vehicles including trucks with trailers carrying rock from quarries in Ridgely and Highclere down West Mooreville Road to Wynyard and Smithton on behalf of councils in those areas. Today I saw four tandem trucks within a one kilometre section. There is even a milk tanker using the road yet there are no dairy farms on the road.*

The road is a "C" type road and was never intended for heavy freight vehicles. The Ridgely Highway connects to the truck route into Burnie and on to the Bass Highway. This is the route that these vehicles should take as they are dangerous on the narrower and windier C road. Indeed, on the corner I live these trucks routinely cross the centre line to go round the corner.

Local farmers driving agricultural equipment on the road have complained to me about the danger of vehicles travelling at the 100kph speed limit; so perhaps Council should consider reducing the limit to 80kph.

These large vehicles have caused significant damage to the road, and I am keen to know how much Council has spent on road repairs to West Mooreville in the current financial year and if more is planned for the coming year.

What can be done to force these vehicles to use the truck route. I realise it is further for them to travel but road user safety should be our priority.

The Mayor provided the following response:

Enquiries with the Department of State Growth confirm the Burnie Truck Route was specifically constructed to remove heavy vehicles from Mount Street and there is signage each end directing trucks of 4.5 tonne mass and over to the truck route. Mount Street is limited to vehicles less than 4.5 tonnes.

West Mooreville Road is a Council Road (a C Road under control of local government) and the vehicles described in the question are likely to be rigid trucks with a dog trailer and there is mention of a milk tanker.

West Mooreville Road is classified as "general access" and may be used by heavy vehicles up a range of dimension and mass limits. For example a rigid truck and dog trailer up to 21 m long and 50 tonne gross mass has general access and a rigid truck and a bus up to 12.5 m long and up to 42.5 tonnes also has access and can operate on all roads.

Gazetted Routes such as the Burnie Truck Route apply to vehicles that are longer and heavier than those described above.

Over the years Council has recognised that West Mooreville Road is used by general access trucks and have progressively upgraded West Mooreville Road to provide wider and safer

conditions for all traffic. Council also acknowledges that trucks hauling materials to the west of Burnie from the Ridgley area choose to use West Mooreville Road, however Officers will place traffic counters out to confirm the truck types using the route are compliant, and to monitor their speed.

COUNCIL MEETING AS A PLANNING AUTHORITY

The Mayor advised that for items AO082-22 to AO083-83 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

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

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

PLANNING AUTHORITY**AO082-22 TASMANIAN PLANNING SCHEME
PERMIT APPLICATION DA 2022/20
SINGLE DWELLING
39 & 41 HILLFARM DRIVE, PARK GROVE****FILE NO: DD001.2022.20.1
PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

1.0 RECOMMENDATION:

“THAT Council in its role as a planning authority under the Land Use Planning and Approvals Act 1993 in accordance with section 51(2)(c) and section 57(6) of the Act and Tasmanian Planning Scheme - State Planning Provision 6.8.1 GRANT a PERMIT on application DA 2022/20 to commence a residential use and carry out development for a single dwelling on land described on CT 175427/26 and CT 175427/27 (PID: 3605021 & 3605048) and located at 39-41 Hillfarm Drive, Park Grove subject to the development being carried out generally in accordance with the plans, specifications and commitments contained in the following documents –

- a) Architectural Drawings prepared by PLA Design Drawings 22052 – 01 to 22052 -07 dated 1 March 2022;***
- b) Planning Submission prepared by Jayne Newman of Planning4Bushfire, project no. 22052-P, dated 1 March 2022; and***
- c) Statement of Compliance issued by the Road Authority dated 11 March 2022.”***

2.0 SUMMARY

Application has been made seeking grant of a permit under the *Land Use Planning and Approval Act 1993* to commence a new Residential use and to carry out development for a single dwelling on vacant land described on CT 175427/26 and CT 175427/27 (PID: 3605021 & 3605048) and located at 39-41 Hillfarm Drive, Park Grove.

The application complies with the acceptable solution requirements in all applicable standards, other than SPP 8.4.2 A3, and relies on performance criteria in State Planning Provision 8.4.2 P3.

The planning authority must exercise discretion in determining whether the objectives in SPP 8.4.2 will be satisfied.

The application was notified in accordance with the relevant statutory process, and one representation was received indicating objection to the proposed development on grounds relevant to an applicable standard.

This report describes the proposed use and development, identifies the relevant provisions of the planning scheme, provides an assessment on compliance, and makes a recommendation that a permit be granted.

3.0 BACKGROUND

The use and development site comprises two adjoining vacant residential lots with an east/west alignment and combined area of 1522m² on land located on the western side of Hillfarm Drive north of Firmont Rise, and shown shaded blue on the image below.



Development Site 39 – 41 Hillfarm Drive (Lots 26 and 27) (Shaded blue) – Source LIST Map

Approval has been separately issued to combine the land area in the two lots to create a larger single lot.

The building area on land on the western side of Hillfarm Drive is elevated above the road by reason of a steep and narrow bank which rises immediately behind the nature strip before the lots level out. The main area of the site is relatively level, with a small fall toward the north.

The lots are part of larger land area from which residential have been created by staged subdivision. The approved subdivision plan includes opportunity for additional residential lots north and west of the latest stage.

Land to the east and north east, and to the south of the application site has progressively developed over the last 40 years as a low density residential estate. Established development consists primarily of single dwellings. Dwellings of more recent construction are typically larger than for other residential locations within Burnie.

Land to the rear or west of the site is vacant undeveloped residential land, and is currently in open pasture.

Land adjoining to the south at No 37 Hillfarm Drive contains an existing part single/part two storey dwelling of mid-1980's construction, the ground level of which is higher than the ground level on the development site. There is a metal panel fence to a height of more than 1.8m for the full length of the boundary between No 37 and No 39 Hill Farm Drive.

Land adjoining to the north at No 43 Hillfarm Drive contains a recently constructed part single/two storey dwelling, the floor level of which is slightly below existing ground level for the development site.



View from Hillfarm Drive showing land at 39 – 41 Hillfarm Drive on right of photo and bank rising from the frontage; and the existing dwelling on land at No 37 Hillfarm Drive on left of photo,



View from Hillfarm Drive toward No 39-41, showing existing dwelling on No 37 at left and existing dwelling on No 43 at right.

A permit application has been lodged indicating intention to use and develop the combined land area in No 39 and No 41 Hillfarm Drive for Residential use in a single dwelling.

The dwelling will be a two-storey building with a total floor area of 722m², containing living areas and an integrated two vehicle garage/workshop space on the ground floor, and five bedrooms on the upper floor.

The building will be of rectangular shape orientated north/south on the site, with an offset attached wing containing the garage space on the lower floor on the southern end.

The building will be setback a minimum distance of 9.67m from the frontage to be clear of the steeper bank; a distance of 7.5m from the rear or western boundary; and 3.63m and 3.0m respectively from the northern and southern side boundaries.

Much of the upper floor will be contained within a 40° pitched tiled roof, with the result that external wall height will appear in part as single storey building. Projecting two storey gabled elements with wall height of more than 9.0m to underside of the eaves will be included within the eastern and western elevations.

The building will have a height of approximately 9.65 from finished ground level to the ridgeline. The building will be set into the slope below the existing ground level by up to 1.5m at the southern end and 0.5m at the northern end.

The permit application documents, **copies of which are attached**, identify the land, describe the proposed development on a number of architectural drawings, and address the relevant requirements of the Tasmanian Planning Scheme.

4.0 LEGISLATIVE REQUIREMENTS

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

-
- The Act makes a distinction between ‘use’ and ‘development’ – the former being the purpose for which land is utilised, and the latter being those things which must be done on or to the land in order to support its use, including any building.

The permit application proposes a new Residential use to be contained in a single dwelling development on land at 39-41 Hillfarm Drive.

- Section 51 provides a person must not carry out a use or development of land for which a permit is required under a planning scheme applying to the land unless such a permit has been granted and is in effect.

A permit is not required for a Residential use contained in a single dwelling.

A permit is not required for single dwelling development if it will comply with the relevant acceptable solution requirements in all applicable standards, and does not otherwise trigger a discretion.

The proposed development relies on performance criteria for compliance to an applicable development standard in the Tasmanian Planning Scheme; and in this regard a permit is required.

- Section 57 requires an application for use or development for which a permit is discretionary must be notified and exhibited for a period of 14 days to allow adjoining owners and occupiers and any other interested person opportunity to examine the proposed use and development and make representations relevant to the matters on which the planning authority must make a decision.

A permit for a development which relies on a performance criteria to satisfy a requirement of the Tasmanian Planning Scheme is discretionary in relation to that requirement.

The proposed development relies on performance criteria for compliance to an applicable development standard in the Tasmanian Planning Scheme; and in this regard a permit is required.

The application was notified and publicly exhibited for the statutory period of 14 days.

One representation was made during the exhibition period.

- Section 51(2)(c) requires a planning authority must take into consideration when making a decision on the permit application all matters in each representation received during any exhibition period in so far as the representation is relevant to determination.

This report addresses each of the matters contained in the representation which are relevant to a decision on the permit application.

- Section 57(7) requires that the applicant, and each of the persons who made a relevant representation under section 57(5) on a permit application must be served with notice of a decision to grant a permit or to refuse a permit.

It is the practice of the planning authority in a section 57(5) notice to advise –

- the applicant and any person who has made a relevant representation has a right to make an appeal to the Tasmanian Civil and Administrative Tribunal if dissatisfied with the decision; and
 - a person who has made a representation of objection whether the matters in that representation were relevant to the decision requirements of the planning scheme, and whether such matters were sufficient to establish a proposed use or development will or will not comply with the applicable requirements of the planning scheme .
- Section 59 provides that if a planning authority fails to make a decision on a permit application within the relevant statutory period the application is deemed to have been granted a permit; and that the applicant may apply to the Tasmanian Civil and Administrative Tribunal to determine the conditions to be included on that permit, in which event the planning authority must pay the costs of all parties to the proceedings.

The applicant has granted an extension of time to allow the application be determined at the May 2022 Council meeting.

The **Tasmanian Planning Scheme – Burnie** (TPS) is the planning scheme in effect within the Burnie municipal area.

The Burnie Local Provision Schedule applies the General Residential zone to the land adjoining and within the locality of Hillfarm Drive, including the land at 39 – 41 Hillfarm Drive.

Purpose of the General Residential zone is to provide for residential use or development for a range of dwelling types on land to which full infrastructure services are available.

The relevant requirements of the TPS for assessment and determination of the permit application are contained in the State Planning Provisions.

- SPP 6.6 and SPP 8.2 provide Residential use and development does not require a permit if the use or development will comply with all relevant acceptable solution criteria in each applicable zone and code standard.

A discretionary permit is required under SPP 6.8.1 if a use or development relies for grant of a permit on performance criteria.

The permit application relies on performance criteria in SPP 8.4.2 P3.

There are no other scheme provisions which create need for a discretionary permit or which would prohibit the proposed use or development.

- SPP 6.10.1 requires a decision on a permit application must take into consideration all applicable standards and requirements in the planning scheme, and any representation made during the exhibition period which is relevant to the discretion to be exercised.

There is one representation received during the exhibition period from an adjoining owner on land at 37 Hillfarm Drive, Park Grove, and is relevant to SPP 8.4.2.

A copy of the representation is attached.

The applicable General Residential zone development standards are –

- SPP 8.4.2 for siting and scale of a dwelling.

The objective is that *“the siting and scale of dwellings –*

- a) provides reasonably consistent separation between dwellings and their frontage within a street;*
- b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;*
- c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and*
- d) provides reasonable access to sunlight for existing solar energy installations”*

SPP 8.4.2 A1 for separation from a frontage is applicable; and is satisfied in that the proposed dwelling will be no closer than 9.7m from the frontage to Hillfarm Drive.

SPP 8.4.2 A2 is applicable and is satisfied in that the garage space integrated into the dwelling development will be no closer than 9.7m from the Hillfarm Drive frontage.

SPP 8.4.2 A3 requires containment of a dwelling within a building envelope to a maximum height of 8.5m, as shown in the diagram below, and separation of a building from a side or rear boundary by a distance of not less than 1.5m.

The proposed dwelling will not comply with the requirements in SPP 8.4.2 A3(a) for containment within the building envelope in that the dwelling will in part have a building height of more than 8.5m. The application relies on SPP 8.4.2 P3 to satisfy the objective in SPP 8.4.2.

The development will have separation of more than 1.5m from each side and the rear boundary, and will comply with the requirement in SPP 8.4.2 A3(b).

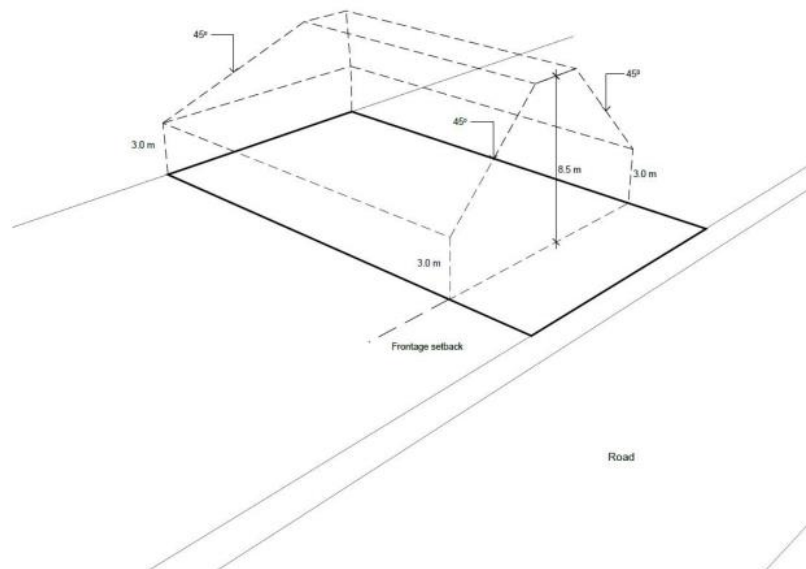


Figure 8.1 Building envelope as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

- SPP 8.4.3 deals with site coverage and provision for private open space.

The development will comply with SPP 8.4.3 A1 and A2 in that site coverage will be less than 50%, and there is an area within the site larger than 24 m² for private open space use.

- SPP 8.4.4 is not applicable because the development is not for multiple dwellings
- SPP 8.4.5 A1 will be satisfied because the width of openings for the integrated garage space will not be more than 6.0m.
- SPP 8.4.6 applies for privacy between adjoining or adjacent dwellings.

The application complies with -

- SPP 8.4.6 A1 because there will be no external living areas with a floor level of more than 1.0 m above existing ground level located within 3m of a side boundary and 4.0m of the rear boundary
- SPP 8.4.6 A2 because there will be no window or glazed doors to a habitable room with a floor level more than 1.0 m above existing ground level located within 3m of a side boundary and 4.0m of the rear boundary

- SPP 8.4.6 A3 is not applicable as there is no proposed shared driveway or parking space proposed.
- SPP 8.4.7 is not applicable because the application does not describe a frontage fence
- SPP C2.5.1 A1 is satisfied for provision of parking for single dwelling Residential use on land to which the General Residential zone applies.

5.0 POLICY CONSIDERATIONS

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

A planning authority must limit its considerations on a permit application to those matters which are relevant requirements of the planning scheme, and must be satisfied on the information contained in the permit application that there will be compliance to these requirements.

6.0 FINANCIAL IMPACT

There are no specific financial impacts associated with assessment and determination of a permit application.

There is likelihood if a decision on a permit application is appealed, that the planning authority will be responsible for the costs of representation and appearances before the Tasmanian Civil and Administrative Tribunal; and in some matters may also be required to meet the costs of an appellant and other parties, and the costs of the Tribunal.

7.0 DISCUSSION

A permit is not required to carry out a Residential use on land to which the General Residential zone applies if the use will be contained in a single dwelling.

A permit is not required to carry out development for a single dwelling on land to which the General Residential zone applies if the proposed building will comply with each of the relevant acceptable solution requirements in each of the applicable zone and code standards.

The application documents fully describe the proposed use and development, and address the applicable requirements of the planning scheme.

The planning authority can rely on the permit documents as adequately showing the development will comply with acceptable solution requirements in 8.4.2 A1, A2 and A3(b); 8.4.3 A1 and A2; 8.4.5 A1; and 8.4.6 A1 and A2; and C2.5.1.

There is no requirement for a permit decision in relation to these matters.

The proposed single dwelling development will not comply with the acceptable solution in SPP 8.4.2 A3(a) for containment of a building within a prescribed building envelope.

Part of the roof of the building will be more than 8.5m above existing ground level.

The application will rely on SPP 8.4.2 P3, and therefore requires a permit, the grant of which is discretionary.

State Planning Provision 8.4.2 P3

The standard applies for the siting and scale of a dwelling, and is concerned with the impact from dwelling development.

Consistent with format and structure of the Tasmanian Planning Scheme, SPP 8.4.2 provides opportunity for a dwelling development to rely on either an acceptable solution or performance criteria to demonstrate the objective will be satisfied.

An acceptable solution is a specific, measurable, and verifiable consideration, compliance to which will satisfy the relevant part of the objective for the standard.

Performance criteria provide an alternate and independent assessment path to satisfying the objective in an applicable standard. Assessment on performance criteria is qualitative in nature, and requires the exercise of judgement.

The performance criteria in SPP 8.4.2 P3 are triggered because building height will be more than 8.5m and outside the acceptable solution building envelope for that part of the building comprising the upper section of the roof at the northern end of the dwelling.

The relationship between the proposed building and the building envelope required for compliance to SPP 8.4.2 A3 is shown on Drawing 22052-05 prepared by PLA Design.



Drawing 22052-05 PLA Design showing relationship of proposed dwelling to SPP 8.4.2 A3 building envelope

The objective for SPP 8.4.2 intends the “siting and scale of dwellings –

- a) *provides reasonably consistent separation between dwellings and their frontage within a street;*
- b) *provides consistency in the apparent scale, bulk, massing and proportion of dwellings;*
- c) *provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and*
- d) *provides reasonable access to sunlight for existing solar energy installations”*

“Siting” refers to where a dwelling is located on land; and “scale” refers to the relative size or extent of a dwelling compared to other dwellings in the locality.

The objective seeks to deliver an element of uniformity in the siting and scale of dwelling development. It also seeks to provide practical and appropriate opportunity for sunlight to enter habitable rooms, and to reach existing solar energy installations.

The development will otherwise comply with the requirements in SPP 8.4.2 A3 in relation to separation distances from frontage, side and rear boundaries.

The planning authority is required to determine whether the proposed new dwelling will satisfy the objectives for SPP 8.4.2 having regard to the matters in P3.

The application relies on the performance criteria in SPP 8.4.2 P3 which provide –

The siting and scale of a dwelling must:

- a) *not cause an unreasonable loss of amenity to adjoining properties, having regard to:*
 - i. *reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;*
 - ii. *overshadowing the private open space of a dwelling on an adjoining property;*
 - iii. *overshadowing of an adjoining vacant property*
 - iv. *visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;*
- b) *provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and*
- c) *not cause an unreasonable reduction in sunlight to an existing solar energy installation on:*
 - i. *an adjoining property; or*
 - ii. *another dwelling on the same site.*

Each of the matters in SPP 8.4.2 P3 aid in determining whether the objectives for SPP 8.4.2 will be satisfied. SPP 8.4.2 P3(a), (b) and (c) are each relevant must each be considered.

SPP 8.4.2 P3(a)

The planning authority must determine whether the siting and scale of the proposed dwelling on land at 39-41 Hillfarm Drive will “*cause an unreasonable loss of amenity to adjoining properties*” having regard to each of the considerations in SPP 8.4.2 P3(a)(i) to (iv).

The SPPs defines ‘*adjoining*’ to mean ‘*next to or having a common boundary with*’.

The relevant properties for purposes of determining unreasonable loss of amenity are No 37 Hillfarm Drive and No 43 Hillfarm Drive.

The qualities, conditions and factors which make or contribute to the amenity of residential properties on Hillfarm Drive may collectively be described as their location within a discrete and fully serviced low density residential area.

There is no intrusion of non-residential use within the area. Development has a sense of containment and privacy imparted by the function of Hillfarm Drive as an internal service road within the local road network, and the fact that it does not currently carry through traffic on that length north of Firmont Rise.

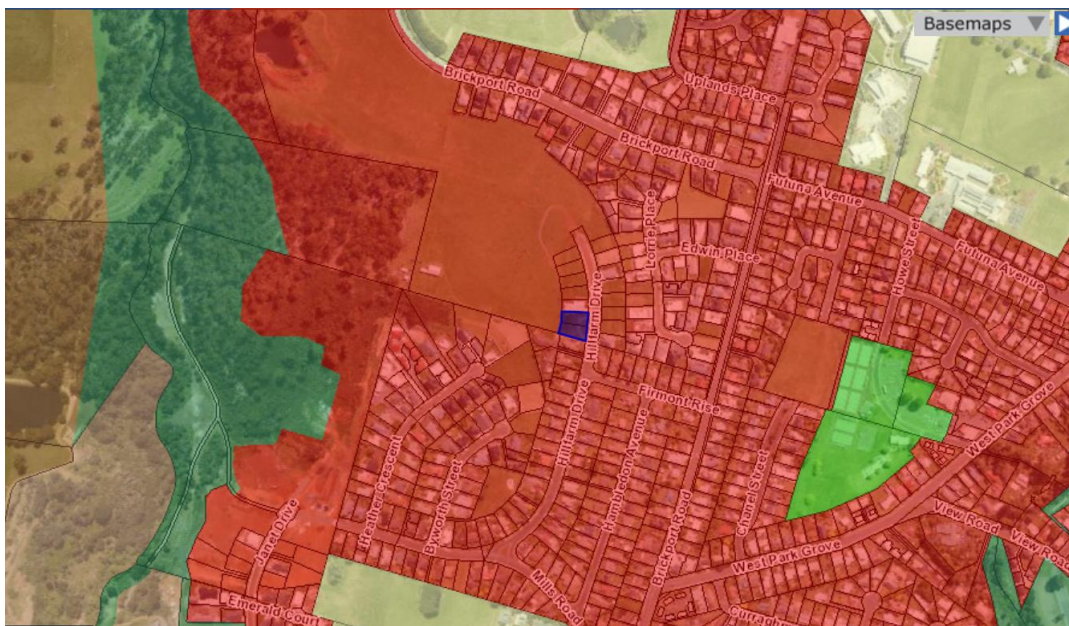
There is a readily apparent transition between the architectural form of 1980's and 1990's dwelling development south of and including land fronting Firmont Rise, and a more contemporary design and construction of development on recently subdivided land to the north.

The property at No 37 is part of the older development area; and the property at No 43 is within the more recent and currently developing area.

Nevertheless, lot size is comparable, and the form, scale and spacing of single dwelling development, albeit reflecting variations associated with age, design, form and material, is not dissimilar. Consistent with many residential areas within Burnie, many properties have a rural or ocean outlook.

Land between Brickport Road and Cooee Creek, and to the north of property fronting Firmont Rise has been zoned for low density residential use under successive planning schemes.

A plan of subdivision was first proposed in the early 1990's. Subdivision has since proceeded in stages, initially creating lots fronting Brickport Road, and later Edwin Place and Lorrie Place. The balance area of the approved subdivision land will utilise land north and west of the current pattern of development.



Land to which the General Residential zone (shaded red) applies in vicinity of No 39 and no 41 (shaded blue)
Tasmanian Planning Scheme - Burnie Local Provision Schedule (Zone map) – Source LIST Map

The stage containing lots 26 and 27 (No 39 and No 41 Hillfarm Drive), and adjoining lot 28 (No 43) was released in 2018, and contains 15 lots. Many of the lots are still vacant, although there are currently a number of new dwellings under construction.

The property at 43 Hillfarm Drive contains a part single/part two storey dwelling of recent construction aligned east/west on the long axis of the lot. The property currently has expansive northern exposure due to vacant lots to the north. Development of a dwelling on lots 26 and 27 will introduce a new building and neighbouring residential occupation to the south of No 43.

The property at 37 Hillfarm Drive was created on a 1980's subdivision plan. It contains an existing part single/part two storey single dwelling constructed during the mid-1980's in a V-shaped configuration, with the interior of the V open to the north.

The amenity of the property at 37 Hillfarm Drive is determined by the factors described above. Amenity may be enhanced by an elevated location on a high point from which there is currently an open and uninterrupted outlook and solar exposure to the north.



Dwelling on No 37 Hillfarm Drive viewed from top of bank on land at No 39 Hillfarm Drive.

The planning scheme does not expect a new dwelling must be without impact on the amenity of adjoining properties.

Rather, the scheme requires the consequence of new development *“must not cause an unreasonable loss of amenity”*.

“Amenity” is defined by the planning scheme to mean *“in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable”*; and therefore allows a broad scope of consideration.

The words *‘loss’* and *“unreasonable”* are not defined by the scheme, and must be given their common meaning.

'Loss' in the context of SPP 8.4.2 P3 relates to an appreciable and measurable consequence from a deprivation, damage, forfeiture, harm, hurt, or injury to amenity of adjoining properties caused by the proposed dwelling.

Loss itself is not sufficient to defeat grant of a permit. The loss must be "*unreasonable*".

'*Unreasonable*' means not guided by or based on reason, good sense or sound judgement. An unreasonable loss is one which must be contrary, irrational or perverse to the particular objectives for SPP 8.4.2.

8.4.2 P3(a) limits assessment for loss of amenity to the effects of a new dwelling on the ability of an adjoining property to access sunlight, and to the relative appearance of the dwelling when viewed from an adjoining property.

- i. SPP 8.4.2 P3(a)(i) - Will there be a "*reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property*"?

Consideration

The assessment requires a comparison of the existing sunlight access to that which will be available if the dwelling development is carried out.

The permit application documents include shadow diagrams which illustrate the shadowing effect of the proposed dwelling at various times of the day for 21 June.

June 21 is the day on which the sun is at the lowest angle to the horizon, and is therefore the day when shadow will be most extensive for all times of the day.

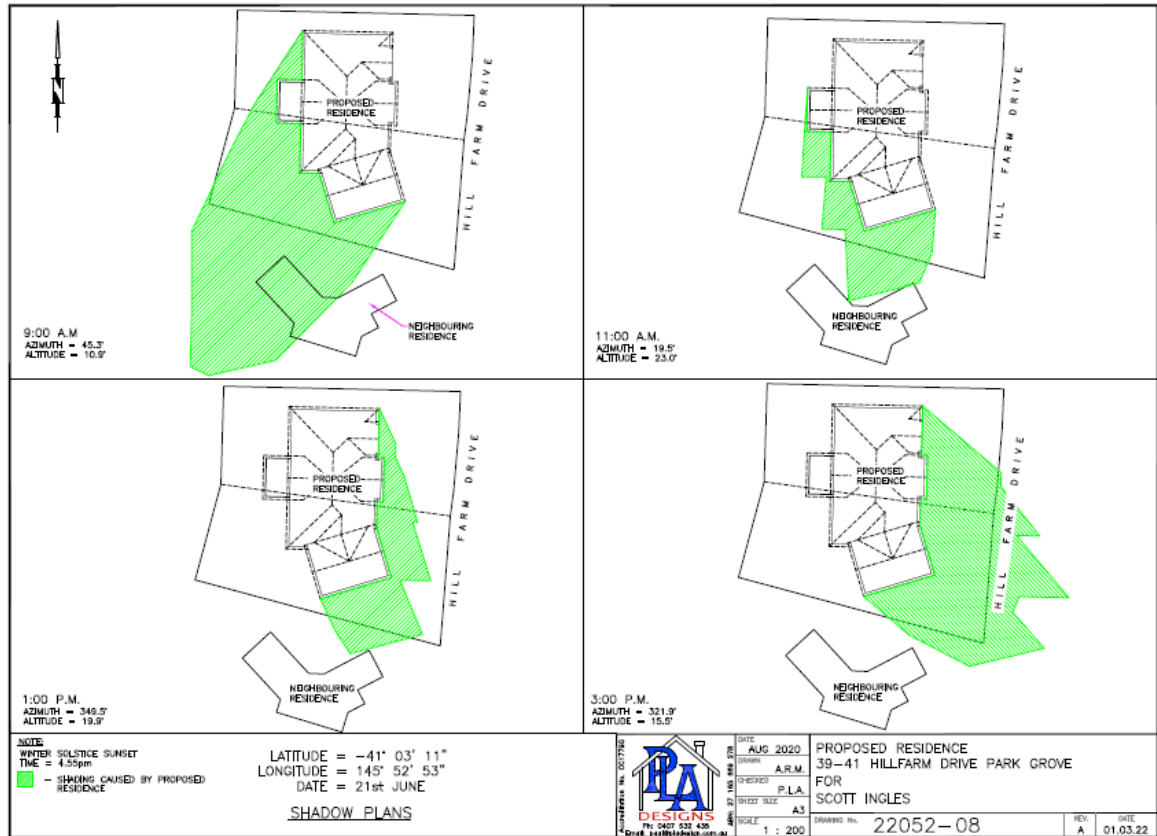
There will be no shadow cast by the proposed new dwelling over the adjoining property at No 43; and therefore no reduction in access to sunlight.

It is readily apparent the new dwelling will cast shadow over some part of the land and dwelling on No 37 between sunrise and late afternoon. It is also apparent the extent and duration of shadow may reduce access by sunlight into habitable rooms with a northerly aspect.

Neither the permit application nor the representation identify which parts of the dwelling on No 37 contain habitable rooms. It is understood from Council records that the western wing of the north facing wall contains windows to a bedroom and meals area, the central part a kitchen, and the eastern wing contains a dining and living area. The upper floor is described to contain a rumpus room. Bedrooms are not a 'habitable room' for purposes of the planning scheme.

The representation by the occupier of the property indicates a concern that morning shadow will impact the kitchen and meals area within the western wing of the dwelling.

The siting and scale of the proposed new dwelling will result in a reduction in sunlight across the northern face of the dwelling on the property at No 37 from early to late morning during mid-winter.



Plan 22052-05 by PLA Design - Shadow Diagram for proposed dwelling on land at 39 – 41 Hillfarm Drive, Park Grove

While such a reduction is inarguably a loss, the question is whether it is an unreasonable loss.

There is considerable authority which holds that while amenity is largely determined by existing factors, any consideration of impact on amenity may appropriately also include the possibility of future activity and the likely future amenity.

Amenity of the property at No 37 Hillfarm Drive derives in part from the absence of any development on land to the north. The existing opportunity for access to sunlight into property at No 37 is determined entirely by the fact that the land at No 39 and No 41 is vacant. There is not, and never has been, shadow cast over No 37 from adjoining land to the north despite this land long being available for residential use and development.

There is not identification in the application or the representation for the shadow which may be cast by the existing boundary fence.

It has been predictable for many years that adjoining land to the north will at some point be built upon; and that by virtue of its location and level, future amenity must include the likelihood any building on that land will create a shadow sufficient to result in a loss of sunlight into the dwelling on No 37.

Sheet 22052-05 of architectural drawings by PLA Design included with the permit application show the building envelope applied by SPP 8.4.2 A3. The drawing illustrates the upper section of the roof on the northern half of the building as the only part of the building that will exceed the building height component of the requirement in A3.

Although an acceptable solution has no work to do where an application relies on performance criteria, it may provide context.

Shading of No 37 is likely to be the result of that part of the building that would otherwise comply with the building envelope requirement in SPP 8.4.2 A3.

The application argues, but does not demonstrate, that any dwelling contained within the building envelope described by SPP 8.4.2 A3 will result in a similar extent and duration of shadow. The proposition is considered accurate in the context of the opportunities provided by the SPPs for the siting and scale of a dwelling. Compliance to the acceptable solution may not improve the outcome.

The development will result in a reduction of sunlight into a habitable room on land at No 37.

However, and not dismissing the significance for the amenity of occupants in the existing dwelling on No 37, loss of direct sunlight is not unreasonable having regard to the long-standing opportunity for lawful residential use and development of land adjoining to the north of that property; and the practical impossibility for such development to avoid creation of shadow over No 37.

- ii. SPP 8.4.2 P3(a)(ii) - Will there be any increase in the extent or duration for "overshadowing the private open space of a dwelling on an adjoining property"?

Consideration

There will be no shadow from the dwelling over land at No 43 Hillfarm Drive.

An increase in the extent or duration of shadow may include an introduction of shadow where previously there was none.

The application shadow diagrams illustrate some part of the open space area within the land at No 37 will be within mid-winter shadow cast from the proposed building at

various times of the day. Shadow is most extensive during between early to late morning.

While SPP 8.4.2 P3(a)(i) deals with a reduction in sunlight, and SPP 8.4.2 P3(a)(ii) deals with an increase in the extent or duration of sunlight, the same considerations which applied for SPP 8.4.2 P3(a)(i) are relevant for deciding whether overshadowing of private open spaces areas is an unreasonable loss of amenity.

Any introduction of shade into an open space area may be unwelcome. However, the loss cannot be considered unexpected or unrealistic given the effect of topographic and orientation factors on generation of shadow by any dwelling on land at No 39 and No 41 Hillfarm Drive.

The introduction of shadow over land at No 37 may not be considered to cause an unreasonable loss of amenity.

iii. SPP 8.4.2 P3(a)(iii) - Will there be *overshadowing of an adjoining vacant property*?

Consideration

Not relevant because shadow from the dwelling extension will not fall over vacant adjoining land.

iv. SPP 8.4.2 P3(a)(iv) - What are the “*visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property*”?

Consideration

In architecture, ‘*scale*’ refers to the size of something compared to a reference standard or to the size of something else. ‘*Bulk*’ commonly refers to the total amount of three-dimensional space occupied by a building. ‘*Proportion*’ refers to the proper and harmonious relation of one part of a building to another part of that building or to the whole.

The new dwelling will have an obvious presence on the land. A distinctive building form, and an elevated position above Hillfarm Drive will give it an immediate presence within the locality.

It is not the mere presence of a building where currently there is none that will determine loss of amenity.

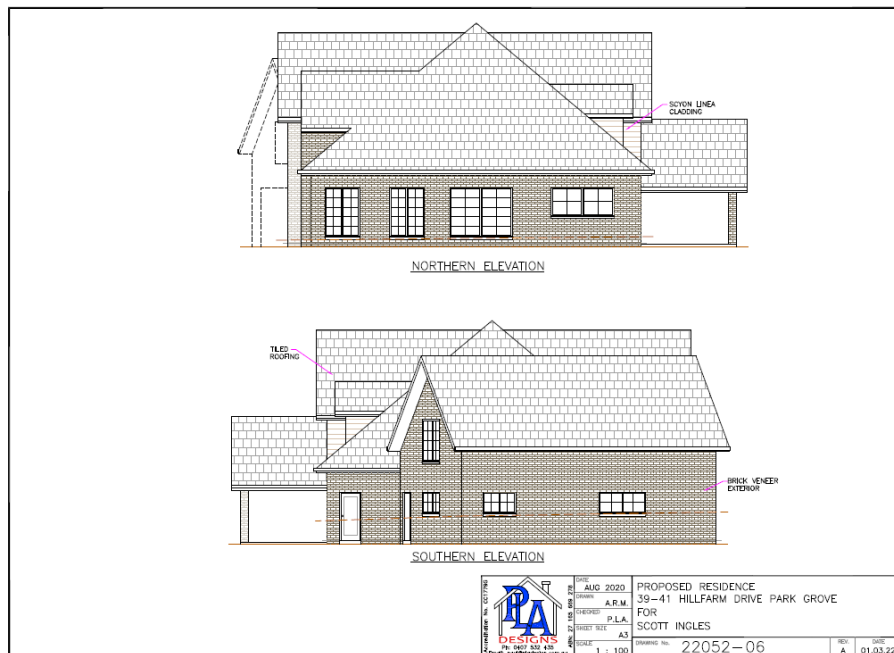
Rather, it is the visual impact caused by the apparent - as opposed to the actual - scale, bulk or proportions of the new dwelling when viewed from an adjoining property.

The relevant vantage points are from the land at No 37 and from the land at No 43 Hillfarm Drive.

The property at No 37 may view the southern elevation of the building.

The property at No 43 may view the northerly elevation.

These elevations are shown on Drawing 22052-06 by PLA Design.



The dwelling will be aligned north/south across the two lots, such that it presents the narrower and lower wall height elevation to each adjoining lot. Building width is 11.5m on the southern end, and 10m at the northern end - each of which is less than 25% of the boundary length. Visually the building will not occupy all of the ground or airspace within the lot.

There are no gabled elements within the southern or northern elevations, although there will be an oblique view from No 37 across the gable in the southern end of the western elevation. The absence of visible gables allows the building does not boost its vertical scale from the perspective of adjoining properties.

Each end wall is not less than 3.0m from the boundary with adjoining land, providing a separation distance between dwellings on adjoining properties of not less 5.0m.

A 40° roof pitch will assist apparent separation distance by retreating the visible physical form with increasing building height, and reducing the apparent bulk and proximity of the building from the vantage point of adjoining land. The multiple roof lines articulate the building, creating visual depth and varied proportion. These design elements will assist to reduce apparent scale and bulk.

The building will be partially screened to view from ground floor and external open space areas within No 37 by an existing 1.8m solid panel boundary fence. Finished floor level will be up to 1.5m below existing ground level on the southern elevation. The difference in ground and floor levels mean it will be the upper part of the wall and

the roof line in the southern elevation which are most apparent. A more comprehensive view of the southern elevation will be apparent from the upper floor on No 37.

The property at No 43 adjoins the northern elevation where the floor level will be set some 0.5 m below ground. The building on No 43 is a single storey construction with a floor level slightly below ground level of the development site. It contains an internal garage, utility and bedrooms along the southern elevation. The main living areas of the building are located to utilise the northerly aspect. There is an existing 1.8m fence on the common boundary. The effect of these attributes will reduce outlook to the new dwelling.



View north to existing dwelling on No 43 Hillfarm Drive from centre point of development site

The visual impact of the building is not considered to create an unreasonable loss of amenity when viewed from the land at N0 37 or from No 43 Hillfarm Drive.

SPP 8.4.2 P3(b)

Will the proposed extension “provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area”?

Consideration

The consideration is concerned with the separation distance between the proposed dwelling and adjoining dwellings, and not the separation distance of a dwelling from a boundary.

Assessment requires a comparison of both the separation distance between the proposed dwelling on 39 – 41 Hillfarm Drive and its neighbours, and of the distance which exists between dwellings generally within the area.

The existing building on No 37 is V-shaped so is not set parallel to the common boundary. It is set back by a distance of some 2.2m at the eastern end, and 3.9m at the western end, and some 8.0m at the mid-point. The proposed new dwelling will be setback 3.0m and parallel with the southern side boundary to land at No 37 Hillfarm

Drive. The separation distance between the buildings will at no point be less than 5.0m.

The existing dwelling on No 43 has a staggered off-set from the common side boundary, with a lesser separation distance of some 1.5m and a larger distance of some 2.5m. The new dwelling will be setback from the boundary by some 3.6m at its closest point, providing a separation distance between the dwellings of not less than 5.0m.

The separation distance between dwellings within the area bounded by and fronting, Brickport Road, Firmont Rise and Hillfarm Drive is variable, and typically less than 5.0m. However, there are a number of locations where the separation distance is more than 5.0m. A similar pattern is apparent within the older area of development bounded by a fronting Mills Road, Heather Crescent, Brickport Road and Firmont Rise.

The separation distance between dwellings on land adjoining No 39 – 41 Hillfarm Drive and the proposed new dwelling will not be inconsistent with that of existing dwellings in the area.

SPP 8.4.2 P3(c)

Will there be an “unreasonable reduction in sunlight to an existing solar energy installation on an adjoining property”?

There is no existing solar energy installation on the land at No 43 Hillfarm Drive.

There is an existing solar energy installation on the north facing roof of the dwelling on No 37 Hillfarm Drive.

Shadow diagrams provided with the application and reproduced above indicate there will be not shadow from the proposed new dwelling over the existing solar panels.

Will the proposed dwelling satisfy the objective for SPP 8.4.2?

The objective intends the siting and scale of dwellings:

- a) provides reasonably consistent separation between dwellings and their frontage within a street;*

The new dwelling will comply with the requirement in SPP 8.4.2 A1 for a separation distance of not less than 4.5m from a frontage.

The proposed distance of 9.67m is required in order to locate the dwelling on the level ground above the steep bank immediately behind the frontage.

The approach is consistent with the location of dwellings on adjoining land.

- b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings;*

Development on land north of Firmont Rise has provided dwellings which are typically larger in floor area and building height than occur within older established areas of Burnie.

The proposed dwelling on No 39- 34 Hillfarm Drive will not be inconsistent with the scale of dwellings in the locality.

The building may be more visually apparent due to elevation above Hillfarm Drive, and separation from adjoining buildings due to the larger site area. However, it is not inconsistent in bulk, massing and proportion.

The apparent scale, bulk, massing and proportion of the building is likely to be progressively mitigated as further dwelling development occurs in the area.

- c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space;*

The proposed new dwelling will result in a reduction of sunlight into habitable rooms and open spaces areas on property at No 37 Hillfarm Drive.

However, the reduction is not inconsistent with the outcome from development which complies with each of the acceptable solution requirements in SPP 8.4.2 for siting and scale of a dwelling.

The development will not result in a total loss of sunlight or an extended duration of shadow. The major impact will be from early to late morning. Thereafter there is access to sunlight.

The separation distances between dwellings is sufficient to provide reasonable opportunity for access to sunlight on land at No 37 Hillfarm Drive.

- d) Provides reasonable access to sunlight for existing solar energy installations.*

There will be no impact on access to sunlight for existing solar energy installations.

Section 57 and SPP 6.10 – Representations

The following Table provides a direct response to the matters contained in the representation received during the exhibition period from the owners and occupants of an existing dwelling on land at 37 Hillfarm Drive.

Relevant SPP Provision	Representation	Planning Authority Response
SPP 8.4.2 P3	As can be seen on the 9:00am shadow map, (below) the shadow generated by the	The requirement in SPP 8.4.2 P3(a)(i) and (ii) is restricted to a consideration of the impact of

	<p>proposed building not only covers all of my back yard, but also protrudes onto multiple neighbouring properties as well.</p>	<p>shadowing on “<i>adjoining properties</i>”.</p> <p>“Adjoining” is defined by the SPP’s to mean “<i>next to, or having a common boundary with</i>”</p> <p>There is no power to consider the impact of shadow on land which does not adjoin.</p> <p>The effect of shadow from the proposed new dwelling over the property at No 37 is discussed above.</p>
	<p>As my kitchen and meals area is already shadowed prior to the 9:00am shadow, and seems to start to obtain sunlight around the 11:00am time, these habitable rooms are shadowed for a significant time during the morning period.</p>	<p>It is likely the western end of the building will experience a reduction in direct sunlight by approximately 2.5 hours during mid-winter mornings.</p> <p>The significance of the reduction in context of the land, and having regard for the development opportunities available under the planning scheme, is discussed above in the assessment against SPP 8.4.2 P3(a)(i) and (ii).</p> <p>While it must be acknowledged the likely reduction in sunlight is considerable by comparison to the existing unobstructed access, it may not be considered an unreasonable loss for the reason any development on land immediately to the north will result in some degree of unavoidable shadow. The extent and duration of shadow moves across the land at No 37, and does not result in a permanent or extended loss.</p>
SPP 8.4.2 P3	<p>In reference to performance criteria – 8.4.2 – P3, the proposed dwelling overshadows my kitchen at the 9:00am time. Looking at the shadow maps, and the comments made by the submitter on clause 8.7.2, they state the shadow only impacts from 9:00am till 11:00am. However, at the 9:00am time, there is already significant impact to my property. Extrapolating out for earlier and later times, possibly suggests that my residence (kitchen and meals room) will be impacted from dawn through to 11:00am.</p>	<p>A shadow diagram is a tool for showing how a proposed building will cast its shadow and to demonstrate potential impact of that shadow on shadow sensitive areas.</p> <p>An architectural drawing cannot show a real time progression of shadow; and must therefore select a number of specific times at which to illustrate shadow impact.</p> <p>It is practice to use 9.00am, midday (or late morning and early afternoon), and 3.00pm to illustrate change in shadow over the day.</p> <p>Shadow fall will progressively transition for the pattern illustrated for one time to the pattern illustrated for the later time.</p> <p>There will be shadow over No 37 from the proposed dwelling between sun-rise (which is 7.40am on 21 June 2022 for Burnie) and 9.00am. Earliest morning shadow will fall further to the west of the shaded area shown</p>

		<p>for 9.00am. The western end of the existing dwelling will be impacted.</p> <p>It is apparent from the shadow diagrams that the extent of shadow over land at No 37 will reduce as the morning progresses, such that by 11.00 am it does not fall over the walls of the dwelling, and sunlight may enter into the western end of the building.</p> <p>The significance of the reduction in context of the locality and the development opportunities available under the planning scheme is discussed above in the assessment against SPP 8.4.2 P3(a)(i) and (ii).</p> <p>While it must be acknowledged the reduction is considerable by comparison to existing unobstructed access, it may not be considered an unreasonable loss.</p>
<i>SPP 8.4.2 A3 and P3</i>	The building exceeds the Tasmanian Planning Scheme clause 8.4.2 building envelope, and therefore will create a significant visual impact from my property.	<p>The Tasmanian Planning Scheme identifies in SPP 8.4.2 the intended outcomes for siting and scale of dwelling development on land to which the General Residential zone applies.</p> <p>It provides two separate and alternate methods by which to demonstrate how a dwelling development will achieve the intended outcomes.</p> <p>SPP 8.4.2 A1, A2 and A3 each provide specific and measurable criteria, compliance to which is deemed to satisfy the objective.</p> <p>An inability to comply with relevant acceptable solution criteria does not mean a development will fail the objective. SPP 8.4.2 offers performance criteria in P1, P2 and P3 as alternate assessment tests.</p> <p>Performance criteria require the quality of a proposed development be considered in terms of ability to satisfy intent of the provision. The assessment involves an exercise of discretion directed by a consideration of the criteria set out in the provision.</p> <p>There is in fact no maximum value for the siting or scale of a dwelling development in terms of building height or separation distance from boundaries and between dwellings.</p> <p>The proposed dwelling will not comply with all of the requirements in SPP 8.4.2 A3. It does not have to. It may rely instead on SPP 8.4.2 P3.</p> <p>SPP 8.4.2 P3(a)(iv) requires consideration for</p>

		<p>whether the visual impact caused by the apparent scale, bulk and proportions of the proposed dwelling when viewed from adjoining properties will result in an 'unreasonable loss of amenity'. The assessment is somewhat subjective, but must conclude the appearance of the building in terms of the space it fills must be other than reasonable. The test does not invite contemplation for architectural acceptance or design detail.</p> <p>SPP 8.4.2 P3(a)(iv) is discussed above.</p> <p>It is concluded that while the introduction of a building will be a significant change in what is currently an open outlook, it will not result in an unreasonable loss of amenity.</p>
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8.0 RISK

There is risk –

- a) the decision of a planning authority may be appealed to Tasmanian Administrative Appeals Tribunal (TASCAT) if the applicant, or any person who has made a relevant representation during the exhibition period, is dissatisfied with the decision;
- b) the applicant or a third party may allege breach of procedural fairness in relation to the execution of one or more of the statutory processes applicable to assessment and determination of a permit application;
- c) the applicant will bring an action before the Tasmanian Administrative Appeals Tribunal (TASCAT) if the planning authority fails to make a decision within the relevant statutory timeframe, in which event the planning authority will be liable for the costs of all parties;
- d) a person may allege the planning authority has failed to exercise, or improperly exercised, a statutory power relating to assessment and determination of a permit application; or
- e) a person may allege a planning authority, or a person appointed or employed by a planning authority has engaged in improper conduct relating to assessment and determination of a permit application

A planning authority may minimise risk by –

- a) determining a permit application by reference only to the information provided with the permit application or in any representation received during the exhibition period;
- b) determining compliance by reference only to the regulatory provisions and processes which are relevant to the use or development described in the permit application;

- c) by remaining impartial, observe all relevant processes, and not indicating any position on the application until the matter is presented for decision;
- d) not accept or invite any inducement relating to a decision on a permit application

9.0 CONSULTATION

This report has been prepared following consultation with all relevant persons.

ATTACHMENTS

- 1. [Permit Application and Supporting Documents](#)
- 2. [Representation](#)
- 3. [Extension of Time](#)

COUNCIL RESOLUTION

Resolution number: MO074-22

MOVED: Cr K Dorsey

SECONDED: Cr G Simpson

“THAT Council in its role as a planning authority under the Land Use Planning and Approvals Act 1993 in accordance with section 51(2)(c) and section 57(6) of the Act and Tasmanian Planning Scheme - State Planning Provision 6.8.1 GRANT a PERMIT on application DA 2022/20 to commence a residential use and carry out development for a single dwelling on land described on CT 175427/26 and CT 175427/27 (PID: 3605021 & 3605048) and located at 39-41 Hillfarm Drive, Park Grove subject to the development being carried out generally in accordance with the plans, specifications and commitments contained in the following documents –

- a) Architectural Drawings prepared by PLA Design Drawings 22052 – 01 to 22052 -07 dated 1 March 2022;***
- b) Planning Submission prepared by Jayne Newman of Planning4Bushfire, project no. 22052-P, dated 1 March 2022; and***
- c) Statement of Compliance issued by the Road Authority dated 11 March 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

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

**Land Use Planning and Approvals Act 1993****Tasmanian Planning Scheme****PERMIT APPLICATION****Office use only**

Application No _____

Date Received _____

Permit Pathway - *Permitted/Discretionary***Use or Development Site:**

Street Address

39-41 Hillfarm Drive, Park Grove

Certificate of
Title Reference

CT175427/26 & 27

Applicant

First Name

PLA Designs Pty Ltd

Second

Name

Surname

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

Scott

Second
Name

Surname

Ingles

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

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

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

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

b) Required Information

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

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

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

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

c) Applicable Provisions and Standards

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

d) Discretionary Permits

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

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

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

e) If the applicant is not the landowner

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

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

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

f) Applicant declaration

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

g) Payment of Fees

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

Permit Information	(NB If insufficient space, please attach separate document)
Proposed Use: Residential	
Use Class	Residential
Documents included with the permit application to describe the Use Planning Report by Planning 4 Bushfire	
Proposed Development	
Use class to which the development applies Single Dwelling	
Documents included with the permit application to describe the Development Planning Report by Planning 4 Bushfire and Plans by PLA Designs Project no 22052	
Provisions and Standards relied upon for grant of a Permit	
See planning report.	

Notification of Landowner/s**If land is not in applicant's ownership**

I, **Paul Allen**, declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.

Signature of Applicant *Paul Allen*

Date 3 March 2022

If the permit application involves land owned or administered by the BURNIE CITY COUNCIL

Burnie City Council consents to the making of this permit application.

General Manager (Signature)

Date

If the permit application involves land owned or administered by the CROWN

I, the Minister responsible for the land, consent to the making of this permit application.

Minister (Signature)

Date

Applicant Declaration

I, **Paul Allen**
declare that the information I have given in this permit application to be true and correct to the best of my knowledge.

Signature of Applicant *Paul Allen*

Date 3 March 2022

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 175427	FOLIO 26
EDITION 2	DATE OF ISSUE 28-Sep-2018

SEARCH DATE : 16-Dec-2020

SEARCH TIME : 02.08 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 26 on Sealed Plan 175427

Derivation : Part of Section 9, the Emu Bay Block of 50,000

Acres granted to the Van Diemens Land Company

Prior CT 164104/1

SCHEDULE 1

M719095 TRANSFER to SCOTT MARTIN INGLES Registered
28-Sep-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP175427 COVENANTS in Schedule of Easements

SP175427 FENCING PROVISION in Schedule of Easements

E152180 MORTGAGE to Australia and New Zealand Banking Group
Limited Registered 28-Sep-2018 at 12.01 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980**SEARCH OF TORRENS TITLE**

VOLUME 175427	FOLIO 27
EDITION 2	DATE OF ISSUE 28-Sep-2018

SEARCH DATE : 16-Dec-2020

SEARCH TIME : 02.08 PM

DESCRIPTION OF LAND

City of BURNIE

Lot 27 on Sealed Plan 175427

Derivation : Part of Section 9, the Emu Bay Block of 50,000

Acres granted to the Van Diemens Land Company

Prior CT 164104/1

SCHEDULE 1

M719095 TRANSFER to SCOTT MARTIN INGLES Registered
28-Sep-2018 at noon

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

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FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



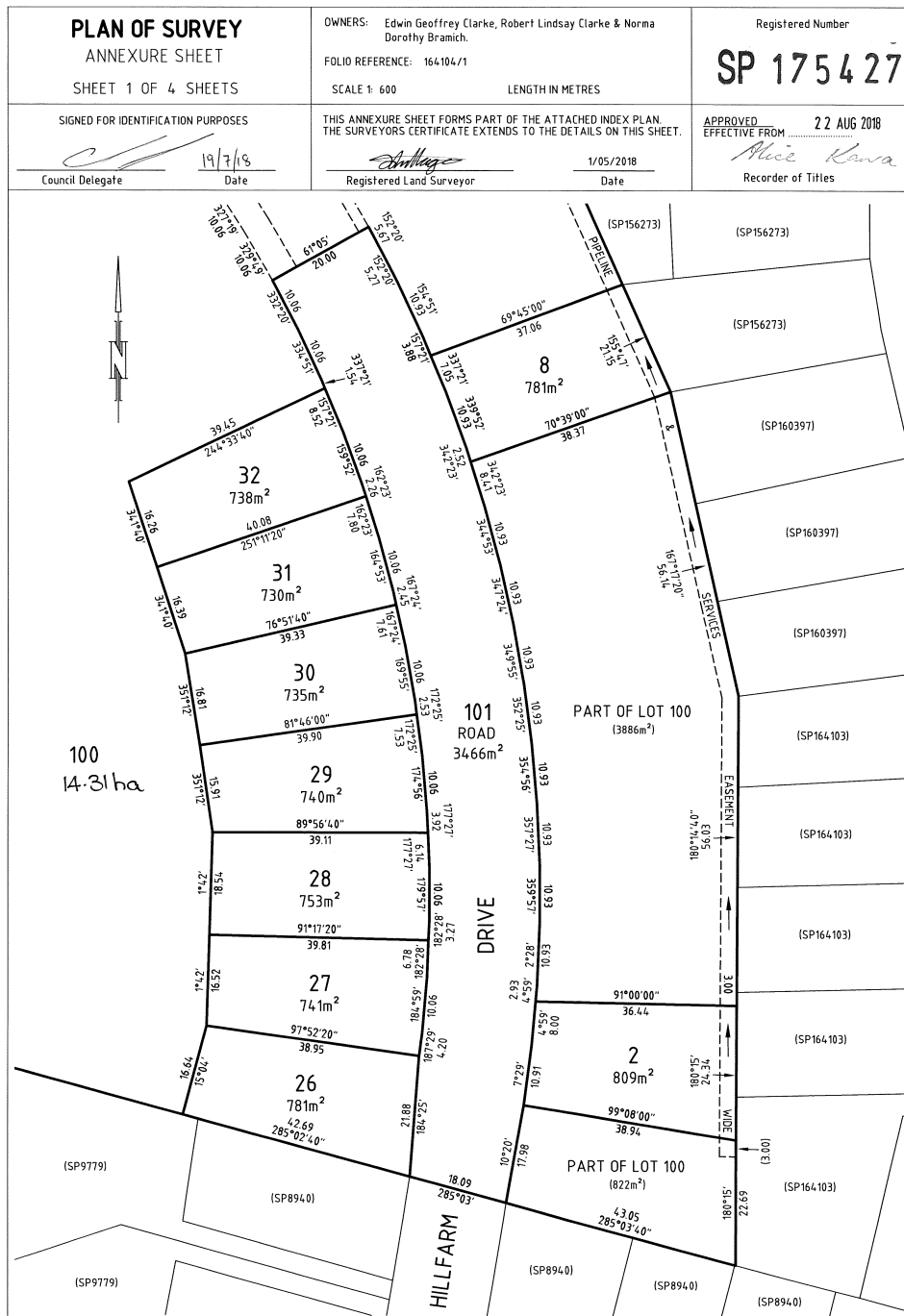
OWNER Edwin Geoffrey Clarke, Robert Lindsay Clarke & Norma Dorothy Bramich, as personal representatives of Edwin George Clarke	<h2 style="margin: 0;">PLAN OF SURVEY</h2> BY SURVEYOR John E W Magee of PDA SURVEYORS 6 QUEEN STREET, BURNIE	REGISTERED NUMBER <h1 style="margin: 0;">SP175427</h1>
FOLIO REFERENCE 164/104/1	LOCATION <h3 style="margin: 0;">CITY OF BURNIE</h3>	APPROVED EFFECTIVE FROM <div style="text-align: right;"> Alice Kenna Recorder of Titles </div>
GRANTEE Part of Section 9, the Emu Bay block of 50,000 Acres, granted to the Van Diemens Land Company.	SCALE 1: 2500	LENGTHS IN METRES
MAPSHEET MUNICIPAL CODE No. 103 (4045)	LAST PLAN No. P164104	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN



FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

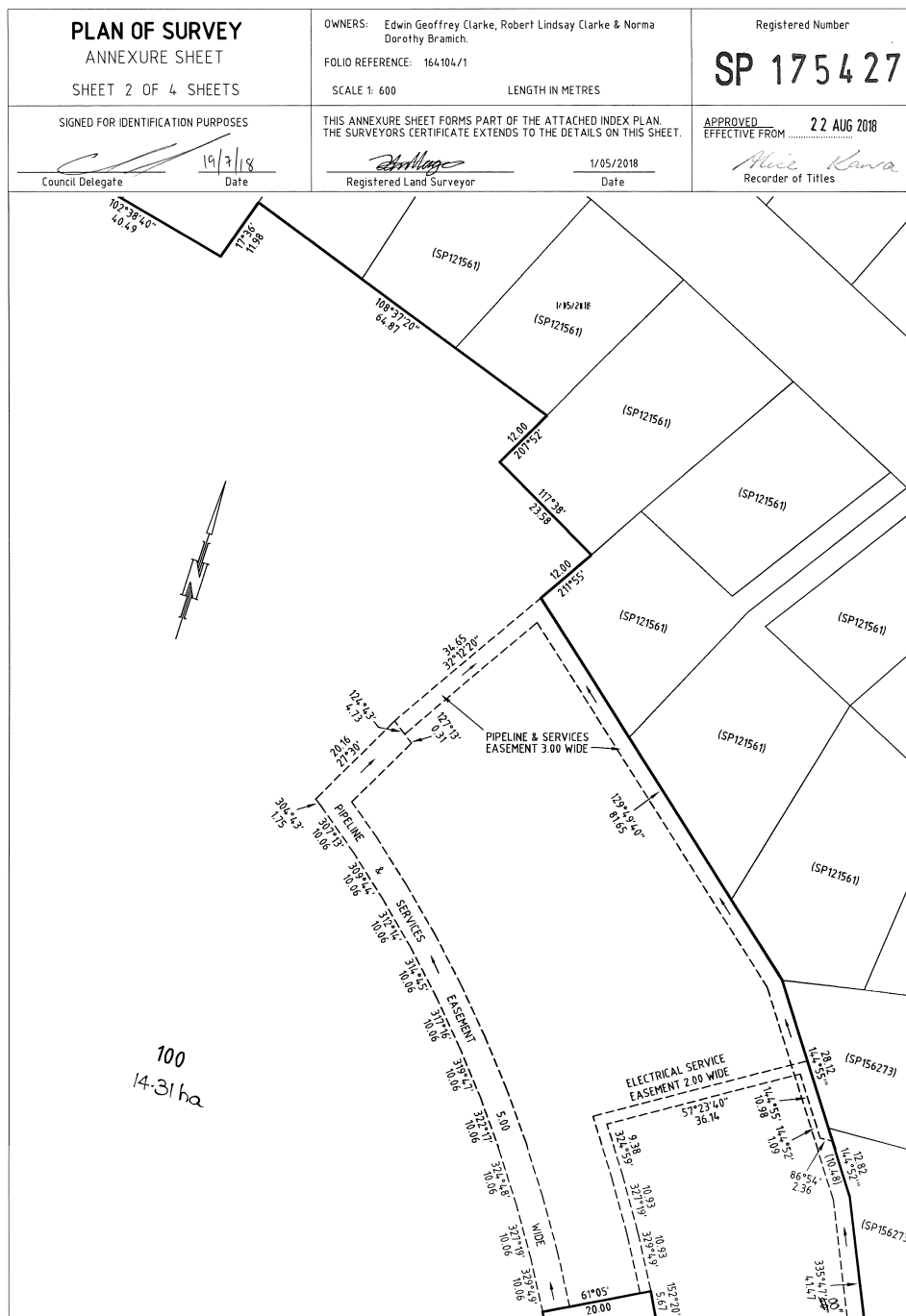




FOLIO PLAN

RECORDER OF TITLES

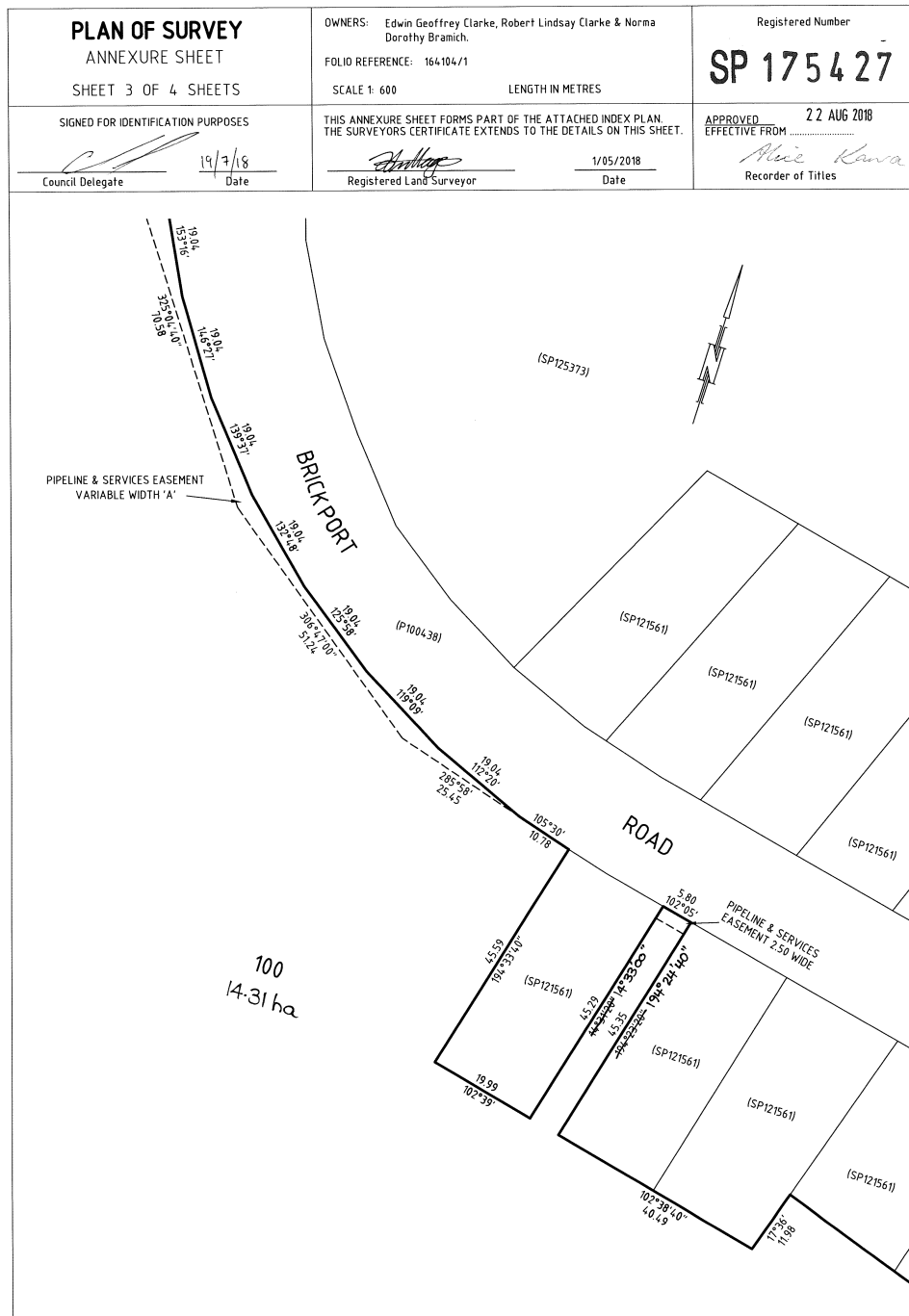
Issued Pursuant to the Land Titles Act 1980



**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980





FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

[illegible]



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SCHEDULE OF EASEMENTS NOTE: THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	Registered Number SP 175427
--	---

PAGE 1 OF 7 PAGE/S

EASEMENTS AND PROFITS

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

Right of Way

Lot 100 on the plan is SUBJECT TO a right of carriageway over that part of Lot 100 shown on the plan as "RIGHT OF WAY 6.10 WIDE (SP11509)" (appurtenant to Lot 3 on Sealed Plan No. 11509) ^(Private) ~~subject to conditions more fully set forth in Sealed Plan 11509 (if any))~~ shown on the plan.

Pipeline and Services Easement In Gross

Lot 2 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 2 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ^(as defined herein) ~~the Water Corporation~~ TasWater

Lot 8 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 8 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ^(as defined herein) ~~the Water Corporation~~ TasWater

Lot 100 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ^(as defined herein) ~~the Water Corporation~~ TasWater

Lot 100 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT 5.00 WIDE" in favour of ^(as defined herein) ~~the Water Corporation~~ TasWater

Lot 100 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT VARIABLE WIDTH 'A'" in favour of ^(as defined herein) ~~the Water Corporation~~


Lot 100 on the plan is SUBJECT TO a Pipeline and Services Easement in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT WIDTH WIDE 'B'" in favour of ^(as defined herein) ~~the Water Corporation~~ TasWater

Right of Drainage In Gross

Lot 2 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 2 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ~~the Council~~ Burnie City Council

T-T0647384-3

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH as personal representatives of Edwin George Clarke FOLIO REF: 164104/1 SOLICITOR & REFERENCE: DOBSON MITCHELL ALLPORT JRR:1972029	PLAN SEALED BY: BURNIE CITY COUNCIL DATE: 19/7/18 SD 2016/254 REF NO.  Council Delegate
NOTE: The Council Delegate must sign the Certificate for the purposes of identification.	



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 2 OF 7 PAGES	Registered Number SP 175427
SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1	

Lot 8 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 8 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT 3.00 WIDE" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT 5.00 WIDE" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT 2.50 WIDE" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT VARIABLE WIDTH 'A'" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "PIPELINE & SERVICES EASEMENT VARIABLE WIDTH 'B'" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "DRAINAGE EASEMENT 2.50 WIDE" in favour of ~~the Council~~ Burnie City Council

Lot 100 on the plan is SUBJECT TO a right of drainage in gross over that part of Lot 100 shown on the plan as "DRAINAGE EASEMENT VARIABLE WIDTH 'X'" in favour of ~~the Council~~ Burnie City Council

Wayleave Easement In Gross

Lot 100 on the plan is SUBJECT TO a Wayleave Easement [^] (as defined herein) in gross over that part of Lot 100 shown on the plan as "ELECTRICAL SERVICE EASEMENT 2.00 WIDE" in favour of TasNetworks

Covenants

The owners of lots 2, 8, 26, 27, 28, 29, 30, 31 and 32 on the plan covenant with the Vendor and the owners for the time being of each and every other lot shown on the plan to the intent that the burden of these covenants may run with and bind the covenantor's lot and every part thereof and that the benefit thereof shall be annexed to and devolve with each and every part of each and every other lot shown on the plan, to observe the following stipulations:

1. Except by the division of the lot by strata plan NOT TO construct, erect or place on such lot more than the principal building or residence such building or residence to be used as a single private dwelling unless otherwise approved by the Vendor.
2. Except by the division of the lot by strata plan NOT TO permit the lot to be further subdivided.

R L Clarke *N D Bramich* *E G Clarke*

T-10647384-3

NOTE: Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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<p align="center">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p align="center">PAGE 3 OF 7 PAGES</p>	<p align="center">Registered Number</p> <p align="center">SP 175427</p>
<p>SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1</p>	

3. Except by the division of the lot by strata plan NOT TO erect any multiple dwellings, duplexes, strata title units, flats, villas or the like on the lot.
4. NOT TO erect more than two strata title units, flats, villas or the like on the lot.
5. NOT TO seek approval or permanently erect on any lot any garage or structure which has been removed from any other place.
6. NOT TO erect upon any lot any dwelling house, strata flat, carport, garage or other structure:
 - a. unless the external walls are constructed of at least 80% brick, brick veneer, rock, render or rendered product, concrete, masonry, or a combination of these materials; and
 - b. the roof of which is constructed of any materials other than non reflecting tiles or colour bond iron,

or such other materials as the Vendor may in its discretion approve in writing.
7. NOT TO attach or erect any advertisement, hoarding, bill, poster or article of an unsightly nature to, or on, any building on any lot or on any part of a lot.
8. NOT TO use any lot for the purpose of a parking area for the benefit of any adjoining or adjacent land.
9. NOT TO construct on any lot a roadway or access way for the benefit of any adjoining or adjacent land.
10. NOT TO permit development unless the development includes the construction of at least three hard standing car parking spaces within the lot.

The Vendor reserves the right for itself or its assigns at any time to sell lease or otherwise deal with any lot on the plan either subject to the above conditions and/or restrictive covenants or any of them or not and/or subject to such modifications there of as they in their sole discretion deem fit. The exercise of the said right in relation to any lot will not release the owners of any other lot from any of the conditions or covenants affecting or imposed upon such other lots or give the owners of any lot any right of action against the Vendors or any other person.

Edwin Geoffrey Clarke, Robert Lindsay Clarke & Norma Dorothy Bramich
as personal representatives of Edwin George Clarke

Fencing Provision
In respect of each Lot shown on the plan, the Vendor will not be required to fence

Definitions

Council means the Burnie City Council ABN 29 846 979 690 and its legal successors from time to time

R. Lindsay Clarke *N.D. Bramich* *E.G. Clarke*

T-10647384-3

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SCHEDULE OF EASEMENTS

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 4 OF 7 PAGES	Registered Number SP 175427
SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1	

TasWater

Pipeline and Services Easement means the full right and liberty for ~~the Water Corporation~~ at all times to:

- (a) enter and remain upon the land marked as "PIPELINE & SERVICES EASEMENT 3.00 WIDE", "PIPELINE & SERVICES EASEMENT 5.00 WIDE", "PIPELINE & SERVICES EASEMENT VARIABLE WIDTH 'A'" and "PIPELINE & SERVICES EASEMENT WIDTH WIDE 'B'" on the plan (**Pipeline and Services Easement Land**) with or without employees, contractors, agents and all other persons duly authorised by it and with or without machinery, vehicles, plant and equipment;
- (b) investigate, take soil, rock and other samples, survey, open and break up and excavate the Pipeline and Services Easement Land for any purpose or activity that ~~Water Corporation~~ is authorised to do or undertake;
- (c) install, retain, operate, modify, relocate, maintain, inspect, cleanse and repair the Infrastructure;
- (d) remove and replace the Infrastructure;
- (e) run and pass sewage, water and electricity through and along the Infrastructure;
- (f) do all works reasonably required in connection with such activities or as may be authorised or required by any law:
 - (i) without doing unnecessary damage to the Pipeline and Services Easement Land; and
 - (ii) leaving the Pipeline and Services Easement Land in a clean and tidy condition; and
- (g) if the Pipeline and Services Easement Land is ~~not~~ directly accessible from a highway, then for the purpose of undertaking any of the preceding activities ~~Water Corporation~~ may with or without employees, contractors, agents and all other persons authorised by it, and with or without machinery, vehicles, plant and equipment enter the Lot from the highway at any then existing vehicle entry and cross the Lot to the Pipeline and Services Easement Land; and
- (h) use the Pipeline and Services Easement Land as a right of carriage way for the purpose of undertaking any of the proceeding purposes on the other land, ~~the Water Corporation~~ reinstating any damage it causes in doing so to any boundary fence on the Lot.

PROVIDE ALWAYS THAT:

- (i) The registered proprietors of the Pipeline and Services Easement Land (**Owner**) must not without the written consent of ~~the Water Corporation~~ first had and obtained (which cannot be unreasonably refused) and only in compliance with any conditions which form the consent:
 - (i) alter, excavate, plough, drill or otherwise penetrate the ground level of the Pipeline and Services Easement Land;
 - (ii) install, erect or plant any building, structure, fence, pit, well, footing, pipeline, paving, tree, shrub or other object on or in the Pipeline and Services Easement Land;
 - (iii) remove any thing that supports, protects or covers any Infrastructure on or in the Pipeline and Services Easement Land;

T-10647384-3

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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<p align="center">ANNEXURE TO SCHEDULE OF EASEMENTS</p> <p align="center">PAGE 5 OF 7 PAGES</p>	<p align="center">Registered Number</p> <p align="center">SP 175427</p>
<p>SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1</p>	

- (iv) do any thing which will or might damage or contribute to damage to any of the Infrastructure on or in the Pipeline and Services Easement Land;
- (v) in any way prevent or interfere with the proper exercise and benefit of the Pipeline and Services Easement Land by ^{TasWater} the Water Corporation or its employees, contractors, agents and all other persons duly authorised by it; or
- (vi) permit or allow any action which the Owner must not do or acquiesce in that action.
- (j) ^{TasWater} the Water Corporation is not required to fence any part of the Pipeline and Services Easement Land.
- (k) The Owner may erect a fence across the Pipeline and Services Easement Land at the boundaries of the Lot.
- (l) The Owner may erect a gate across any part of the Pipeline and Services Easement Land subject to these conditions:
 - (i) the Owner must provide ^{TasWater} the Water Corporation with a key to any lock which would prevent the opening of the gate; and
 - (ii) if the Owner does not provide ^{TasWater} the Water Corporation with that key or the key provided does not fit the lock, ^{TasWater} the Water Corporation may cut the lock from the gate.
- (m) If the Owner causes damage to any of the Infrastructure, the Owner is liable for the actual cost to ^{TasWater} the Water Corporation of the repair of the Infrastructure damaged.
- (n) If the Owner fails to comply with any of the preceding conditions, without forfeiting any right of action, damages or otherwise against the Owner, ^{TasWater} the Water Corporation may:
 - (i) reinstate the ground level of the Pipeline and Services Easement Land; or
 - (ii) remove from the Pipeline and Services Easement Land any building, structure, pit, well, footing, pipeline, paving, tree, shrub or other object; or
 - (iii) replace any thing that supported, protected or covered the Infrastructure.

For the purposes of this definition **Infrastructure** means infrastructure owned or for which ^{TasWater} the Water Corporation is responsible and includes but is not limited to:

- (a) sewer pipes and water pipes and associated valves;
- (b) telemetry and monitoring devices;
- (c) inspection and access pits;
- (d) power poles and lines, electrical wires, electrical cables and other conducting media (excluding telemetry and monitoring devices);
- (e) markers or signs indicating the location of the Pipeline and Services Easement Land, the Infrastructure or any warnings or restrictions with respect to the Pipeline and Services Easement Land or the Infrastructure;
- (f) any thing reasonably required to support, protect or cover any of the Infrastructure;

R.L. Clarke *R.D. Bramich* *E.G. Clarke*

T-10647364-3

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SCHEDULE OF EASEMENTS

RECORDER OF TITLES

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 6 OF 7 PAGES	Registered Number SP 175427
SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1	

- (g) any other infrastructure whether of a similar nature or not to the preceding which is reasonably required for the piping of sewage or water, or the running of electricity, through the Pipeline and Services Easement Land or monitoring or managing that activity; and
- (h) where the context permits, any part of the Infrastructure.

TasNetworks means Tasmanian Networks Pty Ltd ACN 167 357 299 or its legal successors from time to time

Vendor means Edwin Geoffrey Clarke, Robert Lindsay Clarke and Norma Dorothy Bramich as personal representatives of Edwin George Clarke or their legal successors from time to time

TasWater

~~**Water Corporation**~~ means the Tasmanian Water & Sewerage Corporation Pty Ltd ACN 162 220 653 and its legal successors from time to time

Wayleave Easement means:

Firstly, the full and free right and liberty for TasNetworks its servants, agents and contractors at all times:

- (a) to clear the land marked "ELECTRICAL SERVICE EASEMENT 2.00 WIDE" (**Servient Land**); and
- (b) to lay, erect, construct, place, replace, inspect, operate, alter, add to, install, remove, repair, renew, maintain, modify and/or use, upon, over, under and/or along the Servient Land towers, poles, wires, cables, apparatus, appliances and/or other ancillary work (all of which are collectively referred to as the Electricity Infrastructure) for the transmission and distribution of electrical energy and for purposes incidental to that;
- (c) to cause or permit electrical energy to flow or be transmitted through and along the Electricity Infrastructure;
- (d) to cut away, remove and/or keep clear of the Electricity Infrastructure all trees and other obstructions or erections of any nature which may at any time overhang, encroach and/or be in or on the Servient Land and which may in any way endanger or interfere with the improper operation of the Electricity Infrastructure; and
- (e) to enter into and upon the Servient Land for all or any of the above purposes with or without all necessary plant, equipment, machinery and/or vehicles of any kind and if necessary to cross over the remainder of the land contained in the servient tenement, and where practical in consultation with the registered proprietor of the servient tenement, for access to and egress from the Servient Land.

Secondly, the benefit of a covenant for TasNetworks with the registered proprietor of the servient tenement, for themselves and their successors in title to the Servient Land, not to erect any buildings or place any structures or objects that could interfere with the proper and safe operation of the Electricity Infrastructure, to the intent that the burden of this covenant may run with and bind the Servient Land and every part of it and that the benefit of this covenant is to be annexed to the wayleave easement mentioned above.

M.L. Clarke *N.D. Bramich* *E.G. Clarke*

T-10647384-3

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SCHEDULE OF EASEMENTS

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ANNEXURE TO SCHEDULE OF EASEMENTS PAGE 7 OF 7 PAGES	Registered Number SP 175427
SUBDIVIDER: EDWIN GEOFFREY CLARKE, ROBERT LINDSAY CLARKE and NORMA DOROTHY BRAMICH FOLIO REFERENCE: 164104/1	

Signing Clauses

Signed by **Edwin Geoffrey Clarke** as)
personal representatives of Edwin)
George Clarke in the presence of:)

Witness signature

Full name (print)

Witness address

Signed by **Robert Lindsay Clarke** as)
personal representatives of Edwin)
George Clarke in the presence of:)

Witness signature

Full name (print)

Witness address

Signed by **Norma Dorothy Bramich** as)
as personal representatives of Edwin)
George Clarke in the presence of:)

Witness signature

Full name (print)

Witness address

T-10647384-3

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Development Application

Use Class: Residential

Development: Single Dwelling

Location: 39-41 Hillfarm Drive, Park Grove

Project No: 22052-P



AUTHOR DETAILS:

Reporting Planner: Jayne Newman

Report Date: 1 March 2022

PROPERTY DETAILS:

Location: 39-41 Hillfarm Drive, Park Grove

Proposal: Single Dwelling

Use Class: Residential

Zoning: General Residential

Title Reference: CT: 175427/26 & 27

PID: 3605021 & 3605048



Figure 1 – Source: Listmap

1. Executive Summary

This report together with the attached development plans and additional supporting reports have been prepared to provide demonstration against the relative clauses detailed within the Tasmanian Planning Scheme - Burnie. The proposal is for a 2-lot consolidation and the construction of a single dwelling sited within the Residential zone. Although the use is “permitted”, the application invokes discretion relative to development standards within the zone, which have been addressed throughout this report.

2. Background

The proposal relates to two adjoining lots with lot 26 having 781m² and lot 27 having 741m² known as 39-41 Hillfarm Drive, Park Grove. The two lots are vacant having access off the eastern boundaries and have been approved for consolidation through a previous permit DA2020/177. Land to the south is also zoned General Residential containing single dwellings.

3. Proposal

The single dwelling is two storey with the ground floor containing a double garage, workshop, lounge room, study, bedroom, bathroom, laundry, dining room, toy room, kitchen and alfresco. The first floor contains five bedrooms (two with ensuite), bathroom and sitting room.

The dwelling has a total height of 9.65 metres having a setback from Hillfarm Drive of 9.67 metres, 3 metres from the southern (side) boundary, 7.5 metres from the western (rear) boundary and 3.63 metres from the northern (side) boundary. The dwelling will be clad in a mix of brick, scyon and rendered hebel walls with a tiled roof.

Development Standards	
8.4.1 Residential density for multiple dwellings	
That the density of multiple dwellings:	
(a) make efficient use of land for housing; and	
(b) optimise utilities and community services;	
A1	P1
Multiple dwellings must have a site area per dwelling of not less than 325m ² .	<p>Multiple dwellings must only have a site area per dwelling that is less than 325m², if the development will not exceed the capacity of infrastructure services and:</p> <p>(a) is compatible with the density of existing development on established properties in the area; or</p> <p>(b) provides for a significant social or community benefit and is:</p> <p>(i) wholly or partly within 400m walking distance of a public transport stop; or</p> <p>(ii) wholly or partly within 400m walking distance of an Inner Residential Zone, Village Zone, Urban Mixed Use Zone, Local Business Zone, General Business Zone, Central Business Zone or Commercial Zone.</p>
<p>COMMENT: <i>Not applicable.</i></p> <p><i>The application does not involve multiple dwellings.</i></p>	

8.4.2 Setbacks and building envelopes for all dwellings	
<p>The siting and scale of dwellings:</p> <ul style="list-style-type: none"> (a) provides reasonably consistent separation between dwellings and their frontage within a street; (b) provides consistency in the apparent scale, bulk, massing and proportion of dwellings; (c) provides separation between dwellings on adjoining properties to allow reasonable opportunity for daylight and sunlight to enter habitable rooms and private open space; and (d) provides reasonable access to sunlight for existing solar energy installations. 	
<p>A1</p> <p>Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:</p> <ul style="list-style-type: none"> (a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site; (b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site; (c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or (d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level. 	<p>P1</p> <p>A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.</p>
<p>COMMENT: A frontage setback of 9.67 metres is provided, compliant with A1(a).</p>	
<p>A2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage of not less than:</p> <ul style="list-style-type: none"> (a) 5.5m, or alternatively 1m behind the building line; (b) the same as the building line, if a portion of the dwelling gross floor area is located above the garage or carport; or (c) 1m, if the existing ground level slopes up or down at a gradient steeper than 1 in 5 for a distance of 10m from the frontage. 	<p>P2</p> <p>A garage or carport for a dwelling must have a setback from a primary frontage that is compatible with the setbacks of existing garages or carports in the street, having regard to any topographical constraints.</p>
<p>COMMENT: The attached garage is sited at the front of the dwelling 9.67 metres from Hillfarm Drive, compliant with A2(a).</p>	

A3	P3
<p>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</p> <p>(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</p> <p>(i) a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</p> <p>(ii) projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>The siting and scale of a dwelling must:</p> <p>(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property;</p> <p>(ii) overshadowing the private open space of a dwelling on an adjoining property;</p> <p>(iii) overshadowing of an adjoining vacant property; or</p> <p>(iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property;</p> <p>(b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
<p>COMMENT:</p> <p><i>The proposal is sited outside of the building envelope relative to height. The application includes shadow diagrams, which depict the level of shading from the proposal. It is however noted, that if the development was to be reduced to fit within the building envelope, the level of shading proposed would remain the same. Looking at the level of shading on the adjoining dwelling, this occurs between 9am and 11am, with the dwelling not impacted for the remainder of the day. Overshadowing of private open space is at a similar level, only impacting the private open space for the morning. Visual impact relative to bulk and scale is reduced due to setbacks provided, cutting in on this elevation and angle of the development relative to this boundary. A separation between dwellings of approximately 5 metres is provided, which is consistent with existing development in the Hillfarm Drive area. The adjoining dwelling has solar panels located on the north/eastern portion of the roof. As shown on the shadow diagrams, this area is not impacted by shading.</i></p> <p><i>The application is considered to comply with the performance criteria and relative objectives (b) (c) and (d).</i></p>	

8.4.3 Site coverage and private open space for all dwellings

That dwellings are compatible with the amenity and character of the area and provide:

- (a) for outdoor recreation and the operational needs of the residents;
- (b) opportunities for the planting of gardens and landscaping; and
- (c) private open space that is conveniently located and has access to sunlight.

A1	P1
<p>Dwellings must have:</p> <p>(a) a site coverage of not more than 50% (excluding eaves up to 0.6m wide); and</p> <p>(b) for multiple dwellings, a total area of private open space of not less than 60m² associated with each dwelling, unless the dwelling has a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer).</p>	<p>Dwellings must have:</p> <p>(a) site coverage consistent with that existing on established properties in the area;</p> <p>(b) private open space that is of a size and with dimensions that are appropriate for the size of the dwelling and is able to accommodate:</p> <ul style="list-style-type: none"> (i) outdoor recreational space consistent with the projected requirements of the occupants and, for multiple dwellings, take into account any common open space provided for this purpose within the development; and (ii) operational needs, such as clothes drying and storage; and <p>(c) reasonable space for the planting of gardens and landscaping.</p>
<p>COMMENT: <i>Site coverage for each lot is calculated as follows. A development footprint of 442m² on a lot area of 1522m² provides for 29.04% site coverage, compliant with A1(a).</i></p>	

A2	P2
<p>A dwelling must have private open space that:</p> <p>(a) is in one location and is not less than:</p> <p>(i) 24m² or</p> <p>(ii) 12m², if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(b) has a minimum horizontal dimension of not less than:</p> <p>(i) 4m; or</p> <p>(ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer);</p> <p>(c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and</p> <p>(d) has a gradient not steeper than 1 in 10.</p>	<p>A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:</p> <p>(a) conveniently located in relation to a living area of the dwelling; and</p> <p>(b) orientated to take advantage of sunlight.</p>
<p>COMMENT:</p> <p><i>The private open space is located west of the dwelling accessible from the alfresco with a minimum dimension exceeding 4 metres and a total area well in excess of 25m² on a flat section of the lot as depicted on the site plan.</i></p>	

8.4.4 Sunlight to private open space of multiple dwellings

That the separation between multiple dwellings provides reasonable opportunity for sunlight to private open space for dwellings on the same site.

A1	P1
<p>A multiple dwelling, that is to the north of the private open space of another dwelling on the same site, required to satisfy A2 or P2 of clause 8.4.3, must satisfy (a) or (b), unless excluded by (c):</p> <p>(a) the multiple dwelling is contained within a line projecting (see Figure 8.4):</p> <p>(i) at a distance of 3m from the northern edge of the private open space; and</p> <p>(ii) vertically to a height of 3m above existing ground level and then at an angle of 45 degrees from the horizontal;</p> <p>(b) the multiple dwelling does not cause 50% of the private open space to receive less than 3 hours of sunlight between 9.00am and 3.00pm on 21st June; and</p> <p>(c) this Acceptable Solution excludes that part of a multiple dwelling consisting of:</p> <p>(i) an outbuilding with a building height not more than 2.4m; or</p> <p>(ii) protrusions that extend not more than 0.9m horizontally from the multiple dwelling.</p>	<p>A multiple dwelling must be designed and sited to not cause an unreasonable loss of amenity by overshadowing the private open space, of another dwelling on the same site, which is required to satisfy A2 or P2 of clause 8.4.3 of this planning scheme.</p>
<p>COMMENT: <i>Not applicable.</i></p> <p><i>The proposal does not involve multiple dwellings.</i></p>	

8.4.5 Width of openings for garages and carport for all dwellings

To reduce the potential for garage or carport openings to dominate the primary frontage.

A1

A garage or carport for a dwelling within 12m of a primary frontage, whether the garage or carport is free-standing or part of the dwelling, must have a total width of openings facing the primary frontage of not more than 6m or half the width of the frontage (whichever is the lesser).

P1

A garage or carport for a dwelling must be designed to minimise the width of its openings that are visible from the street, so as to reduce the potential for the openings of a garage or carport to dominate the primary frontage.

COMMENT:

The attached garage has an opening of 6 metres in width located within 12 metres of the frontage, therefore compliant with A1.

8.4.6 Privacy for all dwellings

To provide a reasonable opportunity for privacy for dwellings.

A1

A balcony, deck, roof terrace, parking space, or carport for a dwelling (whether freestanding or part of the dwelling), that has a finished surface or floor level more than 1m above existing ground level must have a permanently fixed screen to a height of not less than 1.7m above the finished surface or floor level, with a uniform transparency of not more than 25%, along the sides facing a:

- (a) side boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 3m from the side boundary;
- (b) rear boundary, unless the balcony, deck, roof terrace, parking space, or carport has a setback of not less than 4m from the rear boundary; and
- (c) dwelling on the same site, unless the balcony, deck, roof terrace, parking space, or carport is not less than 6m:
 - (i) from a window or glazed door, to a habitable room of the other dwelling on the same site; or
 - (ii) from a balcony, deck, roof terrace or the private open space of the other dwelling on the same site.

P1

A balcony, deck, roof terrace, parking space or carport for a dwelling (whether freestanding or part of the dwelling) that has a finished surface or floor level more than 1m above existing ground level, must be screened, or otherwise designed, to minimise overlooking of:

- (a) a dwelling on an adjoining property or its private open space; or
- (b) another dwelling on the same site or its private open space.

COMMENT: *Not applicable.*

No balconies, decks, roof terraces or parking spaces are provided with a floor area exceeding 1 metre above natural ground level.

A2	P2
<p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>(a) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to have a setback of not less than 3m from a side boundary; (ii) is to have a setback of not less than 4m from a rear boundary; (iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door, to a habitable room, of another dwelling on the same site; and (iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site. <p>(b) the window or glazed door:</p> <ul style="list-style-type: none"> (i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door, to a habitable room of another dwelling; (ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or (iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%. 	<p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <ul style="list-style-type: none"> (a) a window or glazed door, to a habitable room of another dwelling; and (b) the private open space of another dwelling.
<p>COMMENT: <i>The western elevation has habitable room windows with a floor level exceeding 1 metre but are located 3 or more metres from each side boundary and more than 4 metres from the rear boundary, therefore compliant with A2(a) (i & ii).</i></p>	
A3	P3
<p>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</p> <ul style="list-style-type: none"> (a) 2.5m; or (b) 1m if: <ul style="list-style-type: none"> (i) it is separated by a screen of not less than 1.7m in height; or (ii) the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level. 	<p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
<p>COMMENT: <i>Not applicable.</i> <i>No shared driveways are proposed.</i></p>	

8.4.7 Frontage fences	
<p>The height and transparency of frontage fences:</p> <p>(a) provides adequate privacy and security for residents;</p> <p>(b) allows the potential for mutual passive surveillance between the road and the dwelling; and</p> <p>(c) is reasonably consistent with that on adjoining properties.</p>	
A1	P1
No Acceptable Solution	<p>A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must:</p> <p>(a) provide for security and privacy while allowing for passive surveillance of the road; and</p> <p>(b) be compatible with the height and transparency of fences in the street, having regard to:</p> <p>(i) the topography of the site; and</p> <p>(ii) traffic volumes on the adjoining road.</p>
<p>Comment: <i>Not applicable.</i></p> <p><i>No frontage fences are proposed as part of this application.</i></p>	

8.4.8 Waste storage for multiple dwellings	
<p>To provide for the storage of waste and recycling bins for multiple dwellings.</p>	
A1	P1
<p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m² per dwelling and is within one of the following locations:</p> <p>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</p> <p>(b) a common storage area with an impervious surface that:</p> <p>(i) has a setback of not less than 4.5m from a frontage;</p> <p>(ii) is not less than 5.5m from any dwelling; and</p> <p>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</p>	<p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <p>(a) capable of storing the number of bins required for the site;</p> <p>(b) screened from the frontage and dwellings; and</p> <p>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</p>
<p>Comment: <i>Not applicable.</i></p> <p><i>The proposal does not include multiple dwellings.</i></p>	

8.6.1 Lot design	
<p>That each lot:</p> <ul style="list-style-type: none"> (a) has an area and dimensions appropriate for use and development in the zone; (b) is provided with appropriate access to a road; (c) contains areas which are suitable for development appropriate to the zone purpose, located to avoid natural hazards; and (d) is orientated to provide solar access for future dwellings. 	
A1	P1
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 450m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: <ul style="list-style-type: none"> a. all setbacks required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 8.4.2 A1, A2 and A3, and 8.5.1 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone. 	<p>P1</p> <p>Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) the presence of any natural hazards; (e) adequate provision of private open space; and (f) the pattern of development existing on established properties in the area.
<p>Comment: <i>Not applicable.</i></p> <p><i>The site has been approved for consolidation under previous permit DA2020/177.</i></p>	
A2	P2
<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a frontage not less than 12m.</p>	<p>P2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be provided with a frontage or legal connection to a road by a right of carriageway, that is sufficient for the intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the width of frontage proposed, if any; (b) the number of other lots which have the land subject to the right of carriageway as their sole or principal means of access; (c) the topography of the site; (d) the functionality and useability of the frontage; (e) the ability to manoeuvre vehicles on the site; and (f) the pattern of development existing on established properties in the area, <p>and is not less than 3.6m wide.</p>
<p>Comment: <i>Not applicable.</i></p> <p><i>This proposal does not include subdivision.</i></p>	

<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with a vehicular access from the boundary of the lot to a road in accordance with the requirements of the road authority.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, must be provided with reasonable vehicular access to a boundary of a lot or building area on the lot, if any, having regard to:</p> <ul style="list-style-type: none"> (a) the topography of the site; (b) the distance between the lot or building area and the carriageway; (c) the nature of the road and the traffic; (d) the anticipated nature of vehicles likely to access the site; and (e) the ability for emergency services to access the site.
<p>Comment: <i>Not applicable.</i></p> <p><i>This proposal does not include subdivision.</i></p>	

<p>A4</p> <p>Any lot in a subdivision with a new road, must have the long axis of the lot between 30 degrees west of true north and 30 degrees east of true north.</p>	<p>P4</p> <p>Subdivision must provide for solar orientation of lots adequate to provide solar access for future dwellings, having regard to:</p> <ul style="list-style-type: none"> (a) the size, shape and orientation of the lots; (b) the topography of the site; (c) the extent of overshadowing from adjoining properties; (d) any development on the site; (e) the location of roads and access to lots; and (f) the existing pattern of subdivision in the area.
<p>Comment: <i>Not applicable.</i></p> <p><i>This proposal does not include subdivision.</i></p>	

8.6.2 Roads

That the arrangement of new roads within a subdivision provides for:

- (a) safe, convenient and efficient connections to assist accessibility and mobility of the community;
- (b) the adequate accommodation of vehicular, pedestrian, cycling and public transport traffic; and
- (c) the efficient ultimate subdivision of the entirety of the land and of surrounding land.

<p>A1</p>	<p>P1</p>
<p>A1</p> <p>The subdivision includes no new roads.</p>	<p>P1</p> <p>The arrangement and construction of roads within a subdivision must provide an appropriate level of access, connectivity, safety and convenience for vehicles, pedestrians and cyclists, having regard to:</p> <ul style="list-style-type: none"> (a) any road network plan adopted by the council; (b) the existing and proposed road hierarchy; (c) the need for connecting roads and pedestrian and cycling paths, to common boundaries with adjoining land, to facilitate future subdivision potential; (d) maximising connectivity with the surrounding road, pedestrian, cycling and public transport networks; (e) minimising the travel distance between key destinations such as shops and services and public transport routes;

	<ul style="list-style-type: none"> (f) access to public transport; (g) the efficient and safe movement of pedestrians, cyclists and public transport; (h) the need to provide bicycle infrastructure on new arterial and collector roads in accordance with the Guide to Road Design Part 6A: Paths for Walking and Cycling 2016; (i) the topography of the site; and (j) the future subdivision potential of any balance lots on adjoining or adjacent land.
<p>Comment: Not applicable. This proposal does not include subdivision.</p>	

8.6.3 Services

That the subdivision of land provides services for the future use and development of the land.

A1	P1
<p>A1</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a full water supply service.</p>	<p>P1</p> <p>A lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a limited water supply service, having regard to:</p> <ul style="list-style-type: none"> (a) flow rates; (b) the quality of potable water; (c) any existing or proposed infrastructure to provide the water service and its location; (d) the topography of the site; and (e) any advice from a regulated entity.
<p>Comment: Not applicable. This proposal does not include subdivision.</p>	

<p>A2</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must have a connection to a reticulated sewerage system.</p>	<p>P2</p> <p>No Performance Criterion.</p>
<p>Comment: Not applicable. This proposal does not include subdivision.</p>	

<p>A3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system.</p>	<p>P3</p> <p>Each lot, or a lot proposed in a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of accommodating an on-site stormwater management system adequate for the future use and development of the land, having regard to:</p>
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	<ul style="list-style-type: none"> (a) the size of the lot; (b) topography of the site; (c) soil conditions; (d) any existing buildings on the site; (e) any area of the site covered by impervious surfaces; and (f) any watercourse on the land.
Comment: <i>Not applicable.</i> <i>This proposal does not include subdivision.</i>	

CODES	
C1.0 – Signs Code	N/A
No signage is proposed as part of this application.	
C2.0 – Parking and Sustainable Transport Code	Yes
C2.5.1 – Car parking numbers	
That an appropriate level of car parking spaces are provided to meet the needs of the use.	
A1 The number of on-site car parking spaces must be no less than the number specified in Table C2.1, excluding if: <ul style="list-style-type: none"> (a) the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: <ul style="list-style-type: none"> (i) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or (ii) the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case on-site car parking must be calculated as follows: $N = A + (C - B)$ <p>N=Number of on-site car parking spaces required A=Number of existing on site car parking spaces B=Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C=Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</p> 	P1.1 The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of on-street parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. P1.2 The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.
Comment: <i>The proposal provides 2 vehicle parking spaces within the attached garage, compliant with table C2.1.</i>	

C2.6.3 Number of accesses for vehicles	
That:	
(a) access to land is provided which is safe and efficient for users of the land and all road network users, including but not limited to drivers, passengers, pedestrians and cyclists by minimising the number of vehicle accesses;	
(b) accesses do not cause an unreasonable loss of amenity of adjoining uses; and	
(c) the number of accesses minimise impacts on the streetscape.	
The number of accesses provided for each frontage must:	The number of accesses for each frontage must be minimised, having regard to:
(a) be no more than 1; or	(a) any loss of on-street parking; and
(b) no more than the existing number of accesses,	(b) pedestrian safety and amenity;
whichever is the greater.	(c) traffic safety;
	(d) residential amenity on adjoining land; and
	(e) the impact on the streetscape.
Comment:	
<i>The proposal will retain the two existing accesses providing compliance with A1 and consistency with the existing streetscape.</i>	

C3.0 – Road and Railway Code	N/A
The proposal does not involve works within a road or railway attenuation area.	
C4.0 – Electrical Transmission Infrastructure Protection Code	N/A
The proposal does not involve works located within an electricity transmission corridor.	
C5.0 – Telecommunications Code	N/A
The application does not propose any telecommunication facilities.	
C6.0 – Local Historic Heritage Code	N/A
The application does not involve any land requiring assessment against heritage provisions.	
C7.0 – Natural Assets Code	N/A
The site is not within an area identified as containing natural assets.	
C8.0 – Scenic Protection Code	N/A
The scenic protection code is not applicable to the General Residential zone.	
C9.0 – Attenuation Code	N/A
The site has not been identified as being located within an attenuation distance detailed within C9.2 or C9.2.	
C10.0 – Coastal Erosion Hazard Code	N/A
The site is not within an area identified as containing a coastal erosion hazard.	
C11.0 – Coastal Inundation Hazard Code	N/A
The site is not within an area identified as containing a coastal inundation hazard.	
C12.0 – Flood Prone Areas Code	N/A
The site is not identified as flood prone	
C13.0 – Bushfire Prone Areas Code	N/A
The application is not for a vulnerable or hazardous use, nor is it for the subdivision of land.	
C14.0 – Potentially Contaminated Land Code	N/A
The site has not been identified as contaminated land.	

C15.0 – Landslip Hazard Code	N/A
The site is not identified as containing any landslip hazards.	
C10.0 – Safeguarding of Airports Code	N/A
The site is not located within the flight path of the North/West Regional Hospital Helipad.	

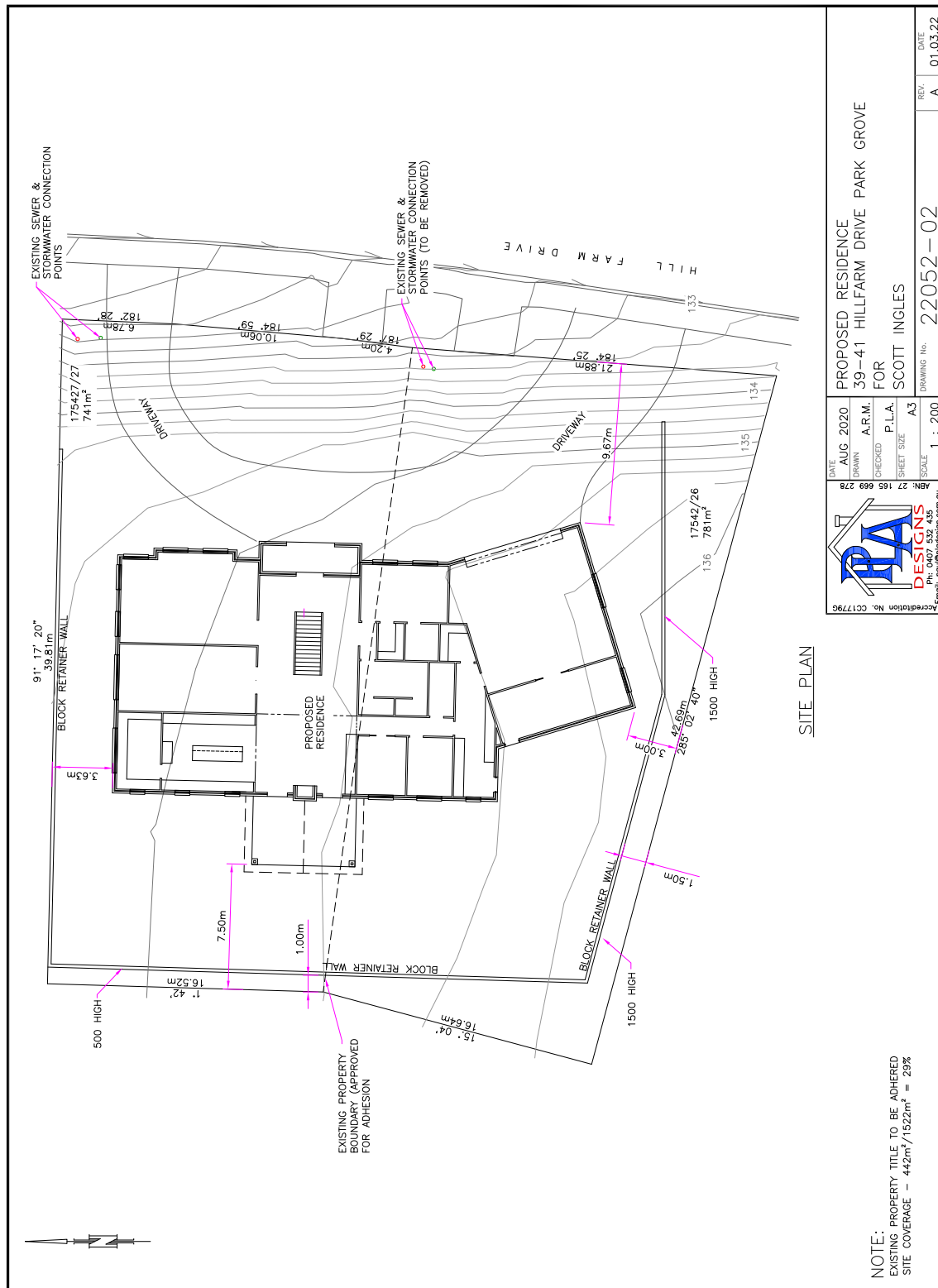
PROPOSED RESIDENCE
39-41 HILLFARM DRIVE PARK GROVE
SCOTT INGLES

DRAWING INDEX

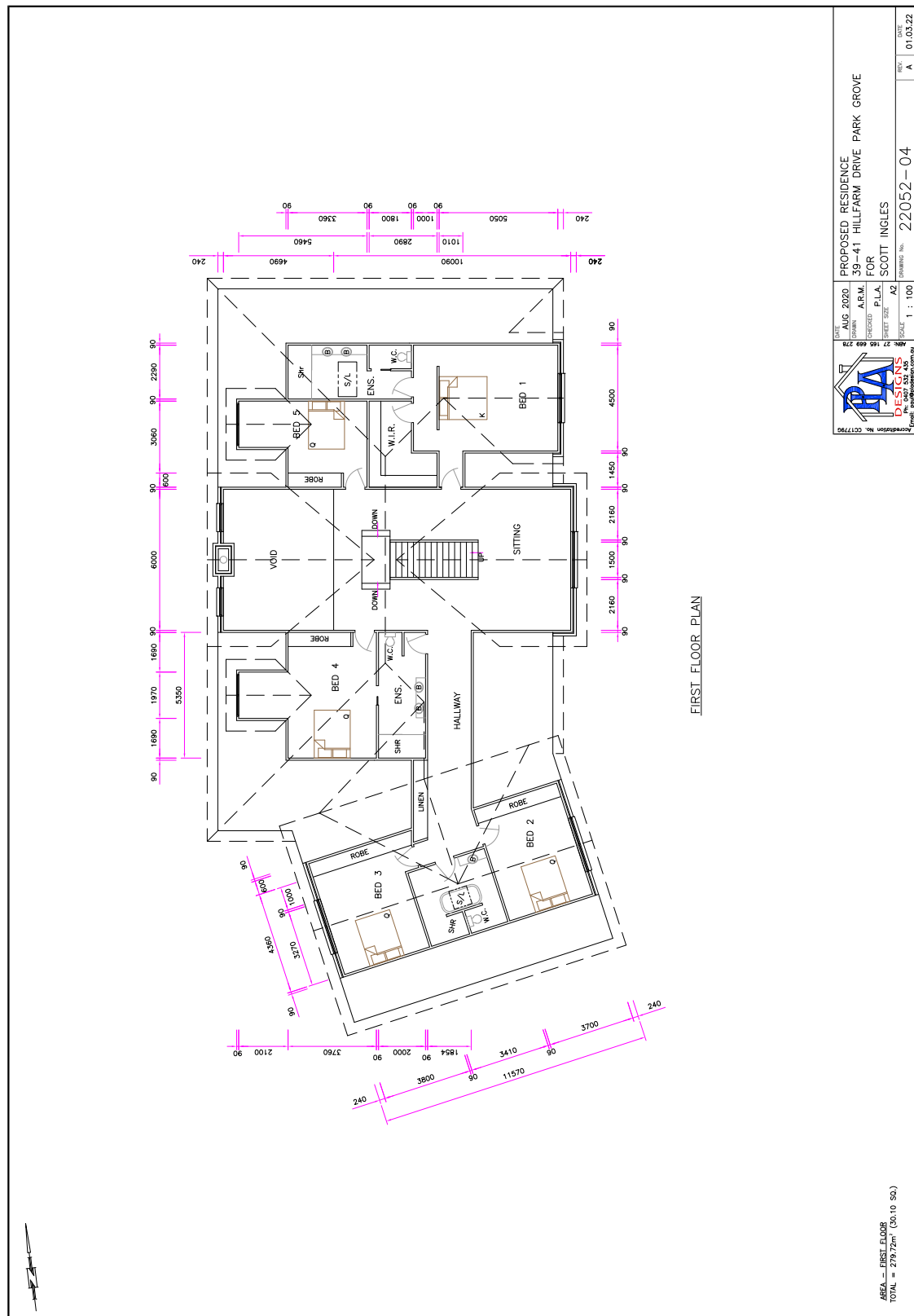
DRAWING No.	DESCRIPTION	REVISION
01	COVER SHEET	A
02	SITE PLAN	A
03	GROUND FLOOR PLAN	A
04	FIRST FLOOR PLAN	A
05	ELEVATIONS SHT.1	A
06	ELEVATIONS SHT.2	A
07	ELEVATIONS SHT.3	A
08	SHADOW PLANS	A

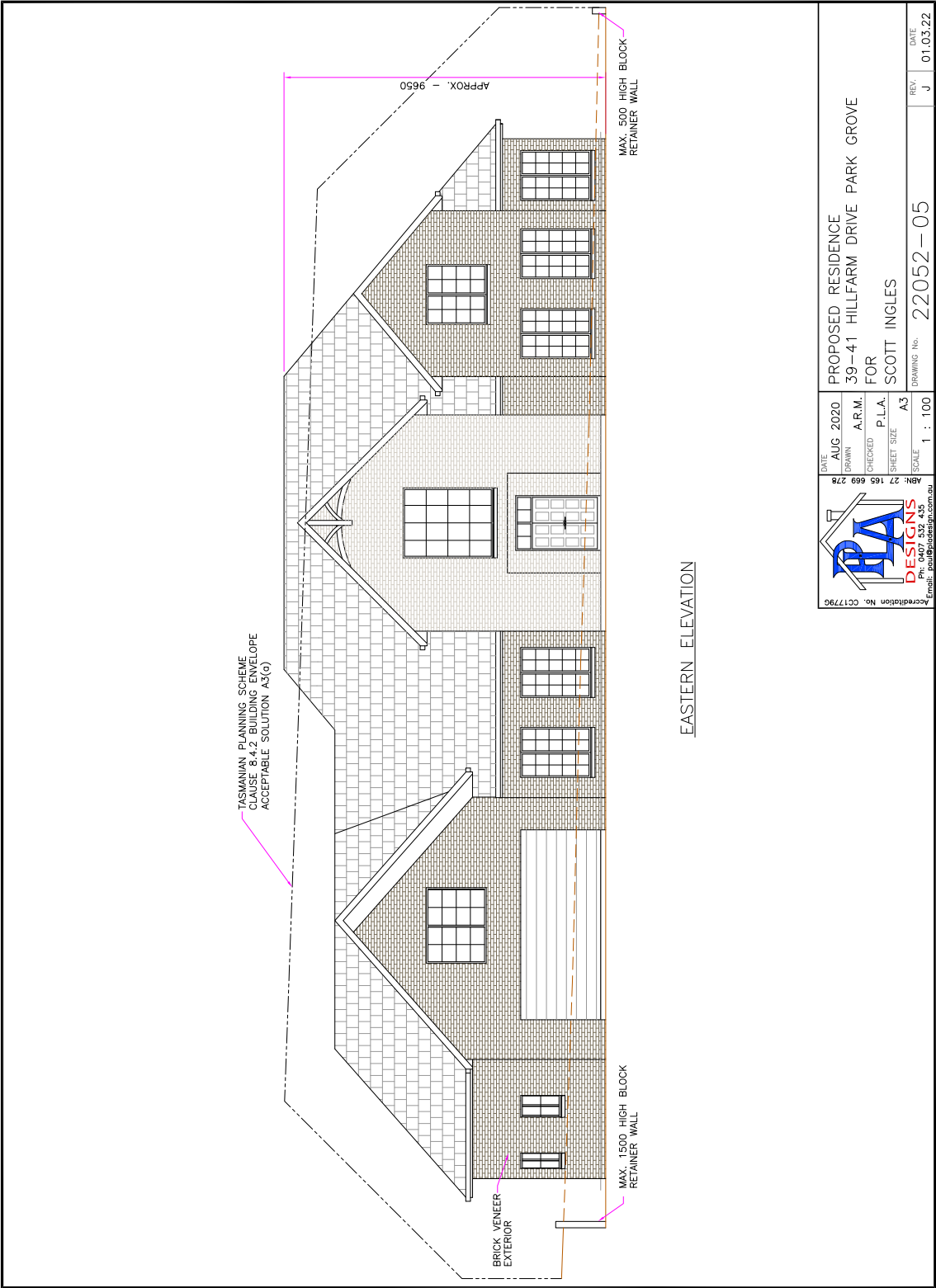
PROJECT DETAILS:
TITLE REFERENCE: 175427/26.27
AREAS: 741m² & 781m²
SITE -
EXISTING FLOOR - 0m²
PROPOSED FLOOR - 722m²
TOTAL FLOOR - 722m²
SITE CLASSIFICATION: TBC
WIND CLASSIFICATION: TBC
CLIMATE ZONE: 7
BUSHFIRE ATTACK LEVEL: N/A

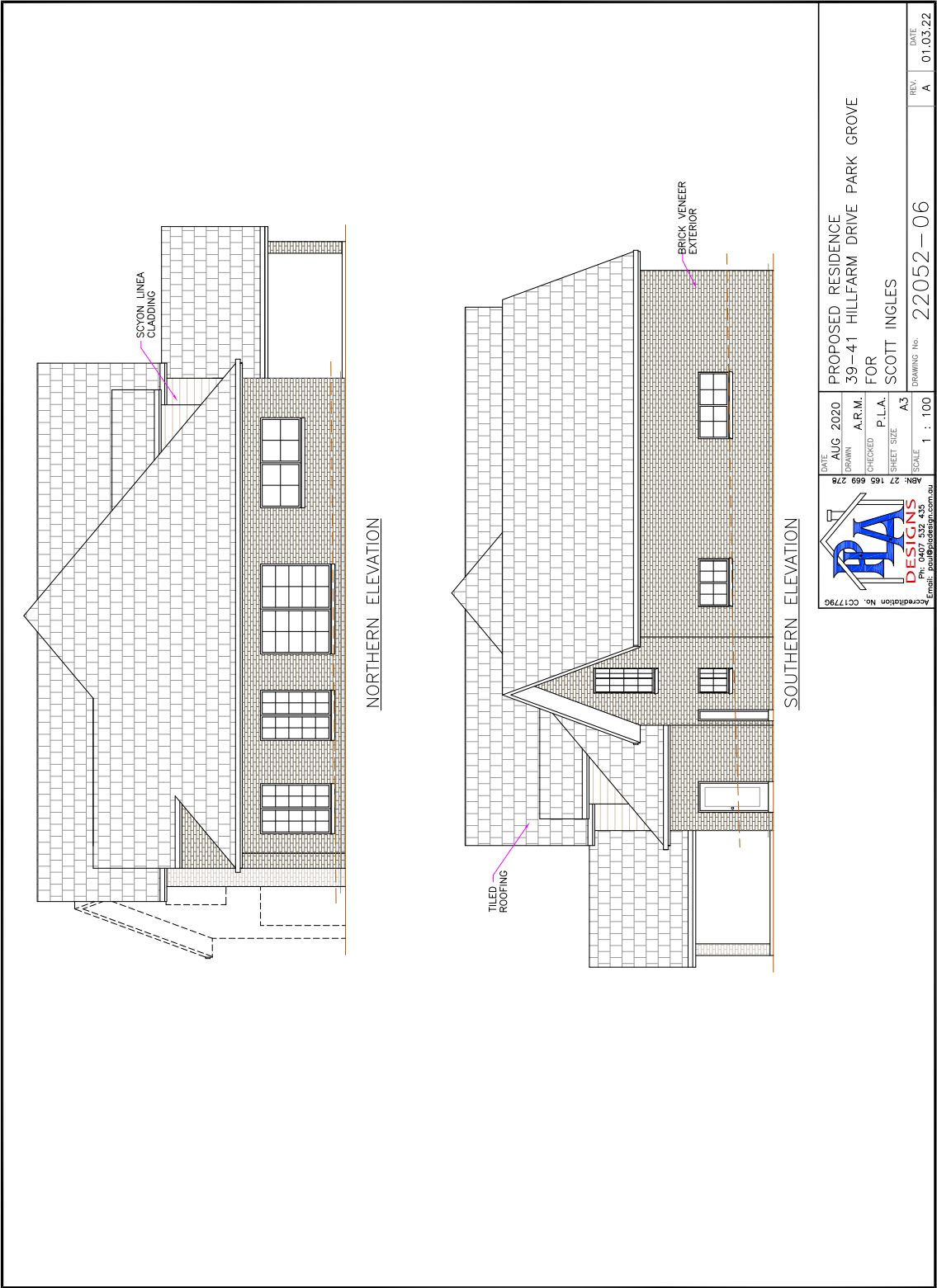
	DATE AUG 2020	PROPOSED RESIDENCE
	DRAWN A.R.M.	39-41 HILLFARM DRIVE PARK GROVE
	CHECKED P.L.A.	FOR
	SHEET SIZE A3	SCOTT INGLES
ASN: 27 165 669 278	SCALE	DRAWING No. 22052-01
		REV A
		DATE 01.03.22

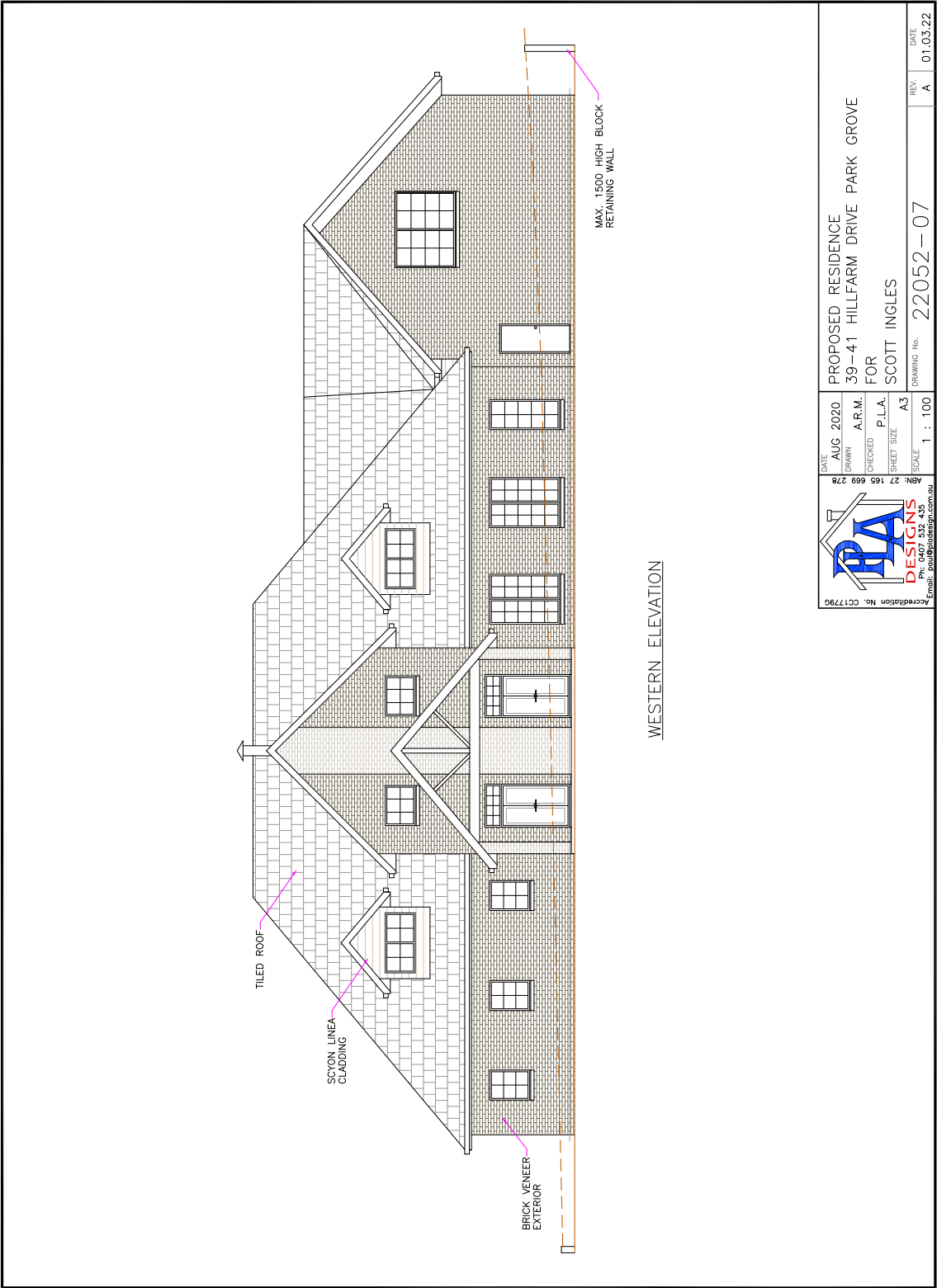


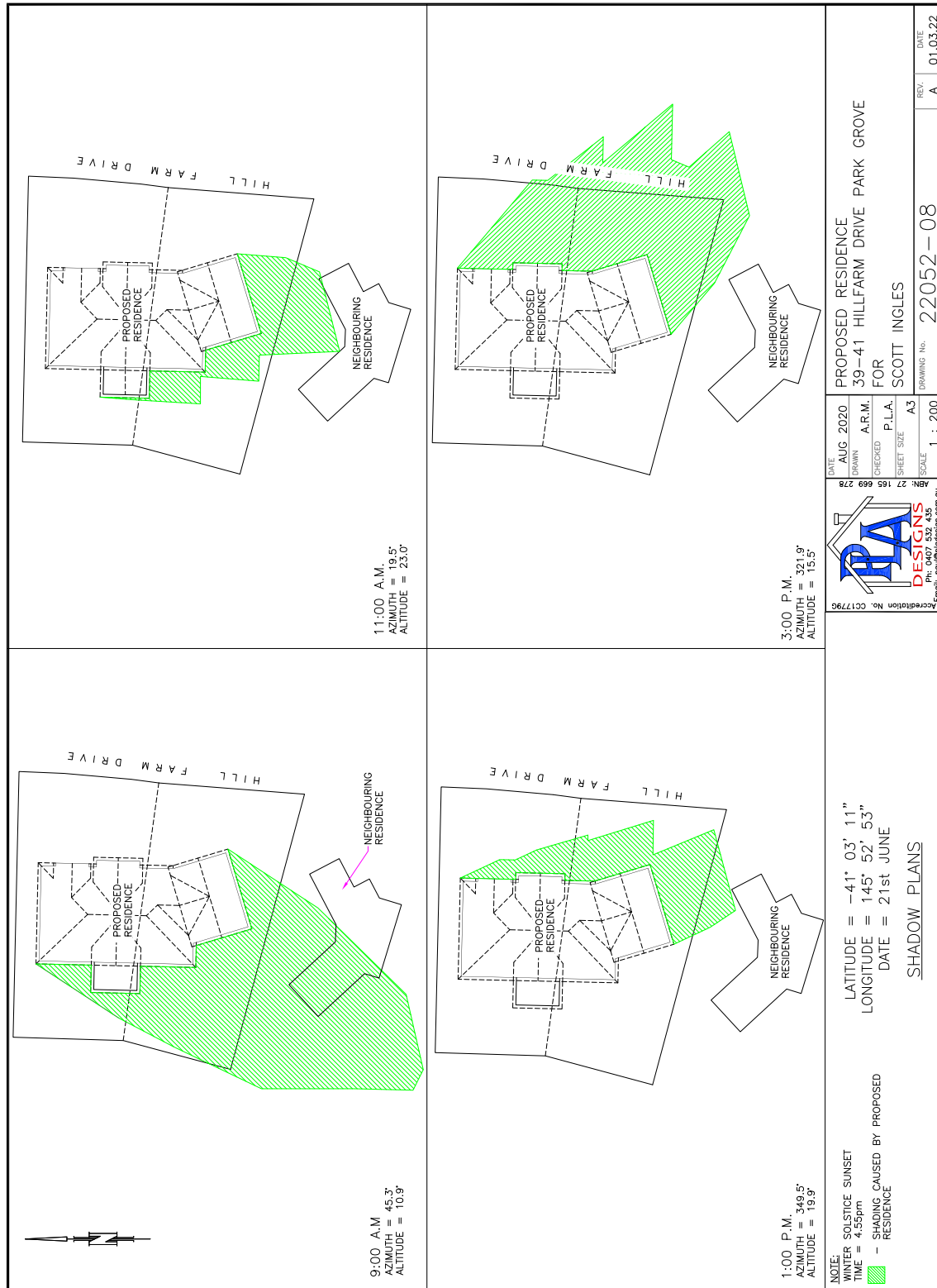












PLEASE QUOTE

Your Ref:

Our Ref: 31/13/4; 3605021; 3605048; 22/6050

Enquiries: Emily Young (EY:JYC)

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

11 March 2022

Mr Paul Allen
PLA Designs
PO Box 428
SOMERSET TAS 7322Email: paul@pladesign.com.au*A hard copy will not be sent unless requested*

Dear Mr Allen

**LOCAL GOVERNMENT (HIGHWAYS) ACT 1982
STATEMENT OF COMPLIANCE FOR ROAD ACCESS
PROPOSED DEVELOPMENT – 39-41 HILLFARM DRIVE, PARK GROVE**

Thank you for your request for a 'Statement of Compliance for Road Access' on 4 March 2022.

Access **can be provided** to the road network at 39-41 Hillfarm Drive to allow access to your proposed development. Access can be provided subject to the following:

- a) Access to the proposed site shall be located generally in accordance with the **attached** Drawing Ref. 22052-02 Revision A prepared by PLA Designs, stamped by Burnie City Council for Statement of Compliance on 11 March 2022.
- b) New driveway construction shall be in accordance with Tasmanian Standard Drawing TSD-R09-v3 **attached** and dowelled to the existing concrete (galvanised or fibreglass dowels).
- c) Construction shall be in accordance with BCC Standard Drawing 7D 13451 and associated construction note **attached**.
- d) The existing driveways and crossovers at 39-41 Hillfarm Drive are to be removed. New barrier kerb and channel and footpath are to be installed and the verge reinstated with 100mm minimum topsoil and grassed.

All works shall be undertaken in accordance with *Infrastructure Assets – Standards Policy CP-CBS-SG-031* available on Council's website www.burnie.net/Policies, Tasmanian and Burnie City Council Standard Drawings, to the satisfaction of Burnie City Council and at the developer's expense.

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

For construction work within the road reserve a 'Permit to Conduct Work in a Council Street' is required. An application form for this permit is available on Council's website www.burnie.net/ROP, together with the 'General Terms and Conditions' and 'Requirements, Guidelines and Conditions of Constructing a Driveway to a Council Street'.

This 'Statement of Compliance' is valid for a period of 12 months from the date of this letter.

(2)

Should you have any further queries, please contact Council's Acting Technical Officer – Development and Design, Emily Young on 6430 5771 or email: eyoung@burnie.net

Yours faithfully

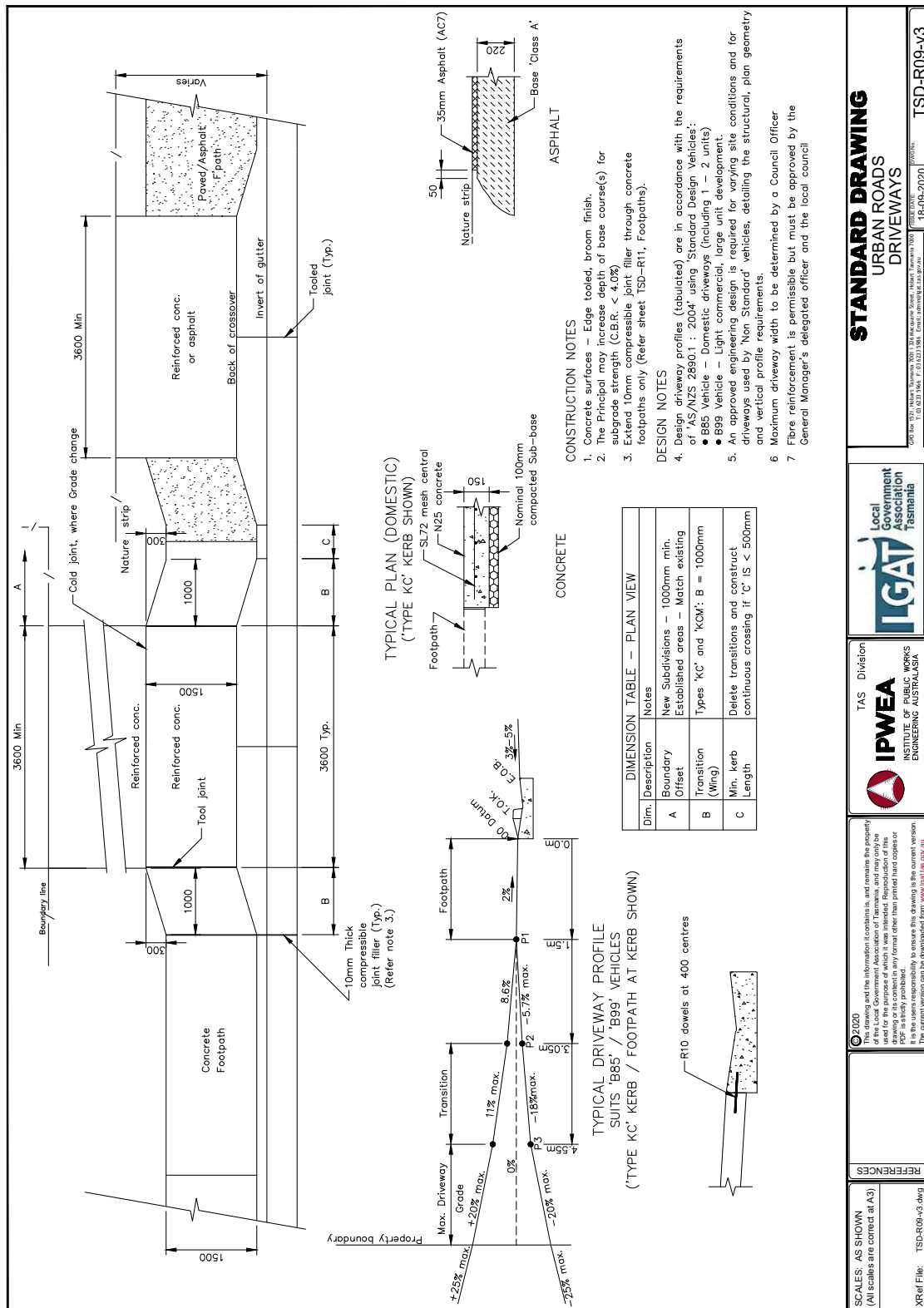


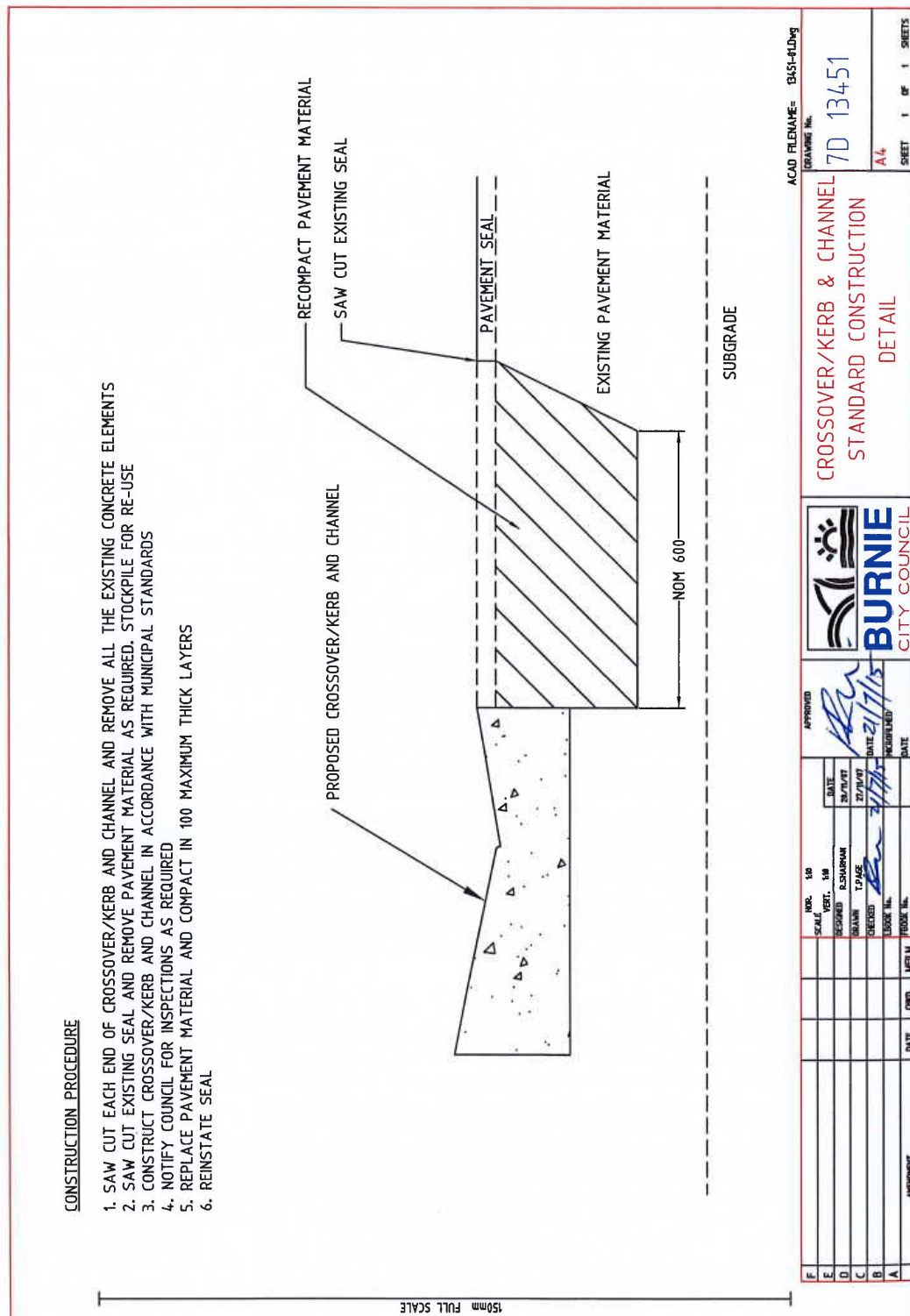
Rowan Sharman
ACTING DIRECTOR WORKS AND SERVICES

Enc

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









CONSTRUCTION NOTE

COUNCIL STANDARDS AND SPECIFICATIONS DRIVEWAY CROSSOVER / KERB AND CHANNEL

Due to the recent confusion regarding the construction of driveway crossovers / kerb and channel, we wish to confirm the following:

- All works on Council assets shall comply with the Tasmanian Municipal Standard Drawing No. TSD-R09.v3 **attached** and Burnie City Council Standard Drawing No. 7D 13451 **attached** or as directed to the satisfaction of the Director Works and Services.
- When replacing or reconstructing kerb and channel or a driveway crossover, Council requires Contractors to saw cut the kerb and channel or crossover on both ends and apron. The road seal shall be saw cut and the pavement excavated 600mm nominal from the crossover/kerb and channel to enable re-compaction of the pavement material using a 500mm wide compaction plate or similar.
- The performance and integrity of the reconstruction or modification works is the responsibility of the Contractor.
- This procedure will prevent the potential for pavement subsidence and will maintain the integrity of pavement to concrete joints. All kerbs and crossovers are to be constructed as a complete element, not over or around existing concrete elements.
- A pre-pour inspection of the compacted base with reinforcement in position will be required by Council with a minimum of 48 hours' notice. Council shall undertake a final inspection of the completed works.
- Works that do not comply with this letter or are found to be substandard will be required to be removed and reconstructed at the Contractor's expense.

Should you require any further information or to arrange an on-site inspection at any time, please contact Council's Technical Officer, Mr Jon Randall on 6430 5736.

P:\Works & Services\Technical\Standards & Specifications\BCC Standard Drawings\Construction Note Council Standards & Specifications.docx

From: [REDACTED]
Sent: Monday, 9 May 2022 5:32 PM
To: burnie <burnie@burnie.net>
Subject: Representation to permit application DA 2022/20 = 39-41 Hillfarm Drive Burnie

The General Manager

I have reviewed the application and do have some concerns as to the impact on my property of 37 Hillfarm Drive.

1. As can be seen on the 9:00am shadow map, (below) the shadow generated by the proposed building not only covers all of my back yard, but also protrudes onto multiple neighbouring properties as well.



2. In reference to performance criteria – 8.4.2 – P3, the proposed dwelling overshadows my kitchen at the 9:00am time. Looking at the shadow maps, and the comments made by the submitter on clause 8.7.2, they state the shadow only impacts from 9:00am till 11:00am. However, at the 9:00am time, there is already significant impact to my property. Extrapolating out for earlier and later times, possibly suggests that my residence (kitchen and meals room) will be impacted from dawn through to 11:00am.
3. As my kitchen and meals area is already shadowed prior to the 9:00am shadow, and seems to start to obtain sunlight around the 11:00am time, these habitable rooms are shadowed for a significant time during the morning period.
4. The building exceeds the Tasmanian Planning Scheme clause 8.4.2 building envelope, and therefore will create a significant visual impact from my property.

I ask that these issues be addressed by the submitter of the application.

Thanks and Regards

Leon White
Owner
37 Hillfarm Drive
Burnie
[REDACTED]

AGREEMENT FOR AN EXTENSION OF TIME

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

I, Paul Allen, as a representative of PLA Designs Pty Ltd, agree to an extension of time until **Friday 27 May 2022** for DA 2022/20 at 39 and 41 Hillfarm Drive PARK GROVE.

Signed *Paul Allen*

Date: 13/05/2022

PLANNING AUTHORITY**AO083-22 COUNCIL DELEGATIONS - LAND USE PLANNING****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

1.0 RECOMMENDATION:***“THAT Council as a Planning Authority:***

- 1) As of 25 May 2022, revoke its previous delegations under the Resource Management Planning and Appeals Tribunal 1993 (since repealed) as set out in Item AO321-12; and**
- 2) As of 25 May 2022, revoke its previous delegations under the Land Use Planning and Approvals Act 1993 to the General Manager as set out in Item AO242-20 dated 20 October 2020, to Mr Patrick Earle as set out under Item AO153-16 dated 21 June 2022, and to Ms Sally Pearce as set out under Item AO161-18 dated 19 June 2018; and**
- 3) In accordance with Section 6 of the Land Use Planning and Approvals Act 1993, delegate the following powers and functions with conditions and restrictions as shown to:**
 - a) Simon Overland (General Manager), and**
 - b) Belinda Lynch (while ever Acting in the position of General Manager up to 31 January 2023, in accordance with Council resolution AO013-22 dated 25 January 2022), and**
 - c) Patrick Earle (Director Land and Environmental Services), and**
 - d) Sally Pearce (Manager Development Services).”**

• Provision	• Function or Power	• Condition or Restriction
s12	Authority to determine the status of an existing use or development	Nil
Part 2A – Tasmanian Planning Policies (TPPs)		
General	In accordance with any decision of the planning authority to – <ol style="list-style-type: none"> a) provide its views and opinions in response to a consultation by the Minister under s12C(2) relating to preparation of a draft 	Nil

	<p>of the TPPs or a draft amendment to the TPPs; and</p> <p>b) make a representation in accordance with s12E(1) in relation to the draft TPPs or a draft amendment of the TPPs which has been notified under s12D</p> <p>authority to undertake processes and tasks required to carry out the decision of the planning authority, including –</p> <p>a) submit a statement of the views and opinions of the planning authority relating to a s12C(2) consultation on the preparation of a draft of the TPPs or a draft amendment to the TPPs;</p> <p>b) submit a representation under 12E(1) relating to a draft TPPs or a draft amendment to the TPPs; and</p> <p>c) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission in accordance with s12F(1)(c) relating to the representation of the planning authority on the draft TPPs or a draft amendment to the TPP's;</p> <p>d) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission in accordance with s212F(1)(c) relating to the representation of the planning authority on the draft TPPs or a draft amendment to the TPPs.</p>	
Part 3 - State Planning Provisions (SPPs)		
General	<p>In accordance with a decision of the planning authority to -</p> <p>a) provide its views and opinions in response to a consultation by the Minister under s18(2) or s30D in relation to preparation the SPPs or an amendment to the SPPs; or</p> <p>b) make a representation in accordance with s23 in relation to the draft SPPs which has been notified under s22; or</p> <p>c) make a representation in accordance with 30L in relation to a draft amendment to the SPPs which has been</p>	Nil

	<p>notified under s30K;</p> <p>d) request the Minister under s30C(4) to consider preparing terms of reference in relation to a proposed draft amendment to the SPPs</p> <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <p>a) submit a statement of the views and opinions of the planning authority in relation to a s18 or s30D consultation for preparation of the SPPs or an amendment to the SPPs;</p> <p>b) submit a representation under s23 or s30L in relation to a draft SPPs or a draft amendment to the SPPs; and</p> <p>c) submit a request under s30C to the Minister to initiate preparation of a draft amendment to the SPPs</p>	
s24 and s30M	<p>Authority to –</p> <p>a) represent the planning authority and to give evidence and make submissions before any hearing or panel, including any hearing conducted by the Tasmanian Planning Commission in accordance with s24 or s30M, in relation to the views, opinions and representations of the planning authority on the draft SPPs or a draft amendment to the SPPs;</p> <p>b) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing or panel, including any hearing conducted by the Tasmanian Planning Commission in accordance with s24 or s30M, in relation to the views, opinions and representations of the planning authority on the draft SPPs or a draft amendment to the SPPs</p>	<p><u>In relation to the DLES</u> - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director</p>
Part 3A - Local Planning Schedule (LPS)		
General	<p>In accordance with a decision of the planning authority to -</p> <p>a) prepare a draft LPS under s35;</p> <p>b) indicate its views and opinions in relation to each representation received on a draft LPS;</p> <p>c) indicate its satisfaction that a draft LPS</p>	Nil

	<p>meets the criteria in s34;</p> <p>d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and</p> <p>e) conduct and respond on a review of the LPS</p> <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <p>a) prepare the required documentation for a draft LPS;</p> <p>b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1);</p> <p>c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b);</p> <p>d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B;</p> <p>e) undertake exhibition of the draft LPS in accordance with s35D;</p> <p>f) provide a report to the TPC in accordance with s35F in relation to the planning authority's –</p> <p>i. views and opinions on each representation received during the exhibition period;</p> <p>ii. compliance to s34; and</p> <p>iii. recommendations on how the draft LPS should be determined;</p> <p>g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K;</p> <p>h) give notice in accordance with s35M(2) of the approval of the LPS;</p> <p>i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O</p>	
s35H	Authority to –	<u>In relation to the DLES</u> - except in relation to a matter on which the

	<ul style="list-style-type: none"> a) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission; b) agree to minor modifications to clarify purpose or operation of a LPS or to correct draft errors; and c) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission 	planning authority makes a decision which is contrary to the written advice or recommendation of the Director
Part 3B - Amendment of the Local Planning Schedule (LPS)		
General	<p>In accordance with a decision of the planning authority in relation to –</p> <ul style="list-style-type: none"> a) preparation of a draft amendment to the LPS under s38 or 40D; b) preparation of a draft amendment under s38 and a draft permit under s40Y; and c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit; d) its satisfaction that the draft LPS meets the criteria in s34; and e) recommendations in relation to how the draft LPS should be determined in accordance with s35F; <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <ul style="list-style-type: none"> a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS; b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS; c) request additional information under s40 and s40U; d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V; e) prepare the draft LPS amendment 	Nil

	<p>documents;</p> <p>f) certify a draft amendment to the LPS in accordance with s40F;</p> <p>g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z;</p> <p>h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y;</p> <p>i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T;</p> <p>j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's –</p> <p>i. views and opinions on each representation received during the exhibition period;</p> <p>ii. compliance to s34; and</p> <p>iii. its recommendations on how the draft LPS or the permit application under 40T should be determined;</p> <p>k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P;</p> <p>l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P;</p> <p>m) give notice of an approved amendment to the LPS in accordance with s40S;</p> <p>n) grant an extension of time under s42C for a permit granted under s42B;</p> <p>o) correct a mistake under s42D in a permit granted under s42B; and</p> <p>p) make minor amendments in accordance with s43 to a permit granted under s42B</p>	
s40L	Authority to –	<u>In relation to the DLES</u> - except in relation to a matter on which the

	<ul style="list-style-type: none"> a) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission; b) agree to minor modifications to clarify purpose or operation of a LPS amendment or to correct draft errors; and c) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission 	planning authority makes a decision which is contrary to the written advice or recommendation of the Director
Part 4 - Enforcement of Planning Controls		
General	<p>Authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <ul style="list-style-type: none"> a) take all reasonable measures under s48, s48AA, s51 and s63A to enforce compliance to a requirement to obtain a permit prior to the commencement or carrying out of a use or development of land; b) under s48, s51 and 63A to take all reasonable measures to enforce compliance to any condition or restriction imposed on a permit to use or develop land; c) under s48A to require the removal of a sign; d) give such advice, consultation, referral or notification required under this Part; e) initiate, or instruct legal representation to initiate, proceedings in relation to any use or development or to any breach of the planning scheme or of a planning process, including for any action which – <ul style="list-style-type: none"> i. is contrary to the requirements of a State Policy or a planning scheme; ii. is an obstruction of a planning scheme or planning process; iii. seeks to obtain a permit by wilfully making or causing to be made a false representation or declaration; or iv. is a breach of a condition or restriction on a permit 	Nil

	f) to serve notices and other documents in accordance with s84	
	<p>Authority to –</p> <p>a) represent the planning authority and to give evidence and make submissions before the Tasmanian Civil Administration Tribunal (TASCAT) on any matter in which the planning authority is a party to an appeal under section 61.</p> <p>b) to engage in mediation conducted by the TASCAT and to sign any consent agreement resulting from mediation which is within the power of a planning authority and which will achieve a lawful resolution of an appeal;</p> <p>c) appoint a person to represent the planning authority and make submissions or to give evidence before the Tasmanian Civil Administration Tribunal (TASCAT)</p>	In relation to the DLES - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director
s51	Authority to receive a permit application	Nil
s51(1AC)	Authority to determine a permit application is not valid	Nil
s51(2)	Authority to determine a permit application	
s51(3A)	Authority to apply conditions on a permit granted under s57	If a decision to grant a permit on an application under s57 is made under delegation
s51(4)	Authority to apply conditions on a permit granted under s58	If a decision to grant a permit on an application under s58 is made under delegation
s51A(2)	Authority to demand payment of any permit application fee	Nil
s53(5A)	Authority to grant an extension of time for the period within which the use or development described on a permit must be substantially commenced	Nil
s53(5B)	Authority to grant a further extension of the period during which a use or development must be substantially commenced	Nil
s54(1)	Authority to request additional information	Nil
s54(3)	<p>Authority to -</p> <p>a) determine when an additional</p>	Nil

	<p>information request has been satisfied; and</p> <p>b) notify the applicant when a request for additional information has not been satisfied</p>	
s55	Authority to correct a mistake on a permit	Nil
s56	Authority to make minor amendments to a permit	Nil
s55AA	Authority to demand payment of any permit amendment fee	Nil
s57(3)	Authority to notify a permit application and to undertake exhibition of the application	Nil
s57(5)	Authority to grant extension of time in which to make a representation	Nil
s57(6)	Authority to grant a permit	<p>If -</p> <p>a) the proposed use or development complies with all applicable provisions of the planning scheme and other regulation; and</p> <p>b) there are no representations; or</p> <p>c) there are representations which do not object to the grant of a permit; or</p> <p>d) there are representations which are not in relation to a matter applicable to the determination of the application</p>
s57(2) and (6)	Authority to refuse grant of a permit	<p>If</p> <p>a) the proposed use or development is prohibited by the planning scheme; or</p> <p>b) the propose use or development does not satisfy an acceptable solution in an applicable standard in the planning scheme and there is no corresponding performance criteria</p>
s57(6)(i) and (ii)	Authority to negotiate an extension of the period	Nil

and 57(6A)	within which the planning authority is required to determine a permit application	
s57(7) and 58(3)	Authority to serve notice of the decision on a permit application	
s57A	Authority to participate in pre-determination mediation	<p>If –</p> <ul style="list-style-type: none"> a) the mediation is requested by the applicant or by a person who has made a representation; and b) the mediation is conducted by an independent and accredited third party; and c) the outcome of a mediation does not constrain or limit the decision of the planning authority
s58	Authority to grant a permit	If the proposed use or development complies with all applicable requirements of the planning scheme and other regulation
s58(2) and 58(2A)	Authority to negotiate an extension of the period within which the planning authority is required to determine a permit application	Nil
s58A	Authority to require an agreement	If a decision to grant a permit is made under delegation
s59	Authority to issue notices	Nil
s59(7)	Authority to determine an application after the statutory period has expired	Subject to the same qualifications as apply for grant or refusal of a s57 or s58 permit
s60(2), (3), (4), (9), and (10)	Authority to determine compliance to permit conditions	Nil
s60C(1) and 60E	Authority to advise Minister of a decision by the planning authority to propose that a project be declared a major project and to require the proponent provide a copy of the proposal to the Minister	Nil
s60C(5)	Authority to advise Minister of a decision by the planning authority to withdraw a proposal that a project be declared a major project	Nil
s60H(1)	Authority to provide Minister with requested information in the possession of Council	Nil
s60I(3)	Authority to advise the Minister of an opinion	Nil

	and reasons that the project is not eligible as a major project	
s60ZJ(2)	Authority to provide comments on draft assessment criteria for determination of an proposed major project on land within municipal area or within the Cradle Coast regional area	Nil
s60ZL	Authority to make representations to TPC on exhibited draft assessment criteria	Nil
s60ZZB(6)	Authority to make available at the Council offices copies of the documents relating to a proposed major project which the Major Project Panel has required to be exhibited	Nil
s60ZZD(1)	Authority to make a representation on a proposed major project during the relevant exhibition period	Nil
s60ZZE	Authority to represent the planning authority at any hearing conducted by the TPC relating to a major project on which the planning authority has made a representation or been called by the TPC to appear	Nil
S60ZZC(1)	Authority to respond on consultation by TPC on any amendment required to the planning scheme to incorporate effect of a major projects permit	Nil
s63B(3)	Authority to give notice in response to a person making an allegation of a contravention or likely contravention of a planning scheme or permit of the authorised person's decision on whether or not to initiate an action	Nil
s64	Authority to – a) represent the planning authority as a respondent to civil proceedings; and b) appoint a person to represent the planning authority and make submissions or to give evidence in civil proceedings	In relation to the DLES - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director
s65G	Authority to cancel a permit	Nil
s71	Authority to require an agreement	If a decision to grant a permit is made under delegation
s74(3)	Authority to end an agreement	If the reasons for the agreement are no longer applicable
s75	Authority to amend an agreement	If the reasons for the agreement are no longer applicable

s78	Authority to require an agreement under Part 5 be registered with the Recorder on the title of the land	
s80N	Authority to request the TPC for an authorised copy of the planning scheme	Nil
s85	Authority to collect or recover fees	Nil
Transitional Arrangements		
Schedule 5	Authority to continue and complete any process lawfully initiated under LUPAA prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> in relation to a dispensation or a permit for which a dispensation applies.	Nil
Schedule 6	<p>In accordance with any decision which may be made under a transitional power of the planning authority after commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> and until such time as the Tasmanian Planning Scheme is made and a LPS is approved for the Burnie municipal area, authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority in relation to –</p> <ul style="list-style-type: none"> a) a draft planning directive made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; b) enforcing compliance to the Burnie Interim Planning Scheme 2013 (BIPS); c) an urgent amendment of the BIPS if initiated by the TPC after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; d) a draft amendment to the BIPS made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; e) a draft amendment to the BIPS made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; f) a permit application made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; 	In accordance with the qualifications which apply under this instrument of delegation for the equivalent provision within LUPAA after the commencement the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>

	<ul style="list-style-type: none"> g) a permit application made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; h) an appeal made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; or i) an appeal made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> 	
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2.0 SUMMARY

The purpose of this report is to review and revise delegations to the General Manager and senior officers under the *Land Use Planning and Approvals Act 1993*, and to recognise that former delegations under the *Resource Management and Planning Appeals Tribunal Act 1993*, are no longer effective due to the repeal of that Act.

The revised recommended delegation is in accordance with legislative changes which have occurred since the previous delegations were made.

3.0 BACKGROUND

Council has a broad number of delegations to the General Manager in order to allow for actions and decisions requiring legislative authority to be exercised on a day to day basis.

Some powers within legislation are given directly to the General Manager. Other powers are vested in the Council and may be delegated to the General Manager.

In the case of the *Land Use Planning and Approvals Act 1993* (LUPAA), the powers are vested in the council as a Planning Authority.

The power to delegate under LUPAA is specifically set out at Section 6 of the Act, and provides that the Planning Authority may delegate its powers to a person employed by the Council directly. Because the General Manager does not have express power under the Act to delegate those powers further, each of the delegations under this Act are made directly from the Planning Authority to each relevant person.

Delegations by Council may only be made, changed, or revoked by resolution of Council. Conditions or restrictions can be placed on any delegation.

In addition to the delegated powers, there are a number of powers under LUPAA that are directly vested with *authorised officers* under that Act. Section 65I of LUPAA provides the General Manager with authority to appoint authorised officers under the Act. These appointments are made separately by the General Manager and are to correspond with the above delegations from Council.

Also included in this report is recognition of the new *Tasmanian Civil and Administrative Tribunal Act 2021* (TASCAT) which has replaced the former *Resource Management and Planning Appeal Tribunal Act 1993* (RMPAT).

4.0 LEGISLATIVE REQUIREMENTS

The power for Council to delegate (as a Planning Authority) is set out above under Background.

Delegations issued in writing are a legal instrument and may be required as judicial evidence, to demonstrate the validity of a person's power to take a particular action.

The *Local Government Act 1993* requires a register of delegations to be kept and be available for inspection. The General Manager's Delegations are published on Council's website.

5.0 POLICY CONSIDERATIONS

There are no policy considerations relevant to this report.

6.0 FINANCIAL IMPACT

There are no financial impacts to Council resulting from this report.

7.0 DISCUSSION

A review of General Manager's Delegations was undertaken in March 2022 and recommended a number of minor updates to ensure the delegations remain compliant and effective, according to current legislation which is amended from time to time.

This report deals with the *Land Use Planning and Approvals Act 1993*, and the (former) *Resource Management and Planning Appeal Tribunal Act 1993*, where the review recommendations were for Council to:

*Update the delegation under the **Land Use Planning and Approvals Act 1993** from Council directly to the General Manager, the Director Land and Environmental Services and the Manager Development Services in relation to new provisions in the legislation for the introduction of Tasmanian Planning Policies, the repeal of RMPAT Act and replacement with TASCAT Act, and various other legislative amendments since the current delegation was made.*

*Revoke its delegations under the former **Resource Management and Planning Appeal Tribunal Act 1993** which was repealed on 5 November 2021 with the commencement of the new Tasmanian Civil and Administrative Tribunal Act 2021. There are no required delegations under the new Act.*

The recommendation at the commencement of this report sets out a new delegation for the *Land Use Planning and Approvals Act 1993*, on the same terms as the existing delegations, plus incorporating the above amendments.

The amendments to the LUPAA delegations are as follows. The specific delegation for each clause is set out in the recommendation at the start of this report, for reference.

New delegations added to cover off on new provisions inserted into the Act (statutory amendments).	Part 2A General Section 51A(2) Section 53(5B) Section 55(AA) Section 57(5) Section 60(2)(3)(4)(9) and (10) Section 60C(1) and 60E Section 60C(5) Section 60H(1) Section 60I(3) Section 60ZJ(2) Section 60ZL Section 60ZZB(6) Section 60ZZD(1) Section 60ZZE Section 60ZZZC(1)
Modified delegations replacing existing clause with revised clauses in the Act due to statutory amendments	Section 61 – authority to represent Council (with restrictions noted) Section 51(2) – relating to sections 57 and 58 Section 54(1) Section 54(3) Section 57(6)(i) and (ii) and 57(6A) Section 58(2) and 58(2A)

The revised delegations are to the following people, general consistent with existing delegations. Because these delegations must be made to the person (not the position), a new Council delegation is required when a staff member changes.

- Simon Overland (General Manager)
- Belinda Lynch (while ever Acting in the position of General Manager up to 31 January 2023, in accordance with Council resolution AO013-22)
- Patrick Earle (Director Land and Environmental Services)
- Sally Pearce (Manager Development Services)

A delegation to Belinda Lynch is included for the period in which she is currently appointed as Acting General Manager up to 31 January 2022. A revised delegation will be made on the next annual appointment of Acting General Manager for 2023.

The previous delegation to Sally Pearce was applicable whenever there was an Acting Director LES. The new delegation to Sally Pearce is recommended to be applicable at all times (not just when in Acting DLES) in order to ensure adequate coverage in the LES team for the foreseeable future.

Lastly, the recommendation also includes recognition that the former delegations under the *Resource Management and Planning Appeal Tribunal Act 1993* are no longer valid due to the

repeal of the Act, and revokes the delegation. A replacement delegation is not required at this time.

8.0 RISK

There can be a significant risk to Council if delegations are not valid and maintained effectively. The risk is primarily around the exercise of powers through statutory decisions or actions which may be rendered invalid if it is not supported by a correct and current delegation. This is most important in matters such as Land Use Planning, Building Act permits or decisions, and matters which may have a judicial review element.

9.0 CONSULTATION

Relevant Council Officers have been consulted in the preparation of this report. The Audit Panel will consider the Review of General Manager Delegations at a future meeting.

COUNCIL RESOLUTION

Resolution number: MO075-22

MOVED: Cr C Lynch

SECONDED: Cr D Pease

"THAT Council as a Planning Authority:

- 1) As of 25 May 2022, revoke its previous delegations under the Resource Management Planning and Appeals Tribunal 1993 (since repealed) as set out in Item AO321-12; and***
- 2) As of 25 May 2022, revoke its previous delegations under the Land Use Planning and Approvals Act 1993 to the General Manager as set out in Item AO242-20 dated 20 October 2020, to Mr Patrick Earle as set out under Item AO153-16 dated 21 June 2022, and to Ms Sally Pearce as set out under Item AO161-18 dated 19 June 2018; and***
- 3) In accordance with Section 6 of the Land Use Planning and Approvals Act 1993, delegate the following powers and functions with conditions and restrictions as shown to:***
 - a) Simon Overland (General Manager), and***
 - b) Belinda Lynch (while ever Acting in the position of General Manager up to 31 January 2023, in accordance with Council resolution AO013-22 dated 25 January 2022), and***
 - c) Patrick Earle (Director Land and Environmental Services), and***
 - d) Sally Pearce (Manager Development Services)."***

Provision

Function or Power

Condition or Restriction

s12	Authority to determine the status of an existing use or development	Nil
Part 2A – Tasmanian Planning Policies (TPPs)		
General	<p>In accordance with any decision of the planning authority to –</p> <ul style="list-style-type: none"> a) provide its views and opinions in response to a consultation by the Minister under s12C(2) relating to preparation of a draft of the TPPs or a draft amendment to the TPPs; and b) make a representation in accordance with s12E(1) in relation to the draft TPPs or a draft amendment of the TPPs which has been notified under s12D <p>authority to undertake processes and tasks required to carry out the decision of the planning authority, including –</p> <ul style="list-style-type: none"> a) submit a statement of the views and opinions of the planning authority relating to a s12C(2) consultation on the preparation of a draft of the TPPs or a draft amendment to the TPPs; b) submit a representation under s12E(1) relating to a draft TPPs or a draft amendment to the TPPs; and c) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission in accordance with s12F(1)(c) relating to the representation of the planning authority on the draft TPPs or a draft amendment to the TPP's; d) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission in accordance with s12F(1)(c) relating to the representation of the planning authority on the draft TPPs or a draft amendment to the TPPs. 	Nil
Part 3 - State Planning Provisions (SPPs)		
General	<p>In accordance with a decision of the planning authority to -</p> <ul style="list-style-type: none"> a) provide its views and opinions in response to a consultation by the Minister under s18(2) or s30D in relation to preparation 	Nil

	<p>the SPPs or an amendment to the SPPs; or</p> <p>b) make a representation in accordance with s23 in relation to the draft SPPs which has been notified under s22; or</p> <p>c) make a representation in accordance with 30L in relation to a draft amendment to the SPPs which has been notified under s30K;</p> <p>d) request the Minister under s30C(4) to consider preparing terms of reference in relation to a proposed draft amendment to the SPPs</p> <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <p>a) submit a statement of the views and opinions of the planning authority in relation to a s18 or s30D consultation for preparation of the SPPs or an amendment to the SPPs;</p> <p>b) submit a representation under s23 or s30L in relation to a draft SPPs or a draft amendment to the SPPs; and</p> <p>c) submit a request under s30C to the Minister to initiate preparation of a draft amendment to the SPPs</p>	
s24 and s30M	<p>Authority to –</p> <p>a) represent the planning authority and to give evidence and make submissions before any hearing or panel, including any hearing conducted by the Tasmanian Planning Commission in accordance with s24 or s30M, in relation to the views, opinions and representations of the planning authority on the draft SPPs or a draft amendment to the SPPs;</p> <p>b) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing or panel, including any hearing conducted by the Tasmanian Planning Commission in accordance with s24 or s30M, in relation to the views, opinions and representations of the planning authority on the draft SPPs or a draft amendment to the SPPs</p>	<p><u>In relation to the DLES</u> - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director</p>
Part 3A - Local Planning Schedule (LPS)		

	General	<p>In accordance with a decision of the planning authority to -</p> <ul style="list-style-type: none"> a) prepare a draft LPS under s35; b) indicate its views and opinions in relation to each representation received on a draft LPS; c) indicate its satisfaction that a draft LPS meets the criteria in s34; d) make recommendations in relation to how a draft LPS should be determined in accordance with s35F; and e) conduct and respond on a review of the LPS <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <ul style="list-style-type: none"> a) prepare the required documentation for a draft LPS; b) submit the draft LPS to the Tasmanian Planning Commission (TPC) under s35(1); c) make any modifications to the draft LPS which may be instructed by the TPC under s35(5)(b); d) give notice under s35C of the exhibition of a draft LPS, including for any instruction issued by the TPC under s35B; e) undertake exhibition of the draft LPS in accordance with s35D; f) provide a report to the TPC in accordance with s35F in relation to the planning authority's – <ul style="list-style-type: none"> i. views and opinions on each representation received during the exhibition period; ii. compliance to s34; and iii. recommendations on how the draft LPS should be determined; g) prepare and submit any modifications required by the TPC to a draft LPS in accordance with s35K; 	Nil	
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	<ul style="list-style-type: none"> h) give notice in accordance with s35M(2) of the approval of the LPS; i) provide a report to the TPC on the outcomes of a review of the LPS conducted by the planning authority in accordance with s35O 	
s35H	<p>Authority to –</p> <ul style="list-style-type: none"> a) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission; b) agree to minor modifications to clarify purpose or operation of a LPS or to correct draft errors; and c) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission 	In relation to the DLES - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director
Part 3B - Amendment of the Local Planning Schedule (LPS)		
General	<p>In accordance with a decision of the planning authority in relation to –</p> <ul style="list-style-type: none"> a) preparation of a draft amendment to the LPS under s38 or 40D; b) preparation of a draft amendment under s38 and a draft permit under s40Y; and c) its views and opinions in relation to each representation received on a draft LPS and on any draft permit; d) its satisfaction that the draft LPS meets the criteria in s34; and e) recommendations in relation to how the draft LPS should be determined in accordance with s35F; <p>authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <ul style="list-style-type: none"> a) give notice in accordance with s38(3) of a decision in relation to a request to initiate a draft amendment to the LPS; b) give notice in accordance with s40W of a decision under 40Y in relation to a request to consider a permit in combination with a request to initiate a draft amendment to the LPS; 	Nil

		<ul style="list-style-type: none"> c) request additional information under s40 and s40U; d) provide any material requested by the TPC in accordance with s40A, 40B, or 40V; e) prepare the draft LPS amendment documents; f) certify a draft amendment to the LPS in accordance with s40F; g) give notice in accordance with s40G of the exhibition of a draft amendment to the LPS, and including any exhibition of a permit application under s40Z; h) undertake exhibition of the draft amendment to the LPS in accordance with s40H, and including any permit application approved under 40Y; i) provide a report to the TPC in accordance with s40K and s42 if there are no representations making objection on the draft amendment to the LPS and to any permit application requested under 40T; j) provide a report to the TPC in accordance with s40K and s42 in relation to the planning authority's – <ul style="list-style-type: none"> i. views and opinions on each representation received during the exhibition period; ii. compliance to s34; and iii. its recommendations on how the draft LPS or the permit application under 40T should be determined; k) make modifications to a draft LPS amendment if instructed by the TPC in accordance with s40O or 40P; l) re-exhibit a modified draft amendment to the LPS under s40G and 40H if instructed by TPC in accordance with s40P; m) give notice of an approved amendment to the LPS in accordance with s40S; n) grant an extension of time under s42C for a permit granted under s42B; 		
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		<ul style="list-style-type: none"> o) correct a mistake under s42D in a permit granted under s42B; and p) make minor amendments in accordance with s43 to a permit granted under s42B 	
s40L	<p>Authority to –</p> <ul style="list-style-type: none"> a) represent the planning authority and to give evidence and make submissions before any hearing conducted by the Tasmanian Planning Commission; b) agree to minor modifications to clarify purpose or operation of a LPS amendment or to correct draft errors; and c) appoint a person to represent the planning authority and make submissions or to give evidence before any hearing conducted by the Tasmanian Planning Commission 	In relation to the DLES - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director	
Part 4 - Enforcement of Planning Controls			
General	<p>Authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority, including to –</p> <ul style="list-style-type: none"> a) take all reasonable measures under s48, s48AA, s51 and s63A to enforce compliance to a requirement to obtain a permit prior to the commencement or carrying out of a use or development of land; b) under s48, s51 and 63A to take all reasonable measures to enforce compliance to any condition or restriction imposed on a permit to use or develop land; c) under s48A to require the removal of a sign; d) give such advice, consultation, referral or notification required under this Part; e) initiate, or instruct legal representation to initiate, proceedings in relation to any use or development or to any breach of the planning scheme or of a planning process, including for any action which – <ul style="list-style-type: none"> i. is contrary to the requirements of a State Policy or a planning scheme; ii. is an obstruction of a planning scheme or planning process; 	Nil	

	<p>iii. seeks to obtain a permit by wilfully making or causing to be made a false representation or declaration; or</p> <p>iv. is a breach of a condition or restriction on a permit</p> <p>f) to serve notices and other documents in accordance with s84</p>	
	<p>Authority to –</p> <p>a) represent the planning authority and to give evidence and make submissions before the Tasmanian Civil Administration Tribunal (TASCAT) on any matter in which the planning authority is a party to an appeal under section 61.</p> <p>b) to engage in mediation conducted by the TASCAT and to sign any consent agreement resulting from mediation which is within the power of a planning authority and which will achieve a lawful resolution of an appeal;</p> <p>c) appoint a person to represent the planning authority and make submissions or to give evidence before the Tasmanian Civil Administration Tribunal (TASCAT)</p>	<p><u>In relation to the DLES</u> - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director</p>
s51	Authority to receive a permit application	Nil
s51(1AC)	Authority to determine a permit application is not valid	Nil
s51(2)	Authority to determine a permit application	
s51(3A)	Authority to apply conditions on a permit granted under s57	If a decision to grant a permit on an application under s57 is made under delegation
s51(4)	Authority to apply conditions on a permit granted under s58	If a decision to grant a permit on an application under s58 is made under delegation
s51A(2)	Authority to demand payment of any permit application fee	Nil
s53(5A)	Authority to grant an extension of time for the period within which the use or development described on a permit must be substantially commenced	Nil
s53(5B)	Authority to grant a further extension of the period during which a use or development must be substantially commenced	Nil

s54(1)	Authority to request additional information	Nil	
s54(3)	Authority to - <ul style="list-style-type: none"> a) determine when an additional information request has been satisfied; and b) notify the applicant when a request for additional information has not been satisfied 	Nil	
s55	Authority to correct a mistake on a permit	Nil	
s56	Authority to make minor amendments to a permit	Nil	
s55AA	Authority to demand payment of any permit amendment fee	Nil	
s57(3)	Authority to notify a permit application and to undertake exhibition of the application	Nil	
s57(5)	Authority to grant extension of time in which to make a representation	Nil	
s57(6)	Authority to grant a permit	If - <ul style="list-style-type: none"> a) the proposed use or development complies with all applicable provisions of the planning scheme and other regulation; and b) there are no representations; or c) there are representations which do not object to the grant of a permit; or d) there are representations which are not in relation to a matter applicable to the determination of the application 	
s57(2) and (6)	Authority to refuse grant of a permit	If <ul style="list-style-type: none"> a) the proposed use or development is prohibited by the planning scheme; or b) the propose use or development does not satisfy an acceptable solution in an applicable standard in the 	

		planning scheme and there is no corresponding performance criteria
s57(6)(i) and (ii) and 57(6A)	Authority to negotiate an extension of the period within which the planning authority is required to determine a permit application	Nil
s57(7) and 58(3)	Authority to serve notice of the decision on a permit application	
s57A	Authority to participate in pre-determination mediation	<p>If –</p> <ul style="list-style-type: none"> a) the mediation is requested by the applicant or by a person who has made a representation; and b) the mediation is conducted by an independent and accredited third party; and c) the outcome of a mediation does not constrain or limit the decision of the planning authority
s58	Authority to grant a permit	If the proposed use or development complies with all applicable requirements of the planning scheme and other regulation
s58(2) and 58(2A)	Authority to negotiate an extension of the period within which the planning authority is required to determine a permit application	Nil
s58A	Authority to require an agreement	If a decision to grant a permit is made under delegation
s59	Authority to issue notices	Nil
s59(7)	Authority to determine an application after the statutory period has expired	Subject to the same qualifications as apply for grant or refusal of a s57 or s58 permit
s60(2), (3), (4), (9), and (10)	Authority to determine compliance to permit conditions	Nil
s60C(1) and 60E	Authority to advise Minister of a decision by the planning authority to propose that a project be declared a major project and to require the proponent provide a copy of the proposal to the Minister	Nil
s60C(5)	Authority to advise Minister of a decision by the planning authority to withdraw a proposal that a	Nil

	project be declared a major project	
s60H(1)	Authority to provide Minister with requested information in the possession of Council	Nil
s60I(3)	Authority to advise the Minister of an opinion and reasons that the project is not eligible as a major project	Nil
s60ZJ(2)	Authority to provide comments on draft assessment criteria for determination of an proposed major project on land within municipal area or within the Cradle Coast regional area	Nil
s60ZL	Authority to make representations to TPC on exhibited draft assessment criteria	Nil
s60ZZB(6)	Authority to make available at the Council offices copies of the documents relating to a proposed major project which the Major Project Panel has required to be exhibited	Nil
s60ZZD(1)	Authority to make a representation on a proposed major project during the relevant exhibition period	Nil
s60ZZE	Authority to represent the planning authority at any hearing conducted by the TPC relating to a major project on which the planning authority has made a representation or been called by the TPC to appear	Nil
S60ZZC(1)	Authority to respond on consultation by TPC on any amendment required to the planning scheme to incorporate effect of a major projects permit	Nil
s63B(3)	Authority to give notice in response to a person making an allegation of a contravention or likely contravention of a planning scheme or permit of the authorised person's decision on whether or not to initiate an action	Nil
s64	Authority to – a) represent the planning authority as a respondent to civil proceedings; and b) appoint a person to represent the planning authority and make submissions or to give evidence in civil proceedings	<u>In relation to the DLES</u> - except in relation to a matter on which the planning authority makes a decision which is contrary to the written advice or recommendation of the Director
s65G	Authority to cancel a permit	Nil
s71	Authority to require an agreement	If a decision to grant a permit is made under delegation

s74(3)	Authority to end an agreement	If the reasons for the agreement are no longer applicable
s75	Authority to amend an agreement	If the reasons for the agreement are no longer applicable
s78	Authority to require an agreement under Part 5 be registered with the Recorder on the title of the land	
s80N	Authority to request the TPC for an authorised copy of the planning scheme	Nil
s85	Authority to collect or recover fees	Nil
Transitional Arrangements		
Schedule 5	Authority to continue and complete any process lawfully initiated under LUPAA prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> in relation to a dispensation or a permit for which a dispensation applies.	Nil
Schedule 6	<p>In accordance with any decision which may be made under a transitional power of the planning authority after commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i> and until such time as the Tasmanian Planning Scheme is made and a LPS is approved for the Burnie municipal area, authority to undertake the processes and tasks required to carry out the responsibilities of a planning authority in relation to –</p> <ul style="list-style-type: none"> a) a draft planning directive made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; b) enforcing compliance to the Burnie Interim Planning Scheme 2013 (BIPS); c) an urgent amendment of the BIPS if initiated by the TPC after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; d) a draft amendment to the BIPS made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; e) a draft amendment to the BIPS made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; 	In accordance with the qualifications which apply under this instrument of delegation for the equivalent provision within LUPAA after the commencement the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>

	<ul style="list-style-type: none">f) a permit application made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>;g) a permit application made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>;h) an appeal made prior to commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>; ori) an appeal made after the commencement of the <i>Land Use Planning and Approvals (Tasmanian Planning Scheme) Act 2015</i>	
<p>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.</p> <p>Against:</p> <p style="text-align: right;"><i>CARRIED UNANIMOUSLY</i></p>		

CORPORATE AND COMMERCIAL SERVICES**AO084-22 COUNCIL DELEGATIONS - LOCAL GOVERNMENT ACT 1993**

FILE NO: 15/2/5

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

1.0 RECOMMENDATION:***“THAT Council, by absolute majority:***

- 1) Delegate all of its powers and functions under Section 19 from Part 3 of the Local Government Act 1993 to the General Manager with the condition that all use of the common seal must be reported regularly to Council;***
- 2) Delegate all of its powers and functions under Sections 74, ,75, 76, 77 and 81 from Part 8 of the Local Government Act 1993, with the condition that:***
 - a) A limit of \$5,000 per debt applies to Section 76, and***
 - b) Any write off made under Section 76 be reported regularly to Council;***
- 3) Authorises the General Manager to make minor adjustments up to \$350,000 to any individual estimate item (including capital works) as deemed necessary during the financial year, provided that:***
 - a) The total of the Estimates remains unaltered, and***
 - b) The General Manager advises of the changes as part of the regular financial reporting to Council;***
- 4) Delegate all of its powers and functions under Sections 113, 127, 128, 133 and 135 from Part 9 of the Local Government Act 1993 to the General Manager, with the condition that the delegated powers must be exercised in accordance with the Rates and Charges Policy, and the Investment Policy, as reviewed from time to time;***
- 5) Delegate the power to grant remissions of rates, penalty or interest under Section 129(3) of the Local Government Act 1993, up to a value of \$1,000 per debt, on the condition that:***
 - 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 with the requirement that any decision taken under the delegation of Section

129(3) that exceeds \$500 in value, must be reported regularly to the Council;

- 6) Delegate all of its powers and functions under Sections 175, 176, 189, 197, 200, 201, 205, 207 and 209 from Part 12 of the Local Government Act 1993 to the General Manager with:**
 - a) The condition that the delegation under Section 175 that applies to leasing of land only and does not include the purchase of land,*
 - b) The restriction on Section 176 to apply only to the delegated provisions under Regulations 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015, and*
 - c) The condition that the delegation under Section 205 applies only to items not contained in the annual Fees and Charges Schedule, and*
 - d) The condition that the delegation under Section 207 is limited to \$2,500 per remission; and*
- 7) Delegate all of its powers and functions under Section 252 from Part 14 of the Local Government Act 1993 to the General Manager;**
- 8) Delegate all of its powers and functions under Regulations 25 and 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015;**
- 9) In accordance with Section 64 of the Act, authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience; and**
- 10) As of 24 May 2022, with the exception of the annual Rates Resolution approved each year, revoke its previous delegations to the General Manager under the Local Government Act 1993 and associated Regulations thereunder."**

2.0 SUMMARY

The purpose of this report is to review delegations to the General Manager under the *Local Government Act 1993*.

3.0 BACKGROUND

Council has a broad number of delegations to the General Manager in order to allow for actions and decisions requiring legislative authority to be exercised on a day to day basis.

Some powers within legislation are given directly to the General Manager. Other powers are vested in the Council and may be delegated to the General Manager. Some powers the Council is unable to delegate.

In general, the power to delegate is provided at Section 22 of the *Local Government Act* (which allows for Council delegation under any Act), or is sometimes specifically provided for within the relevant legislation.

Delegations to the General Manager may only be made, changed, or revoked by resolution of Council. Conditions or restrictions can be placed on any delegation, for example capping financial dollar limits or implementing decision thresholds.

The General Manager may in turn, delegate various powers to officers throughout the organisation who have the appropriate qualifications, skills and experience to exercise those powers.

All delegations to officers are issued by the General Manager in writing, clearly setting out each specific power and any conditions or restrictions.

A full review of the various delegation schedules has been undertaken, resulting in a number of recommended revisions. These recommendations are set out over several council reports, partly to avoid complexity, but also to streamline the resulting workflow of updating officers' delegations as a result.

4.0 LEGISLATIVE REQUIREMENTS

The power to delegate comes directly from legislation. Section 22 of the *Local Government Act 1993* (the Act) allows for Council to delegate certain powers to the General Manager. Section 64 of the Act allows for the General Manager to delegate powers to officers, both under this Act and any other Act.

Delegations issued in writing are a legal instrument and may be required as judicial evidence, to demonstrate the validity of a person's power to take a particular action.

The Act requires a register of delegations to be kept and be available for inspection. The General Manager's Delegations are published on Council's website as open source information.

5.0 POLICY CONSIDERATIONS

A number of Council policies refer to delegations that are in place, but the source of powers delegated is usually from legislation or a council by-law.

6.0 FINANCIAL IMPACT

There are no financial impacts that result from this report.

Under Section 74 of the *Local Government Act 1993*, Council delegates financial authority to the General Manager to expend funds within the Budget Estimates adopted annually. The above recommendation includes limited delegation for the adjustment of items within the Estimates, which was previously delegated in 2021.

Section 64 allows the General Manager to delegate expenditure powers to officers, subject to Council's authorisation to do so which is included in the above Council delegation.

To give effect to this, a detailed register of the General Manager's financial delegations to officers is maintained, which places limits on the values and accounts for which authority to authorise expenditure may be applied, relevant to the position responsibilities.

7.0 DISCUSSION

A review of General Manager's Delegations was undertaken in March 2022 and recommended a number of minor updates to ensure the delegations remain compliant and effective, according to current legislation which is amended from time to time.

This report deals with the *Local Government Act 1993*, where the review recommendation was to:

*Re-issue the **Local Government Act 1993** delegations on the same terms as existing, but with the view to consolidate several Council resolutions made over time and refresh the resolution which is 10 years old. There is no time limit on the delegation, this is simply an administrative process that provides clear evidence that Council has reviewed the delegation.*

The only proposed change to this delegation is to increase the limit for the remission of fees and charges from \$500 to \$2,500. This would provide operational authority to make appropriate concessions.

The recommendation at the commencement of this report sets out a new delegation for this Act, on the same terms as the existing delegation, plus incorporating the above increase for the remission of fees and charges.

Two further minor alterations include:

- Reporting of common seal application to be on a regular basis, rather than monthly, to align with quarter operational reporting.
- Authority for the General Manager to make minor adjustments to the Budget Estimates while ever the delegation remains in place, rather than requiring an updated delegation each financial year.
- Update of delegated regulations from *Local Government (General) Regulations 2005* to *Local Government (General) Regulations 2015* – same provisions as previous.

A list of the powers to be delegated by Council is attached for reference. The full clause can be read at www.legislation.tas.gov.au – *Local Government Act 1993* and *Local Government (General) Regulations 2015*.

Certain powers under the *Local Government Act 1993* may not be delegated by Council. These are listed at Section 22 of the Act and include the borrowing of money; determining categories of expenses payable to councillors and committees; the establishment of committees under legislation; budget revisions; setting the strategic and annual plans; appointment of the General Manager; disposal of any land; exercise enterprise powers for formation, subscription or acquisition; making by-laws; and setting rates and charges. For this reason, the above decisions must always come to Council.

8.0 RISK

There can be a significant risk to Council if delegations are not valid and maintained effectively. The risk is primarily around the exercise of powers through statutory decisions or actions which may be rendered invalid if it is not supported by a correct and current delegation. This is most important in matters such as Land Use Planning, Building Act permits or decisions, and matters which may have a judicial review element.

9.0 CONSULTATION

Relevant Council Officers have been consulted in the preparation of this report. The Audit Panel will consider the Review of General Manager Delegations at a future meeting. Delegations to the General Manager are to be reviewed every two years.

ATTACHMENTS

1. [Powers delegated by Council - Local Government Act 1993](#)

COUNCIL RESOLUTION

Resolution number: MO076-22

MOVED: Cr G Simpson

SECONDED: Cr T Brumby

"THAT Council, by absolute majority:

- 1) Delegate all of its powers and functions under Section 19 from Part 3 of the Local Government Act 1993 to the General Manager with the condition that all use of the common seal must be reported regularly to Council;***
- 2) Delegate all of its powers and functions under Sections 74, ,75, 76, 77 and 81 from Part 8 of the Local Government Act 1993, with the condition that:***
 - a) A limit of \$5,000 per debt applies to Section 76, and***
 - b) Any write off made under Section 76 be reported regularly to Council;***
- 3) Authorises the General Manager to make minor adjustments up to \$350,000 to any individual estimate item (including capital works) as deemed necessary during the financial year, provided that:***
 - a) The total of the Estimates remains unaltered, and***
 - b) The General Manager advises Councillors of the changes with 14 days' notice of their taking effect, and***
 - c) The General Manager advises of the changes as part of the regular financial reporting to Council;***
- 4) Delegate all of its powers and functions under Sections 113, 127, 128, 133 and 135 from***

Part 9 of the Local Government Act 1993 to the General Manager, with the condition that the delegated powers must be exercised in accordance with the Rates and Charges Policy, and the Investment Policy, as reviewed from time to time;

- 5) Delegate the power to grant remissions of rates, penalty or interest under Section 129(3) of the Local Government Act 1993, up to a value of \$1,000 per debt, on the condition that:***
- 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 with the requirement that any decision taken under the delegation of Section 129(3) that exceeds \$500 in value, must be reported regularly to the Council;***
- 6) Delegate all of its powers and functions under Sections 175, 176, 189, 197, 200, 201, 205, 207 and 209 from Part 12 of the Local Government Act 1993 to the General Manager with:***
- a) The condition that the delegation under Section 175 that applies to leasing of land only and does not include the purchase of land,***
 - b) The restriction on Section 176 to apply only to the delegated provisions under Regulations 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015, and***
 - c) The condition that the delegation under Section 205 applies only to items not contained in the annual Fees and Charges Schedule, and***
 - d) The condition that the delegation under Section 207 is limited to \$2,500 per remission; and***
- 7) Delegate all of its powers and functions under Section 252 from Part 14 of the Local Government Act 1993 to the General Manager;***
- 8) Delegate all of its powers and functions under Regulations 25 and 37 (d) (e) (f) (g) and (h) of the Local Government (General) Regulations 2015;***
- 9) In accordance with Section 64 of the Act, authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience; and***
- 10) As of 24 May 2022, with the exception of the annual Rates Resolution approved each year, revoke its previous delegations to the General Manager under the Local Government Act 1993 and associated Regulations thereunder."***

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

Local Government Act 1993

List of powers delegated by Council

The full clause can be found at www.legislation.tas.gov.au – Local Government Act 1993

Clause	Title of Clause	Conditions and Restrictions
Local Government Act 1993		
S.19	Corporation of councils (common seal)	Use of common seal must be reported to Council regularly
S.74	Expenditure	
S.75	Investments	
S.76	Writing off bad debts	Limit of \$5,000 per debt, any write offs to be reported to Council
S.77	Grants and Benefits	
S.81	Authorised deposit-taking institution accounts	
S.82(6)	(Adjustments to the) Estimates	Adjustments limited to \$350,000 to any individual item providing total remains unaltered and changes reported to Council
S.113	Declaration of land as urban farm land	In accordance with policies
S.127	Postponement ceases to operate	In accordance with policies
S.128	Late payments	In accordance with policies
S.129(3)	Remission of rates	Limited to \$1,000 per debt and any >\$500 to be reported to Council
S.133	Recovery of rates	In accordance with policies
S.135	Rents under leases, &c., for unpaid rates	In accordance with policies
S.175	Purchase or lease of land	Restricted to lease of land and not purchase of land
S.176	Acquisition of land	Applies only to delegated provisions under Reg 37(d)(e)(f) of Local Government (General) Regulations 2015
S.189	Closure of local highways (markets)	
S.197	Sale or destruction of unclaimed animals	
S.200(1)	Abatement notices	
S.201(4)	General manager may take necessary action	
S.205	Fees and charges	Applies only to items not contained in Fees and Charges Schedule
S.207	Remission of fees and charges	Limited to \$2,500 per remission

Clause	Title of Clause	Conditions and Restrictions
S. 209	Corrections of map	
S.252	Several owners	
Local Government (General) Regulations 2015		
Reg 25	Multiple-use register	
Reg 37(d)(e)(f)	Compulsory acquisition of land	

CORPORATE AND COMMERCIAL SERVICES**AO085-22 COUNCIL DELEGATIONS - BY-LAWS****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

1.0 RECOMMENDATION:***“THAT Council:***

- 1) Revoke its previous delegations to the General Manager under the Street Dining By-law Number 14 of 2009;***
- 2) Delegate all of its powers and functions under the Street Dining By-law Number 1 of 2020, to the General Manager with no restrictions; and***
- 3) Authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience.”***

2.0 SUMMARY

The purpose of this report is to review delegations to the General Manager under Council’s current By-laws.

3.0 BACKGROUND

Council has a broad number of delegations to the General Manager in order to allow for actions and decisions requiring legislative authority to be exercised on a day to day basis.

Some powers within legislation are given directly to the General Manager. Other powers are vested in the Council and may be delegated to the General Manager.

Delegations to the General Manager may only be made, changed, or revoked by resolution of Council. Conditions or restrictions can be placed on any delegation, for example capping financial dollar limits or implementing decision thresholds.

The General Manager may in turn, delegate various powers to officers throughout the organisation who have the appropriate qualifications, skills and experience to exercise those powers.

All delegations to officers are then issued by the General Manager in writing, clearly setting out each specific power and any conditions or restrictions.

A full review of the various delegation schedules has been undertaken, resulting in a number of recommended revisions. These recommendations are set out over several council reports, partly to avoid complexity, but also to streamline the resulting workflow of updating officers' delegations as a result.

4.0 LEGISLATIVE REQUIREMENTS

Burnie City Council by-laws are subordinate legislation made by Council for the municipality of Burnie, under the powers set out in the *Local Government Act 1993*.

5.0 POLICY CONSIDERATIONS

There are no relevant policy impacts arising from this report.

6.0 FINANCIAL IMPACT

There are no financial impacts to Council resulting from this report.

7.0 DISCUSSION

A review of General Manager's Delegations was undertaken in March 2022 and recommended a number of minor updates to ensure the delegations remain compliant and effective, according to current legislation which is amended from time to time.

This report deals with Council's By-laws, where the review recommendation was to:

*Revoke the powers under the **Street Dining By-law No. 14 of 2009** and delegate powers under the new **Street Dining By-law No 1 of 2020**. This change reflects the change in By-laws created by Burnie City Council in 2020.*

A list of powers to be delegated to the General Manager under the new by-law is attached. The Street Dining By-law can be read at www.burnie.net – Street Dining By-law.

The delegation status of the remaining by-laws is:

- Highways By-law, Number 3 of 2013 – the current delegation (Item AO010-14, made 28 January 2014) is effective and will be updated when a new by-law is made, due in 2023.
- Parking By-law, Number 1 of 2017 – There are no powers vested with Council that require delegation to the General Manager.

- Waste Collection and Waste Management By-law, Number 2 of 2017 – There are no powers vested with Council that require delegation to the General Manager.
- Public Places By-law – this new by-law is still being drafted and reviewed. The delegation will be updated when the by-law is made later this year.

The recommendation at the commencement of this report sets out a new delegation for the Street Dining By-law. It includes a revocation of the delegation under the former by-law which expired in 2019 prior to the introduction of the new by-law.

8.0 RISK

There can be a significant risk to Council if delegations are not valid and maintained effectively. The risk is primarily around the exercise of powers through statutory decisions or actions which may be rendered invalid if it is not supported by a correct and current delegation. This is most important in matters such as Land Use Planning, Building Act permits or decisions, and matters which may have a judicial review element.

9.0 CONSULTATION

Relevant Council Officers have been consulted in the preparation of this report. The Audit Panel will consider the Review of General Manager Delegations at a future meeting. Delegations to the General Manager are to be reviewed every two years.

ATTACHMENTS

- 1 [!\[\]\(e27c4336460e9e6729a19580c0456728_img.jpg\) List of powers delegated by Council - Street Dining By-law, No 1 of 2020](#)

COUNCIL RESOLUTION

Resolution number: MO077-22

MOVED: *Cr G Simpson*

SECONDED: *Cr D Pease*

“THAT Council:

- 1) Revoke its previous delegations to the General Manager under the Street Dining By-law Number 14 of 2009;***
- 2) Delegate all of its powers and functions under the Street Dining By-law Number 1 of 2020, to the General Manager with no restrictions; and***
- 3) Authorise the General Manager to delegate the above powers and functions to an employee of Council with the appropriate qualifications, skills and experience.”***

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

Street Dining By-law, Number 1 of 2020

List of powers delegated by Council

The full clauses can be found at www.burnie.net – Street Dining By-law

Clause	Title of Clause	Conditions and Restrictions
Street Dining By-law		
Part 1 – Cl 4	Appointment of Authorised Officer	
Part 2 – Cl 4	Application for a Permit	

CORPORATE AND COMMERCIAL SERVICES**AO086-22 GENERAL MANAGER'S PERFORMANCE AGREEMENT 2022-23****FILE NO: 4/11/11****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1~A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1~Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:***“THAT Council:***

- 1) Note the Unconfirmed Minutes of the General Manager’s Performance Review Special Committee meeting held on 26 April 2022.***
- 2) Approve the General Manager’s Performance Agreement for the 2022-23 financial year, included in Attachment A.***
- 3) Endorse that in the absence of a current Performance Agreement, the 2022-23 financial year Performance Agreement be used as the basis of conducting the General Manager’s Performance Review in the 2021-22 financial year.”***

2.0 SUMMARY

The purpose of this report is for the Council to endorse the recommendation of the General Manager’s Performance Review Special Committee.

3.0 BACKGROUND

The Council have a Special Committee that meets to set and consider the performance agreement of the General Manager. The Delegations of Authority and Rules of Operation (GL-CBS-SG-106) govern this Committee and the manner in which it operates. This process is aligned with the respective financial year. The Director Corporate and Commercial Services provides executive support to the Special Committee.

Each year a Performance Agreement is agreed between the Council and the General Manager for the upcoming financial year. This Agreement outlines the key performance metrics that will be used as the basis for undertaking the General Manager’s Performance Review against the delivery of the annual Council Plan and budget in that year.

4.0 LEGISLATIVE REQUIREMENTS

Section 28(2) (d) of the *Local Government Act 1993* requires Councillors of a collective Council to appoint and monitor the performance of the General Manager.

The Performance Review of the General Manager is soon due to occur for the 2021-22 financial year. This responsibility is undertaken through the General Manager's Performance Review Special Committee, of which all councillors are members.

5.0 POLICY CONSIDERATIONS

There are no additional policy considerations that arise from this report.

6.0 FINANCIAL IMPACT

There are no financial implications that arise from this report.

7.0 DISCUSSION

The General Manager's Performance Review Special Committee met on 26 April 2022. This meeting was convened in order for the Committee to consider the draft Performance Agreement for the General Manager, for the 2022-23 financial year.

The Workshop Briefing Paper that was circulated to the Special Committee sought endorsement of the draft Performance Agreement for 2022-23. The Committee unanimously approved this, for formal consideration of the Council.

Additionally the Committee discussed that in the absence of a Performance Agreement for 2021-22 financial year that the approved 2022-23 Agreement should form the criteria for the General Manager's Performance Review for the 2021-22 year.

8.0 RISK

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

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Political	Risk of relationship breakdown between the General Manager and the Council if there is not clear performance expectations which are regularly assessed.	A timely annual process is enacted, predicated on open, robust and respectful dialogue between both parties.
Strategic	Risk of not meeting the strategic objectives of the Council.	Annual and timely performance reviews that set clear expectations of the General Manager with measurable performance criteria.

9.0 CONSULTATION

This matter was the subject of previous discussions with Councillors and a Workshop Briefing Paper dated 25 April 2022.

ATTACHMENTS

1. Attachment A - Unconfirmed Minutes of Meeting of the General Manager's Performance Review Special Committee meeting - 26 April 2022

COUNCIL RESOLUTION

Resolution number: MO078-22

MOVED: Cr A Keygan

SECONDED: Cr T Bulle

"THAT Council:

- 1) Note the Unconfirmed Minutes of the General Manager's Performance Review Special Committee meeting held on 26 April 2022.***
- 2) Approve the General Manager's Performance Agreement for the 2022-23 financial year, included in Attachment A.***
- 3) Endorse that in the absence of a current Performance Agreement, the 2022-23 financial year Performance Agreement be used as the basis of conducting the General Manager's Performance Review in the 2021-22 financial year."***

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 (DRAFT)



Meeting: **General Manager's Performance Review Special Committee**
 Date: Tuesday 26 April 2022
 Venue: Council Chamber, City Offices
 File No(s): 4/11/11;

Meeting Open Time: 6.17pm

Chairperson:	Mayor Steve Kons
Attendees:	Deputy Mayor Giovanna Simpson Councillor Alwyn Boyd Councillor Teeny Brumby Councillor Themba Bulle Councillor Ken Dorsey Councillor Amina Keygan Councillor David Pease Simon Overland, General Manager Burnie City Council
Apologies/ Absent:	Councillor Chris Lynch was granted leave of absence at the April 2022 Council meeting
Minutes:	Bel Lynch, Director Corporate and Commercial Services

Declarations of Interest

The Mayor called for Declarations of Interest from any members of the Special Committee.
 There were no Declarations of Interest made.

Item 1 – Performance Assessment Criteria

A Workshop Briefing Paper dated 25 March 2022 titled *Process to set General Manager's 2022-23 FY performance agreement and finalise the 2021-22 FY performance assessment* had been distributed to all Committee members prior to the meeting. A copy of this material is marked as **Attachment A**.

Recommendation

That the Committee:

1. Approve the General Manager's performance agreement for the 2022-23 financial year, as attached;
2. Note that Council will be asked to approve the General Manager's 2022-23 financial year performance agreement, as ratified by the Committee, at the May 2022 Council meeting;
3. Endorse that in the absence of a current performance agreement, the ratified 2022-23 financial year performance agreement will be used as the basis of conducting the General Manager's performance assessment in the 2021-22 financial year.

Meeting Minutes

COMMITTEE RESOLUTION

MOVED: Cr A Keygan**SECONDED:** Cr A Boyd***"That the Committee:***

- 1. Approve the General Manager's performance agreement for the 2022-23 financial year, as attached;***
- 2. Note that Council will be asked to approve the General Manager's 2022-23 financial year performance agreement, as ratified by the Committee, at the May 2022 Council meeting;***
- 3. Endorse that in the absence of a current performance agreement, the ratified 2022-23 financial year performance agreement will be used as the basis of conducting the General Manager's performance assessment in the 2021-22 financial year."***

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

Against:

CARRIED UNANIMOUSLY**Meeting Close Time: 6.22pm**

Attachment A – Workshop Briefing Paper dated 25 March 2022

BRIEFING PAPER

Management Report to Councillors

**GENERAL MANAGER'S 2022-23FY PERFORMANCE AGREEMENT**

Simon Overland, General Manager

26/04/2022

File:

EXECUTIVE SUMMARY**Recommendation from Management**

1. That the General Manager's Performance Review Special Committee:
 - 1.1 Approve the attached performance agreement for the General Manager for the 2022-23FY;
 - 1.2 Note this agreement will also be the basis of assessing the General Manager's performance for the 2021-22FY; and
 - 1.3 Report the above decisions to the next Council meeting for ratification by Council.

Purpose and Background

2. The General Manager's Performance Agreement 2022-23FY was circulated to all councillors in draft on 25th March 2022 for comment and feedback.
3. No feedback has been received and accordingly the General Manager's Performance Agreement 2022-23FY is now presented for approval by the Committee.

Key Issues

4. The General Manager's Performance Review Special Committee is responsible for managing the performance of the General Manager, including setting and assessing annual performance measures.
5. The decisions of the Committee will be reported to the next Council meeting for ratification.

Attachments

General Manager's Performance Agreement 2022-23FY.

Council's Purpose:	To represent and make informed decisions in the best interests of our community over the long term.
Council Officers' Purpose:	To provide frank, fearless and evidence based advice and to implement the decisions and functions of Council efficiently and effectively.

SUPPORTING INFORMATION**Strategic Alignment**

1. This report relates to enabler: Our People

Legal

2. The councilors of a Council are collectively responsible for appointing and monitoring the performance of the General Manager, pursuant to section 28 (2)(d) of the *Local Government Act 1993*.

Finance

3. There is no material financial impact resulting from this report.

Relation to Council Policy

4. Delegation of Authority and Rules of Operation for the General Manager's Performance Review Special Committee applies.

Discussion

5. Council has recently reviewed and amended the Delegation of Authority and Rules of Operation for the General Manager's Performance Review Special Committee.
6. Councillors have previously been provided with a draft of the General Managers' Performance Agreement 2022-23FY for comment.

Health and Safety

7. Council is effectively the employer of the General Manager and has a duty to manage associated health and safety obligations, including in the appropriate management of performance assessments. Councillors can discharge this duty by acting consistently with its Policy.

Risk

8. There are legal, compliance, political and reputational risks for councilors if the performance management of the General Manager is not conducted consistently with Council's legislative and policy responsibilities.

Environmental Sustainability

9. There are no environmental sustainability impacts to be considered in this report.

Consultation

10. Relevant Council Officers have been consulted in the preparation of this report.

Conflict of Interest

11. No member of Council staff, or other person engaged under a contract, involved in advising on or preparing this report has declared a material or general conflict of interest in relation to the matter of the report.

BURNIE CITY COUNCIL

GENERAL MANAGER KPI's

1. Strategic planning and delivery					
Outcome	Target	Evidence	Timing	Q2 Status	Q4 Status - Final
1.1. Deliver the Council Plan 2022-2025	100% achievement of actions detailed in the annual plan by end of FY	Reports to Council	Quarterly reports to Council		
1.2. Deliver the Major Capital Works Program	80% completion of the Capital Works Program	Reports to Council	Quarterly reports to Council		
2. Leadership and people					
Outcome	Target	Evidence	Timing	Q2 Status	Q4 Status - Final
2.1. Positive and performing workplace culture	Develop appropriate level of staff engagement Develop appropriate organisational culture	Staff engagement survey Organisational Cultural Inventory survey	By 30 May 2022 then every 2 nd year By January 2023 then every 2 nd year		Report results 2021/22 to establish base line and set ongoing metric Report results 2022/23 to establish baseline. Set ongoing metric
2.2. Fit for purpose organisation	Develop Council's People Strategy Develop Succession Plan for critical roles	Production of plan Production of plan	By June 2023 By June 2023		
2.3. Safe working environment	Reduce lost time injury frequency ratio Increase hazard reporting	Reports to Council Reports to Council	Quarterly reports to Council Quarterly reports to Council		Report results 2021/22 to establish baseline and set ongoing metric Report results 2021/22 to establish baseline and set ongoing metric

3. Services and customer outcomes					
Outcome	Target	Evidence	Timing	Q2 Status	Q4 Status - Final
3.1 Community Satisfaction with Council engagement	Maintain or improve the rating	Community survey	By June 2023		Report 2022/23 to establish base line. Set ongoing metric
3.2 Customer satisfaction with Council services	Maintain or improve customer service satisfaction rating	Community survey	By June 2023		Report 2022/23 to establish base line. Set ongoing metric
3.3 Improve Council's service performance and efficiency	As per individual service plans	Service plan reporting	Quarterly reports to Council		
4. Financial Management					
Outcome	Target	Evidence	Timing	Q2 Status	Q4 Status - Final
4.1 Delivery of annual Council budget	Meet operating budget target at end of FY	Reports to Council	Quarterly reports to Council		
	Rolling average asset renewal ratio of 100% over four year Council term	Reports to Council	Annual report to Council		
	Achieve annual asset renewal ratio as set in Council's annual budget	Reports to Council	Quarterly reports to Council		
5. Governance					
Outcome	Target	Evidence	Timing	Q2 Status	Q4 Status - Final
5.1 Enhance reputation of City	Burnie City Council is well regarded	Councillor/community feedback	By June 2023		
5.2 Effective Governance	Council is supported in its decision making through provision of frank, fearless and evidence based advice	Councillor/community feedback	By June 2023		

6. Personal			
6.1 Personal style and behaviours	Models and exemplifies required behaviours as set in Behaviours Framework and relevant Council policies	Councillor/community feedback	By June 2023

CORPORATE AND COMMERCIAL SERVICES**AO087-22 EMERGENCY MANAGEMENT ACT - NOMINATION FOR DEPUTY MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR**

FILE NO: 30/7/2; 15/2/5
PREVIOUS MIN: AO007-22 & AO153-18

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.8	A best practice approach is taken to managing risk in the community and providing a safe work environment.
Strategy	7.8.3	Work with other agencies to ensure our community is well prepared and able to respond to disaster.

1.0 RECOMMENDATION:

“THAT Council nominate to the Minister for Police, Fire and Emergency Management through the SES Director, Mr Damien Aherne (Manager Works) as its appointee to the role of Deputy Municipal Emergency Management Coordinator.”

2.0 SUMMARY

The Municipal Emergency Management Coordinator (MEMC) and Deputy Municipal Emergency Management Coordinator (DMEMC) roles are appointments under the *Emergency Management Act 2006*. These are made by the Minister for Police, Fire and Emergency Management in concert with the State Emergency Services (SES) Director, following consideration of a nomination from Council.

Due to the resignations of both current appointees in May 2022, new nominations are required from the Council.

This report recommends the nomination of a Deputy MEMC, with a view to a nomination for MEMC being tabled in the coming months following the appointment of a new Director Works and Services.

3.0 BACKGROUND

The *Emergency Management Act 2006* requires that each local government area appoint a MEMC and Deputy MEMC. The term of an appointment is four years as determined by the Minister.

In 2006 the *Emergency Management Act 2006*, came into effect. Particularly relevant to this report is *Section 23 (8)* which states:

“A council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of council.”

This clause, in interpreting the nature of emergency conditions, identifies that decisions must be made quickly and appropriately, which will commit Council funds, personnel and plant to response and recovery operations without the normal consultation or reference to others. It follows then, that the person must hold a position of authority with appropriate experience and adequate delegations from the General Manager to carry out the role.

The position of Manager Works has suitable delegations and authority to fulfil the Deputy Coordinator’s role.

4.0 LEGISLATIVE REQUIREMENTS

Council has statutory duties under the *Emergency Management Act 2006* to nominate suitable persons for the roles of MEMC and Deputy MEMC.

5.0 POLICY CONSIDERATIONS

The nomination of the Manager Works to fill the role of Deputy MEMC is consistent with Council’s past practice.

6.0 FINANCIAL IMPACT

A person appointed as the MEMC or Deputy does not receive any additional remuneration.

There may be costs associated with providing appropriate training to the person appointed to the role, however this would be provided through existing budget allocations.

7.0 DISCUSSION

The role fulfills a statutory requirement under section 23 of the *Emergency Management Act 2006*.

The role of Council is to nominate a person with appropriate authority to act in the roles.

Should Council fail to nominate a person to the role within a reasonable time, the Minister may appoint a person to the role.

The current appointments are:

- Municipal Emergency Management Coordinator – Mr Gary Neil (Director Works and Services)

- Deputy Municipal Emergency Management Coordinator - Mr Simon Hughes (Acting Manager Engineering Services)

Nominations for both roles will be required due to both appointees tendering their resignations in May 2022.

It is proposed that the Deputy role be nominated immediately, and that the MEMC role be nominated once a new Director Works and Services appointment is made.

This report recommends the appointment of Mr Damien Aherne (Manager Works) to the role of Deputy MEMC.

Mr Aherne has held management positions in the health sector both within Tasmania and New South Wales, with responsibilities for business continuity and emergency response management. The position has a suitable level of authority within Council to be able to effectively discharge the duties of Deputy MEMC for the municipality, in liaison with the General Manager and senior officers as required.

It is recommended that Mr Aherne be nominated to the Minister for appointment to the Deputy MEMC role.

8.0 RISK

The MEMC holds significant power in the event of an emergency, in that the person can commit Council funds and resources unilaterally. Therefore the incumbents must be in a position of authority and understand the governance structure of Council and the implications associated with committing Council resources and funds.

9.0 CONSULTATION

SES Regional Management have been notified of the proposed appointment for awareness, and consultation has occurred with Council officers in the preparation of this report.

COUNCIL RESOLUTION**Resolution number: MO079-22****MOVED:** *Cr C Lynch***SECONDED:** *Cr K Dorsey*

“THAT Council nominate to the Minister for Police, Fire and Emergency Management through the SES Director, Mr Damien Aherne (Manager Works) as its appointee to the role of Deputy Municipal Emergency Management Coordinator.”

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

Against:

CARRIED UNANIMOUSLY

CORPORATE AND COMMERCIAL SERVICES**AO088-22 BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE****FILE NO:** 4/21/1, 29/1/8**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1	A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.2	Ensure effective operation and support for Council entities, authorities and special committees.

1.0 RECOMMENDATION:

“THAT Council, in accordance with Clause 3 of the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee:

- 1) Appoint Marg Leeson to a community member position for a period of two years commencing 1 May 2022;***
- 2) Appoint Elizabeth Singleton to a community member position for a period of two years commencing 1 May 2022;***
- 3) Extend an invitation to the position of Youth Mayor to join the Committee as a community member position;***
- 4) Note the current appointment of Cr Brumby on the Committee which continues until Councillor appointments are reviewed in December 2022;***
- 5) Appoint Cr Giovanna Simpson to the Committee and to the role of Chairperson; and***
- 6) Extend the nomination period until Tuesday 14 June 2022 to provide additional opportunity for community members to submit their interest.”***

2.0 SUMMARY

Nominations for persons wishing to serve on the Burnie Australia Day Special Committee were called by public notice on Saturday, 23 April 2022. Nominations closed at 4pm, Friday 6 May 2022. Promotion also occurred on council’s website, social media and via radio promotion during the nomination period.

Two community member nominations were received by the close of the nomination period.

The Rules of Operation require a minimum of six members to form the Committee. With the recommended appointments, there will still be a shortfall of members to make up the required numbers on the Committee.

It is recommended that in addition to the two councillor appointments, that Council appoint the two community nominations received, and then further extend the nomination period for another three weeks to seek further community member applications.

3.0 BACKGROUND

The Burnie Australia Day Special Committee is responsible for arranging and managing the Burnie Australia Day Ceremony in Burnie, including the selection and awarding of Burnie Australia Day Awards.

The positions of all community members are required to be appointed by Council for a two year period, commencing 1 May 2022.

The Burnie Victoria League has had a long-held association with the Burnie Australia Day Ceremony, and has continually provided two members for appointment to the Committee. However with the wind up of the League in 2021 after 100 years of service, they have confirmed in writing that their final meeting was held on 12 May 2021 and that there will be no further nominations from the League. This means that additional community representation is required to form the Committee.

4.0 LEGISLATIVE REQUIREMENTS

The Burnie Australia Day Committee is established as a Special Committee of Council under section 24 of the *Local Government Act 1993* which states:

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 the council as the council thinks appropriate.*
- (3) The council is to determine the procedures relating to meetings of a special committee.*

5.0 POLICY CONSIDERATIONS

No policy considerations have been identified for this matter.

6.0 FINANCIAL IMPACT

No financial impacts apply to this report. Committee members participate on a voluntary basis.

7.0 DISCUSSION

Under the Delegation of Authority and Rules of Operation, the Committee must consist of at least six and not more than nine members, being:

- Up to two councillor appointments

- Two positions nominated by the Burnie Victoria League (since wound up)
- One community member to be appointed as musical director
- One position to be offered to the Youth Mayor
- Remaining community member positions representing various skills and experience (arts and culture, community services, business, marketing and or events, sport, leisure and recreation, youth, general interest)

The Rules also state that it is a requirement for members to have:

3.4 The Community members are to possess:

- *A demonstrated interest in community events or community service*
- *Good listening and communication skills*
- *The ability to contribute opinions and ideas effectively and work well within a team*
- *The availability to participate and support the Australia Day event in Burnie on 26 January.*

Two nominations have been received for community members, both current appointees with past experience. The invitation is yet to be considered by the Youth Mayor but participation is likely to be subject to their availability and study priorities.

Name	Basis of Application	
Marg Leeson OAM	Reference to former application outlining extensive experience across Arts and Culture, Community Service, Business, Marketing and/or Events and Sport Leisure and Recreation. Is a current Committee member.	Independent community member
Elizabeth Singleton	Application details extensive experience in Community Service with long term interests in business, events, youth and general interest. Is a current Committee member.	Independent community member

It is recommended that the above nominees be appointed to the Committee.

Councillor Appointments

The Committee also consists of up to two Councillors appointed by the Burnie City Council and one Council Officer as an ex officio member to provide administrative and organisational support. Councillor appointments are reviewed every two years in December. With the recent resignation of Cr Dorsey from the Committee, a new appointment is proposed until the full review of Councillor appointments is undertaken at the end of the year. The rules also require that Council appoint the Chair for this Committee.

Cr Brumby is currently appointed (AO299-20 on 8 December 2020). The second councillor position is vacant and it is proposed that the current proxy, Deputy Mayor Simpson, be appointed. All councillor positions (for all committees) will become vacant and be reviewed in December 2022 following council elections. It is proposed that Cr Simpson be appointed as Chair.

Extension for Further Nominations

The Rules of Operation require a minimum of six members to form the Committee. With the recommended appointments, there will still be a shortfall of members to make up the required numbers on the Committee.

It is recommended that Council appoint the two nominations received within the nomination period, and then further extend the nomination period for another three weeks to seek further applications.

8.0 RISK

There is a risk that not enough nominations will be received. Should this occur, Council will need to reconsider its approach to the Special Committee, however with staff support the Ceremony still be able to be held. It is hoped that additional nominations will be received for the June meeting.

9.0 CONSULTATION

Council considered the review of the Committee at its March Meeting (Item AO037-22), and affirmed that it wished to retain the function of the Special Committee.

Council Officers have administered the advertising and nomination process in accordance with the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee. Consultation has taken place with the relevant Councillors.

COUNCIL RESOLUTION**Resolution number: MO080-22****MOVED:** *Cr K Dorsey***SECONDED:** *Cr T Bulle****“THAT Council, in accordance with Clause 3 of the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee:***

- 1) Appoint Marg Leeson to a community member position for a period of two years commencing 1 May 2022;***
- 2) Appoint Elizabeth Singleton to a community member position for a period of two years commencing 1 May 2022;***
- 3) Extend an invitation to the position of Youth Mayor to join the Committee as a community member position;***
- 4) Note the current appointment of Cr Brumby on the Committee which continues until Councillor appointments are reviewed in December 2022;***
- 5) Appoint Cr Giovanna Simpson to the Committee and to the role of Chairperson; and***
- 6) Extend the nomination period until Tuesday 14 June 2022 to provide additional opportunity for community members to submit their interest.”***

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

CORPORATE AND COMMERCIAL SERVICES**AO089-22 POLICY REVIEW - SOCIAL MEDIA POLICY CP-CCS-CG-045****FILE NO: 4/14/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1~A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1~Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:

“THAT Council adopt the revised Social Media Policy CP-CCS-CG-045 as attached.”

2.0 SUMMARY

This report provides a review of the Council’s Social Media Policy, for adoption by the Council.

3.0 BACKGROUND

The Policy was last updated on 20 October 2015 (AO254-15) and was due to be refreshed in October 2019.

4.0 LEGISLATIVE REQUIREMENTS

There are no legislative requirements impacting this report, however the Councillor’s Code of Conduct is a primary reference point for councillors’ use of social media.

5.0 POLICY CONSIDERATIONS

The attached Social Media Policy deals with Council’s use of social media as a communication tool for the community, as well as standards for councillors’ use of social media. It also outlines the role and responsibilities for the Council’s Social Media moderator.

Council has a separate workplace policy for employees’ use of social media, with similar standards.

6.0 FINANCIAL IMPACT

There are no financial implications arising from this report.

7.0 DISCUSSION

The amendments to the Policy are considered minor and administrative in nature.

Clarification has been provided that the Media and Communications Officer role acts as the primary moderator on behalf of the Council.

Officers have taken the opportunity to simplify and contemporise the Policy which has reduced the length of the document significantly.

The revised policy is attached for consideration.

8.0 RISK

There are no identified risks that require consideration in relation to this report. The policy is a risk management tool in that it sets out clear expectations for acceptable use of social media.

9.0 CONSULTATION

Relevant officers have been consulted in the review of this policy. A Briefing Paper was provided to Councillors on 13 May 2022, providing an opportunity for feedback.

ATTACHMENTS

1  Draft Social Media Policy CP-CCS-CG-045

COUNCIL RESOLUTION

Resolution number: MO081-22

MOVED: Cr T Brumby


SECONDED: Cr A Keygan

“THAT Council adopt the revised Social Media Policy CP-CCS-CG-045 as attached.”

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

 BURNIE CITY COUNCIL	COUNCIL POLICY	
	Social Media Policy (DRAFT)	
	Approved By: Council	Document Number: CP-CCS-CG-045
	Doc Controller: Director Corporate and Commercial Services	Version: 2.0
	File: 4/14/2	Approved Date: TBC
		Next Review Date: + 3 years

1 PURPOSE

The purpose of this policy is to provide a clear framework of what is an appropriate use of social media and how information for social media is coordinated and approved.

2 OBJECTIVE

This objectives of this policy are:

- To protect Council's reputation and branding through a defined policy framework.
- To set appropriate standards, roles and responsibilities in relation to creating and managing Council's social media sites.
- To clearly state what is expected from elected members and moderators when using social media.

3 SCOPE

This policy extends to:

- Elected members of the Burnie City Council
- Employees of the Burnie City Council who have a role in moderating social media sites on behalf of the Council.

4 DEFINITIONS


Administrator means the person authorised to oversee the creation and management of Council's social media sites. Unless otherwise stated, the Administrator will be the Communications Officer.

Moderator means a person who has been given permission to post on behalf of Council (or a business unit of Council) and to moderate the content on that council site. It is the responsibility of the Media and Communications Officer to act as the primary moderator for the Council.

Moderate means to monitor content by removing posts or responding to posts on behalf of Council (or a business unit of Council).

Social media is a collection of internet based tools which facilitate conversations through the construction of words, pictures, videos and audio. Social media sites are platforms such as Facebook, Snapchat, Instagram, LinkedIn, YouTube and Twitter.

User means a member of the general public who may communicate with any of Council's social media sites by viewing and/or posting to that site.

 BURNIE CITY COUNCIL	COUNCIL POLICY	
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Post means to place information on a social media site.

5 POLICY

5.1 Key principles of social media use

Social media will be used by the Burnie City Council as a communication tool, appropriate to the message/s being conveyed or sought. Social media is not the driver of a communication strategy, rather it is a tool that can be used in facilitating communication depending on the specific communication need and audience.

Council information disseminated through social media will be accurate, posted only by a Council moderator and aligned with council strategies, policies and decisions.

Private information will be protected and copyright, privacy and other applicable laws will be taken into account when interacting with social media.


In developing, posting and responding to content, moderators and elected members will uphold the values of the Council by acting with honesty, integrity, courtesy and professionalism.

5.2 Corporate use of Social Media

5.2.1 Roles and responsibilities

In relation to Burnie City Council social media sites, the following table sets out the roles and responsibilities applicable to various people connected with Council's social media sites.


ROLES AND RESPONSIBILITIES	
Mayor	<ul style="list-style-type: none"> Should seek advice from the General Manager and/or Media and Communications Officer regarding tools available and should be communicating in their role as outlined in 27(1)(b) of the <i>Local Government Act 1993</i> (ie act as spokesperson of the Council). Should clarify clearly when communicating that a view is their own, when not speaking on behalf of the Council.
General Manager	<ul style="list-style-type: none"> Should ensure responsibilities/delegations in relation to Social Media are clearly defined and act as a source of advice to the Mayor. Should approve the use of council branding. Should ensure compliance with social media provider conditions. Should act as the spokesperson on operational issues or issues of fact. Should clarify clearly when communicating that a view is their own, when not speaking on behalf of the Council.

 BURNIE CITY COUNCIL	COUNCIL POLICY Social Media Policy (DRAFT)	
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Elected Members	<ul style="list-style-type: none"> • Legal advice. • Should seek advice from the Mayor or General Manager and be sure not to speak on behalf of the Council as this is the Mayor's role. • A person authorised by the Mayor to comment on behalf of the Council may be limited to a particular topic or specific types of social media or both. • Comment only on topics within their area of expertise and authority. • Should clarify clearly when communicating that a view is their own, when not speaking on behalf of the Council. • Elected members must not post or respond to material that is offensive, obscene, defamatory, threatening, harassing, bullying, discriminatory, hateful, racist, sexist or infringes copyright. • Must ensure their social media interactions comply with Part 6 Legislation of this document and the Councillor's Code of Conduct. • Acknowledge that the use of social media is an elected members' personal responsibility regardless of whether the social media is undertaken during the course of Council business or out of hours, and irrespective of whether a Council device is used or personal technology. • Elected members must not establish fictitious names or identities when communicating through social media.
Media and Communications Officer	<ul style="list-style-type: none"> • Undertake the role of Administrator, and primary moderator for Council's social media platforms. • Establish and review principles of moderating. • Training in the appropriate use of social media for moderators. • Assist moderators to develop targeted strategies for each of Council's sites. • Ensure that appropriate disclaimers are provided where necessary. • Oversee record keeping requirements as needed. • Monitoring of social media platforms.
Moderators	<ul style="list-style-type: none"> • Apply principles of moderating according to established house rules, as follows: • Moderators are required to ensure they adhere to <i>Guidelines for Moderators</i> [PRO-CBS-SG-047], and will be accountable to the Media and Communications Officer for the management of the sites.

5.2.2 House Rules

- Do not harass, abuse or threaten other visitors, people or organisations
- Do not post comments that are likely to offend others, particularly in reference to an individual's race, age, gender, sexuality, political leaning, religion or disability
- Do not use obscene or offensive language
- Do not post repeat comments continuously

 BURNIE CITY COUNCIL	COUNCIL POLICY	
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- Do not promote anything that may constitute spam, such as commercial interests, solicitations, advertisements or endorsements of any non-governmental agency

5.2.3 New social media sites

A social media site for Council must not be established without consent from either the General Manager or the relevant Director.

5.2.4 Posting content

Council will provide established plans as to who will write and post content, who will moderate and approve content, and who will respond to negative and positive posts, and how. Corporate content will only be posted by moderators, who will ensure the information posted is accurate and not misleading in any way.

When developing, posting and responding to content, moderators MUST:


- uphold the values of the Council by acting with honesty, integrity, courtesy and professionalism, in accordance with all policies and guidelines;
- ensure that all relevant legislation has been complied with and that there is adherence to Council codes, policies and procedures;
- avoid political bias;
- ensure the Council's reputation, that of its employees or the safety system are not compromised;
- ensure copyright and ownership of materials published have appropriate approval;
- act in a timely manner; and
- take steps to avoid real or potential conflicts of interest.

We know that social media is a 24/7 medium, however our moderation capabilities are not. While our page is monitored closely, there may be some posts which have commenting capabilities turned off or user contributions restricted.

5.2.5 Removing content

Material that is reasonably critical of Council will not be deleted. Users contributing to Council social media sites must act within Council's social media 'house rules' as shown on each of its sites.

Council reserves the right to remove certain content such as illegal or offensive material. Council also reserves the right to remove a person from their site if that person repeatedly posts illegal and or offensive material or operates outside of the 'house rules'. Council will when possible state why a post or content was removed regardless of who posted it.

COUNCIL POLICY			
 Social Media Policy (DRAFT)			
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5.2.6 Branding

The brand is the corporate identity of Council and can take many forms (name, sign, symbol, colour combination, slogan). A clear brand is an essential tool in online communications and subsequently the Council's Style Guide must be adhered to at all times – refer GL-CBS-SG-001.

The Council logo should always be attached to corporate content. Social media sites belonging to business units of Council that have their own branding must always carry their relevant logo, such as the Burnie Arts and Function Centre.

5.2.7 Community engagement

Social media tools may be used for community engagement as appropriate. Consideration will first be given to what the desired outcome is, the resources available and relevance of social media tools.


Use of social media for community engagement must be supported by a communications plan which clearly articulates how the process will be managed.

5.2.8 Procedural matters

Council is not to use social media to communicate or disclose any detail, deliberation or determination in relation to individual matters that must follow a legislative, regulatory, permit or approval process, a public notification process, or a judicial appeal or review process, including but not limited to:

- Building control and compliance
- Disposal of public land
- Land use planning processes, including amendment to a planning scheme, assessment and determination of a permit application, appeals, and enforcement action
- Parking infringements
- Dog control
- Public health, including for environmental nuisances, food premises and immunisation
- Fire hazard abatement
- Tender processes

In relation to such matters, elected members should not provide comment, regardless of whether they are aware or otherwise of an issue actively under consideration by a Council officer.

 BURNIE CITY COUNCIL	COUNCIL POLICY	
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The Council may choose to use social media to provide generic advice in relation to any obligation it is required to observe or enforce, or any process which may be required under legislation.

However, social media should not be used as a platform for conduct of any statutory process or for disclosing information or opinion in relation to any individual matter for which it is actively or likely to become actively involved. The basic premises for such a restraint are natural justice, and the statutory protection of personal information. In addition, most statutory processes prescribe a method by which to undertake an action, and any departure from the prescribed process may be determined as a breach of the rules and principles for procedural fairness, for which all subsequent action is void.

5.2.9 Copyright

Material which is copyrighted must not be used unless prior written consent is obtained from the creator or copyright owner and the original author or source of the material is acknowledged.

Moderators will be diligent in their consideration of brand, copyright, fair use and trademarks.

5.2.10 Information Management (Recordkeeping)

With regard to social media sites established, the Council will make all reasonable endeavours to comply with the requirements of the *Archives Act 1983* and with reference to the State Archives advice on social media records.

5.2.11 Evaluation and reporting

Council's social media activity will be monitored through simple metrics which are sustainable and related to the desired outcomes. Council will be provided reporting on social media activity as part of the quarterly reporting program.


5.3 Use of Social Media by Elected Members

5.3.1 Personal use of social media

Council will not require elected members to hand over credentials to a personal social media account. However, personal use must comply with this policy.

5.3.2 Council email not permitted for personal sites

Elected members are not permitted to use a council email address (for example myname@burnie.net) as the contact address for a personal social media site. A personal email address must be used for personal sites.

 BURNIE CITY COUNCIL	COUNCIL POLICY		
	Social Media Policy (DRAFT)		
	Approved By: Council	Document Number: CP-CCS-CG-045	
	Doc Controller: Director Corporate and Commercial Services	Version: 2.0	
	File: 4/14/2	Approved Date: TBC	
		Next Review Date: + 3 years	

5.3.3 *Considering a post*

The following questions provide an elected member an effective litmus test for whether a post is appropriate or not. When commenting, consideration should be given to the following:

- a) Could what you are doing harm the reputation of your Council?
- b) Are you disclosing Council material that you are not authorised to disclose?
- c) Have you made it clear to others when your contribution is as a private individual, not an elected member of the Council?
- d) Are you willing to defend your post to your fellow Councillors?
- e) Would you be comfortable saying it to a stranger at a bus stop or posting it on a public shop window?
- f) Are you behaving with integrity, respect and accountability?

5.4 Penalties for breach of policy

An elected member breaching this policy may be subject to a Code of Conduct complaint (as per the *Local Government Act 1993* and the *Local Government (General) Regulations 2005*).

5.5 Legal Issues and Liabilities

5.5.1 *Defamation / offensive or obscene material*


Social media can appear to blur private and public spheres but activities on social media websites should be considered public activities. Despite the availability of privacy functions on social media websites, the possibility exists for content to be shared beyond intended recipients. Additionally it should be noted that the terms and conditions of use for most social media sites state that all content becomes the property of the site on which it is posted.

5.5.2 *Privacy and confidentiality*

In using social media, moderators and elected members will be cognisant of requirements under the *Personal Information Protection Act 2004* and the *Local Government Act 1993*.

Personal and sensitive information cannot be published without permission of the person to which that information belongs.

Moderators and elected members will not disclose confidential Council information, including but not limited to matters relating to closed meetings of Council, unless this has been approved in writing by the General Manager.

	COUNCIL POLICY		
	Social Media Policy (DRAFT)		
	Approved By:	Council	Document Number: CP-CCS-CG-045
	Doc Controller:	Director Corporate and Commercial Services	Version: 2.0
	File:	4/14/2	Approved Date: TBC
			Next Review Date: + 3 years

6 LEGISLATION

Archives Act 1983
 Defamation Act 2005
 Commonwealth Criminal Code Act 1995
 Tasmanian Criminal Code 1924
 Personal Information Protection Act 2004
 Local Government Act 1993
 Copyright Act 1968
 Work Health and Safety Act 2012
 Anti-Discrimination Act 1998

7 RELATED DOCUMENTS

Guidelines for Moderators [PRO-CBS-SG-047]
 Aldermen's Code of Conduct [CP-CBS-SG-024]
 Burnie City Council Logo Style Guide [GL-CBS-SG-001]

8 OTHER REFERENCES

LGAT Social Media animation

Policy Endorsement	
Responsibility:	It is the responsibility of individual Councillor to ensure the integrity of this policy is maintained. It is the responsibility of the General Manager to enforce this policy and refer formal complaints through the Code of Conduct process. It is the responsibility of Corporate Governance Unit to administer and maintain this policy.
Minute Reference:	TBC
Council Meeting Date:	TBC
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 Social Media Policy CP-CBS-SG-045 v1.0 dated 20 October 2015 (Item AO254/15) and as amended to v1.1 on 28 September 2020.
Date of Commencement:	TBC
Publication of policy:	Members of the public may inspect this policy at the City Offices where copies can be obtained free of charge. Alternatively it can be accessed on Council's website (www.burnie.net) Staff may also access this policy through the Council intranet.

CORPORATE AND COMMERCIAL SERVICES**AO090-22 POLICY REVIEW - EDUCATIONAL BURSARIES AND AWARDS
CP-CCS-CG-034****FILE NO: 4/14/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.1~A Council that provides engaging and effective leadership to Burnie.
Strategy	7.1.1~Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.

1.0 RECOMMENDATION:

“THAT Council adopt the revised Educational Bursaries and Awards Policy CP-CCS-CG-034, as attached.”

2.0 SUMMARY

This report provides a review of the Council’s Educational Bursaries and Awards Policy, for adoption by the Council.

3.0 BACKGROUND

The policy was last updated on 18 July 2017 and was due to be refreshed in July 2021.

4.0 LEGISLATIVE REQUIREMENTS

There are no legislative requirements impacting on this report.

It is noted that the *Local Government Act 1993* requires all grants and benefits to be declared in the Council’s Annual Report.

5.0 POLICY CONSIDERATIONS

There are no policy considerations that arise from this report.

6.0 FINANCIAL IMPACT

There is a minor financial implication associated with the recommended approach to increase the bursary and award amounts, however this amount is not material and can be accommodated from with the draft budget allocations.

7.0 DISCUSSION

The following recommendations have been included in the revised draft policy.

Bursary Amounts

It is recommended that the following increases be included in the Policy, recognising that the bursary amount has not kept pace in recent years with respect to inflationary factors:

- a) High Schools increased from \$100 to \$125 per annum;
- b) Primary Schools increased from \$75 to \$100 per annum;
- c) Post-Secondary Bursaries increased from \$250 to \$300 per annum; and
- d) UTAS Bursary increased from \$9,900 to \$15,000.

It is recommended that the Indie School be included to receive an annual bursary.

Post Secondary Bursaries

Criteria has been added for the Post-Secondary Bursaries that the recipient is a resident of the Burnie municipality.

The rationale for the two Hellyer College bursaries is that these are provided to year 10 students who take up higher education at Hellyer College and receive their benefits at the commencement of the following school year, one selected from Parklands and one from Burnie High School.

UTAS Bursary

The criteria has been strengthened, together with a relaxation on the need for a recipient to be a Burnie resident for at least two years, as opposed to four years under the current Policy.

A statement has been included in the policy that preference for the Bursary should be given to those students who are attending the University of Tasmania's Cradle Coast Campus. UTAS have provided their support and agreement to this condition.

A copy of the revised draft policy incorporating the above changes, is attached for consideration.

8.0 RISK

There are no identified risks that require consideration in relation to this report.

9.0 CONSULTATION

Officers have consulted with the University of Tasmania with regard to the suggested changes associated with the UTAS Bursary. A Briefing Paper was provided to Councillors on 13 May 2022, providing an opportunity for feedback.

ATTACHMENTS

1 [↓](#) Revised Draft Policy - Educational Bursaries and Awards - CP-CCS-CG-034

COUNCIL RESOLUTION

Resolution number: MO082-22

MOVED: Cr G Simpson


SECONDED: Cr A Boyd

“THAT Council adopt the revised Educational Bursaries and Awards Policy CP-CCS-CG-034, as attached.”

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

 BURNIE CITY COUNCIL	COUNCIL POLICY	
	Educational Bursaries and Awards (DRAFT)	
	Approved By: Council Doc Controller: Director Corporate and Commercial Services	Document Code: CP-CCS-CG-034
	File: 4/14/2	Version: 4.0 Approved Date: TBC Next Review Date: + 3 years

1 PURPOSE

This policy supports investment in lifelong learning within the Burnie community by encouraging educational development.

2 OBJECTIVE

The policy has two primary objectives:

- a) To recognise the contributions and educational outcomes of primary, secondary and post-secondary students within Burnie through the provision of educational awards; and
- b) To support a Burnie student to pursue tertiary education by awarding an annual bursary to one person commencing study at the University of Tasmania.

3 SCOPE

This policy extends to all primary schools, secondary schools, post-secondary schools within the Burnie municipality, as well as Burnie residents applying to study at the University of Tasmania.

4 POLICY

This policy outlines the following bursaries and awards:


- Primary and Secondary School Awards
- Post-Secondary School Bursaries
- Burnie City Council University of Tasmania Bursary

4.1 Primary and Secondary School Awards

These awards focus on recognising student contributions and positive educational outcomes.

Burnie City Council will provide one student award to each of the following primary and secondary schools within Burnie, on an annual basis.

Provider	Criteria for award selection	Amount (ex GST)
Burnie High School	Has demonstrated excellence in leadership	\$125
Parklands High School	Has demonstrated excellence in leadership	\$125
Marist College	Has demonstrated excellence in leadership	\$125
School of Special Education NW (High School)	Has demonstrated excellence in leadership	\$125
Burnie Primary School	Has contributed positively to the values of the school	\$100

 BURNIE CITY COUNCIL	COUNCIL POLICY Educational Bursaries and Awards (DRAFT)	
Approved By:	Council	Document Code: CP-CCS-CG-034
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File:	4/14/2	Approved Date: TBC
		Next Review Date: + 3 years

Cooee Primary School	Has contributed positively to the values of the school	\$100
Havenview Primary School	Has contributed positively to the values of the school	\$100
Leighland Christian School (Burnie)	Has contributed positively to the values of the school	\$100
Montello Primary School	Has contributed positively to the values of the school	\$100
Natone Primary School	Has contributed positively to the values of the school	\$100
Ridgley Primary School	Has contributed positively to the values of the school	\$100
Romaine Park Primary School	Has contributed positively to the values of the school	\$100
School of Special Education NW (Primary School)	Has contributed positively to the values of the school	\$100
Stella Maris Primary School	Has contributed positively to the values of the school	\$100

The school will be responsible for selecting the award recipient, against the criteria shown in the above table.

The awards are presented at the end of the academic year in recognition of the year's performance. The award will be paid to the school upon receipt of an invoice.

The funding should be used to procure an educational aid that is suitable for the intended recipient.

The school is required to invite the Mayor or their delegate to a ceremony to present the award to the recipient. An award certificate will be provided by Council unless otherwise agreed with the school.

4.2 Post-Secondary Bursaries

This award focuses on supporting transition from secondary education to further education.

Burnie City Council will provide the following bursaries to post-secondary education providers on an annual basis:

Provider	Bursary Description	Amount (ex-GST)
Burnie High School	One student commencing Year 11	\$300
Hellyer College	One student commencing Year 11, previously attending Parklands High School	\$300
Hellyer College	One student commencing Year 11, previously attending Burnie High School	\$300
Marist Regional College	One student commencing Year 11	\$300
Parklands High School	One student commencing Year 11	\$300

COUNCIL POLICY		
 BURNIE CITY COUNCIL	Educational Bursaries and Awards (DRAFT)	
	Approved By: Council	Document Code: CP-CCS-CG-034
	Doc Controller: Director Corporate and Commercial Services	Version: 4.0
	File: 4/14/2	Approved Date: TBC Next Review Date: + 3 years

TasTAFE	One student commencing Year 11	\$300
Indie School	One student commencing Year 11	\$300

The educational provider will be responsible for selecting the award recipient, against the criteria shown below:

- The recipient is a resident of the Burnie municipality; and
- The recipient has demonstrated commitment to study and academic excellence; and
- The recipient has evidenced leadership skills and/or a contribution to their community; and
- Financial assistance is considered appropriate as a means of helping to address barriers to further education.

The bursaries are provided at the end or start of an academic year depending on the preference of the education provider. The bursary will be paid to the education provider upon receipt of an invoice.

The funding is to be used to procure text books and ancillary items to assist with further education.

A congratulatory letter will be provided from the Mayor to each bursary recipient. An award certificate can also be provided if required by the education provider. If a ceremony is held to present such awards, the Mayor or their delegate must be invited to attend.

4.3 Burnie City Council University of Tasmania Bursary (West North-West)

This bursary is aimed at supporting the pursuit of tertiary education, with an emphasis on educational outcomes that can be obtained through the University of Tasmania Cradle Coast Campus.

The intent of this bursary is to encourage and support a local student who is motivated to achieve university academic pursuits, to do so where costs would otherwise genuinely be prohibitive.

One bursary valued at up to \$15,000 (ex-GST), equivalent to \$5,000 per year for three years, will be awarded each calendar year to a new student enrolling at the University of Tasmania.

The University of Tasmania Scholarships Office will be responsible for coordinating the application and selection process, and the successful candidate will be determined by the relevant University of Tasmania Selection Committee, based on the following eligibility and assessment criteria.

COUNCIL POLICY		
 Educational Bursaries and Awards (DRAFT)		
Approved By:	Council	Document Code: CP-CCS-CG-034
Doc Controller:	Director Corporate and Commercial Services	Version: 4.0
		Approved Date: TBC
File: 4/14/2		Next Review Date: + 3 years

Eligibility

To be eligible for this bursary, candidates must:

- Be commencing a bachelor degree or equivalent; and
- Be commencing an undergraduate course (not already holding a tertiary qualification); and
- Have been a resident of the Burnie municipality for at least the past two years; and
- The cost of progressing with the academic studies would otherwise be genuinely cost prohibitive for the recipient; and
- Preference will be given to applicants that are attending the University of Tasmania Cradle Coast Campus.

Criteria for assessment

The following factors will be taken into account by the University of Tasmania in selecting a preferred candidate:

- Equity Score determined by University of Tasmania in the confidential application process that assesses the level of need or disadvantage on a range of factors; and
- Academic achievements and/or consistency to date; and
- Educational and career ambitions; and
- Level of leadership, initiative and community involvement.

The University of Tasmania will continue to evaluate the eligibility and assessment criteria of this Bursary with the Burnie City Council, as needed, to ensure that the Bursary continues to support the appropriate recipients.

Receiving the Bursary


The bursary funds totalling \$15,000 will be paid by one equal amount for each of the three years of full-time study. A formal letter of congratulations will be sent from the Mayor to the bursary recipient.

Payment will be made directly to the University of Tasmania upon the supply of a tax invoice.

Following year one, each subsequent year of the bursary funding is dependent upon the participant's successful completion of the prior year's study and all units applicable within the course outline.

Should the participant choose to change their course, the continued support of the bursary will be subject to the discretion of the Council.

Should the recipient cancel their studies throughout the three year period the bursary applies, the pro-rata costs within the year of cancellation are refundable to the Council. Any future bursary payments that would otherwise have been due are subsequently withdrawn.

COUNCIL POLICY		
 BURNIE CITY COUNCIL	Educational Bursaries and Awards (DRAFT)	
	Approved By: Council	Document Code: CP-CCS-CG-034
	Doc Controller: Director Corporate and Commercial Services	Version: 4.0
	File: 4/14/2	Approved Date: TBC Next Review Date: + 3 years

The funds are to be used toward expenses of study associated with undertaking the University of Tasmania course.

Recipients may be requested to provide an annual update to Council, for example by way of a short report or video clip.

The bursary will not exceed the maximum total of \$15,000 nor be funded over more than three years.

5 LEGISLATION

There are no legislative implications associated with this policy.

6 RELATED DOCUMENTS

Making Burnie 2030 – Future Direction 3: A centre for information, knowledge and learning
Strategy 3.2.1 Promote learning pathways.

Policy Endorsement	
Responsibility:	It is the responsibility of the Executive Manager Corporate Governance to administer this policy.
Minute Reference:	TBC
Council Meeting Date:	TBC
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. Strategy 3.2.1 Promote learning pathways.
Previous Policies Replaced:	This policy replaces the previous Educational Bursaries and Awards Policy CP-CBS-SG-034 approved on 18 July 2017, Item AO168-17.
Date of Commencement:	TBC
Publication of policy:	Members of the public may inspect this policy at the City Offices where copies can be obtained free of charge. Alternatively it can be accessed on Council's website (www.burnie.net)

GENERAL MANAGER**AO091-22 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:

- Business North West Breakfast Session - Guest Speakers from Advance North West
- Business North West General Meeting
- ANZAC Day Dawn Service and Civic Service
- Business North West Breakfast Session - Guest Speakers Gavin Pearce MP
- Announcement with Gavin Pearce MP
- NatureNuture Opening event at Intersection
- Ridgley Highway Corridor Strategy - Government & Key Transport Industry Bodies Meeting
- Australia Day Honours Investiture at Government House, Hobart
- 70th Annual Dinner and Presentation Night - South Burnie Bowls & Community Club
- Citizenship Ceremony

- Business North West Breakfast Session - Guest Speaker Bel Lynch, Burnie City Council
- CCTV and South Burnie Jetty announcements with Gavin Pearce MP

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

- Burnie United Soccer Club Upgrades - Opening Event

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 April	Meeting with Burnie Dockers
	PSC Meeting – Design Response Review
	Meeting with Lyndal Thorne and Stephanie Reynolds
13 April	Business North West Breakfast Session with Guest Speakers from Advance North West
	PSC Meeting – BAFC Redevelopment
	Meeting with Burnie Musical Society
14 April	Meeting with Scott Campbell
	Meeting with Business North West
	Meeting with PlanBuild Tasmania
20 April	Meeting with Senators Wendy Askew and Eric Abetz
	Business North West – General Meeting
22 April	Meeting with Minister Dan Tehan and Gavin Pearce
23 April	Burnie United Soccer Club Upgrades - Opening Event
25 April	ANZAC Day Services
27 April	Business North West Breakfast Session - Guest Speaker Gavin Pearce MP
	West Park Sporting Facility Working Group
28 April	Announcement with Gavin Pearce MP
	NatureNuture Opening event at Intersection
29 April	Cradle Coast Waste Management Group - NRE Landfill Levy Update Webinar
	BCC and UTAS Webinar Meeting
4 May	Announcement with Senator Anne Urquhart
	BCC and UTAS Webinar Meeting – Licence Agreement
6 May	BCC and UTAS Webinar Meeting

2.3 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	12 April 2022
Councillors in attendance	Mayor Steve Kons, Deputy Mayor Simpson, Cr Boyd, Cr Bulle, Cr Dorsey, Cr Keygan, Cr Pease
Apologies	Cr T Brumby and Cr Lynch
Items Discussed	Out of Session Workshop Briefing Papers
	West Park Master Plan discussion with UTAS Representatives
	Budget Discussions
	General Manager's Update

Workshop	10 May 2022
Councillors in attendance	Mayor Steve Kons, Deputy Mayor Simpson, Cr Boyd, Cr Brumby, Cr Bulle, Cr Dorsey, Cr Keygan, Cr Pease
Apologies	Cr Lynch
Items Discussed	Burnie Airport Corporation (BAC) briefing by BAC Directors
	Business North West (BNW) briefing by BNW Representatives
	Burnie Airport Corporation discussion
	Out of Session Workshop Briefing Papers
	Acting 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 - 26 April 2022
- 2 [↓](#). Open Session - Outstanding Actions Nov 2020 to Mar 2022

COUNCIL RESOLUTION**Resolution number: MO083-22****MOVED:** *Cr A Keygan***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 26 April 2022				
Key: RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			Date From: 26/04/2022 Date To: 26/04/2022 Printed: Monday, 16 May 2022	
Item Number	Report Title	Action	Department	Completed
AO058-22	MOTION ON NOTICE - COMMUNITY ACTION PLAN	28 Apr 2022 ACT: Investigate potential to adopt a Community Action Plan with aid of Relationships Australia and in conjunction with Burnie Works, aimed at suicide prevention and support in Burnie. 12 May 2022 Reached out to Relationships Australia (RA) to commence the process. Awaiting details from RA. Council 26/04/2022	Corporate and Commercial Services	
AO060-22	PUBLIC QUESTION TIME	28 Apr 2022 QON: Provide a written response to public question asked by A Boyd who was not present at the meeting, per AO060-22. 03 May 2022 Completed. Response sent - DOC ID 22/11402. Council 26/04/2022	Office of the General Manager	3/05/2022
AO063-22	DRAFT BUDGET ESTIMATES 2022-23	28 Apr 2022 ACT: Progress the Draft 2022-23 Budget for community consultation, per Council Resolution AO063-22. 09 May 2022 Completed. The draft budget is out for community consultation, which closes 5pm 27 May 2022. Council 26/04/2022	Corporate and Commercial Services	9/05/2022
AO065-22	POLICY REVIEW - RISK MANAGEMENT CP-CCS-CG-027	28 Apr 2022 ACT: Finalise the Risk Management Policy in the Document Framework and make available to the public, per Council Resolution AO065-22. 28 Apr 2022 Completed. Updated and published. Council 26/04/2022	Corporate and Commercial Services	28/04/2022
AO066-22	POLICY REVIEW - RELATED PARTY DISCLOSURES POLICY CP-CCS-CG-046	28 Apr 2022 ACT: Finalise the Related Party Disclosures Policy in the Document Framework and make available to the public, as per Council Resolution AO066-22. 28 Apr 2022 Completed. Updated and published. Council 26/04/2022	Corporate and Commercial Services	28/04/2022
AO067-22	POLICY REVIEW - FINANCIAL HARDSHIP POLICY CP-CCS-CG-049	28 Apr 2022 ACT: Finalise the Financial Hardship Policy in the Document Framework and make available to the public, as per Council Resolution AO067-22. 28 Apr 2022 Completed. Updated and published. Council 26/04/2022	Corporate and Commercial Services	28/04/2022
AO072-22	BURNIE CITY COUNCIL AUDIT PANEL - CHAIRPERSON'S REPORT - 15 MARCH 2022	28 Apr 2022 RES: Prepare acknowledgment letter from Mayor to Audit Panel Chair for letter dated 27 March 2022, per Council Resolution AO072-22. Council 26/04/2022	Corporate and Commercial Services	

Council Meeting Action Report Outstanding Actions for Open Sessions Nov 2020 – Mar 2022				
Key: RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			Date From: 17/11/2020 Date To: 31/03/2022 Printed: Monday, 16 May 2022	
Item Number	Report Title	Action	Department	Completed
AO265-20	MOTION ON NOTICE - DUAL NAMING POLICY	<p>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.</p> <p>14 Apr 2021 NOTE: Written to TAC seeking to engage in discussion as a starting point, 21/26471.</p> <p>11 Oct 2021 NOTE: 7/8 - follow up email sent, no response to date.</p> <p>10 May 2022 NOTE: Several attempts to engage have not provided a successful outcome. An alternative contact is being sourced through UTAS.</p>	Office of the General Manager	
Council 17/11/2020				
AO090-21	LIVESTREAMING OF COUNCIL MEETINGS	<p>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.</p> <p>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.</p> <p>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.</p> <p>14 Jan 2022 NOTE: The Victorian Council have not been in a position to install the interactive equipment due to COVID. Proceeding to have the static technology implemented.</p> <p>08 Mar 2022 NOTE: Consultants onsite 28 February to determine ideal setup in the Chamber. Proceeding with a June installation.</p> <p>09 May 2022 NOTE: Working toward June installation. Met with Rowan onsite as the new Chamber desks will need to be delivered prior to install in order for the new audio to be constructed. Rowan to provide ETA on desks.</p>	Corporate and Commercial Services	
Council 25/05/2021				
AO099-21	MOTION ON NOTICE - REMOVAL OF TREES IN CBD	<p>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.</p> <p>21 Sep 2021 NOTE: Investigation has progress on project. Report in preparation for a workshop.</p> <p>14 Apr 2022 NOTE: Landscaping and greening plan under development. Include this action in the broader CBD project planning.</p>	Works and Services	
Council 22/06/2021				

Council Meeting Action Report**Outstanding Actions for Open Sessions Nov 2020 – Mar 2022**

Date From: 17/11/2020
Date To: 31/03/2022
Printed: Monday, 16 May 2022

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
AO122-21	BY-LAW - INTENTION TO MAKE A NEW BY-LAW - DRAFT PUBLIC PLACES BY-LAW	<p>02 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.</p> <p>09 Sep 2021 NOTE: Draft By-law sent to G Tremayne on 8.9.21 for review and request to prepare RIS.</p> <p>12 Jan 2022 NOTE: Revised draft received from G Tremayne, being reviewed by Officers.</p> <p>08 Apr 2022 NOTE: Revised by-law draft re-worked and sent to G Tremayne for review on 6 April 2022.</p>	Corporate and Commercial Services	
Council 27/07/2021				
AO166-21	MOTION ON NOTICE - CITIZENSHIP CEREMONIES	<p>29 Sep 2021 RES: Engage with relevant indigenous groups to extend an invitation for Welcome to Country at Citizenship ceremonies, in accordance with the resolution of Council AO166-21.</p> <p>01 Oct 2021 NOTE: Sent correspondence 1/10/2021 seeking meeting WITH TAC to discuss the best methods of engaging with local Aboriginal communities.</p> <p>14 Jan 2022 NOTE: Several attempts to engage have not provided a successful outcome. An alternative contact is being sourced from Burnie Works and UTAS in an attempt to engage.</p>	Corporate and Commercial Services	
Council 28/09/2021				
AO165-21	MOTION ON NOTICE - TRAFFIC SIGNALS CBD	<p>29 Sep 2021 RES: Engage with DSG to lengthen traffic signal intervals for the four major intersections in the CBD, and request consideration of installing 'remaining time to walk' mechanisms; including if necessary making an application for funding from the Road Safety Levy - per resolution of Council AO165-21.</p> <p>03 Dec 2021 NOTE: Consultation has commenced with DSG on this request.</p> <p>14 Jan 2022 NOTE: Awaiting formal comment from DSG.</p> <p>14 Apr 2022 NOTE: Still awaiting feedback from DSG.</p>	Works and Services	
Council 28/09/2021				
AO186-21	MOTION ON NOTICE - CBD PLANTING OF RHODODENDRONS	<p>28 Oct 2021 RES: Review the cost considerations between constantly changing flowers in CBD or replacing them with midsize Rhododendrons, as per the resolution of Council AO186-21.</p> <p>14 Jan 2022 NOTE: Being considered as part of Cities Gateway project and CBD greening paper.</p>	Works and Services	
Council 26/10/2021				

Council Meeting Action Report Outstanding Actions for Open Sessions Nov 2020 – Mar 2022				
Key: RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			Date From: 17/11/2020 Date To: 31/03/2022 Printed: Monday, 16 May 2022	
Item Number	Report Title	Action	Department	Completed
AO004-22	MOTION ON NOTICE - PLANNING AUTHORITY	28 Jan 2022 RES: Seek a meeting with Minister for Planning to discuss and progress Council's policy position in relation to the State providing independent planning panels in appropriate circumstances, per AO004-22. 10 May 2022 NOTE: Correspondence sent to Minister on 17 March 2022, DOC ID 22/6140.	Office of the General Manager	
Council 25/01/2022				
AO024-22	BUDGET REVIEW 2021-2022	24 Feb 2022 RES: Update the Revised Budget into the accounting system for reporting purposes, in accordance with the resolution of Council AO024-22. 09 May 2022 NOTE: Budget review has been included in April management reports. Expecting these to be distributed 10 May.	Corporate and Commercial Services	
Council 22/02/2022				
AO049-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - UNCONFIRMED MINUTES OF MEETINGS HELD ON 15 DECEMBER 2021 AND 17 JANUARY 2022	23 Mar 2022 RES: Review membership of the Australia Day Committee following resignation of Cr Dorsey and current membership numbers, in accordance with the Committee Rules, per AO049-22. 13 Apr 2022 NOTE: Current community member terms end on 30 April. Nominations for new committee members to be sought during April - May. Report planned for May Council Meeting.	Corporate and Commercial Services	
Council 22/03/2022				
AO043-22	PIGEON CONTROL - BURNIE CBD	25 Mar 2022 RES: Undertake community messaging around pigeon management actions that the community can put in practice, and confirm the inclusion of \$12,000 in the 2022/23 operational budget for pigeon management, per Council Resolution AO043-22. 08 Apr 2022 NOTE: Information on pigeon control proposal shared with Tasrail.	Works and Services	
Council 22/03/2022				
AO042-22	LAND DISPOSAL - PROPOSAL TO DISPOSE OF PUBLIC LAND TO SUPPORTED AFFORDABLE ACCOMMODATION TRUST LOT 2, 1 MUSSEN CLOSE, SHOREWELL PARK BEING PART OF CT VOLUME 159534, FOLIO 1	23 Mar 2022 RES: Progress the potential disposal of land at Lot 2, 1 Mussen Close, to the Supported Affordable Accommodation Trust, in accordance with the authorisation of Council to dispose as public land, resolution AO042-22.	Office of the General Manager	
Council 22/03/2022				

**AO092-22 COMMUNICATIONS JOURNAL - A & M LEESON - RE-
INTRODUCTION OF AN INFORMATION / INTERPRETATIVE CENTRE
AT BURNIE****FILE NO:** 2/17/3; 22/11619**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1~AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.5~A vibrant and progressive central business district.
Strategy	1.5.2~Achieve a visitor-friendly CBD through improved connectivity, navigational aids and infrastructure supports.

1.0 RECOMMENDATION:

“THAT Council note the information provided.”

2.0 SUMMARY

Correspondence has been received from Allan and Margaret Leeson with a submission to re-introduce an Information / Interpretative Centre at Burnie. A copy of the correspondence is attached.

3.0 GENERAL MANAGER’S COMMENTS**Background**

The Council’s tourism information centre located in the Makers’ Workshop was closed as a consequence of service reforms made in the 2020/21 financial year. Council has funded and partnered with Business North West in creating a new mobile visitor information centre that will become operational later this year.

Legislative Requirements

There are no legislative requirements.

Policy Considerations

There are no policy considerations.

Financial Impact

The decision to close the visitor information centre was driven by financial considerations. The development of the new mobile visitor information centre has been funded.

There is no budget provision in the draft budget 2022-23 for a new visitor information centre as advocated for in the correspondence attached.

Discussion

Allan and Marg Leeson's passion for a full traditional visitor information centre is acknowledged and respected.

Council will trial the mobile visitor information centre that is currently being developed and planned to be largely resourced by volunteers. As a mobile centre it will be deployed and operated to service events and the broader tourism needs of our visitors. Its effectiveness will be evaluated following its implementation and refinements will be made as needed. There is interest from tourist authorities in our mobile centre as it may provide an alternative model to traditional fixed tourism information centres, which are expensive to operate.

Other ways of providing visitor information in new and creative ways are being explored, such as:

- Council management considering opportunities to make greater use of our existing staff in providing advice and guidance to visitors and our community;
- A pilot 'TouchStay' station has been established at Federation Street, to cater for visitor information largely related to accommodation and destination/experiences in Burnie. If successful it is envisaged this could be implemented at various locations across the City;
- A 'Nothing to See Here' media campaign as a joint venture with Business North West;
- The Discover Burnie App now provides a mobile guidebook for the City;
- Acknowledging that when refurbished and operational the new cultural centre will provide a platform to provide information to visitors to the City.

Risk

There are no strategic risks for Council in relation to this matter.

Consultation

Relevant Council officers have been consulted in preparation of this response.

ATTACHMENTS

- 1 [↓](#). Correspondence from Allan Leeson OAM and Marg Leeson OAM dated 4 May 2022

COUNCIL RESOLUTION**Resolution number: MO084-22*****MOVED: Cr A Keygan******SECONDED: Cr K Dorsey******“THAT Council note the information provided.”***

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

Unit 3/50 North Terrace
Burnie Tasmania
04/05/2022

Mayor, Aldermen and General Manager

SUBMISSION RE RE-INTRODUCTION OF AN INFORMATION/INTERPRETATIVE CENTRE AT BURNIE

We submit that the closure of the Burnie Regional Art Gallery, Burnie Regional Museum, Information Centre and Creative Paper Workshop at Makers' Workshop, and Council's Marketing Department, has had a dramatic affect on the city's reputation as a regional centre and destination. This is based on feedback from many organisations, business people, and in particular tourism-dependant facilities.

Notwithstanding that feedback, it beggars belief that a city of this size and reputation, has not only shutdown an Information/Interpretative Centre without consultation, but has no intention of replacing it.

The writers are well aware of the (financial) reasons for the closure of the Makers' Workshop, containing the Info Centre, Creative Paper and Interpretative displays. We are also aware of an intention to replace the Info Centre with a purpose-built mobile container, with a service counter and tech-based interpretative information.

The latter, apparently, is being developed by Council in conjunction with the Burnie Chamber of Commerce and Industry (Business North West), which during the facility changes, was appointed as a marketing arm of Council.

The mobile information container will be a useful addition to marketing the city, but not a replacement for a fully-fledged Centre.

Of greater concern is that the Council, apparently influenced by the Chamber's tourism committee, has adopted that body's opinion, that tourism centres are outdated and redundant.

Moreover, throughout the (underdone) debate on closure of Council facilities, the Information Centre appears to have had the lowest priority.

Meanwhile, the claim that information centres have been replaced by mobile phones (i.e. new age travellers rely on phones rather than information centres to plan their itineraries) is totally without foundation. Where are the statistics and facts?

Travellers have not, during our 20 years' involvement in Info Centres, relied on them to book accommodation. But they have relied on Info Centres to provide information about accommodation locality, attraction options, medical, fuel, laundry, newsagency, supermarket and other retail facilities, mechanical and caravan repair garages. Most of all, they have sought the welcoming warmth of hospitality from professional and volunteer staff.

If Information Centres are closing, where are they? Meanwhile, they have been embraced on the North-West Coast, with multi-million dollar upgrades at Ulverstone, Sheffield and Circular Head. Waratah-Wynyard's Centre recently won a national award.

Why is Burnie Council reluctant to restore a vital part of our tourism and destination infrastructure? Meanwhile, tourists are by-passing Burnie, and our reputation is suffering accordingly. Where is the evidence? We still observe daily caravans and motor homes turning into the old Makers' Workshop, leaving in bewilderment. Incidentally, we live opposite the old Makers.

Given the Makers' Workshop, and its controversial "gifting" from Council is now in the past, resurrection would mean Council would need to look for an alternative venue. Fortunately, that is right under its nose.

The cultural precinct, housing the Arts and Function Centre, gallery and museum, already has the buildings and parking facilities on the edge of the CBD. And, historically, it has already successfully been the venue for a successful Information and Travel Centre.

Prior to transfer of the Information Centre from the museum to the Makers' Workshop, it housed a purpose-built Information Centre AND successful (Jetset) Travel Centre, plus a 40-seat café in front of the museum. The transfer was controversial, following a Council decision to close the museum, a decision that was overturned after a community petition and public meeting.

Resurrecting that facility would not be a huge task, and could be undertaken in a few weeks. If Council chose not to resurrect the museum, then there would be sufficient space to instal a counter within the Arts and Function Centre, which already has adequate toilet and seating facilities and room to instal interpretation.

Resurrecting the carpark would involve returning the western fenceline commercialised parking bays where they belong - to a community-based meter-controlled facility. Those parks should never have been taken away from an entertainment and cultural public area, and cause great confusion, particularly during night functions. They would provide an excellent area for parking vans alongside the fence.

Given the financial imperatives that influenced Council's closures, the writers believe a resurrected tourism information centre could be achieved by restoring the volunteer base. This has already been achieved in re-opening the Federation Street at the museum.

We beg Council urgently to consider a move that would be seen by the community as a genuine effort to restore Burnie's reputation as a major tourism destination, at least a city that has worked hard to earn its proclamation and regional status.

With the restoration of the cruise ship season just six months away, this decision should have top priority.

Yours sincerely

Allan Leeson OAM FAIM CPM AFIML FPRIA AMusA

Former

Burnie City Council Marketing and Community Services Director, BCC Tourism Information Volunteer Service facilitator, cruise ship visitation facilitator, Director Tas Visitor Info Network, Board Member Tas Convention Bureau, West North West Regional Tourism Ltd, Cradle Coast Authority, President Burnie Tourism Association, Tas Chair and Board Member Aus Airports Assn, Member Tourism Tas North West Zone Marketing Group, Life Member Burnie Chamber of Commerce and Industry

Marg Leeson OAM

Inaugural Tourism Information Service volunteer, Cruise Ship shorex pier liaison and coach tour guide since inception.

MINUTES AND REPORTS OF COMMITTEES**AO093-22 BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE
UNCONFIRMED MINUTES OF MEETING HELD ON 7 APRIL 2022****FILE NO: 2/5/34**

RECOMMENDATION:

“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 7 April 2022.”

SUMMARY

Youth Councillors visited the Intersection Art Space’s Steel and Water Exhibition which included a conversation about community and arts.

Youth Councillors brainstormed activities and event ideas to support LGBTQIA+ young people, families, friends and allies; voted on a major youth event to hold during the year; and voted on merchandise to include in a goodies bag for IDAHOBIT Day.

ATTACHMENTS

1  Burnie City Youth Council Unconfirmed Minutes of Meeting 7 April 2022

COUNCIL RESOLUTION**Resolution number: MO085-22*****MOVED: Cr G Simpson******SECONDED: Cr K Dorsey******“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 7 April 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

Meeting Minutes



Meeting: **BURNIE YOUTH COUNCIL**
 Held on: Thursday 7 April 2022
 Venue: Burnie City Council Chambers
 File No(s): 2/5/34



The meeting opened at 9.15am

		Action
1.	Visit Intersection Art Space Youth Councillors visited the Intersection Art Space's Steel and Water Exhibition for a conversation about community and arts.	
2.	Morning Tea	
3.	Welcome Deputy Mayor Giovanna Simpson commenced the meeting with the Acknowledgement of Country.	
4.	Present: Abbey Granger (PHS), Taleah Smith (PHS), Zeppelin Barnard (HPS), Lilly Singline (RPS), Vincent Sturzaker (RPS), Jacob Singh (RPPS), Ava Foster (RPPS), Ellie Rayner (BPS), Jem Stretton (BPS), Alexia Rowe (LCS), Ruby French (LCS), Kaleb Birchall (PHS), Alec de Bomford (CPS), Jasper Long (CPS), Tilly Hay (MPS), Taya Wells (MPS), Millie Fergusson (BHS) Apologies: Alistair Brett (MRC), Charlotte Loring (MRC), Ava Radford (MRC), Emily McKenzie (HPS) Ex-officio Officers in attendance: Deputy Mayor Giovanna Simpson Project Officer - Olivia Lucas Burnie Works - Allison Daley	
5.	Confirmation of Previous Minutes Motion: <i>That the minutes of 17 March 2022 are accepted as a true and accurate record.</i> <i>Moved: Alexia Rowe Second: Bailey McLaren CARRIED</i>	
6. & 7.	Youth Events & Planning What kind of art activities could be run to support LGBTQIA+ young people, families, friends and allies? <ul style="list-style-type: none"> - Art competition (10 votes) - Paintball run/Colour run (1 vote) - Art classes/Workshops aimed at young people (1 vote) - LGBTQIA+ paintings/Sculptures/Photography (1 vote) 	

	Action
<ul style="list-style-type: none"> - Painting watercolour - Custom LGBTQIA+ clothing - Custom shoes/headbands/socks - LGBTQIA+ based art classes <p>What major youth event would you like to see this year?</p> <ul style="list-style-type: none"> - Concert at the Waterfront with free BBQ. Invite Encore, schools, Burnie High band, partner with Rock Challenge, Emusicians, Stringalong, Burnie Concert band, school choirs (14 votes) - Drive in movie on Wivenhoe Show ground- 2 movies one for young children, 1 for older young people (13 votes) - Learn to play sports that some people can't pay for (3 votes) - Run 4 Money charity (2 votes) - Concert at the Park can have a small entry fee and food to purchase to raise money for a fundraiser of our choice – maybe dance performers. (1 vote) - Massive hide and go seek/games (1 vote) - Team building activities eg. Relay, challenges (1 vote) - Games day/night (1 vote) - Concerts performed by local schools - Walkathon - Fun Run! - Park fun day - Learn to play football - A pool day with life saving lessons - Bands - Concert - Learn to surf - Have a fun activities day by/on the beach - Movie night at the library, like last year. - Musical/play - Band/local band playing in park. <p>What could be included in the goodies bag for IDAHOBIT Day?</p> <ul style="list-style-type: none"> - Tie dye (5 votes) - Pride flags (3 votes) - Wrist bands (2 votes) - Tote bag (1 vote) - Rubbers, erasers, markers - Stickers (1 vote) - Rainbow lollies (1 vote) - Headbands (1 vote) - Fridge magnets - Informative flyers and info about resources for LGBTQIA+ youth - Pride T shirts/clothing 	

3

		Action
	<ul style="list-style-type: none">- Stickers- Pens- Pencil cases- Educational posters around LGBTQIA+.	
8.	Other Business: <ul style="list-style-type: none">- Discussion on the Tasmanian Youth Forum being held on 3 June, advising that free transport will be available for anyone wanting to attend.- YNOT is tentatively booked to attend the May meeting to discuss gambling and the impacts on young people as part of a statewide consultation.	
9.	Next Meeting The next meeting will be held on Thursday 26 May at 9.15am – 11.30am at the Burnie City Council Chambers.	

Signed and dated (upon confirmation at next meeting):

Chairperson_____
Date

MINUTES AND REPORTS OF COMMITTEES**AO094-22 UPPER NATONE RESERVE SPECIAL COMMITTEE UNCONFIRMED
MINUTES OF A MEETING HELD ON 11 APRIL 2022**FILE NO: 2/5/16; 3383617

RECOMMENDATION:

“THAT the Unconfirmed Minutes of Meeting of the Upper Natone Reserve Special Committee held on 11 April 2022, be received for discussion.”

SUMMARY

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

Discussion occurred in regard to a draft works / site management plan.

BCC officers have provided formal feedback on the plan and endorsed for implementation.

ATTACHMENTS

- 1 [!\[\]\(4695f05050b0d393767d0512587d4e50_img.jpg\)](#). Minutes of the Upper Natone Reserve Special Committee Meeting held on 11 April 2022

COUNCIL RESOLUTION**Resolution number: MO086-22****MOVED:** *Cr K Dorsey***SECONDED:** *Cr T Brumby****“THAT the Unconfirmed Minutes of Meeting of the Upper Natone Reserve Special Committee held on 11 April 2022, 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

UPPER NATONE RESERVE SPECIAL COMMITTEE

Minutes of meeting held at the Natone Primary School

11th April 2022

7.30pm – 8.35pm

Present: Ivan Caston, Heather Ross, Richard Franks, Diane Cripps, Ken Dorsey, Gary Neil, Brielle Gray

Apologies: Philip Tustian, Lachlan Girschik

Minutes of Previous meeting: Moved Ken Dorsey, Seconded Richard Franks.
Minutes accepted

Business Arising from previous minutes:

1. Formal response regarding two year management plan to be forwarded to Reserve Committee by the BCC in near future.
2. Gary Neil suggested the committee contact the Page family regarding the proposed moving/re-establishment of the memorial garden.
3. Gary Neil expressed concern about the proposed building of a mountain bike track; main concern was maintenance of a track. Discussion concluded that a cycle track for juniors would take pressure of the main public areas and walking tracks if feasible, rather than a dedicated mountain bike track with jumps and hills.

Correspondence (email) In/Out:

Copy of STT lease agreement provided to committee by BBC.

Notice of next meeting forward to committee members

General Business:

1. Gary Neil suggested an audit be carried out by council parks and reserve staff to highlight dangerous trees and fallen branches that need removal for safety purposes.
2. A proposal was put forward to update the Reserves presence on FaceBook. The recommendation was to start a new FB page with an admin and a moderator with a view to promoting the Upper Natone

Reserve in a positive light, highlighting improvements, facilitates and nature.

3. Discussions were held about possible guest speakers for meetings. Suggestions were as follows: Crane family, Burnie Naturalist Society, Historical Society.

Next meeting to be held at the Natone Primary School, Monday 23rd May at 7.30pm.

Next working bee to be held Sunday 24th April at the Reserve 10-2pm.

Meeting closed at 8.35 pm

AO095-22 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*.

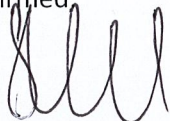
There were no non agenda items.

There being no further business the Mayor declared the Meeting closed at 7.52pm.

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 24 May 2022.

Confirmed:



Simon Overland
GENERAL MANAGER

Date:

28/6/22

Confirmed:



Steven Kons
MAYOR

Date:

28/6/22