



## **MINUTES**

# **Ordinary Meeting**

**TUESDAY, 23 AUGUST 2022**

**7.00PM**

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



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## OPEN SESSION

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# ORDER OF BUSINESS

## OPEN SESSION

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**MINUTES OF THE OPEN SESSION ORDINARY MEETING  
OF THE BURNIE CITY COUNCIL  
HELD AT THE CITY OFFICES ON TUESDAY, 23 AUGUST 2022**

**HOUR:** 6.13pm – 6.14pm  
7.00pm – 7.46pm

**TIME OCCUPIED:** 47 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 Works and Services (D White), Director Corporate (B Lynch), Executive Manager Development Services (S Pearce), Executive Manager Compliance Services (M Peisker), Acting Executive Manager Corporate Governance (E Cumming) and Governance Officer (N French).

**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
AC074-22 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC075-22 CONFIRMATION OF MINUTES OF THE CLOSED SESSION MEETING OF COUNCIL HELD ON 26 JULY 2022	15(2)(g)
AC076-22 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
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AC078-22 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC079-22 SUBMISSION TO SELECT COMMITTEE - INQUIRY INTO THE PROVISIONS OF THE UNIVERSITY OF TASMANIA ACT 1992	15(2)(g)
AC080-22 RATES REMISSION APPLICATION	15(2)(g)
AC085-22 BURNIE AIRPORT CORPORATION	15(2)(c)
AC081-22 NON AGENDA ITEMS	15(2)(f)
AC082-22 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC083-22 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC084-22 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 AC074-22 to AC084-22 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”***

**COUNCIL RESOLUTION****Resolution number: MO154-22****MOVED:** Cr K Dorsey**SECONDED:** Cr G Simpson

***“THAT the meeting be closed to the public to enable Council to consider agenda items AC074-22 to AC084-22 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:

<b>Agenda Item</b>	<b>Title</b>	<b>Brief Description</b>
AC074-22	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC075-22	Confirmation of Minutes of the Closed Session Meeting of Council held on 26 July 2022	A motion to confirm the Minutes of the previous meeting
AC076-22	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC077-22	Burnie Airport Corporation Pty Ltd – Financial Statement and Audit Report 2021-2022	A report to receive the Financial Statement and Audit Report 2021-2022 from Burnie Airport Corporation, of which Council is a unitholder
AC078-22	General Manager's Report – Closed Session	A report that considers various operational updates of a confidential nature
AC079-22	Submission to Select Committee – Inquiry into the Provisions of the University of Tasmania Act	A report to consider a submission to the Select Committee – Inquiry into the Provision of the University of Tasmania Act
AC080-22	Rates Remission Application	A report to consider a rates remission application
AC081-22	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC085-21	Burnie Airport Corporation	A report to discuss correspondence relating to Burnie Airport Corporation
AC082-22	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC083-22	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
AC084-22	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of the 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 Aboriginals as the traditional owners of the land on which we are meeting and on which this building stands.***

## VIDEO RECORDING AND LIVE STREAMING

It is noted that the open session of the meeting will be video recorded and live streamed. The live stream is accessible from <https://webcast.burnie.tas.gov.au/>

The video 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 Richard Chapman of the Burnie Uniting Church.

## AO144-22 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.

Cr K Dorsey declared an interest in Items AO153-22 Community Grants – Burnie Disc Golf Championship and Strongman Competition and AO155-22 Business North West Partnership – 2022-23.

Cr A Keygan declared an interest in Item AO153-22 Community Grants – Burnie Disc Golf Championship and Strongman Competition.

Cr C Lynch declared an interest in Item AO153-22 Community Grants – Burnie Disc Golf Championship and Strongman Competition.

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**AO145-22 CONFIRMATION OF MINUTES OF THE OPEN SESSION MEETING OF COUNCIL HELD ON 26 JULY 2022****RECOMMENDATION:**

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

**COUNCIL RESOLUTION**

**Resolution number: MO155-22**

**MOVED:** Cr T Bulle

**SECONDED:** Cr A Boyd

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

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**QUESTIONS ON NOTICE****AO146-22 QUESTION ON NOTICE - ADDITIONAL DEBT IF ALTERNATIVE FINANCIAL MANAGEMENT STRATEGY WAS ADOPTED****FILE NO:** 15/5/5, 22/23120**PREVIOUS MIN:**

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**THE GENERAL MANAGER** referred to Councillor David Pease's Question on Notice which asked:

*At the April Council Meeting a Motion on Notice (AO59-22) called for an alternative Financial Management Strategy. Using the adopted 2022/23 Budget as a benchmark can the General Manager please determine the additional debt Council would have incurred had this alternative been adopted?*

**COUNCILLOR'S COMMENTS**

An explored alternative to the essentially balanced Budget adopted by Council for the 2022/23 Financial Year was to take 4 more years to return the Budget to surplus. Now that we have adopted the Budget it is possible to broadly forecast the amount of additional debt this rejected Motion would have incurred for the ratepayers of Burnie.

**GENERAL MANAGER'S COMMENTS**

The substantive proposal in the motion on notice AO59-22 was as follows:

*"That Council adjust its Financial Management Strategy to deliver a progressive balanced budget over the next four financial years instead of taking the extraordinary step to balance the budget in one year, so that any deficit delivered in the 2021/22 financial year be progressively spaced out and reduced over four financial years, so that the quantum of revenue sought to produce a balance budget over and above any CPI increase factored at 3.51% be increased by only one quarter of the budget deficit in dollar terms."*

There are a number of variabilities associated with the outlined approach that were insufficiently covered in the Motion to fully understand what was proposed. Therefore in responding to this Motion, officers have made a number of assumptions that have underpinned the methodology used to respond to Councillor Pease's question.

Firstly the Motion seems to assume that revenue and expenses and the expected deficit result will be static, given the notion of applying a quarter of the increase in the out-years following the 2021-22 deficit projected in the FMS. This is not accurate. Each year Council undertakes a budget process that reviews all revenue and expenses and all influences and drivers that impact these known factors.

Therefore officers have assumed in this methodology that expenditure would remain as predicted in the FMS 2031 with the exception of inflationary factors which have increased significantly since the FMS was produced. To not do so given the material impact to the FMS, would distort the true impact of this proposed Motion. The original FMS was predicated on an inflation rate of 1.92% as the average inflation for the five previous years as was consistent with previous FMS methodology, which was the best estimate available at that time. Rates were projected to increase in the first year by 3.51%.

Since then inflation has increased significantly. The annual inflation rate for the Hobart All Groups CPI at 30 June 2022 was 6.51%. Inflationary pressure is expected to continue throughout the 2022-23 financial year and the out-years in question. The long run inflation is still uncertain but will almost certainly be higher than 1.92%.

The estimated increase in expenses due to inflation for Council across the annual budget cycle is therefore estimated to be \$1.59m in 2022-23 based upon an inflation rate of 6.51%, \$910k based upon an inflation rate of 4.5% and \$137k and \$139k in the remaining two financial years based upon a return to the long run inflation rate of 2.3%. Over the period of the four years in question the total increase in expenditure is estimated at \$2.78 million.

In terms of revenue, officers have assumed that revenue would remain static with the exception of rates income which is specifically related to the Motion. The FMS 2031 was predicated on a rate increase of 3.41%, and what is suggested in the Motion was an increase of 3.51% which in essence is an increase of \$25,000 and not considered material. Therefore the methodology officers have used is to recover the deficit over the four years proposed, equally.

The Motion which suggested recouping the projected deficit over the four year period, would have increased rates revenue by an additional 1.3% above the CPI factored into each of the four years (\$333,000 per annum). Over the period of the four years in question this is a \$1.33m million increase in revenue.

Subsequently the impact on the financial result for the four year period would be net additional expenses of \$1.45 million. This would reduce the planned surplus of \$0.852 million over that period to a deficit of \$0.595 million.

The final assumption made by officers was that the Council would preserve the methodology contained in the FMS whereby cash reserves would remain static. This is further supported by the Tasmanian Audit Office, who report Council having an appropriate level of surplus cash over and above its capital and financing needs.

Therefore given that the expenditure of Council would continue to be less than the income it was receiving, this shortfall would need to be financed through borrowings. The two options that would have been available for this would be to take new borrowings, or to finance the deficit through the use of the current COVID-19 loan which has a small amount remaining for strategic capital projects.

The notional cost of servicing this debt (interest) through the COVID-19 concessional loan funds would be \$120,338 (loan assumptions 1.83% fixed interest, 4 annual repayments).



If a new loan were taken out to cover the funding requirement the total cost of servicing this debt (interest) would be \$274,069 over the four year period (loan assumptions 3.87% fixed interest, 4 annual repayments).

In both options, the Council would be using borrowed funds to deliver services, rather than getting a return on its investment through construction of new, improved or renewed community assets. Paying for Council operations through loan funds as has been done for several years now, is unsustainable.

**RECOMMENDATION:**

***“THAT the information be noted.”***

**COUNCIL RESOLUTION**

**Resolution number: MO156-22**

***MOVED: Cr D Pease***

***SECONDED: Cr A Keygan***

***“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***

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**QUESTIONS ON NOTICE****AO147-22 QUESTION ON NOTICE - 2022/23 BUDGET ASSUMPTIONS****FILE NO:** 15/5/5, 22/23120**PREVIOUS MIN:**

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**THE GENERAL MANAGER** referred to Councillor David Pease's Question on Notice which asked:

*Can the General Manager please explain the basic assumptions and estimates surrounding revenue and expenses that form the basis of the 2022/23 Budget?*

**COUNCILLOR'S COMMENTS**

During Budget deliberations and at the July Council Meeting comment was made by a Councillor that they did not support the Budget as Councils financial position will be better than stated as the previous year's financial performance was negatively affected by one off costs such as staff redundancies and the wind up of TasCom.

From these comments it appears there is an inference that the budgeted surplus of \$24,000 is not an accurate figure.

**GENERAL MANAGER'S COMMENTS**

The annual budget estimates are prepared each year, within the context of the Financial Management Strategy (FMS), which is the long term financial projections and objectives set by the Council.

The Council budgeting process begins with the development of individual service plans that outline the services required for the year ahead, taking account of any impacts or drivers which were previously unknown, including directions of the Council. Officers then conduct a review of historical costs, firming up ongoing budget requirements based on contractual and service requirements. It is at this time that officers remove one off income streams in addition to budgets that are either no longer required or which were considered to be previous 'one off' items, such as in the case of the costs associated with the wind up of TasCom and the redundancy payments that will not be occurring into the future.

An important part of the composition of the budget is conducting a review of the external environment for potential impacts on the delivery of council services that includes the economy (inflation, interest rates and demand indicators), social factors, political and legislative changes, technological advances and environmental concerns.

Therefore the budget that has been developed and approved by the Council takes all known one off expenditure and income factors into account. Notwithstanding that, a budget is an

estimate based on key assumptions for the forthcoming year and for that reason, as in any year, the actual result for the 2022-23 financial year may vary.

The material key assumptions in the 2022-23 budget are outlined below:

	Budget 2023 \$'000	Key Assumptions	Variabilities / Uncertainties
<b>Recurrent Income</b>			
<p>Rates and charges</p> <p>This accounts for 73.7% of Council's revenue.</p>	26,085	<p>All rates and charges are modelled by property / tenement based the Adjusted Assessed Annual Value (AAAV) as determined by the Valuer General or are a levied on a fixed dollar fee per service. Full details on how increases were calculated are contained in the Annual Plan and Budget estimates 2022-23.</p> <p>Additionally there is an estimate for new supplementary rates during the year (\$137,000) modelled on the past 5 year average.</p>	<p>This assumption may vary as it is dependent upon supplementary rates which are based upon development activity which is unpredictable.</p>
<p>Statutory fees and fines</p> <p>This accounts for 2.6% of Council's revenue.</p>	910	<p>This is based on income earned from statutory sources e.g. building permits and application fees, fines, licenses and other permits. We use historical data combined with economic forecasts to estimate demand and income.</p>	<p>All of these items are dependent on demand or activity which is unpredictable.</p>
<p>User fees</p> <p>This accounts for 9.8% of Council's revenue.</p>	3,484	<p>This relates to broad use of council services including sporting grounds, waste transfer station, facilities and parking.</p> <p>Income from commercial is included, such as the Cultural Precinct services, functions and events and telecommunications and IT services (formerly Tas Communications).</p> <p>We use historical data combined with service plan goals, project customer demand, service capacity to deliver and economic forecasts to estimate income budgets.</p>	<p>All of these items are dependent on the demand for council services which is unpredictable.</p> <p>For example Cultural precinct activities have been significantly affected in the past 2 financial years due to the COVID-19 pandemic impact on the arts, culture and entertainment sector due to travel and</p>

			movement restrictions.
<p>Grants</p> <p>This accounts for 8.4% of Council's revenue.</p>	2,984	<p>The council receives significant funding from the Commonwealth Financial Assistance Grants which is untied (uncontracted) funding for the Council to use as it sees fit.</p> <p>Other grants amount budgeted reflect executed agreements in place at the time of budgeting.</p>	<p>Contractual funding agreements usually contain performance obligations which must be met before income can be recognised. Potential delays in meeting these requirements may impact income recognised.</p> <p>Any further grant funding received during the year will be additional as it was unknown at the time for budgeting.</p>
<p>Other income</p> <p>This accounts for 1.9% of Council's revenue.</p>	688	This includes income from rental of council facilities governed by contractual arrangements and penalty interest on rates outstanding, levied in accordance with legislation.	Penalty interest is challenging to predict as it depends on the outstanding rates receivable outside of the required payment terms.
<p>Investment income</p> <p>This accounts for 2.3% of Council's revenue.</p>	828	This income relates to the expected dividend from TasWater for 2022-23 in line with its corporate plan 2022-26. This does not include any special dividends.	The dividend is subject to TasWater's financial performance.
<b>Recurrent Expenses</b>			
Employee benefits	11,104	<p>This includes wages, overtime, leave, superannuation, workers compensation, payroll tax, training and other employee related costs.</p> <p>The budgeted positions, or Full Time Equivalent (FTE) for Council is 130.4 FTE. This reflects staffing requirements across all Council services. On costs are calculated as per the</p>	<p>Wages costs will vary depending on staff turnover, vacancy periods caused by an inability to recruit and service demands (i.e. overtime requirements).</p> <p>The performance of council in delivering its planned capital</p>

		<p>Council's enterprise bargaining agreement and legislative requirements.</p> <p>Employee costs that are capitalised are not included, as these form part of the asset constructed.</p>	works program can impact employee benefits expense significantly, especially if there are delays.
Materials and services	11,635	These are the operational costs of delivering council services, such as but not limited to water, electricity, fuel, gas, routine building services, communications, insurance, cleaning, service contracts, materials for council depot services, ceremonial costs, grants and events.	<p>Costs are monitored and managed through routine reporting and performance meetings. Costs may vary depending on service demands.</p> <p>There is currently significant inflationary pressure which will impact services that council provide under contracts which are linked to CPI indexes.</p>
Depreciation and amortisation	8,744	This is the depreciation of council assets, based on existing council assets and planned capital works for the year.	The performance of council in delivering its planned capital works program can impact depreciation.
<b>Capital Items</b>			
Capital grants	11,627	Grants amount budgeted reflect executed agreements in place at time of budgeting and expected construction or purchase of capital assets. Any further grant funding received during the year will be additional.	Capital grant agreements usually contain performance obligations which must be met before income can be recognised. Potential delays in meeting these requirements may impact income recognised.
Developer Contributions	0	The Council does not budget for developer contributions as this is uncertain	Developer contributions are uncertain as they relate to an assumption that development will occur, that requires

			these contributions to be made.
Net gain/(loss) on disposal of assets	(345)	We have reviewed previous 5 years of recurrent disposals and assessed known upcoming disposals to estimate.	Unplanned disposals and the return achievable on disposals will vary.

**RECOMMENDATION:**

***“THAT the information be noted.”***

**COUNCIL RESOLUTION**

**Resolution number: MO157-22**

***MOVED: Cr D Pease***

***SECONDED: Cr C Lynch***

***“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***

**QUESTIONS ON NOTICE****AO148-22 QUESTION ON NOTICE - STATE GOVERNMENT'S HOUSING PROPOSALS FOR BURNIE****FILE NO:** 15/5/5, 22/23220**PREVIOUS MIN:**

**THE GENERAL MANAGER** referred to Councillor Amina Keygan's Question on Notice which asked:

*Could the GM please list each of the State Government's housing proposals for Burnie and list the following details for each:*

- A) Location**
- B) Type of housing stock/proposed use (e.g. private, supported accommodation, emergency accommodation, social housing)**
- C) Type of permit application (e.g. did the DA require exhibition?)**
- D) Type of, if any, community consultation undertaken**
- E) Type of, if any, consultation with Council**
- F) What applications, if any, were passed under the Land Supply Act**
- G) Timeline for completion**

**COUNCILLOR'S COMMENTS**

No further comments.

**GENERAL MANAGER'S COMMENTS**

The data has been captured from 1 January 2020 until present.

The answers to the Councillor's questions are set out in the two tables below -

Location	Type of Housing Stock/Proposed Use	Type of Permit Application	Community Consultation Undertaken	Consultation with Council	Planning Permit Granted	Building Works approved
Hutchinson Street SHOREWELL PARK	Multiple Dwellings x 6 – affordable housing	Discretionary	Public exhibition in accordance with s57 LUPAA when off hold	Nil - Undetermined	Undetermined	Nil
12 Aleeka Court HAVENVIEW	Secondary Residence – youth accommodation	Permitted	Nil	Nil - Approved Under Delegation	29/06/2022	Nil

41-43 Mooreville Road SHOREWELL PARK	Residential Building (Assisted Housing) – supported youth accommodation 16-24 yrs	Permitted	Nil	Nil - Approved Under Delegation	21/02/2022	Under assessment
20 West Mooreville Road PARK GROVE	Residential Building (Assisted Housing) - supported youth accommodation 16-24 yrs	Permitted	Nil	Nil - Approved Under Delegation	20/12/2021	Nil
Hutchinson Street SHOREWELL PARK	Civil Works to service 50 existing residential lots	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	03/12/2021	Currently under civil construction
2 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	16/06/2021	Notifiable work approved 10.05.2022
10 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	30/06/2021	Notifiable work approved 22.04.2022
8 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	30/06/2021	Notifiable work approved 22.04.2022
4 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	07/07/2021	Notifiable work approved 22.04.2022
13 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	06/07/2021	Notifiable work approved 22.04.2022
9 Byrne Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	21/07/2021	Notifiable work approved 10.05.2022
1 Lorymer Place SHOREWELL PARK	Multiple Dwellings x 2 – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	15/07/2021	Notifiable work approved 14.02.2021 under construction
121 Woniora Road SHOREWELL PARK	Multiple Dwellings x 6 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	15/02/2021	Notifiable work approved 07.05.2021 Under construction



Wiseman Street SHOREWELL PARK	Multiple Dwellings x 24 – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA 20	Nil - Approved Under Delegation	15/02/2021	Notifiable work approved 04.10.2021 Under construction
306-310 Mount Street UPPER BURNIE	Residential Care Facility – Youth Crisis Accommodation 13-20 yrs	Permitted	Nil	Nil - Approved Under Delegation	17/03/2021	Permit work approved 19.03.2021 Under construction
2 Nothrop Court SHOREWELL PARK	Single Dwelling – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	14/12/2020	Permit work approved 19.03.2021 Under construction
48 Barnard Crescent SHOREWELL PARK	Multiple Dwellings x 3 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	10/12/2020	Notifiable work approved 18.05.2021
42 Barnard Crescent SHOREWELL PARK	Multiple Dwellings x6 – use not stipulated	Permitted	Nil	Nil - Approved Under Delegation	31/07/2020	Notifiable work approved 12.01.2021 Occupancy issued
26 Barnard Crescent SHOREWELL PARK	Multiple Dwellings x 4 – use not stipulated	Discretionary	Public exhibition in accordance with s57 LUPAA	Nil - Approved Under Delegation	16/06/2020	Permit work approved 09.11.2020 Occupancy issued

**Table 1 – Where a planning permit was required**

Location	Type of Housing Stock/Proposed Use	Type of Permit Application	Community Consultation Undertaken	Consultation with Council	NPR Statement Issued	Building Works approved
7 Byrne Place SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	04/06/2021	Notifiable work approved 22.04.2022
3 Byrne Place SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	13/05/2021	Notifiable work approved 22.04.2022
5 Byrne Place SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	13/05/2021	Notifiable work approved 22.04.2022
2 Byrne Place SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	14/05/2021	Notifiable work approved 10.05.2022

1 Byrne Place SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	14/05/2021	Notifiable work approved 20.04.2022
8 Billett Court SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	20/08/2020	Notifiable work approved 11.01.2021 Occupancy issued
30 Barnard Crescent SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	21/07/2020	Notifiable work approved 11.01.2021 Occupancy issued
7 Billett Court SHOREWELL PARK	Single Dwelling – use not stipulated	No Permit Required under planning	Nil – No Permit Required	Nil – No Permit Required	21/07/2020	Notifiable work approved 12.01.2021 Occupancy issued

**Table 2 – Where a planning permit was not required**

There have not been any planning permit applications lodged to date, on land that was subject to the *Housing Land Supply Act 2018*.

A planning permit has two years to be substantially commenced, without the need to extend the life of the permit.

Notifiable building work and building permit work must be commenced within twelve months of issuance of the Certificate of Likely Compliance and completed within two years, without the need to extend the life of the approval.

**RECOMMENDATION:**

***“THAT the information be noted.”***

**COUNCIL RESOLUTION****Resolution number: MO158-22*****MOVED: Cr A Keygan******SECONDED: Cr C Lynch******“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***

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**MOTIONS ON NOTICE****AO149-22 MOTION ON NOTICE - REMOVAL OF GRAFFITI****FILE NO:** 15/5/2, 22/23117**PREVIOUS MIN:**

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

***“THAT Council authorises the General Manager to negotiate a trial period of service level agreements with organisations to facilitate the clean-up of graffiti from property in the Burnie municipality that is not under ownership of Burnie City Council.”***

**COUNCILLOR’S COMMENTS**

The blight of graffiti in and around our municipality is certainly a cause for concern and is often raised with Council from businesses and residents.

Our Council Officers in our works department do an incredible job of removing graffiti very quickly within our municipality - however, their capacity and ability to do so only extends to graffiti upon Council property. Council does not have the power to remove graffiti from private property without permission. This is a bureaucratic nightmare and the persistence of graffiti deeply effects people’s perceptions about the place in which they live. Arguably, it would be beneficial for Council to have agreements with property owners who are the frequent target of vandals—for example, power poles and boxes, post boxes and the like.

By moving to have this program undertaken on a trial period in the first instance, the potential for success and evaluation is increased.

**GENERAL MANAGER’S COMMENTS****Background**

The presence of graffiti in urban environments contributes to poor public perceptions about safety and amenity of those environments. Council removes graffiti from its own assets, as the evidence indicates that the prompt removal of graffiti is an effective response to help prevent other graffiti being added and to dissuading repetition.

Council has no authority to remove graffiti from assets owned by other government or private entities. The continuing presence of graffiti on these assets can be a source of concern to the Burnie community.

**Legislative Requirements**

There is a range of legislative and legal issues that will need to be considered if this motion is supported by Council.

**Policy Considerations**

There are no current Council policies relevant to this motion.

**Financial Impact**

There will be financial implications if this motion is supported, but no costing has been done at this time. Please see recommended approach, below.

**Discussion**

There is no doubt that graffiti is a concern to many in the Burnie community. Officers are also aware that a number of other Council's have entered into arrangements whereby the Council obtains the agreement of other property owners to remove graffiti from their premises or assets.

It is considered that the intent of the motion is worth exploring, however officers recommend that a 12 month trial be undertaken in an area of the CBD, as this aligns with and supports Council's goal of ensuring a vibrant city centre.

There is a range of legal issues that will need to be worked through including how best to obtain authorisation for Council to undertake graffiti removal from property not owned by Council; liability associated with undertaking any works; and impact on Council's insurance policies. Also given the legal issues and potential cost, evaluating the impact will be important, including to determine whether the trial has a positive impact of reducing the incident of graffiti and improving community perceptions in the trial area.

If supported by Council, it is proposed that officers work through the detail of a trial and bring a proposal forward into the 2022/23 planning and budget processes. Given current resourcing and other priorities already set for this current FY, it will take officers sometime to undertake the necessary legal and policy work and to design a trial. The advantage of taking the proposed trial into the planning and budget process is that it can be evaluated against other Council priorities and required works and any costs included in next year's service plans and budget. It will also enable a 12 month trial period.

The intent of the motion is supported, however it is recommended that the approach recommended by officers is followed to allow proper evaluation of the outcomes and to ensure risks are appropriately identified and managed.

**Risk**

There is a range of legal and operational risks that will need to be worked through in designing a graffiti removal trial within a defined area of the CBD. Proceeding as

recommended will allow time for those risk to be properly identified and mitigations recommended for final deliberation by Council as part of the 2022-23 budget and planning process.

### Consultation

Internal consultations only at this time.

### COUNCIL RESOLUTION

**Resolution number: MO159-22**

**MOVED:** Cr A Keygan

**SECONDED:** Cr K Dorsey

***“THAT Council authorises the General Manager to negotiate a trial period of service level agreements with organisations to facilitate the clean-up of graffiti from property in the Burnie municipality that is not under ownership of Burnie City Council.”***

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

**Against:**

**CARRIED UNANIMOUSLY**

**MOTIONS ON NOTICE****AO150-22 MOTION ON NOTICE - PUBLIC QUESTION TIME****FILE NO:** 15/5/2, 22/23120**PREVIOUS MIN:**

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

***“THAT Council update the policy regarding Public Question Time to allow for questions to be submitted, read and answered without the author being present.”***

**COUNCILLOR’S COMMENTS**

Council is actively embracing digital technology including live-streaming Council Meetings. Given this encouragement of community engagement without the need for a physical presence it would appear appropriate to update the Public Question Time policy.

**GENERAL MANAGER’S COMMENTS****Background**

Public question time in ordinary council meetings is provided for in the *Local Government (Meeting Procedures) Regulation 2015*, clause 31. Clause 31(7) provides that council is to determine any other procedures to be followed in respect of public question time at an ordinary council meeting. Burnie City Council has a long standing practice of only allowing public questions from members of the public who physically attend council meetings.

**Legislative Requirements**

Legislative provisions provided for under *Local Government (Meeting Procedures) Regulation 2015* (the Regulation).

**Policy Considerations**

Under the Regulation council may make other procedures with respect to public questions at ordinary council meetings, provided they do not purport to override the requirements of the Regulation. Council does not have a formal policy regulating public questions but custom and practice has been to require the person asking a public question to be physically present at the council meeting.

**Financial Impact**

None.

**Discussion**

It is open to Council to support the change proposed by this motion. Given the move to stream Council meeting there is a good argument for amending the practice of requiring physical attendance at a Council meeting by the member of the public wishing to ask a question.

If this change is supported by Council, it is recommended that the motion be amended to conform with other sub-clauses of the Regulation, specifically the requirement under clause 31(1) that questions be submitted at least 7 days prior to the ordinary council meeting. Council currently has a custom and practice of allowing public questions to be submitted up until 5pm the day before the ordinary council meeting.

It is likely that the proposed change will result in more public questions and officers will require more time to research and prepare answers.

Council also currently only allows two questions per person as a means of ensuring a fair allocation of the time made available to public questions during each ordinary Council meeting. It is recommended that this position also be ratified as part of this motion, again to ensure a fair allocation of time.

It is therefore recommended that the below alternative motion be considered by Council:

**Alternative Motion**

***“THAT Council resolve regarding Public Question Time to:***

- 1) Allow for questions to be submitted, read and answered without the author being present;***
- 2) Require questions be submitted at least 7 days prior to the ordinary Council meeting at which the question is to be asked; and***
- 3) Permit each person to ask two questions per ordinary council meeting to ensure a fair allocation of the time available for public questions.”***

**Risk**

The alternate resolution manages potential risks around increased questions with too short a time frame to enable full and complete responses to be prepared.

**Consultation**

Internal only.



**COUNCIL RESOLUTION****Resolution number: MO160-22****MOVED:**            *Cr D Pease***SECONDED:**      *Cr C Lynch****“THAT Council resolve regarding Public Question Time to:***

- 1) Allow for questions to be submitted, read and answered without the author being present;***
- 2) Require questions be submitted by Friday prior to the ordinary Council meeting at which the question is to be asked; and***
- 3) Permit each person to ask two questions per ordinary council meeting to ensure a fair allocation of the time available for public questions.”***

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

**Against:**

***CARRIED UNANIMOUSLY***

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**PUBLIC QUESTION TIME****AO151-22 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.

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**Our Process for Public Questions**

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

You can submit your question online at [www.burnie.tas.gov.au](http://www.burnie.tas.gov.au) 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

Ian Jones of Burnie:

**1) AO165-21 MOTION ON NOTICE - TRAFFIC SIGNALS CBD**

**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.*

**03 Dec 2021 NOTE:** *Consultation has commenced with DSG on this request*

**14 Jan 2022 NOTE:** *Awaiting formal comment from DSG.*

**14 Apr 2022 NOTE:** *Still awaiting feedback from DSG. Business Northwest is concerned about the lack of action on this matter. Obviously DSG have either lost the request in their bureaucracy or don't value the safety of our citizens. This motion was raised in response to the unfortunate death of a woman in our CBD.*

***Will the Mayor write to the Minister to get some attention on this matter and ask for a guarantee of action that will protect our visitors and residents?***

The Mayor provided the following response:

Advice has been received from DSG recommending the introduction of an 'early start' walk (i.e. where the pedestrian signal goes green and there is a delay before the vehicle signal goes green). This option is commonly used in CBD areas where pedestrian volumes are higher and allows pedestrians to establish themselves on the crossing and gives drivers a clearer view of any users of the crossing before they commence turning.

It is understood most of the Burnie CBD sites can facilitate this arrangement and DSG will assist in implementing this as a twelve month trial. The response is positive.

**2) 186-21 MOTION ON NOTICE – CBD PLANTING OF RHODODENDRONS**

**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.**

**14 Jan 2022 NOTE: Being considered as part of Cities Gateway project and CBD greening paper.**

***The Gateway Project is a \$5m state government election commitment to provide funding to enhance the entry points to Tasmania's four cities – it goes back to 2019. Business Northwest and Council presented a comprehensive proposal to the government in December 2021. Part of our plan was the beautification of the city for the bicentenary celebrations in 2027. An extract from the Transport Department's website states "Delivery of the Gateway Projects is expected to start in early 2022."***

***Can the Mayor provide an update on this project (and if as I expect nothing is happening) escalate the matter to the appropriate Minister to get action?***

The Mayor provided the following response:

Burnie City Council has received advice from DSG that the department is in the process of having the grants endorsed at which time it will communicate further on the specific details and timeframe of when these will be issued.

Burnie Council has been advised to expect this advice in early October at which time I am hopeful the grants will be issued which will allow council to commence the works (development and design).

Council has provisioned this financial year for development of an urban plan for the CBD, which will include planning for the Gateway Project, so that there is an integrated plan for the presentation of the city area and its approaches. Council expects to start the design work in the next two months.

The Mayor noted another question was received but as the person was not present at the meeting to ask the question, Council will provide a response in writing.

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**CORPORATE AND COMMERCIAL SERVICES****AO152-22 EMERGENCY MANAGEMENT ACT - NOMINATION FOR MUNICIPAL  
EMERGENCY MANAGEMENT COORDINATOR**

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

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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 Douglas White (Director Works and Services) as its appointee to the role of 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. The Deputy MEMC role was nominated at the 24 May 2022 Council Meeting (AO087-22).

This report now recommends the nomination of the MEMC.

**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 Director Works and Services has suitable delegations and authority to fulfil the 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 Director Works and Services to fill the role of 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.

This report recommends the appointment of Mr Doug White (Director Works and Services) to the role of MEMC.

Mr White has held similar positions in his previous role. As NW Regional leader for TasNetworks, Mr White was company representative on the NWREMC and NWFMAC. Previously Mr White has held positions on the Queensland Safety and Health Advisory

Council and The Queensland Coal Mining Board of Examiners. Mr White also possesses formal qualification in risk management issued by Queensland University.

The position has a suitable level of authority within Council to be able to effectively discharge the duties of MEMC for the municipality, in liaison with the General Manager and senior officers as required.

It is recommended that Mr White be nominated to the Minister for appointment to the 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 will be notified of the proposed appointment for awareness, and consultation has occurred with Council officers in the preparation of this report.

## COUNCIL RESOLUTION

**Resolution number: MO161-22**

**MOVED:** Cr C Lynch

**SECONDED:** Cr T Bulle

***“THAT Council nominate to the Minister for Police, Fire and Emergency Management through the SES Director, Mr Douglas White (Director Works and Services) as its appointee to the role of 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***

Cr K Dorsey, Cr A Keygan and Cr C Lynch left the meeting, having declared an interest in Item AO153-22, the time being 7.29pm.

## **CORPORATE AND COMMERCIAL SERVICES**

### **AO153-22 COMMUNITY GRANTS - BURNIE DISC GOLF CHAMPIONSHIP AND STRONGMAN COMPETITION**

**FILE NO:** 17/4/3

**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	2~AN INCLUSIVE AND HEALTHY COMMUNITY
Objective	2.2~The importance of physical and emotional wellbeing is valued and actively adopted by the community.
Strategy	2.2.1~Facilitate a suite of family-focused activities that promote well-being and healthy lifestyles.

#### **1.0 RECOMMENDATION:**

***“THAT Council:***

- 1) Approve a contribution of \$500 from the Community Grants and Programs account for 2022-23, towards the Burnie Disc Golf Championship event to be held between 8 and 9 October 2022;***
- 2) Advise the Burnie Disc Golf Club that as their event is generally conducted annually, and therefore is not adhoc, future requests for funding must be made through the formal annual Community Grants process;***
- 3) Approve a contribution of \$3,250, comprised of \$2,500 cash and \$750 in-kind from the Community Grants and Programs account for 2022-23, towards the Coastal Carnage event to be held on 12 November 2022; and***
- 4) That both grants be subject to late applications being made and administered through the Community Grants portal.”***

#### **2.0 SUMMARY**

The purpose of this report is to seek Council’s consideration for a number of Community Grant applications for the 2022-23 financial year.

#### **3.0 BACKGROUND**

Commencing in the 2022-23 financial year, the Council changed the arrangements around the application and determination of Community Grants.

The new program provides an annual opportunity for community groups and organisations to apply for assistance towards their events and programs for the upcoming financial year.

The opportunity for 2022-23 grants opened in November 2021 and closed in mid-January 2022 to enable consideration of these through the budgeting cycle. The Community Grants supported for the financial year were endorsed as part of the Council's Annual Plan and Budget Estimates 2022-23 at the Council meeting of 28 June 2022.

The intent of the new grants process is to ensure that grants are open to all potential applicants, to enable a more balanced assessment of applications, and to ensure equality and transparency with our community in the distribution of funds.

Eligibility for Community Grants are outlined in the Guidelines **attached**.

These requests are considered late applications on the basis that they have not been included in the formal process. The Council acknowledged however that in changing the Community Grants process that in the transition year there would need to be a flexible approach applied to consider ad hoc request presented during the 2022-23 financial year.

#### **4.0 LEGISLATIVE REQUIREMENTS**

There are no legislative considerations that arise from this report.

#### **5.0 POLICY CONSIDERATIONS**

The Council's Community Grants Guidelines apply to the consideration of this report.

#### **6.0 FINANCIAL IMPACT**

The Council have \$17,680 remaining in the Community Grants and Programs account for the 2022-23 financial year. Should the Council support the recommendation contained in this report, it will require an investment of \$3,750 from these funds.

#### **7.0 DISCUSSION**

##### **Burnie Disc Golf Championship**

An approach has been made from Michael Rubock, President of the Burnie Disc Golf Club, with regard to the upcoming Burnie Disc Golf Championship to be conducted in October 2022. The request seeks a \$500 contribution from the Council towards the event.

The event meets the criteria outlined in the Community Grant Guidelines.

##### **Coastal Carnage Strongman Competition**

An approach has been made from Ryan Summers, Director Iron Born Strength and Conditioning with regard to the upcoming Coastal Carnage Strongman Competition to be



conducted in November 2022. The request seeks a \$2,500 contribution towards the event as well as in-kind support with respect to using and securing an area within the parking precinct adjacent to the South Burnie Yacht Club. The cost of the in-kind contribution is expected to be in the order of \$750 including use of the site and associated staff time to make the necessary arrangements for this.

The event meets the criteria outlined in the Community Grant Guidelines.

It is recommended that support for both events be subject to late applications being submitted through the Council's Community Grants process. This will ensure that the same requirements expected of other successful grant recipients, are applied to these contributions, and enables an efficient administrative process to occur. It will also enable consistency of application in the payment and acquittal of the associated funds.

## 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
Public Safety	Event management	Ensure that the recipients are aware of their obligations for the event, and the need for them to gain appropriate approvals from Council and other organisations as required.

## 9.0 CONSULTATION

This matter has been discussed with the General Manager.

## ATTACHMENTS

1. Burnie Disc Golf Championship - Request for Funding
2. Coastal Carnage Strongman Competition - Request for Funding
3. Community Grant Guidelines

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**COUNCIL RESOLUTION****Resolution number: MO162-22****MOVED:** *Cr A Boyd***SECONDED:** *Cr D Pease****“THAT Council:***

- 1) Approve a contribution of \$500 from the Community Grants and Programs account for 2022-23, towards the Burnie Disc Golf Championship event to be held between 8 and 9 October 2022;***
- 2) Advise the Burnie Disc Golf Club that as their event is generally conducted annually, and therefore is not adhoc, future requests for funding must be made through the formal annual Community Grants process;***
- 3) Approve a contribution of \$3,250, comprised of \$2,500 cash and \$750 in-kind from the Community Grants and Programs account for 2022-23, towards the Coastal Carnage event to be held on 12 November 2022; and***
- 4) That both grants be subject to late applications being made and administered through the Community Grants portal.”***

**For:** Cr S Kons, Cr A Boyd, Cr T Brumby, Cr G Simpson, Cr T Bulle, Cr D Pease.**Against:*****CARRIED UNANIMOUSLY***

Cr K Dorsey, Cr A Keygan and Cr L Lynch returned to the meeting, the time being 7.32pm.

**From:** Michael Rubock  
**Sent:** Monday, 18 July 2022 11:22 AM  
**To:** Bel Lynch  
**Cc:** Councillor Chris Lynch; Sam Rubock; Marijke Enkelaar  
**Subject:** Burnie Disc Golf Championship

Hello Bel

I am contacting you on behalf of the Burnie Disc Golf Club. We are holding our annual tournament, the Burnie Disc Golf Championship, at the Council's course at View Rd Reserve, on the weekend of 8,9 October this year.

Before the incursion of Covid 19, the two previous tournaments, supported by the Burnie Council, were held in 2018 and 2019. The event this year will again be an Open event and disc golfers from around the state, including well established groups in Hobart and Launceston, will be invited to attend.

The Burnie Council very generously supported our major tournament, the Tasmanian Open, when it was held (for the first time outside Hobart) at our course in October 2021. I am writing to you to request some financial assistance for our club to run the Burnie Championship Event this year.

I understand that the cut-off date for funding events such as this has passed, but I am hoping that there is a discretionary fund available to assist us. In 2021, the Council generously provided almost \$5000 to help us run the Tasmanian Open. This Burnie Tournament in October is classified as a 'C' level event by our national body, the Australian Disc Golf Association, and would require nowhere near that financial commitment from Council. We are seeking an amount of \$500. This amount would enable us to mostly meet the costs associated with printing score and caddy cards and publicity materials, event signage around the course and provision of trophies and small mementos for attending competitors.

I hope that the Council will accept this proposal. Could you please pass on our gratitude to Chris and the Works Team for their sterling efforts in making recent changes to our course to ensure that all is in readiness for this upcoming [event.in](#) October.

Yours sincerely

Michael Rubock

President, Burnie Disc Golf Club

July 8<sup>th</sup>, 2022

Burnie City Council  
C/O General Manager Simon Overland  
cc: Councillors

Dear Councillors and Simon,

I write to request financial and in-kind support for an upcoming national qualifying strength event here in Burnie.

I realise that Council has recently committed to a community grants funding round. Because of the effects of COVID and the difficulties this has caused to interstate and national strength sports (border closures, different isolation rules and travel restrictions), it has become increasingly difficult to plan ahead with certainty for these sorts of events. As such, it was not possible to submit a funding application in the last round of community grants. I ask that this proposal be considered outside of this process if possible.

In conjunction with Australia's Strongest, Iron Born Strength and Conditioning have partnered with Burnie's premier strength gym The Strength Den (TSD) to host Tasmania's only nationally qualifying event for Australian Strongman federation competitions. The event will take place on November 12<sup>th</sup>, 2022.

The popularity and participation in strength sports in Tasmania has increased significantly, and since the opening of TSD here in Burnie, powerlifting and strength based competitions have been regular occurrences on Burnie's events calendar. Tasmania has earned it's enviable reputation nationally for hosting great strength based events including powerlifting (the North West Coast recently held the National Titles), strongman and crossfit. The North West Coast has yet to host a strongman competition. There is measureable potential in delivering an event such as this in Burnie and continuing to build on the City's reputation for hosting these types of events.

The event, "Coastal Carnage", is an individual strongman competition. It will be run in the same way that 'The World's Strongest Man' competitions are. The competition will include incredible strength events including a truck pull, car deadlift, yoke carry, stone carry and log medley.

'Coastal Carnage' is a sanctioned event by 'Australia's Strongest' federation and will be hosted and run in partnership by The Strength Den and Iron Born Strength and Conditioning. Each winner of their class (weight and gender) will be invited to compete at the upcoming Nationals in Victoria.

July 8<sup>th</sup>, 2022

The Directors of these organisations, Ryan Summers, Nicholas Baldock and Nathan Hepburn are no strangers to hosting very large and successful strength based events. The Strength Den, in conjunction with Devonport based 'sister' gym, Portside Barbell, regularly host powerlifting and cross-fit competitions that rival those hosted elsewhere in Australia. Recently (June 18/19<sup>th</sup>), the Strength Den hosted the WRPF Tasmanian State Titles in powerlifting. This brought together over 120 competitors over the two-day event, and over 250 supporters each day. Since the beginning of operations, competition participation has increased by 300%.

'Coastal Carnage' will run as a single day event and is likely to bring 150 competitors from across Tasmania and interstate (the event is also a qualifying round for those competitors interstate given the timing of strength sports calendar). These competitors bring with them an estimated 250 people in support roles as coaches and trainers and spectators. This is non inclusive of those in Burnie who would come out to watch this event.

The competitors along with their support crews will likely stay in Burnie for the weekend, given the requirement for a 24 hour weigh in (weigh in on early Saturday morning). This means Burnie accommodation, cafes, restaurants and recreational activities will experience an economic benefit. Additionally, the event will draw sponsorship and community involvement from other businesses and clubs including local food and coffee vans, logistical equipment companies, screen printing services and radio advertising.

Given the space required to host an event of this scale, the time of year, and the seaside landscape Burnie has to offer, it is necessary to host this event outdoors. We would like to host this event using a portion of the South Burnie Yacht Club parking area (see attached picture). This location is a public area with ample parking that will also allow for foot traffic to engage with the event. There are proximate, public amenities available also.

The area would be required from 7am-7pm on November 12<sup>th</sup> to host the competition.

We hereby request financial support for the following;

1. In-kind support of securing the area required in South Burnie Yacht Club parking.
2. Financial support of the following:

Manufacturing of equipment for event: stone platforms, car deadlift frame, shackles for truck pull, modifications to yoke	\$1000
Vehicle hire (truck) and fuel costs to assist in moving equipment from Southern Tasmania to Burnie	\$1000
Printing and advertising materials	\$500
<b>TOTAL</b>	<b>\$2,500</b>

This financial support will be acquitted upon completion of the event.

This financial assistance will be significantly offset by the predicted economic returns to Burnie and its surrounding businesses.

July 8<sup>th</sup>, 2022

Accommodation @ \$75 p/p for 300pp	\$22,500
Food, beverages and recreation @ \$50 pp	\$15,000
TOTAL	\$37,500

There is significant potential for this event to be a recurring annual event hosted in Burnie.

If there is any additional information required, please get in contact. Thank you for consideration of this proposal.

Ryan Summers  
Director, Iron Born Strength & Conditioning  
Mob: 0418755842  
Email: [ironbornsc@gmail.com](mailto:ironbornsc@gmail.com)





## APPLICATION GUIDELINES







*Before you apply for a Community Grant, please read through the information below and Council's Community Grants Assistance Policy. It will give you the best chance of being successful.*

## Objectives of the community grants program

Community Grants are to support projects and events that:

1. Are in line with Council plans and priorities
2. Promote a sense of community and inclusion across Burnie
3. Help residents to be healthy, active or engaged in community life
4. Encourage the development of locally-led and delivered projects and activities, and
5. Support and enable local community groups and organisations to deliver events and services to the Burnie community

## Eligibility

### Who can apply for this grant?

To apply for this grant, your group must:

1. Preferably be a registered (incorporated) not-for-profit club or community group or have the support of one (an auspice); or
2. Be a non-incorporated association able to satisfy Council that the applicant can receive, manage and acquit the grant in an appropriately accountable manner
3. Be based in Burnie or the activity will take place in Burnie
4. Have public liability insurance of \$20 million, or be eligible for community liability insurance under Council's Community Liability Policy
5. Be able to demonstrate support in the community for your organisation or proposal

6. Develop a plan detailing the benefits of what you are proposing
7. Create an itemised budget, detailing how you will spend the funds
8. Submit your application and documentation online and if successful transact and acquit your grant online

### Who cannot apply for this grant?

You cannot apply for this grant if:

- It is for purely commercial purposes
- You are a political party or group, or
- You are a Government agency

### What can be funded?

Community Grants funding is available in two grant streams:

- Minor Grants – up to \$5,000
- Two Major Grants – up to \$15,000

Examples of what you could use this funding for:

- Community, arts or cultural events based in Burnie
- Community, arts or cultural programs to assist Burnie residents or that encourage residents to be social, active or healthy, or
- Equipment that is an essential part of the group's purpose

### What cannot be funded?

We will not accept applications for:

- Funding of events or programs outside of Burnie
- Multiple grants from the one group in a financial year
- Maintenance and improvements of Council assets (but see Maintenance and Improvement Grants program)
- Programs that only advocate religion or faith



- Activities that are due to happen (or have happened) before a decision on a grant application is made, or
- Activities that occur outside of the financial year's funding period

## Grant approvals

### How successful grants are decided?

Your application will be assessed on how well it meets the following criteria:

1. Alignment with Council strategy and priorities
2. Delivery of benefit to the community or part of the community resident in the Burnie municipal area
3. Strength of community support
4. The ability of the group to deliver the project
5. Supplementary funding obtained through other sources to support the project
6. Equitable allocation of grant funds across the community, including to new initiatives and groups or to groups that have not received grant funding support in the previous three years

### If your application is successful

- We will notify you by email
- We will include a funding deed that will set out the purpose and conditions of the grant that you will need to accept, sign and return before the grant is paid to your nominated bank account
- If you have any outstanding payments owed to Council, you will need to clear these before a grant payment is made

### If your application is unsuccessful

- An email will be sent to you explaining why the application was not successful, and
- You are encouraged to reapply in future, provided you meet eligibility requirements.

### Variations to grant applications

If you are successful in obtaining a grant and for some reason wish to change the purpose or scope of the grant, you must first obtain the written approval from Council, completing an application variation request

Your application to vary will be assessed with reference to the original purpose, the reason for the requested variation and the impact on outcomes and cost. You will be advised in writing if your request is successful and will need to sign a new funding deed.

Change of purpose or scope without the prior written agreement of Council may result in immediate cancellation of the grant and a requirement to repay all grant money.

### Auspice organisations

An auspice organisation must know of and consent to act as such before a grant application is submitted and it is the auspice organisation that will be required to sign the funding deed, ensure compliance with its terms and acquit the grant. An auspice organisation need not be based or have a presence in Burnie, but the service, program or event must be delivered in Burnie.

### Events

If you are successful in your grant application, this is approval of funding only. You will still need to confirm facility/venue bookings with the relevant staff and to obtain all other approvals necessary for the event to proceed. Council officers may assist to identify any relevant approval, authorisation or permit, and how to make an application. However, Council officers will not assist in the preparation of any necessary application.



The management and operation of the event is also the responsibility of the grant holder. This includes attending to public health requirements and any other statutory or regulatory obligations.

Requests for community discounts on the hire of Council facilities will need to be made and considered outside of this policy and consistent with Council's relevant charging policy.

### Acquitting your grant

#### Tell us how the grant was used

After you have completed the purpose for which the grant was made, you must tell us how you spent the money and what you achieved. This is known as an acquittal process and you must complete it within 60 days of your event or by 1 August after the close of the financial year if you have been funded for a financial year or years. If your grant is for multiple years you must provide an acquittal by 1 August after the end of each financial year of the grant.

You must keep sufficient records and documentation to fully acquit expenditure of the grant for the approved purpose. Spot audits will be undertaken of some grants and a failure to either properly acquit a grant may result in future grant applications being refused, or if warranted, by referral to Tasmania Police for investigation.

### Funding conditions

#### Additional funding conditions

There are no general additional funding conditions, in excess of those provided in Council's Grant Policy. Specific conditions may be included in funding deeds with individual grant

recipients at the absolute discretion of Council.

Additional conditions may also be required as a condition of grant variation approval, again at the discretion of Council.

### How do I apply for and manage my grant

#### How do I apply for my grant?

Applications must be submitted online at <https://burnie.smartygrants.com.au>

#### How do I manage my grant?

All management of the grant is done online at <https://burnie.smartygrants.com.au>.

You must also provide appropriate bank details into which grant money will be paid.

#### Contact us

Please contact our Community Grants Team for any enquiries about a grant application or your grant.

Ph: 03 6430 5866

Email: [grants@burnie.net](mailto:grants@burnie.net)

INF-CCS-CG-048 v1.0

Cover photo by [Brenna Huff](#) on [Unsplash](#)



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**CORPORATE AND COMMERCIAL SERVICES****AO154-22 COMMUNITY GRANT - TEN DAYS ON THE ISLAND FESTIVAL 2023****FILE NO: 17/4/3****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1~AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.2~A community that celebrates and participates in its arts, culture and heritage.
Strategy	1.2.2~Facilitate and support open community events that embrace our values and celebrate our place.

**1.0 RECOMMENDATION:**

***“THAT Council approve an allocation of \$50,000 from the Community Grants and Programs budget for 2022-23 towards the 2023 Ten Days on the Island Festival to be held in March 2023.”***

**2.0 SUMMARY**

The purpose of this report is for Council to give consideration to providing \$50,000 towards the 2023 Ten Days on the Island Festival.

**3.0 BACKGROUND**

The community of Burnie is fortunate to have Ten Days on the Island operating within its community. This provides an opportunity every two years for the Burnie community and broader region to benefit from local events and festivities.

For this reason the Council has been a strong supporter of Ten Days on the Island since its inception. Consistent with prior festivals, the Council has received a request from Ten Days on the Island to contribute \$50,000 towards the cost of holding a number of events in and around Burnie during the Festival in March 2023.

**4.0 LEGISLATIVE REQUIREMENTS**

There are no direct legislative implications that arise from this report.

**5.0 POLICY CONSIDERATIONS**

The Council's Community Grants program is associated with this report. While the Council has supported Ten Days on the Island by way of a \$15,000 contribution in the current financial year, this amount is associated with the programming and planning for the future event to be held in 2025.

## **6.0 FINANCIAL IMPACT**

Should the recommendation be supported the cost would be \$50,000 allocated from the Community Grants and Programs budget in 2022-23. In the knowledge that this event was occurring in the current financial year, Council has made a provision for the amount in the 2022-23 Annual Plan and Budget Estimates.

## **7.0 DISCUSSION**

Ten Days on the Island presented their draft concepts for the 2023 Festival to councillors at the Council Workshop conducted on 9 August 2022. As the program has not yet been released, councillors may refer to this information on the Council Portal.

The recommendation to support Ten Days on the Island with funding for the festival aligns with Council's new model of being a 'funder' and 'enabler' of events by partnering with other organisations to deliver diverse and vibrant events for the community of Burnie.

Given the impacts of COVID over the past several years on conducting events generally, and the isolation that some in our community have felt during this period, and continue to experience, the benefits of this event are not purely commercial or economic. It is felt that the community of Burnie and the region, would benefit greatly from a wellbeing and connectedness perspective, to be provided the opportunity to attend a world class event such as that planned for the new festival, right here on their doorstep.

In the past, Council's contributions have been a mix of cash contribution and in-kind assistance provided through Council resourcing and the waiver of hire fees.

In the spirit of the new Community Grants program, this year the \$50,000 contribution would be inclusive of all costs, so as to remain consistent with the Community Grant Guidelines and the expectations of other grant recipients.

It is important to note that the contribution provided in 2022-23 from the formal Community Grants round is payment towards the event that Ten Days on the Island will conduct in 2025. The timing of the changes to the new Community Grants program, and the amount offered under the program (two major grants of \$15,000 per annum) has not aligned for this event, which is why this request is seeking Council's consideration of a specific contribution towards the 2023 event.

## **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
Public Safety	Event management	Ensure that the recipient is aware of their obligations for the event, and the need for them to gain appropriate approvals from Council and other organisations as required.

## 9.0 CONSULTATION

Council officers discussed this matter with councillors at the recent Council Workshop held on 9 August 2022.

## COUNCIL RESOLUTION

**Resolution number: MO163-22**

**MOVED:** *Cr G Simpson*

**SECONDED:** *Cr A Boyd*

***“THAT Council approve an allocation of \$50,000 from the Community Grants and Programs budget for 2022-23 towards the 2023 Ten Days on the Island Festival to be held in March 2023.”***

**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***

Cr K Dorsey left the meeting, having declared his interest in Item AO155-22, the time being 7.33pm.

## **CORPORATE AND COMMERCIAL SERVICES**

### **AO155-22 BUSINESS NORTH WEST PARTNERSHIP - 2022-23**

**FILE NO:** 8/5/7  
**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

#### **1.0 RECOMMENDATION:**

***“THAT Council:***

- 1) Adopt the activities outlined in Table 2, as the focus of the partnership between Business North West and the Council for the 2022-23 financial year; and***
- 2) Invite Business North West to provide an update report on the progress of these activities at Council workshops to be conducted in January and July 2023.”***

#### **2.0 SUMMARY**

This report seeks endorsement for the prioritisation of effort for Business North West with regard to activities funded by the Burnie City Council, for the 2022-23 financial year.

#### **3.0 BACKGROUND**

In May 2020, prior to the establishment of what is now Business North West, the Council entered into a Funding Agreement known as the Burnie Promotions Agreement. The Funding Agreement was subsequently passed to Business North West upon its creation.

The Agreement establishes a funding contribution of \$40,000 cash each year, as well as the provision of an administrative resource two days per week (a value of \$35,000 including on-costs) until 2023-24, to enable dedicated resources to the promotion and activation of Burnie including destination marketing. The full value of the partnership is therefore \$75,000 in 2022-23.

In light of the COVID pandemic impacts to Burnie over the past 24 months, in 2021-22 it was determined that because destination marketing and promotions were not such a significant issue due to widespread travel restrictions, that instead Business North West would use the

funds to undertake a number of community activation projects, supplemented by additional events funding to enable additional resources to be obtained.

A summary of the activity required and the delivery upon these requirements is provided below. In reality the change in direction in 2021-22 is not considered to have been successful, for a number of reasons, including the continuing impacts of COVID on events; and resourcing limitations within Business North West. It should be noted conversely however that the Intersection Gallery and the associated three exhibitions that were conducted from this venue would not have occurred without the vision and involvement of Business North West. This venture has been a significant success for the community and region more broadly.

Table 1:

Activity	Activity Description	Benefit Provided
Promotional Image Library	Continue to develop library content and collateral for promotional purposes and the development of written content	There has been a selection of fantastic short videos created that can eventually be used for the website development and advertising campaign
Web Development	Continue the development of web platforms, specifically the 'Burnie – Nothing to See Here' campaign	Work on this platform has been continuing. There is no launch date set as yet
Annual Business Excellence Awards	Host the annual event previously conducted as the Service Excellence Awards	This event commenced being planned but did not get take up or traction from the community and ultimately had to be cancelled
Light up the Tree Christmas Market	Traditional Christmas Tree activation including Christmas market	This event was conducted. The outcome was mixed, there was excellent take up from the community by way of tickets made available but average feedback with regard to the experience
Burnie Mobile Visitor Experience	Creation of a pop up visitor experience hive that is manned by local Burnie Experience Experts (BEEs) who assist in portraying life from a locals perspective	Business North West were not successful in securing the grant for the container. The Council instead picked up the full cost of the container and the fit out. Additionally Council staff have been required to take carriage of the project
Annual Survey	Conduct a sentiment survey of Burnie businesses to establish	This has not been undertaken to date



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	the effectiveness of promotional activities; and the wider community in respect to the value derived from the annual community activation program	
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A new Funding Agreement is due for the 2022-23 financial year and thus the Council, as the custodian of public monies, needs to set the new works program and be satisfied it is receiving fair value for its investment with Business North West.

#### **4.0 LEGISLATIVE REQUIREMENTS**

There are no legislative considerations that arise from this report.

#### **5.0 POLICY CONSIDERATIONS**

There are no policy considerations that arise from this report.

#### **6.0 FINANCIAL IMPACT**

There is provision in the Annual Plan and Budget Estimates 2022-23 for the \$75,000 contribution to Business North West, being \$35,000 wages and the \$40,000 cash component.

#### **7.0 DISCUSSION**

In addition to this Funding Agreement, the Council have also been providing by separate agreement, \$30,000 towards the Renew Burnie project. This project is auspiced under a national umbrella and seeks to fill vacant shop fronts with temporary placemaking or occupants, as a means of reducing the negativity that often results in Cities which have the perception of high vacancy rates.

As this project is not mentioned as part of the Promotions Agreement, Business North West were encouraged to submit a grant application under the new Community Grants Program 2022-23, for the Renew Burnie program. The program is well established and supported and is one of the core projects that Business North West deliver for the community.

The submission made was for a major grant, however was not recommended by the Assessment Panel for funding, on the basis that two other grants were seen as providing more value to the broad community. Therefore at this time there are no funds to continue to deliver this project.

In speaking with Business North West representatives one of the major impediments to their ability to deliver last year's agreement was the ability to engage appropriate resources. This then led to the need for more effort and resource from the three primary Board members who are of course working in a voluntary capacity and have their own businesses to run.

To this end, it is proposed that this year the Council cease having Business North West take carriage of activation projects with a view to instead focus their efforts and attention to things that are currently underway and that fit within their existing resourcing parameters. Council officers are aware also that in 2022-23 there is a major project being undertaken at Table Cape that will require a significant proportion of Business North West efforts.

The program therefore recommends the projects that Business North West be sought to deliver with the \$75,000 (cash and in-kind) investment from the Burnie City Council:

Table 2:

Activity	Activity Description
Promotional Image Library	Continue to develop library content and collateral for promotional purposes and the development of written content, including for the new Pump Track as the priority (exact name yet to be determined)
Web Development	Continue the development of web platforms, specifically the 'Burnie – Nothing to See Here' campaign
Renew Burnie	Continue to run the Renew Burnie program for 2022-23

## 8.0 RISK

There are no specific significant risks that arise from this report.

## 9.0 CONSULTATION

Council officers have discussed this matter with councillors at the Council Workshop held on 9 August 2022.

The matter has been discussed with the President of Business North West.

**COUNCIL RESOLUTION****Resolution number: MO164-22****MOVED:**            *Cr A Keygan***SECONDED:**      *Cr D Pease****“THAT Council:***

- 1) Adopt the activities outlined in Table 2, as the focus of the partnership between Business North West and the Council for the 2022-23 financial year; and***
- 2) Invite Business North West to provide an update report on the progress of these activities at Council workshops to be conducted in January and July 2023.”***

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

**Against:**

***CARRIED UNANIMOUSLY***

Cr K Dorsey returned to the meeting, the time being 7.36pm.

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**CORPORATE AND COMMERCIAL SERVICES****AO156-22 POLICY REVIEW - PERSONAL INFORMATION PROTECTION POLICY  
CP-CCS-CG-008****FILE NO:** 4/14/2**PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3~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 approve the revised Personal Information Protection Policy CP-CCS-CG-008, as attached.”***

**2.0 SUMMARY**

The purpose of this report is to seek Council’s approval for the revised Personal Information Protection Policy CP-CCS-CG-008.

**3.0 BACKGROUND**

The purpose of this policy is to inform those who have dealings with Council of the Council’s policy on how personal information will be managed.

The policy sets out the Burnie City Council’s approach and principles used in managing, handling and protecting the personal information of individuals, and the circumstances under which it may be appropriate to release some personal information.

**4.0 LEGISLATIVE REQUIREMENTS**

***Personal Information Protection Act 2004*** sets out the rules about information handling including how the Council may collect, use, store and disclose personal information.

***Right to Information Act 2009*** provides for greater access to information held by Tasmanian government bodies and encourages proactive disclosure of information held by the Council as well as giving the public access to information in certain situations, upon request.

**5.0 POLICY CONSIDERATIONS**

The Council's Information Management Strategic Framework and Information Security Policy are also important considerations in respect to this matter.

**6.0 FINANCIAL IMPACT**

There are no financial implications that arise directly from this report.

**7.0 DISCUSSION**

The Policy has been reviewed comprehensively to ensure it continues to align with a number of new policy positions taken by the Council over the past twelve months, namely within the Information Management Strategic Framework and the Information Security Policy.

The majority of the changes recommended are administrative in nature.

The only substantive change which has occurred within the draft is to more adequately describe what basic personal information is at section 4.3. This is in order to provide more adequate guidance to staff in operationalising this policy. The provisions of the various Acts enable the release of basic personal information under certain circumstances to other public entities. The current Policy however is not clear on how to make this determination and has therefore been strengthened.

**8.0 RISK**

There is no significant risks that arise from this report. The adoption of this revised Policy ensures the Council is able to meet its statutory responsibilities and is a risk control in itself.


**9.0 CONSULTATION**

This matter has been discussed with the Council's Information Management Coordinator.

**ATTACHMENTS**

1. Revised Policy - Personal Information Protection Policy

**COUNCIL RESOLUTION****Resolution number: MO165-22****MOVED:**            *Cr A Keygan***SECONDED:**      *Cr C Lynch****“THAT Council approve the revised Personal Information Protection Policy CP-CCS-CG-008, 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***

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Personal Information Protection Policy (DRAFT)</b>	
Approved By:	XXX	Document Code:	CP-CCS-CG-008
Doc Controller:	Director Corporate and Commercial Services	Version:	4.0
		Approved Date:	XXX
File:	4/14/2	Next Review Date:	+ 3 years

## 1 PURPOSE

The Council is committed to upholding the right to privacy of all individuals who have dealings with the Council. Council is a Personal Information Custodian under the *Personal Information Protection Act 2004*.

This policy sets out the Burnie City Council's approach to managing, handling and protecting the personal information of individuals in accordance with the *Personal Information Protection Act 2004* and relevant State and Federal legislation. This policy does not apply to public information or information within the public domain.

## 2 OBJECTIVE

To inform those who have dealings with Council of the Council's policy on how personal information will be managed.

## 3 SCOPE

The policy covers personal information that is collected, retained, stored and used by the Council where it is necessary for one or more of the Council's functions or activities.

### What is Personal Information?

Personal information means any information or opinion in any recorded format about an individual –


- (a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- (b) who is alive or has not been dead more than 25 years

Examples of personal information held by the Council include; information relating to individual properties and property owners; the names of complainants and objectors; dog registration information; parking infringement information; rates information; and sensitive information such as tax file numbers and health details.

## 4 POLICY

### 4.1 Appointment of Personal Information Protection Officers

The General Manager will appoint Personal Information Protection Officers to oversee the operation of the Personal Information Policy in consultation with the relevant Director and the General Manager. The Personal Information Protection Officers will liaise with individuals with respect to requests, enquiries and complaints regarding personal information kept by the Council.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Personal Information Protection Policy (DRAFT)</b>	
	Approved By: XXX	Document Code: CP-CCS-CG-008
	Doc Controller: Director Corporate and Commercial Services	Version: 4.0
	File: 4/14/2	Approved Date: XXX Next Review Date: + 3 years

It is appropriate that the Right to Information Officer be appointed to a position of Personal Information Protection Officer. This officer/s will receive customer requests for access to personal information and action these requests; respond to requests in writing; amend personal contact information; and liaise with the relevant departments/sections in relation to information requests and amendments. The Personal Information Protection Officers will consult with the relevant Director and/or the General Manager where appropriate.

#### 4.2 Personal Information Protection Principles (PIPP)

##### 4.2.1. Collection

Council will only collect personal information if it is necessary for one or more of its functions or activities. Certain information is collected in order to comply with laws and regulations.

Whenever the Council collects personal information, the information and the reasons for its collection will be shared with the individual upon request. Any written requests for personal information by an individual are to be forwarded to the Council's Personal Information Protection Officer.

Personal information may be obtained from other government bodies to allow Council to undertake its functions under various legislation.


The Council will only use personal information for the purposes for which it was collected and for any other use authorised or required by law, including law enforcement and compliance activities.

At the time that personal information is collected, or as soon as practicable after collection, an individual will be provided with a copy of the Council's Privacy Statement. The Privacy Statement is a summary of the Personal Information Protection Policy and will be readily available and accessible to the public.

##### 4.2.2. Use and Disclosure

It is the Council's policy that personal information will not be divulged to third parties outside the Council for their independent use unless the person to which the information relates has authorised the Council to do so, or the disclosure is required or allowed under the Act or by law.



 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Personal Information Protection Policy (DRAFT)</b>	
Approved By:	XXX	Document Code:	CP-CCS-CG-008
Doc Controller:	Director Corporate and Commercial Services	Version:	4.0
File:	4/14/2	Approved Date:	XXX
		Next Review Date:	+ 3 years

The Council and its employees will not sell trade or make available personal information to others.

Information provided by individuals will only be used for the purpose in which it was collected, or a related purpose that could be reasonably expected.

Where the Council out-sources functions that involve the collection, utilisation and/or holding of personal information, contractual measures shall be taken to ensure that the contractors and subcontractors do not act in a way that would amount to a breach of personal information standards. The Council will require that these vendors and service companies maintain the confidentiality of this information and abide by all applicable laws. The Council will not permit third parties to sell or use information for their own purposes.

Contracts with third parties will include clear provisions about the purposes for which the contractor is to use the information and other provisions necessary to ensure the contractor does not make unauthorised disclosures. They will also contain provisions about how the contractor is to keep the information secure, and what it must do with the information when it has completed the contracted out activity.

#### **4.2.3. Data Quality**


The Council will take all reasonable steps to ensure that personal information held is accurate, complete and up to date by reviewing its personal information on a regular basis.

#### **4.2.4. Data Security**

Personal information will be handled with care and only used for authorised purposes. The Council will take steps to protect the personal information it holds from misuse and loss and from unauthorised access, modification or disclosure.

The Council maintains appropriate security standards and procedures to help prevent access to confidential information by anyone not authorised to access such information. Employees, Councillors, contractors and volunteers are obliged to assist in maintaining security standards and procedures.

Examples of the types of security measures that Council has implemented and will continue to support include:

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Personal Information Protection Policy (DRAFT)</b>	
	Approved By: <b>XXX</b>	Document Code: <b>CP-CCS-CG-008</b>
	Doc Controller: <b>Director Corporate and Commercial Services</b>	Version: <b>4.0</b>
	File: <b>4/14/2</b>	Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>

- Physical security – Council has adopted measures to prevent unauthorised entry to premises, systems to detect unauthorised access and secure containers for storing paper-based personal information;
- Computer and network security – Council has adopted measures to protect computer systems and networks for storing, processing and transmitting personal information from unauthorised access, modification and disclosure;
- Personnel security – Council has adopted procedural and personnel measures for limiting access to personal information by authorised staff for approved purposes, and implemented controls to minimise security risks to the organisation's IT systems.

Destruction of physical records containing personal information, including personal records is undertaken in a timely manner in accordance with an approved disposal schedule and by secure means. Reasonable steps to destroy paper documents that contain personal information include shredding, pulping or the disintegration of paper.

All computers and office equipment that are removed from use will have all data removed from the hardware. All reasonable steps will be taken to destroy or permanently de-identify electronic personal information that is no longer needed for any purpose.

#### **4.2.5. Openness**

The Council has a Privacy Statement, which is a summary of this policy, readily available and accessible to the public. There is a link to the Privacy Statement on Council's website.


This policy is available to the public at any time.

#### **4.2.6. Access and Correction**

An individual has a right of access to and right to correct information that Council holds about them. An individual can request access to or amendment of personal information held about them by the Council. The Council will respond to any requests to correct inaccurate information in a timely manner.

Verification of the individual's identity must be ascertained prior to the provision to them of the information sought. A request must be in writing and sent to the Personal Information Protection Officer,

#### **4.2.7. Unique Identifiers**

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY	
		<b>Personal Information Protection Policy (DRAFT)</b>	
Approved By: XXX		Document Code:	CP-CCS-CG-008
Doc Controller: Director Corporate and Commercial Services		Version:	4.0
File: 4/14/2		Approved Date:	XXX
		Next Review Date:	+ 3 years

Unique identifiers are used by council to ensure information passed between systems is correct and to enable council to carry out its functions efficiently. Council's unique identifier will not be disclosed unless required to by law.

#### **4.2.8 Anonymity**

Wherever it is lawful and practicable to do so, customers will be given the option of not identifying themselves when dealing with Council. However if Council does not receive all of the personal information requested, Council may not be able to adequately respond to correspondence, process applications, or provide services or facilities that have been requested.

#### **4.2.9 Disclosure of Information outside Tasmania**

Personal information can be disclosed outside Tasmania if authorised by law, as per 4.3 Use of Basic Information, or with the consent of the individual.

#### **4.2.10. Sensitive information**

Sensitive information is defined as; information or opinion about an individual's racial or ethnic origin, political opinions, membership of a political association, religious beliefs or affiliations, philosophical beliefs, membership of a professional or trade association, membership of a trade union, sexual preferences or practices, criminal record, tax file numbers, health information and financial status.


Sensitive information shall not be collected without express consent and unless the collection is required by law.

#### **4.3. Use of basic information**

Basic personal information includes an individual's name, address, published phone number or date of birth. Staff need to be aware that some phone numbers are private and consultation with a Personal Information Protection Officer is recommended prior to any release.

Council may use or disclose personal information about an individual for a purpose other than the primary purpose of collection without the individual's consent if –

- (a) It is a public authority; and
- (b) The information is basic personal information; and

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY <b>Personal Information Protection Policy (DRAFT)</b> Approved By: XXX Doc Controller: Director Corporate and Commercial Services File: 4/14/2 Document Code: CP-CCS-CG-008 Version: 4.0 Approved Date: XXX Next Review Date: + 3 years
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- (c) The use or disclosure is reasonably necessary for the efficient storage and/or use of that information; and
- (d) The information is only used by, or disclosed to, another public sector body.

## 5 LEGISLATION

**Personal Information Protection Act 2004** sets out rules about information handling, including how the Council may collect, use, store and disclose personal information.

**Right to Information Act 2009** provides for greater access to information held by Tasmanian government bodies and encourages proactive disclosure of information held by the Council as well as giving the public access to information upon request.

## 6 RELATED DOCUMENTS

Privacy Statement

Policy Endorsement	
Responsibility:	It is the responsibility of the General Manager to appoint Personal Information Protection Officers. It is the responsibility of the Director Corporate and Commercial Services to operationalise and review this policy. The Information Management Coordinator acts as the primary Personal Information Protection Officer. It is the responsibility of the Governance Unit to maintain this policy within the policy register.
Minute Reference:	XXX
Council Meeting Date:	XXX
Strategic Plan Reference:	Strategy 7.3.1 Ensure Council remains compliant with all its statutory and regulatory enforcement in a fair and effective manner.
Previous Policies Replaced:	This policy replaces the previous Personal Information Protection Policy CP-CCS-CG-008 version 3.0, approved on 18 July 2017, Item AO172-17.
Date of Commencement:	XXX
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 ( <a href="http://www.burnie.net">www.burnie.net</a> )

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**GENERAL MANAGER****AO157-22 POLICY REVIEW - ELECTION CARETAKER PERIOD POLICY (DRAFT)****FILE NO: 4/14/2****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.3~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 approve the Draft Election Caretaker Period Policy, as attached.”***

**2.0 SUMMARY**

The purpose of this report is to seek Council’s approval for the Draft Election Caretaker Period Policy.

**3.0 BACKGROUND**

The Minister for Local Government has written to all Tasmanian Council’s recommending those that do not already have an election caretaker period policy to create one ahead of the local government elections in October 2022. The Minister has indicated his intention to legislate to require such a policy in future.

**4.0 LEGISLATIVE REQUIREMENTS**

None current.

**5.0 POLICY CONSIDERATIONS**

Council does not currently have an election caretaker policy.

**6.0 FINANCIAL IMPACT**

There are no financial implications that arise directly from this report.

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**7.0 DISCUSSION**

The draft Policy has been reviewed by councillors. It is recommended that Council endorse the attached draft policy.

**8.0 RISK**

There are no significant risks that arise from this report. The adoption of this revised Policy ensures the Council is able to meet its statutory responsibilities and is a risk control in itself.

**9.0 CONSULTATION**

Council officers discussed this matter with councillors at a recent Council Workshop and the draft policy was circulated for comments.

**ATTACHMENTS**

1. DRAFT Election Caretaker Period Policy

**COUNCIL RESOLUTION**

**Resolution number: MO166-22**

***MOVED: Cr T Brumby***


***SECONDED: Cr T Bulle***

***“THAT Council approve the Draft Election Caretaker Period Policy, 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***

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Election Caretaker Period Policy (DRAFT)</b>	
	Approved By: Council	Document Code: CP-DEPT-UNIT-XXX
	Doc Controller: Executive Manager	Version: 0.1 draft
	Corporate Governance	Approved Date: DD Mon 20XX
	File: 4/14/2	Next Review Date: DD Mon 20XX

## 1 PURPOSE

- 1.1. Council is committed to the application of good governance principles and high standards of integrity.
- 1.2. It is an established democratic principle that elected bodies should not unnecessarily bind an incoming government during an election period. Council commits to the principle that it will make every endeavour to avoid making major policy decisions that bind an incoming Council.
- 1.3. This policy establishes clear guidelines for the conduct of Councillors and staff in the lead up to a local government general election involving the Burnie City Council and ensures that the ordinary business of Council continues in a responsible, transparent and legally compliant manner in the period leading up to an election.

## 2 OBJECTIVE

- 2.1 The purpose of this policy is to ensure that:
  - a) Major policy decisions are not made by Council in the lead-up to an election that would prove binding for an incoming Council.
  - b) Council resources are not used for the advantage of a candidate in a local government general election.
  - c) The requirement to act impartially in relation to all candidates standing for election is clearly understood.

## 3 SCOPE


- 3.1 This policy applies to elected members and employees of the Burnie City Council for duration of the caretaker period for a local government general election.
- 3.2 This policy does not apply to local government by-elections.

## 4 DEFINITIONS

- 4.1. In this policy:

**"By-Election"** is an election to replace a councillor after the councillor's office becomes vacant.

**"Candidate"** is a person standing for election.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Election Caretaker Period Policy (DRAFT)</b>	
	Approved By: Council	Document Code: CP-DEPT-UNIT-XXX
	Doc Controller: Executive Manager	Version: 0.1 draft
	Corporate Governance	Approved Date: DD Mon 20XX
File: 4/14/2	Next Review Date: DD Mon 20XX	

**"Council"** means the Burnie City Council.

**"Caretaker Period"** is the period from the writ of election through until the close of the polls of the relevant local government general election.

**"Electoral Material"** means any advertisement, handbill, pamphlet, notice, flyer, letter or article that is intended or calculated to affect the result of an election.

**"Election Campaign"** refers to the activities of candidates to win voter support in the period preceding an election and includes activities such as door knocking, bulk emails, production of signs and flyers, telephone canvassing, social media campaigns and advertising.

**"Local Government Act"** means the Tasmanian Local Government Act 1993.

**"Major Policy Decision"** refers to the appointment, remuneration or termination of the General Manager, approval of contracts greater than 1% of Council's net revenue, adoption or renewal of policies, making, amending or repealing of planning schemes and establishment of By-Laws.

## 5 POLICY

5.1 During the Caretaker Period the following provisions shall apply:

5.1.1 Tenure of General Manager – Council shall not appoint, dismiss or renew the contract of a General Manager during the Caretaker Period. An Acting General Manager may be appointed in accordance with Section 61B of the Local Government Act, if required.


5.1.2 Tenders and Contracts – no tender or contract shall be approved by Council for which the total sum exceeds 1% of the Council's revenue as proposed in the forward estimates for the financial year in which the election is to be held.

5.1.3 Planning Instruments – Council will not make, amend or repeal a local planning instrument under the Land Use Planning and Approvals Act 1993 (i.e. a planning scheme, a temporary local planning instrument or a planning scheme policy);

5.1.4 By-Laws – Council will not make a new By-Law during the Caretaker Period.

5.1.5 Policies – Council will not approve or renew any Council policies during the Caretaker Period.



 <b>BURNIE</b> CITY COUNCIL				COUNCIL POLICY	
				<b>Election Caretaker Period Policy (DRAFT)</b>	
Approved By:		Council		Document Code:	CP-DEPT-UNIT-XXX
Doc Controller:		Executive Manager		Version:	0.1 draft
		Corporate Governance		Approved Date:	DD Mon 20XX
File:		4/14/2		Next Review Date:	DD Mon 20XX

5.1.6 Distribution of Electoral Material – no electoral material shall be permitted to be displayed or distributed on any Council owned or managed property.


5.1.7 Use of Council Equipment and Stationery – Council supplied equipment and Council branded material shall not be used by Councillors or staff in any manner that supports a candidate's election campaign. Councillors may continue to use Council equipment and branded material throughout the course of the Caretaker Period to carry out their regular functions as described in Section 28 of the Local Government Act.

5.1.8 Media - Councillors will not use their position as an elected representative, or their access to employees or resources, to gain media attention in support of their, or any other candidate's election campaign.

5.1.9 Council Committees and Groups – a Councillor shall not use their membership of a Council Advisory Committee or appointment as a member of an external group to disseminate information or promote their, or any other candidate's election campaign.

## 6 APPLICATION OF THE POLICY

- 6.1 Nothing in this policy prevents the Mayor, Councillors and staff from carrying on the business of the Council during the caretaker period.
- 6.2 Council meetings shall continue to be held during the Caretaker Period and will consider Agenda items that relate to the ordinary business of Council other than those matters identified in Section 5 of this policy.
- 6.3 The General Manager may still exercise all delegations provided by Council during the Caretaker Period, including the appointment of staff.
- 6.4 Capital works as approved by Council as part of the annual budget process and subsequently approved by the awarding of a tender, can proceed during the Caretaker Period, regardless of their scale.
- 6.5 The Mayor and Councillors will continue to accept invitations to attend community functions and may continue to correspond with constituents on matters related to Council business during the Caretaker Period.
- 6.6 The Mayor shall be the spokesperson for Council in accordance with Section 27 of the Local Government Act and shall carry out the civic and ceremonial functions of the mayoral office during the Caretaker Period.
- 6.7 Individual Councillors may continue to represent the community and facilitate communication between Council and the community for the duration of the Caretaker

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY <b>Election Caretaker Period Policy (DRAFT)</b>	Approved By: <b>Council</b> Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b> File: 4/14/2	Document Code: <b>CP-DEPT-UNIT-XXX</b> Version: <b>0.1 draft</b> Approved Date: <b>DD Mon 20XX</b> Next Review Date: <b>DD Mon 20XX</b>
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Period. In fulfilling these duties during this period, Councillors may claim allowances and expenses as normal.

- 6.8 Council employees shall maintain the normal business activities of Council during the Caretaker Period. Employees shall undertake their duties in an appropriate way and take all steps to avoid any real or perceived support for a candidate in order to protect the organisation's ability to impartially serve any incoming Council following an election.

## 7 COMMUNICATION

- 7.1 This policy will be made available to all staff, Councillors, customers, members of the public and shall be provided free of charge at the Civic Centre and on Council's website [www.burnie.tas.gov.au](http://www.burnie.tas.gov.au)

## 8 LEGISLATION

- 8.1 *Local Government Act 1993*
- 8.2 *Tasmanian Electoral Act 2004*
- 8.3 *Land Use Planning and Approvals Act 1993*

## 9 RELATED DOCUMENTS

- 9.1 Councillor's Code of Conduct Policy CP-CBS-SG-024
- 9.2 Code of Conduct WP-OGM-HR-012

Policy Endorsement	
Responsibility:	
Minute Reference:	
Council Meeting Date:	
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This policy replaces the previous policy ___ version ___ dated ___ (Minute ___, [date]).
Date of Commencement:	
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website: <a href="http://www.burnie.tas.gov.au">www.burnie.tas.gov.au</a>

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**GENERAL MANAGER****AO158-22 BURNIE CULTURAL CENTRE - ARCHITECTURAL PLANS FOR PUBLIC CONSULTATION****FILE NO: 2/17/8****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	1~AN ATTRACTIVE PLACE TO LIVE, WORK AND PLAY
Objective	1.1~A range of vibrant, safe and attractive community spaces.
Strategy	1.1.1~Create and maintain a range of welcoming and attractive spaces across the municipality that foster a sense of community, belonging and pride.

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

- 1) Endorse the Preliminary Architectural Plans for the new Burnie Cultural Centre, as attached.***
- 2) Approve the completion of the Architectural Plans to 100% based upon the principles and concepts outlined in this report.***
- 3) Approve proceeding to a public exhibition period with the community following completion of the Architectural Plans.”***

**2.0 SUMMARY**

The purpose of this report is to seek Council’s endorsement for the principles contained in the architectural plans for the new Cultural Centre **attached**, and to endorse the plans to proceed to community consultation.

**3.0 BACKGROUND**

The Council at its meeting of 24 August 2021 (AO153-21) adopted its vision for the new Cultural Centre within Burnie. The Cultural Centre Report can be found on the Burnie City Council [website](#). The key Cultural Centre concepts within this vision are:

1. A centre for Burnie
2. A centre with creativity at its heart
3. A social centre
4. An active centre
5. An anchor attraction

Following this decision, the Council developed a project Steering Committee which comprises representatives of the Council, the Project Manager, and most importantly two respected members of the community, Tich Ferencz and Eleanor Austin who have a legacy of association with the museum and art gallery respectively, under the current model. Their involvement has been imperative, and will remain so into the future. They have acted as the conduit to the community to ensure the communities varying aspirations and values are reflected in the new Centre.

The Council have since engaged Xsquared Architects to develop the architectural plans for the Centre. The Steering Committee have worked hard over many months to ensure that the plans presented as part of this report, represent the best value for money for the community, and that the building is able to cater for, and deliver upon the vision that has been set for our new Centre.

#### **4.0 LEGISLATIVE REQUIREMENTS**

There are no legislative implications associated with this report.

#### **5.0 POLICY CONSIDERATIONS**

There are no policy implications associated with the report.

#### **6.0 FINANCIAL IMPACT**

The Council received \$5 million from the Federal Government through a previous election commitment for a cultural centre in Burnie. This funding has now been secured by funding agreement and approval provided to redirect the funds from what was the previous approach of construction a new North West Museum and Art Gallery, into the refurbishment of the new Cultural Centre.

Additionally as part of the most recent Federal election, the Council were the benefactor of an additional \$13 million from the new Labor Government towards the new Centre. This funding is yet to be secured formally by way of funding agreement, and staff continue to work through this process with the Federal Government.

The Burnie City Council have also committed \$2 million towards the project which provides a total overall project budget of \$20 million.

The Quantity Surveyor assisting this project has advised that the expected cost of the plans as presented at this time, to be \$17,166,000. This includes a significant contingency given the continual escalation of building costs and services.

The funding provides for the modification and fitting out the building, and undertaking works to the southern façade, and the extension (only) on the northern side. Additional consideration will need to be made at a later date as to the remaining façade, the courtyard and the remaining precinct works.

It is important to note that the courtyard images provided in the architectural plans are not presented as a representation of what is proposed. Following work on the Cultural Centre commencing, there will be a separate Precinct Plan undertaken, which will include the Civic Plaza. The images presented are for illustration purposes only at this time.

## **7.0 DISCUSSION**

Xsquared presented the plans attached to this report to the recent Council Workshop conducted on 9 August 2022, which was designed to test with councillors their feelings around the suitability of the plans presented in keeping with their vision for the new City hub.

Should the Council approve the recommendation contained in this report, Xsquared will complete the development of the remaining plans and images within these documented concepts.

Following this the Council will proceed to consult with the community regarding the draft plans in order to receive feedback on the proposal. This will be a comprehensive community consultation process, with a number of methods used in garnering feedback from a diverse range of community members. Methods used will be:

- Having a 3D visual walkthrough available at various locations for the public to view;
- Having a static exhibition set up at the Burnie Arts and Function Centre where the public can go to see the 3D walkthrough and inspect the associated floorplans and concept images;
- Social media and website engagement;
- Meeting with a number of important stakeholder groups that have expressed an interest in learning first-hand what is proposed;
- Pop up community sessions at the Burnie Arts and Function Centre;
- Pop up community sessions around the municipal area in different and creative ways – such as popping up in shopping centres where there are significant numbers of people;
- Online forums; and
- Online surveys.

Following the capture and consideration of feedback, a further report will be tabled to the Council with the findings of the community consultation.

## **8.0 RISK**

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

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Risk Category	Risk identified	Ways to eliminate or reduce the risk
Strategic	Inability to secure contractors to undertake the work	It is likely that there will only be limited interest in this project so promoting it widely and ensuring that the scheduling of the works is a sound business proposition during the winter months when more contractors are typically available.
Financial	Cost escalation	Complete community consultation and go out for tender at the earliest convenience to mitigate increasing costs.
Financial	Change of vision or scope	Contain the scope of the project to the vision adopted by the Council following community consultation. Manage community expectations around what is possible within the existing funding envelope.

## 9.0 CONSULTATION

The matter has been discussed with the councillors at the Council Workshop held on 9 August 2022.

## ATTACHMENTS

1. Preliminary Architectural Plans - Cultural Centre

**COUNCIL RESOLUTION****Resolution number: MO167-22****MOVED:**            *Cr T Brumby***SECONDED:**      *Cr G Simpson****“THAT Council:***

- 1) Endorse the Preliminary Architectural Plans for the new Burnie Cultural Centre, as attached.***
- 2) Approve the completion of the Architectural Plans to 100% based upon the principles and concepts outlined in this report.***
- 3) Approve proceeding to a public exhibition period with the community following completion of the Architectural Plans.”***

**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***



**Drawing Schedule**

2148 A000	CONCEPT
2148 A001	ENVIRONMENTAL PLAN
2148 A002	PROPOSED SITE PLAN
2148 A003	ENVIRONMENTAL IMPACT PLAN
2148 A004	ENVIRONMENTAL IMPACT PLAN
2148 A005	ENVIRONMENTAL IMPACT PLAN
2148 A006	ENVIRONMENTAL IMPACT PLAN
2148 A007	ENVIRONMENTAL IMPACT PLAN
2148 A008	ENVIRONMENTAL IMPACT PLAN
2148 A009	ENVIRONMENTAL IMPACT PLAN
2148 A010	ENVIRONMENTAL IMPACT PLAN
2148 A011	ENVIRONMENTAL IMPACT PLAN
2148 A012	ENVIRONMENTAL IMPACT PLAN
2148 A013	ENVIRONMENTAL IMPACT PLAN
2148 A014	ENVIRONMENTAL IMPACT PLAN
2148 A015	ENVIRONMENTAL IMPACT PLAN
2148 A016	ENVIRONMENTAL IMPACT PLAN
2148 A017	ENVIRONMENTAL IMPACT PLAN
2148 A018	ENVIRONMENTAL IMPACT PLAN
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2148 A044	ENVIRONMENTAL IMPACT PLAN
2148 A045	ENVIRONMENTAL IMPACT PLAN
2148 A046	ENVIRONMENTAL IMPACT PLAN
2148 A047	ENVIRONMENTAL IMPACT PLAN
2148 A048	ENVIRONMENTAL IMPACT PLAN
2148 A049	ENVIRONMENTAL IMPACT PLAN
2148 A050	ENVIRONMENTAL IMPACT PLAN

**BURNIE CULTURAL PRECINCT**  
77 WILMOT STREET, BURNIE TAS 7320  
AUG 2022 BURNIE CITY COUNCIL

**PRELIMINARY**



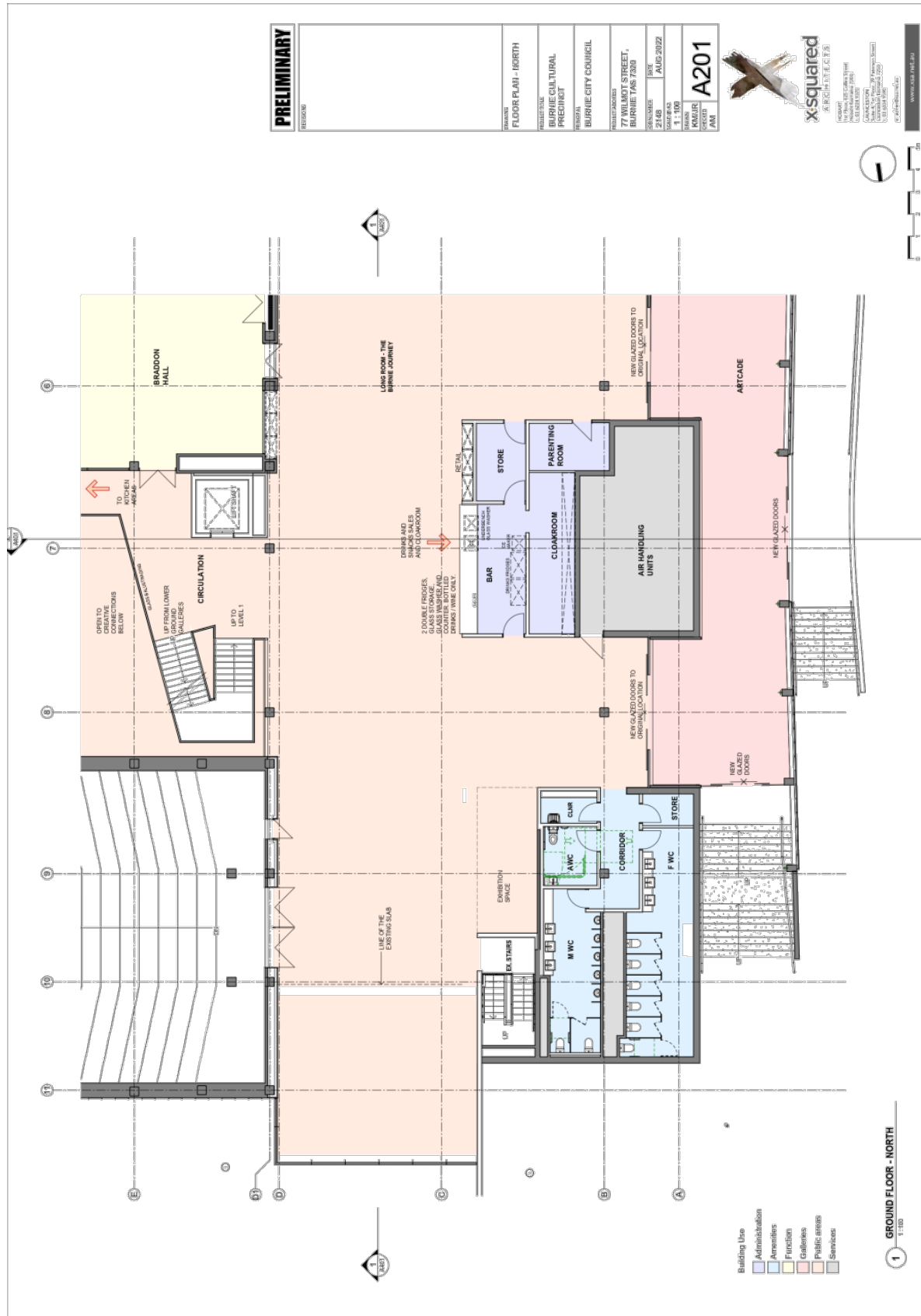
















### LOOK & FEEL- INTERNAL SPACES



ACOUSTIC CEILING BAFFLE



BAR



RECEPTION



LONGROOM



COURTYARD



VERTICAL GARDEN



NEW GLAZED ROOF



TOUGHENED GLASS BALUSTRADE



TIMBER TREADS



FEATURE TIMBER PANELS



POLISHED CONCRETE FLOOR



WALLS AND SUSPENDED PANELS



PERFORATED TIMBER ACOUSTIC PANEL



EXISTING RED BRICK



BLUESTONE PAVING



CONNECTION TO CREATIVE LEARNING SPACES



GLASS ENTRANCE



**MATERIALS PALETTE**  
BURNIE CULTURAL PRECINCT  
77 WALMOT STREET, BURNIE TAS 7320  
AUG 2022 2NAB

A002



BIRD EYE VIEW  
BURNIE CULTURAL PRECINCT  
77 WILLIOT STREET, BURNIE TAS 7320  
AUG 2022 2048







COURTYARD VIEW  
BURNIE CULTURAL PRECINCT  
77 WILLIOT STREET, BURNIE TAS 7330  
AUG 2021 2148





CULTURE CAFE & BAR ENTRY  
BURNIE CULTURAL PRECINCT  
77 WILLIOT STREET, BURNIE TAS 7320  
AUG 2022 2048



A905





CULTURE CAFE & BAR WESTERN SIDE  
BURNIE CULTURAL PRECINCT  
77 WILMOT STREET, BURNIE TAS 7330  
AUG 2022 244





WALNUT STREET VIEW  
BURNIE CULTURAL PRECINCT  
77 WALNUT STREET, BURNIE TAS 7500  
AUG 2022 2448





LONGROOM VIEW  
BURRIDGE CULTURAL PRECINCT  
77 HAMILTON STREET, BURRIDGE VIC 3200  
AUG 2022 244







LONGROOM STAIR VIEW  
BURNE CULTURAL PRECINCT  
77 WILMOT STREET BURNE TAC 7500  
AUG 2022 244



**GENERAL MANAGER****AO159-22 GENERAL MANAGER'S REPORT - OPEN SESSION****FILE NO:** 4/18/2, 22/22317**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 General Meeting
- Burnie Coastal Art Group – 70<sup>th</sup> Anniversary Celebration
- Cocktail Party with Premier Jeremy Rockliff MP and Cabinet
- Meeting with Premier Jeremy Rockliff MP and Cabinet
- Meeting with Renewables, Climate and Future Industries Tasmania (ReCFIT) CEO, Anton Voss and Executive Director, Sean Terry
- Telephone call with Hilton Cohen

**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
18 July	WxNW and TasPorts Cruise Meeting
	Meeting with Ivan Amaro, The Smith Family
20 July	PSC Meeting – BAFC Redevelopment
	Business North West General Meeting
21 July	Meeting with TasNetworks - North West Transmission Developments
25 July	Meeting with Pentarch Group
	Meeting with Business North West
	Cocktail Party with Premier Jeremy Rockliff MP and Cabinet
26 July	Meeting with SGS – Strategic Plan
	Meeting with Premier Jeremy Rockliff MP and Cabinet
	Meeting with Renewables, Climate and Future Industries Tasmania (ReCFIT) CEO, Anton Voss and Executive Director, Sean Terry
27 July	Community Safety Meeting
	Meeting with Stephen Sheridan, Allan Leeson and Marg Leeson
29 July	Local Government Learning and Development Framework – Working Group Meeting
	Electrifying Everything Webinar with Saul Griffith
	BCC / UTAS Fortnightly Webinar Meeting
1 August	TasNetworks Workshop - community benefits sharing program for the North West
3 August	PSC Meeting – BAFC Redevelopment
	Burnie Court Stakeholder Reference Group Meeting
	West Park Sports Facility Working Group Meeting
4 August	Meeting with TasNetworks
8 August	WxNW and TasPorts Cruise Meeting
	Meeting with xSquared Architects
	Teleconference with Janelle Allison
9 August	Meeting with SGS – Strategic Plan
	Remaining North West Transmission Development Social Impact Assessment
	Audit Committee Meeting
	Meeting with Ian Jones, Business North West
10 August	Cradle Coast General Manager's Meeting
	Meeting with 2PM – Digital Transformation Project
11 August	Digital Transformation Project Workshop



Date	Meeting / Function
	General Manager's Workshop
12 August	BCC / UTAS Fortnightly Webinar Meeting

### 2.3 NOTIFICATION OF COUNCIL WORKSHOPS

Workshop	9 August 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	Ten Days on the Island Update – Representatives in attendance
	Business North West Funding Agreement
	Burnie Arts and Function Centre Architects Brief – Concept Design - Representatives in attendance
	Out of Session Workshop Briefing Papers
	General Manager's Update

### 2.4 CORRESPONDENCE FOR NOTING

Local Government Code of Conduct Panel – Code of Conduct Determination Report – 1 August 2022.

General Manager has been advised this Determination will be appealed and accordingly the advice is that Councillors ought not make any comment.

### 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. Code of Conduct Panel - Determination Report
2. Open Session - All Actions - 26 July 2022
3. Open Session - Outstanding Actions Nov 2020 to Jun 2022

**COUNCIL RESOLUTION****Resolution number: MO168-22****MOVED:**            *Cr A Keygan***SECONDED:**      *Cr G Simpson****“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***

Section 28ZK (7) of the *Local Government Act 1993* requires that any person who receives a determination report must keep the determination report confidential until the report is included within an item on the agenda for a meeting of the relevant council. Failure to do so may result in a fine of up to 50 penalty units.

*Local Government Act 1993*

CODE OF CONDUCT PANEL DETERMINATION REPORT  
BURNIE CITY COUNCIL CODE OF CONDUCT

Complaint brought by Councillor Amina Keygan against Councillor Ken Dorsey

Code of Conduct Panel

- Jill Taylor (Chairperson)
- Penny Cocker (Local Government Member)
- Anthony Mihal (Legal Member)

Date of Determination: 1 August 2022

Content Manager Reference: C23924

Summary of the complaint

A code of conduct complaint was submitted by Councillor (Cr) Amina Keygan to the General Manager, Burnie City Council on 29 March 2022.

The complaint relates to comments made by Cr Dorsey that were reported in the Advocate Newspaper on 2 January 2022, and comments published by Cr Dorsey on Facebook on or about 1 January 2022. Those comments related to the death of 17 penguins killed by a dog on the Burnie foreshore on 1 January 2022. The comments were critical of the Council and councillors.

The Complainant alleges that by making the comments, Cr Dorsey breached the following parts of the Burnie City Councillor's Council Code of Conduct, approved on 19 February 2019 ("the Code").

*PART 3 – Use of office*

- (1) *The actions of a Councillor must not bring the Council or the Office of Councillor into disrepute.*

*PART 7 – Relationships with community, councillors and Council employees*

- (1) *A councillor –*
- (a) *must treat all persons fairly; and*
  - (b) *must not cause any reasonable person offence or embarrassment; and*
  - (c) *must not bully or harass any person*

*PART 8 – Representation*

- (1) *When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.*
- (2) *A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.*
- (3) *A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.*

- (5) *A councillor's personal views must not be expressed publicly in such a way as to undermine the decisions of the Council or bring the Council into disrepute.*
- (6) *A councillor must show respect when expressing personal views publicly.*
- (7) *The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.*

The impugned comments in the Advocate Newspaper were published in an article with the headline "Burnie City Councillor Ken Dorsey Slams Lack of Penguin Protections". The specific comments made in connection with death of the penguins were, "I can't be more disappointed right now with my fellow councillors, our mantra right now is 'it's not our responsibility'" and, "we are a do-nothing Council".

The impugned comments published on Facebook include those in a post in which Cr Dorsey 'shared' an article published on the Advocate Newspaper website about the death of the Penguins and wrote the following:

*I have been fighting to protect the Penguins with opposition from councillors who want to wait for the University? We can't even put up signs? Outrage is the best term I have for this, waiting for the University to do something is like waiting for the snow in February (unless they want free land). When discussed in Open Council, Council officers argued against taking action, the result – more deaths. 20 million years of inhabiting the Burnie shoreline to be undone by unconcerned Councillors. Unbelievable.*

The Complainant said that 55 comments were made on the post, including the following that were made by Councillor Dorsey, which the complainant also sought to impugn:

*We are incapable of making simple decisions*

*Council chose to do nothing*

*We declared Burnie to be a penguin sanctuary that included education signage [sic] and promotions. We did nothing. If we try nothing, we can't judge effectiveness and we now know that doing nothing obviously didn't work.*

*Interpretive signs will do nothing.*

*It doesn't take a lot of planning to erect signs that we agreed to a few years ago. It does this group of people [sic]. Hopeless.*

*Too hard for councillors to take a simple stand – we wait. The city waits, art galleries wait, sport centres wait. Watch this space while we wait for more deaths. Hopeless.*

*While penguins are being killed – we wait. Hopeless! What I expect to those who voted to do nothing will cry crocodile tears – and say they are. They cared enough to do nothing more than wait.*

*We are a do-nothing council*

*I can't be more disappointed with my fellow councillors*

*Our mantra right now is it's not our responsibility*

Further comments were made by Cr Dorsey on a post published by the Burnie Penguin Observation Centre which also shared the same Advocate Newspaper article about the death of the Penguins. Those comments were as follows:

*I am so sorry, the Council bears some responsibility and I am forever remorseful. I am angry and embarrassed by our Council's lack of action. We knew there were feral cats in the rockery, but we chose to do nothing. Requesting signs was ignored – these are not good people. Good people act.*

#### Initial assessment

Following receipt of the complaint, the Chairperson conducted an initial assessment of the complaint in accordance with the requirements of section 28ZA of the Local Government Act 1993 (the Act). Having considered the provisions of sections 28ZB and 28ZC of the Act, the Chairperson determined to dismiss the

part of the complaint relating to Part 7.1 (a), (b) and (c) of the Code in accordance with 28ZB (1) (b) as that part of the complaint did not substantially relate to a contravention of those parts of the Code.

The Chairperson determined that the balance of the Complaint was to be investigated and determined by the Code of Conduct Panel because she did not consider that any of the matters in section 28ZB(1) and 28ZC(1) of the Act applied to the remaining parts of the complaint, namely Parts 3.1, 8.1, 8.2, 8.3, 8.5, 8.6 and 8.7.

The complainant, respondent councillor and the General Manager were notified of the outcome of the initial assessment and the reasons for it by letter dated 26 April 2022.

#### Investigation

In accordance with section 28ZE of the Act, the Code of Conduct Panel investigated the complaint.

The Panel considered the written complaint submitted under a statutory declaration dated 29 March 2022, Cr Dorsey's response under statutory declaration dated 17 May 2022, an email with further submissions from Cr Dorsey dated 20 May 2022, and an extract from minutes of meeting of Burnie City Council held on 18 August 2020 submitted by Cr Dorsey.

The Panel determined that further information was required to investigate the complaint. The Panel wrote to Cr Keygan on 31 May 2022 requiring the following information:

- Part 8.1 – Identify and provide copies of the policies of the Council that you say Cr Dorsey misrepresented and identify the decisions of the Council, including their dates, that you say Cr Dorsey misrepresented.
- Part 8.2 – Identify the specific information obtained by Cr Dorsey in the performance of his councillor duties that you say Cr Dorsey misrepresented.
- Part 8.5 – Identify the Council decision, including the date of that decision, about which you say Cr Dorsey expressed a personal view.
- Part 8.7 – Describe the behaviour of Cr Dorsey, including dates, that you say adversely affected the reputation of the Council and how you say that behaviour adversely affected the reputation of Council [LIST information]. Cr Keygan alleged that in making the impugned comments, Cr Dorsey had misrepresented Council in relation to its position on the protection of the penguins. She alleged that Cr Dorsey had publicly stated that Burnie "was a do nothing" Council in relation to this issue, which she claimed was untrue. Cr Keygan provided information on how Council had addressed this matter over recent years, working with other instrumentalities where appropriate, regarding the protection of penguins on the Burnie foreshore.

Cr Dorsey provided further submissions to the Panel by email on 2 June 2022. Cr Keegan provided her response to the request for information and further submissions by email to the Panel on 7 June 2022.

Cr Dorsey did not dispute that he had made the relevant comments. He said that he had apologised at a subsequent Council meeting and had removed the entire social media post.

In accordance with section 28ZG(2)(b) of the Act, the Code of Conduct Panel determined that the complaint could be investigated without a hearing because it could be adequately conducted by means of the written submissions provided by the parties and an examination of the documentary evidence. In the Panel's view, neither party would be disadvantaged if a hearing was not held and it was appropriate not to hold a hearing in the circumstances. Those circumstances included that the parties submitted that a hearing was not necessary. The Panel's only task was to determine whether the making of the comments was a breach of the Code, because Cr Dorsey did not dispute that he made the relevant comments or the relevant facts generally.

The Complainant included other matters of complaint against Cr Dorsey relating to alleged conduct on 29 July 2021 and earlier. Section 28V(3)(f) provides that a complaint must be lodged within 6 months after the alleged contravention of the Code. The Complainant submitted that those earlier matters of complaint were a series of separate incidents that taken together form the subject matter of her complaint and therefore pursuant to 28V (4) of the Act, the time for her to make her complaint runs from the last of the series of incidents on 2 January 2022.

The matters of Complaint from 29 July 2021 relate to Cr Dorsey's criticism of the Cradle Coast Authority and an allegation that he made a misleading statement about how much the Burnie City Council would save by ceasing its membership of the Authority. The Complainant alleged Cr Dorsey breached the Code when his comments criticising the Mayor of Devonport in connection with another determination of the panel and that Council's Providore Place Development on 23 August 2020. The complainant alleged that Cr Dorsey breached the Code when on 20 October 2020 he asked a Question on Notice about whether or not she apologised for her absence at a briefing of councillors when she had already told him she had. Further alleged breaches included a post on Facebook on 8 January 2019 in which Cr Dorsey wrote about a motion to the Local Government Association of Tasmania to change the name 'alderman' to 'councillor' including that councillors had 'voted for mediocrity', comment made on 10 December 2019 that "four councillors voted to consider the region in preference to Burnie", comments published in the Advocate Newspaper on 16 July 2019 including that there was a lack of community involvement on the part of some councillors.

The phrase 'a series of separate incidents' means a succession of similar or similarly related incidents that occur over a period of time. The Panel could not determine that there was any unifying feature of the above incidents, such that they could be considered to form the subject matter of one complaint. They are separate incidents that relate to different matters. They are not similar except to the extent that they all involve allegations about the conduct of Cr Dorsey and some relate to what he has alleged to have written on Facebook or said to journalists. The Panel cannot find that they are a series of separate incidents.

Accordingly, the Panel disregarded those matters of complaint and any document submitted by the Complainant that did not relate directly to Cr Dorsey's conduct on 1 and 2 January 2022.

#### Determination

As per section 28ZI of the Act the Code of Conduct Panel does not find that Cr Dorsey breached the Code of Conduct, and therefore the Code of Conduct Panel dismisses the complaint.

#### Reasons for determination

The Panel concluded that Cr Dorsey expressed strong opinions publicly about his belief that the Council could have done better in providing a sanctuary for penguins on the Burnie foreshore. However, statements made by Cr Dorsey, whilst critical of the role Council played, were not such that the Panel could find that they were a breach of the Code. There is a line between legitimate criticism and expression of opinion by a councillor about his or her fellow councillors or council and statements that are misleading, insulting, abusive or otherwise causative of reputational damage. The line must be clearly crossed before the Panel can determine that a breach of the Code has occurred. Here, the Panel could not be satisfied that the line was crossed.

In relation to the specific alleged breaches of the Code the Panel determined as follows-

##### *Part 3.1 and Part 8.5 – Bringing the Council into disrepute*

As indicated previously, whilst Cr Keygan expressed strong personal views and was critical about, in his view, the way Council had failed to protect penguins, the Panel could not find that in doing so he clearly brought the Council or role of councillor into disrepute. A Councillor can express strong criticism about a council without bringing it into disrepute as an organisation. Similarly, a councillor can strongly criticise his or her fellow councillors without bringing the office of councillor into disrepute. For the Panel to find that there is a breach of these parts of the Code, it needs to be positively satisfied that the organisation or the 'role of councillor' was in fact brought into disrepute. There was no such evidence. This Part of the complaint is dismissed.

##### *Part 8.1 – accurately representing policies and decisions of Council*

The Panel requested Cr Keygan to provide details of any policies or decisions made by Council that she alleged Cr Dorsey had misrepresented. Her response of 7 June 2022 did not identify any specific policies or decisions of Council; only that Council resolved to declare Burnie a "Fairy Penguin Safe Haven" on 18 August 2020. As no evidence was presented that Cr Dorsey misrepresented any particular policy or decision of Council the Panel dismisses this Part of the complaint.

##### *Part 8.2 – not knowingly misrepresenting information*

This part of Cr Keygan's complaint was that Cr Dorsey had misrepresented information he gained through his role as a councillor. The effect of Cr Keygan's submissions were that Cr Dorsey had information about the Council's partnerships and funding relating to the protection of penguins and he misrepresented that information by his statements to the effect that the Council had done nothing to protect the penguins. In order to find that Cr Dorsey had misrepresented information, the Panel must be able to identify the specific information that is alleged to have been misrepresented and identify specifically how the councillor misrepresented the information. Here the Panel cannot because Cr Dorsey's comments were not about specific information he had gained in the course of his duties. He was expressing an opinion about the activities, actions and perceived lack of action on the part of the Council and his fellow councillors. The Panel dismisses this Part of the complaint.

*Part 8.3 – not speaking on behalf of Council*

There was no evidence that Cr Dorsey indicated that he was speaking on behalf of Council in the article in the Advocate newspaper of 1 January 2022. In fact, he was quite clearly indicating that the views were his in saying, "I couldn't be more disappointed with my fellow councillors...". In relation to the Facebook posts, it was similarly plain on their face that Cr Dorsey was personally criticising the Council, not speaking on its behalf. The Panel dismisses this Part of the complaint.

*Part 8.5 – not undermining decisions of Council*

Whilst Cr Dorsey spoke publicly of his frustration with what he perceived as inaction by Council and his fellow councillors his remarks could not be construed as anything other than a councillor expressing a personal view. In order to be satisfied that in expressing those personal views, the councillor undermined a decision of Council, the Panel must be able to identify the specific decision that it is alleged the councillor undermined. The Complainant could not identify such any such decision when asked to do so by the Panel. There was no evidence before the Panel from which the Panel could identify such a decision. The Panel dismisses this Part of the complaint.

*Part 8.6 – showing respect when expressing views publicly*

Cr Dorsey lamented that in his opinion his fellow councillors did not show the same level of commitment as he. He described the Council as a "do nothing council" despite, according to Cr Keygan, Council having made efforts over recent years to address the penguin problem through partnerships and funding. Whilst this may have been strong criticism of his colleagues, and even arguably unfair criticism, the Panel cannot find it amounted to disrespect of them. That finding might have been open if for example the councillor used abusive language or the criticism was outlandish. Nothing the Panel could discern made the expression of criticism in itself disrespectful. The Panel dismisses this Part of the complaint.

*Part 8.7 – not reflecting adversely on reputation of Council*

The Panel concludes that whilst Cr Dorsey has been critical and outspoken on the penguin issue, a reasonable person would construe these as Cr Dorsey's personal opinion about the action or inaction of the Council. A councillor can criticise his or her own council without potentially reflecting adversely on the council's reputation. No organisation has a reputation of being perfect and beyond criticism. In order to find that the Councillor's criticism could potentially harm the Council's reputation, again, the Panel would have to identify some particular feature of the criticism that goes beyond a legitimate expression of personal opinion. The Panel cannot and there is no evidence of actual reputational damage. The Panel dismisses this Part of the complaint.

### Timing of the Determination

In accordance with section 28ZD (1) a Code of Conduct Panel is to make every endeavour to investigate and determine a code of conduct complaint within 90 days of the chairperson's determination that the complaint is to be investigated.

The Panel has been unable to determine the complaint within 90 days, owing to the following factors:

- A request by the respondent for a time extension
- The Panel requiring further information from the complainant
- Short periods of unavailability of Panel members

**Right to review**

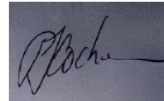
A person aggrieved by the determination of the Code of Conduct Panel, on the ground that the Panel failed to comply with the rules of natural justice, is entitled under section 28ZP of the Act to apply to the Magistrates Court (Administrative Appeals Division) for a review of that determination.



Jill Taylor  
Chairperson



Anthony Mihal  
Member



Penny Cocker  
Member

DATE – 1 August 2022



**Council Meeting Action Report**

All Actions for Open session of 26 July 2022

Date From: 26/07/2022  
Date To: 26/07/2022  
Printed: Tuesday, 16 August 2022Key: RES = Action arising from Resolution; ACT = Action required in addition;  
QON = Question on Notice; NOTE = Progress Note

Item Number	Report Title	Action	Department	Completed
AO132-22	MOTION ON NOTICE - MEETING TIMES FOR COUNCIL MEETINGS AND COUNCIL WORKSHOPS	<b>02 Aug 2022</b> ACT: Submit motion to next LGAT meeting to adopt a policy position to ensure that council meeting and workshop times occur at times that are conducive to facilitate increased participation, as per Council Resolution AO132-22.	Office of the General Manager	
Council 26/07/2022				
AO134-22	UPPER NATONE RESERVE SPECIAL COMMITTEE APPOINTMENT OF COMMITTEE	<b>02 Aug 2022</b> ACT: Notify new members to Upper Natone Reserve Special Committee, update the Register of Members and provide relevant information, per Council Resolution AO134-22 <b>09 Aug 2022</b> Completed - Letters sent to new committee members 22/21366. Special Committee Members Register updated.	Corporate and Commercial Services	9/08/2022
Council 26/07/2022				
AO135-22	ANNUAL PLAN 2021-22 PROGRESS REPORT TO 30 JUNE 2022	<b>02 Aug 2022</b> ACT: Refer to the Audit Panel <b>03 Aug 2022</b> Completed - Tabled at Audit Panel meeting held 9 August 2022	Corporate and Commercial Services	3/08/2022
Council 26/07/2022				
AO136-22	POLICY REVIEW - COMMUNITY LIABILITY POLICY CP-CCS-CG-025	<b>02 Aug 2022</b> RES: Finalise the Community Liability Policy in the corporate document framework and publish, per Council resolution AO136-22 <b>10 Aug 2022</b> Completed - Policy finalised and published.	Corporate and Commercial Services	10/08/2022
Council 26/07/2022				
AO136-22	POLICY REVIEW - COMMUNITY LIABILITY POLICY CP-CCS-CG-025	<b>02 Aug 2022</b> ACT: Provide a copy of the revised Policy to the Events team <b>10 Aug 2022</b> Completed - Updated policy provided to events team.	Corporate and Commercial Services	10/08/2022
Council 26/07/2022				
AO140-22	GENERAL MANAGER'S QUARTERLY INFORMATION REPORT CORPORATE AND COMMERCIAL SERVICES - JUNE 2022	<b>02 Aug 2022</b> ACT: Refer to the Audit Panel <b>03 Aug 2022</b> Completed - Tabled at Audit Panel meeting held 9 August 2022	Corporate and Commercial Services	3/08/2022
Council 26/07/2022				
AO141-22	BURNIE CITY COUNCIL AUDIT PANEL - CHAIRPERSON'S REPORT - 8 JUNE 2022	<b>02 Aug 2022</b> RES: Prepare acknowledgment letter from Mayor to Audit Panel Chair for letter dated 29 June 2022, per Council Resolution AO141-22 <b>03 Aug 2022</b> Completed - Prepared, signed and tabled at Audit Panel meeting held 9 August 2022.	Corporate and Commercial Services	3/08/2022
Council 26/07/2022				

**Council Meeting Action Report****Outstanding Actions for Open Sessions Nov 2020 – Jun 2022**

**Date From:** 17/11/2020  
**Date To:** 30/06/2022  
**Printed:** Tuesday, 16 August 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
AO265-20	MOTION ON NOTICE - DUAL NAMING POLICY	<p><b>18 Nov 2020</b> 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><b>14 Apr 2021</b> NOTE: Written to TAC seeking to engage in discussion as a starting point, 21/26471.</p> <p><b>11 Oct 2021</b> NOTE: 7/8 - follow up email sent, no response to date.</p> <p><b>10 May 2022</b> 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				
AO099-21	MOTION ON NOTICE - REMOVAL OF TREES IN CBD	<p><b>24 Jun 2021</b> 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><b>21 Sep 2021</b> NOTE: Investigation has progress on project. Report in preparation for a workshop</p> <p><b>14 Apr 2022</b> NOTE: Landscaping and greening plan under development. Include this action in the broader CBD project planning</p>	Works and Services	
Council 22/06/2021				
AO165-21	MOTION ON NOTICE - TRAFFIC SIGNALS CBD	<p><b>29 Sep 2021</b> 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><b>03 Dec 2021</b> NOTE: Consultation has commenced with DSG on this request</p> <p><b>14 Jan 2022</b> NOTE: Awaiting formal comment from DSG.</p> <p><b>14 Apr 2022</b> NOTE: Still awaiting feedback from DSG.</p>	Works and Services	
Council 28/09/2021				
AO166-21	MOTION ON NOTICE - CITIZENSHIP CEREMONIES	<p><b>29 Sep 2021</b> 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><b>01 Oct 2021</b> NOTE: Sent correspondence 1/10/2021 seeking meeting with TAC to discuss the best methods of engaging with local Aboriginal communities.</p> <p><b>14 Jan 2022</b> 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				

**Council Meeting Action Report****Outstanding Actions for Open Sessions Nov 2020 – Jun 2022**

Date From: 17/11/2020  
Date To: 30/06/2022  
Printed: Tuesday, 16 August 2022

**Key:** RES = Action arising from Resolution; ACT = Action required in addition;  
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Item Number	Report Title	Action	Department	Completed
AO186-21	MOTION ON NOTICE - CBD PLANTING OF RHODODENDRONS	<b>28 Oct 2021</b> 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. <b>14 Jan 2022</b> NOTE: Being considered as part of Cities Gateway project and CBD geening paper	Works and Services	
Council 26/10/2021				
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	<b>23 Mar 2022</b> 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. <b>29 Jul 2022</b> NOTE: General Manager working with PDA and MMT on plan of subdivision and contract of sale.	Office of the General Manager	
Council 22/03/2022				
AO058-22	MOTION ON NOTICE - COMMUNITY ACTION PLAN	<b>28 Apr 2022</b> 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. <b>12 May 2022</b> NOTE: Reached out to Relationships Australia (RA) to commence the process. Awaiting details from RA.	Corporate and Commercial Services	
Council 26/04/2022				
AO101-22	MOTION ON NOTICE - RELOCATION OF BURNIE FARMER'S MARKET	<b>05 Jul 2022</b> RES: Open negotiations with organiser and stallholders of BFM, on a suggested relocation of the market into the city, per Council resolution AO101-22	Office of the General Manager	
Council 28/06/2022				
AO103-22	MOTION ON NOTICE - MARINUS LINK	<b>05 Jul 2022</b> RES: Prepare letter from Mayor to State and Federal Governments in support of expediting the construction of Marinus Link infrastructure, per Council resolution AO103-22.	Office of the General Manager	
Council 28/06/2022				
AO106-22	BY-LAW - INTENTION TO MAKE A NEW BY-LAW - DRAFT PUBLIC PLACES BY-LAW	<b>05 Jul 2022</b> RES: Request the preparation of a Regulatory Impact Statement for the draft Public Places By-law and then progress the required Director's certification and public consultation process, before returning a report to Council, per AO106-22. <b>06 Jul 2022</b> NOTE: Preparation of RIS requested from legal practitioner on 6.7.22, doc 22/19343.	Corporate and Commercial Services	
Council 28/06/2022				

**Council Meeting Action Report****Outstanding Actions for Open Sessions Nov 2020 – Jun 2022**

**Date From:** 17/11/2020  
**Date To:** 30/06/2022  
**Printed:** Tuesday, 16 August 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
AO108-22	POLICY REVIEW - INFORMATION SECURITY MANAGEMENT SYSTEM	<b>05 Jul 2022</b> RES: Finalise the six policies under the Information Security Management System, in the corporate document framework and make available to the public, per Council resolution AO108-22. <b>14 Jul 2022</b> NOTE: Policies being updated as Workplace Policies in July.	Corporate and Commercial Services	

Council 28/06/2022

**MINUTES AND REPORTS OF COMMITTEES****AO160-22 BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE  
UNCONFIRMED MINUTES OF MEETING HELD ON 28 JULY 2022****FILE NO: 2/5/34**

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**RECOMMENDATION:**

***“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 28 July 2022.”***

**SUMMARY**

The Youth Councillors toured the Burnie Library and had an overview of resources and activities that are available and how to access them.

Youth Councillors approved the draft event brief and budget for the Drive in Cinema event. The Local Drug and Alcohol Working Group funding application was approved to run two live band events in September/October/November.

Youth Councillors also discussed bullying, mental health and environment focus areas with Mental Health Week coming up on 8 - 16 October.

**ATTACHMENTS**

1. Burnie City Youth Council Special Committee Unconfirmed Minutes of Meeting - 28 July 2022

**COUNCIL RESOLUTION****Resolution number: MO169-22*****MOVED: Cr T Brumby******SECONDED: Cr G Simpson******“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 28 July 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: Monday 28 July 2022  
 Venue: Burnie City Council Chambers  
 File No(s): 2/5/34



The meeting opened at 10.30am

1.	<b>Meet and walk to Burnie Library</b>
2.	<b>Burnie Library</b> Host Loretta Brazendale - Tour of Library and overview of the resources/activities available and how to access them.
3.	<b>Welcome, Acknowledgement to Country</b> Youth Mayor Senior Abbey Granger (PHS) welcomed the Burnie Youth Council and provided the Acknowledgement of Country.
4.	<b>Present:</b> (PHS) – Abbey Granger, Taleah Smith, Kaleb Birchall (MRC) – Charlotte Loring, Alistair Brett (BHS) – Talan Evans, Jed Pennington, Bailey McLaren, Millie Ferguson (BPS) – Jem Stretton, Ellie Rayner (LCS) – Ruby French, Alexia Rowe (HPS) – Zeppelin Barnard, Emily McKenzie (CPS) – Jasper Long (MPS) – Tilly Hay, Taya Wells (RPPS) – Jacob Singh, Ava Foster (SMPS) – Georgia Cumming, Lucas Weinert  <b>Apologies:</b> (SMPS) – Georgia Cumming, Lucas Weinert (RPS) – Lilly Singline, Vincent Sturzaker (CPS) – Alec de Bomford (MRC) – Ava Radford (PHS) – Maddie Lamprey  <b>Ex-officio Officers in attendance:</b> Deputy Mayor Giovanna Simpson Project Officer - Olivia Lucas Burnie Works - Allison Daley

5.	<p><b>Minutes and Correspondence</b></p> <p><b>Motion:</b> <i>That the minutes of 30 June 2022 are accepted as a true and accurate record.</i></p> <p><i>Moved: Jem Stretton      Second: Ellie Rayner      <b>CARRIED</b></i></p> <p><b>Correspondence</b></p> <ul style="list-style-type: none"> <li>- Foundation for Rural Regional Renewal (FRRR) and donor partners collaborate with ABC Heywire to help communities take action on the ideas generated by young Australians who attended the annual Heywire Regional Youth Summit.</li> </ul> <p>Grants of up to \$10,000 are now available for communities across Australia to adopt, adapt and act on one of the six ideas: Farming, Education, Environment, Race, Disability, Resilient Communities. Grants close 1 August, 2022.</p> <ul style="list-style-type: none"> <li>o Local project: Allies LGBTQI+, Take Care, SPIN</li> </ul> <ul style="list-style-type: none"> <li>- Nextgen Landcare Youth Online Forum – 23 August from 10.30am. Join Costa Georgiadis and the team at Intrepid Landcare for a high impact forum that will not only connect you to other like-minded young people passionate about the environment, but will support you to explore the issues that matter most to you, and how to make a meaningful difference.</li> </ul>
6.	<p><b>General Business:</b></p> <p>a) Draft letter to Her Excellency the Honourable Barbara Baker, Governor of Tasmania.</p> <p><b>Motion:</b> <i>To approve the Draft Letter to Her Excellency the Honourable Barbara Baker, Governor of Tasmania.</i></p> <p><i>Moved: Zeppelin Barnard      Second: Alexia Rowe      <b>CARRIED</b></i></p> <p>b) Draft Event Brief and Budget: Drive in Cinema</p> <ul style="list-style-type: none"> <li>- An Event Management Company will need to be hired to coordinate and run the event.</li> <li>- Mayor Kons suggested to hold the event at UTAS if not wanting a drive in.</li> </ul> <p><b>Motion:</b> <i>To approve the Draft Event Brief and Budget.</i></p> <p><i>Moved: Zeppelin Barnard      Second: Alexia Rowe      <b>CARRIED</b></i></p> <p>The Local Drug and Alcohol (LDAT) Working Group funding application has been approved to run two live band events – September, October/November.</p> <p>c) Focus Areas: Bullying, Mental Health and Environment</p> <ul style="list-style-type: none"> <li>- Mental Health Week – 8 to 16 October <ul style="list-style-type: none"> <li>o Hold August meeting at Headspace <ul style="list-style-type: none"> <li>▪ Bullying for doing schoolwork, negative feedback, low self esteem</li> </ul> </li> </ul> </li> </ul>



	<ul style="list-style-type: none"><li>- Environment<ul style="list-style-type: none"><li>o Littering</li><li>o Clean Up Day – form groups to clean the beach, bushes.</li><li>o Guest Speaker – talk about current issues,</li><li>o Landcare NRM. Burnie Penguins, fish farms, fossil fuel, fracking, ozone layer/atmosphere, global warming,</li><li>o What Actions are needed?<ul style="list-style-type: none"><li>▪ Put actions in place over issues raised above.</li></ul></li></ul></li></ul>
5.	<b>Next Meeting</b> The next meeting will be held on Thursday 22 September at 9.15am – 11.30am at the Burnie City Council Chambers.

Closed: 11.16am

Signed and dated (upon confirmation at next meeting):

\_\_\_\_\_  
Chairperson\_\_\_\_\_  
Date

**MINUTES AND REPORTS OF COMMITTEES****AO161-22 QUARTERLY REPORT TO TASWATER OWNERS' REPRESENTATIVES  
- PROGRESS UPDATE TO 30 JUNE 2022****FILE NO: 16/9/9; 22/21057**

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**RECOMMENDATION:**

***“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 30 June 2022, be received.”***

**SUMMARY**

TasWater have provided their quarterly report to 30 June 2022.

The report covers key aspects of performance for the quarter.

Key matters also for noting in the report include:

- Operating performance
- Innovations
- Customer Experience Initiatives
- Diversity and Inclusion
- Performance Results for the Quarter
- Price and Service Plan 4 (PSP4) update
- Rural Water Use Strategy
- National Water Grid Funding (NWGF)
- Hydrogen
- Water Losses
- Executive Recruitment
- State of Industry Report (SOIR)

**ATTACHMENTS**

1. Quarterly Report to Owners Representatives - Progress Update to 30 June 2022

**COUNCIL RESOLUTION****Resolution number: MO170-22****MOVED:**            *Cr K Dorsey***SECONDED:**      *Cr D Pease****“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 30 June 2022, be received.”***

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

**Against:**

***CARRIED UNANIMOUSLY***



## Quarterly Report to Owners' Representatives

Progress update to 30 June 2022



**Document Approval and Issue Notice**

This is a managed document. For identification of amendments each page contains a release number and a page number.

Changes will only be issued as a complete replacement document. Recipients should remove superseded versions from circulation. This document is authorised for release once all signatures have been obtained.

<b>PREPARED:</b> <b>(For release)</b>	Matthew McRobbie, Reporting Lead	Date: 12/07/2022
<b>APPROVED:</b> <b>(For acceptance)</b>	Matthew Pigden, Chief Financial Officer	Date: 15/07/2022
<b>APPROVED:</b> <b>(For acceptance)</b>	George Theo, Chief Executive Officer	Date: 21/07/2022

**Build Status:**

Version	Date	Author	Reason	Sections
0.1	12/07/2022	Matthew McRobbie	Endorsed	All
0.2	15/07/2022	Matthew Pigden	Submission for Approval	All
1.0	21/07/2022	George Theo	Approval to Issue	All

**Amendments in this release:**

Section Title	Section Number	Amendment Summary

**Distribution:**

Copy No	Version	Issue Date	Issued To

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## 1. Introduction

TasWater is pleased to present its fourth quarter (Q4) FY2021/22 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

## 2. Executive Summary

### 2.1 Operating performance

Key points to note for the quarter include:

- The works completed at Waratah Dam and Mikany Dam have reduced their risk to within the ANCOLD Limit of Tolerability
- Capital Expenditure of \$246.2 million exceeded the FY2021/22 budget of \$229.9 million
- TasWater recorded a preliminary unaudited net profit of \$62.2 million (underlying net profit of \$32.1 million), which is \$7.1 million favourable to budget
- The pricing determination for Price and Service Plan 4 was finalised and approved by the Tasmanian Economic Regulator (TER) in June 2022. The TER approved a 3.71 per cent increase, however TasWater will cap the price increase at 3.5 per cent in line with our initial commitment.

### 2.2 Innovations

#### Vacuum funnel for improved safety and waste reduction

An Operator at the Ringarooma Water Treatment Plant has designed and built a funnel for transferring granular and powder chemicals. The funnel significantly reduces the level of dust and powder released into the surrounding work area, creating a safer working environment and reducing waste. Whilst currently only used for activated carbon, future iterations are expected to incorporate a collection system to capture waste powder, as well as, to allow the delivery of other granular or powder chemicals. Once prototypes have been proven, the system will be made available at other sites around the state and the concept shared with the wider water industry.

#### Water Industry Operators Association of Australia (WIOA) Problem Accepted Solution Supplied (PASS) award

TasWater Water Services Operator Matthew Holz won this year's Water Industry Operators Association of Australia (WIOA) Problem Accepted Solution Supplied (PASS) award. This award provides the opportunity for water industry operational staff to share their knowledge in the field innovations and fixes to problems so that others in the water industry can benefit. This is the second consecutive year that a TasWater employee has won this award.

Matthew was nominated for the award by his peers for his pump station claw innovation, that allows for the safe and effective removal of rags and non-flushable items that build up in pump stations.

### 2.3 Customer Experience Initiatives

#### 'Let's Love our Water' campaign

TasWater's new water surety campaign, Let's Love Our Water, launched in May 2022. The campaign began with a 'pre-conditioning' phase across social media platforms, newspapers, and outdoor displays to introduce our new character, Bob Goldfish, to Tasmanians. In mid-June 2022, Bob made his debut on television stations. From July 2022, Bob will start to talk about challenges that impact water surety – including a changing climate, more users, geography and water quality. Through Bob Goldfish we hope to change the behaviour of Tasmanians by taking them on a journey to understanding that water is a precious resource which we need to protect.

## 2.4 Diversity and Inclusion

### Reconciliation Tasmania's Reconciliation Collective

During this quarter, TasWater became a member of Reconciliation Tasmania's Reconciliation Collective. The membership to the collective will provide important support in the preparation of TasWater's first Reconciliation Action Plan (RAP). TasWater has also proudly recruited an Aboriginal Identified person into a newly created position of Diversity and Inclusion Project Officer to support the implementation of TasWater's first RAP.

Formal registration of the RAP was accepted by Reconciliation Australia, allowing the Diversity and Inclusion team to take steps towards sustainably and strategically supporting meaningful action to advance Reconciliation across *lutruwita*/Tasmania with the Tasmanian Aboriginal community.

As part of National Reconciliation Week (27 May 2022 to 3 June 2022) TasWater employees attended three breakfasts hosted by Reconciliation Tasmania. The attendees were privileged to hear from two guest speakers, Thomas Mayor and Kaytlyn Johnson, who shared their stories, background and hopes for the future, with a focus on increased communication and awareness.



### 3. Performance Results for the Quarter

#### 3.1 Strategic performance summary

Customer priorities		Key Performance Indicators		RESULT	TARGET	RESULTS
Customer and Community – Deliver a positive customer experience to you				FY2020/21	FY2021/22	Q4 FY2021/22
Identify and close critical customer service gaps <sup>1</sup>	Customer experience percentage			62%	64%	67%
	Customer satisfaction percentage			69%	68%	74%
	Brand perception percentage			54%	60%	56%
Improve our community engagement and understanding				62%	68%	68% <sup>2</sup>
Water and Environment – Provide you with safe drinking water and responsibly manage your sewage				FY2020/21	FY2021/22	Q4 FY2021/22
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent)			4.1%	10.7%	9.0%
	Number of dams above the ANCOLD Limit of Tolerability			4	2	2
	Number of wastewater systems considered high risk to the environment			22	20	22
	Real losses: water mains (kL/km water main/day)			8.9	10	10.1
	Number of critically notifiable spills (less than or equal to)			8	4	31
Optimise system performance				90.4%	89.0%	87.5% <sup>3</sup>
People and Culture – Build culture and skills for the long-term benefits of Tasmania				FY2020/21	FY2021/22	Q4 FY2021/22
Enhance workforce capability and culture	Fifty per cent constructive leadership styles by 2023			Material improvement in pulse cultural survey results	Constructive styles between the 25 <sup>th</sup> and 50 <sup>th</sup> percentile. 5 of 8 Defensive styles at or below the 50 <sup>th</sup> percentile. <sup>4</sup>	1 of 4 Constructive styles between the 25 <sup>th</sup> and 50 <sup>th</sup> percentile. 5 of 8 Defensive styles below the 50 <sup>th</sup> percentile. <sup>4</sup>
	Total recordable injury frequency rate (TRIFR) – (less than or equal to)			9.4	8.5	11.6
	Notifiable injury frequency rate			2.5	1.1	0.9
Commercial and Economic – Give you value for money				FY2020/21	FY2021/22	Q4 FY2021/22
Deliver Price and Service Plan commitments	Capital Expenditure			\$177.6M	\$229.9M	\$246.2M
	EBITDA			\$155.7M	\$163.7M	\$169.8M
	Interest cover ratio			3.2	3.3	3.9

<sup>1</sup> The survey to obtain customer experience, customer satisfaction and brand perception data is in the market now. These surveys are completed January/February and June/July each year. The results from each round will be presented in the earliest possible Owners report. The results presented in the table are from the most recent survey completed in Q3 FY2021/22

<sup>2</sup> The results from the latest round of research will be available in Q1 FY2022/23. The results presented in the table are from the last round of research completed in Q1 FY2021/22

<sup>3</sup> Preliminary result as at 14 July 2022

<sup>4</sup> The result presented is the same as the FY2021/22 Q3 result. This data was obtained from the 2022 Organisational Culture Inventory, the latest survey of employees.

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**3.2 Operational performance summary**

Key performance indicators	RESULT	TARGET	RESULT
Customer and Community – Deliver a positive customer experience to you	FY2020/21	FY2021/22	Q4 FY2021/22
Total complaints	2,800 <sup>5</sup>	2,500	2,541
First point resolution percentage for calls	95.1%	90%	94.9%
Percentage of calls answered by an operator within 30 seconds	92.1%	85%	84.5%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	90.0%	90%	100%
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage	FY2020/21	FY2021/22	Q4 FY2021/22
Number of BWAs and DNCs throughout the year	0	≤1	1
Percentage of customers where microbiological compliance has been achieved	100%	100%	100%
Percentage of trade waste volume covered by a meaningful agreement	58%	70%	77%
Percentage of industrial customers on a long term agreement	13%	20%	NA <sup>6</sup>
People and Culture – Build culture and skills for the long-term benefits of Tasmania	FY2020/21	FY2021/22	Q4 FY2021/22
Lost-time injury frequency rate (LTIFR)	2.8	2.4	2.7
Number of lost-time injuries (LTIs)	9	7	9
Number of notifiable incidents	8	3	3
Number of full time equivalent (FTE) <sup>7</sup>	919	932.3	942.2
Commercial and Economic – Give you value for money	FY2020/21	FY2021/22	Q4 FY2021/22
Productivity – savings realised	\$3.7M	\$2.2M	\$1.4M
Productivity – Increased revenue initiatives	\$10.3M	\$6.5M	\$11.4M
Total overdue debtors as a percentage of revenue at end of year	4.7%	4.0%	4.4%

<sup>5</sup> This figure was reported as 1,012 in the June 2021 report but has been adjusted to reflect a revised interpretation of water quality complaints to enable a meaningful comparison with FY2021/22 results.  
<sup>6</sup> An internal review in Q3 identified challenges with determining an accurate result for this KPI, partly due to the treatment of automatic extensions. It was therefore decided to no longer report against this measure for the remaining quarters of FY2021/22. The trade waste KPIs to be reported in the ORG report will be reviewed for FY2022/23.  
<sup>7</sup> Includes TasWater FTEs in the Capital Delivery Office

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### 3.3 KPI Gaps and Responses

**Table 1: Gaps and responses**

Gap	Cause and response
Customer supplied by drinking water system meeting best practice risk mitigation (per cent) at 9.0% against a target of 10.7%	The end of year target is linked to the delivery of the UV upgrade program. Multiple projects are in final stages of commissioning, therefore cannot be included within the KPIs at this time. It is expected that once these projects are commissioned in early FY2022/23 the KPI will be achieved.
22 wastewater systems considered high risk to the environment against a target of 20.	The target of 20 was not met. This target was based on the new Longford STP being fully commissioned and the Cambridge STP reducing to medium risk. Longford is still waiting for full cut over of trade waste flows from a local abattoir. Despite reduction in the high risk band, two considerably wet years have seen Cambridge discharge more fully treated effluent to the environment rather than reuse, resulting in the system remaining high risk.
Real losses: water mains (kL/km water main/day) at 10.1 against a target 10.0	GHD have been asked to audit the NRW reporting methodology. TasWater are actively implementing solutions that focus on reducing real water losses please see section 4.5 for more details.
31 critically notifiable spills against a target of 4.	During the quarter, 7 dry weather spills occurred which were due to breaks or chokes and a further 4 occurred during wet weather events. 8 of these spills impacted shellfish leases, please see section 3.5 for more details.
Total recordable injury frequency rate (TRIFR) at 11.6 against a target of 8.5 or less. LTIFR of 2.7 against a target of 2.4 or less 9 lost-time injuries (LTIs) against a target of 7 or less.	There were 38 recordable injuries in FY2021/22 with many LTI's being low severity injuries where a treating doctor has advised precautionary time off work or restricted duties to prevent aggravation. There were also several psychological injuries. The revised Health and Safety Strategy and particularly the new Health and Wellbeing Framework and revised H&S Program of Work will provide improved visibility and management of health and safety risks.
\$1.4M productivity savings were realised against a target of \$2.2M	The full-year target for productivity savings was not achieved due to changes in the expected benefits and timeframes of pipeline initiatives. The shortfall (\$0.8M) is forecast to be achieved in FY2022/23.
Total complaints received for FY2021/22 was 2,541, exceeding the end of year target of less than 2,500.	Water Quality complaints represent 51% of all complaints with 1,297 received in FY2021/22 compared to 1,353 overall FY2020/21. Discoloured water is the highest sub-category with 897 received YTD compared to 1,006 last year. Sewerage Service complaints finished ahead of forecast with 460 complaints received in this category FY2021/22, compared to a total of 378 overall last year. Odour is the highest sub-category with 319 complaints received YTD compared to a total of 284 received for FY2020/21. We are refining our complaint reporting to increase understanding/visibility of root causes to determine actions that may be taken to address complaints
84.5% of calls answered by an operator within 30 seconds against a target of 85%	After exceeding the customer service level for three quarters, the full year result was impacted in the final quarter by an increase in employee unplanned absences due to illness together with above forecast customer contacts for May and June, predominantly due to multiple severe weather events across the state.
Total overdue debtors as a percentage of revenue at end of year was 4.4% against a full-year target of 4.0%.	TasWater paused collection activity for a period in response to COVID-19. Since April 2021 we have gradually reintroduced collection activities and as at March 2022 are accessing all pre-COVID-19 collection methods.

### 3.4 Financial Performance

**Table 2: Financial summary**

KPI	FY2020/21		FY2021/22	
	Actual Result	Q4 Target	Q4 Result	Q4 Variance
Net Profit (\$M)	43.5	55.1	62.2	7.1
Underlying Net Profit <sup>8</sup> (\$M)	16.3	25.9	32.1	6.2
Ordinary Dividends (\$M)	10.0	20.0	20.0	-
Special Dividends (\$M)	-	4.0	4.0	-

<sup>8</sup> Underlying net profit adjusted for contributed asset revenue



KPI	FY2020/21		FY2021/22	
	Actual Result	Q4 Target	Q4 Result	Q4 Variance
Debt (\$M)	619.8	721.6	734.9	(13.3)
Gearing ratio	39.1%	46.0%	44.3%	1.7%
Interest cover ratio (times)	3.2	3.3	3.9	0.6

As at 30 June 2022, TasWater recorded a preliminary unaudited net profit of \$62.2 million, which is \$7.1 million favourable to budget. This is primarily driven by a favourable variance in employee related costs, including higher than expected capitalisation rates in the CDO (\$2.8M) and lower services and consulting revenue (\$2.5M). Contributed asset revenue was also \$1.4M above budget.

Underlying net profit of \$32.1 million is \$6.2 million above budget.

The preliminary financial year results are unaudited, with any remaining financial year-end adjustments not expected to materially change the results. The final financial results are expected to be available mid-August 2022.

Three interim dividends of \$5.0 million each were paid to Owner Councils on 30 September 2021, 17 December 2021 and 31 March 2022 as planned. The final ordinary dividend payment of \$5.0 million and a special dividend of \$4.0 million was paid on 1 June 2022. Total dividends paid for FY2021/22 were \$24.0M.

As at 30 June 2022, total debt was \$734.9 million, well within TasWater's approved facility limit (\$850.0M).

### 3.5 Significant incidents

#### Coronavirus (COVID-19) pandemic

During the June quarter, TasWater has continued to operate within COVID-safe guidelines and government requirements.

Following the Tasmanian Government easing of density limits in office settings in June 2022 work has commenced to prepare for the opening of more desk spaces to allow greater office occupancy.

#### Sewage spills impacting shellfish leases

Tasmania experienced numerous wet weather events throughout the quarter. As a result, there were multiple shellfish closures across the harvest areas of Pittwater, Cygnet and Woodbridge. A failure of the UV system at the St Helens STP and subsequent mitigation of viruses with chlorination also resulted in lease closures in the harvest areas of Moulting Bay.

TasWater has seen tangible improvements in Dunalley, a major harvest area of the State, due to the recent rectification of inflow and infiltration issues. As such, there were no spills to leases in this area during the quarter.

#### Penguin and surrounds Temporary Boiled Water Alert (TBWA)

TasWater received the finalised report from Bligh Tanner outlining recommendations as a result of the TBWA that affected 2,000 customers across Penguin and surrounds for four days during March 2022. Whilst the recommendations are varied and broad, a number of initiatives are already being planned in response. This will address issues such as education and risk awareness, access to and governance of operational documentation and an update of the emergency response framework to define accountabilities of incident controllers more clearly and ensure ongoing training.

**Valve failure Tolosa Street, Glenorchy**

On 6 May 2022 a scour valve failure on the 450mm Moonah trunk main in Tolosa St, Glenorchy resulted in water services being interrupted to approximately 1,550 customers and nearby businesses for approximately 24 hours. TasWater completed a review on the incident to identify the key learnings and opportunities and established a team to address these findings.

**Barrington Water Treatment Plant Power Outage**

An extreme weather event in the North West, Northern and East Coast of Tasmania over the June 2022 long-weekend, brought with it high winds that resulted in widespread power outages.

As a result, an incident was declared for the Barrington Water Supply Scheme (which supplies approximately 1,000 customers in the towns of Sheffield, Barrington and Railton) where power was lost for six days at the Barrington WTP. Water carting was used to maintain supply until power was restored.

A review is currently underway to assess how TasWater could improve its response to power outage events.

**3.6 Capital expenditure****Summary**

As at 30 June 2022, capital expenditure at \$246.2 million was above the Financial Year budget of \$229.9 million by \$16.3 million. The successful delivery of the Capital Works Program (CWP) can be attributed to an effectively operating alliance and also through TasWater taking ownership of minor projects in house.

Overall FY2021/22 was successful in progressing our capital program, of highlight, seven sites from UV Stage 1 have now been completed increasing the percentage of customers being supplied by a Best Practise Mitigation System by 4.9 per cent which brings it to 9.0 per cent overall.

Along with the completion of a large renewals program the team was successful in completing seven major projects:

- Upper Reservoir Dam Upgrade reducing the risk of failure associated with the dam
- Lake Fenton Main, New Norfolk Water Main Renewal which renews a critical main servicing Hobart
- Longford STP upgrade improving our effluent discharge and reducing odour issues from the site
- Installation of the scour valve and an improved access stairway at Upper Prosser Dam
- Chimney Saddle Clarifier and Flocculation Tank renewal preventing failures that could have resulted in mass customer outages
- Zeehan Raw Water Pump Station Replacement to guarantee treated water supply for the community of Zeehan
- Whitemark raw water storage upgrade - Henderson Dam raising, improving water surety to the community of Whitemark.

The current status of the Top 25 projects by total project budget are shown in Table 3 below, including changes in budget estimates and completion dates since the previous quarterly report.



Table 8: Status updates - Top 25 by total project budget

No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
1	Bryn Estyn WTP Major Upgrade	Project Delivery	Jul-23	243,944	Construction of all the main structures is now complete, with Mechanical and Electrical installations now occurring
2	Northern Midlands Sewerage Improvement Plan - Longford STP Upgrade	Completed	Apr-22	33,672	Project completed
3	UV Program – Burnie, Chimney Saddle, Distillery Creek, Mt Leslie & West Tamar (Stage 2a)	Target Out-turn Cost/Project Budget Estimate	Jun-23	5,032	On track
4	Lake Mikany Dam Upgrade	Project Delivery	<del>Jun-22</del> Jul-22	20,067	Main embankment works now completed. Fabrication of access stairs has been delayed, along with inclement weather impacts on other aspects of the project.
5	kanamaluka / Tamar Estuary River Health Action Plan (TERHAP)	Project Delivery	Mar-26	129,200	Overall project is comprised of a number of inter-related projects. Construction activities have commenced or are pending at: <ul style="list-style-type: none"> <li>Esplanade / St John St (new pipeline section)</li> <li>Margaret St Pump Station (major flow diversion structure)</li> </ul> Detailed designs are currently being developed for: <ul style="list-style-type: none"> <li>Margaret St Pump Station Upgrade</li> <li>Western Rising Main Pipeline</li> <li>Eastern Rising Main Pipeline</li> <li>River Crossings</li> <li>Ti Tree Bend Storage Structure</li> </ul>
6	Rosebery, Triabunna, Tunbridge and Coles Bay Reservoirs	Project Delivery	<del>Feb-23</del> Mar-23	12,821	Forecasting March 23 completion based on progress by contractor – delays caused by their tank constructor. Tunbridge Reservoir component now complete.
7	Upper Reservoir Dam Upgrade	Completed	Nov-21	6,085	Project completed
8	UV Program – Campbell Town/Ross, Fingal, Queenstown, South Esk, Swansea, Triabunna, Tullah, West Tamar and Zeehan (Stage 2b)	Target Out-turn Cost/Project Budget Estimate	<del>Sep-23</del> Nov-23	8,513	Tender evaluation has taken longer than anticipated. Target Out-turn Cost will be issued to Client Cost Estimator within the month
9	Davis St, Smithton SPS Upgrade	Target Out-turn Cost/Project Budget Estimate	Apr-24	17,628	On track
10	Geeveston Outfall	Target Out-turn Cost/Project Budget Estimate	<del>Mar-24</del> May-24	9,890	A delay in obtaining Geotech contractors impacting design timelines
11	Tasman Highway, Orford - Trunk main	Project Development	Sep-23 TBC	2,358	Project deferred as priority has changed due to developer not proceeding with their proposed property development.
12	Lake Fenton Pipeline (Gateway) , New Norfolk Water Main Renewal	Project Delivery Completed	Jun-22	2,238	Project Completed
13	North West Water Supply Upgrade - NWWS (Old Forth Leven)	Project Development	Oct-29	Not yet approved	On track



No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
14	Bicheno STP Recycled Water Scheme expansion (EPA Top 20)	Project Development	<del>Apr-25</del> May-26	7,380	Options development is currently in progress - two options have been identified to progress, with willingness of landowners/customers to sign up to the agreements the last aspect in confirming a preferred concept.
15	Bridport Water Supply Improvements	Project Development	Oct-25	30,160	On track
16	Ridgeway Upgrade	Strategy	Jun-27	Not yet approved	On track
17	Upper Prosser scour valve	Completed	Apr-22	1,521	Works are now complete other than some minor defects, which will be rectified when the weather is conducive. Dam Safety works have been removed from scope.
18	Hamilton STP Relocation	Removed	Jan-22	TBD	Project no longer considered prudent and has been removed from the program.
19	Macquarie Point Relocation	Project Development	<del>TBD</del> Sep-25	Estimate to be updated as part of the detailed design phase.	The Detailed Business Case has now been completed in final draft format and will be submitted to the TasWater Board in September 2022 for approval. The Environmental Impact Statement and detailed design RFTs are under preparation for finalisation throughout August 2022.
20	Turriff Lodge STP Outfall Relocation (EPA Top 20)	Project Delivery	<del>Sep-22</del> Oct-22	2,225	Completion date pushed out to October 2022 in line with contractors' program.
21	Chimney Saddle Clarifier & Flocc Tank	Completed	Aug-21	2,832	Project completed
22	Queenstown STP remediation	Project Delivery	<del>Jun-22</del> Nov-22	2,659	Delay caused by latent conditions found in existing wall and project now forecast to be complete after sludge removal in November -2022. Site will be demobilised for about 3 months from now until return for sludge removal in September /October.
23	Zeehan Raw Water Pump Station Replacement	Completed	<del>Apr-22</del> Jun-22	1,755	Project is now complete. Delay caused by concerns with water supply surety which prevented the cut-over to the new wet well from occurring until June 2022.
24	UV Program Stage 1 (Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell, Smithton)	Project Delivery	<del>Sep-22</del> Oct-22	10,481	Overall completion of stage 1 program was delayed due to a scope change to include Smithton WTP. Also delayed at Glen Huon due to additional considerations in the delivery phase. Seven sites have now been completed.
25	Whitemark raw water storage upgrade - Henderson Dam raising	Completed	May-22	11,868	Project Completed



**Table 4: CDO contract information as at 1 July 2022**

No. of work packages awarded since inception of CDO 1 July 2019	Total value of CDO work packages awarded since the inception	% of packages awarded to Tasmanian based companies	Total value and % of packages awarded to Tasmanian-based companies	Number of packages pending award	Total value of packages pending award
827 individual work packages	\$209.90M	93% (766)	\$171.23M (82%)	13	\$9M

**3.7 Externally funded major projects**

Please refer to Table 3 for updates on TERHAP at position 5 and the Macquarie Point STP upgrade at position 19.

**3.8 Matters of public and key stakeholder interest****Waratah Dam Decommissioning**

During this quarter TasWater successfully removed the Waratah Dam embankment allowing the Waratah River to flow within the riverbanks. The embankment removal has reduced the dam to below the ANCOLD Limit of Tolerability (LoT) and has removed the dam's societal safety risk.

**Greenhouse Gas Emissions (GHGs)**

TasWater continues to develop new Environment and Climate Change Adaptation Strategies that will enable us to better understand, measure and reduce our own carbon footprint. For FY2020/21, a total of 55,707 tonnes of CO<sub>2</sub> were emitted, which equates to approximately 103kg per Tasmanian resident for the year. Data for FY2021/22 will be collected during the September quarter as part of TasWater's commitments under the National Greenhouse and Energy Reporting (NGER) framework.

The upgrade to the Longford STP completed earlier in 2022 will result in a reduction in GHGs of roughly 4,000 – 5,000 tonnes of CO<sub>2</sub> equivalent per year. This is primarily due to the new STP producing less methane (or biogas) and because we will use the produced methane to heat the sludge, which reduces electricity demand.

**4. Key policy, risk and strategy matters****4.1 Price and Service Plan 4 (PSP4) update**

This quarter saw the finalisation and approval of the final pricing determination from the Tasmanian Economic Regulator in which a 3.71 per cent maximum increase was approved. Consistent with prior commitments, TasWater's final approved PSP4 includes a uniform price increase of 3.50 per cent per annum over the next four years.

Implementation of PSP4 changes has been completed, including necessary updates to the billing cycle to include the approved pricing. The new Developer Charges Framework, specifically the Shared Infrastructure Contribution Charge, will commence from 1 July 2023 and this Framework has been incorporated into TasWater's Land Development Policies.

**4.2 Rural Water Use Strategy**

Following the release of the Rural Water Use Strategy in March 2022, the Department of Natural Resources and Environment Tasmania (NRET) released an Implementation Plan for the Strategy. The Plan identifies a four-year schedule of activities to progress the actions outlined in the Strategy, including delivering the River Health Advisory Project. In May 2022, NRET also released the Strategies first Report Card, this outlines the substantial progress already made in implementing the actions outlined in the Strategy.



#### 4.3 National Water Grid Funding (NWGF)

TasWater has continued to progress the three projects partially funded by the National Water Grid Fund (NWGF). These include the Bicheno recycled water scheme, the Penna recycled water scheme expansion and the shellfish protection program. The contribution from the NWGF is \$5 million per project. TasWater will fund the additional project budgets. The projects are at different stages of delivery with the target completion date for the Penna recycled water scheme expansion and the shellfish protection program being mid-2023 and the Bicheno recycled water scheme being March 2024.

#### 4.4 Hydrogen

In mid-May 2022, a Hydrogen Hub Consortium meeting chaired by Renewables, Climate and Future Industries Tasmania (ReCFIT) was held with representatives from TasWater, TasNetworks, TasPorts, Tasmanian Irrigation, Hydro Tasmania and the Bell Bay Advance Manufacturing Zone. A brief overview of the work by each agency was provided, as well as discussion on the \$70M Federal Government Hydrogen Hub Grant. The \$70M committed by the Morrison government in April 2022 for hydrogen does not appear to be an election commitment but will presumably be included in Labor's "line by line" review of the budget.

ReCFIT confirmed that it will work with consortium partners to advance planning and implementation of key project elements, including the development of a formal governance structure to support Government Business Enterprises and industry decision making.

Direct discussions between TW and Fortescue Future Industry (FFI) have continued with support from ReCFIT. FFI have scaled back their proposed Bell Bay plant to 100 MW (previously 300 MW), reducing their water requirements to approximately 1 GL/annum. FFI have formally requested this water allocation (to be supplied from both the North Esk treated water and Curries River dam raw water) with this approach supported by ReCFIT. Contract negotiation will now commence.

#### 4.5 Water losses

TasWater is committed to reducing Non-Revenue Water (NRW) and is currently implementing a range of measures to address its high volumes of unaccounted for water. This includes conducting an audit of its meters at all its water treatment plants to assess how accurately they measure volumes of water supplied to the urban water supply system. TasWater has also implemented an external review of its methodology for calculating NRW and Infrastructure Leakage Index (ILI) to ensure all assumptions are appropriate and the methodology is robust and sound.

TasWater has approved several strategic initiatives including a one year trial of TaKaDu Central Event Management (CEM) analytic software designed to identify hidden leaks and other types of incidents within the water network 24/7. This software has proven to be successful in many water businesses across 15 countries, including many in Australia.

TasWater has also invested in the latest leading edge acoustic leak detection technology, with TasWater staff and contractors now able to precisely identify the site of leaks for prompt repair.

#### 4.6 Executive Recruitment

During this quarter, TasWater's CFO Matthew Pigden announced his resignation after almost 12 years of service. A recruitment process commenced with interviews held mid-July 2022. The recruitment process for the General Manager Corporate and Customer Relations is continuing.

Joanna Giannini has been appointed as the General Manager People, Culture and Safety. Jo comes to TasWater from Southern Rural Water in Victoria where she has been the GM People, Culture and Safety for the last five years.



#### 4.7 State of Industry Report (SOIR)

During the quarter, the TER published the SOIR for FY2020/21. This report outlined the state of Tasmania's water industry including TasWater performance which saw 100 per cent microbiological compliance across the network of reticulated water supply for the third consecutive year. No boil water and public health alerts during FY2020/21 were noted as a significant improvement as four years prior there were 25 alerts of this nature. However, the report received some media coverage focusing upon TasWater losing up to 25 per cent of its treated water. Section 4.5 within this report details TasWater's targeted activities to reduce water losses.



### 5. Responses to queries from prior updates

Date	Region	Issue	Raised by	Response
4 November 2020	All	Publish the Water Surety Strategy on TasWater's website	Gary Arnold (Kingborough Council)	Key elements of the overarching strategy continue to be developed and are expected to be completed by the end of CY2023.
24 June 2021	All	Consider the structure of future Corporate Plans in relation to compliance with the Shareholders' Letter of Expectations (SLE).	Gary Arnold (Kingborough Council)	This is an ongoing action and has been incorporated into the process of development of future Corporate Plans.
10 November 2021	All	Further information to be provided regarding the calculation of TasWater's greenhouse gas emissions, specifically in relation to electricity	Ian Nelson (Clarence City Council)	Addressed in the quarterly meetings on 2-3 February 2022. This action is completed.
10 November 2021	All	Advising any learnings in relation to the process of utilising TasWater's enforcement powers regarding unauthorised connections	Mayor Peter Freshney (Latrobe Council)	Update provided to the General Meeting (Planning) in June 2022. This action is completed.
3 February 2022	N	Provide a breakdown of expenditure in relation to the various TERHAP projects	All	Update provided to the General Meeting (Planning) in June 2022. This action is completed.
3 February 2022	N	Provide a further update in relation to the ISIP project – overview and current status	All	Update to be provided to the next Northern Owners briefing on 3 August 2022.

Issue Date: 21 July 2022

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Quarterly Report to Owners' Representatives

Progress update to 30 June 2022

**AO162-22 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.

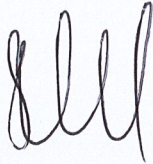
There being no further business the Mayor declared the Meeting closed at 7.46 pm.



## 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 23 August 2022.

Confirmed:

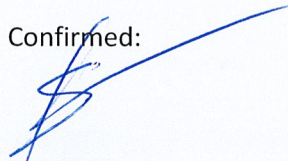


**Simon Overland**  
**GENERAL MANAGER**

Date:

27/09/22.

Confirmed:



**Steven Kons**  
**MAYOR**

Date:

27-9-22