



## **MINUTES**

# **Ordinary Meeting**

**TUESDAY, 28 JUNE 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, 28 JUNE 2022**

**HOUR:** 6.00pm – 6.01pm  
7.04pm – 9.40pm

**TIME OCCUPIED:** 2 hour 37 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. (Cr Dorsey left the meeting at 7.57pm and did not return).

**Officers in Attendance:**

General Manager (S Overland), Director Land and Environmental Services (P Earle), Acting Director Works and Services (R Sharman), Director Corporate (B Lynch), Chief Financial Officer (B Pilgrim), Executive Manager Corporate Governance (M Neasey), Governance Officer (N French) and Media and Communications Officer (F Loughran).

**APOLOGIES:** There were no apologies tendered.

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**‘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
AC052-22 COUNCILLOR DECLARATIONS OF INTEREST	15(2)(g)
AC053-22 CONFIRMATION OF MINUTES OF THE 'CLOSED SESSION' MEETING OF COUNCIL HELD ON 24 MAY 2022	15(2)(h)
AC054-22 APPLICATIONS FOR LEAVE OF ABSENCE	15(2)(h)
AC055-22 BURNIE AIRPORT CORPORATION PTY LTD - QUARTERLY REPORT	15(2)(g)
AC056-22 GENERAL MANAGER'S REPORT - CLOSED SESSION	15(2)(i)
AC057-22 APPROVAL TO RELEASE INFORMATION - WEST PARK PRECINCT AGREEMENT	15(2)(g)
AC058-22 NON AGENDA ITEMS	15(2)(f)
AC059-22 MATTERS CONSIDERED IN CLOSED SESSION	15(2)(f)
AC060-22 AUTHORISATION TO DISCLOSE CONFIDENTIAL INFORMATION	15(2)(f)
AC061-22 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 AC052-22 to AC061-22 which are confidential matters as prescribed in Clause 15 of the Local Government (Meeting Procedures) Regulations 2015”***

**COUNCIL RESOLUTION****Resolution number: MO093-22****MOVED:**            *Cr A Boyd***SECONDED:**      *Cr G Simpson****“THAT the meeting be closed to the public to enable Council to consider agenda items AC052-22 to AC061-22 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>
AC052-22	Councillor Declarations of Interest	A report to consider any declarations of interest by Councillors in any matter in the Agenda
AC053-22	Confirmation of Minutes of the Closed Session Meeting of Council held on 26 April 2022	A motion to confirm the Minutes of the previous meeting
AC054-22	Applications for Leave of Absence	A report to consider any requests for leave of absence by a Councillor
AC055-22	Burnie Airport Corporation Pty Ltd – Quarterly Report	A report to receive the quarterly report from Burnie Airport Corporation, of which Council is a shareholder
AC056-22	General Manager's Report – Closed Session	A report that considers various operational updates of a confidential nature
AC057-22	Approval to Release Information – West Park Precinct Agreement	A report to consider the release of information relating to West Park Precinct Agreement
AC058-22	Non Agenda Items	A report to consider dealing with any matter that is not on the Council Agenda
AC059-22	Matters Considered in Closed Session	A report containing a brief description of all reports considered by Council in the Closed Session
AC060-22	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
AC061-22	Completion of Closed Session/Meeting Adjournment	This report confirms the completion of Closed Session

## RESUMPTION

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

## ACKNOWLEDGEMENT OF COUNTRY

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

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

## AUDIO RECORDING

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

## PRAYER

The meeting was opened with prayer by Burnie City Chaplain, Chris Swain.

## AO096-22 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 A Boyd declared an interest in Item AO098-22 Motion on Notice – Band Rooms.

Cr G Simpson declared an interest in Item AO105-22 Tasmanian Planning Scheme, Permit Application DA 2022/1, Burnie High School, Fidler Street, Illuminated Pole Sign.



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**AO097-22 CONFIRMATION OF MINUTES OF THE 'OPEN SESSION' MEETING  
OF COUNCIL HELD ON 24 MAY 2022****RECOMMENDATION:**

*“THAT the minutes of the ‘Open Session’ of the Burnie City Council, held at the City Office on 24 May 2022, be confirmed as true and correct.”*

**COUNCIL RESOLUTION**

**Resolution number: MO094-22**

**MOVED:** Cr G Simpson

**SECONDED:** Cr K Dorsey

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

Cr A Boyd left the meeting, having declared his interest in Item AO098-22, the time being 7.09pm.

## **MOTIONS ON NOTICE**

### **AO098-22 MOTION ON NOTICE - BAND ROOMS**

**FILE NO:** 15/5/2, 22/16397, 22/17240  
**PREVIOUS MIN:**

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

***“THAT Burnie City Council, confirms:***

***That after taking ownership of the new City of Burnie Brass Band and Burnie Highland Pipe Band Rooms building from the University of Tasmania, the Burnie City Council will look into the provision and construction of an extension to the new City of Burnie Brass Band rooms to meet the rehearsal, storage, and trailer needs.”***

### **COUNCILLOR’S COMMENTS**

The City of Burnie Brass band would prefer:

1. An additional 10m x13.5m, with adequate height, extension.
2. Any objection from the University of Tasmania would have to meet the legal framework for the justifications of objections to planning and development applications. Building code requirements are likely to influence design but these matters were under consideration with the previously agreed extensions and acceptable at that time.
3. That this extension be completed within one year (12 months) of Burnie City Council taking ownership of the building from UTAS.
4. That Burnie City Council continues to engage with City of Burnie Brass Band in the planning and design of the proposed extension (to ensure that it meets need).
5. The previous lease was for 20 years from 1991 to 2011. A tenancy agreement arrangement in line with other community groups would be acceptable. Recent disposal of land agreements for the senior citizens club, surf club, Burnie Concert Band and others have been actioned to facilitate longer term arrangements.
6. That parking be provided for users of the bandrooms.
7. That clear access for the band trailer will be ensured.
8. That the City of Burnie Brass Band retains the use of their current band room or is provided with a suitable facility in the interim, until the extension to the new band room is completed.

The City of Burnie Brass Band is prepared to continue to negotiate with the Burnie City Council so that an amicable agreement for both parties can be reached.

The City of Burnie Brass Band is prepared to support the Burnie City Council in exploring funding options to assist towards the financial costs of construction.

The extension specifications can be worked out between the Burnie City Council and The City of Burnie Brass Band taking cost into consideration. A new Ranbuild shed with a connecting corridor (cost \$130 000) has been suggested but a continuous extension to the north end of the completed building is the preferred choice.

The purpose of the extension includes an undercover trailer storage, tutoring space and instrument storage.

It is not anticipated that UTAS will have issues with adjustment of their land title boundary and the amendment of the car park plans.

It is not anticipated that UTAS will object to the type of extensions proposed by the City of Burnie Brass Band.

The Development Deed may need to be reviewed if council finds itself conflicted with UTAS after UTAS have handed over ownership of the new City of Burnie Brass Band and Burnie Highland Pipe Band Rooms building from the to the Burnie City Council.

It is also not anticipated that UTAS will object to the extension once they have handed over ownership of the new City of Burnie Brass Band and Burnie Highland Pipe Band Rooms building from the to the Burnie City Council.

#### City of Burnie Brass Band – Information to support Motion

The City of Burnie Brass Band, established in 1891, has been serving the Burnie and surrounding communities for 131 years. It is the longest serving community group besides from the Burnie Athletic Club. The band is a volunteer organisation run by community members who collectively enrich the cultural tapestry of the region through the provision of their musical services at Civic Ceremonies including ANZAC Day, Australia Day, Citizenship Ceremonies and community events including Burnie Christmas Tree Lighting, Strahan Family Christmas Evening, Burnie New Year's Eve Sports with the Burnie Highland Pipe Band, Spring and Autumn Festivals at the Emu Valley Rhododendron Gardens and providing the National Anthem and half time musical entertainment at all North West Thunder Home Games in 2019. The band regularly engages with other local performing arts organisations having participated in combined public concerts at the Burnie Soundshell with the Burnie Concert Band, supporting The Burnie School of Irish Dancing at their annual Get Reelin' concert, providing interval entertainment for both the Burnie Musical Society and DoMaur Production shows in 2022. They are also regular and successful competitors at the Burnie City Eisteddfod, Tasmanian Band League State Championships and at Australian National Band Championships.

The City of Burnie Brass Band also has a strong history of family connection. The Bentley, Scolyer, Richards and Lusted families are generational families within the organisation, each

with two to three generations currently playing with the band. Each of these families have made significant contributions to music along the North-West Coast from Smithton to Devonport. The City of Burnie Brass Band has also produced players who have moved on to professional careers in music including in the Armed Forces, with the Australian Opera and Ballet Orchestra, Symphony Orchestras and on international cruise ships.

The City of Burnie Brass Band also provides low-cost musical education opportunities to community members of all ages and abilities. The Senior Band, under the Musical direction of Robert Bentley, provides opportunities for intermediate and advanced players to stretch their skills, while the Development Band, under the direction of Michael Bousfield, provides a steppingstone for youth and adult players into the world of playing in a brass ensemble. In 2021 the Band commenced, under the direction of Rebecca Wells, a specifically targeted youth program called Get Brassy! This program, starting with five primary school aged students playing plastic cornets, has blossomed into a program that now extends into a local primary school and continues to move from strength to strength.

It is important to remember that the City of Burnie Brass Band is a volunteer organisation. The elected committee and playing members are all volunteers. These volunteers are husbands, wives, parents, carers, employees, employers, service club members, involved with other local organisations. They dedicate the time they are able to towards the preparing for the future of the City of Burnie Brass Band. Over the last 7+ years this has included spending time away from their core business of making music to work hard to preserve their future, including the replacement of the rooms built by their own members. This has taken a lasting toll on each individual involved with this process.

It should be noted that the City of Burnie Brass band rooms located at Parsonage Point were built and maintained by band members on land within the railway easement provided to the band by the State Government in the late 1950s. This building only became the property of the Burnie City Council when ownership of the land the building sits on was transferred to the council in 1990. This land was subsequently gifted by the Burnie City Council to the University of Tasmania during the current transition of UTAS from their Mooreville Road site to the West Park Precinct.

A city without music is a city without soul!





### GENERAL MANAGER'S COMMENTS

The development of new band rooms on the West Park precinct as part of the relocation of UTAS to that location has a long history. Most recently at the Closed Session meeting of 26 October 2021 (AC116-21) the Council determined to, inter alia, authorise the General Manager to negotiate with the Burnie Brass Band and attempt to resolve its concerns about design of their new band room, mainly in relation to storage capacity. The General Manager actioned this resolution.

At the November 2021 closed Council meeting Councillor Bulle moved a motion to similar effect as the position of the Brass Band outlined in this motion. That motion was substantially amended, passed and actioned.

Following the receipt of advice on the financial implications of a proposed extension to the band rooms under construction, it was determined that it was not financially responsible to proceed and the General Manager was asked to convey this decision to Brass Band representatives. The General Manager attempted to deliver this decision in a face to face meeting, but unfortunately no Brass Band representative was available to meet in a timely manner.

On Thursday 10<sup>th</sup> March 2022 the General Manager emailed representatives of the Burnie Brass band as follows:

"I would much prefer to have been able to convey this message in person but unfortunately you have cancelled the meeting scheduled for 4.30pm this afternoon and I am told that you and other members of the band's executive are not available to meet until at least next Tuesday. In these circumstances where continued delay is creating risk for the Burnie City Council I need to write to advise you of the following.

As you are aware, over the past few months Burnie City Council has been working with the Burnie City Brass Band to address your concerns about the size of the new band room under construction at West Park. While the Council remains of the view that the Burnie City Brass Band had agreed to the design of the new facility prior to the development proceeding, the Council has acted in good faith to attempt to resolve your concerns, which relate to a lack of storage space for the Band.

The University has paused its construction of this new facility and actively and constructively engaged with the Council and Brass Band in an effort to address the Band's concerns.

These negotiations have resulted in a revised design that provide an extension of the new band room that meet the Brass Band's concerns. The Council has recently been provided with the cost estimate for the proposed changes from a quantity surveyor which indicates the estimated cost for the additional works to be in excess of \$1 million.

This is not affordable for Council. Not only would this require deferring important infrastructure renewal projects in order to build the new extension, it would add an additional \$33,000 to Council's operational expenditure each year once the building is constructed and ownership passes back to the Council.

The Council have been working hard to curb our expenditure increases in an effort to ensure long term financial sustainability, with the intent of being able to keep rate increases for our community as low as possible.

I now write to formally advise you that the Council is unable to progress the works. Again, I express my regret at not being able to do this in person but even delaying until next week is adding cost to Council as the University has stopped the construction process and is working on the revised plans.

The Burnie City Council will ask the University to resume the construction of the new facility as originally planned. This will deliver a new home for the Burnie City Highland Pipe Band and the Burnie City Brass Band.

On completion of the construction of the new band rooms, once ownership of the building has transferred to the Council, there will be further engagement with the Brass Band in an endeavour to satisfy your concerns about this new space. Until then, the Council will offer additional storage capacity off-site as a short-term response, while longer-term affordable options are explored.

Burnie City Council would like to acknowledge and thank all parties for their assistance in working through this issue. The Council would also like to particularly acknowledge and thank the Brass Band for the constructive manner in which they too have worked to find a solution. Regrettably the negotiated solution is not affordable for our community."

As can be seen, Council has committed to work with the Brass band to resolve their concerns about storage space.

This motion essentially seeks to revisit matters that have been previously determined by Council.

### **Legislative Requirements**

There are no legislative requirements.

### **Policy Considerations**

There are no relevant policy requirements.

### **Financial Impact**

Adoption of this motion is potentially highly problematic because of its reference to an extension to the band rooms currently under construction and the link to the position of the Burnie Brass Band contained in the supporting information. The cost estimated contained within the details in support of the motion will be inadequate for reasons outlined below. It is not possible to provide a reliable cost estimate at this time.

### **Discussion**

There is a range of concerns with this motion as listed and discussed below.

#### **1. Site constraints**

The site of the new band rooms is constrained. The previous proposal to extend the band room to the north/eastern end of the building, that councillors determined not to pursue because of the cost, required negotiation with UTAS to adjust the land title boundary and to amend car parking plans. All councillors have recently been provided with the current plans for construction of the new band rooms and its location on the precinct. These plans show that the car park is to be constructed almost up to the north/eastern end of the building as currently designed and being constructed.

Councillors were advised at the time the decision was taken to discontinue with the recent plan to extend the band room, that an extension to that end of the building would not be possible thereafter because of this boundary issue. There is not the room for any structure at that north/eastern end and the remainder of the site is very constrained, with the strategic infrastructure corridor immediately to the south. There is no other viable space on this site on which to locate such a structure and there is certainly no room to build an adjoining structure.

While it may be possible to go back to UTAS and attempt to renegotiate the land title boundary, that is not a simple or straight forward matter, particularly given the history of the construction of the new band room. Such an approach is not recommended as it will



cause further delay and uncertainty, causing significant reputational risk for Council and again exposing Council to unknown financial costs and risk.

## 2. Planning and building approvals

The extension proposed would require planning and building approvals. This may not be straight forward, particularly given what is proposed. Objections may be received in relation to a construction of this nature (even if the land is available). As the extension is proposed to be used for practice rooms etc, not just storage, that part of the building (at least) will need to comply with the current building code. If the extension were adjoining, it is likely to trigger other requirements under the building code – e.g. fire rating and prevention systems, heating/cooling systems, complying with thermal standards. All of this will have to be worked through but there will be a number of regulatory issues that means this will not be straight forward and potentially costly – the figure of \$130,000 will be a significant under estimate.

## 3. Timeframe

The ‘obligation’ to have the new extension constructed within 12 months is extremely optimistic, given the above issues.

## 4. Long term ‘lease’ or occupancy right

Council does not normally provide such long-term arrangements for community groups, so while in principle this could be done it is contrary to normal practice and will beg the question from other community groups as to why they too should not have such a long-term security. Officers advise against such a long-term arrangement because it potentially binds a future Council. For example, hypothetically what if in 15 years the band is reduced to a handful of people – do we want to continue to provide a right of occupancy to an expensive Council asset?

## 5. Requirement to engage with the Band in the planning and design of the proposed extension.

This is likely to cause delay and place further pressure to the timeframe proposed. The history of negotiations with the band point to this being a difficult and slow exercise. Please do not read this a criticism of the band, rather it is a reflection on the history of negotiations on the construction of the band room. It is also likely to add to the cost of what is being proposed.

## 6. The Brass Band retain use of the current band room until the extension is complete.

This may place Council in conflict with UTAS and is probably contrary to the Development Deed. UTAS would not be able to complete its development under its current development approval and this will add cost as the car parking and landscaping will not be able to be completed as required. UTAS may well seek compensation from Council if we were to agree to the band continuing to occupy the old band room, after the new band room is complete.

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#### 7. Cost

There is no reliable indication as to what this motion would cost should it succeed. Officers are unable to provide any estimate other than to be confident that it will cost significantly more than \$130,000.

#### 8. Other options

Council has maintained to the band that it is prepared to work with it to find a solution to its storage issues. There are other options for storage, but not on this site for the reasons set out above.

Council is strongly advised not to support this motion for the reasons outlined. While the motion itself requires exploring the option of an extension to the band room, the above advice details the range of issues that make this effectively impractical. Were it to be supported, it is highly likely that the intent of the decision will be incapable of implementation in its current form, again for the reasons outlined.

#### Risk

There are significant reputational and financial risks to Council if this motion is supported.

#### Consultation

Relevant Council officers have been consulted. UTAS is aware of this motion but has not been formally consulted. The position of the University is that this is a matter between Council and the Burnie Brass Band.

#### COUNCIL RESOLUTION

**Resolution number: MO095-22**

**MOVED:** *Cr T Bulle*

**SECONDED:** *Cr A Keygan*

***"THAT Burnie City Council, confirms:***

***That after taking ownership of the new City of Burnie Brass Band and Burnie Highland Pipe Band Rooms building from the University of Tasmania, the Burnie City Council will look into the provision and construction of an extension to the new City of Burnie Brass Band rooms to meet the rehearsal, storage, and trailer needs."***

*The motion was not put due to the following motion*

**COUNCIL RESOLUTION****MOVED:** Cr T Bulle**SECONDED:** Cr K Dorsey

***“THAT Burnie City Council, confirms that after taking ownership of the new City of Burnie Brass Band and Burnie Highland Pipe Band Rooms building from the University of Tasmania, the Burnie City Council will look into the provision and construction of an extension to the new City of Burnie Brass Band rooms to meet the rehearsal, storage, and trailer needs; and that Burnie City Council will commit the sum of \$200,000 from the capital works budget for the construction of the extension to the new City of Burnie Brass Band Rooms.”***

For: Cr T Bulle.

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

**LOST****COUNCIL RESOLUTION****MOVED:** Cr A Keygan**SECONDED:** Cr D Pease

***“THAT Council as a whole meet with the bands to provide surety to the bands that Council will work with them to a mutually agreed upon solution for their needs, upon completion of the existing plans.”***

For: Cr S Kons, 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 A Boyd returned to the meeting, the time being 7.53pm.

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**MOTIONS ON NOTICE****AO099-22 MOTION ON NOTICE - FUNDING FOR CRUISE SHIP SEASON**

**FILE NO:** 15/5/2, 22/16796  
**PREVIOUS MIN:**

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

***“THAT Burnie City Council approve money in the 2022-23 budget to cater for the 2022-23 Cruise Ship season.”***

**COUNCILLOR’S COMMENTS**

Leaving it until this late to cut funding for the 2022-23 Cruise Ship season is not ideal.

Options for the Cruise Ships and Tas Ports would be very difficult for them to organise funding because they too have to prepare their own budgets.

We need to negotiate funding for the next 12 month period for the 2023-24 cruise ship season.

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

Burnie Port is a busy operating port and when cruise ships visit it is necessary to bus passengers on and off the wharf for safety reasons.

Burnie City Council has supported cruise ships visiting Burnie, including by paying the cost of a Shuttle Bus Service to transport to and from the wharf those passengers who elect not to take a paid shore experience with local tourism service providers. They are subject to separate transport arrangements paid for as part of the shore experience.

MOUs were entered into between Burnie City Council and Tas Ports to formalise arrangements and agree cost sharing for the Shuttle Bus Service.

On 24 October 2018, a MOU between Burnie City Council and Tas Ports was signed that documented that Tas Ports agreed to meet one third of the costs of providing the Shuttle Bus Service. That MOU expired on the departure of the last visiting cruise ship in the 2019-20 FY.

On 14 March 2019 the then CEO of Tas Ports wrote to the then General Manager of Burnie City Council offering to cap Council’s financial commitment to then current levels, enter a

new MOU through until end of 2023/24 FY cruise ship season and committing to work with the cruise ship industry to recover the costs of the Shuttle Bus Service.

On 21 May 2019 Council resolved to authorise the then General Manager to enter into a new Memorandum of Understanding with TasPorts to secure capping of Council's contribution to the costs of providing a Cruise Ship Shuttle Service to the 2018-19 level.

On 7 November 2019 a new MOU was entered between Tas Ports and Burnie City Council substantially on the terms offered by the Tas Ports CEO. Burnie City Council's financial contribution was capped at approximately \$56,000.

The Tasmanian Government has formed a working group to plan for the resumption of cruise ship visits to Tasmania, including to Burnie. In that context Council officers have taken the position that Council has not budgeted for resumption of the cruise ship Shuttle Bus Service and that the cost should be borne by Tas Ports and/or the cruise ship companies. This is consistent with recognition by Tas Ports in 2019 that these costs should be recovered from the cruise ship operators.

Burnie City Council is planning to operate its new mobile visitor information centre and organise volunteers to welcome and advise tourists visiting on cruise ships.

There is no provision in the 2022-23FY budget for the Shuttle Bus Service.

### **Financial Impact**

The cost of providing the cruise ship Shuttle Bus Service is capped under the MOU at approximately \$56,000.

### **Discussion**

While the MOU signed on 17 November 2019 remains current, it does not create binding legal obligations and it may be argued that the COVID pandemic has acted as a novus actus interveniens, such that Council is no longer be responsible for meeting these costs.

That Council has been paying these costs means it has been subsidising the commercial operations of Tas Ports and the cruise ship companies, both of which receive substantial income (and presumably profits) from these activities. Should Council discontinue paying for the Shuttle Bus Service it is highly unlikely that this result in cruise ships not visiting Burnie.

Council is planning to provide visitor information services to visitors from cruise ships docking in Burnie.

### **Risk**

There may be some community criticism about discontinuing the funding of the Shuttle Bus Service. Equally, some rate payers may be concerned to learn that Burnie City Council has been and intends to continue to provide a substantial subsidy to commercial operations, Tas Ports and cruise ship companies.

**Consultation**

The working group facilitated by the Tasmanian Government to plan for the resumption of cruise ship visits to Tasmania has been advised that Burnie City Council has not budgeted for this service.

**COUNCIL RESOLUTION****Resolution number: MO096-22****MOVED:** Cr A Boyd**SECONDED:** Cr K Dorsey***“THAT Burnie City Council approve money in the 2022-23 budget to cater for the 2022-23 Cruise Ship season.”****The motion was not put due to the following procedural motion***COUNCIL RESOLUTION****MOVED:** Cr C Lynch**SECONDED:** Cr T Bulle***“THAT the matter be deferred.”***

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 left the meeting, the time being 7.57pm, and did not return.

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**MOTIONS ON NOTICE****AO100-22 MOTION ON NOTICE - WORKING WITH VULNERABLE PEOPLE****FILE NO:** 15/5/2, 22/17015**PREVIOUS MIN:**

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

***“THAT Council support the idea promoted by the Wynyard Council that “elected” officials be required to secure a Working with Vulnerable People card by writing to the Government asking for a change in requirements to serve as a Councillor.”***

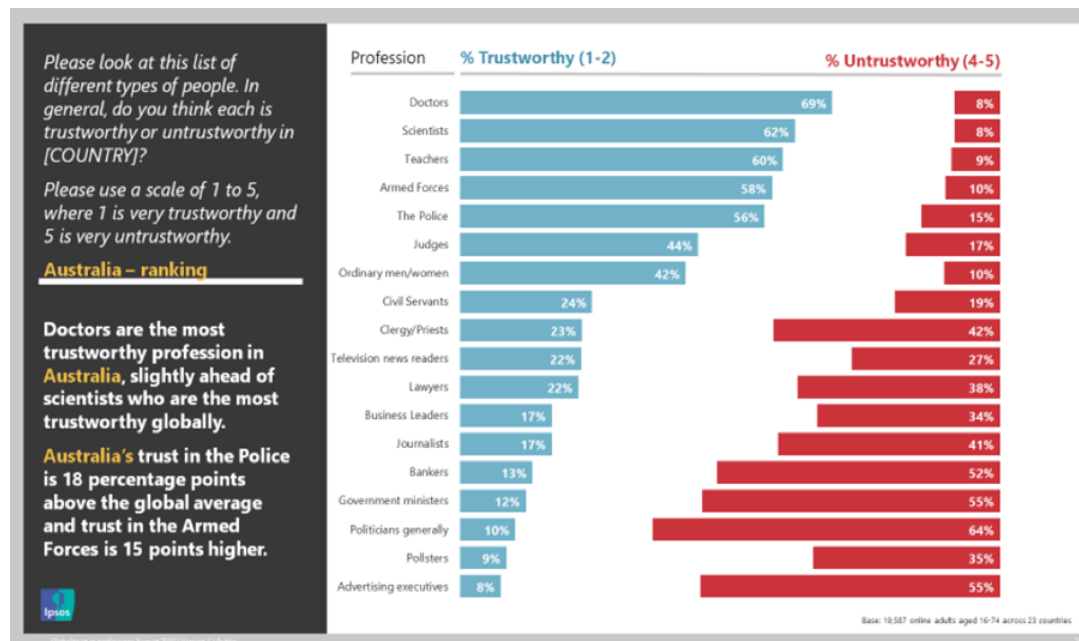
**COUNCILLOR’S COMMENTS**

The Working with Vulnerable People Check has become a crucial legal check in some Australian States and Territories to help reduce crime, sexual offences, improper behaviours and harm to the vulnerable members of our society.

Every community has its vulnerable population and it is the responsibility of the people, the community and the government to ensure that they are not manipulated, coerced or "bullied" out of their rights. This is why in some States and Territories, it is mandatory by legislation to present a Working with Vulnerable People Check (WWVP) card.

From the graph below it is evident that Politicians/elected officials are the least trusted people in Australia and globally. Therefore, it is a simple request that the least trustworthy people on the planet have a working with Vulnerable People Certification.

Image sourced from: <https://www.ipsos.com/en-au/its-fact-scientists-are-most-trusted-people-world#>



The following information is sourced from: <https://cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people/do-i-need-to-register>

In Tasmania, the following professions require a working with vulnerable people card:

#### **Education:**

##### **Teachers**

Registration is required in order for a person to maintain the status of Registered Teacher or Limited Authority to Teach under the Teachers Registration Act 2000.

##### **Child education service (Government Schools)**

Examples of roles where registration is likely to be required:

- volunteer members of the parent management committee
- school health staff
- all office employees
- mentors and tutors
- instructors or leaders of after-school activity programs organised in conjunction with the school for its students and that take place at the school or its oval
- TAFE lecturers who have contact with children as part of their usual duties
- non-teaching staff who work with children (e.g. parent help)
- canteen or tuck-shop staff who have contact with children
- school-crossing services
- gardeners, cleaners, cooks and Education Facility Attendants
- school bus drivers.

##### **Child education service (Non-Government Schools)**

Examples of roles where registration is likely to be required:

- all office staff at a school



- *school health staff*
- *staff and volunteers that assist with the canteen, uniform shop, library or school administration*
- *non-teaching staff who work with children (e.g. parent help)*
- *instructors or leaders of after-school activity programs organised in conjunction with the school for its students and that take place at the school or its oval*
- *gardeners, cleaners, cooks (utility officers) etc. whose employment is at the institution*
- *canteen or tuck shop staff who have contact with children*
- *school boards, councils, or committees (includes parents and friends committees)*
- *mentors and tutors*
- *staff or volunteers that assist with sacramental programs*
- *staff or volunteers that assist with billeting of students*
- *school bus drivers.*

#### ***Vocational education and training service***

*Examples of roles where registration is likely to be required:*

- *Registered Training Organisations and other private providers staff who have contact with children as part of their usual duties*
- *non-teaching staff who work with children*
- *gardeners, cleaners, cooks etc. whose employment is at the institution and who do their work while children are likely to be present and contact with a child occurs as part of their usual duties.*

#### ***State library service***

*Registration is required by people that work or volunteer in a State Library Service as defined in the Libraries Act 1984.*

#### ***Child and youth services***

##### ***Adoption service***

*Registration is required for people providing an adoption service for a child under the Adoption Act 1988.*

##### ***Guardianship service***

*Registration is required for any custodian to a non-citizen child under the Immigration (Guardianship of Children) Act 1946 of the Commonwealth.*

##### ***Child protection service***

*Examples of roles where registration is likely to be required:*

- *a kinship carer*
- *a foster carer*
- *a person working with children in a residential care service*
- *a person providing for respite, refuge, shelter or other temporary accommodation facilities used by a child at risk as defined by the Act and in out of home care*

- a family group conference facilitator
- a person administering, or exercising a function under, the Act including carer approval
- front line staff of Children and Youth Services (DHHS) providing or contributing to a service or activity such as intake assessment, case management trauma informed counselling, leaving care support or service, reunification support or service
- members of the board of management, or a committee, of the organisation or other body providing services/activities if they are in direct contact with children
- people employed by a family-based service provider and/or residential care service provider who do their work while children are likely to be present and contact with children occurs as part of their usual duties such as students on placement, gardeners, cleaners, cooks and others
- mentoring and/or advocacy services and programs run by employees/volunteers for children.

***Child accommodation service***

*Examples of roles where registration is likely to be required:*

- residential accommodation for children (i.e. school boarding house workers who have contact with a child as part of their usual duties)
- camp caretakers whose usual duties involve contact with a child
- country school hostel workers who have contact with a child as part of their usual duties
- youth refuge workers
- persons who provide accommodation and care for exchange students under 18 years of age
- persons providing home billeting to children under 18 years of age
- staff and volunteers of overnight camps for children.

***Child mentoring service (includes youth worker service)***

*Registration is required where an emotional support, mentoring or pastoral care service is conducted specifically for, or provided only or mainly to children.*

***Child health program and child health service***

*Examples of roles where registration is likely to be required:*

- child health nurse
- school health nurse
- a service provided to a child at a child health centre
- speech pathologists, occupational therapists who as part of their services provide counselling to assist children to emotionally manage their conditions.

***Child disability service***

*Examples of roles where registration is likely to be required:*

- an activity or service that provides home help, home maintenance or modification, personal care, food services, assessment or referral of support needs, information services, coordination or employment services to children with a disability
- an activity or service provided in association with the use of premises for the care, treatment or accommodation of children with a disability.

**Youth justice service**

*Examples of roles where registration is likely to be required:*

- *a counselor, a support worker, and/or a driver transporting children to and from, the Ashley Youth Detention Centre and/or other approved places of custody*
- *a worker routinely contacting a child detained at a prison (within the meaning of the Corrections Act 1997)*
- *a person providing a service or activity to a child who is the subject of an Order under the Act*
- *a person administering, or exercising a function under, the Act and front line staff of Children and Youth Services (DHHS) who provide or contribute to a service or activity under the Act*
- *a legal aid officer (but not an Australian lawyer)*
- *a member of the board of management, or a committee, of the organisation or other body providing services/activities under the Act or to a child who is the subject of an Order under the Act, if they are in direct contact with children*
- *students on placement, gardeners, cleaners, cooks and others who are employed by a custodial facility for children who do their work while children are likely to be present and contact with children occurs as part of their usual duties*
- *employees/volunteers involved in mentoring and/or advocacy services for children who work directly with children who are the subject of an Order under the Act.*

**Child transport service**

*Child transport service includes all public passenger vehicle ancillary certificate holders.*

*Examples of roles where registration is likely to be required:*

- *school bus services*
- *all holders of an Ancillary Certificate to drive a Public Passenger Vehicle*
- *school-crossing service (school crossing patrol officer)*
- *a person (who is not a parent of a child at the school) who volunteers as a school crossing attendant*
- *drivers of a children's party limo*
- *private coach hire services that service schools on school excursions and camps*
- *parents of a child at the school who volunteer as a school crossing attendant.*

**Childcare service**

*Examples of roles where registration is likely to be required:*

- *managerial officers*
- *individual licensees*
- *child care workers*
- *nanny services and other child minding services*
- *babysitting services (unless the services are provided under a private arrangement)*
- *au pair work (if children are involved)*
- *nominated supervising officers*
- *students on placement over 18 years of age*

- gardeners, cleaners, cooks etc. (employed at the child care centre and likely to be in contact with children)
- self-employed people or their employees who attend a centre to provide classes to children.

**Child-related religious activity**

*Examples of roles where registration is likely to be required:*

- religious leaders including Ministers of Religion, Chaplains, Rabbis, Priests, Muftis, Acolytes and other like religious leaders or spiritual officers where the usual duties of these leaders involves contact with children
- adults who volunteer their services for Sunday school, church youth activities, children's religious story-telling
- adults engaged in any other role in the organisation involving activities primarily related to children, including youth groups, youth camps, teaching children and child care
- adults that deliver children's religious story telling.

**Club or association activity**

*Examples of roles where registration is likely to be required:*

- sports coaches, team managers and committee members for a club that primarily involves the participation of children
- playgroup facilitators and staff
- member protection information officers
- guides and scout leaders
- committee members or members of a board of management or similar
- track officials
- first aid officers.

**Coaching or tuition service**

*Coaching or tuition service means a service involving coaching or tutoring children including, but not limited to, coaching and tutoring in a sport, driving, signing, a musical instrument, dance or educational matters*

*Examples of roles where registration is likely to be required:*

- private coaches and tutors for children (including private sports coaches)
- driving instructors who teach children under 18 years of age
- music, dance school teachers or educational tutors for children.

**Legal practitioner**

*Registration is required by people that work or volunteer in a child legal service (an activity conducted specifically for, or a service provided specifically to, a child by a separate representative or an independent children's lawyer).*

**Child-related commercial service**

*Examples of roles where registration is likely to be required:*

- adults that work at sporting, cultural or other entertainment venues where the services, activities or entertainment is provided on a commercial basis primarily for children

- *individual workers in agencies that provide employment agency services to children*
- *adults that provide entertainment services primarily for children on a commercial basis*
- *adults providing an entertainment or party service*
- *adults providing a gym or play facility*
- *adults providing a photography service*
- *adults running a talent or beauty competition*
- *magicians/clowns who provide public entertainment services specifically for children if they have physical contact with children*
- *animal farm shows that visit schools or provide private children's parties*
- *Santa and Santa's helpers (for example elves) and the children's photographer when they have physical contact with a child."*<sup>1</sup>

*Public officers and elected officials have regular contact and associations with Vulnerable people; therefore, the requirements established by the government to protect the most vulnerable in our community should be extended to elected officials.*

## **GENERAL MANAGER'S COMMENTS**

### **Background**

The Tasmanian State Government enacted the *Registration to Work With Vulnerable People Act 2013* (Tasmania) and accompanying Regulations in 2014 to require people who interact with vulnerable people (including children) to be registered. This legislation provides a comprehensive legal framework. Councillors per se are not required to be registered but may be caught by one of the many other categories requiring registration, either by virtue of their role with Council or in another capacity. For example, some Councils operate child care facilities which may justify councillors being required to be registered, but even then it would have to be determined on a case by case basis as councillors should be separated from the day-to-day operation.

### **Legislative Requirements**

There is currently no requirement for councillors per se to be registered as the role of councillor does not ordinarily bring individual councillors into regular contact with vulnerable people in the manner anticipated by the legislation.

### **Policy Considerations**

There are no Council policy considerations.

### **Financial Impact**

There is a fee payable to seek registration.

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<sup>1</sup> <https://cbos.tas.gov.au/topics/licensing-and-registration/work-with-vulnerable-people/do-i-need-to-register>

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**Discussion**

Other than virtue signalling there appears to be no sound policy basis for making this request. The fact Waratah Wynyard Council is pursuing such action is a matter for that Council but should be seen within the light of its current controversy.

**Risk**

Support for the motion may be viewed as calling for an additional requirement and cost to qualify for election as a councillor and may not be broadly supported across the sector given the lack of an underlying policy rationale.

**Consultation**

There has been no consultation on this motion.

**COUNCIL RESOLUTION**

**Resolution number: MO097-22**

**MOVED:**            *Cr T Brumby*

**SECONDED:**      *Cr A Boyd*

***“THAT Council support the idea promoted by the Wynyard Council that “elected” officials be required to secure a Working with Vulnerable People card by writing to the Government asking for a change in requirements to serve as a Councillor.”***

**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***

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**MOTIONS ON NOTICE****AO101-22 MOTION ON NOTICE - RELOCATION OF BURNIE FARMER'S MARKET****FILE NO: 15/5/2, 22/17031****PREVIOUS MIN:**

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

***“THAT Council reopen negotiations with organiser and stall holders at the Burnie Farmer’s Market to discuss the relocation of the market into the city:***

***Suggested ideas include:***

- 1. Bottom of Wilson Street***
- 2. Columnar Court carpark***
- 3. King Street Carpark***
- 4. Cultural centre ‘park’***
- 5. MTCP ‘park’.”***

**COUNCILLOR’S COMMENTS**

The Burnie Farmers Market was the first community-run farmers' market established in Tasmania. It has been located at the Wivenhoe Showgrounds for, as long as I can remember. It has been/is a quality market that has over the years, proven to be durable by overcoming a range of issues that included a breakaway market that divided the stall holders. The competition and ill-will created at that point in time did not bode well for either group.

When the BCC took possession of the “Showgrounds” location, discussions regarding the future of the market including location were held. The decision was made to stay where it was with new management.

In my opinion, the Market has had moments, but in general lacks the atmosphere to be an event worthy of visiting every other week. Whilst it is impossible to compare markets due to population sizes and the demographics of the populace; Evandale, Hobart, Launceston, Penguin have been able to establish markets that are a drawcard for their respective locations providing an opportunity for entrepreneurialism to succeed. It is an opportunity to display wares and sell products at a minimal cost to the seller.

With the ships to soon return to Burnie, this “could” be an opportunity to establish a market to assist in removing some of the visitor’s money from their well-controlled purses. Burnie has been acclaimed to be the City of Makers, this is an opportunity to provide an outlet and opportunity for the makers to display their wares and gain an income in doing so.

Burnie has a large catchment area and is a creative hub for a variety of artist and producers. The move the city would be good for the marketers, good for the city, a chance to develop new businesses and a means to showcase the produce of this rich area.

### GENERAL MANAGER'S COMMENTS

Council officers believe it desirable for the Farmer's Market to relocate into an appropriate site in the CBD at some stage. It has not been a priority issue up until this time because of other priorities.

Stakeholders and community should be consulted about this proposal before any decision to relocate.

### COUNCIL RESOLUTION

**Resolution number: MO098-22**

**MOVED:** *Cr D Pease*

**SECONDED:** *Cr G Simpson*

***"THAT Council reopen negotiations with organiser and stall holders at the Burnie Farmer's Market to discuss the relocation of the market into the city:***

***Suggested ideas include:***

- 1. Bottom of Wilson Street***
- 2. Columnar Court carpark***
- 3. King Street Carpark***
- 4. Cultural centre 'park'***
- 5. MTCP 'park'."***

**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***



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**MOTIONS ON NOTICE**

Mayor S Kons vacated the chair, and Deputy Mayor G Simpson took the chair, the time being 8.14pm.

**AO102-22 MOTION ON NOTICE – REVIEW OF LOCAL GOVERNMENT FUNCTIONS – CODE OF CONDUCT**

**FILE NO:** 15/5/2, 22/17088

**PREVIOUS MIN:**

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

***“THAT Burnie City Council supports the State Governments initiative to undertake a review of Local Government functions in an effort to drive reform in the sector.***

***That it specifically supports reform to the Code of Conduct provisions to ensure a more robust and independent process is adhered to by considering the following options for reform to this part of the Act.***

- 1) That the process of raising a complaint and having it reviewed, be undertaken by an independent method and body, and not aligned with the Office of Local Government.***
- 2) The initial assessors of the complaint should not be allowed to participate in any further hearings or deliberative actions beyond recommending that a hearing should occur.***
- 3) That at least one member of any panel should be a lay member without any connection to Local Government.***
- 4) That hearings be bound by rules of evidence.***
- 5) That parties may be legally represented.***
- 6) That at least one member of any panel should be a lay member without any connection to Local Government.***
- 7) That hearings be bound by rules of evidence.***
- 8) That parties may be legally represented.***
- 9) That a body of examples of behaviour considered inappropriate be listed on the Local Government website to reinforce the message of what is unacceptable.***
- 10) Complainants who are sitting members of a Council should under oath state that the reasons why they are lodging the complaint are not politically motivated.”***

**COUNCILLOR’S COMMENTS**

Recent media attention and past LGAT meetings have highlighted the fact that this system is broken and needs urgent repair.

Several of the provisions of the LG Act indicate that the process is akin to a feel-good prospect of addressing behaviour and accordingly the principles enunciated in the legislation are loosely constructed and not robust and accordingly have the hall marks of a Kangaroo Court.

Many Code complaints are raised within a period close to Council elections and could arguably be said that they are politically motivated.

## **GENERAL MANAGER'S COMMENTS**

### **Background**

The majority of councillors made a submission to the first phase of the current review of local government being undertaken by the Local Government Board appointed by the State Government. Councillors continue to receive advice and updates on this review and will continue to have opportunities to contribute through submissions.

The State Government has also been reviewing the Conduct Framework (the Framework) for councillors in response to concerns from the local government sector and the community. The Tasmanian Government consulted with the public about potential targeted legislative change.

Consultation on a Discussion Paper was undertaken during July and August 2021.

Twenty-eight submissions were received from across the local government sector, community members and other Tasmanian Government agencies. Burnie City Council made a submission, adopting many of the points made in this motion.

The Government's response to the submissions period was released on 20 December 2021.

The feedback from the community and the sector was that very minor, low-level behavioural complaints consume too much attention and resourcing on the one hand, while on the other hand the Framework is not adequately equipped to appropriately sanction more serious breaches.

The Government will proceed with the changes proposed in the Discussion Paper as well as some additional reforms that respond to suggestions that there could be greater clarity, consistency, and efficiency in the handling of complaints, particularly at the less and more serious ends of the misconduct spectrum. The Government also committed to further work to ensure the Code of Conduct Framework remains effective into the future.

The Government's response commits to reform across six key areas:

1. Improving consistency and clarity across councils
2. Using dispute resolution processes for less serious matters
3. Focusing initial assessment on more serious allegations
4. Increasing confidence in the assessment and investigation process
5. Stronger monitoring of compliance with sanctions

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6. Positioning the framework for the future.

A summary of the six Targeted reforms to the Framework is available to view and download at <https://www.dpac.tas.gov.au>

### Legislative Requirements

The Councillor Code of Conduct and associated complaint mechanisms are legislated in the *Local Government Act 1993* (Tasmania).

### Policy Considerations

Council has adopted a Councillor Code of Conduct as currently required by the Act.

### Financial Impact

None.

### Discussion

The State Government has conducted a review and committed to reforming the Framework following consultation with the local government sector and Tasmanian community.

### Risk

Nil.

### Consultation

There has been no consultation on this motion.

### COUNCIL RESOLUTION

**Resolution number: MO099-22**

**MOVED:** Cr S Kons

**SECONDED:** Cr T Bulle

***“THAT Burnie City Council supports the State Governments initiative to undertake a review of Local Government functions in an effort to drive reform in the sector.***

***That it specifically supports reform to the Code of Conduct provisions to ensure a more robust and independent process is adhered to by considering the following options for reform to this part of the Act.***

- 1) That the process of raising a complaint and having it reviewed, be undertaken by an independent method and body, and not aligned with the Office of Local Government.***

- 2) *The initial assessors of the complaint should not be allowed to participate in any further hearings or deliberative actions beyond recommending that a hearing should occur.*
- 3) *That at least one member of any panel should be a lay member without any connection to Local Government.*
- 4) *That hearings be bound by rules of evidence.*
- 5) *That parties may be legally represented.*
- 6) *That a body of examples of behaviour considered inappropriate be listed on the Local Government website to reinforce the message of what is unacceptable.*
- 7) *Complainants who are sitting members of a Council should under oath state that the reasons why they are lodging the complaint are not politically motivated."*

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***

Deputy Mayor G Simpson vacated the chair, and Mayor S Kons resumed the chair, the time being 8.19pm.

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**MOTIONS ON NOTICE****AO103-22 MOTION ON NOTICE - MARINUS LINK****FILE NO:** 15/5/2, 22/17355**PREVIOUS MIN:**

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

***“THAT Burnie City Council urges the State and Federal Government to expedite the construction of the Marinus Link and associated infrastructure to ensure that the power grids efficiency and reliability is enhanced, and ensure that power prices are kept to a minimum into the future with this additional reliability emanating from Burnie The City by the Sea.”***

**COUNCILLOR’S COMMENTS**

Attached document ‘Marinus Link Benefits’.

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

Publicly available information about Marinus Link states:

<https://www.marinuslink.com.au/>

*Marinus Link is a proposed 1500 megawatt capacity undersea and underground electricity connection to further link Tasmania and Victoria as part of Australia’s future electricity grid. It is supported by over 240km of transmission developments in North West Tasmania. Collectively, these projects are known as Project Marinus.*

*Marinus Link involves approximately 250 kilometres of undersea High Voltage Direct Current (HVDC) cable and approximately 90 kilometres of underground HVDC cable in Victoria. It also includes converter stations in Tasmania and Victoria, and approximately 230 kilometres of supporting High Voltage Alternating Current (HVAC) transmission developments in North West Tasmania.*

*Together, Marinus Link and the supporting transmission developments will unlock Tasmania’s renewable energy and storage resources to deliver low-cost, reliable and clean energy for customers in the National Electricity Market. In addition, Marinus Link will help cut at least 140 million tonnes of CO2-equivalent by 2050. This is the equivalent of removing more than a million combustion engine cars from our roads.*

It is understood that the final investment decision is scheduled to be made toward the end of 2023.

**Legislative Requirements**

There are no legislative requirements in relation to this motion.

**Policy Considerations**

Should Marinus proceed it will provide significant economic and environmental benefits, which accord with Council's policy intent.

**Financial Impact**

There is no financial implication in passing this motion.

**Discussion**

It is unlikely that this motion will impact on the final investment decision, however it will cause no harm for Council to indicate its continuing commitment to this project that is important for Burnie, the region, State and Nationally.

**Risk**

There are no significant risks with supporting the motion. Failing to support it may be seen as a lack of commitment to Marinus Link proceeding, which is not the position of Council.

**Consultation**

There has been no consultation regarding this motion.

**ATTACHMENTS**

1. Marinus Link Benefits

**COUNCIL RESOLUTION****Resolution number: MO100-22****MOVED:**            *Cr G Simpson***SECONDED:**      *Cr A Boyd*

***“THAT Burnie City Council urges the State and Federal Government to expedite the construction of the Marinus Link and associated infrastructure to ensure that the power grids efficiency and reliability is enhanced, and ensure that power prices are kept to a minimum into the future with this additional reliability emanating from Burnie The City by the Sea.”***

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

**Against:**      Cr C Lynch.

**CARRIED**



### Marinus Link Benefits

Marinus Link will help provide everyday Australians with more secure and affordable power by unlocking Tasmania's abundant, low-cost wind resources and pumped hydro storage facilities.

From Cairns to Hobart, Marinus Link will help deliver low-cost, reliable and clean energy to millions of Australians across the National Electricity Market (NEM).

At 1500MW, Marinus Link is about the equivalent size as the former Hazelwood power station in Victoria, and three times the capacity of the existing Tasmania-to-Victoria connector, Basslink.

Marinus Link will have the capacity to transport power for up to 1.5 million homes at any given point in time, ensuring there will always be access to affordable, renewable energy even when the sun doesn't shine or the wind doesn't blow.

Marinus Link will unlock savings of at least 140 million tonnes of CO<sub>2</sub> by 2050, the equivalent of taking approximately a million petrol/diesel cars off the road.

Along with downward pressure on prices and a more reliable grid, Marinus Link will also cut emissions, deliver 2800 direct and indirect jobs in both Tasmania and Victoria, attract billions of dollars in regional investments to both states and unlock a pipeline of future renewable energy development.

We have a once in a generation opportunity to transform Australia's electricity network. Marinus Link will unlock Tasmania's incredible energy advantages including some of the best wind resources in Australia, a clean hydroelectricity system and the Battery of the Nation deep pumped hydro storage resources. This will ensure our electricity future is reliable and affordable, as well as renewable.

[marinuslink.com.au](http://marinuslink.com.au)

1300 127 777







Tasmania is already Australia's largest generator of renewable energy, underpinned by the state's extensive hydropower resources. In addition to Tasmania's latent hydro capacity, the capital cost of pumped hydro storages in the state are around 30 per cent lower than sites elsewhere across the NEM.

Marinus Link is the key to unlocking the deep storage of the Battery of the Nation for mainland Australia – increasing reliability, keeping electricity prices lower and significantly boosting access to renewable energy.

Project Marinus is one of a number of key transmission projects that are needed to unlock and share renewable generation, storage and dispatchable energy across the National Electricity Market (NEM) to best meet future customer needs.

Tasmania is in a unique situation where it already produces more renewable energy than is needed locally. The Marinus Link interconnector will deliver Tasmania's surplus clean energy to the mainland to keep emissions down, to increase grid reliability and to ensure electricity affordability.

Marinus Link is not a one-way exporter of Tasmanian energy. It's a two-way connection, allowing excess renewable energy generated in Victoria's rapidly expanding renewable energy zones to be transported to Tasmania's pumped hydro facilities to be stored, and deployed as needed.

Marinus Link is critical to supporting Australia's energy transition. From Cairns to Hobart, millions of Australians will be better off with a future energy grid that includes Marinus Link, compared to a future grid without it.

This is about building national-priority infrastructure to deliver low-cost, reliable and clean energy to millions of Australians right across the National Electricity Market (NEM).

To ensure further downward pressure on electricity prices, we need to have a mix of different sources of clean and reliable energy, backed by a variety of storage options. This includes both residential and commercial battery storage and long-duration pumped hydro storage.

The more renewable energy we can unlock through strategic transmission investment in projects such as Marinus Link, the greater downward pressure there will be on power prices.

[marinuslink.com.au](http://marinuslink.com.au)

1300 127 777



Marinus Link is expected to create approximately 2,800 direct and indirect jobs in Tasmania and Victoria during its construction and operation. It will also attract more than \$7 billion (\$7.1 bn) worth of additional economic activity.

All Australians across the NEM stand to benefit from Marinus Link, whether they live in Tasmania, Queensland, Victoria, New South Wales or South Australia. Customers in each region get a similar reduction per MWh, with some regions having a greater customer base so seeing greater overall benefits.

Marinus Link will help put downward pressure on wholesale electricity prices by introducing additional dispatchable capacity into the grid that replaces more expensive dispatchable capacity sources.

Like other interconnectors across the NEM, Marinus Link is largely about harnessing the increasing diversity of energy generation in Australia. This includes wind, solar and hydro energy sources to make sure we can keep the lights on whether or not the wind blows or the sun shines. With Marinus Link, the NEM will use the most efficient resources available at any given time and then store the excess energy to be released when customers need it.

The best outcome for Australians across the NEM is a network that can move energy from where it's being generated to where customers actually use it. This is where Marinus Link comes in.

Tasmania and Victoria have a large number of renewable energy zones and projects underway. The Marinus Link interconnector connecting Tasmania and Victoria will harness that diversity and make sure Australians across the NEM have access to reliable, accessible and affordable power.

Marinus Link will support the renewable energy industry that in turn supports jobs well beyond the interconnector's construction phase. Australia will continue to decarbonise and we want to do that in a way that still allows for downward pressure on power prices for Australians across the NEM.

Marinus Link will play an important role as part of the clean energy transition going on all around the world. We have the opportunity to build on our outstanding renewable energy sources here in Tasmania, including hydro, wind, solar and the potential for green hydrogen. We have an opportunity to create jobs in the clean energy industry and then jobs in all the supporting industries connected to such a large project as we bring people to live and work in our Tasmanian community.

[marinuslink.com.au](http://marinuslink.com.au)

1300 127 777





Marinus Link will help unlock renewable generation investment in Tasmania. We expect to see continued development of wind in Tasmania and those wind developers will be more confident to make that investment if they know they've got a strong local market in Tasmania and access to the broader Australian market.

In Tasmania, Marinus Link will unlock a huge pathway of development for renewable energy sources. It will allow the sector to expand and create thousands of jobs for Tasmanians locally.

At the other end of the proposed Marinus Link interconnector is Victoria's Gippsland region, which is becoming a hub for renewable energy following the state government's plans for more offshore wind projects. In Victoria, we are looking at building almost 90 kilometres of cabling, which will be installed underground. This will be a very large job requiring an equally large number of local contractors. The converter stations will also require a great deal of work, local fabrication and building materials. This includes extensive earthworks required to level the site and local constructors to build the facilities.

Marinus Link will deliver a clean energy highway across Bass Strait. It is an electricity and telecommunications interconnection that will more strongly link Tasmania and Victoria, and help electricity customers get access to more clean, reliable, affordable power and create local jobs in Tasmania and Victoria.

Marinus Link will also have telecommunications capabilities via optic fibre. This will bring opportunities for green data centres and telecommunication exchange in Northern Tasmania, which will create further energy load, economic development, future skills and jobs, advance business and learning in this sector.

Marinus Link is part of the lowest cost solution for electricity customers in the future national market.

[marinuslink.com.au](http://marinuslink.com.au)

1300 127 777



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**PUBLIC QUESTION TIME****AO104-22 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.net](http://www.burnie.net) or obtain a form from Customer Services. There is a limit of two questions per person.

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

Please note:

- 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

Justin Grave, of Burnie, asked:

- 1) ***Eagle Sea Estate at Heybridge is a black hole for mail, deliveries and trades getting to the correct location. The confusion that we are part of Heybridge which is also part of the Central Coast Council. We also have a Penguin Postcode 7316 attached to our land titles however under the Australia Postcode map we are part of Burnie 7321. Would the Burnie Council consider changing the area that is known as Eagle Sea (Heybridge) to another name other than Heybridge to try and solve this problem?***

The Mayor provided the following response:

The allocation of locality place names and post codes are not matters within Council's control.

Responsibility for registering the official name of a place is with Placenames Tasmania under the Tasmanian *Place Names Act 2020*.

Council may propose or support a change in a place name or the creation of a new locality, but cannot approve or implement a change. Approval is required under the *Place Names Act* following consideration by the Place Names Advisory Panel. A number of criteria and processes must be satisfied in order for a new name to be registered.

Australia Post is responsible for allocation of post codes based on operational efficiency. Factors including the configuration of the network, transportation connections and delivery arrangements are all taken into consideration when making those decisions. Australia Post may introduce, retire or change postcodes at any time at its discretion to support operational requirements and provide enhanced service to customers. Changes to postcodes may involve consultation with the local council and residents, depending upon the scale and significant impact of the change.

Brock Tamasi asked:

**1) *How do I run for Council?***

The Mayor provided the following response:

Good to have people interested in Council. The first part is go to the Tasmanian Electoral Commission website [tec.tas.gov.au](http://tec.tas.gov.au) and download the '*Information for Candidates in Local Government Elections*' booklet ([https://www.tec.tas.gov.au/local-government/assets/LG\\_Candidate\\_Information\\_Booklet.pdf](https://www.tec.tas.gov.au/local-government/assets/LG_Candidate_Information_Booklet.pdf)), Council will send a letter to you with details, that provides all the information about the requirements and process to nominate as a candidate (councillor, Deputy Mayor or Mayor) in the forthcoming local government elections, scheduled to be held in October 2022.

I look at the last results and the ones before and I target them. You go and have a look at 2018 and 2014 and see who has gone backwards. It is good to see people interested in local government.

***COUNCIL MEETING AS A PLANNING AUTHORITY***

The Mayor advised that for item AO105-22 Council is acting as a Planning Authority under the provisions of the *Land Use Planning and Approvals Act 1993*.

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

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

Cr G Simpson left the meeting, having declared her interest in Item AO105-22, the time being 8.37pm.

## **PLANNING AUTHORITY**

### **AO105-22 TASMANIAN PLANNING SCHEME PERMIT APPLICATION DA 2022/1 BURNIE HIGH SCHOOL FIDLER STREET ILLUMINATED POLE SIGN**

**FILE NO: DD001.2022.00000001.001**  
**PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

#### **1.0 RECOMMENDATION:**

***“THAT Council in its role as a planning authority under the Land Use Planning and Approvals Act 1993 in accordance with section 51(2)(c) and section 57(6) of the Act and Tasmanian Planning Scheme - State Planning Provision 6.8.1 GRANT a PERMIT on application DA 2022/1 to carry out development for an internally illuminated pole sign on land known as 30 Fidler Street, Cooe subject to –***

- 1. the development is to proceed and be maintained generally in accordance with the descriptions, commitments and requirements contained in the following documents – copies of which are attached and endorsed to form part of this Permit–***
  - a) Justification against performance criteria, prepared by the applicant, via email dated 5 April 2022;***
  - b) Design plans, prepared by Claude Neon, design number 8425, dated 24 March 2022, sheets 1,2 and 3;***
  - c) Site Plan, provided by the applicant***
- 2. the sign must not contain, create or display any message, graphic or effect of flashing, animation or movement.”***

## **2.0 SUMMARY**

Application has been made seeking grant of a permit to replace an existing panel sign with an elevated two-sided internally illuminated panel with changeable graphics on land located at the Bass Highway frontage of the Burnie High School, Cooe for the display of information relating to school activities.

This report describes the proposed development, identifies the relevant requirements of the Tasmanian Planning Scheme, and addresses matters in a representation making objection to grant of a permit.

The report concludes the proposed sign will comply with the requirements of the planning scheme and recommends a permit be granted.

## **3.0 BACKGROUND**

The Burnie High School seeks to replace an existing panel sign located within the Bass Highway frontage of the school site with a new pole sign comprised of a 1.5m high by 2.5m wide double sided and internally illuminated panel mounted on two poles at a height of 2.4m above existing ground level to a total height of 3.9m.

The new sign will be aligned at approximately 90° to the frontage so that panels will be visible to both east and west bound traffic on the Bass Highway.

The graphic display on the sign will be changeable to allow information remains contemporary to school activities and events.





Figure 1: Site Location (source LISTMaps)

The school site sits on the narrow coastal plain on land located between the Bass Highway and former rail corridor and the steep coastal escarpment.

The land has an area of 11.95ha with approximately 300m frontage to both the Bass Highway and Fidler Street, and contains both the Cooee Primary School and the Burnie High School campuses in the eastern and southern portion. The balance and greater part of the site is an open grassed expanse containing a number of playing fields.

The pole sign will be located at the northern end of the open part of the site immediately inside the Bass Highway frontage, approximately mid-way between the Cooee Primary School building complex and the internal pathway linking from the Bass Highway to the High School buildings.

Land adjoining the school site and fronting the Bass Highway to the east and west contains established single dwelling residential development.

The sign will be some 210m from the nearest building to the west, which is a dwelling; and some 140m from the nearest non-school building to the east, which is a single dwelling on the south-eastern corner of Fidler Street.

A copy of the permit application is attached, and includes diagrams illustrating the proposed sign structure and examples of the graphics which may from time to time be displayed on the sign panels.

#### 4.0 LEGISLATIVE REQUIREMENTS

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

- The Act makes a distinction between ‘use’ and ‘development’ – the former being the purpose for which land is utilised, and the latter being those things which may be done on or to the land in order to support its use, including any sign.
- Section 51 provides a person must not carry out a development of land for which a permit is required under a planning scheme applying to the land unless such a permit has been granted and is in effect.

A permit is required for development of an illuminated sign.

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

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

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

One representation was received during the exhibition period from the owner occupiers of land at 247 Bass Highway, Ocean Vista, and is relevant to the applicable requirements of the planning scheme.

**A copy of the representation is attached.**

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

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

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

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

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

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

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

The Burnie Local Provision Schedule applies the Community Purpose zone to the land comprising the Cooee Primary School and Burnie High School sites on Fidler Street and the Bass Highway, Cooee.

Purpose of the Community Purpose zone is to provide for key community facilities and services including health, educational, government, cultural and social facilities; and to encourage multi-purpose, flexible and adaptable social infrastructure.

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

- SPP Table 3.1 defines the development as a ‘sign’ – being *“a device, structure, depiction, or the like, that is intended to give information, advertise or attract attention to a place, product, service or event.”*
- SPP C1 – Sign Code is applicable for assessment of development for a sign
- SPP C1.3.1 defines an *“illuminated sign”* to be *“a sign that uses a light source or sources to display or highlight the content. This includes internally illuminated signs such as neon signs, light boxes and LED (light emitting diode) screens or panels and signs lit by an external source such as a light bulb or floodlight.”*

- 
- SPP C1.3.2.1 requires *“Each sign must be categorised into one of the defined sign types described below in Table C1.3. If a sign does not readily fit a defined sign type, it must be categorised into the most similar sign type.”*

Of the multiple sign types described in the Code, the most relevant sign type for the proposed sign is a **“pole or pylon sign”**, being *“a sign supported by one or more vertical supports, independent of any building or other structure.”*

- A pole sign is not a sign of a type exempt by SPP 4.1 or SPP C1.4 from a requirement for a permit.
- SPP C1.6.1 A1 provides a pole or pylon sign is permissible on land to which the Community Purpose zone applies if the sign –
  - a. *does not project more than 1.2m beyond the boundary with the footpath or road reservation;*
  - b. *will have no more than two faces;*
  - c. *will have a maximum area of 5m<sup>2</sup> for each face;*
  - d. *will have a maximum height above ground level of 5m; and*
  - e. *will have a clearance from ground level to the sign not less than 2.4m*
- SPP C1.6.1 A3 requires the number of signs for each business or tenancy on a road frontage of a building must be no more than 1 of each sign type, unless otherwise stated in Table C1.6; and not more than 6 if the street frontage is 20m or more.
- SPP C1.6.2 sets the objectives of the planning scheme for an illuminated sign as –
  - a. *the sign is compatible with the streetscape;*
  - b. *the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs; and*
  - c. *any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised*

SPP C1.6.2 does not provide an acceptable solution.

The ability for an illuminated sign to satisfy the objectives for C1.6.2 must be determined having regard to C1.6.2 P1 which provides –

*“An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape, having regard to:*

- a. *the location of the sign;*
- b. *the size of the sign;*
- c. *the intensity of the lighting;*
- d. *the hours of operation of the sign;*
- e. *the purpose of the sign;*
- f. *the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;*
- g. *the intended purpose of the changing message of the sign;*
- h. *the percentage of the sign that is illuminated with changing messages;*
- i. *proposed dwell time; and*
- j. *whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device*

It is also required that if an illuminated sign will be *“visible from public places in adjacent roads, it must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.”*

- A discretionary permit is required under SPP 6.8.1 because the sign development must rely on performance criteria in SPP C1.6.2 for grant of a permit.

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

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

One representation was received during the exhibition period from the owner occupiers of land at 247 Bass Highway, Ocean Vista, and is relevant to SPP C1.6.2.

**A copy of the representation is attached.**

## **5.0 POLICY CONSIDERATIONS**

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

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

## **6.0 FINANCIAL IMPACT**

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

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

## **7.0 DISCUSSION**

The application seeks to erect a new pole sign to contain a 1.5m x 2.5m internally illuminated two-sided panel elevated to a maximum height of 3.9m above existing ground level for the display of information relating to activities and events of the school.

The sign will replace an existing panel sign.

The sign is development directly associated with and a subservient part of the existing use of the land as a school.



Looking west along the Bass Highway toward location of proposed sign (replace existing panel visible immediately right of Palm Tree). Existing dwelling at 247 Bass Highway visible to left of Palm Trees.

The Tasmanian Planning Scheme applies State Planning Provision C1 – Sign Code for development of a sign.

The sign is categorised as a pole or pylon sign, and is permitted on land to which the Community Purpose zone applies.

The sign will comply with the acceptable solution criteria in SPP C1.6.1 A1 and SPP Table C1.6; SPP C1.6.1 A2 and SPP C1.6.2 A3, and is therefore entitled to grant of a permit against these standards.

However, the Sign Code requires assessment under the performance criteria in SPP C1.6.2 P1 because the proposed sign will be internally illuminated.

The planning authority must consider the sign in terms only of the impact of illumination.



The objectives in SPP C1.6.2 for an illuminated sign intend three outcomes, each of which must be achieved –

a. *the sign is compatible with the streetscape;*

“Compatible” in the context of Tasmanian planning schemes is held to mean harmonious with that which already exists.

*“Streetscape’ is defined in SPP Table 3.1 to mean “the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setback of buildings and structures from the property boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve. For the purposes of determining streetscape for a particular site, the above matters are relevant when viewed from either side of the same street within 100m of each side boundary of the site, unless for a local heritage precinct or local historic landscape precinct listed in the relevant Local Provisions Schedule, where the extent of the streetscape may be determined by the relevant precinct provisions.”*

The relevant boundaries of the area within which to assess impact on streetscape are the lengthy frontage to the school site and a distance 100 east from land at 233 Bass Highway, and 100m west from land at 253 Bass Highway.

The streetscape contains a two lane sealed carriageway for the Bass Highway and two bike lanes between concrete kerb and channel. There is a formed pedestrian pathway adjoining the carriageway on the southern side; and overhead electricity conductor poles with attached street light fittings at intervals of between 50 and 60m.

The northern verge between the road and the rail contains an indented sealed parking area with 13 marked bays; and a series of vertical untreated and coloured steel panels, colloquially known as the ‘rusty markers’.

The land immediately north of the highway contains the former rail corridor, beyond which is the narrow back dune of low coastal grass and shrub vegetation above a sandy tidally active beach.

The southern streetscape is comprised largely of the open frontage of the school site.

There are five (4) single dwellings and a small visitor accommodation building forming part of a caravan park with frontage to the Highway within the streetscape west of the school site. Residential development also occurs on the elevated land above the Highway and below the escarpment.

There are single dwellings within the streetscape on the Highway frontage east of Fidler Street, behind which is located the Burnie Greens lawn bowls complex.



All buildings within the streetscape, including the Cooee Primary School building, have a similar setback distance from the highway frontage.

The school grounds contain two mature palm trees west of the internal pathway, and a row of nine (9) Norfolk Pines on the western edge of the primary school buildings. The streetscape on the southern side of the highway otherwise contains limited vegetation.

The key features of the streetscape are the linear feature of the Bass Highway, flanked by the Bass Strait shoreline on the north; and a mix of established small scale residential development fronting the Highway situated east and west of the wide and open area of school playing fields, all set against the backdrop of the coastal escarpment.

The current high school and most of the primary school buildings are sufficiently setback from the frontage to provide a large area of open space such that school building development adopts a low presence within the streetscape.

The only existing non-directional and traffic management signs within the streetscape are the existing free-standing sign on the school site; and an elevated internally illuminated panel sign within the caravan park frontage some 70m west of the school site boundary.

While there is limited existing signage within the streetscape relevant to the application, illuminated signage is a recurrent feature of the highway corridor west of Burnie and beyond Somerset.

The proposed illuminated pole sign will stand centrally within the open space area of the school adjacent to the frontage in isolation from other development and structures; and will therefore be readily apparent in the streetscape during both day and night.

In order to be incompatible with the streetscape, the proposed sign must be of a sufficient size, scale and bulk to obscure or detract from the existing open character of the school site; or be so different to that which is already within the streetscape as to be obviously discordant.

- b. *the cumulative impact of illuminated signs on the character of the area is managed, including the need to avoid visual disorder or clutter of signs;*

The objective activates a number of factors relating to the existing and proposed presence of signs within the area –

- *‘cumulative impact’*

‘Cumulative’ means increased or increasing in quantity by accumulation or successive addition.

‘Impact’ means a strong influence or effect exerted by a use or development.

‘Cumulative impact’ therefore means a noticeable or measurable effect resulting from an increase in the number of illuminated signs.

- ‘Character’ is not defined by the SPPs.

‘Character’ has been usefully described by the Victorian Department of Land, Water, Environment and Planning in Planning Practice Note No 43 – Understanding Neighbourhood Character January 2018 –

“Neighbourhood character is essentially the combination of the public and private realms. Every property, public place or piece of infrastructure makes a contribution, whether great or small. It is the cumulative impact of all these contributions that establishes neighbourhood character. The key to understanding character is being able to describe how the features of an area come together to give that area its own particular character. Breaking up character into discrete features and characteristics misses out on the relationships between these features and characteristics. Understanding how these relationships physically appear on the ground is usually the most important aspect in establishing the character of the area.”

“It is common for some areas to be described as having ‘little or no character’, and other areas as having ‘lots of character’. These sorts of descriptions confuse neighbourhood character with attractiveness. All areas have a character in the same way that all people have a personality. In some areas the character may be more obvious, more unusual, or more attractive, but no area can be described as having no character.”

The Practice Note also usefully distinguishes character from amenity –

“Amenity is about the pleasantness and good functioning of an area. Neighbourhood character is about its sense of place and community meaning. Regardless of the character of an area there are standards of residential amenity that apply to all residential development. These basic amenity standards include overlooking, overshadowing and solar access. Sometimes, these amenity standards can have an effect on neighbourhood character, but as a general principle, neighbourhood character and amenity should be treated separately.”

Character may in large part be determined by the purpose for which land is and may be used. The planning scheme applies the Community Purpose zone to the school site, therein creating an opportunity for use and development which may differ substantially in purpose, form and activity from the purpose and development of adjoining land.

The existence of a school and its physical and activity attributes contributes to the character of the area, even though it may be markedly different to the activities which surround it.

- *'the area'*

The SPPs do not define the spatial extent of *'the area'*.

For reasons of statutory interpretation the *'area'* must be different to *'streetscape'*, although whether greater or lesser in extent is unclear. *'Area'* must also mean differently to *'locality'* which is another term of spatial reference used within the SPPs.

The area may best be described as that part of Burnie in which the proposed sign will be located. It must comprise of the school site, the Bass Highway corridor west of Cooe and below the escarpment, and the settlement area of Cooe.

Regardless, a strict meaning for the term is not of consequence in context of the full expression and purpose of the objective.

- *'visual disorder or clutter of signs'*

Again, the SPPs do not define the term *'visual disorder or clutter'* or any of its constituent words.

On its ordinary meaning the expression may be taken to mean two or more signs which if viewed together will appear visually disruptive, disorganised or in disarray.

The objective is only relevant if there are other signs within the same view field.

Character of the school area is in large part physically determined by a cluster of school buildings set back from an extensive frontage to a major highway and the shoreline to Bass Strait and situated within expansive level grounds. The purpose and activity of the educational and transport infrastructure dominate the area, and extend east and west beyond the immediate school site to also define character of residential use and development at the margins of the school site.

The objective is concerned with the cumulative impact from a multiple of signs.

The nearest illuminated sign to the east is some 450 – 500m distant on premises fronting the Highway located at the north-eastern edge of the Cooe commercial area. There is an existing illuminated sign some 70m west of the school grounds on the caravan park site, which is more than 200m from where the new sign will be located.

The number and scale of illuminated signs within or visible from the area of the school is both small and innocuous.

The proposed illuminated sign will stand in isolation from other signs. It cannot contribute to a cumulative disorder or clutter of illuminated signs because it is not part of any physical visual array or accumulation.

- c. *any potential negative impacts of illuminated signs on road safety and pedestrian movement are minimised*

The purpose of a sign has an inherent capacity to distract. The risks associated with distraction are elevated where a sign is visible to drivers and occupants of a vehicle on a road.

The Department of State Growth as traffic manager for the Bass Highway has not indicated a concern that the proposed sign will impact on road safety.

The ability for an illuminated sign to satisfy the objectives for C1.6.2 must be determined having regard to the considerations in SPP C1.6.2 P1 which provide –

*“An illuminated sign must not cause an unreasonable loss of amenity to adjacent properties or have an unreasonable effect on the safety, appearance or efficiency of a road, and must be compatible with the streetscape.”*

The elements of the test require a proposed sign must not –

- *cause an unreasonable loss of amenity to adjacent properties*

Amenity is defined by the SPPs to mean *“in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable”*

A possible loss, damage or deprivation of amenity is to be considered from the perspective of ‘adjacent properties’ (defined by the SPPs as *“near to, and includes adjoining properties”*). The sign must be shown to have an impact that is perverse to the purpose of the planning scheme.

The Community Purpose zone applies for the land on which the sign will be located, and provides opportunity for a range of use and development for services which will benefit the community generally, including for educational purposes.

Adjacent land to the east and west is assigned to the General Residential zone to provide opportunity for residential use.

Land to the south is zoned Open Space in recognition of its visual landscape qualities.

Land to the north containing the road and rail corridor is zoned utilities because of its purpose for transport infrastructure.

Land on the shoreline is within the Environmental Management zone in response to coastal process and habitat values.

Each zone has a particular purpose, the utilisation of which may result in undertakings and development that may not always be in harmony with the purpose and use of adjoining land. The close association of the various zones allows there is no single dominant purpose for land in proximity to the school site. Use and development on must accommodate the particular characteristics of activity consistent with the purpose of each zone.

The amenity of all adjacent land to the school site reflects the presence of existing education and infrastructure use, proximity to the shoreline, and the juxtaposition of several discrete land use types.

Introduction of an illuminated must result in a discernible and measurable change in the factors which establish existing amenity in order to cause an unreasonable loss.

- *have an unreasonable effect on the safety, appearance or efficiency of a road*

The intended outcome in P1 includes a concern for appearance of the highway in addition to the objective in SPP 1.6.2 to avoid negative impact on road and pedestrian safety.

The sign is adjacent and not within the highway. It will introduce a new illuminated panel where currently there is none. However, the highway is a major urban transport route and intra-region connector which is contained within a corridor where street lighting is to highway standard.

There is existing development on both the landward and seaward side of the road, which has a likelihood to generate vehicle and pedestrian traffic. Development also including a sign on the school site, and sculptural elements and parking space on the opposite side.

The sign panel will be elevated and will not obstruct views along the corridor from within or adjacent to the road.

A sign must be of a substantial size and be located so as to visually dominate and obscure other elements and areas of the road in order to have an unreasonable effect on appearance of the road.

SPP C1.6.2 P1 provides the following must be considered when determining whether the proposed illuminated sign will satisfy the objectives set by the Sign Code and the particular outcomes required by SPP C1.6.2. In this regard the planning authority must consider the effects of -

*a. the location of the sign;*

The sign will stand alone within the centre of the Bass Highway frontage of the school site, is remote from buildings and other structures on the land, and is separated from adjoining residential development by distances in excess of 200m.

The school site is not part of an area within which there are other existing illuminated signs.

*b. the size of the sign;*

The sign will comprise a 1.5m high x 2.4 m wide two sided panel mounted on two posts at a height of 2.4m above existing ground level to a maximum height of 3.9m.

The panel has an equivalent size and area to the wall elevation of a small garden shed.

The relative visual impact of the sign panel within context of the school grounds and separation from other structures means that while it will be obvious, it will not enclose or obscure the space.

*c. the intensity of the lighting;*

Illumination of the sign will be automatic in low light levels.

The application describes an internal intensity control to suit levels of illumination to current external light conditions. Purpose of the internal lighting is to enable the sign message to be read under most light conditions. It is not intended to illuminate the area surrounding the sign or to provide a light beam projecting beyond the sign.

The sign will be located adjacent to the Bass Highway where overhead street lighting to highway standards is located at regular intervals to illuminate the carriageway and footpath areas of the road.

The sign will not provide a single source of light within an otherwise dark space.

*d. the hours of operation of the sign;*

The sign will be visible at all times of the day; and will be illuminated at night.

*e. the purpose of the sign;*

The sign is intended to identify the Burnie High School and to provide changing information relating to activities and events of the school.

The sign is consistent with purpose of SPP C1 - Sign Code, which includes to provide for appropriate advertising and display of information for business and community activity.

- f. the sensitivity of the area in terms of view corridors, the natural environment and adjacent residential amenity;*

The narrow coastal plain west of the Burnie town centre has importance as a road transport corridor, and offers a visually appealing landscape bounded by the steep coastal escarpment and the habitat and the shoreline to Bass Strait.

View corridors along the Bass Highway for both east and west bound traffic include established development of various forms and use along and above the southern side.

The open school site is an area of contrast in the continuation of buildings which line the southern side of the highway.

However, the sign is a single structure, and will not alter the general appearance of the site to passing traffic.

The sign does not have any direct impact on environmental process or values, and is removed by distances of more than 200m from any adjoining residential land.

- g. the intended purpose of the changing message of the sign;*

The sign will feature changeable panels. However, each new panel will be displayed continuously for a period, and there will be no sequencing or rotation of messages.

Purpose of a change in panel display is to provide current information on what is happening within the school.

The Sign Code does not require a permit or assessment on each occasion there is a change of graphics on an approved sign.

- h. the percentage of the sign that is illuminated with changing messages;*

The whole of the panel is to be illuminated, and the whole face will change on each occasion a new message is displayed.

A change of message will be made after which it will be displayed for a period. There will be no rolling display providing a constantly or regularly changing messages.

The sign will in effect contain a static message, albeit that message may be changed from time to time.

*i. proposed dwell time;*

The panel will display a static message. The panel will not scroll or flash, and will not contain segmented and independently changing or rotating messages.

The duration of the display for each message will depend on its purpose and the calendar of events associated with the school community.

*j. whether the sign is visible from the road and if so the proximity to and impact on an electronic traffic control device*

The sign will be more than 100m from the signalised junction at Fidler Street.

The Department of State Growth has not indicated a concern for impact of the proposed sign on operation of the electronic traffic control devices.

It is also required by SPP C1.6.2 A2 that if an illuminated sign will be “*visible from public places in adjacent roads, it must not create the effect of flashing, animation or movement, unless it is providing direction or safety information.*”

The sign will feature static displays, and does not propose flashing, animated or movement within the sign panel.

## **Representations**

One representation was received during the section 57 exhibition period and contains matters relevant to the applicable requirements of the planning scheme.

The representation is made by the owner/occupier of a single dwelling residential premises at 247 Bass Highway, the single dwelling residential property adjoins the western boundary of the school site.





Looking east from property at 247 Bass Highway toward site of proposed sign which is to be located on the far side of the two Palm Trees.

State Planning Provision	Representation	Planning Authority View and Opinion
SPP C1.6.1 A1 and Table C1.6	The sign is not “well” clear of residential properties; and will be within direct, unobstructed sight from all windows on this side of our home.	<p>The word “well” as an adverb means in a good or satisfactory way.</p> <p>The proposed sign will be a straight line distance of more than 200m from the boundary of land at 247 Bass Highway.</p> <p>The separation distance is sufficient to allow the sign cannot be described as being next to or close to the land or dwelling on 247 Bass Highway.</p> <p>It is also sufficient to reduce an ability to define details of the sign structural elements and the message.</p> <p>The sign will be visible across the school site in that with the exception of two Palm trees, there is no intervening building, structure or vegetation.</p>

		<p>There is an existing paling fence on the boundary between the school lands and land at 247 Bass Highway. The fence is of sufficient height to assist in blocking views from the dwelling, particularly if a person within the dwelling is in a sitting or lying position.</p>
SPP C1.6.2 P1(c)	Effect of exposure within the dwelling, particularly in bedrooms at night, to light emitted from the sign on quality of rest and sleep.	<p>The sign will be illuminated with sufficient intensity to allow the message displayed to be read under all light conditions.</p> <p>There is no intention for the sign to provide general area lighting; or to create a beam of light to illuminate more distant objects.</p> <p>The locality is already well lit throughout hours of darkness by highway standard streetlights located at intervals along the highway</p> <p>There are number of separate street lamps currently located between the sign and the property at 247 Bass Highway, one of which adjoins the north-eastern corner of the property and illuminates the front elevation of the dwelling.</p> <p>The illuminated sign will operate in a location in which there is no absolute darkness. It will be seen against, but not overwhelm existing levels of illumination.</p> <p>The separation of 200m between the sign and the dwelling on 247 Bass Highway is such that the illuminated sign will appear as a small body of light set within a larger horizon and the illumination of street lights; the intensity of which will diminish over the intervening distance.</p> <p>The sign panel will not fill the outlook from the dwelling and create a light output directly into any part of the dwelling.</p> <p>It is unlikely in the context of existing</p>

		street lighting and the separation distance involved that the proposed sign will have any detectable effect on light levels within the dwelling.
SPP C1.6.1 A1 and Table C1.6	While stated there will be no flashing lights or rapidly changing imagery, the sign will be capable of such functions, and if approved these functions could be added later with additional impact on sleep patterns and distraction to passing motorists	<p>The application indicates there will be no flashing or rapidly changing messages.</p> <p>It is an unproven assumption that because the sign may be capable of such functions, they will be added later.</p> <p>Any permit granted may include a condition requiring that the message be static and not flash, animate or rapidly change.</p> <p>The likelihood for the sign to impact on sleep patterns has not been established and is unlikely given the separation distance and level of existing street lighting.</p> <p>The Department of State Growth has not indicated any concern for the sign to distract drivers on the road.</p>
SPP C1.6.2 P1(f)	There are no other signs of this type, the nearest being on the Cooeee Golden Mile, meaning the sign will become a new and single large light source which because of location within an area without other light sources will appear brighter and more noticeable as a source of light pollution.	<p>There is an existing internally illuminated and elevated sign on the caravan park frontage three properties or some 70m west of 247 Bass Highway, which when operating, will be visible from the property.</p> <p>Absence of other illuminated signs on the school site does not disqualify grant of a permit. The light from the sign must cause an unreasonable loss of amenity in order to warrant refusal of a permit or conditions to manage operation.</p> <p>The area around 247 Bass Highway cannot be described as one of deep or sustained darkness. The frontage to the Bass Highway is continuously illuminated by an existing street light system; and by passing vehicles which provide a moving light source at night.</p> <p>The rear part of the property may receive a lesser overspill of light from</p>

		<p>the road area and experience a more sustained period of darkness.</p> <p>However, separation distance between the dwelling and the sign, and the relative size and intensity of the illuminated panel when seen over that distance, is unlikely to illuminate exterior of the dwelling or cause light to penetrate into the interior through external windows.</p>
SPP C1.6.2 P1(a) and SPP C1.6.2(f)	<p>It is incorrect to say the sign will not be in direct line of sight from the road or from the traffic signals at Fiddler Street; and therefore has potential to distract passing drivers attempting to read changing messages. The purpose of the sign cannot be achieved unless it is in direct line of sight from the road.</p>	<p><i>“Direct line of sight”</i> means a straight line between the observer and the object being observed, unobstructed by any physical barrier of any description.</p> <p>Direct line of sight for a driver is generally their view forward along the road on which their vehicle is travelling.</p> <p>The sign will be within the peripheral view of a driver unless the driver’s head is turned.</p> <p>In this regard there will be nothing to physically obscure view of the sign from the road.</p> <p>Purpose of the Sign Code includes that a sign not be located where it is likely to interfere with the efficiency and safety of a road. The objective is satisfied if the sign complies with the relevant separation distance from a boundary or the edge of a road.</p> <p>The proposed sign will comply with SPP C1.6.1 A1 for separation distance from a road. The sign will not obscure vision of a driver within the road area.</p> <p>The Sign Code accepts that it is both necessary and reasonable for land to display a sign identifying occupant of land and the activities, products or services available from that land; and that such signs will be visible from a road.</p> <p>The proposed school sign is entirely consistent with purpose of the Code. The only consideration is whether the</p>

		<p>impact from illumination of the site will satisfy objectives in SPP C1.6.2.</p> <p>Illumination of the sign will not of itself increase the level of distraction for drivers on the road.</p> <p>The Department of State Growth has not indicated any concern for the sign to distract drivers on the road.</p>
SPP 6.11	Any permit granted is to include a condition requiring the sign be switched off at night.	<p>A planning authority may attach terms and conditions to any permit granted.</p> <p>Permit conditions must be for a planning purpose, and be necessary and reasonable.</p> <p>It is most unlikely the proposed illuminated sign will disturb quality of sleep and rest, and distract drivers on the Bass Highway.</p> <p>There is no planning purpose served by restricting the hours during which the sign is illuminated.</p>

The planning authority may be satisfied the proposed pole sign and illuminated sign panel on land containing the Burnie High School will meet the objectives in SPP 1.6.2.

## 8.0 RISK

There is risk –

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

- e) a person may allege a planning authority, or a person appointed or employed by a planning authority has engaged in improper conduct relating to assessment and determination of a permit application

A planning authority may minimise risk by –

- a) determining a permit application by reference only to the information provided with the permit application or in any representation received during the exhibition period;
- b) determining compliance by reference only to the regulatory provisions and processes which are relevant to the use or development described in the permit application;
- c) by remaining impartial, observe all relevant processes, and not indicating any position on the application until the matter is presented for decision;
- d) not accept or invite any inducement relating to a decision on a permit application

## **9.0 CONSULTATION**

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

### **ATTACHMENTS**

- 1 [!\[\]\(661ad2fdbe8fa1392f2b194cfa45d124\_img.jpg\)](#). Permit Application and Documents
- 2 [!\[\]\(4193cdf1061c98ac39c3073e7f9019f2\_img.jpg\)](#). Signed Extension of Time
- 3 [!\[\]\(4caf182c2ec1a7bf8758f380863453a1\_img.jpg\)](#). Representation

**COUNCIL RESOLUTION****Resolution number: MO101-22****MOVED:** Cr C Lynch**SECONDED:** Cr A Keygan

***“THAT Council in its role as a planning authority under the Land Use Planning and Approvals Act 1993 in accordance with section 51(2)(c) and section 57(6) of the Act and Tasmanian Planning Scheme - State Planning Provision 6.8.1 GRANT a PERMIT on application DA 2022/1 to carry out development for an internally illuminated pole sign on land known as 30 Fidler Street, Cooe subject to –***

- 1. the development is to proceed and be maintained generally in accordance with the descriptions, commitments and requirements contained in the following documents – copies of which are attached and endorsed to form part of this Permit–***
  - a) Justification against performance criteria, prepared by the applicant, via email dated 5 April 2022;***
  - b) Design plans, prepared by Claude Neon, design number 8425, dated 24 March 2022, sheets 1,2 and 3;***
  - c) Site Plan, provided by the applicant***
- 2. the sign must not contain, create or display any message, graphic or effect of flashing, animation or movement.”***

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

**Against:**

***CARRIED UNANIMOUSLY***

Cr G Simpson returned to the meeting, the time being 8.40pm.

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

**E-MAILED**  
04/05/22 JC

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

Application No \_\_\_\_\_

Date Received \_\_\_\_\_

Permit Pathway - Permitted/Discretionary

**Use or Development Site:**

Street Address Fidler Street, Cooe, Tasmania, 7320

Certificate of  
Title Reference PID 6183928**Applicant**

First Name Lois

Second  
Name

Surname Cameron

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

Surname



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

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

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

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

**b) Required Information**

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

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

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

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

**c) Applicable Provisions and Standards**

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

**d) Discretionary Permits**

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

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

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

**e) If the applicant is not the landowner**

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

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

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


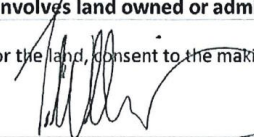

**f) Applicant declaration**

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

**g) Payment of Fees**

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

<b>Permit Information</b>	(NB If insufficient space, please attach separate document)
<b>Proposed Use:</b> Signage to promote the schools activities to the community	
<b>Use Class</b>	Educational and Occasional Care
<b>Documents included with the permit application to describe the Use</b> Specification/ Quotation from Claude Neon	
<b>Proposed Development</b>	
<b>Use class to which the development applies</b>	Educational and Occasional Care
<b>Documents included with the permit application to describe the Development</b> Specification/ Quotation from Claude Neon Electrical Quote from Burgess Electrical School Map showing location Letter from Director of Facilities Services Department of Education.	
<b>Provisions and Standards relied upon for grant of a Permit</b>	
C1.0 Signs code C1.6.1 Design and siting of signs - proposed sign is to be situated in the same place as the current sign, within school grounds. - proposed sign is within acceptable distance from road side boundary - Only one sign is proposed C1.6.2 Illuminated signs - proposed sign will provide update information to the school and wider community of school events and achievements - proposed sign is not in direct line of sight of traffic - proposed sign is ground based	

<b>Value of use and/or development</b>	
<b>Notification of Landowner/s</b>	
<b>If land is not in applicant's ownership</b>	
I, <b>Todd Williams</b> , declare that the owner/each of the owners of the land has been notified of the intention to make this permit application.	
Signature of Applicant	 Date <b>14 December 2021</b>
<b>If the permit application involves land owned or administered by the BURNIE CITY COUNCIL</b>	
Burnie City Council consents to the making of this permit application.	
General Manager (Signature)	Date
<b>If the permit application involves land owned or administered by the CROWN</b>	
I, the Minister responsible for the land, consent to the making of this permit application.	
Minister (Signature)	 Date <b>14 December 2021</b>
<b>Applicant Declaration</b>	
I, <b>Lois E Cameron</b> declare that the information I have given in this permit application to be true and correct to the best of my knowledge.	
Signature of Applicant	 Date <b>04/05/2022</b>

<b>Office use only</b>

Department of Education  
FACILITY SERVICES

Letitia House, Olinda Grove, Mt Nelson TAS 7007  
GPO Box 169, Hobart, TAS 7001 Australia  
Ph (03) 6165 6321 Fax (03) 6233 2437



DOC/21/206904

14 December 2021

Mr Simon Overland  
General Manager  
Burnie City Council  
PO Box 973  
BURNIE TAS 7320

Dear Sir

**Burnie High School – New LED Sign Board**

Section 52 (1B) of the *Land Use Planning and Approvals Act 1993* requires an “owner’s declaration” to be completed to enable a Development Application to be considered by Council.

The Minister administering the *Education Act 2016* has delegated this responsibility to me.

Accordingly, my written permission for redevelopment at Burnie High School is hereby given.

I also hereby provide my written permission for Mrs Lois Cameron to act as agent in relation to all required permit applications for the proposed redevelopment and to act with my consent.

Yours sincerely

Todd Williams

**Director**

**Facility Services**



Minister for Education  
Minister for Skills, Training and Workforce Growth  
Minister for Disability Services  
Minister for Children and Youth  
Minister for Hospitality and Events

Level 5, 4 Salamanca Place, Hobart  
GPO Box 123 HOBART TAS 7001 Australia  
Phone: +61 3 6165 7794  
Email: [sarah.courtney@dpac.tas.gov.au](mailto:sarah.courtney@dpac.tas.gov.au)



File no: DOC/21/82261

LAND USE PLANNING AND APPROVALS ACT 1993  
INSTRUMENT OF DELEGATION

I, *Hon Sarah Courtney MP*, being and as the Minister for Education, acting pursuant to section 52(1F) of the *Land Use Planning and Approvals Act 1993* ("the Act"), hereby:

- Delegate the functions described (by reference to the relevant provision of the Act and generally) in the below Schedule to the persons holding the following offices in the Department of Education:
  - o Director, Facility Services (position number 971277)
  - o Capital Works Manager, Facility Services (position number 971943)

SCHEDULE

Provision	Description of functions
Section 52(1B)	Signing and providing written permission for the making of, applications for permits in relation to Crown land (being Crown land within the meaning of the <i>Crown Lands Act 1976</i> for which I, as Minister, am responsible for administering).

Dated this 27<sup>th</sup> day of May 2021

A blue ink signature of Hon Sarah Courtney MP.

*Hon Sarah Courtney MP*  
MINISTER FOR EDUCATION

DOC/21/82269

Page 1 of 3



## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
Issued pursuant to the Valuation of Land Act 2001

PROPERTY ID: 6183928

MUNICIPALITY: BURNIE

PROPERTY ADDRESS: COOEE PRIMARY SCHOOL  
30 FIDLER STREET  
COOEE TAS 7320

PROPERTY NAME: COOEE PRIMARY SCHOOL

TITLE OWNER: 197748/1 : THE CROWN

INTERESTED PARTIES: DEPARTMENT OF EDUCATION

POSTAL ADDRESS: GPO BOX 169  
(Interested Parties) HOBART TAS 7001

## MAIN IMPROVEMENTS SUMMARY

<b>Improvements:</b>	SCHOOL	
<b>Improvement Sizes</b>	<b>Improvement:</b>	<b>Area:</b>
(Top 3 by Size):	CLASSROOM	1372.0 square metres
	CLASSROOM	967.0 square metres
	CLASSROOM	862.0 square metres

**Number of Bedrooms:****Construction Year of Main Building:** 2011**Roof Material:** Colorbond**Wall Material:** Rendered concrete**Land Area:** 12.16 hectares

## LAST VALUATIONS

Date Inspected	Levels At	Land	Capital	A.A.V.	Reason
30/10/2018	01/07/2018	\$570,000	\$4,500,000	\$180,000	FRESH VALUATION
15/05/2018	01/07/2012	\$600,000	\$9,300,000	\$372,000	BLD-2016-197-01 ALTERATION TO HIGH SCHOOL

## MULTIPLE TENANCIES

Part Occupied	AAV
SCHOOL	\$140,000
SCHOOL	\$40,000

No information obtained from the LIST may be used for direct marketing purposes.

Much of this data is derived from the Valuation Rolls maintained by the Valuer-General under the provisions of the Valuation of Land Act 2001. The values shown on this report are as at the Levels At date.

While all reasonable care has been taken in collecting and recording the information shown above, this Department assumes no liability resulting from any errors or omissions in this information or from its use in any way.

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Search Date: 26/11/2021

Search Time: 09:06 AM

Page 1 of 2

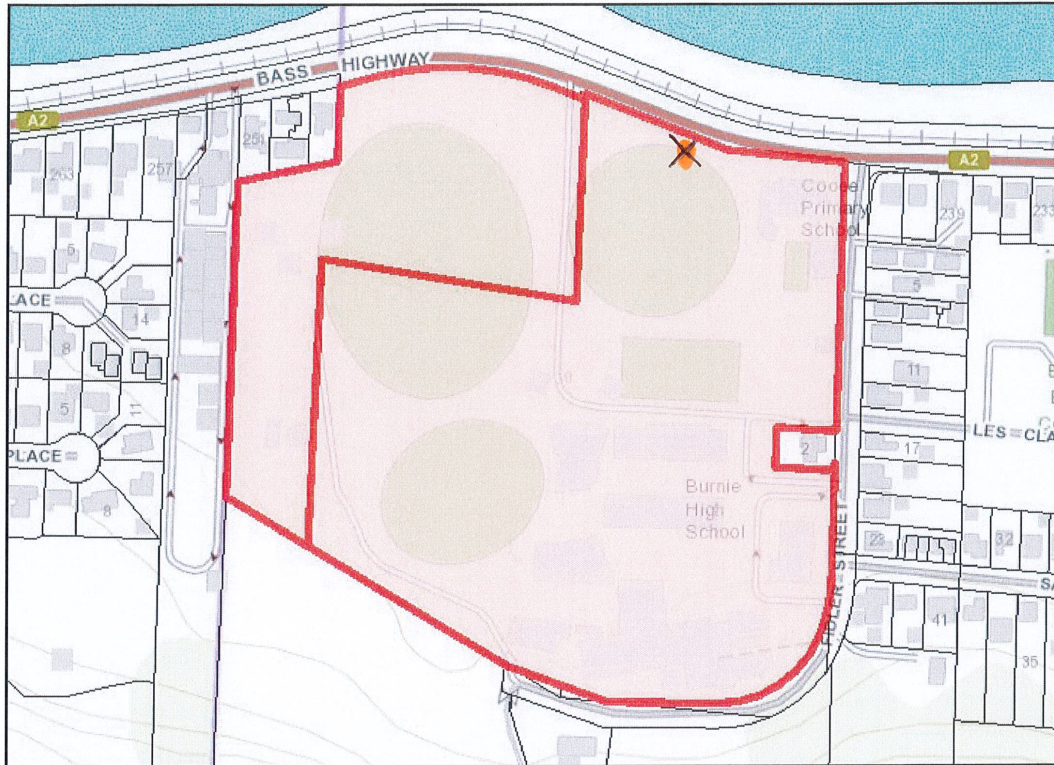
Department of Primary Industries, Parks, Water and Environment

www.thelist.tas.gov.au





## PROPERTY INFORMATION REPORT

VALUER-GENERAL, TASMANIA  
Issued pursuant to the Valuation of Land Act 2001**Explanation of Terms**

**Property ID** - A unique number used for Valuation purposes.

**Date Inspected** - The date the property was inspected for the valuation.

**Levels At** - Levels At - or Levels of Valuation Date means the date at which values of properties are determined for all valuations in a Municipal Area.

**Land Value** - Land Value is the value of the property including drainage, excavation, filling, reclamation, clearing and any other invisible improvements made to the land. It excludes all visible improvements such as buildings, structures, fixtures, roads, standings, dams, channels, artificially established trees and pastures and other like improvements.

**Capital Value** - Capital Value is the total value of the property (including the land value), excluding plant and machinery.

**AAV** - Assessed Annual Value. AAV is the gross annual rental value of the property excluding GST, municipal rates, land tax and fixed water and sewerage, but cannot be less than 4% of the capital value.

**Interested Parties** - This is a list of persons who have been recorded by the Valuer-General as having interest in the property (ie owner or Government agency).

**Postal Address** - This is the last advised postal address for the interested parties.

**Multiple Tenancies** - Properties that have multiple tenants are assessed for separate AAV's. e.g. a house and flat.

**From:** [Jayne Newman](#)  
**To:** [Sally Pearce](#)  
**Subject:** CM: FW: DA 2022/1 - 30 Fidler Street, Burnie  
**Date:** Monday, 2 May 2022 8:33:05 AM  
**Attachments:** [image001.png](#)  
[BURNIE HIGH SCHOOL\\_LED.pdf](#)

---

**Jayne Newman**

Planning Officer | Burnie City Council  
80 Wilson Street (PO Box 973) Burnie TAS 7320  
P: (03) 6430 5791 | [www.burnie.net](http://www.burnie.net)  
[Please note my working hours:](#)  
Monday's - 8.30am-2.30pm

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**From:** Cameron, Lois <[lois.cameron@education.tas.gov.au](mailto:lois.cameron@education.tas.gov.au)>  
**Sent:** Tuesday, 5 April 2022 5:31 PM  
**To:** Jayne Newman <[jnewman@burnie.net](mailto:jnewman@burnie.net)>  
**Subject:** DA 2022/1 - 30 Fidler Street, Burnie

Dear Jayne,  
I have consulted further with the contractor, and he has provided the following additional information.

In light of concerns regarding the blade sign we have redone as a pole sign ( see attached ) and will have a clearance from ground level to the sign of 2.4m so this will meet requirements of C1.6.1-P1

In regards to C1.6.2 ( P1 )

- a) The signs are located and well clear of residential properties.
- b) b) The signage is of a reasonable size given the large site and existing character of large commercial signage in this area.
- c)The lighting will be automatically controlled as light levels vary to avoid excessive glare or illumination .Given the main road location and separation to sensitive uses it is not considered necessary to restrict the hours of operation of the signage

Please let me know if we need to provide further information.  
Kind regards,  
Lois

**Lois Cameron** | School Business Manager  
Burnie High School | Department of Education  
Fidler Street, Burnie, TAS 7320  
(03) 6434 0226  
[www.education.tas.gov.au](http://www.education.tas.gov.au)



Learning - Email Signature

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*Please consider the environment. Do you really need to print this email?*

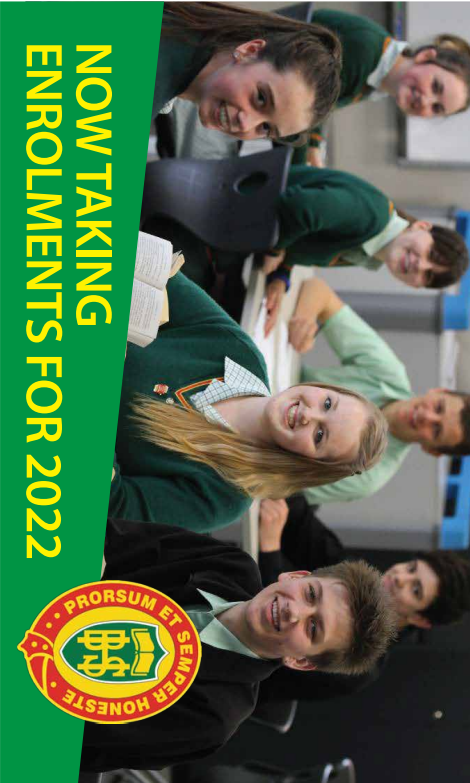
May 2022

Additional Information Burnie High School application DA 2022/1 Permit application for illuminated sign at 30 Fidler Street Cooe.

**Third Party Sign - C1.6.3 – P1;**

- a) The content of the sign: the signage will only display content directly connected to Burnie High School student activities and achievements. There will be no paid and/or third party advertising permitted at any time.
- b) The necessity for the advertisement to be in the location: the advertising provides community focus on the achievements and activities at the school or connected to the school learning program. Advertising at the location will lift the profile of the school and provide potential enrolments with an insight of the achievements attainable at the school. Linking the promotion to the location further extends the connection of the school to the local community.
- c) Opportunities for alternative locations or other methods to achieve the intended purpose (eg eligibility for Tasmanian Visitor Information System (TVIS) signs): other forms of advertising available to Burnie High are also used in a complimentary capacity, school newsletters and facebook are also used to promote school activities. School promotions are not usually supported by commercial or other community sources in the time frame that is needed for the required outcome. The sign will provide the school with the capacity to control the content and timing of promotional material and will allow timely celebration and promotion of student activities and achievements.
- d) The likely impact on the operation and safety of a railway, road, footpath, or navigable water: **railway**; not applicable, **road**; the sign will be within the Burnie High boundary, it is not in the direct line of sight on the nearby road route as users pass the site, it will not display flashing lights or rapidly changing imagery, nor is it visible from the nearby traffic lights therefore the safety of road users will not be impacted, **footpath**; the sign will be within the Burnie High boundary so will not be a hazard to footpath users on the other side of the fence, **navigable water**; not applicable.
- e) Any advice from a state authority: no advice forthcoming.







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Client  
BURNIE HIGH SCHOOL

Date  
26.3.2022

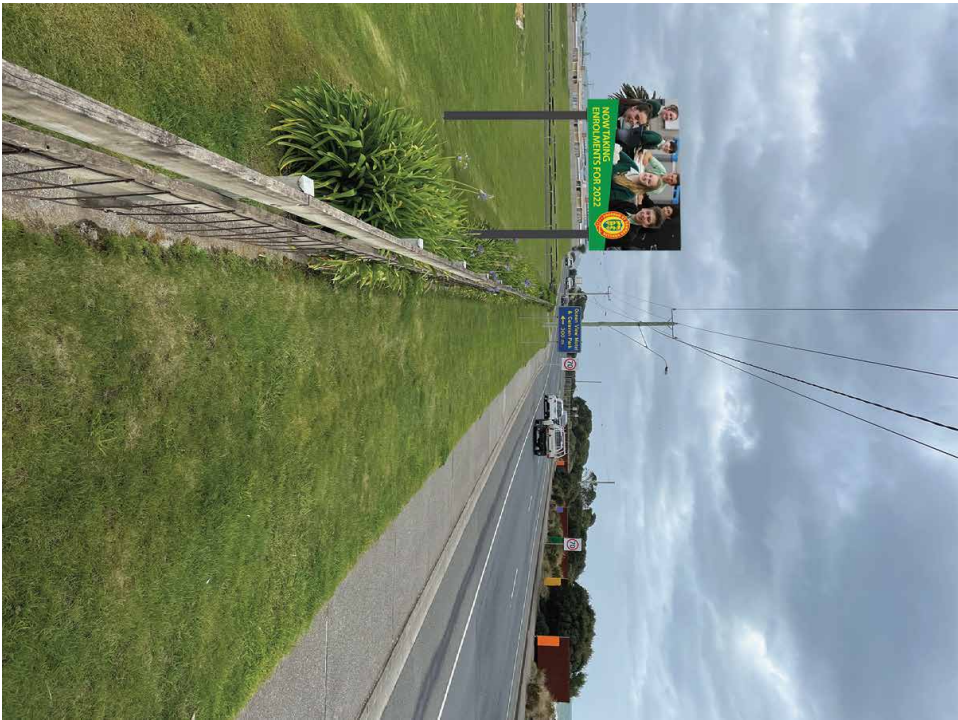
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Design No  
8425

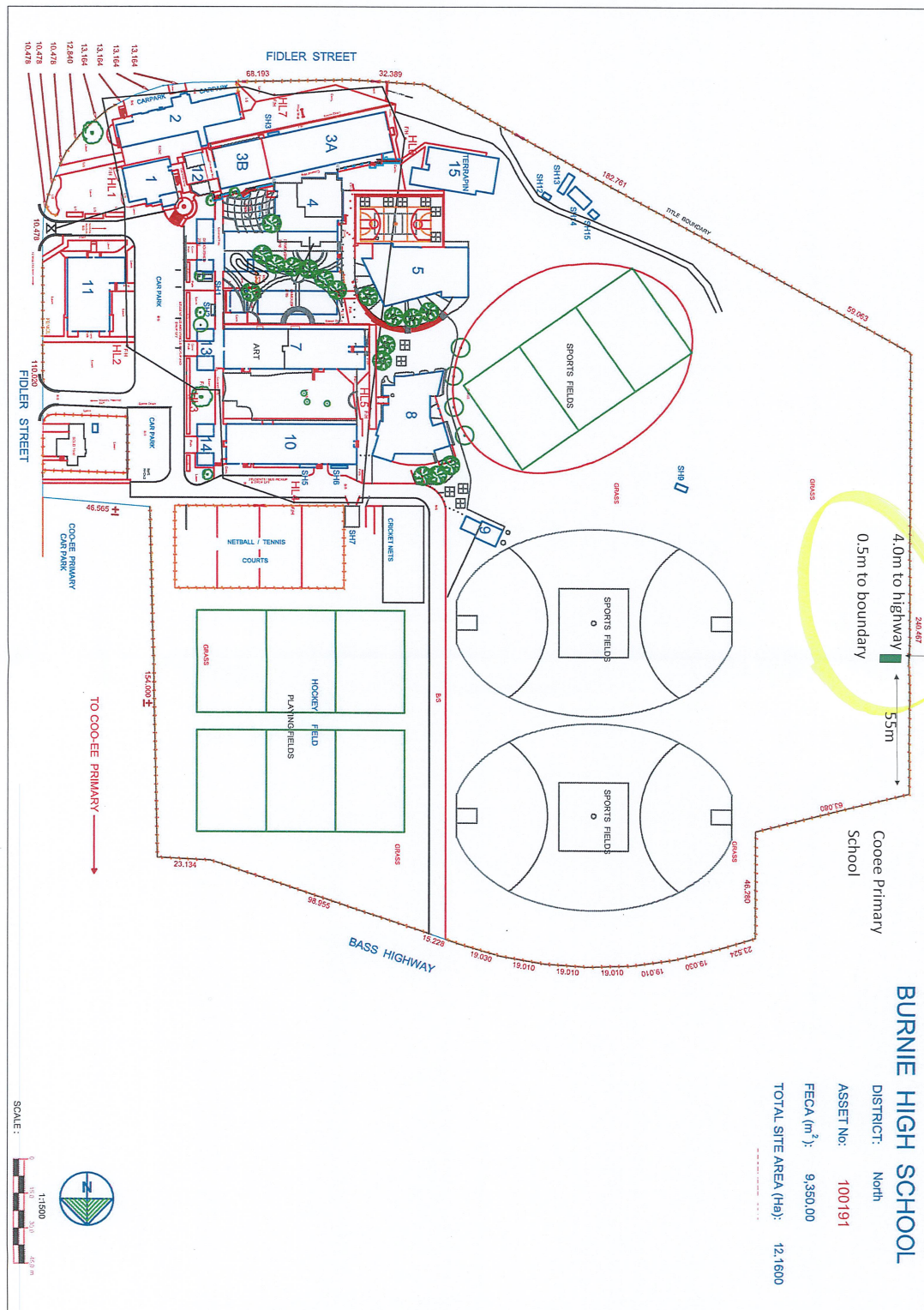
Revision  
C

Sign Type  
DOUBLE SIDED LED

Sheet  
3 of 3









Claude Neon Tasmania Pty Ltd  
ABN 60 169 725 464

Unit 7 / 26 Lampton Avenue  
Derwent Park  
Tas 7009

GPO Box 99, Hobart, TAS, 7001

Tel: 03 6234 8488  
Fax: 03 6231 1179

## SPECIFICATION / QUOTATION

*Attention: Trudy Durkin*

Client: Burnie High School

Installation address: Bass Highway Cooe

Position: Replacing existing static sign Bass Highway

Extent of work: Supply and install 2500mm x 1500mm LED screen  
Paint existing pylons

Communication: Nova Taurus media player, receiving cards, LED control software.  
Communication mobile network administered from Burnie High School office computer. Claude Neon to provide training for software use.

Sign type: Full colour Outdoor SMD LED display supplied in Aluminium box construction with front access. Pixel Pitch 5.9 mm  
Brightness – 6000 nits  
Lifetime at 50% brightness – 100,000 hours  
Ingress protection – Front IP65 / Rear IP54

Supporting structure: Existing Pylon sign

**CASH PRICE** \$31,318 + GST

*Terms of agreement:*


*30% upon signing  
30% release of sign from China (Approx. 8 weeks)  
40% on completion*

2<sup>nd</sup> August 2021 CRAIG LUTTRELL  
State Manager  
For and on behalf of CLAUDE NEON TASMANIA PTY LTD

## AGREEMENT FOR AN EXTENSION OF TIME

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

I, Lois Cameron....., as a representative of the Burnie High School, agree to an extension of time until **Thursday 30 June 2022** for DA 2022/1 at 30 Fidler Street COOEE.

Signed .....

Date: 02/06/2022.....



Colette Kremer  
247 Bass Hwy  
Ocean Vista TAS 7320  
[REDACTED]

25 May 2022

Planning Department  
Burnie City Council  
PO Box 973  
Burnie TAS 7320

Dear Madam / Sir,

**RE: Representation Land Use Permit Application – DA 2022/1  
30 Fidler St Cooee  
Objection to Proposed Illuminated Third Party Pole Sign**

We wish to state our objection to the above-mentioned application. As an immediate neighbour to the site, we are concerned that the installation of an illuminated sign will have significant impact on our standard of living and road safety.

Contrary to what was stated in the email by Mr Cameron of Burnie High School dated 5 April 2022, the sign is not *well* clear of residential properties. Our property is abutting the school oval and the location of the sign is in direct, unobstructed sight from all windows on this side of our home. The image on the right of page 14 of the Public Exhibition Documents even clearly shows our home in the background of the proposed sign and demonstrates that there is a clear line of view to the windows of that side of the house. The windows that are of most concern are our bedroom windows, which are in direct line to the sign and will be exposed to the light being emitted by the advertisements on display. We are very concerned that an illuminated sign of such proportions would create substantial light pollution affecting our quality of rest and sleep.

While it is stated that no flashing lights or rapidly changing imagery will be used, the fact remains that the sign is capable of displaying flashing signs, so this could be added later, and the wording implies that imagery will change (just not rapidly), which would have further impact on our sleep and distract passing drivers.

There are no other signs of this type nearby, the closest ones being the Cooee Golden Mile some distance away, separated from the sign's location by a sizeable residential area in between. This means that the property is surrounded by houses that are dark at night and without any other illuminated signs or larger light sources nearby. Any large light source like the proposed sign would therefore be much more noticeable and appear brighter than, for example, in a commercial area. We therefore also do not believe that controlling the light level will have much of a mitigating impact at night, both to how much light pollution we are exposed to and the potential for distraction to drivers.

1

While it is correct that the sign is located within the school's boundary, it is incorrect that it is not in the direct line of sight on the nearby road route and that it is not visible from the traffic lights. While the current sign might blend in, an illuminated sign is clearly visible and would, in our view, have the potential to distract passing drivers as they are trying to read the latest news, especially with changing notices. It was indicated that the purpose of the sign is to advertise the school's achievements and activities and to lift the profile of the school and for that to happen passers-by need to read the advertisements. The purpose of the sign itself therefore dictates that has to be in a spot that is in line of sight as otherwise it would have no effect.

In summary, we would like to clarify that we are not against Burnie High School advertising their achievements. Our main concerns centre around the impact of the sign at night, ie the light pollution affecting our and other neighbour's sleep and the potential for distraction to passing drivers. We therefore request that the approval for the sign is only granted under the condition that the sign is switched off at night.

Kind Regards

Colette Kremer & Jeremy Davies  
Owner Occupiers

---

**LAND AND ENVIRONMENTAL SERVICES****AO106-22 BY-LAW - INTENTION TO MAKE A NEW BY-LAW - DRAFT PUBLIC PLACES BY-LAW****FILE NO: 21/8/428****PREVIOUS MIN: AO122-21**

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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	7.3.2	Resource the reasonable enforcement of the legislative and regulatory provisions for which Council is responsible within its financial resources, and ensure the community is well informed of their obligations.

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**1.0 RECOMMENDATION:**

***“THAT the Council, by absolute majority, give notice of its intention to make a Public Places By-law, in accordance with section 156 of the Local Government Act 1993.”***

**2.0 SUMMARY**

The current *Public Reserves and Public Buildings By-law No 1 of 2011* was made in May 2011 and expired in 2021. The By-law must be replaced with a new By-law in order to provide authority to Council for the management and protection of public places within its ownership or control.

Council considered a report in July 2021 (Item AO122-21) to make a new By-law which tabled an early draft. Since that time, the draft By-law has been re-worked in consultation with the legal practitioner required to certify a by-law.

A revised draft is now attached for review and it is recommended that Council *re-state its intention to make a By-law*, based on the new draft, before proceeding to the preparation of a Regulatory Impact Statement and public consultation.

This is the first stage only of making a new By-law. The prescribed process, including consideration of impact, stakeholder consultation, review and certification, will follow before Council considers the final By-law for adoption.

**3.0 BACKGROUND**

Council has had a *Public Reserves and Public Buildings By-law* in place for at least 20 years. The controls of the current by-law are still needed operationally to provide an appropriate head of power under which a Council may manage and protect its public places. Therefore, a new By-law, titled *Public Places By-law*, is proposed.

#### 4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* sets out the legislative framework for the making of a By-law by a Council.

Section 145 of the *Act* provides Council with the power to make a By-law:

**145. General power to make by-laws**

- (1) A council may make by-laws in respect of any act, matter or thing for which a council has a function or power under this or any other Act.
- (2) By-laws under this Part may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the by-laws.

The procedural steps required to make a By-law are set out in sections 156-167 of the *Act*.

The Council is initially required to make a determination by absolute majority of its *intention* to make a new by-law.

The process that follows such a decision will allow for a Regulatory Impact Statement, a public consultation period, and consideration of submissions before the final By-law is formally made by publication in the Government Gazette.

In summary, the key procedural steps to making a new by-law are:

- a) Consider the future need for the by-law, and prepare a draft by-law
- b) Undertake initial consultation with key stakeholders and adjust the by-law to reflect feedback
- c) Council to pass a resolution of intent that they wish to make a by-law, setting out what the by-law will cover and the impact it will have (absolute majority required)
- d) Prepare a draft Regulatory Impact Statement (RIS) which sets out the objectives, impacts, and details of proposed consultation
- e) Refer the RIS and draft by-law to the Director of Local Government for consideration
- f) If satisfied, Director to issue a certificate of approval to the council
- g) Council to give notice of proposed by-law and carry out its public consultation
- h) Submissions from consultation period to be considered by Council prior to making the by-law by resolution and under its common seal
- i) By-law is to be certified by a legal practitioner and the general manager of the council
- j) By-law is to be published in the Government Gazette and tabled to various parliamentary committees in accordance with the Act
- k) A sealed and certified copy of the By-law is to be provided to the Director of Local Government, together with the outcomes of public consultation

Further sources on the process are available as Good Practice Guidelines (DPAC) – [Making By-laws](#)

## **5.0 POLICY CONSIDERATIONS**

There are no policy considerations impacting on this report.

## **6.0 FINANCIAL IMPACT**

Operation of the current By-law has minimal financial impact on Council. The primary day to day administration of the By-law is to assess and issue permits under the By-law, and to respond to complaints or breaches under the By-law.

The proposed new By-law does not add any additional workload to the existing operational resources to administer the By-law.

There are legal costs associated with the preparation of a by-law, which is required to be reviewed and certified by a legal practitioner. The By-law may remain in place for up to ten years.

## **7.0 DISCUSSION**

Council has a significant investment in land, buildings and other facilities which it readily makes available for public use and enjoyment.

It is sound practice to create and implement arrangements which provide a secure and consistent approach and appropriate power for how Council lands, buildings and facilities may be used and protected, and to address situations of non-compliance.

A new By-law is operationally necessary in order for Council to effectively manage its public places. Without it Council does not have an authority to enforce controls or provide permits for particular uses.

The objectives in the new By-law are to:

- a) Provide for fair and orderly use of public places;
- b) Provide for the health, safety, amenity and peaceful enjoyment of people in or on a public place, and
- c) Protect a public place against harm and damage.

A review of the existing By-law has been undertaken to understand shortcomings, operational changes, and new obligations that have developed since the existing By-law was made.

A new By-law was drafted in July 2021, incorporating this feedback and with a view to restructure the document for ease of reading. A review of similar by-laws from other councils also contributed to improving the set out and approach in the new draft by-law.

Since the initial draft of the By-law tabled in July 2021, further modifications have been made in order to ensure the By-law is enforceable and effective in its application. This has included attention to:

- a) the extent of various rules and what is considered reasonable,
- b) the intention of clauses aimed at protecting both property and people in public places,
- c) the legal application of various clauses, and
- d) general structure and simplification of the By-law.

Should Council resolve its intention to make the By-law, this will commence the next stage of the process, being to prepare a Regulatory Impact Statement (RIS) and have the draft by-law and RIS reviewed by a legal practitioner before submitting them to the Director of Local Government.

Once the Director of Local Government is satisfied with the RIS and issues a certification, the process will then progress to a stage of public and stakeholder consultation. On the close of this period, Council will then consider submissions received and make any appropriate revisions before its final resolution to make the By-law.

A copy of the revised draft Public Places By-law is **attached**.

## **8.0 RISK**

It is important that Council progress to making a new by-law in order to continue the level of management and protection of its public places. The risk of not having a by-law is that Council would be unable to manage and enforce the safe, fair and sustainable use of its public places, which are considerable in number and value.

The By-law itself serves to reduce risk to Council by providing authority to ensure the safety, preservation and amenity of public places.

If Council does not replace the By-law, the following risks arise:

- Risk to infrastructure and assets through potential misuse, unsafe behaviour, damage, and nuisance, which cannot then be addressed by Council
- Risk to compliance, integrity and professional indemnity if actions occur to control or prosecute the unacceptable use of public places without a valid authority to do so
- Risk to public safety if requirements and sanctions are not available under which to enforce compliance to standards for safety, notwithstanding police intervention as required

The replacement of a new By-law will minimise the above risks and ensure the continuity of protection for public places.

## 9.0 CONSULTATION

This report has been prepared in consultation with the relevant areas of the Council's operation; and with Councillors for the July 2021 report. Further consultation has then been undertaken with Council's legal practitioner to prepare the revised draft for this report.

If the Council are ready to progress with an *intention* to make the By-law, community and stakeholder consultation on the draft By-law will form part of the process over coming months before the By-law is finally made.

## ATTACHMENTS

- 1 [↓](#). Revised Draft Public Places By-law

## COUNCIL RESOLUTION

**Resolution number: MO102-22**

**MOVED:** Cr A Keygan

**SECONDED:** Cr G Simpson

***"THAT the Council, by absolute majority, give notice of its intention to make a Public Places By-law, in accordance with section 156 of the Local Government Act 1993."***

**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***

**DRAFT**

**BURNIE CITY COUNCIL**  
Public Places By-law  
By-law No. 1 of 2022 **(DRAFT)**

A By-law of the Burnie City Council, made under Section 145 of the *Local Government Act 1993*, to provide for the management and protection of public places owned by or under the control of the Burnie City Council.

**PART 1 – PRELIMINARY**

**1. SHORT TITLE**

This By-law may be cited as the Public Places By-law, Number 1 of 2022.

**2. OBJECTIVES**

The objective of this By-law is to –

- (a) provide for fair and orderly use of public places;
- (b) provide for the health, safety, amenity and peaceful enjoyment of people in or on a public place; and
- (c) protect a public place against harm and damage.

**3. APPLICATION**

- (1) This By-law applies to the municipal area of the Burnie City Council.
- (2) This By-law does not apply to a person who enters and remains in or on a public place if that person is –
  - (a) an authorised officer or a Council employee in the course of their duties;
  - (b) a person accompanying an authorised officer or a Council employee in the course of their duties;
  - (c) a contractor or person undertaking work for which they have been engaged by the Council; or
  - (d) emergency services personnel in the course of their duties.



DRAFT

**4. INTERPRETATION**

In this By-law, unless the context otherwise indicates:

*“Act”* means the local Government Act 1993

*“aircraft”* means any machine that can derive support from the atmosphere from the reactions of air, including a remotely piloted aircraft such as a drone

*“animal”* means an animal as defined in the *Dog Control Act 2000* other than a dog to which the provisions of the Act apply or any wildlife

*“authorised”* means any written approval, authority, consent, notice, permit or permission, with or without conditions, issued by the Council or an authorised officer for a use regulated by this By-law, and includes a Use Agreement issued under this By-law or an arrangement made under section 177 or 178 *Local Government Act 1993*.

*“authorised officer”* means the General Manager and an employee of Council appointed by the General Manager for the purpose of this By-law

*“bicycle”* has the same meaning as under the *Road Rules 2019* (TAS)

*“building”* means as defined in the *Building Act 2016* (TAS)

*“children’s playground”* means any area in which children’s play equipment is installed and includes the area extending for a distance of 10 metres in all directions from the play equipment

*“Council”* means the Burnie City Council

*“food business”* has the same meaning as under the *Food Act 2003* (TAS)

*“General Manager”* means the General Manager appointed by the Council pursuant to section 61 *Local Government Act 1993* (TAS) and includes a person authorised by council to act in that capacity

*“goods”* means any merchandise, article, substance or matter, and any food or beverage for the purpose of sale

*“highway”* means any highway or road shown on the map maintained by the Council pursuant to section 208 of the Act.

*“liquor”* has the same meaning as under the *Liquor Licensing Act 1990* (TAS)

*“notice”* means an announcement or communication of information, instruction or requirement issued by the Council or an authorised officer and which has been or is being –

- (a) displayed in a public place or in the vicinity of the public place;
- (b) published in a daily newspaper circulating in the Burnie municipal area;
- (c) published on the Council’s website;
- (d) published by a radio or television broadcast receivable within the Burnie municipal area;

DRAFT

- (e) issued by an authorised officer in the course of their duties;
- (f) served on a person in accordance with one or more of the means set out in Section 29AB(1) *Acts Interpretation Act 1931 (TAS)*;
- (g) served on a person in accordance with the *Electronic Transactions Act 2000 (TAS)* if the person to whom the notice is given has consented to the notice being given by means of an electronic communication; or
- (h) served in accordance with the *Monetary Penalties Enforcement Act 2005 (TAS)*

“object” means an article or material which is capable of physical removal

“organised use” means an activity, event or undertaking of any kind, including for a sporting, community, charity, political, commercial, recreational, religious, professional, or personal purpose, which is planned to occur on or in a public place on a particular day and time, and includes a use to which the public, a select portion of the public, or a private individual or group, are invited whether personally or generally by notice or advertisement, but excludes a casual or informal use if consistent with the purpose of the public place and carried out in accordance with the requirements of any notice relating to that place

“parking area” includes any area in a public place designated for parking of vehicles other than a parking area to which the Burnie City Council Parking By-law applies, and includes all equipment, signs, access ways, fences, and structures used or connected in any way with the parking area

“parking space” means a place within a parking area, indicated by lines or other marks on the ground or by any other method, of sufficient dimensions to accommodate a vehicle within that space

“penalty unit” means the amount of money set under the *Penalty Units and Other Penalties Act 1987 (TAS)* as amended;

“person” means a natural person or an incorporated association, club, corporation, or organisation

“public place” includes –

- (a) any public land within the meaning of section 177A(1) *Local Government Act 1993 (TAS)* as recorded on the Municipal Map maintained by the Council other than land on which there is a residential building;
- (b) any other land owned by the Council other than land on which there is a residential building;
- (c) any land in or over which the Council has an interest, including by way of a lease or license;
- (d) any parking area owned by or under the control of the Council other than a parking area to which a Burnie City Council Parking By-law applies;
- (e) any bridge, jetty, wharf, boat ramp or similar structure owned or under the control of the Council that is not a road or road related area as defined under the Road Rules 2019 (TAS); and
- (f) any building, structure, or furniture on any land owned by or under the control of the Council other than a building for residential purposes

DRAFT

“road” means a road which is not a highway as defined under the *Local Government (Highways) Act 1982* with a constructed surface suitable for use by a vehicle

“sale” means to sell, agree to sell, offer or expose for sale, barter or exchange

“sign” means any device, structure, depiction, or the like, that is intended to give information, advertise or attract attention to a person, place, product, service or event, and includes a flag, banner or placard, an election sign, and any sign erected or displayed by the Council under this By-law

“Use Agreement” means a written permission, with or without conditions, issued by the Council or an authorised officer authorizing a use regulated by this By-law

“User” means a person to whom a Use Agreement has been issued and is in effect under this By-law

“vehicle” means as in the *Traffic Act 1925* and a bicycle

“waste” means any domestic waste, recyclables, food organics and garden organics waste, biohazardous waste, controlled waste, noxious waste, trade waste and other waste, debris, litter, or any other similar materials, articles or things that is by notice determined to be waste

“watercraft” includes a boat, ship, hovercraft, aircraft, pontoon or platform; any other form of water craft; any trailer used to transport any of them; and a vehicles that is capable of use in or on the water whether floating, partly submersible or submersible and whether or not self-propelled

“wildlife” means any living creature other than:

- (a) a dog or cat;
- (b) domestic stock;
- (c) vermin as defined under the *Vermin Control Act 2000* (TAS)
- (d) fish within the meaning of the *Living Marine Resources Management Act 1995* (TAS); and
- (e) an animal that is –
  - i. being farmed under and in accordance with the *Animal Farming (Registration Act) 1994* (TAS); or
  - ii. has been farmed and is legally in the possession of any person

## **PART 2 - MANAGEMENT AND CONTROL OF A PUBLIC PLACE**

### **5. NOTICES FOR THE CONTROL OF PUBLIC PLACES**

- (1) The General Manager may by notice make rules for the management, control and use of a public place in accordance with this By-law.
- (2) A notice under sub-clause (1) may be issued, published, displayed or served in such manner as the General Manager deems appropriate.

**DRAFT**

- (3) A person in a public place must obey the terms and conditions of any notice issued under sub-clause (1).

**Penalty** A fine not exceeding 10 penalty units

#### **6. NOTICES AND DIRECTIONS GENERALLY**

- (1) A notice or direction given under this By-law may be subject to such conditions and requirements and subject to such time period as the General Manager or authorised officer, where applicable, may determine.
- (2) Unless otherwise specified in a notice or direction, a person to whom a notice or direction is given is to comply with the notice or direction at the cost of that person.
- (3) A notice or direction given under this By-law requiring a person to carry out or undertake action or work may direct that the action or work be done only by a person with the appropriate qualification, knowledge or expertise.
- (4) The Council may undertake the work required by a notice or direction given pursuant to this By-law if the person to whom a notice or direction is given, fails to comply with the notice or the direction within the time specified in the notice or direction.
- (5) The Council may recover as a debt payable to it, its expenses in undertaking work under the notice issued or direction given pursuant to this By-law as a debt payable to it from the person who fails to comply with the notice or direction in addition to any penalty imposed under this By-law.

#### **7. CLOSURE OF A PUBLIC PLACE**

An authorised officer may by notice close a public place to members of the public or to a User for such period as the authorised officer may determine.

#### **8. ISSUING OF DIRECTIONS AND REMOVAL OF PERSONS**

- (1) An authorised officer may issue a direction to any person in relation to their use, behaviour, or presence in a public place.
- (2) A direction by an authorised officer may be given verbally or in writing.
- (3) An authorised officer may ask a person whom the authorised officer reasonably believes is offending or has offended against this By-law to leave a public place.
- (4) An authorised officer may refuse to admit or re-admit a person to any public place whom the authorised officer reasonably believes is offending or has offended against this By-law.
- (5) An authorised officer may remove any person from any public place whom the authorised officer reasonably believes is offending against this By-law.

**DRAFT**

- (6) A person must obey the requests and directions of an authorised officer concerning use of a public place.

**Penalty** A fine not exceeding 10 penalty units

**9. REMOVAL AND DISPOSAL OF AN ANIMAL, BUILDING, FURNITURE, OBJECT, SIGN, VEHICLE OR WATERCRAFT**

- (1) An authorised officer may remove or cause to be removed from a public place any animal, building, furniture, object, sign, vehicle or watercraft which the authorised officer reasonably believes has been brought into, is being or has been used, or has been abandoned, left, lost, installed or stored in or on a public place -
- (a) without an authorisation required under this By-law;
  - (b) in breach of an authorisation issued under this By-law;
  - (c) in contravention of this By-law; or
  - (d) in a manner which causes or is likely to cause a nuisance or harm, or is dangerous or hazardous to safety of the public if placed, left or used in a public place.
- (2) An authorised officer may remove any animal, building, furniture, object, sign, vehicle or watercraft to a place of safety and keep it there until the following has been paid to Council:
- (a) any penalty required to be paid pursuant to this By-law;
  - (b) any fee required by Council to be paid for the removal and detention of an animal, building, furniture, object, sign, vehicle or watercraft; and
  - (c) the Council's costs to remove, maintain and store the animal, building, furniture, object, sign, vehicle or watercraft.
- (3) As soon as is reasonably practicable after removing any animal, building, furniture, object, sign, vehicle or watercraft pursuant to sub-clause (1) an authorised officer must make all reasonable endeavours to identify and contact the owner or person responsible to advise that that animal, building, furniture, object, sign, vehicle or watercraft and advise it has been removed from a public place and is being kept by the Council.
- (4) If the animal, building, furniture, object, sign, vehicle or watercraft removed pursuant to sub-clause (1) has not been recovered or surrendered to the Council within 7-days or such longer period as may be agreed from the day on which the owner or person responsible has been advised by an authorised officer pursuant to sub-clause (3), such animal, building, furniture, object, sign, vehicle or watercraft may be sold, disposed of, or destroyed at the direction of an authorised officer.
- (5) If after 21-days from taking possession of the item or items referred to in clause 9(1) an authorised officer has not been able to contact the owner or the person responsible for an animal, building, furniture, object, sign, vehicle or watercraft removed pursuant to sub-clause

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- (1) such animal, building, furniture, object, sign, vehicle or watercraft may be sold, disposed of or destroyed at the direction of an authorised officer.
- (6) If the animal, building, furniture, object, sign, vehicle or watercraft is sold pursuant to sub-clause (3), Council may retain the following from the sale proceeds:
- (a) any amounts outstanding pursuant to sub-clause (2);
  - (b) any expenses associated with the sale, including any auctioneer's fees
- (7) If the sale proceeds are less than the total of the amounts specified in sub-clause (4), the balance must be paid by the owner and is recoverable by the Council as a debt due to it.

**10. LIQUOR FREE AREA**

- (1) The Council may by resolution declare an area in or on a public place to be a liquor free area –
- (a) during any specified hours or periods or both; or
  - (b) at all times.
- (2) The Council may by resolution revoke or amend any resolution under sub-clause (1), whether or not any specified period has expired.
- (3) For the purposes of sub-clause (1) an area of a public place is a liquor free area if –
- (a) it has been declared a liquor free area under sub-clause (1);
  - (b) the area is identified as being a liquor free area by a sign within it or in its close proximity; or
  - (c) the sign indicates that the possession or consumption of liquor is prohibited within that area.

**11. ABUSE OR OBSTRUCT AN AUTHORISED OFFICER**

A person must not while an authorised officer is acting in the course of his or her duties –

- (a) threaten, intimidate or use abusive language to an authorised officer; or
- (b) assault, resist, or obstruct an authorised officer.

**Penalty** A fine not exceeding 20 penalty units

**12. ASSISTANCE OF POLICE**

An officer of Tasmania Police is authorised to:

- (a) assist an authorised officer to carry out any action under this By-law;

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- (b) remove any person from a public place whom the officer of Tasmania Police reasonably believes has committed or who is committing an offence under this By-law;
- (c) arrest any person who is in a public place whom the officer of Tasmania Police reasonably believes has committed or who is committing an offence under this By-law.

**13. SUPPLY OF PERSONAL DETAILS**

- (1) An authorised officer or an officer of Tasmania Police may require a person to give his or her name, address, and date of birth if the authorised officer or officer of Tasmania Police reasonably believes that the person is offending or has offended against this By-law.
- (2) A person who fails or refuses to comply with a request to give his or her name and/or address is guilty of an offence.

**Penalty** A fine not exceeding 10 penalty units

- (3) A officer of Tasmania Police making a request under sub-clause (1) may arrest a person who is in a public place and whom the officer of Tasmania Police reasonably believes is offending against sub-clause (1).

**PART 3 - RESTRICTIONS ON USE****14. ENTER AND USE A PUBLIC PLACE**

- (1) A person must not carry out a use, or cause any person to carry out a use, in or on a public place for which an authorisation is required under this By-law unless an authorisation has been issued and that authorisation is in effect.
- (2) A person must not unless authorised to do so enter or remain on or in or use a public place –
  - (a) to which access is prohibited;
  - (b) to which access is restricted unless in accordance with such restrictions;
  - (c) which is closed, whether permanently or temporarily;
  - (d) otherwise than in accordance with any notice;
  - (e) contrary to the terms and conditions of an authorisation that is in effect;
  - (f) during the period in which another person holds an authorisation for exclusive use the public place; or
  - (g) where an authorisation allows an admission charge to the public place unless the correct admission has been paid.

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**Penalty** A fine not exceeding 20 penalty units and an additional 1 penalty for each day the breach continues

- (3) A person authorised to carry out a use must not transfer the benefit of the authorisation without written authority from Council or an authorised officer.

**Penalty** A fine not exceeding 20 penalty units

#### 15. RIGHT TO PEACEABLE USE

A person must not commit or cause a nuisance to any person or do any act or thing in or on a public place which wilfully obstructs, hinders, or annoys, or is likely to obstruct, hinder, or annoy, any member of the public or interfere with the reasonable peaceable use of a public place by any other person.

**Penalty** A fine not exceeding 10 penalty units

#### 16. LIQUOR

A person must not within a liquor free area declared under clause 10 of this By-law, unless authorised to do so –

- (a) have any liquor in their possession or control;
- (b) sell or serve liquor to any person unless the holder of an appropriate authorisation under the *Liquor Licensing Act 1990*; or
- (c) consume any alcoholic beverage.

**Penalty** A fine not exceeding 10 penalty units

#### 17. DAMAGE AND INTERFERENCE TO A PUBLIC PLACE

A person must not in or on a public place unless authorised to do so -

- (a) climb onto any building, furniture, landform, sign or vegetation;
- (b) damage, modify, disturb, interfere with, mark, move, or remove any building, furniture, notice, object, sign, vehicle or watercraft, or any equipment, operation or work for the care, control or maintenance of a public place;
- (c) set up, construct or undertake works for any building, furniture, notice, or sign;
- (d) disturb, interfere with, harm, hunt, take, or trap any animal lawfully in a public place;
- (e) unless the person responsible for the animal, remove or feed an animal;



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- (f) abandon, deposit, install, keep, place, or store, whether temporarily or otherwise, any animal, building, furniture, object, sign, vegetation, vehicle, or watercraft;
- (g) make any change to the natural or existing surface condition of a public place, including to -
  - i. cut, pluck, prune, damage, destroy, collect, remove, injure, burn or interfere with any tree, shrub, flower, garden bed, turf, or other vegetation or any part thereof;
  - ii. propagate, plant, cultivate, water or otherwise tend to any vegetation;
  - iii. permanently mark out or form any pathway, road, track or trail, or any playing surface;
  - iv. remove any soil, sand, clay, gravel, stone, rock, or any humus, compost or any other natural substance, or disturb any surface including for the purpose of exposing or recovering any buried object;
  - v. dam up, divert, fill in, excavate or pollute any water on or under the surface, or take up or collect any water for sale or reuse; or
- (h) fence or divide any part of a public place.

**Penalty** A fine not exceeding 20 penalty units.

#### 18. BALL GAMES AND PROJECTILES

- (1) A person must not in or on a public place unless authorised to do so –
  - (a) play or practice golf;
  - (b) throw or launch any object;
  - (c) use or discharge any projectile or missile, including from a slingshot, catapult, bow, gun or a similar device; or
  - (d) discharge any firework or pyrotechnic.

**Penalty** A fine not exceeding 5 penalty units

- (2) A person must not in or on a public place play or practice any ball game where it is likely to cause inconvenience or risk to any person or property.

**Penalty** A fine not exceeding 5 penalty units

#### 19. CONTROL OF VEHICLES

This clause of the By-law does not apply to a highway.

- (1) Control of Vehicles

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A person must not drive a vehicle in a public place other than on a road unless authorised to do so.

**Penalty** A fine not exceeding 5 penalty units

(2) Closed Road

With the exception of emergency services personnel, a person must not drive a vehicle on a road in a public place that has been closed by a barrier or notice, unless authorised to do so.

**Penalty** A fine not exceeding 5 penalty units

(3) Parking

A person must not, unless authorised to do so, park or leave any vehicle in a public place –

- (a) except within an area designated by notice as a parking area;
- (b) where parking spaces are marked, wholly within the marked parking space;
- (c) where it will obstruct the lawful passage of another vehicle or obstruct the vision of a driver of another vehicle;
- (d) in a parking area or in a parking space designed by notice for “reserved parking” unless the vehicle displays a valid reserved parking permit for that parking area or parking space; or
- (e) unless using the public place in which the parking area is located and for longer than the person is in lawful use of that place.

**Penalty** A fine not exceeding 5 penalty units

(4) Powers of authorised officers

- (a) An authorised officer may require the driver or user of a motor vehicle in a public place to stop or move the vehicle when the authorised officer believes on reasonable grounds that the driver, user or an occupant of the vehicle has committed an offence under this By-law.
- (b) An authorised officer may:
  - i. give reasonable directions to the driver, user or an occupant of a vehicle which has been stopped pursuant to clause 19(3)(a);
  - ii. close any road or place in a public place;
  - iii. prohibit any vehicle from being taken or being allowed to remain on any road, parking area or place in any public place;
  - iv. require any vehicle to be removed from any road, parking area or place in a public place;

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v. in relation to reserved parking –

- a. designate a reserved parking area or a reserved parking space
- b. grant a Reserved Parking Permit

(c) A person who is the driver or user of a vehicle must not fail or refuse to stop or comply with a reasonable direction from an authorised officer given pursuant to clause 10(b) of this by-law.

**Penalty** A fine not exceeding 5 penalty units

## 20. JETTIES AND BOAT RAMPS

(1) A person must only use a boat ramp or jetty –

- (a) to launch or recover watercraft;
- (b) in accordance with any direction indicated on a notice displayed on or in the vicinity of the boat ramp or jetty; and
- (c) in accordance with any reasonable direction of an authorised officer.

**Penalty** A fine not exceeding 5 penalty points

(2) A person must not unless authorised to do so –

- (a) use a boat ramp or jetty that is closed by a notice displayed on or in the vicinity of the boat ramp or jetty;
- (b) park a vehicle or trailer on a boat ramp or jetty or on any access road to or from a boat ramp or jetty, including on the South Burnie bund;
- (c) moor or leave a watercraft unattended on or in the water adjacent to a boat ramp or at a jetty;
- (d) repair or paint a watercraft while it is on a boat ramp or berthed at a jetty;
- (e) discharge any substance on or in the vicinity of a boat ramp or from a watercraft moored at a jetty, including but not limited to toilet waste, fuel, or fish waste; or
- (f) clean fish or other marine products on a boat ramp or jetty.

**Penalty** A fine not exceeding 5 penalty units

## 21. FIRE

A person must not in or on a public place light or maintain any fire unless authorised to do so –

- (a) except in a designated fire place or a place designated for public use for that purpose; and

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(b) the fire –

- i. is not left unattended unless it has been completely extinguished; and
- ii. all reasonable measures are taken to contain the fire and prevent it from spreading.

**Penalty** A fine not exceeding 10 penalty units

**22. WASH, DISMANTLE OR REPAIR EQUIPMENT, PLANT OR VEHICLE**

A person must not in or on a public place dismantle, paint, wash or repair any equipment, plant or vehicle unless authorised to do so except if necessary to enable the equipment, plant or vehicle to be lawfully moved from the public place.

**Penalty** A fine not exceeding 5 penalty units

**23. AIRCRAFT**

A person must not in or on a public place launch or land an aircraft unless authorised to do so.

**Penalty** A fine not exceeding 10 penalty units

**24. AMPLIFIED SOUND**

A person must not in or on a public place use or operate any equipment for the purpose of amplifying any announcement or address, any musical instrument or performance, or to play or reproduce any music or sound unless authorised to do so.

**Penalty** A fine not exceeding 10 penalty units

**25. ANIMALS**

(1) This clause does not apply for a dog within the meaning of the *Dog Control Act 2000*

(2) A person must not take, permit or allow any animal to be taken into, enter, or remain in a public place unless authorised to do so.

**Penalty** A fine not exceeding 5 penalty units

(3) A person who is the owner or keeper of an animal authorised to be in a public place must keep the animal under effective control.

**Penalty** A fine not exceeding 5 penalty units

(4) An authorised officer may in accordance with the Local Government Act 1993, seize, impound and deal with any animal that is in a public place without authorisation or that is not under effective control.

**DRAFT****26. BUILDING WORK**

A person must not in or on a public place unless authorised to do so –

- (a) place, build, erect, set up or leave any building;
- (b) make any alteration or extension to a building; or
- (c) demolish or remove any part of a building.

**Penalty** A fine not exceeding 20 penalty units

**27. CAMPING**

A person must not camp in or on a public place unless authorised to do so, including for the purposes of camping, to –

- (a) erect a tent, camper trailer or similar portable shelter designed or equipped internally or externally to accommodate sleeping;
- (b) place, park or leave a caravan, campervan, motor home or similar vehicle designed or equipped internally or externally to accommodate sleeping;
- (c) use a vehicle or shelter attached to a vehicle for shelter and sleeping;
- (d) erect a building or shelter suitable for sleeping in; or
- (e) use any building, shelter or structure in a public place as a place to sleep.

**Penalty** A fine not exceeding 10 penalty units and 1 penalty unit for each day the offence continues

**28. COLLECTION OF MONEY AND GAMES OF CHANCE FOR A CHARITABLE OR NOT-FOR-PROFIT PURPOSE**

- (1) A person must not, except for a charitable or not-for-profit purpose, in or on a public place take up or cause to be taken up a collection of money or carry out a raffle or game of chance unless authorised to do so.

**Penalty** A fine not exceeding 10 penalty units.

- (2) A person will not be authorised unless the person applying for the authorisation holds an authority in writing issued under –

- (a) the *Collections for Charities Act 2001*; or
- (b) under the *Gaming Control Act 1993* where the total retail value of the prizes in a raffle or other is equal to or more than \$5,000.

**DRAFT****29. COMMERCIAL UNDERTAKINGS**

A person must not in or on a public place unless authorised to do so –

- (a) sell or offer for sale any food or beverage, including from a mobile food van;
- (b) sell or offer or expose for sale, lease or hire any object or property;
- (c) sell or offer for sale, lease or hire any vehicle, plant or equipment;
- (d) carry out any busking, entertainment or performance for financial reward;
- (e) carry out any business, trade or calling or provide or offer to provide any service in exchange for money or gain;
- (f) guide a group or individual on an organised tour relating to the natural, architectural, archaeological, cultural, scientific or historic values or the like of a public place; or
- (g) carry out any use for which an admission charge applies.

**Penalty** A fine not exceeding 20 penalty units

**30. CREATION OF AN ENTRANCE, PATH OR ROAD**

A person must not create or cause to be created any temporary or permanent entrance, path or road whether for animal, pedestrian, bicycle, vehicle or other purposes, in or on a public place, or between a public place and adjoining land or a highway, unless authorised to do so.

**Penalty** A fine not exceeding 10 penalty units

**31. CREMATED REMAINS**

- (1) This clause does not apply for a cemetery managed by the Council under the *Burial and Cremations Act 2019*.
- (2) A person must not bury or place any cremated remains of a deceased person or a deceased animal in or on a public place unless authorised to do so.

**Penalty** A fine not exceeding 5 penalty points

**32. DEPOSIT OF WASTE**

- (1) A person must not in or on a public place unless authorised to do so –
  - (a) deposit any waste; or
  - (b) disturb or distribute any waste in or from a designated waste disposal bin; or

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- (c) place, leave, drop or dispose of any sharp or syringe unless in a facility provided for that purpose; or
- (d) wilfully break and leave any object.

**Penalty** A fine not exceeding 10 penalty units

- (2) A person is to be regarded as having been authorised to deposit waste in or on a public place –
  - (a) in a receptacle provided by the Council for the depositing of refuse; and
    - i. if not more than 5 litres in volume; or
    - ii. in compliance to any a notice displayed on or in the vicinity of the receptacle, relating to the depositing of refuse in the receptacle; or
  - (b) if the person has deposited the refuse in that place:
    - i. in compliance to any notice relating to the public place; and
    - ii. in accordance with any conditions specified in the notice in relation to the depositing of refuse in that place; or
  - (c) the person has deposited the refuse in that place pursuant to an authority conferred by or under any statute.

### 33. DINING

A person must not in or on a public place organise or carry out the placement of anything, including furniture, which may encourage or allow the consumption of food or beverages from a food business by the customers of that business unless authorised to do so.

**Penalty** A fine not exceeding 10 penalty units, and for a continuing offence 1 penalty unit per day

### 34. ORGANISED PUBLIC AND PRIVATE USE

A person must not in or on a public place, unless authorised to do so, carry out an organised use of a public or private nature, whether by invitation or otherwise, such as a rally, demonstration, ceremony, dinner, meeting, wedding, family reunion, school picnic or other use of a like nature.

**Penalty** A fine not exceeding 10 penalty points

### 35. SIGNS AND ADVERTISEMENTS

A person must not in or on a public place unless authorised to do so –

- (a) adhere, erect, exhibit, or display an advertisement or sign, or allow an advertisement or sign to be adhered, erected, exhibited, or displayed; or

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- (b) give out, distribute, scatter or throw down any advertisement, book, card, handbill, notice, pamphlet, print, paper, picture, placard, sticker or other thing.

**Penalty** A fine not exceeding 10 penalty units

### **36. BICYCLES, SMALL WHEELED RECREATIONAL VEHICLES AND PERSONAL MOBILITY DEVICES**

A person must not in or on a public place ride, drive or use a bicycle, tricycle, scooter, skateboard, in-line skates, personal mobility device or other similar non-motorised or motorised wheeled conveyance unless authorised to do so, except:

- (a) on a road, path or track provided for that type of traffic, including on a bicycle path or a shared pathway as defined and permitted by the Road Rules 2019; or
- (b) in accordance with any notice which indicates that it is allowed.

**Penalty** A fine not exceeding 5 penalty units

### **37. SPORTING GROUNDS AND INDOOR SPORTS FACILITIES**

Unless authorised to do so, a person must not use a sports ground or an indoor sports facility in or on a public place to carry out or engage in –

- (a) any organised sport, recreational, or physical activity, including a game, competition, or exhibition; or
- (b) coaching, training, or instruction in a sport, recreational, or physical activity; or
- (c) any other use.

**Penalty** A fine not exceeding 10 penalty units

## **PART 4 – USE AGREEMENTS**

### **38. REQUIREMENT FOR AUTHORISED USE**

- (1) The Council or an authorised officer may authorise a person to use a public place and impose terms and conditions under a Use Agreement.
- (2) An authorisation issued under Burnie City Council Public Reserves and Public Buildings By-law No 1 of 2011 is a valid Use Agreement provide that –
  - (a) if issued for a specified time period, that period has not expired;
  - (b) if issued for a particular event, that event has not occurred;
  - (c) if issued for a particular date, that date has not passed; and



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- (d) it is carried out in compliance to any terms and conditions contained on the Use Agreement.

**39. APPLICATION FOR A USE AGREEMENT**

- (1) A person may, by application, request a Use Agreement for a use in or on a public place for which an authorisation is required under this By-law.
- (2) An application for a Use Agreement must be made in writing in accordance with any form approved by the General Manager.

**40. DETERMINATION OF A USE AGREEMENT APPLICATION**

- (1) The Council or an authorised officer is to have regard to the following when determining whether to grant a Use Agreement –
  - (a) type of use;
  - (b) location of that use;
  - (c) date, day, time, and duration of the use;
  - (d) potential for damage to Council infrastructure;
  - (e) public access in the area;
  - (f) maintenance of public order in the area;
  - (g) movement of traffic in the area;
  - (h) manner of proposed advertising;
  - (i) availability of appropriate and adequate arrangements for parking;
  - (j) likely impact on the environment;
  - (k) likely impact on public health, safety and amenity, including on adjacent land;
  - (l) the level of risk and exposure to liability for Council;
  - (m) any representation or requirement made by other regulatory agencies in relation to the use; and
  - (n) any other relevant matter.
- (2) Council or an authorised officer may –
  - (a) grant a Use Agreement, with or without conditions; or
  - (b) refuse to grant a Use Agreement.

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- (3) If a Use Agreement is refused, Council or an authorised officer must provide the applicant in writing with the reasons for the decision.

**41. TERMS AND CONDITIONS OF A USE AGREEMENT**

- (1) The Council or an authorised officer may impose terms and conditions in a Use Agreement, including but not limited to -
- (a) the type of use;
  - (b) the period or times in which the use may be carried out;
  - (c) a requirement to obtain insurance cover;
  - (d) the precautions to be observed while the use is being carried out;
  - (e) a requirement for risk management, supervision or control of the use;
  - (f) the record to be kept or notification to be given in relation to the use carried out pursuant to the Use Agreement; and
  - (g) the provision of an indemnity to Council for any loss or damage.
- (2) A Use Agreement may expressly confer upon a User the right to –
- (a) make charges for admission to the public place to which the Use Agreement applies; and
  - (b) exclude any person from the public place to which the Use Agreement applies who does not pay such charge.
- (3) A Use Agreement may require that prior to commencement of the use the User is to pay a bond or security to the Council in such sum as Council or an authorised officer may determine against any damage to the public place or any failure of the User to comply or perform to the obligations and requirements under the Use Agreement.

**42. ISSUE OF A USE AGREEMENT**

- (1) Council or an authorised officer may issue a Use Agreement for any use for which a Use Agreement is required under this By-law.
- (2) No provision of this By-law is to be construed as preventing an authorised officer from referring an application for a Use Agreement to the Council for it to make a decision on the application.
- (3) A Use Agreement issued under this By-law does not exempt the User from any requirement for an approval, authorization, consent or permit required under any other legislation, regulation or By-law relating to the use on or in a public place.
- (4) A Use Agreement must –

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- (a) be in writing;
  - (b) clearly identify -
    - i. the person to whom it is issued;
    - ii. the nature of the use approved;
    - iii. the dates, days and times or period during which the Use Agreement is in effect;
  - (c) bear the date on which it is issued;
  - (d) include such terms and conditions as may reasonably be considered necessary; and
  - (e) identify arrangements for monitoring and compliance, and termination.
- (5) A Use Agreement is not assignable or transferable to any person except with the written consent of an authorised officer.
- Penalty** A fine not exceeding 20 penalty units
- (6) A Use Agreement will remain in force for the date, period or event for which it was issued unless it is amended, revoked, or surrendered.
- (7) A User must produce the Use Agreement immediately if requested to do so by an authorised officer or an officer of Tasmania Police, and the User must answer all questions which are reasonably necessary to establish that the person holds a Use Agreement in good faith.
- Penalty** A fine not exceeding 5 penalty units

**43. COMPLIANCE WITH TERMS AND CONDITIONS OF A USE AGREEMENT**

The User must comply with the terms and conditions of the Use Agreement.

**Penalty** A fine not exceeding 20 penalty units

**44. AMENDMENT OF A USE AGREEMENT**

- (1) The Council or an authorised officer may only amend a Use Agreement if the authorised officer considers it is appropriate to do so after having regard to the matters in clause 42.
- (2) If a Use Agreement is amended pursuant to sub-clause (1), an authorised officer must serve a notice in writing on the User:
  - (a) identifying the terms and conditions of the Use Agreement which are amended; and
  - (b) stating the reason or reasons for the variation of the Use Agreement conditions.

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- (3) An amendment to a Use Agreement will have effect from the date of service of the notice of the amendment on the User.

**45. REVOCATION OF A USE AGREEMENT**

- (1) The Council or an authorised officer may revoke a Use Agreement if the User does not -
  - (a) comply with a requirement of this By-law; or
  - (b) comply with a term or condition of the Use Agreement.
- (2) If a Use Agreement is revoked, the Council or an authorised officer must serve a notice in writing on the User stating:
  - (a) the Use Agreement is revoked; and
  - (b) the reason or reasons for the revocation.
- (3) Revocation of a Use Agreement is effective from the date of service of the notice.
- (4) Nothing in this By-law is to be construed as preventing or prohibiting the revocation of a Use Agreement if required due to the exercise or intended exercise of any function, power, right or duty of the Council.
- (5) Notwithstanding sub-clause (2) and (3), an authorised officer may revoke a Use Agreement in the event of an emergency or in any situation considered appropriate by the authorised officer, by a communication conveyed to the User, including a notice by newspaper, radio or television, or by an electronic message sent to the User.

**46. EFFECT OF AN EMERGENCY DIRECTION ON A USE AGREEMENT**

Notwithstanding any Use Agreement to carry out a use, a User must comply with any requirement or direction issued by –

- (a) an authorised officer under the *Emergency Management Act 1997 (TAS)*;
- (b) the Director of Public Health under the *Public Health Act 1997 (TAS)*; or
- (c) an authorised officer exercising a power under any legislation, regulation or By-law applicable to any matter, use or person within a public place.

**PART 5 - OFFENCES****47. OFFENCES**

- (1) A person who contravenes or fails to comply with any of the relevant provisions of this By-law is guilty of an offence under this By-law and is liable on conviction to the penalty set out in the relevant provision.

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- (2) A person who fails to comply with the terms and conditions of an authorisation issued under this By-law is guilty of an offence and is liable on conviction to the penalty set out in the relevant provision.

**48. INFRINGEMENT NOTICES**

- (1) In this clause “specified offence” means an offence against the clause specified in Column 1 of Schedule 1.
- (2) An authorised officer may –
  - (a) Issue an infringement notice to a person that the authorised officer has reason to believe is guilty of a specified offence;
  - (b) Issue one infringement notice in respect of more than one specified offence;
  - (c) Impose a monetary penalty for the specified offence in respect of which the infringement notice is issued.
- (3) Infringement notices may be issued in respect of the offences specified in Column 1 of Schedule 1 to this By-law and the penalty specified in Column 3 opposite the offence is the penalty payable under an infringement notice issued in respect of that offence.
- (4) In order to avoid the infringement notice being referred to the Director Monetary Penalties Enforcement Service for enforcement action the person issued with an infringement notice must within 28 days of the date of service of the notice:
  - (a) pay the total amount of the monetary penalty stated on the infringement notice to the General Manager;
  - (b) apply to the General Manager for withdrawal of the infringement notice;
  - (c) apply to the General Manager for a variation of payment conditions; or
  - (d) lodge a notice of election with the General Manager to have the offence heard by a Court.
- (5) An infringement notice alleging that a vehicle has been used in relation to a prescribed offence may be served by affixing it to that vehicle.
- (6) The *Monetary Penalties Enforcement Act 2005* applies to an infringement notice issued under this By-law.
- (7) All monies payable to the Council or General Manager under this By-law are a debt due to the Council and recoverable at law.

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## SCHEDULE 1 – PUBLIC PLACES BY-LAW NO. 1 OF 2022

## INFRINGEMENT NOTICE OFFENCES

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
5(3)	Failure to comply with a notice	2.5
8(6)	Failure to comply with a direction	2.5
11	Abuse Or Obstruct Authorised Officer	5
13(2)	Failure to supply Personal Details	2.5
14(2)	Unauthorised entry or use of a public place	5
14(3)	Transfer of authorised use	5
15	Breach of right to Peaceable Use	2.5
16	Use or possession of liquor	2.5
17	Damage and Interference to Public Place	5
18(1)	Carry out ball games and projectiles	1.25
18(2)	Risk to person or property with ball games	1.25
19(1)	Failure to control a vehicle	1.25
19(2)	Use of a closed road	1.25
19(3)	Unauthorised Parking	1.25
19(4)	Failure to comply with direction	1.25
20(1)	Unauthorised use of jetty and boat ramp	1.25
20(2)	Unauthorised activity on a jetty or boat ramp	1.25
21	Unauthorised Fire	2.5
22	Wash and dismantle vehicle	1.25
23	Unauthorised Aircraft	2.5
24	Unauthorised Amplified Sound	2.5
25(2)	Unauthorised taking of an animal into a public place	1.25
25(3)	Animal not under effective control	1.25
26	Unauthorised Building works	5
27	Unauthorised Camping	2.5
28	Unauthorised Collection of Monies and Games of Chance	2.5
29	Unauthorised Commercial Undertakings	5
30	Unauthorised Creation of an Entrance	2.5
31	Unauthorised disposal of Cremated Remains	1.25
32(1)	Unauthorised Deposit of Waste	2.5

**DRAFT**

Column 1	Column 2	Column 3
Clause	General Description of Offence	Penalty Units
33	Unauthorised Dining	2.5
34	Unauthorised Organised public or private events	2.5
35	Unauthorised Signs and Advertisements	2.5
36	Unauthorised Bicycles, small wheeled recreational vehicles and personal mobility devices	2.5
37	Unauthorised Organised sport and training	2.5
42(5)	Unauthorised transfer of Use Agreement	5
42(7)	Failure to produce Use Agreement	1.25
43	Non-compliance with terms and conditions of a Use Agreement	5

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**LAND AND ENVIRONMENTAL SERVICES****AO107-22 POLICY REVIEW - PUBLIC PLACES USE AGREEMENT CP-CCS-CG-055****FILE NO: 4/14/2****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.

**1.0 RECOMMENDATION:**

***“THAT Council adopt the Public Places Use Agreement Policy, as attached.”***

**2.0 SUMMARY**

This report recommends Council adopt a Policy which sets out an agreement framework for use of a Council provided community, recreation and sporting facilities.

**3.0 BACKGROUND**

Council has a considerable investment in public places for community, recreation, and sporting purposes which it makes available for community use.

It is proposed that Council adopt a Policy to identify the type of agreement required between Council and a person for use of a public place for an organised community, sports or recreation activity, a public or private event or a commercial undertaking.

It is prudent that Council be aware of when a public place is in use, by whom, and for what purpose.

A Use Agreement is an appropriate means by which to confirm the giving of an approval and to set out the terms and conditions for use.

Council currently employs a number of different types of Use Agreement.

It is desirable to provide clarity, certainty and consistency for the type of Use Agreement required by Council, and the circumstances in which each type will apply.



#### 4.0 LEGISLATIVE REQUIREMENTS

The *Local Government Act 1993* provides in section 28(2)(b) that a council must act collectively to determine and monitor the application of policies, plans and programs for -

- (i) the efficient and effective provision of services and facilities; and
- (ii) the efficient and effective management of assets

The *Local Government Act 1993* also provides a Council –

- a) is to provide for health, safety and welfare of the community; and
- b) may acquire, hold, dispose of and otherwise deal with property.

The Act allows Council may make by-laws in respect of any act, matter or thing for which a council has a function or power under this or any other Act.

Council is currently preparing a replacement By-law for management and control of a public place.

The By-law will require an approval for use of any building, place, or land owned by the Council for an organized event or undertaking.

The current, and any future, Community Lease Policy is relevant to this Report.

#### 5.0 POLICY CONSIDERATIONS

The Burnie City Council website states –

*“A policy is a decision which establishes the rules by which the business of Council is conducted.”*

The purpose of a policy is to –

- a) Provide an understanding of the matters that will be taken into account to ensure decisions in relation to services, facilities and activities of the Council are fair, equitable and in the best interests of the community, and reflect the values and strategic objectives of the Council;
- b) Provide Council officers with certainty and consistency for the criteria on which to make operational as opposed to regulatory decisions in relation to the day to day running of the organisation, the implementation of Council decisions, and the exercise of a statutory function or power.

While Council policy cannot remove, add to, modify or substitute for a statutory or regulatory requirement or process, it may set a framework for the intent,

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commitment or position of the Council in relation to the performance of a statutory function or the exercise of a regulatory power

- c) Provide a framework within which Council officers can confidently observe specific conduct and decision principles to act impartially; with integrity and without conflict; accept accountability for results; and provide responsive service

Council policy does not include operational and procedural matters for how, where, when and what arrangements will be made for provision and management. These matters are set out separately in guidelines and procedures.

## **6.0 FINANCIAL IMPACT**

There are no financial impacts resulting from the draft policy.

Fees and charges for use of a Council community, recreation or sporting facility are generally set annually as part of the budget decisions.

## **7.0 DISCUSSION**

Council's public places are used by resident, regional and visiting communities for a broad range of both regular and occasional events.

It is advisable for asset protection, risk management, equity, and conflict avoidance to control the manner in which access and use of a public place is made available.

The most appropriate means by which to manage use of a public place is to operate an application and approval process and to issue a Use Agreement.

A Use Agreement is a legally binding document in which the terms and conditions for use and the duties and obligations of each party are clearly set out.

Policy provides a framework for clear, certain and consistent operational decision making. Apart for Community Leases, there is no current policy statement of Council confirming need for or identifying the type of Use Agreement which may be required.

Council currently operates a variety of use agreements.

The type and content of current agreements, and the circumstances in which they are applied, is inconsistent.

The Policy will provide a high-level statement to require that a Use Agreement must be in effect before a person may occupy or conduct an organized activity in or on a public place.

The Policy indicates three types of agreement and the circumstances in which they will apply –

- a) *Occasional Use Agreement* - for a one-off, occasional, or short-term use of a public place.

The majority of these agreements will be a simple standard document.

More complex and individual agreements may be used in some circumstances to satisfy relevant commercial, cultural, legal or regulatory requirements.

- b) *License Agreement* – for regular non-exclusive use over an extended period, including a seasonal sports competition, where multiple use is feasible and desirable to optimize utilization in accordance with community need
- c) *Lease Agreement* – for exclusive use over an extended period

The Policy identifies a framework for the content of each type of Use Agreement, the details of which will be prepared at an operational level.

The Policy will support operation of any Council by-law relating to the use and protection of community, recreation and sporting facilities and reserves and open space areas provided by Council

A Use Agreement will not be required for casual and informal use if carried out in accordance with the purpose of a public place and the relevant controls set out in a Council by-law or notice.

## 8.0 RISK

There are no identified risks associated with a standardized approach and the use of common form agreements.

The current approach to approval and documentation of use contains inherent risk for –

- a) fairness and consistency in terms and conditions of use;
- b) equity and inclusiveness for access;
- c) underutilization of a public place;
- d) certainty for the duties and obligations of each party; and
- e) compliance and liability

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

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Assets and infrastructure	Unknown and uncontrolled use of community, recreation, sporting and open space facilities may result in conflict between users and damage to assets	Require each use must be approved under a Use Agreement

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Corporate business systems	Inability to record who has used a facility for what and when – difficulty to monitor utilization, attribute responsibility for damage or harm, or to collect relevant revenue	Require each use must be approved under a Use Agreement
Emergency management	Inability to use facilities to assist emergency management response if other users are unknown	Require each use must be approved under a Use Agreement
Environmental	Inability to manage uses which may cause environmental harm, or to assign responsibility for remedial action if user is unknown or unrecorded	Require each use must be approved under a Use Agreement
Financial	Inability to proportion cost for maintenance and improvements between users, or to collect relevant user fees if no record of who is using facility	Require each use must be approved under a Use Agreement
Political	Ability for Council to maintain fair access and control of use on public places	Require each use must be approved under a Use Agreement
Public Safety	Ability to ensure facility is fit for purpose and use is conducted in a manner which does not present risk of harm to people, property or the environment	Require each use must be approved under a Use Agreement
Strategic	Ability to provide facilities which met community need	Require each use must be approved under a Use Agreement
Regulations and Compliance	Ability to comply with regulatory requirements if purpose and nature of use is not known	Require each use must be approved under a Use Agreement
Workers	Ability for council workers to perform maintenance, repair and improvement tasks without conflict or risk to other users	Require each use must be approved under a Use Agreement

## 9.0 CONSULTATION

Council Officers have been consulted in the preparation of the Policy.

## ATTACHMENTS

- 1 [Public Places Use Agreement Policy](#)

**COUNCIL RESOLUTION****Resolution number: MO103-22*****MOVED: Cr A Keygan******SECONDED: Cr T Brumby******“THAT Council adopt the Public Places Use Agreement Policy, as attached.”***

**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***

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Public Places – Use Agreement Policy (DRAFT)</b>	
Approved By:	Council	Document Code:	CP-CCS-CG-055
Doc Controller:	Director Land and Environmental Services	Version:	1.0
File:	4/14/2	Approved Date:	DD Mon 20XX
		Next Review Date:	+ 4 years

## 1 PURPOSE

The Burnie City Council holds a significant and on-going investment in the provision and maintenance of public places for community, recreation and sporting purposes.

The purpose of this Policy is to identify the different types of agreements which may be available to permit use of a public place.

The Policy furthers the Council's goal to support provision and availability of public places which assist the health and well-being of the community.

## 2 OBJECTIVE

The objective of this Policy is to provide Use Agreements which -

- a) are clear, certain, and consistent;
- b) are fair, equitable and inclusive;
- c) apply for both regular and occasional use of a public place;
- d) optimise cost effective and safe opportunity for use of a public place in accordance with community need and facility capability; and
- e) are approved, recorded, and regulated by Council

## 3 DEFINITIONS

In this Policy –

**Authorised officer** means as in the current Burnie City Council By-law applicable for a public place.

**Council** means the Burnie City Council

**Multiple Use** means co-location, or simultaneous or shared use, of a public place by two or more Users in order to maximise operational efficiency and optimise opportunity for community access and use

**Public Place** means as defined in the Burnie City Council Public Places By-Law, and includes any building, facility or place provided by the Council and made available for use by the public, including for community, recreation, and sports purposes, together with any structure or elements that may support use of that place such as toilets, change rooms, grandstand or scoreboard.

**Season** means a period of fixed duration during which a competition or series of events in a particular sporting code or other activity is to be conducted. A sports season is typically a period of six months

COUNCIL POLICY			
 <b>BURNIE</b> CITY COUNCIL	<b>Public Places – Use Agreement Policy (DRAFT)</b>		
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	Doc Controller:	Director Land and Environmental Services	Version: 1.0
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between 1 October and 31 March (summer season) or between 1 April and 30 September (winter season); but may be of a longer or shorter duration and commencing at any other time.

**Use** means an organised community, sports or recreation activity; public event; commercial undertaking; or an organised private event, whether or not by invitation, such as a wedding, family reunion, or school picnic.

**Use Agreement** means a legally binding and enforceable arrangement issued between Council and a User for use for a nominated use in or on an identified public place for a specified period and at specified times; and includes a permit issued under a Burnie City Council By-Law for use of a public place.

**User** means a person or incorporated body who is a party to a current User Agreement.

#### 4 SCOPE

This Policy applies where Council approval is required for a person to access and use a public place, including for any purpose for which a permit is required under a Burnie City Council By-Law.

#### 5 POLICY

##### 5.1 Use Agreements

A Use Agreement must be in place between Council and any person prior to commencement of a use in or on a public place.

The purpose of a Use Agreement is to –

- a) enable Council to –
  - i. be aware of who is using a public place, for what purpose, when, and for how long;
  - ii. confirm a public place is available and appropriate for a proposed use; and
  - iii. program use of a public place to optimise utilisation, and to avoid interference and conflict with other users or with construction and maintenance activity;
- b) inform the User of the applicable rules and requirements for use; and
- c) provide the User with a record of approval

A Use Agreement is non-transferrable; and unless specified, will not give the User an exclusive right of use.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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Council will maintain a record of all User Agreements on a central register within its current document management system.

Council will monitor compliance to a Use Agreement, and will take action as necessary to rectify a breach.

A Use Agreement does not affect or exempt any requirement to obtain any approval, authorisation, consent or permit under the law of Tasmanian or the Commonwealth of Australia to carry out the use identified in the Agreement.

Council may prepare and issue

## 5.2 Types of Use Agreement

Council may only approve use of a public place under one of the following forms of Use Agreement.

### a) Occasional Use Agreement

An Occasional Use Agreement is a written agreement entered into between Council and a User which will provide the User with a lawful right to access and use an identified public place only on a specified day or days and at a specified time or times for a nominated activity.

An Occasional Use Agreement –

- i. Will be required for any organised public or private gathering, such as a wedding, family reunion, or school picnic, or for any commercial or professional undertaking;
- ii. Will typically be issued for a one-off, occasional, or short-term use;
- iii. May provide an exclusive or priority right of use for the period of the Agreement;
- iv. May be issued to optimise use of a public place at the same time during which there is other approved use;
- v. May also be issued to provide an additional period of use outside the period specified under a Licence, including for pre-season training or to a re-schedule a competition game; and

An Occasional Use Agreement will not be required –

- i. for informal and casual personal use of a public place, other than a building, a sporting ground, or a specialist facility, if carried out in a manner consistent with the notified purpose and conditions for use of that place; or



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- ii. for a person or group attending a public place as a participant, spectator, or client of a use which has been issued with a Use Agreement, such as a sporting event, performance, exhibition or conference

Council will wherever practicable prepare and issue standard forms of Occasional Use Agreement. An Agreement may typically be a simple standardised statement of written permission containing generic terms and conditions.

However, more complex and particular forms of Occasional Use Agreement may apply subject to the nature of the public place and the permitted use, including for performance, exhibition and conference use in the Burnie Arts and Function Centre.

An Occasional Use Agreement may be approved and issued by an authorised officer of the Council.

#### b) Licence Agreement

A Licence is a written agreement entered into between Council and a User which will provide the User with a non-exclusive right to use an identified public place over an extended and defined period on specified days and at specified times for a nominated purpose.

A Licence will generally apply to secure long term access for on-going and regular use in or on a public place, such as a programmed community gathering or a sporting competition.

A Licence will apply where Council seeks to optimise opportunity for use of a public place through shared or multiple use. Council will encourage and facilitate development and transition of exclusive use facilities to a shared, multiple, and diversified model of access and use wherever appropriate to the capabilities of the public place and the needs of the community.

A User under a Licence Agreement must pay the applicable fees and charges set by the Council; and must be responsible for the health, safety and amenity of people, property and the environment during the defined period and times of use.

Council will wherever practicable use standard forms of Licence Agreement relevant to the purpose for which the public place is used.

Council will provide a Guide to Licence Agreements.

A Licence Agreement may be approved and issued by the Council or by the General Manager or a person authorised by the General Manager.

#### Club Rooms and Social Facilities

A Licence may be offered at discretion of Council for occupation of a building or part of a building as a club room or social premises for use by an individual club or association.

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Council expects the User must allow access to the clubrooms or social premises by other persons, including other approved users of the public place within which are located.

#### Seasonal Use

A Seasonal Licence may be issued for use of a public place to conduct a program of use, including a sporting competition.

Council's preference is that a seasonal Licence for use of a sports ground, building or facility be issued to the organising association rather than to an individual participating club.

An individual club may apply for a Seasonal Licence to access and use a public place for regular training during the summer or winter season.

Seasonal Licence agreements will not provide the User with an exclusive use of the public place during the Licence period; and must be renewed annually.

#### **c) Lease Agreement**

A Lease is a written User Agreement entered into between Council and a User which will provide the User with possession and an exclusive right to access and use an identified public place during a defined period for a nominated purpose.

A Lease will only be considered where–

- i. the purpose and nature of a public place excludes opportunity for multiple use;
- ii. the arrangement will facilitate increased opportunity for multiple use consistent with the capabilities of the public place and the identified needs of the community;
- iii. the proposed User has the approval of Council to make a significant capital or operational investment in the provision or improvement of a public place; or
- iv. the public place is surplus to the needs of the community, but Council has determined not to make a permanent disposal

In order to grant a Lease the Council must be satisfied –

- i. the arrangement is in the best interests of the community, as opposed to the interests of the applicant;
- ii. no existing or potential other user of the facility will be disadvantaged or displaced;
- iii. a Lease is necessary to achieve effective and sustained use of the public place; and

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- iv. the User has demonstrated a clear financial capacity, technical expertise, and relevant experience to manage and maintain the facility for the intended purpose and at the agreed standard during the period of the Lease

A lease will be offered for a term in accordance any community lease Policy adopted by the Council.

Grant of a Lease of a public place may be subject to the public land disposal provisions under Part 12 Division 1 *Local Government Act 1993*.

The User will be responsible during the term of the Lease to meet all costs in accordance with the Community Leases Policy.

### 5.3 Content of Use Agreement

A Use Agreement must be in writing and be signed and dated by each of the Council and the User or by a person with authority to represent the User.

Council will wherever practicable prepare and use standard forms of Use Agreement.

Council may, at its sole discretion, add to, delete, modify or substitute common terms and conditions in a standard Use Agreement having regard to the circumstances of the User, the public place, and the purpose and nature of the use.

In order to provide certainty, consistency and clarity, a Use Agreement is to set out –

- a) the public place or part of a public place to which it applies;
- b) the person to whom the Agreement is issued;
- c) the purpose, nature and intensity of the use to be carried out on the public place;
- d) the period of the Agreement, including the day on which it is to commence and the day on which it will end, and the days, dates, and times between those days during which the approved use may be carried out;
- e) the rights, obligations and duties of the Council and the User during the term of the Agreement;
- f) terms and conditions of use;
- g) arrangements for the management of risk and liability;
- h) fees and other charges payable to Council or other entities and providers;

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- i) arrangements for monitoring and enforcement of compliance;
- j) arrangements for suspension or termination; and
- k) a dispute resolution process

#### 5.4 Procedures and Guidelines

The General Manager may approve operational procedures and user guidelines providing general or particular instruction or advice in relation to the agreements to access and use a public place.

## 6 LEGISLATION

Local Government Act 1993  
Burnie City Council Public Places By-law

## 7 RELATED DOCUMENTS

Community Leases Policy CP-CCS-CG-036  
Annual Schedule of Fees and Charges (as approved by Council)

Policy Endorsement	
Responsibility:	It is the responsibility of the Director Land and Environmental Services to oversee this policy and ensure its implementation. It is the responsibility of all staff with responsibilities in facilitating the use of Public Places, to adhere to the provisions of this policy. It is the responsibility of the Governance Unit to maintain this document in the Corporate Document Framework.
Minute Reference:	TBC
Council Meeting Date:	TBC
Strategic Plan Reference:	Strategy 7.1.1 Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This is the first policy relating to Use Agreements for Public Places.
Date of Commencement:	TBC
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )

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**CORPORATE AND COMMERCIAL SERVICES****AO108-22 POLICY REVIEW - INFORMATION SECURITY MANAGEMENT SYSTEM****FILE NO:** 4/14/2, 18/15/1**PREVIOUS MIN:**

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**MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:**

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.8~A best practice approach is taken to managing risk in the community and providing a safe work environment.
Strategy	7.8.1~Develop an integrated approach to risk management from the strategic level through to activity level.

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**1.0 RECOMMENDATION:**

***“THAT Council approve the following policies, as part of the Council’s Information Security Management System:***

- ***Information Security Policy;***
- ***Computer and Technology Asset Management Policy;***
- ***IT Access Control Policy;***
- ***IT Systems Conditions of Use Policy;***
- ***IT Management Review Policy; and***
- ***Password Management Policy.”***

**2.0 SUMMARY**

This report is to provide both an update to the Council on the progress towards establishing an Information Security Management System that complies with ISO27001, and to seek endorsement of a number of policies required under this framework.

**3.0 BACKGROUND**

On 1 July 2021, the former Tas Communications Pty Ltd was transferred back into the Burnie City Council operations.

On 13 September 2021, NCC Group provided their report into the cyber vulnerability considerations the Council should consider over the short, medium and long term.

In November 2021, the Council experienced a cyber event which lasted for approximately four weeks. Following that event, Slipstream Cyber who partnered with the Council to provide assistance during the cyber event, developed a series of recommendations for improvement with specific reference to their observations made during the cyber event.

At the request of officers, Slipstream provided a consolidated list merging together their recommendations with those of NCC, and prioritising the work required as a means of ensuring that Council officers could focus their time and effort on the most significant matters as a priority.

One of the major observations found is that the Council's information security governance could be strengthened. The recommendation of Slipstream and agreed recently by NCC, was that the ASD Essential Eight model would be appropriate to ensure compliance with ISO27001 and to address the governance deficiencies observed.

#### **4.0 LEGISLATIVE REQUIREMENTS**

There are no legislative requirements that make compliance with ISO27001 mandatory from an IT perspective, however it is seen by all levels of government across Australia as best practice.

The Council has legislative provisions under the *Personal Information Protection Act 2004* with regard to how the Council captures, retains and secures personal information.

#### **5.0 POLICY CONSIDERATIONS**

The Council's Strategic Risk Register, underpinned by the methodology of both the Risk Management Policy and the Risk Management Framework, cites IT Systems and Cyber Risk as one of the Council's nine strategic risks.

Accordingly one of the commitments made in the Strategic Risk Register is that throughout the 2021-22 and 2022-23 financial years, significant effort would be put toward strengthening and improving the Information Security Management System.

The Council has a Personal Information Protection Policy which outlines the Council's commitment to how personal information collected, will be managed.

#### **6.0 FINANCIAL IMPACT**

There are no direct financial impacts that arise from this report at this time.

Should future requirements be identified as these policies are operationalised, any further budget implications will be considered and discussed with the Council if required.

#### **7.0 DISCUSSION**

The ASD Essential Eight key documents that underpin the ISO27001 standard are eleven policies as follows:

- Information Security Policy
- Risk Management Policy (in place)
- Information Security Objectives

- IT Conditions of Use Policy and Acceptable Use Agreement
- Privacy Policy and Procedure (in place)
- Management Review Policy
- Access Control Policy
- Third-party Information Security Policy
- Secure Development Policy
- Context of Organisation
- IT Asset Management Policy

The Council has two of the essential eleven policies currently in place. As the Council would also be aware, a recommendation of both the Audit Panel and of the Tasmanian Audit Office in 2016-17 recommended that the Council introduce an IT Security Policy. This action remains outstanding.

To this end, officers have been working on establishing the required framework which includes an Information Security Policy that conforms to the outstanding action. Attached are five policies from the Essential Eight model, and an additional policy that Council officers feel adds value to the Information Security Management System being developed.

While this is not yet the full suite of policies, those attached are considered the most fundamental and are consistent with Slipstream's priority recommendations. The development of the remaining policies will continue and will be submitted to the Council for approval at the appropriate time.

The introduction of this more robust information security management system is a fundamental enabler of the Digital Strategy that will be presented to the Council in the first part of 2022-23.

## 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
Financial	Cyber event impacts	Improve Information Security Management System; maintain cyber insurance; rectify hardware and patching deficiencies.
Asset and Infrastructure	Failing hardware has a business continuity risk and impacts former TasCom external customers.	Funding has been put towards critical projects and provision has been included in the draft capital budget for hardware replacement; implementation of the Digital Transformation Strategy.
Service Delivery	Cyber event impacts	Disaster recovery site establishment and improved Business Continuity Plan.

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Risk Category	Risk identified	Ways to eliminate or reduce the risk
Technology	Information security	Introduction of an Information Security Management System and an Active Directory system to underpin this.

## 9.0 CONSULTATION

This matter has been the subject of consultation with the Chief Technology Officer.

The Audit Panel at their meeting of 8 June 2022 provided their endorsement for the attached suite of policies.

## ATTACHMENTS

- 1 [↓](#). Draft Information Security Policy
- 2 [↓](#). Draft Computer and Technology Asset Management Policy
- 3 [↓](#). Draft IT Access Control Policy
- 4 [↓](#). Draft IT Management Review Policy
- 5 [↓](#). Draft Password Management Policy
- 6 [↓](#). Draft IT Systems Conditions of Use Policy



**COUNCIL RESOLUTION****Resolution number: MO104-22****MOVED:**            *Cr C Lynch***SECONDED:**      *Cr G Simpson****“THAT Council approve the following policies, as part of the Council’s Information Security Management System:***

- ***Information Security Policy;***
- ***Computer and Technology Asset Management Policy;***
- ***IT Access Control Policy;***
- ***IT Systems Conditions of Use Policy;***
- ***IT Management Review Policy; and***
- ***Password Management Policy.”***

**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***

 <b>BURNIE</b> CITY COUNCIL		COUNCIL POLICY <b>Information Security Policy (DRAFT)</b>	
Approved By:	XXX	Document Number:	XXX
Doc Controller:	Executive Manager	Version:	1.0
	Corporate Governance	Approved Date:	XXX
File:	4/14/2	Next Review Date:	+ 3 years

## 1 PURPOSE

The purpose of this report is to outline the Burnie City Council's commitment to the secure management of information and systems, aligned with the international standard for Information Security (ISO 27001:2013).

## 2 OBJECTIVE

The objectives of this Policy are to ensure that:

- The confidentiality, integrity, and availability of information and supporting assets (including information systems) as defined within the Asset Inventory.
- Threats, vulnerabilities, and risks are formally identified, assessed and controlled in accordance with the Council's Risk Management Framework.
- Burnie City Council's councillors, employees, contractors and third-party users comply with this policy.
- The provision of effective information security training, awareness and ongoing monitoring activities is regarded as essential.
- The security needs and expectations of interested parties are identified, recorded and addressed (including but not limited to those of councillors, personnel, customers, stakeholders, regulators and legal authorities).
- The Burnie City Council can maintain full compliance with all applicable legislation, regulations and contractual requirements and any supporting certifications.

## 3 SCOPE

The scope of the Burnie City Council's Information Security Policy includes:

### Information and Supporting Assets

All information assets (data) owned by the Burnie City Council or entrusted to Burnie City Council by a client under an agreement which specifically details Burnie City Council's responsibility for that data. This includes information assets held, processed or stored on Burnie City Council premises and at approved off-site premises or locations.

All supporting assets (non-data) which (either directly or indirectly) are integral to ensuring the confidentiality, integrity or availability of the information assets, including premises, hardware software, and Burnie City Council councillors and personnel.

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**Documentation**

All policies, procedures, guidelines, processes, and records related to the management, use, control and disposal of information and supporting assets.

**Management and Review**

The continuous monitoring, review and improvement of the information security system (refer Management Review Policy) including audit (refer Internal Audit Procedure) and corrective actions.

**4 DEFINITIONS****Physical (assets)**

The physical assets of the Burnie City Council include, but are not limited to, computer hardware, devices, prototypes, data cabling, telephone systems, filing systems and physical data files.

**Information Assets**

Includes information printed, transmitted by post or electronically, recorded digitally or otherwise or spoken in conversation, and information stored electronically on servers (physical and cloud-based), website/s, applications, intra- and extranet/s, PCs, laptops, mobile phones and PDAs, mobile and removable devices and any other digital or magnetic media, and information transmitted electronically by any means.

In this context, data also includes the code/s and instruction/s which tell the system/s and applications how to manipulate information.

**5 POLICY**


The Council are committed to information security, namely preserving the confidentiality, integrity and availability of all physical and electronic information assets throughout the Burnie City Council to preserve service levels, competitive advantage, profitability, legal, regulatory and contractual compliance and reputation.

Burnie City Council is committed to the protection of information and supporting assets as defined in the Scope.

To effectively manage and deliver information security, the Burnie City Council will:

**5.1 Risk Assessment**

Conduct regular risk assessments of information assets, and their supporting assets in accordance with the Council's Risk Management Policy and Framework.

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The results of risk assessments will be documented and reviewed to ensure understanding of the level of risk to information and supporting assets, and appropriate controls are implemented to address any unacceptable risks identified.

## 5.2 Business Continuity

Ensure information security is appropriately considered in the Business Continuity Plan, to avoid compromise in the event of unplanned business interruptions.

## 5.3 Asset Inventory

Maintain a comprehensive Asset Inventory, including all information assets and supporting assets. Each asset will have a named owner who must understand their responsibilities for the protection of the asset (refer Computer and Technology Asset Management Policy and Asset Register).

## 5.4 Access Control

Ensure an IT Access Control Policy is in place to protect all Burnie City Council networks, information systems and information assets from any unauthorised access.

## 5.5 Acceptable Use

Ensure all personnel, contractors, volunteers and third-party users comply with the IT Systems Conditions of Use Policy (including IT Acceptable Use Agreement). This policy explains acceptable use of information processing systems, networks (including internet and phone systems) and other resources within scope.

Remote access will only be granted in accordance with the policy to personnel, contractors and third-party users, from Burnie City Council approved devices.

## 5.6 Information Classification and Handling

Ensure all information assets are classified and handled in accordance with the Information Classification and Handling Policy, which explains how differently classified information assets are managed, handled, processed, encrypted, stored, transmitted, and disposed of.

## 5.7 Information Security Training

Develop and conduct compulsory training and awareness for all Burnie City Council employees, contractors, volunteers and third-party users, which explains Burnie City Council policies and procedures and individual responsibilities.

## 5.8 Secure Development

Develop a process to ensure all software development activities consider the vulnerabilities and threats and are managed in accordance with the Secure Development Policy. This policy

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outlines requirements for staff competence, secure development practices and security testing.

#### 5.9 Information Security Incidents

Develop a process to identify, report, investigate and remediate information security incidents (refer Information Security - Incident Management Policy).

## 6 RESPONSIBILITIES

### Employees, Contractors and Third-Party Users

All employees, contractors, volunteers and third-party users must understand their role to ensure the security of information and assets in accordance with the various HR Policies, IT Systems Conditions of Use Policy, Contracts and Non-Disclosure Agreements.

### Council

- Determining the level of acceptable risk within the Risk Management Framework.
- Approving the Information Security Policy.

### General Manager

The General Manager is also the Head of Risk and is responsible for the following activities:

- Agreeing the business need for Information Security;
- Setting and reviewing Burnie City Council's Information Security Objectives;
- Approving any decisions not to address any unacceptable residual risks, where identified;
- Having ultimate responsibility for actions related to information security incidents/breaches.

### Director Corporate and Commercial Services

- Communicating the ongoing business needs for information security to the organisation;
- Developing and reviewing the Information Security Policy;
- Approving the governance documents that underpin the Information Security Policy.
- Considering operational risk assessments and putting effective controls in place;
- Elevating any risks that have a residual risk of High to Extreme, in accordance with the Council's Risk Management Framework;

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- Overseeing any disciplinary action resulting from information security incidents/breaches or non conformance with this Policy.

**Chief Technology Officer**

- Communicating the ongoing business needs for information security to the Director;
- Undertaking risk assessments in accordance with the Risk Management Policy and Framework and elevating these to the Director where suitable and effective controls are not possible or adequate;
- Ensuring that the appropriate processes and procedures are in place to confirm with the requirements of this Policy; and
- Ensuring the ICT Unit are aware and appropriately skilled to undertake the requirements of this Policy.

**Executive Management Team and Management Team**

The Executive Management Team (EMT) and Senior Management Team (MANEX) are responsible for day-to-day information security, including:

- Ensuring policies, procedures and guidelines are followed;
- Ensuring appropriate records are created and maintained; and,
- The provision and completion of appropriate user training and awareness program for their employees.

**7 LEGISLATION**

Archives Act 1983  
Commonwealth Criminal Code Act 1995  
Cybercrime Act 2001  
Tasmanian Criminal Code 1924  
Personal Information Protection Act 2004  
Local Government Act 1993

**8 RELATED DOCUMENTS**

Asset Inventory  
Asset Register  
Business Continuity Plan GL-OGM-RM-002  
Computer and Technology Asset Management Policy  
Information Classification and Handling Policy  
Information Security – Incident Management Policy  
Internal Audit Procedure


	COUNCIL POLICY	
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IT Access Control Policy  
 IT Systems Conditions of Use Agreement  
 Personal Information Protection Policy CP-CBS-SG-008  
 Risk Management Framework GL-CCS-RM-001  
 Risk Management Policy CP-CCS-CG-027  
 Secure Development Policy

## 9 OTHER REFERENCES

Nil

Policy Endorsement	
Responsibility:	The General Manager has ultimate accountability for this Policy. The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews. It is the responsibility of the Chief Technology Officer to ensure that processes and procedures adhere to this Policy. It is the responsibility of Corporate Governance Unit to administer this policy.
Minute Reference:	<b>XXX</b>
Council Meeting Date:	<b>XXX</b>
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 is a new Policy.
Date of Commencement:	<b>XXX</b>
Publication of policy:	Members of the public may inspect this policy at the City Offices where copies can be obtained free of charge. Alternatively it can be accessed on Council's website (www.burnie.net) Staff may also access this policy through the Council intranet.

COUNCIL POLICY		
 <b>BURNIE</b> CITY COUNCIL	<b>Computer and Technology – Asset Management</b> <b>(DRAFT)</b>	
	Approved By: <b>XXX</b>	Document Number: <b>XXX</b>
	Doc Controller: <b>Executive Manager</b>	Version: <b>1.0</b>
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## 1 PURPOSE

This policy aims to ensure compliance with regulations and standards and the accurate reporting of physical IT assets.

## 2 OBJECTIVE

The objectives of this Policy are to ensure that asset management principles for Council's computer equipment and IT assets are known, and consistent with the broader asset management strategy, objectives and plans by:

- Assuring alignment with corporate plans;
- Considering all stages of the asset lifecycle (planning, design, construction, operation, maintenance, renewal and disposal);
- Ensuring that the reporting and controls for portable and attractive assets are consistent with other computer equipment and IT assets;
- Optimising the performance, cost and risks of the assets;
- Ensuring a focus on service outcomes; and,
- Providing a framework for the continual improvement of the IT asset management system.

## 3 SCOPE

This Policy applies to all computer equipment and related assets purchased by the Burnie City Council, including portable and attractive assets.

## 4 DEFINITIONS

**Computer equipment and related IT assets** - include PCs, laptops, tablets, mobile phones and other devices that process and store Burnie City Council data, along with other IT assets such as monitors, projectors, cameras, desk phones, printers, scanners etc.

## 5 POLICY

All assets purchased will be recorded and maintained on the Council's Asset Register, including those defined under the Portable and Attractive Assets Policy CP-CCS-CG-051.

It is the responsibility for the employee who purchases the items, to ensure that the Asset Acquisition Checklist FO-CCS-FIN-036 is completed and sent in a timely manner to Corporate Finance to enable the asset to be placed on the Asset Register.



COUNCIL POLICY		
 <b>BURNIE</b> CITY COUNCIL	<b>Computer and Technology – Asset Management</b> <b>(DRAFT)</b>	
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Burnie City Council staff will not remove computer equipment and IT assets from the business premises unless first being authorised by either the General Manager, relevant Director or Chief Technology Officer. Where approval is granted all details are to be recorded by ICT in the Asset Register.

Burnie City Council shall operate, maintain, renew and dispose of assets in a manner that:

- Promotes safe, reliable, sustainable and cost-effective work practices;
- In a manner that is transparent and equitable;
- Optimises the performance, cost and risks of the assets over the long term;
- Effects timely corrective actions based on regular monitoring and analysis of the condition and performance of the assets; and,
- Ensures asset management is based on good quality and timely asset data.

IT asset disposal principles for non-fixed assets aim to achieve the best possible outcome for Burnie City Council regarding information security.

- Assets deemed 'end of life' are securely wiped before destruction or recycling (including PCs, laptops, tablets, mobile phones and other devices that process and store Burnie City Council data, including printers and scanners);
- Before deletion of information occurs from computer equipment or IT assets, information assets are categorised and appropriate information stored within acceptable Council repositories, in consultation with the Information Management Coordinator;
- Appropriate methods of destruction are selected considering the classification of the asset and information. Where possible Burnie City Council's in-house capabilities will be used to wipe assets; where external destruction is required, only appropriately certified companies will be selected;
- Sensitive information assets are sufficiently backed up, copied and/or removed prior to disposal;
- Disposal decisions are documented and approved; and,
- An auditable trail of disposal and destruction certification is logged and evidenced.

## 6 LEGISLATION

Archives Act (TAS) 1983  
Personal Information Protection Act 2004  
Evidence Act (TAS) 2001  
Right to Information Act (TAS) 2009

COUNCIL POLICY		
 <b>BURNIE</b> CITY COUNCIL	<b>Computer and Technology – Asset Management</b> <b>(DRAFT)</b>	
	Approved By: <b>XXX</b> Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b> File: 4/14/2	Document Number: <b>XXX</b> Version: <b>1.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>


## 7 RELATED DOCUMENTS

Classification and Retention Schedules in Content Manager (CM) Guideline GL-CBS-IM-010  
 Record Number 18/13/425 – Register of Records Destroyed under Section 20(2)(b) of the  
*Archives Act 1983*  
 Asset Management Policy CP-CBS-SG-016  
 Asset Acquisition Checklist FO-CCS-FIN-036

## 8 OTHER REFERENCES

Nil

Policy Endorsement	
Responsibility:	<p>The General Manager has ultimate accountability for this Policy.</p> <p>The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews.</p> <p>It is the responsibility of the Chief Technology Officer to ensure that staff are adequately trained and that processes and procedures adhere to this Policy.</p> <p>It is the responsibility of Corporate Governance Unit to administer the maintenance of this policy.</p> <p>All staff who procure and use computer equipment and IT assets are responsible for adhering to this policy.</p>
Minute Reference:	XXX
Council Meeting Date:	XXX
Strategic Plan Reference:	<p>Strategy 7.1.1</p> <p>Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.</p>
Previous Policies Replaced:	This is a new Policy.
Date of Commencement:	XXX
Publication of policy:	<p>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>)</p> <p>Staff may also access this policy through the Council intranet.</p>

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>IT Access Control (DRAFT)</b>	
	Approved By: <b>XXX</b>	Document Number: <b>XXX</b>
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## 1 PURPOSE

The control of user access is the single most important access control mechanism.

This Policy ensures the Burnie City Council is able to identify and restrict use, based on an individual user's credentials to ensure ongoing system integrity and security. It also provides a mechanism by which inappropriate use can be audited and monitored.

## 2 OBJECTIVE

The objectives of this Policy are to ensure that:

- The confidentiality, integrity, and availability of information and supporting assets (including information systems) is protected for information that the Council is custodian for.
- Burnie City Council's councillors, employees, contractors, volunteers and third-party users are aware of the expectations of user access and are therefore able to comply with this Policy.
- The Burnie City Council can maintain full compliance with all applicable legislation, regulations and contractual requirements and any supporting certifications.

## 3 SCOPE

The scope of this Policy extends to all workers, councillors, contractors, volunteers and third-parties who are provided access to Council's IT systems and devices.

## 4 DEFINITIONS


**IT Systems and Devices** include, but are not limited to Council's business systems, Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Area Networks (WLANs), intranet, internet, email, computer systems, software, servers, desktop computers, notebooks, laptops, tablets, printers, telephone systems, telephones, smart phones, digital cameras, video conference equipment and hand held devices.

## 5 POLICY

### 5.1 User registration

Access control rules are reflected in the user registration process. Access control procedures include the following controls:

- allocation of unique user identities;
- system owner authority prior to access;

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- preservation of segregation of roles;
- user acknowledgement of IT Systems Conditions of Use;
- maintenance of an access register;
- modification of access following role changes or termination of employment;
- removal of redundant user identities; and
- no duplication or re-issue of user identities.

Third parties are provided with accounts that solely provide access to the systems and/or data they are contracted to handle, in accordance with least privilege and need to know principles.

Third parties are not permitted to modify system parameters or Council production data without the express permission of the Chief Technology Officer. Any modifications are to be supported by a written report of the changes made and the reasons for the change.

## 5.2 Privilege management

The allocation of privileged rights shall be restricted and controlled and not provided by default.

Users will be restricted and controlled through privileged access to systems. Privilege management procedures include the following controls:


- identification of privileges;
- need to know principle;
- allocation of privileges according to the needs of the user, always to the lowest level privilege possible for the requirements;
- authorisation of privileges;
- registration of users with privileges;
- use of no-privileged user identity when possible; and
- review after employment changes.

## 5.3 User password management

Password issuing, strength requirements, changing and control will be managed through formal processes by the ICT Unit, and in accordance with the Password Management Policy.

The allocation of passwords is controlled. User password management procedures include the following controls:

- provision of security awareness training;
- user acknowledgement of the IT Systems Conditions of Use;
- forced change of initial passwords;
- password resets with positive identification;
- passwords conveyed in a secure manner;

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- user acknowledgment of receipt of password.

#### 5.4 Review of user access rights

User access rights are reviewed regularly and formally, including ordinary user rights and users with privileged access.

#### 5.5 Review of logs

Operating system and application logs are reviewed regularly to ensure unauthorised attempts to access systems are monitored and appropriate action is taken.

#### 5.6 Cloud systems

The use of cloud-based systems must, in all respects, meet the access control provisions laid out in this policy.

## 6 RESPONSIBILITIES

#### Councillors, employees, volunteers, contractors and third-party users

All councillors, employees, contractors, volunteers and third-party users are responsible for following the Access Control Policy and are responsible for the systems on which Council's data resides.

#### Director Corporate and Commercial Services

The Director Corporate and Commercial Services is responsible for determining the appropriate level of user access for positions within the Council.

#### Chief Technology Officer


The Chief Technology Officer is responsible for enacting the user access management and establishing and ensuring access control principles in accordance with this Policy, for all Council systems on which Council's data resides.

Additionally, and with the support of the Executive Management Team, the Chief Technology Officer is responsible for awareness training and enforcement.

#### System owners and administrators

System owners and those appointed as administrators are those with a responsibility for ensuring that the system/s for which they are responsible, upon which Burnie City Council data resides, are maintained in accordance with this Policy.

## 7 LEGISLATION

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Cybercrime Act 2001  
 Personal Information Protection Act 2004  
 Local Government Act 1993


## 8 RELATED DOCUMENTS

Information Security Policy  
 Information Security – Incident Management Policy  
 IT Systems Condition of Use Policy  
 Password Management Policy  
 Personal Information Protection Policy CP-CBS-SG-008

## 9 OTHER REFERENCES

Nil

Policy Endorsement	
Responsibility:	The General Manager has ultimate accountability for this Policy. The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews. It is the responsibility of the Chief Technology Officer to ensure that processes and procedures adhere to this Policy. It is the responsibility of Corporate Governance Unit to administer this policy.
Minute Reference:	XXX
Council Meeting Date:	XXX
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 is a new Policy.
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Publication of policy:	Members of the public may inspect this policy at the City Offices where copies can be obtained free of charge. Alternatively it can be accessed on Council's website (www.burnie.net) Staff may also access this policy through the Council intranet.

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## 1 PURPOSE

The purpose of the policy is to:

- Outline appropriate and inappropriate use of Burnie City Council's IT systems and devices.
- Set out the responsibilities of managers, leaders, supervisors, staff, contractors and third-party users relating to the use of IT systems and devices.
- Explain the procedure to follow if there is a suspected breach of this policy.

## 2 OBJECTIVE

Staff are provided with access to Burnie City Council Information and Technology (IT) systems and devices to enable them to efficiently carry out their functions for the Burnie City Council.

All staff using Burnie City Council's ICT systems and devices are required to comply with this policy and are required to comply with all laws, including, but not limited to, laws relating to copyright, anti-discrimination, defamation, harassment, misuse of information and criminal activities.

## 3 SCOPE

This policy applies to all staff, contractors and third-party users (collectively workers), and councillors of Burnie City Council who use Burnie City Council's ICT systems and devices.

It applies at the workplace and when workers and councillors are working for Burnie City Council away from the workplace (such as at home). It also applies to use of Burnie City Council's IT systems and devices outside of working hours.

## 4 DEFINITIONS

**ICT** refers to any device or system that allows the storage, retrieval, manipulation, transmission and receipt of digital information.

**IT Systems and Devices** include, but are not limited to Council's business systems, Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Area Networks (WLANs), intranet, internet, email, computer systems, software, servers, desktop computers, notebooks, laptops, tablets, printers, telephone systems, telephones, smart phones, digital cameras, video conference equipment, hand held devices (e.g. personal digital assistants, or PDAs), USB memory sticks and other IT storage devices.

**Use of IT Systems and Devices** includes, but is not limited to the following use:

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- Email
- Instant messaging (SMS)
- Voice mail
- Weblogs ("Blogs")
- Micro-blogging (e.g. Twitter, Tumblr)
- Social networking sites (e.g. Facebook, MySpace, Meetme)
- Professional networking sites (e.g. LinkedIn, Yammer)
- Video and photo sharing websites (e.g. YouTube, Instagram)
- Document sharing websites (e.g. Dropbox, MediaFire, iCloud)
- Forums and discussion boards (e.g. Yahoo!, TripAdvisor)
- Wikis and online collaboration (e.g. Wikipedia)
- Viewing material electronically
- Browsing and publishing on the intranet and internet
- Downloading or accessing materials from the internet or other electronic devices
- File transfer, storage and sharing
- Web and video conferencing
- Podcasting and vodcasting
- Streaming media
- Online discussion groups and chat facilities
- Subscriptions to list servers, mailing lists, websites or other like services
- Copying, printing, saving or distributing of electronic materials

**Personal use** means all non-work related use of Burnie City Council's IT systems and devices, regardless of the usage location (e.g. onsite, at the office or at home) and the time of use (i.e. within or outside normal office hours).


## 5 POLICY

### 5.1 Requirements for use

Workers and councillors are required to treat Burnie City Council's IT systems and devices with reasonable care, behave responsibly and not violate any legal requirement or the rights of others. Workers and councillors are required to acknowledge these requirements by signing an Acceptable Use Agreement (Annex A).

Workers and councillors must not use Burnie City Council's IT systems and devices in any way that may compromise the security of the IT systems and devices. Workers and councillors must comply with all relevant legislation, regulations and Burnie City Council's IT policies and directives.



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	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>1.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>
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If a worker or councillor becomes aware that Burnie City Council's IT systems and/or devices are damaged, lost or stolen, they must report the matter immediately to the Council's ICT Unit or management.

## 5.2 Personal use

Workers may use Burnie City Council's IT Systems and Devices for limited personal use. Burnie City Council defines limited personal use as:

- personal email,
- online banking,
- travel bookings; and
- limited web-browsing.


Personal uses such as online selling and purchasing, blogging, podcasting and accessing social media sites (other than approved for business purposes) are not permitted.

Permitted uses do not include activities that would expose Burnie City Council to legal liability or uses requiring substantial expenditures of time, uses for profit or uses that would otherwise violate Burnie City Council's policies with regard to employee time commitments or Burnie City Council's equipment.

## 5.3 Standards of behaviour

Use of Burnie City Council's IT systems and devices needs to be consistent with Burnie City Council's standards of behaviour. Workers and councillors must comply with the following standards of behaviour when using Burnie City Council's IT systems and devices:

- Workers and councillors must not view, access, distribute, send, upload, post or respond to material that is illegal, offensive, pornographic, obscene, defamatory, libellous, fraudulent, bullying, harassing, threatening, intimidating, discriminatory, hateful, vilifying, victimising, sexist or racist;
- Workers and councillors must not use or disclose information that is confidential to the Burnie City Council, its clients or suppliers, except where approved to do so in the course of performing duties for the Burnie City Council;
- Workers and councillors must not infringe the copyright or other intellectual property rights of the Burnie City Council or any third parties, or otherwise engage in any illegal or wrongful conduct;
- Workers and councillors must not use Burnie City Council IT systems or devices for illegal or criminal activities;
- Workers and councillors must not download or upload programs or software unless

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>1.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>
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specifically authorised by the General Manager, Director Corporate and Commercial Services or the Chief Technology Officer.

#### 5.4 Liability

Workers and councillors should be aware that distributing or posting harassing or discriminatory material may result in the individual and/or Burnie City Council being liable under discrimination or harassment laws.

Workers and councillors who engage in activities which breach discrimination or harassment laws will not be supported by Burnie City Council if any legal action is taken against them.

Workers must comply with Burnie City Council's Bullying, Harassment and Violence Policy when using Burnie City Council's IT systems and devices.

#### 5.5 Standards apply away from work

The standards of behaviour required by this clause must always be complied with when using Burnie City Council's IT systems and devices. This means that workers and councillors who use Burnie City Council's IT systems and devices outside of working hours or away from the workplace (such as at home) must comply with these standards.


#### 5.6 Personal email must be labelled as such

If personal email messages are sent using the Burnie City Council's email system, employees and councillors must specifically label the email as personal, or must send personal messages only by means that clearly identify the messages as personal in nature. Any messages sent without such labelling or identification may be assumed to have been sent on behalf of Burnie City Council. All emails sent by workers on behalf of Burnie City Council must carry the disclaimer provided for work-related correspondence.

#### 5.7 Email disclaimer must disclose limitations of employee's authority

Workers must use disclaimers, in messages sent to third parties, which make clear that views or opinions expressed are the sender's own and not necessarily the views or opinions of the Burnie City Council. Burnie City Council's approved disclaimer is generated automatically and should not be modified by individual users without authority of the General Manager or a Director.

#### 5.8 Electronic communications are records of the Burnie City Council

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Electronic communications (including emails) have the same status as any written communications that emanate from the Burnie City Council. As such, Burnie City Council may be required to produce electronic communications to comply with the requirements of the law. Electronic communications are subject to Burnie City Council's document storage procedures of which the author has responsibilities to retain in accordance with the Information Management (Recordkeeping) Policy CP-CCS-SG-050.

### 5.9 Monitoring

The Burnie City Council may engage in the monitoring of email messages, internet access, other electronic communications or files created by workers and the use of IT systems and devices provided by the Council. This may be done for security and network management reasons as well as to monitor for any unlawful activity. Monitoring can also be used to determine whether any worker is accessing, circulating, uploading or storing offensive or inappropriate material.

Monitoring of Council's IT systems and devices may also occur for the purposes of worker supervision. All workers are taken to have consented to such monitoring upon their employment / engagement. All aspects of systems use may be monitored on a continual and ongoing basis.

### 5.10 Suspect material


Any email or other material received by a worker or councillor that appears to be of dubious origin or source or contains questionable or offensive material should not be opened. Instead, the worker or councillor should report it directly to the ICT Unit and follow any instructions provided.

The worker or councillor should retain a copy of such material for review by the ICT Unit. Where this is not possible, the worker or councillor should record and provide details describing sender and receiver's details, the type of material/ subject matter, the time and date received.

### 5.11 Blocking of electronic communication, emails or websites

There may be circumstances where a worker or councillor's access to electronic communications, email and /or internet is blocked. Access to electronic communications, emails or internet will be blocked in the following circumstances:

- If an email or other electronic communications is believed to be 'spam'; or
- if the email, other electronic communications, or website could interfere with or damage Burnie City Council's computer, computer network, any program, or data (e.g. an email containing a virus); or

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- if the email, other electronic communications, an attachment, or website may be considered discriminatory, bullying, threatening, menacing, harassing or offensive; or
- if the email, other electronic communications, an attachment, or website is unlawful or in breach of any policy of the Burnie City Council.

### 5.13 Electronic security

Information generated by employees or councillors during employment or an election cycle is owned by the Burnie City Council and must be stored and protected as Council requires. Employees and councillors must not deny access to these documents with a password that only they know. If employees or councillors need to password-protect a document due to work-related confidentiality reasons, then they must provide the password to the Information Management Coordinator, their manager, Director or the General Manager.

### 5.14 Consequences of a breach of policy

Employees or councillors who engage in activities prohibited by this policy will be subject to disciplinary action in accordance with Burnie City Council's respective Code of Conduct which for workers may include termination of employment. If a contractor or third-party user engages in activities prohibited by this policy, appropriate action will be taken under the relevant contract of engagement and may result in termination of the contract.

## 6 RESPONSIBILITIES

### Responsibilities of workers and councillors


It is the responsibility of workers to:

- Understand the requirements of this policy and to seek further information if unclear; and,
- Comply with the requirements of this policy.

### Additional responsibilities of managers and leaders

It is the responsibility of managers and leaders to ensure that:

- All workers are aware of this policy;
- This policy is outlined to all new team members during the recruitment and induction processes; and,
- Any breaches of this policy are dealt with appropriately, including taking appropriate disciplinary action where an employee fails to comply with this policy.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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Report breaches of Burnie City Council's policies and report suspicious events to management and/or to the IT Unit as soon as practicable after becoming aware of breaches or suspicious events.

#### **Additional responsibilities of administrators**

It is the responsibility of identified system and application module administrators to:


- Ensure that system security is their primary concern and maintained through their activities.
- Ensure passwords and other identifying credentials are kept secure and never shared.
- Follow applicable rules and guidelines, including those stipulated by the vendor, unless deviations are approved.
- Document all actions and changes and ensure proper records are maintained.
- Ensure separation of duties is applied if stipulated and ensure independent checks are applied as a matter of routine.
- Ensure system changes are developed and tested in a non-production system wherever possible.
- Ensure privileged access is used for authorised activities only.
- Alert management immediately if evidence of misconduct or failure to adhere to these procedures is observed.

## **7 LEGISLATION**

Archives Act (TAS) 1983  
Commonwealth Criminal Code Act 1995  
Cybercrime Act 2001  
Tasmanian Criminal Code 1924  
Personal Information Protection Act 2004  
Right to Information Act (TAS) 2009  
Local Government Act 1993

## **8 RELATED DOCUMENTS**

Bullying, Harassment and Violence Policy WP-OGM-HR-023  
Code of Conduct (workers) WP-OGM-HR-012  
Councillors Code of Conduct CP-CBS-SG-024  
Disciplinary Process WP-OGM-HR-024  
Personal Information Protection Policy CP-CBS-SG-008


	COUNCIL POLICY	
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Classification and Retention Schedules in Content Manager (CM) Guidelines GL-CBS-IM-010  
Information Management (Recordkeeping) Policy CP-CCS-SG-050

## 9 OTHER REFERENCES

Nil

Policy Endorsement	
Responsibility:	The General Manager has ultimate accountability for this Policy. The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews. It is the responsibility of the Chief Technology Officer to ensure that workers are trained and that processes and procedures adhere to this Policy. It is the responsibility of Corporate Governance Unit to undertake training for councillors and to administer this policy.
Minute Reference:	<b>XXX</b>
Council Meeting Date:	<b>XXX</b>
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 is a new Policy.
Date of Commencement:	<b>XXX</b>
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> ) Staff may also access this policy through the Council intranet.

	COUNCIL POLICY	
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## Annex A –Acceptable Use Agreement

Name:	Click or tap here to enter text.
Position:	Click or tap here to enter text.
Access rights:	Click or tap here to enter text.
Email address allocated:	Click or tap here to enter text.
User access approved by:	Click or tap here to enter text.

1. I, [ ], accept that I have been granted the access rights defined in this agreement to those Burnie City Council information assets also identified in this agreement.
2. I understand and accept the rights which have been granted, I understand the business reasons for these access rights, and I understand that a breach of them, and specifically any attempt to access services or assets that I am not authorised to access, may lead to disciplinary action and specific sanctions.
3. I also accept, understand, and will abide by the Burnie City Council's IT Systems Conditions of Use Policy, and other linked and relevant policies and procedures. I understand the role of Acceptable Use as it applies to Information Security and Burnie City Council's adoption of the ISMS/ISO 27001.
4. I understand that failure to comply with this agreement, or the commission of any information security breaches, may lead to the invocation of Burnie City Council's Disciplinary Process (workers) WP-OGM-HR-024 or Councillors Code of Conduct CP-CBS-SG-024.
5. I acknowledge that I have received adequate training in all aspects of my use of Burnie City Council's systems and of my responsibilities under this agreement.

Signed and agreed: \_\_\_\_\_ Date: Click or tap to enter a date.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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	Approved By: <b>XXX</b>	Document Number: <b>XXX</b>
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## 1 PURPOSE

The policy establishes a framework for regular meetings to ensure that there is management review over the IT management systems and compliance requirements.

## 2 OBJECTIVE

To ensure the Burnie City Council undertakes regular, formal management reviews of its IT Management Systems, to ensure they are operating as planned and remain relevant to business activities.

To ensure the Burnie City Council has defined participants, responsibilities and structure of all formal management reviews, including the format and distribution of documented records.

## 3 SCOPE

The Burnie City Council's Management Review shall include the following:

- The Information Security Management System (and all related activities which contribute to the ongoing ISO27001 certification) including policies, processes, work instructions, templates, information security risk assessment and risk treatment records, information security incident records, internal and external audit reports, client specific information security documentation and any other relevant documentation.

## 4 DEFINITIONS

**IT Systems and Devices** include, but are not limited to Council's business systems, Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Area Networks (WLANs), intranet, internet, email, computer systems, software, servers, desktop computers, notebooks, laptops, tablets, printers, telephone systems, telephones, smart phones, digital cameras, video conference equipment and hand held devices.

## 5 POLICY

### 5.1 Quarterly summary

This formal meeting shall be to communicate to the Director Corporate and Commercial Services the ongoing activities of the ISMS within the Council; to escalate any matters requiring Executive Management Team (EMT) intervention; and to seek approval for any actions requiring approval.

This meeting shall be attended by the Chief Technology Officer, the Director Corporate and Commercial Services, and the Information Management Coordinator, and a designated minute taker from the ICT Unit, and any other participants required in line with the agenda items.



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5.1.1. This meeting shall have the following inputs and agenda items (refer Annex A):

- a review of risk assessments since the last meeting
- a review of any risk treatment activities since the last meeting
- a review of any new or changing threats that need to be addressed by the ISMS
- a review of internal audits, including technical audits, and non-conformances since the last meeting
- a review of information security incidents since the last meeting
- a review of feedback from stakeholders/interested parties since the last meeting
- a review of progress towards the Company's current information security objectives
- a review of any recent or planned business changes which may affect ISMS activities
- a review of the need for any process changes or additional training
- a review of supplier relationships to ensure they meet current security and commercial requirements
- a review of interested parties, contact with authorities and legislation to ensure relevance and up-to-date details
- a review of business and information security continuity planning, testing and implementation
- a review of Service Level Agreements, Employee Contracts, Non-Disclosure Agreements
- The Director's determination of any risk that needs to be elevated to the collective EMT

5.1.2. This meeting shall produce the following outputs:

- Feedback to specific Asset Owners on the content of their asset risk assessments
- EMT approval under the delegation of the Director, as Risk Owner, for all risk treatment activities where residual risks have been identified and remain
- Determination of any risk to be elevated to the EMT collective.
- Documented actions arising from recent internal audit non-conformances and information security incidents, including, as applicable, process changes, control changes and any training plans
- Documented actions arising from the review of progress towards information security objectives, including any changes needed to ensure their achievement
- If applicable, specific feedback to stakeholders/interested parties who provided inputs

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- Minutes of this meeting shall be documented by the designated minute taker, formally recorded and distributed to the participants of the meeting, and those with a need-to-know


## 5.2 Annual review

This meeting shall communicate to the EMT collective the ongoing activities of the ISMS over the previous year and plan for the next period. This meeting shall be the forum for establishing and reviewing information security objectives, key ISMS policies and procedures and key performance indicators and thresholds required to operate the ISMS.

This meeting is a formal review, attended by all members of the EMT, the Chief Technology Officer, Information Management Coordinator, designated minute taker from the ICT Unit, significant asset owners and any other relevant personnel.

5.2.1 This meeting shall have the following agenda items (refer Annex B):

- a review of the risk assessments completed over the previous year
- agreement on a plan for risk assessments for the forthcoming year
- a review of any risk treatment activities over the previous year
- agreement on any residual/accepted risks being carried into the forthcoming year
- a review of internal audits, including technical audits, and non-conformances raised over the previous year
- agreement on a plan for internal audits for the forthcoming year
- a review of information security incidents over the previous year
- a review of the previous year's information security objectives
- agreement on the information security objectives for the forthcoming year
- a review of the Information Security Policy
- a review of the ongoing suitability of the ISMS to meet the requirements of ISO27001
  - review policies and procedures including compliance
- a review of the effectiveness of security training over the previous year
- a review of supplier relationships and feedback from stakeholders/interested parties over the previous year
- agreement on a plan for information security training for the forthcoming year
- a review of any planned business changes which may affect operation of the ISMS
- consideration of any suggestions for improving the overall operation of the ISMS
- a review of interested parties, contact with authorities and legislation
- a review of Service Level Agreements, Employee Contracts, Non-Disclosure Agreements

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5.2.2 This meeting shall have the following agenda items (refer Annex B):

- Documented risk assessment plan for the forthcoming year
- Documented residual/accepted risks being carried forward into the forthcoming year
- Documented internal audit plan for the forthcoming year
- Documented information security objectives for the forthcoming year
- Documented information security training plan for the forthcoming year
- Agreement (or agreed changes) to key ISMS documentation
- Agreement (or agreed changes) to current ISMS activities
- If applicable, specific feedback to stakeholders/interested parties who provided inputs
- Minutes of this meeting shall be documented by the designated minute taker, formally recorded and distributed to the meeting participants, and those with a need-to-know

## 6 LEGISLATION

Cybercrime Act 2001  
Personal Information Protection Act 2004  
Local Government Act 1993

## 7 RELATED DOCUMENTS

Computer and Technology Asset Management Policy  
Information Security Policy  
IT Access Control Policy  
IT Systems Conditions of Use Policy  
Password Management Policy  
Personal Information Protection Policy CP-CBS-SG-008


## 8 OTHER REFERENCES

Nil

Policy Endorsement	
Responsibility:	The General Manager has ultimate accountability for this Policy. The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews. It is the responsibility of the Chief Technology Officer to coordinate the review cycle. It is the responsibility of Corporate Governance Unit to administer this policy.
Minute Reference:	XXX
Council Meeting Date:	XXX
Strategic Plan Reference:	Strategy 7.1.1

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	Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.
Previous Policies Replaced:	This is a new Policy.
Date of Commencement:	<b>XXX</b>
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> ) Staff may also access this policy through the Council intranet.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>IT Management Review (DRAFT)</b>	
	Approved By: <b>XXX</b>	Document Number: <b>XXX</b>
	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>1.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>
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## Annex A: Quarterly Management Review Record

Instruction: The Management Review Record should be completed taking into consideration Management Review Inputs.

Topic	Outcome	Action?	Responsible	Target Date
Review of risk assessment/s				
Risk treatment/s				
Review of audits (internal/external and technical)				
Feedback (interested parties, clients, staff)				
Review of information security incidents and corrective action/s (including status of action/s)				
Review of progress towards achieving the Company's information security objectives				
Training review and planning				
Follow-up actions from previous management review/s				
Changes (internal / external) and/or threats affecting the ISMS				
Improvement of the effectiveness of the ISMS and its processes (including policies and procedures)				
Resource requirements (staff, hardware, software, cloud storage and space)				
Techniques, products or services that may improve the ISMS				
Supplier Relationships				
Interested Parties				
Contact with Authorities				
Business Continuity – planning and testing				
SLAs, Employee Contracts, NDAs – current and any changes required				

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>IT Management Review (DRAFT)</b>	
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## Annex B: Annual Management Review Record

Instruction: The Management Review Record should be completed taking into consideration Management Review Inputs.

Topic	Outcome	Action?	Responsible	Target Date
Review of risk assessment/s Plan for forthcoming year				
Risk treatment/s from past year Agreement on residual risks carried forward into forthcoming year				
Review of audits (internal/external and technical) from the past year Agreement on Internal Audit Plan for forthcoming year				
Review of past year's Information Security Objectives and agreement for forthcoming year				
Feedback (interested parties, clients, staff)				
Review of information security incidents and corrective action/s (including status of action/s) from past year				
Review Information Security Policy				
Review Information Security Manual				
Review other ISMS policies and procedures				
Training review and planning				
Follow-up actions from previous management review/s				
Changes (internal / external) and/or threats affecting the ISMS				
Improvement of the effectiveness of the ISMS and its processes (including policies and procedures)				
Resource requirements (staff, hardware, software, cloud storage and space)				
Techniques, products or services that may improve the ISMS				
Supplier Relationships				
Interested Parties				
Contact with Authorities				
Business Continuity – planning and testing				

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SLAs, Employee Contracts, NDAs – current and any changes required				
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 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Password Management (DRAFT)</b>	
	Approved By: <b>XXX</b>	Document Number: <b>XXX</b>
	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>1.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>+ 3 years</b>
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## 1 PURPOSE

The policy establishes the need for minimum standards for password creation and management on all accounts.

## 2 OBJECTIVE

Poor password management or complexity imposes security risks. The objective of this Policy is to ensure consistent standards for construction and management of passwords to reduce this risk.

## 3 SCOPE

The scope of this Policy extends to all workers, councillors, contractors, volunteers and third-parties who are provided access to Council's IT systems and devices.

## 4 DEFINITIONS

**IT Systems and Devices** include, but are not limited to Council's business systems, Local Area Networks (LANs), Wide Area Networks (WANs), Wireless Area Networks (WLANs), intranet, internet, email, computer systems, software, servers, desktop computers, notebooks, laptops, tablets, printers, telephone systems, telephones, smart phones, digital cameras, video conference equipment and hand held devices.

## 5 POLICY

Computing accounts must be protected by strong passwords. Users (account holders) and system administrators must protect the security of those passwords by managing passwords in a responsible and secure manner.


System developers shall develop systems that store or transmit password data responsibly and that use secure authentication and authorisation methods to control access to accounts.

Passwords shall comply with the following criteria:

- Minimum length of 8 characters
- Minimum of an uppercase, lowercase, and special character or number
- no password to be repeated within a 12 month period
- passwords updated every 90 days

## 6 RESPONSIBILITIES



 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY		<b>Password Management (DRAFT)</b>	
Approved By:	XXX	Document Number:	XXX	
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**Chief Technology Officer**

The Chief Technology Officer is responsible for implementing, reviewing and monitoring internal policies and procedures to assure compliance with this policy. They are also responsible for enforcing this policy and are authorised to set specific password creation and management standards for Council's systems and accounts.

**Councillors, staff, volunteers, contractors and third-parties**

All Burnie City Council councillors, staff, volunteers, contractors and third-parties are responsible for following the Password Policy.

**7 LEGISLATION**

Cybercrime Act 2001  
 Personal Information Protection Act 2004  
 Local Government Act 1993

**8 RELATED DOCUMENTS**

Information Security Policy  
 Information Security – Incident Management Policy  
 IT Systems Condition of Use Policy  
 Personal Information Protection Policy CP-CBS-SG-008

**9 OTHER REFERENCES**

Nil

Policy Endorsement	
Responsibility:	The General Manager has ultimate accountability for this Policy. The Director Corporate and Commercial Services has responsibility for operationalising this policy and undertaking periodic reviews. It is the responsibility of the Chief Technology Officer to ensure that processes and procedures adhere to this Policy. It is the responsibility of Corporate Governance Unit to administer this policy.
Minute Reference:	XXX
Council Meeting Date:	XXX
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 is a new Policy.
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> ) Staff may also access this policy through the Council intranet.

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**CORPORATE AND COMMERCIAL SERVICES****AO109-22 BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE****FILE NO: 4/21/1, 29/1/8****PREVIOUS MIN: AO088-22**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

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**1.0 RECOMMENDATION:**

***“THAT Council, in accordance with Clause 3 of the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee, and further to the appointments made to date in May 2022, per Item AO088-22:***

- 1) Note the acceptance by the current youth mayor, Abbey Granger, in the community member position held for the Youth Mayor, until 31 January 2023;***
- 2) Appoint Wayne Richards to a community member position for a period of two years commencing 1 May 2022; and***
- 3) Appoint Robert Bentley to a community member position for a period of two years commencing 1 May 2022.”***

**2.0 SUMMARY**

Nominations for persons wishing to serve on the Burnie Australia Day Special Committee were called by public notice on Saturday, 23 April 2022.

At the meeting of 24 May 2022 (AO088-22), Council appointed two community members, and resolved to extend the nomination period.

Two further community member nominations have been received and are recommended for appointment to the Committee.

The Rules of Operation require a minimum of six members to form the Committee. With the recommended appointments, there will be a total of seven members on the Committee.

### 3.0 BACKGROUND

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

The positions of all community members are required to be appointed by Council for a two year period. Each year's youth mayor is invited to participate for the term of the youth council, up to the end of January after the event is held.

### 4.0 LEGISLATIVE REQUIREMENTS

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

**24. Special committees**

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

### 5.0 POLICY CONSIDERATIONS

No policy considerations are applicable to this matter.

### 6.0 FINANCIAL IMPACT

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

### 7.0 DISCUSSION

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

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

The Rules also state that:

**3.4 The Community members are to possess:**

- *A demonstrated interest in community events or community service*
- *Good listening and communication skills*
- *The ability to contribute opinions and ideas effectively and work well within a team*

- *The availability to participate and support the Australia Day event in Burnie on 26 January.*

Two additional nominations have been received for community members in the extended nomination period:

Name	Basis of Application	
Wayne Richards	Application details extensive and long term service in community and professional roles, demonstrating commitment, teamwork and working with volunteers. The application meets criteria of community services, business, events and general interest.	Independent community member
Robert Bentley	Application outlines extensive experience in community and business roles, demonstrating community engagement over many years. The application meets the criteria of arts and culture, community services, events and general interest.  Is a current Committee member and has served as the Musical Director for many years.	Independent community member

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

## 8.0 RISK

There are no risks associated with this report.

## 9.0 CONSULTATION

Council officers have administered the advertising and nomination process in accordance with the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee.

**COUNCIL RESOLUTION****Resolution number: MO105-22****MOVED:** Cr T Brumby**SECONDED:** Cr A Keygan

***“THAT Council, in accordance with Clause 3 of the Delegation of Authority and Rules of Operation for the Burnie Australia Day Special Committee, and further to the appointments made to date in May 2022, per Item AO088-22:***

- 1) Note the acceptance by the current youth mayor, Abbey Granger, in the community member position held for the Youth Mayor, until 31 January 2023;***
- 2) Appoint Wayne Richards to a community member position for a period of two years commencing 1 May 2022; and***
- 3) Appoint Robert Bentley to a community member position for a period of two years commencing 1 May 2022.”***

**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***

**CORPORATE AND COMMERCIAL SERVICES****AO110-22 COUNCIL DELEGATIONS - BUILDING ACT****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

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

- 1) In accordance with section 8(3) of the Building Act 2016, delegate the following powers and functions under the Building Act 2016 and the Building Regulations 2016 to the General Manager with the conditions and restrictions as shown;**

Provision	Function or Power	Condition or Restriction
<b>Building Act 2016</b>		
Section 16	To respond on any matter on which the Director of Building Control may liaise with the council	Nil
27(2)	Maintain records of the permit authority	Nil
27(3)	Make records of the permit authority available to authorised persons	Nil
27(3)(b)	Control access by council staff to records of the permit authority	Nil
27(4)	Collect any fee applicable for provision of a copy of the record of the permit authority	Nil
41	a) Ensure the owners of property are informed of their duties under the Act in relation to building, demolition and plumbing work and for the maintenance and occupation of buildings b) Be aware of building, demolition and plumbing work being performed, and the use and occupation of buildings, in the municipal area c) As applicable, ensure proceedings are initiated against any person or body failing to comply with the Building Act d) Enforce any order issued by a building surveyor if appropriate to do so	Nil
75	Undertake the duties and protect the interests of the Council as an adjoining owner of premises where work is being performed on a building	Nil
265(3)	Perform work required by an emergency order, building order or plumbing order if the person to whom the order is issued fails to comply	Nil
265(4)	Undertake specified actions associated with performing work to rectify a breach	Nil
266	Initiation of proceedings to take possession of a building or temporary structure resulting from the failure to comply with emergency, building or	Nil

	<i>plumbing orders</i>	
267(1) and (2)	<i>Serve a demolition order</i>	<i>Nil</i>
267(3)	<i>Enter onto land and perform demolition work</i>	<i>Nil</i>
269	<i>Recover the cost of performing compliance work from a court</i>	<i>Nil</i>
271(1)	<i>Sell materials acquired from demolition of a building</i>	<i>Nil</i>
271(2)	<i>Grant the purchaser of building materials the right to perform work required by a demolition order under s265</i>	<i>Nil</i>
271(6) and (7)	<i>Pay the owner of a building which is demolished the balance proceeds after deducting reasonable expenses</i>	<i>Nil</i>
324(4)	<i>Collect any payment of penalties due under an infringement notice served by the general manager or the permit authority for the Burnie municipal area</i>	<i>Nil</i>
<b>Building Regulations 2016</b>		
43(1)	<i>Written consent for plumbing work involving network utility operator's stormwater drainage systems (delegation of powers as a network utility operator for the stormwater drainage system)</i>	<i>Nil</i>
43(3)	<i>Enter premises and perform necessary work to correctly seal connection (delegation of powers as a network utility operator for the stormwater drainage system)</i>	<i>Nil</i>
53	<i>Riverine inundation - assessment of probability of flooding</i>	<i>Nil</i>

- 2) Note the General Manager's power under section 8(4) of the Building Act 2016 to delegate any of the General Manager's powers under this Act, including any of the above delegated functions and powers, to any person, as required; and**
- 3) As of 29 June 2022, revoke its previous delegations to the General Manager under the Building Act 2016 (Item AO014-17 dated 31 January 2017)."**

## 2.0 SUMMARY

This report presents a review and update of existing delegations to the General Manager under the *Building Act 2016*.

## 3.0 BACKGROUND

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

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

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

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

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

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

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

#### **4.0 LEGISLATIVE REQUIREMENTS**

The power to delegate comes from section 8 of the *Building Act 2016*, which specifically provides for Council to delegate powers and functions under this Act, to any person. Section 8 provides authority for the General Manager to delegate any of the General Manager's powers and functions under the Act, to any person.

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

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

#### **5.0 POLICY CONSIDERATIONS**

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

Delegations issued to officers include a condition that the exercise of the power must be in accordance with any policy, guideline or direction of the Council.

#### **6.0 FINANCIAL IMPACT**

There are no financial impacts that result from this report.

#### **7.0 DISCUSSION**

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

This report deals with the Building Act, where the review recommendation was:



Legislation	Recommendation for revision
Building Act 2016	<p><i>Update the existing delegation to include section 266 relating to possession of building. The power allows for the initiation of proceedings to take possession of a building or temporary structure resulting from the failure to comply with emergency, building or plumbing orders.</i></p> <p><i>Subsequent review note: Three powers from the Building Regulations 2016 are also noted for inclusion, being Reg 43(1) and (3) relating to powers of Council as a network utility operator for the stormwater drainage system; and Reg 53 relating to assessing the probability of flooding from hazardous riverine inundation.</i></p>

The above addition has been incorporated into the new delegation.

A list of the powers to be delegated by Council are set out in the Recommendation.

## 8.0 RISK

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

## 9.0 CONSULTATION

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

## COUNCIL RESOLUTION

**Resolution number: MO106-22**

**MOVED:** *Cr T Bulle*

**SECONDED:** *Cr A Boyd*

**“THAT Council:**

- 1) In accordance with section 8(3) of the Building Act 2016, delegate the following powers and functions under the Building Act 2016 and the Building Regulations 2016 to the General Manager with the conditions and restrictions as shown;**

Provision	Function or Power	Condition or Restriction
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<b>Building Act 2016</b>		
Section 16	To respond on any matter on which the Director of Building Control may liaise with the council	Nil
27(2)	Maintain records of the permit authority	Nil
27(3)	Make records of the permit authority available to authorised persons	Nil
27(3)(b)	Control access by council staff to records of the permit authority	Nil
27(4)	Collect any fee applicable for provision of a copy of the record of the permit authority	Nil
41	a) Ensure the owners of property are informed of their duties under the Act in relation to building, demolition and plumbing work and for the maintenance and occupation of buildings b) Be aware of building, demolition and plumbing work being performed, and the use and occupation of buildings, in the municipal area c) As applicable, ensure proceedings are initiated against any person or body failing to comply with the Building Act d) Enforce any order issued by a building surveyor if appropriate to do so	Nil
75	Undertake the duties and protect the interests of the Council as an adjoining owner of premises where work is being performed on a building	Nil
265(3)	Perform work required by an emergency order, building order or plumbing order if the person to whom the order is issued fails to comply	Nil
265(4)	Undertake specified actions associated with performing work to rectify a breach	Nil
266	Initiation of proceedings to take possession of a building or temporary structure resulting from the failure to comply with emergency, building or plumbing orders	Nil
267(1) and (2)	Serve a demolition order	Nil
267(3)	Enter onto land and perform demolition work	Nil
269	Recover the cost of performing compliance work from a court	Nil
271(1)	Sell materials acquired from demolition of a building	Nil
271(2)	Grant the purchaser of building materials the right to perform work required by a demolition order under s265	Nil
271(6) and (7)	Pay the owner of a building which is demolished the balance proceeds after deducting reasonable expenses	Nil
324(4)	Collect any payment of penalties due under an infringement notice served by the general manager or the permit authority for the Burnie municipal area	Nil
<b>Building Regulations 2016</b>		
43(1)	Written consent for plumbing work involving network utility operator's stormwater drainage systems (delegation of powers as a network utility operator for the stormwater drainage system)	Nil
43(3)	Enter premises and perform necessary work to correctly seal connection (delegation of powers as a network utility operator for the stormwater drainage system)	Nil
53	Riverine inundation - assessment of probability of flooding	Nil

**2) Note the General Manager's power under section 8(4) of the Building Act 2016 to delegate any of the General Manager's powers under this Act, including any of the above delegated functions and powers, to any person, as required; and**

**3) As of 29 June 2022, revoke its previous delegations to the General Manager under the Building Act 2016 (Item AO014-17 dated 31 January 2017)."**

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***

**CORPORATE AND COMMERCIAL SERVICES****AO111-22 COUNCIL DELEGATIONS - PLANNING RELATED****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

**1.0 RECOMMENDATION:*****“THAT Council, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate its powers as a Planning Authority under sections 30, 36, 37, 38, 39, 39A, 39B and 41 of the Historic Cultural Heritage Act 1995 to the General Manager;***
- 2) Delegate its powers under sections 83, 84, 85, 86, 89, 91, 92, 93, 96, 103, 105(2), 107, 109(1)(6), 110, 115, 118, Part 7 (being sections 225-234 inclusive), sections 246 and 247 of the Local Government (Building and Miscellaneous Provisions) Act 1993, to the General Manager;***
- 3) Delegate all of its powers and functions as a “responsible authority” under section 11 of the Place Names Act 2020, to name, or to alter, revoke, clarify extend or reduce the name of a highway, road, street, lane or thoroughfare within the Burnie municipal area, to the General Manager;***
- 4) Delegate its powers under sections 6(1A), 12(2)(b), 14(2)(ab), 19(2)(b)(ii), 23(2)(d), 27(2)(d), 30, 31(6), 31AA, 37, 38, 41, 42(5), 42(6), 43(2)(b), 54, 55(1)(b), 57, 58, 59, 6(1A) of the Strata Titles Act 1998, to the General Manager;***
- 5) Delegate its powers under S.5 of the Survey Co-ordination Act 1944 to the General Manager, and appoint Sally Pearce (Manager Development Services), under S.4(2) of the Survey Co-ordination Act 1944, as the ‘proper officer’ for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944;***
- 6) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and***
- 7) As of 29 June 2022, revoke its previous delegations to the General Manager under the Historic Cultural Heritage Act 1995 (Item AO321-12 dated 11 December 2012), the***

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**Local Government (Building and Miscellaneous Provisions) Act 1993 (Item AO321-12 dated 11 December 2012), the Place Names Act 2000 (Item AO172-20 dated 21 July 2020), the Strata Titles Act 1998 (Item AO321-12 dated 11 December 2012), the Survey Coordination Act 1994 (Item AO321-12 dated 11 December 2012); and revoke its former appointment of Patrick Earle as the ‘proper officer’ for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944 (Item AO321-12 dated 11 December 2012).”**

## **2.0 SUMMARY**

This report presents a review and update of existing delegations to the General Manager under the following legislation:

- *Historic Cultural Heritage Act 1995*
- *Local Government (Building and Miscellaneous Provisions) Act 1993*
- *Place Names Act 2020*
- *Strata Titles Act 1998*
- *Survey Coordination Act 1944*

## **3.0 BACKGROUND**

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

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

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

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

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

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

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

#### 4.0 LEGISLATIVE REQUIREMENTS

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

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

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

#### 5.0 POLICY CONSIDERATIONS

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

Delegations issued to officers include a condition that the exercise of the power must be in accordance with any policy, guideline or direction of the Council.

#### 6.0 FINANCIAL IMPACT

There are no financial impacts that result from this report.

#### 7.0 DISCUSSION

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

This report deals with a number of broadly related pieces of legislation, where the review recommendations were:

Legislation	Recommendation for revision
Historic Cultural Heritage Act 1995	<i>Update the existing delegation due to legislative changes that updated the procedural requirements imposed on a planning authority in relation to submissions the Heritage Council for the Tasmanian Heritage Register. The updated delegation will remove references to clauses no longer required and replace them with the new clauses.</i>
Local Government (Building and Miscellaneous Provisions) Act 1993	<i>Update the existing delegation to include section 85 relating to refusal of application of sub-division. This power allows Council to refuse to grant a sub-division approval where certain criteria are not met.</i> <i>Additional note – sections 248 and 251 previously delegated have since been repealed in this Act, due to the</i>

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	<i>introduction of the Urban Drainage Act.</i>
Place Names 2020	<i>Refresh the delegation, but no changes required to what is existing</i>
Strata Titles Act 1998	<i>Refresh the delegation, but no changes required to what is existing</i>
Survey Coordination Act 1944	<i>Refresh the delegation, but no changes required to what is existing</i>

The above recommendations have been incorporated into the recommendation.

A list of the powers to be delegated by Council under each legislation above is attached for reference. The full clause can be read at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) by searching the relevant Act.

## 8.0 RISK

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

## 9.0 CONSULTATION

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

## ATTACHMENTS

1. Council powers delegated - Historic Cultural Heritage Act 1995
2. Council powers delegated - Local Government (Building and Miscellaneous Provisions) Act 1993
3. Council powers delegated - Place Names Act 2020
4. Council powers delegated - Strata Titles Act 1998
5. Council powers delegated - Survey Co-ordination Act 1944

## COUNCIL RESOLUTION

Resolution number: MO107-22

**MOVED:** Cr T Brumby

**SECONDED:** Cr D Pease

***“THAT Council, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate its powers as a Planning Authority under sections 30, 36, 37, 38, 39, 39A, 39B and 41 of the Historic Cultural Heritage Act 1995 to the General Manager;***
- 2) Delegate its powers under sections 83, 84, 85, 86, 89, 91, 92, 93, 96, 103, 105(2), 107, 109(1)(6), 110, 115, 118, Part 7 (being sections 225-234 inclusive), sections 246 and 247 of the Local Government (Building and Miscellaneous Provisions) Act 1993, to the General Manager;***
- 3) Delegate all of its powers and functions as a “responsible authority” under section 11 of the Place Names Act 2020, to name, or to alter, revoke, clarify extend or reduce the name of a highway, road, street, lane or thoroughfare within the Burnie municipal area, to the General Manager;***
- 4) Delegate its powers under sections 6(1A), 12(2)(b), 14(2)(ab), 19(2)(b)(ii), 23(2)(d), 27(2)(d), 30, 31(6), 31AA, 37, 38, 41, 42(5), 42(6), 43(2)(b), 54, 55(1)(b), 57, 58, 59, 6(1A) of the Strata Titles Act 1998, to the General Manager;***
- 5) Delegate its powers under S.5 of the Survey Co-ordination Act 1944 to the General Manager, and appoint Sally Pearce (Manager Development Services), under S.4(2) of the Survey Co-ordination Act 1944, as the ‘proper officer’ for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944;***
- 6) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and***
- 7) As of 29 June 2022, revoke its previous delegations to the General Manager under the Historic Cultural Heritage Act 1995 (Item AO321-12 dated 11 December 2012), the Local Government (Building and Miscellaneous Provisions) Act 1993 (Item AO321-12 dated 11 December 2012), the Place Names Act 2000 (Item AO172-20 dated 21 July 2020), the Strata Titles Act 1998 (Item AO321-12 dated 11 December 2012), the Survey Coordination Act 1994 (Item AO321-12 dated 11 December 2012); and revoke its former appointment of Patrick Earle as the ‘proper officer’ for Burnie City Council, for the purposes of the Survey Co-ordination Act 1944 (Item AO321-12 dated 11 December 2012).”***

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***

## Historic Cultural Heritage Act 1995

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Historic Cultural Heritage Act 1995

Clause	Title of Clause	Conditions and Restrictions
<b>Historic Cultural Heritage Act 1995</b>		
s.30	Effect of order	Nil
s.36	Permit application to be sent to and considered by Heritage Council	Nil
s.37	Procedure if Heritage Council requires additional information to consider permit application	Nil
s.38	Procedure if Heritage Council has no interest in permit application	Nil
s.39	Procedure if Heritage Council wishes to be involved in determining discretionary permit application	Nil
s.39A	Procedure if Heritage Council wishes to be involved in determining combined permit application	Nil
s.39B	Provision of further information to Heritage Council	Nil
s.41	Correction and minor amendment of permits	Nil

## Local Government (Building and Miscellaneous Provisions) Act 1993

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Local Government (Building and Miscellaneous Provisions) Act 1993

Clause	Title of Clause	Conditions and Restrictions
<b>Local Government (Building and Miscellaneous Provisions) Act 1993</b>		
s.83	Approval of plan of subdivision	Nil
s.84	Council not to approve subdivision	Nil
s.85	Refusal of application for subdivision	Nil
s.86	Security for payment	Nil
s.89	Approval of final plans by council	Nil
s.91	Corrections to final plans	Nil
s.92	Amendments to final plans	Nil
s.93	Cancellation of final plans	Nil
s.96	Dedication as highway	Nil
s.103	Amendment of sealed plans	Nil
s.105(2)	Compensation in respect of amendments	Nil
s.107	Access orders	Nil
s.109(1)(6)	Minimum lots	Nil
s.110	Adhesion orders	Nil
s.115	Exemption	Nil
s.118	Council schemes	Nil
Part 7 (s.225- s.234 incl)	Long Service Leave and Employees Assurance Scheme	Nil
s.246	Advertising hoardings	Nil
s.247	Removal of advertising hoardings	Nil

## Place Names Act 2020

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Place Names Act 2020

Clause	Title of Clause	Conditions and Restrictions
Place Names Act 2020		
s.11	Naming of roads, streets, &C.	Nil

## Strata Titles Act 1998

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Strata Titles Act 1998

Clause	Title of Clause	Conditions and Restrictions
<b>Local Government Act 1993</b>		
S.6(1A)	Lodgement of plan for registration	Nil
S.12(2)(b)	Disposal of interest in common property	Nil
S.14(2)(ab)	Creation, &c., of easements, covenants and profits a pendre	Nil
S.19(2)(b)(ii)	Application for amendment	Nil
S.23(2)(d)	Application for consolidation	Nil
S.27(2)(d)	Application for cancellation	Nil
S.30	Requirements for council's certificate of approval	Nil
S.31(6)	Application for, and grant of, certificate of approval	Nil
S.31AA	Requirement for staged development scheme	Nil
S.37	Approval of scheme in principle	Nil
S.38	Lodgement of staged development scheme	Nil
S.41	Progressive development	Nil
S.42(5)	Application for variation of scheme	Nil
S.42(6)	Application for variation of scheme	Nil
S.43(2)(b)	Registration of variation	Nil
S.54	Approval of scheme	Nil
S.55(1)(b)	Registration of community development scheme	Nil
S.57	Progressive development	Nil
S.58	Application for variation of scheme	Nil
S.59	Registration of variation	Nil

## Survey Co-ordination Act 1944

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Survey Co-ordination Act 1944

Clause	Title of Clause	Conditions and Restrictions
<b>Survey Co-ordination Act 1944</b>		
s.4(2)	Appointment of Proper Officer for the purposes of the Act	Nil
s.5	Public authorities to give notice of intention to commence new surveys	Nil

**CORPORATE AND COMMERCIAL SERVICES****AO112-22 COUNCIL DELEGATIONS - COMPLIANCE RELATED****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

**1.0 RECOMMENDATION:*****“THAT Council, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate all of its powers and functions under the Environmental Management and Pollution Control Act 1994, including any Regulations made under this Act, to the General Manager with no restrictions;***
- 2) Delegate all of its powers and functions as a Council, as a Cemetery Manager, and as a Person in Charge of a Monument under the Burial and Cremation Act 2019, including any Regulations made under this Act, to the General Manager, with the exception of:***
  - a) Part 4 Division 4 Subdivisions 1, 2 and 3 (being sections 49-62 inclusive relating to the sale of cemeteries) and***
  - b) Sections 66, 67, 68, 69 and 71 (relating to the closure of cemeteries); and***
  - c) That section 39 of the Act be delegated with the condition that fees must be in accordance with Council’s annual Fees and Charges Schedule;***
- 3) Delegate all of its powers and functions under the Dog Control Act 2000, including any Regulations made under this Act, to the General Manager with the exception of sections 7, 20, 21, 22, 23, 24, 25, 26 and 80;***
- 4) Delegate all of its powers and functions as a Council, as a Relevant Authority, and as an Enforcement Agency under the Food Act 2003, including any Regulations made under this Act, to the General Manager, with the exception of section 130;***
- 5) Delegate all of its powers and functions under the Litter Act 2007, including any Regulations made under this Act, to the General Manager, with no restrictions;***
- 6) Delegate its powers and functions as an Issuing Authority and a Fee Paying Public Sector Body, under sections 17(2), 18(1), 21, 23(1), 39(1), 40(3) and 40(5)(c) of the***

**Monetary Penalties Enforcement Act 2005, to the General Manager;**

- 7) Delegate all of its powers and functions as a Council, and as a Public Authority, under the Public Health Act 1997, including any Regulations made under this Act, to the General Manager, with the exception of section 185(1);**
- 8) Delegate all of its powers and functions under the Weed Management Act 1999, including any Regulations made under this Act, to the General Manager, with no restrictions;**
- 9) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and**
- 10) As of 29 June 2022, revoke its previous delegations to the General Manager under the Environmental Management and Pollution Control Act 1994 (Item AO184-12 dated 21 August 2012), the Burial and Cremation Act 2019 (Item AO218-20 dated 15 September 2020), the Dog Control Act 2000 (Item AO153-12 dated 17 July 2012), the Food Act 2003 (Item AO153-12 dated 17 July 2012), the Public Health Act 1997 (Item AO153-12 dated 17 July 2012), the Weed Management Act 1999 (Item AO216-12 dated 18 September 2012), and the Monetary Penalties Enforcement Act 2005 (Item AO91-14 dated 15 April 2014)."**

**2.0 SUMMARY**

This report presents a review and update of existing delegations to the General Manager under the following legislation:

- *Environmental Management and Pollution Control Act 1994*
- *Burial and Cremation Act 2019*
- *Dog Control Act 2000*
- *Food Act 2003*
- *Litter Act 2007*
- *Monetary Penalties Enforcement Act 2005*
- *Public Health Act 1997*
- *Weed Management Act 1999*

**3.0 BACKGROUND**

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

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



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

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

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

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

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

#### **4.0 LEGISLATIVE REQUIREMENTS**

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

In addition some of the Acts in this report include a specific power for the Council or General Manager to appoint authorised officers (or similar). Where necessary, the power to appoint authorised officers (or similar) is included in the Council delegation to enable the appointments at an operational level as required.

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

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

#### **5.0 POLICY CONSIDERATIONS**

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

Delegations issued to officers include a condition that the exercise of the power must be in accordance with any policy, guideline or direction of the Council.

**6.0 FINANCIAL IMPACT**

There are no financial impacts that result from this report.

**7.0 DISCUSSION**

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

This report deals with a number of broadly related pieces of legislation, where the review recommendations were:

Legislation	Recommendation for revision
Environmental Management and Pollution Control Act 1994	<i>Update the existing delegation to include any Regulations made under this Act, similar to other delegations. The current delegation references just one specific Regulation, which has since been repealed. This update will save the need to return for Council resolution each time Regulations change, and will make it consistent in approach to other resolutions. Regulations are generally operational in content, giving further prescription to powers set out in the Act.</i>
Burial and Cremation Act 2019	<i>Refresh the delegation, but no changes required to what is existing</i>
Dog Control Act 2000	<i>Refresh the delegation, but no changes required to what is existing</i>
Food Act 2003	<i>Refresh the delegation, but no changes required to what is existing</i>
Litter Act 2007	<i>Refresh the delegation, but no changes required to what is existing</i>
Monetary Penalties Enforcement Act 2005	<i>Refresh the delegation, but no changes required to what is existing</i>
Public Health Act 1997	<i>Refresh the delegation, but no changes required to what is existing</i>
Weed Management Act 1999	<i>Refresh the delegation, but no changes required to what is existing</i>

The above recommendations have been incorporated into the Recommendation.

A list of the powers to be delegated by Council under each legislation above is attached for reference. The full clauses can be read at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) by searching the relevant Act.

## 8.0 RISK

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

## 9.0 CONSULTATION

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

## ATTACHMENTS

1. Council powers delegated - Environmental Management and Pollution Control Act 1994
2. Council powers delegated - Burial and Cremation Act 2019
3. Council powers delegated - Dog Control Act 2000
4. Council powers delegated - Food Act 2003
5. Council powers delegated - Litter Act 2007
6. Council powers delegated - Monetary Penalties Enforcement Act 2005
7. Council powers delegated - Public Health Act 1997
8. Council powers delegated - Weed Management Act 1999

## COUNCIL RESOLUTION

**Resolution number: MO108-22**

**MOVED:** Cr A Boyd

**SECONDED:** Cr G Simpson

***“THAT Council, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate all of its powers and functions under the Environmental Management and Pollution Control Act 1994, including any Regulations made under this Act, to the General Manager with no restrictions;***
- 2) Delegate all of its powers and functions as a Council, as a Cemetery Manager, and as a Person in Charge of a Monument under the Burial and Cremation Act 2019, including any Regulations made under this Act, to the General Manager, with the exception of:***
  - a) Part 4 Division 4 Subdivisions 1, 2 and 3 (being sections 49-62 inclusive relating to***

- the sale of cemeteries) and*
- b) Sections 66, 67, 68, 69 and 71 (relating to the closure of cemeteries); and*
- c) That section 39 of the Act be delegated with the condition that fees must be in accordance with Council's annual Fees and Charges Schedule;*
- 3) Delegate all of its powers and functions under the Dog Control Act 2000, including any Regulations made under this Act, to the General Manager with the exception of sections 7, 20, 21, 22, 23, 24, 25, 26 and 80;*
- 4) Delegate all of its powers and functions as a Council, as a Relevant Authority, and as an Enforcement Agency under the Food Act 2003, including any Regulations made under this Act, to the General Manager, with the exception of section 130;*
- 5) Delegate all of its powers and functions under the Litter Act 2007, including any Regulations made under this Act, to the General Manager, with no restrictions;*
- 6) Delegate its powers and functions as an Issuing Authority and a Fee Paying Public Sector Body, under sections 17(2), 18(1), 21, 23(1), 39(1), 40(3) and 40(5)(c) of the Monetary Penalties Enforcement Act 2005, to the General Manager;*
- 7) Delegate all of its powers and functions as a Council, and as a Public Authority, under the Public Health Act 1997, including any Regulations made under this Act, to the General Manager, with the exception of section 185(1);*
- 8) Delegate all of its powers and functions under the Weed Management Act 1999, including any Regulations made under this Act, to the General Manager, with no restrictions;*
- 9) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and*
- 10) As of 29 June 2022, revoke its previous delegations to the General Manager under the Environmental Management and Pollution Control Act 1994 (Item AO184-12 dated 21 August 2012), the Burial and Cremation Act 2019 (Item AO218-20 dated 15 September 2020), the Dog Control Act 2000 (Item AO153-12 dated 17 July 2012), the Food Act 2003 (Item AO153-12 dated 17 July 2012), the Public Health Act 1997 (Item AO153-12 dated 17 July 2012), the Weed Management Act 1999 (Item AO216-12 dated 18 September 2012), and the Monetary Penalties Enforcement Act 2005 (Item AO91-14 dated 15 April 2014)."*

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:

<i><b>CARRIED UNANIMOUSLY</b></i>
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## Environmental Management and Pollution Control Act 1994

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Environmental Management and Pollution Control Act 1994

Clause	Title of Clause	Conditions and Restrictions
<b>Environmental Management and Pollution Control Act 1994</b>		
s.22(1A)	Registers of environmental management and enforcement instruments	Nil
s.23(1)(2)	Trade secrets	Nil
s.48(1)	Civil enforcement proceedings	Nil

## Burial and Cremation Act 2019

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Burial and Cremation Act 2019

Clause	Title of Clause	Conditions and Restrictions
<b>Burial and Cremation Act 2019</b>		
s.31	Reopening of interments	Nil
s.34	Duties and powers of cemetery managers	Nil
s.38	Interments within cemeteries - Approval to inter remains in a cemetery	Nil
s.39	Monuments, &c.	In accordance with Schedule of Fees and Charges
s.40	Removal of certain monuments in cemeteries	Nil
s.41	Exclusive rights of burial	Nil
s.70(1)(5)	Removal of human remains, monuments, &c., in closed cemeteries	Nil
s.82	Closure of crematoria for reasons of public health or public safety	Nil
s.84(2)(4)(5)	Monuments containing cremated remains	Nil
s.85(2)(3)(4)(7)	Exclusive rights to all or part of monument	Nil
s.86(1)	Closure of monument	Nil
<b>Burial and Cremation Regulations 2015</b>		
Reg 27	Certificate of exclusive right of burial	Nil
Reg 28(1)	Amendment of certificate of exclusive right of burial	Nil
Reg 30(3)(4)	Permission to inter human remains	Nil
Reg 31(2)(3)	Information required before permitting interment of human remains	Nil
Reg 33	Nameplate to be interred with human remains	Nil
Reg 34	Interment of human remains in the ground	Nil
Reg 36	Closing grave after interment	Nil
Reg 39	Plan of cemetery	Nil
Reg 40	Register of interments	Nil
Reg 41(2)(3)(5)(6)	Register of exclusive rights of burial	Nil
Reg 42(2)	Dangerous driving	Nil

Clause	Title of Clause	Conditions and Restrictions
Reg 43(1)	Prohibited activities	Nil
Reg 44(1)(2)	Power of cemetery manager in relation to graves and plots	Nil
Reg 45	Power of cemetery manager to approve permanent items	Nil
Reg 46	Power of cemetery manager to remove persons	Nil
Reg 47(2)(3)(4)	Duty of cemetery manager on removal of monument	Nil



## Dog Control Act 2000

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Dog Control Act 2000

Clause	Title of Clause	Conditions and Restrictions
<b>Dog Control Act 2000</b>		
s.24	Public notice of intention to declare areas	Nil
s.25	Date and period of declaration	Nil
s.27	Signs	Nil
s.38(2)(3)	Costs	Nil

## Food Act 2003

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Food Act 2003

Clause	Title of Clause	Conditions and Restrictions
<b>Food Act 2003</b>		
s.33	Making of order	Nil
s.34(2)	Nature of order	Nil
s.50(2)	Forfeiture of item	Nil
s.52(1)	Return of forfeited item	Nil
s.53(4)	Compensation to be paid in certain circumstances	Nil
s.55	Enforcement agency entitled to answer application	Nil
s.68(2)	Compensation	Nil
s.87(1)(5)	Registration of food business	Nil
s.89(3)	Renewal of registration	Nil
s.91(1)	Variation of conditions, or suspension or cancellation, of registration of food businesses	Nil
s.97	Functions of councils	Nil
s.98(4)	Power of Director of Public Health to order council to perform duties	Nil
s.100(1)(2)	Reports by councils	Nil
s.104(1)	Institution of proceedings	Nil
s.118(1)	Infringement notices	Nil

## Litter Act 2007

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Litter Act 2007

Clause	Title of Clause	Conditions and Restrictions
<b>Litter Act 2007</b>		
Sec 38 (1)	Recovery of costs arising from litter abatement notices	Nil

## Monetary Penalties Enforcement Act 2005

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Monetary Penalties Enforcement Act 2005

Clause	Title of Clause	Conditions and Restrictions
<b>Monetary Penalties Enforcement Act 2005</b>		
s.17(2)	Options for dealing with infringement notice issued by fee-paying public sector body	Nil
s.18(1)	Referral to Director of infringement notice issued by fee-paying public sector body	Nil
s.21	Election to have matter heard by court	Nil
s.23(1)	Withdrawal of infringement notice	Nil
s.39 (1)	Hearing of offence by court	Nil
s.40(3)	Application to court	Nil
s.40(5)(c)	Application to court	Nil

## Public Health Act 1997

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Public Health Act 1997

Clause	Title of Clause	Conditions and Restrictions
<b>Public Health Act 1997</b>		
s.32(1)(2)	Production of records	Nil
s.33(a)(b)	Production of things	Nil
s.34(a)(b)	Production of licence	Nil
s.35(a)(b)(c)(d)(e)	Photographs, sketches, measurements and recordings	Nil
s.36(1)(2)	Information requirements	Nil
s.77(1)(3)	Grant or refusal of licence	Nil
s.81(4)	Renewal of licence	Nil
s.82(1)	Variation of licence	Nil
s.83(1)	Cancellation of licence	Nil
s.84(2)	Overcrowding	Nil
s.87(1)(2)(5)(6)	Closure order	Nil
s.89	Revocation of closure order	Nil
s.92(1)(4)(6)	Rectification notice	Nil
s.97(1)	Grant or refusal of registration of premises	Nil
s.101(3)	Renewal of registration of premises	Nil
s.102(1)	Variation of registration of premises	Nil
s.103(1)	Cancellation of registration of premises	Nil
s.106(1)	Grant or refusal of licence	Nil
s.110(3)	Renewal of licence	Nil
s.111(1)	Variation of licence	Nil
s.112(1)	Cancellation of licence	Nil
s.115(1)	Grant or refusal of registration of regulated system	Nil
s.119(1)(3)	Notice to comply with direction	Nil
s.121(3)	Renewal of registration	Nil
s.122(1)	Variation of registration	Nil
s.123(1)	Cancellation of registration	Nil

Clause	Title of Clause	Conditions and Restrictions
s.128(3)	Notification of quality of water	Nil
s.129(1)	Orders relating to water quality	Nil
s.131(1)	Samples	Nil
s.135(1)	Grant or refusal of registration	Nil
s.136B(1)	Variation of registration	Nil
s.136C(1)	Cancellation of registration	Nil
s.148(1)	Requirement for information	Nil
s.152(1)	Costs incurred in exercising power	Nil
s.158(1)	Proceedings	Nil
s.169(1)	Infringement notices	Nil
s.190(1)(3)	Sale or disposal of forfeited things	Nil
s.191(3)	Return of and access to seized things	Nil
s.192(1)	Sale or disposal of seized things	Nil

## Weed Management Act 1999

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Weed Management Act 1999

Clause	Title of Clause	Conditions and Restrictions
<b>Weed Management Act 1999</b>		
s.34(3)	Appointment of inspectors (power to appoint)	Nil

**CORPORATE AND COMMERCIAL SERVICES****AO113-22 COUNCIL DELEGATIONS - INFRASTRUCTURE RELATED****FILE NO: 15/2/5****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

**1.0 RECOMMENDATION:**

***“THAT Council, in accordance with section 22 of the Local Government Act 1993 and section 124 of the Local Government (Highways) Act 1982, as relevant:***

- 1) Delegate its powers and functions as a Road Manager under sections 16(b) of the Heavy Vehicle National Law (Tas) 2013, and sections 156, 156A 158, 159, 160, 161, 162, 167, 169, 170, 172, 173, 174, 176, and 178 of the Heavy Vehicle National Law (Tasmania), to the General Manager with no restrictions;***
- 2) Delegate all of its powers and functions under the Local Government (Highways) Act 1982, including any Regulations made under this Act, to the General Manager, with the exception of sections 12, 19(1)(c ), 43, 46(2C), 73, 80, 114(8), 124 and with the following condition, that section 104(2) be delegated in accordance with Council’s annual Fees and Charges Schedule;***
- 3) Delegate all of its powers and functions as a Council, as a Road Authority, and as a Local Authority under the Roads and Jetties Act 1935, including any Regulations made under this Act, to the General Manager, with no restrictions;***
- 4) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and***
- 5) As of 29 June 2022, revoke its previous delegations to the General Manager under the Heavy Vehicle National Law (Tas) 2013 (Item AO192-15 dated 18 August 2015), the Local Government (Highways) Act 1982 (Item AO216-12 dated 18 September 2012), and the Roads and Jetties Act 1935 (Item AO216-12 dated 18 September 2012).”***



## 2.0 SUMMARY

This report presents a review and update of existing delegations to the General Manager under the following legislation:

- *Heavy Vehicle National Law (Tas) Act 2013*
- *Local Government (Highways) Act 1982*
- *Roads and Jetties Act 1935*

## 3.0 BACKGROUND

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

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

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

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

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

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

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

## 4.0 LEGISLATIVE REQUIREMENTS

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

In this report, it is noted that the *Local Government (Highways) Act 1982* has a specific clause for the delegation of powers, and requires a majority of two thirds of members to pass the resolution.

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

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

## 5.0 POLICY CONSIDERATIONS

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

Delegations issued to officers include a condition that the exercise of the power must be in accordance with any policy, guideline or direction of the Council.

## 6.0 FINANCIAL IMPACT

There are no financial impacts that result from this report.

## 7.0 DISCUSSION

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

This report deals with a number of broadly related pieces of legislation, where the review recommendations were:

Legislation	Recommendation for revision
Heavy Vehicle National Law (Tas) Act 2013	<i>Minor amendment to include section 156A added since the last delegation was made, relating to the process for road manager consent</i>
Local Government (Highways) Act 1982	<i>Refresh the delegation, but no changes required to what is existing</i>
Roads and Jetties Act 1935	<i>Refresh the delegation, but no changes required to what is existing</i>

The above recommendations have been incorporated into the Recommendation.

A list of the powers to be delegated by Council under each legislation above is attached for reference. The full clauses can be read at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) by searching the relevant Act.

## 8.0 RISK

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

## 9.0 CONSULTATION

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

## ATTACHMENTS

1. Council powers delegated - Heavy Vehicle National Law (Tas) Act 2013
2. Council powers delegated - Local Government (Highways) Act 1982
3. Council powers delegated - Roads and Jetties Act 1935

## COUNCIL RESOLUTION

**Resolution number: MO109-22**

**MOVED:** Cr G Simpson

**SECONDED:** Cr A Keygan

***“THAT Council, in accordance with section 22 of the Local Government Act 1993 and section 124 of the Local Government (Highways) Act 1982, as relevant:***

- 1) Delegate its powers and functions as a Road Manager under sections 16(b) of the Heavy Vehicle National Law (Tas) 2013, and sections 156, 156A 158, 159, 160, 161, 162, 167, 169, 170, 172, 173, 174, 176, and 178 of the Heavy Vehicle National Law (Tasmania), to the General Manager with no restrictions;***
- 2) Delegate all of its powers and functions under the Local Government (Highways) Act 1982, including any Regulations made under this Act, to the General Manager, with the exception of sections 12, 19(1)(c), 43, 46(2C), 73, 80, 114(8), 124 and with the following condition, that section 104(2) be delegated in accordance with Council’s annual Fees and Charges Schedule;***
- 3) Delegate all of its powers and functions as a Council, as a Road Authority, and as a Local Authority under the Roads and Jetties Act 1935, including any Regulations made under this Act, to the General Manager, with no restrictions;***

- 4) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and**
- 5) As of 29 June 2022, revoke its previous delegations to the General Manager under the Heavy Vehicle National Law (Tas) 2013 (Item AO192-15 dated 18 August 2015), the Local Government (Highways) Act 1982 (Item AO216-12 dated 18 September 2012), and the Roads and Jetties Act 1935 (Item AO216-12 dated 18 September 2012)."**

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**

## Heavy Vehicle National Law (Tas) Act 2013

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Heavy Vehicle National Law (Tas) 2013  
and [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au) – Heavy Vehicle National Law (Queensland) 2012

Clause	Title of Clause	Conditions and Restrictions
<b>Heavy Vehicle National Law (Tas) Act 2013</b>		
S.16(b)	Road manager	Nil
<b>Heavy Vehicle National Law (Tasmania) – HVNL (Queensland) Act 2012 applies</b>		
S.156	Period within which road manager must decide	Nil
S.156A	Deciding request for consent generally	Nil
S.158	Action pending consultation with third party	Nil
S.159	Deciding request for consent if route assessment required	Nil
S.160	Imposition of road conditions	Nil
S.161	Imposition of travel conditions	Nil
S.162	Imposition of vehicle conditions	Nil
S.167	Expedited procedure for road manager's consent for renewal of mass or dimension authority	Nil
S.169	Granting limited consent for trial purposes	Nil
S.170	Renewal of limited consent for trial purposes	Nil
S.172	Requirements for statement explaining adverse decision of road manager	Nil
S.173	Amendment or cancellation on Regulator's initiative	Nil
S.174	Amendment or cancellation on request by relevant road manager	Nil
S.176	Amendment or cancellation on application by permit holder	Nil
S.178	Amendment or cancellation on request by relevant road manager	Nil

## Local Government (Highways) Act 1982

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Local Government (Highways) Act 1982

Clause	Title of Clause	Conditions and Restrictions
<b>Local Government (Highways) Act 1982</b>		
S.6	Making, widening, &c., of highways by corporations	Nil
S.8	Maintenance of highways opened outside cities or towns by private persons	Nil
S.10	Obligations on landowners opening highways	Nil
S.11	Enforcement of obligations of landowners opening highways	Nil
S.14	Closure and diversion of highways	Nil
S.15	Dealing with sites of closed highways	Nil
S.19	Closure of local highways for public functions, &c.	Nil
S.20	Closure of parts of local highways for sale of goods, &c.	Nil
S.21	General responsibility of corporations	Nil
S.24	Highways on boundaries of municipalities	Nil
S.25	General supplementary provisions as to carrying out of highway works	Nil
S.26(4)	Obtaining of materials for highway works	Nil
S.27	Use of adjoining lands in carrying out highway works	Nil
S.28	Shifting of apparatus, &c., in roads	Nil
S.30	Improvement, &c., of highways	Nil
S.31	Obstructions for prohibition or restriction of vehicular traffic	Nil
S.32	Lighting	Nil
S.33	Lighting of private ways and courts	Nil
S.34	Drainage works	Nil
S.35	Crossings over footpaths, table-drains, and gutters	Nil
S.36	Fencing of streets in towns	Nil
S.37	Alterations, &c., of entrances to highways	Nil

Clause	Title of Clause	Conditions and Restrictions
S.38	Removal of trees near highways	Nil
S.39	Obligation of occupiers to cut back vegetation, &c.	Nil
S.40	Animal barriers on highways	Nil
S.41	Prohibition of traffic likely to cause damage to highways	Nil
S.42	Closure of dangerous highways	Nil
S.44	Protection of bridges from excessive loading	Nil
S.45(4)	Removal and disposal of abandoned articles	Nil
S. 45(5)(6)(7)(8)(9)(10)(12)	Removal and disposal of abandoned articles	Nil
S.46	Permission to carry out various works in relation to highways	Nil
S.50	Management of local highways not maintainable by the corporation	Nil
S.51	Making good of back roads, lanes, &c., at frontagers' expense	Nil
S.52	Projections on to highways, &c.	Nil
S.53	Low-lying land near highways	Nil
S.54	Names of highways, &c.	Nil
S.55	Numbering of buildings, &c.	Nil
S.59	Development of land in connection with highway improvements	Nil
S.60	Restrictive covenants for benefit of highway	Nil
S.61	Grant of private rights over lands held for highway purposes	Nil
S.62	Special provisions as to acquisition for widening or other alteration	Nil
S.63	Letting of highways not presently used	Nil
S.66	Proof that street is subject to Part V	Nil
S.67	Street works in streets not previously made up	Nil
S.68	Scheme of street construction	Nil
S.70	Additional works and expenses	Nil
S.72	Objection by owners	Nil
S.74	Execution of scheme	Nil
S.76	Payments by frontagers	Nil

Clause	Title of Clause	Conditions and Restrictions
S.77	State contribution	Nil
S.78	Application to boundary streets	Nil
S.79	Urgent works	Nil
S.95	Establishment of controlled parking	Nil
S.96	Hours of operation of controlled parking	Nil
S.102	Removal of vehicles in certain cases from parking spaces	Nil
S.104	Permits for use of parking spaces without operation of meters or use of parking vouchers	S.104(2) to be in accordance with Council's annual schedule of fees and charges
S.109	Lighting of certain State highways: Contributions by corporations to lighting of certain State highways	Nil
S.110	Powers and duties of corporations in relation to State highways	Nil
S.113	Recovery of subscriptions towards making or maintenance of a highway	Nil
S.114(1)(2)(3)(6)(7)	Right of private persons opening new streets to obtain contributions	Nil
S.115	Retention of petrol-pumps in highways	Nil
S.116	Tramways along or across highways	Nil
S.119	Determination of compensation	Nil



## Roads and Jetties Act 1935

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Roads and Jetties Act 1935

Clause	Title of Clause	Conditions and Restrictions
<b>Roads and Jetties Act 1935</b>		
S11	Maintenance of State highways, &c. in cities, &c.	Nil
S16A	Temporary closing of State highways and subsidiary roads	Nil
S28	Acquisition of land for quarry, &c.	Nil
S29	Intention to acquire land may be abandoned if compensation excessive	Nil
S32	Entry by council upon land and staking out of same	Nil
S33	Rental of land	Nil
S34	Use of uncultivated land for temporary road	Nil
S35	Taking of timber, &c., from land	Nil
S39	Entry upon adjoining lands for road maintenance or reconstruction	Nil
S40	Power to make drains on adjoining lands	Nil
S41	Timber growing near roads may be cut down: Consent of owner required in certain cases	Nil
S42	Hedges, &c., obstructing view of traffic to be cut or trimmed	Nil
S44	Culverts to be constructed by owners at entrances to lands adjoining roads	Nil
S45	Power of Minister in certain cases to erect gates across roads	Nil
S46	Damage caused by overweight vehicles	Nil
S47	Road metal, &c., may be placed on side of road	Nil
S47A	Warning gantries for bridges with overhead members	Nil
S48	Power of road authority, with the consent of the Governor, to permit tramway or railway along or across road	Nil
S48A	Removal and disposal of abandoned articles	

Clause	Title of Clause	Conditions and Restrictions
S49	Obstructing roads: Notice to remove obstructions	Nil
S50B	Excavations	Nil
S51	Laying down timber, &c., on roads	Nil

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**CORPORATE AND COMMERCIAL SERVICES****AO114-22 COUNCIL DELEGATIONS - PUBLIC INTEREST RELATED****FILE NO: 15/2/5****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, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate all of its powers and functions as a Relevant Authority under the Archives Act 1983, including any Regulations made under this Act, to the General Manager, with the exception of section 10(1)(c);***
- 2) Delegate all of its powers and functions as a Public Body under the Public Interest Disclosures Act 2002, including any Regulations made under this Act, to the General Manager, with the exception of section 60; and***
- 3) Delegate all of its powers and functions as a Public Authority under the Right to Information Act 2009, including any Regulations made under this Act, to the General Manager, with no restrictions; and***
- 4) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and***
- 5) As of 29 June 2022, revoke its previous delegations to the General Manager under the Archives Act 1983 (Item AO216-12 dated 18 September 2012), the Public Interest Disclosures Act 2002 (Item AO184-12 dated 21 August 2012), and the Right to Information Act 2009 (Item AO184-12 dated 21 August 2012).”***

**2.0 SUMMARY**

This report presents a review and update of existing delegations to the General Manager under the following legislation:

- *Archives Act 1983*
- *Public Interest Disclosures Act 2002*

- *Right to Information Act 2009*

### **3.0 BACKGROUND**

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

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

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

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

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

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

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

### **4.0 LEGISLATIVE REQUIREMENTS**

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

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

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

## 5.0 POLICY CONSIDERATIONS

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

Delegations issued to officers include a condition that the exercise of the power must be in accordance with any policy, guideline or direction of the Council.

## 6.0 FINANCIAL IMPACT

There are no financial impacts that result from this report.

## 7.0 DISCUSSION

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

This report deals with a number of broadly related pieces of legislation, where the review recommendations were:

Legislation	Recommendation for revision
Archives Act 1983	<i>Refresh the delegation, but no changes required to what is existing</i>
Public Interest Disclosures Act 2002	<i>Refresh the delegation, but no changes required to what is existing</i> <i>Subsequent update: recommend section 60 be an exception to the delegation, in that it relates to the obligation for a public body to establish procedures that comply with guidelines and standards, and are subject to Ombudsman approval. This is done at policy level as a Council responsibility.</i>
Right to Information Act 2009	<i>Refresh the delegation, but no changes required to what is existing</i>

The above recommendations have been incorporated into the recommendation.

A list of the powers to be delegated by Council under each legislation above is attached for reference. The full clauses can be read at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) by searching the relevant Act.

## 8.0 RISK

There can be a significant risk to Council if delegations are not valid and maintained effectively. The risk is primarily around the exercise of powers through statutory decisions or actions which may be rendered invalid if it is not supported by a correct and current

delegation. This is most important in matters such as Land Use Planning, Building Act permits or decisions, and matters which may have a judicial review element.

## **9.0 CONSULTATION**

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

## **ATTACHMENTS**

- 1 [!\[\]\(444b1eae2189e5cd8d096594c07a0a6e\_img.jpg\) Council powers delegated - Archives Act 1983](#)
- 2 [!\[\]\(b81fe50bc966474a9bf510149094d8e3\_img.jpg\) Council powers delegated - Public Interest Disclosures Act 2002](#)
- 3 [!\[\]\(94faa64fb42ea7f60c43d916dda9de51\_img.jpg\) Council powers delegated - Right to Information Act 2009](#)

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COUNCIL RESOLUTION

Resolution number: MO110-22

**MOVED:** Cr A Boyd

**SECONDED:** Cr A Keygan

***“THAT Council, in accordance with section 22 of the Local Government Act 1993:***

- 1) Delegate all of its powers and functions as a Relevant Authority under the Archives Act 1983, including any Regulations made under this Act, to the General Manager, with the exception of section 10(1)(c);***
- 2) Delegate all of its powers and functions as a Public Body under the Public Interest Disclosures Act 2002, including any Regulations made under this Act, to the General Manager, with the exception of section 60; and***
- 3) Delegate all of its powers and functions as a Public Authority under the Right to Information Act 2009, including any Regulations made under this Act, to the General Manager, with no restrictions; and***
- 4) Authorise the General Manager under section 64 of the Local Government Act 1993 to delegate any of the above delegated functions and powers to an employee of Council with the appropriate qualifications, skills and experience; and***
- 5) As of 29 June 2022, revoke its previous delegations to the General Manager under the Archives Act 1983 (Item AO216-12 dated 18 September 2012), the Public Interest Disclosures Act 2002 (Item AO184-12 dated 21 August 2012), and the Right to Information Act 2009 (Item AO184-12 dated 21 August 2012).”***

**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**

## Archives Act 1983

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Archives Act 1983

Clause	Title of Clause	Conditions and Restrictions
<b>Archives Act 1983</b>		
S.15(3)	Conditions may be imposed on the making of State archives available for public inspection	Nil
S.16	Certain persons prohibited from disclosing or divulging contents of certain records	Nil
S.20	Disposal, destruction, &c., of State records	Nil



## Public Interest Disclosures Act 2002

List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Public Interest Disclosures Act 2002

Clause	Title of Clause	Conditions and Restrictions
<b>Public Interest Disclosures Act 2002</b>		
S.23	Offence to reveal confidential information	Nil
S.29B	Referral of disclosure to Integrity Commission	Nil
S.33	Determination by public body of disclosure as public interest disclosure	Nil
S.34	Procedure where public body determines disclosure to be public interest disclosure	Nil
S.35	Procedure where public body determines disclosure not to be public interest disclosure	Nil
S.60	Public body to establish procedures that comply with guidelines and standards	Nil
S.61	Availability of procedures	Nil
S.63	Duty to investigate	Nil
S.64	Matters that do not have to be investigated	Nil
S.65	Decision by public body not to investigate	Nil
S.68	Referral to Ombudsman by public body	Nil
S.70	Provision of information to Ombudsman	Nil
S.72	Notice of referral	Nil
S.73	Investigation to be in accordance with procedures	Nil
S.74	Information about progress of investigation	Nil
S.75	Action to be taken by public body	Nil
S.76	Report on investigation	Nil
S.77	Report to person making disclosure	Nil
S.77A	Investigation to be completed within 6 months	Nil
S.86	Annual reports by public body	Nil

Right to Information Act 2009  
List of powers delegated by Council

The full clause can be found at [www.legislation.tas.gov.au](http://www.legislation.tas.gov.au) – Right to Information Act 2009

Clause	Title of Clause	Conditions and Restrictions
<b>Right to Information Act 2009</b>		
S.10	Electronic information	Nil
S.12	Information to be provided apart from Act.	Nil
S.13 (5) (6) (7) (8)	Application for assessed disclosure of information	Nil
S.14 (1)	Transfer of applications	Nil
S.15	Time within which applications for assessed disclosure of information are to be decided	Nil
S.16	Charges for information	Nil
S.17	Deferment of provision of information	Nil
S.18	Provision of information	Nil
S.19	Requests may be refused if resources unreasonably diverted	Nil
S.20	Repeat or vexatious applications may be refused	Nil
S.21 (2)	Must act impartially in making decision	Nil
S.22	Reasons to be given	Nil
S.36 (2)	Personal information of person	Nil
S.36 (3) (5)	Personal information of person	Nil
S.37 (3) (5)	Information relating to business affairs of third party	Nil

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**CORPORATE AND COMMERCIAL SERVICES****AO115-22 REVISED PLAN - FRAUD CONTROL PLAN GL-CCS-FIN-002****FILE NO: 13/18/3****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

**1.0 RECOMMENDATION:**

***“THAT Council approve the Fraud Control Plan GL-CCS-FIN-002, as presented.”***

**2.0 SUMMARY**

This report seeks Council’s endorsed for the revised Fraud Control Plan.

**3.0 BACKGROUND**

The Council adopted its amended Fraud and Corruption Control Policy in July 2021.

The Fraud Control Plan underpins this Policy and seeks to outline the framework the Council will implement to educate, identify, mitigate and monitor instances of fraud. The Plan was last reviewed in February 2020 and is subsequently due for review.

It should be noted that while this Plan addresses the risk of fraud, which is prudent from a financial management and sustainability perspective, the Fraud and Corruption Control Register referenced in this document captures instances of corruption that may also arise.

**4.0 LEGISLATIVE REQUIREMENTS**

There are corresponding state and federal legal and legislative parameters that apply to both fraudulent and corrupt behaviour.

**5.0 POLICY CONSIDERATIONS**

This Plan underpins the Fraud and Corruption Policy CP-CCS-CG-044, adopted by the Council on 27 July 2021.

The respective Councillor and staff Codes of Conduct are also relative to this matter.

## **6.0 FINANCIAL IMPACT**

There is a cost associated with a number of mitigation strategies outlined in the Plan, such as undertaking regular training with staff. This is on the premise that current resourcing levels do not provide sufficient capacity for this to be conducted in-house at this time.

Any costs associated are provided in the Annual Plan and Budget Estimates and therefore there are no budgetary implications associated with this report.

## **7.0 DISCUSSION**

There are a number of proposed amendments that have been made to in order to strengthen the organisation's ability to comply with the expectations of both the Policy and Plan:

- The Fraud Control Plan was historically approved by the General Manager. It does however have expectations that are equally as applicable to elected members as to those of staff. To that end, it is recommended this Plan, as one of the Council's key risk management tools, is approved by the Council.
- Councillors and staff will be provided with the Fraud and Corruption Control Policy and Fraud Control Plan as part of their induction to the Council.
- Changing the existing language around inductions being undertaken in person – as there is a desire to move these primarily to an online environment.
- These documents will also be provided with the policy package as a means of the individuals acknowledging that they have read and understood the documentation and expectations.
- Volunteers will be provided with the documentation upon their new association with the Council.
- Documents will be published on the staff intranet and Councillors portal for ease of access. Historically the Fraud Control Plan has not been distributed to staff on the basis that it would acknowledge how potential inappropriate behaviour is monitored and potentially observed. It is now felt however that publicising this information is in fact a key mitigation strategy in itself.
- Deletion of the reference to the Risk Management Committee on the basis that this committee does not exist. The monitoring of risk is within the remit and brief of the Council's Audit Panel.
- Aligning the Audit Panel's role around monitoring risk in relation to fraud, to accord with their new Terms of Reference recently adopted by the Council.
- Re-evaluation of the risk register in accordance with Council's recently revised Risk Management Policy, Risk Management Framework and Strategic Risk Register.

## 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
Financial	The risk of fraud is a primary risk with regard to the Council's financial operations and sustainability.	Ensure all those associated with the Council are familiar with the fraud control framework and of their individual responsibilities.
Strategic	Financial sustainability is a key risk area in the Council's Strategic Risk Register.	Ensure that there is an appropriate framework in place and ensure the organisation has the capacity to fulfil the requirements.
Regulations and Compliance	An exposure to a fraudulent event may give rise to non-conformance.	Ensure the Fraud and Corruption Control framework is contemporary, fit for purpose, embedded in the organisation and regularly reviewed.

## 9.0 CONSULTATION

The Fraud Control Plan was the subject of discussion at the Audit Panel meeting of 8 June 2022. The Panel approved the Plan with a number of minor amendments that have subsequently been undertaken in the document **attached**.

## ATTACHMENTS


- [1](#) Draft Fraud Control Plan

**COUNCIL RESOLUTION****Resolution number: MO111-22*****MOVED: Cr A Boyd******SECONDED: Cr T Bulle******“THAT Council approve the Fraud Control Plan GL-CCS-FIN-002, as presented.”***

**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***

 <b>BURNIE</b> CITY COUNCIL	GUIDELINE		
	<b>Fraud Control Plan (Draft)</b>	Document Code:	<b>GL-CCS-FIN-002</b>
	Approved By: <b>XXX</b>	Version:	<b>2.0</b> File: 13/18/3
	Doc Controller: <b>Director Corporate and Commercial Services</b>	Approved Date: <b>XXX</b>	Next Review Date: <b>+ 2 years</b>

# Fraud Control Plan

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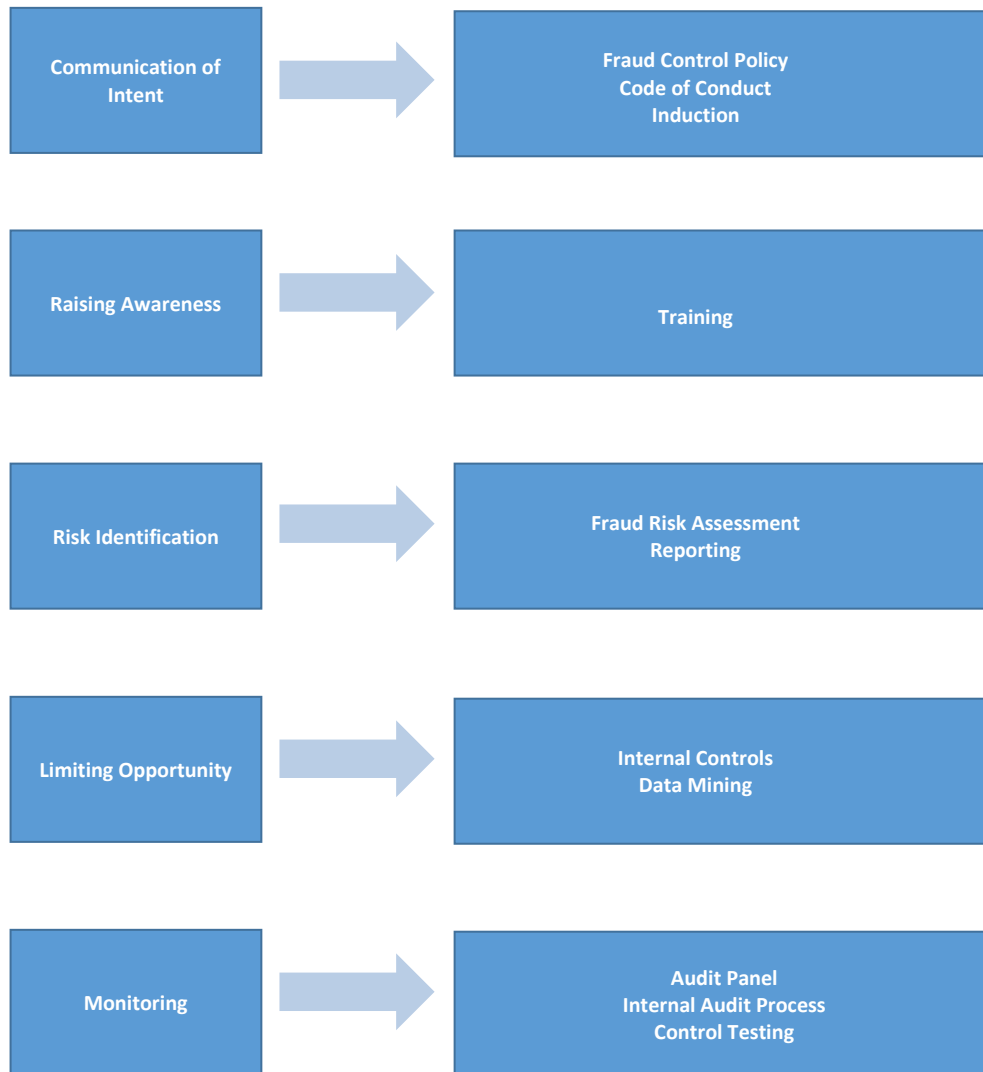
### Introduction

Fraud is the crime of obtaining financial or other benefit by deception, which can have significant impact on Council and the community, potentially reducing the quality of services delivered and adversely affecting Council's ability to achieve its objectives as set out in the Council Strategic Plan. In addition, Council's financial sustainability may be threatened and reputation damaged.

Council is the custodian of significant public funds and assets therefore it is important that the community has assurance that these are adequately protected from fraud. Whilst trust is an essential component of the Burnie City Council culture, this does not discount the need to protect against this risk as fraud does happen and often where it is least expected.

The Burnie City Council does not tolerate fraud or unethical conduct by its elected members, employees including volunteers, contractors, and agents, nor the taking of reprisals against those who come forward to disclose such conduct.

Council is committed to providing an organisational culture supported by appropriate policies and procedures to prevent fraud and corruption.

**Fraud Prevention Framework**

### Regulatory Framework

The *Local Government Act 1993* requires Council to develop and maintain adequate internal control systems, and to establish both a Code of Conduct and an Audit Panel.

The purpose of this Fraud Control Plan is to clearly document Council's approach to controlling fraud at both strategic and operational levels and the actions and responsibilities for the implementation and monitoring of key fraud control measures.

### What is Fraud?

Fraud includes but is not limited to the following types of behaviour:

#### Recruitment

- A member of a selection panel does not disclose a relationship with the applicant, so as to favour the applicant.
- Job applicant uses false credentials or documents to obtain employment.

#### Payroll

- Payroll timesheets or medical certificates are falsified to claim payment for time not worked.
- False workers compensation claims

#### Procurement

- Purchases made from friends or family businesses at non-commercial prices.
- False invoices from bogus or actual suppliers submitted for payment.
- Forged signatures on payment approval documentation.
- Splitting of orders and invoices to avoid delegation limits.
- Tenders awarded to people who have inside information about other bids or assessment criteria.

#### Assets

- The use of Council's assets or facilities for personal gain including:
  - Using Council equipment to undertake non Council activities.

- the use of Council's computers, telephones or devices for personal use.
  - the use of Council vehicles for unauthorised personal travel or by members of an employee's family.
  - taking an asset home claiming it is not working and needs to be disposed of.
- Signing false statements in relation to business vehicle use to avoid fringe benefits tax payments and or disclosures on employee group certificates.
- The use of the GST exemption to purchase goods or services for use by a person or an organisation for purposes other than for the lawful use of the organisation. (This action represents a serious breach of the Commonwealth tax laws. It may also incur personal liability - civil or criminal.)
- Falsification of vehicle log books to conceal private use.
- Individuals or an organisation is given the opportunity to purchase a vehicle at less than fair market value, or on terms more favourable than those commercially available.

**Finance**

- Using a Council credit card to pay for personal expenses.
- Reimbursement claimed for personal expenses e.g. grocery items through petty cash that were not work related.
- Travel undertaken for predominantly personal purposes but claimed as business travel.
- Writing off a personal parking infringement without proper authorisation to do so.
- Writing off a debt for a family member or friend without proper authorisation

**Failure to Perform Duties**

- Deliberate failure to record or identify a false statement by a customer where the customer gains a payment or an advantage from that payment.
- Authorising or recording of data that is known not to be true so that the organisation gains an advantage.
- Providing inside or confidential information to others outside the organisation for personal gain.

- Deliberately destroying the organisation's records.
- Misuse of time 'on the job'.
- Manipulation of data to falsely present successful organisation outcomes.

#### **Building and Planning**

- The approval of a development application fast tracked in exchange for a kickback.
- Falsification of inspection documentation.

#### **Communication of Intent**

Council's Fraud and Corruption Control Policy CP-CCS-CG-044, Staff Code of Conduct WP-OGM-HR-012 and Councillor's Code of Conduct CP-CBS-SG-024 are important documents for clearly articulating Council's objectives, expectations and expected outcomes in managing fraud.

The Fraud and Corruption Control Policy establishes Council's attitude and approach to fraud control, while the Staff Code of Conduct and Councillor's Code of Conduct set out the high standards of ethical behaviour expected and Council's commitment to those standards.

The Fraud and Corruption Control Policy will be reviewed every two years unless required earlier and Staff Code of Conduct every three years. Both the Fraud and Corruption Control Policy and the respective Code of Conduct will be included in the induction program that all new councillors and staff members are required to undertake. It will also be included in the program of policies that councillors and employee are required to read and acknowledge upon commencement.

Volunteers and new contractors will equally be provided with a copy of the Fraud and Corruption Control Policy on the commencement of their involvement with the Council.

The Elected Member Code of Conduct will be reviewed within 12 months after an ordinary election and forms an integral part of the Elected Member induction program, to be carried out following each election.

Documents will be published on the Council's intranet and on the councillor's portal to ensure ease of access for all parties. This in itself, by communicating the Council's intent and expectations, is a risk mitigation control.

#### **Raising Awareness**

Fraud management training will be provided to all managers to ensure that they are aware of their responsibility as a manager, with regards to fraud control.

Fraud awareness training is Council's method for ensuring that all employees, contractors and volunteers are aware of their responsibilities for fraud control and of the expectations for ethical behaviour in the workplace.

The Chief Financial Officer is responsible for the development and delivery of fraud training, which will be included in the induction program for all new staff, and delivered across the organisation as refresher training, every two years.

#### **Risk Identification & Limiting Opportunity**

The Council's Executive Management Team, in conjunction with the Audit Panel and Council, is responsible for Council's overall management of risk. The controls in place comprise of a Risk Management Policy and Framework. Additionally the EMT and Council operate a Strategic Risk Register which is reviewed and updated regularly as required. Fraud and corruptions is encompassed under the Financial Sustainability Risk Profile within the Strategic Risk Register.

The Chief Financial Officer is the designated Fraud and Corruption Control Officer and is responsible for co-ordination of the fraud risk assessment. However all managers and leaders are responsible for the identification of potential exposure to fraud risk in their work area and the development, implementation and monitoring of internal controls (systems, processes and procedures) to minimise the risks.

Where any councillor, employee, including volunteer, contractor or agent becomes aware of a fraud or unethical behaviour they should immediately report it to the Chief Financial Officer, the Director Corporate and Commercial Services or the General Manager.

The information provided in such a report should include:

- Date and time of report
- Date and time the incident was detected
- How the incident came to attention (e.g. anonymous, normal or supplier report)
- Details of the incident
- Value of loss to Council, if any
- Details of action taken following the discovery of the incident

The above details should be recorded in the Fraud and Corruption Control Register. The Fraud and Corruption Control Officer is responsible for this Register which records all reported incidents of suspected fraud and corruption. This information should be supplemented with details of any investigations and outcomes.

#### **Monitoring**

Council has a well-established Audit Panel comprising two councillors and three independent members and undertakes, in part, the following functions:

**Risk Management**

- The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long-term financial position;
- Review and provide any comment on the Strategic Risk Register;
- Actively review the Council's risk management processes, their effectiveness in identifying and managing the Council's financial and business risks;
- Monitor strategic risks with a residual rating of Extreme or High and the progress of the implementation of respective risk treatments;
- Monitoring emerging risks that may have an impact on the sustainability of the organisation.

**Internal Audit**


- Review and provide advice on the annual internal governance and compliance work program;
- Investigate the merits of Council engaging an internal auditor;
- Oversee the coordination of audit programs conducted by the finance department and external audit functions;
- Provide advice to Council on actions taken on significant issues identified in audit reports and better practice guidelines; and
- If considered necessary to engage internal auditors, recommend to Council the appointment of the internal audit services contract.

The Audit Panel provides a key role in monitoring Council's Fraud Control Plan. Any incident of fraud will be reported to the Audit Panel by the General Manager (in the General Manager's Certification) provided each meeting.

**Review of Controls**

Testing the effectiveness of the Fraud Control Plan should include:

- Ensuring risk assessments have been undertaken appropriately;
- Awareness training is evaluated and shown to work well in practice;
- Allegations are recorded, analysed and followed-up in a timely fashion;
- Cases of fraud are dealt with according to applicable external and internal standards;
- Information on cases of fraud are used to update the fraud risk assessment and strengthen controls;
- The use of data mining techniques to test whether current controls are effective; and
- That accurate information is provided to the Audit Panel on a timely basis.

	GUIDELINE		
	<b>Fraud Control Plan (Draft)</b>		
	Approved By:	XXX	Document Code: GL-CCS-FIN-002
	Doc Controller:	Director Corporate and Commercial Services	Version: 2.0 File: 13/18/3 Approved Date: XXX Next Review Date: + 2 years

### Key Fraud Risks

The following risk assessment has been undertaken in accordance with the Risk Management Framework GL-CBS-RM-001.

Fraud Risk	Risk Level (Pre-Treatment)	Risk Response	Controls in Place	Risk Level (Post Treatment)
<b>Theft of Cash</b>	<b>Low</b>	Acceptable	<ol style="list-style-type: none"> <li>1. Daily reconciliation of cash takings by cashiers</li> <li>2. Six monthly float cash counts</li> <li>3. Daily bank reconciliation</li> <li>4. Weekly review of bank reconciliation by Financial Accountant</li> <li>5. Segregation of duties</li> <li>6. System access controls (eg. cashiers cannot process receipt reversals)</li> <li>7. Petty cash procedures</li> </ol>	<b>Low</b>
<b>Theft/ Misuse of Assets</b>	<b>Low</b>	Acceptable.	<ol style="list-style-type: none"> <li>1. Asset register maintained</li> <li>2. Portable and Attractive Assets Policy</li> <li>3. Period checks and review of portable and attractive items</li> <li>4. Monthly EMT viewing of mobile phone/laptop SIM usage</li> </ol>	<b>Low</b>
<b>Accounts Payable Fraud</b>	<b>Medium</b>	Acceptable	<ol style="list-style-type: none"> <li>1. Segregation of duties</li> <li>2. Master file changes review</li> <li>3. Financial delegation and approval process</li> <li>4. Two bank account signatories</li> <li>5. System access controls – banking software</li> <li>6. System access controls – financial system</li> <li>7. Physical security over cheques</li> <li>8. Purchasing policy and procedures</li> <li>9. Accounts payable checklist incorporating certification, review, and sign off</li> <li>10. Management and Council reporting to review variances to budget</li> </ol>	<b>Low</b>
<b>Payroll Fraud</b>	<b>Medium</b>	Acceptable	<ol style="list-style-type: none"> <li>1. Master file changes review</li> <li>2. Timesheet approval process</li> <li>3. Two bank account signatories</li> <li>4. System access controls – banking software</li> <li>5. System access controls - financial system</li> <li>6. Independent payroll review process</li> <li>7. Management and Council reporting to review variances to budget</li> </ol>	<b>Low</b>



Fraud Risk	Risk Level (Pre-Treatment)	Risk Response	Controls in Place	Risk Level (Post Treatment)
<b>Recruitment Fraud</b>	<b>Medium</b>	Acceptable	<ol style="list-style-type: none"> <li>1. Recruitment procedures</li> <li>2. Qualification confirmation</li> <li>3. Referee checks</li> <li>4. Performance management process</li> </ol>	<b>Low</b>
<b>Credit Card Fraud</b>	<b>Medium</b>	Acceptable	<ol style="list-style-type: none"> <li>1. All corporate statements reviewed and signed by direct manager</li> <li>2. General Managers card signed by Mayor and observed by the Audit Panel</li> <li>3. Card limits</li> <li>4. Financial delegations</li> <li>5. Transaction limits</li> <li>6. Card approval procedures</li> <li>7. Disciplinary action where necessary</li> </ol>	<b>Low</b>

Document Endorsement	
Responsibility:	<p>The General Manager has ultimate accountability for this Policy.</p> <p>The Director Corporate and Commercial Services has responsibility for reviewing this plan and associated policy.</p> <p>The Chief Financial Officer is responsible for operationalising the policy and ensuring that processes and procedures adhere to this Policy.</p> <p>It is the responsibility of managers and leaders to ensure councillors, employees, volunteers and contractors understand and adhere to these guidelines.</p> <p>It is the responsibility of all that this guideline is relevant to, to adhere to the guidelines.</p>
Minute Reference:	xxx
Council Meeting Date:	xxx
Strategic Plan Reference:	<p>Strategy 7.1.1</p> <p>Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.</p>
Document Approval:	This document replaces the previous plan adopted on 27 February 2020.
Publication of Guideline:	<p>Access to this guideline is via the Intranet or by requesting a print copy from their manager, leader or the HR team.</p> <p>Refer to the <i>Document Management Framework Policy</i> for guidelines on communicating new or revised documents.</p>

---

**CORPORATE AND COMMERCIAL SERVICES****AO116-22 AUDITOR-GENERAL'S REPORT INTO THE FINANCIAL STATEMENTS  
OF STATE ENTITIES 2020-21****FILE NO: 13/2/3****PREVIOUS MIN:**

---

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4~A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1~Ensure a long term strategic focus drives financial policy and decisions.

**1.0 RECOMMENDATION:**

***“THAT Council receive and note the information contained in the Auditor-General’s Report No. 5 of 2021-22 on the Financial Statements of State Entities 2020-21.”***

**2.0 SUMMARY**

The purpose of this report is to provide the Council with the Auditor-General’s Report No. 5 of 2021-22 on the Financial Statements of State Entities 2020-21.

**3.0 BACKGROUND**

The Tasmanian Audit Office is mandated to carry out the audit of the financial statements of the Treasurer and all Tasmanian State entities and audited subsidiaries of State entities.

The aim of the audits is to enhance the degree of confidence in the financial statements by expressing an opinion on whether they present fairly, in all material respects, the financial performance and position of the entity and that they were prepared in accordance with the relevant financial framework.

Additionally the Auditor-General provides a financial analysis of Tasmanian local government entities subject to audit comprising 29 councils, 4 subsidiaries and 6 other entities.

Of note in the report is the section related to the aggregated financial statements for the 29 councils and subsidiaries. This assessment of the aggregated financial results for 2020-21 is the focus of this report, specific to the results that relate to the Burnie City Council.

The information contained in the AG’s report supports advice which has been provided to the Council throughout the development of the draft Financial Management Strategy and Annual Plan and Budget Estimates 2022-23, with regards to the Council’s financial position and ongoing sustainability.

#### **4.0 LEGISLATIVE REQUIREMENTS**

In accordance with the *Local Government Act 1993*, the Council collectively is responsible for developing and monitoring the implementation of strategic plans, including its long term financial management plan, and budgets.

Additionally the Council is responsible for the delivery of efficient and effective provision of services and facilities and the management of assets, all of which are underpinned by the financial sustainability of the Council.

#### **5.0 POLICY CONSIDERATIONS**

The Council will consider the adoption of its revised Financial Management Strategy (FMS) at the Council meeting of 28 June 2022.

The draft FMS, which is the subject of a separate report, takes account of the outcomes of the AG's report as a means of ensuring there are strategies in place to increase Council's financial sustainability over the term of the FMS.

The FMS then underpins the development of the Council's Annual Plan and Budget Estimates for the 2022-23 financial year, which is also presented to the Council's June meeting, and to which a separate report is attached to this agenda for the consideration of the Council.

#### **6.0 FINANCIAL IMPACT**

The most significant financial impact that arises from this report is addressed in the following sections and relate to the financial sustainability of the Council.

The Council have been working hard on this matter and have made considerable efforts to curb expenditure and to increase income. The draft Annual Plan and Budget Estimates 2022-23 predicts a return to a true underlying surplus.

#### **7.0 DISCUSSION**

##### **Aggregated Financial Result - Table 8**

The Burnie City Council has realised an operating deficit (underlying deficit) for three of the past four financial years analysed in the AG's report, averaged at \$1.9 million per annum (refer page 31).

This average is reflective of two major impacts. First, the Council's decision to reduce the rates burden to its community across a five year period.

Secondly, the negative financial impact of COVID-19 has been significant to the Council. The Auditor-General's report indicates that this is indicative across all councils in the state, brought about by the provision of relief and assistance to the community to assist in alleviating the financial burden faced by them during the pandemic and the loss of income streams from dividends such as TasWater.

For the Burnie City Council specifically this also included significantly less income derived from discretionary services such as parking, development, event and facility hire, and the cessation of a number of additional dividend payments that would have ordinarily been paid by various entities if not for the pandemic.

### **Underlying Surplus or (Deficit) – Figure 9**

An underlying surplus ratio is calculated by the AG to provide a more relative and consistent performance indicator for councils. It assesses the recurrent income and expenditure of a council, but excludes extraordinary factors that may arise in any year which are not reflective of normal business which otherwise may make it difficult to understand the outcome of a council's normal operations. Examples may include income provided for capital works or eligible termination payments.

The Council's results for this metric are consistent with the Aggregated Financial Statements, indicating that the Council has realised an underlying deficit in the past three of the four financial years assessed by the Tasmanian Audit Office.

Burnie City Council recorded an underlying deficit in 2020-21 of \$1.92 million compared to an underlying deficit in 2019-20 of \$0.85 million. This is a downward movement of \$1.07 million with the primary cause being a decrease of \$1.36 million in fees and charges.

It should be noted that the draft Budget Estimates and Annual Plan 2022-23 is currently predicated on achieving a break even budget, with potentially a small surplus of \$24k.

### **Asset Sustainability Ratio – Figure 21**

The asset sustainability ratio is determined from a council's financial statements and assesses its capacity to renew its assets at a pace that will ensure they are maintained sustainably. The Burnie City Council has the lowest asset sustainability ratio in the state at an average of 47.5% (refer page 47), compared to 47% in 2019-20.

In assessing this matter initial observations are that this is due to a number of factors:

- The capacity of the Council to deliver its annual capital works program;
- The data that the asset management planning is based upon in terms of useful lives, condition assessment, intervention level and disposal;
- A tendency to use renewal funding to build new or significantly upgrade assets.

(a) During the past twelve months a noticeable shift has been observed in this regard. An example of this is the change in direction the Council made to move away from building a new NWMAG at a cost of +\$20 million which would have added \$600,000 each year to the depreciation liability – to instead refurbish its existing Arts and Cultural Centre.

### **Cash Expense Cover Ratio – Figure 23**

This metric is used to assess whether the level of unrestricted cash held by a council is considered appropriate by the AG. In accordance with the benchmarks used by the Tasmanian Audit Office the Burnie City Council has an appropriate level of unrestricted cash.

**8.0 RISK**

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

<b>Risk Category</b>	<b>Risk identified</b>	<b>Ways to eliminate or reduce the risk</b>
Strategic	Inability for the Council to consider new strategic priorities for the community.	Consider the most appropriate strategic projects in concert with the community, with a focus on investing in existing asset. Undertake planning to assist in advocating for external funding.
Financial	Current financial operating deficits are unsustainable.	Continue to adhere to the FMS which projects a return to a small surplus in 2022-23 and underlying surpluses thereafter. This is predicated on a rate increase each year in line with CPI.
Asset and Infrastructure	Asset sustainability ratio	As per the Strategic Risk Register, scope a program of improvement using external resources where needed, commencing in the 2022-23 financial year.

**9.0 CONSULTATION**

This report was tabled and discussed with the Audit Panel at the meeting of 8 June 2022.

**ATTACHMENTS**

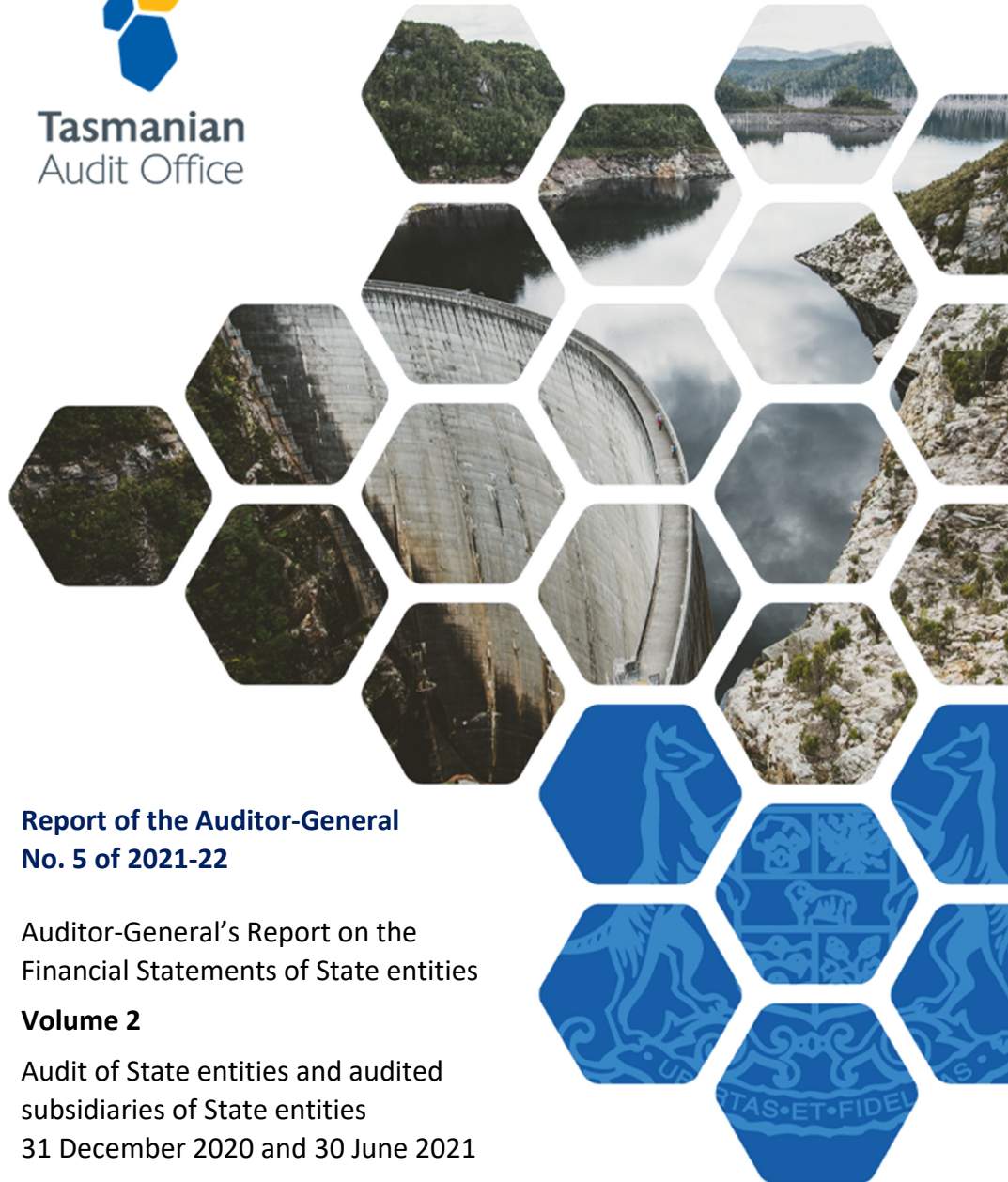
- 1 [↓](#). Auditor-General's Report No. 5 2020-21 on the Financial Statements of State Entities

**COUNCIL RESOLUTION****Resolution number: MO112-22*****MOVED: Cr T Brumby******SECONDED: Cr A Keygan******“THAT Council receive and note the information contained in the Auditor-General’s Report No. 5 of 2021-22 on the Financial Statements of State Entities 2020-21.”***

**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***



**Report of the Auditor-General  
No. 5 of 2021-22**

Auditor-General's Report on the  
Financial Statements of State entities

**Volume 2**

Audit of State entities and audited  
subsidiaries of State entities  
31 December 2020 and 30 June 2021

24 March 2022

Strive • Lead • Excel | *To Make a Difference*

**The Role of the Auditor-General**

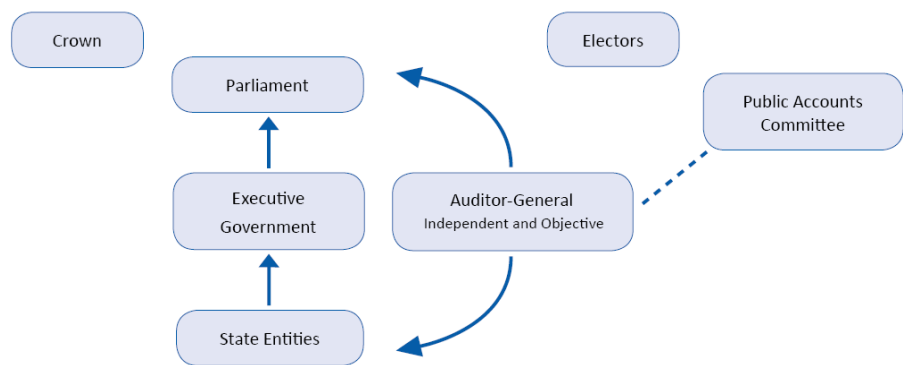
The Auditor-General’s roles and responsibilities are set out in the *Audit Act 2008* (Audit Act). The Tasmanian Audit Office is the agency that provides support and services to the Auditor-General.

The primary responsibility of the Auditor-General and Tasmanian Audit Office is to conduct financial or ‘attest’ audits of the annual financial reports of State entities, audited subsidiaries of State entities and the Treasurer’s Annual Financial Report reporting on financial transactions in the Public Account, the General Government Sector and the Total State Sector. The aim of a financial audit is to enhance the degree of confidence in the financial statements by expressing an opinion on whether they present fairly, or give a true and fair view in the case of entities reporting under the *Corporations Act 2001*, in all material respects, the financial performance and position of State entities and were prepared in accordance with the relevant financial reporting framework. The outcomes of the audits of State entities and audited subsidiaries of State entities are reported to Parliament each year.

The Auditor-General and Tasmanian Audit Office also conduct examinations and investigations, which include performance and compliance audits. Performance audits examine whether a State entity is carrying out its activities effectively and doing so economically and efficiently. Audits may cover all or part of a State entity’s operations, or consider particular issues across a number of State entities. Compliance audits are aimed at ensuring compliance by State entities with directives, regulations and appropriate internal control procedures.

Where relevant, the Treasurer, a Minister or Ministers, other interested parties and accountable authorities are provided with opportunity to comment on any matters reported. Where they choose to do so, their responses, or summaries thereof, are included within the reports.

**The Auditor-General’s Relationship with the Parliament and State Entities**





2022

(No. 14)



2022  
PARLIAMENT OF TASMANIA

**Auditor-General's Report on the Financial Statements of State entities**

**Volume 2**

**Audit of State entities and audited subsidiaries of State entities 31 December 2020 and  
30 June 2021**

**24 March 2022**

Presented to both Houses of Parliament pursuant to  
Section 29 of the *Audit Act 2008*

iii

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24 March 2022

President, Legislative Council  
Speaker, House of Assembly  
Parliament House  
**HOBART TAS 7000**

Dear President, Speaker

**Report of the Auditor-General No. 5 of 2021-22: Auditor-General's Report on the Financial Statements of State entities, Volume 2 - Audit of State entities and audited subsidiaries of State entities 31 December 2020 and 30 June 2021**

In accordance with the requirements of section 29 of the *Audit Act 2008*, I have the pleasure in presenting the second volume of my report on the audit of the financial statements of State entities and audited subsidiaries of State entities for the years ended 31 December 2020 and 30 June 2021.

Yours sincerely

A handwritten signature in black ink, appearing to read "R Whitehead".

Rod Whitehead  
**Auditor-General**

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## Introduction

The Auditor-General has the mandate to carry out the audit of the financial statements of the Treasurer and all Tasmanian State entities and audited subsidiaries of State entities. The aim of a financial audit is to enhance the degree of confidence in the financial statements by expressing an opinion on whether they present fairly<sup>1</sup>, in all material respects, the financial performance and position of State entities and audited subsidiaries of State entities and were prepared in accordance with the relevant financial reporting framework.

This report updates and completes the information provided in *Report of the Auditor-General No. 4 of 2021-22: Auditor-General's Report on the Financial Statements of State entities, Volume 1 - Audit of State entities and audited subsidiaries of State entities 31 December 2020 and 30 June 2021*. This second volume contains the findings from all audits completed for the years ended 31 December 2020 and 30 June 2021 together with commentary on the local government sector.

The information provided in this report summarises the financial audits undertaken under sections 16 and 18 of the *Audit Act 2008* (Audit Act). Audits undertaken by arrangement under section 28 of the Audit Act are not included in this report.

## Overview of this report

This report summarises the outcomes of audits of financial statements of State entities and audited subsidiaries of State entities for the years ended 31 December 2020 and 30 June 2021. This report provides commentary on:

- the timeliness of financial reporting by State entities and audited subsidiaries of State entities
- the completion of audits of financial statements and audit opinions issued
- audits dispensed with
- audit findings
- prior period errors
- audit fees for financial statement audits
- financial analysis of the local government sector
- the audit of all firearms or ammunition disposed of under the *Firearms Act 1996* (Firearms Act).

---

<sup>1</sup> Give a true and fair view in the case of entities reporting under the *Corporations Act 2001*.

## Guide to using this report

Guidance relating to the use and interpretation of financial information included in this report can be found at the Tasmanian Audit Office (Office) website: [www.audit.tas.gov.au](http://www.audit.tas.gov.au)

The guidance includes information on the calculation and explanation of financial ratios and performance indicators and the definition of audit finding risk ratings.



## Audits of financial statements

### Introduction

The information provided in this chapter summarises the financial audits undertaken under section 16 (audit of the financial statements of the Treasurer), section 18 (audit of the financial statements of State entities) and section 21 (audit of the financial statements of audited subsidiaries of State entities) of the Audit Act.

### Summary of audits of financial statements

The audit of the Treasurer's Annual Financial Report (TAFR), comprising the statements reporting on the transactions and balances within the Public Account during 2020-21 and balances at 30 June 2021, was completed on 27 October 2021.

The timeliness of submission of financial statements by State entities and audited subsidiaries of State entities and timeliness of audit completion is summarised in Table 1 below.

Table 1: Audits of State entities and audited subsidiaries of State entities

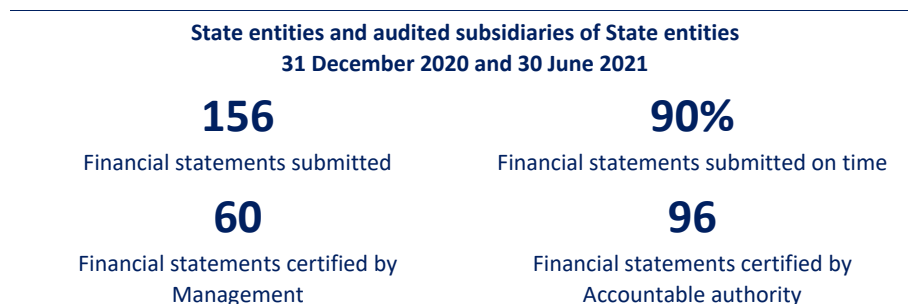
Audits of financial statements	December 2020 and June 2021	December 2019 and June 2020 <sup>1</sup>
State entity and audited subsidiaries of State entity financial statements submitted, complete in all material respects:		
<ul style="list-style-type: none"> <li>within 45 days of the end of the financial year [Audit Act, section 17(1)]</li> </ul>	141	134
<ul style="list-style-type: none"> <li>after 45 days of the end of the financial year</li> </ul>	15	22
	156	156
Audits of financial statements of State entities and audited subsidiaries of State entities:		
<ul style="list-style-type: none"> <li>completed within 45 days of receiving the financial statements [Audit Act, section 19(3)]</li> </ul>	71	64
<ul style="list-style-type: none"> <li>completed after 45 days of receiving the financial statements</li> </ul>	50	56
<ul style="list-style-type: none"> <li>dispensed with</li> </ul>	35	36
	156	156

Note 1: prior year numbers are shown for comparative purposes

## Submission of financial statements

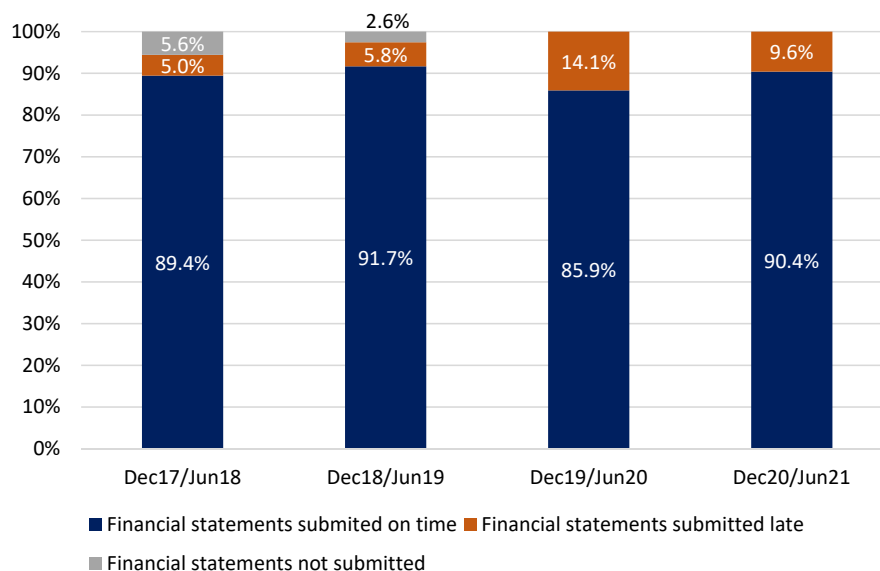
The TAFR financial statements are to be submitted to the Auditor-General before 30 September each year. The TAFR financial statements for 30 June 2021 were received on 24 September 2021.

State entities and audited subsidiaries of State entities are required to submit financial statements to the Auditor-General within 45 days after the end of each financial year. For 31 December 2020 and 30 June 2021 financial reporting, the deadlines fell on 14 February 2021 and 14 August 2021, respectively. Before accepting the financial statements as submitted, the Auditor-General determines whether the financial statements are complete in all material respects.



A comparison of the timeliness of financial statement submission by State entities and audited subsidiaries of State entities for the past 4 years is shown in Figure 1.

Figure 1: Timeliness of submission of financial statements



For the years ended 31 December 2020 and 30 June 2021, 15 State entities failed to meet the financial statement submission deadline, compared to 22 State entities that failed to meet the submission deadline for the years ended 31 December 2019 and 30 June 2020. The improvement in the timeliness of 31 December 2020 and 30 June 2021 financial statement submission is not unexpected given the impact the initial COVID-19 pandemic outbreak had on entities preparing 30 June 2020 financial statements.

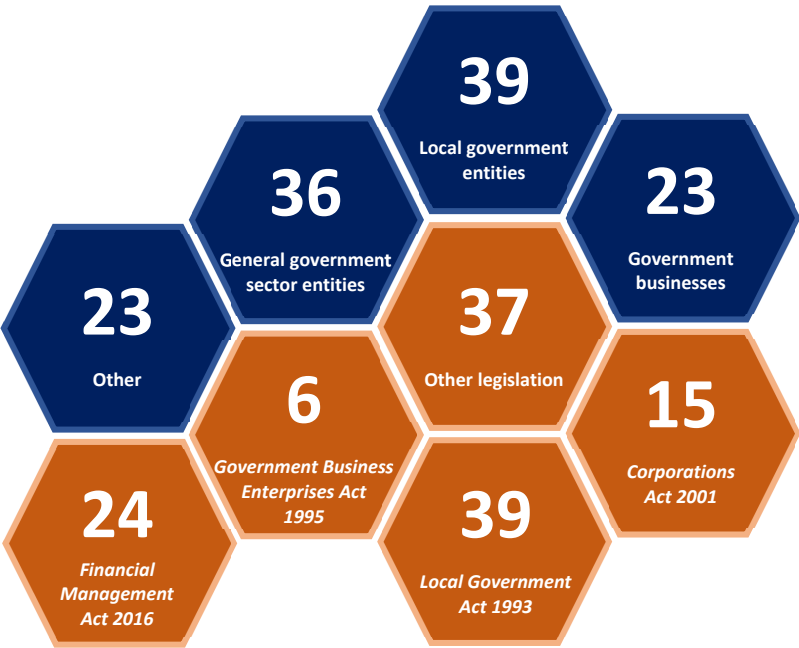
Prior to 31 December 2019 and June 2020, some wholly controlled entities of State entities failed to submit financial statements. This was rectified after reminding entities of their obligation to submit financial statements under the Audit Act.

Completion of financial statement audits

Audits of 31 December 2020 and 30 June 2021 financial statements

All audits of financial statements of State entities and audited subsidiaries of State entities for the years ended 31 December 2020 and 30 June 2021 have been completed. Figure 2 shows the classification of entities subject to audit by sector and legislative reporting obligation.

Figure 2: Audits of State entities and audited subsidiaries of State entities by sector and legislative reporting obligation



### Audits of 31 December 2019 and 30 June 2020 financial statements

As noted in the report of the Auditor-General No. 11 of 2020-21: *Auditor-General's Report on the Financial Statements of State entities, Volume 2: Audit of State entities and audited subsidiaries of State entities 31 December 2019 and 30 June 2020*, the audit of the financial statements of Aboriginal Land Council of Tasmania and its subsidiary, palawa Enterprise Unit Trust, were not completed as at 25 March 2021. Final statements were signed by the accountable authority on 15 July 2021 and our Auditor's reports containing unmodified opinions for these were issued on 16 July 2021.

### Timeliness of audit completion

The audit of the financial statements in TAFR are required to be completed in sufficient time to enable the Treasurer to table the report in Parliament by 31 October each year. The audit reports for these financial statements were issued on 27 October 2021.

The Auditor-General must issue an audit report on the financial statements of State entities and audited subsidiaries of State entities within 45 days of the date of submission. For financial statements submitted on 14 February 2021 and 14 August 2021, our deadlines fell on 30 March 2021 and 28 September 2021, respectively.

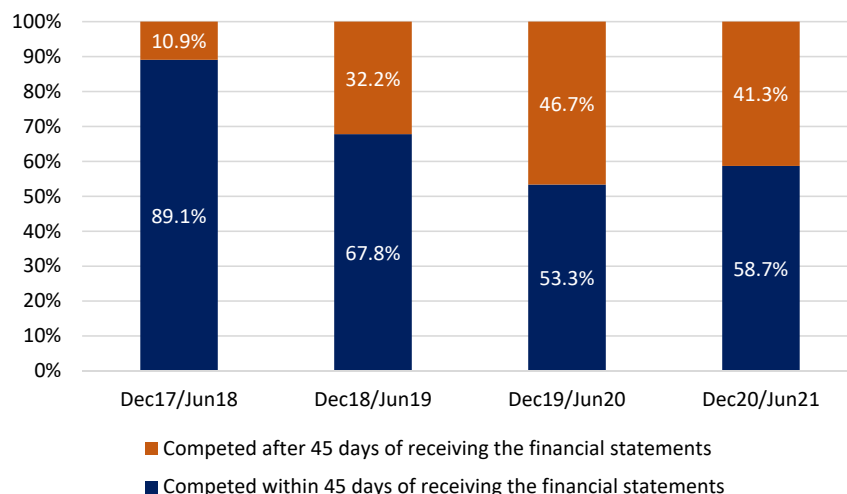
#### State entities and audited subsidiaries of State entities 31 December 2020 and 30 June 2021

# 71

#### Audit reports issued within deadline

A comparison of the timeliness of the completion of the audit of financial statements of State entities and audited subsidiaries of State entities for the past 4 years is shown in Figure 3.

Figure 3: Timeliness of audit completion



Fifty audits for the years ended 31 December 2020 and 30 June 2021 were not completed within the statutory timeframe, compared to 55 audits for the years ended 31 December 2019 and 30 June 2020. The impact of staff shortages in the Office significantly affected our ability to complete 31 December 2020 and 30 June 2021 audits within the statutory timeframe. The completion of audits for 30 June 2020 was adversely impacted by staff shortages, the introduction of two new Australian Accounting Standards and the COVID-19 pandemic.

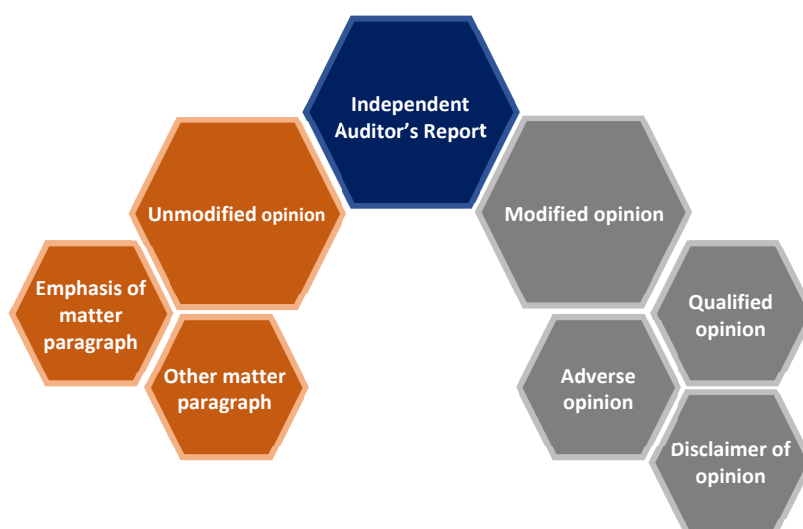
### Audit opinions on financial statements

#### Types of audit opinions on the financial statements

The Auditor-General is required to issue an opinion on each financial statement audit conducted under the Audit Act. Australian Auditing Standards prescribe the auditor's reporting responsibilities, including the responsibility to form an opinion on whether the financial statements present fairly<sup>2</sup>, in all material respects, the financial performance and position of State entities and audited subsidiaries of State entities and were prepared in accordance with the relevant financial reporting framework.

The types of audit opinions that may be issued in an independent auditor's report are depicted in Figure 4.

Figure 4: Types of audit opinions



An unmodified opinion is issued when the auditor concludes that the financial statements were prepared, in all material respects, in accordance with the applicable financial reporting framework. A modified opinion is issued when the auditor concludes that the financial

<sup>2</sup> Give a true and fair view in the case of entities reporting under the *Corporations Act 2001*.

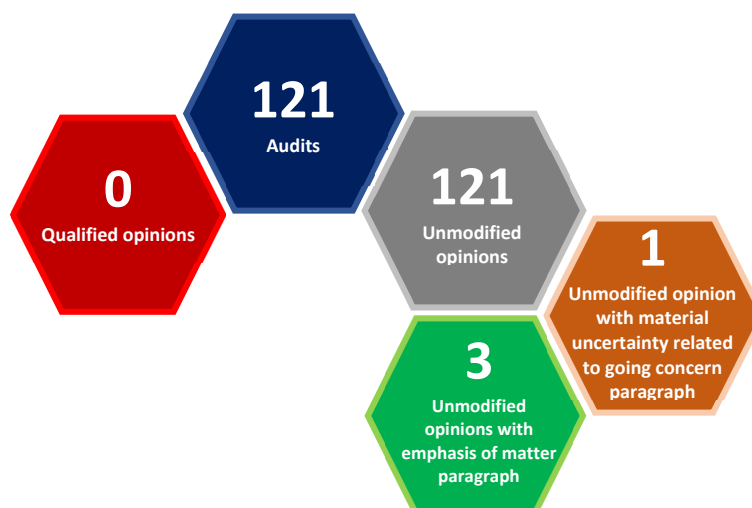
statements as a whole were not free from material misstatement or was unable to obtain sufficient appropriate audit evidence.

The auditor can also communicate additional matters in the auditor's report, while still expressing an unmodified opinion on the financial statements by including an emphasis of matter or other matter paragraph. The purpose of this is to draw the attention of the users of the financial statements to relevant information, which in itself is not significant enough to result in a modified opinion.

#### Audit opinions expressed on financial statements

The number and types of auditor's opinions expressed for 31 December 2020 and 30 June 2021 financial statements of State entities and audited subsidiaries of State entities are shown in Figure 5.

Figure 5: Audit opinions for 31 December 2020 and 30 June 2021 audits



#### Qualified audit opinions

No qualified audit opinions were issued for 31 December 2020 and 30 June 2021 financial statement audits, whereas 2 qualified audit opinions were issued for 31 December 2019 and 30 June 2020 audits.

#### Audit opinions issued with an emphasis of matter paragraph

Three unmodified audit opinions were issued with an emphasis of matter paragraph, which was used to highlight matters that, although appropriately presented or disclosed in the financial statements, were fundamentally important to bring to the reader's attention so as to assist with their understanding of the financial statements. Including an emphasis of matter paragraph does not modify the audit opinion.

An emphasis of matter paragraph was included in the independent auditor's report for the following entities:

- Tasmanian Public Finance Corporation (TASCORP) - to draw attention to a note in the financial statements which described TASCORP's application of Treasurer's Instruction GBE-08-52-09P *Accounting Treatment of the Mersey Community Hospital Fund by the Tasmanian Public Finance Corporation* in respect of the Mersey Community Hospital Fund (MCH Fund).
- Tasmanian Affordable Housing Limited – to draw attention to Notes 2 and 15 in the financial statements. Note 2 stated assets and liabilities were presented in decreasing order of liquidity and were not distinguished between current and non-current. Note 15 stated the directors resolved to adopt a non-going concern basis due to the activities of Tasmanian Affordable Housing Limited having ceased.
- Microwise Australia Pty Ltd – to draw attention to Note 1 in the financial statements. Note 1.1 stated the company is expected to be wound up in the 2021-22 financial year. Note 1.2 stated assets and liabilities were presented in decreasing order of liquidity.

**Audit opinions issued with a material uncertainty related to going concern paragraph**

One unmodified audit opinion was issued with a material uncertainty related to going concern paragraph, which was used to highlight disclosures made in the financial statements about the existence of material uncertainty related to events or conditions that may cast significant doubt on the entity's ability to continue as a going concern.

The identification of a material uncertainty is a matter that is important to users' understanding of the financial statements. The use of a separate section with a heading that includes reference to the fact that a material uncertainty related to going concern exists, alerts users to this circumstance. Including a material uncertainty related to going concern paragraph does not modify the audit opinion.

A material uncertainty related to going concern paragraph was included in the auditor's report for National Trust of Australia (Tasmania) (the Trust). The material uncertainty related to going concern paragraph drew attention to Note 2(u) in the financial report, which indicated that:

- the Trust had a negative working capital of \$0.31 million at 30 June 2021, a decline of \$0.67 million from the prior year
- the Trust incurred a loss of \$0.15 million for the year ended 30 June 2021
- there was uncertainty as to whether the Trust has sufficient financial resources to cover a similar decline in the year ending 30 June 2022.

These events or conditions, along with other matters as set forth in Note 2(u), indicated a material uncertainty existed that may cast significant doubt on the Trust's ability to continue as a going concern.

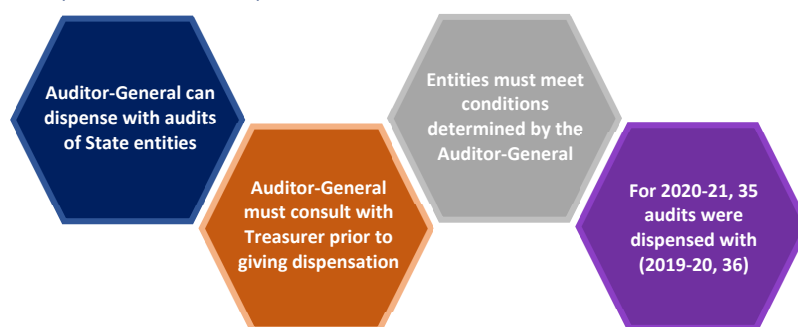
### Audits dispensed with

The Auditor-General has the discretion under the Audit Act to dispense with certain audits if considered appropriate in the circumstances. The dispensation is subject to meeting one of the following conditions determined by the Auditor-General:

- The State entity must demonstrate that its financial reporting and auditing arrangements are appropriate. To satisfy this condition, the entity is required to submit their audited financial statements to the Auditor-General each year. The financial statements are reviewed and, where necessary, feedback on information presented in the financial statements is provided to the entity.
- The entity is controlled by another State entity and is included in the group audit of the controlling entity.
- The entity has not operated and the accountable authority has provided evidence to support this assertion.

The audit dispensation process is illustrated in Figure 6.

Figure 6: Dispensation of audits process



It is important to note that dispensation of the audit does not limit any of the Auditor-General's functions or powers given under the Audit Act. Where the entity is of significant size or by its nature of particular public interest, it is unlikely dispensation will be granted. The Audit Act also requires the Auditor-General to consult with the Treasurer before exercising the power to dispense with audits.

Entities where the Auditor-General has dispensed with the audit are listed in Appendix A.



## Audit findings

### Findings from 31 December 2020 and 30 June 2021 financial statement audits

State entities and audited subsidiaries of State entities  
31 December 2020 and 30 June 2021

**272**

Audit matters raised

**107**

Audit matters raised in prior periods  
assessed as unresolved

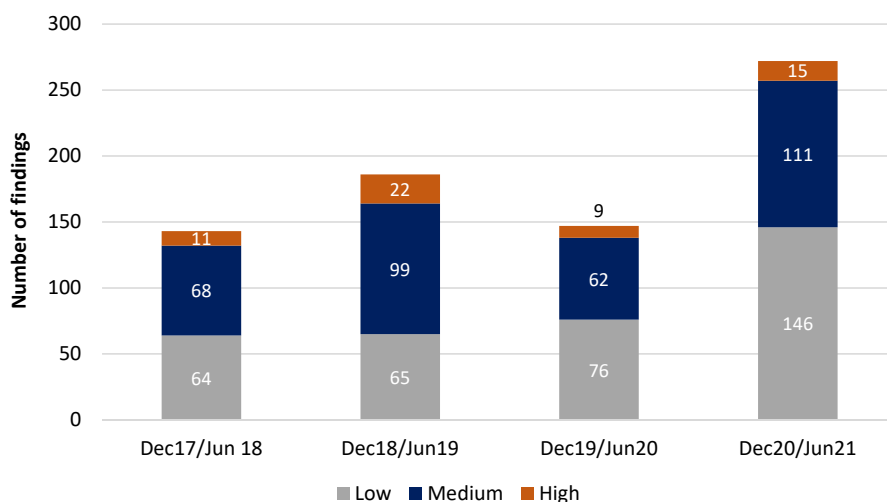
Deficiencies in internal controls and financial reporting, fraud, non-compliance with laws or regulations and other significant matters identified during an audit are reported to management, those charged with governance of State entities and audited subsidiaries of State entities and relevant Ministers. These are communicated by way of a memorandum of audit findings, which include finding observations, related implications, recommendations and risk ratings. Management responses to findings are also reported together with the expected dates matters are to be resolved by.

Each finding is categorised as high, moderate or low risk, depending on its potential impact. The definition of these risk categories is contained in the *Guide to using reports on the audit of financial statements of State entities*.

A detailed breakdown of current and prior year findings by entity can be found in Appendix B.

A comparison of the number and risk rating of audit findings identified in the past 4 years is shown in Figure 7.

Figure 7: Comparison of audit findings by risk rating



The increase in 31 December 2020 and 30 June 2021 audit findings arose from our focus on certain responsibilities of accountable authorities (those charged with governance) and management relating to financial reporting obligations. These areas included:

- the consideration of the risks relevant to financial reporting objectives
- the extent to which the design and implementation of appropriate controls and processes were adequately documented
- reliance on information produced by experts.

#### **Identifying and assessing business risks relevant to financial reporting objectives**

Under Australian Auditing Standards, auditors are required to consider if an entity has a process for identifying business risks relevant to financial reporting objectives. If the entity has not established such a process or has an ad hoc undocumented process, auditors are required to:

- discuss with those charged with governance and management whether business risks relevant to financial reporting objectives have been identified and how they have been addressed
- evaluate whether the absence of a documented risk assessment process is appropriate in the circumstances and whether it represents a significant deficiency in internal control.

By not undertaking a specific assessment of business risks relevant to financial reporting objectives, there may be vulnerabilities in an entity's processes and systems that may lead to a material misstatement in the financial statements.

We acknowledge many entities undertake assessments to identify and assess risks that may impact on the achievement of the entity's strategic goals or objectives, and in many cases, these assessments also canvass risks to key operating functions or activities. However, the majority of these assessments do not specifically address business risks relevant to financial reporting objectives.

This year, 38 findings highlighted the need for entities to enhance their financial management control framework by undertaking a risk assessment to specifically assess business risks relevant to financial reporting objectives. To respond to this finding, we have recommended entities consider the following elements of the financial reporting function:

- the overall control environment, for example:
  - governance structure, commitment to integrity and ethical values
  - assignment of authority and responsibility
  - resourcing and capability of the finance function
- information systems and communication, for example:
  - risks related to IT applications, infrastructure and processes that impact the processing of financial transactions
  - initiation, recording, processing and correcting of transactions

- capture, processing and disclosure of other events and conditions (other than transactions) in the financial report
  - maintenance of accounting records
- control activities, such as authorisations and approvals, review of reconciliations, manual verifications, physical controls, safeguarding of assets, segregation of duties, IT application controls
- monitoring activities
- financial reporting considerations, such as, key judgement areas and estimates, use of experts, likelihood of fraud and error.

In addition to identifying business risks impacting on financial reporting objectives, the assessment should identify key controls in place to mitigate the risks so as to provide a view of residual risk exposures.

#### **Documentation of key controls with financial processes**

Entities are expected to maintain written financial records that correctly record and explain the entity's transactions and its financial position and performance, which enable true and fair financial statements to be prepared and audited.

This obligation for those charged with governance and management, extends to ensuring the entity's records are complete and accurate, by adopting appropriate accounting policies and designing and implementing appropriate controls and processes. This obligation exists regardless of whether books and records are maintained in-house or outsourced to a third party, or whether they are electronic or in hard copy.

Whilst many entities have documented procedures that provide guidance for staff who have financial management responsibilities and which outline process steps for financial transactions from initiation through to completion, we found 35 instances where the documentation:

- was not maintained or up to date
- did not identify or document the key controls relied upon to mitigate financial reporting or fraud related risks.

We have recommended entities enhance their financial management procedures by specifically identifying key internal controls within financial processes, for example, delegations, authorisations, reconciliations, IT application controls, segregation of duties and monitoring controls. In this context, financial management procedures include; financial and administrative procedures, financial management information system manuals, checklists and templates. To be effective, these procedures need to be kept up-to-date and readily accessible by staff.

#### **Reliance on information produced by experts**

Although those charged with governance are entitled to delegate the preparation of financial statements to management, they are expected to take a diligent and intelligent

interest in the information presented to them, to understand that information, and apply an inquiring mind.

On occasions, information included in the preparation of financial statement has been prepared or provided by an expert. An expert in this context means an individual or organisation possessing expertise in a field other than accounting, whose work in that field is used by an entity in preparing the financial statements. Examples include, but are not limited to, actuaries, valuers, engineers, environmental consultants, geologists, scientists, health practitioners, taxation specialists, legal advisors and other industry specialists.

Where an expert has been engaged to assist the entity in preparing the financial report or other historical financial information, those charged with governance should ensure that management has documented their:

- consideration of the competence, capabilities and objectivity of the expert
- understanding of the work of that expert
- evaluation of the appropriateness of the expert's work for use in preparing the financial statements.

Our findings included 2 instances where the work of the expert had not been appropriately assessed.

### Classification of audit findings

Audit findings for 31 December 2020 and 30 June 2021, as shown in Table 2, have been categorised using the following classifications:

- primary classification - internal control, financial reporting, fraud, non-compliance with laws and regulations and other significant matters
- secondary classification - which further defines the nature of the finding.

A description of primary and secondary categories has been included in the *Guide to using reports on the audit of financial statements of State entities*.

Table 2: 31 December 2020 and 30 June 2021 audit findings by classification and risk rating

2021	High Risk	Moderate Risk	Low Risk	Total
<b>Internal control</b>	<b>5</b>	<b>61</b>	<b>114</b>	<b>180</b>
Control environment	0	0	1	1
Risk assessment	1	9	34	44
Information system and communication	1	18	43	62
Control activity	2	23	31	56
Monitoring activity	1	11	5	17

2021	High Risk	Moderate Risk	Low Risk	Total
Non-compliance with laws and regulations	0	3	0	3
Other significant matters	3	1	0	4
Financial reporting	7	46	32	85
Accounting estimate	0	8	7	15
Accounting standard non-compliance	0	21	6	27
Disclosure	2	1	8	11
Fair value	3	11	7	21
Going concern	1	0	0	1
Related party transactions	0	0	1	1
Unintentional misstatement	1	5	3	9
<b>Total</b>	<b>15</b>	<b>111</b>	<b>146</b>	<b>272</b>

The majority of audit findings related to internal controls, with common findings reflecting:

- Control environment – ineffective governance structures, lack of commitment to integrity and ethical values, appropriate assignment of authority and responsibility and the attraction, development and retention of competent individuals.
- Risk assessment – inadequate identification and assessment of business risks relevant to financial reporting objectives.
- Information system and communication – inadequate initiation, recording and processing of transactions; weaknesses in the capture, processing and disclosure of events and condition in the financial report; deficiencies in accounting records; and deficiencies in financial reporting processes to prepare financial statements. This may include instances of missing documentation, outdated or incomplete operating policies and documentation of financial procedures and control activities.
- Control activity – deficiencies relating to authorisations, approvals and reconciliations; inadequate segregation of duties and safeguard of assets.
- Monitoring activity – insufficient evaluation of the appropriateness of the work of an expert used in preparing the financial statement.

Financial reporting findings included:

- Fair value – outdated valuations, although we acknowledge the COVID-19 pandemic affected normal valuation cycles.

- Accounting standard non-compliance – findings identified issues with:
  - calculation of make good/rehabilitation provisions, including identifying the impact of aftercare costs
  - definition of cash and cash equivalent balances in the cash flow statement
  - determining the value of lease liabilities and corresponding right to use assets
  - calculation of expected credit losses.
- Accounting estimate – calculation methodology applied to employee provisions, inappropriate valuation indices and the determination of asset remaining useful life for depreciation purposes.

### High risk findings

High risk findings are summarised in Table 3 below.

Table 3: 31 December 2020 and 30 June 2021 high risk audit findings

Entity	High risk finding
Aboriginal Land Council of Tasmania	Financial statements were submitted past the statutory deadline for a second consecutive year.  Difficulties encountered in obtaining financial information, sharing of information and key personnel reliance.  Continuing deficiencies in internal control over employee expenditure controls.
Brighton Council	Inadequate review of vendor Masterfile change log.
Department of Justice	Identification of previously unrecorded prison assets (resolved in 2020-21).
King Island Council	Identification of previously unrecorded stormwater assets (resolved in 2020-21).  Currency of land and building valuations which were last revalued in 2016 and indexed in 2020-21.
Legislature General	Payroll payments made incorrectly under award.  Over-ride of payments system controls.
Metro Tasmania Pty Ltd	Absence of a cybersecurity strategy or plan.
National Trust of Australia (Tasmania)	Concerns over the entity's ability to continue as a going concern.

Entity	High risk finding
palawa Enterprises Unit Trust	<p>Financial statements were submitted past the statutory deadline for a second consecutive year.</p> <p>Difficulties encountered in obtaining financial information, sharing of information and key personnel reliance.</p> <p>Continuing deficiencies in internal control over employee expenditure controls.</p> <p>Retention of supporting documentation to support expenditure transactions.</p>

Management responses outlining proposed actions in relation to the above matters were received from the respective entities.

### Audit findings by sector

The number and risk rating of audit findings by sector arising from 31 December 2020 and 30 June 2021 financial statement audits are shown in Table 4.

Table 4: 31 December 2020 and 30 June 2021 audit findings by sector and risk rating

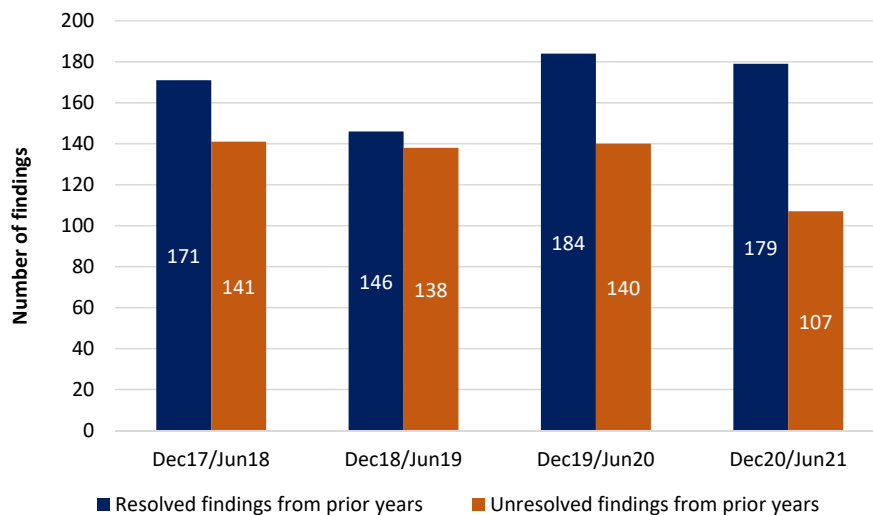
2021	High Risk	Moderate Risk	Low Risk	Total
General Government Sector	3	26	48	77
Government Business	1	20	20	41
Local Government	3	47	63	113
Other	8	18	15	41
<b>Total</b>	<b>15</b>	<b>111</b>	<b>146</b>	<b>272</b>

The high risk findings for the Other sector relate to the findings for Aboriginal Land Council of Tasmania, National Trust of Australia (Tasmania) and palawa Enterprises Unit Trust as summarised in Table 4 above.

### Unresolved audit findings from prior years

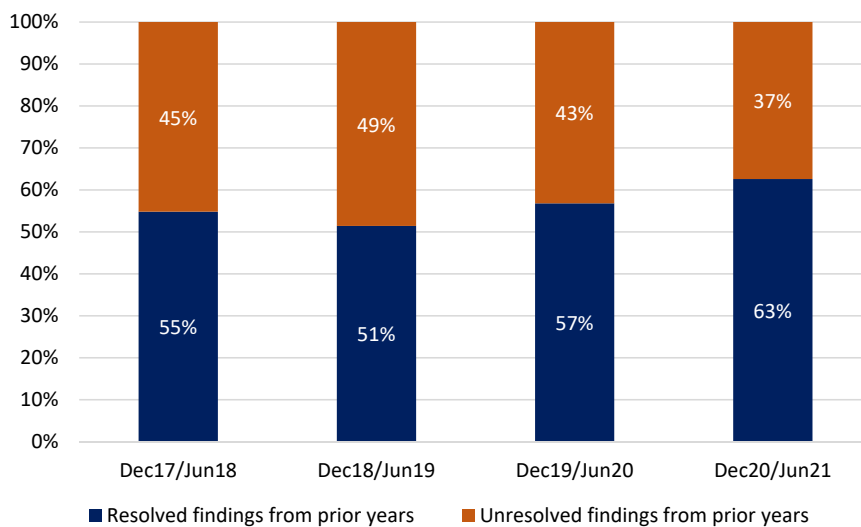
Unresolved audit findings from prior years are followed up each year to confirm whether they have been resolved or satisfactorily addressed by management. The number of resolved and unresolved prior years' audit findings as at the end of each year for the past 4 years are shown in Figure 8.

Figure 8: Number of prior years' audit findings resolved or unresolved each year



A 4 year history of the percentage of prior years' audit findings resolved each year is shown in Figure 9.

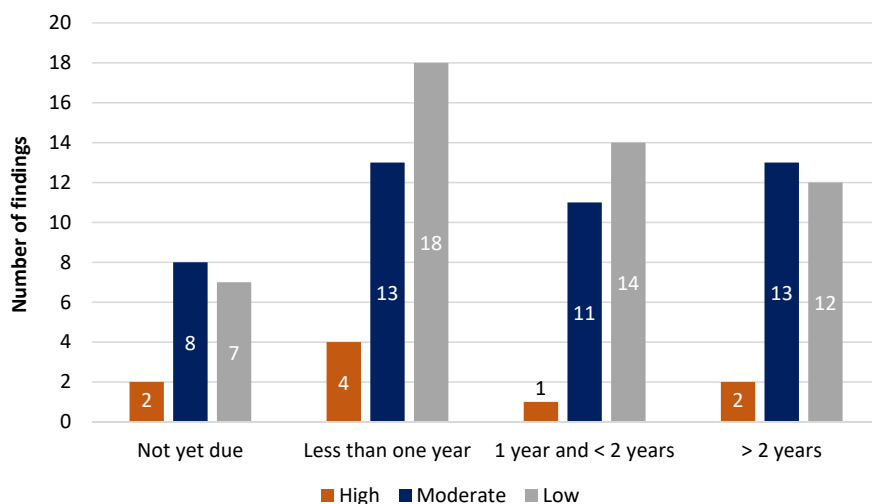
Figure 9: Resolution of prior years' audit findings





The ageing of previously reported findings past the date by which they were to be resolved is shown in Figure 10.

Figure 10: Previously reported findings (yet to be resolved from date corrective action was due) aging analysis



Efficient resolution of audit findings is crucial to reduce an entity's exposure to risk. During 2020-21, 61.2 percent of issues previously reported were resolved. Only 3 high risk issues over 12 months old had yet to be resolved, 1 of which was over 24 months old. These related to:

- ABT Railway Ministerial Corporation - incorrect classification of Work in Progress
- Clarence City Council – incomplete resolution of subsidiary ledger reporting issues following the implementation of the TechnologyOne OneCouncil property and rating modules
- Tasracing Pty Ltd – update and finalisation of the information security policy.

The majority of the unresolved audit findings related to deficiencies in internal control procedures and financial reporting, with 80 and 23 findings respectively.

## Prior period errors

Twenty four prior period errors were reported in the completed audits for 31 December 2020 and 30 June 2021, compared to 18 for the previous corresponding comparative years. Eight of the prior period errors were not deemed material and could have been adjusted in the current financial year, however the entity decided to process the misstatement as a prior period error.

A prior period error represents a material omission or misstatement in an entity's financial statements for one or more prior periods. For reported prior period errors, the following disclosures are required in the financial statements:

- (a) the nature of the prior period error
- (b) for each prior period presented, to the extent practicable, the amount of the correction for each financial statement line item affected
- (c) the amount of the correction at the beginning of the earliest prior period presented.

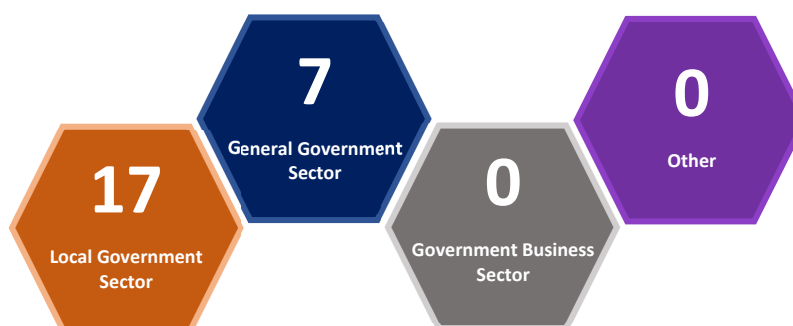
Where it is impracticable to adjust figures for a particular prior period, the financial statements must disclose the circumstances that led to the existence of the condition and a description of how and from when the error had been corrected.

Audit procedures undertaken to assess the appropriateness of prior period errors included:

- inspection and testing of evidence leading to the occurrence and quantification of the error
- consideration of the size and nature of the misstatements, both in relation to particular classes of transactions, account balances or disclosures and the financial statements as a whole
- discussions with management to confirm the appropriateness of the accounting treatment and disclosures to be made in the financial statements
- an assessment by the Office's technical committee for review of the proposed accounting treatment and disclosures.

Where material errors impact financial results and balances prior to the comparative year, a restated third statement of financial position may be required to be presented. Of the 14 entities that disclosed material prior period errors, none presented a third statement of financial position on the basis retrospective application had no material effect on the information in the third balance sheet.

Figure 11: Prior period errors - by sector



Prior period errors arose from a failure to use available and reliable information, which could reasonably have been expected to be obtained and taken into account in the preparation and presentation of the financial statements. These included mathematical mistakes, the application of accounting policies, and oversights or misinterpretations of facts.

There was no commonality in the cause of the prior period errors, making it difficult to predict the likelihood of similar undetected errors across other entities.

Prior period errors included in 31 December 2020 and 30 June 2021 financial statements are summarised in Table 5.

Table 5: Summary of prior period errors

Entity	Prior Period Error
Abt Railway Ministerial Corporation	Misallocation between asset classes.
Burnie City Council	Amendment arising from changes to comparative balances of a controlled entity. Amendment arising from changes to comparative balances of a joint venture.
Copping Refuse Disposal Site Joint Authority	Incorrect recognition of future payments on right of use assets and lease liabilities. Incorrect recognition of rehabilitation provision and aftercare.
C Cell Pty Ltd as Trustee of C Cell Unit Trust	Incorrect recognition of rehabilitation provision and aftercare.
Department of Education	Omission of underground infrastructure assets as part of a previous revaluation.
Department of Justice	Omission of Prison building assets as part of a previous revaluation.
Department of Primary Industries, Parks, Water and Environment <sup>3</sup>	Reassessment of the control status and fair value of land assets subject to peppercorn lease arrangements, previously removed.
Dorset Council	Incorrect depreciation resulting in an overstatement of assets and understatement of expenses. Outdated/not up-to-date asset register, resulting in incorrect asset value.
Dulverton Regional Waste Management Authority	Incorrect determination of unwinding discount rate for aftercare provision.
Glamorgan Spring Bay Council	Unrecognised revaluation of asset classes.

<sup>3</sup> Department of Primary Industries, Parks, Water and Environment was officially renamed to Department of Natural Resources and Environment Tasmania on 1 December 2021.

Entity	Prior Period Error
Integrity Commission	Correction to lease calculations on adoption of the new leasing standard.
King Island Council	Omission of culverts as part of a previous revaluation.
Latrobe Council	Error in calculation of the drainage revaluation.
Launceston City Council	Incorrect allocation of accumulated depreciation value against a group of non-depreciating assets within an asset class. Incorrect accounting for the transfer of roads between Council and State Growth. Transfers were based on a signed agreement which differed from the assets that were gazetted. Omission of a number of items in the Museum Collection as part of previous revaluation.
Legislature-General	Incorrect recognition of lease liability under AASB 16 <i>Leases</i> .
Sorell Council	Removal of waste infrastructure assets no longer held.
Southern Midlands Council	Omission of land and buildings as part of a previous revaluation.
Tasmanian Economic Regulator	Correction to basis of revenue recognition under AASB 15 Revenue from Contracts with Customers and AASB 1058 Income of Not-for-Profit Entities.
West Coast Council	Omission of stormwater assets as part of previous revaluation.

## Audit fees

### Summary of audit fees

Audit fees by sector for 2020-21, excluding fees for audits undertaken by arrangement, are summarised in Table 6.

Table 6: Audit fees by sector for 2020-21

Sector	\$'000s
General Government Sector entities	1,910
Government business entities	1,742
Local government entities	1,098
Other State entities	365
<b>Total</b>	<b>5,115</b>

### Basis for setting audit fees

Section 27 of the Audit Act provides that:

*“(1) The Auditor-General is to determine whether a fee is to be charged for an audit carried out by the Auditor-General under this Division and, if so -*

- a) the amount of that fee; and*
- b) the accountable authority liable to pay that fee.”*

In relation to the tabling of Auditor-General’s reports on audits of the financial statements of State entities and audited subsidiaries of State entities, the Audit Act also requires the following at section 29(3):

*“(3) A report under subsection (1) is to describe the basis on which audit fees are calculated.”*

To comply with section 29(3), the basis for setting audit fees for conducting audits of the financial statements of State entities is detailed in this chapter. Audit fees are not charged for performance audits, compliance audits or investigations. These audits and investigations are funded from Appropriation.

This section explains the fee setting process for individual State entities, including:

- the specific factors taken into account in proposing the fee (particularly the risk assessment)
- the assumptions upon which the fee is based in terms of, for example, the standard of the entity’s control environment, coverage of internal audit, quality of working papers and so on
- what is included in the fee and what is not included
- processes for agreeing additional fees if circumstances change or the assumptions upon which the fee is based are not met.

### Principle for audit fee determination

Fees are set for each State entity commensurate with the size, complexity and risks of the engagement. These factors affect the mix of staff assigned to each audit and therefore the overall fee. Staff are assigned hourly charge rates for use in determining the allocation of work on the audit and in computing the fee. There is an expectation that audits of similar complexity and risks will have a similar mix of staff.

Direct travel costs attributable to each audit are billed separately.

### Principle for determining charge rates

Charge rates are based on the principle of the Office being able to recover its costs of operation. Charge rates comprise 2 parts; direct salary cost and overhead recovery.

### Application of audit fee matrix

A matrix (audit fee scale) has been developed to provide a guide for determining the expected time to be taken on an audit. The scales are based on the following key variables:

- Size of the entity based on its expected gross turnover which is used to determine the base amount of time required to conduct the audit. Turnover is based on the client's actual income and expenditure for the preceding financial year, adjusted for any known factors (fixed element).
- Risk and complexity profiles for each entity which considers the corporate structure, complexity of systems, operations and financial statement reporting requirements. The profile bands applied range from 40.0 percent below to 40.0 percent above the base time (variable element).

The fee scales also take account of changes to Australian Auditing or Accounting Standards and known changes in the scope of work to be performed.

Fee scales are detailed in Table 7 below.

Table 7: Fee scales for 2020-21

Turnover*	Base Hours	Variable component
<\$100,000.00	15	+/-40.0%
\$100,000.00 to \$1.50 million	30	+/-40.0%
\$1.50 million to \$10.00 million	100	+/-40.0%
\$10.00 million to \$55.00 million	155	+/-40.0%
\$55.00 million to \$121.00 million	270	+/-40.0%
\$121.00 million to \$200.00 million	460	+/-40.0%
\$200.00 million to \$410.00 million	610	+/-40.0%
\$410.00 million to \$1.00 billion	830	+/-40.0%
>\$1.00 billion	1,350	+/-40.0%

\*may be adjusted in line with CPI movements

Bandings are based on current cost experience in conducting audits. After applying the above model, the hours to undertake the audit are allocated according to the staff mix necessary to conduct the audit. The respective staff charge rates are then applied to the allocated hours so as to determine a dollar amount (the audit fee). Where applicable, travel and other direct costs (out of pocket expenses) are added to the audit fee on a full cost recovery basis.

It is emphasised the fee scales only provide a framework from which actual fees charged to individual State entities and audited subsidiaries of State entities are set. The level of fee, and any change, experienced by individual State entities will therefore vary according to local circumstances and the risks each entity faces.

In certain circumstances, for example, where a State entity faces a particular challenge to manage high risks or there are particular local circumstances, a fee may fall outside the noted bands. In these cases, the audit fee will be determined by the audit team in consultation with entity management, reflecting the assessment of risk and the extent and complexity of the audit work required.

#### Key assumptions

Fees are calculated on the basis that:

- current accounting systems will be operating throughout the year with a satisfactory appraisal of internal control
- no errors or issues requiring significant additional audit work will be encountered during the course of the audit
- the standard period-end general ledger reconciliations will be available at the commencement of the final audit visit
- requests for additional information throughout the audit will be attended to in a reasonably timely manner
- agreed timetables will be met, within reason
- financial statements, complete in all material respects, are submitted to audit in accordance with statutory time limits
- the nature of the entity's business and scale of operations will be similar to that of the previous financial year.

#### Use of specialist skills impact on fees

In certain circumstances, audit experts may be engaged to assist with an audit. Where this is the case, it can result in higher costs being incurred. In these circumstances, the fee to be charged will be determined by the audit team in consultation with entity management and will reflect the size, complexity or any other particular difficulties in respect of the audit work required. Where possible, such costs are absorbed within the base audit fee.

#### Additional audit fees

If the circumstances outlined under the section headed "Key assumptions" change in a year, additional audit fees may be charged. Fees may be adjusted in the following circumstances:

- changes to the size and nature of the entity and its operations
- changes to the risks associated with a particular engagement
- changes to accounting and auditing standards requiring greater audit effort
- ad-hoc matters that impact upon significant balances within the financial statements, such as a significant asset revaluation
- unavoidable increases in costs of maintaining the Office.

There may also be circumstances where, based on the assessment of size, complexity and risks of the engagement, audit fees may be reduced.

Additional work (including work arising from the adoption of new accounting standards or issues associated with key risks and other matters arising) will be billed separately if it cannot be absorbed into the existing fee.

Any future impact of agreed additional fees would be assessed in terms of the on-going audit fee.

**Communication of audit fees**

In all cases, fees are communicated to each accountable authority prior to audit commencement or during the planning phase of the audit.

**Audits by arrangement**

Audit fees to be charged for audits by arrangement will be determined by the audit team in consultation with entity management and will reflect the size, complexity or any other particular difficulties in respect of these types of audits. Fees will have regard to the time taken, the audit staff assigned and their respective charge rates.



## Local government

### Introduction

This chapter contains our financial analysis of Tasmanian local government entities subject to audit, comprising 29 councils, 4 council controlled entities and 6 other local government entities.

### Local government sector developments

This section summarises significant developments that affected the operations of councils identified during the course of the audits.

#### COVID-19

Throughout 2020-21, COVID-19 continued to have an impact on councils to varying degrees. Material impacts are discussed under individual council key developments further below.

#### Local Roads and Community Infrastructure program

In May 2020 the Commonwealth Government announced the implementation of the Local Roads and Community Infrastructure (LRCI) program, with the funding allocation for Tasmania being \$16.27 million. The program was developed to support councils to deliver priority local road and community infrastructure projects across Australia. The aim of the program was to support jobs and the resilience of local economies, whilst stimulating growth and creating jobs in local communities in response to the impacts of COVID-19. The LRCI program ran from 1 July 2020 to 31 December 2021, with projects physically required to be completed by 30 June 2022.

#### Valuer-General valuations

In late 2020, the Valuer-General advised statutory valuations for properties in Tasmania, due to be undertaken in 2020-21 in accordance with the *Valuation of Land Act 2001*, would be delayed by 12 months due to Government<sup>4</sup> restrictions imposed in response to COVID-19. In early 2021 new contracts were awarded for the delayed valuations, the outcomes of which will be gazetted as at 1 July 2022.

The valuations for the municipal areas not subject to valuation in 2020-21 will also be delayed by 12 months and return to a two yearly program of fresh valuations.

#### Tasmanian Water and Sewerage Corporation Pty Ltd

In accordance with a Share Subscription and Implementation Agreement (the Agreement) and a constitution amendment on 24 June 2021, the Government subscribed to a further 1,000,000 shares in the Tasmanian Water and Sewerage Corporation Pty Ltd (TasWater), resulting in a 3.2 percent ownership interest at 30 June 2021. Following the issue of the

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<sup>4</sup> In this report, Government is a reference to the Tasmanian Government unless otherwise stated.

additional shares to the Government, the percentage ownership interest held by the 29 council shareholders was adjusted.

The constitution amendment will allow the Government a further 7,000,000 shares by 30 June 2024 subject to the Government meeting its obligations to subscribe to shares in accordance with the Agreement.

Distributions to owner councils totalled \$10.00 million in both 2019-20 and 2020-21. The Government is not entitled to any distributions in accordance with the Constitution.

TasWater's equity increased from \$1.44 billion at 30 June 2020 to \$1.57 billion at 30 June 2021. This resulted in councils recognising increases in their investment in TasWater in 2020-21, which totalled \$113.72 million.

## Individual council key developments

The following section summarises significant developments during 2020-21 affecting the operations of individual councils.

### Brighton Council

In 2020-21, Brighton Council agreed to sell specified assets and specified liabilities of Microwise Australia Pty Ltd to Dornier Digital Pty Ltd at 30 June 2021. The sale excluded the councilWise, PropertyWise and VacciWise software assets of Microwise Australia Pty Ltd, which were transferred to the council. The software assets were subsequently licensed by the council to Dornier Digital Pty Ltd for a 10 year period from 1 July 2021. Under the licence agreement, the council has an irrevocable licence to continue to use the software.

### Burnie City Council

Following a review of the organisational structure and governance arrangements for Tas Communication Unit Trust and its corporate trustee, Burnie City Council acquired the net assets and business operations of the Trust on 1 July 2021, leading to the winding up of the Trust and its corporate trustee.

### Clarence City Council

#### Legal action regarding rates equivalent dispute

Clarence City Council is involved in ongoing legal action relating to a rates equivalent dispute. In September 2019, a judgement was handed down by the Federal Court of Australia in favour of the Hobart International Airport. This decision was appealed by council and on 6 August 2020, the Full Court of the Federal Court of Australia handed down a decision to allow the appeal with the matter referred back to the Federal Court of Australia, however the defendant has appealed the Full Court decision to the High Court of Australia. The appeal was due to be heard in August 2021, however has been delayed due to COVID-19. Clarence City Council assessed the recoverability of the outstanding rates equivalents total as \$4.02 million at 30 June 2021.

**Kangaroo Bay Development Precinct**

In December 2020, Clarence City Council approved an unconditional extension of time for substantial commencement of the Kangaroo Bay Development Precinct project. Under the current sale and development agreement, the developer has until October 2022 to commence substantial work on the site, and if not commenced, the buy-back clause will come into effect.

**Blundstone Arena**

In June 2021, the Premier of Tasmania announced the planned establishment of a new State entity, Stadiums Tasmania, to own, manage and develop Tasmanian stadium assets into the future. As at 30 June 2021, discussions had commenced with Clarence City Council for the transfer of Blundstone Arena to Stadiums Tasmania.

**Devonport City Council**

Devonport City Council continued progressing the Living City Masterplan, with Stage 1 now complete, representing a \$71.10 million investment for the City. Stage 2 commenced in 2019-20 with the commencement of both the new Waterfront Park precinct and the privately funded hotel development. These developments have a combined construction value of \$57.00 million. It is expected the construction will be completed by mid-2022, with an anticipated opening in late 2022.

**Glenorchy City Council**

In March 2019, Glenorchy City Council received confirmation of a \$12.80 million grant to fund the upgrade of the North Chigwell junior football hub and the King George V Football Park redevelopment. An additional \$0.50 million funding was confirmed from the Government in January 2020, for the replacement of the change rooms at King George V Football Park through the Levelling the Playing Field program. A further \$1.00 million to contribute to construction of new club rooms at King George V Football Park was allocated to the Knights Football Club.

In total, Glenorchy City Council will receive \$14.30 million in grant funding for these 2 projects. At the date of this report, the grant funding and the final funding agreement have not yet been received.

**Hobart City Council**

The consequences of COVID-19 continued to impact Hobart City Council's operations. Specifically, parking fees and charges, parking fines, other fees and charges, distributions from Council's ownership interest in TasWater and rents on Council owned properties all remained low or declined.

In addition to ensuring essential services, Council adopted a community support package that included:

- no rate increases in general and service rates for 2020-21
- no increases in all other fees and charges

- financial hardship assistance of \$0.61 million to ratepayers experiencing genuine financial hardship
- rent relief for tenants of Council owned properties experiencing financial hardship
- community, creative and business grants program of \$1.17 million.

Overall there was a negative impact on the reported result disclosed in the financial report of \$1.74 million.

### **Kingborough Council**

Kingborough Council is expected to receive Commonwealth Grant Funding of \$7.90 million to undertake the Transform Kingston Project. As at 30 June 2021, Kingborough Council received \$2.00m, with the balance of the funding to be received between November 2021 and May 2023. The aim of the Transform Kingston Project is to improve traffic flow, including cycling and pedestrian traffic in the area.

### **Launceston City Council**

#### **Birchalls building arcade**

Launceston City Council purchased the former Birchalls building in 2019-20 with plans for the building to be privately developed into a ground level arcade. Expressions of interest have been submitted for the development and these will be further considered in 2021-22.

#### **UTAS Stadium Future Direction Plan**

In February 2021, Launceston City Council endorsed the UTAS Stadium Future Direction Plan which aims to create a sustainable model for a fit-for-purpose sporting stadium in Launceston. In June 2021, the Premier of Tasmania announced the planned establishment of a new State entity, Stadiums Tasmania, to own, manage and develop Tasmanian stadium assets into the future. As at 30 June 2021, discussions had commenced with Launceston City Council for the transfer of UTAS Stadium to Stadiums Tasmania.

#### **Queen Victoria Museum and Art Gallery**

As at 30 June 2021, Launceston City Council was in discussions with the Government to review the future funding and governance model for the Queen Victoria Museum and Art Gallery.

### **George Town Council**

#### **George Town Mountain Bike Trail Development**

Throughout 2020-21, George Town Council progressed the construction of the Mountain Bike Trail development, with \$0.99 million recognised as capital work in progress and \$2.48 million disclosed as a capital expenditure commitment at 30 June 2021. A grant funding agreement is in place to fund \$4.40 million of the construction cost of the bike trails.

**Bass and Flinders Centre and Museum Collection**

During 2020-21, George Town Council was gifted the Bass and Flinders Centre and Museum Collection, including the Norfolk replica sloop, with the centre and collection recognised at a fair value of \$1.80 million.

**Tasman Council**

During 2020-21, Tasman Council entered into a co-financed capital project with the Eaglehawk Neck Action Community Taskforce Inc. to undertake the development of the Eaglehawk Neck coastal track, which is expected to commence construction in 2021-22.

Tasman Council has committed \$120,000 to the project, with the balance of funding obtained through a Tasmanian Community Fund grant of \$212,000.

**Aggregated financial statements**

This section focuses on the aggregated financial information for all 29 councils, including council controlled entities, but excluding other local government entities. Transactions between councils have not been identified or eliminated in our aggregation of the financial statements. Financial information has changed from my *Report of the Auditor-General No. 11 of 2020-21: Auditor-General's Report on the Financial Statements of State entities, Volume 2*, due to the impact of prior period errors on 2019-20 comparative information.

Details of Local Government sector aggregated financial results for 2020-21 are set out in Table 8. The financial results are presented based on the councils being grouped into 2 classifications, urban and rural, as follows:

- urban, populations greater than 20,000 or at a density >30 per square kilometre
- rural, populations up to 20,000 at a density of <30 per square kilometre.

Table 8: Aggregated financial results

Council	Underlying surplus (deficit) \$'000s	Net surplus (deficit) \$'000s	Total comprehensive surplus (deficit) \$'000s	Net assets \$'000s
<b>Urban councils</b>				
Brighton Council	(426)	7,368	15,536	211,529
Burnie City Council	(1,919)	451	13,917	426,732
Central Coast Council	(192)	13,770	29,953	543,540
Clarence City Council	4,796	28,552	85,820	928,947
Devonport City Council	1,245	15,168	40,179	605,349

Council	Underlying surplus (deficit) \$'000s	Net surplus (deficit) \$'000s	Total comprehensive surplus (deficit) \$'000s	Net assets \$'000s
Glenorchy City Council	(6,329)	(1,672)	52,270	914,410
Hobart City Council	(25)	7,566	374,332	2,403,441
Kingborough Council	240	7,391	(2,315)	634,918
Launceston City Council	(3,109)	(36,803)	38,733	1,932,650
West Tamar Council	212	6,925	25,807	386,639
<b>Total Urban</b>	<b>(5,507)</b>	<b>48,716</b>	<b>674,232</b>	<b>8,988,155</b>
<b>Rural councils</b>				
Break O'Day Council	(384)	3,855	9,809	193,995
Central Highlands Council	85	1,821	4,731	105,382
Circular Head Council	(465)	5,275	15,552	236,293
Derwent Valley Council	(1,222)	549	16,438	149,693
Dorset Council	134	4,346	15,662	201,599
Flinders Council	538	4,394	6,141	62,468
George Town Council	256	4,488	10,380	147,107
Glamorgan Spring Bay Council	(2,492)	1,684	17,924	167,883
Huon Valley Council	(89)	3,017	3,558	294,968
Kentish Council	95	2,200	2,759	160,776
King Island Council	(59)	699	3,160	79,275
Latrobe Council	446	9,117	11,277	225,407
Meander Valley Council	(533)	3,455	8,765	310,300
Northern Midlands Council	(286)	6,820	20,521	409,226
Sorell Council	1,089	6,886	7,069	303,052

Council	Underlying surplus (deficit) \$'000s	Net surplus (deficit) \$'000s	Total comprehensive surplus (deficit) \$'000s	Net assets \$'000s
Southern Midlands Council	(35)	1,978	9,937	124,131
Tasman Council	474	804	2,108	72,026
Waratah-Wynyard Council	53	1,831	11,931	262,856
West Coast Council	(1,200)	1,179	7,570	130,864
<b>Total Rural</b>	<b>(3,595)</b>	<b>64,398</b>	<b>185,292</b>	<b>3,637,301</b>
<b>All councils</b>				
<b>Total</b>	<b>(9,102)</b>	<b>113,114</b>	<b>859,524</b>	<b>12,625,456</b>




Councils generated an overall net surplus of \$113.12 million in 2020-21, a significant increase of \$51.52 million from the 2019-20 net surplus of \$61.70 million<sup>5</sup>. The change was primarily attributable to additional capital grants, \$49.76 million, and higher contributed non-current assets, \$23.58 million. The additional income was offset by a \$34.52 million revaluation decrement arising from the revaluation of the Launceston City Council Queen Victoria and Art Gallery collection.

The Australian Government provides Financial Assistance Grants to councils each year which are untied, allowing councils to spend the grants according to local priorities. In a normal financial year, quarterly instalments totalling about \$20.00 million each are expected, however, in recent years some payments have been made in advance. Payments in 2020-21 included advance payments of \$40.79 million being half of the 2021-22 allocation. Similar advance payments of \$38.88 million were received in 2019-20, representing half of the 2020-21 allocation.

As Financial Assistance Grants are untied and have no performance obligations, AASB 1058 *Income of Not-For-Profit Entities* requires councils to recognise the advance payments as revenue when received. The advance payments have been adjusted for in the calculation of the 2020-21 underlying result, with the 2019-20 advance payment for 2020-21 included in the calculation and the 2020-21 advance payment for 2021-22 excluded. The net surplus balance reflects the funding actually received and is not adjusted for the advance payments.

<sup>5</sup> Balance amended from the *Report of the Auditor-General No. 11 of 2020-21: Auditor-General's Report on the Financial Statements of State entities, Volume 2* due to the impact of prior period errors

## Underlying result

<b>\$ (9.10)m</b> 2020-21	<b>\$ (21.81)m<sup>6</sup></b> 2019-20	<b>\$ 10.60m</b> 2018-19	<b>\$ 22.01m</b> 2017-18
 <b>58%</b>	 <b>(306%)</b>	 <b>52%</b>	 <b>39%</b>

▲ improvement from prior year ▼ deterioration from prior year ● no material change from prior year

For the purpose of calculating a council's underlying surplus or deficit (underlying result), we have applied the definition of underlying surplus or deficit in the *Local Government (Management Indicators) Order 2014*, as follows:

*'underlying surplus or deficit is the amount that is the recurrent income (not including income received specifically for new or upgraded assets, physical resources received free of charge or other income of a capital nature) of a council for a financial year less the recurrent expenses of the council for the financial year.'*

The intent of the underlying result is to show the outcome of a council's normal or usual day-to-day operations. It is intended to remove extraneous factors that could create volatility and therefore make it difficult for users to understand the outcome of a council's normal operations.

The term 'recurrent' is a commonly used term by government entities to refer to transactions for all purposes except those of a capital nature. While the meaning of the word 'recurrent' may be interpreted as referring to items regularly occurring or repeating, for the purposes of determining underlying result, it includes operational transactions that may occur once or infrequently such as changes to existing decommissioning, rehabilitation, restoration or similar provisions or financial support, subsidies, grants and programs to organisations, businesses or industry. Recurrent transactions included gains or losses on disposal of assets, unless there was an unusual reason for the disposal, such as a natural disaster.

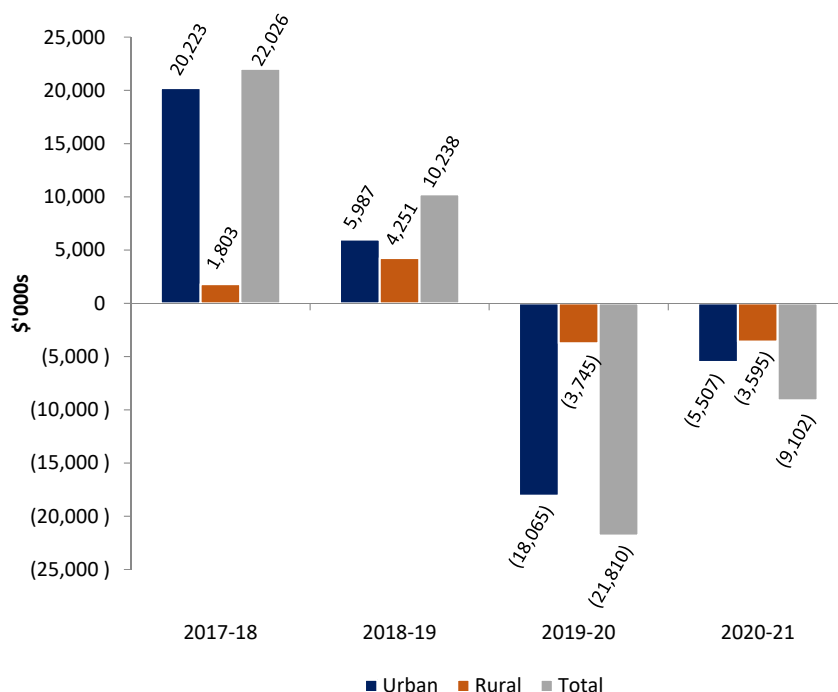
Income of a capital nature included amounts received that did not form part of operating activities and were in connection with non-financial assets. Examples included capital Roads to Recovery (RTR) funding, reimbursements of costs under the Natural Disaster Relief and Recovery Arrangements (NDRRA), gains or losses from one-off disposal of surplus assets or discontinued operations.

Other items, although not capital in nature, that would usually be excluded from underlying result include Australian Government Financial Assistance Grants received in advance, clearly identifiable clean-up costs after a natural disaster which were claimable under insurance or NDRRA and payments or provisions in relation to a redundancy program.

<sup>6</sup> Balance amended from the 2019-20 Report due to the impact of prior period errors



Figure 12: Underlying surplus (deficit)



As shown in Figure 12, councils produced an underlying deficit of \$9.10 million for 2020-21, an improved result of \$12.71 million compared to the previous year which recorded an underlying deficit of \$21.81 million. The change in the total underlying result was primarily due to higher rates, fees and charges revenue of \$8.39 million (1.5 percent) and \$14.55 million (10.2 percent), respectively. The increased revenues were partially offset by lower interest revenue of \$4.74 million and lower revenue from council controlled authorities (Copping Refuse Disposal Site Joint Authority and Dulverton Regional Waste Management Authority) of \$7.98 million.

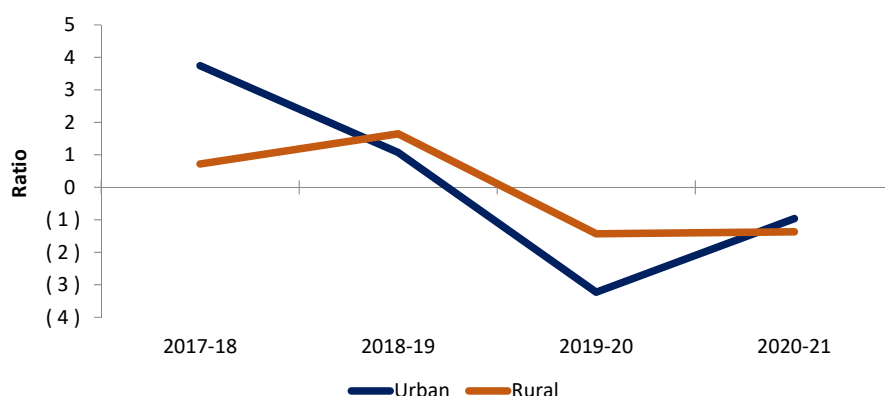
In 2020-21, 17 councils recorded underlying deficits totalling \$18.77 million compared to 16 councils in 2019-20 totalling \$29.10 million. Significant underlying deficits included:

- Glenorchy City Council recorded an underlying deficit in 2020-21 of \$6.33 million compared to an underlying deficit in 2019-20 of \$2.82 million, a deterioration of \$3.51 million. The main causes for the movement were reduced rate revenue of \$0.85 million as a result of COVID-19 community assistance measures, increased employee costs of \$1.05 million (of which \$0.81 million was a compounding, flow on from a 2019-20 legacy 3.5% enterprise agreement increase) and depreciation expenses of \$0.74 million. In addition, net losses on disposal of assets increased by \$1.31 million - largely as a result of de-recognition of stormwater assets of \$1.54 million).

- Launceston City Council recorded an underlying deficit in 2020-21 of \$3.11 million compared with an underlying deficit in 2019-20 of \$7.22 million, an improvement of \$4.10 million. The improvement was due to a decrease in the provision for rehabilitation of Launceston City's waste centre of \$2.75 million, savings in other expenses of \$2.82 million and higher fees and charges of \$3.04 million, offset by increases in employee costs of \$1.06 million and an increase in net losses on disposal of assets of \$1.44 million.
- Glamorgan Spring Bay Council recorded an underlying deficit in 2020-21 of \$2.49 million compared to an underlying deficit in 2019-20 of \$1.27 million, a downward movement of \$1.22 million. The main cause for the movement was increased employee costs of \$1.14 million, of which, \$0.66 million related to redundancies.
- Burnie City Council recorded an underlying deficit in 2020-21 of \$1.92 million compared to an underlying deficit in 2019-20 of \$0.85 million, a downward movement of \$1.07 million. The primary cause for the movement was a decrease of \$1.36 million in fees and charges due to the closure of Council facilities such as the Museum and Civic Centre.

As illustrated on Figure 13, the movement in the underlying ratio highlights a decline in 2019-20 due to COVID-19. Urban councils improved their performance in 2020-21, whilst rural councils performance remained constant.

Figure 13: Underlying surplus ratio

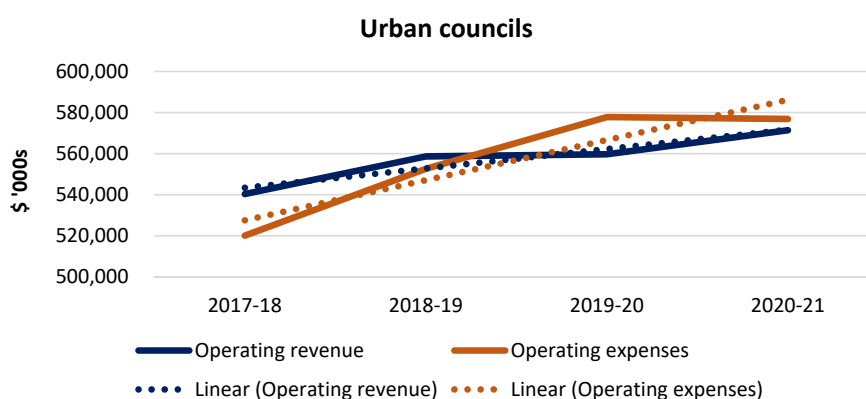


The underlying surplus ratio for urban councils decreased from a positive 3.7 percent in 2017-18 to a negative 1.0 percent in 2020-21. Over the 3 year period, expenses increased by \$56.80 million, well in excess of revenue increases of \$31.07 million. The main drivers were:

- higher employee costs and operating expenses increasing by 8.6 percent and 7.2 percent, respectively
- higher depreciation expenses, 19.2 percent
- decreased investment revenue from TasWater.

The movement in urban councils operating revenues and expenses over the 3 year period is illustrated in Figure 13A, with the average growth in expenses of 3.6 percent exceeding average growth in revenue, 1.9 percent.

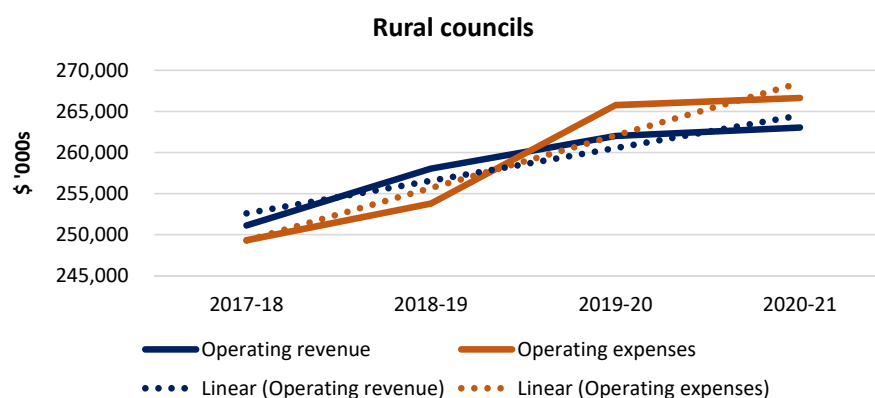
Figure 13A: Average annual increase in urban councils operating revenue and expenses



The underlying surplus ratio for rural councils decreased from a positive 0.7 percent in 2017-18 to negative 1.4 percent in 2020-21. The decline for rural councils was not as dramatic as urban councils, with expenditure increases of \$17.32 million and revenue increases of \$11.92 million over the 3 year period. Consistent with urban councils, the drivers were higher payroll and depreciation expenses that were not offset by increased rate and user charges revenue.

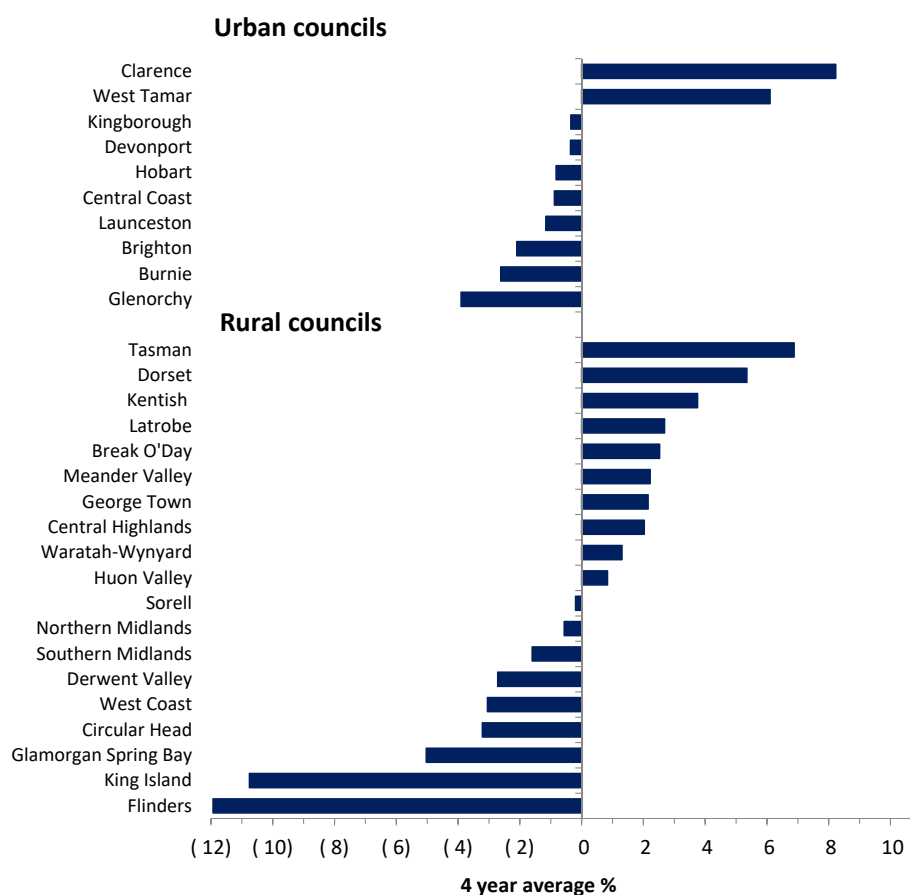
The movement in rural councils operating revenues and expenses over the 3 year period is illustrated in Figure 13B, with the average growth in expenses of 2.3 percent exceeding average growth in revenue, 1.6 percent.

Figure 13B: Average annual increase in rural councils operating revenue and expenses



The 4 year average underlying surplus ratio by individual council is shown in Figure 14. Seventeen councils recorded an average ratio for the 4 year period less than break-even.

Figure 14: Four year average underlying surplus ratio by council



Notable items from the average underlying surplus ratios included:

- King Island Council recorded underlying deficits in all 4 years, with ratios ranging from negative 1.0 percent in 2020-21 to negative 5.9 percent in 2017-18
- Glamorgan Spring Bay and West Coast Councils 4 year average ratio was significantly affected by material underlying result deficits in 2020-21 of \$2.49 million and \$1.20 million, respectively
- Flinders Council ratio is improving with underlying surpluses in both 2019-20 and 2020-21 following 2 years of underlying deficits.

## Revenue

**\$834.45m**

Operating revenue

● **1.5%**

**\$738.35m**

Own-source revenue

● **1.5%**

**\$544.04m**

Total rate revenue

● **1.6%**

**\$96.11m**

Operating grants

● **2.3%**

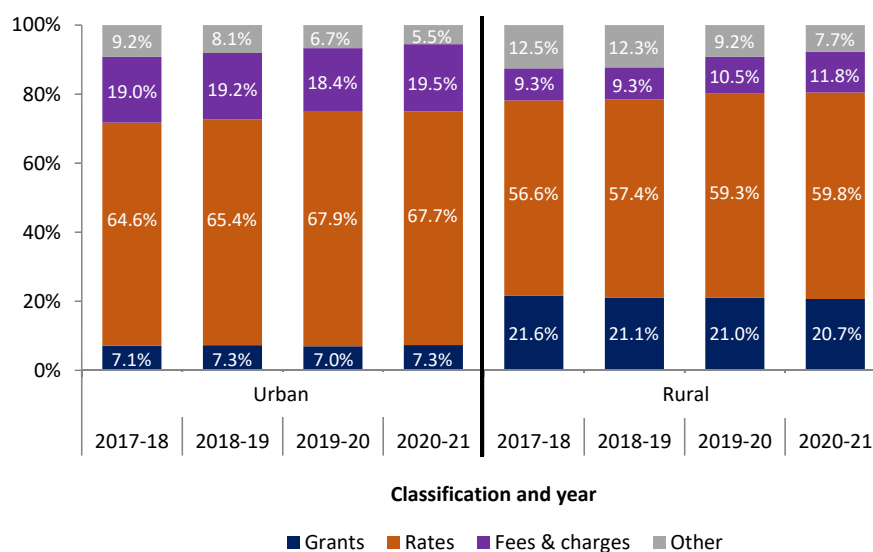
▲ improvement from prior year ▼ deterioration from prior year ● no material change from prior year

Councils recorded operating revenue of \$834.45 million in 2020-21, an increase of \$12.71 million from 2019-20.

Councils' own source revenues represents operating revenue other than recurrent grants. In general terms, urban councils with larger populations had the ability to generate higher levels of own source revenue. Smaller rural councils, with lower population levels, relied more heavily on grant funding.

Urban grant funding in 2020-21 was 7.3 percent of total revenue (2019-20, 7.0 percent) compared with 20.7 percent (2019-20, 21.0 percent) for rural councils. This is further illustrated in Figure 15.

Figure 15: Revenue source



The most significant contributor to own source revenue was rates, which in 2020-21 made up 67.7 percent (2019-20, 67.9 percent) of urban council revenue and 59.8 percent (2019-20, 59.3 percent) of rural council revenue.

Flinders Council and King Island Council had significantly below average total rate revenue at 33.4 percent (2019-20, 32.4 percent) and 35.1 percent (2019-20, 37.4 percent) of total operating revenue, respectively. For Flinders Council, the below average rate revenue was offset by a higher proportion of grant revenue, 42.9 percent (2019-20, 44.0 percent) compared with the rural average of 20.7 percent. For King Island Council, the below average rate revenue was offset by a higher proportion of other revenue, 26.8 percent, compared with the rural average of 5.9 percent. The majority of King Island Council's other revenue related to private works.

Urban councils generated a further 19.5 percent (2019-20, 18.3 percent) of revenue from fees and charges, compared to the 11.8 percent (2019-20, 10.5 percent) generated by rural councils. The increase in the percentages reflects the impact of COVID-19 on councils' own-source revenue in 2019-20.

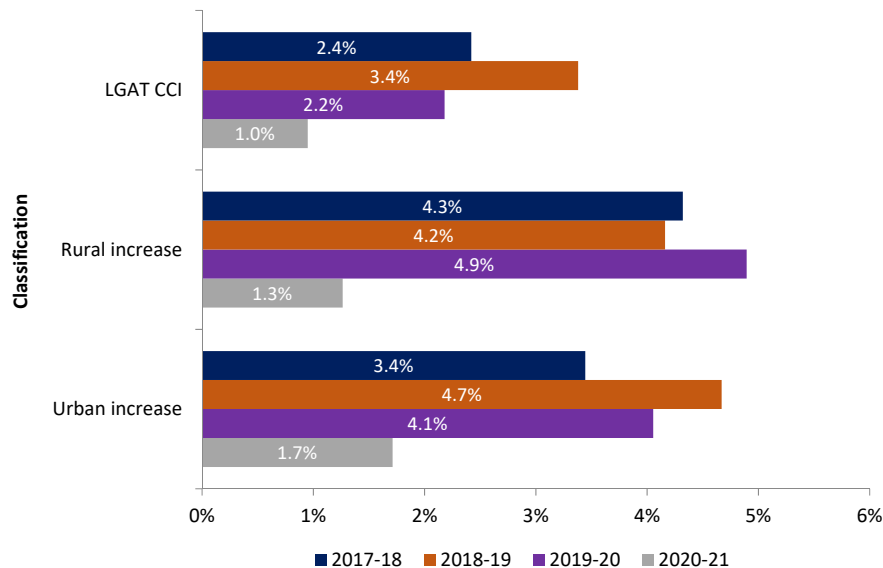
The Local Government Association of Tasmania publishes a Council Cost Index (CCI) for each year, which may be useful to councils in assessing increases associated with service delivery when setting rates. The CCI is a composition of wage price index, road and bridge construction index and consumer price index for Hobart and provided an aggregated picture of service delivery cost movements at the State level.

The 2021 CCI indicated an average rate increase across the State of at least 0.95 percent was likely necessary in 2020-21 to maintain current levels of service and assumed other revenue sources also increased in line with costs. The mix of construction and non-construction activity varied from council to council. Similarly, there were parts of Tasmania where construction costs increased faster than the State average. Such factors were all of relevance at the local level when councils determined the level of rate increase necessary to provide services and meet council's spending profile.

Over the 4 year period from 2017-18 to 2020-21, total rate revenue increased by 13.9 percent for urban councils and 14.6 percent for rural councils. This represented an average annual increase of 3.5 percent and 3.7 percent, respectively. Total rate revenue increases were impacted by changes in annual rate charges set by councils, as well as movements in the number of rateable properties and rateable valuations.

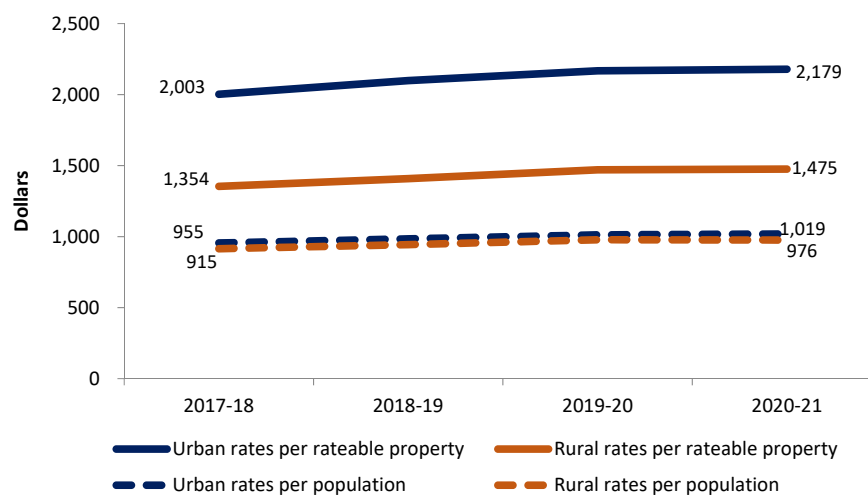
Figure 16 shows the cumulative increase in council total rate revenue compared with the cumulative CCI index. The increase in rates revenue includes general rate increases and movements in the number of rateable properties.

Figure 16: Cumulative total rate revenue increase



Over the last 4 years, average rate revenue per rateable property and per capita show fairly comparable rises for both urban and rural councils, as illustrated in Figure 17. It is noted a number of councils had introduced rate freezes for 2020-21 in response to the impact of COVID-19.

Figure 17: Average rate revenue per rateable property and per capita



## Capital investment

### Capital spend compared to budget

**\$1.19bn**

Total capital spend  
last 4 years

**\$1.45bn**

Total budgeted capital  
spend last 4 years

**\$66.30m**

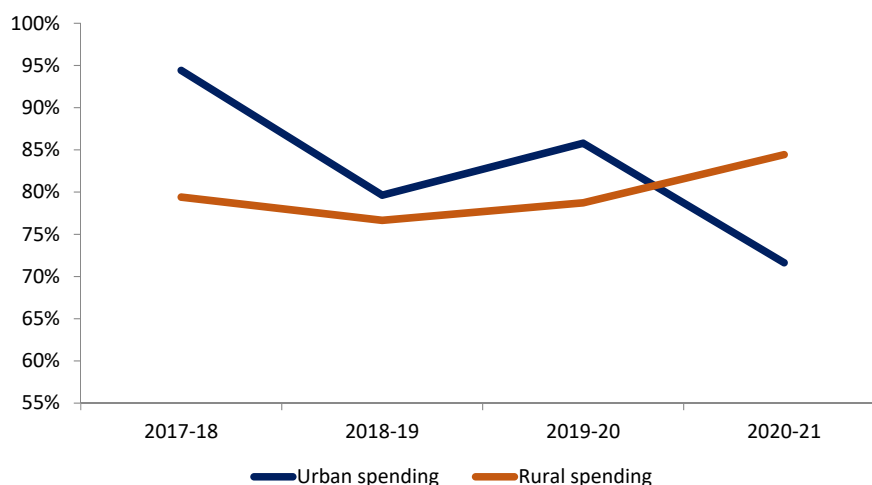
Average spending gap  
last 4 years

Councils spent on average \$66.30 million below original capital budgets over the last 4 years.

As shown in Figure 18, actual capital spend as a percent of capital budget for rural councils has been fairly consistent in the last 4 years, at an average of 78.2 percent. In 2020-21, rural capital payments increased by \$12.27 million, or 10.8 percent from the previous year.

Urban councils' actual spend was, on average, 86.6 percent of budget, offsetting part of the rural spending gap. However, capital payments have decreased from \$212.01 million in 2017-18 to \$159.86 million in 2020-21.

Figure 18: Capital spending as a percent of capital budget



The level of capital spending above/(below) budget as a percentage of budget over the past 4 years for each council is shown in Table 9.



Table 9: Capital spending above/(below) budget as a percentage of budget

Council	Trend	2017-18	2018-19	2019-20	2020-21
<b>Urban councils</b>					
Brighton Council	●	88.8%	79.2%	97.6%	78.9%
Burnie City Council	▼	80.7%	87.4%	82.8%	64.3%
Central Coast Council	▼	77.9%	63.7%	28.2%	52.3%
Clarence City Council	▲	68.4%	37.7%	126.2%	94.8%
Devonport City Council	●	93.8%	78.2%	81.4%	98.1%
Glenorchy City Council	▼	93.0%	80.5%	89.9%	61.2%
Hobart City Council	▼	122.1%	80.3%	71.2%	60.2%
Kingborough Council	▲	86.0%	79.2%	99.7%	111.7%
Launceston City Council	●	124.2%	167.3%	142.9%	67.3%
West Tamar Council	▼	74.5%	79.7%	96.2%	72.4%
<b>Total Urban</b>	▼	<b>94.4%</b>	<b>79.6%</b>	<b>85.8%</b>	<b>71.6%</b>
<b>Rural councils</b>					
Break O'Day Council	▲	62.8%	55.7%	76.3%	110.3%
Central Highlands Council	▲	84.8%	96.2%	82.2%	132.6%
Circular Head Council	▲	70.1%	109.3%	100.0%	104.3%
Derwent Valley Council	●	62.6%	80.2%	68.0%	79.6%
Dorset Council	▼	172.8%	86.2%	76.0%	79.0%
Flinders Council	●	53.9%	106.5%	94.3%	82.5%
George Town Council	▲	172.8%	86.2%	76.0%	79.0%
Glamorgan Spring Bay Council	●	106.2%	125.1%	117.1%	102.6%
Huon Valley Council	●	120.9%	79.4%	158.4%	134.7%
Kentish Council	●	56.3%	59.2%	51.0%	85.2%
King Island Council	▲	76.9%	53.7%	65.9%	110.5%

Council	Trend	2017-18	2018-19	2019-20	2020-21
Latrobe Council	▼	72.6%	90.4%	59.6%	57.2%
Meander Valley Council	●	84.0%	53.5%	89.7%	55.8%
Northern Midlands Council	▼	71.6%	87.1%	62.2%	54.3%
Sorell Council	●	97.0%	98.3%	92.0%	88.6%
Southern Midlands Council	▲	54.4%	61.9%	40.9%	93.7%
Tasman Council	●	122.2%	41.3%	380.8%	87.9%
Waratah-Wynyard Council	▲	66.3%	41.0%	57.4%	84.6%
West Coast Council	▲	70.5%	63.2%	74.8%	98.0%
<b>Total Rural</b>	▲	<b>79.4%</b>	<b>76.8%</b>	<b>78.8%</b>	<b>84.6%</b>
<b>All councils</b>					
<b>Total</b>	▼	<b>89.0%</b>	<b>78.5%</b>	<b>82.9%</b>	<b>76.8%</b>

▲ increase in trend ▼ decrease in trend ● no material change in trend

Councils that averaged less than 80 percent of capital spending below budget as a percentage of budget included Central Coast (55.5%), Derwent Valley (72.6%), Latrobe (70.0%), Meander Valley (70.7%), Northern Midlands (68.8%), Waratah-Wynyard (62.3%), Break O'Day (76.3%), Kentish (62.9%), Southern Midlands (62.7%), King Island (76.8%) and West Coast (76.6%) councils.

Changed priorities and circumstances meant that councils often amended capital budgets during the year, which resulted in less than full correlation between projects planned in initial budgets and final spending. Australian and Tasmanian Government measures to stimulate the economy in response to COVID-19 have led to an increased pipeline of capital projects during 2020-21, which are being managed across national, state and local levels of government. The increased demand in resources needed to plan and execute capital projects, has led to many councils experiencing difficulties in engaging civil construction personnel and contractors to undertake or complete planned capital projects, contributing to a deterioration in the capital expenditure gap for some councils in 2020-21. In addition, receipt of specific purpose funding, announcement of new funding programs and natural disasters, such as fire and flood events, have adversely affected capital spending allocations in some cases and added further pressure on available resources.

Whilst acknowledging the civil construction resource challenges faced by councils, councils should strive to achieve budgeted capital expenditure to ensure asset renewal occurs at the optimal time, thereby reducing the risks of increased maintenance costs, reduced asset condition, safety and functionality and reduced council services to communities. This is

particularly important for those councils with a deteriorating trend in the capital expenditure gap.

#### Capital investment funding source

<b>\$1.19bn</b>	<b>\$287.41m</b>	<b>\$901.69m</b>
Total capital spend last 4 years	Total capital grants last 4 years	Total self-funded last 4 years

Over the last 4 years, 75.8 percent of councils' capital spending was self-funded, with the balance from capital grants. Capital grants represented Tasmanian or Australian Government grants for new and upgraded assets and asset replacements. These included grants under the RTR program, NDRRA funding, as well as funding for improving public spaces, leisure and recreation facilities, bridge and street renewal, road safety, memorials and other purposes.

Figure 19: Capital investment funding source

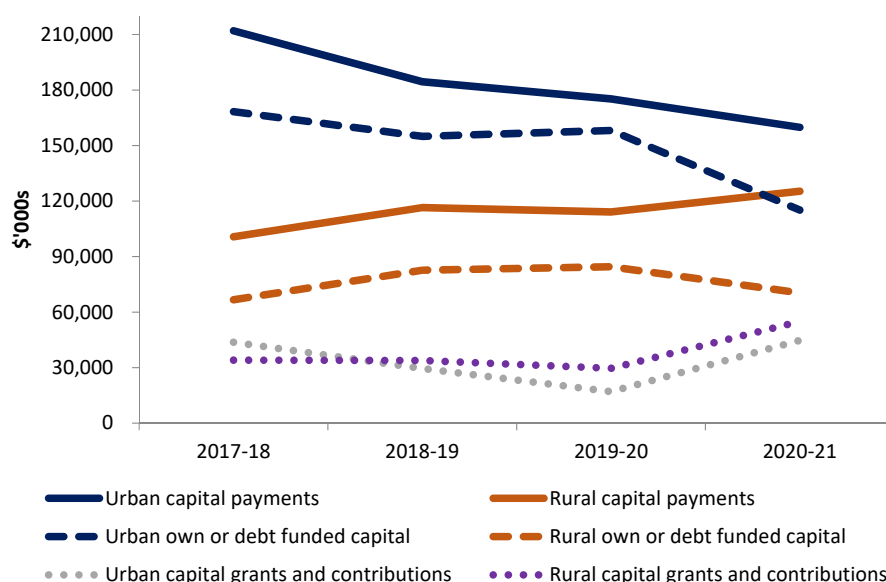


Figure 19 shows capital spending by urban councils was significantly higher than the capital spending by rural councils over the last 4 years, although the disparity is decreasing.

Capital spending by Hobart and Launceston City Councils amounted to \$50.07 million or 31.3 percent of total urban spending in 2020-21 (2019-20, \$78.17 million or 44.6 percent). The peak in urban spending in 2017-18 was mainly due to large capital projects undertaken by Devonport, Hobart and Launceston City Councils including Devonport's Living City project, Hobart's Transforming Hobart capital works program and Launceston's City Heart project.

For rural councils, capital grants and contributions remained relatively consistent over the first 3 year period. In 2020-21, the rural councils received \$7.19 million in LRCI program grants.

It is expected capital grants will vary from year to year depending on applications made by councils and budget priorities of governments. Despite this, a consistently large component of capital grants for local government was funding provided under the RTR program. The current RTR program covers the period 2019-20 to 2023-24 with total funds of \$82.42 million allocated to Tasmania, \$31.24 million urban and \$51.18 million rural. In 2020-21, a total of \$17.27 million (2019-20, \$16.75 million) in RTR funding was received by councils.

On 22 May 2020, the Australian Government announced a new \$500.00 million LRCI program. This program supports local councils to deliver priority local road and community infrastructure projects across Australia, supporting jobs and the resilience of local economies to help communities bounce back from the COVID-19 pandemic. During 2020-21, Tasmanian councils recorded a total of \$13.03 million as revenue under the LRCI program.

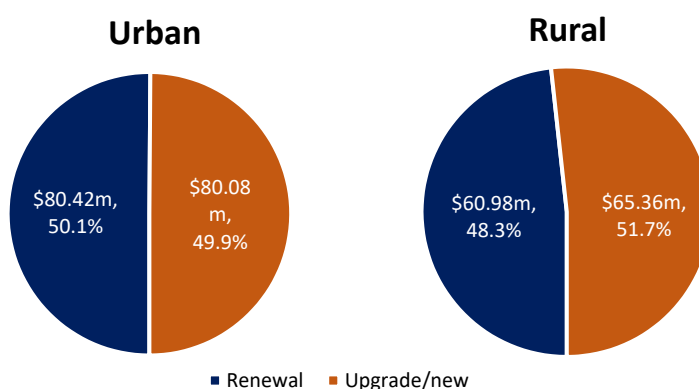
Other notable specific purpose funding for councils in 2020-21 included:

- Funding for Flinders Council airport upgrade, \$3.60 million
- Circular Head Council, community well-being centre, \$3.50 million
- Central Coast Council Dial Regional Sports Complex, \$3.50 million
- Devonport City Council, Urban renewal 'Living Cities' project, \$5.00 million.

### Capital investment allocation

As illustrated in Figure 20, in 2020-21 both urban and rural councils spent approximately the same amount of capital expenditure on renewal of existing assets, and expenditure on new and upgraded assets. This reflects councils' responsibility for maintenance of a large network of infrastructure assets.

Figure 20: Capital investment allocation 2020-21



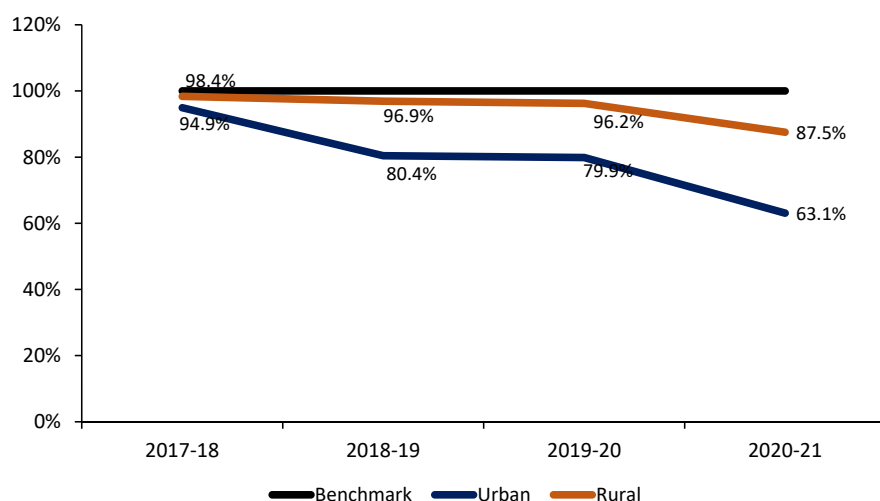
## Asset sustainability ratio

This ratio shows the extent to which councils maintain operating capacity through renewal of their existing asset base. The generally accepted benchmark for this ratio, subject to appropriate levels of maintenance expenditure and the existence of approved long-term asset management plans, is 100.0 percent.

The benchmark is based on a council expending the equivalent of its annual depreciation expense on asset renewals within the year. However, it is acknowledged this will not occur every year or evenly over time.

Figure 21 shows the asset sustainability ratio on an average basis for urban and rural councils over the last 4 years.

Figure 21: Asset sustainability ratio



Urban councils expended, on average, 78.9 percent of their depreciation expense to maintain existing non-current assets, whereas rural councils expended, on average, 94.6 percent over the 4 year period. As noted earlier, rural councils generally spent more on renewal of existing assets than urban councils.

In most cases, councils failed to meet the benchmark, with only 10 councils having an asset sustainability ratio on average equal to or above 100.0 percent over the 4 year period. Three councils averaged above 90.0 percent, with 11 below 80.0 percent, including Burnie City Council with the lowest at 47.5 percent.

## Cash and borrowings

**\$547.96m**

Cash and financial  
assets

**\$392.70m**

Working capital

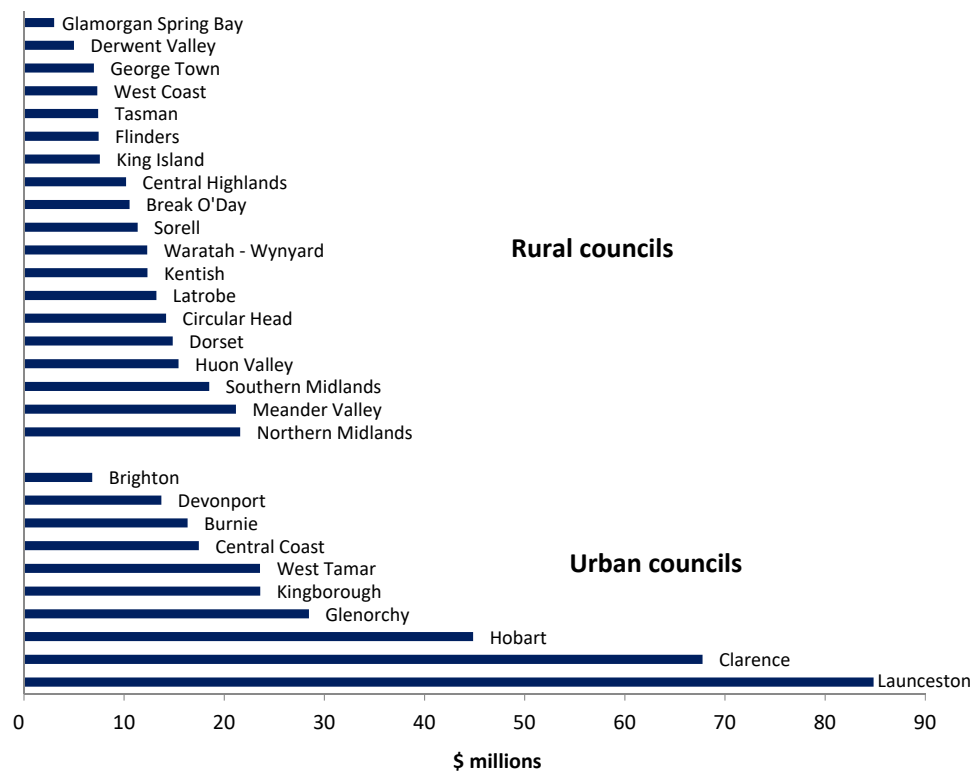
**\$277.77m**

Interest-bearing  
liabilities

At 30 June 2021, councils held cash and financial assets of \$547.96 million, (2019-20, \$436.11 million) and \$277.77 million in interest-bearing liabilities (2019-20, \$215.88 million).

Cash and financial assets held at 30 June 2021 by each council is shown in Figure 22.

Figure 22: Cash and financial assets held at 30 June 2021



The advance payment of \$40.79 million (2019-20, \$40.54 million) of Australian Government Financial Assistance Grants for 2021-22 was included in cash and financial assets at the end of the financial year. Excluding these payments, overall cash and financial assets would have been \$507.16 million (2019-20, \$395.57 million).

Interest bearing liabilities of \$277.77 million at 30 June 2021 increased by \$61.89 million from the prior year, partly due to the drawdown of loans under the Local Government Loans Program provided by the Government, which commenced on 1 April 2020. Loan funding of a maximum of \$200.00 million was available through the program on a first come, first served basis. For eligible projects, the Program provided assistance to councils through the provision of loan interest rebates.

The low level of debt in comparison to cash held resulted in a strong working capital of \$392.70 million (2019-20, \$335.69 million).

The 10 urban councils held \$327.43 million, 59.8 percent, of cash and financial assets at 30 June 2021 and \$205.09 million, 73.8 percent, of total borrowings. The 19 rural councils held \$220.53 million of cash and financial assets at 30 June 2021, with \$72.68 million of borrowings.

### **Cash expense cover ratio**

The cash expense cover ratio is used to assess whether the level of unrestricted cash held by each council was appropriate. In determining the level of cash held, we excluded cash subject to external restrictions, unexpended specific purpose grants and grant funds received in advance to arrive at an unrestricted cash balance.

The cash expense cover ratio compared the unrestricted cash balance against the total payments for operating and financing activities from the cash flow statement, as the cash flow statement is more reflective of the actual movements in cash. The ratio represented the number of months a council can continue operating based on current monthly expenditure. The ratio does not take into account capital expenditure requirements.

The following benchmarks were used to assess the adequacy of cash balances held:

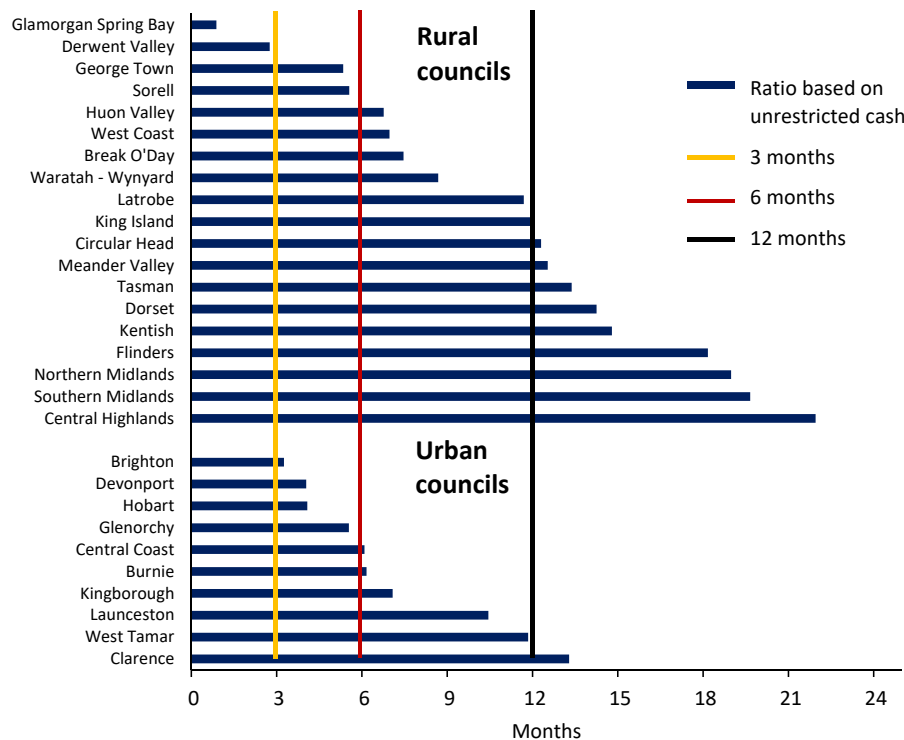
- less than 3 months – level of cash considered less than adequate
- 3 to 6 months – level of cash considered adequate
- 6 to 12 months – level of cash considered more than adequate
- greater than 12 months – level of cash considered much more than adequate.

Figure 23 shows 1 urban and 10 rural councils with a cash expense cover ratio in excess of 12 months, with a further 5 urban council and 5 rural councils in the 6 to 12 month range.

Derwent Valley Council and Glamorgan Spring Bay Council had cash expense cover ratios that were considered to be less than adequate, although Derwent Valley Council was only marginally less than the three month benchmark at 2.8 months, compared to Glamorgan Spring Bay Council of 0.89 months.

This ratio should not be considered in isolation but also take into account other ratios around financial sustainability.

Figure 23: Cash expense cover ratio - unrestricted cash at 30 June 2021



## Other local government entities

Entities included in this section are:

- single, joint or controlling authorities controlled by councils established under the *Local Government Act 1993* (LG Act):
  - Copping Refuse Disposal Site Joint Authority, trading as Southern Waste Solutions, including its wholly owned subsidiary, C-Cell Pty Ltd as trustee of the C Cell Unit Trust
  - Cradle Coast Authority
  - Dulverton Regional Waste Management Authority
  - Launceston Flood Authority
  - Microwise Australia Pty Ltd
  - Southern Tasmanian Councils Authority



- Local Government Association of Tasmania
- Northern Tasmania Development Corporation Ltd
- Tasmanian Communication Unit Trust.

All entities were subject to audit. The reporting framework for these entities was prescribed by enabling legislation or rules. In our analysis of financial performance, we have, where necessary, re-allocated certain revenue or expenditure items to better assist readers to interpret financial performance. For C-Cell Pty Ltd, Local Government Association of Tasmania and the Launceston Flood Authority, we accepted preparation of special purpose financial statements. All other entities prepared general purpose financial statements.

Collectively, other local government entities controlled net assets valued at \$57.55 million at 30 June 2021 (2019-20, \$53.03 million).

They reported a combined underlying surplus of \$6.56 million for 2020-21 (2019-20, \$13.63 million).

### Equity accounting

Both Copping Refuse Disposal Site Joint Authority and Dulverton Regional Waste Management Authority were equity accounted by councils that had an equity interests in these entities. This means that, following initial recognition, the carrying amount of the investment in the entity increased or decreased to recognise each participating council's share of the joint authority's operating result, with a corresponding amount recognised in each council's income statement. Distributions received from the joint authority reduced the carrying amount of the investment.

### Aggregated financial results of other local government entities

Table 10: Aggregated financial results other local government entities

Other Local Government entities	Underlying surplus (deficit) \$'000s	Net surplus (deficit) \$'000s	Total comprehensive surplus (deficit) \$'000s	Net assets \$'000s
<b>Subsidiaries<sup>1</sup></b>				
Microwise Australia Pty Ltd (Brighton Council)	(80)	(80)	(80)	2,657
Launceston Flood Authority (Launceston City Council)	(138)	(138)	(138)	N/A
Tas Communication Unit Trust (Burnie City Council)	130	130	130	2,233
C-Cell Unit Trust (Copping Refuse Disposal Site Joint Authority)	287	287	287	4,712

Other Local Government entities	Underlying surplus (deficit) \$'000s	Net surplus (deficit) \$'000s	Total comprehensive surplus (deficit) \$'000s	Net assets \$'000s
<b>Equity accounted<sup>2</sup></b>				
Copping Refuse Disposal Site Joint Authority	1,671	1,299	1,299	17,435
Dulverton Regional Waste Management Authority	3,284	2,430	2,519	20,715
<b>Other Local Government entities<sup>3</sup></b>				
Local Government Association of Tasmania <sup>4</sup>	(100)	(100)	(38)	4,394
Cradle Coast Authority	1,090	1,090	1,090	4,767
Northern Tasmanian Regional Development Corporation Ltd	78	78	78	302
Southern Tasmanian Councils Authority	27	27	27	338
<b>Total</b>	<b>6,560</b>	<b>5,334</b>	<b>5,485</b>	<b>57,553</b>

**Notes**

Note 1: Financial results and information for these subsidiaries have been included within the consolidated financial results of their parent entity.

Note 2: Financial results and information for these equity investments have been included within the consolidated financial results of various councils.

Note 3: Financial results and information for these other local government entities are not included in the consolidated results of councils.

Note 4: Local Government Association of Tasmania includes the consolidated general account and assist account.

## Disposal of firearms and ammunition

### Background

The Department of Police, Fire and Emergency Management (DPFEM) is charged with the responsibility for the disposal of firearms and ammunition surrendered or seized under the *Firearms Act 1996* (Firearms Act).

Under section 149(5) of the Firearms Act, the Auditor-General is to, once every year, arrange for an independent audit of all firearms and ammunition disposed of under the Act and to report on the audit to Parliament. The commentary below relates to the audits undertaken for the years ended 30 June 2020 and 30 June 2021.

### Audit requirement under section 149(5)

The scope of the Firearms Act limits our audit requirement to firearms or ammunition disposed of by the Crown, pursuant to the authority of the Firearms Act, in the following circumstances:

- by order of a magistrate under section 149(2)
- as determined by the Commissioner of Police under section 149(3A) associated with firearms or ammunition forfeited to the Crown after a conviction for inappropriate storage
- as determined by the Minister under section 104(4) associated with firearms or ammunition forfeited to the Crown after a conviction for inappropriate conveyance.

The Firearms Act does not define what 'disposed of' means, but the interpretation of 'disposed of' is not limited to the destruction of firearms or ammunition and can include disposal by other means, for example, a sale. For a disposal to occur, firearms or ammunition must leave the Crown's possession. Transfers of firearms or ammunition within the Crown do not constitute a disposal.

### DPFEM recording and disposal practices

DPFEM utilises the Firearms and Weapons Data (FAWD) system to record the details of all seized and surrendered firearms and ammunition. DPFEM stores held firearms and ammunition securely until there is a sufficient quantity to warrant physical destruction.

The following recommendations brought forward from previous audits were satisfactorily addressed during 2020-21:

- strengthen controls over the recording and disposal of ammunition
- review the appropriateness of transfers of ammunition to other Crown entities
- implement annual audits of property books in accordance with the Tasmanian Police Manual.

One recommendation relating to the recording of information in the FAWD system to document whether disposals occurred under sections 149(2)(c), 149(3A) or 104(4) of the Firearms Act remains unresolved.

### **Inability to form an opinion on disposals**

Despite attempts by DPFEM over the last 12 months to improve information captured in the FAWD system, the inability of the FAWD system to document whether disposals occurred under sections 149(2)(c), 149(3A) or 104(4) of the Firearms Act prevents us from being able to conduct an audit in accordance with section 149(5) of the Firearms Act. Consequently, the independent auditor's report for the years ended 30 June 2020 and 30 June 2021 contain a disclaimer of opinion in respect of DPFEM's compliance with the requirements of the Firearms Act with respect to disposals made:

- by order of a Magistrate (section 149(2)(c))
- upon determination of the Commissioner of Police (section 149(3A))
- upon determination of the Minister (section 104(4)).

### **Legislative reform**

Given the inability of the FAWD system to document whether disposals occurred under sections 149(2)(c), 149(3A) or 104(4) of the Firearms Act, we consider a broader audit examining all disposals under the Firearms Act would be more effective than the existing audit requirement to focus solely on disposals under these sections. We have raised this with the Minister administering the Firearms Act, to determine whether legislative changes are necessary to deal with the current inability to conduct an audit in accordance with section 149(5) of the Firearms Act.

## Acronyms and abbreviations

Audit Act	<i>Audit Act 2008</i>
COVID-19	Novel Coronavirus disease pandemic
CCI	Council Cost Index
DPFEM	Department of Police, Fire and Emergency Management
FAWD	Firearms and Weapons Data
Firearms Act	<i>Firearms Act 1996</i>
GGS	General Government Sector
LRCI program	Local Roads and Community Infrastructure program
LG Act	<i>Local Government Act 1993</i>
MCH Fund	Mersey Community Hospital Fund
NDRRA	Natural Disaster Relief and Recovery Arrangements
RTR	Roads to Recovery
TAFR	Treasurer's Annual Financial Report
TASCORP	Tasmanian Public Finance Corporation
TasWater	Tasmanian Water and Sewerage Corporation Pty Ltd
The Trust	National Trust of Australia (Tasmania)
UTAS	University of Tasmania

## Appendix A - Timeliness of reporting

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
<b>December 2020 audits</b>			
University of Tasmania	15-Feb-21	12-Feb-21	19-Feb-21
AMC Search Ltd	15-Feb-21	12-Feb-21	23-Feb-21
Tasmania University Union	11-Feb-21	20-Feb-21	19-Feb-21
Solicitors' Trust	15-Feb-21	17-Mar-21	18-Mar-21
Theatre Royal Management Board	12-Feb-21	12-Feb-21	15-Feb-21
<b>30 June 2021 audits</b>			
<b>Executive and Legislature</b>			
House of Assembly	13-Aug-21	13-Aug-21	14-Oct-21*
Legislative Council	12-Aug-21	19-Oct-21	20-Oct-21*
Legislature-General	13-Aug-21	16-Nov-21	18-Nov-21*
Office of the Governor	13-Aug-21	13-Aug-21	28-Oct-21*
<b>Ministerial Departments</b>			
Communities Tasmania	13-Aug-21	24-Sep-21	27-Sep-21
Education	13-Aug-21	25-Sep-21	27-Sep-21
Health	12-Aug-21	3-Sep-21	10-Sep-21
Justice	13-Aug-21	10-Sep-21	16-Sep-21
Premier and Cabinet	13-Aug-21	12-Sep-21	27-Sep-21
Police, Fire and Emergency Management	13-Aug-21	29-Sep-21	4-Oct-21*
Primary Industries, Parks, Water and Environment	13-Aug-21	13-Aug-21	16-Sep-21
State Growth	14-Aug-21	14-Aug-21	29-Sep-21*
Treasury	12-Aug-21	27-Sep-21	27-Sep-21

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Treasury - Public Account	29-Sep-21	27-Oct-21	27-Oct-21
Treasury – TAFR	29-Sep-21	27-Oct-21	27-Oct-21
<b>Ministerial Departmental Controlled Entities</b>			
ABT Railway Ministerial Corporation	13-Aug-21	22-Oct-21	25-Oct-21*
Ambulance Tasmania	12-Aug-21	3-Sep-21	10-Sep-21
Housing Tasmania	13-Aug-21	24-Sep-21	27-Sep-21
Office of Tasmanian Assessment, Standards and Certification	13-Aug-21	13-Aug-21	22-Sep-21
Tasmania Development and Resources	13-Aug-21	13-Aug-21	27-Sep-21
Tasmanian Affordable Housing Limited	8-Oct-21 <sup>^</sup>	8-Oct-21	22-Nov-21
Teachers Registration Board of Tasmania	13-Aug-21	13-Aug-21	24-Nov-21*
Tasmanian Health Service	12-Aug-21	3-Sep-21	10-Sep-21
Tasmanian Museum and Art Gallery	13-Aug-21	30-Sept-21	18-Oct-21*
<b>Other General Government Sector Entities</b>			
Asbestos Compensation Fund	13-Aug-21	3-Sep-21	6-Sep-21
Brand Tasmania	13-Aug-21	24-Sep-21	27-Sep-21
Council of Law Reporting	21-Jul-21	21-Jul-21	23-Aug-21
Inland Fisheries Service	28-Jul-21	28-Jul-21	5-Oct-21*
Integrity Commission	12-Aug-21	12-Aug-21	27-Sep-21
Marine and Safety Authority	13-Aug-21	13-Aug-21	20-Aug-21
Office of the Director of Public Prosecutions	13-Aug-21	29-Sep-21	30-Sep-21*
Office of the Ombudsman and Health Complaints Commissioner	13-Aug-21	28-Sept-21	28-Sep-21*
Royal Tasmanian Botanical Gardens	13-Aug-21	24-Sep-21	24-Sep-21
State Fire Commission	13-Aug-21	13-Aug-21	5-Oct-21*

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Tasmanian Economic Regulator	12-Aug-21	18-Oct-21	19-Oct-21*
Tasmanian State Health Funding Pool	28-Jul-21	8-Sep-21	9-Sep-21
TasTAFE	12-Aug-21	12-Aug-21	13-Aug-21
Tourism Tasmania	11-Aug-21	15-Sep-21	16-Sep-21
WorkCover Tasmania Board	13-Aug-21	06-Sep-21	9-Sep-21
<b>Government Businesses</b>			
Aurora Energy Pty Ltd	12-Aug-21	12-Aug-21	13-Aug-21
Bass Island Line Pty Ltd	10-Aug-21	10-Aug-21	13-Aug-21
FortyTwo24 Pty Ltd	9-Aug-21	4-Aug-21	17-Aug-21
Hydro-Electric Corporation	13-Aug-21	13-Aug-21	13-Aug-21
Large Scale Renewables Pty Ltd	9-Aug-21	4-Aug-21	17-Sep-21
Motor Accidents Insurance Board	12-Aug-21	12-Aug-21	13-Aug-21
Marinus Link Pty Ltd	9-Aug-21	4-Aug-21	17-Aug-21
Metro Tasmania Pty Ltd	5-Aug-21	5-Aug-21	5-Aug-21
Momentum Energy Pty Ltd	13-Aug-21	13-Aug-21	13-Aug-21
Macquarie Point Development Corporation	13-Aug-21	18-Aug-21	16-Sep-21
Newood Holdings Pty Ltd	6-Aug-21	6-Aug-21	11-Aug-21
Port Arthur Historic Site Management Authority	13-Aug-21	13-Aug-21	28-Sep-21*
Private Forests Tasmania	13-Aug-21	5-Oct-21	5-Oct-21*
Public Trustee	13-Aug-21	24-Sep-21	27-Sep-21
Sustainable Timber Tasmania	6-Aug-21	6-Aug-21	11-Aug-21
Tasmanian Public Finance Corporation	13-Aug-21	13-Aug-21	16-Aug-21
Tasmanian Networks Holdings Pty Ltd	9-Aug-21	4-Aug-21	17-Sep-21



	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Tasmanian Networks Pty Ltd	12-Aug-21	11-Aug-21	16-Aug-21
Tasmanian Ports Corporation Pty Ltd	10-Aug-21	10-Aug-21	13-Aug-21
Tasracing Pty Ltd	13-Aug-21	13-Aug-21	13-Aug-21
Tasmanian Railway Pty Ltd	11-Aug-21	11-Aug-21	11-Aug-21
Tasmanian Water and Sewerage Corporation Pty Ltd	12-Aug-21	12-Aug-21	19-Aug-21
Tasmanian Irrigation Pty Ltd	10-Aug-21	10-Aug-21	10-Aug-21
TT-Line Company Pty Ltd	11-Aug-21	11-Aug-21	13-Aug-21
<b>Local Government Authorities</b>			
<b>Urban Councils</b>			
Brighton Council	13-Aug-21	13-Aug-21	2-Dec-21*
Burnie City Council	13-Aug-21	24-Sep-21	27-Sep-21
Central Coast Council	14-Aug-21	11-Oct-21	9-Nov-21*
Clarence City Council	13-Aug-21	27-Sep-21	27-Sep-21
Devonport City Council	13-Aug-21	14-Sep-21	14-Sep-21
Glenorchy City Council	12-Aug-21	8-Oct-21	14-Oct-21*
Hobart City Council	12-Aug-21	5-Aug-21	25-Oct-21*
Kingborough Council	13-Aug-21	9-Nov-21	9-Nov-21*
Launceston City Council	13-Aug-21	8-Oct-21	11-Oct-21*
West Tamar Council	13-Aug-21	13-Aug-21	16-Sep-21
<b>Rural Councils</b>			
Break O'Day Council	14-Aug-21	2-Nov-21	3-Nov-21*
Central Highlands Council	12-Aug-21	12-Aug-21	26-Oct-21*
Circular Head Council	13-Aug-21	30-Nov-21	3-Dec-21*

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Derwent Valley Council	14-Aug-21	17-Nov-21	19-Nov-21*
Dorset Council	13-Aug-21	26-Oct-21	3-Nov-21*
Flinders Council	14-Aug-21	14-Aug-21	27-Sep-21
George Town Council	13-Aug-21	13-Aug-21	2-Sep-21
Glamorgan-Spring Bay Council	14-Aug-21	14-Aug-21	18-Oct-21*
Huon Valley Council	13-Aug-21	5-Nov-21	5-Nov-21*
Kentish Council	14-Aug-21	7-Oct-21	11-Oct-21*
King Island Council	13-Aug-21	9-Dec-21	17-Dec-21*
Latrobe Council	14-Aug-21	7-Oct-21	11-Oct-21*
Meander Valley Council	13-Aug-21	24-Sept-21	24-Sep-21
Northern Midlands Council	30-Sep-21^	9-Nov-21	10-Nov-21
Sorell Council	13-Aug-21	27-Sep-21	27-Sep-21
Southern Midlands Council	13-Aug-21	13-Aug-21	30-Sep-21*
Tasman Council	28-Oct-21^	20-Oct-21	28-Oct-21
Waratah-Wynyard Council	13-Aug-21	30-Sep-21	13-Oct-21*
West Coast Council	13-Aug-21	9-Nov-21	9-Nov-21*
<b>Local Government Controlled Entities</b>			
C-Cell Unit Trust	29-Jul-21	22-Sep-21	23-Sep-21*
Cradle Coast Authority	13-Aug-21	23-Sep-21	24-Sep-21
Dulverton Waste Management	13-Aug-21	9-Sep-21	14-Sep-21
Launceston Flood Authority	13-Aug-21	13-Aug-21	27-Sep-21
Local Government Association of Tasmania	13-Aug-21	21-Sep-21	22-Sep-21
Microwise Australia Pty Ltd	13-Aug-21	13-Aug-21	13-Dec-21*

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Northern Tasmania Development Corporation Ltd	13-Aug-21	20-Oct-21	22-Oct-21*
Southern Tasmanian Councils Authority	12-Aug-21	22-Oct-21	4-Nov-21*
Southern Waste Solutions	9-Aug-21	22-Sep-21	23-Sep-21
Tas Communications Unit Trust	13-Aug-21	17-Sep-21	20-Sep-21
<b>Other State Entities</b>			
Aboriginal Land Council of Tasmania	21-Oct-21^	22-Dec-21	17-Jan-22*
Forest Practices Authority	13-Aug-21	13-Aug-21	17-Nov-21*
Legal Aid	20-Aug-21^	11-Oct-21	12-Oct-21*
Legal Profession Board	13-Aug-21	13-Aug-21	27-Sep-21
National Trust	22-Sep-21^	22-Oct-21	6-Dec-21
palawa Enterprises Unit Trust	21-Oct-21^	23-Dec-21	17-Jan-22*
Property Agents Board	12-Aug-21	28-Oct-21	28-Oct-21*
Property Agents Trust	12-Aug-21	28-Oct-21	28-Oct-21*
Retirement Benefits Fund	13-Aug-21	24-Sep-21	27-Sep-21
Tasmanian Beef Industry (Research and Development) Trust	13-Aug-21	11-Oct-21	28-Oct-21*
Tasmanian Building and Construction Industry Training Board	13-Aug-21	01-Nov-21	1-Nov-21*
Tasmanian Community Fund	13-Aug-21	19-Sep-21	27-Sep-21
Tasmanian Dairy Industry Authority	13-Aug-21	12-Nov-21	12-Nov-21*
Tasmanian Heritage Council	13-Aug-21	14-Oct-21	18-Oct-21*
The Nominal Insurer	4-Oct-21^	18-Nov-21	18-Nov-21
Wellington Park Management Trust	13-Aug-21	13-Aug-21	22-Oct-21*

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
<b>Audits dispensed with</b>			
AETV Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Bell Bay Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Bell Bay Three Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Board of Architects	9-Mar-21 <sup>^</sup>	N/A	N/A
C-Cell Pty Ltd (Southern Waste Solutions)	9-Aug-21	N/A	N/A
Dulverton Waste Solutions Pty Ltd (Dulverton Regional Waste Management Authority)	13-Aug-21	N/A	N/A
Flinders Island Ports Corporation Pty Ltd (TasPorts)	28-Jul-21	N/A	N/A
Geeveston Town Hall Company Ltd (Huon Valley Council)	18-Aug-21 <sup>^</sup>	N/A	N/A
Heemskirk Holdings Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Heemskirk Wind Farm Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Heritage Building Solutions Pty Ltd (Southern Midlands Council)	13-Aug-21	N/A	N/A
Heritage Education & Skills Centre Pty Ltd (Southern Midlands Council)	13-Aug-21	N/A	N/A
HT Wind Developments Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Hydro Tasmania Retail Pty Ltd (formerly HT Wind New Zealand Pty Ltd) (Hydro Tasmania)	13-Aug-21	N/A	N/A
HT Wind Operations Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Hydro Tasmania Consulting (Holding) Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Kingborough Waste Services Pty Ltd (Kingborough Council)	13-Aug-21	N/A	N/A
King Island Ports Corporation Pty Ltd (TasPorts)	28-Jul-21	N/A	N/A
Lofty Ranges Power Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Maidstone Park Management Controlling Authority (Devonport City Council)	13-Aug-21	N/A	N/A
Metro Coaches (Tas) Pty Ltd (Metro)	5-Aug-21	N/A	N/A
Newood Energy Pty Ltd (Newood Holdings Pty Ltd)	20-Sep-21 <sup>^</sup>	N/A	N/A
Newood Huon Pty Ltd (Newood Holdings Pty Ltd)	20-Sep-21 <sup>^</sup>	N/A	N/A
Newood Smithton Pty Ltd (Newood Holdings Pty Ltd)	20-Sep-21 <sup>^</sup>	N/A	N/A
palawa Enterprises Pty Ltd (Aboriginal Land Council of Tasmania)	21-Oct-21 <sup>^</sup>	N/A	N/A
RE Storage Project Holdings Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Sense-Co Tasmania Pty Ltd (University of Tasmania)	29-Jan-21	N/A	N/A
Tas Communications Pty Ltd (Burnie City Council)	13-Aug-21	N/A	N/A
Tasmanian Pharmacy Authority	19-Aug-21 <sup>^</sup>	N/A	N/A
Tasmanian Timber Promotion Board	10-Aug-21	N/A	N/A
UTAS Holdings Pty Ltd (the University)	28-Jan-21	N/A	N/A
UTAS Properties Pty Ltd (the University)	29-Jan-21	N/A	N/A
Veterinary Board of Tasmania	14-Aug-21	N/A	N/A

	Financial statements received <sup>1</sup>	Financial statements certified	Audit opinion signed
Woolnorth Bluff Point Holdings Pty Ltd (Hydro Tasmania)	13-Aug-21	N/A	N/A
Woolnorth Studland Bay Holdings Pty Ltd (Hydro Tasmania).	13-Aug-21	N/A	N/A

Notes:

1. Date financial statements complete in all material respects received by the Auditor-General.

Legend:

N/A Not applicable

<sup>^</sup> Financial statements not submitted within legislated timeframe.

\* Audit not completed within legislated timeframe.

## Appendix B - Audit findings

	Current Year issues				Prior Year unresolved issues			
	H	M	L	Total	H	M	L	Total
<b>General Government Sector</b>								
<b>Executive and Legislature</b>								
House of Assembly	-	-	3	3	-	-	-	-
Legislative Council	-	-	2	2	-	-	-	-
Legislature-General	2	4	5	11	-	-	1	1
Office of the Governor	-	2	1	3	-	-	-	-
<b>Sub-total</b>	<b>2</b>	<b>6</b>	<b>11</b>	<b>19</b>	<b>-</b>	<b>-</b>	<b>1</b>	<b>1</b>
<b>Ministerial Departments</b>								
Communities Tasmania <sup>7</sup>	-	2	2	4	-	-	-	-
Education	-	1	4	5	-	1	3	4
Health <sup>8</sup>	-	3	3	6	-	2	1	3
Justice	1	-	2	3	-	4	8	12
Police, Fire and Emergency Management	-	1	2	3	-	3	-	3
Premier and Cabinet	-	-	2	2	-	-	-	-
Primary Industries, Parks, Water and Environment	-	2	2	4	-	-	3	3
State Growth	-	-	-	-	-	3	1	4
Treasury and Finance	-	1	7	8	-	-	2	2
<b>Sub-total</b>	<b>1</b>	<b>10</b>	<b>24</b>	<b>35</b>	<b>-</b>	<b>13</b>	<b>18</b>	<b>31</b>
<b>Other Consolidated Entities</b>								
Abt Railway Ministerial Corporation	-	1	2	3	-	1	-	1

<sup>7</sup> Includes Housing Tasmania, Tasmanian Affordable Housing Ltd

<sup>8</sup> Includes Tasmanian State Health Funding Pool, Ambulance Tasmania and Tasmanian Health Service

	Current Year issues				Prior Year unresolved issues			
	H	M	L	Total	H	M	L	Total
Tasmania Development and Resources	-	-	-	-	-	1	-	1
Tasmanian Museum and Art Gallery	-	-	-	-	-	1	-	1
<b>Sub-total</b>	-	1	2	3	-	3	-	3
<b>Other General Government Sector Entities</b>								
Asbestos Compensation Fund	-	2	1	3	-	-	-	-
Inland Fisheries Service	-	1	-	1	-	-	-	-
Integrity Commission	-	-	2	2	-	-	-	-
Marine and Safety Tasmania	-	2	-	2	-	-	-	-
Office of the Ombudsman and Health Complaints Commissioner	-	-	2	2	-	-	-	-
Royal Botanical Gardens	-	-	1	1	-	-	-	-
State Fire Commission	-	3	1	4	-	2	1	3
Tasmanian Economic Regulator			1	1	-	-	-	-
TasTAFE	-	1	2	3	-	-	-	-
WorkCover Tasmania Board	-	-	1	1	-	-	-	-
<b>Sub-total</b>	-	9	11	20	-	2	1	3
<b>Other State Entities</b>								
Aboriginal Land Council of Tasmania	3	5	1	9	-	-	-	-
Forest Practices Authority	-	-	1	1	-	-	-	-
Legal Profession Board	-	2	-	2	-	-	-	-



	Current Year issues				Prior Year unresolved issues			
	H	M	L	Total	H	M	L	Total
Local Government Association of Tasmania	-	-	2	2	-	-	-	-
National Trust of Australia (Tasmania)	1	2	2	5	1	-	-	1
palawa Enterprise Pty Ltd	4	3	1	8	-	-	-	-
Property Agents Board	-	-	1	1	-	-	-	-
Tasmanian Building and Construction Industry Training Board	-	2	6	8	-	-	-	-
The Nominal Insurer	-	-	1	1	-	-	-	-
University of Tasmania (December 2020 Audit) <sup>9</sup>	-	4	2	6	-	-	2	2
<b>Sub-total</b>	<b>8</b>	<b>18</b>	<b>17</b>	<b>43</b>	<b>1</b>	<b>-</b>	<b>2</b>	<b>3</b>
<b>Public Financial and Non-Financial Corporations</b>								
Aurora Energy Pty Ltd	-	-	3	3	-	-	-	-
Hydro-Electric Corporation	-	4	4	8	-	-	-	-
Macquarie Point Development Corporation	-	3	-	3	-	-	-	-
Metro Tasmania Pty Ltd	1	4	-	5	-	-	-	-
Motor Accidents Insurance Board	-	1	-	1	-	-	-	-
Port Arthur Historic Site Management Authority	-	-	-	-	-	-	1	1
Sustainable Timber Tasmania	-	-	2	2	-	-	-	-
Tasmanian Irrigation Pty Ltd	-	4	-	4	-	-	-	-

<sup>9</sup> Includes AMC Search Ltd, Tasmanian University Union and UTAS Holdings Pty Ltd

	Current Year issues				Prior Year unresolved issues			
	H	M	L	Total	H	M	L	Total
Tasmanian Networks Pty Ltd <sup>10</sup>	-	-	5	5	-	-	1	1
Tasracing Pty Ltd	-	-	2	2	1	1	2	4
Tasmanian Railway Pty Ltd	-	2	-	2	-	-	-	-
Tasmanian Water and Sewerage Corporation Pty Ltd	-	-	2	2	-	-	-	-
Public Trustee	-	2	-	2	-	-	-	-
TT-Line Company Pty Ltd	-	-	2	2	-	-	-	-
<b>Sub-total</b>	<b>1</b>	<b>20</b>	<b>20</b>	<b>41</b>	<b>1</b>	<b>1</b>	<b>4</b>	<b>6</b>
<b>Local Government Sector</b>								
<b>Urban Councils</b>								
Brighton Council	1	1	1	3	-	-	1	1
Burnie City Council	-	-	3	3	-	1	1	2
Clarence City Council	-	1	4	5	2	1	-	3
Devonport City Council	-	1	3	4	-	1	-	1
Glenorchy City Council	-	3	2	5	-	-	1	1
Hobart City Council	-	11	1	12	1	2	-	3
Kingborough Council	-	3	-	3	-	-	1	1
Launceston City Council	-	2	5	7	-	1	2	3
<b>Sub-total</b>	<b>1</b>	<b>22</b>	<b>19</b>	<b>42</b>	<b>3</b>	<b>6</b>	<b>6</b>	<b>15</b>
<b>Rural Councils</b>								
Break O'Day Council	-	1	1	2	-	-	2	2
Central Highlands Council	-	1	8	9	-	1	1	2
Circular Head Council	-	7	3	10	-	2	-	2
Derwent Valley Council	-	4	3	7	-	5	3	8

<sup>10</sup> Includes subsidiary entities

	Current Year issues				Prior Year unresolved issues			
	H	M	L	Total	H	M	L	Total
Dorset Council	-	1	8	9	-	-	-	-
Flinders Council	-	-	1	1	-	2	-	2
George Town Council	-	-	2	2	-	-	-	-
Glamorgan Spring Bay Council	-	-	-	-	-	1	-	1
Huon Valley Council	-	1	3	4	1	-	-	1
Kentish Council	-	-	-	-	-	4	1	5
King Island Council	2	-	-	2	-	1	2	3
Latrobe Council	-	-	-	-	-	5	-	5
Meander Valley Council	-	1	2	3	-	-	-	-
Northern Midlands Council	-	-	-	-	-	-	2	2
Sorell Council	-	-	2	2	-	2	2	4
Southern Midlands Council	-	-	-	-	-	-	2	2
Tasman Council	-	1	1	2	1	2	3	6
Waratah-Wynyard Council	-	6	2	8	-	-	-	-
West Coast Council	-	1	3	4	-	-	-	-
West Tamar Council	-	-	2	2	-	-	-	-
<b>Sub-total</b>	<b>2</b>	<b>24</b>	<b>41</b>	<b>67</b>	<b>2</b>	<b>25</b>	<b>18</b>	<b>45</b>
<b>Local Government Business Units</b>								
Dulverton Regional Waste Management Authority	-	1	1	2	-	-	-	-
<b>Sub-total</b>	<b>-</b>	<b>1</b>	<b>1</b>	<b>2</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>
<b>Grand Total</b>	<b>15</b>	<b>111</b>	<b>146</b>	<b>272</b>	<b>7</b>	<b>50</b>	<b>50</b>	<b>107</b>

Legend:

H High  
M Moderate  
L Low

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## Audit Mandate and Standards Applied

### Mandate

Section 17(1) of the *Audit Act 2008* states that:

‘An accountable authority other than the Auditor-General, as soon as possible and within 45 days after the end of each financial year, is to prepare and forward to the Auditor-General a copy of the financial statements for that financial year which are complete in all material respects.’

Under the provisions of section 18, the Auditor-General:

- ‘(1) is to audit the financial statements and any other information submitted by a State entity or an audited subsidiary of a State entity under section 17(1).’

Under the provisions of section 19, the Auditor-General:

- ‘(1) is to prepare and sign an opinion on an audit carried out under section 18(1) in accordance with requirements determined by the Australian Auditing and Assurance Standards
- (2) is to provide the opinion prepared and signed under subsection (1), and any formal communication of audit findings that is required to be prepared in accordance with the Australian Auditing and Assurance Standards, to the State entity’s appropriate Minister and provide a copy to the relevant accountable authority.’

### Standards Applied

Section 31 specifies that:

‘The Auditor-General is to perform the audits required by this or any other Act in such a manner as the Auditor-General thinks fit having regard to -

- (a) the character and effectiveness of the internal control and internal audit of the relevant State entity or audited subsidiary of a State entity; and
- (b) the Australian Auditing and Assurance Standards.’

The auditing standards referred to are Australian Auditing Standards as issued by the Australian Auditing and Assurance Standards Board.



Front cover image: Gordon River Dam  
*Photography: Tourism Tasmania Visual Library*

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**CORPORATE AND COMMERCIAL SERVICES****AO117-22 FINANCIAL MANAGEMENT STRATEGY 2022-2032****FILE NO: 13/16/4****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4~A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1~Ensure a long term strategic focus drives financial policy and decisions.

**1.0 RECOMMENDATION:**

***“THAT Council approve the Financial Management Strategy 2022-2032, as presented.”***

**2.0 SUMMARY**

The purpose of this report is to seek Council’s approval of the long term Financial Management Strategy 2022-2032.

**3.0 BACKGROUND**

At the March 2022 meeting (AO046-22), the Council endorsed in-principle the draft Financial Management Strategy 2022-2032 (FMS). This document subsequently has underpinned the methodology that has been used in developing the draft Annual Plan and Budget Estimates (APBE) for the 2022-23 financial year.

The draft APBE has since undergone a 21 day public exhibition period, with feedback closing on 27 May 2022.

There were nine formal submissions presented. The feedback included a number of operational matters that the Council should consider within the context of operating budget and capital works program. The Council’s Executive Management Team will consider these items and bring them back with recommendations as part of a separate report early in the financial year.

There were however no substantive issues raised by the community related to the draft APBE presented either at the consultation sessions conducted nor through the written submissions received. This includes no significant issues raised with regard to the rating strategy that the Council proposes.

The Audit Panel at their meeting of 8 June 2022, endorsed the draft Financial Management Strategy 2022-23 as attached.

Therefore the draft FMS endorsed in-principle by the Council in March 2022, remains unchanged and is recommended for adoption.

#### **4.0 LEGISLATIVE REQUIREMENTS**

The *Local Government Act 1993* governs the requirements for financial management strategies, in particular:

**70. Long-term financial management plans**

- (1) *A council is to prepare a long-term financial management plan for the municipal area.*
- (2) *A long-term financial management plan is to be in respect of at least a 10 year period.*
- (3) *A long-term financial management plan for a municipal area is to –*
  - a) *be consistent with the strategic plan for the municipal area; and*
  - b) *refer to the long-term strategic asset management plan for the municipal area; and*
  - c) *contain at least the matters that are specified in an order made under section 70F as required to be included in a financial management strategy.*

**70A. Financial management strategies**

- (1) *A council is to prepare a financial management strategy for the municipal area.*
- (2) *A financial management strategy for a municipal area is to –*
  - a) *be consistent with the strategic plan for the municipal area; and*
  - b) *contain at least the matters that are specified in an order made under Section 70F as required to be included in a financial management strategy.*

#### **5.0 POLICY CONSIDERATIONS**

The FMS includes the financial requirements necessary to fulfil Council's suite of policies.

#### **6.0 FINANCIAL IMPACT**

There are no specific financial impacts that arise directly from this report. The FMS is a strategic document that instead guides the Council's financial management decisions over the long term.

#### **7.0 DISCUSSION**

The draft FMS 2022-2032 was workshopped with Councillors on 8 March and was subsequently presented to the Council meeting on 22 March 2022 where it was endorsed in-principle.

Feedback received from the community regarding the draft APBE 2022-23 have not given rise to any substantive issues or concerns and therefore the FMS remains unchanged.

The Council is able to maintain adequate cash coverage over the 10 year horizon within the Tasmanian Audit Office target range of 3 to 6 months, albeit in 2022-23 on account of the significant capital works being undertaken through grant funding, the Council may need to supplement capital funding with its own funds prior to receiving payment.

The capital program has been modelled based on the strategic projects that have a formal Council decision at this time and is based upon an asset sustainability ratio of 100%. In practice this means that Council will put its full renewal funding towards renewal of existing



assets over the life of the FMS. Therefore further new major capital projects within the 10 year horizon will require borrowed funds and / or external funds to complete.

No new borrowings have been included in the FMS.

The FMS has only included provision for operational decisions that the Council has made to date. No provision for future decisions are included.

Rates comprise the majority of the Council's income. The FMS is predicated on a 3.51% increase to general rates and service charges in 2022-23 and 2.3% thereafter.

It should be noted however that in 2022-23 and future years where re-valuations are undertaken by the Office of the Valuer-General, rate increases may vary depending upon the impact of real estate market forces.

For example in 2022-23 rates will increase at a much higher rate on account of both the need for Council to increase its revenue to ensure sustainability; and based upon new property valuations that have seen impacts such as residential properties increasing by 30% and primary production properties by 50%.

There has been no change to the principles, strategies and targets within the draft FMS previously presented to the Council in March 2022, nor any substantive or material change to the operating result.

## 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
Financial	Significant inflationary pressure - annual increases in General CPI (all groups) measures to 31 December 2021 were 3.50% (Aust wide) and 4.51% (Hobart, Tas). The equivalent March quarter for Hobart was 5.8%.	Council have used the economic benchmark of 3% CPI within the 2022-23 financial year, with a return to 2.3% in out-years in line with economic expert recommendations. This will need to be carefully monitored and management action taken if material influences arise.
Financial	The introduction of the State Government Waste Levy will add considerable operational cost to the municipal area.	The Waste Levy has been included in the FMS on a full cost recovery basis (forecast through both rates and charges and user fees at the gate).
Financial	A continuation of rate reduction strategies.	Continue to follow the principles of the FMS that forecast CPI indexations over the life of the FMS, except where indexation or revaluation of property values occur.

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Political	Some within the community may not be able to afford the proposed rate increases forecast in the FMS.	Maintain a Financial Hardship Policy that adequately enables officers to provide assistance to genuine hardship cases as needed.
Financial	No contingency provision.	Ensure clarity around the financial impacts of Council decisions. Some services or activities may need to be substituted for others.
Financial	Uncertainty around revenue generation at the Cultural Centre given the ongoing impacts of COVID and the refurbishment of the Centre.	The FMS has been deliberately conservative in the income projections.
Political	Rates discount reduced from 2.5% to 2.0%.	Communicate this decision on Council's website and in the rating information that accompanies rates notices.

## 9.0 CONSULTATION

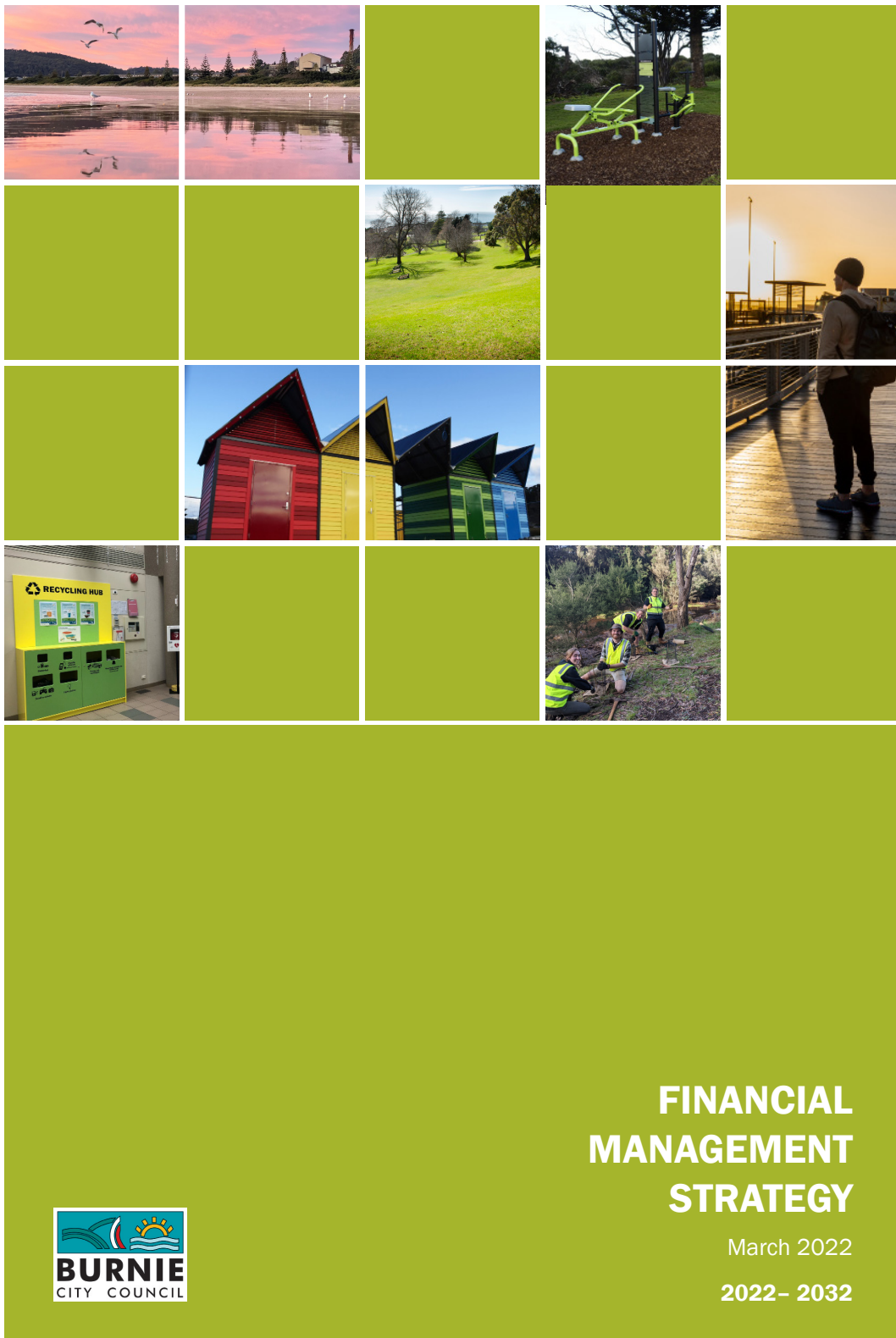
The FMS principles have been discussed previously with councillors, most recently during a comprehensive discussion at the Council Workshop held on 8 March 2022.

The Audit Panel were consulted on the draft FMS at their meeting of 8 June 2022 and subsequently endorsed the FMS as presented.

## ATTACHMENTS


1 [↓](#). Financial Management Strategy 2022-2032

**COUNCIL RESOLUTION****Resolution number: MO113-22****MOVED:**           *Cr C Lynch***SECONDED:**      *Cr A Keygan****“THAT Council approve the Financial Management Strategy 2022-2032, as presented.”*****For:**           Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr T Bulle, Cr D Pease.**Against:**      Cr S Kons, Cr G Simpson.***CARRIED***



**FINANCIAL  
MANAGEMENT  
STRATEGY**

March 2022  
2022 – 2032



**BURNIE**  
CITY COUNCIL

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**Burnie City Council****Financial Management Strategy**

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## 1 Executive Summary

The Burnie City Council's Financial Management Strategy (FMS) is an important component of the Council's financial planning process as it underpins financial sustainability, whilst meeting the needs and expectations of the community in delivering the Council's strategic objectives. The FMS is a requirement under s70A of the *Local Government Act 1993*. The FMS provides users of this document with information about how the Burnie City Council (the Council) intends to govern its financial decisions both now and into the future. The FMS is integral to the Council in setting the high level financial parameters which will guide the development and refinement of the Council's strategies, annual budget and actions. Through its strategies Council determines priorities and makes decisions that will benefit the community, while delivering core services and constructing and maintaining community assets. Burnie is also a regional centre and Council provides a broad range of services that service the greater region, and as such rates in Burnie are typically higher than surrounding Councils.

Council's cash position has been eroded in recent years due to operating deficits over several years and the impacts of the COVID-19 pandemic. Council has successfully made a number of structural changes within the past 12 months in order to curb this trend. The outcome of these changes are aimed at reducing escalating costs, reducing operational lifecycle costs, and improving efficiency of service delivery. The FMS builds on those changes, providing a foundation for restored financial sustainability now and into the future, with projected balanced budgets over the 10 year period of the strategy.

During the FMS horizon, Council looks forward to delivering the Coastal Pathway and the new Cultural Precinct for the City, two major strategic projects that demonstrate Council's commitment to recreation, arts, culture and creativity while enhancing a vibrant Town Centre.

The projections contained in the financial modelling and which are based upon certain assumptions, produce the following outcomes:

- The ability to keep the rate burden for our community to a minimum with projections indicating that from 2023-24 onward, rate increases may need only increase by CPI.
- Surpluses predicted over the full year 10 year period of the FMS.
- Council's financial position will be robust enough to recover from unanticipated events and circumstances.
- Council will continue to have the necessary funds to deliver its services and pay its debts when they fall due.
- Council will have the necessary funds available for projected capital expenditure requirements over the next 10 years.

These outcomes demonstrate Council's commitment to keeping the rate burden of our community as low as possible whilst maintaining financial sustainability and ensuring the ongoing ability to deliver important services to the community.

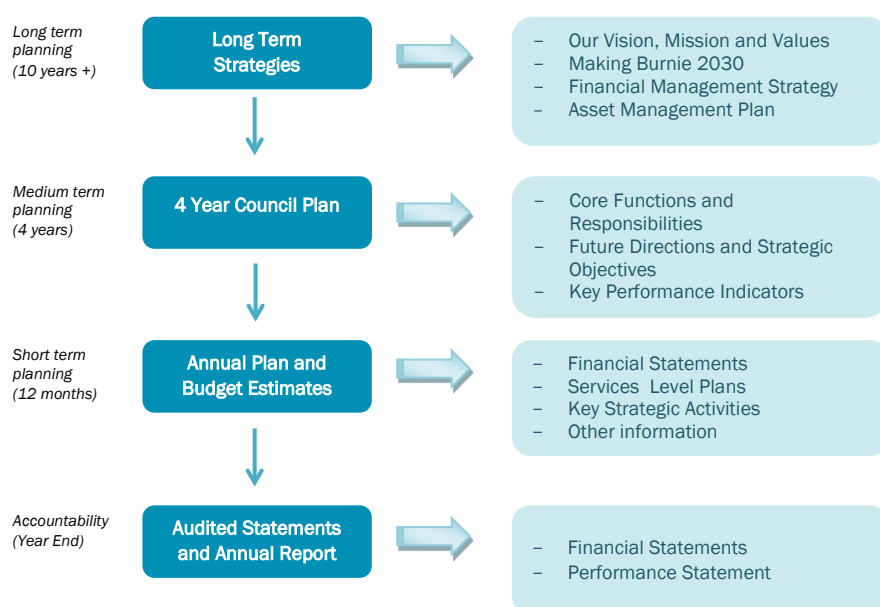
As with any strategy, it is only as good as your capacity to implement it. Council will therefore follow the principles contained within the FMS when setting its Annual Plan and Budget Estimates for the organisation to ensure a strong financial future for the City of Burnie.

## 1.1 Alignment with Council Strategy

Council's strategic planning framework guides Council in identifying community needs and aspirations over the long term (Our Vision), medium term (Council Plan – 4 years) and short term (Annual Plan and Budget Estimates). The Council monitors its performance during the year through its reporting framework and is measured on the success of this strategy through the Audited Financial Statements and Annual Report.

The FMS is not about deciding what Council will spend on individual projects. It is about the various financial strategies that will effectively determine the amount of funds that Council will have at its discretion to allocate towards services, assets and projects in future years. Long term financial planning supports the delivery of the community plan (Making Burnie 2030) through the optimal allocation of available resources, while highlighting Council's financial decision choices.

The linkage between the FMS and Council's strategic framework is represented in the diagram below.



## 1.2 Where does this document fit into Financial Management?

The FMS is an important part of the overall financial management activities of Council. The following table demonstrates the context within how this document fits into the overall financial management framework of the Council.





## 2 Financial Principles

The following principles serve to guide the Council in setting its financial management direction. They are given practical effect through the strategies within this document.

**Principle 1: The Community's finances will be managed responsibly to enhance the wellbeing of residents.**

Council will ensure it only raises the revenue it needs, and does so in the most efficient and equitable manner possible. Council will manage community funds according to best practice standards and ensure information regarding its financial management decisions is accessible to the community. Council will ensure it only delivers those services that cannot be delivered more efficiently and effectively by other providers.

**Principle 2: Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation.**

Council will seek to achieve equity across generations by recognising that each generation must pay its way with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes).

Council will invest sustainably in community assets to maintain (and potentially enhance) service levels where possible.

**Principle 3: Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.**

Council will ensure it accumulates and maintains sufficient financial resource and has the borrowing capacity to deal with volatility and unexpected events.

Council's operational budget will be flexible enough to ensure that volatility in revenues and expenses as a result of the changing economic environment can be absorbed.

**Principle 4: Resources will be allocated to those activities that generate community benefit.**

Council will ensure that robust and transparent processes are in place for the allocation and prioritisation of resources through budgetary decision-making, as well as for choosing the most effective methods for delivering specific services and projects. Strategies will include a robust cost-benefit analysis in preparing and assessing proposals.

## 3 Financial Management Strategies

The following financial strategies portray the strategic direction upon which Council's financial decisions are based:

### 3.1 Rating Strategy

Council sets its rating strategy balancing the following factors:-

- The level and range of services provided by the Council
- The capital works program, centred around renewal of existing assets but taking account of potential upgrade and new works, including the corresponding future life cycle costs
- The predicted amount of Commonwealth and State funding to be received, based on executed agreements
- User-pays policies, recovering revenue through use of council services and assets on a commercial or community subsidised basis where applicable
- The socio-economic profile of the municipal area as an indicator of our communities capacity to afford increases
- The current and predicted future economic environment and its implications for the Council's revenue streams and expenditure growth

Rates revenue comprises 73% of total revenue received by the Council. Therefore this is one of the most important considerations the Council makes, in order to ensure it can operate sustainably both now and into the future.

The aim of rates and charges decision-making is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay.

Burnie is a regional centre and Council provide a broad range of services relative to its community. As such, rates are typically higher than the state average in Burnie. This is due to the services that a regional centre is expected to deliver, comparable to say Hobart and Launceston, for which the costs associated are only able to be spread across a fraction of the ratepayer base.

In recent years Council has been successful in closing the "rates per capita" gap in Burnie against the state average while maintaining acceptable service levels. While this remains an important issue for the Council, it now needs to be balanced by the need to ensure it raises the revenue required to provide adequate services to its residents and broader community.

### 3.1.1 Rating Structure

Council has established a rating structure comprising two key elements – general rates and service charges.

The general rates are levied based on the Annual Assessed Value (AAV) of properties as determined by the State Government through the Office of the Valuer-General. Property values generally reflect the capacity of the ratepayer to pay.

Service charges are levied to recover the cost of specific services provided within the municipal area. Council's service rates currently cover stormwater and waste management services. More information regarding Council's approach to determining and collecting rates from the community can be found in Council's Rates and Charges Policy available on Council's website.

## 3.2 Asset Management Strategy

The key objective of Council's Asset Management Strategy is to maintain Council's existing assets at the desired condition levels to enable effective service delivery. Council assets are managed for the benefit of the community. If funding is not sufficiently allocated to asset renewal then the condition of those assets will decline which will decrease Council's capacity to deliver services to the community.

Council's Asset Management Policy ensures that adequate provision is made for the long-term replacement of major existing assets by:

- Ensuring that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.
- Safeguarding Council assets, including physical assets and employees, by implementing appropriate asset management strategies and the financial treatment of those assets.
- Creating an environment where all Council employees play an integral part in overall management of Council assets, by creating and sustaining asset management awareness throughout the organisation through training and development.
- Meeting legislative compliance for asset management.
- Ensuring resources and operational capabilities are identified and responsibility for asset management is allocated.
- Demonstrating transparent and responsible asset management processes that align with demonstrated best practice.

Importantly the FMS is based upon the renewal of existing assets largely, it does not provide for new assets. The exception to this is the Coastal Pathway and the new Cultural Precinct which are built into both the asset allocations, and provided for through operational expenditure.

This means that any decision taken by the Council to build any additional new assets outside of the two strategic Council priorities, will have a corresponding impact to:

- The operating (underlying) surplus or deficit projected;
- The asset renewal program projected; and
- The rating strategy forecast in the FMS projections.

### 3.3 Treasury Strategy

Council is committed to operating in a financially sustainable manner which is underpinned by the FMS. Council manages the financing and funding of its operations, capital program and future needs through forward financial planning and projections, which are updated annually. The FMS also provides projections of future cash flow availability and needs.

Council targets a cash buffer of 3 to 6 months coverage of operating costs in line with the advice of the Tasmanian Audit Office.

Council does not retain and quarantine money for particular future purposes unless required by legislation or agreement with other parties. Within the FMS horizon, there are projected operating surpluses. These funds may provide capacity for the Council to respond to adverse events, unforeseen circumstances, or fund new services or assets.

Council's operating and capital expenditure decisions are made based upon:

- statutory service delivery obligations;
- identified community needs and benefits relative to other expenditure options;
- the cost effectiveness of the proposed means of service delivery; and
- the affordability of new proposals having regard to Council's long-term financial sustainability.

More information regarding how Council manages its cash and treasury is contained in Council's Treasury Policy available on Council's website.

### 3.4 Investment Strategy

Cash reserves require careful management to both achieve optimum investment incomes and to ensure that cash is available when needed for planned expenditures. Funds will be invested in a manner that aims to maximise returns based on available interest rates, maturities and funds available to invest, while retaining flexibility in accessing those funds for Council purposes as required.

Council's FMS and Annual Plan and Budget Estimates will be used to provide direction on the amount and term of investments to be made. Council will ensure that enough funds are on hand to ensure that all its obligations can be met at any given time.

Funds are invested in accordance with the approved investment portfolio, credit risk framework and within the Council's stated risk appetite for financial matters which is outlined in the Risk Management Framework.

More information regarding how Council manages its investments is contained in Council's Treasury Policy.

### 3.5 Borrowing Strategy

Council is the custodian for a significant asset portfolio and is therefore required to provide significant funding and investment into its infrastructure assets to deliver its service objectives.

The Council is mindful of intergenerational equity in terms of generating revenue to offset service costs. Council will seek to achieve equity across generations by recognising that each generation must pay its way

**Burnie City Council****Financial Management Strategy**

with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes).

Council aims to achieve an operating break even (underlying) position. This means that on average over time it will generate sufficient funds to offset the consumption of existing assets (through its depreciation expense). On average over time it will have sufficient capacity to accommodate asset renewal requirements without the need to raise additional borrowings.

In considering new debt, Council will consider the impact of borrowing costs on the sustainability of its operating position and its capacity to repay the debt. Council will maintain enough borrowing capacity to ensure that it has the capacity to deal with significant unexpected events.

Council will aim to keep debt levels low at any point in time as its annual budget, long term financial planning and associated cash flow projections allow. Any funds that are not immediately required to meet approved expenditure may be applied to reduce its level of borrowings or to defer and/or reduce the level of new borrowings that would otherwise be required.

When borrowing, Council shall raise all external borrowings at the most competitive rates available and from sources available as defined by legislation and the Council's Treasury Policy.

The FMS does not provide for any new borrowings across the life of this strategy.

## **4 Financial Targets**

### **4.1 Council Financial Management Strategy Targets**

Financial principles are given practical effect through strategies. Strategies are measured by the setting of medium term targets. The following targets have been determined to be appropriate in measuring Council's sustainability and subsequently underpin the Financial Management Strategy principles:

- To achieve an operating margin of 1.00
- To maintain a current ratio above 1.10

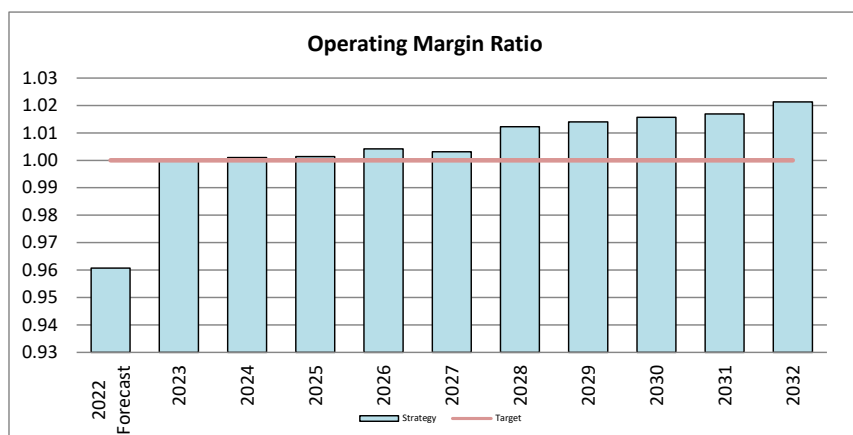
#### **4.1.1 Operating Margin Ratio**

The operating margin serves as an overall measure of operating effectiveness. A result of less than 1.00 indicates an operating (underlying) deficit. The operating margin benchmark for Council is 1.00 which is the point where recurring income is equal to recurring expenditure which means that the income it generates is equal to the cost of providing existing levels of service. Council target is to achieve a small operating surplus in the out-years of this strategy that allows it to deal with uncertainty during the financial year that may arise after rates have been raised.

The following graph shows Council's strategy is sustainable into the future with its recurrent expenditure fully funded from recurrent income. The operating margin target of 1.00 will be met from 2022-23 onwards.

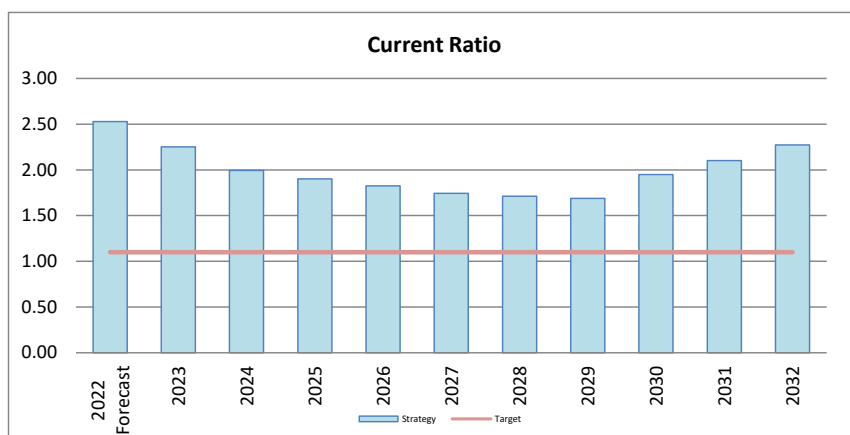
## Burnie City Council

## Financial Management Strategy

**4.1.2 Current Ratio**

The current ratio measures the liquidity of Council. That is, Council's ability to meet its current debt and financial obligations as they fall due.

A result of greater than 1.0 indicates that council's short term assets are greater than its short term liabilities and therefore the Council can meet its current liabilities. Council aims for a current ratio greater than 1.10 which represents sound liquidity. The current ratio target of 1.10 will be met from 2022-23 onwards.



### 4.3 Financial Management Indicators

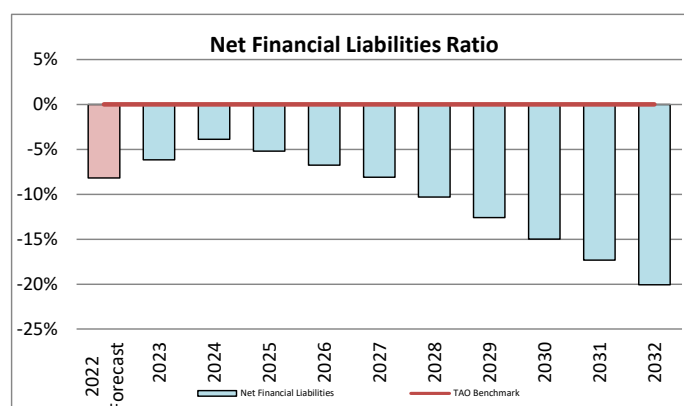
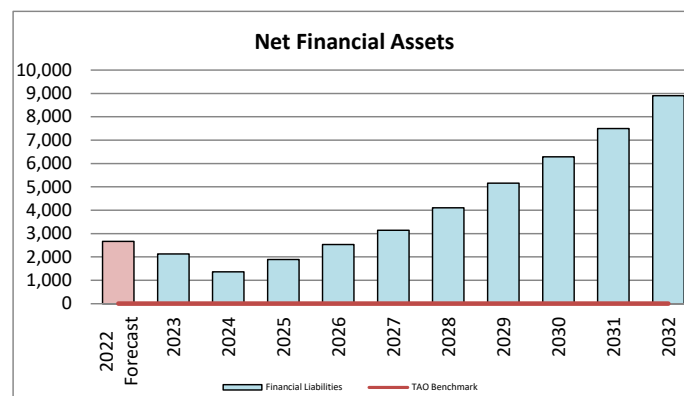
For the purposes of Section 84(2A) of the Local Government Act, Local Government (Management Indicators) Order (S.R.2014, No. 36) has specified the following indicators; the Tasmanian Audit Office has identified benchmarks for each.

Ratio	Description	Calculation	Tas Audit Office Benchmark	Benchmark Achieved
<b>Net financial Assets</b>	Shows whether Council's total liabilities can be met by its liquid assets. An excess of total liabilities over liquid assets means that, if all liabilities fell due at once, additional revenue would be required to fund the shortfall.	(\$ Total Liabilities less Financial Assets	Zero	Yes, in all years of the FMS
<b>Net financial liabilities ratio</b>	Indicates the extent to which net financial liabilities could be met by recurrent income.	(%) Net financial liabilities divided by recurrent income.	Between negative 50% and zero	Yes, in all years of the FMS
<b>Underlying surplus or deficit</b>	This ratio serves as an overall measure of financial operating effectiveness.	\$ Recurrent income (excluding income received specifically for new or upgraded assets, physical resources received free of charge or other income of a capital nature) less Recurrent Expenses for the reporting period.	Greater than zero	Yes, an underlying surplus in all years of the FMS
<b>Underlying surplus or deficit and ratio</b>	The operating surplus ratio is the operating surplus (deficit) expressed as a percentage of total revenue  (Adjusted by excluding capital grants, contributed PP&E and asset revaluation increment / decrements).	(%) Operating surplus (deficit) divided by total revenue – adjusted (excluding amounts received specifically for new or upgraded assets, physical resources received free of charge and revaluation increments).	Greater than zero	Yes, an underlying surplus in all years of the FMS
<b>Asset Consumption Ratio</b>	The depreciated replacement cost of entity's depreciable assets relative to their "as new" (replacement) value. Shows the proportion of new condition left in depreciable assets	Depreciated replacement cost of asset divided by current replacement cost of asset	Greater than 60%	Work on Council Asset Management Plan is underway. This ratio therefore cannot be calculated at this time.

## Burnie City Council

## Financial Management Strategy

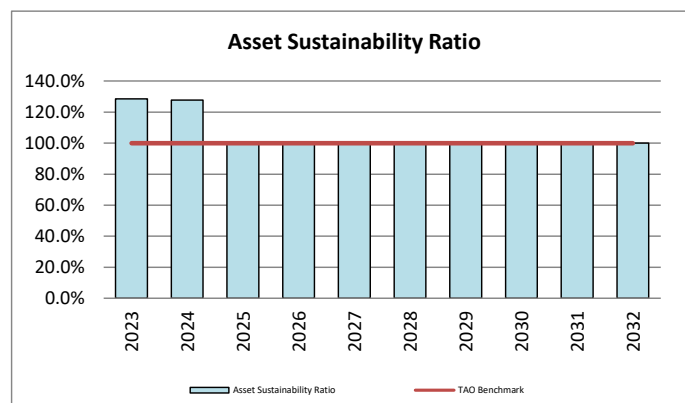
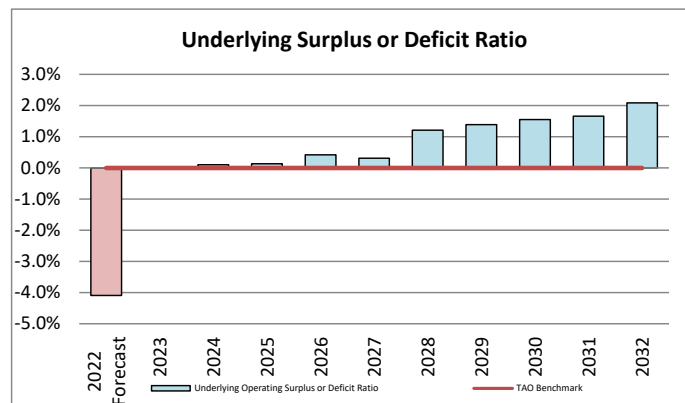
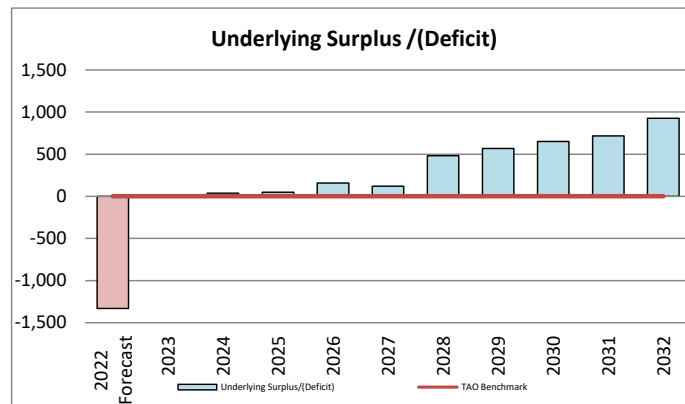
Ratio	Description	Calculation	Tas Audit Office Benchmark	Benchmark Achieved
<b>Asset renewal funding ratio</b>	Measures the capacity to fund asset replacement requirements. An inability to fund future requirements will result in revenue or expense or debt consequences, or a reduction in service levels.	Future (planned) asset replacement expenditure as per long term financial plan divided by future asset replacement expenditure requirement as per asset management plans.	90% - 100%	Work on Council Asset Management Plan is underway. This ratio therefore cannot be calculated at this time.
<b>Asset sustainability ratio</b>	The ratio of asset replacement expenditure relative to depreciation for a period. It measures whether assets are being replaced as they are wearing out.	Capital expenditure on replacement/renewal of existing plant and equipment and infrastructure assets divided by annual depreciation expense.	100%	Yes in all years of the FMS





## Burnie City Council

## Financial Management Strategy



## 5 Financial Modelling

The Financial Management Strategy includes estimated financial statements showing the long-term financial position and performance of the Burnie City Council over the next 10 years. The following statements are included:

- Statement of Comprehensive Income
- Statement of Cash Flows
- Statement of Financial Position

A number of assumptions, documented below, are made in estimating the future performance and position of the Council. Assumptions are required due to uncertainty in the future. Actual performance may vary in the future with any variances needing to be managed within the annual budget estimates process and performance management during the financial year.

Information regarding risks and uncertainties can be found in the sections related to *Risk Management* and *Sensitivity Analysis*.

These assumptions form the basis of parameters that allow Council to monitor its performance against this strategy and take action as required to deliver the projected outcomes over the 10 year period of the Financial Management Strategy.

### 5.1 Modelling Methodology

Following each statement are descriptions of the assumptions specifically applied to produce the FMS estimates.

Modelling is based on

- The 2021-22 annual budget and estimates, adjusted for one off items, structural changes and recent council decisions as the base for the projections.
- A review of external economic conditions and context, establishing and linking relevant indexation factors as drivers for future revenue and expenditure changes.
- Alignment with relevant Council strategy documents

### 5.2 Economic Context and Indexation Factors

Council conducted a review of the current and projected economic conditions, using reputable sources.

There is significant inflationary pressure currently. The annual increase in General CPI (all groups) measures to 31 December 2021 was 3.50% (Aust wide) and 4.51% (Hobart, TAS) (ABS, CPI). This has been underpinned by significant house price, construction materials and fuel price increases. This means the cost of maintaining existing services provided by Council has increased, significantly above the predicted 1.92% increase included in the 2021-22 FMS. Subsequently the FMS is now based on future predictions of inflation rather than historical estimates.

The expected inflation rate for the year ended 2021-22 (Aust Wide) is projected to be 3.3%. The expected inflation rate for 2022-23 is 3%. The long run (10 year average) inflation rate is projected to be 2.3%. (CBA:

**Burnie City Council****Financial Management Strategy**

*Australian Economic Forecasts accessed 9/2/2022*). These predictions are supported by the inflation expectation survey conducted by the Reserve Bank of Australia.

CPI has been modelled in the FMS at 3% (2022-23) and 2.3% (2023-24 to 2031-32). There is a possibility inflation will be higher than estimated. This risk is included in the Financial Risk Register and will be monitored.

Council has the FMS based on continuing increased price pressure in 2022-23, returning to the long run inflation rate from 2023-24 onwards.

Interest rates are expected to increase in the near future. This will impact returns on term deposits and the rate at which funds can be borrowed, although no new borrowings have been factored into the FMS.

## 5.3 Statement of Comprehensive Income

Burnie City Council Statement of Comprehensive Income												
	Forecast 2022 \$'000	Strategic Projections										
		2023 \$'000	2024 \$'000	2025 \$'000	2026 \$'000	2027 \$'000	2028 \$'000	2029 \$'000	2030 \$'000	2031 \$'000	2032 \$'000	
<b>Recurrent Income</b>												
Rates and charges	23,780	24,985	25,753	26,809	27,627	28,734	29,604	30,499	31,418	32,363	33,334	
Statutory fees and fines	988	910	930	954	975	996	1,021	1,044	1,066	1,094	1,117	
User fees	3,985	3,619	3,666	3,844	3,893	3,944	4,123	4,176	4,231	4,424	4,482	
Grants	1,782	2,997	2,967	3,006	3,063	3,122	3,182	3,243	3,305	3,368	3,433	
Reimbursements	362	340	194	198	203	208	213	218	224	230	236	
Other income	665	684	695	704	714	723	733	743	754	765	775	
Investment income	958	828	828	909	909	909	909	909	909	909	909	
Interest	60	60	90	90	90	90	90	90	90	90	90	
<b>Total recurrent income</b>	<b>32,580</b>	<b>34,423</b>	<b>35,122</b>	<b>36,515</b>	<b>37,474</b>	<b>38,726</b>	<b>39,875</b>	<b>40,922</b>	<b>41,997</b>	<b>43,241</b>	<b>44,376</b>	
<b>Recurrent Expenses</b>												
Employee benefits	11,037	11,002	11,258	11,699	11,968	12,243	12,525	12,813	13,108	13,409	13,717	
Materials and services	10,721	10,810	11,076	11,712	11,980	12,517	12,836	13,166	13,506	13,859	14,223	
Depreciation and amortisation	8,480	8,724	8,935	9,141	9,351	9,566	9,786	10,011	10,241	10,477	10,718	
Finance costs	190	160	136	114	95	75	56	36	15	-	-	
Other expenses	3,484	3,714	3,680	3,800	3,922	4,203	4,190	4,330	4,476	4,779	4,792	
<b>Total recurrent expenses</b>	<b>35,913</b>	<b>34,421</b>	<b>35,085</b>	<b>36,466</b>	<b>37,317</b>	<b>38,605</b>	<b>39,393</b>	<b>40,355</b>	<b>41,347</b>	<b>42,523</b>	<b>43,450</b>	
<b>Operating surplus/(deficit) before capital items</b>	<b>(1,332)</b>	<b>2</b>	<b>37</b>	<b>49</b>	<b>157</b>	<b>121</b>	<b>483</b>	<b>567</b>	<b>650</b>	<b>718</b>	<b>926</b>	
<b>Capital Items</b>												
Capital grants	2,118	11,872	9,507	484	484	484	484	484	484	484	484	
Developer Contributions	-	-	-	-	-	-	-	-	-	-	-	
Net gain/(loss) on disposal of assets	-	(345)	(353)	(361)	(369)	(378)	(387)	(395)	(405)	(414)	(423)	
	<b>2,118</b>	<b>11,527</b>	<b>9,154</b>	<b>123</b>	<b>115</b>	<b>106</b>	<b>97</b>	<b>89</b>	<b>79</b>	<b>70</b>	<b>61</b>	
<b>Surplus/(Deficit)</b>	<b>785</b>	<b>11,529</b>	<b>9,191</b>	<b>172</b>	<b>272</b>	<b>227</b>	<b>580</b>	<b>655</b>	<b>730</b>	<b>788</b>	<b>986</b>	
<b>Operating Margin</b>	<b>0.96</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.00</b>	<b>1.01</b>	<b>1.01</b>	<b>1.02</b>	<b>1.02</b>	<b>1.02</b>	

### 5.3.1 Recurrent Income

#### Rates and charges

The FMS recognises that the price of delivering services to the community over time will increase. The level of rates levied to cover those services will also need to increase in order to continue to deliver the same level of service. At the same time Council reviews its operations to continue to find efficiencies to offset significant rates increases.

Rating decisions are made by Council on an annual basis and may vary from the assumptions documented within the FMS.

General Rates have been modelled on the basis of a 3.51% increase in 2022-23 based upon the General CPI (all groups) (Hobart TAS) measures to 31 December 2021, being 4.51%, less 1%. In out-years from 2023-24 to 2031-32 General Rates are modelled on an increase of 2.30% in line with the long run inflation predictions.

Service Charges for waste and stormwater have been modelled on the basis of the 3.51% increase in 2022-23 and 2.76% for 2023-24 to 2031-32. The out-years increase to these charges is modelled on the General CPI (all groups) (Hobart TAS) measures to 31 December 2021, averaged over a five year period.

Rates income in the FMS does not take into account the redistributive effects of revaluations in the future. Additionally on the basis that revaluation of property only occurs on a seven year basis, the State Government through the Office of the Valuer-General, undertake Adjusted AAV processes approximately each four year period to ensure that the increasing property markets are taken account of periodically, and are not left to ratepayers to absorb each seven year period.

In 2022-23 the City of Burnie will receive their Adjusted AAV for each property in the municipal area. This will mean that despite Council increasing their rates policy by a conservative amount, some ratepayers who are fortunate to have significantly increased property valuations, will in reality have higher rate increases to reflect the corresponding increase in their asset.

Fire levies are set by the State Government and are outside the control of the Council. The Fire Levy increase has been modelled on the basis of estimates contained within the 2021-22 State Government Budget paper for the State Fire Commission.

The State Government has also introduced a waste levy for all municipal areas which takes effect on 1 July 2022 at \$20 per tonne of waste. This increases to \$40 per tonne on 1 July 2024 and \$60 per tonne on 1 July 2026. These increased costs for waste services have been factored into the FMS on a full cost recovery basis. It is anticipated that this will be recovered through a combination of the introduction of a Waste Levy to each ratable property, and through increased fees and charges at the waste transfer station.

The rates discount has been modelled at 2% for the full term of the FMS. This is a reduction from the 2.5% previously offered.

The effective overall rate increase is modelled in the following table:

## Burnie City Council

## Financial Management Strategy

	Forecast					Strategic Projections						
	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
General Rate	15,708	16,393	16,910	17,439	17,980	18,534	19,101	19,680	20,273	20,879	21,500	
Waste Service Charges	4,120	4,517	4,642	5,037	5,176	5,586	5,741	5,899	6,062	6,229	6,401	
Stormwater Service Charges	1,658	1,721	1,769	1,818	1,868	1,919	1,972	2,027	2,083	2,140	2,199	
Add: Supplementary Rates	150	137	137	137	137	137	137	137	137	137	137	
	21,637	22,769	23,458	24,431	25,162	26,177	26,951	27,743	28,554	29,386	30,237	
% Increase in Price		4.54%	2.43%	3.56%	2.43%	3.49%	2.43%	2.43%	2.43%	2.43%	2.43%	
Fire Levies	2,143	2,216	2,295	2,378	2,465	2,557	2,654	2,756	2,864	2,977	3,097	
<b>Total Rates and Charges</b>	<b>23,780</b>	<b>24,985</b>	<b>25,753</b>	<b>26,809</b>	<b>27,627</b>	<b>28,734</b>	<b>29,604</b>	<b>30,499</b>	<b>31,418</b>	<b>32,363</b>	<b>33,334</b>	
Rate Income Increase		1,205	768	1,056	818	1,107	870	894	919	945	971	
Overall rate income % increase		4.8%	3.0%	3.9%	3.0%	3.9%	2.9%	2.9%	2.9%	2.9%	2.9%	

**Statutory Fees and Fines**

Statutory fees and fines relate mainly to fees and fines levied in accordance with legislative requirements. They include building fees, planning fees, parking fines, and animal registrations. These items are generally indexed to the General Fees and Charges Policy (3.51% for 2022-23 and 2.30% for 2023-24 to 2031-32) unless the item relates to an alternative index. For example permit application fees are linked to the value of building works and indexed accordingly.

**User Fees**

User fees relate to the recovery of service delivery costs through the charging of fees to users of Council's services. These include parking fees, cultural precinct revenue, commercial communications revenue (previously Tas Communications), and the hire of halls and sporting grounds. These items are generally indexed to the General Fees and Charges Policy (3.51% for 2022-23 and 2.30% for 2023-24 to 2031-32) unless the item relates to an alternative index. For example parking fees are linked to Council's parking policy of 3 yearly increases based on the previous 3 year's CPI.

**Grants**

The main source of grant revenue is from the State Grants Commission (SGC) in the form of Financial Assistance Grants (FAG). FAG payments methodology includes a factor for population changes. It has been assumed that the population will remain constant and the current base funding will continue, indexed at 2% based on Commonwealth Government Budget Papers 2021-22 projections. In recent years Council has received 50% of next financial year payment in the current financial year. There is a risk across the 10 year horizon of the FMS that this advanced payment will return to normal timing. This will have a significant impact on the operating result in the financial year it occurs, however Council has no control over this.

Other operating grants are included where there is an executed agreement in place.

**Reimbursements**

Reimbursements are indexed to the General Fees and Charges Policy (3.51% for 2022-23 and 2.30% for 2023-24 to 2031-32) unless the reimbursement relates to cost recovery for an item that is linked to an alternative index.

Council receive a reimbursement of interest paid on its \$10.4 million COVID-19 concessional loan taken in June 2020. This reimbursement will cease in June 2023, reducing income by \$150,435.

**Other Income**

Other income includes rates penalties and rental income on Council properties.

Rates penalties are based on the current debtor level and structure, the statutory link to Reserve Bank of Australia 10 year Bond yield at the end of February each year and to expected rates increases which will corresponding increase in the value of penalties.

**Burnie City Council****Financial Management Strategy**

Rental income from Council properties is indexed to General CPI (3% (2022-23) and 2.3% (2023-24 to 2031-32), where applicable. Some rentals agreements do not index.

**Investment Income**

Dividends and distributions occur as a result of Council's ownership interests in other entities and are dependent on continued ownership and profitability of those entities.

Distributions from TasWater have been allowed for in line with the entity's Corporate Plan (based on Council's equity of 4.14%). It should be noted that the distributions are outside the control of Council and there is some risk that dividends will not be paid in line with the entity's Corporate Plan.

Due to the impact of the COVID-19 pandemic on travel, Council are not expecting to receive a distribution from the Burnie Airport Corporation until the 2024-25 financial year, at which point it is expected to return to the historical average based upon normal operations.

**Interest**

Interest receipts on investments are based on the expected weighted average interest rates (0.50% (2022-23)) and 0.75% (2023-24 to 2031-32) for Council's investment portfolio during the year. Funds are invested, using rates paid upfront (estimated 60% of ratepayers pay upfront and receive the rates discount) until they are required for operating purposes during the year, in line with the Treasury Management Policy. Interest received is substantially less than the rates discount provided.

**5.3.2 Recurrent Expenses****Employee Benefits**

The current Council Enterprise Bargaining Agreement contains an annual increase of 2.3%. The agreement finishes on 30 June 2023. The FMS includes provision for 2.3% increases each year over the 10 year period.

Employee Benefits are based on the Council's position establishment, which details the number of employees required to deliver existing council services.

A portion of some employee costs are capitalised as part of the construction and renewal of council assets.

Appropriate provisions for all leave and on-costs are included in the FMS.

**Materials and Services**

In general materials and services has been indexed to General CPI (3% (2022-23) and 2.3% (2023-24 to 2031-32).

Exceptions to this include

- Insurance costs (expected to grow at 8% per annum over the 10 year period) based on current expectations of the insurance market
- Rental of communications towers for commercial communications operations (indexed at 5%)

As part of its new operating model, Council has allocated funds each year to support events and Council's community grants programs.

**Depreciation and Amortisation**

Depreciation is an accounting measure which attempts to allocate the value of an asset over its useful life. It is the financial representation of the annual increase in the value of, or consumption of the service in council's assets. Annual depreciation therefore is an estimate of funds that will need to be spent at some time in the future to renew Council's existing assets. Depreciation is estimated based on the expected capital works program.

The factors affecting the consumption of an asset are:

- the quality of the original asset;
- the wear and tear to which the asset is subjected;
- the environment in which the asset is operated or constructed;
- the maintenance provided to the asset;
- technical obsolescence; and
- commercial obsolescence.

**Finance Costs**

Finance costs relate to interest charged by financial institutions on funds borrowed. The level of borrowings and the level of interest rates influence borrowing costs.

The FMS does not include any new borrowings and includes the principal and interest repayments on Council's existing loan facilities. All Council's existing loans are for a fixed term and are at a fixed interest rate for the full term of the loan.

**Other Expenses**

Other expenses include levies to the State Government for land tax and fire levies, water and sewer rates, remissions, discounts, councillor allowances and auditor remuneration.

In general other expenses has been indexed to General CPI (3% (2022-23) and 2.3% (2023-24 to 2031-32)).

An allowance of \$150,000 has been provided in 2022-23, 2026-27 and 2030-31 for one off electoral commission costs associated with the conduct of local government elections in those years.

**5.3.3 Capital Items****Capital grants**

Capital grants revenue is recognised as performance obligations are met, based on projected percentage completion of work at the relevant year end. Only executed agreements for those grants that are known, are included in the FMS.

**Net gain / (loss) on disposal of assets**

Council disposes of assets as part of its normal operations. Net gain / (loss) on disposal of assets is estimated based on previous 5 years historical data, excluding non-recurrent items.



## 5.4 Statement of Cash Flows

Burnie City Council Statement of Cash Flows											
	Forecast 2022 \$'000	Strategic Projections									
		2023 \$'000	2024 \$'000	2025 \$'000	2026 \$'000	2027 \$'000	2028 \$'000	2029 \$'000	2030 \$'000	2031 \$'000	2032 \$'000
<b>Cash flows from operating activities</b>											
Rates and charges	23,939	24,887	25,687	26,660	27,556	28,661	29,530	30,423	31,340	32,283	33,253
Statutory fees and fines	988	910	950	954	975	996	1,021	1,044	1,066	1,094	1,117
User fees	3,985	3,619	3,666	3,844	3,893	3,944	4,123	4,176	4,231	4,424	4,482
Grants	1,782	2,997	2,967	3,063	3,063	3,122	3,182	3,243	3,305	3,368	3,433
Reimbursements	362	340	194	198	203	208	213	218	224	230	236
Other Income	665	684	695	704	714	723	733	743	754	765	775
Payments to suppliers	(9,983)	(10,732)	(11,014)	(11,648)	(11,916)	(12,451)	(12,769)	(13,097)	(13,435)	(13,787)	(14,150)
Payments to employees	(11,532)	(10,935)	(11,190)	(11,629)	(11,897)	(12,169)	(12,450)	(12,736)	(13,029)	(13,329)	(13,635)
Other payments	(3,484)	(3,714)	(3,680)	(3,800)	(3,922)	(4,203)	(4,190)	(4,330)	(4,476)	(4,779)	(4,792)
<b>Net cash provided by (used in) operating activities</b>	<b>6,722</b>	<b>8,056</b>	<b>8,255</b>	<b>8,289</b>	<b>8,568</b>	<b>8,831</b>	<b>9,394</b>	<b>9,685</b>	<b>9,980</b>	<b>10,268</b>	<b>10,719</b>
<b>Cash flows from investing activities</b>											
Payments for property, infrastructure, plant and equip	(10,570)	(21,147)	(19,242)	(9,141)	(9,351)	(9,566)	(9,786)	(10,011)	(10,241)	(10,477)	(10,718)
Investment income	1,018	888	918	999	999	999	999	999	999	999	999
Capital grants	1,996	6,164	13,105	2,844	484	484	484	484	484	484	484
<b>Net cash provided by (used in) investing activities</b>	<b>(7,655)</b>	<b>(14,095)</b>	<b>(5,219)</b>	<b>(5,298)</b>	<b>(7,868)</b>	<b>(8,083)</b>	<b>(8,303)</b>	<b>(8,528)</b>	<b>(8,758)</b>	<b>(8,994)</b>	<b>(9,235)</b>
<b>Cash flows from financing activities</b>											
Finance costs	(190)	(160)	(136)	(114)	(95)	(75)	(56)	(36)	(15)	-	-
Proceeds from sale of assets & operations	975	-	-	-	-	-	-	-	-	-	-
Repayment of interest bearing loans and borrowings	(1,333)	(1,109)	(1,132)	(1,029)	(1,048)	(1,067)	(1,087)	(1,107)	(1,127)	-	-
<b>Net cash provided by (used in) financing activities</b>	<b>(548)</b>	<b>(1,269)</b>	<b>(1,269)</b>	<b>(1,143)</b>	<b>(1,143)</b>	<b>(1,143)</b>	<b>(1,143)</b>	<b>(1,143)</b>	<b>(1,143)</b>	<b>-</b>	<b>-</b>
Net increase (decrease) in cash and cash equivalents	(1,482)	(7,308)	1,767	1,849	(343)	(395)	(52)	14	79	1,274	1,484
Cash and cash equivalents at the beginning of the financial year	15,468	13,986	6,678	8,445	10,294	9,951	9,556	9,503	9,517	9,596	10,870
<b>Cash and cash equivalents at the end of the period</b>	<b>13,986</b>	<b>6,678</b>	<b>8,445</b>	<b>10,294</b>	<b>9,951</b>	<b>9,556</b>	<b>9,503</b>	<b>9,517</b>	<b>9,596</b>	<b>10,870</b>	<b>12,354</b>

## Burnie City Council

## Financial Management Strategy

Council needs to ensure that enough funds are on hand at any point in order to meet its operational funding requirements.

	2023 \$'000	2024 \$'000	2025 \$'000	2026 \$'000	Strategic Projections						2032 \$'000
					2027 \$'000	2028 \$'000	2029 \$'000	2030 \$'000	2031 \$'000		
Months coverage	2.9	3.7	4.3	4.1	3.8	3.7	3.6	3.5	4.0		4.5

The expected cash balance at the end of each year is presented in the cash flow statement at *cash and cash equivalents at the end of the period*.

Council will maintain an appropriate cash buffer across the 10 year period of the financial management strategy. The buffer is slightly lower in 2022-23 financial year due to council funding major capital projects prior to the receipt of grant funds. After these major projects are completed the cash buffer is restored.

#### 5.4.1 Operating Activities

Cash generated from operating activities refers to cash generated or used in the normal service delivery functions of Council. Cash remaining after paying for the provision of services to the community may be available for investment in capital works or repayment of debt. Council predominantly uses the funds generated from operating activities to fund its capital works program.

The net cash flows provided by operating activities do not equal the operating result for the year due to the expected revenues and expenses including non-cash items which have been excluded from the Statement of Cash Flows. The following table is a reconciliation of cash provided from operating activities to the operating surplus/(deficit) for the year in line with the Comprehensive Income Statement:

	2023 \$'000	2024 \$'000	2025 \$'000	2026 \$'000	Strategic Projections						2032 \$'000
					2027 \$'000	2028 \$'000	2029 \$'000	2030 \$'000	2031 \$'000		
<b>Operating Surplus per Income Statement</b>	<b>2</b>	<b>37</b>	<b>49</b>	<b>157</b>	<b>121</b>	<b>483</b>	<b>567</b>	<b>650</b>	<b>718</b>		<b>926</b>
Borrowing Costs	160	136	114	95	75	56	36	15	-		-
Depreciation Expense	8,734	8,935	9,141	9,351	9,566	9,786	10,011	10,241	10,477		10,718
Dividends and Distributions	(888)	(918)	(999)	(999)	(999)	(999)	(999)	(999)	(999)		(999)
Receivables Movement	(98)	(66)	(149)	(71)	(73)	(74)	(76)	(78)	(80)		(81)
Other assets/inventories	(7)	(5)	(5)	(6)	(6)	(6)	(6)	(6)	(7)		(7)
Payables Movement	85	67	69	70	72	73	75	77	79		80
Employee Provisions	67	68	70	71	74	75	77	79	80		82
<b>Cash Provided/(used in operating activities)</b>	<b>8,056</b>	<b>8,255</b>	<b>8,289</b>	<b>8,668</b>	<b>8,831</b>	<b>9,394</b>	<b>9,685</b>	<b>9,980</b>	<b>10,268</b>		<b>10,719</b>

#### 5.4.2 Investing Activities

This refers to cash generated or used in the enhancement or creation of infrastructure assets and other assets. These activities also include capital grants and proceeds from the sale of property, infrastructure, plant and equipment.

Council plans for the renewal of its existing infrastructure in order to maintain current service levels. Current committed strategic projects are included and funded, including the Coastal Pathway and Cultural Precinct redevelopment.

Capital expenditure decisions are made based upon:

**Burnie City Council****Financial Management Strategy**

- identified community needs and benefits relative to other expenditure options;
- the cost effectiveness of the proposed means of service delivery; and
- the affordability of proposals having regard to Council's long-term financial sustainability.

It has been assumed that no material asset sales will occur over the 10 year period.

**5.4.3 Financing Activities**

This refers to cash generated or used in the financing of Council functions and include borrowings and repayment of borrowings and any associated costs.

**5.4.4 Capital Works Expenditure and Asset Renewal Needs**

The capital works program is based on committed strategic projects and ensuring the renewal of existing assets. Renewal expenditure reinstates the existing service potential or the life of an asset up to that which it had originally. It may reduce future operating and maintenance expenditure if completed at the optimum time.

Asset upgrades are carried out to address deficiencies in current service levels or to meet new standards or statutory requirements. Expenditure on new assets in most cases will result in future costs for operation, maintenance and capital renewal expenditure and therefore needs to be carefully considered by the Council. Council has provisioned for the renewal of assets across the 10 year period of the FMS modelled on an asset sustainability ratio of 100%, or alternatively explained as the investment of funds equivalent to depreciation.

## Burnie City Council

## Financial Management Strategy

## 5.5 Statement of Financial Position

Burnie City Council												
Statement of Financial Position												
		Strategic Projections										
		2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	
Forecast		\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	\$'000	
<b>Assets</b>												
<b>Current assets</b>												
	Cash and cash equivalents	13,986	6,678	8,445	10,294	9,951	9,556	9,503	9,517	9,596	10,870	12,354
	Trade and other receivables	2,800	2,898	2,964	3,113	3,184	3,257	3,331	3,407	3,485	3,565	3,646
	Other assets	150	154	157	160	163	166	169	172	175	179	183
	Inventories	124	127	129	131	134	137	140	143	146	149	152
	Contract Assets	250	5,958	2,360	0	0	0	0	0	0	0	0
	<b>Total current assets</b>	<b>17,310</b>	<b>15,815</b>	<b>14,055</b>	<b>13,698</b>	<b>13,432</b>	<b>13,116</b>	<b>13,143</b>	<b>13,239</b>	<b>13,402</b>	<b>14,763</b>	<b>16,335</b>
<b>Non-current assets</b>												
	Investment in water corporation	62,888	62,888	62,888	62,888	62,888	62,888	62,888	62,888	62,888	62,888	62,888
	Investment in subsidiaries	-	-	-	-	-	-	-	-	-	-	-
	Investment in joint venture	3,740	3,740	3,740	3,740	3,740	3,740	3,740	3,740	3,740	3,740	3,740
	Non-current assets held for transfer	-	-	-	-	-	-	-	-	-	-	-
	Property, infrastructure, plant and equipment	356,438	368,505	378,459	378,098	377,729	377,351	376,964	376,569	376,164	375,750	375,327
	<b>Total non-current assets</b>	<b>423,066</b>	<b>435,133</b>	<b>445,087</b>	<b>444,726</b>	<b>444,357</b>	<b>443,979</b>	<b>443,592</b>	<b>443,197</b>	<b>442,792</b>	<b>442,378</b>	<b>441,955</b>
	<b>Total assets</b>	<b>440,376</b>	<b>450,948</b>	<b>459,142</b>	<b>458,424</b>	<b>457,788</b>	<b>457,094</b>	<b>456,735</b>	<b>456,436</b>	<b>456,194</b>	<b>457,141</b>	<b>458,290</b>
<b>Liabilities</b>												
<b>Current liabilities</b>												
	Trade and other payables	2,850	2,935	3,002	3,071	3,141	3,213	3,286	3,361	3,438	3,517	3,597
	Trust funds and deposits	142	142	142	142	142	142	142	142	142	142	142
	Interest-bearing loans and borrowings	1,109	1,132	1,029	1,048	1,067	1,087	1,107	1,127	0	0	0
	Employee provisions	2,748	2,811	2,875	2,941	3,008	3,077	3,147	3,219	3,293	3,368	3,445
	Contract liabilities	-	-	-	-	-	-	-	-	-	-	-
	<b>Total current liabilities</b>	<b>6,849</b>	<b>7,020</b>	<b>7,048</b>	<b>7,202</b>	<b>7,358</b>	<b>7,519</b>	<b>7,682</b>	<b>7,849</b>	<b>8,873</b>	<b>7,027</b>	<b>7,184</b>
<b>Non-current liabilities</b>												
	Interest-bearing loans and borrowings	7,597	6,465	5,436	4,388	3,321	2,234	1,127	-	-	-	-
	Employee provisions - NC	202	206	210	214	218	223	228	233	238	243	248
	<b>Total non-current liabilities</b>	<b>7,799</b>	<b>6,671</b>	<b>5,646</b>	<b>4,602</b>	<b>3,539</b>	<b>2,457</b>	<b>1,355</b>	<b>233</b>	<b>238</b>	<b>243</b>	<b>248</b>
	<b>Total liabilities</b>	<b>14,648</b>	<b>13,691</b>	<b>12,694</b>	<b>11,804</b>	<b>10,897</b>	<b>9,976</b>	<b>9,037</b>	<b>8,082</b>	<b>7,111</b>	<b>7,270</b>	<b>7,432</b>
	<b>Net Assets</b>	<b>425,728</b>	<b>437,257</b>	<b>446,448</b>	<b>446,620</b>	<b>446,891</b>	<b>447,119</b>	<b>447,699</b>	<b>448,354</b>	<b>449,083</b>	<b>449,871</b>	<b>450,858</b>
<b>Equity</b>												
	Accumulated surplus	276,544	277,329	288,858	298,049	298,221	298,493	298,720	299,300	299,955	300,685	301,473
	Surplus/(deficit)	785	11,529	9,191	172	272	227	580	655	730	788	986
	Reserves	148,399	148,399	148,399	148,399	148,399	148,399	148,399	148,399	148,399	148,399	148,399
	<b>Total Equity</b>	<b>425,728</b>	<b>437,257</b>	<b>446,448</b>	<b>446,620</b>	<b>446,891</b>	<b>447,119</b>	<b>447,699</b>	<b>448,354</b>	<b>449,083</b>	<b>449,871</b>	<b>450,858</b>
	<b>CURRENT RATIO</b>	<b>2.53</b>	<b>2.25</b>	<b>1.99</b>	<b>1.90</b>	<b>1.83</b>	<b>1.74</b>	<b>1.71</b>	<b>1.69</b>	<b>1.95</b>	<b>2.10</b>	<b>2.27</b>

Council is projecting a strong current ratio throughout the 10 year FMS period, meaning it will be able to meet its current liabilities as and when they fall due. The revaluation of assets has not been included within the FMS, as these are dependent on a range of factors which are only known once the revaluation is undertaken.

It has been assumed that the structure of debtors and payables cycles will remain constant over the 10 year period with the value increasing by CPI at 3% (2022-23) and 2.3% (2023-24 to 2031-32) respectively.

Inventory levels reflect standard operating requirements.

Other assets predominantly reflect expected prepayments at year end, particularly for software licenses and subscriptions.

## Burnie City Council

## Financial Management Strategy

Contract Assets relate to externally funded capital works that have been completed (based on expected year end completion percentage) under an executed agreement creating a receivable to be paid in the future. These amounts must be funded prior to receiving.

## 5.6 Sensitivity Analysis

Council has conducted a sensitivity analysis (what if scenarios) looking at material variabilities of projected revenue and expenditure within the FMS. These items include

- The impact of inflation on materials and services expenditure
- A change in employee benefits expenditure due to changes in wages policy or structure
- The variation in commercial revenue that will be generated due to economic and market changes
- The variation in depreciation due to capital program delivery changes, the nature of work undertaken (new, upgrade or renewal), and review of useful lives and revaluations

The table below shows the average impact for each item across the 10 year FMS horizon, the percentage change in the item, what the dollar impact is and what the corresponding percentage impact on the rating strategy would need to be to accommodate the revised scenarios. These figures are indicative only and are provided so users of the FMS can assess what the impact of positive and negative changes will be to the operating position of Council and its rating strategy.

		Average over 10 years FMS
Item	Impact of Inflation on Materials and Services Expenditure	\$'000
Current Assumption in FMS	CPI has been modelled in the FMS at 3% (2022-23) and 2.3% (2023-24 to 2031-32).	12,568
	\$ impact if changes (+ / -) by 1.00%	126
	% impact on rates if changes (+ / -) by 1.00%	0.43%
Item	Changes in Employee Benefits expenditure	
Current Assumption in FMS	Wages policy includes a per annum increase of 2.3% for each year of the FMS	12,374
	\$ impact if changes (+ / -) by 0.25%	31
	% impact on rates if changes (+ / -) by 0.25%	0.11%
Item	Commercial Revenue Variability	
Current Assumption in FMS	This relates to income generated by commercial communications and the Cultural Precinct which operate on a commercial basis (links to user fees)	1,068
	\$ impact if changes (+ / -) by 10.00%	107
	% impact on rates if changes (+ / -) by 10.00%	0.37%
Item	Depreciation Variability	
Current Assumption in FMS	Depreciation may vary in any particular year depending on capital program delivery, the nature of work undertaken (new, upgrade or renewal), and reviews of useful lives and revaluations.	9,696
	\$ impact if changes (+ / -) by 2.50%	242
	% impact on rates if changes (+ / -) by 2.50%	0.83%

## 6 Risk Management

Council monitors key financial risks that may have a material impact on realising its FMS goals. These key risks highlight the uncertainty Council must manage to achieve its objectives.

### 6.1 Financial Risk Register

The Council's risk register, based on current risks within the Statement of Comprehensive Income is included below (*Please note: Bracketed figures are revenue / non bracketed figures are expenses*).

Title	Description and Calculation	Type (Risk / Opportunity)	OPEX Budget 2022-23 Amount (\$)	Management Strategies
TASWATER Special Dividend	TASWATER Corporate Plan includes potential for a special dividend. \$4m Special Dividend (subject to TASWATER performance) to be distributed on BCC share of 4.14% of dividend (ownership share is lower as State Government share increases, but dividend share does not change)	Opportunity	(828,000)	Not applicable, controlled by external party
Financial Assistance Grant	Financial Assistance Grant (Commonwealth) has been 50% in advance in recent years. It is possible that the advance payment will return to normal timing. This will create a significant funding gap. It is unsure whether or when this will occur. This amount indexes at 2% p.a. in the FMS based on Commonwealth Budget paper projections.	Risk	(2,758,194)	This will need to be managed when it occurs. The loss of revenue will impact the operational bottom line. The Council does not have the capacity to manage a saving of this magnitude within a 1 year horizon.

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Operational Grants	Current revenue includes operational grants. The FMS includes 2 grants - NRM Weed management (2 further years funding) and Arts Tasmania Funding (1 year funding amount). NRM revenue has corresponding expenditure requirements and loss will have no effect on the bottom line. Loss of Arts Tasmania Funding will have an effect on the bottom line and is included here.	Risk	(102,675)	The loss of funding will need to be managed within the service by increasing / revenue and/or reducing costs.
Interest Income	Term Deposit Interest Rates. FMS is based on WAIR of 0.50% in 2022-23 and 0.75% thereafter. Interest rates are expected to rise in the next few years. Current WAIR is 0.50% in 2021-22 (0.75% assumed in out-years in FMS). Returns are likely to be better, but this will depend on actual rates achieved and cash invested.	Opportunity	(60,000)	Interest rates are externally set. Treasury Management processes are in place to ensure the best rate is selected based on funds to be invested and timing considerations.
Rental Income	Lease Income. Vacating tenants or new opportunities that arise for additional income. The risk / opportunity is not quantifiable at this stage.	Risk / Opportunity	(588,338)	Council will seek new tenants where required. Notice periods in leases allow time to search for new tenants to minimise vacancy periods.
Supplementary Rates Income	Supplementary rates Income may vary from the \$137,000 provisioned in the FMS. This is subject to a number of external factors including the economic context, and building and subdivision activity. The risk / opportunity is not quantifiable at this stage.	Risk / Opportunity	(137,000)	Monitor actuals and forecast against budgets. Take necessary corrective action.

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Reimbursement Income	Interest reimbursement from \$10.4 million COVID-19 concessional loan will cease on 30/6/2023.	Future risk	(150,435)	This income loss has been factored into the FMS and been mitigated.
Planning related Income streams	Planning income may vary due to changes in economic context e.g. interest rates, property valuation and building activity. The risk / opportunity is not quantifiable at this stage.	Risk / Opportunity	(125,400)	Monitor actuals and forecast against budgets. Take necessary corrective action.
s132 and s337 certificate income	Certificates income (s132, s337) may vary from budget due to variations in property sales. Current estimates are based on current 5 year average in existing FMS plus indexation. The variation cannot be quantified at this stage.	Risk / Opportunity	(142,326)	Monitor actuals and forecast against budgets. Take necessary corrective action.
Cultural Precinct Income	Uncertainty around Cultural Precinct Activity (Income and Variable Expenses). Estimated revenue for 2022-23 is \$565K. This compares to historical average pre COVID-19 of \$850K (a 34% reduction). It is not sure when COVID-19 uncertainty will cease. The impact of expected closures and work arounds during refurbishment cannot be estimated. Sales estimates within the FMS out-years are based on current projected activity. There is likely to be an upside over the course of the FMS, though this cannot be estimated currently.	Risk / Opportunity	(564,127)	Monitor actuals and forecast against budgets. Take necessary corrective action.



Burnie City CouncilFinancial Management Strategy

TASCOM Integration	Post TAS Communication integration within BCC, there may been a loss of a number of commercial customers.	Risk	(400,000)	Monitor actuals and forecast against budgets. Take necessary corrective action.
TASCOM Integration	BCC currently have a contract with BAI for tower rentals (sisters hill and table cape) that support a former customers service (customer no longer with BCC). Value in 2021-22 is \$54K and indexes at 5% p.a. 10 year term, will finish on 6 November 2025.	Opportunity	56,700	Negotiating the potential exiting of the contract prior to the cessation, at a reduced rate.
Depreciation variability	Depreciation estimates may vary. This may be due to capital program delivery changes, useful life changes etc. Estimates are difficult to plan for currently due to existing system and process issues.	Risk / Opportunity	8,734,400	Monitor actuals and forecast against budgets. Take necessary corrective action. Process improvement required.
Capitalisation Risk	Capital transfers are impacted by the successful delivery of the capital works program annually. If transfers vary this may impact the operational (underlying) position.	Risk / Opportunity	(1,500,000)	Monitor actuals and forecast against budgets. Take necessary corrective action.
Contingency	In 2022-23 and 2023-24 when surplus budgets are lean, there is no contingency for unplanned expenditure or situations. Cannot be quantified at this stage.	Risk	Unknown at this time	Monitor situation and take corrective action if needed.

**Burnie City Council****Financial Management Strategy**

Cruise Ships	Cruise Ship income and expenses. Prior to COVID-19 the Net expense (after revenue) for cruise ships was between \$50K and \$100K. There is no allowance for Cruise Ships within the FMS currently.	Risk / Opportunity	0	When Cruise Ships return the model will be reviewed to consider FMS impacts.
Inflation	Inflation has increased with expectations to increase further in the very short term. The long run inflation estimate is 2.3% p.a. average over 10 years.	Risk	Unknown at this time	Monitor actuals and forecast against budgets. Take necessary corrective action.
Insurance	Insurance costs within the FMS are currently expected to index at 8% p.a. based on recent history. There is potential for costs to higher or lower.	Risk / Opportunity	491,540	Monitor actuals and forecast against budgets. Take necessary corrective action.
Council Decisions	The FMS does not take account of future council decisions that impact capital works or the operational budget during the 10 year horizon.	Risk	Unknown at this time	Full financial modelling required to inform Council decision making. Trade-offs may be required to substitute some services and projects for others of higher priority.
Disposals	Disposals (profit / loss) uncertainty for any given financial year	Risk / Opportunity	345,050	Monitor actuals and forecast budgets. Take necessary corrective action. This item does not affect the underlying operating result.

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**CORPORATE AND COMMERCIAL SERVICES****AO118-22 FEES AND CHARGES SCHEDULE 2022-23****FILE NO: 13/10/1****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

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

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**1.0 RECOMMENDATION:**

***“THAT Council approve the Fees and Charges Schedule for 2022-23, as presented.”***

**2.0 SUMMARY**

The purpose of this report is to seek Council’s adoption of the draft Fees and Charges Schedule for 2022-23.

**3.0 BACKGROUND**

The Fees and Charges Schedule has been developed by amending the majority of the fees and charges contained in the 2021-22 financial year, by a factor of 3.51% in accordance with the draft Financial Management Strategy adopted in-principle by the Council at its March 2022 meeting.

The Fees and Charges are an important consideration in the Annual Plan and Budget Estimates process each year, as they underpin the assumptions made around income derived from statutory and user charges.

**4.0 LEGISLATIVE REQUIREMENTS**

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

**5.0 POLICY CONSIDERATIONS**

The methodology under which fees and charges will increase annually is outlined in the Financial Management Strategy. The fees and charges schedule assists in determining revenue projections within the Annual Plan and Budget Estimates.

## **6.0 FINANCIAL IMPACT**

On the basis that the Fees and Charges Schedule underpins the revenue estimates in both the Financial Management Strategy and Annual Plan and Budget Estimates, the impact of any proposed changes to the fees and charges would need to be considered.

## **7.0 DISCUSSION**

The majority of fees and charges are proposed to increase by 3.51% being the CPI General, all indexes (Hobart) annual rate to 31 December 2021 being 4.51%, less 1%. This was the most applicable CPI rate at the time of compiling the draft FMS and therefore officers have been consistent with this methodology despite this rate for the 12 months to 31 March 2022 now being 5.8%.

There are a number of exceptions to this such as services provided by third parties. An example of this is Aquatic Centre fees which this year are determined by a recent tender conducted. Additionally fees which are comprised under the *Fee Units Act 1997* are prescribed annually by the State Government and have been increased to accord with this instruction. The Fee Unit for 2022-23 is \$1.70.

The Council should note that the West Park venue fees may not be applicable this year on the basis that the premise is under occupation license for the full year. The fees are provided however incase the arrangements change, so that the Council can adapt quickly to managing these premises.

Parking fees remain unchanged as these are on a three yearly review cycle.

It should be noted that fees and charges are increased and then rounded. That means that for some smaller fees, the increases appear substantial, but may only reflect a small monetary value.

Waste fees attributed to household and commercial waste at the gate have increased to a higher extent than other fees this year, based upon the introduction of the State Government Waste Levy. Councillors discussed this matter at a Council Workshop and considered the most equitable approach to be a cost sharing arrangement whereby a Waste Levy would be applied equally to all properties, and an increase at the gate for the Waste Management Centre would also be introduced. This was to ensure that the full cost was not borne solely by ratepayers through their annual rates.

There is one new charge which has been included for 2022-23 related to the provision of extensions to expired permits under the *Building Act 2016*. The fee, applied on a discretionary basis is proposed to be \$110.

## **8.0 RISK**

There are no identified risks that require consideration in relation to this report.

## 9.0 CONSULTATION

Consultation with councilors has occurred with regard to fees and charges, at a previous Council Workshop conducted in March 2022.

The Audit Panel considered and endorsed the draft Fees and Charges Schedule 2022-23 at the meeting of 8 June 2022.

A briefing paper related to this matter was also circulated to Councillors on 3 June 2022 before being discussed at the Council Workshop conducted on 14 June 2022.

## ATTACHMENTS

1 [↓](#) Fees and Charges Schedule 2022-23

## COUNCIL RESOLUTION

**Resolution number: MO114-22**

**MOVED:** Cr A Boyd

**SECONDED:** Cr C Lynch

***“THAT Council approve the Fees and Charges Schedule for 2022-23, as presented.”***

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***

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 2022-23	GST	% Increase
<b>SUMMER SPORTS</b>						
Acton Cricket Club	Acton Recreation Ground	\$791	\$819	\$28	\$74.42	3.51%
Burnie Cricket League Inc	Acton Rec Ground - Per Season Ground Use	\$2,244	\$2,323	\$79	\$211.19	3.51%
Burnie Cricket League Inc	Wivenhoe Rec Grd - Per Season Ground Use	\$2,244	\$2,323	\$79	\$211.19	3.51%
Burnie Cricket League Inc	Ridgley Rec Ground - Per Season Ground Use	\$2,244	\$2,323	\$79	\$211.19	3.51%
Burnie Cricket League Inc	Stowport Rec Ground - Per Season Ground Use	\$2,247	\$2,326	\$79	\$211.47	3.51%
Burnie Cricket League Inc	Natone Rec Ground - Per Season Ground Use	\$2,247	\$2,326	\$79	\$211.47	3.51%
Burnie Yeomen Cricket	West Park Oval - Per Season Ground Use	\$3,825	\$3,959	\$134	\$359.94	3.51%
Burnie Harness Racing	Wivenhoe Rec Ground - Per Race Day	\$1,136	\$1,176	\$40	\$106.94	3.51%
Burnie Harness Racing	Wivenhoe Rec Ground - Per Trial Day	\$48	\$50	\$2	\$4.51	3.51%
Burnie United Football Club	Montello Rec Ground - Per Pre Season Training Season	\$872	\$903	\$31	\$82.10	3.51%
Burnie Cricket League Inc	Montello Rec Ground - Per Season Ground Use	\$2,475	\$2,561	\$87	\$232.86	3.51%
Burnie Softball Association	Acton Rec Ground - Per Training Season	\$1,392	\$1,441	\$49	\$131.01	3.51%
Natone Cricket Club	Wivenhoe Rec Ground - Per Training Season	\$791	\$819	\$28	\$74.42	3.51%
Ridgley Cricket Club	Ridgley Rec Ground - Per Training Season	\$791	\$819	\$28	\$74.42	3.51%
Football Clubs	All Grounds - Per Pre-Season Training Session	\$30	\$31	\$1	\$2.78	3.51%
Stowport Cricket Club	Stowport Rec Ground - Per Season Training	\$791	\$819	\$28	\$74.42	3.51%
West Ridgley Cricket Club	Ridgley Rec Ground - Per Season Training	\$791	\$819	\$28	\$74.42	3.51%
Touch Football Association	Upper Burnie Rec Ground - Per Season	\$172	\$178	\$6	\$16.21	3.51%
Burnie Athletic Club	West Park Oval - Day Hire	\$624	\$646	\$22	\$58.69	3.51%
City of Burnie Cycling Club	West Park Oval - Pre Season	\$1,139	\$1,179	\$40	\$107.22	3.51%
<b>WINTER SPORTS</b>						
Auskick	Wivenhoe Rec Ground - Per Season	\$225	\$233	\$8	\$21.17	3.51%
Darwin Football Association	Ridgley Rec Ground - Per Game Day	\$313	\$324	\$11	\$29.45	3.51%
Darwin Football Association	Wivenhoe Rec Ground - Per Game Day	\$313	\$324	\$11	\$29.45	3.51%
Darwin Football Association	Natone Rec Ground Per Game Day	\$313	\$324	\$11	\$29.45	3.51%
Dockers Football Club	West Park Oval - Per Game Day	\$624	\$646	\$22	\$58.72	3.51%
Dockers Football Club	West Park Oval - Per Training Season	\$1,139	\$1,179	\$40	\$107.18	3.51%
Dockers Football Club	West Park Oval - Per Season - Junior Footy	\$257	\$266	\$9	\$24.18	3.51%
Natone Football Club	Natone Rec Ground Per Training Season	\$570	\$590	\$20	\$53.64	3.51%
Ridgley Football Club	Ridgley Rec Ground Per Training Season	\$570	\$590	\$20	\$53.64	3.51%
Sth Burnie Football Club	Wivenhoe Rec Ground Per Training Season	\$570	\$590	\$20	\$53.64	3.51%
Burnie United Football Club	Montello Rec Ground Per Training Season	\$570	\$590	\$20	\$53.64	3.51%
Burnie United Football Club	Montello Rec Ground Per Game Day	\$313	\$324	\$11	\$29.45	3.51%
Burnie Rugby Club	Upper Burnie Rec Ground for Season	\$718	\$743	\$25	\$67.56	3.51%
Yeoman Football Club	Wivenhoe Rec Ground Per Training Season	\$570	\$590	\$20	\$53.64	3.51%

*The fees and charges for summer and winter sports have been developed to contribute towards the cost to maintain the facility including grass care, maintenance, facility management, irrigation and general ground maintenance.*

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>AQUATIC CENTRE</b>						
<b>Daily Rate</b>						
	Adult	\$7.20	\$7.50	\$0.30	\$0.68	4.17%
	Child 5-15	\$4.40	\$4.50	\$0.10	\$0.41	2.27%
	Child 2-4	\$2.20	\$2.30	\$0.10	\$0.21	4.55%
	Infant 0-2	Free	Free	-	n/a	n/a
	Student (age 18 and over)	\$4.40	\$4.50	\$0.10	\$0.41	2.27%
	Family (2 adults, 2 children, each extra child \$2.10)	\$18.40	\$19.00	\$0.60	\$1.73	3.26%
	Aged pensioner/Seniors cardholder	\$3.90	\$4.00	\$0.10	\$0.36	2.56%
	School groups (per child per session)	\$2.80	\$2.90	\$0.10	\$0.26	3.57%
	Adult spectators	Free	Free	-	n/a	n/a
	Child spectator (age 2 and above)	Free	Free	-	n/a	n/a
<b>Multi-use Tickets</b>						
	Adult 10 Swim	\$59.00	\$61.00	\$2.00	\$5.55	3.39%
	Adult 20 Swim	\$107.00	\$110.00	\$3.00	\$10.00	2.80%
	Child 10 Swim	\$38.00	\$39.00	\$1.00	\$3.55	2.63%
	Child 20 Swim	\$71.00	\$73.50	\$2.50	\$6.68	3.52%
<b>Season Tickets*</b>						
	Adult 12 month	\$565.00	\$585.00	\$20.00	\$53.18	3.54%
	Child 12 month	\$324.00	\$335.00	\$11.00	\$30.45	3.40%
	Aged pensioner/Seniors cardholder 12 month	\$317.00	\$328.00	\$11.00	\$29.82	3.47%
	Family 12 month	\$958.00	\$991.00	\$33.00	\$90.09	3.44%
	Adult 6 month	\$333.00	\$344.00	\$11.00	\$31.27	3.30%
	Child 6 month	\$190.00	\$196.00	\$6.00	\$17.82	3.16%
	Aged pensioner/Seniors cardholder 6 month	\$186.00	\$192.00	\$6.00	\$17.45	3.23%
	Family 6 month	\$566.00	\$586.00	\$20.00	\$53.27	3.53%
<b>Special Use</b>						
	School carnival (one pool only, per hour)	\$201.00	\$208.10	\$7.10	\$18.92	3.53%
	School carnival (second pool per hour)	\$101.00	\$104.60	\$3.60	\$9.51	3.56%
	Weekend carnival (one pool only, per hour)	\$260.00	\$269.10	\$9.10	\$24.46	3.50%
	Club annual fee (for full use of facility)****	\$4,600.00	\$4,761.00	\$161.00	\$432.82	3.50%
<b>Private Programs</b>						
	Programs per lane per hour***	\$25.00	\$26.00	\$1.00	\$2.36	4.00%
<b>Meeting Room Hire</b>						
	All regular users (Swim Clubs, Private Clubs, PCYC, Masters, Surf Club etc)	Free	Free	-	Free	Free
	Private hire (on availability, conditions apply)**	\$25.00	\$26.00	\$1.00	\$2.36	4.00%

\* Includes Masters Swim Club & Burnie Surf Life Saving Club members. Each member buys a season ticket

\*\* Attendees to pay entry fee if not already paid or holders of season tickets. Cleaning by user or by arrangement with management. Hire of equipment on approval by Manager and may be subject to bond.

\*\*\* Includes learn to swim, DOE learn to swim (charged ex GST in line with contract), Aqua Aerobics, School Holiday Programs, Adult Lessons etc. In addition to lane hire, in must pay an entry fee for each session or a season or multi-use ticket.

\*\*\*\* Exclusive hire of 4 lanes for indoor pool and 3 lanes for outdoor pool at the times negotiated with management. Club individuals pay season ticket.

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>BURNIE CULTURAL CENTRE VENUE</b>						
<b>BASS AND FLINDERS ROOM</b>						
	Morning or afternoon (4 hours)	\$220.00	\$ 228.00	\$ 8.00	\$20.73	3.64%
	Morning and afternoon (8 hours)	\$332.00	\$ 344.00	\$ 12.00	\$31.27	3.61%
	Evening (4 hours)	\$388.00	\$ 402.00	\$ 14.00	\$36.55	3.61%
	Full Day*	By Neg	By Neg	-		
<b>BRADDON HALL</b>						
	Morning or afternoon (4 hours)	\$265.00	\$ 275.00	\$ 10.00	\$25.00	3.77%
	Morning and afternoon (8 hours)	\$398.00	\$ 412.00	\$ 14.00	\$37.45	3.52%
	Evening (4 hours)	\$434.00	\$ 450.00	\$ 16.00	\$40.91	3.69%
	Full day*	By Neg	By Neg	-		
<b>VIP ROOM</b>						
	Morning or afternoon (4 hours)	\$169.00	\$ 175.00	\$ 6.00	\$15.91	3.55%
	Morning and afternoon (8 hours)	\$255.00	\$ 264.00	\$ 9.00	\$24.00	3.53%
	Evening (4 hours)	\$388.00	\$ 402.00	\$ 14.00	\$36.55	3.61%
	Full day*	By Neg	By Neg	-		
<b>TOWN HALL</b>						
Morning or afternoon (4 Hours)	Bare room	\$429.00	\$ 445.00	\$ 16.00	\$40.45	3.73%
	Theatre/Table	\$612.00	\$ 634.00	\$ 22.00	\$57.64	3.59%
Morning and afternoon (8 Hours)	Bare room	\$678.00	\$ 702.00	\$ 24.00	\$63.82	3.54%
	Theatre/Table	\$857.00	\$ 888.00	\$ 31.00	\$80.73	3.62%
Evening (4 Hours)	Bare room	\$597.00	\$ 618.00	\$ 21.00	\$56.18	3.52%
	Theatre/Table	\$775.00	\$ 803.00	\$ 28.00	\$73.00	3.61%
Full Day	Bare room	\$913.00	\$ 946.00	\$ 33.00	\$86.00	3.61%
	Theatre/Table	\$1,040.00	\$ 1,077.00	\$ 37.00	\$97.91	3.56%
<b>TOWN HALL PLUS BRADDON HALL</b>						
Morning or afternoon (4 hours)	Bare room	\$490.00	\$ 508.00	\$ 18.00	\$46.18	3.67%
	Theatre/Table	\$668.00	\$ 692.00	\$ 24.00	\$62.91	3.59%
Morning and afternoon (8 hours)	Bare room	\$760.00	\$ 787.00	\$ 27.00	\$71.55	3.55%
	Theatre/Table	\$938.00	\$ 971.00	\$ 33.00	\$88.27	3.52%
Evening (4 hours)	Bare room	\$658.00	\$ 682.00	\$ 24.00	\$62.00	3.65%
	Theatre/Table	\$836.00	\$ 866.00	\$ 30.00	\$78.73	3.59%
Full day	Bare room	\$1,040.00	\$ 1,077.00	\$ 37.00	\$97.91	3.56%
	Theatre/Table	\$1,224.00	\$ 1,267.00	\$ 43.00	\$115.18	3.51%
<b>FOYERS (Per Foyer)</b>						
Morning or afternoon (4 hours)	Bare room	\$148.00	\$ 154.00	\$ 6.00	\$14.00	4.05%
	Theatre/Table	\$209.00	\$ 217.00	\$ 8.00	\$19.73	3.83%
Morning and afternoon (8 hours)	Bare room	\$230.00	\$ 239.00	\$ 9.00	\$21.73	3.91%
	Theatre/Table	\$291.00	\$ 302.00	\$ 11.00	\$27.45	3.78%
Evening (4 hours)	Bare room	\$311.00	\$ 322.00	\$ 11.00	\$29.27	3.54%
	Theatre/Table	\$378.00	\$ 392.00	\$ 14.00	\$35.64	3.70%
Full day	Bare room	\$337.00	\$ 349.00	\$ 12.00	\$31.73	3.56%
	Theatre/Table	\$418.00	\$ 433.00	\$ 15.00	\$39.36	3.59%
<b>WHOLE VENUE (TH/BH/AT/BF/VIP/BR/Foy)</b>						
Morning or afternoon (4 hours)	Bare room	By Neg	By Neg	-		
	Theatre/Table	By Neg	By Neg	-		
Morning and afternoon (8 hours)	Bare room	By Neg	By Neg	-		
	Theatre/Table	By Neg	By Neg	-		
Full day	Bare room	By Neg	By Neg	-		
	Theatre/Table	By Neg	By Neg	-		
<b>ARTS THEATRE</b>						
	Morning or afternoon (4 hours)	\$388.00	\$ 402.00	\$ 14.00	\$36.55	3.61%
	Morning and afternoon (8 hours)	\$622.00	\$ 644.00	\$ 22.00	\$58.55	3.54%
	Evening (4 hours)	\$546.00	\$ 566.00	\$ 20.00	\$51.45	3.66%
	Full day	\$836.00	\$ 866.00	\$ 30.00	\$78.73	3.59%
<b>BOARD ROOM</b>						
	Morning or afternoon (4 hours)	\$102.00	\$ 106.00	\$ 4.00	\$9.64	3.92%
	Morning and afternoon (8 hours)	\$164.00	\$ 170.00	\$ 6.00	\$15.45	3.66%



### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
Evening (4 hours)		\$245.00	\$ 254.00	\$ 9.00	\$23.09	3.67%
Full day*	By Neg		By Neg	-		
<b>ADDITIONAL HOURLY</b>						
Morning or afternoon (4 hours)		\$63.00	\$ 66.00	\$ 3.00	\$6.00	4.76%
Morning and afternoon (8 hours)		\$63.00	\$ 66.00	\$ 3.00	\$6.00	4.76%
Evening (4 hours)		\$63.00	\$ 66.00	\$ 3.00	\$6.00	4.76%
<b>DINNER SETUP (for all dinners in the TH)</b>						
Full day		\$510.00	\$ 528.00	\$ 18.00	\$48.00	3.53%
<b>CLEANING (for all dinners and large events in the TH)</b>						
Full day		\$199.00	\$ 206.00	\$ 7.00	\$18.73	3.52%
<b>4 Hours Morning/Afternoon</b>	<i>Business Hours Only: 8.00am - 5.00pm</i>					
<b>8 Hours Morning/Afternoon</b>	<i>Business Hours Only: 8.00am - 5.00pm</i>					
<b>4 Hours Evening</b>	<i>After 5.00pm</i>					
<b>*Full Day Rates</b>	<i>Include evenings and covers unhirable setups, i.e. weddings, expo's, trade fairs, etc.</i>					
<b>NOTES:</b>	<i>Additional Catering Fees and Charges may be reason for the Director to waive Venue Hire Fees and Charges.</i>					
	<i>Room includes tablecloths, if additional tablecloths are required - charged at \$4.00 per cloth</i>					
<b>Surcharges</b>	<i>Saturday surcharge on all fees is 15%</i>					
	<i>Sunday surcharge on all fees is 30%</i>					
	<i>Public holiday surcharge on all fees is 50%</i>					
	<i>Setup days by negotiation</i>					
<b>Cleaning and Technicians</b>	<i>Cleaning \$206, if applicable events &amp; dinners in function rooms. Technicians as per Theatre hire fees and charges</i>					

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>WEST PARK VENUE</b>						
<b>THE POINT WEST PARK</b>						
Morning or Afternoon (4 Hours)	Bare Room	\$209	\$217	\$8	\$19.73	3.83%
	Theatre Style	\$281	\$291	\$10	\$26.45	3.56%
	Table Setup	\$301	\$312	\$11	\$28.36	3.65%
Morning and Afternoon (8 Hours)	Bare Room	\$332	\$344	\$12	\$31.27	3.61%
	Theatre Style	\$408	\$423	\$15	\$38.45	3.68%
	Table Setup	\$429	\$445	\$16	\$40.45	3.73%
Evening (4 Hours)	Bare Room	\$342	\$355	\$13	\$32.27	3.80%
	Theatre Style	\$418	\$433	\$15	\$39.36	3.59%
	Table Setup	\$439	\$455	\$16	\$41.36	3.64%
Full Day	Bare Room	\$551	\$571	\$20	\$51.91	3.63%
	Theatre Style	\$622	\$644	\$22	\$58.55	3.54%
	Table Setup	\$643	\$666	\$23	\$60.55	3.58%
Refundable Bond		\$300	\$300	\$300	\$27.27	-
<b>CORPORATE BOXES</b>						
Morning or afternoon (4 hours)	Single	\$153	\$159	\$6	\$14.45	3.92%
	Double	\$225	\$233	\$8	\$21.18	3.56%
Morning and afternoon (8 hours)	Single	\$204	\$212	\$8	\$19.27	3.92%
	Double	\$301	\$312	\$11	\$28.36	3.65%
Evening (4 hours)	Single	\$240	\$249	\$9	\$22.64	3.75%
	Double	\$352	\$365	\$13	\$33.18	3.69%
Full day	Single	\$398	\$412	\$14	\$37.45	3.52%
	Double	\$592	\$613	\$21	\$55.73	3.55%
Refundable Bond		\$300.00	\$300	\$300	\$27.27	-
<b>4 Hours Morning/Afternoon</b>		Business Hours Only: 8.30am - 5.00pm				
<b>8 Hours Morning/Afternoon</b>		Business Hours Only: 8.30am - 5.00pm				
<b>4 Hours Evening</b>		After 5.00pm - includes the cost of 1 staff member, additional staff charged at the rate specified in Staff Fees and Charges				
<b>Full Day Rate</b>		All day functions, including evenings, i.e. weddings, expos, trade fairs, etc. Includes the cost of 1 staff member				

**NOTES:**

Additional Catering Fees and Charges may be reason for the Director to waive Venue Hire Fees and Charges.  
 Additional Charges may apply for tablecloths if a large number of tables is required - charged at \$4.00 per cloth  
 Kitchen hire is available by negotiation  
 Additional evening hourly rates, for bookings over 4 hours, is charged at \$55 an hour  
 Saturday surcharge on all fees is 15%, to cover additional staffing costs, or costs as expended  
 Sunday surcharge on all fees is 30%, to cover additional staffing costs, or costs as expended  
 Public holiday surcharge on all fees is 50%, to cover additional staffing costs, or costs as expended  
 Setup days by negotiation  
 Eligible community groups will be entitled to financial assistance and discounted rates for Council's Venues.  
 Refer to Council's Community Assistance Grants Policy

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>ANIMAL CONTROL</b>						
<b>Pursuant to Section 80 of the Dog Control Act 2000</b>						
<b>Dog Registrations</b>						
<b>Payment by Due Date (30 days after reminder notice)</b>						
	Male and female dog	\$39	<b>\$41.00</b>	<b>\$2.00</b>	Exempt	5.13%
	Male and female dog (pensioner rate)	\$30	<b>\$32.00</b>	<b>\$2.00</b>	Exempt	6.67%
	Working/Purebred/Greyhound	\$39	<b>\$41.00</b>	<b>\$2.00</b>	Exempt	5.13%
	Sterilized dog	\$24	<b>\$25.00</b>	<b>\$1.00</b>	Exempt	4.17%
	Sterilized dog (pensioner rate)	\$19	<b>\$20.00</b>	<b>\$1.00</b>	Exempt	5.26%
	Dangerous dogs declared under s29 Dog Control Act	\$337	<b>\$349.00</b>	<b>\$12.00</b>	Exempt	3.56%
	Dangerous dogs declared under s30 Dog Control Act (Guard Dogs)	\$65	<b>\$68.00</b>	<b>\$3.00</b>	Exempt	4.62%
<b>Payment after Due Date</b>						
	Male and female dog*	\$46	<b>\$48.00</b>	<b>\$2.00</b>	Exempt	4.35%
	Male and female dog (pensioner rate)*	\$37	<b>\$39.00</b>	<b>\$2.00</b>	Exempt	5.41%
	Working/Purebred/Greyhound*	\$46	<b>\$48.00</b>	<b>\$2.00</b>	Exempt	4.35%
	Sterilized dog*	\$41	<b>\$43.00</b>	<b>\$2.00</b>	Exempt	4.88%
	Sterilized dog (pensioner rate)*	\$33	<b>\$35.00</b>	<b>\$2.00</b>	Exempt	6.06%
	Dangerous dogs declared under s29 Dog Control Act	\$340	<b>\$352.00</b>	<b>\$12.00</b>	Exempt	3.53%
	Dangerous dogs declared under s30 Dog Control Act (Guard Dogs)	\$82	<b>\$85.00</b>	<b>\$3.00</b>	Exempt	3.66%
<b>Other Fees</b>						
	Complaints - dogs causing a nuisance (Refundable if offence determined)	\$39	<b>\$41.00</b>	<b>\$2.00</b>	Exempt	5.13%
	Detention of Dog - impounded dogs are subjected to a daily maintenance fee	As established by the Burnie Dogs Home	<b>As established by the Burnie Dogs Home</b>	-		
	Replacement of dog tag	\$4	<b>\$5.00</b>	<b>\$1.00</b>	\$0.45	25.00%
	Transfer of registration from another municipal area	\$7	<b>\$8.00</b>	<b>\$1.00</b>	Exempt	14.29%
	Seizure of dog	\$55	<b>\$57.00</b>	<b>\$2.00</b>	Exempt	3.64%
<b>Kennel Licences</b>						
	For more than 2 dogs - initial application (does not include advertisement costs) plus registration fee per dog	\$123	<b>\$128.00</b>	<b>\$5.00</b>	Exempt	4.07%
	Renewal of existing kennel licence (+ registration fee for each dog)	\$55	<b>\$57.00</b>	<b>\$2.00</b>	Exempt	3.64%

\* A pro rata payment is to apply for a new dog registration made after the annual renewal or registration period, such fee to be reduced by 25% for each 3 months elapsed from the annual renewal date.

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>MOBILE FOOD VENDORS (to operate on Council land)</b>						
<b>Pursuant to the Public Reserves and Public Buildings By-law No 1 of 2011</b>						
<b>Pursuant to the Mobile Food Vendors Policy</b>						
	Annual Mobile Food Vendor Permit - per vendor per annum	\$1,562	<b>\$1,617</b>	<b>\$55</b>	\$147.00	3.52%
	Season Mobile Food Vendor Permit - per vendor per annum	\$833	<b>\$863</b>	<b>\$30</b>	\$78.45	3.60%
	Occasional Mobile Food Vendor Permit - per vendor per session	\$42	<b>\$44</b>	<b>\$2</b>	\$4.00	4.76%
	Use of electricity from a Council supply - per vendor per session	\$6	<b>\$7</b>	<b>\$1</b>	\$0.64	16.67%

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>CEMETERIES</b>						
<b>Burials</b>						
	Single depth burial	\$2,292	\$2,373	\$81	\$215.73	3.53%
	Double depth burial	\$2,452	\$2,539	\$87	\$230.82	3.55%
	Triple depth burial	\$2,730	\$2,826	\$96	\$256.91	3.52%
	Second interment	\$2,292	\$2,373	\$81	\$215.73	3.53%
	Third interment	\$1,427	\$1,478	\$51	\$134.36	3.57%
	Burial of child (under 5)	\$782	\$810	\$28	\$73.64	3.58%
	Burial of child (under 12)	\$1,013	\$1,049	\$36	\$95.36	3.55%
	Child - second interment	\$782	\$810	\$28	\$73.64	3.58%
<b>Lawn Cemetery Memorial Wall Niche Red Brick</b>						
	Reservation	\$603	\$625	\$22	\$56.82	3.65%
	Placing of ashes	\$697	\$722	\$25	\$65.64	3.59%
	Placing of ashes in reservation	\$697	\$722	\$25	\$65.64	3.59%
<b>Lawn Cemetery Memorial</b>						
	Reservation	\$602	\$624	\$22	\$56.73	3.65%
<b>Wall Niche Sandstone</b>						
	Placing of ashes	\$803	\$832	\$29	\$75.64	3.61%
	Placing of ashes in reservation	\$695	\$720	\$25	\$65.45	3.60%
<b>Lawn Cemetery - Ground</b>						
	Family plot	\$774	\$802	\$28	\$72.91	3.62%
<b>Memorial Area</b>						
	Placing of ashes in family plot	\$530	\$549	\$19	\$49.91	3.58%
	Placing of ashes in pond perimeter	\$782	\$810	\$28	\$73.64	3.58%
<b>Miscellaneous</b>						
	Gravesite reservation – Lawn Cemetery only	\$2,249	\$2,328	\$79	\$211.64	3.51%
	Ashes in grave	\$654	\$677	\$23	\$61.55	3.52%
	Additional fee for digging and/or attendance on weekends and public holidays	\$1,184	\$1,226	\$42	\$111.45	3.55%
	Additional fee for attendance after 4.30pm weekdays	On application	On application	-	On application	On application
	Pre cast surround for plaques not provided through Council – Lawn Cemetery only	\$220	\$228	\$8	\$20.73	3.64%
	Replacement of plaque surround	\$152	\$158	\$6	\$14.36	3.95%
	For late funerals - for each 15 minutes later than appointed time	\$150	\$156	\$6	\$14.18	4.00%
	Fee for exhumation of body - weekdays	\$2,251	\$2,331	\$80	\$211.91	3.55%
	Fee for exhumation of body - weekends and public holidays	\$3,018	\$3,124	\$106	\$284.00	3.51%
	Fee for re-interment (in same grave) - weekdays	\$804	\$833	\$29	\$75.73	3.61%
	Fee for re-interment (in same grave) - weekends and public holidays	\$1,044	\$1,081	\$37	\$98.27	3.54%
	Fee payable if request for burial not given within prescribed time - weekdays	\$533	\$552	\$19	\$50.18	3.56%
	Fee payable if request for burial not given within prescribed time - weekends and public holidays	\$703	\$728	\$25	\$66.18	3.56%
	Records search fee per half hour or part thereof	\$91	\$95	\$4	\$8.64	4.40%
	Fee for supervising construction of brick grave	\$602	\$624	\$22	\$56.73	3.65%
	Fee for constructing layer of concrete over coffin - weekdays	\$946	\$980	\$34	\$89.09	3.59%
	Fee for breaking concrete - weekdays	\$644	\$667	\$23	\$60.64	3.57%
	Fee for breaking concrete - weekends	\$803	\$832	\$29	\$75.64	3.61%
	Fee for constructing layer of concrete over coffin - weekends and public holidays	\$1,245	\$1,289	\$44	\$117.18	3.53%
	Fee for intact removal and replacement of surface slab at Wivenhoe or Ridgley Cemetery - weekdays	\$453	\$469	\$16	\$42.64	3.53%
	Fee for intact removal and replacement of surface slab at Wivenhoe or Ridgley Cemetery - weekends and public holidays	\$782	\$810	\$28	\$73.64	3.58%

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	GST	% Increase
<b>PARKING</b>					
<b>Pursuant to Part IV of the Local Government (Highways) Act 1982</b>					
<b>Parking per hour or part thereof unless otherwise specified</b>					
	Parking Meters per hour short term (2 hour or less)	\$2.00	<b>\$2.00</b>	\$0.18	0.00%
	Parking Meters per hour long term (5 hours or more)	\$1.60	<b>\$1.60</b>	\$0.15	0.00%
	Parking Meters Spring Street	\$1.40	<b>\$1.40</b>	\$0.13	0.00%
	Carparks Ground Level (Hilder Parade)	\$1.90	<b>\$1.90</b>	\$0.17	0.00%
	Carparks Ground Level (Little Alexander St, Burnie Rail, Burnie Arts & Function Centre, North Terrace)	\$1.60	<b>\$1.60</b>	\$0.15	0.00%
	Early Bird Burnie Rail (voucher purchased prior to 10.00am)	\$7.20	<b>\$7.20</b>	\$0.65	0.00%
	Early Bird King Street (voucher purchased prior to 10.00am)	\$6.30	<b>\$6.30</b>	\$0.57	0.00%
	Early Bird Nth Terrace (voucher purchased prior to 10.00am)	\$7.20	<b>\$7.20</b>	\$0.65	0.00%
	Carparks Ground Level (King Street, Portside)	\$1.40	<b>\$1.40</b>	\$0.13	0.00%
	Early Bird Portside (voucher purchased prior to 10.00am)	\$6.30	<b>\$6.30</b>	\$0.57	0.00%
	Carparks (Marine Terrace) Minimum fee 1st half an hour	N/A	<b>N/A</b>	N/A	N/A
	Carparks (Marine Terrace) 1st hour only	No charge	<b>No charge</b>	N/A	N/A
	Carparks (Marine Terrace) 2nd hour only	\$2.50	<b>\$2.50</b>	\$0.23	0.00%
	Carparks (Marine Terrace) 3rd hour and each hour thereafter	\$1.50	<b>\$1.50</b>	\$0.14	0.00%
	Carparks (Marine Terrace) Sunday and Public Holidays Flat Fee	No charge	<b>No charge</b>		
	Carparks (Marine Terrace) 6.30pm until midnight Monday to Saturday Flat Fee	\$2.00	<b>\$2.00</b>	\$0.18	0.00%
	Fee				
	Carparks (Marine Terrace) Lost Ticket fee up until 8.00pm	\$16.00	<b>\$16.00</b>	\$1.45	0.00%
<b>Hoods and Permits</b>					
	Parking Hoods - per day per hood	\$30.00	<b>\$30.00</b>	\$2.73	0.00%
	Parking Permit - per year	\$403.00	<b>\$403.00</b>	\$36.64	0.00%
<b>Multi-storey Long Term</b>					
	Multi-storey Carpark 1 month - Level 7 - Undercover	\$129.00	<b>\$129.00</b>	\$11.73	0.00%
	Multi-storey Carpark 12 months - Level 7 - Undercover	\$1,548.00	<b>\$1,548.00</b>	\$140.73	0.00%
	Multi-storey Carpark 1 month - Levels 8 & 9 - Outside	\$112.50	<b>\$112.50</b>	\$10.23	0.00%
	Multi-storey Carpark 12 months - Levels 8 & 9 - Outside	\$1,350.00	<b>\$1,350.00</b>	\$122.73	0.00%
<b>Ground Level Car Parks Long Term</b>					
	Little Alexander Street, Burnie Rail, Civic Centre, Columnar Court - 1 month	\$120.00	<b>\$120.00</b>	\$10.91	0.00%
	Little Alexander Street, Burnie Rail, Civic Centre, Columnar Court - 12 months	\$1,440.00	<b>\$1,440.00</b>	\$130.91	0.00%
	King Street, Portside - 1 month	\$105.00	<b>\$105.00</b>	\$9.55	0.00%
	King Street, Portside - 12 months	\$1,260.00	<b>\$1,260.00</b>	\$114.55	0.00%

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>PLANNING</b>						
<b>Permit Applications</b>						
	Assessment and determination of a permit application under s58 Land Use Planning and Approvals Act 1993	\$282 plus \$1.15 per \$1,000 of value for use or development	\$286 plus \$1.15 per \$1,000 of value for use or development	\$10	Exempt	2.17%
	Assessment and determination of a permit application under s57 (discretionary permit) Land Use Planning and Approvals Act 1993	\$282 plus \$1.15 per \$1,000 of value for use or development + notification fee	\$286 plus \$1.15 per \$1,000 of value for use or development + notification fee	\$10	Exempt	2.17%
	Assessment and determination of a permit application under s34 Historical Cultural Heritage Act 1995	\$282 plus \$1.15 per \$1,000 of value for use or development + notification fee	\$286 plus \$1.15 per \$1,000 of value for use or development + notification fee	\$10	Exempt	2.17%
	Amendment of a Permit s56 Land Use Planning and Approvals Act 1993	\$267	\$271	\$10	Exempt	1.48%
	Extension of Time on a Permit s53(SA) Land Use Planning and Approvals Act 1993	\$267	\$271	\$10	Exempt	2.25%
<b>Request to Initiate a Draft Scheme Amendment</b>						
	Request under Land Use Planning and Approvals Act 1993 to initiate a draft scheme amendment	\$3386 + notification fee + TPC fee	\$3439 + notification fee + TPC fee	\$117	Exempt	3.52%
	Request under Land Use Planning and Approvals Act 1993 to initiate a draft scheme amendment and under s43A to concurrently consider a permit application	\$3229 + notification fee + TPC Fee + permit application fee	\$3280 + notification fee + TPC Fee + permit application fee	\$112	Exempt	3.54%
<b>Notification Fee</b>						
	Notification of a draft amendment to a planning scheme provision, including if combined with a permit application; or notification of a discretionary permit application under s57	\$336	\$341	\$12	Exempt	3.65%
	s34 Historical Cultural Heritage Act 1995 - per notice	\$336	\$341	\$12	Exempt	3.65%
<b>Assessment of Subdivision construction plans</b>						
	Roadworks	\$988 plus \$6.4 per lot	\$1004 plus \$6.5 per lot	\$35	Exempt	3.61%
	Drainage Works	\$470 plus \$8.9 per lot	\$478 plus \$9.1 per lot	\$17	Exempt	3.69%
<b>Planning Certificates</b>						
	Consideration of Certificate of Approval under s31 Strata Titles Act 1998	\$253 plus \$39 per lot	\$257 plus \$40 per lot	\$9	Exempt	3.63%
	Consideration of Staged Development Scheme under s36 Strata Titles Act 1998	\$316 plus \$42 per lot	\$321 plus \$43 per lot	\$11	Exempt	3.55%
<b>Miscellaneous</b>						
	Sealing of documents under – Part 5 Land Use Planning and Approvals Act 1993, Part 7 Historic Cultural Heritage Act 1995; and Part 3 Local Government (Building and Miscellaneous Provisions) Act 1993	\$317	\$322	\$11	Exempt	3.54%
	Consideration of Adhesion Orders under s110 of the Local Government (Building & Miscellaneous Provisions) Act 1993	\$334	\$339	\$12	Exempt	3.67%
	Permit Search of adjoining properties - per lot	\$46	\$47	\$2	\$4.27	4.44%

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>BUILDING, DEMOLITION AND PLUMBING WORK</b>						
<b>Assessment and determination of an application for an approval or consent in relation to building, demolition or plumbing work, pursuant to the <i>Building Act 2016</i> and <i>Building Regulations 2016</i>.</b>						
<b>Food Premises (s13)</b>						
	Application to an Environmental Health Officer for consent for variation from National Construction Code in relation to Food Premises	\$172	\$179	\$7	Exempt	4.07%
<b>Contaminated or Unhealthy land (s70)</b>						
	Application to an Environmental Health Officer for an opinion in relation to whether land is contaminated or unhealthy	\$172	\$179	\$7	Exempt	4.07%
<b>Remediation of contaminated or unhealthy land before building work takes place (s70)</b>						
	Application for General Manager's consent to build on contaminated or unhealthy land	\$217	\$225	\$8	Exempt	3.69%
<b>Adequate arrangements for drainage (s70)</b>						
	Application for General Manager's statement that land can be appropriately drained	\$217	\$225	\$8	Exempt	3.69%
<b>On-site Waste Water Management (s157)</b>						
	Application to an Environmental Health Officer for consent to install an On-site Waste Water Management System	\$172	\$179	\$7	Exempt	4.07%
<b>Demolition (s182)</b>						
	Application to an Environmental Health Officer for consent to perform Demolition Work	\$172	\$179	\$7	Exempt	4.07%
<b>Occupation of a Building (s216)</b>						
	Application to an Environmental Health Officer for consent to issue a new Occupancy Permit	\$172	\$179	\$7	Exempt	4.07%
<b>Protection of drains from likely damage from building work (s73)</b>						
	Application for General Manager's consent to build over or in proximity to a drain	\$217	\$225	\$8	Exempt	3.69%
<b>Habitation of a non-dwelling building (s308)</b>						
	Application for General Manager's consent to residential use of a non-habitable building	\$217	\$225	\$8	Exempt	3.69%
<b>Fencing off of unbuilt area (s309)</b>						
	Application for General Manager's consent to fence off unbuilt area	\$217	\$225	\$8	Exempt	3.69%
<b>Associated Works (Reg 58)</b>						
	Application for General Manager's consent to carry out associated works in a landslip hazard area or bushfire-prone area	\$162	\$168	\$6	Exempt	3.70%
<b>Building Certificate (Reg 79)</b>						
	Application to the General Manager for a Building Certificate	\$294	\$305	\$11	Exempt	3.74%
<b>Land Use Planning Compliance Statement</b>						
	Application for a statement from the General Manager in relation to status of proposed building works under the relevant planning scheme	\$55	\$57	\$2	Exempt	3.64%
<b>Low Risk Plumbing Work (Reg 33)</b>						
	Application for consent to use material which does not comply to National Construction Code in low risk Plumbing Work	\$162	\$168	\$6	Exempt	3.70%
<b>Low Risk Plumbing Work (Reg 39)</b>						
	Application for consent to perform plumbing work in an easement	\$109	\$113	\$4	Exempt	3.67%
<b>Low Risk Plumbing Work (Reg 40)</b>						
	Application for consent of Network Utility Operator for connection or disconnection to an urban stormwater disposal system	\$109	\$113	\$4	Exempt	3.67%
<b>PERMIT BUILDING WORK (Building Act Part 11)</b>						
Application for Building Permit - Inclusive of lodgement of documents, assessment against high risk considerations, and issue of permit documents. No refund if permit refused.						
<b>Building Permit for Class 1,2,3 and 10 Buildings</b>						
<i>Value of Building Work (exclude plumbing and demolition)</i>						
	Less than \$20,000	\$96	\$100	\$4	Exempt	4.17%
	\$20,000 - \$50,000	\$239	\$248	\$9	Exempt	3.77%
	\$50,001 - \$250,000	\$325	\$337	\$12	Exempt	3.69%
	\$250,001 - \$1,000,000	\$381	\$395	\$14	Exempt	3.67%
	More than \$1,000,000	\$447	\$463	\$16	Exempt	3.58%
<i>Additional Fee for Building Work on Class 1,2,3 and 10 Buildings</i>						
	Variation of certified work	\$109	\$113	\$4	Exempt	3.67%
	Change in each of building surveyor, builder or other responsible person	\$53	\$55	\$2	Exempt	3.77%
	Associated demolition work	\$130	\$135	\$5	Exempt	3.85%
<b>Building Permit for Class 4 - 9 Buildings</b>						
<i>Value of Building Work (exclude plumbing and demolition)</i>						
	Less than \$20,000	\$125	\$130	\$5	Exempt	4.00%
	\$20,000 - \$50,000	\$310	\$321	\$11	Exempt	3.55%
	\$50,001 - \$250,000	\$374	\$388	\$14	Exempt	3.74%
	\$250,001 - \$1,000,000	\$545	\$565	\$20	Exempt	3.67%
	More than \$1,000,000	\$679	\$703	\$24	Exempt	3.53%
<i>Additional Fee for Building Work on Class 4-9 Buildings</i>						
	Variation of certified work	\$109	\$113	\$4	Exempt	3.67%



### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
	Change in each of building surveyor, builder or other responsible person	\$53	\$55	\$2	Exempt	3.77%
	Associated demolition work	\$130	\$135	\$5	Exempt	3.85%
<b>EXTENSION OF DURATION OF A PERMIT</b>						
	Extension of duration of a Plumbing Permit (s173)	\$106	\$110	\$4	Exempt	3.77%
	Extension of duration of a Building Permit (s143)	\$106	\$110	\$4	Exempt	3.77%
	Extension of duration of a Demolition Permit (s197)	\$106	\$110	\$4	Exempt	3.77%
	Extension of duration of Notifiable Plumbing work (s110)	\$106	\$110	\$4	Exempt	3.77%
<b>EXTENSION TO EXPIRED PERMIT – SPECIAL CIRCUMSTANCES</b>						
	Special Circumstances when expired approvals may be extended under Building Act 2016 s99(4A), s110(4A), s122(4A), s147(IA), s173(IA), s197(IA) and s263A	-	\$110	\$0	Exempt	0.00%
<b>PERMIT DEMOLITION WORK (Building Act Part 13)</b>						
	Application for Demolition Permit (If demolition is not associated with Notifiable Building Work or Permit Building Work) - Inclusive of lodging of an application; assessment of high risk considerations; and issue of permit documents. No refund if permit refused.					
<b>Demolition Permit for Class 1,2,3 and 10 Buildings</b>						
	<i>Value of Building Work (exclude plumbing and demolition)</i>					
	Less than \$50,000	\$156	\$162	\$6	Exempt	3.85%
	\$50,001 - \$250,000	\$215	\$223	\$8	Exempt	3.72%
	\$250,001 - \$1,000,000	\$250	\$259	\$9	Exempt	3.60%
	More than \$1,000,000	\$295	\$306	\$11	Exempt	3.73%
<b>Demolition Permit for Class 4 - 9 Buildings</b>						
	<i>Value of Building Work (exclude plumbing and demolition)</i>					
	Less than \$50,000	\$205	\$213	\$8	Exempt	3.90%
	\$50,001 - \$250,000	\$246	\$255	\$9	Exempt	3.66%
	\$250,001 - \$1,000,000	\$358	\$371	\$13	Exempt	3.63%
	More than \$1,000,000	\$448	\$464	\$16	Exempt	3.57%
<b>DEFECTIVE WORK (s211)</b>						
	Application for Certificate for Defective Work	\$294	\$305	\$11	Exempt	3.74%
<b>RECTIFICATION OF ILLEGAL BUILDING WORK (Building Act Part 18 Div 4)</b>						
	Application for Permit of Substantial Compliance - Inclusive of lodgement of documents, assessment against high risk considerations, and issue of permit documents. No refund if permit refused. Double the fee which applies for a Building Permit, Demolition Permit or Plumbing Permit				Exempt	See note left
<b>PLUMBING AND DRAINAGE - PERMIT WORK &amp; NOTIFIABLE WORK (Building Act Part 9 &amp; 12)</b>						
	Application for Certificate of Likely Compliance and Plumbing Permit - Inclusive of lodging an intention to undertake plumbing work; application for Certificate of Likely Compliance (plumbing work); assessment and determination of CLC (plumbing work); assessment of high risk considerations; determination of a plumbing permit; inspections at each mandatory notification stage and as indicated on CLC; final inspection and notification; and lodge Standard of Work Certificate. No refund if permit refused.					
<b>New Building</b>						
	Building Class 1, and 2-9 for - - stormwater - water supply; and - sanitary facilities comprising not more than - - 1 x WC; - 1 x bathroom; - 1 x kitchen; and - 1 x laundry	\$548	\$568	\$20	Exempt	3.65%
	Building Class 10 - Stormwater	\$312	\$323	\$11	Exempt	3.53%
	Building Class 10 - sanitary facilities comprising not more than - - 1 WC; and - 1 x Basin, Sink or Trough	\$439	\$455	\$16	Exempt	3.64%
<b>Additions/Alterations to an existing building</b>						
	Building Class 1 and 2-9 for - - stormwater; and - sanitary facilities not more than - - 1 x WC; and - 1 x Basin, Sink or Trough	\$344	\$357	\$13	Exempt	3.78%
	Building Class 10 - Stormwater	\$109	\$113	\$4	Exempt	3.67%
	Building Class 10 for sanitary facilities comprising not more than - - 1 x WC; and - 1 x Basin, Sink or Trough	\$235	\$244	\$9	Exempt	3.83%
<b>Other Fees</b>						

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
	Additional sanitary facility (eg WC, basin, bath, shower, sink) - per fitting	\$46	\$48	\$2	Exempt	4.35%
	Backflow prevention device - per device	\$89	\$93	\$4	Exempt	
	Grease trap - per trap	\$89	\$93	\$4	Exempt	4.49%
	Pump - per pump	\$89	\$93	\$4	Exempt	4.49%
	Triple Interceptor Trap - per trap	\$89	\$93	\$4	Exempt	4.49%
	Application to Environmental Health Officer for consent to install an on site waste water system	\$172	\$179	\$7	Exempt	4.07%
	Work approval for plumbing work not associated with building work	\$131	\$136	\$5	Exempt	3.82%
	Fire Safety System - new work or alterations/additions to existing work for fire hose reels and hydrants	\$131	\$136	\$5	Exempt	3.82%
	Onsite Waste Water System (unsewered site)	\$102	\$106	\$4	Exempt	3.92%
	Unique plumbing installation (i.e. prototype)	\$216	\$224	\$8	Exempt	3.70%
	Alternative performance solution (section 166 Building Act 2016) - per solution	\$162	\$168	\$6	Exempt	3.70%
	Each additional inspection - variation of approved work, re-inspect non-compliant work, or missed inspection - per inspection	\$131	\$136	\$5	Exempt	3.82%
	Assessment and approval of application for variation of approved work (section 162 Building Act 2016)	\$110	\$114	\$4	Exempt	3.64%
	Each change in plumber or other responsible persons - per person	\$53	\$55	\$2	Exempt	3.77%
	Drainage Plan Fee	\$24	\$25	\$1	Exempt	4.17%
<b>CREATION AND KEEPING OF RECORDS</b>						
Pursuant to the Building Act 2016 and Building Regulations 2016						
<b>Registration of backflow prevention device (s27(3))</b>						
	Registration of on-site backflow prevention device or on-site testable backflow prevention device	\$53	\$55	\$2	Exempt	3.77%
<b>Provide access to Council building records (s27(4))</b>						
	Non-recoverable search fee (includes digital copies of documents provided by email)	\$90	\$94	\$4	Exempt	4.44%
	Hard copy of documents - In accordance with Miscellaneous – printing costs	See note left	See note left	-	Exempt	Exempt
<b>Record of current building services provider (s37)</b>						
	Notification from building surveyor of change in engagement	\$53	\$55	\$2	Exempt	3.77%
<b>Record of current building services provider (s39)</b>						
	Notification of discontinuation by engaged building surveyor	\$53	\$55	\$2	Exempt	3.77%
<b>Record of current building services provider (s40)</b>						
	Notification from owner of change in engaged building surveyor	\$53	\$55	\$2	Exempt	3.77%
<b>Record of current building services provider (s50)</b>						
	Notification of change in persons responsible for or providing building services	\$53	\$55	\$2	Exempt	3.77%
<b>Protection work</b>						
	Notification of intention to perform protection works (s77)	\$53	\$55	\$2	Exempt	3.77%
	Notification of disagreement in relation to protection work (s81(1))	\$53	\$55	\$2	Exempt	3.77%
	Lodgement of documents for protection work (s87)	\$53	\$55	\$2	Exempt	3.77%
<b>Notice of Low Risk Building Work (Reg 27)</b>						
	Notification of intention to install a heating appliance	\$27	\$28	\$1	Exempt	3.70%
	Notification of completion of installation of a heating appliance	\$27	\$28	\$1	Exempt	3.70%
	Notification of completion of low risk building work	\$53	\$55	\$2	Exempt	3.77%
	Notification of completion of low risk demolition work	\$53	\$55	\$2	Exempt	3.77%
<b>Notifiable building work</b>						
	Lodgement of copy of Certificate of Likely Compliance for Notifiable Building Work (s98)	\$104	\$108	\$4	Exempt	3.85%
	Notification of approval to extend authorisation for Notifiable Building Work (s99)	\$104	\$108	\$4	Exempt	3.85%
	Lodgement of Certificate of Completion for Notifiable Building Work (s104)	\$104	\$108	\$4	Exempt	3.85%
<b>Notification of Low Risk Plumbing Work (s29)</b>						
	Notification of Category 2B Plumbing Work	\$53	\$55	\$2	Exempt	3.77%
<b>Notifiable Demolition Work</b>						
	Notification of Certificate of Likely Compliance for Notifiable Demolition Work (s121)	\$104	\$108	\$4	Exempt	3.85%
	Notification of approval to extend approval period for Notifiable Demolition Work (s122)	\$104	\$108	\$4	Exempt	3.85%
	Notification of Certificate of Completion for Notifiable Demolition Work (s127)	\$104	\$108	\$4	Exempt	3.85%
<b>Emergency Order (s215)</b>						
	Notification of Emergency Order	\$53	\$55	\$2	Exempt	3.77%
<b>Occupation of a Building (s224)</b>						
	Notification of Occupancy Permit	\$53	\$55	\$2	Exempt	3.77%
	Notification of Temporary Occupancy Permit	\$53	\$55	\$2	Exempt	3.77%

**Fees and Charges**  
(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>ENVIRONMENTAL HEALTH</b>						
<b>Pursuant to Section 185 of the Public Health Act 1997 and/or Section 130 of the Food Act 2003</b>						
	Licence to carry out public health risk activity, Public Health Act 1997 Part 5 Division 4	\$144	\$150	\$6	Exempt	4.17%
	Registration of regulated system (systems for air and water), Public Health Act 1997 Part 5 Division 5	\$144	\$150	\$6	Exempt	4.17%
	Primary contact water samples	\$109	\$113	\$4	\$10.27	3.67%
	Primary contact water re-samples	\$146	\$152	\$6	\$13.82	4.11%
	Registration of user or supplier of private water, Public Health Act 1997 Part 6 Division 3	\$144	\$150	\$6	Exempt	4.17%
	Licence to sell and manufacture food, Food Act 2003					
	- If paid by 31 August	\$144	\$150	\$6	Exempt	4.17%
	- If paid after 31 August (pro rata fee if less than 6 months of the year is remaining from date of payment)	\$154	\$160	\$6	Exempt	3.90%
	Permit to set up or use a stall on a local highway to sell goods, Highways By-Law No 3 of 2013	\$144	\$150	\$6	Exempt	4.17%
	Certificate of Others Form 49 Food Premises	\$172	\$179	\$7	Exempt	4.07%
	Environmental Health Occupancy Report Form 50 Food Premises	\$172	\$179	\$7	Exempt	4.07%
	Mobile food permit - per occasion	\$27	\$28	\$1	Exempt	3.70%
	Statewide mobile food permit	\$144	\$150	\$6	Exempt	4.17%
	Place of Assembly Licence - specific event	\$144	\$150	\$6	Exempt	4.17%
	Skin Penetration License (operator)	\$53	\$55	\$2	Exempt	3.77%
	Sharps disposal fee	\$4	\$5	\$1	\$0.45	25.00%
<b>Pursuant to Section 41 of the Burial and Cremation Act 2002</b>						
	Private burial - Report from Environmental Health Officer	\$172	\$179	\$7	\$16.27	4.07%
	Private burial - permission/consent from the General Manager	\$294	\$305	\$11	\$27.73	3.74%

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>WASTE</b>						
<b>Waste Centre</b>						
	Household waste:					
	up to 0.5 m3 (eg cars/station wagons (seats up) **	\$10	\$12	\$2	\$1.09	17.74%
	up to 1.5 m3 (eg vans, utes, small trailers) **	\$20	\$25	\$5	\$2.27	22.65%
	up to 3.0 m3 (eg large trailers) **	\$50	\$61	\$11	\$5.55	22.00%
	Commercial waste (and other loads > 3.0m3) per tonne (min charge \$20)	\$142	\$162	\$20	\$14.73	14.35%
	Soils - mixed types (clays, sands, gravel and mixes)	Per above	Per above	-		
	Mattresses (each)	\$7	\$7	\$0	\$0.67	3.51%
	Asbestos (appropriately wrapped & up to 10m2 only) each	\$35	\$36	\$1	\$3.26	3.51%
	Concrete - separated clean (per t)	\$41	\$42	\$1	\$3.84	3.51%
	Timber - separated untreated clean (per t)	\$41	\$42	\$1	\$3.84	3.51%
	Green waste (separated loads greater than 3 m3)	\$8.00 per m3	\$8.00 per m3	-	\$0.73	
	Tyres - cars and motor cycles (per tyre)	\$8	\$8	-	\$0.77	3.51%
	Tyres - light truck 4WD (per tyre)	\$19	\$20	-	\$1.82	3.51%
	Tyres truck (per tyre)	\$26	\$27	-	\$2.49	3.51%
	Tyres larger than truck	Not accepted	Not accepted	-	n/a	
	Additional fee for tyres on rims	\$5	\$5	-	\$0.48	3.51%
	Car bodies (whole)	Free	Free	-	n/a	
	Electronic waste - domestic (max 4 items)	Free	Free	-	n/a	
	Electronic waste - commercial (per kg)	\$4	\$4	-	\$0.38	3.51%
	Recyclables	Free	Free	-	n/a	
	Controlled waste	Not accepted	Not accepted	-	na	
	Medical and toxic waste	Not accepted	Not accepted	-	n/a	
<b>Waste</b>						
	Additional bin collection	\$12.20	\$12.20	-	\$1.11	0.00%
	Additional bin collection	\$12.50	\$12.50	\$0.00	\$1.14	0.00%
<b>Kerbside Recycling Collection</b>						
	Outer suburb collections	Per rates	Per rates		1/11th	
	Replacement recycle bin	\$81	\$83	\$3	\$7.58	3.51%

\*\*Separated green waste up to 3.0m3 is charged at 50% of the household waste fee.

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>SERVICE LOCATION FEES</b>						
	Normal service location	\$121	\$126	\$5	\$11.45	4.13%
	Service location within 24 hours	\$132	\$137	\$5	\$12.45	3.79%
	After hours service locations	\$422	\$437	\$15	\$39.73	3.55%
<b>PRIVATE WORKS FIXED CHARGES</b>						
	Reinstatement - minimum charge	\$234	\$243	\$9	\$22.09	3.85%
	Reinstatement - bitumen footpath/m2	\$93	\$97	\$4	\$8.82	4.30%
	Reinstatement - bitumen roadway/m2	\$132	\$137	\$5	\$12.45	3.79%
	Reinstatement - concrete footpath/m2	\$220	\$228	\$8	\$20.73	3.64%
	Reinstatement - concrete vehicular access/m2	\$251	\$260	\$9	\$23.64	3.59%
	Reinstatement - pavers/m2	\$152	\$158	\$6	\$14.36	3.95%
	Reinstatement - plus per broken paver	\$3.00	\$4	\$1	\$0.36	33.33%
	Kerb and channel - reinstatement and/or replacement of kerb and channel, or vehicular crossing per m	\$265	\$275	\$10	\$25.00	3.77%
	Supply fit and adjust replacement covers - heavy duty gatic	\$1,029	\$1,066	\$37	\$96.91	3.60%
	Supply fit and adjust replacement covers - light duty gatic	\$793	\$821	\$28	\$74.64	3.53%
	Adjust existing covers - + 100mm	\$462	\$479	\$17	\$43.55	3.68%
	Adjust existing covers - + 300mm	\$609	\$631	\$22	\$57.36	3.61%

### Fees and Charges

(GST Inclusive where GST applies)

Area	Description of Fee	Fee 2021-22	Fee 2022-23	Variance 2021-22 to 22-23	GST	% Increase
<b>MISCELLANEOUS</b>						
<b>Regulatory Services</b>						
	Abandoned vehicles - impounding/recovery costs	\$347.00	\$360.00	\$13.00	\$31.55	3.75%
	Truck wash fees - flat tray	\$1,010.00	\$1,046.00	\$36.00	\$91.82	3.56%
	Truck wash fees - semi trailer	\$1,517.00	\$1,571.00	\$54.00	\$137.91	3.56%
	Truck wash fees - multi deck	\$2,020.00	\$2,091.00	\$71.00	\$183.64	3.51%
	Street dining permit (per chair per month)	\$5.40	\$6.00	\$0.60	Exempt	11.11%
<b>Governance</b>						
	Copies of Historical Photographs (eg. Museum)	\$15.00	\$15.50	\$0.50	\$1.41	3.33%
	Black and white photocopying - A4, per side	\$0.20	\$0.25	\$0.05	\$0.02	25.00%
	Black and white photocopying - A3, per side	\$1.50	\$1.60	\$0.10	\$0.14	6.67%
	Black and white photocopying - A2, per side	\$6.00	\$6.20	\$0.20	\$0.55	3.33%
	Black and white photocopying - A1, per side	\$11.50	\$12.00	\$0.50	\$1.05	4.35%
	Colour photocopying - A4, per side	\$1.00	\$1.05	\$0.05	\$0.09	5.00%
	Colour photocopying - A3, per side	\$1.75	\$1.85	\$0.10	\$0.16	5.71%
	Colour photocopying - A2, per side	\$6.00	\$6.20	\$0.20	\$0.55	3.33%
	Colour photocopying - A1, per side	\$11.80	\$12.20	\$0.40	\$1.07	3.39%
	Notification fee - newspaper (eg road closures, etc)	\$319.00	\$331.00	\$12.00	\$29.00	3.76%
	Copy of Drainage Plan	\$23.00	\$25.00	\$2.00	\$2.09	8.70%
<b>RIGHT TO INFORMATION CHARGES</b>						
<i>As prescribed under Right to Information Regulations 2010</i>						
	Right to Information Application for Assessed Disclosure under Section 16 (25 fee units)	\$41.25	\$42.50	\$1.25	Exempt	3.03%
<b>LOCAL GOVERNMENT ACT STATUTORY CHARGES</b>						
<i>Fee units prescribed under Local Government (General) Regulations 2015 and Local Government (Meeting Procedures) Regulations 2015</i>						
	132 Certificates (30 fee units)	\$49.50	\$51.00	\$1.50	Exempt	3.03%
	337 Certificates - (132.50 fee units)	\$218.60	\$225.25	\$6.66	Exempt	3.04%
	Copy of Agenda (1 fee unit for every 5 pages)	\$1.65	\$1.70	\$0.05	Exempt	3.03%
	Copy of Minutes - (1 fee unit for every 5 pages)	\$1.65	\$1.70	\$0.05	Exempt	3.03%
	Copy Annual report - per copy (5 fee units)	\$8.25	\$8.50	\$0.25	Exempt	3.03%
	Lodgement fee for a code of conduct complaint under section 28V of the Act (50 fee units)	\$82.50	\$85.00	\$2.50	Exempt	3.03%
<b>WESTERN LINE RAIL CORRIDOR FEES</b>						
<i>Pursuant to the Strategic Infrastructure Corridors (Strategic and Recreational Use) Act 2016</i>						
	Service Infrastructure Permission - Commencement Fee	\$1,100.00	\$1,139.00	\$39.00	\$104	3.55%
	Service Infrastructure Permission - Annual Fee (term of agreement)	\$165.00	\$171.00	\$6.00	\$16	3.64%
	Private Road Use Permission - Annual Fee (term of agreement)	\$165.00	\$171.00	\$6.00	\$16	3.64%
	Private Road Construction and Use Permission - Commencement Fee	\$1,100.00	\$1,139.00	\$39.00	\$104	3.55%
	Private Road Construction and Use Permission - Annual Fee (term of agreement)	\$165.00	\$171.00	\$6.00	\$16	3.64%
	Business Permission - Application Fee	\$1,100.00	\$1,139.00	\$39.00	\$104	3.55%
	Business Permission - Renewal Fee	\$165.00	\$171.00	\$6.00	\$16	3.64%
	Business Permission - Transfer Fee	\$165.00	\$171.00	\$6.00	\$16	3.64%
	Business Permission Use Fee - Annual Fee under s106 may apply subject to proposed use	On Assessment	On Assessment	On Assessment	Yes	0.00%

**CORPORATE AND COMMERCIAL SERVICES****AO119-22 POLICY REVIEW - RATES AND CHARGES POLICY CP-CCS-CG-004  
AND RATES RESOLUTION 2022-23**

FILE NO: 4/14/2

PREVIOUS MIN:

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4~A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1~Ensure a long term strategic focus drives financial policy and decisions.

**1.0 RECOMMENDATION:*****“THAT Council:*****1. Adopt the following 2022-23 rates resolution, by absolute majority:**

**1.1 In accordance with the provisions of the Local Government Act 1993 (as amended) and the Fire Services Act 1979 the Council makes the following Rates and Charges for land within the Council’s municipal area for the period 1 July 2022 to 30 June 2023.**

**1.1.1 Definitions Used in this Resolution**

- (a) “AAV” means the assessed annual value (AAV) for the land as determined by the Valuer-General under the Valuation of Land Act 2001 and adjusted under the Act;**
- (b) “land” means a parcel of land which is shown as being separately valued in the valuation list pursuant to the provisions of the Valuation of Land Act 2001;**
- (c) “commercial” means land that is shown as commercial (C), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (d) “industrial” means land that is shown as industrial (I), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (e) “primary production” means land that is shown as primary production (L), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act**

**2001;**

- (f) “residential” means land that is shown as residential (R), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (g) “vacant land” means land that is shown as vacant (V) in the list of valuation prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (h) “Separately occupied tenement” means any land in relation to which the Valuer-General has separately determined assessed annual values having regard to occupation or construction of the land or improvement or structural alterations made in it;**
- (i) “Multiple dwelling” means a dwelling containing more than one separately occupied tenement where that dwelling does not have a separate title.**
- (j) “the Act” means the Local Government Act 1993.**
- (k) Terms used in this resolution have the same meaning as given to them in Part 9 of the Act, unless it is inconsistent with the context of this resolution.**

## **1.2 General Rate**

**1.2.1 In accordance with the provisions of Section 90 of the Act Council makes a general rate of 10.7063 cents in the dollar of AAV on all land (excluding land which is exempt pursuant to the provisions of section 87 of the Act) within the Burnie municipal area subject to a minimum amount payable of \$260.**

**1.2.2 In accordance with the provisions of Section 107(1) of the Act, and by absolute majority, the Council declares that the general rate is varied within the municipal area and within different parts of the municipal area of Burnie according to the following factors:-**

- (a) the use or predominant use of the land and in particular the following variations are made:-**
  - (i) for all land which is used for residential purposes the general rate is varied by decreasing it to 7.0100 cents in the dollar of the AAV;**
  - (ii) for all land which is used for primary production the general rate is varied by decreasing it to 7.8210 cents in the dollar of the AAV;**



**(b) the locality of land and in particular:-**

- (i) within the hatched area shown on the attached location map marked as Attachment 1 "Central Burnie" (the Location) for all land that is used for a commercial or industrial purpose, the general rate is varied by increasing it to 12.3273 cents in the dollar AAV.**
- (ii) Land that is used for residential purposes within the Location is to be rated in accordance with 1.2.2(a)(i).**
- (iii) Vacant use of land within the Location is to be rated in accordance with 1.2.1.**

**1.3 Service Rates and Charges**

**1.3.1 In accordance with the provisions of Section 93 and 94 of the Act Council makes:**

**(a) A Waste Management Charge levied as follows:**

- (i) \$127.64 on all land for municipal waste management services provided in the municipal area (other than the kerbside collection).**
- (ii) \$313.32 on all land to which the Council provides a kerbside collection service.**

**(b) A Stormwater Removal Service Rate for stormwater removal of 1.8566 cents in the dollar AAV on all land, except residential and vacant land, within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts, marked as Attachment 2; with a minimum amount payable of \$80.17.**

**(c) A Stormwater Removal Service Charge of \$80.17 for stormwater removal on residential land, vacant land and each separately occupied tenement within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts, marked as Attachment 2.**

**(d) A Waste Levy of \$10.84 on all land, and for each separately occupied tenement for costs associated with the Waste and Resource Recovery Act 2021.**

**(e) A general fire protection rate of 0.3387 cents in the dollar**

*AAV on all land in the municipal area with a minimum amount payable of \$44 for all land. (The Rating Districts are the areas so declared and named under Section 74A of the Fire Service Act 1979).*

**1.3.2** *In accordance with the provisions of Section 107(1) of the Act, and by absolute majority, the Council declares that the general fire protection rate is varied within the municipal area and within different parts of the municipal area of Burnie according to the following factors;*

**(a)** *the locality of the land:*

- (i)** *for land within the Burnie Composite Brigade Rating District the general fire protection rate is varied by increasing it to 1.2611 cents in the dollar AAV;*
- (ii)** *for land within the Ridgley Volunteer Brigade Rating District the general fire protection rate is varied by increasing it to 0.3043 cents in the dollar AAV.*

#### **1.4** *Remissions*

**1.4.1** *In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the stormwater removal rate or charge if:*

- (a)** *A ratepayer has applied in accordance with Section 129(2) of the Act; and*
- (b)** *The applicant has satisfied the General Manager that the remission of stormwater removal rate or charge should be granted on the basis that the property has no ability to connect to the stormwater system, in accordance with the Council's Rates and Charges Policy.*

**1.4.2** *In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the Waste Management Charge if:*

- (a)** *A ratepayer has applied in accordance with Section 129(2) of the Act; and*
- (b)** *The applicant has satisfied the General Manager that the remission of the Waste Management Charge should be granted on the basis that collection is impractical due to limited presentation space at the kerbside or insufficient storage space within the property, in accordance with the*

***Council's Rates and Charges Policy.***

***1.4.3 In accordance Section 129(4) of the Act, and by absolute majority, the Council grants the following remission of rates.***

- (a) For all land to which the Council does not provide a garbage collection service a remission of \$235.25 is to be granted;***
- (b) For all land to which the Council does not provide a recycling service a remission of \$78.06 is to be granted;***
- (c) For all land that has a registered Conservation Covenant under the Private Land Conservation Program, a rebate of \$5 per hectare per annum, with a minimum amount of \$50 and a maximum amount of \$500.***

***1.5 Payment Options***

***1.5.1 Due Dates***

***In accordance with the provisions of Section 124 of the Act Council determines that all rates and charges are payable by four instalments, (calculated to the nearest cent) the due date by which they are to be paid being:***

***1st Instalment – 31 August 2022***

***2nd Instalment – 30 November 2022***

***3rd Instalment – 28 February 2023***

***4th Instalment – 31 May 2023***

***1.5.2 Discount for Early Payment***

***In accordance with the provisions of Section 130 of the Act Council will provide a discount of 2.0% of the total current rates and charges (excluding fire levy) specified in a rates notice applying to all the rates and charges for the financial year 2022-23 and any arrears, that are paid by 5.00 pm, 31 August 2022 and providing all arrears of rates and charges are paid.***

***1.5.3 Defaults and Penalties***

- (a) In accordance with the provisions of Section 124(5) of the Act if a ratepayer fails to pay any instalment within 21 days of the date on which the instalment is due, the ratepayer is liable and is to immediately pay the full amount of the unpaid rates and charges.***
- (b) In accordance with the provisions of Section 128(2) if any***

*rates and charges or instalment of rates and charges are not paid on or before the date they fall due, then daily interest charged monthly, at the prescribed percentage determined in the Council's Rates and Charges Policy, is payable from the date they fell due to the date of payment.*

## **1.6 Supplementary Rates**

**1.6.1** *In accordance with the provisions of Section 92 of the Act Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.*

## **2. Waste Vouchers**

**2.1** *Authorise the General Manager to provide each separately occupied tenement with four green waste vouchers and four general waste vouchers.*

**3.** *Adopt the Rates and Charges Policy CP-CCS-CG-004 as presented."*

## **2.0 SUMMARY**

The purpose of this report is to seek Council's adoption of both the revised Rates and Charges Policy and the Rates Resolution for 2022-23.

## **3.0 BACKGROUND**

The rating strategy has been documented and discussed comprehensively with Council at a number of Council workshops. These formed part of the discussions related to the FMS and more recently at the April Council meeting when the Council approved its draft Annual Plan and Budget Estimates 2022-23 (APBE) to be released for public consultation.

Councillors held some concerns with the proposed rate increases in 2022-23 which are necessitated by both the need to increase the Council's income and as a result of the significant property valuation increases within the Burnie municipal area.

Therefore when adopting the APBE in-principle in April 2022, one of the most important aspects the Council sought to understand from its community as part of the community consultation process, was whether it was perceived the proposed rate increase was affordable for the majority of the community.

## **4.0 LEGISLATIVE REQUIREMENTS**

Part 9 of the *Local Government Act 1993* outlines the principles and framework for the adoption of rates and charges. In particular section 86 relates to the general provisions that must be considered:

- 86A. *General principles in relation to making or varying rates*
- (1) *A council, in adopting policies and making decisions concerning the making or varying of rates, must take into account the principles that –*
- (a) *rates constitute taxation for the purposes of local government, rather than a fee for a service; and*
- (b) *the value of rateable land is an indicator of the capacity of the ratepayer in respect of that land to pay rates.*
- (2) *Despite subsection (1), the exercise of a council's powers to make or vary rates cannot be challenged on the grounds that the principles referred to in that subsection have not been taken into account by the council.*
- 86B. *Rating and charging policies to be made available to public*
- (1) *A council must adopt a rates and charges policy by 31 August 2012.*
- (2) *A council's rates and charges policy must contain –*
- (a) *a statement of the policy that the council intends to apply in exercising its powers, or performing its functions, under this Part; and*
- (b) *a statement of policy in respect of prescribed matters, if any.*
- (3) *A council's rates and charges policy in relation to the making or varying of a rate must take into account the principles referred to in section 86A(1).*
- (4) *A council must review its rates and charges policy –*
- (a) *by the end of each successive 4-year period after 31 August 2012; and*
- (b) *at the same time as, or before, making a type of rate, charge or averaged area rate in respect of a financial year, if a rate, charge or averaged area rate of that type was not made in respect of the previous financial year; and*
- (c) *at the same time as, or before, making under [section 107](#) a variation of a rate or charge in respect of a financial year, if such a variation of that rate or charge was not made in respect of the previous financial year; and*
- (d) *at the same time as, or before, setting a minimum amount under this Part; and*
- (e) *at the same time as, or before, altering the circumstances in which a rate, charge or averaged area rate, or a variation of a rate or charge, is to apply to rateable land.*
- (5) *A council, as soon as reasonably practicable after adopting or altering its rates and charges policy, must make copies of the policy as so adopted or altered available to the public –*
- (a) *in paper form, on payment of a reasonable charge; and*
- (b) *in electronic form, at a website of the council, free of charge.*
- (6) *A rate, averaged area rate or charge is not invalid by reason only that it does not conform to the council's rates and charges policy.*

## 5.0 POLICY CONSIDERATIONS

This Policy is a subset of the FMS from a strategic perspective insofar as it must support the general intent of Council's long term financial management planning.

Additionally, the Rates and Charges Policy and the Rates Resolution represent a major input into the APBE process.

An important policy that supports the Rates and Charges Policy is the Financial Hardship Assistance Policy CP-CCS-CG-049.

## **6.0 FINANCIAL IMPACT**

Income derived from rates represents 73% of Council's income in 2022-23. Any adjustments to the proposed rating strategy would need to be fully considered and modelled to understand the resulting impact on both the APBE and the long term Financial Management Strategy.

## **7.0 DISCUSSION**

The Council's role is to provide services that meet the needs and expectations of the community. To fund these services Council must set appropriate levels of rates and charges to fulfil its roles and responsibilities.

The purpose of the Rates and Charges Policy is to outline Council's approach to determining and collecting rates from the community. It also serves as a means of transparency to the community about how Council makes decisions in relation to setting its annual rates and charges and how Council distributes the impact of the rate burden across its community.

Recently over a five year period, the Council made a conscious decision to reduce the rate burden to its community, as a means of ensuring equity with other similar Council's that provide comparable services to its community.

This resulted in four years of annual 1% rate decreases followed by a rate freeze in the 2020-21 financial year. Overall this strategy achieved the desired outcome and reduced the rates that are paid by Burnie ratepayers, to a rate that the Council believed was equivalent to the services provided.

Unfortunately this has resulted in a significant loss of income for the Council, and for many years now the Council has been carrying financial deficits, partly as a result of this rates decrease strategy. It should be noted also however that the Council's financial position has also been impacted significantly by COVID-19 as is the case with most local government authorities in Tasmania, and indeed across Australia.

For context, over the past six years, including 2021-22, an 11% reduction in rates has been realised by the Burnie community. In today's terms this equates to approximately \$2.4 million each year, the Council has foregone in operational income as a result of the rates reduction strategy.

The Council recognises that it needs to make improvement to the long term sustainability of the Council to ensure it is able to fund future services for the community, over the long term. The Council has subsequently two ways of improving its sustainability - by decreasing operational costs, and by increasing operational income.

Council have made considerable changes already to reduce the operational costs of the Council, which commenced as part of the adoption of the Financial Management Strategy

2021-31 last financial year. The Council identified a number of changes to the way in which it delivers a number of discretionary services to the community that resulted in significant long term savings to the operational liability of the Council.

Additionally the Council made the bold decision to invest federal government grant funding originally intended for the newly created NWMAG, to instead invest in the existing Arts and Functions Centre. Once constructed, this decision alone will save the community around \$600,000 additional depreciation (operational expenditure) – simply by investing the grant funding into an asset the Council is already required to depreciate.

Additionally as a result of the changes made last financial year, 16 positions were made redundant as a means of further reducing Council's operational expenditure. The effect of these significant changes has meant that instead of simply relying on rate increases to fund the Council operations, that instead the Council has done this in a way that reduces the impact to ratepayers. With these significant works to curb Council's expenditure now complete, the Council must now focus on generating additional income.

Income across other sources has been increased where possible in the 2022-23 financial year, however the largest income stream the Council generates (73%) is from rates income. Therefore as a result the Council understands a rate increase is required, however is conscious of doing so in a measured and responsible way.

In a normal rating cycle it is normal methodology that a Council would simply apply a percentage increase across all properties within our municipal area. In 2022-23 however this will not be feasible despite the fact this was originally forecast in the FMS. This is because the State Government through the Office of the Valuer-General (OVG) has undertaken an assessment of the AAV of each property in the Burnie municipal area – and those valuations have been significantly higher than was originally anticipated. It should be noted that at the time the draft FMS was developed, the information from the OVG had not been received.

The data now supplied to underpin this process represents very large increases to some categories of property, specifically they are:

- The value of properties rated as Commercial will increase by a rate of 1.1 (10%)
- The value of property rated as Vacant Land will increase by a rate of 1.25 (25%)
- The value of property rated as Residential will increase by a rate of 1.3 (30%) and
- The value of properties rated as Primary Production will increase by a rate of 1.5 (50%)

To this end, the levels at which Residential Property and Primary Production lands have increased are unprecedented. Without intervention this would result in significant rate increases for what is, in essence, the City's residential ratepayer base and collectively the largest cohort.

Therefore officers have modelled the rates for 2022-23 on reducing the cents in the dollar rate for Residential and Primary Production lands in an effort to curb the excessive rate increases that will otherwise be incurred.

The cents in the dollar rate for Commercial properties and Vacant Land remains unchanged from the 2021-22 financial year. Nil increases to the cents in the dollar will be applied to these rating metrics to absorb the impact that these ratepayers would otherwise incur.

Subsequently, Commercial properties have remained unchanged and will result in an approximate 10% increase in rates, consistent with the increase in property values and at a level that the majority of other ratepayers in other property categories will realise in 2022-23.

Vacant land will increase by around 20% again reflective of the increases that have been applied to the property valuations. While this is the highest of all category increases, this is a deliberate strategy. The Council acknowledges that there is a large amount of undeveloped land in Burnie, and the desire of the Council is for this land to be developed. Also supporting this decision is that the rates paid on a vacant lot of land in Burnie is currently considered very low.

Notwithstanding the described decreases to the cents in the dollar methodology, it will still mean a larger increase in rates than would ordinarily be the case if the valuations (AAVs) had not been adjusted, however it will lessen the impact substantially.

Rates modelling was presented to the councillors at the Council Workshop conducted on 12 April 2022 and was subsequently incorporated into the budget document that was presented for public exhibition. This was to allow the community to determine clearly the impact of the proposed rating strategy and the property value increases.

The rating strategy was a key component of the feedback sought through the community consultation process. There was a mandatory question incorporated into the questionnaire to seek a view on whether the proposed rate increase was perceived to be affordable for the majority of ratepayers. This question had three responses available – Yes, No and Unsure.

Having an option for 'unsure' was a deliberate strategy to provide the community with an option where responders may not feel comfortable in speaking on behalf of others within the community. Essentially, an 'unsure' response suggests that while the responder does not have a concern with the rate increase individually, they are not able to attest to the impact on others.

Of the nine formal responses provided, the below captures the results related to this specific rates question:

*Is the proposed rate increase considered affordable for the majority of the community?*

Yes	2	22%
No	2	22%
Unsure	5	56%

There were 33 people who attended the pop up community consultation sessions. There was no attendee who expressed discord for the rates increase. The feedback received was that the community understood the rationale for largely the following reasons:



- An appreciation that on the back of rates decreases over five years, which saved approximately 11% on their rates across that period, that they inevitably thought the rates would need to increase at some stage to offset this;
- A recognition that the value of Burnie properties have increased significantly;
- A desire to return to a sustainable financial footing so that the City can cease being constrained by the current financial circumstances and look to the future, with a view to delivering more for the City; and
- A preference to pay smaller increases each and every year so as to alleviate significant increases.

There were a number of participants who reflected that not everyone would be able to afford the increase and were supportive of the Council continuing to provide assistance to those ratepayers. The Council have a Financial Hardship Assistance Policy in place to assist those who are experiencing significant genuine financial hardship.

Subsequently with only a small amount of concern raised (22%) towards the proposed rates increase from those who responded formally, the rating strategy proposed to the Council remains unchanged. A summary of the rates resolution is displayed below.

The below table depicts the rates and charges proposed for 2022-23 for each rating category, in comparison to 2021-22:

Rate Type	How Applied	2021-22	2022-23
General Rate	Cents in the \$ of AAV (adjusted)	10.7063	10.7063
Commercial	Cents in the \$ of AAV (adjusted)	12.3273	12.3273
Industrial	Cents in the \$ of AAV (adjusted)	12.3273	12.3273
Primary Production	Cents in the \$ of AAV (adjusted)	10.3164	7.8210
Residential	Cents in the \$ of AAV (adjusted)	8.2764	7.0100
Vacant	Cents in the \$ of AAV (adjusted)	10.7063	10.7063
General Fire Protection (Rural)	Cents in the \$ of AAV (adjusted)	0.3978	0.3387
Burnie Composite Brigade Rating District (Urban)	Cents in the \$ of AAV (adjusted)	1.4889	1.2611
Ridgley Volunteer Brigade Rating District	Cents in the \$ of AAV (adjusted)	0.3842	0.3043
Stormwater Removal Rate	Cents in the \$ of AAV (adjusted)	1.7937	1.8566
Stormwater Removal Rate – Minimum Charge	\$ per property	\$77.46	\$80.17
Municipal Waste Management Charge	\$ per property	\$123.32	\$127.64
Kerbside Collection – Garbage & Recycling	\$ per property	\$302.70	\$313.32
Kerbside Collection – Recycling Only	\$ per property	\$75.42	\$78.06
Kerbside Collection – Garbage Only	\$ per property	\$227.28	\$235.25
Waste Levy	\$ per property or tenement	-	\$10.84

In July 2022, the Tasmanian Government is implementing a statewide Waste Levy initially set at \$20 per tonne, before increasing to \$40 per tonne after two years, and \$60 per tonne after a further two years. This Levy is part of the Government's Waste and Resource Recovery Bill.

The Government in their media release on this topic described the Waste Levy as, an incentive to divert waste from landfill and funding for innovative waste and resource recovery initiatives to help build a circular economy in Tasmania, supporting the creation of new jobs and businesses.

The early payment discount for payment of rates and any arrears on or before the first instalment date has been reduced from 2.5% to 2.0%. There was no negativity expressed with regard to this reduction in either the community consultation sessions or the written submissions.

## 8.0 RISK

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

Risk Category	Risk identified	Ways to eliminate or reduce the risk
Political	Some within the community may not be able to afford the rate increase proposed.	Council continues to support the Financial Hardship Policy in order to enable officers to provide assistance to those in genuine need.

## 9.0 CONSULTATION

Consultation with councillors with regard to rating strategies have occurred through numerous Council Workshops, briefing papers and Council reports.

The Audit Panel met on 8 June 2022 and considered this matter and subsequently endorsed the Rates and Charges Policy and Rates Resolution unchanged.

## ATTACHMENTS

1. Attachment A - Central Burnie Map
2. Attachment B - Burnie and Ridgley Water and Sewer Districts Map
3. Draft Rates and Charges Policy CP-CBS-SG-004

## COUNCIL RESOLUTION

**Resolution number: MO115-22**

**MOVED:** *Cr T Brumby*

**SECONDED:** *Cr A Keygan*

**"THAT Council:**

**1. Adopt the following 2022-23 rates resolution, by absolute majority:**

**1.1 In accordance with the provisions of the Local Government Act 1993 (as amended) and the Fire Services Act 1979 the Council makes the following Rates and Charges for land within the Council's municipal area for the period 1 July 2022 to 30 June 2023.**

**1.1.1 Definitions Used in this Resolution**

- (a) "AAV" means the assessed annual value (AAV) for the land as determined by the Valuer-General under the Valuation of Land Act 2001 and adjusted under the Act;**
- (b) "land" means a parcel of land which is shown as being separately valued in the valuation list pursuant to the provisions of the Valuation of Land Act 2001;**
- (c) "commercial" means land that is shown as commercial (C), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (d) "industrial" means land that is shown as industrial (I), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (e) "primary production" means land that is shown as primary production (L), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (f) "residential" means land that is shown as residential (R), in the list of valuations prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (g) "vacant land" means land that is shown as vacant (V) in the list of valuation prepared by the Valuer-General pursuant to the provisions of the Valuation of Land Act 2001;**
- (h) "Separately occupied tenement" means any land in relation to which the Valuer-General has separately determined assessed annual values having regard to occupation or construction of the land or improvement or structural alterations made in it;**
- (i) "Multiple dwelling" means a dwelling containing more than one separately occupied tenement where that dwelling does not have a separate title.**
- (j) "the Act" means the Local Government Act 1993.**

- (k) Terms used in this resolution have the same meaning as given to them in Part 9 of the Act, unless it is inconsistent with the context of this resolution.**

## **1.2 General Rate**

**1.2.1 In accordance with the provisions of Section 90 of the Act Council makes a general rate of 10.7063 cents in the dollar of AAV on all land (excluding land which is exempt pursuant to the provisions of section 87 of the Act) within the Burnie municipal area subject to a minimum amount payable of \$260.**

**1.2.2 In accordance with the provisions of Section 107(1) of the Act, and by absolute majority, the Council declares that the general rate is varied within the municipal area and within different parts of the municipal area of Burnie according to the following factors:-**

**(a) the use or predominant use of the land and in particular the following variations are made:-**

**(i) for all land which is used9( for residential purposes the general rate is varied by decreasing it to 7.0100 cents in the dollar of the AAV;**

**(ii) for all land which is used for primary production the general rate is varied by decreasing it to 7.8210 cents in the dollar of the AAV;**

**(b) the locality of land and in particular:-**

**(i) within the hatched area shown on the attached location map marked as Attachment 1 "Central Burnie" (the Location) for all land that is used for a commercial or industrial purpose, the general rate is varied by increasing it to 12.3273 cents in the dollar AAV.**

**(ii) Land that is used for residential purposes within the Location is to be rated in accordance with 1.2.2(a)(i).**

**(iii) Vacant use of land within the Location is to be rated in accordance with 1.2.1.**

## **1.3 Service Rates and Charges**

**1.3.1 In accordance with the provisions of Section 93 and 94 of the Act Council makes:**

**(a) A Waste Management Charge levied as follows:**

- (i) *\$127.64 on all land for municipal waste management services provided in the municipal area (other than the kerbside collection).*
  - (ii) *\$313.32 on all land to which the Council provides a kerbside collection service.*
- (b) *A Stormwater Removal Service Rate for stormwater removal of 1.8566 cents in the dollar AAV on all land, except residential and vacant land, within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts, marked as Attachment 2; with a minimum amount payable of \$80.17.*
- (c) *A Stormwater Removal Service Charge of \$80.17 for stormwater removal on residential land, vacant land and each separately occupied tenement within the Burnie or Ridgley Water Districts or within the Burnie or Ridgley Sewer Districts, marked as Attachment 2.*
- (d) *A Waste Levy of \$10.84 on all land, and for each separately occupied tenement for costs associated with the Waste and Resource Recovery Act 2021.*
- (e) *A general fire protection rate of 0.3387 cents in the dollar AAV on all land in the municipal area with a minimum amount payable of \$44 for all land. (The Rating Districts are the areas so declared and named under Section 74A of the Fire Service Act 1979).*

**1.3.2** *In accordance with the provisions of Section 107(1) of the Act, and by absolute majority, the Council declares that the general fire protection rate is varied within the municipal area and within different parts of the municipal area of Burnie according to the following factors;*

- (a) *the locality of the land:*
  - (i) *for land within the Burnie Composite Brigade Rating District the general fire protection rate is varied by increasing it to 1.2611 cents in the dollar AAV;*
  - (ii) *for land within the Ridgley Volunteer Brigade Rating District the general fire protection rate is varied by increasing it to 0.3043 cents in the dollar AAV.*

#### **1.4 Remissions**

**1.4.1 In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the stormwater removal rate or charge if:**

- (a) A ratepayer has applied in accordance with Section 129(2) of the Act; and**
- (b) The applicant has satisfied the General Manager that the remission of stormwater removal rate or charge should be granted on the basis that the property has no ability to connect to the stormwater system, in accordance with the Council's Rates and Charges Policy.**

**1.4.2 In accordance with Section 129(3) of the Act, and by absolute majority, Council grants a remission of the Waste Management Charge if:**

- (a) A ratepayer has applied in accordance with Section 129(2) of the Act; and**
- (b) The applicant has satisfied the General Manager that the remission of the Waste Management Charge should be granted on the basis that collection is impractical due to limited presentation space at the kerbside or insufficient storage space within the property, in accordance with the Council's Rates and Charges Policy.**

**1.4.3 In accordance Section 129(4) of the Act, and by absolute majority, the Council grants the following remission of rates.**

- (a) For all land to which the Council does not provide a garbage collection service a remission of \$235.25 is to be granted;**
- (b) For all land to which the Council does not provide a recycling service a remission of \$78.06 is to be granted;**
- (c) For all land that has a registered Conservation Covenant under the Private Land Conservation Program, a rebate of \$5 per hectare per annum, with a minimum amount of \$50 and a maximum amount of \$500.**

## **1.5 Payment Options**

### **1.5.1 Due Dates**

**In accordance with the provisions of Section 124 of the Act Council determines that all rates and charges are payable by four instalments, (calculated to the nearest cent) the due date by which**

*they are to be paid being:*

*1st Instalment – 31 August 2022*

*2nd Instalment – 30 November 2022*

*3rd Instalment – 28 February 2023*

*4th Instalment – 31 May 2023*

#### **1.5.2 Discount for Early Payment**

*In accordance with the provisions of Section 130 of the Act Council will provide a discount of 2.0% of the total current rates and charges (excluding fire levy) specified in a rates notice applying to all the rates and charges for the financial year 2022-23 and any arrears, that are paid by 5.00 pm, 31 August 2022 and providing all arrears of rates and charges are paid.*

#### **1.5.3 Defaults and Penalties**

- (a) In accordance with the provisions of Section 124(5) of the Act if a ratepayer fails to pay any instalment within 21 days of the date on which the instalment is due, the ratepayer is liable and is to immediately pay the full amount of the unpaid rates and charges.*
- (b) In accordance with the provisions of Section 128(2) if any rates and charges or instalment of rates and charges are not paid on or before the date they fall due, then daily interest charged monthly, at the prescribed percentage determined in the Council's Rates and Charges Policy, is payable from the date they fell due to the date of payment.*

#### **1.6 Supplementary Rates**

*1.6.1 In accordance with the provisions of Section 92 of the Act Council delegates to the General Manager the power to adjust a rate as a result of a supplementary valuation.*

### **2. Waste Vouchers**

*2.1 Authorise the General Manager to provide each separately occupied tenement with four green waste vouchers and four general waste vouchers.*

### **3. Adopt the Rates and Charges Policy CP-CCS-CG-004 as presented."**

For: Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr T Bulle, Cr D Pease.

Against: Cr S Kons, Cr G Simpson.

***CARRIED***

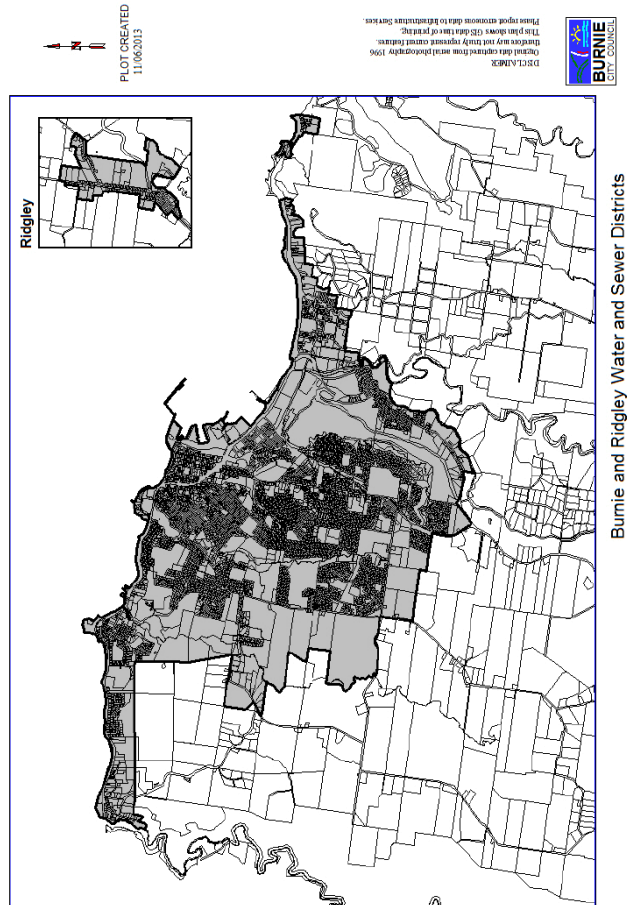



ATTACHMENT A – CENTRAL BURNIE



RATING RESOLUTION CBD

ATTACHMENT B – BURNIE AND RIDGLEY WATER AND SEWER DISTRICTS



 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Rates and Charges Policy (Draft)</b>	
	Approved By: <b>XXX</b>	Document Code: <b>CP-CCS-CG-004</b>
	Doc Controller: <b>Executive Manager</b> <b>Corporate Governance</b>	Version: <b>11.0</b> Approved Date: <b>XXX</b> Next Review Date: <b>XXX</b>
File: 4/14/2		

## 1 PURPOSE

The purpose of this policy is to outline Council's approach to determining and collecting rates from the community.

## 2 OBJECTIVE

To provide transparency to the community about how the Council makes decisions in relation to setting its annual rates and charges and how the Council distributes the rate burden across its community.

## 3 SCOPE

This policy covers:-


- Rating Strategy
- Council's Revenue Raising Powers
- Property Valuation Base
- General Rates
- Minimum General Rate Payable
- Exemptions from General Rate
- Services Rates and Charges
- Remissions and Discounts
- Supplementary Valuations
- Payment of Rates
- Objection Rights

## 4 POLICY

### 4.1 Rating Strategy

Rates and charges are an important revenue source for local government, comprising approximately 75% of the Burnie City Council's annual income. In setting its rates and charges Council has the challenge of balancing the need to fund existing services, the continual demand for increased services, the need to maintain and renew essential infrastructure and the desire to keep increases and charges to a minimum.

The Council ensures it only raises the revenue it needs, and does so in the most efficient and equitable manner possible. The aim of the rates and charges decision-making process is to spread the burden fairly across the community with those that have the greatest capacity to pay, paying more than those with a lesser capacity to pay.

COUNCIL POLICY			
 <b>Rates and Charges Policy (Draft)</b>			
Approved By:	XXX	Document Code:	CP-CCS-CG-004
Doc Controller:	Executive Manager	Version:	11.0
	Corporate Governance	Approved Date:	XXX
File:	4/14/2	Next Review Date:	XXX

When considering how the rate burden will be distributed, Council must balance capacity to pay with the benefit principle acknowledging that there are some groups of the community that have more access to and benefit from specific services.

To achieve this balance Council has established a rating structure which is comprised of two key elements – general rates and service rates. The general rates are levied based on the Annual Assessed Value (AAV), as adjusted from time to time, of properties which are determined by the Valuer-General. Property values generally reflect the capacity of the ratepayer to pay.

The other element is the service rates, which are a user pay component and currently covers stormwater and waste management services. Services charges are designed to reflect payment based on access or usage of services provided by the Council.

#### ***Rates per Capita***

In determining its rates each Council gives consideration to the current economic climate and the capacity of the community to pay for services.

Burnie is a regional centre and Council provide a broad range of services relative to its population, unlike many other Council's in Tasmania.

As such, the Council appreciates and recognises that rates for the community are higher than the state average. Subsequently the Council has actively worked to close the "rates per capita" gap in Burnie against the state average over the past four years, while maintaining acceptable service levels. The Council have been successful in now reducing the rates per capita to a level that it feels is reflective of the community's capacity to pay.


#### **4.2 Council's Revenue Raising Powers**

The *Local Government Act 1993* provides for a Council to raise revenue for the purposes of providing broad services to the community. The Act provides a range of methods for councils to raise rates in a way that each council deems is most suitable to their own municipal area.

Every year Council makes a rates resolution at the time of adopting its Annual Plan and Budget Estimates which is designed to outline how the rates burden will be distributed across the community.

#### **4.3 Property Valuation Base**

Under section 89A of the Act, Council has the choice of three bases of value of land which are determined by the Valuer-General in accordance with the *Valuations of Land Act 2001*.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Rates and Charges Policy (Draft)</b>	
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	File: 4/14/2	

The Council has the option of choosing one of the following three bases to calculate its rates and charges:-

- Land Value
- Capital Value; or
- Assessed Annual Value (AAV).

A revaluation is required under the Act to be conducted in each valuation district within a seven-year period. The valuations undertaken by the State Government through the Office of the Valuer-General are important for ratepayers because Council must by law use the valuation data in order to levy its rates. Property values are generally considered a reasonable proxy for assessing a ratepayer's capacity to pay. The Council adopts the valuations made by the Valuer-General and uses the valuation of each property as a means of calculating the rates owned on that property. For this reason, ratepayers are encouraged to contact the Office of the Valuer-General if they have any objections in relation to their property valuation.


The Burnie City Council, along with most other councils in Tasmania, use the AAV for calculating its rates and charges (with the exception of fixed charges). The AAV is the estimated rental value of the property or four percent of the capital value of the property (whichever is greater).

AAV adjustment factors are issued by the Valuer-General on a regular basis in an attempt to ensure property assessments closely reflect changes in the property market, in order to keep pace with market influences between revaluation processes. In 2022-23 the City of Burnie has had adjustment factors applied by the Office of the Valuer-General to take account of the recent increases in the property market. The increases in property values range from an uplift of 10% to 50% in value, depending upon the property category.

#### 4.4 General Rates

The general rate is calculated on a cent in the dollar amount, based on the AAV of a property. The general rate pays for general services such as:-

- Sporting facilities and recreation grounds;
- Roads, streets, kerb and channel, footpaths, street furniture, and street lighting;
- Parks and reserves;
- Public buildings including halls and amenities;
- Burnie Aquatic Centre;
- Burnie Airport;
- Environmental services, land use, building and development control, animal control and cemeteries;
- Burnie Arts and Function Centre; and
- Functions and Events.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
	<b>Rates and Charges Policy (Draft)</b>	
Approved By:	XXX	Document Code: CP-CCS-CG-004
Doc Controller:	Executive Manager Corporate Governance	Version: 11.0
File:	4/14/2	Approved Date: XXX
		Next Review Date: XXX

### ***Variations to the General Rate***

The methodologies underpinning the levying of rates and charges is to spread the burden fairly across the community with those that have the greatest capacity to pay paying more than those with a lesser capacity to pay. A property's AAV is generally considered a reasonable proxy for assessing a ratepayer's capacity to pay.

In recognition that, land use codes are applied by the Valuer-General and provide the ability for councils to apply different rates or changes by category of property. For the general rate payable, the rate is varied for those properties used for the following purposes:-

- Residential;
- Primary production;
- Commercial (including industrial) properties in the Burnie CBD;
- Commercial (including industrial) properties outside the CBD;
- Vacant land.

The variation of the general rate for these ratepayers is to ensure there is no unfair shift in rate burden from one land use group to another. It also allows Council sufficient flexibility within the rating framework to assess capacity to pay by land use group and to ensure that the general rate payable by each land use group is affordable and in line with the level of service received.

#### **4.5 Minimum General Rate Payable**

Council imposes a minimum amount payable on the general rate as a means of ensuring that all ratepayers contribute towards the provision of basic services at a reasonable level.


#### **4.6 Exemption from General Rate**

All land defined under Section 87(1) of the *Local Government Act 1993* is exempt from general rates.

In relation to charitable purpose as defined in Section 87(1)(d) of the *Act*, an exemption will be granted if land or part of the land is owned and occupied by a non-government organisation exclusively for: -

- i) the relief of poverty; or
- ii) the advancement of religion; or
- iii) the advancement of education; or
- iv) community welfare; or
- v) is registered as a "Deductible Gift Recipient" by the Commonwealth Government.

Church owned manses are included in the definition of the "advancement of religion".

COUNCIL POLICY			
 <b>Rates and Charges Policy (Draft)</b>			
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#### 4.7 Service Rates and Charges

Service charges are designed to reflect payment based on access or usage of services provided by the Council. The charges are set to recover the cost of the specific service/s provided. Council levies charges for the following services:-

**Stormwater** - Covers maintenance and upgrade of connections, drainage, and storm water removal systems including from roads and funds programs to improve municipal storm water removal systems.

**Waste Management** - Covers waste collection including recycling, and running the waste management centre. The waste charge is split into two components being the kerbside collection charge, and the municipal waste charge.

The kerbside collection charge is established to cover the cost of kerbside collection and is payable by all ratepayers falling within Council's kerbside collection areas.

The municipal waste charge is established to cover the costs of all other municipal waste services including maintaining litterbins in the municipality, some costs associated with the Waste Management Centre and the provision of waste vouchers to all ratepayers. The municipal charge is paid by all ratepayers within the municipal area.


**Fire Levy** - This charge is collected on behalf of the State Government through the State Fire Commission as a contribution toward fire protection services. The Council has no control or influence over the amount of the rate levied annually.

**Waste Levy** - This is a new charge to be implemented in 2022-23 and is collected on behalf of the State Government. This levy is part of the State Government's Waste and Resource Recovery Bill. In a recent media release on the topic, the government described the Waste Levy as an incentive to divert waste from landfill and funding for innovative waste and resource recovery initiatives to help build a circular economy in Tasmania.

#### 4.8 Remissions and Discounts

##### **General Remissions**

A ratepayer, under Section 129 of the Act may apply to the Council for remission of all or part of any rates paid or payable by the ratepayer, or any penalty imposed or interest charged. In accordance with the Act Council, by absolute majority, may grant a remission of all or part of any rates, penalty or interest paid or payable by the ratepayer.

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An application must be made in writing and lodged with the General Manager. The General Manager is to keep a record of the details of any remission granted by the Council in accordance with the Act.

A ratepayer experiencing financial hardship may apply to the General Manager under the Financial Hardship Assistance Policy CP-CCS-CG-049, for rates and charges levied in accordance with Part 9, Rates and Charges, of the *Local Government Act 1993*. The policy does not apply to rates and fees collected on behalf of other authorities in accordance with section 88, such as the fire service contribution and waste levy.

The Council can offer three methods of rate relief for those eligible for financial hardship assistance:

- Postponing rate payments;
- Remission of late payment interest; and
- Remission of rates.

To be eligible, ratepayers must satisfy the General Manager that the remission should be granted on the basis of financial hardship, and that the property is the ratepayer's principle place of residence. In addition the ratepayer must enter into and maintain a suitable formal payment arrangement for payment of the rates liability.

#### ***Stormwater Service Charge Remissions***


In accordance with section 129(2) of the *Local Government Act 1993*, owners of properties with no ability to connect to the stormwater system may make an application to Council for a remission of the storm water service charge.

An application must be made in writing and lodged with the General Manager. Application forms are available online at [www.burnie.net](http://www.burnie.net) or from the Customer Service Centre at 80 Wilson Street, Burnie.

Each application will be assessed on a case by case basis and a remission will be granted if the General Manager is satisfied that one of the following criteria are met:-

- The property discharges to a waterway not under Council management and there is no alternative drainage system available.
- Property discharges to a soakage pit on the property and there is no alternative drainage system available.
- The property discharges to ground or offsite by over land flow and there is no alternative drainage system available.
- The property discharges to roadside table drain that only incorporates cross road drainage and there is no alternative drainage system available.



 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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#### ***Kerbside Collection Charge Remissions***

A remission of the kerbside collection for waste and/or kerbside collection for recycling may be approved where collection is impractical due to limited presentation space at kerbside or insufficient storage space within the property.

An application must be made in writing and lodged with the General Manager. Application forms are available online at [www.burnie.net](http://www.burnie.net) or from the Customer Service Centre at 80 Wilson Street, Burnie.

To be eligible for a remission the following conditions must be met:-

- The property must be used for a residential purpose.
- All owners within the property have provided written confirmation to accept responsibility for managing the disposal of refuse and recycling arising from the property in an approved manner (normally, this would be provided via a body corporate).
- The cost of managing waste and recycling will be borne by the property owner/s and a demonstrated suitable commercial arrangement is in place between the body corporate and a waste service provider.

#### ***Discount for Early Payment***

Council provides a discount of 2.0% of the total current rates and charges, to any ratepayer who has a residential property, if rates including arrears are paid in full by the 31 August each year.

The discount does not apply to any levy collected on behalf of another authority, such as the fire and waste levies.


#### ***Rate Rebate – Conservation Covenants***

A rate rebate is to be provided to ratepayers that have registered Conservation Covenants within the municipality of Burnie under the Private Land Conservation Program.

The rebate is set at \$5 per hectare per annum with a minimum of \$50 and a maximum of \$500.

#### ***Pensioner Remissions***

Pensioners eligible for assistance under the *Local Government (Rates and Charges Remission) Act 1991* may receive a rebate of rates and charges on their principal place of residence up to a maximum amount in any given year.

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The Act defines that a ratepayer who is a holder of any of these three types of cards, to be an eligible pensioner for rates remission purposes:-

- Pensioner Concession Card;
- Health Care Card; or a
- Department of Veteran's Affairs 'Gold Card' endorsed with TIP or War Widow/Widower.

The card must have a date of grant on or prior to 1 July of the year to which the rate remission relates. The possession of an Australian Government Seniors Health Card does not qualify the holder for a rates remission.

The applicant must be liable to pay the rates on the property that they occupy as their principal place of residence. In the case of joint ownership, at least one of the owners must meet the eligibility criteria. There is a limit of one remission per year per pensioner household.

Any pensioner who has not previously received a remission must complete an application form. Application forms are available online at [www.burnie.net](http://www.burnie.net) or from the Customer Service Centre at 80 Wilson Street, Burnie.

Eligibility of a pensioner remission is determined by the State Government through the Department of Treasury and Finance, who will access Centrelink records to confirm details as required.


#### 4.9 Supplementary Valuations

In certain circumstances, valuations must be determined between general revaluations. These are known as supplementary valuations and are required when the circumstances of a property changes which affects the property's value.

Some circumstances that may trigger a supplementary valuation are as follows:

- Construction of a new building(s) on the land;
- Extension to or renovation of existing building(s);
- Subdivision or consolidation of the land;
- Demolition of a building(s) on the land;
- Other improvements to the land such as out buildings, swimming pools etc;
- Change in the land's usage;
- Realignment of the properties boundary; and the
- Property becomes rateable.

When any of the above situations arise, a supplementary valuation will be undertaken by the Valuer-General. The supplementary valuations will bring the valuation of the property in line with the general valuation of other properties in the municipal area. The values are determined based upon the same date of the general valuation currently in use for the municipal area.

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Where the Valuer-General has undertaken a supplementary valuation, the ratepayer will be issued with a supplementary rates notice. The notice will show the new adjusted valuations for the property and will include any corresponding adjustments to the rates and charges affected by the supplementary valuation for the current financial year. Rates and charges adjustments of less than \$50 will not result in a supplementary rates and charges notice for the current financial year.

#### **4.10 Payment of Rates**

Rates are levied in July each year and are payable by four equal instalments. The due date for instalments being:

- 1st Instalment – 31 August 2022;
- 2nd Instalment – 30 November 2022;
- 3rd Instalment – 28 February 2023; and
- 4th Instalment – 31 May 2023.

A discount for early payment is granted to ratepayers of residential property, if payment of the annual rates and any arrears, is received in full by 31 August 2022.

#### ***Difficulty in paying***

A ratepayer who is having difficulty in paying their rates by the due date should contact the Council at the earliest opportunity to arrange a payment schedule that is agreeable to Council and the ratepayer. Interest penalties will be payable on amounts not paid by the above instalment due dates.


Council has a Financial Hardship Assistance Policy CP-CCS-CG-049 to provide assistance to those ratepayers who are experiencing difficulty meeting their rates liabilities.

If a ratepayer does not pay the rates on his or her property and does not have an agreed payment arrangement in place, Council may commence legal action to recover the outstanding amount. If Council takes such action the ratepayer will be liable for legal costs associated with the action.

If a ratepayer has not made a satisfactory arrangement to pay their outstanding rates and have rates and charges outstanding in excess of 3 years, action may be taken to sell the property in accordance with section 137 of the *Local Government Act 1993* to recover the amount owed.

#### ***Interest Penalties***

If rates are not paid by the due dates, daily interest will be charged in accordance with section 128 of the *Local Government Act 1993*.

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY	
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The charged will be calculated in accordance with the following formula:

$$P = \frac{LTB + 6\%}{365}$$

where –

- P is the prescribed percentage;
- LTB is the official ten-year long term bond rate as determined by the Reserve Bank as at the close of business on the last day of business preceding 1 March.

#### 4.11 Objection Rights

If a ratepayer believes that they have been rated incorrectly, an objection can be made on the following grounds:-

- the land specified in the rates notice is exempt from the payment of those rates; or
- the amount of those rates is not correctly calculated having regard to the relevant factors; or
- the basis on which those rates are calculated does not apply; or
- he or she is not liable for the payment of the rates specified in the rates notice; or
- he or she is not liable to pay those rates for the period specified in the rates notice.

Objections should be made in writing to the General Manager within 28 days of the rates notice being issued. The General Manager may amend the rates notice as considered appropriate, or refuse to amend the rates notice.

A person may appeal to the Magistrates Court (Administrative Appeals Division) for a review if the General Manager fails to amend the rates notice within 30 days after lodging the objection; or refuses to amend the rates notice.


## 5 LEGISLATION

Local Government Act 1993

## 6 RELATED DOCUMENTS

Financial Management Strategy 2032 (2022) CD-CCS-FIN-001

Financial Hardship Assistance Policy CP-CCS-CG-049

 <b>BURNIE</b> CITY COUNCIL	COUNCIL POLICY		Rates and Charges Policy (Draft)	
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Policy Endorsement	
Responsibility:	<p>It is the responsibility of the General Manager to ensure Council's compliance with this policy.</p> <p>It is the responsibility of the Director Corporate and Commercial Services to administer and review this policy as required, and to ensure that rating is carried out in accordance with the policy.</p> <p>It is the responsibility of the Corporate Governance Unit to maintain this policy within the Policy Register.</p>
Minute Reference:	Item AO103-21
Council Meeting Date:	22 June 2021
Strategic Plan Reference:	<p>Strategy 7.1.1</p> <p>Formulate policy that is equitable, inclusive and responsive to current needs, and ensure decision-making is informed and accountable.</p>
Previous Policies Replaced:	This policy replaces the previous Rates and Charges Policy version 11.0 dated 22 June 2021, Item Number AO103-21
Date of Commencement:	1 July 2022
Publication of policy:	Members of the public may inspect this policy at the City Offices, or access it on Council's website ( <a href="http://www.burnie.net">www.burnie.net</a> )

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**CORPORATE AND COMMERCIAL SERVICES****AO120-22 ANNUAL PLAN AND BUDGET ESTIMATES 2022-23 CD-CCS-CG-001****FILE NO: 13/5/19****PREVIOUS MIN:**

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MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7~AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.4~A sustainable, viable financial future is assured and accountability is demonstrated through open and transparent processes.
Strategy	7.4.1~Ensure a long term strategic focus drives financial policy and decisions.

**1.0 RECOMMENDATION:**

***“THAT Council adopt the Annual Plan and Budget Estimates 2022-23 CD-CCS-CG-001, as presented.”***

**2.0 SUMMARY**

This report seeks the approval of the Annual Plan and Budget Estimates 2022-23 (APBE) by the Council.

**3.0 BACKGROUND**

The **attached** document represents the Council’s APBE for the 2022-23 financial year.

The APBE has been developed based upon the principles of the Financial Management Strategy 2021-31 adopted in April 2021, and is consistent with the revised draft FMS which the Council approved in-principle in March 2022.

Since that time the Council have endorsed the Annual Plan and Budget Estimates 2022-23 in-principle at the meeting of 26 April 2022, as a means of presenting the document to the public for community consultation. The draft APBE provided for public exhibition delivers on the objectives of the FMS in providing a balanced budget in 2022-23, on the back of deficit budgets over several years.

The Annual Plan has been developed based upon the intent and direction of Making Burnie 2030, the Council Plan 2022-2025 and the Service Level Plans for 2022-23. Included in the Annual Plan are the core projects that underpin the key goal areas of the Council Plan, in addition to the six key enablers.

## 4.0 LEGISLATIVE REQUIREMENTS

Section 71 of the *Local Government Act 1993* requires the Council have an Annual Plan, specifically:

### 71. Annual plan

- (1) A council is to prepare an annual plan for the municipal area for each financial year.
  - (2) An annual plan is to –
    - (a) be consistent with the strategic plan; and
    - (b) include a statement of the manner in which the council is to meet the goals and objectives of the strategic plan; and
    - (c) include a summary of the estimates adopted under [section 82](#); and
    - (d) include a summary of the major strategies to be used in relation to the council's public health goals and objectives.
  - (3) As soon as practicable after a council adopts an annual plan, the general manager is to –
    - (a) make a copy of the annual plan available for public inspection at the public office during ordinary business hours; and
    - (b) provide the Director and the Director of Public Health with a copy of the annual plan.
- (a)

The Council have met the obligations of the Act in developing the Plan, and will advise those relevant parties required under s71(3)(b) once adopted.

Section 82 of the Act prescribes the legislative obligations under which the Council's Budget Estimates are to be developed.

### (b)

#### 82. Estimates

- (1) *The General Manager must prepare estimates of the council's revenue and expenditure for each financial year.*
- (2) *Estimates are to contain details of the following:*
  - (a) *the estimated revenue of the council;*
  - (b) *the estimated expenditure of the council;*
  - (c) *the estimated borrowings by the council;*
  - (d) *the estimated capital works of the council;*
  - (e) *any other detail required by the Minister.*
- (3) *Estimates for a financial year must –*
  - (a) *be adopted by the council, with or without alteration, by absolute majority; and*
  - (b) *be adopted before 31 August in that financial year; and*
  - (c) *not be adopted more than one month before the start of that financial year.*
- (4) *A council may alter by absolute majority any estimate referred to in subsection (2) during the financial year.*
- (5) *A council may make adjustments to individual items within any estimate referred to in subsection (2) by a simple majority so long as the total amount of the estimate is not altered.*
- (6) *A council, by absolute majority, may authorise the General Manager to make minor adjustments up to specified amounts to individual items within any estimate referred to in subsection (2) so long as the total amount of the estimate is not altered.*
- (7) *The General Manager is to report any adjustment and an explanation of the adjustment at the first ordinary meeting of the council following the adjustment.*

The Council has met the obligations of section 82 of the Act in developing the draft Budget Estimates.

## **5.0 POLICY CONSIDERATIONS**

The most significant Council policies that are considered inputs to the Annual Plan and Budget Estimates process are as follows:

- Council Plan 2022-2025 CD-CCS-CG-009
- Financial Management Strategy CD-CCS-FIN-001
- Strategic Asset Management Plan CD-WS-T-001
- Rates and Charges Policy CP-CCS-CG-004
- Rates Resolution
- Risk Management Policy CP-CCS-CG-027
- Risk Management Framework GL-CCS-RM-001
- Treasury Policy CP-CCS-CG-038

(C)

## **6.0 FINANCIAL IMPACT**

The Annual Plan and Budget Estimates 2022-23 has been compiled to include all resources that are known to be either coming in, or going out, at the time of its development. It does not foreshadow future decisions not yet taken by the Council. This has been a subject of discussion with councillors at recent workshops with respect to both the FMS and budget preparation. The APBE accords with the parameters of the draft FMS 2022-32 in that it:

- Meets cash flow requirements to ensure there is sufficient liquidity to meet future liabilities and service provision;
- Delivers the Council's aspirations for a balanced budget in 2022-23;
- Enables a significant capital works program of \$20.8 million to be delivered.

In addition to these shorter term objectives, the APBE delivers on the two long term financial metrics outlined in the FMS, namely:

- An operating margin of 1.00; and
- Maintaining a current ratio above 1.10. The projected current ratio is 2.27.

## **7.0 DISCUSSION**

Provided below is supporting information on the major component of the budget's development:

- Employee Benefits including On Cost Calculations
- Establishment List
- Community Grants Program
- Capital Works Program
- Financial Statements
- Annual Plan



**Employee benefits including on cost calculations**

Employee benefits include all salary and wages, superannuation, payroll tax, leave entitlements, fringe benefits tax, workers compensation insurance and training.

Budgeted Council labour resources are applied to capital projects and operational services. During the budget process, all Budget Managers were provided their staffing requirements, with reference to historical FTE and salary costs as a starting point.

A key outcome of this process was to update the Establishment position listing for recruitment, costing and budget controls moving forward. Now that this has occurred tighter controls are being implemented particularly around the recruitment and payroll functions to accord with the new Establishment.

Overall wages have decreased by \$698,000 from the 2021-22 original budget to be \$11.104m in the APBE 2022-23. This reflects a reduced establishment, a revision of leave and on-costs (payroll tax, superannuation) estimates and the impact of the new capital works program.

**Establishment list**

The Establishment of the organisation represents the number of staff that we have employed to provide services to our community. The total Establishment for 2022-23 is 130.47 FTE across operational service delivery and capital works. This is a reduction of 2.8 FTE from the Establishment in 2021-22.

For the five years of the rates reduction strategy and including last financial year where 16 positions were made redundant, the Council has reduced its workforce by 30 FTE positions. This equates to an 18% reduction of the workforce over this time.

**Community Grants Program**

As you are aware the Council recently changed the way that Community Grants are offered to the community. The draft APBE that was provided for community consultation (refer from page 14 of the attached) represents transparently those grants that the Council have approved in-principle, and for which feedback was sought from the community. There was a previous concern expressed by one councillor for one grant as the organisation's headquarters are situated in the south of the State.

The criteria for the Community Grant program however reflects that a community group applying for a grant may do so from other parts of the State, on the proviso that what is being delivered by the receipt of the proposed funding, significantly benefits the Burnie community. The grant in question delivers this requirement.

One area of feedback that came from the recent community consultation process was a concern that community groups were able to apply for multiple grants across all three grant programs. While this is not able to be modified for 2022-23 on the basis that the grant

guidelines allow for this, officers will note this matter with Council prior to the launch of the 2023-24 community grant program to ensure the Council continue to be comfortable with this approach or alternatively if a different approach is required.

### **Capital works program**

The capital works program developed (refer from page 17 of the attached) is unprecedented at \$20.8 million in 2022-23. The program has been supported by the public through community consultation with no threshold issues identified. A number of items of feedback are actively being considered by EMT. This may cause one additional capital works program to be included in the capital works program at a later date. No change is required at this time as investigations surrounding the proposed capital works project suggested are ongoing.

Recent events, including the resignation of the Director Works and Services and the transition to retirement of the Manager Engineering Services, coupled with some significant recent vacancies in the Technical Services team, will require a review of the Council's capacity to complete the 2022-23 capital works program that will be set as part of this budget process. A separate report will be provided to Council in due course, within the first part of the 2022-23 financial year.

The timing of this should coincide with the appointment of a Director Works and Services, the vacancy for which is under active recruitment at this time. The inevitable reduction of the capital works program needs to ensure that programs where co-contributions are required in order to maintain eligibility of funding – such as Roads to Recovery funding – and the asset sustainability ratio of the Council are major considerations of any revised program.

### **Financial Statements**

The financial statements contained in the APBE are based on a range of assumptions and forecasts as previously documented. Please note the actual opening balances for 2022-23 will likely vary from the reflected opening balances dependent on transactions which occur across the remainder of the 2021-22 financial year e.g. the delivery of the capital program, employee vacancies and delays in recruitment.

### **Service Level Detail**

This is the second year that Council are undertaking Service Level Plans as an important input into the Annual Plan and Budget Estimates process. These Plans are developed by each Business Unit, endorsed by Directors and the General Manager, and then become important work programs to align time and effort. The SLPs and the corresponding budgets are reviewed quarterly with the Unit Manager, relevant Director and General Manager.

The SLPs previously provided as part of a briefing report to Councillors are the 2022-23 documents developed, and councillors should note that they are still continuing to mature. This will continue to be the case for the next several years. This year the performance metrics and longitudinal data have been a focus to enable data to be captured from 1 July

2022 to start to underpin statistical information, performance evaluation and ultimately to inform decision making.

### Annual Plan

The overarching Community Plan, Making Burnie 2030 CD-CBS-SG-007 underpins the development of the Annual Plan and Budget Estimates for the Council. While the Plan is the community's plan and therefore not one that the Council contributes to in all aspects, those elements of the Plan that are within the Council's remit, are considered annually and funded accordingly.

### 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
Financial	There is no contingency in the budget for any Council decisions that have not been made to date.	All decisions of the Council will need careful consideration of the budgetary impacts before being passed to ensure the integrity of the Financial Management Strategy is maintained.
Financial	Inflationary rates may be higher than predicted in the FMS and Budget Estimates.	This will require regular and careful management by the Executive Management Team to identify issues early and put measures in place to address any concerns.
Political	Some within the community may not be able to afford the rate increase proposed.	Council continues to support the Financial Hardship Policy in order to enable officers to provide assistance to those in genuine need.

### 9.0 CONSULTATION

Consultation with councillors has occurred with regard to the major aspects of the Annual Plan and Budget Estimates development over many months, through Council Workshops, briefing papers and Council reports.

The Audit Panel considered the draft Annual Plan and Budget Estimates 2022-23 at their meeting of 8 June 2022, and endorsed the document unchanged, as presented.

### ATTACHMENTS

1. Responses received from recent public consultation on Annual Plan and Budget Estimates (redacted)
2. Annual Plan and Budget Estimates 2022-23

**COUNCIL RESOLUTION****Resolution number: MO116-22*****MOVED: Cr A Keygan******SECONDED: Cr D Pease******“THAT Council adopt the Annual Plan and Budget Estimates 2022-23 CD-CCS-CG-001, as presented.”*****For: Cr A Boyd, Cr T Brumby, Cr C Lynch, Cr A Keygan, Cr T Bulle, Cr D Pease.****Against: Cr S Kons, Cr G Simpson.*****CARRIED***

# Budget 2022-23 Consultation Form



Submission date: 10 May 2022, 7:06AM

Receipt number: 3

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25 **Unsure**

Yes - please provide your thoughts on Council Plan

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section? **No**

Yes - Please provide your thoughts on Service Levels

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering? **Yes**

Yes - What are the additional services you feel Council should be delivering? **Tourist information centre**

Yes - What can Council do to balance the cost of these new proposed services? **The council cant afford to cut services anymore that they have already.**

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to **No**  
better service the lifestyles and aspirations of our Burnie  
City residents and ratepayers?

Yes - please provide your thoughts on what can be  
improved

Do you think the proposed budget has achieved a **Unsure**  
balance between the provision of Council's core  
services and the civic needs of the community?

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for **No**  
the majority of the community?

Yes - please provide your thoughts on the affordability  
(optional)

No - please provide your thoughts on the affordability **It might not seem alot to some people but when you  
are budgeted down to the last \$5 every week in your  
pay its major. The cost of living has gone up  
considerably and to pile this rate rise on top of an  
already majorly increased cost of living is heartless.**

No - What are the services or activities the Council **Community grants. There are several community  
currently delivers to the community that you feel could  
be modified or ceased to reduce costs? groups who get several grants for different projects  
for a start.**

Are you aware the Council has a Financial Assistance **No**  
Policy to assist those who are struggling to meet their  
financial commitments?

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council **Yes**  
is making into its existing assets?

No - please provide your thoughts on the asset  
investment level

Unsure - please provide your thoughts on the asset  
investment level (optional)

Are you satisfied with the capital works program proposed? **Yes**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Unsure**

Yes - please provide your thoughts on other improvement projects

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **No**

No - please provide your thoughts on the community grants **I dont believe that groups should be able to access more than 1 grant per year.**

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **No**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core  
financial statements (optional)

Is there any other matter reflected in the budget      **No**  
consultation document that you would like to comment  
on?

Yes - please provide your thoughts on the budget  
consultation document

Unsure - please provide your thoughts on the budget  
consultation document (optional)



# Budget 2022-23 Consultation Form



Submission date: 18 May 2022, 11:54AM

Receipt number: 4

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

No

Yes - please provide your thoughts on Council Plan

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

Unsure

Yes - Please provide your thoughts on Service Levels

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

Unsure

Yes - What are the additional services you feel Council should be delivering?

Yes - What can Council do to balance the cost of these new proposed services?

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to **Unsure**  
better service the lifestyles and aspirations of our Burnie  
City residents and ratepayers?

Yes - please provide your thoughts on what can be  
improved

Do you think the proposed budget has achieved a **Yes**  
balance between the provision of Council's core  
services and the civic needs of the community?

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for **Unsure**  
the majority of the community?

Yes - please provide your thoughts on the affordability  
(optional)

No - please provide your thoughts on the affordability

No - What are the services or activities the Council  
currently delivers to the community that you feel could  
be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance **Yes**  
Policy to assist those who are struggling to meet their  
financial commitments?

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council **Unsure**  
is making into its existing assets?

No - please provide your thoughts on the asset  
investment level

Unsure - please provide your thoughts on the asset  
investment level (optional)

Are you satisfied with the capital works program **Unsure**  
proposed?

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Yes**

Yes - please provide your thoughts on other improvement projects

**Plant more trees! Every town I go to, the councils are planting more and more trees around the town. Trees make such a difference to the overall appeal of a town. Also I would love to see more traffic free streets in the town. If you go to towns in Europe where they have closed off streets in the CBD (to all but service vehicles) the difference is amazing.**

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Unsure**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **No**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)

# Budget 2022-23 Consultation Form



Submission date: 18 May 2022, 3:33PM

Receipt number: 5

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

Yes

Yes - please provide your thoughts on Council Plan

Stick to it and don't go back to how the community has been let down over the past few years following the sacking of the community events employees. The council has had little or no public events, I used to enjoy the street parties, NYE celebrations etc., I realise Covid has squashed many of these but also know that the staff that used to run these no longer exist. I would rather pay more rates to make our city vibrant once again instead of the sad city it is today.

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

Yes

Yes - Please provide your thoughts on Service Levels

**If Burnie struggle with keeping rates comparable to neighbouring councils why is Wynyards rates lower with less ratable properties.**  
**Doesn't stack up.**  
**Why not get some amalgamation going across the coast then we might see some rate reduction. A greater North West Council would surely see some combining of departments and real time decreases in rates.**

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

**Yes**

Yes - What are the additional services you feel Council should be delivering?

**As per the first question**

Yes - What can Council do to balance the cost of these new proposed services?

**If rates hadn't been frozen then council would have had the money available.**  
**It will take a few years of small rises to get the rates back to an amount that council will then be able to provide these services.**

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers?

**Unsure**

Yes - please provide your thoughts on what can be improved

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community?

**Unsure**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community? **Yes**

Yes - please provide your thoughts on the affordability (optional) **If we had had small increases over the past few years the rate payers wouldn't have noticed the increase. It has to be brought back to a fee that council can service and service it's community as it did a few years back.**

No - please provide your thoughts on the affordability

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments? **Yes**

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council is making into its existing assets? **Yes**

No - please provide your thoughts on the asset investment level

Unsure - please provide your thoughts on the asset investment level (optional)

Are you satisfied with the capital works program proposed? **Yes**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **No**

3 of 4

Yes - please provide your thoughts on other improvement projects

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Yes**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **No**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)



# Budget 2022-23 Consultation Form



Submission date: 21 May 2022, 8:40PM

Receipt number: 6

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

No

Yes - please provide your thoughts on Council Plan

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

Yes

Yes - Please provide your thoughts on Service Levels

I wonder about the frequency of recycling collection. Three houses in my street share one bin and its rarely full. Has any thought been put into looking at the frequency and what is needed,

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

No

Yes - What are the additional services you feel Council should be delivering?

Yes - What can Council do to balance the cost of these new proposed services?

No or Unsure - Please provide your thoughts on additional services or activities (optional)

1-I know that the BCC budget cannot support this but I do feel very dejected by the demise of support for arts in our community.

2- Its obvious that we need more housing/more rates. Is there anyone at BCC whose job it is to reach out to entrepreneurs to look at building more housing in Burnie? With the housing shortage, there is a social need as well as an economic need.

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers? **No**

Yes - please provide your thoughts on what can be improved

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community? **Yes**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community? **Unsure**

Yes - please provide your thoughts on the affordability (optional)

No - please provide your thoughts on the affordability

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments? **Yes**

## 3. Assets and Capital Works

Are you satisfied with the level of investment the Council is making into its existing assets? **Yes**

No - please provide your thoughts on the asset investment level

Unsure - please provide your thoughts on the asset investment level (optional)

Are you satisfied with the capital works program proposed? **Yes**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Yes**

Yes - please provide your thoughts on other improvement projects

**I strongly support the 'greening' of Burnie especially the CBD. Places for people to sit, al fresco dining to encourage a vibrancy.**

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### **4. other Financials**

Are you satisfied with the community grants the Council proposes to support? **Unsure**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

**I have never heard of some of these groups, such as Van Diemen's Band. It's not possible to know without reading the applications, whether the relevant community groups should be supported or otherwise.**

Do you have any comments about the transitional budget for the Cultural Centre? **No**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)

# Budget 2022-23 Consultation Form



Submission date: 23 May 2022, 6:22PM

Receipt number: 7

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

No

Yes - please provide your thoughts on Council Plan

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

No

Yes - Please provide your thoughts on Service Levels

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

No

Yes - What are the additional services you feel Council should be delivering?

Yes - What can Council do to balance the cost of these new proposed services?

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to **Unsure**  
better service the lifestyles and aspirations of our Burnie  
City residents and ratepayers?

Yes - please provide your thoughts on what can be  
improved

Do you think the proposed budget has achieved a **Unsure**  
balance between the provision of Council's core  
services and the civic needs of the community?

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for **Unsure**  
the majority of the community?

Yes - please provide your thoughts on the affordability  
(optional)

No - please provide your thoughts on the affordability

No - What are the services or activities the Council  
currently delivers to the community that you feel could  
be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance **No**  
Policy to assist those who are struggling to meet their  
financial commitments?

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council **Unsure**  
is making into its existing assets?

No - please provide your thoughts on the asset  
investment level

Unsure - please provide your thoughts on the asset  
investment level (optional)

Are you satisfied with the capital works program **Unsure**  
proposed?

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Yes**

Yes - please provide your thoughts on other improvement projects

**Repair or maintenance of the mount street footpath (particularly the western side from Linton street to at least Sutton street. The slope towards the road just below Linton street is dangerous in heavy rain and many residents in the area walk to the upper burnie shopping centre!**

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Unsure**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **Unsure**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **Unsure**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **Unsure**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)



# Budget 2022-23 Consultation Form



Submission date: 25 May 2022, 8:11AM

Receipt number: 8

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

No

Yes - please provide your thoughts on Council Plan

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

No

Yes - Please provide your thoughts on Service Levels

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

Yes

Yes - What are the additional services you feel Council should be delivering?

The Burnie park is in desperate need of an upgrade, to compete with other parks in the area to attract people to our region. I love the space but some newer equipment would make a lot of people happy. Also the waterfall was meant to be fixed ages ago and is still in dire need of love and repair.

Yes - What can Council do to balance the cost of these new proposed services?

**I would think state government could help fund something towards the park and the rest could come from the burnie arts upgrade, a lot has been spent there recently and it would be nice if you could have a break this financial year from pouring money into this facility.**

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers?

**Yes**

Yes - please provide your thoughts on what can be improved

**I believe a park upgrade would definitely better the lifestyles of the burnie region.**

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community?

**Unsure**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community?

**No**

Yes - please provide your thoughts on the affordability (optional)

No - please provide your thoughts on the affordability

**With rising costs in groceries and petrol it is not great timing.**

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

**Burnie arts and function centre**

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments?

**No**

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council is making into its existing assets? **Unsure**

No - please provide your thoughts on the asset investment level

Unsure - please provide your thoughts on the asset investment level (optional)

**I don't know enough about the businesses to comment**

Are you satisfied with the capital works program proposed?

**Unsure**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program?

**Yes**

Yes - please provide your thoughts on other improvement projects

**As mentioned**

No/Unsure - please provide your thoughts on other improvement projects (optional)

### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Yes**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **Unsure**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)

# Budget 2022-23 Consultation Form



Submission date: 25 May 2022, 12:56PM

Receipt number: 9

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

Yes

Yes - please provide your thoughts on Council Plan

To promote new businesses within the Council area to uptake those premises that have been vacated by failed businesses due to Covid such as reduced costs and incentives. Let's make Burnie a place we are proud of!

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

Yes

Yes - Please provide your thoughts on Service Levels

To extend free tip and green waste fees to non profit organisations - such as Emu Valley Rhododendron Gardens, who do not have the funds to pay for green waste to Council - this local icon is run by volunteers and any assistance provided by Council would be highly appreciated .

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering?

Yes

Yes - What are the additional services you feel Council should be delivering?

**To make application process for community events a simple procedure to promote more activities within the area.**

Yes - What can Council do to balance the cost of these new proposed services?

**To increase property costs to University of Tasmania for sole use of our town's iconic Makers building on the highway -rather than an empty eyesore, this should be a community space where locals can market their wares for a venue hire fee. Burnie is the City of Makers so let's promote this and generate income at same time. A small rate increase would also assist with funding.**

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers? **Unsure**

Yes - please provide your thoughts on what can be improved

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community? **Yes**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community? **Unsure**

Yes - please provide your thoughts on the affordability (optional)

No - please provide your thoughts on the affordability

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments? **No**

### 3. Assets and Capital Works

Are you satisfied with the level of investment the Council is making into its existing assets? **Yes**

No - please provide your thoughts on the asset investment level

Unsure - please provide your thoughts on the asset investment level (optional)

Are you satisfied with the capital works program proposed? **Yes**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Unsure**

Yes - please provide your thoughts on other improvement projects

No/Unsure - please provide your thoughts on other improvement projects (optional)

### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Yes**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **Unsure**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional) **Provided monies are spent equally on other community options**

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)



# Budget 2022-23 Consultation Form



Submission date: 25 May 2022, 3:54PM

Receipt number: 10

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

Yes

Yes - please provide your thoughts on Council Plan

I wish to comment on the future management and funding of Fernglade Reserve. I am the coordinator of both 'Friends of Fernglade' & the 'Tasmanian Platypus Conservation Group.' I have also worked as a wildlife and environmental consultant on a voluntary and paid basis to Burnie City Council over the past 20 years. In addition to this I have conducted successful platypus cruise ship tours at Fernglade via my business 'Wild Platypus,' for a number of years. I have provided tours for up to 120 pax per ship, these figures were rapidly increasing precovid, and I established a value of \$60 per head for them.

It is my professional and personal opinion that until council is able to provide substantially more funding towards Fernglade, that it should not encourage, support or allow tourism operators to conduct tours through Fernglade. The safety hazards & environmental impacts are simply too high, I have stated this to council on numerous occasions. For this reason (and others) I have discontinued my platypus tours through Fernglade. If council continues to allow access for tourism operators, visitor numbers should definitely be capped at 6 per vehicle, and all buses excluded.

1 of 6

With this in mind, I advised the local tourism group to install the 'platypus cameras' at Emu Valley Rhododendron Gardens instead. Visitor numbers can be controlled there, and EVRG can benefit financially from their presence, as opposed to tourist operators from other regions flooding Fernglade with ship pax and other tourists. The area simply isn't able to handle their impact presently.

Fernglade will most definitely be Burnie's number 1 tourism attraction in years to come, due to the combination of the platypus and the wild environment, and its proximity to the CBD, port and airports. The monetary value to Burnie will be substantial, and spread through the entire community, and ideally council will implement the plan for the Burnie Platypus Interpretation Centre that I drafted a number of years ago.

Until that time council needs to urgently act to protect Fernglade's natural values, it has a responsibility to do this. It has a responsibility to protect Fernglade for Burnie residents, enabling them to continue enjoying Fernglade, as they always have done. It also has a responsibility to protect Fernglade for future generations, and finally it has a global responsibility to protect the platypus as a species. Tasmania is the last stronghold for platypus in Australia, and the Emu Valley Catchment area is an important area, for a number of reasons. Platypus numbers are declining Australia wide, and their protection level rising. To sum up, council needs to actively protect Fernglade, until the community is ready and able to develop ecotourism in the area sustainably.

In the meantime additional funding should ideally be allocated to Fernglade for visitor management, dog & feral cat control, ensuring that water quality is

protected, and in ensuring that questionable tourist operators do not take buses into the reserve and negatively impact upon the wildlife. Drones should also be banned. Anyone conducting tours through the area into the future, should be suitably qualified or trained re impact, ecotourism and bush safety.

Council should employ a part-time onground 'caretaker' at Fernglade, as the management plan suggested years ago. Ideally this person would also be supported in coordinating the group 'Friends of Fernglade'. I personally, am not available to fulfil either of these roles into the future. Council invited me to apply to draft the last management plan for Fernglade, I lacked capacity at the time and declined, although I provided a lot of input. I believe that the simple suggestions I have made in this letter delay the need for an updated plan, for the next few years at least. Funding a new plan would be a waste of council money, that would be much better spent implementing my suggestions.

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section? **Unsure**

Yes - Please provide your thoughts on Service Levels

No or Unsure - Please provide your thoughts on Service Levels (optional)

Are there additional services or activities you feel the Council should be delivering? **Unsure**

Yes - What are the additional services you feel Council should be delivering?

Yes - What can Council do to balance the cost of these new proposed services?

No or Unsure - Please provide your thoughts on additional services or activities (optional)

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers? **Unsure**

Yes - please provide your thoughts on what can be improved

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community? **Unsure**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community? **Unsure**

Yes - please provide your thoughts on the affordability (optional)

No - please provide your thoughts on the affordability

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments? **Yes**

## 3. Assets and Capital Works

Are you satisfied with the level of investment the Council is making into its existing assets? **Unsure**

No - please provide your thoughts on the asset investment level

Unsure - please provide your thoughts on the asset investment level (optional)

Are you satisfied with the capital works program proposed? **Unsure**

No - please provide your thoughts on the capital works program

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program? **Unsure**

Yes - please provide your thoughts on other improvement projects

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **Unsure**

No - please provide your thoughts on the community grants

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **Unsure**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture  
Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **Unsure**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **Unsure**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)

# Budget 2022-23 Consultation Form



Submission date: 27 May 2022, 11:40AM

Receipt number: 11

Related form version: 5

Name

email

Do you have any comments in relation to the direction the Council is taking in its Council Plan 2022-25

Yes

Yes - please provide your thoughts on Council Plan

Should council only fund one form of enclosed art where access to see that art is restricted within a council building.

Should not there be a portion of this part of the budget be available to external (outdoor art) And not just allocated for internal art that is displayed at only certain times of the day.

Outdoor art within the CBD area would be appreciated by more ratepayers and visitors then in a restricted environment of a council building.

This type of art (outdoor art) would also enhance the appearance of the city as well as provide a better atmosphere for both shoppers and visitors within the CBD.

It is my belief that the cost benefits of outdoor art would be much more beneficial to the city over the long term.

No or Unsure - please provide your thoughts on Council Plan (optional)

Do you have any comments in relation to the range of services the Council provides as detailed in the Service Level Detail section?

Yes

Yes - Please provide your thoughts on Service Levels	<p><b>That the culture centre provide services to all types of artists, not just gallery artists.</b></p> <p>Meaning of artists; mural artists, musicians, performing artists, sculptures and structural artists, wood carvers ect</p> <p>This services could be in cooperation with TAS Art, that cover the local schools ect and could provide guidance to young artists, this service could utilize local knowledge and coordination with local groups like the city and other music bands, Men's Shed group, local TAFT collage, UTAS, as well as local businesses that are looking at enhancing their business or property within the city.</p>
No or Unsure - Please provide your thoughts on Service Levels (optional)	
Are there additional services or activities you feel the Council should be delivering?	<b>Yes</b>
Yes - What are the additional services you feel Council should be delivering?	<p><b>If a council event organiser or similar could arrange a yearly public art festival or event that could run in conjunction with a culture centre event, promoting all types of art.</b></p> <p>Public art meaning, Murals, Art structures, Performing arts, Music, Topiary art, Chalk art, Lighting art, etc.</p>
Yes - What can Council do to balance the cost of these new proposed services?	<p><b>Utilize the staff of the culture centre staff to work and coordinate with local art volunteers that uses thier talent to their full advantage to or for the city.</b></p>
No or Unsure - Please provide your thoughts on additional services or activities (optional)	

## 2. Proposed Budget

Do you think the proposed budget could be improved to better service the lifestyles and aspirations of our Burnie City residents and ratepayers?	<b>Yes</b>
--	------------



Yes - please provide your thoughts on what can be improved

**Utilize existing culture centre and council staff as well as encouraging young art volunteers to work with city businesses and property owners to improve the cities appearance and atmosphere over the long period.**

Do you think the proposed budget has achieved a balance between the provision of Council's core services and the civic needs of the community?

**Yes**

No - please provide your thoughts on the balance

Is the proposed rate increase considered affordable for the majority of the community? **Yes**

Yes - please provide your thoughts on the affordability (optional)

**As long as there is value for money and Ratepayers see the benefits.**

No - please provide your thoughts on the affordability

No - What are the services or activities the Council currently delivers to the community that you feel could be modified or ceased to reduce costs?

Are you aware the Council has a Financial Assistance Policy to assist those who are struggling to meet their financial commitments?

**Yes**

### **3. Assets and Capital Works**

Are you satisfied with the level of investment the Council is making into its existing assets? **No**

No - please provide your thoughts on the asset investment level

**Assets could be utilized more in ways that benefits the cities appearance and atmosphere for ratepayers.**

**Many assets are under utilized yet new buildings are built.**

**Council Land use is not being addressed, example, council wants to sell spare land because it is not used, but public does not use such land because this assets has not been invested in over the years, no sun protection or beatification with trees or gardens, very few BBQs etc that attract users of the assets.**

**Also Council restrictive practices and regulations that force assets to be underutilized. I ask the question how do Ratepayers or others know where to hire a nearby hall, plant a tree in nature strip, beautify a local overgrown area near their homes. The current council web information is lacking.**

Unsure - please provide your thoughts on the asset investment level (optional)

Are you satisfied with the capital works program proposed?

**No**

No - please provide your thoughts on the capital works program

**Staff is under under utilized and should be multi tasked. Seem to only be there to do one job only.**

Unsure - please provide your thoughts on the capital works program (optional)

Is there any asset improvement projects that you feel should be included in the capital works program?

**Yes**

Yes - please provide your thoughts on other improvement projects

Plant trees around CBD streets, Alexander street is an example, would it not be more attractive to have tree lined street leading to the revamped culture centre, should not trees been planted two years ago, within the footpath so by time the cultural centre was completed that the trees would have been established and then footpaths ect could then be completed at later date if required.

Now there is a unattractive street leading to to new centre.

West side entrance into CBD is very ugly and unattractive. Where do Wynyard airport passengers come into city? From the Western end.

If your streets are ugly and unattractive, private property owners let their properties get run down and get unattractive.

No/Unsure - please provide your thoughts on other improvement projects (optional)

#### 4. other Financials

Are you satisfied with the community grants the Council proposes to support? **No**

No - please provide your thoughts on the community grants

**Need new grants that improve the appearance of the CBD and surrounds**

Communities group encouragement to plant trees on council properties, ect.

The pathway project is a great example for community groups to add to this project, art style seating. Art works along the trail.

Clean up areas around Burnie

, example, native tree planting along beach areas, Cooee creek, bottom Brickport road to hospital, Camdale point. Motor home area beautification in Cooee,

Unsure - please provide your thoughts on the community grants (optional)

Do you have any comments about the transitional budget for the Cultural Centre? **No**

Yes - please provide your thoughts on the Culture Centre transitional budget

Unsure - please provide your thoughts on the Culture Centre transitional budget (optional)

Do you have any feedback on the Council's core financial statements? **No**

Yes - please provide your thoughts on the core financial statements

Unsure - please provide your thoughts on the core financial statements (optional)

Is there any other matter reflected in the budget consultation document that you would like to comment on? **No**

Yes - please provide your thoughts on the budget consultation document

Unsure - please provide your thoughts on the budget consultation document (optional)



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## ACKNOWLEDGEMENT OF COUNTRY

The Burnie City Council acknowledges with deep respect, the traditional owners of this land, the pataway people. The palawa people belong to the oldest continuing culture in the world. They cared and protected our lands and country for thousands of years. They knew this land, they lived on the land and they died on these lands.

The Council pays respect to their Elders, past, present and emerging.

# Introduction



This document outlines the Burnie City Council's 2022-23 Annual Plan and Budget Estimates. Prior to the Council considering the adoption of its budget at the meeting of 28 June 2022, we invited our community to read the information provided and provide their feedback on how the Council intends to utilise the resources it has available to it within the financial year.

A number of pop up community sessions were conducted with 33 people in attendance, and in addition nine formal submissions were received. The feedback provided valuable thoughts around additions to the capital works budget and a number of operational projects delivered by the Council. Some of these suggestions the Council has taken on board now, and made adjustments to the

budget to reflect these. Others are longer term considerations that the Council will think about as it develops its Strategic Plan during the 2022-23 financial year, in consultation with the community.

The document details the income (revenue) that is available to Council this year and the allocation of available funds that support the many community programs, services, maintenance and renewal of Council facilities and critical infrastructure provided by the Council, and to meet its numerous compliance obligations.

Importantly the community consultation gave ratepayers an opportunity to consider the rate increase in 2022-23. Overwhelmingly the feedback from the pop up sessions, coupled with the online submissions was:

- An appreciation that after the significant rates reduction the Council provided over a five year period, resulting in a decrease to ratepayers of approximately 11% across that period, that they inevitably thought the rates would need to increase at some stage to offset this;
- A recognition that the value of Burnie properties have increased significantly;
- A desire to return to a sustainable financial footing so that the City can cease being constrained by the current financial circumstances and look to the future, with a view to delivering more for the City; and
- An appreciation that there will be some in the community that will not be able to afford the increase, and that support from the Council should continue to be made available through the Council's Financial Hardship Policy.

Local government as a sector continues to face financial pressures as costs continue to grow and expectations increase. As a small City council with a limited rate base of around 10,000 rateable properties, Burnie City is continually challenged to provide the depth and diversity of services and facilities made available by much larger councils in order to cater for regional expectations.



## Introduction cont.

We work hard to supplement our income with grant funding from the Australian and Tasmanian governments and through other initiatives and partnerships. We continue to have a great deal of success in this regard, this year alone we have forecast \$2,984,219 of grant funding to be made available to the City.

We remain mindful that we need to shift our focus to improving the many facilities and assets that we already have in place, in order to refresh and contemporise them as opposed to building new assets as we continue to pave our way to financial sustainability. To support this model, we are fortunate to be the beneficiary of a further \$13 million announced by the incoming Federal Labor Government, towards the City's redevelopment of its existing cultural precinct, which now provides a total of \$20 million towards this redevelopment.

We have also been working hard to reduce our expenditure while recognising the economic contribution that Council's work provide to local contractors and the local economy. We have been successful in this regard, having recently reduced our workforce considerably over the past year by 16 full time positions, and reducing our discretionary costs.

In adopting its long term Financial Management Strategy last year, the Council set an ambitious target to provide a balanced, break even financial position in the 2022-23 financial year. The Council's perseverance and ability to step up to make a number of difficult decisions has paved the way for us to be able to deliver this outcome, with a projected surplus of \$24,377 in the 2022-23 financial year.



## Budget Overview

In setting the budget Council must balance the provision of essential infrastructure and services (such as roads, bridges, stormwater and waste), with the delivery of community facilities and other service that enhance the liveability of our City (parks, gardens, pool, airport and recreational complexes). This must also be balanced against the need to encourage and plan for the future growth and sustainability of our region through tourism and economic development opportunities.

Each year Council's overall operating position – referred to as an underlying surplus or deficit – is calculated by deducting projected expenses including depreciation, from projected income. The 2022-23 budget reflects an underlying surplus of \$24,377. This result successfully achieves the long term financial management objective the Council has set for this financial year, within its Financial Management Strategy.



Annual Plan and Budget Estimates 2022-23

5

# Rates

In setting rates and service charges, Council carefully considers all aspects of the budget to ensure that:

- other revenue streams are maximised so as not to over rely on rates income;
- that operational expenses are reasonable and reflect the real cost of service delivery; and
- the capital works program ensures the continuity of essential service delivery while striving to maintain an extensive asset base.

Council's rates are made up of three components – General Rates and Service Charges which reflect Council services, and Levies which are collected by Council's in Tasmania on behalf of the State Government.

General rates are calculated by applying the 'cents in the dollar rate', which is set by the Council, against the Assessed Annual Value (AAV) of an individual property being rated. The AAV valuations are determined by the State Government.

The State Government through the Office of the Valuer-General have a rolling program of revaluations that they apply to property values. In 2022-23 the State Government have undertaken adjustments to the property valuations in Burnie. This has resulted in property values increasing in line with current market values. This means that your rates will increase at a higher rate than would ordinarily be the case, in part because of the increase in your assets value.

With the valuation information now received from the Office of the Valuer-General it is clear that the increase to property values in Burnie is significant. The following represents the increases for the different property categories:

Commercial – increased by a factor of 1.1 (a 10% increase)  
Vacant land – increased by a factor of 1.25 (a 25% increase)  
Residential – increased by a factor of 1.30 (a 30% increase)  
Primary Production – increased by a factor of 1.50 (a 50% increase)

The budget therefore decreases the 'cents in the dollar rate' for Residential and Primary Production land to partially offset and lessen the impact of these significant valuation increases on the basis that these properties represent our true residential ratepayers base and our largest cohort.

The decision to maintain Vacant land at the current 'cents in the dollar' is for a number of reasons. The Council believes that the current annual rates charged on a vacant block of land is very low. Additionally, the Council's desire is for vacant land to be developed in order to increase the City's ratepayer base and to bring more people into our City. Therefore not decreasing the Vacant land 'cents in the dollar' has been a deliberate strategy taking account of these considerations.



The 'cents in the dollar rate' for commercial properties will not decrease because the impact of the adjusted valuations has had the least impact to commercial properties in Burnie, with an increase by a factor of 1.1, essentially 10%. Therefore the rate increase for commercial properties is in fact similar to the other rate increases for the other rating categories.

All service charges across all property types are proposed to increase by 3.51% which represents the General, All Indexes (Hobart) annual CPI rate to 31 December 2021, less 1%, as this reflects the expected increase in costs to deliver these services to the community over the next twelve months.

In July 2022 the Tasmanian Government is implementing a statewide Waste Levy initially set at \$20 per tonne, before increasing to \$40 per tonne after two years, and \$60 per tonne after a further two years. This Levy is part of the Government's Waste and Resource Recovery Bill. The Government in their media release on this topic, described the Waste Levy as an incentive to divert waste from landfill and funding for innovative waste and resource recovery initiatives to help build a circular economy in Tasmania, supporting the creation of new jobs and businesses.

The impact to Burnie properties in 2022-23 is \$10.84 per property or tenement for the financial year, this will increase over the next several years to align with the increases the State Government have announced.

This new Waste Levy is in addition to the existing Fire Levy that is already collected through Tasmanian Council's in order to generate income for the State Fire Commission.



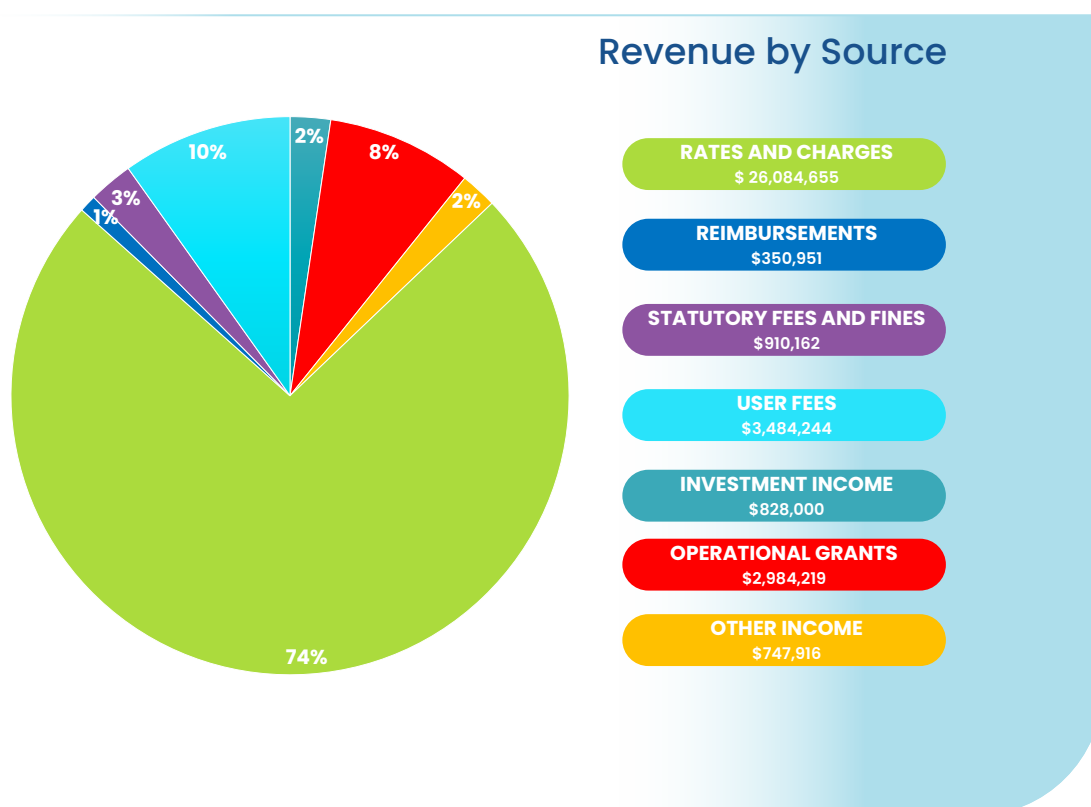
## Revenue

The Burnie City Council receives revenue from several streams, with the majority being made available through the collection of rates, charges for services, fees and charges and other sources such as dividends from enterprises such as TasWater.

Revenue is supplemented through the provision of grants made available through the Australian and Tasmanian governments, and for a range of specialist grants for specific purposes.

In the 2022-23 financial year, general fees and charges will increase by CPI largely, noting that there are a number of exceptions to this such as the Aquatic Centre where fees are determined based upon operational needs. Parking fees will not change in 2022-23 as these are reviewed on a three year rolling cycle, with the next review to occur in 2024-25.

The below graph outlines the projected revenue for the 2022-23 year of \$35,390,147, in terms of the breakdown in sources:



## Expenses

Burnie City Council is committed to making our community a vibrant and attractive place in which to live, work and play as well as an attractive place for others to visit. Each year we deliver important facilities and services to the community, and 2022-23 is no exception. This year \$35,365,770 has been identified to meet the community needs and expectations. Below is a snapshot of how some of these funds will be allocated to support our community over the next financial year.

**\*Depreciation Expenses are the setting aside of funds to replace an asset when it reaches the end of its life. For example, if Council owns a lawn mower that costs \$1,000 and it lasts 4 years, Council needs to set aside \$250 per year so we can buy a new mower when the existing one wears out.**

### Community Facilities \$6.183 million

Providing a range of community facilities accessible by the community for little or no cost. Community facilities include the Aquatic Centre, community halls, skate park, public toilets, parks and gardens, cultural spaces, the airport, sports fields and centres and buildings occupied by community groups.



### Essential Services \$5.746 million

Ensuring the supply of important services for the community such as the waste disposal centre, tip shop, ensuring that household waste is collected from the kerbside from 8,683 properties, in addition to providing greenwaste, and the collection of rubbish from public spaces throughout our City.

This also includes critical emergency management response and community recovery during natural events such as bushfires or flooding.



### Roads, Footpaths and Drainage \$1.705 million

Maintaining roads, kerbs, bridges, footpaths, drains, boatramps and associated carparking as core services for our community.



### Depreciation \$8.743 million

An accounting method of collecting funds to replace an asset when it reaches the end of its useful life.



## Community Grants

The Burnie City Council have sought grant applications from local organisations and groups, to support their efforts in delivering a range of community events and programs, environmental projects and to enable the improvement of existing facilities such as buildings and recreational facilities used by the community.

A total of 28 grant applications were received across the three grant programs. Of these 24 applications have been supported by the Council, while 4 applications were not supported. That is an **approval rate of 86% at a cost of \$140,597** in 2022-23. The following tables reflect those applications the Council has supported.







Recipient	Project Name	Proposed Council Contribution to the Project	Frequency	Deliverables for the Community
Friends of Burnie Penguins	Feral Cat Control program	\$6,000	Each year for three years	Used to employ a professional to remove feral cats from the Parsonage Point and the Cooeee to Camdale River areas.
Just Cats Inc.	Last Litters Program	\$4,000	One year	Assisting those in the community that are not in a financial position to de-sex their cats as required by the Cat Management Act, as a means of reducing the impact to wildlife and other domestic animals.

A total of **\$10,000** support in the 2022-23 financial year;  
A further **\$6,000** support in the 2023-24 and 2024-25 years.



Recipient	Project Name	Proposed Council Contribution to the Project	Frequency	Deliverables for the Community
Burnie Anglican Church	External walls	\$2,500	One year	To undertake cleaning of the external walls of the Church which requires professional expertise to conduct the work given the height and structure of the building
Burnie Coastal Art Group	Gallery floor	\$7,265	One year	To enable restoration of the gallery floor at the Uniting Church in Upper Burnie
Burnie Harness Racing Club	Track maintenance	\$7,500	One year	To maintain the gravel track on the outside of Wivenhoe cricket/football ground
Emu Valley Rhododendron Garden	Retail area	\$10,000	One year	To extend the plant sales nursery to accommodate increased stock and sales, and enable provision of plants to the increased membership base and local projects.
The Fairy Godmothers	Art studio	\$10,000	One year	To establish a studio space to deliver dance, yoga, music and art groups.
North West Kart Club	Safety upgrade	\$10,000	One year	To upgrade a number of gravel traps that form the basis of the safety system of the track.

A total of **\$47,265** support in the 2022-23 financial year.





Recipient	Project Name	Proposed Council Contribution to the Project	Frequency	Deliverables for the Community
Ten Days on the Island	Ten Days on the Island Festival	\$15,000 (major grant)	One year	To deliver the Burnie 2023 Ten Days on the Island Festival
Van Diemen's Band Inc.	VDB lunchbox concerts	\$15,000 (major grant)	Each year for two years	To provide 5 concerts per year covering a wide variety of musical styles, catering for performance opportunities and/or musical and cultural experiences
Burnie Carols by Candlelight	Carols by Candlelight	\$5,000	One year	To conduct the Burnie 2023 Carols by Candlelight event
Burnie Coastal Art Group Inc.	TASART and Youth Challenge	\$5,000	One year	To conduct both a TASART Exhibition and a Youth Challenge Exhibition
Burnie Concert Band Inc.	New music	\$3,000	Each year for three years	To provide a 20% increase of the music played and rehearsed throughout each year, to a membership of 130 people across 5 bands
Burnie Harness Racing Club	Track fees	\$2,300	Each year for three years	To assist providing funding toward safety requirements to support race days
Burnie Highland Pipe Band Inc.	Mid-winter Ceilidh	\$3,231	One year	To conduct a traditional Celtic celebration including dance, music, song and community participation
Cornerstone Youth Services Inc.	Tasmanian Rock Challenge	\$5,000	One year	To deliver a Tasmanian Rock Challenge event in Burnie as part of Youth Week 2023
Cradle Coast Strings Outreach Programme	Outreach Programme	\$3,171	Each year for three years	To supplement its experiences with a professional Tasmanian Symphony Orchestra teacher through an annual weekend workshop programme.
The Fairy Godmothers Inc.	Art studio equipment	\$5,000	One year	To purchase chairs to coincide with the establishment of the art studio
Fernpark Pony and Riding Club	New gear trailer	\$5,000	One year	A contribution towards a new gear trailer to allow safe movement of jumping equipment
Fiesta	Women of the Moon	\$4,612	One year	To conduct a winter solstice event featuring jazz, pop, ballads, rock and dance
Friends of the Burnie Penguins	Brochure update	\$4,000	One year	To produce a new and improved information brochure promoting free interpretive guiding Little Penguin tours run by volunteers
Stowport Community Morning Tea Group	Morning tea group	\$260	Each year for three years	To enable the Stowport Community Morning Tea Group use of the Stowport Hall for the annual Morning Tea and for a fundraiser for Motor Neurone Disease
Working It Out Inc.	Making Inclusion Stick	\$2,758	One year	Increase the local listings on SignPost online directory and provide stickers for service delivers who promote a welcoming Burnie for the LGBTIQ+ community
Youth, Family and Community Connections Inc.	ARVOs program	\$5,000	One year	To provide young people aged 11 to 18 a safe and accepting environment where they can build their confidence, social skills and resilience while making meaningful connections and friendships.

A total of **\$83,332** support in the 2022-23 financial year;  
A further **\$23,741** support in the 2023-24 and **\$8,741** in the 2024-25 year.





# Capital Works

In developing the capital works program for the 2022-23 year, Council considers the overall financial position of the Council, the ability to fund capital projects from our own source funding, the availability of external funding and the priority need to renew essential infrastructure.

The 2022-23 capital works program below is a result of those considerations and will invest an unprecedented \$20.8 million into our community assets.

## 2022-23 Capital Works Program

	NEW ASSETS	UPGRADE OF EXISTING ASSETS	RENEWAL OF ASSETS	TOTAL PROJECT FUNDING	COUNCIL FUNDING	GRANT FUNDING
<b>Total Program Value</b>	<b>\$7,686,000</b>	<b>\$1,925,000</b>	<b>\$10,356,000</b>	<b>\$20,806,000</b>	<b>\$9,179,442</b>	<b>\$11,626,558</b>
<b>Buildings – Program Value</b>	<b>\$324,000</b>		<b>\$4,590,000</b>	<b>\$4,914,000</b>	<b>\$2,407,000</b>	<b>\$2,507,000</b>
Annual Program – Minor Upgrades and Renewals Annual Program – Plant & Equipment Renewals BAFC Redevelopment BAFC Renewals – Museum, Theatre, Kitchen, FOH Burnie Band Rooms City Offices – EV Charging Station City Offices – Veterans Hub (Provisional) Depot – Workshop Footing Underpinning Multi Storey Car Park – Building Elements Renewal Program Multi Storey Car Park – EV Charging Station Upper Burnie Public Toilet – Roof Sheet, Gutter and Fascia Replacement Upper Burnie Sports Centre – Additional Court (Prelim Design/Planning) Upper Burnie Sports Centre – Hall 1 and 2 Works Wivenhoe Showground (South) – Building Compliance Works						
 Continuation of seating renewal in Burnie Park						
<b>Parks and Reserves – Program Value</b>	<b>\$7,292,000</b>	<b>\$500,000</b>	<b>\$425,000</b>	<b>\$8,217,000</b>	<b>\$690,000</b>	<b>\$7,527,000</b>
Annual Program – Parks Furniture Replacement Annual Program – Playground Equipment Bass Highway – Fence Replacement Program Coastal Pathway – Erosion Control Revetment Works Coastal Pathway – Red Rock to Cam River Coastal Pathway – West Part / UTAS link and Bandrooms Landscaping Outdoor Undercover Play Area Study South Burnie Beach – Boat Trailer Car Park South Burnie Beach – Existing Concrete Sea Wall Repairs South Burnie Beach – Recreational Fishing Facility View Road Reserve Additional Car Park Walkway – Grandview Ave to Elizabeth St Waterfront Rail Corridor Masterplan Design and Implementation Waterfront Boardwalks – Jarrah Deck Timbers (Purchase Only) West Beach Boardwalk – Lighting Replacement Program West Park Oval – Cycle Track Surface Resurfacing (Provisional) West Park Precinct Plan Study						
 Barker Street Reserve						
<b>Stormwater – Program Value</b>		<b>\$30,000</b>	<b>\$195,000</b>	<b>\$225,000</b>	<b>\$225,000</b>	
Annual Program – Gully Pit Improvements Annual Program – Kerb Outfall Replacements Annual Program – Manholes/Mains Replacement & Property SW Ocean Outfall Improvement Program – Massy Greene Drive Outfall Stormwater Main Replacement – Marine Terrace						

	NEW ASSETS	UPGRADE OF EXISTING ASSETS	RENEWAL OF ASSETS	TOTAL PROJECT FUNDING	COUNCIL FUNDING	GRANT FUNDING
<b>Transport – Program Value</b>	<b>\$30,000</b>	<b>\$1,118,000</b>	<b>\$3,816,000</b>	<b>\$4,964,000</b>	<b>\$3,371,442</b>	<b>\$1,592,558</b>
<p>Annual Program – Bridge Approach Safety Upgrade</p> <p>Annual Program – Footpath Kerb and Channel Replacements</p> <p>Annual Program – Gravel Resheeting</p> <p>Annual Program – Guardrail Upgrade Program</p> <p>Annual Program – Kerb Ramp Upgrade Program</p> <p>Annual Program – Rural Road Line Marking Program</p> <p>Annual Program – Street Furniture Replacement</p> <p>Bridge Inspection Report Works</p> <p>(Engineering Assessment of Oonah Road Bridge &amp; other minor works)</p> <p>Burnie Gateway Project</p> <p>CBD Master Plan Implementation</p> <p>Clarks Road Culvert Installation</p> <p>Equal Access Carpark Spaces Upgrade Program – At Burnie Library</p> <p>Maydena Road Drainage Improvements</p> <p>Mount St / Three Mile Line Road Intersection Upgrade</p> <p>Resealing – Cattley Street – Mount St to Marine Tce</p> <p>Resealing – Hambledon Ave – Firmon Rise to Mills Rd</p> <p>Resealing – Hill Farm Dr – Mills Rd to Firmon Rise</p> <p>Resealing – Hodgman St – 18-20 Hodgman St to Jones St</p> <p>Resealing – Little Bird St – View Rd to cul de sac</p> <p>Resealing – Mills Rd – Mooreville Rd to End of seal</p> <p>Resealing – Mooreville Rd – Wiseman St to Three Mile Line Rd</p> <p>Resealing – Nelson St – Belton St to Hardy St</p> <p>Resealing – Payne St – Hardy St roundabout</p> <p>Resealing – Phillip St – Smith St to Corcellis St</p> <p>Resealing – Queen St – Olive St to Bass Hwy</p> <p>Resealing – Thorne St – Mount St to Madden St</p> <p>Resealing – West Mooreville Road – Ridgley Hwy to Penima Rd</p> <p>Resealing – Keetannah Road</p> <p>Resealing – Minna Road – 81 Minna Rd to Devonshire Drive</p> <p>Retaining Wall – 32 Cunningham Street</p> <p>Retaining Wall – 52 to 58 Spencer Street</p> <p>Retaining Wall – Hodgman Street</p> <p>River Road Paver Reconstruction</p> <p>Rural Road Major patching – Oonah Rd and Poimena Rd</p> <p>Speed Street Reconstruction</p> <p>Traffic Islands &amp; Safety Improvements</p> <p>Upper Stowport Road Widening and Safety Improvements – Stowport Road to Glance Creek Road – 1.6km</p> <p>West Ridgley Road/Serpent Creek Culvert Upgrade</p>						
<p>Old Surrey Road James Street adjacent to Woolworths Footpath outside 27 Smith Street Wivenhoe (approx. 10m)</p>						
<p>Strahan Street and Edwardes Street (2) Crowe Street and Colgrave Road Mooreville Road and Malonga Drive Wilmot Street outside Club Hotel Grant Street and Old Surrey Road (1) Howe Street and Futuna Avenue West Park Grove and Chanel Street Reservoir Street and Old Surrey Road (1) Medwin Street and Old Surrey Road (2) Aleeka Court and Old Surrey Road (2)</p>						
<p>Bin renewal program Street tree replacement and greening</p>						
<p>Pedestrian refuge – View Road Reserve entry Shorewell Park traffic management works</p>						
<b>Waste – Program Value</b>	<b>\$10,000</b>	<b>\$77,000</b>	<b>\$50,000</b>	<b>\$137,000</b>	<b>\$137,000</b>	
<p>BWMC – Sewer Pump Station Upgrade</p> <p>BWMC – Sludge Collection System</p> <p>BWMC – Stage 1 Toe Drain to Wetlands</p> <p>CBD Bin Pair Replacement Program</p>						
<b>Plant &amp; Equipment – Program Value</b>	<b>\$30,000</b>	<b>\$200,000</b>	<b>\$1,280,000</b>	<b>\$1,510,000</b>	<b>\$1,510,000</b>	
<p>Annual Program – Parking Equipment</p> <p>Asset Failure Contingency</p> <p>Corporate renewals eg. Defibs, meeting room tech</p> <p>Device replacement</p> <p>Digital Transformation</p> <p>Forward Design Works</p> <p>GPS Tracking System</p> <p>Network hardware renewal</p> <p>Plant – Corporate Fleet</p> <p>Plant – Major Plant</p> <p>Plant – Minor Plant</p> <p>Plant – SES Plant and Equipment</p> <p>Plant – Works Unit Fleet</p> <p>Server renewal</p> <p>TasCom decommissioning</p>						
<b>Works and Depot Overhead</b>				<b>\$839,000</b>	<b>\$839,000</b>	

Included in the program are a number of projects that the Council will be either commencing, or completing in the 2022-23 financial year which are new works, on the basis that they are not replacing existing assets. These are largely projects that are supported with grant funding from the Tasmanian or Australian Governments or through partnership arrangements.

Project Name	Project Grant Funding	Council Renewal Contribution to the Project	Total Project Value
Modifications to the Band Rooms, West Park	-	\$200,000	\$1.9 million (includes the \$1.7 million investment by the University of Tasmania)
Completion of the Coastal Pathway	\$13.86 million	-	\$13.86 million
Cultural Centre Redevelopment	\$5,000,000	Up to \$2,000,000	\$7,000,000
Upper Burnie Sports Centre Feasibility Planning	-	\$100,000	To undertake feasibility assessment associated with an additional court being added to the existing facilities



*Council welcomes the State Government's commitment of \$13.86 million for the construction of the **Burnie to Wynyard section of the coastal pathway**, which includes future erosion protection measures.*

# Council Plan Objectives

The Council's Plan 2022-25 outlines the key objectives the Council will focus its resources and effort on over the remaining three year period.

The following details the major projects and initiatives that will comprise the Annual Plan for 2022-23 related to each of these key objectives:

## Key Goal One



### VIBRANT TOWN CENTRE

Enhancing the attractiveness and vitality of our town centre

### Four Year Objectives

The town centre is clean, well maintained and attractive

Recreational and public space is activated

Entertainment and leisure events are facilitated with key partners

The town centre is multi-functional, well connected and lived in

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Commence redevelopment of the new Burnie Cultural Centre	Create an integrated asset that delivers on the vision of establishing a cultural, artistic and creative hub for the Burnie community	Director Works and Services	\$2,000,000 (up to)	\$5,000,000	\$7,000,000	*architectural plans determined with input from our community

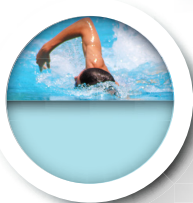


Annual Plan and Budget Estimates 2022-23

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## Key Goal Two

COMMUNITY FACILITIES  
TO SUPPORT LIVEABILITY

Strategic management in planning for, delivering and operating all of Council's community facilities

## Four Year Objectives

The building and maintenance of Council facilities aligns with Council's strategic priorities and community needs

Council facilities maximise community benefit

Council facilities are well managed

Council facilities are used safely

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Develop a feasibility assessment for the increase in capacity of the Upper Burnie Sports Centre	To consider the feasibility of adding a third court at the existing site	Director Works and Services	\$100,000	-	\$100,000	*conduct feasibility study *establish lifecycle costs

## Key Goal Three

ENVIRONMENTALLY  
RESPONSIBLE

Protecting and improving our environment as a whole

## Four Year Objectives

The building and maintenance of Council facilities aligns with Council's strategic priorities and community needs

Council facilities maximise community benefit

Council facilities are well managed

Council facilities are used safely

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Commence procurement of environmentally responsible vehicles and plant	To lessen the Council's environmental footprint	Director Land and Environmental Services	\$685,000	-	\$685,000	*pool vehicle replacement to be environmentally responsible *commence investigation toward environmentally responsible plant

# Council Plan Enablers

To support the key goal areas, there are six key enablers that the Council will invest in, that will underpin our performance and ability to continue to provide quality, cost effective, efficient services to our community. These key enablers are:



## FINANCIAL MANAGEMENT

So that we can afford to enable our strategy and services

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Develop an Asset Management Planning - Improvement Strategy to underpin long term financial forecasting	To improve our future financial projections around asset demands	Director Corporate and Commercial Services	\$150,000	-	\$150,000	*asset data review completed



## OUR PEOPLE

Are motivated and skilled to meet our purpose and deliver our strategy and services

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Conduct a cultural survey	To benchmark the Council's current culture and identify opportunities for improvement	Director Corporate and Commercial Services	\$36,000	-	\$36,000	*participation rate higher than 50% *findings report provided to EMT *findings inform Performance Management process for the General Manager



## COMMUNITY CONSULTATION

To build community through deep, genuine and ongoing consultation

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Develop a new 10 year Strategic Plan	To have a minimum ten year focus to guide effort and resources in the best interests of the Burnie community	Director Corporate and Commercial Services	-	-	-	*Strategic Plan developed in consultation with our community *Deliver the Strategic Plan

**DATA**

To inform decisions, measure performance and adapt to change

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Develop a Building Our Best Future Report	To provide fresh, high level input of the key changes, challenges and opportunities that will impact Burnie, to inform a new strategic planning process	General Manager	\$30,000	-		*Background paper delivered to inform long term opportunities and challenges for Burnie

**DIGITAL TRANSFORMATION**

So we are digitally smart to support community and staff needs and deliver efficiency

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Commence implementing the five year Digital Transformation Strategy	As a means of improving service delivery and efficiency to customers	Director Corporate and Commercial Services	\$50,000	-		*Deliver the Digital Transformation Strategy  *Determine priorities and commence work on the identified year 1 projects

**AGILITY**

To monitor our environment and respond quickly to changing circumstances

2022-23 Annual Plan Objective	Objective Outline	Responsibility	Council \$	Grant \$	Total Cost \$	Success Measures
Community Recovery	To ensure Council's Community Recovery function is agile and prepared to respond rapidly in the event of an emergency	Director Corporate and Commercial Services	-	-	-	*Establish governance arrangements for Community Recovery for Burnie  *Commence establishment of agile and effective processes and strategies

## Service Level Detail

### LAND AND ENVIRONMENTAL SERVICES DEPARTMENT

INCOME	(2,070)
EXPENDITURE	240,312
Total cost of providing this service	238,242
Full Time Equivalent (FTE) staff	1.0

#### Public Health and Environmental Management

To assist in protecting the health of the community and the environment, through programs which address food premises, swimming water quality, noise and air pollution, and school based immunisation.

INCOME	79,500
EXPENDITURE	397,448
Total cost of providing this service	317,948
Full Time Equivalent (FTE) staff	2.8

#### Land Use Planning

Providing opportunity for the best use of land in accordance with community and economic need, and assisting to safeguard against risk to the health, safety and amenity of people, property and the environment from the use or development on land.

INCOME	137,990
EXPENDITURE	215,822
Total cost of providing this service	77,832
Full Time Equivalent (FTE) staff	2.7

#### Building and Plumbing Compliance

Promote community awareness of compliance requirements for building, plumbing and demolition work, maintaining a register of approved works, and taking action to address non-compliance.

INCOME	142,154
EXPENDITURE	491,523
Total cost of providing this service	349,369
Full Time Equivalent (FTE) staff	3.9



**Applications for Use**

Managing the fair, safe and appropriate use of Council land, including roads, community buildings, sport and recreation grounds and parks.

INCOME	13,200
EXPENDITURE	137,064
Total cost of providing this service	123,864
Full Time Equivalent (FTE) staff	1.0

**Cemetery Management**

Managing places and maintaining records associated with burial operations.

INCOME	175,967
EXPENDITURE	59,387
Total cost of providing this service	(116,580)
Full Time Equivalent (FTE) staff	0.1

**Municipal Inspections**

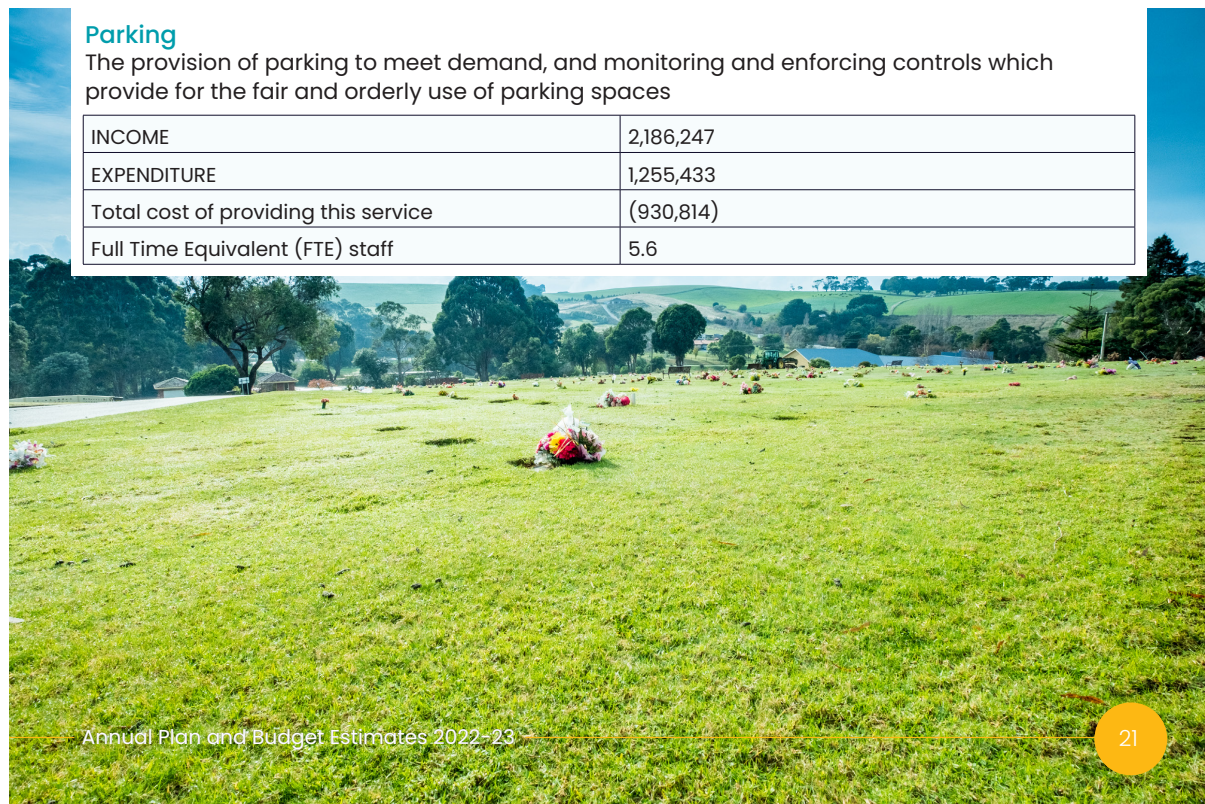
Identifying and addressing conditions on land which may be likely to create a risk to people or property, include fire hazard reduction

INCOME	53,410
EXPENDITURE	299,952
Total cost of providing this service	246,542
Full Time Equivalent (FTE) staff	2.8

**Parking**

The provision of parking to meet demand, and monitoring and enforcing controls which provide for the fair and orderly use of parking spaces

INCOME	2,186,247
EXPENDITURE	1,255,433
Total cost of providing this service	(930,814)
Full Time Equivalent (FTE) staff	5.6



## CORPORATE AND COMMERCIAL SERVICES DEPARTMENT

INCOME	0
EXPENDITURE	501,114
Total cost of providing this service	501,114
Full Time Equivalent (FTE) staff	2.0

### Information Communications Technology

Delivering technology to our organisation that enables important services to be delivered to our community, in addition to providing internet services to customers.

INCOME	348,933
EXPENDITURE	1,999,622
Total cost of providing this service	1,650,689
Full Time Equivalent (FTE) staff	4.0

### Corporate Finance

Providing a suite of financial activities that enable the organisation to function effectively and efficiently in the delivery of services and activities for the community and to meet statutory obligations, while planning for our future needs by monitoring financial sustainability.

INCOME	26,478,960
EXPENDITURE	4,218,940
Total cost of providing this service	(22,260,020)
Full Time Equivalent (FTE) staff	7.2

### Corporate Governance

Delivering a range of services that both ensure the compliance of our organisation, and minimise risk to our community, while engaging with the community through consultation process, media and communication activities.

INCOME	2,300,399
EXPENDITURE	1,989,408
Total cost of providing this service	(310,991)
Full Time Equivalent (FTE) staff	4.0

### People and Safety

Ensuring that our people are provided a safe and harmonious working environment, and provided with every opportunity to succeed in their roles of providing quality services to our community.

INCOME	96,000
EXPENDITURE	568,860
Total cost of providing this service	472,860
Full Time Equivalent (FTE) staff	3.8

### Customer Services

Delivering our front of house interactions with customers who either visit or call the Council Offices.

INCOME	0
EXPENDITURE	213,487
Total cost of providing this service	213,487
Full Time Equivalent (FTE) staff	3.0

### Information Management

Ensuring compliance of Council's statutory responsibilities with regard to management and reporting of information, and ensuring that the information needs of the community and staff are accessible.

INCOME	142,533
EXPENDITURE	453,667
Total cost of providing this service	311,134
Full Time Equivalent (FTE) staff	4.0

## WORKS AND SERVICES DEPARTMENT

### Transport Services

Carrying out activities associated with the construction and maintenance of Council's local roads network and the maintenance and management of road reservations.

INCOME	1,384,145
EXPENDITURE	5,385,693
Total cost of providing this service	4,001,548
Full Time Equivalent (FTE) staff	19.0

### Engineering Services

Providing engineering and technical advice on the design, construction, maintenance and condition of Council's asset, and the management of statutory activities and external contractors who deliver asset services for the Council.

INCOME	3,500
EXPENDITURE	1,351,469
Total cost of providing this service	1,347,969
Full Time Equivalent (FTE) staff	11.6

### Works Unit

Coordinating the delivery of a range of essential services to the community and the delivery of the capital works program, through the management of resources and the necessary infrastructure, including the repair and upkeep of plant and equipment.

INCOME	1,240,414
EXPENDITURE	2,552,152
Total cost of providing this service	1,311,738
Full Time Equivalent (FTE) staff	4.5

### Waste Management

The delivery of waste management services to the community including kerbside waste and recycling collection and public place litter bin collection, management of illegal dumping and waste transfer station operation as well as considering waste minimisation activities.

INCOME	738,459
EXPENDITURE	4,809,574
Total cost of providing this service	4,071,115
Full Time Equivalent (FTE) staff	9.3

**Parks, Reserves and Cemeteries**

Care and maintenance of a wide range of open spaces including natural bushland, waterways, cemeteries, parks and reserves and sporting grounds, to enable them to be used

INCOME	50,741
EXPENDITURE	3,667,134
Total cost of providing this service	3,616,393
Full Time Equivalent (FTE) staff	16.0

**Buildings**

Providing maintenance for council buildings and managing their compliance with building regulations including the coordination of specialist contractors.

INCOME	383,606
EXPENDITURE	2,928,533
Total cost of providing this service	2,544,927
Full Time Equivalent (FTE) staff	8.0

## Budget Spotlight



As part of the consultation process undertaken when the Council determined to change direction on the new Burnie Cultural Centre, a commitment was made to consult with the community around the new budget for the Centre, once developed.

For context, the below budget has been developed taking account of this being a transition year, where we will be working towards the completion of our new Centre throughout the financial year, although it will not be delivered in the 2022-23 year. Therefore the budget is not representative of what the costs will be for the new operating model at this time, this will instead be considered in the 2023-24 Budget Estimates process.

Additionally, in a COVID impacted environment which is still causing considerable issue with the programming of performances, coupled with the refurbishment of the Centre, the income for the Centre has been lowered considerably this year as it is expected that once construction begins income will reduce until the new Centre is completed.

### Cultural Centre

The continued delivery of arts, cultural and creative experiences for our community, while planning for Burnie's new integrated Cultural Centre.

Last year the Council made a number of service delivery changes which are now starting to provide a reduction in operating expenditure. This will continue to evolve as we spend the 2022-23 financial year reinvigorating our new Cultural Centre and developing the new business plan.

On the surface this years budget does not immediately signal any reduction in costs. There are however \$724,000 variances that impact the 2022-23 financial year, which did not impact the current or previous budgets. Therefore the two are not comparable.

- This budget includes \$401,000 community grants program. This is now funded in the Cultural Centre budget on the basis that event programming and the community grants are now conducted by staff at the Cultural Centre. Previously this was included in the Community and Economic Development Department that was abolished as part of the service delivery changes.
- \$160,000 related to events staff. These staff members were previously budgeted from within the Community and Economic Development Department however have been transferred to the Cultural Centre. Their role is to establish the new event model where Council is now be a funder and enabler of events for our community, and to coordinate the community grants application process.
- A reduction in income of \$47,000 associated with the new operating model for The Point. This means that for 2022-23 the Licencee of The Point is able to collect the income generated from the facilities hire and licenced premises, to direct into their community sporting clubs directly.
- A reduction in grant income from Arts Tasmania of \$30,000 compared to the typical amount provided. This is on the basis of this being a transition year where the Museum and Art Gallery are not readily accessible to the public. This will increase again when the new Centre is opened.
- An increase in the exhibitions budget to enable a suite of pop up exhibitions such as those undertaken at Intersection, while the Art Gallery is not accessible to the public.



<b>Burnie Cultural Centre</b>	<b>1,884,010</b>
Recurrent Income	
<b>Operational Grants</b>	<b>80,000</b>
Government Grants	80,000
<b>Other Income</b>	<b>18,916</b>
Rentals	18,916
<b>Reimbursements</b>	<b>8,737</b>
Reimbursements	8,737
<b>User Fees</b>	<b>564,125</b>
Commission	31,053
Equipment Hire	31,053
Fees and Charges	139,736
Subscription Season Income	15,526
Hire	139,738
Sales	207,019
Recurrent Expense	
<b>Depreciation and amortisation</b>	<b>277,792</b>
Depreciation and amortisation	277,792
<b>Employee Benefits</b>	<b>1,216,664</b>
Development, Training and Seminars	15,000
Travel and Accommodation	10,000
Uniform	824
Wages	1,120,840
Overtime Wages	70,000
<b>Materials and services</b>	<b>997,076</b>
Advertising and Promotions	4,120
Building and Essential Services	58,000
Trade Waste	1,000
Cleaning	19,570
Collection Management	3,090
Consultants	10,000
Contracts	10,815

Gas	32,960
Electricity	89,610
Exhibitions	61,800
Licence Fees	2,060
Laundry	2,060
Maintenance, Repairs and Replacements	75,190
Marketing	30,900
Equipment Hire	309
Postage & Freight	1,133
Printing Stationary & Office Supplies	8,755
Public Programs	5,150
Subscription Season Expenses	82,400
Purchases	81,514
Security Services	3,500
Stock Purchases	11,644
Subscriptions, Publications & Memberships	14,215
Telephone	6,181
Events	261,620
Archival Expenses	20,600
Community Grants	98,880
<b>Other expenses</b>	<b>55,131</b>
Water Rates	12,154
Sewer Rates	11,330
Land Tax	31,647
<b>User fees</b>	<b>9,125</b>
Non Hire Plant Expenses	8,248
Vehicle Costs	877
<b>Income</b>	<b>\$671,778</b>
<b>Expenditure</b>	<b>\$2,555,788</b>
<b>Total cost of providing this service</b>	<b>1,884,010</b>
<b>Full Time Equivalent (FTE) staff</b>	<b>12.1</b>



# Core Financial Reports

## Burnie City Council Estimated Statement of Comprehensive Income

	Budget 2022 \$'000	Budget 2023 \$'000
<b>Recurrent Income</b>		
Rates and charges	23,767	26,085
Statutory fees and fines	880	910
User fees	3,781	3,484
Grants	2,876	2,984
Reimbursements	346	351
Other income	644	688
Investment income	1,178	828
Interest	60	60
<b>Total recurrent income</b>	<b>33,531</b>	<b>35,390</b>
<b>Recurrent Expenses</b>		
Employee benefits	11,802	11,104
Materials and services	11,127	11,635
Depreciation and amortisation	8,235	8,744
Finance costs	193	160
Other expenses	3,507	3,723
<b>Total recurrent expenses</b>	<b>34,864</b>	<b>35,366</b>
<b>Operating surplus/(deficit) before capital items</b>	<b>(1,333)</b>	<b>24</b>
<b>Capital Items</b>		
Capital grants	1,165	11,627
Developer Contributions	-	-
Net gain/(loss) on disposal of assets	(140)	(345)
	<b>1,025</b>	<b>11,282</b>
<b>Surplus/(Deficit)</b>	<b>(308)</b>	<b>11,306</b>
<b>Operating Margin</b>	<b>0.96</b>	<b>1.00</b>



**Burnie City Council**  
**Estimated Statement of Financial Position**

	Budget 2022 \$'000	Budget 2023 \$'000
<b>Assets</b>		
<b>Current assets</b>		
Cash and cash equivalents	10,700	7,134
Trade and other receivables	2,413	2,898
Other assets	5	154
Inventories	124	127
Contract Assets	-	<b>5,629</b>
<b>Total current assets</b>	<b>13,243</b>	<b>15,942</b>
<b>Non-current assets</b>		
Investment in water corporation	58,156	62,888
Investment in subsidiaries	-	-
Investment in joint venture	3,740	3,740
Non-current assets held for transfer	-	-
Property, infrastructure, plant and equipment	346,966	<b>368,155</b>
<b>Total non-current assets</b>	<b>408,862</b>	<b>434,783</b>
<b>Total assets</b>	<b>422,105</b>	<b>450,725</b>
<b>Liabilities</b>		
<b>Current liabilities</b>		
Trade and other payables	2,534	2,935
Trust funds and deposits	142	142
<b>Interest-bearing loans and borrowings</b>	1,108	1,132
Employee provisions	2,748	2,811
Contract liabilities	-	-
<b>Total current liabilities</b>	<b>6,532</b>	<b>7,020</b>
<b>Non-current liabilities</b>		
<b>Interest-bearing loans and borrowings</b>	7,597	6,465
Employee provisions - NC	202	206
<b>Total non-current liabilities</b>	<b>7,799</b>	<b>6,671</b>
<b>Total liabilities</b>	<b>14,331</b>	<b>13,691</b>
<b>Net Assets</b>	<b>407,774</b>	<b>437,034</b>
<b>Equity</b>		
Accumulated surplus	276,831	277,329
Surplus/(deficit)	(308)	11,306
Reserves	131,251	148,399
<b>Total Equity</b>	<b>407,774</b>	<b>437,034</b>
<b>CURRENT RATIO</b>	<b>2.03</b>	<b>2.27</b>

**Burnie City Council**  
**Estimated Statement of Cash Flows**

	Budget 2022 \$'000	Budget 2023 \$'000
<b>Cash flows from operating activities</b>		
Rates and charges	24,306	25,987
Statutory fees and fines	880	910
User fees	3,780	3,484
Grants	2,876	2,984
Reimbursements	346	351
Other income	704	688
Payments to suppliers	(11,340)	(11,557)
Payments to employees	(11,624)	(11,037)
Other payments	(3,507)	(3,723)
<b>Net cash provided by (used in) operating activities</b>	<b>6,421</b>	<b>8,087</b>
<b>Cash flows from investing activities</b>		
Payments for property, infrastructure, plant and equip	(6,779)	(20,806)
Investment income	1,494	888
Capital grants	1,165	6,248
<b>Net cash provided by (used in) investing activities</b>	<b>(4,120)</b>	<b>(13,670)</b>
<b>Cash flows from financing activities</b>		
Finance costs	(193)	(160)
Proceeds from sale of assets & operations	-	-
Repayment of interest bearing loans and borrowings	(1,333)	(1,109)
<b>Net cash provided by (used in) financing activities</b>	<b>(1,526)</b>	<b>(1,269)</b>
<b>Net increase (decrease) in cash and cash equivalents</b>	<b>774</b>	<b>(6,852)</b>
<b>Cash and cash equivalents at the beginning of the financial year</b>	<b>9,926</b>	<b>13,986</b>
<b>Cash and cash equivalents at the end of the period</b>	<b>10,700</b>	<b>7,134</b>

**PHOTO CREDITS**

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**GENERAL MANAGER****AO121-22 GENERAL MANAGER'S REPORT - OPEN SESSION****FILE NO: 4/18/2****PREVIOUS MIN:**

MAKING BURNIE 2030 – CORPORATE PLAN REFERENCE:

Direction	7	AN ENGAGING AND ACCOUNTABLE LEADERSHIP FOCUSED ON A STRONG FUTURE
Objective	7.2	Council and the community are informed and engaged on issues of local importance.
Strategy	7.2.1	Enhance the level of community and organisational engagement across a range of Council operations.

**1.0 RECOMMENDATION:*****“THAT Council note the information contained in the General Manager’s Report.”*****2.0 SUMMARY**

This report includes the following items:

- 2.1 Mayor’s Communications
- 2.2 General Manager’s Communications
- 2.3 Notification of Council Workshops
- 2.4 Correspondence for Noting
- 2.5 Council Meeting Action List

**2.1 MAYOR’S COMMUNICATIONS**

The Mayor advises that the following meetings, events or appointments were attended since the last Council Meeting report:

- Business North West General Meeting
- Friends of the Burnie Regional Museum General Meeting
- Official Visit to Burnie by Her Excellency The Honourable Barbara Baker AC, Governor of Tasmania
- LGAT: Local Government Climate Change Conference
- RDA Tasmania: Business Breakfast
- West x North West Board Meeting
- Mayoral Visit to Stella Maris Catholic Primary School
- 2022 National Reconciliation Week Breakfast
- Meeting with Terry Clarke, Robin Halfacre, Karen and Shayne Hansen
- Opening of Tara Palmer's Photography Exhibition "Burnie Identities"
- Tasmanian Audit Office - Stakeholder Engagement meeting with David Bond and Stephen Morrison

- Business North West Breakfast Session - Guest Speaker Jess Richmond (Sustainability in a Local Small Business)
- Meeting with Highly Innovative Fuels (HIF) Australia, Ignacio Hernandez and Dane Stewart
- 2022 Walk Against Elder Abuse
- Business North West General Meeting
- Friends of the Burnie Regional Museum General Meeting
- JamFactory Exhibition Opening

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

- Exhibition Opening Event and Awards - 60 Years of Mission to Seafarers in Burnie - Art Competition

## 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 May	Business North West General Meeting
19 May	PlanBuild Discussion
20 May	Meeting with Ali Uren
	Meeting with Dean Chamley
	BCC / UTAS Webinar Meeting
23 May	Official Visit to Burnie by Her Excellency The Honourable Barbara Baker AC, Governor of Tasmania
24 May	Meeting with Deloitte
	Meeting with WxNW: Future of Cruise
25 May	LGAT: Local Government Climate Change Conference
26 May	RDA Tasmania: Business Breakfast
31 May	Meeting with Brad Kelly, Department of Communities: Tasmanian Housing Strategy
2 June	2022 National Reconciliation Week Breakfast
	Cradle Coast Waste Management Group Meeting
	Meeting with Craig Davies, UTAS
	Meeting with Terry Clarke, Robin Halfacre, Karen and Shayne Hansen
	Opening of Tara Palmer's Photography Exhibition "Burnie Identities"
3 June	Meeting with Benjamin White, TasNetworks: Marinus Link

Date	Meeting / Function
	Meeting with Jim Cavaye, UTAS
6 June	Tasmanian Audit Office - Stakeholder Engagement meeting with David Bond and Stephen Morrison
	Meeting with Peter Cocker, Tasmanian Family History Society
7 June	Tasmanian Cruise Network Meeting
8 June	Business North West Breakfast Session - Guest Speaker Jess Richmond (Sustainability in a Local Small Business)
	PSC Meeting - BAFC Redevelopment
	Audit Panel Meeting
9 June	Cradle Coast General Managers Meeting
	Meeting with Highly Innovative Fuels (HIF) Australia, Ignacio Hernandez and Dane Stewart
14 June	Meeting with SGS
	Local Government Learning and Development Framework Working Group Meeting
15 June	Business North West General Meeting
16 June	Meeting with Ken Clarke, Burnie Airport Corporation
17 June	Meeting with Deloitte
	BCC / UTAS Webinar Meeting

The General Manager advises that the following meetings, events or appointments were attended by the Acting General Manager since the last Council Meeting report:

Date	Meeting / Function
11 May	Business North West Breakfast Session – Burnie City Council Budget
	Community Consultation – Improving Service Delivery
12 May	Meeting with Lynne Price, Community Member
	Meeting with Andrew Radonjic, Venture Minerals
	Community Consultation – Improving Service Delivery
	Community Forum – Anti Social Behaviour
16 May	Jeffrey Griffith, Deputy General Manager, Devonport City Council
17 May	Meeting with Sunny Beatson, Burnie Entrepreneur

**2.3 NOTIFICATION OF COUNCIL WORKSHOPS**

<b>Workshop</b>	<b>14 June 2022</b>
Councillors in attendance	Mayor Steve Kons, Deputy Mayor Simpson, Cr Boyd, Cr Brumby, Cr Bulle, Cr Dorsey, Cr Keygan, Cr Lynch, Cr Pease
Apologies	
Items Discussed	Out of Session Workshop Briefing Papers
	UTAS Update – UTAS Representatives in attendance
	Budget 2022/23
	General Manager's Update

**2.4 CORRESPONDENCE FOR NOTING**

No correspondence for noting.

**2.5 COUNCIL MEETING ACTION LIST**

The action lists from Council Meetings in Open Session are **attached** at the end of this report.

**ATTACHMENTS**

1. [Open Session - All Actions - 24 May 2022](#)
2. [Open Session - Outstanding Actions Nov 2020 to Apr 2022](#)

**COUNCIL RESOLUTION**

**Resolution number: MO117-22**

**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 C Lynch, Cr A Keygan, Cr G Simpson, Cr T Bulle, Cr D Pease.

Against:

***CARRIED UNANIMOUSLY***

<b>Council Meeting Action Report</b> <b>All Actions for Open Session of 24 May 2022</b>				
<b>Key:</b> RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			<b>Date From:</b> 24/05/2022 <b>Date To:</b> 24/05/2022 <b>Printed:</b> Monday, 20 June 2022	
Item Number	Report Title	Action	Department	Completed
AO081-22	PUBLIC QUESTION TIME	<b>26 May 2022</b> ACT: Provide a response from the Mayor to T Aitken's public question (not present), relating to West Park landscaping, per Council Resolution AO081-22. <b>31 May 2022</b> Completed. DOC ID 22/14580.	Office of the General Manager	31/05/2022
Council 24/05/2022				
AO083-22	COUNCIL DELEGATIONS - LAND USE PLANNING	<b>26 May 2022</b> ACT: Prepare and issue LUPAA delegations to recipients, per Council Resolution AO083-22. <b>30 May 2022</b> Completed. All instruments issued.	Corporate and Commercial Services	30/05/2022
Council 24/05/2022				
AO084-22	COUNCIL DELEGATIONS - LOCAL GOVERNMENT ACT 1993	<b>26 May 2022</b> ACT: Update the General Manager's Register of Delegations, with the new LGA delegation from Council, per Council Resolution AO084-22. <b>30 May 2022</b> Completed. GM's Register updated and published.	Corporate and Commercial Services	30/05/2022
Council 24/05/2022				
AO084-22	COUNCIL DELEGATIONS - LOCAL GOVERNMENT ACT 1993	<b>26 May 2022</b> ACT: Prepare and issue new LGA delegations to positions per Council Resolution AO084-22. <b>30 May 2022</b> Completed. All instruments issued.	Corporate and Commercial Services	30/05/2022
Council 24/05/2022				
AO085-22	COUNCIL DELEGATIONS - BY-LAWS	<b>26 May 2022</b> ACT: Update the General Manager's Register of Delegations, with the Street Dining By-law delegation from Council, per Council Resolution AO085-22. <b>30 May 2022</b> Completed. GM's Register updated and published.	Corporate and Commercial Services	30/05/2022
Council 24/05/2022				
AO085-22	COUNCIL DELEGATIONS - BY-LAWS	<b>26 May 2022</b> ACT: Prepare and issue new Street Dining By-law delegations to positions per Council Resolution AO084-22. <b>30 May 2022</b> Completed. All instruments issued.	Corporate and Commercial Services	30/05/2022
Council 24/05/2022				
AO087-22	EMERGENCY MANAGEMENT ACT - NOMINATION FOR DEPUTY MUNICIPAL EMERGENCY MANAGEMENT COORDINATOR	<b>26 May 2022</b> RES: Submit Council's nomination for Deputy Municipal Emergency Management Coordinator for Ministerial appointment, per Council Resolution AO087-22. <b>27 May 2022</b> NOTE: Letter prepared, Doc 22/14027. <b>20 Jun 2022</b> Completed. Nomination submitted for Minister's appointment.	Corporate and Commercial Services	20/06/2022
Council 24/05/2022				

<b>Council Meeting Action Report</b> <b>All Actions for Open Session of 24 May 2022</b>				
<b>Key:</b> RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			<b>Date From:</b> 24/05/2022 <b>Date To:</b> 24/05/2022 <b>Printed:</b> Monday, 20 June 2022	
Item Number	Report Title	Action	Department	Completed
AO088-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE	<b>26 May 2022</b> RES: Prepare letters of appointment to new members of the Australia Day Special Committee, with relevant information, per Council Resolution AO088-22. <b>03 Jun 2022</b> Completed. Letters completed 22/15245, 22/15249. Council 24/05/2022	Corporate and Commercial Services	3/06/2022
AO088-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE	<b>26 May 2022</b> RES: Extend the period for Australia Day Nominations and submit a further report to Council for additional nominations to the committee, per Council Resolution AO088-22. <b>20 Jun 2022</b> Completed. Report for further nominations tabled to 28 June 2022 meeting. Council 24/05/2022	Corporate and Commercial Services	20/06/2022
AO088-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE	<b>26 May 2022</b> RES: Extend an invitation to the current Youth Mayor to participate on the Australia Day Special Committee, per AO088-22. <b>03 Jun 2022</b> NOTE: 3.6.22 Invitation in progress. <b>20 Jun 2022</b> Completed. by Neasey, Michelle (action officer) on 20 June 2022 at 8:43:15 AM - Current youth mayor accepted, noted in report to 28 June 2022 meeting. Council 24/05/2022	Corporate and Commercial Services	20/06/2022
AO088-22	BURNIE AUSTRALIA DAY SPECIAL COMMITTEE - APPOINTMENT OF COMMITTEE	<b>26 May 2022</b> RES: Provide letter of appointment as Chair of Australia Day Special Committee to Cr Simpson, per Council Resolution AO088-22. <b>03 Jun 2022</b> Completed. Letter completed 22/15243. Council 24/05/2022	Corporate and Commercial Services	3/06/2022
AO089-22	POLICY REVIEW - SOCIAL MEDIA POLICY CP-CCS-CG-045	<b>26 May 2022</b> ACT: Finalise the Social Media Policy in the corporate document framework and make available to the public, per Council Resolution AO089-22. <b>30 May 2022</b> Completed. Policy finalised and published. Council 24/05/2022	Corporate and Commercial Services	30/05/2022
AO090-22	POLICY REVIEW - EDUCATIONAL BURSARIES AND AWARDS CP-CCS-CG-034	<b>26 May 2022</b> ACT: Finalise the Educational Bursaries and Awards Policy in the corporate document framework and make available to the public, per Council Resolution AO090-22. <b>30 May 2022</b> Completed. Policy finalised and published. Council 24/05/2022	Corporate and Commercial Services	30/05/2022
AO092-22	COMMUNICATIONS JOURNAL - A & M LEESON - RE-INTRODUCTION OF AN INFORMATION / INTERPRETATIVE CENTRE AT BURNIE	<b>26 May 2022</b> ACT: Prepare a response from the Mayor to A&M Leeson, relating to their correspondence on an information / interpretative centre, per Council Resolution AO092-22. <b>31 May 2022</b> Completed. DOC ID 22/14712. Council 24/05/2022	Office of the General Manager	31/05/2022



<b>Council Meeting Action Report</b> <b>Outstanding Actions for Open Session Nov 2020 – Apr 2022</b>				
<b>Key:</b> RES = Action arising from Resolution; ACT = Action required in addition; QON = Question on Notice; NOTE = Progress Note			<b>Date From:</b> 17/11/2020 <b>Date To:</b> 30/04/2022 <b>Printed:</b> Monday, 20 June 2022	
Item Number	Report Title	Action	Department	Completed
AO265-20	MOTION ON NOTICE - DUAL NAMING POLICY	<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.  <b>14 Apr 2021</b> NOTE: Written to TAC seeking to engage in discussion as a starting point, 21/26471. <b>11 Oct 2021</b> NOTE: 7/8 - follow up email sent, no response to date. <b>10 May 2022</b> NOTE: Several attempts to engage have not provided a successful outcome. An alternative contact is being sourced through UTAS.	Office of the General Manager	
Council 17/11/2020				
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 Greening paper.	Works and Services	
Council 26/10/2021				
AO166-21	MOTION ON NOTICE - CITIZENSHIP CEREMONIES	<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.  <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. <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.	Corporate and Commercial Services	
Council 28/09/2021				
AO165-21	MOTION ON NOTICE - TRAFFIC SIGNALS CBD	<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.  <b>03 Dec 2021</b> NOTE: Consultation has commenced with DSG on this request. <b>14 Jan 2022</b> NOTE: Awaiting formal comment from DSG. <b>14 Apr 2022</b> NOTE: Still awaiting feedback from DSG.	Works and Services	
Council 28/09/2021				

**Council Meeting Action Report****Outstanding Actions for Open Session Nov 2020 – Apr 2022**

**Date From:** 17/11/2020  
**Date To:** 30/04/2022  
**Printed:** Monday, 20 June 2022

**Key:** **RES** = Action arising from Resolution; **ACT** = Action required in addition;  
**QON** = Question on Notice; **NOTE** = Progress Note

Item Number	Report Title	Action	Department	Completed
AO122-21	BY-LAW - INTENTION TO MAKE A NEW BY-LAW - DRAFT PUBLIC PLACES BY-LAW	<p><b>02 Aug 2021 RES:</b> Implement steps to prepare RIS and certification from Director, followed by public consultation period and a final report to Council (est Jan 2022), per resolution of Council AO122-21.</p> <p><b>09 Sep 2021 NOTE:</b> Draft By-law sent to G Tremayne on 8.9.21 for review and request to prepare RIS.</p> <p><b>12 Jan 2022 NOTE:</b> Revised draft received from G Tremayne, being reviewed by Officers</p> <p><b>08 Apr 2022 NOTE:</b> Revised by-law draft re-worked and sent to G Tremayne for review on 6 April 2022.</p> <p><b>20 Jun 2022 NOTE:</b> Revised By-law report tabled to 28 June 2022 meeting.</p>	Corporate and Commercial Services	
Council 27/07/2021				
AO099-21	MOTION ON NOTICE - REMOVAL OF TREES IN CBD	<p><b>24 Jun 2021 RES:</b> 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 NOTE:</b> Investigation has progress on project. Report in preparation for a workshop</p> <p><b>14 Apr 2022 NOTE:</b> Landscaping and greening plan under development. Include this action in the broader CBD project planning</p>	Works and Services	
Council 22/06/2021				

Council Meeting Action Report				
Outstanding Actions for Open Session Nov 2020 – Apr 2022				
<b>Key:</b>		<b>RES</b> = Action arising from Resolution; <b>ACT</b> = Action required in addition; <b>QON</b> = Question on Notice; <b>NOTE</b> = Progress Note		
		<b>Date From:</b> 17/11/2020 <b>Date To:</b> 30/04/2022 <b>Printed:</b> Monday, 20 June 2022		
Item Number	Report Title	Action	Department	Completed
AO090-21	LIVESTREAMING OF COUNCIL MEETINGS	<p><b>28 May 2021 ACT:</b> Implement the livestreaming of Open Council Meetings and limited civic events as appropriate, in accordance with the resolution of Council AO090-21.</p> <p><b>13 Jul 2021 NOTE:</b> The preferred consultant is currently implementing a more interactive solution for a mainland Council. This matter will be held until the outcome of that implementation in order to determine if it is suitable for the Burnie City Council.</p> <p><b>11 Aug 2021 NOTE:</b> Awaiting implementation of an interactive system for a mainland Council to demonstrate its functionality, on the basis that this may provide a better outcome for our public participants.</p> <p><b>14 Jan 2022 NOTE:</b> The Victorian Council have not been in a position to install the interactive equipment due to COVID. Proceeding to have the static technology implemented.</p> <p><b>08 Mar 2022 NOTE:</b> Consultants onsite 28 February to determine ideal setup in the Chamber. Proceeding with a June installation.</p> <p><b>09 May 2022 NOTE:</b> Working toward June installation. Met with Rowan onsite as the new Chamber desks will need to be delivered prior to install in order for the new audio to be constructed. Rowan to provide ETA on desks.</p> <p><b>15 Jun 2022 NOTE:</b> A number of components were delayed and have only just arrived. Amended timeline is July Council meeting install.</p>	Corporate and Commercial Services	
Council 25/05/2021				
AO058-22	MOTION ON NOTICE - COMMUNITY ACTION PLAN	<p><b>28 Apr 2022 ACT:</b> 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.</p> <p><b>12 May 2022 NOTE:</b> Reached out to Relationships Australia (RA) to commence the process. Awaiting details from RA.</p>	Corporate and Commercial Services	
Council 26/04/2022				
AO042-22	LAND DISPOSAL - PROPOSAL TO DISPOSE OF PUBLIC LAND TO SUPPORTED AFFORDABLE ACCOMMODATION TRUST LOT 2, 1 MUSSEN CLOSE, SHOREWELL PARK BEING PART OF CT VOLUME 159534, FOLIO 1	<p><b>23 Mar 2022 RES:</b> 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.</p>	Office of the General Manager	
Council 22/03/2022				

**Council Meeting Action Report****Outstanding Actions for Open Session Nov 2020 – Apr 2022**

**Date From:** 17/11/2020  
**Date To:** 30/04/2022  
**Printed:** Monday, 20 June 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
AO004-22	MOTION ON NOTICE - PLANNING AUTHORITY	<b>28 Jan 2022</b> RES: Seek a meeting with Minister for Planning to discuss and progress Council's policy position in relation to the State providing independent planning panels in appropriate circumstances, per AO004-22. <b>10 May 2022</b> NOTE: Correspondence sent to Minister on 17 March 2022, DOC ID 22/6140.	Office of the General Manager	
Council 25/01/2022				

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**MINUTES AND REPORTS OF COMMITTEES****AO122-22 BURNIE CITY YOUTH COUNCIL SPECIAL COMMITTEE  
UNCONFIRMED MINUTES OF MEETING HELD ON 23 MAY 2022****FILE NO: 2/5/34**

---

**RECOMMENDATION:**

***“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 23 May 2022.”***

**SUMMARY**

Youth Councillors welcomed Her Excellency the Honourable Barbara Baker AC and Emeritus Professor Don Chalmers to the meeting.

Youth Councillors continued collating ideas for the Drive in Cinema event, and discussed the opportunity for young people aged 15 to 19 to speak up about issues that concern them in the Mission Australia Youth Survey.

**ATTACHMENTS**

1. [Burnie City Youth Council Special Committee Unconfirmed Minutes of Meeting - 23 May 2022](#)

**COUNCIL RESOLUTION****Resolution number: MO118-22****MOVED: Cr G Simpson****SECONDED: Cr D Pease**

***“THAT Council receive and note the Unconfirmed Minutes of the meeting of the Burnie City Youth Council Special Committee held on 23 May 2022.”***

**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***

## Meeting Minutes



Meeting: **BURNIE YOUTH COUNCIL**  
 Held on: Monday 23 May 2022  
 Venue: Burnie City Council Chambers  
 File No(s): 2/5/34



The meeting opened at 10.00am

		Action
1.	<b>Welcome, Acknowledgement to Country</b> Deputy Mayor Giovanna Simpson welcomed the Burnie Youth Council and provided the Acknowledgement to Country.	
2.	<b>Present:</b> Abbey Granger (PHS), Taleah Smith (PHS), Zeppelin Barnard (HPS), Vincent Sturzaker (RPS), Jacob Singh (RPPS), Ava Foster (RPPS), Ellie Rayner (BPS), Jem Stretton (BPS), Alexia Rowe (LCS), Ruby French (LCS), Kaleb Birchall (PHS), Alec de Bomford (CPS), Jasper Long (CPS), Tilly Hay (MPS), Taya Wells (MPS), Lucas Weinert (SMPS), Talan Evans (BHS), Bailey McLaren (BHS), , Emily McKenzie (HPS), Charlotte Loring (MRC), Alistair Brett (MRC),  <b>Apologies:</b> Lilly Singline (RPS), Millie Fergusson (BHS), Maddie Lamprey, Georgia Cumming, Jed Pennington, Ava Radford (MRC),  <b>Ex-officio Officers in attendance:</b> Deputy Mayor Giovanna Simpson Project Officer - Olivia Lucas Burnie Works - Allison Daley	
3.	<b>Confirmation of Previous Minutes</b>  <b>Motion:</b> <i>That the minutes of 7 April 2022 are accepted as a true and accurate record.</i>  <i>Moved: Kaleb Birchall      Second: Alistair Brett      <b>CARRIED</b></i>	
4.	<b>General Business (including morning tea):</b> a) Preparation for Governor visit <ul style="list-style-type: none"> <li>- Address the Governor as "Your Excellency" and her husband as "Emeritus Professor Chalmers".</li> <li>- Stand during the announcement of the Governor's arrival.</li> <li>- Youth Council to introduce themselves to the Governor.</li> </ul> b) Mission Australia Youth Survey <ul style="list-style-type: none"> <li>- It is the largest online youth survey that provides a platform for young people aged 15 to 19 to 'speak up' about the issues that really concern them.</li> </ul>	

		Action
	<ul style="list-style-type: none"> <li>- Complimentary individual Youth Survey reports are available for schools and organisations where a minimum of 100 respondents complete the survey.</li> <li>- The link to the survey will be sent to schools for emailing out to students.</li> <li>- Discussed an example of young people voices can create change: Connor McLeod who successfully campaigned for Australian bank notes to include a tactile feature for people who are blind or low vision.</li> </ul>	
5.	<p>c) Drive in Cinema Event Brief – seeking ideas to collate for project brief and budget.</p> <ul style="list-style-type: none"> <li>- Draw spots for cars to park so less chances to crash</li> <li>- Hire a popcorn maker</li> <li>- Movie projector</li> <li>- Snack bar that you can buy from</li> <li>- Hire a screen</li> <li>- Picnic rugs/seating area</li> <li>- Cool lights</li> <li>- Charge a small amount for entry which goes to charity</li> <li>- Food vans</li> <li>- Online tickets</li> <li>- Movie hire</li> <li>- An activity for young children to do so that they are entertained</li> <li>- \$5 per parent, \$2 per child, FREE kids under 4 years</li> <li>- Volunteers to run the night</li> <li>- Security guards</li> <li>- Mr Whippy ice cream van</li> <li>- Coffee van</li> <li>- Beadoughs donuts</li> <li>- Radio sound system</li> <li>- Speakers</li> <li>- Bean bags/seats up the front</li> <li>- Backup venue in case of rain</li> <li>- Set schedule</li> <li>- Stamps/wristbands</li> <li>- Movie bags</li> <li>- Kids movie</li> </ul>	
6.	<p>Youth Council welcomed Her Excellency the Honourable Barbara Baker, Governor of Tasmania and Emeritus Professor Don Chalmers to the meeting, accompanied by Mayor Steve Kons, Simon Overland and Paula Chatwood (Aide de Camp).</p> <p>Her Excellency spoke with Youth Councillors about the role of Governor, and the experiences and interest of the Youth Councillors growing up in Burnie.</p>	
7.	<p><b>Next Meeting</b></p> <p>The next meeting will be held on Thursday 30 June at 9.15am – 11.30am at the Burnie City Council Chambers.</p>	

Signed and dated (upon confirmation at next meeting):

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

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**MINUTES AND REPORTS OF COMMITTEES****AO123-22 QUARTERLY REPORT TO TASWATER OWNERS' REPRESENTATIVES  
- PROGRESS UPDATE TO 31 MARCH 2022****FILE NO: 16/9/9; 22/12917**

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**RECOMMENDATION:**

***“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 31 March 2022, be received.”***

**SUMMARY**

TasWater have provided their quarterly report to 31 March 2022.

The report covers key aspects of performance for the quarter.

Key matters also for noting in the report include:

- Performance Results for the Quarter
- Price and Service Plan 4 (PSP4) update
- Rural Water Use Strategy
- National Water Grid Funding
- Hydrogen
- Innovations
- Customer Experience Initiatives

**ATTACHMENTS**

1 [↓](#). Quarterly Report to Owners Representatives - Progress Update to 31 March 2022



**COUNCIL RESOLUTION****Resolution number: MO119-22****MOVED:**            *Cr T Brumby***SECONDED:**      *Cr T Bulle****“THAT the Quarterly Report of TasWater Owners’ Representatives for the quarter ended 31 March 2022, be received.”***

**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***



## Quarterly Report to Owners' Representatives

Progress update to 31 March 2022



Pictured: Walter Smart and Friends, a pilot water conservation program delivered to primary schools during March 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>	Jonathon Bellette, Department Manager Business Performance	Date: 29 April 2022
<b>APPROVED:</b> <b>(For acceptance)</b>	Matthew Pigden, Chief Financial Officer	Date: 11 May 2022
<b>APPROVED:</b> <b>(For acceptance)</b>	George Theo, Chief Executive Officer	Date: tbc

#### Build Status:

Version	Date	Author	Reason	Sections
0.1	29/04/2022	Jonathon Bellette	Endorsed	All
0.2	11/05/2022	Matthew Pigden	Submission for Approval	All
1.0	tbc	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 third quarter (Q3) FY2021/22 Quarterly Report to Owners' Representatives in accordance with the requirements of the Shareholders' Letter of Expectations.

Outlined within the report are key aspects of TasWater's performance for the quarter ended 31 March 2022. This includes performance against key performance indicators outlined in the FY2022-26 Corporate Plan as well as financial performance compared to the FY2021/22 Budget.

Consistent with the approach taken in FY2020/21, the report also includes a dedicated section outlining TasWater's performance against a range of operational key performance indicators.

## 2. Executive Summary

### 2.1 Operating performance

Key points to note for the quarter include:

- Both net profit and capital expenditure are favourable to budget as at 31 March 2022
- There has been continued strong performance against the majority of customer metrics
- A number of spills have occurred due to breaks and chokes in our network and wet weather events
- An external review was undertaken into the incident that led to a Temporary Boiled Water Alert being issued for Penguin and surrounds. The findings have been received and are currently being considered.

### 2.2 Innovations

#### Intelligent Water Network

The Intelligent Water Network (IWN) is a collaboration between 15 Victorian-based utilities to trial and showcase new technologies, innovations and thinking between members. TasWater recently joined the IWN as the first non-Victorian member, providing the opportunity to: participate in low-risk trials of new and innovative technologies, extend our network of collaboration with other utilities, leverage learnings from other utilities and make career development opportunities for TasWater staff and provide benefits to our customers.

TasWater is already observing a trial organised jointly through the IWN and W-Lab<sup>1</sup> that involves the installation of a new sensor (bio-electrode) at a sewage treatment plant (STP) to detect variations in the behaviour of biological systems. Whilst further testing and assessment is required to confirm the value proposition for TasWater, this type of sensor could potentially allow us to better understand and monitor our STPs further reducing the risk of non-compliance.

TasWater also recently became a member of the SWAN Asia Pacific Alliance which is a non-profit organisation that aims to bring together key players in the public and private water sector to achieve tangible outcomes in research and technology adoption in the pursuit of digital transformation.

### 2.3 Customer Experience Initiatives

#### Walter Smart and Friends – Water Conservation Schools Visits

During March 2022, TasWater piloted a series of presentations to ten primary schools across Tasmania called 'Walter Smart and Friends'. The program included a pantomime-style presentation collaboratively developed by the Water Conservancy, WSAA and Gibber Educational (a Victorian theatre company).

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<sup>1</sup> W-lab is an initiative of the Water Services Association of Australia (WSAA) that showcases innovative technologies from around the world to its member utilities such as TasWater.

The aim of the pilot was to gauge the level of interest in programs of this nature as well as the style of presentation as schools adapt to COVID-19 safe practices. Once all feedback is gathered and assessed, TasWater will consider the next steps with options including: not continuing the program, continuing the program as is, or creating a program locally in collaboration with a Tasmanian theatre company.

Subsequent to the end of the quarter, the “Let’s Love our Water” campaign commenced on 9 May 2022 seeking to reposition our brand around water surety. Over the first two years, the intent of the campaign is to improve understanding and value of water in Tasmania, as well as strengthen relationships with stakeholders and peer organisations. The campaign will also be linked to measures such as a reduction in average annual usage per households a key benefit to be realised.

#### 2.4 Diversity and Inclusion

##### International Women’s Day (IWD)

On IWD, TasWater recognised the many women who play a vital part across our business and that this day represents an opportunity to make a call to action for accelerating women’s equality. This year’s theme was ‘Break the Bias’, which complemented the recent release of Unconscious Bias training aimed at raising awareness of conscious and unconscious/implicit biases that exist in our workplace.

Employees participated in several IWD initiatives and were also encouraged to consider supporting the Dress For Success Empower Hour campaign, which involved pledging one hour of pay to directly help a woman on her path to employment and financial security for herself and her family.

The CDO also celebrated IWD with a ‘CDO – Our Women in Construction’ campaign. The campaign was launched with a state-wide morning tea including a presentation from the CDO Alliance Program Manager, Ian Dunbabin. Key activities included a targeted social media campaign as well as a radio interview on ABC Drive time with Kate Blizzard, CDO People Lead, to discuss the campaign.

Women currently represent around 23.7 per cent of the workforce in the TasWater Capital Delivery Office (CDO), which is well above observable comparative figures across the Australian construction industry. Across the wider organisation, this figure is 25.9 per cent, which continues to increase and remains a focus for TasWater, as it is recognised that there is still more to do to achieve our aspiration of reflecting our community demographic.

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	Q3 FY2021/22
Identify and close critical customer service gaps	Customer experience percentage		62%	64%	67%
	Customer satisfaction percentage		69%	68%	74%
	Brand perception percentage		54%	60%	56%
Improve our community engagement and understanding	Community and stakeholder satisfaction percentage		62%	68%	Annual survey to be completed during Q4
Water and Environment – Provide you with safe drinking water and responsibility manage your sewage			FY2020/21	FY2021/22	Q3 FY2021/22
Meet agreed regulatory compliance targets	Customers supplied by drinking water systems meeting best practice risk mitigation (per cent)		4.1%	10.7%	4.8%
	Number of dams above the ANCOLD Limit of Tolerability		4	2	4
	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	8.9
	Number of critically notifiable spills (less than or equal to)		8	4	20
Optimise system performance	Treated wastewater compliant with EPA requirements (flow-weighted)		90.4%	89.0%	87.3%
People and Culture – Build culture and skills for the long-term benefits of Tasmania			FY2020/21	FY2021/22	Q3 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. Defensive styles at or below the 50 <sup>th</sup> percentile.	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.
Relentless focus on safety (Zero Harm)	Total recordable injury frequency rate (TRIFR) – (less than or equal to)		9.4	8.5	10.9
Commercial and Economic – Give you value for money			FY2020/21	FY2021/22	Q3 FY2021/22
Deliver Price and Service Plan commitments	Capital Expenditure		\$177.6M	\$229.9M	\$175.8M
Achieve further efficiencies	EBITDA		\$155.7M	\$163.7M	\$133.2M
	Interest cover ratio		3.2	3.3	4.4

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## 3.2 Operational performance summary

Key performance indicators	RESULT	TARGET	RESULT
<b>Customer and Community – Deliver a positive customer experience to you</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q3 FY2021/22</b>
Total complaints	2,800 <sup>2</sup>	2,500	2,023
First point resolution percentage for calls	95.1%	90%	94.9%
Percentage of calls answered by an operator within 30 seconds	92.1%	85%	86.7%
Percentage of response times within 60 minutes to attend priority 1 bursts and leaks	90.0%	90%	100.0%
<b>Water and Environment – Provide you with safe drinking water and responsibility manage your sewage</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q3 FY2021/22</b>
Number of BWAs and DNGs 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%	75%
Percentage of industrial customers on a long term agreement	13%	20%	N/A <sup>3</sup>
<b>People and Culture – Build culture and skills for the long-term benefits of Tasmania</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q3 FY2021/22</b>
Lost-time injury frequency rate (LTIFR)	2.8	2.4	2.4
Number of lost-time injuries (LTIs)	9	7	6
Number of notifiable incidents	8	3	3
Number of full time equivalent (FTE) <sup>4</sup>	919	932.3	930
<b>Commercial and Economic – Give you value for money</b>	<b>FY2020/21</b>	<b>FY2021/22</b>	<b>Q3 FY2021/22</b>
Productivity – savings realised	\$3.7M	\$2.2M	\$0.9M
Productivity – Increased revenue initiatives	\$10.3M	\$6.5M	\$7.0M
Total overdue debtors as a percentage of revenue at end of year	4.7%	4.0%	4.4%

<sup>2</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>3</sup> A recent internal review has identified challenges with determining an accurate result for this KPI, partly due to the treatment of automatic extensions. It has therefore been 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>4</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
Brand perception percentage at 56% against target of 60%	The KPI is an aggregate of three perception metrics – 'Trust', 'Respect' and 'Keeps me informed'. We currently have a relatively low score for 'Trust' (44%) which is impacting the overall metric. Until July 2020, this score had been increasing, however it has softened since the onset of COVID-19 and pausing of in-person community engagement. Community engagement activities will increase over coming quarters and this is expected to drive improvement in the overall metric.
Customers supplied by drinking water systems meeting best practice risk mitigation (per cent) at 4.2% against a target of 10.7%	As outlined in Table 4, some minor delays have been experienced with Stage 1 of the UV Program. Including the additional scope item of the Smithton water supply, this stage is now expected to be completed by 30 September 2022, which means we do not expect to meet the full-year target by 30 June 2022.
20 critically notifiable spills against a target of 8	During the quarter, six (6) dry weather spills occurred related to breaks and/or chokes and a further five (5) occurred during wet weather events. Further information on major spills is provided in section 3.5.
1 of 4 Constructive styles between the 25 <sup>th</sup> and 50 <sup>th</sup> percentile against a target of fifty per cent constructive leadership styles by 2023	The 2022 Organisational Cultural Inventory (OCI) results were received during the quarter. Whilst some positive improvement was seen, challenges faced over the last two years and the suspension of the Blue Bus Revolution Program (due to COVID-19) have impacted the level of improvement. The Blue Bus Revolution Program has now recommenced and is expected to drive further improvement in coming years.
Total recordable injury frequency rate (TRIFR) at 10.9 against a target of 8.5	Achievement of the full-year target for this KPI is currently at risk due to the number of recordable injuries experienced YTD. A review of the health and safety function has been undertaken that identified opportunities for improvement. The findings from the review have been reflected in a revised Health and Safety Strategy.
Notifiable injury frequency rate at 2.1 against a target of 1.1.	Achievement of the full-year target for this KPI is currently at risk due to the number of notifiable injuries experienced YTD. We are continuing to focus on the identification of potential Level 3 Hazards to prevent these from becoming incidents and raising the profile and awareness of fatal risks and hazards across the business.
\$0.9M productivity savings have been realised against a target of \$2.2M	Achievement of the full-year target for productivity savings is at risk due to changes in the expected benefits and timeframes of pipeline initiatives. We are continuing to explore areas where additional savings can be made.

### 3.4 Financial Performance

Table 2: Financial summary

KPI	FY2020/21		FY2021/22	
	Actual Result	Q3 Target	Q3 Result	Q3 Variance
Net Profit (\$M)	43.5	45.8	53.4	7.6
Underlying Net Profit <sup>5</sup> (\$M)	16.3	24.0	29.3	5.3
Ordinary Dividends (\$M)	10.0	15.0	15.0	-
Special Dividend Target (\$M)	-	-	-	-
Debt (\$M)	619.8	706.7	696.1	10.6
Gearing ratio	39.1%	45.0%	41.9%	3.1%
Interest cover ratio (times)	3.2	3.6	4.4	0.8

<sup>5</sup> Underlying net profit adjusted for contributed asset revenue



TasWater's net profit of \$53.4 million as at 31 March 2022 is \$7.6 million favourable to budget. This is primarily driven by a favourable variance in contributed asset revenue (\$2.3M) and services and consulting revenue (\$1.5M). Underlying net profit of \$29.3 million is \$5.3 million above budget.

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 and special dividend payments for FY2021/22 will be considered by the TasWater Board prior to the end of the financial year.

As at 31 March 2022, total debt of \$696.1 million was \$10.6 million lower than budget, predominantly due to the opening debt position in FY2021/22 being lower than originally forecast. Total debt is currently within TasWater's approved facility limit.

### 3.5 Significant incidents

#### Coronavirus (COVID-19) pandemic

During the March quarter, TasWater has continued to operate within COVID-safe guidelines and government requirements. A risk assessment of workplace risk control requirements was undertaken during the quarter and resulted in the following changes:

- Removal of the requirement to check-in at TasWater locations from 28 February 2022
- Reinstatement of the expectation for on-site attendance of a minimum of two days per week from 7 March 2022
- Removal of mask requirements in office settings and vehicles from 11 March 2022.

#### Sewage spills impacting shellfish leases

Tasmania experienced a number of significant and intense (some events were intense but not all) rainfall events during the quarter. This resulted in shellfish lease closures across the harvest areas of Dover, Pittwater (two spills occurring in January and March) and Cygnet during the quarter. We are continuing to investigate and resolve identified issues affecting shellfish areas and communicate proactively with shellfish growers regarding planned Sewage Pump Station (SPS) upgrades and notifications.

During the quarter, TasWater met with Senator Jonathon Duniam to discuss sewer spills in Pittwater and the impact on shellfish. Senator Duniam acknowledged our approach to capital upgrades in the area and efforts to work with the industry. An introductory meeting was also held with TasWater Department Manager System Performance and Productivity and the new CEO of Oysters Tasmania to discuss TasWater's ongoing working relationship with the industry.

#### Ulverstone beach closures

On 30 January 2022, a large burst in the rising main which delivers sewage from Helen Street SPS to the Ulverstone STP resulted in raw sewage discharge into the Leven River. This resulted in Central Coast Council closing nearby beaches and placing 'Do Not Swim' signs to warn recreational users.

TasWater immediately diverted the raw sewage flow to an outfall pipe that discharges approximately 800 meters offshore into Bass Strait to minimise the impact of the burst and undertake repairs. The Council's sampling team took a series of water samples to monitor water quality and the beaches and river were declared safe to reopen on 10 February 2022.

Separately, on 30 March 2022, the Council announced that it had closed beaches at Picnic Point in West Ulverstone due to very high bacterial levels discovered during testing on 29 March 2022. The high bacterial levels were due to discharge by a large trade waste customer in the area that goes through the outfall pipe from Picnic Point without going through our STP.



Both short and medium-term actions are underway to reduce future beach closure risks. Upgrade works at the Ulverstone STP (\$10.5 million) are also due for completion in FY2023/24 to increase the capacity of the STP and improve treatment outcomes of existing flows.

We are also working with the large trade waste customer to determine the cause of the high *E.coli* levels from its trade waste and are in early discussions to renegotiate the Trade Waste Agreement, with the current agreement due to expire in December 2022. These discussions will need to be managed with sensitivity to ensure that the expectations of TasWater and the Tasmanian community are met; and that the company reaches full compliance within a reasonable timeframe.

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

On 4 March 2022, high turbidity within the Whitehills Water Treatment Plant (WTP), which supplies Penguin, Heybridge, Sulphur Creek and Preservation Bay in the North West, exceeded the Critical Control Point (CCP) limits. This resulted in potentially non compliant drinking water entering the clear water storage (CWS) tank. Efforts to bring the WTP back online were not successful, resulting in water storage dropping to critical levels across the supply system.

On 8 March 2022, a TBWA was placed on 36 customers who were directly supplied via the CWS. The TBWA was later extended to the entire supply system (around 2,000 customers) due to ongoing water quality concerns relating to the recharging of the system. The TBWA was lifted on 11 March 2022 and an external review has commenced focusing on our response to the CCP breach and subsequent incident. The findings from the external review have been received and are being considered.

#### **Environment Protection Authority (EPA) Warning Letter**

On 4 February 2022, a failure of the chlorine dosing at Macquarie Point STP resulted in 1.23ML of partially treated unchlorinated effluent being discharged into the Derwent River over a period of approximately 2.5 hours.

TasWater is required to notify the EPA within 24 hours after becoming aware of the release of a pollutant. Whilst the issue was quickly rectified, the EPA was not notified until 6 February 2022. The EPA subsequently issued a Warning Letter to TasWater, however no penalty was applied.

#### **Kingston Beach Spill**

On 17 March 2022, untreated sewage spilt into the stormwater system at Kingston Beach due to tree root blockages within our network. Whilst we repaired the blocked pipe sections within 30 minutes, the Kingborough Council issued a temporary warning against swimming at the southern end of Kingston Beach. Water testing results on 20 March 2022 indicated that the beach was safe for recreational use.

### **3.6 Capital expenditure**

#### **Summary**

As at 31 March 2022, capital expenditure at \$175.8M was above the YTD budget of \$171.8M. Based on this positive position, TasWater is confident of exceeding the full year target of \$229.9M.

Of note, the Bryn Estyn WTP upgrade is progressing well towards planned commissioning in mid-2023, with construction of all main structures now underway. The Strategic Business Case (SBC) for the Launceston Sewerage Improvement Project (LSIP) is also well advanced and is expected to be presented to the TasWater Board mid this year. The SBC covers the potential for rationalisation of seven STPs within the greater Launceston area and potential optimisation of systems alongside the Tamar Estuary River Health Action Plan (TERHAP) projects.



During the quarter, construction of the Longford STP was also completed and will result in improved effluent quality and a reduction in odour at the site. The STP features innovative aerobic Nereda® technology which contributes to an improved carbon footprint. It is only the second plant in the country to use this technology. The opening attracted positive media stories both nationally and state-wide.

Good progress has also been made on a number of other major projects with the construction of the new Henderson Dam reaching completion, works on the Lake Mikany Dam project in Smithton is progressing well and also the completion of three sites (Westbury, Deloraine and Bracknell) under Stage 1 of the UV Disinfection Program.

During the quarter, TasWater extended the Program Alliance Agreement (PAA) between the CDO partners by a further two years. This extension was an option included in the current PAA and will see the CDO continue to deliver the accelerated capital program until June 2025. This arrangement has boosted local employment, with about 93 per cent of all contracts to upgrade or build new infrastructure going to Tasmanian businesses.

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 3: 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	May-23 Jul-23	243,944	Construction of all main structures now underway
2	Northern Midlands Sewerage Improvement Plan - Longford STP Upgrade	Project Delivery	Apr-22	33,672	<b>Project completed</b>
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	Jun-22	20,067	On track
5	Tamar Estuary River Health Action Plan (TERHAP)	Project Delivery	Mar-25 Mar-26	128,500	Project completion date extended to reflect greater understanding of project requirements and sequencing.
6	Rosebery, Triabunna, Tunbridge and Coles Bay Reservoirs	Project Delivery	Dec-22 Feb-23	12,821	Minor delays to tank construction work experienced.
7	Upper Reservoir Dam Upgrade	Completed	Nov-21	6,085	<b>Project completed</b>
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	Jul-23 Sep-23	8,513	Procurement activities for the project are underway, however some minor delays have been experienced.
9	Davis St, Smithton SPS Upgrade	Project Development	Sep-23 Apr-24	17,628	Schedule revised as part of progression to TOC/PBE stage.



No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
		<b>Target Out-turn Cost/Project Budget Estimate</b>			
10	Geeveston Outfall	Target Out-turn Cost/Project Budget Estimate	<del>Nov-23</del> <b>Mar-24</b>	9,890	Minor delays in procurement experienced.
11	Tasman Highway, Orford - Trunk main	Project Development	<del>Feb-23</del> <b>Sep-23</b>	2,358	Project schedule revised following a value engineering exercise.
12	Lake Fenton Pipeline (Gateway) , New Norfolk Water Main Renewal	Project Delivery	Jun-22	2,238	On track
13	North West Water Supply Upgrade - NWWS (Old Forth Leven)	Project Development	<del>Jun-28</del> <b>Oct-29</b>	Not yet approved	Methodology for the next stage is under consideration and will involve development of a Staging Plan for the implementation of the recommended solution.
14	Bicheno STP Recycled Water Scheme expansion (EPA Top 20)	Project Development	<del>Feb-25</del> <b>Apr-25</b>	7,380	Development of Detailed Business Case to begin in May 2022 with forecast completion in October 2022.
15	Bridport Water Supply Improvements	Project Development	Oct-25	30,160	On track
16	Ridgeway Upgrade	Strategy	<del>Jun-26</del> <b>Jun-27</b>	Not yet approved	Change to project timing reflects ongoing development of schedule.
17	Upper Prosser scour valve	Project Delivery	<del>Feb-22</del> <b>Apr-22</b>	1,521	Project schedule updated to reflect ability to access weir during low flows.
18	Hamilton STP Relocation	<del>Project Development</del> Removed	Jan-22	TBD	Project no longer considered prudent and has been removed from the program.
19	Macquarie Point Relocation	Project Development	TBD	Estimate to be updated as part of the detailed design phase	Preliminary cost estimations underway and land acquisition discussions are progressing. Scoping on detailed design and preparations on contract documents commenced.
20	Turriff Lodge STP Outfall Relocation (EPA Top 20)	Project Delivery	<del>May-22</del> <b>Sep-22</b>	2,225	Tender submissions were above budget. Work has been repackaged under a change in delivery methodology to enable the project to be delivered within budget.
21	Chimney Saddle Clarifier & Flocc Tank	Completed	Aug-21	2,832	<b>Project completed</b>
22	Queenstown STP remediation	Project Delivery	Jun-22	2,659	On track
23	Zeehan Raw Water Pump Station Replacement	Project Delivery	<del>Mar-22</del> <b>Apr-22</b>	1,755	On track
24	UV Program Stage 1 (Glen Huon, Westbury, St Helens, Scottsdale, Bridport, Deloraine, Longford, Bracknell)	Project Delivery	<del>May-22</del> <b>Sep-22</b>	10,481	Westbury, Deloraine and Bracknell are now completed. Revised completion date reflects a scope increase associated with the inclusion of the Smithton WTP into the wider program.



No.	Project Title	Current Project Stage	Forecast Completion Date	Total Project Budget ('000)	Project Status Comments
25	Whitemark raw water storage upgrade - Henderson Dam raising	Project Delivery	Apr-22 May-22	11,868	Reconstruction of the Dam is now complete with project close-out activities underway.

Table 4: CDO contract information as at 1 April 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
753 individual work packages	\$187.96M	705 (94%)	\$157.58M (84%)	12	\$8M

### 3.7 Externally funded major projects

#### Macquarie Point STP Relocation

The Detailed Business Case (DBC) for the relocation of the Macquarie Point STP is expected to be delivered to the TasWater Board in June 2022. Subject to approval, it is expected that the DBC will be made available to the State Government in July 2022.

### 3.8 Matters of public and key stakeholder interest

#### Water Supply Update

Rainfall over the late spring and summer was mixed over the State, with areas of the East Coast experiencing above average rainfall and parts of the West Coast receiving the lowest rainfall on record for the period November to March.

Stage 1 water restrictions were in place for Greater Hobart between 14 December 2021 and 28 February 2022 following periods of heavy rainfall in late spring, which compounded existing constraints at Bryn Estyn WTP and Ridgeway Dam. The combination of mild conditions and water restrictions saw consumption reduce across December and January compared to recent years. February saw water consumption increase as warmer, drier weather in the south-east led to higher water use. However, with some storages improving in quality over the summer, further restrictions were not required.

Whitemark on Flinders Island also had water restrictions introduced from 15 January 2022 as part of measures to achieve reduced raw water storage volumes whilst Henderson Dam upgrade works were underway. Despite periods of very dry weather and the requirement for some customers to maintain important outdoor water uses, water consumption for Whitemark was lower compared with recent years of water restrictions. Water restrictions at Whitemark concluded on 30 April 2022 as conditions improved and preparations for dam filling begin.

Despite very low rainfall in the State's west (in some parts the worst on record), water supplies have generally performed well. Whilst lower streamflow and dam levels have been observed to date, no interruptions or restrictions to customers have occurred as a result of these conditions. Close monitoring of West Coast water supplies will continue whilst dry conditions are experienced.



#### Enterprise Agreement Negotiations

All three General Employee Agreements were approved by TasWater employees on 8 February 2022 and received formal approval by the Fair Work Commission on 15 March 2022. The Agreements include:

- Base wage increases of: 2.5 per cent in FY2021/22, 2.5 per cent or CPI capped at 3.0 per cent in FY2022/23 and 2.8 per cent or CPI capped at 3.0 per cent in FY2023/24
- A 0.5 per cent increase to superannuation each year to maintain the current 3.5 per cent gap between the Superannuation Guarantee and employer contributions was agreed.

#### Tolosa Dam Decommissioning and Rehabilitation

TasWater and Glenorchy City Council recently reached an agreement to jointly fund the first stage of works in the Master Plan to remediate the Tolosa Dam Reservoir site into an open parkland. Under the agreement, TasWater will contribute \$3.2M of the estimated \$6.2M for initial works with the Council to fund the balance.

This stage of works will see the 20-metre-high dam wall partially demolished with the fill from the wall to be used to create an open parkland, additional usable areas, water features and future walking trails (to be completed in further stages). Once the first stage of works are complete TasWater will hand the area back to the Glenorchy City Council to deliver the subsequent stages of the Master Plan. Works are due to commence in 2022 and are expected to be completed by April 2024.

### 4. Key policy, risk and strategy matters

#### 4.1 Price and Service Plan 4 (PSP4) update

On 28 February 2022, the Tasmanian Economic Regulator (TER) released its draft determination on our PSP4 proposal for public consultation. The draft determination included material reductions in both capital and operating expenditure allowances and a uniform price increase of 3.07 per cent (below our proposed price increase of 3.50 per cent).

TasWater provided a submission to the TER on 28 March 2022 outlining a number of areas for the TER to consider increased expenditure allowances. Subsequent to the end of the quarter, the TER released its final determination on 10 May 2022, which provided for a maximum price increase of 3.71 per cent each year. However, consistent with its original proposal and the Shareholders Letter of Expectations, TasWater will only apply an annual price increase of 3.50 per cent over this period.

The financial projections in the draft Corporate Plan FY2023-27 that was distributed to Owners' for feedback in April 2022 will be updated to reflect the TER's final determination. An overview of the final determination will be provided at the June 2022 General Meeting.

#### 4.2 Rural Water Use Strategy

The Rural Water Roundtable met for the fourth time in February 2022 to consider and discuss the draft implementation plan for the Rural Water Use Strategy. The finalised version was released publicly in March 2022. The Strategy focuses on maximising opportunities from Tasmania's water resources through sustainable management and strategic development, including effective and strong regulation, entitlements, planning, and optimisation of services.

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

The NWGF is an Australian Government program aimed at supporting the development of rural water infrastructure across Australia.





As part of the Mid-year Economic Fiscal Outlook (MYEFO) process, TasWater submitted a funding application for the Bicheno STP and reuse upgrade project. In early February 2022, it was announced the project was granted funding of \$5 million. The project is currently in DBC phase and TasWater has been working with Natural Resources and Environment Tasmania (NRET) on the funding agreement and project milestones.

In March 2022, TasWater met with NRET to review the capital works program and identify any potential additional projects which may attract funding from the NWGF. To date, four projects have been identified: the North West Water Supply (NWWWS) Upgrade, Westbury STP Upgrade, Wynyard STP Upgrade and the Bothwell Town Water Supply project. Following further discussions with NRET, attention is being focussed on the NWWWS upgrade project. TasWater will supply supporting information on the project to NRET prior to the NWGF visiting Tasmania in May 2022.

#### 4.4 Hydrogen

The Federal Government has announced funding of \$70 million towards development of the Tasmanian Green Hydrogen Hub project at Bell Bay. Renewables, Climate and Future Industries (ReCFIT) have advised that it will work with stakeholders on the detailed planning and implementation of the project. TasWater are working cooperatively and closely with ReCFIT, noting that any water supply arrangements with TasWater must be made on a commercial basis.



## 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)	This had initially been scheduled to be addressed at the ORG General Meeting (Planning) on 24 June 2021. However, key elements of the overarching strategy continue to be developed and are expected to be completed by the end of FY2021/22.
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 will be addressed in 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.
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 to be provided to the General Meeting (Planning) in June 2022
3 February 2022	N	Provide a breakdown of expenditure in relation to the various TERHAP projects	All	Update to be provided to the General Meeting (Planning) in June 2022
3 February 2022	N	Provide a further update in relation to the LSIP project – overview and current status	All	Update to be provided to the next Northern Owners briefing

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**Quarterly Report to Owners' Representatives**

Progress update to 31 March 2022

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**MINUTES AND REPORTS OF COMMITTEES****AO124-22 WESTERN EMERGENCY MANAGEMENT COMMITTEE  
UNCONFIRMED MINUTES OF MEETING HELD ON 19 MAY 2022****FILE NO: 2/5/39**

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**RECOMMENDATION:**

***“THAT the Unconfirmed Minutes of Meeting of the Western Emergency Management Committee held on 19 May 2022 be received.”***

**SUMMARY**

The Minutes report on the discussions which occurred at the 19 May 2022 Western Emergency Management Committee meeting.

Matters for noting include:

- Detailed briefing on the cyber security incident that occurred at Burnie City Council in November 2021 and how it was managed.
- Updates on the activities of member Councils and represented agencies.
- Appointment of Richard Muir-Wilson from Waratah-Wynyard Council as the Executive Officer of the Western Emergency Management Committee on a temporary basis, due to the resignation of Gary Neil.

**ATTACHMENTS**

1. [Unconfirmed Minutes of the Western Emergency Management Committee Meeting](#)

**COUNCIL RESOLUTION****Resolution number: MO120-22*****MOVED:***            ***Cr A Keygan******SECONDED:***      ***Cr G Simpson******“THAT the Unconfirmed Minutes of Meeting of the Western Emergency Management Committee held on 19 May 2022 be received.”*****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***



## Meeting Minutes

**Meeting Held:** Thursday, 19 May 2022 10.00am  
**Venue:** Burnie City Council  
**Chairperson:** Cr Celisa Edwards

- 1 **Introduction & Welcome** Cr Celisa Edwards
 

**Present**

Cr Celisa Edwards (Chair)	Councillor Waratah-Wynyard Council – WEMC Chair
Gary Neil	MEMC - BCC
Cr Daryl Quilliam	Mayor Circular Head Council
Sgt Dean Snooks	Tasmania Police - Wynyard
Daniel Eiszele	Tas Ports
Cr Themba Bulle	Councillor - Burnie City Council
Richard Muir-Wilson	MEMC - WWC
Matthew Jamieson	DMEMC - WWC
Richard Muir-Wilson	MEMC/Social Recovery Coordinator - WWC
Bel Lynch	Social Recovery Coordinator - BCC
Kim Wessel (Zoom)	Ambulance Tasmania
- 2 **Apologies/Absent**

Julie Bernhagen	SES – Emergency Planner NW
Peter Rawlings	TasPorts
Matthew Saward	DMEMC - CHC
Commander Debbie Williams	Commander Tasmania Police & Regional Controller NWREMC
Deb Mainwaring	Social Recovery Coordinator - CHC
Kevin Maguire	MEMC - CHC
Simon Hughes	DMEMC - BCC
Inspector Adrian Shadbolt	Tasmania Police
Lisa Allison	Tasmania Health Service
- 3 **Minutes of the Previous Meeting**

The committee resolved to accept the minutes of the previous meeting held on Thursday, 20 January 2022.
- 4 **Matters Arising from the Previous Minutes**
  - 4.1
    - Western EMP Exercise
    - Cyber Security to be a focus of the exercise (when organised).
  - 4.2
    - Appointment of Executive Officer

To be Appointed during this meeting.

- 4.3
- Western FMAC  
Organising a meeting in the near future. Have experienced challenges in getting representatives to attend meetings.

## 5 Correspondence

### 5.1 Inward

- WOW Day was yesterday – This week we have been celebrating volunteers. Particularly our SES colleagues that spend their time in the community.
- Next REMC has been deferred until they have their Regional Officer back again.
- All three Council's will need to appoint staff into new roles on this committee due to the following departures:
  - Gary Neil has resigned from BCC and as the MEMC. Simon Hughes ( Dep MEMC also leaving BCC)
  - Matthew Saward has also resigned from CHC and as the MEMC.
  - Richard Muir-Wilson will be retiring in September from WWC and as the MEMC.

### 5.2 Outward

- Noted.

## 6 Standing Agenda Items

### 6.1 Regional Emergency Coordination Centre (RECC)-

- Julie Bernhagen not in attendance.

### 6.2 NW Regional Emergency Management Committee (NWREMC) Update

- No report.

### 6.3 Regional Social Recovery Update

- No Report.

### 6.4 Western FMAC

- No Report.

## 7 Municipal Emergency Management Coordinator Reports

### 7.1 Burnie City Council

- Gary Neil has resigned.
- Simon Hughes who is also the DMEMC has resigned.
- Council is in the process of appointing a new DMEMC who will be Council's Manager Works, Damien A'Herne.
- Council was successful in obtaining some funding with the Fire Mitigation Works at Round Hill around the communications towers recently. That will occur prior to Christmas this year.

### 7.2 Circular Head Council

- The Fire service is about to build a new station at Marrawah (Arthur River and Marrawah Fire Services have now joined together). The area covered is very large in

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terms of fires, with Smithton being 35 minutes away and the area is getting larger and incorporating more buildings, it is strongly warranted. The building will be on Council land which they have decided to sell due to the new building depreciating the value of the land. The Emergency Services may acquire the land, which would save Council having to go through a land disposal process. The new building will have a shared access to Marrawah Hall.

- West Coast is extremely vulnerable to fire.
- Arthur River NBN – been upgraded to double capacity due to not being able to cope when too many people using the service at once.

### **7.3 Waratah-Wynyard Council**

- Quiet fire season this year.
- Fire at Sisters Beach early December.
- The more vulnerable areas such as Back Cam Road were very quiet.
- Work is currently being carried out at the Elma Fagan Hall in Waratah where a wind sock is being installed to assist aircrafts with ground conditions when undertaking a rapid response.
- NBN satellite being installed with high speed wi-fi.
- Sisters Beach Access – Fire Trail – there has been discussion about a 2<sup>nd</sup> road access but they would need to go through parks and wildlife who would not agree.

## **8 Municipal Social Recovery Coordinator Reports**

### **8.1 Burnie City Council**

- Bel Lynch, Director - Corporate and Commercial Services and Patrick Earle, Director - Land and Environmental Services Land and Environmental Services have been appointed as the new Community Recovery Coordinators. Patrick Earle will now be retiring in July therefore Bel will cover the role.
- The new Director of Works and Services will replace Gary Neil as MEMC, once appointed.
- Bel has had 15-16 years' experience in Local Government and has also been in the Deputy Municipal Coordinator role previously.
- Bel recently attended Social Recovery session for three days in Launceston, which was a great networking opportunity and learning opportunity. Regional Emergency Management Groups are struggling with the same issues and therefore Bel would like to advocate for state wide consistency.
- Bel will try to obtain a copy of the report prepared by Matthew Harley on the fires in southern Tasmania and distribute to group.

### **8.2 Circular Head Council**

- No report.

### **8.3 Waratah-Wynyard Council**

Wynyard has obtained some energy efficiency grants to help community organisations reduce their costs.

## **9 Agency Reports**

### **9.1 State Emergency Services**

- No report.

### **9.2 Tasmania Police**

- No matters to report.



**9.3 Tasmania Fire Service**

- No report.

**9.4 Ambulance Tasmania**

- The new Burnie Station at Bridport Road has just gone out to tender.
- Two Mass Causality Incident Exercises will be held in the North West Coast over the next month. Involvement from some local stakeholders will be required.

**9.5 Tasmania Health Service North West**

- No report

**9.6 DPIPW – Parks and Wildlife Service**

- No report.

**9.7 Tas Ports**

- Salvage operation in Devonport progressing, hopefully resolve in the next couple of weeks.
- Floating Pontoon at Stanley soon to commence construction.
- A joint Evacuation Response drill with TasRail will be held at the Port. Everyone on site will receive a notification to evacuate by text. Toll will not be included at this stage as they have their own system in place. Gary asked if Council could be made aware of when this is scheduled to occur.
- Investigation works for Port upgrades at Burnie – minerals.
- Truck wash at Stanley is still waiting for an operator.

**10 COMMITTEE PLANS AND ASSOCIATED DOCUMENTS****10.1 Municipal Emergency Management Plan – September 2022 review date**

- This is due for review by September 2022. New format being developed with SES and Gary has recently looked at a new format for the Council sections and is currently seeking feedback.

**10.2 WEMC Risk Register**

- Need to update. There will be a new process that the SES will be pushing re: municipal risk assessments. On hold.

**11 Emergency Management Programs**

- 11.1** • There are various funding opportunities available e.g. coastal and estuarine risk management protection measures.

**12 Presentations****12.1 Cyber Security – Burnie City Council – Bel Lynch**

- Bel provided a detailed briefing on what occurred and how Council responded to their cyber security incident in November last year and also noted what worked well and what did not work well.

**13 General Business****13.1 Appointment of EO**

- Gary Neil has resigned. Richard Muir-Wilson to temporarily be the EO. WWC will take on the EO role next.

**13.2 Suggestions for Future Presentations**

- TasPorts – in the future.
- Devonport Airport could hold a presentation. Daniel Eiszele to look into.
- The Gateway.
- Michael Wells – Airport Corporation to hold a presentation at WWC.

**13.3 MEMP Exercise – Scenario Development**

- Cyber Security – Bel to assist by crafting a scenario and provide an overview.
- The SES used to hold an annual exercise event e.g. burn a house down etc. which would be beneficial to be continued. GN to talk to Julie Bernhagen.( CHC)

**14 Meeting Closed: 11.05am****Next Meeting:** *18 August 2022 at Waratah-Wynyard Council****Forward Meeting Dates – Held quarterly on third Thursday****17 November 2022 Circular Head Council**16 February 2022 Burnie City Council***Gary Neil**

Interim Executive Officer

## Open Actions

No.	Description	Owner	Date Assigned	Status	Date Closed
5	Letter to be forwarded to appropriate agency regarding ABC radio interference	Julie Bernhagen	24/11/16	Completed 13.02.17 – acknowledgements received. 18.05.17: Ongoing matter – Minister considering further information from Commander. 17.08.17: Circular Head Council continuing to follow up matter. 16.08.18: In discussions with Gary Baxter (ABC) re Lileah station. 15.11.18 Letter received from ABC advising of changes to Lileah broadcast. To review during summer conditions. 21.02.19 Julie Bernhagen & Wayne Richards to liaise to address this issue. 15.08.19 CHC now liaising with LGAT.	2019
20	EM Coordinators to develop combined Risk Register to bring to WEMC	EM Coordinators	17/08/17	17.08.07 EM Coordinators/Deputies present met following WEMC meeting. BCC & WWC to format current registers to new style and forward to Julie Bernhagen to collate. Julie forwarded CHC register and blank register to BCC & WWC. 16.11.17 Michael Foster to collate registers. MEMCs to meet and finalise register which will be brought to next meeting. 12.08.18 Met to combine risk registers – further analysis required. 15.11.18 Ongoing. Coordinators to meet to continue development. 29/10/20 Risk Register to be added to WEMC documents on WebEOC.	Combined register exists

No.	Description	Owner	Date Assigned	Status	Date Closed
23	Determine if there is appetite for TasRail to attend WEMC meetings.	??????	16/11/17	Julie Bernhagen contacted Shannon Cox who was to attend meetings. Advised 08.08.18 he has left organisation. 15.08.19 TasRail advised will have a representative for future meetings.	15/08/19
24	Determine if there is a TasPorts representative in the north west who may be able to attend WEMC meetings.	Julie Bernhagen	16/11/17	15.11.18 Anna Flower from TasPorts advised a person has been appointed to work in Emergency Coordinator role and should attend meetings commencing 2019.	Revised Tas Port rep.
28	Work plan on Risk Register to become an Agenda item.	Committee	21/02/19	Work plan issued to MEMC for review	Standing agenda item
32	WEMC Executive Officer to write to West Coast Council with an invitation to join the WEMC	Gary Neil	29/10/20	Invitation sent. To attend next meeting via Zoom	Complete. Invitation extended each meeting
33	Municipal Emergency Management Guidelines review work – work plan for the committee	Gary Neil	29/10/2020		
34	EO to write to Burnie Airport Corporation to invite a representative to attend meeting	Gary Neil	20/05/2021	Invitation extended by email. Awaiting a response	Email invitation and acknowledgment
35	Mike Lollback – resilience presentation	Gary Neil	20/05/2021		
36	Future desk top exercise ( recovery focus )	Gary Neil	20/05/2021	BCC to be a focus. On hold until a recovery coordinator appointed. Note other agencies have progressed exercises which Councils have participated	

No.	Description	Owner	Date Assigned	Status	Date Closed
37	Smithton Airport – status of operations	Gary Neil	May 2021	Correspondence discuss at September 2021 meeting. Airport status understood. Action complete	Discussed at September 2021 meeting.
38	Risk register – review of actions to address priority 1 risks and register update.	Gary Neil	May 2021	Information provided by each Council	Sep 2021
39	Review of risk register	Coordinators	Sep 2021	Awaiting TADRA release	
40	BAC – presentation by M Wells	Gary Neil	Sep 2021	To be scheduled	
41	EO Role - 2022. Rotation of duties	Coordinators	Sep 2021	New EO to be appointed at 19 May Meeting	
42	Fire Season briefing – Tony Woods - TFS	Gary Neil	Sep 2021	Scheduled for Jan 2022 meeting	Presentation to 20 Jan 2022 meeting
43	WWC – flood project East Wynyard	Gary Neil	Sep 2021	Jamie Warr – WWC to provide a presentation	Presentation to 20 Jan 2022 meeting
44	Municipal Plan Review	Coordinators	20 Jan 2022	Meeting with SES Regional Planner to occur.	
45	MEMP exercise to be organised	Coordinators	20 Jan 2022	Proposed to exercise a cyber incident at August meeting	

**AO125-22 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 9.40pm.

## CERTIFICATION OF MINUTES AS A TRUE RECORD

These minutes are confirmed as an accurate record of the Open Session of the Ordinary Meeting of Burnie City Council held on 28 June 2022.

Confirmed:



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

Date:

26/7/22

Confirmed:



**Steven Kons**  
**MAYOR**

Date:

26/7/22