



**ORDINARY MEETING
OF COUNCIL**

**MINUTES
CLOSED MEETING**

18 January 2021

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THE PUBLIC IS ADVISED THAT IT IS COUNCIL POLICY TO RECORD THE PROCEEDINGS OF MEETINGS OF COUNCIL ON DIGITAL MEDIA TO ASSIST IN THE PREPARATION OF MINUTES AND TO ENSURE THAT A TRUE AND ACCURATE ACCOUNT OF DEBATE AND DISCUSSION OF MEETINGS IS AVAILABLE. THIS AUDIO RECORDING IS AUTHORISED BY THE *LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015*

MINUTES OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 18 JANUARY 2021, COMMENCING AT 6.01PM

	From	To	Time Occupied
Open Council	6.01PM	7.15PM	74MINS
Planning Authority	N/A		
Closed Council	7.15PM	7.35PM	20MINS
Open Council	7.35PM	7.35PM	0MINS
TOTAL TIME OCCUPIED			94MINS

AUDIO RECORDING OF COUNCIL MEETINGS POLICY

The Chairman is to declare the meeting open (time), welcome those present in attendance and advise that the meeting will be recorded, in accordance with the Council Policy ‘**GOV.017 - Audio Recording of Council Meetings**’ to “record meetings of Council to assist in the preparation of minutes and ensure a true and accurate account of debate and discussion at meetings is available”.

ACKNOWLEDGEMENT OF COUNTRY

I would like to begin by acknowledging the traditional owners and custodians of the land on which we meet today, the Tommeginne people, and to pay our respect to those that have passed before us, their history and their culture.

1.0 RECORD OF ATTENDANCE**1.1 ATTENDANCE**

Mayor Robby Walsh
Councillor Maureen Bradley
Councillor Gary Bramich
Councillor Andrea Courtney
Councillor Mary Duniam
Councillor Celisa Edwards
Councillor Darren Fairbrother
Councillor Kevin Hyland

IN ATTENDANCE

Shane Crawford - General Manager
Tracey Bradley - Director Community and Engagement
Samantha Searle - Director Organisational Performance
Sally Blanc - Executive Officer

1.2 APOLOGIES

Nil received.

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

In accordance with section 8(4) of the Council Meeting Procedures Policy, the Mayor recommended a change to the order of the agenda.

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That Council bring Item 9.8 (Decommissioning of Waratah Dam) before Item 9.2 on the Agenda.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING
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2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 14 December 2020, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

3.0 DECLARATIONS OF INTEREST

Councillor and Agenda Item Number

Nil

Staff and Agenda Item Number

Nil

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT**4.1 ANNOUNCEMENTS BY MAYOR**

Nil received.

4.2 MAYOR'S COMMUNICATIONS

8/12/20	Meeting with General Manager
8/12/20	Meeting with Deputy Mayor and Consultant
8/12/20	Councillor Workshop
9/12/20	Meeting with Constituents
14/12/20	Probus Club Function
14/12/20	Council Meeting
15/12/20	Meeting with Deputy Mayor and General Manager
21/12/20	Mayors Message – East Wynyard Playground

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council note the Mayors Communications

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

Upcoming Workshops - Indicative Only

1/2/21	Boat Harbour Beach Masterplan – progress update
8/2/21	LGAT Meeting Motions
22/2/21	Business North West presentation

Councillor Attendance Records

Meetings attended during 2020/21 (to 11 January 2021)

	Ordinary Meetings 2020/21 (5)	Special Meetings / AGM 2020/21 (2)	Workshops 2020/21 (16)	Weeks Leave Approved
Mayor Robert Walsh	5	2	12	
Deputy Mayor Mary Duniam	5	2	16	
Cr Maureen Bradley	5	2	16	
Cr Gary Bramich	5	2	16	
Cr Andrea Courtney	4	1	15	
Cr Celisa Edwards	5	1	16	
Cr Darren Fairbrother	5	2	16	
Cr Kevin Hyland	3	2	9	5

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

That the Council note the following Councillor Workshops

	There have been no workshops since the December Council Meeting
--	--

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

5.0 PUBLIC QUESTIONS AND STATEMENTS**5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING**

Nil received.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

Nil received.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE**5.3.1 MR C HUTCHISON - SECRECY**

Mr Hutchison asked if this Council kept secrets from residents and ratepayers.

The Mayor responded No.

5.3.2 MR C HUTCHISON - INCONSISTENCY

Mr Hutchison of Preolenna asked if the General Manager or Mayor could please provide an explanation regarding the inconsistency with which they have treated similar council land disposal items.

The General Manager took the question on notice to provide a response in writing. He noted that statutory processes are followed on all occasions which ensures there is a consistent process for disposing of public land.

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

NIL Received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE**5.5.1 MR P EKMAN – WARATAH RESERVIOIR**

Mr Ekman of Waratah made a statement to council thanking them for their support and requesting their continued support for retaining the Waratah Reservoir.

5.5.2 MR C HUTCHISON - SECRECY

Mr Hutchison of Preolenna made a statement regarding comments made by Councillors at previous Council meeting and questioned the accuracy of those and other statements. He provided a number of recommendations which he believes will improve the transparency and reduce the secrecy of Council.

6.0 PLANNING AUTHORITY ITEMS

THERE WERE NO PLANNING MATTERS

7.0 MATTERS RAISED BY COUNCILLORS**7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING****7.1.1 CR C EDWARDS- FORESHORE MARKETS****QUESTION**

Cr Celisa Edwards asked what information was provided to charities when the revised fee structure was introduced.

OFFICERS RESPONSE

The Market Coordinator is responsible for the operation of the market. Bookings are made through the Foreshore Market Facebook Page.

If the public contact Council regarding the booking of a stall at the market, they are referred to the Market Coordinator. The Market Coordinator speaks with the stallholders (charity, or otherwise) and explains bookings and payment. This has been done in person, via the telephone and also through private message on Facebook. The Market Coordinator has spoken to all of the stallholders who have requested to use the charity site, with the Charitable Sites information from the guidelines.

7.1.2 CR D FAIRBROTHER - BASS HIGHWAY UPGRADES**QUESTION**

At the November Council Meeting, Cr Fairbrother asked that the Mayor write to the Minister for State Growth regarding the plight of the property owner at the site of Bass Highway upgrades at Boat Harbour. Following the department's decision to leave the house in its current location, the owner is in an untenable position. If this were a new application for approval it would be rejected and therefore should not be allowed to occur.

A letter was forwarded to the Department of State Growth on 2 December 2020 (extract below). At the time of the December agenda compilation, a response was yet to be received.

OFFICERS RESPONSE

A response was received from the Department of State Growth on 24 December 2020. A Copy of the letter is attached below.

Department of State Growth

STATE ROADS DIVISION

Salamanca Building Parliament Square
4 Salamanca Place, Hobart TAS
GPO Box 536, Hobart TAS 7001 Australia
Email info@stategrowth.tas.gov.au Web www.stategrowth.tas.gov.au
Your Ref: / Our Ref: D20/316216



Mr Robby Walsh
Mayor
Waratah-Wynyard Council
By email: sblanc@warwyn.tas.gov.au

Dear Mayor Walsh

Thank you for your letter on the 2 December 2020 regarding the Bass Highway upgrade through Boat Harbour, and Council's concerns about the distance between this project and an existing house.

As you are aware, the Bass Highway – Boat Harbour Primary School Turning Facilities project is part of a suite of projects which will upgrade the Bass Highway west of Wynyard. This project will provide safer access to and from Boat Harbour Primary School, Dobsons Lane, Fists Lane and the Boat Harbour store for the local community, and improve the safety and efficiency of the Bass Highway for all road users.

The initial design for the upgrade required the acquisition and demolition of the house at 17385 Bass Highway, Boat Harbour, which is co-owned by two separate parties.

An offer was made to the two parties to acquire the property in its entirety. This offer was deemed unacceptable by one of the parties, meaning that the full acquisition could not proceed.

The Department of State Growth redesigned the project to minimise the amount of acquisition, which meant that the house could be retained in its current position.

I understand this project was discussed with Council multiple times between March 2019 and February 2020, and that Council were made aware of the change to the design in May 2020, as part of communication issued to the Bass Highway – Wynyard to Marrawah Corridor Strategy working group. I am advised that no response was received from Council at the time that the revised plan was issued.

The project has now reached practical completion. The edge of the traffic lane is now approximately 6 metres from the front of the property. The house is separated from the highway by a safety barrier, which has been installed 2 metres from the edge of the traffic lane, and a 2.5-metre-wide footpath. The fencing on the property boundary was altered from a picket fence to a 1.8-metre-high lapped paling fence at the request of the current occupant.

I understand that both the design consultant and construction contractor have continued to liaise with the current occupant of the house during the design and construction phases of the project, to minimise the impact this project is having on the property.

I trust this information is of assistance to you in responding to Council's concerns.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

7.3.1 CR BRAMICH – FIRE BREAK KATELYN DRIVE

Cr Bramich asked if there was any update on the completion of the firebreak at Katelyn Drive Wynyard.

The General Manager took the question on notice. He noted that the requirement for Eagle nesting studies was still pending.

7.3.2 CR HYLAND – PARKING CONDITIONS AT REAR OF WOOLWORTHS

Cr Hyland asked if there had been any progress resolving the parking issues at the rear of Woolworths to ensure that they are adhering to the conditions of their building permits.

The General Manager advised that staff are in conversations with Woolworths currently and that further conversations will be held with the National Managers when they are on site early February.

7.3.3 CR FAIRBROTHER – CUMMINS STREET SEALING

Cr Fairbrother asked if the proposed sealing of Cummins Street was to be one coat or two coat hot mix


The General Manager took the matter on notice

8.0 NOTICE OF MOTION

Nil received.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 PUBLIC LAND DISPOSAL CONSULTATION OUTCOME - 9 MARTIN STREET, WYNYARD

To: Council
Reporting Officer: Project Support Officer
Responsible Manager: Director Organisational Performance
Report Date: 14 December 2020
File Reference: Property Mgmt (Council) - Acquisition & Disposal of Council Land/Buildings
Enclosures: 1. Objection - Sale of Public Land 

PURPOSE

This report has been prepared to assist Council in considering the sale of land at 9 Martin Street, Wynyard.

BACKGROUND

Council recently workshopped a number of parcels of land that are considered surplus to Council needs. Following that discussion, a decision was made in the closed session of the November 16 Council meeting determining to proceed with the formal public land disposal process for 9 Martin Street.

An Officers report was presented to Council at the February 2018 Council Meeting, titled Proposed East Wynyard Foreshore Masterplan, which sought endorsement in relation to the Council adopted Open Space Sport and Recreation Plan 2017-2027. One of the key recommendations (No. 124, pg. 41) of this plan included: -

Consider consolidating the number of sites with play equipment, providing strategic hubs along the coast, central to the town in the west, and to the north, that can provide social/family recreation spaces for the Wynyard Community in the long-term.

The resolution to this 2018 report was;

MOVED BY	CR BRAMICH
SECONDED BY	CR FRIEDERSDORFF

That Council:

- 1. Adopt the Draft East Wynyard Foreshore masterplan;**
- 2. Consider implementation of the proposed playground and landscaping elements for the 2018/19 budget;**
- 3. Consider rationalising the existing 4 local playground sites, 2 at the East Wynyard Foreshore, 1 at 9 Martin Street and 1 at 25 Lockett Street in order to fund the proposed district level playground; and**

-
-
4. **Remain flexible in the implementation of the East Wynyard Foreshore masterplan as it assesses cost and benefits in consultation with the community and users into the future**

The MOTION was put and was CARRIED unanimously

IN FAVOUR

	CR BRADLEY	CR BRAMICH	CR DUNIAM
CR FAIRBROTHER	CR FRIEDERSDORFF	CR HYLAND	CR WRIGHT

The new Rotary Park Playground is now complete.

DETAILS

9 Martin Street, Wynyard has a land use description as Park, Recreation Area Authority and zoned 10.0 General Residential. It is an area of 0.3313ha.

The land is considered suitable for affordable housing with the potential of offering between four to six units. This report has been prepared to allow Council to consider listing the property for sale on the open market, allowing a purchaser to acquire and develop the site.



Playground Rationalisation

The land does contain a small playground. Council has a formal resolution on record (February 2018) to consider consolidating playground sites in the East Wynyard area in order to assist in the funding of the district level playground now provided at Rotary Park.

The Rotary Park Playground has been very well received in the community with a great deal of usage and enjoyment.

In considering rationalising the existing playgrounds, there are now two playgrounds within proximity of the new Rotary Park Playground (within 500m). These being 25 Lockett Street and 9 Martin Street, both sites have local level playground equipment.

If Council accept the recommendation to list the property for sale, the playground equipment would be removed prior to listing on the open market with any equipment of any value to be repurposed.



Public Land Disposal Process

9 Martin Street, Wynyard is listed on the Public Land Register and is therefore subject to a 21-day public consultation process under the *Local Government Act 1993*. The 21-day public consultation process has occurred in accordance with Section 178.

The Sale of Public Land Notice – 9 Martin Street was advertised in The Advocate newspaper on Wednesday 2 December and Saturday 5 December 2020. A notice was also displayed on the property on Wednesday 2 December 2020 and placed on Councils web site.

The consultation period concluded 23 December 2020 with one objection received. Council must consider the objection lodged as a part of its decision-making process. The objection is attached for the information of Councillors and included:

“Recently I had come across a piece of a4 paper attached to a small stick post stating the park will be put up for sale and was concerned how many residents nearby had actually noticed. So I took it upon myself to talk to the people of Martin street and regular uses of the park and identified that they hadn’t noticed the sign and had a large number of negative reactions for the sale of the property and I would like to

object the sale of the property on behalf of Martin street, as many residents of this area don't have the capacity/services to object.

The park is a safe community environment for all family's and local residents and has been for a long time. Local Children interact on a daily basis at the park as it has easy and safe access. During a time of COVID We understand the new east Wynyard development playground has recently opened up has gained a lot of interest, but the access for the young children of Martin street is a concern as they are crossing a busy road and is a larger walking distance from their home.

If this property is to be sold privately, a benefit for the council would be to receive rates, but if you weigh that against a safe community environment with easy access and promote what could be a larger recreation area for Martin street with replacing the out-dated playground with a BBQ area or any type of community recreational area.

Thank you for your consideration and we hope you can understand why we would like to keep this community area."

In summary, the objection included concerns relating to:

- The process for advertising
- The capacity of residents to object
- Children safety and loss of community recreation area

Basis of Objection	Additional Information
<p>Advertising</p> <p>Residents capacity / services to object</p>	<p>Council advised the public that an objection to the proposed sale may be made within 21 days of the first publication. Methods used included advertising in the local newspaper and placing a notice on site. Additional information was also provided on Council's web site. Council has complied under the Act which states:</p> <p><i>"If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–</i></p> <p><i>(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and</i></p> <p><i>(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and</i></p> <p><i>(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication."</i></p>
<p>Children safety and loss of community recreation area</p>	<p>Council adopted the Open Space Sport and Recreation Plan 2017-2027 at the February Meeting in 2018. The community was consulted in the development of this Plan.</p> <p>One of the key recommendations (No. 124, pg. 41) of this plan included: -</p> <p><i>Consider consolidating the number of sites with play equipment, providing strategic hubs along the coast, central to the town in the west, and to the north, that can provide social/family recreation spaces for the Wynyard Community in the long-term.</i></p> <p>There are considered ample recreation spaces within the local area. Council is currently considering a revised East Wynyard Foreshore Masterplan. Access to and from the new Rotary Playground will be considered as part of this document.</p>

STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993* Sections 178, 178A and 178B outlines the process for the sale of Public Land as follows:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).
- (6) The council must—
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of—
 - (i) that decision; and
 - (ii) the right to appeal against that decision under [section 178A](#).
- (7) The council must not decide to take any action under this section if—
 - (a) any objection lodged under this section is being considered; or
 - (b) an appeal made under [section 178A](#) has not yet been determined; or
 - (c) the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#).

178A. Appeal

- (1) Any person who lodged an objection under [section 178](#) may appeal to the Appeal Tribunal against the decision of a council under [section 178\(6\)](#) within 14 days after receipt of notice of that decision under [section 178\(6\)\(b\)](#).
- (2) An appeal must be made in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#).
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that—
 - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
 - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#).
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and [section 25 of the Resource Management and Planning Appeal Tribunal Act 1993](#) does not apply.

178B. Determination of appeal

- In hearing an appeal against a decision of a council, the Appeal Tribunal may—
- (a) confirm that decision; or
 - (b) set aside that decision; or
 - (c) set aside that decision and—
 - (i) substitute another decision; or
 - (ii) remit the matter to the council for reconsideration.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

POLICY IMPLICATIONS

Asset Management Policy

Council's Asset Management Policy states that Council is to:

“ensure that our infrastructure services are provided in an economically optimal way, with the appropriate levels of service to residents, visitors and the environment determined by reference to our financial sustainability”.

Council is often required to make decisions in the best interests of the community in the appropriate allocation of resources. Council's Financial Management Strategy includes the following principles which are applicable to this decision.

“Principle 1: The community's finances will be managed responsible to enhance the wellbeing of residents.

Council will ensure it only raises the revenue it needs and will do 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 4: Resources will be allocated to those activities that generate community benefit.

Council will ensure robust and transparent processes are in place for the allocation and prioritisation of resources through budgetary decision-making, as well as choosing the most effective methods for delivering specific services and projects. Strategies will include a vigorous cost-benefit analysis in preparing and assessing proposals. Council recognises its service obligations to the Waratah Wynyard community in its decision-making.”

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

The Office of the Valuer General provided a market valuation of \$217,500 as at July 2016.

A property appraisal has been sought and it was advised that based on the current market and land sales in similar areas, 9 Martin Street was valued at between \$150,000 - \$175,000. If Council were to develop / subdivide into residential building blocks, the blocks may sell individually for between \$65,000 - \$75,000 based on similar blocks which have been sold in the Lockett Street and Ballad Avenue areas.

It is recommended that if Council choose to proceed with the sale that the property be placed on the open market allowing a purchaser to acquire and develop the site.

Whilst the holding costs of this land are minimal, holding land that is surplus to Council's needs does incur costs in terms of lost opportunity. The land can provide benefit through potential for rates and charges income from any development.

RISK IMPLICATIONS

The following risks have been identified relating to this matter.

- *Reputational Risk*
The public land disposal process provided an opportunity for the community to provide feedback. Only one objection was received, however it is noted that the objection stated the community had a negative reaction to the sale but lacked the capacity/services to object. A stronger objection to the sale may become evident if the play equipment is removed.
- *Financial Sustainability*
There is a financial risk to ensure that Council services are provided in an economically optimal way.
- *Community and Organisational Safety*
The playground equipment is not well maintained, and the condition of the play equipment will worsen each year without a formal decision to either replace the existing playground or alternatively use the site for an alternate purpose.

CONSULTATION PROCESS

Council has considered this land to be surplus to the community's needs and commenced the mandatory disposal process to ascertain community opinion.

A 21-day public consultation process has occurred in accordance with *Section 178* with one response being received by the closing date on 23 December 2020.

CONCLUSION

It is recommended that Council consider the sale of 9 Martin Street Wynyard and by absolute majority resolve to sell and in accordance with *Section 176* advise the objector of their right to appeal under *Section 178A* of the *Local Government Act 1993*.

RECOMMENDATION

That Council:

- 1. Note the outcome of the public land disposal process for 9 Martin Street following the 21-day consultation process;**
- 2. Resolve to proceed with sale of the land; and**
- 3. Advise the objector of their right to appeal under *Section 178A* of the *Local Government Act 1993*.**

PROCEDURAL MOTION

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council move item to a later date for further discussion.

The PROCEDURAL MOTION was put and was LOST.

IN FAVOUR

	CR BRADLEY		CR COURTNEY
CR DUNIAM	CR EDWARDS		

AGAINST

MAYOR WALSH		CR BRAMICH	
		CR FAIRBROTHER	CR HYLAND

MOVED BY	CR BRAMICH
SECONDED BY	CR FAIRBROTHER

That Council:

- 1. Note the outcome of the public land disposal process for 9 Martin Street following the 21-day consultation process;**

2. **Resolve to proceed with sale of the land; and**
3. **Advise the objector of their right to appeal under *Section 178A of the Local Government Act 1993*.**

Cr Courtney moved an AMENDMENT to the MOTION

MOVED BY	CR COURTNEY
SECONDED BY	CR DUNIAM

That Council:

1. **Note the outcome of the public land disposal process for 9 Martin Street following the 21-day consultation process;**
2. **Resolve to proceed with sale of the land; and**
3. **Advise the objector of their right to appeal under *Section 178A of the Local Government Act 1993***
4. **Agree that 75% of funds from sale go back into fund for future playgrounds in the same area**

The AMENDMENT to the MOTION was put and was LOST.

IN FAVOUR

			CR COURTNEY

AGAINST

MAYOR WALSH	CR BRADLEY	CR BRAMICH	
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

MOVED BY	CR BRAMICH
SECONDED BY	CR FAIRBROTHER

That Council:

1. **Note the outcome of the public land disposal process for 9 Martin Street following the 21-day consultation process;**
2. **Resolve to proceed with sale of the land; and**
3. **Advise the objector of their right to appeal under *Section 178A of the Local Government Act 1993*.**

The MOTION was put and was CARRIED.

IN FAVOUR



MAYOR WALSH	CR BRADLEY	CR BRAMICH	
CR DUNIAM		CR FAIRBROTHER	CR HYLAND

AGAINST

			CR COURTNEY
	CR EDWARDS		

9.8 WARATAH DAM DECOMMISSIONING

To: Council
Reporting Officer: General Manager
Responsible Manager: General Manager
Report Date: 13 January 2021
File Reference: 2021

Enclosures: 1. Letter from DPIPWE 
2. Decommissioning Plan 

PURPOSE

To note correspondence received from the Department of Primary Industries, Parks, Water and Environment regarding TasWater's proposed decommissioning of the Waratah Dam.

BACKGROUND

TasWater have stated that in August 2017, as part of regular and routine safety checks they observed increased seepage from the Waratah Dam wall. After further investigation, evidence of internal embankment erosion (piping) within the upper section of the dam wall was found.

TasWater considered this situation to be unsafe for the dam and water was released from the reservoir to prevent any further deterioration in the dam wall.

It was at this time that Council and the community were made aware of the issues. TasWater have continued to manage the water level of the reservoir.

There are a small number of community members, who have formed an advocacy group, Friends of the Waratah Reservoir, who have lobbied since this time for the restoration of the water levels and repair of the dam wall. Their attention in recent times has focussed on halting the decommissioning process.

TasWater claim that if the dam fails, it could be a risk to life and property, and state that an independent assessment puts the cost in the order of \$3.8 million dollars. The estimated decommissioning and rehabilitation costs are \$1 million dollars.

All reports relating to the dam commissioned by TasWater are available on their website.

TasWater concluded that given the issues identified, they would divest or decommission the dam. An expression of interest (EOI) process was conducted between 15 December 2017 and 31 January 2018 and no responses were received.

A second EOI process was conducted from 20 March 2019 and closed on 22 May 2019 which resulted in two responses. TasWater's evaluation committee assessed the respondents technical and financial capacity to take of the ownership of Waratah Dam and one potential suitable candidate was identified. Ultimately, the EOI was not deemed suitable to progress despite involvement from Council and the State Government and concluded in late 2020.

TasWater have subsequently commenced the decommissioning process.

Another interested party was identified in late 2020 and discussions with this party continues.

Council have had a number of motions about this matter, the most recent following a Notice of Motion from Councillor Fairbrother in April 2019.

DETAILS

Council is in receipt of a formal notification that an application has been lodged to decommission the Waratah Reservoir (Waratah Dam). Representation can be made to the Minister regarding the application until Monday 1 February 2021. The notification is attached.

The letter refers to information provided on the Department of Primary Industries, Parks, Water and Environment, which lists the following documents:

- Waratah Dam Application Decommission
- Waratah Dam Decommissioning Letter to DPIPWE
- Waratah Dam Decommissioning Plan
- Waratah Dam Risk Assessment Report
- Waratah Dam Maps
- Waratah Dam Flood Modelling
- Waratah Dam Flood Attenuation Study
- Waratah Dam Contour Map
- Waratah Dam Environmental Impact Assessment

The Waratah Dam Decommissioning Letter to DPIPWE states that TasWater's application to decommission the dam is based on the following key factors:

- Waratah Dam is not required for the supply of water or sewerage services to the Waratah township. The dam has not been used for water or sewerage services since TasWater commenced operations and assumed responsibility for the dam in 2013. It should also be noted there is no pipeline infrastructure attached to the dam – which would be required if the dam was to be used for water or sewerage services:
- *Water can be supplied to the Waratah township using the natural run of the Waratah River, requiring no upstream modifications or additional costs. Prior investigation by TasWater shows that Waratah's maximum peak daily demand for water is 0.117 megalitres (ML) per day, while the low river flows have been determined to be 1.73ML per day. Based on these figures, we consider there is a low likelihood that Waratah may experience water supply issues in the future.*
- The embankment is in an extremely poor condition and is continuing to deteriorate. • The spillway and outlet are undersized and in poor condition.
- The Societal Risk exceeds the tolerable limit and must be mitigated.
- The dam currently has several serious dam safety deficiencies, and in its current state does not comply with modern dam engineering standards. As such, the dam would require major works, at significant financial cost, for it to be made compliant with modern standards, and with a Societal risk that is (ALARP – as low as reasonably practicable).

Entura's Decommissioning Plan is attached for information.

Residents concerned with losing the dam claim a range of reasons to fight for the dam to be maintained including historical reasons, environmental impacts, use of the water for firefighting and protection and the recreation potential of the area. These submissions have been circulated regularly via email to all Councillors.

Councils most recent submission to TasWater stated “

Council wishes to formally raise concerns with the process and projected timeframes for the proposed decommissioning of the Waratah Dam.

It is understood that TasWater are proceeding with the next stage of the decommissioning process and will soon apply to receive necessary approvals for the work to be undertaken. It is also understood that an interested party in dam ownership has emerged. Whilst Council have not formally seen their submission, they appear to be a credible applicant, worthy of genuine consideration.

Council implore TasWater to expedite negotiations with the interested party to reach resolution and, if deemed suitable, commence the process of ownership transfer.

Under no circumstances should the decommissioning be undertaken whilst the negotiations remain unresolved. In fact, Council’s position remains that the water source should be protected and kept for future generations.

Steps to mitigate risk, including lowering of the water level and enhancements to the spillway, have ensured the dam can remain in place until the negotiations are concluded. If the risk was high, TasWater would not have taken over eighteen months to conclude the public expression of interest process, only resolved as a result of Council intervention.

It is in everyone’s’ best interests for TasWater to make this determination sooner rather than later. In accordance with the first Expression of Interest process, Council are willing to undertake the negotiations on TasWater’s behalf should this be required.

TasWater’s reply, received on Friday 11 December 2020, states:

We do understand the disappointment from some members of the community and council. In support of the community's desire to keep the reservoir, we spent over two years trying to find a new owner for the Waratah Dam, which was always our preferred outcome. Unfortunately, these efforts were not successful.

We have recently applied for a Dam Works Permit through the Department of Primary Industries, Parks, Water and Environment (DPIPWE) requesting approval to decommission the Waratah Dam. The works proposed will ensure the safe removal of the dam embankment.

The application process will take approximately three months to finalise and should we gain authorisation to remove the dam, it will take another three months to remove the dam and a further two and a half years to complete our rehabilitation plan.

We are in discussions with a party who has recently expressed interest in the reservoir. These discussions are continuing in parallel with our Dam Works Permit request.

The interested party has made it clear to us that decommissioning the dam has absolutely no impact on their project. They have undertaken their own investigations into the existing dam and have advised that should their project proceed their intent would be to construct a new dam wall and reinstate the previous full storage capacity of the dam. They have also advised that their bid for funding to conduct a feasibility study for this project was unsuccessful and their progress will be impacted as a result.

We are providing the interested organisation our support and expertise and will continue to do so, even beyond the decommissioning of the current dam, should our application be successful.

We have undertaken mitigation activities to make the dam safer by lowering the water level and enhancing the spillway, however this has not eliminated the risk and is not a long-term solution.

Based on the below, if we gain approval from DPIPW, we will move to decommission the dam.

- An extensive EOI process was unable to find a new owner.*
- Our works will have no impact on the decision of the party who has recently expressed interest in constructing a new dam at some point in the future*
- The dam is unsafe and cannot be returned to full capacity*
- We do not require it to supply drinking water to the town of Waratah as this can be done by run of river*
- The cost to replace the dam is estimated at close to \$4M*

Additionally, there are ongoing costs to maintain the dam in its current state, something we cannot continue to commit to, given the current financial environment driven by COVID-19 and our endeavours to return to paying dividends to our owner councils.

Throughout the entire process, Council has maintained a role of advocacy and facilitation. Council has no desire or strategic benefit from having any form of dam ownership. The Waratah Dam is not recognised as one of the three priority projects for Waratah in the current community plan.

Council's Annual Plan has an action to "Work with TasWater and the Waratah community to facilitate a mutually agreed future for the Waratah Dam".

Another interested party was identified in late 2020 and discussions with this party continues. It appears it may be some time before this party is in a position to make a determination on ownership, but they remain very interested. There is an argument to suggest the dam should be maintained until such time this process has concluded. This party

has indicated that they may construct a new dam wall and reinstate the previous full storage capacity of the dam regardless of the outcome of the decommissioning process.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We encourage broad community input to create a focussed and strong sense of belonging.
Our Priorities
7.1 Provide education to facilitate awareness and appreciation of built and natural assets.

GOAL
Desired Outcomes
Stewardship of our land, water and marine ecosystems respects past, present and future generations.
Our Priorities
5.8 Ensure evidence-based allocation of infrastructure and land use to enable sustainable growth.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.

Council Strategy or Plan Reference

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

Environmental implications relating to the Waratah Dam are outlined in the reports available on TasWater and DPIPWE's websites.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report. Financial implications will occur should Council's involvement increase from current levels.

RISK IMPLICATIONS

There are a range of complex and details risks arising from the proposed decommissioning of the Waratah Dam. It is a divisive matter that will garner strong opinion from either side of the argument.

Complexity is added given Council's role as a part owner of TasWater. Risks associated from this report are limited to reputational, however should the matter progress, financial, legislative, and environmental considerations will be evident.

CONSULTATION PROCESS

This report outlines a statutory period for representations. Consultation and discussion on this matter has been ongoing over many months.

The majority of Councillors attended a public meeting and presentation with the people of Waratah on Tuesday 2nd of April 2021. The purpose of the meeting was to hear from TasWater and its consultants and other interested parties on the safety of the dam, related issues and the process associated with the calling of expression of interest for the takeover of ownership of the dam.

CONCLUSION

It is recommended that Council note correspondence received from the Department of Primary Industries, Parks, Water and Environment regarding the proposed decommissioning of the Waratah Dam; and determine not to submit a representation on the matter prior to the closure of the statutory notification period on 1 February 2021.

Should Councillors support the submission of a representation, an alternate motion could read:

That Council:

1. Note correspondence received from the Department of Primary Industries, Parks, Water and Environment regarding the proposed decommissioning of the Waratah Dam; and
2. Authorise the General Manager to prepare and submit a representation on the matter prior to the closure of the statutory notification period on 1 February 2021

MOVED BY	CR DUNIAM

That Council:

1. **Note correspondence received from the Department of Primary Industries, Parks, Water and Environment regarding the proposed decommissioning of the Waratah Dam; and**
2. **Given previous correspondence with TasWater, determine not to submit a representation on the matter prior to the closure of the statutory notification period on 1 February 2021.**

As there was no Secunder to the MOTION, the motion was LOST

MOVED BY	CR BRAMICH
SECONDED BY	CR COURTNEY

That Council:

- 1. Note correspondence received from the Department of Primary Industries, Parks, Water and Environment regarding the proposed decommissioning of the Waratah Dam; and**
- 2. Authorise the General Manager to prepare and submit a representation on the matter prior to the closure of the statutory notification period on 1 February 2021**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.2 ANNUAL UPDATE OF COUNCIL NATURAL RESOURCE MANAGEMENT AND WEED MANAGEMENT ACTIVITIES

To: Council
Reporting Officer: NRM Officer
Responsible Manager: Director Infrastructure and Development Services
Report Date: 4 December 2020
File Reference: 0101
Enclosures: Nil

PURPOSE

To provide an update of the status of specific actions defined in the Waratah Wynyard Council Weed Management Strategy adopted in December 2005 (The Plan) as well as other NRM activity over the previous 12 months.

BACKGROUND

Waratah-Wynyard Council resource share an NRM officer with Circular Head Council. Since initial appointment as a Weeds Officer the position expanded in October 2015 to one under the broader auspices of natural resource management.

Environmental weed management is now manifested under the overarching natural resource management discipline. Although part of this report relates to weed management within the Waratah Wynyard Municipal area it is written with awareness that weeds do not recognise political boundaries and consequently movement of weeds across individual property or municipal boundaries is sometimes considered in this Council's weed management activities. However, there are tangible benefits from the resource shared model in weed management.

Weed management is not a static discipline with natural and anthropogenic factors influencing planning, actioning and reviewing any defined integrated weed management strategy in an ongoing and often inconsistent basis.

The **Weed Management** aspect of this report will address progress against the actioning of the five weed management issues captured in the 2005 plan during the past twelve months.

The **Natural Resource Management** section articulates the diverse range of issues encompassed within an evolving natural resource management discipline currently being addressed by Council.

DETAILS

Weed Management

The weed management issues initially identified to be addressed in overarching Waratah Wynyard Weed Management Strategy 2005 are:

- (i) A co-ordinated approach to weed control
- (ii) Education, awareness and ownership
- (iii) Weed hygiene and the spread of weeds along corridors
- (iv) Weed invasion in coastal areas
- (v) Resources and continuity of the weed program

They remain relevant however it is considered that at this time it is appropriate that a sixth issue be reported on. This is:

(vi) The effect of climate change on weeds management.

Although the priority weeds in the WWC municipality continue to be ragwort, pampas grass, gorse, broom and thistle species the momentum for crack willow management has waned as it has become resource starved and some instances where inappropriate mechanical removal of streamside willows has caused catastrophic river bank erosion. This in turn has initiated some tension with respect to removal of willows along stream sides. Crack willow management should continue to be an issue for consideration on Council land but where they are located on moving riverbanks in situations where council has no authority of responsibility to remove them is not council's business to remove them. Infestations of several emerging species along roadside corridors are continually being monitored and treated by Council.

They are:

- Californian Stink Weed – *Navarretia squarossa*
- Montbretia – *Crocsmia X crocosmiiflora*

The NRM section is also aware of the threat of establishment of Paramatta Grass (*Sporobolis fertilis*) in the region. This residual grass species has the capacity to generate 80,000 seeds per square metre and can choke out pastures and sports field grasses once established.



An image of a recently identified Paramatta Grass outbreak on the North West Coast. WWC should be vigilant and ensure that an infestation is not established within it's municipal boundary.

Some occasional and specific locally initiated projects may be funded through a competitive application process.

PROGRESS AGAINST IDENTIFIED WEED MANAGEMENT ISSUES IN 2020

Co-ordinated approach to weed control

A co-ordinated approach to weed management based on integrated action strategies is embraced by Council. The coordination is manifested through the processes of internal and external communication, cooperation and knowledge brokering.

The coordinated approach goes beyond simply weed management service delivery by Council to an evolving role of facilitating community weed management in areas where the

past perceived jurisdictional need for Council to provide resources to undertake work has not been correct or in fact not legal.

Weed management decisions made in the prescribed coordinated approach are now generally evidence based rather than emotively conceived

(i) Internal

The recently implemented service level model through which Council delivers programmed actions logically has the delivery of weed management through the works department or contractors as required continues. This includes routine roadside vegetation (not just weeds) management and vegetation management within the parks and recreation section.

The current structure of the Infrastructure and Development Department continues to enable cross pollination of ideas between the service delivery and natural resource management disciplines of council through planning, or ad hoc, processes as required.

(ii) External

The Natural Resource Management officer continues to identify opportunities for as well as develop and foster formal and informal relationships / partnerships with peers and other relevant stakeholders within the private, public, scientific and not for profit sectors within the region, the State and nationally.

The Natural Resource Management officer recently participated with officers from Burnie and Central Coast Councils with an application to the Tasmanian State Government initiated Weed Action Fund for a regional approach to mapping Spanish Heath (*Erica lusitanica*) on private and government land within the Cradle Coast region.

Education, awareness and ownership

The Natural Resource Management officer continues to keep up to date with contemporary weed management intelligence vectored through formal and informal peer group / stakeholder interaction and is receptive to nuances in the science of weed management, micro and macro factors, chemical and non-chemical treatment attitudes and innovations, and public perceptions of what they believe is required.

The recently adopted Council iCEP can now underpin sustainable weed management within the Waratah Wynyard municipal jurisdiction.

Further, information is gleaned from the NRM officer attending or presenting at organised technical forums relating to weed management.

Although Council does not provide weed infestation mitigation services for non-Council properties it provides a quasi-weed management extension service at no cost to those who enquire about technical support or weed management direction to individuals or groups within the local community.

The Natural Resource Management Officer talks to schools, TAFE and other educational institutions regarding weed / NRM management issues as requested or required.

WEED HYGIENE AND THE SPREAD OF WEEDS ALONG CORRIDORS

Council Maintained Corridors

Vegetation continues to be maintained on Council road verges through a slashing and or herbicide application program usually on an annual basis. Work is either undertaken by directly by the works or parks and recreation sections or contractors. These activities do not specifically target weed species and the weed management outcome is generally supplementary to the sight line visibility and storm water run-off objectives in regard to road service provision.

The environmental weed species, Spanish heath, montbretia, slender thistles, Californian stinkweed, ragwort and pampas grass (infestations or individual plants) once identified were sprayed by a contractor. It is noted that the biomass of the montbretia, Spanish heath and Californian stinkweed infestations have been reduced significantly since the targeted annual program began five years ago. Small outbreaks continue but through inspection vigilance of previously recorded infestations coupled with public reporting the program is considered successful.

Non-Council Maintained Corridors

The Natural Resource management officer continues to engage with the appropriate Department of State Growth or public utility (TasRail, Transend etc.) officers to ensure that any corridors that they manage have weed management program implementation.

This continues to be challenging as such programs appear to be substantially under resourced and with respect to State managed highways it is very difficult to enforce hygiene protocols for transport vehicles through the Waratah Wynyard Council area.

WEED INVASION IN COASTAL AREAS



Sea Spurge is an environmental weed targeted within the Wynyard urban beach zone. With the biomass reduced through a targeted spraying program the residue has been hand weeded by the Wynyard Landcare volunteers.

Environmental weeds in coastal areas owned by the State Government are either maintained by Crown Land Services or the Parks and Wildlife Service. The Natural Resource Management Officer informs appropriate State Government personnel of weed infestations on Crown land as required.

Resources and continuity of the weed program

Waratah Wynyard Council continues to employ a Natural Resource Manager and supports weed management activities through appropriate resource provision and professional development support.

The effect of climate change on weeds management

Climate change is expected to be manifested by temperature rise. Temperature rise can be expected to initiate plant migration through natural vegetation dynamics or enable others that are moved through anthropogenic process to become established in places they may have been transported to in the past but have failed to become established due to climate incompatibility. Small temperature fluctuations can have big consequences.

The natural resource management officer is currently on the alert for any observations relating to infestation outbreaks from previously unknown warmer climate weeds.

GENERAL WEED MANAGEMENT ACTIVITIES



The Natural Resource Management Officer coordinates the treatment of environmental weeds infestations that fall outside the normal roadside vegetation management service levels as resources allow.

NATURAL RESOURCE MANAGEMENT

Natural resource management activities undertaken by the NRM officer have again been varied.

They have included continued coastal erosion investigation, liaison and reporting, liaison with Landcare groups, logistical assistance to the Sisters Beach Community Group with discussions with PWS to form a Wild Care group and attend onsite meetings to discuss relevant NRM issues.

The NRM officer liaises with relevant Crown Land Services and PWS officers as a first point of call to discuss environmental issues and seek appropriate solutions as required as well as preparing formal applications for approval for works on Crown land. An example of this is

the communication between the NRM officer and PWS officers regarding the development of a Virtual Fence on Sisters Beach Road through the Rocky Cape National Park.

The NRM officer is also a member of the Integrated Council Environmental Plan (iCEP) Steering Committee up until the plan was adopted by Council.

EXTERNAL NATURAL RESOURCE MANAGEMENT ASSOCIATION INVOLVEMENT

Forum / Working Groups

The natural resource management officer has actively participated in the following Natural Resource Management forums in the past 2020 calendar year.

- West Coast - Fire Management Area Committee (FMAC) (Chair)
- Cradle Coast Cat Management Working Group (CCCNWG) (Chair)
- Cradle Coast – Rice Grass Project Reference Committee
- Resident Shorebird Monitoring Program, Stanley to Narawntapu National Park.

Community Group Liaison

The natural resource management officer has undertaken liaison, technical advice and project planning as required with the following community groups.

- Wynyard Landcare Group
 - Frenchs Road Reserve: ongoing environmental management works
 - Fossil Bluff: Management Plan Development and ongoing environmental management works.
- Sisters Beach Wildcare Group
- Schools and other educational institution environmental interpretation and technical advice provision.

FRENCHS ROAD NATURE RESERVE

The NRM officer continues to liaise with the Wynyard Landcare Group in the review of the MOU with Council. One key area of focus from the group has been the on-ground works within the Council owned Frenchs Road Nature Reserve. With consideration to the value of the volunteer work undertaken by the group periodical reviews of all their activities on Council land is vital.

The Wynyard Landcare group has recently provided Council with an action plan for the Frenchs Road Nature Reserve based on a previously Council resourced ***Frenchs Road Nature Reserve Vegetation Management Plan***



Corey Gould (Manager Engineering and Projects) discusses the current Frenchs Road works plan with Landcare group member Peter Lawrence on site.

FOSSIL BLUFF MANAGEMENT PLAN



On site discussion between interested community members and the Director of Infrastructure and Development as well as Parks Wildlife and Heritage officers in relation to the development and implementation of the Fossil Bluff Management Plan.

VIRTUAL DEVIL FENCE

Council received funding from the Local Roads and Community Infrastructure Program (LRCIP) and have now completed the construction of a 'Virtual Devil Fence' on the Sisters Beach road between Banksia Park and the Sisters Beach eastern town boundary.

The fence was requested by members of the Sisters Beach Community Group due to increasing number of roadkill Tasmanian Devils in hotspots on that road.



The system works through a series of specifically placed beepers triggered by a vehicle head lights. The whistling sound (activate link below) discourages browsing and carnivorous marsupials from the road as vehicles pass.

<https://drive.google.com/file/d/1nqyMmaxJRCzsdqx2CvYRMU0P5PimAOiw/view>

The locations for the beepers, attached to existing or new guide posts, were recently set out (identified as white paint dots) on the road by an expert on Tasmanian devil behaviour and a member of the Sisters Beach Community Group. (See photographs below).





Identification of the most effective locations for beepers to enable the construction of the Virtual Devil Fence was recently undertaken by volunteers through coordination of the Natural Resource Management officer.

YORK STREET FUEL BREAK DEVELOPMENT AND IMPLEMENTATION PLAN



The existing firebreak will be improvised to a standard defined in the Community Bushfire Mitigation Plan: Fuel Break Implementation. Its function is to provide guidance regarding bushfire fuel management, for the establishment of a Fuel Break. The plan development, coordinated by the natural resource management officer was undertaken with considerable input from the Tasmanian Fire Service and compliant with defined Tasmanian and Commonwealth environmental and cultural heritage statutory requirements.



A
rare



orchid species Chiloglottis trapeziformis (Photograph above) is found close to the fuel reduction zone while the entire reserve offers habitat for a diverse range of common as well as threatened fauna and flora species

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 7: Environment
Desired Outcomes
Our natural and built environment aids the community with an active and healthy lifestyle.
Our Priorities
7.1 Provide education to facilitate awareness and appreciation of built and natural assets.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Health and Wellbeing	Maintaining good health and wellbeing – Healthy communities, people taking responsibility for their wellness, convenient access to medical services and facilities.
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Weed Management Strategy	Adopted December 2005
Central Area Development Plan	Adopted May 2019
Age Friendly Communities Plan 2019-2024	Adopted March 2019
Community Health and Wellbeing Plan 2019-2024	Adopted April 2019
iCEP (Integrated Council Environmental Plan 2020-2030)	Adopted August 2020
Open Space, Sport and Recreation Plan 2017-2027	Adopted September 2017

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no new financial implications as a result of this report. Activities suggested in the Sisters Beach Road / Boat Harbour Roadside Vegetation Management Plan Project, presented to Council by Ian Ferris and the Frenchs Road Nature Reserve Plan will be assessed in future budget considerations.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

That the update on the Weed Management Strategy and various other NRM activities be noted.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY


That Council note the annual update on Council's Natural Resource Management (NRM) and Weed Management activities

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.3 ANNUAL PLAN PROGRESS REPORT AS AT 31 DECEMBER 2020

To:	Council
Reporting Officer:	Executive Officer - Governance and Performance
Responsible Manager:	Director Organisational Performance
Report Date:	4 January 2021
File Reference:	004.10
Enclosures:	1. Annual Plan Action Report to 31 December 2020 

PURPOSE

This report is provided as an update on progress against the Annual Plan for the quarter ending 31 December 2020.

By providing a regular update Council can see how the organisation is tracking in the delivery of commitments made to the community through the Annual Plan.

BACKGROUND

The Annual Plan and Budget Estimates is developed by Council each year outlining key activities and initiatives for the year.

The Council adopted the 2020/21 Annual Plan and Budget Estimates on 22 June 2020.

Council's 10 Year Corporate Strategic Plan 2017/27 was adopted in December 2016. The Annual Plan and Budget Estimates link to the achievement of the Strategic Plan within an overall planning framework.

The framework guides Council in identifying community needs and aspirations over the long term (Our Mission, Vision & Values), medium term (Strategic Plan) and short term (Annual Plan and Budget Estimates) and holds itself accountable through the Audited Financial Statements and Annual Report.

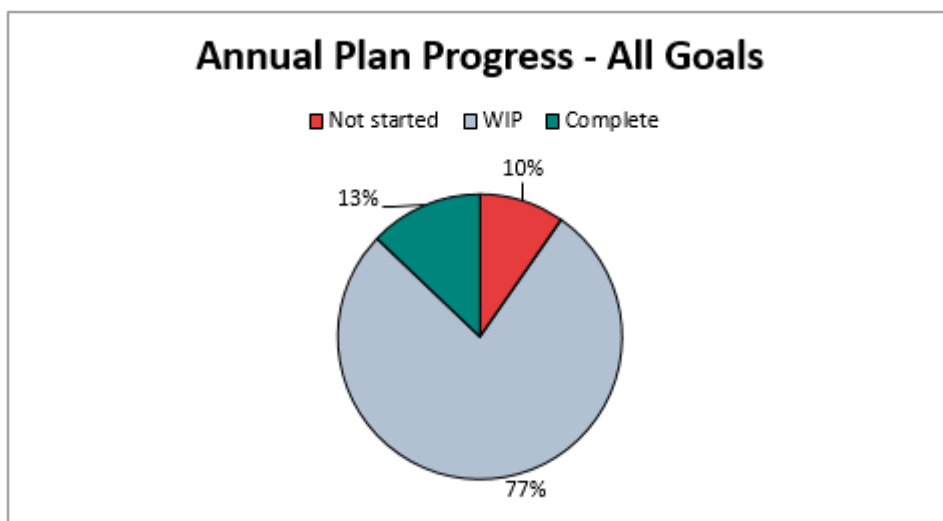
The activities and initiatives included in the Annual Estimates contribute to achieving the strategic objectives specified in the Strategic Plan.

DETAILS

The **attached** report provides an update on the progress of actions included in the Council's Annual Plan 2020/21.

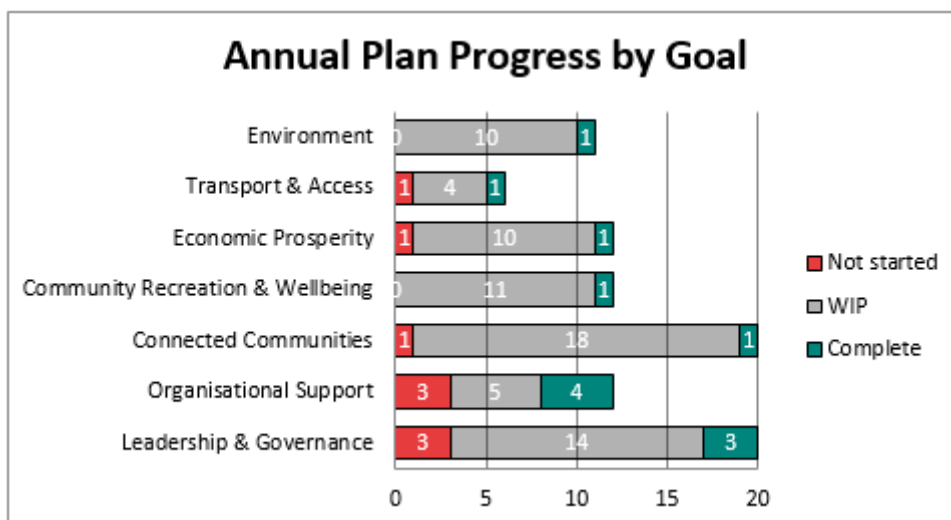
This year's annual plan set by Council is ambitious. The organisation is tracking well against the plan. As at 31 December solid progress had been made against the plan with 13% of actions fully complete and 77% of actions in progress.

There is a total of 93 actions included in the Annual Plan and as at 31 December 2020 with progress having been made as follows:



- 12 actions complete (8 actions completed throughout the quarter)
- 33 actions between 90% and 100% complete
- 8 actions between 70% – 90% complete
- 39 actions at less than 70% complete
- 1 deferred action

The following graph outlines progress against each of Council’s strategic goals:



STATUTORY IMPLICATIONS

Statutory Requirements

The Annual Plan is prepared as part of the Budget Estimate process and is required under the Local Government Act 1993:

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. The Annual Plan is part of a larger strategic planning framework.*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

The plan is consistent with the Waratah-Wynyard Corporate Strategic Plan 2017/27 and the Sustainable Murchison Community Plan 2040.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Annual Plan and Budget Estimates	22 June 2020

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

That the Council note the 2020/21 Annual Plan Action Progress Report to the 31 December 2020.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY



That Council note the 2020/21 Annual Plan progress report for the period to 31 December 2020.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.4 RISK MANAGEMENT POLICY AND FRAMEWORK REVIEW

To: Council
Reporting Officer: Accountant
Responsible Manager: Director Organisational Performance
Report Date: 14 December 2020
File Reference: Governance - Policy - Council Policies
Enclosures: 1. Revised Risk Management Policy 
2. Revised Risk Management Framework - Draft 

PURPOSE

This report has been prepared to enable Council to consider the revised Risk Management Policy and Framework.

BACKGROUND

The Risk Management Policy and Framework was last reviewed and adopted by Council in June 2018 with a review date of July 2020. The Policy has been reviewed against the AS/NZ ISO 31000:2018 Risk Management- Guidelines.

DETAILS

Risk is an inherent part of Councils activities and requires a risk response from Council to mitigate or take advantage of circumstances as they arise.

The Policy Framework outlines Council's commitment to implementing a strategic, consistent and structured corporate-wide approach to risk management in order to achieve an appropriate balance between realising opportunities for gains and minimising losses. The revised framework will assist Council in assessing and managing its various risks relating to the following categories:

- Strategic
- Financial
- Assets & Infrastructure
- Environmental
- Workers
- Public Safety
- Emergency Management
- Regulation & Compliance
- Corporate Business Systems
- Political

The Policy requires that an effective risk management framework be developed mitigate potential negative outcomes and to better realise sustainable opportunities present in the organisation's operations by:

- (a) Recognising risk management as an integral part of good management practice and decision making;

- (b) Creating and maintaining a risk management environment that enables Council to deliver high quality services and meet performance objectives in line with our principle of seeking continuous improvement;
- (c) Ensuring resources and operational capabilities are identified and deployed responsibly and effectively.
- (d) Demonstrating the application of the risk management process of identifying, analysing, evaluating and treating risks, as detailed in the Risk Management Standard, AS/NZS ISO 31000:2018 in the Risk Management Framework.

The purpose of the Framework is to link Council’s risk philosophy, as described in the risk policy, with the actual process of risk management practices undertaken in the normal course of business and in accordance with the international standard.

The International Standard was revised in 2018 and the proposed new risk management framework has been developed in accordance with the new standard and therefore in accordance with best practice.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 2: Organisational Support
Desired Outcomes
We are a knowledgeable organisation—we demonstrate best practices in our business processes.
Our Priorities
2.4 Review and update systems and processes to ensure best practice and customer-centric outcomes.
2.2 Facilitate effective knowledge management practices.
2.3 Promote best practice and foster innovation.

GOAL 1: Leadership and Governance
Desired Outcomes
We highly value the use of an evidence-based approach to the development and implementation of strategies and policies that support and strengthen our decision making.
Our Priorities
1.5 Build our knowledge base to apply in decision-making processes.
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

Environmental Risks are separately identified in the Framework and incorporated in Councils risk management practices.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no additional risks identified from the adoption of this suite of policy documents. Without governing documents outlining Councils expectations regarding risk management, Council may not fully understand the risks inherent in its operations and decision making which would increase the risk to which Council is exposed (Strategic, Financial, Assets & Infrastructure, Environmental, Workers, Public Safety, Emergency Management, Regulation & Compliance, Corporate Business Systems, & Political).

CONSULTATION PROCESS

This Policy and Framework has been reviewed in consultation with Councils Risk Management Committee and Senior Management Team.

CONCLUSION

It is recommended that Council adopt the revised Risk Management Policy and Risk Management Framework as presented.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY


That Council adopt the revised Risk Management Policy and Risk Management Framework as presented.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.5 PUBLIC INTEREST DISCLOSURE POLICY AND DELEGATIONS

To: Council
Reporting Officer: Director Organisational Performance
Responsible Manager: Director Organisational Performance
Report Date: 6 January 2021
File Reference: Governance - Policy - Council Policies
Enclosures: 1. Public Interest Disclosure Procedures 

PURPOSE

The purpose of this report is to update Council's existing Public Interest Disclosure Procedures.

The Office of the Ombudsman has released revised draft guidelines and model procedures. Council's documents have been updated in accordance with the model procedures.

The report also seeks appropriate delegation for the General Manager to apply the procedures in line with the Public Interest Disclosures Act 2002.

BACKGROUND

The *Public Interest Disclosures Act 2002* (the Act) is Tasmania's whistleblowing legislation.

The purpose of the Act is to:

- encourage and facilitate disclosures of improper conduct by Tasmanian public officers and public bodies;
- protect persons making those disclosures and others from reprisals;
- provide for the matters disclosed to be properly investigated and dealt with; and
- provide all parties involved in those disclosures with natural justice.

The Ombudsman has several functions under the Act, including preparing and publishing guidelines and standards.

The Ombudsman's guideline sets out the key requirements for public bodies in relation to public interest disclosure procedures. It provides the minimum standard for what must be included in those procedures.

All public bodies are required to develop and publish procedures to handle public interest disclosures which comply with the Ombudsman's guidelines and standards. Large public bodies must submit their procedures for approval on establishment and then at least every three years.

The Office of the Ombudsman has released revised guidelines and model procedures. Council's documents have been updated in accordance with the model procedures.

DETAILS

Tasmania's whistleblowing legislation, the *Public Interest Disclosures Act 2002* (the Act), aims to reduce corruption, misuse of public positions and other forms of improper conduct in public bodies.

Research indicates that internal reporting is the primary way in which improper conduct is identified and addressed. It is best practice for public bodies to encourage and facilitate disclosures through robust procedures, fostering a positive and safe reporting culture and taking strong action when improper conduct is found.

Model Procedures

All public bodies are required to develop and publish procedures to handle public interest disclosures which comply with the Ombudsman's guidelines and standards.

The procedures are designed to complement normal communication channels between supervisors and employees. Employees will continue to be encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate.

The procedures relating to disclosure include:

- to whom a disclosure should be made;
- that the discloser does not have to know or say that they are making a disclosure under the Act;
- the requirement for a risk assessment relating to potential harm to the discloser,
- an assessment as to whether the disclosure is a public interest disclosure – how this is to be done and who is to do it; and
- an assessment under section 64 as to whether a public interest disclosure may not have to be investigated – how this is to be done and who is to do it.

The procedures relating to investigations include:

- the appointment of the investigator;
- terms of reference, and who is to issue them;
- the need for an investigation plan, and what it should address;
- how the investigation should be conducted;
- referral to the Ombudsman and Tasmania Police, when this may be necessary, and who should decide;
- the maintenance of contact with the discloser and the Ombudsman; and
- the action to be taken after the investigation – who is to do what.

The revised procedures continue to allow protections from reprisal including steps that must be taken to support, and protect the welfare of, the discloser and witnesses including developing a support plan. The procedures if followed allow for procedural fairness and natural justice.

Publication & Communication

The procedures will be published to Council's web site. The level of detail may be too much for some people seeking to get a basic overview of the process for dealing with a public interest disclosure. Council will create our own supporting factsheets to accompany the Procedures.

Staff training will be provided utilising the Ombudsman's resources.

Once adopted, the Procedures are required to be submitted to the Ombudsman for assessment as to their compliance with the Guidelines and Standards issued by his office.

Delegation to the General Manager - Principal Officer

It is recommended that Council provide delegation to the General Manager for the powers and functions of the Principal Officer under Section 62A of the Act. This includes responsibility as the Principal Officer for ensuring that the provisions of the Act are implemented including:

- preparing procedures for approval by the Ombudsman;
- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;
- ensuring the protection of witnesses;
- ensuring the application of procedural fairness in Council's procedures;
- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and
- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate many of his or her functions to a Public Interest Disclosure Officer. It is intended that the General Manager appoint the Director Organisational Performance and the Executive Officer - Governance and Performance as Public Interest Disclosure Officers to assist him in carrying out Council's responsibilities under the Act.

STATUTORY IMPLICATIONS

Statutory Requirements

The *Public Interest Disclosures Act 2002* (the Act) governs the public interest disclosures for public bodies

Briefly, the Act works in this way:

- it gives certain people – public officers and contractors – the right to make disclosures about improper conduct or detrimental action to certain integrity agencies, other persons and bodies (*Part 2 of the Act, particularly s 6*);
- it provides certain statutory protections for protected disclosures, even if the discloser does not reference the Act (*Part 3*);
- it dictates how the recipient of the disclosure is to deal with it (*Parts 4 to 8*);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a public interest disclosure (*ss 30 and 33*);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (*ss 39 and 63*);

-
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure(ss 39A and 77A);
 - it controls the way a disclosure is investigated, and provides investigative powers; and
 - in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

Powers of the Principal Officer are covered by Section 62A and 62B of the Act which states:

62A. Role of principal officer

- (1) *The principal officer is responsible for –*
 - (a) *preparing procedures for approval by the Ombudsman; and*
 - (b) *receiving public interest disclosures and ensuring they are dealt with in accordance with this Act; and*
 - (c) *ensuring the protection of witnesses; and*
 - (d) *ensuring the application of the principles of natural justice in the public body's procedures; and*
 - (e) *ensuring the promotion of the importance of public interest disclosures, including general education of all staff about the legislation, and ensuring easy access to information about both the legislation and the public body's procedures; and*
 - (f) *providing access, for persons making a disclosure and others involved in the process of investigation, to confidential employee assistance programs; and*
 - (g) *providing access, for persons making a disclosure and others involved in the process of investigation, to appropriately trained internal support staff.*
- (2) *The principal officer of a public body is to appoint one or more persons as public interest disclosure officers.*
- (3) *A public interest disclosure officer may be appointed for a period not exceeding 3 years and may be reappointed for further periods not exceeding 3 years.*
- (4) *Prior to the appointment or reappointment of a public interest disclosure officer, the principal officer must ensure that the officer to be appointed or reappointed has the skills and knowledge to fulfil the role of a public interest disclosure officer.*

62B. Delegation by principal officer

- (1) *The principal officer may by instrument in writing delegate to a public interest disclosure officer specified in the instrument the performance or exercise of such of his or her functions or powers under this Act (other than this power of delegation) as are specified in the instrument, and may, by instrument in writing, revoke wholly or in part any such delegation.*

- (2) *Notwithstanding any delegation under this section, the principal officer may continue to perform or exercise all or any of the functions or powers delegated.*
- (3) *Any act or thing done by or to a delegate while acting in the exercise of a delegation under this section has the same force and effect as if the act or thing had been done by or to the principal officer and is taken to have been done by or to the principal officer.*

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We cherish fairness, trust and honesty in our conduct and dealings with all.
Our Priorities
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

- Legislative compliance
Council must adopt a Policy that embodies the requirements of the Act. By adopting the model guidelines, the risk of the Policy's non-compliance is low. If the Guidelines are followed Council will comply with the provisions of the Act. Training will occur to ensure the requirements are fully understood across the organisation.
- Reputational Risk
Instances of improper conduct can be costly to Council's reputation and may damage the public's confidence in the integrity of Council.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

That the Council adopt the Public Interest Disclosure Procedures as presented and provide delegation to the General Manager to undertake the powers and functions of the Principal Officer under Section 62A of the Act.

MOVED BY	CR DUNIAM
SECONDED BY	CR BRADLEY

That Council:

- 1. Adopt the Public Interest Disclosure Procedures; and**
- 2. Delegate the functions and powers of Council as a public body under Section 62A the Public Interest Disclosures Act 2002 to the General Manager.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.6 FINANCIAL REPORT FOR THE PERIOD ENDED 31 DECEMBER 2020

To: Council
Reporting Officer: Financial Accountant
Responsible Manager: Director Organisational Performance
Report Date: 6 January 2021
File Reference: 6
Enclosures: Nil

PURPOSE

To provide an overview, summarising the financial position of the organisation on a monthly basis.

BACKGROUND

The financial reports presented incorporate:

- Income Statement
- Balance Sheet
- Cashflow Statement
- Operating Performance by Department
- Cash Position
- Schedule of Investments
- Rate Summary
- Tenders and Contracts
- Capital Works Summary
- Capital Works Progress

STATUTORY IMPLICATIONS

This special purpose financial report is prepared under *Australian Accounting Standards* and the *Local Government Act 1993*.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.8 Review and adjust service levels to provide value for money.
2.2 Facilitate effective knowledge management practices.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

COMMENT

YTD Operating results are tracking consistently with budget with no material variances to budget identified that will impact on the overall reported result of Council for the year.

A full budget review is currently in progress with an updated forecast to be provided on completion.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND


That Council notes Financial Reports for the period ended 31 December 2020.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.7 SENIOR MANAGEMENT REPORT

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 4 January 2021
File Reference: 1202
Enclosures: 1. Bus Network Changes 

SUMMARY/PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operations.

GENERAL MANAGERS OFFICE

ACTIVITIES SINCE LAST COUNCIL MEETING

Listed below is a summary of activities undertaken by the General Manager during the period 6 December 2020 to 11 January 2021.

Corporate

- Participated in ongoing discussions with the Burnie City Council regarding the ownership of the rail corridor and the progress of the Coastal Pathway project
- Undertook meetings and completed all necessary paperwork as part of the General Manager performance appraisal
- Participated in meeting with consultants undertaking coastal assessments for status update and preliminary observations
- Participated in Joint Executive Management team meeting with Circular Head Council

Community

- Met with representatives from Waratah concerned with the proposed decommissioning of the Waratah Reservoir
- Met with the Chair of Councils Public Art Advisory Committee to discuss potential projects
- Participated in meeting of the Boat Harbour Beach Masterplan working group

Industry

- Nil

Other

- Attended Strategic Board workshop of the Cradle Coast Authority
- Leave from 18 December 2020 through until 5 January 2021

Council Closure

Council will be closed on Monday 25 January. Tuesday 26 January is the standard Australia Day Public Holiday which means Council services will also be closed that day.

Ruth Forrest Right to Information

A request to obtain all information and planning applications relating to the proposed development at 30B Old Bass Highway was received from Ruth Forrest MLC as a Right to Information (RTI) request.

The information requested was determined exempt under the *Right to Information Act 2009*.

The Office of the Ombudsman have requested Council reissue its response to the RTI to add more detailed reasons for application of the exemptions and to further clarify the process for external review of Council's decision.

The reissued response was provided on Wednesday 13 January 2021.

Bus Network

A letter from the Minister for Infrastructure and Transport, Hon Michael Ferguson MP, regarding changes to the North West Bus Network is attached for information.

ADMINISTRATION – USE OF CORPORATE SEAL

23/12/20	Grant Deed	20-21 Improving the Playing Field – U10 Basketball Rings Somerset and Wynyard
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MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That Council note the monthly Senior Management Report.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

9.9 MINUTES OF OTHER BODIES/COMMITTEES

9.9.1 MINUTES OF OTHER BODIES - WARATAH COMMUNITY BOARD - 5 DECEMBER 2020

To:	Council
Reporting Officer:	Community Development Officer
Responsible Manager:	Director Community and Engagement
Report Date:	23 December 2020
File Reference:	0.0
Enclosures:	Nil

PURPOSE

For Council to note the unconfirmed Minutes of the Meeting of the Waratah Community Board held on 5 December 2020.

BACKGROUND

The Waratah Community Board was established by Council in 2019 and the adoption of the Waratah Community Plan 2018-2021.

DETAILS

The key outcomes from the Waratah Community Board meeting included:

- **Waterfall**

Jenny Evans has completed the Waratah Falls Walk Concept Plan. The plan provides for a staged development of an all ability walk to a viewing platform at the base of the waterfall. The Board recommends that Council receive and adopt the plan as a key project for Waratah.

- **Railway Bridge**

The Board discussed options for the pedestrian bridge to be built beside the existing historic rail bridge. Before making a decision, Board members would like to invite Councils Engineer to address the Board and explain the options.

- **General Business**

- The Saunders Street Clinic has indicated that they are considering a GP service in Waratah commencing in the new year.
- Natural Burials, Lyndal Thorne spoke with the Board on the importance of providing for natural burials and suggested part of the Waratah Cemetery was an ideal location.
- The Chairman to follow up with West North West Tourism on the status of the Forage Trail and Whyte Hills Lookout development.

STATUTORY IMPLICATIONS

Statutory Requirements

There are no statutory implications as a result of this report.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.1 Commit to best practice in community engagement.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Tourism	Memorable visitor experiences all year round – The must-see destination, quality product, easy access, popular events and festivals with coordinated marketing. A longer season with increasing yields.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Waratah Community Plan	Adopted February 2018

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

FINANCIAL IMPLICATIONS

There are no financial implications as a result of this report.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

There are no consultation requirements as a result of this report.

CONCLUSION

It is recommended that Council note the Unconfirmed Minutes of the Waratah Community Board meeting held on the 5 December 2020.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council note the unconfirmed minutes of the Waratah Community Board meeting held on 5 December 2020.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

MOVED BY	CR BRAMICH
SECONDED BY	CR DUNIAM

That the Council RESOLVES BY AN ABSOLUTE MAJORITY that the matters listed below be considered in Closed Meeting:

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters</i>	15 (2) (a)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

11.0 CLOSURE OF MEETING TO THE PUBLIC

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters, the time being 7.15PM

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting</i>	15 (2)
<i>Confidential Report R15 (2) – Notices Of Motion</i>	15(2)
<i>Confidential Report R15 (2) (f) proposals for the council to acquire land or an interest in the land or for the disposal of land</i>	15 (2) (f)
<i>Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters</i>	15 (2) (a)
<i>Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential</i>	15 (2) (g)
<i>Confidential Report R15 (2) (h) - Leave of Absence Request - Councillors</i>	15(2)(h)
<i>Confidential Report R15 (2) - Closed Senior Management Report</i>	15(2)

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

12.0 RESUMPTION OF OPEN MEETING

At 7.35pm the Open Meeting was resumed.

13.0 PUBLIC RELEASE ANNOUNCEMENT

The Chairman announced that pursuant to Regulation 15(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, the Council authorised the release to the public of the following discussions, decisions, reports or documents relating to the closed meeting:

Min. No.	Subject	Decisions/Documents
NIL		

THERE BEING NO FURTHER BUSINESS THE CHAIRPERSON DECLARED THE MEETING CLOSED AT 7.35 pm.

Confirmed,

MAYOR

15 February 2021

WARATAH-WYNYARD COUNCIL

CLOSED COUNCIL MEETING

18 JANUARY 2021

MINUTES

14.0 RECORD OF ATTENDANCE

14.1 ATTENDANCE

Mayor Robby Walsh
Councillor Maureen Bradley
Councillor Gary Bramich
Councillor Andrea Courtney
Councillor Mary Duniam
Councillor Celisa Edwards
Councillor Darren Fairbrother
Councillor Kevin Hyland

IN ATTENDANCE

Shane Crawford - General Manager
Tracey Bradley - Director Community and Engagement
Samantha Searle - Director Organisational Performance
Sally Blanc - Executive Officer

14.2 APOLOGIES

Nil received.

14.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

15.0 CONFIDENTIAL REPORT R15 (2) - CONFIDENTIAL REPORTS

15.1 CONFIDENTIAL REPORT R15 (2) - CONFIRMATION OF CLOSED MINUTES OF PREVIOUS MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That the Closed Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 14 December 2020, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

16.0 CONFIDENTIAL REPORT R15 (2) - MATTERS RAISED BY COUNCILLORS

LEGISLATIVE REFERENCE:

LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015; REGULATION 29,30

16.1 CONFIDENTIAL REPORT R15 (2) – RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

Nil received.

16.2 CONFIDENTIAL REPORT R15 (2) – COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

16.3 CONFIDENTIAL REPORT R15 (2) – COUNCILLOR QUESTIONS WITHOUT NOTICE

Nil Received.

17.0 CONFIDENTIAL REPORT R15 (2) - NOTICES OF MOTION

Nil received.

18.0 CONFIDENTIAL REPORT R15 (H) – LEAVE OF ABSENCE REQUEST - COUNCILLORS


Nil received.

19.0 CONFIDENTIAL REPORTS R15 (2) - REPORTS OF OFFICERS AND COMMITTEES

19.1 CONFIDENTIAL REPORT R15 (2)(F) - DISPOSAL OF LAND - 0 BALLAD AVENUE WYNYARD PID 1875765

CONFIDENTIAL REPORT R15(F)

This report is confidential in accordance with Local Government (Meeting Procedures) Regulations 2005; Regulation 15 (f) as it deals with proposals for the council to acquire land or an interest in the land or for the disposal of land.

To: Council
Reporting Officer: Project Support Officer
Responsible Manager: Director Organisational Performance
Report Date: 16 November 2020
File Reference: 1875765
Enclosures: 1. Premium Property Report 

PURPOSE

This report has been prepared to assist Council in considering the commencement of a public land disposal process for 0 Ballad Avenue.

BACKGROUND

Council recently reviewed land owned within the municipal area and provided in principle support to dispose of this parcel of land which is considered surplus to the Councils needs and currently providing little community benefit.

DETAILS

The land at 0 Ballad Avenue Wynyard (PID 1875765) is listed on the Public Land Register and zoned General Residential. It is an area of 3.0194ha with an adjusted cv of \$360,000 as at 2016.



Council will be required to make a formal decision on the sale following feedback received through the public land disposal process.

The Crown licence area along the river frontage would remain unaffected, still allowing public access to the walking track.

Site observations:

Site characteristics influencing value of land irrespective of subdivision layout:

- High amenity, potentially prestigious setting
- North facing site
- Close to river
- Walkable distance to town centre, health, education facilities, airport.
- Close to the school
- Close to 'lifestyle' opportunities of beach and riverside walk

Other observations that may impact value and require consideration in Layout:

- Filtered views to the river
- Mature and attractive surrounding landscape
- Flat site
- Adjoining area not associated with high house values.
- Problematic access from a prestige and legibility perspective
- Sensitive interfaces with adjoining school
- Sensitive boundary to existing dwellings
- Narrow existing access road (Ballad)
- Large proportion of the site shaded in winter
- Open space
- Possible bushfire risk considerations

The Draft Liveability Settlement Strategy includes recommendations that seek to empower and encourage community members including developers to participate in creating more liveable settlements. Reference is made to the Draft Strategy for each of the concepts.

Four priorities for good design are identified in the Liveable Waratah Wynyard Design Guidelines being: -

- Being a good neighbour to surrounding properties by avoiding or minimising conflicts between land uses and contributes to the surrounding public space.
- Protect and enhance the valued aesthetic character of the WWC towns and villages.
- Helps achieve greater sustainability by reconciling amenity, utility and ecological responsibility and making living sustainably as easy as possible.
- Minimises vulnerability to risks such as bushfire, flooding, land instability.

The Strategy tells us that there are enough vacant and underdeveloped lots within existing zonings to accommodate the number of lots needed to house everyone. However, the distribution of these lots does not map over the hotspots of demand and within those places where demand is relatively strong (an attachment to large backyards and rural areas that comes with low density living).

It is therefore recommended that the objective for the site be to:

- Retain sites landscape values.
- Minimise disruption or loss of amenity to nearby residents and school.
- Capitalise on the demand identified in the 'supply and demand study undertaken for the Settlement Strategy. The strategy identified that larger, high amenity lots would attract a premium.

Draft Concept Plans

Council must consider the outcome of the public land disposal process prior to deciding to sell and/or develop the land. Draft concept plans are provided to Council to demonstrate the development potential of the land.

The final recommended design will consider development costs, the settlement strategy recommendations, feedback from local real estate agent/s, relevant Council officers, and any feedback received throughout the public consultation process.

A local real estate agent has provided some preliminary advice following a site visit earlier this month. The market value of the land without development is approximately \$600,000. If Council develops the site it can expect to receive between \$100,000 and \$200,000 per lot depending on lot size with potential sale value of up to \$3.5m.

A business case will be presented to Council at the conclusion of the public land disposal process along with costing estimates and proposed design which will be developed by an external consultant specialising in residential subdivisions. The business case will inform Council on the risks and rewards associated with developing the property as the property owner compared with selling to a developer.

Option 1 – Prioritising Ease of Development

This concept prioritises lot yield and ease of development. The concept provides for a 33-lot development. Lot sizes in this scenario would vary between 700m² and 1449m².

The entrance proposed in this concept is from Ballard Avenue however access could also be considered from Gibbon Street.

Stage 2 (8 lots) would be subject to acquisition of the road reservation and adherence of lots to existing residential land (subject to planning assessment and approval).



Option 2 – Maximising Contribution of Landscape Amenity

The concept provides for a 19-lot development with larger lot sizes starting at 1,100m². The entrance proposed in this concept is from Gibbons Street to the East of the school.



STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993* Sections 178, 178A and 178B outlines the process for the sale of Public Land as follows:

178. Sale, exchange and disposal of public land

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to—
 - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
 - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
 - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#), the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#).
- (6) The council must—
 - (a) consider any objection lodged; and
 - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of—
 - (i) that decision; and
 - (ii) the right to appeal against that decision under [section 178A](#).
- (7) The council must not decide to take any action under this section if—
 - (a) any objection lodged under this section is being considered; or

- (b) an appeal made under [section 178A](#) has not yet been determined; or
- (c) the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#) .

(8)

178A. Appeal

- (1) Any person who lodged an objection under [section 178](#) may appeal to the Appeal Tribunal against the decision of a council under [section 178\(6\)](#) within 14 days after receipt of notice of that decision under [section 178\(6\)\(b\)](#) .
- (2) An appeal must be made in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#) .
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –
 - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or
 - (b) there is no similar facility available to the users of that facility.
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the [Resource Management and Planning Appeal Tribunal Act 1993](#) .
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and [section 25 of the Resource Management and Planning Appeal Tribunal Act 1993](#) does not apply.

178B. Determination of appeal

- In hearing an appeal against a decision of a council, the Appeal Tribunal may –
- (a) confirm that decision; or
 - (b) set aside that decision; or
 - (c) set aside that decision and –
 - (i) substitute another decision; or
 - (ii) remit the matter to the council for reconsideration.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.6 Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Place making and liveability	Liveable places for all ages – Liveable attractive townships, relaxed lifestyles and community pride attract people to Murchison. Communities have history and character that drive their place-making strategies. Sport and recreation is widely supported especially by young people. Multi-purpose recreational and cultural facilities are well utilised.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There

Community Future Direction Theme	Key Challenges & Opportunities:
	is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial management Strategy 2020-2030	Adopted March 2020

POLICY IMPLICATIONS

Asset Management Policy

Council’s Asset Management Policy states that Council is to:

“ensure that our infrastructure services are provided in an economically optimal way, with the appropriate levels of service to residents, visitors and the environment determined by reference to our financial sustainability”.

Council is often required to make decisions in the best interests of the community in the appropriate allocation of resources. Council’s Financial Management Strategy includes the following principles which are applicable to this decision.

“Principle 1: The community’s finances will be managed responsible to enhance the wellbeing of residents.

Council will ensure it only raises the revenue it needs and will do 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 4: Resources will be allocated to those activities that generate community benefit.

Council will ensure robust and transparent processes are in place for the allocation and prioritisation of resources through budgetary decision-making, as well as choosing the most effective methods for delivering specific services and projects. Strategies will include a vigorous cost-benefit analysis in preparing and assessing proposals. Council recognises its service obligations to the Waratah Wynyard community in its decision-making.”

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report. The recommendation is to proceed with the public land disposal process only.

FINANCIAL IMPLICATIONS

The are no substantial financial implications of this report. There are no direct operational costs of ownership for this land as any operational cost are minimal and not directly allocated. Land tax is not payable in respect of public recreation grounds and reserves held by a State Government body, *Division 2 – Exempt Land Section 17 Land Tax Act 2000*.

Holding land that is surplus to Council’s needs does incur direct operational costs and costs in terms of lost opportunity.

The equity in land could be converted to a funding source for other new projects that hold a community benefit.

The land can also provide benefit to the community through private ownership with the potential for rates and charges income.

RISK IMPLICATIONS

The following risks have been identified relating to this matter.

- *Reputational Risk*
Council may be seen as lacking direction and demonstrating indecisiveness on this matter, along with allowing the unsafe aspects.
- *Financial Sustainability*
There is a financial risk to ensure that Council services are provided in an economically optimal way.
- *Community and Organisational Safety*
The condition of the play equipment will worsen each year along with the ongoing maintenance of park area.

CONSULTATION PROCESS

A consultation process will be included in the sale of public land under *S178 4 (a)*.

CONCLUSION

MOVED BY	CR BRAMICH
SECONDED BY	CR HYLAND

That Council:

- 1. Commence the public land disposal process advertising intention to sell 0 Ballad Avenue, Wynyard (PID 1875765) in accordance with the *Local Government Act 1993*;**
- 2. Report the outcome of the public land disposal process to Council following the 21-day objection period; and**
- 3. Instruct officers to prepare a business case and provide a recommendation to Council for the development of the land.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

19.2 CONFIDENTIAL REPORT R15 (2)(A) - GENERAL MANAGER'S PERFORMANCE REVIEW

CONFIDENTIAL REPORT R15(A)

This report is confidential in accordance with Local Government (Meeting Procedures) Regulations 2005; Regulation 15 (a) as it deals with personnel matters, including complaints against an employee of the council and industrial relations matters (General Managers Performance Review).

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	11 December 2020
File Reference:	0301
Enclosures:	Nil

PURPOSE

To acknowledge completion of the annual performance review of the General Manager and review the salary in accordance with the requirements of the employment contract.

BACKGROUND

A 360-degree performance review process has been conducted with all councillors and direct reports, with all having the opportunity to comment.

A workshop was held with Councillors on 8 December 2020 to review the combined results of the assessment and agree details of feedback to be provided to the General Manager by the Mayor and Deputy Mayor.

A meeting of the Mayor, Deputy Mayor and General Manager was undertaken on 15 December 2020.

DETAILS

All information relating to the performance review has been provided previously under separate cover and discussed at relevant workshops. The collated report and associated discussion points have been conveyed to the General Manager by the Mayor and Deputy Mayor.

The process in 2020 was overseen by John Irwin, from Chandler Woods, as Council determined it would be good practice to have external oversight of the process at least on one occasion throughout the five-year contract period. Following the seamless process followed this year, consideration may be given to undertaken a similar process next year.

The consultants final report outlined focus areas for 2021 and progress against these items will form part of the 2021 appraisal.

Section 9.3 of the Employment Contract states -

Remuneration Review

(a) The Remuneration Package will be reviewed following a Performance Review as set out in clause 8 (Performance Review).

(b) Subject to the satisfactory performance and discharge of duties, Council may consider a review of remuneration, and at its discretion consider variation of the same.

(c) As a result of the review, Council:

(i) is not obliged to increase the Remuneration Package;

- (ii) may increase the remuneration in its discretion and there is no expectation of, or*
- entitlement to, an automatic increase in the Remuneration Package; and*
- (iii) must not reduce the Remuneration Package.*
- (d) Any subsequent determination regarding remuneration shall be made within three (3) months of the performance review and be applied as at the Employment Start Date.*

The employment contract contains an automatic adjustment to the annual base salary, in line with CPI (based on Hobart, Tasmania – most recent quarter). This CPI figure is 2.4%.

The General Manager has expressed that in light of the current economic climate, the financial position of the organisation and the contract adjustments of previous years, he wishes to forgo any adjustment to salary and conditions as a result of this review, including the automatic CPI adjustment. Normal remuneration review will take place as part of the appraisal process in 2021.

STATUTORY IMPLICATIONS

Statutory Requirements

Requirements are stipulated in the employment contract.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL
Desired Outcomes
We are a knowledgeable organisation—we demonstrate best practices in our business processes.
Our Priorities
1.7 Develop leadership that inspires and motivates, and which maintains a strong community and workplace culture.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
Business & Industry	Specialised diversity of the economy – Value adding, diversification, innovation and employment. A resilient economy with global brand recognition and growing exports.
Strong communities and social capital	Enduring community capital – Growing, proud, self-reliant communities that are inclusive and engaged with volunteers and shared facilities.
Access and infrastructure	Local, regional and global transport and infrastructure access – Safe and efficient access alternatives, growing freight capacity, renewable energy, water management and contemporary communications. Community infrastructure that supports economic development.
Natural resource management	Managing abundant, natural and productive resources – Natural resource management is valued, and development is environmentally sustainable. The environment is clean and healthy with unspoilt beauty and biodiversity.
Governance and working together	Working together for Murchison – Everyone plays a part in achieving the objectives of the Sustainable Murchison Community Plan. There is cooperation, resource sharing and less duplication between Councils. Leadership is provided across all community sectors.

POLICY IMPLICATIONS

There are no policy implications as a result of this report.

ENVIRONMENTAL IMPLICATIONS

There are no environmental implications as a result of this report.

FINANCIAL IMPLICATIONS

Financial implications will be determinant on the decision made by Council. Any adjustments to remuneration will be budgeted accordingly.

The use of the external consultant for the review cost \$1,800.

RISK IMPLICATIONS

There are no risk implications as a result of this report.

CONSULTATION PROCESS

No external consultation has been undertaken as a result of this report. All discussions have been undertaken internally as required.

MOVED BY	CR DUNIAM
SECONDED BY	CR HYLAND

That Council:

- 1. Note the General Manager's Performance Review has been completed in accordance with 8.1 of the Employment Contract with documentation previously circulated and discussed at Councillor Workshops; and**
- 2. Note that in accordance with a request from the General Manager, no change to salary or conditions will take effect as a result of the remuneration review as part of the December 2020 appraisal.**

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

19.3 CONFIDENTIAL REPORT R15 (2)(G) - CLOSED SENIOR MANAGEMENT REPORT

CONFIDENTIAL REPORT R15(G)

This report is confidential in accordance with Local Government (Meeting Procedures) Regulations 2005; Regulation 15 (g) as it deals with information of a personal nature or information provided to the council on the condition it is kept confidential.

To: Council
Reporting Officer: Executive Officer
Responsible Manager: General Manager
Report Date: 4 January 2021
File Reference: 0213
Enclosures: Nil

SUMMARY/PURPOSE

To provide information on issues of significance or interest, together with statistical information and summaries of specific areas of operations.

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That Council note the monthly Senior Management Report.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

20.0 PUBLIC RELEASE AUTHORISATION

Legislative Reference:

Local Government (Meeting Procedures) Regulations 2105; Regulation 15(8 & (9))

RECOMMENDATION

That Council, pursuant to Regulation 15(9) of the *Local Government (Meeting Procedures) Regulations 2015* and having considered privacy and confidential issues, authorises the release to the public of the following discussions, decisions, reports or documents relating to this closed meeting:

Min. No.	Subject	Decisions/Documents
Nil		

21.0 RESUMPTION OF OPEN MEETING

MOVED BY	CR DUNIAM
SECONDED BY	CR COURTNEY

That the Council re-open the meeting to the public, the time being 7.35pm.

The MOTION was put and was CARRIED unanimously.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND

Confirmed,

MAYOR

15 FEBRUARY 2021