



**MINUTES**

**ANNUAL GENERAL MEETING**

**2 NOVEMBER 2021**

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**MINUTES OF THE ANNUAL GENERAL MEETING OF THE WARATAH-WYNYARD COUNCIL HELD IN THE COUNCIL CHAMBERS 21 SAUNDERS STREET, WYNYARD ON TUESDAY 2 NOVEMBER 2021 COMMENCING AT 5.34PM**

**DIGITAL RECORDING OF COUNCIL MEETINGS**

The Public is advised that it is Council policy to record and live stream 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 recording is authorised by the *Local Government (Meeting Procedures) Regulations 2015*

**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 PRESENT:**

**PRESENT**

Mayor Robby Walsh  
Councillor Maureen Bradley  
Councillor Gary Bramich  
Councillor Celisa Edwards  
Councillor Andrea Courtney  
Councillor Mary Duniam  
Councillor Darren Fairbrother (5:37pm)  
Councillor Kevin Hyland

**IN ATTENDANCE**

Shane Crawford - General Manager  
Daniel Summers - Director Infrastructure and Development Services  
Tracey Bradley - Director Community and Engagement  
Samantha Searle - Director Organisational Performance

***Recorded In Attendance – 27 attendees***

Gordon Brookes	Nicholas Higgins	Ann Crawford
Chris Philip	Chris Marmion	Mick Groom
Tricio Marmion	Anne King	Andy Jackman
Leanne Raw	Alan Fudge	Roger Bradley
Nathalie Peslier	Adrian Peters	Matt Jackman
David Raw	Rob Taylor	Maryl Cropper
Cyndia Hilliger	Justin McErlain	Trent Wells
Codie Hutchison	Darryl Guest	Robin Krabbe
Rachael Butcher	Lenka Pittendrich	Anita Dow

## 2.0 APOLOGIES

Nil

## 3.0 WELCOME

The Mayor welcomed Councillors, staff and members of the gallery.

The Mayor acknowledged the attendance of Deputy Leader of the Labor Party, Shadow Minister for Local Government, Anita Dow.

## 4.0 ANNUAL GENERAL MEETING – STATUTORY REQUIREMENTS

The General Manager advised the meeting of the statutory provisions relating to the holding of an Annual General Meeting.

*Section 72B. of the Local Government Act 1993 (as amended) provides that in relation to an Annual General Meeting*

- (1) A council must hold an Annual General Meeting on a date that –
  - (a) is not later than 15 December in each year; and
  - (b) is not before 14 days after the date of the first publication of a notice under subsection (2).
- (2) A council must publish a notice on at least 2 separate occasions in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.
- (3) If a quorum of the council is not present–
  - (a) the Annual General Meeting is to be reconvened and held within 14 days; and
  - (b) a notice is to be published in a daily newspaper circulating in the municipal area or other prescribed newspaper specifying the date, time and place of the Annual General Meeting.
- (4) Only electors in the municipal area are entitled to vote at an Annual General Meeting.
- (5) A motion at an Annual General Meeting is passed by a majority of votes taken by a show of hands or by any other means of ascertaining the vote the council determines.
- (6) A motion passed at an Annual General Meeting is to be considered at the next meeting of the council.
- (7) The general manager is to keep minutes of the Annual General Meeting.

## 5.0 CONFIRMATION OF PREVIOUS MINUTES

MOVED BY	CR DUNIAM
SECONDED BY	CR BRAMICH

**That the Minutes of the Annual General Meeting of Waratah-Wynyard Council held at the Council Chambers Saunders Street, Wynyard, on Tuesday 3 November 2020, and previously circulated, be confirmed as a true record.**

The MOTION was put and was CARRIED.

IN FAVOUR

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

## **6.0 ANNUAL REPORT – PUBLIC SUBMISSIONS**

There were no public submissions received at the time of the agenda compilation.

## **7.0 ANNUAL REPORT 2020/21**

To:	Council
Reporting Officer:	General Manager
Responsible Manager:	General Manager
Report Date:	26 October 2020
File Reference:	
Enclosures:	2020/21 Annual Report

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### **PURPOSE**

To provide a review of Councils performance during the 2020/21 Financial Year.

### **BACKGROUND**

Council is required to prepare an Annual Report detailing its achievements in respect of goals and objectives for the financial year.

### **DETAILS**

The Annual Report provides highlights of the Council's achievements throughout the year together with a performance report on activities listed in the 2020/21 Annual Plan.

As required, the Annual Financial Report for the year ended 30 June 2021, together with the Independent Audit Report are included within the Annual Report.

In accordance with Section 72(2)(d) and (3) of the *Local Government Act*, Council placed advertisements in the Advocate Newspaper on 16 October 2021 and 23 October 2021 notifying the public of the Annual General Meeting on Tuesday 2 November 2021 and invited submissions from the community on the Annual Report.

### **STATUTORY IMPLICATIONS**

The Annual Report of the Council for 2020/21 has been prepared pursuant to section 72 of the *Local Government Act 1993*

## STRATEGIC IMPLICATIONS

### Strategic Plan Reference

<b>GOAL 1: Leadership and Governance</b>	
<b>Desired Outcomes</b>	
We make publicly transparent decisions on spending and future directions while encouraging community feedback.	
We maintain and manage our assets sustainably.	
We encourage broad community input to create a focussed and strong sense of belonging.	
We cherish fairness, trust and honesty in our conduct and dealings with all.	
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.	
We are recognised for proactive and engaged leadership.	
<b>Our Priorities</b>	
1.4	Facilitate the meeting of community needs through strong advocacy and local and regional collaboration for shared outcomes.
1.6	Maintain accountability by ensuring council decisions are evidence based and meet all legislative obligations.
1.8	Review and adjust service levels to provide value for money.

## POLICY IMPLICATIONS

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

## FINANCIAL IMPLICATIONS

Financial statements are included within the annual report.

## RISK IMPLICATIONS

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

## CONSULTATION PROCESS

The Annual report was reviewed by Executive Management staff, Councillors and the Tasmanian Audit Office.

## COMMENT

It is recommended that the Annual Report be noted as presented.

MOVED BY	CR DUNIAM
SECONDED BY	CR FAIRBROTHER

**That Council note the 2020/21 Waratah-Wynyard Council Annual Report.**

The MOTION was put and was CARRIED.

## IN FAVOUR

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

**8.1 MR C HUTCHISON – OLDINA RESERVE**

**BACKGROUND INFORMATION**

The Oldina Forest Reserve and Picnic Area is located adjacent Blackfish Creek, accessible by vehicle from Nursery Road (currently barricaded at the Oldina Road Junction), Beswicks Road (currently barricaded at the Blackfish Creek vehicle bridge), and Blackfish Road (barricaded at 700m from the Nursery Road Junction at the Reserve centre point).

The existing Oldina Forest Reserve and Picnic area is no longer managed and maintained to acceptable community standards by Sustainable Timber Tasmania. This has been well known to various sectors of the community for a number of years, and is evidenced by repeated site visits. However, there still remains significant interest within the community for a responsible party to provide adequate public amenities to accommodate a range of users to access this public recreation area. Access could be in a manner similar to the past, or in new ways as identified and agreed to by Waratah-Wynyard residents following extensive community consultation.

Many stakeholders, including community members, community organisations, Waratah-Wynyard Council, local representatives, and Sustainable Timber Tasmania have yet to discover and proceed towards a cost effective and secure solution to redevelop public amenities on this site and maintain it to acceptable safety standards.

It is time that the Waratah-Wynyard Council Councillors and Senior Management Team lead the way with co-creating a solution that involves community members at every step in the decision making process.

The first step, as the motion indicates, is for Council to host a community meeting that is open to the public. The purpose of this meeting will be to hear community concerns and listen to community solutions for regenerating and redeveloping the Oldina Forest Reserve, so that Council staff can investigate potential providers of these solutions and associated costs. These options can then be reported back to the community.

From the initial community meeting at a community facility such as the Railway Hall, Frederick Street Reserve, or Wynyard High School, Council could then establish a working group to plan future forums and planning discussions that has a minimum of 1 councillor and 1 council staff member to attend these working group run forums.

The end goal of this process will be to create a multi-staged action plan for the Oldina Reserve and Picnic Area for the future benefit of Waratah-Wynyard residents and visitors to the region.

**OFFICERS COMMENT**

The Oldina Reserve remains in the ownership and management of Sustainable Timbers Tasmania and ideas regarding the future of the site need to be directed through them. Council cannot plan for future use of a site without the permission or involvement of the land owner. Sustainable Timbers should host the forum should it proceed.

Council agrees that the Oldina Reserve has significant potential and progression of a plan for future use of the site is a worthy concept. For that reason, Council officers have been meeting with Sustainable Timbers Tasmania to progress a concept plan. Work to date has involved condition assessments of the site and determination of infrastructure and maintenance required for the site to be safe for use.

Sustainable Timbers and Council should be in a position to release details of their discussions prior to the end of the calendar year. This information should satisfy the action suggested by Mr Hutchison.

Should this not occur for any reason, facilitation of a meeting as suggested by Mr Hutchison would be a viable alternate option to progress plans for the site, pending approval and involvement of the land owners.

MOVED BY	MR C HUTCHISON
SECONDED BY	CR D FAIRBROTHER

**That Council plan, promote and host a public community meeting prior to 17 December 2021 regarding a collaborative community-council partnership to develop a multi-staged action plan for the Oldina Forest Reserve and Picnic Area.**

#### AMENDED MOTION

MOVED BY	CR C EDWARDS
SECONDED BY	CR M DUNIAM

**That Council plan, promote and host a public community meeting prior to 17 December 2021 regarding a collaborative community-council partnership to develop a multi-staged action plan for the Oldina Forest Reserve and Picnic Area with the full support of Sustainable Timber Tasmania, providing a concept plan has not been released by Sustainable Timber Tasmania by that date.**

The AMENDED MOTION was put and was CARRIED.

#### IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND
ELECTORS 17			

#### AGAINST

ELECTORS 8
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The AMENDED MOTION became the MOTION.

The MOTION was put and was CARRIED.

#### IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND
ELECTORS 23			

## 8.2 MRS L RAW – DOG MANAGEMENT POLICY REVIEW – PROPOSED WORKING GROUP

### BACKGROUND INFORMATION

The Waratah-Wynyard Council decided to ban dogs on the East Wynyard/Seabrook Beach (Map B & C) after a consultation process that MUCA DR missed.

When MUCA DR realised the beach was to be closed to dogs the group of concerned dog walkers negotiated with Parks and Wildlife, as suggested by the Waratah-Wynyard Council, to keep walking dogs on the East Wynyard/Seabrook Beach.

The Waratah-Wynyard Council decided not to honour this agreement, even though it was suggested by the Council that Parks and Wildlife were responsible for the area and are the ones to negotiate beach usage.

MUCA DR feels as users of this beach for decades, that they need to be involved in the Dog Management Policy review.

### OFFICERS COMMENT

The proposed motion of forming a working group to review the Dog Management Policy and associated Declared Dog Areas is supported by officers. Previous commitment has been provided that the policy and association declared dog areas would be reviewed in early 2022.

Consultation and feedback provided during discussions at the meetings of the group will formulate what, if any, changes are made to the existing documentation and presented for community consultation.

Council endorsed its Dog Management Policy and Declared Dog Areas at its meeting on 9 December 2019. This followed a consultation period in which Council received 87 submissions over the 15 business-day period, as well as a petition signed by almost 900 people. A new draft policy is likely to attract similar interest.

MOVED BY	MRS L RAW
SECONDED BY	MR C MARMION

### That Waratah-Wynyard Council:

- a) form a working group (to include MUCA DR representatives) to review the Dog Management Policy for May 2022 approval;
- b) ensure the first meeting of the group to be no later than January 2022; and
- c) have a major goal of the working group to explore shared usage of the East Wynyard Beach, as a peripheral edge to the Penguin Colony and a reinstated 'dogs off leash' walking area.

The MOTION was put and was CARRIED.

### IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND
ELECTORS 25			



### 8.3 MRS L. RAW – DOG MANAGEMENT POLICY REVIEW – EAST WYNYARD BEACH

#### BACKGROUND INFORMATION

Dog walking by responsible dog owners on the East Wynyard/Seabrook Beach between points B and C on the map does not interfere with the penguin colony that exists in the dog restricted area shown on the map in red.

- Responsible dog owners have been walking their dogs off leash on the East Wynyard/Seabrook Beach for many decades.
- A penguin colony has been protected with a no dogs allowed area for some years as part of the Doctors Rocks Conservation Area. (Map C & D)
- Over time there have been some attacks on the penguin colony, at night, by rogue dogs. (Map) The attacks have occurred at least 700 metres away from the edge of the dogs off leash area and the attacks are not by the dogs of responsible dog owners who do not let their dogs out at night.
- Despite the attacks the penguin colony is currently thriving, and the penguins are moving west. Parks and Wildlife have counted between 25 to 30 penguin burrows on the East Wynyard/Seabrook Beach between gates 1 and 3.
- Responsible dog owners have no cross over with the penguins on the East Wynyard/Seabrook Beach between gates 1 and 3 as the penguins leave their burrows at dawn and return after dusk. Responsible dog owners walk their dogs during daylight hours.
- There have been no dog attacks on penguins on the dogs off leash area on the East Wynyard/Seabrook Beach.

#### OFFICERS COMMENT

Council cannot enact the proposed motion without following relevant legislative steps. Sections 23 and 24 of the *Dog Control Act 2000* state:

**23. Restricted areas**

- (1) A council may declare an area to be an area where dogs, other than guide dogs or hearing dogs, are restricted from entering:
- (a) during specified hours, days or seasons; or
  - (b) during specified hours, days or seasons unless they are on a lead; or
  - (c) at all times.
- (2) A person must not take a dog that is not a guide dog or a hearing dog into a restricted area otherwise than in accordance with the declaration.

**24. Public notice of intention to declare areas**

Before a council resolves to make a declaration under this Division in relation to an area, it is to:

- (a) notify, by public notice, the details of:
- (i) the area; and
  - (ii) any condition relating to the use of that area; and
  - (iii) in the case of a restricted area or prohibited area, the reasons for the declaration;
- and
- (b) invite submissions to be lodged within 15 working days after the notice is published; and
  - (c) consider any submissions lodged.

It is preferred that changes to the declared areas be reviewed in line with the policy review and discussed with all stakeholders at a working group or similar such as proposed in the previous motion. Making this change in isolation of the review of the broader document will duplicate administrative effort and potentially confuse community engagement. Should the Motion at 8.2 be accepted, it is suggested that group discuss any progress the change suggested in this motion, rather than have a separate process.

MOVED BY	MRS L RAW
SECONDED BY	MR C MARMION

**That as a part of the review of the Dog Management Policy, Council consider reinstating that dogs can be walked off leash between 7:00am and 6:00pm on the East Wynyard/Seabrook Beach. (Map A and C).**

The MOTION was put and was CARRIED.

IN FAVOUR

MAYOR WALSH	CR BRADLEY	CR BRAMICH	CR COURTNEY
CR DUNIAM	CR EDWARDS	CR FAIRBROTHER	CR HYLAND
ELECTORS 25			

## 9.0 PUBLIC QUESTIONS WITHOUT NOTICE

### 9.1 MR R TAYLOR - ENVIRONMENT

Mr Taylor queried if free use of the Wynyard Transfer Station would continue.

The General Manager advised that at this point in time it is set each year as part of the adoption of the annual fees and charges. Council has not made a long term decision beyond the financial year by year basis.

Cr D Fairbrother asked that Mr Taylor be advised that State Government are introducing a waste levy and that Council are trying to apportion full cost attribution to the services that we have. Waste is a cost to Council so more money is required to pay for the services.

Anita Dow MP advised that the Waste Levy Legislation is about to come before the Tasmanian Parliament.

## 10.0 PUBLIC STATEMENTS WITHOUT NOTICE

Nil

## 11.0 CLOSURE

There being no further business the Annual General Meeting closed at 6:58pm.

Confirmed,

MAYOR

\_\_\_\_\_Date