WARATAH WYNYARD COUNCIL

ORDINARY MEETING OF COUNCIL

AGENDA OPEN MEETING

11 April 2022

6 April 2022

Notice of Meeting – Ordinary Meeting of Council

In accordance with the *Local Government (Meeting Procedures) Regulations 2015* NOTICE is hereby given that the next Ordinary Meeting of the Waratah-Wynyard Council will be held at the Council Chambers, 21 Saunders Street, Wynyard on Monday 11 April 2022 with the Business of the meeting to be in accordance with the following agenda paper.

General Manager's Certification

PURSUANT to Section 65 of the *Local Government Act 1993* I hereby certify, with respect to the advice, information and/or recommendation provided for the guidance of Council in this Agenda, that:

1. Such advice, information and/or recommendation has been given by a person who has the qualifications or experience necessary to give such advice; and

2. Where any advice is given by a person who does not have the required qualifications or experience, that person has obtained and taken into account the advice from an appropriately qualified or experienced person.



Shane Crawford
GENERAL MANAGER

Enquiries: Mayor Walsh
Phone: (03) 6443 8311
Our Ref: 004.01

6 April 2022

Mr Shane Crawford
General Manager
Waratah-Wynyard Council
PO Box 168
WYNYARD TAS 7325

Dear Shane,

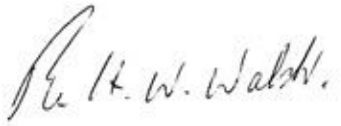
COUNCIL MEETING

In accordance with regulation 4 of the *Local Government (Meeting Regulations) 2015* which states:

4. Convening meetings of council
(1) The mayor of a council may convene council meetings.

I request that you make the necessary arrangements for the next ordinary meeting of Council to be convened on Monday 11 April 2022 commencing at 6:00pm at the Council Chambers, 21 Saunders Street, Wynyard.

Yours sincerely



Cr Robby Walsh
MAYOR

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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*

AGENDA OF AN ORDINARY MEETING OF THE WARATAH-WYNYARD COUNCIL TO BE HELD AT THE COUNCIL CHAMBERS, 21 SAUNDERS STREET, WYNYARD ON MONDAY 11 APRIL 2022, COMMENCING AT 6:00PM

	From	To	Time Occupied
Open Council			
Planning Authority			
Open Council			
Closed Council			
Open Council			
TOTAL TIME OCCUPIED			

DIGITAL 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 digitally recorded, in accordance with the Council Policy **GOV.017 – Digital Recording of Council Meetings** to "record meetings of Council to assist in the preparation of minutes and to allow live streaming of Council Meetings.

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

Legislative Reference:
Local Government (Meeting Procedures) Regulations 2005; Regulation 8(2)(a)
The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:
(a) attendance and apologies.

1.1 ATTENDANCE

1.2 APOLOGIES

1.3 LEAVE OF ABSENCE PREVIOUSLY APPROVED

Nil received.

2.0 CONFIRMATION OF MINUTES OF PREVIOUS MEETING

Legislative Reference:
Local Government (Meeting Procedures) Regulations 2015; Regulation 8(2)(b)
The agenda of an ordinary meeting of a council is to provide for, but is not limited to, the following items:
(b) Confirmation of the minutes.

2.1 CONFIRMATION OF MINUTES OF PREVIOUS ORDINARY COUNCIL MEETING

RECOMMENDATION
That the Minutes of the Ordinary Meeting of the Waratah-Wynyard Council held at Council Chambers, 21 Saunders Street, Wynyard on Monday 21 March 2022, a copy of which having previously been circulated to Councillors prior to the meeting, be confirmed as a true record.

Any corrections to the Minutes are to be identified and agreed at this point prior to taking a vote to adopt the minutes.

3.0 DECLARATIONS OF INTEREST

Legislative Reference:
Local Government (Meeting Procedures) Regulations 2015, Regulation 8(7)

(7) The chairperson is to request Councillors to indicate whether they have, or are likely to have, a pecuniary (or conflict of) interest in any item on the agenda.

Councillor and Agenda Item Number

Staff and Agenda Item Number

4.0 COUNCILLORS ANNOUNCEMENTS AND REPORT

4.1 ANNOUNCEMENTS BY MAYOR

Nil received.

4.2 MAYOR'S COMMUNICATIONS

RECOMMENDATION

That Council note the Mayors Communications

21/3/22	Advocate Interview – Wonders of Wynyard Award
21/3/22	Council Meeting
22/3/22	Audit Panel Meeting
22/3/22	Meeting with General Manager
23/3/22	Meeting with constituent
26/3/22	FM Radio Interview
28/3/22	Community Conversation – Wynyard
29/3/22	Radio Interview – Tasmania Talks
29/3/22	Local Government Review Forum
30/3/22	Meeting with Constituents
31/3/22	Meeting with General Manager
4/4/22	Councillor Workshop

4.3 REPORTS BY DELEGATES

Nil received.

4.4 NOTIFICATION OF COUNCIL WORKSHOPS

RECOMMENDATION

That the Council note the following Workshops

28 March	**Wynyard Community Conversation**
4 April	**Draft 22/23 Capital Budget Review** **Draft 22/23 Annual Plan Review** **Report of Auditor General** **Rates Adjustment Factor** **Local Heritage Register** **Local Government Review**

Councillor Attendance Records

Meetings attended during 2021/22 (up to 4/4/22)

	Ordinary Meetings 2021/22 (8)	Special Meetings / AGM 2021/22 (1)	Workshops 2021/22 (19)	Community Conversations 2021/22 (5)	Weeks Leave Approved
Mayor Robert Walsh	7	1	18	5	3
Deputy Mayor Mary Duniam	8	1	18	3	
Cr Maureen Bradley	8	1	16	3	
Cr Gary Bramich	8	1	19	5	
Cr Andrea Courtney	7	1	16	1	
Cr Celisa Edwards	8	1	19	5	
Cr Darren Fairbrother	7	1	17	3	
Cr Kevin Hyland	8	1	18	5	

5.0 PUBLIC QUESTIONS AND STATEMENTS

5.1 RESPONSE(S) TO PUBLIC QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

5.1.1 C HUTCHISON - INGLIS PONY CLUB

QUESTION

Mr Hutchison of Preolenna asked when the idea of relocating the Inglis Pony Club was first proposed to Council and/or Councillors.

The General Manager took the question on notice.

OFFICERS RESPONSE

The General Manager received an email from the Department of Premier and Cabinet on 17 September 2020 stating that the Inglis Pony Club were "keen to move/buy land as they would like to be able to host events in the future, and given the current site is a multiple site, there isn't a lot of capacity here to do so". The request also stated that "there are some safety issues at the current site, for example golf is being played then horses riding on the same surface (holes in grass, danger to horses etc)".

The General Manager first met the Inglis Pony Club and discussed the Oldina Reserve on 28 October 2020. Councillors were informed of the discussions at a workshop shortly thereafter.

It is understood the Inglis Pony Club have previously held discussions with Sustainable Timbers about use of the Oldina Reserve. As Council does not own the property, it is not privy to the details and nature of those discussions.

5.2 PUBLIC QUESTIONS RECEIVED IN WRITING

5.2.1 MR P O'BOYLE - FISH PENS IN THE NORTH WEST

QUESTION

Mr O'Boyle asked if the council received any documentation from the Tasmanian Government, or any fish farming organisation, regarding the growth opportunities as stated by them for the installation of fish pens in the North west coastal waters, specifically off Burnie, Wynyard, Sisters Beach, Boat harbour and Rocky Cape?

OFFICERS RESPONSE

Officers advise that no documentation has been received from the Tasmanian Government or fish farming organisations. Anti-fish farmers have sent a number of letters to Council.

The Department of Primary Industries Parks Water and Environment suggested if Council have any questions or are seeking information to use the DPIPWE website.

5.2.2 MR P O'BOYLE - FISH FARMING OF THE NORTH WEST COAST

QUESTION

Mr O'Boyle asked does the council have a position on any of the documentation that has been supplied to them i.e. Is the council supporting fish farming off the northwest coast of Tasmania be it in Commonwealth waters or inshore waters

OFFICERS RESPONSE

Council has not formed any opinion or position on the matter. In October 2021, Burnie City Council wrote to Waratah-Wynyard Council to determine whether Council would be interested in seeking a meeting with the Minister for Primary Industries and Water to discuss Fish Farming. An extract from Council's reply states:

"Council has not formed a formal position on fish farming, nor has it taken any steps to educate itself on all aspects of the matter. There are some doubts whether Council needs to proceed with any discussion on the subject at this time or defer until there is a genuine need for involvement; should that ever eventuate.

Taking this into account, Council is willing to participate in a joint meeting with neighbouring Councils with the Minister, but not with the specific intent to "discuss and detail expected environmental impact caused by fish farming on the NW Coast" as it cannot provide that qualified advice, but to continue to be fully informed and educated on the subject until such time there is a need to establish a formal position."

No further discussion has been undertaken by Councillors on the matter since this time.

5.3 PUBLIC QUESTIONS WITHOUT NOTICE

5.4 PUBLIC STATEMENTS RECEIVED IN WRITING

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Nil received.

5.5 PUBLIC STATEMENTS WITHOUT NOTICE

6.0 PLANNING AUTHORITY ITEMS

6.1 PUBLIC QUESTIONS WITHOUT NOTICE – RELATING TO PLANNING MATTERS

Nil received.

6.2 PUBLIC STATEMENTS - RELATING TO PLANNING MATTERS

Nil received.

6.3 PERMANENT CARAVAN AT 301 PAGES ROAD, MOORLEAH - DA 14/2022

To:	Council
Reporting Officer:	Graduate Town Planner
Responsible Officer:	Manager Development and Regulatory Services
Report Date:	29 March 2022
File Reference:	2155815
Supporting Documents:	1. Consolidated Application Documents
	2. Representation 1
	3. Representation 2
	4. Representation 3
	5. Signed Extension of Time

RECOMMENDATION

That Council, in accordance with Section 51 and Section 57 of the *Land Use Planning and Approvals Act 1993* and the *Waratah-Wynyard Interim Planning Scheme 2013*, approve a permanent caravan (required residential use) at 301 Pages Road, Moorleah, subject to the following conditions: -

CONDITIONS:

(1) The development is to be generally in accordance with the application as submitted and endorsed documents as listed:

a. **Proposal Plan with Drawing Number 8004/1 as prepared by T.J. Henderson for Red Seal Urban & Regional Planning and dated 28 January 2022.**

b. **Supporting Planning Statement for Residential Use at 301 Pages Road, Moorleah as prepared by T.J. Henderson for Red Seal Urban & Regional Planning and dated 28 January 2022.**

(2) Consent is for a proposed residential use (permanent caravan) integral and subservient to a horse stud on CT 138401/2 at 301 Pages Road, Moorleah substantially in accordance with endorsed proposal detail. Breeding of horses must commence within 12 months of the date of this permit being issued.

(3) Residential use of the existing shed on the site is limited to use of the sanitary facilities contained within. The shed is not to be used for overnight accommodation.

(4) In the course of undertaking the development/use there is to be no damage caused to any Council owned infrastructure or property.

(5) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.

(6) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to Council assets are to be met by the developer.

(7) Stormwater from the development is to be contained within the boundaries of the property.

(8) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

Notes: -
The following is provided for information only and does not constitute condition(s) of permit.

- An "Activity in Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.
- This project must be substantially commenced within two years of the issue of this permit.
- The applicant is advised to consult with a building surveyor to ensure the development is constructed in accordance with *Building Act 2016*.
- This permit is based on information and particulars set out in Development Application DA 14/2022. Any variation requires an application for further planning approval of Council.
- This development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994.*
- Attention is drawn to existing or proposed electricity infrastructure, please be sure to contact TasNetworks on 1300 137 008 to ensure these works do not impede on existing electricity easements and are at a safe distance from powerlines. Failure to do so could result in the relocation of electricity assets at your cost.
- Under Section 61 (4) of the *Land Use Planning and Approvals Act 1993*, the applicant has the right to lodge an appeal against Council's decision. Notice of appeal should be lodged on the prescribed form together with the required fee within fourteen days after the date on which notice of the decision was served on that person, to the Resource Management and Planning Appeal Tribunal, G.P.O. Box 2036, Hobart, 7001. Updated Notices of Appeal are available on the Tribunal's website at www.rmpat.tas.gov.au.

PURPOSE

The purpose of this report is for Council to consider the merits of the application DA 14/2022 against the requirements of the *Waratah-Wynyard Interim Planning Scheme 2013* (Planning Scheme).

BACKGROUND

The subject site is located at 301 Pages Road, Moorleah (CT 138401/2) and has an area of 4.467ha. It is accessed via an existing crossover onto Pages Road. The site contains a horse breeding operation and associated riding school known as 'Williams Run Riding School of Excellence and Stud,' approved under DA 100/2020. It is currently improved with a driveway, shed with sanitary facilities, an unroofed 60m x 20m dressage arena, fenced paddocks, associated water tanks with gravity fed animal water troughs, a small orchard/garden and stables with tack room (under construction).

The property also contains a caravan currently being used for habitable purposes beyond the scope which would be exempt from requiring a permit under the Planning Scheme. The caravan and use of existing sanitary facilities in the approved shed form the basis of the application for residential use currently before Council.

The site and surrounding lots are located within the Rural Resource zone. The adjoining lot to the south contains a dwelling, associated domestic outbuildings and gardens. Land to the east across the Inglis River and to the north across Pages Road is used for grazing purposes. The property to the west across Snares Road contains a dwelling and associated domestic outbuildings.

A locality plan identifying the subject property is provided in Figure 1 below. It is noted that the aerial imagery is not current and does not capture all improvements listed above.

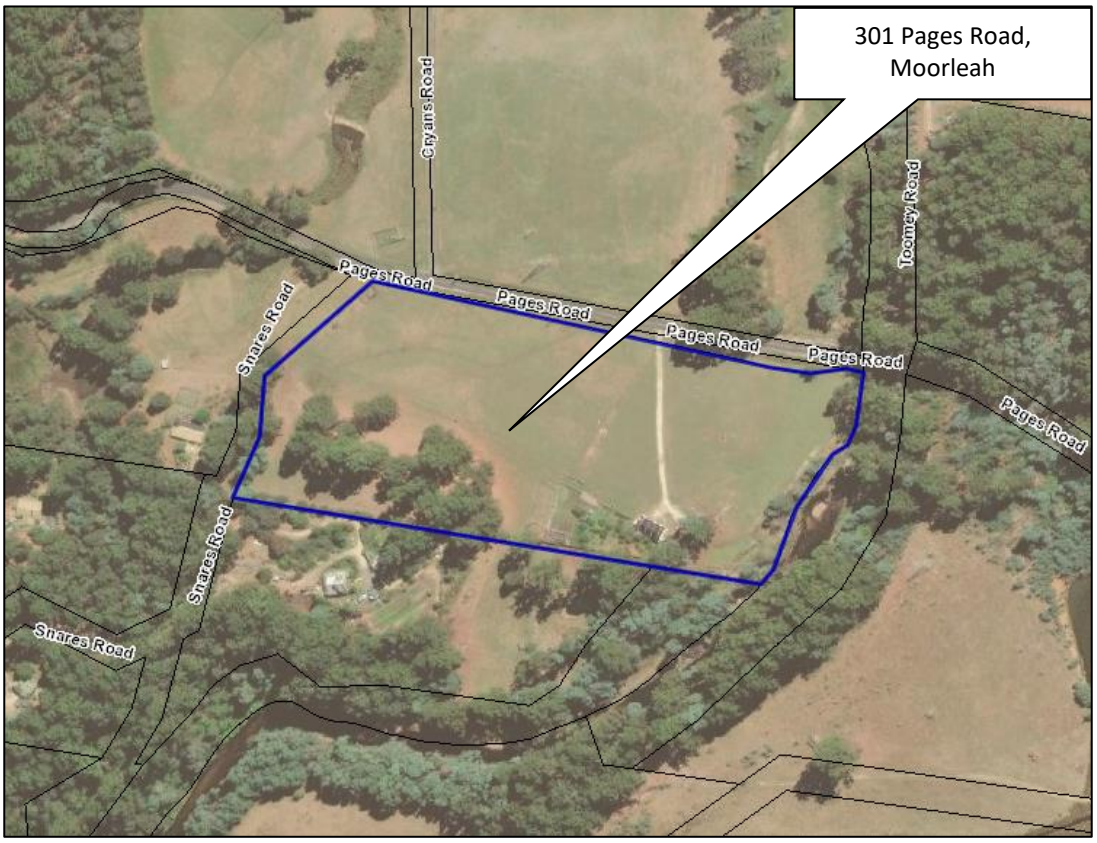


Figure 1: Subject Site with Zoning

DETAILS

The applicant is seeking approval for use and development on land described as 301 Pages Road, Moorleah (CT 138401/2). The proposal is for a residential use intended to support the existing horse breeding operation and associated riding school operating on the site.

The proposed residential use consists of a caravan and use of sanitary facilities in the existing shed on the site. The remainder of the shed is to be retained for its current purposes, which is a farm shed/rural storage. The approximately 15m^2 caravan has capacity for two persons and is located to the north of the existing shed and within the established gravelled area at the head of the driveway. It is setback approximately 25m from the southern boundary and at least 70m, 90m and 250m from the eastern, northern and western boundaries respectively.

Although the applicant states that the proposal is for residential use and that no new buildings/structures are proposed, the caravan currently in place on the site does not have approval for use as a residence. It is 'existing' in that it is already located on the site, but does not 'have existing use rights' and therefore requires planning approval. Consequently, consideration has still been given in the applicant's supporting documentation to the relevant development standards under the Planning Scheme.

This report assesses the proposal against the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) and takes into account any representations received during the public exhibition period.

The subject property is zoned Rural Resource under the Planning Scheme. The proposal is defined as being within the Residential use class, a discretionary use in the zone. The applicant is applying for discretion under the following clauses: -

- Required residential use (26.3.2 P1); and

- Location of development for sensitive uses (26.4.3 P1).

CONSULTATION PROCESS

The consultation process was the public exhibition period set out in the *Land Use Planning and Approvals Act 1993* (LUPAA) and involved notification of adjoining landowners, public notices on-site and advertising in a daily newspaper. The application was placed on public exhibition for a period of 14 days as required under LUPAA. The following documentation was advertised:

- Development Application Form x 3 Pages
- Title Documents x 8 Pages
- Consent to lodge x 1 Page
- Expert Witness Report x 21 Pages
- Planning Report x 33 Pages
- Proposal Plan x 1 Page

The period for representations closed on 29 March 2022. Three (3) representations were subsequently received. The representations and planning responses to the issues raised are provided below. While every effort has been made to include all issues raised, this summary should be read in conjunction with the representations which are included as an enclosure to this report.

Billett Legal

Issues raised:	Response:
At the outset, it is observed that the application is somewhat ambiguous. Approval is sought for a caravan to be used as a residence and use of an existing shed on the property as part of that residential use. The application appears to have been identified by the planning authority as requiring assessment under cl.26.3.1 P1 which regulates residential use and cl.26.4.3 which regulates development associated with a sensitive use. The application however identifies that it is only for residential use and makes the argument that placement of the caravan on the land is not development. This representation will respond to the application for use, however, also address cl.26.4.1 P1 relating to development. In so doing we note that the application falls to be assessed on its terms and as an application for use alone, it cannot be converted to an application for both use and development by any action of the planning authority or indeed any other party. For the sake of completeness, we observe that the applicant's contentions to the effect that the placement of the caravan on the land does not constitute development are rejected. Whether a caravan requires a building permit or	The proposed residential use consists of caravan and use of sanitary facilities in the existing shed on the site. This is outlined in the application. Although the applicant states that the proposal is for residential use and that no new buildings/structures are proposed, the caravan currently in place on the site does not have approval for use as a residence. It is 'existing' in that it is already located on the site but does not 'have existing use rights' and therefore requires planning approval. It is apparent from a full reading of the application that both the caravan and use of sanitary facilities in the existing shed require planning approval and that this is what the applicant is applying for. Whether or not the applicant thinks development standards should apply is irrelevant to the fact that they do in this instance. Regardless, compliance of the caravan with development standards has still been addressed by the supporting documentation submitted with the application. As per clauses 8.2 and 8.10.1, it is ultimately the role of Council acting as a planning authority - not the applicant - to appropriately categorise use or development and to determine an

not is immaterial to its classification as development under the LUPA Act. Reliance upon a caravan to establish (ignoring past illegal use) a permanent residential presence constitutes the placement of a building/structure on the land. Its permanency and functional use while on the property are what trigger its classification as development in the present planning context.	application for a permit, taking into consideration all applicable standards and requirements of the Planning Scheme.
The critical issues that my clients seek to raise with the Council are 2-fold. Firstly, we contend that the proposed residential use and development fails to protect the adjoining rural land resource and minimise constraint and interfere with the existing and potential primary industry use on my clients' land. This is a relevant consideration under cl.26.3.2 P1(a) (see in particular Local Area Objective cl.26.1.2(c)(ii) and (h)(ii)) and clause 26.4.3 P1(d). The approval of residential use on the site will prevent my clients from realising the full agricultural potential of their land and its use as a market garden.	Ms Billet's client's property, 19 Snares Road, contains a single dwelling, associated outbuildings and a garden used by the current landowners for growing produce sold at markets. The growing of produce of a property of around 2.5ha is not typically the type of activity which conflicts heavily with residential use. To this point, there is no indication that use of 19 Snares Road as a market garden has at any point in the three decades it has been owned by the current owners been unreasonably fettered by the residential uses already present in the area. The garden has been established on the western side of the property, nearer to the dwelling on the site, as opposed to the eastern side of the property, away from other residential uses on Snares Road. The residential use proposed for the subject site is modest and occupies less than 1% of the subject site. The caravan is located approximately 130m from the portion of 19 Snares Road used for growing produce and at least 25m from the common boundary shared with this site. It has been located close to an existing shed and on an established gravelled area to minimise disturbance to the site. Established residential uses at 18, 39 and 45 Snares Road are located a similar distance or closer to the market garden than the proposed caravan. Given the long co-existence of the market garden with residential uses on Snares Road, the addition of a single residential use in the form proposed for the subject site is considered unlikely to result in any undue constraint or interference with the activities undertaken on 19 Snares Road. The property is not of a sufficient scale or soil quality to be used for intensive cropping and, even if so used, relevant codes of practice place

	an onus on property owners to constrain agricultural chemicals within property boundaries. Similar legislative controls apply to the use of firearms and requirements to prevent bullets from entering neighbouring properties. It is noted that the current garden area is already within the 250m setback from dwellings for discharging firearms without consent from the relevant occupier.
Secondly, we contend that the proposed residential use is not required by a permitted use upon the site. That is because: • There is no existing or approved permitted use. The current use of the site is as a riding school which is a discretionary use. • The approved riding school depends upon the establishment and ongoing operation of a horse breeding operation. The horse breeding operation is a no permit required use. It has no approval as a permitted use if it were to be contended to attract such classification. • There is no present horse breeding program operating from the site. The application contains no evidence to demonstrate that horse breeding has or is occurring. There is no evidence that horses are currently in foal as is suggested by Dr McLean. • The application contains no information that documents the scale, intensity, and operational characteristics of a horse breeding program to establish that residential use is required. The riding school is approved based on 6-8 horses on-site for both the riding school and breeding (up to a maximum of 12 horses), rotational breeding, and breeding not occurring every year. This is likely the maximum capacity of the land. • At its highest the application suggests that some horse studs require constant supervision of horses for some of the time. This says nothing of the characteristics of the present operation as to support a contention that a permanent residential presence on the site is required. Indeed, the suggestion	The use of the term 'permitted' within the context of Clause 26.3.2 (P1)(c)(i) is clearly intended to mean uses which are allowable in the zone. Were this not the case, it would not be possible to approve manager's residences for dairies or cattle breeding enterprises (no permit required) or for visitor accommodation which is not a farm stay (discretionary). This is not the intention of this clause. Residential uses associated with dairies and the like are some of the most common types approved. At most, the use of the term 'permitted' as opposed to 'permissible' can be considered an infelicity of language; it should not be read down to mean only uses within the permitted category under Table 26.2. Approval for a horse stud was granted as part of DA 100/2020, which was for a riding school. Approval was granted in May 2021. The riding school is currently operational on the site. That the landowners have waited to commence the breeding side of operations on the site until a residential use is approved, is in keeping with the management requirements for pregnant and foaling mares outlined by Dr McLean. The report from Dr McLean includes both a general overview of the characteristic needs of a riding school where the breeding of horses takes place as well commentary on the management needs of the specific operation undertaken at the subject site, as detailed in the documents endorsed as part of DA 100/2020. In his opinion, the use of the site for the purposes approved under DA 100/2020 is unsustainable without reasonable caretaking, which in his view as an expert in the field necessitates constant full-time care and supervision of horses. Although the capacity of the land is small, the proposed breeding operation is boutique in nature and the intensity of residential use proposed is proportional to this and limited to

that some horse studs employ a person to constantly supervise the horses says nothing about residential use and instead suggests that residential use is not required because a person who is employed to undertake constant supervision is not undertaking the ordinary activities of a resident— such as sleeping on site. In our submission, the application fails to demonstrate that the proposed residential use will not constrain the adjacent primary industry use and potential expansion of such use upon my client's land. Indeed, the application overlooks the use of my clients' land altogether. Furthermore, the application does not demonstrate that residential use is required by the specific type, scale, intensity, and operational characteristics of a permitted use upon the applicants' land. The application must simply be refused for failing to demonstrate compliance with the relevant scheme standards.	the minimum needed to service the dominant use of the site; horse breeding and an associated riding school, with horses bred on the property supplying the future needs of the riding school as well as offered for sale.
1 Impact on the adjoining land Cl.26.3.2, P1(a) of the *Waratah Wynyard Interim Planning Scheme 2013* (Scheme) requires that a residential use must be consistent with the local area objectives. The local area objectives are set out under cl.26.1.2 and relevantly include the following: *(c) Air, land and water resources are protected against -* *(ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource* *(h) Residential use and development on rural land is appropriate only if* *(ii) ….without constraint or interference to existing and potential use of land for primary industry purposes* In respect of development associated with a sensitive use (which includes a residential use), the acceptable solution in cl. 26.4.3 requires a setback of 200m of any agricultural land. For reasons that I return to below, my clients' land is properly classified as agricultural land. The	Local area objective (h) states that *Residential use and development on rural land is appropriate only if –* *(i) required by a primary industry or a resource based activity; **or*** *(ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes* The application before Council is for the former, (h)(ii) is not the relevant local area objective in this instance. The use of the term 'or' rather than 'and' demonstrates that the Planning Scheme acknowledges in some instances a required residential use may result in some level of loss, constraint or interference with primary industry land. This acknowledgement is also evident in the relevant test under clause 26.4.3 regarding new sensitive uses. The performance criteria for this clause only requires a new residential use *minimise* loss of primary industry, constraint or interference with primary industry land. It is not a requirement to eliminate all and any possible impact but instead to substantially reduce it.

corresponding performance criterion requires that new development minimise likely constraint or interference to existing and potential primary industry use. There is evidently a high threshold set for the establishment of residential use on rural resource land. To the extent that there is any doubt about that, we refer to the Tribunal's decisions in: • Degenhardt v Waratah Wynyard Council and Jackson [2015] TASRMPAT 10; and • Simmons v Kentish Council and Worssam [20211 TASRMPAT 31 The planning authority will no doubt be familiar with the Degenhardt decision. That appeal concerned the proposed development of a dwelling on the land at 301 Pages Road. The decision in Simmons is more recent and provides important guidance relating to the interpretation of "primary industry". The decision confirms that primary industry is not required to be of a scale or commercial character such as providing an income sufficient for a family to live. Consistent with the preceding decisions of the Tribunal, my clients contend that they undertake a primary industry upon their land. That primary industry is in the nature of a market garden and has been relied upon by my clients to supplement their income. My clients have long-held plans to enhance the productive capacity of their land, however, have been delayed in their ability to advance that course by the ongoing, unapproved, and illegal occupation of the land at 301 Pages Road. A shed located on the land has been used as a dwelling without the necessary approvals dating back to 2007. Since the shed has been occupied as a dwelling, my clients have been unable to undertake effective control of vermin through shooting on the property. The proposed caravan and use of the shed as a residence will continue to prevent my clients from realising the productive potential of their land. To date, the constraint to their agricultural and primary industry activities has arisen because of an illegal use. The present existence	As shown in the discussion under clause 26.4.3 below, the proposed residential use is limited to the minimum needed to service the site. It is located a similar distance to the market garden at 19 Snares Road as established residential uses at 18, 39 and 45 Snares Road. It is considered that the addition of a single residential use of the modest scale proposed for 301 Pages Road should not unreasonably interfere with the activities undertaken at 19 Snares Road. There is no grounding to suggest the proposed residential use would fetter 19 Snares Road any more so then the existing residential uses that adjoin it. Regarding expansion of the existing activities at 19 Snares Road, the property is a hobby farm size and has little space for expansion into a significant primary industry operation of the type which would be expected to conflict heavily with residential use. Even if the operation at 19 Snares Road were expanded, legislative controls are in place which require landowners to contain spray from chemicals and bullets from firearms within property boundaries, regardless of the type of use undertaken on adjoining land. Firearms are not the sole methods of controlling vermin and it is noted that the existing market garden on the property is already too close to the existing residences at 18, 39 and 45 Snares Road for firearms to be discharged without consent. For a full discussion of the proposal against clause 26.4.3 please see the planning assessment below. This assessment has been made without regard to any existing residential uses on 301 Pages Road, as no existing use rights exist for this property. Regarding previous applications for the subject site and previous illegal use of the shed as a residence, Council is required to consider each application anew and on its own merits.

of that constraint cannot be relied upon to justify approval of the application. The application fails to consider the impact upon adjoining land. The application fails to demonstrate that the proposed residential use is consistent with the local area objectives which require the protection of the land resource and only allow for residential activity in limited circumstances and in particular where it will not constrain or interfere with the existing or potential use of land for industrial purposes. Relevant to the question of development, the application fails to demonstrate that likely constraint or interference is minimised	
2 Residential use is not required — No permitted use The application contends that the proposed residential use is required in connection with a horse breeding operation that was established within permit DA-100-2020 and the Tribunal's decision in respect of that application. Permit DA-100-2020 does not authorise a horse breeding operation or use. That permit is concerned with the use and development of a riding school and its associated infrastructure. Properly understood, the asserted horse stud use cannot, therefore, provide a basis for approving the proposed "required residential use". The required residential use must be founded upon a permitted use. Permitted and no permit required classifications are separate and distinct the planning scheme uses the term "permissible" where there is an intent to capture both classifications. While we acknowledge that on first reading it may appear superficially attractive to allow reliance upon a no permit required use for the purpose of cl.26.3.2, a deeper consideration reveals that this position is not supported by the Scheme. The No Permit Required Uses may be objectively judged to lack the type, scale, intensity, and operational characteristics to necessitate a permanent onsite presence whereas the permitted uses are of a higher Intensity as to be capable of attracting this status. The riding school approved under DA-100-2020 is conditional upon the commencement and continuing operation of a horse breeding	The documents endorsed as part of DA 100/2020 include the breeding of horses, with horses bred on the property supplying the future needs of the riding school approved under DA 100/2020 as well as offered for sale. As outlined above, the use of the term 'permitted' within the context of Clause 26.3.2 (P1)(c)(i) is clearly intended to mean uses which are allowable in the zone. Were this not the case, it would not be possible to approve manager's residences for dairies or cattle breeding enterprises (no permit required) or for visitor accommodation which is not a farm stay (discretionary). This is not the intention of this clause. Residential uses associated with dairies and the like are some of the most common types approved. The category of 'no permit required' uses is not an indication that these uses do not have sufficient intensity to warrant a permanent on-site presence. At most, the use of the term 'permitted' as opposed to 'permissible' can be considered an infelicity of language; it should not be read down to mean only uses within the permitted category under Table 26.2. As is typical of applications for required residential uses, a condition will be placed on any permit issued tying the residential use to the resource development use on the site. A specified timeframe for commencing the breeding of horses will also be included. Further approvals from Council subject to a separate application process would be required should either of the following occur: • The operation to which the residential use is appurtenant ceases/does not

operation. Despite the conditional nature of the approved riding school, my clients contend that there IS no evidence of any horse breeding activity occurring on the land. The application does not include any evidence that demonstrates that a horse breeding activity is currently undertaken and instead it suggests that such activity is presently unlikely given the failure of the applicants to construct stables upon the property. The application does not include any evidence that documents a history of breeding or sale of horses bred on the property. The planning authority does not have sufficient information to satisfy itself that there is or will be a permitted or even no permit required use or a horse stud of any kind established upon the property. In that circumstance, there is no permitted or permissible use that requires a residential use/dwelling and the present application must be refused.	eventuate or substantially changes in nature; • A substantially different location of the site is used for residential purposes and/or a different form of residential use (i.e. house) is wanted
3. Residential use is not required — Requirement to reside is not demonstrated The statement provided by Dr McLean suggests that horse studs would typically employ full-time employees during the breeding season (last months of pregnancy). His commentary about older horses would appear to be otiose given that the application is put in reliance upon a horse stud operation as an underlying "permitted" use. Equally, his comments about the riding school use are of no relevance because this is not a permitted use within the zone. Dr McClean's comments about providing food, water and secure fencing do not suggest a need for residence on the property and there is no basis to conclude that such activity could not be undertaken while living remotely and traveling to the property as required. It is observed that the property is left unattended for periods while the current owners are away without any apparent disruption to the horses present on the site. Taken at its highest, Dr McLean's statement suggests that some horse studs require an on-site presence for some times of the year. He makes no comment on the scale of the relevant "horse stud" or the intensity of its operation.	As outlined above, approval for a horse stud was granted as part of DA 100/2020. Approval was granted in May 2021. The riding school is currently operational on the site. That the landowners have waited to commence the breeding side of operations on the site until a residential use is approved, is in keeping with the management requirements for pregnant and foaling mares outlined by Dr McLean, noting that the gestation period for horses is typically 11 months. Extended stays on land in the Rural Resource zone, whether for weeks or months at a time, require planning approval from Council. The report from Dr McLean includes both a general overview of the characteristic needs of a riding school where the breeding of horses takes place as well commentary on the management needs of the specific operation undertaken at the subject site, as detailed in the documents endorsed as part of DA 100/2020. In his opinion, the use of the site for the purposes approved under DA 100/2020 is unsustainable without reasonable caretaking, which in his view as an expert in the field necessitates constant full-time care and supervision of horses. Full-time care and supervision is usually taken to mean around the clock, continuous, unceasing. It is not occasional or intermittent in nature. The scale of the proposed residential

We note the comments within the operational statement that is endorsed under permit DA-100-2020 to the following effect: • There are no more than 12 horses on the site with general numbers to be 6-8 for most of the time. • Stallions would not be kept on site. Reliance upon artificial insemination programs is noted. • Breeding would be rotated selectively on a 2-year basis, not yearly, and dependent on conception. This intensity of operation does not require residential use on the property. To adopt the language of the standard, it does not "make it necessary for a person to live on the site" for the purpose of undertaking the permitted use. There is no information that establishes a link between employment to supervise horses over a short period of their pregnancy (noting that constant supervision is quite different from living alongside the horses) necessitates a permanent residence on the site. There is no indication that the proposed residential use would be integral and subservient to the principle use. It may be beneficial however it is not essential as to be considered integral.	use is proportional to the intensity of the breeding operation. The proposed caravan provides for two persons and does not offer options for guests or additional visitors to stay on the property overnight. For a full discussion of the proposal against clause 26.3.2 please see the planning assessment below.

N Munday

Comments Raised:	**Response:**
I am writing to you regarding (Williams run riding school) Virginia and Dennis turners on pages road Wynyard to say it would be a great benefit to be able to build on the property to live there permanently. Due to horses needing daily care, feed twice daily and always being checked on. The community benefits from riding school I have three daughters who have lessons there and they enjoy it. Would be greatly appreciated if they could be permanent residents and a true benefit for the animals and the people who attend the riding school.	Statement noted.

S Clarke

Comments Raised:	Response:
My daughter has been a volunteer of Mr and Mrs Dennis Turner at their riding school and horse stud at 301 Pages Road Moorleah known as 'Williams Run Riding School of Excellence and Stud' for over 12 months and owns and maintains a horse on this property. As a professional working in the rural sector in NW Tasmania and a volunteer member of Bush Watch, a community crime prevention initiative, I am well informed of the vulnerability of rural properties to theft as well as crime prevention measures. It is clear to me that Mr and Mrs Turner are aware that their rural property is prone to unauthorized access and burglaries of infrastructure and equipment and have made effort to secure the property by investing significantly in boundary and internal fencing. However, the risk of theft remains high due to the property's high visibility on a well-used roadway. It is my considered opinion that an ability to maintain a presence on property in a permanent caravan would address rural security concerns and the need to provide an appropriate level of animal husbandry 'Williams Run Riding School of Excellence and Stud'.	Statement noted.

INTERNAL REFERRALS

Engineering Services Department

The application was referred to the Engineering Services Department. The following conditions were recommended:

(1) All costs associated with the proposed development including those related to infrastructure extensions or upgrades to council assets are to be met by the developer.

(2) In the course of undertaking the development/use there is to be no damage caused to any council owned infrastructure or property.

(3) Loading and un-loading of vehicles is to be confined to within the boundaries of the property.

(4) Stormwater is to be fully contained within the boundaries of the property.

Note: A "Works within the Road Reservation" permit must be obtained from Council for all activity within the Road Reservation.

Environmental Health

The following environmental health conditions and notes were recommended.

(1) Control measures are to be installed for the duration of the construction phase so as to limit the loss of soils and other debris from the site.

Note: The development/use is not to result in the generation of environmental harm or nuisance as defined in the *Environmental Management and Pollution Control Act 1994*.

EXTERNAL REFERRALS

The application did not require any external referrals.

PLANNING ASSESSMENT

The subject site is zoned Rural Resource under the *Waratah-Wynyard Interim Planning Scheme 2013.* The proposal is categorised as a Residential use, which is a Discretionary Use within the zone.

The proposal does not meet all relevant acceptable solutions of the planning scheme and is therefore submitted as a discretionary application under Section 57 of LUPAA and assessed under the *Waratah-Wynyard Interim Planning Scheme 2013* and relevant State Policies and Acts. Section 57(1) (b) of LUPAA allows Council to relax or waive the provisions of its Planning Scheme under a discretionary status.

An assessment of the proposal against the applicable clauses for the Rural Resource Zone is provided below.

26.0 Rural Resource Zone

26.1.2 Local Area Objectives

(a) The priority purpose for rural land is primary industry dependent upon access to a naturally occurring resource;
(b) Air, land and water resources are of importance for current and potential primary industry and other permitted use;
(c) Air, land and water resources are protected against –
    (i) permanent loss to a use or development that has no need or reason to locate on land containing such a resource; and
    (ii) use or development that has potential to exclude or unduly conflict, constraint, or interfere with the practice of primary industry or any other use dependent on access to a naturally occurring resource;
(d) Primary industry is diverse, dynamic, and innovative; and may occur on a range of lot sizes and at different levels of intensity;
(e) All agricultural land is a valuable resource to be protected for sustainable agricultural production;
(f) Rural land may be used and developed for economic, community, and utility activity that cannot reasonably be accommodated on land within a settlement or nature conservation area;
(g) Rural land may be used and developed for tourism and recreation use dependent upon a rural location or undertaken in association with primary industry
(h) Residential use and development on rural land is appropriate only if –
    (i) required by a primary industry or a resource based activity; or
    (ii) without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes

26.1.3 Desired Future Character Statements

Use or development on rural land –

(a) may create a dynamic, extensively cultivated, highly modified, and relatively sparsely settled working landscape featuring –

(i) expansive areas for agriculture and forestry;
(ii) mining and extraction sites;
(iii) utility and transport sites and extended corridors; and
(iv) service and support buildings and work areas of substantial size, utilitarian character, and visual prominence that are sited and managed with priority for operational efficiency

(b) may be interspersed with –
(i) small-scale residential settlement nodes;
(ii) places of ecological, scientific, cultural, or aesthetic value; and
(iii) pockets of remnant native vegetation

(c) will seek to minimise disturbance to –
(i) physical terrain;
(ii) natural biodiversity and ecological systems;
(iii) scenic attributes; and
(iv) rural residential and visitor amenity;

(d) may involve sites of varying size –
(i) in accordance with the type, scale and intensity of primary industry; and
(ii) to reduce loss and constraint on use of land important for sustainable commercial production based on naturally occurring resources;

(e) is significantly influenced in temporal nature, character, scale, frequency, and intensity by external factors, including changes in technology, production techniques, and in economic, management, and marketing systems

26.3.2 Required Residential Use

A1	**P1**
Residential use required as part of a use must – (a) be an alteration or addition to an existing lawful and structurally sound residential building; (b) be an ancillary dwelling to an existing lawful and structurally sound single dwelling; (c) not intensify an existing lawful residential use; (d) replace a lawful existing residential use; (e) not create a new residential use through conversion of an existing building; or (f) be home based business in association with occupation of an existing lawful and structural sound residential building; and (g) there is no change in the title description of the site on which the residential use is located	Residential use required as part of a use must – (a) be consistent with local area objectives; (b) be consistent with any applicable desired future character statement; (c) be required to locate on rural resource land if – (i) the type, scale, intensity, or operational characteristics of a permitted use make it necessary for a person to live on the site for the purpose of undertaking such use; (ii) residential use will be integral and subservient to the principal use; and (iii) there is no other available dwelling on the site; and (d) if the required residential use relies on land in two or more titles in different ownership, the written consent of the owner of each title to enter into a Part 5 agreement to be registered on the title for each of the lots and providing (i) the dwelling is required as part of a nominated permitted use; and

	(ii) the lots are not to be sold separately

Planning Comments: Complies

Council is in receipt of an application for a new residential use intended to support the horse breeding operation and associated riding school operating on the site – 'Williams Run Riding School of Excellence and Stud' (Williams Run). Assessment against Performance Criteria P1 for this Clause is required as the proposal is for a new residential use.

Performance Criteria P1(a) requires discretionary permit use to be consistent with the local area objectives. Satisfaction of P1(a) requires a proposal to be in harmony with the local area objectives as opposed to merely not directly against, or in contravention of those objectives. However, it is noted that demonstration of 'consistency' does not go so far as to require strict compliance with every local area objective listed under Clause 26.1.2. It is only necessary for a proposal to be consistent with the local area objectives when considering those as a whole.

Local area objectives (f) and (g) are largely irrelevant as they relate to use of land for tourism and recreation uses or for economic, community, and utility activities.

Local area objective (h) states that residential use and development on rural land is appropriate only if it is:

a. required by a primary industry or a resource based activity, or

b. without permanent loss of land significant for primary industry use and without constraint or interference to existing and potential use of land for primary industry purposes.

Local area objectives, (a)-(e), are concerned with the protection of agricultural land, with (a), (b) and (c) in particular highlighting the importance of preserving natural resources for primary industry use. Local area objectives (d) and (e) acknowledge that all agricultural land is valuable and that primary industry use can take many different forms.

The existing riding school and horse stud operating on the site fall within the category of resource development use, particularly the keeping and breeding of horses which falls within the scope of agricultural use. That primary industry will remain the priority purpose of the site is evidenced by the scale of the residential use proposed. The caravan is approximately 15m^2 in size and will occupy less than 1% of the total area of the site. The intensity of residential use proposed is limited to the minimum required to support ongoing use of the site for the horse stud and associated riding school. It is not a substantial structure and ancillary infrastructure such as water tanks, driveway and parking areas are already in place for the existing resource development use. The landowners propose to utilise sanitary facilities within the existing shed as opposed to building a separate structure for this purpose.

Performance Criteria P1(b) states that a required residential use must be consistent with applicable desired future character statements for the Rural Resource zone. According to LISTmap the subject site does not contain any threatened flora or fauna or any threatened native vegetation communities. The site is not subject to any identified landslip or flood risk, is relatively flat and is located at the end of a small settlement node (Snares Road). Impact on the bucolic value of the area will be minimal given the size of the caravan, its location on an already gravelled area and proximity to the existing shed. The proposal is considered to be consistent with desired future character statements (b) and (c). By locating the residential use within a caravan and proposing to make use of existing amenities on the site, the development avoids loss of land important for

sustainable, resource-dependent, commercial production. The proposal retains the resource development use as the dominant purpose of the site and is consistent overall with desired future character statements (d) and (e).

The proposal satisfies Performance Criteria P1(b).

The caravan has been applied for as a required residential use to facilitate animal husbandry and animal breeding occurring on-site. The applicant states that a residential use is required on the site in order for the landowners to ensure an appropriate level of animal husbandry and care is provided and that the residential use is intended to be subservient to the principle purpose of the site for horse breeding and an associated riding school, with horses bred on the property supplying the future needs of the riding school, as well as offered for sale.

The primary purposes for the Rural Resource zone are primary industry/resource development uses. As outlined by local area objective (h), residential use is appropriate only in limited circumstances. For dwellings seeking approval under Clause 26.3.2, it must be established that the residential use is required to locate on the site for the reasons contained in P1(c)(i), P1(c)(ii) and P1(c)(iii).

To support the applicant's view that the proposed residential use is necessary to support the existing operation on the site, as opposed to merely being convenient, a report from Dr Andrew McLean on the characteristic needs of a riding school, including where the breeding of horses takes place, was submitted with the application. The report included both a summary of Dr McLean's qualifications as well as a full copy of his CV, and he is considered a suitably qualified person to provide comment on the needs of horses.

The report from Dr. McLean includes an assessment of Williams Run, as outlined in the previous approval DA 100/2020. A maximum of 12 horses are kept on the site, a mix of Warm Bloods and Welsh Mountain Ponies, and breeding takes place on a rotational basis. Sale of offspring is aimed at both Tasmania (Ponies) and the national market (Warm Bloods).

Dr McLean states that adequate care of animals is species specific, with horse-based enterprises implying a significant duty of care. The report states that the management of horses optimally requires constant supervision for reasons of safety, both for the animal and for risk to the public should they escape and to respond to medical issues in a timely manner. It is also noted that full-time observers are the norm in the horse industry for pregnant and foaling mares.

In terms of the landowner's operation, Dr McLean states that full-time care of horses is to be expected, with the ability to provide this significant to the productivity of Williams Run. He concludes that the current use on the site is unsustainable without reasonable caretaking, in this instance being constant care and supervision of horses.

Taking into account Dr McLean's assessment and the characteristics of Williams Run it is considered that active management in the form of an on-site presence is necessary to properly operate the horse stud and its associated riding school and provide an appropriate level of caretaking for the animals kept on the site.

P1(c)(i) is therefore satisfied.

As outlined above, the proposed residential use will occupy only a minor portion of the site. No new buildings are required to be constructed for the residential use, which is confined to a caravan to be kept permanently on the site and sanitary facilities in an existing shed. The caravan is located

on an existing gravelled area and infrastructure typically associated with residential use, including water tanks, driveway, parking area and wastewater system have already been approved on the site. The scale of residential use proposed is proportional to the management needs of Williams Run. The landowners are the only employees of the business and the caravan has capacity for two persons. The proposed residential use is clearly ancillary to the dominant use of the site for resource development purposes. It is not a separate and distinct use merely located on the same property, but instead forms a necessary part of Williams Run.

P1(c)(ii) is therefore satisfied and as there is no approved dwelling on the site, so P1(c)(iii) is also met.

In order to access Pages Road, the subject site crosses a narrow strip of land owned by Council (CT 138401/1). This parcel of land was transferred into Council ownership following a previous reconstruction of Pages Road and has been set aside by Council for the purposes of roadside drainage and/or future widening/realignment of Pages Road. It is not a title to be transferred into private ownership and is considered by Council as part of the road network. Land contained within CT 138401/1 does not form part of Williams Run and the proposal does not rely on this title to satisfy the criteria for required residential use.

It is not considered the P1(d) is applicable to this application.

The current application satisfies P1(a), P1(b), P1(c)(i), P1(c)(ii) and P1(c)(iii) and approval is recommended with the following conditions to be included on any permit issued:

> Consent is for a proposed residential use (permanent caravan) integral and subservient to a horse stud on CT 138401/2 at 301 Pages Road, Moorleah substantially in accordance with endorsed proposal detail. Breeding of horses must commence within 12 months of the date of this permit being issued.
>
> Residential use of the existing shed on the site is limited to use of the sanitary facilities contain within. It is not to be used for overnight accommodation.

26.4.3 Location of development for sensitive uses

A1	**P1**
New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must –	New development, except for extensions to existing sensitive use where the extension is no greater than 30% of the existing gross floor area of the sensitive use, must minimise –
(a) be located not less than – (i) 200m from any agricultural land; (ii) 200m from aquaculture or controlled environment agriculture; (iii) 500m from the operational area boundary established by a mining lease issued in accordance with the *Mineral Resources Development Act 1995* if blasting does not occur; or (iv) 1000m from the operational area boundary established by a mining lease issued in accordance with the	(a) permanent loss of land for existing and potential primary industry use; (b) likely constraint or interference to existing and potential primary industry use on the site and on adjacent land; (c) permanent loss of land within a proclaimed irrigation district under Part 9 *Water Management Act 1999* or land that may benefit from the application of broadscale irrigation development; and (d) adverse effect on the operability and safety of a major road, a railway or a utility

Mineral Resources Development Act 1995 if blasting does occur; or (v) 500m from intensive animal husbandry; (vi) 100m from land under a reserve management plan; (vii) 100m from land designated for production forestry; (viii) 50m from a boundary of the land to a road identified in Clause 26.4.2 or to a railway line; and (ix) clear of any restriction imposed by a utility; and (b) not be on land within a proclaimed irrigation district under Part 9 *Water Management Act 1999* or land that may benefit from the application of broadscale irrigation development	

Planning Comments: Complies

The proposal is for a new residential use consisting of a caravan and use of sanitary facilities in an existing shed on the site. The proposal relies on the performance criteria, as the proposed sensitive use is within 200m of agricultural land.

In relation to Agricultural land, this is defined within the scheme as *'…all land that is in agricultural use, or has the potential for agricultural use, that has not been zoned or developed for another use or would not be unduly restricted for agricultural use by its size, shape and proximity to adjoining non-agricultural uses*'.

In terms of the subject site, it has been demonstrated under Clause 26.3.2 above that proposed residential use is integral and subservient to the approved horse stud on the site and that the success of the business is dependent upon an on-site presence. The intensity of residential use proposed is limited to the minimum required to support ongoing, dominant use of the site for resource development purposes. The caravan is modest in size and will occupy less than 1% of the total area of the site. The proposal relies on existing infrastructure on the site for access, parking, water supply and sanitary facilities, thereby minimising the portion of the site used for residential purposes. Development is centred around the existing gravelled area and shed on the site, which contains sanitary facilities but will otherwise be retained for its current purposes as a farm shed. Within the context of forming an ancillary and necessary part of the horse stud on the subject site, the type and scale of sensitive use proposed is considered justified.

Regarding adjacent land, the subject site is bordered by Pages Road to the north, a private road (Snares Road) to the west, the Inglis River to the east and a property containing a dwelling, associated domestic outbuildings and gardens to the south (19 Snares Road). Of the six properties with access onto Snares Road, excluding the subject site, all contain dwellings. With the exception of 19 Snares Road, each of these properties are only used for purposes normally associated with residential lots/hobby farms in rural areas.

According to the Land Capability Survey 1999 (Grose CJ, Land Capability Handbook, Guidelines for the Classification of Agricultural Land in Tasmania, DPIWE) these properties largely contain class 5+6 land of which 60% is unsuited to cropping and with slight to moderate limitations to pastoral use and up to 40% well suited to grazing but which is limited to occasional cropping or a very restricted range of crops. No cropping or grazing occurs on these lots, which range in size from

approximately 6000m^2 to 14.3ha. The area is heavily vegetated and half of the lots have no direct access to a water supply. Given the characteristics of these properties and historical pattern of solely residential use, future use of lots along Snares Road for primary industry purposes, including forestry or for extractive industry use is considered unlikely.

The property directly south of the subject site, 19 Snares Road, contains a single dwelling, associated outbuildings and a garden used by the current landowners for growing produce sold at markets. The proposed caravan is located approximately 130m from the portion of 19 Snares Road used for growing produce and at least 25m from the common boundary shared with this site. The location of the proposed caravan behind the existing storage shed provides a buffer to the adjoining property to the south and the proposed residential use is located further from areas used for growing produce than the established residential use at 18 Snares Road and a similar distance to dwellings at 39 and 45 Snares Road. Each of these properties are within 200m of activities undertaken at 19 Snares Road.

In terms of expansion of the current operation at 19 Snares Road, the growing of produce on a property of around 2.5ha is not typically the type of activity which conflicts heavily with residential use. The property is not of a sufficient scale or soil quality to be used for intensive cropping and, even if so used, relevant codes of practice place an onus on property owners to constrain agricultural chemicals within property boundaries. Similar legislative controls apply to the use of firearms and requirements to prevent bullets from entering neighbouring properties. It is considered unlikely that the addition of a single residential use of the modest scale proposed for 301 Pages Road would restrict agricultural use of 19 Snares Road.

Land to the north across Pages Road and to the west across the Inglis Rover is used for grazing purposes. The addition of a single residential use associated with resource development activities, on the edge of a cluster of residential uses is unlikely to further constrain grazing operations to the north of the subject site given that the existing sensitive use at 34 Cryans Road is located closer to these activities than the proposed residential use and the additional buffer provided by Pages Road. Similarly, grazing activities to the east of the subject site are separated from the proposed caravan by the Inglis River and a 35m – 50m wide crown reserve populated by established native trees.

The scale and type of the proposed sensitive use minimises permanent loss of land for primary industry use and its location minimises the likelihood for constraint or interference to existing and potential primary industry use on the site and on adjacent land beyond which is already present in the area due to existing residential uses.

Regarding other land uses, there is no commercial forestry or extractive industry use within 500m of the subject site and no blasting occurs at the mine located approximately 700m east of the site. The characteristics of the subject title and surrounding area, including the extent of existing residential development, do not indicate any future use of land nearby for either of these purposes.

The title is not located within a proclaimed irrigation district, and, due to the restrictions outlined above, is not suited to broad scale irrigation development. It is located further than 3km from the nearest arterial road or railway and does not contain any underground utilities.

The application satisfies Performance Criteria P1 for this Standard.

STATUTORY IMPLICATIONS

Land Use Planning and Approvals Act 1993

The Council is established as a Planning Authority by definition under Section 3(1) of the *Land Use Planning and Approvals Act 1993 (the Act)* and must enforce the *Waratah-Wynyard Interim Planning Scheme 2013* (the Planning Scheme) under S.48 of the Act.

In accordance with section 57 of this Act and Council's Planning Scheme, this proposal is an application for a discretionary permit. Council may approve or refuse discretionary permit applications after considering both Council's Planning Scheme and the public representations received.

Local Government (Building & Miscellaneous Provisions) Act 1993

The application has been considered against the requirements of section 85 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The application is generally consistent with these provisions.

STRATEGIC IMPLICATIONS

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

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 for Council other than those ordinarily associated with administering the Planning Scheme.

RISK IMPLICATIONS

There is limited risk for the Council acting as Planning Authority, provided that decisions made are in accordance with the Planning Scheme.

Should the Planning Authority wish to make a decision against the professional advice provided, the reasons will need to be detailed.

LUPAA provides for penalties against a Planning Authority that fails to enforce its planning scheme (ss. 63a and 64). Going against advice provided in the planning report, without seeking alternate qualified advice, may create unnecessary risk for the Council in exercising its statutory functions as a Planning Authority.

Should a decision by the Planning Authority be contrary to professional advice provided and the matter is taken to the appeal tribunal, Council would need to obtain separate professional advice to represent Council through the appeal process.

COMMENT

The report is presented for Council's consideration, together with the recommendations contained at the beginning of this report, the attached application documents and representations.

It is considered that the proposed required residential use located in a permanent on-site caravan meets the relevant performance criteria of the planning scheme. The activities currently approved for the site are not ones suited to urban areas and it has been demonstrated that they cannot be carried out successfully without constant full-time care and supervision of horses kept on the site. The intensity of residential use proposed is modest and limited to the minimum needed to service the dominant use of the site being horse breeding and an associated riding school, with horses bred on the property supplying the future needs of the riding school as well as offered for sale.

The location and form of the proposed residential use minimises the potential for permanent loss of land for potential primary industry use as it will instead compliment the agricultural potential of the small site and provide the opportunity for this primary industry focused site to be utilised further. It poses no significantly greater risk to surrounding primary industry activities than that already present in the area.

The application is considered to comply with the Rural Resource Zone provisions and all other provisions of the *Waratah-Wynyard Interim Planning Scheme 2013*. It is therefore recommended that Council approve a planning permit for the proposed required residential use.

7.0 MATTER RAISED BY COUNCILLORS

7.1 RESPONSE(S) TO COUNCILLOR QUESTIONS TAKEN ON NOTICE FROM PREVIOUS MEETING

7.1.1 CR BRADLEY - BOAT HARBOUR BEACH PUBLIC TOILETS

QUESTION

Cr Maureen Bradley advised that she had been contacted by a woman who got stuck in public toilets at Boat Harbour Beach on the weekend when the electric lock would not open and asked if this was being looked into.

OFFICERS RESPONSE

The matter was reported to Council's after-hours number and the person was out of the cubicle by the time the Council officer arrived on site. The electronic locking device has been replaced with a new manual door lock which will prevent the matter from happening in the future.

7.2 COUNCILLOR QUESTIONS RECEIVED IN WRITING

Nil received.

7.3 COUNCILLOR QUESTIONS WITHOUT NOTICE

A summary of question(s) without notice and response(s) will be recorded in the minutes.

8.0 NOTICE OF MOTION

Nil received.

9.0 REPORTS OF OFFICERS AND COMMITTEES

9.1 MOUNTAIN BIKE TRAIL FEASIBILITY

To:	Council
Reporting Officer:	Economic Development Officer
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	2 December 2021
File Reference:	Recreation
Enclosures:	1. WW Mountain BIke Prel Concept- Next Level Mountain Bike PTY LTD - Confidential 2. Mountain Bike Trails Recommendations _ Cr Edwards - Confidential

RECOMMENDATION

That Council:

1. **note the information contained in the report and determine not to proceed with the development of Mountain Bike (MTB) trails at this time; and**

2. **provide in principle support to explore the feasibility of developing a shared user pathway from Wynyard to Stanley utilising the disused Wiltshire rail corridor or other alternatives and seek Circular Head Council's position on the matter.**

PURPOSE

To determine Council's position on the feasibility of Mountain bike trails. To determine Council's position on an alternative proposal, being the feasibility of a shared user pathway from Wynyard to Stanley, utilising the disused Wiltshire rail corridor.

BACKGROUND

In the 19 October 2020 Council meeting, the following Notice of motion was passed: -

MOVED BY	CR EDWARDS
SECONDED BY	CR DUNIAM

That Council undertake a workshop to discuss the feasibility of mountain biking trails within the Waratah- Wynyard municipal area, and officers prepare a subsequent report for consideration

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

DETAILS

Mountain Bike Trail Feasibility

Following the 19 October 2020 Council meeting, a workshop presentation was given by two interested community members that had submitted trail concepts on their own initiative. The presentation talked to the current Mountain biking market and offerings in Tasmania and the need to offer a point of difference rather than replication of existing offerings for success. Additionally, ongoing maintenance of any trail development was emphasised as being critical to success. Two potential locations in the Waratah-Wynyard municipal area were suggested for the development of mountain bike (MTB) trails, being:

1. Boat Harbor to Sister's Beach (Postman's Track)
2. Sisters Beach to Rocky Cape (Sisters Hills Traverse)

Each of these locations has significant challenges. These include but are not limited to:

- Onerous regulatory requirements & approvals for work in a national park
- Potentially significant Cultural Heritage considerations
- Biosecurity issues (Phytophthora is present in Rocky Cape National Park),
- Identified significant topographical/land constraints
- Challenges in several key areas to achieve trail alignments/grades.

The second presentation identified five (5) potential locations in the municipal area for the development of MTB trails:

1. Table Cape to Boat Harbour Coastal Point-to-Point (Table Cape Road, Wynyard and Port Road, Boat Harbour)
2. Mount Sunshine Stacked Loop Network (Myalla Road, Myalla/Milabena)
3. Oldina Gravity Area (Tram Road/Dead Horse Link, Oldina)
4. Hellyer Gorge Gravity Area (Murchison Highway, Parrawe)
5. Magnate Mine Adventure Trail (Waratah Road, Waratah)

Once again, all these locations faced similar challenges to develop and maintain, also including land being in private ownership and none of them demonstrated a significant point of difference in an already crowded mountain biking market.

The provision of mountain bike trails is not in line with any of Councils current plans and strategies and has not come up as a priority in any previous community consultation. However, if community sentiment changes, particularly as part of community consultation for the Oldina Forest Reserve recreation proposal, then Council could reconsider mountain biking in the area.

Rather than constructing new MTB trails, it is recommended that Council support the existing MTB trails already constructed in the Northwest at this time.

It is further recommended that Council consider an alternative opportunity, the repurposing of the Wynyard to Wiltshire disused railway corridor to a recreational, multi-user, shared pathway, thereby expanding the Northwest Coastal Pathway to Stanley (and potentially Smithton). This development would extend beyond mountain bikers and would be used by

almost all population groups, regardless of age and/or ability. The project would also provide excellent opportunities for walkers and runners.

Wynyard to Stanley Shared Pathway Project

The proposed Wynyard to Stanley Shared Pathway project is a 73km recreational, shared-user trail and offers a key opportunity on many levels. Staying predominantly within the disused railway corridor of the former Western line for 64km's from Wynyard to Wiltshire, the trail's route will meander through the picturesque Northwest countryside. Adding a further 9km section from Wiltshire to Stanley will complete the proposed pathway. This section of the rail corridor has not been used since 2003 and has been given in principle support from the State Government. The Cradle Coast Authority has given support to an extension/continuation of the shared pathway.

The development of the Wynyard to Stanley Shared Pathway would strengthen the region's positioning as a cycling destination for a range of markets that extends beyond mountain bikers. A key advantage of rail trail construction is the gradient – given most rail lines have a gradient of less than three degrees, this allows and encourages use by almost anyone, regardless of age and ability.

The development of this section of the railway corridor would enable users to ride or walk from Latrobe to Stanley, almost entirely off the road network. This will make the Coastal Shared Pathway a genuine multi-day cycle or walking tourism attraction for the Northwest coast. Thereby, creating a major tourism and recreational product of State and regional significance, capable of generating new, innovative and complimentary tourism investment along the length of the trail and contributing to the economic growth of the wider region.

On a local level, this project has the potential to create numerous new businesses within the Waratah-Wynyard LGA. For example, a 25 km rail trail developed in 2019 in Tumbarumba, NSW, was directly responsible for the development of nine new businesses in the town. Furthermore, the average visitor stays increased from two days to four or five days.

The pathway project would provide many other economic, health and social benefits to the Northwest region.

Wynyard to Stanley Shared Pathway Benefits		
Short Term	**Medium Term**	**Long Term**
Creation of short-term jobs through pathway design and construction	Employment and business growth related to pathway use. Increased economic activity	Increased employment, business, and other economic development opportunities for Northwest regional economies
Creation of demand for secondary services throughout Northwest region as construction progresses	Employment growth in the tourism, accommodation, and services sectors	Increased employment, business, and economic development opportunities for the state economy
Creation of community, government, and business engagement	Regional investment in the shared pathway and related businesses	Enhancement of Tasmania's reputation as a national and international cycle tourism destination
Make use of valuable unused infrastructure	Extension of the existing Coastal shared pathway will create a	Benefits the economy through sales, creating jobs, tourism

	multi-day cycling opportunity for locals and visitors	revenue, avoiding health costs and creating a healthy and productive workforce.
Internationally, research shows that every dollar invested in cycling infrastructure may obtain up to $5 worth of benefits (2022 – 2032 CYCLING STRATEGY for South Australia)	Increased complementary benefits for Tasmanians such as active transport, recreation, health, social and cultural experiences	Increased opportunities for social interaction that builds more connected, inclusive and safer communities
	Diversification of the State and Northwest region's tourism product mix	Build healthy communities by supporting physical and mental health and reducing the risk of disease and mental illness
	Increased international awareness of Tasmania through branding and marketing	Creates more livable communities
	Increase in cycle tourists to the Northwest region	Encourages population growth
	Creation of new events for walking, cycling and running.	Provide excellent opportunities for people with mobility disabilities
	Connection between towns where public transport options are low/negligible	Transportation benefits – greener transportation and commuting use of trails contributing to reduced greenhouse gas emissions and improved health and wellness of individuals.
	Diversification of the State and region's tourism product mix	

Should Council provide in principle support to explore the feasibility of developing a shared user pathway from Wynyard to Stanley utilising the disused Wiltshire rail corridor, then contact will be made with Circular Head Council to ascertain their level of support for the project.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Council's *Open Space, Sport & Recreation Plan* (OSSR) lists Off-Road Trails as an area of opportunity for Council. Trails are the main form of recreation infrastructure that can benefit everyone, regardless of age or ability (walking, running and cycling and other non-motorized recreation).

OSSR recommends that Council:

1. Consider trails as a priority type of recreation infrastructure for all localities with visitor accommodation, scenic or heritage attractions and urban settlements.

2. Continue to negotiate with property owners to secure rights of way or access around private land along key trail routes such as Stanley to Smithton, key scenic routes and regional links along former rail lines, the coast as well as river corridors.
3. Ensure that all new projects that include open space consider the opportunity to provide a trail corridor (i.e. foreshore developments).
4. Provide and promote trails that offer different levels of physical challenge e.g. stairs or hill climbs, suitable for mountain bikes, suitable only for walking, suitable for wheelchair users, suitable for dogs, suitable for horses, etc.
5. Complete the existing local trail plans and add routes suggested by this plan.
6. Promote and support trail events that encourage tourism and physical activity.
7. Work with Parks and other groups to further promote trails and future routes, highlighting each trail's unique attributes as a point of difference to attract visitors, amalgamate existing trails information and produce a single source of information. Provide consistent wayfinding and signage, trails markers and route information including what activities they are suitable for. Investigate creating a technological solution to the provision of mapping and trail information.
8. Prioritise the development of the coastal pathway from Burnie to Wynyard and then connecting to the airport and other destinations of interest in the vicinity.
9. Encourage volunteer involvement in the development, maintenance and management of trails.

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.4 Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.4.2 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.2 Our community values, encourages and supports physical, social and cultural activities.
Our Priorities
4.2.1 Focus on the value of recreation in promoting the health and wellbeing of our community.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.3 We provide recreational opportunities to the community for all ages and abilities.
Our Priorities
4.3.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.

GOAL 5: Economic Prosperity
Desired Outcomes
5.1 We understand our local and regional potential, and we plan for and encourage investment in it.
Our Priorities

5.1.1 Investigate and embrace new economic opportunities.

GOAL 5: Economic Prosperity
Desired Outcomes
5.4 Pathways to improve liveability now and in the future are provided.
Our Priorities
5.4.2 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:
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.
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.

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 as a feasibility study into a shared pathway would be completed in-house and as part of the operational budget.

RISK IMPLICATIONS

There are risk implications to consider when constructing mountain bike trails or a shared pathway.

- Public Liability and Safety Risks - Mountain biking is a relatively dangerous sport and accidents requiring medical attention are a regular occurrence. Public liability risk to Council and the safety of users are two important factors for Council to assess when considering whether to provide a new type of activity or a new asset on Council managed land. A shared pathway trail is less of a risk for users, as far as accidents are concerned, but sections of the trail route are quite remote. Elements such as mobile phone coverage and proximity to emergency services would need to be considered for any type of trail.

Depending on the location, bushfires may also pose a significant risk to property and human safety.

- Cost of Construction and Trail Maintenance – the cost-benefit of constructing new trails and Councils responsibility for ongoing trail maintenance (especially trails that are remote) would be significant, and if not thoroughly explored could have a substantial ongoing impact on Council resources.
- Impacts on Environment/Heritage - mountain biking could have serious or irreversible impact on the environment or cultural heritage.

CONSULTATION PROCESS

Consultation was undertaken with two interested community members and their ideas discussed, when a presentation was given by them at a Council workshop on November 19, 2021.

CONCLUSION

It is recommended that Council note the information contained in the report and determine not to proceed with the development of Mountain Bike (MTB) trails at this time.

It is also recommended that Council provide in principle support to explore the feasibility of developing a shared user pathway from Wynyard to Stanley utilising the disused Wiltshire rail corridor or other locations.

9.2 PARKS, RESERVES AND SPORTING GROUNDS ASSET MANAGEMENT PLAN AND SERVICE LEVEL DOCUMENTS 2022

To:	Council
Reporting Officer:	Manager Asset Services
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	24 March 2022
File Reference:	Parks and Reserves
Enclosures:	1. Parks, Reserves and Sporting Grounds Asset Management Plan 2022 2. Parks, Reserves and Sporting Grounds Service Level Document 2022

RECOMMENDATION

That Council:

1. **Adopt the Parks, Reserves and Sporting Grounds Infrastructure Asset Management Plan 2022; and**
2. **Adopt the Parks, Reserves and Sporting Grounds Service Level Document 2022.**

PURPOSE

To seek Council adoption of the Parks, Reserves and Sporting Grounds Infrastructure Asset Management Plan and Service Level Document 2022.

BACKGROUND

Waratah-Wynyard Council is committed to sustainable and affordable service delivery into the future.

A strategic and coordinated, organisation-wide approach to asset management and service delivery is critical. This is achieved through the development of an asset management framework where the organisation's Financial Management Strategy (FMS) is meaningfully integrated with its Strategic Asset Management Plan (SAMP) to inform Council's ongoing resourcing decisions via the Strategic planning and annual budget process.

In this way, Council can provide a transparent, accountable and evidence-based approach to the provision of value-for-money services. This approach will allow Council to communicate the service level and risk consequences of various funding scenarios as it engages with the community to identify agreed levels of service.

DETAILS

Waratah Wynyard Council is responsible for the acquisition, operation, maintenance, renewal and disposal of a diverse portfolio of Parks, Reserves and Sporting Grounds infrastructure with a replacement value in excess of $13.5m.

These assets are used to provide open spaces and recreational opportunities to the Waratah-Wynyard community in a safe, timely, serviceable and cost-effective manner while aspiring to cyclical improvements for the benefit of all stakeholders.

In addition to the Parks, Reserves and Sporting Grounds Infrastructure Asset Management Plan, the service level document is the instrument by which Council delivers this service in a transparent and accountable way to the community. There are known gaps of service provision and also future maintenance and renewal requirements as assets are consumed and they reach the point of no longer being able to provide the intended service.

This Asset Management Plan supersedes the previous (2010) plan. The status of improvement plan items identified in the previous plan are shown in the table below:

Task No	Task	Status
1.	Review and adopt Council's Asset Management Policy	Complete
2.	Develop and adopt Levels of Service	Complete
3.	Estimate new assets from growth factor	Not started
4.	Audit and revaluation of recreation asset group	Not started
5.	Develop asset condition inspection program	Commenced
6.	Develop Infrastructure Risk Management Plan	Commenced
7.	Formalise maintenance intervention levels for recreation infrastructure assets	Completed
8.	Develop and adopt weighted capital works priority ranking criteria	Complete
9.	Investigate fully depreciated assets still in service and reassess remaining lives	Commenced

STATUTORY IMPLICATIONS

Statutory Requirements

The *Local Government Act 1993 Section 70B* states that Council is to prepare a long-term strategic asset management plan for the municipal area.

The 2022 Parks, Reserves and Sporting Grounds Infrastructure Asset Management Plan is an input to the Strategic Asset Management Plan.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
We maintain and manage our assets sustainably.
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.

1.8 Review and adjust service levels to provide value for money.

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
Our community enjoys access to visually appealing safe spaces and facilities for recreation.
Our Priorities
4.1 Commit to ongoing recreation and open space planning to ensure evidence-based decisions are made about the role of Council and its partners in recreation.
4.2 Focus on the value of recreation in promoting the health and wellbeing of our community.
4.3 Employ land-use planning strategies to promote connectivity and equity in the allocation or use of open space for recreation purposes.
4.4 Provide and maintain quality and safe places and spaces for physical, social and cultural activities, including shared and multi-use facilities where possible.
4.5 Collaborate with community organisations that provide recreation opportunities to our community.

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.

POLICY IMPLICATIONS

Council's Asset Management Policy is integral in this instance.

FINANCIAL IMPLICATIONS

The projected operating outlays necessary to provide the open space and recreational services covered by this Asset Management Plan includes operations, maintenance and renewal of existing assets and planned new/upgrade assets over the 10-year planning period is $5,394,378 on average per year.

The projected expenditure requires an additional $1,355,615 on average per year to provide services in the Asset Management Plan. This is made up capital expenditure and increased operational expenditure arising from planned new and upgrade works over the planning period. Council's Financial Management Strategy will explore funding options for the expected costs. The Strategy is updated annually.

As indicated in the Asset Management Plan the confidence level associated with these projections has been assessed as *(D) Very Uncertain*. The confidence level will improve with each annual iteration and update of the both the Financial Management Strategy & the Strategic Asset Management Plan.

RISK IMPLICATIONS

The decisions made in adopting this Asset Management Plan are based on the objective to achieve the optimum benefits from the available resources.

An assessment of risks associated with service delivery from open space and recreational infrastructure assets has identified critical risks that, if not treated, will result in loss or reduction in service from infrastructure assets or a 'financial shock'. The risk assessment process identifies credible risks, the likelihood of the risk event occurring, the consequences should the event occur, develops a risk rating, evaluates the risk and develops a risk treatment plan for non-acceptable risks. Key identified critical risks and their treatment plans to mitigate those risks are shown in the following table:

Service or Asset at Risk	What can Happen	Inherent Risk Rating (VH, H)	Risk Treatment Plan
Coastal Pathway	• Damage due to flooding and/or coastal erosion	H	• Coastal erosion defence works (in planning phase)
Playgrounds (various locations)	• Failure due to age or vandalism causing injury	H	• Prioritise action • Remove or renew • More frequent inspections
River Track	• Infrastructure is susceptible to erosion or flood.	H	Forward renewals of infrastructure are planned in the context of flood or erosion susceptibility.
Boat Harbour Northern Bay Seawall	• Historical fill may contain hazardous materials	H	• Rebuild the seawall (capital works planned)
Timber & Replas Boardwalks (various locations)	• Get slippery during winter creating slip hazard potentially causing injury	H	• Increase signage • Education of users • Replace with slip resistant materials (e.g. East Wynyard Foreshore Plan) • Close boardwalks
Inglis River Mouth Breakwater	• Continued undermining forming sink holes and leading to failure of breakwater, with associated risk of shoreline erosion and property damage	H	• Continue periodic back-filling • Full renewal of breakwater and retaining wall
Public Pontoon Balustrade	• non-compliant - potential for injury	H	• Upgrade railing to comply with current standard
Cam River Reserve Vehicular Access & Pedestrian Walkways	• Pedestrians and vehicles in the same area with potential for injury	H	• Exclude traffic from reserve as adopted in the Cam River Master Plan

Service or Asset at Risk	What can Happen	Inherent Risk Rating (VH, H)	Risk Treatment Plan
Somerset All Abilities Playground (incl. carparking)	• Damage due to flooding and/or coastal erosion	H	• Coastal erosion defence works (in planning phase)
Fence at Boat Harbour Beach Playground	• Fence is non-compliant - climbable and has potential for fall onto hard surface causing injury	H	• Upgrade fence in short term to comply with current standard • Remove playground through Boat Harbour Beach Master Plan development
Frederick Street Reserve	• Golf balls and broken tees causing injury to users, especially equestrian (horse jumping)	H	• Schedule more regular inspections • Stop golf practice near equestrian centre • Relocate equestrian clubs
Unrecognised Assets	• Understated depreciation • Asset renewals unable to be identified from asset register	H	• Audit and recognition of all open space assets

There are no planned operations and maintenance activities and capital projects that are unable to be undertaken within the next 10 years based upon the current Financial Management Strategy forecast.

CONSULTATION PROCESS

Key staff across the organisation, Councillors and industry experts have all been consulted in the process of reviewing and developing these documents. The results from Council's 2014, 2016 and 2019 Community Satisfaction surveys were also included.

Future versions and updates will incorporate more input and consultation from the community as the Council undertakes rolling services reviews. These rolling service reviews will be based upon the three guiding principles of good governance: *transparency*, *accountability* and *evidence-based decision-making* to provide sustainable, value-for-money services.

CONCLUSION

It is recommended that the Council:

1. Adopt the Parks, Reserves and Sporting Grounds Infrastructure Asset Management Plan 2022; and
2. Adopt the Parks, Reserves and Sporting Grounds Service Level Document 2022.

This will provide forward direction and certainty for the provision of open space related services.

9.3 ANNUAL PLAN UPDATE REPORT AS AT 31 MARCH 2022

To:	Council
Reporting Officer:	Information Management Officer
Responsible Manager:	Director Organisational Performance
Report Date:	28 March 2022
File Reference:	004.10
Enclosures:	1. Interplan - Departmental Monthly Performance Report - March 2022

RECOMMENDATION

That Council note the Annual Plan Update Report as at 31 March 2022.

PURPOSE

This report is provided as an update on the Annual Plan progress as at 31 March 2022.

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 2021/22 Annual Plan and Budget Estimates on 21 June 2021.

The strategic planning 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.

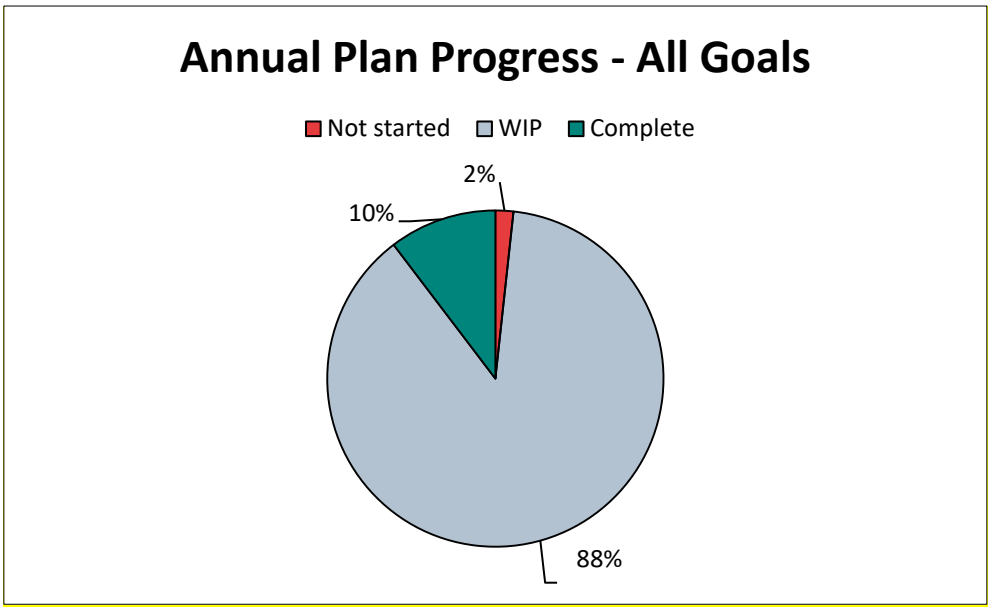
The activities and initiatives included in the Annual Plan and Budget Estimates contribute to achieving the strategic objectives specified in the Strategic Plan.

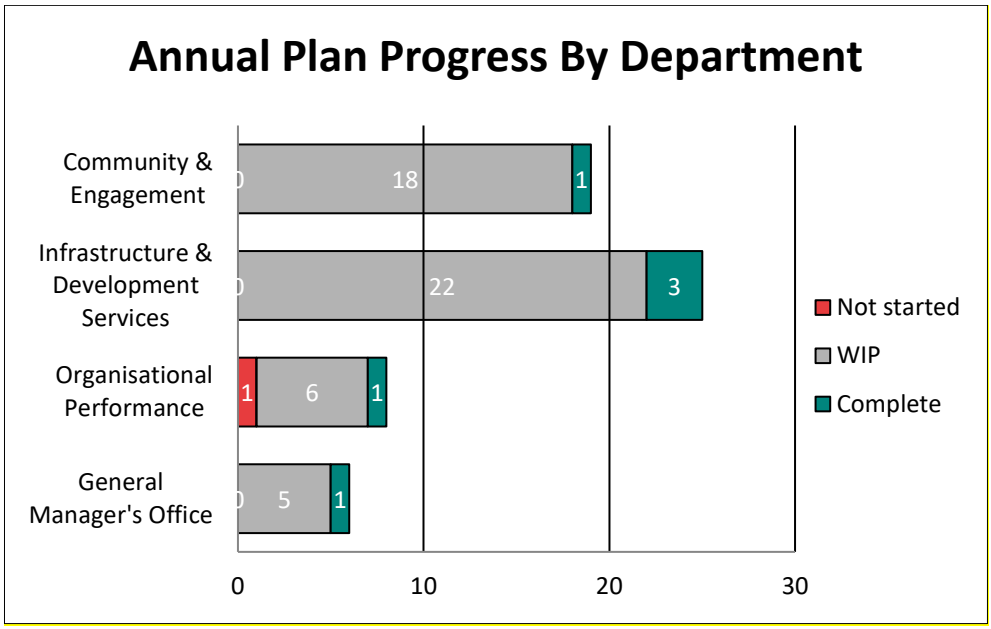
DETAILS

The **attached** report provides a progress report of actions against the Council's Annual Plan for 2021/22.

As of 31 March 2022, 51 actions are in progress (88%), 1 not started (2%), and 6 actions have been fully completed (10%).

There was a total of 58 actions adopted in the Annual Plan and Budget. The below graphs present overall progress of the actions.





Of the 51 actions that are in progress, 25 actions are above 90% complete and are nearing completion. Most actions are on track for completion by year end with the exception of 10 actions. They are discussed below in more detail.

The following annual plan action is proposed to be deferred to a future year is:

1.3.1.1 Undertake a review of the Sustainable Murchison 2040 Community Plan

It is recommended that this review be considered in consultation with other Councils in the region following the future of local government review being conducted by the state government.

The following 9 annual plan actions are expected to be ongoing as at the end of the financial year and will be completed during the 2022/23 financial year:

3.3.2.1 Establish an enclosed dog exercise area
Ballad Avenue in Wynyard has been identified as a suitable site for the location of a dog park and is currently out for public consultation following the March Council meeting.

3.3.1.1 Complete construction of the ANZAC Park All Abilities Playground
A contract has been awarded and construction has commenced with the expected completion scheduled for October 2022.

4.4.2.1 Complete construction of the Waratah Rail Bridge
The state government has allocated funding for the project however commencement of the project is awaiting receipt of the funding agreement.

5.3.1.1 Complete year 1 actions of the Tourism Action Plan 2020/25
The Tousim Plan has not yet been finalised however work is continuing on key projects that will form part of the Plan including the Geological Trail, the Western Wilds Story Stop, brochure redevelopment and Table Cape enhancements.

3.3.2.1 Construction of a public toilet at Yolla
Planning has been undertaken investigating potential sites however construction will now occur throughout 2022/23.

4.3.1.1 Undertake coastal erosion works to protect Council assets from sea level rise at ANZAC Park, Somerset
Design and tender is expected to have occurred in the current financial year with construction to commence following bridge upgrade by the state government.

5.4.2.1 Undertake Port Creek flood mitigation works
5.4.2.2 Undertake Big Creek flood mitigation works
Design, planning, tendering and appropriate permissions are anticipated to have been completed in the current financial year however construction will continue into the new financial year.

6.1.1.1 Provide for intersection safety improvements in collaboration with West End IGA supermarket including reconfiguration of the car park
Design, planning, tendering and appropriate permissions are anticipated to have been completed in the current financial year however construction will continue into the new financial year.

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	Date Adopted:
Annual Plan and Budget Estimates 2020/21	21 June 2021

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 from accepting the recommendation to note this report. The financial implications of projects continuing into the new financial year does have some timing implications for Councils cash flows. Cash on hand as at 30 June will be higher by any unspent funds. The funds will be spent in the new financial year. The budgets associated with these projects will carry over into the new financial year.

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

Overall Council has an ambitious annual plan and good progress is being made against the annual plan to date. Council's achievements against the Annual Plan will be reported in Council's Annual Report. It is recommended that Council note projects outlined within the report that are not expected to be completed as at 30 June and formally note the progress report as at 31 March 2022 as presented.

9.4 ANNUAL UPDATE - COMMUNITY CONVERSATIONS

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	2 February 2022
File Reference:	0301
Enclosures:	Nil

RECOMMENDATION

That Council:

1. **Note the annual update of the "Community Conversation" Program and continue with scheduled workshops until July 2022; and**
2. **Conduct full review of the Community Conversation program with the new Council following the Local Government Election.**

PURPOSE

To review the Community Conversation community forums which were implemented to increase and improve community engagement, giving the public the opportunity to have one on one conversations with Councillors and Senior Staff in an informal setting.

BACKGROUND

Community Conversations were developed following a Notice of Motion at the April 2019 Council meeting where Council determined:

> "That Council give in-principal support for establishing community engagement events, and that Council prepare a paper detailing options for conducting these, for consideration and adoption."

The Community Conversation concept was developed as a result of this motion and has been running since July 2019.

DETAILS

Since the Community Conversations commenced in July 2019, there have been 18 forums held. COVID-19 caused forum events to be postponed indefinitely in 2020, with the need to change how the events were conducted when they resumed in February 2021. The following table shows details of forums held:

DATE HELD	LOCATION	ATTENDANCE
29/7/19	Wynyard	14
26/8/19	Waratah	21
30/9/19	Boat harbour	22
28/10/19	Sisters Beach	5
25/11/19	Yolla	9
2/12/19	Somerset	24
3/2/20	Wynyard	25
19/2/20	Waratah	50
3/2/21	Boat Harbour	20

DATE HELD	LOCATION	ATTENDANCE
17/2/21	Sisters Beach	4
17/3/21	Yolla	1
14/4/21	Waratah	12
12/5/21	Wynyard	6
16/6/21	Somerset	12
26/7/21	Boat Harbour	13
27/9/21	Sisters Beach	6
22/11/21	Yolla	3
24/1/22	Waratah	8
28/3/22	Wynyard	18

The program has resulted in 170 ideas/opportunities being raised with Council and 87 service requests being lodged. Of the service requests lodged only 12 remain open with seven of these raised at the Wynyard forum held 21 March. The remaining five are either being investigated or are scheduled for action as part of council's maintenance planning.

Currently the following workshops are scheduled:

Location	Date (Monday)
Somerset	27 June 2022
Boat Harbour	25 July 2022

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 3: Connected Communities
Desired Outcomes
3.5 Our community uses its voice to shape its future alongside a strong Council willing to listen and implement where reasonable and practical.
Our Priorities
1.1.1 Commit to best practice in community engagement.

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.
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.

Strategies and Plans

Name of Strategy / Plan
Age Friendly Communities Plan 2019-2024
Y Plan – (Youth) 2019-2024
Community Health and Wellbeing Plan 2019-2024
Corporate Strategic Plan 2017-2027
Communication and Engagement Strategy 2019/2021
Waratah Community Plan

The Communication and Engagement Strategy includes the following key principles. Goals and objectives:

Communications Strategy – Principles

1. We will keep stakeholders **informed** with timely communication about Council projects, events and other newsworthy items.
2. We will **listen** to our community by facilitating open, respectful two-way communication to build trust, encourage feedback and increase stakeholder understanding and support.
3. With consideration for the diversity of our community, we commit to **engaging** with our stakeholders in innovative and meaningful ways that broaden our communication reach and increase the level of stakeholder engagement.
4. We will **collaborate** with our stakeholders on major projects from conception to completion, incorporating feedback, advice and recommendations throughout the project lifecycle.
5. We will deliver a **consistent** brand message and implement strategies to build awareness and advocacy amongst our stakeholders

Communications Strategy - Engagement Goals

1. Develop an ongoing communications program to keep the community and key stakeholders informed about our programmes, services and decisions.
2. Build our reputation and identity through consistent messaging and engaging visual presence
3. Strengthen our Partnerships and community involvement through a council wide approach to communication, engagement and collaboration.
4. Build the capacity of staff and Councillors to communicate, engage and champion Council business.
5. Continue to build the tools and practice the principals of the International Association for Public Participation to become a leader in communication and community engagement.

Community Forums - Objective

1. To give the public the opportunity to meet councillors and staff and discuss ideas or concerns they may have in relation to their local area on a one on one/face to face basis.
2. Developing mutual trust and positive relationships with the public and key stakeholders.
3. An avenue to gain feedback on specific projects that are happening locally

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

A budget allocation of $1,000 has been included in the Annual Budget with $739 spent to date.

RISK IMPLICATIONS

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

CONSULTATION PROCESS

A workshop was held with councillors to discuss results of Community Conversations to date and how to proceed into the future.

CONCLUSION

It is recommended that Council note the annual update and host the next Community Conversations scheduled for Somerset and Boat Harbour Beach in the current format, and then conduct a full review with the new Council following the Local Government Elections at the end of the year.

9.5 AWARD OF CONTRACT 771 - PUBLIC TOILET AND BARBECUE CLEANING SERVICES

To:	Council
Reporting Officer:	Manager Recreational Planning and Environment
Responsible Manager:	Director Infrastructure and Development Services
Report Date:	31 March 2022
File Reference:	Contract 771
Enclosures:	1. Tender 771 Evaluation Summary- Under Separate Cover

RECOMMENDATION

That Council:

1. **Award Contract 771 – Public Toilet and BBQ Cleaning Services to Jones & Co Cleaning; and**
2. **Renegotiate Contract 731 – Provision of Collection/Cleaning Services with the existing contractor to consist of collection services only.**

PURPOSE

To determine Council's position in relation to tender submissions received for the cleaning of public toilets and public barbeques within the municipal area.

BACKGROUND

The most recent Community Satisfaction Survey indicated that public toilets were the third most important community facility or service. When compared with the community's perspective of performance, it highlighted public toilets as having the highest gap score (2.20 gap) between its importance and its performance. This represents a stark increase from its gap score of 1.61 in the 2016 community survey (0.59 increase).

Upgrades to Council's public toilet facilities have recently been completed in response to this community feedback and the cleaning of the public toilet facilities has also been reviewed.

The cleaning of public toilets is currently completed under an existing contract arrangement, containing two distinct elements:

- Cleaning services for public toilets and barbeques
- Collection and emptying of public bins and cigarette containers

The recent increase in the number of public bins and toilet facilities, has resulted in a contract with higher demand for both elements. These circumstances have created difficulties for the existing contractor to meet the minimum *cleaning* standards set out within the contract. To date, there has been no concerns around the contractor's ability to meet the requirements of the collection and emptying services for public bins.

Upon discussions with the current contractor on improving cleaning service quality and taking on the newly built public toilet facilities, council and the contractor reached a mutual agreement to test the market for alternative options for the provision of public toilet and barbeque cleaning services. Should Council choose to award Contract 771 for the provision of cleaning services, the collection and emptying services would be retained by the existing contractor under the terms and conditions of Contract 731.

A call for tenders for the provision of cleaning services was published in The Advocate Newspaper and released on the Tenderlink website on 22 January 2022.

DETAILS

The contract operates as a schedule of rates contract, based upon the estimated required cleaning frequencies for each facility. To encourage service excellence, the contract also provides performance incentives for meeting the minimum performance criteria for cleaning quality and reporting. The contractor's performance shall be measured through a scoring system based upon cleanliness at random inspections and meeting all of the scheduled inspections as part of the contract. An annual financial risk or reward offered based on the achievement against the following table:

Performance Score	Financial Incentive
Total average score is greater than 95%	5% of annual contract price (excl. rise and fall) bonus paid to the contractor
Total average score is between 90% and up to 95%	2.5% of annual contract price (excl. rise and fall) bonus paid to the contractor
Total average score is between 80% and up to 90%	No bonus – full payment of agreed contract price
Total average score is between 70% and up to 80%	2.5% of annual contract price (excl. rise and fall) service credit paid to the principal
Total average score is less than 70%	5% of annual contract price (excl. rise and fall) service credit paid to the principal. The Principal may terminate the contract for continued performance of <70% as per Section 6.15 and 6.16.

It is noted that the performance incentive or punishment approach has been added to the new contract as part of a continuous improvement review of the contract's terms and conditions, largely in an effort to encourage high quality performance by the contractor.

Tender prices and assessment of the tender, based on pre-defined tender criteria, outlines the recommendation to Council to award the contract.

All tenders received have been assessed by the evaluation panel against a range of weighted criteria being:

Selection Criteria	% Weighting
Project understanding including quality and completeness of submission	10
Capacity and resources, materials, Plant and Equipment to complete the works including financial viability	15
Capability and relevant experience of personnel and management.	20
Quality Management Systems, including WHS, Traffic, risk and environmental	15
Tender Sum	40
	100

At the close of tenders, four (4) conforming tenders and one (1) non-conforming tender was received. The non-conforming tender has been excluded from the evaluation process as they were not able to comply with the minimum requirements for documentation and evidence. Tender submissions were received from:

- Lazaro Pty Ltd
- Jones & Co Cleaning
- HSC Facility Service
- DC Dev's Cleaning Service
- Vector Group Australia (non-conforming)

The assessment document has been provided to Councillors as a confidential attachment.

All conforming tenderers have demonstrated experience within the industry, have established safety and quality management systems in place, and have been assessed as competent and capable in the performance of the works for which they have tendered. All tenderers have provided similar cleaning services to other councils and private enterprises. Each conforming tenderer has provided sufficient evidence to demonstrate their competence and capability to perform the works to the quality required. Accordingly, the final determining factors for the recommendation was largely down to price.

Whilst the recommendation to separate the two contracts and award the cleaning services to an alternative contractor will lose a potential economy of scale for vehicular travel, it is intended to relieve the excess demand on the existing contractor and therefore should provide an overall improvement to service delivery.

Should Council choose to award Contract 771 for the provision of cleaning services as per the recommendation, the public bin collection and emptying services would be retained by the existing contractor under the terms and conditions of Contract 731.

Alternatives

Should Council determine not to award the contract as per the recommendation, the cleaning services would be retained by the existing contractor alongside the collection and disposal of public bins. The current contractor employs one individual to undertake all activities under this contract and has done so for many years, which has provided value when compared with other options. However, with the increase in number of public bins and toilets, the contractor has advised it takes between 10-15 hours each day for one person to complete the requirements of the contract.

From a work health and safety perspective, the current operational model is no longer sustainable. In this scenario the existing contractor will request a variation to contract to allow for the employment of another person/s and associated equipment. It is noted that the contractor has indicated this is not their preferred position given the cleaning component of the work doesn't align with their core business and as the quantum of work has increased beyond original expectations and their business capacity.

If the contractor is unable to address the service gaps or can no longer provide the services, the contractor may default on the contract. In effect, this would require Council to re-tender both the collection and cleaning services. Whilst the tender process is underway, Council would either need to engage another contractor to undertake the works at a less cost-effective rate or undertake the works in-house and risk poor delivery of services elsewhere. Though the exact outcome in this scenario is unknown, it is probable it will have a larger financial burden than the recommended contract separation given current market fluctuations in fuel, supplies and appropriately qualified labour.

Alternatively, Council could elect to take on the cleaning services in-house. With limited access to data on cleaning times, it is difficult to provide certainty around costings for this option. However, if the cleaning services could be undertaken by a single individual (1.0 FTE), it is anticipated the annual costs to Council to undertake the service would include labour, equipment, vehicle running costs and depreciation. An additional approximate $32,000 capital expenditure would also be required for the purchase of a suitable vehicle (multiple vehicles could be required if more than 1.0 FTE was needed to complete the services).

Undertaking these activities in-house is not without risk. Council has committed to bringing new public toilet blocks online for the new Wynyard Waterfront Multi-use Facility, Yolla and the ANZAC Park All-Abilities Playground. Furthermore, there are a number of areas highlighted as potential sites for future public toilets within Council's master planning. It is likely the addition of these toilets will necessitate more than a 1.0 FTE position being assigned to these works and therefore this could increase the total annual cost significantly. These resourcing challenges and risks are passed onto the contractor when undertaken by a third party but would be Council's responsibility to resolve under an in-house model.

It is also understood that attracting cleaning staff for employment is challenging at this time, given the increase in cleaning services required as a result of the global pandemic. It would be a reasonable assumption that council could have difficulties attracting suitably qualified staff to undertake these works.

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 4: Community Recreation and Wellbeing
Desired Outcomes
4.2 Our community values, encourages and supports physical, social and cultural activities.
Our Priorities
4.2.1 Focus on the value of recreation in promoting the health and wellbeing of our community.

Sustainable Murchison Community Plan 2040

Community Future Direction Theme	Key Challenges & Opportunities:
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.

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

By splitting the cleaning and collection services effectively into two separate contracts, the original contractor loses some economies of scale as they would still need to use the collection vehicle and employ staff to collect bins (these costs were spread across the collection and cleaning elements of the current contract). With a loss of efficiencies, a slight increase of $10,943 p.a. would be required to continue the collection services under the existing contract, bringing the total annual cost for public bin emptying to $185,986 excl. GST.

If the contract was to remain with the existing contractor, the variation for additional toilets that have been built and for those soon to be in service is estimated to be approximately $57,000 more than the recommended tender.

Alternately, if Council was to undertake these services in-house the expected annual operational is estimated to be between $34,000 and $98,000 more than the recommended tender, plus the capital cost of $32,000 for a vehicle and associated risks and issues attached with this option

RISK IMPLICATIONS

In the conduct of any contract there are risks to Council, including time delays and poor quality of work. The use of experienced contractors coupled with contract documents will minimise potential risks to Council. The broader tender assessment, beyond just price, is intended to mitigate risk.

If the contract is not awarded, the cleaning services shall remain with the existing contractor. As the cleaning services are currently undertaken alongside the emptying of public bins, resources are limited and therefore the cleaning may not have the same quality result as a dedicated cleaning contractor. Subsequently, the cleaning services offered for public toilets and barbeques is unlikely to meet the service level expectations of the community unless the Council accept a variation to the contract to provide more resources to cleaning services.

CONSULTATION PROCESS

It is noted that the focus on improving Council's public toilets has been the product of the 2019 Community Satisfaction Survey which highlighted public toilets as having the highest gap score between the community's perspective of importance and performance.

CONCLUSION

It is therefore recommended that Council:

1. Award *Contract 771 – Public Toilet and BBQ Cleaning Services to Jones & Co Cleaning;*
2. Renegotiate *Contract 731 – Provision of Collection/Cleaning Services* with the existing contractor to consist of collection services only.

9.6 AUDITOR-GENERAL'S REPORT ON THE FINANCIAL STATEMENTS OF STATE ENTITIES

To:	Council
Reporting Officer:	Director Organisational Performance
Responsible Manager:	General Manager
Report Date:	31 March 2022
File Reference:	Financial Management - Audit - Audit Reports
Enclosures:	1. Report of the Auditor-General 2021-22 - Audit of State Entities and Audited Subsidiaries of State Entities 31 December 2020 and 30 Juen 2021

RECOMMENDATION

That Council note the Auditor General's Report on the Financial Statements of State Entities.

PURPOSE

The report is to inform the Council of the performance and findings of the Auditor-General on the performance of local government for the year ended 30 June 2021.

BACKGROUND

The Auditor-General is responsible for the audit of financial statements for all Tasmanian State entities including Councils.

Following the audits each year, the Auditor General prepares a report to Parliament providing financial analysis on the performance of the local government sector. The Auditor General tabled his report to Parliament on 24 March 2022.

DETAILS

The report contains a financial analysis of the 29 Tasmanian Councils (from page 27 to page 50). Some extracts and additional commentary are provided for the information of Councillors. The full report is attached.

Overall, the report points to some financial challenges within the local government sector in recent years. Waratah Wynyard has, along with the sector, experienced challenges as a result of the impact of COVID 19 and subsequent environment of rising costs.

Waratah-Wynyard Council maintains a Financial Management Strategy which underpins Councils long-term financial sustainability. This planning process has been critical in navigating the financial challenges being experienced by the sector for this Council.

Waratah Wynyard is currently in a strong financial position with strong liquidity and cash flow, low debt levels, assets in good condition, and an ability to satisfactorily fund its asset renewal requirements. Councils operating position has also improved in recent years and is sustainable with its recurrent expenses able to be fully met by its recurrent revenue streams.

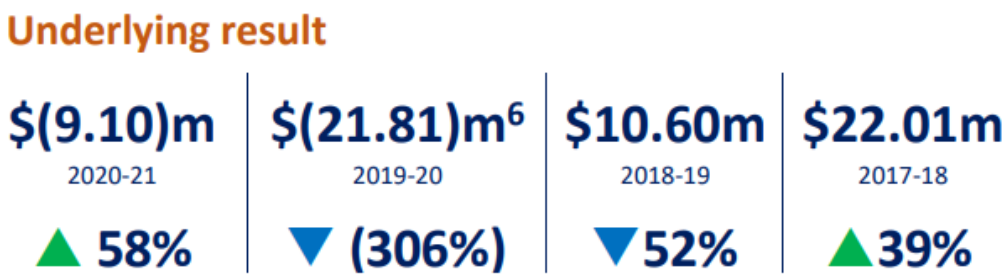
Underlying operating results

Overall, the report outlines an improvement in the financial performance of the sector when compared with 2019-20. The sector did however continue to have an underlying deficit of $9.1m (compared with $21.81m in 2019-20).

The underlying result is an important measure of financial sustainability. Councils seek to achieve equity across generations by ensuring that rates are set at a level that ensures each generation pays its way with respect to recurrent expenses being met from recurrent revenue (the full cost of the service it consumes.).

Overall, the financial performance of local government councils for 2020-21 was improved with urban Councils showing a greater improvement than rural Councils.

Waratah Wynyard is classified as a rural council and achieved an underlying surplus of $53k for the year ended 30 June 2021. One of only four Councils in the NW region to have achieved an underlying surplus and 11 of the 19 rural councils recorded a lower underlying result than the previous year. Of the $9.1m deficit for the sector overall, the aggregated underlying deficit for rural Councils was $3.6m.



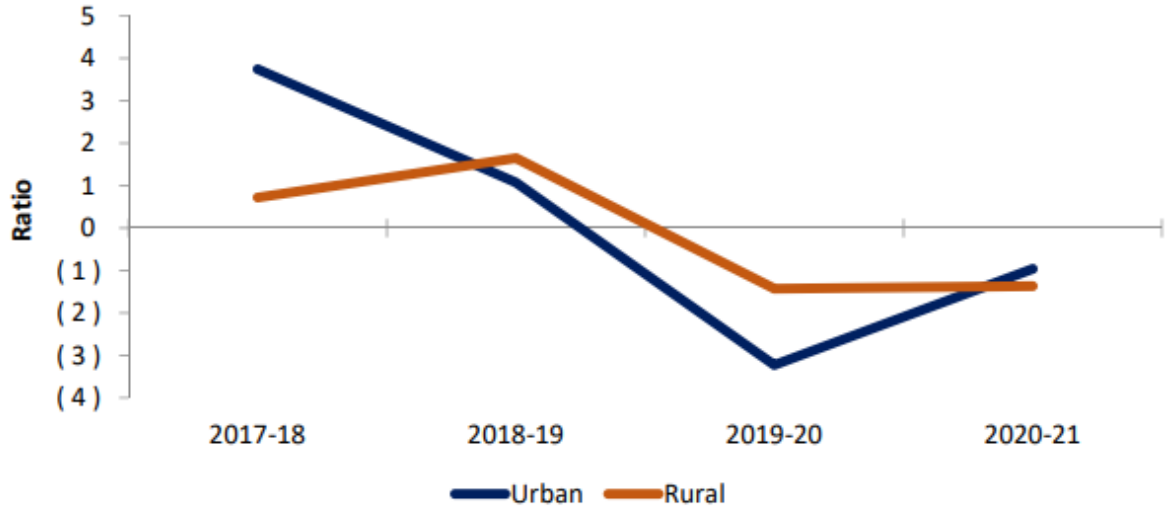
Source: Page 34 of Auditor-General Report

The sector's operating results were significantly impacted by COVID in 2019-20. In an environment of increasing expenses, and reduced Tas Water dividends, Councils did not increase rates and charges to the community.

The decline in 2019-20 for rural councils was not as dramatic as urban councils. The following graph shows some recovery by urban councils however rural councils did not collectively improve from 2019-20 to 2020-21.

Waratah Wynyard Council delivered an operating surplus across all four years and maintained a small surplus across both 2019-20 and 2020-21.

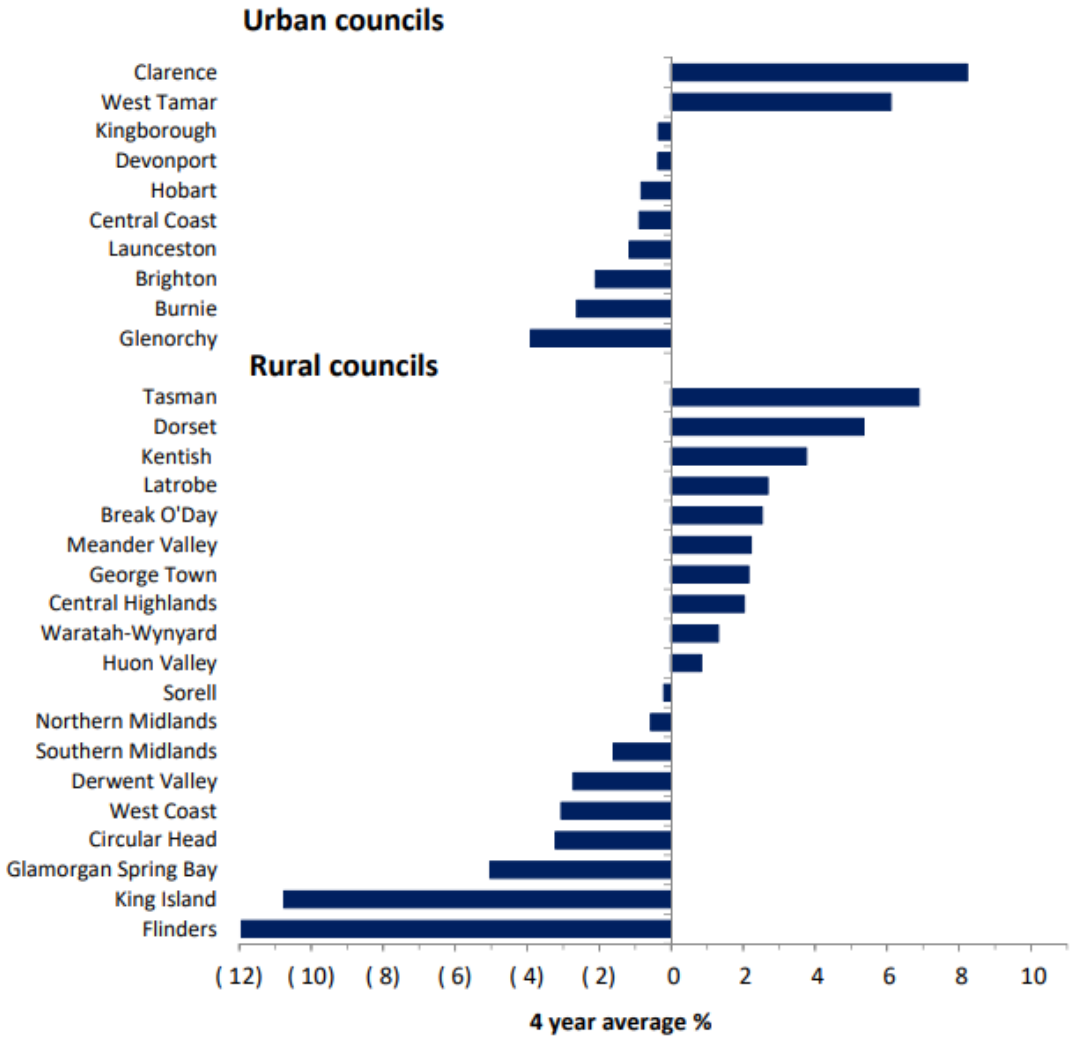
Figure 13: Underlying surplus ratio



Source: Page 36 of the Auditor General's Report

Seventeen councils recorded an underlying deficit for the 4-year period:

Figure 14: Four year average underlying surplus ratio by council



Source: Page 38 of the Auditor General's Report

Revenue

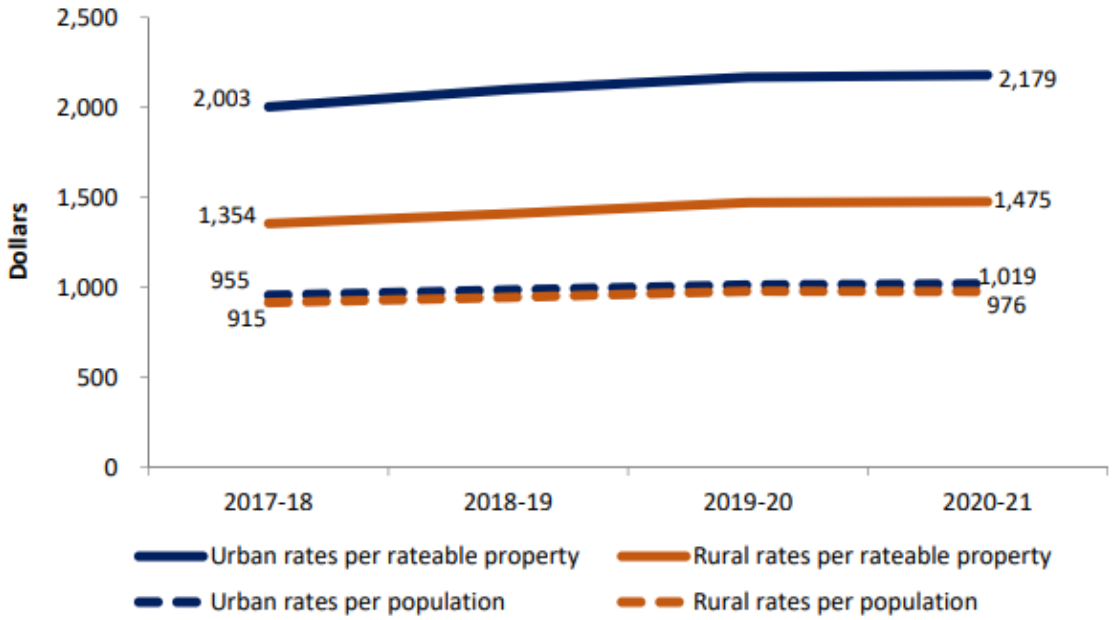
Whilst the report points to rates and charges increases in excess of the Council Cost index (page 41), many Councils in Tasmania including Waratah Wynyard Council, are experiencing growth. The increase in rates revenue includes movements in the number of rateable properties.

Overall, the net impact of property growth on Councils finances is positive however it is also critical in funding increased operational costs associated with new and upgraded infrastructure. Government funding for new infrastructure covers the initial construction costs only and communities must fund the ongoing operational costs arising from new and improved facilities.

Without property growth, the operational results of Councils would deteriorate where operational improvements cannot be made to offset additional costs or alternatively, rates and charges paid by the existing rate base would need to increase to fund new infrastructure.

The report also highlights that the average revenue per rateable property and per capita (population) has been consistent over the four-year period for both urban and rural councils.

Figure 17: Average rate revenue per rateable property and per capita



Source: Page 41 of the Auditor General's Report

Capital Expenditure

The report shows capital expenditure for rural councils increased over the last 4 years, as did the level of actual capital expenditure compared to budget. The report does however highlights gaps between planned capital expenditure and capital expenditure delivered.

On average the sector spent 76.8% of its budgeted capital expenditure in 2020-21. Waratah Wynyard Council spent 84.6%. Over the 4-year period Waratah-Wynyard spent on average 62.3% of its capital program budget.

The report highlights that "*Australian and Tasmanian Government measures to stimulate the economy in response to COVID-19 have led to an increased pipeline of capital projects during 2020-21, which are being managed across national, state and local levels of government. The*

increased demand in resources needed to plan and execute capital projects, has led to many councils experiencing difficulties in engaging civil construction personnel and contractors to undertake or complete planned capital projects, contributing to a deterioration in the capital expenditure gap for some councils in 2020-21. In addition, receipt of specific purpose funding, announcement of new funding programs and natural disasters, such as fire and flood events, have adversely affected capital spending allocations in some cases and added further pressure on available resources

Waratah Wynyard Council has experienced these resourcing pressures and has also experienced delays in some key projects which are proving to take more than 12 months from planning through to completion (for example the shared coastal pathway).

STATUTORY IMPLICATIONS

Statutory Requirements

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

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance
Desired Outcomes
1.1 We make publicly transparent decisions on spending and future directions while encouraging community feedback.
Our Priorities
1.5.1 Build our knowledge base to apply in decision-making processes.

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

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

Overall, the financial performance of local government councils for 2020-21 was improved with urban Councils showing a greater improvement than rural Councils. The sector did however continue to have an underlying deficit of $9.1m.

The report shows capital expenditure for rural councils increased over the last 4 years however there is a widening gap between budgeted capital expenditure and actual expenditure.

It is recommended that Council note the Auditor General's Report on the Financial Statements of State Entities.

9.7 SENIOR MANAGEMENT REPORT

To:	Council
Reporting Officer:	Executive Officer
Responsible Manager:	General Manager
Report Date:	25 March 2022
File Reference:	1312
Enclosures:	Nil

RECOMMENDATION

That Council note the monthly Senior Management Report.

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 14 March 2022 to 1 April 2022.

Corporate

- Attended the Community Conversations event in Wynyard
- Attended the Labor Party Media event in which they announced an election funding commitment of $1.3m towards expanded childcare facilities in Wynyard
- A business improvement program is being undertaken internally to identify opportunities for enhanced performance. A series of meetings have been held in recent weeks to progress this project
- Participated in a meeting with Central Coast Council to explore a regional resource sharing model for reserve maintenance
- Attended the Waratah-Wynyard Council Audit Panel meeting
- Budget preparations have commenced, and a series of internal meetings have been held to progress budget compilation
- Council's Enterprise Bargaining process has recommenced, and meetings conducted to progress negotiations

Community

- Met with representatives of the Wynyard RSL to discuss the organisation's current status and plans for the future
- Met with a community member regarding the Oldina Reserve Concept plan

- Met with BighArt to finalise arrangements for their occupancy of the café space at the new multipurpose/yacht club building
- Met with developers to discuss planning requirements for a proposed project

Industry

- Attended the Business North West breakfast event with guest speaker Rachael Matheson, CEO Civil Contractors Federation.
- Attended the LGAT General Meeting held in Launceston

Other

- Met with Ruth Forrest for a regular update on Council projects and activities

Telecommunications Review Update

The 2021 Regional Telecommunications Review is now completed. Council Officers participated in the Review throughout 2021. The Review report: A step change in demand is available at: www.rtirc.gov.au.

The report put forward 12 recommendations for the future direction of regional telecommunications policy, summarised as follows:

1. Adopt a longer-term strategic approach to regional digital infrastructure and skills
2. Enhance the scale of Government investment in regional connectivity
3. Implement a regional telecommunications resilience fund
4. Conduct trials of emerging connectivity technologies and services
5. Build connectivity literacy and digital capability among regional users
6. Expand and enhance the NBN Co regional fixed wireless network
7. Implement and enforce network performance and reliability standards across all wholesale and retail services
8. Continue and reform existing Universal Service arrangements for the future
9. Improve the information available to consumers about mobile services
10. Encourage shared network access and innovative funding for regional mobile
11. Place continued focus on the digital needs of Indigenous communities
12. Improve communications affordability for vulnerable groups in regional areas

The Federal Government has responded to the review and committed $1.3 billion in regional investments in telecommunications. The Governments Response to the Review report is available at here.

At the time of agenda preparation, there have been no specific announcements for direct investment in this municipal area.

Administration – Use of Corporate Seal

16/3/22	Grant Deed	Improving the Playing Fields Grant Program – New oval at Wynyard High School $500,000
16/3/22	Part 5 Agreement	Part 5 Agreement 9 Brighton Place Wynyard
17/3/22	Final Plan and Schedule of Easements	SD2126 35 Old Bass Highway Wynyard (1 into 2 lots)
17/3/22	Final Plan and Schedule of Easements	SD2129 33 Aldersons Road Wynyard (I into 2 lots)

POLICIES TO BE RESCINDED

Nil

COMMUNITY CONVERSATIONS

Location	Date	Start Time	Number in Attendance
Boat Harbour Beach	26 July 2021	5.30pm	35
Sisters Beach	22 September 2021	5.30pm	2
Yolla	22 November 2021	5.00pm	3
Waratah	31 January 2022	5.30pm	17
Wynyard	28 March 2022	5.00pm	18
Somerset	27 June 2022	5.00pm	
TOTAL			**57**

WORKING GROUPS

Following a resolution at the July 2019 Council Meeting the following working groups have been/are being established:

	Elected Member Representatives	**Responsible Officer(s)**	**Status**
Wynyard Show Grounds	Cr Bramich Cr Edwards Mayor (ex-officio)	General Manager Recreation Liaison Officer Executive Officer (GM office)	No change from last meeting. Not likely to meet until Wynyard Sporting Precinct planning progresses
WWC Environmental Plan	Cr Fairbrother Cr Courtney Cr House Mayor (ex-officio)	Project Manager – Infrastructure & Development Services	Council are working towards the creation of an Advisory Committee for the adopted Environmental Sustainability Policy.
Somerset Sporting Precinct	Cr Duniam Cr Hyland Mayor (ex-officio)	General Manager Manager Community Activation Recreation Liaison Officer	Technical feasibility around options for the Somerset Sporting Precinct has been assessed and a summary will be provided to Councillors at an upcoming workshop prior to resolving next steps, including any community consultation.
ANZAC Park		Director Community & Engagement	Tender approved and construction commenced. No meetings of group likely to be held from this point.
Boat Harbour Masterplan	Cr Courtney Cr Fairbrother Cr Bradley Mayor (ex-officio)	General Manager Executive Officer (GM office)	Representatives last met on 8 December to discuss draft landscape plans. Working Group members and Council Officers are working on securing funding for the project.

PLANNING PERMITS APPROVED UNDER DELEGATION - March 2022

DA No.	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	(D)Discretionary (P)Permitted
DA 3/2022	Woolcott Surveys	4 Serrata Crescent Sisters Beach	Dwelling & Outbuilding (Carport)	1.03.2022	43	**D**
DA 5/2022	M Bond	126 Irby Boulevard Sisters Beach	Demolition of Existing & Replacement Outbuilding (Shed)	1.03.2022	42	**D**
DA 7/2022	D & L Hardy	111 Little Village Lane Somerset	Outbuilding (Shed)	4.03.2022	44*	**D**
DA 8/2022	M Jacques	3 Serrata Crescent Sisters Beach	Outbuilding (Shed)	4.03.2022	42	**D**
DA 12/2022	R West	30 Seabrook Road Somerset	Awning (Outdoor Classroom)	11.03.2022	30	**P**
DA 13/2022	L & T Stevenson	43 Shepperds Lane Elliott	Outbuilding (Shed)	11.03.2022	38	**D**
DA 11/2022	S Leith	29 Hogg Street Wynyard	Frontage Fence	11.03.2022	37	**D**
DA 168/2021	PLA Designs Pty Ltd	80 Old Bass Highway Doctors Rocks	Dwelling Extension & Outbuilding (Shed)	11.03.2022	38	**D**
DA 23/2022	PLA Designs Pty Ltd	550 Reservoir Drive Wynyard	Dwelling Extension	17.03.2022	24	**P**
DA 213/2021	Lachlan Walsh Design	37 Pelissier Street Somerset	Outbuilding (Shed)	17.03.2022	42	**D**
DA 15/2022	N & S Whiteley	635 Calder Road Calder	Boarding Kennels (Change of Use) and Associated Parking	23.03.2022	42	**D**
DA 16/2022	PLA Designs Pty Ltd	141 Lennah Drive Wynyard	Outbuilding Extension	23.03.2022	42	**D**
DA 17/2022	C & R Jones	East Yolla Road Yolla	Outbuilding (Shed)	23.03.2022	42	**D**
SD 2139	PDA Surveyors	110 Back Cam Road Somerset	Subdivision (1 into 3 lots)	23.03.2022	45	**D**
DA 181/2021	PLA Designs Pty Ltd	235A Old Bass Highway Doctors Rocks	Dwelling	25.03.2022	42	**D**
DA 9/2022	Abel Drafting Services P/L	18 Reservoir Drive Wynyard	Outbuilding Extension (Storage Shed)	25.03.2022	39	**D**
SD 2131	I W More	27 Vincent Street Waratah	Subdivision (1 into 6 lots) & Dwelling	26.03.2022	42	**D**

*extension of time

BUILDING PERMITS APPROVED - March 2022

NPR= No Permit Required under Waratah-Wynyard Interim Planning Scheme 2013 **EXEMPT**=application meets exemptions under LUPA and/or Waratah-Wynyard Interim Planning Scheme **2013**

Permit Number	Applicants Name	Location	Development	Date Permit Issued	No of Days to Process	Related Planning Approval
BLD-W-2022-01-01	Tim Price	2 Postmans Court Sisters Beach	New Dwelling	25/03/2022	**0**	DA 13/2021

COUNCIL MEETING ACTIONS – OPEN COUNCIL

DATE	ITEM	TOPIC	ACTION/STATUS	OFFICER	STATUS
10/12/18	10.1	Wilkinson Street Highway Junction works Amended Motion carried	That Council on receipt of assurances from DSG that council legal expenses associated with any representation and associated legal process will be reimbursed. *The Department of State Growth will proceed with the closure of Wilkinson Street commencing May 2022'.*	MPE	Ongoing
22/6/20	8.2	NOM – Cr Fairbrother – Crown Land	Motion Carried - That Council consider that where areas of Crown land separate a road and a property boundary, for the purposes of planning, that the area be incorporated and or considered as a Part of the road reserve. *Council staff met with Minister Jaensch's office and they are going to follow up the option of Crown Land Services essentially providing a waiver that they have no interest where "impact" is limited to existing access running through Crown Land. No further progress.*	MDRS	Progressing
19/10/20	7.3.3	CQWON – Cr Fairbrother – Building and Planning Statistics Reporting	Cr Darren Fairbrother asked if it was possible to have additional information added to building and planning reporting contained within the Senior Management Report each month to enable Councillors to be aware of what is happening with current applications that may not have progressed to advertising. For example, applications received, awaiting additional information or currently on advertising. *This request has been factored into the scope for an external planning services review. An Expression of Interest has been prepared for the body of work and quotes for completion of work are being sought*	GM	Progressing
16/11/20	7.3.6	CQWON – Cr Courtney – Expenditure Monitoring	Cr Courtney asked if the General Manager could advise how Councillors could be provided with further information and detail of purchases, in light of proposed changes to the purchasing policy. *Presentation on reporting and audit framework and how finances are managed to be presented to future Councillor workshop.*	DOP	In progress
15/11/21	7.3.3	CQWN – Cr Fairbrother – Waratah Weir	*Meeting held between Council, TasWater and DPIPWE and direction determined. All consultancy reports are now available. Summary report to be placed on May Council agenda*	GM	In Progress
15/11/21	9.6	ROC – Future Use of 0 Ballad Avenue, Wynyard (187575)	Motion Carried - That Council: 1. note the Flora and Fauna Assessment Report for 0 Ballad Avenue, Wynyard; 2. instruct Council Officers to register the natural values identified at the site with the Department of Primary Industries, Parks, Water and Environment (DPIPWE) to inform future development compliance; 3. instruct Council Officers to continue to undertake appropriate weed containment management measures to prevent the spread and future occurrence of controlled weeds; and	DOP	Progressing

			4. defer the expression of interest for sale or development of the land for residential purposes in order to undertake an assessment into the site's suitability for other public recreational uses whilst preserving the natural values identified in the flora and fauna assessment. *The Draft Ballad Avenue Reserve Development Options Paper is out for community consultation. The expression of interest process is on hold until the outcome of the consultation is known.*		
21/2/22	8.1	NOM G Bramich – Electronic Community Noticeboards	DERFERRED – Pending Workshop Discussions That Council: 1. Install Electronic Signage Boards at Civic Square or the Cow Park in Wynyard and the Somerset CBD; and 2. Add purchase, installation, security and maintenance costs of Electronic Signage Boards to the 2022/23 Annual Budget *Council considered the matter at a Workshop on 4 April and determined not to allocate funds in the 22/23 budget.*	DCE	Complete
21/2/22	8.3	NOM – D Fairbrother – Planning Matters	CARRIED 1. That Council write to the respective Ministers and or State Government bureaucrats to request a review of the planning and building rules to provide for the following: a. Sufficient water storage for both domestic household use and water storage for firefighting purposes in landslip b areas and suggest as a minimum 20,000 L (10,000+10,000) for this purpose; b. Repair, replacement and renovation of existing buildings in areas of designated landslip A; and 2. Make representation to state cabinet members, local members of the house of assembly and local legislative councillors etc seeking their support for such changes *Letter has been drafted; not yet sent pending finalisation of discussions with Ombudsman*.	DIDS	Progressing
21/2/22	8.4	NOM M Duniam – Local Heritage Register	DEFERRED – Pending Workshop Discussion' with local groups to be invited to consult on the development of a Local Heritage Register That Council: 1. Draft a Local Heritage Register for Waratah-Wynyard Municipality; and 2. Draft a Policy to support the above Local Heritage Register for the Waratah-Wynyard Municipality. *Discussed at Workshop 4 April 2022 and report to be provided to May Council Meeting.*	DCE	Pending

21/3/22	5.3.1	PQWON – C Hutchison Inglis Pony Club	Mr Hutchison of Preolenna asked when the idea of relocating the Inglis Pony Club was first proposed to Council and/or Councillors. Response provided to Mr Hutchison 25/3/21 and detailed in this agenda	GM	Complete
21/3/22	8.3.1	CQWON – Cr Bradley – Boat Harbour Beach Toilets	Cr Maureen Bradley advised that she had been contacted by a woman who got stuck in public toilets at Boat Harbour Beach on the weekend when the electric lock would not open and asked if this was being looked into. Response provided this agenda	GM	Complete

9.8 FINANCIAL REPORT FOR THE PERIOD ENDED 31 MARCH 2022

To:	Council
Reporting Officer:	Corporate Accountant
Responsible Manager:	Director Organisational Performance
Report Date:	4 April 2022
File Reference:	6
Enclosures:	1. Capital Works Progress Report - March

RECOMMENDATION

That Council note the Financial Reports for the period ended 31 March 2022.

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
- Cash Position
- Rate Summary
- Grant Summary
- Operating Performance by Department
- Capital Works Summary
- Capital Works Progress Report

DETAILS

Council is currently tracking well against budget with a forecast favourable variance to budget of $223k. There are several favourable and unfavourable variances across the budget. Commentary on the forecast is provided at both an expenditure type and departmental level further in this report.

Council is experiencing increased volatility in its operating revenues and expenditure with the impacts from COVID-19 circulating within the community. The budget continues to be monitored closely and material variances will be communicated as they become known.

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.

Council Strategy or Plan Reference

Council Strategy or Plan	Date Adopted:
Financial Management Strategy 2021-2031	Adopted March 2021

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

All details are included in the attached reports.

Income Statement

The Income Statement shows the performance of Council's operations year to date.

Income Statement as at 31 March 2022

	YTD Actual	YTD Budget	%		YTD Variance	Budget	Forecast		Forecast Variance	Note
Recurrent Income										
Rate Revenue	12,164,338	11,289,093	8%	✓	875,245	12,046,053	12,173,313	✓	127,260	1
User Charges	2,242,963	2,222,130	1%	✓	20,833	2,779,866	2,781,105	!	1,239	
Reimbursements/Contributions	422,084	575,972	-27%	✗	(153,888)	764,355	776,411	!	12,056	
Grants and Subsidies	1,297,523	2,487,081	-48%	✗	(1,189,559)	3,479,313	3,541,727	✓	62,414	2
Interest	73,744	55,476	33%	!	18,268	74,000	86,000	!	12,000	
Distributions from Water Corporation	421,500	505,800	-17%	✗	(84,300)	674,400	674,400	✗	-	
Total Recurrent Income	**16,622,152**	**17,135,552**	**-3%**	✗	**(513,400)**	**19,817,987**	**20,032,956**	✓	**214,969**	
Recurrent Expenditure										
Employee Costs	5,685,864	5,822,208	-2%	✓	(136,344)	7,898,644	7,915,213	!	16,569	
State Levies	302,039	493,889	-39%	✓	(191,850)	630,703	549,368	✓	(81,335)	3
Remissions & Discounts	455,829	402,662	13%	✗	53,167	411,436	453,854	✗	42,418	4
Materials & Contracts	4,027,772	3,891,135	4%	✗	136,637	5,492,642	5,506,545	!	13,903	
Depreciation	3,521,457	3,520,044	0%	!	1,413	4,695,237	4,695,237	✓	-	
(Gain)/Loss on Disposal	-	55,548	-100%	✓	(55,548)	74,102	74,102	✓	-	
Borrowing Costs	37,990	18,225	108%	!	19,765	24,307	24,307	✓	-	
Other Expenses	175,742	218,028	-19%	✓	(42,286)	276,450	276,450	✓	-	
Total Recurrent Expenditure	**14,206,692**	**14,421,739**	**-1%**	✓	**(215,047)**	**19,503,521**	**19,495,076**	✓	**(8,445)**	
Surplus/(Deficit)	**2,415,461**	**2,713,813**	**11%**	✓	**298,352**	**314,466**	**537,880**	✓	**223,414**	
Capital Items										
Capital Grants/Contributions	3,335,726	5,917,689	-44%	✗	(2,581,963)	7,893,417	9,185,900	✓	1,292,483	
Derecognition of Assets	-	-	0%	✓	-	-	-	✓	-	
Asset Recognition	-	-	0%	✓	-	-	-	✓	-	
Comprehensive Surplus/(Deficit)	**5,751,187**	**8,631,502**	**-26%**	✗	**(2,283,611)**	**8,207,883**	**9,723,780**	✓	**1,515,897**	

Explanations are provided below for forecast variance of $20,000 or greater:

1 Rates Revenue – favourable variance $127,260

Council's rates and charges income will be higher than the annual budget estimates due to supplementary valuations received by Council late last financial year after the setting of the budget estimates.

2 Grants & subsidies – favourable variance $62,414

The forecast for financial assistance grants has been revised following the state grants commission 2021-22 grant allocations and are expected to be higher than budget.

3 State Levies – favourable variance $81,335

State Levies are expected to be lower than budget due to the delayed introduction of the State Waste Levy. The budget estimates allowed for the State Government introduction of the levy from 1 November 2021. This has since been delayed and expected to be introduced to 1 July 2022.

4 Remissions & Discounts – unfavourable variance $42,418

Remissions & Discounts expenditure is higher than budget due to an increased take-up of Council's early payment discount incentive. The budget was set based on historical take-up (2019-20 financial year). 74% of rates and charges were paid by the 31 August

compared to only 72% in 2019-20. The total early payment discount incentive has cost Council $454,290 for the year.

Balance Sheet

Council continues to be in a financially strong position. Council is forecasting a current ratio of 1.79 as at 30 June 2022 compared to a budgeted ratio of 1.71.

Balance Sheet as at 31 March 2022

	YTD Actual $	Budget $	Forecast $
Current Assets			
Cash & Cash Equivalents	14,707,590	5,713,891	6,087,639
Receivables	1,511,553	1,518,603	1,518,603
Inventories	126,147	116,464	116,464
Other Current Assets	8,456	195,825	195,825
Total Current Assets	**16,353,746**	**7,544,783**	**7,918,531**
Non-Current Assets			
Property, Plant and Equipment	216,501,194	227,796,456	228,935,680
Investment in Water	42,870,856	42,870,856	42,870,856
Total Non-Current Assets	**259,372,050**	**270,667,312**	**271,806,536**
Total Assets	**275,725,796**	**278,212,095**	**279,725,067**
Current Liabilities			
Payables	2,001,851	2,262,172	2,262,172
Interest-Bearing Liabilities	172,035	271,911	271,911
Employee Provisions	1,943,519	1,880,124	1,880,124
Total Current Liabilities	**4,117,404**	**4,414,207**	**4,414,207**
Non-Current Liabilities			
Interest-Bearing Liabilities	2,808,417	2,577,165	2,577,165
Employee Provisions	167,122	123,326	123,326
Provisions	26,132	31,058	31,058
Total Non-Current Liabilities	**3,001,671**	**2,731,549**	**2,731,549**
Total Liabilities	**7,119,075**	**7,145,756**	**7,145,756**
Net Assets	**268,606,720**	**271,066,339**	**272,579,311**
Equity			
Current Year Result	5,751,187	1,872,591	9,723,780
Accumulated Surplus	159,524,438	165,862,652	159,524,435
Reserves	103,331,096	103,331,096	103,331,096
Total Equity	**268,606,720**	**271,066,339**	**272,579,311**
Current Ratio	**3.97**	**1.71**	**1.79**

Cashflow Statement

As of 31 March Council had $14.708m cash on hand. Based on budgeted income and expenditures, Council is forecast to have $6.088m of cash on hand as of 30 June 2022.

A key assumption of this forecast is the completion of the capital works program as set by Council. To date, 35% of the capital budget has been spent.

The cash forecast does not include any proceeds received from the sale of Council property.

Cashflow Statement as at 31 March 2022

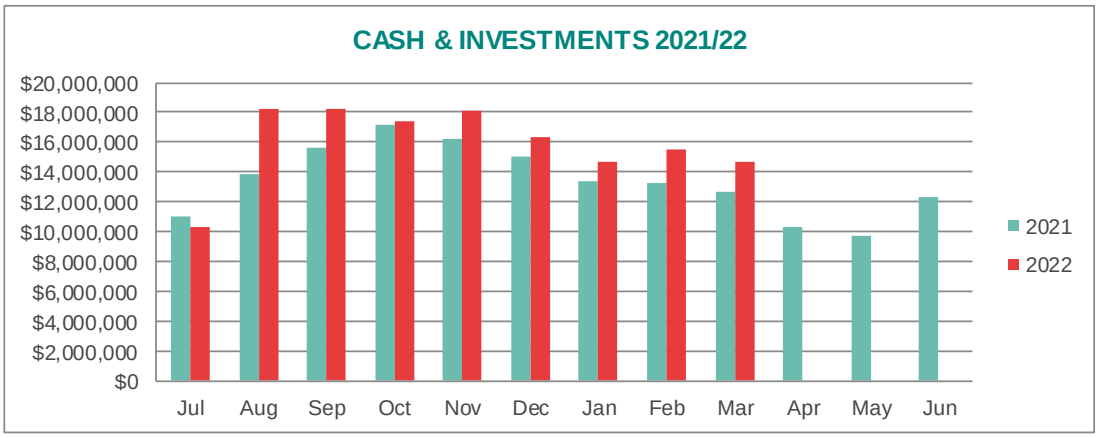
	YTD Actual $	Budget $	%	Balance $	Forecast $
Cash flows from operating activities					
Employee Costs	(5,585,275)	(8,010,210)	70%	(2,424,935)	(7,876,363)
Materials and Contracts	(4,264,530)	(5,297,423)	81%	(1,032,893)	(5,674,803)
State Levies	(302,039)	(630,703)	48%	(328,664)	(549,368)
Other Expenses	(631,571)	(687,886)	92%	(56,315)	(730,304)
Rates and Charges	12,151,411	12,046,053	101%	(105,358)	12,173,313
User charges	2,425,933	2,755,491	88%	329,558	2,756,729
Interest	73,744	74,000	100%	256	86,000
Reimbursement of Expenses	422,083	788,355	54%	366,272	776,411
Government Grants	1,297,523	3,479,313	37%	2,181,791	3,541,727
Net Cash provided by (used in) operating activities	**5,587,280**	**4,516,990**	**124%**	**(1,070,290)**	**4,503,342**
Cash flows from investing activities					
Payments for Property, Plant and Equipment	(6,741,956)	(19,282,178)	35%	(12,540,222)	(20,422,594)
Investment revenue from Water Corporation	421,500	674,400	0%	252,900	674,400
Proceeds from Sale of Property, Plant and Equipment	-	-	0%	-	395,700
Capital grants	3,335,726	7,893,417	42%	4,557,691	9,185,900
Net cash provided by (used in) investing activities	**(2,984,730)**	**(10,714,361)**	**28%**	**(7,729,631)**	**(10,166,594)**
Cash flows from financing activities					
Borrowing Costs	(37,990)	(48,307)	79%	(10,317)	(24,307)
Loan Drawdowns	-	-	0%	-	-
Loan Repayments	(169,859)	(353,320)	48%	(183,461)	(537,691)
Net cash provided by financing activities	**(207,849)**	**(401,627)**	**52%**	**(193,778)**	**(561,998)**
Net (Decrease) in Cash Held	2,394,701	(6,598,998)	-36%	(8,993,699)	(6,225,250)
Cash at beginning of year	12,312,889	12,312,889	100%	-	12,312,889
Cash at end of period	**14,707,590**	**5,713,891**	**257%**	**(8,993,699)**	**6,087,639**

Cash Position

The following table provides an outline of Council's cash and investment portfolio as of 31 March 2022. Total cash and investments on hand as of 31 March is $14.727m. The weighted average return on investment earned on Council's investment portfolio is 0.48%.

Cash Position as at 31 March 2022

	$	INVESTMENTS	$	Weighted Average Return
Deposits	14,051,973	Commonwealth Bank	673,580	0.00%
Petty Cash and Till Floats	1,600	Investments		
Trading Account	673,580	ME Bank	6,751,973	0.41%
		NAB	2,800,000	0.58%
		ING	2,500,000	0.39%
		CBA	2,000,000	0.39%
		Petty Cash and Till Floats	1,600	
Balance - All Accounts	**14,727,153**		**14,727,153**	**0.48%**



Rates Summary

The following table provides the detail of Council's Rates and Charges levied compared with the same time last year.

Council has made several policy changes in recent months to assist in debt collections efforts, including the introduction of interest penalties from 1 July, the introduction of financial hardship provisions providing greater flexibility for payment arrangements, and the ability for payment of rates and charges by four equal instalments. Ratepayers continue to be encouraged to contact Council if they are having difficulty paying.

The fourth instalment due date was 31 March 2022, with instalment notices issued in early March. There are a higher number of properties with rates and charges outstanding than the same time last year. 15.63% of properties have overdue rates and charges compared with 724 for the same time last period.

Rates Summary to 31 March 2022

	2021/22		2020/21	
	%	$	%	$
Notice Issue Date - 16 July 2021				
Outstanding Rates Debtors (1 July 2021)		775,169	5.00	602,240
Less: Rates in Credit		(715,966)		
NET RATES OUTSTANDING (1 July 2021)	**0.48**	**59,203**		
Rates and Charges Levied	99.16	12,164,481	95.00	11,454,481
Interest Penalties Charged	0.36	43,892	-	-
GROSS RATES AND CHARGES DEMANDED	**100.00**	**12,267,576**	**100.00**	**12,056,721**
LESS RATES AND CHARGES COLLECTED	86.86	10,655,326	87.93	10,601,552
REMISSIONS AND DISCOUNTS**	8.81	1,081,326	8.89	1,072,161
	95.67	**11,736,652**	**96.82**	**11,673,713**
ADD PROPERTIES IN CREDIT	(4.55)	558,491	(4.56)	549,865
UNPAID RATES AND CHARGES *	**8.88**	**1,089,415**	**7.74**	**932,873**
(includes Deferred Rates)				

**REMISSIONS AND DISCOUNTS	2021/22	2020/21
Early Payment Discount	454,404	443,563
Pensioner Rebates	625,497	627,173
Council Remissions and Abandonments	1,425	1,425
	1,081,326	**1,072,161**
Number of Rateable Properties	7,939	7,924
Number of Unpaid Rateable Properties	1,241	724
% not fully paid	15.63%	9.14%

Grant Summary

Grant Schedule as at 31 March 2022

	YTD Actual	Budget 2022	Forecast 2022
Capital Grants			
Multi Use Facility	1,950,735	2,244,205	2,244,205
Anzac Park	550,000	1,365,000	1,865,000
Local Road & Community Infrastructure	-	740,000	740,000
Roads to Recovery	228,685	564,684	564,684
Cardigan Street Fencing & Carpark	6,306	117,186	117,186
IGA Intersection	-	290,000	290,000
Waratah Bridge	-	200,000	200,000
Community Solar Program	-	50,000	50,000
Flood Mitigation Works	-	1,000,000	1,000,000
Coastal Pathway	-	1,240,000	1,240,000
Cam River Masterplan	-	82,342	82,342
Wynyard Recreation Ground	500,000	-	500,000
Recreational Camping & Fishing	50,000	-	50,000
Wynyard Squash Centre - Lighting	50,000	-	50,000
Table Cape Lookout - BBRF	-	-	305,333
Safer Rural Roads Program - Stage 2	-	-	(112,850)
	3,335,726	**7,893,417**	**9,185,900**

Funding and Grants

The Federal Labor Party have announced an election pledge of $4.5m towards reinvigorating Boat Harbour Beach upon their successful election in 2022

The Federal Labor Party have announced an election pledge of $1.3m towards Warawyn Childcare Centre upgrades upon their successful election in 2022

Operational Performance by Department

This statement provides an overview of Council's forecast operating performance by department based on year to date performance.

Directorate/Department	Annual Budget	Forecast	Variance to Forecast	Note
Community & Engagement				
Children's Services	(224,783)	(78,886)	145,897	1
Community Activation	732,189	732,189	-	
Corporate & Community Services	450,389	450,389	-	
Tourism & Marketing	557,696	557,696	-	
Community & Engagement Total	**1,515,491**	**1,661,388**	**145,897**	
Council & General Managers Office				
Council	1,417,780	1,429,990	12,210	2
Council & General Managers Office Total	**1,417,780**	**1,429,990**	**12,210**	
Infrastructure & Development Services				
Asset Services	2,033	2,484	451	
Cemeteries	98,891	98,891	-	
Development Services	681,491	557,339	(124,152)	3
Engineering Services	136,200	136,560	360	
Footpaths	302,337	302,337	-	
Garbage	(50,434)	(54,693)	(4,259)	
Public Halls	338,604	334,545	(4,059)	
Public Toilets	297,675	300,580	2,905	
Reserves	1,068,887	1,068,887	-	
Sports	962,758	962,758	-	
Stormwater Drainage	(228,672)	(241,691)	(13,019)	4
Transport	3,167,434	3,113,880	(53,554)	5
Waste	200,058	82,408	(117,650)	6
Works & Services	2,364	18,620	16,256	
Infrastructure & Development Services Total	**6,979,626**	**6,682,905**	**(296,721)**	
Organisational Performance				
Digital Innovation	20,000	26,826	6,826	
Financial Services	(10,693,693)	(10,780,596)	(86,903)	7
Organisational Performance	446,330	441,607	(4,723)	
Organisational Performance Total	**(10,227,363)**	**(10,312,163)**	**(84,800)**	
Total	**(314,466)**	**(537,880)**	**(223,414)**	

Commentary for departmental forecast variance of $10,000 or greater are provided below:

1) **Children's Services**

   Users fees for Children's Services will be lower than budget due to actual utilisation being lower than the budgeting assumptions. The operational performance of the centres continues to be profitable and consistent with recent year results.

2) **Office of the General Manager**

   The unfavourable forecast variance of $12k for the Office of the General manager is due to higher insurance costs ($7k) and increased conferences and training expenses due to the delayed timing of training budgeted for last year.

3) **Development Services**

   Development Services is expecting a favourable variance to budget of $124k which is due to higher than budgeted planning fee income ($150k). This is offset by lower than budgeted dog licence income ($23k) and additional consultants' expenditure ($10k).

4) **Stormwater Drainage**

   The favourable forecast variance to budget for stormwater drainage is higher rate revenue ($12k).

5) **Transport**

   The favourable forecast variance to budget for transport is due to higher than budgeted financial assistance grant income.

6) **Waste**

   The favourable forecast variance to budget for waste is due to higher than budgeted rate revenue ($47k), which is reduced by higher than budgeted rates discount expenditure ($9k) and lower state waste levy expenditure ($84k) due to the delay in the introduction of the levy by the State Government.

7) **Financial Services**

   The favourable forecast variance to budget for financial services of $52k is due to higher than budgeted rates revenue ($44k), offset by higher rates discount expenditure ($31k), higher than budgeted penalty rates interest ($12k), higher than budgeted 132 & 337 certificate income ($16k) and additional financial assistance grant income ($9k).

Capital Works Summary

The Capital Works Summary provides a snapshot of the percentage of expenditure against the 2021/22 Capital Works Program. Timing of expenditure is based on the works plan and actual spend and is not reflective of the actual progress of the Capital Works. The monthly Progress Report is attached for the information of the Council.

Capital works expenditure is forecast to be $1.140m higher than budgeted, with $742k of this overspend being funded through grant funding and the remaining $398k funded from Council's reserves.

Capital Works Summary as at 31 March 2022

	Actual $	Budget $	% Spend of Budget	Forecast $	Forecast vs Budget	Forecast Variance	Note
Buildings							
Amenities	254,295	401,661	63.31%	377,021	✓	(24,640)	1
Community Facilities	2,205,964	2,357,057	93.59%	2,552,871	✗	195,815	2
Council Operational Buildings	147,502	140,150	105.25%	147,375	!	7,225	
Total Buildings	**2,607,761**	**2,898,867**	**89.96%**	**3,077,267**	✗	**178,400**	
Parks & Open Space							
Other	22,967	140,968	16.29%	140,968	✓	-	
Other Infrastructure	258,970	1,570,078	16.49%	1,570,078	✓	-	
Playgrounds	404,872	1,996,489	20.28%	2,479,899	✗	483,411	3
Recreational Reserves	185,280	278,991	66.41%	937,556	✗	658,565	4
Walkways & Tracks	99,206	2,337,798	4.24%	2,349,492	✓	11,694	
Wynyard	663	473,791	0.14%	330,658	✓	(143,133)	5
Total Parks & Open Spaces	**971,957**	**6,798,115**	**14.30%**	**7,808,651**	✗	**1,010,537**	
Plant & Equipment							
Other Plant & Equipment	47,749	282,192	16.92%	275,708	✓	(6,484)	
Plant & Vehicle Replacements	264,901	508,048	52.14%	431,532	✓	(76,516)	6
Software & IT Replacements	53,588	314,971	17.01%	294,971	✓	(20,000)	7
Total Plant & Equipment	**366,238**	**1,105,211**	**33.14%**	**1,002,211**	✓	**(103,000)**	
Sporting Facilities							
Indoor Recreational Facilities	19,012	21,856	86.99%	19,753	✓	(2,103)	
Outdoor Sporting Facilities	703,298	613,002	114.73%	1,085,248	✗	472,246	8
Total Sporting Facilities	**722,310**	**634,858**	**113.77%**	**1,105,001**	✗	**470,143**	
Stormwater							
Flood Mitigation Works	265,850	3,392,499	7.84%	3,392,499	✓	-	
Other Stormwater Works	34,291	170,850	20.07%	170,850	✓	-	
Total Stormwater	**300,140**	**3,563,349**	**8.42%**	**3,563,349**	✓	**-**	
Transport							
Bridge Renewals	289,368	1,029,747	28.10%	827,743	✓	(202,004)	9
Footpaths & Kerbs	120,869	247,017	48.93%	213,543	✓	(33,474)	10
Other Transport	476,565	616,872	77.26%	450,529	✓	(166,343)	11
Resheeting	611,887	815,383	75.04%	774,471	✓	(40,912)	12
Rural Upgrade	34,202	109,155	31.33%	109,155	✓	-	
Strategic Projects	35,000	956,997	3.66%	956,997	✓	-	
Urban Upgrade	91,994	219,225	41.96%	252,796	✗	33,571	13
Urban Reseals	104,877	287,382	36.49%	280,882	✓	(6,500)	
Total Transport	**1,764,762**	**4,281,778**	**41.22%**	**3,866,115**	✓	**(415,663)**	
Total Capital Works Program 2021/22	**6,733,168**	**19,282,178**	**34.92%**	**20,422,594**	!	**1,140,416**	

Commentary is provided below on forecast capital expenditure variances of $20,000 or greater:

1) **Amenities**

   The favourable variance to the budget reflected in the forecast is expected to be revised over the coming weeks, with the full budget allocation now expected to be spent.

2) **Community Facilities**

3) Multi-purpose facility forecast of $200k over budget, minor variations and credits throughout the project but largely due to variation with steel work and subcontractor engagement, along with variation to main meeting room size and inclusion of audio visual fit out.

4) **Playgrounds**

   The increase in cost for playgrounds is due to an additional $500,000 being received from the State Government for the ANZAC Park All Abilities Playground. The increase in capital expenditure is fully offset by grant funding.

5) **Recreational Reserves**

   The increase in expenditure is due to the approval of $655,756 of capital funding for the Table Cape Lookout approved at the Council's November meeting. This expenditure is partly offset by $305,333 of grant funding under the Building Better Regions Fund.

6) **Wynyard Reserves**

   Lower than the budgeted expenditure is expected for Wynyard reserves due to the Camp Creek rehabilitation project tender price being lower than initially expected.

7) **Plant & Vehicle Replacements**

   Plant and vehicles replacement expenditure is expected to be lower than budgeted due to lower changeover costs for the replacement of a New Holland tractor and some fleet vehicles.

8) **Software and IT Replacements**

   The reduction in capital expenditure for software and IT replacements is due to $20,000 of funding for an online booking system carried forward from 2020-21, which is no longer required (development occurred for the booking system out of last year's budget).

9) **Outdoor Sporting Facilities**

   The increase in capital expenditure for outdoor sporting facilities is due to:

   - $433,394 of expenditure for the Cardigan Street Sub-surface drainage works which was approved by Council at its September meeting.
   - an increase of $38,852 of expenditure for the Cardigan Street Lighting Upgrade as reported to Council it's August Meeting.

10) **Bridge Renewals**

    Bridge renewals are forecast to be lower than budget due to the lower cost for the bridge replacement at Takone Road as reported to Council at its September meeting.

11) Footpaths & Kerbs

Footpaths and kerbs expenditure is expected to be lower than budget due to lower costs for the Little Goldie & York Street footpaths.

12) Other Transport

The reduction in expenditure for Other Transport is due to lower than expected costs for projects at Preolenna and Port roads funded under the Safer Rural Roads Program.

13) Urban Upgrade

Urban upgrade expenditure is expected to be higher than budgeted due to higher than budgeted costs for major patching works at Pelissier Street Somerset.

A key assumption in the cash flow forecasts for Council as at 30 June is the completion of the capital works program as set by Council. To date, 35% of the capital budget has been spent. The following projects are expected to be continuing as at 30 June 2022. This will impact the timing of expenditure and Council will hold a higher level of cash at year end which will be spent next financial year.

- ANZAC Park All Abilities Playground
- Erosion mitigation works
- IGA interesction upgrades
- Flood mitigation projects
- Yolla public toilet
- Coastal pathway
- Table Cape lookout

9.9 MINUTES OF OTHER BODIES/COMMITTEES

9.9.1 MINUTES OF OTHER BODIES/COMMITTEES - AUDIT PANEL COMMITTEE HELD 22 MARCH 2022 AND MODEL CODE OF CONDUCT FOR AUDIT PANEL MEMBERS

To:	Council
Reporting Officer:	Information Management Officer
Responsible Manager:	Director Organisational Performance
Report Date:	28 March 2022
File Reference:	007.17
Enclosures:	1. Letter from Audit Panel Chair re unconfirmed minutes of 22 March 2022
	2. Unconfirmed Minutes of the Audit Panel Meeting held - 22 March 2022
	3. Model Code of Conduct for Members of the Audit Panel

RECOMMENDATION

That Council:

1. **Note the Unconfirmed Minutes of the Audit Panel Committee meeting held on 22 March 2022; and**
2. **Re-adopt the Model Code of Conduct for Audit Panel Members.**

PURPOSE

The Audit Panel met on the 22 March 2022 and the Unconfirmed Minutes were released by the Chair on the 30 March 2022 and are presented to Council for noting. The Audit Panel also reviewed the Model Code of Conduct for Audit Panel Members.

BACKGROUND

In February 2014, the Tasmanian State Government passed legislation that requires all Tasmanian Councils to establish an Audit Panel.

Along with the King Island and Circular Head Councils, Council appointed a shared Audit Panel on 3 August 2015.

The current members of the Shared Panel are:

- Mr John Howard – Audit Panel Chair (Asset Management expertise)
- Mrs Lisa Dixon – Audit Panel member (Financial expertise)
- Mr Stephen Allen – Audit Panel member (Financial expertise)

The Audit Panel must hold at least four meetings per year, with a majority of members constituting a quorum.

DETAILS

The Audit Panel met on 22 March 2022 at the Waratah-Wynyard Council.

The meeting reviewed the following standard agenda items:

- Business arising from previous meetings;
- General Manager Risk and Assurance Certificate;
- Communications from Council;
- Financial Management reports presented to Council. The Panel suggested commentary be added to the Balance Sheet to add value and context to reports;
- General Manager's Reports provided to Council;
- Minutes of Safety (OSHWELL) Committee;
- Internal audit progress on supplementary rates and transport service levels reviews;
- Tasmanian Audit Office Memorandum of Findings;
- Major Initiatives - progress on digital strategy, corporate system developments and the business improvement review;
- Quarterly Statistic Report provided to Council

The major work plan for the meeting covered:

- Financial management – review of assumptions for Council's budgeting and forecasts;
- Internal controls and risk management – risk management framework, risk register, processes for managing material operating risks, business continuity plan, reporting of frauds and legislation breaches;
- Legal compliance and ethics

There were no formal recommendations made to Council from issues arising at the meeting.

Council re-submitted the Model Code of Conduct for Members of the Audit Panel to the Panel for their consideration in March 2022. It was adopted by the Panel without any changes. It is presented to Council for formal re-adoption.

The Panel's next meeting is scheduled to be held on 28 June 2022 at Waratah-Wynyard Council Offices online via Teams to the Circular Head Council.

STATUTORY IMPLICATIONS

Statutory Requirements

An Audit Panel is a mandatory requirement under sections 85 of the *Local Government Act 1993*.

Section 85A of the Act details the Audit Panels' functions to include review Council's performance concerning financial systems, financial management, governance arrangements, policies, systems and controls, and all plans required under Part 7 of the Act. Section 85B of the Act provides for Ministerial Orders to specify Audit Panels' requirements beyond those required under Section 85A.

The *Local Government (Audit Panels) Amendment Order 2015* was issued on 1 January 2016.

STRATEGIC IMPLICATIONS

Strategic Plan Reference

GOAL 1: Leadership and Governance	
Desired Outcomes	
We maintain and manage our assets sustainably.	
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.	
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.
1.7	Develop leadership that inspires and motivates, and which maintains a strong community and workplace culture.
1.8	Review and adjust service levels to provide value for money.

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

The establishment of an Audit Panel provides an independent review mechanism for Council's policies and procedures.

FINANCIAL IMPLICATIONS

There are no financial implications in this recommendation.

RISK IMPLICATIONS

The establishment of an independent Audit Panel provides another layer of risk mitigation by providing independent oversight over Council's risk management framework and policy and procedural compliance.

CONSULTATION PROCESS

Council re-submitted the Model Code of Conduct for Members of the Audit Panel to the Panel for their consideration in March 2022.

COMMENT

It is recommended that Council note the Unconfirmed Minutes of the Audit Panel Committee held on 22 March 2022 and re-adopt the Model Code of Conduct for Members of the Audit Panel unchanged.

10.0 MATTERS PROPOSED FOR CONSIDERATION IN CLOSED MEETING

RECOMMENDATION

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***
Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting	*15 (2)*
Confidential Report R15 (2) (h) applications by councillors for leave of absence	*15 (2) (h)*
Confidential Report R15 (2) (b) information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business	*15 (2) (b)*
Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential	*15 (2) (g)*
Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters	*15 (2) (a)*
Confidential Report R15 (2) - Closed Senior Management Report	*15(2)*

11.0 CLOSURE OF MEETING TO THE PUBLIC

Legislative Reference:
Local Government (Meeting Procedures) Regulations 2015; Regulation 15

RECOMMENDATION

That the Council RESOLVES BY AN ABSOLUTE MAJORITY to go into Closed Meeting to consider the following matters at _____pm:

Matter	***Local Government (Meeting Procedures) Regulations 2015 Reference***
Confidential Report R15 (2) - Confirmation Of Closed Minutes Of Previous Meeting	*15 (2)*
Confidential Report R15 (2) (h) applications by councillors for leave of absence	*15 (2) (h)*
Confidential Report R15 (2) (b) information that, if disclosed, is likely to confer a commercial advantage on a person with whom the Council is conducting, or proposes to conduct business	*15 (2) (b)*
Confidential Report R15 (2) (g) information of a personal nature or information provided to the council on the condition it is kept confidential	*15 (2) (g)*
Confidential Report R15 (2) (a) personnel matters, including complaints against an employee of the council and industrial relations matters	*15 (2) (a)*
Confidential Report R15 (2) - Closed Senior Management Report	*15(2)*

12.0 RESUMPTION OF OPEN MEETING

At ……. pm 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

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