



AGENDA

**Tuesday 20 January 2026
Ordinary Council Meeting**

WEBSITE: www.wtc.tas.gov.au

WEST TAMAR COUNCIL

PO Box 16
RIVERSIDE TAS 7250

Council Chambers
BEACONSFIELD TAS 7270

15 January 2026

TO ALL COUNCILLORS

Dear Councillor

I wish to advise that an Ordinary meeting of the West Tamar Council will be held at the Windsor Community Precinct, 1 Windsor Drive, Riverside on Tuesday 20 January 2026 at 1:30 pm.



Kristen Desmond
Chief Executive Officer

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ACKNOWLEDGEMENT OF COUNTRY

We start today's meeting by acknowledging and paying respects to the Ieterremairrener and pangerninghe Aboriginal people, the Traditional Custodians of the land on which we are gathered today.

Council pays its respects to their Elders past and present and acknowledges all Aboriginal and Torres Strait Islanders here today.

PUBLIC ATTENDANCE

Attendees are reminded that Council Meetings are a place of work for staff and Councillors. Council is committed to meeting its responsibilities as an employer and as host of this public forum, by ensuring that all present meet expectations of mutually respectful and orderly conduct. It is a condition of entry to this meeting that you cooperate with any directions or requests from the Chairperson or Council officers.

The Chairperson is responsible for maintaining order at Council Meetings. The Chief Executive Officer is responsible for health, wellbeing and safety of all present. The Chairperson or Chief Executive Officer may require a person to leave Council premises following any behaviour that falls short of these expectations. It is an offence to hinder or disrupt a Council Meeting.

Public attendees are requested to register their attendance prior to entering the meeting.

AUDIO RECORDINGS OF COUNCIL MEETINGS

Council reminds attendees that this meeting will be audio recorded as provided for by Regulation 43 of the *Local Government (Meeting Procedures) Regulations 2025*.

Council also resolved in June 2025 to adopt a new Audio Recording and Minutes Policy which sets out Council's policy in relation to the recording of Council meetings.

A copy of the recording of the open session of the meeting will be placed on Council's website as soon as practicable but no later than 5 business days after the meeting. The recording does not replace the written Minutes and a transcript of the recording will not be prepared. The Minutes of a meeting, once confirmed, prevail over the audio recording of the meeting.

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The Recordings may not be uploaded, displayed, transcribed and/or reproduced without the written permission of the Chief Executive Officer for the express purpose proposed.

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1 PRESENT

1.1 Present

1.2 In Attendance

1.3 Apologies and Leave of Absence

Leave of Absence – Cr Julie Sladden

2 CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meeting held 16 December 2025

ATTACHMENTS: 1. [2.1.1] 2025-12 Ordinary Council Meeting Minutes - Unconfirmed

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 16 December 2025 numbered 25/172 to 25/189 as provided to Councillors be received and confirmed as a true record of proceedings.

DECISION

Moved:

Seconded:

VOTING

For:

Against:



MINUTES

Tuesday 16 December 2025 Ordinary Council Meeting

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**ORDINARY COUNCIL MEETING
Tuesday 20 January 2026**

**ORDINARY COUNCIL MEETING
Tuesday 16 December 2025**



1 PRESENT

1.1 Present

Mayor Cr Christina Holmdahl
Deputy Mayor Cr Rick Shegog
Cr Joy Allen
Cr Lynden Ferguson
Cr Richard Ireland
Cr Caroline Lerner
Cr Geoff Lyons
Cr Josh Manticas
Cr Julie Sladden

1.2 In Attendance

Chief Executive Officer	Kristen Desmond
Director Corporate & Community	David Gregory
Director Community Assets	Dino De Paoli
Director Planning & Development	Michelle Riley
Director People, Culture & Safety	Richard Heyward
Executive Assistant to the CEO	Eleanor Moore
Manager Communications & Engagement	Simon Tennant

1.3 Apologies and Leave of Absence

Nil

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2 CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meeting held 18 November 2025

RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 18 November 2025 numbered 25/150 to 25/171 as provided to Councillors be received and confirmed as a true record of proceedings.

Minute No. 25/172

DECISION

Moved: Cr Lyons

Seconded: Cr Allen

That the Minutes of Council's Ordinary Meeting held on 18 November 2025 numbered 25/150 to 25/171 as provided to Councillors be received and confirmed as a true record of proceedings.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

3 LATE ITEMS

LATE ITEM

Acceptance of the following motion on notice as a late item:

That the West Tamar Council affirms its unequivocal support for the Jewish community, including Jewish Australians, and condemns antisemitism in all its forms, including conduct, rhetoric, or symbolism that intimidates, vilifies, or targets Jewish people.

Minute No. 25/173

DECISION

Moved: Cr Manticas

Seconded: Cr Lyons

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

Abstained: Cr Lerner

CARRIED 8/1

REQUIRES AN ABSOLUTE MAJORITY

4 DECLARATIONS OF INTEREST IN A MATTER OF A COUNCILLOR

Cr Sladden - Non-pecuniary interest in Item 16.1.1 of Ordinary Council Meeting Agenda due to being a local resident - Stayed in the meeting for the item.

Cr Ferguson - Non-pecuniary interest in 16.1.1 of Ordinary Council Meeting Agenda due to living in the vicinity of Danbury Park (not strictly Danbury) - stayed in the meeting for the item.

UNCONFIRMED

5 PUBLIC QUESTION TIME

5.1 Public Question Time

Commenced at: 1.39pm

Concluded at: 1.55pm

Emily Peterson, Legana

Question 1: Would you please re-accept the petition with the offending pages removed? I believe that there was a heading that wasn't on some of the pages, if that would be possible regarding water fluoridation?

Response: *Yes, we will do that. Thank you very much.*

The Chair received the petition for review

Question 2: My next question is about information on water fluoridation given by TasWater, noting that of course, you're a shareholder. I refer Councillors to TasWater's website page, "Fluoridation of Drinking Water," and I'm happy to provide a direct link, but you can find it yourselves quite easily by searching for TasWater and fluoridation in a search engine. I would like to quote a section of that page: "Is water fluoridation safe?" This is according to TasWater. "The 2016 National Health and Medical Research Council's evidence evaluation shows that water fluoridation helps to reduce tooth decay in children and adults. There is no reliable evidence that water fluoridation at current Australian levels causes health problems. To view the full paper, please visit Department of Health" and so on. And what I'm asking Council to do is to ask TasWater to update that, given that that's a decade out of date now.

Response: *We will take that question on notice and you will be responded to in the statutory time period.*

Question 3: Would Council please consider updating the petition process, modernising it to be able to accept electronic petitions? I had a lot of people who were willing to sign the petition but weren't in the area at the time, or busy mothers with their families and so on and I found the petition process to be quite difficult, noting that I'm university trained, I know how to do these things, but I'm wondering if Council would consider updating the petition process.

Response: *That is a governance issue and I'll just hand over to the CEO to explain to you what that process might be.*

Response: *(From the Chief Executive Officer through the Chair) Unfortunately Council has no control over that process. That process is set out specifically in the Local Government Act, so any changes in relation to that would need to be made by the State Government.*

Alex Friend, A Friend Designs

Statement: I just wanted to introduce myself as the designer of number 7-9 Summit Road. And I just wanted to show up and be available for any questions after this meeting.

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David Munting, Riverside

Statement: My comment today is in support of the Council's Growth Strategy 2025, and more specifically its preferred method of consolidation in areas around established towns with access to essential service and amenities.

Over the last 10 years, I've liaised regularly with the West Tamar Council Planning Department, Councillor Shegog and Councillor Manticas. Leading up to the 2017 Tasmanian State Planning Scheme, I was advised that my property at 1B Stephensdale Drive would be rezoned to Low Density Residential. In preparation for these changes and the potential for land development, I spent considerable time and money clearing suitable area for such a development. With Council authority, I installed crossovers, removed unnecessary easements, and engaged legal services to amend my title.

It was with great disappointment that upon the release of said scheme that a Specific Area Plan, or SAP, was placed over many areas including my property. The new advice from Council was that the SAP would remain in place until such a time as the Council sees it appropriate and necessary to review. Well, I am very pleased that we have reached that time, and I fully support the Council's vision to increase the number of available dwellings to the community in this area.

In light of the well-publicised housing crisis and the shortage of properties for sale and rent, I see this opportunity for growth to be timely for all stakeholders. This area between Ecclestone Road and Rowsphorn Road, including Stephensdale Drive, Tamar View Drive, and Illawong Place, is what I have heard many describe as low-lying fruit. Many already cleared parcels of land, some connected to reticulated sewage and mains water, and all in very close proximity to essential services including the West Tamar Health, Terry White Pharmacy, pathology, physiotherapy, and aged care service providers. All of these services less than two kilometres from this area. Further to that ease of access to services are the location of both primary and secondary schools and Woolworths Supermarket, also less than two kilometres from these properties.

In reviewing the performance criteria for Low Density Residential for a site that has full water supply services, reticulated sewerage, and public stormwater system, I found that the development must not be out of character with established properties in the area. Approximately 150 meters from my eastern boundary on Stephensdale Drive are dwellings within the Ecclestone Estate with land size of less than 500 meters squared. Any suggestion that a size of 1,200 meters squared is not in character does not have to look far to see that 1,200 meters squared in modern times may well be considered a lifestyle property.

I understand that many properties in this specific area do not have access to such services as sewer, and for those properties a minimum lot size of 2,500 square meters under Low Density Residential guidelines may apply, but if any amendment is made to the current SAP, I would expect the Council to do so with provisions for these properties that are connected to such services. Thank you.

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Helen Patronis, Trevallyn

Question 1: I'm here in regard to the development at 7-9 Summit Road. I'm the neighbouring property at number 11. I raised with the Council that, in the DA, units were mislabelled and I received notice on the agenda for today that basically it wasn't too big an issue if these units were mislabelled on the DA as it wasn't misleading to Council, but it is misleading to residents. So I just wanted to address how that can go through and be allowed to go through?

Response: *I will take that question on notice and you'll be responded to in the time period required.*

Peter Hodges, Beauty Point

Statement: I wish to put forward the following statement in regard to responses received from Council to questions I put forward on notice on the 3rd of December. The response does not answer whether Council acknowledges that long-term non-enforcement, despite observable permanent occupation, may give rise to legitimate expectations to estoppel-based arguments. Please state whether Council accepts regulatory acquiescence over many years and legal consequences irrespective of formal approval status.

The Council has already accepted the fact of grandfathering which is outlined in planning acts. This is demonstrated by its decision to allow residents to remain within the park. Therefore it is reasonable understanding and expectations that the Council does accept the residents' established tenure.

The question asked when Council determined the use was unlawful: the response does not provide a date or decision point. Please identify the earliest date Council formed the view that residential occupation was unlawful and what enforcement steps were taken or not taken at that time.

The response does not address whether Council consciously elected to enforce planning controls despite awareness of permanent residency. Please confirm whether enforcement discretion was exercised, and if so, on what basis.

Statement: *Thank you Mr. Hodges. You did have a couple of questions in that statement and we will look at them and respond to them.*

Marian Fletcher, Beauty Point

Question 1: Could you explain the consultation process between the West Tamar Council and the State Planning Authority and how this has been applied to the Beauty Point Tourist Park?

Response: *I will take that question on notice and we will reply to you in the statutory time period.*

Question 2: Recently the CEO of the West Tamar Council, gave evidence that there had been compliance issues with the Beauty Point Tourist Park since 1995. Could you detail what the compliance issues were and what action was taken?

Response: *We would have to take that one on notice as well because we don't have that information to hand, and we will reply to you in the required statutory time period.*

Cheryl Swan, Paper Beach

Question 1: Previously I've raised about the state of Paper Beach Road which has been patched and patched and patched. The center of the road, potholes are reappearing quite nastily again, which people are trying to avoid, but because it's such a narrow road, it's quite dangerous with the large ditches on the side, which also need cleaning out. Previously when I've raised these issues, I've received a letter saying, "Oh yes, it's on our maintenance schedule," but not what work's going to be done when. And the "when" is the issue. It's always in the future, in the future, in the future.

The same with Paper Beach Esplanade, which is not vehicle traffic but pedestrian traffic. It's quite atrocious at the moment after all the trees that fell in the recent storms and the clearing up of that, and there's a huge hole still where some of those trees fell into the property along there and there's a huge... still roped off. All the debris from all those trees is still all over the Esplanade. People with walking frames and walking sticks and mobility issues are having a lot of trouble. Some people that I know that used to frequent the area with their wheelchairs have given up because it's so bad. It really needs some attention. That area, the Esplanade's been mowed once for the whole of spring, only once, in November. So this year it's really had little to no attention whatsoever and it's time we got a little bit down there. I know there's lots of other work going on, Beauty Point and everyone else, but other areas like where we are get neglected and continue to do so and are deteriorating more and more and more.

Response: *Thank you Ms. Swan, we will have our Community Assets people go down and have a look and we'll reply to you in writing. Thank you.*

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5.2 Public Questions on Notice

All answers to questions on Notice have been prepared by the Chief Executive Officer, Kristen Desmond.

5.2.1 P Hodges, Beauty Point

Question 1: Does the Council acknowledge that Park residents might claim that they have established rights through long-term occupation, especially if they have lived for many years at the Beauty Point Tourist Park and the Council did not intervene?

Response: *It is not appropriate for Council Officers to respond to hypothetical questions.*

Question 2: In reviewing the decision and evidence in the Supreme Court case John Robert Lowe vs Beauty Point (Tas) P/L. (Transcript below). When did the Council determine the Beauty Point Tourist Park was acting illegally?

What are the implications for the Council in light of the Supreme court case?

Excerpt from the Transcript (at page 33) *:

“...Mr. McTaggart SC: One residential, yes. So, we know the use at the time the property was acquired by the defendant was one residential building and that, in 2017, only as permitted under the State Planning Scheme. So, the prima facie position is that the – the occupation for residential purposes is illegal. We say it's incumbent on the plaintiff in this application, in demonstrating a serious question to be tried, and ultimately, on the trial, although we don't have a reply which pleads any existing use, to demonstrate what existing use is said to have been in place which survived the 2013 West Tamar Planning Scheme restriction from residential occupation and then the Tasmanian planning scheme provisions of 2017.”

*IN THE SUPREME COURT OF TASMANIA BEFORE ACTING JUSTICE MARSHALL JOHN ROBERT LOWE v BEAUTY POINT (TAS) PTY LTD
TRANSCRIPT OF PROCEEDINGS FOR 28TH NOVEMBER 2024
APPEARANCES: MS BEST FOR THE PLAINTIFF MR McTAGGART SC AND MR O'RAFFERTY FOR THE DEFENDANT

Response: *Following receipt by Council in 2024 of a complaint of alleged unlawful residential use at the Tourist park, Council conducted an investigation which resulted in the issuance of an Enforcement Notice to the Beauty Point Tourist Park operators. That Enforcement Notice addresses and manages the residential use occurring on parts of the Beauty Point Tourist Park and, importantly, does not require any of the permanent residents' to vacate their dwellings.*

In relation to any implications for Council – this matter is currently the subject of an appeal and as such this question cannot be answered.

Question 3: In the proceedings of the Supreme Court case mentioned above, a West Tamar Council file was submitted in evidence. It appears that the West Tamar Council in its court submission Supreme Court (28TH NOVEMBER 2024), entered by Ms. K. Desmond CEO, investigated compliance issues in the Park as early as 1995 in and continuing to date in accordance with relevant Acts and the local Planning Scheme. What are the implications of this for the current owners and residents of Beauty Point Tourist Park?

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Response: *See response to question 2.*

UNCONFIRMED

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5.3 Responses to Questions from Previous Public Question Time

5.3.1 T Kelly, Riverside

Our Ref: GO.COU.182

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

25 November 2025

Ms Tracey Kelly

By email:

Dear Ms Kelly

Response to Questions on Notice – Ordinary Council Meeting 24 November 2025

I refer to the questions set out below taken on notice at the West Tamar Council meeting on 18 November 2025, and now provide the following responses:

Question 1: While it has been repeatedly stated that the use of the council's insurance policy to cover legal expenses was valid, I believe that this decision warrants thorough scrutiny. There appears to be a contradiction in the fact that, despite the insurance policy being deemed valid for this purpose, the mayor was still required to pay the deductible out of her own pocket. This situation raises concerns about fairness and transparency and how this makes it valid. To provide an example, this situation is comparable to someone who gets a speeding ticket, asks someone to accept the demerit points while personally paying only the fine. Similarly, the mayor has benefited from substantial legal support financed by council's insurance with her personal financial responsibility limited to the \$5,500 deductible. This appears to have offered you, Mayor Homedale, a significant advantage, which was in direct conflict with Section 28 ZN of the Local Government Act 1993, which provides clear guidance on this matter and raises questions regarding consistency with the principles of good faith expected in council operations. Accordingly, may I respectfully ask you, Mayor Holmdahl, to specify which particular section or clause of the Local Government Act 1993 that authorises the submission of the claim and provides the basis for entitlement to have a portion of legal fees covered by council's insurance.

The Local Government Act 1993 states that a Councillor must cover their own costs in defence of a code of conduct claim. It does not state that insurance policies cannot be used. The Mayor has now repaid the relevant deductible and therefore has met her own costs for the defence of the Code of Conduct complaint.



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wtc.tas.gov.au



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Question 2: *To foster transparency and maintain the good faith principles expected of council operations, will you, Mayor Holmdahl, pursuant to Section 65(2b) of the Act, provide this council with a copy of the advice you received at the relevant time that authorised the use of council's insurance policy to obtain legal advice relating to the code of conduct matter? This request is particularly significant given that the advice to use the insurance policy was in direct conflict with the advice previously provided by the code of conduct panel. I respectfully ask that you submit it for the council's review to ensure clarity and uphold the standards of governance and integrity expected by the community. Will you commit to doing this?*

As this matter was operational in nature, it was dealt with by the CEO. Once the CEO's investigation was completed, Council and the Mayor were informed of its outcome. Council was given a full briefing (without the Mayor present), including the provision of copies of all relevant documentation. This included the correspondence from the CEO to the Mayor informing her of the outcome. Council's Audit Panel was kept informed on all steps undertaken by the CEO throughout her investigation. With that in mind, any imputation that there was a lack of transparency of the CEO's investigation of this matter is categorically rejected.

Yours sincerely


Kristen Desmond
CHIEF EXECUTIVE OFFICER

6 CHIEF EXECUTIVE OFFICER'S DECLARATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation;
2. where any advice is given directly to council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person; and
3. a copy or written transcript of the advice received has been provided to council."



Kristen Desmond
CHIEF EXECUTIVE OFFICER

"Notes: Section 65(1) of the *Local Government Act 1993 (Tas)* requires the General Manager to ensure that any advice, information or recommendation given to the council (or a council committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. Section 65(2) forbids council from deciding any matter which requires the advice of a qualified person without considering that advice."

At West Tamar Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, Chief Executive Officer means General Manager for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

7 PLANNING AUTHORITY

Council is now sitting as a planning authority. Each council acts as the planning authority for their municipality. In this role, councillors consider development applications and make administrative decisions that are based on the council's planning scheme. While councillors are obliged to consider the community's views, this does not mean they can vote in favour of those views while fulfilling the role of a planning authority. Councillors must make planning decisions based on whether a planning application is consistent with the local planning scheme, even if members of the community object to the planning proposal.

7.1 Plan 1 - PA2025084 - Multiple Dwellings x 4 - 7-9 Summit Road, Trevallyn

REPORT AUTHOR: Senior Statutory Planner - Eric Smith

REPORT DATE: 4 December 2025

ATTACHMENTS: 1. [7.1.1] Attachment 1 - Plan 1 - PA2025084 - Location Plan
2. [7.1.2] Attachment 2 - Plan 1 - PA2025084 - Proposal Plans

Team Leader - Planning entered the meeting at 1.57pm

RECOMMENDATION

That application PA2025084 be determined as follows:

- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representors have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Residential – Multiple Dwellings x 4 and demolition of the existing dwelling and outbuilding, by A. Friend Designs, for land at 7-9 Summit Road, Trevallyn, CT182254/1 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and development must be substantially in accordance with the following endorsed documents:
 - (a) Endorsed plans by Alex Friend, Ref: 2407, Dated 14/10/2025 (23 sheets);

Any other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

TASWATER

2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA2025/00322/WTC) attached.

CONSTRUCTION MANAGEMENT

3. Prior to the commencement of works (including vegetation removal), a construction management plan must be submitted detailing how soil and water is to be managed during the construction process to prevent the escape of soil and sediments beyond site boundaries. This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:
 - (a) date and author;

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- (b) property boundaries, location of adjoining roads and other public land if any, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale;
- (c) general soil description;
- (d) location and types of all existing vegetation, location and amount of proposed ground disturbance, limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles;
- (e) critical natural areas such as drainage lines, cliffs, wetlands and unstable ground;
- (f) location of vegetation to be retained and removed;
- (g) location of stabilised site access;
- (h) initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure;
- (i) stormwater discharge point, if proposed;
- (j) location of all proposed temporary drainage control measures;
- (k) construction details;
- (l) location and details of all proposed erosion control measures;
- (m) location and details of all proposed measures to minimize dust generation and emission beyond the site boundaries;
- (n) location and details of all proposed sediment control measures;
- (o) a statement of who is responsible for establishing and maintaining erosion and sediment control measures;
- (p) site rehabilitation or landscaping/revegetation program;
- (q) estimated dates for start and finish of the works including installation sequence of different erosion and sediment controls;
- (r) any information required to address soil, water and dust control measures required to accommodate staging of the proposal; and
- (s) outline of the maintenance program for erosion and sediment controls. This must include weekly inspection as well as before and after every rain event and a reporting schedule to Council.

Works must not commence prior to the approval of the Construction Management Plan by the Director of Community Assets or their delegate. The approved plan must be implemented with the commencement of works on site and maintained during construction to ensure soil erosion and dust are appropriately managed to reasonably maintain the amenity of adjoining and nearby properties and public land. A copy of the approved Construction Management Plan must be on the site at all times. All on-ground workers must be aware of and understand the plan.

COMMENCED DEVELOPMENT STOP

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must be installed and maintained on site to ensure overland flows do not become a nuisance to adjoining properties or Council's infrastructure until work recommences. The measures must include weekly inspections and reporting to Council as well as before and after every rain event to the satisfaction of the Director of Community Assets or their delegate. This may require a revision of the approved Construction Management Plan – any changes must be approved by the Director of Infrastructure and Assets or their delegate.

VISITOR PARKING FOR MULTIPLE DWELLINGS

4. Prior to the commencement of the use, the visitor parking on common property must be constructed in accordance with the endorsed plans and clearly delineated for general use through signage or other physical means.

STAGED MULTIPLE DWELLINGS

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5. Where development is to be staged, the following works must be completed prior to sealing of the strata plan:
 - (a) Common property – all common property proposed in the strata plan must be completed, including construction of driveway, parking and access areas, landscaping, mailboxes, bin storage areas and utilities connections;
 - (b) Each strata lot – for developed individual strata lots containing a building, all building works, landscaping, utilities connections, parking and driveways must be completed; and
 - (c) Each strata lot – for vacant individual strata lots or any balance lot for future strata division, access and utilities connections (including provision for future lots within a balance lot) must be completed prior to sealing of the staged strata plan.

VEHICULAR CROSSING

6. If the site crossover is widened or modified, then the existing arch crossing must be removed and replaced with a wedge type (open or grated) in accordance with Council's current Standard Drawings. If the driveway apron is changed, then it must be reinstated to smoothly transition to the level of the neighbouring driveway apron used to access number 11 Summit Road.
7. Any modification to the crossing or driveway apron must have regard to the existing sewerage manhole and pipeline in the verge. Any modification to the sewerage maintenance hole must be undertaken with consent from TasWater.
8. Works in the road reserve shall not commence until a Driveway Application Form has been submitted to Council and approved by the Road Authority.

STORMWATER WORKS

9. Prior to the construction of additional impervious areas within the site, a stormwater connection must be provided from the site into the kerb, in accordance with LGAT Standard Drawing TSD-SW29.
10. Works in the road reserve shall not commence until an *Application for Works in a Road Reserve Form* has been submitted to Council and approved by the Road Authority.
11. On-site stormwater detention is required to limit the peak rate of piped stormwater from the site into the kerb connection, with the following design requirements:
 - (a) The detention system must: be in accordance with AS3500.3; designed by a suitably qualified person under the Occupational Licensing Act 2005; and have a maintenance schedule in accordance with the Building Act 2016;
 - (b) The maximum permissible site discharge is to be no more than the equivalent flow from the undeveloped site during the 20% AEP storm. The detention system must be sized to store flows from the developed site up to the 1% AEP storm. Note: the undeveloped site can include existing impervious areas in the site such as rooves and concrete driveways;
 - (c) The plans, calculations, and engineering drawings are to be submitted to the Stormwater Authority for approval prior to submitting the plumbing permit application.
 - (d) On completion, an "as constructed" plan with levels is to be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025084. You should contact Council with any other use or developments, as they may require the separate approval of Council.

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- B. This permit take effect after:
- (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

Minute No. 25/174

DECISION

Moved: Cr Lerner

Seconded: Cr Manticas

That application PA2025084 be determined as follows:

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- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representors have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Residential – Multiple Dwellings x 4 and demolition of the existing dwelling and outbuilding, by A. Friend Designs, for land at 7-9 Summit Road, Trevallyn, CT182254/1 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and development must be substantially in accordance with the following endorsed documents:

- (a) Endorsed plans by Alex Friend, Ref: 2407, Dated 14/10/2025 (23 sheets);

Any other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

TASWATER

2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA2025/00322/WTC) attached.

CONSTRUCTION MANAGEMENT

3. Prior to the commencement of works (including vegetation removal), a construction management plan must be submitted detailing how soil and water is to be managed during the construction process to prevent the escape of soil and sediments beyond site boundaries. This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:
 - (a) date and author;
 - (b) property boundaries, location of adjoining roads and other public land if any, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale;
 - (c) general soil description;
 - (d) location and types of all existing vegetation, location and amount of proposed ground disturbance, limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles;
 - (e) critical natural areas such as drainage lines, cliffs, wetlands and unstable ground;
 - (f) location of vegetation to be retained and removed;
 - (g) location of stabilised site access;
 - (h) initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure;
 - (i) stormwater discharge point, if proposed;
 - (j) location of all proposed temporary drainage control measures;
 - (k) construction details;
 - (l) location and details of all proposed erosion control measures;
 - (m) location and details of all proposed measures to minimize dust generation and emission beyond the site boundaries;
 - (n) location and details of all proposed sediment control measures;
 - (o) a statement of who is responsible for establishing and maintaining erosion and sediment control measures;
 - (p) site rehabilitation or landscaping/revegetation program;
 - (q) estimated dates for start and finish of the works including installation sequence of different erosion and sediment controls;

- (r) any information required to address soil, water and dust control measures required to accommodate staging of the proposal; and
- (s) outline of the maintenance program for erosion and sediment controls. This must include weekly inspection as well as before and after every rain event and a reporting schedule to Council.

Works must not commence prior to the approval of the Construction Management Plan by the Director of Community Assets or their delegate. The approved plan must be implemented with the commencement of works on site and maintained during construction to ensure soil erosion and dust are appropriately managed to reasonably maintain the amenity of adjoining and nearby properties and public land. A copy of the approved Construction Management Plan must be on the site at all times. All on-ground workers must be aware of and understand the plan.

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VISITOR PARKING FOR MULTIPLE DWELLINGS

- 4. Prior to the commencement of the use, the visitor parking on common property must be constructed in accordance with the endorsed plans and clearly delineated for general use through signage or other physical means.

STAGED MULTIPLE DWELLINGS

- 5. Where development is to be staged, the following works must be completed prior to sealing of the strata plan:
 - (a) Common property – all common property proposed in the strata plan must be completed, including construction of driveway, parking and access areas, landscaping, mailboxes, bin storage areas and utilities connections;
 - (b) Each strata lot – for developed individual strata lots containing a building, all building works, landscaping, utilities connections, parking and driveways must be completed; and
 - (c) Each strata lot – for vacant individual strata lots or any balance lot for future strata division, access and utilities connections (including provision for future lots within a balance lot) must be completed prior to sealing of the staged strata plan.

VEHICULAR CROSSING

- 6. If the site crossover is widened or modified, then the existing arch crossing must be removed and replaced with a wedge type (open or grated) in accordance with Council's current Standard Drawings. If the driveway apron is changed, then it must be reinstated to smoothly transition to the level of the neighbouring driveway apron used to access number 11 Summit Road.
- 7. Any modification to the crossing or driveway apron must have regard to the existing sewerage manhole and pipeline in the verge. Any modification to the sewerage maintenance hole must be undertaken with consent from TasWater.
- 8. Works in the road reserve shall not commence until a Driveway Application Form has been submitted to Council and approved by the Road Authority.

STORMWATER WORKS

9. Prior to the construction of additional impervious areas within the site, a stormwater connection must be provided from the site into the kerb, in accordance with LGAT Standard Drawing TSD-SW29.
10. Works in the road reserve shall not commence until an *Application for Works in a Road Reserve Form* has been submitted to Council and approved by the Road Authority.
11. On-site stormwater detention is required to limit the peak rate of piped stormwater from the site into the kerb connection, with the following design requirements:
 - (a) The detention system must: be in accordance with AS3500.3; designed by a suitably qualified person under the Occupational Licensing Act 2005; and have a maintenance schedule in accordance with the Building Act 2016;
 - (b) The maximum permissible site discharge is to be no more than the equivalent flow from the undeveloped site during the 20% AEP storm. The detention system must be sized to store flows from the developed site up to the 1% AEP storm. Note: the undeveloped site can include existing impervious areas in the site such as rooves and concrete driveways;
 - (c) The plans, calculations, and engineering drawings are to be submitted to the Stormwater Authority for approval prior to submitting the plumbing permit application.
 - (d) On completion, an "as constructed" plan with levels is to be submitted, complete with a certification that the storage and adjacent floor levels have been constructed in accordance with the approved design.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025084. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit take effect after:
 - (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

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Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

Team Leader - Planning left the meeting at 2.08pm

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8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 CEO 1 - Council Workshops held in November & December

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 8 December 2025

ATTACHMENTS: Nil

RECOMMENDATION

That Council receives the report on Council Workshops held on 18 November, 19 November, 25 November, 2 December and 9 December 2025.

Minute No. 25/175

DECISION

Moved: Cr Sladden

Seconded: Cr Ireland

That Council receives the report on Council Workshops held on 18 November, 19 November, 25 November, 2 December and 9 December 2025.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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8.2 CEO 2 - AGM Motion - P Kearney - Request for Memorial Award

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 8 December 2025

ATTACHMENTS: Nil

RECOMMENDATION

That Council:

1. Endorse the naming of the lecturn in the Windsor Council Chambers as "The Geoff Dickinson Memorial Lecturn"
2. Authorises the Chief Executive Officer to arrange for a plaque to be affixed to the lecturn; and
3. Authorises the Chief Executive Officer to write to the family of the late Mr Geoff Dickinson to advise them of the memorial and express Council's appreciation for the many years of contributions from the late Mr Dickinson.

Minute No. 25/176

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Allen

That Council:

1. Endorse the naming of the lecturn in the Windsor Council Chambers as "The Geoff Dickinson Memorial Lecturn"
2. Authorises the Chief Executive Officer to arrange for a plaque to be affixed to the lecturn; and
3. Authorises the Chief Executive Officer to write to the family of the late Mr Geoff Dickinson to advise them of the memorial and express Council's appreciation for the many years of contributions from the late Mr Dickinson.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Lerner, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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8.3 CEO 3 - AGM Motion - P Kearney - Affordable Housing

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 8 December 2025

ATTACHMENTS: Nil

RECOMMENDATION

That Council does not endorse the motion "*That the West Tamar Council develops and adopts policy initiatives, including planning reform, that deliver available, affordable, accessible and sufficient housing for all who live or wish to live in the West Tamar*".

Minute No. 25/177

MOTION

Moved: Cr Manticas

Seconded: Cr Lyons

That West Tamar Council develop a Housing Plan in line with the actions detailed in the West Tamar Growth Strategy

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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8.4 CEO 4 - AGM Motion - J Walker - Investigation into TasWater

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 8 December 2025

ATTACHMENTS: Nil

RECOMMENDATION

That Council does not endorse the motion *"That West Tamar Council executes its own investigation into the inflow and infiltration of stormwater into the Legana Sewage Treatment Plant Lagoons during the calendar year 2026."*

Minute No. 25/178

MOTION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Ireland

That the West Tamar Council continues to monitor along with TasWater the inflow and infiltration of stormwater into the Legana Sewerage Treatment Plant Lagoons in the 2026/27 financial year.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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8.5 CEO 5 - Northern Tasmania Development Corporate - Quarterly Report July - September 2025

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 10 December 2025

ATTACHMENTS: 1. [8.5.1] NTDC Quarterly Report Jul- Sep 2025

RECOMMENDATION

That Council receives and notes the Northern Tasmania Development Corporation Ltd Quarterly Report for the period 1 July 2025 to 30 September 2025.

Minute No. 25/179

DECISION

Moved: Cr Manticas

Seconded: Cr Ferguson

That Council receives and notes the Northern Tasmania Development Corporation Ltd Quarterly Report for the period 1 July 2025 to 30 September 2025.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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9 GOVERNANCE

9.1 Gov 1 - West Tamar Council Audit Panel Minutes

REPORT AUTHOR: Governance Officer - Tom Chalmers

REPORT DATE: 10 December 2025

ATTACHMENTS: 1. [9.1.1] Audit Panel - Minutes - 27 August 2025 - CONFIRMED
2. [9.1.2] Audit Panel - Minutes - 8 December 2025 - UNCONFIRMED

RECOMMENDATION

That Council receives and notes the confirmed Minutes of the Audit Panel meeting held on 27 August 2025 and the unconfirmed Minutes of the Audit Panel meeting held on 8 December 2025.

Minute No. 25/180

DECISION

Moved: Cr Sladden

Seconded: Cr Manticas

That Council receives and notes the confirmed Minutes of the Audit Panel meeting held on 27 August 2025 and the unconfirmed Minutes of the Audit Panel meeting held on 8 December 2025.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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10 DEVELOPMENT

10.1 Dev 1 - West Tamar Growth Strategy and Infrastructure Plan

REPORT AUTHOR: Director Planning & Development - Michelle Riley

REPORT DATE: 11 December 2025

ATTACHMENTS:

1. [10.1.1] Attachment 1 - West Tamar Growth Strategy
2. [10.1.2] Attachment 2 - Infrastructure Plan
3. [10.1.3] Attachment 3 - Engagement report April 2025

Director Planning & Development entered the meeting at 2.37pm

RECOMMENDATION

That Council adopt the West Tamar Growth Strategy (Attachment 1) and Infrastructure Plan (Attachment 2) as its long-term vision and plan for managing land use, infrastructure and development across the municipality to 2046 and beyond.

Minute No. 25/181

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Larner

That Council adopt the West Tamar Growth Strategy (Attachment 1) and Infrastructure Plan (Attachment 2) as its long-term vision and plan for managing land use, infrastructure and development across the municipality to 2046 and beyond.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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10.2 Dev 2 - Delegations under the Land Use Planning and Approvals Act 1993

REPORT AUTHOR: Director Planning & Development - Michelle Riley

REPORT DATE: 10 December 2025

ATTACHMENTS: 1. [10.2.1] Attachment 1 - LUPAA Delegation Schedule Amendment

RECOMMENDATION

That Council:

1. Delegates its authority to decide requests under section 53(5B) and section 53(5D) of the *Land Use Planning and Approvals Act 1993* to the Chief Executive Officer as the General Manager in accordance with the attached Delegation Schedule Amendment (Attachment 1); and
2. Authorises the Chief Executive Officer to delegate these powers or functions to Council employees.

Minute No. 25/182

PROCEDURAL MOTION

Moved: Cr Manticas

Seconded: Cr Lyons

That the item be deferred to a workshop.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

Director Planning & Development left the meeting at 2.54pm

11 CORPORATE

Nil

UNCONFIRMED

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12 COMMUNITY

12.1 Comm 1 - Youth Advisory Council Minutes - November

REPORT AUTHOR: Director Corporate & Community - David Gregory

Team Leader - Community - Elizabeth Nye

REPORT DATE: 8 December 2025

ATTACHMENTS: 1. [12.1.1] YAC Minutes November 2025

Director Corporate & Community entered the meeting at 2.54pm

RECOMMENDATION

That Council receives and notes the minutes as presented for the Youth Advisory Council Meeting held on 13 November 2025.

Minute No. 25/183

DECISION

Moved: Cr Ferguson

Seconded: Cr Allen

That Council receives and notes the minutes as presented for the Youth Advisory Council Meeting held on 13 November 2025.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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12.2 Comm 2 - Positive Ageing Committee Minutes - November

REPORT AUTHOR: Community Development Officer - Todd Mitchell

REPORT DATE: 8 December 2025

ATTACHMENTS: 1. [12.2.1] Meeting Minutes November 24.11.2025 - Positive Ageing Committee

RECOMMENDATION

That Council receives and notes the minutes as presented for the West Tamar Positive Ageing Committee held a meeting on 24 November 2025.

Minute No. 25/184

DECISION

Moved: Cr Allen

Seconded: Cr Sladden

That Council receives and notes the minutes as presented for the West Tamar Positive Ageing Committee held a meeting on 24 November 2025.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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12.3 Comm 3 - Community Grant Application - Exeter Services & Community Club

REPORT AUTHOR: Team Leader - Community - Elizabeth Nye

REPORT DATE: 8 December 2025

ATTACHMENTS:

1. [12.3.1] Exeter Services and Community Club Application Redacted
2. [12.3.2] Exeter Services and Community Club - Application Assessment Matrix Redacted

RECOMMENDATION

That Council approves the grant application submitted by the Exeter Services Club to the value of \$5,000.00 to complete the table restoration project as outlined in the application.

Minute No. 25/185

DECISION

Moved: Cr Lyons

Seconded: Cr Ireland

That Council approves the grant application submitted by the Exeter Services Club to the value of \$5,000.00 to complete the table restoration project as outlined in the application.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

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12.4 Comm 4 - West Tamar Council - Australia Day Grant Applications 2026

REPORT AUTHOR: Team Leader - Community - Elizabeth Nye

REPORT DATE: 8 December 2025

ATTACHMENTS:

1.	[12.4.1] Kelso Fire Brigade - 2026 Australia Day Grant Application Redacted
2.	[12.4.2] Kelso Fire Brigade - Assessment Matrix Redacted

RECOMMENDATION

That Council:

1. Approve the application submitted by the Kelso Volunteer Fire Brigade to the value of \$2,500 to host Australia Day Celebrations – Greens Beach Foreshore as outline in the grant application.
2. Approve the budget transfer from ledger 805262 'Special Events Australia Day' of \$5,000 to ledger 816261 'Community Grants' bringing the total community grants budget to \$45,000.

Minute No. 25/186

DECISION

Moved: Cr Ferguson

Seconded: Cr Allen

That Council:

1. Approve the application submitted by the Kelso Volunteer Fire Brigade to the value of \$2,500 to host Australia Day Celebrations – Greens Beach Foreshore as outline in the grant application.
2. Approve the budget transfer from ledger 805262 'Special Events Australia Day' of \$5,000 to ledger 816261 'Community Grants' bringing the total community grants budget to \$45,000.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

Director Corporate & Community left the meeting at 3.06pm

13 COMMUNITY ASSETS

Nil

UNCONFIRMED

14 PEOPLE, CULTURE & SAFETY

Nil

UNCONFIRMED

15 PETITIONS

Nil

UNCONFIRMED

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16 NOTICE OF MOTIONS

16.1 Motions on Notice

16.1.1 Motion - Cr Holmdahl - Request to write to Traffic Commissioner regarding Danbury Park area

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 8 December 2025

ATTACHMENTS:

1. [16.1.1.1] Response from Minister Abetz to Kristen Desmond, CEO West Tamar Council - Speed limit, West Tamar Hw
2. [16.1.1.2] Letter from the Minister for Infrastructure

*Mayor Cr Holmdahl stepped down as Chair at 3.06pm
Deputy Mayor Cr Shegog took the Chair at 3.06pm*

RECOMMENDATION

That the West Tamar Council writes to the Tasmanian Traffic Commissioner Cynthia Heydon to raise with her the ongoing and unacceptable safety traffic and health issues that our residents of the Danbury Park area of our municipality have been raising with the State Government for the last five years.

Minute No. 25/187

MOTION

Moved: Mayor Cr Holmdahl

Seconded: Cr Sladden

That the West Tamar Council writes to the Tasmanian Traffic Commissioner Cynthia Heydon to raise with her the ongoing and unacceptable safety traffic and health issues that our residents of the Danbury Park area of our municipality have been raising with the State Government for the last five years and that the West Tamar Council also requests a thorough road safety and speed limit review of the West Tamar Highway between Cormiston Road and Acropolis Drive, citing the above-mentioned rationale.

VOTING

For: Mayor Cr Holmdahl, Cr Allen, Cr Lyons, Cr Manticas and Cr Sladden

Against: Deputy Mayor Cr Shegog, Cr Ferguson, Cr Ireland and Cr Lerner

CARRIED 5/4

*Deputy Mayor Cr Shegog stood down as Chair at 3.27pm
Mayor Cr Holmdahl resumed the Chair at 3.27pm*

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16.1.2 Motion - Cr Manticas - Late item

MOTION

That the West Tamar Council affirms its unequivocal support for the Jewish community, including Jewish Australians, and condemns antisemitism in all its forms, including conduct, rhetoric, or symbolism that intimidates, vilifies, or targets Jewish people.

Minute No. 25/188

DECISION

Moved: Cr Manticas

Seconded: Cr Lyons

That the West Tamar Council affirms its unequivocal support for the Jewish community, including Jewish Australians, and condemns antisemitism in all its forms, including conduct, rhetoric, or symbolism that intimidates, vilifies, or targets Jewish people.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

Abstained: Cr Larnier

CARRIED 8/1

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16.2 Motions without Notice

Nil

UNCONFIRMED

17 COUNCILLORS' QUESTIONS

17.1 Councillors' Questions on Notice

Cr Manticas

Question 1: Can council provide an update on progress on its roadside slashing program with regards to Greens Beach Rd, North of Beaconsfield through to Greens Beach as the grass is growing at a rapid pace?

Response: *Roadside slashing is carried out from November through to March each year. The timing is dependent on seasonal conditions, as commencing too early can lead to additional regrowth, which has been noted along sections of the West Tamar Highway. Council's internal capacity for slashing work is limited, however, Council recently awarded an external service contract for a contractor to assist with the seasonal slashing activity.*

Slashing in the Greens Beach area will be actioned during February as scheduled, which has proven to be effective over recent years. Officers will continue to monitor fire risk throughout the drier months and intervene if deemed necessary.

Question 2: Is the Basketball ring at Miners park Beaconsfield due to be installed before the school holidays start?

Response: *Yes, the installation of the ring is scheduled to be undertaken by Council's contractor during the week commencing Monday 8 December.*

Question 3: Can I be provided an update on how the council is intending to increase the service to keep its parks, open spaces and toilets clean and tidy during the school holiday period?

Response: *Council's Parks operations team will be having officers work though the Christmas and New Year holiday period, with the exception of gazetted public holidays, and public amenities will continue to be cleaned daily throughout this period by Council's external cleaning contractor.*

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Cr Larner

Question 1:

Some weeks ago, an urgent request was made of Council by a resident of Swan Point regarding risk assessment of an aged Radiata pine tree on the Council-owned foreshore close to her home at 205 Paper Beach Road. Recent strong windy weather in early spring uprooted a number of large Macrocarpa trees and tore off the limbs of Radiata pines in this exposed beach area - with pictures supplied to Council. The resident is very concerned about the risk that the tree directly outside will fall on her house and suffers many sleepless nights during windy weather, while considering selling her home for the sake of her mental health. The foreshore area has high visitor numbers and near misses due to falling trees and/or limbs have already occurred.

When does Council intend to conduct the promised risk assessment review?

Response:

The original question was asked and answered in Council's Ordinary Meeting Agenda for the November meeting on 18 November 2025. At that time, it was confirmed that external contractors had already been engaged to assess the trees in question and Council was currently waiting on the report. Further, that Council officers had begun to schedule a program of works including quarterly ground-based inspections on the trees.

At the time of publication of this Agenda, the report has yet to be received, and Council Officers have followed up the external contractor. On receipt of the report, Council Officers will, as previously advised, engage directly with the resident in relation to the trees.

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17.2 Councillors' Questions without Notice

Cr Manticas

Question 1: With the opening of Burt Munro's Cafe in Exeter, there's been a significant increase in the foot traffic along that stretch. What would it take for Council to install some public bins in or around that location?

Response: (From the Chief Executive Officer through the Chair) *I'll take that one on notice.*

Question 2: What's the procedure for a business such as Burt Munro's if they wanted to be included in some of the visitor signage?

Response: (From the Chief Executive Officer through the Chair) *Anything like that, they have to be a registered visitor activity. What I would be suggesting is that the owners of that business contact our Economic Development Officer and we can run them through how go through that process.*

Cr Holmdahl

Question 1: At the moment, if a resident coming out of Wildmore Crescent and wishing to turn North... about 80% of the time, or certainly during business hours, finds it very difficult to see oncoming traffic traveling towards the Wildmore Crescent intersection. The farm and feed business on the corner, uses the footpath and the nature strip area as a parking strip. I nearly got cleaned up the other day because there was a big truck making deliveries, I was turning left, the person that was coming up the highway and going to turn right into Wildmore Crescent cut the corner, didn't see me because of the truck, and I think passed me by about that much when he swerved. Something has to happen. The new cafe also, if they have cars parked all the way down to Wildmore Crescent, you can't see, especially if it's a caravan, you can't see what's traveling South. So, I don't know whether it's a recommendation of yellow lines on the highway that are painted for a certain length from the Wildmore Crescent intersection both North and South will solve the problem. But there have been three near misses on that corner probably in the last 12 months.

Response: (From the Chief Executive Officer through the Chair) *We'll take that one on notice and we'll get our staff to have a look at it bearing in mind that any recommendation would need to go to State Growth.*

Cr Larner

Question 1: Retracted

Question 2: I've received notification from a resident of Beauty Point that Churchill Park is being used as a dumping ground for people's garden rubbish, and that the area is tinder dry at the moment with plenty of fuel to feed this potentially dangerous fire hazard. So is it possible for Council to review the current status of Churchill Park's risk of fire to enable potential risk production measures to potentially be made?

Response: (From the Chief Executive Officer through the Chair) *Certainly we can ask some Council officers to do a fire hazard assessment to see whether there's anything that's required.*

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Question 3: I'm a member of the Lions Club and I'm informed that they have some funds in reserve and they wish to contribute to a new community benefit project, an upgrade to a skate/BMX park at Gravelly Beach is a potential.... Can Council provide expertise to help assess the feasibility of such a project and is that something that the Council would be interested to collaborate on?

Response: (From the Chief Executive Officer through the Chair) *I'd take that on notice and we'd need to talk to the Lions Club, but the reality is if Lions Club is asking Council to invest monies or do a grant of some description or do in-kind, then that is something that we'd need to go through our normal processes to assess.*

Question 4: In the November Council meeting a motion was raised for Council's assessment of the perceived landholder stormwater issues for Little Swan Point Road, Gravelly Beach. But the motion was amended, in late notice, apologies and absence of the Councillor who first raised the motion for Council to conduct a stormwater systems assessment of nearby Teggs Road where no such stormwater issues appear to exist. Uh, there are other sites of perceivably significant stormwater escape...

Cr Manticas called a point of order at 3.45pm

Can I provide Council with this eight-page pictorial record of stormwater problems around Gravelly Beach please?

Response: *You can table that. Thank you, Councillor Larner.*

Cr Larner tabled documents at 3.46pm

Cr Allen

Question 1: I just wanted to add to the issue along the West Tamar Highway near Burt Munro's Cafe, which is excellent to see that he's getting great support. Added to Councillor Holmdahl, a letter has gone into Council requesting they look at the driveway to 144 Main Road where the Retirement Village is. Now, I must say I live there, but that letter is not from me, because you can't see when you're going out with the traffic so close either side of the driveway and on the other side of the road.

Response: (From the Chief Executive Officer through the Chair) *I'm yet to receive that letter. It may have gone to Community Assets but will chase it up and come back to you.*

Cr Lyons

Question 1: Would it be possible at the Bridgenorth Roundabout to ask State Growth to make any car that enters the Bridgenorth Roundabout, either from the South or from the Bridgenorth Road, that they can only turn into the outside lane of the highway? I had two recent escapes. I was going to the carols at the Legana Primary School. The bus on the inside lane coming from the North was late stopping and the bus on the outside actually came well over the line before I hit the horn of my car and basically had to stop.

Many people who come around that corner turn into the Primary School. So at various times, if they don't turn into the Primary School, being on the outside lane, they have plenty of time to get over into the right-hand lane if they're intending to travel South. This has been an issue for a long time. If there was only one lane to go in, somehow it was marked so you had to go into the outside lane, then all of those cars coming

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from the North would have to give way. I just ask for Council to consider it and maybe ask the State Government to think about that entrance.

Response: (From the Chief Executive Officer through the Chair) *Councillor Lyons, we'll come back to you to get some of your experiences. And if any other Councillors have had any feedback in relation to that roundabout, if you can let me know, and then we'll seek to just write to the Government to let them know that some issues have been brought to our attention.*

Cr Sladden

Question 1: A question regarding an email that we received, and this is going to display my lack of knowledge regarding World War One German artillery, but the Howitzer display in Beaconsfield and the practicalities surrounding relocating that?

Response: (From the Chief Executive Officer through the Chair) *Council officers have had a look at the practicalities of actually doing that, so we're in the process of writing back to that particular family member in relation to it. Because of the way it's in the ground, it's not an easy thing necessarily to pick up and move. We understand what's behind it but we're still working through what the options are.*

Cr Ireland

Question 1: Just a follow-up on the Bridgenorth Road Roundabout, it isn't complete yet, there's still a lot of road cones there and when it's complete, I hope there will be white lines to show how you go. Tasmanians will need to learn how to do a two-lane roundabout.

Response: *And the reality is, Councillor Ireland, we haven't had one in the municipality before, so my only wish is that they have on that stretch of road between the Freshwater Point Roundabout and the Bridgenorth Road Roundabout, I hope that they've coated that great big white wall with anti-graffiti protection because I think it's going to be an absolute magnet.*

Cr Shegog

Question 1: I've got a question from a person at Grindelwald in relation to a building being built that doesn't keep in fitting with the original Swiss Village. Now, I know we had a discussion a long time ago about that and there was talk about covenants and a SAP and I'm just wondering if I could get an answer to that? Because it's been so long ago I can't recall.

Response: (From the Chief Executive Officer through the Chair) *We'll take that on notice, unless my Director of Planning can answer that now?*

Director Planning & Development entered the meeting at 3.51pm

(From the Director Planning & Development through the Chair) *The Swiss Village design requirements were all linked to a covenant that the developer set when they established the subdivision around Grindelwald. And the covenant is not a planning matter that we deal with when we assess planning applications. If somebody wants to enforce the covenant, they would need to take civil action in order to do that.*

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Cr Holmdahl

Question 2: And Vos Constructions own the covenants?

Response: (From the Director Planning & Development through the Chair) *I think the development company was _a_ Vos, I'm not sure it's the current Vos, I don't believe that company is in existence anymore.*

Statement: I looked at a block of land on Alpine Crescent about six years ago with the intention of building a house that wasn't an Alpine style, and I spoke with Michael Vos of Vos Constructions, he was the person that I was directed to, and he advised me that I could give them my plans and they actually approved the plan. And that was between 19 and 23 Alpine Crescent. We didn't go ahead with it, but I did get compensation from that covenant. So, if that's of any help.

Director of Planning & Development left the meeting at 3.53pm

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17.3 Responses to Previous Questions on Notice

Cr Allen

Question 1: I've got a letter here from the West Tamar Rotary Club. Now, this has been discussed previously but quite a long time ago. The rubbish from the Rotary shop at Beauty Point is accumulating, people are dumping all their rubbish at the front. What they're asking, is it possible for them to get free of charge or some vouchers to use the tip? Because what they're doing is asking their members to provide tickets, and everyone's running out of tickets. All the money they raise goes back into the West Tamar community. So what they're asking for is free use of the tip or some tickets.

Response: *There is no policy in place that specifically refers to Council's support of not-for-profit organisations in respect to providing free waste disposal. Council's Rates and Charges Policy references the waste management service charges, but this applies to properties that are provided with a waste collection service and does not relate to charges at Council's waste transfer station sites. As the provision of free access to the tip would have a financial implication, it is recommended that Council discuss options for support to Rotary, and perhaps other not for profit organisations that are providing a similar community service, at a future Workshop in preparing for the 2025/26FY budget.*

Question 2: Council was going to clean out the drains along Gardners Road, but only got about halfway across and along the northern end they haven't been cleaned out. So, wondered if that could be followed up.

Response: *Council officers attended Gardners Road last week to undertake some clean out work of the open drain, however, further inspections will be carried out to ensure the drains are adequately maintained.*

18 INTO CLOSED MEETING

RECOMMENDATION

That, pursuant to Regulation 17(1) of the *Local Government (Meeting Procedures) Regulations 2025*, Council close the meeting to the public at ...pm to discuss the following items:

Confirmation of Minutes

2.1 Confirmation of Minutes of Closed Meeting held 18 November 2025

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 40(6). At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

Leave of Absence Request

3.1 Leave of Absence Request – Cr Julie Sladden

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(i) requests by councillors for a leave of absence.

Corporate & Community

8.1 Confidential 1 – Riverside Swimming Centre Redevelopment Advisory Committee Minutes – November 2025

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(d) commercial information of a confidential nature that, if disclosed, is likely to – (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

8.2 Confidential 2 – West Tamar Council Australia Day Award Nominations 2026

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 15(2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

Community Assets

9.1 Confidential 3 – Contract No. WTC 16/2025 Notley Hills Road Reconstruction Stage 3

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

9.2 Confidential 4 - Contract No. WTC 32/2025 Tattersalls Road Bridge Superstructure

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

9.3 Confidential 5 - Contract No. WTC 24/2025 The Orchards Estate Public Open Space Playground

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

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Minute No. 25/189

DECISION

Moved: Cr Manticas

Seconded: Cr Lyons

That, pursuant to Regulation 17(1) of the *Local Government (Meeting Procedures) Regulations 2025*, Council close the meeting to the public at 3.54pm to discuss the following items:

Confirmation of Minutes

2.1 Confirmation of Minutes of Closed Meeting held 18 November 2025

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 40(6). At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

Leave of Absence Request

3.1 Leave of Absence Request – Cr Julie Sladden

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(i) requests by councillors for a leave of absence.

Corporate & Community

8.1 Confidential 1 – Riverside Swimming Centre Redevelopment Advisory Committee Minutes – November 2025

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(d) commercial information of a confidential nature that, if disclosed, is likely to – (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret.

8.2 Confidential 2 – West Tamar Council Australia Day Award Nominations 2026

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 15(2)(g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

Community Assets

9.1 Confidential 3 – Contract No. WTC 16/2025 Notley Hills Road Reconstruction Stage 3

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

9.2 Confidential 4 - Contract No. WTC 32/2025 Tattersalls Road Bridge Superstructure

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

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9.3 Confidential 5 - Contract No. WTC 24/2025 The Orchards Estate Public Open Space Playground

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal.

VOTING

For: Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larnier, Cr Lyons, Cr Manticas and Cr Sladden

Against: Nil

CARRIED UNANIMOUSLY 9/0

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

19 OUT OF CLOSED MEETING

Council resolved to move out of Closed Session at 4.39pm.

UNCONFIRMED

20 CLOSURE

There being no further business, the meeting closed at 4.39 pm.

UNCONFIRMED

3 LATE ITEMS

4 DECLARATIONS OF INTEREST IN A MATTER OF A COUNCILLOR

5 PUBLIC QUESTION TIME

General rules for public question time and questions without notice:

- 30 minutes maximum for public question time and public questions.
- Any one speaker is allowed a maximum of five (5) minutes to make one (1) statement and/or up to three (3) questions. For clarity, a member of the public has a maximum of five (5) minutes total irrespective of making a statement, asking questions, or a combination thereof.
- A question will be answered if the information is known, otherwise it will be taken on notice and responded to in writing.
- If a member of the public –
 - a) hinders or disrupts a meeting; or
 - b) tries to hinder or disrupt a meeting; or
 - c) refuses to leave a closed meeting; or
 - d) uses obscene or offensive language

the chairperson may take reasonable steps to remove the person from the ordinary or closed meeting, including requesting the assistance of a police officer if required.

To assist with the compilation of minutes, it would be appreciated if community members with prepared questions and statements could please provide a copy to Council via email at wtc@wtc.tas.gov.au or leave a copy with us.

When addressing Council please state your name and address.

To be clear to any members of the public in attendance, as outlined in the Council's Council Meeting Engagement Policy, we will not allow statements or questions relating to the personal affairs or actions of a Councillor or Council staff or which questions the competency of Council staff or Councillors.

If someone chooses to ignore this directive, in the first instance the statement of question will be rejected and you will be asked to sit down. Should anyone choose to ignore that advice or enter into a debate, or disrupt the meeting, you will be asked to leave.

5.1 Public Question Time

Commenced at:

Concluded at:

5.2 Public Questions on Notice

All answers to questions on Notice have been prepared by the Chief Executive Officer, Kristen Desmond.

5.2.1 G Hay, Beauty Point

Question 1: Are rate payer concerns about road safety treated equally or some depending upon who you are get “special treatment” ?, The Mayor is referred to her own question from the WTC minutes “**nearly got cleaned up**”, exiting her own residential area Wildmore Crescent Exeter, has the WTC taken or will its take similar steps in relation to Murray Street & West Tamar Highway Exeter intersection (United Petroleum) where there has been a number of accidents or corner off Kelly Look-Out Rd & Green Beach Road where these has been number of near fatalities?

Response: *Yes, rate payer concerns are treated equally and Council officers and Councillors consider road safety matters seriously and on a case-by-case basis subject to the circumstances. Council has been working closely with the Department of State Growth in relation to the speed limit and pedestrian safety in Exeter and the outcomes of the current trials are expected to improve safety at the intersection of Murray Street and the West Tamar Highway. Council also commissioned a safety assessment of the intersection of Greens Beach Road and Kellys Look Out Road with funding to be requested by officers for improvement works as part of the upcoming budget considerations for the 2026/27 financial year.*

Question 2: There has been very large number of “Council Workshops” during 2025 its assumed these relate to WTC affairs and these workshop it is assume relate to rate payers welfare and the use of rate payers funds, why are these workshops and the results not made public to rate peers in the interest of transparency ?

Response: *Council Workshops have increased due to the increased work being delivered to the West Tamar Community.*

A workshop report setting out what topics are discussed at each workshop is provided as part of the Ordinary Council Meeting Agendas each month. Confidential Workshops enable Council staff to provide information to Councillors to ensure they have the information they need to make informed decisions at Council Meetings, allow Councillors to have discussions in a confidential environment and ask questions of the Councils Executives.

There are no decisions made at a workshop, decisions in relation to the topics discussed at workshops usually come before Council at either its Ordinary Council Meeting or Closed meeting (where commercial in confidence information is provided to Councillors). Therefore, the results of the workshops are made public via Councils monthly meetings.

Question 3: Would the councillors advise how many employee’s are require to go to a WTC public area and operator one ride on lawn mower ?

Response: *A ride on mower can only be operated by one person. There is insufficient information in the question to provide more detail if there is a particular operation*

within a public area being referred to, however, the number of Council officers that may be present within our parks and reserve areas at any time is dependent on a number of factors that may include work health safety considerations, the scale or complexity of work to be undertaken and whether new Council Officers are being trained on how to operate that equipment.

5.3 Responses to Questions from Previous Public Question Time

5.3.1 E Peterson, Legana

Our Ref: GO.COU.183

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

23 December 2025

Emily Peterson
[REDACTED]



2-4 Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
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wtc.tas.gov.au

Dear Ms Peterson

Response to Questions on Notice – Ordinary Council Meeting 16 December 2025

I refer to the questions set out below taken on notice at the West Tamar Council meeting on 16 December 2025, and now provide the following responses:

Question 1: *My next question is about information on water fluoridation given by TasWater, noting that of course, you're a shareholder. I refer Councillors to TasWater's website page, "Fluoridation of Drinking Water," and I'm happy to provide a direct link, but you can find it yourselves quite easily by searching for TasWater and fluoridation in a search engine. I would like to quote a section of that page: "Is water fluoridation safe?" This is according to TasWater. "The 2016 National Health and Medical Research Council's evidence evaluation shows that water fluoridation helps to reduce tooth decay in children and adults. There is no reliable evidence that water fluoridation at current Australian levels causes health problems. To view the full paper, please visit "Department of Health" and so on. And what I'm asking Council to do is to ask TasWater to update that, given that that's a decade out of date now.*

Council will write to TasWater requesting a review of the information on their website to ensure that they are providing the most current information available in line with Department of Health guidelines.

Yours sincerely



Kristen Desmond
CHIEF EXECUTIVE OFFICER

5.3.2 H Patronis, Trevallyn

Our Ref: GO.COU.183

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

23 December 2025

Helen Patronis
[REDACTED]



2-4 Eden Street, Riverside TAS 7250
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Dear Ms Patronis

Response to Question on Notice – Ordinary Council Meeting 16 December 2025

I refer to the question set out below taken on notice at the West Tamar Council meeting on 16 December 2025, and now provide the following responses:

Question 1: *I'm here in regard to the development at 7-9 Summit Road. I'm the neighbouring property at no. 11. I raised with the Council that, in the DA, units were mislabelled and I received notice on the agenda for today that basically it wasn't too big an issue if these units were mislabelled on the DA as it wasn't misleading to Council, but it is misleading to residents. So I just wanted to address how that can go through and be allowed to go through?*

The resident's concerns in relation to the legibility of the plans were considered along with the other concerns raised in representations.

Council's assessing officers were able to interpret the plans and accurately assess them against the planning scheme requirements.

Yours sincerely


Kristen Desmond
CHIEF EXECUTIVE OFFICER



ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

5.3.3 M Fletcher, Beauty Point

Our Ref: GO.COU.183

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

23 December 2025

Marian Fletcher

By email: [REDACTED]

Dear Ms Fletcher



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Response to Questions on Notice – Ordinary Council Meeting 16 December 2025

I refer to the questions set out below taken on notice at the West Tamar Council meeting on 16 December 2025, and now provide the following responses:

Question 1: *Could you explain the consultation process between the West Tamar Council and the State Planning Authority and how this has been applied to the Beauty Point Tourist Park?*

Assuming your question concerns the State Planning Office (SPO), Council did not consult with the SPO regarding the residential use of certain sites within the Park contrary to the requirements of the statutory planning system, nor was any consultation necessary. It is not the role of the SPO to be involved with discrete cases of land use planning enforcement; details of the SPO's role can be found at <https://www.stateplanning.tas.gov.au/getting-started/who-does-what/lead-roles/state-planning-office>, which notes that the SPO "does not have a role in... investigating noncompliance with planning requirements".

Question 2: *Recently the CEO of the West Tamar Council, gave evidence that there had been compliance issues with the Beauty Point Tourist Park since 1995. Could you detail what the compliance issues were and what action was taken?*

The enforcement matter referred to in 1995 concerned the construction of three cabins without planning approval that were intended to be used as permanent residences, however residential use could not occur without a rezoning of the Park and the enforcement steps paused to permit time to pursue the rezoning. No application to rezone was ever made, and further enforcement steps were not taken on the understanding that the proposed residential use of the three cabins was not pursued.

Yours sincerely


Kristen Desmond
CHIEF EXECUTIVE OFFICER

5.3.4 P Hodges, Beauty Point

Our Ref: GO.COU.183

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

23 December 2025

Peter Hodges

By email: [REDACTED]

Dear Mr Hodges



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Response to Questions on Notice – Ordinary Council Meeting 16 December 2025

I refer to the question set out below taken on notice at the West Tamar Council meeting on 16 December 2025, and now provide the following responses:

Question 1: *Please state whether Council accepts regulatory acquiescence over many years and legal consequences irrespective of formal approval status.*

Council accepts that existing, non-conforming use rights are protected by statute. In the case of the residential use of certain sites within the Beauty Point Tourist Park (the **Park**), Council is not satisfied that such use has the benefit of existing, non-conforming use rights. In those circumstances, Council is required to take reasonable steps to discharge its obligations under the *Land Use Planning and Approvals Act 1993* to enforce observance of the statutory planning system.

Question 2: *Please identify the earliest date Council formed the view that residential occupation was unlawful and what enforcement steps were taken or not taken at that time.*

Following an investigation, on 20 November 2024 Council's CEO formed the reasonable belief that the residential use of certain sites within the park was unlawful under the statutory planning system. 20 November 2024 is the earliest date that Council, via its CEO, formed the relevant view. Enforcement steps were taken in the form of a Notice of intention to issue an enforcement notice, followed by an Enforcement notice. The Enforcement notice was appealed to the Tasmanian Civil & Administrative Tribunal, but that appeal was withdrawn and the Enforcement notice remains in force.

Question 3: *Please confirm whether enforcement discretion was exercised, and if so, on what basis.*

As a planning authority, Council is required to take reasonable steps to discharge its obligations under the *Land Use Planning and Approvals Act 1993* to enforce observance of the statutory planning system, and holds discretion as to how this obligation is discharged. In the case of the residential use of certain sites within the

**ORDINARY COUNCIL MEETING
Tuesday 20 January 2026**

park, Council chose to issue a Notice of intention to issue an enforcement notice, followed by an Enforcement notice, and successfully defended that notice on appeal to the Tasmanian Civil & Administrative Tribunal. The terms of the Enforcement notice are informed by the particular circumstances of the case, which include matters such as the nature and extent of the residential use, and the likelihood of land use conflicts resulting from that use.

Yours sincerely



Kristen Desmond
CHIEF EXECUTIVE OFFICER

5.3.5 C Swan, Paper Beach

Our Ref: GO.COU.183

Enquiries: Office of the Chief Executive Officer
Phone : (03) 6323 9300

23 December 2025

Ms Cheryl Swan
[REDACTED]

Dear Ms Swan

Response to Question on Notice – Ordinary Council Meeting 21 October 2025

I refer to the question set out below taken on notice at the West Tamar Council meeting on 21 October 2025, and now provide the following response:

Question 1: *Previously I've raised about the state of Paper Beach Road which has been patched and patched and patched. The centre of the road, potholes are reappearing quite nastily again, which people are trying to avoid, but because it's such a narrow road, it's quite dangerous with the large ditches on the side, which also need cleaning out. Previously when I've raised these issues, I've received a letter saying, "Oh yes, it's on our maintenance schedule," but not what work's going to be done when. And the "when" is the issue. It's always in the future, in the future, in the future. The same with Paper Beach Esplanade, which is not vehicle traffic but pedestrian traffic. It's quite atrocious at the moment after all the trees that fell in the recent storms and the clearing up of that, and there's a huge hole still where some of those trees fell into the property along there and there's a huge... still roped off. All the debris from all those trees is still all over the Esplanade. People with walking frames and walking sticks and mobility issues are having a lot of trouble. Some people that I know that used to frequent the area with their wheelchairs have given up because it's so bad. It really needs some attention. That area, the Esplanade's been mowed once for the whole of spring, only once, in November. So this year it's really had little to no attention whatsoever and it's time we got a little bit down there. I know there's lots of other work going on, Beauty Point and everyone else, but other areas like where we are get neglected and continue to do so and are deteriorating more and more and more.*

Council's operations team inspected Paper Beach Road, Swan Point Road and Foreshore Road in July and carried out identified road maintenance work in August. This work included placement of shoulder gravel material for edge drop offs and asphalt repair for pavement seal edge breaks. The pavement seals were noted to be



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generally in good order. Full pavement resealing is not warranted at the present time as there are other roads in the municipality that are of higher priority due to having pavements in a worse condition. Further inspection following the Council meeting has identified two small potholes which will be patched.

Council will continue to monitor the condition of roads in the Paper Beach area and schedule these for works in upcoming programs subject to priority.

The large tree that has fallen over at the Esplanade was on private land, and Council is providing access to the reserve to the owner in order to remove the trees. Once this has been done Council will clean up the area and any debris from other trees. Council is also seeking an arborist's report for other standing trees within Council's foreshore licence area and will program remediation work as required following assessment of report recommendations.

Council thanks you for bringing these matters to our attention. We would also encourage you to contact our customer service team at any time to raise any maintenance concerns so officers are able to undertake inspections and respond to these in a timely manner.

Yours sincerely



Kristen Desmond
CHIEF EXECUTIVE OFFICER

6 CHIEF EXECUTIVE OFFICER'S DECLARATION

"I certify that with respect to all advice, information or recommendation provided to Council with this agenda:

1. the advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation;
2. where any advice is given directly to council by a person who does not have the required qualifications or experience that person has obtained and taken into account in that person's general advice the advice from an appropriately qualified or experienced person; and
3. a copy or written transcript of the advice received has been provided to council."



Kristen Desmond
CHIEF EXECUTIVE OFFICER

"Notes: Section 65(1) of the *Local Government Act 1993 (Tas)* requires the General Manager to ensure that any advice, information or recommendation given to the council (or a council committee) is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation. Section 65(2) forbids council from deciding any matter which requires the advice of a qualified person without considering that advice."

At West Tamar Council, the title Chief Executive Officer is a term of reference for the General Manager as appointed by Council pursuant to section 61 of the *Local Government Act 1993 (Tas)*. For the avoidance of doubt, Chief Executive Officer means General Manager for the purposes of the *Local Government Act 1993 (Tas)* and all other legislation administered by or concerning Council.

7 PLANNING AUTHORITY

Council is now sitting as a planning authority. Each council acts as the planning authority for their municipality. In this role, councillors consider development applications and make administrative decisions that are based on the council's planning scheme. While councillors are obliged to consider the community's views, this does not mean they can vote in favour of those views while fulfilling the role of a planning authority. Councillors must make planning decisions based on whether a planning application is consistent with the local planning scheme, even if members of the community object to the planning proposal.

7.1 Plan 1 - PA2025357 - Residential: Single Dwelling & Outbuilding - 106 Eiger Court, Grindelwald

REPORT AUTHOR: Statutory Planner - Patrick McMahon

REPORT DATE: 12 January 2026

ATTACHMENTS:

1. [7.1.1] Plan 1 - Attachment 1 - Location Plan - 106 Eiger Court Grindelwald
2. [7.1.2] Plan 1 - Attachment 2 - P A 2025357 - Dwelling & Outbuilding - 106 Eiger Court, Grindelwald

INTRODUCTION

Council acts as a Planning Authority for the assessment of this application under the *Land Use Planning and Approvals Act 1993 (the Act)*. Council as the Planning Authority must determine the application for a permit pursuant to Section 51(2) of the Act and 6.10 of the *Tasmanian Planning Scheme – West Tamar (the Scheme)*.

In determining an application, the Planning Authority must take into consideration:

- (a) *“all applicable standards and requirements in this planning scheme; and*
- (b) *Any representations received pursuant to and in conformity with section 57(5) of the Act.*

But in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

Compliance with the applicable standards (a) consists of complying with the Acceptable Solution or satisfying the Performance Criteria. The use of “or” is to be read plainly in that if an application satisfies the Acceptable Solution, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider an application for Residential – Single dwelling and outbuilding on a recently subdivided lot at 106 Eiger Court, Grindelwald. The proposed dwelling is fully compliant with the Planning Scheme requirements. Only the location of the outbuilding and unsealed driveway requires consideration of Performance Criteria.

A Residential – single dwelling and outbuilding is ‘No Permit Required’ within the Low density residential zone. However, the proposal requires a discretion of the following development standards:

	<u>Acceptable Solution</u>	<u>Proposed</u>
10.4.3 A2 Side Setback (outbuilding)	5m	3.8m

Driveway Construction C2.6.1 Construction of parking areas	Sealed	Unsealed
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STATUTORY REQUIREMENTS AND TIMEFRAMES

The application was made pursuant to Section 57 of the Act. Determination of the application is a statutory obligation.

Receipt Date	19/11/2025
Request for further information	N/A
Information satisfied	N/A
Advertised	24/11/2025
Closing date for representations	10/12/2025
Day 42	09/01/2026
Extension of time granted	11/12/2025
Decision due	31/01/2026

THE APPLICATION

Application Details:

Development Application	PA2025357
Location	106 Eiger Court, Grindelwald 7277
Applicant	Adam Blackwell and Fiona Elphinstone
Planning Instrument	Tasmanian Planning Scheme – West Tamar (the Scheme)
Zone	Low Density Residential
Use	Residential – Single Dwelling
Codes	C2.0 Carparking Code C3.0 Road and Rail Assets Code C7.0 Natural Assets Code (Priority Vegetation) C13.0 Bushfire Prone Areas Code C15.0 Landslip Hazard Code
Specific Area Plans	WTA-S3.0 Residential Supply and Density Specific Area Plan

Site Details:

Area	1.414ha
Slope	Variable topography. Slight rise from the road to a steep fall at the rear of the site.
Existing Use/Development	Vacant Residential Land
Surrounding Use/Development	Vacant Residential Land, Agricultural Land

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Be an active participant in planning reform and embrace Council's planning role.

STATE POLICIES

The proposal is consistent with the intent of all State Policies.

LAND USE PLANNING AND APPROVALS ACT 1993

The proposal is consistent with the objectives of the Act.

GOVERNMENT CONSULTATION

The application did not require State Government referral.

FINANCIAL IMPACT

Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

STANDARDS REQUIRING COUNCIL DISCRETION

The application was assessed against the relevant zone and code standards. The proposal complied with the relevant standards, except for the identified discretions that follow. When a proposal relies on discretion, it must be assessed against the relevant performance criteria for compliance.

CLAUSE 10.4.3 Side Setback

ACCEPTABLE SOLUTION NOT ACHIEVED	<i>A2 Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, must have a setback from side and rear boundaries of not less than 5m.</i>
PERFORMANCE CRITERIA	P2 The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to: (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the setbacks of surrounding buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the existing buildings and private open space areas on the site; (f) sunlight to private open space and windows of habitable rooms on adjoining properties; and

	<p>(g) the character of development existing on established properties in the area.</p>
ASSESSING OFFICER'S COMMENTS	<p>The proposed dwelling complies with all setback requirements. However, the proposed outbuilding is located ~3.8m from the southern side boundary, and as such the Performance Criteria must be assessed.</p> <p>The siting of the proposed outbuilding will not cause an unreasonable loss of amenity to adjoining properties, having regard to:</p> <p>(a) The site slopes upwards from the road for the buildable first section of the lot, with a very steep downward unbuildable portion at the rear. The topography does limit the potential areas to place the outbuilding, leading to the selection of this location.</p> <p>(b) The lot is large for the Low-Density zoning at nearly triple the minimum lot size required within the SAP, with a standard shape and an orientation that favours the views of the Tamar River and Valley below from the main residence. However, the practical building area generally conforms to the expectations as part of this recent subdivision.</p> <p>(c) This is the first proposed development in a new subdivision and as such there are no existing buildings to compare with. However, the outbuilding is of a similar setback as outbuildings for many residences in the same zoning around Grindelwald and would not set an undesirable pattern for future proposals in the street.</p> <p>(d) The outbuilding that is within the side setback is relatively large as it is a combined garage and rumpus room, but is of a standard height, and compatible scale for a large Low density residential lot.</p> <p>(e) There are no existing buildings or private open space on the site and the proposed outbuilding will be well separated from the proposed dwelling.</p> <p>(f) There are currently no habitable rooms or private open space on adjacent properties.</p> <p>(g) This is the first development in a new subdivision, as such there is not an established character for the street. However, the proposal is similar to existing developments within the SAP in Grindelwald and is not out of character for the area.</p> <p>As such, the Performance Criteria has been met.</p>

CLAUSE C2.6.1 Construction of Parking Areas

ACCEPTABLE SOLUTION NOT ACHIEVED	<p><i>A1 All parking, access ways, manoeuvring and circulation spaces must:</i></p> <ul style="list-style-type: none"> <i>(a) be constructed with a durable all weather pavement;</i> <i>(b) be drained to the public stormwater system, or contain stormwater on the site; and</i> <i>(c) excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</i>
PERFORMANCE CRITERIA	<p>P1 All parking, access ways, maneuvering and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use; (b) the topography of the land; (c) the drainage system available; (d) the likelihood of transporting sediment or debris from the site onto a road or public place; (e) the likelihood of generating dust; and (f) the nature of the proposed surfacing.
ASSESSING OFFICER'S COMMENTS	<p>The proposed development would be accessed via an unsealed gravel driveway. As this is not one of the driveway finishes listed in the Acceptable Solution the Performance Criteria must be assessed.</p> <p>It is noted that the subdivision includes a Part 5 Agreement that the Council is a party to, limiting the area of each lot that is allowed to be constructed of an impermeable material. As such, an unsealed driveway is the logical and preferred approach for this site.</p> <p>All parking, access ways, manoeuvring and circulation spaces will be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) The use is for a single dwelling, which will generate a low number of vehicle movements per day. (b) The topography from the frontage to the building location is not sufficiently steep to require a sealed surface for wet weather access. The proposed unsealed driveway is suitable for the topography. (c) The Part 5 agreement which was established at the subdivision stage includes specific requirements about stormwater drainage. The proposed unsealed driveway, combined with onsite detention assists in drainage for the land and is a better outcome for drainage than a sealed driveway. The developed area would drain to the road. (d) Sediment and debris are unlikely to be an issue for the area, and due to the Part 5 Agreement the expectation is for all driveways to be unsealed. All lots are provided with stormwater detention as part of the subdivision and the road and crossings are sealed, to prevent debris from being transferred onto the road carriageway.

	<p>(e) Dust is unlikely to be an issue from the proposed surfacing material, and the short distances and low speeds are unlikely to generate significant dust.</p> <p>(f) The proposed driveway surface is of a free draining gravel material and is deemed suitable for the location.</p> <p>As such, the Performance Criteria has been met.</p>
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ROAD AUTHORITY COMMENTS

The Road Authority under consideration of the *Local Government (Highways) Act 1982* provided the following advice:

The proposed dwelling will use an existing vehicular crossing to access Eiger Court.

Eiger Court and the surrounding road network can absorb the predicted nine vehicle movements per day created from the proposed development.

STORMWATER AUTHORITY COMMENTS

The Stormwater Authority under consideration of the *Urban Drainage Act 2013* provided the following advice:

The property has a connection to Council's public drainage system. The property also has an existing on-site stormwater detention system which was constructed as part of subdivision works and is designed to limit the peak rate of piped stormwater from the site into Council's public stormwater system.

Impervious areas from the proposed development will be connected to the site stormwater connection and therefore the on-site detention system.

A condition has been recommended requiring the driveway to remain unsealed, unless the Stormwater Authority provides written consent for it to be sealed. The construction of impervious areas on the site may require the size of the on-site detention system to be increased. The suitability of the detention system will be assessed as part of any request for consent.

NOTIFICATION

The application was notified for the required 14-day period in accordance with the Act. Full copies of the representations received during the public exhibition period were provided to the elected members. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was one (1).

ISSUE 1	Concerns regarding stormwater, drainage, wastewater and flooding.
ASSESSING OFFICER'S COMMENTS	Issues regarding the stormwater onsite have been managed in accordance with the Part 5 Agreement, with a significant area set aside for absorbing stormwater runoff.

	<p>There is an appropriate area set aside for wastewater treatment, as identified in the Tasman Geotechnics report, and any further assessment of wastewater will be conducted at the plumbing stage.</p> <p>Council's Environmental Health and Plumbing teams have also reviewed the proposal and are satisfied that the development can proceed. Any further plumbing considerations may be considered at the building and plumbing permit stages.</p>
ISSUE 2	Scale and siting concerns regarding the proposed outbuilding.
ASSESSING OFFICER'S COMMENTS	There is no regulation in the zoning for the size of an outbuilding as long as the total site coverage is below 30%, of which the proposed is far below at close to 5% site coverage. This is further controlled by the Part 5 Agreement which limits the total impervious area on the site. The proposal complies.
ISSUE 3	No wastewater, bushfire, geotechnical, or stormwater documents were provided.
ASSESSING OFFICER'S COMMENTS	<p>The application does not require the above documents at the planning stage. Bushfire hazard will be assessed at the Building application stage, and Stormwater at the Plumbing application stage.</p> <p>Council has received a wastewater report by Tasman Geotechnics that satisfies the assessment requirements for the planning stage, demonstrating that a compliant system can be achieved on the site. Further assessment of the specific system design will occur at the plumbing permit stage. There was no requirement for a Landslip report to be submitted with this application as the proposal involves building works assessable under the Building Act, and other works associated with construction of the gravel driveway do not qualify as significant works.</p>

OPTIONS

The Planning Authority may approve (with or without conditions) or refuse the application, based on its assessment against the Scheme and any representations that were received.

A recommendation for approval is provided with conditions. Any alternative recommendation/s requires justification with relevant planning reasons.

PROFESSIONAL COMMENTS OF THE ASSESSING OFFICER

The assessing officer has evaluated the proposal and is satisfied the proposal meets the relevant acceptable solutions and demonstrates compliance with the performance criteria for the requested discretions.

The matters raised by the representors have been considered but do not impact the assessment of the application and the officer's recommendation. The proposal has been designed with stormwater management in mind and is in character with existing and expected development for the area.

RECOMMENDATION

That application for PA2025357 be determined as follows:

- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representor have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Residential – Single Dwelling and Outbuilding by Adam Blackwell and Fiona Elphinstone for land at 106 Eiger Court, Grindelwald Lot No.14 on Plan No. 189241 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

- 1. The use and development must be substantially in accordance with the following endorsed documents;
 - (a) Plans prepared by Plans to Build, dated 19/11/2025 job number 25023, pages 1 to 10; and
 - (b) Shed plans by Tassie Sheds, reference no.1005567967 and dated 01/07/2025.Any other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

ONSITE WASTEWATER MANAGEMENT

- 2. The land application area for onsite wastewater disposal must be separate from parking and accessways.

TASWATER

- 3. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA 2025/001314-WTC attached).

CONSTRUCTION MANAGEMENT

- 4. Prior to the commencement of works (including vegetation removal), a construction management plan must be submitted detailing how soil and water is to be managed during the construction process to prevent the escape of soil and sediments beyond site boundaries. This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:
 - (a) date and author;
 - (b) property boundaries, location of adjoining roads and other public land if any, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale;
 - (c) general soil description;
 - (d) location and types of all existing vegetation, location and amount of proposed ground disturbance, limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles;
 - (e) critical natural areas such as drainage lines, cliffs, wetlands and unstable ground;
 - (f) location of vegetation to be retained and removed;
 - (g) location of stabilised site access;
 - (h) initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure;
 - (i) stormwater discharge point, if proposed;
 - (j) location of all proposed temporary drainage control measures;
 - (k) construction details;
 - (l) location and details of all proposed erosion control measures;
 - (m) location and details of all proposed measures to minimize dust generation and emission beyond the site boundaries;

- (n) location and details of all proposed sediment control measures;
- (o) a statement of who is responsible for establishing and maintaining erosion and sediment control measures;
- (p) site rehabilitation or landscaping/revegetation program;
- (q) estimated dates for start and finish of the works including installation sequence of different erosion and sediment controls;
- (r) any information required to address soil, water and dust control measures required to accommodate staging of the proposal; and
- (s) outline of the maintenance program for erosion and sediment controls. This must include weekly inspection as well as before and after every rain event and a reporting schedule to Council.

Works must not commence prior to the approval of the Construction Management Plan by the Director of Infrastructure and Assets or their delegate. The approved plan must be implemented with the commencement of works on site and maintained during construction to ensure soil erosion and dust are appropriately managed to reasonable maintain the amenity of adjoining and nearby properties and public land. A copy of the approved Construction Management Plan must be on the site at all times. All on-ground workers must be aware of and understand the plan.

COMMENCED DEVELOPMENT STOP

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must be installed and maintained on site to ensure overland flows do not become a nuisance to adjoining properties or Council's infrastructure until work recommences. The measures must include weekly inspections and reporting to Council as well as before and after every rain event to the satisfaction of the Director of Infrastructure and Assets or their delegate. This may require a revision of the approved Construction Management Plan – any changes must be approved by the Director of Infrastructure and Assets or their delegate.

OUTBUILDINGS

- 5. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related activities only.

DRIVEWAY AND PARKING AREA CONSTRUCTION

- 6. Unless the Council's Stormwater Authority provides written advice recommending otherwise, all outdoor parking areas and access ways must remain unsealed for the life of the use.
- 7. Impervious parking areas or accessways shall not be constructed without the written consent of the Council's Stormwater Authority.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025357. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. The Landslide Hazard Code applies to land mapped within the low and medium landslide hazard band. Any works, including vegetation clearing, on this part of the site may require the separate approval of Council (if involving 'significant works'). Prior to commencing vegetation

clearing or any other works within the mapped area, you should contact Council to confirm any approval requirements.

- C. This permit take effect after:
- (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- D. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

- E. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- F. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- G. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Location Plan

Subject site highlighted in blue



NEW DWELLING AND OUTBUILDING at 106 EIGER COURT, GRINDELWALD TAS 7277 for A BLACKWELL & F ELPHINSTONE

PROJECT NUMBER:

25023

PROPERTY ID:

3601231

LAND TITLE, VOLUME & FOLIO

CT - 189241/14

SITE AREA:

***m2

FLOOR AREAS:

NEW DWELLING FLOOR AREA - 326m²

NEW OUTBUILDING FLOOR AREA - 290m²

COUNCIL:

WEST TAMAR

SCHEME / ZONE:

10.0 LOW DENSITY RESIDENTIAL

SCHEME / ZONE OVERLAYS:

BUSHFIRE PRONE

LANDSLIP HAZARD

PRIORITY VEGETATION

SITE CLASSIFICATION: H1

WIND CLASSIFICATION: N4

BUSHFIRE ATTACK LEVEL: BAL19

TERRAIN CLASSIFICATION: TC2

WIND REGION: A3

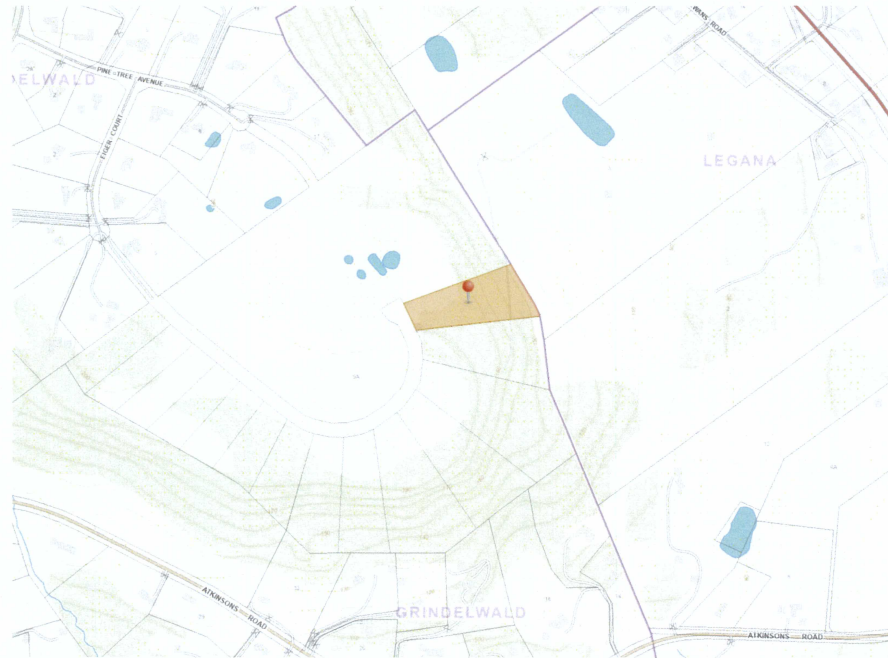
CLIMATE ZONE: 7

CORROSION ENVIRONMENT: LOW

ALPINE AREA: N/A

PRINT DATE:

19/11/2025



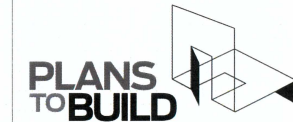
LOCATION PLAN

DRAWING SCHEDULE

- A00 COVER PAGE
- A01 SITE PLAN
- A02 SITE PART PLAN
- A03 SITE DRAINAGE PLAN
- A04 FLOOR PLAN
- A05 ELEVATIONS
- A06 ELEVATIONS
- A07 SHED FLOOR PLAN
- A08 SHED ELEVATIONS
- A09 SHED ELEVATIONS



MEMBER
you're in good hands



ABN 23 269 055 701

Level 1 Holyman House, 52-60 Brisbane St,

Launceston, Tasmania, 7250.

Tel - 6388 9914 - Mob - 0488 377 937

Email - jackson@plantobuild.com.au

J.E.YOUNG LIC. No. 674 563 705

GENERAL NOTES:

IN ACCORDANCE WITH THE N.C.C.S BUILDING CODE OF AUSTRALIA VOLUME TWO, ALL BUILDING WORK SHALL BE IN STRICT COMPLIANCE WITH COUNCIL LAWS, REFERENCED AUSTRALIAN STANDARDS, BUILDING ACTS & REGULATIONS REFER ALSO TO THE GENERAL REQUIREMENTS PAGE.

THE BUILDER SHALL SECURE AND MAKE SAFE THE WORKSITE IN ACCORDANCE WITH WORK SAFE TASMANIA & WHS GUIDELINES & REGULATIONS.

THE BUILDER SHALL CARRY OUT DIAL BEFORE YOU DIG REFERRAL FOR LOCATIONS OF ALL UNDERGROUND SERVICES PRIOR TO COMMENCING ANY EARTHWORKS.

THE BUILDER SHALL INSTALL SILT TRAPS & SCREENS AT THE PROPERTY BOUNDARY TO PREVENT SILT RUNOFF INTO THE COUNCIL MAIN SYSTEM FOR THE DURATION OF SITE WORKS.

THE BUILDER SHALL BE RESPONSIBLE FOR THE CORRECT SETOUT OF ALL WORKS. A LAND SURVEYOR IS RECOMMENDED BY THE DESIGNER FOR ALL SETOUT. USE FIGURED DIMENSIONS IN PREFERENCE TO SCALED DIMENSIONS.

ALL DRAWINGS SHALL BE READ IN CONJUNCTION WITH THE ENGINEERING DRAWINGS AND SPECIFICATIONS. THE DESIGNER SHALL BE NOTIFIED OF ANY DISCREPANCIES WITH THE DRAWINGS.

ALL FITTINGS & FIXTURES INSTALLED SHALL BE PURCHASED AS NEW CONDITION & QUALITY & CARRY THE RELEVANT AUSTRALIAN STANDARD, AND CODEMARK & WATERMARK COMPLIANCES.



rev. Amendment Date

DRAWING No: ISSUE: SCHEMATIC

A00 1 of 10 REV: 0

[illegible]

THE SILT FENCING, CUT-OFF DRAINS AND OTHER WORKS TO MINIMISE EROSION ARE TO BE MAINTAINED ON THE SITE UNTILL SUCH TIME AS THE SITE HAS REVEGETATED SUFFICIENTLY TO MITIGATE EROSION AND SEDIMENT TRANSPORT.

 **PART SITE PLAN**
SCALE 1:200

0m 2000 4000 6000 8000 10000
Project North

106 EIGER COURT, GRINDELWALD TAS 7277

NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

PRINT DATE:
3 19/11/2025

rev.	Amendment	Date
DRAWING No:		ISSUE: SCHEMATIC
A02		REV: 0
3 of 10		

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



SITE DRAINAGE PLAN
SCALE 1:1000
Project North 0m 10000 20000 30000 40000 50000

NEW DWELLING AND OUTBUILDING
106 EIGER COURT, GRINDELWALD TAS 7277

NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

PROJECT NUMBER: **25023**
SCALE: IF IN DOUBT ASK **SCALE @ A3**
PRINT DATE: **19/11/2025**

SITE PLAN NOTES

SURFACE AND SUBSURFACE DRAINAGE SYSTEMS
IN ACCORDANCE WITH PART D2, NCC PLUMBING CODE OF AUSTRALIA VOLUME THREE THE DESIGN, CONSTRUCTION AND INSTALLATION OF A STORMWATER DRAINAGE SYSTEM MUST BE IN ACCORDANCE WITH AS/NZS 3500.3

SOIL AND WATER MANAGEMENT

PRIOR TO THE COMMENCEMENT OF THE DEVELOPMENT WORKS THE APPLICANT OR BUILDER MUST INSTALL ALL NECESSARY SILT FENCES AND CUT-OFF DRAINS TO PREVENT THE SOIL, GRAVEL AND OTHER DEBRIS FROM ESCAPING THE SITE. ADDITIONAL WORKS MAY BE REQUIRED ON COMPLEX SITES.

NO MATERIAL OR DEBRIS IS TO BE TRANSPORTED ONTO THE ROAD RESERVE (INCLUDING THE NATURE STRIP, FOOTPATH AND ROAD PAVEMENT). ANY MATERIAL THAT IS DEPOSITED ONTO THE ROAD RESERVE AS A RESULT OF THE DEVELOPMENT ACTIVITY IS TO BE REMOVED BY THE APPLICANT OR BUILDER.

THE SILT FENCING, CUT-OFF DRAINS AND OTHER WORKS TO MINIMISE EROSION ARE TO BE MAINTAINED ON THE SITE UNTILL SUCH TIME AS THE SITE HAS REVEGETATED SUFFICIENTLY TO MITIGATE EROSION AND SEDIMENT TRANSPORT.

PLUMBING LEGEND

NEW 100mm DWV PVC S/N6 SEWER
PIPE WITH 1:60 MINIMUM GRADE
UNLESS NOTED OTHERWISE BELOW

SEWER PIPE SIZES AND GRADES

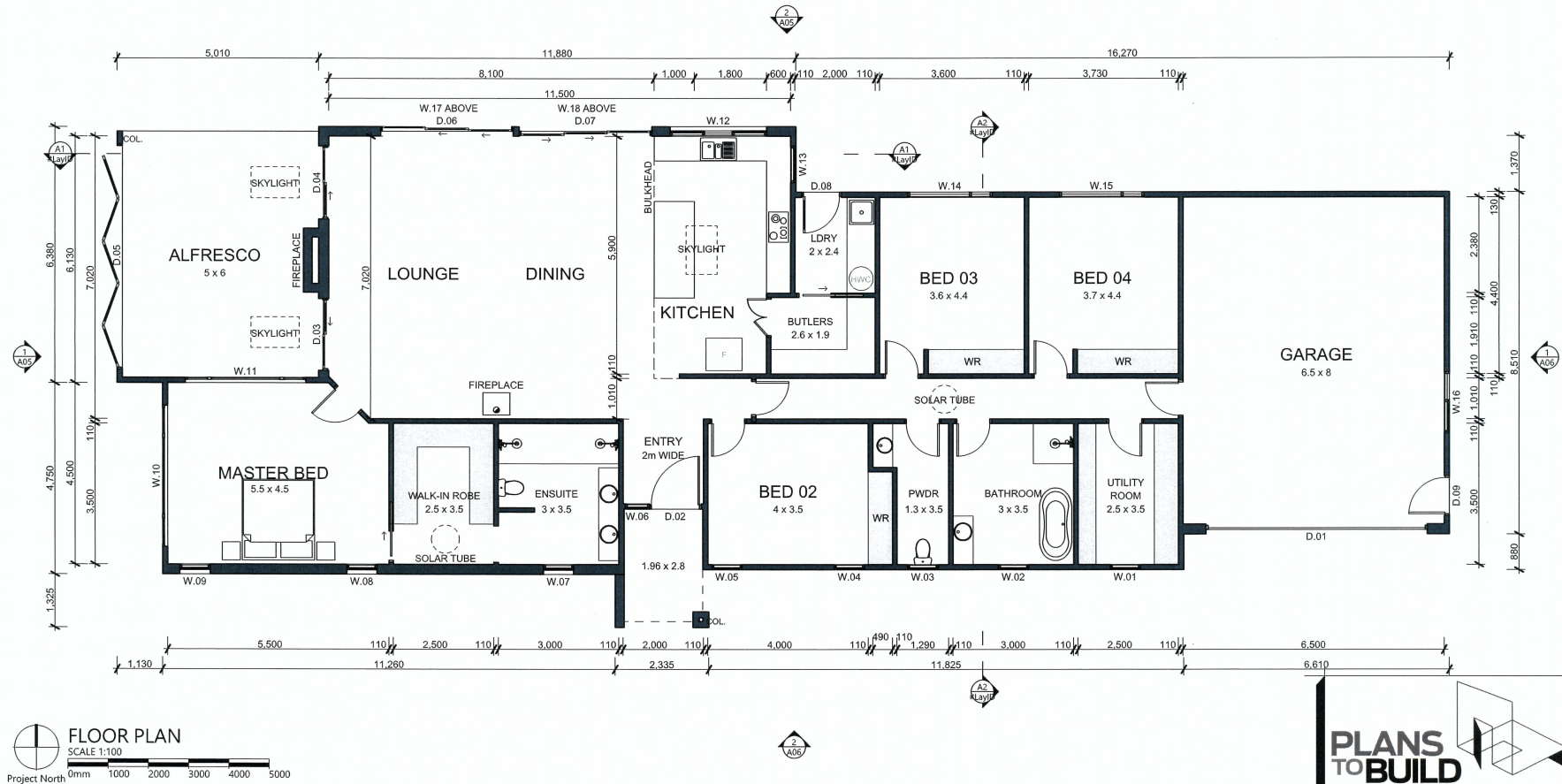
BASIN DIA 40mm, 1:40 SINK 50mm, 1:40
WC DIA 100mm, 1:40 BATH DIA 50mm, 1:40
VENT DIA 65mm, 1:40 SHOWER DIA 50mm, 1:40
WASH TUB 50mm, 1:40 FLOOR WASTE DIA 65mm, 1:40

PLANS TO BUILD
ABN 23 249 055 701
Level 1 Holyman House, 52-60 Brisbane St,
Launceston, Tasmania, 7250.
Tel - 6388 9914 - Mob - 0488 377 937
Email - jackson@plansbuild.com.au
J.E.YOUNG LIC. No. 674 563 705

Owner:
**A BLACKWELL &
F ELPHINSTONE**

rev. Amendment Date
DRAWING No: **A03** ISSUE: SCHEMATIC
4 of 10 REV: 0

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



NEW DWELLING AND OUTBUILDING
106 EIGER COURT, GRINDELWALD TAS 7277

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PROJECT NUMBER:
25023

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
19/11/2025

rev.	Amendment	Date
DRAWING No:	A04	5 of 10
ISSUE:	SCHEMATIC	
REV:	0	

PLANS TO BUILD
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Level 1 Holyman House, 52-60 Brisbane St,
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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



2 EAST ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



1 NORTH ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

ELEVATION NOTES

WALL CLADDING SYSTEMS MUST BE INSTALLED IN STRICT ACCORDANCE WITH MANUFACTURES DETAILS, INSTRUCTIONS & SPECIFICATIONS.

INSTALL THE WALL CLADDING SYSTEM COMPLETE WITH JOINTS, TRIMS, FLASHINGS, SEALS, FIXINGS & FINISHES IN STRICT ACCORDANCE WITH MANUFACTURES DETAILS TO ENSURE A WEATHER-PROOF AND WATERTIGHT INSTALLATION.

REFER TO GLAZING CALCULATOR FOR WINDOW & GLAZING DETAILS TYP.

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Owner:
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NEW DWELLING AND OUTBUILDING
106 EIGER COURT, GRINDELWALD TAS 7277

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PROJECT NUMBER:
25023

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
19/11/2025

rev. Amendment
A05

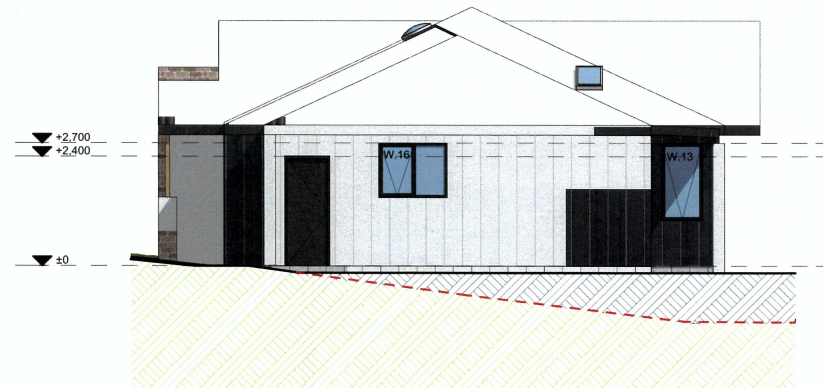
Date
ISSUE: SCHEMATIC
REV: 0

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



2 WEST ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



1 SOUTH ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

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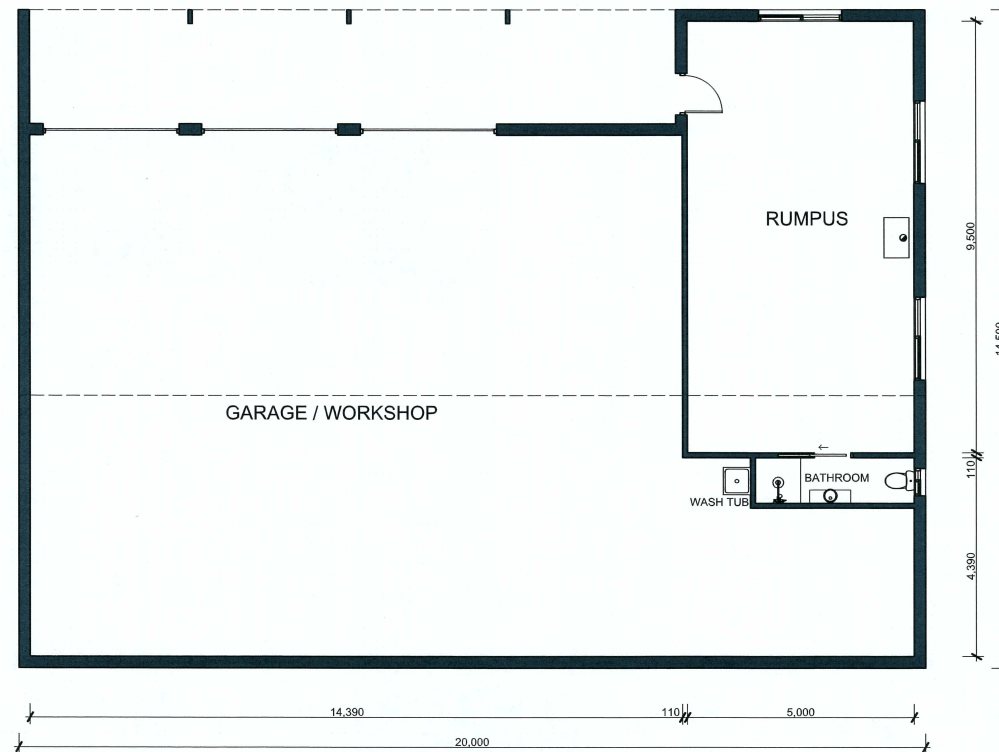
NEW DWELLING AND OUTBUILDING
106 EIGER COURT, GRINDELWALD TAS 7277

NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

PROJECT NUMBER: 25023
SCALE: IF IN DOUBT ASK SCALE @ A3
PRINT DATE: 19/11/2025

rev. Amendment Date
DRAWING No: A06
7 of 10
ISSUE: SCHEMATIC
REV: 0

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



NEW DWELLING AND OUTBUILDING

106 EIGER COURT, GRINDELWALD TAS 7277

NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

PROJECT NUMBER:
25023

SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
19/11/2025

rev. Amendment
A07

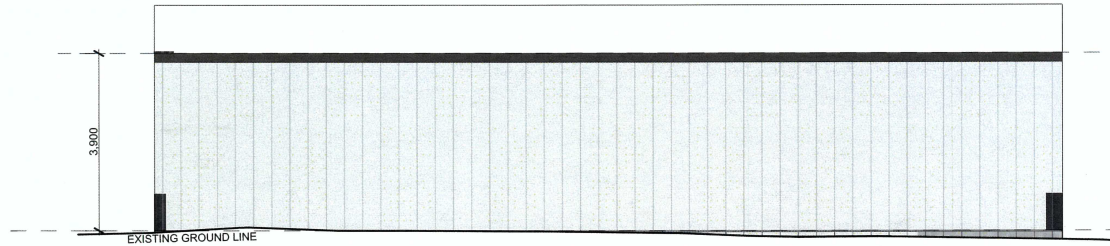
Date
8 of 10
ISSUE: SCHEMATIC
REV: 0

PLANS TO BUILD

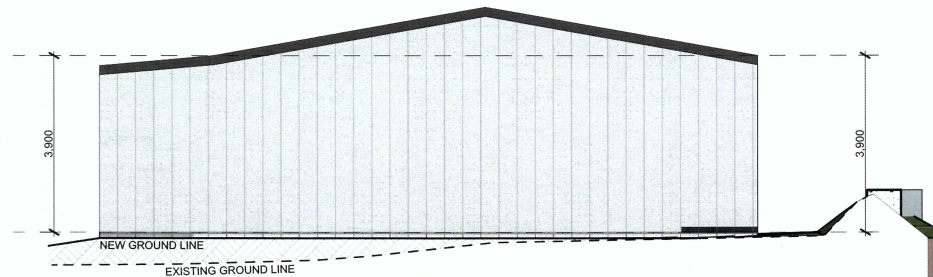
ABN 23 269 055 701
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Owner:
**A BLACKWELL &
F ELPHINSTONE**

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



1 SHED REAR ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



2 SHED SIDE ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000

ELEVATION NOTES

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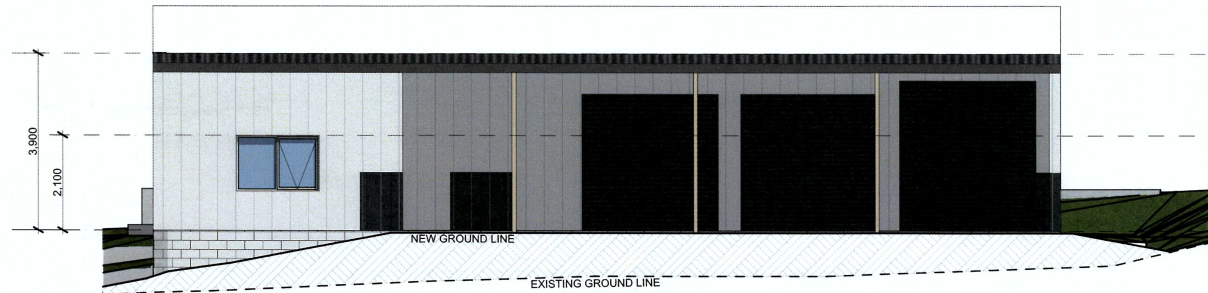
rev.	Amendment	Date
DRAWING No:	ISSUE: SCHEMATIC	REV: 0
A09	10 of 10	

NEW DWELLING AND OUTBUILDING
106 EIGER COURT, GRINDELWALD TAS 7277

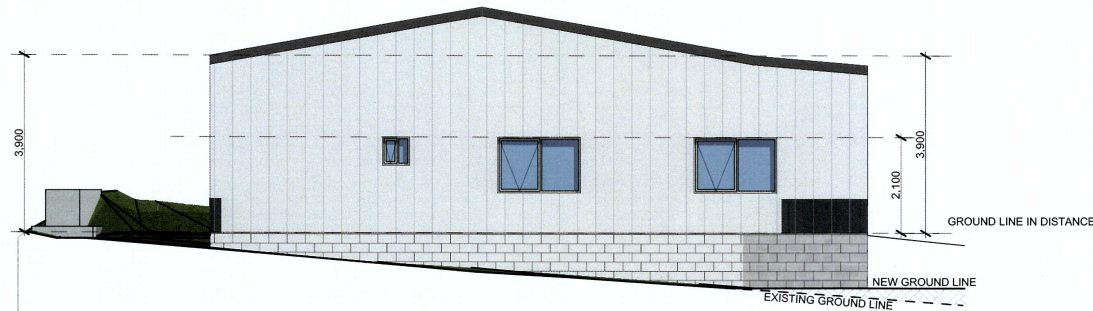
NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

PROJECT NUMBER: **25023**
SCALE: IF IN DOUBT ASK **SCALE @ A3**
PRINT DATE: **19/11/2025**

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



1 SHED FRONT ELEVATION
SCALE 1:100
0mm 1000 2000 3000 4000 5000



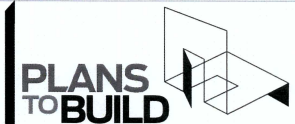
2 SHED SIDE ELEVATION
SCALE 1:100
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J.E.YOUNG LIC. No. 674 563 705

Owner:
**A BLACKWELL &
F ELPHINSTONE**

NEW DWELLING AND OUTBUILDING

106 EIGER COURT, GRINDELWALD TAS 7277

NOTE: THESE DRAWINGS ARE NOT TO BE USED FOR CONSTRUCTION UNLESS THEY ARE STAMPED BY THE BUILDING SURVEYOR AND/OR PERMIT AUTHORITY.

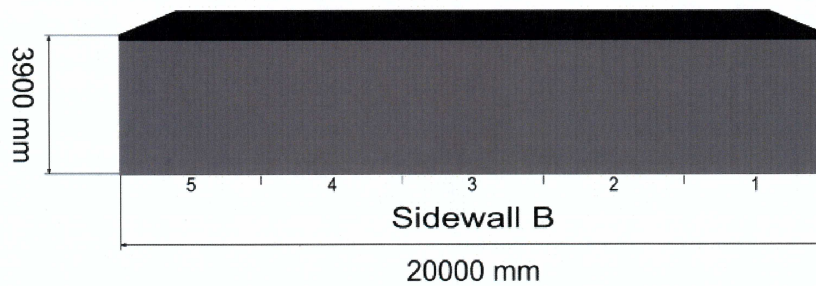
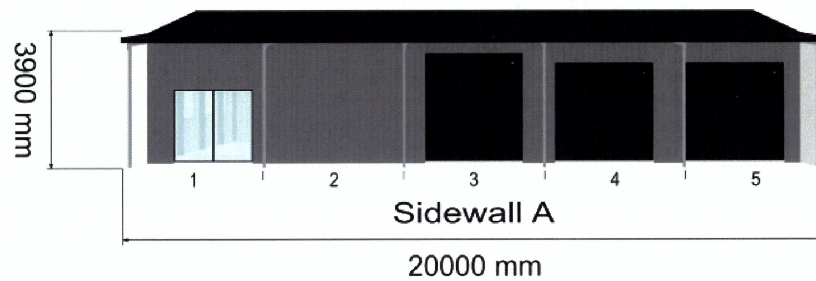
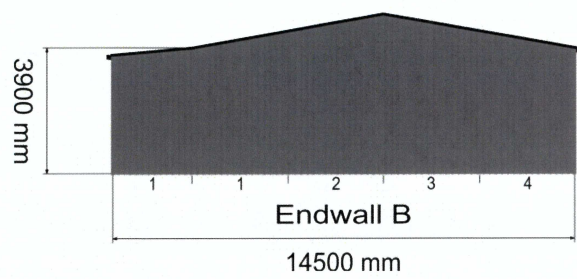
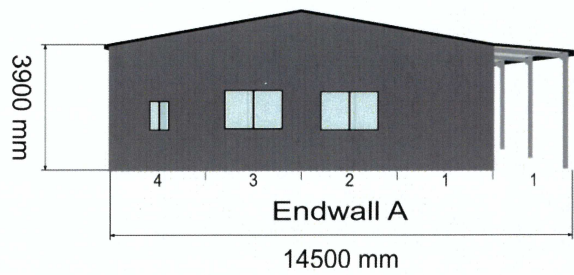
PROJECT NUMBER:
25023

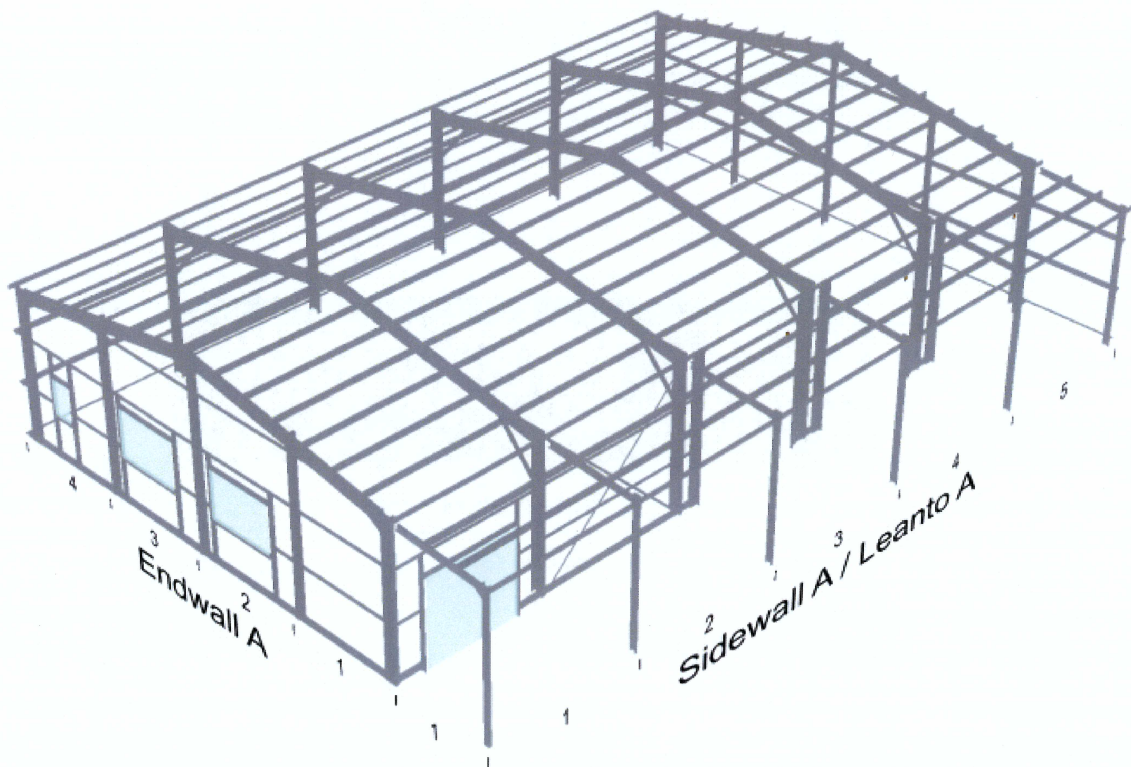
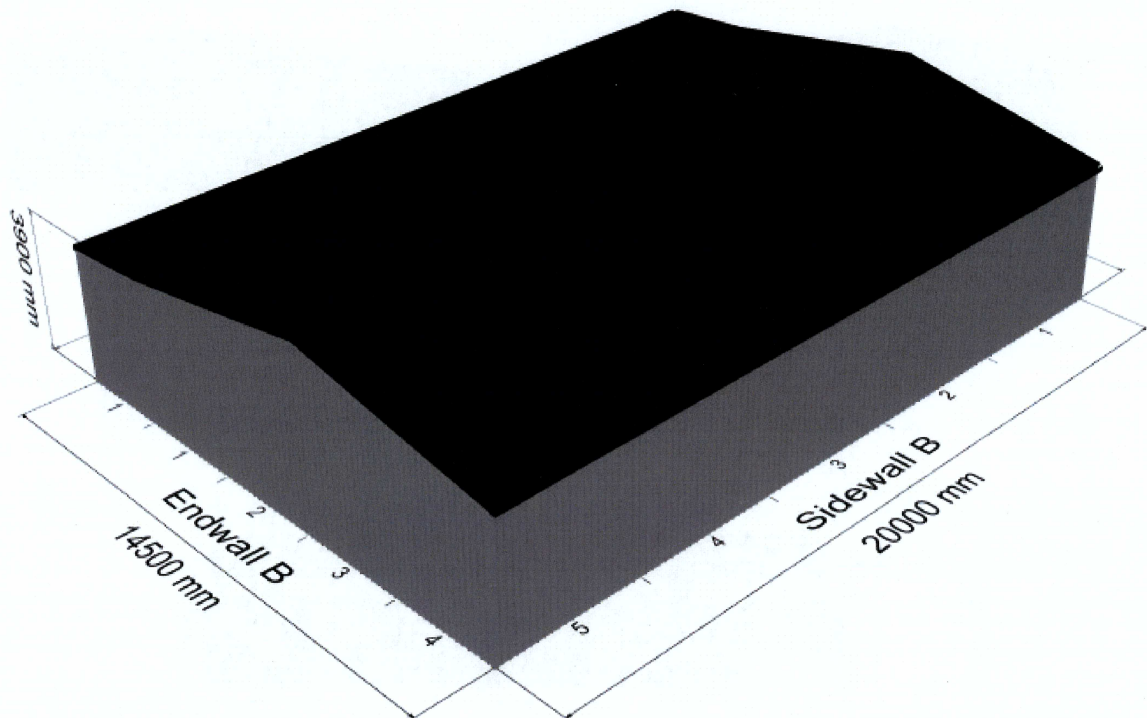
SCALE: IF IN DOUBT ASK
SCALE @ A3

PRINT DATE:
19/11/2025

rev. Amendment	Date
DRAWING No: A08	ISSUE: SCHEMATIC
9 of 10	REV: 0

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026





7.2 Plan 2 - PA2025340 - Subdivision (1 into 2 Lots) - 20 Tanner Drive, Legana

REPORT AUTHOR: Statutory Planner - Patrick McMahon

REPORT DATE: 07 January 2026

ATTACHMENTS:

1. [7.2.1] Plan 2 - Attachment 1 - Location Plan - 20 Tanner Drive, Legana
2. [7.2.2] Plan 2 - Attachment 2 - Subdivision Proposal - 20 Tanner Drive, Legana

INTRODUCTION

Council acts as a Planning Authority for the assessment of this application under the *Land Use Planning and Approvals Act 1993* (**the Act**). Council as the Planning Authority must determine the application for a permit pursuant to Section 51(2) of the Act and 6.10 of the *Tasmanian Planning Scheme – West Tamar* (**the Scheme**).

In determining an application, the Planning Authority must take into consideration:

- (a) *“all applicable standards and requirements in this planning scheme; and*
- (b) *Any representations received pursuant to and in conformity with section 57(5) of the Act.*

But in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

Compliance with the applicable standards (a) consists of complying with the Acceptable Solution or satisfying the Performance Criteria. The use of “or” is to be read plainly in that if an application satisfies the Acceptable Solution, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for a Subdivision of one (1) lot into two (2) lots at 20 Tanner Drive, Legana. In line with the policy adopted 24 August 2024, the proposal is not required to provide a contribution for Public Open Space because it is within 400m of an existing park and the proposed lots are not capable of further subdivision.

The proposal requires a discretion of the following development standards:

	Acceptable Solution	Proposed
Lot Size	1,500m ² per lot	Lot 1 – 1,311 ² Lot 2 – 1,212m ²

STATUTORY REQUIREMENTS AND TIMEFRAMES

The application was made pursuant to Section 57 of the Act. Determination of the application is a statutory obligation.

Receipt Date	23/10/2025
Request for further information	30/10/2025
Information satisfied	05/11/2025
Advertised	08/11/2025
Closing date for representations	24/11/2025

Day 42	10/12/2025
Extension of time granted	05/12/2025
Decision due	24/01/2026

THE APPLICATION

Application Details:

Development Application	PA2025340
Location	20 Tanner Drive, Legana
Applicant	1Earth Architecture and Project Management
Planning Instrument	Tasmanian Planning Scheme – West Tamar (the Scheme)
Zone	Low Density Residential
Use	Residential
Codes	Landslip Hazard Code
Specific Area Plans	N/A

Site Details:

Existing Site Area	2,523m ²
Slope	N/A
Existing Use/Development	Residential - Single Dwelling
Surrounding Use/Development	Residential uses, comprising predominately detached dwellings.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Be an active participant in planning reform and embrace Council's planning role.

STATE POLICIES

The proposal is consistent with the intent of all State Policies.

LAND USE PLANNING AND APPROVALS ACT 1993

The proposal is consistent with the objectives of the Act.

GOVERNMENT CONSULTATION

The application did not require State Government referral.

FINANCIAL IMPACT

Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

STANDARDS REQUIRING COUNCIL DISCRETION

The application was assessed against the relevant zone and code standards. The proposal complied with the relevant standards, except for the identified discretions that follow. When a proposal relies on discretion, it must be assessed against the relevant performance criteria for compliance.

CLAUSE 10.6.1 Lot Design

ACCEPTABLE SOLUTION NOT ACHIEVED	<p>A1 Each lot, or a lot proposed in a plan of subdivision, must:</p> <ul style="list-style-type: none"> (a) have an area of not less than 1,500m² and: <ul style="list-style-type: none"> (i) be able to contain a minimum area of 10m x 15m with a gradient not steeper than 1 in 5, clear of: a. all setbacks required by clause 10.4.3 A1 and A2; and b. easements or other title restrictions that limit or restrict development; and (ii) existing buildings are consistent with the setback required by clause 10.4.3 A1 and A2; (b) be required for public use by the Crown, a council or a State authority; (c) be required for the provision of Utilities; or (d) be for the consolidation of a lot with another lot provided each lot is within the same zone.
PERFORMANCE CRITERIA	<p>P1 Each lot, or a lot proposed in a plan of subdivision, must have sufficient useable area and dimensions suitable for its intended use, having regard to:</p> <ul style="list-style-type: none"> (a) the relevant requirements for development of buildings on the lots; (b) the intended location of buildings on the lots; (c) the topography of the site; (d) adequate provision of private open space; (e) the pattern of development existing on established properties in the area; and (f) any constraints to development, and must have an area not less than 1,200m².
ASSESSING OFFICER'S COMMENTS	<p>The proposed subdivision would result in lot areas of 1,311m² for Lot 1, which will contain the existing dwelling, and 1,212m² for vacant Lot 2. As the lot sizes are less than 1,500m² the Performance Criteria must be assessed.</p> <p>The proposed lots have sufficient area and dimensions to accommodate their intended use for single detached dwellings, as follows:</p> <ul style="list-style-type: none"> (a) Lot 2 contains some areas of mapped Landslip hazard. However, the indicative building envelope and supporting landslip report demonstrates that a future dwelling can be located outside of the constrained area. The proposed building envelope is outside of

	<p>the landslip area and indicates that a future dwelling can be suitably located and serviced on the proposed new Lot 2;</p> <p>(b) Proposed Lot 1 already contains a dwelling which will be retained. The plan of subdivision nominates an indicative building envelope for a future dwelling on Lot 2, which demonstrates that the lot has sufficient area and dimensions for a compliant building envelope. The location is not required by a condition and a future dwelling would be subject to assessment on its own merits. For the purposes of this subdivision, it is clear a suitable location exists on the site;</p> <p>(c) The site has relatively flat topography that does not constrain development. As parts of the site area within the landslip hazard overlay, a landslip report was provided and has demonstrated no increased risk from the subdivision and a subsequent development within the proposed building area;</p> <p>(d) There is sufficient area for the provision of private open space (POS) for the existing and new lot. The location of POS for any future dwelling will be determined at the planning or building stage for that future dwelling;</p> <p>(e) The proposed lots will accommodate single detached dwellings on lots which are substantially consistent with the mix of lot sizes in the 'area', where the 'area' is taken to be an equal distance in all directions from the site, or alternatively, an equal distance in both directions along Tanner Drive;</p> <p>(f) There are no major site constraints to development, also noting that the site is in the sewer serviced area; and</p> <p>each lot has a lot size of at least 1,200m².</p> <p>As such, the Performance Criteria has been satisfied.</p>
--	--

ROAD AUTHORITY COMMENTS

The Road Authority under consideration of the *Local Government Act (Highways) 1982* provided the following advice:

The proposal seeks to create an additional lot, which will access Tanner Drive via a new crossover.

The location of the proposed crossover onto Tanner Drive for Lot 2 is suitable and should not create any traffic impacts.

It is conservatively expected that a dwelling on the new Lot 2 would create an additional 9 vehicle movements per day at the new crossover. Tanner Drive and the surrounding road networks can easily absorb the additional traffic created by one new dwelling.

STORMWATER AUTHORITY COMMENTS

The Stormwater Authority under consideration of the *Urban Drainage Act 2013* provided the following advice:

The subject site has an existing stormwater connection to Council's underground drainage system in Tanner Drive. Council also has a stormwater main in the verge along the Waterview Court frontage, which is used to drain Waterview Court into the Tanner Drive piped system.

It is proposed that Lot 2 will retain the existing site stormwater connection. A new stormwater connection will also be constructed in the Waterview Court road reserve as part of the subdivision works to drain Lot 1. A condition has been recommended which requires the drainage associated with the existing dwelling to be capped at the new lot boundary and redirected to the new lot connection.

The existing public stormwater system has capacity to drain a new dwelling and its associated impervious areas. The proposed subdivision is therefore not expected to cause issues to Council's drainage network.

NOTIFICATION

The application was notified for the required 14-day period in accordance with the Act. Full copies of the representations received during the public exhibition period were provided to the Councillors with this report. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was nine (9)

ISSUE 1	There is a restrictive covenant on the land which restricts multiple dwellings.
ASSESSING OFFICER'S COMMENTS	<p>There is a restrictive covenant registered on the title of the property. The same covenant also applies to a small cluster of properties (not all) along Tanner Drive.</p> <p>Council is not a relevant party to the covenant, and therefore cannot enforce, or make decisions on the basis of any terms of the covenant. Council as the planning authority must undertake assessment against the Tasmanian Planning Scheme, to meet our statutory obligations. The covenant is a legal agreement between the relevant parties, who may seek their own legal advice in relation to interpretation and obligations, separate to this planning application.</p>
ISSUE 2	The density is out of character and inconsistent with the pattern of residential housing in the area.
ASSESSING OFFICER'S COMMENTS	<p>If subdivided, the new lots will be smaller than the adjacent properties. However, the site is less constrained than many of the internal lots across the road on the northern side of Tanner Drive, which are less suitable for further development.</p> <p>Whilst smaller than the adjacent lots, the proposal still complies with the 1,200m² minimum specified in the Performance Criteria which is taken to be</p>

	<p>a compliant density in the Low Density Residential Zone, subject to assessment of site constraints and surrounding context.</p> <p>There is also a prevailing character of increased densification within the surrounding Legana area, with a greatly increased demand for housing in the area, showing that the proposal conforms to ongoing trends of infill development.</p> <p>Assessment of the proposed lot sized against the Performance Criteria - Clause 10.6.1, is included in this report (above).</p>
ISSUE 3	A representor expressed concerns regarding impacts on property values as a result of the proposed subdivision.
ASSESSING OFFICER'S COMMENTS	The Planning Authority cannot take property values into consideration as it is not a relevant planning matter under the Tasmanian Planning Scheme.
ISSUE 3	The proposal could negatively impact the landslip hazard risk.
ASSESSING OFFICER'S COMMENTS	<p>The application included a landslip report prepared by a qualified professional. The assessment of landslip hazard contained in the report confirms that there will be no increased risk of landslip as a result of the subdivision and that a suitable dwelling can be constructed in accordance with the recommendations outlined in the report.</p> <p>Moreover, this application for subdivision is exempt from assessment against C15.01 Landslip hazard code as a building envelope can be achieved outside the mapped Landslip hazard area and the subdivision works do not fall under the category of significant works.</p>
ISSUE 4	Non-compliance with the Low-Density Zoning purpose and character.
ASSESSING OFFICER'S COMMENTS	<p>The purpose of the Low Density Residential Zone is as follows - <i>'To provide for residential use and development in residential areas where there are infrastructure or environmental constraints that limit the density, location or form of development.</i></p> <p>The proposed new lot has sufficient unconstrained area for development, and meets the minimum lot size outlined in the Performance Criteria. Where the relevant Performance Criteria is achieved, further assessment of the Zone Purpose is not required unless there is a matter outlined in the Purpose statement which is not already assessed through the Performance Criteria.</p> <p>The matters outlined in the Zone Purpose are sufficiently addressed through the assessment criteria for subdivision in Section 10.6 of the Tasmanian Planning Scheme.</p>
ISSUE 5	The proposed development will set a precedent for further subdivision in the area.
ASSESSING OFFICER'S COMMENTS	Any future subdivision proposed in the area would be separately assessed against the Tasmanian Planning Scheme, including in relation to any site

	constraints and conformity to the 1,200m² minimum lot size stipulated in the Performance Criteria of Section 10.6.
ISSUE 6	Concerns regarding impacts on views, landscape, privacy, and surrounding amenity.
ASSESSING OFFICER'S COMMENTS	The current proposal is for subdivision only. Any future dwelling to be constructed on the new lot will be subject to the requirements of the Tasmanian Planning Scheme for dwellings in the Low Density Residential Zone. The plan of subdivision includes an indicative building envelope that meets all setbacks and has sufficient dimensions to accommodate a compliant dwelling.
ISSUE 7	Concerns over the building envelope and future buildings onsite as it is an indicative location only.
ASSESSING OFFICER'S COMMENTS	The application is for subdivision only. The proposed building area meets all setbacks as required, and a further assessment would be required for any future dwelling on the site.
ISSUE 8	Infrastructure and drainage concerns regarding the capacity of the site and streets to support more development in the area.
ASSESSING OFFICER'S COMMENTS	The Road and Stormwater authorities have assessed the application and deemed that the proposal meets all relevant criteria. There will be no reduction in capacity or serviceability to the area because of the proposed subdivision.

OPTIONS

The Planning Authority may approve (with or without conditions) or refuse the application, based on its assessment against the Scheme and any representations that were received.

A recommendation for approval is provided with conditions. Any alternative recommendation/s requires justification with relevant planning reasons.

PROFESSIONAL COMMENTS OF THE ASSESSING OFFICER

The assessing officer has evaluated the proposal and is satisfied the proposal meets the relevant acceptable solutions and demonstrates compliance with the performance criteria for the requested discretions.

The matters raised by the representors have been considered but do not impact the assessment of the application and the officer's recommendation.

The covenant on the land is not assessable or enforceable by Council as the Planning Authority. Any interpretation, obligations or entitlements set out in the covenant, to which Council is not a relevant party, are a matter between the landowner and the relevant parties.

As such, it is recommended that the application is accepted for approval on the basis that it complies with the relevant sections of the planning scheme.

RECOMMENDATION

That application PA2025340 be determined as follows:

- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representors have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Subdivision (1 into 2 lots) by 1Earth Architecture and Project Management for land at 20 Tanner Drive, Legana, Lot No. 24 on Plan No.132648 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and development must be substantially in accordance with the following endorsed documents:
 - (a) Proposed Subdivision plan by Nova Land Services, Ref: L250825, Rev V2.1 dated 31 October 2025; and
 - (b) Landslide Risk Assessment by GeoTon, Ref: GL25548Abm dated 6 October 2025, Any other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

TASWATER

2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA2025/01264-WTC) attached.

CONSTRUCTION MANAGEMENT

3. Soil, water and dust must be managed on the site during construction to:
 - (a) prevent the escape of soil and sediments beyond site boundaries; and
 - (b) direct water runoff to a lawful point of discharge without causing nuisance for neighbours.

COMMENCED DEVELOPMENT STOP

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must be installed and maintained on site until work recommences. The measures must include weekly inspections and reporting to Council as well as before and after every rain event to the satisfaction of the Director of Infrastructure and Assets or their delegate.

COVENANTS ON SUBDIVISIONS

4. Covenants or similar restrictive controls must not be included or otherwise imposed on the titles to the lots created by the approved subdivision unless:
 - (a) Such covenants or controls are expressly authorized by the terms of this permit;
 - (b) Such covenants or controls are expressly authorized by the written consent of the Council; or
 - (c) Such covenants or controls are submitted for a receive written approval by Council prior to sealing of the Final Plan of Subdivision.

SUBMISSION AND APPROVAL OF PLANS

5. Prior to the commencement of any works on the site, detailed plans and specifications must be submitted to the Council for approval. Such plans and specifications must:

- (a) Include all infrastructure works required by the permit or shown in the endorsed plans and specifications including:
 - (i) Vehicular crossings;
 - (ii) Stormwater connections, including any internal plumbing work to redirect existing drainage to the new lot connection;
 - (iii) Electricity infrastructure; and
 - (iv) Communications infrastructure;
- (b) Be prepared strictly in accordance with the *Tasmanian Subdivision Guidelines* applicable at the date of approval of the plans. These Guidelines are available at www.lgat.tas.gov.au;
- (c) Be prepared by a suitably qualified person; and
- (d) Be accompanied by:
 - (i) A Plan Checking fee, if required by Council's Fees and Charges. Such fee covers assessment of the plans and specifications, audit inspections and Practical Completion & Final inspections.

CONSTRUCTION OF WORKS

- 6. Prior to the sealing of the Final Plan of Subdivision, the private and public infrastructure works must be constructed in accordance with plans and specification approved by the Council. The required infrastructure works must be as shown in the application documents and endorsed plans or as modified by the approval of the detailed engineering drawings and specifications.

STORMWATER WORKS

- 7. Stormwater works must include:
 - (a) Provision of connection to drain each lot. The new Lot 1 connection is to have a minimum pipe diameter of 150mm and be directly connected to Council's underground drainage network; and,
 - (b) Provision of any internal drainage work necessary to redirect drainage associated with the existing dwelling to the new lot connection, so it remains wholly contained within Lot 1.

VEHICULAR CROSSINGS

- 8. A vehicular crossing must be provided for each lot in the subdivision.
- 9. The new crossover to access Lot 2 must be concrete and constructed in accordance with TSD-R09. Works in the road reserve shall not commence until a Driveway Application Form has been submitted to Council and approved by the Road Authority.

ELECTRICITY, COMMUNICATIONS & OTHER UTILITIES

- 10. An electricity system must be provided to service all lots and installed to the approval of the Responsible Authority.
- 11. A telecommunications system must be provided to service all lots and installed to the approval of the Responsible Authority

SEPARATION OF SERVICE CONNECTIONS

- 12. The person responsible must locate and identify the existing service connections (electricity supply, water supply, sewer and stormwater) and complete the following work:

- (a) Reroute existing internal services within each lot to provide an independent system for each lot.

DEFECTS LIABILITY PERIOD

- 13. A defects liability period of 12 months applies to all infrastructure required under this permit.

CONSTRUCTION DOCUMENTATION

- 14. At the time of practical completion of the infrastructure, Council must be provided with construction documentation sufficient to show that the works are completed in accordance with Council standards and are locatable for maintenance or connection purposes. The construction documentation must consist of:
 - (a) An "as constructed" plan in accordance with council's standard requirements for as constructed drawings;
 - (b) Completed "Asset Recording Forms" that show the construction cost of all new infrastructure to be maintained by Council.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025340. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit take effect after:
 - (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

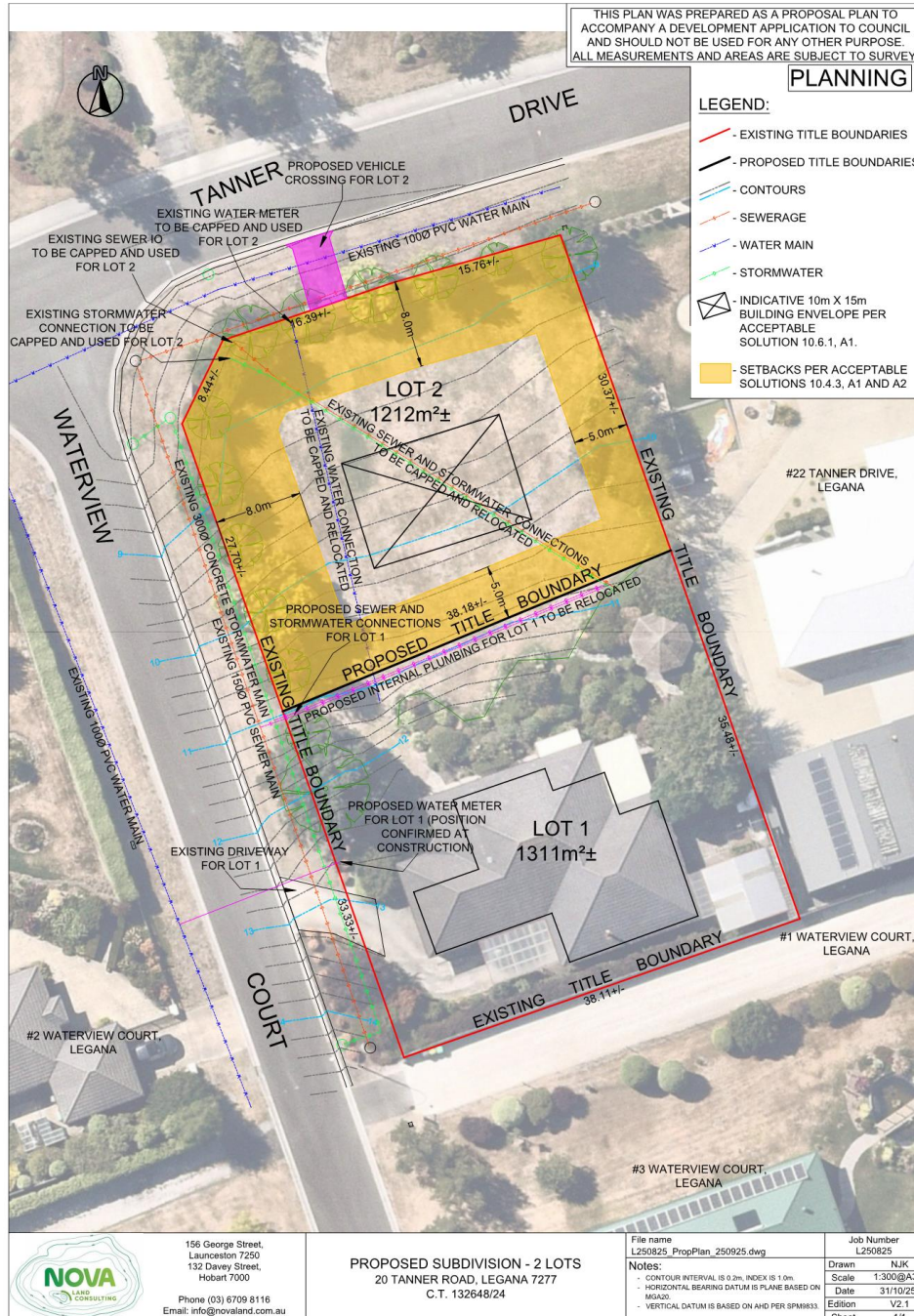
Location Plan

Subject site highlighted in blue



Subdivision Proposal

PA2025340 - 20 Tanner Drive, Legana 7250



7.3 Plan 3 - PA2025365 - Residential: Outbuilding - 48 Alpine Crescent, Grindelwald

REPORT AUTHOR: Senior Statutory Planner - Eric Smith

REPORT DATE: 12 January 2026

ATTACHMENTS:

1. [7.3.1] Plan 3 - Location Plan - 48 Alpine Cres, Grindelwald
2. [7.3.2] Plan 3 - Attachment 2 - PA 2025365 - 48 Alpine Cres, Grindelwald - Proposal Plans

INTRODUCTION

Council acts as a Planning Authority for the assessment of this application under the *Land Use Planning and Approvals Act 1993 (the Act)*. Council as the Planning Authority must determine the application for a permit pursuant to Section 51(2) of the Act and 6.10 of the *Tasmanian Planning Scheme – West Tamar (the Scheme)*.

In determining an application, the Planning Authority must take into consideration:

- (a) *“all applicable standards and requirements in this planning scheme; and*
- (b) *Any representations received pursuant to and in conformity with section 57(5) of the Act.*

But in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

Compliance with the applicable standards (a) consists of complying with the Acceptable Solution or satisfying the Performance Criteria. The use of “or” is to be read plainly in that if an application satisfies the Acceptable Solution, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for demolition of an existing unapproved outbuilding and construction of a new outbuilding. The new outbuilding would be a storage shed for garden maintenance and not require regular access to the road. No new driveway access is proposed.

The proposal requires a discretion of the following development standards:

	Acceptable Solution	Proposed
Side setback	5m	1.5m from the western side

STATUTORY REQUIREMENTS AND TIMEFRAMES

The application was made pursuant to Section 57 of the Act. Determination of the application is a statutory obligation.

Receipt Date	10 November 2025
Request for further information	14 November 2025
Information satisfied	24 November 2025
Advertised	29 November 2025
Closing date for representations	15 December 2025
Day 42	2 January 2026
Extension of time granted	17 December 2025

Decision due 23 January 2026

THE APPLICATION

Application Details:

Development Application	PA2025365
Location	48 Alpine Crescent, Grindelwald
Applicant	Wilkin Design & Drafting Pty Ltd
Planning Instrument	Tasmanian Planning Scheme – West Tamar (the Scheme)
Zone	Low Density Residential Zone
Use	Residential – Single Dwelling
Codes	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code
Specific Area Plans	WTA-S3.0 Residential Supply and Density SAP

Site Details:

Area	8,332m ²
Slope	The site has a southerly orientation. It is generally flat at the front then falling moderately from the middle of the site down towards the northern rear.
Existing Use/Development	Single dwelling with onsite wastewater. There are two outbuilding - one approved and one unapproved, and domestic garden. There is a sealed crossing to the sealed road.
Surrounding Use/Development	Grindelwald is a low-density residential community. Although the resort is directly opposite the subject land, there are few daily services nearby.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Be an active participant in planning reform and embrace Council's planning role.

STATE POLICIES

The proposal is consistent with the intent of all State Policies.

LAND USE PLANNING AND APPROVALS ACT 1993

The proposal is consistent with the objectives of the Act.

GOVERNMENT CONSULTATION

The application did not require State Government referral.

FINANCIAL IMPACT

Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

STANDARDS REQUIRING COUNCIL DISCRETION

The application was assessed against the relevant zone and code standards. The proposal complied with the relevant standards, except for the identified discretions that follow. When a proposal relies on discretion, it must be assessed against the relevant performance criteria for compliance.

CLAUSE 10.4.3 Setback

ACCEPTABLE SOLUTION NOT ACHIEVED	A2 Dwellings, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally from the building, just have a setback from side and rear boundaries of not less than 5m.
PERFORMANCE CRITERIA	P2 The siting of a dwelling must not cause an unreasonable loss of amenity to adjoining properties, having regard to: (a) the topography of the site; (b) the size, shape and orientation of the site; (c) the setbacks of surrounding buildings; (d) the height, bulk and form of existing and proposed buildings; (e) the existing buildings and private open space areas on the site; (f) sunlight to private open space and windows of habitable rooms on adjoining properties; and (g) the character of development existing on established properties in the area.
ASSESSING OFFICER'S COMMENTS	The proposed location of the outbuilding would not cause an unreasonable loss of amenity to the adjoining property to the west, having regard to: (a) the topography of the site does not result in an increased loss of amenity; (b) the site area is sufficient to meet the Acceptable Solution for lot size in the Zone and within the SAP. It is a broadly rectangular shape with a southern orientation; (c) several nearby examples of buildings within 5m of a side or rear boundary exist including a building on the adjoining site to the east, where a long outbuilding is within 2.5m of the side boundary;

	<p>(d) existing development on the site complies with the Acceptable Solution. The proposed outbuilding would have a wall 9m long and 2.4m high with a roof sloping up towards a maximum 3.5m height at a point 5m from the relevant boundary. In the context of a 150m-long boundary, noting the setback from the adjoining dwelling to the west is over 25m and vegetation screening, the height and bulk will not generate an unreasonable visual impact;</p> <p>(e) the proposed outbuilding and location has regard for the dwelling, onsite wastewater and existing landscaping on the site;</p> <p>(f) the proposal has limited potential to overshadow any habitable room or significant private open space on any adjoining site; and</p> <p>(g) the proposal is typical of development in the area with a single dwelling and outbuildings on generous landscaped lots.</p> <p>The proposal complies with the Performance Criteria.</p>
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ROAD AUTHORITY COMMENTS

The Road Authority under consideration of the *Local Government Act (Highways) 1982* provided the following advice:

The proposed shed is not expected to create additional traffic movements at the existing vehicular crossing.

There are no proposed changes to the vehicular crossing as part of this development.

STORMWATER AUTHORITY COMMENTS

The Stormwater Authority under consideration of the *Urban Drainage Act 2013* provided the following advice:

The property does not have a connection to Council's public drainage system. There is not an underground drainage system within 30 metres of the subject site. There is a roadside drain along the site frontage which part of the site naturally falls toward.

Stormwater from the proposed shed will connect to the site's existing system and be contained on site. On-site stormwater disposal is not expected to create a nuisance.

NOTIFICATION

The application was notified for the required 14-day period in accordance with the Act. A full copy of the representation received during the public exhibition period was provided to elected members. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was one (1).

ISSUE 1	The representor is not satisfied with the justification for the encroachment towards the side boundary.
ASSESSING OFFICER'S COMMENTS	The objective of Clause 10.4.3 is "that the siting of dwellings is compatible with the streetscape and does not cause an unreasonable loss of amenity for adjoining properties".

	<p>There are two routes to demonstrating this, the Acceptable Solution and the Performance Criteria. While the Acceptable Solution provides an automatic means of achieving the objective, there is no requirement for strict adherence to the nominated setback distance or justification of why a reduced setback is required or desired, as long as the Performance Criteria is still satisfied.</p> <p>Clause 10.4.3 has been assessed above and determined to be satisfied in relation to the side setback.</p>
ISSUE 2	The representor suggests the new shed should instead be on the same footprint as the existing shed to be demolished.
ASSESSING OFFICER'S COMMENTS	<p>The existing shed to be demolished does not have building approval and retrospective compliance is difficult. In order to maintain the storage space, it is preferred to construct the new shed before removing the existing one.</p> <p>The applicant has further advised that the proposed location of the shed suits existing planting and proposed use, taking the opportunity to adapt the existing rear garden arrangement.</p>
ISSUE 3	The representor notes that because of the proposed use (which would not require a driveway) the shed could be placed anywhere on the site.
ASSESSING OFFICER'S COMMENTS	As noted in Issue 1 above, there is no need to justify the location of any building provided the objective of the standard is met. The planning scheme anticipates that owners and occupants would use space in the way that suits them best and controls development only to the extent it has an unreasonable impact on adjoining properties. The assessment is found in Clause 10.4.3 P2 above.
ISSUE 4	The representor considers the proposal too small for the architect involved and suspects that this is the first stage of a broader project.
ASSESSING OFFICER'S COMMENTS	<p>The choice by a consultant or contractor to take on any specific work is a decision between themselves and the client and not a planning matter.</p> <p>Even in the case that this were the first step of a larger plan (and Council is not aware that it is), any further development would still be subject to the Tasmanian Planning Scheme and assessed on its own merits at the relevant time.</p>
ISSUE 5	The representor does not consider other existing development within 5m of a side or rear boundary sufficient justification for further development within 5m of a side or rear boundary.
ASSESSING OFFICER'S COMMENTS	<p>Every planning application is assessed separately on its own merits, and compliance with the Tasmanian Planning Scheme.</p> <p>Existing development may have been approved under previous planning schemes with different standards. Clause 10.4.3 P2 (c) and (g) specifically reference existing development in order to allow further development that matches the prevailing streetscape or character of an area. This ensures that changing rules in a state-wide scheme do not unreasonably curtail potential development in existing areas while new areas are developed in accordance with contemporary expectations.</p>

ISSUE 6	The representor remembers Council identifying Alpine Crescent, the Resort and the Retirement Village as special within Grindelwald. Accordingly, the proposed external finish is not suitable and may reduce property values.
ASSESSING OFFICER'S COMMENTS	<p>In regard to Alpine Crescent specifically, there is a Specific Area Plan (S3.0 Residential Supply and Density SAP) which controls minimum lot size differently from the normal Low Density Residential Zone. However, this applies to most of the Low Density Residential Zone in the municipal area and is not unique to this area. There are no special development standards for the site or area of Grindelwald.</p> <p>The schedule of easements (covenant) for the property includes clauses relating to the location, type and design of buildings to be constructed on the property. This is effectively a type of agreement between the property owner and original vendor (at the time the land was subdivided). As Council is not a relevant party to the covenant, it cannot be enforced or considered by Council in assessment of a planning application under the Tasmanian Planning Scheme.</p> <p>Where compliance with the Planning Scheme is achieved, Council has a statutory obligation to grant approval, regardless of any private agreements that may be attached to the land.</p> <p>Property values are not a planning matter that can be considered under the Planning Scheme.</p>

OPTIONS

The Planning Authority may approve (with or without conditions) or refuse the application, based on its assessment against the Scheme and any representations that were received.

A recommendation for approval is provided with conditions. Any alternative recommendation/s requires justification with relevant planning reasons.

PROFESSIONAL COMMENTS OF THE ASSESSING OFFICER

The assessing officer has evaluated the proposal and is satisfied the proposal meets the relevant acceptable solutions and demonstrates compliance with the performance criteria for the requested discretions.

The matters raised by the representors have been considered but do not impact the assessment of the application and the officer's recommendation.

RECOMMENDATION

That application PA2025365 be determined as follows:

- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representor have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Residential - Shed, by Wilkins Design & Drafting Pty Ltd and to demolish an existing shed, for land at 48 Alpine Crescent, Grindelwald Lot No. 33 on Plan No. 22210 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and development must be substantially in accordance with the following endorsed documents:
 - (a) Proposal plans by Wilkins Design, Ref DA/BA-25LLOY, dated 29 October 2025 (three sheets); andAny other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

CONSTRUCTION MANAGEMENT

2. Soil, water and dust must be managed on the site during construction and demolition to:
 - (a) prevent the escape of soil and sediments beyond site boundaries; and
 - (b) direct water runoff to a lawful point of discharge without causing nuisance for neighbours.

COMMENCED DEVELOPMENT STOP

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must be installed and maintained on site until work recommences. The measures must include weekly inspections and reporting to Council as well as before and after every rain event to the satisfaction of the Director of Infrastructure and Assets or their delegate.

DEMOLITION

3. Following completion of demolition works, the land must be rehabilitated with vegetation or other means within three months or as agreed by Council to avoid erosion or sedimentation effects from runoff.

OUTBUILDINGS

4. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related activities only.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025365. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit take effect after:
 - (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Plan 3 – Attachment 1 – Location Plan
PA2025365
48 Alpine Crescent, Grindelwald



CHECK CAREFULLY ALL ASPECTS OF THESE DOCUMENTS BEFORE COMMENCING WORK.

ANY ERRORS OR ANOMALIES TO BE REPORTED TO THE DRAWER BEFORE WORK IS CONTINUED

CONFIRM ALL SIZES AND HEIGHTS ON SITE

DO NOT SCALE OFF PLAN

ALL CONSTRUCTION IS TO COMPLY WITH THE BUILDING CODE OF AUSTRALIA AND ALL RELEVANT AUSTRALIAN STANDARDS

CONSTRUCTION STANDARDS:
ALL WORKS SHOULD BE GENERALLY IN LINE WITH THE PRACTICES SET OUT IN THE 'GUIDE TO STANDARDS AND TOLERANCES 2007'

WIND LOADS DETERMINED IN ACCORDANCE WITH AS 4055 - WIND LOADS FOR HOUSING

THESE DOCUMENTS TO BE USED WITH ALL DOCUMENTATION PREPARED BY AN ENGINEER

THESE DOCUMENTS ARE INTENDED FOR COUNCIL APPLICATIONS AND NORMAL CONSTRUCTION, THEY ARE NOT TO BE USED FOR TENDERING PURPOSES OR INSPECTIONS.

THIS DESIGN IS COVERED UNDER COPYRIGHT AND ANY CHANGES MUST BE CONFIRMED BY "WILKIN DESIGN & DRAFTING" THE DRAWER RETAINS ALL "INTELLECTUAL PROPERTY"

REQUIREMENTS OF SCHEDULE 1

DESIGNER : T. WILKIN - CC678X
PROJECT ADDRESS : 48 ALPINE CR GRINDELWALD TAS 7277
CLIENT NAME : S. & K. LLOYD
TITLE REF : 22210/33
FLOOR AREA : 63.00m²
DESIGN WIND SPEED : N2
SOIL CLASSIFICATION : M
CLIMATE ZONE : 7
BAL LEVEL : LOW
ALPINE AREA : N/A
CORROSION ENVIRONMENT : N/A
KNOWN SITE HAZARDS : NONE

INDEX OF APPLICATION SET:
ARCHITECTURAL DRAWINGS - PAGE 00 - 03
ENGINEERING DRAWINGS - NO
SPECIFICATIONS - NO
ADDITIONAL PAGES - FORM 35

LEGEND:
COVER PAGE
PAGE 1# LOCALITY PLAN
PAGE 2# SITE PLAN
PAGE 3# FLOOR PLAN/ELEVATIONS

PROPOSED SHED FOR S. & K. LLOYD AT 48 ALPINE CR GRINDELWALD TAS 7277



wilkin
design

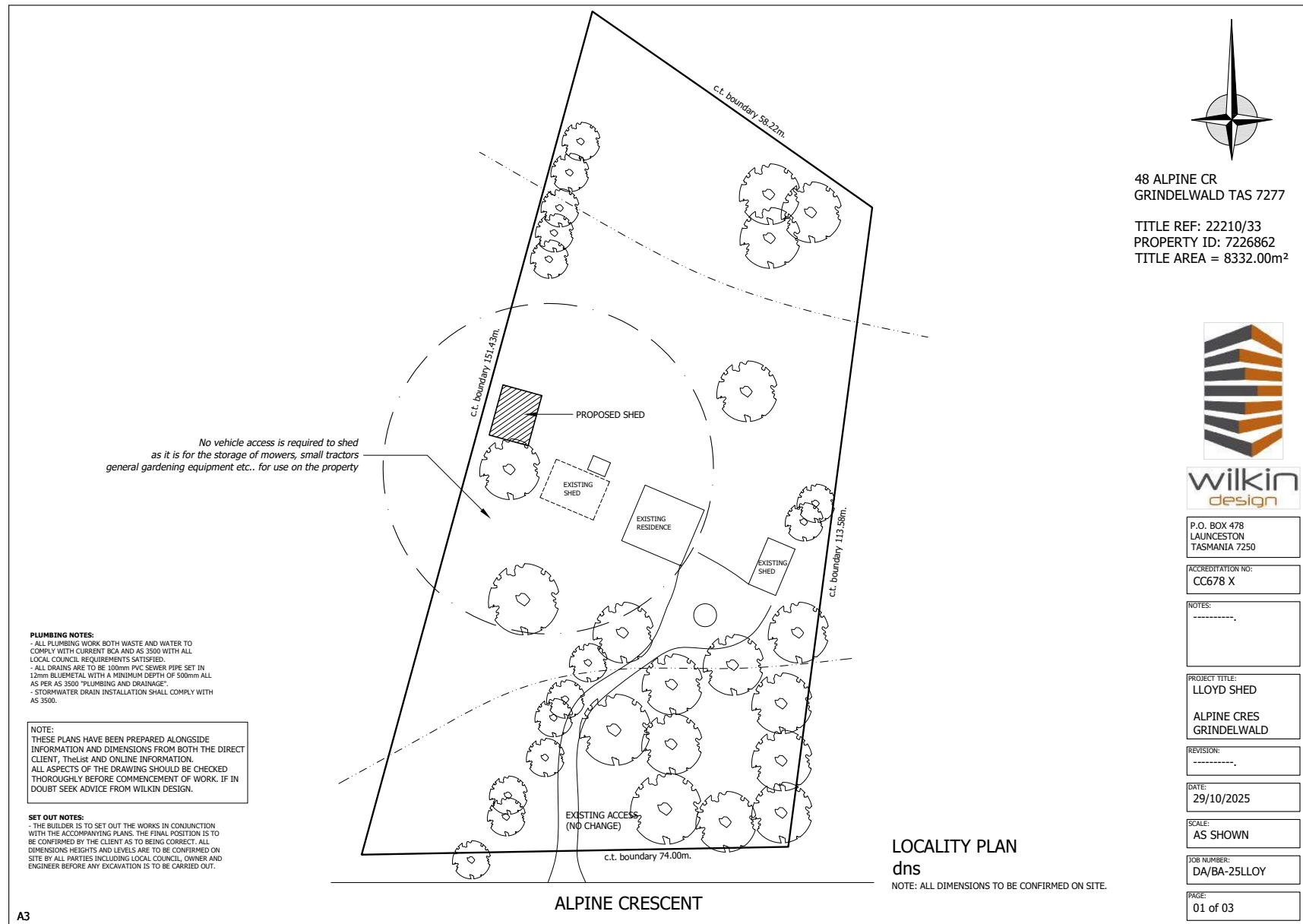
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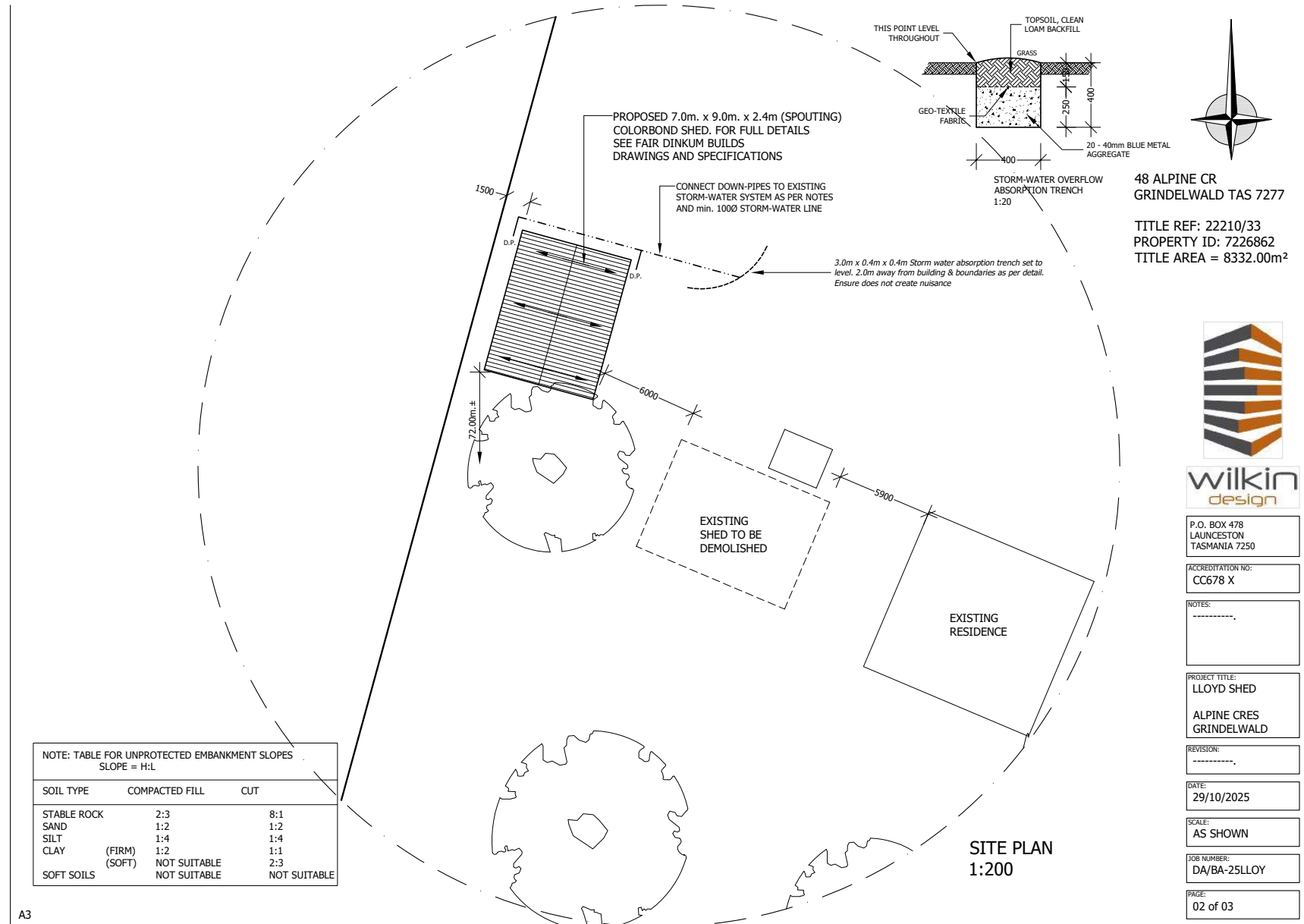
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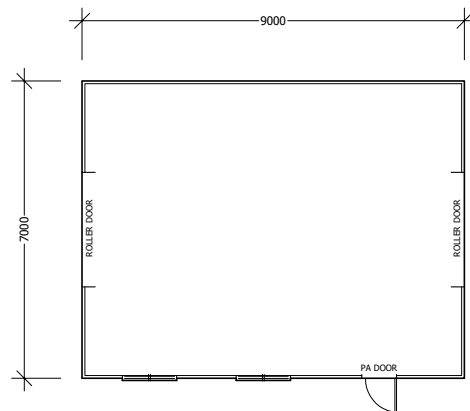
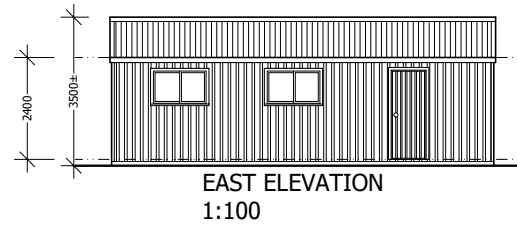
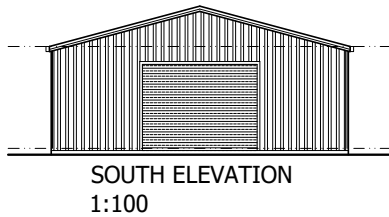
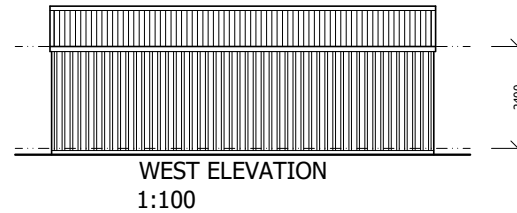
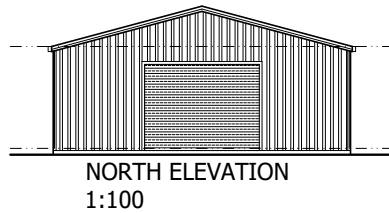
ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



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LAUNCESTON
TASMANIA 7250

ACCREDITATION NO:
CC678 X

NOTES:

PROJECT TITLE:
LLOYD SHED

ALPINE CRES
GRINDELWALD

REVISION:

DATE:
29/10/2025

SCALE:
AS SHOWN

JOB NUMBER:
DA/BA-25LLOY

PAGE:
03 of 03

A3

7.4 Plan 4 - PA2025326 - Residential: Multiple Dwellings x 2 (1 New, 1 Existing) - 24 Pomona Road, Riverside

REPORT AUTHOR: Senior Statutory Planner - Eric Smith

REPORT DATE: 13 January 2026

ATTACHMENTS:

1. [7.4.1] Plan 4 - Attachment 1 - Location Plan - 24 Pomona Road, Riverside
2. [7.4.2] Plan 4 - Attachment 2 - PA2025326 - 24 Pomona Road, Riverside - proposal plans

INTRODUCTION

Council acts as a Planning Authority for the assessment of this application under the *Land Use Planning and Approvals Act 1993 (the Act)*. Council as the Planning Authority must determine the application for a permit pursuant to Section 51(2) of the Act and 6.10 of the *Tasmanian Planning Scheme – West Tamar (the Scheme)*.

In determining an application, the Planning Authority must take into consideration:

- (a) *“all applicable standards and requirements in this planning scheme; and*
- (b) *Any representations received pursuant to and in conformity with section 57(5) of the Act.*

But in the case of the exercise of discretion, only insofar as each such matter is relevant to the particular discretion being exercised.”

Compliance with the applicable standards (a) consists of complying with the Acceptable Solution or satisfying the Performance Criteria. The use of “or” is to be read plainly-in that if an application satisfies the Acceptable Solution, no consideration of the Performance Criteria is required.

The purpose of this report is for Council to consider a proposal for Multiple Dwellings x 2 (1 new, 1 existing), including an additional 2-bedroom dwelling attached to the existing shed, and an extension to the existing 4-bedroom dwelling to add a studio, verandah, outbuilding and demolish the existing carport.

The proposed extension to the existing dwelling appears to be self-sufficient but as part of the proposal the existing laundry element currently combined with a bathroom would be decommissioned and relocated to the extension. As such, it must be included with the main building to be considered a single dwelling. On balance, the arrangement is likely to be convenient for occupants and provides flexibility of use without becoming a secondary residence (which would be prohibited with multiple dwellings) or a third separate dwelling on the site.

There is an existing sealed driveway which would be upgraded so that the entire length of the shared driveway within the common property is sealed. The proposal does not provide a dedicated visitor parking space within the common property. Alternatively, three (3) car parking spaces are provided for each unit within the separate strata lots.

Residential – Multiple dwellings are a ‘permitted’ land use within the General Residential Zone. However, the proposal requires a discretion of the following development standards:

	Acceptable Solution	Proposed
8.4.2 P3 Setbacks and building envelope for all dwellings (Side setback)	No more than 9m long within 1.5m of the boundary	Retaining wall and extension to existing dwelling within 1.5m of the southern

		boundary for more than combined 9m length
8.4.6 P3 Privacy for all dwellings (from Shared Driveway)	2.5m, or 1m screened setback from shared driveway	"Office" in Unit 1 setback at 0.7m
C2.5.1 P1 Car parking numbers	Two (2) car parking spaces per dwelling and 1 shared visitor car park	Three (3) car parking spaces per dwelling and nil visitor car parking
C2.6.1 P1 Construction of parking areas	Sealed driveway and parking areas	Shared access is sealed, but parking areas are unsealed

STATUTORY REQUIREMENTS AND TIMEFRAMES

The application was made pursuant to Section 57 of the Act. Determination of the application is a statutory obligation.

Receipt Date	14 October 2025
Request for further information	20 October 2025
Information satisfied	5 November 2025
Advertised	8 November 2025
Closing date for representations	24 November 2025
Day 42	12 December 2025
Extension of time granted	26 November 2025
Decision due	23 January 2026

THE APPLICATION

Application Details:

Development Application	PA2025326
Location	24 Pomona Road, Riverside
Applicant	Design to Live
Planning Instrument	Tasmanian Planning Scheme – West Tamar (the Scheme)
Zone	8.0 General Residential Zone
Use	Residential – multiple dwellings (Permitted)
Codes	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C7.0 Natural Assets Code
Specific Area Plans	NA

Site Details:

Area	1,389m ²
Slope	The site has a broadly rectangular shape with a southeastern aspect. It is relatively flat with a gentle slope generally down from the western corner to a lot

	point near the eastern corner. Pomona Road generally falls towards the Estuary.
Existing Use/Development	The site consists of a single dwelling with various outbuildings. There is a sealed crossing to the sealed road.
Surrounding Use/Development	Pomona Road is one of a few main roads connecting the development on the hills around Riverside to the highway. The site is in the middle of the suburban development with convenient public transport and around 1km walk to various services like supermarket, schools and parks.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Be an active participant in planning reform and embrace Council's planning role.

STATE POLICIES

The proposal is consistent with the intent of all State Policies.

LAND USE PLANNING AND APPROVALS ACT 1993

The proposal is consistent with the objectives of the Act.

GOVERNMENT CONSULTATION

The application did not require State Government referral.

FINANCIAL IMPACT

Financial impacts are normally limited to the application process and any appeal that may be lodged against the Planning Authority's decision, provided statutory obligations are met.

STANDARDS REQUIRING COUNCIL DISCRETION

The application was assessed against the relevant zone and code standards. The proposal complied with the relevant standards, except for the identified discretions that follow. When a proposal relies on discretion, it must be assessed against the relevant performance criteria for compliance.

CLAUSE 8.4.2 Setbacks and building envelope for all dwellings

<p>ACCEPTABLE SOLUTION NOT ACHIEVED</p>	<p>A3 <i>A dwelling, excluding outbuildings with a building height of not more than 2.4m and protrusions that extend not more than 0.9m horizontally beyond the building envelope, must:</i></p> <ul style="list-style-type: none"> (a) <i>be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:</i> <ul style="list-style-type: none"> (i) <i>a distance equal to the frontage setback or, for an internal lot, a distance of 4.5m from the rear boundary of a property with an adjoining frontage; and</i> (ii) <i>projecting a line at an angle of 45 degrees from the horizontal at a height of 3m above existing ground level at the side and rear boundaries to a building height of not more than 8.5m above existing ground level; and</i> (b) <i>only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</i> <ul style="list-style-type: none"> (i) <i>does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</i> (ii) <i>does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</i>
<p>PERFORMANCE CRITERIA</p>	<p>P3</p> <p>The siting and scale of a dwelling must:</p> <ul style="list-style-type: none"> (a) not cause an unreasonable loss of amenity to adjoining properties, having regard to: <ul style="list-style-type: none"> (i) reduction in sunlight to a habitable room (other than a bedroom) of a dwelling on an adjoining property; (ii) overshadowing the private open space of a dwelling on an adjoining property; (iii) overshadowing of an adjoining vacant property; and (iv) visual impacts caused by the apparent scale, bulk or proportions of the dwelling when viewed from an adjoining property; (b) provide separation between dwellings on adjoining properties that is consistent with that existing on established properties in the area; and (c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on: <ul style="list-style-type: none"> (i) an adjoining property; or (ii) another dwelling on the same site.
<p>ASSESSING OFFICER'S COMMENTS</p>	<p>The proposal includes two built elements that combined exceed the Acceptable Solution threshold for development within 1.5m of a side or rear boundary. The retaining wall which creates a flat entry to the rear of the new Unit 2 would be around 8.5m long and is mostly within 1.5m of the southern side boundary. The proposed rear extension to the existing dwelling would also be within 1.5m of the southern side boundary for around 4.5m.</p> <p>The proposed siting and scale of the dwellings:</p> <ul style="list-style-type: none"> (a) is not considered to cause an unreasonable loss of amenity to the adjoining property to the south, having regard to:

	<p>(i) The discretion is caused largely by the retaining walls at the rear of Unit 2. To the small extent that the extension of the existing dwelling would be within 1.5m of the southern boundary, it would in isolation meet the Acceptable Solution. The reduced setback of the retaining wall, which supports a small cut (max. height is proposed at 1m) for the new dwelling, is itself entirely within the Acceptable Solution building envelope. Therefore, there would be no reduction in sunlight to any habitable room in either dwelling on the site to the south. Updated shadow diagrams provided to Council after advertising show that on the shortest day of the year the north-facing habitable rooms for 2/26 Pomona Road would begin receiving sunlight between 9am and 10am and retain it for the rest of the day;</p> <p>(ii) as above, there is not considered to be any unreasonable overshadowing of private open space due to the retaining wall which lowers the height of the buildings relative to the natural ground level. Updated shadow diagrams show more than 50% in sunlight sometime between 9am and 10am, even on the shortest day of the year, and then completely unshaded the rest of the day;</p> <p>(iii) NA – the adjoining property is not vacant; and</p> <p>(iv) The proposal would result in a length of retaining wall with no material visual impact on the adjoining land to the south except to further reduce the impact of the new dwelling and a wall 4.5m long and no more than 2.4m high that except for the retaining wall would meet the Acceptable Solution. This is not considered an unreasonable visual impact on the adjoining land to the south;</p> <p>(b) multiple dwelling developments are common in the area, including #20 & #22 Pomona Road to the north, #21 directly opposite, and #26, #28 & #30 Pomona Road to the south all having existing multiple dwelling developments usually with one or more additional dwellings added to an original single dwelling. The proposal is consistent with this pattern of development; and</p> <p>(c) the proposal would not overshadow any solar installations:</p> <p>(i) on the property to the south, nor</p> <p>(ii) on the existing dwelling on the site.</p> <p>The proposal complies with the Performance Criteria.</p>
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CLAUSE 8.4.6 Privacy for all dwellings

ACCEPTABLE SOLUTION NOT ACHIEVED	<p>A3</p> <p><i>A shared driveway or parking space (excluding a parking space allocated to that dwelling) must be separated from a window, or glazed door, to a habitable room of a multiple dwelling by a horizontal distance of not less than:</i></p> <p>(a) 2.5m; or</p> <p>(b) 1m if:</p> <p>(i) <i>it is separated by a screen of not less than 1.7m in height; or</i></p>
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	(ii) <i>the window, or glazed door, to a habitable room has a sill height of not less than 1.7m above the shared driveway or parking space, or has fixed obscure glazing extending to a height of not less than 1.7m above the floor level.</i>
PERFORMANCE CRITERIA	<p>P3</p> <p>A shared driveway or parking space (excluding a parking space allocated to that dwelling), must be screened, or otherwise located or designed, to minimise unreasonable impact of vehicle noise or vehicle light intrusion to a habitable room of a multiple dwelling.</p>
ASSESSING OFFICER'S COMMENTS	<p>The proposal would create a shared driveway providing access to Unit 2 at the rear of the existing dwelling. All bedrooms in the existing dwelling meet the setback requirements to the shared driveway noting that the slope on the site means that the sill of most windows is at least 1.7m above ground level and there is at least a 1m setback from the common property, except for the office.</p> <p>Impacts from vehicle noise when passing the office on the shared driveway would be minimal as the shared drive only serves one additional dwelling. The vertical separation further reduces the potential for conflict even though the horizontal separation is less than 1m.</p> <p>The proposal complies with the Performance Criteria.</p>

CLAUSE C2.5.1

Car parking numbers

ACCEPTABLE SOLUTION ACHIEVED	NOT	<p>A1</p> <p><i>The number of on-site car parking spaces must be no less than the number specified in Table C2.1, less the number of car parking spaces that cannot be provided due to the site including container refund scheme space, excluding if:</i></p> <ul style="list-style-type: none"> (a) <i>the site is subject to a parking plan for the area adopted by council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;</i> (b) <i>the site is contained within a parking precinct plan and subject to Clause C2.7;</i> (c) <i>the site is subject to Clause C2.5.5; or</i> (d) <i>it relates to an intensification of an existing use or development or a change of use where:</i> <ul style="list-style-type: none"> (i) <i>the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is greater than the number of car parking spaces specified in Table C2.1 for the proposed use or development, in which case no additional on-site car parking is required; or</i> (ii) <i>the number of on-site car parking spaces for the existing use or development specified in Table C2.1 is less than the number of car parking spaces specified in Table C2.1 for</i>
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	<p><i>the proposed use or development, in which case on-site car parking must be calculated as follows:</i></p> $N = A + (C - B)$ <p><i>N = Number of on-site car parking spaces required</i></p> <p><i>A = Number of existing on site car parking spaces</i></p> <p><i>B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1</i></p> <p><i>C = Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.</i></p>
PERFORMANCE CRITERIA	<p>P1.1</p> <p>The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the availability of off-street public car parking spaces within reasonable walking distance of the site; (b) the ability of multiple users to share spaces because of: <ul style="list-style-type: none"> (i) variations in car parking demand over time; or (ii) efficiencies gained by consolidation of car parking spaces; (c) the availability and frequency of public transport within reasonable walking distance of the site; (d) the availability and frequency of other transport alternatives; (e) any site constraints such as existing buildings, slope, drainage, vegetation and landscaping; (f) the availability, accessibility and safety of onstreet parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; (g) the effect on streetscape; and (h) any assessment by a suitably qualified person of the actual car parking demand determined having regard to the scale and nature of the use and development. <p>P1.2</p> <p>The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the nature and intensity of the use and car parking required; (b) the size of the dwelling and the number of bedrooms; and (c) the pattern of parking in the surrounding area.
ASSESSING OFFICER'S COMMENTS	<p>P1.1</p> <p>The proposal is for a dwelling. The Clause does not apply.</p> <p>P1.2</p>

	<p>The Acceptable Solution specifies the requirement for 2 parking spaces per dwelling and 1 shared visitor space. Typically, visitor spaces should be located in the common property to allow for use by visitors to both dwellings.</p> <p>Rather than provide 1 shared visitor space, they have provided an additional private parking space per dwelling. While a total of 6 spaces are provided, which exceeds the requirement for 5 spaces, the Acceptable Solution is not achieved as none of the spaces technically qualify as a visitor space.</p> <p>On balance, this arrangement is considered to meet the reasonable needs of the use, having regard to:</p> <ul style="list-style-type: none"> (a) the proposal is for two dwellings on a generously sized lot and in a location where there is no controlled street parking; (b) the proposal is for an extension to the existing three-bed dwelling to make it four-bed and a new two-bed dwelling with a large workshop space. It is considered likely that the on-site parking requirements of the dwellings would be sufficiently met by the proposed parking arrangement including any visitor to a unit; and (c) noting the high number of multiple dwellings in the area the proposal for more parking than required by the Acceptable Solution may be considered to ameliorate concerns about unreasonable reliance on street parking, even though the vehicle spaces may be taken up by occupants of the site. Occupants may have extra vehicles that would otherwise be in the street, with vacant visitor spaces on the site infrequently used. <p>The proposal complies with the Performance Criteria.</p>
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CLAUSE C2.6.1 Construction of parking areas

ACCEPTABLE SOLUTION NOT ACHIEVED	<p>A1</p> <p><i>All parking, access ways, manoeuvring and circulation spaces must:</i></p> <ul style="list-style-type: none"> (a) <i>be constructed with a durable all weather pavement;</i> (b) <i>be drained to the public stormwater system, or contain stormwater on the site; and</i> (c) <i>excluding all uses in the Rural Zone, Agriculture Zone, Landscape Conservation Zone, Environmental Management Zone, Recreation Zone and Open Space Zone, be surfaced by a spray seal, asphalt, concrete, pavers or equivalent material to restrict abrasion from traffic and minimise entry of water to the pavement.</i>
PERFORMANCE CRITERIA	<p>P1</p> <p>All parking, access ways, manoeuvring and circulation spaces must be readily identifiable and constructed so that they are useable in all weather conditions, having regard to:</p> <ul style="list-style-type: none"> (a) the nature of the use;

	<p>(b) the topography of the land;</p> <p>(c) the drainage system available;</p> <p>(d) the likelihood of transporting sediment or debris from the site onto a road or public place;</p> <p>(e) the likelihood of generating dust; and</p> <p>(f) the nature of the proposed surfacing.</p>
ASSESSING OFFICER'S COMMENTS	<p>The site has an existing concrete driveway for just over 30m in length, with the balance of driving surfaces being unsealed gravel. The proposal would see the common property sealed but leave driving surfaces within private curtilage of each dwelling unsealed, which does not comply with the Acceptable Solution in the Zone.</p> <p>After discussion between the applicant and the road authority (Council's engineer), the proposal for common areas to be sealed and private property to be unsealed makes the difference clearly identifiable and the other driving surfaces would be constructed to be used in all weather, having regard to:</p> <p>(a) the proposal is for multiple dwellings where there is a heightened potential for conflict regarding the performance of driving surfaces and stormwater flows. The proposal to seal the common property provides a durable surface where the potential for conflict is highest and allows individual landowners to have a surface suitable for their own needs within their individual strata lots;</p> <p>(b) the topography is not especially steep that would require sealing to provide suitable traction for two-wheel-drive to safely manoeuvre on the site;</p> <p>(c) the site is lower than the road and there is a stormwater main through the front garden which provides potential location for connection to the common property;</p> <p>(d) the common property and crossing within the road reserve would be sealed and as noted above the stormwater disposal would be within the site. This reduces the potential for transporting sediment off the site;</p> <p>(e) dust generation would be extremely low given the very low speeds and distances expected to be travelled on the unsealed portions of the site; and</p> <p>(f) the proposed compacted gravel surface is capable of being constructed to a standard that is useable in all weather.</p> <p>The proposal complies with the Performance Criteria.</p>

ROAD AUTHORITY COMMENTS

The Road Authority under consideration of the *Local Government Act (Highways) 1982* provided the following advice:

The Road Authority under consideration of the Local Government (Highways) Act 1982 provided the following advice:

The proposal is seeking a discretion to development standards to have unsealed parking and access ways, by utilising the existing compacted decorative gravel in the site. It has been agreed that the nature of the existing surfacing is acceptable to meet the performance criteria,

where it is located in a lot and not relied on for access or parking by a neighbouring lot. Parking and access ways in the common property must be sealed. A condition has been recommended requiring all parking and access ways be sealed in the common property.

Trip generation from the proposed development was estimated to assess the impact of additional traffic at the existing crossover and surrounding road network. It is conservatively estimated that traffic at the existing crossover will increase by nine vehicle movements per day, one of those being in the peak hour. Since the increase in vehicular traffic at the existing vehicle crossing will be fewer than 40 vehicle movements per day, the acceptable solution of C3.5.1 is met.

No off-site works or upgrades to the existing vehicle crossing are necessary to support this development. The surrounding road network can absorb the additional traffic created by the proposed development.

STORMWATER AUTHORITY COMMENTS

The Stormwater Authority under consideration of the *Urban Drainage Act 2013* provided the following advice:

The site has an existing 375mm stormwater pipe running through the front yard which forms part of the public stormwater system. It is expected that the property has an existing connection.

The development will result in an increase to impervious areas in the site. The proposal plans show a water tank to collect stormwater from the existing shed, with any overflow connected to the site stormwater connection.

Car parking and access ways will also be drained to the public stormwater system, especially those with an impervious surface.

The proposed development is not expected to create a drainage nuisance and, on its own, does not require upgrades to the public stormwater system or specific on-site control measures to limit peak flows from the site.

NOTIFICATION

The application was notified for the required 14-day period in accordance with the Act. Full copies of the representations received during the public exhibition period were provided to elected members for consideration. Consideration of any representation is a requirement under both the Scheme and the Act.

The number of representations received during this time was one (1).

ISSUE 1	Construction of alterations and additions to the existing dwelling are not opposed.
ASSESSING OFFICER'S COMMENTS	The representation against the proposal specifically mentioned not being against the "renovation" for the existing dwelling, which is taken to mean the extension as well. Rather, the representation relates only to the proposal for a new dwelling.
ISSUE 2	Loss of amenity to the adjoining land to the south, in particular 2/26 Pomona Road

<p>ASSESSING OFFICER'S COMMENTS</p>	<p>The representor raises concerns about loss of privacy from the new kitchen window, bathroom window, & the potential for pedestrian traffic between the carport and the back door, as well as overshadowing of the private open space for 2/26 Pomona Road.</p> <p>The assessment in Section 8.4.2 P3 above demonstrates that the proposal achieves the relevant Performance Criteria, in relation to not causing an unreasonable amenity impact. In particular, it is noted that the retaining wall within the side setback consists of cut not fill, meaning that it will reduce the height of the proposal relative to the adjoining property. The dwelling itself is entirely within the building envelope and there would be no additional overshadowing as a result of the proposed retaining wall which triggers the discretion in this location.</p> <p>A render provided by the applicant shows the window sill roughly level with the ground at the top of a retaining wall and further screened from the adjoining land by vegetation and the existing wooden paling fence. Bathroom windows are usually designed for privacy of those inside and the plans show these windows as obscure glass. There is no loss of privacy to the adjoining land to the south.</p> <p>There is potential for noise from occupants parked between the proposed extension to the existing dwelling and the back door of the new dwelling. However, future occupants would be subject to the same Noise Regulations which already control unreasonable noise levels within residential areas under the <i>Environmental Management and Pollution Control Act 1994</i>.</p> <p>Residential use of the land is expected in the Zone and the proposed development is of a permitted density.</p>
<p>ISSUE 3</p>	<p>Concern that omission of buildings to the south of the proposal on locality plans may give the impression of more space than there is.</p>
<p>ASSESSING OFFICER'S COMMENTS</p>	<p>As well as the submitted application documents, assessing officers utilise aerial photographs, and in-person site visits to understand the site arrangement and surrounding area.</p> <p>Council officers are aware of the location of buildings on adjacent sites.</p>
<p>ISSUE 4</p>	<p>Loss of views and property values</p>
<p>ASSESSING OFFICER'S COMMENTS</p>	<p>Loss of views is not a matter that can be considered under the Planning Scheme, particularly where there is no exceedance of height limits.</p> <p>Changes to property values for adjacent land, whether positive or negative, is also not a matter that can be assessed or considered under the Planning Scheme.</p>

OPTIONS

The Planning Authority may approve (with or without conditions) or refuse the application, based on its assessment against the Scheme and any representations that were received.

A recommendation for approval is provided with conditions. Any alternative recommendation/s requires justification with relevant planning reasons.

PROFESSIONAL COMMENTS OF THE ASSESSING OFFICER

The assessing officer has evaluated the proposal and is satisfied the proposal meets the relevant acceptable solutions and demonstrates compliance with the performance criteria for the requested discretions.

The matters raised by the representors have been considered but do not impact the assessment of the application and the officer's recommendation.

RECOMMENDATION

That application PA2025326 be determined as follows:

- (a) the requested variations comply with the relevant performance criteria and be supported;
- (b) matters raised by the representor have been considered but do not alter the assessment against the Scheme or the recommendation; and

That the application for Residential - Multiple Dwellings X 2 (1 new, 1 existing), by Design to Live, for land at 24 Pomona Road, Lot No. 19 on Plan No. 22037 be **APPROVED** subject to the following conditions:

ENDORSED PLANS

1. The use and development must be substantially in accordance with the following endorsed documents:
 - (a) by Design to Live, Ref PMNR24, Rev 3 dated 22 October 2025 (21 sheets); and
 - (b) by Sheds n Homes, Ref rebtl2510018, dated 8 October 2025 (1 sheet)Any other development and/or use, or substantial intensification of the approved use, may require separate assessment and a fresh application should be submitted to Council.

TASWATER

2. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA2025/01221-WTC) attached.

RETAINING WALL

3. Prior to commencement of any works, the applicant must submit detailed engineering plans of the proposed retaining wall on the southern boundary. The plans must show to the Council's satisfaction that the proposed wall, including footings, would be entirely within the site boundary and not undermine existing or potential development on the adjoining land.

DRIVEWAY AND PARKING AREA CONSTRUCTION

4. Before commencement of the use, parking bays and access ways as shown on the endorsed plans must:
 - (a) be line-marked or otherwise delineated to indicate each car space and access lane;
 - (b) be properly constructed to such levels that they can be used in accordance with the plans, especially any accessible parking spaces which must be in accordance with Australian Standard AS/NZ2890.6-2009 Off-street parking for people with disabilities;
 - (c) Where used to access parking areas on both lots, and/or located in common property, be surfaced with an all-weather (impervious) surface, such as asphalt or concrete; and
 - (d) be adequately drained to prevent stormwater being discharged to neighbouring property. Parking areas and access lanes must be kept available for these purposes at all times and maintained for the life of the use.

CONSTRUCTION MANAGEMENT

5. Prior to the commencement of works (including vegetation removal), a construction management plan must be submitted detailing how soil and water is to be managed during the construction process to prevent the escape of soil and sediments beyond site boundaries. This plan must clearly set out the property owner's obligations for erection, inspection and maintenance of all control measures approved. The management plan must include the following:

- (a) date and author;
- (b) property boundaries, location of adjoining roads and other public land if any, impervious surfaces, underground services and existing drainage, contours, approximate grades of slope, directions of fall, north point and scale;
- (c) general soil description;
- (d) location and types of all existing vegetation, location and amount of proposed ground disturbance, limit of clearing, grading and filling and the proposed location of soil, sand, topsoil and other material stockpiles;
- (e) critical natural areas such as drainage lines, cliffs, wetlands and unstable ground;
- (f) location of vegetation to be retained and removed;
- (g) location of stabilised site access;
- (h) initial and final contours, location of watercourses, surface drainage and existing stormwater infrastructure;
- (i) stormwater discharge point, if proposed;
- (j) location of all proposed temporary drainage control measures;
- (k) construction details;
- (l) location and details of all proposed erosion control measures;
- (m) location and details of all proposed measures to minimize dust generation and emission beyond the site boundaries;
- (n) location and details of all proposed sediment control measures;
- (o) a statement of who is responsible for establishing and maintaining erosion and sediment control measures;
- (p) site rehabilitation or landscaping/revegetation program;
- (q) estimated dates for start and finish of the works including installation sequence of different erosion and sediment controls;
- (r) any information required to address soil, water and dust control measures required to accommodate staging of the proposal; and
- (s) outline of the maintenance program for erosion and sediment controls. This must include weekly inspection as well as before and after every rain event and a reporting schedule to Council.

Works must not commence prior to the approval of the Construction Management Plan by the Director of Community Assets or their delegate. The approved plan must be implemented with the commencement of works on site and maintained during construction to ensure soil erosion and dust are appropriately managed to reasonably maintain the amenity of adjoining and nearby properties and public land. A copy of the approved Construction Management Plan must be on the site at all times. All on-ground workers must be aware of and understand the plan.

COMMENCED DEVELOPMENT STOP

Where development has commenced on site and then stops for two weeks or more, interim stormwater, erosion and dust control measures must be installed and maintained on site to ensure overland flows do not become a nuisance to adjoining properties or Council's infrastructure until work recommences. The measures must include weekly inspections and reporting to Council as well as before and after every rain event to the satisfaction of the Director of Infrastructure and Assets or their delegate. This may require a revision of the

approved Construction Management Plan – any changes must be approved by the Director of Infrastructure and Assets or their delegate.

DEMOLITION

6. Following completion of demolition works, the land must be converted to the proposed compacted gravel driveway within three months or as agreed by Council to avoid unreasonable erosion or sedimentation effects from runoff.

OUTBUILDINGS

7. The use of outbuildings is not permitted for human habitation and is limited to residential storage and related activities only.

STAGED MULTIPLE DWELLINGS

8. Where development is to be staged, the following works must be completed prior to sealing of the strata plan:
 - (a) Common property – all common property proposed in the strata plan must be completed, including construction of driveway, parking and access areas, landscaping, mailboxes, bin storage areas and utilities connections;
 - (b) Each strata lot – for developed individual strata lots containing a building, all building works, landscaping, utilities connections, parking and driveways must be completed; and
 - (c) Each strata lot – for vacant individual strata lots or any balance lot for future strata division, access and utilities connections (including provision for future lots within a balance lot) must be completed prior to sealing of the staged strata plan.

Permit Notes

Notations

- A. This permit was issued based on the proposal documents submitted for PA2025326. You should contact Council with any other use or developments, as they may require the separate approval of Council.
- B. This permit take effect after:
 - (a) The 14-day appeal period expires; or
 - (b) Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or
 - (c) Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or
 - (d) Any other required approvals under this or any other Act are granted.
- C. This permit is valid for two (2) years only from the date of approval and will thereafter lapse if the development is not substantially commenced. An extension may be granted subject to the provisions of the *Land use Planning and Approvals Act 1993* as amended, by a request to Council.

Other Approvals

- D. This permit does not imply that any other approval required under any other by-law or legislation has been granted.

Appeal Provisions

- E. A planning appeal may be instituted by lodging a notice of appeal with the Registrar of the Tasmanian Civil and Administrative Tribunal.

A planning appeal may be instituted within 14 days of the date the Corporation serves notice of the decision on the applicant.

For more information see the Tasmanian Civil and Administrative Tribunal website www.tascat.tas.gov.au.

Permit Commencement

- F. If an applicant is the only person with a right of appeal pursuant to section 61 of the *Land Use Planning and Approvals Act 1993* and wishes to commence the use or development for which the permit has been granted within the 14-day period, the Council must be so notified in writing. A copy of Council's Notice to Waive Right of Appeal is attached.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Plan 4 – Attachment 1 – Location Plan
PA2025326
24 Pomona Road, Riverside



ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



**PROPOSED ADDITIONAL DWELLING
& EXTENSION**
24 POMONA ROAD,
RIVERSIDE, 7250.



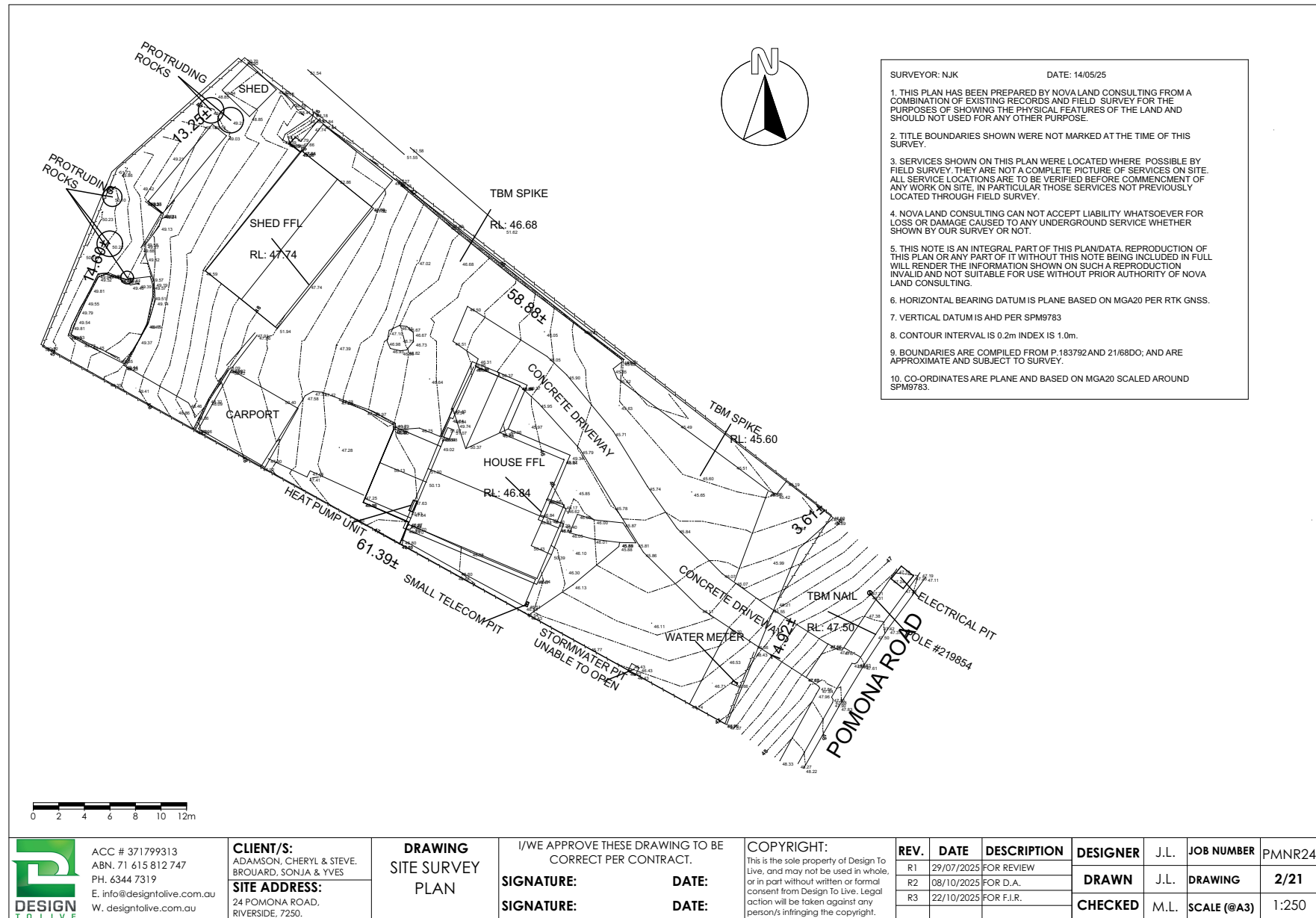
AREAS	(m²)	COUNCIL	ZONE
		WEST TAMAR COUNCIL	GENERAL RESIDENTIAL
EXISTING DWELLING	106.08	LAND TITLE REFERENCE	22037/19
EXISTING ALFRESCO	28.87	PROPERTY ID	6049788
EXISTING SHED	84.60	LOT SIZE (M²)	1389
EXISTING OUTBUILDING	8.87	BAL RATING	N/A
PROPOSED EXTENSION	28.00	DESIGN WIND CLASS	N2
PROPOSED VERANDAH	19.60	SOIL CLASSIFICATION	H1
PROPOSED SHED	20.39		
PROPOSED DWELLING	88.88		
PROPOSED PORCH	4.79		

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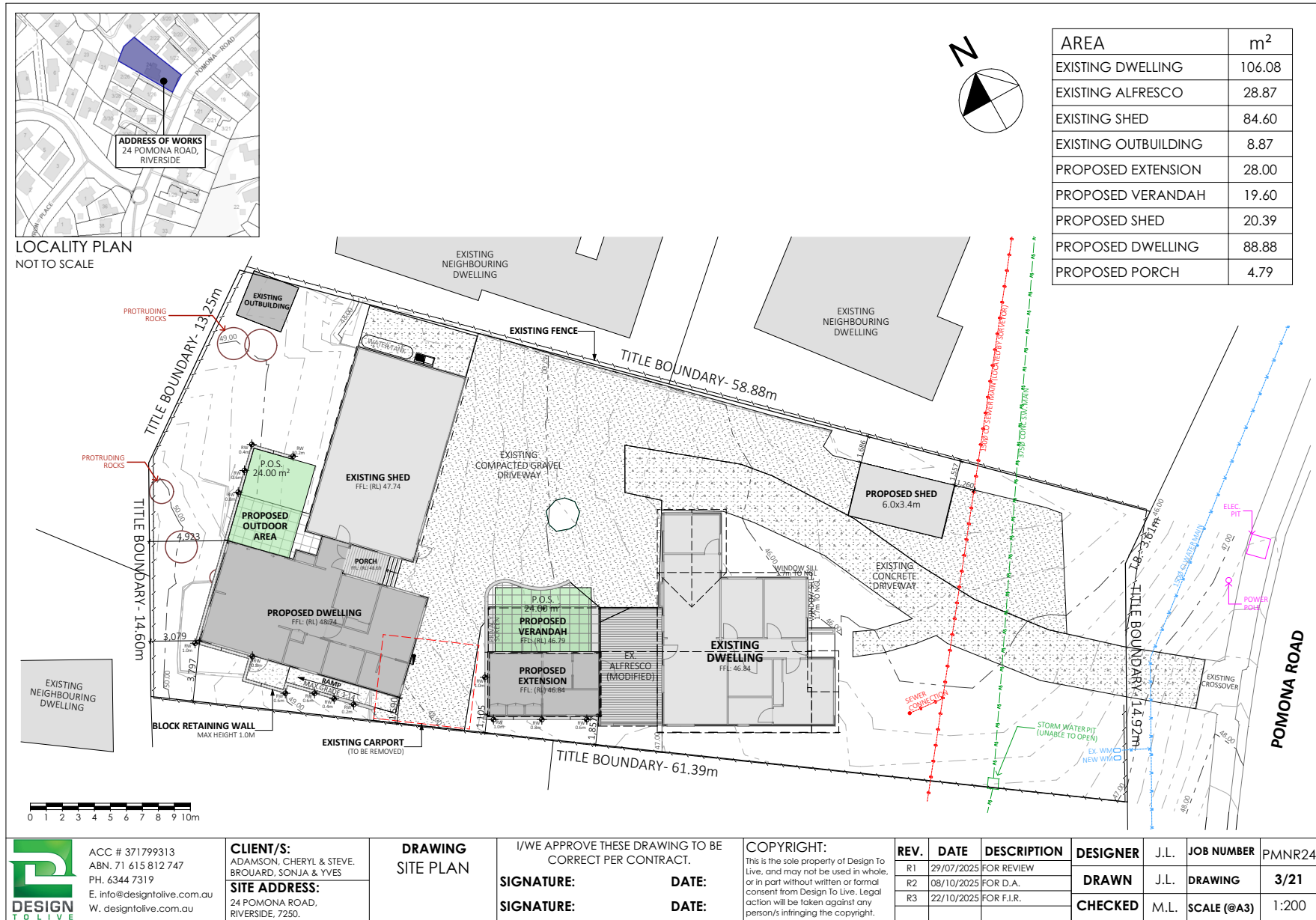
DRAWING #	DRAWING
PMNR24-1	COVER PAGE
PMNR24-2	SITE SURVEY PLAN
PMNR24-3	SITE PLAN
PMNR24-4	LANDSCAPE PLAN
PMNR24-5	PARKING AND TURNING - LOT 1
PMNR24-6	PARKING AND TURNING - LOT 2
PMNR24-7	PARKING AND TURNING - VISITOR
PMNR24-8	STRATA PLAN
PMNR24-9	EXTERNAL SERVICES
PMNR24-10	EXTERNAL SERVICES NOTES
PMNR24-11	EX. DWELLING DEMOLITION FLOOR PLAN
PMNR24-12	EX. DWELLING PROPOSED FLOOR PLAN
PMNR24-13	PROPOSED DWELLING FLOOR PLAN
PMNR24-14	ELEVATIONS NTH-STH - LOT 1
PMNR24-15	ELEVATIONS EST-WST - LOT 1
PMNR24-16	ELEVATIONS NE-SW - LOT 2
PMNR24-17	ELEVATIONS SE-NW - LOT 2
PMNR24-18	PERSPECTIVES LOT 1
PMNR24-19	PERSPECTIVES LOT 2
PMNR24-20	SHADOW DIAGRAMS
PMNR24-21	SHADOW DIAGRAMS

ATTACHMENTS

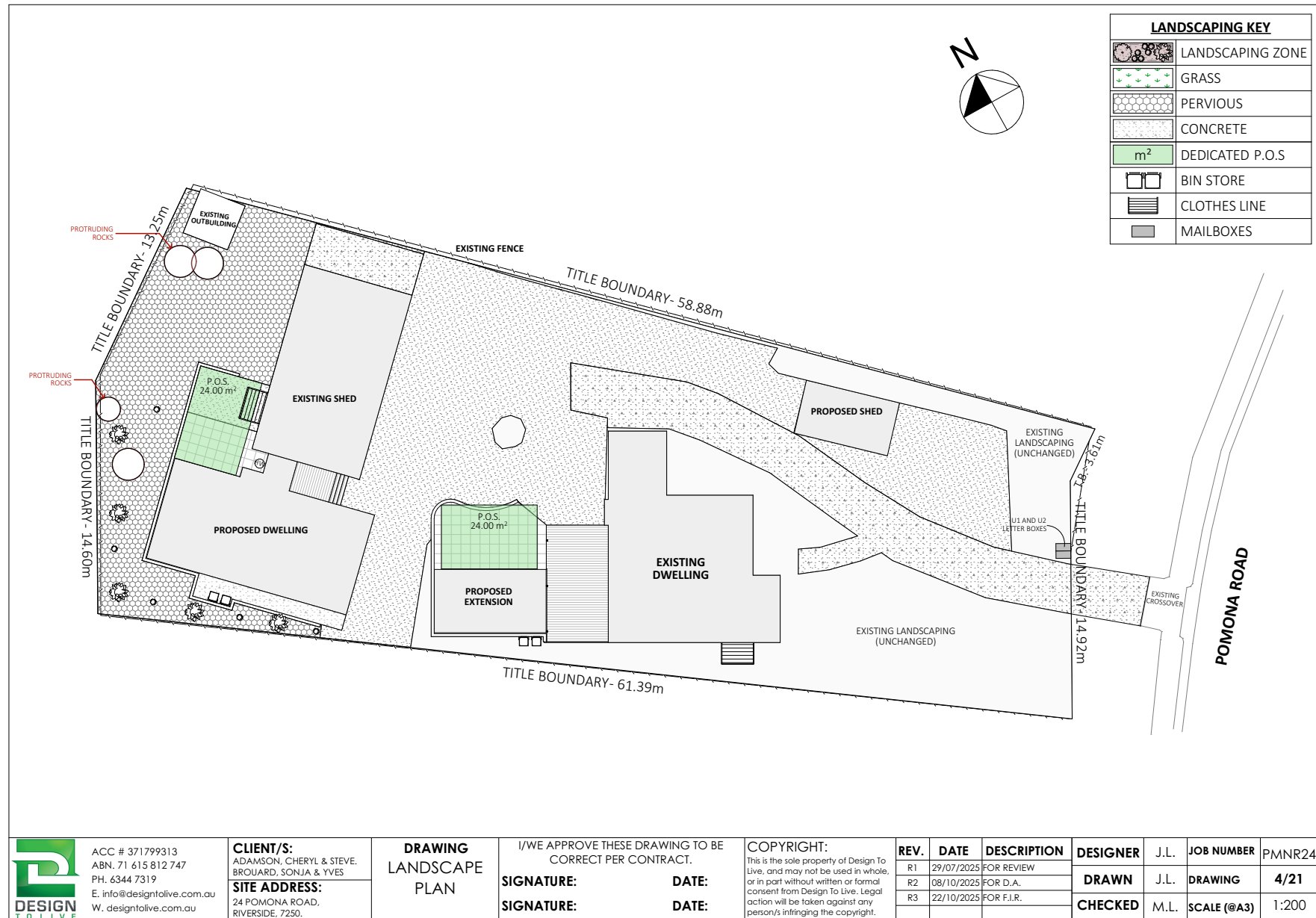
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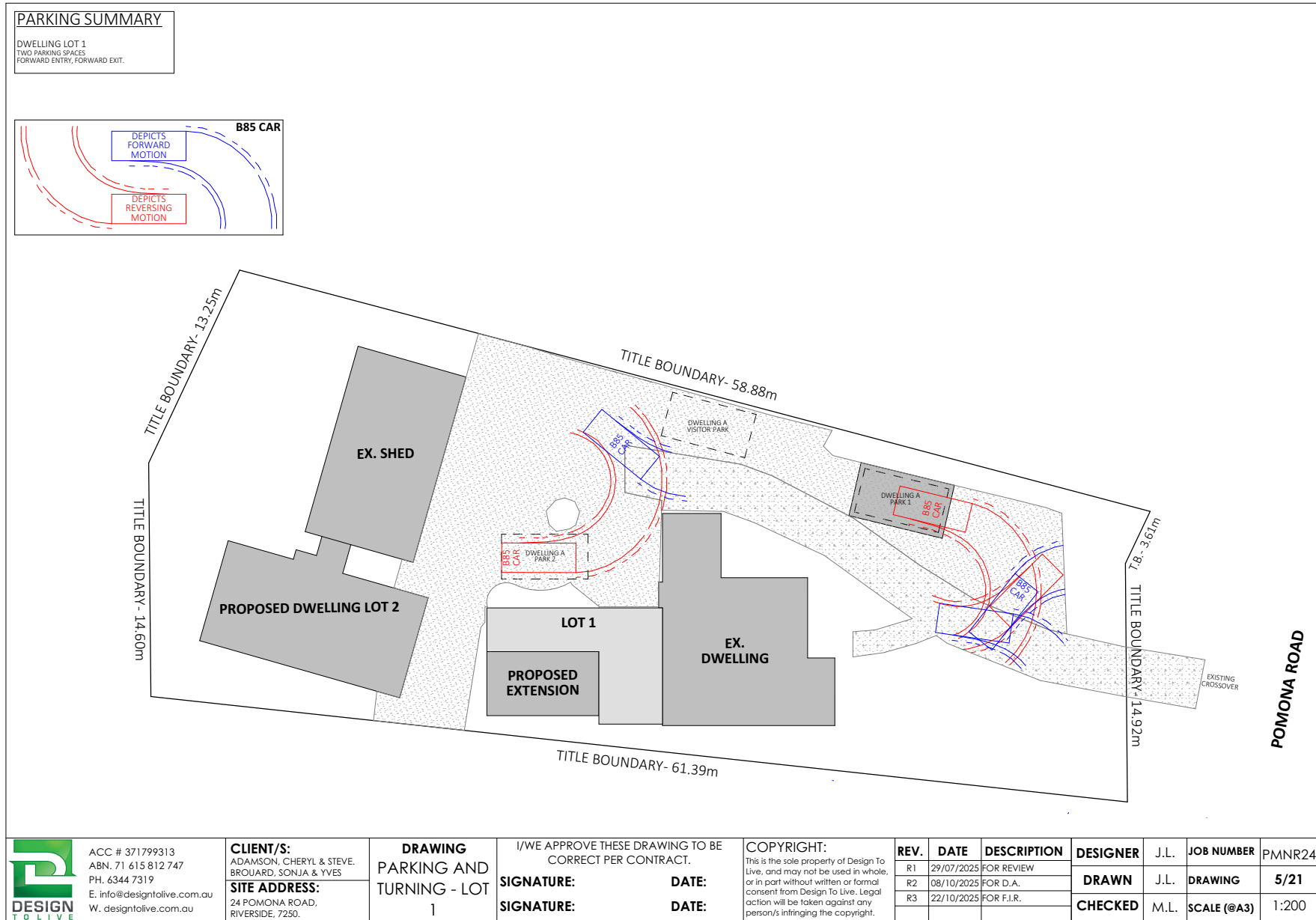
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DRAWING
PARKING AND
TURNING - LOT
1

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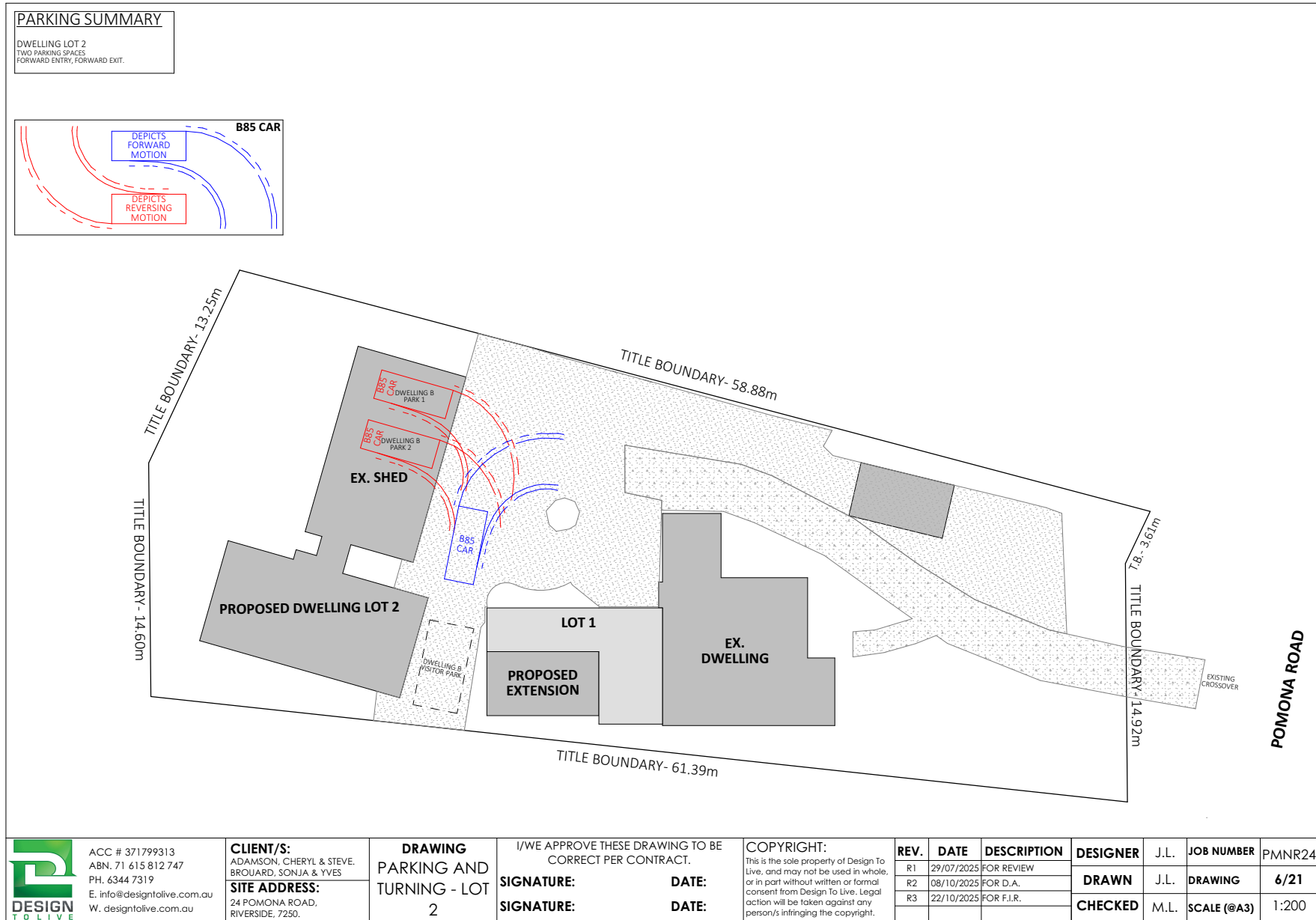
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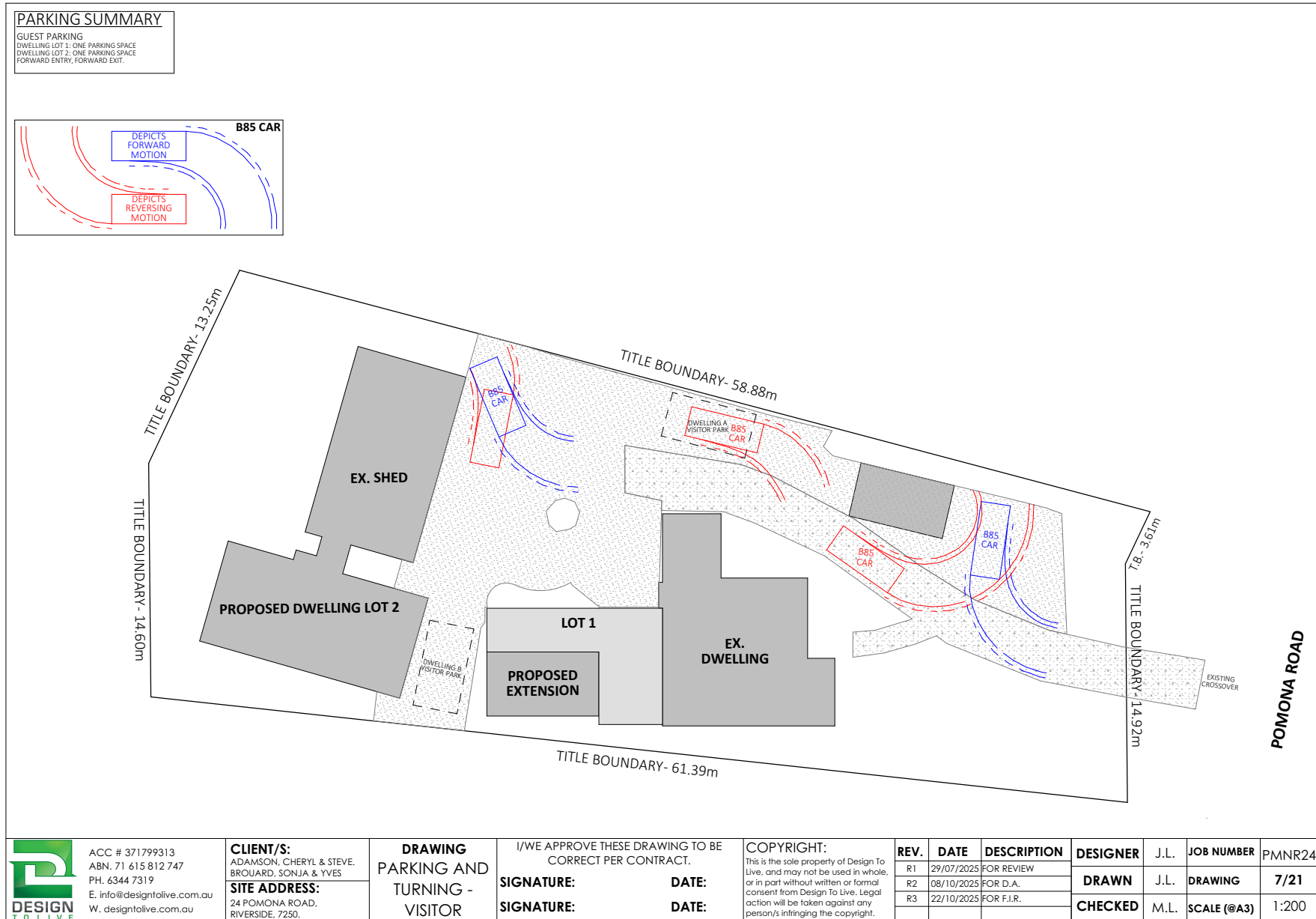
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Tuesday 20 January 2026

LOT SUMMARY

LOT 1 - 706.12m²

LOT 2 - 545.77m²

COMMON PROPERTY A - 135.07m²

COMMON PROPERTY B - 2.25m²

TOTAL SITE IMPERVIOUS AREA - 513.16 m² (36.94%)



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DRAWING
STRATA PLAN

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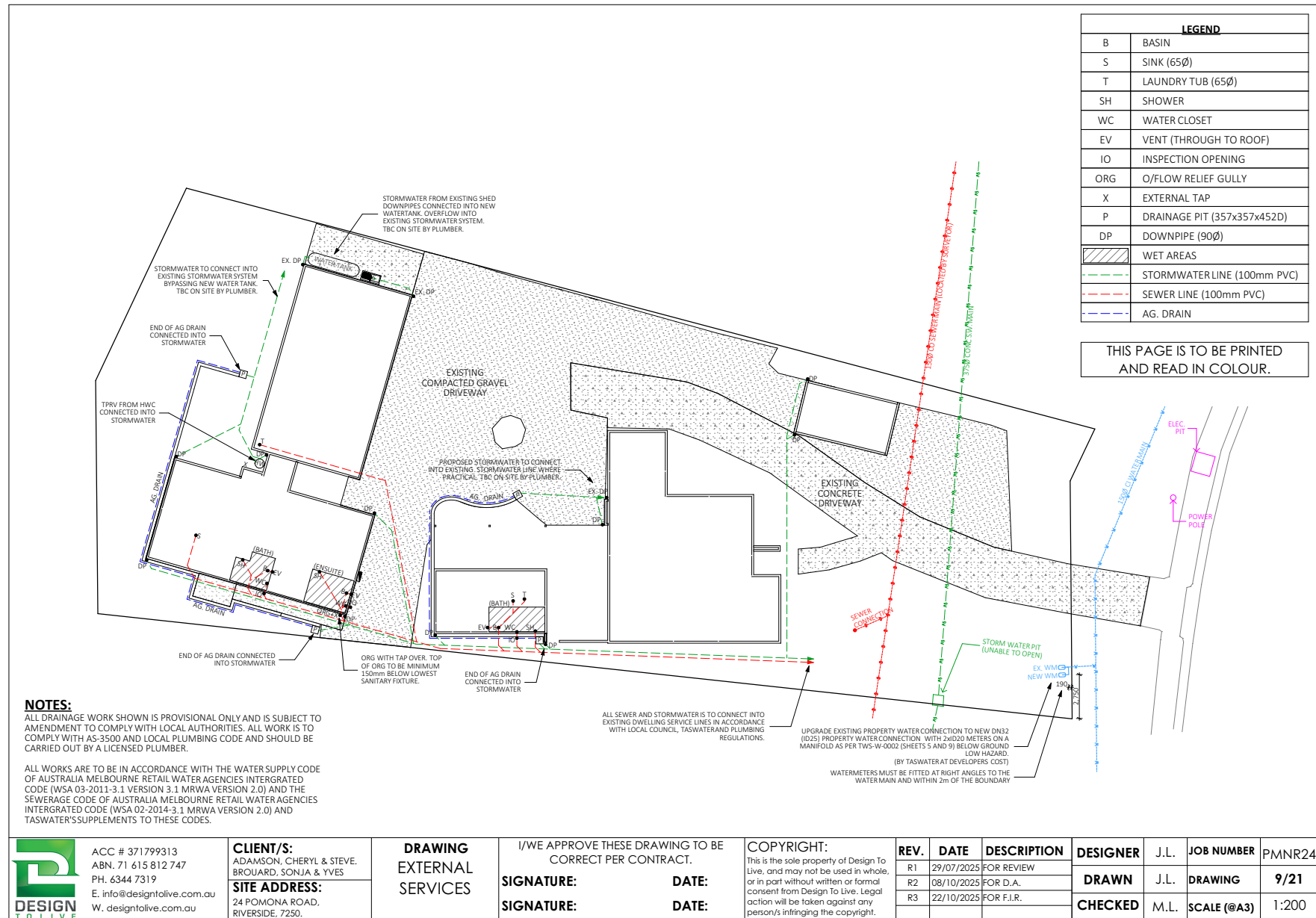
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INSTALL INSPECTION OPENINGS AT MAJOR BENDS FOR STORMWATER AND ALL LOW POINTS OF DOWNPIPES.

PROVIDE SURFACE DRAIN TO BACK OF BULK EXCAVATION TO DRAIN LEVELLED PAD PRIOR TO COMMENCING FOOTING EXCAVATION.

SERVICES

THE HEATED WATER SYSTEM MUST BE DESIGNED AND INSTALLED WITH PART B2 OF THE NCC VOLUME THREE- PLUMBING CODE OF AUSTRALIA.

THERMAL INSULATION FOR HEATED WATER PIPING MUST:

- A) BE PROTECTED AGAINST THE EFFECTS OF WEATHER AND SUNLIGHT; AND
- B) BE ABLE TO WITHSTAND THE TEMPERATURES WITHIN THE PIPING ; AND
- C) USE THERMAL INSULATION IN ACCORDANCE WITH AS/NZS 4859.1

HEATED WATER PIPING THAT IS NOT WITHIN A CONDITIONED SPACE MUST BE THERMALLY INSULATED AS FOLLOWS:

1. INTERNAL PIPING

- a) ALL FLOW AND RETURN INTERNAL PIPING THAT IS-
 - i) WITHIN AN UNVENTILATED WALL SPACE
 - ii) WITHIN AN INTERNAL FLOOR BETWEEN STOREYS; OR
 - iii) BETWEEN CEILING INSULATION AND A CEILING
- MUST HAVE A MINIMUM R-VALUE OF 0.2


2. PIPING LOCATED WITHIN A VENTILATED WALL SPACE, AN ENCLOSED BUILDING SUBFLOOR OR A ROOF SPACE

- a) ALL FLOW AND RETURN PIPING
 - b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM,
- MUST HAVE A MINIMUM R-VALUE OF 0.45

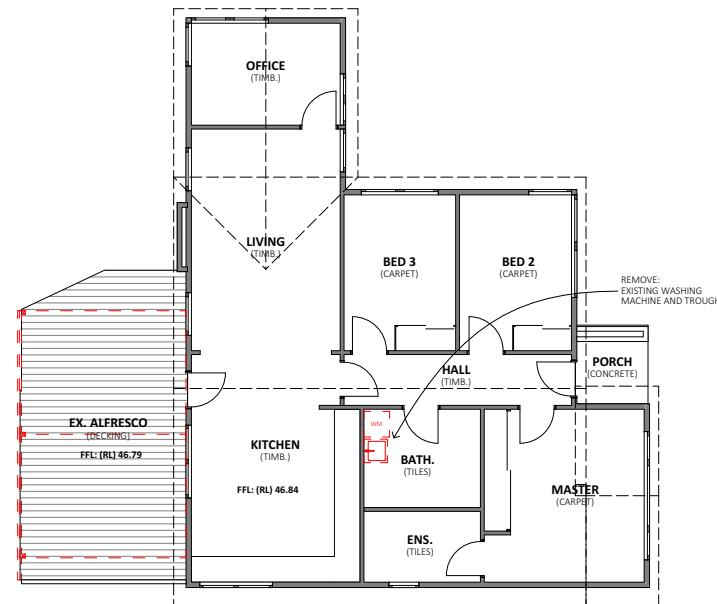
3. PIPING LOCATED OUTSIDE THE BUILDING OR IN AN UNENCLOSED BUILDING SUB FLOOR OR ROOF SPACE

- a) ALL FLOW AND RETURN PIPING
 - b) COLD WATER SUPPLY PIPING AND RELIEF VALVE PIPING WITHIN 500mm OF THE CONNECTION TO CENTRAL WATER HEATING SYSTEM
- MUST HAVE A MINIMUM R-VALUE OF 0.6

PIPING WITHIN AN INSULATED TIMBER FRAMED WALL, SUCH AS THAT PASSING THROUGH A WALL STUD, IS CONSIDERED TO COMPLY WITH THE ABOVE INSULATION REQUIREMENTS.

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



NOTE: LAUNDRY FACILITIES IN
EXISTING BATHROOM TO BE REMOVED

KEY:	
	NEW WALL
	WALL TO BE REMOVED
	EXISTING/UNMODIFIED



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DRAWING
EX. DWELLING
DEMOLITION
FLOOR PLAN

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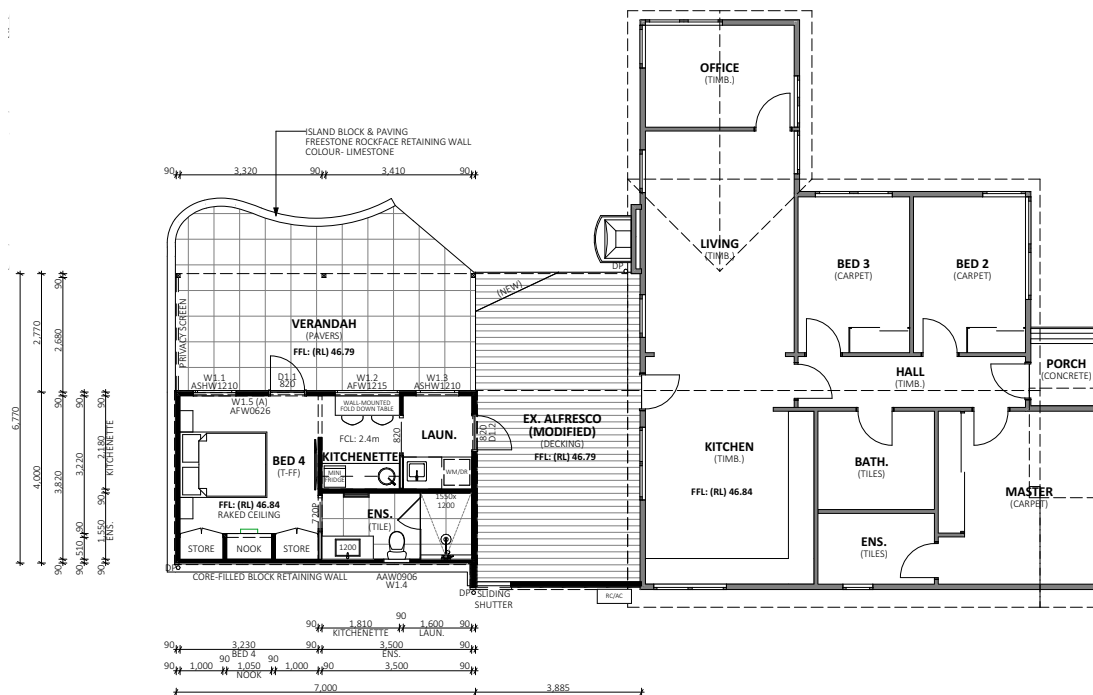
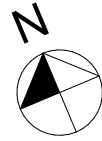
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KEY:	
	NEW WALL
	EXISTING/UNMODIFIED



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EX. DWELLING
PROPOSED
FLOOR PLAN

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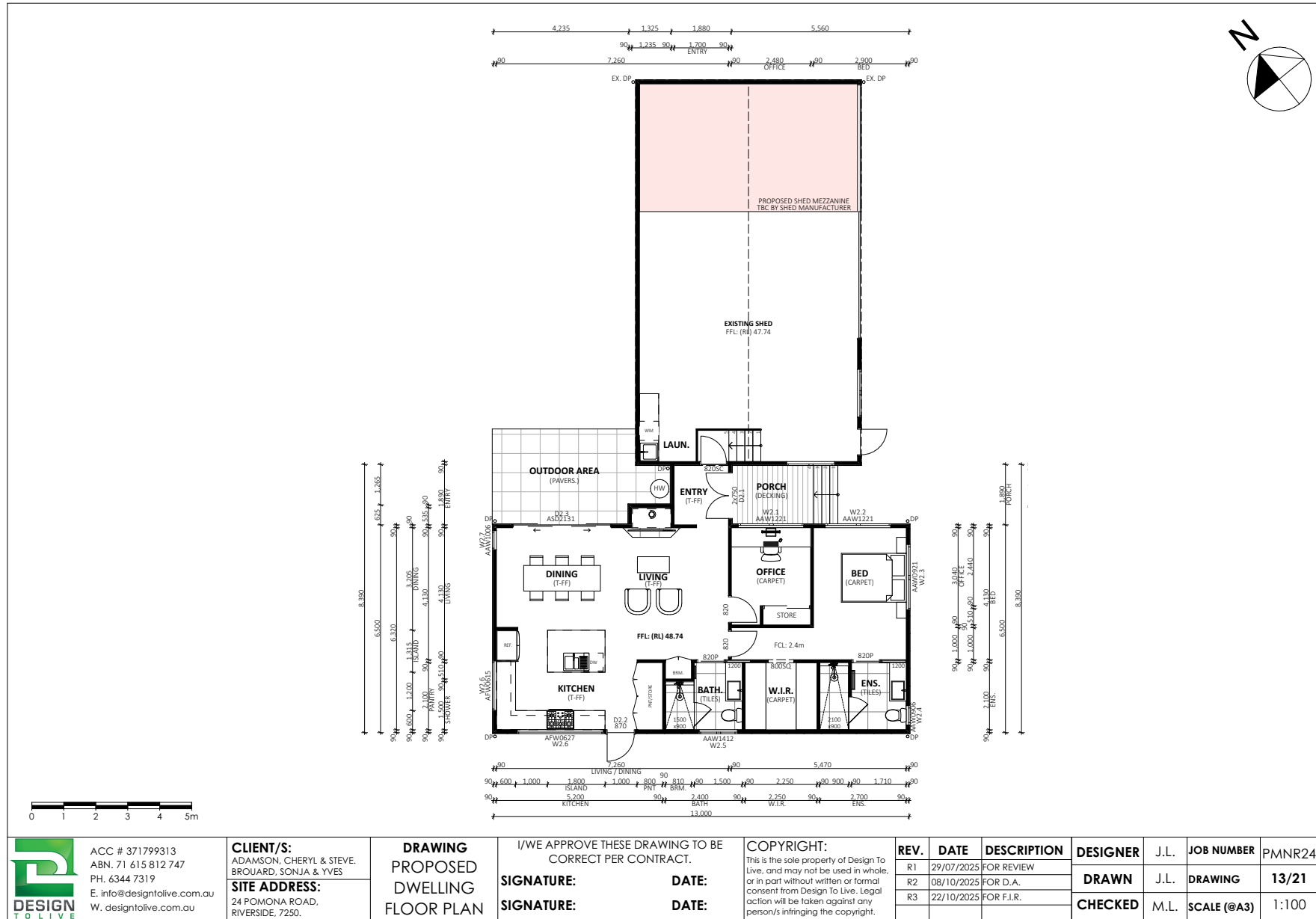
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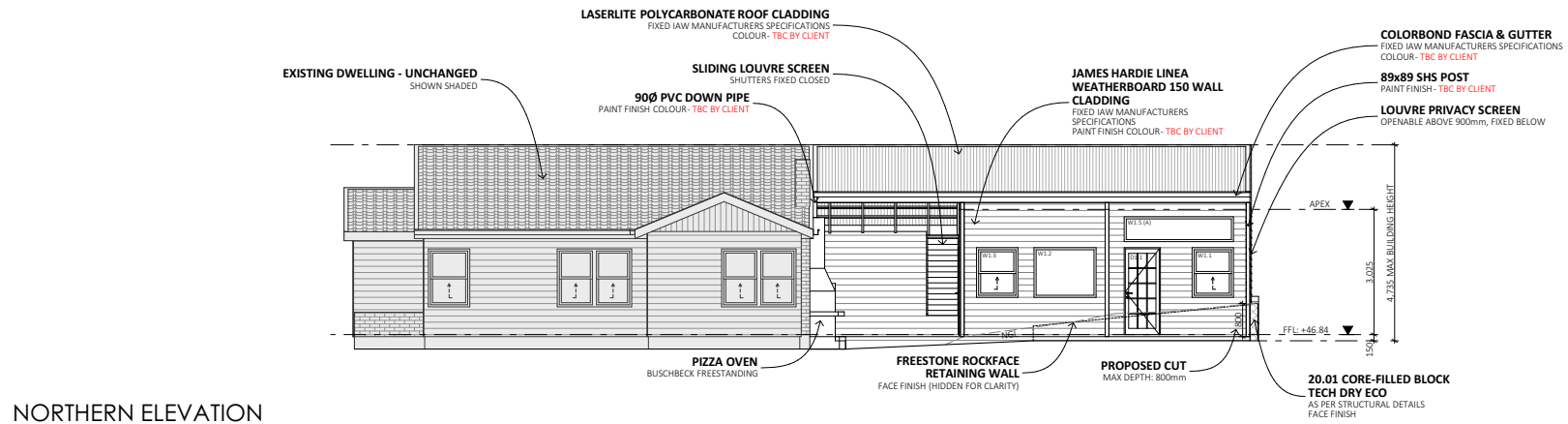
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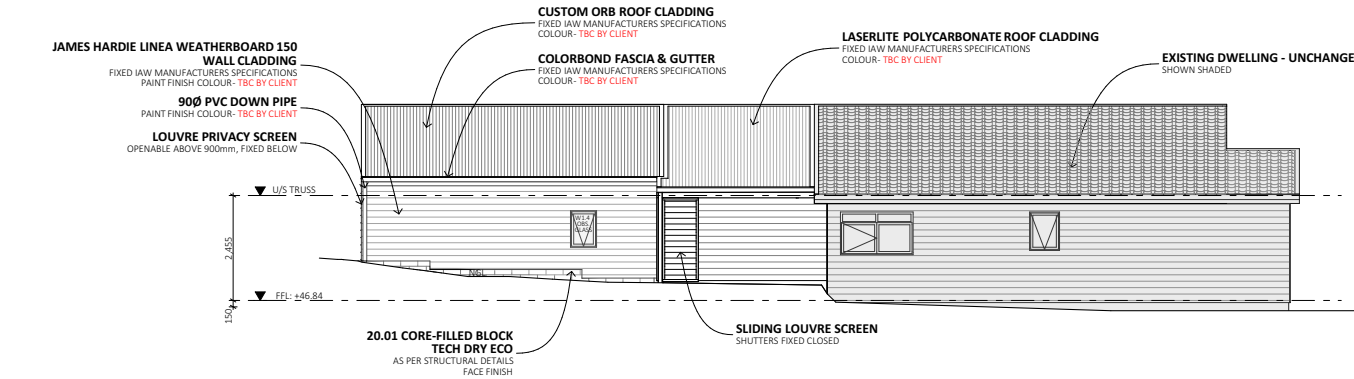
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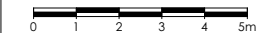
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NORTHERN ELEVATION



SOUTHERN ELEVATION



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DRAWING
ELEVATIONS
NTH-STH - LOT 1

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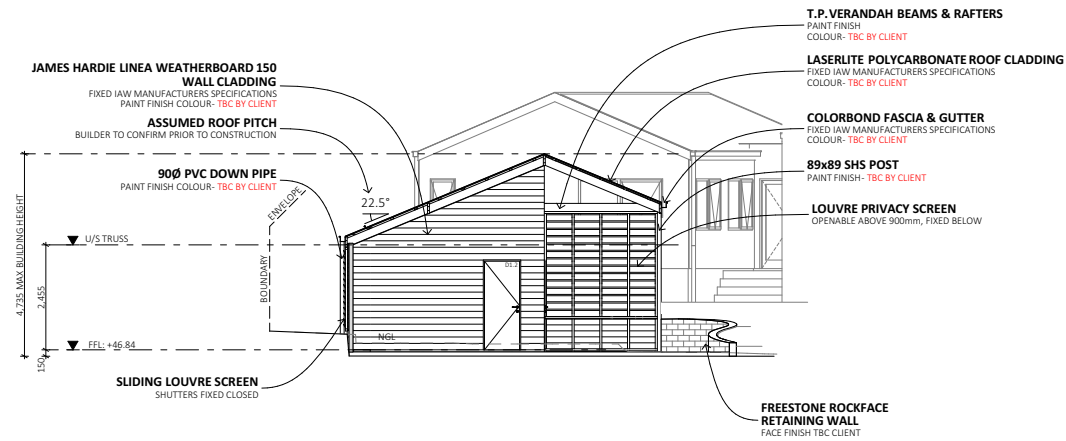
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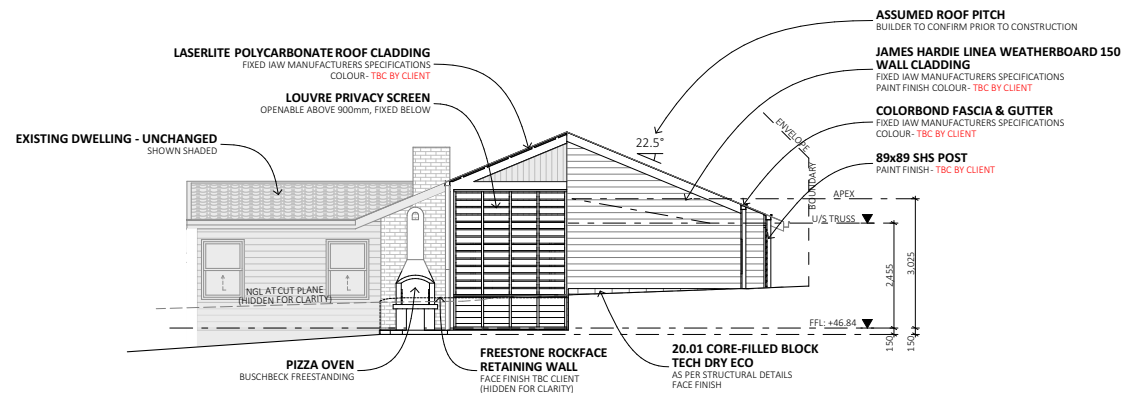
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EASTERN ELEVATION



WESTERN ELEVATION



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DRAWING
ELEVATIONS
EST-WST - LOT 1

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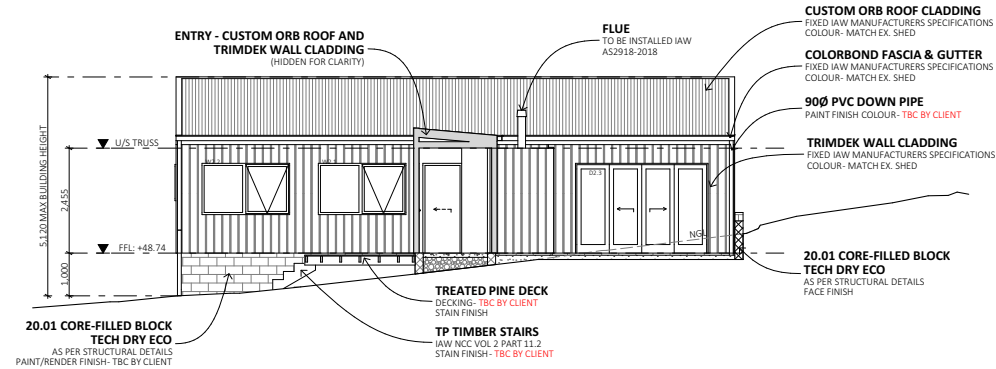
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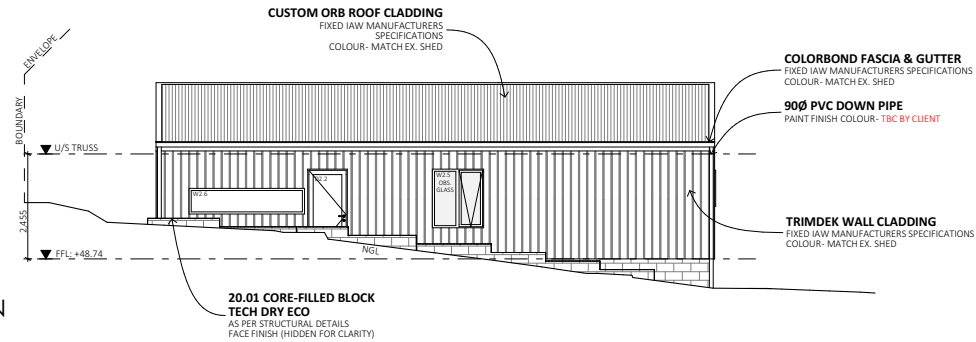
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NORTH EASTERN ELEVATION



SOUTH WESTERN ELEVATION



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DRAWING
ELEVATIONS NE-
SW - LOT 2

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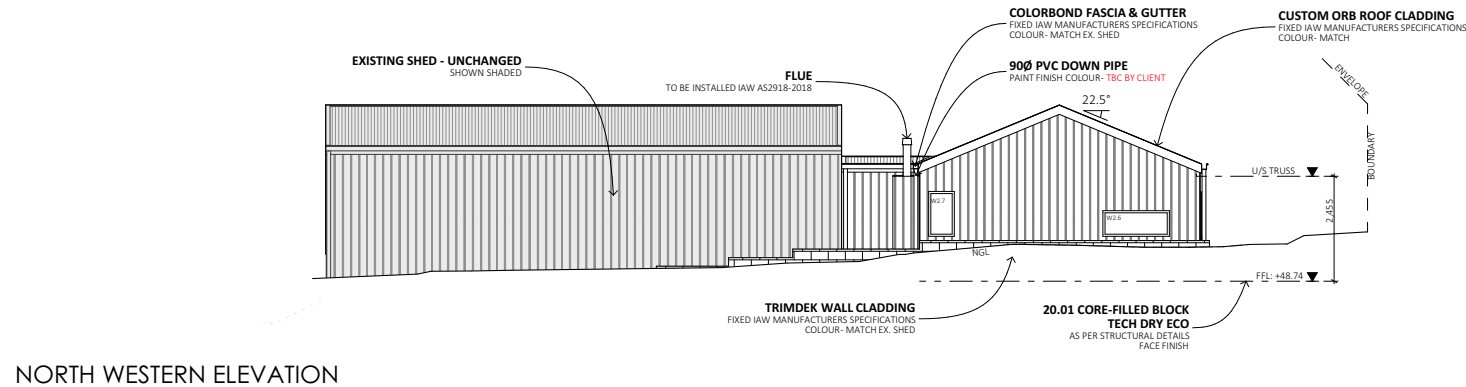
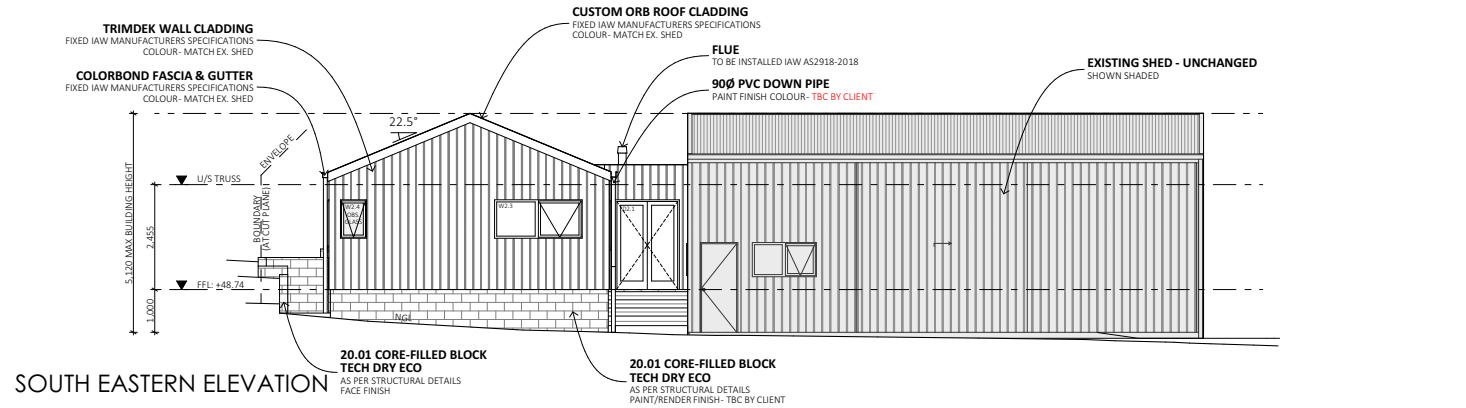
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BROUARD, SONJA & YVES
SITE ADDRESS:
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DRAWING
ELEVATIONS SE-
NW - LOT 2

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PERSPECTIVES
LOT 1

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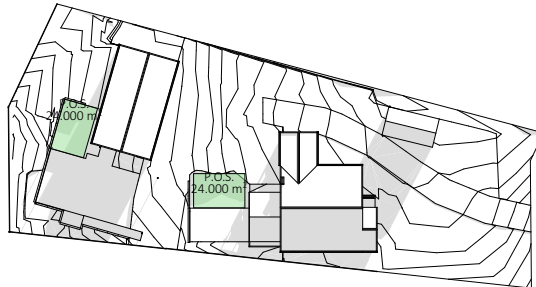
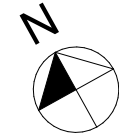
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R2	08/10/2025	FOR D.A.			
R3	22/10/2025	FOR F.I.R.	CHECKED	M.L.	SCALE (@A3) NTS

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

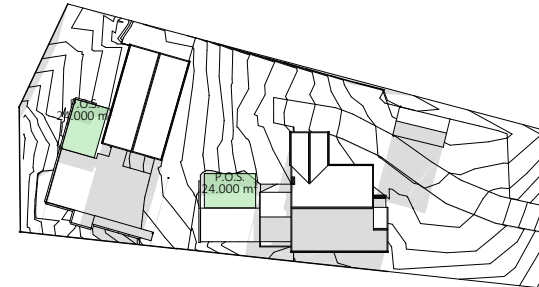


	ACC # 371799313 ABN. 71 615 812 747 PH. 6344 7319 E. info@designtolive.com.au W. designtolive.com.au		CLIENT/S: ADAMSON, CHERYL & STEVE. BROUARD, SONJA & YVES		SITE ADDRESS: 24 POMONA ROAD, RIVERSIDE, 7250.		DRAWING PERSPECTIVES LOT 2		I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.		SIGNATURE: SIGNATURE:		DATE: DATE:		COPYRIGHT: This is the sole property of Design To Live, and may not be used in whole, or in part without written or formal consent from Design To Live. Legal action will be taken against any person/s infringing the copyright.		REV. R1 R2 R3	DATE 29/07/2025 08/10/2025 22/10/2025	DESCRIPTION FOR REVIEW FOR D.A. FOR F.I.R.	DESIGNER J.L. J.L. M.L.	JOB NUMBER PMNR24 DRAWING SCALE (@A3)	PMNR24 19/21 NTS

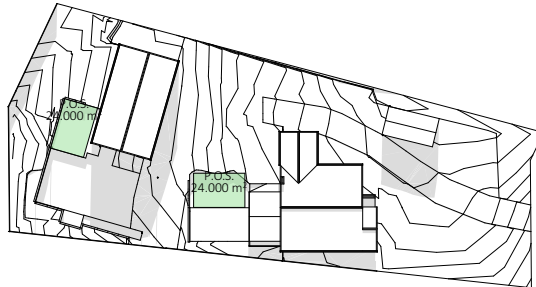
ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



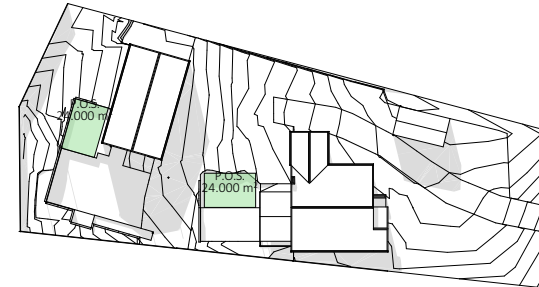
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10AM



11AM



12PM

SHADOW DIAGRAMS SHOWN AT WINTER SOLSTICE



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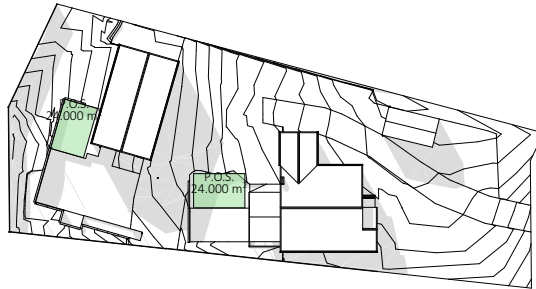
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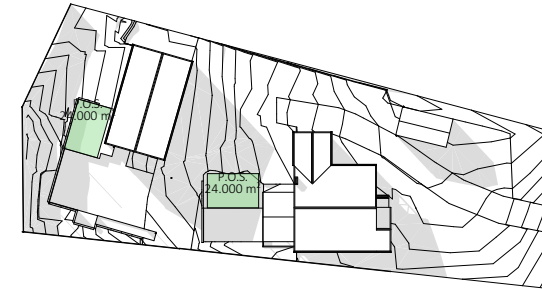
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R1	29/07/2025	FOR REVIEW				
R2	08/10/2025	FOR D.A.	DRAWN	J.L.	DRAWING	20/21
R3	22/10/2025	FOR F.I.R.	CHECKED	M.L.	SCALE (@A3)	1:500

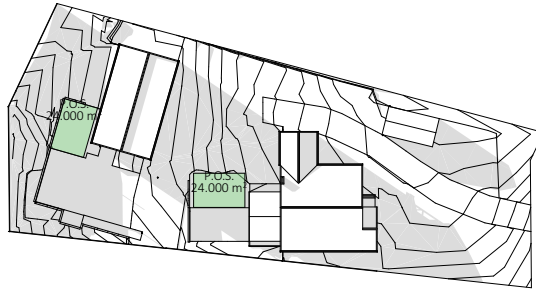
ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



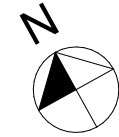
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3PM



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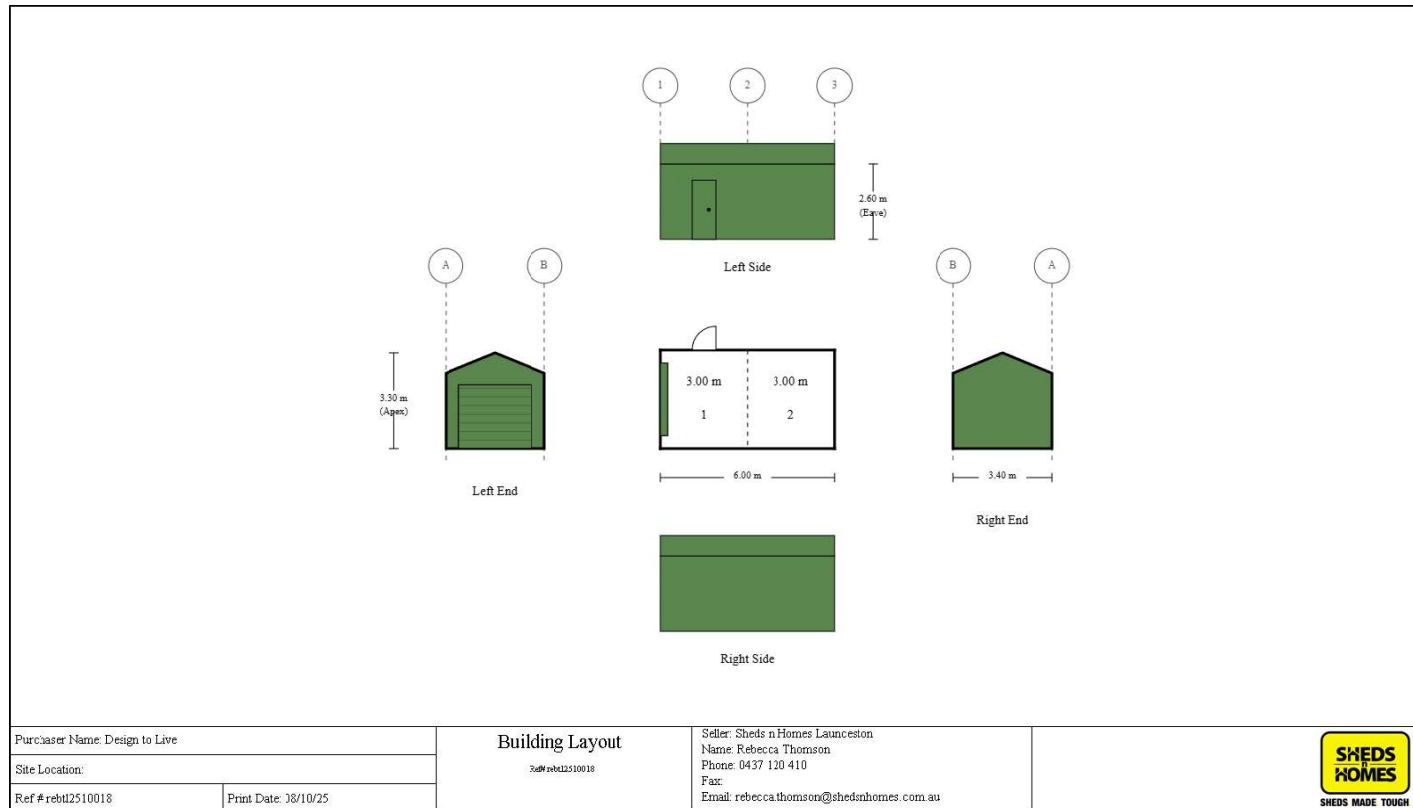
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REV.	DATE	DESCRIPTION	DESIGNER	J.L.	JOB NUMBER	PMNR24
R1	29/07/2025	FOR REVIEW				
R2	08/10/2025	FOR D.A.	DRAWN	J.L.	DRAWING	21/21
R3	22/10/2025	FOR F.I.R.	CHECKED	M.L.	SCALE (@A3)	1:500

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 CEO 1 - Council Workshops held in December 2025 and January 2026

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 15 January 2026

ATTACHMENTS: Nil

SUMMARY

The purpose of this report is to provide a record of workshops held in accordance with the requirements of Regulation 10(3)(c) of the *Local Government (Meeting Procedures) Regulations 2025*.

DATE AND PURPOSE OF WORKSHOP HELD

16 December 2025 – Pre-meeting Workshop (half day)

Present: Mayor Cr Christina Holmdahl
Deputy Mayor Cr Rick Shegog
Cr Joy Allen
Cr Lynden Ferguson
Cr Richard Ireland
Cr Caroline Lerner
Cr Geoff Lyons
Cr Josh Manticas
Cr Julie Sladden

Apologies: Nil

In Attendance: Kristen Desmond – Chief Executive Officer
David Gregory – Director Corporate & Community
Dino De Paoli – Director Community Assets
Richard Heyward – Director People, Culture & Safety
Michelle Riley – Director Planning & Development
Simon Tennant – Communications & Engagement Manager
Kathryn Prince – Personal Assistant to the CEO & Mayor
Eleanor Moore – Executive Assistant to the CEO

Presenter: Chris Griffin – CEO, Northern Tasmania Development Corporation (NTDC)
Jarred Moore – General Manager Planning and Development, TasPorts
Mark Cooper – Manager Development Projects, TasPorts

Topics Discussed:

- Briefing from NTDC
- Potential sale of public land
- Agenda Review
- Briefing from TasPorts regarding Bell Bay Port

13 January 2026 – Interim Workshop (full day)

- Present:** Mayor Cr Christina Holmdahl
Deputy Mayor Cr Rick Shegog
Cr Joy Allen
Cr Lynden Ferguson
Cr Richard Ireland
Cr Caroline Lerner
Cr Geoff Lyons
Cr Josh Manticas
Cr Julie Sladden
- Apologies:** Richard Heyward – Director People, Culture & Safety
Dino De Paoli – Director Community Assets
- In Attendance:** Kristen Desmond – Chief Executive Officer
David Gregory – Director Corporate & Community
Michelle Riley – Director Planning & Development
Simon Tennant - Communications & Engagement Manager
Eleanor Moore – Executive Assistant to the CEO
Kathryn Prince – Personal Assistant to the CEO & Mayor
Krstyna Ennis – Team Leader – Planning
Fraser Nuttall – Team Leader – Project Delivery
Alicia Perry – Tourism & Economic Development Officer
- Presenter:** Dr Selvi Kannan – Senior Academic & Lead Industry & Community Partnerships - University of Tasmania
Carl Cooper – Tamar Valley Business Association
Gavin Gordon – Tamar Valley Business Association
Melissa Redman – Tamar Valley Business Association

Topics Discussed:

- Northern Tasmania Regional Strategic Directions
- Updated Code for Tenders and Contracts and Procurement Policy
- Review of Financial Hardship Assistance Policy
- Exeter Bowls Club
- Tamar Valley Business Association – Miners Park Masterplan
- Lease Renewal
- Swimming Pool Committee update
- Resident Pulse Survey
- Planning Update
- CEO Delegations
- 2025/2026 Business Grants
- NTDC Funding Agreement
- Resident Parks in Tasmania Draft Bill
- Petitions
- Other Business

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: The community is informed and engaged and receives quality customer service.

Council will:

- Keep our people and our community informed.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- Be open and transparent in how we make our decisions.
- Be accessible and responsive.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government (Meeting Procedures) Regulations 2025

RISK CONSIDERATIONS

This report is provided in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2025*, section 10(3)(c). Risk implications are therefore considered to be low.

FINANCIAL IMPACT

Nil.

CONSULTATION

Nil.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

Nil.

RECOMMENDATION

That Council receives the report on Council Workshops held on 16 December 2025 and 13 January 2026.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

8.2 CEO 2 - Frankford Soldiers Memorial Hall - Special Committee Formation Proposal

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 15 January 2026

ATTACHMENTS: Nil

SUMMARY

The purpose of this report is to put forward a proposal for endorsement by Council to form a Special Committee of Council under Section 24 of the *Local Government Act 1993* for managing the day-to-day operations of the Frankford Soldiers Memorial Hall (**Frankford Soldiers Memorial Hall Committee**).

BACKGROUND

West Tamar Council encourages members of the public to join Special Committees in order to oversee the running and booking of the various Halls throughout the municipality. Frankford Soldiers Memorial Hall does not currently have a Frankford Soldiers Memorial Hall Committee established. A recent survey conducted in the Frankford community has shown community interest in the establishment of a Frankford Soldiers Memorial Hall Committee.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.1 Our Community

Goal: To maintain an engaged and active community where partnerships are established and needs are identified and Council assists in achieving sustainable outcomes.

Objective: Council and the community work together building creative, innovative and resilient communities where people feel able and encouraged to participate.

Council will:

- Inform, consult and engage with the community to promote participation.
- Work in collaboration with its community.

3.1 Our Community

Goal: To maintain an engaged and active community where partnerships are established, needs are identified and Council assists in achieving sustainable outcomes.

Objective: Residents enjoy a safe equitable and inclusive and sustainable lifestyle.

Council will:

- Foster an inclusive, engaged and active community through all its activities.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- Be accessible and responsive.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

RISK CONSIDERATIONS

The risk is considered low.

FINANCIAL IMPACT

This will be determined if Council decides to form a Frankford Soldiers Memorial Hall Committee.

CONSULTATION

Consultation with Councillors occurred at the Pre-Meeting Workshop on 16 December 2025.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

Section 24 of the *Local Government Act 1993* states:

- (1) *A council may establish, on such terms and for such purposes as it thinks fit, special committees.*
- (2) *A special committee consists of such persons appointed by the Council as the council thinks appropriate.*
- (3) *The council is to determine the procedures relating to meetings of a special committee.*

Council Officers are supportive of the formation of a Frankford Soldiers Memorial Hall Committee to oversee the day-to-day operations of the Frankford Soldiers Memorial Hall. The first step in the establishment of this Committee is for Council to approve the drafting of Terms of Reference for the Frankford Soldiers Memorial Hall Committee by Council Officers.

Once drafted Council would need to endorse these Terms of Reference before a Frankford Soldiers Memorial Hall Committee can be formed.

RECOMMENDATION

That Council:

1. Authorises Council Officers to prepare Terms of Reference for a Frankford Soldiers Memorial Hall Committee for review and endorsement by Council at a future Ordinary Council Meeting.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

8.3 CEO 3 - Submission on Residential Parks Bill 2026 Consultation Draft Legislation

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond
Director Planning & Development - Michelle Riley

REPORT DATE: 14 January 2026

ATTACHMENTS: 1. [8.3.1] Submission Residential Parks Bill West Tamar Council

SUMMARY

The purpose of this report is to provide Council with a draft submission in relation to the *Residential Parks Bill 2026 Consultation Draft* for endorsement.

BACKGROUND

During the 2025 election, the Government committed to introduce legislation within the first 200 days to “provide clear legal rights and protections for long-term caravan park residents”.

The *Residential Parks Bill 2026* (the Bill) was released in December 2025 for consultation.

Submissions are due by midnight, 8 February 2026.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Undertake long term planning for sustainable development, including local area plans.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- As a leader in local government, seek to influence decisions affecting our community.
- Continue to engage positively with our sector and the State Government to shape local government reform.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

Building Act 2016

RISK CONSIDERATIONS

The risks associated with making a submission are considered low.

FINANCIAL IMPACT

Nil.

CONSULTATION

Consultation with Councillors occurred at the Interim Workshop held on 13 January 2026.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

The draft Bill largely addresses tenant and Park operators obligations and rights. The Transitional Arrangements in Schedule 1 of the Bill provide for the Minister to exclude the operation of all or specified parts of the Land Use Planning and Approvals Act 1993 and the Building Act 2016. These unknown exclusions have the potential to impact how Council exercises its power as a Planning Authority and as Permit Authority. The draft submission included in Attachment 1 makes recommendations about these matters.

RECOMMENDATION

That Council:

1. Endorse the attached draft submission;
2. Authorise the Chief Executive Officer to sign the submission and submit to the Department of Justice.

DECISION

Moved:

Seconded:

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



VOTING

For:

Against:

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026



Our Ref:

Enquiries: Office of the CEO
Phone : (03) 6323 9300

Date

Department of Justice
Office of the Secretary
GPO Box 825
Hobart TAS 7001

Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
p. 03 6323 9300
f. 03 6323 9349
wtc.tas.gov.au

By email: haveyoursay@justice.tas.gov.au

Dear Ms Bourne

Submission – Residential Parks Bill

Thank you for the opportunity to provide input into the draft Residential Parks Bill (**the Bill**).

Council welcomes the reforms to provide certainty to Caravan Park owners and residents in relation to their rights and obligations.

It is noted that this Bill does not address the regulatory issues faced by Councils when permanent residents reside at a Caravan Park in contravention of the *Land Use Planning and Approvals Act 1993* (**Planning Act**). As regulators under the Planning Act and *Building Act 2016* (**Building Act**) Council is obliged to take regulatory action when its investigations show that a Caravan Park or structure within a Caravan Park do not meet the relevant legislative requirements. Whilst the Bill enshrines rights and obligations between Caravan Park owners and long terms residents, it in no way deals with the regulatory issues faced by Councils under either the Planning Act or the Building Act.

Transitional Arrangements

Council is most concerned with how the Bill proposes to address the issue of compliance with the Planning Act and the Building Act.

Schedule 1 - Transitional Provisions states that regulations may be made that 'exclude the operation of all or specified parts of the Building Act 2016, or the Land Use Planning and Approvals Act 1993'. How these transitional provisions are enacted through Regulations is critical to Councils regulatory obligations and at this time it is unclear how or what parts of the Acts will be affected.



ORDINARY COUNCIL MEETING Tuesday 20 January 2026

The Bill states that any exclusion to Planning or Building laws will only be for a maximum of five years. If Caravan Park owners do not then use this time to bring their Caravan Parks back into compliance with Planning or Building laws, Council will be compelled to ensure it meets its obligations as Planning Authority and Permit Authority in enforcing compliance with the Acts. This leaves Council with the same options as it currently has, potentially leaving permanent residents in a Caravan Park that is not compliant with Planning and Building laws without certainty once more.

Council recommends that the following be considered in finalising the Bill and determining how the Regulations will apply:

- The transitional changes should not apply to new use or development and any grace period for compliance with either Act only applies to use and development at the commencement of the Act. That is, the transitional arrangements should not authorise additional unlawful use or development.
- Any exclusions should not allow the continued marketing or leasing of sites for permanent residential use to new tenants until such time as the use and structures meet the requirements of the Planning Act and Building Act, or should at the least include a clear caveat with regard to the time limit on the exclusion for prospective tenants.
- Any exclusions should consider environmental, health and safety implications for residents and the general community.
- Any implied or direct obligation or opportunity to gain appropriate approvals to lawfully use Caravan Parks for permanent residential use should be an obligation solely on the landowner. The initiation of any rezoning should not be an obligation placed on a Council.
- The timeframe for occupation of a site is not the only consideration as to whether a residential use under the planning scheme is occurring. In Tasmania, it is not uncommon for sites in caravan parks to be leased exclusively for long periods, but still only be used as visitor accommodation. Whether a site at a Caravan Park is being used as a resident's primary place of residence should be included as a determinate of whether a caravan site is being used for residential purposes.
- Given the nature of many of the structures used for residential purposes in Caravan Parks, we believe that there may be no reasonable pathway to gain compliance with the Building Act.

Other matters

Council has noted that the Bill does not appear to include a mechanism for the lodgement of bonds with a state authority such as MyBond. It is recommended that this process be incorporated into the Act to provide security for Caravan Park owners and residents similar to that afforded through the *Residential Tenancies Act 1997* for lodging, claiming or disputing the return of a bond.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

The definition of 'Dwelling' included in the Bill has potential to cause confusion when comparing to the definitions in the Planning Act and the Building Act. While the Building Act refers to 'structures' or 'buildings' its specifically excludes caravans as being vehicles, whereas the Bill defines a dwelling as:

dwelling includes –

- (a) a structure, whether fixed or moveable, that is designed to be used, and is capable of being used, for human habitation; and*
- (b) a motor vehicle, or trailer, within the meaning of the Vehicle and Traffic Act 1999, that is designed to be used and is capable of being used for human habitation; and*
- (c) part of such a structure, motor vehicle or trailer;*

I welcome the opportunity to assist the government is refining these aspects of the legislation and in the development of the Regulations.

If you would like to discuss this matter further, please contact me on 6323 9300 or via email at wtc@wtc.tas.gov.au.

Yours faithfully

Kristen Desmond
CHIEF EXECUTIVE OFFICER

8.4 CEO 4 - Renewal of Northern Tasmania Development Corporation Funding Agreement for 2026-2029

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 15 January 2026

ATTACHMENTS: 1. [8.4.1] NTDC Members Agreement - 2026-2029

SUMMARY

The purpose of this report is to seek Council's endorsement of the updated Northern Tasmania Development Corporation (**NTDC**) Members Agreement for the period 2026-2029.

BACKGROUND

The Northern Tasmania Development Corporation is funded by Council Members to facilitate significant improvement in prosperity in North and North-East Tasmania. The member councils are as follows: West Tamar, George Town, City of Launceston, Northern Midlands, Meander Valley, Flinders Island, Break O'Day and Dorset (**Members**).

The councils of the Northern region engage in a significant level of regional collaboration, particularly in the areas of land use planning, waste management, natural resource management, tourism, community planning, and economic development. NTDC provides an effective means of achieving regional collaboration in respect to economic development and there is little doubt that the region would be impacted economically if the councils did not engage and collaborate in an effective manner, particularly in respect to the identification of regional priorities for election advocacy.

The Members value the role that NTDC can play for the region, and their expectations of the organisation are as follows:

1. Be the single voice for the region (representing collaborations of council);
2. To realise opportunities for financial and social prosperity;
3. To drive success focused on Northern Tasmania;
4. To facilitate outcomes that benefit the region;
5. To be the voice for local government in the region; and
6. To tap into expertise.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- As a leader in local government, seek to influence decisions affecting our community.
- Be accessible and responsive.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is financially sustainable.

Council will:

- Manage our finances in a responsible manner and deliver value for our community.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

Northern Tasmania Development Corporation Limited Members Agreement 2023-2026

RISK CONSIDERATIONS

For the NTDC to be well regarded as a regional economic body, it needs board membership. If the Members Agreement is not endorsed, the risk of NTDC not being able to deliver regional priorities is high. Overall risk to Council should it enter into a further partnership agreement with NTDC is considered low.

FINANCIAL IMPACT

Under the terms of the attached Members Agreement, Members expressly agree to each pay an annual subscription fee to NTDC set by the Board in each financial year of operation of the NTDC. The Members agree that the annual subscription fee that each Member is required to contribute to NTDC is to be calculated in accordance with the following formula, as set out in Clause 8.3 of the Members Agreement.

Total annual membership fee for the financial year 2026/2027 of \$104,108.00. This membership fee would increase each year by CPI for the life of the agreement.

CONSULTATION

Consultation with Councillors occurred at the Pre-Meeting Workshop held on 16 December 2025 during a presentation by the Chief Executive Officer of NTDC.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

NTDC has undertaken a review of the current Members' Agreement terms to ensure they are fit for purpose and contemporary to the current context.

As a result, the attached Members Agreement for 2026-2029 incorporates updates including:

1. Closer alignment with NTDC Constitution across the funding agreement
2. Revision of funding model calculations
3. Inclusion of a Deed of Accession to allow for new members to enter into the agreement without all members having to re-sign the document
4. General revisions to the Agreement clauses to remove ambiguity or confusion.

RECOMMENDATION

That Council:

1. Endorses the revised Northern Tasmania Development Corporate Funding Agreement for 2026-2029; and
2. Authorises the Mayor and the Chief Executive Officer to execute the Northern Tasmania Development Corporation Members Agreement 2026-2029.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Northern Tasmania Development Corporation Limited

ACN 616 650 367

Members Agreement 2026-2029

Based on the 2017 Previous Member's Agreement by Levi and Stacey.

Revised for the 2020-2023 Agreement

Revised for the 2023-2026 Agreement (including consolidation with Constitution)

Revised for the 2026-2029 Agreement

ORDINARY COUNCIL MEETING

Tuesday 20 January 2026

Northern Tasmania Development Corporation Limited
Members Agreement V4.0 13102025

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Northern Tasmania Development Corporation Limited
Members Agreement V4.0 13102025

Schedule of Particulars

- | | |
|-----------------------------|--|
| 1. Date of Agreement | The xxx day of xxx 2025 |
| 2. The Company | Northern Tasmania Development Corporation
Limited also trading as NTDC Limited
("the Company") |
| 3. Members | As set out in the register of Members

("the Members") |
| 4. Registered Office | Level 1, 175-177 Charles Street,

Launceston in Tasmania |
| 5. Sunset Period | Three (3) years |

End of Schedule of Particulars

ORDINARY COUNCIL MEETING Tuesday 20 January 2026

Northern Tasmania Development Corporation Limited
Members Agreement V4.0 13102025

This Members Agreement is made on the date set out at **Item 1** of the Schedule of Particulars.

Between The Company set out at **Item 2** of the Schedule of Particulars

And The Members set out at **Item 3** of the Schedule of Particulars

Background

- A. The Company is a properly constituted company limited by guarantee.
- B. Historically, the Company had previously existed as a not-for-profit company but was converted to an incorporated association in 2012¹. However, upon the recommendation of Bill Fox & Associates, the shareholders of the Company in its prior form agreed to adopt a recommendation to convert to a company limited by guarantee in 2017.
- C. As at the date of this Agreement, the Members set out at **Item 2** of the Schedule of Particulars are:
 - 1. all of the Members of the Company; and
 - 2. all bound by guarantee to contribute the Guarantee Amount, set out in the Company Constitution, to the Company on a winding up.
- D. The Members have agreed to enter into this Members Agreement ("the Agreement") to more fully regulate their legal, commercial and business relationships as members of the Company.
- E. The corporate entity of the Company is also joined in to this Agreement in order to take notice of the provisions contained in this Agreement and as far as is permitted by the Corporations Law and Company's constituent documents, to conduct the affairs and business of the Company as contemplated by the provisions of this Agreement.
- F. The Members have agreed that the Company needs to source more funds from outside Member Fees.

¹ Bill Fox & Associates, 2016, *Review of Regional Bodies in Northern Tasmania* Final Report, p6.

Agreement

1. Definitions and Interpretation

1.1. Unless there is something in the subject or context inconsistent the following meanings apply in this Agreement:

- (a)** "Agreement" means this Members Agreement and all of the Background, Parts, terms, clauses, schedules, annexures, tables or exhibits to it, as amended by the parties from time to time;
- (b)** "Assets" means all of the assets, property (real and personal) and choses in action of the Company;
- (c)** "Background" means the part of this Agreement that follows the heading of that name, and enumerated by letters rather than numbers;
- (d)** "Company" means the Company set out in **Item 2** of the Schedule of Particulars and includes the officers, servants, agents, attorneys and permitted assigns of the Company;
- (e)** "Confidential Information" means and includes:
 - (i)** any information concerning the Company, its methods of operation, strategic direction, marketing and other activities;
 - (ii)** financial information concerning the Company and its related activities;
 - (iii)** specialised or corporate documentation produced by the Company; and
 - (iv)** specialised of corporate documentation produced by entities associated with the Company which information, whether in the nature of trade secrets or otherwise, is not in the public domain;
- (f)** "Constituent Documents" means:
 - (i)** this Agreement;
 - (ii)** the Company Constitution of the Company;
 - (iii)** any by-laws created by the Company under the Company Constitution; and

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- (iv) any other document deemed to be a Constituent Document by the Company;
- (g) "Corporations Law" means the Corporations Act 2001 (Cth) as amended from time to time;
- (h) "Director" means a Director of the Company;
- (i) "Division 7A" means Division 7A of the Income Tax Assessment Act 1997 in respect of inter-entity and related-party loans;
- (j) "Intellectual Property" has the following extended meaning:
 - (i) the Company's name and all unregistered trading names used by the Company;
 - (ii) all copyright, moral rights, trademarks (registered and unregistered), designs (registered and unregistered) of the Company;
 - (iii) all of the documents, forms, processes, know-how, systems, of any description of the Company;
 - (iv) all domain names, telephone numbers and email addresses used in the Company; and
 - (v) all hard copy images used in yellow pages and other advertising, if any, of the Company;
- (k) "Member" has the same meaning as in the Constitution and includes:
 - (i) in the case of a natural person or persons, the respective heirs, personal legal representatives and permitted assigns of that person or persons;
 - (ii) in the case of a corporation or trust entity, the officers, servants, agents, attorneys and permitted assigns of that entity;
 - (iii) in the case of any other body, however it is constituted, the officers, servants, agents, attorneys and permitted assigns of that body; and
- (l) "Part" means a reference to the relevant Part of this Agreement.

If any other term is used in this Agreement, which is not a defined term, but which is a defined term in the Company Constitution, the meaning of that term

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in the Company Constitution must be attributed to that term in this Agreement, as if that term was expressly defined, on the same terms, in this Agreement.

1.2. Unless there is something in the subject or context that is inconsistent the following provisions apply in this Agreement:

- (a)** any covenants implied by law (statutory or otherwise) are not negated but are deemed, to the extent of any inconsistency with the provisions of this Agreement, to be modified (where modification is permitted);
- (b)** where two (2) or more persons are named as a party to this Agreement the terms, covenants, conditions, provisions, stipulations and restrictions contained in this Agreement bind each of them jointly and severally and benefit each of them jointly and severally;
- (c)** if any term, covenant, condition, provision, stipulation or restriction contained in this Agreement is or becomes illegal or unenforceable, then this Agreement must be read and construed as if that term, covenant, condition, provision, stipulation or restriction, as the case may be had been severed and the balance of this Agreement remains in full force and effect;
- (d)** a reference to any document or instrument (and, where applicable, to any of its provisions) is a reference to that document or instrument as amended, novated, supplemented or replaced from time to time;
- (e)** a reference to a right includes a benefit, remedy, discretion, authority or power;
- (f)** a reference to the whole of property or a thing includes part of that property or thing unless stated otherwise;
- (g)** a reference to a statute, code or other law includes regulations and other instruments under it, and consolidations, amendments, re-enactments or replacements of any of them occurring at any time before or after the date of the Agreement;
- (h)** where any expression is defined, any other part of speech or grammatical form of that expression has a corresponding meaning;
- (i)** where the word “including” is used, that use does not limit or exclude in any way unless the context requires otherwise;

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- (j) words importing the singular include the plural and vice versa;
- (k) words importing the masculine gender include the feminine and a corporation and vice versa;
- (l) words importing persons include a firm, a body corporate, an unincorporated association or an authority and vice versa;
- (m) headings are inserted for guidance only and are not deemed to form part of the provisions of this Agreement and must not be used for the purpose of construction;
- (n) the first letters of words and expressions defined in this document are indicated by capital letters for convenience and the absence of a capital letter alone does not imply the word or phrase is used with a meaning different from that given by its definition;
- (o) a reference to “dollar” or “\$” is a reference to the lawful currency of Australia;
- (p) a reference to a time or date affecting the performance of an obligation by a party is a reference to the time and date in Tasmania, even though the obligation is to be or may be performed elsewhere;
- (q) where the day on or by which anything is to be done is a Saturday, a Sunday or a public holiday in the place in which that thing is to be done then that thing must be done on or by the next succeeding business day;
- (r) if a period of time is expressed to be calculated from or after a specified day, that day is not included in the period;
- (s) a provision of this Agreement must not be construed to the disadvantage of a party merely because that party was responsible for the preparation of this Agreement or the inclusion of the provision in this Agreement; and
- (t) a reference to a person who is an “associate” of another person is a reference to a person who is an associate of that other person within the meaning of Part 1.2 of Division 2 of the Corporations Law.

2. Acknowledgments

2.1. The parties acknowledge that the Background of this Agreement sets out a true, accurate and complete representation of the commercial relationship

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between the parties and the circumstances surrounding the execution of this Agreement.

2.2. Each party separately acknowledges for the benefit of each other party that:

- a)** they have entered into this Agreement after mature consideration, reflection, and exercise of independent judgment;
- b)** they have read and understood the provisions of this Agreement and that the provisions are just, equitable, fair, reasonable and satisfactory to them;
- c)** they have entered into this Agreement of their own free will and volition and that no coercion, force, or undue influence has been used in the execution of this Agreement either by the other party or by any other person or persons;
- d)** they have either obtained independent legal advice, or are aware of their right to do so, and have chosen not to do so; and
- e)** they have not relied upon any representation or promise in entering into this Agreement except for those expressly stated in this Agreement.

2.3. The parties expressly acknowledge and agree that if there is any inconsistency, discrepancy or conflict that arises in respect of the interpretation or application of any of the Constituent Documents, the order of priority of the documents to the extent of that inconsistency, discrepancy or conflict is as follows:

- a)** the provisions of the Company Constitution take priority over all other subordinate Constituent Documents;
- b)** the provisions of this Agreement take next priority over all other subsequent subordinate Constituent Documents;
- c)** the provisions of any by-laws created by the Directors take next priority over all other subsequent subordinate Constituent Documents; and
- d)** any other document deemed by the parties to be a Constituent Document takes last priority.

2.4. The Members agree that they must ensure that any amendment to the Company Constitution does not result in any inconsistency with this

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Agreement, does not operate to invalidate any provision of this Agreement or place a Member in breach of its obligations under this Agreement.

2.5. The Board, on behalf of the Company, and the current Members acknowledge that Flinders Council is entitled to be readmitted as an Initial Member of The Company. If, at any time Flinders Council, resolves to become a Member of The Company, the Board must admit Flinders Council as a Member. Subject to the terms of the Company Constitution, this Agreement, and any other constituent document of the Company, Flinders Council is deemed to be an Initial Member of the Company and will enjoy all of the rights and privileges of being an Initial Member, albeit from the date that it is registered in the register of Members.

3. Purpose and Objectives

3.1. The parties agree to carry on the Company with the common purpose of achieving the primary objectives set out in **clause 3.2**.

3.2. The primary objectives of the Company are as set out in **clause 1.8** of the Company Constitution, being

- (a) provide pro-active, engaged and strategic regional economic leadership;
- (b) consolidate an agreed vision for the development, sustainability and prosperity of the geographic region that the Organisation's Members encompass;
- (c) implement a strategic economic action plan based on the Northern Regional Futures Plan framework or similar; and
- (d) to provide effective representation and advocacy to State and Federal Government and other stakeholders.

3.3. The Members expressly acknowledge that the Company is:

- (a) a not-for-profit enterprise, with funding coming primarily from annual subscription fees paid by the Members;
- (b) is not, and is not intended to be, a charity, as defined or administered by the Australian Charities and Not-For-Profits Commission; and
- (c) not a tax-exempt entity for the purposes of the *Income Tax Assessment Acts 1936 and 1997*, but it is contemplated that the Company may seek

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tax-exempt status in the future if that is considered necessary and prudent at the time.

4. Corporate Governance – Size and Role of Board

4.1. The parties agree that the governance structure of NTDC Limited is a Board of Directors comprising not less than three (3) and not more than nine (9) Directors (“the Board”) but the parties agree that the optimal size of the Board is seven (7) Directors.

4.2. The following governance principles outline the strategic function of the Board:

- (a)** Principle 1 – the Board plays a key role in approving the vision, purpose and strategies of The Company. The Board must act in the best interests of the Company and is accountable to the Members as a whole;
- (b)** Principle 2 – the Board sets the cultural and ethical tone for the Company. This includes the ‘how’ of undertaking the work of the Company by being an exemplar of contemporary best practice and collaboration throughout the region;
- (c)** Principle 3 – all Directors are responsible to exercise independent judgment and provide independent oversight of management of the Company;
- (d)** Principle 4 – the Board should comprise an appropriate number of Directors for the size and scale of the Company, with a relevant and diverse range of skills, expertise, experience and background and who are able to effectively understand the Company’s business and regional context.
- (e)** Principle 5 – the Board should have an appropriate system of risk oversight and internal controls put in place;
- (f)** Principle 6 – Directors should act diligently on an appropriately informed basis and have access to accurate, relevant and timely information;
- (g)** Principle 7 – the Board would normally delegate certain functions to management. Where it does so, there should be a clear statement and understanding as to the functions that have been delegated;

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- (h) Principle 8 – the Board is responsible for the appointment of the CEO and the continuing evaluation of the CEO’s performance;
- (i) Principle 9 – the Board should ensure that the Company communicates with Members and other shareholders in a regular and timely manner. The Board and management will respect the rights of Members and will not speak publicly against any Member; and
- (j) Principle 10 – the Board’s performance (including the performance of the Chair, the individual Directors and the Board’s subcommittees) needs to be regularly assessed and appropriate actions taken to address any issues identified.

4.3. All other mechanics as to the operation of the Board are outlined in the Company Constitution, and certain Board Policies.

5. Corporate Governance – Member Representative Group

- 5.1. Each Member must nominate one representative who will represent that Member on the Member Representative Group.
- 5.2. In relation to each Member, the elected Mayor for the time being, is automatically that Member’s nominated representative for all purposes of the Company, but any Member may nominate an alternative representative in accordance with **clause 6.1** of the Company Constitution
- 5.3. Members of the Member Representative Group must be ready, willing and able to do all of the following:
 - (a) Attend meetings of the Member Representative Group, being at least Quarterly unless otherwise agreed with the Company;
 - (b) Use their influence with their appointing Member to:
 - (i) Promote the activities and success of the Company;
 - (ii) Facilitate reasonable access to Councillors, Mayor and General Manager of the Member, including twice yearly presentations by the Company to the Member’s Council; and
 - (iii) Use their best efforts to assist the Company to communicate the Company’s Annual Plans, Operational Plans, Budgets and Quarterly reports;

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- (c) Be an active member of the Board Selection Committee of the Company if so nominated by the Member Representative Group;
- (d) Be an active member of the Chair Selection Committee if so nominated by the Member Representative Group; and
- (e) Support the Company Secretary as requested in the event of a concern or grievance in accordance with **clause 14.4** of the Company Constitution.

5.4. The Chair of the Company is an ex officio member of the Member Representative Group.

5.5. The Company Secretary will provide rudimentary secretariat services in accordance with **clause 15.5** of the Company Constitution.

5.6. Owing to the special nature of the relationship between the Members and the Directors of the Company, as evidenced by this Members Agreement, it is an essential provision that the Board properly consider any issue that the Member Representative Group (by simple majority request) put to the Board for consideration at the earliest possible Board meeting and that the Board provides a fulsome report back to Members in a reasonably prompt time in relation to that issue following the Board meeting at which it is considered.

6. Accountability

6.1. The Board of Directors is accountable to the Members of The Company at all times. It is important that all Directors foster a relationship of trust and confidence with the Members, in order to properly and appropriately represent the Members' interests at all times.

6.2. In addition to the material that must be considered at the AGM under the Corporations Law, the Board must supply to the Members for consideration at the AGM the following additional material, and be prepared to speak to and/or account for:

- (a) an annual report on the performance of the Company over the past relevant period as it relates to the KPIs agreed by the Members at the last AGM;
- (b) any changes to the KPIs as agreed by the Members
- (c) progress reports on all projects being undertaken by the Company at the relevant time; and

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(d) questions raised by any Member at the AGM (or must provide a written response within fourteen (14) days of the AGM if a question is taken on notice).

6.3. Any disputes will be dealt with through the dispute resolution procedures provided in **clause 2.8** of the Company Constitution.

6.4. Consistent with the nature, purpose and function of the Company, the Company will report formally to Members on a semi-annual (twice yearly) basis, based on agreed KPIs and other information of interest. The process for reporting will include:

(a) a strategic progress update by the Board;

(b) an operational progress update by the CEO;

(c) an offer of a formal presentation to Members if requested; and

(d) one of the semi-annual meetings (twice yearly) with Members will be in the lead up to the Company's annual planning process to ensure Member's feedback is considered in advance of this process.

6.5. In accordance with the Corporations Law and **clause 4.4** of the Company Constitution, the Company must hold an annual general meeting once every calendar year, within five (5) months after the end of each financial year.

6.6. A majority of Members of the Company may call a Special Meeting of the Company in accordance with **clause 4.1(b)** of the Company Constitution.

6.7. A majority of Members of the Company are entitled to appoint or remove Directors in accordance with **clause 8.5(a)** of the Company Constitution.

7. Remuneration

7.1. The Chair is entitled to be remunerated for the work done and responsibilities undertaken by the Chair in that role and in accordance with clause 9.1 of the Company Constitution. The rate set by the Company will be reviewed to CPI (All groups, Hobart, or an equivalent index) at the end of each financial year.

7.2. The Company Secretary is entitled to be remunerated for the work done and responsibilities undertaken by the Company Secretary in that role and in accordance with clause 9.1 of the Company Constitution. The rate set by the Company will be reviewed to CPI (All groups, Hobart, or an equivalent index) at the end of each financial year.

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7.3. Directors who are not the Chair nor the Company Secretary are entitled to be paid a notional fee, to be set by the Board, to attend meetings and undertake the duties and responsibilities of the Directors.

7.4. All employees of the Company, including the CEO, are entitled to be paid in accordance with the entitlements arising under the FairWork legislation and by reference to prevailing market rates for persons acting in similar positions of employment in similar organisations.

7.5. All reasonable expenses of the Chair, the Company Secretary and the Directors will be met by the Company whilst travelling or undertaking approved business on behalf of the Company.

8. Funding – Subscription Fees from Members

8.1. The Company relies on its Members to fund the Company to partly achieve its primary objectives. This includes both the:

(a) execution of the strategic plan from time to time; and

(b) day to day operations of the Company.

8.2. The Members expressly agree to each pay an annual subscription fee to the Company to be set by the Board in each financial year of operation of the Company, which subscription fee is intended to be paid:

(a) evenly by reference to the methodology for calculation of the subscription fee amounts for all Members; and

(b) unevenly, by reference to the actual dollar value amount payable by individual Members, as produced by those calculations.

8.3. The Members agree that the annual subscription fee that each Member is required to contribute to the Company is to be calculated in accordance with the following formula:

$$SF = FC + VC$$

Where:

(a) SF = the total amount of the Member's Subscription Fee for that year;

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(b) FC = the fixed component (based on the 2024-2025 financial year) calculated by application of the following bands calculated based on the population of the municipal area of each Member (figures for 2024):

(i)	Population of 0 – 5,000 people	\$5,542.00
(ii)	Population of 5,001 – 10,000 people	\$11,085.00
(iii)	Population of 10,001+ people	\$22,170.00

The FC component is indexed annually to CPI (All groups, Hobart, or an equivalent index); and

(c) VC = the variable component calculated at a contribution rate of approximately \$3.04 per head of population (figure for 2026-2027 financial year) in the municipal area of each Member multiplied by the actual municipal population.

The VC component is also indexed annually to CPI (All groups, Hobart, or an equivalent index).

For example, a Council with 32,000 population would calculate its fees as follows:

$$\begin{aligned} SF &= \$22,170 + (32,000 \times \$3.04) \\ &= \$22,170 + \$97,280 \\ &= \$119,450 \end{aligned}$$

8.4. The Company will calculate the contribution amounts for the following financial year, to be approved by the Board and must notify the Members of the annual subscription fee amount for the following year not less than three (3) months prior to the end of each financial year.

8.5. The Members expressly agree that to remain as a Member of The Company each Member must commit to pay the annual subscription fee amount each year for number of consecutive years detailed in this agreement from the date that the membership commences. At the end of each funding/membership cycle a review will be undertaken in accordance with **clause 14**.

8.6. Subject to the approval of the Board, and any conditions or restrictions set by the Board, there is no value limit to the amount of the subscription fee payable in any one year by any one Member, as determined by the calculations set out in this **clause 8**.

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- 8.7. The Board may accept applications from other persons or entities to become Members of The Company in accordance with the Company Constitution. The Board may charge an application fee to new members if the Board elects to do so.
- 8.8. If the Board accepts the application of any new Member, it must only be on condition that the new Member enters into the accession deed attached to this Agreement and marked 'A'.
- 8.9. All of the parties agree that the Company will not obtain, or seek to obtain, any debt funding for any purpose without a unanimous resolution of the Members to that effect.
- 8.10. If any debt funding is obtained by unanimous resolution, each Member agrees to be liable for and guarantee the repayment by the Company of that debt funding in accordance with the proportionate amount of the annual subscription fee paid by that Member as against all of the subscription fees paid by all Members of the Company at the relevant time.
- 8.11. Subject to the passing of an appropriate unanimous resolution, the Company may accept loans from any of the Members, on whatever terms those parties may agree, and if so accepted, the Company must create a credit ledger for that purpose in the Company's books of account.
- 8.12. Subject to the unanimous consent of all Members, the Company may grant loans to any of the Members, on whatever terms those parties may agree, and if so granted, the Company must create a debit ledger for that purpose in the Company's books of account.
- 8.13. The Members acknowledge and agree that the Company may, from time to time, resolve to undertake and fund certain projects that benefit only some, and not all, Members (**Special Project**). Where a Special Project relates only to particular Members, those Members may be required to contribute the funding required for that Special Project. Members who are not participating in, or benefitted by, the Special Project will have no obligation to contribute any funds towards it.

9. Voting

- 9.1. The voting rights of the Members, in general meeting, are as set out in **clauses 5.8-5.14** of the Company Constitution.

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9.2. Subject always to the Company Constitution, if, for any reason, at any general meeting of the Members, a poll is demanded then the provisions of clause 5.10 of the Company Constitution must be followed.

9.3. Upon any vote taken by the Company in general meeting, if any Member has not paid that Member's annual subscription fees in full at the time of that meeting, the voting rights of that Member are determined pursuant to clause 5.12 of the Constitution.

10. Member Expectations

10.1. Each party to this Agreement covenants and agrees to deal with each other party to this Agreement to deal with those other parties in good faith.

10.2. In particular, all parties to this Agreement must:

- (a)** be completely honest in all communications to, with or on behalf of the Company and each other;
- (b)** provide full disclosure about all material matters that arise from or may affect the Company and that party's involvement in it, including health (physical and mental) and wellbeing issues if relevant;
- (c)** display appropriate and professional personal conduct at all times in the Company environment and when representing the Company externally; and
- (d)** not make, publish or support any disparaging, defamatory or offensive remark, comment or communication about the Company, the Members, the Directors or officers of the Company, any employee of the Company or any other Member on any fact, matter or concern that is within the knowledge or opinion of that party.

10.3. Each party must only make use of Confidential Information for the purpose of carrying out the purpose and objectives of The Company.

10.4. No party to this Agreement is permitted to:

- (a)** give or disclose Confidential Information to anyone other person or entity; or
- (b)** use any Confidential Information for personal gain or profit; or

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- (c) use any Confidential Information to cause injury, loss or damage to the Company or any other party to this Agreement.

10.5. No party to this Agreement is permitted to make any promise, representation or warranty or to give any undertaking to any person, which purports to bind The Company, which that party is not authorised to make or give.

11. Financial Reports

11.1. Notwithstanding the appointment of external accountants, the Company may, in its sole and absolute discretion, elect to undertake routine accounting procedures internally or to engage an external book-keeper for that purpose.

11.2. The Board must ensure that proper and sufficient records, reports and financial statements of The Company, should be prepared in accordance with the relevant accounting standards on a weekly, monthly, quarterly and annual basis as:

- (a) the Directors may require;
- (b) the CEO may require for the proper management of the Company from time to time; and
- (c) as the Corporations Law or other statutes may require.

11.3. The Company must comply with the auditing and review procedures of the Corporations Law relevant to the turnover Tier that the Company sits in from time to time, including the requirements of the Tasmanian Audit Office if the Company is required to meet its requirements.

11.4. The Company must provide the following to all Members on a Quarterly basis:

- (a) Progress report on delivery of the Annual Operational Plan; and
- (b) Progress report on delivery of the Annual Budget.

12. Intellectual and Industrial Property

12.1. Each party agrees and covenants with each other party, as a separate agreement and covenant that that party will keep confidential and preserve all Intellectual Property of The Company at all times confidential.

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12.2. Each party agrees and covenants with each other party that that party will pass to the Company for use by the Company as the Company sees fit, free of charge, details of:

(a) all of the technology know-how and research results relevant to the Company that are from time to time in that party's possession or knowledge and which that party is not restrained by obligations to others from passing to the Company; and

(b) all of the technology know-how and research results relevant to the Company that are developed, discovered or invented by that party from time to time;

provided that the Company gives to the relevant party each time an appropriate covenant to keep confidential those aspects of the technology know-how or research results which are confidential and the parties agree to cause the Company to give those covenants.

12.3. The Members acknowledge and agree that all Intellectual Property of the Company is and remains the exclusive property of the Company. Any Intellectual Property created, developed or contributed by a Member in the course of, or arising from, their membership or involvement with the Company, and which relates to the operations or activities of the Company, will vest in and be owned solely by the Company unless otherwise agreed in writing by the Company and the relevant Member.

13. Restrictive Covenant

13.1. Upon:

(a) the cessation as a Director by a Director for any reason; or

(b) the cessation of membership by a Member, for any reason

the provisions of confidentiality and protection of intellectual property continue to apply to that Director or Member indefinitely and do not merge on the resignation or cancellation of membership. The Members acknowledge and agree that the covenants in this clause applicable to the Directors are subject to the provisions of the Constitution.

13.2. The Company must ensure that appropriate restrictive covenants are contained in each and every employment agreement for employees of The Company.

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14. Sunset Provisions - Review

- 14.1.** Each party agrees to commit to participation in The Company, and to the terms of this Agreement for the Sunset Period set out in **Item 5** of the Schedule of Particulars, which period commences from the 1 July 2026.
- 14.2.** The parties agree that not less than three (3) months prior to the end of the Sunset Period, the Board will undertake a comprehensive review of the strategic purposes and operations of the Company for the purposes of recommending to the Members whether to:
- (a) continue the operation of Company in its then current form;
 - (b) change the operation of the Company as the parties may then agree;
 - (c) continue with the then current Members;
 - (d) change the then current Members;
 - (e) re-set the Sunset Period;
 - (f) make any other required amendments, changes and modifications to:
 - (i) this Agreement; and
 - (ii) the operations of the Company;
 - (g) wind up the Company; and/or
 - (h) deal with any other relevant matter at that time.
- 14.3.** In conducting that review, the Board may have recourse to any relevant material, matter or issue in making its recommendation to the Members.
- 14.4.** Upon the receipt of a recommendation arising from a review, the Members must pass a Special Resolution to either:
- (a) adopt the recommendation of the Board; or
 - (b) to take some other course of action.
- 14.5.** After and as a consequence of a review under this **clause**, no Member is bound, nor can be compelled, to remain and continue as a Member and if a Member elects to cease being a Member, the membership of that Member and any financial contributions made by the Member including any Member fees or subscription fees are deemed to be forfeited.

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14.6. Every Member that elects to continue as a Member of the Company expressly agrees to commit to the funding cycle for the number of years proposed by the Board, subject to all relevant annual CPI adjustments for the new period, and the Board must record a resolution to that effect.

14.7. The Board may require Members to enter into a new Members Agreement as a condition of ongoing membership of the Company.

15. Dispute Resolution

15. The parties agree to adopt and be bound by the dispute resolution procedures set out in **clause 2.8** of the Company Constitution.

16. Default

16.1. If any party breaches that parties obligations under this Agreement, and does not remedy that breach to the satisfaction of the other parties after receiving not less than one (1) month's notice to do so, that party is in default of this Agreement.

16.2. A party is also in default of this Agreement if any of the following occurs in relation to that party:

- (a)** the party, being a natural person:
 - (i)** commits any act of bankruptcy;
 - (ii)** enters, or proposes to enter, into any arrangement, composition or compromise with creditors;
 - (iii)** is convicted of any offence in any jurisdiction that carries any term of imprisonment;
 - (iv)** is convicted of any offence of dishonesty;
 - (v)** is convicted of any offence in relation to the Company or any other party to this Agreement; or
 - (vi)** fails to attend to that Party's responsibilities under this Agreement for a period of more than thirty (30) days for no explainable reason; or
- (b)** the party, being a company or trust or other body corporate:
 - (i)** commits any act of insolvency;

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(ii) enters, or proposes to enter, into any arrangement, composition or compromise with creditors; or

(iii) has a Director or trustee who is convicted of any offence under **clause 16.2(a)(iii), (iv) or (v)**.

16.3. A party, being a natural person, is deemed to be in default of this Agreement if any of the following occurs to that party:

(a) two competent medical practitioners declare that the party is of an unsound mind;

(b) some other event beyond the control of the party causes that party to lose legal capacity; or

(c) the party cannot be found for a period of more than ninety (90) days.

16.4. If a Member is in default pursuant to this clause the Company may exercise its powers relating to that Member pursuant to the provisions of clause 2.7 of the Constitution.

17. Disciplinary Proceedings

17.1. The parties agree to adopt and be bound by the disciplinary procedures set out in **clause 2.9** of the Company Constitution.

18. Winding Up

18.1. The parties agree to adopt and be bound by the winding up procedures set out in **clause 24** of the Company Constitution.

18.2. Upon a winding up of the Company, the following process must be followed, in the order set out below, after liquidation of all assets and subject to the Corporations Law and any other applicable laws in relation to the winding up of the Company:

(a) as much notice as possible of the winding up must be given to any employees of the Company who are not parties to this Agreement;

(b) all employee entitlements must be paid out as the first priority, including to any party to this Agreement, who is a natural person, who is also a bona fide employee of the Company in receipt of salary or wages, and superannuation;

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- (c) all secured creditors must be paid out, but excluding any loan accounts in favour of parties to this Agreement;
- (d) all unsecured creditors must be paid out, but excluding any loan accounts in favour of parties to this Agreement;
- (e) all unpaid present entitlements;
- (f) all loan accounts must be paid out, subject to any set-off or adjustment for loans made to that party or to a related party of that party; and
- (g) the balance of net assets of the Company must be distributed in accordance with the winding up provisions of the Company Constitution.

18.3. The Members expressly acknowledge and agree that no Member can receive any payment of capital, distribution of assets or other benefit from the Company on a winding up.

19. Notices

19.1. A notice or other communication in connection with this Agreement is to be in writing and:

- (a) may be given by the relevant party or its lawyer; and
- (b) must be:
 - (i) left at the address set out or referred to in the Schedule of Particulars; or
 - (ii) sent by prepaid post to the address set out or referred to on the Schedule of Particulars; or
 - (iii) sent by fax to the fax number set out or referred to in the Schedule of Particulars; or
 - (iv) sent by email to the last known email address of the relevant party or lawyer;

However, if the intended recipient has notified a changed postal address or changed fax number or email address, then the communication must be to that postal address or fax number or email address.

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- 19.2.** Notices take effect from the time they are received unless a later time is specified in the notice.
- 19.3.** If a notice is sent by post, it is taken to be received two (2) days after posting (or seven (7) days after posting if sent to or from a place outside Australia).
- 19.4.** If a notice is sent by fax, it is taken to be received at the time shown in the transaction report as the time that the whole of the fax was sent.
- 19.5.** If a notice is sent by email it is taken to be delivered at the time it is sent, but only if the sender of the email notice has obtained a delivery receipt for that email.
- 19.6.** For the avoidance of doubt, every Member is entitled to receive separate notice of every general meeting of the Company.

20. Additional Provisions

- 20.1.** Each of the parties to this Agreement will sign and execute any further documents and do any deeds, acts and things as the other party reasonably requires for effecting the intention of the parties under this Agreement. However, this obligation does not extend to incurring a liability:
- (a)** to pay any money, or to provide any financial compensation, valuable consideration or any other incentive to or for the benefit of any person except for payment of any applicable fee for the lodgement or filing of any relevant application with any government agency, unless a provision of this Agreement expressly requires otherwise; or
 - (b)** to commence any legal action against any person, to procure that the thing is done or happens.
- 20.2.** Subject to the Company Constitution and any Constituent Documents, this Agreement constitutes the entire agreement between the parties about the subject matter of this Agreement. It supersedes and extinguishes all prior agreements, understandings, representations, warranties, covenants or agreements previously given or made between the parties about the subject matter.
- 20.3.** This Agreement may be executed by the parties in two or more counterparts, each of which is deemed to be an original, but all of which together constitute one and the same instrument.

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- 20.4.** The parties must execute and exchange original signed counterparts of this Agreement unless there is a specific provision in the Agreement that permits the exchange of counterparts by facsimile or scanned email copy.
- 20.5.** This Agreement must not be amended, modified or supplemented except by a written instrument signed on behalf of the respective parties.
- 20.6.** Any clause, covenant or condition in this Agreement that requires a party to do something after completion does not merge on completion and that party is obliged to perform the obligation within the time allowed for doing so. A failure to perform an obligation of this nature is a breach of the Agreement retrospectively and gives rise to a claim for injury, loss and damage to the party with the benefit of the performance of the obligation.
- 20.7.** No waiver by any party of any default in the strict and literal performance or compliance with any other provision, condition or requirement of this Agreement is deemed to be a waiver of the strict and literal performance of or compliance with any other provision, condition or requirement in this Agreement nor be a waiver of or in any manner release any other party from strict compliance with any provision, condition or requirement in the future nor will any delay or omission of any party to exercise any right under this Agreement in any manner impair the exercise of any right accruing to it after completion.
- 20.8.** A provision of or a right created under this Agreement may not be:
- (a)** waived except in writing, signed by the party with the benefit of that provision or right; or
 - (b)** varied except in writing signed by the Parties.
- 20.9.** The obligations of the parties under this Agreement are subject to the express condition that whenever a party is required to perform or do any act or thing, the performance of that obligation is not required if it is rendered reasonably or practically impossible by reason of any riot, civil commotion, strike, lockout, act of God, act of the public enemy, priority, allocation, rationing or the regulation or prohibition of the use of any material, heat, fuel, hours of work or award, of the party.
- 20.10.** Each party warrants and represents to the other party that the signing or performance under this Agreement does not conflict with or result in a breach

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of its constitution, any writ, order, judgement, law, rule or regulation which is binding upon the party.

20.11. Any party who executes this Agreement on behalf of a party under a Power of Attorney warrants that he or she has no notice of the revocation of that Power or of any fact or circumstance that might affect his or her authority to execute this Agreement under that Power.

20.12. The rights, powers and remedies under the Agreement are in addition to and do not replace or limit any other rights, powers or remedies provided by law independently of the Agreement.

20.13. Where a party is required to give a consent, that party may give that consent conditionally, unconditionally or withhold it without giving reasons, unless expressly stated otherwise.

20.14. Whether or not any of the transactions contemplated by this Agreement are completed the parties must pay their own fees, costs and expenses of and incidental to the negotiation, preparation and execution of this Agreement, including the fees and disbursements of its lawyers and accountants.

20.15. Where any party is entitled to take enforcement or recovery action against another party, that party is entitled to recover its fees, costs and expense of and incidental to the enforcement action from the other party.

20.16. This Agreement is governed by and construed in accordance with the law of Tasmania and the Commonwealth of Australia and each of the parties submit to the jurisdiction of the Courts of the State of Tasmania and the Courts of the Commonwealth of Australia.

20.17. Electronic Execution

(a) This Agreement may be:

(i) signed by any and all parties by way of electronic signature, rather than wet signature, and if so, must be considered an original and will bind the party whose signature is so represented; and

(ii) signed and delivered by email by attaching a scanned copy of the counterpart to an email transmission as a Portable Document Format (PDF) file and the parties agree that such scanned execution and email delivery must have the same force and effect as delivery of an

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original document with original signatures, and that each party may use such scanned signatures as evidence of the execution and delivery of this Agreement by all parties to the same extent that an original signature could be used.

(b) The parties agree that:

- (i)** the parties are bound by copies of this Agreement which has been electronically signed in accordance with this clause; and
- (ii)** they will be bound by, have complied with and will comply with the *Electronic Transactions (Tasmania) Act 2000* in relation to the execution of this Agreement.

(c) Without limiting the operation of this clause, the parties agree that:

- (i)** this Agreement may be electronically signed using a secure electronic signature technology system such as DocuSign (**Digital Signing Platform**);
- (ii)** this Agreement may be validly created by counterparts electronically signed by each party using a Digital Signing Platform and shall together be deemed to constitute one and the same instrument; and
- (iii)** no witnessing of a party's signature is required.

21. Continuity of Contracts

Notwithstanding the Sunset Period, the Members agree that the Company may enter into, renew or continue contractual arrangements that extend for a period of up to two (2) years beyond the end of the Sunset Period, where such arrangements are reasonably necessary to ensure operational continuity, to finalise existing commitments, or to enable the orderly transition or cessation of the Company's activities.

End of Operative Part

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Execution

Company

Signed for and on behalf of
**Northern Tasmania Development Corporation
Limited**
ACN 616 650 367

Director

by its authorised officers under
S127 of the *Corporations Act 2001*

Director/Secretary

Members

The Common Seal of
Break O'Day Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
Flinders Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
George Town Council
was affixed in the presence
Seal here
the authorised officers of the Council

affix

Member

General Manager

The Common Seal of
City of Launceston

Member

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was affixed in the presence	<i>affix</i>	
<i>Seal here</i>		
the authorised officers of the Council		<hr/>
		General Manager

The Common Seal of		
Meander Valley Council		<hr/>
was affixed in the presence	<i>affix</i>	Member
<i>Seal here</i>		
the authorised officers of the Council		<hr/>
		General Manager

The Common Seal of		
Northern Midlands Council		<hr/>
was affixed in the presence	<i>affix</i>	Member
<i>Seal here</i>		
the authorised officers of the Council		<hr/>
		General Manager

The Common Seal of		
West Tamar Council		<hr/>
was affixed in the presence	<i>affix</i>	Member
<i>Seal here</i>		
the authorised officers of the Council		<hr/>
		General Manager

The Common Seal of		
Dorset Council		<hr/>
was affixed in the presence	<i>affix</i>	Member
<i>Seal here</i>		
the authorised officers of the Council		<hr/>
		General Manager

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Northern Tasmania Development Corporation Limited
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‘A’

ACCESSION DEED

Date of Deed **The** **day of** **20**

Parties

Incoming Member

Name
ABN:
Address
Contact
Email

Company

Northern Tasmania Development Corporation Limited

Recitals

A The Incoming Member desires to become a Member of the Company and the Company has agreed to admit the Incoming Member from the date of this Deed.

Operative Part

1. DEFINITIONS AND INTERPRETATION

1.1 Definitions

The following definitions apply unless the context requires otherwise.

Accession Date means the date by which the Member is admitted as a new Member of the Company.

Members Agreement means the members agreement deed dated between the existing Members of the Company and the Company.

Incoming Member means the party described as such in the Parties details.

1.2 Members Agreement definitions

Capitalised terms used in this Deed that are not otherwise defined in this Deed have the meaning given to those terms in the Members Agreement.

1.3 Interpretation

This Deed, and words and expressions used in this deed, must be interpreted in the same manner as specified in the Members Agreement.

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2. MEMBERS AGREEMENT

2.1 Confirmation

The Incoming Member confirms it has received a copy of the Members Agreement, the Company Constitution and any other information required by the Incoming Member in connection with this deed or the Members Agreement.

2.2 Incoming Member

The Incoming Member covenants with the parties to the Members Agreement (whether original or by accession) to observe, perform and be bound by all terms of the Members Agreement and the Company Constitution to the intent and effect that the Incoming Member is taken from the Accession Date to be a party to the Members Agreement as a Member.

2.3 Amendments

The Incoming Member's address for the purposes of the Members Agreement, until substituted in accordance with the Members Agreement, is the address set out in the details of the relevant party in this deed.

3. GENERAL

3.1 Counterparts

- (a) This deed may be entered into in any number of counterparts.
- (b) A party may execute this Deed by signing any counterpart.
- (c) All counterparts, taken together, constitute one document.

3.2 Further acts and documents

Each party must promptly do all further acts and execute and deliver all further documents (in a form and content reasonably satisfactory to that Party) required by law or reasonably requested by another party to give effect to this deed.

3.3 Severance

If anything in this Deed is unenforceable, illegal or void then it is severed and the rest of this deed remains in force, unless the severance would change the underlying principal commercial purpose or effect of this deed.

3.4 No Merger

The rights and obligations of the Parties will not merge on the completion of any transaction contemplated by this deed. They will survive the execution and delivery of any assignment or other document entered into for the purpose of implementing a transaction.

4. GOVERNING LAW AND JURISDICTION

4.1 Governing law

The laws of Tasmania govern this deed.

4.2 Jurisdiction

The parties submit to the non-exclusive jurisdiction of the courts of Tasmania.

Executed as a deed: [insert incoming member's execution clause]

9 GOVERNANCE

9.1 Gov 1 - Updated WT-HRM17.00 - Code for Tenders and Contracts

REPORT AUTHOR: Director Community Assets - Dino De Paoli

REPORT DATE: 14 January 2026

ATTACHMENTS:

1. [9.1.1] WT-HRM17.00 - Code for Tenders and Contracts - January 2026 (DRAFT)
2. [9.1.2] WT-HRM17.00 - Code for Tenders and Contracts - Comparison Report

SUMMARY

The purpose of this paper is to seek approval of the revised *Code for Tenders and Contracts (WT-HRM-17.00)*.

BACKGROUND

The *Code for Tenders and Contracts* (the Code) was last approved by Council on 21 July 2020 with a review date of July 2024.

As outlined in the Introduction section of the Code, it is a legislated requirement for Council to adopt and maintain a Code to guide Councils' procurement practices.

The Code was originally developed from a model template established by the Local Government Association of Tasmania (LGAT).

The Code has been under review by Council Officers since September 2024, with the proposed updated version now presented to Council for approval.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- Be open and transparent in how we make our decisions.
- Have appropriate policies and procedures in place with clearly defined accountability.
- Manage risks through continual assessment, review and improvement.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

Local Government (General) Regulations 2025

WT-HRM-29.00 - Procurement Policy

RISK CONSIDERATIONS

Reviewing the Code on a regular basis ensures that Council Officers are undertaking procurement in line with contemporary and regulated processes.

FINANCIAL IMPACT

There is nil financial impact in the review and approval of recommended changes to the Code.

CONSULTATION

Proposed changes to the Code were presented to Council's Audit Panel on 8 December 2025 for review and discussion. The unconfirmed minutes from the Audit Panel meeting note:

The panel received and noted the information provided and provided feedback on particular requirements for procurement under certain financial thresholds to be considered for inclusion in the updated Code for Tenders and Contracts and requested that all financial thresholds be reviewed.

Consultation with Elected Members on the revised Code occurred at the 13 January 2026 Workshop.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments; or
3. Reject the motion.

OFFICER'S COMMENTS

The two (2) attachments to this report are as follows:

1. the revised Code without markups;
2. a comparison report on the revised Code showing the recommended changes;

The Code has been reviewed and updated by Officers with a view to two key objectives:

- Objective 1: To reflect updated practices and priorities for Council in meeting the requirements of the *Local Government (General) Regulations 2025 (Regulations)*; and
- Objective 2: To make the document easier to follow, reducing the mis-interpretation of requirements.

Changes have included:

- Increasing confidentiality around the tendering process due to commercial sensitivity;
- The addition of a probity officer to the tender evaluation committee to ensure fairness and compliance with legal obligations;
- Changes to recording of documentation to streamline processes;

- Re-structuring the document for content to be better aligned to actual procurement processes that are implemented by Officers; and
- Simplifying and re-wording some sections for ease of interpretation.

Feedback from the Audit Panel was to consider extending the requirement for a 12-month Defects Liability Period to all contracts, irrespective of value. Whilst this proposal has some benefits, it comes with the associated cost of increasing inspection requirements and added administrative costs. The Code allows flexibility for the relevant Director to require a Defects Liability Period on particular contracts valued at less than \$250,000 if there is a likelihood that those added costs are justified.

The revised version of the Code has also been reviewed for consistency against the latest LGAT model template.

It is noted that the *Regulations* stipulate that councils must publicly invite tenders for projects with a value over \$250,000. The limit for public tenders in Council's Code had been retained at \$150,000 by Council Officers following the initial review, however, feedback at the Audit Panel meeting recommended that the financial thresholds also be reviewed to be in line with the *Regulations*.

As discussed at the Council Workshop, West Tamar Council's financial thresholds for procurement are currently set at the lower end of the scale when compared to other councils. For example:

- only three (3) other councils require a public tender from \$100,000, with one (1) requiring a public tender process from \$150,000. The remainder have the public tender threshold linked to the *Regulations* at \$250,000.
- only three (3) other councils set a limit of \$1,000 for procurement based on verbal or no formal quote being provided, with most around \$5,000 to \$10,000.

Following further consideration, Council Officers are proposing the following changes to the Code and Policy financial thresholds:

Procurement Process	Current financial threshold	Proposed financial threshold
Purchase order issued or use of corporate credit card based on verbal price.	Less than \$1,000	Less than \$5,000
Minimum of one written quotation required.	Between \$1,000 & \$10,000	\$5,000 to \$14,999
Minimum of two written submissions.	Between \$10,000 & \$50,000	\$15,000 to \$74,999
At least three written submissions.	Between \$50,000 & \$150,000	\$75,000 to \$249,999
Public Tender Process	Equal to, or greater than \$150,000	\$250,000 or more

A revision to Council's *WT-HRM29.00 - Procurement Policy* has also been included in this January Council Meeting Agenda for Council consideration and approval, to retain alignment with the updates recommended to the Code for Tender and Contracts.

RECOMMENDATION

That Council:

1. Rescinds the existing *Code for Tenders and Contracts* (Minute 76/20);
2. Adopts the updated *Code for Tenders and Contracts* as presented, effective 20 January 2026;
3. Updates the version number to 5.00; and
4. Approves a review date of January 2030.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Code for Tenders and Contracts



Document No.:	WT-HRM17.00	Approved By:	Council (YY/Ref.)
Issue No.:	5.00	Approved On:	20 January 2026
Responsibility:	Community Assets	Review Date:	January 2030
Document Control For External Release – N2020148520			
Rev. No.	Date	Revision Details	Reviewer Approver

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1 INTRODUCTION

1.1 APPLICATION

This Code for Tenders and Contracts (Code) sets out the best practice tendering and procurement methods to align with Sections 333 A and B of the *Local Government Act 1993* (**the Act**) and the *Local Government Regulations 2025* (**Regulations**). The Act provides that a council must adopt a code relating to tenders and contracts and requires that the code must:

- Be Consistent with the Act;
- Include any prescribed matter;
- Promote any prescribed principles; and
- Be reviewed at least once every four years.

The Act also provides that a council must comply with its code.

The Regulations require this Code to promote the following principles:

- Open and effective competition;
- Value for money;
- Enhancement of the capabilities of local business and industry; and
- Ethical behaviour and fair dealing.

1.2 DEFINITIONS

- **Act:** the *Local Government Act 1993*.
- **Alternative Tender:** A tender which satisfies the Council's required outcome, but by an alternative method to that specified.
- **Code:** this Code for Tenders and Contracts.
- **Consultant:** a person or organisation engaged under a contract to provide recommendations or specialist advice to the Council.
- **Contractor:** a person or organisation engaged under a contract to provide specified goods or services to the Council.
- **Contract:** a contract is a legally enforceable obligation between competent parties, upon a legal consideration, to do, or abstain from doing, some act.
- **Council:** the West Tamar Council.
- **Expression of Interest (Eoi):** A method used to pre-qualify potential tenderers for a project in order to reduce the overall tendering and evaluation costs by restricting the issue of formal tenders.
- **Local Business:** any business operating in the northern region of Tasmania and preferably having a permanent office or presence in the Municipal Area.
- **Multiple Use Register:** a register of suppliers which have pre-qualified to supply a particular category of goods or services.
- **Multi-Stage Tender:** a tender process used only for large or complex projects to pre-qualify potential tenderers.
- **National Procurement Network (NPN):** an alliance of procurement bodies owned by the Local Government Associations of Queensland, New South

Wales, Victoria, Northern Territory, South Australia, Western Australia and Tasmania.

- **Pre-Tender Meeting:** a meeting held to explain requirements and answer questions relating to the contract.
- **Procurement:** the overall process used by Council to obtain goods or services from external suppliers.
- **Public Tender:** a tender where invitation to tenders is advertised to the public. This includes an open tender, a tender based on a multi-use register, and a multiple stage tender.
- **Purchase Order:** the official document issued by the Council to a supplier which demonstrates the Council's contractual commitment to the procurement of goods and services.
- **Regulations:** the *Local Government (General) Regulations 2025*.
- **Requested Tender:** a tender where the invitation to tender is sent only to businesses capable of providing a specified work, good or service.
- **Tender:** a submission, proposal, quotation, price or offer that is submitted in response to a request for tender. This includes a public tender and a requested tender.
- **Tender Box:** a box or cabinet used as the point of lodgement for tenders.
- **Tender Evaluation Committee:** a committee established by Council to evaluate the tender submissions for a specific project.
- **TenderLink:** a privately operated online procurement gateway providing for the advertisement and management of tenders and other procurement processes.
- **Valued At:** for the purposes of this Code a project is valued at the price indicated in a documented estimate using a detailed list of quantities and relevant, recent commercial rates.

1.3 PRINCIPLES

This Code is based on the following principles:

- Value for money;
- Open and effective competition;
- Ethical behaviour by all parties;
- Efficient, effective and ethical use of resources;
- Honesty and fairness;
- Compliance with all legal obligations and council policies;
- Reasonable opportunity for competitive local businesses;
- The best interests of the West Tamar Council;
- Recognition of the costs involved in inviting tenders and preparing tenders;
- Clarity and uniformity of documentation for any tender;
- Ready access to tender information and advice;
- Equal opportunity for all prospective tenderers;
- Confidentiality for all commercially sensitive information;
- Probity, accountability and transparency in decision making.

1.4 INVITING PUBLIC TENDERS

Section 333A of the *Local Government Act 1993* provides that a council must invite tenders for any contract it intends to enter for the supply or provision of goods and services valued at or above the prescribed amount. The Act also requires that tenders must be invited and made in a prescribed manner.

Regulation 24(1) of the *Local Government (General) Regulations 2025* requires that a council must publicly invite tenders for any contract it intends to enter for the supply and provision of goods or services valued at or above \$250 000, excluding GST. Tenders must be invited by one of the following methods:

- An open tender;
- A multiple use tender;
- A multiple stage tender.

1.5 REQUESTED TENDERS

Where the value of goods or services to be supplied or provided exceeds \$15 000 but is estimated to be less than \$250 000 Council will generally not invite public tenders but will invite the written submission of requested tenders from selected suppliers based on the supplier's experience, resources, and/or expertise. The appropriate departmental Director may determine that public tenders be invited for goods or services valued at less than \$250 000 in preference to inviting requested tenders.

Council may choose to enter into an agreement through the NPN or other similar organisations to purchase goods and services using processes established and agreed by that group.

1.6 EXEMPTION FROM PUBLIC TENDERS

Regulation 28(1) of the *Local Government (General) Regulations 2025* provides that the public tender process does not apply to the following:

- An emergency if, in the opinion of the Chief Executive Officer (CEO), there is insufficient time to invite tenders for the goods or services required in that emergency;
- A contract for goods and services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- A contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- A contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- A contract for goods or services that is entered into at a public auction.
- A contract for insurance entered through a broker;
- A contract arising when a council is directed to acquire good or services due to a claim made under a contract of insurance;

- A contract for goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of:
 - extenuating circumstances; or
 - the remoteness of the locality; or
 - the unavailability of competitive or reliable tenderers.
- A contract of employment with a person as an employee of the Council.

1.7 REQUIREMENTS OF TENDERERS

Individuals and organisations involved in providing quotations or tenders to Council are required to act in accordance with the following requirements:

- Operate honestly and fairly in all dealings;
- Only submit tenders or quotes if there is a firm intention to undertake the work or service;
- Avoid any practices which provide an improper advantage to any party;
- Not canvass or lobby any Councillor or employee of Council in relation to a tender or quote;
- Not engage in unfair, cooperative or collusive tendering;
- Not withdraw a tender without agreement;
- Promptly provide all additional information requested by council to clarify a tender;
- Hold all required qualifications and have access to appropriately trained personnel;
- Hold all required insurance policies.

2 PROJECT INITIATION

2.1 PROJECT APPROVAL

Projects may be initiated by the approval of project funds by Council in annual operational or capital works budgets, at the specific request of Council, or by direction of the Chief Executive Officer (CEO). Departmental Directors shall allocate responsibility for the management of individual projects.

Where projects are required to have statutory approvals the Council will endeavour, wherever possible, to obtain all the necessary permits prior to inviting tenders or requesting quotations. Such permits may include:

- Development;
- Building;
- Plumbing;
- Road opening;
- Demolition.

2.2 CONTRACT NUMBER

Every project with a value exceeding \$75 000 shall have a unique contract number regardless of whether it is the subject of a public tender or a requested tender. Projects with a value of less than \$75 000 may have a contract number if determined to be warranted by the relevant departmental Director. The responsible officer for each project shall at the outset of planning for the project obtain the unique contract number from Council's information management system. That unique number shall be used on all documents relevant to that project. All documents relating to the project shall be linked to that contract number in Council's information management system.

2.3 CONTRACT REQUIREMENTS

2.3.1 STANDARD GENERAL CONDITIONS OF CONTRACT

Where possible the standard general conditions of contract for public tenders shall be the applicable Australian Standard document. The following standards may be applicable:

- For major construction and building contracts:
 - *AS 4000 General Conditions of Contract or*
 - *AS 2124-1992 General Conditions of Contract*
- For major design and construct projects:
 - *AS 4902 General Conditions of Contract for Design and Construct Contracts*
- For construction projects of a simple nature, generally where the value does not exceed \$250 000:
 - *AS 4906 Minor works Contract Conditions (Principal Administered)*
- For major service provision contracts or asset maintenance services:

- *AS 4920 General Conditions of Contract for the Provision of Asset Maintenance and Services (Principal's version)*
- For minor service provision contracts or asset maintenance services:
 - *AS 4921 General Conditions of Contract for the Provision of Asset Maintenance and Services (Short version)*

2.3.2 PRICE ESCALATION

For short term contracts there shall be no provision in the tender documents for variation of the tendered price or rates over the duration of the contract. For long term contracts, generally over twelve (12) months, the relevant departmental Director shall determine if the tender documents shall include a price escalation clause.

If a price escalation clause is to be included in a contract, then details shall be included in the tender documents. A price escalation clause shall be based upon changes in the Consumer Price Index (All Groups) for Hobart unless a standard index figure which is more relevant to the specific contract is available. Price adjustments due to changes in index figures shall not be calculated more frequently than quarterly.

2.3.3 INSURANCES

All tender documents and requests for quotations shall include a requirement for the successful tenderer to hold the following insurances for the duration of the contract:

- Workers' compensation – covering all employees for Statutory Workers Compensation insurance and liability at common law;
- Public Liability – for a minimum of \$20 000 000 per occurrence;
- Motor Vehicles – as required by law for registered vehicles;
- Professional Indemnity (if relevant); and
- Contract works insurance (if relevant - when not already included as part of another blanket policy) – for the contract value plus 10%.

The documents shall require that evidence of the insurances be provided to Council on request and that the contractor maintain all insurances for the duration of the contract.

2.3.4 SECURITY

Tender documents for all contracts for the provision of goods and services with an estimated value of more than \$250 000 shall include a provision for the contractor to provide security for the due and proper performance of the contract, unless specifically approved otherwise by the CEO. For service contracts the security shall be in the form of an unconditional guarantee from an approved financial institution. For specific project contracts the security required may be in the form of an unconditional guarantee from an approved financial institution, or by the retention of money by Council from progress payments for work completed. Security may be required for contracts with a value of \$250 000 and less if determined to be necessary by the relevant departmental Director.

Receipt of security guarantees must be recorded in Council's Electronic Records Management System (ERMS) and the original security documents forwarded to Finance for safekeeping.

2.3.5 DEFECTS LIABILITY

The tender documents for specific project contracts with an estimated value of \$250 000 and above shall include a requirement for a defined defects liability period after the practical completion of the works or service, during which time the contractor shall be responsible for the rectification of defects in the works or services provided. The relevant departmental Director shall determine the length of the defect's liability period. For construction type contracts the period shall generally be 12 months. A defects liability period may be required for contracts with a value of \$250 000 and less if determined to be necessary by the relevant departmental Director.

3 TENDERING AND REGISTRATION PROCESS

3.1 INVITATION FOR PUBLIC TENDERS

Council will invite public tenders through public advertisement or through the TenderLink website. Alternatively, a consultant may be engaged to manage a tender process for the purchase of specialised goods or services (e.g. the supply of electricity).

Invitations for public tenders through public advertisement shall be notified in The Examiner newspaper, in the "Tenders" or "Local Government Notices" columns, under Council logo and over the CEO's authorisation. Each tender notice shall be published at least once and where possible shall be placed in a Saturday edition of the newspaper. The notice shall include details of the tender closing time and date, the closing date for an open tender being at least 14 days after the date on which the notice is first published or any other period as stipulated by legislation.

Council will maintain a register detailing the names and contact details of any person collecting or being sent tender documentation.

Alternatively, invitations for public tender will be notified by uploading tender information to the TenderLink website (<https://www.tenderlink.com>). Tender information shall include details of the tender closing time and date, the closing date for an open tender being at least 14 days after the date on which the notice is first published or any other period as stipulated by legislation.

Whenever possible the tender closing time shall be 12 noon. Where practicable tenders shall not close on a Monday or on the day immediately following a public holiday.

3.2 PUBLIC TENDERS

The invitation to submit public tenders shall include the following details in accordance with the requirements of Regulation 25(1) of the *Local Government (General) Regulations 2025*:

- The nature of the goods or services required;
- Any identification details allocated to the contract;
- How and where the tender is to be lodged;
- The name of the person from whom more detailed information relating to the tender may be obtained;
- The period within which the tender is to be lodged; and
- The place where tender documents can be obtained.

3.3 MULTIPLE USE REGISTER

Council may establish a multi-use register of suppliers who meet criteria established by the Council in respect of the supply of particular categories of goods or services as permitted by Regulation 26 of the *Local Government (General) Regulations 2025*. An

invitation to suppliers for inclusion on a multiple use register shall be placed in the Examiner newspaper and shall include the following details:

- The nature of the goods or services required;
- Any identification details allocated to the register;
- How and where the application is to be lodged;
- The name of the person from whom more detailed information may be obtained;
- The period within which the application is to be lodged; and
- The place where registration documents can be obtained.

Council will invite tenders for a contract for the supply of goods or services from all suppliers included on its multiple use register for the particular category of goods or services required. The multiple use register is to be reviewed at least once every two years. Council will allow a supplier to apply for inclusion on its multiple use register at any time unless the supplier has made an application within the previous twelve months and that application has not been successful.

3.4 MULTI-STAGE TENDER

Council may invite tenders for a contract for the supply of goods and services using a multi-stage tender process as detailed in Regulation 27 of the *Local Government (General) Regulations 2025*. A multi-stage tender process will only be used on a specific project basis, and only for large or complex projects, or where the required solution is not clear. A multi-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the Council. The tender process will be at least in two stages with the first stage involving the submission an expression of interest (EOI) from organisations which consider that they have the technical and financial expertise, experience and ability, and the management and financial resources to undertake the specified project.

At the first stage of a multi-stage tender process the CEO will invite EOIs by public notice in The Examiner newspaper or through notice on the TenderLink website. A notice shall include the following details:

- The nature of the goods or services required;
- Any identification details allocated to the contract;
- How and where the expression of interest is to be lodged;
- The name of the person from whom more detailed information may be obtained;
- The period within which the EOI is to be lodged; and
- The place where the first stage tender documents may be obtained.

Subsequent stages may include requests for proposals detailing the tenderer's anticipated design, methodology, or similar information. The final stage will involve inviting fully detailed tenders from only those suppliers who have been pre-qualified to be considered for the contract following the assessment of earlier stages.

3.5 REQUESTED TENDERS

3.5.1 PROJECTS FROM \$75 000 TO \$249 999

Where the value of goods or services to be provided is from \$75 000 to \$249 999, excluding GST, Council will invite the submission of requested tenders in writing from at least three potential suppliers assessed as having the appropriate experience, resources, and/or expertise to provide the goods or services required. At least one quotation shall be sought from a local business where there is such a business that can provide the required goods or services. If three potential suppliers of the required goods or services cannot be reasonably identified the CEO may approve the request of tenders from a lesser number of potential suppliers.

Details of all quotations must be attached to the copy of the purchase order provided to Accounts Payable. This should be accompanied by a completed Procurement Declaration form where less than three quotes were received or where the lowest quotation was not accepted.

3.5.2 PROJECTS FROM \$15 000 TO \$74 999

Where the value of goods or services to be provided is from \$15 000 to \$74 999, excluding GST, Council will invite the submission of requested tenders in writing from at least two potential suppliers assessed as having the appropriate experience, resources, and/or expertise to provide the goods or services required. Where an appropriate local business is available at least one quotation shall be obtained from a local business.

Details of all quotations must be attached to the copy of the Council purchase order provided to Accounts Payable. This should be accompanied by a completed Procurement Declaration form where only one quote was received or where the lowest quotation was not accepted.

3.5.3 PROJECTS FROM \$5 000 TO \$14 999

Where the value of goods or services to be provided is from \$5 000 to \$14 999, excluding GST, Council will obtain a written quotation for provision of the goods or services unless they are subject to a standard market price list, in which case the goods may be purchased using a written Council purchase order or corporate credit card based on a verbal price provided by the supplier.

3.5.4 PROJECTS LESS THAN \$5 000

Where the value of goods or services to be provided is less than \$5 000, excluding GST, goods and services may be purchased using a written Council purchase order or corporate credit card based on a verbal price provided by the supplier.

A Council officer having the appropriate purchasing authority must authorise all purchase orders. All purchases by corporate credit card must be in accordance with Council's Corporate Credit Card Policy & Guidelines. When requesting quotations for goods or services the responsible Council officer shall always endeavour to utilise experienced suppliers and shall use his or her best endeavours to obtain the most advantageous deal for Council. This should include seeking competitive quotes from other suppliers where feasible to do so. Where additional quotes have been received

details should be attached to the copy of the purchase order provided to Accounts Payable.

3.6 ADDITIONAL INFORMATION

The nominated responsible Council officer for each tender shall be available to answer enquiries regarding the tender documents. Tenderers may ask for clarification of the tender documents during the tender period and if an enquiry reveals a significant error, omission or ambiguity in the documents the Council may issue a notice to all tenderers to clarify the requirements of the tender. Notices to tenderers shall be sequentially numbered for each contract, shall contain a date of issue, shall detail the relevant contract number, and shall require tenderers to include in their tender a signed copy of the notice acknowledging its receipt. When a significant issue is identified within seven days of the notified closure date the Council may extend the tender period, by written notice to all tenderers, to ensure that all tenderers can adequately consider the relevant information.

3.7 PRE-TENDER MEETING

A pre-tender meeting may be held not less than 5 working days prior to the closing of tenders, in order to provide clarification of the contract requirements for prospective tenderers. If a pre-tender meeting is held, minutes shall be recorded and distributed to all prospective tenderers as a notice to tenderers.

3.8 LODGEMENT OF TENDERS

Unless authorised by prior arrangements public tenders and requested tenders must be lodged electronically and must be accompanied by all relevant information required by the tender documents including all fully completed forms and schedules.

Tenders should be submitted as outlined within the invitation to tender.

All tenders must be clearly marked as tender documentation with the contract number and description of the works or services tendered for. Tenders submitted by email must be received in full prior to the closing time for tenders to be considered as valid tenders. It is the tenderer's responsibility to ensure that their tender is received by Council prior to the notified date and time for receipt of tenders.

Where a tender is based on any assumption or interpretation of the tender documents due to uncertainty by the tenderer, the tenderer must clearly state in the tender the basis of the tender.

Tenders physically delivered to Council offices without prior arrangement will not be considered.

3.9 ALTERNATIVE TENDERS

Tenderers are permitted to submit alternative proposals for consideration by Council. However, the Council is not bound to consider such alternative tenders. A tenderer submitting an alternative proposal shall include a fully detailed description of the

alternative and shall state clearly the manner by which it varies from the requirements of the tender documents and the advantages to Council of the alternative proposal. A failure to provide the detailed information with the tender may result in the tender being excluded.

3.10 SECURITY OF TENDERS

Council will take all reasonable steps to maintain the security and confidentiality of received tender information.

The receipt of emailed tenders including general tenderer contact information will be recorded in Council's daily inward mail register and securely stored in Council's ERMS until the tender closes. Security level restrictions will be applied to ensure information cannot be inappropriately accessed.

Once the tender is closed Council's Information Management officers will assign all submitted tender documentation to the responsible Council officer and members of the appointed tender opening panel.

Access to tenders submitted to the TenderLink website will not be available until the tender period has closed. Submitted tender information will only be accessed once the tender opening panel has convened as part of the tender opening process (refer section 3.10 below).

3.11 OPENING OF TENDERS

Tenders shall be opened by a tender opening panel consisting of at least 2 Council officers as soon as possible after the tender closing time. Members of the tender opening panel will be appointed by the department Director when possible to do so.

Unless otherwise stipulated the opening of tenders shall not be open to the public. All members of the tender opening panel shall be present at the opening of tenders and at that time shall record details of the tenders received in the Tender Opening Register form. The Tender Opening Register form is to be returned to Information Management for recording and assigning.

Following the opening of the tenders all details shall remain confidential.

3.12 LATE TENDERS

All tenders must be lodged within the time-period, or by the date specified in the request for tender. Any tender received after the specified closing time will not be considered.

4 INVITATION DOCUMENTS

4.1 ALL TENDERS

The tender documents made available to prospective tenderers for all tenders shall include the following:

- Details of the goods or services required;
- Time and location for the pre-tender meeting if required;
- Criteria for evaluating tenders;
- The method for evaluating tenders against the evaluation criteria;
- Any mandatory tender specifications and contract conditions; and
- A reference to Council's Code relating to tenders and contracts.

4.2 PUBLIC TENDERS

The tender documents made available to prospective tenderers for public tenders shall include the following:

1. Council's conditions of tendering;
2. The general conditions of contract;
3. Special conditions of contract or principal's contract requirements (if required);
4. Contract period or duration;
5. A technical specification or project description detailing specific criteria for the works, goods or services to be undertaken or supplied;
6. Maps, drawings, charts or other documents to clearly articulate the details of the works, goods or services to be undertaken or supplied (if required);
7. Form of tender;
8. Schedules of rates, quantities or prices (if required);
9. Technical schedules (if required);
10. Council's Work Health and Safety Requirements of Contractors;
11. Project specific reports or studies (if available); and
12. Permits obtained by Council for the project (if required).

4.3 MULTIPLE USE REGISTER

The documents made available to prospective applicants for inclusion on a multi-use register shall include the following:

- Details of the method to be used for calling up items on the register; and
- Information on the anticipated use of the register (e.g. frequency, amounts, duration, etc.).

4.4 MULTI-STAGE TENDER

The documents made available to prospective tenderers for lodgement of an expression of interest for a multi-stage tender shall include the following:

- Criteria for evaluating expressions of interest;
- The method for evaluating expressions of interest against the criteria; and
- Details of anticipated further stages in the tender process.

4.5 REQUESTED TENDERS (PROJECTS LESS THAN \$250 000)

The documents made available to organisations invited to submit requested tenders for goods or services valued from \$75 000 to \$249 999 shall generally include the following:

- Any technical specification or project description necessary to detail specific criteria for the works, goods or services to be undertaken or supplied;
- A schedule of rates, quantities or prices (if required);
- Lodgement details including the time and date for the submission of the tender;
- The name of the person from whom more detailed information may be obtained;
- Council's Work Health and Safety Requirements of Contractors; and
- Permits obtained by Council for the project (if required).

Requests for quotations for goods valued at less than \$15 000 shall include specific details of the items required, the date or time for provision of the quote, and details of the responsible Council officer.

5 TENDER AND APPLICATION EVALUATION

5.1 OPENING OF TENDERS

Section 3.10 of this code details the requirements for the opening of tenders.

5.2 CONSIDERATION OF TENDERS

Council will not necessarily accept the lowest priced tender or quote or accept any tender or quote for any goods or services. Council will endeavour to accept the tender that it considers to be the most advantageous for its community. Tenders that do not satisfy all statutory and legal requirements will be disqualified from consideration by Council. Any tender which does not address all the criteria required by the tender documents may be excluded.

5.3 TENDER EVALUATION

Unless the Conditions of Tendering expressly state an alternative method, tender evaluation will be carried out in accordance with the principles and practices set out in this Code.

For works valued at less than \$250 000, tenders, quotes, or invited applications for any works or service shall be evaluated by the Council officer responsible for managing the project, or another person appointed by the Director. The evaluation may be undertaken by consultants for specialist projects or where the consultant has been engaged to assist with procurement.

For works valued at \$250 000 or more, tenders, quotes, or invited applications for any works or service shall be evaluated by a Tender Evaluation Committee as outlined in clause 5.3.2.

Tenders will be evaluated with the aim of determining the tender submission which offers the best value for money and most advantageous outcomes to the Council.

When assessing value for money, the Council may:

- in addition to price, consider any non-price criteria that it considers relevant to the successful performance of the Council's requirements and achievement of the Council's desired commercial and other outcomes; and
- apply a weighting to the price and non-price criteria.

The evaluation method and evaluation criteria must be determined before finalising the request for tender and must be disclosed to tenderers in the Conditions of Tendering. Evaluation method, criteria and weightings will apply equally to all tenderers.

5.3.1 CONFORMING AND NON-CONFORMING TENDERS

A tender will initially be assessed for conformance. A conforming tender will be taken to mean a tender which:

- is lodged by the closing time and in compliance with the requirements of the Conditions of Tendering; and
- meets the mandatory Conditions of Participation.

The Council will consider any conforming tender on its merits. The Council may reject, as a nonconforming tender, any tender which:

- is not submitted in conformance with the Conditions of Tendering; and

- is incomplete or which contains insufficient information to allow the Council to carry out a valid evaluation in accordance with the procedure for evaluating tenders set out in this Code.

5.3.2 TENDER EVALUATION COMMITTEE

A Tender Evaluation Committee (TEC) will be established to assess tender submissions for the provision of goods or services valued at \$250 000 or higher. The TEC will consist of at least four members, as below:

- Chairperson, Director or their delegate;
- Technical/subject expert, may be externally or internally resourced;
- Responsible Officer;
- Probity Officer – has no vote in the assessment. This role is to ensure that the evaluation process is followed correctly. The Probity Officer will be nominated by the Office of the CEO.

5.3.3 CONFIDENTIALITY

Tender evaluations should be strictly confidential. All contact with the suppliers must be confirmed in writing through the Responsible Officer advising the TEC. Members of the TEC will not discuss with any other person outside the TEC issues regarding the evaluation. The Chair of the TEC may obtain advice from specialists to assist in the Tender evaluation process.

5.4 PUBLIC TENDERS

The tender evaluation criteria to be used in the evaluation of public tenders shall be included in the tender documents. The criteria shall be selected to suit the requirements of the project, and the tender documents shall request tenderers to provide information relevant to the adopted criteria to support their tender and to allow assessment of compliance with the criteria. If a weighted attributes system is to be used, then the weighting of the attributes shall be provided in the tender documents. For public tenders, total tender price shall be the primary criterion.

Criteria for evaluation of tenders may include, but not limited to, the following:

- Tender price;
- Experience in undertaking similar projects;
- Availability and ability to meet time schedule;
- Previous performance undertaking works for Council;
- Available resources;
- Financial status;
- Quality, environmental, and/or work health and safety systems;
- Risk analysis.

5.5 MULTIPLE USE REGISTER

The criteria for evaluating applications for registration on the multi-use register shall be detailed in the invitation for registration. They may include some of the following:

- Experience;
- Available resources;

- Technical expertise;
- Financial status;
- Performance history;
- Quality system;
- Environmental management system;
- Work health and safety system;
- Employee qualifications;
- Expertise and special skills.

Applicants for registration will be required to provide verifiable evidence of all claims made against each of the specified criteria. A weighted attribute system may be used in the assessment process.

5.6 MULTI-STAGE TENDERS

The evaluation process for preliminary stages of multi-stage tenders will be to evaluate submissions received against the criteria detailed in the tender documents to provide a short list of pre-qualified applicants approved to progress to the next stage.

The final stage will involve evaluating fully detailed and priced tenders based on the specific project requirements which may include:

- Tender price;
- Experience in undertaking similar projects;
- Availability and ability to meet time schedule;
- Previous performance undertaking works for Council;
- Available resources;
- Quality, environmental, and/or work health and safety systems;
- Risk analysis.

5.7 REQUESTED TENDERS

Requested tenders are only invited from suppliers who are considered to have the experience or ability to provide the required service or goods. Price shall therefore be the primary determinant in the selection of the most advantageous tender for Council. However, other factors may be given consideration in assessing requested tenders including:

- Availability and ability to meet time schedule;
- Available resources including any specialised equipment required;
- Quality, environmental, and/or work health and safety systems; and
- The allocation of risk between the Council and the contractor.

5.8 TENDER CLARIFICATION

Council may request additional information from any tenderer to clarify details of any tender, quote or offer. Any requests for additional information shall be made in writing and the tenderer's response shall also be in writing. If a tender is accepted, then the written clarification documents shall be included as part of the contract documents. Request for additional information shall not allow for the alteration of the tendered price, with the exception of correcting gross errors that would have a detrimental

impact to the tenderer, and shall not provide an unfair advantage to that tenderer over other tenderers.

5.9 TENDER NEGOTIATIONS

If none of the tenders or quotes received for a particular work or service fully meets Council's requirements then Council may negotiate with the tenderer that has provided the most advantageous offer in an attempt to achieve a satisfactory offer. During such negotiations Council shall not disclose any details of any other tender received. Council shall not seek to price bargain between tenderers. If a satisfactory offer cannot be negotiated with the preferred tenderer, then Council may negotiate with the other tenderers in order of preference from most to least preferred. Where no tender meets Council's requirements, but it is possible to proceed by making minor changes to the nature of the works or services Council shall negotiate a revised tender with the preferred tenderer, the only acceptable changes to the original tender being those directly associated with the alterations to Council's requirements. The re-calling of tenders should be avoided if possible.

6 ACCEPTANCE OF TENDERS, QUOTES AND APPLICATIONS

6.1 REQUESTED TENDERS AND QUOTATIONS

Under the provisions of section 62 of the *Local Government Act 1993* the CEO has the authority and duty to implement the policies, plans and programs of the Council and is responsible for the day-to-day operations and affairs of the Council. The approval by Council of the operational and capital works budgets and the Annual Plan provides the CEO with the authority to accept requested tenders or quotations provided the value is within the budget allocations. Tenders and quotations that fall outside the limits of this authority must be referred to the Council for consideration at a Council meeting. Departmental Directors have authority to incur expenditure within the limits of the budget allocations in their area of responsibility. Where a requested tender for a project included in the approved budget is accepted the acceptance shall be confirmed in writing.

A Council purchase order issued by an appropriately authorised Council officer must be created for all accepted tenders or quotations.

6.2 PUBLIC TENDERS

All public tenders received for the provision of goods or services valued at \$250 000 or higher must be the subject of a Council meeting agenda item for a decision by Council. Agenda items shall detail the name and address of each tenderer, and the total value of each tender submitted. If alternative tenders have been submitted, then the agenda item must detail any advantages or disadvantages to Council of each alternative tender.

If Council determines to accept a tender, then the successful tenderer shall be advised in writing as soon as possible after the Council meeting.

The following process is to be implemented where a tender for the provision of goods and services valued at \$250 000 or higher needs to be accepted prior to a scheduled meeting of Council, e.g. where price offerings are only available for a short period. On these occasions:

- Council approval will be sought via the electronic circulation of a recommendation from the CEO;
- unless otherwise stated Councillors will be given 48 hours from the time the recommendation is circulated to provide a response;
- where a response is not received within the required 48-hour period it will be taken as being in support of the recommendation;
- the CEO is authorised to accept the tender on behalf of Council if the majority of Councillors are deemed to be in support of the recommendation.

6.3 ACCEPTANCE OF TENDERS

Once a decision has been made to accept a tender the successful tenderer shall be advised as soon as possible. The letter of acceptance to the successful tenderer shall include the following:

- The identification number of the contract;
- The name of the contract;
- The date of the Council meeting at which the tender was accepted;
- The accepted tender price including any options accepted;
- Details of information required to be supplied to Council and the date by which such information is to be provided;
- The date or time for commencement of the works or service;
- The contact details of the responsible Council officer.

6.4 WORK HEALTH AND SAFETY INDUCTIONS

West Tamar Council expects all contractors, their employees and sub-contractors to comply with, as a minimum, the same WHS Standards that apply to West Tamar Council employees, and to:

- demonstrate a knowledge and commitment toward health and safety, and work with West Tamar Council to meet the health and safety obligations of both parties;
- take all steps necessary to protect their employees, volunteers, suppliers, sub-contractors and the public from any health and safety risks arising from work being undertaken;
- co-operate with West Tamar Council and any other contractors at the work site in the pursuit of positive workplace health and safety outcomes.
- Council's responsible officer must ensure all contractors, their employees and sub-contractors have successfully completed Council's Contractor Induction prior to any work commencing.

6.5 APPLICATIONS

Applications for registration on a multi-use register shall be assessed by the designated Council officer against the specified criteria. Multi-use registers shall only be altered with the approval of the relevant departmental Director.

The assessment of expressions of interest for pre-qualification for a multi-stage tender shall be the subject of an agenda item for consideration by Council at a Council meeting. Tenders received in the second stage of a multi-stage tender shall be treated in the same manner as public tenders (refer clause 6.2).

6.6 UNSUCCESSFUL TENDERS

Within five working days of the issue of a letter of acceptance of a tender for any works or services all unsuccessful tenderers shall be advised in writing that their tender was not successful. The letter shall advise the name of the successful tenderer, and, if so directed by the Council decision, the accepted tender price.

7 CONTRACT DOCUMENTS

7.1 CONTRACT DOCUMENTS

The Council officer responsible for any project shall ensure that a copy of the contract document is stored in the Council's ERMS as soon as possible after the acceptance of a tender. The document shall include the following:

- The letter of acceptance of tender;
- The submitted tender;
- Any correspondence between Council and the tenderer after the tender clarifying the offer; and
- The entire tender documents.

For contracts having a value of \$250 000 or higher a formal instrument of agreement shall be prepared referencing all documents which form part of the contract. Both parties to the contract shall sign that formal agreement which shall then be included with the contract documents.

7.2 DISTRIBUTION OF DOCUMENTS

For all contract documents, including those containing a formal signed agreement, one copy of the official signed documents shall be provided to the contractor electronically and one copy retained by the Council officer responsible for the implementation of the project.

The responsible officer, with assistance from Council's Information Management Officers, must ensure that a digital copy of the complete contract documentation is filed in Council's ERMS immediately after signing so it is available to other officers involved in supervising the works of the contract, e.g. Council's Civil Works Officer.

8 CONTRACT MANAGEMENT

8.1 EXTENSION OF CONTRACT

Regulation 24(5) of the *Local Government (General Regulations) 2025* provides that a Council may only extend a contract entered by tender:

- As specified in the contract; or
- If the contract does not specify extensions, by an absolute majority.

8.2 RESPONSIBLE OFFICERS

The Council officer responsible for any contract shall ensure that the works or services provided under that contract are in accordance with the requirements of the contract documents. Any agreed variations to the contractor's obligations shall be confirmed in writing. Adequate supervision and monitoring of the contractor shall be undertaken to ensure compliance in a timely manner.

8.3 PAYMENTS

The responsible Council officer shall be responsible for checking all claims for payment under a contract. No payment shall be approved unless a Tax Invoice has been received from the contractor having a value equal to or exceeding the value of the authorised payment. All approvals for payment under contracts shall be authorised by a Council officer having the relevant purchasing authority. When approving payment, the Council officer shall:

- Ensure that the approval relates only to work completed under the terms of the contract, and
- Have regard to all previous payments made under the contract, and
- Ensure that the request complies with the requirements of the contract documents, including any requirements for Council to hold retention money.

8.4 COMPLETION OF CONTRACT

Immediately prior to the completion of any contract the responsible Council officer, in conjunction with the contractor's representative, shall inspect the works to verify completion, or meet to confirm that any services provided have been satisfactorily completed. Any defects or non-compliance shall be confirmed in writing to the contractor prior to the completion date for the contract with a request for the outstanding issues to be addressed in accordance with the terms of the contract. All manuals, guarantees, instructions, training and asset data shall be received by Council prior to the final payment being approved. At the completion of any contract the responsible Council officer shall ensure that any final payments due to the contractor are requested and that any security is released. Council's finance staff shall be advised of the date of completion of all contracts.

9 COMPLAINTS

Any complaint regarding the implementation of this code shall be dealt with by Council in accordance with the provisions of the Complaints Management Process detailed in Council's Customer Service Charter.

10 REPORTING

Regulation 30 of the *Local Government (General Regulations) 2025* provides that a council is to report the following in its annual report in relation to any contract for the supply or provision of goods or services valued at or above \$250 000, excluding GST, entered or extended under Regulation 24(5)(b)] in the financial year:

- A description of the contract;
- The period of the contract;
- The periods of any options for extending the contract;
- The value of any tender accepted, or if a tender was not required, the value of the contract excluding GST;
- The business name of the successful contractor;
- The business address of the successful contractor.

A council is also required to report in its annual report all instances where the public tender process was not used under the exemption provisions of Regulation 28(a) and (i), with the following details:

- A brief description of the reason for not inviting public tenders;
- A description of the goods or services acquired;
- The value of the goods or services acquired;
- The name of the supplier.

Furthermore, a council is to report the following in its annual report in relation to any contract, for the supply or provision of goods or services valued at or exceeding \$100 000 (excluding GST) but less than \$250 000, that is entered, or extended, in the financial year to which the annual report relates:

- a description of the contract;
- the period of the contract;
- the periods of any options for extending the contract;
- the value of the contract (excluding GST);
- the business name of the successful contractor;
- the business address of the successful contractor.

11 AVAILABILITY OF THIS CODE

Copies of the current edition of this Code are available:

- For public inspection at the Council's offices at West Street, Beaconsfield and Eden Street Riverside, during ordinary office hours (8.30 am to 4.45 pm Monday to Friday, excluding public holidays),
- For purchase at a cost of \$25.00; and
- On Council's Website at <https://www.wtc.tas.gov.au/>.

12 EFFECTIVE DATE AND APPROVAL


This code was last updated effective from the Council meeting of 20 January 2026.

Approved by the Council on 20 January 2026

Signed:

Chief Executive Officer

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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West Tamar
COUNCIL

~~CODE FOR TENDERS AND CONTRACTS~~



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Code for Tenders and Contracts



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~~1.1. LEGISLATIVE REQUIREMENT~~

~~Section 333B of the Local Government Act 1993~~

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1 INTRODUCTION

1.1 APPLICATION

~~This Code for Tenders and Contracts (Code) sets out the best practice tendering and procurement methods to align with Sections 333 A and B of the Local Government Act 1993 (the Act) and the Local Government Regulations 2025 (Regulations). The Act provides that a council must adopt a code relating to tenders and contracts and requires that the code must be:~~

- ~~• Be Consistent with the Act;~~
- ~~• Include any prescribed matter;~~
- ~~• Promote any prescribed principles; and~~
- ~~• Be reviewed at least once every four years.~~

The Act also provides that a council must comply with its code.

~~Part 3 of the Local Government (General) Regulations 2015 details prescribed matters and principles for tendering and contracting, with Regulation 28(a) requiring~~
~~The Regulations require~~ this Code to promote the following principles:

- Open and effective competition;
- Value for money;
- Enhancement of the capabilities of local business and industry; and
- Ethical behaviour and fair dealing.

1.1.2 DEFINITIONS

- **Act:** the Local Government Act 1993.
- **Alternative Tender:** A tender which satisfies the Council's required outcome, but by an alternative method to that specified.
- **Code:** this Code for Tenders and Contracts.
- **Consultant:** a person or organisation engaged under a contract to provide recommendations or specialist advice to the Council.
- **Contractor:** a person or organisation engaged under a contract to provide specified goods or services to the Council.
- **Contract:** a contract is a legally enforceable obligation between competent parties, upon a legal consideration, to do, or abstain from doing, some act.
- **Council:** the West Tamar Council.
- **Expression of Interest (Eoi):** A method used to pre-qualify potential tenderers for a project in order to reduce the overall tendering and evaluation costs by restricting the issue of formal tenders.
- **Local Business:** any business operating in the northern region of Tasmania and preferably having a permanent office or presence in the Municipal Area.
- **Multiple Use Register:** a register of suppliers which have pre-qualified to supply a particular category of goods or services.

- **Multi-Stage Tender:** a tender process used only for large or complex projects to pre-qualify potential tenderers.
- **National Procurement Network (NPN):** an alliance of procurement bodies owned by the Local Government Associations of Queensland, New South Wales, Victoria, Northern Territory, South Australia, Western Australia and Tasmania.
- **Pre-Tender Meeting:** a meeting held to explain requirements and answer questions relating to the contract.
- **Procurement:** the overall process used by Council to obtain goods or services from external suppliers.
- **Public Tender:** a tender where the request for invitation to tenders is publicly notified by advertisement in a newspaper or through the TenderLink website advertised to the public. This includes an open tender, a tender based on a multi-use register, and a multiple stage tender.
- **Purchase Order:** the official document issued by the Council to a supplier which demonstrates the Council's contractual commitment to the procurement of goods and services.
- **Regulations:** the Local Government (General) Regulations 2025.
- **Requested Tender:** a tender where the invitation to tender is sent only to businesses capable of providing a specified work, good or service.
- **Tender:** a submission, proposal, quotation, price or offer that is submitted in response to a request for tender. This includes a public tender and a requested tender.
- **Tender Box:** a box or cabinet used as the point of lodgment for tenders.
- **Tender Evaluation Committee:** a committee established by Council to evaluate the tender submissions for a specific project.
- **TenderLink:** a privately operated online procurement gateway providing for the advertisement and management of tenders and other procurement processes.
- **Valued At:** for the purposes of this Code a project is valued at the price indicated in a documented estimate using a detailed list of quantities and relevant, recent commercial rates.

1.21.3 PRINCIPLES

This Code is based on the following principles:

- Value for money;
- Open and effective competition;
- Ethical behaviour by all parties;
- Efficient, effective and ethical use of resources;
- Honesty and fairness;
- Compliance with all legal obligations and council policies;
- Reasonable opportunity for competitive local businesses;
- The best interests of the West Tamar Council;

- Recognition of the costs involved in inviting tenders and preparing tenders;
- Clarity and uniformity of documentation for any tender;
- Ready access to tender information and advice;
- Equal opportunity for all prospective tenderers;
- Confidentiality for all commercially sensitive information;
- Probity, accountability and transparency in decision making.

1.31.4 INVITING PUBLIC TENDERS

Section 333A of the *Local Government Act 1993* provides that a council must invite tenders for any contract it intends to enter ~~into~~ for the supply or provision of goods and services valued at or above the prescribed amount, ~~and~~ The Act also requires that tenders must be invited and made in a prescribed manner.

Regulation ~~2324~~(1) of the *Local Government (General) Regulations* ~~2015~~2025 requires that a council must publicly invite tenders for any contract it intends to enter ~~into~~ for the supply and provision of goods or services valued at or above \$250 000, excluding GST. Tenders must be invited by one of the following methods:

- An open tender;
- A multiple use tender;
- A multiple stage tender.

~~Notwithstanding the abovementioned regulation, Council will publicly invite tenders for any contract it intends to enter into for the supply and provision of goods or services valued at or above \$150 000, excluding GST~~

1.41.5 REQUESTED TENDERS

Where the value of goods or services to be supplied or provided exceeds ~~\$40-15~~ 000 but is estimated to be less than ~~\$150-250~~ 000 ~~the~~ Council will generally not invite public tenders, but will invite the written submission of requested tenders from selected suppliers based on the supplier's experience, resources, and/or expertise. The appropriate departmental ~~manager~~Director may determine that public tenders be invited for goods or services valued at less than ~~\$150-250~~ 000 in preference to inviting requested tenders.

Council may choose to enter into an agreement through the NPN or other similar organisations to purchase goods and services using processes established and agreed by that group.

1.51.6 EXEMPTION FROM PUBLIC TENDERS

Regulation ~~2728~~(1) of the *Local Government (General) Regulations* ~~2015~~2025 provides that the public tender process does not apply to the following:

- An emergency if, in the opinion of the ~~General Manager~~Chief Executive Officer (CEO), there is insufficient time to invite tenders for the goods or services required in that emergency;

- A contract for goods and services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- A contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- A contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;
- A contract for goods or services that is entered into at a public auction;
- A contract for insurance entered into through a broker;
- A contract arising when a council is directed to acquire good or services due to a claim made under a contract of insurance;
- A contract for ~~good~~ goods or services if the Council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of—:
 - extenuating circumstances; or
 - the remoteness of the locality; or
 - the unavailability of competitive or reliable tenderers;
- A contract of employment with a person as an employee of the Council.

1.61.7 REQUIREMENTS OF TENDERERS

Individuals and organisations involved in providing quotations or tenders to Council are required to act in accordance with the following requirements:

- Operate honestly and fairly in all dealings;
- Only submit tenders or quotes if there is a firm intention to undertake the work or service;
- Avoid any practices which provide an improper advantage to any party;
- Not canvass or lobby any Councillor or employee of Council in relation to a tender or quote;
- Not engage in unfair, cooperative or collusive tendering;
- Not withdraw a tender without agreement;
- Promptly provide all additional information requested by council to clarify a tender;
- Hold all required qualifications and have access to appropriately trained personnel;
- Hold all required insurance policies.

2 PROJECT INITIATION

2.1 PROJECT APPROVAL

Projects may be initiated by the approval of project funds by Council in annual operational or capital works budgets, at the specific request of Council, or by direction of the ~~General Manager~~Chief Executive Officer (CEO). Departmental ~~managers~~Directors shall allocate responsibility for the management of individual projects.

Where projects are required to have statutory approvals the Council will ~~endeavor~~endeavour, wherever possible, to obtain all the necessary permits prior to inviting tenders or requesting quotations. Such permits may include:

- Development ~~permit~~;
- Building ~~permit~~;
- Plumbing ~~permit~~;
- Road opening ~~permit~~;
- Demolition ~~permit~~.

2.2 CONTRACT NUMBER

Every project with a value exceeding \$~~50-75~~ 000 shall have a unique contract number regardless of whether it is the subject of a public tender or a requested tender. Projects with a value of less than \$~~50-75~~ 000 may have a contract number if determined to be warranted by the relevant departmental ~~manager~~Director. The responsible officer for each project shall at the outset of planning for the project obtain the unique contract number from Council's information management system. That unique number shall be used on all documents relevant to that project. All documents relating to the project shall be linked to that contract number in Council's information management system.

2.3 CONTRACT REQUIREMENTS

2.3.1 STANDARD GENERAL CONDITIONS OF CONTRACT

Where possible the standard general conditions of contract for public tenders shall be the applicable Australian Standard document. The following standards may be applicable:

- For major construction and building contracts:
 - AS 4000 General Conditions of Contract or
 - AS 2124-1992 General Conditions of Contract
- For major design and construct projects:
 - AS 4902 General Conditions of Contract for Design and Construct Contracts
- For construction projects of a simple nature, generally where the value does not exceed \$250 000:
 - AS 4906 Minor works Contract Conditions (Principal Administered)
- For major service provision contracts or asset maintenance services:

- AS 4920 General Conditions of Contract for the Provision of Asset Maintenance and Services (Principal's version)
- For minor service provision contracts or asset maintenance services:
 - AS 4921 General Conditions of Contract for the Provision of Asset Maintenance and Services (Short version)

2.3.2 PRICE ESCALATION

For short term contracts there shall be no provision in the tender documents for variation of the tendered price or rates over the duration of the contract. For long term contracts, generally over twelve (12) months, the relevant departmental Director shall determine if the tender documents shall include a price escalation clause.

If a price escalation clause is to be included in a contract, then details shall be included in the tender documents. A price escalation clause shall be based upon changes in the Consumer Price Index (All Groups) for Hobart unless a standard index figure which is more relevant to the specific contract is available. Price adjustments due to changes in index figures shall not be calculated more frequently than quarterly.

2.3.3 INSURANCES

All tender documents and requests for quotations shall include a requirement for the successful tenderer to hold the following insurances for the duration of the contract:

- Workers' compensation – covering all employees for Statutory Workers Compensation insurance and liability at common law;
- Public Liability – for a minimum of \$20 000 000 per occurrence;
- Motor Vehicles – as required by law for registered vehicles;
- Professional Indemnity (if relevant); and
- Contract works insurance (if relevant - when not already included as part of another blanket policy) – for the contract value plus 10%.

The documents shall require that evidence of the insurances be provided to Council on request and that the contractor maintain all insurances for the duration of the contract.

2.3.4 SECURITY

Tender documents for all contracts for the provision of goods and services with an estimated value of more than \$250 000 shall include a provision for the contractor to provide security for the due and proper performance of the contract, unless specifically approved otherwise by the CEO. For service contracts the security shall be in the form of an unconditional guarantee from an approved financial institution. For specific project contracts the security required may be in the form of an unconditional guarantee from an approved financial institution, or by the retention of money by Council from progress payments for work completed. Security may be required for contracts with a value of \$250 000 and less if determined to be necessary by the relevant departmental Director.

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Receipt of security guarantees must be recorded in Council's Electronic Records Management System (ERMS) and the original security documents forwarded to Finance for safekeeping.

2.3.5 DEFECTS LIABILITY

The tender documents for specific project contracts with an estimated value of \$250 000 and above shall include a requirement for a defined defects liability period after the practical completion of the works or service, during which time the contractor shall be responsible for the rectification of defects in the works or services provided. The relevant departmental Director shall determine the length of the defect's liability period. For construction type contracts the period shall generally be 12 months. A defects liability period may be required for contracts with a value of \$250 000 and less if determined to be necessary by the relevant departmental Director.

3 TENDERING AND REGISTRATION PROCESS

3.1 INVITATION FOR PUBLIC TENDERS

Council will invite public tenders through public advertisement or through the TenderLink website ~~or through the engagement of~~. Alternatively, a consultant may be engaged to manage a tender process for the purchase of specialised goods or services (e.g. the supply of electricity).

Invitations for public tenders through public advertisement shall be notified in The Examiner newspaper, in the "Tenders" or "Local Government Notices" columns, under Council logo and over the ~~General Manager's~~ CEO's authorisation. Each tender notice shall be published at least once and where possible shall be placed in a Saturday edition of the newspaper. The notice shall include details of the tender closing time and date, the closing date for an open tender being at least 14 days after the date on which the notice is first published or any other period as stipulated by legislation.

Council will maintain a register detailing the names and contact details of any person collecting or being sent tender documentation.

Alternatively, invitations for public tender will be notified by uploading tender information to the TenderLink website (<https://www.tenderlink.com>). Tender information shall include details of the tender closing time and date, the closing date for an open tender being at least 14 days after the date on which the notice is first published or any other period as stipulated by legislation.

Whenever possible the tender closing time shall be 12 noon. Where practicable tenders shall not close on a Monday or on the day immediately following a public holiday.

3.2 ~~OPEN~~PUBLIC TENDERS

The invitation to submit public tenders shall include the following details in accordance with the requirements of Regulation ~~2425~~(1) of the *Local Government (General) Regulations* ~~2015~~2025:

- The nature of the goods or services required;
- Any identification details allocated to the contract;
- How and where the tender is to be lodged;
- The name of the person from whom more detailed information relating to the tender may be obtained;
- The period within which the tender is to be lodged; and
- The place where tender documents can be obtained.

3.3 MULTIPLE USE REGISTER

Council may establish a multi-use register of suppliers who meet criteria established by the Council in respect of the supply of particular categories of goods or services as permitted by Regulation ~~2526~~ of the *Local Government (General) Regulations*

~~2015~~2025. An invitation to suppliers for inclusion on a multiple use register shall be placed in the Examiner newspaper and shall include the following details:

- The nature of the goods or services required;
- Any identification details allocated to the register;
- How and where the application is to be lodged;
- The name of the person from whom more detailed information may be obtained;
- The period within which the application is to be lodged; and
- The place where registration documents can be obtained.

Council will invite tenders for a contract for the supply of goods or services from all suppliers included on its multiple use register for the particular category of goods or services required. The multiple use register is to be reviewed at least once every two years. Council will allow a supplier to apply for inclusion on its multiple use register at any time unless the supplier has made an application within the previous twelve months and that application has not been successful.

3.4 MULTI-STAGE TENDER

Council may invite tenders for a contract for the supply of goods and services using a multi-stage tender process as detailed in Regulation ~~2627~~ of the *Local Government (General) Regulations* ~~2015~~2025. A multi-stage tender process will only be used on a specific project basis, and only for large or complex projects, ~~or where the required solution is not clear~~. A multi-stage tender process is a process by which suppliers are evaluated through stages against criteria determined by the Council. The tender process will be at least in two stages with the first stage involving the submission ~~of expressions~~ an expression of interest (Eoi) from organisations ~~that~~ which consider that they have the technical and financial expertise, experience and ability, and the management and financial resources to undertake the specified project.

At the first stage of a multi-stage tender process the ~~General Manager~~ CEO will invite ~~tenders~~ EOIs by public notice in The Examiner newspaper or through notice on the TenderLink website. A notice shall include the following details:

- The nature of the goods or services required;
- Any identification details allocated to the contract;
- How and where the expression of interest is to be lodged;
- The name of the person from whom more detailed information may be obtained;
- The period within which the ~~expression of interest~~ EOI is to be lodged; and
- The place where the first stage tender documents may be obtained.

~~Stage two~~ Subsequent stages may include requests for proposals detailing the tenderer's anticipated design, methodology, or similar information. The final stage will involve inviting fully detailed tenders from only those suppliers who have been pre-qualified to be considered for the contract following the ~~stage one~~ assessment of earlier stages.

3.5 REQUESTED TENDERS

3.5.1 PROJECTS ~~BETWEEN \$50 000 AND \$150 000~~ FROM \$75 000 TO \$249 999

Where the value of goods or services to be provided is ~~between \$50 000 and \$150 000~~ from \$75 000 to \$249 999, excluding GST, Council will invite the submission of requested tenders in writing from at least three potential suppliers assessed as having the appropriate experience, resources, and/or expertise to provide the goods or services required. At least one quotation shall be sought from a local business where there is such a business that can provide the required goods or services. If three potential suppliers of the required goods or services cannot be reasonably identified the ~~General Manager~~ CEO may approve the request of tenders from a lesser number of potential suppliers.

Details of all quotations must be attached to the copy of the purchase order provided to Accounts Payable. This should be accompanied by a completed Procurement Declaration form where less than three quotes were received or where the lowest quotation was not accepted.

3.5.2 PROJECTS ~~BETWEEN \$10 000 AND \$50 000~~ FROM \$15 000 TO \$74 999

Where the value of goods or services to be provided is ~~between \$10 000 and \$50 000~~ from \$15 000 to \$74 999, excluding GST, Council will invite the submission of requested tenders in writing from at least two potential suppliers assessed as having the appropriate experience, resources, and/or expertise to provide the goods or services required. Where an appropriate local business is available at least one quotation shall be obtained from a local business.

Details of all quotations must be attached to the copy of the Council purchase order provided to Accounts Payable. This should be accompanied by a completed Procurement Declaration form where only one quote was received or where the lowest quotation was not accepted.

3.5.3 PROJECTS ~~BETWEEN \$1 000 AND \$10 000~~ FROM \$5 000 TO \$14 999

Where the value of goods or services to be provided is ~~between \$1 000 and \$10 000~~ from \$5 000 to \$14 999, excluding GST, Council will obtain a written quotation for provision of the goods or services unless they are subject to a standard market price list, in which case the goods may be purchased using a written Council purchase order or corporate credit card based on a verbal price provided by the supplier.

3.5.4 PROJECTS LESS THAN ~~\$15 000~~ \$5 000

Where the value of goods or services to be provided is ~~\$15 000 or less~~ \$5 000 or less, excluding GST, goods and services may be purchased using a written Council purchase order or corporate credit card based on a verbal price provided by the supplier.

A Council officer having the appropriate purchasing authority must authorise all purchase orders. All purchases by corporate credit card must be in accordance with Council's Corporate Credit Card Policy & Guidelines. When requesting quotations for goods or services the responsible Council officer shall ~~at all times endeavor~~ always endeavour to utilise experienced suppliers and shall use his or her best

~~endeavors~~endeavours to obtain the most advantageous deal for Council. This should include seeking competitive quotes from other suppliers where feasible to do so. Where additional quotes have been received details should be attached to the copy of the purchase order provided to Accounts Payable.

3.6 ADDITIONAL INFORMATION

The nominated responsible Council officer for each tender shall be available to answer enquiries regarding the tender documents. Tenderers may ask for clarification of the tender documents during the tender period and if an enquiry reveals a significant error, omission or ambiguity in the documents the Council may issue a notice to all tenderers to clarify the requirements of the tender. Notices to tenderers shall be sequentially numbered for each contract, shall contain a date of issue, shall detail the relevant contract number, and shall require tenderers to include in their tender a signed copy of the notice acknowledging its receipt. When a significant issue is identified within seven days of the notified closure date the Council may extend the tender period, by written notice to all tenderers, to ensure that all tenderers can adequately consider the relevant information.

3.7 PRE-TENDER MEETING

A pre-tender meeting may be held not less than 5 working days prior to the closing of tenders, in order to provide clarification of the contract requirements for prospective tenderers. If a pre-tender meeting is held, minutes shall be recorded and distributed to all prospective tenderers as a notice to tenderers.

3.7.3.8 LODGEMENT OF TENDERS

Unless authorised by prior arrangements public tenders and requested tenders must be lodged electronically and must be accompanied by all relevant information required by the tender documents including all fully completed forms and schedules.

Tenders should be submitted as outlined within the invitation to tender. ~~—This may include:~~

- ~~• By email to tenders@wtc.tas.gov.au~~
- ~~• By submission to the TenderLink website~~

All tenders must be clearly marked as tender documentation with the contract number and description of the works or services tendered for. Tenders submitted by email must be received in full prior to the closing time for tenders to be considered as valid tenders. It is the tenderer's responsibility to ensure that their tender is received by Council prior to the notified date and time for receipt of tenders.

Where a tender is based on any assumption or interpretation of the tender documents due to uncertainty by the tenderer, the tenderer must clearly state in the tender the basis of the tender.

Tenders physically delivered to Council offices without prior arrangement will not be considered.

3.83.9 ALTERNATIVE TENDERS

Tenderers are permitted to submit alternative proposals for consideration by Council. However, the Council is not bound to consider such alternative tenders. A tenderer submitting an alternative proposal shall include a fully detailed description of the alternative, and shall state clearly the manner by which it varies from the requirements of the tender documents and the advantages to Council of the alternative proposal. A failure to provide the detailed information with the tender may result in the tender being excluded.

3.93.10 SECURITY OF TENDERS

Council will take all reasonable steps to maintain the security and confidentiality of received tender information.

The receipt of emailed tenders including general tenderer contact information will be recorded in Council's daily inward mail register and securely stored in Council's ~~electronic records management system (ERMS)~~ ERMS until the tender closes. Security level restrictions will be applied to ensure information cannot be inappropriately accessed.

Once the tender is closed Council's Information Management officers will assign all submitted tender documentation to the responsible Council officer and members of the appointed tender opening panel.

Access to tenders submitted to the TenderLink website will not be available until the tender period has closed. Submitted tender information will only be accessed once the tender opening panel has convened as part of the tender opening process (refer section ~~3.10 below~~ 3.10 below).

3.103.11 OPENING OF TENDERS

Tenders shall be opened by a tender opening panel consisting of at least 2 Council officers as soon as possible after the tender closing time. Members of the tender opening panel will be appointed by the department ~~manager~~ Director when possible to do so.

Unless otherwise stipulated the opening of tenders shall not be open to the public. All members of the tender opening panel shall be present at the opening of tenders and at that time shall record details of the tenders received in the Tender Opening Register form. The Tender Opening Register form is to be returned to Information Management for recording and assigning.

Following the opening of the tenders ~~the only~~ details ~~to be made available to other tenderers are:~~

- ~~The name of each tenderer~~
- ~~The total tender price~~

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~~• Whether the tender is a conforming or an alternative tender~~
~~Whether the tender is a complete tender or a conditional tender shall remain confidential.~~

3.113.12 LATE TENDERS

All tenders must be lodged within the time period, or by the date specified in the request for tender. Any tender received after the specified closing time will not be considered.

~~2. INVITATION DOCUMENTS~~

~~Open~~

4 INVITATION DOCUMENTS

3.124.1 ALL TENDERS

The tender documents made available to prospective tenderers for ~~open~~all tenders shall include the following ~~as required by Regulation 24(3) of the Local Government (General) Regulations 2015:~~

- Details of the goods or services required;
- ~~Details of the duration of the contract, including any extensions that are specified in the contract;~~
- ~~Time and location for the pre-tender meeting if required;~~
- Criteria for evaluating tenders;
- The method for evaluating tenders against the evaluation criteria;
- Any mandatory tender specifications and contract conditions; and
- A reference to Council's Code relating to tenders and contracts.

4.2 DOCUMENTSPUBLIC TENDERS

The tender documents made available to prospective tenderers for ~~open~~public tenders shall include the following:

1. Council's conditions of tendering;
2. The general conditions of contract;
3. Special conditions of contract or principal's contract requirements (if required);
4. Contract period or duration;
5. A technical specification or project description detailing specific criteria for the works, goods or services to be undertaken or supplied;
6. Maps, drawings, charts or other documents to clearly articulate the details of the works, goods or services to be undertaken or supplied (if required);
7. Form of tender;
8. Schedules of rates, quantities or prices (if required);
9. Technical schedules (if required);
10. Council's Work Health and Safety Requirements of Contractors;
11. Project specific reports or studies (if available); and
12. Permits obtained by Council for the project (if required).

3.134.3 MULTIPLE USE REGISTER

The documents made available to prospective applicants for inclusion on a multi-use register shall include the following ~~as required by Regulation 25(3) of the Local Government (General) Regulations 2015:~~

- ~~Details of the categories of goods or services required;~~
- ~~The criteria for evaluating applications;~~
- ~~The method for evaluating applications against to be used for calling up items on the criteria;~~
- ~~A reference to council's code for tenders; register; and contracts.~~
- Information on the anticipated use of the register (e.g. frequency, amounts, duration, etc.).

3.144.4 MULTI-STAGE TENDER

The documents made available to prospective tenderers for ~~lodgment~~lodgement of an expression of interest for a multi-stage tender shall include the following ~~as required by Regulation 26(3) of the Local Government (General) Regulations 2015~~:

- ~~Details of the goods or services required;~~
 - Criteria for evaluating expressions of interest;
 - The method for evaluating expressions of interest against the criteria; and
 - Details of any anticipated further stages in the tender process;.
- ~~A reference to council's Code for Tenders and Contracts.~~

3.154.5 REQUESTED TENDERS (PROJECTS LESS THAN ~~\$150~~250 000)

The documents made available to organisations invited to submit requested tenders for goods or services valued ~~between \$10 from \$75 000 and \$150 000~~to \$249 999 shall generally include the following:

- ~~Details of the goods or services required, including~~ Any technical specification or project description necessary to detail specific criteria for the works, goods or services to be undertaken or supplied;
- A ~~schedules~~schedule of rates, quantities or prices (if required);.
- ~~Lodgment~~Lodgement details including the time and date for the submission of the tender;
- The name of the person from whom more detailed information may be obtained;
- Council's Work Health and Safety Requirements of Contractors; and
- Permits obtained by Council for the project (if required);.
- ~~A reference to council's code for tenders and contracts.~~

Requests for quotations for goods valued at less than ~~\$10~~15 000 shall include specific details of the items required, the date or time for provision of the quote, and details of the responsible Council officer.

3.15.11.1.1 STANDARD GENERAL CONDITIONS OF CONTRACT

~~Where possible the standard general conditions of contract for open tenders shall be the applicable Australian Standard document. The following standards may be applicable:~~

- ~~• For major construction and building contracts:
 - ~~• AS 4000 General Conditions of Contract or~~
 - ~~• AS 2124 1992 General Conditions of Contract~~~~
- ~~• For major design and construct projects:
 - ~~• AS 4902 General Conditions of Contract for Design and Construct Contracts~~~~
- ~~• For construction projects of a simple nature, generally where the value does not exceed \$250 000:
 - ~~• AS 4906 Minor works Contract Conditions (Principal Administered)~~~~
- ~~• For major service provision contracts or asset maintenance services:
 - ~~• AS 4920 General Conditions of Contract for the Provision of Asset Maintenance and Services (Principal's version)~~~~
- ~~• For minor service provision contracts or asset maintenance services:
 - ~~• AS 4921 General Conditions of Contract for the Provision of Asset Maintenance and Services (Short version)~~~~

3.15.21.1.1 PRICE ESCALATION

~~For short term contracts there shall be no provision in the tender documents for variation of the tendered price or rates over the duration of the contract.~~ **For long term contracts the relevant departmental manager shall determine if the tender documents shall include a price escalation clause.**

~~If a price escalation clause is to be included in a contract then details shall be included in the tender documents. A price escalation clause shall be based upon changes in the Consumer Price Index (All Groups) for Hobart unless a standard index figure which is more relevant to the specific contract is available. Price adjustments due to changes in index figures shall not be calculated more frequently than quarterly.~~

3.15.31.1.1 INSURANCES

~~All tender documents and requests for quotations shall include a requirement for the successful tenderor to hold the following insurances for the duration of the contract:~~

- ~~• Workers compensation — covering all employees for Statutory Workers Compensation insurance and liability at common law,~~
- ~~• Public Liability — for a minimum of \$20 000 000 per occurrence~~
- ~~• Motor Vehicles — as required by law for registered vehicles~~
- ~~• Professional Indemnity (if relevant)~~
- ~~• Contract works insurance (when not already included as part of another blanket policy) — for the contract value plus 10%~~

~~The documents shall require that evidence of the insurances shall be provided to Council on request and that the contractor maintain all insurances for the duration of the contract.~~

~~3.15.41.1.1 SECURITY~~

~~Tender documents for all contracts for the provision of goods and services with an estimated value of more than \$150 000 shall include a provision for the contractor to provide security for the due and proper performance of the contract, unless specifically approved otherwise by the General Manager. For service contracts the security shall be in the form of an unconditional guarantee from an approved financial institution. For specific project contracts the security required may be in the form of an unconditional guarantee from an approved financial institution, or by the retention of money by Council from progress payments for work completed. Security may be required for contracts with a value of \$150 000 and less if determined to be necessary by the relevant departmental manager.~~

~~Receipt of security guarantees must be recorded in council's ERMS and the original security documents forwarded to Finance for safekeeping.~~

~~3.15.51.1.1 DEFECTS LIABILITY~~

~~The tender documents for specific project contracts with an estimated value greater than \$150 000 shall include a requirement for a defined defects liability period after the practical completion of the works or service, during which time the contractor shall be responsible for the rectification of defects in the works or services provided. The relevant departmental manager shall determine the length of the defects liability period. For construction type contracts the period shall generally be six months. A defects liability period may be required for contracts with a value of \$150 000 and less if determined to be necessary by the relevant departmental manager.~~

45 TENDER AND APPLICATION EVALUATION

4.15.1 OPENING OF TENDERS

Section ~~3.403.10~~ of this code details the requirements for the opening of tenders.

4.25.2 CONSIDERATION OF TENDERS

Council will not necessarily accept the lowest priced tender or quote, or accept any tender or quote for any goods or services. Council will ~~endeaver~~endeavour to accept the tender that it considers to be the most advantageous for its community. Tenders that do not satisfy all statutory and legal requirements will be disqualified from consideration by Council. Any tender which does not address all the criteria required by the tender documents may be excluded.

4.35.3 TENDER EVALUATION

Unless the Conditions of Tendering expressly state an alternative method, tender evaluation will be carried out in accordance with the principles and practices set out in this Code.

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For works valued at less than \$~~150-250~~ 000, tenders, quotes, or invited applications for any works or service shall be evaluated by the ~~relevant departmental manager, or a person appointed by that manager. This will generally be the~~ Council officer responsible for managing the project. ~~For specialist projects, or another person appointed by the Director.~~ The evaluation may be undertaken by consultants for specialist projects or where the consultant has been engaged to assist with procurement.

For works valued at \$~~150-250~~ 000 or more, tenders, quotes, or invited applications for any works or service shall be evaluated by a Tender Evaluation Committee as outlined in clause 5.3.2.

Tenders will be evaluated with the aim of determining the tender submission which offers the best value for money and most advantageous outcomes to the Council.

When assessing value for money, the Council may:

- in addition to price, ~~take into account~~ consider any non-price criteria that it considers relevant to the successful performance of the Council's requirements and achievement of the Council's desired commercial and other outcomes; and
- apply a weighting to the price and non-price criteria.

The evaluation method and evaluation criteria must be determined before finalising the request for tender and must be disclosed to tenderers in the ~~Condition~~ Conditions of Tendering. Evaluation method, criteria and weightings will apply equally to all tenderers.

4.3.15.3.1 CONFORMING AND NON-CONFORMING TENDERS

A tender will initially be assessed for conformance. A conforming tender will be taken to mean a tender which:

- is lodged by the closing time and in compliance with the requirements of the Conditions of Tendering; and
- meets the mandatory Conditions of Participation.

The Council will consider any conforming tender on its merits. The Council may reject, as a nonconforming tender, any tender which:

- is not submitted in conformance with the Conditions of Tendering; and
- is incomplete or which contains insufficient information to allow the Council to carry out a valid evaluation in accordance with the procedure for evaluating tenders set out in this Code.

4.3.25.3.2 TENDER EVALUATION COMMITTEE

A Tender Evaluation Committee (TEC) will be established to assess tender submissions for the provision of goods or services valued ~~in excess of \$150 at \$250 000 or higher~~. The TEC will consist of at least ~~three~~ four members. ~~TEC will include following as below:~~

- Chairperson ~~(usually departmental manager), Director or their delegate;~~
- Technical/subject expert ~~(external or internal), may be externally or internally resourced;~~
- Responsible Officer;
- Probity Officer – has no vote in the assessment. This role is to ensure that the evaluation process is followed correctly. The Probity Officer will be nominated by the Office of the CEO.

4.3.35.3.3 CONFIDENTIALITY

Tender evaluations should be strictly confidential. All contact with the suppliers must be confirmed in writing through the Responsible Officer advising the TEC. Members of the TEC will not discuss with any other person outside the TEC issues regarding the evaluation. The Chair of the TEC may obtain advice from specialists to assist in the Tender evaluation process.

4.45.4 OPENPUBLIC TENDERS

The tender evaluation criteria to be used in the evaluation of ~~openpublic~~ tenders shall be included in the tender documents. The criteria shall be selected to suit the requirements of the project, and the tender documents shall request tenderers to provide information relevant to the adopted criteria to support their tender and to allow assessment of compliance with the criteria. If a weighted attributes system is to be used, then the weighting of the attributes shall ~~not be revealed~~provided in the tender documents. For ~~openpublic~~ tenders, total tender price shall be the primary ~~criteria~~criterion.

Criteria for evaluation of tenders may include, but not limited to, the following:

- Tender price;
- Experience in undertaking similar projects;
- Availability and ability to meet time schedule;
- Previous performance undertaking works for Council;
- Available resources;
- Financial status;
- Quality, environmental, and/or work health and safety systems;
- Risk analysis.

4.55.5 MULTIPLE USE REGISTER

The criteria for evaluating applications for registration on the multi-use register shall be detailed in the invitation for registration. They may include some of the following:

- Experience;
- Available resources;
- Technical expertise;
- Financial status;
- Performance history;
- Quality system;
- Environmental management system;
- Work health and safety system;
- Employee qualifications;
- Expertise and special skills.

Applicants for registration will be required to provide verifiable evidence of all claims made against each of the specified criteria. A weighted attribute system may be used in the assessment process.

4.65.6 MULTI-STAGE TENDERS

The evaluation process for preliminary stages of multi-stage tenders will be ~~in two stages with the first stage involving the submission of expressions of interest from any organisation that considers that it has the ability to satisfactorily undertake the specified project. These expressions of interest will be evaluated~~ evaluate submissions received against the criteria detailed in the ~~tender~~ documents to provide a short list of pre-qualified applicants ~~assessed to have the technical, financial and management skills required to deliver the project approved to progress to the next stage.~~

~~Stage two~~ The final stage will involve ~~inviting~~ evaluating fully detailed and priced tenders ~~from only those tenderers who have been pre-qualified in the stage one assessment. Tenders from these organisations will then be evaluated~~ based on the ~~basis of the~~ specific project requirements which may include:

- Tender price;
- Experience in undertaking similar projects;
- Availability and ability to meet time schedule;
- Previous performance undertaking works for Council;
- Available resources;
- Quality, environmental, and/or work health and safety systems;
- Risk analysis.

4.75.7 REQUESTED TENDERS

Requested tenders ~~shall be~~ only invited from suppliers who are considered to have the experience or ability to provide the required service or goods. Price shall therefore be the primary determinant in the selection of the most advantageous tender for Council. However, other factors may be given consideration in assessing requested tenders including:

- Availability and ability to meet time schedule;
- Available resources including any specialised equipment required;
- Quality, environmental, and/or work health and safety systems; and
- The allocation of risk between the Council and the contractor.

4.85.8 TENDER CLARIFICATION

Council may request additional information from any tenderer ~~in order~~ to clarify details of any tender, quote or offer. Any requests for additional information shall be made in writing and the tenderer's response shall also be in writing. If a tender is accepted, then the written clarification documents shall be included as part of the contract documents. Request for additional information shall not allow for the alteration of the tendered price, with the exception of correcting gross errors that would have a detrimental impact to the tenderer, and shall not provide an unfair advantage to that tenderer over other tenderers.

4.95.9 TENDER NEGOTIATIONS

If none of the tenders or quotes received for a particular work or service fully meets Council's requirements then Council may negotiate with the tenderer that has provided the most advantageous offer in an attempt to achieve a satisfactory offer. During such negotiations Council shall not disclose any details of any other tender received. Council shall not seek to price bargain between tenderers. If a satisfactory offer cannot be negotiated with the preferred tenderer, then Council may negotiate with the other tenderers in order of preference from most to least preferred. Where no tender meets Council's requirements, but it is possible to proceed by making minor changes to the nature of the works or services Council shall negotiate a revised tender with the preferred tenderer, the only acceptable changes to the original tender being those directly associated with the alterations to Council's requirements. The re-calling of tenders should be avoided if possible.

5.6 ACCEPTANCE OF TENDERS, QUOTES AND APPLICATIONS

5.16.1 REQUESTED TENDERS AND QUOTATIONS

Under the provisions of section 62 of the *Local Government Act 1993* the ~~General Manager~~CEO has the authority and duty to implement the policies, plans and programs of the Council and is responsible for the day-to-day operations and affairs of the Council. The approval by Council of the operational and capital works budgets and the Annual Plan ~~provide~~provides the ~~General Manager~~CEO with the authority to accept requested tenders or quotations provided the value is within the budget allocations. Tenders and quotations that fall outside the limits of this authority must be referred to the Council for consideration at a Council meeting. Departmental ~~managers~~Directors have authority to incur expenditure within the limits of the budget allocations in their area of responsibility. Where a requested tender for a project included in the approved budget is accepted the acceptance shall be confirmed in writing.

A Council purchase order issued by an appropriately authorised Council officer ~~should~~must be ~~written~~created for all accepted tenders or quotations.

5.26.2 PUBLIC TENDERS

All public tenders received for the provision of goods or services valued ~~in excess of \$150 at \$250~~ 000 or higher must be the subject of a Council meeting agenda item for a decision by Council. Agenda items shall detail the name and address of each tenderer, and the total value of each tender submitted. If alternative tenders have been submitted, then the agenda item must detail any advantages or disadvantages to Council of each alternative tender.

If Council determines to accept a tender, then the successful tenderer shall be advised in writing as soon as possible after the Council meeting.

The following process is to be implemented where a tender for the provision of goods and services ~~in excess of \$150 valued at \$250~~ 000 or higher needs to be accepted prior to a scheduled meeting of Council, e.g. where price offerings are only available for a short period. On these occasions:

- Council approval will be sought via the electronic circulation of a recommendation from the ~~General Manager~~CEO;
- unless otherwise stated Councillors will be given 48 hours from the time the recommendation is circulated to provide a response;
- where a response is not received within the required 48-hour period it will be taken as being in support of the recommendation;
- the ~~General Manager~~CEO is authorised to accept the tender on behalf of Council if the majority of Councillors are deemed to be in support of the recommendation.

5.36.3 ACCEPTANCE OF TENDERS

Once a decision has been made to accept a tender the successful tenderer shall be advised as soon as possible. The letter of acceptance to the successful tenderer shall include the following:

- The identification number of the contract;
- The name of the contract;
- The date of the Council meeting at which the tender was accepted;
- The accepted tender price including any options accepted;
- Details of information required to be supplied to Council and the date by which such information is to be provided;
- The date or time for commencement of the works or service;
- The contact details of the responsible Council officer.

5.46.4 WORK HEALTH AND SAFETY INDUCTIONS

West Tamar Council expects all contractors, their employees and sub-contractors to comply with, as a minimum, the same WHS Standards that apply to West Tamar Council employees, and to:

- demonstrate a knowledge and commitment toward health and safety, and work with West Tamar Council to meet the health and safety obligations of both parties;
- take all steps necessary to protect their employees, volunteers, suppliers, sub-contractors and the public from any health and safety risks arising from work being undertaken;
- co-operate with West Tamar Council and any other contractors at the work site in the pursuit of positive workplace health and safety outcomes.
- Council's responsible officer must ensure all contractors, their employees and sub-contractors have successfully completed Council's Contractor Induction prior to any work commencing.

5.56.5 APPLICATIONS

Applications for registration on a multi-use register shall be assessed by the designated Council officer against the specified criteria. Multi-use registers shall only be altered with the approval of the relevant departmental ~~manager~~Director.

The assessment of expressions of interest for pre-qualification for a multi-stage tender shall be the subject of an agenda item for consideration by Council at a Council meeting. Tenders received in the second stage of a multi-stage tender shall be treated in the same manner as public tenders (refer clause ~~6.2~~6.2).

5.66.6 UNSUCCESSFUL TENDERS

Within five working days of the issue of a letter of acceptance of a tender for any works or services all unsuccessful tenderers shall be advised in writing that their tender was not successful. The letter shall advise the name of the successful tenderer, and

~~where commercial confidence would not be breached, if so directed by the Council decision,~~ the accepted tender price.

6.7 CONTRACT DOCUMENTS

6.17.1 CONTRACT DOCUMENTS

The Council officer responsible for any project shall ~~prepare at least two (2) bound copies~~ensure that a copy of the contract ~~documents for every contract document is stored in the Council's ERMS~~ as soon as possible after the acceptance of a tender. The document shall include the following:

- The letter of acceptance of tender;
- The submitted tender;
- Any correspondence between Council and the tenderer ~~subsequent to~~after the tender clarifying the offer; and
- The entire tender documents.

For contracts having a value ~~in excess of \$250 000, two (2) sets or higher a formal instrument of official contract documents agreement~~ shall be prepared ~~that include a formal~~referencing all documents which form part of the contract ~~agreement~~. Both parties to the contract shall sign that formal agreement ~~in both copies of the which shall then be included with the contract~~ documents.

6.27.2 DISTRIBUTION OF DOCUMENTS

For all contract documents, including those containing a formal signed agreement, one copy of the official signed documents shall be provided to the contractor electronically and one copy retained by the Council officer responsible for the implementation of the project.

The responsible officer, with assistance from Council's Information Management Officers, must ensure that a digital copy of the complete contract documentation is filed in Council's ERMS immediately after signing so it is available to other officers involved in supervising the works of the contract, e.g. Council's Civil Works Officer.

7.8 CONTRACT MANAGEMENT

7.18.1 EXTENSION OF CONTRACT

Regulation ~~2324~~(5) of the *Local Government (General Regulations)* ~~2015~~2025 provides that a Council may only extend a contract entered ~~into~~ by tender—:

- As specified in the contract; or
- If the contract does not specify extensions, by an absolute majority.

7.28.2 RESPONSIBLE OFFICERS

The Council officer responsible for any contract shall ensure that the works or services provided under that contract are in accordance with the requirements of the contract documents. Any agreed variations to the contractor's obligations shall be confirmed in writing. Adequate supervision and monitoring of the contractor shall be undertaken to ensure compliance in a timely manner.

7.38.3 PAYMENTS

The ~~authorised~~responsible Council officer shall be responsible for checking all claims for payment under a contract. No payment shall be approved unless a Tax Invoice has been received from the contractor having a value equal to or exceeding the value of the authorised payment. All approvals for payment under contracts shall be authorised by a Council officer having the relevant purchasing authority. When approving payment, the Council officer shall:

- Ensure that the approval relates only to work ~~actually~~ completed under the terms of the contract, and
- ~~Shall~~ Have regard to all previous payments made under the contract, and
- ~~Shall~~ Ensure that the request complies with the requirements of the contract documents, including any requirements for Council to hold retention money.

7.48.4 COMPLETION OF CONTRACT

Immediately prior to the completion of any contract the responsible Council officer, in conjunction with the ~~contractors~~contractor's representative, shall inspect the works to verify completion, or meet to confirm that any services provided have been satisfactorily completed. Any defects or non-compliance shall be confirmed in writing to the contractor prior to the completion date for the contract with a request for the outstanding issues to be addressed in accordance with the terms of the contract. All manuals, guarantees, instructions, training and asset data shall be received by Council prior to the final payment being approved. At the completion of any contract the responsible Council officer shall ensure that any final payments due to the contractor are requested and that any security is released. Council's finance staff shall be advised of the date of completion of all contracts.

89 COMPLAINTS

Any complaint regarding the implementation of this code shall be dealt with by Council in accordance with the provisions of the Complaints Management Process detailed in Council's Customer Service Charter.

910 REPORTING

Regulation ~~2930~~ of the *Local Government (General Regulations)* ~~2015~~2025 provides that a council is to report the following in its annual report in relation to any contract for the supply or provision of goods or services valued at or above \$250 000, excluding GST, entered ~~into~~ or extended under Regulation ~~2324~~(5)(b)] in the financial year:

- A description of the contract;
- The period of the contract;
- The periods of any options for extending the contract;
- The value of any tender accepted, or if a tender was not required, the value of the contract excluding GST;
- The business name of the successful contractor;
- The business address of the successful contractor.

A council is also required to report in its annual report all instances where the public tender process was not used under the exemption provisions of Regulation ~~2728~~(a) and (i), with the following details:

- A brief description of the reason for not inviting public tenders;
- A description of the goods or services acquired;
- The value of the goods or services acquired;
- The name of the supplier.

Furthermore, a council is to report the following in its annual report in relation to any contract, for the supply or provision of goods or services valued at or exceeding \$100 000 (excluding GST) but less than \$250 000, that is entered ~~into~~, or extended, in the financial year to which the annual report relates:

- a description of the contract;
- the period of the contract;
- the periods of any options for extending the contract;
- the value of the contract (excluding GST);
- the business name of the successful contractor;
- the business address of the successful contractor.

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1011 AVAILABILITY OF THIS CODE

Copies of the current edition of this Code are available:

- For public inspection at the Council's offices at West Street, Beaconsfield and Eden Street Riverside, during ordinary office hours (8.30 am to 4.45 pm Monday to Friday, excluding public holidays),
- For purchase at a cost of \$25.00; and
- On Council's Website at ~~www.wtc.tas.gov.au~~ <https://www.wtc.tas.gov.au/>.

1112 EFFECTIVE DATE AND APPROVAL

This code was last updated effective from the Council meeting of ~~21 July 2020 (76/20)~~ January 2026.

Approved by the Council on 20 January 2026

Signed: _____

Chief Executive Officer

9.2 Gov 2 - Updated WT-HRM29.00 - Procurement Policy

REPORT AUTHOR: Director Corporate & Community - David Gregory

REPORT DATE: 14 January 2026

ATTACHMENTS:

1. [9.2.1] WT-HRM29.00 - Procurement Policy - January 2026 (DRAFT)
2. [9.2.2] WT-HRM29.00 - Procurement Policy - January 2026 (DRAFT) - Track Changes

SUMMARY

The purpose of this paper is to seek Council approval of the revised *Procurement Policy (WT-HRM-29.00)*.

BACKGROUND

Council's *Procurement Policy (the Policy)* was last approved on 21 July 2020, with a review date of July 2024. The Policy has been reviewed by Officers in line with recommended changes to the procurement thresholds therein.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- Be open and transparent in how we make our decisions.
- Have appropriate policies and procedures in place with clearly defined accountability.
- Manage risks through continual assessment, review and improvement.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

Local Government (General) Regulations 2025

WT-HRM-17.00 - Code for Tenders and Contracts

RISK CONSIDERATIONS

Reviewing the Procurement Policy on a regular basis ensures that Council Officers are undertaking procurement in line with contemporary and regulated processes.

FINANCIAL IMPACT

There is nil financial impact in the review and approval of recommended changes to the Procurement Policy.

CONSULTATION

Consultation with Elected Members on the revised Procurement Policy occurred at the 13 January 2026 workshop.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments; or
3. Reject the motion.

OFFICER'S COMMENTS

The Procurement Policy has been updated to reflect proposed changes to the Code for Tenders and Contracts in procurement thresholds along with minor amendments including terminology and references to updated legislation.

RECOMMENDATION

That Council:

1. Rescinds the existing *Procurement Policy* (Minute 76/20);
2. Adopts the updated *Procurement Policy* as presented, effective 20 January 2026;
3. Updates the version number to 4.00; and
4. Approves a review date of January 2030.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Procurement Policy



Document No.:	WT-HRM29.00	Approved By:	Council	
Issue No.:	4.00	Approved On:	20 January 2026 (YY#)	
Responsibility:	Corporate	Review Date:	January 2030	
Document Control: Internal release only			N2020148525	
Rev. No.	Date	Revision Details	Reviewer	Approved

1 PURPOSE

To provide a framework and control for the effective and ethical purchase of goods and services for the Council.

2 OBJECTIVE

Council aims to:

- promote fair and open competition;
- seek value for money;
- promote the use of resources in an efficient, effective and ethical manner;
- make decisions with probity, accountability and transparency;
- provide reasonable opportunity to competitive local businesses to supply to Council; and
- ensure compliance with policies, the *Local Government Act 1993* and the *Local Government (General) Regulations 2025*.

3 SCOPE

This Policy applies to all procurement activities undertaken by West Tamar Council and Council officers.

4 DEFINITIONS

Procurement – means all purchasing, supply and contracting arrangements undertaken between Council and a supplier for the provision of goods and/or services.

Purchase Order – means the official document issued by the Council to a supplier which demonstrates the Council's contractual commitment to the procurement of goods and services from the supplier stated on the order.

Procurement Declaration – a declaration required when the purchase of goods or services does not fully conform to Council's *Procurement Policy* or *Code for Tenders and Contracts* – see Attachment 1.

Financial Delegated Authority – means the financial level that a director delegates to an officer for the purposes of approving budgeted expenditure of Council's monies.

Local Business – any supplier operating in the northern region of Tasmania and preferably having a permanent office or presence in the Municipal Area.

Public Tender – a tender where the invitation to tenders is advertised to the public. This includes an open tender, a tender based on a multi-use register, and a multiple stage tender.

5 PROCUREMENT PRINCIPLES

The principles that underpin Council procurement activities are:

5.1 VALUE FOR MONEY

Council officers will ensure that all procurement and contract management activities achieve the most advantageous outcome for Council (which balances meeting the business requirement with efficiency, quality, risk, environmental impact and total cost). Assessment of cost takes into account the whole of life cost of the product and/or service.

5.2 OPEN AND EFFECTIVE COMPETITION

Council officers will ensure that the purchasing process is impartial, open and encourages competitive offers.

5.3 PROBITY, ETHICAL BEHAVIOUR AND FAIR DEALING

Council officers involved in purchasing are to act with impartiality, fairness, independence, openness and integrity in all discussions and negotiations. All conflicts of interest, whether real or perceived, must be brought to the attention of the Chief Executive Officer in writing prior to committing to the purchase of goods and services.

5.4 ACCOUNTABILITY

Council demonstrates its accountability for procurement practices by meeting audit, legislative and reporting requirements.

5.5 ENHANCING OPPORTUNITIES FOR LOCAL BUSINESSES

Council will endeavour to support business and industry within the region and maximise opportunities by means that are consistent with achieving best value for money objectives.

Where the goods or services to be provided are between \$15,000 and \$249,999, at least one quotation shall be sought from a local business that can provide the required goods or services.

6 PROCUREMENT PROCESSES AND THRESHOLDS

A financial delegations threshold register is maintained by the Finance Section and approved by management within budget limitations. Only officers with the appropriate delegated authority can approve purchase orders or enter into contracts on behalf of Council. Council officers must not split expenditure to avoid delegation limits.

Procurement takes place in accordance with Council's *Code for Tenders and Contracts* as summarised below and financial delegated authority must be observed at all times,

Thresholds below are exclusive of GST:

- Procurement of goods and services below \$5,000:
 - a Council purchase order completed unless using a corporate credit card in accordance with Council's Corporate Credit Card Policy & Guidelines or it is impractical to generate an order, eg for payment of State Government taxes, utilities, financial transactions, etc.
- Procurement of goods and services between \$5,000 and \$14,999;
 - a Council purchase order completed unless using a corporate credit card in accordance with Council's Corporate Credit Card Policy & Guidelines or it is impractical to generate an order, eg for payment of State Government taxes, utilities, financial transactions, etc.

- Written quotations will be obtained unless the goods or services are subject to a standard market price list.
- Procurement of goods and services between \$15,000 and \$74,999:
 - Council will invite written submission from two potential suppliers based on the supplier's experience, resources, and or expertise.
- Procurement of goods or services between \$75,000 and \$249,999:
 - Council will invite written submission from at least three potential suppliers based on the supplier's experience, resources, and/or expertise.
- The procurement of goods and services greater than \$250,000:
 - must be undertaken through public tender unless an exemption applies under the *Local Government (General) Regulations 2025*.

When the purchase of goods or services does not fully conform to Council's *Procurement Policy* or *Code for Tenders and Contracts* a *Procurement Declaration* **must** be completed and attached to the copy of the purchase order.

For example: when insufficient quotes were received, evidence of quotes is unavailable or where the lowest quote was not accepted.

7 RESPONSIBILITIES

The implementation of this Policy and associated procedures is the responsibility of all Council officers responsible for procurement activities.

8 LEGISLATION AND REFERENCES

Financial Management and Audit Act 1990 (Tas)
Local Government Act 1993 (Tas)
Local Government (General) Regulations 2025 (Tas)
WT-HRM6.00 – Policy Manual – Code of Conduct
WT-HRM17.00 – Code for Tenders and Contracts
WT-HRM26.00 – Fraud and Corruption Control Policy

9 APPROVAL

Approved by Council on 20 January 2026 (YY/#)

Signed: _____

Chief Executive Officer

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Attachment 1

PROCUREMENT DECLARATION	
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This declaration must be completed and attached to the copy of the purchase order when the purchase of goods or services does not fully conform to Council's *Procurement Policy* and *Code for Tenders and Contracts*.

- For example:
- when insufficient quotes were received or evidence of quotes is unavailable
 - where the lowest quote was not accepted

Requisition No.:

Purchase Order No. (if created)

Description of goods and/or services being procured:

Details of quotes received:		
Supplier:	\$ (Ex GST)	Notes
	\$	
	\$	
	\$	

Reason for insufficient quotes or for non-selection of cheapest quote:

Name: Signature: Date:

Director: Signature:

Procurement Policy



Document No.:	WT-HRM29.00	Approved By:	Council		
Issue No.:	4.003-00	Approved On:	20 January 2026 (YY/#) 21 July 2020		
Responsibility:	Corporate Services	Review Date:	July 2024 December January 2030 25		
Document Control: Internal release only N2020148525					
Rev. No.	Date	Revision Details		Reviewer	Approved

1 PURPOSE

To provide a framework and control for the effective and ethical purchase of goods and services for the Council.

2 OBJECTIVE

Council aims to:

- promote fair and open competition;
- seek value for money;
- promote the use of resources in an efficient, effective and ethical manner;
- make decisions with probity, accountability and transparency;
- provide reasonable opportunity to competitive local businesses to supply to Council;
and
- ensure compliance with policies, the *Local Government Act 1993* and the *Local Government (General) Regulations 2015* ~~2025~~.

3 SCOPE

This ~~p~~Policy applies to all procurement activities undertaken by West Tamar Council and Council officers ~~staff in relation to West Tamar Council~~.

4 DEFINITIONS

Procurement – means all purchasing, supply and contracting arrangements undertaken between Council and ~~another party a supplier~~ for the provision of goods and/or services.

Purchase Order – means the official document issued by the Council to a supplier which demonstrates the Council's contractual commitment to the procurement of goods and services from the supplier stated on the order.

Procurement Declaration – a declaration required when the purchase of goods or services does not fully conform to Council's *Procurement Policy* or *Code for Tenders and Contracts* – see Attachment 1.

Financial Delegated Authority – means the financial level that a ~~manager~~ director delegates to an officer for the purposes of approving budgeted expenditure of Council's monies.

Local Business – any business supplier operating in the northern region of Tasmania and preferably having a permanent office or presence in the Municipal Area.

Public Tender – a tender where the ~~request for invitation to tenders is publicly notified by advertisement in a newspaper~~ tenders is advertised to the public. This includes an open tender, a tender based on a multi-use register, and a multiple stage tender.;

5 PROCUREMENT PRINCIPLES

The principles that underpin Council procurement activities are:

5.1 VALUE FOR MONEY

Council officers will ensure that all procurement and contract management activities achieve the most advantageous outcome for Council (which balances meeting the business requirement with efficiency, quality, risk, environmental impact and total cost). Assessment of cost takes into account the whole of life cost of the product and/or service.

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Council officers will ensure that the purchasing process is impartial, open and encourages competitive offers.

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Council officers involved in purchasing are to act with impartiality, fairness, independence, openness and integrity in all discussions and negotiations. All conflicts of interest, whether real or perceived, must be brought to the attention of the ~~General Manager~~ Chief Executive Officer in writing prior to committing to the purchase of goods and services.

5.4 ACCOUNTABILITY

Council demonstrates its accountability for procurement practices by meeting audit, legislative and reporting requirements.

5.5 ENHANCING OPPORTUNITIES FOR LOCAL BUSINESSES

Council will endeavour to support business and industry within the region and maximise opportunities by means that are consistent with achieving best value for money objectives.

Where the goods or services to be provided are between \$105,000 and ~~\$249,999~~150,000, at least one quotation shall be sought from a local business that can provide the required goods or services.

6 PROCUREMENT PROCESSES AND THRESHOLDS

A financial delegations threshold register is maintained by the Finance Section and approved by management within budget limitations. Only officers with the appropriate delegated authority can approve purchase orders or enter into contracts on behalf of Council. Council officers must not split expenditure to avoid delegation limits.

Procurement takes place in accordance with Council's *Code for Tenders and Contracts* as summarised below and financial delegated authority must be observed at all times.;

Thresholds below are exclusive of GST:

- Procurement of goods and services below \$45,000:
 - a Council purchase order completed unless using a corporate credit card in accordance with Council's Corporate Credit Card Policy & Guidelines or it is impractical to generate an order, eg for payment of State Government taxes, utilities, financial transactions, etc.
- Procurement of goods and services between \$45,000 and ~~\$105,000~~14,999;

ORDINARY COUNCIL MEETING Tuesday 20 January 2026

- a Council purchase order completed unless using a corporate credit card in accordance with Council's Corporate Credit Card Policy & Guidelines or it is impractical to generate an order, eg for payment of State Government taxes, utilities, financial transactions, etc.
- Written quotations will be obtained unless the goods or services are subject to a standard market price list.
- Procurement of goods and services between \$~~4015~~,000 and \$~~5074,9995,000~~:
 - Council will invite written submission from two potential suppliers based on the supplier's experience, resources, and or expertise.
- Procurement of goods or services between \$~~5075~~,000 and \$~~150250,00049,999~~:
 - Council will invite written submission from at least three potential suppliers based on the supplier's experience, resources, and/or expertise.
- The procurement of goods and services greater than \$~~150250~~,000:
 - must be undertaken through public tender unless an exemption applies under the *Local Government (General) Regulations 2015-2025*.

When the purchase of goods or services does not fully conform to Council's *Procurement Policy* or *Code for Tenders and Contracts* a *Procurement Declaration* **must** be completed and attached to the pink copy of the purchase order.

For example: when insufficient quotes were received, evidence of quotes is unavailable or where the lowest quote was not accepted.

7 RESPONSIBILITIES

The implementation of this Policy and associated procedures is the responsibility of all Council employees/officers responsible for procurement activities.

8 LEGISLATION AND REFERENCES

Financial Management and Audit Act 1990 (Tas)

Local Government Act 1993 (Tas)

Local Government (General) Regulations 2015-2025 (Tas)

WT-HRM6.00 – Policy Manual – Code of Conduct

WT-HRM17.00 – Code for Tenders and Contracts

WT-HRM26.00 – Fraud and Corruption Control Policy

9 APPROVAL

Approved by Council on 20 January 2026 ~~21 July 2020~~ (reference YY/# ~~76/20~~)

Signed:



~~General Manager~~Chief Executive Officer

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Attachment 1

PROCUREMENT DECLARATION



This declaration must be completed and attached to the ~~pink~~ copy of the purchase order when the purchase of goods or services does not fully conform to Council's *Procurement Policy and Code for Tenders and Contracts*.

For example:

- when insufficient quotes were received or evidence of quotes is unavailable
- where the lowest quote was not accepted

Purchase Order No. Requisition No.:

Purchase Order No. (if created)

Description of goods and/or services being procured:

Details of quotes received:

Supplier:	\$ (incl. Ex GST)	Supplier Notes
	\$	
	\$	
	\$	

Reason for insufficient quotes or for non-selection of cheapest quote:

Signature
Name

--

Name
Signature

--

Date:

--

Director:

--

Signature:

--

10 DEVELOPMENT

10.1 Dev 1 - Amend Section 71 Agreement - 20 Tatana Way, Legana

REPORT AUTHOR: Senior Statutory Planner - Eric Smith

REPORT DATE: 7 January 2026

ATTACHMENTS: 1. [10.1.1] Attachment 1 - Part 5 Agreement amendment - 10 December 2025

SUMMARY

The purpose of this report is to consider an amendment to a Part 5 Agreement with respect to a minor amendment to the existing planning approval for land at 20 Tatana Way, Legana (PA2021463-4).

BACKGROUND

As part of the development of the Legana Town Center and the construction of Tatana Way as a new main street, Council acquired land formerly related to a caravan saleyard. This site also had a large car park which had informally served the broader area:



Figure 1 Aerial view of Legana centre, 2016



Figure 2 Aerial view of Legana centre, 2023

As part of the sale of the land now known as 20 Tatana Way, the Council entered into a Part 5 Agreement which, among other things, included a provision that the land be developed with a car park of at least 90 spaces to replace the lost carparking. Planning Permit PA2021453 approved four (4) commercial tenancies fronting Tatana Way and a car park for 112 spaces in line with the Part 5 Agreement.

Over time, a number of amendments to the approval have altered the internal layout of the tenancies and gradually reduced the number of parking spaces. As part of the most recent amendment (PA2021463-4), the arrangement of the car park was substantially changed and the number of parking spaces reduced to 86. Although not related to the application, the reason given was to provide for safe and efficient heavy vehicle access to a planned new loading bay arrangement at Woolworths to the west which would be accessed by an existing right-of-way over the land. Although not yet advertised, this application has now been submitted to Council for assessment.

The reduced number of car parking spaces meets the Acceptable Solution requirements for the approved uses directly relying on the car park (including on adjoining land) and retains a surplus to the Planning Scheme requirements. However, it is slightly less than the originally agreed number under the Part 5 Agreement.

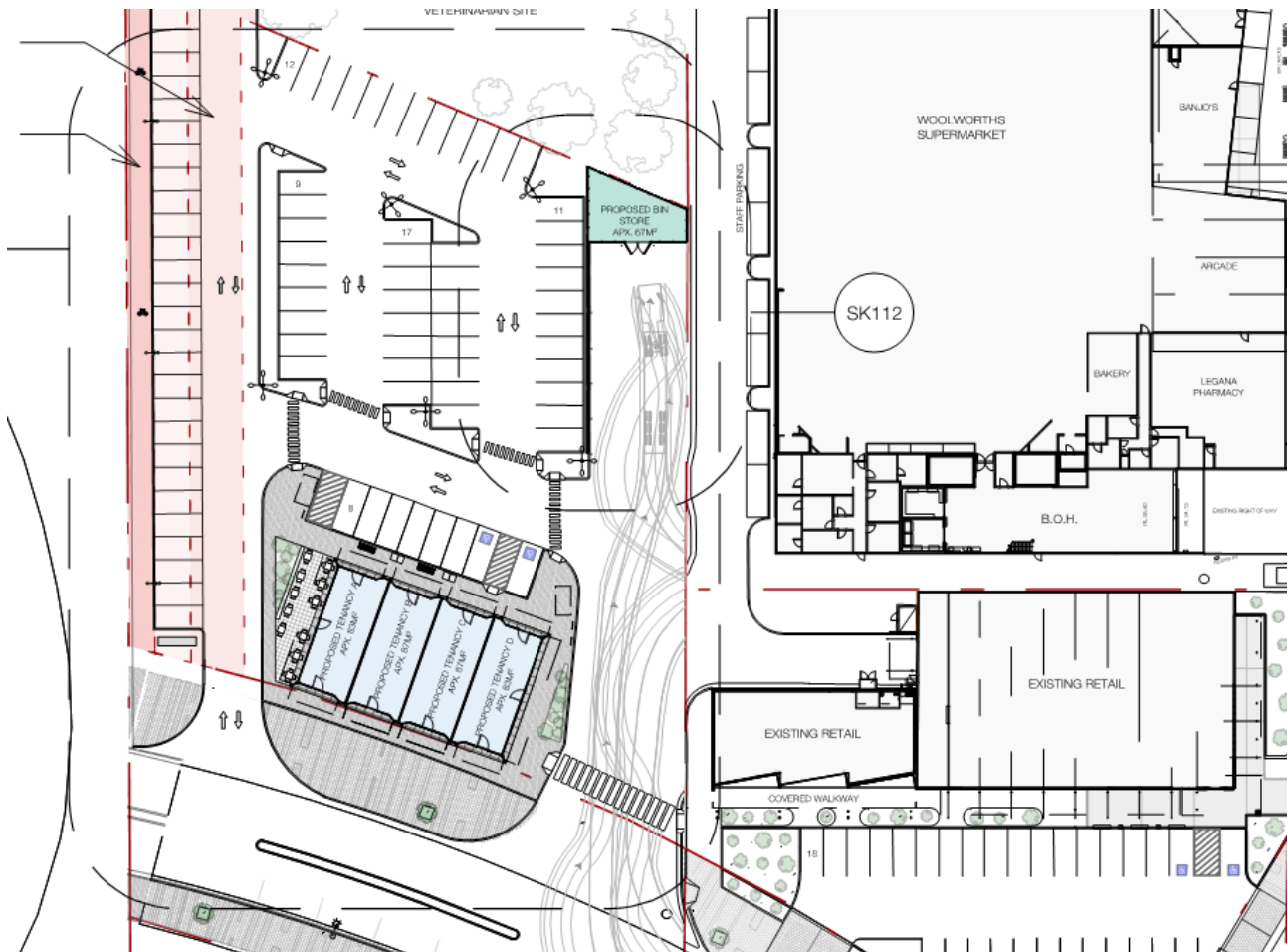
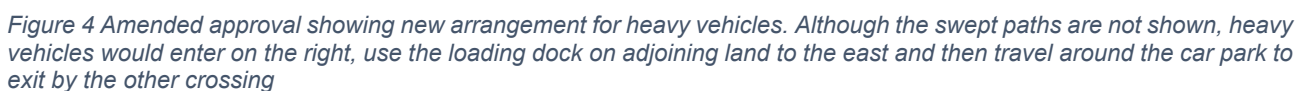


Figure 3 Original approval showing planned heavy vehicle movements into the adjoining site to the west



This action relates to the following components of the Strategic Plan 2022-2032:

3.2 Our Future

Goal: To encourage sustainable growth and prosperity.

Objective: Development is in keeping with the character of the area and natural values.

Council will:

- Be an active participant in planning reform and embrace Council's planning role.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

The proposal is to amend an Agreement under S71 of LUPAA in accordance with S75 which allows an Agreement to be amended.

RISK CONSIDERATIONS

As planning authority, the Council has an obligation under the *Land Use Planning and Approvals Act 1993* to ensure that the Planning Scheme is complied with. In issuing an approval contrary to an existing Part 5 Agreement to which Council is party, the Council has an interest in ensuring the condition to amend the Part 5 Agreement is complied with.

FINANCIAL IMPACT

There is no financial impact. The cost of making the change is borne by the applicant.

CONSULTATION

The proposal was referred to the Road Authority who had the following comments:

The Road Authority under consideration of the Local Government (Highways) Act 1982 provided the following advice:

The surrounding road network, and neighbouring car parks on private property, provides adequate on-street car parking to accommodate the shortfall from the proposed amendment to the Agreement, which will reduce the number of parking spaces required to be constructed by the developer.

The proposal was referred to the Stormwater Authority who had the following comments:

The Stormwater Authority under consideration of the Urban Drainage Act 2013 provided the following advice:

Construction of the parking areas has commenced as part of an ongoing development at the site. The car park and access ways will be drained to the public stormwater system. The private stormwater system will contain a stormwater quality improvement device to treat stormwater from the carpark before it enters the public stormwater system.

The minor amendment to the Planning Permit and resultant change to the Part 5 agreement was discussed with Councillors at the workshop on 21 October 2025.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

In line with the obligation under LUPAA and the good-faith approval of an amended Planning Permit contrary to the existing Part 5 Agreement (subject to amendment of the Part 5 Agreement), it is recommended that Council approve the proposed amendment and authorise the CEO and Mayor to execute the updated Part 5 Agreement.

RECOMMENDATION

That Council:

1. Approve the amendment to the Part 5 Agreement by amending Clause 3.2 (c) to: change the number of car parking spaces from 90 to 86 and undertake administrative updates as detailed in Attachment 1; and
2. Authorise the Mayor and the Chief Executive Officer to execute the amended Part 5 Agreement with the Common Seal.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

TASMANIAN LAND TITLES OFFICE

Notification of Amendment of an Agreement under the Land Use Planning and Approvals Act 1993 Section 78



DESCRIPTION OF LAND		
Folio of the Register		AGREEMENT NUMBER
Volume	Folio	
179815	6	

REGISTERED PROPRIETOR: **LEGANA SHOPPING CENTRE PTY LTD (ACN 084 960 323) as trustee for THE LEGANA SHOPPING CENTRE UNIT TRUST**

PLANNING AUTHORITY: **WEST TAMAR COUNCIL**

We, **WEST TAMAR COUNCIL** of PO BOX 16, RIVERSIDE, TAS, 7250 the abovenamed Planning Authority, certify that the above particulars are correct and pursuant to Section 78(2) of the Land Use Planning and Approvals Act 1993 do hereby notify the Recorder of Titles that the above registered agreement has been amended and an executed copy of the amendment is attached, notice of which is to be registered against the abovementioned folio of the Register.

The abovementioned Planning Authority holds the original certified executed Agreement.

Date:

EXECUTED by WEST TAMAR COUNCIL under Common Seal in accordance with sections 19(3) and (5) of the Local Government Act 1993 (Tas):

.....
Signature of Authorised Person

.....
Signature of Authorised Person

.....
Name and position of signatory

.....
Name and position of signatory

Land Titles Office Use Only

LAM
Version 1 (TOLD)

THE BACK OF THIS FORM MUST NOT BE USED

Created 26-Nov-2025 03:45PM

Deed of Amendment to Part 5 Agreement

West Tamar Council (**Council**)

Legana Shopping Centre Pty Ltd (ACN 084 960 323) as
Trustee for the Legana Shopping Centre Unit Trust (**Owner**)



contact: Zoey Donnellan
email: zoey.donnellan@simwolf.com.au
phone: 03 6338 2390
web: www.simwolf.com.au

Reference ZED 258031

**ORDINARY COUNCIL MEETING
Tuesday 20 January 2026**

THIS DEED OF AGREEMENT is made the day of 2025

PARTIES:

WEST TAMAR COUNCIL of PO Box 16, Riverside, Tasmania (the Council)

THE PERSON OR PERSONS DESCRIBED AT ITEM 1 OF THE SCHEDULE (the Owner)

RECITALS:

1. The Owner is the owner of all that land described at Item 2 of the schedule (the Land).
2. The Land is within the area subject to the provisions of the Tasmanian Planning Scheme – West Tamar.
3. The Owner and Council entered into an Agreement under Part 5 of the Act on 20 August 2021, notification of which was registered with the Land Titles Office over the Land on 20 September 2021 in dealing number E163296.
4. Clause 3.2(c) of the Agreement required, among other things, that the Owner of the Land must construct a carpark containing 90 car spaces.
5. Council have approved the Amended Planning Permit in respect of the Land which includes a carpark containing only 86 car spaces.
6. As a result of an amended condition on the Amended Planning Permit, the Agreement must now be amended to reflect the terms of the amended Planning Permit.
7. The parties wish to enter into this Deed to amend the Agreement as permitted by Clause 18 of the Agreement.

OPERATIVE PART:

The parties agree and covenant as follows:

1. Interpretation & Definitions

1.1 Definitions

In this agreement unless the contrary intention appears:

“Act” is the *Land Use Planning & Approvals Act 1993*.

“Agreement” Means the Part 5 Agreement made between Council and the Owner on 20 August 2021, notification of which was registered with the Land Titles Office over the Land on 20 September 2021 in dealing number E163296.

“Amended Planning Permit” means amended permit PA 2021 453-4 dated 17 November 2025.

“Council” means the West Tamar Council.

“GST” means goods and services tax pursuant to the provisions of the *A New Tax System (Goods and Services Tax) Act 1999*.

“Miscellaneous Act” is the *Local Government (Building & Miscellaneous Provisions) Act 1993*.

“Mortgagee” includes a reference to any encumbrancee or any other person which has a registered interest in the Land.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

“**Owner**” means the registered proprietor from time to time of the Land to the intent that a person or entity who is the registered proprietor of the Land ceases to be liable to perform the obligations of the Owner under this Agreement upon that person or entity ceasing to be the registered proprietor of the Land.

“**Plan**” means Sealed Plan 179815 as at the date of this Agreement a copy of which is attached to this Agreement and marked ‘A’.

1.2. Interpretation

In this agreement:

- (a) A reference to the Council includes a reference to any new council which has jurisdiction in respect of the Land established pursuant to Part 2 of the *Local Government Act 1993* or any other legislation or proclamation;
- (b) A reference to the owner includes its assignees and any person bound by the covenants in it as provided for in section 79 of the Act;
- (c) A reference to this agreement in another instrument is a reference to this agreement as amended, varied, novated or substituted from time to time;
- (d) A reference to a statute, ordinance, code, law or planning scheme includes a reference to such document as amended or substituted from time to time;
- (e) A reference to a person or party includes that persons executors, administrators, successors, substitutes (including persons taking by novation), transferees, assigns and any person deriving title under such a person;
- (f) Words and expressions used both in this agreement and in the Act, the *Local Government Act 1993*, or the Miscellaneous Act have the same meanings as they have in those Acts;
- (g) Words and expressions used both in this agreement and in the planning scheme have the same meanings as they have in the planning scheme.

THE PARTIES COVENANT AND AGREE AS FOLLOWS:

2. Objective and Function of this Agreement

- 2.1 Without limiting any operation or effect which this agreement otherwise has, the Council and the Owner acknowledge that this agreement is made under Part 5 of the Act (and in particular Section 71) with the intent that the burden of the Owner’s covenants run with the Land as provided for by Section 79 of the Act.
- 2.2 The parties enter this agreement:
 - (a) To provide for the matters set out in Section 72(2) of the Act; and
 - (b) To ensure that the required development of the Land is carried out and paid for.
- 2.3 This agreement must be registered pursuant to Section 78 of the Act in respect of the Land and each lot created by any future subdivision of the Land.

3. Amendment

- 3.1 The parties agree that the Agreement is amended as follows:

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

- (a) Clause 3.2(c) is deleted and replaced with the following:

‘(c) The Owner of the Land must construct a carpark containing 86 car spaces situated directly behind the proposed premises described in clause 3.2(e) which must be sealed with bitumen and in accordance with the concept plan a copy of which is attached to this Agreement and marked ‘B’. The access and egress locations for the carpark must be approved by the Council’s Infrastructure Manager.’

4. Confirmation

The parties hereby confirm that except as otherwise provided in this Deed the provisions of the Agreement remain unchanged

5. Other Obligations of the Owner

The Owner must:

- 5.1 Permit registration of this deed in accordance with Section 78 of the Act and pay the costs of registering it.
- 5.2 Secure the consent of any mortgagee or encumbrancee to the registration of this deed within 30 days of the date of this agreement.
- 5.3 Pay all stamp duty and registration costs in respect of this deed or any document required by it.
- 5.4 Pay or cause to be paid when due and payable all taxes (including any goods and services tax or like consumption tax pursuant to the provisions of *A New Tax System (Goods and Services Tax) Act 1999*, duties, fees, penalties, stamp duties and other charges of any nature whatsoever) levied by any governmental authority arising out or in relation to this agreement or the provision of the matters referred to in it and the Council is not liable to pay or reimburse the Owner for such taxes or charges and the Owner must indemnify and keep indemnified the Council in respect of them.
- 5.5 Each amount of whatever description specified as payable by the Owner to the Council under this deed is exclusive of GST. In addition to any amount payable by the Owner to the Council the Owner must also pay any increase in that amount by reason of GST.

6. Conditional Nature of the Council’s Obligations

- 6.1 The Council is not obliged to perform the provisions of this deed if the Owner is in breach of it or the Amended Planning Permit at the time that performance by the Council is due.

7. Charge on the Land and Interest

- 7.1 Any money payable by the Owner to the Council pursuant to this deed is a charge on the Land pursuant to Section 73(4) of the Act.
- 7.2 The Owner must pay interest to the Council at the rate of 10% per annum, compounded at monthly intervals, upon any money payable by the Owner to the Council pursuant to this deed or upon any damages suffered by Council arising out of a breach by the Owner of the provisions of this deed from the date that such monies were payable or from the date that such damage is first suffered as the case may be, until the date that money or those damages are paid.

8. Relationship Between the Parties

- 8.1 Nothing in this deed creates the relationship of partnership or of principal and agent or of joint venture between the Council and the Owner.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

9. Proper Law

- 9.1 This deed is governed by the laws of the State of Tasmania and the parties submit to the nonexclusive jurisdiction of those courts and from courts competent to hear appeals therefrom.

10. Commencement

- 10.1 This deed begins immediately upon execution by the parties.

11. Other Documents

- 11.1 This deed is to be read in conjunction with the Amended Planning Permit and any plans submitted to and approved by the Council in relation to the Amended Planning Permit or the subdivision of the Land.

13. Council's Costs

- 13.1 The Owner must immediately on demand pay to the Council the Council's costs and expenses (as between solicitor and client) relating to this deed and anything done before or after this deed for the enforcement of any obligation imposed upon the Owner under it.

ORDINARY COUNCIL MEETING
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THE SCHEDULE

Item 1 - The Owner

Full name of Owner: Legana Shopping Centre Pty Ltd (ACN 084 960 323) as Trustee for the Legana Shopping Centre Unit Trust
Address of Owner: Level 1, 589 Glenhuntly Road, Elsternwick, Melbourne in Victoria 3185

Item 2 -The Land

The land comprised in Certificate of Title 179815 Folio 6 of the Register situate at 20 Tatana Way, Legana, Tasmania.

EXECUTED AS A DEED

SIGNED by **WEST TAMAR COUNCIL**, in accordance with sections 19(3) and (5) of the *Local Government Act 1993* (Tas):

.....
Signature of person

.....
Signature of person

.....
Name & position of signatory

.....
Name & position of signatory

EXECUTED BY LEGANA SHOPPING CENTRE PTY LTD (ACN 084 960 323) as Trustee for the Legana Shopping Centre Unit Trust pursuant to section 127 of the *Corporations Act 2001* by

.....
Director

.....
Director/Secretary

.....
Name

.....
Name

11 CORPORATE

11.1 Corp 1 - Review of Financial Hardship Assistance Policy

REPORT AUTHOR: Director Corporate & Community - David Gregory

REPORT DATE: 13 January 2026

ATTACHMENTS:

1. [11.1.1] HR M 46.00 - Financial Hardship Assistance Policy - 2025 Review Marked Up
2. [11.1.2] HR M 46.00 - Financial Hardship Assistance Policy - 2025 Review Clean

SUMMARY

The Financial Hardship Assistance Policy was last reviewed in 2022. Following an officer level review a number of changes are now proposed for Council's consideration.

BACKGROUND

Council's Financial Hardship Assistance Policy was first introduced in 2020 as part of the response to the Covid-19 pandemic. The policy is based on a template developed by LGAT.

The policy is designed to enable Council to assist ratepayers experiencing genuine financial hardship by providing relief from Local Government rates. The options include deferring rates payments, and/or waiving interest, or remitting rates. The aim is to support ratepayers to regain financial stability.

Most changes proposed relate to the removal of specific mentions of the Covid-19 pandemic and to increase clarity where needed. A time extension for ratepayers assisted under the policy has been proposed to allow greater flexibility for serious situations.

Copies of the policy, one with with marked up changes, and one clean version is attached for information and review.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.1 Our Community

Goal: To maintain an engaged and active community where partnerships are established and needs are identified and Council assists in achieving sustainable outcomes.

Objective: Council and the community work together building creative, innovative and resilient communities where people feel able and encouraged to participate.

Council will:

- Monitor and respond to changing demographics and community needs.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is financially sustainable.

Council will:

- Manage our finances in a responsible manner and deliver value for our community.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993, Part 9 – Rates and Charges, particularly:

- Section 86A – General principles in relation to making or varying rates
- Sections 125-127 – Postponement of payment
- Section 128 – Late payments
- Section 129 – Remission of rates

Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

RISK CONSIDERATIONS

As applicants must provide documentary evidence of financial hardship there is less opportunity for misuse. Therefore the overall risk is considered LOW.

FINANCIAL IMPACT

The waiving of interest or remittance of rates will reduce Council's overall revenue however application of the policy since its introduction would indicate the overall impact is minimal.

CONSULTATION

The proposed revisions were discussed with Councillors at workshop on 13 January 2026.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

Since the policy's introduction there have been a total of 27 ratepayers supported, mainly by the waiving of interest charges while rate payments have been deferred. There remain 11 ratepayers being assisted by the policy.

The policy is still considered relevant and appropriate, with the main revisions being proposed including:

- Changes to officer titles
- Removal of specific Covid-19 commentary
- Removal of reference to "late payment penalties" as these are not applied by Council

- Increase of the maximum deferral timeframe to 3 years
- Clarifying that any remission of rates must be approved by a Council absolute majority.

RECOMMENDATION

That Council:

1. Rescinds the existing Financial Hardship Assistance Policy (WT-HRM 46.00 April 2020);
2. Adopts the updated Financial Hardship Assistance Policy as presented, effective 20 January 2026;
3. Updates the version number to 3.00; and
4. Approves a review date of January 2030.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Financial Hardship Assistance Policy



Document No.:	WT-HRM46.00	Approved By:	Council (43/20) <u>(26/???)</u>	
Issue No.:	23 .00	Approved On:	21 April 2020 <u>20 January 2026</u>	
Responsibility:	Corporate & Community	Review Date:	June 2023 <u>January 2030</u>	
Document Control For External Release – N2020144098				
Rev. No.	Date	Revision Details	Reviewer	Approver
1	17/3/2022	No change	Managem ent Team	GM
<u>2</u>	<u>20/1/2026</u>	<u>Per Council minute 26/???</u>	<u>Corporate & Community</u>	<u>Council</u>

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1. PURPOSE

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

2. SCOPE

2.1. APPLICATION AND INTENT

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*., such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

2.2. BACKGROUND

Financial hardship is a situation where a property owner is reasonably unable, because of illness, unemployment or other reasonable causes, to discharge their financial obligations. It involves an inability of the property owner to meet their commitments, rather than an unwillingness to do so.

Council frequently enters into short-term payment arrangements to provide flexibility to property owners experiencing immediate cash-flow issues. This form of assistance is not categorised as 'financial hardship assistance'. These payment arrangements continue to accrue penalty and interest on overdue amounts. In these circumstances, Council will monitor progress towards clearing the debt within a specified time, but if the debt is not cleared further, assistance under this policy be considered.

~~This policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.~~

~~Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.~~

~~COVID-19:~~

~~Where a section of this policy is specific to the Covid-19 pandemic it will be displayed in this format.~~

3. PRINCIPLES

This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services, continue to do so.
- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

~~4. Related Policies and Legislation~~

~~This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:~~

~~➤ Local Government Act 1993, Part 9 – Rates and Charges¹, particularly:~~

~~○ Section 86A – General principles in relation to making or varying rates~~

~~○ Sections 125-127 – Postponement of payment~~

~~○ Section 128 – Late payments~~

~~○ Section 129 – Remission of rates~~

~~➤ COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020²~~

~~➤ Rates and Charges Policy (pursuant to section 86B of the Local Government Act 1993).~~

~~5. Policy Review and Update Cycle~~

~~This policy is to be reviewed initially in July or August 2021 and thereafter, every four years.~~

~~6.4. GENUINE FINANCIAL HARDSHIP~~

According to the Australian Taxation Office (ATO)³, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- (1) Food;
- (2) Accommodation;
- (3) Clothing;

¹ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

² See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

³ See: <https://www.ato.gov.au/individuals-and-families/financial-difficulties-and-disasters/support-to-lodge-and-pay-in-detail/evidence-of-serious-hardship><https://www.ato.gov.au/General/Financial-difficulties-and-serious-hardship/Individuals-with-serious-hardship/>

- (4) Medical treatment;
- (5) Education;
- (6) Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- (1) Loss of employment of the property owner, family member or household primary income earner;
- (2) Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- (3) A natural disaster;
- (4) A public health emergency or declared state of emergency;
- (5) Family tragedy;
- (6) Family breakdown;
- (7) Financial misfortune;
- (8) Other serious or complicating circumstances.

Community wide issues and circumstances ~~such as the COVID-19 pandemic~~ may impact financial hardship, but hardship is always assessed at an individual level and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential or commercial investment properties will not be considered.

7.5. EVIDENCE OF FINANCIAL HARDSHIP

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. This should include information regarding eligibility or non-eligibility for existing Government subsidies.

The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:

- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- Notice of impending legal action;

- Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- Bank notice for example, overdraft ~~call~~ or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle.

8.6. HOW COUNCIL CAN HELP

The *Local Government Act 1993* provides Council with three methods of rate relief:

- (1) Postponing rate payments (sections 125-127)
- (2) Remission of late payment penalties or interest (section 128)
- (3) Remission of rates (section 129)

8.1.6.1. POSTPONING RATE PAYMENTS – DEFERRAL ARRANGEMENTS

In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by up to six (6) months. However, rate deferral arrangements can only defer individual payments up to a maximum of ~~two (2)~~ three (3) years and only in the most serious circumstances.

COVID-19:

~~In response to the COVID-19 pandemic Council may initially approve deferral arrangements of up to 6 months for ratepayers meeting hardship requirements.~~

~~If, at the conclusion of this 6 month period, ratepayers still experiencing financial hardship may be offered rate deferral arrangements up to a maximum of three (3) years in the most serious circumstances. Approved rate deferral arrangements must be settled at the conclusion of this three year period, including full settlement of any new rates raised.~~

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

[A postponement on rates ceases to operate on the date on which the ratepayer ceases to own or occupy the land in respect of which those rates are payable.](#)

8.2.6.2. REMITTING LATE PAYMENT PENALTIES AND INTEREST

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Councils may charge ~~a a penalty or~~ daily interest ~~rate or both for each late payment on overdue amounts.~~ However, for confirmed cases of financial hardship, Council may waive ~~either the applicable late payment penalties, or the interest accumulated, or both,~~ for a specified period that relates to the period of financial hardship.

~~COVID-19:~~

~~While a ratepayer has an approved deferral arrangement in place, and the arrangement is being adhered to, Council will not charge any late payment penalties or interest for late rate payments from 1 April 2020 until the cessation of the arrangement.~~

8.2.6.3. REMITTING RATES

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section ~~6.12.3.1~~ unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their

ORDINARY COUNCIL MEETING Tuesday 20 January 2026

ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

9.7. APPLYING FOR FINANCIAL HARDSHIP ASSISTANCE

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the ~~General Manager~~[Chief Executive Officer](#), and submitted as follows:

- Submitted via online form at: www.wtc.tas.gov.au
- Emailed to wtc@wtc.tas.gov.au; or
- Mailed to PO Box 16, Riverside Tas 7250.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section [2.25](#) – ~~Evidence of Financial Hardship~~[Evidence of Financial Hardship](#));
- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment penalties or interest;
 - Remitting rates ~~late payment penalties~~ or interest, in part or in full;
- Address the requirements of the relevant subsections of section [2.36](#) – ~~How Council can Help~~[How Council can Help](#)

10.8. ASSESSING APPLICATIONS

Applications for deferral arrangements must be decided by:

- (1) For amounts less than \$2,500 – the ~~Manager~~[Director](#) Corporate & Community, Chief Financial Officer, or [Team Leader Rates & Customer Service](#) ~~and Revenue Coordinator~~.
- (2) For amounts of \$2,500 or greater – the ~~General Manager~~[Chief Executive Officer](#).

Applications to vary or remit ~~penalties~~, interest ~~and/or rates~~ must be decided by:

- (1) For amounts less than \$500 – the ~~Manager~~[Director](#) Corporate & Community; or
- (2) For amounts less than \$5,000 – the ~~General Manager~~[Chief Executive Officer](#); or
- (3) For amounts of \$5,000 or greater – to be considered within a closed meeting of Council and will require an absolute majority.

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Applications for remission of any rates is to be decided by Council and requires an absolute majority to be approved.

9. RELATED POLICIES AND LEGISLATION

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- Local Government Act 1993, Part 9 – Rates and Charges⁴, particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- ~~— COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020⁵~~
- Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

~~— **POLICY REVIEW AND UPDATE CYCLE**~~

~~This policy is to be reviewed initially in July or August 2021 and thereafter, every four years.~~

10. APPROVAL

Approved by the <Approver> on DD MMM YYYY

Signed: _____
Chief Executive Officer

⁴ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

⁵ See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

Financial Hardship Assistance Policy



Document No.:		WT-HRM46.00	Approved By:	Council (26/???)	
Issue No.:		3.00	Approved On:	20 January 2026	
Responsibility:		Corporate & Community	Review Date:	January 2030	
Document Control For External Release – N2020144098					
Rev. No.	Date	Revision Details		Reviewer	Approver
1	17/3/2022	No change		Managem ent Team	GM
2	20/1/2026	Per Council minute 26/???		Corporate & Community	Council

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1. PURPOSE

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

2. SCOPE

2.1. APPLICATION AND INTENT

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*., such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

2.2. BACKGROUND

Financial hardship is a situation where a property owner is reasonably unable, because of illness, unemployment or other reasonable causes, to discharge their financial obligations. It involves an inability of the property owner to meet their commitments, rather than an unwillingness to do so.

Council frequently enters into short-term payment arrangements to provide flexibility to property owners experiencing immediate cash-flow issues. This form of assistance is not categorised as 'financial hardship assistance'. These payment arrangements continue to accrue penalty and interest on overdue amounts. In these circumstances, Council will monitor progress towards clearing the debt within a specified time, but if the debt is not cleared further, assistance under this policy be considered.

3. PRINCIPLES

This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.

- (4) Ensuring that those able to contribute to local services, continue to do so.
- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

4. GENUINE FINANCIAL HARDSHIP

According to the Australian Taxation Office (ATO)¹, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- (1) Food;
- (2) Accommodation;
- (3) Clothing;
- (4) Medical treatment;
- (5) Education;
- (6) Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- (1) Loss of employment of the property owner, family member or household primary income earner;
- (2) Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- (3) A natural disaster;
- (4) A public health emergency or declared state of emergency;
- (5) Family tragedy;
- (6) Family breakdown;
- (7) Financial misfortune;
- (8) Other serious or complicating circumstances.

Community wide issues and circumstances may impact financial hardship, but hardship is always assessed at an individual level and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence or a business's primary operating space can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential or commercial investment properties will not be considered.

¹ See: <https://www.ato.gov.au/individuals-and-families/financial-difficulties-and-disasters/support-to-lodge-and-pay/in-detail/evidence-of-serious-hardship>

5. EVIDENCE OF FINANCIAL HARDSHIP

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. This should include information regarding eligibility or non-eligibility for existing Government subsidies.

The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:

- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc);
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- Notice of impending legal action;
- Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- Bank notice for example, overdraft or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle.

6. HOW COUNCIL CAN HELP

The *Local Government Act 1993* provides Council with three methods of rate relief:

- (1) Postponing rate payments (sections 125-127)
- (2) Remission of late payment penalties or interest (section 128)
- (3) Remission of rates (section 129)

6.1. POSTPONING RATE PAYMENTS – DEFERRAL ARRANGEMENTS

In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by up to six (6) months. However, rate deferral arrangements can only defer individual payments up to a maximum of three (3) years and only in the most serious circumstances.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

A postponement on rates ceases to operate on the date on which the ratepayer ceases to own or occupy the land in respect of which those rates are payable.

6.2. REMITTING LATE PAYMENT PENALTIES AND INTEREST

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Council may charge a daily interest rate on overdue amounts. However, for confirmed cases of financial hardship, Council may waive the interest accumulated for a specified period that relates to the period of financial hardship.

6.3. REMITTING RATES

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 6.1 unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their

ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

7. APPLYING FOR FINANCIAL HARDSHIP ASSISTANCE

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the Chief Executive Officer, and submitted as follows:

- Submitted via online form at: www.wtc.tas.gov.au
- Emailed to wtc@wtc.tas.gov.au; or
- Mailed to PO Box 16, Riverside Tas 7250.

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see section 5 – Evidence of Financial Hardship);
- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment penalties or interest;
 - Remitting rates or interest, in part or in full;
- Address the requirements of the relevant subsections of section 6 – How Council can Help

8. ASSESSING APPLICATIONS

Applications for deferral arrangements must be decided by:

- (1) For amounts less than \$2,500 – the Director Corporate & Community, Chief Financial Officer, or Team Leader Rates & Customer Service.
- (2) For amounts of \$2,500 or greater – the Chief Executive Officer.

Applications to vary or remit interest must be decided by:

- (1) For amounts less than \$500 – the Director Corporate & Community; or
- (2) For amounts less than \$5,000 – the Chief Executive Officer; or
- (3) For amounts of \$5,000 or greater – to be considered within a closed meeting of Council and will require an absolute majority.

Applications for remission of any rates is to be decided by Council and requires an absolute majority to be approved.

9. RELATED POLICIES AND LEGISLATION

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- *Local Government Act 1993*, Part 9 – Rates and Charges², particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

10. APPROVAL

Approved by the <Approver> on DD MMM YYYY

Signed: _____
Chief Executive Officer

² See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

12 COMMUNITY

Nil

13 COMMUNITY ASSETS

13.1 Asset 1 - Capital Works Project Budget Variations

REPORT AUTHOR: Director Community Assets - Dino De Paoli

REPORT DATE: 5 January 2025

ATTACHMENTS: 1. [13.1.1] CEO Approved Project Budget Adjustments

SUMMARY

The purpose of this item is to report to Council on capital works project budget variations approved under delegation by the Chief Executive Officer (CEO).

BACKGROUND

Council has delegated authority to the CEO (Minute 36/24) to approve adjustments to capital works project budgets. The resolution stated:

That Council by absolute majority:

- (1) In accordance with section 82(6) of the Local Government Act 1993 authorise the Chief Executive Officer to make adjustments not exceeding \$150,000 (and not exceeding the total amount of the estimates) within budget estimates as prescribed in section 82(2)(a), (b) and (d) of the Local Government Act 1993; and
- (2) Direct that Council receive a report from the Chief Executive Officer at the next available ordinary Council meeting when the above delegation is exercised. The report must include details of any adjustments made to budget estimates.

The CEO has recently approved two (2) minor budget variations to existing projects.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.4 Our Infrastructure

Goal: To ensure the provision and maintenance of efficient and effective infrastructure and assets.

Objective: Provide for a broad range of infrastructure, services and future developments.

Council will:

- Develop and manage fit for purpose infrastructure in a sustainable manner.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is financially sustainable.

Council will:

- Manage our finances in a responsible manner and deliver value for our community.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993 S82.(7)

Council Minute 36/24 (March 2024 Ordinary Council Meeting)

RISK CONSIDERATIONS

Project risks are considered by Officers prior to presenting project budget variations to the CEO for consideration and approval. In this instance, the financial risk to Council is minimal, on the basis that the project budget variations proposed are minor in nature and the project from which funding was transferred was completed under budget.

FINANCIAL IMPACT

The approved project budget variations are within the CEO's delegation. There is nil overall change to the value of the capital works program as a result of the project budget adjustments approved by the CEO.

CONSULTATION

The management and process for approval of variations for capital works project budgets has been discussed with Council at previous Workshops.

The project adjustments in this paper were presented to Council Workshop on 2 December 2025.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments; or
3. Reject the motion.

OFFICER'S COMMENTS

The project budget adjustments approved by the CEO have been made to the following projects and are detailed in the attachment:

- Gravelly Beach Road Kerb and Channel (Project 63142); and
- Grindelwald, Atkinsons Road (Project 64051).

RECOMMENDATION

That Council receives this report under the *Local Government Act 1993 section 82(7)* noting the capital works project budget adjustments approved under delegation by the Chief Executive Officer.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

CEO Approved Project Budget Adjustments

Project No.	Project Name	Budget (\$)	Forecast Cost (\$)	Approved Variations (\$)	Adjusted Project Budget (\$)
63142	Gravelly Beach Road Kerb and Channel	50,000	70,000	+20,000	70,000
64051	Grindelwald, Atkinsons Road	467,000	414,000	-20,000	447,000

Comment: Council officers recently issued for tender a Request for Quotation to construct kerb and channel to the northern side of Gravelly Beach Road, Blackwall, to complete a missing section of kerb that had been deferred a number of years ago.

The project was included in the capital works program with a budget of \$50K.

In addition to kerb and channel work, the scope includes footpath work, pram crossings, driveway, subsoil drainage and pavement work.

Three quotations were received with the lowest price marginally under \$70,000.

It was recommended that the CEO approve a transfer of \$20,000 in funding as detailed above.

The Atkinsons Road project was completed earlier this financial year with costs under budget by approximately \$53,000.

A \$20,000 transfer is not onerous in context of the overall value of the capital works program, therefore it is considered a reasonable transfer of funds to ensure the kerb and channel project on Gravelly Beach Road can be completed.

14 PEOPLE, CULTURE & SAFETY

Nil

15 PETITIONS

15.1 PET 1 - Petition for a review of current recommended fluoridation levels in Tasmania's public water supplies

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 15 January 2026

ATTACHMENTS: 1. [15.1.1] Petition - Review of current recommended fluoridation levels

SUMMARY

The purpose of this report is to table and consider a petition received by the Chief Executive Officer as required under Part 6, Division 1 of the *Local Government Act 1993*.

BACKGROUND

Council received a petition at the Ordinary Council Meeting held on 16 December 2025 which has been deemed to be compliant with Section 57 of the *Local Government Act 1993 (the Act)*.

The petition entitled "*Review of current recommended fluoridation levels in Tasmania's public water supplies*" calls for Council to:

"Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available."

Council is required by the Act to table any compliant petition at the next Ordinary Council Meeting after receipt and to consider any action to be taken at a Council Meeting within 42 days of the tabling of the petition.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: The community is informed and engaged and receives quality customer service.

Council will:

- Keep our people and our community informed.
- Undertake appropriate and effective engagement with our community.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: Council is recognised as a leader in local government.

Council will:

- Be accessible and responsive.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

RISK CONSIDERATIONS

Low.

FINANCIAL IMPACT

Nil.

CONSULTATION

Consultation with Councillors occurred at the Interim Workshop held on 13 January 2026.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

This petition was originally received by the Chief Executive Officer however on review, some pages were non-compliant with Section 57 of the *Local Government Act*. The petition was resubmitted with the non-compliant pages removed, which has resulted in the total number of signatories being amended from 97 to 50 as per the last page of the petition.

Council Officers note that due to the nature of the request in the petition, it is practicable to table and consider the petition at the same Ordinary Council Meeting. Council Officers recommend that the petition is forwarded to the Tasmanian Minister for Health for their consideration.

RECOMMENDATION

That Council:

1. Receives the tabled petition entitled "*Review of current recommended fluoridation levels in Tasmania's public water supplies*";
2. Notes that the petition had 50 signatories; and
3. Authorises the Chief Executive Officer to forward a copy of the petition to the Tasmanian Minister for Health.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

PETITION

Review of current recommended fluoridation levels in Tasmania's public water supplies

To the Mayor and Councillors of West Tamar Council:

We, the undersigned residents of the West Tamar municipal area, draw to the attention of the Council our concern about the potential health impacts of fluoridated drinking water on the Tasmanian population, particularly the neurodevelopment of children during pregnancy.

Fluoridation of public water supplies has historically aimed to reduce dental caries. However, emerging peer-reviewed scientific evidence raises serious concerns regarding potential neurodevelopmental risks from fluoride exposure during gestation and early childhood.

Notably:

- 2024 U.S. National Toxicology Program systematic review – Found moderate confidence in an association between higher fluoride exposure and reduced IQ in children.
- 2025 JAMA Pediatrics meta-analysis – Reported consistent associations between urinary fluoride concentrations, even below WHO guidelines, and lower IQ in children.
- September 2024 U.S. District Court (Northern District of California) – Determined that fluoridated water at **0.7 mg/L poses an unreasonable risk of neurodevelopmental harm**, prompting regulatory review by the U.S. Environmental Protection Agency.

Given that approximately 99% of Tasmanians on public water supplies receive fluoridated water at levels between **0.8 and 1.1 mg/L** (as per the Tasmanian Code of Practice), we believe a review of this practice is warranted.

We therefore petition the Council to:

Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available.

And your petitioners, as in duty bound, will ever pray.

Background Note on TasWater and Council:

TasWater is the state-owned corporation responsible for the provision and management of drinking water in Tasmania, including fluoridation in line with the Tasmanian Code of Practice. While operational decisions regarding fluoridation are made by TasWater under state government direction, local councils are key stakeholders and can represent community views by making formal submissions or recommendations to the Minister for Health and TasWater's governing bodies. This petition seeks to utilise Council's role as a representative voice to advocate for a review of fluoridation levels on behalf of residents.

- The heading and action statement should appear on every page of the petition.
- A statement of the total number of signatories must be included before lodging.
- The person lodging must sign and provide their full name and address at the end.
- Submission should be to a Councillor or directly to the General Manager of West Tamar Council.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Review of current recommended fluoridation levels in Tasmania's public water supplies

We petition the Council to:

Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available.

Name	Address	Signature
(Jennifer) Geneveta Taylor	20 Ridge Hillwood TAS	Geneveta Taylor
Liz Linnenman	26 Trent St. Linn	Liz Linnenman
Adrian Linnenman	26 Trent St. Linn	Adrian Linnenman
Susanne Borg	21 Murrion St. West LSTON	Susanne Borg
Ross Mace	12 Eiger Crt, Grindelwald	Ross Mace
Karen Mace	12 Eiger Crt. Grindelwald	Karen Mace
Rachel Church	496 Lower Beulah Rd. Lower Beulah	Rachel Church
Diego Pellegrini	496 Lower Beulah Rd. Beulah	Diego Pellegrini
Angela Lincoln	13 Summit Rd Trevallyn 7250	Angela Lincoln
GERMANO FINOIA	750 Jockeys Marsh Rd, Jockeys Marsh 7304	Germano Finoia
Wendy Harrap	10, Goulburn St. George Town	Wendy Harrap
Dillon Beaton	24 Mayfield St, Mayfield, 7248	Dillon Beaton
Cris Woolver	72, Wentworth St. 7250	Cris Woolver
Phoebe Greener	37, Cliff View Dr, Allens Rivulet TAS 7150	Phoebe Greener
Ann Griffin	1 Butler Ave. Riverside 7250	Ann Griffin
Parkin Woodva	72 Wentworth St. Newstead 7250	Parkin Woodva
Mark Griffin	1 Butler Ave Riverside 7250	Mark Griffin
Angela Finoia	750 Jockeys Marsh Rd, Jockeys Marsh 7304	Angela Finoia
Louise Sladden	5/41 Amy Road, Newstead 7250	Louise Sladden

- The heading and action statement should appear on every page of the petition.
- A statement of the total number of signatories must be included before lodging.
- The person lodging must sign and provide their full name and address at the end.
- Submission should be to a Councillor or directly to the General Manager of West Tamar Council.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Review of current recommended fluoridation levels in Tasmania's public water supplies

We petition the Council to:

Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available.

Name	Address	Signature
MAKE SUMNER	LEGANA Duplication in error MN	MAJ Sumner
DAVID LEGG	MONROVIA	D. Legg
Cherry Hill	Riverside	M. Hill
Anne Brelsford	Legana	Anne Brelsford
DAVE BRELSFORD	LEGANA	G. Brelsford
G. Joyce	Rosevears	G. Joyce
Maureen	LEGANA	Maureen Rauride
A. BRIDLE	33 Freedom Cres Riverside	A. Bridle
H. Rehrmann	7/1 Outreach Dr. Legana	H. Rehrmann
E. Rehrmann	" "	E. Rehrmann
C. Gilchrist	Clarence Point	C. Gilchrist
Sharon Guy	Newnham	S. Guy
ANALUCIA MORENO	ST. LEONARDS	A. Moreno
David Yetman	St Leonards	D. Yetman
COLLIN SMITH	MONDRAY	C. Smith

- The heading and action statement should appear on every page of the petition.
- A statement of the total number of signatories must be included before lodging.
- The person lodging must sign and provide their full name and address at the end.
- Submission should be to a Councillor or directly to the General Manager of West Tamar Council.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Review of current recommended fluoridation levels in Tasmania's public water supplies

We petition the Council to:

Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available.

[illegible]

- The heading and action statement should appear on every page of the petition.
- A statement of the total number of signatories must be included before lodging.
- The person lodging must sign and provide their full name and address at the end.
- Submission should be to a Councillor or directly to the General Manager of West Tamar Council.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Review of current recommended fluoridation levels in Tasmania's public water supplies

We petition the Council to:

Write to the Tasmanian Minister for Health highlighting community concern at emerging evidence, and request that the Department of Health, through the Tasmanian Fluoridation Committee, review the current recommended fluoridation levels in Tasmania's public water supplies, with any findings to be made publicly available.

[illegible]

- The heading and action statement should appear on every page of the petition.
- A statement of the total number of signatories must be included before lodging.
- The person lodging must sign and provide their full name and address at the end.
- Submission should be to a Councillor or directly to the General Manager of West Tamar Council.

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

Petitions

A person may lodge a petition with a Council by presenting it to a Councillor or the Chief Executive Officer. A person lodging a petition is to ensure that the petition contains:

REQUIREMENTS ↓

- ✓ a) a clear and concise statement identifying the subject matter; and
- ✓ b) a heading on each page indicating the subject matter; and
- ✓ c) a brief statement on each page of the subject matter and the action requested; and
- * d) a statement specifying the number of signatories; and
- * e) the full printed name, address and signature of the person lodging the petition at the end of the petition.

A petition would generally be tabled at the next ordinary meeting of the Council unless it does not comply with the above requirements, or it is defamatory, or if an action it proposes is unlawful.

50 (51)
There are ~~97~~ signatories.
This petition is presented
by Emily Ruth Peterson
of 3 Ridge Road, Legana,
TAS.
En

15.2 PET 2 - Petition for recognition of Windsor Park Gardens as an Official Botanical Garden

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 15 January 2026

ATTACHMENTS: 1. [15.2.1] Petition for recognition of Windsor Park Gardens as an Official Botanical Garden

SUMMARY

The purpose of this report is to table and consider a petition received by the Chief Executive Officer as required under Part 6, Division 1 of the *Local Government Act 1993*.

BACKGROUND

Council received a petition at the Ordinary Council Meeting held on 16 December 2025 which has been deemed to be compliant with Section 57 of the *Local Government Act 1993* (**the Act**).

The petition entitled “*Support for Petition to Declare Windsor Park Gardens a Botanical Garden*” calls for Council to:

- “1. *Accelerate the process of formally declaring the Windsor Park Garden, Riverside, as a Botanical Garden under Council recognition;*
2. *With assistance of APST (Australian Plants Society Tasmania), ensure that appropriate, signage, and long-term management of the Garden as a recognized site of botanical, educational, and cultural value to local residents and visitors*
3. *Acknowledge the Garden’s role in conserving Tasmanian native plants, supporting biodiversity, and providing the community with opportunities for education, recreation, and wellbeing.”*

Council is required by the Act to table any compliant petition at the next Ordinary Council Meeting after receipt and to consider any action to be taken at a Council Meeting within 42 days of the tabling of the petition.

STRATEGIC PLAN

This action relates to the following components of the Strategic Plan 2022-2032:

3.1 Our Community

Goal: To maintain an engaged and active community where partnerships are established and needs are identified and Council assists in achieving sustainable outcomes.

Objective: Council and the community work together building creative, innovative and resilient communities where people feel able and encouraged to participate.

Council will:

- Work in collaboration with its community.

3.1 Our Community

Goal: To maintain an engaged and active community where partnerships are established, needs are identified and Council assists in achieving sustainable outcomes.

Objective: Residents enjoy a safe equitable and inclusive and sustainable lifestyle.

Council will:

- Maintain and develop parks, trails, playgrounds and open spaces to encourage outdoor recreation.

3.5 Our Organisation

Goal: To be an organisation that values its people and delivers for our community.

Objective: The community is informed and engaged and receives quality customer service.

Council will:

- Keep our people and our community informed.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Local Government Act 1993

RISK CONSIDERATIONS

Low.

FINANCIAL IMPACT

Nil.

CONSULTATION

Consultation with Councillors occurred at the Interim Workshop held on Tuesday 13 January 2026.

OPTIONS

Council may choose to:

1. Accept the motion as presented;
2. Accept the motion with amendments;
3. Reject the motion.

OFFICER'S COMMENTS

Council Officers note that due to the nature of the request in the petition, it is practicable to table and consider the petition at the same Ordinary Council Meeting. Council Officers recommend that investigations into the practicality of naming the Windsor Park Gardens as a Botanical Garden be undertaken during the 2026/27 financial year and a report to Council be prepared in due course.

RECOMMENDATION

That Council:

1. Receives the tabled petition entitled “*Support for Petition to Declare Windsor Park Gardens a Botanical Garden*”;
2. Notes that the petition had 47 signatories; and
3. Authorises the Chief Executive Officer to investigate the opportunity for a botanical garden in the West Tamar municipality in the 2026/27 financial year, in particular considering alignment with other West Tamar Council community strategies.

DECISION

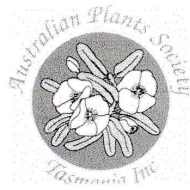
Moved:

Seconded:

VOTING

For:

Against:



Australian Plants Society Incorporated
Patron: Her Excellency, the Honourable Barbara Baker AC, Governor
of Tasmania

1 Old Coach Rd
Gravelly Beach
Tas 7276

npresident@apstas.org.au

18 December 2025

Mayor Christina Holmdahl and Councillors

West Tamar Council
2 Windsor Drive
Riverside TAS 7250

Re: Support for Petition to Declare Windsor Park Gardens a Botanical Garden

Dear Mayor and Councillors,

The Australian Plants Society Tasmania (APST) wishes to formally commend and endorse the accompanying petition signed by our members and wider community supporters advocating for the declaration of Windsor Park Gardens as an official **botanical garden**. There are 47 signatures on the petition.

This petition highlights the strong community support for recognising the ecological, horticultural, and educational significance of Windsor Park Gardens. Its signatories add meaningful weight to the detailed submission our Group previously provided to Council, outlining the many benefits that botanical garden status would bring, including:

- **Conservation and protection of biodiversity**, with particular emphasis on native plant species and local habitat.
- **Expanded educational and interpretive opportunities** for schools, community groups and visitors.
- **Development of a curated living collection** showcasing the botanical richness of northern Tasmania.

- **Enhanced cultural, recreational, and tourism value** for the West Tamar municipality.

APST is greatly encouraged by the alignment between community sentiment and our long-standing commitment to promoting the understanding, cultivation, and conservation of Tasmanian native plants. The petition is a clear indication that residents deeply value the gardens and wish to see their status elevated and safeguarded for future generations.

We respectfully urge the West Tamar Council to give full consideration to this expression of public interest and take steps to progress the declaration of Windsor Park Gardens as a botanical garden. The APST Northern Group stands ready to support the Council through shared expertise, collaborative planning, volunteer contributions, and ongoing engagement.

Thank you for your consideration and for your ongoing efforts to protect and enhance the natural assets of the West Tamar region.

Yours faithfully



Dale Luck

President Northern Group

Australian Plants Society Tasmania (Inc.)

Petition to West Tamar Council

Recognition of Windsor Park Gardens as an Official Botanical Garden

To the Mayor and Councillors of the West Tamar Council:

The undersigned members of the Australian Plants Society Tasmania, supporting residents of the municipality and other parties interested in Tasmanian plants respectfully petition the West Tamar Council to:

1. Accelerate the process of formally declaring the Windsor Park Garden, Riverside, as a Botanical Garden under Council recognition;
2. With assistance of APST, ensure that appropriate, signage, and long-term management of the Garden as a recognized site of botanical, educational, and cultural value to local residents and visitors
3. Acknowledge the Garden's role in conserving Tasmanian native plants, supporting biodiversity, and providing the community with opportunities for education, recreation, and wellbeing.

Grounds for the Petition:

- Windsor Park Garden has been developed over the years into an acclaimed and established showplace actively maintained for a collection of Tasmanian flora, developed and cared for by West Tamar Council staff.
- Recognition as a Botanical Garden will strengthen conservation outcomes, attract tourism, and support environmental education for schools and the wider community.
- Formal declaration will also safeguard the Garden's status into the future and highlight Council's leadership in environmental stewardship.

Name (print)	Address	Signature	Date
KATE SHAW	11 GREVILLE WAY KINGSTON	K Shaw	7/11/25
Poe Wright	1 Ash Dr Kingston	P Wright	7/11/25
James Talbot	20 Josephine Pl Newnham	JT	7/11/25
Suzanne Talbot	20 Josephine Pl. Newnham	S Talbot	7/11/25
Ann Scott	31 Elizabeth St	A Scott	7/11/25
RB Beattie	84 ABBOTT ST ELTON	ROBERTA BLACKWOOD-BEATTIE	7/11/25
Megan Darke	231 Greaves Rd Haverly	M.Darke	7/11/25
LYNNE MOCKRIDGE	110 SENATOR COURT, NEWNHAM	L Mockridge	7.11.25
CATHERINE PEARCE	8 RUPERT ST, NEWSTEAD	C Pearce	7.11.25

(Additional same format signature sheets may be attached. Each page must include the petition text above.)

Petition to West Tamar Council

Recognition of Windsor Park Gardens as an Official Botanical Garden

To the Mayor and Councillors of the West Tamar Council:

The undersigned members of the Australian Plants Society Tasmania, supporting residents of the municipality and other parties interested in Tasmanian plants respectfully petition the West Tamar Council to:

1. Accelerate the process of formally declaring the Windsor Park Garden, Riverside, as a Botanical Garden under Council recognition;
2. With assistance of APST, ensure that appropriate, signage, and long-term management of the Garden as a recognized site of botanical, educational, and cultural value to local residents and visitors
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Grounds for the Petition:

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- Recognition as a Botanical Garden will strengthen conservation outcomes, attract tourism, and support environmental education for schools and the wider community.
- Formal declaration will also safeguard the Garden's status into the future and highlight Council's leadership in environmental stewardship.

Name (print)	Address	Signature	Date
KEITH DARKE	231 GREAVES ROAD FRIDAY GUMBY	Keith Darke	7/11/25
ANDREW SMITH	42 SALISBURY CR. WEST LAUNCESTON	Andrew Smith	7/11/25
Mick Ling	89 New Eccleston Rd Riverside	Mick Ling	07/11/2025
Sally Johnson	89 New Eccleston Rd Riverside	Sally Johnson	7/11/2025
Rosemary Tilsley	91 Bani Terrace Trevallyn	Rosemary Tilsley	7/11/25
MALCOLM TILSLEY	" " " "	Malcolm Tilsley	7/11/25
DALE LUCE	16 Warragul St N'end	Dale Luce	7/11/25
Anna McGrane	3 Balfour St, L'han	Anna McGrane	7/11/25
Rosemary Verbeeten	1 dd Coach Road Cradelly Beach	Rosemary Verbeeten	7/11/25

(Additional same format signature sheets may be attached. Each page must include the petition text above.)

Petition to West Tamar Council

Recognition of Windsor Park Gardens as an Official Botanical Garden

To the Mayor and Councillors of the West Tamar Council:

INC.

The undersigned members of the Australian Plants Society Tasmania, supporting residents of the municipality and other parties interested in Tasmanian plants respectfully petition the West Tamar Council to:

1. Accelerate the process of formally declaring the Windsor Park Garden, Riverside, as a Botanical Garden under Council recognition;
2. With assistance of APST, ensure that appropriate, signage, and long-term management of the Garden as a recognized site of botanical, educational, and cultural value to local residents and visitors
3. Acknowledge the Garden's role in conserving Tasmanian native plants, supporting biodiversity, and providing the community with opportunities for education, recreation, and wellbeing.

Grounds for the Petition:

- Windsor Park Garden has been developed over the years into an acclaimed and established showplace actively maintained for a collection of Tasmanian flora, developed and cared for by West Tamar Council staff.
- Recognition as a Botanical Garden will strengthen conservation outcomes, attract tourism, and support environmental education for schools and the wider community.
- Formal declaration will also safeguard the Garden's status into the future and highlight Council's leadership in environmental stewardship.

Name (print)	Address	Signature	Date
R & L Skabo	6 Kootana Trevallyn	<i>R & L Skabo</i>	7/11/25
Anthony Crawford	493 Timberbox Rd	<i>Anthony Crawford</i>	7/11/25
Anne Crawford	" " "	<i>Anne Crawford</i>	7/11/25
Kay Pallett	1771 West Tamar Hwy	<i>Kay Pallett</i>	7/11/25
Clare Bulbally	28 Port Davies Rd, Emile 7255	<i>Clare Bulbally</i>	" "
Rhonda Tomlinson	P.O. Box 250 Sheffield	<i>Rhonda Tomlinson</i>	" "
Colin Hallane	16 Denis Drive, Riverend	<i>Colin Hallane</i>	" "
<i>Paul Voffel</i>	13 Canine & Riverside	<i>Paul Voffel</i>	" "
JOHN TABOR	1. VINE ST HANLEY BEACH 705 7307	<i>John Tabor</i>	" "

(Additional same format signature sheets may be attached. Each page must include the petition text above.)

Petition to West Tamar Council

Recognition of Windsor Park Gardens as an Official Botanical Garden

To the Mayor and Councillors of the West Tamar Council:

Ive.

The undersigned members of the Australian Plants Society Tasmania, supporting residents of the municipality and other parties interested in Tasmanian plants respectfully petition the West Tamar Council to:

1. Accelerate the process of formally declaring the Windsor Park Garden, Riverside, as a Botanical Garden under Council recognition;
2. With assistance of APST, ensure that appropriate, signage, and long-term management of the Garden as a recognized site of botanical, educational, and cultural value to local residents and visitors
3. Acknowledge the Garden's role in conserving Tasmanian native plants, supporting biodiversity, and providing the community with opportunities for education, recreation, and wellbeing.

Grounds for the Petition:

- Windsor Park Garden has been developed over the years into an acclaimed and established showplace actively maintained for a collection of Tasmanian flora, developed and cared for by West Tamar Council staff.
- Recognition as a Botanical Garden will strengthen conservation outcomes, attract tourism, and support environmental education for schools and the wider community.
- Formal declaration will also safeguard the Garden's status into the future and highlight Council's leadership in environmental stewardship.

Name (print)	Address	Signature	Date
JILL CARNEY	9, RUDD PLACE WESTBURY RD PROSPECT	<i>J. Carney</i>	7.11.25
MARG KILLEN	13 CAMINA COT RIVERSIDE 7250	<i>M. Killen</i>	7.11.25
Ian Blayden	685 Auburn Rd Kagana, 7170	<i>I. Blayden</i>	7.11.25
KATHERINE MARSDEN	9 SHELTON PLACE WEST HOBART TAS	<i>K. Marsden</i>	7.11.25
LAPHNE LONGMAN	307 JOHN LEE ST DILSTON, 7252 TAS.	<i>L. Longman</i>	7.11.25
PETER LONGMAN	307 JOHN LEE ST DILSTON, 7252 TAS	<i>P. Longman</i>	7.11.25
Karen Walden	46 Robin St Newstead TAS 7250	<i>K. Walden</i>	7.11.25
MARILYN HONEYBUN	2/13 SANDSTONE GUE BLACKMANS BAY	<i>M. Honeybun</i>	7.11.25
Noel Manning	46 Robin St NEW STEAD 7250	<i>N. Manning</i>	7.11.25

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Petition to West Tamar Council

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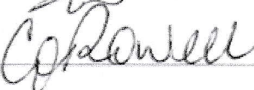
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Name (print)	Address	Signature	Date
JEFF CAMPBELL	1565, Midland Hwy Park		7.11.25
Christine McHugh	7 Hooper Cres, Mount 7000 Stuart		7.11.25
Edith Blayden	687 Auburn Rd Karyena		7/11/25
BILL HUSBAND	12 RECORD AVE. FRANKLINVILLE		8/11/25
Mary Husband	12 Record Ave Yoonjien		8/11/25
DAVID ROUGH	5 DOCKING CRT LTH		8/11/25
SUE CUTHILL	4 NORWOOD HUE L'TON		8/11/25
DAVID BUES-	363 Sh Lees DISTON		8/11/25
CAROLINE ROWELL	5 DOCKING COURT NEWSTEAD		8/11/25

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Name (print)	Address	Signature	Date
Sue Abernethy	363 John Lees Dr	Sue Abernethy	8/11/25
Harvey Corrie	4 Pomona Ave	Harvey Corrie	8/11/25

(Additional same format signature sheets may be attached. Each page must include the petition text above.)

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- Formal declaration will also safeguard the Garden's status into the future and highlight Council's leadership in environmental stewardship.

This petition contains 47 signatures

It is lodged by

Dale Luck

16 Warragul St

Norwood, Tas

President, Australian Plants society, Northern Group



16 NOTICE OF MOTIONS

16.1 Motions on Notice

16.1.1 Cr Shegog - Motion for Display of the Australian National Flag in Nominated Council Parks and Recreation Areas

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond
REPORT DATE: 14 January 2026
ATTACHMENTS: Nil

SUMMARY

The purpose of this report is to provide Council with advice in relation to a motion received on notice from Deputy Mayor Cr Rick Shegog in accordance with Section 65 of the *Local Government Act 1993*.

DEPUTY MAYOR RICK SHEGOG'S MOTION

The following motion was received from Deputy Mayor Cr Rick Shegog for inclusion in the January Council Meeting Agenda:

"That Council endorse the installation of permanent, illuminated flagpole(s) in selected Council-owned parks and recreation areas, at locations across the municipality, determined by council through the 2026/2027 budget process, for the purpose of flying the Australian National Flag as a symbol of national pride and community identity, and in recognition of Australia's shared history, culture and values."

DEPUTY MAYOR RICK SHEGOG'S RATIONALE

The purpose of this motion is to install community pride in our great country and remind us of that Australia as our shared home and to affirm the values, history, and spirit that unite our community.

For those of you lucky enough to travel overseas, many European, and certainly American, cities and states display their national flag in abundance.

Our Australian National Flag is a powerful and widely recognised emblem of Australia's sovereignty, democratic freedoms, and national story. Its display in prominent public spaces will foster civic pride, create a sense of belonging, and respect for the country we all call home, as well as reminding new members of our community, the responsibilities of citizenship.

Council parks and recreational areas serve as important community gathering places and are appropriate locations to express national unity and pride. The installation of permanent flagpoles will enable the Australian National Flag to be displayed on days of national significance, during civic events, and at times of reflection.

This proposal supports community connection, pride in our country, acknowledges Australia as a shared home for all members of our community, and encourages a shared sense of belonging for current and future generations.

The flagpoles will be locked to ensure that there is no access to removing the flag and the purpose of solar illumination is so the flag can be flown at night so there is no need for the flag to be taken down every day. Flag protocol must be ensured to enable the flag to be flown in these location(s).

I have listed a number of potential sites but this will clearly depend on the cost of installing the pole(s) and therefore may have to be done in a staged manner. The location of each pole will be determined at a future council meeting through the normal budget process.

Proposed Parks and Locations (in no order)

- Tailrace Park
- Riverside Pool Park
- Rose Bay Park
- Exeter Park (near the Library)
- RSL Park
- Miners Park
- Beauty Point Foreshore
- Rowella Hall
- Greens Beach Park
- Orchards Estate park

OFFICER'S COMMENTS

Council Officers note that no costings have yet been undertaken in relation to the installation and operational costs of the illuminated flagpoles. Noting that any flagpoles may be subject to vandalism and weather damage which may also increase costs.

This initiative would also see increased resource requirements in relation to regular maintenance and inspections. Flagpoles will also be subject to depreciation and potential electricity costs.

If flagpoles are in excess of 6 metres in height, they will be subject to building applications.

MOTION

That Council endorse the installation of permanent, illuminated flagpole(s) in selected Council-owned parks and recreation areas, at locations across the municipality, determined by Council through the 2026/2027 budget process, for the purpose of flying the Australian National Flag as a symbol of national pride and community identity, and in recognition of Australia's shared history, culture and values.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

16.2 Motions without Notice

17 COUNCILLORS' QUESTIONS

17.1 Councillors' Questions on Notice

17.1.1 Cr Larner

Question 1: The on-shore Masterplan stage 2 works at Gravelly Beach have substantially upgraded the waterside accessibility, parking area, seating and stormwater provision for which Council is to be congratulated.

There has been an apparent after-thought extension of the footpath to include the area outside the boutique giftware shop, 'My Tasmanian Home', likely on recent request by the owner in order to minimise any trip hazard due to the formerly uneven surface. This section of path was then extended past the shop to include the neighbouring properties at 295 and 297 Gravelly Beach Road.

By whose request and by whose authority was the Gravelly Beach capital works Budget variation for this discrete footpath extension provided?

Response: *The value of the construction contract awarded for the Gravelly Beach Foreshore project is well under the available budget being funded by the Australian Government, with the forecast surplus to be allocated toward works previously identified within the conservation area, subject to approval by Parks.*

As the work in the conservation area was not approved, Council officers discussed options with the Grantor to undertake further work within the road reserve, to reduce the funding that would need to be returned to the Australian Government. The request for Council to consider additional footpath work on the west side of Gravelly Beach Road was put to Mayor Holmdahl by the proprietor of the giftware shop, assessed by Council officers and approved by the Chief Executive Officer. The section of additional footpath and kerb and channel work was extended to the limit of the new pavement seal included under the contract.

Question 2: What was the cost of that discrete section of footpath/curbing extension within any Budget variations list?

Response: \$38,718.43 excluding GST

Question 3: Why were the property owners of 295 and 297 Gravelly Beach Road not given prior planning notification of the pending works, in order to give them the opportunity to request driveway entrance/s to their properties via their existing gateways - as was automatically provided for all other properties sited alongside the recent footpath works installed near the Post Office and cafes?

Response: *Any existing driveways have been reconstructed under the contract. No.295 and No.297 have their legal vehicle access point from Archer Street, and there is no existing driveway or kerb crossover on Gravelly Beach for these properties. It is noted there are gates on the property boundaries and Council officers are currently in communication with the landowners concerned to discuss formalising these access points for vehicles.*

17.2 Councillors' Questions without Notice

17.3 Responses to Previous Questions on Notice

17.3.1 Cr Manticas - Question from 16 December 2025 Ordinary Meeting

Question 1: With the opening of Burt Munro's Cafe in Exeter, there's been a significant increase in the foot traffic along that stretch. What would it take for Council to install some public bins in or around that location?

Response: *Council officers will inspect the area at the new cafe in Exeter with the view to install a new bin in an appropriate location.*

17.3.2 Cr Holmdahl - Question from 16 December 2025 Ordinary Meeting

Question 1: At the moment, if a resident coming out of Wildmore Crescent and wishing to turn North... about 80% of the time, or certainly during business hours, finds it very difficult to see oncoming traffic traveling towards the Wildmore Crescent intersection. The farm and feed business on the corner, uses the footpath and the nature strip area as a parking strip. I nearly got cleaned up the other day because there was a big truck making deliveries, I was turning left, the person that was coming up the highway and going to turn right into Wildmore Crescent cut the corner, didn't see me because of the truck, and I think passed me by about that much when he swerved. Something has to happen. The new cafe also, if they have cars parked all the way down to Wildmore Crescent, you can't see, especially if it's a caravan, you can't see what's traveling South. So, I don't know whether it's a recommendation of yellow lines on the highway that are painted for a certain length from the Wildmore Crescent intersection both North and South will solve the problem. But there have been three near misses on that corner probably in the last 12 months.

Response: *Council officers have undertaken both desk top review and an inspection of the intersection to ensure any recommended treatment is in line with appropriate standards. While cutting the corner is an issue with driver behaviour and attentiveness, the provision of linemarking at this intersection may assist drivers with making safe turning movements, and will be consistent with other linemarking treatments at other intersections. Officers will seek approval from the Department of State Growth for the preferred treatment prior to undertaking any work within the State highway corridor.*

17.3.3 Cr Larner - Questions from 16 December 2025 Ordinary Meeting

Question 1: I've received notification from a resident of Beauty Point that Churchill Park is being used as a dumping ground for people's garden rubbish, and that the area is tinder dry at the moment with plenty of fuel to feed this potentially dangerous fire hazard. So is it possible for Council to review the current status of Churchill Park's risk of fire to enable potential risk production measures to potentially be made?

Response: *Albert Square Recreation Area, is Crown Land leased by Council. A contractor slashed this site on Monday 22 December 2025 to create a firebreak. No evidence of dumped greenwaste was noted on inspection.*

Question 2: I'm a member of the Lions Club and I'm informed that they have some funds in reserve and they wish to contribute to a new community benefit project, an upgrade to a skate/BMX park at Gravelly Beach is a potential.... Can Council provide expertise to help assess the feasibility of such a project and is that something that the Council would be interested to collaborate on?

Response: *I would encourage the Lions Club to engage with Council Officers so that Council Officers have a clear understanding of what the Lions Club is seeking to achieve. Once this is understood, Council Officers can then provide appropriate advice to the Lions Club on the next steps required.*

17.3.4 Cr Allen - Question from 16 December 2025 Ordinary Council Meeting

Question 1: I just wanted to add to the issue along the West Tamar Highway near Burt Munro's Cafe, which is excellent to see that he's getting great support. Added to Councillor Holmdahl, a letter has gone into Council requesting they look at the driveway to 144 Main Road where the Retirement Village is. Now, I must say I live there, but that letter is not from me, because you can't see when you're going out with the traffic so close either side of the driveway and on the other side of the road.

Response: *Council officers have reviewed the request submitted by a resident of the retirement village at 144 Main Road, Exeter, and undertaken an inspection of the site. Officers will seek approval from the Department of State Growth for the preferred linemarking treatment in this location to improve parking and sight lines, prior to undertaking any work within the State highway corridor.*

18 INTO CLOSED MEETING

RECOMMENDATION

That, pursuant to Regulation 17(1) of the *Local Government (Meeting Procedures) Regulations 2025*, Council close the meeting to the public at ...pm to discuss the following items:

Confirmation of Minutes

2.1 Confirmation of Minutes of Closed Meeting held 16 December 2025

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 40(6). At the next closed meeting, the minutes of a closed meeting, after any necessary correction, are to be confirmed as the true record by the council or council committee and signed by the chairperson of the closed meeting.

Corporate & Community

8.1 Confidential 1 – Renewal of Lease

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(d) commercial information of a confidential nature that, if disclosed, is likely to – (i) prejudice the commercial position of the person who supplied it; or (ii) confer a commercial advantage on a competitor of the council; or (iii) reveal a trade secret and Regulation 17(2)(g) proposals for the council to acquire land or an interest in land or for the disposal of land;

Office of the CEO

9.1 Confidential 2 – Contract no. WTC 19/2025 Reseal Program 2025/2026 Spray & Asphalt Resurfacing

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal;

9.2 Confidential 3 – Contract no. WTC 35/2025 Beaconsfield Road Widening & Footpaths: Shaw Street & Julian Street

This report has been submitted to the closed part of the Council Meeting in accordance with Regulation 17(2)(e) contracts, and tenders, for the supply of goods and services and their terms, conditions, approval and renewal

DECISION

Moved:

Seconded:

VOTING

For:

Against:

19 OUT OF CLOSED MEETING

Council resolved to move out of Closed Session at ... pm.

20 CLOSURE

There being no further business, the meeting closed at ...pm