West Tamar
COUNCIL

AGENDA

Tuesday 17 February 2026
Ordinary Council Meeting

WEBSITE: www.wtc.tas.gov.au

WEST TAMAR COUNCIL

PO Box 16
RIVERSIDE TAS 7250

Council Chambers
BEACONSFIELD TAS 7270

12 February 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 17 February 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 leterremairrener 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

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

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Council reserves the right to edit Recordings to remove any information that would, or is likely to, place the safety of a person at risk if the recording is published, is, or is likely to be defamatory, contains offensive material or is, or is likely to be, unlawful.

Any Recordings that have been edited to remove any part of the meeting in line with the above reasons will include a statement at the commencement of the recording to the effect that the recording of the meeting has been edited and the reason for that edit.

1 PRESENT

1.1 Present

1.2 In Attendance

1.3 Apologies and Leave of Absence

2 CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meeting held 20 January 2026

ATTACHMENTS: 1. [**2.1.1**] 2026-01 Ordinary Council Meeting Minutes - Unconfirmed

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RECOMMENDATION

That the Minutes of Council's Ordinary Meeting held on 20 January 2026 numbered 26/1 to 26/18 as provided to Councillors be received and confirmed as a true record of proceedings.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

West Tamar COUNCIL

MINUTES

Tuesday 20 January 2026
Ordinary Council Meeting

UNCONFIRMED

WEBSITE: www.wtc.tas.gov.au

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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 Larner
Cr Geoff Lyons
Cr Josh Manticas

1.2 In Attendance

Chief Executive Officer	Kristen Desmond
Director Corporate & Community	David Gregory
Director Planning & Development	Michelle Riley
Director People, Culture & Safety	Richard Heyward
Team Leader Planning	Krstyna Ennis
Manager Communications & Engagement	Simon Tennant
Governance Officer	Tom Chalmers
Technology Officer	Angus Pilon
Personal Assistant to the CEO	Kathryn Prince

1.3 Apologies and Leave of Absence

Leave of Absence – Cr Julie Sladden

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2 CONFIRMATION OF MINUTES

2.1 Confirmation of Minutes of Meeting held 16 December 2025

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.

Minute No. 26/1

DECISION

Moved: Cr Lyons

Seconded: Cr Allen

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.

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

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3 LATE ITEMS

Nil

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4 DECLARATIONS OF INTEREST IN A MATTER OF A COUNCILLOR

Cr Manticas - Perceived conflict of interest in *Item 8.3 - CEO 3 - Submission on Residential Parks Bill 2026 Consultation Draft Legislation* - Left the meeting for the item.

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

5 PUBLIC QUESTION TIME

5.1 Public Question Time

Commenced at: 1.33pm

Concluded at: 1.47pm

Robert Pfundt, Legana

Statement: I would like to draw your attention to development application PA2025346 at 6 Apollo Avenue and 4 Aristotelis Court, Legana. This proposal is for nine holiday units and one large glasshouse spread over two residential lots. Significantly, this development is proposed in a low-density private residential zone. I note that under Section 3.2 of the Council's Strategic Plan for the decade '22 to '32, that its future goal is to encourage sustainable growth and prosperity with the objective of development development which is in keeping with the character of the area and its natural values.

I would contend that this proposal is neither in keeping with the character of the area and its natural values, nor is it likely to encourage sustainable growth and prosperity. The development application appears to be in breach of Section 6.1.2(e) of the State Planning Provisions in that no guidance is given on the use of the accommodation. Whether it may be an Airbnb or possibly seasonal worker accommodation, there is no indication to go by.

Interestingly, the Tasmanian Planning Scheme rules for low-density residential zones state that multiple dwellings and other housing are listed as discretionary. The key rule applicable in this case is the density requirements for multiple dwellings as detailed in Section 10.4.1 of the State Planning Provisions. The only visitor accommodation permitted in residential zones is a) home sharing, and b) accommodation within existing habitable buildings. This proposal does not meet either of those discretionary items.

Question 1: What is the purpose of the large greenhouse in this proposal?

Question 2: Commercial enterprises in low-density residential zones are generally permitted if they are small-scale or home-based. If this is a reasonably large commercial venture, would it not be more appropriate to locate it in a mixed-use or business commercial zone?

Question 3: Is it possible that at some point in the future, this development, if approved, could be converted to long-term rental housing?

Response: *Thank you, Mr. Pfundt. I'm taking it you're talking about a development application that hasn't been put before Council yet. So it's very difficult for us to answer any questions that you're putting to us. We will take them on notice and reply accordingly.*

Statement: The reason why I bring it forward today is because I'm not aware of the situation. My understanding is that the Council may approve this application before the next meeting. I may be wrong on that.

Response: *No. All development applications come to Council. If they are a straightforward development application, our planning people can approve it. If there are any other considerations that have to be made, then it does come before Council.*

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

June Mezger, Legana

Statement: We want to thank the West Tamar Council Planning Department staff for their professional advice and information about options and processes during our application inquiries. Professional planning services and submission were also provided by Nova Land Consulting and separate legal information was provided to us.

Our location remains within a low-density residential zone. Objections received have failed to address the fundamental test in Tasmanian Planning Scheme 10.6.1 P1. Namely, whether the proposal can provide a sufficient and usable area with the intended use.

The application by us meets the test under the Tasmanian Planning Scheme 10.6.1 P1. We understand that objections on covenant grounds are not relevant to the planning scheme and do not impact on the Council's assessment of subdivision application PA2025340. We are aware of some concerns that future development will erode the character and value of the existing homes in the area. However, the existing landscape, trees, and gardens on our existing lot 24 will remain, as will the neighbours' privacy and views. We very much appreciate the existing garden and trees on our property, this being a key factor in our purchase of the property.

The planned dwelling will be located on the existing extensive lawn with sufficient open space around the dwelling. We intend to build a single-level private architect-design dwelling on the subdivided lot if approved. The proposed dwelling will be surrounded by the environmentally attractive existing extensive trees and shrubs located around the perimeters of proposed lot two. Our location at 20 Tanner Drive is perhaps one of the most significant contributors to the Tanner Drive in terms of its attractive landscaping, and this will not be changed.

We are an intergenerational family living at 20 Tanner Drive. We are elderly and Ross and I require a level of independence and close assistance, best provided by our daughter and granddaughter living adjacent to the main house, which an additional dwelling as proposed on the subdivided lot would provide us. As outlined in our submission, the subdivided lot and the single-level dwelling will comply with the relevant aspects of the Tasmanian State Planning Scheme and the West Tamar Council requirements.

We believe that the comments in relation to precedents are irrelevant to the Council's assessment. Council has applied the low-density residential zone to this section of Tanner Drive while not applying the residential supply and density SAP. It would appear that this section of the low-density residential zone acts as a transitional area between the higher-density general residential zone and the lower-density areas of Tanner Drive that are subject to the SAP.

Properties within this area have that capacity to subdivide and may do so based on their merits under the planning scheme. It is not a question of precedents, but rather compliance with applicable standards under the scheme. Our application aligns with West Tamar Council's Strategic Plan's goal to encourage sustainable growth and prosperity in affordable housing. This also is a nationwide imperative. Thank you, in anticipation of approval as per the Planning Department's recommendation to Council.

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Cheryl Swan, Paper Beach

Question 1: As I know you've noticed, we have some temporary 40 km/h signs that have been installed in Exeter. Already had to be altered because they put the poles in the wrong place and people in wheelchairs couldn't get through, could they?

I would like to know if the Council would support having the southernmost sign moved back towards where the yellow school sign is. So it's before the road where the schools are, rather than opposite—I think it's opposite the bakery. It's a little bit too far in. It needs to be back before the schools. Just to allow our children to cross the road a little bit more safety would be really good. So before the medical centre and chemist on the opposite side of the road and the bakery and all that. So I would ask Council to perhaps approach State Growth to have that done.

Question 2: Is it possible for us sitting here observing a Council meeting to be able to see one of these signs and see what's going on? It would be really helpful to participate.

Response: *We haven't totally completed the outfitting of this room. There is going to be a screen behind the Councillors for the benefit of those in the public gallery. Il can't give you a timeline at the moment, but it is in train.*

And the other point that you make about the 40 km/h zone, I think it's a good one, I noticed myself when I drove in that it was only a matter of 15 meters maybe. I'm sure that Council will be happy to raise that with State Growth.

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ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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*

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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.

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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
p. 03 6323 9300
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

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

West Tamar COUNCIL
2-4 Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
p. 03 6323 9300
wtc.tas.gov.au

Helen Patronis
[redacted]

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

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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

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

UNCONFIRMED

5.3.4 P Hodges, Beauty Point

Our Ref: GO.COU.183

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

2-4 Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
p. 03 6323 9300
wtc.tas.gov.au

23 December 2025

Peter Hodges

By email: [redacted]

Dear Mr Hodges

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

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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

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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

2-4 Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
p. 03 63239300
wtc.tas.gov.au

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

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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.

The Chief Executive Officer advised that, in relation to Item *7.4 Plan 4 - PA2025326 - Residential: Multiple Dwellings x 2 (1 New, 1 Existing) - 24 Pomona Road, Riverside*, the incorrect shadowing diagrams were included within the agenda at pages 162 to 163 and that Councillors have subsequently been provided with the correct diagrams.

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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

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).

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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

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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.

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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.

Team Leader Planning entered the meeting at 1.49pm

Minute No. 26/2

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Manticas

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.

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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

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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:

t. The 14-day appeal period expires; or

u. Any appeal to the Tasmanian Civil and Administrative Tribunal is abandoned or determined; or

v. Any agreement that is required by this permit pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* is executed; or

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w. 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.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

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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

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:

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(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

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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

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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. 26/3

DECISION

Moved: Cr Manticas

Seconded: Cr Lyons

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.

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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;
        a. 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;
        b. Be prepared by a suitably qualified person; and
        c. 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

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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

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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.

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VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

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Tuesday 20 January 2026

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

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); and

   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.

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

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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.

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DECISION

Moved: Cr Larner

Seconded: Cr Ferguson

UNCONFIRMED

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); and

   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.

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

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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.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

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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

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.

UNCONFIRMED

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 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.

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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

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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. 26/5

DECISION

Moved: Cr Lyons

Seconded: Cr Ferguson

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

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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.

4. **DRIVEWAY AND PARKING AREA CONSTRUCTION**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.

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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 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.

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.

9. Should the office of Unit 1 be used as a bedroom, the windows must be obscured to provide privacy from the shared driveway.

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:

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(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.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

Team Leader Planning left the meeting at 2.29pm

UNCONFIRMED

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

RECOMMENDATION

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

Minute No. 26/6

DECISION

Moved: Cr Allen

Seconded: Cr Lyons

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

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

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

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.

Minute No. 26/7

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Ireland

That the matter be deferred until the next workshop for discussion.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

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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

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.

Cr Manticas left the meeting at 2:40 pm

Minute No. 26/8

DECISION

Moved: Cr Ireland

Seconded: Cr Ferguson

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.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 7/0

Cr Manticas entered the meeting at 2:46 pm

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Minute No. 26/9

DECISION

Moved: Cr Allen

Seconded: Deputy Mayor Cr Shegog

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.

VOTING

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

Against: Cr Larner

Abstained: Nil

CARRIED 7/1

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Minute No. 26/10

DECISION

Moved: Cr Ireland

Seconded: Cr Lyons

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Lyons and Cr Manticas
Against:	Cr Larner
Abstained:	Nil

CARRIED 7/1

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Minute No. 26/11

DECISION

Moved: Cr Manticas

Seconded: Cr Ferguson

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Director Planning & Development entered the meeting at 3.09pm

Minute No. 26/12

DECISION

Moved: Cr Lyons

Seconded: Cr Ferguson

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

Director Planning & Development left the meeting at 3.11pm

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Director Corporate & Community entered the meeting at 3.11pm

Minute No. 26/13

DECISION

Moved: Cr Allen

Seconded: Cr Ferguson

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

Director Corporate & Community left the meeting at 3.14pm

UNCONFIRMED

12 COMMUNITY

Nil

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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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.

Minute No. 26/14

DECISION

Moved: Cr Manticas

Seconded: Cr Lyons

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.

VOTING

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

Against: Nil

Abstained: Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

14 PEOPLE, CULTURE & SAFETY

Nil

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Minute No. 26/15

DECISION

Moved: Cr Larner

Seconded: Cr Ireland

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

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.

Minute No. 26/16

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Allen

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.

UNCONFIRMED

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

UNCONFIRMED

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

RECOMMENDATION

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.

Minute No. 26/17

DECISION

Moved: Deputy Mayor Cr Shegog

Seconded: Cr Ferguson

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.

VOTING

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

Against: Cr Larner and Cr Lyons

Abstained: Nil

CARRIED 6/2

UNCONFIRMED

16.2 Motions without Notice

Nil

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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.*

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17.2 Councillors' Questions without Notice

Cr Ferguson

Question 1: Can Council please advise in which the general rate variation applying to properties within the Launceston Urban Fire Brigade District was first introduced, and confirm its original intended purpose in relation to the Windsor Precinct?

Question 2: Can Council advise which suburbs and what percentage of ratepayers within the West Tamar Municipal area are subject to this additional levy? Noting that approximately $240,000 was raised in the last financial year.

Question 3: Can Council provide the total income generated from this variation since its introduction?

Question 4: Given that the Windsor Precinct provides services and benefits to the broader municipality, can the variation be included in our budget deliberations this year to discuss if it's still appropriate?

Response: (From the CEO through the Chair) *Thank you Councillor Ferguson. In terms of your first three questions, we'll take those on notice. In terms of the last one, that Windsor Special Rate is always included in budgets, so we certainly can list it as having further discussion on that. And we will put the answers to those questions to you in writing and also ensure that they are part of the February agenda.*

Cr Manticas

Question 1: Does Council have the appetite to liaise with Parks and Wildlife to start conversing with them on the potential for a rock pool at Beauty Point?

Response: (From the CEO through the Chair) *What I would suggest is that Council officers wouldn't do that without Council making a decision as to whether they wanted to do something like that, given potential budgetary and other implications. I suspect it would be subject to a Reserve Activity Assessment which could take a significant period of time and does have a significant cost to Council in terms of that. So, should Council wish to go there, I would recommend perhaps that a motion be put to Council so that we have a firm decision on that. Once that's done, we would happily then talk to Parks and go through the process.*

Question 2: Is this Council still on track to start stage 1 of the Greens Beach Master Plan?

Response: (From the CEO through the Chair) *Stage 1 of the Greens Beach Master Plan is currently subject to an assessment from Parks, a Reserve Activity Assessment, and we are working through the process with Parks.*

Cr Lyons

Question 1: On the 18th of November I asked the question about the demographic makeup of the West Tamar and I was particularly concerned that I'd been told that Exeter Primary School only has 200 kids attending and that is considerably lower than when I worked at that school. I think the whole makeup of the population really determines what we do, if we're not having that many youth come through, we be focusing on aged facilities and what does that mean in terms of where people work? I don't know how we do it, but it would be interesting to know the changes in each of the towns over a

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period of time to determine what the potential needs are of each of those communities. 200 kids, I think there was at least probably three times that many when I was working at that school and I just wonder if there are reasons behind it or if it's just a decline in breeding.

Response: (From the CEO through the Chair) *Thank you Cr Lyons. We are working through a process to have a demographer and some demographic information come to Council. As I'd said previously, it's not something that had been listed as a priority for this financial year. It certainly will be something that comes from the Community Strategic Plan and other work that we're doing, but in the meantime, we are hoping to get someone to come and talk to you at a future workshop in this financial year around some of the demographics we have now and potential changes coming through.*

Cr Shegog

Question 1: I think we all received an email from a person wishing to establish a radio thing for the West Tamar community, where did that get to?

Response: (From the CEO through the Chair) *That's currently sitting on my desk and we're still working through options and will come back to Council once we've had a chance to consider it. We've still got a number of officers who are coming back from leave, so we haven't actually been able to progress that at this point.*

Cr Ireland

Question 1: I've just got one issue I want to just bring up to the record, so hopefully we can get some action. It goes back to November, a gentleman at number 52 Rosevears Drive, Mr. Sparks is his name. He was getting no result from Council, so he contacted me. His issue is that he has a garage that fronts onto Rosevears Drive, and he can't open the garage doors because when we sealed the pavement, it made it too high. It's been like that for 10 years, and the previous owner didn't mind because he never used the garage. So the new owner's bought the place and he wants to open his garage doors. It's a question of re-sealing a little bit of footpath.

Response: (From the CEO through the Chair) *Thank you, Cr Ireland. That is on our list of things to do and we'll make sure that there's an action ready for the February Council meeting agenda so both you and Mr. Sparks can see it moving.*

Cr Larner

Question 1: Just with regards to the Gravelly Beach foreshore. An issue identified by Parks in their report was the illegal fill which has contaminant in it, it has construction material and likely asphalt which was put there over the Christmas break, probably around 2000 as the start of the reclamation works without approval of Parks. They've identified the matter, they have recommended Council listen to their local community about their concerns with regard to such issues. Other issues are the sea walls that are falling away. Is there a way that that could be looked at? It wasn't understood by the community that the funding for the foreshore works was limited to the end of January and then it had to be given back to the government.

Question 2: I'm just looking here at in the code for tenders and contracts. For short-term contracts, there shall be no provision in the tender documents for variation at the tendered price or rates over the duration of the contract. So the current contract there with the footpaths, which are great, and the parking provision. I have feedback from a local resident who happens to be a horticulturist, that that Paspalum invasion of the

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foreshore below the new footpath can be dealt with while temperatures are high and it could be sprayed but also an observation of this individual that the spray on grass seeding has not been applied properly. So I'm just wondering is there any leeway for the contractors to either attend to that? And also that the laid down grass has died because it wasn't watered over the Christmas break or even watered in. Is there a provision for that funding that is sitting there to be applied to tidy up that area properly? And potentially whether compensation can be offered to the people living 297 and 295 Gravelly Beach Road who don't have an official access at Archer Street.

Response: (From the CEO through the Chair) *Thank you, Cr Larner. A number of different questions all rolled up into one there. What I can say is the Gravelly Beach foreshore, in relation to any reclamation works, Parks have denied us any permission to do any works there, so we don't intend to. We applied for certain works; we were told what we can do and what we can't do. We've been told we can work in the Road Reserve, which is what we're doing. If we are to go anywhere near those other things, we have to get permission of Parks to do that, and that takes time.*

As this Council has been briefed previously, we have asked the Federal Government for an extension a number of times to try and get Gravelly Beach completed. We will not be given any further extensions. We have done the best work that we can within the envelope we have. We cannot just go away and do other work; we have to get approval from the Federal Government to change scope. We have done that. We've delivered the footpaths and the other work, and I think feedback we've had from Gravelly Beach is that has been accepted.

There's two people in particular you're talking about - they have not approached Council, so unless I have something in writing from them, and I would be saying in terms of compensation, that's not something that should be talked about in an open Council meeting. I don't agree with you that there is compensation that should be paid. We actually have improved the amenity outside of their houses.

I also have a concern when you are saying Council officers haven't done things correctly. Our officers still look at any of the work that contractors undertake. Now, unless you've been privy to all of the instructions and all the other work that's going on, I think it's very unfair to say that Council officers haven't done something correctly, I'm talking about the seeding and I think it's very unfair for you to be able to make comments on that without us actually being able to check in with Council officers. And finally, if there are issues with Paspalum and other weeds, as I have asked you previously, if you put it in writing and ask Council what it is that they're doing, I will investigate that for you.

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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.*

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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 Wildmorw 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.*

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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.*

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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.*

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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 4.02pm 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

Minute No. 26/18

DECISION

Moved: Cr Lyons

Seconded: Cr Ferguson

That, pursuant to Regulation 17(1) of the *Local Government (Meeting Procedures) Regulations 2025*, Council close the meeting to the public at 4.02pm to discuss the following items:

Confirmation of Minutes

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

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

VOTING

For:	Mayor Cr Holmdahl, Deputy Mayor Cr Shegog, Cr Allen, Cr Ferguson, Cr Ireland, Cr Larner, Cr Lyons and Cr Manticas
Against:	Nil
Abstained:	Nil

CARRIED UNANIMOUSLY 8/0

REQUIRES ABSOLUTE MAJORITY OF COUNCIL

UNCONFIRMED

ORDINARY COUNCIL MEETING
Tuesday 20 January 2026

19 OUT OF CLOSED MEETING

Council moved out of Closed Meeting at 4.31pm.

UNCONFIRMED

20 CLOSURE

There being no further business, the meeting closed at 4.32pm.

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: Questions on Notice are sent to THE Councillors as representations from rate payers and not the CEO, why are QoN's NOT tabled at council meetings to arrive at an answer, currently the answers to the question(s) are answered before the council meeting by the CEO with its seems complete disregard to elected councillors considerations why and how is this done ?

Response: *As per my answer provided to you on 14 November 2023:*

"The question, and a proposed response, if appropriate, will be included on the agenda for the scheduled meeting. Where a question with notice requires further research or clarification the answers to the question will be included in the agenda of the following council meeting".

Legislatively, the Local Government (Meeting Procedures) Regulations 2025 *only require that questions on notice be submitted by members of the public and allows each council to determine any other procedures to be followed in respect of public question time not specifically set out in the Regulations.*

I note that other Councils adopt a similar approach to West Tamar Council and publish Questions on Notice with the answers in Agendas. How Questions on Notice are dealt with are subject to Council's Council Meeting Engagement Policy and as such I am guided by this Policy when preparing Agendas.

Question 2: What qualifies some rate payers as against other rate payers to have there private property entrances/drive-ways built free of costs by the West Tamar Council ?

Response: *I do not understand what this question relates to. When footpath upgrades or road reconstruction projects are undertaken as part of Council's capital works program, existing driveways are replaced like for like if condition warrants this, or to comply with the applicable engineering standard. If you are alleging that staff have undertaken private works inappropriately then please submit to me your allegations and I will investigate them.*

Question 3: We see a $104,108.00 "membership fee", rate payers funds, to Northern Tasmania Development Corporation Limited, so we are paying this to be a MEMBER of exactly what ? Please explain by examples what if any tangible benefits that have been delivered to West Tamar rate payers in past 12 months that justify this MEMBERSHIP fee , examples must show cost /benefit return ratio.

Response: *Northern Tasmania Development Corporation (NTDC) is a regional development agency co-funded by seven Northern Councils to develop and delivery programs of regional significance that enhance the social and economic prosperity of the region.*

Membership of NTDC is for a period of three years. Member councils co-design a three-year strategy of agreed program delivery in partnership with NTDC Board.

This strategy, ratified in early 2023, has guided for directed programs such as:

Regional Priority projects *advocacy leading up to both Federal and State Government elections and targeted toward State and Federal Govern grant programs and budget inclusions.*

West Tamar inclusions in published prospectus include:

- *West Tamar Trail Network*
- *Ferment HQ*
- *Launceston/Tamar Sewerage Improvement Plan*
- *West Tamar Growth Strategy*
- *10-year vision for the kanamaluka/Tamar Estuary & Masterplan*
- *Legana Sporting Complex*

Regional Land Use Strategy Review and drafting*. NTDC is commissioned to review and draft the Northern Tasmania Regional Land Use Strategy (NTLRUS) which enables Tasmanian planning policies to be enabled true to place.*

This project management includes all eight northern councils working with NTDC through a Steering Committee (chaired by the CEO of West Tamar Council).

Northern Tasmania Population Program renewal*. NTDC has renewed the region's population program circa 2019 to respond to population growth challenges across the next 20 years. This program is assisting West Tamar Council better accommodate population growth and workforce attraction and retention, whilst ensuring all Councils work collaboratively to ensure people can work and live well.*

Northern Sports Facility Study*. NTDC developed an assessment both future trends in recreational activity and the condition of existing sporting venues owned by local councils across the region. West Tamar Council were able to use this work to inform plans to secure funding for sporting venue development at Legna, as well as appreciate where the use of sporting/recreational facilities in neighbouring councils could be optimised to benefit residents.*

Gastronomy Northern Tasmania*. NTDC is custodian on behalf of northern Councils of the UNESO Creative City of Gastronomy designation. This acknowledges the urban/rural food system that our region, and especially the Tamar Valley, was founded upon. West Tamar Council are able to make use of both intelligence gained through a network of over 50 City/regions of Gastronomy across the world, as well as make use of branding to associate the West Tamar with this UNESCO designation.*

On-going advocacy and engagement on behalf of members*. NTDC is always meeting with elected officials at all levels of government to champion Northern Tasmania as a place where investment, education, employment and visitation is welcomed and able to thrive. This supports West Tamar Council's very professional and effective involvement in this space, with NTDC articulating the regional importance of West Tamar based initiatives.*

An ***Annual Report*** *is provided that details annual program delivery (2024-2025) against the three strategy and successes which was shared with funding members at AGM on 6 November 2025.*

5.3 Responses to Questions from Previous Public Question Time

5.3.1 R Pfundt, Legana

Our Ref: GO.COU.186

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

2-4 Eden Street, Riverside TAS 7250
PO Box 16, Riverside TAS 7250
e. wtc@wtc.tas.gov.au
p. 03 6323 9300
wtc.tas.gov.au

30 January 2026

Robert Pfundt

By email: [redacted]

Dear Mr Pfundt

Response to Questions on Notice – Ordinary Council Meeting 20 January 2026

I refer to the questions set out below taken on notice at the West Tamar Council meeting on 20 January 2026, and now provide the following responses:

Question 1: *What is the purpose of the large greenhouse in this proposal?*

The application does not define a purpose for the glasshouse. The use proposed is Visitor Accommodation and the glasshouse is within the grounds. Any commercial use, or use other than garden / landscaping associated with the visitor accommodation use would require separate approval.

Question 2: *Commercial enterprises in low-density residential zones are generally permitted if they are small-scale or home-based. If this is a reasonably large commercial venture, would it not be more appropriate to locate it in a mixed-use or business commercial zone?*

As above, the application proposes Visitor Accommodation and no other use has been proposed.

Question 3: *Is it possible that at some point in the future, this development, if approved, could be converted to long-term rental housing?*

Under the Tasmanian Planning Scheme, the property is in the Low Density Residential Zone and the Residential Supply and Density Specific Area Plan applies. Long term rental would be defined as Multiple dwellings and is prohibited in this area. Visitor Accommodation is defined as 'use of land for providing short or medium-term accommodation for persons away from their normal place of residence on a commercial basis or otherwise available to the general public at no cost' noting that is does not define a length of stay.

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 - PA2025344 - Residential: Secondary Residence (Caravan) - 35 Riverside Drive, Riverside

REPORT AUTHOR: Team Leader - Planning - Krstyna Ennis

REPORT DATE: 3 February 2026

ATTACHMENTS:
1. [**7.1.1**] Plan 1 - Location Plan - 35 Riverside Drive Riverside
2. [**7.1.2**] Plan 1 - Proposal Plans - 35 Riverside Drive, Riverside

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 'Secondary residence' in the form of a caravan. The applicant has advised that the secondary residence is intended to provide temporary housing for an additional dependent occupant, whilst allowing flexibility for the secondary residence to be removed in the future if no longer required.

The caravan is under 60m^2 and self-contained, being internally fitted with cooking facilities and a bathroom. Consequently, it is defined as a 'secondary residence', associated with the existing dwelling. The secondary residence (caravan) has been placed on a sealed concrete pad behind the existing retaining wall, which were both previously approved under Planning Permit PA2024297.

In Court decision J*ackson v Purton [2011] TASSC 28* the Tasmanian Supreme Court confirmed that a Residential use regulated under the Act can occur within a caravan, or other 'non-permanent' structure. This was furthered in Court decision *M & J Purton v Waratah-Wynyard Council and D & V Turner [2022]*, where the Tasmanian Civil and Appeals Tribunal (TASCAT) considered placement of a caravan to be a Residential Use, where for use as a residence, under the Tasmanian Planning Scheme. It concluded that a caravan could be a 'dwelling', or part of, as it met the definition of

'structure', and therefore 'building', under the Act. Despite being a Residential use under the Planning Scheme and LUPPA, the secondary residence (caravan) has no fixed foundations or structural works, so cannot be classified as a 'building' under the *Building Act 2016. As such,* a subsequent Building Permit is not required and the secondary residence will not be connected to reticulated water or sewerage. The caravan is equipped with a cartridge/tank that is removed for transport to a nearby waste disposal facility.

It is noted that the proposal does not meet the "temporary housing" definition under section 7.13 of the Scheme, as it is not for a period of less than 12-months or for an eligible person. Therefore, it must be assessed as a Residential Use under the Scheme. Notwithstanding, under 6.11.2 of the Scheme, the Planning Authority can impose conditions and restrictions, to limit the life of the permit, but only insofar as it relates to the specific discretion being exercised.

A Secondary residence is a 'No Permit Required' use within a residential zone. However, a planning permit is required due to a discretion of the following development standards:

	Acceptable Solution	Proposed
8.4.2 A1 Front setback	4.5 metres	1.2 metres
8.4.2 A3 Building envelope	Contained within building envelope	Outside building envelope (front setback)

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	28/11/2025
Request for further information	N/A
Information satisfied	N/A
Advertised	6 December 2025
Closing date for representations	22 December 2025
Day 42	9 January 2026
Extension of time granted	6 January 2026
Decision due	20 February 2026

THE APPLICATION

Application Details:

Planning Application	PA2025344 – Residential: Secondary residence (Caravan)
Location	35 Riverside Drive, Riverside
Applicant	Regan & Amy Petty
Planning Instrument	Tasmanian Planning Scheme – West Tamar (**the Scheme**)
Zone	General residential zone
Use	Residential
Codes	8.0 General Residential Zone - 8.4 Development Standards for Dwellings C2.0 Parking and Sustainable Transport Code

Specific Area Plans	N/A

Site Details:

Area	758.1m^2
Slope	Moderate slope downwards from southwest to Riverside Drive.
Existing Use/Development	Single dwelling
Surrounding Use/Development	The site is located within an established General residential zone surrounded predominantly by single dwellings on similar sized lots.

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.
- Seek and encourage opportunities to improve accessible and affordable housing.

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 envelopes for all dwellings**

ACCEPTABLE SOLUTION NOT ACHIEVED	***A1*** *Unless within a building area on a sealed plan, a dwelling, excluding garages, carports and protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage that is:* *(a) if the frontage is a primary frontage, not less than 4.5m, or, if the setback from the primary frontage is less than 4.5m, not less than the setback, from the primary frontage, of any existing dwelling on the site;* *(b) if the frontage is not a primary frontage, not less than 3m, or, if the setback from the frontage is less than 3m, not less than the setback, from a frontage that is not a primary frontage, of any existing dwelling on the site;* *(c) if for a vacant site and there are existing dwellings on adjoining properties on the same street, not more than the greater, or less than the lesser, setback for the equivalent frontage of the dwellings on the adjoining sites on the same street; or* *(d) if located above a non-residential use at ground floor level, not less than the setback from the frontage of the ground floor level.*
PERFORMANCE CRITERIA	**P1 A dwelling must have a setback from a frontage that is compatible with the streetscape, having regard to any topographical constraints.**
ASSESSING OFFICER'S COMMENTS	The proposed secondary residence (caravan) is located within the front setback specified in the Acceptable Solution, being sited 1.2m from the front boundary, which adjoins the service road on the southern side of Riverside Drive. Consequently, the proposal has been assessed against the Performance Criteria in relation to compatibility with the streetscape. Several other properties in Riverside Drive have hardstand parking areas against their front boundaries, including instances of long-term parking of caravans and other large vehicles. To the extent that a caravan is parked within the front setback, this is a common occurrence within residential areas and is considered compatible with the streetscape. However, caravans to the extent they are a registerable vehicle, are not commonly used for residential purposes within a residential zone. Further, there are no known residential uses within the front setback elsewhere within the street, with the exception of several outbuildings such as garages. Whilst the instance of vehicle parking and structures within front setbacks is generally consistent, there are no instances of habitable buildings such as dwellings or secondary residences with similar front setbacks elsewhere in the street. Notwithstanding, the performance criteria requires an assessment of 'compatibility', not 'consistency'. In order to be compatible, the setback of the secondary residence does not necessarily need to be the same or similar to other front setbacks in the street, but rather not in conflict with the streetscape. The Planning Scheme does not contain any design criteria for residential uses, that would differentiate the proposed caravan from any other form of building proposed for residential use. The dwelling is located on the southern side of Riverside Drive which is on the higher side of the street. The elevation increases the visual prominence of buildings on this side of the street, increasingly with proximity to the street, compared to dwellings on the northern side. However, the access off the service road results in a greater separation from the main carriageway of Riverside Drive, which along with additional vegetation within the road reserve, assists in offsetting this effect.

The below image illustrate the siting and appearance of the caravan when viewed from northern side of Riverside Drive carriageway:



And from the access service road (adjacent southern side of Riverside Drive):



Where not being occupied, a caravan can be parked within the front setback permanently without requiring approval. This suggests that the location of a caravan within the front setback, is not altogether inconsistent with the character of the streetscape in relation to utilisation of front setbacks for parking or outbuildings. However, there are no instances of habitable residential uses along Riverside Drive with similar front setbacks. The location of a secondary residence, when form is not considered, is an oddity within the street, and therefore can be considered in conflict with the established pattern of the streetscape. With the exception of non-habitable outbuildings, there are no instances of residential uses along Riverside Drive with similar setbacks

	to the proposed secondary residence. It is therefore, considered in conflict with, and therefore not compatible with, the established pattern of setbacks for residential uses within the street. As such, the Performance Criteria is not satisfied.

CLAUSE	**8.4.2 Setbacks and building envelopes for all dwellings**

ACCEPTABLE SOLUTION NOT ACHIEVED	**A3** *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:* *(a) be contained within a building envelope (refer to Figures 8.1, 8.2 and 8.3) determined by:* *(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* *(ii) (ii) 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* *(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:* *(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or* *(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).*

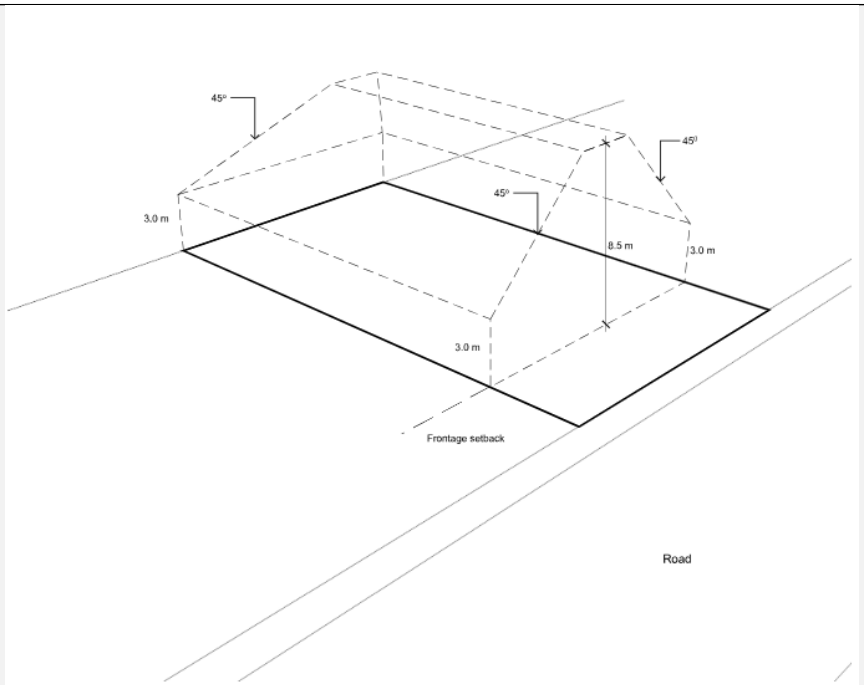


Figure 8.1 Building envelope as required by clause 8.4.2 A3(a) and clause 8.5.1 A2(a)

PERFORMANCE CRITERIA	**P3 The siting and scale of a dwelling must:** **(a) not cause an unreasonable loss of amenity to adjoining properties, having regard to:** **(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:** **(i) an adjoining property; or** **(ii) another dwelling on the same site.**
ASSESSING OFFICER'S COMMENTS	The secondary residence is in the form of a caravan to be placed within the front setback and occupied for residential purposes. The development will not cause an unreasonable loss of amenity to the directly adjoining properties at 37 and 39 Riverside Drive in relation to overshadowing or the apparent scale of the structure. The proposal complies with the side setback requirements on both sides and the caravan and is of a small size and height.

	The location of the secondary residence within the front setback does result in the residents of the adjoining dwellings being able to overlook the secondary residence from their second storey windows. However, the assessment of 'unreasonable loss of amenity to adjoining properties' required under the Performance Criteria only to the extent of the impact of overshadowing and the scale and bulk of the secondary residence. The proposed secondary residence does not result in overshadowing and is of a small scale and bulk. As such, despite representations regarding loss of amenity overall, the proposal satisfied the Performance Criteria P3(a). It would not result in any unreasonable overshadowing of dwellings, private open space or solar installations on adjacent properties. It is small in scale and bulk when viewed from the adjacent properties, having more than 7 metres separation from the adjacent dwelling at 37 Riverside Drive. This is more than double the separation distance typically required for residential uses in the General Residential Zone. As such, P3(b) and P3(c) are satisfied. As such, despite representations regarding a loss of amenity to adjoining properties, the proposal satisfies the Performance Criteria.

ROAD AUTHORITY COMMENTS

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

> *The proposed secondary residence 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 development does not propose an increase to impervious areas within the site. There is an existing sealed area at the front of the site which is drained to the stormwater system.*

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 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 three (3).

ISSUE 1

Full-time permanent residential use

The caravan is being used as a permanent residence, not temporary or incidental accommodation.

	A person is living in the caravan full time with three dogs.
ASSESSING OFFICER'S COMMENTS	**There is no requirement under the Planning Scheme for a Residential use to be temporary. While the applicants have advised that the living arrangements within the caravan are intended to be temporary, the assessment against the Scheme is for Residential use, not 'temporary housing'. Accordingly, a Planning Application was submitted to Council, to allow for assessment under the Scheme.**
ISSUE 2	Not readily moveable The caravan was craned into position, suggesting it is not easily moveable and intended for long-term use.
ASSESSING OFFICER'S COMMENTS	**There is no requirement in the Scheme for a Residential use, in this case a secondary residence, to be readily moveable, and even transportable dwellings require assessment under the Scheme.** **Whilst the intention of the proposal is to enable flexibility to allow for removal of the secondary residence (caravan) as needs change, this is not a requirement.** **However, as the secondary residence (caravan) is not fixed to the ground or connected to services, it cannot be classified as a 'building' or 'structure' under the Building Act.** **Despite not being a 'building' under the Building Act, it still constitutes a Residential land use and structure under the Scheme due to being occupied on a long-term basis.**
ISSUE 3	Noise and amenity concerns Continuous barking from the dogs is causing significant disruption to surrounding residents.
ASSESSING OFFICER'S COMMENTS	**A dog can be considered a 'nuisance' under the *Dog Control Act 2000* if it's barking "interferes with the peace, comfort or convenience of any person in any premises or public place".** **A complaint can be made to Council if a dog is creating a nuisance through excessive barking, which would then be investigated.** **However, this is not a matter that can be considered under the Scheme as part of this application.**
ISSUE 4	Animal welfare The dogs are large and require more space than a caravan can provide.
ASSESSING OFFICER'S COMMENTS	**Animal welfare is not a matter that can be assessed under the Scheme and is not relevant to the secondary residence application. The RSPCA**

	Tasmania Inspectorate is the primary body that investigates pet welfare and enforces the *Animal Welfare Act 1993*.
ISSUE 5	Streetscape visual impact The caravan's presence is visually intrusive and inconsistent with the surrounding residential character.
ASSESSING OFFICER'S COMMENTS	**The visual impact of the proposal and its compatibility with the streetscape of Riverside Drive is assessed under 8.4.2 P1 and P3, above.** **It should be noted that the front wall and concrete pad were previously approved under PA2024297, as they complied with the Scheme. There are no restrictions on a caravan being parked permanently on the concrete hardstand within the front setback. It is only the permanent/long-term occupancy of the caravan as a residential use that has triggered the requirement for a planning application.**
ISSUE 5	Loss of privacy The caravan's location and use may compromise the privacy of the adjoining properties.
ASSESSING OFFICER'S COMMENTS	**The impacts on streetscape amenity and residential character are assessed in 8.4.2 P1 and P3 above, due to the location of the caravan within the front setback.** **The Performance Criteria relating to adjoining neighbour privacy is not triggered unless development is located within the nominated side setbacks or at a height which could result in overlooking. The location of the caravan complies with the side setback requirement to adjacent 37 Riverside Drive and overlooking of the street is not a concern as the service road and street is public land.**

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 refusal is provided due to the proposed siting of the secondary residence being incompatible with the streetscape, as required by 8.4.2 Performance Criteria P1 of the Tasmanian Planning Scheme.

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 not satisfied that the proposal demonstrates compliance with all relevant performance criteria for the requested discretions, principally 8.4.1 Performance Criteria P1 of the Tasmanian Planning Scheme

The use of a caravan for residential purposes, in association with the primary dwelling, is defined as a Residential use – Secondary residence under the Scheme and has been assessed accordingly.

The matters raised by the representors have been considered, and concerns regarding amenity impacts on adjoining properties and the character of the street have been considered, but do not impact the assessment of the application and the officer's recommendation.

RECOMMENDATION

That application PA2025344 be determined as follows:

That the application for Residential - Secondary Residence (Caravan), by Regan and Amy Petty, for land at 35 Riverside Drive, Riverside, Lot No. 223 on Plan No. 17325 is **REFUSED** on the following grounds:

(a) The proposal does not satisfy Clause 8.4.1 Performance Criteria P1, as the siting of the secondary residence within the frontage is not compatible with the streetscape; and

(b) The proposed development cannot be reasonably conditioned to comply with the Performance Criteria due to siting constraints that prevent relocation elsewhere on the site.

DECISION

Moved:

Seconded:

VOTING

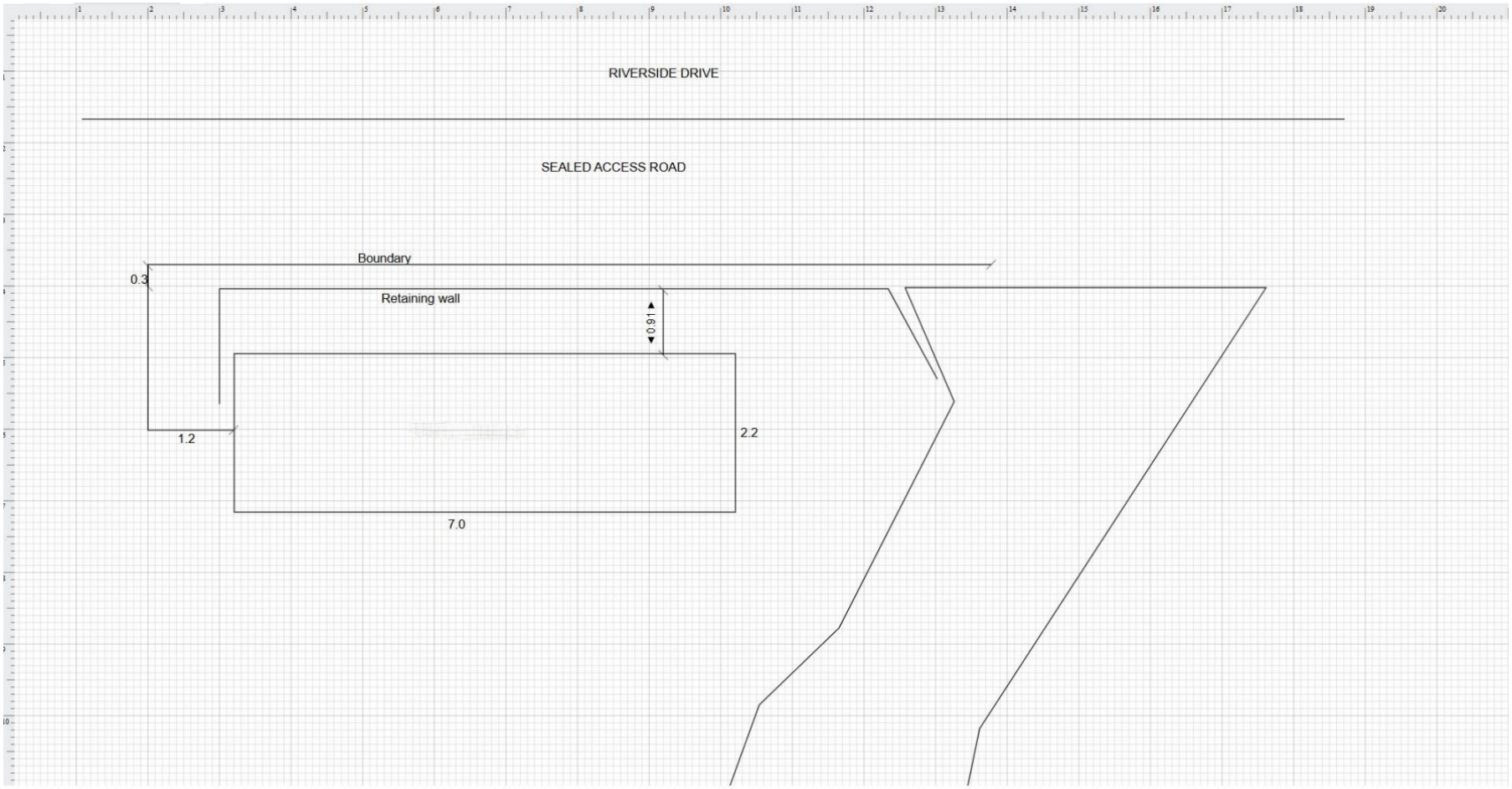
For:

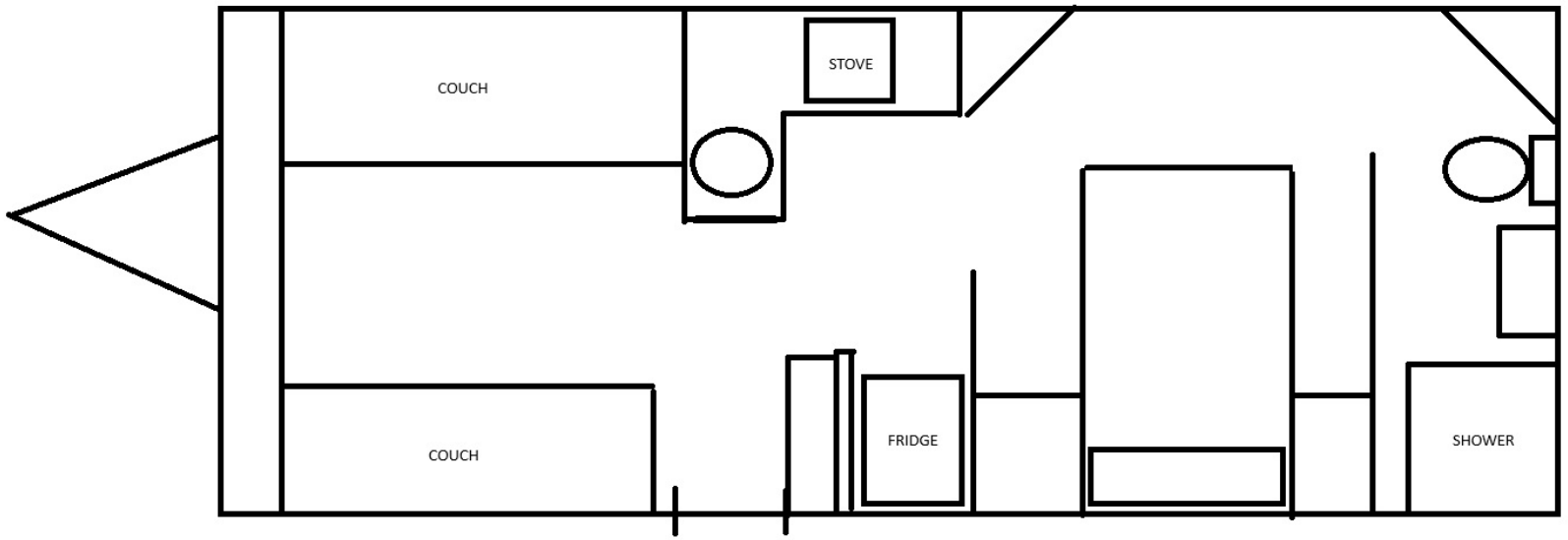
Against:

Plan 1 – Attachment 1 – Location Plan
PA2025344
35 Riverside Drive, Riverside




1.2m
1.2m


RIVERSIDE DRIVE
SEALED ACCESS ROAD
Boundary
0.3
Retaining wall
0.91
1.2
2.2
7.0


COUCH
STOVE
COUCH
FRIDGE
SHOWER

7.2 Plan 2 - AMD03/24 - Substitute Amendment to the Planning Scheme for land at 11 Upper McEwans Road, Legana

REPORT AUTHOR: Team Leader - Planning - Krstyna Ennis

REPORT DATE: 2 February 2026

ATTACHMENTS:
1. [**7.2.1**] Attachment 1 - AMD03-24 Certified substitute draft amendment
2. [**7.2.2**] Attachment 2 - AMD03-24 (substitute amendment) Consideration of Representations
3. [**7.2.3**] Attachment 3 - AMD03-24 Representations

INTRODUCTION

This report considers representations made to a substitute draft amendment to the West Tamar Local Provisions Schedule for land located at 11 Upper McEwans Road, Legana (CT174506/1).

An application was originally lodged under section 37 and Section 40T of the Land Use Planning and Approvals Act 1993 (the Act), by Veris Australia Pty Ltd (on behalf of Leigh & Josephene Kate De Deuge).

West Tamar Council, acting as the Planning Authority, agreed to and initiated the draft amendment at its Ordinary Meeting on 19th November 2024. The original application was a combined request for planning scheme amendment and subdivision into three (3) lots. The original application was exhibited from 25/11/2024 to 23/12/2024. Three (3) representations were received during the public exhibition period.

On 20 May 2025 at the Ordinary Council Meeting, the Council moved to notify the Tasmanian Planning Commission (TPC) that three (3) representations were received, considered the merits of the representations, and provided advice to the TPC on modifications for an amended draft permit for the subdivision component (PA2024132). The report along with a copy of the representations was provided to the TPC on 23 May 2025.

The Tasmanian Planning Commission held a hearing at Windsor Community Precinct on 26 August 2025.

On 17 October 2025, the TPC issued a decision with reasons rejecting the draft amendment and permit and directed the planning authority to submit a substitute draft amendment within 28 days. The direction was for the substitute draft amendment to apply the Rural Living Zone A, remove the Specific Area Plan (SAP) applying to part of the site and insert three new Site Specific Qualifications (SSQs) that, provide for one additional lot, introduce reduced setbacks and prohibit any increase in stormwater flows to adjoining properties to the east of Upper McEwans Road.

The substitute draft amendment was submitted to the TPC in accordance with their directions, and was certified by the TPC on 12 November 2025. Subsequently, the TPC directed Council, as the planning authority, to publicly exhibit the substitute draft amendment for 28 days in accordance with the provisions of Section 40G and 40H of the *Land Use Planning and Approvals Act 1993* (The Act). A copy of the certified substitute draft amendment is provided in Attachment 1.

The substitute draft amendment seeks to:

1. Appy the Rural Living Zone A to the whole title at 11 Upper McEwans Road, Legana folio of the Register 1744506/1.

2. Remove the WTA-S3.0 Residential Supply and Density Specific Area Plan from a portion of the land at 11 Upper McEwans Road, Legana.

3. Amend the planning scheme ordinance to insert site specific qualifications WTA-11.2, WTA 11.3 and WTA 11.4.

The substitute draft amendment was on public exhibition from 26 November 2025 to 24 December 2025, including notices in the Examiner on 26 November 2025 and 29 November 2025. Two (2) representations were received, from one (1) representor, during the exhibition period.

This report considers the representations made to the substitute draft amendment, as required under Section 40K and Section 42 of the Act. The planning authority's consideration of the representations is provided in Attachment 2.

A redacted copy of the representations is provided in Attachment 3.

STATUTORY REQUIREMENTS AND TIMEFRAMES

In accordance with Section 40K and section 42 of the Act, West Tamar Council acting as the Planning Authority is required to formally consider the representations and to prepare a report to be submitted to the Tasmanian Planning Commission (TPC).

Section 40K(2) of the Act states that the planning authority's report must include:

(a) A copy of each representation made under section 40J in relation to the draft amendment, before the end of the exhibition period in relation to the draft amendment, or, if no such representations are made before the end of the exhibition period, a statement to that effect;

(b) A copy of each representation, made under Section 40J in relation to the draft amendment after the end of the exhibition period in relation to the substitute draft amendment, that the planning authority, at its discretion, includes in the report; and

(c) A statement of the planning authority's opinion as to the merit of each representation included under paragraph (a) or (b) in the report, including, in particular, as to -

i. Whether the planning authority is of the opinion that the draft amendment ought to be modified to take into account the representation; and

ii. The effect on the draft amendment, and the LPS to which it relates, as a whole, of implementing the recommendations; and

(d) A statement as to whether it is satisfied that the draft amendment of the LPS meets the LPS criteria; and

(e) Any recommendations in relation to the draft amendment that the planning authority thinks fit.

Attachment 2 to this report considers the representations in accordance with the requirements of the Act. A copy of the representation are included as Attachment 3.

Section 40K (1) requires that the Planning Authority must provide a report to the TPC within 35 days after the end of the exhibition period, or within a longer period as allowed by the TPC.

The TPC agreed to a longer period until 25 February 2026.

The key dates regarding the application are provided below:

Receipt Date	30 April 2024

Request for further information	27 May 2024
Further information received	30 September 2024
Decision to initiate amendment	19 November 2024
Advertised	25 November 2024
Closing date for representations	23 December 2024
Report provided to TPC	23 May 2025
TPC Hearing	26 August 2025
TPC Decision and Directions	17 October 2025
TPC certification of substitute draft amendment	12 November 2025
Advertised	26 November 2025
Closing date for representations	24 December 2026
Report due to TPC	25 February 2026

THE APPLICATION

Application Details:

Application	AMD2024003 (substitute amendment) is to: 1. Apply the Rural Living Zone A to the whole title at 11 Upper McEwans Road, Legana folio of the Register 1744506/1. 2. Remove the WTA-S3.0 Residential Supply and Density Specific Area Plan from a portion of the land at 11 Upper McEwans Road, Legana. 3. Amend the planning scheme ordinance to insert site specific qualifications WTA-11.2, WTA 11.3 and WTA 11.4.
Location	11 Upper McEwans Road, Legana
Applicant	Veris Australia Pty Ltd (on behalf of Leigh & Josephene Kate De Deuge)
Planning Instrument	Tasmanian Planning Scheme – West Tamar (**the Scheme**)
Zone	Currently Low density residential zone and Agriculture zone. Proposed to rezone (substitute amendment) to Rural living zone A.
Use	N/A
Codes	N/A
Specific Area Plans	Proposed to remove the WTA S3.0 Residential Supply and Density Specific Area Plan from the whole site (substitute amendment)

Site Details:

Area	1.66 ha
Slope	The land slopes from a high of 90m AHD in the southwest, to a low of 60m AHD in the northeast adjacent to Upper McEwans Road.
Existing Use/Development	Single dwelling and outbuildings
Surrounding Use/Development	Single dwelling and outbuildings and agriculture (vineyards)

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.

The legislation allows for an applicant to request a planning scheme amendment under section 37 of the Act.

GOVERNMENT CONSULTATION

The substitute amendment was also referred to TasWater as part of the exhibition process. The following response was recieved:

> *TasWater does not object to the draft amendment to the planning scheme and has no formal comments for the Tasmanian Planning Commissions in relation to this matter and does not require to be notified of nor attend any subsequent hearings.*

No other referral responses were recieved.

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.

REPRESENTATIONS

Two (2) representations were recieved from a single representor during the public exhibition period (refer Attachment 3).

In accordance with section 40K and section 42 of the Act, the representations have been considered under Attachment 2. The report includes recommendations to support the substitute amendment as currently proposed.

CONCLUSIONS

Two (2) representations were recieved from a single representor during the public exhibition period (Attachment 3).

The representations have been considered (Attachment 2) and have not raised any matters that require modification of the substitute draft amendment or impact the substitute draft amendment as a whole.

RECOMMENDATION

That Council:

1. In accordance with sections 40K of the *Land Use Planning and Approvals Act 1993*, notify the Tasmanian Planning Commission that two (2) representations were recieved during the exhibition period for substitute amendment AMD03-24.

2. In accordance with section 40K(c) and 42(b) of the Land Use Planning and Approvals Act 1993, consider the merit of the representations received to the substitute amendment AMD03-24.

3. Provide advice to the Tasmanian Planning Commission that no further modifications are recommended.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

TASMANIAN
PLANNING COMMISSION

Certified

Date: 12 November 2025

TASMANIAN PLANNING COMMISSION

Tasmanian Planning Scheme - West Tamar

Substitute draft amendment AMD03-24

1. Apply the Rural Living Zone A to the whole title at 11 Upper McEwans Road, Legana folio of the Register 174506/1 as shown below:



2. Remove the WTA-S3.0 Residential Supply and Density Specific Area Plan from a portion of the land at 11 Upper McEwans Road, Legana, as shown below:

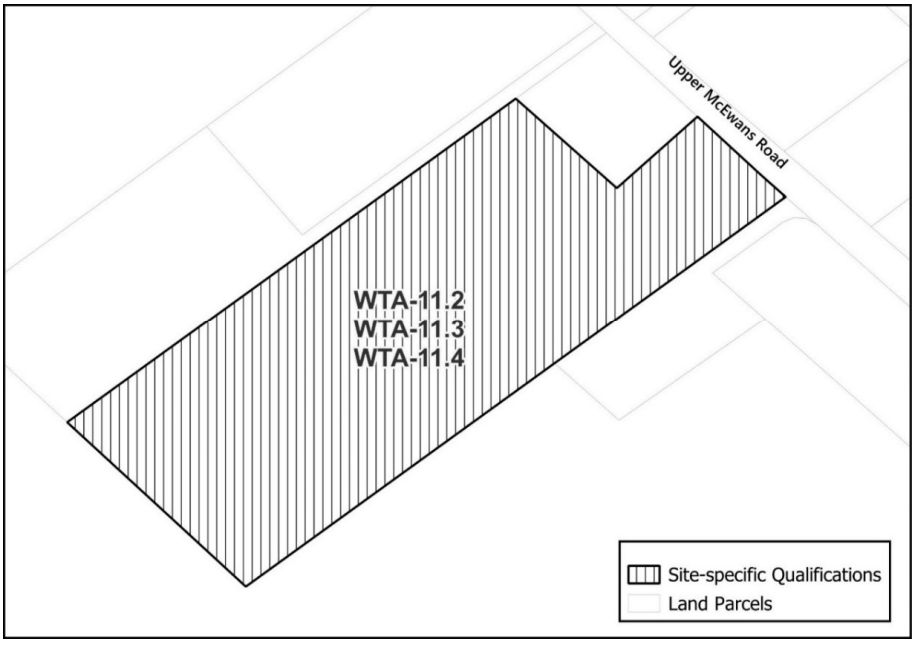


3. Amend the planning scheme ordinance to insert site specific qualifications WTA-11.2, WTA 11.3 and WTA 11.4 as follows:

Reference Number	Site reference	Folio of the Register	Description (modification, substitution or addition)	Relevant Clause in State Planning Provisions
WTA -11.2	11 Upper McEwans Road, Legana	174506/1	A substitution for this clause is: A4 Buildings for a sensitive use must be separated from an Agriculture Zone or Rural Zone a minimum distance of: • 30m from a southern boundary where it adjoins an Agriculture Zone, and • 80m from a western boundary where it adjoins an Agriculture Zone.	Rural Living Zone - clause 11.4.2 A4 Building height, setback and siting

WTA -11.3	11 Upper McEwans Road, Legana	174506/1	A substitution to this clause is: Rural Living Zone A at 11 Upper McEwans Road, Legana – 0.6ha.	Table 11.1 Rural Living Zone minimum lot sizes
WTA -11.4	11 Upper McEwans Road, Legana	174506/1	An addition to this clause is: A3 Each lot, or lot proposed on a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system and must not result in a net increase of stormwater flows to properties to the north of Upper McEwans Road. P3 No Performance Criterion.	Rural Living Zone – clause 11.5.3 Services

4. Amend the planning scheme maps to insert a site specific qualification overlay with annotation WTA-11.2, WTA 11.3 and WTA 11.4 on folio of the Register 174506/1 as shown below:



PLAN 1 - ATTACHMENT 2 - CONSIDERATION OF REPRESENTATIONS AND OTHER MATTERS UNDER SECTION 40K (2) AND 42F OF THE *LAND USE PLANNING AND APPROVALS ACT 1993*

REZONING OF LAND AT 11 UPPER MCEWANS ROAD, LEGANA (CT174506/1) FROM AGRICULTURE ZONE AND LOW DENSITY RESIDENTIAL ZONE TO RURAL LIVING ZONE A, REMOVE WTA S3.0 RESIDENTIAL SUPPLY AND DENSITY SPECIFIC AREA PLAN AND INSERT SITE SPECIFIC QUALIFICATIONS

Summary of Representation	Merit of representation	Need for modification (amendment) and impact on draft amendment
REPRESENTATION 1		
1. <u>Building location and setbacks</u> (north interface with 15 Upper McEwans Road) • Requests confirmation whether subdivision plans show building envelopes or proposed house locations. • Seeks clarity on minimum setback from the northern boundary for the southernmost future lot. • Queries if the applicant has offered any voluntary increased northern setback to protect privacy.	Part of the Tasmanian Planning Commissions (TPC) recent decision was to reject the subdivision component of the application. The substitute amendment is now only for the Planning Scheme Amendment component. There are no longer any subdivision plans or building envelopes attached to this application. Should the landowner wish to proceed with subdivision, a new planning application would need to be submitted to Council, in compliance with the Planning Scheme, as amended by this substitute amendment. The substitute amendment essentially limits subdivision potential to one additional lot, which would require assessment against Section 11.5 of the Planning Scheme for subdivision in the Rural living zone. The substitute amendment includes Site Specific Qualifications that require buildings to be setback a minimum of 30m from the southern boundary and 80m from the western boundary. The minimum setback from the northern side boundary, shared with 15 Upper McEwans Road, is determined by the Acceptable Solution 11.4.2 A3, being 10 metres for buildings in the Rural living zone.	No modification recommended. Generous future building setbacks provided by proposed Site Specific Qualifications and Rural living zone provisions in the Tasmanian Planning Scheme.
2. <u>Protection of existing hedge</u>	There is no ability to impose conditions in relation to planting, stormwater, or other matters, as part of a	Not relevant to substitute amendment. No modification recommended.

Summary of Representation	Merit of representation	Need for modification (amendment) and impact on draft amendment
• There is an existing 3-3.5m high Leyland Cypress hedge which has been maintained for more than 10 years along the shared boundary, providing acoustic and visual screening. • Seeks for permit to identify hedge on plans and include conditions to ensure retention in perpetuity, no works within 3m of the hedge base and a minimum 20 metre building setback from northern boundary for hedge health and maintenance.	Planning Scheme amendment. Any future subdivision proposal will require assessment against relevant matters in the Planning Scheme. Typically clearing on non-native garden vegetation is exempt from assessment under the Planning Scheme. Where not in a Priority Vegetation Area, planting and clearing is at the discretion of individual land-owners, to the extent it is wholly located on their own land.	
3. <u>Drainage easement and stormwater</u> • The representor notes Council's earlier recommendation as part of the draft subdivision permit for a 3.0m wide drainage easement along the north-western boundary to Upper McEwans Road for stormwater compliance. • Concerns regarding recent tree planting within 2m of boundary by the owners of 11 Upper McEwans Road and the potential to obstruct a future easement and interfere with stormwater conveyance and infiltration rates. • The representor requested clarification regarding whether the new trees are compatible with the previously proposed easement location and stormwater management, and whether an updated hydraulic assessment will be required due to the planting, if the trees are not relocated to preserve the proposed easement function.	Part of the Tasmanian Planning Commissions (TPC) recent decision was to reject the subdivision component of the application. The substitute amendment is now only for the Planning Scheme Amendment component. There is no ability to impose conditions in relation to stormwater management at this stage. However, proposed SSQ WTA-11.4 includes the following additional clause which would be assessed for any future subdivision: *A3 Each lot, or lot proposed on a plan of subdivision, excluding for public open space, a riparian or littoral reserve or Utilities, must be capable of connecting to a public stormwater system and must not result in a net increase of stormwater flows to properties to the north of Upper McEwans Road.* Should the landowner seek to subdivide the land, a further planning application for subdivision will be required. The details and design of any required stormwater management measures would be assessed at the time a future application for subdivision is made.	No modification recommended.

Summary of Representation	Merit of representation	Need for modification (amendment) and impact on draft amendment
	The drainage easement was proposed as part of the previous subdivision application. There is no ability to impose a condition requiring drainage easements at this stage. A drainage easement shown on a plan of subdivision would not be in effect until a Final Plan of Subdivision is sealed to create the drainage easement.	
REPRESENTATION 2		
4. <u>Drainage easement and stormwater</u> • Representor notes Council's previous agreement to a 3.0m wide drainage easement along the north-western boundary, as part of the draft subdivision permit, previously included in this application. • The drainage easement was previously identified as critical for stormwater management and the protection of downstream properties to the north, especially following stormwater flooding events in July and September 2024. • The drainage easement was a central matter raised in earlier representations.	The substitute amendment is now only for the Planning Scheme Amendment component. There is no ability to impose conditions in relation to stormwater management at this stage. Stormwater management for the site would be reassessed based on future subdivision layout and building location, at the future subdivision application and building application stages. The drainage easement was shown on the previous plan of subdivision at the request of the Stormwater Authority. It was intended to provide a pathway for a future extension of the reticulated stormwater network but wasn't critical to draining the proposed new lots.	No modification recommended.
5. <u>Tree planting along shared boundary</u> • The representor is concerned about recent tree planting near the shared side boundary between 11 and 15 Upper McEwans Road and its potential to interfere with existing and future overland flow paths, increase stormwater impacts to their property or compromise the	Stormwater management for the site would be reassessed based on future subdivision layout and building location, at the future subdivision application and building application stages. Requirements for drainage easements and/or other stormwater requirements for the site, including to prevent worsening of stormwater impacts to adjacent properties, will be considered under the Planning Scheme at the subdivision stage.	No modification recommended.

Summary of Representation	Merit of representation	Need for modification (amendment) and impact on draft amendment
establishment of the planned future drainage easement. • Requests assessment of whether the planting is consistent with the drainage intent.		
6. <u>Record keeping and legal responsibilities</u> • The representor requests that Council formally record their concerns on the site file. • The representor stated that Council has a responsibility to investigate actions that cause, or are likely to cause, stormwater nuisance or environmental harm, under the Land Use Planning and Approvals Act 1993 and Local Government Act 1993 regardless of whether a subdivision permit is currently applied for. • The representor is not alleging a current permit breach or seeking enforcement but wishes to reserve their rights should the recent planting later contribute to a stormwater or drainage nuisance.	The representors concerns have been recorded in Council's records system and considered as part of this report to the TPC. There are no site works proposed as part of the substitute amendment. Should a subdivision application be submitted, it will be assessed in accordance with LUPPA and the Tasmanian Planning Scheme. Should stormwater nuisance occur which results in impacts on adjacent properties, Council can be notified and the matter would be investigated.	No modification recommended.

Representation 1

From:
Sent: Tuesday, 9 December 2025 3:38 PM
To: WTC General Enquiries
Subject: I2025305779 - Fwd: Inquiry Regarding Substitute Draft Amendment AMD03-24 for 11 Upper McEwans Road, Legana - Setbacks, Hedge Protection, and Drainage Easement Concerns
Attachments:

Attention Krystyna Ennis.

Good Afternoon Krystyna,

I am the owner of which is directly north of the site at 11 Upper McEwans Road (Folio of the Register 174506/1). I am writing to seek clarification on aspects of the substitute draft amendment AMD03-24, currently on public exhibition until 24 December 2025, particularly in relation to building setbacks, the protection of my existing boundary hedge, and potential impacts on the proposed drainage easement.

In light of the proposed changes, I have the following questions:

1. Does the current subdivision layout show building envelopes or proposed house locations for the new lots?
2. What setback from the northern title boundary is proposed for the southernmost lot?
3. Has the applicant offered any voluntary increased northern setback?

Additionally, I have a continuous, well-maintained conifer hedge (Leyland Cypress type. Photos attached) that runs approximately half of the shared boundary. It is currently 3–3.5 m high, has been in place for over 10 years, and is trimmed twice a year. It provides complete year-round visual and acoustic screening for both properties.

Given its age, height, and screening function, I would appreciate confirmation that:

- The hedge will be identified on the plans as significant vegetation to be retained under the Natural Assets Code, and
- The subdivision permit will include appropriate conditions such as: – Retention in perpetuity and no works within 3 m of the base of the hedge, and a minimum 20 m building setback from the northern boundary to protect its ongoing health and maintenance access.

Furthermore, I note the Council's recommendation in response to representations during the initial exhibition, which proposed no modifications to the amendment but suggested permit changes, including a 3.0m drainage easement along the north-western boundary to connect to Upper McEwans Road. This easement is intended to manage stormwater flows and ensure compliance with WTA-11.4.

In the past two weeks, the owner of 11 Upper McEwans Road has planted a row of new trees approximately 2 meters from my boundary on their side. I am concerned about how this planting may affect the proposed easement, as it could potentially obstruct installation, maintenance, or flow paths if positioned within or adjacent to the 3.0m area. Under relevant legislation, such as the Urban Drainage Act 2013 and Tasmanian Stormwater Policy Guidance, easements require unobstructed

conveyance, and root growth from these trees might necessitate their removal or relocation. Additionally, the planting could alter site infiltration rates, requiring an updated hydraulic assessment to confirm no net increase in stormwater flows to northern properties.

Could you please advise:

- Whether this recent planting is compatible with the proposed easement and stormwater modeling in the engineering report (TG23258/1)?
- If an updated assessment will be required if the planting changes flow paths or permeability?
- Whether permit conditions could mandate tree relocation or enhanced buffers to safeguard the easement's functionality?

Kind regards,

Representation 2

From:
Sent: Thursday, 18 December 2025 8:00 AM
To: Kristen Desmond
Cc: WTC General Enquiries
Subject: I2025306589 - Drainage easement concerns – Substitute Draft Amendment 03/24 – 11 Upper McEwans Road, Legana

Good Morning Kristen,

I am writing to formally raise concerns regarding recent tree planting along the boundary shared between 11 Upper McEwans Road and my property at and to request that this matter be reviewed and noted.

As you will be aware, the Tasmanian Planning Commission's decision on AMD03 24 records that Council accepted the need for a 3.0 metre wide drainage easement along the north western boundary of the 11 Upper McEwans Road site, connecting to Upper McEwans Road. The planning authority's response to representations and the recommended permit conditions make clear that this boundary is critical to stormwater management and the protection of downstream properties to the north.

The boundary identified as the north western boundary of the site is the boundary shared with my property at This is the boundary directly affected by stormwater runoff and was a central issue raised in representations, particularly following the flooding event of July and September 2024.

While I understand that the subdivision component of the proposal did not proceed and that the current substitute proposal is limited to a Planning Scheme Amendment, the drainage easement conditions reflect Council's accepted stormwater management strategy for the land. In my view, recent tree planting along this boundary has the potential to interfere with overland flow paths, prejudice the future establishment of the drainage easement, and potentially increase stormwater impacts to my land.

I am not asserting that the planting is a breach of a current permit. However, under the Land Use Planning and Approvals Act 1993 and the Local Government Act 1993, Council retains responsibility to investigate and address actions that cause or are likely to cause stormwater nuisance or environmental harm. The absence of an operative subdivision permit does not remove those obligations.

I respectfully request confirmation that my concerns regarding the tree planting and its potential impact on stormwater and the future drainage easement are formally recorded on Council's file for the site, and that Council will assess whether the planting is consistent with the drainage intent reflected in the AMD03 24 decision.

I am seeking transparency and assurance rather than immediate enforcement, but I expressly reserve my rights should the planting contribute to stormwater, drainage, or nuisance impacts on my land.

I look forward to hearing from you.

Kind regards,

7.3 Plan 3 - PA2025346 - Visitor Accommodation - 6 Apollo Avenue & 4 Aristotelis Court, Legana

REPORT AUTHOR: Statutory Planner - Dee Yuvanesan

REPORT DATE: 4 February 2026

ATTACHMENTS:
1. [**7.3.1**] Plan 3 - Location Plan
2. [**7.3.2**] Plan 3 - 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 the use and development of a Visitor Accommodation on the subject site at 6 Apollo Avenue and 4 Aristotelis Court, Legana. The proposed development seeks approval for seven (7) visitor accommodation buildings comprising nine (9) x visitor accommodation units (four "studio" units, one "one-bedroom" unit, two "accessible one-bedroom" units and two "two-bedroom" units) all generally facing the street and one (1) x outbuilding on the northeastern rear corner of the subject site along with associated works including access, parking, landscaping and reticulated services. The proposal includes a one-way access system that would provide two crossings per title providing separate egress and ingress.

The combined site area is 4,509m² and roughly rectangular in shape. Both titles are located within the Residential Supply and Density - Specific Area Plan (SAP) where the Use Class for 'Visitor Accommodation' is 'Permitted'. The nine units would be arranged with five units at 6 Apollo Avenue and the remaining four units and glasshouse outbuilding at 4 Aristotelis Court.

Waste bins for the site have been located within a screened 'zone' as shown on the architectural plans submitted, which will not be visible from public areas. It is separated from landscaped, parking, and vehicle areas such that it is considered compliant with the Acceptable Solution. The application proposes to dispose of waste through a weekly private collection service. The Road Authority has confirmed that a private collection agreement is the most appropriate method of waste disposal and as such will not support the placement of bins in the road reserve for collection by Council's fortnightly collection service.

Signage for the units would be discreet and does not require separate assessment at this stage.

Per Table C2.1 of the Scheme, one car park is provided adjacent to each unit it serves. Staff parking/commercial loading is neither a requirement of the Planning Scheme for the defined use,

nor provided within the subject site. Cleaners would generally attend the site after guests have checked out, such that the dedicated parking for each unit could be utilised. A site management condition is recommended to ensure that space for storage of cleaning supplies and linen required for the use will be provided within each unit. As the site at 6 Apollo Avenue is a corner lot, the entry access to this site is located at the Aristotelis Court frontage via a new 4.5m wide crossover, with exit located at the existing crossing to Apollo Court. The site at 4 Aristotelis Court has entry via a new 4.5m wide crossover, with the exit located with the existing crossing near the southern end of the frontage.

Whilst Visitor Accommodation is provisionally Permitted in the Low density residential zone, the proposal requires a discretion of the following development standards:

	Acceptable Solution	Proposed
10.3.2 Visitor Accommodation	A1 (a) Visitor accommodation must accommodate guests in an existing habitable building.	The proposal involves the construction of new buildings to be used for visitor accommodation.
10.3.2 Visitor Accommodation	A1 (b) Gross Floor Area (GFA) not more than 200m²	Overall GFA = 456m² [GFA of 6 Apollo Ave = 253m² GFA of 4 Aristotelis Court = 203m² (excluding the outbuilding)]
10.5.1 Non-dwelling development	A2 Frontage setback >8m	Retaining wall along Apollo Avenue and Aristotelis Court = 1.5m from frontage
10.5.1 Non-dwelling development	A3 Side Setback & Rear Setback >5m	Side setback: - Retaining wall at 4 Aristotelis Court = 0.9m side setback Rear setback: - Retaining wall at 4 Aristotelis Court = 1.39m rear setback - Outbuilding at 4 Aristotelis Court = 3.026m rear setback
C2.6.3 Number of accesses for vehicles	A1 The number of accesses provided for each frontage must not be more than 1 or more that the existing number of accesses	2 access points proposed via Aristotelis Court & Apollo Avenue for each property

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	06/11/2025
Request for further information	19/11/2025
Information satisfied	09/12/2025
Advertised	10/12/2025
Closing date for representations	07/01/2026

Day 42	07/01/2026
Extension of time granted	10/12/2026
2nd Extension of time granted	07/01/2026
Decision due	20/02/2026

THE APPLICATION

Application Details:

Development Application	PA2025346 – Visitor Accommodation – Proposed Nine (9) x visitor accommodation units and one (1) x outbuilding
Location	6 Apollo Avenue and 4 Aristotelis Court, Legana
Applicant	Coactive Building Design
Planning Instrument	Tasmanian Planning Scheme – West Tamar (**the Scheme**)
Zone	Low Density Residential Zone
Use	Visitor Accommodation
Codes	C2.0 Parking and Sustainable Transport Code C3.0 Road and Railway Assets Code C13.0 Bushfire-prone Areas Code
Specific Area Plans	Residential Supply and Density Specific Area Plan

Site Details:

Area	4,509m²
Slope	The site has a pronounced slope down from the northern part of 4 Aristotelis Court with a maximum elevation of ~117.7m AHD towards south of 6 Apollo Avenue to the lowest elevation of ~105.3m AHD.
Existing Use/Development	Newly subdivided vacant lots
Surrounding Use/Development	The site is surrounded by single dwellings and outbuildings within Low Density Residential Zone and WTA-S3.0 SAP.

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 **10.3.2 Visitor Accommodation**

ACCEPTABLE SOLUTION NOT ACHIEVED	**A1** *Visitor Accommodation must:* *(a) accommodate guests in existing habitable buildings; and* *(b) have a gross floor area of not more than 200m² per lot.*
PERFORMANCE CRITERIA	***P1*** ***Visitor Accommodation must be compatible with the character and use of the area and not cause an unreasonable loss of residential amenity, having regard to:*** ***(a) the privacy of adjoining properties;*** ***(b) any likely increase in noise to adjoining properties;*** ***(c) the scale of the use and its compatibility with the surrounding character and uses within the area;*** ***(d) retaining the primary residential function of an area;*** ***(e) the impact on the safety and efficiency of the local road network; and*** ***(f) any impact on the owners and users rights of way.***
ASSESSING OFFICER'S COMMENTS	The proposed visitor accommodation use will not be within an existing habitable building, and the overall gross floor area of the proposed structures are more than 200m². This triggers an assessment against the Performance Criteria. The visitor accommodation will be compatible with the character and use of the area without causing an unreasonable loss of residential amenity, as follows: (a) The proposed single storey visitor accommodation units at 6 Apollo Avenue and 4 Aristotelis Court address the frontage and are well

	setback from all boundaries and adjoining dwellings. The separation and orientation of the units, proposed landscaping, and the existing and proposed solid fencing will further reduce any privacy impacts. Land at 6 Aristotelis Court is set higher, reducing the potential for overlooking of adjoining properties. Lots along Acropolis Drive are generally along the same contour so topography doesn't contribute to potential overlooking or impacts. Significant landscaping and natural boulder retaining walls are shown on the architectural plans that will act as a buffer and privacy screening between the subject site and the adjoining lots; (b) Each of the proposed visitor accommodation units are modest in scale, consisting of 9 x one- and two-bedroom self-contained accommodation units in seven (7) buildings. The units have been designed and oriented to suit the residential area and reduce impacts on adjoining properties. Plans show walking trails and water features in the rear yard to be shared with all units, suggesting a more passive use for the space than a large lawn capable of ball games or gatherings. As mentioned above, the separation and orientation of the units, proposed vegetation, the existing and proposed solid fencing, and the boulder retaining walls will also assist in mitigating the noise transfer from the subject site to the adjoining properties. Although larger groups could book several units to share the space, it is likely that more frequently up to nine separate groups would occupy the space and generally keep to themselves rather than create unreasonable noise. It is noted that the same Noise Regulations would apply to the proposed use as do to all activities and uses within a residential area, including dwellings, to prevent unreasonable noise nuisance; A site management planning condition has been recommended to ensure the noise generated by guests is managed and minimised. (c) Visitor Accommodation is a Permitted use in a Low-Density Residential zone. The proposal for 9 x self-contained visitor accommodation units is considered to be of a modest building scale, compared to many typical 3-4 bedroom dwellings, and will not undermine the existing residential character along Apollo Avenue and Acropolis Drive. The maximum gross floor area of each unit is 87.5m² (for the 2-bed units) which is much smaller than most visitor accommodation units established within pre-existing dwellings in the Low-Density residential zone. The units are specifically designed to be low-profile to not break or alter the visual character of the streetscape and larger Danbury Heights estate. Although the proposed outbuilding will be made of different external material (glasshouse), the scale and form will be of similar size and scale when compared to residential outbuildings in the area; (d) The proposed use will not alter the primary residential character of the locality. The vast majority of land within the Danbury Heights Estate is developed as single dwellings. The scale of the use and development will not dominate existing and developing neighbouring residential dwellings and outbuildings. The proposal, whilst not residential, is a complementary use within the low density residential area and anticipated by the Zone provisions, including the Zone purpose.

	(e) As addressed in the Traffic Impact Assessment report, prepared by Midson Traffic Pty Ltd, dated October 2025, the average trip generation of vehicles per day is 36 across both sites with a peak of 5 vehicles per hour. It is thus identified that, vehicle generation to the site would not be significantly greater than residential development such that it does not constitute a discretion under the *Road and Railway Assets Code*. As seen on the architectural plans, each unit has been allocated with an associated 1 x vehicle parking per unit, which is the number required by Table C2.1. The required parking for the proposal is provided onsite with a one-way traffic system using four crossings so that the two lots could continue to operate independently even if the two titles moved into separate management. As such, the impact on the safety and efficiency of the road network would not be significant. (f) N/A – There are no rights of way. Therefore, the proposal satisfies the performance criteria.

CLAUSE **10.5.1 Non-dwelling development**

ACCEPTABLE SOLUTION NOT ACHIEVED	***A2*** *A building that is not a dwelling, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.*
PERFORMANCE CRITERIA	***P2*** ***The siting of a building that is not a dwelling must be compatible with the streetscape and character of development existing on established properties in the area, having regard to:*** ***(a) the topography of the site;*** ***(b) the setbacks of surrounding buildings;*** ***(c) the height, bulk and form of existing and proposed buildings;*** ***(d) the appearance when viewed from roads and public open space adjacent to the site; and*** ***(e) the safety of road users.***
ASSESSING OFFICER'S COMMENTS	The proposed 1.5m high retaining wall located 1.5m from Apollo Avenue and Aristotelis Court does not meet the exemption under 4.6.8 and the Acceptable Solution of an 8m front setback. This thus triggers an assessment against the Performance Criteria. It is noted that the proposed visitor accommodation units themselves fully comply with the front setback requirement. Therefore, assessment of the Performance Criteria relates only to the retaining wall. The siting of a retaining wall will be compatible with the streetscape and character of the development existing on established properties in the area, having regard to: (a) The site slopes down from the northern part of 4 Aristotelis Court, with a maximum elevation of ~117.7m AHD, towards the south of 6 Apollo

	Avenue, the lowest elevation of ~105.3m AHD. The sloping nature of the site has necessitated a 1.5m high retaining wall to be located within the frontage of the subject site. (b) The development at 6 Apollo Avenue and 4 Aristotelis Court are one of the newer proposals along Aristotelis Court, as there are predominantly vacant sites along the Court at this stage. However, the discrepancy to the front setback by the proposed retaining wall is consistent with the setbacks in the larger suburb. For example, 31 Acropolis Drive, 37 Acropolis Drive, 43 Acropolis Drive and many other dwellings have a front setback less than 8m. (c) There are no existing buildings on the site. However, the height, bulk, and form of the proposed retaining wall will be compatible with the other established properties in the area. (d) As mentioned above, the front setback variation is created only due to the retaining walls and not because of the siting of the visitor accommodation units. The 1.5m high retaining wall will be hidden behind the 1.5m high wire fencing. As such, the retaining walls will not be significantly visible when viewed from the road or public spaces. (e) While approaching the site from Apollo Avenue and Aristotelis Court, there is a wide nature strip that acts as a buffer between the site and carriageway that will allow the passerby to inspect the traffic flow on the street. Hence, the proposal does not impact the safety of road users. Therefore, the Performance Criteria are satisfied.

CLAUSE	**10.5.1 Non-dwelling development**
ACCEPTABLE SOLUTION NOT ACHIEVED	***A3*** *A building that is not a dwelling 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.*
PERFORMANCE CRITERIA	***P3*** ***The siting of a building that is not a dwelling, must not cause 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 retaining wall has the closest setback of 0.9m from the northern side boundary of 4 Aristotelis Court. The proposed outbuilding (glasshouse) and retaining wall has a setback of 3.026m and 1.39m respectively from the eastern rear boundary on 4 Aristotelis Court. Both the above-mentioned side and rear setback are less than the specified Acceptable Solution of 5m and thus trigger an assessment against the Performance Criteria. It is noted that, the side and rear setback discretion is only due to the retaining walls and outbuilding proposed. The visitor accommodation units themselves are fully compliant with all setbacks. The siting of the retaining wall and outbuilding, will not cause unreasonable loss of amenity to adjoining properties, having regard to: (a) As mentioned above, the subject site slopes down from the northern part of 4 Aristotelis Court with a maximum elevation of ~117.7m AHD, towards the south of 6 Apollo Avenue to the lowest elevation of ~105.3m AHD. The proposed retaining wall and the outbuilding are located at the highest elevation on the site further away from Aristotelis Court and Apollo Avenue. The proposed screening vegetation and existing solid fences at the rear and side boundaries will assist in minimising amenity impacts to the immediately adjoining properties at 6 Aristotelis Court and 44 Acropolis Drive. (b) Both the subject sites are a regular shape, size, and orientation within the Low-Density Residential Zone. The siting of the proposed retaining wall and outbuilding have been appropriately considered to provide enough separation from dwellings on adjoining lots. (c) Although Apollo Avenue and Aristotelis Court are relatively new, nearby dwellings along Acropolis Drive and the wider area also have reduced side/rear setbacks that are more significant than the proposed outbuilding and retaining wall. For example, 29 Acropolis Drive (approved under BP2006358), 39 Acropolis Drive (approved under PA2015148), 42 Acropolis Drive (approved under BP2002294), 44 Acropolis Drive (approved under PA2014112), and 47 Acropolis Drive (approved under PA2014093), all have less than 5m back from their side/rear boundaries, potentially resulting in an equal or greater visual impact when viewed from adjoining properties. Therefore, the proposed variation to the side and rear boundary is in character with existing development in the area. (d) The proposed retaining wall would be approximately 1.5m high and the outbuilding would be 8.5m from the natural ground level (NGL). The proposed vegetative screening, once mature, and the building materials would reduce the visual prominence of the glasshouse when viewed from adjoining properties. (e) N/A – the site is vacant; (f) Considering the 1.5m height of cut for the retaining wall, the retaining wall would not result in any overshadowing of adjoining properties. Overshadowing from the outbuilding would predominantly impact the site itself during the morning and midday period. As seen in the elevation submitted within the architectural drawings, the finished floor

	level of the outbuilding is lower than the natural ground level anticipating the site will be cut to create a level pad. The outbuilding is located on the northeastern corner of the site, and the sun will cast shadows to the southwest. Consequently, some overshadowing is anticipated on the nearest subject site at 44 Acropolis Drive, during part of the afternoon, but not to an extent that would cause unreasonable loss of amenity. The proposal will not significantly reduce the potential for solar access and overshadow significantly on any neighbouring private open space and habitable rooms of adjoining properties especially at 6 Aristotelis Court, located north of 4 Aristotelis Court as the proposed outbuilding meets the Acceptable Solution side setback of 5m from that boundary. (g) The proposed outbuilding is in the form of a large glasshouse which is a less common building style in the area. However, the height of the glasshouse complies with the requirements for the zone and is comparable to the scale that could be achieved for a residential outbuilding, such as a shed, located alongside a standard dwelling in the zone. The proposed glasshouse is consistent with the permitted scale of built-form within the Low density residential zone, in lieu of an established character and pattern of development within the emerging street. Therefore, the Performance Criteria are satisfied.

CLAUSE	**C2.6.3 Number of accesses for vehicles**

ACCEPTABLE SOLUTION NOT ACHIEVED	***A1*** ***The number of accesses provided for each frontage must:*** ***(a) be no more than 1; or*** ***(b) no more than the existing number of accesses,*** ***whichever is the greater.***
PERFORMANCE CRITERIA	***P1*** ***The number of accesses for each frontage must be minimised, having regard to:*** ***(a) any loss of on-street parking; and*** ***(b) pedestrian safety and amenity;*** ***(c) traffic safety;*** ***(d) residential amenity on adjoining land; and*** ***(e) the impact on the streetscape.***
ASSESSING OFFICER'S COMMENTS	6 Apollo Avenue is a corner lot, with the entry crossover located at the western boundary of the site along Aristotelis Court and exit crossover located at the eastern boundary, meeting the Acceptable Solution of one access per frontage. However, the site at 4 Aristotelis Court has a single frontage along Aristotelis Court with both entry access (northern) and exit (southern) located

	on the same frontage. As there will be two (2) crossovers per frontage at 4 Aristotelis Court the proposal is assessed against the Performance Criteria. It is noted that the two existing crossovers were constructed as part of the subdivision works approved under Planning permit DA49/08 and one additional crossover has been proposed per site, as a part of this development. The number of accesses for each frontage is minimised, having regard to: (a) The proposal has been allocated 1 parking space per visitor accommodation unit within the subject site. Considering the width of the road and density of the surrounding area, including Apollo Avenue and Aristotelis Court, and the nature of Low density residential zone, the additional crossovers can be easily accommodated without significantly reducing the existing on-street parking facilities. The loss of a single potential on-street parking space is considered to have minimal to no implications in this Low density residential area. (b) The proposed location of the new access on 4 Aristotelis is well distanced from the existing access point. The system of one-way access and a wide footpath along the front of the site will ensure pedestrian safety and amenity is maintained. The separate accesses also ensure traffic will be circulating through the sites in a single direction, thus making pedestrian access within the sites safer by contending with only one direction of vehicle movement. (c) The Road Authority has considered traffic safety when providing consent for the new vehicular crossings onto Aristotelis Court. The additional crossings will provide separate entry and exit to each site, thus eliminating two-way traffic from circulating through the sites. One-way traffic movements in visitor accommodation areas are considered safer as the risk of head-on collisions either in the site or at the vehicular crossing is reduced. The one-way access also eliminates vehicle queuing on Aristotelis Court and reduces the risk of rear end collisions of a vehicle waiting to enter the site while another vehicle is exiting. (d) Similar to point (a), the proposal is on a typical sized lot for the Low-density residential zone. Most residents of the adjoining land park onsite and thus there is little demand for street parking, making the potential loss of amenity for neighbouring households negligible. (e) The proposal will be a new development in the area with a wide nature strip between the frontage and road carriageway. The access to the site has been purposely designed with the potential for the sites to operate and be maintained separately if desired in the future. Therefore, the Performance Criteria are satisfied.

ROAD AUTHORITY COMMENTS

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

> *Separate entry and exit is proposed for each site. As such, two new vehicular crossings are proposed onto Aristotelis Court. Each new vehicular crossing will be used as the entry to the respective site.*
>
> *The existing vehicular crossing onto Aristotelis Court will be widened to 4.5m and used to exit that site. The existing vehicular crossing onto Apollo Avenue will be used to exit the site without modification.*
>
> *The Road Authority has provided in-principle consent for the proposed two new vehicular crossings onto Aristotelis Court as part of the More Information Request process prior to the application being advertised. The change to the existing crossover also has in-principle support but is not necessary to support the development. The existing crossover onto Apollo Avenue is therefore suitable to exit the development at 6 Apollo Avenue without modification.*
>
> *The above consent was issued based on the proposal reflecting the Road Authority's design criteria. Conditions have been recommended which reiterates the design criteria for new vehicular crossings in this location, as well as modifications to any existing crossing. The conditions ensure the new vehicular crossings can be retrofitted into the road reserve while maintaining appropriate clearances to existing infrastructure, such as electrical and communications infrastructure.*
>
> *While the consent for the crossings has already been provided, a works application must be submitted to the Road Authority and be approved prior to the commencement of works in the road reserve.*
>
> *Apollo Avenue was constructed to the higher residential local road standard, with an 8m wide asphalt surface, kerb and channel on both sides and a footpath on one side. The higher standard allows for development of the already-approved subdivision in the remainder of Apollo Avenue and Sofoula Court, plus a possible future extension into undeveloped land to the west and northwest.*
>
> *Apollo Avenue and Aristotelis Court provide pedestrian-standard streetlighting and give way control at the intersection. While line marking and give way control is not technically required for a simple T-intersection, it was required by the Road Authority during the design approval of the subdivision road to make the longitudinal grade of the road safer and also encourage drivers to stay on the correct side of the road, by following the barrier line at the intersection. There is adequate approach sight distance to the intersection and give-way sign so drivers unfamiliar with the area have plenty of time when departing from Aristotelis Court to react and prepare for the intersection.*
>
> *While the entry to Aristotelis Court is steep, it still allows for emergency vehicle access. The arrangement of the Aristotelis Court intersection should not be considered unexpected or out of character for the area, since most drivers will access the site via the West Tamar Highway. The section of Acropolis Drive between the West Tamar Highway and Kavala Street is also steep, with horizontal curves and a roadside environment more closely aligned to a rural road. The rural roadside environment can reasonably be considered more challenging to negotiate than the urban-standard intersection of Aristotelis Court.*
>
> *Acropolis Drive between Kavala Street and Apollo Avenue has been constructed to an even higher standard. It provides a 10m wide asphalt surface with kerb and channel on both sides and a footpath on one side. That is a commercial/industrial road width. For context, Wrankmore and Synergy Courts in Legana have a 10.1m wide asphalt surface.*

The roundabout at the intersection with Acropolis Drive and Apollo Avenue is considered a safe method to control the four-leg intersection and minimise conflict points. It offers a high level of service for vehicles while also providing safe pedestrian passage with a pedestrian refuge across the wider Acropolis Drive leg.

The NSW Government's Guide to Transport Impact Assessment was used as reference material in the Traffic Impact Assessment (TIA) to calculate traffic generation. The Guide is an established best practice document and is commonly used as technical guidance for transport practitioners.

The TIA conservatively estimated traffic generation by using residential traffic generation rates instead of rates for casual accommodation. The rate of 4 trips per day, with 0.6 trips in the peak hour, used in the TIA relates to a medium density residential building and equates to a total of 36 vehicle movement per day, 6 of those being in the peak hour.

For the purpose of this assessment, peak hour traffic was rounded up from 5.4 to 6.0, rather than down to 5.0 as in the TIA.

The NSW Government's Guide lists a traffic generation rate for casual accommodation as 3 trips/unit/day, with 0.4 trips in the peak hour per unit. The rate is applicable for motels and assumes 100% occupancy.

Using a casual accommodation rate for traffic generation, the nine proposed visitor accommodation units would create 27 trips per day, with four of those trips being in the evening peak hour. This is the same daily traffic as would be expected from three standard residential lots, albeit one additional movement in the peak hour.

Even with the conservative prediction of 36 trips per day, the additional traffic created by the proposal is minimal for a relatively new residential area built to a high standard. To put this into perspective, the six movements in the peak hour is an average of one every 10 minutes, which will be spread across two sites. The surrounding road network can easily absorb the additional traffic proposed.

The provision of one parking space per accommodation unit is considered appropriate. It is unlikely that one-bedroom units will attract more than one car. Two of the nine units contain two bedrooms; one on each of the sites. If occupants of each bedroom arrive in separate cars, then there is space for informal tandem parking within the site. Apollo Avenue and Aristotelis Court have sufficient width for on-street parking while still maintaining space for safe emergency access.

While the proposed vehicular crossings will remove some on-street parking, the separate entry and exit they provide will increase the safety of traffic using the site by eliminating the possibility of a head-on collision thus reducing the number of conflict points in the driveway.

Safety of pedestrians either visiting or passing the site will also be increased by only having one direction of traffic to contend with when negotiating the access.

The presence of two accesses on the 4 Aristotelis Court frontage will not impact the streetscape or residential amenity. There is an existing lot on Aristotelis Court where separate entry and exit is provided to the dwelling.

The TIA shows no reported crashes on the surrounding road network in the five-year period (excluding the West Tamar Highway roundabout). The proposed development is not expected to change that trend.

It is proposed that waste collection will occur through a weekly private collection service. The proposal plans show a screened area for bin storage. While there is space along the site frontage in the road reserve for waste collection through Council's fortnightly waste collection service, it is preferred that waste collection is arranged by a private agreement with a waste contractor. A waste collection condition is recommended to ensure a private agreement is entered into prior to the commencement of the use.

Assessment has concluded that the traffic anticipated from the proposed development is not expected to impact the surrounding road network or create issues from additional traffic movements or possible reliance on street parking. A private waste agreement will ensure no loss of amenity from excessive bins along the site frontage.

STORMWATER AUTHORITY COMMENTS

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

Both sites have a connection to Council's underground drainage network. The piped stormwater system outlets into a public detention basin, which ultimately drains to an unnamed watercourse. The downstream stormwater system has sufficient capacity to drain impervious surfaces created as part of this proposal.

The site plan and landscape concept plan shows a decorative stream/water feature which will traverse between the glasshouse at 4 Aristotelis Court and a feature pond in 6 Apollo Avenue. As the stream will cross between two lots, it has the potential to cause a drainage nuisance if unmaintained or a site changes ownership.

A condition is recommended to require a pipe to be installed in the lowest part of the stream in 4 Aristotelis Court and be connected to the site stormwater connection. This will ensure the inter-allotment drainage can be easily separated should the stream cause a drainage nuisance in the future.

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 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 *thirty-five (35).*

ISSUE 1 - CONFLICT WITH LOW DENSITY RESIDENTIAL ZONE PURPOSE	- **There were a number of concerns that the proposal is considered inconsistent with the purpose of the Low-Density Residential Zone, which is intended to provide low-intensity, one-dwelling-per-lot residential living.** - **Representors contend the development functions as a commercial visitor accommodation complex rather than a residential-compatible use.** - **Concerns raised that the proposal undermines the objectives of WTA-S3.5 Residential Supply and Density Specific Area Plan, including the permanent loss of residential land supply.**

ASSESSING OFFICER'S COMMENTS	The Planning Scheme states: *The purpose of the Low Density Residential Zone is:* *10.1.1 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.* *10.1.2 To provide for non-residential use that does not cause an unreasonable loss of amenity, through scale, intensity, noise, traffic generation and movement, or other off site impacts.* *10.1.3 To provide for Visitor Accommodation that is compatible with residential character.* The proposal is consistent with the purpose of the zone. The proposal is not for residential dwellings but for non-residential use and development. However, built-form of the proposed visitor accommodation buildings are consistent with the existing residential scale, form, and zone objectives. While the submitters characterise the proposal as a commercial visitor accommodation complex, the assessment under the Tasmanian Planning Scheme is based on land use impacts and zoning provisions rather than the nature of occupation, ownership or management. The use does not result in a built form, intensity or amenity impact significantly beyond what could reasonably occur from standard residential use, and no permanent loss of residential land supply arises, as the sites remain capable of being converted to a single dwelling per lot if needing a conversion in the future. Accordingly, the proposal is not considered to undermine the objectives of the Specific Area Plan (SAP) relating to residential supply and density. It is also noted that the SAP does not vary the provisions of the Low Density Residential Zone relating to visitor accommodation. It only replaces the Use Table, but retains the permitted status of Visitor Accommodation and replaces the lot design criteria for subdivision. The proposal is not considered inconsistent with the purpose or intent of the Low-Density Residential Zone or the SAP.
ISSUE 2 - SCALE, DENSITY AND BUILT FORM	- **Representors identified 9 units across two lots as an overdevelopment; that is inconsistent with the established character of single dwellings on large lots.** - **The submitters associated the built form with a motel/holiday village style of development, and not low-key visitor accommodation.** - **There were also specific concerns raised regarding the visual bulk of the glasshouse and fencing length and height.**

ASSESSING OFFICER'S COMMENTS	The Objective relating to visitor accommodation under 10.3.2 of the Planning Scheme states: *That Visitor Accommodation:* *(a) is compatible with the character and use of the area;* *(b) does not cause an unreasonable loss of residential amenity; and* *(c) does not impact the safety and efficiency of local roads or rights of way.* The proposal is considered consistent with the Low-Density Residential Zone or established character when assessed against the objective 10.3.2 (a) of the Tasmanian Planning Scheme. While the visitor accommodation units are proposed across two lots, the overall site coverage, setbacks and building envelopes are still consistent with the low-density zone's development standards and do not exceed the built form scale that could reasonably be achieved through residential development. The development does not include elements typically associated with a motel or holiday village and remains low-density in scale and presentation, with appropriate separation, landscaping and design measures to mitigate visual impacts. The built form, including the glasshouse structure, fencing and overall layout, has been assessed in terms of height, bulk and visual dominance and is not considered to result in an unreasonable streetscape or landscape impact.
ISSUE 3 - LOSS OF RESIDENTIAL AMENITIES	- **There were concerns raised regarding unreasonable loss of amenity due to:** ○ **Increased noise from short-stay guests, late-night arrivals, and social activity.** ○ **Loss of privacy for adjoining properties.** ○ **Increased activity levels are inconsistent with permanent residential use.** - **Submitters note transient occupancy erodes neighbourhood stability and community cohesion.**
ASSESSING OFFICER'S COMMENTS	The above raised concerns are considered against the objective of 10.3.2 (b) of the Planning Scheme. The proposal is not considered to result in an unreasonable amenity impact when assessed against the Tasmanian Planning Scheme. The anticipated levels of noise, activity and user movement associated with short-stay accommodation are not materially different from those that may reasonably occur from permanent residential occupation, and no exceedance of acceptable residential amenity outcomes has been identified. The development has been assessed for privacy impacts, including building separation, setbacks and design measures, and is not considered to result in unreasonable overlooking of the adjoining properties. Matters relating to transient occupancy, neighbourhood stability or community cohesion are not land use considerations

	regulated by the Scheme and are therefore afforded limited weight in the assessment. The Noise Regulations under the *Environmental Management and Pollution Control Act 1994* would apply to the proposed use, as apply to all activities and uses within a residential area, including dwellings. They control unreasonable noise nuisance, including noise levels and hours within residential areas.
ISSUE 4 - TRAFFIC, PARKING AND SAFETY CONCERNS	- **The representors consider that the expected 36+ vehicle movements per day, is excessive for local residential streets.** - **There were also concerns raised regarding:** ○ **Inadequate on-site parking and reliance on-street parking and overflowing onto the street.** ○ **Traffic safety risks, particularly for children, pedestrians and cyclists.** ○ **Streets and footpaths are not designed for commercial-level traffic volumes.** ○ **Road-kill near the bend for unfamiliar drivers** ○ **Non-compliance with the objective of 10.3.2(c) of the planning scheme.**
ASSESSING OFFICER'S COMMENTS	The proposal has been assessed against the relevant access, parking and traffic provisions of the Tasmanian Planning Scheme and is not considered to result in an unreasonable impact on the local road network. The proposal is anticipated to have 36 vehicle movements for both the sites combined. As per the Traffic Impact Assessment submitted by Midson Traffic Pty Ltd, dated October 2025 submitted along with this application, it is estimated that 4 Aristotelis Court will have 16 vehicles per day and 6 Apollo Avenue will have 20 vehicles per day. This vehicular traffic is consistent with what could reasonably occur from residential development. As per the Road Authority comments mentioned above, any additional traffic created by the proposal is minimal for a relatively new residential area built to a high standard. It is anticipated that the surrounding road network can easily absorb the additional traffic proposed. ○ The assessment above demonstrates that the subject site has been provided with adequate on-site parking in accordance with the Scheme requirements, thereby minimising reliance on on-street parking. Additional staff parking is not a requirement under the Planning Scheme. Notwithstanding, cleaners will generally attend only after guests have checked out and can use the allocated parking space for each unit. ○ The separate entry and exit to each site will increase the safety of traffic using the site by reducing the number of conflict points in the driveway. Safety of pedestrians either visiting or passing the site will also be increased by only having one direction of traffic to contend with when negotiating the access.

	○ Apollo Avenue was constructed to the higher residential local road standard, with an 8m wide asphalt surface, kerb and channel on both sides and a footpath on one side. The footpath is along the front of the subject site enabling safe pedestrian movement to continue. It can thus be noted that this higher standard can allow for this proposed development within the already-approved subdivision. ○ Matters relating to driver behaviour and wildlife/vehicle conflict are not regulated by the Scheme. Notwithstanding, the road authority assessment does not identify any safety impacts as a result of the development. ○ As mentioned previously within the report, the proposal has been assessed against the Performance Criteria P1 of clause 10.3.2 (e) and P1 of clause C2.6.3. ○ The Traffic Impact Assessment and Road Authority have both concluded that the proposal will not negatively impact the safety or efficiency of the road network. New and modified vehicular crossings will be designed to improve the safety of both vehicular and pedestrian traffic accessing and circulating through the site. ○ Traffic generated by the proposal is a relatively low increase during the peak hour, as the Road Authority has advised the additional 6 vehicle movements in the peak is effectively an average of one every 10 minutes in that hour. Therefore, the proposal satisfies the requirements of the planning scheme.
ISSUE 5 - PRECEDENT AND CUMULATIVE IMPACTS	- **The representors fear that the approval is considered likely to set an undesirable precedent for further visitor accommodation in low-density residential areas.** - **The submitters have expressed concern about cumulative erosion of residential character and amenities if similar developments are approved.**
ASSESSING OFFICER'S COMMENTS	Each planning application must be assessed on its individual merits against the provisions of the Tasmanian Planning Scheme. The approval of a development does not establish a precedent for future proposals, which would be subject to separate assessment based on their specific site characteristics, design response, and compliance with applicable standards. The proposed visitor accommodation in this application has been designed to not dominate the existing residential character, with a low height and footprint per unit. Accordingly, concerns relating to potential cumulative erosion of residential character or amenity are speculative and cannot be afforded determinative weight where the current proposal satisfies the relevant Scheme provisions.

ISSUE 6 - NON COMPLIANCE WITH PLANNING STANDARDS	- **The representors state that the proposal does not meet acceptable solutions for visitor accommodation (e.g., use of existing buildings, gross floor area limits) and contravenes minimum lot size and density requirements (1,500m² per dwelling).**
ASSESSING OFFICER'S COMMENTS	According to the clause WTA-S3.5 Use Table of the Local Provisions Schedule in the Tasmanian Planning Scheme the use is Permitted. The proposal can be assessed against Performance Criteria where Acceptable Solutions are not met. The proposal has been assessed against the relevant Performance Criteria for visitor accommodation, including privacy to adjoining dwellings, scale and intensity, and retention of residential amenity. That assessment has found that the proposal meets the Performance Criteria. 10.4.1 A1 (a) which specifies 1,500m^2 per dwelling, only applies to Multiple dwelling developments. The proposed development is for 'Visitor Accommodation' as defined under the Planning Scheme. As such, 10.4.1 A1 does not apply to the proposal, and cannot be given any weight in the assessment. The overall site coverage, built form and orientation of the proposed units and outbuilding are assessed against the development standards 10.5.1 of the scheme and are considered appropriate for the Low-density residential zone to meet the requirements of the Scheme.
ISSUE 7 - CLASSIFICATION AND REGULATORY CONCERNS	- **Multiple submissions argue the proposed units meet the National Construction Code (NCC) definition of dwellings and should be assessed as a multi-unit development rather than visitor accommodation.** - **Concerns raised regarding compliance with Planning Directive No. 6, building classification, fire safety, accessibility, and long-term use controls.** - **Uncertainty expressed about future use if short-stay accommodation ceases (e.g. conversion to long-term units).**
ASSESSING OFFICER'S COMMENTS	The proposal has been assessed against the Tasmanian Planning Scheme definitions and applicable planning controls, under which it is defined as Visitor Accommodation based on the intended use, as per clause 10.3.2. Matters relating to NCC building classification, fire safety, accessibility and compliance with Planning Directive No. 6 are addressed through the building approval process and do not determine the planning scheme use classification. The assessment of the application is based on the proposed use and physical form as submitted, and any future change to long-term residential use would require separate approval under the Scheme. A single dwelling per lot would be 'No Permit Required' but multiple dwellings per lot, is a 'Prohibited' use within the Residential Supply and Density SAP and cannot be applied for under the current Scheme. Uncertainty regarding potential future use cannot be considered where the proposed use satisfies the relevant planning provisions.

	A planning condition has also been recommended to limit the use of the building to short-term occupancy only, not for use as a permanent residence.
ISSUE 8 - COMMUNITY EXPECTATIONS	- **A number of residents of the Danbury estate properties purchased with the expectation of a quiet, low-density, owner-occupied residential environment.** - **A strong concern has been raised that the proposal is incompatible with the established character and original intent of the subdivision and undermines neighbourhood cohesion and sense of security.**
ASSESSING OFFICER'S COMMENTS	The assessment of the proposal is undertaken against the Tasmanian Planning Scheme, which does not specify a particular tenure type or restrict land use to owner-occupancy. The subdivision's "original intent" is not a statutory planning control unless reflected in the Scheme's applicable provisions, and matters relating to neighbourhood cohesion and sense of security are not directly regulated by the Scheme. The proposal has been assessed on its planning merits, including built form, amenity and land use impacts, and is considered to be consistent with the relevant zone objectives and standards.
ISSUE 9 - OTHER CONCERNS	**Other concerns were raised about the** **(i) Purpose of the glasshouse being unclear** **(ii) Waste collection and servicing arrangements** **(iii) Timing of application being advertised over holiday period limiting community response.** **(iv) Potential structural damage to nearby residences during the site preparation**

ASSESSING OFFICER'S COMMENTS	(i)	The purpose and design of the glasshouse have been assessed as part of the overall development and are not considered to result in unreasonable reflective or visual impacts given its scale, location, and proposed screening. As indicated by the applicant, the glasshouse is designed as a horticulture structure to support plant cultivation within a heavily landscaped setting. The function of the glasshouse will be limited to growing plants, propagation, and garden management activities that are all essential to the use of the site. A condition is recommended to ensure the use of the outbuilding will be limited to the function of a glasshouse associated with the proposal and not for any human habitation.
	(ii)	Waste management and servicing requirements are addressed through the application documentation and are consistent with the Tasmanian Planning Scheme's requirements and Road Authority comments. The recommended permit conditions include a waste collection condition to ensure a private agreement is entered into with a waste contractor prior to the commencement of the use.
	(iii)	The application was advertised between 13/12/2025 and closed on 07/01/2026. The timing and duration of the advertising period complies with Section 57 (5AA) of the LUPPA, noting that statutory notification and consultation requirements have been satisfied. As the public notification period ran over the Christmas break, the application was advertised for 25 days rather than the typical 14 days to account for days when Council's office was closed. The timing of lodgment, does not affect the merits of the proposal.
	(iv)	A construction management plan condition is recommended to ensure that the construction phase is managed without causing any unreasonable impact to the surrounding properties. The plan will include measures to minimise silt and sediment leaving the site.

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 PA2025346 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 Visitor Accommodation – 9 x Accommodation units and 1 x Outbuilding, by Coactive Building Design, for land at 6 Apollo Avenue and 4 Aristotelis Court, Legana (CT186045/105 and 186045/106) 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 Coactive Building Design, reference 25006, and dated 04-12-2025; and
   (b) Traffic Impact Assessment, by Midson Traffic Pty Ltd and dated 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.

LENGTH OF STAY – USE MUST NOT BE RESIDENTIAL

2. No occupant may exceed three months' duration within any rolling twelve-month period with the exception of one site manager within a single unit.

OUTBUILDINGS

3. The use of the outbuilding (glasshouse) is not permitted for human habitation and is limited to storage, gardening and any activities of the approved use only.

SITE MANAGEMENT

4. The use must be operated in such a way that it does not cause an unreasonable nuisance to others.

5. Prior to the commencement of the use, a House Rules document must be prepared to the satisfaction of the Director Planning and Development or their delegate, which outlines how potential nuisances will be minimised and must include at least the following matters:
   (a) musical instruments and sound amplifying equipment are only permitted within the following hours:
      - Monday to Thursday: 7am to 10pm;
      - Friday or a work day before a public holiday 7am to 12 midnight;
      - Saturday 9am to 12 midnight; and
      - Sundays or a public holiday before a work day 10am to 10pm.

   (b) noise must be kept within acceptable residential tolerances especially using outdoor spaces between 10pm and 7am.

   The House Rules document must be displayed in a prominent location within each unit where it is easily noticed by guests and their visitors.

TASWATER

6. The development must be in accordance with the Submission to Planning Authority Notice issued by TasWater (TWDA2025/01661/WTC) attached.

SIGNAGE

7. Erection of any minor identification sign, letterbox sign and unit identification signage must comply with the requirements of Table C1.4 of the Tasmanian Planning Scheme.

8. Each tenancy is permitted one (1) unit identification sign only. Any additional signs may require additional approval.

STORMWATER WORKS

9. Prior to the commencement of the use, a stormwater inlet must be installed in the lowest point of any stream, pond or water feature in 4 Aristotelis Court. The pipe may remain capped but must be connected to the site stormwater connection prior to the commencement of the use, to be capable of removing the inter-allotment drainage should the stream cause a nuisance in the future.

VEHICULAR CROSSING

10. Prior to the commencement of the use, any new crossover, or modification to an existing crossover, must be designed and constructed to the following design criteria:
    (a) Be no more than 4.5m wide, unless the Road Authority provides written advice otherwise;
    (b) Be positioned so the driveway apron has at least one metre of horizontal clearance to any existing street light pole or electrical turret;
    (c) Where adjacent to communications infrastructure, pit lids shall either be offset from new driveway aprons, or replaced with a trafficable lid, to the satisfaction of the Responsible Authority;
    (d) Where a crossover is widened, the transition in the kerb and footpath must also be widened;
    (e) Be in accordance with Council Standard Drawings, in particular TSD-R09

11. Works in the road reserve shall not commence until a Driveway Application Form has been submitted to Council and approved by the Road Authority.

12. Any directional or traffic management signage associated with the development must be located either inside the site or attached to a fence. Signs must not be located in the road reserve.

DRIVEWAY AND PARKING AREA CONSTRUCTION

13. 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) be surfaced with an all-weather impervious surface; and
    (d) be adequately drained to prevent stormwater being discharged to neighbouring properties.

    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

14. 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.

WASTE DISPOSAL

15. Bins must not be placed in the road reserve for collection.

16. Waste and recycling collection must be provided to all visitor accommodation units by a private licensed waste collection service. An agreement must be entered into prior to the commencement of the use and be maintained for the life of the use.

    Note: Council's waste collection service will not serve the development.

STORAGE AREAS

17. All waste is to be stored in such a way that prevents environmental nuisance.

18. Any outdoor storage must not be stored outside a building so as to be visible from the public road, or any public thoroughfare or public place. Any storage for cleaning supplies, linen, and any storage facilities required for the use must be provided within each individual unit.

19. Screen fencing must be erected around all storage and utilities areas with a minimum height of 1.5m. Items must not be stored or stacked above the height of the fence.

Permit Notes

Notations

A. This permit was issued based on the proposal documents submitted for PA2025346. 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.

E. If you are planning on providing or selling any food or drinks (including alcohol), you are required to apply for a Food Business Registration. Please contact Council's Environmental Health Department for more information.

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:

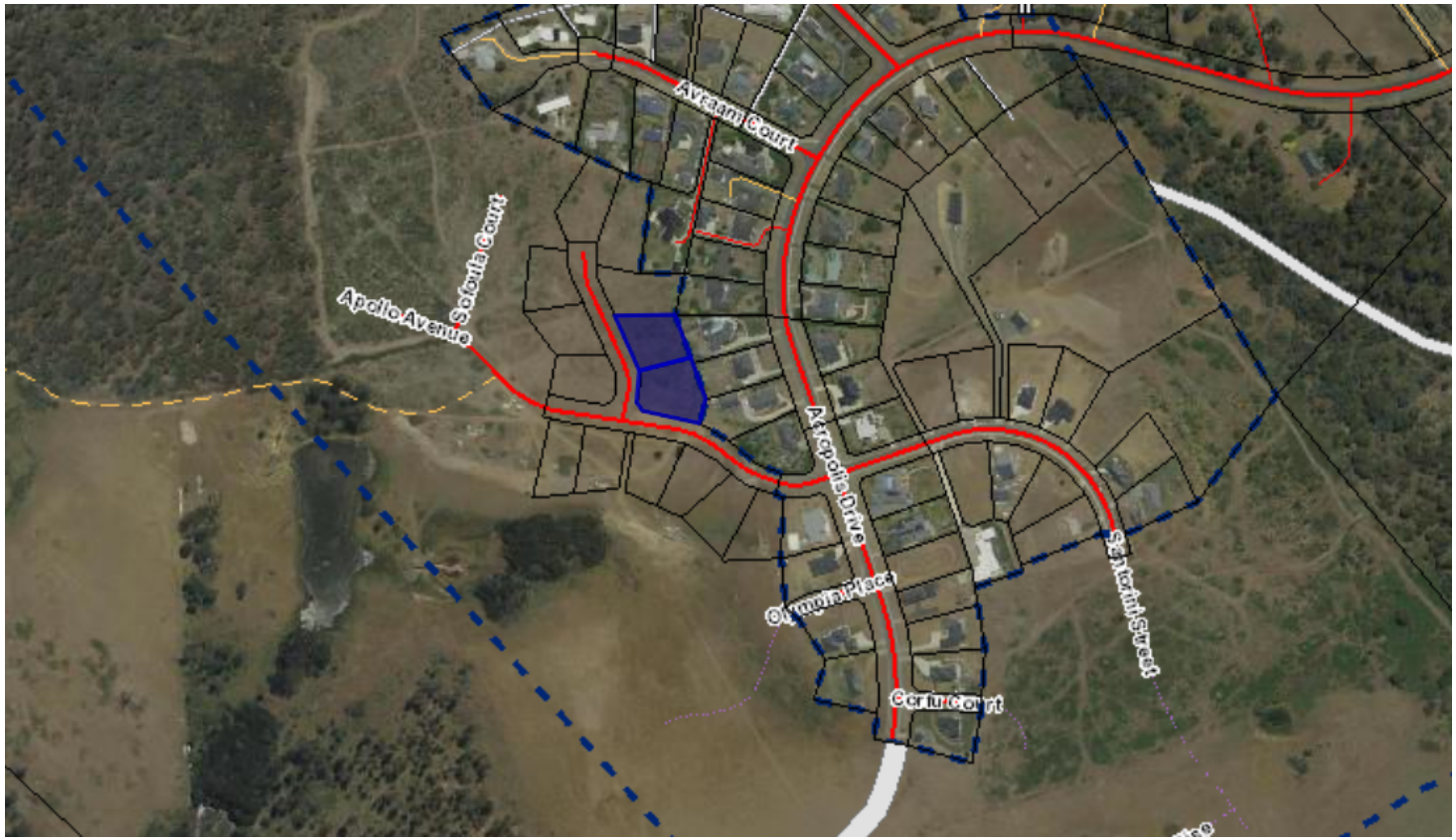
Seconded:

VOTING

For:

Against:

Plan 3 – Attachment 1 – Location Plan
PA2025346
6 Apollo Avenue & 4 Aristotelis Court, Legana



Proposed Visitor Accommodation

at

4 Aristotelis Court &
6 Apollo Avenue, Legana

for

Wen Ter Kan

Project No.

25006

Drawings:

Ap001	Concept Servicing Plan
Ap101	6 Apollo Avenue - Proposed Site Plan
Ap102	6 Apollo Avenue - Floor Plans
Ap103	6 Apollo Avenue - Elevations
Ap201	4 Aristotelis Court - Proposed Site Plan
Ap202	4 Aristotelis Court - Floor Plans
Ap203	4 Aristotelis Court - Elevations

Issue:

For Approval

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Proposed Visitor Accommodation
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6 Apollo Avenue, Legana
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Wen Ter Kan

REV.	DATE	DESCRIPTION	INT.
A2	04-12-25	RESPONSE TO MORE INFORMATION REQUEST	MB
A1	22-10-25	ISSUED FOR PLANNING APPLICATION	MB

F O R A P P R O V A L

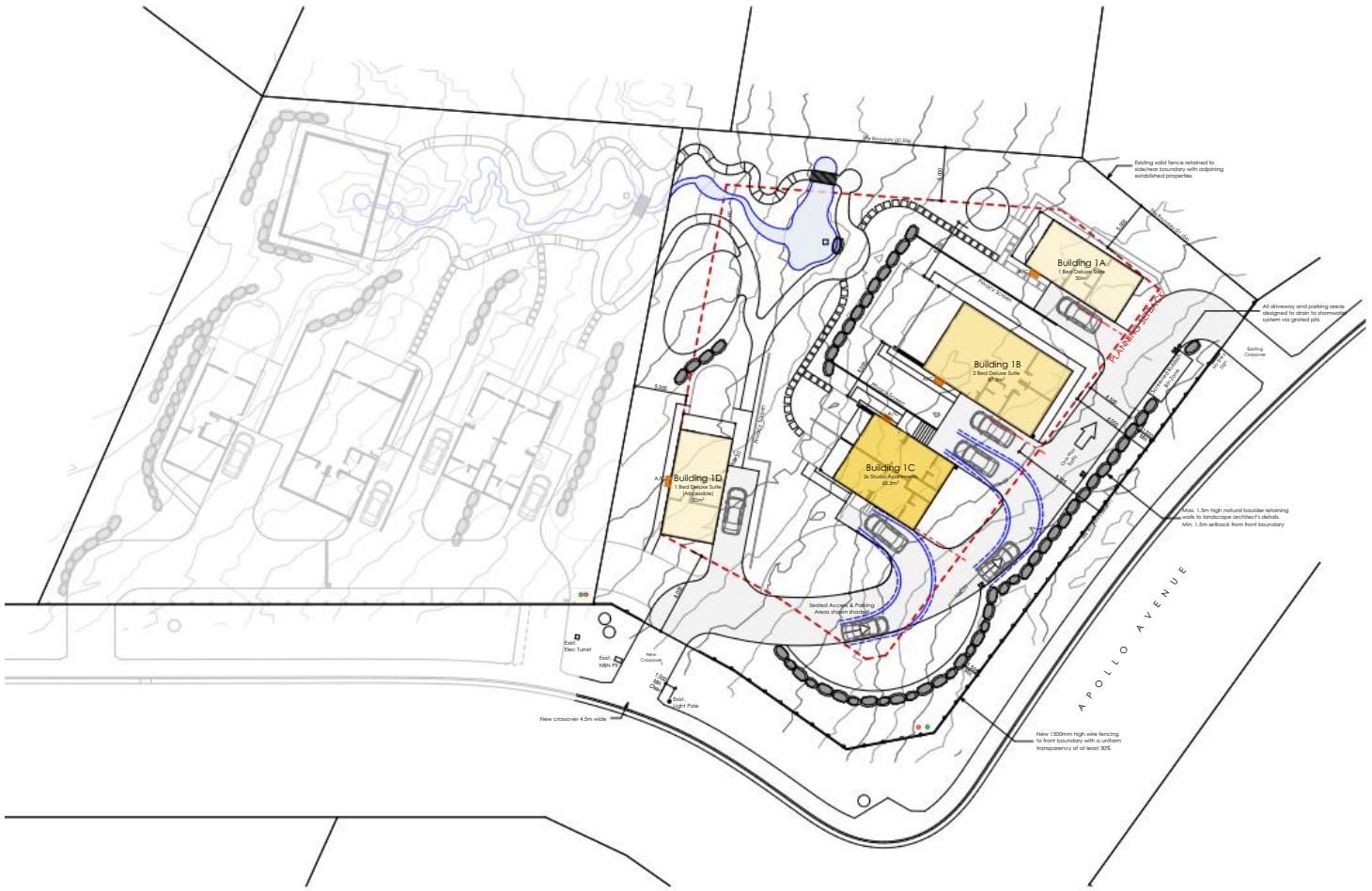
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DRAWING TITLE: Concept Servicing Plan

NORTH:

PROJECT NO:	DRAWING NO:	REV:
25006	Ap001	A2

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Fence Elevation at Rubbish Enclosure - Apollo Avenue
Scale 1:100

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DESIGNED:	DRAWN:	CHECKED:	SCALES:
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Proposed Site Plan

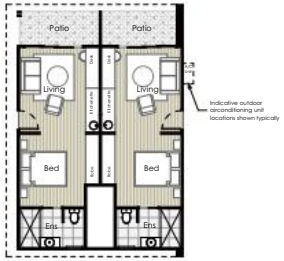
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25006	Ap101	A2

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Building 1D Floor Plan
Scale 1:100



Building 1C Floor Plan
Scale 1:100



Building 1B Floor Plan
Scale 1:100



Building 1A Floor Plan
Scale 1:100

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6 Apollo Avenue - Floor Plans

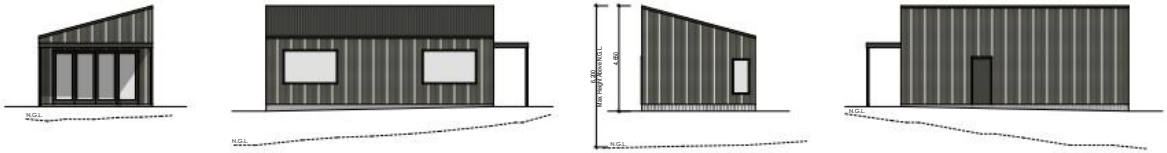
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25006	Ap102	A2

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Context Elevation
Scale 1:100



Building 1A North Elevation
Scale 1:100

Building 1A East Elevation
Scale 1:100

Building 1A South Elevation
Scale 1:100

Building 1A West Elevation
Scale 1:100

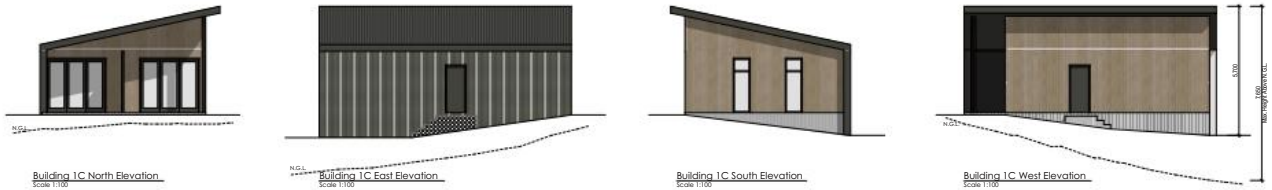


Building 1B North Elevation
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Building 1B East Elevation
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Building 1B South Elevation
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Building 1B West Elevation
Scale 1:100

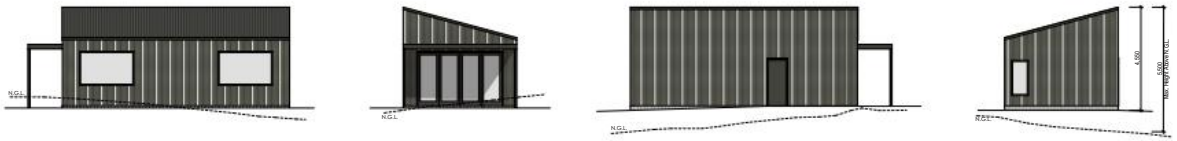


Building 1C North Elevation
Scale 1:100

Building 1C East Elevation
Scale 1:100

Building 1C South Elevation
Scale 1:100

Building 1C West Elevation
Scale 1:100



Building 1D North Elevation
Scale 1:100

Building 1D East Elevation
Scale 1:100

Building 1D South Elevation
Scale 1:100

Building 1D West Elevation
Scale 1:100

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DESIGNED:	DRAWN:	CHECKED:	SCALES:
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DRAWING TITLE:
6 Apollo Avenue - Elevations

NORTH:

PROJECT NO:	DRAWING NO:	REV:
25006	Ap103	A2





Fence Elevation at Rubbish Enclosure - Aristotelis Court
SCALE 1:100

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DESIGNED:	DRAWN:	CHECKED:	SCALES:
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DRAWING TITLE:
4 Aristotelis Court - Proposed Site Plan

NORTH:

PROJECT NO:	DRAWING NO:	REV:
25006	Ap201	A2

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Building 2A Floor Plan
Scale 1:100



Building 2B Floor Plan
Scale 1:100



Building 2C Floor Plan
Scale 1:100



Building 3 Floor Plan
Scale 1:100

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Proposed Visitor Accommodation
at
4 Aristotelis Court &
6 Apollo Avenue, Legana
for
Wen Ter Kan

REV.	DATE	DESCRIPTION	INT.
A2	04-12-25	RESPONSE TO MORE INFORMATION REQUEST	MB
A1	22-10-25	ISSUED FOR PLANNING APPLICATION	MB

F O R A P P R O V A L

DESIGNED:	DRAWN:	CHECKED:	SCALES:
MJB	MJB	-	@ A1

DRAWING TITLE:
4 Aristotelis Court - Floor Plans

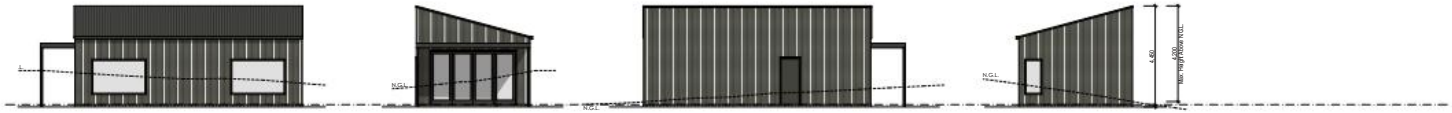
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PROJECT NO:	DRAWING NO:	REV:
25006	Ap202	A2

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Context Elevation
Scale 1:100



Building 2A North Elevation
Scale 1:100

Building 2A East Elevation
Scale 1:100

Building 2A South Elevation
Scale 1:100

Building 2A West Elevation
Scale 1:100

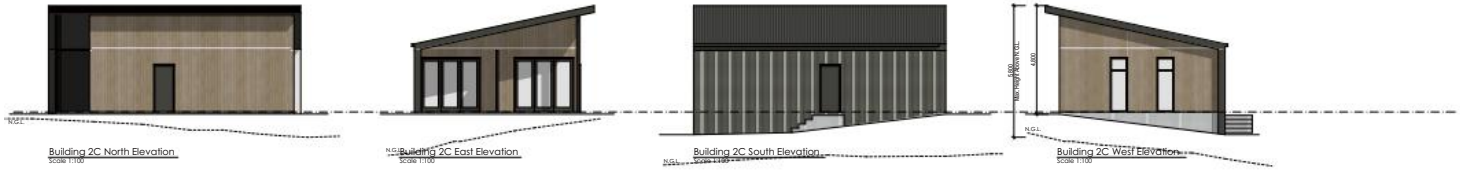


Building 2B North Elevation
Scale 1:100

Building 2B East Elevation
Scale 1:100

Building 2B South Elevation
Scale 1:100

Building 2B West Elevation
Scale 1:100



Building 2C North Elevation
Scale 1:100

Building 2C East Elevation
Scale 1:100

Building 2C South Elevation
Scale 1:100

Building 2C West Elevation
Scale 1:100



Building 3 North East Elevation
Scale 1:100

Building 3 North Elevation
Scale 1:100

Building 3 South Elevation
Scale 1:100

Building 3 West Elevation
Scale 1:100

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F O R A P P R O V A L

DESIGNED:	DRAWN:	CHECKED:	SCALES:
MJB	MJB	-	@ A1

DRAWING TITLE:
4 Aristotelis Court - Elevations

NORTH:

PROJECT NO:	DRAWING NO:	REV:
25006	Ap203	A2



Shadow Diagram - Summer Solstice (21st December)
SCALE 1:200

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REV.	DATE	DESCRIPTION	INT.
A1	11-02-26	ISSUED FOR INFORMATION	MB

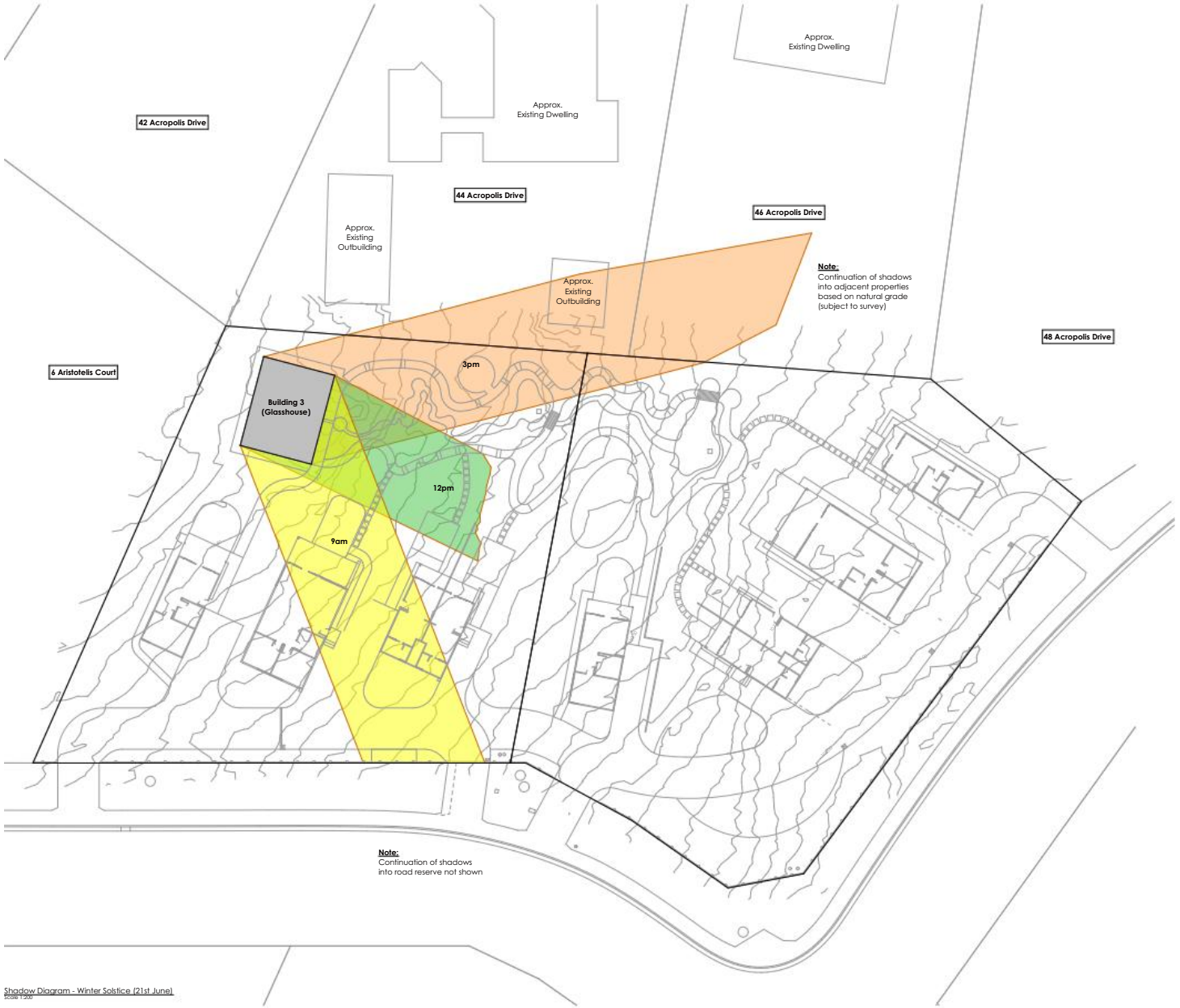
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DRAWING TITLE:
Shadow Diagram - Summer Solstice

NORTH:

PROJECT NO:	DRAWING NO:	REV.
25006	Ap002	A1



Shadow Diagram - Winter Solstice (21st June)
Scale 1:200

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A1	11-02-26	ISSUED FOR INFORMATION	MB

F O R A P P R O V A L

DESIGNED:	DRAWN:	CHECKED:	SCALES:
MJB	MJB	-	@ A1

DRAWING TITLE:
Shadow Diagram -
Winter Solstice

NORTH:

PROJECT NO:	DRAWING NO:	REV.
25006	Ap003	

7.4 Plan 4 - PA2025400 - Residential: Dwelling extension and fence - 194 Paper Beach Road, Swan Point

REPORT AUTHOR: Senior Statutory Planner - Eric Smith

REPORT DATE: 2 February 2026

ATTACHMENTS:
1. [**7.4.1**] Plan 4 - Attachment 1 - Location Plan - 194 Paper Beach Road, Swan Point
2. [**7.4.2**] Plan 4 - Attachment 2 - Proposal Plans - 194 Paper Beach Road, Swan Point

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 Residential – Alterations and additions to a single dwelling and outbuilding. The proposal is part retrospective and involves demolition of an existing unapproved deck and construction of a new deck, placement of a shipping container for use as an outbuilding and construction of a frontage fence.

The application seeks an extension to the existing dwelling to make the existing master bedroom and kitchen on the northwestern side larger. There are no additional bedrooms proposed.

The deck at the rear and southeastern side of the dwelling, the placement of a shipping container (used for storage purposes), and the existing solid fence were previously constructed without the required permits. This application seeks approval for the new deck and rectification of the other existing structures.

Retrospective approval is sought for the shipping container to be used as an 'outbuilding'. Under the Tasmanian Planning Scheme, an outbuilding means a '*non-habitable detached building of Class 10a under the Building Code of Australia*'. An outbuilding is considered part of a 'dwelling' and must therefore be used in association with the dwelling for storage or other non-habitable domestic purposes. Under the Building Code of Australia, a shipping container used as an outbuilding is assessed in the same manner as a pre-fabricated metal shed. The internal layout of the outbuilding is not an assessable matter under the planning scheme. It is recommended that a condition by placed on the planning permit to ensure it is used as an outbuilding only and not for habitable purposes.

Following issue of a planning permit, a further Building Permit would be required, including for the retrospective works which are classified as Category 4 works under the Building Act.

Whilst works associated with a single dwelling in the Low density residential zone are provisionally 'No Permit Required', the proposal requires a discretion of the following development standards:

	Acceptable Solution	Proposed
10.4.3 A1/P1	8m from the frontage	3.7m
10.4.3 A2/P2	5m from the northwestern side	3.9m
10.4.3 A2/P2	5m from the southeastern side	2m
10.4.4 A1/P1	30% site coverage	32%
10.4.5 A1/P1	N/A (exemption applies)	1.8m solid fence
C2.5.1 A1/P1	Two car parking spaces	One existing car parking space

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	8 December 2025
Request for further information	12 December 2025
Information satisfied	5 January 2026
Advertised	10 January 2026
Closing date for representations	27 January 2026
Day 42	13 February 2026
Extension of time granted	16 January 2026
Decision due	20 February 2026

THE APPLICATION

Application Details:

Development Application	PA2025400
Location	194 Paper Beach Road, Swan Point
Applicant	Design to Live
Planning Instrument	Tasmanian Planning Scheme – West Tamar (**the Scheme**)
Zone	Low Density Residential Zone
Use	Residential – Single dwelling (No Permit Required)
Codes	C2.0 Parking and Sustainable Transport Code C13.0 Bushfire Prone Areas Code
Specific Area Plans	WTA-S3.0 Residential Supply and Density SAP

Site Details:

Area	584m^2 (roughly square)
Slope	Flat
Existing Use/Development	The site contains an existing single dwelling and domestic landscaping. The site has a southwesterly orientation and has a sealed crossing to the sealed carriageway, but most

	of the driveway is not sealed beyond a small stretch at the crossing. There is town water but no sewer.
Surrounding Use/Development	Swan Point is a small low-density residential settlement with few facilities or services. Residents would likely need to drive for most daily needs. Exeter is the nearest settlement of size, around 8km away by road.

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 A1/P2 - Setback**

ACCEPTABLE SOLUTION NOT ACHIEVED	**A1** Dwellings, excluding protrusions that extend not more than 0.9m into the frontage setback, must have a setback from a frontage not less than 8m.

PERFORMANCE CRITERIA	**P1** The siting of a dwelling must be compatible with the streetscape and character of development existing on established properties in the area, having regard to: (a) the topography of the site; (b) the setbacks of surrounding buildings; (c) the height, bulk and form of existing and proposed buildings; (d) the appearance when viewed from roads and public open space adjacent to the site; and (e) the safety of road users.
ASSESSING OFFICER'S COMMENTS	**The proposal would extend the existing building facade to present an additional length of 2.9m, at the existing setback of just 3.7m from the frontage. This requires assessment under the Performance Criteria. As part of a representation, it was brought to Council's attention that the enclosed porch to the front of the building marked "store (existing)" was not previously approved. This has been included in the assessment below.** **The siting of the dwelling is compatible with the streetscape and character of the existing development in the area, having regard to:** **(a) the site is flat and the topography does not increase the streetscape impact associated with the discretion;** **(b) the buildings on the adjoining properties, on both side, are also sited within the 8m front setback, noting that the dwelling to the northeast is closer than 3.7m to the frontage;** **(c) the proposal is for a minor extension of the existing building to the northwest broadly in line with the existing pitch of the roof and placement of a shipping container outbuilding, neither of which is considered unreasonably high or bulky, and the enclosure of the front door porch area which would create a new formal entry and provide useful storage space without unreasonably extending the building's existing footprint;** **(d) when viewed from the public road both extensions would appear a natural part of the dwelling and streetscape, noting that there is also a frontage fence that would significantly screen development from the road; and** **(e) the proposal is not likely to have an impact on road users' safety noting its flat topography, and the straight road at this point.** **The proposal complies with the Performance Criteria.**

CLAUSE	**10.4.3 A2/P2 – Setback (northwestern side)**

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, must 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 extension of the existing dwelling would extend to 3.9m from the northwestern side boundary.** **The siting of the dwelling would not cause an unreasonable loss of amenity to the adjoining property to the northwest, having regard to:** **(a) the site is flat so the single-storey extension would not have an unusually greater or lesser impact on account of topography;** **(b) the site is very small in the Zone, with limited potential to achieve the Acceptable Solution due to the relatively square shape. The southwestern orientation means this side is where the sun would be coming from;** **(c) the adjoining building to the northwest is also well within 5m, as much of the street was developed before the current planning scheme came into effect;** **(d) the proposal would be a modest extension to a single dwelling and fit within the existing pitch of the roof which would be extended with minimal change to the existing height or arrangement. The proposal would present a wall 13.2m long and 2.5m high with a number of windows to break up the flat expanse of wall, which is not considered unreasonable;** **(e) the proposal needs to be an extension of the existing building and the side extension is on balance more desirable than a front extension and is constrained from the rear by the existing on-site wastewater disposal system;** **(f) the site is unlikely to overshadow properties north of it in a significant way; and** **(g) the proposal is broadly consistent with the established development which is mostly made up of smaller dwellings on small lots.** **The proposal complies with the Performance Criteria.**

CLAUSE **10.4.3 A2/P2 – Setback (southeastern side)**

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, must 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	**Part of the deck (uncovered) and the outbuilding (shipping container) are sited 2m from the southeastern side boundary.** **The siting of the outbuilding and deck is considered not to cause an unreasonable loss of amenity to the adjoining property to the southeast, having regard to:** **(a) the site is flat so the placement of the shipping container and uncovered deck which is barely above the natural ground level would not have an unusually greater or lesser impact on account of topography;** **(b) the site is very small in the Zone, with limited potential for siting within the Acceptable Solution due to the relatively square shape;** **(c) much of the street was developed before the current planning scheme came into effect, with setbacks to side boundaries rarely achieving 5m in the area;** **(d) the proposal is for a shipping container to be used as an outbuilding which has a length of 12.2m and a height of 3m with no windows facing the adjoining property. The deck does not provide height to the natural ground level;** **(e) the placement of the shipping container as an outbuilding is appropriate and needs to be suitably off-set from the onsite wastewater disposal area at the rear;** **(f) The siting of the outbuilding will not interfere with sunlight to the habitable rooms of the adjacent dwelling. Overshading would be limited to parts of the private open space, for part of the day only. The potential for overshadowing of private open space is not to an extent that would result in unreasonable loss of amenity; and**

	(g) the proposed extension to the existing modest dwelling, is broadly consistent with established development in the area, which is mostly made up of smaller dwellings on small lots. **The proposal complies with the Performance Criteria.**

CLAUSE **10.4.4 A1/P1 Site coverage**

ACCEPTABLE SOLUTION NOT ACHIEVED	**A1** Dwellings must have a site coverage of not more than 30%.
PERFORMANCE CRITERIA	**P1** The site coverage of dwellings must be consistent with that existing on established properties in the area, having regard to: (a) the topography of the site; (b) the capacity of the site to absorb runoff; (c) the size and shape of the site; (d) the existing buildings and any constraints imposed by existing development; (e) the provision for landscaping and private open space; (f) the need to remove vegetation; and (g) the site coverage of adjacent properties.
ASSESSING OFFICER'S COMMENTS	**The existing dwelling has an area of 82m² (which includes the retrospective enclosure of the porch area), or a site coverage of 14%. The new extension of 27m², the outbuilding which is measured at 29m² and the 54m² roofed area of the deck increase the total coverage to 192m² or 32%. This requires assessment under the Performance Criteria due to a very minor variation to the 30% site coverage in the Acceptable Solution.** **The proposed site coverage is consistent with that existing on established properties in the area, having regard to:** **(a) the site is generally flat at the 5m AHD contour line which contributes to the assessment of the drainage capacity of the soil. Drainage is towards the rear with a stormwater drain immediately northeast of the site into which the proposal would dispose of stormwater. The stormwater authority has provided comments about the suitability of this below;** **(b) The driveway is unsealed which reduces the impervious areas of the site beyond what might be expected for this level of site coverage, assisting the potential to absorb runoff;** **(c) the site is less than half the minimum size in the Zone, so that 32% site coverage does not represent an unusually large building but instead a small parcel of land;** **(d) a small part of the deck (an uncovered part) would encroach slightly on the dwelling's wastewater disposal trench. The applicant has indicated this part of the deck is necessary to provide level access to a clothesline. The Council's**

	Environmental Health Officer has confirmed that annotations made to the drawing are sufficient. These control construction to ensure that works do not damage the trench and that the deck would not unreasonably restrict the trench's evaporative purpose. The development would not add any bedrooms so there is no need to consider the wastewater system further except as part of routine maintenance and standard replacement protocols. The Council's Plumbing Officer has confirmed that the spa does not need to be plumbed in. It would be filled and emptied rarely, and the volume is such that it can be applied to the garden as greywater without causing a nuisance; **(e) the site retains sufficient area for private open space noting that the deck (including the roofed area) and onsite wastewater disposal areas provide suitable landscaping, gardening, clothes drying and entertainment spaces;** **(f) any removal of vegetation would likely be permissible in the Zone or under bushfire hazard management plans and is not considered relevant to the assessment; and** **(g) surrounding dwellings all have relatively high site coverage, for example 184, 186 and 199 Paper Beach Road. Some appear to have acquired additional land to provide for expansion, but it is likely these are larger dwellings with larger land application areas or potentially older less efficient systems.** **The proposal complies with the Performance Criteria.**

CLAUSE **10.4.5 A1/P1 Frontage fences for all dwellings**

ACCEPTABLE SOLUTION NOT ACHIEVED	**A1** No Acceptable Solution.[11] [11]An exemption applies for fences in this zone - see Table 4.6.
PERFORMANCE CRITERIA	**P1** A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: (a) provide for security and privacy, while allowing for passive surveillance of the road; and (b) be consistent with the height and transparency of fences in the street, having regard to: (i) the topography of the site; and (ii) traffic volumes on the adjoining road.
ASSESSING OFFICER'S COMMENTS	**The existing 1.8m high fence was previously constructed without the required planning permit. The proposal is for a 1.8m high solid fence. It would be a wooden paling fence with a gate that provides intervisibility between the dwelling and the street.** **The proposed fence would:**

	(a) provide security and privacy for the dwelling which has an existing front setback less than the Acceptable Solution in the Zone, which may provide less privacy for the bedrooms facing the street than current standards would expect, especially in the Zone. The footpath is raised above the carriageway and on the opposite side of the road which, combined with the gate which is not solid, still provides for views between the public and private spheres, allowing for passive surveillance; and **(b) the high solid fence is consistent with the streetscape, located along the 13m wide frontage, with a number of taller fences and solid hedgerows or trees in small front yards, having regard to the flat topography. Traffic is very low but the narrow street means the noise, light and pollution are closer to the habitable rooms than would normally be suitable.** **The proposal complies with the Performance Criteria.**

CLAUSE C2.5.1 – Car parking numbers

ACCEPTABLE SOLUTION NOT ACHIEVED	**A1** 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: (a) 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; (b) the site is contained within a parking precinct plan and subject to Clause C2.7; (c) the site is subject to Clause C2.5.5; or (d) it relates to an intensification of an existing use or development or a change of use where: (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 (ii) 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 the proposed use or development, in which case on-site car parking must be calculated as follows: N = A + (C- B) N = Number of on-site car parking spaces required A = Number of existing on site car parking spaces

	B = Number of on-site car parking spaces required for the existing use or development specified in Table C2.1 C= Number of on-site car parking spaces required for the proposed use or development specified in Table C2.1.
PERFORMANCE CRITERIA	**P1.1** The number of on-site car parking spaces for uses, excluding dwellings, must meet the reasonable needs of the use, having regard to: (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: (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 on-street 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. **P1.2** The number of car parking spaces for dwellings must meet the reasonable needs of the use, having regard to: (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	**The proposal is for extensions to an existing two-bedroom dwelling in the Low density residential zone. Whilst there are no additional bedrooms proposed, according to Table C2.1, the parking requirement for a two-bedroom dwelling is two spaces. The planning scheme does not provide an exemption for existing uses, even where there is no intensification or increase in demand.** **Whilst the applicant has illustrated available space for parking on-street, this is not parking for the sole use of the dwelling as it is located on the road reserve. It is therefore not relevant for the purposes of assessment against the Acceptable Solution. As such, assessment against the Performance Criteria is required.** **The existing driveway is unsealed and it is likely that additional parking may have been available onsite prior to the placement of the outbuilding (shipping container) which is included as part of this application.**

	Given the location of the shipping container outbuilding on what was previously used as a driveway, this part of the site is no longer available for parking. The submitted diagram shows a single parking space between the front boundary and the shipping container. However, based on the plans, this space is not long enough to meet the Australian standards for a 5.4m long parking space, even though a B99 vehicle will likely fit, based on aerial photography. Notes to Table C2.3 allows for access and maneuvering space to include a road reserve, but the parking space itself must be located on the subject site. **Notwithstanding, Council's engineer as the road authority has confirmed that, despite not being illustrated on the plans, there is sufficient width between the frontage fence and the dwelling to provide two vehicle parking spaces in tandem. However, these spaces would remain informal and not sealed as required by C2.6.1 and therefore not assessed as formalised spaces to satisfy the Acceptable Solution.** **P1.1** **Not applicable, as the proposal is for a dwelling.** **P1.2** **The proposed car parking arrangement is likely to meet the reasonable needs of the use, having regard to:** **(a) The proposal is for a single dwelling with only two bedrooms. Whilst only informal parking space is available, or for a standard-size vehicle on the driveway, this is likely to be sufficient for the scale of the dwelling;** **(b) The dwelling has two bedrooms and one car parking space is reasonable; and** **(c) Reduced or informal on-site parking is not unusual in the area, with is largely characterised by unsealed internal driveways or parking areas. On-street parking is uncontrolled, suggesting there is no concern about use of the road, or high demand within the surrounding area.** **The proposal complies with the Performance Criteria.**

ROAD AUTHORITY COMMENTS

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

> *The site has an existing vehicular crossing which is sealed to the property boundary and, in parts, within the property.*
>
> *Historical images suggest the area where the existing storage container is located was once used for off-street parking. The area was grassed and unformed.*

From the dimensions on the site plan, it is unlikely a B85 vehicle will fit between the outbuilding and boundary, even though measuring on Council's GIS, using aerial photography which shows the retrospective outbuilding, suggests enough space for a B99 vehicle. Cadastral information was obtained from The LIST Map and labelled as 'accurate replot data'

For the purpose of this assessment, the site plan is assumed to be correct. There is adequate space between the front fence and dwelling for two vehicles to park within the site. The grassed yard is consistent with the previous arrangement of parking within the site.

The proposed development is not expected to create regular additional traffic movements at the existing vehicular crossing and is therefore not expected to create any traffic-related issues to the surrounding road network.

STORMWATER AUTHORITY COMMENTS

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

There is a public stormwater system along the southeastern and northeastern boundary, in the adjoining properties. While there is no record showing the location of the site stormwater connection, it is likely that the existing dwelling is drained into the public stormwater system.

Runoff from the outbuildings will need to be controlled and connected to the site stormwater connection, if uncontrolled stormwater causes a nuisance.

NOTIFICATION

The application was notified for the required 14-day period in accordance with the Act. 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	**Concern that the fence and the title boundary are misaligned and this may impact the planning assessment**
ASSESSING OFFICER'S COMMENTS	The LISTmap shows the site's boundaries as "accurate replot data" which could be as much as 1m out from true. The title shows the depth of the land at 78' 5 ¾" which is 23.92m. The length shown on the submitted plans is 23.96m. This is close enough that the assessment is considered valid both for site coverage and for setback from any boundary. It would not be a reasonable imposition to require a boundary survey to be undertaken to verify the accuracy of the mapped boundary line, for the purposes of this application. The landowner may choose to do so to verify if a discrepancy exists and ensure compliance with the approved setbacks.
ISSUE 2	**That the extension to the north and addition of shipping container without gutters could impact stormwater and wastewater drainage**

ASSESSING OFFICER'S COMMENTS	The proposed extension would increase the site coverage beyond the Acceptable Solution of 30%, which triggers a planning assessment of the stormwater capacity of the site. This is discussed above. The stormwater authority has reviewed the proposal and determined it to be suitable. As the shipping container is category 1 low risk work under the Building Act, a building approval is not required and therefore a plumbing approval is also not required. However, if a nuisance is caused as a result of uncontrolled stormwater, the landowner will be required to take appropriate action to control the nuisance. The plans note that all drainage work is provisional and subject to detailed design at a later stage in accordance with Australian standards and local authority requirements. Apart from the additional toilet, the extension to the northwest does not add a bedroom, which does not require an increase in the size of the existing wastewater disposal system. This was installed in 2017 and is approved for two bedrooms/four people. The arrangement of the enclosed area does not bring the main building closer to the existing disposal trenches. Given part of the deck (uncovered) is shown over part of the trench, it has been closely reviewed by the Council's Environmental Health Officer who is satisfied that the proposal is capable of meeting current standards.
ISSUE 3	**There is no formal disposal of spa outflow**
ASSESSING OFFICER'S COMMENTS	The Council's Plumbing Surveyor has indicated that it is standard practice not to drain spas through formal plumbing. The volume of water is not insignificant, but the flow is so irregular and infrequent that directing it to grass or landscaped areas is considered a suitable disposal method.
ISSUE 4	**Illegal use of the shipping container outbuilding as a habitable room with roofed connection to the main house**
ASSESSING OFFICER'S COMMENTS	The proposal has been applied for as an outbuilding and was assessed by planning on this basis. Allegations that it is being illegally used as a habitable room can be investigated by the Permit Authority separately. A standard condition has been recommended which limits use of the outbuilding to residential storage and related activities only. The arrangement of the outbuilding with a roofed area between it and the existing dwelling does not change its classification as a class 10a outbuilding.
ISSUE 5	**The enclosed porch area is also an illegal addition**
ASSESSING OFFICER'S COMMENTS	This was not previously part of the assessment but review of the site history by the Permit Authority found that it was enclosed without notifying Council. However, it is also considered Low Risk Work and would not require building approval. As a result of the representation, the Planning Authority has been able to consider the frontage setback (above).
ISSUE 6	**Removal of load-bearing walls**

ASSESSING OFFICER'S COMMENTS	The submitted plans are architectural in nature and not required to show how construction would meet the *Building Act 2016*. Following planning approval the applicant would be required to obtain a building permit which will assess these matters.
ISSUE 7	**The deck may not actually be removed and reconstructed**
ASSESSING OFFICER'S COMMENT	It is understood that the existing deck is unlikely to meet construction standards under the Building Act and will need to be removed and reconstructed in order to achieve compliance. The rectification would be managed by the Permit Authority when the time comes to obtain building approval under the *Building Act 2016*.

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 PA2025400 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 – dwelling extension and fence (part retrospective), by Design to Live, for land at 194 Paper Beach Road Lot No.10 on Plan No. 63723 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 Design to Live, Ref: PPR197, Rev. 2, dated 19 December 2025 (7 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.

CONSTRUCTION MANAGEMENT

2. 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.

ONSITE WASTEWATER MANAGEMENT

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

OUTBUILDINGS

4. Use of the outbuilding (shipping container) 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 PA2025400. 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:

Plan 1 – Attachment 1 – Location Plan
PA2025400
194 Paper Beach Road, Swan Point



PROPOSED EXTENSION, DECK, AWNING AND SPA ENCLOSURE 194 PAPER BEACH ROAD, SWAN POINT, 7275.

DRAWING #	DRAWING
PPR194-1	COVER PAGE
PPR194-2	SITE PLAN
PPR194-3	EXISTING FLOOR PLAN
PPR194-4	GROUND FLOOR PLAN
PPR194-5	EXTERNAL SERVICES
PPR194-6	ELEVATIONS NE-SW
PPR194-7	ELEVATIONS SE-NW

ATTACHMENTS

AREAS	(m²)
EXISTING DWELLING	82.04
EXISTING STORAGE CONTAINER	29.50
PROPOSED DECK	84.96
PROPOSED EXTENSION	27.39

COUNCIL	WEST TAMAR	ZONE	LOW DENSITY RESIDENTIAL
LAND TITLE REFERENCE	63723/10	ENERGY STAR RATING	N/A
PROPERTY ID	6061074	CLIMATE ZONE	7
LOT SIZE (M²)	584	ALPINE AREA	N/A
BAL RATING	TBC	CORROSION ENV'	MEDIUM
DESIGN WIND CLASS	TBC	SITE HAZARDS	N/A
SOIL CLASSIFICATION	TBC		
PLANNING OVERLAY	BUSHFIRE-PRONE AREAS CODE		

DESIGN TO LIVE
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ABN. 71 615 812 747
PH. 6344 7319
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W. designtolive.com.au

CLIENT/S: KYM TURALE AND LUCINDA ROCHSTEIN

SITE ADDRESS: 194 PAPER BEACH ROAD, SWAN POINT, 7275.

DRAWING COVER PAGE

I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT.

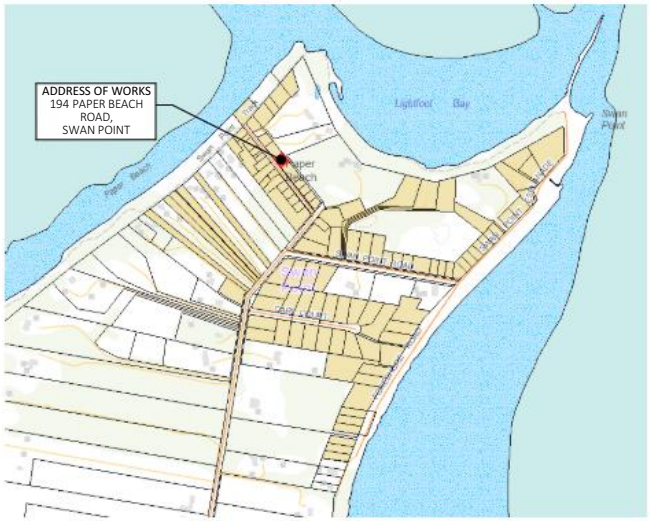
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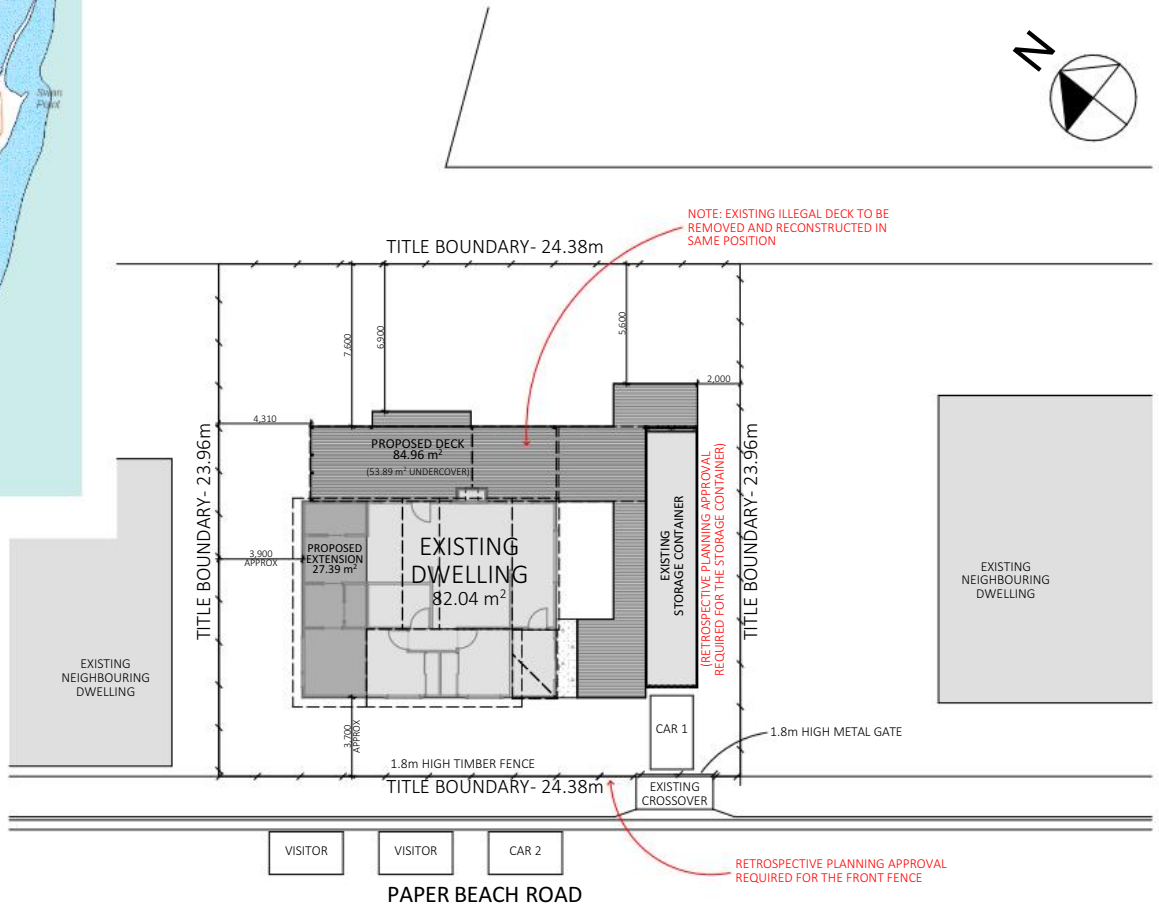
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REV.	DATE	DESCRIPTION
R1	2/12/2025	FOR DA
R2	19/12/2025	M.I.R.

DESIGNER	M.L.	JOB NUMBER	PPR194
DRAWN	L.S.	DRAWING	1/7
CHECKED	M.L.	SCALE (@A3)	NTS





AREA	m²
EXISTING DWELLING	82.04
EXISTING STORAGE CONTAINER	29.50
PROPOSED DECK	84.96
PROPOSED EXTENSION	27.39

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DRAWING SITE PLAN

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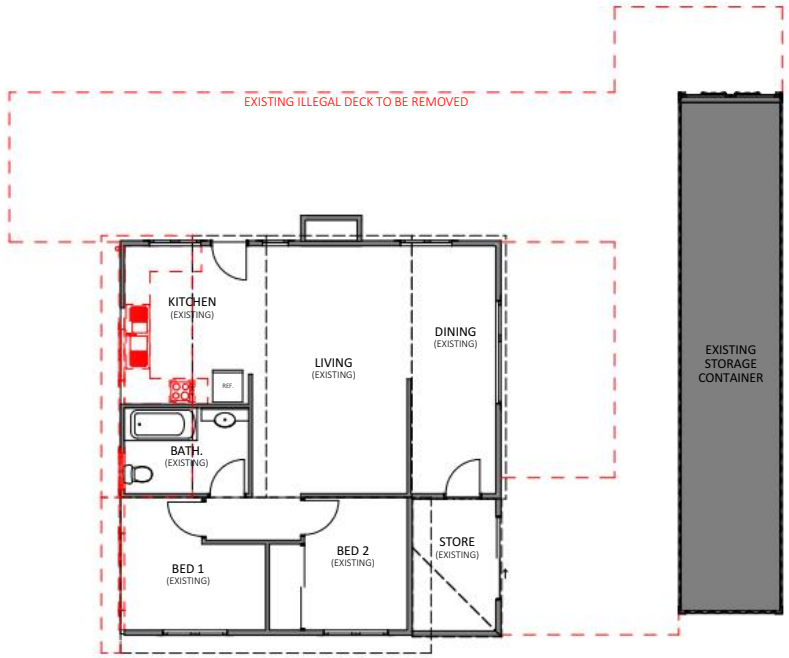
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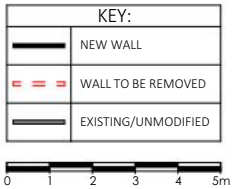
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DESIGNER	M.L.	**JOB NUMBER**	PPR194
DRAWN	L.S.	**DRAWING**	**2/7**
CHECKED	M.L.	**SCALE (@A3)**	1:200





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DRAWING
EXISTING FLOOR PLAN

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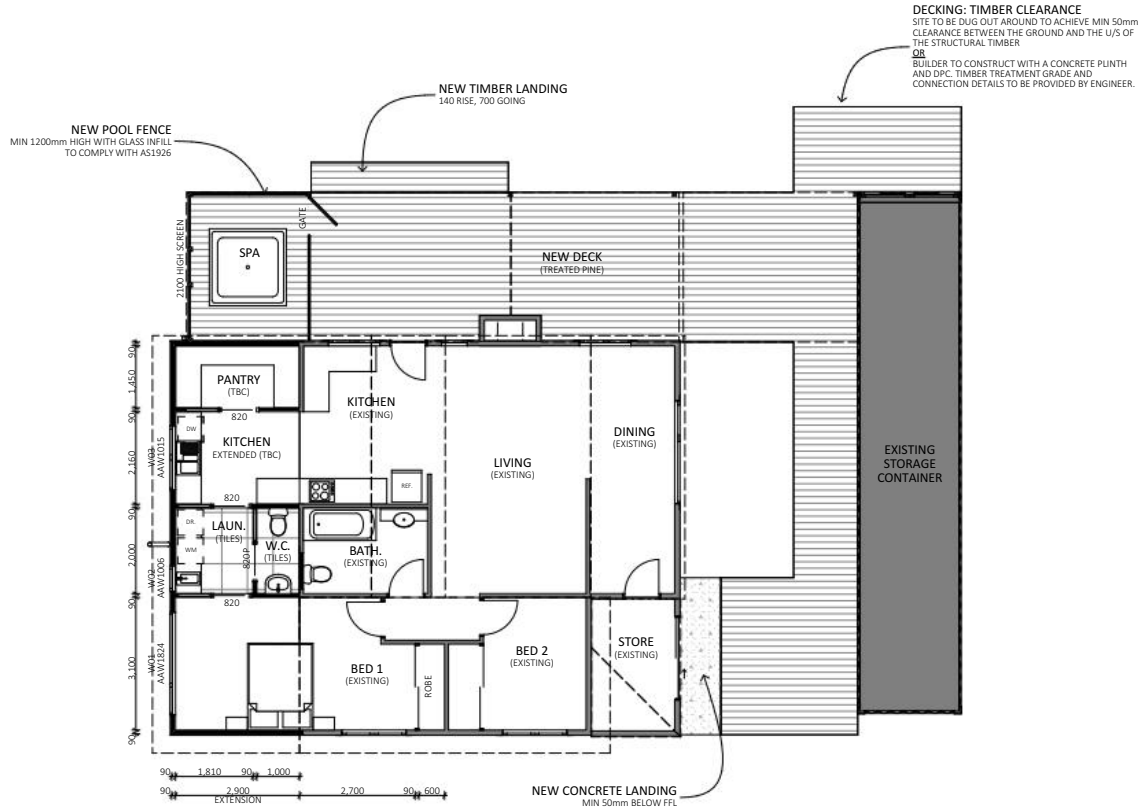
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DESIGNER	M.L.	**JOB NUMBER**	PPR194
DRAWN	L.S.	**DRAWING**	**3/7**
CHECKED	M.L.	**SCALE (@A3)**	1:100



KEY:	
	NEW WALL
	WALL TO BE REMOVED
	EXISTING/UNMODIFIED

0 1 2 3 4 5m

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CLIENT/S: KYM TURALE AND LUCINDA ROCHSTEIN

SITE ADDRESS: 194 PAPER BEACH ROAD, SWAN POINT, 7275.

DRAWING GROUND FLOOR PLAN

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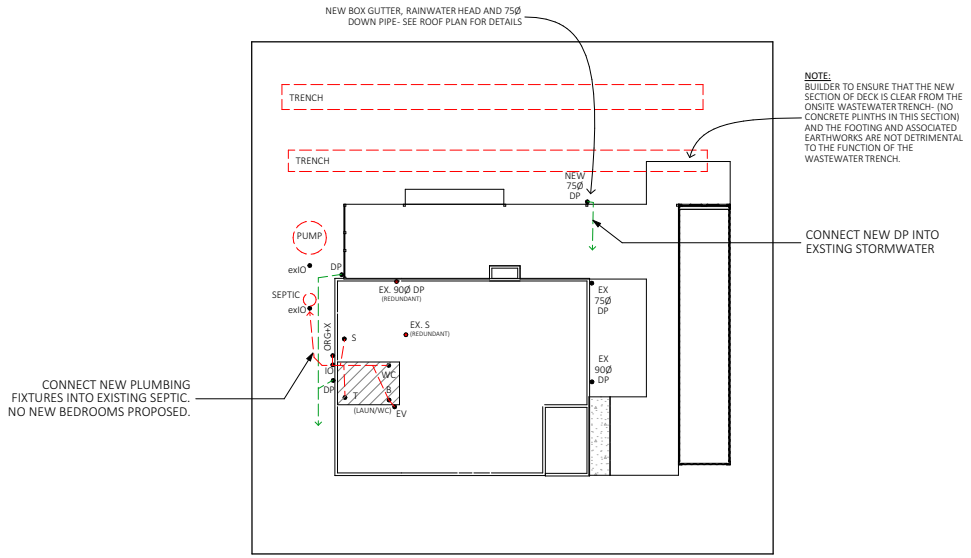
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DESIGNER	M.L.	**JOB NUMBER**	PPR194
DRAWN	L.S.	**DRAWING**	**4/7**
CHECKED	M.L.	**SCALE (@A3)**	1:100

LEGEND	
B	BASIN
Ba	BATH (POP-UP PLUG WITH REMOVABLE WASTE)
S	SINK (65Ø)
T	LAUNDRY TUB (65Ø)
SH	SHOWER
WC	WATER CLOSET
FW	FLOOR WASTE
EV	VENT (THROUGH TO ROOF)
IO	INSPECTION OPENING
ORG	O/FLOW RELIEF GULLY
RE	RODDING EYE
X	EXTERNAL TAP
P	DRAINAGE PIT (357x357x452D)
DP	DOWNPIPE (90Ø U.N.O.)
	WET AREAS
	STORMWATER LINE (100mm PVC)
	SEWER LINE (100mm PVC)
	AG. DRAIN

THIS PAGE IS TO BE PRINTED AND READ IN COLOUR.



NOTES:

ALL DRAINAGE WORK SHOWN IS PROVISIONAL ONLY AND IS SUBJECT TO AMENDMENT TO COMPLY WITH LOCAL AUTHORITIES. ALL WORK IS TO COMPLY WITH AS-3500 AND LOCAL PLUMBING CODE AND SHOULD BE CARRIED OUT BY A LICENSED PLUMBER.

ALL WORKS ARE TO BE IN ACCORDANCE WITH THE WATER SUPPLY CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES INTERGRATED CODE (WSA 03-2011-3.1 VERSION 3.1 MRWA VERSION 2.0) AND THE SEWERAGE CODE OF AUSTRALIA MELBOURNE RETAIL WATER AGENCIES INTERGRATED CODE (WSA 02-2014-3.1 MRWA VERSION 2.0) AND TASWATER'SSUPPLEMENTS TO THESE CODES.

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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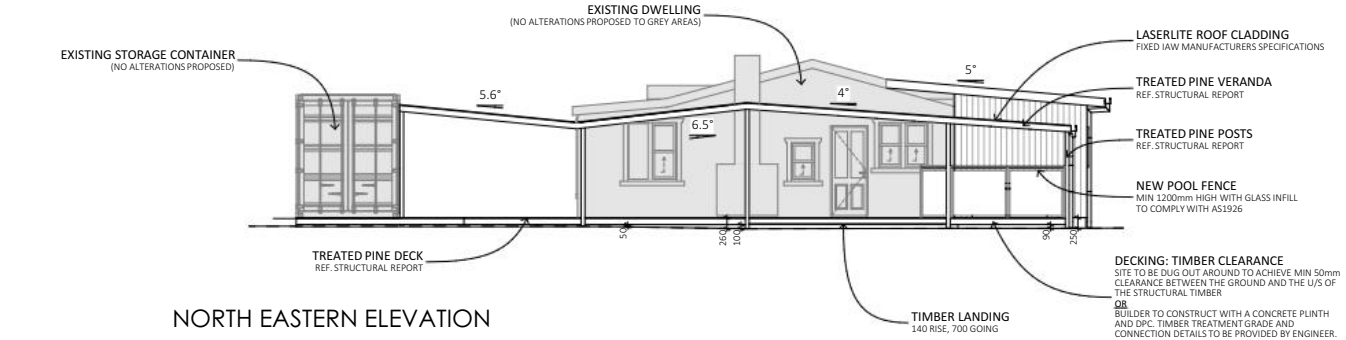
DRAWING EXTERNAL SERVICES

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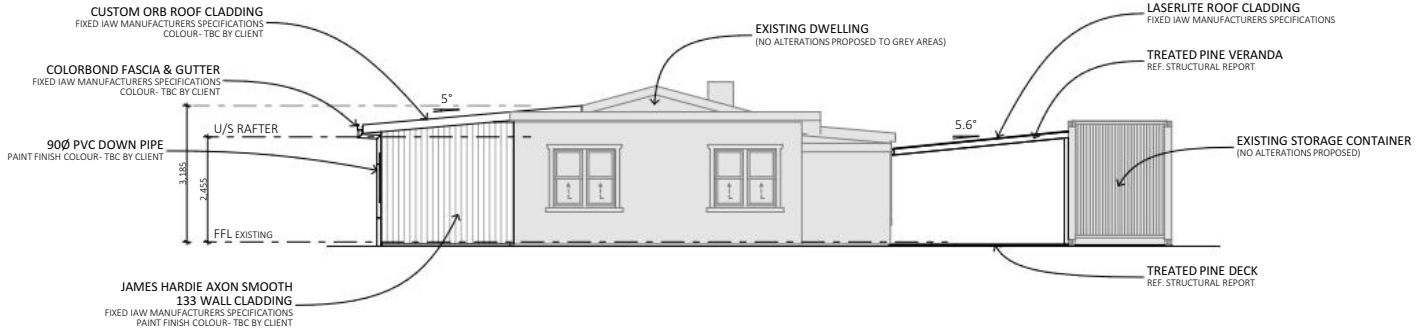
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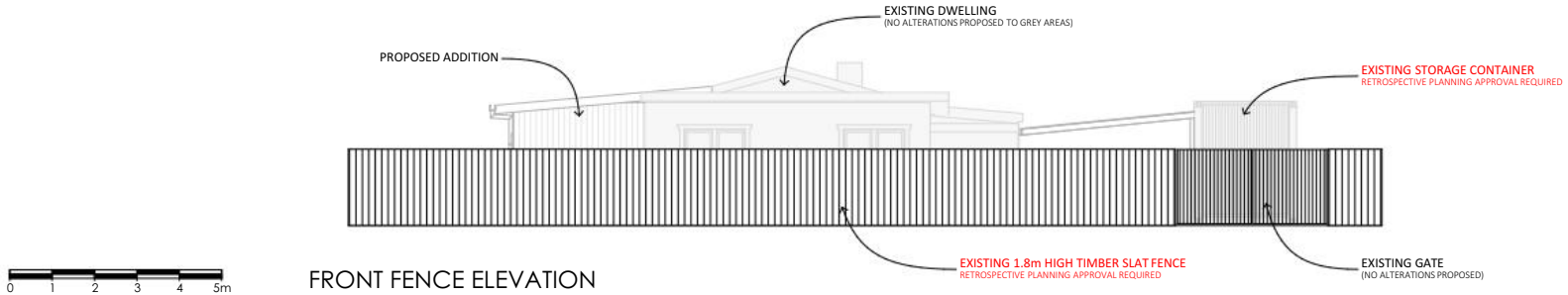
DESIGNER	M.L.	JOB NUMBER	PPR194
DRAWN	L.S.	DRAWING	5/7
CHECKED	M.L.	SCALE (@A3)	1:200



NORTH EASTERN ELEVATION



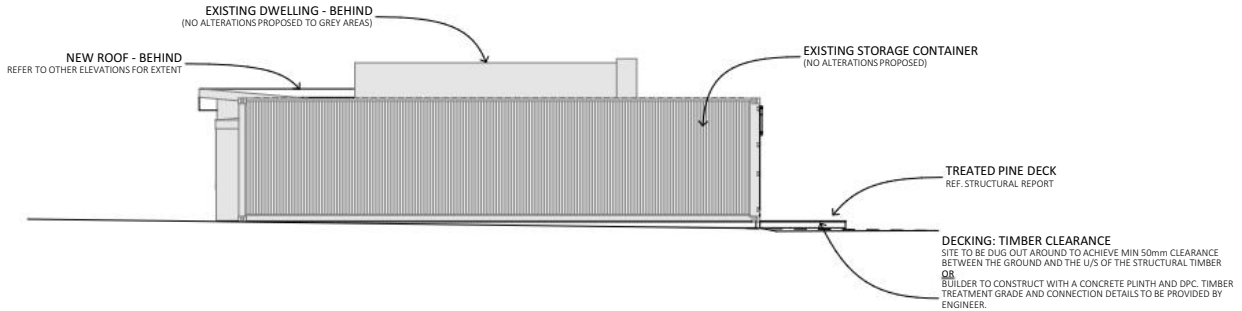
SOUTH WESTERN ELEVATION



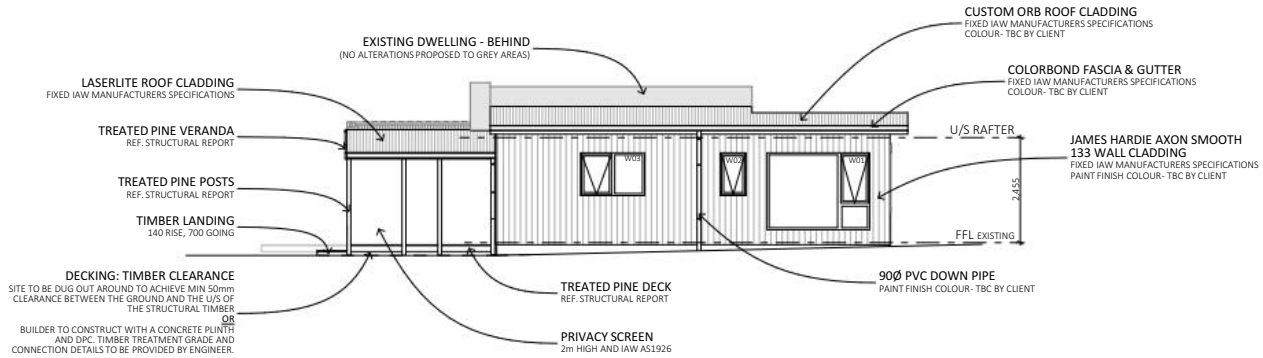
FRONT FENCE ELEVATION

0 1 2 3 4 5m

DESIGN TO LIVE ACC # 371799313 ABN. 71 615 812 747 PH. 6344 7319 E. info@designtolive.com.au W. designtolive.com.au	**CLIENT/S:** KYM TURALE AND LUCINDA ROCHSTEIN **SITE ADDRESS:** 194 PAPER BEACH ROAD, SWAN POINT, 7275.	**DRAWING** ELEVATIONS NE-SW	I/WE APPROVE THESE DRAWING TO BE CORRECT PER CONTRACT. **SIGNATURE:** **DATE:** **SIGNATURE:** **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.**	**DATE**	**DESCRIPTION**	**DESIGNER**	M.L.	**JOB NUMBER**	PPR194
					R1	2/12/2025	FOR DA	**DRAWN**	L.S.	**DRAWING**	**6/7**
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DRAWN	L.S.	**DRAWING**	**7/7**
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8 OFFICE OF THE CHIEF EXECUTIVE OFFICER

8.1 CEO 1 - Council Workshops held in January and February

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 9 February 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

20 January 2026 – 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 Larner
Cr Geoff Lyons
Cr Josh Manticas

Apologies: Cr Julie Sladden

In Attendance:
Kristen Desmond – Chief Executive Officer
David Gregory – Director Corporate & Community
Richard Heyward – Director People, Culture & Safety
Michelle Riley – Director Planning & Development
Simon Tennant – Communications & Engagement Manager
Tom Chalmers – Governance Officer
Krstyna Ennis – Team Leader Planning
Fraser Nuttall – Team Leader Project Delivery

Topics Discussed:

- Agenda Review

3 February 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 Larner
Cr Geoff Lyons
Cr Josh Manticas
Cr Julie Sladden

Apologies: Nil

In Attendance: Kristen Desmond – Chief Executive Officer
Richard Heyward – Director People, Culture & Safety
Michelle Riley – Director Planning & Development
Simon Tennant - Communications & Engagement Manager
Tom Chalmers – Governance Officer
Eleanor Moore – Acting Team Leader Community
Angeline Tawanda – Personal Assistant to the CEO & Mayor
Alicia Perry – Tourism & Economic Development Officer
Krstyna Ennis – Team Leader Planning
Angus Pilon – Technology Officer
Marshall Shi – Tasmanian Gold Pty Ltd
Richard Holder - Tasmanian Gold Pty Ltd
Grant Schuhmann - Tasmanian Gold Pty Ltd

Topics Discussed:

- Beaconsfield Gold Mine
- Business Grants
- Public Memorial Policy
- Community Grants
- Beaconsfield Men's Shed – Relocation Options
- Lease Renewal – Riverside Administrative Services
- Frankford Soldiers Memorial Hall – Special Committee Formation Proposal
- Exeter Bowls Club Grant
- Electoral Bill
- Strategic Planning Priorities
- 2nd Quarter Performance Report – October to December 2025
- ALGA Call for Motions
- Councillor Motions
- Councillor Questions
- Preventative Health Strategy
- Capital Works Project Budget Variations

10 February 2026 – Strategic Workshop (half day)

Present: Mayor Cr Christina Holmdahl
Deputy Mayor Cr Rick Shegog
Cr Joy Allen
Cr Lynden Ferguson
Cr Richard Ireland

Cr Caroline Larner
Cr Geoff Lyons
Cr Julie Sladden

Apologies: Cr Josh Manticas

In Attendance: Kristen Desmond - Chief Executive Officer
David Gregory - Director Corporate & Community
Dino De Paoli – Director Community Assets
Michelle Riley - Director Planning & Development
Richard Heyward - Director People, Culture & Safety
Jason Barker - Chief Financial Officer
Jeff Speer – Project Delivery Officer
Simon Tennant - Communications & Engagement Manager
Tom Chalmers - Governance Officer
Angeline Tawanda - Personal Assistant to the CEO & Mayor

Topics Discussed:

- Pool Renewal Strategic Discussion
- Legana Recreation Masterplan Strategic Discussion

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,* Regulation 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 20 January 2026, 3 February 2026, and 10 February 2026.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

8.2 CEO 2 - Australian Local Government Association Call for Motions

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 28 January 2026

ATTACHMENTS: 1. [**8.2.1**] ALGA Motion - Cr Manticas

SUMMARY

The Australian Local Government Association (ALGA) has called for councils to submit motions for the 2026 National General Assembly of Local Government (NGA) to be held in Canberra in June 2026.

BACKGROUND

The theme for the 2026 NGA is "Stronger Together: Resilient. Productive. United." and ALGA are seeking motions that encourage debate on how councils across Australia can become more resilient, contribute to the nation's productivity agenda, and present a united voice to the federal government on key issues in the national sphere.

Submissions are due by 27 February 2026, with approval of any submission required to be completed at the 17 February 2026 Ordinary Council Meeting.

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.
- Continue to engage positively with our sector and the State Government to shape local government reform.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Nil

RISK CONSIDERATIONS

Low

FINANCIAL IMPACT

Nil

CONSULTATION

Consultation with elected members occurred at the 3 February 2026 Interim Workshop.

OPTIONS

Council may choose to:

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

OFFICER'S COMMENTS

Criteria for motions, as provided by ALGA, are as follows:

To be eligible for inclusion in the NGA Business Papers, and debate it on the floor of the NGA, you must meet the following criteria:

- *Submit a new motion that has not been debated at an NGA in the preceding two years as found in previous business papers on the ALGA website.*
- *Ensure your motion is relevant to the work of local government across the nation, not focused on a specific location or region, unless the project has national implications.*
- *Align your motion with the policy objectives of your state and territory local government association.*
- *Propose a clear action and outcome on a single issue, calling on the Australian Government to take action. Motions covering more than one issue will not be accepted.*
- *Ensure the motion does not seek to advantage one or a few councils at the expense of others.*
- *Avoid being prescriptive in directing how the matter should be pursued.*

Motions should seek the NGA's support for a particular action or policy change at the federal level which will assist local governments to meet local community needs.

- *Start with: "This National General Assembly calls on the Australian Government to...".*
- *Be concise, clearly worded, and unambiguous.*
- *Use the background section of the form to help delegates understand your issue.*
- *Keep your motion to 100 words, the national objective to 100 words, and the key arguments to 150 words.*

Cr Manticas has proposed the motion as set out in Attachment 1 for consideration by Council for submission to ALGA.

RECOMMENDATION

That Council:

1. Approve the motion and rationale in Attachment 1 for submission to the Australian Local Government Association for the 2026 National General Assembly; and
2. Authorise the Chief Executive Officer to submit the motion on behalf of Council before 27 February 2026.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

MOTION

This National General Assembly calls on the Australian Government to introduce a specific criminal offence for the intentional desecration or destruction of the Australian National Flag, with appropriate penalties and enforcement mechanisms, to ensure consistent national protection of Australia's primary national symbol and to support respect and cohesion in public and civic spaces.

RATIONALE

Local governments are responsible for managing many public and civic spaces where the Australian National Flag is displayed, including town halls, memorials, parks, and community facilities, as well as during official ceremonies such as Australia Day and Anzac Day commemorations.

Currently, there is no specific Commonwealth offence that directly addresses the intentional desecration or destruction of the Australian National Flag. Existing laws, such as property damage or public order offences, are indirect, inconsistently applied, and do not adequately respond to conduct deliberately targeting national symbols.

This legislative gap places councils at the frontline of managing community conflict, distress, and escalation when such incidents occur in public places. Introducing a clear national offence would provide certainty, consistency, and an appropriate legal framework, reduce pressure on local governments, and reinforce respect for national symbols while supporting social cohesion across communities.

8.3 CEO 3 - 2nd Quarter Performance Report - October to December 2025

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 29 January 2026

ATTACHMENTS: 1. [**8.3.1**] 2nd Quarterly Report - October to December 2025

SUMMARY

The purpose of this report is to provide the West Tamar Council 2nd Quarterly Performance Report for the period 1 October to 31 December 2025 to Council for endorsement.

BACKGROUND

The Quarterly Report details Council's progress in line with the Annual Plan actions for the financial year.

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.
- As a leader in local government, focus on our customers.

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

Section 27(c) of the *Local Government Act 1993* states that "*the Mayor is to promote good governance by, and within, the Council*".

RISK CONSIDERATIONS

A quarterly report is designed to minimise risk to the organisation and increased transparency through providing an ongoing performance report on the Council's financial, strategic and customer service objectives, to the elected members and the community.

CONSULTATION

The draft 2nd Quarterly Report was provided to Councillors for consideration at workshop on Tuesday 3 February 2026. The report will also be provided to the Audit Panel at the next scheduled meeting.

FINANCIAL IMPACT

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

The 2nd Quarterly Performance Report for the period October to December 2025 is provided for consideration and endorsement.

RECOMMENDATION

That Council:

1. Receives the West Tamar Council 2nd Quarter Performance Report 1 October 2025 to 31 December 2025; and
2. Provides public access to the report as part of Council's commitment to ongoing good governance.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

West Tamar Council

QUARTERLY REPORT

Edition 10
Oct- Dec 2025



West Tamar
COUNCIL



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Message from the CEO



I am pleased to present the Quarterly Report for the October to December 2025 period, highlighting a productive second quarter for the West Tamar Council.

Our commitment to enhancing community infrastructure and services remains on track as we progress through the 2025-26 financial year.

A significant milestone this quarter was the official opening of the Beauty Point Foreshore Redevelopment.

This generational project, supported by $3 million in Federal funding, has transformed the waterfront with new pathways, an all-abilities playground, and a resilient seawall.

We also celebrated the opening of our first dedicated off-leash greyhound area at the Windsor Community Precinct, a project directly informed by community feedback.

Our investment in youth continues to thrive with the announcement of Millie van Est as our 2026 Youth Mayor.

I look forward to Millie's contribution as she works to strengthen the connection between Council and our younger residents.

From a financial perspective, Council remains in a healthy position with a strong cash balance.

While operational expenses are currently lagging behind budget due to vacant positions, we are actively working to fill these roles to maintain our high service delivery standards.

Our capital works program is also active, with 18 per cent of the annual budget already expended or committed.

As we move into 2026, we remain focused on delivering the best value for our community through sustainable and inclusive projects.

Kristen Desmond
Chief Executive Officer

CEO Meeting Schedule

Quarter 2, 2025-26 – October to December 2025

OCTOBER	
1	Premier's Local Government Officials Committee Meeting
	Council Roadshow 6- Legana Community Hall
2	Local Government Professionals Tasmania Meeting
3	Northern General Manager's Regional Meeting
4	Relive the Rivalry
7	Interim Council Workshop
	Tourism Tasmania Finalists announcement
8	Tamar Valley Leaders Lunch
10	Business Events Tasmania Promotional video shoot
13	Healthy Tasmania Meeting
	Rosie's Reading Meeting
	Meeting with Premier's Local Government Council (PLGC) Meeting
14	Council Workshop
15	Regional Planning Group Workshop
	Meeting with Hon Kerry Vincent MLC- Minister for housing & Planning
17	Local Government Professionals Tasmania Meeting
	Onsite visit with a Community Member
	Northern Tasmania Regional Land Use Strategy Steering Committee meeting
	Office of Local Government - General Managers information session - reforms to councillor allowances and numbers
20	Community Member Meeting
	Local Government Professionals Tasmania Meeting
	Regional Cabinet Exeter Show Society -Networking Event
21	Regional Cabinet Exeter Show Society
	Pre-Meeting Workshop
	Council Meeting
22	Meeting with Jess Teesdale's Office
23	Tamar Estuary Esk River Program Kanamaluka/Tamar River Forum
24	Circular North Steering Committee Meeting
	Meeting with Community Member
27	Positive Aging Committee Meeting
	Exeter Carols Committee Meeting
28	Meeting with Dogs Home Tasmania
	Meeting Michael Bailey (TCCI)
	Roadshow 8 - Windsor
29	TasWater General Meeting
	Meeting with ReadyTech representatives
30	Meeting with Office of Coordinator General staff
	Champions of Tourism Pre-event event with Minister for Tourism Hospitality and Events - the Hon. Jane Howlett MP
	Champions of Tourism 2025
31	Tasmanian Tourism Awards Gala

NOVEMBER	
4	Interim Workshop
6 - 8	Local Government Chief Officers Group Conference
10	Meeting with Senator Wendy Askew
12	Meeting with Community Member
	Local Government Professionals Tasmania Meeting
	Regional Planning Group Monthly Meeting
13	TasWater Launceston Sewage Transformation media event
15	Beauty Point Foreshore Opening
17	TasWater Meeting
	Greens Beach Caravan Park- meeting with Leasee
	Riverside Swimming Centre Redevelopment Advisory Committee Meeting
18	Council Meeting
19	President's Welcome Drinks - LGAT Conference
20	Meeting with Stephen Yarwood re WTC Strategic Plan
21	LGAT Conference
	Meeting with Tasmanian Parks and Wildlife Service
25	Influential Communication Workshop - Shift the Narrative
	Meeting with Stephen Yarwood
	Anzac Day Planning Committee Meeting
26	Windsor Chamber Visit- Meander Valley
	Australia Day Awards Panel – Assessment
	Regional Planning Group Meeting
28	Meeting with Department of State Growth officers
	TEER Strategy & Partnerships Committee Meeting
	Northern General Manager's Regional Meeting
DECEMBER	
1	Launceston Strategic Plan Launch
2	Interim Workshop
3	Tamar Valley Tourism Sustainability Project Workshop
	Local Government Professionals Tasmania Meeting
4	Australia Day Awards Panel
	Youth Mayor Official Handover
	Tamar Valley Centre & Beaconsfield Mine & Heritage Centre Volunteers Christmas Celebration
5	Lease discussions
	Northern Tasmania Regional Land Use Strategy Steering Committee meeting
	Meeting with Resident
	Meeting with Resident
6	Exeter Media Event - Carols
7	Rowella Hall Christmas Family Day
8	Exeter Carols Committee Meeting
	West Tamar Council Audit Panel Meeting
9	Council Strategic Discussion workshop
10	Meeting with Proponent
11	General Members Meeting Northern Tasmania Development Corporation
14	Exeter Christmas Carols
16	Council Meeting
	Chamber of Commerce Function
19	Meeting with FermenTas Chair

	Mentoring session with Mentee
23	2025-26 Business Grants Assessment Meeting
24	End of Year Break up

Use of the Council Seal

Date Common Seal Affixed	Reference No	Document Under Seal	Applicant/Other Party	Names of Signatories
16/10/2025	CS - 204	Blank Instrument Form Adhesion Order Vol 136484 Folio 8 and Vol 50726 Folio 18, 8 Adley Court, Beauty Point	Clark & Gee, Thomas Bartusz	CEO Kristen Desmond, Mayor Christina Holmdahl
20/10/2025	CS - 205	PA2024235 Final Survey Diagram and Schedule of Easements 5 Skyline Avenue, Grindelwald	J Firat/Nova Land Consulting	CEO Kristen Desmond, Mayor Christina Holmdahl
10/11/2025	CS - 206	Licence of Crown Land off Paper Beach Road, Swan Point	Office of the Crown Solicitor of Tasmania	CEO Kristen Desmond, Mayor Christina Holmdahl
14/11/2025	CS - 207	PA2025087 Final Survey Diagram and Schedule of Easements, 229 & 231 Batman Highway, Sidmouth	DJ McCulloch & Associates, BF & BM Cairns	CEO Kristen Desmond, Mayor Christina Holmdahl
26/11/2025	CS - 208	Quarterly Refund Payment (QRP) Allocation Deed	Veolia Environmental Services (Australia) Pty Ltd	CEO Kristen Desmond, Mayor Christina Holmdahl
26/11/2025	CS - 209	PA2023252 Final Survey Diagram & Schedule of Easements, 533 Deviot Road, Deviot	Michell Hodgetts & Associates, VJ Stockman	CEO Kristen Desmond, Mayor Christina Holmdahl
3/12/2025	CS - 210	PA2024274 Final Survey Diagram & Schedule of Easements 381a West Tamar Road, Riverside	Marlene & David Swain, AJ Phillips	CEO Kristen Desmond, Mayor Christina Holmdahl
3/12/2025	CS - 211	PA2023047 Final Survey Diagram & Schedule of Easements, Lot 1000 Innova Avenue,	Nova Land Consulting, West Tamar Council	CEO Kristen Desmond, Mayor Christina Holmdahl

Audit Panel Actions

West Tamar Council

Audit Panel Action Sheet

Ref	Date	Item	Action	Responsible	Comment
2508.01	27/8/25	6	Provide detailed reporting on progress of review of WHS Policies	Director People, Culture & Safety	December 2025
2508.02	27/8/25	7	Include maturity date column and graph of the mix of current investments in reporting	Chief Financial Officer	December 2025
2508.03	27/8/25	12	Provide schedule for implementation of IR and CAR items	Governance Officer	December 2025
2508.04	27/8/25	16	Provide approved WT-HRM69.00 Private Works Policy to TAO	Chief Financial Officer	September 2025
2508.05	27/8/25	16	Invite TAO to December 2025 meeting for presentation of audit outcomes	Governance Officer	September 2025
2508.06	27/8/25	17	Confirm details of liability insurance coverage for childcare and concerts with JLT	Chief Financial Officer	September 2025
2512.01	8/12/25	4.1	Review to be undertaken of audits completed to date and requirements for periodic audits to be undertaken	Governance Officer	March 2026
2512.02	8/12/25	6.5	Review delegations of certain powers to the Chief Executive Officer and subsequent delegation to relevant Council officers	Governance Officer	March 2026
2512.03	8/12/25	6.6	Incorporate requirements for procurement under certain financial thresholds to be considered for inclusion in the updated Code of Tenders and Contracts	Chief Executive Officer / Chief Financial Officer	January 2026
2512.04	8/12/25	6.6	Review financial thresholds for procurement under Code for Tenders and Contracts & Procurement Policy	Chief Executive Officer / Chief Financial Officer	January 2026

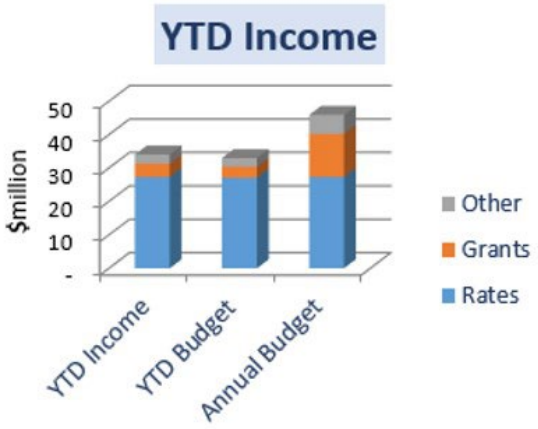
* *Denotes items completed previously and able to be removed*

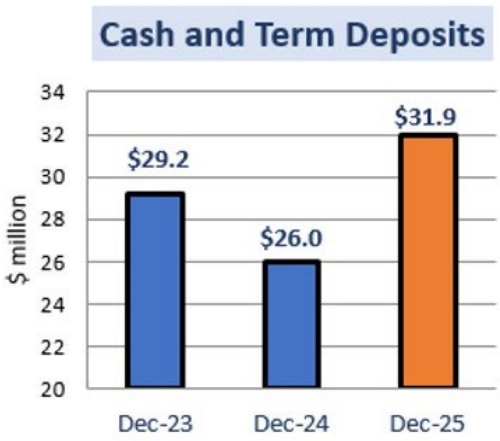
BOLD *Denotes items completed or included on the current agenda*

Financial Reports

Cash balance remains healthy, fuelled currently by rates income and Commonwealth Financial Assistance Grants. Grants for the quarter are $0.55m higher than YTD budget due to the unexpected 50 per cent pre-payment of 2025-26 Financial Assistant Frant allocations.

Fees and Charges income is exceeding the quarter's expectations driven from timing of lease payments from the Windsor Community Precinct.









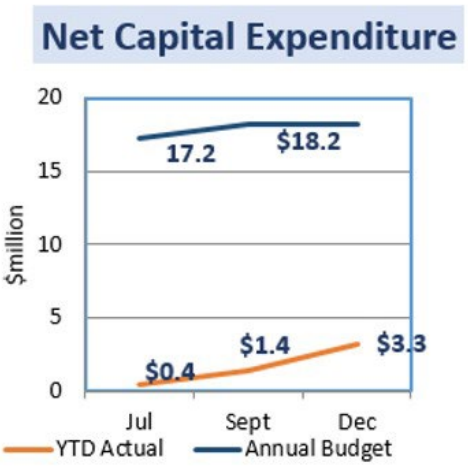
Rates outstanding as a % raised has increased and may indicate the changing economic pressures at the moment. Results will continue to be closely monitored.

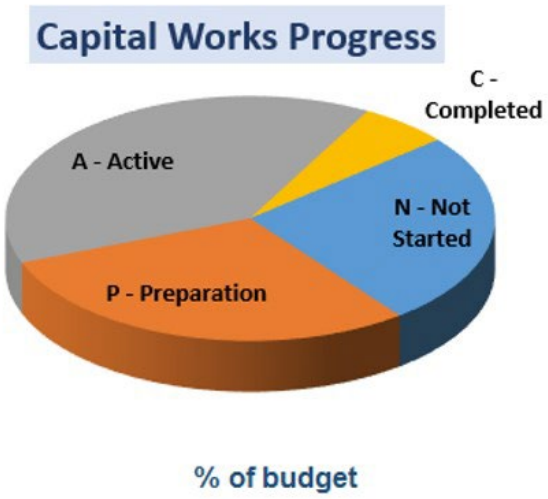
Financial Reports

Operational expenses for the second quarter of the financial year are lagging behind budget mainly influenced by vacant labour positions and timing of grant expenditure.









Net Capital Expenditure for the quarter has expenditure and commitments at 18% of the annual budget.

Service Delivery

Customer Service Requests

- 521 total Customer Service Requests
- 468 compliant
- 14 non-compliant
- 97.31 per cent compliant
- Works and Infrastructure responded to 326 customer service requests during the second quarter

Planning and Development

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
S57 Discretionary	180	63	49	112
S57 Discretionary (avg days)		34.34	42.55	
S58 Permitted	42	12	14	26
S58 Permitted (avg days)		18.05	16.5	
S56 Amended Permits	21	4	4	8
No permit required/exempt	125	50	37	87
Planning Appeals	2	0	1	1

Building

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
Council issued Certificate of Likely Compliance (COLC)	107	15	13	28
Privately surveyed (COLC)	164	76	69	145
Council issued Permits	45	12	10	22
Privately surveyed Certificates of Substantial Compliance	10	1	5	6
Inspections	383	86	68	154

Service Delivery

Plumbing

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
CoLC/Permit:				
West Tamar Council	167	57	55	112
Dorset Council	40	10	11	21
George Town Council	207	21	21	42
Flinders Island Council	18	3	3	6
Inspections:				
West Tamar Council	550	132	138	270
Dorset Council	68	11	15	26
George Town Council	136	52	41	93
Flinders Island Council	7	0	0	0
Drainage Nuisances:	59	6	5	11

Compliance

Development Compliance

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
Complaints received and investigation initiated	62	18	12	30
Building orders issued	47	11	13	24
Plumbing orders issued	18	2	1	3
Planning notice of intent	3	0	0	0
Planning Enforcement notice issued	1	0	0	0
Matter resolved - withdrawn	5	3	1	4
Matter resolved – satisfied/revoked	15	15	9	24

There were 217 ongoing compliance matters during the December Quarter 2025

Environmental Health

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
New food business applications approved	16	11	8	19
Food business inspections - number	250	47	37	84
Vaccinations administered – number	0	409	0	409
Complaints received and investigations initiated - number	77	26	20	46
Complaints resolved - number	61	23	18	41
Notifiable disease investigations	15	1	1	2
OWMS consent	44	13	19	32
OWMS inspections	73	11	13	24

Compliance

Municipal Inspectors

Description	Previous Year Total	Q1 Sept 25	Q2 Dec 25	Year to Date
Dog registrations - number	16935	3625	3782	
Lifetime Dog Registrations - Total		334	363	697
Dogs at large detained - number	75	16	12	28
Barking dog complaints investigated - number	6	8	2	10
Dog attacks investigated – number	21	5	2	7
Burials - number	16	4	1	5
Internment of ashes - number	5	1	0	1
Fire abatement inspections - number	114	0	55	55
Fire abatement notices issued - number	80	0	38	38

Community

Event highlights



YOUTH MAYOR CEREMONY

West Tamar Council will have a fresh, young face sitting at the Councillor table in the new year.

Grade 8 Riverside High School student Millie van Est was announced as the Council's new Youth Mayor for 2026.

The West Tamar Youth Mayor Program selects a student from years seven to nine to represent the youth of the municipality for one calendar, providing a focus for their views to be heard by the elected members.

Millie takes over the reins – and Youth Mayoral Chains – from fellow Riverside High School student Yuxuan See.

Millie said that in applying for the Youth Mayor role, she knew that she wanted to make a difference; not just for herself, but for all young person in the West Tamar community.

"So being chosen for this position means more to me than anything I can put into words, and I'm so grateful to everyone who supported me along the way," Millie said.

In the year ahead, Millie said she had three main focus visions.

"First, I want to build stronger connections between young people and the West Tamar Council. I want even the shyest youth to feel comfortable speaking up, sharing ideas, and knowing that their thoughts matter," she said. "Secondly, I want to help create more opportunities for young people to express themselves and their personalities, whether that's through art, sport, leadership, technology, or anything else that inspires them.

"And thirdly, I hope to encourage more collaboration between schools and the West Tamar Council".

Mayor Christina Holmdahl said she enjoyed sharing her official mayoral duties with the Youth Mayor and had genuinely valued having a youth perspective on Council and community matters.

"As a Council, we greatly value the opinions of young people in the West Tamar and want them to be able to communicate with us about their views," Mayor Holmdahl said.

Community

Event highlights

CELEBRATING BEAUTY POINT FORESHORE PROJECT



This Saturday will mark a significant milestone for the West Tamar community with the official opening of the Beauty Point Foreshore Redevelopment.

This generational project has transformed the iconic waterfront into a vibrant, accessible destination for residents and visitors alike.

The redevelopment, which was guided by the Beauty Point Foreshore Master Plan, delivers enhanced public access to the Tamar River estuary, upgraded amenities, and a renewed focus on the area's natural and cultural heritage.

Key features include new footpaths along the foreshore for improved pedestrian and cycling connectivity, a state-of-the-art all-abilities playground, a new resilient seawall structure, and refreshed public spaces that better integrate with local attractions like Seahorse World and Platypus House.

Developed in partnership with TasPorts and Tourism Northern Tasmania, the project builds on $3 million in Federal Government funding, to create a sustainable hub that supports tourism, recreation, and community well-being.

The initiative addresses long-standing community priorities, including better foreshore connectivity and enhanced safety and usability of public facilities.

West Tamar Council Mayor Christina Holmdahl officiated a ribbon-cutting ceremony alongside Bass Labor MHR Jess Teesdale, joining with residents, project partners, and council representatives.

"This redevelopment is more than just barbecue shelters and new pathways — it's a testament to our community's vision and resilience," Mayor Holmdahl said.

"On behalf of the Council, I extend a heartfelt thank you to everyone involved, and an invitation to all to come explore and enjoy.

"The West Tamar Council is immensely proud of this remarkable facility, which we believe will serve as a vibrant centrepiece for our community for generations to come," Mayor Holmdahl said.

Community

Community Facility Bookings

	October	November	December
WINDSOR COMMUNITY PRECINCT			
Windsor Community Hall (Area 1)	23	23	13
Myrtle Room (Area 2)	31	29	17
Huon Room (Area 3)	25	20	12
Windsor Computer Hub	31	19	16
Windsor Chambers	13	12	11
Youth Space	34	9	7
Tamar Function Centre (currently tenanted)	N/A	N/A	2

	October	November	December
WCP - RECREATION			
Amphitheatre	0	0	1
Indoor Training Centre	24	27	18
Windsor Oval	1	12	7
Launceston Christian School Oval	8	4	2
Olympic 1	0	0	0
Olympic 2	1	1	0
Cricket 1	10	13	12
Cricket 2	3	9	7
Taster	4	3	0
Junior 1	0	8	7
Orienteering Trails	0	0	0
Cross Country Trails	7	0	0
Legana Precinct Oval	17	18	N/A

	October	November	December
COMMUNITY HALLS/FUNCTION SPACES			
Legana Hall	47	46	33
Rowella Hall	6	11	TBC
Frankford Hall	0	0	1
Clarence Point Hall	2	3	2
Exeter Community Hub – Function Room	26	36	28
Exeter Squash Courts	9	8	4
Beaconsfield Community Centre - Gym	14	12	11
Beaconsfield Community Centre – Function Room	8	7	7

Community

Beaconsfield Mine and Heritage Centre

1. GROUPS

Date	Number of entries	Number of Groups
October	3183	17 groups
November	2968	26 groups
December	2558	7 groups

2. SOCIAL MEDIA INSIGHTS BMHC

Facebook	Followers	Post Views	Post Engagement
October	3259 total followers	Post views 3874	Post engagement 511
November	3259 total followers	Post views 2642	Post engagement 291
December	3259 total followers	Post views 5200	Post engagement 986

3. VISITOR FIGURES

Year	2021-22	2022-23	2023-24 YTD	2024-25 YTD	2025-26 YTD
Visitor Numbers YTD			13,597	14,687	14,296

Key Project Update

WINDSOR OFF-LEASH GREYHOUND AREA



West Tamar greyhound families have a reason to celebrate with the opening of the municipality's first dedicated off-leash area for greyhounds at the Windsor Community Precinct.

Mayor Christina Holmdahl said that the development of the innovative space marked a significant step forward in promoting responsible pet ownership and providing a safe, inclusive environment for one of Tasmania's most beloved breeds.

At a cost of $27,000, the new 1350-square-metre enclosure, complete with shaded seating and secure fencing tailored to the high-speed needs of greyhounds, was developed in response to community feedback and a growing demand for breed-specific facilities.

The greyhound run forms part of a broader Council-funded dog park upgrade program, which will see a significant number of dog parks across the municipality upgraded to include shaded shelters, seat, dog exercise equipment and fresh water.

"Greyhounds are gentle giants with an incredible zest for life, and they've long been cherished members of our West Tamar community for many years – with almost 200 of their breed registered in our municipality," said Mayor Holmdahl.

She said that the need for a specific "greyhound dog area" stems from the breed's unique characteristics as the fastest dog breed in the world and the need for a large, safe, fenced space to run at full speed without risk of injury or escape.

Key Project Update



"Opening this dedicated off-leash space is more than just a park — it's a celebration of the unique bond between these elegant athletes and their families and will ensure that greyhounds can stretch their legs," Mayor Holmdahl said."

"Council is thrilled to be in a position to provide this facility and at the same time, create a haven where greyhounds can play freely and socialise safely, and thrive.

"This facility – now the fourth of its of its kind in Tasmania – underscores our commitment to enhancing the wellbeing of all residents, both two-legged and four-legged."

Greyhound welfare advocate Rosie Saville of Greyt Expectations Tasmania said these types of facilities are of the utmost importance for the health and wellbeing of greyhounds, both mentally and physically.

"Greyhounds spend their young life racing – then once adopted as pets they often don't have an opportunity to run as by law, they are not permitted in all breeds off leash areas," Ms Saville said.

"It is an imperative that all councils recognise their needs and provide for these beautiful gentle dogs that have certainly earned a happy life as a pet.

"These areas provide a safe area for them to socialise with other greyhounds and room to stretch their long limbs before doing what they do best, snoozing on the couch.

"Our pet greyhound community applauds West Tamar Council for listening to our needs which will also guarantee the adoption of more greyhounds. We hope to see more councils come on board.".

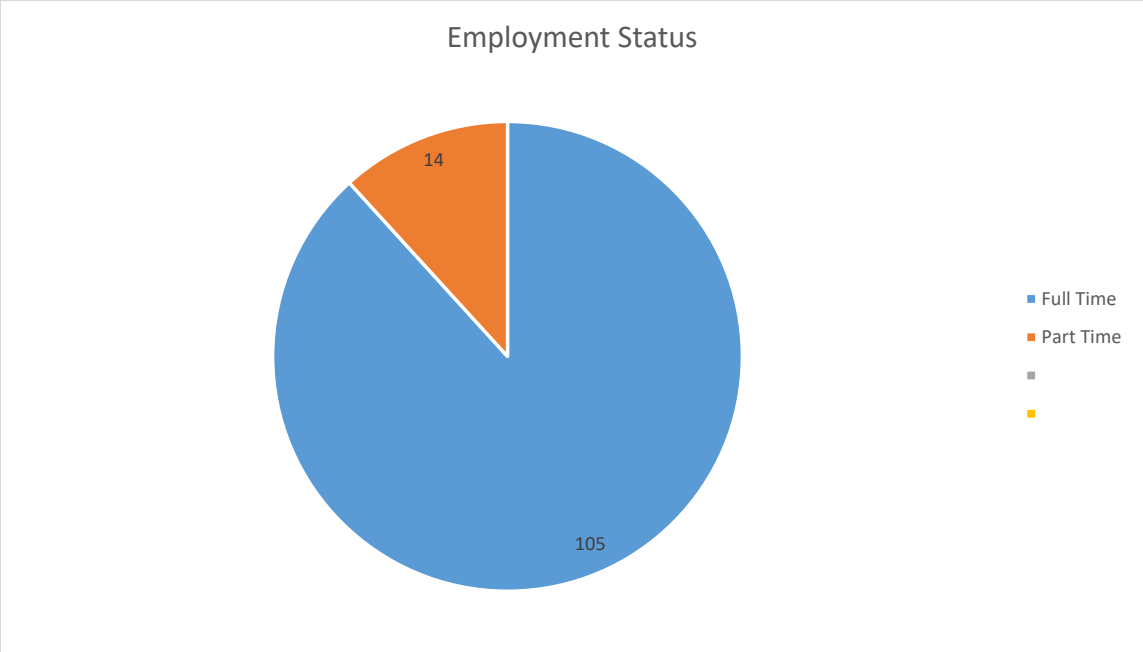
Workforce

At the end of the reporting period Council had a headcount of 119 employees. This equated to an establishment of 106.24 FTE.

Council has budgeted 118 FTE establishment for the 2025/26 year.

Council continues to work through the process of filling current staff vacancies.

The workforce profile can be found in the chart below:



Five staff departed Council during this period (including casual and part-time employees), with six new staff members joining Council during the same period.

The turnover rate for the quarter was approximately 4.3 per cent.

Incident Reporting

The chart below sets out the October through to December 2025 incidents reported along with the total numbers of hazards reported through Council's Take 5 process.

Description	October	November	December	Total Incidents
Near miss	1	2	1	4
Minor first-aid injury	3	8	1	12
Serious injury	0	0	0	0
Equipment/property/vehicle damage	3	1	5	9
Psychosocial hazards	0	0	1	1
Serious or Notifiable incidents	1	0	0	1
Minor incident (other)	1	3	17	21
Total incidents	**9**	**14**	**25**	**48**

Incident severity	Low	Medium	High	Critical
	32	13	3	0

Appendix 1 – Operational Summary

Operational Report
December Quarter 2025-26

	Actual Quarter Oct - Dec 25 $'000	Budget Quarter Oct - Dec 25 $'(000)	Variance $'(000)	Annual Budget $'(000)
Recurrent Income				
Fees & Charges	(954)	(854)	100	(3,667)
Grants Current	(563)	(1,113)	(549)	(5,496)
Interest	(151)	(105)	46	(920)
Investment Water Corporation	(180)	(164)	16	(656)
Other Income	(59)	(44)	15	(444)
Rates	(99)	(107)	(8)	(27,406)
Total Recurrent Income	(2,007)	(2,386)	(380)	(38,588)
Expenditure				
Depreciation	1,927	1,948	21	7,791
Employee Costs	3,409	3,755	345	14,126
Finance Charges	0	0	0	2
Materials & Services	2,810	3,042	231	12,853
Other Operating Expenses	195	315	120	1,521
Statutory Contributions	428	0	(428)	1,713
Total Underlying Expenditure	8,770	9,060	290	38,005
Net loss on disposal	11	0	(11)	475
Underlying (Surplus)/Deficit	6,774	6,673	(100)	(108)
Timing Federal Assistance Grant	0	0	0	0
Capital Grants	(532)	(948)	(416)	(7,378)
Net (Surplus)/Deficit	6,242	5,726	(516)	(7,486)

Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
	Transport Capital					
	Bridges					
1	Guard Rail upgrades to bring steel rails to current standards	60002	91	0	90	C
2	Beaconsfield, Tattersalls Rd, bridge 1328 over Anderson Crk - superstructure replacement and guardrail	60015	6	140	201	P
	Bridges Total		**97**	**140**	**291**	
	Footpaths					
3	Beaconsfield, Shaw Street, Cornwall to Fysh St	60235	14	0	160	P
4	Beaconsfield, Archer St, Grubb St to Shaw St	60236	5	0	160	P
5	Beauty Point, Kitchener Av, Flinders St to Esplanade	60237	1	0	5	P
6	Beauty Point, Beatty St, additional works	60220	9	0	10	C
7	Gravelly Beach, river edge retaining wall and footpath near boat ramp	60238	0	0	150	P
8	Riverside, Grinter Street, from Francis St to No 33, investigate and design	60239	2	0	20	P
9	Trevallyn, Bowen Avenue - footpath	60232	(10)	0	0	C
10	Riverside, Pendennis Street - footpath	60233	19	0	20	C
11	Beaconsfield, Cornwall Street - footpath	60234	62	0	65	C
	Footpaths Total		**102**	**0**	**590**	
	Gravel Resheeting					
12	Gravel Resheet Program	64013	136	0	400	A
	Gravel Resheeting Total		**136**	**0**	**400**	
	Road Reseals					
13	Reseal Program Annual Allocation	61000	14	136	700	P

Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
	Road Reseals Total		**14**	**136**	**700**	
Urban Streets						
14	Beauty Point, West Arm Rd, Kitchener Ave to Mainwaring Street, kerb and channel - design 25/26	63139	1	0	10	P
15	Blackwall, 29 to 45 Gravelly Beach Road, kerb and channel	63142	7	0	70	P
16	Legana, Legana Boulevard Main Street, extend to Fulton St stage 3	63143	8	0	100	P
17	Riverside, New Ecclestone Rd, property access road reconstruct at No 45	63144	0	0	50	N
18	Riverside, Riverside Drive, No 31 to No 71, retaining wall construction and pavement repairs	63145	0	0	50	P
19	Riverside, Ecclestone Rd, New Ecclestone Rd to Allison Ave, design new retaining wall	63146	2	0	20	P
20	Riverside WTH, verge treatment Cormiston Rd to creek approx 200m.	63147	3	0	70	P
21	Beaconsfield, Julian St, upgrade Weld St to Bell St	63140	2	0	150	P
22	Beaconsfield streetscape improvement plan	63116	1	0	40	P
23	Design works - various infrastructure projects	69061	8	0	80	P
24	Legana, Bindaree Rd, retrofit roundabout, Ridge Rd to Bindaree Rd - in stages	63103	3	0	50	P
25	Riverside, Pitt Av, k&c and footpath from Cherry Ave to Anthony St	63137	4	0	720	P
27	Trevallyn, Cherry Road, reconstruct between Newland St and exisiting kerb	63100	0	0	11	C
	Urban Streets Total		**39**		**1,421**	
Rural Roads						
28	Deviot Rd retaining wall, design 24/25	64062	20	0	838	P
29	Notley Hills Rd reconstruction	64092	6	215	300	P
30	Road guardrail upgrades	64093	0	0	20	N

Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
31	Rosevears Drive, from Brady's Lookout Rd south 300m	64088	5	0	375	P
32	Rosevears, Brady's Lookout Rd, + 175m reconstruct	64087	15	8	375	P
33	Sidmouth, Valley Rd, upgrade pavement and seal, stage 1	64089	16	51	250	P
34	Bridgenorth Rd/Long Plains Rd, intersection improvement. grant funded	64058	0	0	10	P
35	Grindelwald, Atkinsons Rd, road base, drainage, kerb and channel further stage	64051	334	0	367	C
	Rural Roads Total		**396**	**274**	**2,535**	
Total Transport			**784**	**549**	**5,937**	
Stormwater						
36	Beauty Point, 31 Esplanade, stormwater line to reduce flooding	65131	9	62	60	A
37	Beauty Point, Eton street, SW	65134	0	0	60	P
38	Lanena, Paringa Av, pipe open channel to improve capacity and mitigate fooding risk	65135	4	0	150	P
39	Riverside, New Ecclestone Rd, extend road side drain pipe to creek	65136	34	0	250	P
40	Beauty Point, Flinders St, stormwater upgrade exisiting culvert to open drain at No 32 Flinders St - Design	65132	0	0	50	N
41	Emergency infrastructure works and unplanned infrastructure contributions, budget allocation	69056	45	40	75	P
42	Legana, Jetty Rd, drainage works to mitigate flooding Beach Rd, investigate and design	65133	0	0	10	N
	Stormwater Capital Total		**92**	**102**	**655**	
Waste Management						
43	Beaconsfield, Waste Transfer Station barrier	65910	2	0	100	P
44	Exeter Depot wash bay improvements	65911	0	0	50	P
	Waste Management Capital Total		**2**	**0**	**150**	

Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
	Community, Recreation, Parks & Reserves Capital					
45	Beauty Point Cricket Club, toilet upgrade	67295	0	0	10	P
46	Bridgenorth Football Club, electronic scoreboard - $25,000 grant dependant	67296	20	0	45	A
47	Clarence Point Hall, heating/electrical upgrade	67300	9	0	12	C
48	Dog parks, amenities improvement program	67301	37	19	60	A
49	Greyhound off leash area	67303	29	0	40	C
50	Legana Hall, upgrade design	67304	0	0	20	P
51	Legana Tennis Club, rebuild retaining wall	67305	2	24	20	P
52	Parks various, fencing provision	67306	0	0	25	A
53	Pontoon capital maintenance, $276k grant dependent	67307	1	325	358	P
54	Riverside Tennis Club, kitchen upgrade	67308	1	0	50	P
55	Riverside Windsor Park, resurface for Olympic 2 ground	67309	4	0	1,500	A
56	Rowella Hall, improvements	67310	0	0	10	P
57	Riverside Tennis Club, upgrade lights to LED	67311	33	0	40	C
58	Riverside, Windsor Park, Launceston Football Club. replace urinal	67312	0	9	10	A
59	Riverside Tennis Club, upgrade mens urinal	67313	0	8	10	A
60	Riverside Olympic Football Club, general joinery changerooms	67314	0	0	20	P
61	Riverside Olympic Football Club, spectator seating	67315	15	0	15	C
62	Barbeque and shelter replacement program ongoing	67269	0	0	35	P
63	Beaconsfield Cemetery, expand capacity and improvements	67240	0	0	50	N
64	Beaconsfield Lions lookout upgrade	67271	0	0	8	C
65	Beaconsfield Grubb Recreation St public toilet renewal, design 24-25	67290	5	0	250	P
66	Beaconsfield Mine and Heritage Centre, CCTV upgrade	67288	11	0	11	A
67	Beaconsfield basketball ring, 1/3 court RSL Park	67209	31	4	35	C
68	Brady's Lookout capital maintenance	67273	0	0	40	N

Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
69	Exeter Community Park, Exeter Arts facility - investigate / design 25/26	67179	2	0	20	P
70	Exeter RV parking design	67321	6	0	65	P
71	Exeter, Goat track trail upgrades, West Tamar Landcare	67302	0	0	20	P
72	Gravelly Beach Foreshore Project, partially Cmwlth funded	67201	698	60	1,130	A
73	Greens Beach Caravan Park, sewerage upgrade	67286	0	0	265	N
74	Green Beach Masterplan implementation stage 1 - State grant	67292	10	19	150	P
75	Kayena, Bonnie Beach, retaining structure and toilet ramp	67275	0	0	55	N
76	Kelso toilet & carpark, $150k grant component	67254	280	125	445	A
77	Legana Orchard estate Jonagold Gold Playground	67293	83	222	344	P
78	Legana Park design and toilets renewal	67294	0	0	300	N
79	Legana future recreational developments	67251	102	5	350	A
80	Legana Basketball and Community Centre - Cmwlth funded	67320	2	0	5,000	N
81	Playground renewal program (PRP)	67106	46	60	100	A
82	Riverside Swimming Centre, capital maintenance	67225	173	251	450	A
83	Tourism & Entrance signage	67298	0	0	65	N
84	Frankford Cemetery plinths	67319	0	0	5	N
85	Beauty Point foreshore master plan, partially Cmwlth funded	67200	242	1	276	C
86	Beaconsfield Community Centre, internal improvements	67287	0	0	11	A
87	Exeter Community Hub, kitchen upgrade, cabinetry, oven & deepfryer	67214	0	0	14	N
88	Riverside Office, dog cage enclosure 2 bay	67265	0	0	7	N
89	Trevallyn dam, signage water quality	67297	0	0	6	A
90	Winkleigh Hall AV audio visual installation	67322	2	2	8	P
	Community, Recreation, Parks and Reserves Capital Total		**1,845**	**1,132**	**11,760**	

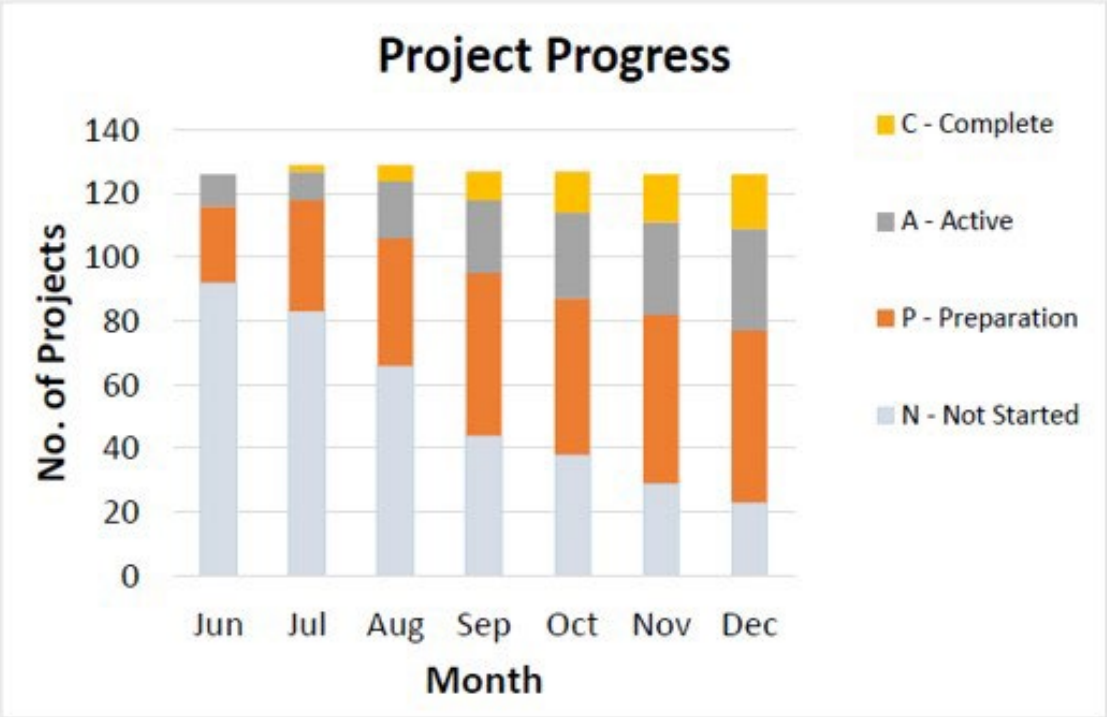
Appendix 2 – Capital Works Program

	Capital Works Report December YTD Reporting	Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
Information Technology						
91	Hardware / User Devices	68536	5	0	70	A
92	Software, expense management system	68543	0	0	10	N
93	Software, WTC Software suite enhancement	68504	0	0	75	P
94	Tablets - WHS Online	68544	0	0	15	N
95	Ethernet wiring upgrade, Riverside	68540	0	0	10	P
96	UPS Batteries / upgrades	68507	9	0	10	A
97	Monitors bulk buy	68541	2	0	5	A
	Information Services Capital Total		**16**	**0**	**195**	
Purchase of Individual & Corporate Assets						
98	Exeter Depot, shade shelter	69082	12	0	20	A
99	Exeter Depot, SES shed minor extension - design	69083	0	0	10	R
100	Exeter - Tamar Visitor Centre - refurbishment	69084	2	0	20	A
101	Exeter Depot, back-up generator and wiring	69085	0	0	30	P
102	Riverside Office, accessibility access - design	69091	0	0	20	N
103	Riverside Office, shower installation	69086	0	0	15	P
104	Windsor Community Precinct, indoor training centre - replace nets & flooring	69087	98	6	150	A
105	Windsor Community Precinct, undercover seating outside pharmacy	69088	0	0	15	N
106	Windsor Community Precinct, Council Chambers establishment	69081	124	0	120	C
107	Windsor Community Precinct, install LEDs	69089	0	0	40	P
108	Windsor Community Precinct, install LED lights throughout Medical Practice	69090	0	7	8	A
109	Exeter Depot, security improvements	69068	0	26	40	P
110	Exeter Depot, design Property Services shed	69067	0	0	20	N
111	Organisation unified alarm system & surveillance- in stages	69053	0	0	70	A

Appendix 2 – Capital Works Program

Capital Works Report December YTD Reporting		Work No	YTD Actual $'(000)	On Order $'(000)	Amended Budget $'(000)	Code
112	Windsor Community Precinct, CCTV & security lighting upgrade	69075	0	0	49	P
113	Windsor Community Precinct, directional signage program	69078	0	0	16	N
114	Xmas decorations, B'fld & Exeter	69033	2	99	100	P
115	Health & Safety asset purchases	69092			20	A
116	Beaconsfield Depot facility improvements	69071	0	0	40	N
118	Legana, Industrial Estate extension	69064	94	8	350	C
120	Windsor Community Precinct, chambers council chairs - bulk buy	69076	0	0	10	C
	Purchase of Individual Assets Total		**332**	**149**	**1,163**	
Purchase of Grouped Assets						
121	Furniture, fittings and equipment	69500	37	11	75	A
123	Land and buildings	69510	56	0	410	A
122	Fleet and equipment	69502	36	11	118	A
124	Tractors & machinery	69520	0	0	41	N
125	Trucks	69530	78	0	503	A
126	Mowers	69540	0	0	50	N
127	Utilities and vans	69550	0	0	216	N
128	Sedans and wagons	69560	74	0	238	A
	Purchase of Grouped Assets Total		**282**	**22**	**1,651**	
Sale/Disposal of Assets						
129	Sale of Recreation, Parks & Reserve Assets	69809	0	0	0	
129	Disposal of land and buildings	69800	(32)	0	(3,000)	A
130	Disposal of plant (trade and tender)	69810	(70)	0	(322)	A
	Sale of Assets Total		**(102)**	**0**	**(3,322)**	
	Total Capital Purchases		**3,354**	**1,954**	**21,511**	
	Total Capital Sales		**(102)**	**0**	**(3,322)**	
	Total Net Capital Works		**3,252**	**1,954**	**18,190**	

Appendix 2 – Capital Works Program



Appendix 3 – Annual Plan Report

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
1	Community Assets	Ongoing monitoring and reporting on Beach Road Landslip	**Progressing as expected**	25%	Monitoring ongoing. Report from consultant and MRT prepared for Council discussion at a November Council Workshop.	**Progressing as expected**	100%	Ongoing monitoring as per recommended by the Consultant's report.
2	Community Assets	Complete Beaconsfield streetscape development concept plans	**Progressing as expected**	Not Yet Started	Project work to commence in late October/early November following arrival of new staff.	**Progressing slower than expected**	10%	Preliminary work underway.
3	Community Assets	Completion of stage 2 works for the Gravelly Beach Masterplan	**Progressing slower than expected**	5%	Work has commenced at northern end of project site.	**Progressing as expected.**	90%	Works are predominantly completed. Awaiting GeoTech report to support EPA approval.
4	Community Assets	Progress approval process and construction for Stage 1 works for the Greens Beach Masterplan	**Progressing slower than expected**	5%	Preliminary engineering drawings complete and submitted to Parks with RAA application documentation.	**Progressing slower than expected**	10%	Further assessments in relation to the Parks RAA application underway.

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
5	Community Assets	Delivery of a new Legana Orchards Playground	**Progressing as expected**	10%	Tender submissions for first stage of site work due mid-October and will be presented to Council Meeting in November for approval. Tender for Stage 2 (playground) works anticipated to be issued early November and presented to Council Meeting for approval in December.	**Progressing slower than expected.**	20%	Contracts have been awarded. Stage 1 work to start mid-February 2026 to be completed end of Feb. Stage 2 to follow on with anticipated completion due end of April.
6	Community Assets	Complete design for extension of Tatana Way through to Fulton Street	**Progressing as expected**	5%	Project scoping underway.	**Progressing as expected.**	20%	Legana Master Plan now available in draft to guide design.
7	Community Assets	Construction of greyhound off leash exercise area at Windsor	**Progressing as expected**	80%	Anticipated completion late October	**Progressing as expected.**	100%	Completed October 2025.
8	Community Assets	Complete program for improvement of amenities at existing dog exercise areas with all areas having a minimum of water and seating available	**Progressing as expected**	80%	Anticipated completion November	**Progressing slower than expected**	90%	Delays with water supply to Gravelly Beach and Tanner Drive, Legana locations.

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
9	Community Assets	Progression of the design and building of the Legana Basketball Courts and Community Centre	**Progressing as expected**	Not Yet Started	Master planning work for the development almost complete.	**Progressing slower than expected**	10%	RFP preparation underway, to be included in Council strategic workshop in Q3.
10	Community Assets	Progression of the design and building of the Legana Cricket Club rooms	**Progressing as expected**	Not Yet Started	Project scoping and consultant procurement to commence in Q2.	**Progressing slower than expected**	10%	RFP preparation underway, to be included in Council strategic workshop in Q3.
11	Community Assets	Completion of storm water management plan for Greens Beach.	**Progressing as expected**	35%	Draft consultant modelling report submitted for review.	**Progressing as expected.**	35%	Draft consultant modelling report submitted for review.
12	Corporate & Community	Review and update the rolling Financial Management Strategy & Long Term Financial Plan	**Progressing slower than expected**	15%	Discussions ongoing with the CEO on the influence of Legana recreation developments and riverside pool life to the Long Term Financial Management Plan.	**Progressing slower than expected**	50%	Awaiting discussions on the impact of Legana Recreation developments to the LTFMP
13	Corporate & Community	The level of gross rates outstanding end of each quarter to be: - 30 September 2025 – <=55% - 31 December 2025 – <=35% - 31 March 2026 – <=19% - 30 June 2026 – <=5%	**Progressing as expected**	100%	Meeting budgeted forecast.	**Progressing as expected**	100%	Q2 – 34 per cent.

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
14	Corporate & Community	Complete the implementation of Microsoft 365	**Progressing as expected**	50%	Progressing as expected	**Progressing slower than expected**	30%	Implementation steps for Sharepoint/Teams have been made with Community Services. Being initial migration between departments will be able to achieve a more tailored rollout with learnings gained from this implementation. Common Drives also being migrated.
15	Corporate & Community	Commence development of a digital transformation strategy	**Progressing as expected**	10%	Initial discussions between Senior Technology officer and Director Corporate & Community undertaken	**Progressing as expected**	10%	Initial discussions between Senior Technology officer and Director Corporate & Community undertaken
16	Corporate & Community	Develop and embed the Snap Send Solve platform into Customer Service processes	**Progressing as expected**	80%	Ongoing	**Progressing as expected**	100%	Completed. Riverside CSO's competent in actioning SSS tasks with only minor referrals. SSS fully embedded in

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
								website and promoted by Comms.
17	Corporate & Community	Complete review of West Tamar Council Social Recovery Plan	**Progressing slower than expected**	Not Yet Started	Not yet started	**Progressing as expected**	20%	Information gathering commenced.
18	Corporate & Community	Complete review of West Tamar Recreation Plan and develop an implementation plan	**Progressing slower than expected**	Not Yet Started	Not yet started	**Progressing as expected**	0%	Not commenced.
19	Corporate & Community	Complete the Beaconsfield Recreation Plan	**Progressing as expected**	50%	Consultant engaged and project plan completed.	**Progressing as expected.**	85%	Draft strategy due 23/1/26
20	Corporate & Community	Develop and introduce an Implementation Plan to assist delivery of Council relevant objectives of the Community Health and Wellbeing Plan	**Progressing slower than expected**	10%	Officers are currently exploring reporting options.	**Progress as expected.**	50%	Draft report underway
21	Corporate & Community	Review Youth Services Policy and Guidelines	**Progressing as expected**	10%	Youth Development Officer initial review underway.	**Progressing as expected.**	25%	YDO initial review underway – marked up doc changes on current policy
22	Corporate & Community	Review of Positive Ageing Committee strategy and program	**Progressing as expected**	10%	Progressing well, with new Terms of Reference anticipated to be ready for Council endorsement in quarter two.	**Progressing as expected.**	10%	Initial survey to PAC has been completed to start the terms of reference structure.
23	Planning & Development	Finalise the West Tamar Growth Strategy.	**Progressing as expected**	75%	Progressing as expected	**Progressing as expected**	100%	Completed

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
24	Planning & Development	Finalise the Legana Structure Plan review	**Progressing as expected**	50%	Progressing as expected	**Progressing as expected**	75%	
25	Planning & Development	Identify and progress priority amendments to the West Tamar Local Provisions Schedule to implement the Growth Strategy and Structure Plans.	**Progressing as expected**	Not Yet Started	Not due to commence until January 2026	**Progressing as expected**	0%	Not expected to commence until January 2026
26	Planning & Development	Explore opportunities for additional resource sharing arrangements within local government	**Progressing as expected**	Ongoing	Ongoing	**Progressing as expected**	Ongoing	Have undertaken some planning work for Dorset and Break O'Day. Ongoing.
27	Planning & Development	Scope the 5 year review of the West Tamar Local Provisions Schedule	**Progressing as expected**	Not Yet Started	Not due to commence until January 2026	**Progressing as expected**	0%	Not expected to commence until January 2026
28	People & Culture	Complete an Employee Mental Health Strategy	**Progressing as expected**	25%	Progressing as expected	**Progressing as expected**	50%	
29	People & Culture	Development of new safety reporting guidelines	**Progressing as expected**	75%	Well progressed	**Progressing as expected**	100%	Q2 completed.
30	People & Culture	Finalise implementation of Council's Scout recruitment platform	**Progressing as expected**	75%	Onboarding to be tested and ensure ready for use from October 25	**Progressing as expected**	100%	Completed
31	People & Culture	Complete a full review of Volunteers recruitment, induction processes	**Progressing as expected**	25%	Initial work on this review has commenced	**Progressing as expected**	25%	

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
32	People & Culture	Develop and implement a new development review process aligned with the capability framework	**Progressing slower than expected**	Not Yet Started	New framework outline to be drafted in quarter two	**Progressing as expected**	10%	
33	People & Culture	Ensure that Child Safety, Emergency Management, Work Health & Safety, and Human Resources responsibilities are incorporated in all policies as they are reviewed	**Progressing slower than expected**	Not Yet Started	Not yet started	**Progressing as expected**	25%	
34	Office of the CEO	Identify and execute land sales at Innova Business Park	**Progressing as expected**	25%	Ongoing	**Progressing as expected**	50%	
35	Office of the CEO	Develop a Rate Reduction Strategy for Council adoption	**Progressing as expected**	Not Yet Started	Consultation with Councillors to commence in December 2025	**Progressing as expected**	50%	
36	Office of the CEO	Complete a governance review for all Section 24 Council Committees	**Progressing as expected**	Not Yet Started	Due to commence in quarter two with the review of the Terms of Reference for the Positive Ageing Committee	**Progressing as expected**	25%	Terms of Reference for Positive Ageing Committee adopted in
37	Office of the CEO	Complete feasibility study of the West Tamar Trail Strategy (Tailrace Park to Rosevears)	**Progressing as expected**	50%	Pitt & Sherry have been engaged to undertake feasibility work.	**Progressing slower than expected**	50%	
38	Office of the CEO	Completion of a review of the West Tamar Council Strategic Risk Register	**Progressing as expected**	50%	Risk workshops with Marsh completed	**Progressing as expected**	75%	Increase in scope to incorporate additional

No.	Directorate	Annual Plan Action	On Track?	Target Status Q1 July-September	Status Update/Notes	On Track?	Target Status Q2 October - December	Status Update/Notes
								activities including Risk Management Framework refresh
39	Office of the CEO	Complete a review of Council's Community Strategic Plan	**Progressing as expected**	25%	Progressing as expected	**Progressing as expected**	50%	
40	Office of the CEO	Complete the fit out of the Windsor Council Chambers to enable live streaming of Council meetings	**Progressing as expected**	95%	Progressing as expected	**Progressing as expected**	100%	Completed
41	Office of the CEO	Continue advocating strongly for the upgrade of TasWater infrastructure in Legana and Exeter	**Progressing as expected**	25%	Ongoing	**Progressing as expected**	50%	
42	Office of the CEO	Ensure that the Riverside Swimming Centre Redevelopment Advisory Committee meets at least quarterly and provides ongoing reporting of its work to Council	**Progressing as expected**	25%	Ongoing	**Progressing as expected**	50%	
43	Office of the CEO	Complete a review of all Council land holdings	**Progressing slower than expected**	25%	Review has commenced	Progressing slower than expected	25%	
44	Office of the CEO	Complete a review of all regional partnership arrangements	**Progressing as expected**	Not Yet Started	Due to commence in quarter two	**Progressing as expected**	25%	

*NB Progress on Annual Plan Actions is monitored by a traffic light system:

- Green for “Progressing as Expected”
- Amber for “Progressing Slower than Expected”
- Red for “Not Progressing”

Appendix 4

Outstanding Motions

Note: Council motions that are completed will be removed from this list for the next Quarterly Reporting period

Minute No.	Date	Motion	Resolution	Action
Office of the Mayor				
25/C54	18/11/2025	**Confidential 1 - Adoption of the Chief Executive Officer Performance Agreement 2025/26** *As per resolution*		Completed
Office of the Chief Executive Officer				
24/140	19/11/2024	**Cr Sladden - Motion on Public Advocacy on Reported DNA Contamination in COVID-19 Vaccines** *As per resolution*		Completed - Ongoing
25/105	19/08/2025	**Motion without Notice – Acknowledgment of Country** *As per resolution*		Deferred
25/125	16/09/2025	**Motions without Notice – Cr Larner - Safe System Assessment of Gravelly Beach Road** That the motion be deferred until the October Workshop.		Deferred
25/126	16/09/2025	**Motions without Notice – Cr Larner – Amendments to the Local Provision Schedule of Gravelly Beach** That the motion be deferred.		Deferred
25/128	21/10/2025	**Confirmation of Minutes of Meeting held 16 September 2025** That the Minutes of Council's Ordinary Meeting held on 16 September 2025 numbered 25/108 to 25/127 as provided to Councillors be received and confirmed as a true record of proceedings.		Completed
25/132	21/10/2025	**CEO 1 - Council Workshops held in September and October** That Council receives the report on Council Workshops held on 16 September 2025, 7 October 2025 and 14 October 2025		Completed
25/133	21/10/2025	**CEO 2 - 2024/2025 Annual Report**		Completed
25/134	21/10/2025	**CEO 3 - Local Government Amendment (Targeted Reform) Bill 2025 Submission**		Completed

25/136	21/10/2025	**CEO 4 - Future of Local Government Review - Councillor Numbers Discussion Paper Submission**	Completed
25/144	21/10/2025	**Cr Larner - Proposed Motion for LGAT regarding State owned banks** *That the motion be put.*	Completed
25/145	21/10/2025	**Into Closed Meeting** *As per resolution*	Completed
25/C48	21/10/2025	**Confirmation of Minutes of Closed Meeting held 16 September 2025** That the Minutes of Council's Closed Ordinary Meeting held on 16 September 2025 numbered 25/C42 to 25/C47 as provided to Councillors be received and confirmed as a true record of proceedings.	Completed
25/C52	21/10/2025	**Move Out of Closed Meeting** That Council moves out of Closed Meeting at 4.31pm; and endorses those decisions made while in Closed Meeting; and the information remains Confidential unless authorised to be released at the Chief Executive Officer's discretion.	Completed
25/146	18/11/2025	**Confirmation of Minutes of Meeting held 19 November 2024** That the Minutes of Council's Annual General Meeting held on 19 November 2024 numbered 24/134 to 24/137 as provided to Councillors be received and confirmed as a true record of proceedings.	Completed
25/147	18/11/2025	**Motion - Mr P Kearney** 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	Completed
25/148	18/11/2025	**Motion without Notice – Mr J Walker** 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.	Completed
25/149	18/11/2025	**Motion without Notice - Mr P Kearney** West Tamar Council initiates a Council Award called the "Geoff Dickinson Best and Fairest Memorial Award"	Completed
25/150	18/11/2025	**Confirmation of Minutes of Meeting held 21 October 2025** That the Minutes of Council's Ordinary Meeting held on 21 October 2025 numbered 25/128 to 25/145 as provided to	Completed

		Councillors be received and confirmed as a true record of proceedings.	
25/151	18/11/2025	**Motions Passed at the Annual General Meeting** *As per resolution*	Completed
25/155	18/11/2025	**CEO 1 - Council Workshops held in October and November** That Council receives the report on Council Workshops held on 21 October 2025 and 4 November 2025.	Completed
25/156	18/11/2025	**CEO 2 - Council Meeting Dates 2026** *As per resolution*	Completed
25/157	18/11/2025	**CEO 3 - Appointment of Acting Chief Executive Officer** *As per resolution*	Completed
25/158	18/11/2025	**CEO 4 - 1st Quarter Performance Report - July to September 2025** That Council receives the West Tamar Council 1st Quarter Performance Report 1 July 2025 to 30 September 2025 and provides public access to the report as part of Council's commitment to ongoing good governance.	Completed
25/159	18/11/2025	**CEO 5 - Advocacy for TasWater for Legana** That Council authorise the Chief Executive Officer to sign the proposed submission to the Economic Regulator advocating support for TasWater's infrastructure upgrade plans - specifically the commencement of the Ti-Tree Bend sewage treatment plant - proposed in its Price and Services Plan 5 for the regulatory period 2026-2030.	Completed
25/167	18/11/2025	**Motion on Notice - Stormwater** That Council engage the Council Engineer to prepare a stormwater report for Teggs Road.	In progress
25/168	18/11/2025	**Motion without Notice – Eden St Park** That Council request the CEO to investigate and prepare a report to workshop, including design options and costings, for repurposing the vacant corner block on Eden Street into a fenced, smal dog park, with a view to including the project in the 2026-27 budget if supported by Council.	In progress
25/170	18/11/2025	**Motion without Notice – Recognition** That West Tamar Council formally recognises the contribution of the late Mr Geoff Dickinson to the West Tamar Community and his invaluable presentations to Council Meetings.	Completed
25/171	18/11/2025	**Into Closed Meeting** *As per resolution*	Completed
25/C53	18/11/2025	**Confirmation of Minutes of Closed Meeting held 21 October 2025**	Completed

		That the Minutes of Council's Closed Ordinary Meeting held on 21 October 2025 numbered 25/C48 to 25/C52 as provided to Councillors be received and confirmed as a true record of proceedings.	
25/C58	18/11/2025	**Move Out of Closed Meeting** That Council moves out of Closed Meeting at 5.20 pm; and endorses those decisions made while in Closed Meeting; and the information remains Confidential unless authorised to be released at the Chief Executive Officer's discretion.	Completed
25/172	16/12/2025	**Confirmation of Minutes of Meeting held 18 November 2025** 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.	Completed
25/172	16/12/2025	**Late items – Cr Manticas - Support for the Jewish Community** *As per resolution*	Completed
25/175	16/12/2025	**CEO 1 - Council Workshops held in November & December** That Council receives the report on Council Workshops held on 18 November, 19 November, 25 November, 2 December and 9 December 2025.	Completed
25/176	16/12/2025	**CEO 2 - AGM Motion - P Kearney - Request for Memorial Award** *As per resolution*	In progress
25/177	16/12/2025	**CEO 3 - AGM Motion - P Kearney - Affordable Housing** *As per resolution*	In progress
25/178	16/12/2025	**CEO 4 - AGM Motion - J Walker - Investigation into TasWater** *As per resolution*	In progress
25/179	16/12/2025	**CEO 5 - Northern Tasmania Development Corporate - Quarterly Report July - September 2025** *As per resolution*	Completed
25/187	16/12/2025	**Motion - Cr Holmdahl - Request to write to Traffic Commissioner regarding Danbury Park area** *As per resolution*	Completed
25/188	16/12/2025	**Cr Manticas - Support for the Jewish Community** *As per resolution*	Completed
25/C59	16/12/2025	**Confirmation of Minutes of Closed Meeting held 18 November 2025** That the Minutes of Council's Closed Ordinary Meeting held on 18 November 2025 numbered 25/C53 to 25/C58 as provided to	Completed

		Councillors be received and confirmed as a true record of proceedings.	
25/C60	16/12/2025	**Cr Sladden - Leave of Absence Request** *As per resolution*	Completed
25/C61	16/12/2025	**Confidential 1 - West Tamar Council Australia Day Award Nominations 2026** *As per resolution*	Completed
25/C62	16/12/2025	**Confidential 2 - Riverside Swimming Centre Redevelopment Advisory Committee Minutes - November 2025** *As per resolution*	Completed
25/C66	16/12/2025	**Move Out of Closed Meeting** That Council moves out of Closed Meeting at 4.39pm; and endorses those decisions made while in Closed Meeting; and the information remains Confidential unless authorised to be released at the Chief Executive Officer's discretion.	Completed
Governance			
25/160	18/11/2025	**Gov 1 - Council Meeting Engagement Policy** *As per resolution*	Completed
25/161	18/11/2025	**Gov 2 - Positive Ageing Committee (PAC) Terms of Reference** *As per resolution*	Completed
25/180	16/12/2025	**Gov 1 - West Tamar Council Audit Panel Minutes** 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.	Completed
Corporate & Community			
25/137	21/10/2025	**Comm 1 - Youth Advisory Council Minutes - September 2025** That Council receives and notes the minutes as presented for the Youth Advisory Council Meeting held on 18 September 2025.	Completed
25/138	21/10/2025	**Comm 2 - Positive Ageing Committee Meeting Notes - September 2025** That Council receives and notes the meeting notes as presented for the West Tamar Positive Ageing Committee meeting held on 22 September 2025.	Completed
25/139	21/10/2025	**Comm 3 - Community Grant - Legana Early Learning Centre** Approve the Legana Early Learning Center's community grant application seeking funding to assist with the completion of stage one of their project to replace three separate aging storage sheds with one streamlined new build for $5,000.00, as outlined in the application.	Completed

25/140	21/10/2025	**Comm 4 - Community Grant - The Rotary Club of the West Tamar** That Council approve the Rotary Club of the West Tamar community grant application to assist with the Tamar's Got Talent event to the value of $3,129.00, as outlined in the application.	Completed
25/141	21/10/2025	**Comm 5 - Community Grant - Grindelwald Leisure Garden Estate** Approve Grindelwald Leisure Garden Estates community grant application (partial funding) to the value of $1,500.00 for the purchase of the new/extended watering system outlined in the application.	Completed
25/142	21/10/2025	**Comm 6 - Community Grant - Tamar Sea Rescue** That Council approves the acquittal of Tamar Sea Rescue's successful 2024-2025 grant application from the 2025-2026 community grant funding pool.	Completed
25/162	18/11/2025	**Corp 1 - Capital Works Project Budget Variations** 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.	Completed
25/163	18/11/2025	**Corp 2 - Adjustment to Estimated Capital Works** *As per resolution*	Completed
25/164	18/11/2025	**Comm 1 - Youth Advisory Council Minutes – October** That Council receives and notes the minutes as presented for the Youth Advisory Council Meeting held on 16 October 2025.	Completed
25/165	18/11/2025	**Comm 2 - Positive Ageing Committee Minutes – October** That Council receives and notes the minutes as presented for the West Tamar Positive Ageing Committee held a meeting on 27 October 2025.	Completed
25/166	18/11/2025	**Comm 3 - Community Grant Application - Greens Beach Golf Club** *As per resolution*	Completed
25/C55	18/11/2025	**Confidential 2 - Youth Mayor Program Applications 2026** *As per resolution*	Completed
25/183	16/12/2025	**Comm 1 - Youth Advisory Council Minutes – November** That Council receives and notes the minutes as presented for the West Tamar Positive Ageing Committee held a meeting on 24 November 2025.	Completed
25/184	16/12/2025	**Comm 2 - Positive Ageing Committee Minutes – November**	Completed

		That Council receives and notes the minutes as presented for the West Tamar Positive Ageing Committee held a meeting on 24 November 2025.	
25/185	16/12/2025	**Comm 3 - Community Grant Application - Exeter Services & Community Club** 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.	Completed
25/186	16/12/2025	**Comm 4 - West Tamar Council - Australia Day Grant Applications 2026** *As per resolution*	Completed
Planning & Development			
25/129	21/10/2025	**Plan 1 - PA2025101 - Sport and Recreation (Canoe Polo) - Blackstone Park Drive, Blackstone Heights** *As per resolution*	Completed
25/130	21/10/2025	**Plan 2 - PA2025111 - Visitor Accommodation - Change of Use with access over 380 and 398 Rowella Road - 400 Rowella Road, Kayena** *As per resolution*	Completed
25/131	21/10/2025	**Plan 3 - PA2024357 - Residential - Multiple Dwellings (11 new 1 existing) - 47 Orana Place, Riverside** *As per resolution*	Completed
25/136	21/10/2025	**Dev 1 - Proposed LGAT Motion regarding Immunisation Programs** *As per resolution*	Completed
25/152	18/11/2025	**Plan 1 - PA2025177 Residential - Outbuilding - 171 Paper Beach Road, Swan Point** *As per resolution*	Completed
25/153	18/11/2025	**Plan 2 - PA2025275 - Boundary Adjustment and Residential - Single Dwelling & Outbuilding - 76 & 78 Reatta Road, Trevallyn** *As per resolution*	Completed
25/154	18/11/2025	**Plan 3 - PA2025260 Residential - Multiple Dwellings x 3 - 1 Wivell Street, Legana** *As per resolution*	Completed
25/174	16/12/2025	**Plan 1 - PA2025084 - Multiple Dwellings x 4 - 7-9 Summit Road, Trevallyn** *As per resolution*	Completed
25/181	16/12/2025	**Dev 1 - West Tamar Growth Strategy and Infrastructure Plan** *As per resolution*	Completed

25/182	16/12/2025	**Dev 2 - Delegations under the Land Use Planning and Approvals Act 1993** *As per resolution*	Completed
Community Assets			
153/23	19/12/2024	**Infra 1 – Speed Limit Review Overview** That Council: Endorses the priority list of works as set out above; and Authorises the Chief Executive Officer to prepare all necessary documents for submission to the Department of State Growth for consideration.	In Progress
25/120	16/09/2025	**Asset 2 - Road Safety Review - Winkleigh Road** That Council: Endorses the recommendations of the road safety review for Winkleigh Road between the West Tamar Highway and Glengarry Road; and Authorises the Chief Executive Office to write to the Commissioner for Transport to formally request approval to reduce the 100km/hr posted speed limits on both Winkleigh Road and Flowery Gully Road to 80 km/hr.	In Progress
25/123	16/09/2025	**Cr Manticas - Motion Regarding Construction of Public Toilet at RSL Park, Beaconsfield** That Council starts to investigate costings and identify suitable options and locations for a public toilet at RSL park Beaconsfield and includes this capital item in the next budget with this item fully costed for council consideration.	In Progress
25/143	21/10/2025	**Asset 1 - Capital Works Project Budget Variations** 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.	Completed
25/C49	21/10/2025	**Confidential 1 - Contract No. WTC 26/2025 Windsor Precinct Olympic 2 Reconstruction** *As per resolution*	Completed
25/C50	21/10/2025	**Confidential 2 - Contract No. WTC 22/2025 Refurbish Bonnie Beach and Deviot Pontoons** *As per resolution*	Completed
25/C51	21/10/2025	**Confidential 3 - Contract No. WTC 30/2025 Roadside Slashing Program 2025-2026** *As per resolution*	Completed
25/C56	18/11/2025	**Confidential 3 - Contract No. WTC 23/2025 The Orchards Estate Public Open Space Stage 1** *As per resolution*	Completed

25/C57	18/11/2025	***Confidential 4 - Contract No.WTC 22/2025 Refurbish Bonnie Beach and Deviot Pontoons*** *As per resolution*	Completed
25/C63	16/12/2025	**Confidential 3 - Contract No. WTC 16/2025 Notley Hills Road Reconstruction Stage 3** *As per resolution*	Completed
25/C64	16/12/2025	**Confidential 4 - Contract No. WTC 32/2025 Tattersalls Road Bridge Superstructure** *As per resolution*	Completed
25/C65	16/12/2025	**Confidential 5 - Contract No. WTC 24/2025 The Orchards Estate Public Open Space Playground** *As per resolution*	Completed
25/143	21/10/2025	**Asset 1 - Capital Works Project Budget Variations** 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.	Completed
25/C49	21/10/2025	**Confidential 1 - Contract No. WTC 26/2025 Windsor Precinct Olympic 2 Reconstruction** *As per resolution*	Completed
25/C50	21/10/2025	**Confidential 2 - Contract No. WTC 22/2025 Refurbish Bonnie Beach and Deviot Pontoons** *As per resolution*	Completed
25/C51	21/10/2025	**Confidential 3 - Contract No. WTC 30/2025 Roadside Slashing Program 2025-2026** *As per resolution*	Completed
25/C56	18/11/2025	**Confidential 3 - Contract No. WTC 23/2025 The Orchards Estate Public Open Space Stage 1** *As per resolution*	Completed
25/C57	18/11/2025	***Confidential 4 - Contract No.WTC 22/2025 Refurbish Bonnie Beach and Deviot Pontoons*** *As per resolution*	Completed
25/C63	16/12/2025	**Confidential 3 - Contract No. WTC 16/2025 Notley Hills Road Reconstruction Stage 3** *As per resolution*	Completed
25/C64	16/12/2025	**Confidential 4 - Contract No. WTC 32/2025 Tattersalls Road Bridge Superstructure** *As per resolution*	Completed

25/C65	16/12/2025	**Confidential 5 - Contract No. WTC 24/2025 The Orchards Estate Public Open Space Playground** *As per resolution*	Completed

8.4 CEO 4 - Economic Regulator Submission

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 13 November 2025

ATTACHMENTS: 1. [**8.4.1**] Ltr to Economic Regulator

SUMMARY

The purpose of this report is provide Council with an advocacy letter for endorsement to the Economic Regulator in relation to critical upgrades required for the Legana Sewerage Treatment Plant (**Legana STP**) in line with our Annual Plan actions.

BACKGROUND

TasWater are proposing a restructure of their price and service plan (**PSP5**) in order to fund their infrastructure upgrade plans. The Economic Regulator has released its draft investigation report that contains a recommendation that the Ti-Tree Bend upgrade be deferred to the next pricing regulation period.

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.
- Continue to engage positively with our sector and the State Government to shape local government reform.
- Be accessible and responsive.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

West Tamar Council Annual Plan 2025/26

RISK CONSIDERATIONS

Overall risk of providing a submission is low.

FINANCIAL IMPACT

Nil.

CONSULTATION

Consultation with Councillors occurred at the Pre-Meeting Workshop on 16 September and Interim Workshops held on 7 October 2025 and 4 November 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

Council's Annual Plan action states that Council will "Continue advocating strongly for the upgrade of TasWater infrastructure in Legana and Exeter". By endorsing the attached submission, Council would be acting in line with its annual plan action and seizing the opportunity to strongly advocate for the required upgrades to Legana.

RECOMMENDATION

That Council authorise the Chief Executive Officer to sign the proposed submission to the Economic Regulator advocating against the deferral of TasWater's infrastructure upgrade plans for Ti-Tree Bend sewage treatment plant.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Enquiries: Office of the CEO
Phone: (03) 6323 9300
Fax: (03) 6323 9349

West Tamar COUNCIL

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17 February 2026

The Office of the Tasmanian Economic Regulator
The Treasury Building
Level 3, 21 Murray Street
HOBART TAS 7000

By email: office@economicregulator.tas.gov.au

Re: Draft 2026 Water and Sewerage Price Determination Investigation Report

On behalf of West Tamar Council, I write to express Council's disappointment at your draft 2026 Water and Sewerage Price Determination Investigation report, specifically the recommended deferral of TasWater's capital item upgrading Ti Tree bend.

As per Council's original submission in November 2025, Council expressed strong support for TasWater's infrastructure upgrade plans - specifically the commencement of the Ti-Tree Bend sewage treatment plant - proposed in its Price and Services Plan 5 (PSP5) for the regulatory period 2026–2030.

Council understands the challenges associated with balancing affordability for customers with the need to invest in essential infrastructure. It is Council's view that the infrastructure upgrades proposed are critical to our municipality.

In your draft 2026 Water and Sewerage Price Determination Investigation report you state:

"Furthermore, AtkinsRéalis could not conclude that Ti-Tree Bend was prudent or efficient, stating:

- *storage being built as part of Tamar Estuary River Health Action Plan may improve the performance of the seven sewage treatment plants;*
- *the deferral of the project provides customers affordability benefits;*
- *strategic optioneering carried out as part of the business case was limited in scope; and*
- *it may be possible to transfer treated (rather than raw) effluent from the Prospect Vale sewage treatment plant to the existing Ti-Tree Bend sewage treatment plant improving the latter's performance due to the higher quality of the effluent entering the plant.*

Therefore, AtkinsRéalis recommended the Ti-Tree Bend project not be included in the capex allowance for the fifth regulatory period."

Council strongly disagrees with this finding, whilst the AtkinsRéalis report makes appropriate comments on the impact of Tamar Estuary River Health Action Plan, it completely disregards the impacts of any delay in the upgrade of Ti-Tree Bend on the West Tamar and more specifically on the Legana area.

Legana is one of the fastest growing areas in Tasmania and any decision to defer the required upgrade of Ti-Tree Bend means any growth in this area of the West Tamar would be done knowing that the current sewerage infrastructure is inadequate and over capacity. This is completely unacceptable in Council's view.

TasWater's Ti-Tree Bend upgrade investment is critical to supporting population growth, protecting public health, and ensuring sustainable water services for generations to come in the West Tamar municipality.

West Tamar Council has been lobbying TasWater, State and Federal Governments for appropriate funding for sewerage infrastructure improvements for the Legana area for years. Council cannot understand how these critical works that had been included in the PSP5 have been recommended for deferral.

As set out in Council's previous submission, the Launceston Sewage transformation project (including the Ti -Tree Bend Upgrade) is critical to the decommissioning of the Legana STP as set out in the PSP5 submission and resolving the non-compliance currently occurring at the Legana STP.

Council urges the Economic Regulator when making its final determination not to recommend the deferral of the Ti-Tree Bend project to the next regulatory period. To do so will leave one of the fastest growing areas in the State with inferior infrastructure which will adversely impact population growth and the environment.

Council then faces the real possibility of TasWater refusing permission for further growth because of capacity issues at the Legana STP, leading to less housing being made available and a decrease in overall growth in the West Tamar.

This is not the outcome anyone wants, and the residents of the West Tamar deserve better than having housing availability and industrial growth cut because of any delay in this critical upgrade.

Yours sincerely

Kristen Desmond
Chief Executive Officer
West Tamar Council

8.5 CEO 5 - Electoral Bill Submission

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 29 January 2026

ATTACHMENTS:
1. [**8.5.1**] Submission Electoral Bill - West Tamar Council
2. [**8.5.2**] Local Government - Electoral Reforms Overview of draft legislation
3. [**8.5.3**] Local Government Electoral Reform Discussion Paper Exposure Draft Legislation and Prior Consultation
4. [**8.5.4**] Local Government Amendment Targeted Reform Bill 2025 Exposure Draft
5. [**8.5.5**] Draft Electoral Bill 26

SUMMARY

This paper seeks endorsement of the attached submission to the Minister for Local Government in relation to the:

- Local Government Electoral Bill 2025; and
- Local Government (Electoral Reforms) Bill 2025

BACKGROUND

The Tasmanian Government is inviting public comment on draft legislation which will deliver important reforms to local government elections in Tasmania.

Two draft bills are now available for public consultation:

1. A new, standalone *Local Government Electoral Bill 2025*, establishing a contemporary, flexible framework for future council elections
2. A *Local Government Amendment (Electoral Reforms) Bill 2025*, delivering a number of reforms to the *Local Government Act 1993* supporting the broader elections framework.

The delivery of new local government electoral legislation is a key component of the Tasmanian Government's Local Government Priority Reform Program 2024-26 aimed at improving local democracy and representation. This is the second phase of consultation on these reforms, following the release of the Local Government Electoral Bill Discussion Paper in February 2025.

Consultation is open until midnight 28 February 2026

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:

- 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

RISK CONSIDERATIONS

Overall risk is considered Low.

FINANCIAL IMPACT

Nil

CONSULTATION

To be discussed with Councillors at Council's February Interim Workshop on 3 February 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 key reforms in the Bills include:

Electoral Bill

- Election of Deputy Mayor 'around the table', rather than directly elected.
- The current General Manager's roll to be managed by the Tasmanian Electoral Commission (TEC), along with clarification and tightening of who can nominate to vote.
- Provides for flexible voting methods, such as postal, in-person, pre-poll or combinations of these, to be determined by the Electoral Commissioner. The Bill also allows for the Commissioner to provide alternative voting methods for electors that face access challenges.
- Election candidates must complete mandatory pre-election training, which will be provided by LGAT. This does not apply to incumbent councillors.
- Electoral expenditure limits aligned with Legislative Council spending rules: $10,000 for most councils. $16,000 for Hobart, Clarence, Glenorchy, Kingborough and Launceston.

Local Government (Electoral Reforms) Bill 2025

- New section on requiring Personal Interest Returns (PIR) from councillors, which are to be published on the council's website. An example PIR return form is including in the discussion paper/consultation report.
- Formalising caretaker provisions, around council decision-making during election periods. A number of councils already have policies in place on this matter.
- Thresholds for elector polls or public meetings has been raised to 20 per cent (up from the lesser of 5 per cent or 1,000 electors).

RECOMMENDATION

That Council authorise the Chief Executive Officer to sign the proposed submission to the Office of Local Government on the proposed Local Government Electoral Reforms.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Enquiries: Office of the CEO
Phone: (03) 6323 9300
Fax : (03) 6323 9349

West Tamar COUNCIL

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

17 February 2026

Office of Local Government
Department of Premier and Cabinet
PO Box 123
Tasmania 7001

By email: lgconsultation@dpac.tas.gov.au

Dear Minister Vincent

Feedback on Proposed Local Government Electoral Reforms

West Tamar Council (**Council**) appreciates the opportunity to provide a submission on the proposed Local Government Electoral Reforms.

Council provides the following submission:

- Council does not support the election of the Deputy Mayor around the table. Council believes the current election process is appropriate. Some Councillors suggested that on ballot for Mayor could be put to the community and the candidate with the second highest vote could then be appointed Deputy Mayor as an alternate method of election.

- Council would like to better understand the penalty for third party advertising that is conducted without the candidate's approval or knowledge.

- Council is not supportive of Personal Interest Returns (PIR), it believes that the unintended consequences of a such a requirement will be Councillors less likely to participate in volunteer roles within their communities.

  Further Council would like to better understand how their personal information can be protected so that it is not used by members of the community as a weapon against them.

  Councillors urge the government if they choose to make PIR mandatory then they should be kept by the Chief Executive Officer on file but not be accessible to the public.

  Council believes that the imposition of PIRs is a step too far, an invasion of their privacy and are not required.

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 sincerely



Kristen Desmond
Chief Executive Officer

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Local Government Electoral Reforms

Consultation draft legislation overview

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Local Government Electoral Bill 2025

Overview of key reforms by Part

Part	Key Reform
2 - ELECTION OF MAYORS, DEPUTY MAYORS AND COUNCILLORS	Provides for the election of the Deputy Mayor 'around the table' by councillors, rather than by direct elector ballot. This must be done by vote of the council (simple majority), and within the first two general meetings of council. The Bill allows councils to determine the term of deputy mayor to be either the term of council or a lesser period.
4 - ELECTORS AND ELECTORAL ROLLS	Amends the definition of "occupier" for enrolment purposes, to refer to actual occupation and use, and clarify that tenants and licensees are occupiers for the purposes of the Act.
	Preserves a supplementary roll ('general manager's roll') for electors not entitled to be on the House of Assembly (HoA) Roll in respect of an electoral area, as well as clear and consistent criteria for applying to be on this roll. This supplementary roll is now named the Local Government Electoral Roll. This roll is for persons with property-based entitlements (landowners/occupiers, corporate bodies) and non-citizen electors *who have lived in the electoral area for a continued period of at least 12 months.* Provides that responsibility for keeping and maintaining the supplementary rolls for electoral areas is to transfer to the TEC (currently council General Managers must maintain their council's supplementary rolls).
	Tightens the criteria for who can nominate to vote on behalf of corporate bodies, including that they: • Must not be a director or the secretary of the corporate body • Must not be already enrolled on the HoA roll for the electoral area • Not be the corporate body nominee for another corporate body in the same area.
	Provides for 'one vote, one value' by providing that each elector is entitled to one vote in an election for an electoral area.

Part	Key Reform
	This changes the current situation where a person may have up to two votes (e.g. one in their own right, and one on behalf of a body corporate).
5 – COMPULSORY VOTING	Preserves compulsory voting for those on the HoA roll (status quo). Voting remains optional for electors on the supplementary Local Government Electoral Roll.
6 – ISSUING AND RECEIVING PLACES, POLLING PLACES AND ELECTION OFFICIALS	Reduces prescription and introduces flexibility to 'future proof' elections, allowing the Electoral Commissioner to determine the method of voting at an election. This can include one or more methods, including attendance voting at a polling place and/or postal voting (including provision and receipt of ballots in person and by mail). These provisions provide flexibility for the Commissioner to determine multiple methods of voting, supporting the position of moving to a hybrid postal electoral format, allowing for continued mail voting, with provision of pre-polling and polling places for in-person completion of ballots. The provides for the postal method (allowing for and encouraging for hand returns) as the default election method and allows for an attendance ballot only where the Commissioner is satisfied available postal services are inadequate to ensure the reliable conduct of the election by postal ballot, a postal ballot would be more expensive to conduct than an attendance ballot. The Commissioner will be required to issue a notice as to the chosen method of election at least six months in advance of the notice of an election.
	Preserves issuing and receiving places, which allow for issue and return of ballots during mail (or hybrid) elections. Provisions from the *Local Government Act 1993* are expanded for accessibility, including allowing the Electoral Commissioner to appoint a hospital, convalescent home, nursing home or other similar place at which a mobile facility may be operated as an issuing and receiving place – similar to polling place provisions in the *Electoral Act 2004*.
	Allows for appointment of polling places, pre-poll polling places and mobile polling places in the event of an attendance ballot. Accessibility provisions mirror those for issuing and receiving places. There is also an additional clause (35) which provides for

Part	Key Reform
	assistance to vote at a polling place to be provided for those who need it.
PART 7 – NOTICES OF ELECTIONS AND NOMINATIONS	Provides that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.
	Provides for continuation of non-citizen voting via the supplementary roll, while requiring candidates for council to be Australian citizens eligible to vote in parliamentary elections.
	Retains a single-phase nomination process, with additional requirements in the notice of nomination – including: • A statement as to whether or not the candidate is formally endorsed by a registered party or is running under a group name not associated with a party. • An attestation that a candidate has completed the proposed mandatory pre-election training module. (does not apply to incumbent councillors). A notice of nomination must also be signed by at least 30 electors or 1% of electors in the municipal area (whichever is smaller). Currently a notice of nomination must be signed by only two electors.
	Requires the TEC to publish and distribute a candidate information package. This is currently done as a matter of convention and is the primary way electors become aware of the range of candidates, their reasons for seeking election, views and propositions. However, this is currently not a part of the formal legislative framework. At a minimum, this will include for each candidate - the candidate's name, a personal statement (if provided), and whether the candidate is endorsed by a registered party, running under a group name or is an independent candidate. This information is gathered as part of the notice of nomination.
PART 8 - BALLOTS	Provides guidance around ballot material, and provisions on issuing, completing and returning ballots based on various election methods enabled under Part 6.
PART 10 – ALTERNATIVE VOTING PROCEDURES	This is a broad Part which allows the Electoral Commission to approve and deliver alternative voting procedures for classes of electors who face barriers to traditional means of voting. This includes, but is not limited to electronic voting methods such as online voting or voting by telephone.

Part	Key Reform
	This supports universal franchise principles, consistent with recent reforms to the State *Electoral Act 2004*.
	Requires the TEC to approve procedures which enable and support accessible voting practices for electors with additional barriers to participation. The TEC is also required to publish after each election a statement on the implementation of the accessibility principles.
PART 13 – OFFENCES RELATING TO ELECTIONS	Introduces a range of offences related to polling and conduct at polling places consistent with the *Electoral Act 2004*, while also retaining offences relating to elections under the LG Act. It also contains offences relating to electoral bribery and treating and intimidation.
PART 14 – INVESTIGATORY POWERS	Provides standard investigatory powers for the Electoral Commissioner (or authorised officers) – consistent again with the *Electoral Act 2004.* This includes: • Power to enter and inspect places • Power to require production of documents or information • Power to seize and detain • Power to require attendance and questioning
PART 15 – ELECTORAL ADVERTISING AND PUBLICATION OF ELECTORAL MATTER	Introduces new prohibitions on the dissemination of misleading and deceptive statements (corresponding to the Electoral Act Review Final Report and the amended section 197 of the *Electoral Act 2004*).
	Repeals an existing provision that prohibits the publication of a candidate's name or image without their consent. This aligns local government elections with state and federal practices where no such restriction applies.
	Updates and clarifies what constitutes "electoral advertising" to ensure consistency and legal certainty. Seeks to align definitions with the *Electoral Act 2004* and reduce ambiguity for candidates and regulators.
	Requires electoral advertising to include information identifying who authorised the material. Aims to promote transparency and accountability in campaign communications.

Part	Key Reform
PART 16 – ELECTORAL EXPENDITURE	Limits electoral expenditure to the candidate, intending candidate, or their formally nominated agent. Aims to prevent unregulated third-party campaigning and increase transparency.
	Replaces current advertising-specific limits with an overall cap on total electoral expenditure. Aligns local government elections with Legislative Council spending rules. Expenditure caps are as follows: • for a candidate for election to the Hobart City Council, Clarence City Council, Glenorchy City Council, Kingborough Council or Launceston City Council – $16 000 plus the applicable annual increment for that financial year. • for a candidate for election to any other council – $10 000 plus the applicable annual increment for that financial year. The annual increment is a cumulative increase to this limit of $500 every year for the councils referred to in the first bullet point, and $300 for all other councils, applying annually from 1 July 2027.
	Requires candidates to report not only their own spending but also any expenditure made on their behalf. Confirms that shared advertising must be fully attributed to each candidate featured.
	Prevents third parties from incurring expenditure on behalf of a registered party to influence election outcomes (strengthens transparency and restricts indirect or unregulated campaign spending).
PART 17 – GIFTS AND DONATIONS	Extends gift and donation disclosure obligations to all candidates. Maintains the $50 threshold and introduces disclosure via the TEC website during the election period.
	Prohibits indirect donations through intermediaries or third parties (ensuring all electoral donations are transparent and reported through candidates).

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Local Government Amendment (Electoral Reforms) Bill 2025

Overview of key reforms by Part

Part	Key Reform
5 – PECUNIARY INTERESTS	Expands the definition of a close associate to a councillor to include: • a person who has provided a gift or donation (as defined in the *Local Government Electoral Act 2025*); • a relative of the councillor or member who resides with that councillor or member on a regular basis.
	Establishes defence provisions for a councillor where they believe a pecuniary interest (where they receive or expect to receive a pecuniary benefit) is one held with a substantial proportion of electors in the municipality (meaning at least 5% or 1 000 electors, whichever is the lesser). This defence also applies to an application or request for approval, authorisation, licence, permit, exemption or other right, or beneficial interest in shares of a company or other body.
	Requires that the existing register of pecuniary interests kept by the general manager to be published on a council's website.
5B – PERSONAL INTEREST RETURNS	This is an entirely new Part which requires a councillor to lodge a personal interest return (PIR) with the general manager, within 28 days after a certificate of election is issued.
	A PIR is to be made by Ministerial Order – and may specify a range of matters including: • the assets and classes of assets to be disclosed, including real property and financial interests; • the liabilities and classes of liabilities to be disclosed; • the associated persons and classes of persons whose interests are to be disclosed, including individuals, bodies corporate and trustees; • employment, offices and other sources of income to be disclosed; • gifts, donations or contributions to other entities, and the classes of such gifts, donations or contributions, to be disclosed; • memberships of associations, including trade or professional associations, political parties and other organisations to be disclosed;

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Part	Key Reform
	• thresholds for disclosure and time periods to which the disclosures relate; • management strategies to be documented by councillors for managing actual, potential or perceived pecuniary interests or non-pecuniary interests arising from the matters disclosed. As with all Orders pertaining to councils, the Minister must consult with councils before amending, revoking or substituting the PIR. *Note: a draft PIR has been released alongside the consultation draft legislation package.*
	The general manager must publish each personal interest return, and any revised personal interest return, on the council's official website as soon as practicable after it's lodgement.
	The general manager must not provide to a councillor any information, other than information included on a public agenda or otherwise available to members of the public, if it is reasonably apparent to the general manager, from a personal interest return or other information known to the general manager, that the councillor has a pecuniary interest in the matter. Likewise, a councillor must not seek to obtain any information on the above grounds.
	The council must retain each personal interest return, and each revised personal interest return, until 2 years after the expiration of the term of the council during which the return was lodged.
	Offence provisions are included for providing false information, omitting known information, or refusal to lodge a PIR.
PART 5C - Conduct of Council During Election Period	This Part introduces 'caretaker' provisions related to the conduct of councils during election periods. During an election period a council cannot make any decision defined as a 'prohibited decision'. This includes a decision: • that relates to the appointment, reappointment or the remuneration of a general manager, other than the appointment, reappointment or remuneration of an acting general manager • that relates to the termination of a general manager • to enter into a contract, arrangement or agreement the total value of which exceeds whichever is the greater of – ○ $100 000; or

Part	Key Reform
	○ 1% of the council's revenue from general and service rating and fees and charges in the preceding financial year • that would enable the use of council resources in a way that is intended to influence, or is likely to influence, voting at a council election. A council may, if they determine it is necessary and in the public interest for a prohibited decision to be made during an election period, make an application to the Minister for an exemption. Prohibited decisions do not apply to decisions or actions required by councils under statutory timeframes.
	This Part also prohibits the use of any council resources or publication of information promoting or advantaging a particular candidate or group of candidates. It also prohibits councils from making resources available that advantage a candidate which are not equally available to all candidates. Information in relation to an election can only be published if it has been published by the Electoral Commission.
PART 6 – PETITIONS, POLLS AND PUBLIC MEETINGS	The threshold for petitions requesting elector polls or public meetings has been raised to 20% of electors (from 5% or 1,000 electors, whichever is lesser).
GENERAL CHANGES	Electoral parts are repealed and replaced by the new standalone *Electoral Bill* – including: • Part 4 – Elections • Part 15 – Council elections.

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Local Government Electoral Reform

Exposure Draft Legislation and Prior Consultation Report

December 2025

Office of Local Government
Department of Premier and Cabinet

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Tasmanian Government

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Introduction

In February 2025, the Department of Premier and Cabinet (DPAC) released a Discussion Paper outlining proposed reforms to how local government elections operate in Tasmania. The reforms are a key element of the Tasmanian Government's *Local Government Priority Reform Program 2024-26*. They will modernise the local government electoral framework and address longstanding challenges around accessibility, integrity, franchise eligibility, electoral advertising, and the growing limitations of a universal postal ballot model. The reform program aims to deliver a more adaptable legislative framework to support attendance, postal, hybrid and future electronic voting formats, in anticipation of the next council elections scheduled for October 2026.

Submissions on this initial phase of consultation have been reviewed, with feedback informing the development of **two** draft Bills related to Tasmania's local government electoral system:

1. A Local Government Electoral Bill 2025 which establishes a standalone statutory framework for the conduct of local government elections, and implements key reforms which aim to modernise Tasmania's local government electoral framework.
2. A supplementary Local Government Amendment (Electoral Reforms) Bill 2025 which repeals existing electoral provisions from the *Local Government Act 1993*, and delivers electoral reforms related to council operations including caretaker provisions and the management of pecuniary interests.

This paper provides information on how people can provide feedback on the draft Bills, and an overview of feedback received in response to the prior discussion paper and how this feedback has been incorporated into the draft legislation. Finally, this paper provides an overview on reforms related to the management of interests of elected members.

The paper is structured in three parts:

1. An overview of the current consultation process for the draft legislative package, including key matters we are seeking feedback on.
2. A report on the feedback received in response to the prior consultation, and a description of how this feedback has been incorporated into the draft legislation.
3. An overview of the proposed new management of councillor interests framework.

Current Consultation

The Tasmanian Government has now released the draft legislation for a 13-week consultation period – inviting feedback from the sector, community and key stakeholders until midnight on **28 February 2026.**

General comment is invited on:

- The **workability and implementation** of the provisions contained in the draft Electoral Bill.
- Whether the provisions **accurately reflect the intended policy direction**.
- How the draft Electoral Bill **responds to issues raised** during the initial consultation on the Discussion Paper.
- The **renewed framework for managing interests** included in the Local Government (Managing Interests, Caretaker and Electoral Provisions) Bill 2025, including the draft Personal Interest Return included in Appendix B.

Specific consultation matter – implementation priorities

Due to the technical complexity of moving to a new electoral framework, and delays in developing legislation caused by the 2025 State election, the Local Government Electoral Bill 2025 is expected to have a phased implementation once it becomes law.

A crucial focus of this consultation is identifying (through sectoral, peak body and expert feedback) the highest priority reforms for implementation prior to the next elections. This will inform which provisions the Tasmanian Government will seek to 'turn on' with sufficient lead time to allow for education, system updates, and readiness ahead of the October 2026 local government elections.

This is an important opportunity for the public, councils, and stakeholders to help shape Tasmania's future local government electoral system and ensure the legislation is practical, fair, and fit for purpose.

You can make a submission by email or post to:

Email: LG.consultation@dpac.tas.gov.au

Post:

Office of Local Government
Department of Premier and Cabinet
PO Box 123
Tasmania 7001

In accordance with the Tasmanian Government Public Submissions Policy, submissions will be treated as public information and will be published on our website at www.dpac.tas.gov.au after they have been considered. No personal information other than an individual's name or the organisation making a submission will be published.

For further information, please contact localgovernment@dpac.tas.gov.au.

Important information to note

In the absence of a clear indication a submission is intended to be treated as confidential (or parts of the submission), the Department of Premier and Cabinet will treat the submission as public.

If you would like your submission treated as confidential, whether in whole or in part, please indicate this in writing at the time of making your submission. Clearly identify the parts of your submission you want to remain confidential and the reasons why. In this case, your submission will not be published to the extent of that request.

Copyright in submissions remains with the author(s), not with the Tasmanian Government.

The Department of Premier and Cabinet will not publish, in whole or in part, submissions containing defamatory or offensive material. If your submission includes information that could enable the identification of other individuals then either all or parts of the submission will not be published.

The *Right to Information Act 2009* and confidentiality

Information provided to the Tasmanian Government may be provided to an applicant under the provisions of the *Right to Information Act 2009* (RTI). If you have indicated you wish all or part of your submission to be treated as confidential, your statement detailing the reasons may be taken into account in determining to release the information in the event of an RTI application for assessed disclosure. You may also be contacted to provide further comment.

Prior Consultation – Analysis and Outcomes

Scope of Consultation

The consultation on local government electoral reforms forms part of the Tasmanian Government's commitment to deliver a fit-for-purpose, flexible, and contemporary electoral framework for Tasmanian councils. The reforms build on prior work undertaken during the Local Government Legislation Review and reflects the Government's policy position that local government electoral laws should be structured as standalone legislation.

The purpose of the previous Discussion Paper released in February 2025 was to invite feedback on the design of the proposed electoral reforms ahead of drafting of new legislation. The paper presented high-level reform options in five key areas:

1. voting method flexibility
2. franchise and candidacy eligibility
3. access to electoral information
4. donation and advertising transparency
5. election integrity.

Stakeholders were encouraged to provide feedback on the feasibility and clarity of the reforms, and to raise any practical implementation considerations. With the exception of several key reform proposals, the consultation was not intended to re-examine the underlying policy direction or rationale, but rather to ensure the proposed design of reforms was robust and deliverable.

Approach to Consultation

The Discussion Paper was released in February 2025, with submissions invited until Thursday 4 April 2025. The Office of Local Government (OLG) advised all Tasmanian councils and key sector stakeholders of the consultation period. The paper was made available online via the Department of Premier and Cabinet website, alongside a summary version.

OLG provided an online consultation session for councillors on 25 March 2025, where they were invited to ask questions about the Local Government Electoral Bill reform discussion paper.

OLG also briefed the Local Government Association of Tasmania (LGAT) and coordinated targeted engagement with relevant government agencies. These included the Tasmanian Electoral Commission (TEC), whose operational input as

electoral administrator was essential to assessing the feasibility of the proposed reforms.

Submissions Received

21 submissions were received in response to the Discussion Paper. This included:

- 15 submissions from Tasmanian councils
- three (3) submissions from organisations and peak bodies
- three (3) submissions from individual community members, including councillors.

All submissions were reviewed in detail and thematically analysed to identify support, concerns, and implementation risks.

All submissions are available on the Department of Premier and Cabinet website.

A detailed summary of the technical reforms, feedback and the Tasmanian Government's response are in Appendix A.

Stakeholder Feedback – The Future Format of Local Government Elections

The Discussion Paper proposed two scenarios to guide the future delivery of local government elections in Tasmania, reflecting the need to modernise the electoral framework in response to declining postal service reliability, evolving voter expectations, and increasing delivery costs. Submissions were sought on the merits and limitations of each scenario: Scenario A (attendance voting) and Scenario B (a hybrid model).

Scenario A – Attendance Voting

Scenario A proposed a full move to attendance voting, either via a single polling day or a polling period, supported by limited access to postal and telephone voting for eligible electors. This scenario received limited support across the sector. A small number of submissions expressed support for reintroducing mandated in-person voting, citing perceived increases in vote security, alignment with state and federal electoral models, and improved oversight of ballot handling.

However, the majority of councils, individuals, and organisations opposed Scenario A. The primary concern was accessibility (particularly for voters in rural and remote areas, people with disability, older electors, and those without reliable access to transport). Stakeholders warned that the removal of mail-based voting options would disproportionately impact marginalised communities and would undermine the inclusivity of the voting system.

Submissions also highlighted cost and feasibility barriers, including the significant investment required to deliver and staff in-person polling locations across the state, along with the likely need for public education to shift voter expectations and behaviour. Several respondents noted that such a transition would not be achievable by the 2026 local government elections.

The TEC also did not support Scenario A, citing substantial logistical challenges and unsustainable costs without significant investment in new infrastructure and systems.

Scenario B – Hybrid Voting Model

Scenario B proposed maintaining postal delivery of ballot papers while encouraging in-person return at issuing places, such as council offices or public service centres. This model was strongly supported by most stakeholders and is regarded as a practical evolution of the current system. It was seen as a way to retain broad accessibility while addressing challenges with postal reliability and late returns under the compulsory voting model.

Councils viewed Scenario B as a measured and achievable step forward that could be implemented in time for the 2026 elections, subject to sufficient lead time for community education and investment in issuing place infrastructure. Stakeholders noted that this model would preserve the benefits of mail delivery, while providing additional flexibility to voters who prefer, or need, to return their votes in person. The inclusion of continued access to telephone and assisted voting services for eligible electors was welcomed as a necessary safeguard for inclusion.

The TEC expressed willingness to work with OLG on the development of a hybrid model for future elections.

Some submissions raised implementation concerns, including the need for clarity in the legislation around the roles and operating rules for issuing places, and the potential cost and staffing implications of managing these sites.

Based on the strong and consistent support for Scenario B during consultation, the Tasmanian Government has determined to proceed with this model as the preferred approach for the 2026 local government elections. Scenario B strikes an appropriate balance between accessibility, integrity, and practicality, and will be further developed in collaboration with the TEC and local government stakeholders.

While Scenario B will be adopted as the default delivery model, the legislative framework will retain the flexibility for the TEC to adapt electoral procedures over time, ensuring future models can respond to emerging challenges, technology, and voter needs. To enable this flexibility, the Electoral Commissioner will be given the ability to determine that local government elections are to be held by attendance ballot, but this method of election would only be activated in certain circumstances

(such as when the Electoral Commissioner believes it is not viable to use the hybrid postal model).

Stakeholder Feedback – New Reform Directions

The Discussion Paper sought targeted feedback on three potential reform directions that, if adopted, would depart from previously agreed outcomes of the Local Government Legislative Review. These proposals were included to test current sector and community sentiment, particularly in light of changing election delivery expectations, rising costs, and increasing participation.

The two directions tested were:

1. Whether non-citizens should retain a limited entitlement to vote in local government elections, with eligibility to nominate for council continuing to be restricted to those enrolled on the House of Assembly roll (Australian citizens and eligible British subjects).
2. Whether the deputy mayor should continue to be directly elected by the public or instead be elected by councillors “around the table”.

1. Continuing Non-Citizen Voting Rights

Stakeholders expressed a range of views on whether Tasmania should continue to permit non-citizen residents to vote in local government elections. The proposal in the Discussion Paper was to allow this entitlement to continue under a revised model, requiring at least 12 months of continuous residence in Tasmania (or personal ownership of property) prior to enrolment.

A number of councils and organisations supported continuing this entitlement, particularly for permanent residents, refugees, and long-term community members. These submissions noted that all residents interact with local government services and decisions regardless of citizenship, and argued that voting in local elections can foster civic inclusion and democratic participation.

However, some councils and individuals opposed continuing the franchise to non-citizens, raising concerns about electoral integrity and administrative feasibility. Stakeholders questioned the TEC’s capacity to verify immigration status and warned of potential misuse of the supplementary roll, particularly in areas with large temporary or seasonal populations.

Despite these differences, many submissions accepted the 12-month residence test as a workable alternative to assessing visa types and supported its use as an objective eligibility requirement. Stakeholders also generally agreed that such voters

should not be eligible to nominate to run for office unless they are enrolled on the House of Assembly roll.

From an administrative perspective, the TEC noted it is not desirable for the TEC to review or verify the immigration status of electors or make determinations based on visa categories, which may change.

Having considered the feedback, the Tasmanian Government will proceed with a revised model allowing for continued non-citizen voting rights, subject to a requirement of 12 months' continuous residence in Tasmania or personal property ownership. This approach balances inclusivity with electoral integrity and avoids placing administrative burden on the TEC to assess visa status.

There was strong support for the proposal to restrict nomination rights to those enrolled on the House of Assembly roll, thereby requiring Australian citizenship (or eligible British subject status). This position was seen as a fair and proportionate measure that upholds the responsibilities of elected representatives, while maintaining an inclusive franchise for voting (noting the above proposal for non-citizen voting in certain circumstances).

Submissions noted that local councillors exercise formal powers over public budgets, land use planning, and infrastructure decisions, and that those powers should be entrusted to individuals who are full participants in Australia's civic and legal framework. The reform was also viewed as aligning Tasmania with Victoria and South Australia, which apply a similar model.

The Tasmanian Government will proceed with the proposal to limit eligibility to nominate for council to those enrolled on the House of Assembly roll. This ensures that those holding elected office are fully part of Australia's civic and legal framework, while maintaining a broad franchise for voters.

2. Changing How the Deputy Mayor is Elected

The proposal to move away from popular election of the deputy mayor and instead allow councillors to elect the deputy from among their number received mixed feedback.

Most councils and many individuals opposed the change, citing what they see as the democratic value of a directly elected deputy mayor and the visibility of the role in public representation. Submissions emphasised that the deputy mayor often steps into the mayoral role in times of absence or transition and argued that the community should retain a say in selecting that person. Some also viewed direct election as a safeguard against factionalism in closely divided councils.

A smaller number of submissions supported reform, citing the significant cost associated with running an additional direct election, and the limited independent

authority held by the deputy mayor. Supporters of the change argued that the deputy mayor's role is essentially supportive and procedural, and that it makes sense for the council to select their own internal leadership at the beginning of the term. It was also noted that Tasmania is the only jurisdiction in Australia that directly elects its deputy mayors, and that casual vacancies in the role are already filled "around the table".

Preliminary estimates from the TEC suggest that the direct election of deputy mayors accounted for approximately $285,000 in 2022, or about seven per cent of total election delivery costs. These costs are expected to grow in future elections, particularly under compulsory voting and enhanced participation.

Having considered the feedback and the rising cost and complexity of local government elections, the **Tasmanian Government has included the reform in the draft Bill for further consultation**. The proposed new framework will provide for the deputy mayor to be elected by councillors at the first ordinary meeting following a general election. This approach aligns with some other jurisdictions, allows councils to select their own leadership, and supports a more efficient and cost-effective electoral process. The Tasmanian Government considers this change to be proportionate and consistent with the functional role of the deputy mayor – which is to act in the mayor's absence and provide support; not to independently lead or exercise executive power.

With a strong level of feedback from councils now received, the Tasmanian Government is seeking further input from the broader community on how this model should operate. This includes whether once elected by councillors, the deputy mayor should serve for the full council term or for a shorter fixed period. The draft legislation as it stands provides that councils are given the flexibility to appoint for a full term of for a shorter period.

Stakeholder Feedback – Technical Reforms

The Discussion Paper presented 33 technical reform proposals to modernise and improve the integrity, transparency, and efficiency of local government elections in Tasmania. These proposals built on reforms initiated through the Local Government Legislative Review and aligned with changes introduced through the *Electoral Disclosure and Funding Act 2023*. The reforms addressed matters including election delivery, campaign finance, advertising and nomination processes.

Stakeholders were asked to consider the design and practical impact of each proposal, and to provide feedback on implementation, administrative feasibility, and alignment with existing electoral processes.

A More Flexible and Accessible Format for Local Government Elections

Stakeholders broadly supported reforms aimed at creating a more flexible, modern electoral framework for local government elections. There was a strong appetite for reducing legislative prescription and allowing the TEC to approve and adapt electoral procedures under a principles-based model.

This flexibility was viewed as essential to "future-proofing" the electoral system and accommodating diverse voter needs, particularly in the context of increasing participation and technological advancements.

Reform proposals to enable voting by alternative means (such as telephone or electronic voting) for specific elector classes were also welcomed. Submissions noted the importance of improving access for voters with disability, those living remotely, and interstate or overseas electors. The TEC supported the direction of the reform but raised practical challenges, including the cost and complexity of implementing secure, independent and verifiable alternative voting channels. In response, the Tasmanian Government will proceed with these reforms, acknowledging that postal voting will remain available and that any new methods will be implemented with caution and clarity.

The proposal to legislate universal franchise principles also received conceptual support. Stakeholders, including councils, agreed with the importance of ensuring all electors can vote in an independent, secret and verifiable manner. However, the TEC noted that this standard may not always be achievable in practice, particularly for some alternative voting methods. The Tasmanian Government agrees the principles should guide future development, and will work with the TEC to ensure they are applied pragmatically outside the statutory framework.

The proposal for the Electoral Commissioner to publish post-election accessibility reports was supported by councils and the TEC. It was viewed as a valuable accountability measure to track progress in improving accessibility and participation across the system. The Tasmanian Government will proceed with this reform, with reporting requirements aligned to TEC's existing data practices and operational capabilities.

A Better Voting Franchise for Electors and Changes to Eligibility to Run for Office

This group of reforms focused on clarifying and strengthening the eligibility framework for enrolment and candidacy, particularly in relation to the General Manager's Roll (GMR), and ensuring candidates have sufficient knowledge and community backing.

There was strong support for reforming the GMR to improve integrity, verification, and consistency. Transferring responsibility for the GMR from councils to the TEC was

widely supported to reduce administrative burden on councils and centralise electoral oversight. Proposed changes to tighten the eligibility criteria for GMR enrolment including strengthening verification requirements and clarifying the definition of "occupier" also received broad backing, with submissions noting these steps would improve public trust and align enrolment with genuine community connection.

The reform to prohibit dual enrolment was similarly well supported and seen as a necessary step to uphold the "one person, one vote" principle. The TEC confirmed its capacity to monitor and enforce the provision.

The proposal to increase the nomination threshold to 30 electors (or one per cent of electors, whichever is the smaller) drew mixed views. While many considered it a reasonable way to confirm genuine candidacy and public support, others, particularly from smaller communities, raised concerns that it may discourage participation. The Tasmanian Government considers the threshold modest and proportionate and will proceed with the reform.

Finally, the proposal to introduce required pre-nomination training for new candidates received limited support. While the benefits of informed candidacy were acknowledged, feedback was mixed on its implementation and scope. Some called for the training to apply to all candidates. The Tasmanian Government will proceed with this reform, by expanding requirements for an intending candidate's notice of nomination to require an attestation that they have completed a pre-election training course. This training will be designed to be accessible and practical.

Better Quality of Public Information at Elections

Reforms in this category aimed to improve the quality, clarity, and accessibility of information available to voters during local government elections. Submissions reflected a broad commitment to supporting an informed electorate but revealed differing views on how best to achieve that goal.

Stakeholders generally supported the proposal to require the TEC to provide all candidates with the opportunity to submit a candidate information statement. While the TEC noted this is convention and questioned the need for a legislative requirement, other submissions suggested formalising the obligation would promote consistency and voter confidence. The Tasmanian Government will not enforce a mandatory requirement for a candidate information statement. The choice and responsibility for preparing and submitting statements will remain with candidates.

In contrast, there was strong concern about the proposal to allow the Director of Local Government to publish council performance information during the election period. Feedback highlighted risks of perceived political interference and the potential to undermine the neutrality of elections. As a result, the Tasmanian Government will

not proceed with this reform and will instead explore options for improving transparency outside the caretaker period.

Two reforms proposing to allow identification of political parties or candidate teams on ballot papers received mixed feedback and were not supported by the TEC. Submissions raised concerns about the risk of increasing partisanship in local government, administrative challenges, and a lack of enforceable naming standards. The Tasmanian Government has determined not to proceed with these reforms. However, it intends to provide for the inclusion of information about formal party endorsement and group affiliation in the official candidate information booklet to ensure voters continue to have access to relevant context when casting their vote.

Strengthened Donations Disclosure and Electoral Advertising Requirements

Stakeholders generally supported the suite of reforms aimed at increasing transparency and integrity in campaign financing and electoral advertising. Several proposals drew strong backing due to their alignment with existing State electoral laws, especially those introducing new prohibitions on misleading and deceptive statements (Reform 15), requiring authorisation on electoral material (Reform 19), and establishing clear rules on who can incur electoral expenditure (Reform 18 and 22). These changes were seen as necessary modernisations that bring local government elections into closer alignment with accepted electoral standards across Australia and with State elections.

There was also general support for changes that clarify and update definitions and thresholds for advertising and donations (Reforms 16, 17, 20 and 21). These changes were recognised as contributing to a clearer, more consistent and enforceable electoral framework. Where stakeholders requested additional guidance (such as on reporting shared campaign costs or calculating spending under a general cap) the Tasmanian Government will work with the TEC to ensure clear, practical resources are provided to candidates and parties.

The Tasmanian Government considers that, taken together, these reforms will deliver a significant uplift in electoral transparency and public confidence while balancing the practical realities of administering and participating in local government elections.

Other Changes to Support the Integrity of Elections

A number of proposed reforms aiming to reinforce the overall fairness and transparency of local government elections received strong support during consultation. Stakeholders broadly welcomed the introduction of a formal caretaker framework (Reforms 29–32), noting this would align local government practices with those of other levels of government and help maintain neutrality during election periods.

Councils supported the introduction of clear limits on decision-making during the caretaker period, particularly in relation to major financial or staffing decisions and the use of council resources. While some clarification was requested on what constitutes "routine operational" activity, stakeholders endorsed the principles underpinning these changes. The Tasmanian Government will proceed with these reforms and provide detailed guidance to ensure consistent and practical application.

Proposals to strengthen the enforcement powers of the TEC also received widespread support (Reforms 27–28). Submissions acknowledged that enabling the TEC to investigate potential breaches and aligning electoral offences with the *Electoral Act 2004* would promote greater accountability and legal consistency. These reforms will proceed as proposed.

Reforms to prevent the overlap of local government and parliamentary elections (State and Federal) (Reform 26) were similarly well received, with stakeholders recognising the need to reduce voter confusion and administrative strain. The Tasmanian Government will proceed with this reform as a practical safeguard for electoral delivery and public confidence.

The proposal to tighten the threshold and scope of elector polls (Reform 33) attracted more mixed views. While many stakeholders supported clearer criteria and higher thresholds to ensure elector polls are used appropriately, others expressed concern about the potential to limit community participation. The Tasmanian Government will proceed with this reform on the basis that elector polls should be focused on matters within council control and reflect broad community interest, particularly given the costs associated with running these polls. Guidance will support councils and communities in understanding how the provisions apply in practice.

Managing Councillor Interests

Context

Recognising the strong thematic alignment between electoral integrity and the transparent management of councillor interests, the Tasmanian Government has determined to introduce reforms to the councillor interests framework in the *Local Government Act 1993* at the same time as the Local Government Electoral Bill is delivered.

In 2023, the Tasmanian Government released a detailed discussion paper outlining significant proposals to reform how councillors disclose and manage their personal interests. The intent of these reforms is to ensure greater transparency and consistency in managing conflicts of interest across the local government sector.

These initial proposals were ambitious, aiming for comprehensive integration of interest management under the Local Government Act, including continuous disclosures, establishing a dedicated Principal Officer role, and detailed legislative management of perceived and potential conflicts.

A subsequent position paper, released in 2024, reaffirmed the Tasmanian Government's commitment to high standards of transparency, accountability, and integrity within local government. This is essential for maintaining public confidence in local governance and decision-making processes.

The Framework

Following extensive consultation and careful deliberation, the Tasmanian Government has now refined its approach to balance administrative practicality with robust governance requirements. The revised legislative framework, outlined in the supplementary Local Government Amendment Electoral Reforms) Bill 2025, enhances transparency and accountability without imposing unnecessary burdens on councillors.

The Bill introduces provisions addressing the following key areas:

- **Clear separation of interests**: Pecuniary interests involving direct financial implications will continue to be explicitly managed within the *Local Government Act 1993* to ensure rigorous oversight. Non-pecuniary interests (typically personal, social, or community-related) will continue to be effectively managed under the existing, more flexible Code of Conduct framework. This will be supported with further guidance and definitions on types of interests, including actual, potential and perceived interests.

- **Introduction of Personal Interest Returns (PIR)**: Councillors will now formally lodge an initial PIR within 28 days of their election, followed by annual submissions. These returns will transparently document relevant pecuniary and non-pecuniary interests and include proactive strategies to manage potential conflicts. This structured yet simplified approach significantly enhances transparency and accountability.
- **Practical conflict management approach**: Councillors will proactively manage conflicts through documented strategies such as declaring interests, recusing from discussions or decisions, and outlining clear mitigation steps. Definitions of conflicts have been clarified and strengthened to support consistent interpretation and effective management.
- **Balanced transparency and privacy**: PIRs will be publicly accessible, but sensitive details, including exact monetary values, residential addresses, and commercial information, will be explicitly protected. This approach balances transparency with necessary privacy protections, responding directly to stakeholder feedback.
- **Simplified and targeted compliance**: The compliance framework strategically targets deliberate breaches, such as knowingly submitting false disclosures or failing to lodge required returns. Minor or inadvertent breaches will primarily be addressed through education and administrative guidance, ensuring appropriate use of regulatory resources and encouraging proactive and voluntary self-identification of non-compliance.

Elements No Longer Proceeding and Reasons

- **Integration of non-pecuniary interests into primary legislation**: Initially proposed for inclusion within the *Local Government Act 1993*, non-pecuniary interests will remain under the Code of Conduct framework. This decision acknowledges the flexibility and responsiveness of the existing Code of Conduct process for dealing with non-pecuniary matters.
- **Regulation of perceived pecuniary interests**: Stakeholder feedback indicated that perceived pecuniary interests would be difficult to regulate effectively. Consequently, provisions relating specifically to perceived pecuniary interests have been removed from the draft Bill and the focus has shifted to how potential and actual interests can be more effectively managed.
- **Continuous or rolling disclosures**: Originally intended for real-time transparency, continuous disclosures raised practical and administrative feasibility concerns. The revised framework replaces this with structured annual disclosures, addressing stakeholder concerns without compromising transparency.

- **Legislated Principal Officer role**: Initially proposed to manage disclosures and conflicts, this role was deemed unnecessary following consultation. Existing responsibilities, particularly those of General Managers, already effectively manage these functions.

Next Steps

The Framework represents a balanced approach that ensures essential transparency and accountability without excessive administrative complexity. Clear separation of pecuniary and non-pecuniary interest management, introduction of formal PIRs, pragmatic conflict management strategies, and targeted compliance measures reflect stakeholder feedback and practical governance considerations.

The Tasmanian Government invites further feedback from stakeholders and the broader community on this refined legislative framework, recognising that ongoing engagement is vital to upholding integrity and accountability standards in Tasmanian local government.

To support consultation, the Tasmanian Government has developed a draft Personal Interest Return form for feedback, which gives a clear picture of the types of information to be provided by councillors. This is in Appendix B of this paper, and also on the consultation page of the Department of Premier and Cabinet's website.

Appendix A: Technical Reforms Summary

A more flexible and accessible format for local government elections

Reform 1: Reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.

Reform Overview	• Simplifies legislative requirements for election procedures. • Shifts detail from prescriptive legislation to TEC-approved procedures under a more flexible, principles-based model. • Aims to future-proof the electoral framework and support flexibility in delivery.
Summary of Feedback	• Broad support for a more modern, adaptable system. • Some concern about reduced transparency when procedures are not set in legislation. • Recommended TEC guidance and clear reporting to support public confidence.
Department Response	• Proceeding as proposed. • Transparency concerns will be addressed through formal TEC guidance and clear public reporting requirements.

Reform 2: Enable the Tasmanian Electoral Commission to approve procedures for voting, including by telephone and electronic means, for interstate and overseas electors and electors with impediments to ordinary participation, or for other classes of person prescribed by regulation.

Reform Overview	• Allows TEC to authorise alternative voting methods (such as telephone, electronic) for specific elector groups. • Will improve accessibility for voters unable to use postal or attendance voting. • Applies to electors with disabilities, remote voters, and others prescribed by regulation.
Summary of Feedback	• General support for enhancing voting accessibility and flexibility. • TEC supports the reform but noted challenges with secrecy, verification, and delivery costs.

	• Some feedback stressed the need for clear eligibility criteria and secure systems. • Some concern about resource implications and consistency with other electoral laws.
Department Response	• Proceeding with reform. • TEC will determine eligible voter categories and implement secure methods. • Postal voting will remain available as a complementary option.

Reform 3: Legislate that the Tasmanian Electoral Commission is required to approve procedures in accordance with universal franchise principles, namely all electors, including electors with additional barriers to participation, are to be afforded an opportunity to vote in an independent, secret and verifiable manner.

Reform Overview	• Embeds principles of electoral access in legislation. • Requires that voting procedures approved by the TEC ensure all electors can vote independently, secretly, and verifiably. • Supports equitable participation in elections.
Summary of Feedback	• Broad support for the principle of universal franchise. • TEC raised concerns about how some methods (such as telephone voting) may fall short of full independence or verifiability, and pragmatic application will be necessary in some cases. • Councils supported the principle but called for flexibility in implementation. • Some feedback noted this reform may create high compliance expectations that are hard to deliver in all cases.
Department Response	• Proceeding as proposed. • Framework will ensure TEC has latitude to apply the principles in a pragmatic and context-sensitive way.

Reform 4: Require the Electoral Commissioner to publish after each election a statement on the implementation of the accessibility principles, after information, including relevant statistics and initiatives undertaken to promote universal participation in the election.

Reform Overview	• Introduces a requirement for the TEC to report publicly on accessibility and inclusion measures after each election. • Aims to improve transparency and accountability for how elections support all electors, especially those facing participation barriers.
Summary of Feedback	• Support from councils and stakeholders. • Submissions noted it will promote continuous improvement and build public trust.
Department Response	• Reform will proceed. • Reporting requirements will be designed to align with TEC's operational practices and existing data collection to minimise additional reporting burden while ensuring transparency around compliance with principles.

A better voting franchise for electors and changes to eligibility to run for office

Reform 5: Require that a person lodging a notice of nomination must have it supported by 30 electors entitled to vote in the relevant election.

Reform Overview	• Increases the nomination threshold to require 30 signatures (or one per cent of electors) supporting each candidate. • Aims to ensure candidates have a basic level of community backing and commitment before nominating.
Summary of Feedback	• Mixed feedback from the sector. • Some feedback stated the higher threshold as a reasonable filter for genuine candidates. • Concerns were raised that it may deter candidates in smaller communities or create an unnecessary barrier.

	• TEC raised concern around the increased administration workload to check enrolment. It has indicated that it is feasible but may impact timeframes and costs.
Department Response	• Reform will proceed. • The proposed increase in threshold is considered a modest and reasonable standard that affirms community support for nominees without creating undue burden or introducing a nomination fee.

Reform 6: Transfer responsibility for the maintenance of the General Manager's Roll to the Tasmanian Electoral Commission.

Reform Overview	• Shifts responsibility for the General Manager's Roll (GMR) from councils to the TEC and creates a new Local Government Electoral Roll. • Seeks to improve consistency, accuracy, and public confidence in the administration of local government elections.
Summary of Feedback	• Broad support across councils, TEC, and stakeholders. • TEC supported the reform and noted alignment with their broader role in maintaining electoral integrity. • Councils welcomed the removal of administrative burden and supported centralised oversight.
Department Response	• Reform will proceed. • The TEC will be responsible for developing operational protocols to support the transition and ensure roll integrity.

Reform 7: Amend the definition of "occupier" for enrolment purposes, to refer to actual occupation and use, and clarify that tenants and licensees are occupiers for the purposes of the Act.

Reform Overview	• Clarifies the meaning of "occupier" for the purpose of enrolment on the General Manager's Roll. • Ensures eligibility includes tenants and licensees with genuine rights of occupation, not just property owners.

Summary of Feedback	• Widespread support for the reform. • Councils and individuals welcomed the clarification to improve fairness and remove ambiguity. • TEC supported the change.
Department Response	• Reform will proceed. • The updated definition will support consistent enrolment practices and inclusive participation across all councils.

Reform 8: Strengthen verification requirements for applications for enrolment on the General Manager's Roll.

Reform Overview	• Requires the TEC to apply more rigorous verification processes for enrolment on the General Manager's Roll. • Aims to ensure accuracy and integrity of the roll by confirming eligibility and preventing duplication.
Summary of Feedback	• Widespread support for the reform. • Stakeholders endorsed the need for improved verification to support trust in the electoral process. • Some submissions noted the importance of ensuring verification requirements remain proportionate and accessible.
Department Response	• Reform will proceed. • TEC will establish verification processes that balance roll integrity with administrative practicality and equity of access.

Reform 9: Expressly prohibit dual enrolment, and require a person enrolled on both the House of Assembly roll and the General Manager's Roll to be removed from the latter.

Reform Overview	• Prevents individuals from being enrolled on both the House of Assembly roll and the General Manager's Roll. • Ensures the principle of "one person, one vote" applies consistently in local government elections.

Summary of Feedback	• Broad support from councils, individuals, and TEC. • Submissions emphasised fairness, integrity, and democratic equality. • A small number of submissions called for further restriction of eligibility to exclude corporate nominees altogether. • TEC confirmed it can implement controls to enforce single enrolment.
Department Response	• Reform will proceed. • Legislative provisions will reinforce one vote per person and support TEC compliance and enforcement systems.

Reform 10: Require new candidates to complete a pre-nomination training course approved by the Director of Local Government.

Reform Overview	• Requires all intending candidates (except incumbent councillors) to complete a prescribed training module before nominating. • Aims to improve candidate preparedness and understanding of local government roles and responsibilities.
Summary of Feedback	• Limited support across submissions. • Submissions highlighted the benefits of informed candidacy and improved governance. • Suggested the training be accessible online and available in multiple formats. • Some called for training to be required for all candidates, including incumbents, at the first election following the reform.
Department Response	• Reform will proceed. • Training will be designed to be practical and inclusive, with consideration given to transitional arrangements for incumbent councillors.

Better quality of public information at elections

Reform 11: Require that the Tasmanian Electoral Commission provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed information) and that the Commission is to publish candidate information through appropriate means.

Reform Overview	• Mandates the TEC to offer all candidates the opportunity to submit a candidate statement. • Requires the TEC to publish these statements in an accessible format to inform voters.
Summary of Feedback	• TEC noted it already provides this opportunity in practice and questioned the need to legislate it. • TEC suggested that candidate obligations (such as lodgement timing) remain their responsibility. • Some feedback supported legislating the requirement to ensure consistency and transparency. • Submissions emphasised that the published information helps voters make informed choices.
Department Response	• Reform **will not** proceed. • Candidates will still be able to lodge a candidate information statement under existing practices, however this will not be legislated.

Reform 12: Enable the Director of Local Government to publish council performance statements during election periods.

Reform Overview	• Enables the Director of Local Government to publish factual statements about council performance during an election period. • Intended to provide electors with accurate, non-political information that may support informed voting.
Summary of Feedback	• Concerns were raised about timing and the potential perception of political interference. • Much of the opposition feedback cited risks to the neutrality of the election period. • Some stakeholders supported improved transparency, but recommended performance reporting occur outside caretaker periods.
Department Response	• Reform **will not** proceed.

	• Transparency around council and councillor performance will be pursued through other mechanisms outside of the election period to avoid perceptions of influence or bias.

Reform 13: Establish that nomination by a registered party is to be included in the information published by the Tasmanian Electoral Commission and printed on the ballot paper.

Reform Overview	• Provides that candidates formally nominated by a registered political party would be identified as such on the ballot paper. • Aims to increase transparency by informing voters which candidates are officially endorsed by political parties.
Summary of Feedback	• Mixed feedback. • TEC opposed the reform, citing concerns about increased administrative complexity, and attendant cost increases (such as larger ballot papers).
Department Response	• Reform **will not** proceed. • Instead, information about party endorsement will be included in the legislated TEC candidate information booklet, ensuring voters are informed while avoiding additional ballot paper complexity and cost.

Reform 14: Provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.

Reform Overview	• Enables candidates to nominate a group or team name (other than a registered political party) for inclusion on the ballot paper. • Intended to reflect informal candidate alliances or teams.
Summary of Feedback	• Mixed feedback. • TEC opposed the reform, raising concerns about administrative complexity. • Some submissions expressed concern about the enforceability of naming conventions.

Department Response	• The Tasmanian Government has determined not to proceed with this reform. • Group or team names may be communicated through published candidate information and campaign materials, but not included on the ballot paper itself.

Strengthened donations disclosure and electoral advertising requirements

Reform 15: Introduce new prohibitions on the dissemination of misleading and deceptive statements (corresponding to the Electoral Act Review Final Report and the amended Section 197 of the *Electoral Act 2004*).

Reform Overview	• Aligns local government electoral law with the Electoral Act by prohibiting the publication of statements that are misleading or deceptive in relation to the election process. • Aims to protect electoral integrity and voter confidence.
Summary of Feedback	• Broad support across submissions. • Submissions welcomed consistency with state election laws and the clarity this provides to candidates and electors.
Department Response	• Reform will proceed. • This measure strengthens trust in the election process and ensures consistency with other electoral frameworks.

Reform 16: Remove the general restriction on publishing a candidate's name or image without their consent.

Reform Overview	• Repeals an existing provision that prohibits the publication of a candidate's name or image without their consent. • Aligns local government elections with state and federal practices where no such restriction applies.
Summary of Feedback	• Broad support across submissions. • A few submissions raised concerns about privacy and reputational risks.

Department Response	• Reform will proceed. • The change modernises the electoral framework and brings it into alignment with other jurisdictions while preserving broader legal protections.

Reform 17: Clarify the definition of electoral advertising.

Reform Overview	• Updates and clarifies what constitutes "electoral advertising" to ensure consistency and legal certainty. • Seeks to align definitions with the *Electoral Act 2004* and reduce ambiguity for candidates and regulators.
Summary of Feedback	• Broad support from stakeholders. • Some councils and individuals requested that the definition remain broad enough to capture modern communication formats (such as social media, sponsored posts). • No significant concerns were raised.
Department Response	• Reform will proceed. • The updated definition will be aligned with the Electoral Act and supported by guidance from the TEC to ensure clarity and adaptability to emerging formats.

Reform 18: Provide that only a candidate, intending candidate, or a nominated person may incur electoral expenditure; expenditure by others to promote or procure election will be an offence.

Reform Overview	• Limits electoral expenditure to the candidate, intending candidate, or their formally nominated agent. • Aims to prevent unregulated third-party campaigning and increase transparency.
Summary of Feedback	• Broad support from stakeholders. • Some concern about protecting candidates from liability for unauthorised third-party activity. • Some concern about how the reform will be adequately implemented.
Department Response	• Reform will proceed. • Safeguards will be included to ensure candidates are not penalised for unauthorised third-party actions.

Reform 19: Institute authorisation requirements for electoral advertising and associated material.

Reform Overview	• Requires electoral advertising to include information identifying who authorised the material. • Aims to promote transparency and accountability in campaign communications.
Summary of Feedback	• Strong support from stakeholders. • Recognised as a standard integrity measure consistent with other jurisdictions. • No significant concerns raised.
Department Response	• Reform will proceed. • Authorisation requirements will be clearly defined and enforced through TEC guidance.

Reform 20: Replace advertising expenditure limits with a general expenditure limit, with reference to the Legislative Council expenditure cap in the *Electoral Disclosure and Funding Act 2023.*

Reform Overview	• Replaces current advertising-specific limits with an overall cap on total electoral expenditure. • Aligns local government elections with Legislative Council spending rules.
Summary of Feedback	• General support from stakeholders. • Recognised as a clearer and more enforceable approach to managing campaign spending. • Some requests for detailed guidance on calculating and monitoring total expenditure.
Department Response	• Reform will proceed. • Guidance will be developed to assist candidates in understanding and complying with the new expenditure cap.

Reform 21: Require that a candidate is to report expenditure made on their behalf in their electoral expenditure return, in the same manner as personal expenditure. The present requirement to attribute, in full, to each candidate featured in joint advertising will be retained.

Reform Overview	• Requires candidates to report not only their own spending but also any expenditure made on their behalf.

	• Confirms that shared advertising must be fully attributed to each candidate featured.
Summary of Feedback	• Broad support across submissions. • Seen as improving transparency and accountability. • Some stakeholders noted the need for clear instructions on how to complete returns accurately.
Department Response	• Reform will proceed. • Guidance will be provided to clarify reporting obligations, including shared advertising attribution.

Reform 22: Prohibit any person from incurring any expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate or intending candidate.

Reform Overview	• Prevents third parties from incurring expenditure on behalf of a registered party to influence election outcomes. • Aims to strengthen transparency and restrict indirect or unregulated campaign spending.
Summary of Feedback	• Broad support across submissions. • Feedback noted the importance of ensuring consistency with other expenditure-related provisions.
Department Response	• Reform will proceed. • Ensures electoral spending remains traceable and accountable.

Reform 23: Maintain the $50 threshold for the disclosure of gifts and benefits and extend this requirement from incumbent councillors to all candidates, who will be required to lodge donation returns with the Tasmanian Electoral Commission.

Reform Overview	• Extends donation disclosure obligations to all candidates. • Maintains the $50 threshold and introduces disclosure during the election period via the TEC website.
Summary of Feedback	• Broad support across submissions. • Recognised as an important transparency measure. • Some noted administrative complexity and requested support for compliance.

Department Response	• Reform will proceed. • TEC will provide clear instructions and support tools to assist candidates with disclosure requirements.

Reform 24: Provide that it is an offence for a person other than a candidate or intending candidate to accept a gift or benefit for the purpose of promoting or procuring the election of a candidate, or for the dominant purpose of influencing the way electors vote in an election; and that it is an offence to make a gift or donation to a person other than a candidate or intending candidate for this purpose.

Reform Overview	• Prohibits indirect donations through intermediaries or third parties. • Aims to ensure all electoral donations are transparent and reported through candidates.
Summary of Feedback	• Support from councils and individuals for closing donation loopholes. • TEC raised concerns about administrative complexity and suggested responsibility may be better placed with councils or OLG. • Some concern about enforceability and overlap with existing regulatory responsibilities.
Department Response	• Reform will proceed. • Intended to provide a simpler alternative to third-party campaigner registration schemes. • Implementation details will consider TEC's role and administrative resourcing.

Reform 25: Provide that it is an offence for a councillor, intending candidate or candidate, at any time, to accept a donation for the purpose of promoting or procuring the election of a candidate or intending candidate at a local government election:

- **over $50, including services or goods valued in kind, without recording the basic details of that donor**
- **over $50 in cash**
- **over $50 from a foreign donor.**

Reform Overview	• Introduces clear donation limits and record-keeping obligations. • Prohibits cash and foreign donations above $50 and ensures traceability.

Summary of Feedback	• Broad support for integrity and transparency purposes. • TEC raised concerns if they were required to manage disclosures across the council term, noting administrative complexity and precedent from other jurisdictions.
Department Response	• Reform will proceed. • Gifts and donations for incumbent councillors will continue to be managed under the existing framework set out in the Local Government Act. • The TEC will not need to have a role in gifts and donations registers for councils outside of election periods.

Other changes to support the integrity of elections

Reform 26: Provide that a local government election or by-election may not be held such that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.

Reform Overview	• Prevents overlap between local government elections and state or federal parliamentary elections. • Aims to avoid voter confusion and administrative pressure.
Summary of Feedback	• Broad support for integrity and transparency purposes. • Recognised as a sensible measure to protect electoral integrity and manage resourcing.
Department Response	• Reform will proceed. • Aligns with electoral best practice and supports efficient election delivery.

Reform 27: Provide the Tasmanian Electoral Commission with powers of investigation.

Reform Overview	• Grants the TEC investigative powers to enforce electoral laws effectively. • Intended to support stronger compliance and deterrence.
Summary of Feedback	• Broad support across submissions. • Seen as necessary for the Commission to fulfil its expanded responsibilities.

	• Some feedback noted the need for clear scope and procedural safeguards.
Department Response	• Reform will proceed. • Powers will be clearly defined to ensure fair and proportionate enforcement.

Reform 28: Align electoral offences and sanctions with those in the Electoral Act.

Reform Overview	• Aligns the offences and penalties in the Local Government Electoral framework with those in the *Electoral Act 2004*. • Aims to ensure consistency, fairness, and legal clarity across electoral systems.
Summary of Feedback	• Broad support across submissions. • Viewed as necessary to streamline enforcement and promote consistent standards. • No significant concerns raised.
Department Response	• Reform will proceed. • Consistent penalties will support better understanding and enforcement of electoral rules.

Reform 29: Provide a statutory caretaker framework, applying from the notice of election to the date of the issue of the certificate of election for all elections other than by-elections and countbacks.

Reform Overview	• Establishes a formal caretaker period during elections. • Aims to prevent councils from making major decisions that could influence electoral outcomes.
Summary of Feedback	• Broad support across submissions. • Recognised as standard electoral practice that supports fairness and transparency. • Some submissions requested clarification on the caretaker timeframe and scope of decisions affected.
Department Response	• Reform will proceed. • Guidance will clarify caretaker obligations and ensure consistent application across councils.

	• Caretaker provisions will be included in the *Local Government Act 1993,* as they relate to the operational decisions of councils as opposed to the conduct of elections.

Reform 30: Provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions:

- relating to the appointment, reappointment, remuneration or termination of a general manager (except acting appointments)
- committing the council to expenditure greater than 1 per cent of general revenue or $100,000 (whichever is greater)
- directing council resources to influence voting
- relating to matters that could reasonably be deferred, except for statutory or routine operational decisions.

Reform Overview	• Prohibits councils from making major decisions during the caretaker period to avoid perceptions of bias or misuse of position. • Defines clear limits on financial, staffing, and policy decisions.
Summary of Feedback	• Broad support across submissions. • Seen as an important safeguard for electoral fairness. • Some councils requested clarification on what constitutes “routine operational” decisions.
Department Response	• Reform will proceed. • Supporting guidance will be provided to ensure consistent and practical application.

Reform 31: Provide that during the caretaker period, it is an offence for a council to:

- publish any material promoting any candidate or group of candidates, or seeking to influence voters
- publish material related to the election other than information promoting participation or official electoral process information
- make council resources available to benefit one candidate over others.

Reform Overview	• Prohibits councils from using their platforms or resources to influence election outcomes during the caretaker period.

	• Ensures councils maintain neutrality.
Summary of Feedback	• Broad support across submissions. • Seen as a necessary integrity safeguard. • Requests for guidance on acceptable communication during the period.
Department Response	• Reform will proceed. • TEC and OLG will develop guidance to support compliant council communication practices.

Reform 32: Provide that major policy or financial decisions of a council during the caretaker period are of no effect, and provide that persons who incur loss or damage due to an ineffectual decision of a council, who acted in good faith, are entitled to recover compensation from the council.

Reform Overview	• Invalidates major decisions made by councils during the caretaker period. • Allows compensation for affected parties who relied on such decisions in good faith.
Summary of Feedback	• Broad support across submissions. • Recognised as a necessary enforcement mechanism to support the caretaker provisions. • Some requests for further detail on liability and compensation processes.
Department Response	• Reform will proceed. • Implementation will include guidance to councils on the operation of the framework. • Councils will remain responsible for obtaining their own legal or financial advice where required in relation to potential liability or compensation claims.

Reform 33: Increase the proportion of electors signing a petition required to compel a council to hold an elector poll to 20 per cent; while restricting the matters about which an elector poll may be held to matters with a legitimate connection to the exercise of a council's functions or powers or to the incorporation of the council, as determined by the council.

Reform Overview	• Raises the petition threshold for triggering elector polls and limits poll topics to council-related matters.

	• Aims to reduce misuse and align polls with council responsibilities.
Summary of Feedback	• Mixed feedback from councils and stakeholders. • Some supported the reform as a way to ensure elector polls remain focused and relevant. • Others raised concerns about restricting democratic participation and increasing the threshold too far.
Department Response	• Reform will proceed. • Clear criteria and explanatory materials will be developed to ensure community understanding and consistent application.

Appendix B: Personal Interest Return (PIR) Form (Draft Example Only)

Introduction

This form is issued under the *Local Government Act 1993* (the Act) and must be completed by all Councillors. It is a requirement of the Act that Councillors disclose certain personal interests to ensure transparency and support public confidence in the integrity of local government decision-making.

The purpose of this disclosure is to:

- provide a clear record of interests that may conflict, or be perceived to conflict, with a Councillor's public duties
- support the effective management of conflicts of interest
- assist Councils in promoting good governance and accountability.

This return requires you to declare interests held by you and your spouse (including a person in a significant relationship as defined in the *Relationships Act 2003*) as at the primary return date, and to provide details of any income, property, positions, debts, memberships, contributions or other interests that meet the thresholds set out in the form.

You are also required to, where appropriate, indicate how any interests that could give rise to a conflict with your public duties will be managed. Your General Manager can help you decide whether management strategies are required to be listed.

Lodging a complete and accurate return is a legal obligation under the Act. If you are unsure about what to disclose or how to manage a declared interest, you are encouraged to seek independent legal or professional advice.

Directions

a) The interests you are required to disclose in this return are set out in legislation and apply to you, as the Councillor, and your spouse (including someone in a significant relationship as defined in the *Relationships Act 2003*).
b) You must complete and lodge a return even if you (and/or your spouse) have no interests to disclose. If you have nothing to declare, please indicate this by selecting 'No' at each question. All sections must be completed.
c) If there is not enough space in the form to provide all required details, please attach an appendix that is clearly numbered, signed and dated. Be sure to cross-reference the appendix in the relevant section of this form.
d) You may wish to seek independent legal, financial or other advice to assist you in understanding your obligations and ensuring your return is complete.

e) In this return, you must also, where appropriate, briefly describe how any disclosed interests that could give rise to a conflict of interest will be managed, including steps such as declaring interests at meetings, abstaining from decisions, or other appropriate actions.
f) Your completed return must be signed, dated and lodged with your General Manager or another authorised person.

Name of Councillor	
Council	
Date of Return	
Signature of Councillor	

Part A. Sources of income

Have you, or your spouse, received or do you, or your spouse, expect to receive any income in the period between the primary return date and the next 30 June, excluding income received as a councillor allowance?

☐ No – continue to Part B

☐ Yes – provide particulars below

Explanatory notes

- 'Income' means assessable income under the *Income Tax Assessment Act 1936* (Cth), including but not limited to: employment income, superannuation, pensions, annuities and government payments, investment income, business, partnership and trust income, and foreign income.
- A source of income only needs to be declared if you or your spouse received, or expect to receive, more than $500 from that source during the return period.
    - When disclosing income from your occupation, you must also provide:
        - a description of the occupation
        - the name and address of your employer, or a description of the office
        - the name of any partnership (if relevant).
- You do not need to disclose one-off sales of personal items (such as a second-hand car or household furniture) unless those sales are made in the course of a business or with the intent of making a profit.

Indicate the source of income (amounts are not necessary)

	Person or entity from which income was received or is expected to be received	**Why the income was/is expected to be received (For example: salary, investments, trusts, rental payments)**	**Details**
Example	Acme Consulting Pty Ltd	Salary	Policy Advisor Acme Consulting, 22 Example St, Hobart
Self			
Spouse			

Part B. Land and real property

Have you, or your spouse, held an interest in land or real property as at the primary return date?

☐ No – continue to Part C

☐ Yes – provide particulars below

Explanatory notes

- This includes any ownership or beneficial interest in land (not as security for a debt) within the municipal district of the Council or an adjoining municipal district.
- You must provide:
  - the full address of the land (as it appears on council rates notices)
  - the purpose for which the land is held (such as residence, investment)
  - the nature of the interest (such as sole owner, joint tenant, trustee).

Exceptions

- You are **not required to disclose** an interest in land if:
  - You or your spouse hold the interest only as the executor or administrator of the estate of a deceased person, and you are not a beneficiary under the will or under intestacy.
  - You or your spouse hold the interest only as a trustee, and the interest was acquired in the ordinary course of a profession or occupation that is not related to your duties as a Councillor.

Example: If you are managing property as part of your work as an accountant or solicitor (unrelated to your Councillor role), and you hold the land only as a trustee, you do not need to declare it.

Complete the table below

	Full Address of Property	**Purpose (such as residence, investment)**	**Nature of Interest (such as sole owner, joint tenant, trustee)**
Example	12 Smith Street, Springvale TAS	Residential	Sole owner
Self			
Spouse			

Part C. Corporations and business interests

Have you, or your spouse, held any position or interest in a corporation, business, trust or other entity as at the primary return date, including in a fiduciary capacity (such as trustee or executor)?

This includes positions whether paid or unpaid.

☐ No – continue to Part D

☐ Yes – provide particulars below

Explanatory notes

- You must disclose the name and address of the corporation, business, partnership or trust, and describe your position or interest (such as director, shareholder, sole trader, trustee, partner).
- This applies regardless of whether or not you received payment for the role.
- This includes business interests carried out in your own name (such as sole trader or freelancer), or as part of a partnership or trust that carries on commercial activities.
- It also includes fiduciary roles where you or your spouse owe duties to act on behalf of another person or entity. For example, as:
  - a trustee of a private or family trust
  - an executor or administrator of a deceased estate (unless exempt)
  - a partner in a business or professional firm
  - a nominee with control or discretion over assets.
- Roles held purely as part of your professional occupation (such as solicitor acting for a client) **do not need to be declared** unless they involve control or decision-making powers over land or assets that may intersect with Council matters.

Exceptions

- You are not required to disclose an interest or position if the corporation is:
  - formed to provide recreation, charity, religion, art, science or other community purpose
  - required to apply all profits to its purpose (it cannot distribute profits)
  - prohibited from paying dividends to members.
- You are also not required to disclose an interest or position if you:

- Hold the position only in your professional capacity and have no discretion or control over relevant assets or decisions (such as an accountant lodging a BAS on behalf of a client).

Example: If you are on the board of a local community garden association that operates as a not-for-profit and does not distribute profits, you do **not** need to declare this role.

Additional guidance (superannuation funds)

- You are not required to declare shareholdings or interests held by a superannuation fund (such as a retail or industry fund) unless:
  - you personally control or direct the investment decisions of the fund (such as via a self-managed super fund)
  - or you are aware of a specific investment that may give rise to a conflict of interest (such as your fund is heavily invested in a company seeking Council approval for a development).
- In most cases, managed funds or pooled investments (such as those held via industry super funds) do not need to be declared, as individual holdings are not within your knowledge or control.

Complete the table below

	Name of Corporation	**Address**	**Nature of Interest / Position**
Example	Dovetail Accounting Trust	21 Harper Street, Moonville TAS	Self – Trustee and Beneficiary of family trust
Self			
Spouse			

Part D. Liabilities and debts

Do you, or your spouse, owe money to any person or organisation as at the primary return date? This applies whether or not the debt was due or payable at that time.

☐ No – continue to Part E

☐ Yes – provide particulars below

Explanatory notes

- You must declare the name and address of any person or entity to whom you or your spouse owe a debt of $5,000 or more.
- This includes loans, credit agreements, or any other outstanding payments.

Exceptions

- You are **not** required to disclose a debt if:
  - The amount owed is less than $5,000, unless:
    - it is one of two or more debts owed to the same person during the return period and the total owed is $5,000 or more.
  - The debt is owed to a relative of the Councillor.
  - The debt is a loan of money and:
    - it is owed to a bank or authorised lender (someone whose usual business is lending money) and it was made in the ordinary course of business.
  - The debt is for goods or services provided:
    - during the period of 12 months immediately before the primary return date or during the annual return period
    - in the ordinary course of an occupation unrelated to your role as a Councillor (or your spouse's occupation).

Example: You do **not** need to declare a $3,000 loan from a bank or a $1,000 invoice from your mechanic, unless you owe the same mechanic several invoices totalling $5,000 or more.

Complete the table below

	Name of Creditor	**Address**	**Nature of Debt**
Example	John Smith	12 Hilltop Drive, New Town TAS	Private loan of $7,000 for vehicle repairs
Self			

	Name of Creditor	Address	Nature of Debt
Spouse			

Part E. Trade unions, associations, and political parties

Do you, or your spouse, currently hold a position (paid or unpaid) in any trade union, professional association, or business association?

☐ No – continue to Part F

☐ Yes – provide particulars below

Explanatory notes

- You must declare any position (such as member, delegate, board role) held by you or your spouse in a:
  - trade union
  - professional association
  - business association.
- This includes positions that are voluntary, unpaid or honorary.
- You must also declare the name of any political party of which you are a member.

Complete the table below

	Name of Organisation	**Position Held**
Example	Bank of Tasmania	101 Main St, Hobart
Self		
Spouse		

Part F. Travel or accommodation contributions

Did you, or your spouse, receive any financial or other contribution (such as free or upgraded accommodation, flights, meals, or hospitality) in relation to any travel during the annual return period?

☐ No – continue to Part G

☐ Yes – provide particulars below

Explanatory notes

- You must disclose:
  - the name and address of the person or organisation who made the contribution
  - the dates, destinations, and purpose of the travel.

Exceptions

- You do **not** need to disclose a contribution if:
  - it was made from public funds (e.g. council-funded travel)
  - it was made by a relative
  - it was made in the ordinary course of another occupation (not related to your role as a Councillor or your spouse's occupation)
  - the value of the contribution did not exceed $250, unless:
    - more than one contribution was made by the same person in the return period and the total of those contributions exceeded $250.
  - it was made in a personal capacity, and it would not reasonably be seen as related to your role as a Councillor
  - it was made by a political party of which you are a member, and the travel was undertaken:
    - for political activity in Tasmania or to represent the party within Australia.

Note: A non-financial contribution (such as a gift or in-kind support) is treated as equal in value to what it would cost if paid for directly.

Complete the table below

	Name and Address of Contributor	**Type of Contribution (such as flight, hotel)**	**Dates of Travel**	**From/To Locations**
Example	Local Gov Assoc 2 Civic Way	Flights and accommodation	4–6 March	Hobart – Melbourne

	Name and Address of Contributor	Type of Contribution (such as flight, hotel)	Dates of Travel	From/To Locations
Self				
Spouse				

Part G. Dispositions of real property

Have you, or your spouse, transferred an interest in property during the return period but retained a benefit, or acquired a benefit from someone else's transfer?

☐ No – continue to Part H

☐ Yes – provide particulars below

Explanatory notes

- You must disclose:
  - any property you or your spouse disposed of (in whole or part) where you kept the right to use or benefit from the property
  - any property another person disposed of where you gained use or benefit (even if you don't legally own it).
- This includes arrangements where legal ownership changes, but you still use, access or benefit from the property in some way.

Complete the table below

	Property / Arrangement	**Nature of Benefit Retained or Acquired**
Example	Transfer of family shack	Continued right to occupy
Self		
Spouse		

Part H. Discretionary disclosures

Is there any other substantial interest (financial or otherwise) that could be seen as creating a conflict between your personal interests and your public duties as a Councillor?

☐ No – continue to Part I

☐ Yes – provide details below

Explanatory notes

- You must declare **any other significant interest** that:
  - you are aware of
  - might reasonably be seen to conflict with your public responsibilities as a Councillor.
- This includes interests held by you or by a related person or entity, even if the interest is not financial in nature.
- These may include unpaid or voluntary positions in clubs, associations, or community groups, particularly where those groups interact with Council (such as apply for funding, use Council facilities, or make submissions on Council decisions).
- **Example 1**: If a close family member owns a company that regularly tenders for Council contracts, or if you volunteer in a leadership role in a group advocating for decisions your Council makes, you may wish to disclose that interest here.
- **Example 2**: If you are the president of a local sporting club that applies for Council grants or leases Council-owned facilities, this may be a relevant interest to disclose.

Complete the table below

	Description of Interest
Example	My sister-in-law is CEO of a company that regularly tenders for council waste management contracts.
Self	
Spouse	

Part I. Declaration on management of interests

Briefly outline how you propose to manage any disclosed interests to ensure they do not conflict with your public duties as a Councillor.

This may include:

- recusal from specific Council decisions or meetings
- use of a formal conflict of interest register
- disclosure at the start of relevant proceedings
- other appropriate actions.

Complete the table below

	Interest (brief description)	**How the interest will be managed**
Example	Sister-in-law is CEO of council contractor	Will declare and not participate in any related procurement matters
Example	Joint owner of local business property	Will recuse from votes involving zoning or development in the area
Example	Member of planning industry association committee	Will declare interest at meetings dealing with industry regulation
Self		
Spouse		

Part J. Primary return appendix

- This appendix is provided for use if you need additional space to disclose information beyond what the standard Personal Interest Return form allows.
- Please clearly number, sign, and date each page you include as an appendix.
- Make sure each appendix page is cross-referenced to the relevant part of the Primary Return form.
- Example: If you have multiple income sources, land holdings, or corporation positions that don't fit within the main tables, use the appendix to continue your disclosures.

Signed: _____

Date: _____

Drafted in the Office of
Parliamentary Counsel

TASMANIA

_____

LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2025

_____

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LOCAL GOVERNMENT AMENDMENT (TARGETED REFORM) BILL 2025

(Brought in by the Minister for Local Government, the Honourable Kerry John Vincent)

A BILL FOR

An Act to amend the *Local Government Act 1993* and the *Tasmanian Civil and Administrative Tribunal Act 2020*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Local Government Amendment (Targeted Reform) Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

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PART 2 – LOCAL GOVERNMENT ACT 1993 AMENDED

3. Principal Act

In this Part, the *Local Government Act 1993** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

(a) by inserting the following definition after the definition of *community*:

community engagement strategy, in relation to a council, means the community engagement strategy established for that council under section 70DA(1);

(b) by inserting the following definition after the definition of *legal practitioner*:

local government charter means a local government charter issued by the Minister, and in force, under section 20;

(c) by inserting the following definition after the definition of *scrutineer*:

*No. 95 of 1993

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serious councillor misconduct – see section 28ZR;

(d) by inserting the following definition after the definition of *Tasmanian Electoral Commission*:

temporary advisor means a person appointed to be a temporary advisor to a council under section 214Q;

5. Section 20 substituted

Section 20 of the Principal Act is repealed and the following sections are substituted:

19A. Role of council

(1) The role of a council is to support and improve the wellbeing of the community by –

(a) harnessing and building on the unique strengths and capabilities of the community; and

(b) providing infrastructure and services that, to be effective, require local approaches; and

(c) representing and advocating for the specific needs and interests of the community in regional, state-wide and national decision-making; and

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(d) promoting the social, economic and environmental sustainability of the community, including but not limited to by mitigating and planning for climate change impacts.

(2) In performing its role, a council may –

(a) perform any duties or functions or exercise any powers conferred on a council by or under this Act or any other Act; and

(b) perform any other functions that the council determines are necessary to enable the council to perform its role.

(3) A council may do anything necessary or convenient to perform its role either within or outside its municipal area.

(4) A council may transfer to a single authority or a joint authority –

(a) any of its assets and liabilities on any condition it determines; or

(b) any of its employees.

(5) A council may –

(a) acquire, hold, dispose of and otherwise deal with property; and

(b) sue and be sued in its corporate name.

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20. Local government charter

(1) The Minister, by order, may issue a local government charter.

(2) A charter issued under subsection (1) must be consistent with this Act and is to –

(a) provide clarity and specific guidance to support councils in performing their role; and

(b) specify the core functions of councils, and the principles and practices to guide when and how councils should seek to undertake functions outside those core functions; and

(c) specify principles to be followed by Councils in relation to –

(i) good governance; and

(ii) financial management; and

(iii) community engagement; and

(iv) collaboration and coordination with other councils on matters of shared interest or regional issues; and

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(d) specify the principles and processes by which the Tasmanian government will support councils to perform their role, including in connection with consultation and engagement between the Tasmanian government and local government; and

(e) contain such other matters as may be prescribed.

(3) Councils are to have regard to any charter issued by the Minister under this section when performing their role.

(4) The Minister is to ensure that any charter issued under this section is reviewed at least once in each 5-year period.

(5) The Minister may amend, revoke, or revoke and substitute an order under this section.

(6) Before making, amending or revoking and substituting an order, the Minister must consult with –

(a) councils; and

(b) the Local Government Association of Tasmania; and

(c) the public –

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as to the matters that the Minister is considering including in the order, the amended order or the substitute order.

(7) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.

(8) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

(9) An order under this section may be combined with an order under one or more of the following sections:

(a) section 27A;

(b) section 28AA;

(c) section 62A;

(d) section 62B.

6. Section 27A amended (Order relating to Mayor's functions)

Section 27A(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

(aa) section 20;

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7. Section 28AA amended (Order relating to functions of councillors)

Section 28AA(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

(aa) section 20;

8. Sections 28AB and 28AC inserted

After section 28AA of the Principal Act, the following sections are inserted in Division 3:

28AB. Mandatory core learning and development activities for councillors

(1) The Director is to approve for the purposes of this Act a course of mandatory core learning and development activities for councillors.

(2) A course of mandatory core learning and development activities approved under subsection (1) is to consist of learning and development activities that relate to the roles and responsibilities of councils and councillors.

(3) The Director is to, within 28 days of approving a course of mandatory core learning and development activities under subsection (1) –

(a) ensure that notice of the approval is issued to each council; and

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(b) cause a copy of the course of mandatory core learning and development activities to be published on a website maintained by or on behalf of the Department.

(4) The regulations may prescribe requirements for the learning and development activities required under this section.

(5) A councillor must complete the course of learning and development activities approved by the Director under subsection (1) within 12 months after the election of the councillor.

(6) The Director may extend the period referred to in subsection (5) if satisfied that it would be appropriate in the circumstances.

(7) The Director may only approve a course of mandatory core learning and development activities under subsection (1) if the Director has consulted with the Local Government Association of Tasmania as to the suitability of the course for councillors.

28AC. Policy for continuing professional development

(1) A council must adopt a policy in relation to the continuing professional development of councillors (***a***

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continuing professional development policy) within 6 months after an ordinary election.

(2) A continuing professional development policy for a council is to –

(a) be prepared by the general manager for the council; and

(b) relate to matters relevant to councillors' roles and responsibilities under this or any other Act; and

(c) have regard to the professional development needs of councillors; and

(d) include an estimate of the expenditure to be spent in a financial year by the council in implementing the policy.

9. Section 28ZA amended (Initial assessment of code of conduct complaint)

Section 28ZA of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(f) "Panel." and substituting "Panel;";

(b) by inserting the following paragraphs after paragraph (f) in subsection (1):

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(g) refer the whole complaint to the Director under section 28ZBA;

(h) refer part of the complaint to the Director under section 28ZBA.

(c) by omitting from subsection (3)(b)(iii) "Officer." and substituting "Officer; and";

(d) by inserting the following paragraph after paragraph (b) in subsection (3):

(c) if the initial assessor has referred the whole or part of the complaint to the Director, is to –

(i) notify the councillor against whom the complaint is made, in writing, of the result of the initial assessment and the reasons for it; and

(ii) provide a copy of the complaint to that councillor; and

(iii) provide the Director with a copy of the initial assessment of the complaint and all documentation and other evidence on which the initial assessment was based.

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10. Section 28ZBA inserted

After section 28ZB of the Principal Act, the following section is inserted in Subdivision 3:

28ZBA. Referral of code of conduct complaint on initial assessment to Director

The initial assessor for a code of conduct complaint, on an initial assessment, may refer a code of conduct complaint, or part of it, to the Director if the initial assessor reasonably considers that the complaint includes conduct that is capable of amounting to serious councillor misconduct.

11. Section 28ZFA inserted

After section 28ZF of the Principal Act, the following section is inserted in Subdivision 3:

28ZFA. Investigation of multiple code of conduct complaints after convening of investigating Panel

(1) This section applies if the Executive Officer has convened an investigating Panel under section 28L to conduct an investigation into a code of conduct complaint (***the initial complaint***) and the Code of Conduct Panel receives another code of conduct complaint (***the additional complaint***) that –

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(a) is against the same councillor or different councillors of the same council; and

(b) relates to the same contravention of the code of conduct.

(2) If the initial assessor for the code of conduct complaint determines that the whole or part of the additional complaint is to be investigated and determined by the Code of Conduct Panel, the assessor may make a recommendation to the Executive Officer, as part of the initial assessment of the additional complaint, that the additional complaint be investigated and determined by the investigating Panel convened to investigate the initial complaint.

(3) If an initial assessor for a number of code of conduct complaints makes a recommendation to the Executive Officer under subsection (2), the Executive Officer may provide a copy of the additional complaint to each member of the investigating Panel convened to investigate the initial complaint.

(4) The investigating Panel convened to conduct the investigation of the initial complaint may, if it has not completed the investigation, conduct a joint investigation into the initial complaint and the additional complaint.

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12. Section 28ZK amended (Notification of determination of code of conduct complaint)

Section 28ZK of the Principal Act is amended as follows:

(a) by omitting subsections (6) and (7);

(b) by omitting subsection (9);

(c) by inserting in subsection (10)(a)(ii) ", the Director" after "Officer";

(d) by omitting from subsection (10)(b) "paragraph (a)(ii); and" and substituting "paragraph (a)(ii).";

(e) by omitting paragraph (c) from subsection (10);

(f) by omitting subsection (11) and substituting the following subsection:

(11) Subsection (10) does not apply to the disclosure of a document, report or information if at the time of the disclosure –

(a) the initial assessor has dismissed the code of conduct complaint to which the document, report or information relates; or

(b) the determination report relating to the document, report or information, has

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been provided to persons as required under subsection (2).

13. Part 3, Division 3B inserted

After section 28ZP of the Principal Act, the following Division is inserted in Part 3:

Division 3B – Serious councillor misconduct
Subdivision 1 – Preliminary

28ZQ. Interpretation

In this Division –

code of conduct referral means the referral of a code of conduct complaint from an initial assessor to the Director under section 28ZBA;

decision-maker includes the following persons:

(a) an initial assessor;

(b) the Director;

(c) the Tasmanian Civil and Administrative Tribunal.

28ZR. Serious councillor misconduct

(1) For the purposes of this Act, ***serious councillor misconduct*** means conduct,

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or an attempt to engage in conduct, by a councillor that is or involves a serious or significant contravention of the code of conduct.

(2) For the purposes of subsection (1), a decision-maker is to have regard to the following when determining whether conduct, or an attempt to engage in conduct, by a councillor constitutes a serious or significant contravention of the code of conduct:

(a) whether the conduct is unlawful;

(b) the extent of any actual or potential harm or risk, caused as a consequence of the conduct, to an individual, the council or public safety;

(c) the degree to which the conduct impacts negatively on the ability of the relevant council to perform its functions under this or any other Act;

(d) whether the conduct involves –

(i) deliberate and intentional misuse of council resources, information, or authority, for personal gain; or

(ii) undue influence or detriment to the council,

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community or a community member;

(e) the nature and extent of any material benefit or detriment derived by the councillor or others as a result of the conduct;

(f) whether the conduct is part of a repeated pattern of contraventions or involves collusion with others, and the councillor's role in such collusion;

(g) such other public interest considerations that the relevant decision-maker thinks relevant;

(h) such other matters or considerations as are specified in guidelines issued by the Minister under section 28ZS.

28ZS. Ministerial guidelines in relation to serious councillor misconduct

(1) The Minister is to, by order, issue guidelines consistent with this Act that specify matters, and considerations, that are to be taken into account by decision-makers when determining whether conduct, or an attempt to engage in conduct, by a councillor constitutes a serious or significant contravention of the code of conduct.

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(2) The Minister by order may amend, revoke, or revoke and substitute any guidelines made under this section.

(3) Before making, amending or revoking and substituting an order, the Minister must consult with councils as to the matters that the Minister is considering including in the order, the amended order or the substitute order.

(4) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.

(5) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

Subdivision 2 – Assessment of serious councillor misconduct

28ZT. Assessment of serious councillor misconduct

(1) If the Director receives a code of conduct referral from an initial assessor in respect of the conduct of a councillor, the Director must carry out an assessment into that conduct to determine whether an investigation by the Director into the conduct is necessary or appropriate.

(2) After carrying out an assessment, the Director may –

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(a) if the Director determines that the conduct of the councillor is capable of amounting to serious councillor misconduct, determine that the Director will conduct an investigation into that conduct; or

(b) refuse to conduct an investigation into the conduct; or

(c) refer the matter to another person or authority.

(3) If the Director makes a determination under subsection (2)(a) –

(a) the complaint is taken to be a complaint made to the Director under section 339E and ceases to be a code of conduct complaint; and

(b) the Director is to proceed under that section and section 339EA in relation to the complaint.

(4) If the Director refuses under subsection (2)(b) to commence an investigation into a councillor's conduct, the Director must refer the complaint back to the initial assessor for the code of conduct complaint.

(5) If the Director does not make a decision under subsection (2) within 28 days of receiving a code of conduct referral, the Director is to notify the initial assessor

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and the complainant that the matter is still under consideration.

28ZU. Determination of Director following investigation of code of conduct referral

(1) After completing an investigation into a councillor's conduct following a code of conduct referral, the Director may do any of the following:

(a) make an application to the Tasmanian Civil and Administrative Tribunal under section 28ZW;

(b) refer the matter back to the initial assessor;

(c) refer the matter to any other person or authority;

(d) dismiss the complaint.

(2) A complaint that has been referred back to an initial assessor under subsection (1)(b) is taken to be a code of conduct complaint and ceases to be a complaint to the Director under section 339E.

27ZV. Referral of complaints back to initial assessor

(1) If a complaint is referred back to an initial assessor under section 28ZT or 28ZU –

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(a) the Director must provide reasons to the initial assessor for the referral; and

(b) the initial assessor is to proceed under section 28ZA in relation to that complaint within 14 days of the referral of the matter.

(2) On doing a further initial assessment under section 28ZA as required by subsection (2) –

(a) the initial assessor is to comply with section 28ZA as if doing a first initial assessment; and

(b) if the initial assessor determined on the original initial assessment to investigate a part of the code of conduct complaint and had notified the councillor against whom the complaint was made of that determination, the initial assessor is to notify the councillor of the result of the further initial assessment in addition to any other notice that the initial assessor is required to provide under section 28ZA.

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Subdivision 3 – Tribunal

28ZW. Application to the Tasmanian Civil and Administrative Tribunal

(1) If, following an investigation under section 339EA, the Director considers that the conduct of a councillor amounts to serious councillor misconduct, the Director may make an application to the Tasmanian Civil and Administrative Tribunal for a decision in relation to the matter.

(2) An application –

(a) is to be made in writing; and

(b) is to specify the particulars upon which the application is based; and

(c) is to specify the orders sought and the grounds for seeking those orders; and

(d) is to be lodged with the Registrar, within the meaning of the *Tasmanian Civil and Administrative Tribunal Act 2020*.

(3) The Director must, as soon as reasonably practicable after making an application under this section in respect of the

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conduct of a councillor, give a copy of that application to the councillor.

(4) Unless otherwise specified in this Act, the provisions of the *Tasmanian Civil and Administrative Tribunal Act 2020* apply in relation to an application made to the Tasmanian Civil and Administrative Tribunal under this section.

(5) At the hearing of an application under this Subdivision, a party to the application may be represented by an Australian legal practitioner.

28ZX. Orders of the Tasmanian Civil and Administrative Tribunal

(1) If, after hearing an application under this Division in respect of a councillor, the Tasmanian Civil and Administrative Tribunal determines that a councillor has engaged in serious councillor misconduct, the Tribunal may make a finding of serious misconduct against the councillor and may make an order doing any one or more of the following:

(a) cautioning or reprimanding the councillor;

(b) requiring the councillor to apologise to the complainant or other person affected by the contravention of the code of

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conduct, in the manner and form specified by the Tribunal;

(c) requiring the councillor to participate in counselling or undertake a training course;

(d) prohibiting the councillor from nominating as a candidate at any ordinary election or by-election for a period not exceeding 7 years;

(e) dismissing the councillor from office;

(f) suspending the councillor from office for a period of not less than 3 months but not more than 6 months;

(g) imposing on the councillor a fine not exceeding an amount equivalent to 50 penalty units.

(2) If the Tasmanian Civil and Administrative Tribunal makes a finding of serious misconduct against a councillor, it may make an order that all or any of the costs of proceedings be paid by the councillor and in making such order must take into account the nature and the severity of the misconduct.

(3) If, after hearing an application under this Division in respect of a councillor, the Tasmanian Civil and Administrative

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Tribunal determines that the councillor has not engaged in serious councillor misconduct but has contravened the code of conduct, the Tribunal may make a finding against the councillor and may make an order doing any one or more of the following:

(a) cautioning or reprimanding the councillor;

(b) requiring the councillor to apologise to the complainant or other person affected by the contravention of the code of conduct, in the manner and form specified by the Tribunal;

(c) requiring the councillor to attend counselling or a training course;

(d) suspending the councillor from office for a period not exceeding 3 months.

(4) If the Tasmanian Civil and Administrative Tribunal makes a finding against a councillor under subsection (3), the Tribunal may decline to make an order under that subsection if satisfied that it is not reasonable in the circumstances to make such an order.

(5) A person who contravenes an order under subsection (1) or (3) is guilty of an offence.

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Penalty: Fine not exceeding 50 penalty units.

(6) For the avoidance of doubt, the making of an order by the Tasmanian Civil and Administrative Tribunal under this section is within the original jurisdiction of the Tribunal.

14. Section 62 amended (Functions and powers of general manager)

Section 62(1) of the Principal Act is amended by inserting after paragraph (h) the following paragraph:

(ha) to develop and maintain a workplace development strategy that addresses the immediate and long-term human resourcing requirements of the council;

15. Section 62A amended (Order relating to general manager's functions generally)

Section 62A(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

(aa) section 20;

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16. Section 62B amended (Order relating to general manager's function to liaise with mayor)

Section 62B(4) of the Principal Act is amended by inserting before paragraph (a) the following paragraph:

(aa) section 20;

17. Section 66 amended (Strategic plan)

Section 66 of the Principal Act is amended by omitting subsection (3) and substituting the following subsections:

(2A) A strategic plan for a municipal area is to identify community wellbeing priorities and specify strategies for achieving outcomes in relation to those priorities.

(3) In preparing a proposed strategic plan, a council is to –

(a) consult with the community in its municipal area and any authorities and bodies it considers appropriate; and

(b) have regard to the local government charter, if any.

(3A) A council is to undertake any consultation under subsection (3)(a) in accordance with the council's community engagement strategy.

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18. Section 70DA inserted

After section 70D of the Principal Act, the following section is inserted in Division 2:

70DA. Community engagement strategy

(1) A council must establish and implement a strategy for engagement with the community when developing the council's plans, policies and programs and for the purpose of determining its major activities.

(2) A council is to consult with the community and any authorities and bodies it considers appropriate when preparing a proposed community engagement strategy or reviewing an established community engagement strategy.

(3) A community engagement strategy is to contain –

(a) strategies to ensure that the community is informed about, and has reasonable opportunity to contribute to, the decisions, activities and services of the council; and

(b) principles and procedures that council will follow when engaging and consulting with the community; and

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(c) such other matters as may be prescribed.

19. Section 70E amended (Review of plans, strategies and policies)

Section 70E(1) of the Principal Act is amended as follows:

(a) by omitting from paragraph (f) "policy." and substituting "policy; and";

(b) by inserting the following paragraph after paragraph (f):

(g) community engagement strategy.

20. Section 70F amended (Orders determining minimum contents of plans, &c., and classes of assets)

Section 70F of the Principal Act is amended as follows:

(a) by omitting from subsection (1)(e) "policy." and substituting "policy; or";

(b) by inserting the following paragraphs after paragraph (e) in subsection (1):

(f) a community engagement strategy; or

(g) a continuing professional development policy; or

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(h) a workplace development strategy.

(c) by inserting the following subsection after subsection (2):

(2A) In an order under subsection (1), the Minister may also specify requirements in relation to the preparation, development, consultation, review, contents and publication of all or any of the plans, strategies or policies referred to in that subsection.

21. Sections 84A and 84B inserted

After section 84 of the Principal Act, the following sections are inserted in Division 3:

84A. Council performance reporting

(1) The Minister may, by order, specify performance reporting requirements that are to apply in relation to councils.

(2) In an order under subsection (1), the Minister may specify –

(a) the frequency and manner of performance reporting by councils to the Minister; and

(b) the scope and types of performance indicators and metrics that are to be used; and

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(c) the methodologies and protocols for the measurement, reporting and presentation of performance data.

(3) A council must comply with any performance reporting requirements specified in an order under this section.

(4) The Minister is to consult with councils as to the matters to be included in an order under this section.

84B. Internal audit

(1) The Minister may, by order, specify requirements that are to apply to councils in relation to the conduct of internal audits.

(2) The Minister is to consult with councils as to the matters to be included in an order under this section.

(3) A council must conduct any internal audits in accordance with the requirements specified in an order under this section.

22. Section 122A inserted

After section 122 of the Principal Act, the following section is inserted in Division 9:

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122A. Order specifying information in rates notices

(1) The Minister, by order, may specify the information that, in addition to the information required under section 122(1), is to be included by the general manager in a rates notice.

(2) The Minister is to consult with councils as to the matters to be included in an order under this section.

23. Section 214L amended (Recommendation for issuing performance improvement direction)

Section 214L of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

(2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director's opinion, the council or councillor has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act.

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24. Section 214O amended (Consequences of failing to comply with performance improvement direction)

Section 214O(1) of the Principal Act is amended by inserting after paragraph (a) the following paragraph:

(ab) appoint a temporary advisor to the council for such period as the Minister determines;

25. Part 12C inserted

After section 214O of the Principal Act, the following Part is inserted:

PART 12C – TEMPORARY ADVISORS

214P. Recommendation to appoint temporary advisor

(1) The Director may recommend to the Minister that the Minister appoint a temporary advisor to a council to assist in addressing emerging governance or operational issues at the council.

(2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if –

(a) in the Director's opinion –

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(i) the council has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act; or

(ii) there is evidence that suggests emerging governance or operational deficiencies at the council that, if not addressed, have the potential to negatively impact the effective delivery of the council's functions and services to the community; or

(b) the council has requested the appointment of a temporary advisor.

(3) For the purposes of subsection (2)(a)(ii), evidence of emerging governance or operational deficiencies may include, but is not limited to –

(a) ongoing or unresolved conflicts among councillors or between councillors and council staff that disrupt effective decision-making; and

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(b) governance practices that risk undermining transparency, accountability or compliance with the principles of sound and prudent management necessary to deliver the council's functions; and

(c) financial management practices that indicate potential risks to the council's financial sustainability; and

(d) credible complaints, reports or other information that suggests systemic operational challenges.

(3) A recommendation under subsection (1) must include –

(a) the grounds for the recommendation; and

(b) a summary of the evidence or observations, such as complaints, reports, or patterns of conduct, on which the recommendations are based.

(4) On receipt of a recommendation of the Director made under subsection (1), the Minister may –

(a) issue to the council a direction to appoint a temporary advisor; or

(b) refuse to issue such a direction.

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214Q. Appointment of temporary advisors

(1) A temporary advisor is to be appointed by the Minister on such terms and conditions as determined by the Minister.

(2) The costs of a temporary advisor are to be met by the council in respect of which the temporary advisor is appointed.

214R. Functions and powers of temporary advisors

(1) A temporary advisor has the following functions in respect of a council:

(a) to monitor the council's governance processes and matters;

(b) to advise the council about governance improvements that the council should make;

(c) to provide general assistance and advice to the council on good governance practices;

(d) such functions as are specified in the temporary advisor's instrument of appointment;

(e) such other functions as may be conferred on the temporary advisor under this Act or any other Act.

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(2) A temporary advisor has the power to do all things necessary or convenient to be done in connection with, or incidental to, the performance of the functions of a temporary advisor.

(3) For the purposes of this Act and without limiting subsection (2), a temporary advisor may –

(a) enter and remain on council premises to perform any function or exercise any power under this Act; and

(b) attend meetings of a council or council committee, including meetings that are closed to the public; and

(c) require records and documents relating to the council's governance processes and matters to be provided to the temporary advisor.

(4) If a temporary advisor is appointed to a council, the council, councillors and members of the staff of the council are required to co-operate with the temporary advisor and to provide any information or assistance that the temporary advisor reasonably requires to exercise the temporary advisor's functions.

(5) A person must not obstruct or hinder a temporary advisor in the exercise of a

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power or the performance of a function under this Act.

Penalty: Fine not exceeding 50 penalty units.

214S. Report by temporary advisor

(1) A temporary advisor is to submit a final report to the Minister by the day specified in the temporary advisor's appointment.

(2) The final report is to include the following:

(a) any findings made by the temporary advisor in respect of the council;

(b) details of any action that the temporary advisor recommends be taken, and the reasons for that action;

(c) if the temporary advisor does not recommend that any action be taken, the reasons for that recommendation.

26. Section 338AA amended (Director may require information, &c., for purposes of investigation)

Section 338AA(1) of the Principal Act is amended by inserting "carrying out an

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assessment under section 28ZT or" after "purposes of".

27. Section 338A amended (Disclosure of information)

Section 338A of the Principal Act is amended as follows:

(a) by inserting the following subsections after subsection (1):

(1A) Except as required, or allowed, by this Act, another Act or any other law, a councillor attending a closed meeting of either the council or a council committee through the use of electronic means of communication must take reasonable steps to ensure that the meeting cannot be viewed or heard by another person (***the unauthorised person)***.

Penalty: Fine not exceeding 50 penalty units.

(1B) Subsection (1A) does not apply if a majority of councillors present at the meeting agree to the unauthorised person being able to view or hear the meeting.

(1C) For the purposes of subsection (1A), reasonable steps by a

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councillor includes, but is not limited, to the councillor –

(a) attending the meeting –

(i) from a private and secure location where other persons cannot listen in to the meeting or otherwise access the meeting discussion; and

(ii) through the use of prescribed secure communication technology and prescribed secure audio technology, if any; and

(iii) in accordance with any prescribed requirements or procedures; and

(b) ensuring that no audio or audiovisual recording of the meeting, or any part of it, is made, and that no transcript is produced from any such recording

(b) by inserting in subsection (2) "or (1A)" after "subsection (1)";

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(c) by inserting the following after subsection (4):

(5) Except as required, or allowed, by this Act, another Act or any other law, a temporary advisor must not disclose information acquired as such an advisor on the condition that it be kept confidential.

Penalty: Fine not exceeding 50 penalty units.

28. Section 339 amended (Improper use of information)

Section 339(2A) of the Principal Act is amended by inserting "or any investigation by the Director under this Act" after "investigation".

29. Section 339EA amended (Investigations of complaints and other matters)

Section 339EA(4) of the Principal Act is amended by inserting "the carrying out of an assessment under section 28ZT," after "from".

30. Section 341 amended (Immunity from liability)

Section 341 of the Principal Act is amended as follows:

(a) by inserting the following paragraph after paragraph (d) in subsection (1):

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(da) a temporary advisor; or

(b) by inserting in subsection (3) "a temporary advisor," after "Panel,".

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PART 3 – TASMANIAN CIVIL AND ADMINISTRATIVE TRIBUNAL ACT 2020 AMENDED

31. Principal Act

In this Part, the *Tasmanian Civil and Administrative Tribunal Act 2020** is referred to as the Principal Act.

32. Schedule 2 amended (General Division)

Schedule 2 to the Principal Act is amended as follows:

(a) by omitting paragraph (f) from clause 2 of Part 5 and substituting the following paragraph:

(f) sections 28ZJ, 28ZP, 28ZW and 28ZX of the *Local Government Act 1993*;

(b) by inserting in clause 3(m) of Part 8 ", 28ZW, 28ZX" after "28ZP".

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*No. 24 of 2020

PART 4 – REPEAL OF ACT

33. Repeal of Act

This Act is repealed on the first anniversary of the day on which the last uncommenced provision of this Act commenced.

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Drafted in the Office of
Parliamentary Counsel

TASMANIA

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LOCAL GOVERNMENT ELECTORAL BILL 2025

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LOCAL GOVERNMENT ELECTORAL BILL 2025

(Brought in by the Minister for Local Government, the Honourable Kerry John Vincent)

A BILL FOR

An Act to provide for the holding of elections to elect persons to a council, to regulate the conduct of those elections, to provide for the enrolment of electors for the purposes of those elections and to provide for related matters

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Local Government Electoral Act 2025*.

2. Commencement

The provisions of this Act commence on a day or days to be proclaimed.

3. Interpretation

In this Act, unless the contrary intention appears –

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absolute majority means –

(a) if no councillors are suspended, more than half of the total number of councillors to be elected to a council; or

(b) if one or more councillors are suspended, more than half of the total number of councillors to be elected to a council after subtracting the number of councillors who are suspended;

approved means approved by the Tasmanian Electoral Commission;

ballot material means –

(a) a ballot paper; and

(b) instructions for the completion of the ballot paper; and

(c) instructions for the manner in which the ballot paper is to be returned;

by-election means a by-election held in accordance with section 83;

candidate means a person whose notice of nomination for an election has been accepted under section 44(3);

certificate of election means a certificate of the result of an election published by the

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Electoral Commissioner in accordance with section 79(2);

closing day means the day and time fixed in accordance with section 40 on and at which polling for an election is to close in respect of all or specified electoral area;

continuing candidate means a person who, at the time of lodging a notice of nomination –

(a) holds the office of councillor; and

(b) has held that office continuously since the day on which the certificate of election was issued in relation to the person's election to the office of councillor, whether the person was elected at –

(i) an ordinary election; or

(ii) a recount of votes under section 80; or

(iii) a recount to fill a casual vacancy under section 82; or

(iv) a by-election;

corporate body nominee means a natural person whose nomination by a corporate body has been accepted by the Electoral Commissioner in accordance with section 44;

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council means a council established by section 18 of the *Local Government Act 1993*;

council committee means a council committee established under section 23 of the *Local Government Act 1993*;

councillor means a person elected to a council and includes the Lord Mayor, Deputy Lord Mayor, mayor, deputy mayor and alderman;

declaration of a poll means a declaration under section 78;

deputy mayor includes the Deputy Lord Mayor;

Director means the Director of Local Government appointed under 334 of the *Local Government Act 1993*;

disclosure period means the period commencing on the day on which the certificate of election was issued following the last ordinary election for the relevant electoral area and ending at the close of nominations for the following election;

election period means the period commencing on the day on which the notice of election for an election is published and ending on the declaration of a poll for that election;

elector, in relation to an election in an electoral area, means –

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(a) a person, natural person or corporate body nominee who is included on the Local Government Electoral Roll for the electoral area; or

(b) a person who is enrolled on the State roll, within the meaning of the *Electoral Act 2004*, for an address located within the electoral area;

electoral area means the municipal area or electoral district in which an election is to be held;

electoral advertising, in relation to an election, means any paid or unpaid matter that is communicated, or intended to be communicated, to the public, at the explicit direction or with the express authorisation of a candidate or intending candidate, for the dominant purpose of promoting the candidate's or intending candidate's campaign –

(a) including, but not limited to, communication by any of the following means:

(i) notices, signs or posters;

(ii) pamphlets or handbills;

(iii) "how to vote" cards;

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(iv) direct mail (including letterboxing);

(v) print media;

(vi) broadcast media;

(vii) internet or social media;

(viii) unsolicited automated telephone calls (including "robocalls");

(ix) direct electronic messages (including email, SMS or other messages via social media or messaging apps); but

(b) does not include communication made by or on behalf of any of the following, where the dominant purpose of the communication is to inform the public about the election or to promote public participation in the election process:

(i) the Electoral Commissioner;

(ii) the Tasmanian Electoral Commission;

(iii) a council;

(iv) the Local Government Association of Tasmania,

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continued under section 326 of the *Local Government Act 1993*;

(v) the Crown or an instrumentality of the Crown;

Electoral Commissioner means the person holding that office under the *Electoral Act 2004*;

electoral district means an electoral district referred to in section 17 of the *Local Government Act 1993*;

electoral expenditure, in relation to an election, means any expenditure, including expenditure on electoral advertising, that is incurred or authorised for the dominant purpose of creating or communicating a particular electoral matter, or electoral matter generally, in relation to the election but does not include expenditure incurred to the extent that the expenditure is by a person who –

(a) is providing a communication service, or communication platform, that is used to create or communicate electoral matter; or

(b) is providing a service for another person who is engaged, on a commercial basis, to create or communicate electoral matter;

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electoral material means –

(a) physical, digital or electronic ballot papers; and

(b) a voting declaration in accordance with section 51(3);

electoral matter means any matter relating to an election, including electoral advertising, and any paid or unpaid matter that is communicated, or intended to be communicated, to the public for the dominant purpose of influencing the way that electors vote in the election, including, but not limited to, material that expressly or implicitly expresses support for or opposition to any of the following:

(a) a candidate or intending candidate;

(b) a registered political party;

(c) a group of candidates;

electoral officer means a person appointed as an electoral officer in accordance with section 36;

electoral officer in charge means an electoral officer appointed under section 36 to be in charge of –

(a) an issuing and receiving place; or

(b) a polling place; or

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(c) a pre-poll polling place; or

(d) a mobile polling place;

Local Government Electoral Roll means a roll kept under section 17;

financial year means a period of 12 months starting on 1 July in one year and ending on 30 June in the next year;

general manager means the person appointed as a general manager under section 61 of the *Local Government Act 1993* and includes a person nominated under section 12;

gifts or donations means a gift or donation, monetary or in kind, (including but not limited to goods, services, discounts or benefits) –

(a) with a value of $50 or more; and

(b) where the donor knew, or ought reasonably to have known, that all or part of the gift or donation was given for the purpose of supporting the candidate's campaign;

gifts and donations register means a register of gifts and donations kept and maintained by the Tasmanian Electoral Commission in accordance with section 113;

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initial gifts and donations return means a return, in an approved form, disclosing the nature, source and value of any gifts and donations received by a candidate during the disclosure period;

intending candidate means a person who has publicly declared the person's intention to nominate for an election in accordance with section 43;

issuing and receiving place means a place, vehicle or other mobile facility appointed by the Electoral Commissioner under section 31 in respect of an electoral area as a location where supplementary ballot material may be issued and ballot material may be received;

list of electors means the list prepared and kept under section 20;

mayor includes the Lord Mayor;

mobile polling place means a place appointed as a mobile polling place by the Electoral Commissioner under section 32;

municipal area means an area as defined in section 16 of the *Local Government Act 1993* and includes a proposed municipal area as defined in that Act;

nomination period means the period beginning at 9 a.m. on the 8th Monday immediately before the closing day and ending at noon

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on the 6th Monday immediately before the closing day;

notice of election means a notice published by the Electoral Commissioner in accordance with section 41;

notice of nomination means a notice of nomination referred to in section 43;

ordinary election means an election under Part 2 that is not a by-election;

place means any premises or place where electoral processes or ballot material handling occurs, including but not limited to issuing and receiving places, polling places, pre-poll polling places and mobile polling places;

polling period means a period of one or more days determined by the Electoral Commissioner for the purposes of an election;

polling place means a place appointed as a polling place by the Electoral Commissioner under section 32;

pre-poll polling place means a place appointed as a pre-poll polling place by the Electoral Commissioner under section 32;

public office means –

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(a) in the case of a municipal area, the place at which a council carries on its administrative activities; or

(b) in the case of a proposed municipal area, the place at which a council or councils of that proposed municipal area carry out their administrative activities;

registered party means a registered party within the meaning of the *Electoral Act 2004*;

regulations means the regulations made under this Act;

relevant period means the period starting on the 30th day before the date of notice of election and ending at the end of the polling period;

returning officer means a person appointed as a returning officer by the Electoral Commissioner in accordance with section 35;

review means a review carried out by the Tribunal under section 22;

roll closure day means the day on which the Local Government Electoral Roll for an electoral area is closed under section 19;

scrutineer means a person appointed to be a scrutineer under section 64;

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simple majority means the majority of councillors of a council present and able to vote at a meeting of the council or council committee;

Tribunal means the tribunal established under the *Tasmanian Civil and Administrative Tribunal Act 2020*;

Tasmanian Electoral Commission means the Tasmanian Electoral Commission established by section 6 of the *Electoral Act 2004*.

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PART 2 – ELECTION OF MAYORS, DEPUTY MAYORS AND COUNCILLORS

Division 1 – Election of mayors and deputy mayors

4. Election of mayor by electors

The mayor of a council is to be elected by the electors of the electoral area.

5. Eligibility for nomination as mayor

(1) A person is eligible to nominate as a candidate for the office of mayor if the person is eligible to nominate as a candidate for the office of councillor under Part 6.

(2) A person may not accept the office of mayor unless the person is a councillor.

(3) The provisions of section 43 relating to notices of nominations apply to a person who is eligible to nominate as a candidate for the office of mayor.

6. Election of mayor by councillors in certain cases

If there is no nomination for the office of mayor of a council, the councillors of the council are to elect one of their number to the office in the prescribed manner.

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7. Election of deputy mayor by councillors and term of office of deputy mayor

(1) A councillor, who is not the mayor, is eligible to nominate as a candidate for the office of deputy mayor.

(2) The councillors are to elect one of their number, who has nominated as a candidate under subsection (1), to the office of deputy mayor.

(3) The election of a councillor to the office of deputy mayor under subsection (2) is to be –

(a) held in a prescribed manner; and

(b) held during the first or second ordinary meeting of the council held after the date of issue of the certificate of election in respect of an ordinary election for the election of the councillors participating in the election; and

(c) determined by a simple majority of councillors; and

(d) for the term of the council or for a lesser period that is agreed to by a simple majority of councillors.

(4) If the office of deputy mayor becomes vacant for any reason, the councillors are to elect one of their number to the office of deputy mayor in the prescribed manner for the balance of the term.

(5) If the deputy mayor is acting as mayor or is temporarily absent for any period, the councillors

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may appoint one of their number to act as deputy mayor during that period.

8. Term of office of mayor

(1) The mayor is to be elected for a period of 4 years and hold office from the date of issue of the certificate of election in respect of an ordinary election for that office until the date of issue of the next certificate of election in respect of an ordinary election for that office.

(2) If the office of mayor becomes vacant for any reason, the deputy mayor is to act in that office –

(a) until the certificate of election for the by-election for that vacancy is issued; or

(b) if the vacancy is within 6 months before the notice of the election is to be given, until the certificate of election for that election is issued.

Division 2 – Election of councillors

9. Election of councillors

(1) A councillor is to be elected –

(a) if a municipal area is not divided into electoral districts, by the electors in that municipal area; or

(b) if a municipal area is divided into electoral districts, by the electors of the

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electoral district in respect of which the councillor is to be elected.

(2) The election of councillors is to be held in accordance with this Act.

(3) The number of persons to be elected as councillors by each municipal area is specified in Column 3 of Schedule 3 to the *Local Government Act 1993* next to the name of that municipal area.

(4) The Governor, on the recommendation of the Minister, may amend or substitute Column 3 of Schedule 3 to the *Local Government Act 1993*, or substitute that Column of that Schedule, in an order made under section 214E of that Act.

10. Term of office of councillors

(1) A councillor is to be elected for a period of 4 years and holds office from the date of issue of the certificate of election in respect of an ordinary election for that office until the date of issue of the next certificate of election in respect of an ordinary election for that office.

(2) The Governor, on the recommendation of the Minister, may make an order determining or altering the term of office of a councillor of a council elected –

(a) at an election following the dismissal of all the councillors of that council; or

(b) at a deferred poll.

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11. Resignations

(1) A councillor may resign from office at any time.

(2) A resignation is to be made in writing and forwarded to the general manager.

(3) Except as provided in subsection (6), on the date of receipt by the general manager of the resignation of a councillor –

(a) the resignation takes effect; and

(b) the office of councillor becomes vacant.

(4) On receipt of a resignation, the general manager is to advise the council and the Electoral Commissioner of the resignation.

(5) A councillor who has resigned as mayor or deputy mayor may continue in office as councillor.

(6) A councillor who holds the office of a mayor or deputy mayor and resigns as councillor ceases to hold such office.

12. Acting general manager

The Electoral Commissioner may nominate a natural person to exercise the powers and perform the functions of a general manager under this Part in relation to an election for a proposed municipal area.

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13. Prescribed procedures for certain elections

Regulations may provide for different procedures than specified in this Act for the purpose of an election for an existing municipal area or proposed municipal area to be held as a result of an order made under 214E of the *Local Government Act 1993*.

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PART 3 – ELECTORS AND LOCAL GOVERNMENT ELECTORAL ROLLS

14. Entitlement for electors to vote in election

Each elector is entitled to one vote in an election for an electoral area.

15. Entitlement to be enrolled on Local Government Electoral Roll

(1) In this section –

occupier, in relation to land in an electoral area, means –

(a) a natural person, or a corporate body, that holds a current lease of the land in the person's or body's own name; or

(b) a natural person, or a corporate body, that holds a current licence in the person's or body's own name to occupy the land, including, but not limited to, a private purposes licence within the meaning of section 86AA of the *Local Government Act 1993*; or

(c) a natural person whose ordinary place of residence is within the electoral area and who has resided in Tasmania for a continuous period of at least 12 months.

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(2) A person may apply to the Electoral Commissioner for an entitlement to be enrolled on the Local Government Electoral Roll for an address within an electoral area if, at the time of making the application –

(a) in the case of an applicant who is a natural person, the natural person has resided in Tasmania for a continuous period of at least 12 months immediately before the date of making the application; and

(b) in the case of an applicant who is a corporate body, the corporate body has maintained a registered office or principal place of business in Tasmania for a continuous period of at least 12 months immediately before the date of making the application; and

(c) the applicant –

(i) is an owner or occupier of land in the electoral area; and

(ii) has attained the age of 18 years; and

(iii) is not currently serving a term of imprisonment.

(3) An application under subsection (2) must –

(a) be in an approved form; and

(b) include any information or documents that provide evidence that the applicant

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meets all of the requirements set out in subsection (2)(a), (b) and (c); and

(c) include any other approved information or approved documents; and

(d) be signed by the applicant; and

(e) be lodged with the Electoral Commissioner.

(4) Without limiting the information or documents that may be included in an application for the purposes of subsection (3)(b), the application may include any one or more of the following documents in the name of the applicant:

(a) a residential tenancy agreement as defined in the *Residential Tenancy Act 1997*;

(b) a private purposes licence within the meaning of section 86AA of the *Local Government Act 1993*;

(c) an account for the supply of electricity;

(d) an account for water services;

(e) an account for gas services;

(f) an account for telecommunication services.

(5) On receipt of an application under subsection (2), the Electoral Commissioner must –

(a) approve the application, if the Electoral Commissioner is reasonably satisfied that

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the applicant meets all of the requirements set out in subsection (2)(a), (b) and (c), and notify the applicant in writing of that approval; or

(b) refuse to approve the application, if the Electoral Commissioner is not reasonably satisfied that the applicant meets all of the requirements set out in subsection (2)(a), (b) and (c), and notify the applicant in writing of that refusal.

(6) If the Electoral Commissioner approves an application under subsection (5)(a) and the applicant is a natural person, the natural person is entitled to be enrolled on the Local Government Electoral Roll for the relevant address within the electoral area.

(7) If the Electoral Commissioner approves an application under subsection (5)(a) and the applicant is a corporate body, the corporate body is entitled to be enrolled on the Local Government Electoral Roll for the relevant address within the electoral area.

16. Nomination of natural persons to vote on behalf of corporate bodies

(1) Subject to this section, if a corporate body is entitled to be enrolled on the Local Government Electoral Roll under section 15(7), the corporate body may nominate one natural person to vote on its behalf at an election held for the electoral area.

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(2) The natural person nominated under subsection (1) must, at the time of the nomination –

(a) be a director or the secretary of the corporate body; and

(b) not already be enrolled on the on the State roll within the meaning of the *Electoral Act 2004* for an address in the electoral area to which the nomination relates; and

(c) have attained the age of 18 years; and

(d) not already be a corporate body nominee for another corporate body in the same electoral area to which the nomination relates; and

(e) not be currently serving a term of imprisonment.

(3) A nomination under subsection (1) is to be –

(a) in an approved form; and

(b) include any approved information or approved documents; and

(c) signed by the natural person nominated; and

(d) lodged with the Electoral Commissioner.

(4) The Electoral Commissioner must do one of the following in respect of a nomination lodged under subsection (3):

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(a) accept the nomination of the natural person as a nominee for the corporate body, unless paragraph (b) or (c) applies;

(b) reject the nomination of the natural person as a nominee of the corporate body if satisfied that the corporate body does not have a registered office or principal place of business at an address in the electoral area;

(c) reject the nomination of the natural person as a nominee of the corporate body if satisfied that the nominated natural person –

(i) has not attained the age of 18 years; or

(ii) is already a corporate body nominee for another corporate body in the electoral area; or

(iii) is not a director or the secretary of the corporate body; or

(iv) is currently serving a term of imprisonment; or

(v) is subject to an order under the *Guardianship and Administration Act 1995* that affects the nominee's ability to vote on behalf of the corporate body.

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(5) A nomination accepted by the Electoral Commissioner under subsection (4) remains valid until –

(a) a new nomination is made by the corporate body; or

(b) the corporate body revokes the nomination; or

(c) the Electoral Commissioner is satisfied that –

(i) the corporate body no longer has a registered office or principal place of business on land in the electoral area; or

(ii) the corporate body nominee no longer meets the eligibility requirements specified under subsection (4)(b) or (c).

(6) A corporate body may nominate only one natural person as a corporate body nominee to vote on its behalf at an election held for an electoral area, regardless of whether the corporate body has more than one registered office or principal place of business on land in that electoral area.

17. Local Government Electoral Roll

(1) The Electoral Commissioner is to keep, in a manner determined by the Electoral Commissioner, a Local Government Electoral Roll for each electoral area, which is to include –

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(a) the persons entitled to be enrolled under section 15(2) and the address or location of the land in respect of which each such person is entitled to be enrolled on the Local Government Electoral Roll; and

(b) the natural persons entitled to be enrolled under section 15(6) and the relevant address for each natural person within the electoral area; and

(c) the corporate body nominees for the corporate bodies entitled to be on the Local Government Electoral Roll under section 15(7) and the address or location of the land in respect of which the corporate body is entitled to be enrolled on the Local Government Electoral Roll; and

(d) any other matter or information that the Electoral Commissioner considers necessary or appropriate for the proper maintenance or operation of the Local Government Electoral Roll.

(2) The Electoral Commissioner is to make any alterations and additions to the Local Government Electoral Roll that are necessary to ensure that the roll remains accurate and up to date.

(3) The Electoral Commissioner may remove or withhold from the Local Government Electoral Roll an address or location of land if satisfied that the removal or withholding is necessary to protect the safety of –

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(a) a person, natural person or corporate body nominee; or

(b) a family member of a person, natural person or corporate body nominee.

18. Inspection of Local Government Electoral Roll

(1) A person may inspect the Local Government Electoral Roll at any reasonable time and free of charge.

(2) A person, natural person or corporate body nominee who is included under section 17 on a Local Government Electoral Roll for an electoral area may object, by notice in writing to the Electoral Commissioner, to –

(a) an error in the details recorded on the Local Government Electoral Roll in relation to that person, natural person or corporate body nominee; or

(b) the omission of the person's, natural person's or corporate body nominee's name from the Local Government Electoral Roll.

(3) On receipt of an objection, the Electoral Commissioner –

(a) must review the Local Government Electoral Roll; and

(b) may decide to make any corrections to the Local Government Electoral Roll that the Electoral Commissioner determines are

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necessary to ensure the accuracy of the Local Government Electoral Roll.

19. Closure of Local Government Electoral Roll

(1) The Electoral Commissioner is to determine the day and time at which the Local Government Electoral Rolls are to be closed for an election, having regard to the method or methods of conducting the election determined under section 30.

(2) The Electoral Commissioner must publish the determination made under subsection (1) on the Electoral Commissioner's website as soon as practicable after making it.

(3) If the Electoral Commissioner does not make a determination under subsection (1), the Local Government Electoral Rolls are to be closed at 6:00 p.m. on the 7th Thursday before the closing day for the election.

20. List of electors

(1) The Electoral Commissioner is to –

(a) prepare and keep a list of electors from the Local Government Electoral Roll as at the closing day; and

(b) is to certify that the list is correct.

(2) A list of electors prepared under subsection (1) forms one list but may consist of 2 or more parts.

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(3) The Electoral Commissioner is to provide the relevant returning officer with a copy of the certified list of electors.

(4) Until after the closing day–

(a) no additional names or details may be included on the list of electors except names omitted in error; and

(b) no other alterations or cancellations may be made to the list of electors except to correct any error.

(5) The returning officer on request is to provide each candidate in an electoral area with one copy of the list of electors free of charge as soon as practicable after the roll closure day determined under section 19.

(6) A person, body or organisation must not, without reasonable excuse, use information obtained from a list of electors provided under subsection (5), unless the information is used for purposes connected with an election.

Penalty: Fine not exceeding 100 penalty units.

21. Inspection of list of electors

Any person may, at any reasonable time and free of charge, inspect the list of electors.

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22. Reviews

(1) A corporate body or person may apply to the Tribunal for a review of the Electoral Commissioner's –

(a) refusal of an application under section 15(5)(b); or

(b) rejection of a nomination under section 16(4)(b) or (c); or

(c) decision to make or not to make a correction under section 18(3).

(2) The determination of the Tribunal does not affect the conduct or outcome of an election held before the determination is made.

(3) If the Tribunal sets aside or varies a decision made by the Electoral Commissioner under section 18(3) after the roll closure day, the Local Government Electoral Roll is not to be amended until it is reopened under this Act.

(4) If the variation by the Tribunal would entitle the objector to vote at an election in the relevant electoral area, the objector may vote at the forthcoming election in that electoral area.

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PART 4 – COMPULSORY VOTING

23. Compulsory voting in elections for certain persons

(1) Subject to subsection (2), a person who, at the time of an election for an electoral area, is enrolled on the State roll, within the meaning of the *Electoral Act 2004*, for an address within the electoral area, must vote at the election.

Penalty: Fine not exceeding 0.2 penalty units.

(2) Subsection (1) does not apply if the person satisfies the Tasmanian Electoral Commissioner that the person had a valid and sufficient reason for failing to vote in the election.

(3) Without limiting subsection (2), a person is taken to have had a valid and sufficient reason for the purposes of that subsection if the person –

(a) was medically, physically or otherwise incapacitated from voting on the day of the election; or

(b) ceased to be enrolled on the State roll within the meaning of the *Electoral Act 2004* or otherwise was not entitled to vote at any time on the day of the election; or

(c) abstained from voting in the election because voting was contrary to the person's genuinely held religious beliefs.

(4) Proceedings for an offence under subsection (1) may only be instituted by the Tasmanian Electoral Commissioner, the Director of Public

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Prosecutions or a person authorised in writing by either the Commissioner or the Director.

24. Notice of failure to vote

(1) As soon as practicable after each election held in an electoral area, the Electoral Commissioner must compile a list of persons who –

(a) were required under section 23 to vote in the election; and

(b) appear not to have voted in that election.

(2) As soon as practicable after compiling the list under subsection (1), the Electoral Commissioner must serve a notice of failure to vote on each person on the list, unless the Commissioner is satisfied that the person provided a valid and sufficient reason for not voting in accordance with section 23(2).

(3) A notice under subsection (2) must –

(a) be in an approved form; and

(b) specify a date (the ***response date***) that is at least 21 days after the day on which the notice is served; and

(c) include a statement about compulsory voting in accordance with subsection (4).

(4) The statement about compulsory voting must inform the person that –

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(a) the person appears to have failed to vote in the election; and

(b) it is an offence for the person to fail to vote in an election without a valid and sufficient reason; and

(c) on or before the response date the person may respond in writing to the Electoral Commissioner –

(i) explaining why the person believes they voted in the election; or

(ii) stating the reason why the person failed to vote in the election; and

(d) as an alternative to providing a response, the person may pay the failure to vote penalty in accordance with section 28.

25. Second notice of failure to vote if no response from person

(1) If an person has not provided a written response or payment by the response date specified in the failure to vote notice issued under section 24(2), the Electoral Commissioner must, as soon as practicable, send a second notice of failure to vote to the person by post.

(2) The second notice of failure to vote must –

(a) be in an approved form; and

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(b) specify a date (the ***second response date***) that is at least 14 days after the date on which the notice is sent to the person by post; and

(c) include a statement about compulsory voting in accordance section 24(4); and

(d) include a statement that –

(i) no response or payment has been received by the Electoral Commissioner; and

(ii) failure to respond or pay by the second response date may result in an infringement notice being issued under section 29.

26. Consideration and determination of notices

(1) If the Electoral Commissioner receives, on or before the response date specified in a failure to vote notice under section 24 or the second response date specified in a second notice of failure to vote under section 25, written reasons from an person setting out any explanation for the failure to vote, the Commissioner must determine whether those reasons are valid and sufficient.

(2) If the Electoral Commissioner determines that the person has a valid and sufficient reason for failing to vote at an election, no further action under this Part is to be taken in respect of that election for that person.

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(3) If the Electoral Commissioner determines that the person does not have a valid and sufficient reason for failing to vote at an election, the Commissioner must, as soon as practicable, serve a determination notice on the person by post.

(4) A determination notice under subsection (3) must –

(a) be in an approved form; and

(b) specify a date (the ***determination response date***) that is at least 14 days after the date on which the notice is sent by post to the person; and

(c) include a statement that –

(i) the Electoral Commissioner has not accepted the reasons provided by the person for failing to vote in the election; and

(ii) it is an offence to fail to vote in an election without a valid and sufficient reason; and

(iii) the person may, on or before the determination response date, pay to the Electoral Commissioner the notice of failure to vote penalty in accordance with section 28, to avoid the issue of an infringement notice under section 29.

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27. Service of notices under this Part

(1) A notice under this Part is taken to be effectively served on a person if it is –

(a) delivered personally to the person; or

(b) addressed to the person and left at, posted to, the person's last known postal or residential address as recorded on the Local Government Electoral Roll or otherwise notified to the Electoral Commissioner; or

(c) transmitted by electronic transmission to an email address nominated by the person, whether in correspondence or otherwise, for the purpose of receiving notices under this Part.

(2) A person is deemed to have consented to the service of a notice under this Part by electronic transmission if –

(a) the person has provided the Tasmanian Electoral Commission with a document containing the person's email address; and

(b) the person has not indicated, in writing or otherwise, that the email address is not to be used for the service under this Part.

(3) A a notice served by electronic transmission under subsection (1)(c)is taken to have been received at the time at which the transmission has

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entered the recipient's electronic inbox or electronic message repository, unless –

(a) the sender receives a notification that the transmission failed; or

(b) the Tasmanian Electoral Commission is aware, or ought reasonably to be aware, that the email address is not current or operative.

(4) A notice sent by post under subsection (1)(b) is taken to have been served on the date of posting (or if the postal item is delivered, on the date of delivery), unless the postal item is returned to sender.

28. Payment of failure to vote penalty

(1) An person may, on or before the applicable response date or determination response date under this Part, whichever is earlier, pay to the Electoral Commissioner a penalty of 0.2 penalty units in respect of the person's failure to vote in the election.

(2) If the penalty referred to in subsection (1) is paid –

(a) the person's liability under section 23(1) is discharged; and

(b) no proceedings for an offence against section 23(1) may be instituted against the person in respect of that failure to vote; and

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(c) an infringement notice under section 29 may not be issued to the person in respect of the failure to vote.

29. Infringement notices

(1) The Electoral Commissioner may issue an infringement notice to an person if –

(a) a second failure to vote notice has been served under section 25; and

(b) by the second response date specified in that second failure to vote notice, the person has not –

(i) submitted written reasons to the Electoral Commissioner as to why the person believes they voted in the election; or

(ii) submitted written reasons to the Electoral Commissioner explaining why the person failed to vote in the election; or

(iii) paid the penalty under section 28.

(2) The Electoral Commissioner may also issue an infringement notice to an person if –

(a) a determination notice has been served under section 26(3); and

(b) the person has not paid the penalty under section 28 by the determination response date specified in the determination notice.

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(3) An infringement notice must –

(a) be issued in accordance with section 14 of the *Monetary Penalties Enforcement Act 2005*; and

(b) specify whether it is issued on the ground that –

(i) the person failed to respond to the second failure to vote notice under section 25; or

(ii) the person failed to pay the penalty under section 28.

(4) A notice issued under section 24 or 25 is not an infringement notice for the purposes of the *Monetary Penalties Enforcement Act 2005*.

(5) The penalty payable for an infringement notice is 0.4 penalty units.

(6) If the person pays the amount specified in the infringement notice within the time allowed, their liability under section 23(1) is discharged and no further proceedings may be taken in respect of that failure to vote in that election.

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PART 5 – METHOD OF ELECTION, ISSUING AND RECEIVING PLACES, POLLING PLACES AND ELECTION OFFICIALS

Division 1 – Method of election, issuing and receiving places, polling places and assistance to electors

30. Method of election

(1) Subject to subsection (2) and before the publication of the notice of election, the Electoral Commissioner must determine the method by which the election is to be conducted.

(2) For the purposes of subsection (1), the Electoral Commissioner must determine that an election is to be conducted by any one or more of the following methods:

(a) voting by post, including provision for the hand delivery of completed postal ballots to issuing and receiving places or by attending any pre-poll polling place;

(b) voting by attendance at any polling place, pre-poll polling place or mobile polling place;

(c) any alternative voting procedures;

(d) arrangements to facilitate voting by electors who are interstate or overseas.

(3) The Electoral Commissioner may only determine that an election is to be conducted by the method

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of attendance voting referred to in subsection (2)(b) if satisfied that –

(a) the available postal services are inadequate to ensure the reliable conduct of the election by postal ballot; or

(b) the estimated cost of conducting the election by postal ballot would exceed the estimated cost of conducting the election by attendance voting.

(4) The Electoral Commissioner must, at least 6 months before the day on which the notice of election is published –

(a) notify the Minister for Local Government, in writing, of the method or methods by which the election is to be conducted; and

(b) publish a statement on the Electoral Commissioner's website setting out the method or methods of voting to be used for the election, including any alternative voting procedures.

31. Appointment of issuing and receiving places

(1) Subject to the method of conducting an election determined by the Electoral Commissioner under section 30 and this section, the Electoral Commissioner may appoint a place, vehicle or other mobile facility within, or in close proximity to, an electoral area as a location where ballot

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material may be issued, and ballot material may be received, for an election for the electoral area.

(2) The Electoral Commissioner may appoint a hospital, convalescent home, nursing home or other similar place at which a mobile facility may be operated for the purposes of issuing and receiving ballot material for an election in an electoral area.

(3) In determining the number and location of issuing and receiving places under subsection (1), the Electoral Commissioner must have regard to –

(a) the size and geography of the electoral area; and

(b) the population distribution and density of electors in the electoral area; and

(c) the accessibility of locations to electors, including those in remote areas; and

(d) any other matter that the Electoral Commissioner considers relevant to ensure equitable access to voting in the election.

(4) The Electoral Commissioner is to determine the hours during which each issuing and receiving place is to operate.

(5) The Electoral Commissioner is to publish a notice setting out –

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(a) the location and type of each issuing and receiving place; and

(b) the hours during which each issuing and receiving place is to operate –

by any means that the Electoral Commissioner considers appropriate, including on a website maintained by or on behalf of the Electoral Commissioner.

(6) An election is not invalid merely because an issuing and receiving place is not operating during the hours determined under subsection (4).

(7) Once a notice of election is given under this Act, each issuing and receiving place appointed under this section remains an issuing and receiving place for the purposes of that election unless revoked by the Electoral Commissioner in accordance with this Act.

(8) The Electoral Commissioner may appoint, in respect of an electoral area for an election, an issuing and receiving place located outside the boundaries of the electoral area.

32. Appointment of polling places, pre-poll polling places and mobile polling places

(1) Subject to the method of conducting an election determined by the Electoral Commissioner under section 30 and this section, the Electoral Commissioner may appoint a polling place, pre-poll polling place or mobile polling place as a

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place at which electors may attend in person to cast their votes in an election for an electoral area.

(2) The Electoral Commissioner may appoint polling places, pre-poll polling places or mobile polling places within, or where appropriate outside, the boundaries of an electoral area for an election.

(3) The Electoral Commissioner may appoint a hospital, convalescent home, nursing home or other similar place as a location at which a mobile polling place may be operated for the purposes of conducting attendance voting for an election in an electoral area.

(4) The Electoral Commissioner must have regard to the matters listed in section 31(3) when appointing places as polling places, pre-poll polling places or mobile polling places.

(5) The Electoral Commissioner is to determine the hours during which each polling place, pre-poll polling place or mobile polling place is to operate.

(6) The Electoral Commissioner is to publish a notice setting out –

(a) the location of each polling place, pre-poll polling place or mobile polling place; and

(b) the hours during which each polling place, pre-poll polling place or mobile polling place is to operate –

by any means that the Electoral Commissioner considers appropriate, including on a website

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maintained by or on behalf of the Electoral Commissioner.

(7) An election is not invalid merely because a polling place, pre-poll polling place or mobile polling place is not operating during the hours determined under subsection (5).

(8) Unless it is necessary to do so due to circumstances beyond the control of the Electoral Commissioner, the Electoral Commissioner may terminate the appointment of a place as a polling place, pre-poll polling place or mobile polling place only if –

(a) the termination is made before the notice of election is published or after the closing day for the election in the electoral area; and

(b) notice of the termination is published in the *Gazette* as soon as practicable after the termination is made.

33. Arrangements for operation of polling places, pre-poll polling places and mobile polling places

The Electoral Commissioner is to make any arrangements that the Electoral Commissioner considers necessary for the operation of a polling place, pre-poll polling place or mobile polling place including but not limited to making the following arrangements:

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(a) providing an appropriate number of electoral officers and electoral officers in charge, at each polling place, pre-poll polling place or mobile polling place;

(b) providing at each polling place, pre-poll polling place or mobile polling place an appropriate number or amount of –

(i) certified copies of the Local Government Electoral Roll; and

(ii) ballot material; and

(iii) electoral material; and

(iv) voting screens; and

(v) ballot boxes which can be securely fastened;

(c) ensuring the security of ballot material and voting equipment at all times.

34. Assistance to certain electors at polling places, pre-poll polling places and mobile polling places

(1) The Electoral Commissioner may approve procedures that are reasonable and appropriate to assist an elector at a polling place, pre-poll polling place or mobile polling place who is unable to vote without assistance.

(2) If an elector is to be assisted in voting at a polling place, pre-poll polling place or mobile polling place, an electoral officer or an electoral officer in

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charge must advise any scrutineers present of the approved procedure by which the elector will be voting.

Division 2 – Returning officers, electoral officers and electoral officers in charge

35. Appointment of returning officers

(1) For the purposes of conducting an election under this Act, the Electoral Commissioner is to appoint a person as the returning officer for the election for the electoral area.

(2) The Electoral Commissioner may issue directions to the returning officer in relation to –

(a) the conduct of an election; and

(b) the functions and powers of the returning officer for the election.

(3) The returning officer is to comply with any directions issued by the Electoral Commissioner under subsection (2).

(4) If the returning officer is absent or unable to act, or if the office becomes vacant, the Electoral Commissioner is to appoint a substitute person to act as the returning officer as soon as practicable.

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36. Appointment of electoral officers and electoral officers in charge

(1) The returning officer, in consultation with the Electoral Commissioner, may, by instrument in writing, appoint persons to act as electoral officers to assist in the conduct of an election in an electoral area.

(2) The returning officer, in consultation with the Electoral Commissioner, may appoint an electoral officer as the electoral officer in charge of one of the following places for an election in a electoral area:

(a) an issuing and receiving place;

(b) a polling place;

(c) a pre-poll polling place;

(d) a mobile polling place.

(3) If an electoral officer in charge is absent, unable to act, or if the position becomes vacant, the returning officer, in consultation with the Electoral Commissioner, may appoint another person to act as the electoral officer in charge of the issuing and receiving place, polling place, pre-poll polling place or mobile polling place.

(4) An electoral officer appointed under this section is, for the purposes of this Act, a worker within the meaning and for the purposes of the *Workers Rehabilitation and Compensation Act 1988* and

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the *Asbestos-Related Diseases (Occupational Exposure) Compensation Act 2011*.

37. Powers of electoral officers in charge

(1) An electoral officer in charge is responsible for maintaining order and ensuring the peace at the issuing and receiving place, polling place, pre-poll polling place or mobile polling place.

(2) The electoral officer in charge may require a person who the officer reasonably suspects has committed an offence under this Part to leave the issuing and receiving place, polling place, pre-poll polling place or mobile polling place, and may use such force as is reasonably necessary to remove the person.

(3) Any police officer must, if requested by an electoral officer in charge, assist in removing a person under subsection (2).

38. Returning officer, electoral officer and electoral officer in charge not prevented from voting

A returning officer, electoral officer and electoral officer in charge are not prevented from voting in an election by virtue of holding office in relation to that election.

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39. Expenses of elections incurred by returning officers and Electoral Commission

All expenses reasonably incurred in connection with conducting an election in an electoral area by a returning officer and the Electoral Commissioner are to be paid by the council of the electoral area within 30 days of receiving an invoice or request for payment.

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PART 6 – NOTICES OF ELECTIONS AND NOMINATIONS

40. Closing day and polling period

(1) Subject to the method of conducting an election determined by the Electoral Commissioner under section 30, and this section, the day and time on and at which the poll for an election in respect of all councils is to close in any year is 6:00 p.m. on the last Tuesday in October in that year, unless the Governor by order made under this section or section 214E of the *Local Government Act 1993* –

(a) fixes another day in another month or year as the closing day; or

(b) determines that an election in respect of all or specified councils is to be postponed.

(2) If the day fixed for polling at an Australian parliamentary or Tasmanian parliamentary election falls within the polling period for an election in an electoral area, the Electoral Commissioner may determine the earliest practicable alternative closing day for the election in the electoral area.

(3) The Governor, by order, may –

(a) fix a different day as the closing day for an election in respect of one or more specified councils; or

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(b) determine that an election in respect of all or specified councils is to be postponed.

(4) If a notice of election has been issued and an election is being conducted, the Governor by order, may –

(a) fix a new closing day for that election; or

(b) declare the election to be abandoned and give reasons for the abandonment.

(5) The Electoral Commissioner may determine –

(a) the day on which a polling period is to commence; and

(b) the hours of operation for that polling period.

(6) If an elector is present at a polling place at the time at which polling is due to close at that polling place and the elector wishes to vote, the elector is to be given a reasonable opportunity to do so and the ballot paper completed by the elector is to be included in the poll.

41. Notice of election

(1) The Electoral Commissioner is to, on the Saturday 12 weeks before closing day, cause a notice of election to be published prominently in a daily newspaper circulating in the relevant electoral area.

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(2) A notice of election under subsection (1) must include the following information in relation to an election:

(a) the date and time on and at which the Local Government Electoral Roll for the relevant electoral area will close;

(b) the number and nature of the vacancies to be filled;

(c) the qualifications for, and entitlement to vote;

(d) any additional information that the Electoral Commissioner considers appropriate to promote public understanding of the election process.

(3) If two or more elections are to be held simultaneously within an electoral area, or across multiple electoral areas, the Electoral Commissioner may publish a single combined notice of election, provided that the notice satisfies the requirements of this section in respect of each election included in the notice.

(4) The returning officer must ensure that a copy of the notice of election is displayed at the public office of the relevant council, in a location where it is clearly visible and accessible to the public during ordinary business hours.

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42. Eligibility for nomination as councillor

(1) A person is eligible to nominate as a candidate for the office of councillor in respect of an electoral area if the person–

(a) is enrolled on the Local Government Electoral Roll for an address in the electoral area or is enrolled on the State roll within the meaning of the *Electoral Act 2004* for an address in the electoral area; and

(b) is an Australian citizen; and

(c) is not a councillor of another council whose term of office is to end after the certificate of election is issued in respect of that other council's elections; and

(d) has not been barred by a court or the Tribunal under this Act, the *Local Government Act 1993* or any other Act from nominating as a candidate at any election; and

(e) is not an employee of the council in that electoral area; and

(f) has not been removed from the office of councillor because of inadequacy or incompetency; and

(g) is not an undischarged bankrupt; and

(h) is not undergoing a term of imprisonment.

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(2) A person is not eligible to nominate as a candidate for the office of councillor if the person has been sentenced for a crime and the sentence is suspended or has not yet begun to be served.

(3) If an electoral area is divided into electoral districts, a candidate is not required to be enrolled on a Local Government Electoral Roll in respect of the particular electoral district for which the candidate is nominated.

(4) A person may not be a candidate for the office of councillor in more than one electoral district in an electoral area or in more than one electoral area.

43. Notices of nomination

(1) In this section –

endorsed means formally nominated by a registered political party, within the meaning of the *Electoral Act 2004*, in accordance with the internal rules and nomination procedures of the party.

(2) A person who is eligible under section 42 may give notice of the person's intention to nominate for the office of councillor in an electoral area.

(3) A notice of nomination under subsection (2) must be lodged with the returning officer before the close of the nomination period –

(a) by the person so nominating; or

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(b) if the person so nominating is endorsed by a registered political party, by a registered officer of the party.

(4) A notice of nomination under subsection (2) must –

(a) be in an approved form; and

(b) include a declaration by the candidate of the candidate's intention to stand for election as a councillor for the electoral area; and

(c) include the candidate's personal details, including name, residential address and principal place of residence in Tasmania; and

(d) if the candidate is endorsed by a registered political party for the election, include a statement specifying the ballot-paper name of the party under which the candidate is formally endorsed, or a group name not associated with a registered political party, under which the candidate is endorsed; and

(e) include a statement that the candidate is lawfully eligible to nominate for the office of councillor; and

(f) include an attestation confirming whether the candidate has completed the approved pre-nomination training (if applicable); and

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(g) include the signature of at least 30 electors, or 1% of electors (whichever is lesser), from the electoral area supporting the nomination; and

(h) include the candidate's signature.

44. Determination and rejection of nominations for councillor

(1) Subject to this section, upon receipt of a notice of nomination, the returning officer must determine whether the notice complies with the requirements of section 43 and this section and may –

(a) request the person, or the registered officer of a registered party within the meaning of the *Electoral Act 2004*, who lodged the notice of nomination, in writing to provide the returning officer with any additional information that the officer may require for the purposes of enabling that officer to determine whether the notice complies with the requirements of section 43 and this section; or

(b) accept the nomination of the person as a candidate for the office of councillor in the electoral area; or

(c) reject the nomination of the person as a candidate for the office of councillor in the electoral area.

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(2) Upon receipt of a notice of nomination, and any additional information provided in accordance with subsection (1)(a), the returning officer must reject the nomination if, in the opinion of the returning officer –

(a) the nominated candidate is not enrolled on either the Local Government Electoral Roll in respect of the electoral area or the State roll within the meaning of the *Electoral Act 2004*; or

(b) the ballot paper name of the registered political party, or the group name, with which the nominated candidate is endorsed, as specified in the statement submitted by the nominated candidate under section 43(4)(d) is –

(i) obscene or offensive; or

(ii) frivolous; or

(iii) intended or likely to mislead or confuse electors, including by resembling the name or ballot paper name of a registered political party within the meaning of the *Electoral Act 2004*; or

(c) the notice of nomination does not contain the requisite number of signatures in accordance with section 43(4)(g); or

(d) the notice of nomination is materially incomplete or not in the approved form; or

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(e) the information provided in the notice of nomination is found to be false or misleading in a material way; or

(f) the nominated candidate is otherwise not lawfully eligible to nominate under the *Local Government Act 1993*, the *Electoral Act 2004* or any other applicable law.

(3) The returning officer is to advise the person, or the registered officer of a registered party within the meaning of the *Electoral Act 2004*, who lodged the notice of nomination, in writing whether the nomination of the candidate has been accepted or rejected.

(4) If the returning officer rejects a nomination under this section, the returning officer must notify the person, and where applicable the registered officer of the relevant registered party, in writing of the rejection and the reasons for it.

(5) A decision of the returning officer under this section is final.

45. Publication of candidate information package by Electoral Commission

As soon as practicable after the close of the nomination period for an election in an electoral area, the Electoral Commission must publish, on a website maintained by or on behalf of the Commission, and make available in printed form for distribution, including by mail drop where appropriate, a candidate information package containing the following information:

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(a) the list of candidates for the election;

(b) whether each candidate is –

(i) endorsed by a registered party within the meaning of the *Electoral Act 2004*; or

(ii) standing under a group name that is not associated with a registered party within the meaning of the *Electoral Act 2004*; or

(iii) standing as an independent candidate;

(c) each candidate's personal statement.

46. Withdrawal of nomination or death of candidate

(1) In this section –

notice of nomination period, in relation to a notice of nomination, means the period referred to in section 43(2) within which the notice of nomination must be lodged.

(2) A candidate may withdraw the candidate's notice of nomination by lodging or posting a notice in an approved form, which must be received by the returning officer before the end of the notice of nomination period.

(3) If a candidate dies before the end of the notice of nomination period –

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(a) the candidate is not capable of being a candidate for the election; and

(b) the returning officer, with the approval of the Electoral Commissioner, may extend the notice of nomination period for the election by no more than 24 hours.

(4) If a candidate for the office of mayor dies between the end of the notice of nomination period and the end of the polling period, the Electoral Commissioner is to –

(a) declare that election to be abandoned; and

(b) fix another day as the closing day for a new election in respect of that office.

(5) If, on the death of a candidate for the office of councillor between the end of the notice of nomination period and the end of the polling period, the number of candidates remaining exceeds the number required to be elected –

(a) the returning officer is to give public notice of the death of the candidate in an approved manner; and

(b) a poll is to be conducted under Part 7; and

(c) the votes cast for the deceased candidate on the ballot papers are to be counted as votes cast for the candidate shown as the elector's next preference on the ballot papers.

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(6) If, on the death of a candidate for the office of councillor between the end of the notice of nomination period and the end of the polling period, the number of candidates remaining does not exceed the number required to be elected –

(a) those candidates are to be declared to be elected; and

(b) the returning officer is to proceed in the manner specified in section 47(1).

(7) If a candidate dies after the end of the polling period and before the declaration of the poll, the returning officer is to conduct or continue to conduct a count of the votes as if the candidate had not died, but only for the purposes of determining the outcome of the election.

(8) If a candidate referred to in subsection (7) received sufficient votes to be elected, the office to which the candidate would have been elected to is to be treated as if it were a casual vacancy.

(9) If a candidate referred to in subsection (7) did not receive sufficient votes to be elected, the successful candidates are to be declared elected.

47. Election without poll

(1) If, at the end of the nomination period, the number of candidates whose nominations have been accepted and not withdrawn does not exceed the number of vacancies to be filled in the election, those candidates are to be declared elected.

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(2) If candidates are duly elected under subsection (1), the returning officer must –

(a) as soon as practicable, declare the result of the election in an approved manner; and

(b) issue a certificate of election to each candidate, which must not be issued before the closing day; and

(c) notify the Electoral Commissioner of the names of the candidates declared elected.

(3) If the number of accepted nominations for an office is less than the number of vacancies to be filled –

(a) the Electoral Commissioner may call for new nominations for the unfilled vacancies; and

(b) the Electoral Commissioner is to determine and publish the period within which such nominations may be made, which must end no later than 12 noon on the 8th Monday before the closing day.

48. Election with poll

(1) If, at the end of the nomination period, the number of candidates whose nominations have been accepted and not withdrawn exceeds the number of vacancies to be filled, a poll is to be conducted in accordance with Part 7.

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(2) If a poll is required under subsection (1), the returning officer must, as soon as practicable, notify the Electoral Commissioner.

(3) The Electoral Commissioner must cause a notice to be published in a daily newspaper circulating in the relevant electoral area and displayed at all public offices of the relevant council in the electoral area, stating –

(a) the names, and localities of the residences, of the candidates; and

(b) the offices to be filled at the election; and

(c) the polling period; and

(d) the locations and opening hours of issuing and receiving places, polling places, pre-poll polling places and mobile polling places and the hours during which each is open; and

(e) the method by which the election is to be conducted, in accordance with section 30, including whether it is to be by postal voting, or attendance voting, during the polling period; and

(f) information about any alternative voting methods available; and

(g) any other matter that the Electoral Commissioner considers appropriate.

(4) If more than one election is to be conducted at the same time for one or more electoral areas, the

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Electoral Commissioner may publish a single notice that satisfies the requirements of subsection (3) for all the relevant elections.

49. Display of notice of nominations

(1) As soon as practicable after 12 noon on the day following the close of the nomination period, the returning officer must –

(a) display at the public office of the relevant council a notice specifying the name, and address if not removed or excluded from the Local Government Electoral Rolls under section 17, of each person whose nomination for the election has been accepted; and

(b) promptly advise the Electoral Commissioner of those details.

(2) The returning officer must not publicly disclose any information about any nomination until after the end of the nomination period.

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PART 7 – VOTING AND BALLOTS

Division 1 – Election conducted by voting by post

50. Application of Division

This Division applies if the Electoral Commissioner has determined under section 30(2)(a) that an election is to be conducted by voting by post.

51. Ballot material

(1) Subject to this section, during the polling period, the Electoral Commissioner must send or deliver to each elector, at the address shown on the list of electors, the following:

(a) the ballot material for the election;

(b) a return envelope and any other approved envelope required for the return of the ballot;

(c) a voting declaration printed on the envelope to be completed by the elector;

(d) a written statement from the Electoral Commissioner specifying the latest date by which the elector must complete the voting procedure and return the ballot, so that the ballot is received before the closing day;

(e) any other document or information that the Electoral Commissioner considers

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appropriate for the proper conduct of the election.

(2) Any envelope used for the issue or return of ballot papers must –

(a) be approved; and

(b) provide space on the return envelope for the voting declaration; and

(c) be designed to protect the secrecy of the vote.

(3) A voting declaration is to be in an approved form and must state that the elector –

(a) is the person named on the return envelope; and

(b) has completed the enclosed ballot paper.

(4) The Electoral Commissioner may include with the ballot material printed copies of each candidate's personal statement.

(5) This section does not limit the Electoral Commissioner's obligations under section 45 to publish candidates' personal statements.

52. Voting procedures

(1) An elector must vote in accordance with the instructions provided on the ballot material by –

(a) marking the ballot paper as instructed; and

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(b) placing the completed ballot paper in the provided envelope or envelopes; and

(c) completing the voting declaration; and

(d) unless subsection (2) applies, returning the ballot so that it is received before the close of the polling period by –

(i) delivering it to the returning officer; or

(ii) delivering it to an electoral officer in charge of an issuing and receiving place.

(2) If an elector is unable to return the ballot in person as described in subsection (1)(d), the elector may instead –

(a) complete a voting declaration specifying the reasons for which the elector is returning the ballot by post; and

(b) ensure that the ballot is posted in sufficient time for it to be received by the Tasmanian Electoral Commission before the return mailing date specified on the envelope under section 60(1)(e).

53. Supplementary issue of ballot materials

(1) Subject to this section, the Electoral Commissioner, the returning officer or an electoral officer in charge of an issuing and receiving place may issue supplementary ballot material to a person if satisfied that the person –

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(a) is an elector in the electoral area and has not received the original ballot material; or

(b) is an elector in the electoral area and has spoiled any part of the original ballot material; or

(c) is entitled to vote in the electoral area in accordance with section 14; or

(d) will be absent from the person's address during the polling period and is unable to attend an issuing and receiving place to collect the original ballot material.

(2) Supplementary ballot material may be issued to an elector –

(a) by means of the elector collecting the supplementary ballot material from an issuing and receiving place; or

(b) if the elector cannot attend an issuing and receiving place, by the Electoral Commissioner, returning officer or electoral officer in charge of an issuing and receiving place posting the supplementary ballot material to –

(i) the address shown on the list of electors for the elector; or

(ii) an alternative address nominated by the elector.

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(3) Supplementary ballot material must not be issued by post if the Electoral Commissioner, returning officer or electoral officer in charge of an issuing and receiving place considers that the material is unlikely to be received by the elector before the return mailing date specified on the envelope under section 60(1)(e).

(4) A record, in an approved form, is to be kept of –

(a) the name and address of each person to whom supplementary ballot material is issued; and

(b) the reason for the issue of the supplementary ballot material to the person.

54. When ballot papers issued as supplementary ballot materials may be accepted

A ballot paper issued to a person under section 53 in respect of an electoral area may be accepted as a formal vote despite any of the following:

(a) the person's name was omitted in error from the list of electors for the electoral area;

(b) the person's name was omitted in error from a Local Government Electoral Roll;

(c) the person's name was on the State roll within the meaning of the *Electoral Act 2004* for an address in the electoral area at any time since the closure of the roll for

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the most recent ordinary election for the area and the person has continuously resided in the electoral area since that time.

55. Certain postal vote ballot papers not to be accepted

A postal vote ballot paper is not to be accepted as a formal vote if, even when received on or before the close of the polling period –

(a) it is contained in an envelope on which the voting declaration required under section 51 has not been completed by the elector in accordance with that section; or

(b) it is not contained in an envelope approved under section 51; or

(c) it is received from a person who is not entitled to vote in the election.

Division 2 – Availability of postal voting at elections conducted by voting by attendance

56. Application of Division

This Division applies if the Electoral Commissioner has determined under section 30(2)(b) that an election is to be conducted by voting by attendance.

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57. Applications for postal voting

(1) An elector who is entitled to vote at an election for an electoral area may apply to the Electoral Commissioner for approval to vote by postal vote in the election if the elector –

(a) is unable, or reasonably expects on reasonable grounds to be unable, to attend a polling place during the polling period; or

(b) is an elector whose address is not included on the Local Government Electoral Roll, or the State roll, within the meaning of the *Electoral Act 2004*, due to a determination by the Electoral Commissioner that the inclusion of the address would place the personal safety of the elector or a member of their household at risk.

(2) An application under subsection (1) must –

(a) be in an approved form; and

(b) include details sufficient to identify the elector; and

(c) specify the address for which the elector claims to be enrolled; and

(d) specify the address to which postal vote materials are to be sent; and

(e) include a declaration by the elector stating that they are unable to attend a polling

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place or mobile polling place during the polling period; and

(f) be signed by the elector; and

(g) be lodged with a returning officer, or person approved by the Electoral Commissioner, before 4 p.m. on the eighth day before polling day.

(3) The Electoral Commissioner may approve arrangements to obtain details of electors registered as general postal voters under the *Electoral Act 1918* of the Commonwealth.

(4) An elector whose details are obtained under subsection (3) is deemed to have made a valid application under this section.

(5) Subject to subsection (6), the Electoral Commissioner must make applications lodged in accordance with this section, and details of electors obtained for the purposes of subsection (4), available for public inspection at the Electoral Commissioner's office –

(a) from the third day after polling day; and

(b) until the expiry of the applicable period for the preservation of electoral material under this Act.

(6) If the address of an elector is not included on the Local Government Electoral Roll, or the State roll, within the meaning of the *Electoral Act 2004*, due to a determination by the Electoral Commissioner that the inclusion of the address

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would place the personal safety of the elector or a member of their household at risk, the Electoral Commissioner must redact all identifying address details from the publicly available version of an application made, or deemed to be made, under this section.

58. Issue of postal voting material

(1) On receipt of an application under section 57(1) and if satisfied that the application complies with the requirements of that section, the Electoral Commissioner must issue to the elector the following postal vote materials that correspond to the electoral area for which the elector claims to be enrolled:

(a) a ballot paper initialled by an electoral official;

(b) approved instructions for the completion and return of the ballot paper;

(c) a postal vote declaration envelope in an approved form and any other approved return envelope;

(d) any other approved electoral material.

(2) The Electoral Commissioner must issue the postal vote materials referred to in subsection (1) to the elector by –

(a) post or other approved delivery method to the address specified on the application

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made by the elector under section 57(1); or

(b) delivery in person to the elector; or

(c) delivery to a person approved by the Electoral Commissioner to deliver the material to the elector.

(3) The Electoral Commissioner must keep a record, in an approved manner for an approved time, of all postal vote materials issue by the Electoral Commissioner under this section.

59. Re-issue of replacement postal voting material

(1) An elector may make a request to the Electoral Commissioner, in an approved form, before 4 p.m. on the eighth day before polling day for replacement postal vote materials issued under section 58 if the elector –

(a) has not received the postal vote materials; or

(b) the postal vote materials have been damaged or destroyed.

(2) On receipt of a request under subsection (1), the Electoral Commissioner must issue replacement postal vote materials in accordance with section 58.

(3) The Electoral Commissioner must keep a record, in an approved manner for an approved time, of all postal vote materials re-issued by the Electoral Commissioner under this section.

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60. Postal voting procedures

(1) Before the closing day, an elector who is issued the postal vote materials under section 58, or issued replacement postal vote materials under section 59, must vote by postal vote by –

(a) marking the ballot paper in accordance with the approved instructions; and

(b) placing the marked ballot paper in the declaration envelope provided; and

(c) completing and dating the declaration on the envelope stating that the elector voted on the enclosed ballot paper; and

(d) completing the statement on the declaration envelope affirming the elector's identity and eligibility to vote; and

(e) returning the envelope –

(i) by delivering it to an issuing and receiving place or pre-polling polling place before the closing day; or

(ii) by posting it to the returning officer so that it is received before the closing day.

(2) The Electoral Commissioner may approve procedures to assist electors who are unable to vote without assistance.

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Division 3 – Ballot papers

61. Ballot papers

(1) Subject to subsection (3), the Electoral Commissioner is to approve the form and content of ballot papers for mayoral and council elections for each election, including the order of names of candidates for the office of mayor or councillor and any information essential to the conduct of the election, to be printed on the ballot paper.

(2) Subject to subsection (3), the Electoral Commissioner is to approve the form and content of ballot papers for each councillor election, including the order of names of candidates for the office councillor and any information essential to the conduct of the election, to be printed on the ballot paper.

(3) The Electoral Commissioner may approve variations to the layout or appearance of ballot papers approved under subsection (1) or (2) to ensure clarity or accessibility for electors, provided that the approved variation does not alter the substantive content of the ballot papers approved under subsection (1) or (2), including but not limited to the order of names of candidates for the office of councillor or mayor.

(4) The Electoral Commissioner is to prepare and print ballot papers approved under subsections (1) and (2) for each election, including any variations to the layout or appearance approved under subsection (3).

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62. Instructions of ballot papers

Instructions printed on the ballot paper for an election –

(a) are to include a statement that the elector is to mark the ballot paper by numbering the boxes, starting from the number 1 and continuing in order, up to the same number of boxes as there are candidates, in accordance with the elector's preferences; and

(b) are to include one of the following statements, depending on the number of councillors to be elected:

(i) if fewer than 5 councillors are to be elected – a statement that the elector's vote will not be counted unless the elector numbers at least the same number of boxes as the number of councillors to be elected;

(ii) if 5 or more councillors are to be elected – a statement that the elector's vote will not be counted unless the elector numbers at least 5 boxes.

63. Marking of ballot papers

(1) In an election for mayor or for a single councillor, an elector –

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(a) must mark the ballot paper by placing the number 1 in the box next to the name of the candidate of the elector's first preference; and

(b) may mark the ballot paper further by placing consecutive numbers, in order of preference, in the boxes next to the names of the remaining candidates.

(2) In an election –

(a) if more than one councillor but fewer than 5 councillors are to be elected –

(i) the elector must mark the ballot paper by placing consecutive numbers, starting from number 1, in the boxes next to the names of the candidates, up to the number of councillors to be elected; and

(ii) the elector may place further consecutive numbers in the boxes next to the names of the remaining candidates; or

(b) if 5 or more councillors are to be elected –

(i) the elector must mark the ballot paper by placing the numbers 1 to 5, in order of preference, in the boxes next to the names of the candidates; and

(ii) the elector may place further consecutive numbers in the boxes

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next to the names of the remaining candidates.

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PART 8 – SCRUTINEERS AND PRESENCE AT POLLING PLACES

64. Appointment of scrutineers

(1) A candidate at an election may appoint one or more persons who are not candidates at that election to be scrutineers on the candidate's behalf.

(2) The appointment of a scrutineer is to be –

(a) made in an approved form; and

(b) signed by both the candidate and the person appointed as scrutineer.

65. Presence of scrutineers

(1) A scrutineer is entitled to be present at each of the following places:

(a) any issuing and receiving place open to electors during the polling period;

(b) any place where ballot material is issued, received, sorted, checked or counted;

(c) any polling place.

(2) The returning officer is to determine the number of scrutineers who may be present on behalf of a candidate at each place referred to in subsection (1).

(3) Before a scrutineer acts in that capacity at a place referred to in subsection (1), the scrutineer is to

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produce to an electoral officer evidence of their appointment as a scrutineer under section 64(1).

(4) Upon production of evidence under subsection (3), the electoral officer is to issue the scrutineer with an identity badge, which the scrutineer is to wear or display visibly while scrutineering at any place referred to in subsection (1).

66. Scrutineering

(1) A scrutineer may bring to the attention of an electoral officer any matter that the scrutineer reasonably believes may be contrary to the election procedures or may affect the integrity of the election.

(2) A scrutineer must not –

(a) fail to comply with any reasonable direction given to the scrutineer by an electoral officer; or

(b) interfere with, or attempt to influence, an elector or other person present; or

(c) communicate with any person except as necessary to perform the scruitineer's duties as a scrutineer; or

(d) touch or interfere with any ballot material except with the express authority of an electoral officer; or

(e) otherwise behave in a manner that amounts to misconduct.

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Penalty: Fine not exceeding 10 penalty units.

67. Persons entitled to be present at certain places

Except as otherwise authorised under this Act, the only persons entitled to be present at any place referred to in section 65(1) are –

(a) electors for the purpose of casting their votes, or returning a postal vote envelope, in an election for an electoral area; and

(a) the electoral officers appointed for that place; and

(b) scrutineers appointed under section 64 and acting in accordance with section 66; and

(c) any other person authorised by the Electoral Commissioner, the returning officer or an electoral officer for that place.

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PART 9 – ALTERNATIVE VOTING PROCEDURES

68. Interpretation of Part

In this Part –

accessibility and inclusion organisation means –

(a) an organisation or peak body that focuses on advocacy, support or services for people with diverse needs (whether arising from disability, impairment or other circumstances); and

(b) any other group or body approved for the purposes of this definition;

alternative voting procedures means voting procedures approved by the Tasmanian Electoral Commission under this Part;

remote voting area means –

(a) the Australian Antarctic Territory, including Macquarie Island and the Territory of Heard Island and McDonald Islands; and

(b) a ship in transit to or from a place mentioned in paragraph (a) that has been declared by the Tasmanian Electoral Commission to be an Antarctic ship; and

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(c) an area within Tasmania declared by the Tasmanian Electoral Commission to be a remote voting area; and

(d) an area outside of Tasmania but within Australia declared by the Tasmanian Electoral Commission to be a remote voting area; and

(e) an area outside of Australia declared by the Tasmanian Electoral Commission to be a remote voting area.

69. Tasmanian Electoral Commission may approve alternative voting procedures

(1) Subject to subsections (2), (3) and (4), the Tasmanian Electoral Commission may approve alternative voting procedures considered necessary and appropriate in the circumstances, including, but not limited to, electronic voting methods such as online voting or voting by telephone, to enable –

(a) electors, or classes of electors, in a remote voting area, to vote at an election by an alternative method; and

(b) electors, or classes of electors, who the Tasmanian Electoral Commission is satisfied do not have a reasonable opportunity to vote at an election under any other provisions of this Act, to vote at an election by an alternative method; and

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(c) any other electors, or classes of electors, who the Tasmanian Electoral Commission is satisfied have a reasonable opportunity to vote at an election under any other provisions of this Act, to vote at an election by methods not already provided for under any other provisions of this Act.

(2) The Tasmanian Electoral Commission may act under subsection (1) –

(a) on its own motion; or

(b) on the request of an accessibility and inclusion organisation.

(3) Before acting under subsection (1)(b) the Tasmanian Electoral Commission is to, as far as is practicable, consult with any accessibility and inclusion organisation that the Commission considers necessary and appropriate.

(4) The Tasmanian Electoral Commission must not approve any proposed alternative voting procedure under subsection (1) unless the Commission is satisfied that –

(a) the approval is warranted, having regard to –

(i) the practicality, security and integrity of the proposed alternative voting procedure; and

(ii) the resources required to establish, implement and maintain the

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proposed alternative voting procedure; and

(iii) the technological capacity, cost-effectiveness and operational feasibility of the proposed alternative voting procedure; and

(iv) the risks and mitigations associated with the proposed alternative voting procedure; and

(b) as far as practicable, the proposed alternative voting procedure provides for –

(i) the authentication and verification of the vote of an elector; and

(ii) the preservation of the secrecy of the vote of an elector; and

(iii) the security of data transmission.

(5) The Tasmanian Electoral Commission is to approve procedures to enable votes cast in accordance with approved alternative voting procedures to be securely transmitted or forwarded to the Commission in a manner that ensures accuracy, accountability and compliance with all applicable laws.

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70. Entitlement to vote by approved alternative voting procedures

An elector enabled to vote at an election under approved alternative voting procedures is entitled to vote in accordance with those procedures.

71. Counting of votes cast by approved alternative voting procedures

A vote cast by an elector in accordance with approved alternative voting procedures and transmitted or forwarded to the Tasmanian Electoral Commission in accordance with procedures approved under section 69(5), is to be counted as a postal vote for the purposes of the election.

72. Confidentiality of votes case under approved alternative voting procedures

A person who becomes aware of how an elector voted at an election using approved alternative voting procedures must not disclose that information to any other person, except in accordance with a procedure approved under section 69(5).

Penalty: Fine not exceeding 10 penalty units.

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73. Publication of approved alternative voting procedures

The Tasmanian Electoral Commission is to publish on its website a statement, in an approved form, setting out –

(a) the approved alternative voting procedures and the electors or classes of electors to whom they apply; and

(b) a summary of any consultation undertaken by the Tasmanian Electoral Commission under section 69(3); and

(c) information about compliance with this Division; and

(d) any other information approved for publication relating to access by electors to approved alternative voting procedures.

74. Independent auditing of approved alternative voting procedures

(1) The Tasmanian Electoral Commission must engage an independent person (the ***independent auditor***) to conduct audits of any information technology used under any approved voting procedures.

(2) Audits under this section are to be conducted and the results of those audits must be provided to the Tasmanian Electoral Commission –

(a) at least 7 days before voting opens in each ordinary election at which approved

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alternative voting methods will be used; and

(b) within 60 days after the last declaration of the result of an election at which approved alternative voting methods were used.

(3) Without limiting the content of the audit, the independent auditor must determine whether test votes cast in accordance with the approved alternative voting procedures were accurately reflected in the corresponding test ballot-papers produced under those procedures.

(4) The independent auditor may make recommendations to the Tasmanian Electoral Commission to reduce or eliminate a risk that could affect the security, accuracy or secrecy of voting in accordance with the approved alternative voting procedures.

75. Independent monitoring of approved alternative voting procedures

(1) The Tasmanian Electoral Commission may appoint one or more independent persons (an independent monitor) to monitor and observe the approved alternative voting procedures used at an election, including the counting of votes cast and the general operation of the approved alternative voting procedures.

(2) An independent monitor must report to the Tasmanian Electoral Commissioner and may make recommendations about the approved alternative voting procedures, including but not

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limited to the effectiveness, security and accessibility of the procedures.

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PART 10 – DETERMINATION OF RESULTS OF ELECTIONS

76. Counting votes

(1) At the end of the polling period, the electoral officer in charge is to –

(a) seal any ballot box at the issuing and receiving place or polling place; and

(b) deliver any ballot box as directed by the returning officer.

(2) The counting of votes is to be carried out by the returning officer in accordance with –

(a) Part 2 of Schedule 1, if the ballot paper approved under Section 61(1) is used; or

(b) Part 3 of Schedule 1, if the ballot paper approved under Section 61(2) is used.

(3) In order to ensure the secrecy of the votes, the Electoral Commission may approve the combining or mixing of ballot papers received at an issuing and receiving place or a polling place with the ballot papers received at another issuing and receiving place or polling place.

77. Informal ballot papers

(1) A ballot paper is informal if any of the following apply:

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(a) the ballot paper is not correctly authenticated by at least one of the following methods:

(i) the initials of the electoral officer who issued the ballot paper;

(ii) the signature of that electoral officer;

(iii) an approved security mark;

(b) no vote has been recorded on the ballot paper;

(c) subject to subsection (3), the vote is marked on the ballot paper otherwise than in accordance with section 63;

(d) there is a mark or writing on the ballot paper that, in the opinion of the returning officer or electoral officer in charge, could reasonably identify the elector who marked the ballot paper.

(2) Despite subsection (1), a ballot paper is not to be treated as informal or rejected at the counting of votes if, in the opinion of the returning officer or electoral officer in charge, the elector's intention is clearly indicated.

(3) If –

(a) an elector has marked one or more numbers on the ballot paper to indicate preferences that are higher than the

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maximum number that the elector is required to mark under section 63; and

(b) one or more of those higher numbers is either omitted or duplicated; and

(c) the ballot paper would otherwise be formal –

then those omitted or duplicated numbers, and any higher numbers following the first such omission or duplication, are to be disregarded, and the ballot paper is to be treated as formal.

(4) A decision under this section to treat a ballot paper as informal may be reviewed on written request to the returning officer, or electoral officer in charge, by a candidate or the candidate's scrutineer.

(5) On receipt of a written request under subsection (4), a returning officer, or electoral officer in charge, must consider the request and may confirm or overturn the decision to treat a ballot paper as informal.

(6) If a person who made a request under subsection (4) is dissatisfied with the decision madeunder subsection (5), the person may request a review by the Tasmanian Electoral Commission.

(7) The Tasmanian Electoral Commission's decision on the review of a decision to treat a ballot paper as informal under this section is final.

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78. Declaration of poll

(1) As soon as practicable after the counting of all votes is completed, the returning officer is to –

(a) declare the names of the candidates elected at the election; and

(b) issue a certificate stating the result of the election.

(2) If elections of councillors and the mayor are conducted at the same time, the returning officer is to declare the results in the following order:

(a) councillor;

(b) mayor.

79. Certificate of election

(1) The returning officer is to forward the certificate of the result of the election to the Electoral Commissioner.

(2) The Electoral Commissioner is to cause a copy of the certificate of election to be published in a daily newspaper circulating generally in the relevant electoral area.

(3) Any elector or candidate may dispute the result of an election by lodging an application with the Supreme Court within 90 days after the date on which the certificate of election is published under subsection (2).

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(4) A dispute is to be heard and determined in the approved manner.

80. Recount of votes

(1) A candidate at the election may, at any time before the declaration of a poll, request a recount of the votes cast at the election.

(2) The returning officer may –

(a) agree to recount the votes; or

(b) refuse to recount the votes.

(3) If the returning officer refuses to recount the votes, the candidate may apply to the Tasmanian Electoral Commission for a review of that decision.

(4) The Tasmanian Electoral Commission may direct the returning officer to conduct a recount of the votes.

(5) A recount of votes under this section is final and conclusive of the results of the election and no further request for a recount of those votes may be made.

81. Keeping of physical, digital and electronic electoral material

(1) The returning officer is to parcel, seal and store –

(a) all physical electoral material in an approved manner; and

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(b) any digital or electronic electoral material in an approved manner.

(2) The returning officer is to give, in the approved manner, to the Electoral Commissioner the following:

(a) all used ballot papers;

(b) all digital or electronic electoral material;

(c) any other sealed parcels of electoral material or other material, digital, electronic or otherwise, that the Electoral Commissioner may require.

(3) The Electoral Commissioner is to keep –

(a) all used ballot papers referred to in subsection (2)(a) in respect of councillors until the certificate of election is issued for the next ordinary election for those councillors; and

(b) the parcels of electoral material referred to in subsection (2)(b) in respect of councillors until the certificate of election is issued for the next ordinary election for those councillors; and

(c) all other electoral materials, electronic, digital or otherwise, for as long as is necessary to allow any dispute relating to the election to be determined.

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(4) Ballot papers and any digital or electronic voting material may only be examined for the purpose of –

(a) filling a vacancy; or

(b) another purpose approved by the Electoral Commissioner.

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PART 11 – CASUAL VACANCIES AND BY-ELECTIONS

82. Casual vacancies

(1) A casual vacancy in the office of a councillor is to be filled by a recount to fill a casual vacancy conducted in accordance with Schedule 2, using the physical, digital or electronic ballot papers from the election at which the councillor causing the vacancy was elected.

(2) For the purpose of a recount to fill a casual vacancy, only the physical, digital or electronic ballot papers that contributed to the election of the vacating councillor are to be included, and only in respect of candidates who –

(a) remain eligible to hold office as councillor at the time of the recount; and

(b) have given written consent, in the approved form, to be included in the recount.

(3) The Electoral Commissioner is not to carry out a recount to fill a casual vacancy if the vacancy occurs during the period commencing 6 months before, and ending on the Thursday before, the day on which the notice of election for a forthcoming election is to be given –

(a) beginning 6 months before the date on which the notice of election is to be given for a forthcoming ordinary election; and

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(b) ending on the Thursday before that day.

(4) Despite subsection (3), the Electoral Commissioner is to conduct a recount to fill a casual vacancy if the number of councillors holding office is, as a result of the vacancy, insufficient to constitute a quorum.

(5) The Electoral Commissioner is to notify that a recount to fill a casual vacancy is to be conducted by –

(a) delivering, in person or by post, written notice to each eligible candidate; or

(b) publishing an advertisement in a daily newspaper circulating generally in the relevant electoral area.

(6) An eligible candidate who wishes to be included in a recount to fill a casual vacancy must –

(a) consent in writing using the approved form; and

(b) lodge the form with the Electoral Commissioner by noon on the 8th day after the date on which a notice is given under subsection (5).

(7) The term of office of a councillor elected by means of a recount to fill a casual vacancy ends on the date of issue of the certificate of election for the next ordinary election.

(8) The Electoral Commissioner must not disclose to any person the results, of a recount in respect of a

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hypothetical casual vacancy, that may be obtained by performing an electronic calculation based on any electronic records of ballot papers, completed by electors or former electors, that are held in an electronic form by the Electoral Commissioner.

83. By-elections

(1) A by-election for a vacancy in the office of councillor is to be held if –

(a) it is not possible to carry out a recount of votes; or

(b) not all the offices have been filled at an election.

(2) Subject to subsection (3), the Electoral Commissioner may fix a day as the closing day for a by-election.

(3) The Electoral Commissioner must not fix a closing day for a by-election if doing so would cause the polling period or polling date for the by-election to fall within the polling period for an Australian or Tasmanian parliamentary election.

(4) A by-election is not to be held during the period specified in section 82(3).

(5) Except as provided in subsection (6), a by-election is to be held in accordance with this Act as if it were an election.

(6) The Electoral Commissioner, in consultation with the relevant general manager in relation to a by-election, may determine –

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(a) the day on which notice of the by-election is to be given; and

(b) the nomination period; and

(c) the closure of Local Government Electoral Rolls.

(7) The deputy mayor is eligible to nominate at a by-election as a candidate for the office of mayor without having to resign the office of deputy mayor and, if so elected, ceases to hold the office of deputy mayor.

(8) If a mayor vacates office as both mayor and councillor, the vacancy in the office of councillor is to be filled by a by-election held concurrently with the by-election for the office of mayor.

(9) The term of office of a councillor or mayor at a by-election to fill a casual vacancy is the remainder of the term of office of the councillor or mayor who caused the vacancy.

84. Adjournment of poll

(1) The Tasmanian Electoral Commission may adjourn the conduct of a poll for a period not exceeding 30 days if satisfied that the adjournment is necessary to ensure the proper conduct of the poll.

(2) The Tasmanian Electoral Commission, by public notice, is to specify –

(a) the period of the adjournment; and

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(b) the reasons for the adjournment.

85. Non-application of Part

This Part does not apply in relation to vacancies in the offices of councillors of a council that arise due to the dismissal of all the councillors under this, or any other, Act.

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PART 12 – OFFENCES RELATING TO ELECTIONS

86. Offences relating to polling

(1) A person must not –

(a) vote at an election if the person is not entitled to vote at the election; or

(b) obtain or attempt to obtain more ballot papers at an election than the number to which the person is entitled.

Penalty: Fine not exceeding 5 penalty units.

(2) A person must not –

(a) obstruct an elector while the elector is marking a ballot paper; or

(b) use any word or action to directly or indirectly assist in discovering the name of a person for whom an elector has voted or intends to vote.

Penalty: Fine not exceeding 10 penalty units.

(3) A person must not –

(a) personate, or attempt to personate, another elector; or

(b) vote, offer to vote, or attempt to vote, more than once in the person's own name at the same election; or

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(c) attempt to vote using a ballot paper that has been issued or delivered to another person; or

(d) during the polling period, enter the residence of an elector and attempt to induce the elector to vote, or not to vote, for a particular candidate; or

(e) steal, misdirect, conceal, destroy, tamper with or otherwise interfere with any of the documents sent or delivered for the purposes of this Act.

Penalty: Fine not exceeding 50 penalty units.

87. Offences at issuing and receiving places, polling places and certain other places

(1) In this section –

place means a place referred to in section 65(1);

(2) An electoral officer, electoral officer in charge or a police officer acting under the direction of an electoral officer in charge, may require a person who is –

(a) not an elector voting or about to vote at a place; or

(b) not entitled under section 67 to be present at a place –

to leave the place.

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(3) A person referred to in subsection (2) who is required to leave a place, by an electoral officer, electoral officer in charge or a police officer acting under the direction of an electoral officer in charge under that subsection, must immediately leave the place.

Penalty: Fine not exceeding 10 penalty units.

(4) A person must not at a place –

(a) act in a disorderly manner; or

(b) refuse or fail to comply with a lawful direction given by the electoral officer in charge of the place or a police officer; or

(c) display or leave any printed, written, electronic, or other material that contains directions, instructions, or suggestions, as to how an elector should or might vote at the election.

Penalty: Fine not exceeding 10 penalty units.

(5) Except in accordance with a procedure approved under section 34, a person must not enter or occupy a screened private voting area at a place while another person is occupying that screened private voting area.

Penalty: Fine not exceeding 10 penalty units.

(6) A person must not, without lawful authority –

(a) occupy a screened private voting area at a place for longer than is necessary for marking the person's ballot paper; or

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(b) obstruct, delay, or interfere with the efficient conduct of polling or ballot processing at any place; or

(c) remove any ballot material from any place.

Penalty: Fine not exceeding 10 penalty units.

88. Offences in violation of secrecy of ballot

A person must not –

(a) at an election, attempt to find out, or directly or indirectly aid in finding out, the person for whom a vote is given; or

(b) disclose any knowledge of the person for whom an elector has voted at an election, if that knowledge was obtained in the course of performing duties at the election.

Penalty: Fine not exceeding 10 penalty units.

89. Bribery, treating and undue influence

(1) In this section –

election conduct, in relation to a person, means any one or more of the following:

(a) whether or not the person votes at an election;

(b) the way in which the person votes at an election;

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(c) whether or not the person nominates as a candidate at an election;

(d) whether or not the person withdraws the person's nomination as a candidate at an election;

(e) whether the person expresses support for, or opposition to, a candidate or group of candidates at an election;

relevant period means the period commencing on the day on which the notice of election is published and ending at the close of the poll.

(2) A person must not, during the relevant period, directly or indirectly promise, offer, give, solicit or receive any property or benefit of any kind, with the intention of influencing a person's election conduct at an election.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 5 years, or both.

(3) Without limiting subsection (2), a person commits an offence against this section if, during the relevant period, the person supplies or offers to supply to another person food, drink or entertainment with the intention of influencing that person's election conduct at an election.

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(4) For the purposes of this section, the following do not constitute an offence under this section:

(a) a declaration of public policy or a promise of public action;

(b) the voluntary provision of transport of electors to or from polling places for the purpose of voting, where no payment or other benefit is given or arranged for the elector in consideration for the transport.

(5) A candidate or intending candidate must not, during the relevant period, directly or indirectly offer, promise or give a gift, donation or prize to or for the benefit of –

(a) any specific club, association or body; or

(b) clubs, associations or bodies generally –

if the gift, donation or prize is made with the intention of influencing a person's election conduct at an election.

Penalty: Fine not exceeding 50 penalty units.

(6) In proceedings for an offence against subsection (5), it is a defence if the accused person proves on the balance of probabilities that gifts, donations or prizes similar in nature and value have, over a period preceding the relevant period, been regularly given by the accused to the relevant club, association or body.

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(7) An offence against subsection (2) is an indictable offence under the *Criminal Code* and may be prosecuted on indictment.

(8) Despite subsection (7), if both the defendant and the prosecutor consent, the Magistrates Court may deal with an offence against subsection (2) summarily, if the Court is satisfied that it is proper to do so.

(9) If, under subsection (8), the Magistrates Court deals with an offence against subsection (2) summarily and finds the person guilty, the Court may impose a fine not exceeding 20 penalty units or imprisonment for a term not exceeding 12 months, or both.

90. Electoral intimidation

(1) In this section –

election conduct has the same meaning as in section 89.

(2) A person must not, by violence or intimidation, influence or attempt to influence a person's election conduct at an election.

Penalty: Fine not exceeding 1 000 penalty units or imprisonment for a term not exceeding 5 years, or both.

(3) A person who contravenes subsection (2) is guilty of the crime of *electoral intimidation*, punishable on indictment under the *Criminal Code*.

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(4) Despite section 389 of the *Criminal Code*, a person convicted of the crime of electoral intimidation is liable to the penalty specified in subsection (2).

91. False or misleading statements

(1) A person must not, in giving any information, making a notification under this Act, filing a return or making an application under this Act–

(a) make a statement knowing it to be false or misleading; or

(b) omit any matter from a statement knowing that without that matter the statement is misleading.

(2) A person must not contravene or fail to comply with subsection (1).

(3) An offence against subsection (1) is an offence punishable on indictment under the *Criminal Code*.

(4) Despite an offence against subsection (1) being punishable on indictment under the *Criminal Code*, a court of summary jurisdiction may hear and determine proceedings in respect of the offence if the court is satisfied that it is proper to do so and the defendant and the prosecutor consent.

(5) In accordance with subsection (4), a court of summary jurisdiction finds a person guilty of an offence against subsection (1), the penalty that

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the court may impose is a fine not exceeding 300 penalty units or a term of imprisonment not exceeding 12 months, or both.

92. Continuing offences

(1) If –

(a) by or under a section, or a subsection of a section, of this Act an act or thing is required or directed to be done within a particular period or before a particular time; and

(b) failure to do that act or thing within the period, or before the time, referred to in paragraph (a) constitutes an offence; and

(c) that act or thing is not done within the period, or before the time, referred to in paragraph (a) –

the following provisions of this subsection have effect:

(d) the obligation to do that act or thing continues, notwithstanding that that period has expired or that time has passed, until that act or thing is done;

(e) if a person is convicted of an offence that is constituted by failure to do that act or thing within that period or before that time, as the case may be, that person is guilty of a separate and further offence in respect of each day after the day of the

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conviction during which the failure to do that act or thing continues;

(f) the fine applicable to each such separate and further offence is an amount not exceeding 0.5 penalty units.

(2) Where –

(a) by or under a section, or a subsection of a section, of this Act an act or thing is required or directed to be done but no period within which or time by which that act or thing is to be done is specified; and

(b) failure to do that act or thing constitutes an offence; and

(c) a person is convicted of an offence in respect of a failure to do that act or thing –

that person is guilty of a separate and further offence in respect of each day after the day of the conviction during which the failure to do that act or thing continues, and the fine applicable to each such separate and further offence is an amount not exceeding 0.5 penalty units.

(3) Charges against the same person for any number of offences under subsection (1)(e) or subsection (2) may be joined in the same complaint if those offences relate to a failure to do the same act or thing.

(4) If a person is convicted of more than one offence under subsection (1)(e) or more than one offence under subsection (2), the court may impose one

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penalty in respect of all the offences of which the person is so convicted under that subsection, but that penalty is not to exceed the sum of the maximum penalties that could be imposed if the penalty were imposed in respect of each offence separately.

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PART 13 – INVESTIGATORY POWERS

93. Interpretation of Part

In this Part –

authorised officer means a person authorised in writing by the Electoral Commissioner to exercise powers under this Part.

94. Application of Part

(1) The powers under this Part are in addition to, and do not limit, any other powers under this Act or any other law.

(2) This Part applies to investigations relating to an election conducted under this Act.

95. Power to enter and inspect places

(1) An authorised officer may enter and inspect any place, at any reasonable time, where the authorised officer reasonably suspects electoral material, ballot material or any records or documents relevant to an election under this Act are kept or may be found.

(2) The authorised officer, entering and inspecting a place under subsection (1), may examine, make copies of and take possession of, any electoral material, ballot material, records, documents or equipment relating to the conduct of the election at the place.

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96. Power to require production of documents or information

(1) An authorised officer may require a person to –

(a) produce any electoral material, documents or records in the person's possession or control relevant to an election; and

(b) provide information relevant to an election.

(2) The authorised officer may examine and copy any electoral material, documents or records produced by a person under subsection (1).

97. Power to seize and detain

(1) An authorised officer may seize and detain any ballot material, electoral material or documents if the officer reasonably believes the material or documents are relevant to an investigation under this Act.

(2) An authorised officer must provide a receipt, for any ballot material, electoral material or documents seized and detained under subsection (1), specifying the following:

(a) the name of the authorising officer;

(b) the date on which the material or documents were seized;

(c) a description of the material or documents seized.

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98. Power to require attendance and questioning

(1) An authorised officer may require a person to attend and answer questions relevant to an investigation under this Act.

(2) A person referred to in subsection (1) must attend and answer questions if required to do so under the subsection.

Penalty: Fine not exceeding 200 penalty units.

(3) A person required to attend and answer questions under subsection (1) may be accompanied by a legal representative.

99. Obstruction offences

A person must not –

(a) obstruct, hinder or delay an authorised officer in the exercise of the officer's powers under this Part; or

(b) refuse or fail to comply with a lawful requirement or direction under this Part.

Penalty: Fine not exceeding 200 penalty units.

100. Warrants

(1) If an authorised officer is unable to enter a place under section 95, the Electoral Commissioner may apply to a magistrate for a warrant authorising entry and search of the place.

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(2) On receipt of an application under subsection (1), a magistrate may issue a warrant if satisfied that there are reasonable grounds to suspect a breach of this Act.

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PART 14 – ELECTORAL ADVERTISING AND PUBLICATION OF ELECTORAL MATTER

101. Electoral advertising

(1) A person must not, during the relevant period, use electoral advertising to promote or procure the election of any candidate at an election unless the use of the electoral advertising is approved.

Penalty: Fine not exceeding 100 penalty units.

(2) If a court convicts under this section a candidate who is successful at an election, the court must declare that candidate's election void, unless the court is satisfied that the offence did not materially affect the result of the election.

(3) A person, within the relevant period, must not print, publish, keep on display, broadcast or distribute electoral advertising that refers to the offering, promising or giving by a candidate or intending candidate of a gift, donation or prize to any specific club, association or body, or to clubs, associations or bodies generally.

Penalty: Fine not exceeding 50 penalty units.

(4) A person must not use or keep on display the arms of a council, or a logo of a council, in any electoral advertising.

Penalty: Fine not exceeding 20 penalty units.

(5) Subsection (4) does not apply to –

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(a) any matter printed, published or distributed by or on behalf of the Electoral Commissioner in the exercise or performance of the Commissioner's powers or functions; or

(b) any electoral advertising by means of a broadcast by television.

102. Publication of electoral matter

(1) The purpose of this section is to ensure transparency, accountability and traceability in the communication of electoral matter to the public during a council election.

(2) This section applies to the electoral matter communicated during the election period in relation to a council election.

(3) This section does not apply to the communication of electoral matter where –

(a) it is a private communication between individuals not intended for public distribution; or

(b) it is an unpaid communication by a natural person expressing personal political views, including on social media, provided that the communication is not –

(i) made on behalf of a candidate or registered party; or

(ii) an express endorsement of a candidate; or

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(c) it is communicated orally in a live and unrecorded public meeting; or

(d) it is published by or on behalf of any of the following entities:

(i) the Electoral Commissioner;

(ii) the Tasmanian Electoral Commission;

(iii) a council;

(iv) the Local Government Association of Tasmania continued under section 326 of the *Local Government Act 1993*;

(v) the Crown or an instrumentality of the Crown; or

(e) it is a letter to the editor published in a newspaper or periodical where –

(i) the author's name and locality are published; or

(ii) the publisher keeps a record of the author's full name and address for 6 months; or

(f) it is media reporting or commentary, provided it does not constitute paid advertising.

(4) A person must not, during the election period, print, publish or distribute, or permit or authorise

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the printing, publishing or distribution of, any electoral matter –

(a) unless the electoral matter includes the following particulars at the end of the electoral matter:

(i) if the electoral matter is published by the candidate, the full name and address, other than a post office box or electronic address, at which the candidate resides or at or through which the candidate may be readily contacted;

(ii) if the electoral matter is published by an official agent of a candidate, the full name and address, other than a post office box or electronic address, at which the official agent resides or at or through which the official agent may be readily contacted; and

(b) if the electoral matter –

(i) contains incorrect or misleading information about whether a person is a candidate at an election, or a member of, or endorsed by, a registered political party within the meaning of the *Electoral Act 2004*; or

(ii) uses the name, or a derivative of the name, of a registered political party within the meaning of the

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Electoral Act 2004 in a way that is intended, or likely, to mislead; or

(iii) is calculated to, or likely to, result in an elector completing an informal ballot paper; or

(iv) contains a statement, whether express or implied, to the effect that voting is not compulsory; or

(v) contains a statement that is intended, or is likely, to mislead an elector into believing that the material is an official communication from the Tasmanian Electoral Commission, the Electoral Commissioner or another recognised electoral authority.

Penalty: Fine not exceeding 200 penalty units or imprisonment for a term not exceeding 6 months, or both.

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PART 15 – ELECTORAL EXPENDITURE

103. Interpretation

(1) In this Part –

annual increment, in relation to the maximum electoral expenditure limit, means the cumulative increase, calculated from 1 July 2027, in accordance with the following:

(a) in the case of Hobart City Council, Clarence City Council, Glenorchy City Council, Kingborough Council or Launceston City Council – $500 for each financial year commencing on or after 1 July 2027; and

(b) in the case of any other council not referred to in paragraph (a) – $300 for each financial year commencing on or after 1 July 2027;

final campaign return means a final campaign return prepared and lodged by a candidate or official agent in accordance with section 106;

maximum electoral expenditure limit, in relation to a financial year, means –

(a) for a candidate for election to the Hobart City Council, Clarence

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City Council, Glenorchy City Council, Kingborough Council or Launceston City Council – $16 000 plus the applicable annual increment for that financial year; and

(b) for a candidate for election to any other council not referred to in paragraph (a) – $10 000 plus the applicable annual increment for that financial year;

official agent, in relation to a candidate, means a natural person appointed by the candidate under section 104(2) to be the official agent of the candidate;

publisher's advertising return means a publisher's advertising return prepared and lodged by a person in accordance with section 107.

(2) For the avoidance of doubt, "cumulative increase" in the definition of *annual increment* in subsection (1) means the aggregate amount obtained by multiplying the specified amount ($500 or $300) by the number of financial years commencing on or after 1 July 2027 and up to and including the financial year in question.

(3) For the purposes of this Division, the maximum electoral expenditure limit applicable to a candidate for election is the limit calculated for the financial year in which the election is held,

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regardless of the date within that financial year on which the election occurs.

104. Incurring of electoral expenditure

(1) A person must not incur, or authorise, any electoral expenditure with a view to promoting or procuring the election of a candidate unless the person is –

(a) the candidate; or

(b) the candidate's official agent.

Penalty: Fine not exceeding 100 penalty units.

(2) A candidate may appoint, in an approved form, a natural person to be the official agent of the candidate for the purposes of this Division.

(3) A person must not incur, or authorise, any electoral expenditure for or on behalf of a registered party with a view to promoting or procuring the election of a candidate.

Penalty: Fine not exceeding 100 penalty units.

(4) For the avoidance of doubt, this section does not prevent a person, official agent or registered party from making a gift or a donation to a candidate's election campaign, provided that such gifts or donations are not electoral expenditure and are recorded and disclosed in accordance with the provisions of Part 16.

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105. Exceeding electoral expenditure limit

A candidate, or an official agent, must not incur, or authorise, electoral expenditure that exceeds the maximum electoral expenditure limit applicable to the candidate for the financial year in which the election is held.

Penalty: Fine not exceeding 50 penalty units.

106. Final campaign return

(1) A candidate, or an official agent, must lodge a final campaign return with the Electoral Commissioner, setting out the electoral expenditure incurred by the candidate, or official agent, for an election, within 45 days after the date on which the certificate of election is published for the election.

Penalty: Fine not exceeding 30 penalty units.

(2) The final campaign return must –

(a) be in an approved form; and

(b) contain the following information:

(i) the name and address of the candidate;

(ii) the name and address of the official agent, if applicable; and

(c) relate to the period beginning on the day on which nominations under this Act close for all candidates and ending on the

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day on which the certificate of election is published for the election; and

(d) be accompanied by any invoice, account or receipt in respect of any electoral expenditure incurred by the candidate, or official agent, that is set out in the final campaign return; and

(e) be signed by the candidate, or official agent, and include a declaration that the information contained in the final campaign return is complete and accurate to the best of the candidate's, or official agent's, knowledge.

(3) The Electoral Commissioner may, on written application in an approved form, by a candidate or official agent, extend the period for lodgement of the final campaign return under subsection (1) by not more than 30 days, if satisfied that –

(a) the final campaign return cannot reasonably be lodged by the candidate or official agent within the original 45-day period; and

(b) the delay is not due to the neglect or default of the candidate or official agent.

(4) If a court convicts a candidate or official agent under subsection (1), the court must declare the candidate's election void unless satisfied that the failure of the candidate, or official agent, to lodge the final campaign return did not materially affect the result of the election.

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107. Publisher's advertising return

(1) Within 45 days after the day on which a certificate of election is published for an election, any person who prints, publishes or broadcasts electoral advertising must sign and declare before a justice or a commissioner for declarations, and lodge with the Electoral Commissioner, a publisher's advertising return, in an approved form, setting out electoral advertising printed, published or broadcast by the person for the election.

Penalty: Fine not exceeding 30 penalty units.

(2) A publisher's advertising return under subsection (1) is to be accompanied by any invoice, account or receipt in respect of any electoral expenditure incurred by the person that is set out in the return.

108. Final campaign return and publisher's advertising return available for inspection

(1) The Electoral Commissioner is to give a copy of any final campaign return, or publisher's advertising return, lodged with the Electoral Commissioner under this Division to the general manager.

(2) The Electoral Commissioner and the general manager are to–

(a) keep final campaign returns, and publisher's advertising returns, or copies of the returns, lodged with the Electoral

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Commissioner or given to the general manager, for a period of 12 months; and

(b) during that period of 12 months, make those returns, or copies of those returns, available for inspection, free of charge, by a member of the public.

(3) At the end of the 12-month period referred to in subsection (2)(a), the Electoral Commissioner and the general manager must destroy the final campaign returns, and publisher's advertising returns, or copies of the returns, unless proceedings concerning the relevant election have been instituted and remain ongoing, in which case the returns must be retained until the final determination of such proceedings.

109. Electoral Commissioner's powers to require information and documents

(1) For the purpose of verifying any final campaign returns or publisher's advertising returns lodged under this Division, the Electoral Commissioner may require any person, who the Electoral Commissioner reasonably believes possesses relevant information or documents, to provide further information or explanation that the Commissioner considers necessary.

(2) In addition to the powers of the Electoral Commissioner under subsection (1), the Electoral Commissioner may require any person whom the Electoral Commissioner reasonably believes to be in possession of information or records relating to electoral expenditure to –

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(a) provide that information; or

(b) produce those records for inspection at a specified time and place; or

(c) answer any question relating to the electoral expenditure; or

(d) make a statement providing an explanation of the information or records.

(3) The Electoral Commissioner may make and retain copies of any records produced under subsection (2).

(4) A person must not, without reasonable excuse, fail to comply with a requirement made under subsection (1) or (2).

Penalty: Fine not exceeding 200 penalty units.

(5) Any information, answer or statement given by a person in response to a requirement under this section may not be used in evidence against the person except in proceedings under subsection (7) in relation to that information, answer or statement.

(6) Before requiring a person to comply with subsection (1) or (2), the Electoral Commissioner must provide the person with written notice specifying the nature of the information or documents required, the time and place for compliance and the consequences for failure to comply.

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(7) A person must not provide information, produce records, answer questions or make statements which the person knows to be false or misleading.

Penalty: Fine not exceeding 10 penalty units or imprisonment for a term not exceeding 3 months.

(8) In any proceedings for an offence under this Division, a copy of a record or part of a record made under subsection (3) is admissible in evidence and, in the absence of evidence to the contrary, is presumed to be the same as the original record.

(9) In this section, ***records*** includes books, accounts, minutes, registers, deeds, writings, documents, electronic communications, digital data or any other sources of information compiled, recorded or stored in any form by any means.

(10) The Electoral Commissioner must ensure that any information or record obtained under this section is treated confidentially and is not disclosed except as permitted under this Act or any other Act.

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PART 16 – GIFTS AND DONATIONS

110. Disclosure of gifts and donations accepted during election period by candidates or intending candidates

(1) During the election period a candidate, or intending candidate, must, within 7 days after accepting any gift or donation, disclose the gift or donation to the Tasmanian Electoral Commission.

Penalty: Fine not exceeding 200 penalty units.

(2) The disclosure of a gift or donation under subsection (1) must be made in an approved form and must include the following information:

(a) the full name of the donor;

(b) the locality of residence, if the donor is a natural person;

(c) the donor's business name and business address, if the donor is not a natural person;

(d) the date on which the candidate accepted the gift or donation;

(e) the nature and estimated value of the gift or donation;

(f) a declaration signed by the candidate, or intending candidate, stating that the information is true and correct to the best

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of the candidate's, or intending candidate's, knowledge.

(3) A candidate, or intending candidate, must not knowingly or recklessly make a false or misleading disclosure under this section.

Penalty: Fine not exceeding 100 penalty units.

(4) A gift or donation with a value of less than $50 is not required to be disclosed under this section, unless the gift or donation is one of a series of gifts or donations from the same donor that, when aggregated within the election period, exceeds $50.

111. Disclosure of gifts and donations accepted during disclosure period by continuing candidates and candidates

(1) A continuing candidate must, within 7 days after the acceptance of the continuing candidate's notice of nomination, submit to the Tasmanian Electoral Commission an extract from the gifts and donations register kept under section 56B of the *Local Government Act 1993* containing all entries relevant to the continuing candidate during the disclosure period.

Penalty: Fine not exceeding 100 penalty units.

(2) A candidate who is not a continuing candidate must, within 7 days after the acceptance of the candidate's notice of nomination, submit to the Tasmanian Electoral Commission an initial gifts and donations return for the disclosure period.

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Penalty: Fine not exceeding 100 penalty units.

(3) A continuing candidate, or a candidate who is not a continuing candidate, must not knowingly or recklessly make a false or misleading submission under this section.

Penalty: Fine not exceeding 100 penalty units.

112. Unlawful gifts and donations

(1) A person, other than a candidate or intending candidate, must not accept a gift or donation if the person knows, or ought reasonably to know, that all or part of the gift or donation is intended to be subsequently given to a candidate or intending candidate for campaign purposes.

Penalty: Fine not exceeding 50 penalty units.

(2) A candidate or intending candidate must not accept a gift or donation if –

(a) the gift or donation is in the form of cash and either has a value of more than $50, or forms part of a series of cash gifts or donations from the same donor, which, when aggregated within the election period, exceed $50; or

(b) the gift or donation has a value of more than $50 and is not accompanied by the donor information required for disclosure under section 110; or

(c) the gift or donation is made by a person known, or reasonably believed, to be a

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foreign donor within the meaning of the *Electoral Disclosure and Funding Act 2023*.

Penalty: Fine not exceeding 50 penalty units.

(3) A person who receives a gift or donation under subsection (1), or a candidate or intending candidate who receives a gift or donation under subsection (2), must within 6 weeks after accepting the gift or donation take one of the following actions:

(a) return the gift or donation to the donor;

(b) pay, or transfer, to the State an amount equal to the value of the gift or donation.

Penalty: Fine not exceeding 50 penalty units.

(4) The person or candidate must notify the Tasmanian Electoral Commission in writing within 7 days after taking action under subsection (3).

113. Gifts and donations register

(1) The Tasmanian Electoral Commission must keep and maintain a gifts and donations register containing all information disclosed, or submitted, to the Commission under sections 110 and 111 that complies with the requirements of those sections.

(2) The Tasmanian Electoral Commission must retain all information kept in the gifts and donations register for at least 5 years from the

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date on which the information was disclosed, or submitted, to the Commission under section 110 or 111.

114. Publication of information contained in gifts and donations register

(1) The Tasmanian Electoral Commission must publish on its website, within 7 days after receiving a disclosure or submission under section 110 or 111, the information contained in the disclosure or submission.

(2) The Tasmanian Electoral Commission must ensure that the information published under this section remains publicly accessible until the certificate of election is issued for the election to which the information relates.

(3) Nothing in this section limits the Tasmanian Electoral Commission's ability to update, amend or correct information, and publish any corrected or updated information as soon as practicable after the correction or update is made, including to reflect the outcome of investigation or errors.

(4) The Tasmanian Electoral Commission may redact personal information from any document published under this section where necessary to protect the safety or privacy of a person, having regard to public interest in transparency and electoral integrity.

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PART 17 – MISCELLANEOUS

115. Formal defects not to invalidate elections

An election is not invalid by reason only –

(a) of any defect in the title, or want of title, of the person by or before whom the election, or any polling in it, has been held or conducted; or

(b) of any formal error or defect in any notice, advertisement, notification, list, declaration, application, statement or envelope, or in any publication of any of them; or

(c) that any such publication was out of time; or

(d) of any delay in holding the election; or

(e) of the failure to provide any electoral material; or

(f) of any defect, impediment or omission of a merely formal nature.

116. Ministerial order in respect of elections

The Minister, by order and on the recommendation of the Electoral Commissioner, may –

(a) provide for such matters as the Minister considers desirable to enable a particular

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election or elections, at a particular time, to be held; or

(b) validate a defect or an informality in an election or an irregularity in the holding of an election that appears to the Minister not to affect materially the result of the election.

117. Invalidity of election not to affect proceedings

The invalidity of an election or a court's declaration that a candidate's election is void does not affect –

(a) any action or other proceedings by or against the council; or

(b) any decision made by the council or council committee.

118. Instituting proceedings

(1) The returning officer is to report all alleged offences under this Part to the Electoral Commissioner.

(2) The Electoral Commissioner is to determine whether or not proceedings are to be instituted in respect of any offence under this Part.

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119. Declaration of office

(1) Any person elected as councillor must make an approved declaration of office in an approved manner.

(2) A person elected as a councillor who has not made a declaration of office under subsection (1) must not –

(a) act in the office of councillor, mayor or deputy mayor; or

(b) take part in the proceedings of any meeting of the council or a committee.

(3) A council is to acknowledge the making of a declaration of office under subsection (1) at its meeting and the general manager is to record that fact in the minutes of that meeting.

120. Vacancy of office on failure to make declaration

The office of a councillor becomes vacant if the councillor fails to make a declaration under section 119 within 60 days of the issue of the certificate of election for the election at which the councillor was elected.

121. Right to information

The provisions of the *Right to Information Act 2009* do not apply to any electoral material.

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122. Role of Electoral Commissioner

(1) The Electoral Commissioner may –

(a) require any person to provide information or advice in relation to any matter arising under this Part; and

(b) use that information and advice for the purposes of this Part.

(2) The Electoral Commissioner is to –

(a) prepare and publish information and statistics in respect of elections; and

(b) promote public awareness and understanding of elections; and

(c) encourage enrolment and voting for elections.

123. Regulations

(1) The Governor may make regulations for the purposes of this Act.

(2) The regulations may be made so as to apply differently according to matters, limitations or restrictions, whether as to time, circumstance or otherwise, specified in the regulations.

(3) The regulations may authorise any matter to be from time to time determined, applied or regulated by the Tasmanian Electoral Commission or Electoral Commissioner.

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(4) The regulations may –

(a) provide that a contravention of, or a failure to comply with, any of the regulations is an offence; and

(b) in respect of such an offence, provide for the imposition of a fine not exceeding 10 penalty units and, in the case of a continuing offence, a further fine not exceeding 2 penalty units for each day during which the offence continues.

124. Administration of Act

Until provision is made in relation to this Act by order under section 4 of the *Administrative Arrangements Act 1990* –

(a) the administration of this Act is assigned to the Minister for Local Government; and

(b) the department responsible to the Minister for Local Government in relation to the administration of this Act is the Department of Premier and Cabinet.

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SCHEDULE 1 – COUNTING OF VOTES

Section 76

PART 1 – GENERAL

1. Interpretation

(1) In this Schedule –

absolute majority of votes, in relation to a candidate, is a number of votes which is greater than one-half of the total number of ballot papers, other than exhausted and informal ballot papers, on which electors have recorded their votes for the candidate;

informal ballot paper means a ballot paper which is informal as specified in section 77;

quota means the number of votes sufficient to elect a candidate;

second preference recorded for a candidate means the preference on a ballot paper recorded by the number "2" in the square opposite the name of the candidate on the ballot paper;

surplus means the number of votes which a candidate obtained at any stage of the counting of votes in excess of the quota;

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transfer value means that portion of a vote which is unused by –

(a) an elected candidate who has obtained a surplus; or

(b) a candidate excluded on account of being lowest on the poll and which is transferred to the candidate next in the order of the elector's preference.

(2) For the purpose of the definition of "*transfer value*", the transfer value is either one or a fraction of one.

PART 2 – MAYORAL OR COUNCILLOR ELECTIONS

2. First preferences

(1) The number of first preferences recorded for each candidate is to be counted and all informal ballot papers are to be rejected.

(2) The candidate who obtains an absolute majority of votes is to be elected.

3. Second and subsequent preferences

(1) If no candidate has an absolute majority of votes, the candidate who has the fewest votes is to be excluded and each ballot paper counted to that candidate, unless exhausted, is to be counted to the unexcluded candidate next in the order of the elector's preference.

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(2) The process specified in subclause (1) is to be repeated until one candidate has an absolute majority of votes.

4. Ballot paper counted and exhausted

(1) Every ballot paper, not rejected as informal, is to be counted in every count until it becomes exhausted, when it is to be rejected in all further counts.

(2) If a candidate is excluded, any ballot paper counted to the candidate is exhausted if there is not indicated on it a consecutive preference for one or more unexcluded candidates.

5. Returning officer to decide exclusion and election

(1) If, on any count, 2 or more candidates have an equal number of votes and one of them has to be excluded, the returning officer is to decide which candidate is to be excluded by the drawing or casting of lots in the prescribed manner.

(2) If, in the final count, 2 candidates have an equal number of votes, the returning officer is to decide which of them is to be elected by the drawing or casting of lots in the prescribed manner.

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PART 3 – COUNCILLOR ELECTIONS

6. Quota

(1) The quota is calculated in accordance with the following formula:

(2) Any remainder in calculating the quota is to be disregarded.

(3) Subject to clause 13(6), a candidate is not to be elected until the candidate obtains a number of votes equal to or greater than the quota.

7. First preferences

(1) The number of first preferences recorded for each candidate is to be counted and all informal ballot papers are to be rejected.

(2) A candidate who, after the first preferences have been counted, has a number of preferences equal to or greater than the quota is to be elected.

8. First preferences equal to quota

If the number of first preferences obtained by a candidate is equal to the quota, all the ballot papers on which a first preference is recorded for that candidate are to be set aside as finally dealt with.

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9. First preferences in excess of quota

If the number of first preferences obtained by a candidate exceeds the quota, the proportion of those preferences in excess of the quota is to be transferred to the other candidates not yet elected next in the order of the electors' respective preferences in the following manner:

(a) all the ballot papers on which a first preference is recorded for the elected candidate are to be re-examined and the number of second preferences, or in the case provided for in clause 10, third or next consecutive preferences, recorded for each unelected candidate are to be counted;

(b) the surplus of the elected candidate is to be divided by the total number of votes obtained by the candidate on the counting of the first preferences and the resulting fraction is the transfer value;

(c) the number of second or other preferences recorded for each unelected candidate is to be multiplied by the transfer value;

(d) the resulting number of votes, truncated to 2 decimal places, is to be transferred to each unelected candidate and added to the number of votes obtained by the candidate on the counting of the first preferences.

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10. Surplus

(1) If, on the counting of the first preferences or on a transfer, more than one candidate has a surplus, the largest surplus is to be dealt with first.

(2) If at that stage more than one candidate has a surplus, the then largest surplus is to be dealt with next, and so on.

(3) If one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former is to be dealt with first.

(4) If 2 or more surpluses are equal, the surplus of the candidate who was the highest at the count or transfer at which they last had an unequal number of votes is to be dealt with first.

(5) If the 2 or more candidates had an equal number of votes at all preceding counts or transfers, the returning officer is to decide which candidate's surplus is to be dealt with first.

11. Quota by transfer

(1) If the number of votes obtained by a candidate is increased to a number which is equal to, or exceeds, the quota by a transfer, the candidate is to be elected.

(2) Notwithstanding the fact that the candidate has reached the quota, the transfer is to be completed and all the votes to which the candidate is entitled from the transfer are to be transferred to the

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candidate, but no votes of any other candidate are to be transferred to the candidate.

(3) If the number of votes obtained by a candidate is increased by a transfer to a number which is equal to the quota, all of the ballot papers on which the votes are recorded are to be set aside as finally dealt with.

(4) If the number of votes obtained by a candidate is increased by a transfer to a number which exceeds the quota, the surplus is to be transferred to the candidates next in the order of the voters' respective preferences, in the following manner:

(a) the ballot papers on which are recorded the votes obtained by the elected candidate in the last transfer are to be re-examined and the number of third preferences, or in the case provided for in clause 10, next consecutive preferences, recorded for each unelected candidate counted;

(b) the surplus of the elected candidate is to be divided by the total number of ballot papers mentioned in paragraph (a) and the resulting fraction is the transfer value;

(c) the number of third or other preferences recorded for each unelected candidate is to be multiplied by the transfer value;

(d) the resulting number, truncated to 2 decimal places, is to be credited to each unelected candidate and added to the

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number of votes previously obtained by the candidate.

12. Transfer of votes

(1) If, after the first preferences have been counted and any surplus has been transferred, no candidate, or fewer than the number of candidates required to be elected, has or have obtained the quota –

(a) the candidate who at that time has the least number of first preference votes transferred is to be excluded; and

(b) all the votes obtained by that candidate are to be transferred to the candidates next in the order of the electors' respective preferences in the same manner as provided by clause 4.

(2) The votes received by the excluded candidate are to be sorted into groups according to their transfer values when received by that candidate.

(3) The groups are to be transferred at the transfer value at which they were received in the following order:

(a) firstly, the group with the highest transfer value;

(b) secondly, the remaining groups in descending order of transfer value.

(4) Each transfer under subclause (3) is a separate transfer.

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13. Votes increased by transfer

(1) If the number of votes obtained by a candidate by a transfer is increased to a number which is equal to, or exceeds, the quota, the candidate is to be elected.

(2) Notwithstanding that the candidate has reached the quota, the transfer is to be completed and all the votes to which the candidate is entitled from the transfer are to be transferred to the candidate, but no other votes are to be transferred.

(3) If the number of votes obtained by a candidate is increased by a transfer to a number of votes which is equal to, but does not exceed, the quota, all the ballot papers on which those votes are recorded are to be set aside as finally dealt with.

(4) If the number of votes obtained by a candidate is increased by a transfer to a number which exceeds the quota, the surplus is to be transferred to the candidates next in the order of the electors' respective preferences in the same manner as provided by clause 11(4), but that surplus is not to be dealt with until all the votes of the excluded candidate have been transferred.

(5) If there is a surplus, it is to be dealt with before any other candidate is excluded.

(6) The process of excluding the candidate who has polled the next lowest number of votes and transferring the vote to other candidates is to be repeated until all the candidates, except the number required to be elected, have been

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excluded and the unexcluded candidates who have not already been elected are then elected.

14. Order of preference

In determining which candidate is next in the order of an elector's preference –

(a) any candidate who has been elected or excluded is not to be considered; and

(b) the order of the elector's preference is to be determined as if the names of those candidates had not been on the ballot paper.

15. Exclusion of candidates

(1) If it is necessary to exclude a candidate, and 2 or more candidates have an equal number of votes, having at that time the least number of first preference votes transferred to them, whichever of those candidates was the lowest on the poll at the last count or transfer at which they had an unequal number of votes is excluded first.

(2) If the candidates had an equal number of votes at all preceding counts or transfers, the returning officer is to decide which candidate is to be excluded first by the drawing or casting of lots in the prescribed manner.

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16. Exhausted ballot paper

If, on a transfer, it is found that on a ballot paper there is no candidate opposite whose name a number is placed, other than a candidate whose name has already been elected or excluded, the ballot paper is to be set aside as exhausted.

17. Order of election

(1) The order of election of councillors is the order in which the candidates receive a quota.

(2) If more than one candidate receives a quota at the same count or transfer, the candidate with the highest number of votes is elected first, the candidate with the next highest number of votes is elected second and so on.

(3) If under clause 13(6) one candidate is elected without a quota, that candidate is elected last.

(4) If under clause 13(6) more than one candidate is elected without a quota and it is necessary to determine the order of election of those candidates for any reason, the votes received by the remaining unelected candidates are to be distributed until only one candidate has received less than a quota.

Consultation Draft

SCHEDULE 2 – RECOUNT TO FILL CASUAL VACANCY

Section 82

PART 1 – GENERAL

1. Interpretation

In this Schedule –

completed ballot papers counted means –

(a) if, after the first preferences were counted at the relevant election, the number of first preferences recorded for the vacating councillor was equal to or exceeded the quota, all the ballot papers on which those first preferences were recorded; and

(b) in any other case, all the ballot papers counted for that councillor at the time of that councillor's election, including ballot papers relating to votes that were transferred to the councillor;

consenting candidate means a candidate not elected at the relevant election who consents to be included in a recount for a vacancy;

consent period means the period within which a consent form is to be lodged under section 82;

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quota means the number of votes sufficient to elect a candidate;

relevant election means the election last held to fill the office of the vacating councillor;

vacating councillor means a councillor who is vacating the office of councillor.

PART 2 – ORIGINAL ELECTION WAS FOR MORE THAN ONE COUNCILLOR

2. One consenting candidate

If there is only one consenting candidate, the Electoral Commissioner is to –

(a) declare the candidate elected; and

(b) notify the Minister in writing of the election of the candidate.

3. More than one consenting candidate

If there are 2 or more consenting candidates, the Electoral Commissioner, within 7 days after the end of the consent period, is to ascertain in accordance with this Schedule which consenting candidate is to be elected.

4. Transfer of votes

(1) If –

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(a) a vacating councillor was, by virtue of clause 13(6) of Schedule 1, elected at the relevant election after the candidate who was lowest on the poll at that election had been excluded from the counting; and

(b) the votes obtained by the excluded candidate were not required to be transferred to the candidates next in the order of the electors' preferences –

so many of those votes as would have been transferred to that vacating councillor, if the votes of the excluded candidate had been transferred to the candidates next in the order of the electors' representative preferences, are taken to have been so transferred to, and to be obtained by, that vacating councillor and the completed ballot papers representing those votes are to be counted for that councillor.

(2) The ballot papers counted for the vacating councillor are to be examined, and all the votes obtained by the councillor are to be transferred to and counted for the consenting candidates first or next in the order of the electors' respective preferences.

(3) The votes received by the vacating councillor as first preferences are to be transferred at the transfer value as determined under subclause (6).

(4) The other votes received by the vacating councillor that are not first preferences are to be transferred at the transfer value as determined under subclause (7).

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(5) All the votes received by the vacating councillor are to be –

(a) sorted into groups according to their transfer values; and

(b) transferred in the following order:

(i) firstly, the group with the highest transfer value;

(ii) secondly, the remaining groups in descending order of transfer value.

(6) If the votes obtained as first preferences by the vacating councillor –

(a) were sufficient to elect the councillor, the transfer value of those votes is the fraction determined by dividing the number of votes sufficient to elect the councillor by the total number of votes obtained by the councillor; or

(b) were insufficient to elect the councillor, the transfer value of those votes is one.

(7) If the number of votes obtained by the vacating councillor at an individual count, other than the votes obtained as first preferences –

(a) were not sufficient to elect the councillor, the transfer value of the votes obtained on that count is that at which they were obtained by the councillor; or

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(b) were sufficient to elect the councillor, the transfer value of the votes received at that count is that which would have been sufficient to elect the councillor immediately before that count.

(8) Each transfer under subclause (5) is a separate transfer.

5. Counting of votes

(1) After the number of votes for each consenting candidate has been ascertained, the method of counting votes set out in Part 2 or 3 of Schedule 1 applies with the necessary modifications.

(2) The Electoral Commissioner is to declare the consenting candidate who obtains an absolute majority of the votes within the meaning of that Schedule to be elected.

(3) As soon as practicable after declaring a consenting candidate to be elected, the Electoral Commissioner is to notify the Minister in writing of the election of the candidate.

6. Exclusion of candidate

(1) If it is necessary to exclude a consenting candidate, and 2 or more consenting candidates have an equal number of votes and are lowest on the poll, whichever of those candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes is excluded first.

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(2) If the candidates had an equal number of votes at all preceding counts or transfers, the returning officer is to decide which consenting candidate is to be excluded first.

7. Previous election under Schedule

If a vacating councillor was elected under the provisions of this Schedule, the Electoral Commissioner is to –

(a) examine the ballot papers that at the relevant election were counted for the councillor in whose place the vacating councillor was elected (including votes transferred to the last-mentioned councillor); and

(b) ascertain which consenting candidate is to be elected in accordance with this Schedule.

8. Order of preferences

To determine which consenting candidate is first or next in the order of the electors' preferences –

(a) the name of, and the first preferences recorded at the relevant election for, an excluded candidate who is a consenting candidate are not to be omitted from any completed ballot papers transferred to the vacating councillor, but the preferences are to be counted for that consenting candidate; and

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(b) any candidates who were elected at the relevant election or who are not consenting candidates are to be disregarded and the order of the electors' preferences are to be determined as if the names of those candidates had not been included on the ballot papers.

9. Ballot papers exhausted

A complete ballot paper is exhausted if there is no candidate next to whose name a number has been placed other than a candidate –

(a) who has already been elected; or

(b) who is not a consenting candidate.

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9 GOVERNANCE

9.1 Gov 1 - Review of Public Interest Disclosure Policy

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 29 January 2026

ATTACHMENTS:
1. [**9.1.1**] W T- HR M 11.00 - Public Interest Disclosure Policy - v 5.3 - Clean
2. [**9.1.2**] W T- HR M 11.00 - Public Interest Disclosure Policy - v 5.3 - Track Changes
3. [**9.1.3**] West Tamar Council PID review approval

SUMMARY

The following report provides detail of a revision to the Public Interest Disclosure Policy following minor amendments and a review by the Ombudsman completed in September 2024.

BACKGROUND

Section 38 of the *Public Interest Disclosure Act 2002* (**the Act**) requires the Ombudsman to prepare and publish guidelines and standards outlining the procedures to be followed by public bodies in relation to disclosures made under the Act. Furthermore, this section provides for the Ombudsman to approve the procedures developed by public bodies in accordance with these guidelines and standards.

The attached draft is the sixth rendition of this policy with the previous version approved by Council in February 2021. An internal review commenced in May 2024 which identified minor amendments required around terminology and definition (e.g. Chief Executive Officer vs. General Manager), related policies, and disclosure officers and their contact details. In September 2024 the Ombudsman reviewed Council's current Public Interest Disclosure policy and provided some minor feedback around correcting the names of supporting guidelines and numbering of attachments.

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 a preferred employer.

Council will:

- Provide a safe and supportive work environment where all employees feel valued and are encouraged to optimise their performance and personal satisfaction.

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.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Public Interest Disclosure Act 2002

WT-HRM09.00 – Bullying, Harassment, Discrimination and Equal Employment Opportunity Policy

WT-HRM12.00 – Privacy Policy (including Right to Information Procedure)

WT-HRM17.00 – Code for Tenders & Contracts

WT-HRM26.00 – Fraud and Corruption Control Policy

WT-HRM49.00 – Employee Code of Conduct

RISK CONSIDERATIONS

By providing a confidential process where employees and contractors are encouraged and provided protection when disclosing improper conduct by public officers and public bodies a Public Interest Disclosure Policy and associated procedures helps reduce the potential for reputational damage and helps improve processes.

The changes implemented as identified internally and based on the Ombudsman's feedback are largely administrative in nature, and therefore the updated policy document provides little, if any, additional risk.

FINANCIAL IMPACT

Nil

CONSULTATION

The updated policy document was review and approved by the Ombudsman in September 2024 with the Ombudsman's feedback incorporated. The policy was provided to Councillors for consultation at Interim Workshops on 3 December 2024 and 3 February 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's Public Interest Disclosure policy as it stands currently is closely aligned with the Ombudsman's model procedures, and these updates do not change that. The feedback from the Ombudsman has been implemented in all cases, except for the establishment of a centralised email inbox for public interest disclosures which will be examined in the near future.

When reviewing Council's draft updated policy in late 2024, the Ombudsman advised that a review into the Public Interest Disclosure guidelines was soon to commence. Due to the relatively minor updates being made to the policy, and the impending changes to the guidelines, formal adoption of the updated policy was paused.

Council officers have contacted the Ombudsman's office in December 2025 and have been advised that the intended review process is still yet to commence with the expectation that this will begin in 2026 and be completed before the next review cycle scheduled for 2027.

RECOMMENDATION

That Council:

1. Rescinds the existing *Public Interest Disclosure Policy* (Minute 76/20);
2. Adopts the updated *Public Interest Disclosure Policy* as presented, effective 17 February 2026;
3. Updates the version number to 6.00; and
4. Approves a review date of September 2027.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Public Interest Disclosure Policy

Document No.:	*WT-HRM11.00*	**Approved By:**	*Council xx*
Issue No.:	*x.xx*	**Approved On:**	*xx xxxx 2024*
Responsibility:	*Corporate & Community*	**Review Date:**	*13 September 2027*
Document Control	*For external release*		*N2021163420*

Rev. No.	Date	Revision Details	Reviewer	Approver
5.1	24/9/2024	*Incorporating Ombudsman feedback*	TC	
5.2	25/10/2024	*Minor amendments to include CEO definition, and update related policies, disclosure officers and contact details*	TC	
5.3	15/12/2025	*Update PC&G to PC&S*		

The following policy is based on the Public Interest Disclosure Model Procedures (Model procedures to be followed by public bodies) developed by the Ombudsman Tasmania and issued 25 November 2020.

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Approval 6

Risk assessment template (Attachment 2) ---------- 1

Risk assessed to: ---------- 1

Type of risk / possible harm ---------- 1

Likelihood risk/s will occur ---------- 1

Seriousness of consequences if risk/s occurs ---------- 2

Evaluation of level of risk ---------- 2

Steps needed to mitigate risk ---------- 2

Action to be taken ---------- 3

Approval 3

Risk assessment review ---------- 3

Ombudsman notification template (Attachment 3) ---------- 1

Notification type ---------- 1

Evidence attached ---------- 1

Flowchart (Attachment 4) ---------- 1

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Statement of Support

The West Tamar Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The West Tamar Council recognises:

- the value of transparency and accountability in its administrative and management practices;
- the value of internal reporting as one of the main ways in which improper conduct is uncovered; and
- the need for employees to feel safe to report improper conduct and be confident that it will be appropriately dealt with.

The West Tamar Council will take all reasonable steps:

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

Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- West Tamar Council protects disclosers and affords procedural fairness[1] to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate

[1] Referred to as natural justice in the Act.

matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate. Related policies include:

- *WT-HRM09.00 – Bullying, Harassment, Discrimination and Equal Employment Opportunity Policy*
- *WT-HRM12.00 – Privacy Policy (including Right to Information Procedure)*
- *WT-HRM17.00 – Code for Tenders & Contracts*
- *WT-HRM26.00 – Fraud and Corruption Control Policy*
- *WT-HRM49.00 – Employee Code of Conduct*

The procedures have been prepared in accordance with the Ombudsman's *Guideline Two: Procedures for Public Bodies*. This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au.

How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);[2]
- it provides certain statutory protections for *protected disclosures*, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);
- it controls the manner in which a disclosure is investigated, and provides investigative powers; and

[2] Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.

- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within West Tamar Council.

4.1. Members, officers and employees

Members, officers and employees (public officers) of West Tamar Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of West Tamar Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

4.2. Principal Officer

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.

The Act designates the Chief Executive Officer as the Principal Officer of West Tamar Council. The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by West Tamar Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

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

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

4.3. Public Interest Disclosure Officer

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- *acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;*
- *making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receiving any disclosure from a public officer made orally or in writing;*
- *recording in writing the details of any disclosure which is made orally;*
- *impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");*
- *impartially assessing under s 33 of the Act whether a disclosure is a "public interest disclosure";*
- *taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and*
- *administrative functions to support the role under the Act, as required.]*

See section 8.1 for a list of West Tamar Council's Public Interest Disclosure officers.

4.4. Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to West Tamar Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within West Tamar Council or a consultant engaged for that purpose.

4.5. Welfare Manager

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;

- advise the discloser of the legislative and administrative protections available to them;[3]
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person employed by West Tamar Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

Who can make a disclosure?

5.1. Public officers

Any current public officer[4] can make a disclosure to West Tamar Council under the Act. This includes all employees and councillors of West Tamar Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

5.2. Contractors

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to West Tamar Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

5.3. Members of the public

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public interest disclosure officers should refer any members of the public wanting to make a disclosure to either of these bodies.

5.4. Anonymous persons

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

[3] See Protection below for details of the legislative protections.

[4] This can include a public officer from another public body

What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to West Tamar Council as a whole or the Principal Officer of West Tamar Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

6.1. Improper conduct

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

a. conduct that constitutes an illegal or unlawful activity; or

b. corrupt conduct; or

c. conduct that constitutes maladministration; or

d. conduct that constitutes professional misconduct; or

e. conduct that constitutes a waste of public resources; or

f. conduct that constitutes a danger to public health or safety or to both public health and safety; or

g. conduct that constitutes a danger to the environment; or

h. misconduct, including breaches of applicable codes of conduct; or

i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.[5]

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a principal officer spends $15,000 of public money on a staff Christmas party.

[5] See Public Interest Disclosure Guideline One: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au

6.2. Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or

b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or

c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or

d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or

e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

6.3. Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

a. action causing injury, loss or damage; and

b. intimidation or harassment; and

c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and

d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person’s duties to their disadvantage;

- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
An employee of West Tamar Council	West Tamar Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of West Tamar Council or West Tamar Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the *Local Government Act 1993*	the Ombudsman

How to make a disclosure

Public officers can make a disclosure about other public officers of West Tamar Council orally or in writing to the following officers:

- the Chief Executive Officer – who is the Principal Officer of West Tamar Council, for the purposes of the Act; and
- a Public Interest Disclosure Officer.

8.1. Public Interest Disclosure Officers

The following staff are public interest disclosure officers and can receive disclosures:

- Director Corporate & Community
- Director People, Culture & Safety

If someone wants to make a disclosure about the Principal Officer or West Tamar Council, they should be referred to the Ombudsman or the Integrity Commission.

8.2. Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at the Riverside Office, 2-4 Eden Street, Riverside or emailed to kristen.desmond@wtc.tas.gov.au, david.gregory@wtc.tas.gov.au, or richard.heyward@wtc.tas.gov.au.

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

8.3. Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or at

Level 6, 86 Collins Street
HOBART TAS 7000

Website: www.ombudsman.tas.gov.au
Email: ombudsman@ombudsman.tas.gov.au
Phone: 1800 001 170

8.4. Disclosure to the Integrity Commission

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission
GPO Box 822
HOBART TAS 7001

or at

Level 2
Surrey House
199 Macquarie Street
HOBART TAS 7000

Website: www.integrity.tas.gov.au

Email: contact@integrity.tas.gov.au

Phone: 1300 720 289

Confidentiality

West Tamar Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The West Tamar Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or
- information that is likely to lead to the identification of the person who:
    - made the disclosure; or
    - the person who is the subject of the disclosure.

Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to West Tamar Council,
    - has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
    - is it about the conduct of a public officer;
    - does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
    - is it about conduct that could objectively fall within the definition of improper conduct; and
    - does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

10.1. What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should

provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and any accompanying documents.[6] If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

10.2. Is it a protected disclosure?

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at Assessing the disclosure, and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

10.3. Mixed content disclosures

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on West Tamar Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

[6] Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per Who can make a disclosure?

10.4. Risk Assessment

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment 2 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or West Tamar Council. The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

10.5. Referral of a protected disclosure to the Integrity Commission

West Tamar Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

West Tamar Council must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

10.6. Is the disclosure a public interest disclosure?

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

10.7. Referral of criminal conduct to the Commissioner of Police

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, West Tamar Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, West Tamar Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of West Tamar Council. The Principal Officer, or the Public

Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

Protection

11.1. When does protection commence?

Where West Tamar Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see s19 of the Act.

11.2. What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

Investigation

12.1. Introduction

Any disclosure West Tamar Council determines to be a public interest disclosure under s 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

West Tamar Council must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

12.2. Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

12.3. Appointment of investigator and framing of terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, West Tamar Council may apply to the Ombudsman for an extension of up to a further six months.

12.4. Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

12.5. Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

West Tamar Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or

- against whom there are reasonable grounds for apprehending or suspecting bias.[7]

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

12.6. Conduct of the investigation

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector[8] is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

[7] The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

[8] Accessible at https://www.integrity.tas.gov.au/publications/prevention-resources/guides.

12.7. Referral of an investigation to the Ombudsman

Under s 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see Referral of criminal conduct to the Commissioner of Police above for more detail).

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

12.8. Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

Action taken after an investigation

13.1. Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has

found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the West Tamar Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the West Tamar Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

13.2. Action to be taken

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, West Tamar Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to West Tamar Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

Managing the welfare of the discloser

14.1. Support for the discloser

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by West Tamar Council, they may report the matter to the Ombudsman.

14.2. Keeping the discloser informed

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by West Tamar Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by West Tamar Council in relation to a disclosure. All communication with the discloser must be in plain English.

14.3. Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

14.4. Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in improper conduct, West Tamar Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time West Tamar Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

Management of the person against whom a disclosure has been made

West Tamar Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

West Tamar Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of West Tamar Council is afforded procedural fairness in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

West Tamar Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of West Tamar Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on 13 September 2024.

The procedures will be submitted to the Ombudsman for review at least once every three years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

The date by which the procedures must be submitted to the Ombudsman for review is 13 September 2027.

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Assessment of disclosure form (Attachment 1)

Public Interest Disclosures Act 2002

File number: **Date of assessment:**

Name of assessing officer:

Summary of disclosure:
Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

Part 1: Is the disclosure a protected disclosure?

Question 1: Is the discloser a public officer?

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

☐ Yes ☐ No

Please provide details if relevant:

Question 2: Is the disclosure about a public officer?

A disclosure can be made even if the discloser cannot identity the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

☐ Yes ☐ No

Question 3: Has the disclosure been made to the right person or body?

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

☐ Yes ☐ No

Please provide details:

Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?

☐ Yes ☐ No

If no, provide details:

Question 5: Does the disclosure relate to improper conduct?

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

☐ Yes ☐ No

Please provide details:

Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

☐ Yes ☐ No

Assessment of Answers to Part 1 Questions

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

Part 2: Should the protected disclosure be referred to the Integrity Commission?

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

☐ Yes ☐ No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

☐ Yes ☐ No

If yes, please provide details

If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.

Part 3: Is the protected disclosure a public interest disclosure?

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or
b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.

This determination under s33 of the Act must be made within 45 days of the disclosure being received.

☐ Yes ☐ No

Provide reasons for your decision and attach evidence if available

Next steps

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?

Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?

☐ Yes ☐ No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?

☐ Yes ☐ No

If yes, please provide details

Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?

☐ Yes ☐ No

If yes, please provide details

Question 4: Did the discloser:

- **have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and**
- **fail to give a satisfactory explanation for the delay in making the disclosure?**

☐ Yes ☐ No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?

☐ Yes ☐ No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

Question 6: Is the public interest disclosure based on false or misleading information?

☐ Yes ☐ No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?

☐ Yes ☐ No

If yes, please provide details

Assessment of Answers to Part 4 Questions

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?

Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

☐ Yes ☐ No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

Summary

Part	Question	Answer
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

Approval

Approved by:
Name of Public Interest Disclosure Officer or Principal Officer:

Date of approval:

Risk assessment template (Attachment 2)

Public Interest Disclosures Act 2002

File number: **Date of assessment:** **Name of assessing officer:**

Risk assessed to:

Please select all relevant options

☐ Discloser ☐ Other employees including potential witnesses

☐ Your public body ☐ Other (e.g. Tasmanian Government, the general public)

☐ The subject of the disclosure

Type of risk / possible harm

Such as:
- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

Please provide details:

Likelihood risk/s will occur

☐ Unlikely

☐ Possible

☐ Likely

Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

Please provide your reasons:

Seriousness of consequences if risk/s occurs

☐ Minor

☐ Moderate

☐ Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

Please provide your reasons:

Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Determine your level of risk:

Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser

- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

Please provide details:

Action to be taken

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

Please provide details of your risk action plan:

Approval

Approved by: **Date of approval**
Public Interest Disclosure Officer or Principal Officer – Type Name

Risk assessment review

Risk assessment to be reviewed on (date) or when (event) occurs.

Name of reviewing officer: **Date of assessment:**

Notes on changes to risk since last assessment

Review outcome

☐ No change to action plan

☐ Further action required

Please provide details:

Thank you to the Queensland Ombudsman for the use of some of its risk assessment materials in this template.

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name: **Date of disclosure:**

Contact person: *(include telephone and email contact details)*

Date of s 33 determination: *(to be made within 45 days of date of disclosure)* **Date of notification:**

Notification type

☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision

☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision

☐ Section 65 – Decision not to investigate public interest disclosure under s 64
Notification to be made within 14 days of decision

☐ Section 76 – Findings of investigation and steps taken under s 75
Investigation to be completed within 6 months unless Ombudsman extension granted

Evidence attached

☐ Copy of original disclosure or record of oral disclosure

☐ Disclosure assessment

☐ Risk assessment/s

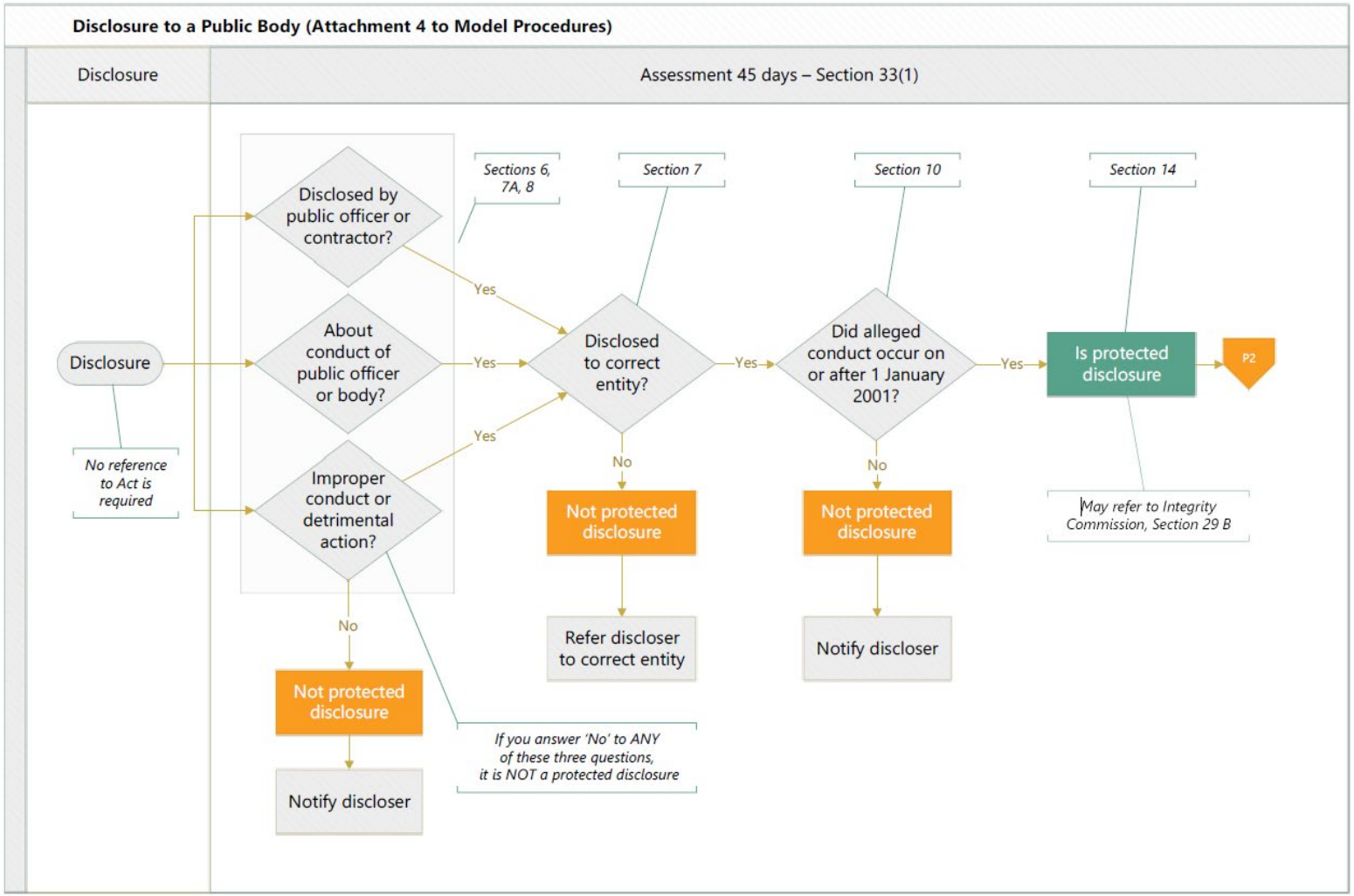
☐ Investigation report including:

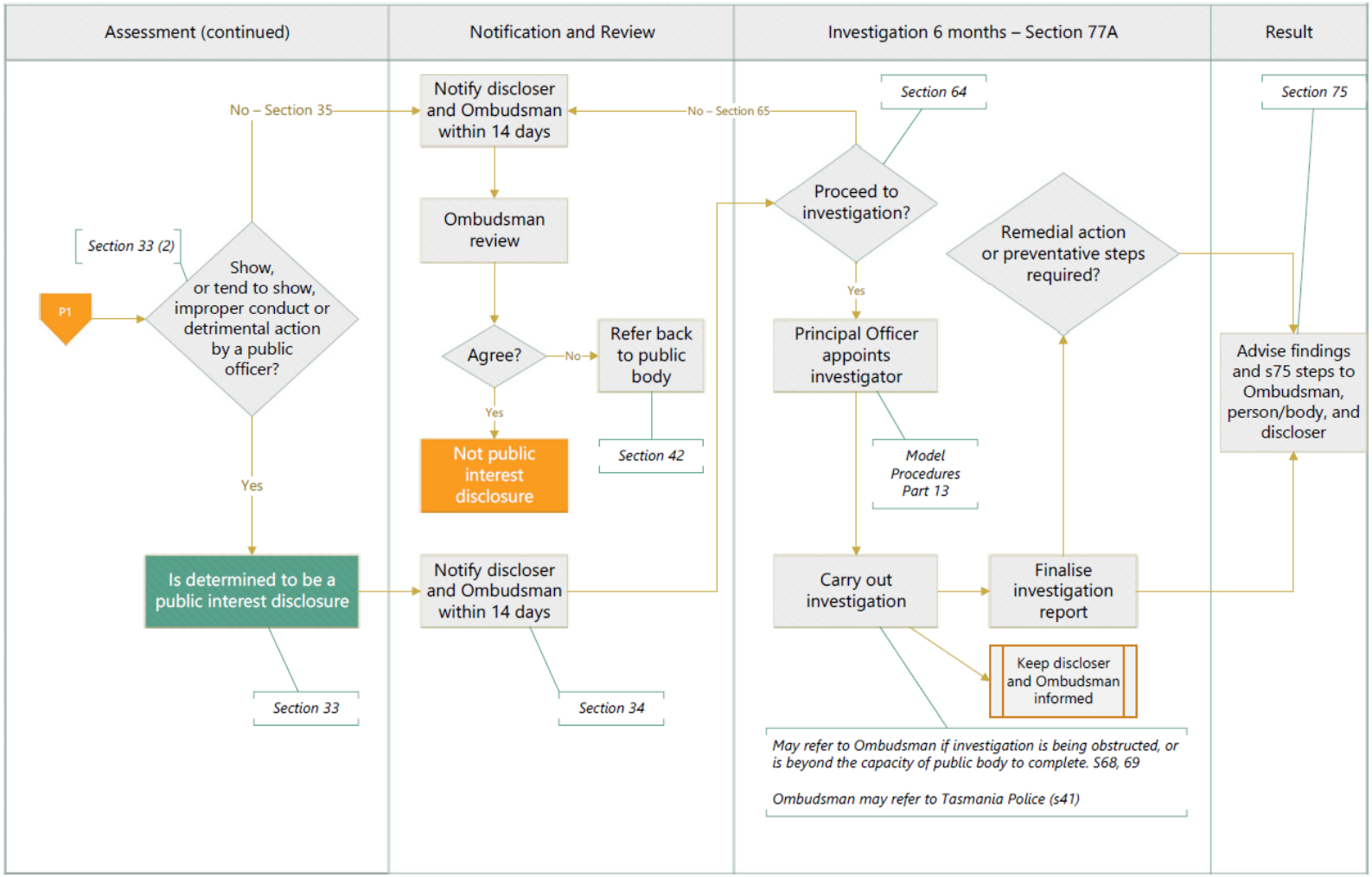
☐ the transcript or other record of any oral evidence taken, including audio or video recordings; and

☐ all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

☐ Any other material used to make determination (list):

Flowchart (Attachment 4)




Assessment (continued)
Notification and Review
Investigation 6 months – Section 77A
Result
No – Section 35
Notify discloser and Ombudsman within 14 days
No – Section 65
Section 64
Section 75
Section 33 (2)
P1
Show, or tend to show, improper conduct or detrimental action by a public officer?
Ombudsman review
Proceed to investigation?
Remedial action or preventative steps required?
Agree?
No
Refer back to public body
Yes
Principal Officer appoints investigator
Advise findings and s75 steps to Ombudsman, person/body, and discloser
Not public interest disclosure
Section 42
Model Procedures Part 13
Yes
Is determined to be a public interest disclosure
Notify discloser and Ombudsman within 14 days
Carry out investigation
Finalise investigation report
Keep discloser and Ombudsman informed
Section 33
Section 34
May refer to Ombudsman if investigation is being obstructed, or is beyond the capacity of public body to complete. S68, 69
Ombudsman may refer to Tasmania Police (s41)

Public Interest Disclosure Policy

Document No.:	*WT-HRM11.00*	**Approved By:**	*Council ~~(19/21)~~xx*
Issue No.:	*~~5.00~~x.xx*	**Approved On:**	*~~16~~ xx ~~February~~ xxxx ~~2021~~2024*
Responsibility:	*Corporate ~~Services~~& Community*	**Review Date:**	*~~February xxxx~~13 September ~~2024~~2027~~x~~*
Document Control	*For external release*		*N2021163420*

Rev. No.	Date	Revision Details	Reviewer	Approver
5.1	24/9/2024	*Incorporating Ombudsman feedback*	TC	
5.2	25/10/2024	*Minor amendments to include CEO definition~~GM/CEO~~, and update related policies, disclosure officers and contact details*	TC	
5.3	15/12/2025	*~~Incorporation of Councillor feedback around~~Update PC&G to PC&S*		

The following policy is based on the Public Interest Disclosure Model Procedures (Model procedures to be followed by public bodies) developed by the Ombudsman Tasmania and issued 25 November 2020.

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DRAFT

Statement of Support

The West Tamar Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The West Tamar Council recognises:

- the value of transparency and accountability in its administrative and management practices;
- the value of internal reporting as one of the main ways in which improper conduct is uncovered; and
- the need for employees to feel safe to report improper conduct and be confident that it will be appropriately dealt with.

The West Tamar Council will take all reasonable steps:

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

Purpose of these procedures

These procedures set out how:

- public officers and contractors can make disclosures about improper conduct or reprisal action;
- disclosures are assessed;
- public interest disclosures are investigated; and
- West Tamar Council protects disclosers and affords procedural fairness[1] to those being investigated.

These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate

[1] Referred to as natural justice in the Act.

matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate. Related policies include:

- ~~*WT-HRM06 – HRM Policy Manual*~~
- *WT-HRM09.00 – Bullying, Harassment, Discrimination and Equal Employment Opportunity Policy*
- *WT-HRM12.00 – Privacy Policy (including Right to Information Procedure)~~including RTI~~*
- ~~*WT-HRM14 – Code of Conduct*~~
- *WT-~~HRM15~~ HRM-17.00 – Code for Tenders & Contracts*
- *WT-HRM26.00 – Fraud and Corruption Control Policy*
- *WT-HRM-49.00 – Employee Code of Conduct*

The procedures have been prepared in accordance with the Ombudsman's *Guideline ~~One~~Two: Procedures for Public Bodies*. This Guideline can be accessed on the Ombudsman's website at www.ombudsman.tas.gov.au.

How the Act works

Briefly, the Act works in this way:

- it gives certain people – *public officers* and *contractors* – the right to make disclosures about *improper conduct* or *detrimental action* to certain integrity agencies, other persons and bodies (Part 2 of the Act, particularly s 6);[2]
- it provides certain statutory protections for *protected disclosures*, even if the discloser does not reference the Act (Part 3);
- it dictates how the recipient of the disclosure is to deal with it (Parts 4 to 8);
- it treats the Ombudsman as the oversight agency in relation to the operation of the Act, including the default investigator, monitor of investigations by public bodies, and setter of standards under the Act;
- where the disclosure is handled by the Ombudsman or a public body, it requires a determination as to whether the protected disclosure is a *public interest disclosure* (ss 30 and 33);
- subject to exceptions, it requires investigation by the Ombudsman or public body of any public interest disclosure (ss 39 and 63);
- it requires such investigation to be conducted as soon as practicable, but if it is being conducted by a public body, not more than six months from the date of the determination that the disclosure is a public interest disclosure (ss 39A and 77A);

[2] Members of the public may also make disclosures in limited circumstances, when the Ombudsman or Integrity Commission deems this in the public interest under s 7A.

- it controls the manner in which a disclosure is investigated, and provides investigative powers; and

- in the case of an investigation by a public body which results in a finding that the alleged conduct occurred, it requires the public body to take action to prevent that conduct from continuing or recurring, and to take action to remedy any harm or loss which may have arisen (s 75).

A flow chart, which depicts the way in which a public body should deal with a disclosure, is Attachment 4 to this document.

Roles and responsibilities

This part explains the roles and responsibilities under the Act of individuals within West Tamar Council.

4.1. Members, officers and employees

Members, officers and employees (public officers) of West Tamar Council are encouraged to report known or suspected incidences of improper conduct or detrimental action in accordance with these procedures.

All public officers of West Tamar Council have an important role to play in supporting those who have made disclosures. They must refrain from any activity that is, or could be perceived to be, victimisation or harassment of a person who makes a disclosure. They should protect and maintain the confidentiality of a person they know or suspect to have made a disclosure.

4.2. Principal Officer

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.

The Act designates the ~~General Manager~~Chief Executive Officer as the Principal Officer of West Tamar Council. The Principal Officer has primary responsibility for ensuring that the provisions of the Act are implemented by West Tamar Council. Section 62A of the Act provides that the Principal Officer has responsibility for:

- preparing procedures for approval by the Ombudsman;

- receiving public interest disclosures and ensuring they are dealt with in accordance with the Act;

- ensuring the protection of witnesses;

- ensuring the application of procedural fairness in West Tamar Council's procedures;

- ensuring the promotion of the importance of public interest disclosures and general education about the Act to all staff, and ensuring easy access to information about the Act and the procedures, and

- providing access to confidential employee assistance programs and appropriately trained internal support staff for those involved in the process.

The Principal Officer may delegate all of these functions and powers to a Public Interest Disclosure Officer.

4.3. Public Interest Disclosure Officer

A Public Interest Disclosure Officer is appointed by the Principal Officer under s 62A(2) of the Act. They hold a delegation from the Principal Officer which enables them to:

- *acting as a contact point for general advice about the operation of the Act for any person wishing to make a disclosure about improper conduct or detrimental action;*
- *making arrangements for a disclosure to be made privately and discreetly and, if necessary, away from the workplace;*
- *receiving any disclosure from a public officer made orally or in writing;*
- *recording in writing the details of any disclosure which is made orally;*
- *impartially assessing the allegation and determining whether it is a disclosure made in accordance with Part 2 of the Act (that is, "a protected disclosure");*
- *impartially assessing under s 33 of the Act whether a disclosure is a "public interest disclosure";*
- *taking all necessary steps to ensure that the identity of the discloser and the identity of the person who is the subject of the disclosure are kept confidential; and*
- *administrative functions to support the role under the Act, as required.]*

See section 8.1 for a list of West Tamar Council's Public Interest Disclosure officers.

4.4. Investigator

Where it is determined that a disclosure is a public interest disclosure, or where the Ombudsman has referred a public interest disclosure to West Tamar Council for investigation, the Principal Officer will appoint an investigator to investigate the matter in accordance with the Act. An investigator may be a person from within West Tamar Council or a consultant engaged for that purpose.

4.5. Welfare Manager

The Welfare Manager will be appointed by the Principal Officer or by a Public Interest Disclosure Officer, and is responsible for looking after the general welfare of the discloser. The Welfare Manager will:

- examine the immediate welfare and protection needs of a person who has made a disclosure, and develop a support plan for them;

- advise the discloser of the legislative and administrative protections available to them;[3]
- listen and respond to any concerns of harassment, intimidation, victimisation or other detrimental action which may be occurring in reprisal for making the disclosure; and
- so far as is practicable, protect the identity of the discloser in the course of carrying out these responsibilities.

A welfare manager may be a person employed by West Tamar Council or a consultant engaged for that purpose. They must not be responsible for assessing or investigating the disclosure.

Who can make a disclosure?

5.1. Public officers

Any current public officer[4] can make a disclosure to West Tamar Council under the Act. This includes all employees and councillors of West Tamar Council. Council volunteers are not considered public officers, but could make a disclosure to the Ombudsman or Integrity Commission about a public body as a member of the public.

5.2. Contractors

Current or past contractors and sub-contractors can make disclosures about public bodies, not public officers, but they can only make a disclosure to the Ombudsman or the Integrity Commission not to West Tamar Council. Public Interest Disclosure officers should refer any contractors wanting to make a disclosure to either of these bodies.

5.3. Members of the public

Members of the public can make a disclosure about a public body, and may be treated in the same way as a contractor if it is in the public interest to do so, but they can only make the disclosure to the Ombudsman or Integrity Commission. The Ombudsman or Integrity Commission determines whether it is in the public interest to treat the discloser as a contractor, not the discloser. Public interest disclosure officers should refer any members of the public wanting to make a disclosure to either of these bodies.

5.4. Anonymous persons

An anonymous disclosure may be accepted if the person receiving it is satisfied that the disclosure is being made by a public officer or contractor (see s 8 of the Act). If the person is satisfied that an anonymous disclosure is from a contractor it should be referred to the Ombudsman.

[3] See Protection below for details of the legislative protections.

[4] This can include a public officer from another public body

What can a disclosure be made about?

A disclosure can be made about one or more public officers or a public body itself. If a disclosure relates to West Tamar Council as a whole or the Principal Officer of West Tamar Council, it should be referred to the Ombudsman or Integrity Commission as internal investigation would not be appropriate.

6.1. Improper conduct

Disclosures about public officers need to relate to improper conduct by that officer, in the past, present or future (proposed action). Section 3 of the Act defines improper conduct as:

a. conduct that constitutes an illegal or unlawful activity; or

b. corrupt conduct; or

c. conduct that constitutes maladministration; or

d. conduct that constitutes professional misconduct; or

e. conduct that constitutes a waste of public resources; or

f. conduct that constitutes a danger to public health or safety or to both public health and safety; or

g. conduct that constitutes a danger to the environment; or

h. misconduct, including breaches of applicable codes of conduct; or

i. conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman.[5]

Examples of improper conduct include:

- to avoid closure of a town's only industry, an environmental health officer ignores or conceals evidence of illegal dumping of waste;
- an agricultural officer delays or declines imposing quarantine to allow a financially distressed farmer to sell diseased stock; and
- a principal officer spends $15,000 of public money on a staff Christmas party.

[5] See Public Interest Disclosure Guideline ~~Two~~One: Serious or Significant Improper Conduct, available at www.ombudsman.tas.gov.au

6.2. Corrupt conduct

Corrupt conduct is further defined in s3 of the Act as:

a. conduct of a person (whether or not a public officer) that adversely affects, or could adversely affect, either directly or indirectly, the honest performance of a public officer's or public body's functions; or

b. conduct of a public officer that amounts to the performance of any of their functions as a public officer dishonestly or with inappropriate partiality; or

c. conduct of a public officer, a former public officer or a public body that amounts to a breach of public trust; or

d. conduct of a public officer, a former public officer or a public body that amounts to the misuse of information or material acquired in the course of the performance of their functions as such (whether for the benefit of that person or body or otherwise); or

e. a conspiracy or attempt to engage in conduct referred to in paragraph (a), (b), (c) or (d).

Examples of corrupt conduct include:

- a public officer takes a bribe in exchange for the discharge of a public duty;
- a public officer favours unmeritorious applications for jobs or permits by friends and relatives; and
- a police officer accesses and discloses criminal record information at the request of a friend, without any legitimate reason.

6.3. Detrimental action

Detrimental action, or reprisal action, against a discloser can be a form of improper conduct. It is defined in s 3 of the Act, as including:

a. action causing injury, loss or damage; and

b. intimidation or harassment; and

c. discrimination, disadvantage or adverse treatment in relation to a person's employment, career, profession, trade or business, including the taking of disciplinary action; and

d. threats of detrimental action.

Examples of detrimental action include:

- refusal of a deserved promotion;
- demotion, transfer, isolation in the workplace or changing a person’s duties to their disadvantage;

- threats, abuse or other forms of harassment directly or indirectly against the discloser, their family or friends; and
- discrimination against the discloser or their family and associates in applications for jobs, permits or tenders.

Where to make a disclosure

For the protections in the Act to apply, a disclosure needs to be made to the right person or body. The following table sets this out, in accordance with s 7 of the Act:

Officer or public body to which the disclosure relates	Where the disclosure may be made
An employee of West Tamar Council	West Tamar Council; or the Integrity Commission; or the Ombudsman
The Principal Officer of West Tamar Council or West Tamar Council as a whole	the Ombudsman; or the Integrity Commission
A councillor, within the meaning of the *Local Government Act 1993*	the Ombudsman

How to make a disclosure

Public officers can make a disclosure about other public officers of West Tamar Council orally or in writing to the following officers:

- the ~~General Manager~~ Chief Executive Officer – who is the Principal Officer of West Tamar Council, for the purposes of the Act; and
- a Public Interest Disclosure Officer.

8.1. Public Interest Disclosure Officers

The following staff are public interest disclosure officers and can receive disclosures:

- ~~the Manager Corporate~~ Director Corporate & Community
- Director People, Culture & ~~Governance~~Safety

If someone wants to make a disclosure about the Principal Officer or West Tamar Council, they should be referred to the Ombudsman or the Integrity Commission.

8.2. Written or oral disclosure

It is preferable that a disclosure be made in writing. It should be addressed to the public body, marked for the attention of the Principal Officer or Public Interest Disclosure Officer. A disclosure can be sent, delivered or left at the Riverside Office, 2-4 Eden Street, Riverside or emailed to ~~rolph.vos~~kristen.desmond@wtc.tas.gov.au, ~~or~~ david.gregory@wtc.tas.gov.au, or richard.heyward@wtc.tas.gov.au.~~.~~

A public officer can also make an oral disclosure over the phone or in person to a Public Interest Disclosure officer. An oral disclosure should be made in private. If a public officer is concerned about making a disclosure in person in the workplace, they can call or email the Public Interest Disclosure Officer to request a meeting in a location away from the workplace.

It is not a requirement that the person contemplating making a disclosure refers to the Act, or is aware of the Act.

8.3. Disclosure to the Ombudsman

A disclosure may also be made directly to the Ombudsman. The contact details for the Ombudsman are:

Ombudsman Tasmania
GPO Box 960
HOBART TAS 7001

or at

Level 6, 86 Collins Street
HOBART TAS 7000

Website: www.ombudsman.tas.gov.au
Email: ombudsman@ombudsman.tas.gov.au
Phone: 1800 001 170

8.4. Disclosure to the Integrity Commission

A disclosure may also be made directly to the Integrity Commission. The Commission can deal with a protected disclosure about individuals under the *Integrity Commission Act 2009* or refer it to a public body or the Ombudsman. A protected disclosure about a public body would be referred to the Ombudsman. The contact details for the Integrity Commission are:

Integrity Commission
GPO Box 822
HOBART TAS 7001

or at

Level 2
Surrey House
199 Macquarie Street
HOBART TAS 7000

Website: www.integrity.tas.gov.au

Email: contact@integrity.tas.gov.au

Phone: 1300 720 289

Confidentiality

West Tamar Council will take all reasonable steps to protect the identity of a discloser. Maintaining confidentiality is crucial to ensure that detrimental action is not taken against the discloser in reprisal for making the disclosure.

All reasonable care should also be taken to protect the privacy of witnesses and of the person against whom the disclosure has been made.

Section 23 of the Act requires any person who receives information in the course of or as a result of a protected disclosure or its investigation, not to disclose that information except in certain limited circumstances. Disclosure of information in breach of this section constitutes an offence that is punishable by a maximum fine of 60 penalty units or six months imprisonment, or both.

The circumstances in which a person may disclose information obtained about a protected disclosure include:

- where exercising their functions or the functions of the public body under the Act;
- when making a report or recommendation under the Act;
- when publishing statistics in the annual report of a public body; and
- in proceedings for certain offences under the Act.

The Act, however, prohibits the inclusion of particulars in any report or recommendation that is likely to lead to the identification of the discloser. The Act also prohibits the identification of the person who is the subject of the disclosure in any particulars included in an annual report made in accordance with Part 9 of the Act.

It may be necessary to consider disclosing information where:

- it is essential, having regard to the principles of natural justice, that the identifying information be disclosed to the person who is the subject of the disclosure;
- the investigating body believes that the disclosure of the identifying information is necessary for the matter to be effectively investigated; or
- the identity of the discloser is likely to be guessed from the circumstances of the disclosure and the risks for the discloser are better managed if their identity is known and specific warnings or risk management actions can be taken.

In these circumstances, the person who made the disclosure should first be consulted before any action is taken. Consider obtaining permission in writing from the discloser prior to identifying them.

The West Tamar Council will ensure that all relevant files, whether paper or electronic, are kept securely and can only be accessed by the Principal Officer, Public Interest Disclosure Officer/s, the investigator, and (in relation to welfare matters only) the Welfare Manager.

All printed and electronic material will be kept in files that are clearly marked as confidential, and all materials relevant to an investigation, such as interview recordings, will also be stored securely with the files. Electronic files should have access restricted to the relevant officers.

Care should also be taken to ensure that all relevant phone calls and meetings are conducted in private.

Section 90 exempts documents from release under the *Right to Information Act 2009* to the extent that:

- they contain information regarding a disclosure; or
- information that is likely to lead to the identification of the person who:
    - made the disclosure; or
    - the person who is the subject of the disclosure.

Assessing the disclosure

The Act requires the taking of two distinct steps when assessing a disclosure. It first needs to be determined whether or not it qualifies as a protected disclosure, and thus attracts the protections contained in the Act. In order to do so it must satisfy the following prerequisites:

- has it been made to the correct person or body; and
- if it has been correctly made to West Tamar Council,
    - has it been made by a public officer (or, if the disclosure is anonymous, is the person receiving it satisfied that it is being made by a public officer);
    - is it about the conduct of a public officer;
    - does the discloser believe the public officer has, is or is proposing to engage in improper conduct;
    - is it about conduct that could objectively fall within the definition of improper conduct; and
    - does it concern conduct that occurred on or after 1 January 2001?

The next step is to determine if it is a public interest disclosure. This requires an assessment of the evidence provided by the discloser to determine if it shows or tends to show a public officer has, is or is proposing to engage in improper conduct.

10.1. What should the recipient of the disclosure do upon receipt of the disclosure?

If the disclosure is oral, the recipient should make a file note as soon as possible. The note should record the time the disclosure was made, the circumstances under which it was made and, so far as is possible, the exact words used by the discloser. The recipient should ask the discloser to consider putting the disclosure in writing as soon as possible.

Unless the recipient is the Principal Officer (or the disclosure is about the Principal Officer), the recipient should immediately inform the Principal Officer of the disclosure, and should

provide the Principal Officer with a copy of the disclosure, or record of the disclosure, and any accompanying documents.[6] If the disclosure is about the Principal Officer, contact the Ombudsman for advice.

10.2. Is it a protected disclosure?

The protections for disclosers, provided in Part 3 of the Act, only apply where the disclosure is a *protected disclosure* made in accordance with Part 2 of the Act.

The Principal Officer or a Public Interest Disclosure Officer should assess whether a disclosure has been made in accordance with Part 2 as soon as possible after it has been received. The assessment of disclosure form at Attachment 1 should be completed as part of this process. It contains a series of questions going to the essential elements of a protected disclosure, raised at Assessing the disclosure, and what is needed to be established before a disclosure can be a protected disclosure. A separate assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments should be completed.

If it is determined that it is a protected disclosure, the discloser should be given information about the protections in the Act (such as a copy of Part 3 of the Act). These protections should be explained to the discloser if necessary. The discloser should also be informed of the process which will be followed with respect to the disclosure.

The Principal Officer or a Public Interest Disclosure Officer should also immediately appoint a Welfare Manager to protect the interests of the discloser and ensure that the discloser is advised of the name and contact details of that person. A risk assessment should also be completed.

10.3. Mixed content disclosures

Many disclosures will also contain personal grievances. When conducting assessments of complaints or grievances the assessor needs to be alert to identifying those aspects that could constitute a protected disclosure.

It is not a requirement that a discloser specify they are making a disclosure, the onus rests on West Tamar Council to identify whether or not the Act applies. Consider discussing with the person whether they wish to make a public interest disclosure if it appears their concerns would meet the threshold.

Those matters that can be dealt with under a grievance process and those that are more appropriately dealt with under these procedures should be dealt with separately where possible.

[6] Contractors or members of the public who wish to make a disclosure should be advised to contact the Ombudsman or Integrity Commission, as per Who can make a disclosure?

10.4. Risk Assessment

A risk assessment should occur as soon as possible after the disclosure has been assessed as being a protected disclosure under the Act. The risk assessment template at Attachment ~~3~~2 should be completed by the Principal Officer or Public Interest Disclosure Officer and any appropriate risk mitigation action required be implemented. A single assessment can be made of all relevant risks, or you may prefer to undertake separate assessments of the different risks relating to a particular disclosure, such as the risks to the discloser, the subject of the disclosure, any witnesses, or West Tamar Council. The discloser is usually the most able to identify potential reprisal risks, so input should be sought from the discloser and the Welfare Manager in completing the risk assessment. All reasonable steps to reduce risks of reprisal to the discloser should be taken.

10.5. Referral of a protected disclosure to the Integrity Commission

West Tamar Council may refer a protected disclosure, as distinct from a public interest disclosure, to the Integrity Commission where it considers that the disclosure relates to misconduct as defined in s 4(1) of the *Integrity Commission Act 2009*. Consideration should also be given to:

- whether independent investigation of the subject matter of the disclosure by the Integrity Commission is preferable; and
- the views of the discloser and the Integrity Commission about whether the matter should be referred.

West Tamar Council must notify the discloser of the referral under s 29D of the Act within a reasonable time (unless the disclosure was made anonymously).

The Integrity Commission may deal with the disclosure under its legislation, or it may refer the disclosure to the Ombudsman or a public body, as the case may require, for action in accordance with the Act.

10.6. Is the disclosure a public interest disclosure?

Once a disclosure has been assessed as being a protected disclosure, a further determination must be made as to whether or not it is a public interest disclosure. The Principal Officer or Public Interest Disclosure Officer must make this determination under s 33 of the Act within 45 days of the receipt of the disclosure. Use the Assessment of disclosure form at Attachment 1 to ensure you consider all the necessary requirements.

For a disclosure to be a public interest disclosure, the Principal Officer, or their delegated Public Interest Disclosure Officer, must be satisfied that the disclosure shows or tends to show that the public officer to whom the disclosure relates has:

- engaged, is engaging or proposes to engage in improper conduct in their capacity as a public officer, or
- taken, is taking or proposes to take detrimental action in reprisal for the making of the protected disclosure.

A disclosure must be more than a mere allegation without substantiation to meet this threshold. A disclosure must include an indication of the existence of evidence that, if substantiated, would show or tend to show that the alleged improper conduct occurred.

Where the Principal Officer or Public Interest Disclosure Officer determines that the disclosure amounts to a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3;
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable); and
- proceed to investigate the disclosed matter under s 34 of the Act.

If the Principal Officer or Public Interest Disclosure Officer determines that the disclosure is not a public interest disclosure, they must:

- advise the Principal Officer (if not the person assessing the disclosure);
- notify the Ombudsman within 14 days of the decision using the notification template at Attachment 3; and
- notify the person making the disclosure within 14 days of the decision (unless they are anonymous and uncontactable) – see s 35.

The Ombudsman must then review this decision under s 35(2).

If, on review of the matter, the Ombudsman agrees that the disclosure is not a public interest disclosure, it does not need to be dealt with under the Act. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will then decide how the disclosure should be dealt with.

If the Ombudsman determines on review that the disclosure is a public interest disclosure, it may be referred back to the public body under s 42 for investigation under the Act or the Ombudsman will deal with the disclosed matter.

10.7. Referral of criminal conduct to the Commissioner of Police

It is possible that, before or during the investigation of a public interest disclosure, facts are uncovered that indicate the possibility that a criminal offence might have been committed. If this happens, West Tamar Council will not commence, or will suspend, the investigation and will consult with the Ombudsman as to the future conduct of the matter. Under s 41 of the Act, the Ombudsman has the power to refer a public interest disclosure to the Commissioner of Police for investigation.

If the Ombudsman is satisfied that the disclosed matter should be referred to the Commissioner, West Tamar Council should consider whether the disclosure should be referred to the Ombudsman under s 68 of the Act.

Early referral of the matter may avoid interference with the evidentiary trail and so should be done at the first possible opportunity. Referral to the Commissioner through the Ombudsman will also avoid any question of a breach of confidentiality under s 23 of the Act. Once a disclosure is referred to the Commissioner through the Ombudsman, the investigation under the Act ceases. There may still be administrative or operational issues which have been identified during the disclosure process or investigation, however, these should be dealt with under other internal processes of West Tamar Council. The Principal Officer, or the Public

Interest Disclosure Officer acting in consultation with the Principal Officer, will decide how the matter should be dealt with.

Protection

11.1. When does protection commence?

Where West Tamar Council receives a disclosure which complies with the requirements of Part 2 of the Act, the disclosure immediately attracts the protections set out in Part 3 of the Act. This is so whether or not the disclosure is factually correct (although one of the requirements of Part 2 is that the discloser genuinely believes that the alleged improper conduct or detrimental action in fact occurred).

The protection can also extend to a person who intends to make a disclosure - see s19 of the Act.

11.2. What protection does the Act provide?

Part 3 of the Act gives various types of protection to a person who makes a protected disclosure. Below is a summary of some elements of Part 3.

A person who makes a protected disclosure:

- is not subject to any civil or criminal liability, or to any liability arising by way of administrative process, for making the protected disclosure (s 16);
- does not by doing so commit an offence under a provision of any other Act that imposes a duty to maintain confidentiality, or which imposes any other restriction on the disclosure of information (s 17(1)(a)); and
- does not by doing so breach an obligation by way of oath, or rule of law or practice, or under an agreement, which requires the discloser to maintain confidentiality or otherwise restricts the disclosure of information (s 17(1)(b)).

If a disclosure is not made to the correct entity, the protections may not apply. For example, a discloser will not be protected if otherwise confidential information is disclosed to the media.

Part 3 also contains various provisions which are intended to protect a discloser from detrimental action by way of reprisal for a protected disclosure. These are:

- section 19, which makes it an offence to take such detrimental action;
- section 20, which creates a liability to pay damages for such detrimental action; and
- section 21, which gives a person who believes that detrimental action has been taken against them the right to apply to the Supreme Court for an order requiring the person who has taken the detrimental action to remedy that action, or for an injunction.

Investigation

12.1. Introduction

Any disclosure West Tamar Council determines to be a public interest disclosure under s 33 must be investigated under the Act, unless there is a good reason not to do so pursuant to s 64.

West Tamar Council must investigate every disclosure referred to it for investigation by the Ombudsman under s 63(b).

The Principal Officer will appoint an investigator to carry out the investigation. The investigator may be a person from within an organisation or a consultant engaged for the purpose.

The objectives of an investigation are to:

- collate information relating to the allegation as quickly as possible, which may involve taking steps to protect or preserve documents, materials and equipment;
- consider the information collected and to draw conclusions objectively and impartially; and
- maintain procedural fairness in the treatment of witnesses and generally to all parties involved in the disclosure.

12.2. Matters that do not have to be investigated

Before starting an investigation, the Principal Officer or Public Interest Disclosure Officer must first consider whether the disclosed matter needs to be investigated. Section 64 specifies certain circumstances under which a public body may legitimately decide not to investigate. Use the disclosure assessment template at Attachment 1 to assist in assessing whether any of the grounds in s64 apply.

Any decision not to proceed with an investigation on a ground specified in s 64 must be made by the Principal Officer.

If it is decided that the disclosed matter is not to be investigated, written notice must be given within 14 days of this decision to both the Ombudsman and (except in the case of an uncontactable anonymous discloser) the person who made the disclosure. Reasons for the decision must accompany the notice. Use the notification template at Attachment 3 to provide notice to the Ombudsman.

The Ombudsman will review the decision. If the Ombudsman agrees that the disclosure should not be investigated, the matter does not need to be dealt with under the Act. Importantly, the discloser still retains the protections. The Principal Officer, or the Public Interest Disclosure Officer in consultation with the Principal Officer, will decide how the matter should be dealt with.

If the Ombudsman determines that the disclosure should be investigated, they will advise the Principal Officer.

Section 64 may be reconsidered at a later time during the investigation.

12.3. Appointment of investigator and framing of terms of reference

The Principal Officer – not a Public Interest Disclosure Officer - will determine who is to carry out the investigation.

The investigator will be given formal terms of reference, signed by the Principal Officer.

The terms of reference will specify:

- the matters to be investigated;
- the date by which the investigation is to be concluded;
- the requirement for regular reports to be made to the Principal Officer, including details of compliance with any measures identified in the risk assessment; and
- the resources available to the investigator for the purposes of the investigation.

The completion date should be as soon as practicable but, in any event, not more than six months from the date of the determination that the disclosure is a public interest disclosure under s 77A(1). If at any stage before or during the investigation it appears that the investigation cannot be completed within six months, West Tamar Council may apply to the Ombudsman for an extension of up to a further six months.

12.4. Investigation plan

The investigator should prepare an investigation plan for approval by the Principal Officer. The plan should list the issues which are to be investigated and describe the steps which the investigator intends to take when investigating each of those issues. The risk assessment should be considered as part of the investigation planning and appropriate steps taken to reduce identified risks during the investigation.

The plan should be updated as necessary during the course of the investigation.

12.5. Procedural fairness

The principles of procedural fairness must be carefully observed in the course of the investigation, with respect to all parties involved. These principles are referred to as natural justice in the Act.

The principles are a set of procedural standards which need to be met in order to satisfy a person's right to a fair hearing. If natural justice is not provided, the investigation findings may be questionable and could be challenged.

West Tamar Council will comply with the following requirements in ensuring that procedural fairness is accorded to all parties involved.

No one is to be involved in the investigation:

- who is known to be biased against any person who is potentially subject to an adverse finding;
- who is known to hold any biases which are relevant to the subject matter of the investigation; or

- against whom there are reasonable grounds for apprehending or suspecting bias.[7]

If the investigator is aware of any reason why they may be susceptible to an allegation of bias on the basis of these principles, they should immediately inform the Principal Officer. It is best to err on the side of caution and to consider an external investigator if there might be a perception of bias over the investigation.

Any person who is potentially subject to an adverse finding or comment must be told of:

- the allegations made against them, or which have arisen against them as a result of the investigation;
- all of the information which is adverse to their interests and which is, on an objective basis, credible, relevant and significant to the investigation; and
- the proposed adverse findings, and their possible consequences.

This must be done before any final conclusions are formed by the investigator. The person subject to the potential adverse finding must be given a reasonable time to respond.

Despite the above, there is no requirement to inform the person who is subject to the disclosure as soon as it is received, or as soon as the investigation has commenced.

The final investigation report should be drafted in a way that demonstrates that procedural fairness has been afforded. For instance, it should record and deal with all submissions and evidence which a person has put in their defence.

12.6. Conduct of the investigation

The Integrity Commission's Guide to Managing Misconduct in the Tasmanian Public Sector[8] is a useful guide on the conduct of a public interest disclosure investigation.

The investigator should make contemporaneous notes of all discussions and phone calls, and audio recordings of significant interviews with witnesses should be made where possible.

All information gathered in the course of the investigation must be securely stored.

Interviews should be conducted in private, and the investigator should take all reasonable steps to protect the identity of the discloser. The name of the discloser or any particulars which might identify that person must not be revealed unless necessary, and then only with the discloser's knowledge.

[7] The test for establishing the existence of apprehended bias is whether a fair minded lay observer, taking into account all relevant circumstances, might reasonably apprehend that the decision-maker might not bring an impartial mind to the resolution of the questions that they are required to decide.

[8] Accessible at https://www.integrity.tas.gov.au/publications/prevention-resources/guides.

12.7. Referral of an investigation to the Ombudsman

Under s 68 of the Act, a public body may refer the investigation of a public interest disclosure to the Ombudsman where the public body considers that its own investigation is being obstructed or that it is otherwise not within the capacity of the public body to complete the investigation. An investigation can also be referred to the Ombudsman if evidence of possible criminal conduct is found, to enable the Ombudsman to refer the matter to Tasmania Police for investigation (see Referral of criminal conduct to the Commissioner of Police above for more detail).

Any decision as to whether the investigation should be referred to the Ombudsman will be made by the Principal Officer.

12.8. Provision of information about the investigation

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept regularly informed concerning the handling of their protected disclosure and any investigation.

Section 74 of the Act requires a public body, at the request of the Ombudsman or the person who made the disclosure, to give the Ombudsman or that person reasonable information about the investigation. The information must be given within 28 days of the request.

As provided by s 74(3), however, such information does not have to be given to the discloser if:

- it has already been given to the person; or
- the giving of the information would endanger the safety of another or may prejudice the conduct of the investigation.

Action taken after an investigation

13.1. Investigator's final report

At the conclusion of the investigation, the investigator must submit a written report of their findings to the Principal Officer. The report should contain:

- the allegation/s;
- a description of the manner in which the investigation was conducted, with sufficient detail to demonstrate that natural justice was observed;
- an account of all relevant information received;
- details of the evidence and submissions supplied by any person against whom an adverse finding is made, and the evaluation of that material by the investigator; and
- the findings made and conclusions reached, and the basis for them.

Note in particular that the report should not include any comment adverse to any person unless that person has been given an opportunity to be heard on the matter and their defence is fairly set out in the report. A public body must take action, under s 75 of the Act, to redress any improper conduct found and try to prevent its recurrence. Accordingly, if the investigator has

found that the alleged improper conduct has occurred, the investigator may wish to include recommendations as to:

- any steps that need to be taken by the West Tamar Council to prevent the conduct from continuing or occurring in the future; and
- any action that should be taken by the West Tamar Council to remedy any harm or loss arising from that conduct.

The steps to be taken may include bringing disciplinary proceedings against the person responsible for the conduct or referring the matter to an appropriate authority for further consideration. For example, if the investigation has revealed conduct that may constitute an unreported criminal offence, consideration should be given to whether the matter should be referred to Tasmania Police.

The internal investigation report must be accompanied by:

- the transcript or other record of any oral evidence taken, including audio or video recordings; and
- all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

13.2. Action to be taken

If the investigation makes a finding that a public officer has engaged, is engaging or proposes to engage in improper conduct, West Tamar Council must, in accordance with s75, take all reasonable steps to prevent the conduct from continuing or occurring in the future and may take action to remedy any loss or harm arising from the conduct. The Principal Officer should take into consideration any recommendations in the investigator's report, but can take different or broader action if appropriate.

The Principal Officer will provide a written report to West Tamar Council and the Ombudsman, setting out the findings of the investigation and any remedial steps taken. The report must not disclose particulars likely to lead to the identification of the discloser. The Ombudsman will also be provided with the full internal investigation report and accompanying evidence. See the notification template at Attachment 3.

As required by s 77 of the Act, the Principal Officer will also inform the discloser of the findings of the investigation, and of any steps taken under s 75 as a result of those findings having been made.

Where the investigation concludes that the disclosed conduct did not occur, the Principal Officer will report that finding to the Ombudsman, in accordance with the notification template at Attachment 3, and to the discloser.

Managing the welfare of the discloser

14.1. Support for the discloser

The Principal Officer or the Public Interest Disclosure Officer must appoint a Welfare Manager to support all persons who have made a protected disclosure. This must occur within five working days of the protected disclosure being received.

The Welfare Manager must contact the discloser as soon as possible and not more than five working days after being appointed.

A discloser who believes that they are being subjected to detrimental action in reprisal for having made the disclosure should report it to the Principal Officer or a Public Interest Disclosure Officer, as this can be a potential further protected disclosure. If they believe that the reprisal is not being effectively dealt with by West Tamar Council, they may report the matter to the Ombudsman.

14.2. Keeping the discloser informed

The Principal Officer or the Public Interest Disclosure Officer must ensure that the discloser is kept informed of action taken in relation to their disclosure, and the time frames that apply. The discloser must be informed of the objectives of any investigation that takes place, the findings of the investigation, and the steps taken by West Tamar Council to address any improper conduct that has been found to have occurred. The discloser must be given reasons for all decisions made by West Tamar Council in relation to a disclosure. All communication with the discloser must be in plain English.

14.3. Occurrence of detrimental action

If a discloser reports an incident of detrimental action allegedly taken in reprisal for the making of a disclosure, the Welfare Manager should:

- record details of the incident;
- advise the discloser of their rights under the Act; and
- assist the discloser to advise a Public Interest Disclosure Officer or the Principal Officer of the detrimental action.

The taking of detrimental action in reprisal for the making of a disclosure can be an offence under the Act as well as grounds for making a further disclosure. Where such detrimental action is reported, the Public Interest Disclosure Officer or the Principal Officer will assess the report as a new disclosure under the Act, and it will be dealt with accordingly.

14.4. Discloser implicated in improper conduct

Where a person who makes a disclosure is implicated in improper conduct, West Tamar Council will handle the disclosure and protect the discloser from reprisals in accordance with the Act, the Ombudsman's guidelines and these procedures. At the same time West Tamar Council acknowledges that the act of disclosing should not shield disclosers from the reasonable consequences flowing from any involvement in improper conduct. Section 18 of the Act specifically provides that a person's liability for their own conduct is not affected by the person's disclosure of that conduct under the Act. In some circumstances, however, an admission may be a mitigating factor when considering disciplinary or other action.

The Principal Officer will make the final decision as to whether disciplinary or other action will be taken against a discloser. Where disciplinary or other action relates to conduct that is the subject of the person's disclosure, the disciplinary or other action will only be taken after the disclosed matter has been appropriately dealt with.

In all cases where disciplinary or other action is being contemplated, the Principal Officer must be satisfied that it has been clearly demonstrated that:

- the intention to proceed with disciplinary action is not because of the making of the disclosure (as opposed to the content of the disclosure or other available information);
- there are good and sufficient grounds that would fully justify action against any non-discloser in the same circumstances; and
- there are good and sufficient grounds that justify exercising any discretion to institute disciplinary or other action.

The Public Interest Disclosure Officer or Principal Officer will thoroughly document the process, including recording the reasons why the disciplinary or other action is being taken, and the reasons why the action is not in retribution for the making of the disclosure. The Public Interest Disclosure Officer or Principal Officer will clearly advise the discloser of the proposed action to be taken, and of any mitigating factors that have been taken into account. They should advise the discloser that they can raise any concerns about the action taken being a potential reprisal with the Ombudsman.

Management of the person against whom a disclosure has been made

West Tamar Council recognises that employees against whom disclosures are made must also be supported during the handling and investigation of disclosures. When a person who is the subject of the disclosure is made aware of the allegations or of an investigation, they should be provided with an appropriate contact person to whom to direct queries. Information about employee assistance programs or other supports should also be provided, if appropriate.

West Tamar Council will take all reasonable steps to ensure the confidentiality of the person who is the subject of the disclosure during the assessment and investigation process. Where an investigation does not substantiate a disclosure, the fact that the investigation has been carried out, the results of the investigation, and the identity of the person who is the subject of the disclosure will remain confidential.

The Public Interest Disclosure Officer or Principal Officer will ensure that the person who is the subject of any disclosure investigated by or on behalf of West Tamar Council is afforded procedural fairness in accordance with these procedures.

Where the allegations in a disclosure have been investigated, and the person who is the subject of the disclosure is aware of the allegations or of the investigation, the Public Interest Disclosure Officer or Principal Officer will formally advise the person who is the subject of the disclosure of the outcome of the investigation.

West Tamar Council will give its full support to a person who is the subject of a disclosure where the allegations contained in a disclosure are clearly wrong or unsubstantiated. If the matter has been publicly disclosed, the Principal Officer of West Tamar Council will consider any request by that person to issue a statement of support setting out that the allegations were wrong or unsubstantiated.

Approval and review of these procedures

These procedures were approved by the Ombudsman under s 60(3) of the Act on ~~30 March 2021~~13 September 2024.

The procedures will be submitted to the Ombudsman for review at least once every three years to ensure they meet the objectives of the Act and accord with the Guidelines and Standards published by the Ombudsman under s 38(1)(c).

The date by which the procedures must be submitted to the Ombudsman for review is ~~30 March 2024~~13 September 2027.

DRAFT

Assessment of disclosure form (Attachment 1)

Public Interest Disclosures Act 2002

File number: **Date of assessment:**

Name of assessing officer:

Summary of disclosure:
Include details of how the disclosure was received, the subject of the disclosure and details of the allegations.

An assessment of disclosure form will usually need to be completed for each disclosure. This means, for example, that if a discloser is complaining about three different public officers, this constitutes three disclosures and three assessments may be required.

Part 1: Is the disclosure a protected disclosure?

Question 1: Is the discloser a public officer?

The discloser needs to be a current public officer. See s4(2) and s4(4) of the Act for the definition of a public officer. If the discloser is anonymous, it is enough to be satisfied that the discloser is a public officer.

If the discloser is a contractor, member of the public or no longer a public officer at the time the disclosure is made, refer them to the Ombudsman or Integrity Commission.

☐ Yes ☐ No

Please provide details if relevant:

Question 2: Is the disclosure about a public officer?

A disclosure can be made even if the discloser cannot identity the public officer – see s9 of the Act. If a disclosure is about the principal officer or the public body itself, refer the discloser to the Ombudsman or Integrity Commission.

☐ Yes ☐ No

Question 3: Has the disclosure been made to the right person or body?

See s7 of the Act and reg 8 of the Public Interest Disclosures Regulations 2013.

☐ Yes ☐ No

Please provide details:

Question 4: Does the discloser believe that a public officer has, is or proposes to engage in improper conduct?

☐ Yes ☐ No

If no, provide details:

Question 5: Does the disclosure relate to improper conduct?

Is the disclosure about conduct that could objectively fall within one of the categories of improper conduct, i.e:

- conduct that constitutes an illegal or unlawful activity; or
- corrupt conduct; or
- conduct that constitutes maladministration; or
- conduct that constitutes professional misconduct; or
- conduct that constitutes a waste of public resources; or
- conduct that constitutes a danger to public health or safety or to both public health and safety; or
- conduct that constitutes a danger to the environment; or
- misconduct, including breaches of applicable codes of conduct; or
- conduct that constitutes detrimental action against a person who makes a public interest disclosure under this Act –

that is serious or significant as determined in accordance with guidelines issued by the Ombudsman?

For example, a discloser may believe that taking a non-confidential work file home is serious or significant improper conduct but it may not objectively fall within that definition.

☐ Yes ☐ No

Please provide details:

Question 6: Does the disclosure concern conduct that occurred on or after 1 January 2001?

This is the only time limitation that is relevant when assessing if a disclosure is a protected disclosure. Delays in making a disclosure any time on or after 1 January 2001 can be relevant when deciding whether to investigate a public interest disclosure under s64 of the Act.

☐ Yes ☐ No

Assessment of Answers to Part 1 Questions

If **ALL** the answers to the above are yes, the disclosure is a protected disclosure.

The discloser should be notified as soon as possible, if the disclosure is a protected disclosure and the assessment of whether it is a public interest disclosure has not been undertaken simultaneously.

If **ANY** of the answers to the above are no, the disclosure is not protected and the Act does not apply. Refer the discloser to the appropriate body and/or handle the matter under complaint or grievance policies.

In either case, the discloser should be given reasons in writing. A copy of the assessment should be given to the Principal Officer without delay, where the person who carried out the assessment is not the Principal Officer.

Part 2: Should the protected disclosure be referred to the Integrity Commission?

Does the disclosure relate to misconduct, as defined in the *Integrity Commission Act 2009*?

☐ Yes ☐ No

If yes, should the disclosure be referred to the Integrity Commission under section 29B of the Act?

☐ Yes ☐ No

If yes, please provide details

If the disclosure is referred, the assessment process is complete after the discloser is notified of the referral.

Part 3: Is the protected disclosure a public interest disclosure?

Are you satisfied that the protected disclosure shows, or tends to show, that the public officer to whom the disclosure relates –

a) has engaged, is engaged or proposes to engage in improper conduct in his or her capacity as a public officer; or
b) has taken, is taking or proposes to take detrimental action in contravention of s 19 of the Act?

A mere allegation without substantiation is not sufficient – the disclosure must contain evidence or point to its existence (name documents, refer to potential witnesses etc) that shows or tends to show that the public officer is, has, or is proposing to engage in improper conduct.

This determination under s33 of the Act must be made within 45 days of the disclosure being received.

☐ Yes ☐ No

Provide reasons for your decision and attach evidence if available

Next steps

Notify the discloser and the Ombudsman of the assessment determination. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

If the answer is no, the assessment is complete and Part 4 does not need to be completed. The Ombudsman will review the determination.

If the answer is yes, the public interest disclosure must be investigated unless a ground exists not to under s64 of the Act.

Part 4 - Is there a ground under s64 not to investigate the public interest disclosure?

Question 1: Is the public interest disclosure trivial, vexatious, misconceived or lacking in substance?

☐ Yes ☐ No

If yes, provide details. Compelling reasons will be required to justify not investigating on this ground:

Question 2: Has the subject matter of the public interest disclosure already been adequately dealt with by the Ombudsman or a public body, statutory authority, Commonwealth statutory authority, commission, court or tribunal?

☐ Yes ☐ No

If yes, please provide details

Question 3: Has the discloser commenced proceedings in a commission, court or tribunal in relation to the same matter, and does that commission, court or tribunal have power to order remedies similar to those available under this Act?

☐ Yes ☐ No

If yes, please provide details

Question 4: Did the discloser:

- **have knowledge for more than 12 months of the public interest disclosure matter before making the disclosure; and**
- **fail to give a satisfactory explanation for the delay in making the disclosure?**

☐ Yes ☐ No

If yes, provide details of this issue being put to the discloser and analysis concerning why any explanation provided was not satisfactory:

Question 5: Does the public interest disclosure relate solely to the personal interests of the discloser?

☐ Yes ☐ No

Most disclosures will contain some element of personal interest. This should only be used as a basis to not investigate in clear circumstances.

If yes, please provide details:

Question 6: Is the public interest disclosure based on false or misleading information?

☐ Yes ☐ No

If yes, please provide details and consider whether an offence may have been committed under s87 of the Act.

Question 7: Has the matter the subject of the public interest disclosure already been determined AND this additional disclosure fails to provide significant or substantial new information?

☐ Yes ☐ No

If yes, please provide details

Assessment of Answers to Part 4 Questions

If the answers to **ALL** the questions in Part 4 are no, the disclosure **must** be investigated in accordance with the public interest disclosure procedures. Referral to the Ombudsman can occur if internal investigation is not possible or appropriate.

If the answer is yes to **one or more of the above questions**, will the public interest disclosure be investigated?

Although the public interest disclosure may not need to be investigated if an answer to any of the Part 4 questions is yes, it may still be appropriate to investigate in some circumstances.

☐ Yes ☐ No

Provide reasons for your decision:

Notify the discloser and the Ombudsman if it is decided not to investigate. The Ombudsman will review the decision. Use the notification template attached to the public interest disclosure procedures when notifying the Ombudsman.

Summary

Part	Question	Answer
Part 1	Is the disclosure a protected disclosure?	
Part 2	Should the protected disclosure be referred to the Integrity Commission?	
Part 3	Is the protected disclosure a public interest disclosure?	
Part 4	Should the public interest disclosure be investigated?	

Approval

Approved by:
Name of Public Interest Disclosure Officer or Principal Officer:

Date of approval:

Risk assessment template (Attachment 2)

Public Interest Disclosures Act 2002

File number: **Date of assessment:** **Name of assessing officer:**

Risk assessed to:

Please select all relevant options

☐ Discloser ☐ Other employees including potential witnesses

☐ Your public body ☐ Other (e.g. Tasmanian Government, the general public)

☐ The subject of the disclosure

Type of risk / possible harm

Such as:

- Adverse employment action
- Workplace injury
- Physical violence
- Verbal abuse
- Stress
- Untenable work environment
- Withdrawal of cooperation due to fear of reprisal/lack of support
- Reputational damage
- Risk to public safety
- Misuse of public funds
- Disruption to functioning of public body

Please provide details:

Likelihood risk/s will occur

☐ Unlikely

☐ Possible

☐ Likely

Considerations:

- Can confidentiality be maintained?
- Is the discloser (or others) concerned about reprisals?
- How many public officers are involved in the alleged improper conduct?
- What is their level of seniority?
- What is the seriousness of the alleged conduct?
- Is there a history of conflict in the workplace?

Please provide your reasons:

Seriousness of consequences if risk/s occurs

☐ Minor

☐ Moderate

☐ Major

Considerations:

- What is the potential impact if the risk occurs?
- Will the impact be limited, with the person able to readily deal with it?
- Will the impact have consequences which will affect the person's work or their personal and home life?
- Will the consequences be short-term, medium-term or long-term?

Please provide your reasons:

Evaluation of level of risk

Risk occurrence	Minor consequence	Moderate consequence	Major consequence
Unlikely	Low	Low	Medium
Possible	Low	Medium	High
Likely	Medium	High	High

Determine your level of risk:

Steps needed to mitigate risk

Consult with discloser and other parties as required. Possible strategies include:

- maintaining confidentiality as much as possible
- ensuring all parties are aware of their obligations
- when the identity of the discloser will be known or guessed by the subject of the disclosure and/or associates, proactively identifying the discloser (with their written permission) and advising relevant parties of the consequences of taking reprisal action and that their actions are being monitored
- altering reporting structures
- increasing monitoring of the work environment
- standing down the subject of the disclosure
- temporarily relocating the subject of the disclosure or the discloser to a different location/ role
- independently verifying the work performance of the discloser

- providing access to specialist support services if required
- making a statement to all staff or the media to address concerns

Please provide details:

Action to be taken

Considerations:

- risk rating
- ease or difficulty of mitigating risk
- financial cost of taking action
- consequences of not taking action should risk occur

Please provide details of your risk action plan:

Approval

Approved by: **Date of approval**
Public Interest Disclosure Officer or Principal Officer – Type Name

Risk assessment review

Risk assessment to be reviewed on (date) or when (event) occurs.

Name of reviewing officer: **Date of assessment:**

Notes on changes to risk since last assessment

Review outcome

☐ No change to action plan

☐ Further action required

Please provide details:

Thank you to the Queensland Ombudsman for the use of some of its risk assessment materials in this template.

Ombudsman notification template (Attachment 3)

Public Interest Disclosures Act 2002

Public body name: **Date of disclosure:**

Contact person: *(include telephone and email contact details)*

Date of s 33 determination: *(to be made within 45 days of date of disclosure)* **Date of notification:**

Notification type

☐ Section 34 – Determination that disclosure is a public interest disclosure
Notification to be made within 14 days of decision

☐ Section 35 – Determination that disclosure is not a public interest disclosure
Notification to be made within 14 days of decision

☐ Section 65 – Decision not to investigate public interest disclosure under s 64
Notification to be made within 14 days of decision

☐ Section 76 – Findings of investigation and steps taken under s 75
Investigation to be completed within 6 months unless Ombudsman extension granted

Evidence attached

☐ Copy of original disclosure or record of oral disclosure

☐ Disclosure assessment

☐ Risk assessment/s

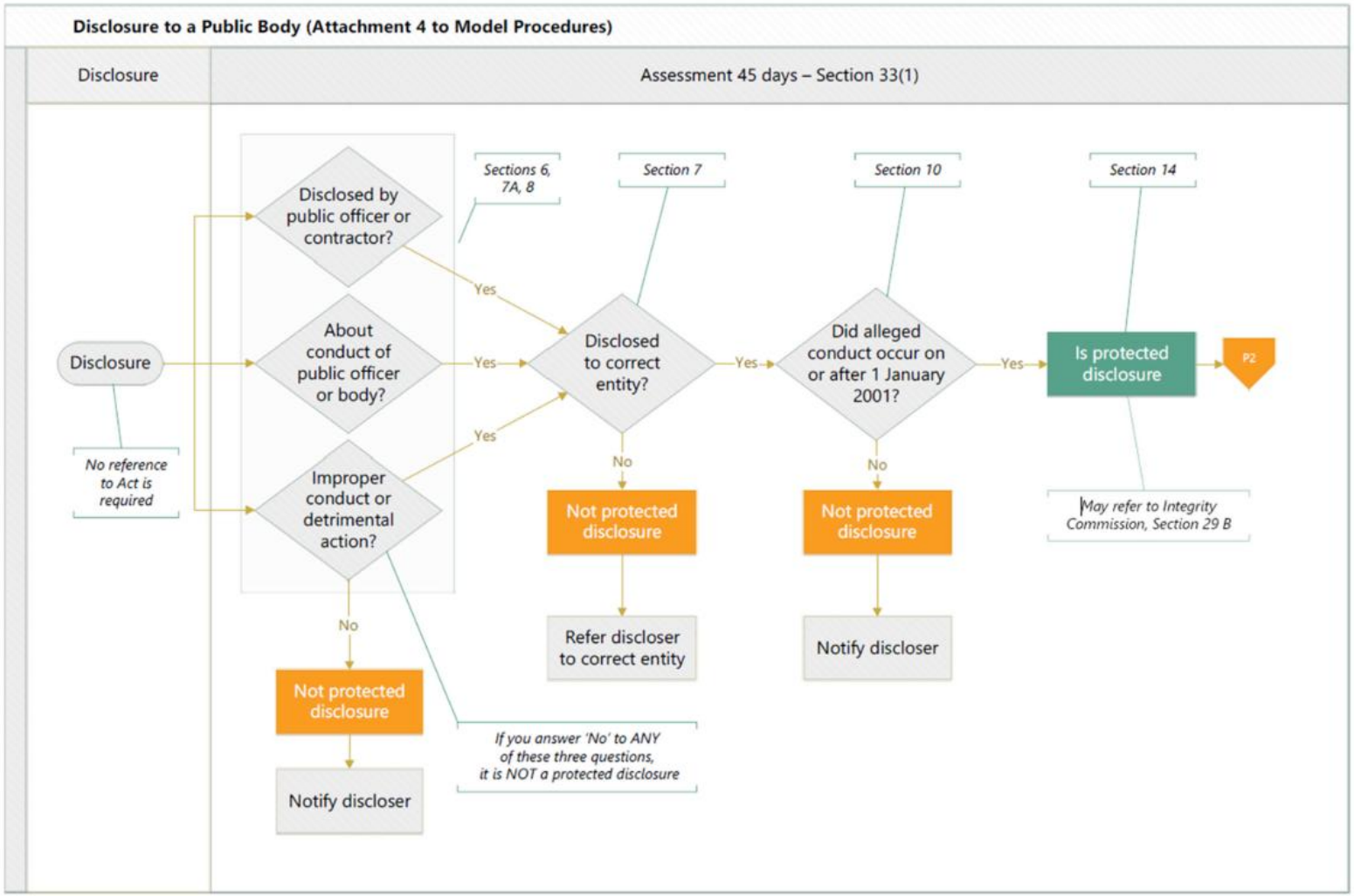
☐ Investigation report including:

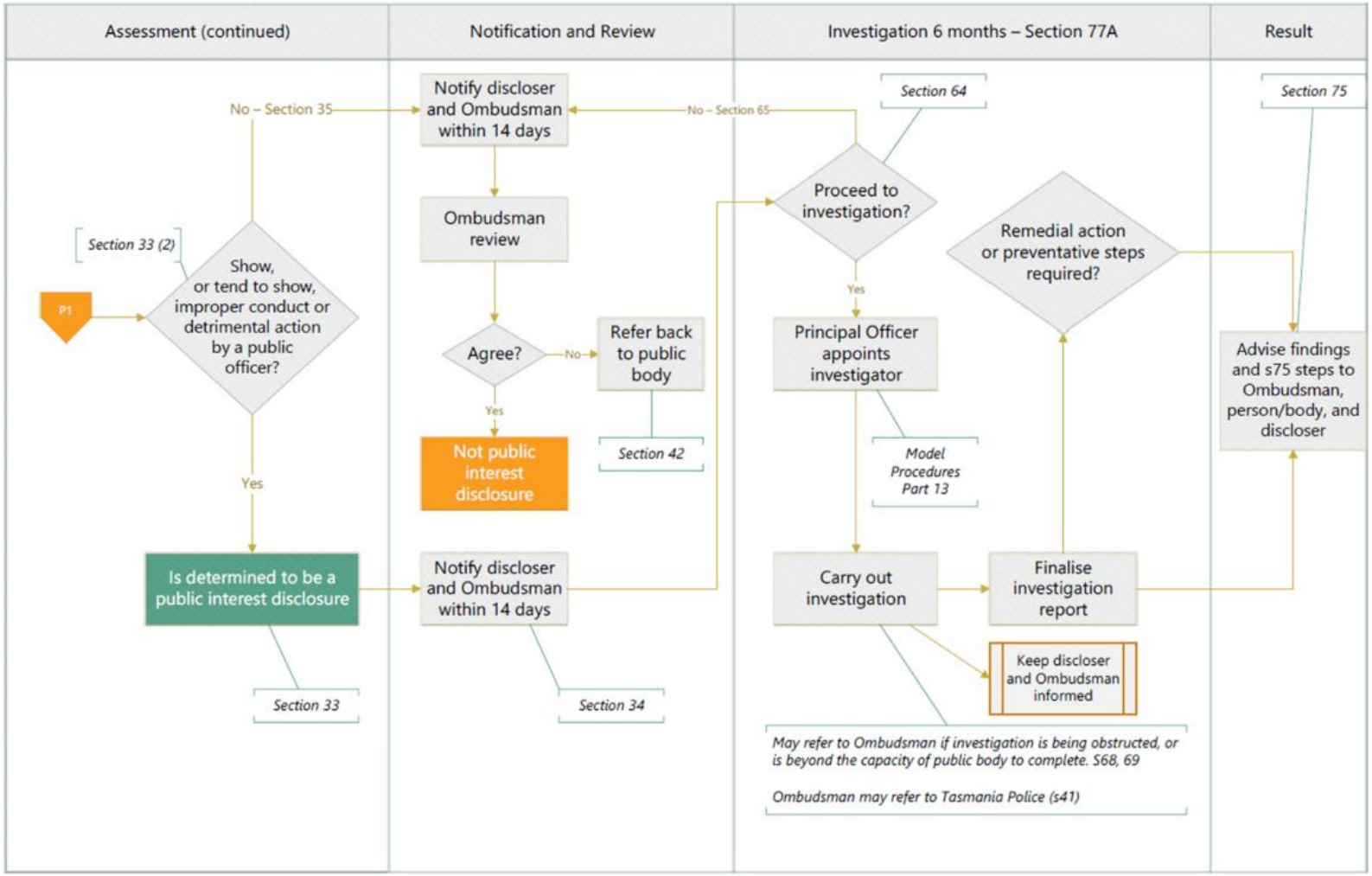
☐ the transcript or other record of any oral evidence taken, including audio or video recordings; and

☐ all documents, statements or other exhibits received by the investigator and accepted as evidence during the course of the investigation.

☐ Any other material used to make determination (list):

Flowchart (Attachment 4)




Assessment (continued)
Notification and Review
Investigation 6 months – Section 77A
Result
No – Section 35
Notify discloser and Ombudsman within 14 days
No – Section 65
Section 64
Section 75
Section 33 (2)
P1
Show, or tend to show, improper conduct or detrimental action by a public officer?
Ombudsman review
Proceed to investigation?
Remedial action or preventative steps required?
Agree?
No
Refer back to public body
Yes
Principal Officer appoints investigator
Advise findings and s75 steps to Ombudsman, person/body, and discloser
Not public interest disclosure
Section 42
Model Procedures Part 13
Yes
Is determined to be a public interest disclosure
Notify discloser and Ombudsman within 14 days
Carry out investigation
Finalise investigation report
Keep discloser and Ombudsman informed
Section 33
Section 34
May refer to Ombudsman if investigation is being obstructed, or is beyond the capacity of public body to complete. S68, 69
Ombudsman may refer to Tasmania Police (s41)

Ombudsman Tasmania

Level 6, 86 Collins Street, Hobart
GPO Box 960, Hobart Tas 7001
Phone: 1800 001 170
Email: ombudsman@ombudsman.tas.gov.au
Web: www.ombudsman.tas.gov.au

13 September 2024

Ms Kristen Desmond
Chief Executive Officer
West Tamar Council

By email: wtc@wtc.tas.gov.au

Dear Ms Desmond,

Public Interest Disclosure procedures approval – 2024 review

Thank you for forwarding a copy of West Tamar Council's draft *Public Interest Disclosures Procedures* for my review.

I approve the procedures, subject to the comments below. Please note that the procedures need to be reviewed in three years' time and diarise this date accordingly. The date of this letter and the due date for review should be inserted on page 22 of your procedures.

- On page 2, please amend the reference to the Ombudsman Guideline to '*...prepared in accordance with the Ombudsman's Guideline* ***Two*** *– Procedures for Public Bodies'.*
- Please amend reference no 5 at the bottom of page 6 to *Guideline* ***One****: Serious or Significant Improper Conduct'*.
- Council may like to consider including in section 8.2 on page 8 a dedicated email address for PID disclosures, restricted in access to the Principal Officer and PID Officers.
- Please amend the reference to Attachment **2** (not 3) on page 12 under section 10.4.

Thank you for your letter to me dated 2 September, which outlined how West Tamar Council has encouraged a proactive reporting culture through its suite of policies, induction program and communication channels. I note your commitment to drafting a whistle blowing policy in the near future to also complement your existing policies.

Please do not hesitate to contact me or Carmen Charlier, Senior Investigation Officer, if you have any questions.

Yours sincerely

Richard Connock
OMBUDSMAN

10 DEVELOPMENT

Nil

11 CORPORATE

Nil

12 COMMUNITY

12.1 Comm 1 - Community Grant - Tamar FM

REPORT AUTHOR: Acting Team Leader - Community Services - Eleanor Moore

REPORT DATE: 9 February 2026

ATTACHMENTS:
1. [**12.1.1**] Community Grant Application
2. [**12.1.2**] Application Assessment Matrix Summary

SUMMARY

The purpose of this report is for Council to consider a Community Grant application received from Tamar FM Incorporated for the replacement of failed outside broadcast equipment.

BACKGROUND

Grant applications are first assessed for eligibility and then scored against an assessment matrix containing various established criteria. Applications are then provided to Council for approval.

Grants up to $1,000, applicants are not required to contribute financially to the project but must provide in-kind contributions. Evidence of these contributions must be included in the application.

Grants ranging from $1,000 to $5,000 applicants must contribute at least 10% of the overall project cost, either from their own funds or from a confirmed external funding source (excluding in-kind contributions).

One Community Grant application was received for February 2026 from Tamar FM.

Applicant	Tamar FM
Purpose	Replacement of failed outside broadcast equipment
Amount Requested	$3,300.00
Matrix Score	12/20
Grant Summary	This funding request is to replace a crucial piece of equipment in Tamar FM's outside broadcast unit (mobile van).
Community Health and Wellbeing Plan	**Pillar Four: Best Communities** *Planned sustainable communities* • 4.1.5 Well-planned services, facilities and programs match community needs **Pillar Four: Best Communities** *Active Volunteering* • 4.4.1 Volunteer programs engage all ages, in a diverse range of sectors and settings. **Pillar One: Best Health and Wellbeing**

	An Active and Healthy West Tamar • 1.1.5 Community health, wellbeing and belonging is supported through participation in sport, recreation, events, programs and social activities in each local area

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:

- 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 financially sustainable.

Council will:

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

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

WT-HRM-42.00 Grants and Assistance Policy

West Tamar Council's Community Grants program provides funding for projects and initiatives that respond to the social, cultural, recreational, economic, and environmental needs of West Tamar residents.

RISK CONSIDERATIONS

The existence of a consistent, equitable and transparent process to respond to requests for donations, grants and financial support should help reduce council's potential exposure to financial and reputational loss. The overall risk to Council is considered LOW.

FINANCIAL IMPACT

An established level of financial assistance is provided in the budget each year. For 2025-2026 Council has allocated a total funding pool of $65,000:

- Community Grants $45,000
- Business Grants $20,000

Grant funding is allocated first come first serve until funds are exhausted.

The current funding pool for Community Grants is as follows:

COMMUNITY GRANTS	
COMMUNITY GRANTS	
Legana Tennis Club	$2,354.00
Beaconsfield House	$1,350.00
Sidmouth Community Centre Inc.	$4,434.95
Legana Early Learning Centre	$5,000.00
Rotary Club of the West Tamar	$3,129.00
Grindelwald Leisure Garden Estate	$1,500.00
Tamar Sea Rescue	$4,455.00
Greens Beach Golf Club	$3,906.00
Exeter Services & Community Club	$5,000.00
Tamar FM	$3,300.00*
Total commitment to date	**$34,428.95***
Balance remaining	$10,571.05*

**Pending Council approval at Ordinary Council Meeting on 17 February 2026*

CONSULTATION

An Application Matrix was completed by Council Officers on 29 January 2026.

Councillors were consulted at Council's Interim Workshop held on 3 February 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 application received by Tamar FM exceeds the minimum requirement of 10/20.

Tamar FM Inc is a not-for-profit incorporated association which is operated entirely by volunteers. Tamar FM has a licensed service area covering both sides of the Tamar River, and provides entertainment and information to listeners there, 24 hours a day, 7 days a week.

Despite the applicant being based in George Town, they have an ongoing commitment to the West Tamar including monthly interviews with the Mayor following Council meetings, advertising businesses in the West Tamar, and they utilise their mobile van to broadcast from events held in the municipality. They have station volunteers as well as advertisers from the West Tamar, and frequently publicise community events here, including for the West Tamar Council Roadshows, U3A, Beaconsfield House, Exeter Show, Sidmouth Hall, etc.

The Broadcast Van provides a no-cost facility that is available to all community groups in the broadcast area (which covers both sides of the Tamar). It can be used to provide music, announcements, roving interviews or "on air" shows, to enhance and publicise the group's events. This is available to all community groups, including those in the West Tamar.

Over the last year, they have done one event in the West Tamar (Sidmouth Hall Car Meet and Swap), and two on the East side. Of those two, one (the live Anzac Day service) was equally relevant to West Tamar residents, being intended to allow anyone who could not attend a service to be part of it. They are planning to do more outside broadcasts at Sidmouth Hall and other venues as they build up volunteer numbers.

In preparation for increased use of the van, a number of improvements have been made to the van to make it more serviceable: replacement of 2 large cumbersome speakers with smaller, modern units, servicing and maintenance, and they will shortly be upgrading their signage.

Despite the station not being located in the West Tamar, Council Officers recommend approval of a partial payment of the Community Grant application amount to support Tamar FM and encourage further expansion into the West Tamar.

RECOMMENDATION

That Council:

1. Partially approve Tamar FM's community grant application for the replacement of failed outside broadcast equipment in the amount of $1,800.00.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

West Tamar COUNCIL

Grants Program 2025/2026 - Application Form

Grant Overview

West Tamar Council's Grants Program responds to funding requests for projects displaying evidence of community engagement, involvement and benefit.

Applications open on the 1 July 2025, and close 17 February 2026 (4pm or until the funding pool is exhausted. Applications will be assessed and funded on a 'first-in' basis. Applicants are responsible to ensure that their application is received by council by the closing date and time.

Funding applications can be made for amounts up to $5000.00

Applicants seeking funding of up to $1,000 are not required to contribute to the project financially, but are expected to provide in-kind contributions. Evidence of this is required in the application and during the acquittal process.

For applicants seeking $1,000.00 – $5,000.00, at least 10% of the overall financial cost of the project must be contributed by the applicant, or confirmed by an external funding source (excluding in-kind contributions).

Example: where an applicant has applied for a funding amount of $5000, they would also need to contribute a minimum of $500 ($500 = 10% of $5000) in addition to the grant amount.

Grant guidelines are available to the West Tamar Council website (wtc.tas.gov.au).

Applicants are advised to contact the Community Services Team to provide an overview of the project. Please read the guidelines thoroughly prior to submitting your application, and make contact on 6323 9200 to arrange a time.

Applicant Details

Organisation/Group Name	Tamar FM Inc
ABN (if applicable)	32 385 695 255
Postal Address	29-67 Macquarie St George Town
Email Address	tamarfminc@bigpond.com
Contact Name	Steven Fraser
Contact Number	[redacted]
Organisation registered for GST	Yes

Project Overview

Project Name	Replacement of Failed Outside Broadcast Equipment
Project Location	Mobile van, George Town
Project Dates	Jan 2026 – April 2026
Grant Funding Amount	$3300.00
Consulting Council Officer	Todd Mitchell

The personal information on this form is required by Council for the Community Grants Program. Your personal information will be used for this related purpose. If this information is not provided, we may not be able to deal with this matter. You may access and/or amend your personal information at any time. How we use this information is explained in our Privacy Policy, which is available at www.wtc.tas.gov.au or at Council offices.

Project Description - Describe your project and why you are undertaking it. (50 - 250 words)

This project is to replace a crucial piece of equipment in Tamar FM's Outside Broadcast Unit, which failed during our music broadcast at the George Town Christmas Parade. It is not considered viable to repair, and so it is proposed to replace it.

Assessment Criteria

Community Benefit – Describe how the project benefits the West Tamar community. (100 - 250 words)

This may include:

- **The expected number of people the project directly and indirectly benefits**
- **Supporting evidence/Demographic data**
- **Projected benefit/outcome**
- **How the project aligns with your strategic/business plan**

The TamarFM Outside Broadcast (OB) Unit enables Tamar FM to provide music and a public address facility for speeches at community events, and to "live broadcast" remote events. Examples include providing music at the Sidmouth Hall Car Show, and the live broadcast of the Anzac Day service. (See https://www.tamarfm.net/tfmnews.html for some examples). We believe that this significantly adds to the events in which we participate.

Project Delivery – Outline how your organisation/business/group will be able to undertake and complete the proposed project, including how West Tamar Council will be acknowledged? (100-250 words)

This may include:

- **A summary of the project timeline (recommended) and a brief overview of the steps involved in your project to demonstrate how it will be completed (tell us your plan)**
- **Site plans, photos (if applicable)**
- **Outline the roles/responsibilities of any group members, volunteers, service providers and/or contractors who will be undertaking work on this project. WTC Contractor Induction details will need to be provided prior to any works commencing (wtc.tas.gov.au/contractor_inductions)**

This project comprises replacement of faulty equipment. The work will be carried out by volunteers, on a part-time basis.

The project consists of:
a) Order and delivery of equipment (2-3 weeks)
b) Assembly of required connecting cables where not supplied (1 week)
c) Removal of old equipment and installation of new equipment (2 weeks)
d) Testing of equipment (1 week)
e) Documentation (2 weeks)
f) Staff Training (ongoing, in-house)

The main staff will be the station's Technical Manager (Steven Fraser) with support during the testing phase from other staff. The work will be carried out at Tamar FM studios. There are no abnormal OHSW requirements with this work.

We will acknowledge the WTC contribution "on air", on our web site, and on our Facebook page.

Community Engagement – Outline clear engagement and partnerships with the community, enabling social connections and community participation. **(50 - 250 words)**

This may include:

- **How does the project deliver a social/lifestyle benefit to the community**
- **Details of how the project is inclusive in its membership and supports the broader community**
- **Letters of support (copies submitted with the application)**

Tamar FM provides a high profile service to the community, with 24X7 program transmission. We are staffed completely by volunteers. Our designated service area covers the George Town and West Tamar areas.

We are required by the licensing authority (the Australian Communications and media Authority, ACMA) specifically to "encourage members of the community that it serves to participate in: (i) the operations of the licensee in providing the service or services […]". We do this by encouraging volunteers for operational and management tasks at the station (see https://www.tamarfm.net/tfmvolunteer.html), free on-air support for community events (see https://www.tamarfm.net/Community%20Service%20Announcement%20Guidelines%20Jan%202025.pdf), encouraging membership of the station, and using the OB Unit at community events (see https://www.tamarfm.net/tfmevents.html)

Tamar FM also conducts monthly interviews with both Mayor(s) to keep the community informed about Council matters – see attached email. We also conduct monthly interviews with community groups and organisations providing services for the community. Musician, artists, politicians and others of interest to the community are also frequently interviewed.
We also have an office that is open to the public several days each week, and a historic equipment museum for people to visit.

Budget – Detail the items of expenditure that Council funding will be used for. Refer to 'Community Grants Program 2025/2026 - Application Guidelines' available on West Tamar Council's website (wtc.tas.gov.au) to check funding eligibility.

The failed equipment is manufactured by a European firm called AEQ, model named "Alio". It is crucial to the operation of the OB Unit. We have been advised that it will take at least 10-12 weeks to repair, which would impact us over the summer period and also our broadcast of the Anzac Day service. This is the second time the unit has failed, (the previous time cost around $500 to repair) so we consider it to be no longer viable.
We have only informal pricing of a new unit, at around $7500. A similar Australian product (made by Tieline, called a "Via" is $7189 – see attached quote)). However, we can more economically achieve the same functionality by using separate "codec" and "mixer" units instead of a combined codec/mixer unit like Alio or Via.

Reminder: For grant applications over $1000.0 0, applicants must contribute at least 10% of the overall financial cost of the project, or have this funding confirmed from an external source. In-kind labour is not an eligible income source and only donations of labour from qualified professionals may be included in the income description (when supported in writing by the contractor/provider). Incomplete budget will not be scored.

Project Expenditure – Include all cost associated with the project and attached quotes (inclusive of GST, if applicable).

Expenditure Description	**$**
Codec unit (Phoenix Mercury $2089 or model TLR6100 $2745)	2088.90
Mixer - RodeCaster Pro 2 (retail $909 or equivalent to $910 from Broadcast Components)	1210
Cables est $300 (already included in quote from Broadcast Components)	Included
Freight	132
Equipment Setup by Vendor	264
Labour Project Management Costs – Est 15 hours – $Nil (volunteers)	
Expenditure Total	**$3694.90**

Project Income – Include all confirmed funding and donations, including materials.	
Income Description	**$**
WTC Grant	3300.00
Tamar FM Contribution	394.90
Income Total	**3694.90**
All relevant quotes are attached (shown as GST inclusive)	**Yes**

Declaration

By signing and submitting this form I declare that:

- **The information given in this application is true and accurate to the best of my knowledge.**
- **I agree to liaise with Council, should my application be successful OR do seek approval for any changes or variations to the project**
- **I agree to complete and submit an acquittal form within six (6) weeks of the project's completion and no later than 29 May 2026**

Name	Steven Fraser
Role/Position	Public Officer
Signature	S. D. Fraser
Date	26/1/26

Application Checklist

Before you lodge your application, check that you have provided all the required details and documents and check that your budget is accurate and complete.

The following may assist you, check that you have:

☹	**Checked eligibility against the guidelines**
☹	**Contacted the Community Services Team on 6323 9200 prior to submitting an application**
☹	**Completed all sections of application form (incomplete will not be assessed)**
☹	**Attached relevant supporting documents (quotes matching the budget, insurances, letters of support etc.)**
☹	**Kept a copy of your application**
☹	**☹ Signed the completed application**

QUOTATION

A.B.N. 35 617 865 531

Unit A93, 254 Macquarie Rd
Warners Bay
NSW 2282

Quote No: [redacted]

Date: 20/01/2026

Bill To:

7TFM Tamar FM George Town
29-63 Macquarie St
George Town TAS 7253

Ship To:

7TFM Tamar FM George Town
29-63 Macquarie St
George Town TAS 7253

QTY	ITEM NO	DESCRIPTION	PRICE	UNIT	DISC %	EXTENDED PRICE	CODE
1	RODEcaster Pro II	Audio production studio: includes interface cables to suit AEQ MERCURY	$1,100.00	ea		$1,100.00	GST
1	Phoenix Mercury	Audiocodec duplex, stereo, IP	$1,899.00	ea		$1,899.00	GST
1	Configuration	Set up AEQ Mercury to function as OB codec with Rodecaster PRO II	$240.00	ea		$240.00	GST

Delivery Date:	SALE AMT	$3,239.00
	FREIGHT	$120.00
	GST	$335.90
	TOTAL AMT	$3,694.90
	TERMS:	Prepaid

This quotation is subject to Broadcast Components' Trading Terms, available at https://broadcastcomponents.com.au/trading-terms/ or on request. By accepting this quotation (including by email confirmation, placing a purchase order, or making payment of a proforma invoice), the customer acknowledges and agrees to be bound by those terms. Customers are deemed to have had reasonable notice of these terms and should review them before acceptance. To the extent permitted by law, Broadcast Components' liability is limited to the replacement, repair, or refund of the goods supplied, and this quotation remains valid for 30 days unless otherwise stated.

Total Amount (AUD)

$3,694.90

Power components (Australia) PTY LTD
trading as Broadcast Components

E: sales@broadcastcomponents.com.au

P: 02 8883 4670



ROD-RCP2

$909

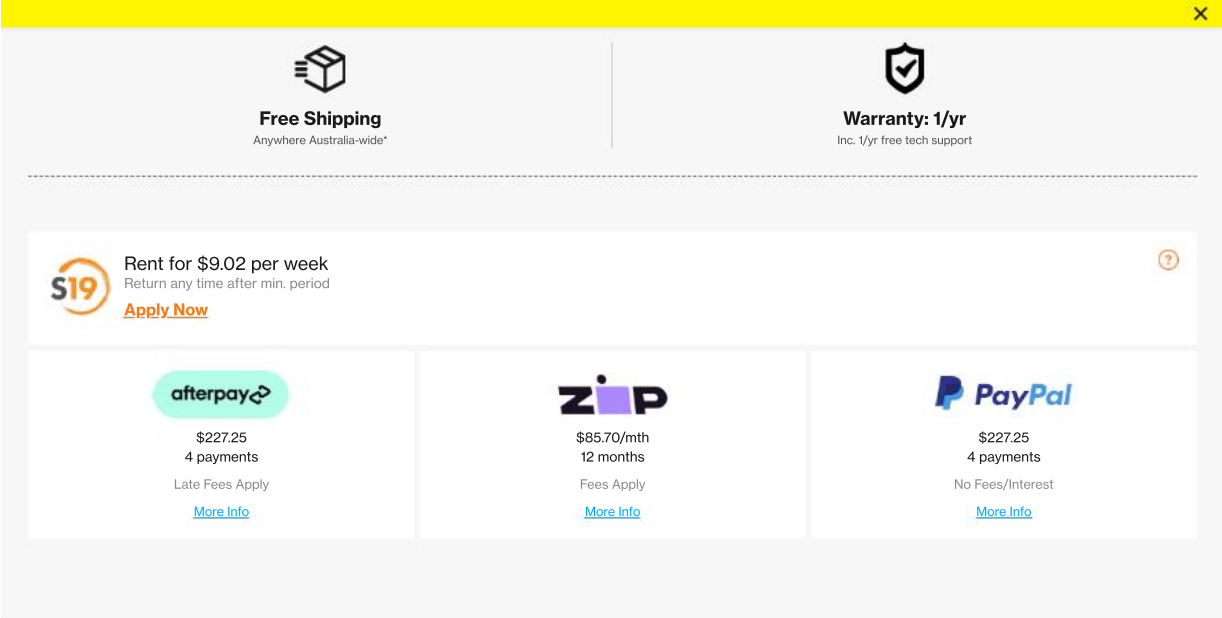
Rode RodeCaster Pro II Integrated Audio Production Studio w/ Aphex Processors

Online Stock: In Stock (5+)

In Store Availability

Try before you buy? Demo at:
Crows Nest, Fortitude Valley, West Leederville

Found it cheaper?
We'll match it!
Price Match



Product Information

Product Videos

The RØDECaster Pro II is the ultimate audio production solution for streamers, podcasters, musicians and content creators. Combining revolutionary features with superior sound quality, unmatched ease of use and endless customisability, it is all any creator will ever need to record incredible audio.

Combining all of the elements typically found in a professional podcasting, streaming or studio setup into one powerful, easy-to-use console, the RØDECaster Pro II simplifies the audio production process, allowing any creator to get set up to record high-quality content in seconds. The large (5.5-inch) high-definition, full-colour touchscreen with haptic feedback, tactile rotary encoder, bright RGB colour-coding and hands-on controls makes navigating the RØDECaster Pro II super simple.

Pre-loaded presets and the intuitive VoxLab™ processing editor make capturing professional-quality sound effortless. Every feature, from setting up a microphone channel to programming the SMART pads, has been designed to maximise creativity, and every function can be controlled on-board via the user-friendly interface or with a computer via RØDE Central for maximum convenience. Incredible audio, incredibly easy.

The RØDECaster Pro II offers an unparalleled feature set designed to make anyone sound exceptional every time they hit record. Four studio-grade Neutrik combo inputs with ultra-low-noise, high-gain Revolution Preamps deliver astonishing clarity and transparency with any microphone or instrument. Users can craft their own unique sound with a full suite of studio-quality APHEX processors, including the legendary Aural Exciter™, Big Bottom™ and Compellor™, and powerful on-board effects, including reverb, delay, pitch shifting, robot effects and more. A high-performance quad-core audio engine delivers significantly more processing power than any other content creation console on the market and unlocks huge potential for future updates.

The RØDECaster Pro II features four high-end studio preamps that have been designed from the ground up to deliver pristine audio quality with any microphone or instrument. With an ultra-low noise level of just -131.5dBV and a whopping 76dB of gain on tap, they eliminate the need for microphone boosters, lifters or external processing, even with the most demanding dynamic mics. They are highly transparent, allowing every detail of what's plugged in to shine and providing a clean platform to shape and enhance the signal using the on-board processing and effects. Every great recording starts with a great microphone and a great preamp. The RØDECaster Pro II features four phenomenal preamps that rival boutique designs that cost thousands of dollars per channel, complete with broadcast-quality faders for precise gain adjustment, accurate digital level metering, and highpower headphone and speaker outputs for monitoring in stunning definition. Just add a RØDE mic and you're golden.

To compliment these high-end preamps, the RØDECaster Pro II offers studio-quality signal processing powered by one of the most revered names in pro audio: APHEX. On-board is a suite of legendary APHEX processors each painstakingly remodelled for the RØDECaster Pro II to deliver authentic emulations of classic hardware units. This includes the Aural Exciter for adding sheen and spa Big Bottom for adding richness and depth, and the legendary Compellor master compressor/leveller for adding that allimportant final

the RØDECaster Pro II's innovative VoxLab™ processing editor, which utilises three intuitive controls to change multiple parameters on multiple processors for achieving pro results in seconds, or via the advanced editor for granular editing (either onboard or with a computer). All settings can be saved as presets and re-loaded at any time on any channel.

Just like the original, the RØDECaster Pro II is fully updateable and will continue to evolve with new firmware that will be available to all users. There's an exciting schedule of updates lined up that will introduce new features and functionality, system enhancements, software compatibilities and integration with future RØDE products, and users will be able to download and install new firmware directly to their RØDECaster Pro II via Wi-Fi, Ethernet or USB. To maximise everything it has to offer, the RØDECaster Pro II is designed to pair perfectly with a range of existing RØDE products and will be announced alongside a few new ones. Following the release of the RØDECaster Pro II, Rode will also be launching a range of companion accessories, including a ball head for the VESA mount on the bottom of the unit, carry bags and coloured cables.

Features

- Fully integrated audio production studio for podcasters, streamers, musicians and content creators
- Ultra-low-noise, high-gain Revolution Preamps™ (-131.5dBV EIN, 76dB gain)
- Four high-quality Neutrik® combo inputs for connecting both microphones and instruments
- Four high-power headphone outputs and balanced 1/4 inch line outputs
- Customisable nine-channel mixer with six broadcast-quality physical faders and three virtual faders
- Fully programmable SMART pads for triggering audio and effects, mixer actions, send MIDI commands, vision switching and more
- Studio-quality APHEX® audio processing and powerful on-board effects
- 5.5-inch high-definition touchscreen and tactile rotary encoder for easy navigation and control
- Dual USB-C interfaces for connecting to two computers and/or mobile devices simultaneously
- Advanced Bluetooth® connectivity for ultra-highquality phone call integration and wireless audio monitoring
- Designed and made in RØDE's state-of-the-art facilities in Sydney, Australia

Read more

For more information, please visit the manufacturer's website.

Shipping & Returns

Subject: Sincere Thanks
From: "Christina Holmdahl" <cholmdahl.wtc@bigpond.com>
Date: 20/10/25, 10:48
To: "'Steve Fraser'" <tamarfminc@bigpond.com>

On behalf of the West Tamar Council I wish to convey our sincere thanks to the Board and Members of Tamar FM for the support that you all afford my Council.

The monthly opportunity to chat with Steve, Julie and Richard enables me to present to you listeners the West Tamar Council's monthly news and updates, it is an invaluable opportunity for us to "spread the word" to our municipality and beyond.

I thank the volunteers, the presenters and the Board and I wish you all a successful year ahead.

Kind regards
Christina.

Christina Holmdahl
MAYOR

West Tamar COUNCIL

m. 0417 804 210
e. cholmdahl.wtc@bigpond.com

Community Grants Program 2025/2026 - Application Assessment Matrix

Application Information

Organisation/Group	**Tamar FM Inc**				
Project	**Replacement of Failed Outside Broadcast Equipment**				
Amount Requested	**$3300**	Total Project Cost	**$3694.90**	**Matrix Score**	**12/20**

Criteria:	Not evident (Score: 0)	Evident (Score: 1)	Good (Score: 2 - 3)	Excellent (Score: 4- 5)	Score:
Community Benefit (Value 25%)	Unclear/ Not stated	Provided but not detailed	Clear benefit to the community outlined	Clear, realistic and achievable benefit provided with supporting evidence	
	Comments: • *Community benefit is briefly outlined but could provide more data such as number of listeners, how many residents etc.* • *Outlines events they broadcast in the WTC area* • *Clear benefit to the community without providing great detail*				3
Project Delivery (Value 25%)	Unclear/ Not outlined or achievable	Delivery is provided (not detailed)	Delivery is outlined and realistic.	Clear, realistic and achievable, with supporting documentation	
	Comments: • *Outlined but could provide rough dates* • *Outlined a rough timeline and who is doing the repairs* • *Project delivery is clear, realistic & achievable. Photo's included.*				3
Community Engagement (Value 25%)	Unclear/ Not outlined	Provided but not detailed	Engagement and partnerships outlined	Clear, realistic and achievable, with supporting documentation	
	Comments: • *Need more info. Eg How many volunteers do they have, how many listeners etc. Did not answer question* • *Outlined their engagement in the community* • *It is clear Tamar FM engage the West Tamar & George Town communities, and this grant allows them to continue doing this.*				2
Budget (Value 25%)	Incomplete	-	-	Clear, realistic and achievable. Official quotes must be provided.	
	Comments: • *Clear budget plans* • *Clear budget provided for project*				4
				TOTAL	**12/20**

Risk Management Plans	Yes ☐	No ☐	N/A ☐	Assessed By	**WTC Community Team**

Date 29.01.2026

12.2 Comm 2 - Review of Public Memorial Policy

REPORT AUTHOR: Director Corporate & Community - David Gregory

REPORT DATE: 5 February 2026

ATTACHMENTS:
1. [**12.2.1**] HRM39.00 - Public Memorial Policy - February 2026 DRAFT Clean
2. [**12.2.2**] HRM39.00 - Public Memorial Policy - February 2026 DRAFT Post Workshop Changes
3. [**12.2.3**] HRM39.00 - Public Memorial Policy - February 2026 DRAFT tracked changes

SUMMARY

The purpose of this report is to provide an overview of the recent review of the Public Memorial Policy and to seek approval of recommended changes.

BACKGROUND

The current Public Memorial Policy was approved on 15 December 2020 and is due for review.

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

WT-HRM-39.00 Public Memorial Policy

RISK CONSIDERATIONS

Low

FINANCIAL IMPACT

Nil

CONSULTATION

Consultation with Elected Members occurred at the Interim Workshop on 3 February 2026 where recommended revisions were discussed and feedback provided.

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 have undertaken a detailed review of the Public Memorial Policy and are recommending several revisions. A "clean" and 2 "tracked changes" version of the proposed revised policy are attached, the latter "tracked changes" version incorporating feedback provided by councillors following discussions on 3 February 2026.

The proposed revisions are primarily aimed at:

- strengthening the process, particularly around evidence (achievements, letters of support, public support etc);
- clarifying that the Council retains full discretion over the decision-making process;
- emphasising that the subject of a memorial submission must have made a clear and significant contribution to the West Tamar community; and
- providing Council with a framework for dealing with removals, damaged memorials, and relocations.

A new application form has been developed to capture the required information.

The proposed process also introduces an assessment panel and scoring matrix to assist Council with the decision-making process.

A further change being proposed is the introduction of a memorial register so that memorials can be better tracked and managed into the future.

RECOMMENDATION

That Council:

1. Rescinds the existing Public Memorial Policy (WT-HRM 39.00 December 2020);
2. Adopts the updated Public Memorial Policy as presented, effective 17 February 2026;
3. Updates the version number to 3.00; and
4. Approves a review date of February 2030.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

Public Memorial Policy

Document No.:	*WT-HRM-39.00*	**Approved By:**	*Council*
Issue No.:	*3.00*	**Approved On:**	*dd mmmm 2026*
Responsibility:	*Community Services*	**Review Date:**	*mmmm 2030*
Document Control: *For external release*			*N2020158147*

Rev. No.	Date	Revision Details	Reviewer	Approved

1 PURPOSE

This Policy guides decisions on public memorial requests by providing a clear framework for the assessment, approval, installation, maintenance, removal, or relocation of public memorials on land or assets owned, managed, or leased by West Tamar Council.

Council retains sole discretion to approve, amend, or refuse any submission and will consider only proposals that honour subjects which have made a clear and significant contribution to the West Tamar community and meet the specified criteria.

This Policy aims to:

- Provide clear guidance for determining requests for public memorials.
- Support consistent, transparent decision-making for new and existing memorials.
- Maintain inclusive and flexible public spaces while recognising significant people and events.
- Ensure memorials align with the values and aspirations of the West Tamar community.
- Set clear eligibility and evidentiary requirements for proposals.

2 SCOPE

The Policy relates to the request for any memorial, including the request for plaques for scattered ashes, to be installed in a public place within the West Tamar Municipal Area.

Some public spaces may already contain memorials and/or plaques that predate the Policy. An existing memorial cannot be taken as a precedent for any future approvals.

This Policy applies to requests for the establishment, addition, removal, or relocation of permanent public memorials within public spaces in the West Tamar Municipal Area.

For the purposes of this Policy, a public memorial is a permanent physical object installed to commemorate a person, group, or event. Memorial types are defined in Section 3 (Definitions).

This Policy does not apply to:

- Temporary or spontaneous roadside or public memorials.
- Digital content or online commemorations.
- Public artworks not intended as memorials.
- Ceremonies or commemorative events.
- Naming or renaming of places (subject to separate legislation).
- Proposals that do not comply with planning, heritage, or statutory requirements.
- Commercial memorials or memorials for commercial purposes.

3 DEFINITIONS

Public Space -

- Any park, reserve, road reserve, footpath, building, facility, or land owned or managed by West Tamar Council.

Memorial -

A permanent physical object established in a public space to commemorate a person, group, anniversary, or event. Memorials may include:

- Plaques (attached to existing or new infrastructure)
- Trees or shrubs (with or without a plaque)
- Public seating (with or without a plaque)
- Council facility fixtures or furniture
- Monuments, sculptures, or artistic installations
- Memorial gardens or landscape features
- Other permanent infrastructure (e.g. fountains, pathways).

Plaque -

- A 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.

Proponent -

- Person(s) requesting the public memorial for Council's consideration; responsible body for all costs associated with the memorial, including installation.

Assessment Panel -

- A minimum of three (3) Community Services staff who jointly review and assess the application based on evidentiary criteria.

4 POLICY STATEMENT

All proposals for public memorials will be assessed in accordance with this Policy and must be supported by the required evidence and documentation. A recommendation will be made to Council for determination.

The authority to approve, amend, or refuse a submission for a public memorial rests solely with Council, which retains full discretion and is not obliged to approve any submission.

Public memorials will only be considered where the subject matter has made a clear and significant contribution to the West Tamar community and meets one of the following criteria:

- Individuals or community organisations that have made an outstanding, lasting and demonstrable contribution to the development, identity, or wellbeing of the West Tamar Municipal Area;
- Anniversaries or commemorations of events that are unique to, and highly significant within, the West Tamar; or
- Historical, cultural, or community-significant events directly associated with the proposed site or with the municipality more broadly.

A standard, discreet plaque consistent with Council's approved design, as detailed in Section 6.3, may be installed on the memorial object at the proponent's cost. All plaques must comply with Council's specifications for materials, size, and wording.

5 RESPONSIBILITIES

Proponent -

- The proponent of the public memorial is to make a request in writing to the Chief Executive Officer using the *Request for Public Memorial* application form (see attached Appendix 1). The proponent will cover all costs associated with the purchase, installation and upkeep of the memorial object.

Community Services Team -

- Reviews applications against this Policy.
- Coordinates cost estimates and proponent communication.
- Prepares recommendations for Council consideration.

Council -

- Determines whether to approve, condition, defer, or refuse applications.

6 PROCEDURES

6.1 APPLICATION INCLUSIONS:

- Completed application form.
- Evidence of community support.
- Evidence of significant achievements or contributions.
- Design documentation (where applicable).

6.2 ASSESSMENT PROCESS

- Application submitted and registered.
- Application assigned to the Team Leader Community Services and Director Corporate & Community.
- Eligibility assessment against this Policy.
- Cost estimate prepared and provided to Proponent.
- Proponent advises whether to progress.
- Assessment panel reviews application and scores against an assessment matrix.

- Upon a satisfactory assessment a recommendation will be presented to Council.
- The determination of the recommendation will be in a closed part of a council meeting in accordance with regulation 17(2)(h)(i) of the *Local Government (Meeting Procedures) Regulations 2025.*
- Proponent notified in writing of the outcome.
- Installation occurs once payment is received.
- Council reserves the right to negotiate an alternative location with the proponent should the proposed site be deemed unsuitable.

6.3 PLAQUE REQUIREMENTS

- The plaque can be inscribed with a date and short inscription reading: *Donated by [PROPONENT] in memory of [SUBJECT]* or similar. Variations to this template must be outlined in the *Request for Public Memorial* application.
- One (1) plaque per memorial object will be permitted.
- The plaque will be a 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.
- No exceptions will be made regarding the size, colour or format of the plaque.
- All plaques will be arranged and installed by Council at the cost of the proponent.
- Plaques may only be installed once a *Request for Public Memorial* application has been approved by Council.
- Plaques signifying the location of scattered ashes will not be considered unless a *Request for Public Memorial* application has been received and approved by Council, and an associated memorial object will be installed.

6.4 INSTALLATION AND UPKEEP:

- Approved public memorials will be purchased and installed at the cost of the proponent.
- Council will manage and/or undertake the installation of the memorial.
- Should the memorial be lost or vandalised, the cost of repair or replacement remains the responsibility of the proponent.
- If the proponent is deceased or no longer living in/associated with the West Tamar Municipality, then Council may resolve to repair or remove the memorial.
- Council may at any time temporarily remove the memorial for maintenance and upgrades.

6.5 REMOVAL OR RELOCATION OF MEMORIALS

Council may remove or relocate a memorial where one or more of the following circumstances apply:

- Maintenance and condition: safety risk; prohibitive restoration costs; vandalism beyond economic repair; end of design life.
- Site changes: redevelopment; significant change in site character or use; natural disaster/environmental damage.
- Policy compliance: non-compliance with planning or heritage; unsafe condition; temporary memorial reached intended end date.

- Community values and feedback: memorial no longer reflects community values or significance; new evidence undermines appropriateness.
- The original proponent will be notified in writing prior to removal where practicable, with broader community notifications used where appropriate.

6.6 MEMORIAL REGISTER

Council will maintain a Public Memorial Register for all approvals from 1 July 2026. The register will include:

- Memorial description and location
- Installation date
- Application/proponent details
- Maintenance responsibility
- Condition and assessment notes
- Photos/visual documentation
- Register updated following a formal condition assessment conducted at least every two years.

7 LEGISLATION AND REFERENCES

Not applicable.

8 APPROVAL

Approved by Council on dd mmmm 2026 (reference xx)

Signed: _____

Chief Executive Officer

APPENDIX 1

REQUEST FOR PUBLIC MEMORIAL
APPLICATION FORM

PROPONENT DETAILS

Name	
Address	
Phone Number	
Email	

SUBJECT OF PUBLIC MEMORIAL

Subject Name	
What is your association with the subject?	
Date of Passing/Event (if applicable)	

ELIGABILITY CRITERIA

How does the application meet? (check one or more)	☐ Significant individual/group contribution to West Tamar community ☐ Important historical event or anniversary ☐ Community infrastructure or asset contribution ☐ Cultural or historical significance
Please explain how this application meets the selected criteria?	

EVIDENCE OF ACHIEVEMENTS/CONTRIBUTION/COMMUNITY SUPPORT

Please indicate the evidence to support the	☐ Documentary evidence (articles, awards, records)

achievements or contributions	☐ Testimonial evidence (statements from peers, colleagues, community) ☐ Measurable evidence of impact (quantifiable results) ☐ Community Impact Statement (maximum 500 words)
Please indicate the evidence provided to show that the application is supported by the community	☐ Written letters of support from independent third parties ☐ Family of relevant community group endorsement ☐ Evidence of broader community support if applicable

PROPOSED MEMORIAL

Please select the type of memorial you are requesting to establish.	☐ Tree (with or without plaque) ☐ Public seating (bench, seat, table) ☐ Facility item (furniture in Council building) ☐ Plaque on existing infrastructure ☐ Sculpture/artwork ☐ Garden/landscape feature ☐ Other (please specify)_____

DESIGN AND LOCATION

Proposed location	
Describe the design of the memorial	
Plaque inscription (if applicable)	
Material and specifications	
Designer/Fabricator details (if applicable)	

COST AND MAINTENANCE

Estimated cost of the memorial	

How will the memorial be funded?	
Who will maintain the memorial?	
What is the maintenance plan for the memorial?	

ACKNOWLEDGEMENT

I acknowledge that:

- West Tamar Council will assess this application against the Public Memorial Policy
- I have provided all requested evidence of community support and achievements
- I understand the approval process and that I may be requested to provide further information to support the application
- I accept responsibility for costs specified in this application
- Any existing memorials cannot be taken as precedent for the memorial I have requested.
- If successful I will meet any costs associated with the purchase, installation and upkeep of the public memorial I have requested.

Name (printed)	
Signed	
Date	

NEXT STEPS

You will be contacted upon the receipt of your application and prior to the review procedure to discuss installation costs. At this point you will need to notify Council whether you wish to cease or continue the review procedure.

Public Memorial Policy

Document No.:	*WT-HRM-39.00*	**Approved By:**	*Council*
Issue No.:	*3.00*	**Approved On:**	*dd mmmm 2026*
Responsibility:	*Community Services*	**Review Date:**	*mmmm 2030*
Document Control: *For external release*			*N2020158147*

Rev. No.	Date	Revision Details	Reviewer	Approved

1 PURPOSE

~~This Policy provides a framework for the assessment, approval, installation, maintenance, removal, or relocation of public memorials on land or assets owned, managed, or leased by West Tamar Council.~~

This Policy guides decisions on public memorial requests by providing a clear framework for the assessment, approval, installation, maintenance, removal, or relocation of public memorials on land or assets owned, managed, or leased by West Tamar Council.

Council retains sole discretion to approve, amend, or refuse any submission and will consider only proposals that honour subjects which have made a clear and significant contribution to the West Tamar community and meet the specified criteria.

This Policy aims to:

- Provide clear guidance for determining requests for public memorials.
- Support consistent, transparent decision-making for new and existing memorials.
- Maintain inclusive and flexible public spaces while recognising significant people and events.
- Ensure memorials align with the values and aspirations of the West Tamar community.
- Set clear eligibility and evidentiary requirements for proposals.

2 SCOPE

The Policy relates to the request for any memorial, including the request for plaques for scattered ashes, to be installed in a public place within the West Tamar Municipal Area.

Some public spaces may already contain memorials and/or plaques that predate the Policy. An existing memorial cannot be taken as a precedent for any future approvals.

~~Proponents who cannot meet the requirements of the Policy should consider the Beaconsfield Memorial Garden (contact the Municipal Inspectors on 6323 9300 to discuss).~~

This Policy applies to requests for the establishment, addition, removal, or relocation of permanent public memorials within public spaces in the West Tamar Municipal Area.

For the purposes of this Policy, a public memorial is a permanent physical object installed to commemorate a person, group, or event. Memorial types are defined in Section 3 (Definitions).

This Policy does not apply to:

- Temporary or spontaneous roadside or public memorials.
- Digital content or online commemorations.
- Public artworks not intended as memorials.
- Ceremonies or commemorative events.
- Naming or renaming of places (subject to separate legislation).
- Proposals that do not comply with planning, heritage, or statutory requirements.
- Commercial memorials or memorials for commercial purposes.

3 DEFINITIONS

Public Space -

- Any park, reserve, road reserve, footpath, building, facility, or land owned or managed by West Tamar Council.

Memorial -

A permanent physical object established in a public space to commemorate a person, group, anniversary, or event. Memorials may include:

- Plaques (attached to existing or new infrastructure)
- Trees or shrubs (with or without a plaque)
- Public seating (with or without a plaque)
- Council facility fixtures or furniture
- Monuments, sculptures, or artistic installations
- Memorial gardens or landscape features
- Other permanent infrastructure (e.g. fountains, pathways).

Plaque -

- A 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.

Proponent -

- Person(s) requesting the public memorial for Council's consideration; responsible body for all costs associated with the memorial, including installation.

Assessment Panel -

- A minimum of three (3) Community Services staff who jointly review and assess the application based on evidentiary criteria.

4 POLICY STATEMENT

All proposals for public memorials will be assessed in accordance with this Policy and must be supported by the required evidence and documentation. A recommendation will be made to Council for determination.

The authority to approve, amend, or refuse a submission for a public memorial rests solely with Council, which retains full discretion and is not obliged to approve any submission.

Public memorials will only be considered where the subject matter has made a clear and significant contribution to the West Tamar community and meets one of the following criteria:

- Individuals or community organisations that have made an outstanding, lasting and demonstrable contribution to the development, identity, or wellbeing of the West Tamar Municipal Area;
- Anniversaries or commemorations of events that are unique to, and highly significant within, the West Tamar; or
- Historical, cultural, or community-significant events directly associated with the proposed site or with the municipality more broadly.

A standard, discreet plaque consistent with Council's approved design, as detailed in Section 6.3, may be installed on the memorial object at the proponent's cost. All plaques must comply with Council's specifications for materials, size, and wording.

5 RESPONSIBILITIES

Proponent -

- The proponent of the public memorial is to make a request in writing to the Chief Executive Officer using the *Request for Public Memorial* application form (see attached Appendix 1). The proponent will cover all costs associated with the purchase, installation and upkeep of the memorial object.

Community Services Team -

- Reviews applications against this Policy.
- Coordinates cost estimates and proponent communication.
- Prepares recommendations for Council consideration.

Council -

- Determines whether to approve, condition, defer, or refuse applications.

6 PROCEDURES

6.1 APPLICATION INCLUSIONS:

- Completed application form.
- Evidence of community support.
- Evidence of significant achievements or contributions.
- Design documentation (where applicable).

6.2 ASSESSMENT PROCESS

- Application submitted and registered.

- Application assigned to the Team Leader Community Services and Director Corporate & Community.
- Eligibility assessment against this Policy.
- Cost estimate prepared and provided to Proponent.
- Proponent advises whether to progress.
- Assessment panel reviews application and scores against an assessment matrix.
- Upon a satisfactory assessment a recommendation will be presented to Council.
- The determination of the recommendation will be in a closed part of a council meeting in accordance with regulation 17(2)(h)(i) of the *Local Government (Meeting Procedures) Regulations 2025.*
- Proponent notified in writing of the outcome.
- Installation occurs once payment is received.
- Council reserves the right to negotiate an alternative location with the proponent should the proposed site be deemed unsuitable.

6.3 PLAQUE REQUIREMENTS

- The plaque can be inscribed with a date and short inscription reading: *Donated by [PROPONENT] in memory of [SUBJECT]* or similar. Variations to this template must be outlined in the *Request for Public Memorial* application.
- One (1) plaque per memorial object will be permitted.
- The plaque will be a 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.
- No exceptions will be made regarding the size, colour or format of the plaque.
- All plaques will be arranged and installed by Council at the cost of the proponent.
- Plaques may only be installed once a *Request for Public Memorial* application has been approved by Council.
- Plaques signifying the location of scattered ashes will not be considered unless a *Request for Public Memorial* application has been received and approved by Council, and an associated memorial object will be installed.

6.4 INSTALLATION AND UPKEEP:

- Approved public memorials will be purchased and installed at the cost of the proponent.
- Council will manage and/or undertake the installation of the memorial.
- Should the memorial be lost or vandalised, the cost of repair or replacement remains the responsibility of the proponent.
- If the proponent is deceased or no longer living in/associated with the West Tamar Municipality, then Council may resolve to repair or remove the memorial.
- Council may at any time temporarily remove the memorial for maintenance and upgrades.

6.5 REMOVAL OR RELOCATION OF MEMORIALS

Council may remove or relocate a memorial where one or more of the following circumstances apply:

- Maintenance and condition: safety risk; prohibitive restoration costs; vandalism beyond economic repair; end of design life.
- Site changes: redevelopment; significant change in site character or use; natural disaster/environmental damage.
- Policy compliance: non-compliance with planning or heritage; unsafe condition; temporary memorial reached intended end date.
- Community values and feedback: memorial no longer reflects community values or significance; new evidence undermines appropriateness.
- The original proponent will be notified in writing prior to removal where practicable, with broader community notifications used where appropriate.

6.6 MEMORIAL REGISTER

Council will maintain a Public Memorial Register for all approvals from 1 July 2026. The register will include:

- Memorial description and location
- Installation date
- Application/proponent details
- Maintenance responsibility
- Condition and assessment notes
- Photos/visual documentation
- Register updated following a formal condition assessment conducted at least every two years.

7 LEGISLATION AND REFERENCES

Not applicable.

8 APPROVAL

Approved by Council on dd mmmm 2026 (reference xx)

Signed: _____

Chief Executive Officer

APPENDIX 1

REQUEST FOR PUBLIC MEMORIAL
APPLICATION FORM

PROPONENT DETAILS

Name	
Address	
Phone Number	
Email	

SUBJECT OF PUBLIC MEMORIAL

Subject Name	
What is your association with the subject?	
Date of Passing/Event (if applicable)	

ELIGABILITY CRITERIA

How does the application meet? (check one or more)	☐ Significant individual/group contribution to West Tamar community ☐ Important historical event or anniversary ☐ Community infrastructure or asset contribution ☐ Cultural or historical significance
Please explain how this application meets the selected criteria?	

EVIDENCE OF ACHIEVEMENTS/CONTRIBUTION/COMMUNITY SUPPORT

Please indicate the evidence to support the	☐ Documentary evidence (articles, awards, records)

achievements or contributions	☐ Testimonial evidence (statements from peers, colleagues, community) ☐ Measurable evidence of impact (quantifiable results) ☐ Community Impact Statement (maximum 500 words)
Please indicate the evidence provided to show that the application is supported by the community	☐ Written letters of support from independent third parties ☐ Family of relevant community group endorsement ☐ Evidence of broader community support if applicable

PROPOSED MEMORIAL

Please select the type of memorial you are requesting to establish.	☐ Tree (with or without plaque) ☐ Public seating (bench, seat, table) ☐ Facility item (furniture in Council building) ☐ Plaque on existing infrastructure ☐ Sculpture/artwork ☐ Garden/landscape feature ☐ Other (please specify)_____

DESIGN AND LOCATION

Proposed location	
Describe the design of the memorial	
Plaque inscription (if applicable)	
Material and specifications	
Designer/Fabricator details (if applicable)	

COST AND MAINTENANCE

Estimated cost of the memorial	

How will the memorial be funded?	
Who will maintain the memorial?	
What is the maintenance plan for the memorial?	

ACKNOWLEDGEMENT

I acknowledge that:

- West Tamar Council will assess this application against the Public Memorial Policy
- I have provided all requested evidence of community support and achievements
- I understand the approval process and that I may be requested to provide further information to support the application
- I accept responsibility for costs specified in this application
- Any existing memorials cannot be taken as precedent for the memorial I have requested.
- If successful I will meet any costs associated with the purchase, installation and upkeep of the public memorial I have requested.

Name (printed)	
Signed	
Date	

NEXT STEPS

You will be contacted upon the receipt of your application and prior to the review procedure to discuss installation costs. At this point you will need to notify Council whether you wish to cease or continue the review procedure.

Public Memorial Policy

Document No.:	*WT-HRM-39.00*	**Approved By:**	*Council*
Issue No.:	*~~2~~3.00*	**Approved On:**	*~~15 December 2020~~dd mmmm 2026*
Responsibility:	*Community Services*	**Review Date:**	*~~December~~ mmmm ~~2024~~2030*
Document Control: *For external release*			*N2020158147*

Rev. No.	Date	Revision Details	Reviewer	Approved

1 PURPOSE

This Policy provides a framework for the assessment, approval, installation, maintenance, removal, or relocation of public memorials on land or assets owned, managed, or leased by West Tamar Council.

- Provide clear guidance for determining requests for public memorials.
- Support consistent, transparent decision-making for new and existing memorials.
- Maintain inclusive and flexible public spaces while recognising significant people and events.
- Ensure memorials align with the values and aspirations of the West Tamar community.
- Set clear eligibility and evidentiary requirements for proposals.

~~The purpose of the Public Memorial Policy (the Policy) is to provide a framework for the installation of memorials in public spaces within the West Tamar Municipal Area. All memorials – internally or externally requested – must conform to this policy.~~

2 SCOPE

The Policy relates to the request for any memorial, including the request for plaques for scattered ashes, to be installed in a public place within the West Tamar Municipal Area.

Some public spaces may already contain memorials and/or plaques that predate the Policy. An existing memorial cannot be taken as a precedent for any future approvals.

~~Proponents who cannot meet the requirements of the Policy should consider the Beaconsfield Memorial Garden (contact the Municipal Inspectors on 6323 9300 to discuss).~~ This Policy applies to requests for the establishment, addition, removal, or relocation of permanent public memorials within public spaces in the West Tamar Municipal Area.

For the purposes of this Policy, a public memorial is a permanent physical object installed to commemorate a person, group, or event. Memorial types are defined in Section 3 (Definitions).

This Policy does not apply to:

- Temporary or spontaneous roadside or public memorials.
- Digital content or online commemorations.
- Public artworks not intended as memorials.
- Ceremonies or commemorative events.
- Naming or renaming of places (subject to separate legislation).
- Proposals that do not comply with planning, heritage, or statutory requirements.
- Commercial memorials or memorials for commercial purposes.

3 DEFINITIONS

Public Space -

- Any park, reserve, road reserve, footpath, building, facility, or land owned or managed by West Tamar Council.~~Any Council owned park, reserve, oval, ground, road verge, footpath, hall, recreation or community facility; or any other land that is owned by Council.~~

Memorial -

A permanent physical object established in a public space to commemorate a person, group, anniversary, or event. Memorials may include:

- Plaques (attached to existing or new infrastructure)
- Trees or shrubs (with or without a plaque)
- Public seating (with or without a plaque)
- Council facility fixtures or furniture
- Monuments, sculptures, or artistic installations
- Memorial gardens or landscape features
- Other permanent infrastructure (e.g. fountains, pathways).

- ~~An object, not including visible wording or dedication, established in memory of a person, association, anniversary or event, limited to one (1) of the following options:~~
  - ~~Park furniture (seat/table and chairs);~~
  - ~~A tree or shrub;~~
  - ~~Public art (sculpture);~~
  - ~~A drink fountain.~~

Plaque -

- A 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.

Proponent -

- Person(s) requesting the public memorial for Council's consideration; responsible body for all costs associated with the memorial, including installation.

Assessment Panel -

- A minimum of three (3) Community Services staff who jointly review and assess the application based on evidentiary criteria.

4 POLICY STATEMENT

All proposals for public memorials will be assessed in accordance with this Policy and must be supported by the required evidence and documentation. A recommendation will be made to Council for determination.

The authority to approve, amend, or refuse a submission for a public memorial rests solely with Council, which retains full discretion and is not obliged to approve any submission.

~~Subjects for memorials are limited to~~Public memorials will only be considered where the subject matter has made a clear and significant contribution to the West Tamar community and meets one of the following criteria:

- Individuals or ~~associations~~ community organisations that have made an outstanding, lasting and demonstrable contribution to the development, identity, or wellbeing of the West Tamar Municipal Area;
- Anniversaries or commemorations of events that are unique to, and highly significant within, the West Tamar; or
- Historical, cultural, or community-significant events directly associated with the proposed site or with the municipality more broadly.~~An important anniversary of an event unique and highly significant to the West Tamar; or~~
-

~~• Historical or other culturally significant events related to a particular site in the municipality.~~

A standard, discreet plaque consistent with Council's approved design, as detailed in Section 6.3, may be installed on the memorial object at the proponent's cost. All plaques must comply with Council's specifications for materials, size, and wording.~~Plaques:~~

~~• A discreet plaque, used consistently for all public memorials, may be installed on the memorial object at the cost of the proponent.~~

- ~~The plaque can be inscribed with a date and short inscription reading: *Donated by [PROPONENT] in memory of [SUBJECT]* or similar.~~
- ~~One (1) plaque per memorial object will be permitted.~~
- ~~The plaque will be a 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.~~
- ~~No exceptions will be made regarding the size, colour or format of the plaque.~~
- ~~All plaques will be arranged and installed by Council at the cost of the proponent.~~
- ~~Plaques may only be installed on a new memorial object once a *Request for Public Memorial* application has been approved by Council.~~
- ~~Plaques may not be installed on any existing Council infrastructure, including trees/shrubs.~~

- ~~Plaques signifying the location of scattered ashes will not be considered unless a *Request for Public Memorial* application has been received and approved by Council, and an associated memorial object will be installed.~~

~~Installation and upkeep:~~

- ~~Approved public memorials will be purchased and installed at the cost of the proponent.~~
- ~~Council will undertake the installation of the memorial.~~
- ~~Should the memorial be lost or vandalised, the cost of repair or replacement remains the responsibility of the proponent.~~
- ~~If the proponent is deceased or no longer living in/associated with the West Tamar Municipality then Council may resolve, through the Recreation Development Unit, to repair or remove the memorial.~~
- ~~Council may at any time remove the memorial for maintenance and upgrades, or if there are significant changes to the use of the site.~~

5 RESPONSIBILITIES

Proponent -

- The proponent of the public memorial is to make a request in writing to the ~~General Manager~~Chief Executive Officer using the *Request for Public Memorial* application form (see attached Appendix 1). The proponent will cover all costs associated with the purchase, installation and upkeep of the memorial object.

~~Recreation Development Unit~~Community Services Team -

- Reviews applications against this Policy.
- Coordinates cost estimates and proponent communication.
- Prepares recommendations for Council consideration.

- ~~The Recreation Development Unit (RDU) is responsible for the coordination of Council's public spaces. RDU will review the application with reference to the Policy and make a recommendation to Council by way of an Agenda Item for the next full Council Meeting.~~

Council -

- Determines whether to approve, condition, defer, or refuse applications.

- ~~Council may or may not choose to support the RDU recommendation.~~

6 PROCEDURES

6.1 APPLICATION INCLUSIONS:

- Completed application form.
- Evidence of community support.
- Evidence of significant achievements or contributions.
- Design documentation (where applicable).

6.2 ASSESSMENT PROCESS

- Application submitted and registered.
- Application assigned to the Team Leader Community Services and Director Corporate & Community.
- Eligibility assessment against this Policy.
- Cost estimate prepared and provided to Proponent.
- Proponent advises whether to progress.
- Assessment panel reviews application and scores against an assessment matrix.
- Upon a satisfactory assessment a recommendation will be presented to Council.
- The determination of the recommendation will be in a closed part of a council meeting in accordance with regulation 17(2)(h)(i) of the *Local Government (Meeting Procedures) Regulations 2025.*
- Proponent notified in writing of the outcome.
- Installation occurs once payment is received.
- Council reserves the right to negotiate an alternative location with the proponent should the proposed site be deemed unsuitable.

6.3 PLAQUE REQUIREMENTS

- The plaque can be inscribed with a date and short inscription reading: *Donated by [PROPONENT] in memory of [SUBJECT]* or similar. Variations to this template must be outlined in the *Request for Public Memorial* application.
- One (1) plaque per memorial object will be permitted.
- The plaque will be a 100mm (width) by 60mm (height) piece of brass or similar material that may be attached to the memorial object.
- No exceptions will be made regarding the size, colour or format of the plaque.
- All plaques will be arranged and installed by Council at the cost of the proponent.
- Plaques may only be installed once a *Request for Public Memorial* application has been approved by Council.
- Plaques signifying the location of scattered ashes will not be considered unless a *Request for Public Memorial* application has been received and approved by Council, and an associated memorial object will be installed.

6.4 INSTALLATION AND UPKEEP:

- Approved public memorials will be purchased and installed at the cost of the proponent.
- Council will manage and/or undertake the installation of the memorial.
- Should the memorial be lost or vandalised, the cost of repair or replacement remains the responsibility of the proponent.
- If the proponent is deceased or no longer living in/associated with the West Tamar Municipality, then Council may resolve to repair or remove the memorial.
- Council may at any time temporarily remove the memorial for maintenance and upgrades.

~~1. Request for Public Memorial application form submitted to Council by the proponent.~~
~~2. General Manager reviews the application and discusses with Department managers.~~
~~3. Relevant Department manager(s) contact the proponent to quote on installation costs in conjunction with the Recreation Officer.~~
~~4. Within 28 days of the above, the proponent advises the Recreation Officer whether they wish to continue or cease the procedure for the Request for Public Memorial.~~
~~5. a.) If the proponent wishes to cease the procedure then no further action is taken. The Recreation Development Unit will however be notified of the request.~~
~~b.) If the proponent wishes to continue the procedure the Recreation Development Unit reviews the request with reference to the Policy.~~
~~6. Recreation Development Unit makes a recommendation to Council for consideration at the next full Council meeting.~~
~~7. The corresponding Agenda Item is prepared by Community Services and voted upon by Council.~~
~~8. The proponent is notified in writing of the outcome of their application by the Recreation Officer.~~
~~9. If successful, the proponent arranges the purchase and installation of the memorial in conjunction with the Recreation Officer to ensure that all Council requirements have been met.~~
~~10. Upon receipt of payment, Council will undertake the installation of the memorial.~~

6.5 Removal or Relocation of Memorials

Council may remove or relocate a memorial where one or more of the following circumstances apply:

- Maintenance and condition: safety risk; prohibitive restoration costs; vandalism beyond economic repair; end of design life.
- Site changes: redevelopment; significant change in site character or use; natural disaster/environmental damage.
- Policy compliance: non-compliance with planning or heritage; unsafe condition; temporary memorial reached intended end date.
- Community values and feedback: memorial no longer reflects community values or significance; new evidence undermines appropriateness.
- The original proponent will be notified in writing prior to removal where practicable, with broader community notifications used where appropriate.

6.6 Memorial Register

Council will maintain a Public Memorial Register for all approvals from 1 July 2026. The register will include:

- Memorial description and location
- Installation date
- Application/proponent details
- Maintenance responsibility
- Condition and assessment notes
- Photos/visual documentation
- Register updated following a formal condition assessment conducted at least every two years.

7 LEGISLATION AND REFERENCES

Not applicable.

8 APPROVAL

Approved by Council on ~~15 December 2020~~dd mmmm 2026 (reference ~~129/20~~xx)

Signed: _____

~~General Manager~~Chief Executive Officer

APPENDIX 1

REQUEST FOR PUBLIC MEMORIAL APPLICATION FORM

~~*Please return this form to the General Manager, PO Box 16, Riverside 7250*~~

~~SECTION 1 – PROPONENT DETAILS~~	
~~Proponent Name:~~	
~~Address:~~	
~~Phone:~~	
~~E-mail:~~	
~~SECTION 2 – SUBJECT OF PUBLIC MEMORIAL~~	
~~Subject Name:~~	
~~What is your association with the subject:~~	
~~How does the subject meet the West Tamar Council Public Memorial Policy – Section 4 Policy Statement (please tick):~~ ~~☐ Individuals or associations that have made an outstanding contribution to the development of the West Tamar municipal area;~~ ~~☐ An important anniversary of an event unique and highly significant to the West Tamar; or~~ ~~☐ Historical or other culturally significant events related to a particular site in the municipality.~~	
~~Please detail how your subject meets the Policy Statement:~~	

~~Does your request include the installation of a plaque?~~		~~Yes ☐~~	~~No ☐~~
~~If yes, please complete the following:~~			
~~Donated by:~~			
~~In memory of:~~			
~~Date(s):~~			
~~Other:~~			
~~SECTION 3 – PROPOSED MEMORIAL AND LOCATION~~			
~~Please detail the proposed memorial object and location:~~			
~~SECTION 4 – ACKNOWLEDGEMENT~~			
~~I acknowledge that West Tamar Council will make a decision on my application based upon the Public Memorial Policy and that any existing memorials cannot be taken as precedent for the memorial I have requested. I confirm that if successful I will meet any costs associated with the purchase, installation and upkeep of the public memorial I have requested.~~			
~~Signed:~~		~~Date:~~	

~~You will be contacted upon the receipt of your application and prior to the review procedure to discuss installation costs. At this point you will need to notify Council whether you wish to cease or continue the review procedure.~~

PROPONENT DETAILS

Name	
Address	

Phone Number	
Email	

SUBJECT OF PUBLIC MEMORIAL

Subject Name	
What is your association with the subject?	
Date of Passing/Event (if applicable)	

ELIGABILITY CRITERIA

How does the application meet? (check one or more)	☐ Significant individual/group contribution to West Tamar community ☐ Important historical event or anniversary ☐ Community infrastructure or asset contribution ☐ Cultural or historical significance
Please explain how this application meets the selected criteria?	

EVIDENCE OF ACHIEVEMENTS/CONTRIBUTION/COMMUNITY SUPPORT

Please indicate the evidence to support the achievements or contributions	☐ Documentary evidence (articles, awards, records) ☐ Testimonial evidence (statements from peers, colleagues, community) ☐ Measurable evidence of impact (quantifiable results) ☐ Community Impact Statement (maximum 500 words)
Please indicate the evidence provided to show that the application is supported by the community	☐ Written letters of support from independent third parties ☐ Family of relevant community group endorsement ☐ Evidence of broader community support if applicable

PROPOSED MEMORIAL

Please select the type of memorial you are requesting to establish.	☐ Tree (with or without plaque) ☐ Public seating (bench, seat, table) ☐ Facility item (furniture in Council building) ☐ Plaque on existing infrastructure ☐ Sculpture/artwork ☐ Garden/landscape feature ☐ Other (please specify)_____

DESIGN AND LOCATION

Proposed location	
Describe the design of the memorial	
Plaque inscription (if applicable)	
Material and specifications	
Designer/Fabricator details (if applicable)	

COST AND MAINTENANCE

Estimated cost of the memorial	
How will the memorial be funded?	
Who will maintain the memorial?	
What is the maintenance plan for the memorial?	

ACKNOWLEDGEMENT

I acknowledge that:

- West Tamar Council will assess this application against the Public Memorial Policy
- I have provided all requested evidence of community support and achievements
- I understand the approval process and that I may be requested to provide further information to support the application
- I accept responsibility for costs specified in this application
- Any existing memorials cannot be taken as precedent for the memorial I have requested.
- If successful I will meet any costs associated with the purchase, installation and upkeep of the public memorial I have requested.

Name (printed)	
Signed	
Date	

NEXT STEPS

You will be contacted upon the receipt of your application and prior to the review procedure to discuss installation costs. At this point you will need to notify Council whether you wish to cease or continue the review procedure.

12.3 Comm 3 - Business Grants

REPORT AUTHOR: Director Corporate & Community - David Gregory

REPORT DATE: 12 February 2026

ATTACHMENTS: Nil

SUMMARY

This report summarises the 2025–26 WTC Business Grants assessment process and provides an officer recommendation for Council's consideration in allocating the available $20,000 Business Grant.

BACKGROUND

- A total of 18 applications were received across 17 businesses by the closing date of Sunday 21 December 2025.
- Full applications were distributed to Councillors by the CEO for review between December 2025 and early January 2026.
- West Tamar Council's Planning Department reviewed all applications and provided high level advice regarding likely planning requirements.-level advice regarding likely planning requirements.
- At a closed Councillor workshop on 13 January 2026, applications were discussed and four projects were shortlisted to proceed.
- Two Council officers independently assessed the shortlisted applications using the agreed assessment matrix. The Tourism and Economic Development Officer was excluded from scoring due to a declared conflict of interest arising from applicant support provided during the application phase.
- Shortlisted applicants were invited to present a project pitch to Councillors at a closed workshop on 3 February 2026, providing an opportunity for clarification and discussion.
- Council will consider the final allocation of funding at the Council meeting scheduled for 17 February 2026.
- Successful applicants will have nine months to complete their project and submit acquittal documentation.

Full list of applicants

Big 4 Kelso Sands	Maslovsky Family Ptd Ltd
Bottle Brush Farm	Merindah Botanicals
Carcher Nominees Family Trust	The Digital Concierge
Evenfall Wines	The River Café (Island Dreaming Enterprises pty ltd)

Eversley Vines	Tall Trees Collective
Exeter RSL sub-branch	Turner Stillhouse
Flourish Pilates Studio	Vee's Lollies
FTA Fitness Management	Wild Minds Allied Health (Lobley and Co Pty Ltd)
Utzinger Wines	

Shortlisted Applications – Assessment Summary

Business	Project	Funding Requested	Total Cost	Business Contribution	Assessment Rank	Average assessment score (/25)
Maslovsky Family Pty Ltd	Super Pig – farming expansion	$15,000	$17,486	14.2%	1	17.5
The River Café	Event space furniture upgrades	$5,872	$6,459	9%	2	16
Evenfall	Outdoor dining & event space upgrades	$20,000	$38,000	47.4%	3	15.5
Big 4 Kelso Sands	New playground installation	$20,000	$42,666	53%	4	12.5

Comparative Consideration of Shortlisted Applications

All shortlisted applications demonstrated merit and alignment with elements of the Business Grants Program. Council may, however, determine that Evenfall represents the strongest overall investment when broader strategic considerations are applied.

Maslovsky Family Pty Ltd – Super Pig Farming Expansion

Maslovsky Family Pty Ltd achieved the highest overall assessment ranking and score, with strong performance in innovation, growth, and local economic benefit. The project is well-defined and scalable. However, the proposal represents a single-business expansion, with benefits largely contained within the operation itself or linked to the incomplete Emina Restaurant. While economically sound, the project does not deliver the same place-based or multi-business tourism activation outcomes as the competitive proposal.

The River Café – Event Space Furniture Upgrades

The River Café proposal presented a clear and modest scope with a relatively low funding request. The application also demonstrates a lower level of business co-contribution relative to other shortlisted projects. While supportive of business operations, the proposal offers more limited financial leverage and does not demonstrate the same level of collaboration or strategic tourism activation as the Evenfall project.

Big 4 Kelso Sands – New Playground Installation

While the Big 4 Kelso Sands project demonstrated a high level of business co-contribution, it received the lowest assessment score and was identified as unlikely to proceed without full funding. The proposal also offers more limited broader tourism or sector-wide benefits compared to other shortlisted applications, and local economic benefit was determined lower than the assessment with products sourced from China and exclusive to guests.

Evenfall

The Evenfall proposal demonstrates a strong clustered, place-based approach to tourism development, with multiple co located businesses contributing complementary products, shared expertise, and coordinated activation. The proposed upgrades have clear potential to increase visitation and dwell time, delivering benefits beyond a single business. A further strength of the application is the comparatively high level of business co contribution, which reflects strong commercial confidence, reduces Council's financial exposure, and demonstrates a genuine partnership approach to achieving economic development outcomes.-based approach to tourism development, with multiple co-located businesses contributing complementary products, shared expertise, and coordinated activation. -contribution, which reflects strong commercial confidence, reduces Council's financial exposure, and demonstrates a genuine partnership approach to achieving economic development outcomes.

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: Existing businesses grow and sustainable new businesses are attracted to our Region with a focus on tourism, hospitality, agriculture, viticulture, artisan trades, home business and light industries.

Council will:

- Continue strategies to attract opportunities for innovative investment and development in the region.

- Participate in local, regional and state bodies supporting economic development in the region.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

WT-HRM-42.00

RISK CONSIDERATIONS

Overall risk is considered Low

FINANCIAL IMPACT

The Business Grant funding pool of $20,000 is budgeted in the 2025/2026 Budget.

CONSULTATION

Councillors were consulted on 13 January,3 and 10 February 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 may resolve to allocate the full $20,000 Business Grant to Evenfall for the proposed Outdoor Dining and Event Space Upgrades, having regard to the strength of the business pitch presentation, the applicant's high level of co contribution, and the collaborative nature of the project.-contribution, and the collaborative nature of the project.

While Evenfall was not the highest ranked application on assessment score alone, Council is entitled to consider broader strategic factors. In this case, the project's collaborative model, financial

leverage, readiness to proceed, and alignment with regional tourism priorities support allocation of the grant to Evenfall.-ranked application on assessment score alone, Council is entitled to consider broader strategic factors. In this case, the project's collaborative model, financial leverage, readiness to proceed, and alignment with regional tourism priorities support allocation of the grant to Evenfall.

RECOMMENDATION

That Council resolves to award the 2025–26 WTC Business Grant to Evenfall in the amount of $20,000, recognising:

- the strength of the business pitch presentation
- the applicant's high level of co contribution-contribution
- the collaborative, multi business model-business model
- and alignment with the tourism ecosystem and increasing visitation to the municipality through partnerships

DECISION

Moved:

Seconded:

VOTING

For:

Against:

13 COMMUNITY ASSETS

13.1 Asset 1 - Contract No. WTC 34/2025 Esplanade, Beauty Point: Stormwater Improvements (Budget Variation)

REPORT AUTHOR: Director Community Assets - Dino De Paoli

REPORT DATE: 12 February 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 there is no net change to the value of the overall capital works budget estimate.

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 included in the Council Workshop papers on 3 February 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 project budget adjustments approved by the CEO have been made to the following projects and are detailed in the attachment:

- Gravel Resheet Program (Project 64013); and
- Esplanade Stormwater Improvements (65131).

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.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

CEO Approved Project Budget Adjustments

Project No.	Project Name	Budget ($)	Forecast Cost ($)	Approved Variations ($)	Adjusted Project Budget ($)
65131	Esplanade Stormwater Improvement	60,000	80,000	+20,000	80,000
64013	Gravel Resheet Program	400,000	250,000	-20,000	380,000

Comment:

The drainage works undertaken at the Esplanade, Beauty Point, provide permanent gravity drainage connection points for properties at No. 31, 33 and 35 Esplanade, that previously did not have a functioning connection to Council's underground drainage system.

The project was included in the capital works program for 2025/26 financial year with a budget allocation of $60,000.

Officers presented a recommendation to the CEO for approval of a transfer of $20,000 in funding as detailed above. While the original contract value was marginally higher than the initial project budget, the additional funding was required to complete drainage connection works within the serviced properties, to provide a connection point to No.35 which was not included in the initial scope of work, and officer project management costs. A $20,000 transfer was not considered onerous in context of the overall value of the capital works program; therefore it was considered a reasonable transfer of funds to ensure the Esplanade stormwater project could be completed to the required standard and to the satisfaction of the property owners concerned.

13.2 Asset 2 - Riverside Pool Technical Investigation

REPORT AUTHOR: Director Community Assets - Dino De Paoli

REPORT DATE: 12 February 2026

ATTACHMENTS: Nil

SUMMARY

The purpose of this item is to seek Council approval to increase the current capital works project budget allocation for the Riverside Swimming Centre to allow for investigations, design and procurement and fiberglass relining of the existing pool structure.

BACKGROUND

In recent years Council has committed recurrent capital works funding to the improvement of the Riverside Swimming Centre asset to improve safety and amenity for the community that use this facility, as well as to extend the serviceable life of this very important asset.

Improvements in recent years have included the fiberglass lining of the learn to swim pool, renovation of the kiosk area, painting of the facility and construction of new deck area, accessible change room and solar panel installation. Toward the end of the 2025/26 financial year the existing water slide will also be relined.

In considering the capital improvements that have been undertaken to date and also the future use of the Centre, Council recognises the opportunity to extend the useful life of the asset by fiberglass lining the main pool structure.

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.

STATUTORY REQUIREMENTS & RELATED COUNCIL DOCUMENTS

Not applicable.

RISK CONSIDERATIONS

Prior to any relining of the pool structure being undertaken, it will be critical for the existing structure to be assessed in context of the condition of the concrete shell, joint integrity and location and extent of any voids. Officers will procure the services of an appropriately qualified and experienced consultant and contractor to assist with the condition assessment.

Should relining of the pool be deemed feasible, it will eliminate the need for ongoing painting of the pool during periods of inclement weather, and reduce maintenance of joints, to allow for early opening of the pool each season to accommodate school swimming carnivals.

FINANCIAL IMPACT

The total cost for the relining of the pool is anticipated to be in the order of $1,000,000. The initial estimate of cost breakdown includes the following:

- Investigations and void stabilisation $80,000
- Expansion joint treatment $20,000
- Pipework replacement (incl deck refurbishment) $160,000
- Existing lining quotation $430,000
- Contingency (30%) $207,000

The recommendation below for Council consideration is for the transfer of $100,000 of funding from cash reserves to capital works project number 67225 for the capital maintenance of the Riverside Swimming Centre. This additional funding will allow for initial investigations and void stabilisation if appropriate.

CONSULTATION

The proposal for investigations and fiberglass relining of the swimming pool, incorporating discussion of project risks and costs, were discussed with Council at the Workshop on 10 February 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 relining of the Riverside pool would provide Council with an improved asset with a life span of an additional 20 to 30 years, with many resin manufacturers offering a 25 year warranty on their products. However, prior to undertaking any relining work, it is critical to undertake an assessment of the existing pool structure to ensure the condition of the concrete shell is suitable and to determine whether there are issues with existing voids or joints that may compromise the integrity of a new liner.

It is proposed that Council officers would arrange for the appropriate investigations to be undertaken to determine the feasibility of a fiberglass lining solution, and report to Council prior to any decision being made to proceed to procurement for the work.

RECOMMENDATION

That Council approves the transfer of $100,000 in funding from cash reserves to capital works project number 67225 for the investigation of fiberglass lining of the Riverside swimming pool.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

14 PEOPLE, CULTURE & SAFETY

Nil

15 PETITIONS

Nil

16 NOTICE OF MOTIONS

16.1 Motions on Notice

16.1.1 Motion - Cr Sladden - Request for Ministerial Review - Petition Provisions in the Local Government Act 1993 (Tas)

REPORT AUTHOR: Chief Executive Officer - Kristen Desmond

REPORT DATE: 12 February 2026

ATTACHMENTS: Nil

SUMMARY

The purpose of this report is to provide Council with advice in relation to a motion received on notice from Cr Julie Sladden in accordance with Section 65 of the *Local Government Act 1993.*

CR JULIE SLADDEN'S MOTION

The following motion was received from Cr Julie Sladden for inclusion in the February Council Meeting Agenda:

"That Council:

1. *Recognises that community expectations regarding participation in local democracy have evolved, with increasing reliance on secure and accessible digital engagement methods.*

2. *Resolves to write to the Minister for Local Government, requesting consideration of a review of the petition provisions of the Local Government Act 1993 (Tas) - particularly section 57 and related sections - with a view to simplifying and modernising the framework.*

3. *Requests that any such review consider the potential inclusion of an explicit e-petition pathway for local government, including:*

    - *appropriate minimum and maximum open periods for e-petitions;*
    - *eligibility criteria, such as limiting the initiation and/or signing of petitions to residents and/or electors of the relevant municipal area;*
    - *reasonable safeguards to address fraud and duplication, while maintaining appropriate privacy protections;*
    - *a clear approach to petition status visibility and response publication, including transparent tracking of petition progress and publication of a Council response within a reasonable timeframe, subject to lawful confidentiality requirements.*

"

CR JULIE SLADDEN'S RATIONALE

The *Local Government Act 1993 (Tas)* provides for petitions as a mechanism for community members to raise matters of concern and seek action from Council. These provisions were developed primarily for a paper-based process.

Community engagement practices have evolved significantly since the Act was enacted, with increased expectations for digital access, clarity and transparency. Other public institutions, including the Tasmanian Parliament, have introduced structured e-petition systems that clearly define eligibility, timeframes, verification processes and response expectations.

A review of the petition provisions at the State level would allow consideration of whether a modernised and consistent framework - including an explicit e-petition pathway - could better support community participation while maintaining integrity, privacy and administrative efficiency for councils.

OFFICER'S COMMENTS

Council Officers are supportive of the modernisation of petition provisions in the Local Government Act 1993.

MOTION

That Council:

1. Recognises that community expectations regarding participation in local democracy have evolved, with increasing reliance on secure and accessible digital engagement methods.

2. Resolves to write to the Minister for Local Government, requesting consideration of a review of the petition provisions of the Local Government Act 1993 (Tas) - particularly section 57 and related sections - with a view to simplifying and modernising the framework.

3. Requests that any such review consider the potential inclusion of an explicit e-petition pathway for local government, including:

    - appropriate minimum and maximum open periods for e-petitions;
    - eligibility criteria, such as limiting the initiation and/or signing of petitions to residents and/or electors of the relevant municipal area;
    - reasonable safeguards to address fraud and duplication, while maintaining appropriate privacy protections;
    - a clear approach to petition status visibility and response publication, including transparent tracking of petition progress and publication of a Council response within a reasonable timeframe, subject to lawful confidentiality requirements.

DECISION

Moved:

Seconded:

VOTING

For:

Against:

16.2 Motions without Notice

17 COUNCILLORS' QUESTIONS

17.1 Councillors' Questions on Notice

17.1.1 Cr Manticas

Question 1: Can the Chief Executive Officer advise whether the planned start date of April 2026 for the implementation of Stage One of the Greens Beach Master Plan remains on track?

Response: *Construction of works at Greens Beach will not commence in April 2026. Engineering design drawings for the proposed work have been progressed and submitted to Parks and Wildlife with Council's initial Reserve Activity Assessment application. Further particulars have been requested by Parks for the assessment to be completed and Council is working with a consultant to prepare the additional information. Once the amended application has been resubmitted to Parks, officers will update Council on the anticipated response timeframe. While some of the proposed works falls outside the Parks management conservation area, it is not considered cost effective to procure construction of part of the scope of work absent approval from Parks for work within the conservation area.*

Question 2: Is Council any closer to receiving the necessary approvals from Parks and Wildlife in relation to the proposed clean up of the emergency access point at Greens Beach?

Response: *Council officers have recently met with an environmental consultant that is well versed in the preparation of information for Reserve Activity Assessment (RAA) applications to Parks and Wildlife for works in conservation areas. The consultant is providing Council with additional information that can be incorporated into our original RAA application and resubmitted to Parks within the next week or two. Once resubmitted to Parks, officers will update Council on the anticipated response timeframe.*

Question 3: Was there any prior consultation with all councillors or the community in relation to the reallocation of capital works money for the Gravelly Beach foreshore towards an unplanned extension of the footpath as opposed to providing more seating areas or BBQs along the foreshore area?

Response: *No, due to time constraints with delivery of the contract works under the funding agreement and to optimise the use of available funding already allocated to the Gravelly Beach foreshore project, there was not consultation with all councillors or the community in relation to the footpath resealing works. Approval of the additional work under the contract is appropriate to the original scope of work and was authorised by the Chief Executive Office under delegation approved by Council.*

17.1.2 Cr Larner

Question 1: Since Federal grant funding for the Gravelly Beach Foreshore Masterplan cannot be fully spent due to refusal of PWS permit for the intertidal reclamation works, how and on what basis can Council request the funding auditor to allow continued reserve of those funds to ensure the undermining seawalls are remediated? This would improve community safety in this high use public space.

Response: *The Grant Program that the Gravelly Beach Masterplan is funded under has been closed which means that there cannot be any further extensions for expenditure of the grant funds provided. This was confirmed in an email to Council Officers from the relevant Federal Government Grants Officer on 11 December 2025.*

Question 2: It has been brought to my attention that a local resident of Gravelly Beach successfully lobbied two councillors and Council's Works Manager to attend with him an on-site visit to Stoney Brook Road and the Goat Track, as he requested significant upgrade of this access to allow his disability scooter a convenient route to Exeter shops.

Since Councillors have been strictly instructed not to direct Council's Operations employees for any works, who arranged and authorised Council's Works Manager to attend this on-site meeting?

Response: *To date I have been unable to identify the meeting that you have alleged occurred. I will need to be provided with more specifics (for example the date this meeting occurred and who was present) in order answer your question.*

Question 3: The Draft Legana Structure Plan is to be reviewed by Council after results of comprehensive community surveys and consultation have been publicly released. However, the results of the Draft Exeter Structure Plan 2022-2023 community consultation have not been publicly released.

Council does not intend to release the community consultation results of the Draft Exeter Structure Plan to the public, for what valid reasons does it decline to do so?

Response: *The results of the Exeter Structure Plan community consultation will be released publicly when the Exeter Structure Plan is finalised and provided to Council for endorsement.*

17.2 Councillors' Questions without Notice

17.3 Responses to Previous Questions on Notice

17.3.1 Cr Ferguson - Questions from 20 January 2026 Ordinary Meeting

Question 1: Can Council please advise in which the general rate variation applying to properties within the Launceston Urban Fire Brigade District was first introduced, and confirm its original intended purpose in relation to the Windsor Precinct?

Response: *Council made a first general rate variation applicable from 1 July 1994 applying to properties within the Launceston Urban Fire Brigade District (**LUFBD**). Its original purpose was for developing Tailrace Park. This purpose altered in the rates resolution applicable from 1 July 2006 to the development of Windsor Park.*

Question 2: Can Council advise which suburbs and what percentage of ratepayers within the West Tamar Municipal area are subject to this additional levy? Noting that approximately $240,000 was raised in the last financial year.

Response: *33% of rateable properties within the West Tamar Municipal area are subject to the levy with 94% of Riverside and Trevallyn ratepayers subject to the levy. $244,000 was raised in the 2024-25 financial year.*

Question 3: Can Council provide the total income generated from this variation since its introduction?

Response: *Total income generated while the levy has been applicable to Windsor Park is $2.88m.*

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 20 January 2026
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 Shegog
This report has been submitted to the closed part of the Council Meeting in accordance with Section 17(2)(i) requests by councillors for a leave of absence;

Office of the Mayor

6.1 Confidential 1 – Appointment to Undertake CEO Performance Review 2025/26
This report has been submitted to the closed part of the Council Meeting in accordance with Section 17(2)(a) personnel matters, including complaints against an employee of the council;

Corporate & Community

9.1 Confidential 2 – Tender for the Management and Operation of the Riverside Swimming Centre
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;

9.2 Confidential 3 – Renewal of Lease – Thrive Group
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;

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