

# COUNCIL MEETING AGENDA

Monday 17 March 2025  
Council Chambers, St Helens

John Brown, General Manager  
Break O'Day Council  
11 March 2025

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## NOTICE OF MEETING

Notice is hereby given that the next meeting of the Break O'Day Council will be held at the St Helens Council Chambers on Monday 17 March 2025 commencing at 10.00am.

### CERTIFICATION

Pursuant to the provisions of Section 65 of the *Local Government Act 1993*, I hereby certify that the advice, information and recommendations contained within this Agenda have been given by a person who has the qualifications and / or experience necessary to give such advice, information and recommendations or such advice was obtained and taken into account in providing the general advice contained within the Agenda.



**JOHN BROWN**  
**GENERAL MANAGER**

Date: 11 March 2025

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## AUDIO RECORDING OF ORDINARY MEETINGS OF COUNCIL

All ordinary meetings, special meetings and annual general meetings will be live streamed using audio/visual technology. A link to the audio/visual recordings will be made available to the public post the meeting on Council's website (within seven (7) days post the meeting in line with the uploading of the minutes from the meeting). The audio/visual recording of Council Meetings will only be retained for six (6) months.

Other than an official Council recording, no video or audio recording of proceedings of Council Meetings shall be permitted without specific approval by resolution of the Meeting.

The streaming platform utilised for recording and streaming is setup specifically for Break O'Day Council and Council has full control of which meetings are streamed or uploaded for viewing. There is no ability for the public to comment, edit or download recordings in anyway. They can only be viewed via the Council link.

Participation in person at the Council Meeting is considered as providing your consent to livestreaming of that meeting.

*In accordance with the Local Government Act 1993 and Regulation 33 of the Local Government (Meeting Procedures) Regulations 2015, these audio files will be retained by Council for at least six (6) months and made available for listening online within seven (7) days of the scheduled meeting. The written minutes of a meeting, once confirmed, prevail over the audio recording of the meeting and a transcript of the recording will not be prepared.*

## OPENING

*The Mayor to welcome Councillors and staff and declare the meeting open at 10.00am.*

## ACKNOWLEDGEMENT OF COUNTRY

*We acknowledge the Traditional Custodians of the land on which we work and live, the Palawa people of this land Tasmania, and recognise their continuing connection to the lands, skies and waters. We pay respects to the Elders Past, present and future.*

## LIVE AUDIO/VISUAL STREAMING OF COUNCIL MEETINGS

*Ladies and gentlemen, I would like to advise you that today's Council Meeting is being live streamed and recorded. This means that members of the public who are unable to attend in person can still observe the proceedings. By remaining in this chamber, you are consenting to being filmed and recorded. Please be mindful of your actions and contributions as they will be visible to the public. Thank you for your cooperation.*

## **03/25.1.0 ATTENDANCE**

### **03/25.1.1 Present**

Mayor Mick Tucker  
Deputy Mayor Kristi Chapple  
Councillor Ian Carter  
Councillor Janet Drummond  
Councillor Liz Johnstone  
Councillor Barry LeFevre  
Councillor Vaughan Oldham  
Councillor Kylie Wright

### **03/25.1.2 Apologies**

Councillor Gary Barnes

### **03/25.1.3 Leave of Absence**

### **03/25.1.4 Staff in Attendance**

General Manager, John Brown  
Administration and Governance Support Officer, Linda Singline

## **03/25.2.0 PUBLIC QUESTION TIME**

Nil

## **03/25.3.0 DECLARATION OF INTERESTS OF A COUNCILLOR OR CLOSE ASSOCIATE**

*Section 48 or 55 of the Local Government Act 1993 requires that a Councillor or Officer who has an interest in any matter to be discussed at a Council Meeting that will be attended by the Councillor or Officer must disclose the nature of the interest in a written notice given to the General Manager before the meeting; or at the meeting before the matter is discussed.*

*A Councillor or Officer who makes a disclosure under Section 48 or 55 must not preside at the part of the meeting relating to the matter; or participate in; or be present during any discussion or decision making procedure relating to the matter, unless allowed by the Council.*

## **03/25.4.0                    CONFIRMATION OF MINUTES**

### **03/25.4.1                    Confirmation of Minutes – Council Meeting 17 February 2025**

#### **OFFICER’S RECOMMENDATION:**

That the minutes of the Council Meeting held on the 17 February 2025 be confirmed.

## **03/25.5.0    COUNCIL WORKSHOPS HELD SINCE 17 FEBRUARY 2025 COUNCIL MEETING**

There was a workshop held 3 March 2025 and the following items were listed for discussion.

- Presentation - TOMRA Cleanaway – Peter Craze at 10am
- Presentation - Otium - Update on Aquatic Facility at 11am
- Pending Development Application Updates
- Update - Expressions of Interest – Scamander Beaumaris Structure Plan & Industrial Land Study
- Update - Scamander Coastal Hazards Risk Mitigation and Pathways Planning Project
- Angasi oyster reefs – proposed listing as threatened
- IMG Targeted Road Improvement Program
- Animal Control Report
- Free Green Waste – Ansons Bay Waste Transfer Station
- Community Funding Program 2024 – 2025
- Hub4Health – Management Plan
- Update on the Break O’Day Council Reconciliation Action Plan
- Northern Tasmania Development Corporation Ltd (NTDC) – Receipt of Quarterly Report Oct-Dec 2024
- Local Government Priority Reform Program 2024-26, Local Government Act 1993 Amendments
- Local Government Electoral Bill Discussion Paper
- Local Government Regulations and Local Government (Meeting Procedures) Regulations remake 2025
- Australian Local Government Association (ALGA) – 2024 National General Assembly of Local Government – Call for Motions
- Scamander Sports Complex – Future plans
- Discussion regarding Big 4, St Helens – Cllr Drummond

**03/25.6.0****PLANNING AUTHORITY**

Pursuant to Section 25 of the Local Government (Meeting Procedures) Regulations 2015 the Mayor informed the Council that it was now acting as a Planning Authority under the Land Use Planning and Approvals Act 1993.

**03/25.6.1****DA 2023/00147 - Residential – Multiple Dwellings (13) - 18 BayVista Rise, St Helens**

<b>ACTION</b>	<b>DECISION</b>
<b>COUNCIL MEETING DATE</b>	17 March 2025
<b>PROPONENT</b>	Matt Kennedy Drafting & Design
<b>OFFICER</b>	Senior Town Planner, D. Szekely
<b>FILE REFERENCE</b>	DA 2023 / 00147
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	<ol style="list-style-type: none"> <li>1. Plans and Documents</li> <li>2. Representations</li> <li>3. Planning Scheme Assessment</li> </ol>

**OFFICER'S RECOMMENDATION:**

- A. After due consideration of the application received and pursuant to Section 57 of the *Land Use Planning & Approvals Act 1993* and the *Break O'Day Interim Planning Scheme 2013*, that the application for 13 x Dwellings on land situated at 18 BayVista Rise, St Helens described in Certificate of Title 174171/11 be APPROVED subject to the following plans / documents and conditions:

<b>Approved Plans / Documents</b>			
<b>Plan / Document Name</b>	<b>Reference Number</b>	<b>Prepared By</b>	<b>Dated</b>
Artist Impression	-	Matt Kennedy Drafting and Design	-
Location Plan	A.01	Matt Kennedy Drafting and Design	20/02/2025
Site Analysis	A.02	Matt Kennedy Drafting and Design	20/02/2025
Site Plan	A.03	Matt Kennedy Drafting and Design	20/02/2025
Landscaping Plan	A.04	Matt Kennedy Drafting and Design	20/02/2025
Traffic Plan	A.05	Matt Kennedy Drafting and Design	20/02/2025
Site Drainage Plan	A.06	Matt Kennedy Drafting and Design	20/02/2025



BAL	A.07	Matt Kennedy Drafting and Design	20/02/2025
Type A Floor Plan	A.08	Matt Kennedy Drafting and Design	20/02/2025
Type B Floor Plan	A.09	Matt Kennedy Drafting and Design	20/02/2025
Type C Floor Plan	A.10	Matt Kennedy Drafting and Design	20/02/2025
Type C1 Floor Plan	A.11	Matt Kennedy Drafting and Design	20/02/2025
Type D Floor Plan	A.12	Matt Kennedy Drafting and Design	20/02/2025
Type E Floor Plan	A.13	Matt Kennedy Drafting and Design	20/02/2025
Type F Floor Plan	A.14	Matt Kennedy Drafting and Design	20/02/2025
Type A Elevations	A.15	Matt Kennedy Drafting and Design	20/02/2025
Type B Elevations	A.16	Matt Kennedy Drafting and Design	20/02/2025
Type C Elevations	A.17	Matt Kennedy Drafting and Design	20/02/2025
Type C1 Elevations	A.18	Matt Kennedy Drafting and Design	20/02/2025
Type D Elevations	A.19	Matt Kennedy Drafting and Design	20/02/2025
Type E Elevations	A.20	Matt Kennedy Drafting and Design	20/02/2025
Type F Elevations	A.21	Matt Kennedy Drafting and Design	20/02/2025
Streetscape Elevations 1	A.22	Matt Kennedy Drafting and Design	20/02/2025
Streetscape Elevations 2	A.23	Matt Kennedy Drafting and Design	20/02/2025

Shadow Diagrams – 9AM June 21	A.24	Matt Kennedy Drafting and Design	20/02/2025
Shadow Diagrams – 12PM June 21	A.25	Matt Kennedy Drafting and Design	20/02/2025
Shadow Diagrams – 3PM June 21	A.26	Matt Kennedy Drafting and Design	20/02/2025
RFI Response	A.27	Matt Kennedy Drafting and Design	20/02/2025
RFI Response	A.28	Matt Kennedy Drafting and Design	20/02/2025
RFI Response	A.29	Matt Kennedy Drafting and Design	20/02/2025
3D Visualisation	A.30	Matt Kennedy Drafting and Design	20/02/2025
Traffic Impact Assessment	Draft #4	Traffic & Civil Services	December 2024

## CONDITIONS

CONDITION		TIMING
<b>1</b>	<b>Approved Plans and/or Document</b>	
A	Undertake development in accordance with the approved plans and/or documents. These plans and/or documents will form part of the approval, unless otherwise amended by conditions of this approval.	Prior to commencement of use and to be maintained at all times.
<b>2</b>	<b>Stormwater Management</b>	
A	Submit and have approved by Council, storm water engineering design drawings which includes the design life of the proposed development (multiple dwellings) and compliance with AS3500 (as amended), current version of Australian Rainfall and Runoff incorporating Tasmanian requirements for Climate Change and sea-level rise and the <i>Urban Drainage Act 2013</i> Tasmania.  Design drawings shall identify the requirement to install and upgrade existing Council owned	Prior to commencement of work or issue of any consent under the <i>Building Act 2016</i> or <i>Urban Drainage Act 2013</i> .

	<p>infrastructure to service the development as well as any onsite detention required.</p> <p>Any overland flow paths are to be shown on the submitted engineering drawings.</p> <p>The final stormwater design must fully demonstrate that the development is capable of connecting to the public stormwater system in a manner acceptable to the Council or its delegate.</p> <p>Design drawings must be prepared and certified by a qualified professional engineer practicing in the fields of hydrology and hydraulics.</p>	
B	Construct and upgrade where required, storm water infrastructure to service the development at no cost to Council and in accordance with the approved plans and documents of development.	Prior to commencement of work or issue of any consent under the <i>Building Act 2016</i> or <i>Urban Drainage Act 2013</i> .
C	Provide registered services easements in favour of Council over any drainage infrastructure within CT174171/11 in accordance with the approved plans and documents of development.	Prior to commencement of work or issue of any consent under the <i>Building Act 2016</i> or <i>Urban Drainage Act 2013</i> .
D	All driveways and hardstand areas must be designed to allow stormwater runoff to be adequately drained to the Council stormwater system.	Prior to the commencement of use and maintained at all times.
E	Filling land must not result in a concentration of stormwater flow onto other property, or cause ponding or other stormwater nuisance.	During site works and prior to the commencement of use and maintained at all times.
<b>3</b>	<b>Erosion and Sediment Control</b>	
A	Submit and have approved by Council, an Erosion and Sediment Control Plan prepared by a suitably qualified person, and prepared in accordance with the Tasmanian Government publication 'Soil & Water Management on Building & Construction Sites'.	Prior to commencement of works and to be maintained current at all times during construction.
B	Implement the requirements and recommendations of the Erosion and Sediment Control Plan.	During site works and for any period of maintenance identified within the Plan and until such time as ground surfaces are stabilized.
C	The developer must ensure that pollutants such as mud, silt or chemicals are not released from the site.	At all times.
D	All worked areas not covered by structures must be promptly and progressively stabilised (e.g.	During site works and to be maintained at all times.

	revegetated) so that they will not erode and/or act as a source of sediment transfer.	
<b>4</b>	<b>Driveway Crossover</b>	
A	Upgrade the termination of BayVista Rise to integrate seamlessly with the sealed surface of the entrance to the development site to ensure surfaces are sealed and trafficable in all weather conditions.	Prior to the commencement of use.
B	Works must not be undertaken within the public road reserve without prior approval for the works by Council's Works Department.	Prior to undertaking any works within the Council Road Reserve.
<b>5.</b>	<b>Infrastructure Repair</b>	
A	The owner must, at their expense, repair any Council services (e.g. pipes, drains) and any road, crossover, footpath or other Council infrastructure that is damaged as a result of any works carried out by the developer, or their contractors or agents pursuant to this permit. These repairs are to be in accordance with any directions given by the Council.	Prior to the commencement of use.
<b>6.</b>	<b>Water and Sewerage (TasWater)</b>	
A	All works must be in accordance with the conditions of the Submission to Planning Authority Notice by TasWater, <b>TWDA 2023/00877-BODC</b> .	Prior to the commencement of use.
<b>7.</b>	<b>Construction Management Plan</b>	
A	Submit and have approved by Council, a Construction Management Plan (CMP). The CMP is to outline in sufficient detail the processes that will be employed to minimise impacts on the surrounding community during construction and site works.	Prior to commencement of work or issue of any consent under the <i>Building Act 2016</i> or <i>Urban Drainage Act 2013</i> .
<b>8.</b>	<b>Stockpiles of Construction and Landscaping Materials</b>	
	Locate any stockpiles of construction and landscaping materials and other site debris clear of drainage lines and clear of any position from which it could be washed onto any footpath, nature strip, roadway or into any drain or watercourse.	During site works.
<b>9.</b>	<b>Residential Use Car Parking</b>	
	The areas shown to be set aside for vehicle access and car parking must be:	Prior to the commencement of use.

	<ul style="list-style-type: none"> <li>a. completed before the use of the development;</li> <li>b. provided with space for access turning and manoeuvring of vehicles on-site to enable them to enter and leave the site in a forward direction;</li> <li>c. surfaced with an impervious dust free surface; and</li> <li>d. drained to the public stormwater system.</li> <li>e. Ensure safe pedestrian access on designated pedestrian paths by providing separation from vehicles in accordance with Table E6.5 Pedestrian access of the <i>BOD Interim Planning Scheme 2013</i>.</li> </ul>	
<b>10.</b>	<b>Building Wastes</b>	
	All building wastes are to be removed to the appropriate waste disposal facility to prevent an environmental nuisance being caused outside of the works site.	During site works and to be maintained at all times.
<b>11.</b>	<b>Landscaping</b>	
A.	Landscaping is to be provided in accordance with endorsed plans A.04 Landscaping Plan.	Prior to use and to be maintained at all times.
B.	Landscaping plants must not include Environmental Weeds as listed in Appendix 3 – Environmental Weeds ( <i>Break O'Day Interim Planning Scheme 2013</i> ).	To be maintained at all times.

## ADVICE

1. Use or development which may impact on Aboriginal cultural heritage is subject to the *Aboriginal Relics Act 1975*. If Aboriginal relics are uncovered during works, then an Aboriginal site survey is required to determine the level of impact and the appropriate mitigation procedures.
2. Activities associated with construction works are not to be performed outside the permissible time frames listed:  
  
Mon-Friday 7 am to 6 pm  
Saturday 9 am to 6 pm  
Sunday and public holidays 10 am to 6 pm
3. Be advised that in accordance with the *Building Act 2016* assessment for building approval cannot commence until such time as Council is provided with full Building Design Plans and Specifications prepared by a Tasmanian Licenced designer.

- B. That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit).

	Applicable Y/NA	Referral Agency
That all external Referral Agencies for the development application be provided with a copy of the Council's decision (Permit)	Yes	TasWater

- C. That the following information be included in the Permit.

Development Permit Information	Details
<i>Development Description</i>	<b>Residential – Multiple Dwellings (13)</b>
<i>Relevant Period of Approval</i>	2 Years
<i>Other Necessary Permits</i>	Works Permit – Access and Stormwater
<i>Attachments</i>	TasWater SPAN
<i>Representations</i>	Nil

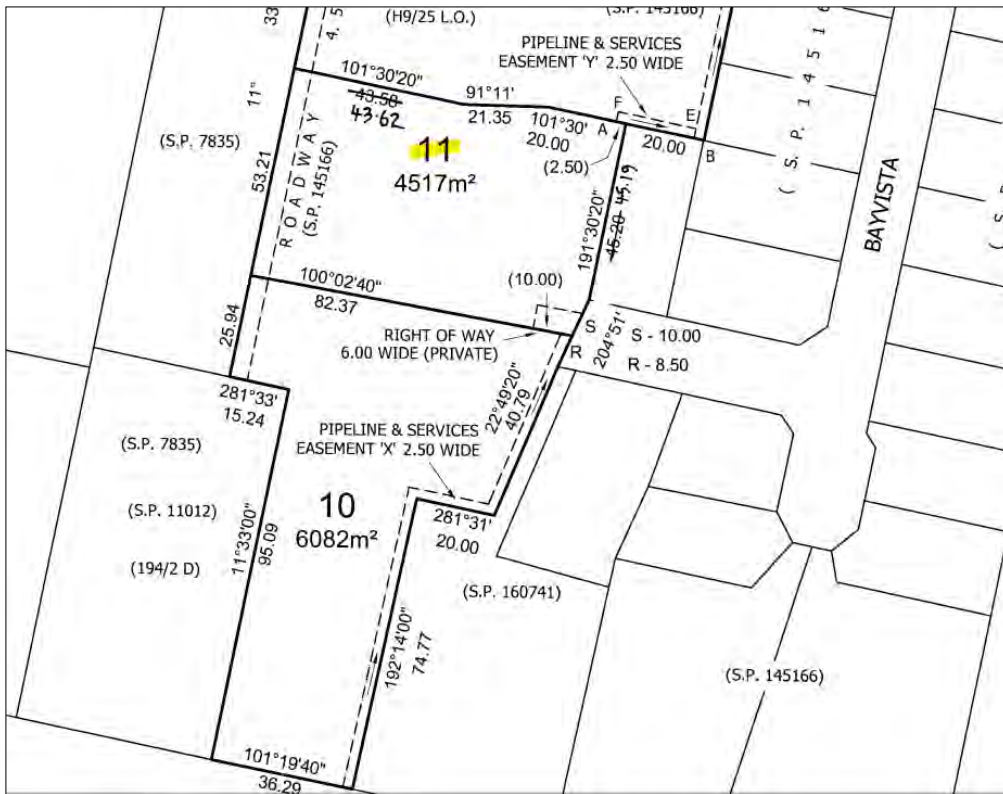
#### INTRODUCTION:

Note: The development application was assessed against the *Break O'Day Interim Planning Scheme 2013* as the application became valid on 20/07/2023.

The applicant is seeking approval for the construction of thirteen (13) dwellings within the Residential Use Class at 18 BayVista Rise St Helens. The development site is within the General Residential Zone and has a land area of 4517 m<sup>2</sup>.

The development site (lot 11) is at the terminal end of BayVista Rise and is burdened by a right of carriageway (road - private) on the western side of the lot (4.57m wide). It is also burdened by a right of carriageway (right of way 6m wide – private) that benefits adjoining lot 10 to the south.





**Folio Plan**



**Locality Plan**

## PREVIOUS COUNCIL CONSIDERATION:

Nil

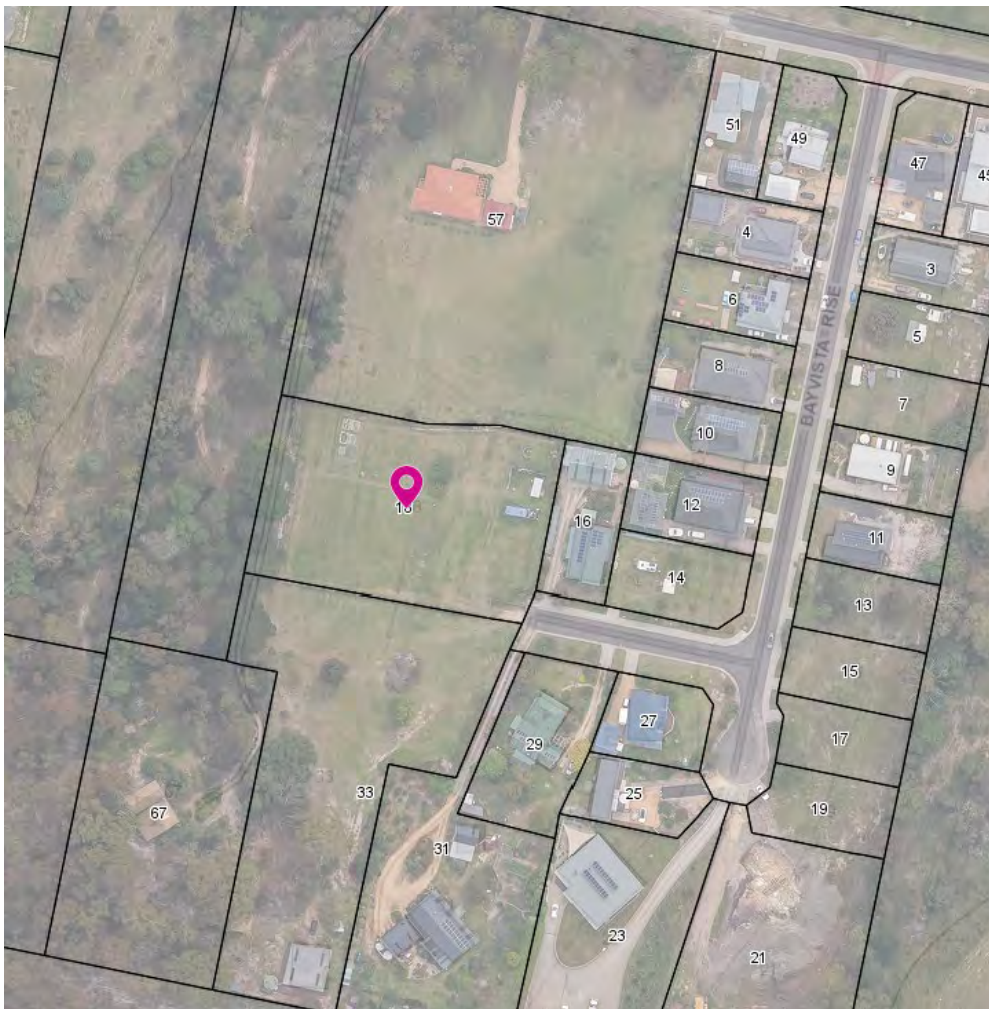
## OFFICER'S REPORT:

### 1. The Proposal

The proposed thirteen (13) dwellings are within the Use Class Residential with all dwellings containing three (3) bedrooms. The multiple dwelling development achieves access from the terminal end of BayVista Rise and supports internal vehicle manoeuvring within the site boundaries. All dwellings, excluding types C and C1 (Units 7 and 8) contain attached single garages. Additional required car parking is provided as uncovered car parking adjacent to each dwelling.

Privacy for each dwelling has been addressed by including a mix of design features that includes:

- Windows with sill height of 1.7m above the finished floor level (FFL) (refer to plan A.28 and A.29);
- 1.7m high privacy screens on external decks; and
- 1.8m Timber Paling Fence separating each dwelling.



**Development Site**





**Internal to the site and looking at the ROW access for adjoining property**



**Boundary of the site where it adjoins with the termination of BayVista Rise.**





**Internal to the site**



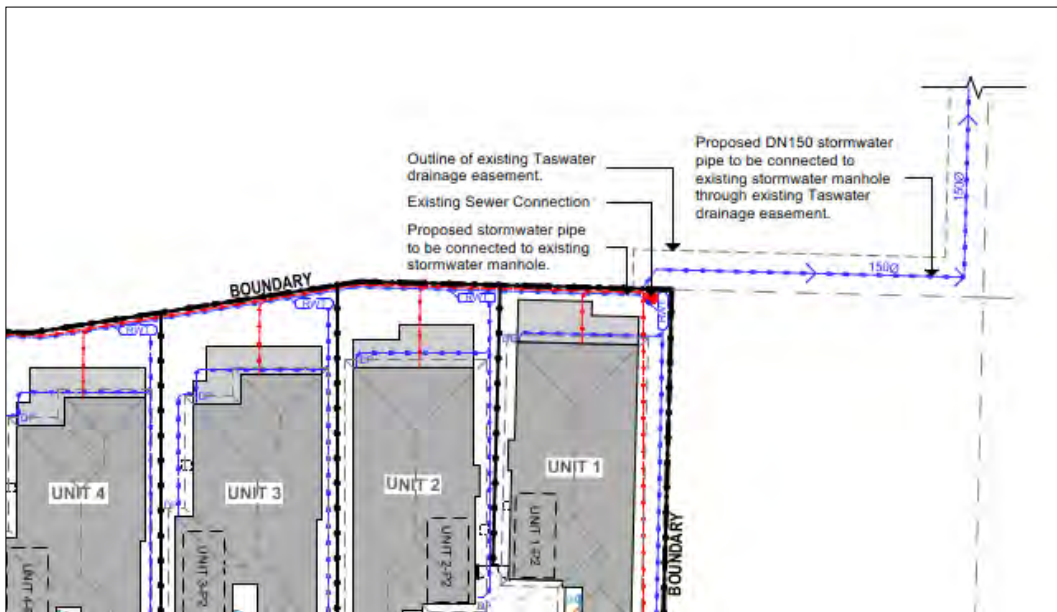
**Internal to the site**

The gentle slope of the site will necessitate a degree of cut and fill onsite with the rear boundary supporting a retaining wall ranging in height from 600 – 700mm.

The development is required to construct additional stormwater infrastructure on CT174171/12 to connect to existing infrastructure within the same title. The applicant has commenced discussions with TasWater to utilise the existing easement on the property. Further engineering assessment is



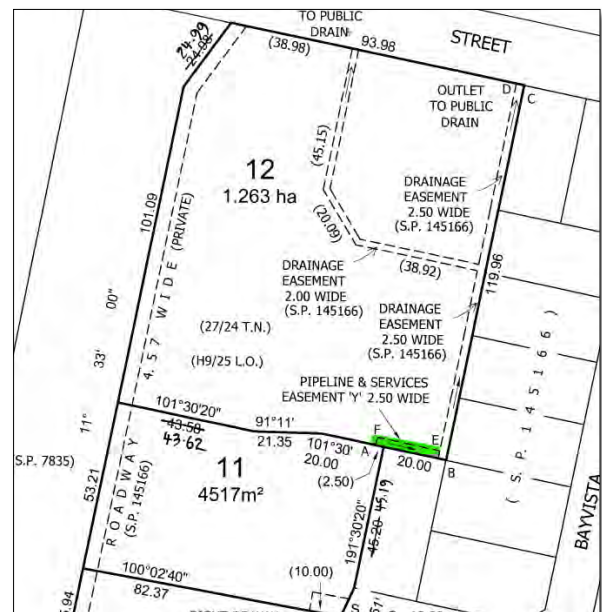
required prior to the building stage to ensure the stormwater management and design for the site is capable of connecting to the public stormwater system.



**Proposed connection point.**



**Existing public stormwater system.**



**Existing easement**

## 2. Applicable Planning Assessment

- 10.0 General Residential Zone
- E4 Road & Railway Code
- E6 Car Parking and Sustainable Transport Code

## 3. Referrals

- Council Works Department
- TasWater
- TasNetworks

#### 4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

*Break O'Day Interim Planning Scheme 2013:*

- 10.4.2 Setbacks and building envelope for all dwellings P3
- 10.4.3 Site coverage and private open space for all dwellings P2;
- 10.4.6 Privacy for all dwellings P2;
- 10.4.7 Frontage fences for all dwellings P1;
- 10.4.8 Waste storage for multiple dwellings P1;
- 10.4.9 Storage for Multiple Dwellings P1;
- 10.4.16.1 Stormwater Disposal P1;
- 10.4.16.2 Filling of sites P1;
- E4.6.1 Use and road or rail infrastructure P2;
- E4.7.4 Sight Distance at Accesses, Junctions and Level Crossings P1;
- E6.6.1 Car Parking Numbers P1; and
- E6.7.2 Design and Layout of Car Parking P1.

Detailed assessment against the provisions of the *Break O'Day Interim Planning Scheme 2013* where the proposal was reliant on satisfying the performance criteria, is provided below.

**The proposal is deemed to comply with the performance criteria applicable.**

#### Planning Assessment

#### **10.0 GENERAL RESIDENTIAL ZONE**

#### 10.4 DEVELOPMENT STANDARDS

#### 10.4.2 SETBACKS AND BUILDING ENVELOPE FOR ALL DWELLINGS

Acceptable Solutions	Performance Criteria
<b>A3</b> 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 10.1, 10.2 and 10.3) determined by: (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) 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	<b>P3</b> 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; or (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

<p>more than 8.5m above existing ground level; and</p> <p>(b) only have a setback of less than 1.5m from a side or rear boundary if the dwelling:</p> <p>(i) does not extend beyond an existing building built on or within 0.2m of the boundary of the adjoining property; or</p> <p>(ii) does not exceed a total length of 9m or one third the length of the side boundary (whichever is the lesser).</p>	<p>that existing on established properties in the area; and</p> <p>(c) not cause an unreasonable reduction in sunlight to an existing solar energy installation on:</p> <p>(i) an adjoining property; or</p> <p>(ii) another dwelling on the same site.</p>
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### **Assessment against the Performance Criteria is required.**

#### **Performance Criteria Assessment**

The proposed multiple dwellings are all single storey dwellings. All structures are able to be contained within the building envelope (Fig 10.1).

A3(a)(i) Satisfied – Unit 13 is in proximity to the frontage, however, is setback approximately 6 m.

A3(a)(ii) Satisfied – All units are able to be completely contained within the building envelope (Figure 10.1).

A3(b) The proposed development satisfies the acceptable solution for rear boundary setbacks. Units 1, 12 and 13 are within 1.5m from the side boundary (northern, eastern and southern).

A portion of Unit 13 is within 1.5m (approximately 1.136m) of the eastern side boundary that it shares with 16 BayVista Rise. This is essentially an angled extension of the roof line with the remainder of the roof line being compliant with the acceptable solution. This protruding area into the side boundary is from the eaves – approximately 55cm and therefore meets the acceptable solution (Unit 13).

Unit 1 deck is located within the 1.5m boundary setback but is contained within the envelope. The proposed open deck to Unit 1 is proposed to be setback from the northern side boundary by approximately 904mm. The length of the building (deck) within the setback is 7.76m and is therefore able to comply with A1(b)(ii). The remaining units along the northern side boundary are compliant in being 1.5m or more from the side boundary.

All proposed units are greater than 1.5m from the rear boundary and satisfy the acceptable solution.

In terms of the southern side boundary, only one unit (Unit 12) is closer than 1.5m to the side boundary (approximately 800mm). The proposed single storey dwelling (Unit 12) is able to be contained within the building envelope, however the length of the structure along this side boundary is 10.72m and exceeds the nominated 9m. The length of the side boundary is 82.37m with one third of the length equalling 27.5m. In order to satisfy the acceptable solution, the dwelling must only have a setback of less than 1.5m from the side boundary if it does not exceed 9m in length or one third the length of the side boundary (whichever is the lesser). Unit 12 is therefore unable to satisfy the Acceptable Solution and relies on satisfying the performance criteria.

#### **Unit 12 Performance Criteria Assessment**

P3(a) Loss of amenity to adjoining properties:

Unit 12 is located in proximity to the southern side boundary that it shares with 33 BayVista Rise (CT174171/10). This property (Lot 10) gains access via a right of way with the subject site (Lot

11) and is a large lot with land area of 6082 m<sup>2</sup> (see below diagram). The adjoining lot to the south (Lot 10) supports a shed on the far southern rear boundary of lot 10 and has a current caravan licence for the property. The adjoining site is described as a vacant lot but has supported a residential use by way of a caravan licence (now expired) with an additional structure on site (permit not identified). Existing structures and use are located in excess of 100m from the shared side boundary. Any further development on No 33 BayVista Rise is able to include appropriate design to acknowledge the reduced setback to the side boundary of Unit 12. Unit 12 is a single storey 3-bedroom dwelling with a maxim height of approximately 4700mm. The scale of the structure is modest. The floor plan design does not provide opportunity for privacy issues to the adjoining lot. The southern facing wall has a mixture of building materials including weatherboard cladding and brickwork variety in finish and articulation and variety along this face of the structure. Unit 12 is not anticipated to cause an unreasonable loss of amenity to adjoining lot 10 in terms of solar access, overshadowing or visual impact and is able to satisfy P3(a).

As mentioned above the adjoining lot is in excess of 6000m<sup>2</sup> in land area and so separation of future dwellings on both lots is able to be achieved. Unit 12 location is able to satisfy P3(b).

P3(c) is not applicable as there is no solar energy installation on the adjoining property.

**The proposed development (Unit 12) is able to satisfy the Performance Criteria.**



#### 10.4.3 SITE COVERAGE AND PRIVATE OPEN SPACE FOR ALL DWELLINGS

Acceptable Solutions	Performance Criteria
<b>A2</b> A dwelling must have private open space that: (a) is in one location and is not less than: (i) 24m <sup>2</sup> ; or (ii) 12m <sup>2</sup> , if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the	<b>P2</b> A dwelling must have private open space that includes an area capable of serving as an extension of the dwelling for outdoor relaxation, dining, entertaining and children's play and is:

finished ground level (excluding a garage, carport or entry foyer); (b) has a minimum horizontal dimension of not less than: (i) 4m; or (ii) 2m, if the dwelling is a multiple dwelling with a finished floor level that is entirely more than 1.8m above the finished ground level (excluding a garage, carport or entry foyer); (c) is located between the dwelling and the frontage only if the frontage is orientated between 30 degrees west of true north and 30 degrees east of true north; and (d) has a gradient not steeper than 1 in 10.	(a) conveniently located in relation to a living area of the dwelling; and (b) orientated to take advantage of sunlight.
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**Assessment against the Performance Criteria is required.**

**Performance Criteria Assessment**

In order to meet the acceptable solution, each unit must have on one location private open space area of 24 m<sup>2</sup> with a horizontal dimension of 4m.

Unit 1 – Unable to satisfy the acceptable solution A2 (a) or (b); Satisfies A2(c) and (d);

Unit 2 – Unable to satisfy the acceptable solution A2 (a) or (b); Satisfies A2(c) and (d);

Unit 3 – able to satisfy the AS – Area approx. 60 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 4 - able to satisfy the AS – area approximately 38 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 5 is able to satisfy the AS – area approximately 33.6 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 6 is able to satisfy the AS – area approximately 36 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 7 is able to satisfy the AS – area approximately 69 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 8 is able to satisfy the AS – area approximately 80 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 9 – unable to satisfy the acceptable solution;

Unit 10 – unable to satisfy the acceptable solution;

Unit 11 – unable to satisfy the acceptable solution;



Unit 12 is able to satisfy the AS – area approximately 40 m<sup>2</sup> and can achieve a horizontal dimension of 4m; is not between the frontage and the dwelling and does not have a gradient steeper than 1 in 10.

Unit 13 is unable to meet the acceptable solution.

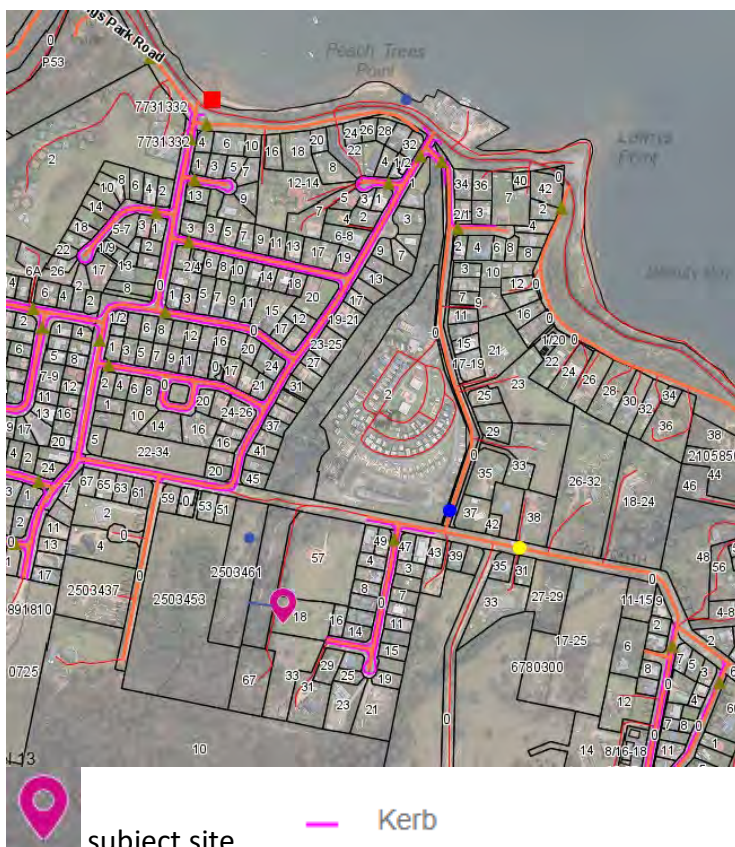
No units propose to use private opens space for vehicle access or parking.

Overall Units 1, 2, 9, 10, 11 and 13 are unable to meet the acceptable solution and rely on being able to satisfy the performance criteria.

Unit 1~7 and 9~13 include decks attach to living area, providing functional spaces for outdoor relaxation, dining, entertaining and children's play. Each deck is oriented to north, maximising exposure to sunlight throughout the day.

Unit 8 includes a west-facing deck attached to living area, along with a private open space orientated to north, ensuring ample sunlight for outdoor activities. Units 9-11 (3 out of 13 units) with their reduced private open space will lend themselves to a market that is satisfied with a private area restricted to a small deck. This may include working tenants / owners with no children or pets. The remainder of the units provide opportunity through private open space including a mainly north facing deck that provides for outdoor relaxation, dining, entertaining and children's play all of which are located in proximity to the living area of the dwelling and orientated to take advantage of sunlight (north facing). The complex provides diversity in housing type to cater for a broad range of housing needs. The site is within walking distance of public open space to the west and within walking/cycling distance of the Georges Bay foreshore pathway and associated public open space.

**The proposed development satisfies the performance criteria.**





#### 10.4.6 PRIVACY FOR ALL DWELLINGS

Acceptable Solutions	Performance Criteria
<p><b>A2</b></p> <p>A window or glazed door to a habitable room of a dwelling, that has a floor level more than 1m above existing ground level, must satisfy (a), unless it satisfies (b):</p> <p>the window or glazed door:</p> <p>(i) is to have a setback of not less than 3m from a side boundary;</p> <p>(ii) is to have a setback of not less than 4m from a rear boundary;</p> <p>(iii) if the dwelling is a multiple dwelling, is to be not less than 6m from a window or glazed door to a habitable room, of another dwelling on the same site; and</p> <p>(iv) if the dwelling is a multiple dwelling, is to be not less than 6m from the private open space of another dwelling on the same site.</p> <p>(b) the window or glazed door:</p> <p>(i) is to be offset, in the horizontal plane, not less than 1.5m from the edge of a window or glazed door to a habitable room of another dwelling;</p> <p>(ii) is to have a sill height of not less than 1.7m above the floor level or have fixed obscure glazing extending to a height of not less than 1.7m above the floor level; or</p> <p>(iii) is to have a permanently fixed external screen for the full length of the window or glazed door, to a height of not less than 1.7m above floor level, with a uniform transparency of not more than 25%.</p>	<p><b>P2</b></p> <p>A window or glazed door to a habitable room of a dwelling that has a floor level more than 1m above existing ground level, must be screened, or otherwise located or designed, to minimise direct views to:</p> <p>(a) a window or glazed door, to a habitable room of another dwelling; and</p> <p>(b) the private open space of another dwelling.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Units 1 – 7 face the northern side boundary and include windows and sliding doors facing north. Units 1-7 have a finished floor level greater than 1m above natural ground level. All windows and sliding doors to all units 1-7 are greater than 3m to the northern sided boundary. Additionally, any windows and glazed doors are setback further than 4m to the rear boundary. Units 1-7 are able to satisfy A2 (a) (i) and (ii).</p> <p>Units 8 – 12 do not have a finished floor level greater than 1m above natural ground level and so the development standard is not applicable to these units.</p> <p>Units 1-7 are unable to satisfy A2(a)(iii) or (iv). Instead, Units 1 and 2 have predominantly side windows that have a sill height of 1.7m above the floor level. Where the sill height is less than 1.7m above floor level, the neighbouring unit side windows do have a sill height of 1.7m above floor level. Creating a consecutive level of privacy between dwellings on the same site along the east and west elevations of the dwellings. Where sills are less than 1.7m above floor level, each</p>	

unit is separated along the east and western sides by a 1.8m paling fence. The effect of the 1.8m paling fence is to ensure those side windows that do not have a sill height of 1.7m above the floor level, do not cause privacy concerns.

Units 8-11 achieve 6m separation from neighbouring dwellings on the site for part of the design. Where the design of the dwelling does not achieve 6m separation from the neighbouring dwelling on the same site, 1.8m paling fence provides privacy between dwellings including addressing facing windows that do not have a sill height 1.7m above floor level. Units 9, 10 and 11 have privacy screens to the deck area despite achieving greater than 6m separation between this part of the dwellings.

Unit 12 does not contain a privacy screen to the deck, however privacy screening to the deck of unit 11 provides for that visual interruption. There is sufficient separation between units 12 and 13 (greater than 6m).

Unit 13 is able to achieve greater than 6m separation to all other units.

The proposed development is able to achieve the acceptable solution in part and where it relies on satisfying the performance criteria, it has achieved privacy and separation by using building design and dividing fences (1.8m high paling fence) between units.

Refer to Plans A.28 and A.29.

**The proposed development is able to satisfy the performance criteria.**

#### 10.4.7 FRONTAGE FENCES FOR ALL DWELLINGS

Acceptable Solutions	Performance Criteria
<b>A1</b> No Acceptable Solution.	<b>P1</b> A fence (including a free-standing wall) for a dwelling within 4.5m of a frontage must: <ul style="list-style-type: none"> <li>(a) provide for security and privacy while allowing for passive surveillance of the road; and</li> <li>(b) be compatible with the height and transparency of fences in the street, having regard to: <ul style="list-style-type: none"> <li>(i) the topography of the site; and</li> <li>(ii) traffic volumes on the adjoining road.</li> </ul> </li> </ul>
<b>Assessment against the Performance Criteria is required.</b> <b>Performance Criteria Assessment</b> The development site has a narrow frontage with other boundaries acting as side and rear. The side and rear boundaries are proposed to have a 1.8m high paling fence and this will encroach into the frontage at the access and in the vicinity of unit 13 and bin storage area. The large development site is to function as a large multi-residential development site. Access is at the end of BayVista Rise which is essentially a dead-end street with no through traffic. The fencing will provide delineation of the development and provide privacy for the residents and importantly the adjoining neighbours. As the development is at the end of the street with the entrance facing east, visual surveillance of this section of BayVista Rise will still be able to be achieved and privacy observed. The type of fencing used in proximity to the frontage is in keeping with this type of large scale multi-residential development and is contained at the end of the street. The majority of the site is characterised by side boundary fencing with fencing	

delineating the development and identifying the entrance to the multi-dwelling site whilst containing the development and traffic movements to the site boundaries. The 1.8m high fixed screens to the bin storage area will provide the necessary screening and containment in proximity to the frontage.

**The proposed development is considered to satisfy the performance criteria and uniquely responds to its position at the end of the street.**

#### 10.4.8 WASTE STORAGE FOR MULTIPLE DWELLINGS

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>A multiple dwelling must have a storage area, for waste and recycling bins, that is not less than 1.5m<sup>2</sup> per dwelling and is within one of the following locations:</p> <ul style="list-style-type: none"> <li>(a) an area for the exclusive use of each dwelling, excluding the area in front of the dwelling; or</li> <li>(b) a common storage area with an impervious surface that: <ul style="list-style-type: none"> <li>(i) has a setback of not less than 4.5m from a frontage;</li> <li>(ii) is not less than 5.5m from any dwelling; and</li> <li>(iii) is screened from the frontage and any dwelling by a wall to a height not less than 1.2m above the finished surface level of the storage area.</li> </ul> </li> </ul>	<p><b>P1</b></p> <p>A multiple dwelling must have storage for waste and recycling bins that is:</p> <ul style="list-style-type: none"> <li>(a) capable of storing the number of bins required for the site;</li> <li>(b) screened from the frontage and dwellings; and</li> <li>(c) if the storage area is a common storage area, separated from dwellings on the site to minimise impacts caused by odours and noise.</li> </ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The development is proposing to provide a common storage area containing 4 x 1100L bins for waste and recycling. The storage area has a setback of 2.5m from the frontage and has a 1.8m high fixed screens to the compound with 2 x sliding screened gates. The structure will fully enclose the bin storage area.</p> <p>The bin storage area achieves a separation from all units other than Unit 13. Unit 13 will be afforded separation by a 1.8m high paling fence. The fencing and the enclosed area will reduce any odours and provide an element of noise mitigation.</p> <p>The development proposes to provide individual recycling bin collection that will be collected by a private waste. Each recycling bin will be stored at each dwelling behind fencing that screens the same.</p> <p><b>The proposed development is able to satisfy the performance criteria.</b></p>	

#### 10.4.9 STORAGE FOR MULTIPLE DWELLINGS

Acceptable Solutions	Performance Criteria
A1 Each multiple dwelling must have access to at least 6 cubic metres of secure storage space.	P1 Each multiple dwelling must provide storage suitable to the reasonable needs of residents.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The development relies on identifying internal storage opportunities within the dwelling and attached garage. No additional outdoor storage structures are proposed. Each dwelling private area is fenced and able to accommodate a small 'lawn locker' should the residents identify further storage needs to that contained within the dwelling and attached garage. The provided storage opportunities are considered adequate and there is opportunity for future residents to place small external storage structures within the private areas of each dwelling in future.</p> <p>It is noted that the State Planning Provisions no longer contains this clause.</p> <p><b>The proposed development is able to satisfy the performance criteria.</b></p>	

#### 10.4.16.1 STORMWATER DISPOSAL

Acceptable Solutions	Performance Criteria
A1 All run off from buildings must be directed into on-site water storage tanks and the overflow from the tanks disposed of into the Council maintained roadside drain or the reticulated stormwater system.	P1 Stormwater must be managed on the site so that it does not cause pollution, soil erosion or flooding to adjacent lots.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>Stormwater is to be directed to the Council maintained stormwater system; however, the proposal does not include onsite water storage tanks presently.</p> <p>The disposal of stormwater has been discussed with the Works Department. The development is to be appropriately conditioned to ensure the performance of the stormwater design is certified as being able to serve the development and connect to the public stormwater system.</p>	

#### 10.4.16.2 FILLING OF SITES

Acceptable Solutions	Performance Criteria
A1 Fill must be; a) No more than 50m <sup>3</sup> , and b) Clean fill, and c) Located more than 2m from any boundary.	P1 Larger amounts of fill must have regard to:- a) how stormwater overflows will be directed towards the reticulated stormwater collection points or where this is not possible, how storm water run-off will be directed away

	<p>from adjoining lots so as not to cause a nuisance, and</p> <p>b) how privacy of adjoining outdoor living areas will be maintained.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The site slopes gently downwards from south to north. As a result, the site will be cut to the south and filled to the north. The approximate amount of fill quantity is 500m<sup>3</sup> and will provide a level construction site. The proposed fill is unable to satisfy the acceptable solution and is reliant on satisfying the performance criteria.</p> <p>The development is conditioned with regard to stormwater management, as ensuring stormwater is not diverted to adjoining properties, will form part of that condition.</p> <p>The site boundaries are proposed to be fenced with 1.8m paling fencing which will afford a level of privacy for adjoining sites. Additionally, the structures along the northern and southern side boundaries are compliant in terms of boundary setbacks as is the western rear boundary also contributing to ongoing privacy provisions within the General Residential Zone. The design of the development and the further requirement for certified engineered stormwater design will have regard to the level of fill placed on the site and the need to dispose of collected stormwater and ensure stormwater is not diverted to adjoining lots.</p> <p><b>The proposed development is able to be conditioned to ensure the performance criteria is satisfied.</b></p>	

## E4 ROAD AND RAILWAY ASSETS CODE

### E4.6 USE STANDARDS

#### E4.6.1 USE AND ROAD OR RAIL INFRASTRUCTURE

Acceptable Solutions	Performance Criteria
A2 For roads with a speed limit of 60km/h or less the use must not generate more than a total of 40 vehicle entry and exit movements per day.	P2 For roads with a speed limit of 60km/h or less, the level of use, number, location, layout and design of accesses and junctions must maintain an acceptable level of safety for all road users, including pedestrians and cyclists.
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>BayVista Rise has a speed limit of 50km/hr.</p> <p>The proposed development is for 13 dwellings (multiple dwellings) and will cause an increase in annual average daily traffic in excess of the acceptable solution.</p> <p>The applicant has submitted a Traffic Impact Assessment prepared by a suitably qualified person that has provided the following assessment. The TIA has been reviewed by the road authority and accepted:</p>	

*“Estimated BayVista Rise AADT is 80 vpd (2033) and the estimated increase in traffic due to the proposal due to the proposal is 78 vpd. Accordingly, while traffic activity will effectively double, the existed and proposed volumes are low so the overall traffic volume is low and will have negligible impact on the operation of the road and LOS which is estimated to continue at LOS A.*

*The assessed crash risk is low from review of Austroads Safe System Assessment and 5 year reported crash history. Road safety review also identifies no issues with BayVista Rise approaches to the proposed access. The proposed access is assessed as safe and efficient for proposed use. P2 is satisfied.”*

## **E4.7 DEVELOPMENT STANDARDS**

### **E4.7.4 SIGHT DISTANCE AT ACCESSES, JUNCTIONS AND LEVEL CROSSINGS**

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>
<p>A1 Sight distances at</p> <p>a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E4.7.4; and</p> <p>b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia; or</p> <p>c) If the access is a temporary access, the written consent of the relevant authority has been obtained.</p>	<p>P1 The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles.</p>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The matter of sight distances has been assessed by a traffic engineer with the response contained within a Traffic Impact Assessment. The TIA has been reviewed by the road authority and accepted.</p> <p>The TIA states:</p> <p>Apart from some incidental vegetation clearing that has been identified, see Figures 16 &amp; 17, the road frontage sight distances satisfy Figure 3.2 Sight Distance requirements at access driveways of AS/NZS 2890.1:2004 - Off Streetcar parking, see Figure 23.</p> <p>The proposed development has demonstrated within the TIA that the performance criteria is satisfied. Council’s Works Department has been advised of the requirement to manage vegetation within the road reserve.</p>	

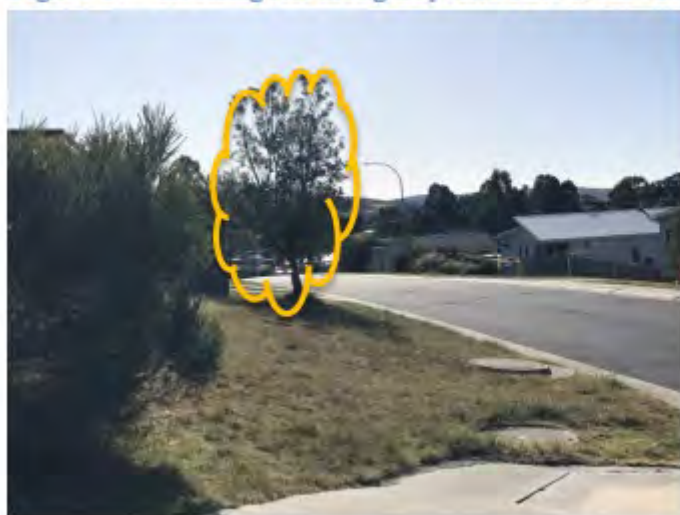


Figure 16– Looking right along Bayvista Rise from #18



Sight distance  
right is 35m with  
shrub removal.

Figure 17 – Looking left along Bayvista Rise from #18



Sight distance  
right is 80m with  
shrub removal.

## 6.2 Sight Distance requirements summary (Figure 23)

Figure 23 – Sight distance requirements

Junction Major Rd - Minor Rd	Speed Limit (km/h)	Speed Environment (km/h)	Acceptable Solution	Available		Performance Criteria
			SSD(m) Table E4.7.4	Left(m)	Right(m)	SSD (m) AS/NZS 2890.1
Falmouth / Bayvista	50	50	80	80	100	
#18 Bayvista	50	40	80	80*	35*	35

Table E4.7.4 compliant

AS / NZS 2890.1 compliant

\* Compliant with  
bush removal

## E6 CAR PARKING AND SUSTAINABLE TRANSPORT CODE

### E6.6 USE STANDARDS

#### E6.6.1 CAR PARKING NUMBERS

Acceptable Solutions	Performance Criteria
<p>A1 The number of car parking spaces must not be less than the requirements of:</p> <ul style="list-style-type: none"><li>a) Table E6.1; or</li><li>b) a parking precinct plan contained in Table E6.6: Precinct Parking Plans (except for dwellings in the General Residential Zone).</li></ul>	<p>P1 The number of car parking spaces provided must have regard to:</p> <ul style="list-style-type: none"><li>a) the provisions of any relevant location specific car parking plan; and</li><li>b) the availability of public car parking spaces within reasonable walking distance; and</li><li>c) any reduction in demand due to sharing of spaces by multiple uses either because of variations in peak demand or by efficiencies gained by consolidation; and</li><li>d) the availability and frequency of public transport within reasonable walking distance of the site; and</li><li>e) site constraints such as existing buildings, slope, drainage, vegetation and landscaping; and</li><li>f) the availability, accessibility and safety of on-road parking, having regard to the nature of the roads, traffic management and other uses in the vicinity; and</li><li>g) an empirical assessment of the car parking demand; and</li><li>h) the effect on streetscape, amenity and vehicle, pedestrian and cycle safety and convenience; and</li><li>i) the recommendations of a traffic impact assessment prepared for the proposal; and</li><li>j) any heritage values of the site; and</li><li>k) for residential buildings and multiple dwellings, whether parking is adequate to meet the needs of the residents having regard to:<ul style="list-style-type: none"><li>i) the size of the dwelling and the number of bedrooms; and</li><li>ii) the pattern of parking in the locality; and</li><li>iii) any existing structure on the land.</li></ul></li></ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The development is within the General Residential Zone and the proposal is for multiple dwellings (13). The site sits at the termination of BayVista Rd which is similar to a cul-de-sac. Additionally,</p>	



the site has features, but not all required features, of an internal lot. For the purposes of this assessment, Table E6.1 Parking Space Requirements requires the following car parks:

Dwellings: 13 x 2: 26

Visitor Parking: 5

Total 31 car parks.

The proposed development has provided 31 car parks on the submitted plans and theoretically satisfies the acceptable solution. However, the accessibility of Visitor Park and Unit 2P is questioned and it is more realistic that in front of Unit 2 and Unit 3, only one car park (Unit 2 P1) is viable to ensure free movement of Unit 2 P2 and Unit 1 P14 & P2. This means the application is realistically short one visitor car park but is able to provide 2 car parking spaces for each dwelling and 4 overall visitor car parking spaces. The submitted materials include a Traffic Impact Assessment prepared by a qualified Traffic Engineer and this TIA has been reviewed and accepted by Council's Works Department. The TIA has identified 6 viable on street visitor car parking spaces within 60m walking distance to the developments (see below Fig 24 from the TIA). Additionally, the TIA has estimated that the proposed 13 dwellings will generate the demand for 3 visitor parking spaces despite the Code requiring 5 to meet the acceptable solution. The TIA has concluded that there is adequate visitor car parking provided on site (4) and the required resident parking is provided for. Given these recommendations from the TIA, it is unlikely visitors or residents will need to rely on on-street car parking.

The TIA has concluded that the demand for resident park and visitor parking has been satisfied.

**The proposed development is able to satisfy the performance criteria.**

## E6.7 DEVELOPMENT STANDARDS

### E6.7.2 DESIGN AND LAYOUT OF CAR PARKING

Acceptable Solutions	Performance Criteria
<p>A1.1 Where providing for 4 or more spaces, parking areas (other than for parking located in garages and carports for a dwelling in the General Residential Zone) must be located behind the building line; and</p> <p>A1.2 Within the general residential zone, provision for turning must not be located within the front setback for residential buildings or multiple dwellings.</p>	<p>P1 The location of car parking and manoeuvring spaces must not be detrimental to the streetscape or the amenity of the surrounding areas, having regard to:</p> <ul style="list-style-type: none"> <li>a) the layout of the site and the location of existing buildings; and</li> <li>b) views into the site from the road and adjoining public spaces; and</li> <li>c) the ability to access the site and the rear of buildings; and</li> <li>d) the layout of car parking in the vicinity; and</li> <li>e) the level of landscaping proposed for the car parking.</li> </ul>
<p><b>Assessment against the Performance Criteria is required.</b></p> <p><b>Performance Criteria Assessment</b></p> <p>The development site is a large lot for multiple dwellings, located at the termination of BayVista Rise. The arrangement of the units causes Unit 12 second car park to located in front of the</p>	

building line. Additionally, this will cause vehicle turning to occur within the front setback. This is limited to Unit 12 only.

The development site is at the termination of BayVista Rise with a relatively narrow frontage servicing the large lot. Whilst the lot doesn't formally meet the definition of an internal lot, it essentially appears like one with a formal frontage with a width of 10m. Due to the narrow frontage and the lots position at the end of the street, the impact of the parking and turning for Unit 12 within the frontage, is unlikely to cause an impact on the streetscape or amenity of the surrounding area as the area is essentially out of relevant dominant view lines from public areas. Views into the site are likely to be limited to the immediate area, however adjoining/adjacent properties to the east are oriented north/south rather than looking west internally into the development site. Additionally, the boundaries of the site, excluding the narrow frontage have/will have 1.8m paling fencing providing visual obstruction.

For this reason, the vehicle park and manoeuvring within the frontage is not expected to impact the streetscape or amenity of the surrounding area.

**The proposed development satisfies the performance criteria.**

## 5. Representations

The application was advertised 21 December 2024 until 13 January 2025 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. Eight (8) representations were received prior to the closing date and time. The issues raised within the representation are as follows: -

Issue	Response
<b>Representation No 1</b> Objection to the development. Object to size of the development in an existing residential area. Increase in traffic to the street. Not in keeping with the area.	<p>The proposed development is for multiple dwellings within the General Residential Zone. The General Residential Zone is an appropriate zone for higher density residential development. The zone aims to provide for different housing typologies and housing diversity to cater for residential demand. The proposal has been assessed against the relevant standards of the General Residential Zone and applicable Codes.</p> <p>A Traffic Impact Assessment (TIA) has been provided and reviewed and accepted by the Road Authority (Works Department).</p> <p>A recommendation for approval has been made with specific conditions relating to this type of development.</p>
<b>Representation No 2</b> Objection to the development. Object to the size of the development;	<p>The proposed development is for multiple dwellings within the General Residential Zone. The General Residential Zone is an appropriate zone for higher density residential development. The zone aims to provide for</p>

<p>Increase in traffic in quiet residential street; Not in keeping with the area and existing resident expectation.</p>	<p>different housing typologies and housing diversity to cater for residential demand. The proposal has been assessed against the relevant standards of the General Residential Zone and applicable Codes.</p> <p>A Traffic Impact Assessment (TIA) has been provided and reviewed and accepted by the Road Authority (Works Department).</p> <p>A recommendation for approval has been made with specific conditions relating to this type of development.</p>
<p><b>Representation No 3</b></p> <p>Objection to the development.</p> <p>Traffic – increase in traffic flow the only existing access road.</p> <p>Bushfire safety and evacuation – many more residents to evacuate if development progresses.</p> <p>No provision for Recreational space for children and possible road safety issues.</p> <p>Stormwater management and drainage issues.</p> <p>Main overall concern is the proposed density of the development.</p>	<p>As above.</p> <p>Bushfire Hazard Management is not considered at the planning stage as the proposed development does not satisfy the requirements for application of the Bushfire-Prone Areas Code. Instead, Bushfire Hazard Management will be considered at the Building Application stage.</p> <p>The proposed development has a recommended condition to address stormwater management with detailed engineering design to be considered prior to the Building Application stage.</p>
<p><b>Representation No 4</b></p> <p>Objection to the development.</p> <p>Reproduction of Rep No 3</p> <p>Identical issues.</p>	<p>As above.</p>
<p><b>Representation No 5</b></p> <p>Objection to the development.</p> <p>Reproduction of Rep No 3.</p> <p>Identical issues.</p>	<p>As above.</p>
<p><b>Representation No 6</b></p> <p>Objection to the development.</p> <p><u>Character/Density</u></p> <p>Not in keeping with the existing character of the area and conflicts with existing property usage in the area. Existing character is single dwellings on larger lot in private ownership.</p>	<p>The proposed development is for multiple dwellings within the General Residential Zone. The General Residential Zone is an appropriate zone for higher density residential development. The zone aims to provide for different housing typologies and housing diversity to cater for residential demand. Whether dwellings are owner-occupied, or form part of the rental market is not something</p>

<p><u>Traffic</u></p> <p>Falmouth St and Penelope St are lacking in pedestrian infrastructure.</p> <p>Increased vehicular traffic in immediate area and lack of infrastructure for pedestrians.</p> <p>Increased traffic noise.</p> <p><u>Stormwater Infrastructure</u></p> <p>Inadequate existing stormwater infrastructure.</p>	<p>the planning scheme controls. The proposal has been assessed against the relevant standards of the General Residential Zone and applicable Codes.</p> <p>The immediate area surrounding the development is serviced by pedestrian paths. There is however a gap in pedestrian path along Penelope Street in front of the Big 4 Caravan Park. Council regularly re-assesses public infrastructure provision.</p> <p>A Traffic Impact Assessment (TIA) has been provided and reviewed and accepted by the Road Authority (Works Department).</p> <p>The proposed development has a recommended condition to address stormwater management with detailed engineering design to be considered prior to the Building Application stage.</p>
<p><b>Representation No 7</b></p> <p>Objection to the development.</p> <p>Reproduction of Rep No 3.</p> <p>Identical issues.</p>	<p>As above.</p>
<p><b>Representation No 8</b></p> <p>Objection to the development based on planning scheme requirements for:</p> <ul style="list-style-type: none"> <li>• Proposed density of dwellings</li> <li>• Setbacks of the proposed dwelling</li> <li>• Site coverage</li> <li>• Private open space</li> </ul> <p>Questioning application validity as claims not to have received any notification of the lodgement of the application or the placement of infrastructure on No. 57.</p>	<p>The proposed development is for multiple dwellings within the General Residential Zone. The General Residential Zone is an appropriate zone for higher density residential development. The zone aims to provide for different housing typologies and housing diversity to cater for residential demand. The proposal has been assessed against the relevant standards of the General Residential Zone and applicable Codes.</p> <p>The applicant has provided further information confirming notification of the lodgement of the application to No. 57.</p>

The recommendation for approval has been made following due consideration of the representation and comments.

## 6. Mediations

Nil

## 7. Conclusion

In accordance with 8.10 of the *Break O'Day Interim Planning Scheme 2013*, the application has been assessed against the objectives of the Scheme, in particular the General Residential Zone, all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and twelve (12) Performance Criterion. The received representation has been considered. It is recommended for approval with conditions.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

##### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

###### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

###### Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

##### Break O'Day Annual Plan 2023 -2024

Actions:

#### **LEGISLATION & POLICIES:**

*Break O'Day Interim Planning Scheme 2013*

*Land Use Planning and Approvals Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

Not applicable, all costs of the development are the responsibility of the developer.

#### **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>COUNCIL MEETING DATE</b>	17 March 2025
<b>PROPONENT</b>	Service Stream Mobile Communications
<b>OFFICER</b>	Senior Town Planner, D. Szekely
<b>FILE REFERENCE</b>	DA 2024 / 00245
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	<ol style="list-style-type: none"> <li>1. Cover Letter</li> <li>2. Planning Report</li> <li>3. Plans</li> <li>4. Response to Council Request for Further Information &amp; Request for Further Information</li> <li>5. RO Planning Scheme Assessment</li> <li>6. Representation</li> <li>7. Applicant Response to Representation</li> </ol>

**OFFICER'S RECOMMENDATION:**

- A. After due consideration of the application received and pursuant to Section 57 of *the Land Use Planning & Approvals Act 1993* and the *Tasmanian Planning Scheme – Break O’Day*, that the application for Telecommunications Facility on land situated at 14 Bowen Street, St Helens described in Certificate of Title 32105/1 be REFUSED.
- B. That all external Referral Agencies for the development application be provided with a copy of the Council’s decision (Permit).

	<b>Applicable Y/NA</b>	<b>Referral Agency</b>
That all external Referral Agencies for the development application be provided with a copy of the Council’s decision (Permit)	NA	Nil

- C. That the following information be included in the Permit – Not applicable.

**INTRODUCTION:**

The applicant is seeking approval for a Telecommunications Facility at 14 Bowen Street, St Helens.





## Locality Plan

The regulatory framework for the Telecommunications industry is described within **Section 3** of the applicant submitted planning report. Essentially the industry is regulated through the *Telecommunications Act 1997*, under which the Government established the *Telecommunications Code of Practice 2021*. As the proposed Telecommunications Facility is not considered to be a low-impact facility, development approval under the *Tasmanian Planning Scheme – Break O’Day*, is required.

The Australian Communications and Media Authority (Australian Government) maintains a register of telco industry codes and standards for carriers and carriage service providers. These are available on the following website – [www.acma.gov.au/industry-codes-and-standards-telcos](http://www.acma.gov.au/industry-codes-and-standards-telcos).

Information regarding the regulatory environment and telecommunications facilities and health is located in section 4.6.3 EME & Health Standards of the applicant submitted planning report. Electromagnetic Energy (EME) safety is informed by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and the World Health Organisation.

*“It is Telstra’s responsibility to comply with the mandated standard for RF EME set down by ARPANSA, which is the safety standard recommended by the World Health Organisation. The safety standard works by limiting the network signal to a level low enough to protect all people of all ages, animals and birdlife, in all environments, 24 hours a day. The safety limit itself is precautionary, in that it has a significant safety margin built into it”* (Section 4.6.3 EME & Health Standards, Planning Report, Service Stream Limited – Planning Report).



## PREVIOUS COUNCIL CONSIDERATION:

Nil

## OFFICER'S REPORT:

### 1. The Proposal

The application seeks consent for:

- The installation of one (1) new 25m concrete monopole.
- The installation of one (1) new headframe installed at an elevation of 25m on the proposed monopole.
- The installation of three (3) new panel antennas (717 x 408 x 189mm) installed on the new headframe at an elevation of 25.8m.
- The installation of six (6) new panel antennas (2533 x 350 x 208mm) installed on the new headframe at an elevation of 25m.
- The installation of one (1) new outdoor equipment shelter at ground level, adjacent to the base of the proposed monopole, with bollards; and
- The installation of ancillary equipment, including but not limited to, remote radio units, amplifiers, junction boxes, trunk cable, feeder cables, GPS antenna, and associated electrical works.

The development site supports existing minor telecommunications infrastructure including a building and established access off Bowen Street.



**Quail Street Frontage**





**Bowen Street frontage**



**Existing landscaping and Internal view – Bowen Street**





**Development area – looking south**

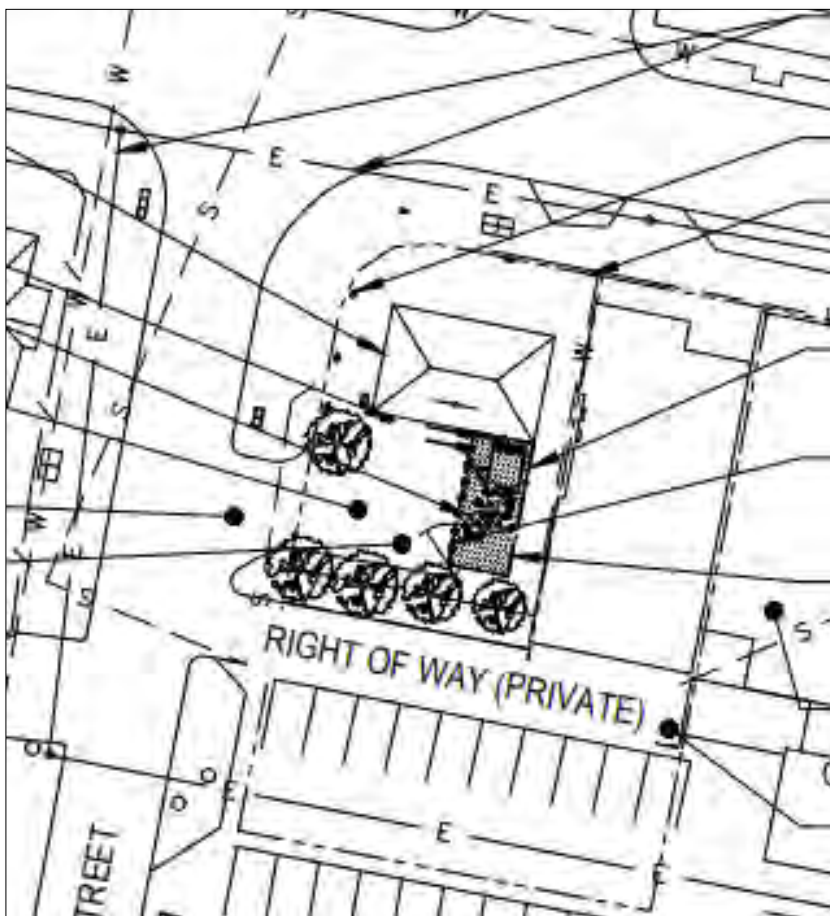


**Existing access to Bowen Street**





Existing landscaping along southern end and separation to Right of Way for adjoining premises



Site Plan





## 2. Applicable Planning Assessment

- 26.0 Utilities Zone
- C2.0 Parking and Sustainable Transport Code
- C5.0 Telecommunications Code
- C16.0 Safeguarding of Airports Code
- BRE-S2.0 Stormwater Management

## 3. Referrals

- TasNetworks

*Response: Based on the information provided, the development is not likely to adversely affect TasNetworks' operations.*

It is recommended that the customer or their electrician contact TasNetworks on 1300 137008 if they have any questions regarding any upgrades, they may require to their electricity supply due to this development.

- Works Department

*Response: No additional comment.*

- Air Services Australia

*Response: As this development does not infringe on Saint Helens airport's OLS and there are no other certified aerodromes in the vicinity, Airservices does not require assessment for Procedure for Air Navigation Systems Operation and Communication Navigation and Surveillance.*

## 4. Assessment

The application met the acceptable solutions for all issues except for reliance upon the performance criteria detailed below:

*Tasmanian Planning Scheme – Break O'Day State Planning Provisions Version 8:*

<b>Performance Criteria</b>	26.4.1 Building Height P1; C5.6.1 Visual Amenity P1.1
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Detailed assessment against the provisions of the *Tasmanian Planning Scheme – Break O'Day* version 8 where the proposal was reliant on satisfying the performance criteria, is provided below.

**The proposal was unable to demonstrate that it satisfied the following Performance Criteria:**

- 26.4.1 Building Height P1(b); and
- C5.6.1 Visual Amenity P1.

## Planning Assessment

### 26.0 UTILITIES ZONE

## 26.4 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

### 26.4.1 BUILDING HEIGHT

Acceptable Solutions	Performance Criteria
<b>A1</b> Building height must be not more than: <ul style="list-style-type: none"><li>a) 10m; or</li><li>b) 15m if for a structure, such as a tower, pole or similar.</li></ul>	<b>P1</b> Building height must: <ul style="list-style-type: none"><li>a) be necessary for the operation of the use and not cause unreasonable impact on adjoining properties, having regard to:<ul style="list-style-type: none"><li>i. the bulk and form of the building;</li><li>ii. separation from existing buildings on adjoining properties; and</li><li>iii. any buffers created by natural or other features; and</li></ul></li><li>b) not unreasonably impact on the visual character of the area, having regard to:<ul style="list-style-type: none"><li>i. the topography of the site;</li><li>ii. any existing vegetation; and</li><li>iii. visibility from adjoining roads and public open space.</li></ul></li></ul>

#### Performance Criteria Assessment

The development proposal is for a Telecommunications Tower which has an overall height of 26.3m (RL 33.3m AHD).

The monopole and attachments is required to deliver telecommunications capability to the township of St Helens. The height of the monopole is a necessary design feature to achieve the objective of the structure. That is to provide improved coverage and service (telecommunications) to St Helens, the intended geographic area. The design responds to the number of customers using the network, their usage patterns and consideration of growth within the area. The height of the monopole is directly related to achieving improved network coverage to a defined area.

The structure adjoins land within the General Business Zone and is unlikely to cause an unreasonable impact on adjoining properties due to existing use of land within the zone. The structure will be adjacent to land to the west zoned General Residential and is separated by Bowen Street. The infrastructure is contained within an existing Telstra utilities site with the structure to be located further east within the lot providing separation from adjacent residential uses with the base essentially screened from adjacent uses. The residential use is not adjoining the development site.

The visual character of the area is best described as mixed uses characterised by residential use to the west and commercial use to the north, south and east. Building typology varies considerably within the General Business Zone with the adjacent residential use being multiple dwellings in the form of a strata development. There is also extensive land

surrounding the site north and south dedicated to car parking. The structure is to be sited on an existing Telstra Infrastructure site that supports a building and existing vegetation / landscaping. The site is a corner lot with the proposed development to be encapsulated by the existing structure and landscaping. To this end the structure towards the base, is essentially well screened with only the extremity of the pole mainly visible. As stated previously this is a slim monopole with antenna structure located at the apex. Visibility from adjacent roads and public areas will consist of the upper extremity of the monopole and attached antennas. The applicant has provided a photo montage from a variety of viewpoints and this demonstrates the visual character of the area to be quite diverse depending on the view corridor and reflecting the inner township nature of development including power poles and electrical infrastructure.

Whilst the Telecommunications Tower will be visible, the photo montages demonstrate it will not be an unreasonable impact on the visual character of the area given existing infrastructure, variation in land use and variation in building typology creating a mixed visual character that is typical of the main commercial area of townships. This statement is considered true with respect to visual character from the south, west and east. This is largely true when considering the visual character of the block on which the development site sits bounded by Cecilia Street, Quail Street, Circassian Street and Bowen Street. When you move outside of this area, the size/height of the proposed development makes it relevant to a wider area and its impact on the visual character of the wider area changes. This is particularly so for adjacent residential areas and northern commercial areas. The visual character whilst mixed in terms of land use and development, when considering the low rise development that forms the character of the inner township, the proposed development is at odds with the existing visual character and is considered unreasonable given the relatively flat terrain, absence of high-rise, lack of obscuring vegetation and degree of visibility from adjoining roads and public open space (foreshore).

**The proposed development is considered to satisfy P1(a) but is not able to satisfy the performance criteria P1(b).**

## C2.0 PARKING AND SUSTAINABLE TRANSPORT CODE

The proposed use and development has been determined to satisfy all relevant acceptable solutions of the Use Standards and Development Standards of the Parking and Sustainable Transport Code.

## C5.0 TELECOMMUNICATIONS CODE

### C5.1 CODE PURPOSE

C5.1.1 To provide for telecommunication networks as a service for the community.

Response: The proposed development has submitted application materials demonstrating that there is a required need for the facility.

*“A new facility is required within the St. Helens area to support increasing demand on the Telstra network in what is an increasingly more populated area and to provide critical network relief to:*

- *Provide 4G/5G coverage to the area;*

- *Ensure that the increased demands in mobile network traffic identified in the St Helens area and surrounds on the existing base stations do not critically compromise customers' ability to connect to the Telstra network;*
- *Ensure that optimal data speeds are maintained at all times during the day;*
- *Improve mobile phone coverage to residential, recreational, commercial areas, local businesses, medical and emergency services, education, and along traffic corridors, supporting the economic future of the communities of the area; • Provide capacity relief to Telstra's existing sites in the wider area; and • Provide depth of coverage and service to new development in the area."*

The submitted materials and response to a request for further information provides justification that the telecommunications tower contributes to the networks of communications infrastructure for St Helens.

- C5.1.2 To ensure that facilities are co-located where practicable. The planning authority issued a request for further information, requesting the applicant to further consider sites outside of the township main centre or via other means. The applicant has advised that methods of providing improved 4G and 5G coverage normally utilised in larger urban areas, such as multiple small-scale cells on utility poles or utilising multi-storey buildings, was not an option for the relatively smaller community and development within St Helens. The applicant maintains the only viable option, given the town's population density and form of buildings, is to provide a new monopole within the township.

"This structure would need to be strategically located to provide optimal coverage and capacity for the wider town, with a focus on the activity centre where mobile data demand is highest, using a site best suited for its maintenance and upgrade over time."

It should be noted that over the Christmas period in St Helens 2024/2025, Telstra placed a temporary Cell-On-Wheels 12m high on the development site to assist in coping with demand for telecommunications coverage over this period of time. This was at the request of the local community via advocacy by regulated enterprises. Demonstrating the need for the same and the suitability of the site for coverage purposes.

- C5.1.3 To ensure that facilities use mitigation measures to avoid an unreasonable loss of visual amenity.

The development site is a site that supports existing Telstra infrastructure (no tower or monopole presently) and has been a part of the streetscape historically and identified as a utilities site. The historical context establishes the utilities site as part of the existing streetscape but does not include the intrusion of a 26.3m telecommunications facility. The site has an existing building facing Quail Street and an existing access off Bowen Street with established landscaping. The Telecommunications Tower and associated infrastructure is to be located behind the building

facing Quail Street and offset significantly from Bowen Street. This achieves visual separation from public road areas and adjacent uses for street scale development with the tower, naturally protruding above existing development due to the requirement for height. At a pedestrian level, the site is well screened, and the infrastructure use existing within the streetscape. The residential uses to the west have an existing 1.8m colorbond fence that will interrupt visual lines at the pedestrian level. The monopole will of course protrude above the existing development but is tempered and interrupted visually by an extensive network of power lines, poles and street lighting when looking from the east, west and south. The monopole will be highly visible from the north and will not benefit from the diversionary element of electricity infrastructure. The visual element of the protrusion of the monopole will be more relevant to distant views from the north. In terms of mitigation measures, aside from locating behind existing structures, distant from the side boundary and existing landscaping, the monopole being an unpainted concrete monopole, will have natural grey coloration with low to nil reflectivity and consistent with the colouration of infrastructure such as electrical infrastructure. (Refer to photo montages.). The monopole will however be visually dominant from the north and mitigation measures are unlikely to alleviate this fact due to the low rise development within the St Helens Township and lack of public area landscaping including street trees. The development is not considered to have avoided an unreasonable loss of visual amenity.

C5.6 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

C5.6.1 VISUAL AMENITY

Acceptable Solutions	Performance Criteria
<p><b>A1</b></p> <p>No Acceptable Solution</p>	<p><b>P1.1</b></p> <p>Facilities located within existing utility corridors or on sites with existing facilities, must not cause an unreasonable loss of visual amenity, having regard to:</p> <ul style="list-style-type: none"><li>a) the siting and design of facilities;</li><li>b) best practice methods to:<ul style="list-style-type: none"><li>i. reduce the visual impact of facilities; or</li><li>ii. conceal facilities within the surrounding natural or built environment;</li></ul></li><li>c) the need to minimise clearing of vegetation; and</li><li>d) functional and safety requirements to establish, operate and maintain facilities.</li></ul>



## Performance Criteria Assessment

There is no acceptable solution in the standard and therefore, the performance criteria P1.1 must be satisfied.

The development site supports existing utility facilities for Telstra and so whilst there is not an existing monopole, assessment is required associated with facilities located within existing facilities P1.1.

The proposed development is for telecommunications facilities that includes:

- The installation of one(1) new 25m concrete monopole;
- Installation of one (1) new headframe at an elevation of 25m on the proposed monopole;
- Installation of three (3) new panel antennas installed at an elevation of 25.8m
- Installation of 6 panel antennas at an elevation of 25m
- Installation of an outdoor equipment shelter at ground level adjacent to the base of the proposed monopole with bollards.

The overall height of the monopole structure is 26.3m and given the contour the height is measured as 33.3m AHD. The telecommunications monopole and associated structures is by nature and use, a tall and visible structure. The applicant has advised that the proposed height of the monopole (25m) is considered the smallest structure capable of meeting mobile coverage objectives for the area.

In order to satisfy the performance criteria, the proposed development must not cause an unreasonable loss of visual amenity.

The development site is located on the corner of Bowen and Quail Streets. To the north of the site the zoning continues to be General Business with a large area dedicated to public carparking. To the east development consists of commercial establishments as does property to the south. Once again property to the south is dedicated to car parking associated with a food and grocery supermarket. Properties to the west reflect the zone boundary change to General Residential and includes multiple dwellings.

The distance of separation between the boundary of the development site (Utilities Zone) and the boundary of the residential use to the west, is approximately 20m with Bowen Street separating the two sites. The distance between the proposed development and the dwelling contained on the adjacent site to the west is approximately 37m.

The test is one of whether the proposed development will cause an unreasonable loss of amenity. Amenity is confined to 'visual amenity' and the performance criteria gives no direction on who or what may be affected. Instead, it is confined to generally the visual amenity with no direction on the spatial limit for consideration. Importantly, consideration of the effect on visual amenity is not limited to adjacent or adjoining premises. Amenity means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

Visual amenity is considered in this context of the definition of amenity but is restricted to visual aspects of amenity. Past tribunal decisions have established that the standard does not require no loss of visual amenity to occur but rather any loss to visual amenity is not considered to be an unreasonable loss or exorbitant (that is much too high a loss). In order to do this assessment, there must be consideration of the existing visual amenity.

As mentioned previously the existing visual amenity is influenced by the development site being on the corner of two streets that are subject to a zone change of General Residential to General Business. The development site is considered to be in the commercial precinct of St Helens but does adjoin a residential zone. The adjoining residential use to the west, is a multiple dwelling strata development. In terms of visual amenity the surrounding area is a mix of commercial, urbanised use and confined residential use to the west. Infrastructure associated with these uses includes sealed surfaces in terms of the roads and multiple adjacent car parks, electrical and lighting infrastructure and mixed typology of buildings ranging from single storey to double storey. The site is also in close proximity to Cecilia Street which is the main road traversing through the main business centre of St Helens and forms the Tasman Highway. The intersection of main streets within the central part of the St Helens business district, requires view corridors from the north, south, east and west to be considered. The development site is approximately (direct route) 85m to the intersection of Quail St and Cecilia Street a central position of the township of St Helens. In terms of visual amenity a broader area in relation to the function of the surrounding residential and commercial uses needs to be taken into account, as well as the function of Quail and Cecilia St as major thoroughfares for St Helens. In terms of visual characteristic and resultant visual amenity, the area can best be described as highly variable. The layout is consistent; however the typology and design of structures varies considerably in design, age and visual quality. The streetscape could be described as busy in terms of separation of structures, with existing electricity infrastructure playing a relatively dominant feature. Vegetative landscaping is minimal with recent plantings still maturing and developing. There is very little landscape design present. Surfaces are mainly hardened and there is very little consistent design element evident. Vehicle traffic and pedestrian traffic in this 'area' dominated by the intersection of Quail and Cecilia St can be very busy, with the throughfare necessarily used by travelling tourists.

The test is whether the proposed telecommunications tower presents an unreasonable loss of visual amenity and this is a comparative analysis between the existing level of visual amenity and the level of visual amenity after development. It is also considered to be a high bar by the use of terminology such as 'unacceptable'.

The proposed telecommunications tower is well set back from the street frontages of Bowen Street and Quail Street.

P1.1 sets out four matters that the planning authority is to have regard to in considering whether the standard is met.

a. The siting and design of facilities

The proposed monopole and associated structures has been proposed to be located on an existing Telstra utilities site in the main area of the St Helens Township. The applicant was requested to provide further information in this regard. There is a demonstrated need for additional telecommunications facilities within the main area of St Helens that has been confirmed via the need to site a temporary Cell-On-Wheels (12m) over the Christmas period (2024/2025). This was a temporary measure to alleviate demand on telecommunications during this period and was advocated for by regulatory groups on behalf of the residents. These temporary facilities were located on the subject development site and existing telecommunications facilities on the corner of Quail and Bowen Streets. There is also an identified need for upgraded facilities due to an increasing demand on the Telstra network to provide depth of coverage and service to St Helens. The siting and design of the facilities addresses the need for coverage objectives for an identified growing demand for network services for the community, businesses, emergency services and tourists. The site is positioned

to provide 4G and 5G technologies to the area including high speed network access. There is a demonstrated demand that has identified the site that meets that demand and the type of facilities required, being a monopole. The standard requires that when considering any loss of visual amenity, the planning authority should have regard to matters concerning the siting and design of the facilities and how the location and type infrastructure was arrived at. In terms of siting and design, the monopole is visually evident and the degree as to whether this is unacceptable, changes with viewpoint and view line and this relates to siting and design. The existing streetscape, in particular the electricity infrastructure and urban design leans towards an acceptable impact from the south, east and west. However, the impact on visual amenity when viewed from the north is considered unacceptable due to the lack of other visually intrusive elements and relatively orderly visual environment from this view line.

- b. The planning authority must also have regard to best practice methods to reduce visual impact and conceal the facilities.

The form of development includes a monopole with a required height to achieve the objective. The height of the monopole and antennas is just over 26m. The 25m monopole is considered the smallest structure capable of meeting the required mobile coverage and objectives for the area. In this regard the applicant has minimised the height of the structure to the minimum standard required in order to alleviate visual impact. Similarly, the colour of the monopole being untreated and unpainted concrete provides a neutral colour with little to no reflectivity. In a developed town centre with surrounding electricity and street lighting infrastructure being the next most dominant tall structures, the proposed colour and finish is considered preferable to ensure the structure is in harmony with the surrounds. This is the extent of 'best practice' proposed to conceal the structure and reduce visual impact.

The base of the structure and the associated infrastructure shelter, will be obscured from Quail Street by the existing building on the site. Views from Bowen Street are alleviated by the development being sited further towards the eastern side boundary and being obscured by existing landscaping. The southern view line is interrupted by existing tall vegetation providing a level of concealment.

The development does not include the removal of any vegetation and the site currently operates within the Utilities Use Class for telecommunications purposes (Telstra). Due to the height of the monopole required and the location in a prominent part of the township which does not support existing high-rise or structures of height. As a result, concealment and reduction of visual impact is limited in terms of the design.

The applicant has provided visual photo montages that demonstrates views from the north, south, east and west. The photomontages provide a before and after visual library for consideration. The test is whether there will be an unreasonable loss of visual amenity having regard to what has been discussed above. The photo montages assist further in this assessment and any loss in visual amenity needs to be unreasonable. The photomontages demonstrate that the impact on visual amenity when viewed from the north, is starkly more impactful than when viewed from the south, east and west.

Consideration also has to be given to the Purpose of the Code that brings in considerations relevant to the need for the infrastructure and has been considered previously. Reference is made to the photo montages provided below and as you can see from the viewing locations in Figure 2 the area considered is similar to the area considered for the assessment (Figure 1).

Figures 3 – 6 provide view lines from the north, south, and west and provide a visual comparison of pre and post development stages.

The figures demonstrate that the proposed structure will be most visible and obtrusive from a northerly perspective and looking southwest. Visual intrusion is likely to be mitigated to some degree by:

- Not reflective neutral colour
- Slimline design
- Located behind the frontage of both Quail and Bowen Streets;
- Existing structures and vegetation providing a visual barrier;
- Being set back from the main street considerably and not in dominant view line when travelling / walking along Quail and Cecilia Streets;
- Street landscaping yet to reach maturity and opportunity for increase street landscaping in future.
- The commercial environment in which it is situated.

Views, when coming from the east along Quail St and looking west, are likely to be obstructed and impacted by the dominant electricity infrastructure in close proximity.

It is difficult to consider, in the context of the purpose of the zone in providing these facilities for the township and balancing against visual intrusion for a service that is required to service the community within the township.

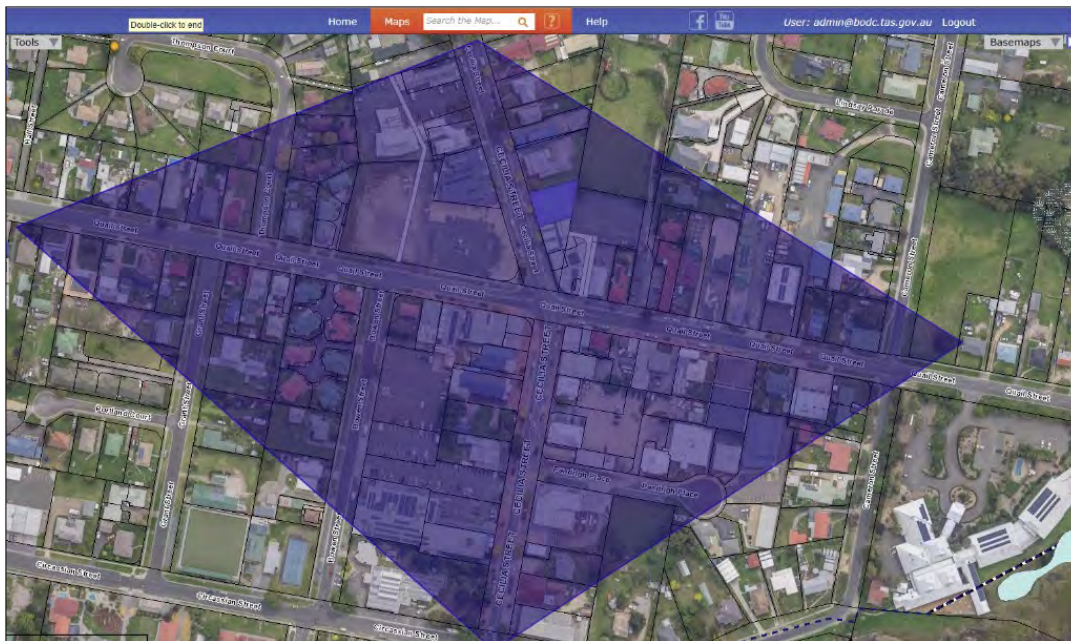
Assessment against the performance criteria demonstrates that there will be a level of impact on the visual amenity not just on adjacent premises but within an extended view corridor extending north, south, east and west. What needs to be determined is the loss of visual amenity unreasonable?

The matters discussed above and the perceived need for the infrastructure to service the community (Zone Purpose) concludes that the visual intrusion is likely to be tolerable when viewed from the south, east and west within the area and not considered an unreasonable loss of visual amenity, in this location and utilising this design. This is due to the view corridor containing fairly dominant and obtrusive power infrastructure and a high degree of variability within the scenic and built landscape.

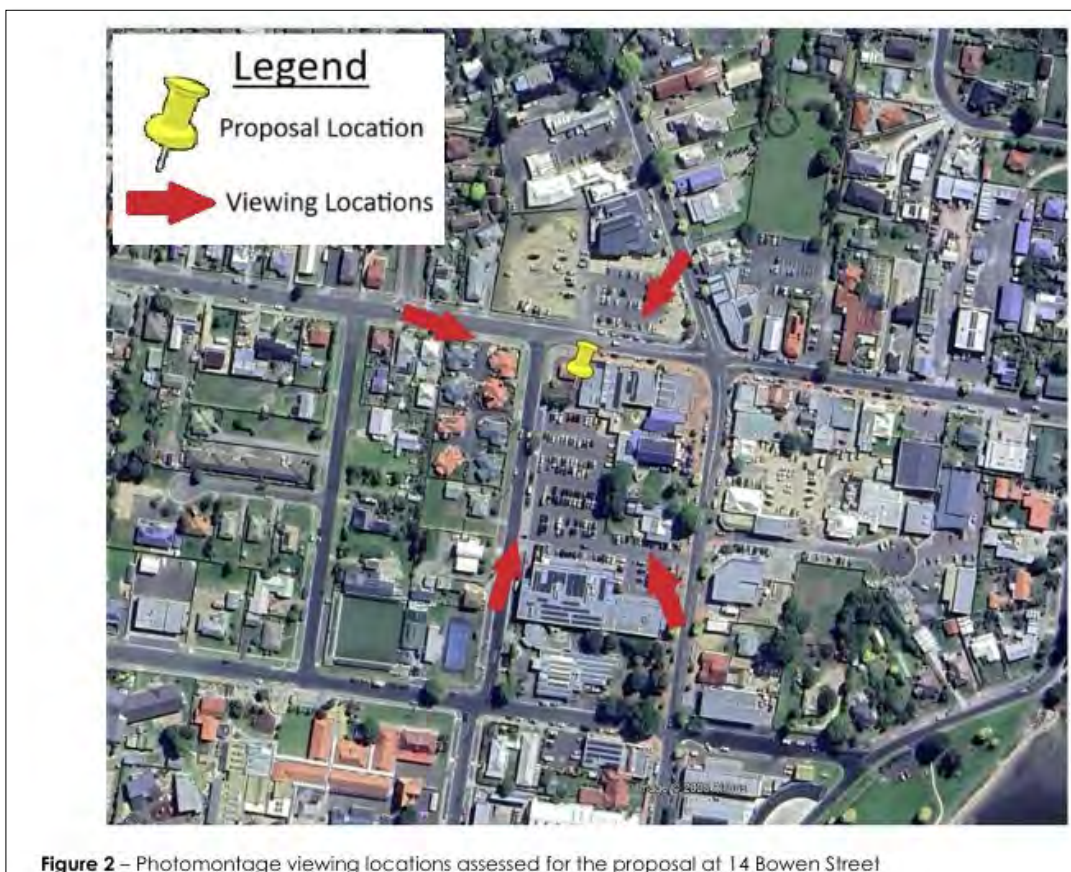
It is the level of visual impact when viewed from the north that is likely to be considered unacceptable and unable to be mitigated to be reduced to an acceptable level of visual impact. This is due to the uniformity of the visual landscape that exists and primarily reflects low rise development and uniform skyline without obtrusive interference in terms of existing interruptions and incursions. The visual amenity is considered to significantly change when viewed from the north and looking south with the introduction of a telecommunications facility. Visual amenity is considered to be most compromised when acting as a pedestrian as opposed to passenger in a vehicle. Pedestrian use within this area is significant due to being the main commercial area of the town and relates to ongoing liveability for residents and aesthetics for tourists.

**It is for these reasons the proposed development is considered to be unable to satisfy the performance criteria P1.1 and is considered to have an unreasonable impact on the visual amenity of the central township.**





**Figure 1 – Area considered within the assessment.**



**Figure 2 – Photomontage viewing locations assessed for the proposal at 14 Bowen Street**





**Figure 3** - View from next to 1 Bowen Street looking Northwards towards the proposal 135m away (Source: Google Earth - May 2023)



**Figure 4** - View from Thompson Court & Quail Street T-Junction, looking Eastwards towards the proposal 110m away (Source: Google Earth - May 2023)



**Figure 5** - View from next to 29 Cecilia Street looking NNW towards the proposal 150m away (Source: Google Earth - September 2023)



Figure 6 - View from next to 44 Cecilia Street looking South West towards the proposal 100m away (Source: Google Earth - September 2023)

The development is likely to be visible from the east but is likely to be intermingled with the powerlines and power poles in close proximity – see below.



#### C16.0 SAFEGUARDING OF AIRPORTS CODE

The Code is not applicable.

The Airport Obstacle Limitation Area (AOLA) is 86.5m.

The proposed Telecommunications Facility has a height of 26.3m and overall height RL 33.3m AHD and does not extend into the AOLA.

#### 5.2 Local Provisions Schedule Version No: 1

#### **BRE-S2.0 STORMWATER MANAGEMENT SPECIFIC AREA PLAN**

An assessment against the relevant parts of the Break O'Day Local Provisions Schedule BRE-S2.0 Stormwater Management Specific Area Plan is not required as the proposed development is not required to capture stormwater or direct the same to the public stormwater system.

## 5. Representations

The application was advertised 1<sup>st</sup> February 2025 until close of business on 14<sup>th</sup> February 2025 in the Examiner Newspaper, notices on-site and at the Council Chambers and notification by mail to all adjoining landowners. One (1) representation was received prior to the closing date and time. The issues raised within the representation are as follows:-

Issue	Response
<p>As a business owner and local resident, I am concerned about this proposed tower for the following reasons:</p> <ul style="list-style-type: none"> <li>- The sheer size of the structure is not going to be consistent with the height of any other structures in the area, therefore it will have an adverse visual impact on our otherwise beautiful town. The tower will be seen by everyone visiting and, in my opinion, create an unnecessary eyesore for residents and tourists alike.</li> </ul>	<p>Visual character and visual amenity have been assessed in regard to the proposed development. Refer to the report.</p>
<ul style="list-style-type: none"> <li>- I have read section <b>4.6.3 EME and Health Standards</b> of the application, and whilst I understand the levels of radiation emitted from the tower are supposed to be low level, the health implications for myself, my staff and neighbouring residents are of great concern to me. I see a number of these towers located in outlying areas of communities and I would feel a lot more comfortable with it being at a safer distance to businesses and residential properties. I do not feel comfortable working day in day out this close to a tower emitting any type of radiation.</li> </ul>	<p>The proposed use and development is required to be assessed against the Tasmanian Planning Scheme – Break O'Day and forms the subject of this report. Matters external to the planning scheme are unable to be considered.</p>

The recommendation for refusal has been made following due consideration of the representation and comments.

## 6. Mediations

Nil

## 7. Conclusion

In accordance with 6.10 of the *State Planning Provisions (Tasmanian Planning Scheme – Break O’Day)*, the application has been assessed against the objectives of the Scheme, in particular the Utilities Zone and all relevant Codes and issues. The application has demonstrated compliance with the Acceptable Solutions and was unable to demonstrate compliance with two (2) Performance Criterion. The received representation has been considered.

It is recommended the proposed use and development for Telecommunications Facility be REFUSED.

### STRATEGIC PLAN & ANNUAL PLAN:

#### Break O’Day Strategic Plan 2017-2027 (Revised March 2022)

##### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

##### Key Focus Area

Appropriate Development - Encourage sensible and sustainable development through sound land use planning, building and design.

#### Break O’Day Annual Plan 2023 -2024

Actions:

### LEGISLATION & POLICIES:

*Tasmanian Planning Scheme – Break O’Day*

*Land Use Planning and Approvals Act 1993*

*Local Government (Building and Miscellaneous Provisions) Act 1993*

### BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

N/A

### VOTING REQUIREMENTS:

Simple Majority

*The Mayor advised the Council that it had now concluded its meeting as a Planning Authority under Section 25 of the Local Government (Meeting Procedures) Regulations 2015.*



03/25.7.0

## COUNCIL MEETING ACTIONS

03/25.7.1

## Outstanding Matters

COUNCIL RESOLUTIONS - MEETINGS - PUBLIC  
11/03/2025

26

GOALS

77%

GOAL COMPLETION

## COUNCIL RESOLUTIONS PLAN

## COUNCIL RESOLUTIONS - FEBRUARY 2025

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	17/02/2025	17/03/2025	02/25.6.1.537 Subdivision - 11 Lots Plus 1 Road Lot	1. After due consideration of the application received and pursuant to Section 57 of the <i>Land Use Planning &amp; Approvals Act 1993</i> and the <i>Tasmanian Planning Scheme - Break O'Day</i> , that the application for 11 Lot Plus 1 Road Lot Subdivision on land situated at Lot 200 Cobrooga Drive, St Helens described in Certificate of Title 140656/200 and 140656/201 be APPROVED subject to the following plans / documents and conditions:	The Permit for DA258-2023 has been released on 25/02/2025. A Notice of Appeal has been received 7/03/2025.	Senior Town Planner
100%	17/02/2025	17/03/2025	02/25.6.2.538 Residential - 2 Lot Subdivision	1. After due consideration of the application received and pursuant to Section 57 of the <i>Land Use Planning &amp; Approvals Act 1993</i> and the <i>Tasmanian Planning Scheme - Break O'Day</i> , that the application for Residential - 2 Lot Subdivision on land situated at 7 Grant Street, St Helens described in Certificate of Title 217603/3 be APPROVED subject to the following plans / documents and conditions:	The Permit for DA233-2024 was released on 25/02/2025.	Senior Town Planner
100%	17/02/2025	17/03/2025	02/25.13.4.542 Capital Works Budget Review	That Council adopt the revised Capital Works Budget 2024/2025.	The Capital Works budget review was adopted by Council at its February meeting.	Business Services Manager



Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	17/02/2025	17/03/2025	<b>02/25.16.2.548 Break O'Day Council Climate Change Action</b>	Council endorse the <i>Break O'Day Council Corporate Climate Change Adaptation Plan 2024</i> for implementation through its organisational governance, service delivery, operations and Annual Plans.	Council endorsed its <i>Corporate Climate Change Adaptation Plan 2024</i> at its February Meeting. A report on opprtunities for carbon emissions reduction was also included, completing reporting of a series of outputs from recent work with the Northern Tasmanian Alliance of Resilient Councils on priorities from Council's Climate Chnage Action Plan.	NRM Facilitator

## COUNCIL RESOLUTIONS - JANUARY 2025

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	20/01/2025	17/02/2025	<b>01/25.9.1.525 St Mary's Exhibition Building FAQ submissions and closing date – Clr Johnstone</b>	That council accept all St Mary's Exhibition Building FAQ submissions received as valid whether or not a submission covers all 14 points asked by Council in the FAQ. That the closing date for submissions to be received be extended to February 10, 2025.  CARRIED UNANIMOUSLY	Submission date extension has been shared via facebook and has been updated on the FAQ and website and it will be featured in the February newsletter.	Executive Officer
50%	20/01/2025	30/04/2025	<b>01/25.16.2.533 Industrial Land Study – Project Brief</b>	Development Services release the Project Brief – Industrial Land Study publicly to obtain expressions of interest after consideration and feedback from Council.	The timeline for submissions to quote on the delivery of the Industrial Land Study has concluded and seven (7) submissions were received. These have been reviewed and short-listed to three (3) candidates. A detailed review/comparison of all three will be completed and discussed further.	Senior Town Planner
50%	20/01/2025	30/04/2025	<b>01/25.16.3.534 Scamander/ Beaumaris Structure Plan – Project Brief</b>	Development Services release the brief publicly to attract quotations for services specified in the brief.  CARRIED UNANIMOUSLY	The timeline for submissions to quote on the delivery of the draft structure plan has concluded and five (5) submissions were received. These have been reviewed and short-listed to two (2) candidates. A detailed review/comparison of all two will be completed and discussed further.	Senior Town Planner

## COUNCIL RESOLUTIONS 2024

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
90%	15/01/2024	05/02/2024	<b>01/24.9.2.290 Binalong Bay Parking, Traffic and Pedestrian Safety – Mayor Tucker</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council Officers review the existing Binalong Bay Foreshore Master Plan and develop a project scope that can be used to engage an expert to provide a report on the following:</p> <ol style="list-style-type: none"> <li>1. Improved Parking Accessibility</li> <li>2. Assessment of Additional Parking Areas, traffic calming and pedestrian safety improvements.</li> </ol>	Binalong Bay Master Plan has been reviewed and a draft consulting services brief prepared.	Manager Infrastructure and Development Services
75%	04/03/2024	30/04/2024	<b>03/24.9.1.323 Speed limit reduction – Cllr Le Fevre</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>The Break O'Day Council petition the Department of State Growth for a speed limit reduction (60kmh-50kmh) from the Golden Fleece Bridge in St. Helens to the intersection of the Tasman Highway and St. Helens Point Rd.</p>	<p>During January 20225, the Department of State Growth has advised the following: That; i) The department has reviewed the speed limit and considers that the existing 60 km/h speed limit is appropriate for the road's characteristics. Due to the lack of evidence for a reduction in speed, and in the absence of demonstrated support for a reduction from the broader community, it is not intended to consult with the community about the speed limit at the present time. ii)The Department agrees that it may be appropriate to extend the existing 60 km/h zone by some 300 metres to cover the Warrens Way junction and the St Helens Concrete access. The departments traffic engineering assessment has indicated that there is no need to extend the 60 km/h zone all the way to Reservoir Road. The level of roadside development along this section of the Tasman Highway is not sufficient to justify a lower speed limit and it is noted that there have only been two reported crashes, both resulting in property damage only, on this section of the highway during the last five years. The department therefore intend to apply to the Commissioner for Transport for formally adjust the speed limit as noted above, and signage will be updated accordingly if and when approved.</p> <p>Information has been provided to Councillors. This item will remain open for the time being.</p>	Manager Infrastructure and Development Services



Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
75%	20/05/2024	24/06/2024	<b>05/24.9.1.358 Developing walking trails around and within the Scamander Complex precinct – Clr Carter</b>	A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation: That Council considers options to develop walking trails around and within the Scamander Complex precinct.	n-progress. AHT desktop assessment completed. Items requiring follow-up are: • Assess and review matters related to flora and fauna at the site. • Approach the Department of Natural Resources and Environment in relation to upgrading part of the short track segment located on Crown • Identify grant funding opportunities. • Report outcomes to the Council. Activity on this initiative are currently hindered due to resource availability	Manager Infrastructure and Development Services
90%	24/06/2024	31/07/2024	<b>06/24.14.3.391 Speed Limits – North Ansons Bay Road and Ansons Bay</b>	That Council adopt the recommendations made by Traffic & Civil Services as stated in this report.	Recommendations made by TCS were endorsed by the Council at the June 2024 Council meeting. Road line marking completed. State Growth officers have reviewed the changed speed limit proposals and have updated draft speed signage maps. In final stages of approval process.	Manager Infrastructure and Development Services
25%	15/07/2024	31/08/2024	<b>07/24.9.1.401 Lease/ management agreement for the front garden of the old hospital site at St Helens – Clr Carter</b>	<i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i>  That Council immediately pursue a lease/ management agreement for the front garden of the old hospital site at St Helens, from the State Government, and open it up as public open space.	Discussions with the owner of the site have recommenced and Council's interest in securing this piece of land has been reinforced. Follow up contact made on 8/10/24 with Homes Tasmania regarding Council's request and again following the February 2025 Council meeting	General Manager
75%	16/09/2024	30/05/2025	<b>09/24.16.2.456 Proposed Options for St Marys Exhibition Building</b>	1. That Council develop a community engagement strategy which informs the community in relation to the asset conditions and limitations of the building in its current form; 2. That the community engagement is targeted to inform Council regarding the communities proposed uses; 3. Develop initial estimates based on the outcomes of the consultation to enable Council to make a fully informed decision in relation to the future of the building,	A report has been prepared summarising the community feedback to be presented at a Future Meeting with associated recommendations.	Development Services Coordinator
65%	21/10/2024	16/12/2024	<b>10/24.15.2.470 Future use of the old Council offices – 29 Talbot Street, Fingal</b>	1. That Council call for Expressions of Interest for the use of the building located at 29 Talbot Street, Fingal which more recently was leased to Integrated Living. 2. That Council allow the SES response vehicle to be parked in the garage located on the property at 29 Talbot Street, Fingal to ensure quick response to incidents in the Fingal Valley.	Council staff working on the EOI after comments received from first review	Manager Community Services

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
60%	21/10/2024	30/06/2025	<b>10/24.16.2.472 Proposed new electronic scoreboard</b>	<ol style="list-style-type: none"> <li>1. That Council grant permission, as landowner for the lodgement of planning and building approvals (if required) on Council owned land, 117 Tully Street, St Helens (St Helens Sports Complex), and</li> <li>2. Subject to Planning and Building approval being obtained that Council grant permission to carry out the proposed installation of a new electronic scoreboard, and</li> <li>3. That the Lease between the St Helens Football Club and Break O' Day Council be amended to ensure that all ongoing maintenance and insurance requirements are the sole responsibility of the St Helens Football Club as it relates to the Electronic Scoreboard.</li> </ol>	<p>The proposal has been considered as exempt from requiring a planning permit. The proposal as been considered as low risk building work and therefore a building approval is not required to be obtained.</p> <p>The East Coast Swans have been advised of Council decisions and the manufacturing is underway with installation planned in the coming months.</p> <p>The amended lease has been drafted will be amended upon completion.</p>	Development Services Coordinator
100%	18/11/2024	30/04/2025	<b>11/24.16.4.494 Binalong Bay BBQ Area Redevelopment</b>	<ol style="list-style-type: none"> <li>1. To proceed with option B, as notated on the proposed site plan, consistent with the outcomes of the Community Consultation process;</li> <li>2. To provide consent for lodgement of relevant crown, planning, building and plumbing approvals (if required);</li> <li>3. To allocate \$70, 000 in the 2024/2025 Capital works budget for demolition of the existing structure and installation of new.</li> </ol> <p>CARRIED UNANIMOUSLY</p>	Option B has now been progressed and determined that Planning and Building approvals are not required. Crown consent is currently being pursued and planned to commence post easter break in 2025.	Development Services Coordinator
100%	18/11/2024	31/01/2025	<b>11/24.17.6.501 Eastern Strategic Regional Partnership – St Marys Childcare Analysis</b>	<p>That Council enter into discussions with the State Government regarding extending the scope of the St Marys Childcare analysis to include a more holistic investigation in relation to the nature and extent of need for early childhood education and care along Tasmania's east coast, provided an expanded project does not impact on the quality of the investigation in relation to early education and care at St Marys.</p> <p>CARRIED UNANIMOUSLY</p>	Council's decision discussed with the Department of State Growth who support the expansion of the project on the basis which Council has communicated. This will be reflected in the Grant Deed for the second part of the funding to be provided. Consultancy advertised with Expressions of Interest closing on Friday 7/3/25, decision potentially at the March Council meeting.	General Manager
100%	16/12/2024	31/01/2025	<b>12/24.9.1.503 School bus safety issues near shell service station in Scamander – Cllr LeFevre</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>Council provides a letter of support and raise with the Department of State Growth and the Department of Education the need to quickly review the location of the School Bus Stops near the Scamander Shell Service Station due to safety concerns.</p> <p>Council also advocates for a more encompassing review of School Bus stops in Break O'Day, especially North of Scamander to St. Helens.</p>	Letter written to State Growth and subsequently withdrawn as Minister Abetz has advice Council that the bus stop is to be relocated.	Manager Infrastructure and Development Services



Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
100%	16/12/2024	31/01/2025	12/24.16.2.518 Declared areas - Dog Management Policy 2024	That Council Declare, in accordance with Section 25 of the Dog Control Act 2000, the dog zones (Declared areas) described in its revised Dog Management Policy 2024 (EP05) Dog to replace previous Declared areas and to apply for the duration from 15 January 2025 to 1 July 2030.	A public notice was published on 11 January in The Examiner newspaper Declaring the new 2024 dog zones, to apply from 15 January and until 1 July 2030. The Parks and Wildlife Service has been consulted regarding the new Declared areas by Council and feedback from them to align their authorisation of dog access on Reserves they manage.	NRM Facilitator
100%	16/12/2024	31/01/2025	12/24.17.2.520 2025 – 2026 State Budget Community Consultation	That Council provide a submission to the 2025-2026 State Budget consultation process covering the following items:  1. Relocation of St Helens District High School 2. St Helens Wharf – Ownership and assessment 3. Purpose built Early Learning Centre for St Marys 4. St Marys Pass Alternative Route 5. St Marys to Cornwall Trail	State Budget Submission was emailed to the Department of Treasury on 20.12.2024	General Manager

## COUNCIL RESOLUTIONS 2023

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
50%	20/03/2023	30/06/2023	<b>03/23.15.7 St Helens Sports Complex</b>	<ol style="list-style-type: none"> <li>1. That Council engage a landscape architect to design connectivity between the various areas of the St Helens Sports Complex identifying what amenities are required to service the area and its users as well as ensuring green spaces and vegetation management are addressed as part of the project.</li> <li>2. That funds from Public Open Space – St Helens be used to engage a landscape architect to undertake this project.</li> </ol>	A draft Brief has been developed for this project. This project will now be incorporated into the St Helens and Binalong Bay Liveability Strategy which is currently being developed.	Manager Community Services
75%	26/06/2023	31/07/2023	<b>06/23.9.2.131 Online Access Centre Funding – Cllr Carter</b>	<p>That Council write to the State Government requesting:</p> <ol style="list-style-type: none"> <li>1. A definitive answer about the future funding of Online Access Centres in the Break O'Day area beyond the completion of the current funding contract expiring on 30 June 2024.</li> <li>2. An explanation of the Hub approach that the Minister mentioned in a meeting with the Mayor and Acting General Manager in February 2023.</li> <li>3. Clear articulation to the affected communities and relevant service providers of the State Government's plans for the future delivery of services currently delivered by Online Access Centres at St Helens, St Marys and Fingal including how and who will be delivering these services and what services may be lost under the new approach. The articulation should include the financial consequences of establishing Hubs and the efforts that will be undertaken to seek ratepayer and service provider input</li> </ol>	As reported at the February 2025, Libraries Tasmania and the Consultants undertaking the review process failed to ensure that the views of Council were obtained. Correspondence has been sent to the Minister on the matter expressing our disappointment with the engagement process including the engagement being framed as a survey on Digital Inclusion. Advice has been received through the St Helens OAC that funding has been extended to 30 June 2026 at current levels.	General Manager
20%	18/12/2023	29/02/2024	<b>12/23.9.1.265 Indigenous name for St Patricks Head – Cllr J Drummond</b>	<p><i>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</i></p> <p>That Council support the Indigenous name for St Patricks Head, which is lumeragenena wuggelena according to the Department of Natural Resources and Environment Tasmania.</p>	Initial response received from PWS. Council's approach to dual naming has been raised as part of the Reconciliation Action Plan process with the discussion being about an all encompassing approach rather than adhoc naming	General Manager

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
90%	18/12/2023	31/01/2024	<b>12/23.9.3.267 Community landscape plan or policy for our townships – Deputy Mayor K Chapple</b>	<p>A report is sought providing advice in accordance with the requirements of Section 65 of the Local Government Act 1993 for the information of Council at a future meeting and consider any advice given by a person who has the qualifications or experience necessary to give such advice, information or recommendation:</p> <p>That Council develop a community park / garden landscape plan / and or policy for our townships.</p>	A draft policy has been reviewed by the Management Team. Cllr Chapple as the owner of the Notice of Motion has reviewed the draft document to ensure that it meets the intent of the Notice of Motion raised. The draft policy will be presented to Council in a workshop setting for information and discussion.	Manager Infrastructure and Development Services

## COUNCIL RESOLUTIONS 2022

Current Co...	Meeting ...	Due Date	Goal	Resolution / Action	Update	Owner
35%	21/02/2022	01/05/2025	<b>02/22.16.5.39 - Management of Freshwater Resources and Water Quality</b>	Council show leadership on freshwater management arrangements and seek input and advice from state water managers and independent experts on freshwater management arrangements and development initiatives in Tasmania, and their adequacy for ensuring the ecologically sustainable use and development of freshwater systems and resources in Break O'Day.	This issue was brought to Council's attention through Council's NRM Committee in 2022 when questions were raised statewide about the adequacy of freshwater management arrangements and development initiatives in Tasmania and ecologically sustainable use and development of freshwater systems. Freshwater water resources and water quality management issues in the state and for Break O'Day are an on-going topic for Council's NRM Committee.  The Department of Natural Resources and Environment Tasmania is generally responsible for freshwater resources regulation and management and has had several initiatives responding to concerns raise a few years ago. Plans for this outstanding item are to arrange a briefing in the first half of 2025 for Council on developments in management of freshwater resources, involving Tasmanian Government agencies and/or other bodies.	NRM Facilitator
77%	27/06/2022	31/10/2022	<b>06/22.15.3.123 - Outdoor Exercise Equipment - Scamander</b>	That Council seek external funding to cover the cost of this project.	Council at their meeting in June, 2024, in consultation with the community changed the location of the proposed exercise gym equipment to the eastern side of the bridge	Manager Community Services

## 03/25.8.0 PETITIONS

Nil.

## 03/25.9.0 NOTICES OF MOTION

Nil

## 03/25.10.0 COUNCILLOR'S QUESTIONS ON NOTICE

Nil

## 03/25.11.0 COUNCILLOR'S QUESTIONS WITHOUT NOTICE

*Regulation 29 of the Local Government (Meeting Procedures) Regulations 2005 specifies that in putting a Question Without Notice a Councillor must not offer an argument or opinion, draw any inference or make any imputations except so far as may be necessary to explain the question.*

*The Chairperson must not permit any debate of a Question without Notice or its answer.*

## 03/25.12.0 MAYOR'S & COUNCILLOR'S COMMUNICATIONS

### 03/25.12.1 Mayor's Communications for Period Ending 17 March 2025

18.02.2025	<b>St Helens</b>	– Reconciliation Action Plan (RAP) – Workshop number 4 working on developing the RAP.
18.02.2025	<b>St Helens</b>	– Ms Wendy Askew MP and Ms Susie Bower (Liberal Candidate for Lyons) meeting involving General Manager John Brown to discuss Council's election priority projects.
19.02.2025	<b>St Helens</b>	– Ms Angela Offord (Independent Candidate for Lyons), meeting involving General Manager John Brown to present Council's priority projects for the 2025 federal election.
20.02.2025	<b>MS Teams</b>	– Local Government Association of Tasmania (LGAT) General Management Committee meeting.
24.02.2025	<b>St Helens</b>	– Special Workshop of Council.
26.02.2025	<b>Hobart</b>	– Local Government Association of Tasmania (LGAT), consultation workshop focussed on gathering feedback from General Managers Mayors.
03.03.2025	<b>St Helens</b>	– Council Workshop



04.03.2025	<b>Launceston</b>	– LGAT Workshop - Identification and awareness of child abuse for Elected Members.
12-13.03.2025	<b>Sydney</b>	– Australian Local Government Association (ALGA) Local Government Technology Leadership Summit
14.03.2025	<b>Fingal - St Marys</b>	Black Summer Bushfire Projects Opening Events: – Mangana Telecommunications Tower – Fingal Community Shed: Plaque unveiling and building showcase – St Marys Multi-purpose and Evacuation Centre: Plaque unveiling and open day, featuring community demonstrations of the building's uses
17.03.2025	<b>St Helens</b>	Council Meeting

## 03/25.12.2 Councillor's Reports for Period Ending 17 March 2025

*This is for Councillors to provide a report for any Committees they are Council Representatives on and will be given at the Council Meeting.*

- Break O'Day Chamber of Commerce and Tourism – Deputy Mayor Kristi Chapple
- NRM Special Committee – Cllr Janet Drummond
- East Coast Tasmania Tourism (ECTT) – Cllr Barry LeFevre
- Mental Health Action Group – Cllr Barry LeFevre
- Access and Inclusion Advisory Committee – Cllr Janet Drummond
- Bay of Fires Master Plan Steering Committee – Cllr Ian Carter

<b>ACTION</b>	<b>INFORMATION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, Manager Business Services
<b>FILE REFERENCE</b>	018\018\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on activities of the Business and Corporate Service Department since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Investments**

The investment portfolio continues to perform above expectations. In working through the updated Long Term Financial Plan, the implications of term deposit rates dropping below current level has been assessed. A number of alternate term deposit options exist in the market and officers will continue to explore options that align with our Investment Policy while building a more diverse and robust portfolio capable of delivering strong returns in the time ahead.

In order to generate consistent returns at a time when rates are becoming more volatile, Officer's sought out a range of low risk longer-term deposit options to support a sustained level of return over the medium term. Importantly the selected product would pay interest on the investment quarterly not as a lump sum on maturity. Hence supporting cash flow requirements year on year.

An investment of \$2M in five year term has been secured at 4.7%. This is projected to annually return \$97,000 with payments made quarterly.

Below are the investments to date for the 2024 – 2025 Financial Year. The first table shows the matured short-term Term Deposits that continued to employ a ladder approach to maturity to ensure cash flow requirements are met while maximising returns. The second table shows current active Term Deposits. The third table separates out the new five year Term deposit.

***Short-term Term Deposits 2024 2025 - Matured***

Date Rolled Over	Maturing	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
01.02.24	01.07.24	5	1,000,000.00	20,188.49	\$ 1,020,188.49	4.88%	CBA	MATURED
02.04.24	01.08.24	4	1,000,000.00	15,779.73	\$ 1,015,779.73	4.76%	CBA	MATURED
21.09.23	20.09.24	12	2,000,000.00	106,200.00	\$ 2,106,200.00	5.31%	CBA	MATURED
20.03.24	21.10.24	7	1,000,000.00	28,568.49	\$ 1,024,250.00	4.85%	CBA	MATURED
10.11.23	08.11.24	12	1,000,000.00	53,951.78	\$ 1,053,951.78	5.41%	CBA	MATURED
19.04.24	19.12.24	8	1,000,000.00	32,555.62	\$ 1,032,555.62	4.87%	CBA	MATURED
09.05.24	09.01.25	8	1,000,000.00	34,232.88	\$ 1,034,232.88	5.10%	BB	MATURED
30.08.24	29.01.25	5	1,000,000.00	20,738.63	\$ 1,020,738.63	4.98%	West	MATURED
09.05.24	07.02.25	9	1,500,000.00	57,652.60	\$ 1,557,652.60	5.12%	BB	MATURED
26.08.24	26.02.25	6	3,000,000.00	73,196.71	\$ 3,073,196.71	4.84%	BB	MATURED
01.07.24	01.03.25	8	1,000,000.00	34,904.11	\$ 1,034,904.11	5.20%	BB	MATURED
				<b>\$477,969.04</b>				

**Short-term Term Deposits 2024 2025 - Current**

Date Rolled Over	Maturing	Term (Months)	Principle Amount	Interest	Total Amount	Interest Rate	Bank	STATUS
11.09.24	11.03.25	6	1,000,000.00	24,650.00	\$ 1,024,650.00	4.93%	BB	CURRENT
01.07.24	01.04.25	9	1,000,000.00	39,000.00	\$ 1,039,000.00	5.20%	BB	CURRENT
04.10.24	03.04.25	6	1,500,000.00	37,350.00	\$ 1,537,350.00	4.98%	BB	CURRENT
02.08.24	02.05.25	9	1,500,000.00	56,812.50	\$ 1,556,812.50	5.05%	BB	CURRENT
19.12.24	23.06.25	6	1,500,000.00	37,771.23	\$ 1,537,771.23	5.05%	BB	CURRENT
				<b>\$195,583.73</b>				

### **Long-Term Term Deposits**

<b>Date Rolled Over</b>	<b>Maturity</b>	<b>Term (Years)</b>	<b>Principal Amount</b>	<b>Interest Per Year</b>	<b>Total Amount</b>	<b>Interest Rate</b>	<b>Bank</b>	<b>STATUS</b>
14.02.24	13.02.30	5	2,000,000	94,000	\$2,470,000	4.70%	West	CURRENT
				<b>\$470,000 (At Maturity)</b>				

### **Digital Transformation**

Council Officers have identified a number of financial savings as part of the digital transformation project through changes to licencing fees, replacement of the old phone system with Teams Calling, alternate software products and server optimisation.

Investigations continue on server optimisation and cloud based alternatives to support greater flexibility when working out of the office and improved access to information without needing to login remotely. This challenging process will ultimately allow Council to dispose of servers (and their associated high insurance and operating costs). A considered and detailed staff training program is needed to support such a smooth transition over time.

### **Cascade**

A number of new plans have been set up in Cascade similar to the Annual Plan format to enable reporting at the press of a button, some of these plans are Tasmanian Audit Office Audit Recommendations for each year and any other internal audit documents – these plans are reported on to the Audit Panel on a quarterly basis. Other plans include all of Council's Township Plans.

### **Audit Panel**

The March Audit Panel was held in compliance with the required meeting schedule.

Key areas subject to review:

- 10 Year Financial Plan (LTFP)
- Financial Management Strategy (Sustainability)
- Preliminary Budget Parameters and Assumptions
- Policies and Procedures Plan
- Related Party Disclosure Policy & Procedure (presented as a separate agenda item)
- Financial Reports
- Monthly Financial Report – February 2025 Council Meeting
- Capital Works Budget Review – February Council Meeting
- Internal, Anti-Fraud and Anti-Corruption Management Controls
- Processes to Manage Insurable Risks and Existing Insurance Cover



## Rates Summary – 4 March 2025

	2024/2025		2023/2024	
<b>Rates Brought Forward</b>	%	\$	%	\$
Outstanding Rate Debtors		813,964.84		695,682.00
Less Rates in Credit		-296,603.81		-271,007.13
<b>Net Rates Outstanding at 30 June</b>	<b>3.61</b>	<b>517,361.03</b>	<b>3.39</b>	<b>424,674.87</b>

Rates and Charges Levied	95.72	13,709,930.13	95.99	12,037,326.68
Interest and Penalty Charged	0.67	95,951.73	0.63	78,436.15
<b>Total Rates and Charges Demanded</b>	<b>100.00</b>	<b>13,805,881.86</b>	<b>100.00</b>	<b>12,115,762.83</b>

Less Rates and Charges Collected	75.27	10,780,728.49	78.12	9,796,359.16
Less Credit Journals and Supp Credits	1.67	239,684.41	1.24	155,557.15
Remissions and Discount	4.48	642,270.66	4.88	611,490.32

<b>Unpaid Rates and Charges 4 March</b>	<b>18.58</b>	<b>2,660,559.33</b>	<b>15.77</b>	<b>1,977,031.07</b>
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<b>Remissions and Discounts</b>	<b>2024/2025</b>	<b>2023/2024</b>
Early Payment Discount	119,874.78	116,914.18
Pensioner Rebates	522,395.88	494,576.14
	<b>642,270.66</b>	<b>611,490.32</b>

<b>Number Rateable Properties</b>	6,901	6,866
<b>Number Unpaid Rateable Properties</b>	1,537	3,637
<b>% Not fully paid</b>	<b>22.27</b>	<b>33.57</b>

## Right to Information (RTI) Requests

Nil

## 132 and 337 Certificates

	<b>132</b>	<b>337</b>
<b>February 2025</b>	49	20
<b>February 2024</b>	48	27
<b>January 2024</b>	46	29

## Debtors/Creditors @ 6 March 2025

### DEBTORS INFORMATION

#### Invoices Raised

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
72	\$287,284.67	511	68	498

### CREDITORS INFORMATION

#### Payments Made

Current			Previous Year	
Month	Mth Value	YTD 24/25	Month	YTD 23/24
272	\$736,012.75	2286	345	2201

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Services – To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

#### Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

## LEGISLATION & POLICIES:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	018\018\001\
ASSOCIATED REPORTS AND DOCUMENTS	Financial Reports

**OFFICER'S RECOMMENDATION:**

That the following reports for the month ending 28 February 2025 be received:

1. Profit and Loss Statements
2. Balance Sheet
3. Statement of Cash Flows
4. Capital Works 2024-2025

**INTRODUCTION:**

Presented to Council are the monthly financial statements.

**PREVIOUS COUNCIL CONSIDERATION:**

Council considers financial reports on a monthly basis.

**OFFICER'S REPORT:**

The financial statements as shown below show the financial position of Council as at 28 February 2025.

## Profit and Loss

Break O'Day Council

For the 8 months ended 28 February 2025

Account	Actual YTD	Budget YTD	Budget Variance YTD	Budget Variance % YTD	Annual Budget	Notes
<b>Trading Income</b>						
Rates	13,564,412	13,385,406	179,006	1%	13,385,406	
User Fees	931,571	974,079	(42,508)	-4%	1,481,549	
Operating Grants	933,566	1,989,087	(1,055,521)	-53%	4,335,240	1
Interest & Investment Income	627,787	444,290	183,497	41%	1,133,512	2
Contributions	52,207	7,176	45,031	628%	10,765	
Other Revenue	89,227	62,606	26,621	43%	93,907	
<b>Total Trading Income</b>	<b>16,198,770</b>	<b>16,862,644</b>	<b>(663,874)</b>	<b>-4%</b>	<b>20,440,379</b>	
<b>Gross Profit</b>	<b>16,198,770</b>	<b>16,862,644</b>	<b>(663,874)</b>	<b>-4%</b>	<b>20,440,379</b>	
<b>Capital Grants</b>						
Grants - Commonwealth Capital	149,837	150,000	(163)	0%	1,495,767	
Grants - Roads to Recovery	332,660	284,860	47,800	17%	854,579	
Grants - State Capital	743,023	150,000	593,023	395%	720,000	
<b>Total Capital Grants</b>	<b>1,225,520</b>	<b>584,860</b>	<b>640,660</b>	<b>110%</b>	<b>3,070,346</b>	3
<b>Other Non Operating Income</b>						
Net Gain/Loss on Disposal of Assets	13,293	0	13,293	0%	100,000	
<b>Total Other Non Operating Income</b>	<b>13,293</b>	<b>0</b>	<b>13,293</b>	<b>0%</b>	<b>100,000</b>	
<b>Total Non Operating Revenue</b>	<b>1,238,813</b>	<b>584,860</b>	<b>653,953</b>	<b>112%</b>	<b>3,170,346</b>	
<b>Operating Expenses</b>						
Employee Costs	4,048,237	4,244,785	(196,548)	-5%	6,511,003	
Materials & Services	4,881,629	6,005,968	(1,124,339)	-19%	8,689,785	4
Interest	78,276	76,481	1,795	2%	143,732	
Depreciation	3,256,517	3,207,928	48,589	2%	4,811,927	
Other Expenses	193,172	196,144	(2,972)	-2%	294,210	
<b>Total Operating Expenses</b>	<b>12,457,831</b>	<b>13,731,306</b>	<b>(1,273,475)</b>	<b>-9%</b>	<b>20,450,657</b>	
<b>Operating Net Profit</b>	<b>3,740,939</b>	<b>3,131,338</b>	<b>609,601</b>	<b>19%</b>	<b>(10,278)</b>	
<b>Net Profit (Including Non Operating Revenue)</b>	<b>4,979,752</b>	<b>3,716,198</b>	<b>1,263,554</b>	<b>34%</b>	<b>3,160,068</b>	
<b>Work in Progress</b>						
Capital Work in Progress	3,437,079	0	3,437,079	0%	0	
<b>Total Work in Progress</b>	<b>3,437,079</b>	<b>0</b>	<b>3,437,079</b>	<b>0%</b>	<b>0</b>	

### Notes

1. Operating grants are down \$1.06m (53%) on budget YTD, which primarily relates to receiving of the 24/25 Financial Assistance Grants in the prior financial year.

2. Interest & Investment Income is \$183k higher than budget YTD, which is due to timing of matured investments.

3. Capital grants are \$641k higher than budget YTD, which is predominantly due to grant funds carried forward from the prior year.

4. Materials and services are \$1.12m (19%) below budget YTD, which relates to a combination of timing of some payments and some areas currently recording a lower level of spending than forecast for the YTD, primarily related to strategic and grant funded projects.



## Balance Sheet

Break O'Day Council  
As at 28 February 2025

Account	28-Feb-25	30 June 2024
<b>Assets</b>		
<b>Current Assets</b>		
Cash & Cash Equivalents	5,203,792	4,725,768
Investments	9,500,000	9,500,000
Trade & Other Receivables	3,343,487	1,206,440
Inventory	73,175	78,421
Other Assets	2,838	2,838
<b>Total Current Assets</b>	<b>18,123,292</b>	<b>15,513,467</b>
<b>Non-current Assets</b>		
Trade and Other Receivables	14,392	14,392
Property, Plant & Equipment	225,441,545	228,698,313
Right of Use Asset	760,143	760,143
Intangible Assets	4,098	20,918
Investment in Water Corporation	35,744,578	35,744,578
Other Investments	30,000	30,000
Mineral Resources Bond	151,500	0
<b>Total Non-current Assets</b>	<b>262,146,255</b>	<b>265,268,344</b>
<b>Total Assets</b>	<b>280,269,548</b>	<b>280,781,811</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Trade & Other Payables	250,993	1,114,574
Contract Liabilities	0	1,029,936
Lease Liability	58,498	58,498
Interest Bearing Loans & Borrowings	2,435,241	2,605,557
Provisions	885,062	885,062
Trust Funds and Deposits	569,950	561,053
<b>Total Current Liabilities</b>	<b>4,199,745</b>	<b>6,254,681</b>
<b>Non-current Liabilities</b>		
Lease Liabilities	701,645	701,645
Interest Bearing Loans & Borrowings	993,986	993,986
Provisions	871,026	871,026
<b>Total Non-current Liabilities</b>	<b>2,566,656</b>	<b>2,566,656</b>
<b>Total Liabilities</b>	<b>6,766,401</b>	<b>8,821,338</b>
<b>Net Assets</b>	<b>273,503,146</b>	<b>271,960,473</b>
<b>Equity</b>		
Accumulated Surplus	46,755,077	45,212,403
Reserves	226,748,070	226,748,070
<b>Total Equity</b>	<b>273,503,146</b>	<b>271,960,473</b>

## Statement of Cash Flows

Break O'Day Council

For the 8 months ended 28 February 2025

Account	YTD	2024
<b>Operating Activities</b>		
Receipts from customers	1,174,896	1,412,395
Receipts from rates	11,059,429	11,824,140
Receipts from Operational Grants	940,743	3,566,931
Contributions	52,118	264,095
Interest received	433,787	947,098
Dividends received	194,000	465,600
Payments to employees	(4,188,525)	(6,005,239)
Payments to suppliers	(5,672,746)	(7,577,566)
Finance Costs	(92,461)	(252,112)
Cash receipts from other operating activities	815,694	391,066
Cash payments from other operating activities	(5,103)	(2)
<b>Net Cash Flows from Operating Activities</b>	<b>4,711,831</b>	<b>5,036,406</b>
<b>Investing Activities</b>		
Payment for property, plant and equipment	(3,926,964)	(5,019,611)
Payment for investments	0	(884,134)
Capital Grants received	276	2,255,298
Mineral Resources Bond	(151,500)	0
<b>Net Cash Flows from Investing Activities</b>	<b>(4,078,187)</b>	<b>(3,648,447)</b>
<b>Financing Activities</b>		
Proceeds of trust funds and deposits	14,697	(171,476)
Repayment of loans	(170,316)	(2,267,279)
Repayment of lease liabilities	0	(42,522)
<b>Net Cash Flows from Financing Activities</b>	<b>(155,619)</b>	<b>(2,481,276)</b>
<b>Net Cash Flows</b>	<b>478,024</b>	<b>(1,093,318)</b>
<b>Cash and Cash Equivalents</b>		
Cash and cash equivalents at beginning of period	4,725,768	5,819,086
Net change in cash for period	478,024	(1,093,318)
Cash and cash equivalents at end of period	5,203,792	4,725,768

<b>Break O'Day Council</b>				
Capital Works 2024-2025				
For the 8 months ended 28 February 2025				
Project Details	YTD @ 28/2/2025	Updated Carried Forward 30/06/2024	New Budget Items 2024/2025	Revised Budget 2024/2025
<b>Plant &amp; Equipment</b>				
Replace 1358 H66ZW - Kia Sportage	37,519	40,000	-	40,000
Replace 1404 - K70GB Works Operations Manager	50,112		50,000	50,000
Replace 1374 - I65JH Animal Control Vehicle	40,271		40,000	40,000
Replace 1269 - Coastal Crew truck	-		170,000	170,000
Replace 1099 - Mack truck	-		-	-
Vehicle Management Tracking System	-	30,000		30,000
Small Plant - VARIOUS	27,846		45,000	45,000
Replace 1360 - Dmax 4x4 Crew Cab with HIHAB lift	-		60,000	60,000
Replace 1226 - WTS Ute	-		35,000	35,000
Replace 1022 - Small tipper truck	-		140,000	140,000
Replace Turf mower	24,959		27,000	27,000
Emergency Evacuation Generator & Trailer	14,035		15,342	15,342
Waste collection truck	-		550,000	550,000
<b>Total Plant &amp; Equipment</b>	<b>194,743</b>	<b>70,000</b>	<b>1,132,342</b>	<b>1,202,342</b>
<b>Furniture &amp; IT</b>				
CCTV - additional cameras and installation			100,000	100,000
<b>Total Furniture &amp; IT</b>	<b>-</b>	<b>-</b>	<b>100,000</b>	<b>100,000</b>
<b>Buildings</b>				
Fingal Community Shed (Old Tas Hotel)	156,071	101,837	55,000	156,837

Project Details	YTD @ 28/2/2025	Updated Carried Forward 30/06/2024	New Budget Items 2024/2025	Revised Budget 2024/2025
St Marys Indoor & Evacuation Centre	868,206	467,144	500,000	967,144
Portland Hall Upgrades	-	10,000	10,000	20,000
Scamander Sports Complex	81,815		80,000	80,000
Council Chambers additions and improvements	16,754	29,324	10,000	39,324
Falmouth - New Toilet design	6,806		10,000	10,000
Falmouth Community Centre - Internal Alterations	-		5,000	5,000
Pyengana Recreation Ground Improvements	-			-
Binalong Bay - Village Green BBQ Replacements	3,688		60,000	60,000
Memorial Park Toilet Block Replacement	-		15,000	15,000
Water Fountains (memorial Park plus other locations)	11,358		15,000	15,000
Marine Rescue Building Renovations	-			-
Police Station & Health Building Upgrade - 1 Annie Street	4,519			-
Service Tasmania Replace Carpet & Repaint	16,480			-
St Marys Sports Complex (Bowls Club) - Small Shed & Security System	31,946		40,000	40,000
St Helens Sports Complex - Athletics Building	-	48,589		48,589
Emergency Security System Works Depot	34,696			
History Room Upgrades	11,231		12,000	12,000
<b>Total Buildings</b>	<b>1,243,569</b>	<b>656,894</b>	<b>812,000</b>	<b>1,468,894</b>
				-
<b>Parks, Reserves &amp; Other</b>				-
Special Project: Scamander Coastal Hazards Project	1,835	92,141	128,151	220,292
Rec trails strategy implementation - stage 1	-		100,000	100,000
Fingal Youth Playground/recreation hub	120,006	326,184	60,000	386,184
Pump Track/s	531,755	496,099		496,099
Playground equipment replacement program	-	28,210	31,790	60,000
Dog exercise area St Helens Improvements	-	1,913	3,087	5,000
St Marys Dog Park	-	6,546	13,454	20,000
	194		50,000	50,000
St Helens Cemetery Master Plan improvements	-			-



Project Details	YTD @ 28/2/2025	Updated Carried Forward 30/06/2024	New Budget Items 2024/2025	Revised Budget 2024/2025
St Helens Walkway Lighting Project (FUNDED)	134,604			
St Helens Rec Ground water meters	-		20,000	20,000
<b>Totals Parks, Reserves &amp; Other</b>	<b>788,393</b>	<b>951,093</b>	<b>406,482</b>	<b>1,357,575</b>
<b>Roads - Streetscapes</b>				
Cecilia Street/Georges Bay Esplanade junction	13,863	35,409		35,409
Quail St Parking Bay	-		50,000	50,000
<b>Total Streetscapes</b>	<b>13,863</b>	<b>35,409</b>	<b>50,000</b>	<b>85,409</b>
<b>Roads - Footpaths</b>				
Footpath - segment replacement various locations	15,476		30,000	30,000
Parkside Foreshore Footpath	12,192			-
Lindsay Parade to Sunny Bank Close	-		30,000	30,000
Binalong Bay Footpaths internal thoroughfares	-		100,000	100,000
<b>Total Footpaths</b>	<b>27,668</b>	<b>-</b>	<b>160,000</b>	<b>160,000</b>
<b>Roads - Resheeting</b>				
24/25 Road Resheeting to be confirmed	-		510,000	510,000
Loila Tier Road - Resheeting	23,411			
<b>Total Resheeting</b>	<b>23,411</b>	<b>-</b>	<b>510,000</b>	<b>510,000</b>
<b>Roads - Reseals</b>				
St Marys - Story Street Esk Main Road to Groom Street	-	55,084		55,084
Boronia Street Reseal		2,404		2,404
24/25 Reseals TBC	-		800,000	800,000
<b>Totals Reseals</b>	<b>-</b>	<b>57,488</b>	<b>800,000</b>	<b>857,488</b>
<b>Roads - Construction, Digouts &amp; Other</b>				
Digouts and road edge remediation to be allocated	141		250,000	250,000
Circassian/Medeas Sts Intersection	180,204	163,059	21,941	185,000
Road Network - Sign Replacement	11,356		25,000	25,000
LRCI Program - Phase 4 Projects	-			-
- LRCI 4: St Columba Falls Road, Pyengana	15,060	27,193		27,193
- LRCI 4: Scamander Avenue - Pedestrian footpath improvements	5,813	14,632		14,632
- LRCI 4: Rehabilitation of Alexander Street - Cornwall	6,544		300,000	300,000

Project Details	YTD @ 28/2/2025	Updated Carried Forward 30/06/2024	New Budget Items 2024/2025	Revised Budget 2024/2025
- LRCI 4: Ansons Bay Road Sealing	208,678	223,438	126,562	350,000
- LRCI 4: Gray Road - Pathway Extension	75		50,000	50,000
- LRCI 4: Sealing of Tasman Highwat, Seymour	205			
Upper Scamander Road, Scamander (Flood Oct 2022)	675			-
Mangana Road - Rehabilitation/reconstruction	211,773		300,000	300,000
<b>Totals - Roads Construction, Digouts &amp; Other</b>	<b>640,524</b>	<b>428,322</b>	<b>1,073,503</b>	<b>1,501,825</b>
<b>Totals Roads &amp; Footpaths</b>	<b>705,466</b>	<b>521,219</b>	<b>2,593,503</b>	<b>3,114,722</b>
<b>Bridges</b>				
B2293 - Cecilia St	37,775	167,379		167,379
B7027 - Mathina Plains Road	-	40,000	50,000	90,000
Culvert 5539 - Mathinna Road	-	40,000		40,000
Lower Germantown Road B1675	61,665	158,190		158,190
B1243 Binns Road	3,947	28,328		28,328
B1245 Clelands Road	3,777	29,128		29,128
St Columba Falls Road (B1605)	394	17,000		17,000
Argyle St Bridge (B2809)	295,490		350,000	350,000
<b>Total Bridges</b>	<b>403,047</b>	<b>480,025</b>	<b>400,000</b>	<b>880,025</b>
<b>Stormwater</b>				
Minor stormwater Jobs	50,586		150,000	150,000
Treloggens Track Stormwater	95			-

Project Details	YTD @ 28/2/2025	Updated Carried Forward 30/06/2024	New Budget Items 2024/2025	Revised Budget 2024/2025
Osprey Drive	-	10,000		10,000
Beaumaris Ave to Tasman Highway SW pipe	8,069		30,000.00	30,000
Penelope Street	26,121	102,552	16,479	119,031
Aulichs Lane, St Marys	-	4,220	80,000	84,220
Tully Street / Northern end of Cecilia St Stormwater System Upgrade	3,600		70,000	70,000
SD Victoria Street, Fingal	- 21,658			-
<b>Total Stormwater</b>	<b>66,813</b>	<b>116,772</b>	<b>346,479</b>	<b>463,251</b>
<b>Waste Management</b>				
Ansons Bay WTS - Bulk Bin Loading Ramp Upgrade	-		30,000	30,000
Scamander WTS - Waste Paint Container Station		10,242		10,242
Scamander WTS - Replace sump pit & pump		7,170		7,170
Scamander WTS - Waste Compactor	5,466	20,000	40,000	60,000
Scamander WTS - Inert Landfill study	29,583	6,958	157,024	163,982
<b>Total Waste Management</b>	<b>35,049</b>	<b>44,370</b>	<b>227,024</b>	<b>271,394</b>
	-			
<b>Total Capital</b>	<b>3,437,079</b>	<b>2,840,373</b>	<b>6,017,830</b>	<b>8,858,203</b>

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Raoul Harper, Manager Business Services
FILE REFERENCE	040\028\002\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update on the activities and services the delivered by the Visitor Information Centre since the previous Council Meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Visitor Information Report:**

- Main tourists this month were from VIC, QLD & NSW and a few overseas tourists from Germany, UK, New Zealand, Switzerland and France
- We now have a new town map of St Helens. Thank you Helen for creating the map
- Main enquiries this month were, has St Columba Falls reopened, information regarding walking tracks especially in the Bay of Fires and where to put camping rubbish.
- We are finding so far this year that tourists are wanting more verbal information in what to see and do in the area and down the East Coast
- Advised tourists of the current bushfire situations on the west coast and recommended that they download the Tas Alerts app to keep up dated.

**The History Room Curator Report:**

- KTG Coach Tour: Scheduled for Sunday 9 March 2025 at 9 am where Curator will do a meet and greet with the group of 35 visitors coming into the centre and museum
- ASA (Tas branch) ZOOM session: This is scheduled for Wed 26 March and will be on Digital Preservation.
- DPP (Disaster Preparation Plan): This is currently being reviewed for the museum.
- Stats: Figures are down somewhat from previous years but comparable. Volunteer hours at the museum totalled 127 hours for the month of February 2025 averaging out to 31.75 hours per week.



**Statistics:****Door Counts**

Month/Year	Visitor Numbers	Daily Average	History Room
February 2013	5,371	169.50	396
February 2014	6,053	216.17	430
February 2015	6,739	240.67	529
February 2016	6,943	239.41	203
February 2017	5,707	203.82	182
February 2018	4,529	161.75	209
February 2019	5,290	188.93	195
February 2020	4,190	144.48	165
February 2021	2,242	80.07	108
February 2022	2,397	85.61	105
February 2023	4,320	154.28	176
February 2024	4,359	150.31	161
February 2025	4,528	161.71	129

**Revenue 2024/2025**

Month	VIC Sales	HR Entry	HR Donations/Sales
July	3,418.19	150.00	91.20
August	3,740.70	0	177.55
September	4,581.03	288.00	412.25
October	7,359.22	338.00	390.25
November	8,828.24	546.85	335.30
December	8,093.19	302	89.85
January	9,869.20	459.00	172.55
February	10101.96	435.45	171.55

**STRATEGIC PLAN & ANNUAL PLAN:**Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

Strategy

Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.

**LEGISLATION & POLICIES:**

N/A

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Raoul Harper, Manager Business Services
<b>FILE REFERENCE</b>	002\024\007\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	LG51 – Related Party Disclosure Policy LG51a – Related Party Disclosure Procedure LG51b – Related Party Disclosure Guideline

**OFFICER'S RECOMMENDATION:**

The Council adopt the revised LG51 Related Party Disclosure Policy and associated Procedure.

**INTRODUCTION:**

The LG51 Related Party Disclosure Policy has been reviewed and updated to ensure continued compliance with Australian Accounting Standard AASB 124 – Related Party Disclosures (AASB 124). The revised policy and associated procedure clarify the definition of Key Management Personnel (KMP), improve disclosure processes, and align with best practices recommended by the Tasmanian Audit Office.

**PREVIOUS COUNCIL CONSIDERATION:**

<b>LG51</b>	Adopted - 19 April 2017 – <b>Minute No. 07/17.12.4.88</b> Amended - 16 November 2020- <b>Minute No 11/20.12.7.210</b>
<b>LG51a</b>	Approved - 18 May 2015 – <b>Minute No 05/15.11.6.124</b> Amended – March 2018
<b>LG51b</b>	Approved - 18 May 2015 – <b>Minute No 05/15.11.6.124</b> Amended – March 2018

**OFFICER'S REPORT:**

As part of a broader review to ensure compliance with Australian Accounting Standard AASB 124 – Related Party Disclosures, the LG51 Related Party Disclosure Policy has undergone a full rewrite to improve clarity, structure, and alignment with audit expectations. The revised policy now clearly separates policy from procedure, ensuring that the policy focuses on Council's commitment to compliance while the supporting procedures provide a step-by-step framework for implementation.

One of the key updates is the refinement of the Key Management Personnel definition, ensuring that all relevant positions within Council are accurately reflected. This change improves transparency in financial reporting and aligns with the Tasmanian Audit Office's expectations. The updated policy also strengthens the processes for collecting, managing, and reporting related party information, with mandatory annual declarations for Key Management Personnel and enhanced audit oversight to ensure compliance.

A risk assessment conducted as part of the review identified several areas where clarity and procedural improvements were required. While no high-risk issues were found, medium-risk areas

related to data accuracy, compliance monitoring, and confidentiality have been addressed through the introduction of stronger controls, including annual Key Management Personnel training, periodic audits, and improved security measures for handling related party information.

The revised LG51 Related Party Disclosure Policy strengthens Council's compliance with AASB 124, enhances clarity and transparency, and ensures best practice financial reporting. Adoption of this policy will improve audit compliance, reduce reporting risks, and enhance procedural clarity for Council staff and elected members.

The revised LG51 Related Party Disclosure Policy has been endorsed by the Audit Committee for Council adoption.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan (Revised March 2022)

#### **LEGISLATION & POLICIES:**

Australian Accounting Standard AASB 124 – Related Party Disclosures  
*Local Government Act 1993 (Tas)*

#### **BUDGET AND FINANCIAL IMPLICATIONS:**

There are no financial implications for Council in adopting the updated policy.

#### **VOTING REQUIREMENTS:**

Simple Majority



## POLICY NO LG51 RELATED PARTY DISCLOSURES POLICY

<b>DEPARTMENT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Business Services Manager
<b>LINK TO STRATEGIC PLAN:</b>	Ensure council fulfils its legislative and governance responsibilities and its decision making, supported by sustainable policies and procedures
<b>STATUTORY AUTHORITY:</b>	<p>Under the <i>Local Government Act 1993</i> and the <i>Audit Act 2008</i> all local governments in Tasmania must produce annual financial statements that comply with Australian Accounting Standards (AASB 124).</p> <p>This policy outlines what is expected of elected members and staff of Council in relation to Australian Accounting Standard AASB 124 <i>Related Party Disclosures</i> (AASB 124)</p>
<b>OBJECTIVE:</b>	The objective of this policy is to ensure that Break O'Day Council complies with the requirements of <b>Australian Accounting Standards (AASB 124)</b> and the <b>Local Government Act 1993 (Tas)</b> concerning related party disclosures. This policy outlines the principles governing the identification, disclosure, and reporting of related party relationships and transactions. It is designed to provide transparency, maintain accountability, and ensure the accuracy of the Council's financial reporting.
<b>ASSOCIATED PROCEDURES AND/OR GUIDELINES</b>	<p>LG51a – Related Party Disclosures Procedure</p> <p>LG51b – Related Party Disclosures Guideline – Guideline for Councillors and KMP: Understanding and Declaring Related Party Transactions</p>
<b>POLICY INFORMATION:</b>	<p>Adopted 19 April 2017 – Minute No. 07/17.12.4.88</p> <p>Amended 16 November 2020 – Minute No 11/20.12.7.210</p> <p>Amended - Minute No</p>

### POLICY

#### 1. SCOPE

This policy applies to:

- Elected members, including the Mayor and Councillors.
- Key management personnel (KMP), including the General Manager and Managers.
- Close family members of KMP.
- Entities controlled or significantly influenced by KMP or their close family members.
- Any other persons or entities identified as related parties according to AASB124.



## 2. POLICY STATEMENT

Break O'Day Council is committed to ensuring that related party transactions are appropriately disclosed in accordance with AASB 124 and other relevant legislation. The Council acknowledges that related party transactions can influence financial decision-making and the perception of governance practices. Therefore, it is essential that these transactions are transparently reported in the Council's financial statements.

Key provisions of this policy include:

1. **Identification of Related Parties:** Key management personnel must declare their related parties annually, including close family members and entities under their control or influence.
2. **Monitoring and Recording Related Party Transactions:** The Corporate Service Department will monitor all transactions to identify potential related party transactions and ensure they are recorded in accordance with relevant procedures.
3. **Disclosure Requirements:** All related party transactions that meet the disclosure threshold will be included in the Council's annual financial statements, ensuring compliance with AASB 124.
4. **Confidentiality and Privacy:** Information collected as part of this policy will be handled confidentially and only disclosed in accordance with legal requirements.

## 3. RESPONSIBILITIES

- **Key Management Personnel (KMP):**
  - KMP are required to complete a Related Party Declaration Form annually by 1 July each year covering the forthcoming financial year.
  - It is the responsibility of all identified KMP to update their declaration should they become aware of a change, error or omission and notify the Business Services Manager of any changes to related party relationships throughout the year.
- **General Manager:**
  - The General Manager is responsible for ensuring the effective implementation of this policy and reviewing related party disclosures as part of Council's financial reporting process.
- **Corporate Services staff:**
  - Are responsible for collecting and storing related party information, monitoring related party transactions, and ensuring compliance with financial reporting standards.
  - Are responsible for ensuring that this policy is reviewed regularly and updated to reflect changes in legislation or organisational structure.

## 4. COMPLIANCE AND REPORTING

All related party relationships, transactions, and commitments must be disclosed in accordance with **AASB 124**. Non-compliance with this policy may result in disciplinary action and may be reported to the relevant authorities if required by law.



## 5. ASSOCIATED PROCEDURE

A detailed procedure for implementing this policy, including the process for collecting, storing, managing, and reporting related party information is in place: **Related Party Disclosure Procedure**.

## 6. RELATED DOCUMENTS

- Australian Accounting Standards (AASB 124) – Related Party Disclosures
- Local Government Act 1993 (Tas)
- Break O'Day Council Code of Conduct
- Related Party Declaration Form
- Council's Annual Financial Statements

## 7. REVIEW AND AMENDMENT

This policy will be reviewed every **four years**, or sooner if there are changes to relevant legislation or accounting standards. The General Manager and Manager Business Services are responsible for ensuring that this policy remains up to date.



## PROCEDURE NO LG51a RELATED PARTY DISCLOSURE PROCEDURE

<b>DEPARTMENT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Business Services Manager
<b>ASSOCIATED POLICY / PROCEDURES &amp; GUIDELINES:</b>	LG51 – Related Party Disclosure Policy LG51b – Related Party Disclosure Guideline – Guideline for Councillors and KMP: Understanding and Declaring Related Party Transactions
<b>POLICY INFORMATION:</b>	Approved – 18 May 2015 – Minute No 05/15.11.6.124 Amended – March 2018 <b>Amended -</b>

### PROCEDURE

#### 1. PURPOSE

This procedure supports the Related Party Disclosure Policy (LG51) by detailing the process for identifying, collecting, storing, monitoring, and reporting related party information in compliance with AASB 124. The goal is to ensure transparency, maintain accountability, and provide accurate financial reporting for Break O'Day Council.

#### 2. SCOPE

This procedure applies to:

- Key Management Personnel (KMP), including the General Manager and Managers. Elected members (Mayor and Councillors)
- Close family members of KMP
- Entities controlled or significantly influenced by KMP or their close family members

#### 3. RESPONSIBILITIES

Key Management Personnel (KMP) must:

- Complete a Related Party Declaration Form annually by 1 July.
- Update the declaration form if any changes occur throughout the financial year.
- Notify the Manager Business Services (MBS) of any updates linked to related party relationships.

Corporate Services Coordinator (CSC) must:

- Oversee the collection, review, and storage of related party information.
- Ensure that KMP declarations are received on time and follow up on any outstanding forms.
- Maintain the Related Party Register and ensure it is up to date.

Corporate Services Staff will:

- Assist in collecting and storing related party information securely.
- Monitor and track related party transactions throughout the year.





General Manager:

- Ensure overall compliance with the policy and review related party disclosures during financial reporting.

#### **4. PROCEDURE STEPS**

- Identification of Related Parties
  - - CSC to Send the Related Party Declaration Form to all KMP by 1 July each year.
  - - KMP must return the completed form within 14 days.
- Maintaining the Related Party Register
  - Update the register with details of KMP, close family members, and related entities once all Forms are received.
  - Upload and store the Register securely with restricted access.
- Monitoring Related Party Transactions
  - - Senior Finance Officer to review financial transactions regularly for related party involvement.
  - - Record flagged transactions in the Related Party Register.
- Notification
  - Notify the Business Services Manager of flagged transactions and/or anomalies in KMP reporting and/or transactions.
  - BSM to inform the GM of any concerns requiring KMP explanation.
- Reporting Related Party Transactions
  - - Compile a report of all transactions for inclusion in the financial statements.
  - - Review the report with the General Manager before submission.
- Confidentiality and Privacy
  - Handle related party information confidentially.
  - Restrict access to the Related Party Register.
  - Minimise staff involvement to protect privacy.
- Annual Review and Updates
  - Review the procedure annually for updates.

#### **5. RELATED DOCUMENTS**

Related Party Disclosure Policy (LG51)  
Related Party Declaration Form  
Australian Accounting Standards (AASB 124)  
Local Government Act 1993 (Tas)

#### **6. RECORD KEEPING**

All completed Related Party Declaration Forms and the Related Party Register must be securely stored for a minimum of seven (7) years. The documents should be archived in accordance with the Council's record management procedures.

#### **7. APPROVAL AND REVIEW**

Approved By:	
Date:	
Next Review Date:	Four (4) Years – In line with Policy LG51 Related Party Disclosure Policy and LG51b Related Party Disclosure Guideline.

**GUIDELINE FOR COUNCILLORS AND KMP: UNDERSTANDING AND DECLARING  
RELATED PARTY TRANSACTIONS  
NO LG51b - RELATED PARTY DISCLOSURE GUIDELINE**

<b>DEPARTMENT:</b>	Corporate Services
<b>RESPONSIBLE OFFICER:</b>	Business Services Manager
<b>ASSOCIATED POLICY / PROCEDURES &amp; GUIDELINES:</b>	LG51 – Related Party Disclosure Policy LG51b – Related Party Disclosure Guideline
<b>POLICY INFORMATION:</b>	Approved – 18 May 2015 – Minute No 05/15.11.6.124 Amended – March 2018 <b>Amended -</b>

**GUIDELINE**

## 1. INTRODUCTION

As a Councillor or Key Management Personnel (KMP) of Break O'Day Council, you play a crucial role in the governance and financial integrity of the Council. Given the nature of small communities, it is common for personal, family, or business relationships to intersect with Council activities. This guideline aims to help you understand what related party transactions are, why declaring them is important, and what steps to take if you identify a potential related party transaction during the year.

## 2. WHAT ARE RELATED PARTY TRANSACTIONS?

A related party transaction is any transfer of resources, services, or obligations between Break O'Day Council and a related party, regardless of whether a price is charged. Related parties include:

- You as an elected member or KMP
- Close family members, such as your spouse, domestic partner, children, or dependents
- Entities you control or significantly influence, such as businesses, trusts, or non-profit organisation where you or your close family members have significant involvement

### **Examples in a Small Community Context**

In small communities like ours, it is common for individuals to have overlapping roles. Here are some examples of related party transactions that might occur:

- You own a local business that provides goods or services to the Council.
- A close family member works for a supplier or contractor that has dealings with the Council.
- You are a committee member or trustee of a local non-profit organisation that receives a Council grant or donation.

## 3. WHY IS IT IMPORTANT TO DECLARE RELATED PARTY TRANSACTIONS?

Declaring related party transactions is a legal requirement under the Australian Accounting Standard AASB 124 and the Local Government Act 1993 (Tas). Here's why it matters:

1. **Transparency:** Declaring these transactions helps maintain public trust by demonstrating that all Council dealings are conducted fairly and without bias.
2. **Accountability:** As a Councillor or KMP, you are in a position of influence. Declaring related party transactions ensures that your personal or financial interests do not impact your decision-making in Council matters.



3. Compliance: Failure to declare related party transactions could lead to non-compliance with accounting standards and legislative requirements, resulting in financial misstatements and potential legal repercussions.

#### **4. WHEN AND HOW TO DECLARE RELATED PARTY TRANSACTIONS**

##### ***Annual Declaration***

At the start of each financial year (by 1 July), you will be asked to complete a Related Party Declaration Form. This form requires you to list:

- Close family members (spouse, children, and dependents)
- Any entities that you or your close family members control or significantly influence

##### ***Ongoing Declaration During the Year***

If you become aware of a potential related party transaction at any time during the year, you must:

- Notify the Manager Business Services (MBS) as soon as possible.
- Update your declaration form with the new information.
- Refrain from participating in any decision-making related to the transaction until it has been reviewed.

#### **5. WHAT HAPPENS AFTER YOU DECALRE?**

Once you submit your declaration, the following steps will be taken:

- The information will be reviewed by the Manager Business Services.
- Any transactions involving related parties will be recorded in the Related Party Register.
- The General Manager will oversee the review of transactions to determine if they need to be disclosed in the annual financial statements.

#### **6. CONFIDENTIALITY AND PRIVACY**

Your related party declarations are treated with the utmost confidentiality. The information is securely stored, and access is restricted to authorised personnel only. Disclosures will be made only if required by law, and any reporting in the financial statements will not include specific personal details unless legally mandated.

#### **7. FREQUENTLY ASKED QUESTIONS (FAQ)**

Q: Do I need to declare transactions with ordinary citizens or routine dealings?

A: No, ordinary citizen transactions (e.g., paying rates, using Council services) are not considered related party transactions unless they differ from what is available to the general public.

Q: What if I'm unsure whether a transaction needs to be declared?

A: If in doubt, declare it. It is better to disclose a transaction for review than to omit it and risk non-compliance.

Q: Will declaring a related party transaction affect my role or involvement in the Council?

A: Declaring a related party transaction simply ensures transparency. You may need to refrain from participating in discussions or decisions related to the transaction, but it does not impact your overall role.

#### **8. WHERE TO GET HELP**

If you have questions or need assistance with your declaration, please contact:

- Raoul Harper Manager Business Services (MBS)
- Angela Matthews Corporate Services Coordinator (CSC)



ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	David Jolly, Manager Infrastructure and Development Services
FILE REFERENCE	014\002\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This report provides a summary of details relating to Works Operations and Capital Projects for the reporting period February 2025.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Works Operations – General**

	February	March - Scheduled
<b>Town Maintenance</b>	<ul style="list-style-type: none"> <li>Mowing/ground maintenance.</li> <li>Garden/tree maintenance and weeding.</li> <li>Footpath maintenance and repairs.</li> <li>Routine playground inspections.</li> <li>Stormwater work undertaken in Talbot Street, Fingal.</li> </ul>	<ul style="list-style-type: none"> <li>Town maintenance crews undertaking tree maintenance and mowing as required.</li> <li>Memorial outdoor furniture to be installed at the Pyengana Recreation Ground and St Helens Cemetery</li> <li>General building maintenance.</li> </ul>
<b>Road Network</b>	<ul style="list-style-type: none"> <li>Maintenance grading of Ansons Bay Road, Roses Tier Road, Mathinna Plains Road and Heffords Road</li> <li>Guidepost and traffic signs replaced</li> </ul>	<ul style="list-style-type: none"> <li>Grading works in Curtis Road St Marys and Cornwall streets where required</li> </ul>
<b>MTB</b>	<ul style="list-style-type: none"> <li>Routine track maintenance</li> </ul>	<ul style="list-style-type: none"> <li>Routine track maintenance</li> <li>Trail inspections</li> </ul>



<b>Weed Management</b>	<ul style="list-style-type: none"> <li>• St Marys - Broadleaf, gorse, thistles, broom, hemlock</li> <li>• Fingal - Patterson's Curse, broadleaf, Spanish heath, gorse, thistles, broom, hemlock, capeweed</li> <li>• Pyengana - Broadleaf, Spanish heath, thistles, broom</li> <li>• Stieglitz - Broadleaf, thistles, broom</li> <li>• St Helens - African boxthorn, Spanish heath, broadleaf, thistles, broom</li> <li>• Falmouth - Broadleaf, gorse, thistles, broom</li> </ul>	<ul style="list-style-type: none"> <li>• Fingal - Patterson's Curse, broadleaf, Spanish heath, gorse, thistles, broom, hemlock, capeweed</li> <li>• St Helens - Spanish heath, thistles, broom</li> <li>• Binalong Bay – mirror bush</li> <li>• Scamander - broadleaf, Spanish heath</li> <li>• Cornwall - Weed survey Spanish heath, blackberry</li> <li>• All Waste Transfer Stations - Weed survey</li> <li>• Council Cemeteries – Weed survey</li> </ul>
<b>Asset Management</b>	<ul style="list-style-type: none"> <li>• Routine playground inspections</li> <li>• Traffic counters on Ansons Bay Road and North Ansons Road</li> <li>• Building maintenance inspections</li> <li>• Sportsground inspections</li> <li>• Road inspections</li> </ul>	<ul style="list-style-type: none"> <li>• Class 1 footpath inspections</li> <li>• Routine playground inspections</li> <li>• Traffic counters in the Mathinna area</li> <li>• Building maintenance inspections</li> </ul>

### Waste Management – General Information

General/Commercial & Industrial Waste (MSW) to Copping Landfill													
Year	Jul	A	S	O	N	D	J	F	M	A	M	Jun	YTD
<b>2024/25 (T)</b>	222	224	167	240	224	TBA*	352	TBA*					1,429
<b>2023/24 (T)</b>	187	232	224	214	240	274	361	233	228	301	222	185	2,901
<b>Difference</b>	35	-8	-57	36	-16		-9						

Council has not yet received the Southern Waste Solutions invoice for the period December 2024, hence, to be advised. The invoice records the quantity of waste landfilled in the calendar month. The Xero records confirm this.

TBA\*: Service invoices for stated months unavailable at time of preparing this report.

Kerbside Comingled Recyclables Collection – JJ's Waste													
Year	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD
<b>2024/25 (T)</b>	43	41	40	56	48	56	73	TBA*					357
<b>2023/24 (T)</b>	49	45	49	38	45	58	55	50	57	47	54	50	597
<b>Difference</b>	-6	-4	-9	18	3	-2	18						

### St Helens Waste Transfer Station:

- Green waste mulch (coarse and fine grade materials) is available for purchase Monday – Friday.
- Hazardous Household Chemical Collection St Helens Waste Transfer Station, Saturday 15 March 2025 1.30pm – 4.00pm.

### CAPITAL WORKS

Activity	Update
Alexander Street Rehabilitation - Cornwall	The project is a part funded Local Road and Community Infrastructure Program project. The project includes stormwater improvements and rehabilitation of existing sections of road pavement and resealing.. Onsite works commence late March 2025. Residents have been notified of pending works.
St Marys Footpath extension	The project is funded Local Road and Community Infrastructure Program project. The project includes the extension of the existing concrete pathway on Gray Road from the High School to opposite the Recreation Ground. Work to commence in March 2025.
Ansons Bay Road - Sealing	In-progress. The project is a part funded Local Road and Community Infrastructure Program project, that commenced in November 2024 with completion due prior to June 30, 2025. The projects scope includes pavement storm water drainage improvements, pavement preparation, and sealing the next 1,500m of road from the end of seal (north of Priory) just beyond Charlies Marsh.
Stormwater – Penelope Street	Installation of new stormwater main rescheduled to Mar/Apr 2025 to enable ground conditions to improve over the summer period.
Bridge 2293 – Cecilia Street	In-progress – Construction activity commenced late February with expected completion March 2025.
Bridge 1675 – Lower German Town Road	Design completed and precast superstructure components have been manufactured. Abutment works and bridge installation pending arrival of bridge barrier components and completion of Bridge 2293 works.
<b>Bridge 2809 Argyle Street, Mangana</b>	<b>Project Completed</b>
Scamander WTS – Waste Compactor	In-progress.
Scamander Inert Landfill Development	In-progress.
2024-2025 Road Resealing	In-progress until end of March 2025.

Georges Bay – shared pathway solar lighting	In-progress – material sourcing and authority process. Expect to install light footings from early April subject to NRE approvals being granted.
North Ansons Bay Road Re-sheeting	Works scheduled for March 2025

## STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

### Strategy

- Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area.
- Work with stakeholders to ensure the community can access the infrastructure necessary to maintain their lifestyle.
- Develop and maintain infrastructure assets in line with affordable long-term strategies.

## LEGISLATION & POLICIES:

N/A

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority.

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Municipal Inspector
FILE REFERENCE	003\003\018\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received by Council.

**INTRODUCTION:**

This is a monthly update for animal control undertaken since the last meeting of Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Summary**

Category/Area	Binalong Bay, The Gardens, Ansons	Fingal, Mathinna	Falmouth, 4 Mile	Seymour, Denison	Beaumaris, Diana B	Scamander	St Helens, Stieglitz Pyengana	St Marys, Cornwall	REPORTING PERIOD TOTAL	2024- 2025  YTD
Dog - Attack on a person (Serious)									0	2
Dog - Attack on another animal (Serious)									0	1
Dog – Attack on another animal (Minor)									0	2
Dog – Attack on a person (Minor)									0	3
Dog - Declared Dangerous									0	2
Dog - Dangerous Dogs Euthanized									0	0
Dog - Barking					1		2	1	4	24
Dog - Chasing a person	1						1		2	3
Dog - Impounded							1		1	7
Dog - in Prohibited Area									0	2
Dog - Lost Dogs Reported							2		2	2
Dog - Rehomed/kennel for rehoming									0	2
Dog - Wandering/at large	1						1		2	12
Verbal Warnings	1						2	1	4	19
Notice Issued - Unregistered Dog									0	7



Notice Issued - Caution Notice									0	8
Notice Issued - Infringement Notice									0	4
Infringement Notice - Disputes									0	4
Infringement Notice - Revoked									0	0
Written Letter - Various matters to Dog						1	2		3	27
Patrols - Township/Urban Areas							2		2	38
Patrols - Beaches/Foreshore	1		1		1	1	2		6	65
Kennel Licence - Issued									0	2
Other - Cat complaints									0	0
Other - Livestock									0	2
Other - Poultry									0	2
Other - RSPCA intervention		1							1	2
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>2</b>	<b>15</b>	<b>2</b>	<b>27</b>	<b>261</b>

## STRATEGIC PLAN & ANNUAL PLAN:

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

### Strategy

Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.

## LEGISLATION & POLICIES:

- *Dog Control Act 2000*
- *EP05 Dog Management Policy*

## BUDGET AND FINANCIAL IMPLICATIONS:

N/A

## VOTING REQUIREMENTS:

Simple Majority

## 03/25.15.0 COMMUNITY DEVELOPMENT

### 03/25.15.1 Community Services Report

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	Chris Hughes, Manager Community Services
FILE REFERENCE	011\034\006\
ASSOCIATED REPORT AND DOCUMENTS	Nil

#### OFFICER'S RECOMMENDATION:

That the report be received.

#### INTRODUCTION:

The purpose of this report is to provide Councillors with an update of various activities which are being dealt with by the Community Services Department.

#### PREVIOUS COUNCIL CONSIDERATION:

Provided as a monthly report – Council consideration at previous meetings.

#### OFFICER'S REPORT:

The Community Services team approaches all our work through a lens of access and inclusion and we advocate for this in the networks and meetings that we participate in both internally and externally.

#### 2024 – 2025 Community, Council Events, Programs and Initiatives

Items listed below are supported by a Council decision or have been approved through the yearly budget process.

	2024-2025 Budget	Funds expended on project or forwarded to community group
<b>Community Services</b>		
Community Grants	30,000	
Youth Services	8,000	
Misc Donations & Events	7,500	
School Prizes	1,000	\$1,000
<b>Community Event Funding</b>		
Seniors Day	3,000	\$2,400
Australia Day Event	5,000	Council event – \$5,000

Swimcart	1,000	
St Helens Athletic Carnival	2,500	Sponsorship - \$2,500
Carols by Candlelight	1,600	
Australia Day Event (including Woodchopping)	15,000	Sponsorship of event - 1,500.00
Fingal Valley Coal Festival	2,000	
Pyengana Endurance Ride -	500	
St Helens Game Fishing Comp	2,000	Council Sponsorship \$2,000
Wellbeing Festival	3,500	Council event - \$3,500
Marketing Valley Tourism	2,500	
Volunteer Week	2,500	
Bay of Fires Art Prize	10,000	
Bay of Fires Winter Arts Market –	4,000	
St Marys Community Car & Bike Show	2,000	
East Coast Masters Golf Tournament	2,500	Sponsorship of event - \$2,500
International Disability Day Events	1,000	Council event - \$1,000
Mental Health Week	500	
BODRA Winter Lights – name change from Barn Dance	2,000	
Suicide Prevention	1,000	Sponsorship of Golf Day - 1,000.00
Pyengana Easter Carnival	1,000	Council Sponsorship 1,000
Mannalargenna Day	2,500	Sponsorship of event - 2,500.00
Christmas Donations – Lights – St Marys and St Helens	6,000	Council project - 2,349.09
<b>Council Sponsorship</b>		
Funding for BEC Directory	2,000	
St Helens Marine Rescue	3,000	Council Sponsorship \$3,000

Business Enterprise Centre (BEC)	28,000	Council Sponsorship - 28,000.00
Neighbourhood House Tasmania – Conference Sponsorship		Council decision to sponsorship NHT event - 5,000.00
Welcome to Town Christmas Signs	1,500	Council project - \$1,090.76

Below are updates on current projects being managed by Community Services:

### **Reconciliation Action Plan (RAP)**

Council staff are continuing to work with Reconciliation Tasmania in developing a Reconciliation Action Plan.. Reconciliation Tasmania will present to Councillors after the May workshop as to progress of the development of the Reconciliation Action Plan.

### **Bay of Fires Master Plan**

The survey period has now finished, but community members can still provide information through the website – with a session marked “Comments”:

[www.bayoffiresmasterplan.org](http://www.bayoffiresmasterplan.org)

Data collected from the survey has helped the consultants establish an understanding of the issues affecting the study area from a local perspective and from those who visit the Bay of Fires.

The information collected will be tested when the consultants visit our area in May 2025 to speak with stakeholder groups and community members. Session times and dates are currently being worked on by the consultants and will be advertised through our webpage, posters, social media and emails. If you wish to be informed of these sessions by email – please email: [chris.hughes@bodc.tas.gov.au](mailto:chris.hughes@bodc.tas.gov.au) to be added to a mailing list.

### **Expression of Interest – 29 Talbot Street, Fingal**

Council currently have open an expression of interest for the use of the Council owned building located at 29 Tabot Street, Fingal. Anyone interested, can obtain a brief from Council setting out land tenure, planning information etc. Expressions of Interest are to be submitted to Council on or before Friday 28 March 2025 at 5 pm. Inspection of the facility can also be arranged for anyone interested in leasing this facility.

### **Community Events/Activities**

Community Services staff have been working with community members in ensuring that all the great events listed below are able to go ahead. We thank the volunteers who put a lot of their time into organising these events so that the community and visitors to our area can enjoy what we have in our municipality.



## **March 2025**

6 – Wellbeing Certificate (six weeks) – Sun Rock Yoga Studio St Helens  
6-7 – Variety Jet Trek – St Helens Sports Complex  
8 – International Women’s Day Free2Be Girls event – Sun Rock Yoga Studio St Helens  
8 – St Helens Football Club Monster Auction – St Helens Sports Complex  
7-9 – St Helens Game Fishing Club – Marina Parade and Portland Hall  
21 – Autumn Harvest Festival – St Helens Community Garden

## **April 2025**

12-13 – Agfest Sheep Dog Club – Fingal Recreation Grounds  
19-20 – Pyengana Easter Carnival – Pyengana Recreation Grounds

## **Learner Driver Mentor Program**

The Get in2 Gear programs hours are a the highest it seen for last month, with a total of 85.5 On road hours. One Mentor is taking learner through to Launceston and back to get more experience with “City” driving.

Total on-road hours – 85.5 Hours  
Total Mentors - 3  
Learner in car - 17  
Waiting list – 4  
Graduated – 1

## **Community Wellbeing Project**

The 2025 Wellbeing Certificate commenced on Thursday 6 March and will run for 6 weeks at Sun Rock Yoga Studio in St Helens with 10 participants. Actions have started to come to life from the Wellbeing Summit with a series of community breakfasts coming up across the Fingal Valley. Participants in this round of the Wellbeing Certificate include people who attended the summit and this will be a wonderful opportunity for them to grow their summit ideas.

## **Youth**

Participation in the Live4Life Partnership Group is ongoing and going well. Council staff are contributing to the Free2Be Girls youth-led event by hosting wellbeing activities on the day. Staff continue to participate in youth focussed programs and activities and to seek input and advice from youth stakeholders towards establishing the youth voice to council. Staff will be represented at a Beacon Foundation youth event at St Marys School on 25 March.

## **Health and Wellbeing**

The Health and Social Services Network recruited new members in February through connections made at the Health Expos in St Helens and St Marys. Council staff hosted a Wellbeing table at the expos to promote the upcoming Wellbeing Certificate and to share great products and information from the Wellbeing Project. The expos were a valuable opportunity for networking with health providers.

## **STRATEGIC PLAN & ANNUAL PLAN:**

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

#### Strategy

- Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
- Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Chris Hughes, Manager Community Services
<b>FILE REFERENCE</b>	004\002\009\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Proposed Action Plan re The House The House St Helens Final Management Plan for Portland Court House

**OFFICER'S RECOMMENDATION:**

That Council adopt the Management Plan that has been developed for the existing Hub4Health facility located at Portland Court, St Helens.

**INTRODUCTION:**

Council was successful in receiving grant funding to reinvigorate and manage the former Hub4Health. Expressions of interest were called to develop a Management Plan for the facility known as Hub4Health.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 3 March 2025****OFFICER'S REPORT:**

Council took ownership of the facility currently known as The Hub4health and has been operating as a fee for hire space for allied health and visiting services. There is potential to accommodate more services.

The facility required a management plan to ensure that it is managed efficiently and effectively. The development of a management plan was an opportunity to engage meaningfully with our community about community health needs and opportunities.

The goal is to create a functional community space that continues to support allied health services while expanding to serve as a community hub for meetings, youth activities, and health-related initiatives.

Council engaged the services of SAVA (Sheridan van Asch) to deliver the Management Plan for the facility known as Hub4Health located in Portland Court, St Helens. Extensive community engagement was undertaken by the consultant:

- Counselling and Consulting Services – Current user of the facility
- Royal Flying Doctor Service - Current user of the facility
- Rural ExPhys - Current user of the facility
- Launceston Chiropractic Services - Current user of the facility
- Meals on Wheels - Current user of the facility

- Laurel House - Current user of the facility
- Cllr Ian Carter
- Cllr Janet Drummond
- Cllr Gary Barnes
- General Manager, Break O'Day Council
- The original Board Members of Healthy House
- Wellbeing Co-Ordinator
- Representatives from Amplify, Skittles and YCONNECT
- Tanya Greenwood
- Access and Inclusion Committee
- Attendance at Wellbeing Festival and Wellbeing Summit

Key objectives from the draft Management Plan are:

### 1. Maintain Access to Allied Health Services

- Ensure the building remains a hub for consultations with health professionals.
- Improve privacy and functionality in consulting spaces to enhance patient experience.

### 2. Enhance Community Engagement & Usability

- Develop public spaces for meetings, youth activities, and community gatherings.
- Upgrade kitchen facilities to support group functions and healthy living programs.
- Foster a welcoming, accessible, and multi-purpose environment for all community members.

### 3. Support Healthy Living Initiatives

- Establish a kitchen garden and promote healthy cooking programs.
- Provide a quiet and supportive space for young people, including homework areas.

The Plan addresses the issue of functionality of the facility - the model identified within the Plan is that the facility be divided into two spaces - a private space for "allied health activities" and public space for "meetings and youth spaces". The private space allows for privacy for people attending the allied health services and the public space allows people to use this space for meetings or youth activities. The public space as shown in the attached plan also provides a medium space room – something which is missing within Council owned facilities.

The attached Plan has identified some works that if Council decide to adopt the Plan will be required to be undertaken:

- **Renaming the facility** to reflect its new purpose.
- **Enhancing safety**—installing security cameras and improving entry monitoring.
- **Modernizing technology**, including online booking and video conferencing.
- **Improving accessibility**, such as updating the entrance ramp to meet regulations.
- **Establishing a web presence** to inform the community about available services.

The proposed management plan seeks to balance health service provision with community needs, creating a space that is functional, welcoming, and supportive of local well-being.



## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Community - To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

#### Strategy

1. Create an informed and involved community by developing channels of communication. Build community capacity by creating opportunities for involvement or enjoyment that enable people to share their skills and knowledge.
3. Foster and support leadership within the community to share the responsibility for securing the future we desire.
4. Foster a range of community facilities and programs which strengthen the capacity, wellbeing and cultural identity of our community.

#### *Key Focus Area:*

Community and Council Collaboration - Work within a community engagement framework which defines the relationship between the community and Council in decision making and project delivery.

### Break O Day Annual Plan 2023 – 2024

#### *Actions:*

- 1.3.1.4 Portland Court Building - Develop the use of the former Hub 4 Health building through a co-design process with the community.

## LEGISLATION & POLICIES:

N/A

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

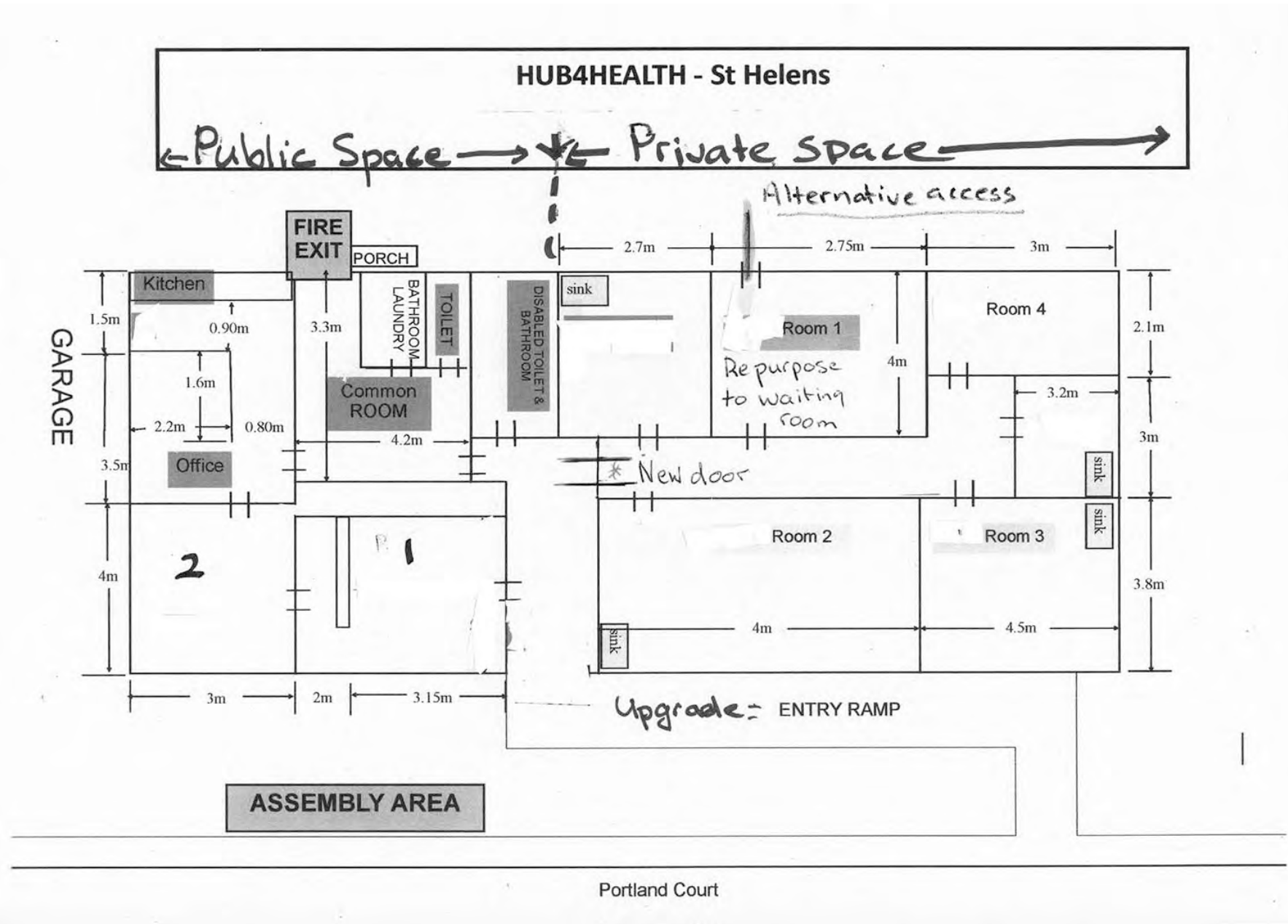
N/A

## VOTING REQUIREMENTS:

If Council adopts this Management Plan for the Hub4Health facility, funds will need to be put into the 2025-2026 budget to undertake the works as suggested in the document. These works have not been costed as yet.

## Proposed Initial Action Plan “the House” Portland Court for consideration

DELIVERABLES and ACTIONS in order of “quick fixes”	Who to Action	TIMEFRAMES	DONE date
1. Name needs to change – seek suggestions from the community???	• BODC Comms	Completed by 31 March 2025	
2. Organise foyer area – remove all unwanted information, cupboard and put in 2 comfortable chairs with a table between	• BODC	By end March 2025	
3. <b>Sound proofing – (this would demonstrate action is happening and things are to change)</b> • Start with putting a sound proof door between the hallway to individual rooms and reception area • Followed by a review of other sound proofing of rooms in private area	• BODC	Completed by end March/April 3 2025	
4. Tidy up <b>Common Room</b> removal of furniture – organise IT in cupboard and fix cupboard doors	• BODC	Immediate 2 weeks from approval of the Plan.	
5. <b>Action re Network upgrade – IT web presence</b> to attract people to the House = identify all health providers = days, times, on line bookings – availability portal, space to rent, <b>Aim to increase interest and activity at the House</b>	• IT group	ASAP Up and running in with in 3 months of approval of the Plan	
6. <b>NEED FOR SECURITY CAMERAS INSTALLED</b>			
7. Grants to be explored	• TBA	ASAP	
8. Improve heating prior to winter		Prior to winter 2025	
8. Removal of counter in room 1 and proper door installed between Room 1 and 2 – organise furniture and possible meeting table	BODC	ASAP by COB within 2 months of approval of the management plan	
9. Refurbish kitchen and room 3 – remove walls etc – if this can be done asap it will enable BODC to start getting funds from the use of the kitchen area	BODC	To be advised by team responsible for refurbishing BODC buildings	
10. Review of fee structure – half days, full days, use of “meeting rooms” etc is \$20.00 half day and \$35,00 per day (including power etc) sustainable?	Finance	End financial year June 2025	
11. Include it as a safe place for youth – encourage Free to Be Girls etc to use the space	Community Engagement	End of financial year June	





## PROPOSED MANAGEMENT PLAN for PORTLAND COURT BUILDING (Hub4Health)

### Executive Summary

The Break O Day Council has requested a management plan be developed with the aim of creating a more relevant and functional facility, previously known as the Hub4Health (the "house"), in Portland Court, St Helens.

Conversations and consultation with relevant stakeholders demonstrated that the intent of the Council to continue to support and provide access to local and visiting health services is important. The aim is that the facility will enable people to continue to access allied health services and advice.

The conversations also highlighted the opportunities the "house" has to become a venue for community based activities *a meeting site...an alternative, more community friendly space....a space for our youth.*

This management plan aims to effectively promote and facilitate the intent of the building becoming, once again, a place that delivers health services as well as being a community friendly space: *"no longer the lonely scary house"* to quote one of our young community members.

In terms of its functionality the House allows for both "private" and "public" activities to co-exist i.e private = "allied health activities" and public = "meetings, youth activities" etc. It lends itself to this because there is clearly identified:

1. **private space** = the rooms used by allied health professionals "consultants /counsellors" – that need to conduct private consultations – conversations etc. are physically separated from the "lounge/kitchen" space ; and
2. **public space** = that could operate as meeting spaces – ideal for local organisations/groups to meet, with a better more functional kitchen it would enable the building to be used as a "function" centre; and/or
3. **allowing increased engagement with our young people** – "a quiet space" – homework space, a place to create a kitchen garden, learn to cook healthy meals = promote living a healthy life-style thus – giving the "house" purpose – a real new lease on life.

## Introduction/Background:

The Council acquired the building in Portland Court, originally known as the Healthy House, following an expression of interest (EOI) process. The Council advised that the facility would be a *“venue for community based Council programs to operate out of and as a meeting site...an alternative, more community friendly space.”* It is understood that this is still the intent and the outcomes of the stakeholder engagement process supports this. It is understood that the Council intends to continue to support access to effective health services and to enable community access.

### 1. Goals and Objectives

How can the facility (once Hub4Health/Healthy House) continue to provide access to allied health care and advice and are there other functional opportunities to be realised?

#### Community Health Check (BODC report) Healthy Living

The Health living snapshot – identified that 33% of BODC residents rated their health as “excellent” or “very good” – lower than the rate for Tasmania as a whole.

Risk factors – are conditions/behaviours that make it more likely people will get a chronic condition or health problem. Sample of key risk factors in BODC LGA includes Overweight/obesity 74% – Tasmania 62%, while 85% did not meet recommended daily vegetable intake compared to 91% of Tasmanians.

The question – can the facility play a role in supporting and improving the “community’s healthy living – health check” and how could this be actioned?

What would a community health model look like – consider the whole person – access to doctors, mental health, physical health, social connections and environmental circumstances? AND OR should there be a focus on a positive youth space driven by the “youth” and a facility that supports community? How can this be realised?

Response:

*The outcomes of conversations, consultations and consideration as to how the “house” physically can support both health outcomes and a facility for community engagement/activity can be realised.*

The Cohealth facility in Bicheno provides an example of an integrated health model offering access to both Doctors and allied health workers. The building separates the Doctors from the space where the allied health workers and meetings, “get togethers” for people from the community, are held. It comes across as a positive space, bright, fresh and welcoming creating easy access for community.



The structure of our House is such that with some imagination and physical changes it can both attract and enable access to primarily allied health professionals as well as creating a space where people can meet without causing disruption to both groups – it is physically designed to enable the “private space” (allied health care etc) to be effectively separated from the “public” space. This attribute can make the building more functional from a community perspective.

## 2. Proposed operational use of the building:

The building could operate more effectively if “*form follows function*”, ie. the building could function better if “private” and “public” spaces were more clearly designated. It lends itself to this because there is clearly identified:

- ▶ **private space** – currently being used by “consultants /counsellors that need to conduct consults – private conversations etc; and
- ▶ **public space** that could operate as meeting spaces – ideal for local organisations/groups to meet, with a better more functional kitchen it would enable the building to be used as a “function” centre; and/or
- ▶ **increased engagement with our young people** – “a quiet space” – homework space, a place to create a kitchen garden, learn to cook healthy meals = promote living a healthy life-style thus – giving the “house” purpose – a real new lease on life. There is enough space around the “House” to establish a kitchen garden (suggested by the youth who were consulted).

## 3. ACTION PLAN – OVERVIEW

### 1. THE PRIVATE SPACE – accommodation for our allied health professionals:

To make the accommodation more attractive for our current and potential future health professionals, key suggestions are outlined below, and should/could be **actioned immediately**:

1. **Sound proofing**: confidentiality can be maintained and achieved by including a **solid door** between the private and public space of the building (note floor plan – “the house” identifies private and public space). This is important to be addressed – given some of the occupants have consultations that require privacy, respect and anonymity.
2. **Alternative access to “private area”**: can be provided by utilising the door on the northern side of the building (entrance to Room 1) – minimum cost.
3. **Heating** – the requirement for better heating was a key request “it is so cold in winter” – the individual rooms are cold and the heating system needs improving.
4. **Open windows that are sealed closed**.

5. Given that conversations have highlighted the need that this area requires a greater degree of privacy for people accessing the services provided it is suggested that a solution could be to re-purpose Room 1 (private space) into a “waiting room” for clients, as it can provide a more private access to the House.

This can be realised with little cost.

Room 1 has an external door. The room is small and currently houses Meals on Wheels. It lends itself to a comfortable space for people to wait for their appointments in – “a private waiting room”, ensuring greater privacy for clients.

Meals on Wheels – could be encouraged to move to Room 4 or if possible to re-locate to the Hospital (this will need to be explored further) .

Access to Room 1 (private space area) – is from the back of the House so consideration would need to be given to making safe access available – remove vegetation etc, lighting, clear access – parking could be organised at the rear of the building for people accessing the back of the building, if required.



## 2. THE PUBLIC SPACE:

Refer to the diagram the House re public space.

To ensure better functionality of the House the following is proposed and considered to be simple solutions to making this space effectively more useable, friendly, attractive with the potential to increase revenue.

In terms of functionality of the “public space” the rooms lend themselves to be able to host meetings, areas suitable for young people to meet, and with renovations e.g making a larger kitchen enabling proper catering to take place and possibly allow for the opportunity to increase charges for use of the facility.



### 1. Foyer:

#### Immediate Action:

- ▶ **door to be installed** at the entrance to the “private space” – allied health area to increase sound proofing for that part of the building – note floor plan; and
- ▶ **remove cupboard and radio.** (radio is used to provide a diversion to the private conversations held in this area)

### 2. Room 1 (currently 'reception')

Purpose – meeting space for local organisations, Councillors etc

- ▶ **Action:**
  - remove counter (if Huon Pine – sell and reinvest funds into The House)
  - add meeting table, chairs etc to cater for both casual and formal meetings.

This room could be used immediately.

### 3. Room 2 (small office)

Purpose – an extension of room 1 – better option is that a proper door be re-installed between Room 1 and 2 to allow a smaller meeting room/young peoples meeting place – homework space was suggested. It can be easily accessed from the “kitchen” area.

- ▶ **Action:**
  - remove “fake” door and open the space by removing “fake” wall – creating easy flow to the kitchen area and room 2 OR
  - **replace door between 1 & 2 creating a second room for meetings etc.**

### 4. Office (room 3):

Currently used as a storage space, it is too small for an office and is part of access – from both Rooms 1 and 2 and from the “Common Room” – and access to kitchen.

- ▶ **Action:** make it part of the kitchen area (originally part of the kitchen)

### 5. Kitchen:

Currently not used, difficult to access therefore under utilised.

- ▶ **Action:** remove walls between room 3 and kitchen – to create better access and therefore better utilisation of the kitchen for both those using the “public space” and those using the “private spaces” – a more functional kitchen can allow for charging for use when groups hold meetings etc.

Final

5

#### 6. Common Room:

It is a **transition zone** allowing access to kitchen area, the outside and amenities eg bathroom and 2<sup>nd</sup> toilet. It is easily accessible from both the “public space” and “private space” (allied health area) enabling a space for people to gather casually.

It could be utilised as a “break out” area – a common room where people can sit and chat while using the kitchen. Currently collecting storage for chairs etc. It is an access to toilet, bathroom with shower, a “back door” that is also a fire exit. It houses internet servers (this needs to be checked).

- ▶ **Action:** remove unwanted furniture – but leave some furniture to designate it as a ‘catch up” space.

#### 4. Concerns raised and changes required ASAP.

Outcomes of consultation and conversations with current users of the building that need addressing and will demonstrate the Councils commitment to making the House effective are:

Action 1: Name needs to change

Action 2: Safety – is of concern as currently people delivering services may be the only person in the building therefore there is a need to have a system to enable who and when other people are potentially visiting or booked into the house. Provision of safety camera system installed is important – this leads into –

Action 3: Technology needs to be upgraded/modernised – fit for purpose – to enable, bookings made on line, telehealth appointments, or just to enable the community to access video conferencing facilities, Neighbourhood House system could be implemented as an easy fix.

Action 4: Create a web presences (students to design) – name, photos of the place, list of services provided, opening or service availability times – a website that represents the organisation.

Action 5: It is not obvious if the building is open or closed – should the facility have a person at “reception”? Could this be undertaken by volunteers? Create a sense of welcome.

Action 6: Entry ramp needs to be updated to meet current regulations for suitable access for all people wishing to access the House.



### Blue Sky Thinking – long term ideas/actions:

There have been suggestions that the “house” could be transitioned to provide accommodation etc to niche groups focus on health, women needing accommodation etc. This would require significant funding to upgrade the “House” to provide safe accommodation. However the following should be considered:

- supportive housing – could be placed on the land – this needs to be carefully assessed as to what this means – it can’t be a refuge for people fleeing domestic violence;
- facilities available for homeless – eg laundry, washing machine, access to a kitchen; and
- workers accommodation would be useful, either attached to the building or built separately to encourage service providers to the area over multiple days or weeks.

The idea of emergency housing in situations of domestic violence has been raised/considered. However given the location of the House in a cul de sac, it is considered potentially dangerous for women fleeing domestic violence situations and therefore highly problematic.

Through consultation with experts working in domestic violence it is highly recommended that the idea of the House providing “emergency” housing re domestic violence etc should NOT be considered. Further consultation with social workers and psychologists working in this space have advised that it is important that people fleeing from a domestic violent situation need clear access to be able to leave safely, which is challenging when a building is in a cul de sac. Such a facility also requires 24/7 access and support.

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	Chris Hughes, Manager Community Services
<b>FILE REFERENCE</b>	018\019\082\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Nil

**OFFICER'S RECOMMENDATION:**

1. That Council note the quality and diversity of applications to this year's community grants program. Council set an annual budget for this program of \$30,000 In order to fund the Community Funding Program. The total value of grants requested came in at over \$100,000. Council seek to provide as much funding as possible to support our community group and events though this grant process. To that end Council agree to reallocate the follow approved funding in the 2024 – 2025 operating budget across to the Community Funding Program:
  - Fingal Coal Shovelling event - \$2,000 (this event will not be occurring this financial year);
  - Australia Day Event - \$10,000 – (under spend funds from the vent for reallocation); and
  - Venue Hire -: \$1,120
2. Council confirm that the total funds now available for distribution are \$43,120.
3. That Council allocate funds to following projects through the Community Grants Program 2024 – 2025:

Organisation or Group name	Description of Project	Amount Requested from Council	Contribution from Organisation or Group	Other Approved Grants	Unsecured	Total Budget for Project
Georges Bay Dragon Board Club Inc	To purchase paddles, life jackets and uniforms	\$10,000	\$1,600			\$11,600
Georges Bay Music (Suncoast Jazz Club)	To host a musical event	\$1,800				\$1,800
Falmouth Community Centre	To purchase chairs and chair kart	\$7,428.30				\$7,428.30

St Helens Bowls Club & Community Club	To install supports around playing surfaces to assist players safer access and egress from the green	\$1,400				\$1,400
Scamander Bowls Club	To purchase bowls mats	\$1,440				\$1,440
Mathinna Community and Landcare Group	Fencing and garden works at St Georges Church	\$9,500				\$9,500
With One Voice Break O'Day Choir	Provide transport to and from weekly choir practices	\$2,400	\$4,000			\$6,400
Pyengana Cricket Club	Practice net repairs	\$2,000				\$2,000
St Helens Football Club Inc t/a East Coast Swans	Reverse Cycle Unit System	\$3,500	\$3,760.50		\$11,000	\$18,260.50
Stem for Girls	Preparing Girls fir AI Age	\$2,500				\$2,500
Mary and the Elephant Film Nights and other Gatherings	Sit, grab a drink and chat with us	\$600	\$200			\$800
North East Bioregional Network	East Coast School Shorebird Postcard Project	\$550	\$1,000			\$1,550

\$43,118.30

\$

10,560.50

\$11,000

\$ 64,678.80

## INTRODUCTION:

Council allocates \$30,000 annually through the Community Funding Program to support community organisations and groups to undertake projects and programs in Break O'Day. A total of 13 applications were received by the closing date on Monday 24 February 2025. An assessment process has been undertaken and all projects comply with the grant criteria to be eligible for funding. The funding requested in total far exceeded the project budget.

#### **PREVIOUS COUNCIL CONSIDERATION:**

Annually

#### **OFFICER'S REPORT:**

Council staff received 13 applications from community groups for this round of grant funding totaling \$100,678.80. The project allocation for Community Funding Program is \$30,000.

Councillors discussed the merits of the applications at the recent workshop and sought advice as to whether any unspent funds from the Community Services Department could be reallocated across to support a higher level of funding for this year's Community Funding Program.

The following items have been reviewed and are available for reallocation to the 2024 – 2025 operating budget across to the Community Funding Program if Council makes a decision to do so:

- Fingal Coal Shovelling event - \$2,000 (this event will not be occurring this financial year);
- Australia Day Event - \$10,000 – (under spend funds from the event for reallocation); and
- Venue Hire -: \$1,120 to be reallocated to Community Grants.

**TOTAL: \$13,120**

All grants have answered the selection criteria in order for Councillors to make a decision.

Councillors at the March 2025 workshop reviewed all applications in line with the eligible criteria and the Officers Recommendation to Council provides a suggested allocation grant funding to selected projects.

Council Officers have put forward a recommendation for Council to consider. Please be aware that should Council choose to reallocate extra funding to the Community Funding Program it will require an absolute majority of Councillors to vote in support.



## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

#### Goal

Community – To strengthen our sense of community and lifestyle through opportunities for people to connect and feel valued.

#### Strategy

1. Foster and support leadership within the community to share the responsibility for securing the future we desire.

### Break O Day Annual Plan 2023 – 2024

#### *Actions:*

5.2.2.1 Foster Opportunities - Provide leadership and work in partnership with community and service providers to create inclusive and equitable opportunities for everyone to feel valued and contribute meaningfully to their community.

## LEGISLATION & POLICIES:

N/A

## BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:

Council has funding in the current budget (\$30,000) to be applied to the Community Grants. Council can reallocate funds to provide further support by an absolute majority vote to support.

## VOTING REQUIREMENTS:

Absolute Majority

ACTION	INFORMATION
PROPONENT	Department
OFFICER	Development Services Coordinator
FILE REFERENCE	031\013\003\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various activities which have been dealt with by the Development Services Department since the previous Council meeting.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****KEY DEPARTMENT STRATEGIC OR OPERATIONAL MATTERS**

1. Recruitment process commenced for Development Services Administration Officer
2. Pre-Abatement Notice Letters are still occurring and achieving good results. No formal abatement notices have been required at the time of writing this report;
3. Training day completed with Development Services staff on 6 February 2025 with Simmons Wolfhagen;
4. Falmouth Community Centre & Falmouth Toilet Replacement initial community consultation phase completed, report being prepared for Council direction.

## PLANNING REPORT

The following table provides data on the number of applications approved for the month including statistical information on the average days to approve and the type of approval that was issued under the *Land Use Planning and Approvals Act 1993*:

	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	YTD	EOFY 2023 / 2024
<b>NPR</b>	4	5	4	6	2	1	1	2					24	
<b>Permitted</b>	1	4	1	8	1	1	6						16	
<b>Discretionary</b>	14	6	8	5	9	10	9	8					60	
<b>Amendment</b>	4	2	2	3	1	2	1	2					16	
<b>Strata</b>	1					2	1						3	
<b>Final Plan</b>		2	1			2		1					6	
<b>Adhesion</b>														
<b>Petition to Amend Sealed Plan</b>			1		1								2	
<b>Boundary Rectification</b>														
<b>Exemption</b>														
<b>Total applications</b>	24	19	17	22	14	18	18	13					127	242

<b>Ave Days to Approve Nett *</b>	21.8 7	20.21	22.94	17.18	46	22.1 6	32.61	34					27.12
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\* Calculated as Monthly Combined Nett Days to Approve/Total Applications

The following table provides specific detail in relation to the planning approvals issued for the month:

**January 2025**

DA NO.	LOCATION	DESCRIPTION	SECTION	Day to Approve Gross	Days to Approve Nett
019-2024 AMEND	St Helens	Minor Amendment to Planning Permit – Amended Design and Reduction of the Building Area of the Proposed Building	S56	28	28
216-2024	St Helens	7 x Dwellings	S57	43	42
231-2024	Scamander	Construction of Dwelling and Carport	S57	43	42
012-2025	Beaumaris	House Extensions/Additions	NPR	7	7
014-2025	St Helens	Verandah Roof & Deck	NPR	2	2
217-2024	Scamander	Construction of a Dwelling and Legalisation of Existing Outbuilding Structures and Front Boundary Fence	S57	89	41
242-2024	Stieglitz	Construction of a Shed	S57	40	38
062-2024	Pyengana	Final Plan of Survey – Boundary Adjustment	FINAL	0	0
221-2023 AMEND	Beaumaris	Minor Amendment to Planning Permit – Variation to Access Position from Tasman Highway and Right of Way, Variation to Position of Building Area for Lots 1, 5 & 6	S56	7	7
246-2024	Scamander	Dwelling	S57	44	38
233-2024	St Helens	2 Lot Subdivision	S57	81	72
234-2024	Binalong Bay	Widening and Alterations to the Existing Boat Ramp	S57	43	42
258-2023	St Helens	11 Lot Plus 1 Road Lot Subdivision	S57	105	83

**TOTAL 13**

**Denotes Applications Requiring a Planning Authority Decision due to representations being received.**






## Strategic Planning Projects in the 2024/2025 financial year

Description	Percentage Complete	Current Update
Scamander/Beaumaris Township Structure Plans - Develop Project Brief and engage consultancy to undertake the work.	75%	Quotations have now been received and under assessment by Council Officer. A report will be prepared for consideration by Council.
Break O'Day Council Land Use Strategy 2015 - Project Brief to be developed for implementation	10%	Review of the Land Use Strategy has been completed. Review of Low Density Residential and Rural Living land has commenced. Currently on hold as we progress the Structure Plan and Industrial Land use study.
Regional Land Use Strategy - Actively participate in and support the review of the Northern Tasmania Regional Land Use Strategy.	50%	Break O'Day is actively participating in the review of the Northern Tasmania Regional Land Use Strategy (NTRLUS) through the Regional Planning Group (RPG). Feedback to consultants has occurred and the consultants are editing the document.
Industrial Land Use Study - Complete the 'Scoping Study' and progress the study to identify future demand, land analysis, constraints and opportunities.	75%	Quotations have now been received and under assessment by Council Officer. A report will be prepared for consideration by Council.

## BUILDING PROJECTS REPORT

### Projects Completed in the 2024/2025 financial year

Description	Location	Updates
Old Tasmanian Hotel Site – New Community Shed	20 Talbot Street, Fingal	<p>Completed November 2024</p>   <p>Formal opening scheduled for 14 March 2025</p>
St Marys Indoor & Evacuation Centre	St Marys Sports Complex	<ul style="list-style-type: none"> <li>Contractual works completed;</li> <li>Formal opening scheduled for 14 March 2025</li> </ul>
New Water Refill Station	Memorial Park, St Helens	Completed January 2025
New Water Refill Station	Lions Park, St Helens	<p>Completed February 2025</p> 
New Toilet Addition & Further Design work	Scamander Sports Complex	Completed February 2025

### Projects ongoing – Capital Works Program (Includes carried over projects previous financial years)

Description	Location	Updates
Building upgrades	St Marys Railway Station	<ul style="list-style-type: none"> <li>Repainting identified as priority which has commenced;</li> <li>Scheduled for Completion with contractor during March &amp; April 2025.</li> </ul>

Air-conditioning upgrades & completion of external painting	Council Office	<ul style="list-style-type: none"> <li>• External Signage &amp; Repainting Upgrades complete;</li> <li>• Pending expert advice in relation to required air-conditioning upgrades.</li> <li>• Internal lighting upgrades currently being quoted.</li> </ul>
Small storage shed & Security System installation	St Marys Sports Centre	<ul style="list-style-type: none"> <li>• Security system upgrades now completed;</li> <li>• Small storage shed design completed;</li> <li>• DCM Sheds engaged and installation to be completed prior to end March 2025.</li> </ul>

### Approved Capital Works Program – Current & Previous Financial Year - not yet started

Description	Location	Updates
Repair Render & Repaint Front Facade	Portland Hall, St Helens	<ul style="list-style-type: none"> <li>• Works scoping to be conducted in conjunction with design work for Memorial park toilet.</li> </ul>
Re-Roof and Weatherproofing of athletics building	St Helens Sports Complex	<ul style="list-style-type: none"> <li>• Next phase of works pending outcomes of St Helens Sports Complex Masterplan consultation.</li> </ul>
Community Consultation, Design & Development Approval Phase – Public Toilet	Falmouth Township	<ul style="list-style-type: none"> <li>• Falmouth Community Centre &amp; Falmouth Toilet Replacement initial community consultation phase completed, report being prepared for Council direction.</li> </ul>
Internal Alterations – Design only.	Falmouth Community Centre	<ul style="list-style-type: none"> <li>• Falmouth Community Centre &amp; Falmouth Toilet Replacement initial community consultation phase completed, report being prepared for Council direction.</li> </ul>
Demolition & Construction of New Public BBQ Facility and Associated work	Village Green, Binalong Bay	<ul style="list-style-type: none"> <li>• Approved location determined by Council at November Council Meeting.</li> <li>• Pending Crown Land Services consent</li> <li>• Works scheduled to commence post Easter break 2025.</li> </ul>
Community Consultation, Design & Development Approval Phase – Public Toilet Replacement	Memorial Park, St Helens	<ul style="list-style-type: none"> <li>• Community engagement phase to commence as priority in conjunction with consultant designer who has now been appointed;</li> </ul>

		<ul style="list-style-type: none"><li>• Consultation phase to occur subsequent to Falmouth projects.</li></ul>
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The below table provides a summary of the building approval issued for the month including comparisons to the previous financial year.

Building Services Approvals Report

February 2025

No.	BA No.	Town	Development	Value
1.	2024/00191	Ansons Bay	New Shed	\$40,000.00
2.	2024/00190	The Gardens	New Shed & Office with amenities	\$328,000.00
3.	2024/00178	Cornwall	New Shed with Attached Carport	\$35,000.00
4.	2024/00164	Binalong Bay	New Shed, Carport & Retaining Wall	\$42,000.00
5.	2020/00132-RE-ASSESS	Falmouth	Alterations & Additions - Dwelling & Deck	\$48,000.00
6.	2024/00223	Binalong Bay	Alterations & Additions (Dwelling & Decks) & Change of Use (carport to rumpus)	\$62,000.00
7.	2024/00201-STAGE 1	Scamander	Demolition & New Shed	\$35,000.00
8.	2024/00174	Binalong Bay	New Shed	\$52,000.00
9.	2021/00113	Gray	New Shed, Amenities Building, Shipping Container & Annex	\$160,000.00
10.	2024/00203	Scamander	Alterations & Additions – Dwelling & Deck	\$202,000.00
11.	2024/00243	St Marys	Shed with Amenities	\$55,000.00
12.	2024/00242	Stieglitz	New Shed	\$32,000.00
13.	2024/00226	St Helens	New Shed	\$67,500.00
14.	2024/00205-STAGE 1	St Helens	New Shed	\$40,000.00
15.	2023/00249	St Marys	Temporary Occupancy Permit- Caravan/Mobile Tiny Home/Visitor Accommodation	N/A
16.	2025/00006	St Marys	Plumbing only – Composting Toilet (Tiny Home)	N/A


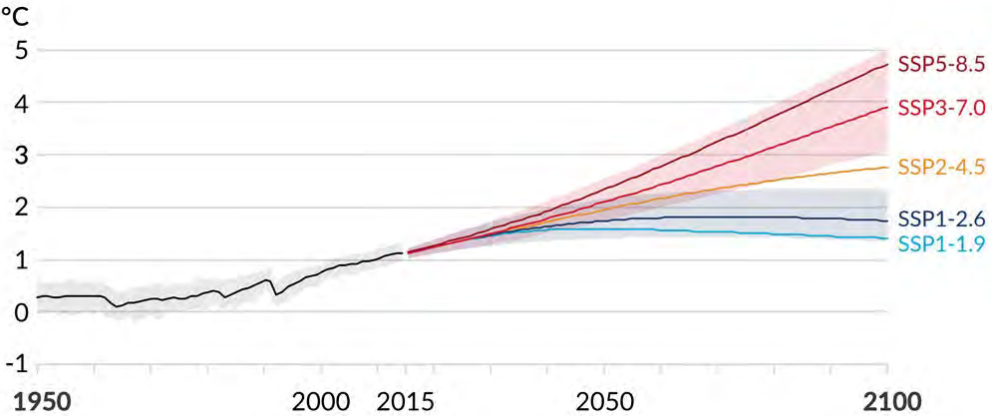
ESTIMATED VALUE OF BUILDING APPROVALS FINANCIAL YEAR TO DATE	2023/2024	2024/2025
	\$18,667,809.00	\$22,011,642.00

ESTIMATED VALUE OF BUILDING APPROVALS FOR THE MONTH	MONTH	2024	2025
	February	\$3,223,600.00	\$1,198,500.00

NUMBER BUILDING APPROVALS FOR FINANCIAL YEAR TO DATE	MONTH	2023/2024	2024/2025
	February	114	98

ENVIRONMENTAL REPORT



Description	Updates
Water - Marine Environment	<p>Council is considering a submission on the “draft Conservation Advice and listing assessment for <i>Ostrea angasi</i> oyster reefs of southern Australia” to the federal Department of Climate Change, Energy, the Environment and Water. When finalised the report would go to the federal Minister to decide on listing of this specific marine ecological community (not species) as Critically Endangered.</p> <p>Georges Bay hosts the best remnants of native <i>Otsrea angasi</i> oyster reef known nationally. A briefing from the federal Department and with staff from the Department of Natural Resources and Environment Tasmania has helped Council understand this unique natural asset that has been a thriving part of the Bay for decades.</p> 
Climate Change	<p>Council endorsed the Break O’Day Council Climate Change Adaptation Plan produced through its participation in the Northern Tasmania Alliance for Resilient Councils (NTARC). Staff attended a Steering Committee Meeting for NTARC.</p> <p>Katrina Graeme from NTARC visited to work with staff with implementing the new Plan and risk assessment and Council’s broader Climate Action Plan priorities, such as ‘climate-ready’ asset management and accounting for Council’s carbon and energy footprint.</p>
Flood Risk Management	<p>An update of Council’s municipal flood modelling is being arranged to incorporate <i>Australian Rainfall and Runnoff</i> updates on anticipating climate change projections for rainfall and guidance from <i>Tasmania’s Climate Risk Assessment for Climate Change 2024</i>.</p> 

This will inform further work to develop Council flood policy and procedures which is one of Council's climate action priorities. And ties-in with similar work by the State Emergency Service for the Tasmanian planning system - Council is represented on a working group for that work.

## PUBLIC HEALTH REPORT

### Recreational Water Quality

The *Public Health Act 1997* requires that Councils to monitor recreational waters (including public pools and spars) using the Tasmanian Recreational Water Quality Guidelines. Monitoring is conducted monthly during the warmer months to test faecal contamination.

The 2021-2022 sampling season has now ended. Results for water samples last season indicated conditions at the ten waters monitored were safe for swimming according to the Tasmanian Recreational Water Quality Guidelines.

All natural waters may be subject to local poorer water quality from time to time due to weather or other conditions.

Recreational water	10 December 2024		20 January 2025		24 February 2025	
	Ente *(cfu/100ml)	Rec. WQ#	Ente *(cfu/100ml)	Rec. WQ#	Ente *(cfu/100ml)	Rec. WQ#
Grants Lagoon mouth B	<10	Good	~20	Good	~10	Good
Grants Lagoon footbridge	<10	Good	<10	Good	<10	Good
Grants Lagoon (camp grd)	<10	Good	<10	Good	<10	Good
Beauty Bay	<10	Good	<10	Good	<10	Good
Yarmouth Creek	~10	Good	~50	Good	~50	Good
Wrinklers Lagoon	~10	Good	~20	Good	<10	Good
Scamander River mouth	10	Good	<10	Good	<10	Good
Henderson Lagoon	~30	Good	~20	Good	~10	Good
Denison Rivulet	~10	Good	~20	Good	~60	Good

### Immunisations

The *Public Health Act 1997* requires that Councils offer immunisations against a number of diseases. The following table provides details of the rate of immunisations provided by Council through its school immunisation program.

MONTH	2024/2025		2023/2024	
	Persons	Vaccinations	Persons	Vaccinations

July - December	5	5	19	20
January - June	0	0	52	52
<b>TOTAL</b>	<b>5</b>	<b>5</b>	<b>71</b>	<b>72</b>

**Sharps Container Exchange Program as at 6 March 2025**

Current Year	Previous Year
YTD 2024/2025	YTD 2023/2024
49	51

**STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Goal

Environment – To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

Strategy

- Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
- Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.

**LEGISLATION & POLICIES:**

N/A

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority

ACTION	DECISION
PROPONENT	NRM Special Committee
OFFICER	Polly Buchhorn, NRM Facilitator
FILE REFERENCE	017\005\003\
ASSOCIATED REPORTS AND DOCUMENTS	Consultation document - <i>Ostrea angasi</i> oyster reefs of southern Australia

**OFFICER'S RECOMMENDATION:**

That Council make a submission to the Threatened Species Scientific Committee's on its Draft Conservation Advice and assessment for the *Ostrea angasi* oyster reefs of southern Australia ecological community, providing qualified support for the tentative listing assessment of the marine community as threatened and sharing water quality data from Council's past estuary monitoring program in Georges Bay.

**INTRODUCTION:**

Council has been invited by the federal Department of Climate Change, Energy, the Environment and Water to comment on [draft Conservation Advice and listing assessment for \*Ostrea angasi\* oyster reefs of southern Australia](#). The Department has given Council an extension of time to provide a submission by 19 March, after its Meeting.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 3 March 2025**

Council discussed the draft Conservation Advice and listing assessment for *Ostrea angasi* oyster reefs of southern Australia

**NRM Committee February Meeting 2025**

Council's NRM Committee discussed the draft report at its February 2025 Meeting, recommending Council support the draft Conservation Advice and listing assessment and provide water quality data from the Georges Bay estuary monitoring program. The Committee had previously discussed Georges Bay native angasi (*Ostrea angasi*) oyster reefs at its Meeting on 6 June 2023, following media attention to a reef restoration program and a video of the Georges Bay reefs by [Nature Conservancy Australia](#).

**Council Meeting 17 July 2023****07/23.16.3.178**Moved: Clr L Johnstone/ Seconded: Clr K Wright

That Council receive the Minutes of the NRM Committee Meeting held on 6 June 2023 and consider any matters for further Council attention.

## CARRIED UNANIMOUSLY

### OFFICER'S REPORT:

The draft assessment report for the *Ostrea angasi* oyster reefs indicates Georges Bay hosts some of the best remnants of this marine ecological community nationally. This follows harvesting of its shellfish in the Bay and across southern Australia from late 1800s onwards, which was a key cause of its extent being now reduced to an estimated 10% or less of its original occurrence across southern Australia.

The Georges Bay remnants are healthy and thriving, after decades of boating traffic over them and fishing around them, that continues today. And small numbers of shellfish have been commercial harvested from them over the last two decades under regulated sustainable fisheries management.

The 'tentative' listing assessment in the draft report finds that a "very severe decline in geographic distribution" the *Ostrea angasi* oyster reef community of southern Australia meets a criterion for listing as a Critically Endangered threatened ecological community under the Environment Protection and Biodiversity Conservation Act 1999 (EPBC Act), based on the definition of the community in the draft conservation advice. (The report is considering the reefs for listing as an ecological marine community, with *Ostrea angasi* oysters being the main member, not the species of oyster.)

Council has been invited to comment on the draft Conservation Assessment and listing assessment. Primary questions asked of Council are

- its views on the listing assessment for oyster reef community
- responses to the draft report, which poses many specific questions through the report
- any additional information Council may have that would assist with the completion of the conservation advice and listing assessment.

To support the primary objective of preventing the extinction of this oyster reef community, the draft report discusses how patches of the oyster reef community might be delineated, including restoration reefs and possible management buffers, and canvasses the range of threats to the oyster reefs.

The report will be finalised after this consultation stage and forwarded to the Minister responsible for the EPBC Act to decide on listing.

A copy of the draft assessment report by the Threatened Species Scientific Committee on the *Ostrea angasi* oyster reefs of southern Australia ecological community has been shared with Councillors. A briefing session to assist Council and was held the day after Council's March Workshop and NRM Committee members invited. Staff of the federal Department of Climate Change, Energy, the Environment and Water and the Department of Natural Resources and Environment Tasmania provided background information and context regarding the EPBC Act and draft report, and a Tasmanian fisheries and marine conservation perspective, respectively.

Capacity for Council to consider the consultation draft report deeply from a scientific perspective and the many specific questions in it is limited.

### Implications



The draft report has researched and compiled scientific knowledge and historical information that shows Georges Bay with its remnants of this *Ostrea angasi* oyster reef community hosts a unique natural asset in southern Australia. Listing of *Ostrea angasi* oyster reefs community under the EPBC Act would be significant for the municipality (arguably, reading the draft report, not listing them would be significant too).

It is significant that these remnant reefs are in the Bay and healthy while St Helens and \$7M oyster farming industry has grown around the Bay and boating and fishing continue. Commercial harvesting of angasi oysters from these reefs in recent decades under Tasmanian sustainable fisheries management has been a significant contributor of the scientific knowledge referenced by the current draft Conservation Advice and listing assessment. This has been collected during regular surveys of the reefs to assess condition, shellfish stocks the sustainable Total Allowable Commercial Catch.

If listed under the EPBC Act only actions that would cause significant impact and harm to the reefs, for example by reducing their extent or impacting ecological factors they rely on, would be controlled. That does not appear to be the case for the recent decades of urbanisation, recreational and industrial activity on and around the Bay, as demonstrated by regular boating and fishing traffic over the reefs and the managed commercial harvesting of shellfish from them.

The EPBC Act provides exemptions for activities that have prior (environmental) authorisation or are continuing uses. For new actions the first step is a self-assessment of whether the new activities being considered may have a 'significant impact', with a list of criteria, such as reducing reef extent.

In the short-term listing of the remnant reefs in Georges Bay is not likely to affect past activities over the reefs and around the Bay continuing. In the longer term with growth around the Bay, listing would call on the community, industry and governments to ensure the Bay's marine environment continues to be both a healthy and productive waterway. Achieving the Break O'Day Council Strategic Plan's Goal for the Environment: *To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.*

### **Proposed submission**

Council should consider commenting formally on the draft conservation assessment and listing assessment and potential listing of this marine community as threatened.

It is recommended Council provide a submission to the Department of Climate Change, Energy, the Environment and Water, making the following points:

- Council welcomes the invitation comment on the draft Conservation Advice and listing assessment. And is grateful for the extension of time to comment on it and the helpful briefing Department staff provided to Council
- Note that Council's views are from a local government perspective and while not a marine scientific body, Council is responsible for the municipality that hosts in Georges Bay, according to the draft Conservation Advice, the best known remnants of the original *Ostrea angasi* oyster reefs currently and likely to meet the described characteristics of the ecological community

- That Council supports the ‘tentative’ finding that the *Ostrea angasi* oyster reef community of southern Australia as a Critically Endangered threatened ecological community under the EPBC Act, based on the definition of the community in the draft conservation advice and due to its severe decline in geographic distribution across southern Australia
- That Council recognises the healthy remnants *Ostrea angasi* oyster reef survive in Georges Bay are a significant asset and survive after decades of urbanisation, recreational and industrial activity on and around the Bay that continue today. Our community values highly the recreational and commercial uses and livelihoods the Bay supports (tourism and a \$7M aquaculture industry for example) and its future potential. So Council is also concerned for the implications of possible listing of the oyster reefs for existing and future use and development of St Helens, Georges Bay and its catchments.
- Council calls on both the federal Department of Climate Change, Energy, the Environment and Water and Department of Natural Resources and Environment Tasmania to commit resources and funding to surveys of the oyster reefs in Georges Bay, their conservation management, and to programs to inform and engage the community that lives on and around Georges Bay and industries about their reefs and their care and management. Council can assist and support that work with the Break O'Day community, but Council is not a marine resource management and conservation agency.
- Council is pleased to provide a copy of data from the Georges Bay estuary Water Quality Monitoring program (2007-2011) and summary reports, which may assist with the completion of the conservation advice and listing assessment.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017 – 2027 (Revised March 2022)

#### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

#### Strategy

1. Ensure the necessary regulations and information is in place to enable appropriate use and address inappropriate actions.
2. Increase the community's awareness of the natural environment; the pressures it faces; and actions we can take to sustain it and what it provides.
3. Undertake and support activities which restore, protect and access the natural environment which enables us to care for, celebrate and enjoy it.
4. Recognise and alleviate the issues and risks to the environment from our use, and the risk to us from a changing environment.

## LEGISLATION & POLICIES:

### *Environment Protection and Biodiversity Conservation Act 1999 (Commonwealth)*

#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

There are no direct financial or budgetary implications from making a submission.

Listing of the oyster reefs as threatened community under the EPBC would lead to implications for future use and development on and around Georges Bay, both to protect it and opportunities for the municipality, such as investment by state and national governments in conservation of the Bay's oyster reefs that could be expected.

#### **VOTING REQUIREMENTS:**

Simple Majority



## Draft Conservation Advice for *Ostrea angasi* oyster reefs of southern Australia

*This draft document is being released for consultation on the description, listing eligibility and conservation actions of the ecological community.*

The purpose of this consultation document is to elicit additional information to better understand the definition and status of the ecological community and help inform conservation actions. The draft assessment below should therefore be considered **tentative** at this stage, as it may change as a result of responses to this consultation process.

This document combines the Conservation Advice and listing assessment for the threatened ecological community. It provides a foundation for conservation action and further planning.



*Ostrea angasi* oyster reef © Chris Gillies, The Nature Conservancy

### Proposed Conservation Status

The *Ostrea angasi* oyster reefs of southern Australia is proposed to be listed in the Critically Endangered category of the threatened ecological communities list under the Environment Protection and Biodiversity Conservation Act 1999 (Cwlth) (EPBC Act).



## Draft Conservation Advice for *Ostrea angasi* oyster reefs of southern Australia

### About this document

This document describes the ecological community and where it can be found (section 1); outlines information to assist in identifying the ecological community and important occurrences of it (section 2); and describes its cultural significance (section 3).

In line with the requirements of section 266B of the EPBC Act, it sets out the grounds on which the ecological community is eligible to be listed as threatened (section 6); outlines the main factors that cause it to be eligible for listing (section 4); and provides information about what could appropriately be done to stop its decline and/or support its recovery (section 5).

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## Glossary

Term	Definition
Remnant reef	A remnant reef refers to the area of reef that still exists after a larger reef extent has been degraded or destroyed.
Existing	An existing reef encompasses remnant reefs and contemporary reefs that may have formed since historical degradation but does not include contemporary restoration sites unless otherwise stated.
Infauna	Infauna refers to aquatic animals that live in the substrate of a body of water and that are especially common in soft sediments.
Intertidal	Intertidal refers to the area above water level at low tide and underwater at high tide.
Subtidal	Subtidal refers to the area below the low tide mark.
Spat	Once oyster larvae permanently attach to a surface, they are referred to as spat.
Recruitment	Recruitment refers to the process of incorporating new oysters into a population.
Cultch	Cultch refers to the mass of old dead shells and other material on which an oyster bed or reef is formed.
Oyster reef and bed	For the purposes of this document, 'oyster bed' and 'oyster reef' are both used to describe native flat oyster reef ecological community occurrences.
Minimum Convex Polygon	A minimum convex polygon is the smallest polygon in which no internal angle exceeds 180 degrees.
Dredge fishing	Dredge fishing refers to a method in which rigid fishing gear is towed from a boat along the seabed to harvest bottom-dwelling bivalves and other biota.
Living site	A living site is a place where First Nations Australians undertook social activities, such as meetings, ceremonies, eating and sharing of food. During the course of these activities, they discarded items, such as shell and bone, botanical remains, ash and charcoal. Over time, the shells and bones built up into large mounds. Living sites are often referred to as 'middens'.
Emersion	Emersion refers to the process of emerging from water after being submerged in the ocean.
Immersion	Immersion refers to the state of being submerged underwater in the ocean.
Reef Builder program and associated partners restoration sites	Reef Builder was an AU\$20 million partnership between the Australian Government and The Nature Conservancy (TNC) that delivered an extensive program of work between January 2021 and December 2023 to rebuild shellfish reefs at 13 projects across Western Australia, South Australia, Victoria, Tasmania, New South Wales, and Queensland to accelerate the recovery of our lost shellfish reef ecosystems. Reef Builder projects were delivered in collaboration with a broad range of partners including State Government Agencies, local Councils, other Non-Government Organisations and community groups which brought considerable in-kind funding to the program and delivered a wide range of co-benefits for local coastal communities.
Example First Nations names for oyster	dainya (Dharawal peoples), barnabil (Wadawurrung peoples), pirra (Nukunu peoples), taralangkana (palawa kani)
IMCRA Bioregions	IMCRA Bioregions refers to the Integrated Marine and Coastal Bioregionalisation of Australia Version 4.0, which is the product of the combination of the Interim Marine and Coastal Regionalisation of Australia (IMCRA v3.3), which provided a marine regionalisation of inshore waters, with the National Marine Bioregionalisation (NMB) for off-shelf waters. In combining the two national scale marine regionalisations, IMCRA v4.0 covers Australia's waters from the coast to the edge of the Exclusive Economic Zone excluding Antarctica and Heard and Macdonald Islands. The definition of IMCRA v3.3 bioregions is based on broadscale patterns, evident within a combination of biological and physical data.

## 1 Ecological community name and description

### 1.1 Name

The name of the ecological community is the '*Ostrea angasi* oyster reefs of southern Australia' (hereafter referred to as the 'ecological community', 'native flat oyster reef ecological community' or 'native flat oyster reef/s'). The name of the ecological community refers to the dominant oyster species that forms the biogenic reef structure of the ecological community and its historical geographical extent. The entity originally placed on the Finalised Priority Assessment List ('Temperate coastal oyster beds and reefs') has been split into two distinct ecological communities based on the two primary oyster reef forming species. This Conservation Advice covers the *Ostrea angasi* (native flat oyster) (Sowerby, 1871) dominated sub-type. This distinction is based on evidence that the two ecological community sub-types within the original nomination comprise different dominant structural forms and predominately range across different geographic areas. As such, they also differ from each other in some aspects of their associated community assemblages, key threats, and ecosystem function.

### 1.2 Description of the ecological community and the area it inhabits

The EPBC Act defines an ecological community as an assemblage of native species that inhabit a particular area in nature. This section describes the species assemblage and area in nature that comprises the *Ostrea angasi* oyster reefs of southern Australia.

The ecological community described in this Conservation Advice is characterised by the three-dimensional biogenic reef and bed structures formed by the accumulation of living and dead shell material of the primary oyster species *O. angasi* (native flat oyster), and the living organisms that rely on and utilise the bivalve-produced habitat. When formed as a reef or bed, oysters function as ecosystem engineers and provide a range of ecological functions and services such as shelter and refuge for mobile species; structurally complex habitat for benthic and epifaunal species; biological filtration and nutrient cycling; sediment stabilisation and coastal protection; and shelter that promotes the growth of other estuarine/marine habitat (Grabowski & Peterson 2007; Gillies et al. 2015; Gillies et al. 2017; Crawford et al. 2019).

The native flat oyster reef ecological community occurs in both marine and estuarine waters and based on the International Union for Conservation of Nature (IUCN) global ecosystem typology, is part of the marine shelf biome and semi-confined transitional waters biome (Bishop et al. 2020; Keith et al. 2020). The northern and southern delineation points of the ecological community encompass the historical distribution, which extends along the southern Australian coastline from around Port Stephens in New South Wales (NSW) through to around Swan River in southern Western Australia (WA), including Tasmania (Tas) (Gillies et al. 2018; Cook et al. 2021). Native flat oyster remnant reefs have been identified in NSW, South Australia (SA) and Tas, with active or planned restoration sites being developed within the historical extent of occurrence of the ecological community (Colella et al. 2017; Gillies et al. 2020; TNC 2022).

This section primarily describes the typical range of natural states of remnant reefs of the ecological community. As a result of past disturbance, not all extant occurrences of the ecological community are in a completely natural, undisturbed state. There are also restoration sites of native flat oyster reefs that may function as the ecological community if they meet the key



diagnostic characteristics, patch definition and condition thresholds outlined in [section 2.1](#), [section 2.2](#) and [section 2.3](#). [Section 2.3](#) provides information to identify which patches of native flat oyster reefs retain sufficient conservation value to be considered a Matter of National Environmental Significance under the EPBC Act. Additional information to assist in identifying patches of the ecological community is provided throughout [section 2](#).

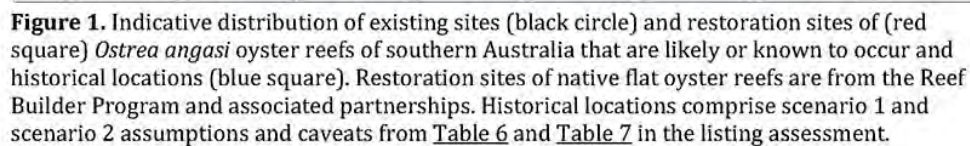
#### 1.2.1 Area in nature inhabited by the ecological community

The historical distribution of the native flat oyster reef ecological community encompasses twenty-three marine meso-scale bioregions from the Hunter region in NSW to southern WA, including Tas (IMCRA v4.0; Commonwealth of Australia 2006<sup>1</sup>). Native flat oyster reefs were likely present in over 120 historical locations (see [Table 7](#) in the listing assessment and the historical location list in [Appendix E](#)). Currently, there is now only one known remnant reef of the ecological community in Tas within the Freycinet bioregion, one in SA within the Eyre bioregion, and four remnant reefs likely to contain the ecological community in NSW within the Batemans Shelf and Twofold Shelf bioregions ([Figure 1](#)). There are also current and planned restoration sites being developed within the historical extent of occurrence of the ecological community that may function as the ecological community once established, if they meet the key diagnostic characteristics and conditions thresholds outlined in [section 2.1](#) and [section 2.3](#) (Colella et al. 2017; Reeves et al. 2019; Gillies et al. 2020; TNC 2022). There are currently 13 native flat oyster reef restoration sites of substantial size developed through the Reef Builder Program and associated partnerships, that are considered likely to meet the key diagnostic characteristics, patch definition and condition thresholds for the ecological community (TNC 2022, 2024a; NSW DPIRD Fisheries 2024 unpublished data; TNC 2024 unpublished data). There may be other native flat oyster reef restoration projects that are of similar size or smaller-scale projects, but the monitoring data for these sites was either not available or not provided at the time of listing.

The ecological community typically forms in the intertidal and subtidal zone down to a depth of 20 m. Reefs comprised of native flat oysters have also been suggested to occur down to 30 m (Gillies et al. 2018, 2020). Currently, one known occurrence of the ecological community is located completely within the subtidal zone in Tas, one within the intertidal zone in SA (McAfee 2024, pers comm 1 July), and four occurrences in NSW are found within the lower intertidal zone, in shallow water of less than 2 m deep (Keating 2024, pers comm 27 September). Surveys of the ecological community in Georges Bay, St Helens, Tas, indicate that the native flat oyster reef patches typically occur just beyond the deeper edges of seagrass beds and on a slope or flat substrate of silty sand (Crawford & Cahill 2008; Crawford et al. 2019). While observations of the ecological community in Coffin Bay, SA, show the reef primarily comprising the native flat oyster and *Pinna bicolor* (razorfish), interspersed with seagrass (McAfee 2024, pers comm 1 July).

<sup>1</sup> IMCRA v4.0: Integrated Marine and Coastal Bioregionalisation of Australia Version 4.0 is the product of the combination of the Interim Marine and Coastal Regionalisation of Australia (IMCRA v3.3), which provided a marine regionalisation of inshore waters, with the National Marine Bioregionalisation (NMB) for off-shelf waters. In combining the two national scale marine regionalisations, IMCRA v4.0 covers Australia's waters from the coast to the edge of the Exclusive Economic Zone excluding Antarctica and Heard and Macdonald Islands. The definition of IMCRA v3.3 bioregions is based on broadscale patterns, evident within a combination of biological and physical data.

Functionally, the ecological community relies on hard substrata for the native flat oyster to develop the biogenic structure and associated physical conditions that are then colonised and utilised by other species. Structurally, the ecological community is made up of a dead shell matrix (cultch) and live oysters that together form low-profile beds/aggregations or higher-profile reefs (Gillies et al. 2017, 2020; NSW DPI 2020). Cultch adds to the habitat structure and to the continuity of the ecological community over time as it provides space for new oyster recruits and other organisms to colonise (Kasoar et al. 2015). Oyster recruitment and new growth is essential for the persistence of the ecological community (Gillies et al. 2020).



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**Caveat:** The information presented in this map has been provided by a range of groups and agencies. While every effort has been made to ensure accuracy and completeness, no guarantee is given, nor responsibility taken by the Commonwealth for errors or omissions, and the Commonwealth does not accept responsibility in respect of any information or advice given in relation to, or as a consequence of, anything containing herein. The map has been collated from a range of sources, with data at various resolutions. Data used are assumed to be correct as received from the data suppliers.

This map has been compiled from datasets with a range of scales and quality from various sources. Data used are assumed to be correct. Historical locations comprise historical locations identified in Gillies et al. (2018, 2020) that likely contained commercially harvested native flat oyster reefs that are  $\geq 1$  ha (see Table 6) and also includes all other lines of evidence noted from those studies and any additional historical locations identified from expert consultation and additional literature sources that indicate native flat oyster reefs may have been present (see Table 6). Sites that appeared to overlap across different lines of evidence were removed, with commercially harvested locations used as the primary baseline location in areas where this line of evidence was present, but uncertainty for the historical location list is still present due to the limitations of using location point data from multiple evidence sources (see Appendix E for list of historical locations). The ecological community distributions included in this map are only indicative and not meant for local assessment. Planning decisions at a local scale should seek some form of ground truthing to confirm the existence of the ecological community at locations of interest. Such assessments should refer to the text of the Listing and Conservation Advice for the ecological community.

#### Consultation Questions on the name and area inhabited.

- Do you agree with the proposed name for the ecological community? Is there an appropriate First Nations name that could be used in addition to, or instead of the name described?
- Do you agree with the proposed geographic distribution and description of the area in nature for the ecological community? Are there any suggested changes to better describe the area in nature inhabited by the ecological community?
- Are you aware of any additional remnant reefs that are likely to meet the key diagnostic characteristics, patch definition and conditions thresholds for the ecological community that are not noted? Please provide supporting evidence.
- Are there other native flat oyster reef restoration sites that may meet the key diagnostic characteristics, patch definition and condition thresholds to be considered the ecological community? Please provide the relevant information to support this.

#### 1.2.2 Description of the assemblage

The native flat oyster reef ecological community is characterised by a core component of fauna and flora, plus transient or opportunistic taxa that may reside in the ecological community for periods of time or utilise the oyster reefs for specific purposes (e.g. refuge and feeding). The overall composition and abundance of taxa associated with the ecological community may vary between locations depending on the geographical location, hydrological conditions, physical environment and surrounding interconnected ecosystems.

Native flat oyster reefs and beds can have densities of greater than 50 native flat oysters/m<sup>2</sup> (Gillies et al. 2017). The biogenic structure of the ecological community provides hard surfaces for sessile organisms to colonise and highly rugose habitat that support a wide range of taxonomic groups, including sessile and mobile macroinvertebrates (e.g. arthropods, polychaetes, molluscs, echinoderms), macroalgae, and fish (Gillies et al. 2017; Crawford et al. 2019; NSW DPIRD 2024 unpublished data, Appendix A). Other shellfish species also add to the habitat structure of the ecological community (Gillies et al. 2015). For example, *Venerupis largillierti* (Venus clam) often occurs within and around the native flat oyster reef ecological community in Georges Bay, St Helens, Tas (Jones & Gardner 2016). Native flat oyster reefs can also form mixed shellfish reefs with *Mytilus galloprovincialis* (blue mussel), *V. largillierti*, *Pinna bicolor* and other species (Gillies et al. 2015; Dom McAfee 2024. pers comm 1 July).

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Common species observed within the ecological community in Tas and on degraded native flat oyster reefs in Port Phillip Bay, Vic, include several species of red, green and brown algae (e.g. *Undaria pinnatifida*, *Sargassum* sp. and *Ulva* sp.), suspension feeders (e.g. *M. galloprovincialis*, *Mimachlamys asperima*, *Veneridae* bivalves, and various species of barnacles, zooanthids, sponges, ascidians, and hydroids), mobile grazers (e.g. *Heliocidaris erythrogramma*), generalists (e.g. *Guinusia chabrus*, *Mitra glabra*, *Palaemon serenus*, *Pagurixus handrecki*), predators (e.g. *Haplochlæna maculosa*, *Coscinasterias muricata*, *Anthothoe albocincta*, and nudibranchs), and fishes (e.g. *Meuschenia freycineti* and *Pseudolabrus rubicundus*) (Gillies et al. 2017). The ecological community in Georges Bay, St Helens, Tas, has been found to have as much as three times the diversity and abundance of fauna than in nearby soft sediments (Crawford et al. 2019).

A more comprehensive list of flora and fauna species that occur, or are likely to occur in the ecological community, are in [Appendix A](#).

#### Consultation Questions on the species assemblage

- Are any fauna or flora species incorrectly recorded in this section or in Appendix A? Please provide details.
- Is there additional information on flora or fauna you would like to see included, particularly commonly encountered? Please suggest further information/ sources, particularly those from recent surveys and studies on remnant reefs.

#### 1.2.3 Relevant biology and ecology

Oyster reef ecosystems provide a wide range of ecological functions, ecosystem services and key interactions including the provision of complex habitat; nutrient cycling and water filtration; sediment and shoreline stabilisation; and fisheries enhancement (Grabowski & Peterson 2007; Gillies et al. 2015; Crawford et al. 2019; McAfee et al. 2020a).

##### 1.2.3.1 Habitat provision

Oyster reefs form through successive generations of bivalves settling and growing onto existing oyster substrate (Gillies et al. 2020). The primary reef-building oyster species (both living oysters and non-living shell cultch) provides a hard substrate onto which oyster larvae and other sessile organisms attach (Ysebaert et al. 2019). The oyster reef grows vertically and over time, becomes structurally complex habitat that provides refuge for mobile invertebrates and fish species; modifies predator-prey interactions within a seascape; acts as a nursery for many organisms; and traps sediments which provide further habitat for infaunal communities (Cole et al. 2007; Shervette & Gelwick 2008; Grabowski et al. 2012; Ysebaert et al. 2019; McLeod et al. 2020). Observations on remnant patches of the native flat oyster reef ecological community in Georges Bay, St Helens, Tas, indicate representative inhabitants from most major functional groups, with some similar observations in NSW remnant reef sites (Gillies et al. 2017; Crawford et al. 2019; NSW DPIRD 2024 unpublished data). Abundance of echinoderms, arthropods, molluscs and fish were higher, and the abundance of annelids were similar, on the remnant native flat oyster reefs compared to soft sediment habitat (Crawford et al. 2019).

##### 1.2.3.2 Fisheries enhancement

Oyster reefs support many species of economically important fishes (Cole et al. 2021), and can enhance fisheries productivity by providing shelter, nursery grounds and access to abundant

food (McAfee et al. 2020a). To date, there have been few reported biological or fish surveys on remnant native flat oyster reefs to determine their fisheries enhancement value. However, during visual surveys over remnant native flat oyster reefs in Georges Bay in Tas, Crawford et al. (2019) observed the commercially important *Heliocidaris erythrogramma* (shortspined sea urchin) in high numbers and *Notolabrus tetricus* (blue-throated wrasse) in low numbers. In addition, targeted fish surveys using Baited Remote Underwater Video Cameras (BRUVs) at Rogues Point native flat oyster reef restoration site in SA observed numerous fish species that may be recreationally or commercial important, such as *Arripis georgianus* (Australian herring), *Pseudocaranx wrighti* (skipjack trevally) and *Portunus armatus* (blue swimmer crab) (Colella et al. 2017; PIRSA 2024). BRUV surveys at Wagonga from 2021-2024 also found a variety of important commercial and recreational species including *Chrysophrys auratus* (Australasian snapper), *Pseudocaranx georgianus* (silver trevally) and *Acanthopagrus australis* (yellowfin bream) (NSW DPIRD 2024 unpublished data). While BRUV surveys at the Margaret Reef native flat oyster reef restoration site in Port Phillip Bay, Vic, found high numbers of the recreationally and commercially important Australasian snapper foraging around the reefs (Bray 2020; TNC 2022; VFA 2022).

Similarly, Connolly et al. (2024) observed an average enhancement in fish production across two subtidal native flat oyster reef restoration sites in Vic, with fish biomass enhancement from a single year's cohort measured at 5820 kg ha<sup>-1</sup> in Dromana and 12,740 kg ha<sup>-1</sup> in Margaret, after enough time has lapsed for all species to have matured, with 98% of this biomass attributed to species with commercial or recreational harvest. The Australasian snapper made up over 90% of biomass in these two sites, despite other fish producing higher densities of juveniles (Connolly et al. 2024), which could be due to Port Phillip Bay being a nursery for snapper and surveys occurring during possible spawning periods (VFA 2024a & b). The Glenelg native flat oyster reef restoration site in SA in the same study reported only two species, with a total of 1.4 kg ha<sup>-1</sup> in enhancement consisting almost entirely of Southern Squid (*Sepioteuthis australis*) (Connolly et al. 2024). McAfee et al. (2024) also observed that *Asparagopsis taxiformis* (red seaweed), a plant of commercial and environmental interest for cattle feed, was more productive in a native flat oyster reef restoration site in SA.

#### 1.2.3.3 Nutrient cycling and water filtration

Oyster reef communities influence nutrient cycling primarily through removal of particulates from the water column and deposition to the benthos, and through nutrient processing and assimilation into oyster shell and flesh (Newell & Mann 2012). Oysters filter organic matter from the water column, contributing to the biochemical cycling of nutrients from the water column to the benthos (Kellogg et al. 2013). Organic matter is either used directly for growth or deposited in the reef matrix or on surrounding sediment surfaces (bio-deposition) (Kellogg et al. 2013). Moreover, microbial communities in the oyster guts and shell help process these nutrients through denitrification, a process essential to the remediation of eutrophic ecosystems (Kellogg et al. 2014). Remnant clumps of native flat oysters in Tas have been observed to filter particulate matter at rates of up to approximately 98,000 particles m<sup>2</sup> h<sup>-1</sup>, with denitrification rates of up to approximately 3,380 µmol N<sub>2</sub>-N m<sup>2</sup> h<sup>-1</sup> (Strain et al. 2024).

Although studies on nutrient cycling of the native flat oyster have not been investigated, oyster ecosystems can modify nutrient cycling in surrounding habitat. Bivalve bio-deposition couples pelagic and benthic nutrient cycles by shunting nutrient rich particulates from the water column to the benthos and making these particles available to sediment invertebrates (as food) and



microbial communities, which can trigger nutrient degradation processes, such as denitrification (Kellog et al. 2014). These nutrients can then be used by marine vegetation, such as seagrass, to promote growth (Peterson & Heck Jr 2001a, 2001b). Nutrients released by oysters to the water column, such as ammonia, are also used by seagrass to promote above-ground growth (Sandoval-Gil et al. 2016). Higher abundance of seagrass and infauna can in turn improve sediment quality through sediment aeration (Alsaffar et al. 2020). Furthermore, the increased structural complexity provided by a bivalve community can increase the density of epiphytic grazers that can reduce epiphytic growth on seagrass adjacent to oyster reefs (Peterson & Heck Jr 2001a).

#### 1.2.3.4 Sediment stabilisation and coastal protection

Although studies investigating sediment stabilisation and coastal protection are not specific to the native flat oyster, oyster reef communities in general can play a critical role in trapping and stabilising sediments and attenuating wave energy (Scyphers et al. 2011; Grabowski et al. 2012). Living intertidal oyster reefs are increasingly managed as a nature-based solution for foreshore erosion while also providing habitat (Grabowski & Peterson 2007; Scyphers et al. 2011; Morris et al. 2021). Several empirical and modelled studies from the United States demonstrate that oyster reef communities can enhance the extent of adjacent seagrass and saltmarsh ecosystems by reducing wave energy, promoting sediment stabilisation (thereby enhancing light penetration and facilitating seagrass growth at deeper depths), and preventing coastal erosion (enhancing saltmarsh recruitment) (Newell & Koch 2004; Wall et al. 2008; Scyphers et al. 2011; Sharma et al. 2016). While native flat oyster spat relies on hard substrate for reef formation, other species such as *Pinna bicolor* can colonise soft sediment and then act as settlement material for spat, allowing reefs to form on and stabilise soft sediments (Martin et al. 2025).

Wave attenuation capacity by oyster reefs is complex and varies based on environmental characteristics and the physical characteristics of the oyster reef structure. Wave attenuation services generally decrease with increasing water depth and decreasing elevation above the surface or reduced vertical reef accretion (Wilberg et al. 2019; Howie & Bishop 2021; Salatin et al. 2022). As the ecological community commonly forms as low-profile beds (0.05 m–0.15 m) and can form within the subtidal habitat zone down to a depth of 20 m (Gillies et al. 2017; Gillies et al. 2020), the extent of the coastal protection services provided by some patches of the ecological community may be limited. The use of oyster reef communities in restoration for coastal protection has been suggested in areas that receive moderate wave action or where oyster reefs have shallow crests (Scyphers et al. 2011; La Peyre et al. 2014; Morris et al. 2021). Shallow subtidal oyster reefs formed on coral have been described as contributing to wave dissipation in Glenelg (Adelaide Times 1857). Native flat oyster reefs have been included in reef restoration sites with preventing erosion as an objective, although these were in combination with larger areas of intertidal Sydney rock oyster reefs and saltmarsh that are better positioned to prevent erosion (TNC 2024a, NSW DPIRD Fisheries 2024). Further investigation is required to determine the value of native flat oyster reefs in providing coastal protection services across the potential range of patch configurations developed by the ecological community.

#### Consultation Questions on the relevant biology and ecology

- How can the current information on the relevant biology and ecology be improved using latest data?

- Are there any other relevant functional biology and ecology processes or other elements you think are important to include in this document? If so, please explain your reasons and provide any supporting evidence.

## 2 Identifying areas of the ecological community

Section 1.2 describes this ecological community and the particular area in nature it inhabits. This section provides additional information to assist with the identification of the ecological community and important occurrences of it.

The native flat oyster reef ecological community may intergrade with other habitat types and ecological communities (see section 2.2.6 and section 2.2.7). Key diagnostic characteristics outline the features that identify an assemblage of species as being the *Ostrea angasi* oyster reefs of southern Australia and distinguish it from other ecological communities, noting that additional information to assist with identification is provided in the other sections of this document, particularly the description (section 1.2) and Appendix A.

### 2.1 Key diagnostic characteristics

The key diagnostic characteristics are designed to inform the identification of the ecological community. Assemblages of native species that do not meet the key diagnostics are not part of the nationally listed ecological community. To be considered the listed ecological community, an occurrence also needs to meet the patch definition (section 2.2) and condition thresholds (section 2.3).

The ecological community is defined as the assemblage of native species inhabiting a particular area in nature as described in section 1.2 and referenced information therein, that meet the following key diagnostic characteristics:

- *Ostrea angasi* is the primary oyster reef forming species (i.e. percent cover or adult densities is greater than any other shellfish reef-forming species);
- Occurs in southern Australian marine and estuarine waters in NSW (south of Port Stephens), Vic, SA, southern WA (south of Swan River), and Tas.
  - Within the national IMCRA meso-scale bioregions of Leeuwin-Naturaliste, WA South Coast, Eucla, Murat, Eyre, Spencer Gulf, North Spencer Gulf, St Vincent Gulf, Coorong, Otway, Central Victoria, Victorian Embayments, Boags, Freycinet, Bruny, Davey, Franklin, Flinders, Twofold Shelf, Batemans Shelf, Hawkesbury Shelf and Manning Shelf (IMCRA v4.0; Commonwealth of Australia 2006<sup>1</sup>, Figure 1);
- Occupies the lower intertidal to subtidal habitat zone down to a depth of 20 m below sea level;



- Forms the primary physical structure, made up of dead shell and live oyster cemented or bedded together in soft sediments<sup>2</sup> or on structures purposely built for oyster reef restoration; AND,
- Forms as low-profile beds or aggregations with little elevation above the surrounding substrate (0.05 - 0.15 m) or high-profile reef raised above the surrounding substrate (> 0.15 m).

Exclusions:

- Native flat oyster reefs that form on maintained infrastructure such as aquaculture infrastructure, pylons, jetties, and seawalls.

Consultation Questions on the key diagnostic characteristics

- Are the key diagnostic characteristics suitable? If not, how should these key diagnostic characteristics be amended to ensure appropriate inclusion/exclusion of native flat oyster reefs as the ecological community?
- Please provide any evidence of native flat oyster reefs occurring in waters deeper than 20 m.

## 2.2 Additional information to assist in identifying occurrences of the ecological community

The following information should also be taken into consideration when applying the key diagnostic characteristics to assess if the ecological community is present at a site.

### 2.2.1 Identifying an occurrence

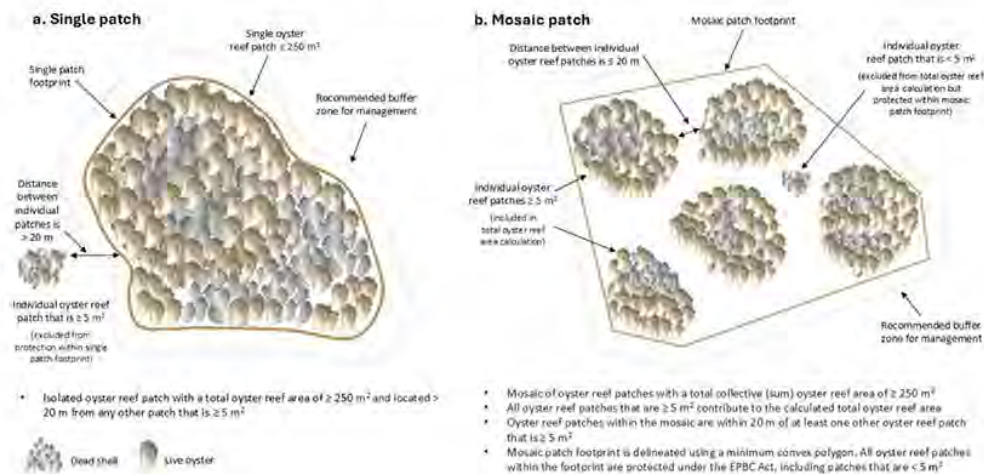
An occurrence of the ecological community is described as a patch of native flat oyster reef. To be identified as a patch of the ecological community, an occurrence must meet at least one of the following definitions:

- 1) Single patch: a single patch of oyster reef is present that (a) has an oyster reef area of equal to or greater than 250 m<sup>2</sup>, and (b) is located greater than 20 m from any other patch of oyster reef that is equal to or greater than 5 m<sup>2</sup> (Figure 2a).
- 2) Mosaic patch: encompasses multiple patches of oyster reef that (a) are located within 20 m from at least one other oyster reef patch that is equal to or greater than 5 m<sup>2</sup>, (b) individually are greater than or equal to 5 m<sup>2</sup>, and (c) make up a total collective (sum) of oyster reef area of greater than or equal to 250 m<sup>2</sup> (area between the individual oyster reef patches is not included in the calculation) (Figure 2b).

<sup>2</sup> This includes native flat oyster reefs that form on razorfish as their hard settlement substrate.

\* Native flat oyster reef patches within the mosaic boundary footprint that are less than 5 m<sup>2</sup> will still be protected under the EPBC Act but will not be used as an oyster reef patch to delineate a patch boundary or to calculate the total oyster reef patch area.





**Figure 2.** Illustration of definitions for (a) a single patch and (b) a mosaic patch of native flat oyster reefs. Image credit: Oyster symbols - Tracey Saxby, Integration and Application Network (ian.umces.edu/media-library).

Although there are no studies on the patch dynamics of native flat oyster reefs, there is evidence in other oyster species to suggest that multiple small reefs may provide similar benefits to a single larger oyster reef (Harwell et al. 2011; Pine 2021). Similarly, distance between patches has been indicated as important for biodiversity, and epifauna and fish abundance and richness generally decrease with increasing distance between patches in reefs of other oyster species (Pine 2021; Leong 2022). Smaller patches with a greater perimeter to area ratio in other oyster species have been documented to support high numbers of fish and crustaceans that forage and refuge in greater numbers within edge habitat (Griffitt et al. 1999; Hanke et al. 2017; Pine 2021). Individual small patches of other oyster species, when part of a larger mosaic, confer ecological function through their connection with other patches and as a source of larval oyster recruits (Harwell et al. 2011; Gilby et al. 2018; Theuerkauf et al. 2021).

### 2.2.2 Delineating a single patch boundary

A single native flat oyster reef patch should be delineated using standard on-ground surveying approaches for oyster reefs and may include small areas of interspersed sediment or other marine habitat (e.g. NSW DPI Oyster Reef Mapping Criteria; NSW DPI 2020).

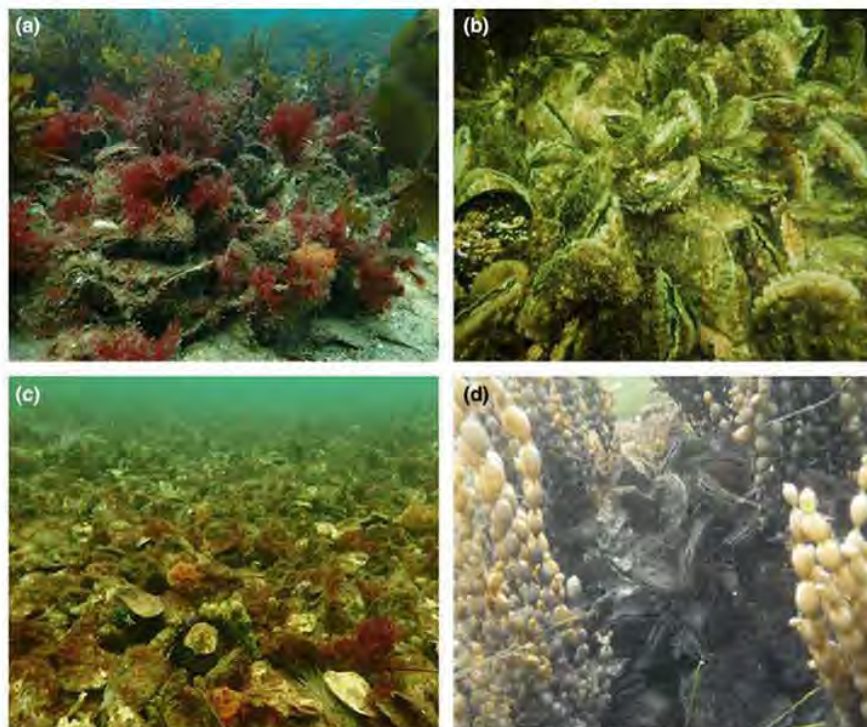
### 2.2.3 Delineating mosaic patch boundary footprint

The mosaic patch boundary footprint is delineated using a minimum convex polygon around the outer individual oyster reef patches that are greater than  $5 \text{ m}^2$  (Figure 2b). The entire area of the mosaic patch footprint is protected as the ecological community under the EPBC Act, including native flat oyster reef patches that are less than  $5 \text{ m}^2$ . Where terrestrial habitat beyond the intertidal zone is comprised within the minimum convex polygon of a mosaic patch of the ecological community, this terrestrial area may be excluded on a case-by-case basis when

considering likely 'significant impacts' on the ecological community during EPBC Act decision-making.

#### 2.2.4 Variation within a patch

Patches of the ecological community may contain areas that vary in structural or biological characteristics. Configurations of native flat oyster reef patches can vary on a spectrum from low profile beds (0.05–0.15 m) to high profile reefs (> 0.15 m) (Figure 3). Variation in configuration, oyster coverage, structure or quality across a patch are not evidence of multiple patches, provided the patch meets the key diagnostics (section 2.1), patch definition (section 2.2.1) and condition thresholds (section 2.3).



**Figure 3.** Remnant *Ostrea angasi* oyster reefs in Georges Bay, Tas, displaying different vertical profiles and reef structure: a) & d) high profile reefs approximately 0.4 m in height, and b) & c) low profile beds approximately 0.1 m in height. Adapted from Gillies et al. 2017. Photo credits: C. Gillies, The Nature Conservancy.

#### 2.2.5 Recommended buffer zone for management

An additional buffer zone of a contiguous area directly adjacent to the edge of a patch of the ecological community can protect its integrity and is recommended for consideration for management of the ecological community. (Figure 2). Buffer zones enhance the protection of a patch by avoiding or minimising potential disturbance from surrounding land and sea uses or activities (e.g. dredging, boating activities, new foreshore developments). Larger buffer zones can also provide habitat corridors for transient assemblages associated with the ecological community (e.g. many oyster reef associated fish species).



The size of the buffer zone should be determined based on the site characteristics, intensity of threats, ecological assemblages and the hydrological conditions associated with the ecological community. Generally, the size of the buffer zone should increase with increasing intensity and likely impact of a threat. For example, intertidal oyster reefs may require larger landward buffers in urbanised areas due to a higher risk of coastal foreshore development directly impacting on the ecological community. Similarly, subtidal oyster reefs may be frequently exposed to localised impacts such as boat damage from boat strike and anchoring and smaller, targeted buffer zones are encouraged in these instances. A buffer zone of 10-30 m may be a suitable guideline for smaller, more localised impacts.

To ensure the integrity of the ecological community and overall species diversity, larger buffer zones such as 50-100 m may be used. This could be used to protect a broader intertidal wetland, ensuring protection of reef and avoiding any impacts in its area. Similarly, larger buffer zones could connect surrounding habitat (e.g. seagrass) to the native flat oyster reef ecological community and could be considered as a way to provide wildlife corridors for migratory species (Newton 2012). This is particularly relevant for transient oyster reef-associated species that often follow tidal migration patterns between intertidal and subtidal zones (Gilby et al. 2018; McAfee et al. 2020a).

While the buffer zone is not formally part of the ecological community and not protected as a Matter of National Environmental Significance, it should be taken into account when considering likely 'significant impacts' during EPBC Act decision-making.

#### Consultation Questions on identifying an occurrence

- Is the patch definition suitable? If not, how should it be amended to ensure appropriate inclusion/exclusion of native flat oyster reefs as the ecological community?
- Is the recommended buffer zone range appropriate? If not, how should the recommended buffer zone be amended to ensure appropriate application?
- Is the connectivity distance between native flat oyster reef patches within a mosaic that is needed to provide key ecological functions appropriate?
- Is the minimum total reef area value of a singular native flat oyster patch or the cumulative area of native flat oyster patches within a mosaic that is needed to provide key ecological functions appropriate?

#### 2.2.6 Restoration sites

Restoration sites are part of the listed ecological community and protected under the EPBC Act if the site meets the key diagnostic characteristics ([section 2.1](#)), patch definition ([section 2.2.1](#)) and minimum condition thresholds for the ecological community ([section 2.3](#)). There are several native flat oyster reef restoration sites throughout southern Australia delivered by partnerships of Government, non-government and community stakeholders with a diverse range of source funding. These reef restoration sites include, 13 occurrences co-delivered through the Commonwealth funded Reef Builder Program with support from other funding programs, that are considered likely to meet the key diagnostic characteristics, patch definition and condition thresholds for the ecological community (TNC 2022, 2024a; NSW DPIRD Fisheries 2024 unpublished data; TNC 2024 unpublished data). There may be other native flat oyster restoration projects that are of similar size or many smaller-scale projects. However, the

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monitoring data for these sites was either not available or not provided at the time of listing to determine whether they would likely meet the ecological community definition. In most cases, historically damaged native flat oyster reefs are unlikely to re-establish naturally to pre-disturbed levels due to a lack of hard settlement substrate or local adult seed stock, coupled with unsuitable environmental conditions, which is evidenced by the lack of wide-scale natural recovery across the historical extent of occurrence of the ecological community over the last century in the absence of the primary threat of historical overharvesting (Gillies et al. 2018; McAfee et al. 2024).

Restoration of oyster reefs can occur through assisted regeneration and reconstruction through the mitigation of limiting factors, such as lack of suitable substrate, depleted supply of larvae and degraded water quality/sedimentation (Gillies et al. 2017). Planning for oyster reef restoration should be based on site feasibility studies that assess threatening processes (e.g. climate change, water quality, disease risk), environmental suitability (e.g. physical conditions), and logistical viability (e.g. access to hatcheries, management and approval processes) (Gillies et al. 2017; Howie & Bishop 2021). Oyster reef restoration actions should follow established oyster reef restoration guidelines (e.g. Baggett et al. 2014; Fitzsimons et al. 2019; NSW DPI 2021) and specific advice for native flat oyster reef reference conditions and restoration targets (Gillies et al. 2017).

To determine the overall short-term and long-term success of restoration of native flat oyster reef patches, other additional relevant metrics should be monitored and assessed following published standards of monitoring and proof of oyster reef and marine ecosystem restoration success (Baggett et al. 2014; Fitzsimons et al. 2019). Common metrics that are monitored include: abundance of age classes present of native flat oysters (e.g. adults, juveniles and recruits) and changes to these over time, number of age classes (e.g. four or more age classes represent multiple reproductive cohorts), persistence of reef and ongoing recruitment over 3-4 reproductive cycles, diversity of associated transient, infauna or resident species, native flat oyster density, impact of disturbance events (e.g. disease, flooding) on recovery of native flat oyster density and live oyster cover, percentage of native flat oysters compared to other reef-forming species, provision of ecosystem services comparable to existing or reference condition oyster reefs and reef accretion or change in shell budget from original restoration structure (Gillies et al. 2017; McAfee et al. 2024; TNC 2024a; NSW DPIRD 2024 unpublished data). Success of restoration projects is also hindered by the state of the physical environment in which the native flat oyster reef restoration project has been implemented. Monitoring of key environmental variables (e.g. salinity, temperature, dissolved oxygen, pH) and threats (e.g. flooding, disease, sedimentation) can provide valuable information on the likelihood of restoration success or on areas that may require additional local or State management action to improve chances of success (Gillies et al. 2017; NSW DPI 2021; TNC 2024a).

Since 2014, a range of native flat oyster reef restoration projects have commenced within the historical extent of occurrence of native flat oyster reefs in NSW, Vic, SA, WA and Tas (Gillies et al. 2015; Colella et al. 2017; Gillies et al. 2018; TNC 2024a). The largest of these projects, the \$20 million Reef Builder program that was implemented between 2021 and 2023 involving partnerships between numerous stakeholders including The Nature Conservancy, federal, state and local governments, coastal landholders, marine and coastal managers, coastal and marine planners, researchers, community members, recreational fishers, oyster farmers and First Nations communities. Through Reef Builder and associated partnerships, restoration of shellfish reef was conducted over 40 hectares across 13 projects. More broadly, The Nature Conservancy



in continued partnership with stakeholders, aims to rebuild 60 shellfish reef ecosystems across Australia by 2030 to restore 30% of lost habitat.

There are early indications that restoration of native flat oyster reefs is possible at the smaller-scale and could lead to functional states comparable to remnant reefs (e.g. McAfee et al. 2024; TNC 2024a). However, there is no guarantee that restoration of the ecological community will be successful at all sites. This includes standards outlined by oyster reef restoration guidelines (e.g. the Restoration Guidelines for Shellfish Reefs; Fitzsimons et al. 2019 and the Oyster Habitat Restoration Monitoring and Assessment Handbook; Bagget et al. 2014), and reference condition targets describing characteristics comparable to existing reefs at similar sites or historical benchmark states (Gillies et al. 2017; and see [Table 1](#)). Restoration of native flat oyster reef to a functional state comparable to reference condition reefs may take time, and repeated seeding may be necessary in some locations, or recovery may never occur (Gillies et al. 2017; Hemraj et al. 2022; TNC 2024a & b). Monitoring of restoration sites of native flat oyster reefs should occur for at least 10 years (i.e. approximately 4 reproductive cycles) to determine the success of recovery of restored reefs to a functional state (Gillies et al. 2017). Further research and monitoring are required to understand the persistence of restoration sites through time and their response to disturbance events. If suitable conditions for the habitat are not provided (e.g. temperature, salinity, turbidity), the timeframe for recovery will likely be longer and the success of functional outcomes variable or non-existent (Lee et al. 2012; La Peyre et al. 2014; Walles et al. 2016; Gillies et al. 2017).

To be considered within the listing assessment, a native flat oyster reef restoration site must meet the ecological community key diagnostic characteristics ([section 2.1](#)), patch definition ([section 2.2.1](#)) and minimum condition thresholds ([section 2.3](#)) and restoration specific reference conditions set out in [Table 1](#). The restoration reference conditions require native flat oyster reef restoration occurrences to persisted for at least 10 years and meet several key attribute criteria (e.g. density of live oysters, viable spawning population) after this period ([Table 1](#) in [section 2.2.6](#)).

**Table 1.** Native flat oyster reef restoration site reference condition metrics to be measured and met after 10 years (e.g. approximately four reproductive cycles) for a patch to be included in the EPBC listing assessment (this is in addition to meeting the standard ecological community definition ([section 2.2](#)), diagnostic characteristics ([section 2.1](#)) and condition thresholds; ([section 2.3](#)). Note – restoration sites that meet the standard ecological community definition, diagnostic characteristics and condition thresholds will be considered the ecological community for protection under the EPBC Act.

Metric	Restoration site reference condition
Average density	> 50 individual oysters/m <sup>2</sup>
Age classes	Four or more age classes (multiple reproductive cohorts)
Viable spawning population	> 5 % population two+ year class or older 20-30 % of females ripe during spawning season
Oyster recruitment	Annual or regular recruitment documented Increase in no. of oyster recruits/m <sup>2</sup> compared to pre-restored conditions

Shell budget	Rate of accretion exceeds shell loss
Shellfish composition	Greater percentage of native flat oysters compared to other shellfish reef-forming species
Assemblage composition	Common fish, invertebrate and algae species are represented as part of local species assemblages (i.e. comparable to remnant sites)

Restoration efforts have had variable results for key reef characteristics, such as oyster density and fish abundance. A restoration site in Glenelg, SA, exceeded 2400 oysters/m<sup>2</sup> 19 months after restoration (TNC 2024a). Oyster density at restoration locations has also been variable over time, such as in Wilson Spit in Vic, which displayed oyster densities of 724 /m<sup>2</sup> at 7-12 months post construction, 119 /m<sup>2</sup> at 13-18 months, 1289 /m<sup>2</sup> at 25-30 months and 120 /m<sup>2</sup> when surveyed after 30 months (TNC 2024a). Enhancement of fish production is also variable, with some reefs reporting 12,738 kg/ha/year enhancement in Margaret Reef in Vic, but the restoration location at Glenelg in SA only displaying 1.4 kg/ha/year (Connolly et al. 2024). Species richness generally increased as restoration sites matured for pelagic fish and invertebrates, though this trend was less pronounced in cryptic fish and invertebrate species (TNC 2024a).

#### Consultation Questions on restoration

- Is 10 years (approximately four reproductive cycles) an appropriate timeframe to measure restoration site comparability to remnant reefs and as evidence of likely persistence of reefs through time? Do you have any additional information on the reproductive cycles of *Ostrea angasi*?
- Which restoration site reference condition variables in Table 1 should be included to be measured and met after 10 years (approximately four reproductive cycles) for a restored native flat oyster reef site to be included in the EPBC listing assessment? Are there any other variables that should be considered for inclusion, and what is the evidence to support this?
- Are there other substantial native flat oyster reef restoration sites not within the Reef Builder program and associated partnerships that may meet the key diagnostic characteristics, patch definition and condition thresholds to be considered the ecological community? Please provide the relevant information to support this.

#### 2.2.7 Survey requirements

Patches of the ecological community can vary markedly in their shape, size, condition and features. Thorough and representative surveys are essential to accurately assess the extent and condition of a patch. The Restoration Guidelines for Shellfish Reefs (Fitzsimons et al. 2019), the Oyster Habitat Restoration Monitoring and Assessment Handbook (Bagget et al. 2014), NSW Shellfish Reef Restoration Project Planning and Implementation Guidelines (NSW DPI 2021) and scientific literature (e.g. Bagget et al. 2015; Gillies et al. 2017; McAfee et al. 2024) can provide useful guidance.



Typical survey techniques to monitor and assess oyster reef characteristics and condition include intertidal surveys or diver-swum surveys using transects or quadrats to access faunal/floral assemblages and oyster density/size/height/coverage. Boat or diver GPS surveys, satellite imagery, geographic information systems (GIS), remote operated underwater video and underwater acoustic and echo sounder technologies can also be used to identify and map patches of the ecological community and track changes in horizontal and vertical extents of oyster reefs over time (see [Appendix C](#) for additional information on survey techniques for subtidal oyster reefs).

The size, number and spatial distribution of surveys and information must be of an appropriate resolution to detect variation across the patch. Sampling should address hypothesised variations in species composition, and significant variation in the oyster reef substrata (including areas of different condition), landscape/seascape qualities and management history (where known) across the patch. Recording the search effort (e.g. identifying the number of person hours spent per quadrat/transect and across the entire patch; along with the surveyor's level of expertise and limitations at the time of survey) is useful for future reference. Whilst identifying the ecological community and its condition is possible at most times of the year, consideration must be given to the role that tidal cycle, season, climatic-events and disturbance history may play in an assessment.

Timing of surveys should allow for a reasonable interval after a disturbance (natural or human-induced) to allow for regeneration of native flat oyster reef and the associated assemblage to become evident and be timed to enable diagnostic species to be identified. Similarly, longer survey durations (e.g. over multiple years or reproductive cycles) may be beneficial to capture different levels of recruitment across different years. At a minimum, it is important to note climate and environmental conditions and what kind of disturbance may have happened within a patch, and when that disturbance occurred. To determine if native flat oyster reef patches at restoration sites are to be included within the EPBC listing assessment, surveys of the variables outlined in [Table 1](#) must be undertaken after at least 10 years (i.e. approximately four reproductive cycles).

#### 2.2.8 Mapping and habitat classifications

Native flat oyster reefs can form mosaics with other intertidal and subtidal ecosystems within estuarine and marine environments, such as seagrass, mudflats, seaweed and, rocky reefs. Habitat structures created and dominated by native flat oysters are the key distinguishing feature of this ecological community and mean that it is readily distinguished from other habitat types.

The native flat oyster ecological community may also occur proximate to other shellfish reefs or may integrate with other shellfish species to form mixed reefs. Gillies et al. (2018) identified at least 14 oyster or mussel species in Australia, that may form reefs. Sydney rock oysters are one of the more commonly occurring oyster reef-forming species that partially overlaps in distribution with native flat oyster reefs in parts of NSW and far northern Vic and have undergone similar historical declines (Gillies et al. 2020). However, compared to Sydney rock oyster reefs, native flat oyster reefs more commonly form as low-profile beds and can occur in deeper subtidal areas (Gillies et al. 2018; Overton et al. 2024) (see [Figure 4](#)). The shell morphology of native flat oysters and Sydney rock oysters also differ in their appearance. Sydney rock oysters have smooth thick ridged shells with small teeth and native flat oysters have flaky and layered flat shells (see [Figure 4](#)) (Museums Victoria 2022; NSW DPI 2022). The

introduced *Magallana gigas* (Pacific oyster) is also an oyster reef-forming species that overlaps in distribution with native flat oyster reefs in parts of NSW, Vic, SA and Tas, where the species occupies the intertidal and shallow subtidal habitat zone (DAWE 2022a). Pacific oyster shells have differing morphology to the native flat oyster, with moderately cupped shells that are white in colour with purple to red patches, and have irregular, rounded radial folds that overlap (DAWE 2022a).



**Figure 4.** Reef structures and shells of a) Sydney rock oyster b) native flat oyster and c) Pacific oyster. Photo credits: a) above by Ian McLeod and Steve McOrrie/James Cook University, a) below by Queensland Museum, b) above by C. Gillies/The Nature Conservancy, b) below by G. Edgar, c) above by Kat Haas/iNaturalist and c) below by Ian D B Moodie/iNaturalist.

There have also been reports of the introduced *Ostrea edulis* (European flat oyster) in WA, though in small numbers relative to the native flat oyster (Morton et al. 2003; Wells et al. 2009). The European flat oyster has been identified as occurring in intertidal and subtidal environments (Wells et al. 2009; AFD 2024) and is difficult to distinguish from native flat oyster through morphology (Morton et al. 2003). The two flat oyster species were previously identified as closely related, having only recently diverged (Heasman et al. 2004; Hurwood et al. 2005; Danic-Tchaleu 2011; Salvi et al. 2014, 2022; Guo et al. 2018; Hu et al. 2019; Li et al. 2021). Many studies suggest the two species' lineages may actually form a single species, however further research is required to confirm this (Heasman et al. 2004; Hurwood et al. 2005; Danic-Tchaleu 2011; Salvi et al. 2014, 2022; Guo et al. 2018; Hu et al. 2019; Li et al. 2021). *O. angasi* and *O. edulis* are listed as separate species on the World Register of Marine Species (WoRMS) and Australian Faunal Directory (AFD) (AFD 2024; WoRMS 2024). *Ostrea stentina/equestris* has also been reported in NSW as a native species (Commissioners of Fisheries 1889; Hu et al. 2019; AFD 2024; WoRMS 2024), where these species may be related enough to form a single species across populations in the Western Pacific and Americas (Hu et al. 2019; Sutton et al. 2020). *Ostrea stentina/equestris* is generally considered to be a small, economically unimportant species that does not form reefs and inhabits subtidal and intertidal waters with high salinity (Galtsoff & Merrill 1962; Dinamani & Beu 1981; Markwith 2010 cited in Sutton et al. 2020).



*Ostrea stentina/equestris* has historically been noted as *O. virescens* and as an edible oyster occurring naturally in NSW oyster beds (Commissioners of Fisheries 1889; AFD 2024; WoRMS 2024).

There are several mapping and habitat classification schemes used nationally and in NSW, Vic, SA, WA and Tas ([Appendix B](#)). Although none of these mapping and classification schemes directly map areas of the ecological community according to the key diagnostics, patch definition and condition thresholds, they may still provide useful information on the likely occurrence of the ecological community.

[Appendix B](#) outlines the map units or classifications of several common mapping and classification systems that may be useful for mapping the ecological community.

#### 2.2.9 Other relevant listed ecological communities

There are several other EPBC-listed ecological communities that may intergrade with native flat oyster reefs as outlined in [Table 2](#). *Posidonia australis* seagrass meadows of the Manning-Hawkesbury Ecoregion may intergrade with native flat oyster reefs in this part of NSW. Giant Kelp Marine Forests of South East Australia may intergrade with native flat oyster reefs across Vic, SA and Tas. If listed, *Saccostrea glomerata* oyster reefs of eastern Australia may intergrade with or form near to native flat oyster reefs that extend into lower intertidal and shallow subtidal areas in NSW and far eastern Vic (see [section 2.2.8](#) for features that can be used to distinguish between these oyster reef ecological communities). Subtropical and Temperate Coastal Saltmarsh may occur near to native flat oyster reefs but is unlikely to intergrade with, or be confused with, the ecological community.

**Table 2.** Nationally listed threatened ecological communities (TEC) that may intergrade or occur near to native flat oyster reefs

Threatened Ecological Community	Status	Distribution
<i>Posidonia australis</i> seagrass meadows of the Manning-Hawkesbury ecoregion <sup>1</sup>	Endangered	NSW
Giant Kelp Marine Forests of South East Australia	Endangered	Vic, SA, Tas
<i>Saccostrea glomerata</i> oyster reefs of eastern Australia	Under Assessment	Qld, NSW, Vic

Source: EPBC Act list of Threatened Ecological Communities.

#### Consultation Questions on additional identification information

- Are the survey requirements for the ecological community appropriate?
- Are all the relevant/intergrading habitats and listed ecological communities mentioned?
- Are there additional habitat classification and mapping systems that should be documented in [Appendix B](#)?

### 2.3 Condition classes, categories and thresholds

Land/seascape use, disturbance history and other factors that may cause degradation or loss of its features will influence the condition of patches of the ecological community. National listing focuses legal protection on patches of the ecological community that are the most functional,

relatively natural and in comparatively good condition. These patches are identified through *minimum condition thresholds*.

*Condition classes* are also used to distinguish between patches of the ecological community of different qualities, to aid environmental management decisions.

In order to be protected as a matter of national environmental significance, occurrences of the ecological community must meet both:

- the key diagnostic characteristics ([section 2.1](#)) AND
- at least the minimum condition thresholds ([Table 3](#)).

[Table 3](#) outlines the different condition classes and categories that apply to the ecological community. The minimum condition thresholds are designed to identify occurrences that retain sufficient conservation values to be considered a matter of national environmental significance, to which the referral, assessment, approval and compliance provisions of the EPBC Act apply. These include all patches in Classes A, B and C. Minimum condition thresholds for the native flat oyster reef ecological community have been set to a lower level than likely historical benchmark reference condition reef as occurrences now exist mostly in a comparatively degraded and fragmented state.

Patches that do not meet the minimum condition thresholds for at least Class C (i.e. patches that are listed as 'Not Protected' in [Table 3](#)) are excluded from protection under the EPBC Act. In some cases, the loss and degradation are irreversible because natural characteristics have been permanently removed. However, although not protected under the EPBC Act, many of these patches may still retain important natural values and may be protected or considered in State and local laws or planning schemes. For instance, small patches of the ecological community that do not meet the minimum total area threshold value in the patch definition or the minimum live oyster densities in the condition thresholds may still be important for providing native flat oyster larval stock to the oyster reef network or hard substrata for native flat oyster larval settlement.

In addition, patches that do not meet the minimum condition thresholds or other defining characteristics that can be restored (see [section 2.2.4](#)) should not be excluded from recovery and other management actions as these actions may improve condition or area, such that it subsequently can be included as part of the ecological community fully protected under the EPBC Act. Management actions should be designed to restore patches to high density, where practical. Restoration sites of the ecological community that meet the key diagnostic criteria ([section 2.1](#)), patch definition ([section 2.2](#)) and minimum condition thresholds ([Table 3](#)) are considered the ecological community for the purposes of management and protection under the EPBC Act. If these patches also meet the restoration reference condition metrics ([Table 1](#)) when monitored after 10 years since implementation, they will also be considered as an existing occurrence of the ecological community within the listing assessment ([section 6.2](#)).

When assessing the condition of a patch of the ecological community it is important to refer to the key diagnostic characteristics ([section 2.1](#)) and the information on defining an occurrence ([section 2.2](#)) to determine the area to assess for condition.

The broadest area that meets the key diagnostic characteristics of the ecological community should be used in determining condition. Where condition is variable and the condition of the total area falls below the minimum thresholds, the largest area or areas within the overall area



that do meet the minimum condition thresholds should be identified. This may result in multiple protected occurrences of the ecological community being identified within the overall area first considered.

**Table 3.** Condition classes, categories and thresholds for native flat oyster reefs

HIGH DENSITY <sup>^</sup>	MODERATE DENSITY	LOW DENSITY	NOT THE ECOLOGICAL COMMUNITY
Average density of live oysters of a reproductive age/size on oyster patches is > 50 live oysters per m <sup>2</sup>	Average density of live oysters of a reproductive age/size on oyster patches is between 10-50 per m <sup>2</sup>	Average density of live oysters of a reproductive age/size on oyster patches is between 5 - 9 per m <sup>2</sup>	Average density of live oysters of a reproductive age/size on oyster patches is < 5 per m <sup>2</sup>
<b>CLASS A</b>	<b>CLASS B</b>	<b>CLASS C</b>	<b>NOT PROTECTED</b>
A <u>dense patch</u> that meets the key diagnostics and patch definition.	A <u>moderately dense</u> patch that meets key diagnostics and patch definition.	A <u>low-density</u> patch that meets key diagnostics and patch definition.	(but may be a focus for local protection or restoration)

<sup>^</sup> For mosaic patches, density of live oysters of reproductive age/size is the average value, calculated on oyster reef patches within the mosaic.\*To be considered the ecological community, single or mosaic patches of existing or restoration occurrences of oyster reef must meet (1) the minimum condition thresholds (Class C) outlined in Table 3 (above), (2) the key diagnostic characteristics (section 2.1), and (3) have an area equal to or greater than 250 m<sup>2</sup> as described in the patch definition (section 2.2.1).

\*See section 2.2.7 for additional considerations when surveying a patch.

#### Consultation Questions on condition classes, categories and thresholds

- Are the condition thresholds appropriate for this ecological community? If not, please suggest and justify alternatives, including providing any relevant supporting evidence.

## 2.4 Habitat critical to the survival of the ecological community

The habitat requirements for an ecological community include areas with the necessary biological, physical, geological and climatic conditions for its survival. The ecological community provides its own habitat, as areas of the ecological community represent the habitat for the individual species comprising it. Of critical importance to the survival of the ecological community is an ongoing connection with the hydrological tidal regime, such that the diagnostic features and associated assemblages of the ecological community are maintained. In addition, patches located away from freshwater sources or run-off points may be critical to the survival of the ecological community, by buffering the overall impacts associated with runoff sources such as sedimentation, pollutant run-off, increased prevalence of disease, and changes to environmental characteristics (e.g. salinity and temperature). Key physical conditions required for the survival of the ecological community includes marine and coastal areas with relatively stable salinities ranging from 25-35 ppt (with acute episodes of low salinity common during heavy rainfall), temperatures between 10-29 °C, relatively sheltered locations, and no prolonged periods of hypoxia (Thomson 1954; O'Sullivan 1980 cited in Gillies et al. 2017; O'Connor et al. 2015; Cole et al. 2016; Crawford 2016; Gillies et al. 2017). The habitat or areas most critical to the survival of the ecological community are those patches that are in the best condition (i.e. Class A in Table 3). These represent those parts of the ecological community closest to the benchmark state of the ecological community. They are the reef patches/beds that retain the most intact structure and ecological function and have the highest chance of persisting in the long-term.

However, this does not mean that areas that otherwise meet the moderate or minimum condition thresholds (i.e. Classes B and C in [Table 3](#)) are unimportant for the survival of the ecological community. These occurrences are critical to the survival of the ecological community if they occur in locations that are particularly important for biodiversity or function and/or may contain suites of species or habitat features that are important in a regional or local context (see [section 2.5](#)).

No Critical Habitat as defined under section 207A of the EPBC Act has been identified or included in the Register of Critical Habitat.

#### Consultation Questions on habitat critical to the survival

- Can you recommend what areas are critical to the survival of the ecological community, either in terms of condition or other attributes?

## 2.5 High value occurrences - surrounding environment and landscape/seascape context

Patches of the ecological community do not occur in isolation. The surrounding ecosystems and other landscape/seascape considerations will also influence how important a patch is to the ecological community as a whole. Patches that are spatially linked, whether ecologically or by proximity, are particularly important as wildlife habitat and to the viability of those patches of the ecological community into the future. For actions that may have 'significant impacts' and require approval under the EPBC Act, it is important to consider the whole environment surrounding patches of the ecological community.

For example, in areas that have been historically dredged and degraded, some patches that meet the minimum condition thresholds may occur in isolation. Such patches could benefit from restoration activities to link them with other patches to achieve the minimum total reef area threshold in the key diagnostics to be protected under the EPBC Act, and to increase overall ecosystem resilience.

The ecological community often occurs in association with other native marine and coastal ecosystems. Patches of the ecological community that remain connected with other native marine and coastal ecosystems may have a better chance of future survival and restoration success, as connected patches may be more resilient to disturbance (Gilby et al. 2018; McAfee et al. 2020, 2022).

The following indicators of high value should be considered when assessing the impacts of proposed actions under the EPBC Act, or when determining priorities for protection, recovery, management, and funding:

- Patches that meet or are closest to the high quality (Class A) condition for this ecological community.
- Presence of a high diversity of known oyster reef-associated faunal and floral species ([Appendix A](#)).
- Presence of nationally or State/Territory listed threatened species, key functional species, or close proximity to other nationally or State/Territory listed threatened ecological communities.



- Connectivity to other oyster reefs or marine habitat. Of particular importance are (1) oyster reefs positioned between (or linking) other oyster reefs or other marine habitats (e.g. seagrass, mangroves), and (2) patches that contribute to a mosaic of oyster reef patches at a site, especially patches that are close to large remnant oyster reefs.
- Patches/beds with minimal invasive species or in locations where these can be managed easily.
- Patches/beds with minimal disturbance (i.e. threats reduced to sufficiently allow oyster recruitment, growth and survival).
- Physical conditions that support the growth and survival of the ecological community (e.g. appropriate water temperature, salinity, pH, dissolved oxygen; see O'Connor et al. 2015; Cole et al. 2016 Crawford 2016; Gillies et al. 2017; Pereira et al. 2019).
- Hydrological regimes sufficient to ensure connectivity and ecological function between the oyster reef, estuary, coastal embayment, and marine areas surrounding the oyster reefs.
- Patches/beds located away from freshwater sources or run-off points (e.g. stormwater drains, freshwater river mouths) to buffer the potential impacts of sediment build-up, degraded water quality, prevalence of disease, and changes to water salinity and temperature.
- Areas protected from swell/storm surge that have relatively stable substratum to allow for oyster larval settlement.
- Patches at the edge of the range of the ecological community.
- Patches that show evidence of recruitment or the presence of a range of age cohorts (including through successful assisted regeneration/restoration or management of sites).

#### Consultation Questions on areas of high value

- Are there any additional areas that may be of high value that are not listed above, or are there areas that are listed and should not be? Please provide supporting evidence.

### 3 Cultural significance

The cultural, customary, and spiritual significance of ecological communities are diverse and varied for First Nations Australians and their stewardship of Land and Sea Country. This section describes some examples of this significance but is not intended to be comprehensive or applicable to, or speak for, First Nations Australians. Such knowledge may be held by First Nations Australians who are the custodians of this knowledge and have the rights to decide how this knowledge is shared and used.

The oyster has been described in many First Nations Australians languages. For example, the Dharawal peoples of southern Sydney in NSW call the mud oyster 'dainya' (Bursill & Jacobs 2001), the Wadawurrung peoples near Melbourne, Geelong and the Bellarine Peninsula in Vic call the oyster 'barnabil' (Deadly Story 2024), the Nukunu peoples near Spencer Gulf in SA refer to the oyster as 'pirra' (Hercus 1992), and in palawa kani, the language of Tasmanian Aboriginals, the oyster is called 'taralangkana' (IMAS 2024a).

Over centuries, oyster reefs have provided significant cultural, subsistence and social value to First Nations communities in Australia (Thurstan et al. 2020; Gibbs et al. 2024). Oyster shells have been found in living sites along the Australian Coastline that can include large masses of shell (Gillies et al. 2015; Gillies et al. 2018; Thurstan et al. 2020; Gibbs et al. 2024), including along the NSW coastline (Stockton 1977; Sullivan 1981, 1982, 1984), Vic (Godfrey 1989 cited in Gillies et al. 2018), Tas (Lourandos 1968) and in some parts of SA (Luebbers 1978; Radford & Campbell 1982 cited in Gillies et al. 2015). Damage to living sites may remove evidence of historical connection to shellfish reefs, with shells having been utilised for lime and cultch, and rising sea levels potentially eroding older living sites (Oyster Culture Commission 1877; Dortch et al. 1984; Gillies et al. 2015).

In NSW, oyster shells have been documented to be used as fishing hooks (Ogburn et al. 2007; Ogburn 2011) and masses of shell are present in hundreds of living sites, including native flat oyster shells over 6000 years old (Sullivan 1982; Gibbs et al. 2024). In Vic, records show that oyster reefs were of great importance to First Nations Australians communities around Corner Inlet and western Port Phillip Bay (Ford & Hamer 2016). In Tas, native flat oysters were a major component of the diet of Tasmanian Aboriginal people as evident from numerous living sites documented around the Tasmanian coastline, with large amounts of shell documented in Great Oyster Bay and Little Swanport and east coast living sites dating from 6,000 to 8,700 years old (Reber 1965 in cited Lourandos 1968; Lourandos 1968; Gillies et al. 2015; Crawford 2016). The oyster is a traditional food source for Tasmanian Aboriginal people, including the Mumirimina people of the Oyster Bay Tribe, being a major food source that was once abundant in places such as the Derwent River (Tintumili Minanya) (Clarence City Council 2024; TasTAFE 2024). First Nations Australians also consumed native flat oyster in SA, with the species found in living sites along parts of the coastline (Radford & Campbell 1982 cited in Alleway & Connell 2015; Godfrey 1989 cited in Alleway & Connell 2015). Proficient oyster harvest by the Nauo people in Coffin Bay in SA was recognised in early European accounts (Wallace-Carter 1987 cited in Martin et al. 2025).

In WA, there has been a lack of living site documentation that describe large amounts of shell (Dortch et al. 1984). In some areas of SA and in southern WA, it is likely that native oysters were not a significant component of the diet of First Nations Australians (Luebbers 1978). Patterns of use in these regions reflect consumption of shellfish species that were easier to forage or were non-existent because of it being considered taboo to consume shellfish (Dortch et al. 1984). Other groups believed that oysters caused illness and were not consumed until after colonisation, when groups began to cook oysters before consumption (Nind 1831; Young 1997 cited in Gillies et al. 2015).

During peak periods of commercial oyster harvest, First Nations Australians maintained a connection to oysters. First Nations Australians were often employed to collect and cull oysters across NSW (Oyster Culture Commission 1877). For instance, in Durras Lake, First Nations Australians were employed to pick young oysters of rocks and throw them into deep water to grow larger for subsequent harvesting (Oyster Culture Commission 1877; Commissioners of Fisheries 1889).

First Nations groups have collaborated with The Nature Conservancy and associated partners on the Reef Builder project that has been working to restore native flat oyster reefs and other shellfish reefs between 2021 and 2023 across WA, SA, Vic, Tas, NSW and Qld (TNC 2024b). Many



of these restoration projects are continuing with the Nature Conservancy and associated partners.

#### Consultation Questions on cultural significance

- Are you (or please direct us to appropriate people and organisations in the area who may have information) able/willing to share information about the cultural significance of the native flat oyster and reefs or surrounding seascape generally? If so, please provide information and advice on appropriate use, including what consent has been obtained or should be sought.
- In particular, can you provide information to support or clarify information that you don't agree with?

## 4 Threats

Native flat oyster reefs have been primarily impacted by historical overharvesting through commercial fishing using destructive fishing methods (i.e. dredging and skinning). Ongoing threats to this ecological community include coastal and catchment development and degraded water quality, disease, infestations and invasive species, climate change and extreme weather events, and other anthropogenic impacts, such as commercial and recreational fishing and boating, and possibly offshore activities (e.g. mining and drilling) and aquaculture if the activities are not appropriately regulated. The cumulative impacts of these threats have caused a reduction in the extent, structure, function of native flat oyster reefs and limited natural recovery of the ecological community across its historical geographic distribution. See [section 4.1](#) for more information on these key threats.

### 4.1 Threat table

[Table 4](#) outlines the key threats facing the ecological community, which represent the *main factors that cause it to be eligible for listing* as required by section 266B (2) (a) (ii) of the EPBC Act. This information supports the assessment against the criteria at [section 6](#). Although presented as a list, in reality these threats often interact, rather than act independently.

**Table 4.** Summary of threats facing the native flat oyster reef ecological community

Threat factor	Threat Status*	Threat impacts
<b>Historical commercial overharvesting, particularly using destructive fishing methods</b>	<i>Timing:</i> past <i>Severity:</i> extreme <i>Scope:</i> whole	<p>Overharvesting has been attributed as the primary cause of decline of native flat oyster reefs (Alleway &amp; Connell 2015; Ford &amp; Hamer 2016; Gillies et al. 2018). Harvests of native flat oyster reefs supplied meat for consumption and shells for crushing into material for roads or for burning to supply lime for building (Alleway &amp; Connell 2015). Native flat oyster reefs were extensively harvested and dredged in bays and inlets in NSW (Gillies et al. 2018), Vic (Saville-Kent 1891a cited in Nell 2001), Tas (Calder 1886; Sumner 1972 cited in Nell 2001), SA (Olsen 1994 cited in Nell 2001) and WA (Gillies et al. 2018) in the 1800s and the early 1900s. As a result of these activities, reefs were largely exhausted by the mid-1900s and, in most cases, have not naturally recovered (Oyster Culture Commission 1877; Nell 2001; Alleway &amp; Connell 2015; Crawford 2016; Ford &amp; Hamer 2016; Gillies et al. 2018).</p> <p>Oyster fishers on native flat oyster reefs primarily used dredge fishing methods that were non-selective and captured all sizes of oyster shells</p>

Threat factor	Threat Status*	Threat impacts
		<p>(Calder 1886; Alleway &amp; Connell 2015). Multiple dredges were dragged back and forth across oyster beds, which were 'worked down' until the catch was low, nil or not meeting market requirements otherwise, and the dredging would then move on to another location (Fuentes et al. 1990; Alleway &amp; Connell 2015). Dredging was unselective and broke up, removed or buried all sizes of oysters and shell, which resulted in loss of oyster biomass, removal of settlement substrate, reduced ecosystem function, fragmentation of remaining patches or a shift toward an unconsolidated or soft sediment substrate (Alleway &amp; Connell 2015; Crawford 2016; Gillies et al. 2020). Intertidal oyster beds may have also been harvested through skinning, which involved raking live oysters together at low tide that were then loaded onto berthed vessels (Ogburn et al. 2007; Ogburn 2011). Loss of native flat oyster biomass and the complex, biogenic oyster reef substrate likely reduced the ability of reefs to recover naturally due to the decline in oyster spawning stock and a reduction in reef-associated chemical cues or noises and hard substrate used by oyster larvae to settle and recruit (Tamburri et al. 2008; Alleway &amp; Connell 2015; McAfee et al. 2023).</p> <p>The reduction in the number and extent of native flat oyster reefs within a reef system through destructive practices likely also reduced the resilience of the remaining isolated patches against other stressors, such as disease, predation, degraded water quality and climate change (Gillies et al. 2018). This likely also contributed to limited natural recovery of the reefs once historical commercial harvesting via dredging and skinning ceased (Ford &amp; Hamer 2016; Gillies et al. 2018).</p>
<b>Coastal/catchment development and degraded water quality, including sedimentation</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> major</p> <p><i>Scope:</i> whole</p>	<p>Historic colonisation, ongoing coastal and catchment development and agriculture in catchments along coastlines has resulted in sedimentation and degraded water quality that has likely exacerbated the loss of native flat oyster reefs and has hindered the process of natural recovery after the historic overharvesting of reefs across the ecological community's historic extent of occurrence (Gillies et al. 2015; Ford &amp; Hamer 2016; Cook et al. 2021). Ongoing catchment modifications and increasing foreshore development are altering flow from rivers into estuarine waters and can result in changes to suitable hard substrate availability, salinity gradients, increase suspended sediments, heavy metals and nutrient concentrations, and decrease dissolved oxygen, which can reduce the growth, survival, and reproductive success of oyster reefs (Lenihan &amp; Peterson 1998; Barnes et al. 2007; Gillanders et al. 2011; Gillies et al. 2020). Increasing foreshore development may also directly result in the loss of native flat oyster reefs through the direct removal or smothering of oysters in development, channelling or land reclamation areas, or degradation through damage to the reef structure and altering of salinity and hydrology through activities such as dredging, where this has impacted other oyster species (e.g. Sydney rock oyster) (MacKenzie 1997 cited in McLeod et al. 2019; Stokes et al. 2012; McLeod et al. 2019).</p> <p>Being comprised of an estuarine and marine bivalve species that are commonly exposed to varied environmental conditions, native flat oyster reefs are likely to be able to adapt to some changes in water quality through actions such as closing their valves and subsisting on energy stores in unfavourable conditions (Bartlett et al. 2020). However, periods of extreme exposure to pollutants, nutrients or sedimentation in particular, may lead to mortality, conversion of oyster reefs to soft sediment habitat that have limited hard substrate for recruitment, the smothering of oysters by sediment/particulates or algae from excessive nutrients that limit their ability to filter feed and grow, and facilitation of pests or disease (Saville-Kent 1891b; Mount et al. 2005; Ogburn et al.</p>



Threat factor	Threat Status*	Threat impacts
		<p>2007; Hamer et al. 2013; Gillies et al. 2020). For example, high rainfall events can lead to periods of unfavourable water quality caused by runoff (e.g. increased herbicides, sediment, sewage and/or natural sources of toxins such as <i>Eucalyptus nitens</i> leaf extract) and salinity levels that negatively impact the fitness of oysters with freshwater flowing into in Georges Bay, St Helens, Tas, where remnant native flat oyster reefs occur (Break O'Day Council et al. 2012; Bleaney et al. 2015). Several events of high levels of oyster mortality were reported in farmed oysters in Georges Bay after heavy rainfall, with one major flood event resulting in more than 90% oyster mortality in 2004 (Scammell 2004; Break O'Day Council et al. 2012; Bleaney et al. 2015). Similarly, increased silt loads in rivers and bays as a result of colonisation with extensive land clearing and agriculture were noted as a reason for mortality of oyster beds in Georges Bay (Parliamentary Report 1885 cited in Beck et al. 2009; Gillies et al. 2015).</p> <p>In NSW, the Parramatta River was reported to have lost its native flat oysters a few years before the Oyster Culture Commission in 1877, which was attributed by some to discharged sewage matter (Oyster Culture Commission 1877). Saville-Kent (1891b) also noted that mudworm affected oyster fisheries in NSW belonged to rivers experiencing sediment pollution from inland watersheds.</p> <p>While oysters can present a high tolerance to heavy metals, elevated heavy metal loads in amounts that may cause harm to oysters have been reported in estuaries and bays that comprise remnant or restoration sites of native flat oyster reefs, such as in Corio Bay, Vic and the Derwent Estuary, Tas (Fabris et al. 1999; Luo et al. 2017; Chan &amp; Wang 2019; Macleod &amp; Coughanowr 2019). Responses of the native flat oyster to heavy metal contaminated sediments in NSW demonstrated impaired fitness in individuals through increased lysosomal membrane stability, whole energy disturbance and reduced embryo development, but documented low mortality (Bartlett et al. 2020). Studies on other oyster species under exposure to various elevated heavy metals documented other negative impacts, including weakened shell structures and increased predation risk, inhibited filtration, shift in sex ratios, and reduced shell growth rate (Liu et al. 2014; Weng &amp; Wang 2014; Stewart et al. 2021; Jamal et al. 2022). These effects differed based on oyster species, location and metal combination.</p> <p>Several estuaries along the east coast of Australia also continue to be strongly affected by acidification caused by acid sulfate soil run-off that can cause significant mortality and stress in oysters, but impacts have not been documented for native flat oysters to date and are likely to vary by species and habitat zone (Dove &amp; Sammut 2007a &amp; b; Amaral et al. 2012).</p> <p>There are reports of favourable conditions for native flat oyster in terms of water flow, sedimentation and water quality in some areas across the historical extent of occurrence of the ecological community, such as in Dromana, Vic and Oyster Harbour, WA, where reports highlight good water quality (Hamer et al. 2013; Gillies et al. 2017; DWER 2019; EPA Victoria 2024; NSW DPIRD 2024a). However, continued coastal development, catchment modification and population growth may further alter these conditions to a state that has a negative impact on native flat oyster populations. This coastal urbanisation pressure, particularly when coupled with climate change, may result in increased stress and risk of degraded water quality and associated impacts on</p>

Threat factor	Threat Status*	Threat impacts
		native flat oyster reefs if appropriate water quality management plans are not implemented and adhered to. For instance, greater water temperature and ocean acidity predicted under climate change may lead to increased metal uptake and toxicity for bivalves, or negative synergistic effects with changing salinity conditions (Peck 2019; Kibria et al. 2021).
<b>Climate change and extreme weather events</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> major</p> <p><i>Scope:</i> whole</p>	<p>Oyster reefs are threatened by climate change through extreme events, sea level rise and the alteration of biophysical conditions required for oyster survival, growth, and reproduction (e.g. increased temperature, decreased pH, dissolved oxygen, salinity) (Gillanders et al. 2011; Gillies et al. 2020; Tilbrook &amp; Lenton 2021). These changes can alter the distribution and composition of oyster reefs and exacerbate existing threats (Clark &amp; Johnson 2017).</p> <p><i>Increased temperature and acidification</i></p> <p>Southeast Australia, including Tas, which encompasses parts of the native flat oyster reefs distribution, is one of several identified global hotspots of ocean warming because of climate change, with rates of warming above the global average (Hobday &amp; Pecl 2014; CSIRO &amp; Bureau of Meteorology 2022, 2024). Sea surface temperature warming across large areas of the Indian Ocean region has also affected the west coast of Australia (CSIRO &amp; Bureau of Meteorology 2022, 2024). In estuarine environments, temperatures have warmed at a median average of 0.039 °C yr<sup>-1</sup> between 1985 to 2022, with more rapid warming occurring in the east coast compared to the west (Prum et al. 2024). By 2090, sea surface temperature is projected to increase between 1.5-5.7 °C under a high emissions scenario throughout the range of the ecological community, with the east coast expected to see the highest overall potential rise, where Vic and Tas will experience the largest rise in southern Australia (CSIRO &amp; Bureau of Meteorology 2015a). It is also expected that marine heatwaves will become more frequent and longer lasting, leading to increased stress on marine environments (CSIRO &amp; Bureau of Meteorology 2024). There is also very high confidence that the ocean around Australia will continue to become more acidic, with acidification rates proportional to emissions growth (CSIRO &amp; Bureau of Meteorology 2015a, 2020, 2024). This change in acidity is strongest south of Australia, where it is considered likely to impact commercially important shellfish in the future (CSIRO &amp; Bureau of Meteorology 2024).</p> <p>Experimental studies on native flat oyster adults indicate that higher water temperatures can result in higher rates of mortality, decreased oyster condition and an increased risk of <i>Bonamia</i> infected oysters dying (Pereira et al. 2019; Bradley et al. 2020). In a closely related species, European flat oyster, experimental exposure to high water temperatures (36° C) resulted in 100% adult mortality (Eymann et al. 2020). Juvenile native flat oysters also faced reduced survival times under simulated intertidal conditions when emersed under increased temperatures, approaching higher rates of mortality more rapidly, particularly for smaller oysters (Overton et al. 2024). There is some evidence to show native flat oyster larvae during brooding may be able to develop tolerance to elevated pCO<sub>2</sub> or acidification (Cole et al. 2016; Pereira et al. 2019). This larval tolerance may be sufficient for expected future ocean acidification, but excessive exposure can still lead to sublethal effects such as impaired feeding and smaller sizes in larvae (Cole et al. 2016; Pereira et al. 2019). When native flat oyster larvae are exposed acidification alongside increased temperature or reduced salinity there</p>



Threat factor	Threat Status*	Threat impacts
		<p>can be delayed development, reduced size and more frequent abnormalities (Cole et al. 2016).</p> <p>Increased water temperatures and ocean acidification predicted under climate change may also lead to increased metal uptake and toxicity for bivalves, or negative synergistic effects with changing salinity conditions (Peck 2019; Kibria et al. 2021). Overall, the response of the native flat oyster to increases in temperature and acidification is likely complex, with oysters exhibiting some resilience but having greater vulnerability under multiple climate stressors or as juveniles. Increased vulnerability during early life stages may result in bottlenecks or issues of persistence of native flat oyster populations/reefs under climate change.</p> <p><i>Extreme events</i></p> <p>In southern and eastern Australia, there has been a documented general shift to drier conditions due to natural variability on decadal timescales and climate change, particularly in the south-west and south-east on mainland Australia (CSIRO &amp; Bureau of Meteorology 2022, 2024). However, as the climate warms, there is an increased likelihood of more intense heavy rainfall events, even in parts of Australia where average rainfall is expected to decrease (CSIRO &amp; Bureau of Meteorology 2022, 2024). This will likely increase the risk of flooding and associated run-off, particularly in urban catchments (CSIRO &amp; Bureau of Meteorology 2022, 2024). Gillies et al. (2020) describes flooding in historical and contemporary times as a catastrophic threat to native flat oyster reefs. Heavy rainfall and flooding, particularly after dry periods, can lead to increased sedimentation in areas with native flat oyster reefs, resulting in the smothering of oysters, reduced hard substrate for recruitment and facilitation of pests, infestations and disease (e.g. mudworm) (Ogburn et al. 2007; Break O'Day Council et al. 2012; Hamer et al. 2013). The effects of these impacts can lead to oyster mortality, reduced recruitment, and a decline in overall oyster fitness. For example, after heavy rainfall in 2004, a major flood event in Georges Bay, Tas, where remnant native flat oyster reefs occur, resulted in 90% mortality in farmed oysters (Break O'Day Council et al. 2012). Increased flooding can also lead to reduced salinity and possible decreased benthic dissolved oxygen levels through hypoxic blackwater events that may reduce the fitness or survival of oysters, particularly if coupled with heat stress or after other extreme events (e.g. bushfires) (Cole et al. 2016; Gillies et al. 2020; Tilbrook &amp; Lenton 2021; CSIRO &amp; Bureau of Meteorology 2022). Native flat oysters are associated with conditions that have relatively stable salinity but acute seasonal episodes of reduced salinity such as from heavy summer rainfall in south-eastern Australia can be expected (Thomson 1954; Cole et al. 2016).</p> <p>Climate change is increasing the extent and severity of bushfires in Australia, especially in southern Australia (CSIRO &amp; Bureau of Meteorology 2022, 2024). Ash run-off can smother aquatic environments and lead to toxic macroalgal blooms from excessive nutrients that can reduce dissolved oxygen concentrations in the water column (Herbert-Read et al. 2022). The extent and duration of impact of bushfires and ash run-off specifically on marine bivalves, including native flat oysters, is not well studied, or documented (Santori et al. 2023). Extreme events affected by climate change such as fires, flood and drought can also increase heavy metal loads in water, which can impair fitness of oysters (Bartlett et al. 2020; Kibria et al. 2021).</p> <p><i>Sea level rise</i></p>

Threat factor	Threat Status*	Threat impacts
		<p>The average rate of relative sea level rise along the coast of Australia was 1.4 mm per year from 1966 to 2009 (CSIRO &amp; Bureau of Meteorology 2015b). This does not differ heavily from the global sea level rise from 1901 to 2000 at 1.5 mm per year, however in recent decades from 1993 to 2023 this rate is approaching 4 mm per year, where sea level rise in the north and south-east of Australia has been significantly higher than the global average unlike other parts of the continent that have been below average (CSIRO &amp; Bureau of Meteorology 2024). There is very high confidence that mean sea level will continue to rise, along with the height of extreme sea levels (CSIRO &amp; Bureau of Meteorology 2015b). A rise of between 0.39 to 0.89 m is projected by 2090 under the high emissions scenario across the range of the ecological community (CSIRO &amp; Bureau of Meteorology 2015b). The likely impacts of this sea level rise on the native flat oyster reef ecological community are unknown. The main possible impact is the shifting of intertidal reefs to subtidal areas, though there is evidence that some intertidal oyster reefs (comprised of other species) may be able to keep up with sea level rise whereas existing and restoration sites of native flat oyster reefs are predominately found in subtidal waters (Rodríguez et al. 2014). Impacts on these shifted intertidal reefs could include increased predation, competition and disease or mortality due to reduced emersion but could also lead to less mortality related to heat stress and desiccation (Rodríguez et al. 2014; Overton et al. 2024).</p>
<b>Exotic disease &amp; infestations</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> major</p> <p><i>Scope:</i> majority</p>	<p>Disease is an important contributor to declines of native flat oyster reefs (Hickman et al. 2000 cited in Ford &amp; Hamer 2016; Ogburn et al. 2007; Gillies et al. 2018). Bonamiosis is the main disease that affects native flat oysters (Heasman &amp; Lyall 2000; Buss et al. 2020a). This parasitic protozoan microcell infects the oyster's haemocytes (immune cells) and can eventually kill the oyster if it is badly infected (Crawford 2016). The primary species for infection is reported to be <i>Bonamia exitiosa</i> (Engelsma et al. 2014; Bradley et al. 2019).</p> <p>Bonamiosis was initially reported in Australia in Port Phillip Bay, Vic, in 1991, in Georges Bay, Tas, in 1992, and in Albany, WA, in 1993 (Hine &amp; Jones 1994; Bradley et al. 2019). Initial introduction of the disease into Australia was thought to be via biofouling on shipping (DAFF 2020). Since its introduction, transmission has occurred through human movements of sub-clinically infected oysters or from host to host via infective stages carried between oyster reefs by water currents (DAFF 2020).</p> <p>Clinical disease and mortality from <i>Bonamia</i> sp. have been recorded in native flat oysters in Vic and WA, and <i>Bonamia</i> sp. infection has been confirmed in native flat oysters in Tas, SA and NSW (Corbeil et al. 2009; Buss et al. 2019; DAFF 2020). Incidences of <i>Bonamia</i> sp. in natural populations of native flat oyster have been found to be variable across southern Australia (Heasman et al. 2004; Corbeil et al. 2009; Crawford 2016; Buss et al. 2019). In Port Phillip Bay in Vic, dense oyster reefs were decimated in 1991 from <i>Bonamia</i> infection (Hickman et al. 2000 in Ford &amp; Hamer 2016). In NSW the disappearance of the wild native flat oyster fishery from estuaries in the mid-1800s was possibly due to the introduction of <i>Bonamia</i> sp. (Ogburn et al. 2007; Ogburn 2011), where across five sites in southern NSW, Heasman et al. (2004) has more recently documented a 13-44 % prevalence of <i>Bonamia</i> sp. in wild native flat oyster. While in SA, Buss et al. (2019) found &gt; 50 % prevalence of <i>Bonamia</i> sp. infections on native flat oyster farms, but at low intensity. Under experimental conditions, Buss et al. (2020a) found that rapid</p>



Threat factor	Threat Status*	Threat impacts
		<p>infection of <i>B. exitiosa</i> occurred in juveniles exposed to infected adults, with 50% mortality reached after 21 days and &gt;85 % by day 40.</p> <p><i>Bonamia</i> sp. infections are usually associated with poor oyster condition, but infection can also occur in oysters that appear healthy (Buss et al. 2020a). There is some indication that native flat oysters can cope with sub-clinical Bonamiosis infections or that there is some resistance due to the documented persistence of populations in the presence of <i>Bonamia</i> sp. (Corbeil et al. 2009; Ford &amp; Hamer 2016). However, increased stress (e.g. from other described threats) appears to increase the likelihood of mortality and large-scale spread of the infection (Hickman et al. 2000 cited in Ford &amp; Hamer 2016). For example, an experimental study on native flat oyster adults indicated that <i>Bonamia</i>-infected oysters are at increased risk at higher temperatures, with the greatest risk of death associated with high water temperatures, starvation, and increased water motion (Bradley et al. 2020). Increased intensity of infection is also associated with increased density and proximity of oysters in farms (Bradley et al. 2019; Buss et al. 2019), where density and proximity could have a greater influence on infection intensity than other environmental parameters (Buss et al. 2020b).</p> <p>The latest Quarterly Aquatic Animal Disease Report for the Asia-Pacific Region (NACA 2024) indicates that <i>B. exitiosa</i> has not been reported during passive surveillance in SA since 2019, WA since 2017 and Vic since 2016 and passive surveillance in all other States has never reported <i>B. exitiosa</i>. While Bonamiosis has decimated aquaculture populations in the past, the extent to which the disease may prevent natural recovery or inhibit restoration efforts of native flat oyster reefs is still unclear (Crawford 2016; Gillies et al. 2017). Buss et al. (2019) suggests that native flat oyster in Australia appear to be characterised by low <i>Bonamia</i> intensity. The likely ongoing prevalence and severity of Bonamiosis on native flat oyster reefs into the future is unknown, but the cumulative negative effects of temperature and disease may cause increased risks under climate change if <i>Bonamia</i> sp. is still prevalent. Similarly, the documented prevalence of <i>Bonamia</i> sp. in native flat oyster farms could facilitate transmission to restoration sites and create mutual disease risk (Buss et al. 2020b).</p> <p>Several polychaete worms of <i>Polydora</i> spp. are known to infest native flat oysters. The mudworm, <i>Polydora websteri</i>, has been suggested as the most damaging to natural populations of native flat oysters, particularly in NSW (Nell 2001; Ogburn et al. 2007). Ogburn et al. (2007) and Ogburn (2011) speculated that an exotic mudworm species introduced from New Zealand between 1880 and 1900, via the translocation of oysters for subtidal oyster farming, was a driving factor of the decimation of subtidal oyster reefs along the east coast of Australia. However, Diggles (2013) refutes this suggestion, and proposes that some, possibly all, of the mudworms associated with the disease outbreaks in Sydney rock oysters in QLD in the late 1800s were endemic species that increased in numbers due to increased siltation following land clearing and flood events. Sedimentation and nutrient loading in estuaries where native flat oyster beds inhabit has assisted the spread and virulence of the mudworm (Nell 2007). Historic accounts note that the oyster fisheries devastated by the mudworm belonged to riverine systems that became altered in character and were polluted by sedimentary deposits as a result of the clearance of inland watersheds (Saville-Kent 1891b). It is not known whether mudworms are still currently impacting native flat</p>

Threat factor	Threat Status*	Threat impacts
		oyster reefs, but interactions may increase with restoration or recovery of native flat oyster reefs in areas in which it is known to occur.
<b>Invasive species</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> minor</p> <p><i>Scope:</i> majority</p>	<p>Invasive alien species have caused historical degradation and still present a threat to native flat oyster reefs throughout their historical extent of occurrence. Interactions with native flat oyster reefs by these pests can include infestation, competition and predation.</p> <p>Biological surveys on the remnant native flat oyster reefs in Georges Bay, Tas, did not identify invasive pests as an issue (Crawford et al. 2019). However, the seasonally abundant alga <i>Undaria pinnatifida</i> has been observed in Georges Bay as a threat to juvenile native flat oysters by attaching to the oyster and dislodging them from the underlying reef structure (Gillies 2017, pers obs). This species is an established pest on the Australian Priority Marine Pest List (APMPL) and extends to other locations in Tas, Vic and more recently SA (DAWE 2022b; PIRSA 2024a). In this range there is concern, the species may compete for space with oysters in oyster farms, so it could pose a threat to native flat oyster recruitment on existing reefs (DAWE 2022b). The overall extent of the <i>U. pinnatifida</i> threat to native flat oyster reefs is currently unknown.</p> <p><i>Asterias amurens</i> (Northern Pacific seastar) is an established marine pest on the APMPL that is reported to be having major impacts on native bivalves, including oysters, due to it being a voracious predator and competitor for food and space (Hayes et al. 2005; Wells et al. 2009; DAWE 2022c; NSW DPI 2023a). The species was first introduced in the Derwent River, Tas in 1985 and then spread to Port Phillip Bay, Vic by 1996, likely via ship ballast water and possibly through oyster translocation (Grannum et al. 1996 cited in Parry 2017; Parry &amp; Cohen 2001 cited in Parry 2017; Vic DSE 2002; Richardson et al. 2016). The species has been reported to predate on farmed oysters in Tas in locations that also historically comprised native flat oyster reefs (e.g. Pipe Clay Lagoon and D'Entrecasteaux Channel, Vic DSE 2002). Observations of the species have also been confirmed in other areas in Tas where remnant native flat oyster reefs exist (e.g. Georges Bay), in locations with native flat oyster restoration sites (e.g. Derwent Estuary), as well as on remnant native flat oyster clumps (e.g. Ralphs Bay), but no information on the level of prevalence or interactions with the native flat oyster were noted (Crawford &amp; Cahill 2008; NRM South 2022; Strain et al. 2024). The species is now considered prevalent in Port Phillip Bay, Vic and poses a risk to natural recovery or restoration of native flat oyster reefs in that area (Ford &amp; Hamer 2016; Dutka et al. 2022). Unmanaged, the Northern Pacific seastar could impact the survival or restoration of native flat oyster reefs in Tas and Vic. The Northern Pacific seastar has also been reported to have an interactive effect with <i>Carcinus maenas</i> (European shore crab), another established pest and bivalve predator on the APMPL list, that has also been suspected to cause mortality in farmed native flat oysters in NSW and Tas, and it may pose a threat as a voracious predator of shellfish beds across the historical extent of occurrence of native flat oyster reefs (Thresher et al. 2003; Hayes et al. 2005; Crawford &amp; Cahill 2008; Wells et al. 2009; Crawford 2016; DAWE 2023a; NSW DPI 2023b). The European shore crab has been observed occurring on remnant native flat oyster clumps in Tas (Strain et al. 2024).</p> <p>Introduced benthic filter feeders that compete for substrate and food with bivalves include <i>Sabella spallanzanii</i> (European fan worm), <i>Varicorbula gibba</i> (European clam), <i>Maoricolpus roseus</i> (New Zealand screw shell), <i>Musculista senhousia</i> (Asian date mussel), the European flat</p>



Threat factor	Threat Status*	Threat impacts
		<p>oyster, the Pacific oyster, Venus clam, <i>Pinctada sugillata</i> (pearl oyster) and <i>Mya japonica</i> (soft-shell clam) (Hewitt et al. 2004; Hayes et al. 2005; Wells et al. 2009; Gillies et al. 2015, 2018; PIRSA 2017; Brand et al. 2022; DAWE 2022d, e &amp; f, 2023b, 2024). It should be noted that while <i>Pinctada sugillata</i> is native to Australia it is not native to parts of native flat oyster range such as in SA (Gillies et al. 2015; PIRSA 2017). Collectively, these species occur across the historical extent of occurrence of the ecological community and in areas with existing native flat oyster reefs or restoration sites and can form extensive beds or dense covers that inhibit settlement, cause growth impacts to bivalves through food competition, and impact survivorship (Crooks 2001; Talman &amp; Keough 2001; Crawford &amp; Cahill 2008; Ford &amp; Hamer 2016; Gillies et al. 2018; NRM South 2022; DAWE 2022e &amp; f, 2023b, 2024; Strain et al. 2024). The European fan worm has specifically been noted to have potential implications for natural recovery of oysters (Ford &amp; Hamer 2016). Similarly, the Pacific Oyster has been reported to likely be increasing in extent in NSW, Tas and SA (Gillies et al. 2018), which may increase competition with the native flat oyster reef for food and space, particularly in the intertidal zone (e.g. Coffin Bay, SA). However, the current and future extent of the threat on native flat oyster reefs of this species, and the other introduced benthic filter feeders noted above, is unknown.</p>
<b>Commercial fishing of the native flat oyster</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> minor (if appropriately regulated)</p> <p><i>Scope:</i> minority</p>	<p>Direct take of native flat oyster individuals through commercial fishing removes the primary reef habitat-forming species of the ecological community and may result in damage to the oyster reef structure that can lead to a reduction in the extent or quality of oyster reef habitat, modify ecosystem service function and lead to increased susceptibility of remaining native flat oyster individuals to other threats (e.g. disease and pests).</p> <p>Commercial fishing poses a potential negative impact to the ecological community if not properly regulated or sustainably managed through relevant jurisdictions. At the time of listing, there is one active commercial hand collection dive fishery for native flat oysters in Australia, which is in Georges Bay, St Helens, Tas. The fishery has operated since approximately 1985 and since 2007 and there has been a Total Allowable Commercial Catch (TACC) based on 10% of the estimated total biomass within the harvest area every 2-3 years (Jones &amp; Gardner 2016; Keane 2021, 2024). For several years, the TACC has been below the 10% estimated total biomass, having not increased with the increasing biomass estimates documented in the harvesting area (Keane 2021, 2024). Biomass is calculated from diver quadrat counts that are extrapolated across the area of the oyster beds to provide an overall biomass estimate (Jones &amp; Gardner 2016; Keane 2021, 2024). A minimum size limit of 70 mm shell length has been selected based on market demand, but also ensures that animals can spawn multiple times before they enter the fishery (Keane et al. 2024; NRE Tas 2024a).</p> <p>The current active fishing grounds established in 2016 are 82,540 m<sup>2</sup> in size, having increased from 55,036 m<sup>2</sup> in 2008. Harvests have remained well below TACC, staying below 30% of the TACC from 2008-2024, with most years below 10% (IMAS 2024b; Keane 2024). The estimated total biomass of native flat oyster within the current harvesting area has increased from 391.5 t to 669.2 t between 2016 to 2024, where 2016 represents the lowest TACC since recording in 2007 (IMAS 2024b; Keane 2024). During this 2016-2024 period, the density of biomass has increased from 4.7 kg/m<sup>2</sup> to 9.6 kg/m<sup>2</sup>, (Keane 2024) but this growth is not consistent throughout the estuary, with decreases of up to 87%</p>

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Threat factor	Threat Status*	Threat impacts
		<p>previously observed in some areas (Keane 2021). While biomass was higher in 2021, lower numbers of juveniles observed in the 2021 survey compared to 2018 suggested the fished area wouldn't maintain this higher level of biomass (Keane 2021), which has since been reflected in the current report (Keane 2024). The shift to the current fishing area moved away from some previously harvested beds that had documented biomass declines of 63% and 83% since 2018, though the reasons for this decline are not documented (Keane 2021). Native flat oyster harvests tend to occur on the fringe of the reef where oysters are less aggregated and most marketable. This harvesting approach likely reduces the risk of degrading the reef structure, but potentially also limits the expansion rate of reef patches (NRE Tas 2024, pers comm 17 October).</p> <p>The fishery is currently managed under the provisions of the <i>Tasmanian Living Marine Resources Management Act and Fisheries (Shellfish) Rules (2017)</i> and is considered 'sustainable' and 'low-risk' for native flat oyster as a species under its most recent 2024 stock assessment at the time of listing (Keane 2024).</p>
<b>Commercial and recreational fishing (non-native flat oyster)</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> unknown</p> <p><i>Scope:</i> unknown</p>	<p>Commercial and recreational fishing that disturbs the benthos or substrate of native flat oyster reefs may impact the survival and recovery of the ecological community. For example, the recreational harvest of razorfish may directly remove substrate used by the native flat oyster for larval settlement and development of reef substrate (Gillies et al. 2015; Martin et al. 2025). Similarly, recreational or commercial harvesting of a species that forms mixed reef alongside the native flat oyster, may disturb the structure of the native flat oyster reefs where other shellfish species may be prised out of mixed reef structures (NRE Tas 2024a).</p> <p>Commercial fisheries that use dredging and trawling can damage benthic habitat. The potential severity of the impact of these activities on native flat oyster reefs is unknown.</p> <p>The overall impact of commercial and recreational fishing that disturbs the benthos or substrate on native flat oyster reefs is unknown.</p>
<b>Recreational take of native flat oyster</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> minor (if appropriately regulated)</p> <p><i>Scope:</i> unknown</p>	<p>Direct take of native flat oyster individuals through recreational fishing removes the primary reef habitat-forming species of the ecological community and may result in damage to the oyster reef structure that can lead to a reduction in the extent or quality of oyster reef habitat, modify ecosystem service function and lead to increased susceptibility of remaining native flat oyster individuals to other threats (e.g. disease and pests).</p> <p>Recreational fishing of the native flat oyster likely poses a minor threat to the ecological community if undertaken sustainably and in-line with State fisheries and waterway use regulation. In NSW, it is a requirement at the time of listing to have a recreational fishing license to catch marine and estuarine species and there is a bag limit of 50 individuals in total of native flat oysters or combination of oyster species per day<sup>3</sup> (NSW DPIRD 2024b). In Vic, there is a bag limit of 50 individuals in total of native flat oysters or a combination of oyster species per day at the time of listing and you can't collect oysters in waters less than 2 m deep in</p>

<sup>3</sup> Refer to the NSW DPI recreational fishing guidelines online at <https://www.dpi.nsw.gov.au/fishing/recreational> for up-to-date information on current restrictions.



Threat factor	Threat Status*	Threat impacts
		<p>Port Phillip Bay or in Marine National Parks and Sanctuaries<sup>4</sup> (VFA 2024c). In Tas, there is a bag limit of 50 native flat oyster individuals per day at the time of listing<sup>5</sup> (NRE Tas 2024b). In WA, there is a bag limit of 20 native flat oyster individuals per day at the time of listing<sup>6</sup> (WA DPIRD 2024). There are no regulations on recreational fishing of native flat oysters in SA at the time of listing<sup>7</sup> (PIRSA 2024b).</p> <p>The risk to the ecological community posed by an individual recreational fisher is likely minor. However, management regulations may not be adequate to account for high levels of participation in recreational fishing for native flat oyster. A 'Class A' condition reef patch is classified by native flat oyster densities of reproductive age/size of greater than 50/m<sup>2</sup> (Table 3), 50 individuals being the bag limit for most jurisdictions that have bag limits in place. In theory, a small group of recreational fishers could reduce the condition of the ecological community, for both existing and restoration patches, by visiting the same patch over multiple days. This is further exacerbated in SA, where bag limits do not exist for native flat oyster. However, there is no evidence of this being practised in any of the States where the ecological community is located.</p>
<b>Boating</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> minor (if regulated appropriately)</p> <p><i>Scope:</i> whole</p>	<p>Boating activities may also cause direct damage to the oyster reef structure (e.g. anchoring or boat wakes) (Campbell 2015; Diggles et al. 2019; Gilby et al. 2020; Walters et al. 2021; Sussan &amp; Charpentier 2024).</p> <p>While there is no published information present on the damage of boating activities on native flat oyster reefs, anchor damage has been observed occurring on restoration sites of oyster reefs comprised of other species (e.g. Sydney rock oyster), where the concrete hard substrata used in restoration was heavily damaged by anchors and resulted in ongoing degradation and inhibited recovery of the reef (Diggles et al. 2019). Diggles et al. (2019) observed that oyster reef restoration sites subjected to anchor damage had lower survival and settling of spat, being made prone to sedimentation due to loss of height. The heavily damaged reef saw 19.4 % survival, while reefs affected by smothering or some anchor damage saw spat survival rates of 75.4-76 %.</p> <p>Boating activities can also generate wakes that are capable of dislodging oysters attached to substrate. While this has not specifically been documented for native flat oyster reefs, wakes have been observed to be a significant contributor to mortality and reef loss of other oyster species (e.g. eastern oyster), where shoreward oysters in the intertidal zone are dislodged by wakes and form piles of disarticulated shell on reefs</p>

<sup>4</sup> Refer to the Vic Government recreational fishing guidelines online at <https://vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide/catch-limits-and-closed-seasons/types-of-fish/shellfish/oysters-all-species> for up-to-date information on current restrictions.

<sup>5</sup> Refer to Tas Government recreational fishing guidelines online at <https://fishing.tas.gov.au/recreational-fishing/fishing-by-species/shellfish-and-shell-collecting> for up-to-date information on current restrictions.

<sup>6</sup> Refer to the WA Government recreational fishing guidelines online at [http://rules.fish.wa.gov.au/Species/Index/110#:~:text=Fishing%20for%20this%20species%20from,and%20line%2C%20squid%20jigging\)%3B](http://rules.fish.wa.gov.au/Species/Index/110#:~:text=Fishing%20for%20this%20species%20from,and%20line%2C%20squid%20jigging)%3B) for up-to-date information on current restrictions.

<sup>7</sup> Refer to the SA Government recreational fishing guidelines online at [https://pir.sa.gov.au/recreational\\_fishing/rules/species\\_limits](https://pir.sa.gov.au/recreational_fishing/rules/species_limits) for up-to-date information on current restrictions.

Threat factor	Threat Status*	Threat impacts
		<p>(Campbell 2015; Walters et al. 2021; Sussan &amp; Charpentier 2024). Intertidal oysters in high boating activity areas can be frequently exposed to wakes with sufficient size to move and dislodge oysters when settlement substrate is unconsolidated (e.g. dead shells or oyster clusters) (Walters et al. 2021). For native flat oyster reefs, boat wake could potentially impact the restoration and recovery of reefs forming from oyster clusters or on newly placed unconsolidated substrate, especially in shallow waters or in the intertidal area. However, the overall impact of boat wake is reduced on established reefs consolidated on hard substrata, and minimal in subtidal areas where the native flat oyster reefs are more commonly found (Gillies et al. 2017; Sussan &amp; Charpentier 2024).</p> <p>Noise from heavy boating traffic can also potentially affect the larval dispersal of oysters by producing sound that masks recruitment cues or attracts larvae to recruit in the area (Williams et al. 2024).</p> <p>If recreational boating activities follow waterway use regulations and guidelines, the impact of these boating activities is likely minor. However, with increased awareness and restoration of native flat oyster reefs, boating regulations and management in the area of occupancy of the ecological community may need to be revised to account for increased levels of activity.</p>
<b>Aquaculture</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> Minor (if regulated appropriately)</p> <p><i>Scope:</i> unknown</p>	<p>Marine bivalves cultivated under natural conditions in open water systems depend on food and space available in the natural ecosystem. High density bivalve populations in farmed settings can filter large quantities of water, take up phytoplankton, excrete dissolved nutrients and produce biodeposits (Smaal &amp; Van Duren 2019). If bivalve stocks are too large, filtration may be larger than the total system can sustain and can result in phytoplankton depletion from top-down pressure (Prins et al. 1998; Gibbs 2007; Grant et al. 2007; Grant et al. 2008; Filgueira &amp; Grant 2009; Lin et al. 2009; Filgueira et al. 2013, 2014; Smaal &amp; Van Duren 2019). Therefore, if not managed appropriately to the system's carrying capacity, cultivated oysters, other bivalves and biofouling communities on farming structures from oyster aquaculture operations may reduce food availability for nearby oyster reefs (Souchu et al. 2001; Huang et al. 2008; Smaal &amp; Van Duren 2019). Phytoplankton depletion is expected to be more intense at the local scale, but effects may also extend across a larger spatial scale, but at a lower intensity (Prins et al. 1998; Coen et al. 2007; Gibbs 2007; Grant et al. 2007; Grant et al. 2008; Filgueira &amp; Grant 2009; Lin et al. 2009; Filgueira 2014). Phytoplankton depletion may lead to increased competition for phytoplankton, which could negatively impact oyster growth rates (Filgueira et al. 2013, 2014).</p> <p>Oyster farming and oyster translocations for aquaculture purposes may result in the introduction of the source of disease-causing parasites, predators and competitors for existing oyster reefs (Forrest et al. 2009; Coen &amp; Bishop 2015). The high densities of oysters in farms and the movement of stock alongside aquaculture infrastructure (e.g. boat, equipment, barges) can facilitate the rapid spread of parasites and pathogens if not managed appropriately (Bishop et al. 2006; Ogburn et al. 2007; Forrest et al. 2009). Implementing biosecurity measures, such as quarantining and disease screening oysters, before translocation can assist in reducing disease risk (Sas et al. 2020).</p>
<b>Mining and offshore drilling and associated</b>	<p><i>Timing:</i> ongoing</p> <p><i>Severity:</i> unknown</p>	<p>Offshore drilling activities can involve oil spill accidents that can cause mass mortality events of subtidal oysters. While this threat has not been documented for native flat oyster reefs, other oyster species (e.g. eastern oyster) have experienced major reef declines following an oil spill event</p>



Threat factor	Threat Status*	Threat impacts
onshore development	Scope: unknown	<p>(Grabowski et al. 2017). For example, in the United States in 2010, an oil spill resulted in 77% less oyster habitat in intertidal marsh areas that were heavily and persistently oiled compared to areas where oil was not observed, equating to an average loss of 320 m<sup>2</sup> of oyster habitat in the heavily oiled areas (Powers et al. 2015). Impacts from the oil spill were observed more than 100 km from the source oil rig (Grabowski et al. 2017). The substantial oiling of this event resulted in widespread impacts and severe losses of both intertidal (Powers et al. 2015) and subtidal oysters (Grabowski et al. 2017) around shorelines. Grabowski et al. (2017) suggests the specific effect and recovery in reefs may differ between tidal environments. The extent that oiling events may occur, or impact native flat oyster reefs is unknown.</p> <p>Offshore activities and infrastructure, such as mining and drilling, with the potential to generate underwater sound, may potentially affect the dispersal of oyster larvae using sound as navigation cues or cause stress to oysters (Charifi et al. 2017; Williams et al. 2022, 2024; McAfee et al. 2023). The evidence of the likelihood of impact of the sound from these activities on oyster reefs is lacking.</p> <p>Onshore development in coastal areas associated with offshore activities and infrastructure and associated dredging, barge use or land reclamation activities undertaken to develop infrastructure to service the offshore activities may also cause direct damage to native flat oyster reefs or associated water quality issues that may negatively affect the health or survivorship of native flat oysters.</p> <p>The overall impacts of these offshore activities and associated onshore development on native flat oyster reefs are unknown.</p>

\***Timing** – the threat occurs in the **past** (and unlikely to return), is **ongoing** (present/continuing), is likely to occur/return in the **future**, or timing is **unknown**

**Severity** – the threat causes or has the potential to cause impacts that are **extreme** (leading to loss or transformation of affected patches/occurrences), **major** (leading to degradation of affected patches/occurrences), **minor** (impacting some components of affected patches/occurrences), **negligible** or **unknown**

**Scope** – the threat is affecting the **whole** (>90%), a **majority** (>50%), a **minority** (<50%), a **negligible** amount, or **unknown** amount of the ecological community

#### 4.1.1 Key threatening processes

The EPBC Act provides for the identification and listing of key threatening processes. A process is defined as a key threatening process if it threatens or may threaten the survival, abundance or evolutionary development of a native species or ecological community.

The following are EPBC-listed key threatening processes, current at the date of writing, that may be relevant to the ecological community or specific plants and animals that comprise it:

- KTP1 Novel biota and their impact on biodiversity.

Any approved threat abatement plans, or advice associated with these items provides information to help landowners manage these threats and reduce their impacts to biodiversity. These can be found at <http://www.environment.gov.au/cgi-bin/sprat/public/publicgetkeythreats.pl>.

#### Consultation Questions on threats

- Do you consider that all threats to the ecological community have been identified and described adequately? If not, are you able to provide additional or alternative information

on threats, past, current, or potential that may adversely affect the ecological community, with supporting references?

- Is the order of the threats in the Threats table (Table 4) correct (i.e. are they in order of highest threat, starting with the greatest threat)? If not, please indicate the correct order (e.g. by numbering the Threat factors).
- Are any of the listed threats more, or less, severe, or of different timing or scope than currently proposed for this ecological community?
- To what degree are the identified threats likely to impact on the ecological community in the future?
- To what degree are the identified threats likely to act cumulatively on the ecological community?
- Please supply us with additional information and examples of threats and impacts to the ecological community that you are aware of.

## 5 Conservation of the ecological community

### 5.1 Primary conservation objective

To prevent risk of extinction of the *Ostrea angasi* oyster reef of southern Australia in the near future and promote recovery of its biodiversity and function through protecting it from significant impacts as a Matter of National Environmental Significance under national environmental law, and by guiding management and recovery actions.

### 5.2 Existing protection and management plans

#### 5.2.1 Existing protections

**Table 5.** Existing protection that may encompass likely or known and possible existing and restoration occurrences of the native flat oyster reef ecological community

Location	Protection measure
<b>Likely or known occurrences of existing reefs of the ecological community</b>	
Georges Bay, Tas	Medeas Cove Conservation Area, McDonalds Point Conservation Area, Panella Conservation Area, Humbug Point Nature Recreation area (water and adjacent land), St Helens Conservation Area (water and adjacent land)
Wagonga Inlet, NSW	Batemans Marine Park (encompasses larger coastal area)
Merimbula Lake, NSW	Merimbula Lake – Nationally Important Wetlands (adjacent land)
Jervis Bay (Currumbene Creek), NSW	Jervis Bay Marine Park (NSW waters), Jervis Bay National Park (land in NSW area), Jervis Bay Territory – National Heritage Place (ACT area including land and waters)
Pambula, NSW	Pambula Estuarine Wetlands - Nationally Important Wetland, Beowa National Park (Land, north and east)
Coffin Bay, SA (near Long Beach)	Thorny Passage Marine Park (encompasses area within bay and larger coastal area), Coffin Bay Coastal Wetland System Nationally Important Wetland (encompasses whole bay area), Coffin Bay National Park (land in southern arm of bay), Kellidie Bay Conservation Park (land in southeastern and eastern edges of Kellidie Bay), Mount Dutton Bay Conservation Park (various small islands within bay), Heritage Agreement areas No.HA430 and No.HA1373 (land in parts of northern arm of bay)
<b>Occurrences of restoration sites that are likely to meet the ecological community definition</b>	



Margaret's Reef, Vic	-
Wilson Spit, Vic	Port Phillip Bay (Western Shoreline) and Bellarine Peninsula – Ramsar site, Lake King Nationally Important Wetlands
Nyerimiling, Vic	Gippsland Lakes – Ramsar site
Dromana, Vic	-
Glenelg, SA	Encounter Marine Park
O'Sullivan Beach, SA	Encounter Marine Park
Nepean Bay, SA	Encounter Marine Park
Wagonga Inlet, NSW	Batemans Marine Park (encompasses larger coastal area)
Woodbridge, Tas	-
Oyster Harbour Northern, WA	Oyster Harbour Nationally Important Wetland
Oyster Harbour Southern, WA	Oyster Harbour Nationally Important Wetland
Waterski (Oyster Harbour), WA	Oyster Harbour Nationally Important Wetland
Green Island, WA	Oyster Harbour Nationally Important Wetland, Green Island Nature Reserve
<b>Possible existing occurrences of the ecological community – condition unknown or too degraded (e.g. clumping only)</b>	
Cloudy Bay, Tas	Cloudy Bay Lagoon Marine Conservation Area (most of lagoon, inlets and outlet, aside from a southern portion)
Pipeclay Lagoon, Tas	Rushy Lagoon Conservation Covenant (land and adjacent inland lagoon)
Ralph's Bay, Tas	Gelibrand Point Nature Recreation Area (Northwest land and coast), South Arm Marine Conservation Area (waters in southern bay) South Arm Conservation Area (land in Southeast and Southwest)
Quarantine Bay, Tas	Quarantine Station State Reserve (Adjacent land), Marks Points Conservation Area (land on northern and eastern side of bay)
Oyster Cove, Tas	Oyster Cove Nationally Important Wetland
Hastings Bay, Tas	Hastings Bay Conservation Area (land and coast of bay)
Boomer Bay, Tas	-
Maria Island, Tas	Maria Island National Park (land, encompassing whole island but also extending from northern and north west coast)
Mercury Passage, Tas	Maria Island National Park (land from island to west of passage) Unnamed (Sandspit River) Conservation Area (land and coast to East of passage), Boot Bay Conservation Area (land and coast to Southwest of passage), Lachlan Nature Reserve (Island to North of passage), Marchwiell Cockle Bay Conservation Covenant (land and coast of bay Southwest of passage), Cape Bernier Nature Reserve (land and coast to Southwest of passage)
Bicheno, Tas	Governor Island Marine Nature Reserve (waters surrounding island and east of island)
Oyster patch, southwest Georges Bay, Tas	Medeas Cove Conservation Area, McDonalds Point Conservation Area, Panella Conservation Area, Humbug Point Nature Recreation area (water and adjacent land), St Helens Conservation Area (water and adjacent land)
Bermagui River, NSW	-

9 ft Bank, Port Phillip Bay, Vic	-
Swan-Canning, WA	Swan Estuary Marine Park, Swan Estuary – Pelican Point Marine Park, Swan Estuary – Milyu Marine Park and Swan Estuary – Alfred Cove Marine Park, Swan-Canning Estuary Nationally Important Wetlands, Swan River Management Area (terrestrial protected area that encompasses all estuary waters not covered by Marine Parks, extending from Fremantle to beyond estuary area, not including estuarine waters in Canning arm), Canning River Management Area (terrestrial protected area that encompasses estuary waters in Canning arm to beyond estuary area)
Oyster Harbour, WA	Oyster Harbour Nationally Important Wetland, Green Island Nature Reserve (land)
<b>Possible occurrences of restoration sites that may contain the ecological community – further information required to determine condition or does not meet ecological community definition at present</b>	
Kurnell, NSW	Towra Point Nature Reserve – Ramsar site, Towra Point Estuarine Wetlands
Windara reef, off Rogues Point, SA	Upper Gulf St Vincent Marine Park
9ft Bank, Port Phillip Bay, Vic	-
Taroona, Tas	-

### 5.2.2 Existing management plans

The following list is not comprehensive. It is intended to help identify where some other information relevant to the management of the ecological community and broader landscape may be found.

#### New South Wales

- **NSW Marine Estate Management Strategy 2018-2028 (MEMS).** Further information available at: [www.marine.nsw.gov.au/\\_data/assets/pdf\\_file/0005/1352831/Marine-Estate-Management-Strategy-2018-2028.pdf](http://www.marine.nsw.gov.au/_data/assets/pdf_file/0005/1352831/Marine-Estate-Management-Strategy-2018-2028.pdf)
  - Relevant sections include the 'Management Initiative 1. Improving water quality and reducing litter' and 'Action 1.3 Facilitate and deliver on-ground activities that reduce diffuse source water pollution through investigation and provision of funding programs and financial incentives'.
  - Includes the **Oyster Reef Restoration Project** and **NSW Shellfish Reef Restoration Project Planning and Implementation Guidelines**. Further information available at: [www.marine.nsw.gov.au/projects/oyster-reef-restoration-research](http://www.marine.nsw.gov.au/projects/oyster-reef-restoration-research) and [www.marine.nsw.gov.au/\\_data/assets/pdf\\_file/0003/1322526/16741-Shellfish-Reef-Guidelines-A-1.pdf](http://www.marine.nsw.gov.au/_data/assets/pdf_file/0003/1322526/16741-Shellfish-Reef-Guidelines-A-1.pdf)
  - **Marine Integrated Monitoring program** to assess effectiveness of the MEMS. More information available at: [www.marine.nsw.gov.au/\\_data/assets/pdf\\_file/0009/1353438/MIMP-Flyer.pdf](http://www.marine.nsw.gov.au/_data/assets/pdf_file/0009/1353438/MIMP-Flyer.pdf)
- **NSW Oyster Industry Sustainable Aquaculture Strategy (2021).** The strategy provides a framework for the operation and development of a viable and sustainable NSW oyster aquaculture industry and includes specific guidance on the management of



oyster reefs around oyster lease areas. Further information is available at:

<https://www.dpi.nsw.gov.au/dpi/fishing/aquaculture/publications/strategies/nsw-oyster-industry-sustainable-aquaculture-strategy>

- **Certified Coastal Management Programs (CMPs)** with native flat oyster related actions embedded are noted below. CMPs are the long-term strategy for the coordinated management of the coast to achieve the objectives of the *Coastal Management Act 2016*. Further information on CMPs is available at:  
[www.environment.nsw.gov.au/topics/water/coasts/coastal-management/programs/certified-coastal-management-programs](http://www.environment.nsw.gov.au/topics/water/coasts/coastal-management/programs/certified-coastal-management-programs)
  - Moruya River, Mummuga Lake and Wagonga Inlet Estuarine CMP (2022) which identified the oyster reef restoration site delivered through the Wagonga Inlet Living Shorelines (WILS) project: [www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Coasts/moruya-river-mummuga-lake-wagonga-inlet-estuarine-coastal-management-program.pdf?la=en&hash=268CE3BF9FB61C903A132A7A773EF07A3E027758](http://www.environment.nsw.gov.au/-/media/OEH/Corporate-Site/Documents/Water/Coasts/moruya-river-mummuga-lake-wagonga-inlet-estuarine-coastal-management-program.pdf?la=en&hash=268CE3BF9FB61C903A132A7A773EF07A3E027758)
  - CMPs under development likely to embed oyster reef actions: Lower Shoalhaven River, Bermagui River and Merimbula and Back Lake.
- The NSW government is currently developing a management plan for the State's marine parks.
  - The **Draft Marine Park Management Plan** includes oyster reef actions in specific Marine Parks and generally, across the Marine Park network. Further information on the Draft Marine Park Management Plan can be found here: [www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/community-engagement/draft-marine-park-management-plan](http://www.environment.nsw.gov.au/topics/parks-reserves-and-protected-areas/park-management/community-engagement/draft-marine-park-management-plan)
- **Policy and Guidelines for Fish Habitat Conservation and Management 2013.** Further information available at:  
<https://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/fish-habitat-conservation>
  - Oyster reefs are currently not identified as an explicit habitat type in the policy and guidelines. A review of the policy and guidelines is underway, and it is anticipated that a future update will include oyster reefs as a habitat type.
  - Oyster reefs do currently fall under the general classification of Key Fish Habitat: 'those aquatic habitats that are important to the sustainability of the recreational and commercial fishing industries, the maintenance of fish populations generally, and the survival and recovery of threatened aquatic species' by nature of their estuarine location. More information available at:  
[www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps](http://www.dpi.nsw.gov.au/fishing/habitat/publications/pubs/key-fish-habitat-maps)
- **Healthy Estuaries for Healthy Oysters – Guidelines for development near waterways 2023.** Further information is available at:  
[www.dpi.nsw.gov.au/data/assets/pdf\\_file/0009/738972/Healthy-Estuaries-for-Healthy-Oysters.pdf](http://www.dpi.nsw.gov.au/data/assets/pdf_file/0009/738972/Healthy-Estuaries-for-Healthy-Oysters.pdf)

- Oysters, including native flat oysters, are subject to a combined daily bag limit of 50 individuals and require a standard fishing fee/licence. Species rules and limits for saltwater recreational fishing in New South Wales can be found here: [www.dpi.nsw.gov.au/fishing/recreational/fishing-rules-and-regs/saltwater-bag-and-size-limits](http://www.dpi.nsw.gov.au/fishing/recreational/fishing-rules-and-regs/saltwater-bag-and-size-limits)

#### South Australia

- **Encounter Marine Park Management Plan 2012 and Encounter Marine Park Management Plan Amendment 2020.** These plans detail habitat protection zones and encompass multiple reef sites of native flat oyster reef restoration conducted either for Reef Builder, the Department for Environment and Water or the Kangaroo Island Landscape Board. Habitat protection zones specifically protect the sea floor, but still allow recreational activities such as fishing. The management plan and amendment can be found here: <https://www.marineparks.sa.gov.au/find-a-park/fleurieu-peninsula/encounter>
- **Upper Gulf St Vincent Marine Park Management Plan Amendment 2022.** This amendment includes the addition of the Windara Reef as a Sanctuary zone, albeit with recreational fishing facilitated as a special purpose area. This is a restoration area of PIRSA. The amendment can be found here: <https://www.marineparks.sa.gov.au/about/sa-marine-parks-review>
- **Code of practice for environmental management of the South Australian oyster farming industry.** This details actions that should be taken to protect water quality, avoid hazardous substance release and avoid ecological effects, but with no explicit mention of oyster reefs. Protection actions are framed with respect to vegetation, aquatic vegetation, dunes and foreshore. The code of practice is available at: [www.epa.sa.gov.au/articles/2017/09/14/oyster\\_farming\\_industry\\_code\\_of\\_practice\\_released](http://www.epa.sa.gov.au/articles/2017/09/14/oyster_farming_industry_code_of_practice_released)
- Native flat oysters are not subject to protection or bag limits in recreational fishing, aside from any closures that affect oysters, and require no licence. Species rules and limits for recreational fishing in SA can be found here: [https://pir.sa.gov.au/recreational\\_fishing/rules/species\\_limits](https://pir.sa.gov.au/recreational_fishing/rules/species_limits)

#### Tasmania

- **Shellfish Management Plan.** The Tasmanian Shellfish Fishery is managed under the Living Marine Resources Management Act 1995 and Fisheries (Shellfish) Rules 2017. Provides the Total Allowable Commercial Catch (TACC) based on 10% of the estimated total biomass based on fishery surveys, but may be further reduced by maximum economic yield, where it is currently set below TACC. Commercial licences are limited to two holders within a zone in Georges Bay. Further information is available at: [www.tasfisheriesresearch.org/nfo/management/](http://www.tasfisheriesresearch.org/nfo/management/)  
[www.fishing.tas.gov.au/commercial-fishing/commercial-fisheries/shellfish-fishery](http://www.fishing.tas.gov.au/commercial-fishing/commercial-fisheries/shellfish-fishery)  
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-025>  
<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2017-010>



- Recreational fishing licence holders and Tasmanian Aboriginal fishers have a daily bag limit of 50. Fishing rules are available at: <https://fishing.tas.gov.au/species/oyster-native>
- Environmental planning in Tasmania for Aquaculture is managed under the State's Resource Management and Planning System. The Marine Farming Planning Act 1995 and Living Marine Resources Management Act 1995 manage aquaculture and marine farming. The Environmental Management and Pollution Control Act 1994 (EMPCA) is the primary environment protection legislation for Tasmania, and includes offences related to environmental harm and pollutants that may cause environmental harm. Further information is available at:  
[www.nre.tas.gov.au/aquaculture/aquaculture-and-the-environment](http://www.nre.tas.gov.au/aquaculture/aquaculture-and-the-environment)  
[www.epa.tas.gov.au/Pages/EMPCA.aspx](http://www.epa.tas.gov.au/Pages/EMPCA.aspx)  
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-031>  
<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-025>

#### Victoria

- **Port Phillip Bay Environmental Management Plan 2017-2027.** Further information available at: [www.mapshare.vic.gov.au/ppb-emp/?page=Introduction&views=Achievements%2C2020-2021%2CCase-studies%2CMarine-life%2CCurrent-plan%2CResults-summary---%2CFauna%2CInvertebrates%2CReef-invertebrates%2CEnvironmental-Management-Plan%2CCurrent-plan-and-goals](http://www.mapshare.vic.gov.au/ppb-emp/?page=Introduction&views=Achievements%2C2020-2021%2CCase-studies%2CMarine-life%2CCurrent-plan%2CResults-summary---%2CFauna%2CInvertebrates%2CReef-invertebrates%2CEnvironmental-Management-Plan%2CCurrent-plan-and-goals)
  - Relevant main goals include the 'Water quality is improved to ensure environmental health and community enjoyment of Port Phillip Bay' and 'Port Phillip Bay's habitats and marine life are thriving'.
  - **Port Phillip Bay Environmental Management Plan 2017-2027 – Delivery Plan** details multiple activities focused on shellfish reef restoration. Further information available at:  
[www.marineandcoasts.vic.gov.au/\\_data/assets/pdf\\_file/0017/412118/Port\\_Phillip\\_Bay-Delivery\\_Plan-Dec\\_2018.pdf](http://www.marineandcoasts.vic.gov.au/_data/assets/pdf_file/0017/412118/Port_Phillip_Bay-Delivery_Plan-Dec_2018.pdf)
    - While there are Delivery Plan Updates to assess effectiveness of the management plan, which have been prepared annually for previous years, the last reports are for 2020-2021. More information available at:  
[www.mapshare.vic.gov.au/ppb-emp/?page=Annual-Report&views=2020-2021%2CMarine-life%2CCurrent-plan%2CDelivery-Plan%2CProgress%2C2021-Delivery-Plan-Update%2CReporting-overview](http://www.mapshare.vic.gov.au/ppb-emp/?page=Annual-Report&views=2020-2021%2CMarine-life%2CCurrent-plan%2CDelivery-Plan%2CProgress%2C2021-Delivery-Plan-Update%2CReporting-overview)
- **Guidelines for Environmental Baseline Surveys and Ongoing Monitoring of Aquaculture Fisheries Reserves in Port Phillip and Western Port.** More information can be found here:  
[www.vfa.vic.gov.au/aquaculture/aquaculture-management/guidelines-and-ongoing-monitoring-of-aquaculture-fisheries-reserves](http://www.vfa.vic.gov.au/aquaculture/aquaculture-management/guidelines-and-ongoing-monitoring-of-aquaculture-fisheries-reserves)
- Oysters of all species are subject to a daily bag limit of 50, with no collection from Marine National Parks or Sanctuaries, in addition to waters less than 2 m deep in Port Phillip

Bay. Fishing in Vic requires a standard fishing licence outside of exemptions. Fishing rules are available at: [www.vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide/catch-limits-and-closed-seasons/types-of-fish/shellfish/oysters-all-species](http://www.vfa.vic.gov.au/recreational-fishing/recreational-fishing-guide/catch-limits-and-closed-seasons/types-of-fish/shellfish/oysters-all-species)

#### Western Australia

- **Healthy Estuaries WA Program.** A program aimed at improving the health of seven estuaries: Peel-Harvey estuary, Leschenault Estuary, Vasse-Geographe waterways, Hardy Inlet, Wilson Inlet, Torbay Inlet and Oyster Harbour. This encompasses much of the historical oyster reef extent in southwest WA, where the specific management activity varies between estuaries. Further information on the program is available at: [www.estuaries.dwer.wa.gov.au/](http://www.estuaries.dwer.wa.gov.au/)
- **Proposed South Coast Marine Park.** A currently proposed marine park that will extend from east of Bremer Bay to the border with South Australia. The park is broken into four areas, each with their own joint management plan with sanctuary zones intended to protect reefs and considerations for water quality. Further information is available at: [www.dbca.wa.gov.au/management/parks/plan-our-parks/proposed-south-coast-marine-park](http://www.dbca.wa.gov.au/management/parks/plan-our-parks/proposed-south-coast-marine-park)
- Aquaculture in Western Australia is subject to environmental data reporting including Management and Environmental Monitoring Plans (MEMP). This can include monitoring regarding water quality, sediments, impact on protected species and other fauna. Further information is available at: [www.fish.wa.gov.au/Fishing-and-Aquaculture/Aquaculture/Pages/Aquaculture-reporting.aspx](http://www.fish.wa.gov.au/Fishing-and-Aquaculture/Aquaculture/Pages/Aquaculture-reporting.aspx)  
[www.fish.wa.gov.au/Documents/Aquaculture/memp\\_guidance\\_statement.pdf](http://www.fish.wa.gov.au/Documents/Aquaculture/memp_guidance_statement.pdf)
- Oysters are subject to a daily bag limit of 20 individuals for recreational fishers, where a licence is not required unless fishing or transporting catch with a powered boat. Fishing rules are available at: [www.fish.wa.gov.au/Documents/recreational\\_fishing/rec\\_fishing\\_guide/recreational\\_fishing\\_guide.pdf](http://www.fish.wa.gov.au/Documents/recreational_fishing/rec_fishing_guide/recreational_fishing_guide.pdf)

#### Consultation Questions on existing protection and management plans

- Are there any other relevant management plans that should be included above? Please provide any associated links and documents.

### 5.3 Principles and standards for conservation

To undertake priority actions to meet the conservation objective, the overarching principle is to maintain existing occurrences of the ecological community that are relatively intact and of high quality. Larger and more intact occurrences are likely to retain a fuller suite of ecological functions. A secondary objective is to facilitate the restoration of degraded occurrences of the ecological community to support recovery throughout its historical extent of occurrence.



This principle is highlighted in the *National Standards for the Practice of Ecological Restoration in Australia* (Standards Reference Group SERA 2021):

***'Ecological restoration is not a substitute for sustainably managing and protecting ecosystems in the first instance.'***

*The promise of restoration cannot be invoked as a justification for destroying or damaging existing ecosystems because functional natural ecosystems are not transportable or easily rebuilt once damaged and the success of ecological restoration cannot be assured.'*

*Standards Reference Group SERA (2021) – Appendix 2.*

The principle discourages 'offsets' where intact remnants are removed with an undertaking to set aside and/or restore other, lower quality, sites. The destruction of intact sites represents a net loss of the functional ecological community because it is unknown if all the species and ecological functions of the intact site can be replicated elsewhere. It is therefore more cost-effective and less risky to retain an intact occurrence than to allow degradation or loss and then attempt to restore it or establish an occurrence in another area to replace it.

Where restoration is to be undertaken, it should be planned and implemented with reference to established oyster reef restoration guidelines or guidance materials (see [section 2.2.4](#)). This includes guidance on restoration site suitability modelling (e.g. Howie et al. 2023, 2024), oyster reef restoration guidelines or guidance (e.g. Baggett et al. 2014; Fitzsimons et al. 2019; McAfee & Connell 2020; NSW DPI 2021; TNC 2024a) and advice for native flat oyster reef restoration targets or reference systems to measure restoration success against (e.g. Gillies et al. 2017; McAfee et al. 2024).

Restoration sites that meet the key diagnostic criteria, patch definition and condition thresholds are considered the ecological community and protected under the EPBC Act. However, to determine the overall short-term and long-term success of restoration of native flat oyster reef patches, other additional relevant metrics should be assessed following published standards of proof of marine ecosystem restoration (Baggett et al. 2014; Fitzsimons et al. 2019). Common metrics that are monitored include: abundance of age classes present of native flat oysters (e.g. adults, juveniles and recruits) and changes to these over time, number of age classes (e.g. four or more age classes represent multiple reproductive cohorts), persistence of reef and ongoing recruitment over 3-4 reproductive cycles, diversity of associated transient, infauna or resident species, native flat oyster density, impact of disturbance events (e.g. disease, flooding) on recovery of native flat oyster density and live oyster cover, percentage of native flat oysters compared to other reef-forming species, provision of ecosystem services comparable to remnant or reference condition oyster reefs and reef accretion or change in shell budget from original restoration structure (Gillies et al. 2017; McAfee et al. 2024; TNC 2024a; see also [Table 1](#)).

Success of restoration projects is also hindered by the state of the physical environment in which the native flat oyster reef restoration project has been implemented. Monitoring of key environmental variables (e.g. salinity, temperature, dissolved oxygen, pH) and threats (e.g. flooding, disease, sedimentation) can provide valuable information on the likelihood of restoration success or on areas that may require additional local or state management action to improve chances of success (Gillies et al. 2017; TNC 2024a).

## 5.4 Priority conservation and research actions

Priority actions are recommended for the abatement of threats and supporting recovery of the ecological community. They are designed to provide guidance for:

- planning, management and restoration of the ecological community by conservation managers, non-government organisations, NRM and community groups, coastal landholders, industry and First Nations Australians/custodians;
- conditions of approval for relevant controlled actions under national environment law (the EPBC Act); and
- prioritising activities in applications for Australian Government funding programs.

Detailed advice on actions may be available in specific plans, such as management plans for certain parks or regions. The most relevant at the time this Conservation Advice was developed are listed in [section 5.2](#).

This Conservation Advice identifies priority conservation actions under the following key approaches:

- **PROTECT** the ecological community to prevent further losses;
- **RESTORE** the ecological community by active abatement of threats, appropriate management, restoration and other conservation initiatives;
- **COMMUNICATE, ENGAGE WITH AND SUPPORT** people to increase understanding of the value and function of the ecological community and encourage their efforts in its protection and recovery; and
- **RESEARCH AND MONITORING** to improve our understanding of the ecological community and the best methods to aid its management and recovery.

These approaches overlap in practice; and form part of an iterative approach to management that includes research, planning, management, monitoring and review.

The actions below do not necessarily encompass all actions in detail that may benefit the ecological community. They highlight general but key actions required to at least maintain survival of the ecological community at the time of preparing this Conservation Advice.

### 5.4.1 PROTECT the ecological community

This key approach includes priorities intended to protect the ecological community by preventing further losses of occurrences.

#### 5.4.1.1 CONSERVE REMAINING PATCHES

There should be no clearance and damage to this ecological community because of its very restricted geographic distribution.

- Protect and conserve remaining areas of the ecological community, particularly areas that are habitat critical to survival.
- Protect culturally important reefs and/or prioritise restoration of culturally important reef sites (e.g. near First Nations living sites).

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- Incorporate oyster reef protection within state aquaculture policies.
- Consider designation of new Ramsar wetland sites to include native flat oyster reefs (where appropriate) and prioritise the inclusion of oyster reef habitat mapping and habitat surveys when updating the information sheets on Ramsar Wetlands.
- Prohibit the permitting of destructive fishing practices (e.g. dredging and skimming) to harvest native flat oysters from occurrences of the ecological community.
- Sustainably manage commercial and recreational hand collection fisheries.

#### 5.4.1.2 PLAN FOR PROTECTION

- Liaise with local councils and state authorities to ensure that cumulative impacts to the ecological community are reduced as part of broader strategic planning or large projects (e.g. catchment management plans, boating and recreational fishing regulations, commercial fisheries, aquaculture plans, coastal developments, offshore activity development, stormwater management plans, water utility management plans).
- Undertake activities to mitigate future climate change and therefore, reduce the impacts of climate stress, particularly hydrological impacts, on this ecological community. For example, consider activities such as planting estuary riparian revegetation and/or restoring coastal wetlands to reduce the impact of run-off from flooding during high rainfall events.
- Review state policies and legislation and incorporate oyster reef priority management, restoration, and conservation actions. Ensure collaboration across sectors (e.g. fisheries, aquaculture, and threatened species management and conservation). For example, advance the draft NSW oyster reef policy and develop a Priority Action Statement for oyster reefs.

#### 5.4.1.3 MANAGE ACTIONS TO MINIMISE IMPACTS

- Apply the mitigation hierarchy to avoid, then mitigate potential impacts on the ecological community from development or other actions. The priority is to avoid clearance and fragmentation of remnant patches and to minimise residual impacts that cannot be avoided. Plan projects to avoid the need to offset, by avoiding significant impacts to the ecological community.
- Consider that approval of even a relatively small loss and/or degradation of one patch can work in concert with other such actions and threats, and so have major negative cumulative impacts on an already heavily fragmented and degraded ecological community such as this one. For this reason, when considering how to minimise the significance of impacts and/or achieve a nature positive outcome, it is essential to gather evidence and consider other recent, current and likely near future losses and/or degradation if actions are approved (without avoidance of any negative impacts).
- Minimise the risk of indirect impacts to the ecological community from actions outside but near to patches of the ecological community, including avoiding disruption to hydrological processes in surrounding estuarine and upstream areas through limiting or mitigating catchment and estuary modifications (e.g. vertical seawalls).

## 5.4.1.4 APPLY BUFFER ZONES

- Apply buffer management zones that are targeted for specific threats to patches of the ecological community that meet criteria for protection (see [section 2.2.5](#)). A buffer zone is a contiguous area adjacent to a patch that is important to protect the integrity of the ecological community. The risk of indirect damage is usually greater where actions are close to a patch. The buffer zones can minimise this risk by absorbing and reducing impacts.
  - A buffer zone of 10-30 m may be a suitable guideline for smaller, more localised impacts, but sizes should be calculated on a case-by-case basis based on the severity and likely extent of impact of threat and the existing patch condition of the ecological community (i.e. greater severity and extent equates to a larger buffer zone; see [section 2.2.5](#)).
  - Consider larger buffer zones (e.g. 50-100 m) to protect patches that are part of a broader intertidal wetland or of other very high conservation value. These larger buffers could also be used to protect seascape and land-sea connections that support the ecological function of patches of the ecological community.
- Where it is not feasible to apply a wide buffer, other means should be used to minimise impacts of activities in the vicinity of patches.

## 5.4.1.5 PREVENT THE INTRODUCTION AND SPREAD OF EXOTIC SPECIES

- Implement or maintain state and national biosecurity programs to prevent the introduction or spread of invasive or pest species, including domestic species.

## 5.4.2 RESTORE and MANAGE the ecological community

This key approach includes priorities to restore and maintain the remaining occurrences of the ecological community by active abatement of threats, appropriate management, restoration and other conservation initiatives. Act to increase the remaining extent, condition, and seascape connectivity of this ecological community (including connectivity with other surrounding marine and coastal habitat).

## 5.4.2.1 MANAGE PESTS, INFESTATIONS AND DISEASES

- National and state biosecurity teams to work together to mitigate incursion of pests, infestations (e.g. mudworm) and diseases on native flat oyster reefs through developing and implementing up-to-date biosecurity plans for aquaculture and oyster reef restoration sites, including appropriate policies on translocation of oyster material.
- Establish or continue culling or control programs of invasive species from patches of the ecological community or within the broader catchment and estuary (e.g. continue or scale up culling programs for the Northern Pacific seastar).
  - Culling and control programs should be risk-assessed and managed to avoid impacting non-target species, disturbing the benthos of the ecological community or having unintended consequences.
  - Plan and budget for initial control actions and for follow up actions as long as this is needed.



- Manage water quality through catchment management plans, as degraded water quality (including sedimentation and Acid Sulfate Soil run off) can facilitate the risk and negative impacts of disease and invasive species.

#### 5.4.2.2 MANAGE HABITAT DEGRADATION AND WATER QUALITY

- Implementation of catchment management or other relevant natural resource management plans in areas that contain native flat oyster reefs, including actions that minimise water quality impacts caused by run-off into rivers, estuaries and coastal areas, including pollution, acidic water, increased nutrients, chemical contamination, turbidity and sedimentation by protecting buffer zones and implementing measures to reduce erosion within river catchments (e.g. riparian restoration, coastal wetland restoration, sediment fences, stormwater pit protection, stormwater management and water sensitive urban design).
- Implementation of catchment management or other relevant natural resource management plans in areas that contain native flat oyster reefs to minimise negative impacts and major alteration of hydrology of estuaries or coastal catchments from activities such as surface water and ground water extraction, riverine regulatory infrastructure (e.g. reservoirs) and other infrastructure (e.g. breakwaters).
- Commercial fisheries that directly harvest native flat oysters or disturb the benthos or substrate of native flat oyster reefs may impact the survival and recovery of the ecological community and will need to be evaluated against having a significant impact under the EPBC Act. New commercial fisheries that intend to directly harvest native flat oysters off native flat oyster reefs or disturb the benthos or substrate of native flat oyster reefs would need to adhere to State regulations and be permitted under the EPBC Act or referral processes.
- Implementation or revision of recreational fishing regulations for the take of native flat oyster (e.g. fishing licences, bag limits, management areas, and waterway use guidelines) in the area of occupancy of the ecological community to minimise possible negative impacts of increased interest in recreational harvest of the species.
- Implementation or revision of boating regulations (e.g. speed limits, no anchoring zones and habitat buffer zones) in the area of occupancy of the ecological community to minimise negative impacts of boating activities, such as anchor damage or boat wake dislodgement.

#### 5.4.2.3 UNDERTAKE RESTORATION

- Establish or continue co-management of oyster reef restoration programs with First Nations groups on Sea Country.
- Develop guidelines for Australian oyster reef restoration that include jurisdictional requirements and approval pathways.
  - While these are being developed, follow restoration standards outlined by established oyster reef restoration guidelines (e.g. the Restoration Guidelines for Shellfish Reefs; Fitzsimons et al. 2019 and the Oyster Habitat Restoration Monitoring and Assessment Handbook; Bagget et al. 2014) and interim native flat oyster reef reference condition targets (Gillies et al. 2017).



- Continue to develop updated native flat oyster reef specific restoration guidelines, communication materials and training programs from learned experience from successful restoration projects.
- Continue to conduct restoration site suitability analysis to identify feasible sites for restoration efforts that have appropriate ecological, biophysical and socio-economic characteristics that will facilitate the survival of native flat oyster reefs.
- Continue to develop public and private sector partnerships to allocate resources to and partner with oyster reef restoration projects to facilitate local restoration implementation and success.
- Partner with international practitioners and projects to effectively apply best practice oyster reef restoration methods to Australian restoration projects.
- Consider the landscape and seascape context and other relevant species and ecological communities when planning restoration works to ensure adjacent ecological communities and threatened species are not adversely impacted by restoration works (e.g. deployment of hard substrata) and additional co-benefits are realised.
- Undertake restoration of poorer and moderate quality patches to restore them to high quality (see [section 2.3](#)), including restoration of patches that don't currently meet the minimum condition thresholds for protection to a condition that does. The possible occurrences of the ecological community listed in [Table 5](#) provide some potential location opportunities for restoration.

#### 5.4.3 COMMUNICATE, engage with and support

This key approach includes priorities to promote awareness of the ecological community and to encourage people and groups to contribute to its recovery. This includes communicating, engaging with and supporting the public and key stakeholders to increase their understanding of the value and function of the ecological community and to assist their efforts in its protection and recovery. Key groups to communicate with include coastal landholders, marine and coastal managers, coastal and marine planners, researchers, community members, recreational fishers, oyster farmers and First Nations communities.

##### 5.4.3.1 RAISE AWARENESS

- Development of communication campaigns, materials and learning activities for educators and community groups, such as:
  - Citizen science programs that monitor the health and species composition of existing and restoration sites of native flat oyster reefs and raise local awareness of the importance of the ecosystem in supporting biodiversity and ecosystem services. An existing example includes the Wagonga Inlet Living Shoreline (WILS) Citizen Science Program supported by the NSW MEMS.
  - Develop a national public platform that allows citizens to record locations of possible existing native flat oyster reef occurrences, with corresponding public education campaigns that raise awareness about native flat oyster reefs.

- Curriculum aligned learning modules for school-age students to increase the recognition of oyster reefs as a coastal and marine ecosystem found within Australian waters.
- Aa historical timeline of native flat oyster reefs to be used within university and school-age courses as an Australian example of large-scale ecosystem decline.
- First Nations led shellfish reef education campaigns, and citizen science and school programs.
- Recognition of shellfish ecosystems, particularly oyster reefs, as discreet marine or coastal ecosystems that should be included in coastal ecosystem classification, mapping, and management processes (see NSW DPI Oyster Reef Mapping Project for an example of this process; NSW DPI 2019a).
- Raise the profile of shellfish ecosystems by increasing education and communication on their function and value to increase community support and engagement in protection and restoration actions.

#### 5.4.3.2 COORDINATE EFFORTS

- Develop or support existing First Nations sea-ranger programs to help manage native flat oyster reefs, monitor and establish restoration projects, and generate community awareness.
- First Nations-led or involvement in restoration activities and surveys of existing native flat oyster reefs through investing in programs that support the inclusion of Traditional Ecological Knowledge and First Nations people's participation. An existing example includes NSW DPIRD and Eurobodalla Shire Council working with local First Nations people to weave cultural values, language, stories and connections into the WILS project through artwork, signage, sculpture and language word plates. Prioritise First Nations leadership or involvement in research relating to native flat oyster reefs.
- Community support and involvement in oyster reef restoration projects to facilitate long-term success, including participation in the construction and/or monitoring of oyster reef restoration sites. An existing example includes NSW DPIRD via the MEMS training and employing the Joonga Land and Water Aboriginal Corporation Divers to assist with monitoring the growth and recruitment of native flat oysters to the subtidal Wagonga Inlet Living Shoreline oyster reef.
- Exchange knowledge and skills between academic, government and community institutions engaged in oyster reef restoration to facilitate success and compliance with biosecurity regulations.
- Collaborate across catchment managers, landowners, land use planners, community, and industry to improve water quality flowing into estuaries (e.g. through enhancing riparian buffers or installation of water sensitive urban design features (WSUD)).
- Create a register/list of past, current, and future oyster/shellfish reef restoration activities, to facilitate community recognition, support and involvement, as well as to assist in understanding and management of sites.



- Adopt best practice for effective threat management through an adaptive management approach based on partnerships around co-design, co-implementation and social learning. Promote wide acceptance and capacity building, including explicit use of local knowledge in planning, management actions, and monitoring supported by cost-effectiveness and risk-based collective decision making.

#### 5.4.4 RESEARCH and monitoring

This key approach includes priorities for research into the ecological community, and monitoring, to improve understanding of the ecological community and the best methods to aid its recovery through restoration and protection. Relevant and well-targeted research and other information gathering activities are important in informing the protection and management of the ecological community.

##### 5.4.4.1 SURVEY AND MAPPING

- As a high priority, develop or continue to implement a standardised mapping process and conduct baseline mapping to assist with identification of native flat oyster reefs and to determine the location, extent, status, and vulnerability of remaining native flat oyster reefs to support the implementation of protection mechanisms and restoration actions.
- Map and survey the extent and condition of the possible native flat oyster reef locations identified in [Table 5](#) to determine if they are likely to contain the ecological community.
- Undertake deep water surveys (> 20 m) to determine the presence of native flat oyster reef within this deeper subtidal habitat zone.
- Create a national centralised database of oyster reef spatial data to be readily available to inform management.
- Undertake surveys of recreational fishers to determine the full impact of recreational take of native flat oysters to reefs in relevant jurisdictions.
- Undertake surveys of oyster farmers within relevant estuaries in each State to assist with identification of potential native flat oyster reefs sites and determine level of knowledge and identify practices which may assist with development of restoration methodologies. Examples include the NSW Oyster Farmer Survey (NSW DPI 2019b) and Shellfish Reef Reporter Tool (NSW DPIRD 2021).

##### 5.4.4.2 RESEARCH

- Measure and quantify the ecosystem service benefits (e.g. fish productivity, fish nursery function, coastal protection, biodiversity, cultural significance, recreational value, nitrogen cycling, water filtration capacity) of Australian native flat oyster reef ecosystems to help support the importance/funding of protection and recovery actions and establish ecological baselines to guide restoration efforts.
- Identify the biological attributes and assemblages that use existing native flat oyster reef ecosystems to better understand their vulnerability to threatening processes, and the biological characteristics that are required to be maintained in order for the ecosystem to function.
- Determine the influence of seascape connectivity on the growth and survival of existing native flat oyster reefs.



- Determine native flat oyster reefs' role as sources or sinks of atmospheric carbon dioxide.
- Undertake an assessment of genetic diversity within existing native flat oyster populations to determine the threat of genetic bottlenecks.
- Determine the larval dynamics between remnant native flat oyster reef populations to assist with understanding the risk of ecosystem collapse due to recruitment limitations.
- Map the availability of hard substrate for recruitment in known historical locations of native flat oyster reefs.
- Measure water quality impacts on native flat oyster reef assemblages and health of oyster reef structure, and as a vector of disease.
- Understand the distribution and abundance of known detrimental invasive species and Bonamiosis within the native flat oyster reefs to help determine the risk of invasive species on this ecological community.
- Conduct ecosystem extent, distribution and condition response modelling under climate change scenarios to better understand the impact of climate-related threats on the likely persistence/risk of ecosystem collapse and possible adaptive capacity of native flat oyster reefs.
- Conduct cumulative threat models to predict the outcome of combined stressors on the ecosystem extent, distribution, condition and likely persistence/risk of ecosystem collapse of native flat oyster reefs in the future (e.g. flooding and disease outbreaks).
- Determine the possible impacts of offshore activities on native flat oyster reefs to understand whether they are a threat to the ecological community.

#### 5.4.4.3 RESEARCH FOR RESTORATION

- Continue to implement First Nations oral history research across the distribution of native flat oyster reefs to better understand and integrate cultural connection and Sea Country Knowledge in to why and how we restore reefs (where consent is provided, and Indigenous Cultural and Intellectual Property rights are adhered to).
- Determine the influence of seascape connectivity on the success of native flat oyster reef restoration projects and build a knowledge base to potentially support restoration permitting frameworks that promote seascape restoration.
  - Determine the value of co-restoring neighbouring structured habitat (e.g. kelp, seagrass, rocky reefs).
  - Quantify the value of long-distance facilitation between habitats.
- Evaluate success of different restoration techniques for native flat oyster reefs in terms of recruitment, associated fauna and flora assemblages, structural complexity, and oyster health.
- Conduct socio-economic analysis of native flat oyster reef restoration projects to demonstrate their value.

- Determine what stage of restoration (how many years) do reefs provide the same ecological role of existing oyster reefs and whether this varies across the distribution of native flat oyster reefs.
- Continue to develop model/guide/support research identifying suitable sites for reef restoration across the historical extent of occurrence of the ecological community, including conducting restoration site suitability analysis that considers ecological, biophysical, climate change response and socio-economic parameters (e.g. see Howie et al. 2023).
- Continue to measure and evaluate recruitment success within oyster reef restoration sites and in nearby locations.

#### 5.4.4.4 MONITORING

- Develop a standard monitoring process for existing native flat oyster reefs, that includes surveys of associated fauna and flora, oyster condition metrics, ecosystem function (e.g. water filtration, shoreline protection and stabilisation) and biophysical environmental conditions (e.g. see Gillies et al. 2017; NSW DPI 2018).
- Develop a standard monitoring process and guidelines for surveying native flat oyster reefs in turbid water conditions and at depth.
- Monitor changes in native flat oyster condition and survival in response to management actions or threat events and use this information to increase understanding of the ecological community and inform recommendations for conservation and recovery planning.
- Review location and status of remnant native flat oyster reefs to understand any potential resilience factors that may have contributed to their survival.
- Develop monitoring protocols of native flat oyster reefs to assess disease prevalence and adaptive capacity to determine disease risk to restoration projects, remnant reefs and oyster cultivation.
- Conduct monitoring of restoration sites, including variables from the restoration condition reference matrix in [Table 1](#), to determine their likely persistence through time (see [section 2.2.6](#)).

#### Consultation Questions on priority actions

- Have the relevant protection, management or conservation priorities for the ecological community been adequately identified? If not, please provide additional actions and supporting information.
- Have the relevant research and monitoring priorities for the ecological community been adequately identified? If not, please provide additional actions and supporting information.
- Have the relevant priorities for restoration of the ecological community been adequately identified? If not, please provide additional actions and supporting information.



## 6 Listing assessment

This assessment outlines the *grounds on which the community is eligible to be listed* as required by section 266B (2) (a) (i) of the EPBC Act.

The Threatened Species Scientific Committee has provided this draft for assessment for consultation.

### 6.1 Assessment process

#### 6.1.1 Reason for assessment

This assessment follows prioritisation of a nomination from the public.

### 6.2 Eligibility for listing

An ecological community is eligible for listing under section 182 of the EPBC Act if it meets the prescribed criteria outlined in section 7.02 of the [EPBC Regulations](#). This assessment uses the criteria set out in section 7.02 the [EPBC Regulations](#) and the TSSC [Guidelines for nominating and assessing the eligibility for listing of threatened ecological communities \(TSSC 2017\)](#), as in force at the time of the assessment.

Information on listing eligibility under the IUCN Red List for Ecosystems criteria (Bland et al. 2017) is included for information only.

#### 6.2.1 Consideration of native flat oyster reef restoration sites in the assessment

To be considered within the assessment, a native flat oyster reef restoration site must meet the ecological community key diagnostic characteristics ([section 2.1](#)), patch definition ([section 2.2.1](#)) and minimum condition thresholds ([section 2.3](#)) and restoration specific reference conditions set out in [Table 1](#) in [section 2.2.6](#). The restoration reference conditions require native flat oyster reef restoration occurrences to persisted for at least 10 years and meet several key attribute criteria (e.g. density of live oysters, viable spawning population) after this period ([Table 1](#) in [section 2.2.6](#)). To date, there are not well-documented restoration sites of native flat oyster reefs greater than 10 years. These sites have not been in existence or monitored for a long enough period to determine their likely persistence through time. Subsequently, no native flat oyster reef restoration sites have been considered in this listing assessment. However, the likelihood and opportunity for native flat oyster reef restoration to contribute to the persistence of the ecological community has been discussed and considered in the assessment, where appropriate.

#### 6.2.2 Criterion 1 – decline in geographic distribution

Eligible under Criterion 1 for listing as **Critically endangered**.

	Category		
	Critically Endangered	Endangered	Vulnerable
Its decline in geographic distribution is:	very severe	severe	substantial
<i>decline relative to the longer-term/1750 timeframe</i>	≥90%	≥70%	≥50%
<i>decline relative to the past 50 years</i>	≥80%	≥50%	≥30%

Source: TSSC 2017



**Evidence:**

**Historical reports of decline**

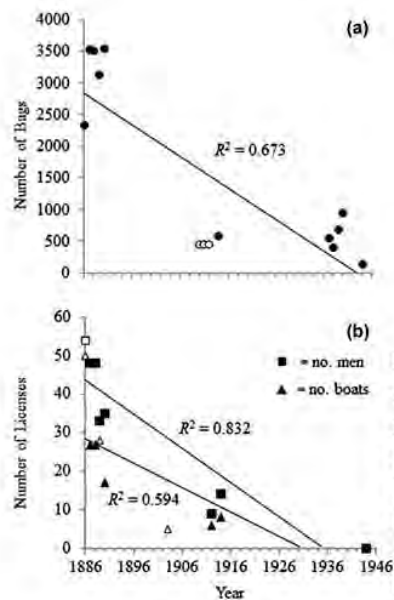
Historically, native flat oyster reefs comprised extensive patches across the southern Australian coastline in subtidal and lower intertidal areas (Alleway & Connell 2015; Ford & Hamer 2016; Gillies et al. 2018; see [Table 10](#) in [Appendix D](#)). There are now six known remnant native flat oyster reefs that are likely to contain the ecological community, with only two locations likely to contain good condition reef (Crawford et al. 2019; McAfee 2024, pers comm 1 July). Patches of the ecological community are now described as small and fragmented compared to past reports of extent and area of occurrence ([Table 10](#) in [Appendix D](#)). Other historical locations that comprised native flat oyster reefs now either contain no reef, clumping aggregations or few individuals of live native flat oysters as opposed to consolidated reef structures (TNC 2024, pers comm 11 April; NSW DPIRD 2024, pers comm 4 June; Alleway & Connell 2015; Ford & Hamer 2016; Crawford 2016). The primary cause of historical decline of native flat oyster reefs occurred between the 1800s and 1950s as a result of historical overharvesting using destructive fishing methods, such as dredging or skinning (Alleway & Connell 2015; Ford & Hamer 2016; Gillies et al. 2017, 2018; see [section 4.1](#)). Other threats, including disease, infestation and pests, and coastal and catchment development and modification that result in changes to water flow and declining water quality (including sedimentation), have also likely contributed to the historical and ongoing decline and inhibited natural recovery of native flat oyster reefs (Ford & Hamer 2016; Gillies et al. 2018; Gillies et al. 2020, see [section 4.1](#)).

In NSW, native flat oyster reefs were commercially harvested by dredge and hand methods from first European colonisation in Sydney in 1788 (Attenbrow 2002 cited in Ogburn et al. 2007; Ogburn et al. 2007; Ogburn 2011; Gillies et al. 2018). The disappearance of most of the wild native flat oyster fisheries from NSW estuaries in the mid-1800s, was possibly due to infection by *Bonamia* sp. (Ogburn et al. 2007; Ogburn 2011). The Commission on Oyster Culture (1877) reported that mud oysters could be found from Darling Harbour to the Flats but became almost extinct from over-dredging across this extent earlier in the 1870s. A Sydney oyster merchant also reported to the Commission on Oyster Culture (1877) that mud oysters were historically over-dredged within the Parramatta River, resulting in significant deterioration of oyster beds and loss of spawning stock.

In Vic, during the early-mid 1800s, oyster beds were dredged for carbonate shell for lime production (Pearson 1990) and food (Hannan & Bennet 2010 cited in Ford & Hamer 2016). From the mid-1800s, the oyster fishery rapidly developed to supply local food trade but was officially closed in 1885 due to stock depletion (Ford & Hamer 2016). However, the two main fisheries; the Corner Inlet Fishery and Westernport Fishery, were considered already depleted by the early 1860s (Bowen 2012 cited in Ford & Hamer 2016). Since the mid-1990s, no substantial natural recovery has been documented in Victoria, likely being hampered by water quality, pollution and sedimentation, lack of shell substrate for settlement, disease (i.e. *Bonamia*), and introduced species (Ford & Hamer 2016).

In SA, between 1860 and 1885, an extensive native flat oyster fishery existed (Nell 2001). This large-scale harvesting depleted the beds and only a few native flat oyster fishery vessels remained after 1855 (Alleway & Connell 2015). Catch per unit effort decreased from 470 bags per month in December 1886 to 190 bags per month in June 1887 (Alleway et al. 2015). By 1905, the fishery barely existed (Olsen 1994 cited in Nell 2001). Native flat oyster beds were worked down to where the catch was low or nothing and then fishers moved on to other oyster

reef locations (Alleway & Connell 2015). Recorded catch of the native flat oyster was 2342 bags in 1886 and reached a peak of 3549 bags in 1890, before declining to < 1000 bags/annum from 1910 onwards (see Figure 5, Alleway & Connell 2015). The last reported catch was 139 bags in 1944 (see Figure 5, Alleway & Connell 2015).



**Figure 5.** Example historical estimates of native flat oyster decline from South Australia. Historical statewide (a) total number of bags of oysters (approximately 350 oysters per bag) and (b) number of licenses (as a measure of effort) in the South Australian *O. angasi* fishery from 1886 to 1946 (open symbols, values retrieved from secondary references only). Figure from Alleway & Connell (2015).

In WA, the native flat oyster has historically been recorded in many estuaries and bays along the southern and lower western coasts (Cook et al. 2021). A substantial oyster dredge fishery existed from the mid-1800s until approximately 1880 in the Albany area, including in Oyster Harbour, Princess Royal Harbour and King George Sound/Taylor's Inlet (Gillies et al. 2015; Cook et al. 2021). In the late 1800s, the fishery was recorded as being significantly depleted due to mudworm (Saville-Kent 1893). By 1940, native flat oyster beds in estuaries in southwest WA were described as lost (Warnock & Cook 2015 cited in Gillies et al. 2020). The dredge fishery degraded the native flat oyster beds to the point that natural recovery was limited by the lack of hard substrate available to facilitate the settlement of new oyster spat (Gillies et al. 2015).

In Tas, there was a large native flat oyster fishery in the 1800s with 22.5 million oysters dredged annually between 1860 and 1870 (Royal Commission of the Fisheries of Tasmania 1883 cited in Nell 2001; Department of Primary Industries and Water 2007). The large-scale harvesting of native flat oysters around Tas decimated oyster reef populations (Department of Primary Industries and Water 2007; Gillies et al. 2018). Restrictions on oyster harvesting were imposed in 1853, but by the late 1860s the industry was deteriorating and by the early 1880s, the fishery was considered almost negligible (Gillies et al. 2015). Natural recovery of the overharvested and dredged native flat oyster beds in Tas has been inhibited by low recruitment and a lack of suitable settlement substrate, disease, mussel encroachment, and changing estuarine conditions (Gillies et al. 2015, 2017; Crawford 2016).



### Published literature estimates of decline

The published literature suggests over a 90 % decline in native flat oyster reefs across their historical geographic distribution based on the abundance or presence of historical and existing native flat oyster reefs, oysters or oyster shell (Edgar & Samson 2004; Beck et al. 2011; Alleway & Connell 2015; Ford & Hamer 2016; Gillies et al. 2018, 2020; see [Table 11](#) in [Appendix D](#) for additional information). Since these studies were published, four additional sites have been identified in NSW as containing native flat oyster reefs in moderate condition (Keating 2024. pers comm 27 September) and one site in SA containing high condition native flat oyster reefs (McAfee 2024. pers comm 1 July). Observations of possible clumping native flat oysters or degraded native flat oyster reefs have also been noted at locations in Tas, NSW, Vic and WA, but as these sites haven't been verified or are ineligible to be the ecological community, they have not been considered in the assessment (see [Table 5](#)) (Heller-Wagner 2017; NRM South 2024 pers comm. 15 February; NSW DPIRD 2024. pers comm 4 June; Strain et al. 2024; TNC 2024. pers comm 11 April).

### Scenario analysis of estimates of percentage decline

Scenarios of estimates of percentage decline using presence/absence analysis with different data caveats and assumptions (see [Table 6](#)) were calculated to account for:

- 1) the four new existing locations of remnant native flat oyster reefs identified since the most recent estimate of decline of 99% in Gillies et al. (2020) calculated from presence/absence analysis;
- 2) the uncertainty in terms of data completeness of the existing location list of native flat oyster reefs;
- 3) the uncertainty in terms of data completeness of the historical location list of native flat oyster reefs used in the estimates of decline in Gillies et al. (2018, 2020); and
- 4) a lack of quantitative historical and current spatial data to calculate area-based decline across the entire geographic distribution of the ecological community.

Scenarios were based on the historical and current presence and absence of native flat oyster reefs at the locality scale as per Gillies et al. (2018, 2020) as opposed to quantitative area estimates of percentage decline due to lack of spatial data availability, both historical and present (see [Figure 6](#)). Using the locality and presence/absence calculations as the basis to inform percentage decline has limitations and may result in an underestimation of the percentage decline in geographic distribution of the ecological community. This underestimate may be present for the native flat oyster reef ecological community as the magnitude in reduction in area from the large, extensive reefs documented historically, to the smaller, more fragmented existing reefs now observed, is not accounted for in presence/absence calculations. Similarly, an under or overestimate of historical locations could occur due to misinterpretations of species historically comprising the reef as a result of different commonly used oyster typologies (e.g. dredge, drift, tidal, bank, mud, rock) in reporting and a lack of genetic or species level identification at the time or through the misrepresentation of locations that are differently named through time. 'Mud Oyster' was assumed to represent the native flat oyster in historical reports. Moreover, some historical locations may have been cultivated or artificial storage oyster beds.



There is a range of uncertainty in the data due to limitations associated with spatial accuracy of presence/absence point locations and a lack of detailed spatial data for historical and existing locations. Scenarios 1 and 2 provide an estimated decline range to encompass some of this data uncertainty. Scenario 1 only includes historical locations identified in Gillies et al. (2018, 2020) that likely contained commercially harvested native flat oyster reefs that are  $\geq 1$  ha. This scenario analysis assumes that all commercially harvested locations identified in Gillies et al. (2018, 2020) are accurate (see [Table 6](#)). Scenario 2 includes all other lines of evidence noted from those studies and any additional historical locations identified from expert consultation and additional literature sources that indicate native flat oyster reefs may have been present (see [Table 6](#)). Sites that appeared to overlap across different lines of evidence were removed, with commercially harvested locations used as the primary baseline location in areas where this line of evidence was present, but uncertainty for the historical location list is still present due to the limitations of using location point data from multiple evidence sources (see [Appendix E](#) for list of historical locations used collectively across the scenario analysis).

Percentage decline estimates from the scenarios ranged from 97 % across the entire historical extent of occurrence of the ecological community, 71-86 % for NSW, 100 % for Vic, 97-98 % for Tas, 99 % for SA and 100 % for WA (see [Table 7](#)).

**Table 6.** Scenario outlines for the analysis of percentage decline of native flat oyster reefs using presence/absence at the locality scale relative to the longer-term/1750 timeframe (European colonisation to ~1950s).

Assumptions / Caveats	Scenarios		
	Gillies et al. 2018/2020	1	2
<b>Historical locations</b>			
Historical native flat oyster commercial fishery and remnant reef locations identified in Gillies et al. (2018 & 2020) that are assumed to be $\geq 1$ ha in size and are located within the geographic distribution of the ecological community.*	Y	Y	N
All known remnant reef locations of the ecological community that are $\geq 1$ ha are assumed to have been present historically, regardless of whether they are noted in Gillies et al. (2018, 2020).	N	Y	N
All known remnant reef locations of the ecological community are assumed to have been present historically, regardless of whether they are noted in Gillies et al. (2018, 2020).	N	N	Y
Assumed historical native flat oyster reef locations identified from Gillies et al. (2018) that contained the name 'Oyster' or 'Limeburner' or have modern shellfish aquaculture in Vic, Tas, SA, and WA.* Modern aquaculture areas for native flat oysters in NSW were identified from the NSW Oyster Industry Sustainable Aquaculture Strategy.	N	N	Y
Historical native flat oyster reef locations that have been identified through expert consultation, the NSW DPI mapping project and other literature sources.	N	N	Y
Existing locations that may contain native flat oyster reefs from Table 5 that do not meet the current ecological community definition (e.g. patches are too degraded or small or more information needed) are assumed to have been present historically.	N	N	Y
All restoration sites that have been implemented through the Reef Builder Program and associated partnerships and that are likely to meet the ecological community definition and restoration reference conditions set out in <a href="#">Table 1</a> are assumed to have been present historically.	N	Y	Y

Some historical native flat oyster reef locations may have been cultivation or artificial storage beds.	Y	Y	Y
<b>Existing locations</b>			
Remnant native flat oyster commercial fishery and remnant reef locations that are only identified in Gillies et al. (2018 & 2020) that are $\geq 1$ ha in size and are located within the geographic distribution of the ecological community.	Y	N	N
Remnant native flat oyster commercial fishery and remnant reef locations identified in Gillies et al. (2018 & 2020), the NSW DPI Mapping Project, other literature sources and through expert elicitation that are $> 1$ ha in size and likely to meet the ecological community definition.	N	Y	N
All remnant native flat oyster reefs identified in Gillies et al. (2018 & 2020), the NSW DPI Mapping Project, other literature sources and through expert elicitation that are likely to meet the ecological community definition.	N	N	Y
Restoration sites that are $\geq 1$ ha in size, are likely to meet the ecological community definition and meet the restoration reference conditions set out in Table 1 that have been implemented through the Reef Builder program and associated partnerships.	N	Y	N
Restoration sites that are likely to meet the ecological community definition and restoration reference conditions set out in Table 1 that have been implemented through the Reef Builder program and associated partnerships.	N	N	Y
Not all estuaries, coasts, bays, and inlets within the historical extent of occurrence of the ecological community have been extensively surveyed for remnant native flat oyster reefs. Some native flat oyster reef occurrences that are classified as remnant reef may be on legacy farming structures.	Y	Y	Y

+ Historical commercial fishing is assumed to have not likely occurred in area where oyster reef ecosystem extent was less than 1 ha in size. (see Gillies et al. 2018 for further details). All NSW locations are assumed to have been Sydney rock oysters from Gillies et al. (2018), however, NSW sites in the historical list from this study have been included in the scenario 1 analysis as native flat oyster locations if they have been identified as a native flat oyster reef historical site through expert consultation or other literature.

\*Modern shellfish aquaculture is assumed to indicate historical shellfish ecosystems, as historical accounts often described the development of aquaculture in the same locations as historical harvesting. Locality names containing 'Oyster' or 'Limeburner' are assumed to represent areas historically that had shellfish as a clear distinguishing feature of the local geography or as evidence that commercial fishing occurred in close proximity and shells were burnt in kilns to generate lime for building materials (see Gillies et al. 2018 for further details).





**Figure 6.** Indicative distribution of remnant and historical native flat oyster reefs of southern Australia at the locality scale (historical locations are split into the scenarios 1 and 2 assumptions and caveats from [Table 6](#) and [Table 7](#)).

**Source:** Localities, 1:250,000 © Commonwealth of Australia, Geoscience Australia, 2004. Interim Marine and Coastal Regionalisation (IMCRA) for Australia, © Commonwealth of Australia, Geoscience Australia, 1997. Coastline and State Borders, 1:100,000 © Commonwealth of Australia (Geoscience Australia), 1990. Native Flat oyster reefs, compiled from several sources: Gillies et al. 2018 & 2020, NSW DPI oyster reef mapping project, through expert elicitation and other key literature.

**Caveat:** The information presented in this map has been provided by a range of groups and agencies. While every effort has been made to ensure accuracy and completeness, no guarantee is given, nor responsibility taken by the Commonwealth for errors or omissions, and the Commonwealth does not accept responsibility in respect of any information or advice given in relation to, or as a consequence of, anything containing herein. The map has been collated from a range of sources, with data at various resolutions. Data used are assumed to be correct as received from the data suppliers.

This map has been compiled from datasets with a range of scales and quality from various sources. Data used are assumed to be correct. Historical locations comprise historical locations identified in Gillies et al. (2018, 2020) that likely contained commercially harvested native flat oyster reefs that are  $\geq 1$  ha (see [Table 6](#)) and also includes all other lines of evidence noted from those studies and any additional historical locations identified from expert consultation and additional literature sources that indicate native flat oyster reefs may have been present (see [Table 6](#)). Sites that appeared to overlap across different lines of evidence were removed, with commercially harvested locations used as the primary baseline location in areas where this line of evidence was present, but uncertainty for the historical location list is still present due to the limitations of using location point data from multiple evidence sources (see [Appendix E](#) for list of historical locations). The ecological community distributions included in this map are only indicative and not meant for local assessment. Planning decisions at a local scale should seek some form of ground truthing to confirm the existence of the ecological community at locations of interest. Such assessments should refer to the text of the Listing and Conservation Advice for the ecological community.

**Table 7.** Scenario analysis outcomes of percentage decline of native flat oyster reefs using presence/absence of existing sites at the locality scale relative to the longer-term / 1750



timeframe (European colonisation to ~ 1950s). H = Historical, E = Existing and EPBC Criterion = Critically Endangered (CE), Endangered (EN), and Vulnerable (VU).

Scenario	1			2		
	H	E	EPBC	H	E	EPBC
<b>National</b>	<b>126</b>	<b>4</b>	<b>97 % CE (≥ 90 %)</b>	<b>207</b>	<b>6</b>	<b>97 % CE (≥ 90 %)</b>
<b>NSW*</b>	7	2	71 % EN (≥ 70 %)	28	4	86 % EN (≥ 70 %)
<b>Vic</b>	4	0	100 % CE (≥ 90 %)	9	0	100 % CE (≥ 90 %)
<b>Tas</b>	39	1	97 % CE (≥ 90 %)	55	1	98 % CE (≥ 90 %)
<b>SA</b>	73	1	99 % CE (≥ 90 %)	108	1	99 % CE (≥ 90 %)
<b>WA</b>	3	0	100 % CE (≥ 90 %)	7	0	100 % CE (≥ 90 %)

\*Gillies et al. (2018, 2020) assumes that historical oyster reef sites in NSW are Sydney rock oyster reefs not native flat oyster reefs, so historical location numbers are likely underestimated in this State in scenarios 1 and 2. However, NSW sites in the commercially harvested historical list from Gillies et al. (2018, 2020) have been included in the scenario 1 analysis as native flat oyster locations if they have been identified as a likely native flat oyster reef historical site through expert consultation or other key literature.

#Multiple locality points were grouped where locations were in close proximity or had the same name across evidence types or references.

### Maximum extent of possible occurrence

There is currently no readily available spatial data to represent the historical extent of the native flat oyster reef ecological community that can be used to measure a historical area of occupancy. There are point coordinates for current and historical locations or reported likely reef locations as referenced in the Gillies et al. (2018, 2020), as well as from the NSW DPI Mapping Project, expert contributions and other key literature sources (e.g. Oyster Culture Commission 1877; Stonehouse Research 2022a & b) Using a habitat to develop a maximum extent of possible historical occurrence (i.e. depth range, surrogate habitat) is likely to vastly over-estimate the area within which the native flat oyster reef ecological community would have occupied.

### Conclusion

The present listing assessment evaluates a broad range of information that includes different types of evidence and their associated caveats and limitations to make an inference about the decline in geographic distribution for the native flat oyster reef ecological community under Criterion 1. When all the aforementioned information is considered, the Committee's preliminary assessment is that native flat oyster reefs have undergone a very severe decline in geographic distribution relative to the 1750 timeframe, particularly between the 1800s to 1950s, whereby decline at the national scale is most plausibly ≥ 90%. This represents a **very severe** decline in geographic distribution. After preliminary assessment, the Committee considers that the ecological community may have met the relevant elements of Criterion 1 to make it eligible for listing as **Critically Endangered**.

This decline in geographic distribution since 1750 would also represent a Critically Endangered status under Criterion A3 of the IUCN Red List of Ecosystems (Bland et al. 2017).

### Consultation Questions on listing assessment – Criterion 1

- Do you agree with the estimates of decline relative to the 1750 timeframe?

- Do you have any feedback on the preliminary assessment under Criterion 1 or further data or information that would support or update the assessment?
- In particular, are there any additional known historical or remnant locations of the ecological community that are not noted in Table 5 and in Appendix E? Please relevant provide supporting information.
- Are you aware of any native flat oyster reef restoration sites that are likely to meet the ecological community definition and restoration condition matrix thresholds to be considered in the listing assessment? Please provide relevant supporting evidence.

### 6.2.3 Criterion 2 – limited geographic distribution coupled with demonstrable threat

Insufficient data to determine eligibility under Criterion 2.

Its geographic distribution is:		very restricted	restricted	limited
Extent of occurrence (EOO)		< 100 km <sup>2</sup> = <10,000 ha	<1,000 km <sup>2</sup> = <100,000 ha	<10,000 km <sup>2</sup> = <1,000,000 ha
Area of occupancy (AOO)		< 10 km <sup>2</sup> = <1,000 ha	<100 km <sup>2</sup> = <10,000 ha	<1,000 km <sup>2</sup> = <100,000 ha
Average patch size		< 0.1 km <sup>2</sup> = <10 ha	< 1 km <sup>2</sup> = <100 ha	-
AND the nature of its distribution makes it likely that the action of a threatening process could cause it to be lost in:				
the immediate future	10 years or 3 generations (up to a maximum of 60 years)	Critically Endangered	Endangered	Vulnerable
the near future	20 years or 5 generations (up to a maximum of 100 years)	Endangered	Endangered	Vulnerable
the medium term future	50 years or 10 generations (up to a maximum of 100 years)	Vulnerable	Vulnerable	Vulnerable

Source: TSSC 2017

#### Evidence:

#### Extent of occurrence (EOO)

The current EOO of the ecological community is greater than 1,000,000 ha / 10,000 km<sup>2</sup>, calculated as the minimum convex polygon around the six known remnant native flat oyster reefs likely to contain the ecological community: Georges Bay in Tas, Coffin Bay (near Long Beach) in SA and Merimbula Lake, Pambula, Jervis Bay (Currumbene Creek) and Wagonga Inlet in NSW (Figure 1 & 6). This exceeds the threshold for a limited geographic distribution.

#### Area of occupancy (AOO)

The estimated area of occupancy (AOO) of remnant native flat oyster reefs in Georges Bay in Tas is between 14 - 39 ha (< 1 km<sup>2</sup>), based on the area calculated from detailed spatial data of the patches that contain the native flat oyster fishery as the lower bound (Keane 2021) and analysis undertaken using the R package 'redlist' and the ecological community occupying 39 x 10,000 m<sup>2</sup> cells as the upper bound (nomination analysis). Based on expert observations, the estimated area of occupancy of remnant native flat oyster reefs in Coffin Bay (near Long Beach) in SA is 3.5 ha (< 0.1 km<sup>2</sup>), and in NSW in Merimbula Lake and Pambula is 1 ha (< 0.1 km<sup>2</sup>), in Jervis Bay (Currumbene Creek) is 0.88 ha (< 0.01 km<sup>2</sup>) and in Wagonga Inlet is 0.75 ha (< 0.01 km<sup>2</sup>) (McAfee 2024, pers comm 1 July; NSW DPIRD 2024, pers comm 4 June). Based on these estimates, the current AOO of the ecological community occurs across a **very restricted** distribution (< 10 km<sup>2</sup> / 1,000 ha).

#### Patch size



Patches of native flat oyster reefs within Georges Bay in Tas are the only occurrences of the ecological community documented in spatial detail. They have been reported to vary in size from 0.44 - 1.49 ha (< 0.1 km<sup>2</sup>) in Heller-Wagner (2017) to 1 – 9 ha (< 0.1 km<sup>2</sup>) from spatial patch size analysis of old and current fished areas identified in Keane (2021). The median patch size in Georges Bay calculated from the spatial analysis is 1.18 ha (< 0.1 km<sup>2</sup>). Based on the documented range of patch sizes within Georges Bay and the good condition of native flat oyster reefs at this site and the total oyster reef area values at all other locations being less than 3.5 ha (< 0.1 km<sup>2</sup>), it is inferred that the average patch size of remnant native flat oyster reefs is < 0.1 km<sup>2</sup> / 10 ha. This represents a **very restricted** geographic distribution.

### Risk of collapse

The risk of collapse is assessed against the immediate (10 years), near (20 years) and medium-term future (50 years).

As described in Gillies et al. (2020), the native flat oyster reef ecological community has collapsed when there are no remaining locations dominated by living oysters and oyster shells, and the spatial complexity and presence of hard substrate has significantly decreased. Other characteristic changes may include changes to microclimates and local hydrodynamics, and species assemblage shifts from a diverse range of sessile and mobile reef-associated organisms to a system that is predominantly characterised by infauna and deposit feeders (when shifted to soft sediments) or lower diversity and biomass of reef-associated species (when shifted to bare rock).

The primary cause of historical decline, overharvesting through destructive fishing practices, on the ecological community has ceased. Lack of hard substrate due to the degradation of reef structure by historical destructive fishing practices has been documented as key reason for the lack of natural recovery of native flat oyster reefs (McAfee et al. 2024). However, as outlined in [section 4.1](#), the ecological community is subject to ongoing threats, including degraded water quality and coastal and catchment development, climate change, invasive species, disease, recreational boating and fishing, commercial fishing and possibly indirect impacts of offshore activities. In the absence of historical destructive fishing practices, these threats to the ecological community have been suggested to have contributed to the lack of natural recovery of native flat oyster reefs across their historical extent of occurrence (Ford & Hamer 2016; Gillies et al. 2018, 2020). The historical loss of substrate continues to be an ongoing issue for the recovery of native flat oyster reefs across their historical extent of occurrence.

Given that remnant patches of the ecological community are inferred to be small (median < 1.5 ha) and are fragmented across their known historical extent of occurrence, the resilience of existing patches to disturbance, especially occurring within short-succession or extreme environmental conditions, is likely reduced (Ford & Hamer 2016; Gillies et al. 2020; Howie & Bishop 2021; Powers et al. 2023). The cumulative effects of ongoing threats may continue to contribute to reduced hard substrate availability and recruitment, sub-optimal conditions for oyster growth and survival, and limited natural recovery, without active human intervention and appropriate management (Gillies et al. 2020). Impacts from these threats could range from being sublethal to whole reef degradation depending on the condition of the physical environment and reef structure when exposed to a catastrophic event or cumulative threats (see [section 4.1](#)). For instance, healthy reefs may recover from high mortality events if estuarine conditions are favourable or there has been a long enough interval between catastrophic events to support recruitment and recovery. Alternatively, poor condition reefs with degraded



estuarine water quality may be more susceptible to disease outbreaks. Similarly, smaller or less structurally elevated reefs may be more susceptible to smothering from increased sedimentation from extreme climatic events and catchment modification (Crawford 2016; Ford & Hamer 2016; Gillies et al. 2020). Over the last decade, there has been reports that water quality and management are improving in some areas across the known historical extent of occurrence of the ecological community (Gillies et al. 2017; McAfee et al. 2024). These improvements may assist with decreasing the risk of collapse of the ecological community due to potentially increased reef resilience and/or recovery, though will only assist in areas with suitable hard substrate and oyster spat available for recruitment (natural or provided through restoration).

The likely adaptive capacity of native flat oyster reefs to respond to predicted ongoing threats, such as increased frequency of extreme events (e.g. high intensity flooding and heatwaves) under climate change, is still uncertain at both the patch and broader ecosystem scale (Gillies et al. 2020). Over long time periods, oyster reef ecosystems have the potential to migrate within an estuary or colonise new estuaries to avoid stress and remain within physiological thresholds, but this is dependent on sufficient substrate and oyster biomass available for breeding, recruitment, settlement and reef creation, and ongoing favourable physical conditions (Gillies et al. 2020). The overall resilience of native flat oyster reefs to disturbance and recovery post-disturbance, is currently naturally limited by the availability of local oyster spat (recruits), adult stock to undertake fertilisation and brooding, lack of hard substrate and the likely reduced capacity of larval dispersal between fragmented remnant reefs (Ford & Hamer 2016; Gillies et al. 2020; Powers et al. 2023). There is some evidence that there may be clumps or individuals of the native flat oyster across the historical extent of occurrence of the ecological community that could provide larval recruits to re-establish reefs if suitable hard settlement substrate becomes available or is provided through restoration efforts and environmental conditions are suitable, but the overall capacity for natural recruitment across the historical extent of the ecological community is unknown (Crawford 2016; Gillies et al. 2018; Cook et al. 2021; McAfee et al. 2024).

## Conclusion

Despite the likely increased risk of ecosystem collapse of the native flat oyster reef ecological community due to the small patch sizes of remnant reefs, the fragmented nature of patches across its historical extent of occurrence, small area of occupancy, and documented ongoing threats, there is limited information available on the likely adaptive response of native flat oyster reefs to withstand the cumulative impacts of ongoing threats under predicted climate change scenarios and increasing coastal population growth to determine the likelihood of collapse of the ecological community within a given timeframe (Gillies et al. 2020). Moreover, there are early indications that oyster reefs may be able to be restored on a small-scale provided larval recruits are seeded and/or suitable hard settlement substrata is provided, and environmental conditions are managed to provide adequate water quality and physical characteristics for oyster growth and survival (McAfee et al. 2024). The ability to restore native flat oyster reefs reduces the risk of collapse of the ecological community due to an expected increase in the extent of occurrence and area of occupancy of the ecological community and subsequently likely increased larval connectivity and recruitment capacity to assist with resilience and recovery to stressor events and persistence of reefs through time. However, as restoration of any substantial size of native flat oyster reefs has been occurring for less than 10 years, the ability of these restoration sites to successfully achieve these broader ecosystem functions and their own capacity to withstand the predicted increased pressures relating to

climate change (e.g. extreme flooding events) or disturbance events (e.g. disease outbreaks) is still uncertain.

Following preliminary assessment, the Committee considers that there is unlikely to be sufficient information to determine the eligibility of the ecological community for listing in any category under Criterion 2.

#### Consultation Questions on listing assessment – Criterion 2

- Do you have any feedback on the preliminary assessment under Criterion 2 or further data or information that would support or update the assessment? Please provide additional supporting information.
- Do you agree with the estimates of the current extent of occurrence (EOO), area of occupancy (AOO) or average patch size provided in the assessment? If not, can you provide an estimate of the current geographic distribution (EOO and AOO in km<sup>2</sup>) and average patch sizes (in km<sup>2</sup>), with supporting data?
- Based on your knowledge and expertise, do you think it is likely that the ecological community could be lost in the immediate (10 years), near (20 years) or medium-term future (50 years)? If so, please provide supporting information

#### 6.2.4 Criterion 3 – decline of functionally important species

##### Insufficient data to determine eligibility under Criterion 3

	Category		
	Critically Endangered	Endangered	Vulnerable
For a population of a native species that is likely to play a major role in the community, there is a:	very severe decline	severe decline	substantial decline
<i>Estimated decline over the last 10 years or three generations (up to a maximum of 60 years), whichever is longer</i>	80%	50%	20%
to the extent that restoration of the community is not likely to be possible in:	the immediate future	the near future	the medium-term future
<i>timeframe</i>	<b>10 years or 3 generations (up to a maximum of 60 years)</b>	<b>20 years or 5 generations (up to a maximum of 100 years)</b>	<b>50 years or 10 generations (up to a maximum of 100 years)</b>

Source: TSSC 2017

#### Evidence:

The native flat oyster is the primary habitat forming species of the ecological community. Despite there being a documented decline in native flat oyster reefs since European colonisation, there is limited data available to assess the decline of the species specifically in the last 10 years (standard timeframe used). Following preliminary assessment, the Committee considers that there is unlikely to be sufficient information to determine the eligibility of the ecological community for listing in any category under Criterion 3.

#### Consultation Questions on listing assessment – Criterion 3

- Do you have any feedback on the preliminary assessment under Criterion 3 or further data or information that would support or update the assessment? Please provide additional information and supporting evidence.



## 6.2.5 Criterion 4 – reduction in community integrity

Eligible under Criterion 4 for listing as **Endangered**

	Category		
	Critically Endangered	Endangered	Vulnerable
The reduction in its integrity across most of its geographic distribution is:	very severe	severe	substantial
as indicated by degradation of the community or its habitat, or disruption of important community processes, that is:	very severe	severe	substantial
<i>such that restoration is unlikely (even with positive human intervention) within</i>	<i>the <u>immediate</u> future (10 years or 3 generations up to a maximum of 60 years)</i>	<i>the <u>near</u> future (20 years or 5 generations up to a maximum of 100 years)</i>	<i>the <u>medium-term</u> future (50 years or 10 generations up to a maximum of 100 years)</i>

Source: TSSC 2017

**Evidence:**

The native flat oyster reef ecological community has undergone **severe** changes in structure and function relative to a 1750s benchmark state of the ecological community as a result of the threats outlined in [Section 4](#).

Pre-major disturbance, native flat oyster reefs were extensive across the southern Australian coastline and comprised patches that had high oyster densities and hard shell substrate required to sustain key ecological and biological processes, such as oyster recruitment, nutrient cycling and water filtration, sediment stabilisation, and the provision of resources for a diverse marine flora and fauna assemblage (refer to [section 1.2](#); Gillies et al. 2018, 2020). Declines in patch size and condition, area of occupancy, and geographic distribution restricts the ability or extent for which the ecological community can provide the key functions outlined above. Ongoing threats, such as coastal and catchment development and degraded water quality (including sedimentation), climate change, disease and invasive species, outlined further below and in detail in [section 4](#), are likely to continue to impact the functional integrity of the ecological community in the future and limit recovery to pre-disturbance conditions without active human intervention through restoration and sustained or improved management.

The ecological community has experienced a reduction in integrity primarily because of:

- A reduction in recruitment due to loss of oyster biomass, degradation of reef structure and patch fragmentation
- A reduction in ecological function due to loss of oyster biomass and reef structure
- Changes in the composition of foundational or benthic species as a result of invasive species
- Changes in environmental characteristics needed for optimal oyster growth and oyster reef persistence.

*Reduction in recruitment due to loss of oyster biomass, degradation of reef structure and patch fragmentation*



Native flat oyster reefs across their historical extent of occurrence have declined in functional and structural integrity due to an overall reduction in recruitment capacity. This is a result of loss of oyster biomass, degradation of reef hard substrata and patch fragmentation caused by threats, such as historical overharvesting, coastal and catchment development and degraded water quality, disease and extreme events (see detailed information on threats in [Table 4](#) in [Section 4](#)). Reduced recruitment capacity results in native flat oyster reef patches with lower oyster density and reproductive capacity, reduced structure, reduced size, or the complete loss of patch persistence through time if recruitment failure is prolonged and thereby, also contributes to limiting the ability of native flat oyster reefs to naturally recover post-disturbance (Lipcius et al. 2021; Powers et al. 2023).

Native flat oysters are brooders that hold their eggs within the female mantle cavity to be fertilised. Because of this, the reduction in biomass of adult native flat oysters due to threats has led to a reduction in fertilised larvae being released to settle and recruit and contribute to the persistence of native flat oyster reefs (Ford & Hamer 2016; Gillies et al. 2017). Moreover, degradation of native flat oyster reef structure from historical and ongoing threats, has led to a reduction in available hard substrata required for larval settlement and recruitment success across the historical extent of occurrence of the ecological community (Alleway & Connell 2015; Ford & Hamer 2016; Gillies et al. 2018; Cook et al. 2022). Historical dredging was unselective and removed or buried oysters and shell of all sizes/ages. This often resulted in a shift toward unconsolidated or soft sediment habitat with little hard substrate (Alleway & Connell 2015). The degradation of reef structure also made the reefs more vulnerable to other stressors, such as increased sedimentation, that smothered reefs and facilitated a shift to soft sediment habitat (Crawford 2016; Gillies et al. 2018; McLeod et al. 2019). The loss of oyster reef hard substrate reduced the available area for larval settlement and the reef-associated chemical cues or noises used by larvae to navigate to suitable settlement habitat (Alleway & Connell 2015; Gillies et al. 2020; Williams et al. 2022). For example, initial findings on a restoration site at a historical native flat oyster reef location in SA demonstrated that recruitment increased significantly when suitable hard substrate was deployed at the site, suggesting that hard substrate had been a bottleneck for oyster recruitment in that area (McAfee et al. 2024).

Only six locations have known occurrences of remnant native flat oyster reefs that are likely to contain the ecological community, a substantial decline from over 100 former documented locations across the historical extent of occurrence of the ecological community (Gillies et al. 2018). The remaining occurrences of the ecological community are fragmented across the broader range of the ecological community's geographic distribution, with four of these occurrences located in NSW, and only one in Tas and one in SA. Within these locations, patches are considered to be generally small and fragmented, compared to the larger, more extensive reefs historically documented (Alleway & Connell 2015; Ford & Hamer 2016; Gillies et al. 2018; Cook et al. 2021). While oyster larvae can disperse up to tens of kilometres using currents, oyster larvae have demonstrated a preference toward settling in the presence of conspecifics, using reef-related chemical or noise cues to navigate toward adult habitat (North et al. 2008; Tamburri et al. 2008; Rodriguez-Perez et al. 2020; Williams et al. 2022). With few, small existing native flat oyster reef patches and greater distances between them, the ability of dispersal between geographically distinct native flat oyster reefs is likely reduced and especially limited for historical sites without the presence of suitable hard substrata and/or conspecifics. This reduced capacity for larvae to navigate to suitable conspecific settlement habitat was likely another limiting factor in the ability of degraded native flat oyster reefs or extirpated historic locations to assist repopulation and reef recovery after extreme events or anthropogenic



disturbance (Williams et al. 2022). However, there are reports that native flat oyster individuals or clumps still occur throughout the geographic range of the ecological community, which can provide natural recruitment opportunities in some areas, provided hard substrata is available or added to the system through human intervention, and there are suitable environmental conditions (Crawford 2016; Gillies et al. 2018; McAfee & Connell 2020; Cook et al. 2021; McAfee & Connell 2023; McAfee et al. 2024).

*Reduction in ecological function due to loss of oyster biomass and reef structure*

The native flat oyster reef and bed structure is created through the bounding of living and dead oysters. When living oysters are removed from the physical structure due to threats, such as overharvesting using destructive fishing practices, disease or coastal/catchment development and sedimentation, the reef structure is decimated, reduced, or smothered and shifted toward unconsolidated habitat (Gillies et al. 2020; McAfee et al. 2024). The complete decimation of patches of native flat oyster reef in many locations it once existed, or the degradation of the physical habitat of remnant patches to a less structurally complex reef, has likely reduced key processes provided by the ecological community, such as fisheries productivity, habitat provision and water filtration/nutrient cycling. While this hasn't been directly measured for native flat oyster reefs pre- and post-historical disturbance and decline, some inferences can be made from monitoring of remnant reef sites or remnant clumps of native flat oysters. For instance, in Georges Bay, Tas, faunal abundance was observed to be three times greater on good condition remnant native flat oyster reef compared to surrounding soft sediment habitat (Crawford et al. 2019), suggesting that a loss of oyster reef structure would likely result in a loss of faunal abundance. Similarly, remnant clumps of native flat oysters in Tas demonstrated particulate matter filtration rates of up to approximately 98,000 particles m<sup>2</sup> h<sup>-1</sup> and denitrification rates of up to approximately 3380 µmol N<sub>2</sub>-N m<sup>2</sup> h<sup>-1</sup>, which both exceed rates documented for other shellfish species (e.g. Sydney rock oyster, eastern oyster and New Zealand green-lipped mussel (Strain et al. 2024). These findings and the documented reports of the water quality services that intact and larger oyster reefs provide suggest that water quality condition has likely declined, and the possible risk of eutrophic conditions are likely greater in locations with degraded native flat oyster reefs or with reduced or no oyster biomass (Nelson et al. 2004; Howie & Bishop 2021). Reduced water quality may then degrade remaining oyster condition, as well as the ability of other estuarine and coastal habitat to grow and survive (e.g. seagrass) (NSW DPI 2019a; Gillies et al. 2020; Howie & Bishop 2021).

*Decline in integrity relating to changes in the composition of foundational or benthic species as a result of invasive species*

Invasion by non-native foundation species or benthic species that occupy the same substrate and habitat zone, compete for food and space, or predate on the native flat oyster has likely contributed to a decline in the compositional integrity of native flat oyster reefs after historical overharvesting, and could be inhibiting natural recovery of the ecological community in areas where novel ecological communities formed by these invasive species now occur (see [Table 4](#) in [section 4](#); Ford & Hamer 2016; Gillies et al. 2018; Dutka et al. 2022; McAfee et al. 2024). For example, the Northern Pacific seastar is prevalent across benthic habitat in Port Phillip Bay in Vic and poses a risk to the restoration or recovery of native flat oyster reefs in that area (Ford & Hamer 2016; Dutka et al. 2022). Similarly, ecosystems developed by the introduced Pacific oyster have been reported to likely be increasing in extent in NSW, Tas and SA, possibly occupying areas where native flat oyster reefs once inhabited within the same intertidal to



lower-subtidal habitat zone and thereby, potentially limiting reestablishment by native flat oyster reefs in those areas (Gillies et al. 2018). Changes in the composition of benthic species can lead to a transition from native flat oyster reefs to other dominated benthic ecosystems that can have impacts to broader ecological functions in an area, such as changes in species assemblages or possible reduction in water quality condition/filtration capacity.

*Decline in integrity relating to changes in environmental characteristics needed for optimal oyster growth and oyster reef persistence*

Historic and ongoing land use change, coastal development and catchment modifications have resulted in increased pollutants and sediments entering waterways, altered hydrology and modified physical characteristics of the coastal and estuarine environments (e.g. salinity, pH, dissolved oxygen) that support native flat oyster reefs. These actions have, and may continue to, negatively impact environmental conditions required by native flat oyster reefs for growth, reproduction and persistence through time (Gillies et al. 2017, 2018, 2020). For example, extensive land clearing and agriculture that resulted in increased silt loads entering into bays and rivers were noted as a reason for historical mortality of oyster beds in Georges Bay, Tas (Parliamentary Report 1885 cited in Beck et al. 2009; Gillies et al. 2015). These changes in environmental conditions are further exacerbated by climate change through extreme events that are increasing in intensity, ocean warming, sea level rise, ocean acidification and possible changes to salinity and dissolved oxygen (Table 4 in section 4; CSIRO & Bureau of Meteorology 2015a & b, 2020, 2021, 2022; Gillies et al. 2020; CSIRO 2021a & b). For example, one major flood event in Georges Bay, Tas, resulted in more than 90% farmed oyster mortality (Break O'Day Council et al. 2012). Declines in environmental condition integrity can also facilitate other stressors, such as disease, infestation and invasive pests, with exposure to increased sediment loads or temperatures being linked with poor oyster condition and a greater likelihood of mortality or infection by Bonamiosis or mudworm (Ogburn et al. 2007; Hickman et al. 2000 cited in Ford & Hamer 2016; Pereira et al. 2019; Bradley et al. 2020).

While there are some indications that environmental conditions (e.g. water quality) have improved in some areas due to better management (Gillies et al. 2017; McAfee et al. 2020b; McAfee et al. 2024), it is unknown if the growing pressures of climate change and increasing coastal and catchment development and population growth will have a negative impact on this trend and limit natural recovery or constrain restoration efforts of native flat oyster reefs.

*Potential for restoration*

There is initial evidence to suggest that restoration of native flat oyster reefs to some form of functional state at the small-scale may be possible within 10 years with active human intervention, including the reseeded of oyster spat and/or the deployment of hard substrata (McAfee et al. 2024; TNC 2024a). At a native flat oyster restoration site in Glenelg in SA, adult native flat oysters provided the primary biogenic habitat after 2.5 years at densities that exceed 50 mature oysters/m<sup>2</sup> and include the presence of four age classes (McAfee et al. 2024). This initial phase of the restoration at this site reached these densities through seeding from sparsely spread remnant native flat oysters. However, restoration sites seeded by a limited number of adults may restrict genetic diversity, potentially compromising longer-term restoration success and it is uncertain what impact the high density of these restored oysters may have on disease prevalence (Reynolds et al. 2012; McAfee & Connell 2023; McAfee et al. 2024). Moreover, not all small-scale restoration projects have had similar results. At Windara Reef, a nearby location in SA, competition for space from other rapid colonizers (e.g. turf-forming algae) has limited oyster



recruitment and slowed the restoration progress (McAfee et al. 2021). Additionally, some restoration sites have been seeded multiple times (TNC 2024) and sites may need continued seeding until natural recruitment occurs and a self-sustaining population persists, which could take time.

While there are some early indications of restoration success at the small-scale, to determine the likely ability of a native flat oyster restoration site to persist through time and perform relatively comparable functions to existing native flat oyster reefs, monitoring of restoration outcomes should be measured over at least 3-4 reproductive cycles (Gillies et al. 2017). Restoration sites may take longer to achieve these outcomes, or not succeed at all, especially if the environmental conditions needed for oysters to grow or survive are not present or a disturbance event occurs (e.g. disease outbreak or extreme event) (Gillies et al. 2017; McAfee et al. 2021; Leong et al. 2022; McAfee et al. 2024). Hemraj et al. (2022) suggests that shorter-term restoration monitoring (< 5 years) of oyster reef restoration may capture the initial boost in recovery, but not the subsequent progressive change in community composition that is integral to recovering full ecosystem complexity and that globally, full recovery of oyster reef system structure, functions and services will be on decadal scales. Monitoring of restoration success within dynamic environments requires frequent monitoring to understand responses to short and longer-term environmental variation and functions across the broader scale of the ecological community (Hemraj et al. 2022; La Peyre et al. 2022).

Restoration across the natural range of the historical extent of occurrence of the ecological community is unlikely in the near future due to logistical, environmental and financial constraints and may never be possible at the same scale of historical area of occupancy. Restoration spanning areas across the historical geographic distribution of native flat oyster reefs may be possible with significant financial investment and resource capacity, but likely not at the scale of area once reported, and the reduced environmental conditions in some areas due to coastal development and urbanisation, invasive pests and disease and degraded water quality may limit success of restoration at sites across parts of the historical extent of occurrence of the ecological community. If the supply of wild recruits of native flat oyster is not sufficient to yield densities that form self-sustaining populations, native flat oyster reefs would need to be seeded during restoration, which poses additional financial or logistical constraints to achieving successful restoration across the entire historical extent of occurrence of the ecological community.

### Conclusion

The combination of these threats has impacted the structure, species assemblage and ecological function across the historical extent of occurrence of the ecological community.

This represents a **severe** reduction in integrity across most of its geographic distribution, as indicated by a **severe** degradation of the community of its habitat and disruption of important community processes. After preliminary assessment, the Committee considers that the ecological community may have met the relevant elements of Criterion 4 to make it eligible for listing as **Endangered**.

## Consultation Questions on listing assessment – Criterion 4

- Do you have any feedback on the preliminary assessment under Criterion 4 or further data or information that would support or update the assessment? Please provide additional information and supporting evidence.
- Based on your knowledge and expertise, how long would it likely take for site-based restoration of native flat oyster reefs to reach a comparable state to remnant reefs in terms of structure and function? Please provide any relevant supporting information

## 6.2.6 Criterion 5 – rate of continuing detrimental change

Insufficient data to determine eligibility under Criterion 5.

	Category		
	Critically Endangered	Endangered	Vulnerable
Its rate of continuing detrimental change is: as indicated by:	very severe	severe	substantial
(a) rate of continuing decline in its geographic distribution, or a population of a native species that is believed to play a major role in the community, that is: OR	very severe	severe	serious
(b) intensification, across most of its geographic distribution, in degradation, or disruption of important community processes, that is:	very severe	severe	serious
<i>an observed, estimated, inferred or suspected detrimental change over the immediate past, or projected for the immediate future (10 years or 3 generations, up to a maximum of 60 years), of at least:</i>	80%	50%	30%

Source: TSSC 2017

**Evidence:**

Following preliminary assessment, the Committee considers that there is unlikely to be sufficient information to determine the eligibility of the ecological community for listing in any category under Criterion 5.

## Consultation Questions on listing assessment – Criterion 5

- Do you have any feedback on the preliminary assessment under Criterion 5 or further data or information that would support or update the assessment? Please provide additional information and supporting evidence.

## 6.2.7 Criterion 6 – quantitative analysis showing probability of extinction

Insufficient data to determine eligibility under Criterion 6.

	Category		
	Critically Endangered	Endangered	Vulnerable
A quantitative analysis shows that its probability of extinction, or extreme degradation over all of its geographic distribution, is:	at least 50% in the immediate future	at least 20% in the near future	at least 10% in the medium-term future
<i>timeframes</i>	<i>10 years or 3 generations (up to a maximum of 60 years)</i>	<i>20 years or 5 generations (up to a maximum of 100 years)</i>	<i>50 years or 10 generations (up to a maximum of 100 years)</i>

Source: TSSC 2017

**Evidence:**

Quantitative analysis of the probability of extinction or extreme degradation over the ecological community's entire geographic distribution has not been undertaken.

Following preliminary assessment, the Committee considers that there is unlikely to be sufficient information to determine the eligibility of the ecological community for listing in any category under Criterion 6.

**Consultation Questions on listing assessment – Criterion 6**

- Do you have any feedback on the preliminary assessment under Criterion 6 or further data or information that would support or update the assessment? Please provide additional information and supporting evidence.



## Appendix A – Species lists

This Appendix lists the assemblage of native species that is likely to characterise the ecological community throughout its range at the time of listing at [Table 8](#) (based on the sources cited).

The species listed may be abundant, rare, or not necessarily present in any given patch of the ecological community, and other native species not listed here may be present. The total list of species that may be found in the ecological community may be considerably larger than the species listed here.

Species presence and relative abundance varies naturally across the range of the ecological community based on factors such as historical biogeography, hydrology, bathymetry, and climate. They also change over time, for example, in response to disturbance (e.g. coastal development), or to the climate and weather (e.g. floods, extreme heat or cold). The species recorded at a particular site can also be affected by sampling scale, season, effort and expertise.

Due to the small number of remnant native flat oyster reef patches that have been extensively surveyed, some key references that document species presence at native flat oyster reef restoration sites have also been used to populate [Table 8](#).

Scientific names used in this Appendix are nationally accepted names from the scientific community, as at the time of writing.

### A1 Flora and Fauna

**Table 8.** Indicative list of flora and fauna associated with the native flat oyster reef ecological community, including evidence from both existing and restoration reef occurrences

Scientific name	Common name/s	EPBC status <sup>8</sup>	State status <sup>9</sup>
<b>Algae and seaweeds</b>			
<i>Acrosorium</i> sp.	red seaweed, red algae	-	-
<i>Asparagopsis taxiformis</i>	red seaweed	-	-
<i>Ecklonia radiata</i>	golden kelp	-	-

<sup>8</sup> Species listed under the EPBC Act at the time this document was prepared. Source:

<https://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

<sup>9</sup> Species listed under the state act or regulation at the time this document was prepared as threatened or protected. Sources:

<https://www.environment.gov.au/cgi-bin/sprat/public/sprat.pl>

<https://legislation.nsw.gov.au/view/html/inforce/current/act-2016-063>

<https://legislation.nsw.gov.au/view/html/inforce/current/sl-2019-0407>

<https://www.legislation.vic.gov.au/in-force/acts/flora-and-fauna-guarantee-act-1988/048>

<https://www.legislation.vic.gov.au/in-force/statutory-rules/fisheries-regulations-2019/006>

<https://www.legislation.tas.gov.au/view/html/inforce/current/act-1995-083>

<https://www.legislation.tas.gov.au/view/html/inforce/current/sr-2016-030>

<https://www.legislation.sa.gov.au/lz/path=%2FC%2FA%2Fnational%20parks%20and%20wildlife%20act%201972>

[https://www.legislation.sa.gov.au/lz/path=%2FC%2FR%2FFisheries%20Management%20\(General\)%20Regulations%202017](https://www.legislation.sa.gov.au/lz/path=%2FC%2FR%2FFisheries%20Management%20(General)%20Regulations%202017)

<https://www.dbca.wa.gov.au/management/threatened-species-and-communities>

[https://www.legislation.wa.gov.au/legislation/statutes.nsf/main\\_mrtitle\\_1458\\_homepage.html](https://www.legislation.wa.gov.au/legislation/statutes.nsf/main_mrtitle_1458_homepage.html)

Scientific name	Common name/s	EPBC status <sup>8</sup>	State status <sup>9</sup>
<i>Sargassum</i> sp.	gulf weed, brown seaweed	-	-
<i>Ulva</i> sp.	sea lettuce	-	-
<i>Undaria pinnatifida</i> *introduced	wakame, undaria seaweed, Japanese seaweed, Japanese kelp	-	-
<i>Zonaria</i> sp.	brown seaweed, brown algae	-	-
<b>Anemones</b>			
<i>Anthothoe albocincta</i>	orange and white stripe anemone, striped anemone	-	-
<b>Arthropods</b>			
<i>Ampithoidae</i> sp.	amphipods	-	-
<i>Apseudidae</i> sp.	tanaids	-	-
<i>Ceradocus rubromaculatus</i>	amphipod	-	-
<i>Galathea australiensis</i>	striated craylet	-	-
<i>Guinusia chabrus</i>	red rock crab	-	-
<i>Halicarcinus ovatus</i>	three pronged sea-spider	-	-
<i>Leptomithrax gaimardii</i>	giant spider crab	-	-
<i>Litochelra bispinosa</i>	two-spined slender-clawed crab	-	-
<i>Lysiosquilloidea</i> sp.	banded mantis shrimps	-	-
<i>Melitidae</i> sp.	melitid amphipods	-	-
<i>Ovalipes australiensis</i>	sand crab	-	-
<i>Ozius truncates</i>	reef crab	-	-
<i>Pagurixus handrecki</i>	Clarrie's hermit crab	-	-
<i>Palaemon intermedius</i>	striped prawn	-	-
<i>Palaemon serenus</i>	rock pool shrimp	-	-
<i>Portunus armatus</i>	blue swimmer crab	-	-
<i>Pyromania tuberculata</i> *introduced	fire crab	-	-
-	barnacles	-	-
<b>Ascidians</b>			
<i>Ascidians</i>	sea squirts	-	-
<b>Bristle worms</b>			
<i>Eunicidae</i> sp.	eunicid worms	-	-
<i>Neptyidae</i> sp.	-	-	-
<i>Nereididae</i> sp.	-	-	-
<i>Sabellidae</i> sp.	fan worms	-	-
<i>Syllidae</i> sp.	-	-	-
<i>Terebellidae</i> sp.	-	-	-
<b>Bryozoans</b>			
<i>Celleporaria foliata</i>	-	-	-
<i>Cornucopina grandis</i>	-	-	-
<b>Cnidarians</b>			
<i>Plesiastrea versipora</i>	hard coral	-	-
-	hydroids	-	-
-	zoanthids	-	-
<b>Echinoderms</b>			
<i>Coscinasterias muricata</i>	eleven-arm seastar, eleven-arm starfish	-	-
<i>Echinometra mathaei</i>	rock boring urchin	-	-
<i>Heliocidaris erythrogramma</i>	short-spined sea urchin, purple sea urchin	-	-
<i>Ophiactis</i> sp.	ophiactid brittle stars	-	-
<b>Fishes</b>			



Scientific name	Common name/s	EPBC status <sup>8</sup>	State status <sup>9</sup>
<i>Acanthaluteres spilomelanurus</i>	bridled leatherjacket	-	-
<i>Acanthopagrus australis</i>	yellowfin bream	-	-
<i>Acentrogobius pflaumii</i>	striped sandgoby	-	-
<i>Aracama ornata</i>	ornate cowfish	-	-
<i>Arripis georgianus</i>	Australian herring	-	-
<i>Arripis trutta</i>	Australian salmon	-	-
Blennidae sp.	blennies	-	-
<i>Centropogon australis</i>	eastern fortescue	-	-
<i>Cheilodactylus nigripes</i>	magpie perch	-	-
<i>Chrysophrys auratus</i>	australasian snapper	-	-
<i>Cryptocentroides gobioides</i>	crested oystergoby	-	-
<i>Diodon nichthemerus</i>	slender-spined porcupine fish	-	-
<i>Gerres subfasciatus</i>	silver biddy	--	-
<i>Girella elevata</i>	rock blackfish	-	-
<i>Girella tricuspidata</i>	luderick	-	-
<i>Hippocampus abdominalis</i>	big-bellied seahorse	Marine	Protected: NSW, Vic, SA, Tas
<i>Hyporhamphus melanochir</i>	southern garfish	-	-
Labridae sp.	wrasses	-	-
<i>Leptatherina presbyteroides</i>	silver fish	-	-
<i>Liza agentea</i>	mullet	-	-
<i>Meuschenia freycineti</i>	six-spined leatherjacket	-	-
<i>Meuschenia scaber</i>	velvet leatherjacket	-	-
<i>Monacanthus chinensis</i>	fanbelly leatherjacket	-	-
<i>Mugil cephalus</i>	sea mullet	-	-
Mullidae sp.	goatfishes	-	-
<i>Nelusetta ayraud</i>	ocean jacket	-	-
<i>Nemadactylus macroptera</i>	jackass morwong	-	-
<i>Neodax balteatus</i>	little weed whiting	-	-
<i>Nesogobius</i> sp.	gobies	-	-
<i>Notolabrus tetricus</i>	blue-throated wrasse	-	-
<i>Ophthalmolepis lineolatus</i>	southern Maori wrasse	-	-
<i>Ostorhinchus rueppellii</i>	western gobbleguts	-	-
<i>Parapercis haackei</i>	wavy grubfish	-	-
<i>Parequula melbournensis</i>	silverbelly	-	-
<i>Pelates octolineatus</i>	western striped grunter	-	-
<i>Pelates sexlineatus</i>	eastern striped grunter	-	-
<i>Pempheris multiradiata</i>	bigscale bullseye	-	-
<i>Phycodurus eques</i>	leafy seadragon	Marine	Protected: Vic, WA, SA
<i>Platycephalus bassensis</i>	southern sand flathead	-	-
<i>Platycephalus caeruleopunctatus</i>	bluespotted flathead	-	-
<i>Platycephalus fuscus</i>	dusky flathead	-	-
<i>Pomatomus saltatrix</i>	tailor	-	-
<i>Pseudocaranx georgianus</i>	araara, blue trevally, blurter	-	-
<i>Pseudolabrus rubicundus</i>	rosy wrasse	-	-
<i>Rhabdosargus sarba</i>	tarwhine, silver bream, goldlined seabream	-	-
<i>Scorpaenodes evides</i>	cheekspot scorpionfish	-	-
<i>Scorpius aequipinnis</i>	sea sweep	-	-

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Scientific name	Common name/s	EPBC status <sup>8</sup>	State status <sup>9</sup>
<i>Sillago ciliata</i>	sand whiting	-	-
<i>Siphamia cephalotes</i>	Wood's siphonfish	-	-
<i>Sphyræna novaehollandiae</i>	Australian barracuda	-	-
<i>Tetractenos glaber</i>	smooth toadfish	-	-
<i>Thamnaconus degeni</i>	bluefin leatherjacket	-	-
<i>Trachurus novaezelandiae</i>	yellow-tailed scad	-	-
<i>Trachinops caudimaculatus</i>	southern hulafish	-	-
<i>Upeneichthys vlamingii</i>	blue spotted goatfish	-	-
<b>Mangroves</b>			
<i>Avicennia marina</i>	grey mangrove	-	-
<b>Molluscs</b>			
<i>Cardita aviculina</i>	cardita	-	-
<i>Haliotis cyclobates</i>	whirling abalone	-	-
<i>Haliotis roei</i>	Roe's abalone	-	-
<i>Haliotis rubra</i>	blacklip abalone	-	-
<i>Haliotis scalaris</i>	staircase abalone	-	-
<i>Hapalochlaena maculosa</i>	southern blue-ringed octopus	-	-
<i>Hiatella australis</i>	Australian rock-borer	-	-
<i>Maoricolpus roseus</i> *introduced	New Zealand screw shell	-	-
<i>Mitra glabra</i>	sea snail	-	-
<i>Mimachlamys asperimus</i>	doughboy scallop	-	-
<i>Mytilus galloprovincialis</i>	blue mussel	-	-
<i>Nudibranchs</i>	sea slugs	-	-
<i>Octopus sp.</i>	octopuses	-	-
<i>Pinna bicolor</i>	razor clam, razor shell	-	-
<i>Sepia sp.</i>	cuttlefish	-	-
<i>Sepioteuthis australis</i>	southern reef squid	-	-
<i>Veneridae largillierti</i> *introduced	Venus clam	-	-
<i>Venerupis sp.</i>	Venus clam	-	-
<b>Sharks and rays</b>			
<i>Bathytoshia brevicaudata</i>	smooth stingray	-	-
<i>Hemirhynchus fluviorum</i>	estuary stingray	-	-
<i>Myliobatis australis</i>	eagle ray	-	-
<i>Trygonoptera testacea</i>	common stingaree	-	-
<b>Sponges</b>			
-	sponges	-	-

Sources: Gillies et al. 2015; Gillies et al. 2017; Crawford et al. 2019; Dutka et al. 2022; Keane 2022; Martínez-Baena et al. 2023; Martin et al. 2025; McAfee et al. 2024; NSW DPIRD 2024 unpublished data; Strain et al. 2024; TNC 2024a

#### Consultation Questions on species lists

- Are any fauna or flora species incorrectly recorded? If so, please provide details.
- Please provide information on any other flora and fauna species that should be included, particularly commonly occurring species on remnant reefs.

## Appendix B – Relationship to other habitat classification and mapping systems

Ecological communities are complex to classify. States and Territories apply their own systems to classify habitat communities. Reference to habitat and mapping units as equivalent to the ecological community, at the time of listing, should be taken as indicative rather than definitive. A unit that is generally equivalent may include elements that do not meet the key diagnostics and minimum condition thresholds. Conversely, areas mapped or described as other units may sometimes meet the key diagnostics for the ecological community. Judgement of whether the ecological community is present at a particular site should focus on how the site meets the description ([section 1.2](#)), the key diagnostic characteristics ([section 2.1](#)) and minimum condition thresholds ([section 2.3](#)).

State habitat mapping units are not the ecological community being listed. However, for some sites (but not all) certain habitat map units may correspond sufficiently to provide indicative mapping for the national ecological community, where the description matches. On-ground assessment is vital to finally determine if any patch is part of the ecological community.

For the native flat oyster reef ecological community, patches can occur in mosaics intergraded with other coastal or marine habitat or mapping classifications. As such, mapping and habitat classifications that may include the native flat oyster reef ecological community are outlined in [Table 9](#).

**Table 9.** Mapping and habitat classifications that the native flat oyster reef ecological community may occur as an element

Name / Description	Habitat and Mapping Classification
<b>National</b>	
National Intertidal/Subtidal Benthic Habitat Classification Scheme (NISB)	NISB
Interim Australian National Aquatic Ecosystem Classification Framework as occurring in marine and estuary systems on unconsolidated substrate	SMB – Structural Macrobiota dominated by a filter feeding assemblage
Ramsar Classification System for Wetland Type	E7 – Bivalve (shellfish) reefs
Directory of Important Wetlands of Australia (DIWA) collates information about nationally and internationally important (Ramsar) wetlands in Australia.	DIWA
Marine waters – permanent shallow waters less than six metres deep at low tide; includes sea bays, straits	DIWA – A1
Subtidal aquatic beds; includes kelp beds, seagrasses, tropical marine meadows	DIWA – A2
Rocky marine shores; includes rocky offshore islands, sea cliffs, intertidal rock platforms	DIWA – A4
Estuarine waters; permanent waters of estuaries and estuarine systems of deltas	DIWA – A6
Tidal mud, sand or salt flats; intertidal or supratidal	DIWA – A7

Name / Description	Habitat and Mapping Classification
National Vegetation Information System (NVIS)	NVIS
Major Vegetation Group (MVG)	NVIS – MVG27 Naturally Bare, sand, rock, claypan, mudflat
Major Vegetation Group (MVG)	NVIS – MVG28 Sea and estuaries
Major Vegetation Subgroup (MVS)	NVIS – MVS42 Naturally bare, sand, rock, claypan, mudflat
Major Vegetation Subgroup (MVS)	NVIS – MVS46 Sea, estuaries (includes seagrass)
Australian Coastal Waterways geomorphic habitat mapping classification	Channel, Rocky Reef, Tidal Sand Banks
Geomorphic Features of Australia's margin	Reef, Tidal- sandwave/Sand-bank
Smartline 100K	Sediment bottom, Mixed sandy bottom, muddy bottom, Sloping rocky bottom, Sloping sandy bottom, Soft bedrock, Hard rocky reefs, Patchy hard rocky reefs /exposed rock, Rocky platform, Rock wall, Artificial substrate
Oz Estuaries 100K	Macroalgae, Filter feeders, Seagrass, Hard substrate, Soft substrate
SEAMAP AUSTRALIA National Benthic Habitat Layer	Invertebrates - Mixed Filter Feeder Community, Shelled Biota, Vegetation – Mixed Macrophytes, Macrophytes, Macroalgae, Seagrass, Hard Substrata – Mixed Hard Substrata, Consolidated Hard Substrata, Soft Substrata – Mixed Soft Substrata, Fine sediment – Silt, Mixed Fine Sediments, Coarse Sediment – Sand, Mixed Coarse Sediments, Mixed Hard/Soft Substrata
<b>New South Wales</b>	
BioNet Vegetation Classification	112 Seagrass Meadows
New South Wales Wetland Ecosystems	Estuarine wetland, Saline wetland, Coastal vegetation (subgroup), Estuarine water body (subgroup)
New South Wales Subtidal Marine Habitat Data	Seagrass, Reef, Exposed Reef/Outcrop
New South Wales Marine Habitats 2002	Seawall, Islands and rocks, Reef and shoal, Rocky intertidal, Subtidal sand, Seagrass
New South Wales Department of Primary Industries and Regional Development (DPIRD) – Oyster Reef Mapping	Clumping, Combination, Low profile 0.05-0.15 m, High profile 0.15-0.5 m, Shellbed
New South Wales Seabed Habitat State Waters	Reef 0-20 m, Reef 20-60 m



Name / Description	Habitat and Mapping Classification
New South Wales Estuary Ecosystems	Tide dominated estuary, Wave dominated estuary
New South Wales Estuarine Macrophytes	Seagrass, Saltmarsh, Mangrove
<b>Victoria</b>	
Ecological Vegetation Classes (EVCs)	EVC 10 Estuarine wetland
Combined Biotope Classification Scheme (CBICS)	CBICS habitats - Reef/rock Substratum – Sublittoral Zone, Seagrass on sediment – Sublittoral Zone, Sediment – Littoral Zone, Sediment – Sublittoral Zone, Sediment-Mud – Littoral Zone
<b>South Australia</b>	
State-wide benthic habitats	Seagrass, Macroalgae, High profile reef, Medium profile reef, Low profile reef, Invertebrate community, Unconsolidated bare substrate
<b>Western Australia</b>	
State-wide marine habitats	Macroalgae (intertidal), Macroalgae (subtidal), Seagrass, Filter Feeders, Bare reef (intertidal), Bare reef (subtidal), Mobile sand, Silt, Mudflat
Marine Futures Biota	Sessile invertebrates (SI), Kelp, Seagrass, Mixed kelp and SI, Mixed other algae and SI, Mixed vegetation and SI
Marine Futures Reef	Reef, Sand, Mixed reef and sand, Mixed reef, gravel and sand
<b>Tasmania</b>	
TASVEG – The Digital Vegetation Map of Tasmania	Other natural environments – Sand, mud (OSM), water, sea (OAQ)
Seamap Tasmania	Aquatic Macrophytes, Caulerpa, Reef, High profile reef, Medium profile reef, Low profile reef, Patchy reef, Sand, Hard Sand, Silty sand, Silt, Seagrass, Patchy seagrass, Sparse seagrass, Sparse patchy seagrass, Ruppia, Sponge, Vegetated unconsolidated

#### Consultation Questions on other habitat classification and mapping systems

- Are there additional habitat classification and mapping systems that may be relevant to the ecological community and should be documented in Table 9?

## Appendix C – Additional information on survey techniques

Below are three example survey methods for subtidal oyster reefs. It is important to note, that both options 1 and 2 will require follow-up diver surveys to verify live oyster densities. These are example survey methods only and advances in technology may support the development of new techniques.

### 1. Multi-beam echo sounder (MBES)

Multi-beam echo sounder (MBES) surveys can be used to determine individual reef patch sizes, mosaic patch boundaries and percentage cover. This method is recommended for areas greater than 1 ha size. These surveys are undertaken in transects aligned with a grid pattern using multibeam sonar. The survey data is then exported to a GIS software platform to determine both the horizontal (reef footprint) and vertical (reef height) geospatial positioning. Generally, calmer ocean conditions are required to undertake these surveys and water visibility turbidity can impact on the results. To determine live oyster densities, diver oyster metric surveys will be required as a follow-up to MBES surveys.

### 2. Towed video and Remote Operated Underwater Video

Towed video or remotely operated vehicle (ROV) surveys can be used to determine individual reef patch sizes, mosaic patch boundaries and percentage cover. Before undertaking this survey, the target area could be determined by using a number of approaches, including for example, LIDAR imaging data, bathymetry rasters and the depth sounder approach outlined in the diver underwater survey method description (below). Towed video or ROV method is recommended for areas greater than 0.5 ha size but can be adapted to any survey area size. These methods can be used across all depth ranges where safe vessel navigation is permissible but is particularly useful in deeper waters when allowable safe diving times start to become limited. The surveys are undertaken by a vessel towing a video device or deploying a ROV in a parallel transect pattern (10 to 15 m apart) over the survey area. Images of the seafloor are recorded in intervals and the positioning tracked using GPS software. Generally, calmer ocean conditions are required to undertake these surveys and water visibility can greatly impact on the results. To determine live oyster densities, diver oyster metric surveys will be required as a follow-up to towed video and ROV surveys.

### 3. Diver underwater visual survey

Diver underwater visual surveys can be used to determine individual reef patch sizes, mosaic patch boundaries and percentage cover. This method is more labour intensive, depth limited (due to allowable safe bottom time) and potentially more suited to areas of smaller geographic size (i.e. < 0.5 ha).

First, the survey target area will be to be determined. This could be verified by a standard depth sounder on most vessels and the onboard GPS system. The vessel can be driven over the target area in a parallel transect pattern (20 to 30 m apart), observing for changes in seafloor profile (i.e. reef structure) and recording the GPS positions. The GPS locations marked can then be used to compile a target survey area using GIS software.

To prepare for the diver surveys, shot lines with floats can be deployed to mark the target survey area boundaries. The diver surveys will be in a parallel transect pattern (10 to 15 m apart) covering all of the survey area. Shot lines can then be deployed at the beginning and end

of the transects. Divers will swim along that transect in a predetermined direction, recording underwater observations of reef patches at approximate metre intervals. A follow-up diver survey will be required to undertake a sub-sample of reef patches found to determine the approximate range of reef footprint sizes. This method does require water visibility of ideally at least 5 m. Oyster metric surveys to determine live oyster densities can also be undertaken during the diver-swum surveys.

#### Oyster metrics surveys

Oyster metrics is a universal method for determining the abundance of live and dead bivalves on oyster reefs.

Example oyster metric survey: On 50 m transects on native flat oyster reefs, 15 quadrats are sampled (typically 0.25 m<sup>2</sup> e.g. 50 x 50 cm but can cover a smaller area if shellfish densities are high) along each transect. Quadrat placement should be randomised using two independent random number sets using a [random number generator](#). The first random number set identifies a distance along the 50 m base transect where a perpendicular transect is then laid. The length of the perpendicular transect should be the mean width of reef patches being surveyed. The second random number set identifies a distance on the perpendicular transect, such that quadrats are randomly sampled across the entire reef patch area. During sampling, divers can measure oyster and any other co-occurring shellfish species' densities *in-situ* within the surveyed quadrat. Alternatively, divers can also collect the oysters in catch bags to measure on a vessel or land, then returned back to reef, provided appropriate permits are in place.

#### Consultation Questions on survey techniques

- Is there any further information or survey approaches that should be noted within this section? Please providing supporting information.



## Appendix D – Evidence of historical extent and decline

**Table 10. Example** historical accounts of the extent of likely native flat oyster reefs

Historical accounts of ecosystem size, extent and harvest	Reference
'I was engaged Oyster dredging myself at the time referred to and it was no uncommon thing for two men in one boat to raise 23 bags Oyster in one day... no less than 16,000 bags oysters were dredged during the years 1872, 1873 and 1874.'	Inspector of Oyster Fisheries (1886) cited in Alleway & Connell (2015)
'Records indicated that large quantities of oysters were caught within the St. Vincent Gulf, and in the early days of the colony (approximately 1836-1870) markets in Adelaide were supplied from extensive beds along the Yorke Peninsula and the north coast of Kangaroo Island.'	Randall (1911) and McIntosh (1913) cited in Alleway & Connell (2015)
Found that oyster reefs were present in the past across more than 1500 km of SA coastline. Extending along both sides of the Spencer Gulf, the eastern side of the St Vincent Gulf and the north coast of Kangaroo Island, also being found in bays on the western side of the Eyre Peninsula.	Alleway & Connell (2015)
Describes native flat oyster as being a feature of Victoria's major bays and estuaries for thousands of years.  The native flat oyster, however, appears to have been very abundant in Western Port when Europeans arrived, forming large reef areas.	Ford & Hamer (2016)
In one of the peak years of the <i>O. angasi</i> oyster fishery in Tasmania in the 1860's, over 22 million oysters were recorded as being brought to market from five relatively small estuaries in south eastern Tasmania.	Gillies et al. 2015
Evidence given at the 1878 Select Committee hearings indicated that in the recent past there had been 16-17 doublehanded boats dredging in an area of 100-150 acres in Spring Bay (Tas), whereas now there were none.	Gillies et al. 2015
Over 350 coastal shell middens have been recorded for the Bellarine and Mornington Peninsula (Port Phillip Bay) and Phillip Island (Western Port) areas alone.	Sullivan (1981) and Presland (2010) cited in Ford & Hamer (2016)
Journals from these early explorations indicate the presence of abundant flat oysters, which were at that time popular European seafood.  'When Lieutenant John Murray brought the Lady Nelson into Western Port in 1801, he remarked in his journal that '...today gave the shore a strict search at low water and plainly perceived that a company of 6 or 8 men would not run any risk or hazard of being starved here for several months from the vast quantity of shell fish to be found at low water'. The shellfish he referred to were no doubt native flat oysters.'	Ford & Hamer (2016)
'In 1843 it was reported that 2900 dozen oysters were shipped from Port Albert to Melbourne, and sold for 2 shillings a dozen (Hannan & Bennett 2010), and during the 1850s '12,000 to 14,000 dozen were taken a week from twenty to twenty five boats' (from Hannan & Bennett 2010). The latter equates to on average 156,000 oysters per week during the 1850s, when at a conservative estimate of 65 g per oyster would equate to about 10 t per week. These types of weekly catch rates suggest the fishery would have been at least several hundred tonnes per year at its peak.'	Ford & Hamer (2016)
An account of oyster dredging offshore from Corner Inlet describes an oyster bank 'from Shallow Inlet towards Wilson Promontory for a distance of 12 miles' and another '3 miles long beginning at the (Corner) Inlet' (Illustrated Australian News, 7 November 1891).	Ford & Hamer (2016)

'The commissioner of Fisheries for Western Australia in 1893 described that 'many square miles' of oyster banks still existed in both Oyster Harbour and Princess Royal Harbour, even post significant depletion of the fishery reported 15 at least years earlier.'	Saville-Kent (1893) cited in Cook et al. (2021)
'Fisheries Victoria researchers working on oyster culture in the late 1980s reported dense oyster beds at Point Henry and Arthur the Great region of the Geelong Arm/ Geelong Outer Harbour, where these areas were used for brood stock collections, but heavy mortalities were recorded in these areas in 1991, thought to be the result of an outbreak of Bonamiosis.'	Hickman et al. (2000) cited in Hamer et al. (2013)
A survey in 1987 by the Department of Primary Industries and Fisheries reported that 'over 24 million native flat oysters were estimated to be present in a series of beds covering about 33 Ha throughout the bay. The highest quality oysters were found in and around the flood tide delta between Humbug Point and Lords Point, where a maximum density of 344 oysters m <sup>-2</sup> with an average length of 85mm was found.'	Wilson (1991) cited in Mount et al. (2005)
'Two centuries ago, flat oyster reefs carpeted the seafloors of more than 5000 km of Australian Coastline.'	McAfee & Connell (2023)
'Originally the oysters extended from Darling Harbour to the Flats in more or less quantities, but a few years back they became almost extinct from over-dredging—I refer to the mud oysters. I have no doubt that the sewage matter together with the light soil continually washing from the cultivated lands has tended in a great measure to destroy many of the beds which at one time gave abundant yield—in places where old catchers informed me immense beds existed I found on dredging nothing but a soft slushy mud.'	Oyster Culture Commission (1877)
Describes the condition of oysters in the Wagonga River where 'Mud oysters are found in considerable numbers on the upper portion of the river, but are of no commercial value, owing to the difficulty in getting them to Sydney in marketable condition.'	Commissioners of Fisheries (1889)

**Table 11.** Published evidence of decline of native flat oyster reefs

Evidence of decline	Decline	Spatial extent	Temporal extent	Comments
<b>National/general</b>				
Gillies et al. (2018)	99%	Eastern and southern Australia, native flat oyster distribution	Relative to longer-term/1750 timeframe, primarily over a 150-year period from 1800 to 1950.	The measurement of ecosystem decline calculated by Gillies et al. (2018) was conducted at a locality-scale rather than a detailed spatial analysis of percentage area of decline, as very few historical accounts of native flat oyster reefs provide spatial information of actual ecosystem distribution and area of occupancy within or across localities. Gillies et al. (2018) estimate a locality-scale decline using a measurement of ecosystem decline based on the current presence and absence of native flat oyster reefs that encompass a single oyster reef of > 1 ha or a mosaic of oyster reefs of > 1 ha at recorded historical commercial fishery locations identified from primary and secondary literature sources (e.g. early explorer accounts, fisheries and government reports, commercial fishery surveys, first person accounts (published in newspaper articles), archaeological excavations (aboriginal living sites), sediment cores, place names and reviews of fisheries legislation). The minimum comparable unit of measurement for historical and existing oyster reef comparison used in Gillies et al. (2018) was set to > 1 ha based on: 1) the assumption that historical commercial fishing was unlikely to occur in areas where the ecosystem extent was less than 1 ha in size; 2) a review of the only commercially harvested



				<p>natural native flat oyster reef remaining in Australia which includes oyster reef covering a similar spatial scale (Jones &amp; Gardner 2016); and 3) a general consensus among consulted experts that 1 ha was a conservative yet comparable geographic unit of measure to assess historical and current shellfish ecosystem extent. Gillies et al. (2018) note that their estimate of geographic decline of native flat oyster reefs is likely a conservative estimate due to the threshold used for the minimum comparable unit of measurement and the assumption that historical sites identified in NSW were sites of <i>S. glomerata</i> oyster reefs instead of <i>O. angasi</i> oyster reefs, as these reefs were considered the primary reef-forming species in that region.</p>
Gillies et al. (2020)	99%	Eastern and southern Australia, native flat oyster distribution	Relative to longer-term/1750 timeframe, primarily over a 150-year period from 1800 to 1950.	<p>Published literature was used to provide information on present ecosystem distribution at a national (i.e. Gillies et al. 2015; Gillies et al. 2018) and a regional scale (i.e. Jones &amp; Gardner 2016; McLeod et al. 2020) and historical ecosystem distributions at regional scales (i.e. Kirby 2004; Ogburn et al. 2007; Alleway &amp; Connell 2015; Ford &amp; Hamer 2016).</p> <p>Information used consisted of a mix of primary and secondary sources, including early explorer accounts, fisheries and government reports, commercial fishery surveys, first person accounts (published in newspaper articles), archaeological excavations (aboriginal living sites), sediment cores, place names and reviews of fisheries legislation. Most of the scientific studies used described the ecosystem in the context of wild oyster fisheries/oyster harvest and used a combination of fisheries harvest records, cultural histories, eyewitness accounts and parliamentary records attesting to and recording the decline of oyster populations and describing the collapse of the fishing and of oyster reefs. As few of the accounts and scientific papers provided information on ecosystem distribution within a location, Gillies et al. (2020) measured ecosystem decline as presence and absence of the oyster reef ecosystem at each recorded historical location.</p> <p>The only remnant native flat oyster reef included in this analysis was located in Georges Bay, Tas.</p> <p>This study was used to assess the Oyster Reef Ecosystem of Southern and Eastern Australia, comprised of Sydney rock oyster reefs and native flat oyster reefs, as Critically Endangered under the International Union for Conservation of Nature (IUCN) Red List of Ecosystems.</p>
Beck et al. (2011)	99% reduction in native oyster reefs in bays in eastern and southern Australia and described as 'functionally extinct' or in 'poor condition'	Eastern and southern Australia	Present abundance as at date of publication relative to historical abundance (20-130 years before present)	<p>Identified native oyster reef condition primarily as a function of oyster abundance and calculated condition using estimates of present abundances from the literature and past records of historical abundances from the past 20 – 130 years. Regional oyster reef condition was classified as functionally extinct and estimated to have more than 99% of habitat lost when sources indicated that it was difficult to find reefs, or that no reefs remained in bays where annual catch records were high (usually &gt; 10,000 metric tons) but historical observations indicated that reefs had once been extensive. Regional oyster reef condition was classified as poor (90% to 99% habitat lost) when evidence indicated that fisheries were collapsing (or collapsed)</p>



				but there was evidence that reefs remained, even if long-term viability was questionable.
Cook et al. (2021)	Mostly lost	Many estuaries along southern coastline of Australia	Between c. 1840 and 1870	-
Ogburn et al. (2007)	Died off	Many southern estuaries	During 1860s	References testimonies from the Oyster Culture Commission (1877) and historical reports.
<b>New South Wales</b>				
Ogburn et al. (2007)	Decimation / disappearance of sub-tidal oyster reefs	Major estuaries of NSW / east coast of Australia	Since European settlement (~1780s) and largely disappeared by the mid-1870s.	References testimonies from the Oyster Culture Commission (1877) and historical reports.
NSW DPI (2019b)	100% loss of subtidal native flat oyster reefs	Wapengo, NSW	40 or more years ago	NSW Oyster Industry Survey. The report references a comment from an oyster farmer in the Wapengo area 'The subtidal <i>Angasi</i> oyster reefs are all dead now... I used to dive the channel for live ones for my dad about 40 years ago'.
Oyster Culture Commission (1877)	Over-dredging leading to severe decline			<p>Example excerpts from the report:</p> <p>'Are you aware that those beds were worked out at that time by over-dredging? Yes, but as far as, I can see, these mud oysters can be dredged and annihilated much sooner than the rock oysters. I notice that in Victoria they are almost altogether annihilated from over-dredging'.</p> <p>'Originally the oysters extended from Darling Harbour to the Flats in more or less quantities, but a few years back they became almost extinct from over-dredging—I refer to the mud oysters. I have no doubt that the sewage matter together with the light soil continually washing from the cultivated lands has tended in a great measure to destroy many of the beds which at one time gave abundant yield—in places where old catchers informed me immense beds existed I found on dredging nothing but a soft slushy mud.'</p> <p>'the bed in the Clyde River was originally sand, but it was a great place for mud oysters until they all died off.'</p> <p>'These mud oysters, which you get by dredging, of course are saleable? Yes; that is a sample (No. 7) of mud oysters of a rare species now nearly extinct.'</p>
<b>Victoria</b>				
Ford & Hamer (2016)	Estimated as >95% and considered to be functionally extinct with no notable areas of continuous oyster reef	Estuarine and coastal waters in Victoria, with a detailed analysis of Port Phillip Bay, Western Port, Corner Inlet–Nooramunga	Since European settlement. Largely decimated by 1860, although oyster fisheries	Documented the decline of native flat oyster reefs in Vic using information from a variety of sources, including historical and contemporary literature, interviews with Victorian coastal fisherman, fisheries catch data, documented Indigenous use, and the authors' first-hand knowledge and observations, to establish a baseline of the likely major areas of native flat oyster systems at the time of European arrival and reconstruct a timeline of decline. Historical locations and periods where oysters

Draft *Ostrea angasi* oyster reefs of southern Australia Conservation Advice

		and the Gippsland Lakes.	were able to continue at a much lower biomass until 1970.	were fished were documented, along with information on commercial catch, relative abundance and the extent of beds or size of the fishery.
<b>South Australia</b>				
Alleway & Connell (2015)	~100%	At least 1,500 km of coastline in SA	By 1946	Used historical records to quantify commercial catch of <i>O. angasi</i> in southern Australia from early colonization (around 1836) to some of the last recorded catches in 1944. Estimates of catch and effort were used to map past distribution and assess oyster abundance of <i>O. angasi</i> over approximately 180 years in South Australia. Historical catch quantities may be underrepresented because returns were made voluntarily and represent what was reported to the inspector.
Inspector of Oyster Fisheries (1892)	Extensive decline	SA	1892	Alleway & Connell (2015) reproduce a quote from the Inspector of Oyster Fisheries in 1892 that describes the state of oyster beds in SA: "...our once prolific oyster beds are every year becoming less reproductive and it is my firm conviction that nothing but decisive measures can cope with the difficulty under which our oyster beds and cutters at present labour, the continual dredging and redredging by large number of boats... if we are to conserve existing oyster beds and extend the industry, all further dredging on known deposits must be suspended to enable the beds to be restocked by spawn from properly matured oysters."
Inspector of Oyster Fisheries (1886)	Completely depopulated of reproduction capacity	Yorke Peninsula, SA	1886	Alleway & Connell (2015) reproduce a quote from the Inspector of Oyster Fisheries in 1886 that describes the state of oyster beds in Yorke Peninsula, SA: "In the early days of the colony the Oyster supply was obtained from the Eastern Shores of Yorke Peninsula and the dredging there was continued for years, crossing and recrossing over the same beds constantly without hinderance, protection or regulation of any kind, so much so that the beds were never allowed to rest, and the result was that Oyster beds were completely depopulated of all power of reproduction to such an extent that for nearly 20 years there were hardly any oysters to be obtained, where previously there was abundance...."
Inspector of Oyster Fisheries (1892)	Destruction by dredging	SA	1892	Alleway & Connell (2015) reproduce a quote from the Inspector of Fisheries (1892) on the destruction of oyster beds by dredging: "I would point out that dredging is always accompanied by a large amount of unavoidable destruction to young oysters and oyster brood, and taking more than the market requirements from the natural beds simply means ruin..."
<b>Western Australia</b>				
Warnock & Cook (2015) cited in Gillies et al. (2020)	Loss of oyster beds	Estuaries in southwest WA	By 1940	-

Gillies pers obs. (2017)	~100%	Oyster Harbour, WA	-	-
<b>Tasmania</b>				
Edgar & Samson (2004)	~100%	Derwent Estuary, Tas	Steep decline after 1910 and no oyster shell after 1930	Used historical patterns of deposition of mollusc shells to infer changes to inshore benthic assemblages across a 100 km extent in southeastern Tasmania.
Edgar & Samson (2004)	~100%	D'entrecasteaux Channel, Tas	Steep decline after 1910 and no oyster shell after 1930	Used historical patterns of deposition of mollusc shells to infer changes to inshore benthic assemblages across a 100 km extent in southeastern Tasmania.

#### Consultation Questions on historical extent and decline

- Are there any additional examples of historical extent and/or decline that should be represented above? Please provide supporting information.



## Appendix E – Historical location list

This includes all historical locations identified in scenarios 1 and 2 from [section 6.2.2](#) noting that it also includes existing reefs that are assumed to have been present historically.

### New South Wales

Bedlam Bay  
Bermagui River  
Botany Bay  
Brisbane Water  
Clyde River  
Darling Harbour  
Durras Lake  
Five Dock Bay  
Georges River (Jewfish Point)  
Hawkesbury River  
Hen and Chicken Bay  
Jervis Bay (Currumbene Creek)  
Jervis Bay (Hole in the Wall) Lane Cove River  
Merimbula Lake  
Middle Harbour  
Moruya River  
Narrabeen Lagoon  
Nelson Lagoon  
Pambula Lake  
Port Jackson  
Port Stephens  
Tuross Lake  
Wagonga Inlet  
Wallaga Lake  
Wapengo Lagoon  
Wonboyn Lake

### Victoria

9ft Bank (Port Phillip Bay)  
Anderson Inlet  
Corner Inlet  
Limeburners Bay (near Avalon)  
Limeburners Point (near Geelong)  
Oyster Bed Channel (Nooramunga)  
Point Wilson / Wilson Spit (Port Phillip Bay)  
Shallow Inlet  
Western Port

### South Australia

American River  
American Beach  
Anxious Bay  
Backy Bay/Point  
Ballast Head  
Bay of Shoals (Kangaroo Island)  
Bickers Island  
Bird Rock  
Black Point (Port Alfred)  
Blanche Harbour  
Boston Bay  
Boston Island  
Cape Donington  
Coffin Bay (General)  
Corey Point (Hardwicke Bay)  
Cygnet River  
Davenport Creek (Denial Bay)  
Denial Bay  
Dutton Bay  
Eastern Cove (Kangaroo Island)  
Edithburgh  
Entrance Island (Franklin Harbour)  
False Bay  
Fowlers Bay  
Franklin Harbour  
Grange  
Grantham Island  
Hardwicke Bay  
Head of the Gulf (Port Arthur)  
Head of the Gulf (Port Augusta)  
Hervey Bay  
Hindmarsh River (Encounter Bay)  
Holdfast Bay  
Kellidie Bay (Coffin Bay)  
Kingscote  
Leven Beach (Hardwicke Bay)  
Long Beach (Coffin Bay)  
Louth Bay  
Louth Island  
Mangrove Point (near Blanche Harbour)  
Marion Reef  
Middle Bank

Middleton (Encounter Bay)  
 Mt Dutton Bay (Coffin Bay)  
 Mt Young  
 Murininie Beach  
 North Coast Kangaroo Island  
 North Shields (Boston Bay)  
 NW Coast (N of Franklin Harbour)  
 Orontes Bank  
 Oyster Bay (near Stansbury)  
 Parara Point/Ardrossan  
 Peters Island (Denial Bay)  
 Pine Point  
 Point Bolingbroke  
 Point Boston  
 Point Fanny  
 Point Longnose (Coffin Bay)  
 Point Lowly  
 Point Morrison (Kangaroo Island)  
 Point Pearce  
 Point Riley  
 Point Souttar (Hardwicke Bay)  
 Port Adelaide – Inner bar  
 Port Adelaide – North Arm  
 Port Broughton  
 Port Clinton  
 Port Clinton (North)  
 Port Douglas (Coffin Bay)  
 Port Elliot (Encounter Bay)  
 Port Julia  
 Port Lincoln  
 Port Pirie  
 Port Price (Wills Creek)  
 Port River and Barker Inlet  
 Port Victoria (South)  
 Port Vincent  
 Port Wakefield  
 Porter Bay  
 Proper Bay (far west)  
 Proper Bay (general)  
 Proper Bay (south)  
 Rabbit Island 1  
 Rabbit Island 2  
 Red Cliff  
 Rocky Point  
 Rogues Point  
 Salt Creek  
 Semaphore  
 Shallow Water Point (Franklin Harbour)  
 Sheoak Flat

Sir Joseph Banks Group  
 Smoky Bay  
 Spalding Cove  
 Stamford Hill  
 Stansbury  
 Stansbury Point  
 Streaky Bay (Central)  
 Streaky Bay (Habour)  
 Streaky Bay (South)  
 Surveyor Point (Port Vincent)  
 The Brothers Islands  
 Tourville Bay  
 Tumby Bay  
 Victor Harbor  
 Wallaroo  
 Western Cove (Kangaroo Island)  
 Wool Bay  
 Yangie Bay (Coffin Bay)

#### Western Australia

King George Sound  
 Nornalup Inlet  
 Oyster Harbour  
 Princess Royal Harbour  
 Swan-Canning Estuary  
 Taylor Inlet  
 Wilsons Inlet

#### Tasmania

Ansons Bay  
 Barnes Bay  
 Bicheno  
 Blackman Bays  
 Boomer Bay  
 Bridport  
 Carlton River  
 Cloudy Bay  
 Coles Bay  
 Deception Bay  
 D'Encasteaux Channel  
 Derwent Estuary  
 Duck Bay  
 Dunalley  
 Eaglehawk Bay  
 Georges Bay  
 Great Oyster Bay  
 Greater Swanport (Swansea)  
 Hastings Bay

Huon Estuary	Pipeclay Lagoon
Kenneth Bay	Pittwater
Little Oyster Cove (Kettering)	Port Arthur
Little Oyster Cove Creek (near Kettering)	Port Cygnet
Little Swanport	Port Davey
Macquarie Harbour	Port Esperance
Maria Island	Port Sorell
Mawson Bay	Prosser bay
Mercury Passage	Ralphs Bay
Montagu bay	Recherche Bay
Musselroe Bay	Rocky Cape
Norfolk Bay	Scamander
North-West Bay	Southport
Oyster Bay (Maria Island)	Spring Bay/Triabunna
Oyster Cove	Swanwick
Oyster Cove Rivulet (near Kettering)	Tamar Estuary
Oyster Patch (Georges Bay)	Tasman River
Oyster Rocks Conservation Area	Wedge Bay

#### Consultation Questions on historical locations

- Are there any additional historical locations of native flat oyster reefs that should be included in the list above? Please provide details of location, including likely size and latitude and longitude points if available.

#### Consultation Questions on any other information

- Do you have comments on any other matters relevant to the assessment of this ecological community?



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Threatened Species Scientific Committee

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Department of Climate Change, Energy, the Environment and Water

GPO Box 858, Canberra ACT 2601

Telephone 1800 900 090

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Document type	Title	Date
Published Consultation draft	Draft Conservation Advice for <i>Ostrea angasi</i> oyster reefs of southern Australia	20-01-2025
-	-	-

ACTION	INFORMATION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	002\012\001\
ASSOCIATED REPORTS AND DOCUMENTS	Nil

**OFFICER'S RECOMMENDATION:**

That the General Manager's report be received.

**INTRODUCTION:**

The purpose of this report is to provide Councillors with an update of various matters which are being dealt with by the General Manager and with other Council Officers where required.

**PREVIOUS COUNCIL CONSIDERATION:**

Provided as a monthly report – Council consideration at previous meetings.

**OFFICER'S REPORT:****Meeting and Events attended:**

18.02.2025	<b>MS Teams</b>	Eastern Strategic Regional Partnership (ESRP) – meeting of the Steering Committee to discuss progress with the various projects contained within the ESRP
18.02.2025	<b>St Helens</b>	Reconciliation Action Plan (RAP) – workshop number 4 working on developing the RAP with the main focus being on drawing together the Plan content and developing the Action Plan element
18.02.2025	<b>St Helens</b>	Ms Wendy Askew MP and Ms Susie Bower (Liberal Candidate for Lyons) meeting involving Mayor Tucker to discuss Council's election priority projects. Very productive meeting which provided us with the opportunity to expand on why the listed projects were of importance to the community
19.02.2025	<b>St Helens</b>	Ms Angela Offord (Independent Candidate for Lyons), meeting involving Mayor Tucker to present Council's priority projects for the 2025 federal election. A range of local government issues which link to the federal government were also discussed including federal funding, road funding and housing
19.02.2025	<b>St Helens</b>	Break O'Day Employment Connect, monthly meeting of the Board which oversees this project
24.02.2025	<b>St Helens</b>	Special Council Workshop



28.02.2025	<b>MS Teams</b>	ESRP Study Hub Project, meeting of the steering committee which have overseen the consultancy, Education and Training Pathways to Employment, to discuss steps to progress with the outcomes of the consultancy. Initial focus is on establishment of the Regional University Study Hub project
28.02.2025	<b>Devonport</b>	Local Government Association of Tasmania (LGAT), workshop focussed on gathering feedback and discussing the recently released discussion papers on targeted amendments to the Local Government Act; new Electoral Act; and Regulations which need to be remade.
03.03.2025	<b>St Helens</b>	Audit Panel Meeting
03.03.2025	<b>St Helens</b>	Council Workshop
03.03.2025	<b>MS Teams</b>	State Grants Commission Hearing, attended part of the session with the Business Services Manager. This is part of the Commission's annual engagement process with Councils, discussion focussed primarily on Adjustment factors relating to the Financial Assistance Grant which is received from the Federal Government.
04.03.2025	<b>MS Teams</b>	O.angasi oyster reef listing, participated in the Briefing provided by Marine Species Conservation staff from the Department of Climate Change, Energy, the Environment and Water (DCCEEW) and Marine Resources in the Dept. of Natural Resources and Environment Tasmania (NRET)

#### Meetings & Events Not Yet Attended:

14.03.2025	<b>Fingal - St Marys</b>	Black Summer Bushfire Projects Opening Events: <ul style="list-style-type: none"> <li>– Mangana Telecommunications Tower</li> <li>– Fingal Community Shed: Plaque unveiling and building showcase</li> <li>– St Marys Multi-purpose and Evacuation Centre: Plaque unveiling and open day, featuring community demonstrations of the building's uses</li> </ul>
17.03.2025	<b>St Helens</b>	Council Meeting

General – The General Manager held regular meetings with Departmental Managers and individual staff when required addressing operational issues and project development. Meetings with community members included Jason Unwin and Casey Garrett.

#### Brief Updates:

#### 2025 Federal Election

The Mayor and General Manager have met with candidates from both mayor political parties over the last month and other candidates as we have been approached. Council's Priority Project list has been well received and provided a great focal point for discussions. The focus has been on securing a similar commitment from both major parties should they win Government. on 4 March 2025 the Mayor and General Manager were advised by the Labor candidate for Lyons, Rebecca White, that the Federal Minister for Infrastructure has announced \$10M in funding for the St Marys Pass and that this was a definite commitment and not an election funding commitment

*Further south, \$10 million will go towards improving the resilience of Esk Main Road at St Marys Pass, ensuring it remains open and safe during severe weather events.*

*The Esk Highway is the main access road between the Midland Highway and the east coast. This investment will reduce the economic cost of closures and emergency repairs, safeguarding the route for years to come.*

## Eastern Strategic Regional Partnership

Following the report to the February Council meeting, activity on this project has been progressing as quickly as possible on a number of key fronts. The focus on establishing the physical location at Avery House is progressing through the approvals phase and the initial steps leading to the required internal building works. Recruitment of a Centre Manager for the Study Hub is well progressed and it is hoped to have a person started by the end of April. Governance arrangements and the establishment of the legal entity is well underway, this is required for the Grant Deed which is currently being negotiated with the Federal Government.

## Communications Report

TOPIC	ACTIVITY	PROGRESS
GENERAL COMMS	BODC Newsletter	Sent out 1 week ago. Included stories on: <ul style="list-style-type: none"> <li>- The new Pumptrack has been named 'Wave Rider'</li> <li>- Results are in for Break O'Day's Garage Sale Trail campaign 2025</li> <li>- Raising awareness on illegal dumping in Break O'Day</li> </ul>
	The Examiner Advertisement	Expressions of Interest: St Marys and East Coast Childcare Needs Analysis
	Valley Voice: Five minutes with the Mayor	Mayor's piece about: <ul style="list-style-type: none"> <li>- Opening of the Fingal Community Shed, St Marys Multi-Purpose and Evacuation Centre and the telecommunications tower in Mangana.</li> </ul>
	North Eastern Advertiser	Mayor's piece about: <ul style="list-style-type: none"> <li>- Bay of Fires being named Australia's best beach for 2025.</li> <li>- Regional University Study Hub application successful – The Hub will be located in St Helens and set to open later this year.</li> </ul>
	BODC Website	<i>Neighbourhood Houses:</i> Autumn Harvest Festival 21 March. <i>With One Voice Choir:</i> Unscary Singing with Rose Wilson 8 March. <i>Building Blocks:</i> Bay of Fires Youth Art Prize 5-8 June

		<i>Skittles:</i> Pride Garden Party 22 March <i>BOD Regional Arts:</i> Winter Solstice Celebration 21 June.
<b>SOCIAL MEDIA</b>	Break O'Day Council	<ul style="list-style-type: none"> <li>- Australian Citizenship Ceremony</li> <li>- St Marys Multi-purpose and Evacuation Centre Opening Day</li> <li>- Report feral animals using app FeralScan</li> <li>- Volunteer Film Festival. Register at BODC website to get involved</li> </ul>
	Shared Social Media Posts	<i>Department of Premier and Cabinet:</i> Northern Drought Resilience Plan Survey – closed 23 February 2025 <i>St Helens Neighbourhood House:</i> FREE mini health expos <i>Resilient Farming Tas:</i> George River Farmer Landcare event <i>Department of State Growth:</i> Road resurfacing – St Helens <i>Circular North:</i> Household hazardous waste collection – 15 March at St Helens Waste Transfer Station
<b>SURVEYS</b>	Falmouth Toilet Replacement	Online survey - closes 1 April 2025
<b>GRANTS</b>	Circular North	Resource Recovery and Circular Economy Grant – closes 14 March 2025
<b>EMPLOYMENT</b>	Break O'Day Council	Development Services Administration Officer – closes 14 March 2025
<b>EMAIL DATABASES</b>	<b>Continuing to develop</b>	Continuing to collect email addresses for the newsletter and township databases. This has been going well with all the consultation underway, which is used as an opportunity to promote our EDMs.

#### Actions Approved under Delegation:



NAME/DETAILS	DESCRIPTION OF USE OF DELEGATION	DESCRIPTION	DELEGATION NO / ACT
DA 062-2024	Affixing Common Seal	Final Plan of Survey	Number 21 – Miscellaneous Powers and Functions to the General Manager
Wellbeing Certificate	Affixing Common Seal	Contractor Agreement	Number 21 – Miscellaneous Powers and Functions to the General Manager
Wellbeing Certificate	Affixing Common Seal	Contractor Agreement	Number 21 – Miscellaneous Powers and Functions to the General Manager
Wellbeing Certificate	Affixing Common Seal	Contractor Agreement	Number 21 – Miscellaneous Powers and Functions to the General Manager

**General Manager's Signature Used Under Delegation for Development Services:**

DATE	DOCUMENT	ADDRESS	PID OR DA
03.02.2025	337 Certificate	15 Stieglitz Street, Falmouth	6400734
03.02.2025	337 Certificate	35 Peron Street, Stieglitz	6785750
04.02.2025	337 Certificate	Lottah Road (CT6805838), Weldborough	6805838
07.02.2025	337 Certificate	9-11 Thomas Street, Scamander	2965535
11.02.2025	337 Certificate	42 Freshwater Street, Beaumaris	9280160
11.02.2025	337 Certificate	13 Cameron Street, St Marys	6401577
12.02.2025	337 Certificate	3 Fletchers Court, Binalong Bay	6796572
13.02.2025	337 Certificate	170 Main Road, Binalong Bay	6797188
18.02.2025	337 Certificate	112 St Helens Point Road, Stieglitz	6789057
19.02.2025	337 Certificate	Unit 2 (CT142222-7) 14 Heather Place, St Helens	2566606
24.02.2025	337 Certificate	3 Akaroa Avenue, Akaroa	2629566
24.02.2025	337 Certificate	12 Quail Street, St Helens	6795633
25.02.2025	337 Certificate	7-11 Freshwater Street, (CT184539-2, CT184539-1), Beaumaris	2905946
25.02.2025	337 Certificate	44 Treloggen Drive, Binalong Bay	6798391
25.02.2025	337 Certificate	3 Telemon Street, St Helens	6809265
25.02.2025	337 Certificate	11 Main Road, Weldborough	6801036
25.02.2025	337 Certificate	14 Irish Town Road, St Marys	6403548
25.02.2025	337 Certificate	1 Andrews Court, Binalong Bay	6796070
27.02.2025	337 Certificate	36 Parnella Drive, Stieglitz	7391024
27.02.2025	337 Certificate	2 Hammond Street, Falmouth	6400996
27.02.2025	337 Certificate	21 annabel Drive, St Helens	9748283

**Tenders and Contracts Awarded:**

Nil

**STRATEGIC PLAN & ANNUAL PLAN:**

Goal

Services - To have access to quality services that are responsive to the changing needs of the community and lead to improved health, education and employment outcomes.

Strategy

- Work collaboratively to ensure services and service providers are coordinated and meeting the actual and changing needs of the community.
- Ensure Council services support the betterment of the community while balancing statutory requirements with community and customer needs.

**LEGISLATION & POLICIES:**

N/A

**BUDGET AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority



<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\011\003\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Quarterly Report of the Northern Tasmania Development Corporation Ltd (NTDC) NTDC Finance Report December 2024

**OFFICER'S RECOMMENDATION:**

That Council receive the quarterly report of the Northern Tasmania Development Corporation (NTDC) for the period Oct-Dec 2024.

**INTRODUCTION:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act. Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council.

**PREVIOUS COUNCIL CONSIDERATION:**

Reports from NTDC are provided to, and considered by Council, quarterly.

**OFFICER'S REPORT:**

The Northern Tasmania Development Corporation (NTDC) has been formed as an enterprise under the Local Government Act.

Section 21 (5) of the Local Government Act requires Council's General Manager to report to Council at least every three (3) months on the performance of any activities of such an enterprise.

Accordingly, NTDC provides quarterly reports to its shareholders including Break O'Day Council in a format to comply with this requirement.

**STRATEGIC PLAN & ANNUAL PLAN:**Break O'Day Strategic Plan 2017-2027 (Revised March 2022)Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

### Strategy

- Create a positive brand which draws on the attractiveness of the area and lifestyle to entice people and businesses' to live and work in BOD.
- Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focussed service delivery.

### Break O Day Annual Plan 2023 – 2024

#### Corporate Goal – Stakeholder Management

Northern Tasmania Development Corporation (NTDC) - Participate in NTDC activities focused on developing the regional economy.

### **LEGISLATION & POLICIES:**

*Section 21 Enterprise Powers - Local Government Act 1993.*

#### 21. Enterprise powers

(5) The general manager is to report to the council –

- (a) at least once every three (3) months in respect of the performance of any activities carried out pursuant to subsection (1) and any strategic issues related to those activities; and
- (b) any adverse developments that significantly affect or are likely to significantly affect the financial viability, the operating viability or any other aspect of any of those activities.

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

### **VOTING REQUIREMENTS:**

Simple Majority

Northern Tasmania Development Corporation LTD

# Quarterly Report

QUARTER TWO | OCT - DEC 2024

## FINDING TRUE NORTH

*Navigating a sustainable future in Tasmania's North*



**NTDC**

NORTHERN TASMANIA  
DEVELOPMENT CORPORATION LTD





**ACKNOWLEDGEMENT OF COUNTRY**

Northern Tasmania Development Corporation acknowledges the palawa community of Northern lutruwita/Tasmania, the custodians of our country. We pay our respects to their elders, past, present and emerging.

This report has been prepared by NTDC.  
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# FINDING TRUE NORTH

*Navigating a sustainable future in Northern Tasmania*



## OUR VISION

**Northern Tasmania is where people, ideas, businesses and industry thrive and grow**

## OUR PURPOSE

We grow Northern Tasmania by:

- Leading regional collaboration
- Achieving regional outcomes and strategic goals
- Advocating for Northern Tasmania
- Implementing our Regional Economic Development Strategy (REDS)
- Championing regional leadership and local governance
- Creating an enabling environment for communities and industry development
- Understanding that our community benefits from sustainable regional development

## OUR VALUES



**Connected**



**Clear**



**Creative**



**Curious**

## OUR STRATEGIC GOALS

### Regional Development

Guide regional development in Northern Tasmania by implementing and actioning the Regional Economic Development Strategy (REDS).

### Regional Collaboration

Work together to agree on and achieve regional outcomes and advocate for and advance regional priorities, strategies and policies.

### Organisational Strength

Develop a robust organisation with a sustainable financial position, a nurtured team, and value for members, industry and community.

## KEY PERFORMANCE INDICATORS

Strategic Leadership  
100% Support

Project Management  
≥ 95% OTAB

Engaged Membership  
≥ 100% Retention

Project Delivery  
≥ 12 Projects

Organisational Culture  
≥ 95% Support

Continually Improve  
≥ 80% Satisfaction

Enhanced Reputation  
≥ 85% Positive

Diversified Revenue  
> 50% Non-council



## Introduction

Heading into Christmas it was all systems go for NTDC as we geared up for the impending Federal election. This past quarter saw us working with the Members Representatives Group to build the regional advocacy documents that will underpin our approach to candidates in the first calendar quarter of 2025. Building a document each for the Lyons and Bass electorates and working together to identify top priority projects have come as a direct result of feedback from candidates and our funding members.

We are pleased to hear that these documents are already supporting councils as many of you advocate with politicians independently, adding to a unified voice that we know yields results for the entire region. As we have been meeting with members and candidates at state and federal levels, we are starting to see the benefits of a consistent advocacy approach. When I met with the Premier recently, he was keen to learn more about our major project priorities to add support to our advocacy program as the election heats up.

On the subject of major priority projects, we have signed the contract to commence the delivery of the TransLink Intermodal Facility Feasibility Study with Northern Midlands Council. As a project of state significance, we are looking forward to working collaboratively and cooperatively across the region and the state, with the public and private sectors, to ensure that we are all able to make the most of this opportunity. The first calendar quarter of 2025 will see the appointment of a Major Project Manager to oversee the delivery of the first stage of this project.

In terms of regional collaboration, the regional Chairs had a valuable meeting in December, where we were able to freely discuss our priorities, challenges and where we see major opportunities for the region. As a collective body representing NRM North, Visit Northern Tasmania, Launceston Central and the Launceston Chamber of Commerce, this kind of collaboration brings many of the dimensions of robust regional development together to ensure we are working for the benefit of the region above all else.

Gastronomy Northern Tasmania has now become part of NTDC as a subcommittee, which I am a member of, retaining the previous skills-based board and Jane Bennett as Chair. As a starting point, we are looking forward to working with the community, members and other agencies to build a shared manifesto of what Gastronomy is – and is not – to the region. This is a chance to build social capital in a locally specific, but regionally impactful way, and I am very much looking forward to being part of it.

NTDC is thriving on our core values of being connected, creative, curious and clear. As we head into 2025, we are able to confidently show how the agency is delivering outcomes from our positive approach, and we will continue to work tirelessly to lead by example by being positive and proactive in working for the North. The Federal election will be a great test for that, as well as how we deliver the TransLink project and build a collective vision for the region.



Dr Allison Anderson  
Chair

## Northern Tasmania in the News

14/12/24

### Major new Bell Bay terminal to support offshore wind farms planned →

Major new Bell Bay terminal to support offshore wind farms planned

[Read More](#)

15/12/24

### Legana Primary School sets to welcome students for Term 1, 2025. →

Legana Primary School sets to welcome students for Term 1, 2025. The \$33 million state-of-the-art facility, designed for 350 students from Kindergarten to grade six, features contemporary learning spaces, outdoor areas, and an on-site oral health clinic.

[Read More](#)

11/11/24

### Northern Tasmania celebrated the grand opening of "The Shed" at the University of Tasmania Inveresk →

Northern Tasmania celebrated the grand opening of "The Shed" at the University of Tasmania Inveresk Campus.

[Read More](#)

24/10/24

### Launceston & the Tamar Valley have been ranked 4th best region to visit in 2025 by Lonely Planet

Launceston & the Tamar Valley have been ranked 4th best region to visit in 2025 by **Lonely Planet**.

[Read More](#)



## Annual Workplan Update

	PROJECT	PROGRESS	STATUS
<b>Regional Development</b>	<ul style="list-style-type: none"> <li>Population Program</li> <li>RLUS review</li> <li>Major Projects Mgmt</li> <li>Regional digital Plan</li> <li>Greater Launceston Plan</li> </ul>	<ul style="list-style-type: none"> <li>Population Forum held, Report drafted</li> <li>NTRLUS roadshow 11-15 Nov</li> <li>State of Play document drafted</li> <li>Translink Intermodal Facility Project mgmt agreement signed</li> <li>Dorset Community connectivity project progressing</li> <li>GLP version 2.0 progression on hold</li> </ul>	On time On time On time On time Behind schedule
<b>Regional Collaboration</b>	<ul style="list-style-type: none"> <li>Gastronomy Northern Tas</li> <li>Regional Priority Projects</li> <li>Regional Collaboration Forums</li> <li>Regional Advocacy</li> </ul>	<ul style="list-style-type: none"> <li>Amalgamation with NTDC completed</li> <li>Federal election Bass/Lyons (North) Prospectus drafted</li> <li>Population Forum held</li> <li>Sponsorship of Regional Champions awards</li> </ul>	Slightly delayed On time On time On time
<b>Organisation Strength</b>	<ul style="list-style-type: none"> <li>Member Representative Group</li> <li>Audit, Finance &amp; Risk</li> <li>Financial Strategy</li> <li>Positive growth</li> </ul>	<ul style="list-style-type: none"> <li>MRG meeting held - 15 Nov</li> <li>AGM held - 15 Nov</li> <li>Annual report (inc Audit) published</li> <li>Agency carbon audit report completed</li> </ul>	On time On time On time On time
<b>Next Quarter New Goals</b>	<ul style="list-style-type: none"> <li>Regional Future Vision</li> <li>NTDC Website renewal</li> <li>Population Program</li> <li>NTRLUS Review</li> <li>MRG meeting</li> </ul>	<ul style="list-style-type: none"> <li>Scope process with LGA members</li> <li>RFQ to creative agencies</li> <li>Finalise report, and federal election asks</li> <li>State of Play published; Strategic Directions drafted</li> <li>To be held on 5 Feb</li> </ul>	

NTDC is committed to providing succinct and transparent updates on the work we plan to do and what has been delivered. A three-year strategic plan, annual work plan and budget have been endorsed by the Member Representative Group to guide and direct our work.

Through this work, our quarterly reports reflect the work, milestones, and targets agreed to through these documents.

For feedback on this planning and reporting, please get in touch with CEO Chris Griffin at [ceo@ntdc.org.au](mailto:ceo@ntdc.org.au) or 0402 628 768





## REGIONAL DEVELOPMENT

*Guide regional  
economic development  
in Northern Tasmania*

### Regional Land Use Strategy Review

Regional Planning Group continued delivering stage one: Strategic Directions, of the Regional Land Use Strategy Review. Ethos Urban guided by the group and NTDC held workshops with all eight northern councils and State Government Agency during the week commencing 11 November. This work combined with review of LGA strategies and plans were the basis for a draft State of Play report, delivered to all council planners and CEOs/GMs for comment prior to the Christmas break.

NTDC signed a Memorandum of Understanding with the State Planning Office which will guide the governance and funding of the review and enablement of the NTRLUS. A critical part of this guidance is the formation of a northern Steering Committee.



### Northern Population Program

Our review of the 2019 Population Taskforce Strategy for Northern Tasmania is complete. The Tasmania Policy Exchange, UTAS has prepared a discussion paper on the region's population challenges and opportunities and the debate of what we as a region can collaborate to affect our population future had been held.

The discussion paper 'Population Change in Northern Tasmania: Insights and Opportunities' Discussion Paper can be accessed via [www.ntdc.org.au](http://www.ntdc.org.au)

A final Population Program 2025 report will be with funding members soon for initial review. What is clear is the program will need to respond to four areas of trended change, and be measurable in horizons of 1, 3, 5 and 10 years if we're to be effective in navigating what population projections are foretelling.

Four prescribed strategic priority areas include:

- 1.Retention of international migrants
- 2.The geographical distribution of structural ageing
- 3.Infrastructure and service provision for young families
- 4.The impacts of population churn

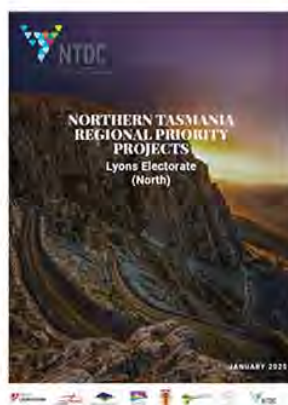
## Regional Priority Projects Prospectus'

Following extensive engagement with northern councils, industry leaders and the hosting of the 2024 Regional Collaboration Forum in August, NTDC has published two prospectus leading up to the 2025 Federal Government election; one for each electorate (Bass and Lyons, North). Each document detailed top 3 priorities.

The prospectuses also list other priority projects and two key initiatives in response to the population program reviewed by NTDC in 2024.

1. Care Facility Feasibility Study, and
2. Workforce Retention initiatives

For the most up to date versions of each prospectus, go to [www.ntdc.org.au](http://www.ntdc.org.au)



## Population Forum – 29 October

An invite only leadership forum was held on October 29, “Refreshing our Approach to Population in Northern Tasmania”. A total of 48 people including key stakeholders from industry, State and local gov and community attended to consider and debate insights from the Tasmania Policy Exchange’s discussion paper. A key aspect of the forum was for local leaders to contribute toward future plans aligned to the four strategic priority areas as well as headline current work in these areas.

The outcomes of this event will guide and refine the eventual population program 2025.

## REGIONAL COLLABORATION

*Work together to  
achieve regional  
outcomes and advance  
regional priorities,  
strategies and policies.*



## MEETINGS AND COLLABORATIONS

*Advocate for our region with key influencers whilst gaining knowledge and sharing insights with shapers of our future prosperity*

### Meetings

Chris and Alli meet with a range of key influencers this quarter including the following meetings:

- State Planning Office, Industrial Land Use Demand Study
- Heads of Northern Agency's meeting
- Telstra & NBN Co, inclusion in NTRLUS review
- RDA Tasmania Annual General Meeting
- Events Tasmania, AgriCultured event funding
- Heads of Northern Agency's meeting
- Northern Regional Planners Group meeting
- Events Infrastructure project interview



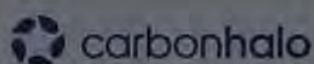
### Events and Forums

This quarter was full of events and forums allowing us to share knowledge on our key priorities as well as hear from experts on areas of importance to our region:

- RAI Regions Rising Summit
- RDA Tasmania Regional Development Champions event
- RDA Tasmania AGM
- VNT Tourism Champions event
- Leader of the Opposition budget response LCC event
- Official opening of LGH Helipad
- Northern Tasmania Population Forum
- Renewable energy services hub workshop (RECFIT)
- NTRLUS Review LGA roadshow and State Govt Agency workshops
- Member Representative Group Meeting
- NTDC Annual General Meeting
- Tamar Net Zero workshop
- Premier's year end event
- Renewables Energy Hub networking event



## ORGANISATIONAL STRENGTH



*Develop a robust organisation that achieves a sustainable financial position, values and develops our team, and creates value for our members, industry and community.*

## NTDC MRG & AGM

The Tasmanian Audit Office once again provided us with a thorough process of review, consisting of auditing our internal controls as well as financial performance.

Both Interim and Final Audit reports reflected solid performance of the organisation with no new recommendations for improving internal controls and an unconditional audit of financial performance.

NTDC held its Annual General Meeting on Friday 15 November, preceded by our quarterly Member Representative Group Meeting.

## Carbon Audit Reporting

Kamal is leading NTDC into the arena of auditing and reducing our carbon emissions as an agency. Working with Carbon Halo Kamal has been reviewing where we generate waste and carbon emissions and how can do better. Annually NTDC generated 13.6 tons of carbon in 2024, mainly through car and air travel. Our focus will now move to reduction and mitigation actions.

## RDA Partnership

NTDC supported RDA Tasmania's co-hosting of the RAI Region's Rising conference held in October. In support of the inaugural Regional Champions event, NTDC sponsored the Quiet Achiever category, won by Stephen Walley. Recognition of our people is critical to the success of our region and broader collaboration with RDA Tasmania's State-wide focus is an obvious partnership.

Further collaborations with RDA are being discussed, including closer ties between the Board's of the respective agencies and more advanced sharing of intelligence and advocacy relating to Federal Government relations.



## CONTACT US

PO BOX 603  
LEVEL 1, SUITE 1, 63 - 65 CAMERON ST  
LAUNCESTON, TASMANIA, 7250  
+61 400 338 410 | [ADMIN@NTDC.ORG.AU](mailto:ADMIN@NTDC.ORG.AU)  
[WWW.NTDC.ORG.AU](http://WWW.NTDC.ORG.AU)

# Members Report

Northern Tasmania Development Corporation Ltd

ABN 13 585 842 417

For the 3 months ended 31 December 2024

Prepared by MDH Accounting Pty Ltd



# Budget Variance

Northern Tasmania Development Corporation Ltd

For the 3 months ended 31 December 2024

	OCT-DEC 2024	OCT-DEC 2024 OVERALL BUDGET	VARIANCE %	JUL-DEC 2024	JUL-DEC 2024 OVERALL BUDGET	VARIANCE %
<b>Income</b>						
Council Contributions	131,359	131,361	0% ↓	262,719	262,722	0% ↓
Id Subscription contribution	-	-	- —	42,000	42,000	0% ↑
Interest Earned	9,753	1,500	550% ↑	11,254	3,000	275% ↑
Miscellaneous Income	400	-	- —	900	-	- —
<b>Total Income</b>	<b>141,512</b>	<b>132,861</b>	<b>7%</b>	<b>316,873</b>	<b>307,722</b>	<b>3%</b>
<b>Operating Expenses</b>						
Administrative Expenses	19,070	13,023	46% ↑	35,882	26,046	38% ↑
Board Expenses	18,178	17,390	5% ↑	31,826	32,810	-3% ↓
Staff & Services contracts	88,688	97,673	-9% ↓	185,095	182,462	1% ↑
Occupancy	3,643	3,951	-8% ↓	7,286	7,902	-8% ↓
Travel & Accomodation	662	1,527	-57% ↓	3,545	3,054	16% ↑
IT & Office upgrade	-	876	-100% ↓	2,307	1,752	32% ↑
Id Subscription	-	-	- —	42,000	42,000	- —
Legal advice Translink	3,130	-	- —	3,130	-	- —
Population project cont	14,331	-	- —	14,331	-	- —
Stakeholder Engagement	1,012	4,749	-79% ↓	5,814	9,498	-39% ↓
<b>Total Operating Expenses</b>	<b>148,714</b>	<b>139,189</b>	<b>7%</b>	<b>331,216</b>	<b>305,524</b>	<b>8%</b>
<b>Corporate Surplus/(Deficit)</b>	<b>(7,202)</b>	<b>(6,328)</b>	<b>-14%</b>	<b>(14,343)</b>	<b>2,198</b>	<b>-753%</b>
<b>Project Funds</b>						
Movement in unexpended funds from previous year	4,671	-	- —	(30,664)	(385,568)	92% ↑
Project income	117,550	-	- —	117,550	-	- —
Project spend	112,879	32,354	249% ↑	148,214	60,086	147% ↑
<b>Total Project Funds</b>	<b>235,100</b>	<b>32,354</b>	<b>627%</b>	<b>235,100</b>	<b>(325,482)</b>	<b>172%</b>
<b>Net Surplus/(Deficit)</b>	<b>227,897</b>	<b>26,026</b>	<b>776%</b>	<b>220,757</b>	<b>(323,284)</b>	<b>168%</b>

For internal purposes only. Also refer to executive summary.

## Profit and Loss

### Northern Tasmania Development Corporation Ltd For the 6 months ended 31 December 2024

	GREATER L'TOU PLAN	RES DEMAND & SUPPLY	SPORTS FACILITY	POPULATION PROJECT	REGIONAL PLANNING	GHT	TRANSLINK INTERMODEL	TOTAL
<b>Income</b>								
Funds from previous year	20,177	33,520	23,200	12,349	296,323	-	-	385,568
NTD Project Contribution	-	-	-	14,331	-	-	3,130	17,461
Transfers in from TAN	-	-	-	-	-	100,089	-	100,089
<b>Total Income</b>	<b>20,177</b>	<b>33,520</b>	<b>23,200</b>	<b>26,680</b>	<b>296,323</b>	<b>100,089</b>	<b>3,130</b>	<b>503,118</b>
<b>Operating Expenses</b>								
Catering & Seminar - Projects	-	-	-	1,030	1,162	-	-	2,192
Project Expenses	9,990	-	-	25,650	107,069	183	3,130	146,021
<b>Total Operating Expenses</b>	<b>9,990</b>	<b>-</b>	<b>-</b>	<b>26,680</b>	<b>108,231</b>	<b>183</b>	<b>3,130</b>	<b>148,214</b>
<b>Funds for future spend</b>								
Movement in surplus for future spend	10,187	33,520	23,200	-	188,092	99,906	-	354,905
<b>Total Funds for future spend</b>	<b>10,187</b>	<b>33,520</b>	<b>23,200</b>	<b>-</b>	<b>188,092</b>	<b>99,906</b>	<b>-</b>	<b>354,905</b>
<b>Net Profit</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>

For internal purposes only.

# Balance Sheet

Northern Tasmania Development Corporation Ltd

As at 31 December 2024

	31 DEC 2024	30 JUNE 2024
<b>Assets</b>		
<b>Bank</b>		
Cash at bank	659,414	574,022
<b>Total Bank</b>	<b>659,414</b>	<b>574,022</b>
<b>Current Assets</b>		
Accounts Receivable	16,141	16,430
Less Prov for Doubtful Debts	(16,141)	(16,141)
Petty Cash - NTD	500	500
Prepaid expenses	658	4,604
<b>Total Current Assets</b>	<b>1,158</b>	<b>5,393</b>
<b>Total Assets</b>	<b>660,571</b>	<b>579,415</b>
<b>Liabilities</b>		
<b>Current Liabilities</b>		
Accounts Payable	7,444	2,689
Accrued expenses	13,016	13,908
ATO Integrated Client Account	(4,453)	22,002
Employee provisions	4,044	10,681
Superannuation Payable	3,078	3,751
NTWMG Circular Economy Grant	12,043	12,043
Contributions in advance	156,065	-
Surplus for future expenditure	254,998	385,568
Surplus for Gastronomy Northern Tas	99,906	-
<b>Total Current Liabilities</b>	<b>546,142</b>	<b>450,643</b>
<b>Total Liabilities</b>	<b>546,142</b>	<b>450,643</b>
<b>Net Assets</b>	<b>114,430</b>	<b>128,772</b>
<b>Equity</b>		
Accumulated Surpluses/(Losses)	128,772	110,969
Current Year Earnings	(14,343)	17,803
<b>Total Equity</b>	<b>114,430</b>	<b>128,772</b>

For internal purposes only. Also refer to executive summary.



## Executive Summary

### Northern Tasmania Development Corporation Ltd

For the 3 months ended 31 December 2024

#### Profit & Loss Statement

Funds for Gastronomy Northern Tasmania have been transferred to NTDC Ltd.  
Movement in the funds for future expenditure relates to the funds being by held NTDC Ltd. Refer to the separate Profit Profit & Loss for a further breakdown.

#### Balance Sheet

Accounts receivable is for Flinders Island member contributions for FY2022 and FY2023. The provision for doubtful debts is an allowance for Flinders Island not paying their FY2022 contribution.  
Contributions in advance are the council contributions for FY2025 and these are amortised monthly.  
Surplus for future expenditure is grant and project funding.

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For internal purposes only.

**Election of Committee Members of the General Management Committee (GMC) and President of the Local Government Association of Tasmania (LGAT) 2025**

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\002\008\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Local Government Association of Tasmania (LGAT) Notice of Election Timetable LGAT Nomination Form

**OFFICER'S RECOMMENDATION:**

That Council nominate Mayor Mick Tucker for the 2025 election of committee members of the General Management Committee (GMC) and President of the Local Government Association of Tasmania (LGAT).

**INTRODUCTION:**

The Tasmanian Electoral Commission have called for nominations for President and Committee members of the General Management Committee of the Local Government Association of Tasmania (LGAT).

**OFFICER'S REPORT:**

The Tasmanian Electoral Commission has been asked to conduct the 2025 election of the President and six (6) members of the GMC for a two (2) year term in accordance with the rules of the Association (LGAT).

Nominations have now been invited to be received at the electoral office no later than 12.00pm on Wednesday 7 May 2025. The Tasmanian Electoral Commission have provided the attached Election Timetable for your reference.

**PREVIOUS COUNCIL CONSIDERATION:**

**Council Meeting 15 May 2023**

**04/23.18.4.CC**      Moved: Clr B Lefevre/ Seconded: Clr I Carter

That Council provide direction on its voting preferences for the three (3) positions.

**CARRIED UNANIMOUSLY**

**Council Meeting 17 April 2023**

**04/23.17.4.102**      Moved: Clr LeFevre/ Seconded: Clr Oldham

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT) and as President of the Local Government Association of Tasmania.

**An amendment was moved:**

**04/23.17.4.103**

Moved: Clr L Johnstone / Seconded: Clr J Drummond

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT).

**The amendment was put:**

**FOR** Clr J Drummond, Clr L Johnstone

**AGAINST** Clr B LeFevre, Clr V Oldham, Clr I Carter, Clr G Barnes, Clr K Chapple

**LOST**

**The original motion was put:**

**04/23.17.4.104**

Moved: Clr LeFevre/ Seconded: Clr Oldham

That Council nominate Mayor Mick Tucker for Committee Member of the General Management Committee of the Local Government Association of Tasmania (LGAT) and as President of the Local Government Association of Tasmania.

**FOR** Clr B LeFevre, Clr V Oldham, Clr I Carter, Clr G Barnes, Clr K Chapple

**AGAINST** Clr J Drummond, Clr L Johnstone

**CARRIED**

## **STRATEGIC PLAN & ANNUAL PLAN:**

Breal O'Day Strategic Plan 2017 – 2027 (Amended March 2022)

### *Achieving the Vision*

Build and maintain strong relationships and partnerships through consultation, engagement and collaboration.

## **LEGISLATION & POLICIES:**

Local Government (Meeting Procedures) Regulations 2015

### 15. Closed Meetings

- (1) At a meeting, a council by absolute majority, or a council committee by simple majority, may close part of the meeting to the public for a reason specified in sub regulation (2)
- (2) A part of a meeting may be closed to the public when any one or more of the following matters are being, or are to be, discussed at the meeting:.....
  - (g) information of a personal and confidential nature or information provided to the council on the condition it is kept confidential.

In accordance with the Rules of the Local Government Association of Tasmania (LGAT).



#### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

No financial implications to Council

#### **VOTING REQUIREMENTS**

Simple Majority

Level 3  
169 Main Road  
Moonah Tasmania 7009  
PO Box 307  
Moonah Tas 7009  
Phone (03) 6208 8700  
Fax (03) 6208 8791  
ballot.box@tec.tas.gov.au  
www.tec.tas.gov.au

Mick Tucker  
Break O'Day Council  
32-34 Georges Bay Esplanade  
ST HELENS TAS 7216

Dear Mick Tucker

**Local Government Association of Tasmania – 2025 General Management Committee election**

The Tasmanian Electoral Commission has been asked to conduct the 2025 election of President and 6 members of the General Management Committee for a two-year term in accordance with the rules of the Local Government Association of Tasmania (LGAT) adopted at the AGM of the Association on 30 June 2021.

Nominations are now invited from LGAT members and must be received at my office by 12 noon Wednesday 7 May 2025.

Candidates will be notified of receipt of their nomination by this office.

**Election timetable**

Nominations open.....	Monday 24 February 2025
Nominations close.....	12 noon Wednesday 7 May 2025
Ballot material posted (if a ballot is required) .....	Monday 12 May 2025
Close of postal ballot.....	10:00 am Monday 14 July 2025
Declaration of the result.....	Thursday 25 July 2025

A nomination form and reply-paid envelope are enclosed.

If you would like further information or assistance, please call Nick Kakkos on 6208 8721.

Yours sincerely,



Nick Kakkos  
RETURNING OFFICER

21 February 2025

## Local Government Association of Tasmania Nomination Form

Nomination of a candidate for election of President or Committee Member of the General Management Committee, Local Government Association of Tasmania.

Nominations are invited and must be lodged, posted, or emailed to be received by the Returning Officer at the address shown below **before 12 noon on Wednesday 7 May 2025**. This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election. Candidates will be notified of receipt of the nominations by this office.

It is the responsibility of the candidate to ensure that the nomination form is received by the Returning Officer before the close of nominations. Late nominations cannot be accepted.

Each member is entitled to:

- nominate one elected Councillor of a Member Council for the position of President of the Local Government Association of Tasmania; and
- nominate one elected Councillor of a Member Council for the position of Committee Member of the General Management Committee. Members can only nominate a Councillor within their own electoral district and population category.

### Candidate

Family Name:	Given names:	Member Council:
Position of: <input type="checkbox"/> President <input type="checkbox"/> Committee Member		
Postal address:		Email address:
Given names for ballot paper: (if different from above)		Contact phone numbers:
I accept the nomination as a candidate for election to the position shown above.		
Signature: .....		Date: .....

### Nominator

Name of Member Council:	
Hereby nominates the above-named candidate for election.	
Name of person authorised to lodge nomination behalf of Member Council:	
.....	Contact mobile number: .....
Endorsed at council meeting held on:	<b>This nomination must be accompanied by a copy of the Resolution passed by the Council that lawfully nominated the candidate for election.</b>
Date: .....	
Signature of authorised person .....	
Date: .....	

The address for lodgement at the Tasmanian Electoral Commission is:  
Level 3, TasWater Building, 169 Main Road, MOONAH TAS 7009 Phone: (03) 6208 8721  
Postal Address: PO Box 307, MOONAH TAS 7009  
Email: [nominations@tec.tas.gov.au](mailto:nominations@tec.tas.gov.au)  
PTO



# Electoral Districts

(for the purpose of electing members to the General Management Committee)

## NORTH WEST AND WEST COAST ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Circular Head Council  
Kentish Council  
King Island Council  
Latrobe Council  
Waratah-Wynyard Council  
West Coast Council

Members within the electoral district having a population of 20,000 or more – **one position**

Burnie City Council  
Central Coast Council  
Devonport City Council

## NORTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Break O'Day Council  
Dorset Council  
Flinders Council  
George Town Council  
Northern Midlands Council

Members within the electoral district having a population of 20,000 or more – **one position**

Launceston City Council  
Meander Valley Council  
West Tamar Council

## SOUTHERN ELECTORAL DISTRICT

Members within the electoral district having a population less than 20,000 – **one position**

Brighton Council  
Central Highlands Council  
Derwent Valley Council  
Glamorgan-Spring Bay Council  
Huon Valley Council  
Sorell Council  
Southern Midlands Council  
Tasman Council

Members within the electoral district having a population of 20,000 or more – **one position**

Clarence City Council  
Glenorchy City Council  
Kingborough Council

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	Letter from Minister Vincent dated 13 December 2024 Targeted amendments to the <i>Local Government Act 1993</i> Discussion Paper

**OFFICER’S RECOMMENDATION:**

That the updated submission be endorsed subject to final comments.

**INTRODUCTION:**

Following the Tasmanian Government finalising their response to the Future of Local Government Review, the Government has commenced a process to make targeted amendments to the *Local Government Act 1993*.

**PREVIOUS COUNCIL CONSIDERATION:**

Council Workshop 3 March 2025

Council Workshop 3 February 2025

**OFFICER’S REPORT:**

The Minister for Local Government, Hon Kerry Vincent MP, wrote to Council on 13 December 2024 releasing a discussion paper regarding proposed reforms to the *Local Government Act 1993*. They are proposing a multi-stage legislative program to address the proposed changes. This includes:

1. Targeted amendments to the *Local Government Act 1993*
2. The re-making of the *Local Government General Regulations 2015* and *Local Government (Meeting Procedures) Regulations 2015*
3. The development of a new Local Government Elections Bill

The discussion paper addresses the first two items.

**Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity**

**Number            Strategic priority**

1	Legislating the good governance principles
2	Introducing serious councillor misconduct provisions for councillors
3	Broadening performance improvement direction provisions

4	Introducing temporary advisors for councils
5	Clarifying work health and safety obligations
6	Mandating council learning and development obligations

## Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

### Number Strategic priority

7	Introducing a contemporary role statement and a Charter for local government
8	Improving the strategic planning and reporting frameworks
9	Improving consistency in data collection and reporting methodologies
10	Enhancing transparency of information in council rates notices
11	Mandating internal audit for councils

The Government has stated in the discussion paper that:

*“The purpose of the consultation is not to test the merits of the proposed reforms. We believe this has already been done and the evidence base supporting their introduction is well established.*

*What we want to do now is to ensure the design of the amendments we are developing to implement the reforms are practical, effective, and aligned with the needs of councils and the community.*

*When providing comments and submissions in response to the proposed reforms, we would encourage councils, other stakeholders, and the broader community to consider potential technical concerns and implementation challenges for the proposed amendments to ensure we can develop robust legislative proposals that are fit for purpose and will have a real impact.”*

Consultation on the discussion paper is open until 21 March 2025.

Submissions and feedback will inform the development of the draft amendment bill for public release and further consultation in 2025. The Bill will then be finalised with the goal of bringing legislation into the Tasmanian Parliament in August 2025. The key dates for proposed amendments are:



## Targeted key dates, legislative development and consultation

### Date Activity

<b>December 2024</b>	Discussion paper released for public consultation
<b>21 March 2025</b>	Discussion paper consultation closes
<b>May 2025</b>	Exposure Draft Bill released for community consultation
<b>July 2025</b>	Exposure Draft Bill community consultation closes
<b>August 2025</b>	Final Bill introduced to the Tasmanian Parliament

The General Manager has reviewed the discussion paper and drawn out some of the key points for each item, noting that the focus is on how these changes are implemented rather than the merits of the proposed changes under consideration

## Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity

<b>Legislating the good governance principles</b>	<ul style="list-style-type: none"> <li><i>The principles will mirror those currently captured in the local government Good Governance Guide, which are themselves based on well-accepted standards drawn from national and international best practice.</i></li> <li><i>It is recognised the principles are very high-level and open to significant interpretation.</i></li> <li><i>The Minister for Local Government will be empowered to issue guidelines to support councils to interpret and apply the principles in different circumstances and contexts</i></li> <li><i>New mandatory learning and development modules for councillors will also include a focus on the practical application of the principles to the everyday business of councils.</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>Elevating the principles into legislation will strength the focus on professionalism and the capacity of the Minister to take action through a Performance Improvement Direction (PID) or Temporary Advisor.</p> <p>The Learning &amp; Development Framework already draws on the principles of good Governance, may not require much change to the Modules. Key thing to note is the mandatory requirement.</p>
<b>Introducing serious councillor misconduct provisions</b>	<ul style="list-style-type: none"> <li><i>New provisions will be included in the Act which allow for stronger sanctions (including removal and barring from office for up seven years) where councillors are found to have engaged</i></li> </ul>

	<p><i>in serious councillor misconduct under the councillor Code of Conduct.</i></p> <ul style="list-style-type: none"> <li>• <i>Serious councillor misconduct will be defined as a serious and severe breach of the code, determined by reference to clear criteria which go to the impact of the conduct in question, and its reflection on a person's fitness (or otherwise) to hold public office.</i></li> <li>• <i>Serious councillor misconduct complaints will be heard and determined by the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), and not the existing Code of Conduct Panel.</i></li> <li>• <i>Serious councillor misconduct would be defined as conduct representing a serious or severe breach of the local government Code of Conduct, which</i> <ul style="list-style-type: none"> <li>○ <i>if proven, would constitute a serious offence; or</i></li> <li>○ <i>materially and negatively impact the operations of a council; or</i></li> <li>○ <i>presents a material risk to the health and safety of another person or persons; or</i></li> <li>○ <i>otherwise demonstrates the councillor is not a fit and proper person to hold the office of councillor</i></li> </ul> </li> </ul> <p><b><i>The Office of Local Government is actively considering whether further, specific detail should be provided to support the above definition and invites community and sector feedback on this question.</i></b></p> <p><b>Council Response:</b></p> <p><b>Qualified Support</b></p> <p>If the intent behind the changes is properly reflected in the legislative and system changes then this will be a good outcome as there have been some instances in recent years where potentially greater action could have occurred.</p> <p>The definition needs greater clarity and will need to be as explicit as possible.</p> <p>Use of TASCAT elevates the process</p>
<b>Broadening performance improvement direction provisions</b>	<ul style="list-style-type: none"> <li>• <i>Changes will be made to performance improvement direction (PID) provisions under the Act to include:</i> <ul style="list-style-type: none"> <li>○ <i>breaches of or non-compliance with a council policy made under the Local Government Act 1993 that are not of a minor nature; and</i></li> <li>○ <i>a serious and material failure by a council to act in a way that is consistent with the good governance principles.</i></li> </ul> </li> <li>• <i>This change will make clear that PIDs can be issued in response to circumstances beyond clear-cut statutory breaches, which is</i></li> </ul>

	<p><i>consistent with their original regulatory intent as an early intervention tool to flexibly and promptly address issues with council performance and compliance</i></p> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>Expansion to include compliance with Council policies is a positive step as some policies have a greater importance in supporting and operationalising good governance principles. Implementation will require some care as it is important that the focus is on the significant policies.</p> <p>PIDs are a good solution for the Minister for Local Government and the Office of Local Government to have available</p>
<b>Introducing temporary advisors for councils</b>	<ul style="list-style-type: none"> <li><i>New provisions will allow for the Minister for Local Government to appoint – in response to evidence of existing or emerging governance issues at a council – a temporary advisor to a council to provide advice and recommend governance improvements to the council, the Director of Local Government and the Minister for Local Government</i></li> <li><i>The intention is to provide an additional early intervention option to provide councils structured support and expert advice, allowing them to address governance challenges before they escalate (and avoiding the expense and disruption of a Board of Inquiry process, for example).</i></li> <li><i>Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction. The Minister for Local Government would also be able to request an advisor to investigate and report on specific matters</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>This adds another option to addressing performance challenges within a Council that sits above a Performance Improvement direction and below a Board of Inquiry. It can be implemented fairly quickly which is another positive.</p>
<b>Clarifying work health and safety obligations</b>	<ul style="list-style-type: none"> <li><i>Removing any ambiguity elected members are bound by, and have obligations under, work health and safety (WHS) legislation</i></li> <li><i>Clarify that councils – and specifically elected members – have legislative obligations to prudently and actively manage WHS hazards.</i></li> <li><i>While councillors are defined as other persons under WHS Act, there is an observed lack of understanding as to what this means in practice.</i></li> </ul>



	<ul style="list-style-type: none"> <li><i>This lack of clarity, which has been noted in a sectoral WHS review, creates confusion and inconsistent interpretation of, and adherence to, the requirements of the legislation, especially when addressing issues like bullying and harassment, which are considered psychosocial risks.</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>Clarification in this area is important and overdue as it has not been clear to Councillors that they have obligations under work health and safety legislation and the management of WHS hazards.</p> <p>The focus on psycho-social safety in the workplace places an increased emphasis on the need for Councillors to understand the impact that they can have within a workplace and on individuals</p>
<b>Mandating council learning and development obligations</b>	<ul style="list-style-type: none"> <li><i>New legislative provisions will require all councillors (both new and returning) to undertake minimum learning and development activities within the first 12 months of being elected</i></li> <li><i>General managers would also be required to develop an elected member learning and development plan for the council at the beginning of each term</i></li> <li><i>Councils would need to publicly report on each councillor's completion of mandated learning and development activities</i></li> <li><i>Mandatory pre-election education (completion of an information session) would also be introduced,</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Qualified support in part only. Part not supported</b></p> <p>Mandating the compulsory activities is necessary to ensure that the training is undertaken, however, the proposed legislative changes need to address what happens if a Councillor refuses to undertake the training, are they disqualified from office and their seat vacated?</p> <p>Council felt that explanation of the consequences of failing to undertake the mandatory training should be provided to enable a discussion to occur with a complete understanding of the proposal. As it stands it is an incomplete proposal which does not support an informed debate.</p> <p>Mandating pre-nomination training was not supported by Councillors as they felt it might dissuade potential candidates from</p>

	<p>standing. If it is an information session than that may be something to be considered. What is meant by training needs to be clarified.</p> <p>Councillors believe that an increase in the Allowance should be considered with this additional impost being made on Councillors. Coupling an increased Allowance with mandatory training could lead to better quality candidates. <b>Council also felt that a comprehensive review of Allowances was well overdue and should be undertaken as a matter of urgency.</b></p> <p>A Learning and Development Plan for individual Councillors is a logical addition, guidance on a best practice approach to this will be required.</p>
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## Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

<p><b>Introducing a contemporary role statement and a charter for local government</b></p>	<ul style="list-style-type: none"> <li>• <i>The local government role statement developed by the Future of Local Government Review will be included in the Local Government Act, setting a clear, contemporary vision for councils, focused on the wellbeing of local communities</i></li> <li>• <i>A head of power will also be included in the Act for the Minister for Local Government to issue via Ministerial Order a Local Government Charter to support the delivery of the new role, subject to first consulting with the local government sector</i></li> <li>• <i>The following role statement was subject of extensive consultation through the review process</i></li> </ul> <p><b><i>The role of local government is to support and improve the wellbeing of Tasmanian communities by:</i></b></p> <ul style="list-style-type: none"> <li>• <b><i>harnessing and building on the unique strengths and capabilities of local communities;</i></b></li> <li>• <b><i>providing infrastructure and services that, to be effective, require local approaches;</i></b></li> <li>• <b><i>representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and</i></b></li> <li>• <b><i>promoting the social, economic, and environmental sustainability of local communities, including by mitigating and planning for climate change impacts.</i></b></li> </ul> <p><b>Council Response:</b></p> <p><b>Qualified support</b></p>
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	<p>The need for a Charter to support an updated role statement has been questioned in Council's previous submissions as what does it actually add beyond the role statement included in the Act.</p> <p>There is substantial work required to frame the Charter which will ultimately require Council's input down the track.</p>
<p><b>Improving the strategic planning and reporting frameworks</b></p>	<ul style="list-style-type: none"> <li>• <i>The current 10-year strategic planning period will be retained, but councils will now be required to link their strategic plans to identified community wellbeing priorities</i></li> <li>• <i>New statutory requirements will be introduced for councils to develop and adopt community engagement plans and workforce development plans, consistent with FoLGR recommendations</i></li> <li>• <i>This reform represents the first step in implementing the Future of Local Government Review recommendations for a renewed strategic planning and reporting framework for local government that puts community wellbeing at the centre of how councils deliver services and plan for the future, linked to and supporting the new role statement and charter</i></li> <li>• <i>The Future of Local Government Review recommended specific parameters for how the revised planning and reporting framework would be established, which included a proposal for four-year strategic plans comprising:</i> <ul style="list-style-type: none"> <li>○ <i>a community engagement plan</i></li> <li>○ <i>a workforce development plan</i></li> <li>○ <i>a financial and asset sustainability plan; and</i></li> <li>○ <i>an elected member capability and professional development plan</i></li> </ul> </li> <li>• <i>Councils would be required to review these plans every four years, consistent with the current four-yearly review cycle for the existing suite of council statutory plans.</i></li> <li>• <i>The new legislative provisions would not be enacted until after the 2026 council elections to provide sufficient lead time for the sector to prepare for the change.</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>A requirement for Councils to develop a Community Engagement Strategy was a key outcome of the process focused on developing the new Local Government Act.</p>



	Reference is made to integrating wellbeing priorities, objectives and outcomes, yet have we adequately scoped out and discussed what is meant when we talk about wellbeing?
<b>Improving consistency in data collection and reporting methodologies</b>	<ul style="list-style-type: none"> <li><i>New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a broader range of performance indicators and their associated data collection and reporting requirements.</i></li> <li><i>Better data and improved confidence in performance monitoring will empower communities to understand how well their council is performing and support better and more proactive monitoring and regulatory intervention.</i></li> <li><i>The development of a new performance monitoring framework for the Tasmanian</i></li> <li><i>local government will take significant time and dedicated resources and will require broad consultation and engagement with the sector and other key stakeholders</i></li> </ul> <p><b>Council Response:</b></p> <p><b>Supported</b></p> <p>Consistency in data collection and comparability of data was raised in submissions however this reform makes no mention of addressing the inconsistencies in the application of Accounting Standards.</p>
<b>Enhancing transparency of information in council rates notices</b>	<ul style="list-style-type: none"> <li><i>The Act will empower the Minister for Local Government to prescribe additional information requirements for council rates notices so ratepayers will have a clearer picture of how and why their rates change over time, and how rating revenue is supporting different council services and functions</i></li> <li><i>specify minimum information to be included in council rates notices for the purposes of informing ratepayers about</i> <ul style="list-style-type: none"> <li><i>the drivers for the year-on-year changes to their rates liability (including rating policy changes, changes to property valuation, and changes to the general rate component);</i></li> <li><i>the total amount of rates payable on the property for each year over the preceding five years;</i></li> <li><i>the average year-on-year general rate change for a property, expressed in relative terms; and</i></li> <li><i>how rates have been applied by councils across service categories and functions</i></li> </ul> </li> </ul>

	<p><b>Council Response:</b></p> <p><b>Not supported</b></p> <p>The FoLGR Report stated that there should be consultation with the sector on the information to be included to ensure that it is useful. This consultation has not occurred and the proposed changes have not been tested with Local Government. (Refer to the Position Paper from Council's Business Services Manager below)</p> <p>The comparative information and the historical information is going to require a massive change to the way that Rates Notices are compiled and is it achievable. The single A4 notice currently issued is already full on both sides. The proposed changes are going to require multiple page notices.</p> <p><b>Key Recommendations</b></p> <ol style="list-style-type: none"> <li>1. That the Valuer-General be required to provide detailed valuation explanations alongside rate notices.</li> <li>2. Defer major rate notice changes until financial performance indicators are finalised. Phase in reforms in alignment with broader rating system changes.</li> <li>3. Adopt practical and ratepayer-focused alternatives to excessive data disclosures.</li> </ol>
<b>Mandating internal audit for councils</b>	<ul style="list-style-type: none"> <li>• <i>New provisions will require all councils to establish and maintain an internal audit function, bringing them into line with Tasmanian Government agencies</i></li> <li>• <i>General managers, through audit panels, will be responsible for delivering</i></li> <li>• <i>their council's internal audit function</i></li> <li>• <i>The Director of Local Government will also be given explicit authority to request targeted internal audits</i></li> </ul> <p><b>Council Response:</b></p> <p>There is merit in this requirement however the ramifications have not been clearly articulated.</p> <p>This is a very significant addition to current audit activities and will require Council's to provide additional financial and human resources to comply with this direction.</p> <p>There is a lack of clarity as to what the Treasurer will require and this needs to be developed in consultation with the sector. The</p>

	Treasurer can modify the application of the instructions as and how the Treasurer sees fit.
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Council’s Business Services Manager has provided the following commentary in relation to enhancing transparency on Council Rate Notices.

**Formal Position Paper**  
**Title: Ensuring Practical Implementation of Local Government Reforms: A Sector Perspective**

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*Executive Summary*

The Tasmanian Government’s proposed reforms to enhance transparency in council rate notices aim to improve ratepayer understanding of rate changes and valuation processes. However, the practical implementation of these reforms has not been sufficiently tested, and there has been limited sector consultation on the feasibility of the minimum information requirements.

This position paper highlights key implementation challenges and proposes practical solutions to ensure transparency reforms achieve their intended outcomes without placing excessive administrative burdens on councils or causing confusion among ratepayers.

*Key recommendations:*

1. **Require the Valuer-General (VG) to provide detailed property valuation explanations** to complement council rate change disclosures, ensuring ratepayers receive a complete and consistent picture of valuation-driven rate increases.
2. **Assess the practicality of the minimum information requirements**, ensuring that data disclosure is meaningful and does not overwhelm ratepayers or increase council workloads unnecessarily.
3. **Align rate notice transparency with Recommendations 17 & 23**, as rate-setting transparency cannot be considered in isolation from broader rating system reforms.
4. **Ensure financial performance indicators are finalised (Recommendation 9)** before major changes to rate notices to prevent inconsistencies in council performance reporting.
5. **Provide constructive alternatives** to enhance ratepayer understanding, focusing on what information people actually want and need, rather than imposing unnecessary complexities.

The paper calls for a phased, practical implementation approach that allows for sector engagement, testing, and refinement before councils are required to adopt new rate notice requirements.

**1. Ensuring the Valuer-General Provides Clear Property Valuation Explanations**

A core component of rate notice transparency is explaining why ratepayers' bills change year-on-year. While councils are required to disclose their decisions on rate-setting, they do not control property valuation changes, which are determined by the Valuer-General (VG). To ensure fairness and accuracy, the Valuer-General must provide clear and detailed property valuation explanations alongside council rate calculations. These explanations should include:



- Adjustment Factors Applied to Individual Properties – clearly stating why a specific property’s valuation has changed.
- Regional and Local Market Comparisons – explaining valuation trends across different suburbs and land use types.
- Methodology Transparency – ensuring ratepayers understand the basis for valuation shifts.

**Recommendation:**

- The VG should issue standard valuation reports, to be attached or linked to council rate notices, ensuring a complete and accurate explanation of ratepayer obligations.
- Councils should not be expected to interpret valuation changes—this responsibility lies with the VG as the independent authority.

**2. Testing the Practicality of Minimum Information Requirements**

The reforms propose significant increases in historical and comparative data reporting, requiring councils to disclose five years of rate history, rate components, and valuation changes. While transparency is critical, the presentation and volume of information must be carefully considered to avoid confusing ratepayers or overloading council systems.

*Key Risks:*

- Overloading Rate Notices with Excessive Detail – Ratepayers may struggle to differentiate between valuation-driven changes (VG-determined) and council policy decisions.
- Increased Council Workloads – Additional reporting requirements will increase costs, requiring new data systems, staff training, and additional ratepayer support.
- Unintended Ratepayer Confusion – Excessively detailed historical data may raise more questions than it answers, generating unnecessary inquiries to councils.

**Recommendation:**

- Pilot a simplified rate summary format that balances transparency with ease of understanding.
- Ensure any required data is readily available in council systems, reducing manual data entry and administrative costs.
- Test information formats with ratepayers before mandating changes, to ensure they actually improve understanding.

### 3. Aligning Rate Notice Transparency with Recommendations 17 & 23

The proposed transparency reforms must not be implemented in isolation but should be aligned with broader rating system reforms, specifically:

- Recommendation 17 – Reviewing valuation methodologies to ensure fairness and consistency.
- Recommendation 23 – Establishing clearer rating strategies across councils.

#### *Key Concern:*

- Implementing rate notice transparency without addressing valuation and rating system consistency may result in confusing or misleading ratepayer communications.

#### **Recommendation:**

- Phase in rate transparency reforms in conjunction with Rec 17 & 23, ensuring councils have a stable and consistent framework for valuation, rate-setting, and reporting.
- Ensure alignment between valuation methodologies and rate disclosure requirements, preventing mixed messaging and unintended inequities.

### 4. Finalising Financial Performance Indicators Before Rate Notice Changes

The Future of Local Government Review recommended the development of a performance monitoring framework to improve consistency, transparency, and comparability of council financial data. However, this framework has not yet been finalised.

#### **Key Considerations:**

- Introducing major rate notice changes before financial performance indicators are complete would be premature.
- Without standardised financial performance benchmarks, councils would struggle to present consistent and comparable financial data to ratepayers.
- Rate notices should be meaningful and useful tools for assessing council performance, not just a reporting mechanism for rate calculations.

#### **Recommendation:**

- Defer significant changes to rate notices until financial performance indicators are standardised and implemented sector-wide.
- Ensure that any new reporting requirements align with the finalised performance monitoring framework to prevent inconsistencies.

### 5. Constructive Alternatives for Enhancing Ratepayer Understanding

Rather than simply adding more data to rate notices, the focus should be on what ratepayers actually want and need to understand. A more evidence-based approach is required.

#### **Key Recommendations for Practical Transparency Improvements:**

1. Simplify Rate Notice Explanations – Provide clear, concise, and consistent explanations rather than excessive data tables.

2. Use Online Tools for Detailed Rate History & Modelling – Councils should be able to link to digital rate calculators where ratepayers can enter property details and receive a tailored breakdown.
3. Standardised VG Reporting for Valuation Changes – Instead of councils explaining valuation shifts, ratepayers should be directed to Valuer-General reports and online valuation tools.
4. Targeted Community Education – A statewide campaign on how rates are calculated and why valuations change would be more effective than cluttering rate notices.

## Conclusion

While the goal of improving ratepayer understanding may have value, the practical implementation of rate notice transparency reforms has not been adequately tested. This paper highlights key risks and proposes solutions to ensure that reforms are effective, practical, and beneficial to ratepayers and councils alike.

By focusing on Valuer-General accountability, testing the feasibility of new requirements, aligning with Rec 17 & 23, and ensuring financial performance indicators are finalised first, this approach ensures meaningful transparency without unnecessary administrative burdens.

It is recommended that the Tasmanian Government:

**Require the VG to provide detailed valuation explanations alongside rate notices.**

**Defer major rate notice changes until financial performance indicators are finalised.**

**Phase in reforms in alignment with broader rating system changes.**

**Adopt practical and ratepayer-focused alternatives to excessive data disclosures.**

A collaborative, phased implementation approach will deliver transparency improvements without compromising operational efficiency or ratepayer clarity.

## STRATEGIC PLAN & ANNUAL PLAN:

### Break O'Day Strategic Plan 2017 – 2027 (Revised March 2022)

#### *Achieving the Vision*

##### Leadership/Ownership – Council Role

- We will be visionary and accountable leaders who advocate and represent the views of our community in a transparent way.
- We will make decisions for the greater good of Break O'Day by being accessible and listening to our community.

### Break O'Day Annual Plan 2024-2025

#### *Management Team Objectives – Local Government Reform*

Local Government reform – Participate actively in the Future of Local Government Review process with a focus on achieving the best outcome for the Break O'Day area.



## **LEGISLATION & POLICIES:**

*Local Government Act 1993*

## **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

Not quantified at this stage. Very substantial human resources were required to actively participate in the process.

## **VOTING REQUIREMENTS:**

Simple Majority

**Minister for Infrastructure  
Minister for Local Government**

Level 1, 7 Franklin Wharf, HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Email: Minister.Vincent@dpac.tas.gov.au



**Councillor Mick Tucker**  
Mayor, Break O'Day Council

**Mr John Brown**  
General Manager, Break O'Day Council

mick.tucker@bodc.tas.gov.au; john.brown@bodc.tas.gov.au

Dear Mayor and Mr Brown

The Tasmanian Government has today released its discussion paper regarding proposed reforms to the *Local Government Act 1993*, and I encourage your response and input.

The proposed reforms are an important first step towards achieving the outcomes of the Tasmanian Government's Local Government Priority Reform Program 2024-26, that we developed in response to the Future of Local Government Review. Your feedback will help design the legislative amendments that we all want to be practical and in alignment with the needs of councils and our communities.

The full list of proposed reforms include:

**Strategic Priority 1 - Lifting Standards of Professionalism, Conduct, and Integrity**

- 1 Legislating the Good Governance Principles
- 2 Introducing serious misconduct provisions for Councillors
- 3 Broadening Performance Improvement Direction provisions
- 4 Introducing Temporary Advisors for Councils
- 5 Clarifying Work Health and Safety obligations
- 6 Mandating council learning and development obligations

**Strategic Priority 2 - Driving a High-Performing, Transparent, and Accountable Sector**

- 7 Introducing a contemporary role statement and a Charter for local government
- 8 Improving the strategic planning and reporting frameworks
- 9 Improving consistency in data collection and reporting methodologies
- 10 Enhancing transparency of information in council rates notices
- 11 Mandating internal audit for councils

I encourage councils, their staff and elected representatives to engage with this important piece of work and provide feedback on any technical concerns or implementation challenges you foresee.

To ensure ample time for consultation and input, and as was agreed at this weeks' Premier's Local Government Council meeting, we are inviting feedback up until midnight on 21 March 2025. Feedback received will be considered as part of our exposure draft legislation that we plan to release in late May 2025.

Included with this letter is a copy of the Discussion Paper, that you can also find on the Department of Premier and Cabinet website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au). It is preferred that your feedback be provided by email to [lgconsultation@dpac.tas.gov.au](mailto:lgconsultation@dpac.tas.gov.au).

Thank you, and I appreciate your consideration of these vital reforms.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Kerry Vincent', with a stylized flourish at the end.

Hon Kerry Vincent MLC  
**Minister for Local Government**

13 December 2024



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# Targeted amendments to the *Local Government Act* 1993

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Local Government Priority Reform Program 2024-26

Discussion paper

Office of Local Government  
Department of Premier and Cabinet



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# Introduction

## The Local Government Priority Reform Program 2024-26

The Tasmanian Government is committed to ensuring our local councils are equipped to serve their communities effectively, both now and into the future. For Tasmanian communities to thrive, with infrastructure and services to meet community needs and expectations, it is crucial that our councils are financially and culturally strong and sustainable.

On 27 November 2024, the Tasmanian Government released its Local Government Priority Reform Program 2024-26 (the Priority Reform Program).

The Priority Reform Program brings together key recommendations from the Future of Local Government Review and the earlier Local Government Legislation Review, alongside several additional reforms which have been included in response to strong feedback from the sector on the need to respond to persistent concerns with elected member conduct and aspects of council governance.

The Priority Reform Program is built around **five strategic priorities**:

1. **Lifting standards of professionalism, conduct, and integrity:** Enhancing governance frameworks and promoting ethical conduct within councils to build public trust and confidence.
2. **Driving a high-performing, transparent, and accountable sector:** Improving transparency, accountability, and performance across the local government sector through better oversight and reporting mechanisms.
3. **Improving local democracy and representation:** Strengthening democratic processes and ensuring fair representation within councils to reflect the diverse interests of communities.
4. **Supporting council financial sustainability:** Ensuring councils are financially viable and can sustainably manage resources to meet current and future community needs.
5. **Supporting council and community-led structural reform:** Facilitating structural reforms driven by councils and communities to improve service delivery and operational efficiency.

For more information about the Priority Reform Program, see the Office of Local Government, Department of Premier and Cabinet website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au).



## A multi-stage legislative program

Legislative changes are needed to implement many of these reforms, particularly those under the first three strategic priorities.

To support implementation, the Government is undertaking **three main legislative projects**:

1. **Targeted amendments to the Local Government Act 1993.**
2. **The re-making of the Local Government General Regulations 2015 and Local Government (Meeting Procedures) Regulations 2015.**  
These first two projects target Strategic Priorities 1 and 2.
3. **The development of a new Local Government Elections Bill.**  
This Bill targets Strategic Priority 3.

The Government will be consulting on each of the three main legislative projects. It will be doing so in stages to help the local government sector and communities engage and respond in a manageable and focused way. This will also allow the Government to prioritise and proceed with the roll-out of reforms addressing the most acute needs of the sector.

Legislative reform is only one part of what is a complex reform picture, and the Government will also be working on a number of other significant projects that deliver against Strategic Priorities 4 and 5 over the next two years including:

- a process to support councils pursue council-led voluntary amalgamations;
- exploring targeted developer infrastructure charging where supported and required to facilitate development;
- considering alternative revenue models to council rates for certain major operations; and
- reviewing heavy vehicle motor tax allocations to local councils.

## Purpose of the discussion paper

This discussion paper outlines proposed targeted amendments to *the Local Government Act 1993* that target Strategic Priorities 1 and 2.

Broadly, the proposed amendments are focused on delivering two key outcomes:

- Firstly, they respond to ongoing community and sector concerns around **elected member conduct and council governance**. They do this by providing more effective and targeted ways of responding to identified problems in a timely and proportionate way. Reforms include several important changes to broaden the suite of tools available to councils and regulators for dealing with governance and conduct challenges, with a focus on early

intervention. The intention is to help restore community confidence in the overall governance, integrity, and reputation of the sector, which is currently being damaged by the poor conduct of a minority.

- Secondly, they implement crucial reforms from the Future of Local Government Review which will **streamline and enhance council strategic direction-setting and planning processes, improve engagement in council decision-making, and provide increased levels of transparency and accountability around how councils are performing**. The goal is to make some early initial improvements, while also putting in place the architecture that will support the longer-term implementation of an improved integrated strategic planning and performance framework for the sector with community wellbeing at its core.

The full list of proposed reforms for inclusion in the amendment Bill and the strategic priority they support are in tables 1 and 2.

**Table 1: Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity**

Number	Strategic priority
1	Legislating the good governance principles
2	Introducing serious councillor misconduct provisions for councillors
3	Broadening performance improvement direction provisions
4	Introducing temporary advisors for councils
5	Clarifying work health and safety obligations
6	Mandating council learning and development obligations

**Table 2: Strategic Priority 2: Driving a high-performing, transparent, and accountable sector**

Number	Strategic priority
7	Introducing a contemporary role statement and a Charter for local government
8	Improving the strategic planning and reporting frameworks
9	Improving consistency in data collection and reporting methodologies
10	Enhancing transparency of information in council rates notices

Number	Strategic priority
11	Mandating internal audit for councils

The Government has committed to the Priority Reform Program following extensive, multi-year review processes which have involved broad-based consultation. The purpose of consultation is **not** to test the merits of the proposed reforms. We believe this has already been done and the evidence base supporting their introduction is well established.

What we want to do now is to ensure the design of the amendments we are developing to implement the reforms are practical, effective, and aligned with the needs of councils and the community.

When providing comments and submissions in response to the proposed reforms, we would encourage councils, other stakeholders, and the broader community to consider potential technical concerns and implementation challenges for the proposed amendments to ensure we can develop robust legislative proposals that are fit for purpose and will have a real impact.

## Consultation process and timeframes

Consultation on the discussion paper will be open until **21 March 2025**.

Submissions and feedback will inform the development of the draft amendment bill for public release and further consultation in 2025. The Bill will then be finalised with the goal of bringing legislation into the Tasmanian Parliament in August 2025. The key dates for proposed amendments are in table 3.

**Table 3: Targeted key dates, legislative development and consultation**

Date	Activity
<b>December 2024</b>	Discussion paper released for public consultation
<b>21 March 2025</b>	Discussion paper consultation closes
<b>May 2025</b>	Exposure Draft Bill released for community consultation
<b>July 2025</b>	Exposure Draft Bill community consultation closes
<b>August 2025</b>	Final Bill introduced to the Tasmanian Parliament



You can make a submission by email or post to:

Email: [LG.consultation@dpac.tas.gov.au](mailto:LG.consultation@dpac.tas.gov.au)

Post:

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

Other than indicated below, submissions will be treated as public information and will be published on our website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au) in March 2025. 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](mailto:localgovernment@dpac.tas.gov.au).

#### **Tasmanian Government Submission Policy**

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.

## Proposed legislative reforms

This section of the discussion paper explains the 11 legislative reforms the Government is seeking to progress through targeted amendments to the *Local Government Act 1993*.

As noted above, the amendments support strategic priorities 1 and 2 of the Local Government Priority Reform Program 2024-26.

For each of the proposed reforms, we give a brief reform snapshot, explain the context for the change, and then provide some further detail about what we think the change will look like in practice.

Please note reform details are still being developed and refined, and the purpose of this discussion paper is to help support this process. your feedback is important to help settle the design of the proposals to be included in the draft amendment Bill.

### Strategic Priority 1: Lifting standards of professionalism, conduct, and integrity

Legislative reforms under this priority will improve the standard of elected member conduct and professionalism across the Tasmanian local government sector. They aim to strengthen public trust and increase community engagement in council decision-making.

The reforms have a particular focus on augmenting existing tools to address governance and conduct challenges more effectively and promptly, and before they escalate.



# 1. Legislating the good governance principles

## Reform snapshot

- Good governance principles will be embedded in the Local Government Act 1993 to set clear standards and expectations for how Tasmanian councils should make decisions as a collective on behalf of their communities.
- The principles will mirror those currently captured in the local government Good Governance Guide, which are themselves based on well-accepted standards drawn from national and international best practice.
- The change will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions.
- The Minister for Local Government will be empowered to issue guidelines to support councils to interpret and apply the principles in different circumstances and contexts. New mandatory learning and development modules for councillors will also include a focus on the practical application of the principles to the everyday business of councils.
- Legislating the principles will provide a further avenue for early regulatory intervention where a council is clearly acting contrary to the standards established under those principles.

## Context

Good governance is essential for effective, efficient, and well-run councils. It underpins and provides for sound decision-making, accountability, and transparency.

Legislating the good governance principles is an agreed reform from the Local Government Legislation Review. The reform is also broadly consistent with the findings and recommendations of the Future of Local Government Review – and practice in other jurisdictions – which supports the general move to a less prescriptive, principles-based statutory and regulatory framework for local government.

This change will have both important symbolic and practical effects. Elevating the principles to primary legislation sends a clear message to councils and communities about expected standards, while also allowing for the principles to be embedded on key aspects of the legislative framework, including strategic planning and reporting, education, and compliance monitoring and enforcement.



## Reform detail

Under the reform, a general, positive onus would be placed on local councils to undertake their functions and exercise their powers such that they are:

- **Accountable**
- **Transparent**
- **Law-abiding**
- **Responsive**
- **Equitable and inclusive**
- **Participatory**
- **Effective and efficient**
- **Consensus orientated**

These principles underpin the current Good Governance Guide, which were themselves adapted from best practice resources used in Victoria, and draw on principles used by the United Nations Development Corporation.

This will mean all councils will have a general duty under the Act to uphold and act in accordance with the principles when performing their statutory roles and functions.

It is recognised the principles are very high-level and open to significant interpretation. Therefore, the Minister for Local Government will also be empowered to issue guidelines of expected standards under the principles, which will support councils to interpret and apply the principles in different circumstances and contexts.

The new mandatory learning and development modules for councillors (see reform 6 for further details) will include a focus on the practical application of the principles to the everyday business of councils.

Legislating the principles will also provide a further avenue for early regulatory intervention where a council is acting contrary to the standard established under those principles.

Specifically, the Director for Local Government will be able to recommend to the Minister for Local Government the issuing of a performance improvement direction or the appointment of a temporary advisor where they are satisfied that there has been a serious and material failure by a council to act in a way that is consistent with the good governance principles (see reforms 3 and 4).

## 2. Introducing serious councillor misconduct provisions

### Reform snapshot

- New provisions will be included in the Act which allow for stronger sanctions (including removal and barring from office for up to seven years) where councillors are found to have engaged in serious councillor misconduct under the councillor Code of Conduct.
- Serious councillor misconduct will be defined as a serious and severe breach of the code, determined by reference to clear criteria which go to the impact of the conduct in question, and its reflection on a person's fitness (or otherwise) to hold public office.
- Serious councillor misconduct complaints will be heard and determined by the Tasmanian Civil and Administrative Appeals Tribunal (TASCAT), and not the existing Code of Conduct Panel. The Code of Conduct Panel will be retained in its current form and will continue to consider all other complaints.
- Serious councillor misconduct complaints will only be able to be referred to TASCAT by the Director of Local Government.
- In response to a finding of serious councillor misconduct, TASCAT will be able to issue an expanded set of sanctions (in addition to those already available to the Code of Conduct Panel) including dismissal and disqualification from office for a period of up to seven years.

### Context

Councillors perform an important leadership role within their local communities and have a responsibility to act in a way that reflects community values and expectations.

While elected representatives generally conduct themselves with professionalism, integrity, and dedication to their community we have unfortunately seen in recent years a small number of instances in which councillor conduct has fallen well short of these expectations.

These instances have also highlighted limitations in the existing legislative framework for holding elected members accountable to a standard that the community expects of its public officials.

Currently, a councillor may only be removed from office in response to Code of Conduct matter where they have been suspended by an investigating panel on three

separate occasions. No councillor has ever been removed from office under the existing provision.

The Future of Local Government Review recommended the Government expedite reforms for dealing with serious councillor misconduct more effectively and promptly, which would also bring Tasmania more in line with other jurisdictions<sup>1</sup> in its ability to remove councillors from office where the circumstances and conduct are serious enough to warrant it.

### **Reform detail**

The proposed serious councillor misconduct provisions would empower the Director of Local Government (and only the Director) to refer to TASCAT a complaint of serious councillor misconduct.

Serious councillor misconduct would be defined as conduct representing a serious or severe breach of the local government Code of Conduct, which:

- if proven, would constitute a serious offence; or
- materially and negatively impact the operations of a council; or
- presents a material risk to the health and safety of another person or persons; or
- otherwise demonstrates the councillor is not a fit and proper person to hold the office of councillor.

The broad intent of the above definition is that it aligns with the core aspects of the concept of serious misconduct under the *Integrity Commission Act 2009* but seeks to create some greater specificity around the type of councillor conduct that may reasonably warrant their removal from office under these new provisions.

**Please note the Office of Local Government is actively considering whether further, specific detail should be provided to support the above definition and invites community and sector feedback on this question.**

The Director of Local Government would have sole discretion to make referrals and would be empowered to do so on their own initiative, or in response to a referral from a Code of Conduct initial assessor or investigating panel, a temporary advisor (see reform 4), or another authority.

All the usual procedural aspects of TASCAT would apply once a matter is brought into that jurisdiction (including legal representation and appeal rights). In this context,

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<sup>1</sup> Across Australian jurisdictions, different thresholds and mechanisms are adopted to deal with serious councillor misconduct. While approaches vary, Tasmania is comparatively limited in the mechanisms for the suspension or removal of a councillor from office. Each jurisdiction, aside from Tasmania, provides its relevant administrative or conduct tribunal power to dismiss and/or disqualify a councillor for serious or gross misconduct.



the Director of Local Government would adopt the role of applicant in the matter and would present TASCAT with relevant evidence to support a serious councillor misconduct complaint.

In addition to all other existing sanctions currently available to the Code of Conduct Panel, TASCAT would be empowered, in making a finding of serious councillor misconduct, to dismiss the councillor and disqualify the councillor from being eligible to stand for election as a councillor for a period of up to seven years.

The model outlined above largely adopts one of the proposed options for serious misconduct reform the Tasmanian Government consulted on in 2023<sup>2</sup>, and which received broad support from the sector. It is also similar to, and adapts for the Tasmanian context, aspects of models adopted in other jurisdictions including South Australia, Victoria and New South Wales.

It represents a targeted and measured approach to better dealing with what should be rare instances of serious councillor misconduct. By utilising TASCAT, it is also independent of Government, and provides appropriate natural justice and procedural fairness for respondents.

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<sup>2</sup> See [https://www.dpac.tas.gov.au/\\_data/assets/pdf\\_file/0021/285204/Discussion-paper-Addressing-councillor-misconduct.pdf](https://www.dpac.tas.gov.au/_data/assets/pdf_file/0021/285204/Discussion-paper-Addressing-councillor-misconduct.pdf).

### 3. Broadening performance improvement direction provisions

#### Reform snapshot

- Changes will be made to performance improvement direction (PID) provisions under the Act, which will provide that the Minister for Local Government may issue a PID to a council or councillor in response to a broad range of performance and governance concerns, including:
  - breaches of or non-compliance with a council policy made under the *Local Government Act 1993* that are not of a minor nature; and
  - a serious and material failure by a council to act in a way that is consistent with the good governance principles.
- This change will make clear that PIDs can be issued in response to circumstances beyond clear-cut statutory breaches, which is consistent with their original regulatory intent as an early intervention tool to flexibly and promptly address issues with council performance and compliance.
- In addition, a failure to comply with a PID may also trigger the appointment of a temporary advisor (see reform 4 below).

#### Context

Performance improvement directions (PIDs) were introduced in 2017 as an early regulatory intervention tool to support councils in addressing a range of performance and compliance issues, before they escalate and impact more seriously upon the operations or governance of a council. Early intervention of this kind can reduce negative impacts and costs upon the Tasmanian community, for instance by avoiding the need for a Board of Inquiry.

A PID may require a council or councillor to take, cease, or refrain from an action within a specified period and notify the Minister for Local Government of the steps taken or planned to comply within that period.

Where a council or councillor fails to comply with a PID, the Minister for Local Government may suspend councillors for up to six months (and appoint a commissioner where all councillors are suspended), establish a Board of Inquiry, or require a Local Government Board Review be undertaken into the council. It is proposed that a failure to comply will now also trigger an option to appoint a temporary advisor.

Currently, a narrow statutory interpretation of the current provisions would suggest the Director of Local Government can only recommend the Minister for Local

Government issues a PID in response to clear statutory breaches (either a significant single breach, or repeated minor breaches).

This means, for instance, breaches of council policies made under the auspices of the Act are not clearly captured, even though there is evidence non-compliance of this kind can and does impact on the effective governance and operation of councils.

#### **Reform detail**

The proposed changes would adjust the existing PID provisions and broaden the circumstances and conditions in which a PID may be recommended to include – for both an individual councillor, or a council as a whole – instances of material non-compliance with a council's own policies made under the auspices of the Local Government Act.

It is also proposed to make clear a PID may be issued in response to a material failure by a council to act in a way that is consistent with the good governance principles.

Finally, consideration will be given to the current statutory language that determines when a PID can be recommended to the Minister for Local Government, to ensure it does not unreasonably constrain the ability to use PIDs as an early intervention or mitigation tool.

The PID framework will otherwise remain the same. This means that councils will still be given notice and the opportunity to show cause, and PIDs will still need to be issued by the Minister for Local Government on the recommendation of the Director of Local Government.



## 4. Introducing temporary advisors for councils

### Reform snapshot

- New provisions will allow for the Minister for Local Government to appoint – in response to evidence of existing or emerging governance issues at a council – a temporary advisor to a council to provide advice and recommend governance improvements to the council, the Director of Local Government and the Minister for Local Government.
- Advisors would be given all necessary and appropriate powers to undertake these functions. Specifically, advisors would have the authority to enter council premises, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements.
- At the end of their period of appointment, advisors would provide a final report to the Minister for Local Government and recommend any further action (including regulatory intervention) as they saw fit.
- Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction (PID).
- Temporary advisors would complement and reinforce existing and proposed regulatory tools (including broadened PID provisions) and provide a means of understanding whether there are serious issues present at a council which may justify further action, including a Board of Inquiry.

### Context

This reform is adapted from an agreed reform which responded to the Local Government Legislation Review, which recommended a monitor/advisor role be instituted in Tasmania.

The intention is to provide an additional early intervention option to provide councils structured support and expert advice, allowing them to address governance challenges before they escalate (and avoiding the expense and disruption of a Board of Inquiry process, for example).

Similar models exist in other jurisdictions, including NSW and Victoria, and the reform proposed here adopts and adapts substantial elements of the Victorian approach.

### Reform detail

The Minister for Local Government would have broad discretion in appointing a temporary advisor in response to a reasonable belief that a council was not meeting appropriate standards of governance, and the appointment of an advisor would assist in getting the council back on track.

It is anticipated that advisors could also be utilised to support new councils in instances such as where a previous council has been dismissed following a Board of Inquiry process.

The Minister for Local Government would be able to appoint an advisor in response to a recommendation from the Director of Local Government, or on the request of the council itself.

It should be noted the model proposed here differs slightly from the previously agreed reform, in that temporary advisors would be appointed to councils by the Minister for Local Government, not the Director of Local Government.

In most instances it is expected the Director of Local Government would have a central role providing advice and recommendations to the Minister for Local Government around the appointment of an advisor. However, the need for ministerial approval is considered appropriate given the implications (including the associated costs) of issuing a direction of this kind on a democratically elected council. It is also consistent with the approach taken in other jurisdictions with similar provisions in their local government legislation, including Victoria and New South Wales.

As the name suggests, the role of a temporary advisor would be advisory only. Their key functions would be to monitor and observe council governance and operations and provide advice and recommendations to the relevant council, the Director of Local Government, and the Minister for Local Government. Unlike a commissioner or administrator, advisors would not have any administrative, contractual, or financial control over the operations of council.

Temporary advisors would be able to be appointed separately to, or in conjunction with, a performance improvement direction. The Minister for Local Government would also be able to request an advisor to investigate and report on specific matters.

Advisors would be given all necessary and appropriate powers to undertake these functions. Specially, advisors would have the authority to enter a council, review its operations, request information from the council administration and its audit panel, provide guidance to elected members and senior staff, and make recommendations to the council on governance improvements.

It is proposed that, where an advisor identified evidence of what they believed may constitute serious councillor misconduct, they would be empowered (and obliged) to formally refer that evidence to the Director of Local Government (see reform 2).

Elected members and staff would be obliged to cooperate with an advisor's information requests and it would be an offence for a person to wilfully obstruct or hinder an advisor performing their function in accordance with the Act.

Advisors would be bound by appropriate confidentiality requirements (including in respect of legally privileged information) but also legally indemnified for undertaking their roles and functions in good faith.

They would be appointed on terms and conditions under an instrument of appointment, and the cost of their appointment would be borne by the relevant council.

At the end of their appointment, advisors would provide a final report the Minister for Local Government and recommend any further action as they see fit, which may include some form of reporting and continued oversight, the potential issuing of performance improvement directions, a Board of Inquiry, or a Local Government Board Review.

To ensure natural justice and procedural fairness, before providing any report containing an adverse finding, the advisor would be required to give anyone implicated in that finding a reasonable opportunity to respond.



## 5. Clarifying work health and safety obligations

### Reform snapshot

- Doubts removal provisions will be included in the Local Government Act, removing any ambiguity elected members are bound by, and have obligations under, work health and safety (WHS) legislation.
- The changes will further clarify that councils – and specifically elected members – have legislative obligations to prudently and actively manage WHS hazards. They will not conflict with, replace, or duplicate any existing obligation under the WHS framework, nor in any way insert the Director of Local Government as a workplace safety regulator for councils.

### Context

WHS is a critical issue for local councils, affecting both staff and elected representatives.

Elected members, general managers, and council staff all have responsibilities under the *Work Health and Safety Act 2012* (WHS Act) and supporting regulations to ensure health and safety is prioritised in the workplace, and individual behaviour is reasonable and does not adversely affect the health and safety of others in the workplace.

Councils (as a person conducting a business or undertaking – or PCBU) have the primary duty to ensure a safe work environment. General managers and senior executives (as officers) must act with due diligence to comply with WHS obligations.

While councillors are defined as other persons under WHS Act, there is an observed lack of understanding as to what this means in practice.

This lack of clarity, which has been noted in a sectoral WHS review, creates confusion and inconsistent interpretation of, and adherence to, the requirements of the legislation, especially when addressing issues like bullying and harassment, which are considered psychosocial risks.

The Government has recently provided additional clarity and direction to the sector on this issue through comprehensive new model guidelines developed in consultation with councils and legal experts. However, targeted legislative reforms may assist to further clarify existing statutory obligations as they apply to the sector, and provide a clear expectation that councils are prudently managing WHS hazards as a key element of good governance.

It is expected that this clarifying reform, alongside the model guidelines and model policies being separately developed by LGAT, will provide councils with the tools they need to clearly understand and manage both PCBU functions and individual councillor behaviours that may create workplace hazards. In turn, this framework will support regulators such as WorkSafe Tasmania to more effectively support the local government sector.

#### **Reform detail**

New doubts removal provisions will be included in the Local Government Act, removing any ambiguity that elected members are bound by, and have obligations under, existing WHS legislation.

It is important to note the changes will in **no way transfer the WHS regulatory jurisdiction away from WorkSafe**. They will simply reinforce that councils' adherence to WHS statutory requirements is an integral (and essential) component of good governance and clarify the specific status of elected members – including their attendant obligations under the WHS framework – within the Local Government Act.

The Local Government Act is primarily concerned with the sound governance of councils. Proposed reforms for improving available regulatory responses to instances of governance failure, serious poor performance, and elected member conduct (particularly expanded PID provisions, temporary advisors, and serious councillor misconduct provisions) will ensure the Director of Local Government and the Minister for Local Government are well placed in respect of those matters, while maintaining a clear and appropriate separation from the statutory responsibilities of WorkSafe Tasmania as the WHS regulator.

As previously noted, the proposed provisions will support non-legislative work supporting councils to develop consistent and effective policies and procedures for managing WHS risks and addressing inappropriate behaviours, including bullying and harassment. Policies and procedures need to include clear, effective, and timely intervention and response strategies for managing elected member conduct deemed to represent a workplace hazard. This should also ensure councils are well placed to confidently and effectively escalate matters to regulators, as and where this is appropriate and necessary.

LGAT is currently developing a model policy to support councils better and more confidently comply with their WHS obligations within the current statutory framework, especially as they relate to elected member conduct and psychosocial hazards.



## 6. Mandating council learning and development obligations

### Reform snapshot

- New legislative provisions will require all councillors (both new and returning) to undertake minimum learning and development activities within the first 12 months of being elected.
- The requirements will focus on councillors' core roles and responsibilities (including their various statutory obligations) will be set out in a Ministerial Order, allowing for flexibility and adjustment over time, as necessary.
- The provisions would ensure that mandatory requirements must be relevant to the performance of a councillor's functions and duties, and the Minister for Local Government would be required to consult with councils on the contents of any order before it is issued.
- General managers would also be required to develop an elected member learning and development plan for the council at the beginning of each term, and councils would need to make reasonable provision in their budgets to support participation of councillors in learning and development opportunities consistent with those plans.
- Councils would need to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the new requirements would be a breach of the Local Government Act, and therefore could result in the potential issuing of a performance improvement direction on a council or councillor.
- Mandatory pre-election education (completion of an information session) would also be introduced, but this will be implemented via the new Local Government Elections Bill.
- The reform implements key recommendations from the Future of Local Government Review and will ensure councillors are better supported and equipped with the skills and knowledge they need to perform their important functions and duties.

### Context

Building elected member capability was a key focus of both the Local Government Legislation Review and the Future of Local Government Review, and this reform responds directly to the recommendations of the latter, which noted that "...prompt action is needed to lift standards overall and promote a stronger ongoing professional development culture in the sector".



The Local Government Act is currently silent on the professional capability and competency of elected members and requires no specific learning and development support be provided to councillors, either prior to or following their election to office.

Several Australian jurisdictions – including South Australia and Western Australia – have introduced compulsory minimum training and education requirements for elected members in recognition of the unique, diverse, and challenging roles councillors are expected to undertake, and the different and varying backgrounds of the people who stand for office.

The overriding objective of introducing similar reforms in Tasmania is not to undermine or limit this diversity, but to ensure elected officials share a common, set of core knowledge which enables them to represent their communities competently and confidently.

It should also improve the overall standard of governance and reduce risks for councils in a number of areas.

#### **Reform detail**

New provisions would be included in the Local Government Act which require all councillors to undertake a set of core learning and development activities (specified by Ministerial Order) within 12 months of their election to office.

The requirement would apply to both new and returning councillors, in recognition of the constantly evolving statutory and regulatory operating environments for councils.

The specific scope and content of the specified core learning and development program would be developed in consultation with the sector, and the Bill would explicitly require consultation by the Minister for Local Government with councils before the issuing of an order.

The use of Ministerial Order allows for flexibility and adjustment over time, as necessary. However, the Bill would also limit the scope and content of the order to matters that relate to the performance of a councillor's functions and duties.

At this stage – and at least initially – it is expected the core program would closely reflect the elected member learning and development framework and core modules that have been developed by the Office of Local Government and the Local Government Association of Tasmania.

Likely topics/modules for inclusion as part of the core program are:

- **good governance and professional conduct;**
- **legal responsibilities (including work health and safety);**
- **council and committee meeting procedures;**
- **council as a planning authority;**

- **financial management and reporting;**
- **strategic asset management; and**
- **community engagement, representation, and advocacy.**

The content of the order would be open to review to ensure it remains relevant and contemporary. Any remaking of the order as consequence of a review would also need to be subject to council consultation.

Councils would need to publicly report on each councillor's completion of mandated learning and development activities. Non-compliance with the new requirements could result in the issuing of a performance improvement direction on a council or councillor.

In addition to the mandated core program, amendments will provide that general managers will be required to develop an elected member learning and development plan for the council at the beginning of each term.

Councils would need to make reasonable provision in their budgets to support participation of their councillors in learning and development opportunities consistent with those plans, as well as their completion of the mandatory core program.

Finally, it should be noted these initiatives will be complemented by mandatory pre-nomination training package for all prospective candidates within six months of nominating for election. This training will cover the roles and responsibilities of councillors, providing potential candidates with a clear understanding of what the role entails.

**Note this requirement will not be included in the Local Government Act but will instead be provided for under the new Local Government Elections Bill, which is currently under development.**

## Strategic Priority 2: Driving a high-performing, transparent, and accountable sector

Legislative reforms under this priority are designed to clarify, streamline, and enhance council strategic direction-setting and planning processes, improve engagement in council decision-making, and provide increased levels of transparency and accountability around how councils are performing.

They include several priority changes to improve data quality and transparency in the short term, as well as the key legislative elements recommended by the Future of Local Government Review for the longer-term implementation of an improved, integrated strategic planning and performance framework for the sector.

### 7. Introducing a contemporary role statement and a charter for local government

#### Reform snapshot

- The local government role statement developed by the Future of Local Government Review will be included in the Local Government Act, setting a clear, contemporary vision for councils, focused on the wellbeing of local communities.
- A head of power will also be included in the Act for the Minister for Local Government to issue via Ministerial Order a Local Government Charter to support the delivery of the new role, subject to first consulting with the local government sector.
- The charter will clarify and consolidate councils' core functions and duties, offer principles for financial management and engagement, and facilitate strategic state and local government collaboration on issues like regional land use planning and emergency preparedness.
- The charter will provide a more flexible mechanism for capturing core functional responsibilities of councils which, in turn, will improve sector and community understanding of local government responsibilities.
- The new role statement and charter will be complemented and put into practice via changes over time to the strategic planning and reporting framework, aligning council actions with community priorities, particularly in respect to wellbeing (see reform 8).



## Context

The Future of Local Government Review Final Report outlined a vision for Tasmania's local government with the goal of supporting the wellbeing, sustainability, and prosperity of local communities over the next 20-30 years.

Embedding this vision (the role statement) in legislation will clarify council responsibilities, addressing community and sectoral confusion about the role of local government – particularly as it relates to and differs from State and Federal Governments – and set a clear, strategic direction for our system of local government.

The below role statement was the subject of extensive consultation with councils, community, and local government stakeholders throughout the review.

**The role of local government is to support and improve the wellbeing of Tasmanian communities by:**

- **harnessing and building on the unique strengths and capabilities of local communities;**
- **providing infrastructure and services that, to be effective, require local approaches;**
- **representing and advocating for the specific needs and interests of local communities in regional, state-wide, and national decision-making; and**
- **promoting the social, economic, and environmental sustainability of local communities, including by mitigating and planning for climate change impacts.**

At its core, the role statement emphasises councils will have a unique and essential role in promoting these areas of community development, supported by legislative mandate. The role statement will not radically change or alter the functions of Tasmanian councils. Instead, it reflects a shift in the role of local government, underway for some time, towards performing and prioritising their functions and services to improve community wellbeing.

To underpin the role statement, the review highlighted a need for more formal structures to support the expanding roles of councils, reflecting community expectations that go beyond traditional functions of councils and the sector's role in delivering services on behalf of the State.

To achieve this, the Future of Local Government Review recommended the development of a Local Government Charter that would be contained in subordinate legislation.

The charter will be designed to allow councils to respond effectively to local needs and develop creative solutions to community challenges. It will include guiding principles for sound financial management and community engagement, supporting the good governance principles, which will be embedded in the Local Government Act (see reform 1).

#### **Reform detail**

The local government role statement developed by the review will be included in the Local Government Act, replacing the current high-level function statements in sections 20(1) and 20(2).

New provisions will also be included to establish broad parameters of the charter and empower the Minister for Local Government to make a Ministerial Order consistent with those parameters.

The Act would establish the high-level purpose, scope, and effect of the charter (noting it would be non-binding) and establish the process for developing the charter in consultation with the sector.

Consistent with the Future of Local Government Review Final Report, it is proposed the Act would establish the purpose and scope of the Charter being a document which:

- provides clarity and specific guidance to support councils in implementing their statutory role;
- establishes the core functions of councils (as provided for in legislation), and the principles and practices to guide when and how councils should move into areas outside of these;
- includes principles in relation to good financial management, community engagement, and for collaboration and coordination with other councils to address regional issues; and
- sets clear principles and processes for how the Tasmanian Government will support local government to deliver on their role, including in connection with consultation and engagement between the state and local government.

The provisions to be included in the Act would require the Minister for Local Government to consult publicly and with councils before issuing the order, including any time it is reviewed and amended.

In parallel to introducing the necessary legislative changes, the Government will work closely with local government, the community, and other local government partners on the substantive process of developing the content of the charter.

It is anticipated this will be a collaborative process undertaken following the implementation of these legislative reforms, with a charter coming into effect in 2026.



## 8. Improving the strategic planning and reporting frameworks

### Reform snapshot

- Changes to the Local Government Act will provide the statutory underpinning to improve (flexibly and over time) the way councils plan for the future and report to the community on their progress and achievements.
- The current 10-year strategic planning period will be retained, but councils will now be required to link their strategic plans to identified community wellbeing priorities.
- New statutory requirements will be introduced for councils to develop and adopt community engagement plans and workforce development plans, consistent with FoLGR recommendations.
- Beyond these broad parameters, councils will retain significant flexibility to set strategic priorities that are relevant and important to each of their communities.
- The Government is not proposing changes to the existing suite of council financial and asset management plans at this time, but other changes being introduced mean these will need to align with and support implementation of their strategic plans, based on community wellbeing priorities.

### Context

This reform represents the first step in implementing the Future of Local Government Review recommendations for a renewed strategic planning and reporting framework for local government that puts community wellbeing at the centre of how councils deliver services and plan for the future, linked to and supporting the new role statement and charter<sup>3</sup>.

The current planning and reporting model in the Local Government Act requires councils to prepare a strategic plan, a series of documents for financial and asset management, and an annual plan and report.

The requirements have a strong focus on compliance, with a Ministerial Order mandating the technical inclusions for plans and strategies to enable sustainable financial and asset management.

<sup>3</sup> The changes the Government is proposing to council planning and reporting will implement recommendations 3, 14, 32 and 33 of the Future of Local Government Review.

In recommending a renewed Strategic Planning and Reporting Framework, the Future of Local Government Review suggested there should be a clear line of sight as to how community wellbeing and sustainability are embedded in everything councils do, from the high-level strategic vision for the sector (via the new role statement and charter), through to the capabilities that councils need (via council strategic plans), and down to the range of supporting operational plans and policies that councils use to manage their services and infrastructure.

The Future of Local Government Review recommended specific parameters for how the revised planning and reporting framework would be established, which included a proposal for four-year strategic plans comprising:

- a community engagement plan;
- a workforce development plan;
- a financial and asset sustainability plan; and
- an elected member capability and professional development plan.

It should be noted many councils have been proactive in improving their capability for strategic planning and how this filters down to supporting plans and strategies, decision-making and service delivery.

For example, it has become common practice for councils to develop, as part of their strategic planning, a community vision in partnership with their community that then underpins the strategies and priorities for the next 10 years. Select councils are also specifically integrating the Tasmanian Government's community wellbeing domains and outcomes into their strategic planning processes.

### Reform detail

Proposed amendments to the Local Government Act would introduce the necessary high-level architecture to enable the introduction (over time) of an improved Strategic Planning and Reporting Framework, consistent with the intent of the Future of Local Government Review recommendations.

In summary, the amendments to statutory planning requirements would:

- **Retain the existing 10-year horizon for strategic plans but require councils when developing those plans to specifically consult with local communities to identify and include agreed wellbeing priorities, objectives, and outcomes.** It is envisaged public engagement to determine community wellbeing priorities could be incorporated into the existing consultation requirements for strategic plans. Councils would then be required to report publicly on progress against these priorities in their annual reports.
- **Retain councils' existing financial and asset management obligations in the Local Government Act (including the existing suite of documents**

**and their content requirements**), noting that under the Act these plans already need to link to and support councils' strategic plans, which will now include explicit community wellbeing requirements.

- **Introduce a requirement for councils to develop and adopt community engagement plans and workforce development plans.** The Act will set only the high-level parameters for these plans, with the Minister for Local Government empowered to issue guidelines under the Act to support councils as and where this is considered necessary. Councils would be required to review these plans every four years, consistent with the current four-yearly review cycle for the existing suite of council statutory plans.

In addition to the above it should also be noted that councils (under reform 6) will be required to develop an elected member capability and professional development plan. This would be done at the beginning of each council term (within the first 12 months following an election).

It is important to note the introduction of the new strategic planning requirements would be managed in a way that supports a smooth transition for the sector and for communities. The new legislative provisions would not be enacted until after the 2026 council elections to provide sufficient lead time for the sector to prepare for the change.

It is anticipated the new framework will also be supported over time by the development of an improved performance reporting framework, including new metrics and better data (see reform 9).



## 9. Improving consistency in data collection and reporting methodologies

### Reform snapshot

- New provisions will give the Minister for Local Government the ability to issue clear and binding instructions to councils in relation to a broader range of performance indicators and their associated data collection and reporting requirements.
- More consistent collection and reporting of key council performance data is essential to, and will support the development of, a new performance monitoring framework for the local government sector.
- Better data and improved confidence in performance monitoring will empower communities to understand how well their council is performing and support better and more proactive monitoring and regulatory intervention.

### Context

Meaningful metrics underpinned by reliable data are essential to any robust performance monitoring framework. For councils, consistent recording and reporting of data is important because it allows for:

- meaningful comparison and benchmarking of relative councils' performance;
- communities to understand, in clear terms, how well their councils are performing;
- more informed performance review, benchmarking, and strategic planning processes by councils themselves; and
- more effective and proactive regulatory oversight and intervention.

Currently, inconsistency in data collected and reported by councils makes it difficult to make reliable comparisons about their absolute and relative performance. This is particularly the case when it comes to understanding councils' relative service cost and quality, and strategic asset management and financial planning practices and outcomes.<sup>4</sup>

This inconsistency is partly due to the inevitable diversity in service offerings across 29 councils. However, better and more consistent data that allows for apples and apples comparisons between councils' service performance is clearly needed.

<sup>4</sup> See Future of Local Government Review Final Report (2023): <https://www.futurelocal.tas.gov.au/wp-content/uploads/2023/11/The-Future-of-Local-Government-Review-Final-Report.pdf>.

In response to this issue, the Future of Local Government Review recommended the development of a new, best practice performance monitoring framework for the Tasmanian local government sector.

The Future of Local Government Review noted a central underpinning of this framework would be the development of a broader range of revised metrics covering councils' financial (including rating), regulatory, statutory compliance, and service level, cost, and quality performance. It also recommended the Minister for Local Government be given the power to prescribe by Ministerial Order the nature and details of those metrics, as well as specific methodological guidance for their collection and presentation.

The key objective here being to ensure there is greater clarity, consistency, and confidence in relation to how councils are collecting and reporting important performance data.

The development of a new performance monitoring framework for the Tasmanian local government will take significant time and dedicated resources and will require broad consultation and engagement with the sector and other key stakeholders.

As a critical first step, it is considered appropriate that the Act be amended so that it can provide the necessary supporting architecture for implementing that future framework.

#### **Reform detail**

Currently, section 84 of the Local Government Act provides that the Minister for Local Government can specify financial management indicators and asset management indicators to be included in the financial statements of councils. The Local Government (Management Indicators) Order 2014 specifies a number of indicators (for example, asset sustainability and financial position ratios) and provides guidance on how they are to be calculated.

In an expanded version of these provisions, the Minister for Local Government would be given a statutory head of power to specify, by Ministerial Order, a broader range of performance metrics or indicators of councils' financial (including rating), regulatory, statutory compliance, and service level, cost, and quality performance.

The Minister for Local Government would also be empowered to specify in that order the data methodologies and protocols for reporting and presenting data against the metrics.

As is the case currently, the Minister for Local Government would be required under the Act to consult with councils on the content of the order.



## 10. Enhancing transparency of information in council rates notices

### Reform snapshot

- The Act will empower the Minister for Local Government to prescribe additional information requirements for council rates notices so ratepayers will have a clearer picture of how and why their rates change over time, and how rating revenue is supporting different council services and functions.

### Context

Currently, the Local Government Act requires councils to provide a narrow scope of technical administrative information in their rates notices – largely to support the appropriate payment of rates. As a result, councils adopt a variety of approaches for communicating information about rates to their communities, including year-on-year rating changes.

The Future of Local Government Review identified that providing, additional, standardised, easy to understand information in rates notices will help communities understand their council's rating practices and their financial management and budget decisions.

### Reform detail

Amendments to the Act would provide that the Minister for Local Government may, by order, specify minimum information to be included in council rates notices for the purposes of informing ratepayers about:

- the drivers for the year-on-year changes to their rates liability (including rating policy changes, changes to property valuation, and changes to the general rate component);
- the total amount of rates payable on the property for each year over the preceding five years;
- the average year-on-year general rate change for a property, expressed in relative terms; and
- how rates have been applied by councils across service categories and functions.

As with other proposed reforms utilising Ministerial Orders, the Minister for Local Government would be required to consult with councils before finalising and issuing the rates notice requirements.



These provisions will likely link to and align with the proposed amendments under reform 9 in relation to the issuing of standardised performance metrics and data collection and reporting methodologies in respect of rating data.

## 11. Mandating internal audit for councils

### Reform snapshot

- New provisions will require all councils to establish and maintain an internal audit function, bringing them into line with Tasmanian Government agencies.
- This reform responds directly to a Future of Local Government Review recommendation and recognises councils are responsible for managing significant public assets and resources.
- General managers, through audit panels, will be responsible for delivering their council's internal audit function.
- An amendment to the *Local Government Act 1993* will provide for the application to councils of Treasurer's Instructions for internal audit issued under the *Financial Management Act 2016* (subject to adjustments as and where necessary and appropriate).
- The Director of Local Government will also be given explicit authority to request targeted internal audits, promoting stronger compliance and proactive regulatory intervention.

### Context

The Future of Local Government Review observed council audit panels are currently under-resourced, and do not meet frequently enough to provide effective assurance consistent with their broad-ranging responsibilities under the Local Government Act.

Non-compliance by some councils with core statutory requirements for statutory plans in particular shows audit panels are not always able to pick up key risks and issues, or where they do there is insufficient accountability on councils for addressing compliance failures that are identified.

The Future of Local Government Review noted the challenges facing audit panels are partly attributable to a lack of support at many councils from dedicated and appropriately resourced internal audit capability.

Tasmanian Government agencies are required under Treasurer's Instructions to have an internal audit function, which plays an important role in providing objective assurance and advice on a range of risk and compliance matters.

The Future of Local Government Review recommended consideration be given to similarly mandating an internal audit function for councils, given their responsibilities for managing significant public assets and resources. Mandatory internal audit is a feature of the local government legislative frameworks in other jurisdictions, including New South Wales and Queensland.

The earlier Local Government Legislation Review also noted potential limitations in the Director of Local Government's ability to obtain audit panel reports, and recommended the Director of Local Government be given this explicit power. The Future of Local Government Review went further and proposed the Director of Local Government should also be empowered to initiate an internal audit of a council in certain circumstances (such as in response to emerging evidence of governance issues).

### **Reform detail**

The Local Government Act would be amended so that the Treasurer's Instruction issued under the *Financial Management Act 2016* relating to internal audit applies to councils.

The amendments would enable the Treasurer to modify the application of the Instructions as and where this is necessary and appropriate for the local government context. A similar approach is used for other entities which are not Tasmanian Government departments, including the Macquarie Point Development Cooperation.

Utilising the relevant Treasurer's Instruction has the advantages of adopting an existing best practice, principles-based framework for councils, which is consistent with that which applies to state government agencies without having to create a separate, parallel framework under the Local Government Act.

The Department of Treasury and Finance also maintains best practice guidelines which include information on internal audit to support councils in adopting and operating under the Treasurer's Instruction.

As applied to councils, the Treasurer's Instruction would provide broad discretion around establishing internal audit, within a framework of high-level principles and minimum procedural and governance requirements.

It would mean, among other things, the general manager must ensure:

- that effective and appropriate internal audit arrangements are established and sufficiently resourced;
- the internal audit function must provide for the ongoing review of the effectiveness of internal governance, risk management and control processes;
- those undertaking the internal audit function have unrestricted access to all records, data, assets, personnel, premises and information that is relevant and necessary to perform the internal audit function;
- those undertaking the internal audit function have the necessary authority to perform reviews, evaluations, appraisals, assessments and investigations of functions, processes, controls and governance frameworks of the council;



- the council has an internal audit charter that specifies the function, purpose, authority and responsibility of those undertaking the internal audit function; and
- the council has an internal audit plan covering a minimum period of three financial years, and which is reviewed and updated on an annual basis.

Councils would have flexibility to resource their internal audit function independently or engage an independent external firm as part of a resource sharing arrangement among participating councils.

Building on this reform, and as recommended by the legislation review in 2020, the Director of Local Government will also be given the explicit power to request internal audits be undertaken, where they reasonably believe a council is failing to perform a function that is impacting on the operations of the council.

<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	General Manager, John Brown
<b>FILE REFERENCE</b>	039\004\018\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Local Government Electoral Bill Discussion Paper

**OFFICER'S RECOMMENDATION:**

That Council provide a submission to the State Government on the Local Government Electoral Bill based on the comments in this report and final comments at the Council Meeting.

**INTRODUCTION:**

The Government is inviting public comment on forward-looking reforms to how we conduct local government elections in Tasmania. This new framework will be implemented through a new standalone local government electoral bill and supporting regulations, which will be put in place ahead of the next council elections due in October 2026.

The discussion paper is organised around five key outcomes:

1. a more flexible and accessible format for local government elections
2. a better voting franchise for electors and changes to eligibility to run for office
3. better quality of public information at elections
4. strengthened donations disclosure and electoral advertising requirements
5. other changes to support the integrity of elections.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 3 March 2025****OFFICER'S REPORT:**

The paper outlines scenarios for how local government elections might be conducted in the future as we need to respond to challenges such as decreasing postal services standards which will continue to challenge the conduct of elections by postal ballot. Some change to the current model is inevitable. The goal of the review is to ensure legislation provides flexibility to adapt the format of elections having regard to evolving technologies and community needs, among other things.

**The paper presents two scenarios:**

- The first scenario is an upfront change to an attendance voting mode, either with a single polling day or a polling period, which would represent a substantial departure for local government elections in Tasmania, though this is the way Local Government elections were held prior to the current system. It is reverting to the past.

- The second scenario relies upon continued distribution by mail of ballot papers, with electors encouraged and enabled to complete and return ballots by hand to physical issuing places, creating a ‘hybrid’ electoral system.

In either instance, voters with barriers to participation (including electors with a print disability, who live in remote locations or are interstate or overseas) would be better served by legislative amendments to enable telephone voting, along with an option to continue to access conventional postal voting where that is practicable.

While proposed reforms in the discussion paper seek to support and deliver on initiatives agreed through the earlier Local Government Legislation Review, there are two main exceptions to this where we think there is merit in testing recent community and sector views about alternative approaches. These are:

- consideration for the continued eligibility to vote by non-citizens; and
- the manner of electing deputy mayors, proposing that the deputy mayor is instead elected ‘around the table’ in the manner of deputy mayor vacancies during the term, and also that councils may elect between a deputy mayor appointed for a fixed period, or an acting mayor appointed from time-to-time.

Below are comments from the General Manager and Councillors which have been developed from the Workshop discussion on what is proposed in the Discussion Paper:

THE FUTURE FORMAT OF LOCAL GOVERNMENT ELECTIONS IN TASMANIA	
<p><b>Scenario A: change to voting in person as the primary means of participation</b></p> <p>Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll.</p> <p>Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.</p>	<p><b>Council Response:</b></p> <p>Compulsory voting would need to remain in place, previously when voting occurred through this Scenario voting was not compulsory.</p> <p>A weeklong polling period based around physical polling stations needs to be viewed with a degree of caution. There will be expectations within our communities that polling stations will be provided in numerous locations and this will require a minimum of two persons at each polling place for the duration. Whilst this in some ways enhances accessibility, the cost of this exercise would be astronomical and would be a quite inefficient approach at smaller polling stations.</p> <p>A single polling day with an extended period of pre-polling similar to what is in place for Federal and State elections would be the most logical under this scenario. The key</p>



	<p>benefit of mirroring this system is that people are used to the system.</p> <p>Trialling a telephone voting system has merit, further detail is required on how this might operate to enable a position to be formed.</p> <p>This should be the least favoured option to pursue.</p>
<p><b>Scenario B: flexible additions to the status quo (a ‘hybrid’ model)</b></p> <p>Provide for a ‘hybrid’ postal model where:</p> <ul style="list-style-type: none"> <li>• all electors are mailed a ballot and candidate information pamphlet</li> <li>• there is a minimum four week polling period, enabling the earlier return of postal votes</li> <li>• there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls</li> <li>• ballots may be returned to issuing places until the close of polls.</li> </ul> <p>Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.</p>	<p><b>Council Response:</b></p> <p>During the 2022 Council elections the system worked reasonably well, we did have the situation where a section of the community failed to receive ballot papers through the post and given this was a geographic based issue one would think it related to an issue with delivery at the local level.</p> <p>Noting that postal delivery services are on the decline greater clarity on the potential timeframe for the cessation of postal delivery services is required, it may be 10 years away and during that time electronic voting systems will continue to evolve.</p> <p>Council should support the use of the ‘hybrid’ postal model as proposed. Locations for the hand return of ballot papers needs to be carefully considered. Locations need to be reasonably secure in terms of operation which from a Council perspective is really a Council office. Returning them to a Council depot is not appropriate as these are places where heavy machinery and trucks are moving creating an avoidable level of risk. If additional returning places are required then it would be logical to use the existing Australia Post network of post offices for this purpose.</p> <p>The Discussion Paper refers to “issuing places”, this is typically a place where a ballot paper can be issued. This needs to be clarified by the Department of Premier and Cabinet as under the postal ballot approach the papers have already been issued. Reissuing a ballot paper should be restricted to certain locations who have the trained staff to undertake this task.</p>

	<p>Trialling a telephone voting system has merit, further detail is required on how this might operate to enable a position to be formed.</p> <p>Investigations need to be undertaken involving Federal and State requirements on an electronic system that could potentially be based around the MyGov system which could provide access to electronic ballot papers. Substantial challenges from a cyber security perspective will need to be addressed.</p>
<p><b>What would these scenarios cost?</b></p> <p>Tasmania's 2022 local government elections cost \$9.32 per elector, an increase of 34 per cent over the 2018 elections (\$6.92 per elector). This is largely attributable to the very large increase in participation (driving increased postal and counting costs) and the costs associated with the returning, processing and counting those additional ballots. By comparison, the 2024 Tasmanian state election cost \$12.37 per ballot.</p> <p>Jurisdictional comparisons demonstrate a wide range in potential costs. 2021 local government elections in the Northern Territory and New South Wales (which are primarily run on an attendance model) incurred costs of \$15.10 and \$29 per elector, respectively (noting that a range of factors may underpin that, including higher participation at the NSW elections).</p> <p>It is not possible to quantify with confidence the costs of future Tasmanian local government elections under either alternative. It is reasonable to assume that the slower pace at which electors would take to complete their votes, and so move through the polling place, would increase costs of attendance elections relative to state elections; as may the provision of a polling period, rather than polling day (though this would vary with operational decisions regarding the number and distribution of polling places). As at present, local government elections are a more complex counting process than for state elections,</p>	<p><b>Council Response:</b></p> <p>The cost of an election is unavoidable The charging regime must be based on the following:</p> <ul style="list-style-type: none"> <li>• Full transparency in relation to the costs being charged including the calculations relating to overhead percentages being applied.</li> <li>• Post election review of the conduct of each election to assess the performance of the approach and opportunities for improvement and cost reductions for future elections. The review is to include representatives from the sector through the LGAT.</li> <li>• Benchmarking against other jurisdictions to ensure that our system is cost competitive</li> </ul>

<p>though as discussed elsewhere in this document, this could be addressed by adopting an alternative means of selecting the deputy mayor.</p> <p>It is similarly difficult to quantify costs of the hybrid election model, though this is anticipated to be less than for attendance elections. Postal services are expected to be more costly over time as overall letter volumes decline.</p> <p>Under either alternative, the costs of local government elections are expected to increase at the next ordinary elections and beyond.</p>	
<p><b>POTENTIAL NEW DIRECTIONS: WHO SHOULD VOTE IN LOCAL GOVERNMENT ELECTIONS, AND HOW SHOULD WE ELECT THE DEPUTY MAYOR?</b></p>	
<p><b>Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections?</b></p> <p>If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity).</p> <p>This would be, in effect, a 'non-citizens' electoral category.</p>	<p><b>Council Response:</b></p> <p>This entitlement should continue with a 12 month timeframe in place, it is a question of how this is proven which needs to be resolved.</p>
<p><b>Reforming the entitlement to nominate as councillor</b></p> <p>If an entitlement for non-citizens to vote is preserved, require that a person must appear on the House of Assembly electoral roll to be eligible to hold the office of councillor, in addition to appearing on that roll or the supplementary electoral roll at an address in the municipal area.</p>	<p><b>Council Response:</b></p> <p>No change required</p>
<p><b>Remove the direct election of the deputy mayor</b></p> <p>Instead, the councillors are to elect the deputy mayor at the first ordinary meeting of the term of the council. Otherwise, the role of deputy mayor could be removed entirely or made optional in favour of provision for</p>	<p><b>Council Response:</b></p> <p>No change required, leave as elected by the people.</p>



acting mayors, including supplementary allowances.	
<b>LOCAL GOVERNMENT ELECTIONS: TECHNICAL REFORMS</b>	
<b>1. A more flexible and accessible format for local government elections</b>	
<b>Reform 1:</b> reduce prescription in the statutory framework to enable the Tasmanian Electoral Commission to approve the electoral process.	<b>Council Response:</b>  Reducing prescription is supported, this is in line with the general thrust within legislative review and a shift to a principles based approach. It will also allow flexibility to adapt to changes within the overall systems such as electronic voting and reduction in postal services.
<b>Reform 2:</b> 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.	<b>Council Response:</b>  Logical to support this in line with the responses above. It also facilitates access and inclusion.
<b>Reform 3:</b> 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.	<b>Council Response:</b>  Logical to support this focus on access and inclusion.
<b>Reform 4:</b> 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.	<b>Council Response:</b>  Logical to support this focus on access and inclusion.
<b>2. A better franchise for electors and changes to eligibility to run for office</b>	
<b>Reform 5:</b> increase the number of elector signatures required to support a notice of nomination to the lesser of 30 or one per cent of the number of electors in the municipal area.	<b>Council Response:</b>  This provides an alternative to the introduction of a nomination fee which had been previously considered and dismissed.

<p><b>Reform 6:</b> move administration of the ‘general managers’ roll’ from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.</p>	<p><b>Council Response:</b></p> <p>As noted in the Discussion Paper this was supported through the legislative review process. Shifting this process will address consistency in approach issues. It is also a task that requires a certain skill set and in terms of the overall activities which Council administration undertakes it is better to be shifted.</p>
<p><b>Reform 7:</b> provide a definition for the purposes of ‘occupier’ of land that establishes an occupier holds a leasehold interest or licence over land, and/or the person’s ordinary place of residence is in the municipal area.</p>	<p><b>Council Response:</b></p> <p>Logical to provide a definition proposed.</p>
<p><b>Reform 8:</b> provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.</p>	<p><b>Council Response:</b></p> <p>This is a logical inclusion to establish the ‘bona fides’ of a person seeking enrolment.</p>
<p><b>Reform 9:</b> implement the ‘one person, one vote’ principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.</p>	<p><b>Council Response:</b></p> <p>The proposed changes seem fair and logical requiring there to be a clear connection to the office holders of a body corporate</p>
<p><b>Reform 10:</b> provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.</p>	<p><b>Council Response:</b></p> <p>Council is not supportive of pre-nomination training and notes that insufficient detail has been provided. Council felt that if there was an onerous training program it may turn away potential candidates. Councillors questioned whether it should be a requirement to attend an information session prior to nomination.</p> <p>Council is supportive of training modules being completed as the more training completed the better quality councillor you have.</p> <p>Councillors should be required to commit to completion of mandatory training when they</p>

	sign the Declaration once they have been elected as a Councillor and prior to taking their seat at the Council table.
<b>3. Better quality public information at elections</b>	
<b>Reform 11:</b> require that the TEC provides all people submitting a notice of nomination the opportunity to provide a candidate information statement (in an approved format, providing prescribed information) and the Tasmanian Electoral Commission is to publish candidate information through appropriate means.	<b>Council Response:</b>  It is logical that this form part of the statutory scheme that governs the electoral system.
<b>Reform 12:</b> provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.	<b>Council Response:</b>  The provision seems logical, it is noted that the Commission has the power to reject a statement with no recourse except it is presumed to provide a new statement.
<b>Reform 13:</b> 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, with the candidate's name to be printed alongside the name of the registered party.	<b>Council Response:</b>  Council supports what is proposed.
<b>Reform 14:</b> provide for candidates whose nomination form is not lodged by a registered party to request to be identified with a group name.	<b>Council Response:</b>  Council supports what is proposed.
<b>4. Strengthened donations disclosure and electoral advertising requirements</b>	
<b>Reform 15:</b> corresponding to the Electoral Act Review Final Report and the amended section 197 of the <i>Electoral Act 2004</i> , introduce new prohibitions on the dissemination of misleading and deceptive statements.	<b>Council Response:</b>  It is logical to strengthen provisions by incorporating new prohibitions on the dissemination of misleading and deceptive statements.  Unfortunately this is a fact of life when it comes to political processes and an ongoing source of frustration as accountability never seems to be reflected in justice.
<b>Reform 16:</b> remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing,	<b>Council Response:</b>  Removal of this restriction is going to lead to behaviours and actions which will be a source



<p>publishing or distributing any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.</p>	<p>of frustration for candidates and intending candidates. The lack of accountability through social media platforms, a situation which is only going to become worse through recent politically induced changes further afield, is going to result in greater frustration and anger by candidates.</p> <p>Given the impact of behaviours by 3<sup>rd</sup> parties on Councillors in recent times and the lack of protection which is provided through the legal system a watering down of even these basic restrictions is going to further expose candidates and intending candidates to inappropriate behaviours potentially resulting in the loss of candidates.</p> <p>Council does not support this change at all noting that it is bad enough as it is.</p>
<p><b>Reform 17:</b> clarify the definition of electoral advertising.</p>	<p><b>Council Response:</b></p> <p>Logical to support this</p>
<p><b>Reform 18:</b> provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure; and provide that expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.</p>	<p><b>Council Response:</b></p> <p>Logical to support this given the framework which has been being introduced.</p>
<p><b>Reform 19:</b> institute authorisation requirements for electoral advertising and associated material.</p>	<p><b>Council Response:</b></p> <p>Logical to support this</p>
<p><b>Reform 20:</b> replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the <i>Electoral Disclosure and Funding Act 2023</i>.</p>	<p><b>Council Response:</b></p> <p>Logical to support this given the framework which has been introduced.</p>
<p><b>Reform 21:</b> 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 so featured the value of</p>	<p><b>Council Response:</b></p> <p>Logical to support this given it is a current requirement.</p>

advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.	
<b>Reform 22:</b> 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.	<b>Council Response:</b> Logical to support this
<b>Reform 23:</b> 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 two candidate donation returns with the Tasmanian Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.	<b>Council Response:</b> Logical to support this given it is a current requirement.
<b>Reform 24:</b> 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.	<b>Council Response:</b> Logical to support this.
<b>Reform 25:</b> 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: <ul style="list-style-type: none"> <li>• over \$50, including services or goods valued in kind, without recording the basic details of that donor</li> <li>• over \$50 in cash</li> <li>• over \$50 from a foreign donor</li> </ul>	<b>Council Response:</b> Logical to support this given the framework which has been introduced.
<b>5. Other changes to support the integrity of elections</b>	
<b>Reform 26:</b> provide that a local government election or by-election may not be held such	<b>Council Response:</b>

that the polling period overlaps the date of a Tasmanian or Australian Government parliamentary election.	Logical to support this.
<b>Reform 27:</b> provide the Tasmanian Electoral Commission with powers of investigation.	<b>Council Response:</b> Logical to support this.
<b>Reform 28:</b> alignment of electoral offences and sanctions with the Electoral Act.	<b>Council Response:</b> Logical to support this.
<b>Reform 29:</b> 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.	<b>Council Response:</b>  Break O'Day Council has a policy in place to address this situation which was adopted prior to the last Council election, LG55 Local Government Election – Caretaker Period Policy.  Council has demonstrated support for this approach, careful consideration of the detail will be required.
<b>Reform 30:</b> provide that during the caretaker period, prohibit a council from making any major policy or financial decisions, namely decisions: <ul style="list-style-type: none"> <li>• relating to the appointment, reappointment, remuneration or termination of a general manager, other than a decision in respect of the appointment of an acting general manager under section 61B</li> <li>• committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year, or \$100,000, whichever is the larger</li> <li>• directing council resources in a manner intended, or likely to, influence voting at the election</li> <li>• relating to a matter the council considers it could reasonably defer until after the election period, other than: <ul style="list-style-type: none"> <li>▪ decisions relating to a matter the council is required to determine in that period under statute</li> </ul> </li> </ul>	<b>Council Response:</b>  Break O'Day Council has a policy in place to address this situation which was adopted prior to the last Council election, LG55 Local Government Election – Caretaker Period Policy.  Council has demonstrated support for this approach, careful consideration of the detail will be required.  The detail within the discussion paper seems logical as a starting point.



<ul style="list-style-type: none"> <li>▪ decisions of a routine and operational nature.</li> </ul>	
<p><b>Reform 31:</b> provide that during the caretaker period, it is an offence for a council to:</p> <ul style="list-style-type: none"> <li>• publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election</li> <li>• publish material in relation to the election other than information to promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner</li> <li>• make resources available to the advantage of any candidate, which are not equally available to all candidates for election.</li> </ul>	<p><b>Council Response:</b></p> <p>Logical to support this, noting that the responsibility for this will rest with the General Manager.</p>
<p><b>Reform 32:</b> 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.</p>	<p><b>Council Response:</b></p> <p>It is logical to adopt this position, it will be incumbent on the General Manager to ensure that professional advice in accordance with the provisions of the <i>Local Government Act 1993</i> are complied with.</p>
<p><b>Reform 33:</b> 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.</p>	<p><b>Council Response:</b></p> <p>Restriction on the matters which an elector poll may be held is a logical approach and would avoid Councils being required to undertake a poll on matters which are outside the scope of Council's activities.</p> <p>The question remains in relation to the increase from 5% to 20%?</p> <p>Councillors are asked to provide comments and a position on this</p>

Council has requested clarification on the existing legislation relating to an Elector Poll

## ***Division 2 - Elector polls***

### ***60B. Council-initiated elector polls***

(1) A council, on its own motion, may hold an elector poll on any issue the council determines.

(2) An elector poll under [subsection \(1\)](#) may be conducted in any manner the council determines.

### **60C. Petition requesting elector poll**

(1) A council must hold an elector poll if –

(a) a petition requesting the elector poll is received within 30 days after a public meeting is held under [section 59](#) in relation to the same subject matter as that contained in the petition requesting that public meeting; and

(b) the petition is signed by at least 5% of the electors in the municipal area or 1 000 of those electors, whichever is the lesser; and

(c) the petition complies with [section 57\(2\)](#).

(2) If –

(a) the person who lodged the petition agrees to an elector poll being held in conjunction with the next ordinary election; or

(b) a petition requesting an elector poll is received within 60 days before the notice of election for the next ordinary election –

the elector poll may be held in conjunction with that next ordinary election.

### **60D. Elector polls**

(1) An elector poll under [section 60C](#) is to be –

(a) held within 60 days after the receipt of the petition, except as provided under [section 60C\(2\)](#); and

(b) held for the whole municipal area; and

(c) conducted as determined by the Electoral Commissioner or any other person authorised by the council.

(2) An elector poll held in conjunction with an election is to be conducted as determined by the Electoral Commissioner.

(3) A matter which is the subject of an elector poll is to be decided by a simple majority of the formal votes cast.

(4) The general manager is to ensure that the result of an elector poll is published in a newspaper circulating in the municipal area.

(5) A further elector poll on the same issue is not to be held until after the next ordinary election.

### **60E. Result of elector poll**

(1) A council is to discuss the result of an elector poll at its next ordinary meeting.

(2) The result of an elector poll is not binding on a council.

The Government will consider consultation feedback in developing draft legislation, which it will release for further consultation and comment in winter 2025. The Government is targeting the spring 2025 session to introduce a Bill into the Parliament.

Submissions close 4 April 2025.

## **STRATEGIC PLAN & ANNUAL PLAN:**

### Break O’Day Strategic Plan 2017-2027 (Revised March 2022)

No direct alignment

### Break O Day Annual Plan 2024 – 2025

### *Stakeholder Management*

Legislative Reviews - Participate in reviews of legislation affecting Local Government.

**LEGISLATION & POLICIES:**

N/A

**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority





# Discussion paper

## Local Government Electoral Bill

Office of Local Government  
Department of Premier and Cabinet



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## Introduction

The Tasmanian Government is committed to developing a new and more flexible statutory framework for local government elections. This new framework will be implemented through a new standalone local government electoral bill and supporting regulations, which will be put in place ahead of the next council elections due in October 2026.

The Government is releasing this discussion paper to test with the community important reforms we are considering, which will:

- create a more flexible format for local government elections
- strengthen donations disclosure and electoral advertising requirements
- improve the quality of public information at elections
- make changes to the franchise for electors and eligibility to run for office, alongside a suite of changes intended to improve the integrity of (and community confidence in) council elections more generally.

Feedback is welcome until **4 April 2025**. Submissions can be provided by email to [lg.consultation@dpac.tas.gov.au](mailto:lg.consultation@dpac.tas.gov.au) (preferred) or by post to:

Office of Local Government  
GPO Box 123  
HOBART TAS 7001

### Tasmanian Government Public Submission Policy

All submissions will be treated as public information and published on the Department of Premier and Cabinet's website, unless you clearly specify your submission is being provided on a confidential basis. In accordance with the Tasmanian Government's [Public Submission Policy](#), if you would like your submission to be confidential, you must specify in writing, at the time of providing your submission, the parts of your submission you wish to remain confidential and provide the reasons for this.

Submissions will be published after consideration by Government.

### Next steps

The Government will consider consultation feedback in developing draft legislation, which it will release for further consultation and comment in winter 2025. The Government is targeting the spring 2025 session to introduce a Bill into the Parliament.



## How we got here

The Tasmanian Government committed to developing and introducing a new standalone Local Government Electoral Bill in response to the recommendations of the Local Government Legislation Review.

That Review was announced in June 2018 and led to the endorsement of [48 approved reforms](#) in April 2020 and a commitment to exposure legislation to follow. Those reforms were the outcome of a consultation process involving over 800 survey responses and 75 submissions.

Disruption associated with the COVID-19 pandemic, and then a commitment of Government to the wider-reaching Future of Local Government Review following the advice of the Premier's Economic and Social Recovery Advisory Council, led to legislative efforts to deliver the prior set of reforms being deferred, to ensure the future framework benefitted from the outcomes of that review. The latter review delivered its final report and recommendations in October 2023.

Separately, the Government introduced compulsory voting for local government elections in advance of the 2022 elections, through the *Local Government Amendment (Elections) Act 2022* (the Amendment Act). While compulsory voting had not been a recommendation of the Local Government Legislation Review, this subsequent policy decision saw Tasmania join Victoria, Queensland and New South Wales (where compulsory voting had been in place since 1947). Importantly, Tasmanians achieved landmark turnout of 84.8 per cent at the 2022 local government elections, with 120,695 more votes returned than at the 2018 elections: a historic result in its national context, outperforming other compulsory voting jurisdictions in recent decades.

The Amendment Act also delivered successful reforms to reduce informal voting rates, which had tended to increase in urban councils as the councillor ballot paper became longer due to larger candidate fields. The informal voting rate in the 2022 Hobart City Council councillor elections fell to 3.3 per cent, compared to 8.8 per cent in 2018 (and the statewide rate falling to 4.0 per cent, compared to 5.1 per cent in 2018). These reforms will be preserved in the new Local Government Electoral Bill.

Notwithstanding its success, the introduction of compulsory voting also drew renewed attention to the limitations of the current system under the *Local Government Act 1993* (the Act). For instance, electors living with print disabilities and Tasmanians interstate and overseas have not been able to enjoy comparable assistance and means to vote as at Tasmanian parliamentary elections, due to a prescriptive detail as to the method of postal voting in the Act. This is despite the Act making provision for assistance to electors and for voting electronically. The Tasmanian Electoral Commission was able to make available an in-person, confidential, and impartial voting assistance service at the 2022 elections, but with statutory change, more appropriate services can be made available at future elections.

Finally, important reforms to the conduct of Tasmanian parliamentary elections were delivered through the Department of Justice's Electoral Act Review, which delivered its final report in February 2021. These reforms, including a comprehensive donations disclosure regime, are embedded in the *Electoral Disclosure and Funding Act 2023*, the *Electoral Matters (Miscellaneous Amendments) Act 2023*, and the Electoral Amendment Bill 2024 (which is still before Parliament as at February 2025).

While the implementation of a disclosure regime of the complexity and comprehensiveness of the *Electoral Disclosure and Funding Act 2023* is not considered compatible with local government elections (which are primarily contested by independent candidates with no campaign assistance), these recent reforms to the conduct of Tasmanian parliamentary elections have influenced the direction of several proposed reforms laid out in this discussion paper.

### **Local Government Priority Reform Program 2024-26**

The Electoral Bill is a core component of the Government's Priority Reform Program for 2024-2026, namely pillar three: improving local democracy and representation.

The Priority Reform Program is the implementation phase of the Future of Local Government Review and earlier Local Government Legislation Review. Alongside the Electoral Bill, Government is to introduce a targeted package of legislative reforms to the Local Government Act and new general and meeting procedures regulations in 2025.

### **Reform proposals and project scope**

The Government's objective is to deliver new local government electoral legislation that enables future elections to be conducted in a more flexible format.

The new legislative framework will deliver the headline reforms of the Local Government Legislation Review to deliver principles-based legislation and a Local Government Electoral Act which makes it easier to administer local government elections.

The proposed reforms outlined in the paper are organised around five key outcomes:

- 1. a more flexible and accessible format for local government elections**
- 2. a better franchise for electors and changes to eligibility to run for office**
- 3. better quality of public information at elections**
- 4. strengthened donations disclosure and electoral advertising requirements**
- 5. other changes to support the integrity of elections.**

One of the main reform areas the Government is seeking feedback on is in relation to how local government elections are conducted in the future, given the emerging challenges with a model that relies on the postal system. We know some change to the current model is inevitable. The goal is to ensure our legislation provides flexibility to adapt the format of elections having regard to evolving technologies and community needs, among other things.



The paper presents two scenarios for the future format of elections:

- The first is an upfront change to an **attendance voting mode**, either with a single polling day or a polling period, which would represent a substantial departure for local government elections in Tasmania.
- The second relies upon **continued distribution by mail of ballot papers**, with electors encouraged and enabled to complete and return ballots by hand to physical issuing places, creating a 'hybrid' electoral system. This responds to challenges, namely decreasing postal services standards and increasing costs, which will continue to challenge the conduct of elections by universal postal ballot.

In either instance, voters with barriers to participation (including electors with a print disability, who live in remote locations or are interstate or overseas) would be better served by legislative amendments to enable telephone voting, along with an option to continue to access conventional postal voting where that is practicable.

#### **New directions: who should vote in local government elections and how should we elect the deputy mayor?**

While proposed reforms in the discussion paper seek to support and deliver on initiatives previously agreed and announced by the Government in response to the Local Government Legislation Review, there are two main exceptions to this where we think there is merit in testing current community and sector views about alternative approaches.

These are:

- consideration for the continued eligibility to vote by non-citizens
- the manner of electing deputy mayors.

#### **Matters out of scope**

The Government is seeking broad feedback on a range of proposals in this discussion paper, and the input we receive will be vital in shaping our new local government elections legislation.

However, there are two key matters where the Government will not be considering any changes to the current arrangements:

- 1. Voting at Tasmanian local government elections will continue to be compulsory.** The historic turnout at the 2022 elections has validated the decision to introduce compulsory voting, which has seen a level of public engagement and participation at elections which strengthens our vital local government sector and its engagement with our community. The Government does not intend to revisit its decision to institute compulsory voting, which enjoyed unanimous Parliamentary support, and highly positive feedback from in



the previous Office of Local Government consultation process commissioned following the 2022 elections.

- 2. The local government sector should bear the cost of conducting its own elections.** This principle is provided for explicitly at section 268 of the *Local Government Act 1993*, and it will stand in the new Local Government Electoral Bill. Notwithstanding this, acknowledging the timing and impost associated with the policy change made at the 2022 elections, the Government provided approximately \$400,000 in direct funding to support those elections, including costs associated with the increased count and, importantly, a public information campaign about the new requirement to vote. A further \$200,000 is provided in the Forward Estimates for the 2026 elections, principally for a second public information campaign. As the community will have had two electoral cycles, and eight years, to come to understand compulsory voting, no further funding is proposed and local councils will meet the full cost of administering their elections, including public information. Non-voter fines will defray the additional costs of administering compulsory voting at the 2026 elections and beyond.

### Navigating this document

The discussion paper is structured as follows:

- The first section presents the main issues for the future conduct and format of elections.
- The second section discusses possible options for reform which depart from earlier positions of the Government – namely non-citizen voting and how deputy mayors are elected - and explains why there are arguments for adopting alternative positions on these issues.
- The third section sets out all the other proposed reforms, organised by theme headings. The context and rationale for each reform is briefly explained, including useful precedent examples in other Australian local government systems and in Tasmanian parliamentary elections.

## The future format of local government elections in Tasmania

Tasmanian local government elections have been conducted by universal postal vote since 1993. Postal voting has been successful and is associated across Australian jurisdictions with higher participation rates in council elections.<sup>1</sup> However, elections by universal postal voting are becoming increasingly challenged by declining postal service standards and additional costs, including for electors interstate and overseas.<sup>2</sup>

The status quo is not sustainable. At some point (be that at the 2030 council elections or beyond), letter delivery services may simply become unavailable at any cost, or with such limited frequency that the conduct of mass participation elections is impracticable. Postal service costs and service standards already represented challenges for the 2022 and 2018 elections.

Responding to this challenge, this section of the discussion paper presents two alternatives for the future format of elections.

While these scenarios are presented for consultation neither would need to be specified or 'hard wired' in legislation, with the legislation instead developed to enable a wider range of voting methods to better accommodate a range of future states. Irrespective of the future conduct of elections – whether it be a postal/hybrid model, or a move to attendance voting – the Bill will give operational autonomy to the Tasmanian Electoral Commission in the conduct and format of elections, with some capacity to fix parameters in regulation. This is appropriate, and consistent with the *Electoral Act 2004* and *Local Government Act 1993* in respect of existing elections.

For this reason, these alternatives should be regarded as a bridge to a future state. If we cannot vote fully by post anymore, how should we vote at the next election in 2026 and the elections of 2030? At some point, electronic voting systems will be secure and validated, and most people will vote electronically, in much the way that most consumer banking transactions are now completed online. However, those systems are not yet mature, and the decline in postal standards and increase in costs demands short and medium-term alternatives.

<sup>1</sup> At 84.8 per cent, Tasmania's 2022 election featured likely the highest statewide turnout at Australian local government elections for some decades. Those elections were also the first held in Tasmania with compulsory voting.

<sup>2</sup> The Australian Government reduced letter services standards by amendment to the *Australian Postal Corporation (Performance Standards) Regulations 2019* effective 15 April 2024, succeeding pandemic-era temporary reductions in those same standards (later reversed). Despite these changes, the cost to the Tasmanian Electoral Commission for Australia Post's services for elections has risen substantially.



### **Scenario A: change to voting in person as the primary means of participation**

Move to universal attendance elections with a weeklong polling period, or a polling day, including an extended pre-poll period and postal voting for persons on the supplementary electoral roll.

Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.

The first scenario presented is to move to an attendance voting model for electors on the House of Assembly roll. This would align local government elections more closely to the model used for Tasmanian and Australian parliamentary elections.

Transitioning to this model presents a significant shift in electoral format requiring the community to immediately adjust to attendance voting at council elections, which is likely to present some additional disruption (especially as voting is now compulsory). However, attendance voting is a feature of most other Australian jurisdictions' local government electoral legislation (besides South Australia), which tend to rely on a mix of voting methods for individual councils or across councils (some council elections are conducted by universal postal ballot and others through a mix of attendance and postal voting).

Attendance voting on a polling day at Tasmanian and Australian parliamentary elections is declining in favour of pre-poll voting. When presented with the option, people increasingly favour voting early and at a time that suits them. The 2022 federal election saw a landmark majority of electors nationally vote early (by pre-poll, predominantly, and postal ballot). At state elections, the proportion of electors voting early tripled between 2002 and 2021, to almost 30 per cent of votes, with the significant majority of this growth being votes cast by pre-poll ballot.

Recognising this emerging preference, there is an opportunity to introduce a polling period of one week, rather than a single polling day. However, there is a direct trade-off between a polling period and a polling day, and the number of polling places which can be made available. It is not affordable, for instance, to staff the density of polling places made available at state elections for an entire week, most of which are not available for that purpose on weekdays (namely schools).

This is relevant as postal voting is, generally, associated with higher turnout at local government elections in other Australia jurisdictions. Despite compulsory voting, it is reasonable to assume the less flexible the manner of voting – for instance, a single day attendance election or a weeklong polling period with limited polling places – the lower turnout will be.

Were attendance voting to be pursued, it is expected a single or small number of polling places for each local government area would be open for a polling week. A pre-poll centre, potentially servicing multiple municipalities, may also be open for a four-week early voting period. These options would be complemented by postal



voting (upon registration) and telephone voting for eligible electors, including electors interstate and overseas.

Even with this kind of flexibility, a wholesale shift to attendance voting still presents challenges, particularly for local government elections, where electors are required to choose between sometimes very large fields of candidates<sup>3</sup> who may have less prominent public profiles, and who do so often without political party support.

While larger fields and community candidates are core to the value and differentiation of local government, they can make it difficult for electors to make informed and meaningful choices at a ballot box. Postal voting has provided electors the ability to work through the ballot paper with the candidate information provided privately and in their own time. Care will need to be taken in the preparation of candidate information and elector material distributed to households to address this gap.

#### **Scenario B: flexible additions to the status quo (a 'hybrid' model)**

Provide for a 'hybrid' postal model where:

- all electors are mailed a ballot and candidate information pamphlet
- there is a minimum four week polling period, enabling the earlier return of postal votes
- there are more issuing places in each municipality, to enable the hand return of ballots by electors until the close of polls
- ballots may be returned to issuing places until the close of polls.

Telephone voting would be made available for electors with barriers to participation or who are interstate or overseas.

Under this scenario, future elections would be conducted in a flexible manner which attempts to preserve the benefits of universal posting voting (at least while the postal system remains available and affordable), while embracing the efficiencies and advantages of a 'pre-poll like' model.

At the 2022 elections, traditional postal voting was complemented by increased use of an option for electors to return their completed ballot to council offices as 'issuing places'. This scenario seeks to build on and extend this type of model, and would involve:

- all electors continuing to receive candidate information and ballot papers in the mail following the close of nominations
- a likely polling period of a minimum of four weeks, to enable a longer period for the delivery of ballot packs and for the return of votes

<sup>3</sup> In more populous municipal areas, councillor ballots are sometimes very lengthy, and becoming lengthier. For example, 44 candidates contested the 2022 Hobart City Council ballot, compared to 36 in 2018.

- electors wishing to vote by post needing to complete a postal ballot declaration, identifying one among a prescribed set of reasons for voting via post. Otherwise, electors will be required to hand return completed ballots, in the declaration envelope, to issuing and receiving places.

As voting is compulsory, advice will be provided regarding return postal timeframes, and it is foreseeable that electors voting via post will have substantially less time to complete their votes than voters who return their ballots to a polling place. It is intended that, over time, most ballots are to be returned to issuing and receiving places.

Reduced time for persons voting by return mail does raise equity considerations. However – unlike parliamentary elections – counts for the office of councillor feature exclusions at very low margins, and it would not be feasible to commence the count or calculate provisional result prior to the return of all ballots to be included in the count. This means, unlike at state and Australian Government elections, postal votes cannot be received until a later time after the conclusion of the polling period.

### **What would these scenarios cost?**

Tasmania's 2022 local government elections cost \$9.32 per elector, an increase of 34 per cent over the 2018 elections (\$6.92 per elector). This is largely attributable to the very large increase in participation (driving increased postal and counting costs) and the costs associated with the returning, processing and counting those additional ballots. By comparison, the 2024 Tasmanian state election cost \$12.37 per ballot.

Jurisdictional comparisons demonstrate a wide range in potential costs. 2021 local government elections in the Northern Territory and New South Wales (which are primarily run on an attendance model) incurred costs of \$15.10 and \$29 per elector, respectively (noting that a range of factors may underpin that, including higher participation at the NSW elections).

It is not possible to quantify with confidence the costs of future Tasmanian local government elections under either alternative. It is reasonable to assume that the slower pace at which electors would take to complete their votes, and so move through the polling place, would increase costs of attendance elections relative to state elections; as may the provision of a polling period, rather than polling day (though this would vary with operational decisions regarding the number and distribution of polling places). As at present, local government elections are a more complex counting process than for state elections, though as discussed elsewhere in this document, this could be addressed by adopting an alternative means of selecting the deputy mayor.

It is similarly difficult to quantify costs of the hybrid election model, though this is anticipated to be less than for attendance elections. Postal services are expected to be more costly over time as overall letter volumes decline.

Under either alternative, the costs of local government elections are expected to increase at the next ordinary elections and beyond.



## Potential new directions: who should vote in local government elections, and how should we elect the deputy mayor?

This section of the discussion paper seeks feedback on two reform options for consultation, which if adopted, would depart from agreed reforms in response to the Local Government Legislative Review, namely:

- a continuation of non-citizen voting (limited within certain parameters)
- a move away from the popular election of deputy mayors.

We are testing these directions because we think they have merit in the current landscape and having regard to future challenges and opportunities for council elections in Tasmania.

### **Reforming the franchise: should non-citizens enjoy a continuing entitlement to vote at local government elections?**

If this entitlement were to continue, it is proposed a person's ordinary place of residence must have been in Tasmania for the 12 months prior to making an application for enrolment (or otherwise must own property in Tasmania in a personal capacity).

This would be, in effect, a 'non-citizens' electoral category.

The Government previously endorsed as an outcome of the Local Government Legislation Review that a 'person must be an Australian citizen to be eligible to be enrolled to vote in local government elections'.

Tasmania, alongside Victoria and South Australia, has not limited access to supplementary entitlements to vote only to Australian citizens, or to persons eligible to vote in state and Australian government elections.<sup>4</sup>

This proposition proceeded through the legislation review process with relatively narrow public comment. The local government sector provided conditional support, with several councils supporting the maintenance of voting entitlements for non-citizens who own property or for permanent residents and/or refugees.

There is some civic benefit for continuing a broader franchise than at state and Australian Government elections. Maintaining a franchise that is accessible and equitable encourages participation and interest in the local community and builds connection and civic values. Local councils make decisions that shape people's local,

<sup>4</sup> Those being Australian citizens and British subjects enrolled to vote immediately before 26 January 1984.

immediate environments, and those decisions benefit from the input and engagement of all people who use and enjoy local recreational spaces and public infrastructure.

Enabling a wider segment of the community to vote at local councils provides for democratic engagement and is a first experience of Australian democracy for people who may go on to become Australian citizens and lifelong members of our community.

As noted, some councils have supported continued electoral participation for permanent residents and/or refugees. It is not considered desirable for the Tasmanian Electoral Commission to have to review, and verify, the immigration status of electors, and to make determinations on the basis of visa categories which are themselves the subject of change and reform.

As an alternative, it is proposed that persons seeking enrolment on the supplementary roll who are not entitled to be enrolled on the House of Assembly roll, and whose ordinary place of residence is Tasmania, must be able to demonstrate a minimum of 12 continuous months' residence in Tasmania (not necessarily in the municipal area) at the time of seeking enrolment.<sup>5</sup> This is intended to establish a minimum level of community engagement and integration in Tasmania prior to participating in local government elections and indicate some expectation of continuing residence in the community.

#### **Reforming the entitlement to nominate as councillor**

If an entitlement for non-citizens to vote is preserved, require that a person must appear on the House of Assembly electoral roll to be eligible to hold the office of councillor, in addition to appearing on that roll or the supplementary electoral roll at an address in the municipal area.

If Government adopts a revised position that long-term non-citizen residents of Tasmania, or non-citizen owners of property in Tasmania, will enjoy a continuing entitlement to vote in local government elections, it is additionally proposed that persons seeking nomination for office will be required to be on Tasmania's House of Assembly electoral roll, and as a result, be Australian citizens or British subjects eligible to vote in parliamentary elections.

This change would bring Tasmania into alignment with Victoria and South Australia, which impose this differential requirement. The proposal, combined with the continuation of the wider franchise, is intended to balance the benefit of wider civic

<sup>5</sup> By way of example, in South Australia, one month's residence in a ward or council area is required prior to an application for enrolment as a resident for persons not entitled to vote on the basis of enrolment on the state's House of Assembly roll. An extension to this period was acknowledged as a potential direction or reform in the state's Local Government Participation and Elections Review discussion paper.



participation with the acknowledged risks of foreign influence and interference at local government elections and in council decision-making.

#### **Remove the direct election of the deputy mayor**

Instead, the councillors are to elect the deputy mayor at the first ordinary meeting of the term of the council. Otherwise, the role of deputy mayor could be removed entirely or made optional in favour of provision for acting mayors, including supplementary allowances.

Change to the mode of election of the deputy mayor and mayor was proposed during Local Government Legislation Review but was not ultimately recommended as a final reform. There was not clear or strong support for the change in submissions to the legislation review at that time, from either councils or the community.

However, there are reasons to reconsider a change, particularly with higher participation rates brought about by the recent introduction of compulsory voting and increasing election costs. It is becoming less clear the costs associated with directly electing the deputy mayor result in attendant democratic or governance benefits for councils and communities.

Tasmania is the only Australian jurisdiction where the deputy mayor is popularly elected and there are obvious complications and limitations to the process of electing the deputy mayor as it stands, including that a person may not contest both the roles of mayor and deputy mayor at the same election.

It is already the case that casual vacancies in the role of deputy mayor are filled 'around the table' and not by by-election. Election around the table is consistent with the approach in all other jurisdictions (noting councils in some jurisdictions also appoint their mayor or principal member in the same manner). Election by popular ballot is not clearly consistent with the actual function of the deputy mayor, which is as an alternative, or acting, spokesperson for the council and the chairperson of its meetings in the mayor's absence. Further, election around the table enables all councillors (including those who contested the mayorship) to seek the deputy mayorship. This may lead, in some circumstances, to council's leadership becoming more reflective of the sentiment of the electorate than is permitted under the present system.

As all Tasmanian mayors are appointed by popular election, one alternative would be the second ranked mayoral candidate be appointed deputy mayor. Such a system may increase the likelihood the mayor and deputy mayor represent factional or partisan opposites in the council, and this may be an impediment to the performance of the deputy mayor's functions. Council choosing its own alternative chairperson and spokesperson is considered preferable to that model.



Alternatively, it may be timely to revisit the express necessity of the office of deputy mayor. Instead, new provision could be made in the *Local Government Act 1993* for the mayor to delegate their functions to a councillor during a period of absence; or for the council to appoint an acting mayor around the table during a period of absence. Provision would be made for a councillor so appointed to receive a mayoral allowance in this period. The mayor would be provided a general power to delegate the role of council spokesperson other than for periods the mayor is on leave.

Only Queensland and Western Australia require a council to appoint a deputy mayor, with legislation in other jurisdictions leaving this at the discretion of councils. This could be the legislated outcome in Tasmania, or provision be made only for acting mayors.

Either proposal could play a significant role in defraying the escalating and unavoidable costs of future local government elections. Wider participation at elections increases the cost and time required to conclude the count, which provides an additional reason to streamline the popular electoral process. The Tasmanian Electoral Commission provided preliminary estimates that the direct election of the deputy mayor cost approximately \$285,000 in 2022, or seven per cent of the cost of those elections. This cost can be expected to, at least, increase proportionally with any scenario for the format of future elections (if a change to deputy mayor election around the table, or acting mayors, is not adopted). However, the Commission has indicated this assumption may be conservative were attendance elections introduced for local government.

Were the office of deputy mayor to be removed or made optional, additional savings could be realised from the abolition of associated allowances, or otherwise, these be redistributed among the councillors.

## Local Government Elections: technical reforms

Thirty-three technical reforms are presented below, under five themes:

1. **a more flexible and accessible format for local government elections**
2. **a better franchise for electors and changes to eligibility to run for office**
3. **better quality public information at elections**
4. **strengthened donations disclosure and electoral advertising requirements**
5. **other changes to support the integrity of elections.**

### 1. A more flexible and accessible format for local government elections

This set of reforms will provide future flexibility for the conduct of local government elections and, importantly, remove current barriers to using available assistive practices and technologies for electors with print disabilities and electors who are interstate or overseas.

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

This principle will guide the preparation of the new statutory scheme. It corresponds directly to the first headline reform endorsed through the Local Government Legislation Review in April 2020, which is to deliver principles-based legislation removing prescription or moves procedural detail into subordinate legislation that can be more readily adapted as circumstances change. Critically, a more flexible format for local government elections will enable greater responsiveness to the developing challenges with the current universal postal ballot system.

It is acknowledged the unique integrity risks associated with election require care in drafting and sufficient detail in statute to enable impartial arbitration of electoral matters. However, recent electoral cycles have made plain the extent of procedural detail in the *Local Government Act 1993* has frustrated the ability of the Tasmanian Electoral Commission to conduct elections in line with community expectations or to respond to changes in technology and the declining availability and suitability of postal services.

This is particularly so in relation to current constraints on the Commission providing assistance to electors with barriers to participation, including print disability, and electors who are interstate or overseas during the polling period.

Technical engagement with the Commission during the preparation and public consultation on the exposure draft of the Electoral Bill will be prioritised.

**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.

Electors with impediments to participation or who are outside Tasmania during the polling period have not been able to enjoy equitable participation in recent elections, due to limitations in the flexibility afforded to the Commission and Electoral Commissioner in the relevant sections of the current *Local Government Act 1993*.

For electors with print disabilities, section 291 does enable the Commissioner to provide a framework to provide assistance but does not provide for that assistance to overcome prescription in the Act as to what ballots may be accepted and counted (namely, ballots not received in an envelope with a signed declaration, pursuant to sections 285 and 287).

These constraints mean assistance provided at elections for the Parliament of Tasmania – such as the VI-Vote terminals which enable persons with sight impairments to complete an electronic ballot paper independently – cannot be provided for Tasmanian council elections. Similarly, the Commissioner cannot currently enable voting by phone, either with an automated secure system or with the assistance of a human operator.

The new Electoral Bill will remove statutory impediments to participation in elections by phone or with an assisted voting system for people who are not able to complete a written ballot paper.

Section 296 of the Act currently empowers the Commission to approve procedures such that electors who are outside Tasmania may vote by receiving a ballot paper electronically and returning it electronically or by mail. However, provision is not made for telephone voting.

Due in part to cybersecurity risk, electoral commissions in Tasmania and interstate have suspended remote internet voting until more secure systems are developed and validated.<sup>6</sup> This reduced access to the 2022 elections for persons outside Tasmania, particularly those overseas, due to the public and private costs and lengthy lead times associated with postal ballots, and the challenges faced by postal systems in maintaining service standards amid declining letter volumes.

The new Electoral Bill will provide for the Commission to approve procedures to enable either telephone or electronic voting, or both, for voters outside Tasmania. While internet voting is not currently contemplated for local government elections for the reasons outlined above, flexibility will be built into the Bill to ensure the most appropriate method or methods can be used for future elections as determined by the Commission.

<sup>6</sup> For example, the cessation of the New South Wales iVote system following council elections in 2021.



Similar facilitating amendments are proposed for the Electoral Act through the Electoral (Alternative Voting Procedures) Bill 2024. It is anticipated the provisions in the new Bill will mirror these provisions, once finalised.

As systems for telephone and, particularly, electronic voting mature, they may become suitable for more widespread use at elections. A power will be provided for regulations prescribing classes of persons for whom electronic and telephone can be made available.

It is noted that provision will be made for an appropriate balance of accountability between the Commission, Government and Parliament for the conduct of elections, and consideration will be given in the development of exposure legislation for the Commission to transmit its decision as to the manner of elections to the community and Parliament prior to those elections being held.

**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.

While the Electoral Bill will reduce overall statutory prescription and introduce much-needed flexibility, new principles for the conduct of elections will enhance community confidence and guide the Commission and Electoral Commissioner in the making of procedures for electors with impediments to ordinary participation or who are outside Tasmania.

These principles are that all electors are to be afforded an opportunity to vote at those elections in a secret, independent and verifiable manner so far as this is consistent with the Commission conducting efficient and timely elections and the integrity of those elections.

Not all existing and prospective methods of voting, including assistive technologies, perfectly reflect these principles. Postal voting, voting by telephone with a human operator, or voting using internet-based systems each involve trade-offs that may be acceptable or preferable for those who may value factors such as convenience highly, or benefit from direct human assistance.

As above, similar facilitating amendments are contained within the Electoral (Alternative Voting Procedures) Bill 2024, and the draft bill will seek to align to those provisions as made.

It is not possible or appropriate to prescribe in legislation a detailed model for assisted voting which avoids compromise between secret, independent, and verifiable voting and which meets all electors' needs and preferences. However, it may be appropriate to prescribe principles enabling the Commission to continually review and improve its assistive protocols, in consultation with affected electors, to

ensure the range of practicable and achievable voting methods and technologies are provided to electors.

**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.

The Electoral Commission publishes a statistical report following each ordinary local government election. Supporting the above reforms, the Electoral Bill will require the Electoral Commission to publish a statement on the accessibility principles, including relevant statistics and initiatives undertaken to promote universal participation at the election. This proposal is considered to balance appropriately the independence of the Commission, while providing a transparent accounting of participation at the election for electors with additional barriers to participation.



## 2. A better franchise for electors and changes to eligibility to run for office

This set of reforms will make the administration of the local government electoral franchise more robust and, importantly, embed the core 'one person, one vote' principle for future elections. It also provides a higher – but appropriate – bar for nomination without the introduction of a candidate nomination fee.

**Reform 5:** increase the number of elector signatures required to support a notice of nomination to the lesser of 30 or one per cent of the number of electors in the municipal area.

The Local Government Legislation Review contemplated the introduction of a candidate nomination fee, intended to 'to attract serious candidates and reduce nominations by those without real intentions to be elected'. Despite being a common feature of local government elections in Australia, the proposal was not ultimately endorsed, in part due to the potential for the fee to deter genuine candidates and the equity impacts of a fee on participation from a wide section of the community.

However, the imperative to ensure ballots comprise genuine and credible candidates remains relevant. Under compulsory voting, it is perhaps even more important than previously to ensure that the field of candidates is well-understood by electors, to ensure all voters, including those less engaged in political processes, are able to make meaningful choices and are not incentivised to vote arbitrarily.

As an alternative to a candidate fee, the number of signatures required to submit a notice of nomination would be increased from two electors at present to the lesser of 30 persons, or one per cent of electors on the electoral roll for the municipal area. This change provides an initial test of credible public support for a candidacy, while not imposing a financial barrier on candidates. The alternative thresholds are intended to accommodate smaller municipalities for which obtaining 30 signatures could represent an unreasonable barrier.

It is noted a range of thresholds apply at Tasmanian elections, from 100 nominators for a non-party candidate for the House of Assembly to 10 for a non-party candidate at a Legislative Council election. While it is acknowledged there is some apparent conflict with the lower threshold applying for Legislative Council elections, it is considered desirable and appropriate that candidates demonstrate a threshold commitment to seeking and then serving in the office of councillor prior to appearing on the ballot paper. The nomination deposit of \$400 for all candidates at Tasmanian Parliament electors provides an alternative incentive for serious candidates at those elections, but a higher nominator threshold is considered more suitable and more inclusive for council elections.



Acknowledging the potential impact of this measure on those who could gain the support of 30 (or one per cent) of electors, but who make a relatively late decision to nominate, consideration will be given to a two-stage nomination process in the Electoral Bill. This would see prospective candidates submit a notice of intention to nominate, followed by a period (of two to four weeks) to collate signatures, prepare a candidate statement, and ensure completion of pre-nomination training, prior to the submission of the notice of nomination (Reform 10).

**Reform 6:** move administration of the 'general managers' roll' from councils to the Tasmanian Electoral Commission, including administration of the process through which land occupier and corporate nominee (supplementary electoral roll) electors are to enrol.

This change was endorsed through the Local Government Legislation Review.

Presently, supplementary rolls of electors – that is, persons with property-based entitlements and non-citizen electors – are maintained by council general managers, in a manner and using forms approved by the Commission.

Shifting this responsibility to the Commission entirely should enable increased consistency in the administration and application of the supplementary electoral roll. Importantly, the administration of this function will be streamlined with complementary changes to clarify the extent of the electoral entitlement and to establish clear evidentiary requirements, as below.

It is anticipated this change would commence following the next ordinary local government elections to enable time to consolidate and validate supplementary rolls from all councils using the land titles dataset.

**Reform 7:** provide a definition for the purposes of 'occupier' of land that establishes an occupier holds a leasehold interest or licence over land, and/or the person's ordinary place of residence is in the municipal area.

Presently, a person who owns or occupies land in a municipal area (or is the natural person nominee of a corporate owner or occupier) may vote in an election on the basis of enrolment on a supplementary roll. The term 'occupy' is not adequately defined in the relevant part of the *Local Government Act 1993*.

This created ambiguity around the extent of association with land required to generate an entitlement to vote in local government elections in some specific instances (for instance, persons making regular use of a secondary property owned by a family member or associate). A clear definition of occupier will be introduced in

the new Bill, with the intent of linking entitlement to be enrolled on the supplementary electoral roll with a clear evidentiary basis.

This will include:

- a natural person, or a corporate body, with a personal lease for land
- a natural person, or a corporate body, with a personal licence for land (potentially limited to a private purposes licence at section 86AA of the Act)
- a natural person, otherwise, whose ordinary place of residence is in the municipal area, and who is a longer-term resident of Tasmania, and who is not enrolled for an electoral roll for the House of Assembly. This third case is intended to capture non-citizen persons resident in Tasmania who are not named personally on a residential lease.

**Reform 8:** provide that a person seeking enrolment on the supplementary roll must complete a land occupier declaration and provide documentation of the leasehold or licence over land, or evidence of their period of residence in Tasmania to the satisfaction of the Commissioner.

Enhancement will be made to the existing provisions for the electoral enrolment form for the supplementary roll, establishing clear evidentiary requirements for enrolment.

Persons seeking enrolment will be required to supply a copy of their lease or licence document, on which they are named; or provide, to the satisfaction of the returning officer, evidence of residence in Tasmania at least 12 months prior to the date of their application for enrolment (for instance, a utility bill) and, if required by the Commissioner, additional information for the intervening period.

Provision will be made for appeal of the determination.

**Reform 9:** implement the 'one person, one vote' principle and require a nominee of a corporate landowner or occupier of land may nominate one natural person who is an officeholder of the company to be its nominee.

The Local Government Legislation Review endorsed the institution of a 'one person, one vote' principle at local government elections in Tasmania. This requires removing the existing and explicit provision for a person to have up to two votes (found at section 254 of the *Local Government Act 1993*) for an election in a municipal area, where one vote may be in that elector's own right, and another on behalf of a corporate body.

Instead, it is proposed a nominee of a corporation may not also be enrolled on the House of Assembly roll at an address in the municipal area or be enrolled on the supplementary electoral roll for the municipal area.



In addition to providing a person may only have, in any circumstances, one vote in an election for a municipal area, it is proposed natural person nominees of corporate bodies must be officeholders of the corporate body (a director or company secretary of the body). This requirement mirrors arrangements in Victoria and South Australia.<sup>7</sup>

Requiring a nominee of a corporate landowner or occupier is an officeholder provides some additional integrity to the 'one person, one vote' principle as it will no longer be the case a corporate nominee may be arbitrarily selected (and so in some cases, be selected to avoid the prohibition on multiple voting that might otherwise apply).

Corporate bodies will continue to have a single nominee for each municipal area, even if it owns or occupies land in several places in that municipality.

A corporate body providing a nomination will have to supply evidence, to the satisfaction of the Commissioner, that the nominated person is an officeholder of the corporate body.

Provision will be made for the appeal of this determination.

**Reform 10:** provide that all intending candidates (other than incumbent councillors) must complete a prescribed program of pre-nomination training prior to their submission of a notice of nomination.

Councils are obligated to complete pre-nomination training and/or training in office in Victoria, South Australia, Queensland and Western Australia. The Tasmanian Government endorsed the institution of compulsory pre-nomination training as part of its response to the Future of Local Government Review.

The Tasmanian Government, Local Government Association of Tasmania and sector representatives are working to implement and refine a learning and development framework (Learn to Lead) for Tasmanian councillors. A pre-nomination training module was made available to incumbent councillors and candidates at the 2022 local government elections.

The Bill will provide that people intending to become candidates at elections (other than those who are councillors at the time of the notice of elections) must complete training specified by the Director of Local Government, if any, prior to lodging their notice of nomination. The intention of this provision is that all people contesting local government elections will have a common threshold understanding of the particular role and functions of councillors and the day-to-day functioning of councils as the tier of government closest to the community.

While incumbent councillors seeking re-election will be encouraged to avail themselves of all available training, their experience in office, combined with Learn to

<sup>7</sup> See *Victoria's Local Government Act 2020* and *City of Melbourne Act 2001* and South Australia's *Local Government (Elections) Act 1999*.



Lead materials developed for serving councillors, is considered to obviate the need for mandatory pre-nomination training.

Training will be self-paced, online and in an accessible format.

Candidates will be required to attest to their completion of the pre-nomination training in their notice of nomination. Provision of a false declaration would be managed through offences related to the provision of false information to the Commission.

As outlined in Reform 5, consideration will be given in the drafting of the Electoral Bill to a two-stage process, where candidates submit an initial notice of intention to nominate, followed some weeks by a final notice of nomination. If this is pursued, candidates will be required to complete the training in the intervening period, with direct facilitation of training facilitated by the prior notification.

### 3. Better quality public information at elections

This set of reforms is intended to improve the understanding by electors of the candidate field, including notation on the ballot where candidate nominations have been lodged by a registered political party and the publication of candidate information statements and relevant regulatory information provided by the Director of Local Government.

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

The candidate information booklet mailed to electors by the Commissioner is an essential component of local government elections. It is the primary way electors become aware of the range of candidates, their reasons for seeking election, views and propositions.

This candidate information is presently not an element of the statutory scheme, despite being core to the electoral process. It is proposed this become part of the statutory elections framework and candidates be afforded a right to submit an information statement as part of the notice of nomination. While provision of the statement will be encouraged, it will not be mandatory. The returning officer will also be empowered to reject a statement that is offensive or could mislead electors, which is similar to the conditions for the name of a candidate or for registering a party name under the Electoral Act.

A head of power will be provided in the new Bill for making regulations, should it be necessary to prescribe specific information to be included in the request for a candidate information statement.<sup>8</sup>

A power will also be provided for potential regulations specifying the form in which the material is to be made available to electors. The Tasmanian Electoral Commission will be required, in the first instance, to provide the candidate information to electors in printed form and publish it on the Tasmanian Electoral Commission website. Providing the candidate and election information to households by unaddressed mail (letter drop) is more affordable than addressed mail (though the use of unaddressed mail will depend upon the model of future elections, as this is unsuitable for the delivery of ballot papers). In practice, this is consistent with the current delivery method of candidate information (that being mail).

<sup>8</sup> An analogous requirement can be found in the candidate information sheets in the New South Wales *Local Government Act 1993*.

**Reform 12:** provide that the Director of Local Government may provide a statement to be published by the Tasmanian Electoral Commission alongside the candidate information.

Provision will be made for the Director of Local Government to supply a statement to the Tasmanian Election Commission for publication alongside the candidate information statement. The purpose of that statement, in legislation, will be the provision of relevant public information as to matters of broad council performance.

The Director may use this power to inform electors (at a high level) as to where they may locate relevant council regulatory and performance information, for instance, published Code of Conduct Panel determinations, and the council performance data dashboard to be developed as a result of recommendations of the Future of Local Government Review.

The Commission will be provided a power to reject a statement where that statement would have an undue bearing on the considerations of candidates by electors, in the Commission's view, which will be final.

**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, with the candidate's name to be printed alongside the name of the registered party.

This option is testing whether the Tasmanian Electoral Commission should be required to publish in the candidate information booklet and website information, and on the councillor, mayoral and deputy mayoral ballot papers a candidate has been nominated by a registered party.

This is proposed as a public information measure. Membership of a registered party will not compel prospective candidates to seek nomination by that party, as candidates can nominate individually. Rather, the measure is intended to provide a level of transparency as to when candidates have sought and gained party endorsement, with the party then able to assist in compiling nominator signatures (see Reform 5).

It is noted candidates can, and do, declare party endorsement using the existing non-statutory candidate statements. While a range of considerations are relevant to the general proposition of partisan involvement in local government, this is considered a matter the statutory framework must be fundamentally neutral to, and it is the case parties already involve themselves in the local government electoral process.

Acknowledging the potential for printing party names on the ballot paper, consideration may also be given to candidates to have printed names of affiliated groupings and/or the word 'Independent' on the ballot paper, as below.



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

It is acknowledged printing the names of registered parties may raise concerns about equity between candidates who are nominated independently and those nominated by a registered party.

Subject to further development and technical consultation, provision may be made for two or more candidates who are not nominated by a registered party to request to be identified next to a common group name in the candidate information booklet and on the councillor, mayoral and deputy mayoral ballot papers through their notice of nomination. For the avoidance of doubt, this will not be a system of local government only registered parties, separate to parties registered under the *Electoral Act 2004*.

The returning officer would be empowered to reject any request for a group name that appears obscene, offensive, frivolous or intended to mislead electors, including by confusion with the name of a registered party. These proposed provisions correspond to grounds for rejecting the proposed name of a registered party under section 47 of the *Electoral Act 2004*.

While local government candidates could seek to establish a registered party in the meaning of the *Electoral Act 2004*, this requires a party membership, an advertising period, and complex ongoing regulatory obligations. The named group as proposed has no continuing status beyond the polling period but does serve to improve transparency. The proposition does not entail the establishment of ranked groups on the ballot paper or 'above the line' voting.

As above regarding political parties, it is noted candidates can use the existing non-statutory candidate statements to establish affiliations between candidates. This proposal formalises these practices and is intended to improve the quality of public information and provide appropriate guardrails.

Candidates who are neither identified by reference to a group nor nominated by a registered party will be able to request the word 'Independent' be printed on the councillor, mayoral and deputy mayoral ballot papers, in the manner provided for Legislative Council candidates by section 77 of the *Electoral Act 2004*.

#### 4. Strengthened donations disclosure and electoral advertising requirements

This set of reforms will provide integrated approach to the management of political donations and electoral expenditure, including advertising. It seeks to align requirements for Tasmanian local government and Legislative Council elections to the extent considered appropriate and practicable. Importantly, it introduces gifts and donations disclosure requirements for non-incumbent candidates for the first time. Proposed prohibitions on the publication of deceptive and misleading statements are aligned to the *Electoral Act 2004*.

**Reform 15:** corresponding to the Electoral Act Review Final Report and the amended section 197 of the *Electoral Act 2004*, introduce new prohibitions on the dissemination of misleading and deceptive statements.

The Electoral Act Review Final Report recommended the existing section 197 of the *Electoral Act 2004* be augmented to provide it is an offence to print, publish or distribute electoral matter that:

- contains incorrect or misleading information about whether a person is or is not a candidate or a member of/endorsed by a registered party
- uses the name or derivative of a name of a party in a way intended to or likely to mislead any elector
- could result in an elector casting an informal vote
- contains a statement (express or implied) to the effect that voting is not compulsory
- contains a statement intended or likely to mislead an elector that the material is an official communication from the Electoral Commission or Electoral Commissioner.

It is proposed the scope of the amended section 197 be applied in the new Local Government Electoral Bill. Notably, the *Local Government Act 1993* does not presently regulate the content of electoral matter (be that advertising or other communications) with provisions corresponding to the prior section 197, so the changes will represent substantial additional protections for local government elections. A definition of 'electoral matter' corresponding to the *Electoral Act 2004* will be introduced.

The Electoral Act Review derived these standards through a review of interstate and Australian Government electoral provisions, with particular reference to section 180 of the New South Wales *Electoral Act 2017*.

It is acknowledged the Tasmanian local government sector has sought increased regulation of false or defamatory statements during elections, citing an increase in adverse comment on social media. While this issue is real and concerning, it is not



considered feasible or desirable for the Electoral Commissioner or similar to adjudicate on the truthfulness of candidates' comments during local government elections beyond the framework above, which should guarantee the proper conduct of elections and regulate electoral disinformation. Beyond the issue of the resource impost placed upon the Tasmanian Electoral Commission, it is not considered appropriate that Tasmanian local government electoral legislation test the limits of what is a complex legal and constitutional matter.

To the extent that defamatory material is published during elections, it is noted candidates have the same recourse to civil litigation as do all members of the community.

**Reform 16:** remove the general restriction upon a person, without the consent of the candidate or intending candidate, printing, publishing or distributing any electoral advertising that contains the name, photograph or a likeness of a candidate or intending candidate at an election; other than 'how-to-vote' material intended to instruct an elector in the completion of their vote.

This reform was recommended through the Electoral Act Review Final Report in respect of Tasmanian parliamentary elections and has been recently supported by the House of Assembly in the Electoral Amendment Bill 2024. Restrictions that closely correspond to those in the *Electoral Act 2004* occur in the *Local Government Act 1993* in respect of local government elections.

It is acknowledged a range of views on this reform are likely to arise. However, the maintenance of the present restriction, with its wide application, could be viewed as inconsistent with the freedom of political communication. The application in practice of the present restrictions is also uncertain, as these are subject to exemptions at section 278(4)(b) regarding 'a broadcast by radio or television or by a repeat on the internet of any such broadcast'.

While this provision is proposed for repeal, the Local Government Electoral Bill will contain substantial and enhanced protections, including authorisation requirements that attribute electoral advertising to the candidate for whom benefit is intended, alongside continued limits on election expenditure. This is considered to achieve similar objectives to the repealed provision without so directly impinging on speech and expression.

**Reform 17:** clarify the definition of electoral advertising.

The definition of 'electoral advertising' will be strengthened to ensure it encompasses all paid communications in print, broadcast, internet and social media; but does not include general comment in broadcast, print and social media or otherwise on the internet. Electoral advertising will be defined to include (whether paid or unpaid) unsolicited calls (including automated calls) and direct unsolicited electronic messages and direct mail, including letterboxing.



The definition of electoral matter will include electoral advertising.

**Reform 18:** provide that only a candidate, intending candidate, or a person so nominated in the notice of nomination by a candidate, may incur electoral expenditure; and provide that expenditure by other persons to promote or procure the election of a candidate or intending candidate is an offence.

In the manner of the *Electoral Disclosure and Funding Act 2023* framework for Legislative Council elections, within provisions to commence 1 July 2025, only candidates, intending candidates and a natural person authorised in a candidate's notice of nomination may incur electoral expenditure.

Regulation 22 of the *Local Government (General) Regulations 2015* currently provides presently that 'a person must not purchase electoral advertising time or space in relation to the election of a candidate without the written authority of that candidate', and further: 'a candidate who authorises a person to conduct electoral advertising on his or her behalf relating to an election is taken to have personally undertaken that advertising'.

This means, in effect, only candidates and persons acting as their agents may purchase electoral advertising, and requires that be attributed in full to existing advertising expenditure limits.

However, the indirect nature of this mechanism is less than ideal. A straightforward requirement, made in the new Bill, that only intending candidates, candidates and persons nominated by candidates themselves may incur expenditure is more effective and easier to administer and enforce.

This mechanism also addresses the possibility of broadly unregulated third-party campaigning of a negative character in relation to candidates.

Section 278 of the *Local Government Act 1993* provides presently for a global offence provision regarding electoral advertising to promote or procure the election of a candidate other than in accordance with the regulations, and further provides a successful candidate convicted under that section by a court is to have their election voided in all but special circumstances. This latter provision will be retained.

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

Under this reform, electoral advertisements and associated material will require published authorisations, consistent with the requirements in the *Electoral Act 2004*. Authorisation may be by a candidate or intending candidate or a nominated person, identifying the candidate or intending candidate who has provided their endorsement for the advertising or material.

It will be an offence to cause to be published or transmitted electoral advertising without providing the authorisation particulars with the advertising.

These requirements will improve the transparency of elections and improve the integrity of the advertising returns system.

**Reform 20:** replace advertising expenditure limits with a general expenditure limit, with reference to the expenditure limit for Legislative Council elections under the *Electoral Disclosure and Funding Act 2023*.

Presently, a system providing for an electoral advertising expenditure limit is contained in the *Local Government (General) Regulations 2015*.

It is proposed this limit be expanded to cover election expenditure generally, with reference to the forms of expenditure in and out of scope, and the period, of regulation under the *Electoral Disclosure and Funding Act 2023* in respect of Legislative Council elections (noting those provisions are to commence 1 July 2025).

A general expenditure limit more flexibly (and appropriately) captures the range of campaigning activities open to candidates at contemporary elections.

**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 so featured the value of advertising featuring multiple candidates (for instance, multiple party candidates) will be retained.

These provisions, currently found in the *Local Government (General) Regulations 2015*, are to be retained and elevated to primary legislation. The effect of these is to attribute expenditure made on behalf of candidates (who must have authorised that expenditure) to individual candidates, to enable the effective regulation of electoral advertising and other campaign activities using individual candidate expenditure limits.

As present, the full value of advertising (or other activities) promoting multiple candidates (for instance, an advertisement depicting several candidates as members of a political party – including across municipal areas – or an advertisement promoting another group of candidates) is attributed to each individual candidate.

While further analysis will be required, the limits are proposed to be retained as at present, being an indexed amount which commenced at \$16,000 for candidates in Hobart, Glenorchy, Clarence, Kingborough and Launceston, and \$10,000 for remaining councils in 2018.



**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.

This provision occurs in the *Electoral Act 2004*, and in the *Electoral Disclosure and Funding Act 2023*, in respect of Legislative Council elections (with the latter provision commencing 1 July 2025).

This prohibition is meant to complement the above requirement that all electoral expenditure, including advertising, only be made by candidates or intending candidates themselves (or their nominees), which enables regulation and disclosure for individual candidates. It is considered appropriate to apply the same prohibition as stands for Legislative Council elections, given advertising (now to be general) expenditure limits are an existing feature of local government elections.

**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 two candidate donation returns with the Tasmanian Electoral Commission. The new Bill will also require the publication of initial donations disclosures on the Commission's website during the polling period and until the certificate of election.

Councillors are required to report gifts and donations of an 'item, service, loan of money, loan of property or any other benefit with a monetary value of \$50 or more', or gifts and donations received from the same donor of an aggregate value of \$50 or more. As an outcome of the Local Government Legislation Review, Government endorsed all 'electoral candidates will be required to declare gifts and donations received during the electoral period'.

There is no intention to revise the threshold for the disclosure of a gift or benefit in the development of the new Electoral Bill and it is not considered desirable a separate or higher threshold would apply to non-incumbent candidates or sitting councillors.

Councillors are required to provide the general manager notice of the receipt of a gift or benefit over the threshold within 14 days and this forms a register updated on at least a monthly basis and is available for inspection by the public, including on the council's website.

It is proposed that the proposition endorsed through the Local Government Legislation Review be strengthened to apply to gifts and benefits received for the purpose of supporting an intending candidate's election from 30 days after the certificate of election of the last ordinary election for the council to 30 days after the certificate of election of the current election (the donations period). Victoria's *Local Government Act 2020* establishes an analogous donations period.



Candidates, whether successful or unsuccessful at the election, will be required to provide a donation return, at the same time candidates are required to provide their return in relation to electoral expenditure, being 45 days after the certificate of election. The return will need to be in a form approved by the Tasmanian Electoral Commission and a power will be provided for regulations to be made prescribing information that must be included in the donation return.

To further enhance transparency, it is proposed non-incumbent candidates will be required to lodge an initial donations return at the time they submit their notice of nomination, for the donations period until that date. In lieu of this requirement, councillors who are contesting the election will be able to certify on their return the gifts and benefits disclosed on the register maintained by the general manager are current at the time of their notice of nomination.

The Tasmanian Electoral Commission will be required to publish the initial donations disclosures on its website during the polling period and until the closing day. Subsequently, the final donations returns of successful candidates will be provided to the general manager and form the basis for the new council's gifts and benefits register.

**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.

This provision is intended to prohibit donations made to intermediaries which could otherwise obfuscate the origins and purpose of gifts or benefits intended to promote or procure the election of a candidate, or influence the outcomes of elections. These provisions, while far reaching, are proposed as an alternative to a system of requiring returns from third-party campaigners and agents, the complexity of which is considered to be incompatible with the conduct of local government elections. By restricting the receipt and making of donations to candidates and intending candidates themselves, the regulation of gift and benefits through the disclosures of individual candidates can be preserved.

**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.

These requirements are again derived from those in the *Electoral Disclosure and Funding Act 2023*, adjusted for the longstanding financial thresholds for disclosure for councillors. The provision of information collection requirements is intended to support the submission of complete donations disclosures by candidates at the time of nomination and following the certificate of elections.

Provision will be made, in the manner of the *Electoral Disclosure and Funding Act 2023*, for a person to return or dispose of a gift accepted improperly within a short period.



## 5. Other changes to support the integrity of elections

These additional reforms provide for the continued integrity of local government elections and adopt measures common to other jurisdictions and Tasmanian parliamentary elections. Sanctions for elections offences will be enhanced and the Tasmanian Electoral Commission provided with corresponding powers of investigation; and a legislated caretaker framework will embed the voluntary policy approach adopted by most councils at the 2022 elections. Consistent with the Local Government Legislation Review, elector polls are to be retained, but a larger section of the electorate will be required to petition for an elector poll to be held, reflecting their substantial costs.

**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.

The Bill will provide expressly that a local government election may not coincide with a Tasmanian parliamentary election, of either house, or an election for the Parliament of Australia. As the timing of local government elections is fixed in legislation, with their closing on the last Tuesday in October (absent an order of the Governor) these elections coinciding is not likely, other than for a Legislative Council by-election. However, the making of an express provision removes any need for the Minister for Local Government to seek an order to this effect, as the impact on the community and the Tasmanian Electoral Commission of simultaneous elections (the latter in the case of a state election) is foreseeably unmanageable and would discourage participation and engagement at local council elections.

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

Consistent with the outcomes of the Electoral Act Review and the amendments to the *Electoral Act 2004* contained within the *Electoral Matters (Miscellaneous Amendments) Act 2023*, powers of investigation – including powers to compel information and to use that information to prosecute an electoral offence – will be contained in the new Bill. The provisions will mirror those contained in the *Electoral Matters (Miscellaneous Amendments) Act 2023*.

**Reform 28:** alignment of electoral offences and sanctions with the Electoral Act.

Consideration will be given to aligning electoral offences between the new Bill and the Electoral Act, including enhancements contained in *Electoral Matters (Miscellaneous Amendments) Act 2023*. This includes the introduction of fault elements to the offence of electoral bribery and undue influence as presently established in the *Local Government Act 1993*, and consideration to alignment of



sanctions, including provision that some offences may be tried on indictment or in a court of summary jurisdiction, unlike the existing provision only for summary offences.

Alignment of offences will leverage the recent work of the Electoral Act Review and ensure the Tasmanian Electoral Commission, combined with its powers of investigation, will be able to better ensure the integrity of local government elections in Tasmania.

**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.

While caretaker conventions are non-statutory at state and Australian Government elections, local governments in Victoria, New South Wales, South Australia, and Queensland operate under statutory caretaker rules during their election period, with caretaker provisions legislated in Western Australia for future elections.

Most Tasmanian councils implemented caretaker provisions on a voluntary basis for the 2022 elections, and Government endorsed the introduction of a statutory local government caretaker framework as an outcome of the local government legislation review.

A caretaker period is intended to ensure councils do not make decisions to bind an incoming council inappropriately, and councils cannot use the resources of council to improperly influence the outcome of the elections in favour of incumbent councillors.

Councillors – particularly those not seeking or anticipating re-election – may not be incentivised to make decisions in the interest of the general community, including after the close of polls but prior to the issuance of the certificate of elections. As such, it is appropriate to limit the matters subject to the decision of elected councils in this time, noting the provisions will only apply for approximately 10 weeks in each four-year local government term.

**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, other than a decision in respect of the appointment of an acting general manager under section 61B
- committing the council to expenditure greater than one per cent of general and service rating and fees and charges revenue raised in the preceding financial year, or \$100,000, whichever is the larger
- directing council resources in a manner intended, or likely to, influence voting at the election
- relating to a matter the council considers it could reasonably defer until after the election period, other than:
  - decisions relating to a matter the council is required to determine in that period under statute
  - decisions of a routine and operational nature.

The specific elements of the proposed caretaker framework correspond generally to interstate caretaker frameworks and are intended to enable effective operations of council through the electoral period.

As the Tasmanian Electoral Commission may not be positioned to investigate the activities of councils, these provisions may be inserted into the *Local Government Act 1993*, or otherwise formulated so the Director of Local Government would hold primary responsibility in respect of compliance.

For instance, in the event of a general manager vacancy during the period the provisions are in effect, council could only make an acting appointment as provided for by section 61B of the *Local Government Act 1993*, but could not substantively appoint a new general manager. A council could not decide to reappoint its general manager or to vary the terms of the appointment or remuneration.

Council decisions committing council to expenditure over one per cent of their own-source revenues from the preceding financial year (with an alternative threshold of \$100,000 to provide flexibility to smaller councils) may not be made during the caretaker period. Matters endorsed by elected council previously and which are operationalised within the council organisation, may continue as usual (for instance, the execution of contracts for capital or maintenance works in accordance with councils' previously endorsed annual plans).

Councils will be prevented from directing council resources in a manner likely to influence voting at the election and will be generally required to defer matters which may be reasonably considered after the new council is in place, with the exception of matters of a routine and operational nature (for instance, the execution of works contracts as noted above) or matters councils must consider within the election



period under statute, including the determination of planning applications and other regulatory matters.

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

- publish any material in any format which promotes any candidate or group of candidates for election, or otherwise seeks to influence voters in the election
- publish material in relation to the election other than information to promote participation in the election and in relation to election process, or other material of a kind published by the Electoral Commissioner
- make resources available to the advantage of any candidate, which are not equally available to all candidates for election.

Broad restrictions are to apply to the publication of material by councils during the electoral period. These will properly ensure councils cannot leverage public resources to favour incumbent councillors. For instance, councils must refrain from publishing material, including through newsletters or social media posts, promoting initiatives or works completed by council which associates those works with incumbent councillors.

Councils will be permitted (and indeed should) publish material generally to encourage and facilitate participation in compulsory local government elections.

Similarly, councils would not be permitted to make resources available to the advantage of any candidate which are not equally available to all candidates. For instance, a council could not hold a candidate forum where an invitation to participate was not extended equally to every candidate.

**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.

Council compliance with the caretaker provisions relating to the making of decisions is enforced by providing that such decisions are of no effect at law. As a contractual counterparty who acted in good faith could be disadvantaged, it is to be provided that a party so disadvantaged may recover compensation from the council under the *Local Government Act 1993*.

Variations of this provision have been implemented in Victoria, South Australia and Queensland.

While the proposal may lead to public funds being expended on financial penalties in the future, it is considered that strong incentives towards compliance are in the broader public interest.



Consideration will be given to provision for a dispensation from the Minister or Director for a decision to be made in prescribed circumstances. Versions of this are provided for in New South Wales, South Australia and Queensland.

**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.

This proposal is an endorsed outcome of the Local Government Legislation Review.

Presently, an elector poll can be compelled by a petition signed by the lesser of 1000 electors, or five per cent of electors; following from a public meeting which can be compelled by a petition signed by the same number of electors.

Under present provisions, issues which motivate in the order of two per cent of electors in the largest municipalities, or 40 people in the smallest, can lead to a general elector poll at substantial public expense.

Elector polls are advisory and do not bind the subsequent decision making of councils on any issue. For that reason, and despite appearances, they are not a direct democratic mechanism, but rather a means of establishing the sentiment of the community in a local government area on an issue.

Councils may, on their own initiative and without receiving a petition, hold elector polls, and this is not proposed to change.

Elector polls are expensive, especially when held out of cycle with local government elections. For example, the recent Clarence City Council poll, resulting from a public petition, was estimated to cost in the order of \$200,000. Raising the threshold to compel an elector poll (or hold a public meeting) to 20 per cent of electors ensures that elector polls are only held (without the initiative of council) for issues which credibly motivate a large proportion of the community, and where the proposition has a clear prospect of gaining popular support. Similarly, placing some limitations around the matters upon which an elector poll may be held will avoid substantial public expenditure to test sentiment on matters remote to councils, noting elector polls are an inefficient and expensive means of testing the views of the public.

ACTION	DECISION
PROPONENT	Council Officer
OFFICER	John Brown, General Manager
FILE REFERENCE	014\006\001\
ASSOCIATED REPORTS AND DOCUMENTS	<ul style="list-style-type: none"> <li>Letter from Minister Vincent dated 25 February 2025</li> <li>Discussion Paper – Local Government Regulations and Local Government (Meeting Procedures) Regulations remake 2025</li> <li>Tables showing changes to consultation versions of the Local Government Meeting Procedures and General Regulations 2025</li> </ul>

**OFFICER'S RECOMMENDATION:**

That Council provide feedback to the State Government on the Discussion Paper: Local Government Regulations and Discussion Paper: Local Government (Meeting Procedures) Regulations.

**INTRODUCTION:**

The Local Government (Meeting Procedures) Regulations 2015 (the Meeting Regulations) and the Local Government (General) Regulations 2015 (the General Regulations) are important parts of the local government legislative framework in Tasmania. The General and Meeting Regulations are made under the *Local Government Act 1993 (the Act)*.

Regulations last for 10 years and are then required to be 'rewritten' (or remade). This requirement is set out under *section 11(2) of the Subordinate Legislation Act 1992*. The current Meeting Regulations and General Regulations are due to expire in June 2025 and so need to be remade.

**PREVIOUS COUNCIL CONSIDERATION:****Council Workshop 3 March 2025****OFFICER'S REPORT:**

The General Manager notes that the State Government has left it until both Regulations are close to expiry before engaging the sector in a process to 'remake' the Regulations. Due to this less than satisfactory approach, the remade regulations will not address some of the key elements which have been the subject of discussion for a number of years. Instead, these changes will require the Regulations to be amended at some stage in the near future.

It is proposed most provisions contained in the existing General Regulations and Meeting Regulations will be remade without change. In other words, they will stay the same. There are also proposed changes to the Regulations aimed at improving transparency, accountability, inclusivity and fairness in Councils. These include:

- enhancing transparency, such as requiring ordinary Council meetings be recorded and by updating requirements for disclosure of councillor interests
- promoting accountability, such as through updated reporting requirements
- encouraging inclusivity, such as by allowing Councillors to attend meetings virtually or remotely where appropriate and improving community access to recorded meetings
- ensuring fairness, such as updating Council categories that determine Councillor allowances and ensuring consistency of approach to Councillor leave arrangements.

These changes were previously identified through feedback from a range of review processes, including most recently the Future of Local Government Review. The proposed changes align with the broader aims of the Local Government Priority Reform Program 2024-26. Getting feedback on the proposed changes will help to make sure the Regulations are fit for purpose.

Many of the provisions remain unchanged in the proposed remade Meeting Procedure Regulations and General Regulations (refer to Attachment 1). The proposed changes to existing regulations and new regulations are outlined below, including comments from the General Manager on the proposals in the Discussion Paper:

<b>PART B: PROPOSED CHANGES TO THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015</b>	
<b>SNAPSHOT OF CHANGES</b> <ol style="list-style-type: none"> <li>1. Include new regulations to: <ul style="list-style-type: none"> <li>○ enable councillors to attend meetings remotely</li> <li>○ provide greater flexibility for councillor leave</li> <li>○ clarify requirements for recording interests in minutes</li> <li>○ mandate the audio or audio-visual recording of council meetings.</li> </ul> </li> <li>2. Make the rules and procedures for questions and motions consistent, and easier to understand and manage.</li> </ol>	
Regulation 5 - Convening of Meetings	<b>Council Response:</b> Logical addition clarifying how a majority of Councillors is to be counted when it is at the request of Councillors.
Regulation 8 - Statement to be made at meetings	<b>Council Response:</b> This new addition apart from introducing notice that the meeting is being recorded also brings into the statement respectful behaviour and unacceptable conduct and language. Helps to reinforce expectations as to what is appropriate.
Regulation 10 - Agenda	<b>Council Response:</b> Minor tweaks have been made to this Regulation to bring in Parental Leave.



Regulation 13 - Quorum	<p><b>Council Response:</b></p> <p>This has been amended to provide for Councillor participation by audio or audio visual link.</p>
Regulation 17 – Closed Meetings	<p><b>Council Response:</b></p> <p>Changes to this Regulation are relatively minor and included Parental leave applications. Sub regulation (6) includes a requirement for the reason for the closure to be recorded in the Minutes which is logical. BODC Minutes disclose which part of Sub regulation (2) applies to the item in the item heading.</p>
<b>Improve public access to council meetings</b>	
How can any possible operational or logistical matters be managed in relation to the recording of council meetings?	<p><b>Council Response:</b></p> <p>The provisions of new Regulation 43 (replacing old Regulation 33) are generally logical and substantially reflect the current Regulation. The changes are the mandatory requirement and the process to address technical difficulties, which are both appropriate.</p> <p>It provides the General Manager with the power to edit a recording in prescribed circumstances. This does not place a requirement on the General Manager to review each recording to assess whether any of the prescribed circumstances exist.</p> <p><b><i>Does this impose on the General Manager an obligation to assess every recording in relation to this Regulation and what is the impact if something is missed?</i></b></p>
How long do you think councils should keep recordings of meetings and how long should they be published on council websites?	<p><b>Council Response:</b></p> <p>This is currently six months in the Regulations, extending this to 12 months will require Councils to have available increased storage space on the website.</p> <p>Council currently exceeds the 12 month requirement.</p>
Do you have any concerns about the proposed changes to minutes?	<p><b>Council Response:</b></p> <p>There have been a number of subtle tweaks within Regulation 39 which have not been</p>

	<p>articulated in the Discussion Paper. This relates to:</p> <ul style="list-style-type: none"> <li>• Setting a minimum specification for what Minutes will include rather than what they are to record.</li> <li>• Changing “any” to “each” in numerous places</li> </ul> <p>Under the current Regulations, technically questions asked without notice by a Councillor does not have to be included. The proposed change addresses this. Greater specificity in relation to what is recorded in the minutes has been included which ensures a consistent approach.</p>
<p><b>Allow councillors to attend meetings remotely</b></p> <p>The Meeting Regulations will be amended to enable councils to meet remotely in limited circumstances, such as a natural disaster or public health emergency.</p> <p>It is also proposed the chairperson of council can authorise individual councillors to attend meetings remotely due to limited circumstances. In these cases, where councillors are participating in a meeting remotely, they must be able to be fully engaged and provide their full attention to the meeting and provide assurances of the appropriate management of confidentiality where necessary. Circumstances that may prevent a councillor attending a meeting in person and are acceptable reasons for participating remotely include:</p> <ul style="list-style-type: none"> <li>• ill health or incapacity</li> <li>• caregiving responsibilities</li> <li>• localised natural disasters or emergencies.</li> </ul> <p>However, it is also recognised and critical that councillors must participate fully in meetings. Approval to attend remotely will not be provided if a councillor:</p> <ul style="list-style-type: none"> <li>• is not able to provide their full attention to the council meeting</li> <li>• cannot maintain the confidentiality of a closed meeting</li> <li>• does not provide a suitable reason.</li> </ul> <p>To balance remote and face-to-face participation in meetings, it is proposed councillors cannot utilise remote meeting provisions to attend more than one-third of meetings each year. This amendment will help to maintain current expectations around engagement with the council while still allowing for some flexibility.</p>	
<p>Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?</p>	<p><b>Council Response:</b></p> <p>The proposed limitation is supported.</p> <p>Regulation 46 should also require the Councillor making the request to specify whether they are attending by audio or audio-visual link.</p>

	Attendance by audio-visually remotely is only as effective as the quality of the connection which can vary substantially and drop out at any moment for no reason. The Regulation fails to address this situation and this needs to be corrected before the Regulations are remade.
Do you believe the circumstances in which remote attendance may be refused are sufficient?	<b>Council Response:</b> The proposed circumstances are supported.
Do you think there needs to be a restriction or cap on the number of meetings a councillor can attend remotely each year and, if so, what should this be?	<b>Council Response:</b> The proposed limitation is supported.
<b>Parental leave for councillors</b> <p>An additional provision to the regulations would allow councillors <i>a right</i> to take extended parental leave for up to six months. This includes for birth or adoption of a child as well as adopting or becoming a guardian. This leave would not require approval by the council.</p> <p>Having parental leave will help councillors to take time off without risking their position.</p>	
Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?	<b>Council Response:</b> <p>The proposed circumstances are supported.</p> <p>This is a logical addition and the circumstances seem sufficiently encompassing in relation to circumstances.</p> <p>For clarity the Regulations should address the situation of Councillor Allowances. Employees have access to paid parental leave in accordance with Council's Enterprise Agreement. The Australian Government also meets the cost of Paid Parental leave for a 22 week period.</p>
<b>Consistent rules and procedures for questions, motions and minutes</b> <p>The proposed changes will help people understand and comply with the Meeting Regulations by making sure there are similar and clear rules where possible. They will also help the chairperson to manage meetings.</p> <p>The changes will clarify:</p> <ul style="list-style-type: none"> <li>• Questions from both councillors and the public should be straightforward, concise and directly relevant to council activities.</li> <li>• Questions should focus on asking for information, not making statements, and should include minimal background details.</li> </ul>	



- When and why questions and motions can be refused. For example, they should not be defamatory, unlawful or offensive and must relate to the activities or functions of the council.
- Who makes the decision to refuse a question or motion and when. For example, the general manager, in consultation with the mayor, can decide if a question on notice is to be refused before a meeting. The chairperson will decide if a question or motion is to be refused at a meeting.

What needs to be recorded in the agenda and minutes if a question is refused because it is offensive, unlawful, defamatory, excessively personal or does not relate to council activities. In such cases, it is proposed the person's name, the date the question was received and the reason for refusal is recorded rather than printing the original question.

Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?

**Council Response:**

The proposed circumstances are supported.

Regulation 33 – Questions Generally is a new Regulation which sets parameters in relation to how a question is handled and how it is delivered. Of particular note is the requirement that it not be a statement and have minimal preamble. The introduction of this Regulation will strengthen the capacity of the chairperson to focus on a question being asked without a lengthy preamble which is sometimes delivered.

**How is lengthy preamble going to be defined so there is a consistent approach?**

Clauses within the Regulation have been reordered to provide a logical grouping. The following changes are also noted:

1. Refusal of a motion has been expanded to include *(d) does not relate to the activities, or functions, of the council.*
2. Now includes a new provision in Regulation 19 that a councillor can provide less than 7 days notice or even provide a written notice during the meeting. The Mayor and General Manager then have to consider whether to allow this to occur at that meeting or at a later meeting.
3. Regulation 20 is an entirely new provision that enables motions without notice to be given as long as it relates to a matter listed on the agenda of the meeting

	<p>The General Manager is concerned that the provisions in Regulations 19 and 20 will enable a councillor to just provide a motion at any time during a meeting is potentially in conflict with Section 65 of the <i>Local Government Act 1993</i> as relates to deciding on matters without qualified advice. Regulation 20 is very general in nature, any matter listed, for example when there is an Annual Plan update in the Agenda which includes many items being worked on by Council officers, this provision enables a councillor to move any motion they like as long as the words appear in the Agenda.</p> <p><b>What is the Office of Local Government trying to achieve with this change?</b></p> <p><b>Has the Office of Local Government taken legal advice on this proposed change?</b></p> <p><b>Can further clarification be provided around “....relates to a matter listed on the Agenda....”?</b></p> <p>This has the potential to significantly disrupt the smooth flow of a Council meeting.</p> <p>Councillors noted that Emergency Motions can be raised.</p>
Do you think the changes will help the chairperson manage questions and motions in meetings?	<p><b>Council Response:</b></p> <p>The proposed circumstances are supported.</p> <p>The proposed changes will assist the chairperson to manage questions at a meeting. Concerns have been expressed in the previous discussion about the impact of changes to motions and the proposed changes are not an improvement in the management of motions as currently proposed</p>

## PART C: PROPOSED CHANGES TO THE LOCAL GOVERNMENT (GENERAL) REGULATIONS 2015

## SNAPSHOT OF CHANGES

1. Introduce mandatory reporting of councillor training activities in council annual reports. This will enhance transparency and promote ongoing professional development.
2. Update and increase councillor allowances. The increase will provide a financial contribution to compensate for the lack of superannuation.
3. Introduce two new sets of questions related to 337 land information certificates.

### Mandate the reporting of councillor training

Are there other learning and development activities that should also be recorded publicly?

#### Council Response:

This will require the reporting on the completion on core learning and development activities as determined by the Director of Local Government. It is presumed that this will be the Learning and Development Framework modules but it doesn't explicitly say this. The Director will determine what is disclosed. The General Manager believes that the disclosure should reflect the modules only.

### Updated councillor allowances

Tasmania's 29 councils are varied, and allowances payable to councillors are set in a way to ensure good governance while balancing councils' financial sustainability and the interests of the ratepayers. There are currently seven council categories based on the number of voters and revenue base for each council. Using this relatively simple methodology, allowances are set and aligned with council categories.

The base amount payable to councillors is specified in the General Regulations. These amounts are adjusted for inflation each November using an indexation process. The council categories were reviewed and updated in 2016. Consistent with the Government's Priority Reform Program, a straightforward recalculation of allowances has been undertaken as part of the remaking of the Regulations, by reapplying the existing methodology (i.e. recalculating allowances on the basis of current numbers of voters and revenue basis) – this has seen three councils move up to the next category (Clarence City, Devonport City and Glamorgan-Spring Bay Councils).

Further to this, the matter of superannuation has been reviewed. In 2004, a 9% increase in allowances was provided to compensate for the lack of councillor superannuation. Australia's superannuation guarantee is currently sitting at 11.5% and will increase to 12% in July 2025. Therefore, councillor allowances as proposed in the draft General Regulations have been adjusted to incorporate the equivalent of a 12% superannuation compensation component.

To ensure councillor allowances are fair and equitable in all respects however, the Government has also committed to a comprehensive review of councillor allowances and councillor numbers at a future date.



<p>Do you have any comments about the updated councillor allowances?</p>	<p><b>Council Response:</b></p> <p>The proposed increase as relates to the increase in the Superannuation Guarantee Contribution level is appreciated, however Councillors do not agree with it being paid as part of the Allowance which is taxable. It should be paid as superannuation like it is done in some other States.</p> <p>Through previous discussions at Council, concerns have been expressed that the level of the allowance is a dis-incentive to some sections of the community to participate in local government as they will be financially disadvantaged by not being able to work.</p> <p>A comprehensive independent review of Councillor Allowances must be undertaken as a matter of urgency and not be ‘kicked down the road’ until after the 2026 Council Elections.</p>
<p><b>337 certificate questions</b></p>	
<p>Are questions 56 and 57 on weed management necessary or appropriate? Why?</p>	<p><b>Council Response:</b></p> <p>This will add further to the extensive questions which Council currently deals with, the fee for a 337 Certificate will need to be increased to address this additional work.</p> <p>The proposed Question 56 is supported however we need to ensure that the required data source to answer this question is available.</p> <p>Question 57 should be amended to include Weed Control Notifications. “Have any enforcement measures under the <i>Weed Management Act 1999</i> (now repealed) or <i>Biosecurity Act 2019</i> (such as notices, requirements or directions) been served in the last ten years in relation to the land? “</p> <p>Alternatively, amended to include notices in the “Note”:</p> <p>“.. (Note: Enforcement measures may be in the form of <u>written Weed Control Notifications</u>, a Requirement Notice issued under section 13 of the <i>Weed Management Act 1999</i> (now repealed) or an Individual Biosecurity Direction</p>

	issued under section 193 of the <i>Biosecurity Act 2019</i> , or a Biosecurity Action Requirement. )
Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why?	<b>Council Response:</b> This is a logical inclusion.
<p>There are now a number of 337 questions, which in turn create a burden for councils. Could questions be simplified or would this lead to information not being provided?</p> <p>An example of simplified questions are:</p> <ul style="list-style-type: none"> <li>• ‘Have approvals been granted under any relevant Act to perform plumbing work? Are they still in force and is the completion of any required work still outstanding?’</li> <li>• ‘Have any compliance actions (such as notices or orders) been served in relation to the land that are still outstanding?’</li> </ul>	<p><b>Council Response:</b></p> <p>Agree with simplified questions as suggested. The introduction of the Building Act 2019, particularly the introduction of Notifiable Work (Form 80), Notifiable Work requiring approval and Permit work means that additional level of research is required for each certificate issued including the provision of those records. In BODC experience solicitors and conveyances are struggling to understand whether matters are outstanding or not, particularly in reference to the “Negative-Negative” questions relating to completion certificates.</p> <p>There are some questions that would need to remain however providing answers in its current format is onerous.</p> <p>The alternative would be to increase the fee applicable to the amount of research required, particularly for properties which are multiple developments since the introduction of the Building Regulations 1994. The current fee does not resonate with the amount of work required.</p> <p>A further consideration might be to remove any questions relating to previous legislation. The current 337 does not make reference to the Building Regulations 1978, perhaps consideration could be given to remove any references to the Building Regulations of 1994 or Building Act 2000.</p>

The Government will consider submissions and, if required, make changes to the draft regulations. Some of the proposed changes discussed in the Discussion Paper may require changes to the *Local Government Act 1993* prior to their implementation, but the Government is interested in consulting on these matters now to ensure they have a holistic view of stakeholder perspectives. The remade regulations will then be finalised for approval by the Minister for Local Government, ready to commence in June 2025.

The consultation period runs from 25 February 2025 until 1 April 2025.

## **STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

Break O Day Annual Plan 2024 – 2025

Stakeholder Management

Legislative Reviews - Participate in reviews of legislation affecting Local Government.

## **LEGISLATION & POLICIES:**

N/A

## **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

## **VOTING REQUIREMENTS:**

Simple Majority



Minister for Infrastructure  
Minister for Local Government

Level 1, 7 Franklin Wharf, HOBART TAS 7000 Australia  
GPO Box 123 HOBART TAS 7001 Australia  
Email: Minister.Vincent@dpac.tas.gov.au



25 FEB 2025

Mayors and General Managers  
Tasmanian Councils

Dear Mayors and General Managers

I write to advise the Government is now commencing consultation on the remaking of the *Local Government (Meeting Procedures) Regulations 2015* and *Local Government (General) Regulations 2015* due to expire in June 2025.

The proposed reforms are largely limited to key areas identified by the sector as requiring modernisation. In addition, the proposals include several refinements to procedural matters, including clarifying provisions relating to motions and questions, in response to historical feedback.

I wish to draw your attention to three key areas of reform:

**1. Remote Meeting Attendance**

The Government is proposing enhanced flexibility by permitting councillors to request to attend meetings remotely under defined circumstances—such as illness, caregiving responsibilities, severe weather, or emergencies *that restrict attendance in person*. At the same time, recognising councillors are elected to perform a unique community function in attending a regular monthly meeting rather than working on a full-time basis, remote participation is proposed to be limited to a maximum of one-third of scheduled meetings each year. This balanced approach is intended to support effective engagement while accommodating genuine needs for flexibility. Under this framework, the Chair would have the reasonable discretion to approve or refuse such requests.

While this is an important reform to make the regulations more contemporary, it has been identified during the drafting process there is a strong possibility the *Local Government Act 1993* will need to be amended before these provisions can be incorporated into the regulations.

Without changing the Act, we are unable to provide a robust regulatory framework to support the confidentiality and integrity of your meetings when a councillor is attending a closed session of council remotely. More specifically, the current offence provisions such as section 338A (disclosure of information) will not sufficiently hold councillors to account in circumstances where they might 'enable' a breach of closed council confidentiality. For example, it is our view section 338A would not adequately protect councils in circumstances where a councillor enables a person to sit to the side of the camera in a closed part of a meeting. For this reason, we cannot

implement remote meeting arrangements until we include an additional offence in the Act.

However, the draft provisions are still included in the consultation version of the Meeting Regulations so you can see what they might look like and provide feedback. This will allow the Government to be in a position to progress subsequent amendments at a later date when the Act has been amended.

For these reasons, the remote meeting provisions you see will not be included in the Regulations being remade in June 2025, but the Government is committed to implementing this framework as soon as the Act allows.

## **2. Parental and Guardian Leave**

A new provision is proposed to grant councillors extended leave for parental or guardian (adoption) circumstances for up to six consecutive months without requiring council approval. This entitlement is designed to provide prospective and current councillors with the confidence their family responsibilities will be supported should their circumstances change, thereby helping to foster greater inclusivity and diversity within our councils. This reform will bring our leave entitlements 'as of right', broadly in line with other jurisdictions, including Victoria and Western Australia that have recently updated their legislative framework.

## **3. Councillor Allowances**

The Government has also introduced modest adjustments to councillor allowances as part of this package of reform. These changes include an updated recalculation—incorporating a 12% superannuation equivalent component based on revised council categories and current financial indices—to align with our broader reform commitments. While these adjustments represent an important step forward, please note the Government remains committed to a comprehensive review of councillor allowances and numbers at a later date.

I encourage you to review the enclosed discussion paper and draft regulations, and to provide your feedback via the online survey, email, or post as detailed in the consultation materials. As part of this consultation, we are asking some important questions to test whether the proposed reforms strike the right balance. While I understand many of you have already participated in online consultation sessions offered by the Office of Local Government, your further input is essential in finalising a framework that supports modern, inclusive, and effective local government sector.

Thank you for your attention to this important consultation process, and your ongoing support more broadly as we progress these key pieces of work. I look forward to receiving your views.

Yours sincerely



Hon Kerry Vincent MLC  
**Minister for Local Government**



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# Discussion paper: remaking local government regulations

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**Part A:** introduction and overview of Regulations remake and consultation process

**Part B:** proposed changes to the *Local Government (Meeting Procedures) Regulations 2015*

**Part C:** proposed changes to the *Local Government (General) Regulations 2015*

## Part A: introduction and overview of regulations remake and consultation process

### Introduction

The [Local Government \(Meeting Procedures\) Regulations 2015](#) (the Meeting Regulations) and the [Local Government \(General\) Regulations 2015](#) (the General Regulations) are important parts of the local government legislative framework in Tasmania. The General and Meeting Regulations are made under the [Local Government Act 1993](#) (the Act).

Regulations last for 10 years and are then required to be 'rewritten' (or remade). This requirement is set out under section 11(2) of the [Subordinate Legislation Act 1992](#). The current Meeting Regulations and General Regulations are due to expire in June 2025 and so need to be remade.

The process of remaking the regulations provides an opportunity for the Tasmanian Government to review them and seek feedback and input from councils, the community and other stakeholders to ensure the regulations remain up to date and relevant.

### Proposed changes to the regulations

It is proposed most provisions contained in the existing General Regulations and Meeting Regulations will be remade without change. In other words, they will stay the same. There are also proposed changes to the regulations aimed at improving transparency, accountability, inclusivity and fairness in councils.

Office of Local Government  
Department of Premier and Cabinet





These include:

- enhancing **transparency**, such as requiring ordinary council meetings be recorded and by updating requirements for disclosure of councillor interests
- promoting **accountability**, such as through updated reporting requirements
- encouraging **inclusivity**, such as by allowing councillors to attend meetings virtually or remotely where appropriate and improving community access to recorded meetings
- ensuring **fairness**, such as updating council categories that determine councillor allowances and ensuring consistency of approach to councillor leave arrangements.

These changes were previously identified through feedback from a range of review processes, including most recently the Future of Local Government Review. The proposed changes align with the broader aims of the [Local Government Priority Reform Program 2024-26](#). Getting feedback on the proposed changes will help to make sure the regulations are fit for purpose.

## How to provide feedback and have your say

You can give feedback on the proposed changes through a range of options, including an online survey, email or by post.

Questions are in each section of this discussion paper to help you think about the proposed changes and to guide your feedback. A copy of the draft Local Government (Meeting Procedures) Regulations 2025 (Attachment 1) and Local Government (General) Regulations 2025 (Attachment 2) are also provided for you to review.

### Online survey

Access the [online survey](#) on the [Office of Local Government website](#).

### Email

Send your feedback to [LG.consultation@dpac.tas.gov.au](mailto:LG.consultation@dpac.tas.gov.au).

Include in the subject line: Feedback on General Regulations and Meeting Regulations.

### Post

Send your feedback to:

Subject: Feedback on General Regulations and Meeting Regulations  
Office of Local Government  
Department of Premier and Cabinet  
PO Box 123  
Tasmania 7001

In the absence of a clear indication that your submission is intended to be treated as confidential (or parts of your submission), it will be treated as public information.

It will be published on our website at [www.dpac.tas.gov.au](http://www.dpac.tas.gov.au) later in 2025 after the consultation has finished. Your name, or the name of your organisation giving feedback, and your feedback will be published. No other personal information will be published.

If you would like your submission to be 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.

For more information contact [localgovernment@dpac.tas.gov.au](mailto:localgovernment@dpac.tas.gov.au).

## Consultation period

The consultation period runs from **25 February 2025 until 1 April 2025**.

### What happens after consultation?

Once consultation closes, the Government will consider submissions and, if required, make changes to the draft regulations. Some of the proposed changes discussed in this paper may require changes to the *Local Government Act 1993* prior to their implementation, but the Government is interested in consulting on these matters now to ensure we have a holistic view of stakeholder perspectives. The remade regulations will then be finalised for approval by the Minister for Local Government, ready to commence in June 2025.

## Scope of this feedback process

Given the short timeframes available to remake both the General Regulations and Meeting Regulations, amendments to the regulations *will likely be limited to proposed changes as set out in this discussion paper and the draft regulations*. However, you are still welcome to provide your feedback about other provisions in these regulations. We will keep a record of these and consider them at a later date.



## Part B: proposed changes to the Local Government (Meeting Procedures) Regulations 2015

The way Tasmanian councils are required to hold their meetings is set out in the *Local Government (Meeting Procedures) Regulations 2015* (the Meeting Regulations). The Meeting Regulations are prescribed under the *Local Government Act 1993* (the Act) as follows:

- section 18(3) of the Act: 'a meeting of a council is to be conducted in accordance with prescribed procedures'
- section 23(3) of the Act: 'a meeting of a council committee is to be conducted in accordance with prescribed procedures'.

Many of the provisions remain unchanged in the proposed remade Meeting Regulations (refer to Attachment 1). The proposed changes to existing regulations and new regulations are outlined below.

### Snapshot of changes

1. Include new regulations to:
  - enable councillors to attend meetings remotely
  - provide greater flexibility for councillor leave
  - clarify requirements for recording interests in minutes
  - mandate the audio or audio-visual recording of council meetings.
2. Make the rules and procedures for questions and motions consistent, and easier to understand and manage.

## Proposed changes

### Improve public access to council meetings

#### Mandatory recordings of council meetings

##### *Regulation 43 – Audio recording of meetings*

Currently the use of audio recordings for council meetings is optional. A change to this regulation proposes council meetings must be electronically recorded using either audio or audio-visual devices. This will:

- enhance transparency
- be more inclusive
- improve public access to council meetings.



This will also build public trust by:

- providing an accurate and accessible record of council decisions
- efficiently informing community members about council activities and decisions.

Mandatory use of audio or audio-visual electronic recording will provide a complete record of meetings that is more accessible to some people than written minutes.

Recordings of meetings are also useful for resolving questions about the accuracy of written minutes or events that occurred during a meeting.

To support this change there will be other new regulations including:

- the chairperson will tell attendees at the start of the meeting that it is being recorded
- recordings will be publicly available for 12 months
- enabling recordings to be edited before they are published. This will enable councils to remove defamatory or offensive material
- protections for a council if it has technical difficulties and cannot record
- a transition period for councils to enable them to record.

---

### Questions

**How can any possible operational or logistical matters be managed in relation to the recording of council meetings?**

**How long do you think councils should keep recordings of meetings and how long should they be published on council websites?**

---

### Changes to what is included in meeting minutes

#### *Regulation 39 - Minutes*

The changes to meeting minutes aim to improve the transparency of council meetings and the accuracy of minutes for the community.

In addition to current requirements, meeting minutes will need to include:

- the name of councillors attending meetings remotely
- any questions asked without notice by a councillor and a summary of any answer given
- declarations of interest are to record the:
  - name of the councillor
  - nature of the interest
  - the period in which the councillor left and returned to the meeting.

A change to the regulations will also allow councils to withhold questions from the agendas and minutes if they are defamatory, offensive or unlawful.

---

### Question

**Do you have any concerns about the proposed changes to minutes?**

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## Allow councillors to attend meetings remotely

*Regulation 46 – Participation in meetings by audio or visual link*

*Regulation 47 – Whole council meeting by audio link or audio visual link*

*Regulation 48 – Maximum attendance at meetings by audio link*

Changes that enable councillors to attend meetings remotely will support inclusivity and flexibility in councils. Currently, Tasmanian councils are restricted from allowing councillors to participate in meetings by any means other than in person, even in emergencies.

During the COVID-19 pandemic, the *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020* authorised remote attendance at council meetings. However, this was a temporary measure specific to the pandemic response. This is out of step with other Australian councils, all of which allow flexible attendance.

The Meeting Regulations will be amended to enable councils to meet remotely in limited circumstances, such as a natural disaster or public health emergency.

It is also proposed the chairperson of council can authorise individual councillors to attend meetings remotely due to limited circumstances. In these cases, where councillors are participating in a meeting remotely, they must be able to be fully engaged and provide their full attention to the meeting and provide assurances of the appropriate management of confidentiality where necessary. Circumstances that may prevent a councillor attending a meeting in person and are acceptable reasons for participating remotely include:

- ill health or incapacity
- caregiving responsibilities
- localised natural disasters or emergencies.

These provisions will be helpful in regional and remote areas where councillors may need to travel for specialist medical treatment or other critical reasons and can't attend council meetings in person. It may also encourage people from diverse backgrounds to run for council by removing barriers. For example, people with caring responsibilities, that periodically inhibit travel to meetings, could attend a meeting remotely (with the clear expectation of undivided attention during meeting proceedings). It would also support business continuity in emergencies. Councillors attending remotely would still be counted as part of the quorum (a quorum is more than half of the elected councillors).

However, it is also recognised and critical that councillors must participate fully in meetings. Approval to attend remotely will not be provided if a councillor:

- is not able to provide their full attention to the council meeting
- cannot maintain the confidentiality of a closed meeting



- does not provide a suitable reason.

To balance remote and face-to-face participation in meetings, it is proposed councillors cannot utilise remote meeting provisions to attend more than one-third of meetings each year. This amendment will help to maintain current expectations around engagement with the council while still allowing for some flexibility.

---

### Questions

**Do you agree with the limited circumstances in which a councillor can attend a meeting remotely?**

**Do you believe the circumstances in which remote attendance may be refused are sufficient?**

**Do you think there needs to be a restriction or cap on the number of meetings a councillor can attend remotely each year and, if so, what should this be?**

---

## Parental leave for councillors

### *Regulation 51 – Parental leave*

The Meeting Regulations currently include a provision that enables a councillor to request a leave of absence. That leave is not restricted to specific conditions and is on approval of the council.

An additional provision to the regulations would allow councillors a *right* to take extended parental leave for up to six months. This includes for birth or adoption of a child as well as adopting or becoming a guardian. This leave would not require approval by the council.

Having parental leave will help councillors to take time off without risking their position.

Allowing remote meeting attendance and more options for councillor leave will:

- foster a more inclusive environment
- encourage greater participation from people with caregiving responsibilities or living in remote areas
- strengthen governance by having more people from different backgrounds
- promote continuity in council operations, even in challenging circumstances.

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### Questions

**Do you agree with the circumstances in which a councillor can have parental leave? Is there anything that should be removed or added?**

---

## Consistent rules and procedures for questions, motions and minutes

### *Division 2 – Motions, Division 4 – Questions and Division 5 - Minutes*

Discussion paper: remaking local government regulations

7



The proposed changes will help people understand and comply with the Meeting Regulations by making sure there are similar and clear rules where possible. They will also help the chairperson to manage meetings.

The changes will clarify:

- Questions from both councillors and the public should be straightforward, concise and directly relevant to council activities.
- Questions should focus on asking for information, not making statements, and should include minimal background details.
- When and why questions and motions can be refused. For example, they should not be defamatory, unlawful or offensive and must relate to the activities or functions of the council.
- Who makes the decision to refuse a question or motion and when. For example, the general manager, in consultation with the mayor, can decide if a question on notice is to be refused before a meeting. The chairperson will decide if a question or motion is to be refused at a meeting.
- What needs to be recorded in the agenda and minutes if a question is refused because it is offensive, unlawful, defamatory, excessively personal or does not relate to council activities. In such cases, it is proposed the person's name, the date the question was received and the reason for refusal is recorded rather than printing the original question.

These measures aim to:

- create a clearer process for handling questions, motions and minutes
- maintain respectful questions and motions during meetings
- ensure consistency across council meeting procedures.

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### Questions

**Do you think the suggested changes will provide clarity for people attending council meetings and asking questions?**

**Do you think the changes will help the chairperson manage questions and motions in meetings?**

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## Part C: proposed changes to the Local Government (General) Regulations 2015

The current format of the General Regulations and most of the provisions will remain unchanged (refer to Attachment 2). The changes discussed below include one new provision and two amended provisions.

### Snapshot of changes

1. Introduce mandatory reporting of councillor training activities in council annual reports. This will enhance transparency and promote ongoing professional development.
2. Update and increase councillor allowances. The increase will provide a financial contribution to compensate for the lack of superannuation.
3. Introduce two new sets of questions related to 337 land information certificates.

## Proposed changes

### Mandate the reporting of councillor training

#### *Subregulation 37(d)*

Under this proposal, councils must include in their annual reports details of core learning activities undertaken by each councillor. This will:

- improve transparency for the community
- reinforce the importance of ongoing training to increase councillor capability
- support good governance
- signal council commitment to providing councillors with the skills and knowledge needed to address complex challenges and serve their communities effectively.

This change was initiated at the December 2023 Premier's Local Government Council meeting. The regulations will require councillors to publicly report on the completion of core learning and development activities as determined by the Director of Local Government. This will be documented in councils' annual reports.

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#### Question

**Are there other learning and development activities that should also be recorded publicly?**

---

### Updated councillor allowances

#### *Schedule 4 – Allowances for elected members*



Section 340A of the Act provides that councillors are entitled to an allowance as prescribed. They are prescribed in regulation 42 and schedule 4 of the General Regulations.

Tasmania's 29 councils are varied, and allowances payable to councillors are set in a way to ensure good governance while balancing councils' financial sustainability and the interests of the ratepayers. There are currently seven council categories based on the number of voters and revenue base for each council. Using this relatively simple methodology, allowances are set and aligned with council categories.

The base amount payable to councillors is specified in the General Regulations. These amounts are adjusted for inflation each November using an indexation process. The council categories were reviewed and updated in 2016. Consistent with the Government's Priority Reform Program, a straightforward recalculation of allowances has been undertaken as part of the remaking of the Regulations, by reapplying the existing methodology (i.e. recalculating allowances on the basis of current numbers of voters and revenue basis) – this has seen three councils move up to the next category (Clarence City, Devonport City and Glamorgan-Spring Bay Councils).

Further to this, the matter of superannuation has been reviewed. In 2004, a 9% increase in allowances was provided to compensate for the lack of councillor superannuation. Australia's superannuation guarantee is currently sitting at 11.5% and will increase to 12% in July 2025. Therefore, councillor allowances as proposed in the draft General Regulations have been adjusted to incorporate the equivalent of a 12% superannuation compensation component.

To ensure councillor allowances are fair and equitable in all respects however, the Government has also committed to a comprehensive review of councillor allowances and councillor numbers at a future date.

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#### **Question**

**Do you have any comments about the updated councillor allowances?**

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### **337 certificate questions**

#### *Schedule 6 - Questions*

Under section 337 of the Act, a certificate is provided by general managers to people on request. The certificate may be requested by people buying, selling or developing land. The certificate is provided with answers to a number of prescribed questions from schedule 6 of the General Regulations.

These questions have been updated to include new questions as suggested by councils and the State Planning Office. These questions relate to:



- weed management (or invasive plant species) to ensure landowners are aware of significant weed issues on properties
- land that is subject to the 'Major Projects' provisions in the *Land Use Planning and Approvals Act 1993*.

---

### Questions

**Are questions 56 and 57 on weed management necessary or appropriate? Why?**

**Is the set of questions (no. 21) on land subject to Major Projects necessary or appropriate? Why?**

**There are now a number of 337 questions, which in turn create a burden for councils. Could questions be simplified or would this lead to information not being provided?**

**An example of simplified questions are:**

- 'Have approvals been granted under any relevant Act to perform plumbing work? Are they still in force and is the completion of any required work still outstanding?'
  - 'Have any compliance actions (such as notices or orders) been served in relation to the land that are still outstanding?'
- 

### Attachments

Attachment 1 – draft Local Government (Meeting Procedures) Regulations 2025

Attachment 2 – draft Local Government (General) Regulations 2025

## Tables showing changes to consultation versions of the Local Government Meeting Procedures and General Regulations 2025

Table 1: Changes between *Local Government (Meeting Procedures) Regulations 2015* and draft *Local Government (Meeting Procedures) Regulations 2025* (consultation version)

Regulation number in Meeting Procedures 2015	Regulation number in draft Meeting Procedures 2025	Title	Change
		<b>PART 1 - PRELIMINARY</b>	
1	1	Short title	No change
2	2	Commencement	Amended
3	3	Interpretation	New interpretations
Schedule 1	4	Fees	Moved, no change
		<b>PART 2 - MEETINGS</b>	
		<b>Division 1 — Convening and agendas</b>	
4	5	Convening council meetings	Amended
5	6	Convening meetings of council committee	No change
6	7	Times of meetings	No change
-	8	Statement to be made at meetings	New
7	9	Notice of meetings	No change
8	10	Agenda	Amended
9	11	Public access to documents	No change
10	12	Chairperson	No change
11	13	Quorum	Amended
12	14	Abandoned meetings	No change
13	15	Adjournments	No change

Regulation number in Meeting Procedures 2015	Regulation number in draft Meeting Procedures 2025	Title	Change
14	16	Open meetings	No change
15	17	Closed meetings	Amended
		<b>Division 2 — Motions</b>	
16	18	Motions generally	Restructured and amended
19	19	Written notice of motion	Restructured and amended
20	20	Motions without notice	Restructured and amended
17	21	Motions to amend motions	No change
18	22	Motion to overturn decision	No change
19	23	Discussion of resolved matter	No change
20	24	Procedural motions	No change
21	25	Addressing council meeting	No change
22	26	Debate at council meeting	No change
23	27	Point of order at meeting	No change
24	28	Personal explanation at meeting	No change
25	29	Acting as planning authority	No change
		<b>Division 3 — Voting</b>	
26	30	Votes	No change
27	31	Voting procedure	No change
28	32	Determination of voting	No change
		<b>Division 4 — Questions</b>	
-	33	Questions generally	New
29	34	Questions without notice by councillor	Restructured
30	35	Questions on notice by councillor	Restructured



Regulation number in Meeting Procedures 2015	Regulation number in draft Meeting Procedures 2025	Title	Change
-	36	Questions by member of the public	Restructured
-	37	Questions without notice by member of the public	Restructured
-	38	Questions on notice by member of the public	Restructured
		<b>Division 5 -- Minutes</b>	
32	39	Minutes	Amended
34	40	Minutes of closed meeting	No change
35	41	Circulation and inspection of minutes of open meeting	No change
36	42	Confirming minutes	No change
		<b>PART 3 – GENERAL PROVISIONS</b>	
33	43	Audio recording of meetings	Amended
37	44	Other procedures	No change
-	45	Requirement to attend meetings in-person	New
-	46	Participation in meetings by audio or audio visual link	New
-	47	Whole meeting by audio link or audio visual link	New
-	48	Maximum attendance at meetings by audio link &c.	New
38	49	Invitations to address meeting	No change
39	50	Leave of absence	Amended
-	51	Parental leave	New
40	52	Suspension from meeting	No change
41	53	Offences	No change

Regulation number in Meeting Procedures 2015	Regulation number in draft Meeting Procedures 2025	Title	Change
42	54	Powers and functions of regulations to commissioner under section 232	Amended

Table 2: Changes between *Local Government (General) Regulations 2015* and draft *Local Government (General) Regulations 2025* (consultation version)

Regulation number in General Regulations 2015	Regulation number in draft General Regulations 2025	Title	Change
		<b>PART 1 – PRELIMINARY</b>	
1	1	Short title	No change
2	2	Commencement	Amended
3	3	Interpretation	No change
		<b>PART 2 – ELECTIONS</b>	
		<b>Division 1 – Elections of mayor and deputy mayor by councillors</b>	
4	4	Nominations for mayor and deputy mayor	No change
5	5	Ballots	No change
6	6	Voting	No change
7	7	Counting of votes	No change
8	8	Declaration of result of ballot	No change
		<b>Division 2 – Hearing and determination of election disputes</b>	
9	9	Parties to election dispute	No change
10	10	Hearings	No change
11	11	Evidence	No change
12	12	Witnesses	No change
13	13	Expenses	No change
14	14	Orders of Court	No change
15	15	Immaterial errors	No change
16	16	Costs	No change
17	17	Rules of Court	No change



Regulation number in General Regulations 2015	Regulation number in draft General Regulations 2025	Title	Change
		<b>Division 3 – Drawing or casting of lots</b>	
18	18	Order of names on batch of ballot papers	No change
19	19	Exclusion and election of candidates	No change
20	20	Procedure for drawing or casting lots	No change
		<b>Division 4 – Electoral advertising</b>	
21	21	Posters and signs	No change
22	22	Advertising	No change
22A	23	Total expenditure for advertising	No change
		<b>PART 3 – TENDERING AND CONTRACTING</b>	
		<b>Division 1 – Tenders for goods and services</b>	
23	24	Public tenders	No change
24	25	Open tenders	No change
25	26	Multiple-use register	No change
26	27	Multiple-stage tender	No change
27	28	Non-application of public tender process	No change
		<b>Division 2 – Code for tenders and contracts</b>	
28	29	Code for tenders and contracts	No change
		<b>Division 3 – Annual reporting requirements in relation to tenders and contracts</b>	

Regulation number in General Regulations 2015	Regulation number in draft General Regulations 2025	Title	Change
29	30	Annual reporting requirements in relation to tenders and contracts	No change
<b>Part 3A</b>		<b>PART 3 – GIFTS AND DONATIONS</b>	
29A	31	Gifts or donations	No change
29B	32	Details to be contained in notice	No change
29C	33	Timeframe for provision of notice	No change
29D	34	Information to be included in register	No change
		<b>PART 4 – MISCELLANEOUS</b>	
30	35	Incapacity to perform duties as councillor	No change
30A	36	Prescribed information, &c., for dispute resolution policies	No change
30B	37	Prescribed matters for annual reports	Amended
31	38	Customer service charter	No change
32	39	Service rate	No change
33	40	Variation factors	No change
34	41	Amount of rates below which council may decide rates not payable by instalments	No change
35	42	Details of register of money that are to be published	No change
36	43	Notice of proposed by-law	No change

<b>Regulation number in General Regulations 2015</b>	<b>Regulation number in draft General Regulations 2025</b>	<b>Title</b>	<b>Change</b>
37	44	Purposes for which land may be compulsorily acquired	No change
38	45	Criteria for city status	No change
39	46	Plan of boundaries of towns	No change
40	47	Declaration of office	No change
41	48	Fees	No change
42	49	Allowances for elected members	No change
43	50	Expenses for councillors	No change
44	51	Prescribed newspapers	No change
45	52	Council land information certificate	No change
Schedule 1	Schedule 1	ORDER OF NAMES ON BATCH OF BALLOT PAPERS	No change
Schedule 2	Schedule 2	DECLARATION OF OFFICE	No change
Schedule 3	Schedule 3	FEES	No change
Schedule 4	Schedule 4	ALLOWANCES FOR ELECTED MEMBERS	Amended
Schedule 5	Schedule 5	COUNCIL LAND INFORMATION CERTIFICATE	No change
Schedule 6	Schedule 6	QUESTIONS	Amended



<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council Officer
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\001\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Australian Local Government Association Discussion Paper – 2025 National General Assembly Call for Motions

**OFFICER’S RECOMMENDATION:**

That Council submit motions which have been agreed at the March Council Meeting to the National General Assembly 2025.

**INTRODUCTION:**

The Call for Motions has been advertised for the National General Assembly (NGA) which will be held in June 2025.

**PREVIOUS COUNCIL CONSIDERATION:**

**Council Workshop 3 March 2025**

**OFFICER’S REPORT:**

This is an opportunity for Council to submit a notice of motion to be debated at the NGA in Canberra on 24-27 June 2025. Any notice of motion submitted for this year’s NGA should consider:

- Any new practical programs or policy changes that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities; and/or
- New program ideas that that would help the local government sector to deliver place-based solutions to national priorities. The theme for the 2024 NGA is “Building Community Trust” and the attached discussion paper outlines the 12 priority areas which have been identified as the focus for this year’s call for motions.

The theme for the 2024 NGA is “National Priorities Need Local Solutions” and the attached discussion paper outlines the 12 priority areas which have been identified as the focus for this year’s call for motions.

**Key Priority Areas:**

- Intergovernmental relations;
- Financial sustainability;
- Roads and infrastructure;
- Emergency management;

- Housing and homelessness;
- Jobs and skills;
- Community services;
- Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
- Data, digital technology and cyber security;
- Climate change and renewable energy;
- Environment;
- Circular economy

## **Motions close on 31 March 2025**

### **STRATEGIC PLAN & ANNUAL PLAN:**

#### Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

##### *Achieving the Vision*

Leadership/ Ownership We will be visionary and accountable leaders who advocate and represent the views of our community in a transparent way. ...make decisions for the greater good of Break O'Day by being accessible and listening to our community

#### Break O Day Annual Plan 2023 – 2024

##### *Stakeholder Management*

Local Government Association of Tasmania (LGAT) and Australian Local Government Association (ALGA) - Participate actively at the State and National level in Local Government matters including policy development.

### **LEGISLATION & POLICIES:**

N/A

### **BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

There would be no financial implications for Council.

### **VOTING REQUIREMENTS:**

Simple Majority

*National Priorities  
Need Local Solutions*

24 - 27 June 2025 | National  
Convention Centre Canberra

# National General Assembly Discussion Paper



**ALGA**  
Australian Local  
Government Association





## KEY DATES

18 December 2024 | Opening of Call for Motions

31 March 2025 | Acceptance of Motions closes

24 June 2025 | Regional Cooperation & Development Forum

25 - 27 June 2025 | National General Assembly

## TO SUBMIT YOUR MOTION

VISIT: **ALGA.COM.AU**

The Australian Local Government Association (ALGA) is pleased to convene the 31st National General Assembly of Local Government (NGA), to be held in Canberra from 24-27 June 2025.

As convenor of the NGA, the ALGA Board cordially invites all councils to send representatives to this important national event.

The NGA is the premier national gathering of local governments, and provides councils with the opportunity to come together, share ideas, debate motions, and most importantly unite and further build on the relationship between local government and the Australian Government.

This discussion paper contains essential information for Australian councils considering submitting motions for debate at the 2025 National General Assembly of Local Government (NGA).

It is recommended that all councils and delegates intending to attend the 2025 NGA familiarise themselves with the guidelines for motions contained in this paper on page 6.

## **BACKGROUND TO ALGA AND THE NGA**

ALGA was established 1947. In structure, ALGA is a federation of member state and territory associations. Its mission is to achieve outcomes for local government through advocacy with impact, and maximise the economic, environmental and social wellbeing of councils and our communities.

Since 1994, the NGA has built the profile of local government on the national stage, showcased the value of councils, and most importantly demonstrated – particularly to the Australian Government – the strength and value of working with local government to help deliver on national priorities.

Debate on motions was introduced to the NGA as a vehicle for councils from across the nation to canvas ideas. Outcomes of debate on motions (NGA Resolutions) could be used by participating councils to inform their own policies and priorities, as well as their advocacy when dealing with federal politicians.

At the same time, they help ALGA and its member state and territory associations gain valuable insight into council priorities, emerging national issues, and the level of need and support for new policy and program initiatives.

Given the structure of ALGA, its Constitution, and level of resources, the NGA does not bind the ALGA Board. However, the Board carefully considers NGA resolutions as it determines ALGA's policies, priorities and strategies to advance local governments within the national agenda.

This is your NGA and ALGA is pleased to act as the convenor. ALGA's policies and priorities will continue to be determined by the ALGA Board in the interests of all councils.

**The ALGA Board thanks all councils for attending the NGA and those that will take the time to reflect on the purpose of debate on motions outlined in this paper, and to submit motions for debate at the 2025 NGA.**



## SUBMITTING MOTIONS

The theme of the 2025 NGA is – *National Priorities Need Local Solutions*

In June 2025, Australia will either have a re-elected Labor Government, or a new Coalition or minority government.

The 31st National General Assembly of Local Government will focus on opportunities for councils to work with the next Federal Government to deliver local solutions that will help them deliver on their vision for the nation.

As the closest government to communities, councils understand local challenges and opportunities. They are a willing partner in government, and sustainably funded can provide place-based solutions to a range of national priorities including affordable housing, energy transition, road safety, increasing productivity, and improved health and wellbeing.

This discussion paper is a call for councils to submit motions for debate at the 2025 NGA to be held in Canberra from 24-27 June 2025.

Motions for this year's NGA should consider:

- Any new practical programs or policy changes that can strengthen the system of local government nationally to provide the services and infrastructure required to support and strengthen our communities; and/or
- New program ideas that that would help the local government sector to deliver place-based solutions to national priorities.

Motions should be concise, practical and implementable and meet the guidelines for motions set out in the paper.

You are encouraged to read all the sections of the paper but are not expected to respond to every issue or question. Your council's motion/s must address one or more of the issues identified in the discussion paper.





Motions must be lodged electronically using the online form available on the NGA website at: [www.alga.asn.au](http://www.alga.asn.au) and received no later than 11:59pm AEST on Monday 31 March 2025.

All notices of motions will be reviewed by the ALGA Board's NGA Sub-committee prior to publishing the NGA Business Paper to ensure that they meet these guidelines. This sub-committee reserves the right to select, edit or amend notices of motions to facilitate the efficient and effective management of debate on motions at the NGA. For example, the sub-committee may recommend an overarching strategic motion to encompass several motions on the same topic.

All NGA resolutions will be published on [www.nationalgeneralassembly.com.au](http://www.nationalgeneralassembly.com.au).

As the host of the NGA, ALGA will communicate resolutions to the relevant Australian Government Minister and publish Ministerial responses as they are received on this website.

Please note that if your council does submit a motion, there is an expectation that a council representative will be present at the NGA to move and speak to that motion if required.

We look forward to hearing from you and seeing you at the 2025 NGA.

# CRITERIA FOR MOTIONS

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

1. Be relevant to the work of local government nationally.
2. Not be focused on a specific jurisdiction, location or region – unless the project or issue has national implications.
3. Be consistent with the themes of the NGA.
4. Complement or build on the policy objectives of ALGA and your state or territory local government association.
5. Be submitted by a council which is a financial member of their state or territory local government association.
6. Propose a clear action and outcome ie call on the Australian Government to act on something.
7. Not be advanced on behalf of external third parties that may seek to use the NGA to apply pressure to Board members, or to gain national political exposure for positions that are not directly relevant to the work of, or in the national interests of, local government.
8. Address issues that will directly improve the capacity of local government to deliver services and infrastructure for the benefit of all Australian communities.
9. Not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
10. Be supported by sufficient evidence and demonstrate the relevance and significance of the matter to local government nationally.

Motions must commence with the following wording:

***This National General Assembly calls on the Australian Government to***

...

**Please note:** that resolutions of the NGA do not automatically become ALGA's national policy positions.

The ALGA Board carefully considers NGA resolutions as it determines ALGA's policies, priorities and strategies to advance local governments within the national agenda, but the resolutions are not binding.



## OTHER THINGS TO CONSIDER

It is important to complete the background section of the submission form. Submitters of motions should not assume that NGA delegates will have background knowledge of the proposal. The background section helps all delegates, including those with no previous knowledge of the issue, in their consideration of the motion. Please note, motions should NOT be prescriptive in directing how the matter should be pursued.

Try to keep motions practical, focussed and capable of implementation to ensure that relevant Australian Government Ministers provide considered, thoughtful and timely responses.

Try to avoid motions that are complex, contain multi-dot points and require complex cross-portfolio implementation.

All motions submitted will be reviewed by the ALGA Board's NGA Sub-committee, in consultation with state and territory local government associations, to determine their eligibility for inclusion in the NGA Business Papers.

When reviewing motions, the Sub-committee considers the criteria, clarity of the motion and the importance and relevance of the issue to local government.

If there are any questions about the substance or intent of a motion, ALGA will raise these with the nominated contact officer. With the agreement of the submitting council, these motions may be edited before inclusion in the NGA Business Papers.

To ensure an efficient and effective debate, where there are numerous motions on a similar issue, the NGA Sub-committee will group these motions together under an overarching strategic motion. The strategic motions will have either been drafted by ALGA or will be based on a motion submitted by a council which best summarises the subject matter.

Debate will occur in accordance with the rules for debate published in the Business Papers and will focus on the strategic motions. Associated sub-motions will be debated by exception only or in accordance with the debating rules.

Any motion deemed to be primarily concerned with local or state issues will be referred to the relevant state or territory local government association and will not be included in the NGA Business Papers.

All motions require:

- a contact officer;
- a clear national objective;
- a summary of the key arguments in support of the motion; and
- endorsement of your council

Motions should be lodged electronically using the online form available at [www.alga.com.au](http://www.alga.com.au).

Motions should be received no later than 11:59pm AEST on Monday 31 March 2025.





## SETTING THE SCENE

The theme for the 2025 NGA – **National Priorities Need Local Solutions** – highlights the unique role Australia's 537 councils can play delivering local, place-based solutions that meet the needs of their communities, while addressing broader national priorities.

The 2025 NGA provides you - the elected representatives of Australia's local councils and communities - with the opportunity to engage with the Federal Government and key Ministers.

Further, it is your opportunity to advocate for new or expanded programs and key policy initiatives that could strengthen local governments and its capacity to deliver services and infrastructure to local communities across the nation.

This year's call for motion focusses on twelve priority areas:

- Intergovernmental relations;
- Financial sustainability;
- Roads and infrastructure;
- Emergency management;
- Housing and homelessness;
- Jobs and skills;
- Community services;
- Closing the Gap and Aboriginal and Torres Strait Islander Reconciliation;
- Data, digital technology and cyber security;
- Climate change and renewable energy;
- Environment;
- Circular economy



# 1. INTERGOVERNMENTAL RELATIONS

For almost 30 years, local government was represented by ALGA on the Council of Australian Governments (COAG), providing local input into national decision making. However, when COAG was replaced by National Cabinet in March 2020, local government was not included.

National Cabinet is a forum for the Prime Minister, Premiers and Chief Ministers to meet and work collaboratively; and is a key mechanism in Australia's intergovernmental architecture. A representative of local government, the President of ALGA, is invited to meet with National Cabinet once each year, as well as one meeting of the Council on Federal Financial Relations comprising the Commonwealth Treasurer as Chair and all state and territory treasurers.

While National Cabinet was established to support a coordinated national response to the COVID-19 pandemic, the lack of local representation to this body has unfortunately impacted on decision making.

The Government's review into the COVID-19 response – published in October 2024 – found that Australia's 537 councils were critical for the implementation of National Cabinet decisions during the pandemic.

The inquiry also recommended National Cabinet would benefit from having more structured engagement and active consultation with local government to ensure future decision-making is informed at a local level.

In addition to attending one meeting per year of National Cabinet and CFFR, ALGA also represents local government on a range of Ministerial Councils and Forums, including the Infrastructure and Transport Ministers Meeting, National Emergency Management Ministers Meeting, Local Government Ministers Forum, Joint Council on Closing the Gap, Planning Ministers Meeting, Environment Ministers Meeting, Cultural Ministers Meeting, Energy and Climate Change Ministers Meeting, Road Safety Ministers Meeting, and Building Ministers Meeting.

*Given the important role councils play delivering local solutions to national priorities, how can intergovernmental arrangements be further improved in Australia?*

*Are there new initiatives and programs that could be adopted to improve the level of cooperation and collaboration between the Australian Government and local government?*





## 2. FINANCIAL SUSTAINABILITY

Sustainably funded, councils can play a key role delivering local solutions to national priorities. However, across the country many councils are facing significant financial challenges and are struggling to fund the delivery of core community services.

Every year councils are being asked to do more with less as a result of cost shifting, inadequate state and federal funding and, in some jurisdictions, rate pegging.

In 2024/25 councils will receive \$3.27 billion in federal Financial Assistance Grants. This is approximately 0.5% of Commonwealth taxation revenue, which is half the amount it was in 1996. The Australian Parliament is currently undertaking an Inquiry into local government sustainability, to which ALGA, State and Territory associations and many councils provided submissions

ALGA's submission to this inquiry highlighted that:

- If local government were provided annually with an additional \$350 million for the maintenance and delivery of quality open space, Australia's gross domestic product (GDP) would increase by \$858.9 million each year.
- If local government were able to effectively increase its capacity to perform regulatory services in planning and building, there would be an annual saving of \$859 million for development proponents and would generate an additional \$1.67 billion in GDP each year.
- Increased block transfers of Commonwealth funds to local governments can deliver greater efficiency and administrative cost savings of \$236 million and would generate increase GDP by \$330.8 million each year
- Reducing local government staff turnover can save \$425 million in avoided costs and lead to a \$619.9 million increase in GDP each year.
- Investing an additional \$1 billion each year into the maintenance of local government roads would increase GDP by \$354.6 million annually.

ALGA also stressed that the inquiry should not recommend any actions that will improve the financial sustainability of some councils to the detriment of others.

*What are the opportunities to address financial sustainability across councils, and support their capacity to deliver local solutions to national priorities?*

*Are there improvements to be made to existing federal funding programs and arrangements that would support improved local government financial sustainability?*



## 3. ROADS AND INFRASTRUCTURE

Local governments are responsible for around 75% of Australia's road network by length, and play an important role supporting productivity and improving road safety.

However, many councils are not resourced to effectively maintain their local roads, and independent research from the Grattan Institute in 2023 identified a \$1 billion annual local government road maintenance funding gap.

In November 2023 the Government announced that Roads to Funding would be progressively increased from \$500 million to \$1 billion per year over the forward estimates, effectively halving the current funding gap.

In addition to local roads, councils build and maintain community facilities and infrastructure worth more than \$100 billion nationally.

In 2020 the Australian Government introduced a new Local Roads and Community Infrastructure Program, which saw \$3.25 billion provided to all councils for local projects on a formula basis. ALGA's 2024 National State of the Assets highlighted the success of this federal funding program, reporting a \$1 billion improvement in the condition of local government facilities since the 2021 report.

*Are there new programs or initiatives that the Australian Government could adopt to improve the long-term sustainability of local government roads and community infrastructure?*

*Are there programs or initiatives that the Australian Government could provide to improve the sector's capacity to manage local government infrastructure and to integrate these plans into long-term financial plans?*

*Are there opportunities for the Australian Government to support councils to invest in local infrastructure that will help address national priorities?*





## 4. EMERGENCY MANAGEMENT

Australia is experiencing weather events of greater intensity and frequency – which leads to increased impacts on communities and council resources. Over the past two years, more than 60 per cent of local government areas have been declared natural disaster areas, many of them multiple times.

In 2022 ALGA successfully advocated for a new \$200 million per year Disaster Ready Fund, and to date two rounds of funding have been provided through this program. This program has been legislated to run for five years.

Both rounds of the Disaster Ready Fund have been significantly oversubscribed, and ALGA is advocating for a significant increase in federal funding to improve the emergency management capability and capacity of local government.

The Royal Commission on National Natural Disaster Arrangements made two important recommendations for local government – calling for State and Territory Governments to take responsibility for the capacity and capability of local government for the functions which are delegated to them (recommendation 11.1), and recommending States and Territory Governments review arrangements for resource sharing between local governments (recommendation 11.2).

Released in November 2024, the Colvin Review (Independent Review of Commonwealth Disaster Funding) and Glasser Review (Independent Review of National Natural Disaster Governance Arrangements) both support a strategic shift towards disaster risk reduction and resilience. The Colvin Review also supports a major capacity uplift for local government and an enhanced national training and exercise regime which tests and builds local government capacity.

Councils are encouraged to draw on their practical experience of the improvements that could be made to managing emergencies.

Please note that many aspects of emergency management are state or territory responsibilities, and your motions should focus on how the Australian Government could assist.

*What new programs, or improvements to existing programs, could the Australian Government develop to partner with local government to improve the current natural disaster management systems to further assist in recovery and build resilience?*

*How can the Government best support Australian councils to prepare for, respond to and recover from natural disasters?*



## 5. HOUSING AND HOMELESSNESS

Australia is currently facing a housing crisis which is resulting in more people experiencing housing insecurity and homelessness, while also preventing required worker movement across the country.

Councils are not responsible for building housing. Many councils do, however, play a key role in facilitating housing supply by appropriately zoning land and approving development. Others are going above and beyond to address the housing crisis, albeit without adequate resourcing.

One of the biggest issues is a lack of funding for infrastructure such as roads, water and power connections that are necessary for new housing developments.

The National Housing Accord – which ALGA is a signatory to on behalf of local government – sets an ambitious target of 1.2 million new, well-located homes over the next five years.

Research commissioned by ALGA, and delivered by Equity Economics, showed that there is currently a \$5.7 billion funding shortfall for the enabling infrastructure required to bridge the gap between current constructions and Australia's housing targets.

Another significant issue is local government's lack of input into setting housing policy at both a state, territory and federal level. While ALGA represents councils on a wide range of ministerial councils, it is not currently a member of the Housing and Homelessness Ministerial Council or National Cabinet.

A key focus for councils is ensuring that any new housing developments are not just supported by enabling infrastructure, but also the local facilities and services that are vital for healthy, productive and resilient communities.

*What new programs and policies could the Australian Government develop to partner with local government to support the provision of more affordable housing?*

*How can the Australian Government work with councils to address the causes and impacts of homelessness?*



## 6. JOBS AND SKILLS

Local government is a major employer in Australia providing employment, career advancement and training opportunities for more than 200,000 Australians, across an estimated 400 occupations.

However, councils – like many employers across the nation – are experiencing skill shortages that hinder their ability to meet community needs.

The 2022 Local Government Workforce Skills and Capability Survey show nine out of every ten Australian councils are facing jobs and skills shortages.

65% of respondent local governments said that project delivery had been impacted or delayed by vacancies, skills shortages, skills gaps or training needs.

The top five most cited skill shortages that local governments experienced were engineers (as noted by 46% of 2022 survey respondents), urban and town planners (40%), building surveyors (36%), environmental health inspectors (30%) and human resources professionals (29%).

Drivers of skill shortages include difficulty attracting young people to local government jobs, lack of available training courses, wage competition, and lack of resources to upskill the current workforce such as access to training facilities for rural/remote councils, workplace supervisors, subject matter experts, and contextualised training resources.

National priorities, such as increasing housing supply, cannot be achieved without support from local government and the right people to do the work.

*Are there programs or initiatives that the Australian Government could implement that would enhance local government's capacity to attract and retain appropriately skilled staff now and into the future?*

*Are there programs or changes to existing programs that would increase local government's ability to employ apprentices and trainees?*

*Are there other initiatives that the Australian Government could provide to improve the sector's ability to plan and develop skills fit for the future?*



## 7. COMMUNITY SERVICES

Councils provide a wide range of services based on local characteristics, needs, priorities, and the resources of their community.

Some of these services are provided to address market failure, and many of them are provided by councils on behalf of other levels of government.

It is important to note that nationally local government is more than 83% self-sufficient ie funded at the local level either through rates, fees and charges, sale of goods and services, or interest. The Australian Bureau of Statistics data shows that total local government annual expenditure in 2022-23 was \$48 billion.

Only 17% comes from grants and subsidies from other levels of government. Unfortunately, many of these grants and subsidies are tied, or competitive funding programs, or require matching funding which restricts the ability to address local priorities in the way the council and community might need.

Local government community services are broadly defined, and may include but are not limited to:

- environmental health including food safety;
- childcare, early childhood education, municipal health;
- aged care, senior citizens;
- services to people living with disability;
- programs to address disadvantage, to reduce poverty and homelessness;
- sporting and recreational programs;
- arts and cultural activities, programs and festivals;
- tourism and economic development activities;
- library services

*Noting the funding arrangements for the provision of local government community services are there programs and initiatives that the Australian Government could implement to improve the delivery of these services?*

*Are there reforms or improvements in national community services program that would help local governments support the Australian Government to deliver on its national objectives?*





## 8. CLOSING THE GAP AND ABORIGINAL AND TORRES STRAIT ISLANDER RECONCILIATION

In 2021, ALGA co-signed a landmark national agreement to close the gap between Indigenous and non-Indigenous Australians. At the heart of the National Agreement on Closing the Gap Partnership are four agreed priority reform targets and 19 socio-economic targets in areas including education, employment, health and wellbeing, justice, safety, housing, land and waters, and Aboriginal and Torres Strait Islander languages.

Local governments are uniquely placed to support partnerships to address long term service gaps and support their delivery. Councils are elected by their communities and have the longitudinal scope to develop a community's economic, skills, and infrastructure needs.

Local governments already play a significant role in helping their communities and the Closing the Gap outcomes. However, councils need appropriate resourcing, be it through place-based initiatives, or broader programs, to better facilitate and meet program objectives in their communities.

*Are there programs or initiatives that the Australian Government could adopt to assist local government to advance reconciliation and close the gap?*

*Are there practical programs or initiatives that local government and the Australian Government could introduce to maintain, build and strengthen partnerships between Aboriginal and Torres Strait Islanders and governments?*

## 9. DATA, DIGITAL TECHNOLOGY AND CYBER SECURITY

Provision of information technology to all Australians is vital to innovation, economic growth, and social equity. However, it is potentially even more important to regional Australia where the tyranny of distance increases the inequity of services available – including education, health, economic and social. Innovative technology is becoming more broadly available and could boost productivity and economic growth.

Councils around Australia continue to embrace new technologies to improve their service delivery standards and broaden consultation and engagement with their local communities. However, implementation can be hindered without access to basic technological infrastructure and the necessary IT skills and resources.

In recent times, cyber-attacks on major corporations and other businesses have resulted in significant data breaches. It is a timely reminder as digital information, services and products become an increasing feature of modern business operation including in local government.

Like all risks, local government must manage the risk of cyber-attacks and address cyber security.

While this is primarily a responsibility of the sector itself, governments at all levels must work together to ensure that the public have confidence in government information management systems and its security.

*Drawing upon your council's experience, and your knowledge of other councils within your state or territory, are there programs and initiatives that the Australian Government could implement to help local government develop its digital technology services and infrastructure?*

*Are there actions the Australian Government could take to improve cyber security within the local government sector?*





## 10. CLIMATE CHANGE AND RENEWABLE ENERGY

Climate change is resulting in more frequent and severe disasters, coastal erosion, and rising heat, which are all impacting on the liveability of Australian communities.

Local governments play a role in emissions reduction through reducing their corporate emissions and supporting broader national processes of decarbonisation through community engagement, and provision of services and infrastructure.

The 2024 Local Government Climate Review found that 89% of councils have set or planned ambitious corporate emissions reduction targets.

Councils also play a critical role supporting their communities through change, helping them to adapt and build their resilience. The latest Local Government Climate Review found that two-thirds have done a climate risk assessment and 72% are implementing initiatives.

Barriers to adaptation include internal resourcing (70%), funding (67%), complexity and not knowing how to respond (53%), and limited technical expertise and capacity (48%).

Councils need support to adequately assess climate risk and vulnerabilities and adequately address them in plans, policies investment decisions and engagement with communities. Unfortunately, funding and support from other levels of government has failed to keep pace, placing an inequitable burden on the sector.

The rapid increase in renewable energy projects in regions across Australia is resulting in uneven and inconsistent community benefits being offered and delivered to communities. It is also placing significant pressure on local governments to plan, negotiate and secure an enduring constructive legacy associated with renewable energy projects.

Local governments are the only local democratic institution in a position to convene local interests and broker long term social and economic benefits from renewables projects, and should be recognised and supported for their role in maintaining social license for renewables projects.

*Noting the Australian Government's approach to reducing emissions, are there partnerships, programs, and initiatives that local government and the Australian Government can form to achieve Australia's 2050 net zero emissions target?*

*What are the opportunities to support councils to increase community resilience to the impacts of climate change?*

*What support do councils need to ensure that renewable energy projects deliver lasting benefits to the communities that house them?*





## 11. ENVIRONMENT

The Australian Government's Nature Positive Plan states "Almost half of Australia's gross domestic product (GDP) has a moderate to very high direct dependence on nature. The rate at which we are eroding the environment poses tangible risks to Australia's economic, financial and social stability."

Australia's 537 local governments undertake broad and diverse work to support environmental outcomes.

However, councils do not receive adequate support for this work, which includes managing pests, weeds, and biosecurity threats, contributing to water security and management, managing parklands and reserves, and community education.

In recent years the National General Assembly has considered a range of environmental issues, and passed resolutions on biodiversity, biosecurity, conservation, climate change and water security.

*How could the Australian Government partner with local government to strengthen Australia's environmental services and infrastructure?*

*What new programs could the Australian Government partner with local government in to progress local regional and national objectives?*



## 12. CIRCULAR ECONOMY

Australia's volume of waste continues to increase compared with population growth and GDP, even with rates of recycling improving over the past decades.

The 2022 National Waste Report showed that waste generation has increased by 20% over the last 15 years (8.3% from municipal waste). Since 2006-07, recycling and recovery of Australia's core waste has increased by 57% (+22% in municipal) however Australia continues to have one of the lowest rates of recycling among OCED countries.

Local governments are under pressure to respond to community demand for addressing pollution, while at-capacity landfills and emerging problematic materials pose serious operational challenges.

Collecting, treating, and disposing of waste costs local governments an estimated \$3.5 billion annually.

ALGA believes the onus for waste reduction should be borne by industry, not local governments. Mandatory product stewardship approaches, including payments to local governments for their resource recovery services, would ensure the principle of producer responsibility is operationalised and the cost and risk burden on local governments is rebalanced.

*How could the Australian Government further strengthen product stewardship arrangements to support local governments in their endeavours to increase recycling and reduce the volume of waste?*

*How could the Australian Government partner with local government to advance the circular economy?*







## CONCLUSION

Thank you for taking the time to read this discussion paper and your support for the 2025 National General Assembly of Local Government.

A final reminder:

- Motions should be lodged electronically at [www.alga.com.au](http://www.alga.com.au) and received no later than 11.59pm on Monday 31 March 2025.
- Motions must meet the criteria published in this paper.
- Motions should commence with the following wording: 'This National General Assembly calls on the Australian Government to...'
- Motions should not be prescriptive in directing how the matter should be pursued.
- Motions should be practical, focussed and relatively simple.
- It is important to complete the background section on the form.
- Motions must not seek to advance an outcome that would result in a benefit to one group of councils to the detriment of another.
- When your council submits a motion there is an expectation that a council representative will be present at the 2025 National General Assembly to move and speak to that motion if required.
- Resolutions of the National General Assembly do not automatically become ALGA's national policy positions. The resolutions are used by the ALGA Board to inform policies, priorities and strategies to advance local governments within the national agenda.

We look forward to hearing from you and seeing you at the 2025 National General Assembly in Canberra.





<b>ACTION</b>	<b>DECISION</b>
<b>PROPONENT</b>	Council
<b>OFFICER</b>	John Brown, General Manager
<b>FILE REFERENCE</b>	039\001\001\
<b>ASSOCIATED REPORTS AND DOCUMENTS</b>	Letter from Mayor Matt Burnett – Australian Local Government Association (ALGA) President

**OFFICER'S RECOMMENDATION:**

That Council:

1. Supports the national federal election funding priorities identified by the Australian Local Government Association (ALGA); and
2. Supports and participates in the Put Our Communities First federal election campaign; and
3. Writes to the local federal member(s) of Parliament for Lyons, all known election candidates in the Lyons electorate and the President of the Australian Local Government Association expressing support for ALGA's federal election funding priorities.

**INTRODUCTION:**

The next Federal Election must be held by 17 May 2025.

Working in conjunction with its member state and territory associations, the Australian Local Government Association (ALGA) has developed a framework and resources for a national advocacy campaign that will run in the lead up to this election.

Based around the tagline of "Put Our Communities First", the goal is to secure additional federal funding that will support every council to play a bigger role delivering local solutions to national priorities.

All Australian councils have been asked to participate in this campaign to ensure a coordinated approach that will deliver the best possible outcomes.

**PREVIOUS COUNCIL CONSIDERATION:**

Nil

**OFFICER'S REPORT:**

The Australian Local Government Association have written to Australian councils regarding the 'Put Our Communities First' campaign advocating for new federal funding to be distributed to all councils on a formula-basis, similar to the Commonwealth's Roads to Recovery Program, or the previous Local Roads and Community Infrastructure Program.



*This will ensure that every council and community benefits, and support local decision making based on local needs.*

*ALGA has developed free campaign resources that can be adapted and used by all councils to ensure a consistent and effective approach.*

*Participating in a national advocacy campaign does not preclude this council from advocating on additional local needs and issues, but it will strengthen the national campaign and support all 537 Australian local governments.*

*The five national funding priorities have been determined by the ALGA Board – comprised of representatives from each of Australia's state and territory local government associations – and align with key national priorities.*

*These five funding priorities are:*

- *\$1.1 billion per year for enabling infrastructure to unlock housing supply*
- *\$500 million per year for community infrastructure*
- *\$600 million per year for safer local roads*
- *\$900 million per year for increased local government emergency management capability and capacity, and*
- *\$400 million per year for climate change adaptation.*

*Further information on each of these priorities is listed below.*

#### *Housing enabling infrastructure*

*A lack of funding for enabling infrastructure – including roads, and water and sewerage treatment connections and facilities – is a significant barrier to increasing housing supply across the country. Research from [Equity Economics](#) found that 40 per cent of local governments have cut back on new infrastructure developments because of inadequate enabling infrastructure funding.*

*This research also shows that achieving the National Housing Accord's housing targets would incur an additional \$5.7 billion funding shortfall on top of infrastructure funding gaps already being felt by councils and their communities.*

*A five year, \$1.1 billion per annum program would fund the infrastructure that is essential to new housing developments, and Australia reaching its housing targets.*

#### *Community Infrastructure*

*ALGA's [2024 National State of the Assets report](#) indicates that \$8.3 billion worth of local government buildings and \$2.9 billion worth of parks and recreation facilities are in poor condition and need attention.*

*Introduced in 2020, the Local Roads and Community Infrastructure Program supported all councils to build, maintain and upgrade local facilities, with \$3.25 billion allocated on a formula basis.*

*This program had a significant impact, driving an almost \$1 billion improvement in the condition of local government buildings and facilities; and a \$500 million per year replacement fund would support all councils to build, upgrade and revitalise the community infrastructure all Australians rely on.*

#### *Safer Roads*

*Councils manage more than 75% of Australia's roads by length, and tragically more than half of all fatal road crashes in Australia occur on these roads.*

*In 2023 the Australian Government announced that it would double Roads to Recovery funding over the forward estimates, providing councils with an additional \$500 million per year.*

*However, recent independent research by the [Grattan Institute](#) highlighted a \$1 billion local government road maintenance funding shortfall, meaning there is still a significant funding gap.*

*Providing local government with \$600 million per year tied to road safety programs and infrastructure upgrades would support all councils to play a more effective role addressing Australia's unacceptable road toll.*

#### *Climate adaptation*

*Local governments are at the forefront of grappling with climate impacts as both asset managers and land use decision makers.*

*However, funding and support from other levels of government has failed to keep pace, placing an inequitable burden on councils and communities to fund this work locally.*

*A \$400 million per year local government climate adaptation fund would enable all councils to implement place-based approaches to adaptation, delivering local solutions to this national challenge.*

#### *Emergency management*

*Fires, floods and cyclones currently cost Australia [\\$38 billion per year, and this is predicted to rise to \\$73 billion by 2060.](#)*

*Australian councils play a key role preparing for, responding to and recovering from natural disasters, but aren't effectively funded to carry out these duties.*

*The Government's \$200 million per year Disaster Ready Fund is significantly oversubscribed, especially considering the scale and cost of disaster mitigation projects.*

*Numerous national reviews – including the [Colvin Review](#) and [Royal Commission into Natural Disaster Arrangements](#) – have identified the need for a significant uplift in local government emergency management capability and capacity.*

*A \$900 million per year fund would support all councils to better prepare their communities before natural disasters, and more effectively carry out the emergency management responsibilities that have been delegated to them.*

Council has identified it's Federal Election priorities which obviously have a local focus, the ALGA national campaign is aligned with matters which Council recognise as being important to our communities and which also in a large part have good alignment with out Strategic Plan Key Focus areas.

#### **STRATEGIC PLAN & ANNUAL PLAN:**

Break O'Day Strategic Plan 2017-2027 (Revised March 2022)

### Goal

Economy - To foster innovation and develop vibrant and growing local economies which offer opportunities for employment and development of businesses across a range of industry sectors.

### Strategy

2.4 Support and encourage innovation and growth in the economy through local leadership; infrastructure provision; support services and customer focused service delivery.

### *Key Focus Area:*

Housing - Develop an understanding of housing needs; advocate for and facilitate the construction of a range of housing solutions

### Goal

Environment - To balance our use of the natural environment to ensure that it is available for future generations to enjoy as we do.

### Strategy

3.4 Recognise and alleviate the issues and risks to the environment from our use and the risk to us from a changing environment (for example flood and fire)

### *Key Focus Area*

Climate Change - Understand, address and evaluate the challenges of climate change in Break O'Day and develop and implement mitigation strategies.

### Goal

Infrastructure - To provide quality infrastructure which enhances the liveability and viability of our communities for residents and visitors.

### Strategy

4.1 Be proactive infrastructure managers by anticipating and responding to the growing and changing needs of the community and the area

### *Key Focus Area*

Community Facilities - Provide community facilities that encourage participation and supports the lifestyle of residents and growing visitor numbers.

### Break O Day Annual Plan 2024 – 2025

### *Actions:*

Federal Election - identify and develop list of projects which will be lobbied for in forthcoming election campaign

### **LEGISLATION & POLICIES:**

N/A



**BUDGET; FUNDING AND FINANCIAL IMPLICATIONS:**

N/A

**VOTING REQUIREMENTS:**

Simple Majority



Dear Mayor Tucker,

I am writing to seek your council's support for ALGA's 2025 federal election priorities, and our national *Put Our Communities First* advocacy campaign.

The ALGA Board has endorsed five local government funding priorities for the next Australian Government, which are:

- \$1.1 billion per year for enabling infrastructure to unlock housing supply
- \$500 million per year for community infrastructure
- \$600 million per year for safer local roads
- \$900 million per year for increased local government emergency management capability and capacity, and
- \$400 million per year for climate adaptation.

We want to see these new funding programs distributed across all councils, on a formula-basis, similar to the way Financial Assistance Grants or Roads to Recovery funding have been provided for many years.

This would support all of us to deliver local-place based solutions to the challenges our nation is facing in affordable housing, road safety, natural disasters and climate change.

ALGA has developed a suite of resources that will support your council to endorse these funding priorities and participate in a national advocacy campaign, which you [can find here](#). The password to access these resources is ALGAelection2025.

In particular I would urge you to consider using the council report template we've developed to pass a motion of support at your next meeting.

Participating in this campaign does not preclude you from also advocating for state or territory or local funding priorities. There is strength in the complementary nature of our push for significant increased funding at the national level, and the specific asks that your communities also seek.

For more information on this campaign and our funding priorities visit [www.putourcommunitiesfirst.com.au](http://www.putourcommunitiesfirst.com.au).

If you have any questions please contact ALGA's Executive Director Advocacy Darren Hunter at [darren.hunter@alga.asn.au](mailto:darren.hunter@alga.asn.au).

Finally, to sign up for ALGA News, and get local government updates emailed directly to you every second Monday, please [click here](#).

Thank you for your support.

A handwritten signature in black ink, appearing to read 'M. Burnett'.

**Mayor Matt Burnett**  
**ALGA President**

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2015 that Council move into Closed Council.*

# IN CONFIDENCE

## 03/25.18.0 CLOSED COUNCIL

03/25.18.1 Confirmation of Closed Council Minutes – Council Meeting 17 February 2025

03/25.18.2 Outstanding Actions List for Closed Council

3/25.18.3 Closed Council Item Pursuant to Section 15(2)D of the Local Government (Meeting Procedures) Regulations 2015 Tender – St Marys and East Coast Childcare Needs Analysis

02/25.18.4 Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015 - CBA Car Park – 18-24 Cecilia Street, St Helens

02/25.18.5 Closed Council Item Pursuant to Section 15(2)F of the Local Government (Meeting Procedures) Regulations 2015 - Old St Helens Hospital 821

03/25.18.6 Closed Council Item Pursuant to Section 15(2)I of the Local Government (Meeting Procedures) Regulations 2015 Tender – Update Regarding S137 Sale – 123 German Town Road, St Marys

03/25.18.7 Closed Council Item Pursuant to Section 15(2)(h) of the Local Government (Meeting Procedures) Regulations 2015 - Cllr Gary Barnes Leave of Absence

*Pursuant to Regulation 15(1) of the Local Government (Meeting Procedures) Regulations 2005 that Council move out of Closed Council.*

## 03/25.19.0 MEETING CLOSED

Mayor Tucker thanks everyone for their attendance and declared the meeting closed at ...pm.

.....  
**MAYOR**

.....  
**DATE**