

SOUTHERN
MIDLANDS
COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

Wednesday, 23rd February 2021
10.00 a.m.

Tunbridge Community Hall
99 Main Road, Tunbridge

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Dear Sir/Madam

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held on

Date: Tuesday 23rd January 2021

Time: 10.00 a.m.

Venue: Tunbridge Hall, 99 Main Road, Tunbridge 7120

The Local Government Act 1993 section 65 provides the following:

1. *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
2. *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*
 - (a) *the general manager certifies, in writing –*
 - (i) *that such advice was obtained; and*
 - (ii) *that the general manager took the advice into account in providing general advice to the council or council committee; and*
 - (b) *a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.*

I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- (1) *The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- (2) *Where any advice is directly given by a person who does not have the required qualification or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.*

Councillors please note:

- Public Question Time will be held at 10.30 a.m. – members of the public are invited to attend.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'TF Kirkwood', written in black ink.

TF Kirkwood
GENERAL MANAGER

OPEN COUNCIL AGENDA

1. PRAYERS

2. ATTENDANCE

3. APOLOGIES

4. MINUTES

4.1 ORDINARY COUNCIL MEETING

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 27th January 2021, as circulated, are submitted for confirmation.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

The Minutes of the following Special Committee of Council, as circulated, are submitted for receipt:

- Lake Dulverton & Callington Park Management Committee – Monday 15th February 2021

RECOMMENDATION

THAT the minutes of the above special committee of Council be received.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

The recommendations contained within the minutes of the following Special Committee of Council are submitted for endorsement.

- Lake Dulverton & Callington Park Management Committee – Monday 15th February 2021

RECOMMENDATION

THAT the recommendations contained within the minutes of the above Special Committees of Council be endorsed.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

4.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)

4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

The Minutes of the following Joint Authority Meetings, as circulated, are submitted for receipt:

- Nil

DECISION NOT REQUIRED

4.3.2 JOINT AUTHORITIES - RECEIPT OF REPORTS (ANNUAL & QUARTERLY)

Reports prepared by the following Joint Authorities, as circulated, are submitted for receipt:

- Southern Tasmanian Councils Authority – Quarterly Report December 2020.

RECOMMENDATION

THAT the information be received.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Agenda is to include details of any Council workshop held since the last meeting.

One workshop has been held since the last ordinary meeting of Council.

A workshop was held on the 15th February 2021 at the Oatlands Council Chambers, commencing at 9.30 a.m.

Attendance: Mayor A Green, Deputy Mayor E Batt, Clr A Bantick, Clr A E Bisdee OAM, Clr K Dudgeon, Clr D Fish and Clr R McDougall.

Apologies: Nil.

Also in Attendance: T Kirkwood, A Benson

The purpose of the workshop was to consider and discuss the following items:

- **Oatlands Aquatic Centre**

The outcomes of the workshop are reported separately on the Council Meeting Agenda (Closed Session Item)

- **Telecommunications Black Spot(s) – Council Involvement**

The Mobile Black Spot Program is an Australian Government grant program whereby Mobile Network Operators and Mobile Network Infrastructure Providers submit applications under a competitive assessment process.

The aim of the program is to provide improved mobile coverage to regional and remote Australia.

The Program is supported by co-contributions from state and local governments, mobile network operators (i.e. Optus, Telstra, TPG Telecom (formerly Vodafone), businesses and local communities.

By way of example, the Australian Government committed \$380 million to the Mobile Black Spot Program (over six rounds), and under the first five rounds, the Government's contribution has generated investment of more than \$836 million., delivering 1,200 new base stations across Australia.

Round 5A is currently open with the deadline for applications extended to 5th March 2021.

The Government has committed \$80 million for Round 6 which is expected to commence after the round 5A is complete.

After discussion, the following outcomes were noted:

- a) invite Michael Patterson (Telstra Regional General Manager) to a follow-up Workshop to progress the discussion;

- b) Council is not in a position to commit financial resources, but would certainly provide letters of support to address ‘black-spot’ areas within the Southern Midlands; and
- c) Council would be able to assist telecommunication providers in identifying ‘black-spots’ based on community feedback and input.

- **Affordable Housing**

The issue of ‘affordable housing’ was raised at a recent Council Meeting (during Public Question Time). In particular, it was questioned whether Council had considered the need for affordable housing as part of its long-term planning processes.

By way of background, this issue was given preliminary consideration approximately 2 to 3 years ago. Council resolved to establish a Working Group, with the intent of this Working Group being to identify and consider all the relevant issues (and possible opportunities) associated with affordable low-cost housing, particularly as it relates to the Southern Midlands Council area.

As part of the initial discussion, the following questions were asked:

1. What are the issues that need to be considered?
2. Any thoughts re: opportunities that exist?
3. Any thoughts or suggestions in terms of who the key stakeholders may be – either for consultation purposes or possible recruitment of a representative to the working group?

In summary, it became evident that the ‘related’ issues such as adequate access to community and health support services; employment; etc. etc. were significant and beyond the resources of the Southern Midlands Council (and local government generally) and it did not proceed.

After discussion at this workshop, the following outcomes were noted:

- a) Council acknowledged that there were no direct opportunities as Council does not own any land suitable for such development(s);
- b) In terms of private land, there were limitations within the existing Planning Scheme which Council has aimed to address through the Local Provision Schedule process, but the Planning Commission has rejected the proposed zoning changes as they are of the opinion that they do not comply with the growth strategies under the Southern Tasmanian Regional Land Use Strategy (STRLUS);
- c) In relation to the above, it was noted that the State Government has allocated funding to progress a review of the STRLUS; and
- d) Council will seek to apply for amendments to the STRLUS to modify the growth strategies when the review process is commenced and/or progress specific Planning Scheme amendments.

- **Green Waste Collection Service (Household Collection)**

Raised at a recent Council Meeting (during Public Question Time).

It was indicated that this matter would be re-visited as part of a Council Workshop process.

Background

This service is generally focussed on the collection of food and garden waste. It is commonly referred to as FOGO. It is collected in a wheelie bin (similar size to the normal Garbage & Recycling Bins).

The service is promoted as a means of removing food waste and garden waste from landfills; reducing greenhouse gases (resulting from placement in landfills); a convenient way to get rid of food and garden waste; reduced landfill disposal costs; and is also promoted as an option for people that are unable to compost at home.

The negatives / issues are:

- a) the additional cost associated with an extra 'door to door' collection service; and
- b) are the bins sufficient to cater for properties in the Southern Midlands Council – particularly for green waste. (i.e. where the lot sizes are generally larger).

After discussion, the following outcomes were noted:

- a) Council would not progress any proposal to introduce a kerbside 'FOGO' collection at this point;
- b) Council would actively promote the practice of composting which could be achieved through articles in Council newsletters;
- c) Council to consider other opportunities or possibilities to promote composting as a means of redirecting waste to landfill (to be considered at a subsequent workshop).

- **Capital Works Program 2020/21: - in particular, to discuss:**

- o Reeve Street / Clime Street Junction
 - o Southern entry to Campania – allocation of funds
- a) Council representatives to meet with the Department of State Growth to determine whether a joint approach can be taken to prepare a strategy / design for addressing safety concerns at the Reeve Street / Clime Street junction; and
 - b) Council to discuss possible enhancements at the southern entry to Campania, also in conjunction with the Department of State Growth, and it be prepared to allocated funding to achieve this outcome

- **Bagdad Child Care Centre – Expansion of Child Care Facility**

Council considered correspondence received from the Manager – Bagdad Child Care Centre (Tammy Bennett) regarding the need / possibility of expanding the Child Care Centre facility at the Bagdad Community Club property. The communication that there is grant support available via the ‘Community ChildCare Funding’ Capital works component.

After discussion, it was noted that whilst Council was supportive of the need to provide adequate child care facilities, it was not in a position to contribute capital funding to undertake building extension works.

Linked to this discussion, and based on the proposed extension being at the Community Club property (being community owned), Council discussed the overall development of this property and that it would be willing to assist the Community Club Management Management Committee progress a long-term development strategy.

To be raised with the Management Committee.

- **Rural Alive & Well Inc. – Tool Box Talks (Request for Funding)**

Council considered a request from RAW to provide funding to assist with the conduct of RAW Tool-Box Talks within the municipal area.

As an outcome, Council resolved to advise RAW Inc. that it was not in a position to provide financial assistance at the present time, and an application for funding should be made through the SMC Community Small Grants Program.

The Workshop concluded at approximately 11.40 a.m.

RECOMMENDATION

THAT:

- a) the information be received; and**
- b) Council note and endorse the outcomes of the workshop.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

6. COUNCILLORS – QUESTION TIME

6.1 QUESTIONS (ON NOTICE)

Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions on notice. It states:

- (1) *A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*
- (2) *An answer to a question on notice must be in writing.*

6.2 QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions without notice.

It states:

“29. Questions without notice

(1) A councillor at a meeting may ask a question without notice –

- (a) of the chairperson; or*
- (b) through the chairperson, of –*
 - (i) another councillor; or*
 - (ii) the general manager.*

(2) In putting a question without notice at a meeting, a councillor must not –

- (a) offer an argument or opinion; or*
- (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.*

(3) The chairperson of a meeting must not permit any debate of a question without notice or its answer.

(4) The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.

(5) The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.

(6) Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.

(7) The chairperson of a meeting may require a councillor to put a question without notice in writing.

An opportunity is provided for Councillors to ask questions relating to Council business, previous Agenda items or issues of a general nature.

7. DECLARATIONS OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported –

- (a) the reason it was not possible to include the matter on the agenda; and
- (b) that the matter is urgent; and
- (c) that advice has been provided under section 65 of the Act.

RECOMMENDATION

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

9. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* states:

- (1) *Members of the public may give written notice to the General Manager 7 days before an ordinary meeting of Council of a question to be asked at the meeting.*
- (2) *The chairperson may –*
 - (a) *address questions on notice submitted by members of the public; and*
 - (b) *invite any member of the public present at an ordinary meeting to ask questions relating to the activities of the Council.*
- (3) *The chairperson at an ordinary meeting of a council must ensure that, if required, at least 15 minutes of that meeting is made available for questions by members of the public.*
- (4) *A question by any member of the public under this regulation and an answer to that question are not to be debated.*
- (5) *The chairperson may –*
 - (a) *refuse to accept a question; or*
 - (b) *require a question to be put on notice and in writing to be answered at a later meeting.*
- (6) *If the chairperson refuses to accept a question, the chairperson is to give reasons for doing so.*

Councillors are advised that, at the time of issuing the Agenda, the following 'Question on Notice' had been received from Barbara Stevenson (Tunbridge)

Q1. That a full update be given to the meeting regarding renewal of the Tunbridge Bridge matter?

Response from Manager, Development & Environment Services:-

A Development Application was accepted by Council on the 16th December 2020 for the replacement of the Tunbridge Bridge. The application did not include the following details required by the Planning Scheme and by Heritage Tasmania to enable assessment of the works:

- *A conservation management plan – to demonstrate the supporting documentation on the heritage significance of the bridge and the method to which heritage fabric will be retained and historic integrity of the bridge will be maintained.*
- *Details of alternative designs with analysis as previously supplied to Council.*
- *Structural engineering details and suitability of the proposed materials to withstand loading.*

- *Assessment by a qualified person justifying the proposed design against the provisions of the Heritage Code*

The request for information was provided to the Department of State Growth on the 22nd December 2020.

Council have not yet received the requested information but have received surety that information is being prepared for submission as soon as possible.

Once the information is received to the satisfaction of the Planning Authority and Heritage Tasmania then the plans will be put on public notification under Section 57 of the Land Use Planning and Approvals Act 1993 a copy of the application will be provided at the Council Offices and the Council website.

Mayor A O Green to then invite questions from members of the public in attendance.

9.2 PERMISSION TO ADDRESS COUNCIL

Permission has been granted for the following person(s) to address Council:

- Nil.

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER
REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING
PROCEDURES) REGULATIONS 2015**

Nil

11. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME

Session of Council sitting as a Planning Authority pursuant to the Land Use Planning and Approvals Act 1993 and Council's statutory land use planning schemes.

11.1 DEVELOPMENT APPLICATIONS

11.1.1 DEVELOPMENT APPLICATION FOR A PROPOSED EXTRACTIVE INDUSTRY (QUARRY UP TO 200,000M3 PER ANNUM) AT 355 WOODSDALE ROAD, RUNNYMEDE

File Ref: T2713661

AUTHOR MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES
(DAVID CUNDALL)

DATE 15 FEBRUARY 2021

Attachment(s):

Development Application

Attachment 1 – Gadtech Materials Pty Ltd, Big Blue Quarry Runnymede, Environmental Impact Statement

EPA Assessment

Attachment 2 – Environment Protection Authority - Environmental Assessment Report

Attachment 3 – Environment Protection Authority - Permit

PROPOSAL

The Applicant Thomas Jacobson, Gadtech Materials Pty Ltd has submitted a Development Application to the Southern Midlands Council seeking a Permit to develop and use land at 355 Woodsdale Road, Runnymede for a Level 2 quarry defined as Extractive Industry under the *Southern Midlands Interim Planning Scheme 2015*. The Application is to produce and cart up to 200,000 cubic metres of dolerite rock per annum from the site. The dolerite rock will be crushed and screened on site to varying sizes of aggregate. Blasting will occur approximately 16 times per year.

A Level 2 quarry is a 'Level 2 Activity' as defined by Schedule 2 of the *Environmental Management and Pollution Control Act 1994* ("EMPCA") as the extraction of any rock or gravel producing 5000 cubic metres or more of rock or gravel per year and the crushing of 1,000 cubic metres or more per year.

The environmental effects of a 'Level 2 Activity' are assessed by the Environmental Protection Authority ("EPA"). Accordingly the Council are required to receive the Development Application and refer the Application to the EPA for assessment and a decision by the EPA Board ("the Board"). This is a requirement of the EMPCA.

The Application was advertised for a 28 day period and received four (4) representations.

On the 19th January 2021 the Board approved the quarry. The Board determined that if a permit is issued by Council then the quarry must be operated subject to conditions. These conditions primarily relate to controlling the impacts of the quarry on the environment and on persons in the area. The conditions include ongoing compliance by the quarry operator. These conditions must be included in any permit issued by the Council.

The Application is considered at the discretion of Council pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* (“the Act”). Council may approve the quarry with conditions or refuse to grant a permit.

In determining the application the Planning Authority must, in addition to the matters required by Section 51(2) of the Act, take into consideration:

- a) all applicable standards and requirements in the planning scheme; and
- b) any representations received pursuant to and in conformity with Section 57(5) of the Act;
- c) the purpose of the applicable zone;
- d) any relevant local area objective or desired future character statement for the applicable zone;
- e) the purpose of any applicable code; and
- f) the purpose of any applicable specific area plan,

The Planning Scheme specifies that, in addition to those matters required by Section 51(2) of the Act, the Planning Authority must only exercise discretion, insofar as each such matter is relevant to the particular discretion being exercised.

Those matters required by Section 51(2) of the Act are, the Planning Authority:

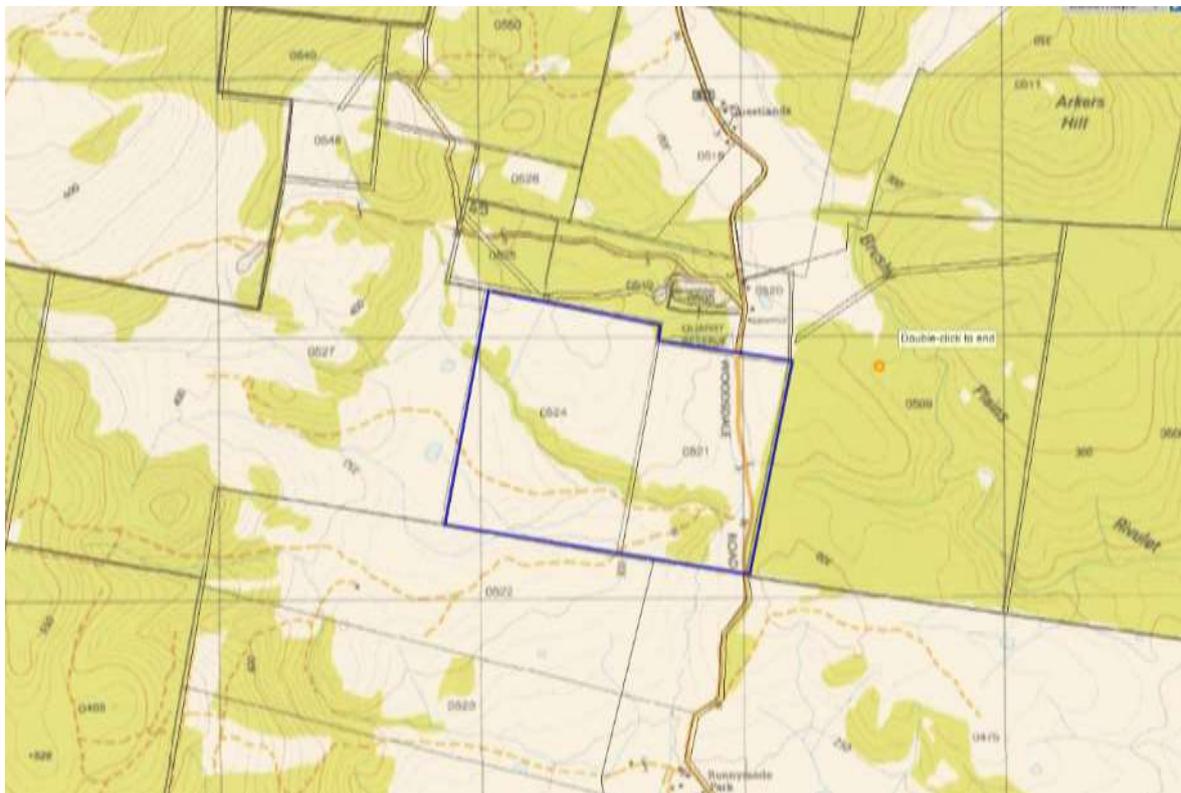
- (a) must seek to further the objectives set out in Schedule 1 (objectives of the Resource Management and Planning System); and
- (b) must take into consideration such of the prescribed matters as are relevant to the use or development the subject of the application; and
- (c) must take into consideration the matters set out in representations relating to the application that were made during the period referred to in section 57(5); and
- (d) must accept –
 - i. any relevant bushfire hazard management plan, or other prescribed management plan relating to environmental hazards or natural hazards, that has been certified as acceptable by an accredited person or a State Service Agency; or
 - ii. any certificate issued by an accredited person or a State Service Agency and stating that the proposed use or development will result in an insufficient increase in risk from the environmental hazard or natural hazard to warrant any specific protection measures.

It is recommended that Council grant a permit for this proposal subject to conditions. The recommended conditions for the permit are provided in recommendations of this report.

THE SITE

The access to the land is from the Woodsdale Road. This is a Council maintained road. The Road Authority is the Southern Midlands Council. The current access to the land is used to serve forestry operations associated with the plantations. The access, per the DA will require relocation and significant upgrade to allow safe access for heavy truck movements.

The land is in the Rural Resource Zone. The property is surrounded by farms, plantations and bushland. All adjoining land is in the Rural Resource Zone.



Map 1_ The land is in the Rural Resource Zone. The two (2) subject titles are highlighted in the centre of the image. Source: thelist.tas.gov.au

The land has been developed with gravel access roads, plantation forestry and fencing. The slopes of the creek are wooded native vegetation which is described as *Eucalyptus obliqua* dry forest (DOB) in the Environmental Impact Statement (EIS) and as otherwise determined by the 'TASVEG 3.0' mapping on thelist.tas.gov.au. There is a 5ha grassed paddock area alongside the Woodsdale Road.

THE APPLICATION

The Application has been prepared on behalf of the Applicant by Van Diemen Consulting.

The Application consists of the Environmental Impact Statement (Dated 18th October 2020) together with the DA form and title documents. The EIS forms the application before Council and the EPA.

There is sufficient information within these documents, to assess the proposal against the standards of the Scheme, the requirements of the Act and for Council Officers to make a recommendation to the Council.

USE/DEVELOPMENT DEFINITION

In accordance with Part 8.2 of the Planning Scheme, 'Categorising Use or Development', the proposal is defined as an 'Extractive Industry':

Extractive Industry

use of land for extracting or removing material from the ground, other than Resource development, and includes the treatment or processing of those materials by crushing, grinding, milling or screening on, or adjoining the land from which it is extracted. Examples include mining, quarrying, and sand mining.

Use Development/Status under the Planning Scheme

Under the Scheme, a permit to use and develop land for an 'Extractive Industry' in the Rural Resource Zone must be considered at the discretion of Council.

A discretionary use or development must be advertised per Section 57 of the Land Use Planning and Approvals act 1993.

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 24th October 2020 for twenty eight (28) days.

During this period Council received four (4) representations. All representations oppose the quarry to varying degrees

Council Officers were invited, by the EPA, to provide comment on the proposal during the notification period. Council Officers provided a letter raising concerns about the suitability of the Woodsdale Road between the Runnymede Highway access and the quarry access. The comments provided are as follows:

Council note the estimated 80 trucks per day between the proposed quarry access and the Tasman Highway. Council note the average payload of the trucks to be 32.3 tonnes (when laden with material leaving the quarry). The distance between the proposed quarry access and the State owned Tasman Highway is approximately 3.55km. Council regard the intensification of heavy trucks over the life of the quarry to have a significant impact on Council's road asset. Council also have concerns for the safety implications of the increased volume of heavily laden vehicles on this section of road.

Council have particular concerns for this development as the section of Woodsdale Road between the proposed quarry access and the Tasman Highway is known to be a narrow section of road.

Council request that the developer undertake a road assessment report detailing an assessment of the road and recommended works needed to bring the road into greater compliance with the Institute of Public Works Engineering Australia (Tasmanian Division)/LGAT standard drawing TSD-R02-v2 Rural Roads sealed. The report must include details and recommendations with regard to:

- a) Installation, alteration and/or relocation of any guideposts, fencing and any other existing infrastructure or services affected by the upgrade.*
- b) Road widening, modification to corners, culverts or other extensions.*
- c) Provide a detailed condition assessment of road pavements and bridges used for cartage routes.*

All representations have been attached in their entirety to this report for the Council's information only as 'Attachment 2 – Representations'. All names and personal details (of the persons that lodged the representation) have otherwise been excluded from this report.

Council Officers have provided comments regarding the key issues raised in these representations in this section of the report. The concerns are further considered as part of the detailed assessment of the proposal against the relevant provisions of the Planning Scheme and the Act. The Officer comments appear in *Italics* in the table below:

<p>Representation 1</p> <p>We own land in the vicinity of this proposed quarry, and we are concerned about the proposed 1 kilometre radius non-residential building restriction. This would affect any future development on our land inside this restriction zone and potentially severely affect the value of our land.</p> <p>The proposed 1 km radius of this restriction appears nonsensical given that three houses are already in existence within this zone (belonging to [name removed]). Surely the restriction zone should recognise this and be, for instance, 50 metres less than the nearest existing house (which is [name removed] house, approximately 400 m from the proposed quarry)?</p> <p>Secondly, we hope that it's needless to say that the Woodsdale Road (and its current users) will also be affected by the proposed quarry and the road will need to be upgraded or constantly repaired to maintain safety. We trust that this has been factored in to the development plans.</p> <p>We have no desire to prevent the quarry from starting up as long as the existing nearby land and house owners are shown respect and not severely financially disadvantaged by the development.</p> <p><u><i>Council Officer Comments</i></u></p> <p><i>The "1km radius" in the representation refers to the 1km Standard Recommended Attenuation Distance (SRAD) which is created by virtue of an activity listed in Table E9.1 Attenuation Distances in the Attenuation Code of the Planning Scheme. A quarry with blasting will apply the Attenuation Code to all land within 1km of the boundary of the Mining Lease. This can be</i></p> <p><i>Application of the Attenuation Code to the land within the 1km Attenuation Area requires that a Development Application for a use or development for a sensitive use including subdivision must be assessed against the standards of the Code. A sensitive use is defined in the Scheme as:</i></p>

a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.

There is no requirement however for additions or alterations to an existing building used for sensitive use provided that the gross floor area does not increase by more than 50% or 100 m² whichever is the greater. These additions or alterations are exempt from the code.

The proposed quarry is also exempt under E9.4 of the Code as an activity assessed under EMPCA by the Board of the EPA. Therefore Council as Planning Authority does not have scope to assess the proposal against the standards of the Code. However Council can give consideration to the representation in the wider context of the Act.

Council, as Planning Authority, must consider the objectives of the Act in consideration of the representations. Council Officers have addressed the issue of “fairness” in the assessment of this quarry.

With regard to the impact and use of the Woodsdale Road a recommendation of this report is that the quarry proponent undertake a condition assessment report of the Woodsdale Road between the access and the Tasman Highway access. The assessment report must be completed prior to the cartage of any quarry material. The report is to detail the condition of the road, identify road safety deficiencies and areas of risk that could lead to road crashes and provide recommendations for safety improvements.

Representation 2

As landowner of [address removed], I have some concerns regarding the Big Blue Quarry that is proposed for development approximately [text removed] to my property.

I refer to the Big Blue Quarry Development Application (Gadtech Materials Pty Ltd) on Woodsdale Rd, Runnymede.

I have many questions but wish to have the SM Council seriously consider 2 issues that are of concern to me.

- The Attenuation Area referred to in the EIS {(Environmental Impact Statement (Van Dieman Consulting)) on pg.40 potentially means that I cannot develop my own lands. It may mean that I cannot ‘build on’ or extend my current residence at [text removed] or re-develop my 3 bedroom house at [text removed] which will need structural work in the coming years as it is >80 years old.
- The Woodsdale Road would need some major improvement from widening to straightening to strengthening to accommodate the increased traffic of laden trucks (x40 trucks carrying 30tonnes per truck).

Council Officer Comments

Alterations and additions to an existing dwelling that does not increase the gross floor area by 50% or 100m² (whichever is greater) is exempt from the Code. Also the renovation of a dwelling is unlikely to trigger the code if the works are under the 100m² or 50% whichever is greater. Structural work would unlikely require any planning approvals.

The comments are noted with regard to the Woodsdale Road. A recommendation of this report is that a road condition report is prepared by the quarry proponent and submitted to Council with recommendations for traffic and road safety improvements.

Representation 3

As landowners of [address removed] we have some concerns regarding the Big Blue Quarry that is proposed for development approximately opposite our property.

- **Attenuation zone:-** my understanding of the EIS report is that there will be an attenuation zone of 1km. Being that our existing premise is within this zone by an approx 400 meters I find this a little hard to understand. This zone space would have serious impact should we wish to build or extend on our property. I do not believe that we should be financially culpable for any building / engineering reports because of the more restrictive requirements due to the attenuation zone. As the mine grows the attenuation zone will grow and reduce any chances we have to redevelop .This will also impact severely when and if we decide to put our house on the market.

- **Engineers Report:-**Should this development proceed we would like to have an engineer's report done at the Developers expense to assure us that as we are within the determined attenuation zone that our house and out buildings will not be affected structurally, in way, as a result of the development.

- **Road Conditions:-** Woodsdale Road is in a very sad state of repair as it is. From the proposed egress on to Woodsdale Rd to the Tasman Highway there are 3 extremely sharp corners and 2 that also require driver attention. Two ordinary vehicles can barely pass side by side without going into the gravel. The speed limit is 100km p/h. With approximately 80 trucks per day I can envisage a fatality within the first year. The road needs widening and a far better road surface. During a wet winter the road floods severely in 2 places, I imagine the trucks will plough through removing any loose road surface.

- **Adherence to the EIS Report:-**Apart from our 2 primary concerns we wish to have the means to be able to have any breaches reported and acted upon immediately.

Council Officer Comments

Alterations and additions to an existing dwelling that does not increase the gross floor area by 50% or 100m² (whichever is greater) is exempt from the Code. Also the renovation of a dwelling is unlikely to trigger the code if the works are under the 100m² or 50% whichever is greater. Structural work would unlikely require any planning approvals.

The attenuation area that will be created by virtue of a permit is at the maximum 1km radius under the attenuation code.

Council does not have the scope to require the proponent to undertake an engineering assessment of the structures and dwellings within the attenuation area, however, the comments have been referred to the Applicant which may provide an avenue for good corporate citizenship and neighbourly relations with regard to this matter.

The comments are noted with regard to the Woodsdale Road. A recommendation of this report is that a road condition report is prepared by the quarry proponent and submitted to Council with recommendations for traffic and road safety improvements.

Representation 4

The proposed project needs more visual assessments on the road .cameras set up on these corners and see where the cars and trucks go not photos and assessments on the straight bit.

I've lived there for 25 years and it was a dirt track back then and had a low traffic flow that drove to a Suitable speed limit for the road mostly locals.

Now it's speed and people cutting corners on a narrow road with plenty of traffic from new home owners and renters and locals that travel to work.

This road to the highway needs major work corners to sharp for a road rated at a 100 it's 80 at its best even if you know the road. Motorbikes motor homes and there will be a lot of city people coming to the new gun club all people not familiar with this road plus more people will move this way as it's cheap acreage and houses compared to sorrel which is booming and Hobart is only 50min. But people see a 100 sign and think they can do that 40trucks up 40 back down 80 a day this road won't stand that plus the extra traffic in what the gun club have put down also good luck if the tourist and the truck think they can both use the bridge at the same time .

The road would need flashing signs when trucks were coming thru like they have on the Orford road letting people now in advance what to expect in the winter condition extreme fog frost straightening/widening and a surface that can handle these conditions .if something isn't done a life will be lost one day .it only was ever a bullock dirt track that got sealed and some guide post ..the report said I think 16 accidents in the last 4yrs but what about the other 30 in those 4yrs that's never been reported but most do come back and fix the fence .

Also will there be any overflow at the storage pond of any sort of chemicals into the natural water course that could possibly affect the growing of vegetables as dwn stream a lot of ground is being leased out for these purposes .

Council Officer Comments

The comments are noted with regard to the Woodsdale Road. A recommendation of this report is that a road condition report is prepared by the quarry proponent and submitted to Council with recommendations for traffic and road safety improvements.

ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME 2015

Rural Resource Zone

The land is in the Rural Resource Zone. The proposal is a discretionary land use and development in this zone. The proposal must satisfy the requirements of the following relevant provisions of this zone:

Discretionary Use		
Objective: To ensure that discretionary non-agricultural uses do not unreasonably confine or restrain the agricultural use of agricultural land.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1 No acceptable solution.	<p>P1</p> <p>A discretionary non-agricultural use must not conflict with or fetter agricultural use on the site or adjoining land having regard to all of the following:</p> <p>a) the characteristics of the proposed non-agricultural use;</p> <p>b) the characteristics of the existing or likely agricultural use;</p> <p>c) setback to site boundaries and separation distance between the proposed non-agricultural use and existing or likely agricultural use;</p> <p>d) any characteristics of the site and adjoining land that would buffer the proposed non-agricultural use from the adverse impacts on amenity from existing or likely agricultural use.</p>	<p><i>The proposal is not an agricultural land use.</i></p> <p><i>The characteristics of a quarry are activities that generate dust, vibration and noise.</i></p> <p><i>The quarry operations area has an approximate 100m setback from the nearest boundary. This is depicted in Figure B-5, B-6a and B-6b of the EIS.</i></p> <p><i>The land immediately to the north (and at the closest point to the quarry operations area) is CT 160722/5 and is currently bushland. The land also contains a former gravel quarry no longer in use and earmarked for rehabilitation.</i></p> <p><i>The proposed 100m setback from the boundary coupled with the conditions of the EPA gives some certainty that current or future agricultural land use on the adjoining lands will not be fettered by this proposal.</i></p> <p><i>There are however no buffering measures proposed per P1 (d) to separate the land and the adjoining lands. The assessment in the EIS has avoided this topic in the assessment provided by the Applicant. There is a diagram provided in the</i></p>

		<p><i>EIS that shows the maximum extent of 'the land' (i.e. the land subject to the DA) to be only 10m from the boundaries. Page 78 of the EIS provides a statement that 'retention of eucalypt plantation (when possible) around the quarry working area to reduce the likelihood of strong winds liberating fine particles into the air' would reduce dust emissions into neighbouring lands and into the atmosphere.</i></p> <p><i>The proposal would better comply with the standard if a vegetation buffer was maintained between the quarry pit operations area and the adjoining lands.</i></p> <p><i>It is recommended that a condition be included in any permit that requires vegetation to be retained or planted to a depth of at least 20m along the northern boundary of the quarry pit. This would assist in providing a buffer between the two (2) sites.</i></p>
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Setback		
To minimise land use conflict and fettering of use of rural land from residential use, maintain desirable characteristics of the rural landscape and protect environmental values in adjoining land zoned Environmental Management.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A4</p> <p>Buildings and works must be setback from land zoned Environmental Management no less than:</p> <p>50 m.</p>	<p>P4</p> <p>Buildings and works must be setback from land zoned Environmental Management to satisfy all of the following:</p> <p>(a) there is no impact from the development on the environmental values of the land zoned Environmental Management;</p> <p>(b) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</p> <p>(c) there is no potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;</p> <p>(d) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.</p>	<p><i>The proposal complies with the acceptable solution.</i></p>

Design		
To ensure that the location and appearance of buildings and works minimises adverse impact on the rural landscape.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>The location of buildings and works must comply with any of the following:</p>	<p>P1</p> <p>The location of buildings and works must satisfy all of the following:</p>	<p><i>The northern point of the quarry operations area will partly impact a small ridgeline.</i></p>

<p>(a) be located within a building area, if provided on the title;</p> <p>(b) be an addition or alteration to an existing building;</p> <p>(c) be located in an area not requiring the clearing of native vegetation and not on a skyline or ridgeline.</p>	<p>(a) be located on a skyline or ridgeline only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) significant impacts on the rural landscape are minimised through the height of the structure, landscaping and use of colours with a light reflectance value not greater than 40 percent for all exterior building surfaces;</p> <p>(b) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(c) be located in and area requiring the clearing of native vegetation only if:</p> <p>(i) there are no sites clear of native vegetation and clear of other significant site constraints such as access difficulties or excessive slope, or the location is necessary for the functional requirements of infrastructure;</p> <p>(ii) the extent of clearing is the minimum necessary to provide for buildings, associated</p>	<p><i>The quarry operations area needs to be located in this area for strategic and functional reasons - as this is the location of the dolerite resource. Vegetation that currently screens the area from the roads and too some extent from adjoining lands is not technically native vegetation as it is plantation Eucalypts.</i></p> <p><i>Most of the plantation will be harvested either prior to the quarry operations commencing or in conjunction with the operations.</i></p> <p><i>It is then likely that the quarry operations area (benches and stockpiling) will become an exposed area in the rural landscape.</i></p> <p><i>The progressive rehabilitation of the area coupled with the monitoring and requirements of Mineral Resources Tasmania should bring the quarry operations area, over time, into greater conformity with the standard over the course of the quarry life.</i></p> <p><i>However there is no surety in the EIS that the quarry will minimise adverse impact on the rural landscape for at least the next 40 years.</i></p> <p><i>A recommended condition of approval is that a landscape plan is submitted within 12 months of the granting of</i></p>
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	<p>works and associated bushfire protection measures;</p>	<p><i>a permit to provide to reduce the visual impact of the quarry operations area from the adjoining land and public roads. Second to this condition is a recommended condition that the proponent undertake the landscape works per a schedule of works to be approved by the Manager Development and Environmental Services. The objective of the condition is to reduce the visibility of the quarry in the rural landscape.</i></p> <p><i>The recommended condition coupled with the likely requirements of Mineral Resources Tasmania to rehabilitate the site should achieve compliance with the standard.</i></p>
<p>A3</p> <p>The depth of any fill or excavation must be no more than 2 m from natural ground level, except where required for building foundations.</p>	<p>P3</p> <p>The depth of any fill or excavation must be kept to a minimum so that the development satisfies all of the following:</p> <p>(a) does not have significant impact on the rural landscape of the area;</p> <p>(b) does not unreasonably impact upon the privacy of adjoining properties;</p> <p>(c) does not affect land stability on the lot or adjoining areas.</p>	<p><i>A recommended condition of approval is that a landscape plan is submitted within 12 months of the granting of a permit to provide to reduce the visual impact of the quarry operations area from the adjoining land and public roads. Second to this condition is a recommended condition that the proponent undertake the landscape works per a schedule of works to be approved by the Manager Development and Environmental Services. The objective of the condition is to reduce the visibility of the quarry in the rural landscape.</i></p>

		<p><i>The works should not unreasonably impact upon the privacy of the adjoining properties in this context.</i></p> <p><i>Stability of the land is further addressed in the Landslide Hazard Area Code assessment and as otherwise addressed by the EPA Board and MRT.</i></p> <p><i>The recommended condition coupled with the likely requirements of Mineral Resources Tasmania to rehabilitate the site should achieve compliance with the standard.</i></p>
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Landslide Code

The purpose of this provision is to ensure that use and development is appropriately designed, located, serviced, constructed or managed to reduce to within tolerable limits the risk to human life and property and the cost to the community, caused by landslides.

At the time of assessment (15th February 2020) the mining lease 2075P/M was in force. Accordingly the proposal is exempt from the code per E3.4 (g):

- (g) *use or development of land for Extractive industry where a mining lease under the Mineral Resources Development Act 1995 is in force, excluding a hazardous use.*

Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

This code applies to the proposal as the quarry will intensify the use of an existing access.

Existing road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P1</p> <p>Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority.</p>	<p><i>There is no proposed access to a Category 1 or Category 2 road.</i></p>
<p>A2</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>P2</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use;</p>	<p><i>The proposed access is compliant and the recommended conditions of this report will address the design and construction requirements.</i></p> <p><i>With regard to the increase in vehicle traffic and specifically heavy vehicle traffic on the Woodsdale Road the provided Traffic Impact Assessment is largely silent. A road safety audit</i></p>

	<p>(c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.</p>	<p><i>and condition report with recommendations for road and traffic safety improvements is a recommended condition of this report and should address the performance criteria.</i></p>
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>P3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature and efficiency of the access or the junction; (d) the nature and category of the road; (e) the speed limit and traffic flow of the road; (f) any alternative access to a road; (g) the need for the use; (h) any traffic impact assessment; and (i) any written advice received from the road authority.</p>	<p><i>The speed limit of Woodsdale Road is 100km/h and therefore more than 60km/h. The standard therefore does not apply.</i></p>

Road accesses and junctions		
To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p>P1</p> <p>For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access; (e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.</p>	<p><i>A TIA prepared by a qualified traffic engineer is supplied with the EIS and recommends a relocation of the access and upgrades to improve safe access. The recommended conditions of this report will address the design and construction requirements.</i></p>
<p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2</p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use; (b) the nature of the road; (c) the speed limit and traffic flow of the road; (d) any alternative access to a road;</p>	<p><i>The land and access has a speed limit of 100km/h. The standard is not applicable.</i></p>

	(e) the need for the access or junction; (f) any traffic impact assessment; and (g) any written advice received from the road authority.	
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Sight distance at accesses, junctions and level crossings
To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

Acceptable Solutions	Performance Criteria	Officer Comment
A1 Sight distances at: (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and (b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.	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, having regard to: (a) the nature and frequency of the traffic generated by the use; (b) the frequency of use of the road or rail network; (c) any alternative access; (d) the need for the access, junction or level crossing; (e) any traffic impact assessment; (f) any measures to improve or maintain sight distance; and (g) any written advice received from the road or rail authority	The TIA provided demonstrates sight distance to be 300m to the north and around 210m to the south. The 85 th percentile is measured at 80.1km/h for northbound traffic and 86.5km/h for southbound traffic. The Table E5.1 for safe intersection sight distance requires 250m in either direction for a speed limit of 100km/h. The supplied TIA and the advice of Council's road authority is that the sight distance coupled with the completed new access is sufficient for safe vehicle access and vehicle movements on the Woodsdale Road.

Parking and Access Code

The purpose of this provision is to:

1. ensure safe and efficient access to the road network for all users, including drivers, passengers, pedestrians and cyclists;

2. ensure enough parking is provided for a use or development to meet the reasonable requirements of users, including people with disabilities;
3. ensure sufficient parking is provided on site to minimise on-street parking and maximise the efficiency of the road network;
4. ensure parking areas are designed and located in conformity with recognised standards to enable safe, easy and efficient use and contribute to the creation of vibrant and liveable places;
5. ensure access and parking areas are designed and located to be safe for users by minimising the potential for conflicts involving pedestrians, cyclists and vehicles; and by reducing opportunities for crime or anti-social behaviour;
6. ensure that vehicle access and parking areas do not adversely impact on amenity, site characteristics or hazards;
7. recognise the complementary use and benefit of public transport and non-motorised modes of transport such as bicycles and walking;
8. provide for safe servicing of use or development by commercial vehicles.

There is sufficient land available for onsite vehicle parking associated with the proposed quarry.

The proposal complies with parking standards of the Scheme. Conditions requiring the access to be formed along natural contours and discharge drainage onsite are provided as a condition of this report.

Access Standards

Design of Vehicular Accesses		
To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Design of vehicle access points must comply with all of the following:</p> <p>(a) in the case of non-commercial vehicle access; the location, sight distance, width and gradient of an access must be designed and constructed to comply with section 3 – “Access Facilities to Off-street Parking Areas and Queuing Areas” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking;</p> <p>(b)</p>	<p>P1</p> <p>Design of vehicle access points must be safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p>	<p><i>A TIA prepared by a qualified traffic engineer is supplied with the EIS and recommends a relocation of the access and upgrades to improve safe access.</i></p> <p><i>The recommended conditions of this report will address the design and construction requirements.</i></p>

<p>in the case of commercial vehicle access; the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 “Access Driveways and Circulation Roadways” of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.</p>	<p>(d) ease of accessibility and recognition for users.</p>	
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<p>Vehicular Passing Areas Along an Access</p>		
<p>(a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;</p> <p>(b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>Officer Comment</p>
<p>A1</p> <p>Vehicular passing areas must:</p> <p>(a) be provided if any of the following applies to an access:</p> <p>(i) it serves more than 5 car parking spaces;</p> <p>(ii) is more than 50 m long;</p> <p>(iii) it meets a road serving more than 6000 vehicles per day;</p> <p>(b) be 6 m long, 5.5 m wide, and taper to the width of the driveway;</p>	<p>P1</p> <p>Vehicular passing areas must be provided in sufficient number, dimension and siting so that the access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p>	<p><i>It is unlikely that dedicated passing bays are required to serve the quarry other than at the access to the land to avoid two way vehicular conflict. However the developer may deem this necessary and reference to passing bays is included in the recommended permit to ensure they are constructed to best practice.</i></p> <p><i>Officers are satisfied that should passing bays be required then there is more than sufficient area to allow such works with minimal impact on the environment, Council</i></p>

<p>(c) have the first passing area constructed at the kerb; (d) be at intervals of no more than 50 m along the access.</p>	<p>(d) ease of accessibility and recognition for users.</p>	<p><i>infrastructure or road network.</i></p>
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<p>On-Site Turning Objective: To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.</p>		
<p>Acceptable Solutions</p>	<p>Performance Criteria</p>	<p>Officer Comment</p>
<p>A1</p> <p>On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:</p> <p>(a) it serves no more than two dwelling units;</p> <p>(b) it meets a road carrying less than 6000 vehicles per day.</p>	<p>P1</p> <p>On-site turning may not be required if access is safe, efficient and convenient, having regard to all of the following:</p> <p>(a) avoidance of conflicts between users including vehicles, cyclists, dwelling occupants and pedestrians;</p> <p>(b) avoidance of unreasonable interference with the flow of traffic on adjoining roads;</p> <p>(c) suitability for the type and volume of traffic likely to be generated by the use or development;</p> <p>(d) ease of accessibility and recognition for users;</p> <p>(e) suitability of the location of the access point and the traffic volumes on the road.</p>	<p><i>The proposal complies with the objective.</i></p>

Facilities for Commercial Vehicles To ensure that facilities for commercial vehicles are provided on site, as appropriate.		
Acceptable Solutions	Performance Criteria	Officer Comment
A1 Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian Standard for Off-street Parking, Part 2 : Commercial. Vehicle Facilities AS 2890.2:2002, unless: (a) the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site; (b) the use is not primarily dependent on outward delivery of goods from the site.	P1 Commercial vehicle arrangements for loading, unloading or manoeuvring must not compromise the safety and convenience of vehicular traffic, cyclists, pedestrians and other road users.	<i>There is sufficient room on the land to allow for the load, unloading and manoeuvring of heavy vehicles and commercial vehicles on the land. The proposal complies with the objective.</i>

Access to a Road To ensure that access to the road network is provided appropriately.		
Acceptable Solutions	Performance Criteria	Officer Comment
A1 Access to a road must be in accordance with the requirements of the road authority.	P1 No Performance Criteria.	<i>The proposal complies with the Acceptable Solution. Council's Road Authority has considered and assessed the location and the access design as acceptable.</i>

Stormwater Management Code

The purpose of this provision is to ensure that stormwater disposal is managed in a way that furthers the objectives of the State Stormwater Strategy.

Stormwater Drainage and Disposal		
To ensure that stormwater quality and quantity is managed appropriately.		
Acceptable Solutions	Performance Criteria	Officer Comment
<p>A1</p> <p>Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.</p>	<p>P1</p> <p>Stormwater from new impervious surfaces must be managed by any of the following:</p> <p>(a) disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles</p> <p>(b) collected for re-use on the site;</p> <p>(c) disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.</p>	<p><i>The proposal is likely to comply with the performance criteria and will be further monitored by the EPA with regard to settling ponds and erosion/sediment control.</i></p>
<p>A2</p> <p>A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:</p> <p>(a) the size of new impervious area is more than 600 m²;</p> <p>(b) new car parking is provided for more than 6 cars;</p> <p>(c) a subdivision is for more than 5 lots.</p>	<p>P2</p> <p>A stormwater system for a new development must incorporate a stormwater drainage system of a size and design sufficient to achieve the stormwater quality and quantity targets in accordance with the State Stormwater Strategy 2010, as detailed in Table E7.1 unless it is not feasible to do so.</p>	<p><i>The proposal is likely to comply with the performance criteria</i></p>
<p>A3</p> <p>A minor stormwater drainage system must be</p>	<p>P3</p> <p>No Performance Criteria.</p>	<p><i>The proposal is likely to comply with the Acceptable Solution.</i></p>

<p>designed to comply with all of the following:</p> <p>(a) be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;</p> <p>(b) stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.</p>		<p><i>The EPA have also assessed this matter.</i></p>
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Attenuation Code

The Planning Scheme stipulates that use or development described below is exempt from this code if any of the following apply:

- a) activities requiring assessment under the Environmental Management and Pollution Control Act 1994 by the Board of the Tasmanian Environment Protection Authority;
- b) additions or alterations to an existing building used for sensitive use provided that the gross floor area does not increase by more than 50% or 100 m² whichever is the greater.

As the proposal must be assessed by the Board as a Level 2 activity the Council is not required to assess the proposal against the objectives of this code. In other words it is the role of the EPA to assess any potential environmental harm posed by a Level 2 quarry.

However, it is important the Council are aware of the implications of the Code on adjoining land, should the quarry be approved (permit granted). That is the application of a 1000m Standard Recommend Attenuation Distance or buffer extending from the boundary of the Mining Lease to which the Attenuation Code will then apply.

The Attenuation Code, per part E states that the code would apply to:

- (a) development or use that includes the activities listed in Table E9.1 and E9.2 in a zone other than the Light Industrial, General Industrial or Port and Marine Zone;
- (b) development or use for sensitive use, including subdivision intended for sensitive use;

- (i) on land within an Attenuation Area shown on the planning scheme maps, or
- (ii) on land within the relevant attenuation distance from an existing or approved (permit granted) activity listed in Tables E9.1 and E9.2 if no Attenuation Area is shown on the planning scheme maps and that activity is not located in the Light Industrial, General Industrial or Port and Marine Zone.

The Attenuation Code would, by virtue of a permit, apply the full 1000m SRAD for the proposed quarry as a legislated matter for the Planning Authority to consider for future land use and development on adjoining land. Any development or use for a sensitive use on land within the Attenuation Area will be considered at the discretion of Council (unless exempt).

The alternative is for the Council to enact a Planning Scheme amendment to reduce the size of the Attenuation Area. This gives precedence over the default Attenuation Area provided in the Table E9.1 of 1000m from the mining lease boundary.

The EIS includes a detailed *Big Blue Quarry Environmental Noise, Ground Vibration and Air Blast Overpressure Assessment*, prepared by Tarkarri Engineering which provides assessment and noise modelling. The EPA Board in the Permit (attached with this report) provides a requirement that noise emissions from the activity when measured at any noise sensitive premises in other ownership and expressed as the equivalent continuous A-weighted sound pressure level must not exceed the following:

1. 45 (dB(A) between 0700 hours and 1900 hours (Day time); and
2. 40 dB(A) between 1900 hours and 2200 hours (Evening time); and
3. 35 dB(A) between 2200 hours and 0700 hours (Night time).

The Figure 3-13: Predicted noise emission contours, current, worst case weather in the supplied report demonstrates the predicted 45 dB (A) level on a contour map. The map demonstrates an area of land significantly less than the SRAD 1000m from the Mining Lease. The map with the report could be used as a strong basis for a planning scheme amendment to map an attenuation area that reduces the area from the SRAD to an area that reflects the true nature of the operation.

This would effectively reduce the area of land in other ownership covered by the Attenuation. Council may then consider such an amendment as a separate scheme amendment at a later date. This could potentially be achieved through an urgent amendment to the current scheme per Section 30IA of the Act.

This was achieved in 2016 during the assessment of a Level 2 quarry known as the “Williams Quarry” in Campania.

Further Explanation of SRAD

A Standard Recommended Attenuation Distance (“SRAD”) is a measurement or area designed to assist in the planning process with particular regard to potential land-use

conflicts between specific activities (e.g. a quarry) and other land-uses sensitive to any reduction in environmental quality (e.g. a new dwelling, visitor accommodation).

A regulatory authority (i.e. Council, EPA, MRT) and the Applicant (or quarry operator) will often refer to the SRADs as a tool to assess the appropriateness of the location of a new proposal. The SRADs are legislated in Planning Schemes and used as guidelines in the *Quarry Code of Practice 2017* and the *Environmental Assessment Manual 1996* (Guidelines for Local Government in regard to the RMPS). The Council, the EPA and the Applicant's Consultant use the *Quarry Code of Practice* as a best practice tool in assessing, planning and operating a quarry.

Under the Scheme there are a number of mapped Attenuation Areas around existing activities in the Southern Midlands. These are activities that require protection and control over encroaching development.

The mapped Attenuation Area overlays also function as a trigger for any persons considering buying a property to be alerted to the existence of a potentially harmful nearby activity. Somebody buying land may not otherwise become aware of the existence of a quarry if a mapped Attenuation Area is not included on the Planning Scheme maps. Southern Midlands Council's practice has been to include mapped Attenuation Areas for the above reason and also it provides certainty in terms of the exactly what land is covered.

Mapping an Attenuation Area into the planning scheme also allows the individual characteristics of a particular operation and the surrounding landform to be taken into account. This means that the extent of land nominally impacted by the raw SRAD can be reduced to suit the particular situation. The negative impact on the future use and development potential of surrounding land can therefore be reduced to that which is actually necessary in reality. Whilst external bodies such as the EPA would still be required to consider the original SRAD distance in their assessment, they would also have to give weight to the mapped Attenuation Area and the local Council (the planning authority) would only have to consider the mapped Attenuation Area.

An SRAD therefore has several planning implications:

1. A mapped SRAD / Attenuation Area overlay on a Planning Scheme will provide landowners with surety and knowledge of activities in the area at time of purchase or in preparing a Development Application.
2. SRADs are designed to protect certain activities from encroaching sensitive land use activities; and
3. SRADs can be used as a buffer between different land-use activities and therefore can restrict future land use/development
4. SRADs are a tool used for assessing new land use and development i.e. a Planning Authority will assess the potential impacts of a new sensitive land use/development based on the distance between activities i.e. is the new use/development within the SRAD or outside the SRAD? If within the SRAD what are the ongoing implications?; and also

5. SRADs are used by planning consultants, quarry operators and other authorities in assessing and/or strategically locating resources and infrastructure.

The imposition of an SRAD on land in other ownership will negatively impact the future use and development potential of that land – at least by requiring proponents of future use and development to expend additional resources ‘proving-up’ a proposal or, at worst, by stopping such use and development from going ahead.

An ideal site for a use that requires an SRAD would be one in which all of the SRAD is within land under the same ownership.

A second-best site (which is more often the case in reality) is one in which the SRAD might extend onto land in other ownership, but only impacts small proportions of neighbouring titles leaving their owners with options for future use and development free of the SRAD. Ideally, no houses in other ownership would be within the SRAD.

Objectives of the Resource Management & Planning System (RMPS)

The Planning Scheme, and the Act specifies that Council must consider the objectives and standards of the scheme in addition to those matters in Section 51 of the Act i.e the Planning Authority must seek to further objectives of the RMPS and take into consideration any representation received.

The Act states that it is the obligation of any person on whom a function is imposed or a power is conferred under this Act to perform the function or exercise the power in such a manner as to further the objectives set out in Schedule 1 of the Act.

Schedule 1 of the Act sets out general objectives for the Resource Management & Planning System (the RMPS) and additional objectives for the planning process. The general objectives of the RMPS are:

- (a) to promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity; and*
- (b) to provide for the fair, orderly and sustainable use and development of air, land and water; and*
- (c) to encourage public involvement in resource management and planning; and*
- (d) to facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c); and*
- (e) to promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

Subsection (b) calls for the use and development to be ‘fair’ and also to ‘encourage public involvement in resource management and planning’. Those persons that have lodged a

representation, and those impacted by the Attenuation Area overlay over their land do not believe the proposal is fair.

Of concern in this regard is the imposition of the 1000 metre Attenuation Area from the Mining Lease boundary despite the concerns, opposition of the adjoining owners. Those impacted by the Attenuation Area (should a permit be granted) have given no consent for this change to the potential use and development of their land and are not otherwise compensated.

To mitigate this, and as stated previously in this report, there is potential for Council to enact a Planning Scheme amendment at a later date to refine the Attenuation Overlay based on the 45 dB (A) contour has provided in the EIS. This would reduce the overlay and mitigate the concerns of those person's whom lodged a representation and are landowners in the vicinity of the quarry.

CONCLUSION

This report has assessed a Development Application for a Level 2 quarry at 355 Woodsdale Road, Runnymede. This is a discretionary application.

Four (4) representations were received during the statutory notification of the application. All representations raised similar concerns for impact on the road network, traffic safety and opposition and concern for the Attenuation Overlay that will extend 1000m from the Mining Lease Boundary and over lands outside of the site.

The Application was referred to the Board for assessment of matters prescribed in the EMPCA and relevant objectives of the RMPS. The EPA Board approved the quarry subject to conditions and endorsement of the Applicant's commitments.

The Application has been considered by Council Officers as Road Authority and deemed the proposed access relocation and redesign should provide a safe access for the quarry. However further condition assessment of the road is warranted to determine a schedule of further works which can be undertaken by Council as budget allows. This would address the concerns raised in the representations and those raised by the Road Authority during the notification period.

Council Officers have given particular attention to the 1000m Attenuation Area Overlay that would be created should a permit be granted. There is scope for this area to be formally mapped through a planning scheme amendment which would largely address the fairness issues raised by the representations and as otherwise identified by Council Officers.

It is recommended Council grant a permit for the proposed Level 2 quarry subject to the conditions provided in the recommendation.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and Section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a Level 2 Gravel Quarry defined as an Industry (Extractive) at 355 Woodsdale Road, Runnymede and that a permit be issued with the following conditions

Concordance with the application and permit conditions:

- 1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and reports and with the conditions of this permit and must not be altered or extended without the further written approval of Council or, as necessary, the Environmental Protection Authority.**
- 2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, and it is clear that an appeal has not been lodged, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.**

Environmental Protection Authority – Conditions of Approval:

- 3. The person responsible for the activity must comply with the conditions contained in Schedule 2 of Permit Part B, which the Board of the Environmental Protection Authority (EPA) has required the planning authority to include in the permit, pursuant to section 25(5) of the *Environmental Management and Pollution Control Act 1994*.**

Parking and Access

- 6. The internal access road, parking and associated turning, loading and unloading areas servicing the development must be designed and constructed to the satisfaction of Council's Manager Works and Technical Services and must include:**
 - a. Adequate turning space on site to allow that vehicles enter and leave the site in a forward direction.**
 - b. An all-weather pavement constructed and surfaced to the satisfaction of the Council's Manager Works and Technical Services.**
 - c. Passing bays**
 - d. Stormwater drainage to the satisfaction of the Council's Manager Development and Environmental Services.**
- 7. The internal driveway accessing the quarry is to be constructed and maintained to avoid erosion and sediment transfer or de-stabilisation of the soil on site, or on adjacent properties, to the standard required by Council's Manager Works and Technical Services.**
- 8. All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed prior to cartage of any product extracted from the quarry and must continue to be maintained to the satisfaction of the Council's Manager Development and Environmental Services.**

9. The access must be located, designed and constructed in accordance with LGAT Standard Drawing TSD-R05-v1 “Truck Access to Rural Properties ‘Type A’” (including new culvert and headwalls) and per the approved Traffic Impact Assessment prepared by Milan Prodanovic, dated February 2020.
10. The access must be sealed from the edge of the Woodsdale Road bitumen to the gate to the satisfaction of the Manager Works and Technical Services and at the developer / applicants cost.
11. Truck turning signs shall be installed on either side of the access on Woodsdale Road with exact locations to be confirmed on-site with a Council Manager Works and Technical Services.
12. Any damage to Council’s infrastructure, as a consequence of any of the works associated with this development, shall be repaired by the applicant / developer at the applicant / developer’s expense.

Road Condition Report and Road Safety Audit

13. The person responsible for the activity must undertake a detailed road condition assessment and road safety audit between the quarry access and the Tasman Highway intersection with the Woodsdale Road. The assessment and audit must be undertaken by a suitably qualified person and must be approved by Council’s Engineer prior to cartage commencing. The report and audit must factor in the heavy vehicles and traffic generated by the activity and provide clear recommendations for road safety improvements for greater compliance with the Institute of Public Works Engineering Australia (Tasmanian Division)/LGAT standards of works. The report must include details and recommendations with regard to:
 - a. Installation, alteration and/or relocation of any guideposts, fencing and any other existing infrastructure or services affected by the upgrade.
 - b. Road widening, modification to corners, culverts or other extensions.
 - c. Provide a detailed condition assessment of road pavements and bridges used for cartage routes.

Landscaping

14. A landscape plan must be submitted to Council within 12 months of the date of this permit. The plan is to detail further tree plantings and/or tree retention to reduce the visual impact of the quarry operations area and pit from the public roadway and as far as practicable from the adjoining properties.
15. The landscape plan must be approved by the Manager Development and Environmental Services and at a minimum include:
 - a. A survey of all existing vegetation to be retained and/or removed.
 - b. The areas to be landscaped

- c. **A planting schedule of all proposed trees, shrubs and ground covers including botanical names, common names, pot sizes, sizes at maturity and quantities of each plant.**
 - d. **A minimum 20m deep tree screen along the northern boundary of the quarry operations area between the quarry pit and the adjoining property CT 160752/5**
 - e. **Maintenance schedule and method of watering and protection from grazing.**
- 16. All works detailed in the plan must be undertaken by the developer within 12 months of the approval of the plan. Evidence showing compliance with this condition must be submitted to and approved by Manager of Development and Environmental Services within 30 days of planting.**
- 17. Replacement trees and landscaping in accordance with the approved Landscaping Plan must be replaced if any is lost. All landscaping must continue to be maintained to the satisfaction of Council.**

Existing services:

- 18. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development works. Any works required impacting public infrastructure is to be specified or undertaken by the authority concerned.**

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.**
- B. The developer is to contact the Manager of Works and Technical Services prior to any works commencing in Council’s road reserve and to arrange final approvals of the access works.**
- C. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

11.2 SUBDIVISIONS

Nil.

11.3 MUNICIPAL SEAL (Planning Authority)

Nil.

11.4 PLANNING (OTHER)

Nil.

**[THIS CONCLUDES THE SESSION OF COUNCIL
ACTING AS A PLANNING AUTHORITY]**

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 Roads

Strategic Plan Reference 1.1

Maintenance and improvement of the standard and safety of roads in the municipal area.

Nil.

12.2 Bridges

Strategic Plan Reference 1.2

Maintenance and improvement of the standard and safety of bridges in the municipality.

Nil.

12.3 Walkways, Cycle ways and Trails

Strategic Plan Reference 1.3

Maintenance and improvement of the standard and safety of walkways, cycle ways and pedestrian areas to provide consistent accessibility.

Nil.

12.4 Lighting

Strategic Plan Reference 1.4

Ensure adequate lighting based on demonstrated need / Contestability of energy supply.

Nil.

12.5 Buildings

Strategic Plan Reference 1.5

Maintenance and improvement of the standard and safety of public buildings in the municipality.

Nil.

12.6 Sewers / Water

Strategic Plan Reference(s) 1.6

Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

12.7 Drainage

Strategic Plan Reference 1.7

Maintenance and improvement of the town storm-water drainage systems.

Nil.

12.8 Waste

Strategic Plan Reference 1.8

Maintenance and improvement of the provision of waste management services to the Community.

Nil.

12.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

12.10 Officer Reports – Infrastructure & Works

12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT

Author: MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

Date: 21 JANUARY 2021

Roads Program

Maintenance Graders – one grader is working in the Bagdad area, having completed overlaying gravel on Native Corners Road in readiness for re-stabilisation and sealing. The other grader is on Interlaken Road at present. Work ahead includes Eldon Road (reconstruct and seal) and southern roads scheduled for new seals (i.e. Huntington Tier, Ballyhooly Road).

Roadside slashing - program is now complete. Further urgent jobs will be attended to as required.

Town and General Maintenance

Township mowing supported through the engagement of an additional casual employee. This is due to high demand.

Waste Management Program

Additional collections scheduled due to high demand. Newly appointed Contractor (i.e. collection and transport) has confirmed commencement date of 1st March 2021 with new disposal bins.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

RECOMMENDATION

THAT the Infrastructure & Works Report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

Strategic Plan Reference 2.1
Increase the resident, rate-paying population in the municipality.

Nil.

13.2 Tourism

Strategic Plan Reference 2.2
Increase the number of tourists visiting and spending money in the municipality.

Nil.

13.3 Business

Strategic Plan Reference 2.3
Increase the number and diversity of businesses in the Southern Midlands / Increase employment within the municipality / Increase Council revenue to facilitate business and development activities (social enterprise).

Nil.

13.4 Industry

Strategic Plan Reference 2.4
Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.

Nil.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

Strategic Plan Reference 3.1

Maintenance and restoration of significant public heritage assets / Act as an advocate for heritage and provide support to heritage property owners / Investigate document, understand and promote the heritage values of the Southern Midlands.

14.1.1 HERITAGE PROJECT PROGRAM REPORT

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 17 FEBRUARY 2021

ISSUE

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

DETAIL

During the past two months, Southern Midlands Council Heritage Projects have included:

- Preparation of 79 High Street for the home of Council's Artist in Residence program. To be known as the AiRSpace. The first artist is arriving on Feb 28th for a one-month residency. Further information will be provided in a Weekly Information Bulletin in early March. Two future residencies have been confirmed.
- Review of the Artist in Residence user manual to reflect the move to 79 High Street.
- Social media posts – Updated the Heritage Hub social media page to become AiRSpace – now dedicated to featuring our Artist in Residence Program. This page had been unused since the COVID closure but since its new information has 503 people following it. The plan is to use it to showcase the incoming Artists in Residence, with the first arriving at the end of the month. The Heritage & Collections page is consistently growing with 847 people following the page. This has been an increase of 7 new people since the last update. Post content has included historic wallpaper from the Collection, local history from newly digitised photos of Oatlands from the Tasmanian Archives plus some new additions featuring objects from the SMC collection.
- Workshopping the program for the Enlighten Oatlands event, proposed for June 5th. This has included a meeting with neighbouring Councils and an internal workshop. A wider working group will meet in early March to further refine the program. The

draft program was discussed at the Arts Advisory Committee meeting on 18th February. The draft program will be provided to Council in the Weekly Information bulletin next week.

- Review of the Artist in Residence Policy and the Heritage Collections Policy. These were discussed at the Arts Advisory Committee meeting on Feb 18th and will be brought to Council for consideration at the March meeting.
- De-installation of the Convict Archaeology Fieldschool exhibition in the Green Ponds Watch House in preparation for use by the Green Ponds Progress Association.
- Final preparation of a permanent archaeological display in the Oatlands Commissariat with assistance from volunteers Margaret and Madelyne Smith.
- Finalising the preparation and installation of the Weeding Letters exhibition at the Oatlands Gaoler's Residence.
- Further cataloguing of the Picton Road Station archaeological collection with assistance from volunteer Caroline Heine.
- Liaising with UTAs for geophysics student projects on archaeological sites in the Southern Midlands as part of the Convict Archaeology in the Southern Midlands project.
- Awaiting a return brief from designers for the proposed heritage collections store.
- Urgent remedial works to the Oatlands Supreme Court House are nearing completion, with the western wall having been stabilised and additional roof bracing installed. The building will re-open to the public by the end of February.
- Annual maintenance on the Oatlands Key system has been undertaken.
- Experiencing a higher-than-normal number of development applications with heritage assessments required.
- Brad Williams has been working approx. 0.5fte for Derwent Valley Council during February on a charge-out basis.
- Alan Townsend has been on leave for part of Jan-Feb.

RECOMMENDATION

THAT the Heritage Projects Report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

14.2 Natural**Strategic Plan Reference 3.2**

Identify and protect areas that are of high conservation value / Encourage the adoption of best practice land care techniques.

14.2.1 NRM UNIT – GENERAL REPORT

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 16 FEBRUARY 2021

ISSUE:

Southern Midlands Landcare Unit Monthly Report.

DETAIL

- Callington Park playground upgrade works. Minor works still to be undertaken within the project to be fully completed. A drinking fountain is to be installed within the next week. Two seats (specifically in shaded areas) are to be completed in the next one to two weeks. Both lots of work are associated with upgrade of the BBQ hut, which is part of the Aust Govt funded project. The project is scheduled to be completed by the end of February in regard to all expenditure associated with the grant.
- Works for the Victoria Hall at Kempton commenced on Monday 15th February. Initially some concreting and slab footing work is being undertaken, together with some preliminary electrical work.
- The construction of the Campania Bush Reserve pathway works (grant funded) commenced in late January 2021. The majority of works will be completed by the third week of February. Signage required for the track should be completed by mid March.
- Helen Geard returned to work in February after annual leave. She has been busy with Drum Muster, signage at Callington Park, the Campania Bush Reserve Project and analysing water and people data associated with Lake Dulverton.
- Maria has been working on sorting matters relating to the proposed pathway at the edge of Lake Dulverton. A contractor has now been appointed to undertake the Dirt Glue component of the project. It is hoped that works will commence sometime in early April.
- Maria has been busy with Australian Government project reporting on a number of projects.
- A Lake Dulverton & Callington Park Management Committee meeting was arranged and held 15th Feb 2021.
- The Weeds Officer, Ruth Hall has tendered her resignation - as expected. Ruth had always indicated that she would be only available to work over a short time period. Ruth has been a valuable staff member helping with many landholder enquiries associated with the very busy weeds season experienced in late 2020. This occurred from high rainfall leading to an exceptional spring season across the Municipality.

WEEDS REPORT

Weeds Officer Ruth Hall has provided the following report for the five weeks to 16th February 2021.

Site visits and roadside weed control

- St John's Wort Little Plains Rd, Woodbury and Midlands Hwy, Jericho – hand pulled.
- St John's Wort Memorial Ave, Kempton – contract sprayed
- St John's Wort Antill Ponds – too much to hand pull – Department of State Growth notified as they own the land.
- St John's Wort Rhydaston – Works Department has notified spray contractor.
- St John's Wort on Tas Rail land at Rhydaston – Unable to get a response from Tas Rail as yet.
- Blackberries Midlands Hwy Jericho – controlled and Department of State Growth notified.
- Cumbungi sites at Lake Dulverton identified and will be controlled on 22/02/2021

Projects

- Drought Weed project – Successful Chilean Needle Grass applicants to co-ordinate group control measures over a number of properties in autumn.
Note: There are still funds available. Applications will continue to be assessed on an ongoing basis until funds are expended.

Communication

- Landholder Update re Woodbury Farmer's Group Saffron Thistle Control Project. Project has been successfully implemented and DPIPWE contacted re submitting a final report.
- Discussions with DPIPWE Biosecurity Unit and State Weeds Action Fund Co-ordinator re next round of funding. An announcement is due in mid to late March. Our understanding at this stage is that a select group of weeds will be targeted and that applications can be made for 1-3 years of funding.
- Email update from State Growth re weed control on State Roads within the Municipality.

Enquiries

- Responded to query from Works Manager re identification of St John's Wort at Rhydaston.
- Information re African boxthorn control provided to a ratepayer at Tunbridge.

Note; my circumstances have changed and I will be finishing up my rather short tenure (4 months) as Municipal Weeds Officer on Tuesday 23rd February. Thank you to all for the opportunity. It has been a pleasure reconnecting with many in my home town of Oatlands. Weed Management has certainly come a long way since I last worked with Council some 13 years ago.

RECOMMENDATION

THAT the Landcare Unit Report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

14.3 Cultural

Strategic Plan Reference 3.3

Ensure that the cultural diversity of the Southern Midlands is maximised.

Nil.

14.4 Regulatory (Development)

Strategic Plan Reference 3.4

A regulatory environment that is supportive of and enables appropriate development.

Nil.

14.5 Regulatory (Public Health)

Strategic Plan Reference 3.5 <i>Monitor and maintain a safe and healthy public environment.</i>

14.5.1 WOODSDALE CEMETERY (2003 WOODSDALE ROAD, WOODSDALE – PID 5840316) – ESTABLISHMENT OF SPECIAL MANAGEMENT COMMITTEE

Author: GENERAL MANAGER

Date: 16 FEBRUARY 2021

Enclosure(s):

Woodsdale Cemetery Special Management Committee – Constitution / Committee Terms of Reference

Minutes of the Community Meeting held 10th February 2021.

ISSUE

Council to:

- a) Receive a copy of the Minutes of the Community Meeting held 10th February 2021;
- b) Amend the amend the Constitution / Terms of Reference for the Woodsdale Cemetery Special Management Committee (established in accordance with section 24 of the Local Government Act 1993);and
- c) Appoint the community representatives to the Management Committee.

BACKGROUND

Section 24 of the *Local Government Act 1993* provides the following:

“24. Special committees

(1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.

(2) A special committee consists of such persons appointed by the council as the council thinks appropriate.

(3) The council is to determine the procedures relating to meetings of a special committee.”

Council, at its meeting held in January 2021 endorsed the Constitution / Terms of Reference for the Woodsdale Cemetery Special Management Committee.

Council also appointed Clr K Dudgeon as its representative, and Deputy Mayor E Batt as its proxy.

These Terms of Reference were used as the basis for discussion at the Community Meeting held 10th February 2021.

DETAIL

In reference to the Minutes of the Community Meeting, Councillors will note that seven (7) persons expressed an interest in becoming a member of the Management Committee.

The Terms of Reference (endorsed by Council at the January 2021 Meeting), and in particular Clause 4 'Office Bearers', stated that there would be at least four community members. The increased number (i.e. seven) is consistent with this Clause.

Clause 8 "Meetings' does however stipulate that a quorum of the Committee shall consist of three members.

Recognising the increased number of community representatives, meaning a total of 8 members on the Committee, it may be appropriate to increase the quorum to 4 persons.

Human Resources & Financial Implications – The intent of this management arrangement is to have minimal impact on Council's human and financial resources. The Woodsdale Cemetery has been managed locally for many years and it is anticipated that this will continue.

An amount of \$1,243 has been expended to date on Survey and legal fees incurred by (and invoiced) by the Crown.

Public Relations Implications – the desire to transfer ownership was initiated by the local community.

Website implications – Cemetery details, including contact person(s), can be included on Council's website.

Policy Implications – policy position.

Implementation Timeframe – As soon as practical following confirmation that the transfer of ownership has been completed.

RECOMMENDATION

THAT Council:

- a) Receive a copy of the Minutes of the Community Meeting held 10th February 2021;
- b) Amend Clause 8 ‘Meetings’ of the Constitution by increasing the number of person to form a quorum for meetings from 3 to 4; and
- c) appoint the following community representatives to the Management Committee:

Kate Bourne
Gerald Crawford
Lynette Browning
Ron Scott
Julie Bellette
Adrian Dare
Yvonne Crawford

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

14.6 Regulatory (Animals)

Strategic Plan Reference 3.6

Create an environment where animals are treated with respect and do not create a nuisance for the community

14.6.1 ANIMAL MANAGEMENT REPORT

Author: ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

Date: 15 FEBRUARY 2021

Enclosure:

Animal Management Statement – January-February 2021

ISSUE

Consideration of the Animal Management/Compliance Officer's report for January-February 2021.

The purpose of the report is twofold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period June ; *and*
2. Provide a brief summary of actions and duties undertaken by Council Officers in relation to animal management.

This in turn informs the community of the requirements and expectations of the Council to uphold and enforce the relevant legislation. This reminds Council and the community of the importance of responsible ownership of animals.

The infringements detailed in this report were all issued under the *Dog Control Act 2000*.

Resource Sharing

Southern Midlands Council currently provide Animal Management services to the Central Highlands Council through resource sharing arrangements. Jobs of note are itemised in the enclosed statement.

Infringement Details

Nil

RECOMMENDATION

THAT the Animal Management report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

ENCLOSURE(S)
 Agenda Item 14.6.1



YTD ANIMAL MANAGEMENT STATEMENT
 January-February 2021

DOG IMPOUNDS	RECLAIMED	ADOPTED	EUTHANISED
7	7	0	0
OTHER IMPOUNDS	RECLAIMED	ADOPTED	EUTHANISED
0	0	0	0

JOBS ATTENDED
 January-February 2021

DOGS AT LARGE	DOG ATTACKS	DOG BARKING	DOG GENERAL
1	0	1	4
Central Highlands 0	Central Highlands 0	Central Highlands 2	Central Highlands 0
NEW KENNEL INSPECT	WELFARE	STOCK	OTHER
Two active kennel licences	2	2	0
Central Highlands 0	Central Highlands 0	Central Highlands 0	Central Highlands 0

REGISTERED DOGS: 1726

KENNEL LICENCES: 53

INFRINGEMENTS ISSUED: 0

14.7 Environmental Sustainability

Strategic Plan Reference 3.7

Implement strategies to address the issue of environmental sustainability in relation to its impact on Councils corporate functions and on the Community.

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

15.1 Community Health and Wellbeing

Strategic Plan Reference 4.1

Support and improve the independence, health and wellbeing of the Community.

Nil.

15.2 Recreation

Strategic Plan Reference 4.2

Provide a range of recreational activities and services that meet the reasonable needs of the community.

Nil.

15.3 Access

Strategic Plan Reference 4.3

Continue to explore transport options for the Southern Midlands community / Continue to meet the requirements of the Disability Discrimination Act.

Nil.

15.4 Volunteers

Strategic Plan Reference 4.4

Encourage community members to volunteer.

Nil.

15.5 Families

Strategic Plan Reference 4.5

Ensure that appropriate childcare services as well as other family related services are facilitated within the community / Increase the retention of young people in the municipality / Improve the ability of seniors to stay in their communities.

Nil.

15.6 Education

Strategic Plan Reference 4.6

Increase the educational and employment opportunities available within the Southern Midlands

Nil.

15.7 Capacity & Sustainability

Strategic Plan Reference 4.7

Build, maintain and strengthen the capacity of the community to help itself whilst embracing social inclusion to achieve sustainability.

Nil.

15.8 Safety

Strategic Plan Reference 4.8

Increase the level of safety of the community and those visiting or passing through the municipality.

Nil.

15.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

16.1 Improvement

Strategic Plan Reference 5.1

Improve the level of responsiveness to Community & Developer needs / Improve communication within Council / Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system / Increase the effectiveness, efficiency and use-ability of Council ICT systems / Maintain the Business Process Improvement & Continuous Improvement framework

16.1.1 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA GENERAL MEETING 12TH MARCH 2021 - ADVANCED NOTICE OF MOTIONS TO BE DEBATED

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15TH February, 2021.

Enclosure(s):

LGAT General Meeting 12 March 2021 – Advanced Notice of Motions

ISSUE

The next General Meeting of the Local Government Association of Tasmania is scheduled for 12th March 2021.

Whilst a full Agenda is yet to be issued, the Association has provided advanced Notice of three (3) Motions which have been submitted by the Burnie and Glenorchy City Councils for inclusion on the Agenda.

These Motions are referred to Council for consideration and to provide direction to the Mayor for voting purposes.

BACKGROUND

LGAT believe that the topic(s) are of significant interest to Councils and it was considered important to bring them to the attention of Council as early as possible. This enables prior council discussion and ensure relevant debate at the meeting.

DETAIL

Details of the three Motions, including background comments, are included as an attachment:

Motion 1 - Planning Authorities – Burnie City Council

Decision Sought

That the LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the Land Use Planning and Approvals Act 1993 to –

- a) delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and***

- b) *provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.***

Comment:

The background comments provided by the Burnie City Council provide the reasoning for submission of this Motion.

From a policy perspective, the option of outsourcing (or delegating) its planning authority role to an external body/panel has not previously been considered by Council.

Motion 2 – Future Gaming Legislation Exposure Draft - Glenorchy City Council

Decision Sought

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier’s Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy, when released.

Comment:

From a policy perspective, the Southern Midlands Council has, in the past, resolved not to become involved in the discussion associated with gaming control and the regulatory framework.

There is merit in supporting this Motion on the basis that the consultation period should be sufficient to enable interested stakeholders adequate time to consider the issues and provide informed feedback.

Motion 3 – Deferral of Draft Future Gaming Bill - Glenorchy City Council

Decision Sought

That the Tasmanian Government defers the release of the legislation to amend the Gaming Control Act 1993 to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) *The release of the fifth Social and Economic Impact Study; and***
b) *Social and economic modelling used to develop the Future of Gaming in Tasmania policy.*

Comment:

Refer comment above - from a policy perspective, the Southern Midlands Council has, in the past, resolved not to become involved in the discussion associated with gaming control and the regulatory framework.

RECOMMENDATION

THAT:

- a) The information be received; and**
- b) Council determine its position in relation to each of the three (3) Motions, noting that this will provide direction to the Mayor (for voting purposes) at the General Meeting of the Local Government Association of Tasmania scheduled for 12th March 2021.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

ENCLOSURE(S)
Agenda Item 19.3



**Motions received from Councils -To be Tabled at the
LGAT General Meeting
12 March 2021**

The three motions below have been received and will be considered at the 12 March 2021 General Meeting. They are being provided in advance of the Agenda papers to allow for council discussion and ensure relevant debate at the Meeting.

Planning Authorities

Council **Burnie City**

Decision Sought

That the LGAT investigate the level of support among Tasmanian councils and identify the relevant considerations and options to propose an amendment of the *Land Use Planning and Approvals Act 1993* to –

- a) delete the mandatory requirement for a council to act as a planning authority for purposes of determining an application for a permit to use or develop land within its municipal area; and
- b) provide as an alternative, the establishment of an independent development assessment panel to determine a permit application.

Background Comments:

The parliament of Tasmania has legislated in the *Land Use Planning and Approvals Act 1993* that the council elected under the Local Government Act 1993 must also serve as the planning authority for its municipal area.

The requirement is a continuation of a similar arrangement dating from the early 1960's under which a local council had responsibility for how the land within a municipal area is to be used and developed.

The key responsibilities of a planning authority under the Act are to –

- a) prepare and maintain a planning scheme for the municipal area; and
- b) take all reasonable steps within the ambit of its power to enforce the observance of that planning scheme in respect of all use or development undertaken within the municipal area, including to determine an application to use and develop land if a permit is required.

The planning authority role is mandatory; and is entirely separate from the function of a council under the *Local Government Act 1993*.

While a Council may exercise its authority as a planning authority through a committee of the council, and may delegate powers and functions to an employee, it cannot ignore, abandon or surrender the role, or devolve responsibility in whole or part to any person or body external to the Council.

The powers and functions of a planning authority require actions and decisions with potential to materially affect the rights and interests of others; and which may generate an intersection of conflicting views and opinion.

The requirement on a council to act as a planning authority has long caused conflict and confusion.

There is a general and long-standing disquiet within Tasmanian councils over the confusion, conflict, and complexity of the “two hats” requirement inherent dual statutory functions.

There is an almost irresolvable tension between the general responsibilities of a council as the representatives of community and its role as a planning authority.

The former requires a council is to provide for peace, order and good governance, and to promote and represent the health, safety, welfare and best interests of the community.

The latter imposes considerable limitations on the ability to act as a council because of the duty on a planning authority to remain neutral, and to set aside matters of importance to the community if irrelevant to the considerations and decision instructed by the planning scheme.

As a planning authority, a council is required to –

- a) understand complex issues and to consider the validity of detailed planning applications within the 5-day period following provision of an agenda and a Council meeting
- b) make the decision directed by the planning scheme and explained in the qualified advice provide by Council officers unless there are valid reasons to move for an alternate decision
- c) set aside and have no regard to views and opinions of the community that are not directly relevant to the applicable requirements of the planning scheme

It is appropriate to test the desire of local government to continue in the role of a planning authority with a responsibility to make decisions on permit applications, and to explore use of independent assessment panels to assess and decide permit applications

Other Australian jurisdictions have recognised the struggle experienced by local government when required to separate the role as people’s representative from that of an independent arbitrator of compliance to a strict set of planning rules.

Several State jurisdictions currently operate a form of independent assessment panel which act as an alternative to the local council for decisions on land use permits.

There are also many overseas models, including some systems where the local council has no involvement in assessment or determination of a permit application.

While there are variations in administrative arrangements and scope of practice for assessment panels, underlying objectives typically include to increase probity and accountability, safeguard against corruption or misconduct, and to lead to better planning outcomes.

Significantly, the use of an independent panel can free a council to focus on planning strategy, and will provide a freedom to make representations and to advocate for its community on any aspect of a proposal.

Most States where independent panels are available have prescribed the matters that must come before a panel are to include - significant or technically complex permit applications; projects that may have a high economic, environmental and social value or impact; proposals within a specific locality or of a particular kind; public housing and State agency proposals; applications made by the council; and matters likely to attract significant public interest, opposing views and opinions, or controversy.

Some systems allow a council discretion to refer other kinds of application for decision by a panel.

Panels generally comprise a chair with a legal or public administration background and two or more specialist members; and may include a local government and/or community representative to provide local knowledge and perspective.

The use of an assessment panel does not deprive or change a council's responsibility and involvement in land use planning strategy and policy, or in the preparation of a local planning scheme.

The proposed investigation would examine the various models currently used in other jurisdictions; consider the scope of permit matters that must or may be referred; and the necessary membership and administrative arrangements.

A decision by LGAT member councils to support introduction of system of independent assessment and decision panels requires amendment to the *Land Use Planning and Approvals Act 1993*.

A persuasive argument to State government will require support from the local government sector to forego or modify what is currently an almost an exclusive power, and to devolve that power in whole or part to an external body of experts.

The ultimate decision required in this Motion is who do we represent as elected members of a council?

It is relatively easy to appreciate the "2-hat" analogy, but in reality we only wear one – the hat that represents the residents of our municipal area and requires we look after their well-being and to support their right to question, challenge and be championed by their representatives.

This is not always easy or possible when acting as a planning authority.

It is appropriate for the LGAT to investigate the level of support, and to examine options for how a panel would be structured and operate.

The matter should be further considered by LGAT members on completion of the investigation and before any decision to make a formal approach to government.

**Future Gaming Legislation Exposure Draft
Council Glenorchy City**

Decision Sought

That Local Government calls on the Tasmanian Government to honour the commitment (given at the Premier's Local Government Council on 6 November 2019) for a five-week consultation period on the draft legislation to amend the *Gaming Control Act 1993* to give effect to the Future Gaming Market Policy, when released.

Background Comments

In 2018, the Tasmanian Government announced its policy for the future of the Tasmanian gaming market, providing an overview of how the Tasmanian gaming industry will be restructured.

In 2020, the Department of Treasury and Finance released a public consultation paper, the Future of Gaming in Tasmania, which provided detail of the Future Gaming Market regulatory model that will implement this policy from 1 July 2023.

The original timeline was for the exposure draft of the *Gaming Control Amendment (Future Gaming Market) Bill 2020 (draft future gaming bill)* to be released on 27 April 2020 with the closing date for comment on the draft on 8 May 2020. The review was deferred due to the impacts of the COVID-19 pandemic. It anticipated that the draft future gaming bill will be now be released for comment in 2021.

Under the new regulatory model, licences for casinos, keno and hotels and clubs would be distributed for up to 20 years, with further changes to the regulatory model unlikely until 2043.

While Glenorchy City Council and other councils and stakeholders have had an opportunity to comment on the public consultation paper, it will be very important for councillors and council officers to have time to fully review the draft future gaming bill when it is released and have enough time to respond.

As noted, the original timetable set for the consultation period for the bill was 10 working days. It is anticipated that this will also be the case when the draft bill is released in 2021.

LGAT previously had a Statewide Partnership Agreement with the Tasmanian Government in relation to timeframes for consultation on issues relevant to local government.

Although the agreement has expired, the issue was discussed at the Premier's Local Government Council meeting on 6 September 2019, with the minutes recording the following:

*"The Premier noted that, although the Statewide Partnership Agreement between the State Government and the local government sector has expired, the Government continues, as a matter of protocol, to observe the five-week consultation period contained in that Agreement. This was welcomed by LGAT. The Premier noted he would be asking the Secretary of DPAC to write to other agency heads reminding them of the minimum five-week period."*¹

¹ Premier's Local Government Council minutes from 6 September 2019, Department of Premier and Cabinet website

The motion therefore seeks LGAT's support in calling for the State Government to honour the agreement in relation to the consultation period of the draft bill to allow an appropriate time for a detailed review and preparation of submissions.

The proposed changes to the legislation will have an impact on any local government area which has electronic gaming machines, particularly for single operators of hotels and clubs. Regardless of whether councils support or oppose the legislation, it is important to understand the changes and the possible effects on their communities.

Deferral of Draft Future Gaming Bill
Council Glenorchy City

Decision Sought

That the Tasmanian Government defers the release of the legislation to amend the *Gaming Control Act 1993* to give effect to the Future Gaming Market Policy for consultation until the latest information relating to gambling in Tasmania is made available, including:

- a) The release of the fifth Social and Economic Impact Study; and
- b) Social and economic modelling used to develop the Future of Gaming in Tasmania policy.

Background Comments

The Future Gaming Market regulatory model proposed by the State Government is a major restructure of the gaming industry. Given its significance, it is important that information used to develop the model, as well as up-to-date information on the sector, is made available to all stakeholders.

The *Gaming Control Act 1993* requires that an independent review of the social and economic impact of gaming in Tasmania be conducted every three years. The Social and Economic Impact Study of Gambling in Tasmania (SEIS) provides an analysis of key trends in gambling and a gambling prevalence study. This is a key study that is tabled in each House of Parliament after completion.

The fifth SEIS is currently underway (submissions closed in October 2020) and is expected to be completed by the second quarter of 2021. It is possible that the draft future gaming bill will be released, and a decision made in Parliament, prior to the results of the SEIS being made available.

Given the importance of the SEIS and the fact that the Future Gaming legislation exposure draft was postponed due to the impacts of the COVID-19 pandemic, being able to review the SEIS and any recommendations made in that report prior to commenting on the Future Gaming legislation exposure draft is critical.

Submissions to the Future of Gaming in Tasmania could be made based on the information publicly available at the time in the Tasmanian Government's Future Gaming consultation paper. The

consultation paper provided details of the proposed changes to the regulatory model but did not provide any social or economic modelling used by the State Government to develop its proposal.

It is essential for councils and other stakeholders to have access to this modelling information if they are to add value to the next stage of the consultation process and gain a clearer picture of how changes will impact individual municipalities.

The request to defer the Future Gaming legislation until the release of the SEIS and the provision of the social or economic modelling would not impact the Tasmanian Government's proposed legislation commencement date of July 2023.

16.2 Sustainability

Strategic Plan Reference 5.2

Retain corporate and operational knowledge within Council / Provide a safe and healthy working environment / Ensure that staff and elected members have the training and skills they need to undertake their roles / Increase the cost effectiveness of Council operations through resource sharing with other organisations / Continue to manage and improve the level of statutory compliance of Council operations / Ensure that suitably qualified and sufficient staff are available to meet the Communities need / Work co-operatively with State and Regional organisations / Minimise Councils exposure to risk / Ensure that exceptional customer service continues to be a hallmark of Southern Midlands Council

16.2.1 TABLING OF DOCUMENTS

Nil.

16.2.2 ELECTED MEMBER STATEMENTS

An opportunity is provided for elected members to brief fellow Councillors on issues not requiring a decision.

16.3 Finances

Strategic Plan Reference 5.3

Community's finances will be managed responsibly to enhance the wellbeing of residents / Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation / Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.

16.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 JANUARY 2021)

Author: FINANCE OFFICER (MANDY BURBURY)

Date: 15 February 2021

Provide the Financial Report for the period ending 31st January 2021.

BACKGROUND

The format of the Operating Expenditure Report has been amended to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

Note: Depreciation is calculated on an annual basis at the end of the financial year and therefore the budget for depreciation is included in the June period.

DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2019 to 31 January 2021.
- Operating Expenditure Budget Report – 1 July 2019 to 31 January 2021.
- Capital Expenditure Estimates – as at 31 January 2021.
- Cash Flow Statement – 1 July 2019 to 31 January 2021.
- Rates & Charges – as at 11 February 2021.

OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall operating expenditure to end of January was \$4,524,799, which represents 98.0% of the Year to Date Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), expenditure is consistent with the Budget.

Strategic Theme - Infrastructure

Sub-Program – Roads – expenditure to date (\$922,348 – 114.83%). There has been increased expenditure on road maintenance largely as a result of weather conditions. Maintenance expenditure will decrease over the next six months while resources are being utilised on our Capital Works Program.

Sub-Program – Drainage – expenditure to date (\$21,245 – 133.56%). Additional expenditure relates to repairs to flood damage.

Strategic Theme – Growth

Sub-Program – Business – expenditure to date (\$158,270 – 125.65%). Additional expenditure relates to Private Works, including wages and gravel. There will be an increase in income to offset the additional expense.

Strategic Theme – Landscapes

Sub-Program – Regulatory - Animals - expenditure to date (\$71,277 – 113.87%). Additional expenditure relates largely to wages, with reduced hours of resource sharing, increased call-outs and increased hours for position of Animal Management Officer. The cost of legal advice associated with this Program has also exceeded the budgeted estimate.

Strategic Theme – Community

Nil.

Strategic Theme – Organisation

Nil.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

STATEMENT OF COMPREHENSIVE INCOME
for the period 1st July 2020 to 31 January 2021

	Annual Budget \$	Year to Date as at 31 January 2021 \$	%	Comments
Income				
General rates	5,797,406.00	5,726,036.51	98.8%	Budget includes Interest & Penalties to be imposed to 30 June 2021
User Fees (refer Note 1)	681,158.00	519,969.18	76.3%	
Interest	175,000.00	27,637.09	15.8%	
Government Subsidies	19,200.00	0.00	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	0.00	0.00	0.0%	
Other (refer Note 2)	86,000.00	23,290.06	27.1%	
Sub-Total	\$6,758,764.00	\$6,296,932.84	93.2%	
Grants - Operating	3,564,167.00	846,369.36	23.7%	
Total Income	\$10,322,931.00	\$7,143,302.20	69.2%	
Expenses				
Employee benefits	-4,113,303.00	-2,033,853.50	49.4%	Less Roads - Resheeting (Capitalised)
Materials and contracts	-3,195,181.00	-2,305,532.42	72.2%	Less Roads - Resheeting (Capitalised), Includes Land Tax
Depreciation and amortisation	-3,003,866.00	-1,764,566.09	58.7%	Percentage Calculation (based on year-to-date)
Finance costs	-18,850.00	-13,524.34	71.7%	
Contributions	-233,907.00	-116,953.50	50.0%	Fire Service Levies
Other	-145,526.00	-90,465.73	62.2%	Audit Fees and Councillor Allowances
Total expenses	-\$10,710,633.00	-\$6,324,895.58	59.1%	
Surplus (deficit) from operations	-\$387,702.00	\$818,406.62	-211.1%	
Grants - Capital (refer Note 3)	3,558,627.00	637,766.00	17.9%	
Sale Proceeds (Plant & Machinery)	0.00	47,873.64	0.0%	
Sale Proceeds (Other Assets)	0.00	6,473.64	0.0%	
Net gain / (loss on disposal of non-current assets)	5,818.00	0.00	0.0%	
Surplus / (Deficit)	\$3,176,743.00	\$1,510,519.90	47.5%	

STATEMENT OF COMPREHENSIVE INCOME
for the period 1st July 2020 to 31 January 2021

NOTES	Annual Budget \$	Year to Date as at 31 January 2021 \$	%	Comments
1. Income - User Fees (Budget \$681,158) includes:				
- All other Programs	454,975.00	335,087.85	73.6%	
- Private Works	226,183.00	184,881.33	81.7%	
	<u>\$681,158.00</u>	<u>\$519,969.18</u>	76.3%	
2. Income - Other (Budget \$86,000) includes:				
- Tas Water Distributions	76,000.00	0.00	0.00%	
- HBS Dividend	10,000.00	0.00	0.00%	
- Public Open Space Contribution	0.00	5,844.64		
- Worker's Compensation Adjustment and Discount	0.00	16,442.42		
- Donations for use of recreation facilities	0.00	1,003.00		
	<u>\$86,000.00</u>	<u>\$23,290.06</u>	27.1%	
3. Grant - Capital (Budget \$3,558,627) includes:				
- (CDGP) Oatlands Aquatic Centre	500,000.00	0.00	0.00%	
- (CDGP) Callington Park Playground	500,000.00	250,000.00	50.00%	
- (CDGP) Chauncy Vale Pedestrian Bridge	55,000.00	55,000.00	100.00%	
- (CDGP) Lake Dulverton Walkways	220,000.00	0.00	0.00%	
- (CDGP) Campania Bush Reserve	100,000.00	0.00	0.00%	
- (CDGP) Kempton Streetscape Project	75,000.00	0.00	0.00%	
- (CDGP) Broadmarsh Streetscape Project	230,000.00	0.00	0.00%	
- (CDGP) Oatlands Underground Lighting	250,000.00	0.00	0.00%	
- Midland Hway/ Mood Food Pathway	147,565.00	0.00	0.00%	
- Elderslie/Bluff Road Junction	150,000.00	0.00	0.00%	
- Roads To Recovery	665,531.00	0.00	0.00%	
- Local Roads and Community Infrastructure Prog	665,531.00	332,766.00	50.00%	
- Other	0.00	0.00	0.00%	
	<u>\$3,558,627.00</u>	<u>\$637,766.00</u>	17.92%	
4. Grant - Operating (Budget \$3,564,167) includes:				
Operating Grants				
- FAGS	3,564,167.00	844,508.00	23.7%	\$1,840,420 received in advance in 2019-20 Advised actual distribution for 2020-21 to be \$3,529,436
- Australia Day Branding Grant	0.00	1,000.00	0.0%	
- Hobart City Mission School Holiday Program Funding	0.00	861.36	0.0%	
	<u>\$3,564,167.00</u>	<u>\$846,369.36</u>	23.7%	

Southern Midlands Council
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CAPITAL EXPENDITURE PROGRAM 2020-21
AS AT 31 JANUARY 2021

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
INFRASTRUCTURE						
ROAD ASSETS						
Resheeting Program	Various	Roads Resheeting	500,000	411,288	88,712	
Reseal Program		Roads Resealing (as per agreed program)	300,000	0	300,000	
		Levendale - Woodsdale Road (300m reseal)	50,000	0	50,000	RTR (\$50K)
		Campania - Native Corners Road	50,000	0	50,000	RTR (\$50K)
Reconstruct & Seal	C1010028	Woodsdale Road (1km Reconstruction)	330,000	343	329,657	RTR (\$319K)
	C1010094	Woodsdale Road Reconstruct & Seal (800m + 430m)	122,141	111,068	11,073	RTR \$122,141 Budget of/fwd WIP 30/06/20 \$4478.95
Construct & Seal (Unsealed Roads)		Bagdad - Huntingdon Tier (350m new seal)	73,500	0	73,500	LRCI
	C1020077	Campania - Native Corners Road (900m new seal)	173,250	314	172,936	RTR (\$152K)
		Mangalore - Ballyhooly Road (300m new seal)	57,750	0	57,750	
	C1020006	Rhyndaston - Rhyndaston Road (800m through township)	154,000	6,279	147,721	LRCI
	C1020052	Tunnack - Eldon Road (1500m new seal)	288,750	0	288,750	LRCI
Minor Seals (New)		Dust Suppressant Seal	50,000	0	50,000	
		Elderslie - Cornish's Road Dust Suppressant	25,000	0	25,000	LRCI
		York Plains - York Plains Road Dust Suppressant	25,000	0	25,000	LRCI
Junction / Road Realignment / Other	C1020078	Campania - Estate Road (vicinity Malloy property)	10,000	298	9,702	
		Campania - Main Intersection/Carpark Design Concept	50,000	0	50,000	\$50K of/fwd
	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	70,000	11,419	58,581	\$70K Budget of/fwd WIP 30/6/20 \$11,418.84
	C1020047	Colebrook - Lovely Banks/Mudwalls Road Junction	0	5,013	-5,013	
		Dysart - Cliftonvale & Sugarloaf Rd Junction Improvements	50,000	16,884	33,116	WIP 30/06/20 \$16,884.46
	C1020070	Elderslie - Bluff Road Intersection Upgrade	150,000	2,138	147,862	WIP 30/06/20 \$138.38
		Elderslie - Elderslie Road Widening Investigation & Trial (Sth Blackbrush Rd)	40,000	0	40,000	
	C1010096	Elderslie - Elderslie Road Safety Railing (250m)	21,250	29,253	-8,003	
		Oatlands - Interlaken Road Preliminary Work (vicinity of Wallace)	25,000	0	25,000	
	C1020032	Oatlands - Hasting Street Junction	15,000	959	14,041	\$15K Budget of/fwd WIP 30/6/19 \$958.52
	C1020074	Oatlands - Henrietta Street 200m	0	736	-736	
	C1020069	Mangalore - Roberts Road Construct and Seal (additional culverts)	53,822	36,320	17,502	\$12,000 plus balance budget from Swans St Drainage \$41,821.69
		Tea Tree - Grices Road (Tree removal, set-back of embankment, drainage)	15,000	0	15,000	
		Woodsdale - Woodsdale Road (400m safety rail in two sections, The Cutting)	17,000	0	17,000	
			2,716,463	632,312	2,084,150	
BRIDGE ASSETS	C1030061	Woodsdale Road (Nutting Garden Rivulet - Bridge No 4084)	148,200	3,575	144,626	RTR (\$94,531)
	C1030062	York Plains Road (Kitty's Rivulet - Bride No 457)	0	25,945	-25,945	Upgrade due to flood damage
	C1030060	Elderslie Road (Stonyhurst Creek B3280)	0	12,437	-12,437	Upgrade due to flood damage
			148,200	41,956	106,244	

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CAPITAL EXPENDITURE PROGRAM 2020-21
AS AT 31 JANUARY 2021

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
WALKWAYS	C1040003	Footpaths - General Streetscapes	170,906	852	170,054	
	C1040014	Bagdad - East Bagdad Road	230,000	10,962	219,038	\$105K Budget c/fwd WIP 30/6/20 \$4400.94
	G1040007	Broadmarsh - Streetscape Works	230,000	27,051	202,949	WIP 30/06/20 \$4119.85
		Campania - Review Manag. Plan (Site Plan) / Walking Tracks (Bush Reserve)	5,000	0	5,000	\$5K Budget c/fwd
	C1040005	Campania - Reeve Street - Footpath through to Hall	30,000	0	30,000	
	G1040008	Kempton - Louisa Street (from Huntingground Road)	38,000	36,582	1,418	LRCI
		Kempton - Midlands Highway/Mood Food	147,565	0	147,565	
	C1040004	Kempton - Streetscape Plan (Review & Implementation)	35,000	1,881	33,119	
		Kempton - Streetscape Plan - Footpath Renewal (Dysart House)	23,000	0	23,000	
	G1040006	Kempton - Streetscape Plan - Victoria Memorial Hall	110,000	13,728	96,273	WIP 30/06/20 \$3393.18
	G2020002	Melton Mowbray - Streetscape Works (Trough / Shelter etc)	30,000	5,318	24,682	WIP 30/06/20 \$5318.18
	C1040016	Oatlands - High Street (Footpath Renewal)	61,281	0	61,281	LRCI
	C1040022	Tunbridge - Main Street (Ongoing Kerb & Gutter Renewal)	20,000	0	20,000	
	C1040030	Tunnack - Streetscape concept Plan	45,000	28,294	16,706	
			1,175,752	124,668	1,051,084	
LIGHTING	C1050001	Oatlands - Esplanade Project (Total Project Cost \$128k year 2-2)	384,000	160,087	223,913	\$64k Budget c/fwd WIP 30/6/20 \$61053.34
			384,000	160,087	223,913	
PUBLIC TOILETS	C1110002	Campania - Flour Mill Park - Concrete Pathways/drainage/remove pavers	15,000	0	15,000	\$15 Budget c/fwd
		General Public Toilets - Upgrade Program	20,000	0	20,000	
			35,000	0	35,000	
DRAINAGE		Bagdad - Lyndon Road	15,000	0	15,000	\$15K Budget c/fwd
	C1090013	Bagdad - Midland Highway/Swan Street Drainage	50,000	8,178	41,821.69	\$50K Budget c/fwd WIP 30/06/20 \$8178.31 (\$41,882 balance budget to Roberts Rd)
	C1090030	Broadmarsh - Elderslie Road	0	9,206	-9,206	
		Campania - Estate Road (School Farm)	10,000	0	10,000	\$10K Budget c/fwd
		Oatlands - High St/Wellington Street Junction	5,000	0	5,000	\$5K Budget c/fwd
			80,000	17,384	62,616	
WASTE	C110001	Wheellie Bins and Crates	5,000	0	5,000	
	C110002	Dysart WTS - General Improvements	15,000	0	15,000	\$15K Budget c/fwd
		Oatlands WTS - Concrete Pad(s)	25,000	0	25,000	\$25K Budget c/fwd
			45,000	0	45,000	
LANDSCAPES						
HERITAGE		Heritage Collections Store	10,000	0	10,000	
		Kempton - Watch House (Internal Fit out)	4,000	0	4,000	\$4K Budget c/fwd
	C3010003	Oatlands - Callington Mill (Asset Renewals)	20,000	16,915	3,085	
	C3010004	Oatlands - Court House (Sandstone wall restoration)	0	2,430	-2,430	
		Oatlands - Gaol Aluminium Temporary Steps (Entrance)	3,500	0	3,500	\$3.5K Budget c/fwd
		Oatlands - Commissariat (79 High Street) Boundary Fence	6,000	0	6,000	
		Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000	0	40,000	\$40K Budget c/fwd
			83,500	19,345	64,155	

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CAPITAL EXPENDITURE PROGRAM 2020-21
AS AT 31 JANUARY 2021

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
NATURAL	G3020015	Campania - Bush Reserve (Walking/Riding Path)	100,000	17,987	82,013	\$100K Budget c/fwd WIP 30/06/20 \$358
	G3020013	Chauncy Vale - Sanctuary Bridge	55,000	66,405	-11,405	\$55K Budget c/fwd WIP \$42898.10
		Chauncy Vale - Caves Loop	21,000	0	21,000	
	G3020014	Chauncy Vale - Erosion, Stabilisation & Revegetation	15,000	14,410	590	\$15K Budget c/fwd WIP \$6056.76
	C3020007	Chauncy Vale - Improvements	0	2,653	-2,653	Committee Funded Cast Wombats
	C3020008	Oatlands - Maher's Point Landscape Plan	22,404	9,892	12,512	\$22404 Budget c/fwd
	G3020006	Oatlands - Lake Dulverton Walkway (Grants \$135K + \$85K)	220,000	8,618	211,382	\$220K Budget c/fwd WIP \$6198.70
			433,404	119,965	313,440	
CULTURAL		Oatlands - Heritage HUB Internal fitout	10,000	0	10,000	\$10K Budget c/fwd
			10,000	0	10,000	
REGULATORY - DEVELOPMENT	C3040001	Kempton Council Chambers - Chambers Restoration Works	5,000	0	5,000	
	C3040002	Kempton Council Chambers - Clock Restoration Works	20,000	502	19,498	
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	5,000	545	4,455	
			30,000	1,046	28,954	
REGULATORY - PUBLIC HEALTH		Water Bottle Refill Stations	7,980	0	7,980	
	C4060001	Kempton - Community Health Facility	400,000	309,206	90,794	\$225k Budget c/fwd WIP 30/06/20 \$27548.57
			407,980	309,206	98,774	
REGULATORY - ANIMAL CONTROL	C4080001	Kempton - Dog Pound(s)	35,000	468	34,532	\$20k Budget c/fwd
			35,000	468	34,532	
COMMUNITY						
RECREATION	C4070005	Recreation Committee	15,000	6,745	8,255	Kempton Hall switchboard upgrade/Colebrook Hall roof repairs \$5,000 of budget moved to Mt Pleasant Rec Ground Project
	C4070025	Campania - Public Open Space dev (Play Equip Alexander Circle)	16,000	16,001	-1	\$16K Budget c/fwd
	C4070004	Campania - Public Open Space dev (Scaife Subdivision - Justitia Park)	23,000	21,061	1,939	\$23K Budget c/fwd
		Campania - Recreation Ground (Internal Toilet Improvements)	40,000	0	40,000	
	C4070038	Campania - Recreation Ground (Nets)	45,000	47,040	-2,040	\$45K Budget c/fwd
	C4070036	Colebrook - Hall (Heating Upgrade)	24,000	24,000	0	
		Colebrook - Recreation Ground - New Pitch Cover	4,500	0	4,500	
	C4070020	Colebrook - Online Centre (Post Office) - Upgrade switchboard	0	1,925	-1,925	
		Kempton - Recreation Ground (Lighting)	16,000	0	16,000	\$16K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubrooms)	15,000	0	15,000	\$15K Budget c/fwd
		Mangalore - Hall (replace Gutters and Roofing)	18,000	0	18,000	\$18K Budget c/fwd
	G4070038	Mount Pleasant - Recreation Ground (Upgrade Toilets & Stabilisation)	120,336	116,734	3,602	\$38K Budget c/fwd WIP 30/06/20 \$7261.18 Total project budget \$115,336 including additional contributions of \$29,336 recvd 20/19/20 from Mt Pleasant
	C4070034	Oatlands - Aquatic Centre (New Pool)	2,900,000	1,384,249	1,515,751	WIP 30/06/20 \$166,197.29, 30/6/19 \$395,896.00, 30/6/18 \$379,803.40
	C4070009	Oatlands - Community Hall - Repointing & Crack Repairs	15,000	8,163	6,837	
	G4070040	Oatlands - Destination Playground Callington Park (inc. reveg & water system)	500,000	460,749	39,251	\$500 Budget c/fwd WIP 30/06/20 \$282200.25
	C4070001	Parattah - Rec Ground - External Toilet (linked to walkway)	12,000	6,192	5,808	\$12K Budget c/fwd
	G4070039	Runnymede - Recreation Ground (resurfacing & watering system)	45,000	99,505	-54,505	\$20K Budget c/fwd WIP 30/06/20 \$40,527
		Tunbridge Park - Perimeter Fence (Safety)	30,000	0	30,000	\$30K Budget c/fwd
			3,838,836	2,192,363	1,646,473	

CAPITAL EXPENDITURE PROGRAM 2020-21
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			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
			\$	\$	\$	
ACCESS	C4070035	All Buildings (Priority Approach - Year 5 of 5 @ \$10K/year)	50,000	0	50,000	
			50,000	0	50,000	
CAPACITY & SUSTAINABILITY	C5020001	Levendale Community Centre	38,390	0	38,390	\$8K Budget c/fwd
		Oatlands - Midlands Memorial Community Centre - Double glazed windows	40,000	0	40,000	
	C4070013	Oatlands - Midlands Memorial Community Centre - Repairs to flood damage	0	14,262	-14,262	
	C5020002	Oatlands Structure Plan	25,000	9,063	15,937	\$25K Budget c/fwd
			103,390	23,325	80,065	
SAFETY		Road Accident Rescue Unit	3,000	0	3,000	\$ 1,384,240
			3,000	0	3,000	
ORGANISATION						
SUSTAINABILITY		Oatlands - Council Chambers - Internal Toilets Upgrade	100,000	0	100,000	\$60K Budget c/fwd
	C6020007	Oatlands - Council Chambers - Damp Issues & Stonemasonry	15,000	0	15,000	\$15K Budget c/fwd
		Oatlands - Council Chambers - Works Office (floor coverings)	5,000	0	5,000	\$5K Budget c/fwd
	C6020007	Oatlands - Council chambers - Memorials - Forecourt	4,000	4,000	0	
	C9990001	Oatlands - Town Hall (General - Incl. Office Equip/Furniture)	5,500	359	5,141	
	C6020003	Computer System (Hardware / Software)	37,500	15,312	22,188	
			167,000	19,671	147,329	
WORKS	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	45,000	45,000	0	Total Project Cost - to be funded over 4 yrs (Yr 2 - \$45K)
	C6020011	Kempton Depot - Internal Building Improvements	15,000	0	15,000	\$10K Budget c/fwd
		Kempton Depot - Storage Lockers	2,000	0	2,000	
	C6020001	Oatlands Depot - Solar Panels	16,000	20,722	-4,722	
	C6020001	Oatlands Depot - Roof over containers	51,514	13,267	38,247	\$51,614 budget c/fwd
	C9990002	Minor Plant Purchases	9,500	1,454	8,046	
	C6020008	Radio System	3,000	0	3,000	
		Excavator (add Rock breaker) MP37/2020	12,800	12,200	600	
		Steam Weeder c/w Trailer	32,000	0	32,000	
		Plant Replacement Program				
		Heavy Vehicles	514,000	49,520	464,480	
		Light Vehicles	210,000	82,801	127,399	
		(Trade Allowance - \$280K)				
			910,814	224,762	686,052	
GRAND TOTALS			10,657,339	3,886,561	6,770,778	

CASH FLOW 2020/2021	INFLWS (OUTFLWS) (July 2020) \$	INFLWS (OUTFLWS) (August 2020) \$	INFLWS (OUTFLWS) (September 2020) \$	INFLWS (OUTFLWS) (October 2020) \$	INFLWS (OUTFLWS) (November 2020) \$	INFLWS (OUTFLWS) (December 2020) \$	INFLWS (OUTFLWS) (January 2021) \$	INFLWS (OUTFLWS) (Year to Date) \$
Cash flows from operating activities								
Payments								
Employee costs	- 280,287.76	- 286,704.71	- 433,171.67	- 273,782.78	- 302,995.11	- 310,511.93	- 186,034.31	- 2,073,488.27
Materials and contracts	- 383,806.48	- 268,732.24	- 478,736.40	- 363,328.17	- 288,812.83	- 371,621.76	- 289,083.86	- 2,444,121.74
Interest	- 3,858.96	-	-	-	- 2,440.52	- 3,515.10	- 3,709.76	- 13,524.34
Other	- 32,591.93	- 49,587.79	- 59,672.89	- 119,317.20	- 29,152.34	- 36,353.17	- 95,784.96	- 422,460.28
	- 700,545.13	- 605,024.74	- 971,580.96	- 756,428.15	- 623,400.80	- 722,001.96	- 574,612.89	- 4,953,594.63
Receipts								
Rates	112,384.27	1,497,162.58	1,454,076.61	173,386.59	425,010.56	374,990.56	433,523.83	4,470,535.00
User charges	78,429.45	97,821.67	191,691.47	346,810.89	93,522.42	13,406.32	116,326.47	554,625.75
Interest received	6,114.29	2,283.96	3,750.98	6,353.34	2,423.11	2,602.82	4,108.59	27,637.09
Subsidies	-	-	-	-	-	-	-	-
Other revenue grants	-	422,254.00	-	1,861.36	422,254.00	-	-	846,369.36
GST Refunds from ATO	-	-	-	-	-	-	-	-
Other	- 34,640.70	75,652.19	127,629.49	- 59,104.07	- 54,410.03	141,003.63	- 57,978.07	138,152.44
	162,287.31	2,095,174.40	1,393,765.61	469,308.11	888,800.06	532,003.33	495,980.82	6,037,319.64
Net cash from operating activities	- 538,257.82	1,490,149.66	422,184.65	- 287,120.04	265,399.26	- 189,998.63	- 78,632.07	1,083,725.01
Cash flows from investing activities								
Payments for property, plant & equipment	- 216,309.91	- 288,121.91	- 294,048.33	- 536,835.75	- 212,067.69	- 279,182.83	- 131,094.58	- 1,957,661.00
Proceeds from sale of property, plant & equipment	16,390.91	54.54	31,632.73	5,863.64	73.64	236.36	95.46	54,347.28
Proceeds from Capital grants	-	-	250,000.00	332,766.00	-	55,000.00	-	637,766.00
Proceeds from Investments	-	-	-	-	-	-	-	-
Payment for Investments	-	-	-	-	-	-	-	-
Net cash used in investing activities	- 199,919.00	- 288,067.37	- 12,415.60	- 198,206.11	- 211,994.05	- 223,946.47	- 130,999.12	- 1,265,547.72
Cash flows from financing activities								
Repayment of borrowings	- 7,349.62	-	-	-	- 15,103.20	- 13,398.23	- 7,498.82	- 43,349.87
Proceeds from borrowings	-	-	-	-	-	-	-	-
Net cash from (used in) financing activities	- 7,349.62	-	-	-	- 15,103.20	- 13,398.23	- 7,498.82	- 43,349.87
Net increase/(decrease) in cash held	- 745,526.44	1,202,082.29	409,769.05	- 485,326.15	38,302.01	- 427,343.33	- 217,130.01	- 225,172.58
Cash at beginning of reporting period	13,687,843.06	12,942,316.62	14,144,398.91	14,554,167.96	14,068,841.81	14,107,143.82	13,679,800.49	13,687,843.06
Cash at end of year-to-date	12,942,316.62	14,144,398.91	14,554,167.96	14,068,841.81	14,107,143.82	13,679,800.49	13,462,670.48	13,462,670.48

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2020/21
 SUMMARY SHEET**

PROGRAM	YTD ACTUAL (as at 31 Jan 21)	YTD BUDGET (as at 31 Jan 21)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	922,348	803,225	- 119,123	114.83%	3,228,957
Bridges	20,032	22,631	- 2,599	88.51%	399,239
Walkways	145,248	145,589	- 340	99.77%	223,152
Lighting	55,473	53,200	- 2,273	104.27%	91,200
Public Toilets	41,863	44,713	- 3,050	93.18%	76,936
Sewer/Water	-	-	-	-	-
Drainage	21,245	15,907	- 5,338	133.56%	79,269
Waste	548,101	601,440	- 53,338	91.13%	1,055,682
Information, Communication	-	-	-	-	-
INFRASTRUCTURE TOTAL:	1,754,110	1,686,704	-67,406	104.00%	5,154,435
GROWTH					
Residential	-	-	-	-	-
Tourism	18,913	28,293	- 9,380	66.85%	55,502
Business	158,270	125,961	- 32,309	125.65%	980,933
Industry	-	-	-	-	-
GROWTH TOTAL:	177,182	154,254	-22,929	114.86%	1,036,435
LANDSCAPES					
Heritage	168,650	219,947	- 51,297	76.68%	373,938
Natural	125,708	122,255	- 3,453	102.82%	186,633
Cultural	-	9,625	9,625	0.00%	16,500
Regulatory - Development	465,721	511,690	- 45,969	91.02%	877,183
Regulatory - Public Health	6,939	9,488	- 2,549	73.14%	16,265
Regulatory - Animals	71,277	62,597	- 8,680	113.87%	100,867
Environmental Sustainability	-	-	-	-	-
LANDSCAPES TOTAL:	838,296	935,602	97,307	89.60%	1,571,386
COMMUNITY					
Community Health & Wellbeing	142,004	168,630	- 26,626	84.21%	283,366
Recreation	239,168	297,824	- 58,655	80.31%	511,239
Access	-	-	-	-	-
Volunteers	21,578	45,833	- 24,256	47.08%	50,000
Families	5,113	6,917	- 1,804	73.92%	9,000
Education	-	-	-	-	-
Capacity & Sustainability	7,126	24,111	- 16,986	29.55%	37,405
Safety	13,202	24,563	- 11,351	53.77%	45,091
Consultation & Communication	10,130	12,050	- 1,920	84.07%	19,800
LIFESTYLE TOTAL:	438,321	579,918	141,598	75.58%	955,901
ORGANISATION					
Improvement	59,623	67,932	- 8,309	87.77%	116,455
Sustainability	1,080,868	1,022,876	- 57,992	105.67%	2,331,117
Finances	176,399	167,954	- 8,446	105.03%	309,907
ORGANISATION TOTAL:	1,316,890	1,258,762	-58,128	104.62%	2,757,479
TOTALS	4,524,799	4,615,240	90,441	98.0%	11,475,636

**SOUTHERN MIDLANDS COUNCIL
 SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED**

	This Financial Year 11th February 2021		Last Financial Year 11th February 2020	
Arrears brought forward as at July 1		\$ 527,651.89		\$ 429,240.71
ADD current rates and charges levied		\$ 5,731,088.82		\$ 5,625,571.60
ADD current interest and penalty		\$ -		\$ 61,196.91
TOTAL rates and charges demanded	100.00%	\$ 6,258,740.71	100.00%	\$ 6,116,009.22
LESS rates and charges collected	71.13%	\$ 4,451,834.08	70.11%	\$ 4,287,695.85
LESS pensioner remissions	3.99%	\$ 249,779.66	3.90%	\$ 238,712.14
LESS other remissions and refunds	-0.07%	-\$ 4,385.40	-0.18%	-\$ 11,097.17
LESS discounts	0.53%	\$ 33,081.51	0.48%	\$ 29,535.30
TOTAL rates and charges collected and remitted	75.58%	\$ 4,730,309.85	74.31%	\$ 4,544,846.12
UNPAID RATES AND CHARGES	24.42%	\$ 1,528,430.86	25.69%	\$ 1,571,163.10

16.3.2 MONTHLY OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE REPORT (PERIOD ENDING 31 JANUARY 2021)

Author: FINANCE OFFICER (MANDY BURBURY)

Date: 15 February 2021

ISSUE

Provide the capital expenditure report for the Oatlands Aquatic Centre to 31st January 2021.

DETAIL

The enclosed Report includes all capital expenditure relating to the Oatlands Aquatic Centre prior to the current financial year, and budget and expenditure for 2020/2021.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION AS AT 31 JANUARY 2021

	BUDGET \$	EXPENDITURE \$	VARIANCE \$	COMMENTS
Total Expenditure to 31st December 2020		1,551,157		
Council Labour & On-costs		5,255		
Materials - Council		195		
External Plant Hire - Council		6,217		
SMC Planing / Building Permits		6,495		
SMC Planing / Building Permits - June 2020		6,868		
SMC - Other Contractor Costs		901		
August 2012 - Purchase of 70 High Street, Oatlands		166,908		Total Cost (includes legals etc.) Gov't Land Value - \$23,000
Bzowy Architecture & Other Consultants				
2016/17		27,056		Best described as Project Revival
Contract No 1 (part of \$107,660)		16,227		
2017/18				
Contract No 1 (part of \$107,660)		92,471		Includes Disbursements of \$1,038
Other Costs - Variations & Redesign		63,579		Additional Floor / Redesign etc.
Bio-Energy (review & assessment)		24,867		
Appeal Costs		140,153		Various
2018/19				
Bzowy - Other Costs - Variations & Redesign		108,611		Includes Survey & Legal
Engagement Agreements		21,470		
Formal Contract - Tenders / Design etc (part of \$379,960)		265,905		

OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION AS AT 31 JANUARY 2021

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	\$	\$	\$	
2019/20				
Bzowy - Other Costs - Variations & Redesign		96,779		Includes Survey & Legal
Bzowy - Formal Contract - Tenders / Design etc (part of \$379,960)		39,921		
Building Surveying		350		
Communications (Nylander)		180		
Legal (BMB)		18,488		
2020/21 to 31st January 2021				
Legal (BMB)		15,424		
Construction Contract (Vos)	7,783,604	0	7,783,604	
Consultants Fees (SMG)	581,712	361,625	220,087	
Furniture, Fittings and Equipment (SMG)	50,000	0	50,000	
Principal Supplied Goods (SMG)	62,284	35,867	26,417	
Principal Works (SMC)	300,000	28,952	271,048	
Contingency Sum (SMG)	400,000	0	400,000	
Demolition of CT Fish Building	10,000	394	9,606	
Construction of Waste Water Holding Facility	192,000	0	192,000	
Total Expenditure to 31st January 2021	\$ 9,379,600.00	\$ 1,551,157	\$ 8,952,761.54	

Reconciliation to Capital Expenditure Report

Work in Progress (expenses prior to 2020/21)	941,987
2020/21 expenditure to date	442,262
Expenditure as per Capital Expenditure Report	1,384,249
add purchase of 70 High Street	166,908
	\$ 1,551,157

16.3.3 REPTILE RESCUE INC – REQUEST FOR DONATION

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 FEBRUARY 2021

Enclosure:

Letter from Reptile Rescue Inc

ISSUE

Council to consider a request for a donation received from Reptile Rescue Inc.

DETAIL

In reference to the letter, Reptile Rescue Inc. is an incorporated charity that coordinates the removal of errant snakes in every municipality in Tasmania (State wide), relying on a network of trained and approved independent field operatives.

Whilst I am advised that property owners are generally charged a fee of \$50 for removal of a snake, it must be acknowledged that this would not fully meet the cost of providing such a service.

In considering this request, consideration should also take into account the fact that Council officers often refer ratepayers to Reptile Rescue to deal with snake related matters.

This organisation is not recognised in Council's 'Donations and Community Support Policy' and therefore the request is to be considered on merit.

Note: The Southern Midlands Council provided a donation of \$500 in October 2015 and \$250 in May 2019 in recognition and appreciation for the services provided by Reptile Rescue Inc. The donation value was reduced in 2019 as the 2018/19 community donations budget had already been fully expended.

Human Resources & Financial Implications – There is capacity in our community donations budget for 2020/21 for a \$500 donation.

Community Consultation & Public Relations Implications – Any support for a community based volunteer organisation would have positive public relations implications.

Policy Implications – N/A

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council donate an amount of \$500 to Reptile Rescue Inc. in recognition of the services provided by that organisation to the Southern Midlands community.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

ENCLOSURE(S)
Agenda Item 16.3.3



01 February 2021

Dear, General Manager, Mayor & Councillors

Reptile Rescue Inc. is an incorporated charity that coordinates the removal of errant snakes in every municipality in Tasmania (State wide), relying on a network of trained and approved independent field operatives (rangers).

In order that this service can function, we are asking for financial assistance from every council throughout Tasmania. As Reptile Rescue Inc. is a non for profit organisation it still comes with costs i.e. phone, liability insurance, out of pocket expenses for the rangers use of own vehicles.

Due to Covid 19 our education awareness, events and displays had all be cancelled which has taken great strain on our finances as we rely on these as a source of income to also help with the running costs.

We receive approx. 8,500 calls per year, and the phone is voluntary monitored 24/7.

Reptile Rescue Inc. has served the state for over twenty years on a user pays basis, and has carried the administrative cost for each call over that period. Pressure from ratepayers in many municipalities to have the costs absorbed by councils, has prompted this request.

The 2020 - 2021 annual financial donations would be to meet the running costs of this service, which are quite substantial each year. Payment by clients for service is applied directly by independent rangers trained and equipped at their own expense. Reptile Rescue Inc. has approximately eighty voluntary rangers on record.

In order that we can adequately service the state, we kindly request that you consider assisting in the implementation of this state wide incentive.
If you have any enquires with the above contact Chris Daly 0439 066 905.

Yours sincerely,

Chris Daly
Chairman
Reptile Rescue Inc.
Bank Details: Reptile Rescue Inc. My State BSB: 807-009 ACC: 60041811
Email: Remittance advice to jjp7468@bigpond.com

16.3.4 FINANCIAL HARDSHIP ASSISTANCE POLICY (PENALTY & INTEREST)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 17 FEBRUARY 2021

Enclosure:

Financial Hardship Assistance Policy

BACKGROUND

Council adopted the Financial Hardship Assistance Policy on the 22nd April 2020. This policy formally endorsed not charging any late payments penalties or interest for late rate payments during the 2020 Covid-19 state of emergency until the 30th June 2020.

At the June 2020 Council meeting, this position was reviewed and Council agreed to extend clause 2.5 (remitting late payment penalties and interest) within the policy until the 30th September 2020.

Council's position was reviewed again in August 2020 and a decision was made not to impose penalty and interest through until 31st March 2021.

The decision also included a requirement to provide an update at the December 2020 Council meeting detailing the financial impacts of not charging penalty and interest on late rate payments.

The following is an extract from the report submitted to the December 2020 meeting as it relates to the financial impacts:

[EXTRACT – DECEMBER 2020 COUNCIL MINUTES]

"In terms of financial impact, it needs to be assumed that there is a similar level of unpaid rates and charges as the previous financial year.

As at the end of November 2019, penalties of \$10,983 had been applied for non-payment of the first instalment. \$16,529 had also been charged in interest through to the end of November.

The penalty applied for non-payment of the second instalment (as at 9/12/19) was \$10,475.

The penalty applied for non-payment of the third instalment (as at 12/2/20) was \$10,533.

Total interest charged through to the end of March 2020 was \$38,503.

In summary, it is estimated that the total loss of revenue from non-imposition of penalty and interest through to the end of March 2021 will be in the vicinity of \$68,000."

[END EXTRACT – DECEMBER 2020 COUNCIL MINUTES]

DETAIL

The purpose of this report is to confirm Council's position beyond 31st March 2021.

In reference to the above, it is noted that the anticipated loss of revenue will be in the vicinity of \$68,000.

Issues to consider:

1. Final rates instalment is due 31st March 2021 – penalty is ordinarily applied after a period of five working days.

Is the penalty to be applied to this instalment?

2. Interest on outstanding rates is calculated on a daily basis.

Will the imposition of interest commence on 1st April 2021?

3. It was generally agreed at the time of developing / adopting the Financial Hardship Policy, all recovery actions would cease and no new lodgements of debt collection would take place.

In relation to this, it is noted that the percentage outstanding as at 11th February 2021 is 24.42% (noting there is one instalment remaining), which is actually lower than the corresponding period last year (i.e. 25.69%). Having said that, a review of individual properties suggests that follow-up action is necessary in some instances.

Should Council resume normal debt recovery proceedings?

RECOMMENDATION

THAT:

- a) the information be received;
- b) Council confirm that no penalty will be imposed on the 4th instalment which is payable by 31st March 2021;
- c) The imposition of interest on outstanding rates and charges commence from the 1st April 2021; and
- d) Council resume normal debt recovery proceedings.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

ENCLOSURE(S)
Agenda Item 16.3.4



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

1. INTRODUCTION

1.1 Purpose

The purpose of this policy is to enable Council to provide assistance to community members who are suffering financial hardship by providing an appropriate level of relief from Local Government rates.

1.2 Scope

This policy applies to ratepayers experiencing genuine and serious financial hardship and needing assistance to meet both their basic needs and their rate payment obligations to Council. It is not intended to be used to maintain financial positions for those who do not need it and are not genuinely impacted by serious financial hardship.

This policy applies only to Council rates and charges levied in accordance with Part 9 – Rates and Charges of the *Local Government Act 1993*. This policy does not apply to rates or fees collected on behalf of other authorities in accordance with section 88 of the *Local Government Act 1993*, such as fire service contributions collected pursuant to section 79B of the *Fire Service Act 1973*.

1.3 Background

This policy was developed and implemented during the 2020 COVID-19 coronavirus pandemic that is spreading across the world. To respond to the disease, governments around the world are shutting down social activities and interaction to prevent transmission, which is necessarily causing significant impacts on many economic activities and transactions. As a result, many people have lost jobs, their clients or their business, destroying incomes and spending. Council is determined to assist those most critically impacted by the economic slowdown caused by the pandemic with a robust and fair hardship policy.

Despite this, serious financial hardship can occur at any time, so this policy is designed to address a range of circumstances.

1.4 Principles

This policy will be applied in accordance with the following principles:

- (1) Consistent, equitable and respectful treatment of all residents and ratepayers that is sensitive to their specific circumstances.
- (2) Maintaining Council's ability to provide essential services to our community through appropriately applied rating.
- (3) Assisting ratepayers who are suffering serious financial hardship, so that they may overcome these circumstances and return to financial stability and contributing equitably to local services.
- (4) Ensuring that those able to contribute to local services, continue to do so.



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

- (5) Minimising the opportunity for misuse, exploitation or fraud by ensuring decisions made to provide special relief or assistance are supported by sufficient evidence.
- (6) Maintaining confidentiality and privacy of applicants and ratepayers, their applications and any information provided.

1.5 Related Policies and Legislation

This policy relates to and depends on other Council policies, as well as Tasmanian Government legislation, including:

- *Local Government Act 1993*, Part 9 – Rates and Charges¹, particularly:
 - Section 86A – General principles in relation to making or varying rates
 - Sections 125-127 – Postponement of payment
 - Section 128 – Late payments
 - Section 129 – Remission of rates
- *COVID-19 Disease Emergency (Miscellaneous Provisions) Act 2020*²
- Rates and Charges Policy (pursuant to section 86B of the *Local Government Act 1993*).

1.6 Policy Review and Update Cycle

This policy is to be reviewed initially in July or August 2021 and thereafter, every four years.

2. POLICY

2.1 Genuine Financial Hardship

According to the Australian Taxation Office (ATO)³, individuals are considered to be in serious hardship when they are unable to provide the following for themselves, their family or other dependants:

- (1) Food;
- (2) Accommodation;
- (3) Clothing;
- (4) Medical treatment;
- (5) Education;
- (6) Other basic necessities.

A number of factors can contribute to or trigger serious financial hardship, including:

- (1) Loss of employment of the property owner, family member or household primary income earner;

¹ See: <https://www.legislation.tas.gov.au/view/html/inforce/current/act-1993-095#HP9@HD9@EN>

² See: <https://www.legislation.tas.gov.au/view/whole/html/inforce/current/act-2020-011>

³ See: <https://www.ato.gov.au/General/Financial-difficulties-and-serious-hardship/Individuals-with-serious-hardship/>



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

- (2) Serious illness, including physical incapacity, hospitalization, or mental illness of the property owner or family member;
- (3) A natural disaster;
- (4) A public health emergency or declared state of emergency;
- (5) Family tragedy;
- (6) Family breakdown;
- (7) Financial misfortune;
- (8) Other serious or complicating circumstances.

Community wide issues and circumstances, such as the COVID-19 pandemic, may impact financial hardship, but hardship is always assessed at an individual level, and requires reviewing personal circumstances.

Serious financial hardship involves both low income/cash flow and a low asset base. Personal property portfolios beyond a primary residence can be employed to improve an applicant's cash flow and financial sustainability. Applications for assistance on residential investment properties will not be considered.

2.2 Evidence of Financial Hardship

Applicants will need to provide evidence of their circumstances of financial hardship to justify Council's special consideration of their case. The type of evidence required will depend on your circumstances and may include, for example, one or more of the following:

- Assessment by an independent accredited financial counsellor demonstrating an inability to both pay rates and to rearrange asset portfolios to facilitate payment;
- A statutory declaration from an appropriate and independent professional, familiar with the applicant's circumstances (e.g. a family doctor for health-related evidence, a bank official, insurance policy manager, etc.);
- Pending disconnection of essential services, like water, electricity, gas (does not include mobile phone or internet bills);
- Notice of impending legal action;
- Letter from charitable organisation regarding loss of employment or inability to provide for basic necessities;
- Bank notice for example, overdraft call or mortgaged property repossession;
- Employer notice of redundancy or termination of employment;
- Overdue medical bills;
- Letter from doctor verifying the inability to earn an income due to illness or caring for a sick family member;
- Final notice from school regarding payment of mandatory fees;
- Funeral expenses;
- Repossession notice of essential items, like a car or motorcycle.
- Other – Please specify.



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

2.3 How Council can Help

The *Local Government Act 1993* provides Council with three methods of rate relief:

- (1) Postponing rate payments (sections 125-127)
- (2) Remission of late payment penalties or interest (section 128)
- (3) Remission of rates (section 129)

2.4 Postponing Rate Payments – Deferral Arrangements

In confirmed cases of financial hardship, Council may choose deferral of individual rates payments within a defined period, in whole or in part, to be paid back at a later date, subject to any conditions Council determines. The deferral arrangement applies to specified payments and other rate payments are not affected and continue to accrue as normal.

The terms of rate deferral arrangements will be proportionate to the applicant's demonstrated financial hardship circumstances, so supplying sufficient evidence of these circumstances is important for developing the appropriate terms.

Rate payment deferrals approved under this section are typically deferred by 3 months. However, rate deferral arrangements can only defer individual payments up to a maximum of two (2) years and only in the most serious circumstances.

In response to the COVID-19 pandemic, Council will approve deferral arrangements for 6 months for ratepayers meeting hardship requirements.

All deferred payments must be repaid as specified in accordance with the deferral arrangement, otherwise regular late payment penalties and/or interest will apply.

Ratepayers who are subject to a deferral arrangement who overcome their financial hardship circumstances are encouraged to begin repaying their deferred rates payments as early as they are able.

Note that Council may revoke any postponement of rates payments at any time, in accordance with section 127 of the *Local Government Act 1993*, by giving 60 days' notice in writing to the ratepayer.

2.5 Remitting Late Payment Penalties and Interest

For typical circumstances that are not of financial hardship, rates must be paid by the due date and Councils may charge a penalty or daily interest or both for each late payment. However, for confirmed cases of financial hardship, Council may waive either the applicable late payment penalties, or the interest accumulated, or both, for a specified period that relates to the period of financial hardship.

Council will not charge any late payment penalties or interest for late rate payments during the 2020 COVID-19 state of emergency until 30 June 2020.



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

2.6 Remitting Rates

Remission of any rates, late payment penalties or interest, in part or in full, is reserved only for the most serious and exceptional of financial hardship cases. Even in these cases, deferral of rate payments must be applied for and granted first, before an application for rates remission can be considered.

After the applicant has entered into a deferral arrangement with Council, the applicant may apply for remission of rates. The application must demonstrate:

- (1) Financial hardship;
- (2) Exceptional and serious circumstances;
- (3) How the applicant's exceptional financial hardship circumstances make the maximum term deferral arrangement under section 2.4 unfeasible and unreasonable to fulfil; and
- (4) How enforcing fulfilment of the maximum term deferral arrangement would only deepen the seriousness of applicant's financial hardship and critically impact their ability to provide for the basic living necessities (food, accommodation, clothing, medical treatment) of the applicant and dependents.

In the interests of community fairness and equity, wherever possible and appropriate in determining rates remission applications:

- (1) Deferral arrangements are preferable to rates remission;
- (2) Amounts or proportions of rates to be remitted are to be minimised, for example, below \$1000 or 50%; the remainder subject to payment arrangements;
- (3) Instances of rates remission are to be minimised to no more than one rates remission per applicant.

Note: Evidence of financial hardship does not automatically mean an entitlement to a remission.

3. APPLICATIONS

3.1 Applying for Financial Hardship Assistance

To seek financial hardship assistance from Council, an application must be made in writing, addressed to the General Manager, and submitted as follows:

- Submitted via online form at: www.southernmidlands.tas.gov.au
- Emailed to mail@southernmidlands.tas.gov.au; or
- Mailed to PO Box 21, Oatlands Tas 7120

Applications must:

- Demonstrate and provide evidence for financial hardship and circumstances (see Section 2.2 Evidence of Financial Hardship);



Council Policy
FINANCIAL HARDSHIP ASSISTANCE POLICY

Approved by: Council
Approved date: 22nd April 2020
Review date: July 2021

- Describe the type of assistance sought, being:
 - Postponing rate payments (a deferral arrangement);
 - Postponing or waiving late payment penalties or interest;
 - Remitting rates, late payment penalties or interest, in part or in full;
- Address the requirements of the relevant subsections (see section 2.3 How Council can Help).

3.2 Assessing Applications

Applications for deferral arrangements must be decided by:

- (1) For amounts less than \$2,500 – the Manager, Corporate Services; or
- (2) For amounts of \$2,500 or greater – the General Manager.

A decision regarding an application for deferral of rates will be made within three (3) working days and the applicant advised accordingly.

Any decision regarding an application for deferral can be subject to a review by Council at the request of the applicant.

Applications for remission of any rates or late payment penalties or interest charges must be decided by Council and require absolute majority to be approved.

4. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed every four (4) years or as directed by the General Manager. Noting that this policy is to be reviewed initially in July 2021 and thereafter, every four years.

This document is Version 1.0 effective 22nd April 2020. The document is maintained by the General Manager's Unit, for the Southern Midlands Council.

17. MUNICIPAL SEAL

Nil.

18. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Council to address urgent business items previously accepted onto the agenda.

RECOMMENDATION

THAT in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.

Matter	<i>Local Government (Meeting Procedures) Regulations 2015 Reference</i>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Oatlands Aquatic Centre</i>	15(2)(i)
<i>Property Matter - Oatlands</i>	15(2)(f)

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

RECOMMENDATION

THAT in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.

DECISION (MUST BE BY ABSOLUTE MAJORITY)		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr D F Fish		
Clr K Dudgeon		
Clr R McDougall		

CLOSED COUNCIL AGENDA

19. BUSINESS IN “CLOSED SESSION”

Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.

The following matters have been listed in the Closed Meeting Section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.

19.1 CLOSED COUNCIL MINUTES - CONFIRMATION

19.2 APPLICATIONS FOR LEAVE OF ABSENCE

19.3 OATLANDS AQUATIC CENTRE

19.4 PROPERTY MATTER - OATLANDS

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

OPEN COUNCIL AGENDA

20. CLOSURE