

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Tuesday, 24th April 2018
10.00 a.m.

Bagdad Community Club
1661 Midland Highway, Bagdad

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OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON TUESDAY, 24TH APRIL 2018 AT THE BAGDAD COMMUNITY CLUB, 1661
MIDLAND HIGHWAY, BAGDAD COMMENCING AT 10:00 A.M.

1. PRAYERS

Rev Jim Colville OAM recited prayers.

2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor A Green, Cllr A Bantick, Cllr E Batt, Cllr R Campbell, Cllr D Fish, Cllr D Marshall.

Mr Tim Kirkwood (General Manager), Mr Andrew Benson (Deputy General Manager), David Cundall (Manager, Development & Environment Services), Jacqui Tyson (Planning Officer) & Wendy Young (Corporate Compliance Officer).

3. APOLOGIES

Nil.

4. MINUTES

4.1 Ordinary Council Minutes

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 28th March 2018, as circulated, are submitted for confirmation.

DECISION

Moved by Cllr E Batt, seconded by Cllr D Marshall

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 28th March 2018 be confirmed.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D F Fish	√	
Cllr D Marshall	√	

4.2 Special Committees of Council Minutes

4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

- Mangalore Recreation Ground Management Committee – 22nd March 2018 (Record of Discussions)
- Chauncy Vale Management Committee – 26th March 2018
- Lake Dulverton & Callington Park Management Committee – 16th April 2018

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

THAT the minutes of the above Special Committee of Council be received

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D F Fish	√	
Clr D Marshall	√	

4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

- Mangalore Recreation Ground Management Committee – 22nd March 2018 (Record of Discussions)
- Chauncy Vale Management Committee – 26th March 2018
- Lake Dulverton & Callington Park Management Committee – 16th April 2018

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

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

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D F Fish	√	
Clr D Marshall	√	

4.3 Joint Authorities (Established Under Division 4 Of The Local Government Act 1993)

4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

DECISION NOT REQUIRED

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

DECISION NOT REQUIRED

5. NOTIFICATION OF COUNCIL WORKSHOPS

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr E Batt

THAT the information be received.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell		√
Cllr D F Fish	√	
Cllr D Marshall	√	

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.

The following questions were submitted by Cllr B Campbell on the 17 April 2018.

Q1 What work has council (SMC) done (July 2017 to April 2018) in Bagdad and surrounding area and how much has been completed and how much is still waiting to be completed and when will it be completed.

General Manager's Response:

A review of Council's Job Costing System indicates that the following works have been undertaken in the Bagdad area this financial year:

Operating Budget:

- *Verges – Mowing / Slashing*
- *Verges – Spraying*
- *General Gardening / Tree Maintenance – includes*
- *Litter Collection*
- *Footpath maintenance*
- *General Street Cleaning*
- *Parks & Reserves maintenance*
- *Maintenance Grading is undertaken on a cyclical basis consistent with the category of road.*

In relation to Roads within the designated Bagdad district, the following is a list of roads where expenditure has exceeded \$10,000 on any one road:

- *East Bagdad Road - \$17,929*

Capital Budget:

Chauncy Vale Sanctuary – significant upgrade of buildings and other infrastructure – works completed

Hall Lane – Access to Bagdad Community Club – works in progress

Road Resealing – East Bagdad Road – scheduled for 21 April 2018

Road Widening – Chauncy Vale Road – works in progress

East Bagdad Road – subsidence areas – works completed.

Swan Street, Bagdad (Drainage / kerb etc.) – Blackport Rd to Green Valley Road – scheduled for May / June 2018

Midland Highway / Swan Street Drainage – partial completion with upgrade to stormwater drain (i.e. clearance; rock armour). Discussions ongoing regarding the need to pipe the section extending from Swan Street to the open drain.

Q2 When will the wool press be installed at the history room site and why has the wool press been sitting out in the weather when previously we were told it was under cover?

General Manager's Response:

The Contractor fabricating the wool press cover has advised that the structure will be completed ready for installation in 3 weeks (i.e. mid-May 2018). Whilst the wool press was previously stored in the rear of the Service Bay Workshop, following demolition of the workshop, the wool press has been located in the Church Street Depot in the absence of any other storage building.

Q3 Why are the signs on the highway at Oatlands not being used re events in Oatlands?

General Manager's Response:

If events are being held in Oatlands, details can be provided to Council and panel signs can be arranged consistent with Council's policy position.

Q4 London Plane Tree (Plantanus x Acerifolia) in High Street was ring barked and was still living and it has now been cut down, this tree could have been saved but it is noted that the SMC gardener has not been given training in looking after streetscape and public park trees. When will he be given proper training by a fully qualified horticulturist in looking after streetscape trees?

General Manager's Response:

Future Tree maintenance is addressed in the draft Policy which has been submitted to Council for preliminary consideration at this meeting.

Q5 How are we progressing with reducing the speed limit at Colebrook 60 to 50?

General Manager's Response:

Whilst Council has not received a formal response, at an officer level, it is apparent that a reduction in speed limit will not be supported as this point of time. This position has been taken due to the adverse community feedback received following a reduction of speed limit on the road between Cambridge and Richmond.

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

Deputy Mayor Green – Question regarding the Southern Regional Waste Group and can the General Manager please provide comment in relation to the Southern Regional Waste Group and in particular?

- a) The Committee’s activities during 2017/18 and expenditure related to same;
- b) The Committee’s planned activities for 2018/19; and
- c) Process undertaken to engage secretariat services to the Committee.

The General Manager advised that he will need to take the question on notice and report separately.

Clr Bantick – Question regarding the Bagdad Primary School Car Park and if there will be an opportunity to provide comment and suggestions regarding the draft preliminary Plans for the proposed car park?

The General Manager referred to Agenda Item 15.9.1. This will allow for feedback prior to meeting with the representative School Group.

7. DECLARATIONS OF PECUNIARY INTEREST

Clr D Fish declared an interest in agenda item 11.3.1 – Municipal Seal Report (Planning Authority)

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

The General Manager reported that the following items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

1. REQUEST FOR TENDER – PROPOSED COUNCIL DEPOT WORKSHOP (CLOSED SESSION)

DECISION

Moved by Cllr R Campbell, seconded by Cllr E Batt

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

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D F Fish	√	
Cllr D Marshall	√	

9. PUBLIC QUESTION TIME

Public Question Time was held later in the meeting.

9.1 Permission to Address Council

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

- Nil.

Note: A representative from Tasmanian Irrigation has been invited to attend the May 2018 meeting.

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

10.1 LOW COST HOUSING – PROPOSED MOTION TO LOCAL GOVERNMENT ASSOCIATION OF TASMANIA (LGAT)

Clr B Campbell has submitted the following Notice of Motion:

“THAT the Southern Midlands Council submit the following Motion for consideration at the next Local Government Association of Tasmania (LGAT) General Meeting:

“That LGAT lobby the State Government in relation to providing affordable low cost housing and low cost rental housing in rural and outer suburbia areas for retirees thus reducing the shortage of suitable housing.”

BACKGROUND COMMENTS (provided by Clr B Campbell)

When it comes to affordable housing the Federal Government should take an active role in conjunction with the State Government to address the significant issue regarding the shortage of affordable / low cost housing that exists in all States and our respective rural and urban communities, *(especially when it comes to retirees) Many retirees are living below the poverty line due to high rental payments, in many cases the rental cost is more than two thirds of their pension.*

As the population grows in Australia (and population has been boosted with people migrating to Australia) the need for low cost housing has become an urgent matter. Hobart has made the news in recent times as people have been forced to camp at the Hobart Show Ground because they cannot find affordable housing to rent. Part of the "homeless problem" is due to an aging population. In rural areas due to the lack of low cost rental accommodation, a number of people are being forced to move to the city and join the que looking for affordable rental accommodation thus causing further strain on the public housing system.

In rural areas there are a number of retirees that cannot afford to buy a house but wish to remain living in the rural area in their retirement (on a pension). Many of the retirees if they have the money to spare they will spend many hours in volunteering which in turn saves Federal and State Government millions of dollars. Sadly, the rural areas do not have enough affordable rental accommodation to meet demand thus this needs to be rectified. Rural Councils do not have bucket loads of money to spend on housing for the rental sector. Thus to rectify the problem and keep local retirees living in rural areas the Federal and State Government should be funding affordable housing in rural areas. If Federal, State and Local government work together this matter can be resolved.

Seniors / retirees do not like moving, don't want to live in retirement homes, don't want to live in a medical institution confined to one room looking at four walls and at the ceiling getting totally bored waiting to die and pay an exorbitant amount for the privilege to drop dead.

For every senior person you retain in or near a rural town the more chance you have in saving the country town. It is possible to build a low cost house in a rural area for \$50000 or (less) plus the cost of land. All we require is simple basic environmentally friendly

housing that is easy to maintain. By using the right designs low cost prefabricated, modular and transportable houses can be massed produced.

Houses using mass produced component system (using the principle of screwing / securing panels together thus flexibility can be built into the design system. This system is being used in Canada, USA, UK, Germany, Finland, Norway, Sweden, Iceland and many other countries and is favoured for building emergency low cost housing. In Europe there are a number of low cost houses **leased** to retirees on long term lease with the tenants being responsible for looking after the house especially inside and the grounds around the house and the land lord is responsible for structural (includes painting), electrical and plumbing maintenance. Each dwelling is inspected on a regular basis by an independent inspector keeping both tenant and landlord responsible in carrying out their obligations.

To some up: The benefits of low cost housing in rural areas are:

Provide housing to retirees especially those who have worked for "Australia" and paid their taxes.

Provide incentive for small business to set up in the trades i.e. plumbers, electricians, plasterers, builders, brick layers etc.

Provides more jobs in the trucking industry.

Provide surety for small shop owners in country towns.

Helps to provide stability in rural populations.

Helps to alleviate the homeless problem.

Helps to keep volunteers in the rural areas.

Helps to provide jobs in the aged care sector.

The flow on is that rural populations can grow which in turn slows down demand for housing in the cities.

The need for rural medical centres becomes more practicable when you have more retirees living in rural areas.

In many cases, the cost of everyday life is cheaper in rural areas than in the cities!

When you grow the population you have to build the infrastructure!

We need state and federal government funded low cost housing in rural areas!

Time for Government to focus on Decentralisation not Centralisation!

General Manager's Comments:

Nil.

DECISION

Moved by Clr R Campbell, seconded by Clr A Bantick

THAT the Southern Midlands Council submit the following Motion for consideration at the next Local Government Association of Tasmania (LGAT) General Meeting:

“That LGAT lobby the State Government in relation to providing affordable low cost housing and low cost rental housing in rural and outer suburbia areas for retirees thus reducing the shortage of suitable housing.”

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		√
Dep. Mayor A O Green		√
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D F Fish		√
Clr D Marshall	√	

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 (DA 2017/54) FOR EXTRACTIVE INDUSTRY – GRAVEL QUARRY UPGRADE AT CLIFTON VALE ROAD, DYSART (CT163875/1), OWNED BY M & E DOWNWARD

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr E Batt

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 Development Application (DA 2017/54) for Extractive Industry – Gravel Quarry Upgrade at Clifton Vale Road, Dysart (CT163875/1), owned by M & E Downward and that a permit be issued with the following conditions:

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.**
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.**
- 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 Environment Protection Authority (EPA) has required the Planning Authority to include in the permit, pursuant to section 25(5) of the Environment Management and Pollution Control Act 1994. Please find enclosed with this permit 'Permit Part B, including Schedules 1, 2 and 3 dated 15th March 2018.**

Access

- 4) The quarry shall be operated to ensure that no more than forty (40) vehicle movements are generated by quarry operations in any one day.**

Services

- 5) 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. Any work required is to be specified or undertaken by the authority concerned.**

The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.**

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D F Fish	√	
Clr D Marshall	√	

11.1.2 PLANNING SCHEME AMENDMENT (RZ2018/01) FOR REZONING FROM GENERAL RESIDENTIAL TO GENERAL BUSINESS AND AMENDMENT TO USE TABLE OF GENERAL BUSINESS ZONE AT 99 HIGH STREET, OATLANDS (CT240022/1), OWNED BY LAKE FREDERICK INN PTY LTD

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

THAT Council:

1. Pursuant to Section 34(1)(a), former provisions, of the *Land Use Planning & Approvals Act 1993*, the Planning Authority agree to initiate draft Planning Scheme Amendment RZ2018/01 comprising:
 - a) Rezoning land at 99 High Street, Oatlands (CT240022/1) from General Residential Zone to General Business Zone; and
 - b) Amend the ordinance to include Resource processing (If for food and beverage production) as a discretionary use in Clause 21.2 Use Table of the General Business Zone.
2. Pursuant to Section 35(1), former provisions, of the *Land Use Planning & Approvals Act 1993*, resolves that draft Planning Scheme Amendment RZ2018/01 meets the requirements specified under Section 32 former provisions of the Act.
Pursuant to Section 35(2) of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to prepare and certify draft Planning Scheme Amendment RZ2018/01 and sign and seal the instrument as required.
3. Pursuant to Section 35(4) of the *Land Use Planning & Approvals Act 1993*, former provisions, that a copy of draft Planning Scheme Amendment RZ2018/01 and certified instrument be provided to the Tasmanian Planning Commission.
4. Pursuant to Section 38 of the *Land Use Planning & Approvals Act 1993*, former provisions, resolves to place the draft Planning Scheme Amendment RZ2018/01 on public exhibition for a period of 28 days and advertise the exhibition as prescribed.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A Bantick	√	
Clr R Campbell	√	
Clr E Batt	√	
Clr D F Fish	√	
Clr D Marshall	√	

11.2 SUBDIVISIONS

Nil.

Clr D Fish declared an interest and left the meeting at 10.40 a.m.

11.3 MUNICIPAL SEAL (Planning Authority)

11.3.1 COUNCILLOR INFORMATION: - MUNICIPAL SEAL APPLIED UNDER DELEGATED AUTHORITY TO SUBDIVISION FINAL PLANS & RELATED DOCUMENTS

DECISION

Moved by Clr E Batt, seconded by Deputy Mayor A Green

THAT the information be received

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Marshall	√	

Clr D Fish returned to the meeting at 10.42 a.m.

11.4 PLANNING (OTHER)

Nil.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr R Campbell

THAT the meeting be adjourned for morning tea at 10.45 a.m.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

The meeting reconvened at 11.03 a.m.

**12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME –
INFRASTRUCTURE)**

12.1 Roads

Nil.

12.2 Bridges

Nil.

12.3 Walkways, Cycle ways and Trails

Nil.

12.4 Lighting

Nil.

12.5 Buildings

Nil.

12.6 Sewers

Nil.

12.7 Water

Nil.

12.8 Irrigation

Nil.

12.9 Drainage

Nil.

12.10 Waste

Nil.

12.11 Information, Communication Technology

Nil.

12.12 Officer Reports – Works & Technical Services (Engineering)

12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

DECISION

Moved by Clr E Batt, seconded by Clr D Fish

THAT item 12.12.1 be deferred to later in the meeting pending the arrival of Manager, Works & Technical Services.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

Nil.

13.2 Tourism

Nil.

13.3 Safety

Nil.

13.4 Business

Nil.

13.5 Industry

Nil.

13.6 Integration

Nil.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

14.1.1 HERITAGE PROJECT PROGRAM REPORT

DECISION

Moved by Cllr R Campbell, seconded by Cllr D Fish

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

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D Fish	√	
Cllr D Marshall	√	

14.2 Natural

14.2.1 LANDCARE UNIT – GENERAL REPORT

DECISION

Moved by Clr D Fish, seconded by Clr E Batt

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

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

14.2.2 PROPOSED POLICY (DRAFT) – MANAGEMENT OF TREES ON COUNCIL LAND

DECISION

Moved by Cllr E Batt, seconded by Deputy Mayor A Green

THAT

- a) Individual Councillors provide feedback in relation to the draft Policy;
- b) a further draft be submitted to the next Council Meeting for consideration with the intent then being to initiate a public consultation period at that time; and
- c) Council officers commence an audit of street tree stock with a view of including particulars in an Asset Register.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D Fish	√	
Cllr D Marshall	√	



PROPOSED POLICY (DRAFT) MANAGEMENT OF TREES ON COUNCIL LAND

A. INTRODUCTION

1. Context

The community generally accepts that street trees are highly desirable and can transform streets into an aesthetically pleasing spaces. Nevertheless, quite serious problems can arise if careful thought is not given to both the types of trees selected for street planting and their location. Trees may become dangerous over time and can pose a risk to personal safety and property depending on their location. In addition, essential services such as sewerage, public mains and private drains/septic tanks can be blocked by tree roots. Both overhead and underground electricity and water supplies can be interrupted and street infrastructure such as kerbing and footpaths can be damaged. If trees are not adequately managed this can lead to injury, considerable inconvenience, expense and ill feeling both to property owners and to public utilities.

2. Purpose

This policy is directed at establishing a framework/guide for managing trees planted on Council streets and public land. It will assist in determining acceptable levels of risk through the development of a tree risk management program while recognising and promoting the value of trees in contributing to the amenity of the Southern Midlands, in both streets as well as recreation grounds and reserves. Well-developed maintenance programs for public trees are important for maintaining tree health, ensuring that public safety is not compromised, and protecting infrastructure from damage. This policy outlines current directions for the management and maintenance of trees on Council land.

3. Objectives

Street and reserve trees contribute to the appearance of a place through their aesthetic value by providing identity and character. In addition, trees positively contribute to the environment by absorbing heat, providing shade, reducing solar radiation, providing habitat to fauna and flora, utilising storm water runoff, maximising carbon storage and assisting in air purification. For Council to sustain this contribution, it must plan for and manage all stages of a tree's life from planting through to maintenance and eventual removal and replacement.

The objectives of tree management are to enhance the landscape, to maintain a safe and sustainable canopy, and to conserve the natural environment. This management responsibility involves adopting a systematic approach to reducing the risk for injury to people and damage to property to levels that are considered acceptable in accordance to Council's policies and practices, and includes:

- a. Developing and implementing a tree management program that, for example, includes such criteria as:
 - i. Identifying trees that represent a significant consequence if they fail.
 - ii. Ensuring that trees in high use areas are regularly inspected for hazards that could pose a risk to public safety.

- iii. Ensuring that trees are routinely pruned with the aim of protecting public utilities, enhancing public safety and amenity, and improving or maintaining tree health and facilitating pedestrian and vehicle movements.
 - iv. Complying with approved fire management strategies and plans.
 - v. Complying with relevant Australian standards.
- b. Establishing an effective maintenance program and arboricultural work practices that address issues relating to risk, health and replacement of trees. The maintenance program may, for example include such criteria as:
- i. Identifying trees of significance.
 - ii. Adhering to a replacement tree strategy – planned and reactive.
 - iii. Giving priority in pruning to trees in areas of high public use, such as streets, car parks, shopping areas and picnic areas. This may include carrying out formative pruning of young trees in the first five years following planting, removing or reducing multiple leaders on young trees when they are considered a potential future hazard, pruning trees to avoid interference with power lines, street signs, street lights and other services or removing lower branches up to a height of 3 to 5 metres in order to give clear pedestrian and traffic access and clear sight lines, particularly for vehicles entering and leaving driveways, or approaching intersections.
 - iv. Adhering in pruning to Australian Standards (AS/NZ 4373).

B. PLANNING, PLANTING AND MAINTAINING

Village Areas

1. Planning - Trees will be selected in accordance with any existing approved street and landscape plans. In the absence of a plan, they are to be consistent with the general tenor of the existing streetscape and comply with the requirements of the tree risk management program. In particular, trees to be planted on nature strips and trees on public land that are within 15 m of a building or public walkway are to be of a species that:
 - a. provides a shade canopy in summer;
 - b. grows, or can be kept to, a maximum height of 10m;
 - c. are not prone to interfere with overhead, above or below ground infrastructure; and
 - d. can have a clear trunk to 2.5m when mature.
 - e. are sensitive to maintaining existing significant views from the surrounding area. In new developments, developers may, at the discretion of Council, be required to ensure that a landscape plan is prepared, implemented and maintained for a period of 3 years in accordance with this policy.
2. Planting - Trees will be planted in accordance with approved arboricultural work practices having regard to maintenance program requirements. Council will be solely responsible for the planting of trees to ensure the agreed objectives are met. Any requests from the public to plant trees will be considered by Council in the context of this policy and if approved will be carried out under the direction of Council if members of the public wish to be involved.
3. Maintaining - Tree maintenance will be carried out in accordance with the maintenance program and approved arboricultural work practices. Inspecting trees regularly ensures that structural defects and/or other risk factors are identified and dealt with in a timely and targeted manner in accordance with a recognised risk

assessment method. The pruning, removal and replacement of trees on nature strips and public land will be undertaken by Council [or Council's Contractors]. All tree surgery work will be carried out by qualified staff. When a member of the public is concerned about the safety or health of a particular tree on public land, a site visit is arranged and the tree assessed. [A report is then prepared by the Council Officer]. Clearing from private property of vegetation which overhangs footpaths, right of ways etc., is the responsibility of the property owner. If the owner does not undertake the necessary work Council will and a charge will be negotiated.

Natural Areas

Natural Area vegetation communities will be managed to conserve and enhance the habitat, conservation, biodiversity and recreational amenity values of those communities, whilst minimising risks.

1. Planning - Trees to be planted in natural areas are to be local provenance seedlings, where possible, as a means of replacing trees when revegetating disturbed natural areas. Any future plan for a natural area will have regard to existing Land Management Plans, approved Fire Management Strategies and local area Activity Plans. Community input will be sought in the development of plans.
2. Planting and Maintaining - Planting and maintenance work will be carried out in accordance with approved plans and approved aboriginal work practices. Volunteers may be involved in undertaking this work under Council supervision.

C. REMOVAL

This removal policy applies only to trees on Council land that are not subject to a Natural Area Assets Code or Historic Heritage Code under the current Planning Scheme or other statutory obligation. Notwithstanding this provision any tree that reaches an unacceptable level of risk which constitutes an actual risk to pedestrians and/or vehicular movement will be removed or have necessary remedial work undertaken.

1. Retention and Removal - A conservative approach is adopted towards the removal of live trees on public land. However, healthy trees will be removed if they are an actual risk to public safety or property, including infrastructure. Additionally, trees can be removed if they do not conform to an approved streetscape or landscape plan, subject to availability of funds. Otherwise healthy trees will be considered for removal only if they pose a significant concern to an adjacent property owner. The grounds can include:
 - a. Unsuitability of the tree to the immediate residential area,
 - b. Shading causing solar access issues,
 - c. Maintaining existing significant views from the surrounding area ,
 - d. The tree has reached an unacceptable level of risk as raised by adjacent residents,
 - e. Significant nuisance caused by shedding material,
 - f. A tree will be removed if it is dead or in irreversible decline unless particular circumstances warrant its retention.

Prior to removal Council will give consideration to whether the:

- a. tree is listed on the natural heritage register or has historical significance;
- b. tree is part of a significant native community identified in the Natural Assets Inventory, or under the Rare and Threatened Species Protection Act;
- c. tree is recognised as part of a heritage site listed under the planning scheme or the Historic Buildings Register;

- d. tree is recorded as to be retained on an approved Master Streetscape Plan; Landscape Plan, or Land Management Plan;
- e. tree is required to be retained as part of a development approval;
- f. provisions of the Planning Scheme prohibit the removal;
- g. tree is within an area covered by the Regional Forests Agreement;
- h. tree is located on Land leased by Council, e.g. Crown Land, where the land owner's authority is required; and
- i. the extent of neighbourhood opposition to the removal of a tree

Trees will not be removed solely for reasons such as:

- a. adjacent landowner preference for no street tree or for a different species;
 - b. complaints about appearance (unless these are related to very poor tree health);
 - c. complaints about small quantities of leaf litter or twigs; or
 - d. complaints relating to tree roots protruding above the ground or 'competing with lawns'. If it is necessary to remove individual living trees from nature strips, regardless of whether the tree was planted by the Council or the adjacent landowner, the adjacent landowner will be consulted as to the reasons why the tree is to be removed. Where a group of trees is to be removed, the level of consultation will be more extensive. Where the removal of a street tree is necessitated for reasons associated with a redevelopment of a block it will be replaced with a new tree of an appropriate species in a similar location.
2. Process for Removal - Where a request for pruning and/or removal of trees is made and there is an actual risk issue, the tree will be dealt with immediately. If the tree is on an imminent future year replacement schedule or does not conform to an approved plan, the availability of funds and the relative priority will determine when the tree is removed.

In other cases, the following process will be undertaken:

- a. A Tree Removal Application is to be made by the adjacent landowner and must cite one or more of the reasons set out in Section C 1 above.
- b. The validity of those reasons is to be assessed by Council Officers before any provisional approval or refusal is granted. The assessment, where appropriate, will include a risk analysis.
- c. In making that assessment, Council Officers may seek advice from contracted professionals with appropriate expertise (including, where relevant, professional arborists - holding a Certificate 4 or above in arboriculture and hold a qualification in tree risk assessment), and are to consult with neighbours and those likely to be affected.
- d. Once the assessment is completed, Council Officers will issue a Notice of Intent to Approve or Refuse the Tree Removal Application. The Notice, together with the completed assessment, the advice (if any) obtained from contracted professionals, and with the results of neighbourhood consultation is to be reported in the following Council Weekly Briefing Bulletin.
- e. To enable Councillors, by Motion on Notice, to overturn the Notice of Intent to Approve or Refuse, no tree is to be removed until four weeks have elapsed from the publication of the Officers' recommendation in the Weekly Briefing Bulletin.

- f. If the Notice of Intent to Approve or Refuse is not overturned by Council within four weeks, an approval/refusal will be issued by the General Manager, or his delegate.

D. REPLACEMENT

1. Replacement - Tree replacement is an important part of the maintenance of the public landscape. The timely replacement of dead or missing trees in newly developed landscapes, regular replacement of established trees, and replanting programs that follow the removal of ageing trees ensures that the original landscape design intent is not only initially achieved but is also retained for future generations. The community will be informed about the reasons for replacement where appropriate.
2. Ageing trees - Ageing trees in parks and streetscapes are subject to strategic tree replacement programs. Parks and streets where ageing trees need to be removed and replaced are identified and subject to funding, these sites are included on the annual tree replacement program. This ensures that the original landscape design intent is retained for future generations. The community will be informed about the reasons for removal where appropriate.
3. Routine Tree Replacement - Trees in parks or streets that have been removed for the reasons above or are missing are recorded and routinely replanted in a later planting season. This procedure ensures that the original landscape design intent is retained as plants mature. Depending on the availability of funding, missing trees are replaced with the same or similar.

14.3 Cultural

Nil.

14.4 Regulatory (Other than Planning Authority Agenda Items)

Nil.

14.5 Climate Change

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

15.1 Community Health and Wellbeing

Nil.

15.2 Youth

Nil.

15.3 Seniors

Nil.

15.4 Children and Families

Nil.

15.5 Volunteers

Nil.

15.6 Access

Nil.

15.7 Public Health

Nil.

15.8 Recreation

Nil.

15.9 Education

15.9.1 BAGDAD PRIMARY SCHOOL – VEHICLE PARKING AND TRAFFIC CONGESTION IN SCHOOL PRECINCT

DECISION

Moved by Clr R Campbell, seconded by Clr A Bantick

THAT the information be received and the preliminary designs and cost estimates (including alternative design option closer to the school property boundary) be referred to the representative group for consideration and feedback to Council prior to progressing further.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

15.10 Animals

15.10.1 ANIMAL MANAGEMENT REPORT

Nil report as Council Officer has been on leave.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Retention

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Nil.

17.2 Sustainability

17.2.1 COMMON SERVICES JOINT VENTURE UPDATE (STANDING ITEM – INFORMATION ONLY)

DECISION NOT REQUIRED

**17.2.2 SOUTH CENTRAL SUB-REGION COLLABORATION STRATEGY –
STANDING ITEM**

DECISION

Moved by Clr D Marshall, seconded by Clr E Batt

THAT the information be received.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

17.2.3 ORDINARY COUNCIL MEETINGS (JULY 2018 – CHANGE OF DATE & DECEMBER 2018 - CHANGE OF MEETING LOCATION)

DECISION

Moved by Clr R Campbell, seconded by Clr D Fish

THAT

- a) The Ordinary Council Meeting for July 2018 be held on 24th July 2018 (previously 25th July 2018); and
- b) The Ordinary Council Meeting for December 2018 be held at the Council Chambers, Oatlands followed by the Annual General Meeting to be held on the same day; and
- c) Both meetings to commence at the previously set time of 10.00 a.m. with the Annual General Meeting to commence at 5.00 p.m.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

17.2.4 TABLING OF DOCUMENTS

Nil.

17.3 FINANCES

17.3.1 MONTHLY FINANCIAL STATEMENT (MARCH 2018)

DECISION

Moved by Deputy Mayor A Green, seconded by Clr E Batt

THAT the Financial Report be received and the information noted.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

17.3.2 FINANCIAL MANAGEMENT STRATEGY 2018/19 to 2026/27 AND LONG-TERM FINANCIAL MANAGEMENT PLAN

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr E Batt

THAT in accordance with sections 70 and 70 A of the *Local Government Act 1993*, Council formally adopt the Financial Management Strategy and Long-Term Financial Management Plan.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D Fish	√	
Cllr D Marshall	√	

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

19.1 CONDOLENCE MOTION – MRS MONIKA KEANE

The recent passing of Mrs Monika Keane of Oatlands was acknowledged by Council. Council expressed their sincere condolences to her family and recorded a formal condolence motion.

Moved by Cllr R Campbell, seconded by Deputy Mayor A Green

THAT Council formally move a Condolence Motion for Mrs Monika Keane.

CARRIED

19.2 PROPOSED HERITAGE FESTIVAL

The Deputy General Manager provided Council with a presentation (slide show) relating to the proposed Heritage Festival which is proposed for Oatlands in the weekend of the 11th and 12th August 2017 (refer attached).

12.12 Officer Reports – Works & Technical Services (Engineering)

12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES

Deputy Mayor Green – Eldon Road – Contract works – need to inspect and ensure adequate road traffic management signage etc.

Deputy Mayor Green – Corner Reeve Street and Climie Street (vegetation overhanging footpath) – requires urgent attention – consult property owner with the aim to remove as trimming is only a short-term solution

Clr Fish – recycling issues (*Note: General Manager provided comment that SKM has given notification that there will be substantial increases in the price per cubic metre to dispose of recycling materials. The LGAT has established an officer working group to negotiate with SKM and a further report will be provided on the outcome of those negotiations.*)

Clr Campbell – Traffic Counter – additional detail of traffic counts undertaken would be beneficial.

Clr Campbell – Wool Press – to be removed in the week commencing 30th April 2018 but can be tarped as an interim measure pending completion of the shelter structure.

Clr Campbell – Fire Plugs (High Street, Oatlands) – need to be clearly marked – advise that this is the responsibility of TasWater- concern will be relayed to TasWater.

Clr Campbell – Whynyates Street – details to be provided to Mr Emery re: issues relating to construction of unmade roads.

Clr Marshall – issue of relocating streetlight in Tunnack (as raised at previous meeting) – details of Pole No's have been obtained by Council and request is to be submitted to Aurora.

Clr Marshall – Brown Mountain Road, Campania - removal of trees on private property (vicinity of Bridge) to improve sight distance – to be progressed.

Clr Bantick – Chauncy Vale Road (corner widening etc.) – confirmed that gravelling will be undertaken following removal of rock (i.e. use of rockbreaker – machine will be on site approx.. 28/4/18).

DECISION

Moved by Clr R Campbell, seconded by Clr E Batt

THAT the Works & Technical Services Report be received and the information noted.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A R Bantick	√	
Clr E Batt	√	
Clr R Campbell	√	
Clr D Fish	√	
Clr D Marshall	√	

DECISION

Moved by Cllr E Batt, seconded by Deputy Mayor A Green

THAT the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D Fish	√	
Cllr D Marshall	√	

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 CLOSED COUNCIL MINUTES - CONFIRMATION

In accordance with the Local Government (Meeting Procedures) 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015

20.2 APPLICATIONS FOR LEAVE OF ABSENCE

In accordance with the Local Government (Meeting Procedures) 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15 (2)(h) of the Local Government (Meeting Procedures) Regulations 2015.

20.3 NATURAL RESOURCE MANAGEMENT UNIT – REVIEW OF RESOURCES ALLOCATED TO THE SOUTHERN MIDLANDS WEEDS MANAGEMENT PROGRAM

In accordance with the Local Government (Meeting Procedures) 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.

20.4 REQUEST FOR TENDER – PROPOSED COUNCIL DEPOT WORKSHOP

In accordance with the Local Government (Meeting Procedures) 2015, the details of the decision in respect to this item are to be kept confidential and are not to be communicated, reproduced or published unless authorised by Council.

Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.

DECISION

Moved by Cllr R Campbell, seconded by Deputy Mayor A Green

THAT Council move out of “Closed Session”.

CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Cllr A R Bantick	√	
Cllr E Batt	√	
Cllr R Campbell	√	
Cllr D Fish	√	
Cllr D Marshall	√	

OPEN COUNCIL MINUTES

PUBLIC QUESTION TIME (12.35 PM)

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 were advised that, at the time of issuing the Agenda, no Questions on Notice had been received from members of the Public.

Mayor A E Bisdee OAM then invited questions from members of the public in attendance.

Rowena McDougall - Baden

Ms McDougall made reference to the forthcoming bicentenary of Oatlands in 2021. Consideration should be given to an event which focusses on this milestone. Replanting of honeysuckle was also mentioned recognising the significance of this plant to the district.

Oatlands Gaol – public access to building. It was questioned when would public access to this building be available?

General Manager's Response:

It was advised that the electronic card access system has been installed but it is believed that there are some remaining technical implementation issues to be addressed. Details will be sought and provided.

Terry Loftus – Southern Midlands Regional News

Anstey Court – wind has recently caused damaged to some trees in Anstey Court, Oatlands. Pathways are partially blocked.

General Manager's Response:

Manager – Works & Technical Services to inspect as a matter of priority.

21. CLOSURE

The meeting closed at 1.05 p.m.