



# **ATTACHMENTS**

## **ORDINARY COUNCIL MEETING**

---

Oatlands Municipal Offices  
71 High Street, Oatlands

Wednesday 23<sup>rd</sup> July 2025  
10.00 a.m.

<b>Item 5.1</b>	Draft Council Meeting Minutes (Open) – 25 <sup>th</sup> June 2025
<b>Item 5.2.1</b>	Woodsdale Hall General Committee Meeting Minutes – 30 <sup>th</sup> June 2025
<b>Item 12.4.1</b>	Transfer of Land - Certificate of Approval
<b>Item 12.4.2</b>	Email – State Planning Office and SPP Amendment Explanatory Document October 2024
<b>Item 17.1.1</b>	Mobile Food Vendors Policy

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

---

Wednesday 25<sup>th</sup> June 2025  
10.00 a.m.

Kempton Municipal Offices  
85 Main Street, Kempton

DRAFT

## INDEX

<b>1. PRAYERS.....</b>	<b>4</b>
<b>2. ACKNOWLEDGEMENT OF COUNTRY .....</b>	<b>4</b>
<b>3. ATTENDANCE .....</b>	<b>4</b>
<b>4. APOLOGIES.....</b>	<b>4</b>
<b>5. MINUTES .....</b>	<b>5</b>
5.1 ORDINARY COUNCIL MEETING .....	5
5.2 SPECIAL COMMITTEES OF COUNCIL MINUTES .....	5
5.2.1 <i>Special Committees of Council - Receipt of Minutes .....</i>	<i>5</i>
5.2.2 <i>Special Committees of Council - Endorsement of Recommendations .....</i>	<i>5</i>
5.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)6	6
5.3.1 <i>Joint Authorities - Receipt of Minutes.....</i>	<i>6</i>
5.3.2 <i>Joint Authorities - Receipt of Reports (Annual &amp; Quarterly).....</i>	<i>7</i>
<b>6. NOTIFICATION OF COUNCIL WORKSHOPS .....</b>	<b>8</b>
<b>7. COUNCILLORS – QUESTION TIME .....</b>	<b>9</b>
7.1 QUESTIONS (ON NOTICE) .....	9
7.2 QUESTIONS WITHOUT NOTICE .....	10
<b>8. DECLARATIONS OF PECUNIARY INTEREST .....</b>	<b>13</b>
<b>9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA .....</b>	<b>14</b>
<b>10. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.).....</b>	<b>15</b>
10.1 PERMISSION TO ADDRESS COUNCIL.....	15
<b>11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 .....</b>	<b>17</b>
<b>12. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL’S STATUTORY LAND USE PLANNING SCHEME</b>	<b>18</b>
12.1 DEVELOPMENT APPLICATIONS .....	18
12.1.1 <i>DA2500059 .....</i>	<i>18</i>
12.2 SUBDIVISIONS.....	20
12.3 MUNICIPAL SEAL (PLANNING AUTHORITY) .....	20
12.4 PLANNING (OTHER).....	20
12.4.1 <i>Bagdad Mangalore Structure Planning Project.....</i>	<i>21</i>
<b>13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE) ..</b>	<b>22</b>
13.1 ROADS .....	22
13.2 BRIDGES .....	22
13.3 WALKWAYS, CYCLE WAYS AND TRAILS .....	22
13.4 LIGHTING .....	22
13.5 BUILDINGS .....	22
13.6 SEWERS / WATER .....	22
13.7 DRAINAGE .....	22
13.8 WASTE .....	23
13.9 INFORMATION, COMMUNICATION TECHNOLOGY .....	23
13.10 OFFICER REPORTS – INFRASTRUCTURE & WORKS.....	24
13.10.1 <i>Manager – Infrastructure &amp; Works Report.....</i>	<i>24</i>
<b>14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH) .....</b>	<b>26</b>
14.1 RESIDENTIAL .....	26
14.2 TOURISM .....	26
14.3 BUSINESS.....	26
14.4 INDUSTRY.....	26
14.4.1 <i>Tas Irrigation (TI) - Greater South East Irrigation Scheme (GSEIS) – Service / Design Area</i>	<i>26</i>
<b>15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....</b>	<b>27</b>
15.1 HERITAGE.....	27

15.1.1	<i>Heritage Project Program Report</i> .....	27	
5.2	NATURAL.....	27	
15.2.1	<i>NRM Unit – General Report</i> .....	27	
15.3	CULTURAL.....	27	
15.4	REGULATORY (DEVELOPMENT).....	28	
15.5	REGULATORY (PUBLIC HEALTH).....	28	
15.6	REGULATORY (ANIMALS).....	28	
15.6.1	<i>Animal Management Report</i> .....	28	
15.6.2	<i>Dogs Home of Tasmania – Proposed Changes and Fee Structure for Pound Services</i>	29	29
15.7	ENVIRONMENTAL SUSTAINABILITY.....	29	
<b>16.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY).....</b>	<b>30</b>	
16.1	COMMUNITY HEALTH AND WELLBEING .....	30	
16.2	RECREATION .....	30	
16.2.1	<i>Oatlands Aquatic Centre – Coordinators Report</i> .....	30	
16.3	ACCESS.....	31	
16.4	VOLUNTEERS.....	31	
16.5	FAMILIES .....	31	
16.6	EDUCATION .....	31	
16.7	CAPACITY & SUSTAINABILITY .....	31	
16.8	SAFETY .....	31	
16.9	CONSULTATION & COMMUNICATION .....	31	
<b>17.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION).....</b>	<b>32</b>	
17.1	IMPROVEMENT .....	32	
17.1.1	<i>Policy Review – Payment of Councillors Expenses and Provision of Facilities Policy</i>	32	
17.2	SUSTAINABILITY .....	33	
17.2.1	<i>Tabling of Documents</i> .....	33	
17.2.2	<i>Elected Member Statements</i> .....	33	
17.3	FINANCES.....	34	
17.3.1	<i>Monthly Financial Statement (Period ending 31 May 2025)</i> .....	34	
17.3.2	<i>Financial Management Strategy 2023/24 to 2033/34 and Long-Term Financial Management Plan</i>	34	
17.3.3	<i>2025/2026 Annual Plan &amp; Budgets (Operating &amp; Capital)</i> .....	35	
17.3.4	<i>Adoption of the 2025 / 2026 Rates and Charges Resolution</i> .....	36	
17.3.5	<i>Adoption of Schedule of Fees and Charges 2025-2026</i> .....	36	
<b>18.</b>	<b>MUNICIPAL SEAL .....</b>	<b>37</b>	
<b>19.</b>	<b>CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA .....</b>	<b>38</b>	
<b>20.</b>	<b>BUSINESS IN “CLOSED SESSION” .....</b>	<b>40</b>	
20.1	CLOSED COUNCIL MINUTES - CONFIRMATION.....	40	
20.2	APPLICATIONS FOR LEAVE OF ABSENCE .....	40	
<b>21.</b>	<b>CLOSURE .....</b>	<b>41</b>	

## **OPEN COUNCIL MINUTES**

### **MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL HELD ON WEDNESDAY 25<sup>TH</sup> JUNE 2025 AT THE KEMPTON MUNICIPAL OFFICES, 85 MAIN STREET, KEMPTON, COMMENCING AT 10.02 A.M.**

In accordance with Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2025*, Mayor Batt advised all attendees that:

- a) this meeting is being recorded;
- b) all persons attending the meeting are to be respectful of, and considerate towards, other persons attending the meeting; and
- c) language and conduct at the meeting that could be perceived as offensive, defamatory or threatening to a person attending the meeting, or listening to the recording, is not acceptable.

#### **1. PRAYERS**

Deputy Mayor K Dudgeon recited prayers.

#### **2. ACKNOWLEDGEMENT OF COUNTRY**

Mayor E Batt recited Acknowledgement of Country

#### **3. ATTENDANCE**

Mayor E Batt, Deputy Mayor K Dudgeon, Cllr A E Bisdee OAM, Cllr D Blackwell, Cllr B Campbell, Cllr D Fish and Cllr F Miller.

Mr T Kirkwood (General Manager), Mr G Finn (Manager Development and Environmental Services), Mr D Richardson (Manager Infrastructure and Works), Ms B Conde (Planning Officer), Ms W Young (Manager, Community and Corporate Development) and Mrs J Crosswell (Executive Assistant).

#### **4. APOLOGIES**

Nil.

## 5. MINUTES

### 5.1 Ordinary Council Meeting

#### DECISION

*Moved by Cllr D Fish, seconded by Cllr B Campbell*

**THAT the Minutes (Open Council Minutes) of the Council Meeting held 28<sup>th</sup> May 2025 be confirmed.**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 5.2 Special Committees of Council Minutes

#### 5.2.1 Special Committees of Council - Receipt of Minutes

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 16<sup>th</sup> June 2025

#### RECOMMENDATION

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

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Cllr D Fish*

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

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

#### 5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 16<sup>th</sup> June 2025

## RECOMMENDATION

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

## DECISION

*Moved by Cllr D Blackwell, seconded by Cllr A E Bisdee OAM*

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

## CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 5.3 Joint Authorities (Established Under Division 4 Of The *Local Government Act 1993*)

### 5.3.1 Joint Authorities - Receipt of Minutes

Nil.

### 5.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)

Report(s) prepared by the following Joint Authority, as circulated, are submitted for receipt:

- TasWaste South - Quarterly Report 31<sup>st</sup> March 2025

#### RECOMMENDATION

**THAT the report prepared by the above Joint Authority be received.**

#### DECISION

*Moved by Deputy Mayor K Dudgeon, seconded by Cllr D Blackwell*

**THAT the report prepared by the above Joint Authority be received.**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 6. NOTIFICATION OF COUNCIL WORKSHOPS

### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Cllr Fish*

### THAT:

- a) the information be received; and
- b) it be noted that a follow-up workshop session was held relating to the draft 2025/26 Budget. This session was held on 23<sup>rd</sup> June 2025 and was attended by Cllrs D Blackwell and F Miller, General Manager (Tim Kirkwood), Senior Finance Officer (Many Burbury), Manager Infrastructure & Works (David Richardson) and Manager Community & Corporate Development (Wendy Young). The main focus of the discussion was the Budgeted Deficit of \$468K (as presented in the draft Budget) to be considered by Council at its meeting to be held 25<sup>th</sup> June 2025. This session focussed on a further review of the Long-Term Financial Management Plan; discussion relating to the income received from fees and charges; and the proposed percentage rate increase in the General Rate. The outcomes of the session to be reported during the related Agenda Items.

### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## **7. COUNCILLORS – QUESTION TIME**

### **7.1 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.*

Nil.

## 7.2 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.

**Clr B Campbell** – Banning the use of Machetes – can this issue be listed for discussion at a Council Worksop?

*The meeting, in general, were of the view that this was not a Council matter that warrants discussion.*

**Clr B Campbell** – Parattah – Property where horses are being kept. Questioned the need for additional shelter and the type of feed being provided?

*Manager Development & Environmental Services (G Finn) advised that the property is a registered breeding stud and is therefore closely monitored by other external organisations. There are no issues from a Council perspective.*

**Clr B Campbell** – Parattah – Condition of house (corner of Russell Street and Tunnack Main Road).

*The meeting acknowledged that both property owners are deceased and management of the Estate is still being investigated.*

**Clr B Campbell** – Colebrook – (Yarlington area) – straying cattle – is this still an issue?

*Manager Development & Environmental Services (G Finn) to make further enquiries but there have been no recent complaints that he is aware of.*

**Clr B Campbell** – Woodsdale Recreation Ground – Status of State Government Grant given the election?

*General Manager advised that the Grant was provided for in the State Government's prior year budget and is therefore not impacted by the calling of an election. The funds have not been sourced pending compliance with the conditions precedent in the Grant Deed, primarily the submission of a detailed Project Plan by the Woodsdale Football Club and/or the newly established incorporated body.*

**Clr F Miller** – Campania – Reeve Street Bus Shelter – timing for completion?

*Manager Infrastructure & Works advised that the Shelter has been ordered and currently awaiting delivery. It will be installed immediately upon receipt.*

**Deputy Mayor K Dudgeon** – Meeting with Lady Gowrie Child Care – any feedback received following meeting held with representatives from Lady Gowrie?

*General Manager confirmed that some feedback has been received, including confirmation that the building currently used for afterhours school care is not suitable for long day care use. General Manager to submit a report to the next Council Meeting providing a more detailed update.*

**Deputy Mayor K Dudgeon** – Oatlands Aquatic Centre – Solar Panels - are there still operational problems?

*Manager Infrastructure & Works advised that an independent assessment of the Panels has been undertaken. This confirmed that they are fully operational. Some minor works were completed but in summary, the facility is consuming the amount of electricity generated by the Solar Panels at the time that it is produced and therefore there is no excess to feed back into the Grid which provides a credit.*

**Deputy Mayor K Dudgeon** – Council Photos – require a photograph of the current Council and has there been any progress made with the past photos?

*It was agreed that arrangements be made to take a group photo at the July 2025 meeting (at Oatlands). Historic photos to be progressed.*

**Clr A E Bisdee OAM** – Memorial (southern end of Kempton) – request for the installation of a seat?

*Mayor E Batt advised that the Deputy General Manager has this matter in hand.*

**Mayor E Batt** – Midlands Multi-Purpose Health Centre – Community Advisory Committee – questioned the process for managing community donations and does Council need to assist in addressing the current situation?

*General Manager advised that this has been an ongoing issue for the Community Advisory Committee for a period of time. Donations are currently managed by the Department of Health, noting that Council has agreed to take future management responsibility if approved by the State. The State has indicated that there is no legal framework to allow this and further discussions are being progress by the Community Advisory Committee. It was agreed that the Mayor and General Manager meet with the Chair and Secretary of the CAC to identify what further assistance and/or advice may be required.*

## **8. 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*.

Nil.

## **9. 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.

Nil.

## **10. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.)**

Mayor E Batt to invite questions from members of the public in attendance.

**Julia Jabour – Southern Midlands Regional News – State Government Election –** questioned what would happen if the Mayor was elected in the current State Government election?

*Mayor E Batt advised that, if elected, he would be required to vacate the office of Mayor and resign from Council. This would trigger the need for an election to fill both the vacant position of Councillor (as there are no remaining candidates from the last election) and an election for the position of Mayor.*

**Julia Jabour – Southern Midlands Regional News – Kerbside Recycling Collection -** commented that there was a perception in the community that all materials placed in the Recycling Bins were taken to landfill. Is this correct?

*Manager Infrastructure & Works advised that all the kerbside recycling is delivered to the Cleanaway Materials Recovery Facility (MRF) facility where all products are sorted. This does result in a percentage of the waste then being delivered to landfill as it is either not suitable for recycling, or the waste has been deposited incorrectly in the recycling bin. A recent audit undertaken by TasWaste South has found that the Southern Midlands does have a higher percentage of contaminated waste that requires transfer to landfill when compared to other Councils. Survey information to be provided to Southern Midlands Regional News.*

### **10.1 Permission to Address Council**

Nil.

## DECISION

*Moved by Deputy Mayor K Dudgeon, seconded by Cllr D Fish*

**THAT Council adjourn for morning tea at 10.49 a.m.**

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## DECISION

*Moved by Deputy Mayor K Dudgeon, seconded by Cllr D Fish*

**THAT Council reconvene at 11.12 a.m.**

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

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

Nil.

## **12. 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.*

### **12.1 Development Applications**

#### **12.1.1 DA2500059 Development Application (DA2500059) For Visitor Accommodation – Change of Use of a Studio at 1185 Native Corners Road, Campania, owned by J McRoss and C Sasaki**

#### **DECISION**

*Moved by Clr A E Bisdee OAM, seconded by Clr D Fish*

**THAT, in accordance with the provisions of the *Tasmanian Planning Scheme - Southern Midlands* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application DA2500059 for a Dwelling & Studio at 1185 Native Corners road, Campania, owned by J McRoss and C Sasaki 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 letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

##### **Approved Use**

- 3) The site is to be used for the purposes detailed within the approved documents only: *Visitor Accommodation*. It must not to be used for any other purpose without the prior written consent of Council.

##### **Amenity**

- 4) All external metal building surfaces must be clad in non-reflective pre-coated.

##### **Parking and Access**

- 5) At least two (2) car parking spaces must be provided on the land at all times for the use of the development, in accordance with Standards Australia (2004) Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.

6) Prior to the commencement of the use, the internal driveway and areas set-aside for parking and associated access and turning must be designed, constructed and maintained to avoid dust or mud generation, erosion and sediment transfer off site or de-stabilisation of the soil on site or on adjacent properties to the standard required by Council's Municipal Engineer.

### Stormwater

7) Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

### Wastewater

8) Wastewater from the development must discharge to an on-site waste disposal system in accordance with a Certificate of Likely Compliance or Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.

### THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:

- A. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 may be required prior to works commencing. A copy of the Directors Determination – categories of Building Work and Demolition Work is available via the CBOS website: Director's Determination - Categories of Building and Demolition Work (PDF, 504.4 KB) or for Low Risk Building Work information go to: Consumer Guide to Low Risk Building and Plumbing Work.
- B. The proposed works are located within a mapped bushfire prone area and as such a bushfire assessment and BAL must be provided by a suitably qualified person and form part of the certified documents for the building approval.
- 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.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- E. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
  - a) Minimise site disturbance and vegetation removal;
  - b) Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
  - c) Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
  - d) Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and
  - e) Rehabilitation of all disturbed areas as soon as possible.

### CARRIED

DECISION		
Councillor	Vote	Vote

**Southern Midlands Council**  
Minutes – 25<sup>th</sup> June 2025

---

	FOR	AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller	✓	

**12.2 Subdivisions**

Nil.

**12.3 Municipal Seal (Planning Authority)**

Nil.

**12.4 Planning (Other)**

#### 12.4.1 Bagdad Mangalore Structure Planning Project

##### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon*

##### THAT:

- A. The Draft Bagdad Mangalore Structure Plan, as attached to this report, be subject to community consultation.**
- B. The community consultation process is to include the following:**
- **A five-week period.**
  - **Information available at the Kempton and Oatlands offices.**
  - **A display at the Bagdad Community Club for the duration.**
  - **Information drop-in sessions, held at the Bagdad Community Club.**
  - **Article in Council newsletter and community newspaper.**
  - **Notifications sent to those who engaged with the first stage community consultation and for whom we have email or postal addresses.**
  - **Notifications on Council's website and social media.**
  - **Creation of a questionnaire, setting out key questions.**
  - **Request for written submissions or completion of the questionnaire.**

**With dates and details to be determined at officer level with advice from the Project Working Group.**

- C. The Project Consultants be further engaged to attend and run the Information drop-in sessions, at an additional cost of \$5,700.**

##### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

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

## **13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)**

### **13.1 Roads**

**Strategic Plan Reference 1.1**

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

Nil.

### **13.2 Bridges**

**Strategic Plan Reference 1.2**

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

Nil.

### **13.3 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.

### **13.4 Lighting**

**Strategic Plan Reference 1.4**

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

Nil.

### **13.5 Buildings**

**Strategic Plan Reference 1.5**

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

Nil.

### **13.6 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.

### **13.7 Drainage**

**Strategic Plan Reference 1.7**

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

Nil.

## **13.8 Waste**

<b>Strategic Plan Reference 1.8</b>
-------------------------------------

<i>Maintenance and improvement of the provision of waste management services to the Community.</i>
--

Nil

## **13.9 Information, Communication Technology**

<b>Strategic Plan Reference 1.9</b>
-------------------------------------

<i>Improve access to modern communications infrastructure.</i>
--

Nil.

## **13.10 Officer Reports – Infrastructure & Works**

### **13.10.1 Manager – Infrastructure & Works Report**

#### **QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS**

**Clr F Miller** – Reeve Street, Campania (Footpath) – commented on the excellent standard of the recently completed footpath in Reeve Street, Campania.

*Manager Infrastructure and Works advised that the work was undertaken by Andrew Walter Constructions Pty Ltd and agreed that the work was of a high standard, and in particular the concrete finishing.*

**Clr D Blackwell** – Maintenance Grading – Broadmarsh / Elderslie area - commented on the standard of road maintenance grading which has received positive community feedback.

**Mayor E Batt** – Stonor Road, Tunnack – maintenance grading required.

*Manager Infrastructure and Works to inspect and take appropriate action.*

**Mayor E Batt** – Pathway – Kempton to Mood Food – is there a planned commencement date for works?

*Manager Infrastructure and Works confirmed that works are ready to commence following completion of the legal process to secure formal access to the properties; and resolution of an issue with TasWater relating to the water main (and connections) at the corner of Burnett Street and Main Street, Kempton.*

**Mayor E Batt** – Delivery of historic Sandstone Trough to Melton Mowbray – has a date been set?

*Manager Infrastructure and Works advised that we are waiting final approval through the Tas Heritage Council.*

**Clr B Campbell** – Guide Posts

*Manager Infrastructure & Works advised that the replacement and repair of guide posts is an ongoing programme. In some instances, it is required as a result of deliberate vandalism.*

**Clr F Miller** – Colebrook Main Road – advised that there are a number of missing guide posts on Colebrook Main Road. Can this be reported to the Department of State Growth as the responsible road authority?

*Manager Infrastructure & Works to report accordingly.*

**Clr B Campbell** – Inglewood Rod – Winding Section – can warning signs be erected?  
*Manager Infrastructure and Works to inspect and take appropriate action.*

#### **DECISION**

*Moved by Cllr B Campbell, seconded by Cllr D Fish*

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

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

### 14.1 Residential

#### Strategic Plan Reference 2.1

*Increase the resident, rate-paying population in the municipality.*

Nil.

### 14.2 Tourism

#### Strategic Plan Reference 2.2

*Increase the number of tourists visiting and spending money in the municipality.*

Nil.

### 14.3 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.

### 14.4 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.*

#### 14.4.1 Tas Irrigation (TI) - Greater South East Irrigation Scheme (GSEIS) – Service / Design Area

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Cllr D Fish*

**THAT the information be received.**

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

### 15.1 Heritage

#### Strategic Plan Reference – Page 22

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

#### 15.1.1 Heritage Project Program Report

#### DECISION

*Moved by Cllr D Blackwell, seconded by Deputy Mayor K Dudgeon*

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

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 5.2 Natural

#### Strategic Plan Reference – page 23/24

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

#### 15.2.1 NRM Unit – General Report

#### DECISION

*Moved by Cllr D Fish, seconded by Cllr A E Bisdee OAM*

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

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 15.3 Cultural

**Strategic Plan Reference 3.3**

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

Nil.

## 15.4 Regulatory (Development)

**Strategic Plan Reference 3.4**

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

Nil.

## 15.5 Regulatory (Public Health)

**Strategic Plan Reference 3.5**

*Monitor and maintain a safe and healthy public environment.*

Nil.

## 15.6 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*

### 15.6.1 Animal Management Report

#### DECISION

*Moved by Cllr B Campbell, seconded by Cllr D Blackwell*

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

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 15.6.2 Dogs Home of Tasmania – Proposed Changes and Fee Structure for Pound Services

### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Cllr D Fish*

### THAT:

- a) The report be received and information noted;
- b) Council accepts Option 2, confirming a flat fee of \$450 per dog (irrespective of the number of dogs kept), as this more accurately reflects historical usage, maintains flexibility and cost-efficiency for low-volume impoundments.

### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 15.7 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.

## 16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

### 16.1 Community Health and Wellbeing

#### Strategic Plan Reference 4.1

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

Nil.

### 16.2 Recreation

#### Strategic Plan Reference 4.2

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

#### 16.2.1 Oatlands Aquatic Centre – Coordinators Report

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon*

**THAT the information be received and noted.**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 16.3 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.

### 16.4 Volunteers

**Strategic Plan Reference 4.4**

*Encourage community members to volunteer.*

Nil.

### 16.5 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.

### 16.6 Education

**Strategic Plan Reference 4.6**

*Increase the educational and employment opportunities available within the Southern Midlands*

Nil.

### 16.7 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.

### 16.8 Safety

**Strategic Plan Reference 4.8**

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

Nil.

### 16.9 Consultation & Communication

**Strategic Plan Reference 4.8**

*Improve the effectiveness of consultation & communication with the community.*

Nil.

## 17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

### 17.1 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*

#### 17.1.1 Policy Review – Payment of Councillors Expenses and Provision of Facilities Policy

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon*

**THAT Council adopt the revised ‘Payment of Councillors Expenses and Provision of Facilities Policy’, with effect from 1<sup>st</sup> July 2025.**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 17.2 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*

### 17.2.1 Tabling of Documents

Nil.

### 17.2.2 Elected Member Statements

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

**Deputy Mayor K Dudgeon** – Informed the meeting that the Oatlands District Homes Association will be celebrating its 50 year history at an afternoon tea being held Tuesday 1<sup>st</sup> July 2025. The Association currently owns and manages 22 Units.

**Deputy Mayor K Dudgeon** – acknowledgement and congratulations to Ms Ella Burrill who will be representing Tasmania at the National Gymnastics Championships being held in Queensland.

**Clr B Campbell** – informed the meeting that he was unable to attend the Chauncy Vale Open Day (Sunday 22/6/25) or the Woodsdale Football Club Cracker Night (Saturday 21/6/25) however he has been informed that there were approx. 300 persons in attendance at the Cracker Night which was highly successful.

**Clr A E Bisdee** – following his attendance at the TasWater General Meeting, as Council's representative, he advised:

- a) that TasWater will be paying the remaining special dividend in 2024/25 (total of \$4m) to owner Councils which was foregone during the Covid period;
- b) that TasWater were seeking to increase the dividend payable to Councils over the life of its next four-year Corporate Plan (increasing the total dividend to \$30m); and
- c) as part of TasWater's Capital Works Program for 2025/26, the Oatlands Water Treatment Plant (at Espies Hill) will be substantially upgraded to improve water delivery and quality.

**Clr F Miller** – Greater South East Irrigation Scheme (GSEIS) – Pipeline Extension to the Craighourne Dam at Colebrook - commended Mr Barry Curtain and Ms Ash Curtain for the work (and time) that they have dedicated to this matter, and in particular, undertaking consultation with landowners and arranging the various meetings etc. This demonstrates what can be achieved when working with people that are committed to a project.

## 17.3 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.*

### 17.3.1 Monthly Financial Statement (Period ending 31 May 2025)

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon*

**THAT the Financial Report be received and the information noted.**

**CARRIED**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 17.3.2 Financial Management Strategy 2023/24 to 2033/34 and Long-Term Financial Management Plan

#### DECISION

*Moved by Cllr B Campbell, seconded by Cllr D Fish*

**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**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller		✓

### 17.3.3 2025/2026 Annual Plan & Budgets (Operating & Capital)

#### RECOMMENDATION

**THAT Council, by absolute majority, formally approve the 2025/26 Annual Plan and Budget (Operating and Capital).**

#### DECISION

*Moved by Clr A E Bisdee OAM, seconded by Clr D Fish*

**THAT Council, by absolute majority, formally approve the 2025/26 Annual Plan and Budget (Operating and Capital).**

#### AMENDMENT

*Moved by Clr F Miller*

**THAT Council, by absolute majority, formally approve the 2025/26 Annual Plan and Budget (Operating and Capital), subject to the General Rate (cents in \$AAV) being increased by 6% (as opposed to the current 3.5%). This would demand an additional \$167,588 and reduce the budgeted deficit by this amount.**

*The amendment lapsed due to the lack of a seconder.*

*The original Motion was put and carried.*

#### DECISION

*Moved by Clr A E Bisdee OAM, seconded by Clr D Fish*

**THAT Council, by absolute majority, formally approve the 2025/26 Annual Plan and Budget (Operating and Capital).**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Clr A E Bisdee OAM	✓	
Clr D Blackwell	✓	
Clr B Campbell	✓	
Clr D Fish	✓	
Clr F Miller		✓

### 17.3.4 Adoption of the 2025 / 2026 Rates and Charges Resolution

#### DECISION

*Moved by Cllr A E Bisdee OAM, seconded by Deputy Mayor K Dudgeon*

**THAT Council, by absolute majority, adopt the 2025-26 Rates and Charges Resolution as presented.**

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

### 17.3.5 Adoption of Schedule of Fees and Charges 2025-2026

#### DECISION

*Moved by Cllr D Blackwell, seconded by Cllr D Fish*

#### THAT:

- a) This report be received by Council; and
- b) The Schedule of Fees and Charges for 2025-2026 be adopted.

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

**18. MUNICIPAL SEAL**

Nil.

## **19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

Nil.

## 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.**

## DECISION

*Moved by Cllr B Campbell, seconded by Deputy Mayor K Dudgeon*

**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)(g)
<i>Applications for Leave of Absence</i>	15(2)(h)

## CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## 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

*Moved by Cllr B Campbell, seconded by Deputy Mayor K Dudgeon*

**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.**

## CARRIED

DECISION(MUST BE BY ABSOLUTE MAJORITY)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## CLOSED COUNCIL MINUTES

### 20. BUSINESS IN “CLOSED SESSION”

#### 20.1 Closed Council Minutes - Confirmation

*In accordance with the Local Government (Meeting Procedures) Regulations 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)(g) of the Local Government (Meeting Procedures) Regulations 2015.*

#### 20.2 Applications for Leave of Absence

*In accordance with the Local Government (Meeting Procedures) Regulations 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.*

### RECOMMENDATION

**THAT Council move out of “Closed Session”.**

### DECISION

*Moved by Deputy Mayor K Dudgeon, seconded by Cllr B Campbell*

**That Council move out of “Closed Session”.**

### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt	✓	
Deputy Mayor K Dudgeon	✓	
Cllr A E Bisdee OAM	✓	
Cllr D Blackwell	✓	
Cllr B Campbell	✓	
Cllr D Fish	✓	
Cllr F Miller	✓	

## OPEN COUNCIL MINUTES

### 21. CLOSURE

The meeting closed at 12.54 p.m.

# Woodsdale Community Memorial Hall

Est. 1905

*General Committee Meeting*

*Sunday 30th June 2025*

*Woodsdale Hall*

**1. Welcome/Opening:**

The President welcomes members and declares the meeting open at 19:14pm

**2. Attendance:**

Councillor Karen Dudgeon, Mrs Ann Scott, Mr Leon Scott, Ms Alyson Scott, Ms Andrea Jones, Mrs Sally Stubbs, Mrs Marion Wiggins and Mrs Kaye Rowlands.

**3. Apologies:**

Mrs Ann Wiggins, Tamika Nailer.

Moved: Ann Scott

Seconded: Marion Wiggins

**Motion Carried**

**4. Confirmation of Minutes for the last meeting – 12<sup>th</sup> January 2025**

- Add to minutes that Sally was absent

Moved: Kaye Rowlands

Seconded: Karen Dudgeon

**Motion Carried**

**5. Business Arising from Previous Minutes – 12<sup>th</sup> Jan 2025**

**5.1 Family day**

- Money in and out from the day
- \$731 made from the day
- Money paid out as follows

Float for Xmas Party Dec 2025  
Sympathy Card - K Dudgeon

150  
6

PFD Foods - Sausages, burgers & chicken nuggets	274.24
Coles New Town	48.9
Face Painter	350
Roxy IGA Oatlands	29.94
No Frills Moonah	138.44
Coles Sorell	31.45
The Reject Shop Sorell	27
Coles Bridgewater	83.65
Coles Bridgewater	63.05
Coles Sorell	75.65
Coles Sorell	38.1
Float for Family Day	100
Coles Sorell	30.7

- **Money In for the day**

Marion Wiggins- scissors and salt & pepper shakers	107.75
Kaye Rowlands - Stock for hall from Reject shop & IGA	29.6
Float for Xmas Party Dec 2025	150
Sympathy Card - K Dugdgeon	6
PFD Foods - Sausages, burgers & chicken nuggets	274.24
Coles New Town	48.9
Face Painter	350
Roxy IGA Oatlands	29.94

- **2 more functions from the WFC to be paid**

- Moved: Leon Scott

Seconded: Ann Scott

**Motion Carried**

## 6. Financial Report:

### Total funds as of 30<sup>th</sup> June 2025

**\$ 10221.75**

## Y.T.D Financials

**Opening Balance (23/9)**

**\$7744.62**

Incoming	YTD	\$	\$2895.60
----------	-----	----	-----------

Outgoing	YTD	\$	\$996.43
----------	-----	----	----------

**Closing balance as of 30<sup>th</sup> of June 2025 \$ 10221.75**

**Please see attached financials for further information.**

Moved: Ann Scott

Seconded: Karen Dudgeon

**Motion Carried**

**7. Business arising from financial report:**

**1.1 WFC still owe for 2 invoices**

Moved: Mrs Marion Wiggins

Seconded: Mrs Sally Stubbs

**Motion Carried**

**Correspondence:**

**In**

- Had an email from WFC wanting to know if we want to host the Red and Green Ball. They will donate all the meats etc Saturday 30<sup>th</sup> August 2025. Everyone is happy to do this. Andrea to let Toni know that we agree.
- Meat and Veg supplied \$25 a head we do dessert
- \$30 per head if we do chickens and dessert
- Email from Gemma advising that it was ok for her to give out Andreas number to people enquiring about use of the hall
- Kaye has given Andreas number to the fire department so that they can access it to do the checking of equipment.

**Out**

- Andrea spoke verbally to Tim Kirkwood about the hand over and he confirmed that we need to keep charging.

Moved: Mrs Ann Scott

Seconded: Sally Stubbs

**Motion Carried**

**2. General Business:**

**2.1 Hall Use**

- Council and Woodsdale Cemetery committee has used the hall for meetings at no charge.
- Men's urinal was smelling bad at the time. Karen has purchased some scented urinal tablets and will need to be reimbursed. The bucket of scented urinal tablets will be put in the storeroom.

**2.2 Door left open**

- The door had been left open at the front. Can we please make sure that the door is shut.

**2.3 Bendigo Bank**

- They would like to send someone up to discuss coming over to them for a grant. Janice McConnon. Signage up and it is a promotional thing for them.

**2.4** Bingo and liquor license

- Look into doing it in the spring, first one in October.
- Alyson will try and get the liquor license happening

**2.5** Donations

- There were left over sausages from a function and Andrea will pay a donation for the snags.

Moved: Mrs Marion Wiggins

seconded: Mrs Sally Stubbs

**Motion Carried**

**3. Bookings:**

- WFC 30<sup>th</sup> Aug 2025

Meeting closed 8.06

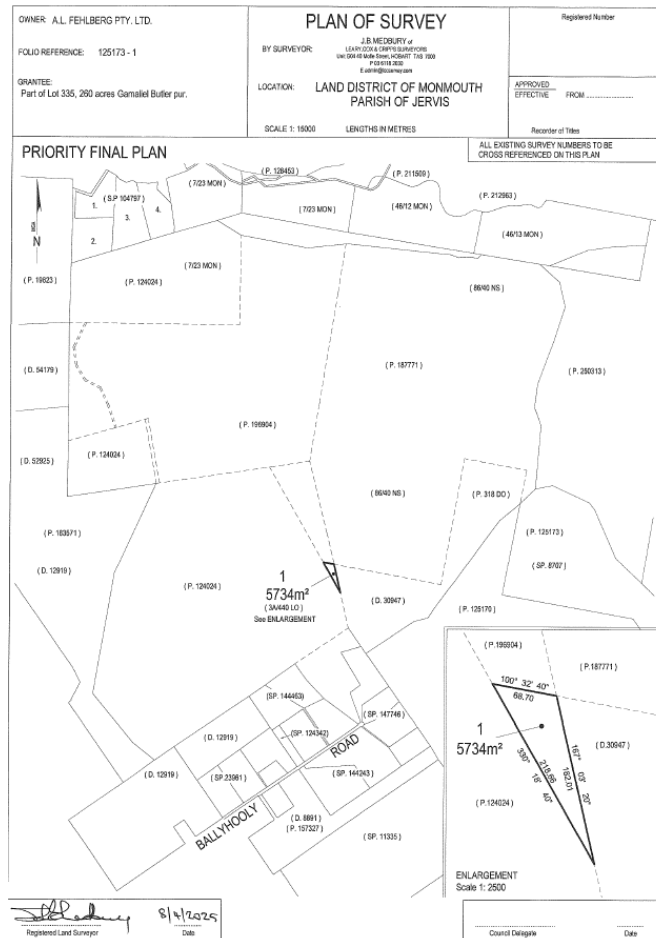
Next Meeting 21<sup>st</sup> July 2025 7pm

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

### COUNCIL APPROVAL OF TRANSFER – SECTION 90

Property: Part of Certificate of Title Volume 125170 Folio 1

We Jennifer Lee Potter and Bevan Ronald Crofts of 265 Ballyhooly Road, Mangalore TAS 7030 seek Southern Midlands Council approval of a transfer of land from A.L. Fehlberg Pty Ltd (ACN 009 577 753) to Jennifer Lee Potter and Bevan Rondald Crofts for the Property as marked Lot 1 on the below Plan of Survey.



The Southern Midlands Council approve the transfer of land pursuant to section 90 of the Local Government (Building and Miscellaneous Provisions) Act 1993.

The common seal of **Southern Midlands Council** (ABN 68 653 459 589) was hereunto affixed in the presence of:

Signature

Signature

Name and Office Held (print)

Name and Office Held (print)

Department of State Growth  
State Planning Office

Executive Building 15 Murray Street HOBART TAS 7000 Australia  
GPO Box 536 HOBART TAS 7001 Australia  
Ph: 1300 703 977  
Email: [spo@stateplanning.tas.gov.au](mailto:spo@stateplanning.tas.gov.au)  
Web: [www.stateplanning.tas.gov.au](http://www.stateplanning.tas.gov.au)



2 July 2025

Councillor Edwin Batt  
Mayor  
Southern Midlands Council  
PO Box 21  
OATLANDS TAS 7120

By email: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)

Dear Mayor

**Making of amendment 02-2024 of the State Planning Provisions**

I wish to advise that, after considering the advice of the Tasmanian Planning Commission (the Commission), the Hon Felix Ellis MP, as Minister for Housing, Planning and Consumer Affairs, has made amendment 02-2024 of the State Planning Provisions (SPPs) in accordance with section 30P(1)(b) of the *Land Use Planning and Approvals Act 1993* (the LUPA Act).

In making the amendment the Minister accepted the advice of the Commission, determining that it is made in the terms of a modified draft amendment 02-2024 of the SPPs and does not require re-exhibition.

Amendment 02-2024 of the SPPs comes into effect on **Wednesday, 16 July 2025**.

The amendment and Minister's statement of reasons are available on the [Planning in Tasmania website](#). The revised SPPs will be available on the [Tasmanian planning Commission website](#) as part of the Tasmanian Planning Scheme.

Enquires can be directed to the State Planning Office within the Department of State Growth by phone on 1300 703 977 or email at [spo@stateplanning.tas.gov.au](mailto:spo@stateplanning.tas.gov.au).

Yours sincerely

Anthony Reid  
**Director**

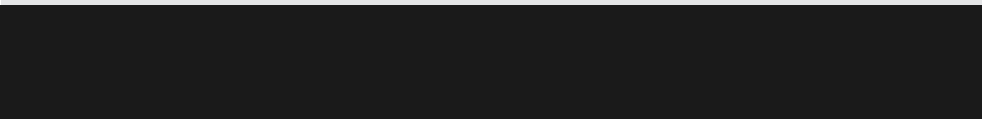
CC: General Manager - Mr Tim Kirkwood



# Draft SPP Amendment 02/2024

Explanatory document under section 16(5) of the Land Use Planning and Approvals Act 1993, including SPP criteria assessment

Container Refund Facilities



# Table of Content

<b>Abbreviations.....</b>	<b>2</b>
<b>Summary .....</b>	<b>2</b>
<b>Explanatory information.....</b>	<b>4</b>
<b>Background.....</b>	<b>4</b>
<b>Purpose and terms of the draft SPP amendment (generally).....</b>	<b>6</b>
<b>Consideration of Zone Purpose .....</b>	<b>9</b>
<b>The proposed Draft Amendment 02-2024 of the SPPs – Container Refund Facility .....</b>	<b>11</b>
<b>Legislation Requirements .....</b>	<b>18</b>
<b>Contents of State Planning Provisions(section 14 of the Act) .....</b>	<b>18</b>
<b>Land Use Planning and Approvals Act 1993 – Schedule 1 Objectives ...</b>	<b>20</b>
<b>Part 1 - Objectives of the Resource Management and Planning System of Tasmania (RMPS) .....</b>	<b>20</b>
<b>Part 2 - Objectives of the Planning Process Established by this Act.....</b>	<b>21</b>
<b>State Policies and NEPMs.....</b>	<b>23</b>
<b>Response State Policies .....</b>	<b>24</b>
<b>Response NEPMs.....</b>	<b>25</b>
<b>Tasmanian Planning Policies .....</b>	<b>26</b>
<b>Gas Pipeline Safety .....</b>	<b>27</b>
<b>Appendix A – Terms of Reference.....</b>	<b>29</b>
<b>Appendix B – Letter from NRE Tas .....</b>	<b>30</b>

---

**State Planning Office, Department of Premier & Cabinet**

GPO Box 123 HOBART TAS 7001

Phone: 1300 703 977

Email: [stateplanning@dpac.tas.gov.au](mailto:stateplanning@dpac.tas.gov.au)

October 2024

## Abbreviations

Act..... Land Use Planning and Approvals Act 1993

CRS ..... Container Refund Scheme

NEPM ..... National Environment Protection Measure

NRE ..... Department of Natural Resources and Environment Tasmania

LPS..... Local Provisions Schedule

RMPS ..... Resource Management and Planning System

SPP..... State Planning Provisions

TPP..... Tasmanian Planning Policy

TPS..... Tasmanian Planning Scheme

## Summary

The Department of Natural Resources and Environment Tasmania (NRE) has now appointed a network operator of the CRS under the *Container Refund Scheme Act 2022*. The network operator will install and run the CRS on a statewide basis, including King and Flinders Islands and is aiming to have the CRS network installed across the State and open to the public in May 2025.

NRE expects that there will be a minimum of 40 CRS refund points across the state, where these will be a combination of the various types of the CRS refund points, similar to what has occurred on the mainland.

The SPPs have been amended to support the CRS rollout. The earlier SPP amendment 01-2022 made on 24 January 2024 provided for a range of CRS elements that were known about at the time of preparing that SPP amendment in 2022. At that time, it was thought that locations in the Light Industrial Zone, General Industrial Zone and Utilities Zone would provide suitable opportunities for the depot style container return points, and a planning approval pathway would be available in those zones. So that is why SPP amendment 01-2022 did not contain any specific elements for the depot style container return points.

Through the hearing process, the CRS network operator highlighted that several automated depot style container return points were flagged for locations in the Commercial Zone due to convenience of public access. In its final report on SPP amendment 01-2022 the Commission panel concluded that any provisions to differentiate depot style container refund points was outside the scope for that amendment and that any provisions for such would need to be carried out under a separate amendment.

Automated depots (which have been incorporated into container refund scheme networks in other Australian states) tend to be sited within existing small-to-medium warehouse sheds in conveniently accessible locations. They operate as 'stand-alone' sites set up to manage bulk beverage container returns and refunds. Depots are staffed to ensure processes run smoothly with public users, and automated in that they utilise counting and sorting technologies. They tend to operate in a 'drive-in' capacity to ensure ease of parking and movement (comparable to the common 'drive-in' bottle-shop layout), where customers drive through the facility in a single direction (for ease and efficiency).

The CRS network operator also identified ideal locations for these depot style return points, which included up to six locations in the Commercial zone and Light Industrial zone, as these sites are considered by the CRS network operator to be in convenient locations.

The CRS network operator also expressed the view that these depot style return points should be a "permitted" use in the Commercial zone and Light Industrial zone, as their impacts are generally less than other more traditional forms of waste transfer stations.

Currently, a depot style container return point is classified in the 'Recycling and waste disposal' use class, which is a prohibited use in the Commercial zone and a discretionary use in the Light Industrial zone.

Given that the CRS is intended to be rolled out statewide at approximately the same time everywhere in the state, these proposed refinements to include greater scope for a container refund facility to be granted a planning permit will in the Commercial Zone and Light Industrial Zone support the desired outcome of a varied network of container refund points that are conveniently accessible to the public.

For the purposes of the SPP criteria, draft SPP amendment 02/2024 is a relevant planning instrument and the SPP criteria apply.

For the reasons set out in this document the proposed draft amendment 02/2024 of the SPPs is considered to meet the SPP Criteria set out in section 15 of the Act, and if the

draft amendment 02/2024 of the SPPs were approved, the draft amendment 02/2024 of the SPPs would not cause the SPPs to cease to meet the SPP Criteria.

The draft amendment 02/2024 of the SPPs has been drafted in accordance with the Terms of Reference issued by the Minister for Housing and Planning. The terms of reference are included in Appendix A to this report.

## Explanatory information

For the purposes of section 16(5) of the Act, this document is the explanatory document for the draft SPP amendment 02-2024.

## Background

Currently under the SPPs any element of the CRS would be classified in the 'Recycling and Waste Disposal' Use class, which means – use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. Existing examples include a recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station.

The intended locations for most of the CRS features is in areas subject to the business zones and in these zones the 'Recycling and Waste Disposal' Use class is a prohibited use. SPPs amendment 01-2022 – Container Refund Scheme had the effect of allowing these in business zones.

For several areas the CRS network operator has identified locations within the Commercial Zone and Light Industrial Zone as being most convenient and accessible for public users to make bulk container returns, that is an amount of containers too large to carry but able to fit within a car. However, depot style container return points, falling within the Recycling and Waste Disposal Use Class, are currently prohibited in the Commercial Zone and discretionary in the Light Industrial Zone.

The depots are planned to be automated in that they will utilise efficient counting and sorting technologies. Eligible (approved) containers are transported, scanned and separated along conveyor belts to designated bins, ready for temporary storage within the depot building, prior to collection and transportation to their recycling destination.

Automated depot style container return points are considered to have lesser amenity impact than other activities within the 'Recycling and Waste Disposal' Use class. Since the material permissible on-site is restricted to empty and unbroken beverage containers only, some differentiation in broad Use class is considered appropriate.

Accordingly, intervention is required to the SPPs to provide the opportunity for applications for depot style container return points to be considered on merit in the Commercial Zone, and to facilitate a permitted use status in both the Commercial Zone and Light Industrial Zone.

An automated depot is considered to be a “container refund point” under section 4 of the *Container Refund Scheme Act 2022*. An automated depot is a collection of container refund machines, with multiple deposit points on the one site, as opposed to a single container refund machine planned for supermarket car parks.

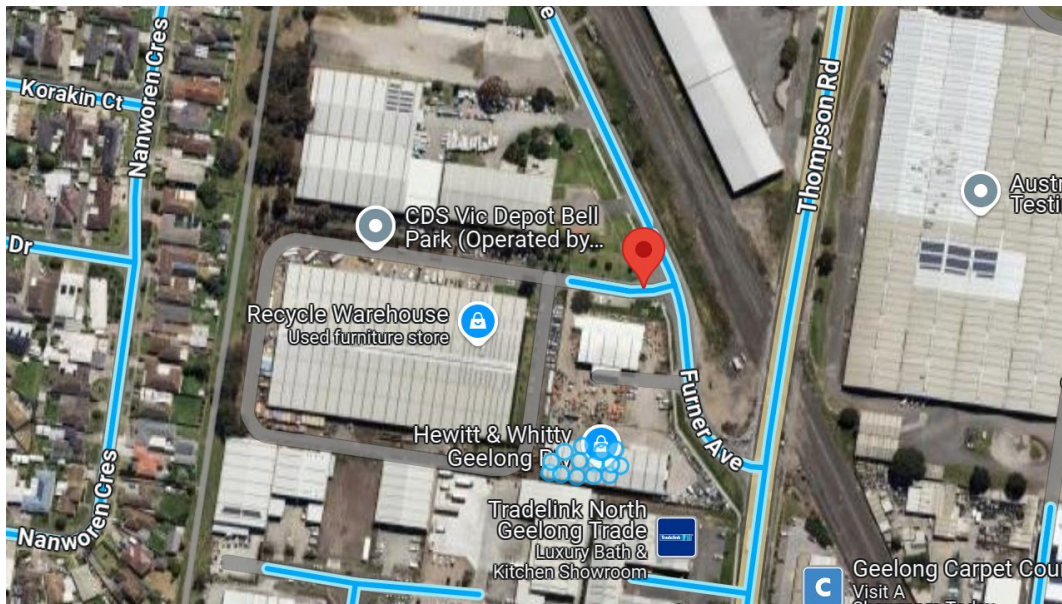
Some automated depots may also be staffed in order to assist the public with their recycling. A staffed depot is considered to be a “container refund point” under section 4 of the *Container Refund Scheme Act 2022*.

Under the SPPs, an automated depot or a staffed depot for the CRS is a “waste transfer station” and falls under the “recycling and waste disposal” use class. Because there are no specific definitions to set out otherwise.

There is, however, some potential for confusion when classifying a development application for an automated depot that is a collection of container refund machines, as it might also be considered to be a container refund machine and then considered under clause 7.14, instead of applying the zone provisions (as intended by this SPP amendment).

### **Container refund facilities**

An example of an existing container refund facility is located at 116 Furner Avenue, Bell Park, Geelong, Victoria. Essentially, the typical arrangement is for the whole operation to be housed within a building, including drop off area and temporary container storage before transporting to the main container processing facility.



The proposed definition for a container refund facility sets out a description of the features of the facility, such as providing storage, vehicle management during drop-off, and types of container receiving methods (staff or machine). The definition does not prescribe sizes or limits, since each container refund facility site will be different in terms of lot size and existing building arrangements. Setting number prescriptions might exclude a CRS operation from the comfort of the definition, which is not intended.

It is considered that the definition of a container refund facility can describe all of the CRS facilities that will be proposed in the state, approximately 5-6. Examples of container refund facilities are shown in the accompanying document – Refund Point Infrastructure – Tasmania’s Container Refund Scheme prepared by NRE Tas April 2022. In the document they are referred to as depots.

### **Purpose and terms of the draft SPP amendment (generally)**

The draft SPP amendment 02/2024 consists of –

- a) A definition for the term ‘container refund facility’, to describe a depot style container return point, so as to clarify the operation of the draft SPP amendment,
- b) Clarify the use class “Recycling and Waste Disposal” examples by including container refund facility,
- c) A general provision to reduce any confusion between assessment of different CRS features,

- d) Modifications to the use tables in the Commercial Zone and Light Industrial Zone to establish a “permitted” use classification for depot style container return points, including a consequential alteration to the qualification in the discretionary listing for the Recycling and Waste Disposal use class in the Light Industrial Zone,
- e) Modifications to C2.3.1 definition of ‘container refund space’ to avoid any potential confusion that may arise when considering development applications for container refund facilities. Essentially, the concept of ‘container refund space’ for the purposes of calculating the required number of car parks under the Parking and Sustainable Transport Code, would not be taken into account when calculating required car parks for a container refund facility, and
- f) Modifications to Table C2.1 to recognise the unique car parking requirements of depot style container return points in the Recycling and Waste Disposal Use as being distinct from other types of Recycling and Waste Disposal uses.

In order to provide for the clear application of the draft SPP amendment 02-2024, a definition is required to describe the additional CRS feature. The definition for “container refund facility” is intended to enable distinction between the different types of CRS refund points. This definition will also enable distinction between the various types of waste transfer stations, to continue to eliminate higher impact waste transfer stations from the Commercial Zone and direct them to the discretionary pathway in the Light Industrial Zone. Therefore, ensuring impacts are kept to a minimum. The definition refers to a “container refund point” to align with the definitions in the *Container Refund Scheme Act 2022*. The effect of this means that only the approved operator of the container refund scheme can apply to develop land for a container refund facility.

The additional general provision is designed to clarify that a single container refund machine cannot be construed as a depot style container return point, and vice-versa. This is intended to make it clear that an application for a depot style container return facility is to be assessed against the zone and code provisions of the SPPs, and not the general provisions under clause 7.14 of the SPPs. Likewise, when considering an application for a single container refund machine in a location that is in the Commercial Zone, those are intended to be assessed under clause 7.14 (if they are not exempt). Following feedback received under section 30D of the LUPA Act, it is considered that this provision just needs to exclude operation of clause 7.14 from consideration of any container refund facility.

To assist with clear understanding that a depot style container refund facility fits within the “Recycling and Waste Disposal” use class, a “container refund facility” is proposed to be added to the examples in the “Recycling and Waste Disposal” use class.

To set the desired development application status, the use tables in the Commercial Zone and Light Industrial Zone are modified to establish the depot style container return facility as a ‘permitted’ use, but only for those elements of the CRS, not any other type of Recycling and Waste disposal facility. The zone provisions will then manage impacts concerning hours of operation, external lighting and commercial vehicle movements if the site is within 50m of a residential zone.

The SPP codes are also intended to apply to any development application for a container refund facility, as they normally would for any other type of development.

For the purposes of the SPP C9.0 Attenuation Code this would see a container refund facility classed as a waste transfer station under Table C9.1 giving each facility an attenuation area of 150m. Depending on the sites chosen by the CRS operator, this may mean approval can only be sought through reliance on performance criteria of this code. In circumstances where there acceptable solutions for C9.1 or C9.2 cannot be met, the terms of consideration within the relevant performance criteria are considered appropriate to examine the proposal against.

For the purposes of the SPP C10.0 Coastal Erosion Code, C11.0 Coastal Inundation Code, C12.0 Flood Prone Areas Code and C15.0 Landslip Hazard Code, a container refund facility will be classified as a ‘hazardous use’ because it will be classified within the ‘Recycling and Waste Disposal’ use class. If the chosen site for a container refund facility triggers any of these codes, this would mean approval can only be sought through reliance on performance criteria of the applicable code for that particular container refund facility. It is noted that most of the areas zoned Commercial or Light Industrial in the State are not subject to these particular codes.

With respect to the SPP C2.0 Parking and Sustainable Transport Code more clarity around car parking requirements is considered appropriate, including the distinction between vehicle queueing areas and normal car parks. Which is a similar concept to carparking requirements for drive through take away food premises or drive-in bottle shops.

Currently under Table C2.1 the requirements for the Recycling and Waste Disposal activity is 1 space per 500m<sup>2</sup> of site area + 1 space per employee. If a container refund facility is located on a very large site, then the car parking requirements could end up being excessive.

The car park numbers in the amendment are informed by the CRS operator's requirements/observations from their mainland sites. This advice suggests that these facilities on the mainland generally attract up to 5 customers at a time. These mainland sites are busier than is expected here in Tasmania. Also, these facilities are expected to be less busy than bottle shops or drive through take-away food outlets. These points suggest that a lower amount for the queuing area for a CRS facility in the car parking requirements than for a takeaway food premises or bottle shop would be appropriate. The bike parking requirements have been set to be consistent with other similar activities listed in Table C2.1, noting that these facilities are likely to have less than 5 employees and other similar activities in the code place bike parking requirements when employee numbers are 5 or more. Also, noting the Parking and Sustainable Transport Code will be subject to a broader review as part of the current SPPs Review work program, it is not the intention to fix any broader issues with this code, and considered out of scope for this amendment.

The SPP amendment is not proposing to alter the provisions of the signs code, as the CRS operator has not provided any specific signage requirements for depot style facilities.

With all other SPP codes it is expected they will apply to each development application as needs be according to their application.

## **Consideration of Zone Purpose**

### **Commercial Zone Purpose**

17.1.1 To provide for retailing, service industries, storage and warehousing that require:

- (a) Large floor or outdoor areas for the sale of goods or operational requirements;  
and
- (b) High levels of vehicle access and parking for customers

17.1.2 To provide for a mix of use and development that supports and does not compromise or distorts the role of the other activity centres in the activity centre hierarchy.

The container refund facilities will operate similar to storage and warehousing activities in a manner that will require high levels of vehicle access to be able to return the containers. As the facilities will be housed inside a building, this building will need a large floor area to provide for the operational requirements of receiving, packing and storing containers for later collection.

As the container refund facilities will not be selling goods, it is not expected that they will undermine or distort an activity centre hierarchy.

### **Light Industrial Zone Purpose**

18.1.1 To provide for manufacturing, processing, repair, storage and distribution of goods and materials where off site impacts are minimal or can be managed to minimise conflict with, or unreasonable loss of amenity to, any other uses.

18.1.2 To provide for use or development that supports and does not adversely impact on industrial activity.

The container refund facilities will operate similar to storage, warehousing and distribution activities. The use of each site is intended to be housed within a building, which will reduce the spread of noise and dust. The provisions of the Light Industrial Zone will also operate in situations within 50m of a residential zone to assess any potential impacts on residential amenity.

The container refund facilities will gather recycling materials and send them to the main recycling processing facility for the container refund scheme, supporting the broader recycling industry. The activity is not a sensitive use and should be able to operate adjacent to other light industrial activities.

### **Public interest to provide interim status for the SPP amendment**

In a general sense recycling of any material is in the broad public interest, as it reduces the need for additional resources and lessens our impact on the natural environment.

Delivering the project on time to roll out a single statewide system is important for the success of the project and considered necessary to encourage more recycling. The intended timing of the program commencement is mid 2025, as such interim status of the SPP amendment will enable development applications for the container refund facilities to be lodged sooner, then approved and constructed/set up in time for the mid 2025 roll out of the scheme.

Not granting interim status to the SPP amendment will mean that the container refund facilities will have to wait for final approval of the SPP amendment before any development applications can be considered, meaning part of the CRS rollout would be delayed and potentially frustrate the success of the startup of the program.

Any negative impacts with each application for a container refund facility will be teased out by the existing SPP provisions and direct that particular application into a discretionary process – which will include the public in the process to determine the application.

On balance on broad terms, it is in the public interest to enable immediate application of the SPP amendment in order to support the roll out of the container refund scheme.

## The proposed Draft Amendment 02-2024 of the SPPs – Container Refund Facility

It is proposed to amend the SPPs as set out below.

1. In Table 3.1 insert the following definition in alphabetical order:

Container refund facility	means use of land for a drive-in container refund point providing:  (a) for receiving, sorting and paying refunds for approved containers; (b) temporary storage of the approved containers on-site for collection; (c) queuing areas for vehicles carrying approved containers; (d) for vehicles to drive-in, unload approved containers, and move through the facility in a forward direction; and (e) staff or multiple container refund machines, or a combination of both.
---------------------------	---

2. In Table 6.2 Use Classes, amend the definition of Recycling and Waste Disposal by inserting the text shown underlined as follows:

Recycling and Waste Disposal	use of land to collect, dismantle, store, dispose of, recycle or sell used or scrap material. <u>Examples include a container refund facility,</u> recycling depot, refuse disposal site, scrap yard, vehicle wrecking yard and waste transfer station.
------------------------------	---

3. In clause 7.14 insert a new subclause 7.14.6 as follows:

7.14.6      Clauses 7.14 is not applicable to an application for a container refund facility.

4. Amend clause 17.2 Use Table and clause 18.2 Use Table by inserting (in alphabetical order) a new “Permitted” Use Class “Recycling and Waste Disposal” with the qualification “If for a container refund facility.”, as follows:

Recycling and Waste Disposal	If for a container refund facility.
------------------------------	-------------------------------------

5. Amend clause 18.2 Use Table in the qualification for the “Discretionary” Use Class Recycling and Waste Disposal by inserting “that is not listed as Permitted” after “station”, as follows:

Recycling and Waste Disposal	<p>If for a:</p> <ul style="list-style-type: none"> <li>a) scrap yard; or</li> <li>b) waste transfer station, if not a container refund facility.</li> </ul>
------------------------------	--

6. In C2.3.1, revise the definition for container refund scheme space by inserting the text shown as underlined as follows:

Term	Definition
container refund scheme space	means an area of land required to house a container refund machine or a bag drop refund point plus space for pedestrians to queue at the container refund machine or bag drop refund point, <u>excluding land in a container refund facility.</u>

7. Amend Table C2.1, in the row for Recycling and Waste Disposal, to insert specific car parking requirements for container refund facility, as set out below -

Use		Parking Space Requirements	
		Car	Bicycle
Recycling and Waste Disposal	Container refund facility	1 space per employee + 3 queuing spaces for drive-in (if applicable)	No requirement
	Other Recycling and Waste Disposal use	1 space per 500m <sup>2</sup> of site area + 1 space per employee	No requirement

Note: For context, the Commercial Zone and Light Industrial Zone use tables are provided below, with the modifications made shown in red:

## 17.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Bulky Goods Sales	
Emergency Services	

Equipment and Machinery Sales and Hire	
Recycling and Waste Disposal	If for a container refund facility.
Service Industry	
Storage	
Discretionary	
Business and Professional Services	
Community Meeting and Entertainment	
Educational and Occasional Care	
Food Services	
General Retail and Hire	
Hotel Industry	If for alterations or extensions to an existing Hotel Industry.
Manufacturing and Processing	
Research and Development	
Resource Processing	If for food or beverage production.
Sports and Recreation	
Transport Depot and Distribution	
Tourist Operation	
Utilities	

Vehicle Fuel Sales and Service	
Vehicle Parking	
Visitor Accommodation	If for alterations or extensions to existing Visitor Accommodation.
Prohibited	
All other uses	

## 18.2 Use Table

Use Class	Qualification
No Permit Required	
Natural and Cultural Values Management	
Passive Recreation	
Utilities	If for minor utilities.
Permitted	
Emergency Services	
Equipment and Machinery Sales and Hire	
Manufacturing and Processing	
Port and Shipping	
Recycling and Waste Disposal	If for a container refund facility.

Research and Development	
Service Industry	
Storage	
Transport Depot and Distribution	
Vehicle Fuel Sales and Service	
Discretionary	
Bulky Goods Sales	<p>If for:</p> <ul style="list-style-type: none"> <li>a) a supplier for Extractive Industry, Resource Development or Resource Processing;</li> <li>b) a garden and landscaping materials, trade or hardware supplier; or</li> <li>c) a timber yard.</li> </ul>
Community Meeting and Entertainment	
Crematoria and Cemeteries	
Domestic Animal Breeding, Boarding or Training	
Educational and Occasional Care	If for alterations or extensions to existing Educational and Occasional Care.
Food Services	
General Retail and Hire	If for alterations or extensions to existing General Retail and Hire.

Recycling and Waste Disposal	<p>If for a:</p> <p>a) scrap yard; or</p> <p>b) waste transfer station, <b>if not a container refund facility.</b></p>
Resource Processing	
Sports and Recreation	
Utilities	If not listed as No Permit Required.
Vehicle Parking	
Prohibited	
All other uses	

## Legislation Requirements

The SPPs criteria is set out in section 15 of the Act, as follows:

(1) In this section –

relevant planning instrument means a draft of the SPPs, the SPPs, a draft amendment of the SPPs and an amendment of the SPPs.

(2) The SPPs criteria to be met by a relevant planning instrument are that the instrument –

- a) only contains provisions that the SPPs may contain under section 14; and
- b) furthers the objectives set out in Schedule 1; and
- c) is consistent with each State Policy; and
  - (ca) is consistent with the TPPs that are in force before the instrument is made; and
- d) has regard to the safety requirements set out in the standards prescribed under the Gas Safety Act 2019.

(3) An amendment of the SPPs, or a draft amendment of the SPPs, is taken to meet the SPPs criteria if the amendment of the SPPs, or an amendment of the SPPs made in the terms of the draft amendment of the SPPs, will not have the effect that the State Planning Provisions, as amended, will cease to meet the SPPs criteria.

## Contents of State Planning Provisions(section 14 of the Act)

(1) The SPPs –

- a) may contain any provision that may, under section 11, be included in the Tasmanian Planning Scheme; and
- b) may not contain a provision that is inconsistent with section 11 or, if the Tasmanian Planning Scheme were in effect in relation to a municipal area, would be inconsistent with a provision of section 12; and

- c) may contain a provision indicating or specifying the structure to which an LPS is to conform and the form that a provision of an LPS is to take; and
  - d) may contain a provision permitting an LPS to provide for the detail of the SPPs in respect of, or the application of the SPPs to, a particular place or matter; and
  - e) may contain a provision permitting a provision of an LPS to override a provision of the SPPs; and
  - f) may contain a provision permitting the modification, in relation to a part of a municipal area, of the application of a provision of the SPPs; and
  - g) may contain a provision requiring, or permitting, an LPS to contain a map, an overlay, a list, or another provision, that provides for the spatial application of the SPPs to land; and
  - h) may contain a provision requiring an LPS to contain a provision of a kind specified or referred to in the SPPs.
- (2) The SPPs may contain a provision permitting an LPS to include –
- a) a particular purpose zone, being a group of provisions consisting of –
    - i. a zone that is particular to an area of land specified in the LPS; and
    - ii. the provisions that are to apply in relation to that zone; or
  - b) a specific area plan, being a plan consisting of –
    - i. a map or overlay that delineates a particular area of land; and
    - ii. the provisions, specified in the LPS, that are to apply to that land in addition to, in modification of, or in substitution for, a provision, or provisions, of the SPPs; or
  - c) a site-specific qualification, being a provision, or provisions, that are specified, in relation to a particular area of land, in the LPS and that modify, are in substitution for, or are in addition to, a provision, or provisions, of the SPPs.

## Response

This section mostly relates to matters for what an LPS may or may not contain, which are matters that are not related to the content of the proposed draft SPP amendment.

In relation to section 11 of the Act, the proposed draft SPP amendment does not relate to forestry operations, mineral exploration, fishing or marine farming in State waters. The proposed draft SPP amendment provides for managing use and development of land in relation to components of the container refund scheme proposed to be implemented in 2024.

In relation to section 12 of the Act, the proposed draft SPP amendment does not introduce any new prohibitions above what is currently in the SPPs. On this basis, the proposed draft SPP amendment will not prevent the continuance of any existing use or development from occurring or preventing any approved use and development from occurring.

On the above grounds the draft SPP amendment only contains provisions that it may contain in accordance with section 14 of the Act.

# Land Use Planning and Approvals Act 1993 – Schedule 1 Objectives

## Part 1 - Objectives of the Resource Management and Planning System of Tasmania (RMPS)

1. The objectives of the resource management and planning system of Tasmania 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.
2. In clause 1 (a), sustainable development means managing the use, development and protection of natural and physical resources in a way, or at a rate, which enables people and communities to provide for their social, economic and cultural well-being and for their health and safety while –
- a) sustaining the potential of natural and physical resources to meet the reasonably foreseeable needs of future generations; and
  - b) safeguarding the life-supporting capacity of air, water, soil and ecosystems; and
  - c) avoiding, remedying or mitigating any adverse effects of activities on the environment.

## Response

Under the draft SPP amendment 02-2024, the depot style container refund points are only allowed to occur on land that has already been developed or land that is flagged for development, as the amendment only relates to adding development in the Commercial and Light Industrial Zones. Council officers from the municipal areas where these facilities are expected to be located have provided input into preparation of the draft amendment.

The zone and any relevant code provisions will operate to manage any potential land use conflicts or environmental issues. The TPS zone and code provisions have already been examined against the objectives of the Act. On this basis, the range of matters to consider should be able to ensure that any potential issues with the development maintaining ecological processes and genetic diversity is taken into account with future planning decisions.

The draft SPP amendment 02-2024 will be subject to public consultation and public hearings before it is finally determined. Some of the additional CRS refund point development applications may also be discretionary when they occur, further involving the public in decision making.

The draft SPP amendment 02-2024 will further facilitate the rollout of the CRS, which in turn will increase the level of recycling in the State, adding to a 'circular' economy.

## Part 2 - Objectives of the Planning Process Established by this Act

The objectives of the planning process established by this Act are, in support of the objectives set out in Part 1 of this Schedule –

- a) to require sound strategic planning and co-ordinated action by State and local government; and
- b) to establish a system of planning instruments to be the principal way of setting objectives, policies and controls for the use, development and protection of land; and
- c) to ensure that the effects on the environment are considered and provide for explicit consideration of social and economic effects when decisions are made about the use and development of land; and
- d) to require land use and development planning and policy to be easily integrated with environmental, social, economic, conservation and resource management policies at State, regional and municipal levels; and
- e) to provide for the consolidation of approvals for land use or development and related matters, and to co-ordinate planning approvals with related approvals; and
- f) to promote the health and wellbeing of all Tasmanians and visitors to Tasmania by ensuring a pleasant, efficient and safe environment for working, living and recreation; and
- g) to conserve those buildings, areas or other places which are of scientific, aesthetic, architectural or historical interest, or otherwise of special cultural value; and
- h) to protect public infrastructure and other assets and enable the orderly provision and co-ordination of public utilities and other facilities for the benefit of the community; and
- i) to provide a planning framework which fully considers land capability.

## Response

The draft SPP amendment 02-2024 will enable the depot style container return points to be established within existing activity centres, in line with historical development patterns. Noting that it is anticipated that there will be around 4-5 depot style container return points across the state.

The SPPs are part of the State's planning system that also includes regional land use strategies, State Policies and the objectives of the Act. It is anticipated there will also be Tasmanian Planning Policies included within the system as well, in the near future. The system also includes the application of the SPPs through the LPSs. The draft SPP amendment is a small addition to the whole system.

The draft SPP amendment 02-2024 will rely upon the existing zone and code provisions for the consideration of potential impacts on residential amenity and heritage places. These considerations should ensure a healthy pleasant environment at each relevant site is maintained with any CRS feature allowed by this amendment.

The development application process includes referrals to infrastructure providers to ensure that their infrastructure is suitably protected from any issues that may arise from a proposed development.

On the above grounds, the draft SPP amendment 02-2024 is considered to further the objectives of the RMPS.

The proposed SPP amendment will have no effect on areas zoned Commercial and subject to the Glenorchy Local Provisions Schedule Northern Apartments Corridor Specific Area Plan (SAP) because that particular SAP has its own Use Table, which substitutes the use table in the Commercial Zone.

It is expected that the returned containers will be taken to the processing facility at regular intervals. Which should avoid the need to stockpile returned containers at each individual container refund facility in any great quantity. Notwithstanding this expected management practice, both the Commercial Zone and Light Industrial Zone contain standards to manage the appearance of external storage areas.

Under the SPPs a container refund facility will still be a form of a waste transfer station and as such the SPP Attenuation Code will still apply to applications for these facilities. In this case, if a sensitive use or a residential zone is within 150m of the proposed facility then the application will need to address the relevant performance criteria of that code. This will provide consideration of potential impacts on residential amenity in the process of determining the application through a discretionary planning process.

## State Policies and NEPMs

State policies are created under Part 2 of the State Policies and Projects Act 1993. Also, under section 12A of that act, all NEPMs made by the Commonwealth are taken to be state policies. There are currently 3 state policies and 7 NEPMs in place. These are the –

1. State Coastal Policy 1996
2. State Policy on the Protection of Agricultural Land 2009
3. State Policy on Water Quality Management 1997
4. National Environment Protection (Air Toxics) Measure 2004
5. National Environment Protection (Ambient Air Quality) Measure 1998
6. National Environment Protection (Assessment of Site Contamination) Measure 1999
7. National Environment Protection (Diesel Vehicle Emissions) Measure 2001
8. National Environment Protection (Movement of Controlled Waste between States and Territories) Measure 1998
9. National Environment Protection (National Pollutant Inventory) Measure 1998
10. National Environment Protection (Used Packaging Materials) Measure 1998

## **Response State Policies**

The draft SPP amendment provides for the CRS to be predominantly implemented inside existing towns or industrial sites.

Essentially, these sites will be –

1. within existing settlements on land that is already converted from agricultural use,
2. on land inside the coastal zone that has already been developed and essentially void of any natural elements that need protection, by virtue of the existing choices of zone application by the local planning authority and historical patterns of development.

At sites where the draft SPP amendment 02-2024 will apply, the local planning authority will still refer the development application to Taswater and TasGas (as relevant) and also place conditions on the planning permit to manage their own stormwater (water quality) and road infrastructure issues. These conditions will collectively manage water quality issues in accordance with the water quality policy.

On these grounds the draft SPP amendment 02-2024 is considered to be consistent with each state policy.

## Response NEPMs

The Air Toxics NEPM is mostly concerned with collecting information about air toxics and establishing a consistent approach to identifying sites where significant populations may be exposed to air toxics. The draft SPP amendment is unlikely to offend the desired outcomes of this NEPM as the draft SPP amendment does not propose to change the measurement of air toxics.

The Ambient Air Quality NEPM is concerned with ambient air quality that minimises the risk of adverse health impacts from exposure to air pollution. The draft SPP amendment is unlikely to offend the desired outcomes of this NEPM as each CRS site related to the draft SPP amendment will be relatively small and empty drink containers should not create air pollution.

The Assessment of Site Contamination NEPM is concerned with establishing a nationally consistent approach to the measurement of site contamination. The draft SPP amendment is unlikely to offend the desired outcomes of this NEPM as the draft SPP amendment does not propose to change the measurement of site contamination.

The Diesel Vehicle Emissions NEPM is concerned with reducing emissions diesel vehicles by setting standards for their emissions. The draft SPP amendment is unlikely to offend the desired outcomes of this NEPM as the draft SPP amendment does not propose to change the standards for diesel vehicle emissions.

The Movement of Controlled Waste between States and Territories NEPM is concerned with minimising adverse impacts associated with the movement of controlled waste. The recycled containers in the CRS are not controlled waste and as such the draft SPP amendment does not offend this NEPM, noting that a used Beveridge container must be clean to be an eligible container for the CRS.

The National Pollutant Inventory NEPM is concerned with the collection and dissemination of information on emissions and transfers of substances on its reporting list leading to desired environmental outcomes that are –

- a) The maintenance and improvement of
  - i. ambient air quality and
  - ii. ambient marine, estuarine and fresh water quality;

- b) The minimisation of environmental impacts associated with hazardous wastes;  
and
- c) An improvement in the sustainable use of resources

The draft SPP amendment will help facilitate the roll out of the CRS which will lead to an increase in recycled materials taking a step closer to a 'circular economy' and on that basis, the draft SPP amendment does not offend this NEPM.

The Used Packaging NEPM aims to optimise packaging to use resources efficiently and to efficiently collect and recycle packaging. The CRS scheme is considered to align with the goals of this NEPM and the draft SPP amendment is designed to facilitate the roll out of the CRS.

On the above grounds the draft SPP amendment 02-2024 is considered to be consistent with the NEPMs.

## Tasmanian Planning Policies

The detail in this section is expressed in regard to the draft Tasmanian Planning Policies (TPPs) – March 2023, as at the time of writing this report the TPPs were not made. Comments are provided against those parts of the draft TPPs that are considered relevant to this SPP amendment for container refund facilities.

The draft TPPs seek to improve neighbourhood amenity by managing incompatible use and development through 1.2.2.8. In this case, the terms of the existing SPP Attenuation Code performance criteria will apply to those proposals for container refund facilities that are located within 150m of a sensitive use or residential zone and manage any issues that may be specific to each location.

The SPP amendment provides for some of the container refund facilities to locate in industrial areas, which is supporting the co-location of similar activities within industrial areas, consistent with 4.6.3.7 of the draft TPPs.

Similarly, the SPP amendment provides for some of the container refund facilities to locate in activity centres in the Commercial Zone. This Zone has been chosen because of its convenient locations making those sites highly accessible, which will support a mixture of uses in a manner where conflicts can be managed through the SPP Attenuation Code, consistent with 4.7.3.9 of the draft TPPs.

The draft TPPs support facilitation of circular economies and a variety of recycling facilities through 4.02 and 5.1.3.11, which this proposed SPP amendment seeks to provide for.

On the above grounds the draft SPP amendment 02-2024 is considered to be consistent with the draft TPPs.

## Gas Pipeline Safety

Currently the Act refers to the safety requirements set out in the standards prescribed in the Gas Safety Act 2019. However, this act only seems to deal with safety requirements for individual appliances, etc, not safety in respect of the major gas infrastructure in the State. There is the ability under this act for the Minister to issue determinations in respect of any matter to do with safety, but at present there doesn't appear to be any determinations issued.

On this basis, any SPP amendment or planning scheme amendment would only have the potential to affect the risk level of the major gas infrastructure if an individual development, arising from that amendment, was located inside the declared gas pipeline corridor. And if that were the case, the development application would be referred to the gas pipeline licensee for comment under the *Gas Industry Act 2019* at the development application stage.

In conclusion, this particular draft SPP amendment is unlikely to directly affect the risk levels of the Duke Energy gas pipeline and any specific issues will be managed through individual development applications if they are located within the declared gas pipeline corridor.

### Background for Gas Pipeline Safety issues

Reference to gas safety was included within the LUPA Act in late 2002. Upon review of parliament's Hansard record on 19 November 2002 in part 2 starting on page 23, the Hansard sets out the reasons why Parliament considered that new development ought to be examined for its potential impact to risk levels of the main Duke Energy gas pipeline when the proposed development is located near to that gas pipeline.

The original intent of this section in the Act was to give some protection to the Duke energy main gas pipeline in the State. Where the level of risk to the gas pipeline was to be assessed with each development application or amendment to a planning scheme (or even a new planning scheme). To be clear which development applications were needed to be considered, a gas pipeline corridor has been declared along the length of the main Duke Energy gas pipeline and this corridor has variable widths.

The gas pipeline was installed with variable pipe wall thickness along its length, so the level of risk to the asset may be higher in some locations than others – which generates

the need for input from the pipeline licensee with every development application or planning scheme amendment located inside the declared gas pipeline corridor.

The main gas pipeline corridor is not required to be shown in a planning scheme map, nor is there a planning scheme code in which to manage any development issues. This is all done through a referral to the Gas Pipeline licensee under the *Gas Industry Act 2019* for each individual development application but not for amendments to planning schemes or new planning schemes.

## Appendix A – Terms of Reference

## Appendix B – Letter from NRE Tas



## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
 Approved date: ~~23 September 2024~~  
 Review date: ~~01 September 2026~~

### **1. PURPOSE**

The purpose of the policy is to address the circumstances and conditions under which the Southern Midlands Council will permit mobile food vendors to trade from land owned or managed by the Council or community.

### **2. OBJECTIVE**

The objectives of this Policy are to:

- 2.1 Provide a clear permit process and permit conditions for mobile food vendor trading on Council or community land.
- 2.2 Acknowledge that mobile food vendors can make positive contributions to the attraction and vitality of the Southern Midlands municipality and provide economic, social and cultural benefit to the community.
- 2.3 Accommodate mobile food vendor trading on Council or community land in a reasonable manner which will:
  - a) complement and not unreasonably compete with existing fixed address food businesses;
  - b) provide the community and visitors with additional diversity and choice;
  - c) provide for locations that are safe and convenient in terms of access, facilities, and attraction, and which do not unreasonably interfere with the purpose and security of other public assets or inconvenience the function or amenity of other users and the environment; and
  - d) Provide all mobile food vendors with an equal opportunity to trade from Council or community land.

### **3. SCOPE**

- 3.1 This Policy applies to Council land within the Southern Midlands municipal area and some specific sites managed by community groups.
- 3.2 This policy does not apply to Crown land or private land. Mobile food vendors may operate on private land under a permit granted under the *Land Use Planning and Approvals Act 1993*.
- 3.3 This policy does not apply to mobile food vendors involved in events such as markets, fairs or festivals.



## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23-September-2024  
Review date: 01-September-2026

### 4. DEFINITION OF TERMS

In this policy:

**Council** - means the Southern Midlands Council.

**Council land** - means any land owned, managed by, or under the control of the Council, but does not generally include a road or local highway under the control and management of the Council.

**Community land** - means any land owned, managed by, or under the control of a community group.

**Mobile food vendor** - means a commercial operator trading from a mobile structure that is registered as a mobile food and beverage business within Tasmania under the *Food Act 2003*. This includes both registered vehicles such as vans, caravans and trailers; and non-registered vehicles such as coffee carts or hotdog carts.

**Mobile food vendor permit** - means a permit issued in accordance with this policy.

### 5. POLICY

#### 5.1 General

Mobile food vendors must obtain and display a Mobile food vendor permit to operate on Council or community land in the Southern Midlands municipality.

Council will apply for and hold a permit under the *Land Use Planning and Approvals Act 1993* for each of the approved Trading Locations (identified below).

#### 5.2 Mobile Food Vendor Permit Applications

Applications for a Mobile Food Vendor Permit are to be made by completing the approved Council form and paying the applicable fee as set by Council.

Applicants must indemnify Council against any liability that may arise as a direct result of the mobile food vendor trading within an approved location.

Mobile Food Vendor Applications must include the following information:

- a) Specify the intended trading locations, frequency and times;
- b) Current mobile food business registration under the *Food Act 2003*;
- c) If the business is to operate from a vehicle, the current registration under the *Vehicle and Traffic Act 1999*;



## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: [23 September 2024](#)  
Review date: [01 September 2026](#)

- d) Current ABN or ACN; and
- e) Public liability insurance policy with cover of not less than \$20 million.

### **5.3 Trading Locations**

Mobile food vendors holding a valid Mobile Food Vendor Permit may trade from the following approved locations only:

- **Bagdad** – Quarrytown Road
- **Broadmarsh** – Broadmarsh Hall
- **Campania** – Campania Recreation Ground [and Flour Mill Park](#)
- **Colebrook** – Colebrook Hall or Colebrook History Room/Park
- **Kempton** – Kempton Recreation Ground or Station Park
- **Mangalore** – Mangalore Oval or Council reserve at the corner of Blackbrush Road/Midland Highway
- **Oatlands** – Callington Park or Esplanade car park
- **Parattah** – Recreation Ground
- **Tunnack** – Tunnack Recreation Ground
- **Tunbridge** – Tunbridge Hall

Approved locations are identified by maps in Appendix 1 below.

Council may consider adding additional trading locations if suitable sites are identified by applicants or the public.

### **5.4 Prohibited Locations**

Mobile food vendors are prohibited from operating in the following locations:

- a) State roads or highways, including rest stops such as St Peters Pass, and roadside truck stops.

This Policy does not apply to occasional initiatives run by a suitable organisation, such as 'Driver Reviver' stops.

- b) Council will not permit a mobile food vendor to trade from any road area under the management of the Council, unless specifically identified in the approved trading locations.

Vendors may operate from a Council road as part of an organised event exempt from this Policy under clause 3.3.



## Council Policy MOBILE FOOD VENDORS POLICY

Approved by: Council  
 Approved date: 23 September 2024  
 Review date: 01 September 2026

### 5.5 Trading Restrictions

The following trading restrictions apply to mobile food vendors operating under this Policy:

- a) Trade within any one approved trading location no more than three days per calendar week;
- b) Trade for no more than 4 hours within one day at a single location;
- c) Trade within the following approved times:

Monday to Friday	7am – 10pm
Saturday	9am – 10pm
Sunday and Public Holidays	10am – 8pm

- d) A maximum of three (3) mobile food vendors may operate in an approved trading location at the same time.

### 5.6 Fees

A fee will apply for a Mobile food vendor permit application. An application may be for an annual permit or a three month permit.

The fees will be set by Council annually in accordance with Section 205 of the *Local Government Act 1993* and published as part of the annual fee schedule.

Permits will not automatically be renewed. Operators will be required to apply for a new permit when their existing permit expires.

### 5.7 Conditions of Operation

The following conditions will apply to all mobile food vendors operating under this Policy:

- a) Mobile Food Vendor Permits are issued for one vehicle only and are not able to be shared or transferred.
- b) Mobile Food Vendor Permits will be issued subject to conditions.
- c) Mobile food vendors must display their valid Mobile Food Vendor Permit when operating.
- d) Mobile food vendors must ensure they are legally parked at all times.
- e) Mobile food vendors must not obstruct or restrict the use of roads, driveways, footpaths, walkways or parking areas by other users in any way.
- f) Mobile food vendors are expected to provide their own power, water and rubbish disposal.
- g) Mobile food vendors are responsible for ensuring that rubbish is removed from the site and surrounds at the conclusion of trading and ensuring that no waste water or other contaminants discharge from the vehicle.



## Council Policy MOBILE FOOD VENDORS POLICY

Approved by: Council  
 Approved date: 23 September 2024  
 Review date: 01 September 2026

- h) Council strongly encourages Mobile Food Vendors to provide containers and utensils that are made from compostable and recyclable materials.
- i) Mobile food vendors must trade wholly from within their vehicle.
- j) Mobile food vendors must not leave vehicles unattended in an approved trading location.
- k) Noise from generators and other sources is kept to a minimum.
- l) Mobile food vendors must follow any and all instructions issued by a duly authorised officer of the Council.
- m) Council reserves the right to suspend or cancel a Mobile Food Vendor Permit at any time if the trading restrictions or conditions of operation are not followed or trade contravenes any regulatory requirement or condition of the Permit.
- n) Mobile food vendors operating without a Mobile Food Vendor Permit in accordance with this Policy, or other permission from Council, may be subject to enforcement action including fines under the *Land Use Planning and Approvals Act 1993*.

## 6. LEGISLATION

The relevant legislation is:

- *Local Government Act 1993*;
- *Food Act 2003*; and
- *Land Use Planning and Approvals Act 1993*

## 7. DOCUMENT ADMINISTRATION

This Instruction is a managed document and is to be reviewed after one year of adoption and every two years after that, or as directed by the General Manager.

This document is Version 3.0 effective 23 September 2024. The document is maintained by Development and Environmental Services, for the Southern Midlands Council.



## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23 September 2024  
Review date: 01 September 2026

### **APPENDIX 1 – APPROVED LOCATION MAPS**

Approved locations are marked in yellow on the maps below:

#### **BAGDAD**

Area 1: Quarrytown Road – road reserve; Quarrytown Road, Bagdad



#### **BROADMARSH**

Area 2: Broadmarsh Hall – Car park; 1218 Broadmarsh Road, Broadmarsh





## Council Policy MOBILE FOOD VENDORS POLICY

Approved by: Council  
Approved date: [23 September 2024](#)  
Review date: [01 September 2026](#)

### CAMPANIA

Area 3: Campania Recreation Ground – Car park; 30-34 Reeve Street, Campania



### CAMPANIA

Area 4: [Removed Flour Mill Park – 53 Reeve Street, Campania](#)





## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23 September 2024  
Review date: 01 September 2026

### **COLEBROOK**

Area 5: Colebrook Hall; 45 Richmond Street, Colebrook



### **COLEBROOK**

Area 6: In front of Colebrook History Room and Park; 14 Richmond Street, Colebrook





## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23 September 2024  
Review date: 01 September 2026

### **KEMPTON**

Area 7: Kempton Recreation Ground; 130 Main Street, Kempton



### **KEMPTON**

Area 8: Station Park – Car Park; Main Street, Kempton (opposite 87 Main Street, Kempton)





## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: [23 September 2024](#)  
Review date: [01 September 2026](#)

### **MANGALORE**

Area 9: Mangalore Oval; 22 Blackbrush Road, Mangalore



### **MANGALORE**

Area 10: Council Reserve; Corner of Blackbrush Road and Midland Highway



## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23 September 2024  
Review date: 01 September 2026



### **OATLANDS**

Area 11: Callington Park; 20-28 Esplanade, Oatlands





## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: 23 September 2024  
Review date: 01 September 2026

### **OATLANDS**

Area 12: Esplanade Car parks; 19 Esplanade, Oatlands



### **PARATTAH**

Area 13: Parattah Recreation Ground; 645 Tunnack Road, Parattah





## Council Policy **MOBILE FOOD VENDORS POLICY**

Approved by: Council  
Approved date: [23 September 2024](#)  
Review date: [01 September 2026](#)

### **TUNNACK**

Area 14: Tunnack Recreation Ground; 27 Scotts Road, Tunnack



### **TUNBRIDGE**

Area 15: Tunbridge Hall; 99 Main Road, Tunbridge

