

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 25th October 2017
Municipal Offices, 85 Main Street, Kempton

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OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON WEDNESDAY 25TH OCTOBER 2017 AT THE MUNICIPAL OFFICES, 85
MAIN STREET, KEMPTON COMMENCING AT 10:01 A.M

1. PRAYERS

Rev Dennis Cousens recited prayers.

2. ATTENDANCE

Mayor AE Bisdee OAM, Deputy Mayor AO Green, Clr A Bantick, Clr E Batt, Clr R Campbell, Clr D F Fish and Clr D Marshall.

Mr Tim Kirkwood (General Manager) and Miss Elisa Lang (Executive Assistant).

3. APOLOGIES

Nil.

4. MINUTES

4.1 Ordinary Council Minutes

DECISION

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

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 27th September 2017 be confirmed, subject to amending the List of Attendees to include Clr R Campbell.

CARRIED

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

4.2 Special Council Minutes

DECISION

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

THAT the Minutes (Open) of the Special Meeting of Council held on the 13th October 2017 be confirmed.

CARRIED

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

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4.3 Special Committee of Council Minutes

4.3.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

- Mangalore Recreation Ground Management Committee Minutes – 21st September 2017.
- Chauncy Vale Management Committee Minutes – 10th October 2017.
- Lake Dulverton & Callington Park Management Committee Minutes – 16th October 2017.

DECISION

Moved by Clr E Batt, seconded by Clr A Bantick

THAT the Minutes of the above Special Committees of Council be received.

CARRIED

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

4.3.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

- Mangalore Recreation Ground Management Committee Minutes – 21st September 2017.
- Chauncy Vale Management Committee Minutes – 10th October 2017.
- Lake Dulverton & Callington Park Management Committee Minutes – 16th October 2017.

DECISION

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

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

CARRIED

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

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

4.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- Southern Tasmanian Councils Authority – Minutes of meeting held 25th September 2017.
- Southern Tasmanian Councils Authority Waste Strategy South – Nil.

DECISION

Moved by Deputy Mayor A Green, seconded by Clr D Marshall

THAT the Minutes of the above Joint Authority Meeting be received.

CARRIED

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

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

- Southern Tasmanian Councils Authority – STCA Quarterly Report for period ending 30 September 2017.

DECISION

Moved by Clr E Batt, seconded by Clr D Marshall

THAT the Joint Authority report be received.

CARRIED

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

5. NOTIFICATION OF COUNCIL WORKSHOPS

DECISION

Moved by Clr R Campbell, seconded by Clr A Bantick

THAT the information be received.

CARRIED

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

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6. COUNCILLORS – QUESTION TIME

6.1 QUESTIONS (RECEIVED IN ADVANCE)

The following questions on notice were received from Councillor Bob Campbell on the 17th October 2017. Responses from Council staff are provided below.

Q1 – When will we have a report on the 2017 LGAT Conference and how SMC voted to the motions put by councils around Tasmania.

General Manager's response:

Please refer to Agenda item 17.2.4.

In relation to how SMC voted, the Motions included in the Agenda were circulated to each Councillor prior to the General Meeting for direction. This was particularly relevant where Council does not necessarily have an existing Policy position. Voting was based on that feedback, acknowledging that the Mayor and Deputy Mayor were in attendance to listen to debate and reach an informed position.

Q2 – Could you please bring us up to date re City Mission (Hobart) working with SMC re Building Better Regions (BBRF) and how this will help the Oatlands region.

Deputy General Manager's response:

A project on youth employment & retainment in the Southern Midlands Council area.

Project Description - *The project is designed as the first stage of a staged project designed to improve youth employment skills & build opportunities for youth employment, particularly within the Council area, through building community support and skills transfer from within & beyond the area. The first stage will focus on data gathering about the needs and interests of young people across the area, identifying local & other voluntary resources from within & beyond the area to meet these needs, from which to build a strategic plan designed to contribute to achieving key specific goals. It is intended to develop the project so that it may be replicated in other areas. The 1st stage of the project will be staffed by volunteers with administrative support.*

Project outputs - *The key output will be a strategic plan to address the identified issues of youth unemployment and disengagement in the area through community engagement through phased initiatives to achieve the goals of the strategic plan. The key outputs will be:*

- *a clear understanding of the differing needs and interests of youth living in areas ranging from small urban to remote;*
- *identification of skills and resources, particularly those offered on a voluntary basis, that can be marshalled within and from beyond the Council area to meet those needs and interests; leading to the strategic plan and program.*

Within project funding it may be possible to undertake one or two pilot implementation projects designed to test the strategic plan.

Activity 1 - Start up

- *Planning & organisation of focus groups (e.g. identifying participants, venues etc);*
- *Planning for recruitment & training volunteer facilitators;*
- *Analysis of existing statistical and other relevant data;*

Activity 2 - Conduct and analysis of focus groups

- Recruitment of focus group participants;
- Recruitment & training of volunteer facilitators; -
- Conduct of focus groups (5-8 groups of up to 12 people);
- Recording of focus group data (groups sessions will be taped, then transcribed).

Activity 3 - Data analysis

- analysis of focus group outcomes;
- identification, collection & analysis of any further data requirements.

Activity 4 - Development of Strategic Plan

- Develop the outline of the Strategic Plan and distribute (with data) to stakeholders;
- Analyse results of feedback from stakeholders;
- Development of the Strategic Plan, this will involve bringing together all findings from previous activities in consultation with stakeholders.
- Within project funding, it may be possible to design conduct limited pilot projects to validate aspects of the plan.

Project Justification - This application is for the first stage of a long term project designed to identify and implement strategies to improve community sustainability and, in particular, to improve youth employment skills and their engagement within the local community, thereby maximising job readiness, minimising unemployment and the drift to the city. There will be a particular focus on those in the 10 to 19 year old age group who collectively make up some 12% to 15% of the population of the area (the 5-14 and 15-19 age groups together make up over 20% of the population) and who are the group for which both the opportunities for constructive development and the risks of failure to act are greatest.

As such this first stage is setting up the plan by which concrete benefits to the community will be achieved in subsequent stages and will also provide the data on which these benefits can be estimated.

This project is being conducted by Hobart City Mission in collaboration with the Southern Midlands Council (SMC) and is designed to provide outcomes over the medium to longer term that will contribute substantially to the Growth, Lifestyle and Community objectives of the SMC Strategic Plan (2014-2023), see attached document.

The project has been designed to maximise community involvement at every stage in the process, including the ability of community members to act as facilitators and to design and conduct relevant programs and activities into the future. It is a key aim to work in ways that will in themselves contribute to involvement in community development in the process of developing and agreeing a strategic plan. Further stages will be designed to reinforce community involvement and ownership of solutions for the longer term.

While the data collected in this project will be primarily used to develop a Strategic Plan to address the issues of youth unemployment and disengagement it will also be an invaluable resource to guide planning for the Southern Midlands Council as well as for the four schools and existing community bodies located in the area.

The project is being developed in a way that will make it easily applied in other Local Government Areas.

The project has been designed to achieve a major step in development of the community and of youth employment skills and opportunities within a very limited budget by making

maximum use of community and volunteer input. On a wider view, the issues in the Southern Midlands Council area are typical of those in many rural areas throughout Tasmania and Australia. The project submitted in this application has therefore been designed as a multi-stage project and as one that will develop and test methodologies that could subsequently be applied in other similar areas. The funding support requested has been kept to an absolute minimum to achieve its objectives and would not be possible without this support.

Hobart City Mission (HCM) operates a number of different community services programs and projects, some of which are Government funded, other grant funded. HCM has an outstanding record of managing this program funding, including timely reporting and acquittals to the funding body.

HCM have worked closely with the Southern Midlands Council to develop this application. As is outlined in their letter of support the Southern Midlands Council have committed to in-kind provision of various resources, including administrative support, access to venues and to a bus. The resources are all available as and when the project requires them.

Hobart City Mission's Vision is 'Creating compassionate, resilient and connected local communities', through our long connection with the Southern Midlands area we are particularly focused on rural communities. The proposed project will provide vital information to guide us in the development of youth focused community services in this area. It will also provide an opportunity for us to work with the Southern Midlands Community to identify and address the issues in this area. We expect that this community involvement will increase the community ownership and therefore the success of any such programs.

The proposed project is able to commence as soon as funding is granted.

Q3 – Re the Holy Tantra Park in the Tribunal report the trees are to be planted next to the western edge of the western slab, some trees have been planted (incorrect location) but signs are showing that these trees are dying, will these trees be replaced with appropriate new trees more suited to the area and will they be planted in the correct position as per tribunal report?

Manager, Development and Environment Services response:

Council Officers are aware the landscaping is insufficient in its current form and does not satisfactorily meet the conditions of the permit for statues at 1384 Tea Tree Road. The owners have been given specific direction from Council to undertake further landscape plantings to adequately meet the requirements of the condition. It is the understanding of Council Officers that the owner(s) of the land are continuing to work with a local landscape/horticulturalist to both put a more suitable plan together and implement as soon as practical.

6.2 QUESTIONS WITHOUT NOTICE

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

1. Cllr Campbell – question regarding correspondence sent to Council relating to elected members. Does this correspondence get tabled?

The General Manager advised that where correspondence is received that includes a specific request to be tabled at a Council meeting, then it is to be tabled purely for information purposes under Agenda Item 17.2.5 – ‘Tabling of Documents’.

2. Cllr Campbell – question regarding the “feud” between Williams and the Buddhists and where Council are at in relation to what the Buddhists want to do and what Williams wants to do?

The General Manager advised that comments in relation to the Holy Tantra Park development are provided under Item 6.1 – Question 3. In terms of the newly submitted development application, that is subject to a request for further information prior to public notification (i.e. advertising).

David Cundall (Manager, Development and Environment Services) and Jacqui Tyson (Planning Officer) entered the meeting at 10.20 a.m.

3. Mayor Bisdee received correspondence from Senator Jonathan Duniam regarding War Memorial funding and requested Council consider submitting an application to enhance the Kempton Memorial Clock Tower.
4. Mayor – question whether there was a budget to enable new roses to be purchased for the front garden of the Kempton Council Chambers.

Question taken on notice.

7. DECLARATIONS OF PECUNIARY INTEREST

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

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

Clr Edwin Batt declared an interest in agenda item 11.4.1 (property owner)
Petition To Amend Sealed Plan Numbers 170509 And 167395 – Amend Rights Of Way – 3452 Midland Highway, Melton Mowbray – E C & M J Batt

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8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

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9. PUBLIC QUESTION TIME

Public Question Time was held later in the meeting.

The Mayor advised that there were no Questions on Notice received from members of the public in advance of the meeting.

10.1 Permission to Address Council

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

- Nil.

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

Nil.

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

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

11.1 DEVELOPMENT APPLICATIONS

11.1.1 DEVELOPMENT APPLICATION (DA 2017/97) FOR DEMOLITION AND SITE REMEDIATION AT 18 CHURCH STREET, OATLANDS (CT46931/1), 68 HIGH STREET OATLANDS (CT148205/1) & 70 HIGH STREET, OATLANDS (CT41274/3), OWNED BY SOUTHERN MIDLANDS COUNCIL

DECISION

Moved by Cllr D Fish, seconded by Deputy Mayor A Green

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2017/97) for Demolition and site remediation at 18 Church Street, Oatlands (CT46931/1), 68 High Street Oatlands (CT148205/1) & 70 High Street, Oatlands (CT41274/3), owned by Southern Midlands Council 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, which ever is later, in accordance with section 53 of the land Use Planning And Approvals Act 1993.**

Environment

- 3) The recommendations of the report *SMC Oatlands Works Depot Site History Report and Sampling Analysis and Quality Plan 2017* must be fully implemented to the satisfaction of the Environmental Health Officer regarding site contamination and the safe remediation of the site.**
- 4) At the conclusion of site remediation works a report from a suitably qualified professional must be provided to Council to confirm that the land is suitable for sensitive uses without risk to human health or the environment.**

Services

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

Heritage

- 6) In the event of the uncovering potentially significant archaeology, during the works, the developer must cease the activity immediately contact Council's Manager of Heritage Projects (Mr Brad Williams, 6254 5000) for further advice and procedure before works, related to the particular site, can continue. Any subsequent documentation and management of archaeology must be to the satisfaction of the Manager of Heritage Projects.

Construction/Demolition Amenity

- 7) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:

Monday to Friday

7:00 a.m. to 6:00 p.m.

Saturday

8:00 a.m. to 6:00 p.m.

Sunday and State-wide public holidays

10:00 a.m. to 6:00 p.m.

- 8) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - The transportation of materials, goods and commodities to and from the land.
 - Obstruction of any public footway or highway.
 - Appearance of any building, works or materials.
 - Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 9) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 10) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies to this permit:

- This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.

CARRIED

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

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11.2 SUBDIVISIONS

Nil.

11.3 MUNICIPAL SEAL (Planning Authority)

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

Nil.

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11.4 PLANNING (OTHER)

Clr E Batt declared an interest and left the meeting at 10.34 a.m.

11.4.1 PETITION TO AMEND SEALED PLAN NUMBERS 170509 AND 167395 – AMEND RIGHTS OF WAY – 3452 MIDLAND HIGHWAY, MELTON MOWBRAY – E C & M J BATT

DECISION

Moved by Deputy Mayor A Green, seconded by Clr D Fish

THAT in accordance with Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* Council Sign and Seal an ‘Instrument Form’ to be lodged at the Land Titles Office with a Request to Amend Sealed Plans 170509 & 167395 to amend the ‘Rights of Carriageway’ as proposed and amend the relevant wording in the Schedule of Easements.

CARRIED

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

Clr E Batt returned to the meeting at 10.35 a.m.

Jacqui Tyson (Planning Officer) left the meeting at 10.35 a.m.

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 Roads

Nil.

12.2 Bridges

Nil.

12.3 Walkways, Cycle ways and Trails

Nil.

12.4 Lighting

Nil.

12.5 Buildings

Nil.

12.6 Sewers

Nil.

12.7 Water

Nil.

12.8 Irrigation

Nil.

12.9 Drainage

Nil.

12.10 Waste

Nil.

12.11 Information, Communication Technology

Nil.

12.12 Officer Reports – Works & Technical Services (Engineering)

12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

Report deferred to later in the meeting.

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

Nil.

13.2 Tourism

Nil.

13.3 Safety

Nil.

13.4 Business

Nil.

13.5 Industry

Nil.

13.6 Integration

Nil.

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14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

14.1.1 HERITAGE PROJECT PROGRAM REPORT

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 25 OCTOBER 2017

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Fish

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

CARRIED

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

14.2 Natural

14.2.1 LANDCARE UNIT – GENERAL REPORT

DECISION

Moved by Clr R Campbell, seconded by Clr D Marshall

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

CARRIED

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

David Cundall (Manager, Development and Environment Services) left the meeting at 10.40 a.m.

14.3 Cultural

Nil.

14.4 Regulatory (Other than Planning Authority Agenda Items)

Nil.

14.5 Climate Change

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

15.1 Community Health and Wellbeing

Nil.

15.2 Youth

Nil.

15.3 Seniors

Nil.

15.4 Children and Families

Nil.

15.5 Volunteers

Nil.

15.6 Access

**15.6.1 REVIEW OF BUS TRANSPORT SERVICES (GENERAL ACCESS)
COLEBROOK TOWNSHIP**

DECISION

Moved by Clr R Campbell, seconded by Clr E Batt

THAT:

- a) Council proceed to arrange a community meeting for the purpose of discussing the Colebrook Bus Service; and
- b) the meeting be held at the Colebrook Memorial Hall on Thursday, 16th November 2017 at 4.00p.m (to be confirmed).

CARRIED

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

15.7 Public Health

Nil.

15.8 Recreation

15.8.1 OATLANDS SWIMMING POOL 2017/18 SEASON

DECISION

Moved by Clr R Campbell, seconded by Clr E Batt

THAT Council endorse the proposed opening arrangements of the Oatlands Swimming Pool on the 17th November 2017 for the 2017/18 Season.

CARRIED

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

15.9 Education

Nil.

15.10 Animals

15.9.1 ANIMAL MANAGEMENT REPORT

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Fish

THAT the information be received.

CARRIED

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

DRAFT

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Retention

Nil.

DRAFT

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference – Page 32

6.1.1	Improve the level of responsiveness to Community needs.
6.1.2	Improve communication within Council.
6.1.3	Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system.
6.1.4	Increase the effectiveness, efficiency and use-ability of Council IT systems.
6.1.5	Develop an overall Continuous Improvement Strategy and framework

17.1.1 AUDIO RECORDING OF COUNCIL MEETINGS (POLICY POSITION)

DECISION

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

THAT

- a) the report be received;
- b) in accordance with Regulation 33(1) of the *Local Government (Meeting Procedures) Regulations 2015*, Council determine that it will commence recording meetings (in accordance with the adopted policy); and
- c) the draft Policy entitled 'Audio Recording of Meeting of Council' be considered with the intention of final adoption at the November 2017 Council meeting.

CARRIED

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

17.2 Sustainability

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

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Marshall

THAT the information be received.

CARRIED

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

DRAFT

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

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Marshall

THAT the information be received.

CARRIED

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

DRAFT

17.2.3 AMENDMENT OF EXISTING POLICY – CODE FOR TENDERS & CONTRACTS

DECISION

Moved by Deputy Mayor A Green, seconded by Cllr D Fish

THAT Council

1. Receive and note the report;
2. Adopt the revised prescribed amount of \$250,000 as detailed in the *Local Government (General) Regulations 2015* to be included in Council's Code for Tenders and Contracts;
3. Adopt the inclusion of the reference to the Procedures of the *Public Interest Disclosures Act 2002* in Council's Code for Tenders and Contracts; and
4. Adopt Version 6 Code of Tenders and Contracts (subject to expanding the reference to the requirement of not splitting a contract into 2 or more components for the primary purpose of avoiding compliance with the requirement to invite tenders – refer section 1 Introduction – last paragraph).

CARRIED

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

17.2.4 REPORT ON LOCAL GOVERNMENT ASSOCIATION OF TASMANIA 105TH ANNUAL CONFERENCE, HELD AT WREST POINT, HOBART FROM THE 26-28 JULY 2017

DECISION

Moved by Clr E Batt, seconded by Clr R Campbell

THAT the information be received.

CARRIED

DRAFT

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

DRAFT

17.2.5 TABLING OF DOCUMENTS

Correspondence received from Mrs Patti Burbury and Mrs Kate Bourne was tabled for Councillors information.

RESOLVED that the information be noted.

*The meeting was adjourned for a short break at 11.03 a.m.
The meeting reconvened at 11.20 a.m.*

Jack Lyall (Manager, Works and Technical Services) entered the meeting at 11.20 a.m.

DRAFT

12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT

QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES

Clr Campbell – Inglewood Road – requires maintenance (i.e. potholes in bitumen). Explanation provided regarding use of ‘cold mix’ and the practice of ‘mounding’ to allow for shrinkage.

Clr Campbell – Lower Marshes Road (Bridge over Jordan River) – section of bitumen washout on the approach to the bridge – requires maintenance.

Clr Campbell – signs at southern entrance to Oatlands missing – ‘RV friendly town’ and ‘End of Limit’ Speed limit sign. Explanation provided that the ‘End of Limit’ sign(s) are no longer used and the ‘RV friendly town’ sign is to be reinstalled.

Clr Campbell – Chauncy Vale Road – need to improve line of sight in certain locations – to be inspected. Road widening project to be progressed following negotiation with property owner.

Clr Marshall – Brown Mountain Road – approach to Bridge – sections of road require patching.

Clr Marshall – Brownwood Estate, Campania – acknowledged (and expressed appreciation) that the newly installed Armco railing had been set further back from the road pavement.

Deputy Mayor – Traffic Counter – request for detail to be provided in relation to the forward schedule. To be provided as part of the Managers report as a standard item on the agenda.

Deputy Mayor – Rhyndaston Road – concern regarding speed of vehicles on the sealed section of road. Report of vehicles also travelling on the wrong side of road. Reported that this is mainly on the sealed section past Eldon Road junction. Could some form of signage be considered? Potential signage to be investigated. Will also consider placement of the VMS trailer being put in that location for a period with an appropriate message. Concerns will also be relayed to Tasmania Police.

Mayor Bisdee – Woodsdale Road – sections require urgent maintenance. Advised that six sections have been identified for reconstruct and seal as part of the 2017/18 capital works program. Tender documents are being prepared.

Mayor Bisdee – any progress with construction of the footpath in Swan Street, Bagdad (i.e. Blackport Road to Green Valley Road). No further advice received from TasWater in relation to the replacement of the water main which will be located under the newly constructed kerb and footpath. May need to progress the project without renewal of the water main prior to works commencing.

Clr Batt – Blackwell Road, Melton Mowbray (Bridge) – what works will be undertaken prior to the Rodeo event, or what safety measures can be implemented to protect members of the public? Explanation provided, which included advice that a safety barrier will be erected around the Bridge. Pine tree impacting on the bridge is also to be removed.

DECISION

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

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

CARRIED

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

Jack Lyall (Manager, Works & Technical Services) left the meeting at 11.45 a.m.

DRAFT

17.3 FINANCES

17.3.1 MONTHLY FINANCIAL STATEMENT (SEPTEMBER 2017)

DECISION

Moved by Clr D Marshall, seconded by Clr A Bantick

THAT the Financial Report be received and the information noted.

CARRIED

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

DRAFT

STATEMENT OF COMPREHENSIVE INCOME

FOR THE PERIOD

1st JULY 2017 to 30th SEPTEMBER 2017

	Annual Budget	Year to Date as at 30th SEPTEMBER	%	Comments
Income				
General rates	\$ 5,174,991	\$ 5,111,684	98.8%	Budget includes Interest & Penalties to be imposed to end of June 2017
User Fees (refer Note 1)	\$ 968,447	\$ 258,925	26.7%	
Interest	\$ 157,000	\$ 51,689	32.9%	
Government Subsidies	\$ 24,000	\$ 1,000	4.2%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 28,023	17.3%	
Sub-Total	\$ 6,486,437	\$ 5,451,321	84.0%	
Grants - Operating	\$ 3,266,489	\$ 421,084	12.9%	\$11,000 Tourism \$410,084 FAGS
Total Income	\$ 9,752,926	\$ 5,872,406	60.2%	
Expenses				
Employee benefits	\$ (3,950,529)	\$ (779,724)	19.7%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,227,729)	\$ (817,241)	25.3%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,719,500)	\$ (679,875)	25.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (48,925)	\$ (4,694)	9.6%	
Contributions	\$ (209,622)	\$ 0	0.0%	Fire Service Levies
Other	\$ (161,100)	\$ (121,033)	75.1%	Incls Rate Discounts \$9,322 (annual cost)
Total expenses	\$ (10,317,405)	\$ (2,402,568)	23.3%	
Surplus (deficit) from operations	\$ (564,479)	\$ 3,469,838	-614.7%	
Grants - Capital (refer Note 3)	\$ 3,177,843	\$ 61,635	1.9%	
Sale Proceeds (Plant & Machinery)	\$ 484,000	\$ 89,481	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
Surplus / (Deficit)	\$ 3,097,364	\$ 3,620,954	116.9%	
NOTES				
1. Income - User Fees (Budget \$968,447) includes:				
- All other Programs	\$ 371,311	\$ 136,990	36.9%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 267,136	\$ 60,945	22.8%	
- Callington Mill	\$ 330,000	\$ 61,990	18.8%	
	\$ 968,447	\$ 259,925		

CAPITAL EXPENDITURE PROGRAM 2017-18
AS AT 30 SEPTEMBER 2017

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
ROAD ASSETS						
Resheeting Program	Various	Roads Resheeting	\$ 700,000	\$ 118,682	\$ 581,318	
Reseal Program		Roads Resealing (as per agreed program)	\$ 600,000	\$ -	\$ 600,000	
		Woodsdale Road	\$ 135,000	\$ -	\$ 135,000	
		2 x 50 mtr sections - Runnymede end				
		1 x 100 mtr section - vicinity of Runnymede Fire Station				
		1 x 200 mtr section - vicinity of 'Questlands'				
		1 x 200 mtr section - vicinity of Woodsdale Cemetery				
		1 x 200 mtr section - vicinity of Back Woodsdale Road				
		Stonor Road (200 metres - approx. 5 kms in from Highway)	\$ 36,000	\$ -	\$ 36,000	
Reconstruct & Seal	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
Construct & Seal (Unsealed Roads) Incls. widening component		Blackbrush Road - new seal (400 metres each end)	\$ 144,000	\$ -	\$ 144,000	
		Eldon Road (extend seal from Tunnack end for 1.0 km)	\$ 180,000	\$ -	\$ 180,000	
		Native Corners Road - new seal (500 metres)	\$ 90,000	\$ -	\$ 90,000	
	C1020035	Estate Road Widening	\$ -	\$ 182	\$ (182)	
Minor Seals (New)		Various Projects	\$ 20,000	\$ -	\$ 20,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	Budget c/fwd - WIP 30/6/17
Unsealed - Road Widening		Clifton Vale - (Cliff Section)	\$ 40,000	\$ -	\$ 40,000	
		Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
		Grices Road (Section Widening)	\$ 36,000	\$ -	\$ 36,000	
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 48,827	\$ 104	\$ 48,723	Budget c/fwd WIP 30/6/17
		East Bagdad Road - Subsidence Areas	\$ 20,000	\$ -	\$ 20,000	
	C1020055	Yarlington Road - Realignment	\$ 240,000	\$ 190,123	\$ 49,877	RTR WIP 30/6/17 \$185,828
	C1020047	Lovely Banks Road (junction with Colebrook)	\$ 210,000	\$ 201,925	\$ 8,076	WIP 30/6/17 \$196,787 - Budget includes \$40K c/fwd
		Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 17,882	\$ -	\$ 17,882	Budget includes \$8,800 c/fwd
		Campania - Reeve St / Hall Street (K&G)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
	C1010028	Woodsdale Road - Landslip Area (vicinity Scott's Quarry)	\$ 15,000	\$ -	\$ 15,000	Budget c/fwd
	C1010039	Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
			\$ 2,614,909	\$ 511,974	\$ 2,102,935	

Southern Midlands Council
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BRIDGE ASSETS	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/17
	C1030021	Wattle Hill Road Bridge (B1402)	\$ -	\$ 2,692	\$ (2,692)	
	C1030028	Rotherwood Road Bridge (B1137)	\$ -	\$ 432	\$ (432)	
	C1030044	Grahams Creek Road (Grahams Creek B2510)	\$ -	\$ 40,254	\$ (40,254)	RTR - WIP 30/6/17
	C1030049	Inglewood Road (B 4289)	\$ -	\$ 32	\$ (32)	Capitalised 16/17
	C1030054	Bellevalle Road (B2723)	\$ -	\$ 32,050	\$ (32,050)	RTR - WIP 30/6/17
	C1030055	Link Road (Craigbourne Creek B3820)	\$ -	\$ 145,224	\$ (145,224)	RTR - WIP 30/6/17
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ -	\$ 30,011	\$ (30,011)	WIP 30/6/17
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 67,163	\$ (67,163)	WIP 30/6/17
			\$ -	\$ 319,327	\$ (319,327)	
WALKWAYS	C1040011	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 1,043	\$ 28,957	Street Furniture
		Bagdad Township				
		- Swan Street (Blackport Rd to Green Valley Rd)	\$ 109,557	\$ 2,687	\$ 106,870	WIP 30/6/17 \$2,687 - Budget c/fwd
		- Midland Highway (Bus Shelter)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Campania Township				
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Colebrook Township				
		- K&G Renewal (Richmond St -southern end)	\$ 30,000	\$ -	\$ 30,000	Budget c/fwd
		- Streetscape Plan Development & Implementation (Part)	\$ 60,000	\$ 13,341	\$ 46,659	WIP 30/6/17
		Kempton Township				
		- Streetscape Plan (Review & Implementation (Part)	\$ 40,000	\$ 859	\$ 39,141	
		Parratah Township				
		- Tunnack Main Road Kerb & Gutter	\$ 14,478	\$ -	\$ 14,478	
		Tunbridge Township				
		- Main Road Kerb & Gutter	\$ 22,000	\$ -	\$ 22,000	Budget C/fwd \$7k
	- Streetscape Project (Part Implementation) - 2 yr program	\$ 67,954	\$ -	\$ 67,954	Subject to \$50K Grant Application (Infrastructure Fund)	
			\$ 383,989	\$ 17,929	\$ 366,060	
DRAINAGE		Bagdad				
		- Midland Hwy/Swan St Drainage (McShane property)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
		Campania				
		- Estate Road (School Farm - Easement)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		- Reeve Street Open Drain (north of Telephone Box)	\$ 35,000	\$ 4,124	\$ 30,876	WIP 30/6/17 \$3,750 - Budget c/fwd
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
	- Queen Anne Street	7500		\$ 7,500		
			\$ 90,000	\$ 4,124	\$ 85,876	

Southern Midlands Council
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WASTE		Oatlands WTS - General Improvements	\$ 25,000	\$ -	\$ 25,000	Budget includes \$5K c/fwd	
		Dysart WTS - General Improvements	\$ 20,000	\$ -	\$ 20,000		
		Wheelie Bins and Crates	\$ 7,500	\$ -	\$ 7,500		
			\$ 52,500	\$ -	\$ 52,500		
PUBLIC TOILETS		Lake Dulverton (New facilities - design & approvals)	\$ 83,915	\$ 21,428	\$ 62,487	Budget includes \$12K c/fwd	
		Colebrook Hiistory Room Toilets (Conversion Family Change Roo	\$ 12,000	\$ -	\$ 12,000		
			\$ 95,915	\$ 21,428	\$ 74,487		
SIGNAGE		Oatlands Signage (Info Bays) - Town Maps etc. - 2 Small & 2 Larg	\$ 9,282	\$ -	\$ 9,282	Budget c/fwd	
			\$ 9,282	\$ -	\$ 9,282		
TOURISM		Building (Wool Press Cover)	\$ 9,170	\$ -	\$ 9,170	Budget c/fwd	
		Lake Dulverton (Aquatic Club Fit-Out) - Shower / Toilet Facility	\$ 18,000	\$ -	\$ 18,000	Budget c/fwd	
		Lake Dulverton (Aquatic Club Fit-Out) - Roof Replacement	\$ 30,000	\$ -	\$ 30,000	Budget c/fwd	
		Beacon Tourism Sub-Regional Project	\$ 18,000	\$ -	\$ 18,000		
		Lake Dulverton - Cows	\$ 12,000	\$ -	\$ 12,000		
		\$ 87,170	\$ -	\$ 87,170			
HERITAGE		Callington Mill (Asset Renewals)	\$ 15,000	\$ 1,200	\$ 13,800		
	2016-17	Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd	
		G3010010 Commissariat (79 High Street)	\$ 464,250	\$ 237,511	\$ 226,739	WIP 30/6/17 \$196,481 - Budget c/fwd \$384,250	
	Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		C3010002 Oatlands Gaol - Minor Capital Works	\$ 5,351	\$ -	\$ 5,351	Budget c/fwd	
		Heritage Building (Key Card System)	\$ 47,000	\$ -	\$ 47,000		
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd	
		Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K c/fwd	
		\$ 560,201	\$ 238,711	\$ 321,490			
NATURAL		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ 10,306	\$ (5,306)	Budget c/fwd	
		Dulverton Walkway Safety Upgrade	\$ -	\$ 216	\$ (216)	Grant c/fwd	
		Chauncy Vale - Interps Hut Repairs	\$ -	\$ 1,026	\$ (1,026)		
		\$ 5,000	\$ 11,547	\$ (6,547)			
REGULATORY		Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ 3,436	\$ 20,268	WIP 30/06/17 \$577 - Budget includes \$23,704 c/fwd	
		Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd	
		Kempton Council Chambers - Office Furniture & Equipment	\$ 3,000	\$ -	\$ 3,000		

Southern Midlands Council
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ACCESS					
		All Buildings (Priority Approach - Year 2 of 5)	\$ 50,000	\$ -	\$ 50,000
			\$ 50,000	\$ -	\$ 50,000
RECREATION					
	C4070005	Recreation Committee	\$ 30,000	\$ -	\$ 30,000
		Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000
		Colebrook Hall - Heating	\$ 3,000	\$ 12,989	\$ (9,989)
		Kempton Hall - external repainting	\$ 40,000	\$ -	\$ 40,000
		- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ -	\$ 8,000
		Playground Equipment	\$ -	\$ -	\$ -
		Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000
		Oatlands Aquatic Centre (New Pool)	\$ 3,130,000	\$ 119,848	\$ 3,010,152
	C4070033	Oatlands Aquatic Club Building	\$ 18,000	\$ 29,068	\$ (11,068)
		Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000
		Rec Ground - Mangalore	\$ -	\$ 150	\$ (150)
	C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 407	\$ 13,593
	G4070015	Stables & Carriage Shed	\$ -	\$ 724	\$ (724)
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500
			\$ 3,286,500	\$ 163,185	\$ 3,123,315
CAPACITY					
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000
		Memorial Avenue Development (Island)	\$ 47,000	\$ -	\$ 47,000
		Memorial Avenue Development (Survey; Fencing & Aquisition)	\$ 15,100	\$ -	\$ 15,100
			\$ 70,100	\$ -	\$ 70,100
SAFETY					
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000
			\$ 3,000	\$ -	\$ 3,000
SUSTAINABILITY					
		Council Chambers - Building Improvements	\$ 15,500	\$ 4,123	\$ 11,377
		Photo Reframing	\$ 3,000	\$ -	\$ 3,000
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000
		Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ -	\$ 10,000
	C6020009	Computer System (Hardware / Software)	\$ 67,338	\$ 18,923	\$ 48,415
		Telephone / Comms System	\$ 35,000	\$ -	\$ 35,000
C4070011	C9990002	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 2,742	\$ 5,258
			\$ 153,838	\$ 25,787	\$ 128,051

WORKS								
	Kempton Depot - External Painting	\$	10,000	\$	-	\$	10,000	Budget c/fwd
	Depot Relocation (Site / Concept Plans etc.)	\$	300,000	\$	12,609	\$	287,391	
						\$	-	
	Minor Plant Purchases	\$	9,500	\$	258	\$	9,242	
	Radio System	\$	2,000	\$	-	\$	2,000	
	Plant Replacement Program							
	Refer separate Schedule (Gross)	\$	552,500	\$	-	\$	552,500	
	Light Vehicles (Gross) (Trade Allowance - \$180K)	\$	192,000	\$	-	\$	192,000	
	Slasher Extra H/Duty (7ft Cut)	\$	10,500			\$	10,500	
			\$ 1,076,500		\$ 12,866		\$ 1,063,634	
	GRAND TOTALS		\$ 8,573,108		\$ 1,330,315		\$ 7,242,793	

DRAFT

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2017/18
SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th SEPTEMBER 2017 25%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3,077,714	3,077,714	740,331	2,337,383	24.05%
Bridges	350,040	350,040	79,292	270,747	22.65%
Walkways	212,309	212,309	24,724	187,585	11.65%
Lighting	85,680	85,680	20,646	65,034	24.10%
Irrigation	0	0	0	0	0.00%
Drainage	85,132	85,132	13,706	71,426	16.10%
Waste	748,167	748,167	155,537	592,630	20.79%
Public Toilets	58,994	58,994	9,382	49,612	15.90%
Communications	0	0	0	0	0.00%
Signage	6,675	6,675	1,618	5,057	24.25%
INFRASTRUCTURE TOTAL:	4,624,711	4,624,711	1,045,237	3,579,474	22.60%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	493,706	493,706	125,528	368,178	25.43%
Tourism	241,582	241,582	6,180	235,402	2.56%
Business	997,261	247,261	64,350	182,911	26.03%
Agriculture	0	0	0	0	0.00%
Integration	7,500	7,500	0	7,500	0.00%
GROWTH TOTAL:	1,740,049	990,049	196,058	793,991	19.80%
LANDSCAPES					
Heritage	289,968	289,968	64,728	225,240	22.32%
Natural	164,875	164,875	39,155	125,720	23.75%
Cultural	9,600	9,600	0	9,600	0.00%
Regulatory	768,365	768,365	160,328	608,037	20.87%
Climate Change	11,181	11,181	578	10,603	5.17%
LANDSCAPES TOTAL:	1,243,989	1,243,989	264,788	979,201	21.29%
LIFESTYLE					
Youth	226,638	226,638	47,024	179,614	20.75%
Aged	2,500	2,500	136	2,364	5.45%
Childcare	7,500	7,500	5,000	2,500	66.67%
Volunteers	40,000	40,000	3,168	36,832	7.92%
Access	0	0	0	0	0.00%
Public Health	10,093	10,093	3,149	6,945	31.19%
Recreation	490,033	490,033	72,120	417,913	14.72%
Animals	103,767	103,767	27,233	76,534	26.24%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	880,531	880,531	157,830	722,701	17.92%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	27,925	27,925	4,331	23,593	15.51%
Safety	56,650	56,650	7,573	49,077	13.37%
Consultation	7,300	7,300	1,296	6,004	17.76%
Communication	12,125	12,125	1,623	10,502	13.39%
COMMUNITY TOTAL:	103,998	103,998	14,823	89,175	14.25%
ORGANISATION					
Improvement	7,590	7,590	0	7,590	0.00%
Sustainability	2,203,826	2,203,826	624,385	1,579,441	28.33%
Finances	277,707	277,707	33,447	244,260	12.04%
ORGANISATION TOTAL:	2,489,123	2,489,123	657,832	1,831,290	26.43%
TOTALS	11,082,400	10,332,400	2,336,568	7,995,832	22.61%

	INFLWS (OUTFLOWS) (July 2017)	INFLWS (OUTFLOWS) (August 2017)	INFLWS (OUTFLOWS) (September 2017)	INFLWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities				
Payments				
Employee costs	- 261,471.56	- 263,280.28	- 257,356.08	- 782,107.92
Materials and contracts	- 619,314.92	- 215,561.82	- 343,225.01	- 1,178,101.75
Interest	- 4,693.83	-	-	- 4,693.83
Other	- 19,434.44	- 58,081.58	- 43,517.34	- 121,033.36
	- 904,914.75	- 536,923.68	- 644,098.43	- 2,085,936.86
Receipts				
Rates	92,911.15	813,684.96	1,586,157.29	2,492,753.40
User charges	235,490.50	96,854.23	115,773.17	448,117.90
Interest received	18,986.07	16,609.32	16,094.00	51,689.39
Subsidies	-	-	-	-
Other revenue grants	-	410,084.25	-	410,084.25
GST Refunds from ATO	-	-	-	-
Other	11,533.48	19,250.73	1,427.15	32,211.36
	358,921.20	1,356,483.49	1,719,451.61	3,434,856.30
Net cash from operating activities	- 545,993.55	819,559.81	1,075,353.18	1,348,919.44
Cash flows from investing activities				
Payments for property, plant & equipment	- 42,952.75	- 265,587.42	- 111,945.72	- 420,485.89
Proceeds from sale of property, plant & equipment	-	89,389.93	90.91	89,480.84
Proceeds from Capital grants	61,635.00	11,000.00	-	72,635.00
Proceeds from Investments	-	-	-	-
Payment for Investments	-	-	-	-
Net cash used in investing activities	18,682.25	- 165,197.49	- 111,854.81	- 258,370.05
Cash flows from financing activities				
Repayment of borrowings	- 6,514.75	-	-	- 6,514.75
Proceeds from borrowings	-	-	-	-
Net cash from (used in) financing activities	- 6,514.75	-	-	- 6,514.75
Net increase/(decrease) in cash held	- 533,826.05	654,362.32	963,498.37	1,084,034.64
Cash at beginning of reporting year	11,637,204.77	11,103,378.72	11,757,741.04	11,637,204.77
Cash at end of reporting	11,103,378.72	11,757,741.04	12,721,239.41	12,721,239.41

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 12th October 2017		Last Financial Year 12th October 2016	
Arrears brought forward as at July 1		\$ 379,430.89		\$ 415,003.63
ADD current rates and charges levied		\$ 5,103,783.57		\$ 4,817,270.39
ADD current interest and penalty		\$ 22,812.64		\$ 20,921.22
TOTAL rates and charges demanded	100.00%	\$ 5,506,027.10	100.00%	\$ 5,253,195.24
LESS rates and charges collected	42.82%	\$ 2,357,637.20	40.45%	\$ 2,124,858.73
LESS pensioner remissions	4.12%	\$ 226,926.84	4.12%	\$ 216,237.37
LESS other remissions and refunds	0.10%	\$ 5,339.34	0.19%	\$ 10,175.43
LESS discounts	0.48%	\$ 26,200.06	0.45%	\$ 23,689.28
TOTAL rates and charges collected and remitted	47.51%	\$ 2,616,103.44	45.21%	\$ 2,374,960.81
UNPAID RATES AND CHARGES	52.49%	\$ 2,889,923.66	54.79%	\$ 2,878,234.43

18. MUNICIPAL SEAL

Nil.

DRAFT

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

DRAFT

9. PUBLIC QUESTION TIME (11.46 a.m.)

Public Question Time was brought forward from 12.30 p.m. prior to moving into “Closed Session”. Council will re-open the meeting at 12.30 p.m. for any members of the public that may not attend until 12.30 p.m.

There were six (6) members of the public in attendance.

Mayor Bisdee invited questions from members of the public in attendance.

Jayne Patterson - Oatlands

Question regarding the Aquatic Centre project and that \$120,000 has been spent already, what has this been spent on?

The General Manager advised that this has been for the engagement of various consultants to prepare the documents that support the development application such as civil engineers, electrical engineers, designers, traffic reports, architects and energy consultants.

The current development application for the depot site states as a condition that ‘*At the conclusion of site remediation works a report from a suitably qualified professional must be provided to Council to confirm that the land is suitable for sensitive uses without risk to human health or the environment*’. Who will be conducting this?

Question taken on notice and a response will be provided to Ms Patterson.

Ms Patterson referred to condition 8 of the current development application before Council regarding the depot site that ‘*All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land*’. The Town Planner’s report states that there is no condition report on surrounding buildings. How are Council going to assess this if there isn’t a pre-condition report on various buildings and that the work won’t unreasonably affect buildings if there is no prior condition report?

Question taken on notice and response to be provided to Ms Patterson.

Terry Loftus – Southern Midlands Regional News

Question regarding tabling of documents. Mr Loftus noted that correspondence was simply tabled for noting. It was questioned whether Council takes action in relation to the correspondence.

The General Manager advised that if there is an action proposed or required, yes Council will action it as appropriate. Some documents that have been tabled are simply for information purposes with no specific action required.

Craig Williams – Rekuna

Mr Williams advised that large excavators/machinery from the orchard at Brown Mountain Road are leaving large clumps of mud/clay on the road. Suggest that they may need to wash down vehicles prior to entering Brown Mountain Road.

Council officers will contact property owners to address concerns.

David Cundall (Manager, Development & Environment Services) re-entered the meeting at 11.54 a.m.

Mr Williams explained that he wants to alter his quarry operations at 1356 Tea Tree Road by increasing hours of operation, introducing screening of product, new access road and removal of restrictions on the crushing of material etc. But due to restrictions in the Land Use Planning and Approvals Act 1993, a person is prevented from modifying conditions or terms imposed by the Resource Management and Appeals Tribunal, without first obtaining leave from the Tribunal. Also due to the legislation he has been unable to make any minor amendments to his current permit as the legislation also prevents a person from altering these conditions where the Tribunal has made a determination.

Council has therefore been unable to accept either a new Development Application or Application for a Minor Amendment to the current permit. He claims his legal advice is contrary to the view of Council.

The General Manager explained that Council cannot consider these changes to the quarry operation as we are bound by the legislation.

Mr Williams explained he is treated unfairly and differently to other quarry operators.

The Mayor asked Mr Williams to provide his legal advice to the General Manager for further consideration and response to Mr Williams.

RECOMMENDATION

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

DECISION

Moved by Clr E Batt, seconded by Clr D Fish

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

CARRIED

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

DRAFT

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 CLOSED COUNCIL MINUTES - CONFIRMATION

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

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

20.2 APPLICATIONS FOR LEAVE OF ABSENCE

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

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

20.3 SPECIAL COUNCIL MINUTES (CLOSED) - CONFIRMATION

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

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

20.4 CALLINGTON MILL VISITOR INFORMATION CENTRE – CLOSURE

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

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

DECISION

Moved by Clr D Fish, seconded by Clr R Campbell

THAT the Meeting move out of closed session and be re-opened to the public to re-commence Public Question Time if required.

CARRIED

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

There were no members of the public in attendance at 12.30 p.m.

DECISION

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

THAT the Meeting be closed to the public to consider Regulation 15 matters.

CARRIED

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

20.5 OATLANDS AQUATIC CENTRE

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

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

20.6 PROPOSED KEMPTON COMMUNITY HEALTH CENTRE – HUON REGIONAL CARE

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

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

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr E Batt, seconded by Clr R Campbell

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 1.37 p.m.

DRAFT



MINUTES

SOUTHERN MIDLANDS COUNCIL ARTS ADVISORY COMMITTEE MEETING

HELD ON MONDAY 6TH NOVEMBER 2017

AT THE KEMPTON COUNCIL CHAMBERS

COMMENCED AT 1.04PM

Welcome

Chairman Cllr Edwin Batt welcomed Members, Guests, and Council Officers to the meeting.

1. Attendance

Members:

Cllr Edwin Batt – Chairman

Mary-Ann Orchard

Carolyn Bassett

Mal Hamilton

SMC Staff:

Andrew Benson – Deputy General Manager (scribe)

Alan Townsend – Senior Heritage Officer

Simon Blight – Heritage Officer Collections

Michelle Webster - Acting Community Development Officer

Invited Guest(s):

Folko Kooper – Creative Director, Rural Design

Apologies:

Dorothy Evans

Catherine Johnson

Cllr Bob Campbell

Kelly Woodward

2. Previous Minutes – Consideration for Approval/Adoption

It was noted that a quorum was not present for the previous meeting dated 17th May 2017 and therefore the minutes of the meeting prior to that date, ie, the 15th March 2017 could not be adopted at the May meeting.

It was resolved that the Minutes of the meeting dated the 15th March 2017 be accepted as a true and accurate record of that meeting.

It was resolved that the notes taken of the meeting dated 17th May 2017 be accepted as a true and accurate record of that meeting and that the resolutions passed at that meeting be endorsed.

3. Declaration of Pecuniary Interest

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the Chairman of a meeting is to request Committee Members to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Committee Members 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 the Committee has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*.

Nil

4. Business Arising

Business arising from the Minutes that is not covered within the agenda

Chairman Edwin Batt shared with the meeting his experience at the Dark Mofo event in Kempton saying that it was a very successful event and the organisers are to be congratulated on a bold and exciting event held at the Blue Place.

It was resolved that a letter be written to the organisers of Dark Mofo thanking them for staging the event in Kempton and acknowledging the success of the event.

5. Correspondence

In Nil

Out Nil

6. Cows in the Lake Sculpture

Andrew Benson provided background to the project and referred to the attached concept document titled "Cows in the Lake". He said that both he and Clr Batt had been with Clr Fish when Clr Fish shared a story of his

boyhood, of the town cows in Oatlands. Apparently in those days the local Villagers paid a small sum to the Council to allow their “home cow” to roam the streets in Oatlands and graze on the nature strip and verges of the Village being let out in the morning and young Don Fish’s task when he left School (Oatlands Primary School - Roche Hall) at the end of the day was to find their family’s cow and bring her home. He said that he always knew where to find her, she and the other “town cows” would always be feeding on the weed growing in Lake Dulverton. One could imagine a young school boy wading out to drag the cow out of the lake, taking her home with both dripping wet after an interesting day of Village life. So the “Cows in the Lake” artwork was conceived at that point of Clr Fish’s story.

The meeting was advised that both the Chairman and Andrew Benson have attended two meetings of Council’s Lake Dulverton Callington Park Committee to talk through the project. That Committee have endorsed the project.

Local artist, Folko Kooper, the Creative Director of Rural Design, who has a memorandum of understanding with Council in respect of art works was asked to attend the meeting to discuss the design and implementation of the Cows in the Lake Project.

Folko worked through his design process and the fabrication of the pieces, notionally three cows. It was noted that a budgeted sum had be allocated in the 2017/2018 budget for the project.

The Chairman thanked Folko for his contribution, noting that Folko and his wife, Maureen have been responsible for the concept and creation of the Shadows of the Past silhouettes along the Midlands Highway through Southern Midlands.

It was resolved that Folko and Maureen Kooper from Rural Design be awarded the commission to undertake the Cows in the Lake installation, with a completion date prior to the end of the 2017/2018 financial year.

7. Memorial Avenue Sculpture – Grant Opportunity

Andrew Benson provided a background to the Memorial Avenue project to the Committee and referred to the attached extract of the Concept Plan for the Memorial Avenue Precinct Development showing the sculpture in Memorial Park. He advised that a grant opportunity has presented itself in the form of the Armistice Grants, which are only small and he thought that it would timely to seek a few ideas and a preliminary costing from Folko.

Folko shared a few thoughts with the Committee, and in general terms he would see a silhouette in similar style to the Shadows of the Past, depicting a horse from the Light Horse Regiment including saddle and full riding gear, but without the rider. The horse would have its head down and the reins draped on the ground. The narrative would be, the loss of the Light Horseman who was killed in battle and never returned, with the Memorial Avenue trees being the manifestation of a recognition of that Light Horseman and others who lost their lives in the defence of our ideals and aspirations.

Folko advised that he would undertake the design ready for the plasma cutting free of charge in support of the project, with Council responsible for the materials, the cutting and the erection.

It was resolved that the Committee endorse the “sculpture concept” in Memorial Park and acknowledge the very meaningful work undertaken by the Memorial Trees Committee

Folko Kooper left the meeting at 2.07pm

8. Heritage Festival 2018

Andrew Benson reminded the meeting about the success of the inaugural Heritage Day in Oatlands in August 2016. He advised that the Bullock Committee did a lot of work in the preparation and an amazing job with the marketing – everyone loves Brian and his Bullocks and it showed. The Bullock Committee and their team were a very important part of the event.

There was great enthusiasm for the idea and much discussion took place around the table.

It was resolved that

- 1. The Committee agree to the concept of a Heritage event being staged and facilitated by the Committee in 2018;***
- 2. A small working group be established comprising Arts Committee members, the Bullock Committee members and other interested people to scope a concept and time for 2018;***
- 3. The Working Group report back to the Arts Advisory Committee at the next meeting on the viability of the project; and***
- 4. The Working Group to review the evaluation and feedback documents from the inaugural Heritage Day in 2016.***

9. Festival of Small Halls - 2018

Andrew Benson provided an update to the meeting reminding the Committee that the Festival of Small Halls held in 2016 at the Bagdad Community Club was a tremendous success and the Festival of Small this year will be held at the Broadmarsh Hall. Natalie Geard and her team were extremely willing to host the 2018 Festival.

He reminded the meeting that the role of the Committee is to facilitate a wide range of arts events in the Southern Midlands and the FOSH is composed of an International act, from Canada, folk singers/songwriters Carla Luft & J D Edwards plus , an Australian national act, Tasmanian singer, songwriter Claire Ann Taylor and a local act that has yet to be agreed. The date of the FOSH event at the Broadmarsh Community Hall will be on Thursday evening, 18th January 2018.

To assist in making the event work, Council have agreed to underwrite the success of the event to the sum of \$3,000, as part of the 2017/2018 Arts Advisory Committee budget allocation.

It was resolved that the

- 1. Information be received and***
- 2. Deputy General Manager be authorised to enter into the Agreement with the Festival Of Small Halls and the Broadmarsh Elderslie Progress Association for the 2018 season at the Broadmarsh Hall***

10. TRA – Closure update and impact on Greater Green Ponds Branch TRA and the Oatlands Arts Group

Carolyn Bassett provided an update to the Committee advising that as of August 2017, the former Greater Green Ponds Branch of Tas Regional Arts is now known as the Lower Midlands Art Group and operates as a Sub Committee of the Green Ponds Progress Association Inc. Carolyn also advised that the membership is growing following the recent changes.

It was resolved that the information be received.

11. Henrietta Manning – Council acquisition – Council’s Art Assets

Andrew Benson advised that he will pick up the framed Henrietta Manning picture during the next week. Cllr Edwin Batt will formally present it to Council at the November Council meeting.

Andrew Benson requested that the Heritage Collections Officer undertake an assessment and cataloguing of all of Council’s artwork/pictures, including items such as Honour Boards in Community Halls. He suggested that this would be part of Council’s Asset Register.

It was resolved that the Manager Heritage Projects be requested to task the Heritage Collections Officer to catalogue and establish an Art, Portraits, Images and Articles of Heritage Significance Asset Register.

12. Artist in Residence Program

Alan Townsend, Simon Blight provided an update on the SM Artist in Residence (AiR) Program and tabled the extract from the Council meeting Minutes that included the adopted version of the AiR Policy.

They advised the meeting that there have been two recent AiR participants, Grace Karstens who is a novelist and Thomas Ryan who is a photographer. Both of them found the experience extremely worthwhile.

It was suggested that maybe there is an opportunity for the AiR participants to work with the local school, given Oatlands District High School only has one part time Arts Teacher and her discipline of choice is music. Simon and Alan stated that they would be very keen to explore the opportunities in that space.

It was resolved that the information be received.

13. Artlands – Redlands

Carolyn Bassett provided an overview of the recent Artlands event at Dysart House. Elizabeth Walker, wife of the late celebrated artist, from the Southern Midlands, Stephen Walker AM was the *guest of honour* for the opening of the event. It was a tremendous success and Carolyn said that the organising Committee were most appreciative of Council support of the project, through the SM Arts Advisory Committee.

Carolyn advised that there are now 29 artists who are members of the Lower Midlands Arts Group

It was resolved that the information be received.

14. Artist Trail Project – Northern Midlands proposal

Andrew Benson tabled a “download” from the Northern Midlands Council website showing the various arts installations within the Northern Midlands. He advised that he will have discussions with Fiona Dewar from NM about their arts in NM and see if there can be a trail connecting to the SM arts experience.

It was resolved that the information be received.

15. Blue Place

Andrew Benson provided an update on the Blue Place and advised that it will go to the next “In Committee” Council meeting for a decision.

It was resolved that the information be received.

16. Heritage Garden / Blacksmith at Callington Mill

Andrew Benson advised the meeting that the Community Blacksmith and the Community Heritage Vegetable Garden at Callington Mill will still be functional as Community based activities and continue to be open to the volunteers and the general public. He further advised that when the Callington Mill Sub Lease is undertaken the two Community based activities will be quarantined to continue their operations under Council /Community control into the future.

It was resolved that the information be received.

17. Committee Networking (All Members)

Members to provide input to this Item on their recent activities that would add value to the Arts space and connections in the SM

- Mal mentioned that he had a wide range of clients for his art works, many on the Mainland. He also mentioned that there is a shortage of hanging space and if anyone had any suggestions he would be most appreciative to hear for them
- Alan advised that there is hanging room in the Gaoler’s Residence (no pun intended)

18. Other Business

Nil

19. Next Meeting

11.00am on Wednesday 6th December at the Oatlands Council Chambers

20. Close

Chairman Edwin Batt thanked everyone for their contribution and closed the meeting at 2.53pm



COWS IN THE LAKE

*Proposal for the sensitive installation of
elements of local cultural significance within
the Lake Dulverton Wildlife Sanctuary*

Presentation prepared

By

Andrew Benson

Lake Dulverton

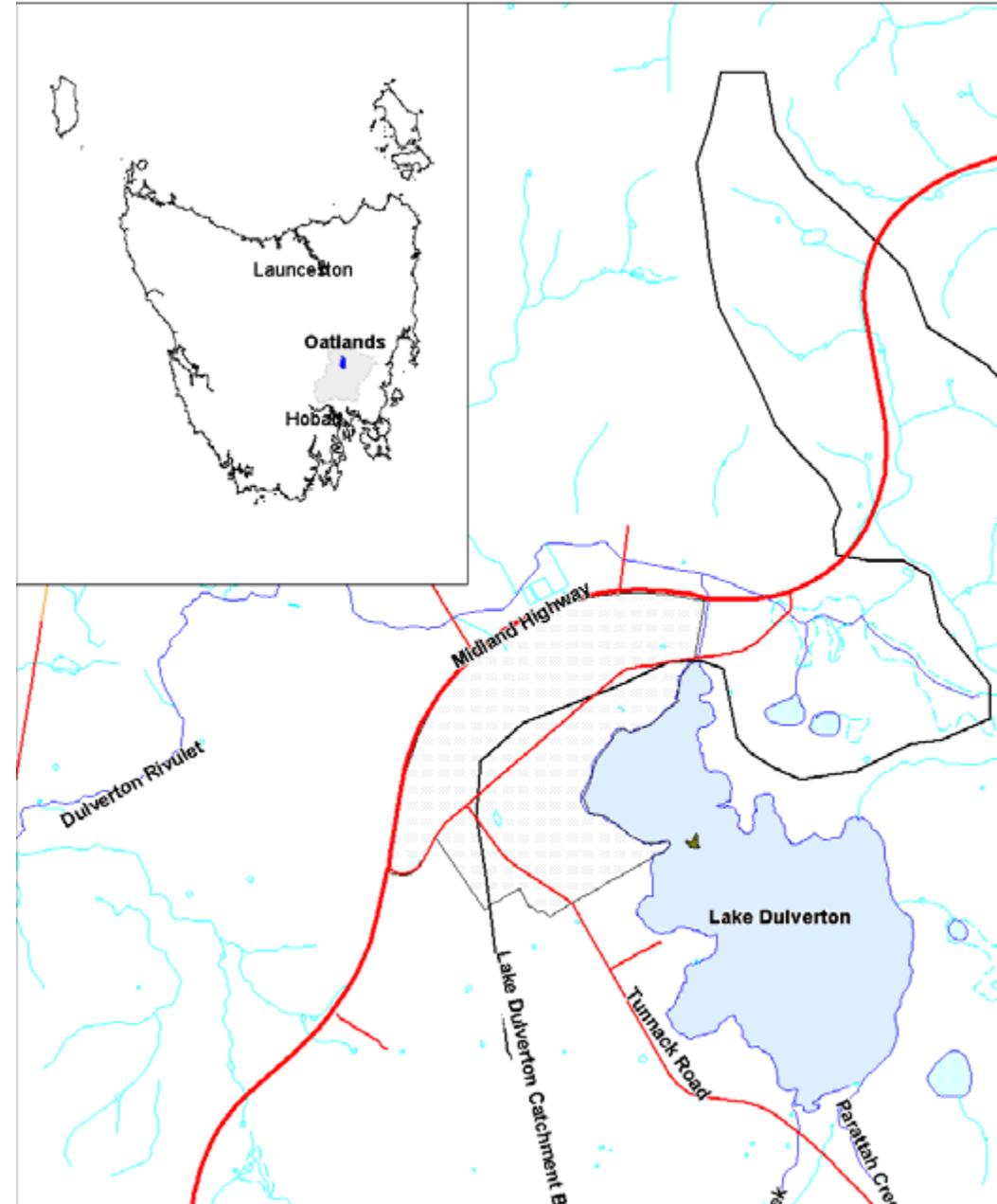
Lake Dulverton is located adjacent to and north-east of the Township of Oatlands some 80 kilometres on the Midland Highway from Hobart.

The area of the Lake is approximately 233 hectares, which includes 16 hectares in private ownership while the balance forms the Lake Dulverton Wildlife Sanctuary. A small island, Marys Island, lies in the narrow portion of the Lake near Mahers Point.

The catchment of the Lake is some 3430 hectares in extent and incorporates the water sources of Netting and Parattah Creeks and a number of lagoons and marshy areas from the vicinity of Red Rock Gully to Round Lagoon.

Oatlands Township has developed around the western and southern shorelines while the northern and eastern sectors are used as a 9 hole golf course together with a range of farming activities.

A Management Plan has previously been approved for the Wildlife Sanctuary in 2002, with the Lake and its environs being administered by the Southern Midlands Council.

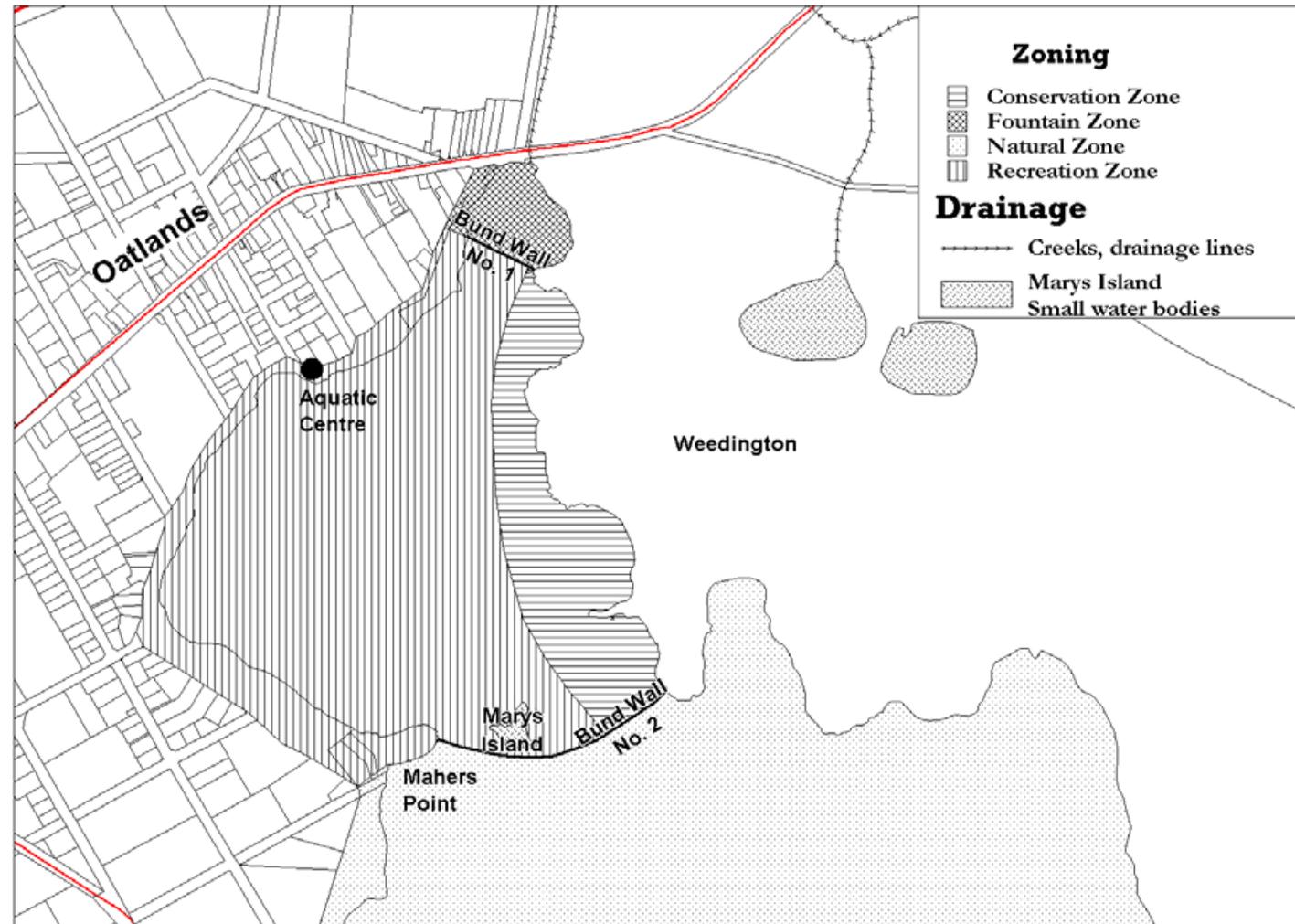


Lake Dulverton

Lake Dulverton Zoning

The importance of the Lake as a Sanctuary, with the attraction for recreation activities around and upon the waters, provides a balance of competing values and interests which can be managed locally and improved where appropriate.

Visitors enjoy the Lake for its many outdoor recreational opportunities. However, there will always be a longer term emphasis on retaining the flora, fauna and natural features relative to the Sanctuary.



Lake Dulverton

3.7 Cultural Resource

- The importance of Lake Dulverton as a Sanctuary for birds was first recognised by a Proclamation under the Animals and Birds Protection Act 1928 and declared by the Governor of the day on 20th December 1929. Such proclamation was made for 536 acres of land vested in the Warden, Council and electors of the Municipality of Oatlands and recommended by Council resolution adopted on 9th December 1929.
- The Lake floor was leased to the Warden, Councillors and electors of the Municipality of Oatlands for a period of 99 years from 12th August, 1904. Council remains the managing authority in that respect.
- Around the edge of the Lake, the Township has developed since 1821 encompassing a range of heritage buildings. The most prominent is the Callington Mill, built by John Jubilee Vincent in 1837, which formed the main industrial section of the town.
- Other aspects of heritage now form part of the Lake environs and should be recognised for their location and interaction with the Lake. These include the Parattah-Oatlands railway line, the Flax Mill and Maher's Cottage.

Aim

- The aim of historic heritage management is to maintain the integrity and authenticity of structural and other remains with appropriate interpretation.

Objectives

- To prepare conservation statements for each of the heritage sites around the Lake;
- To ensure that best conservation practice is used for all works in restoring or interpreting such sites;
- To ensure that future developments and uses in any heritage sites should not detract from the sites conservation and heritage values.

Elements of Local Cultural Significance Within the Landscape



Two hundred years on there's still plenty of ways to get held up on the Heritage Highway

Shadows of the Past

The silhouette trail...



Topiaries at Oatlands

A European overlay to the natural environment

Elements of Local Cultural Significance Within the Landscape



*A Story with Local Significance worthy
of Henry Lawson or Banjo Paterson*

Elements of Local Cultural Significance Within the Landscape

*A Story with Local Significance worthy
of Henry Lawson or Banjo Paterson*



Location Plan



OATLANDS

Fountain Zone

Lake Dulverton

Image © 2010 DigitalGlobe

©2009 Google™

Location Plan



Street

High

Fountain Zone
Lake Dulverton



Image © 2010 DigitalGlobe

©2009 Google™

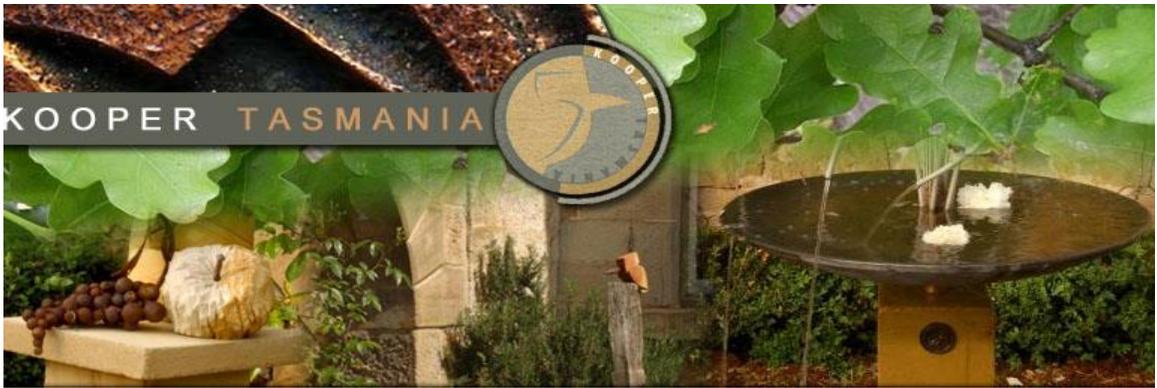
Location Site



Crafted Elements Within a Landscape



Crafted Elements Within a Landscape

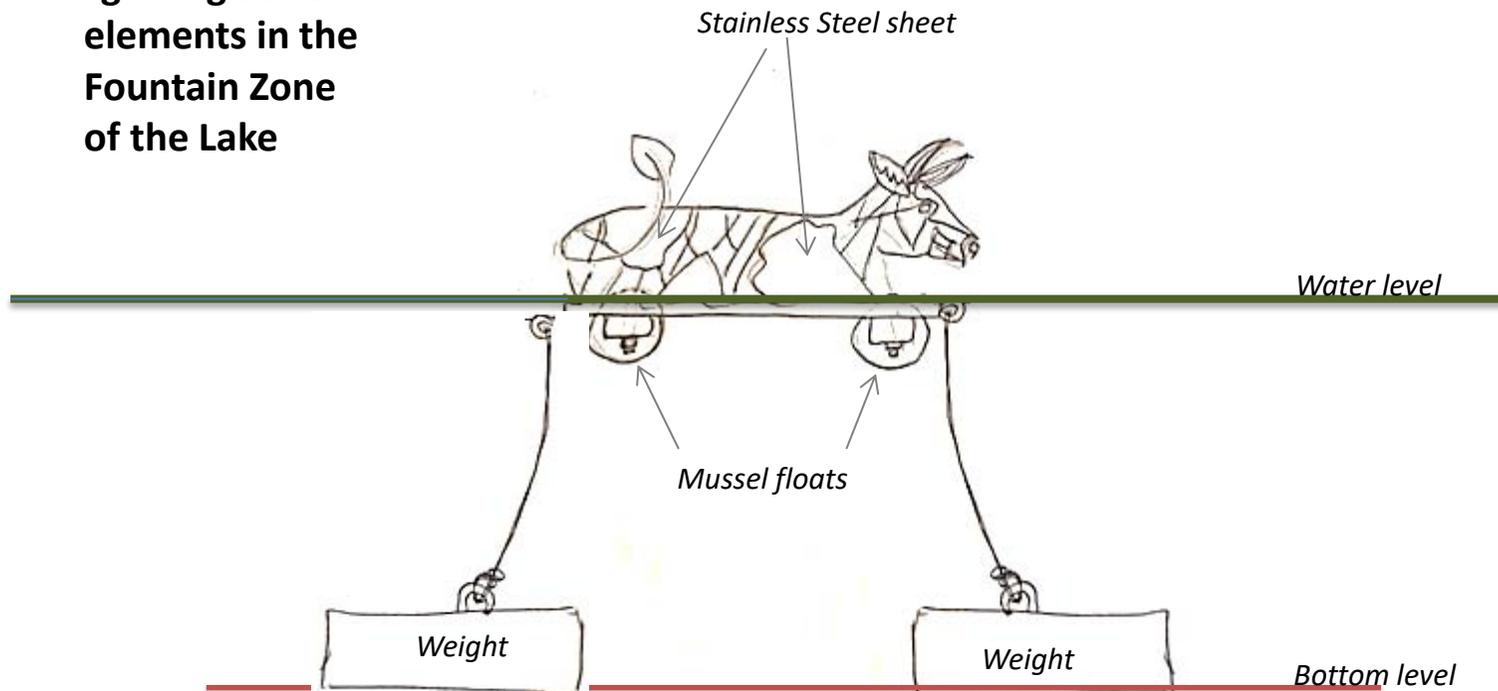


A Story with Local Significance

Adding Value to Oatlands and the Southern Midlands

Concept Sketch
by Folko Kooper
proposing three
“grazing cows”
elements in the
Fountain Zone
of the Lake

*Stainless Steel pipe and bar “cow shape”
Welded to a RHS frame below the waterline and
supported by the Mussel Floats*



What Would We Like From SM Arts Advisory Committee / Lake Dulverton Committee Council / Community

- A resolution of support from the SM Arts Advisory Committee for the concept
- A resolution of support from the Lake Dulverton Committee for the concept;
- A commitment for Council to “consider” a small budget allocation for the project in the 2017 budget; and
- For Council and the Community to “Talk it up” and encourage Community support for the project.

Carpe Diem – Seize the Day

Contact Andrew Benson, Deputy General Manager
0429 852 730 or abenson@southernmidlands.tas.gov.au





Memorial Avenue Precinct Development Kempton

Concept Plan

developed by

The Memorial Trees Committee

April 2017

Site Plan – Memorial Park

Main Street

Memorial Park

(This land has been kindly donated to the project by Tim & Tania Hoskinson)
approximately 1 acre

Gated
entrance

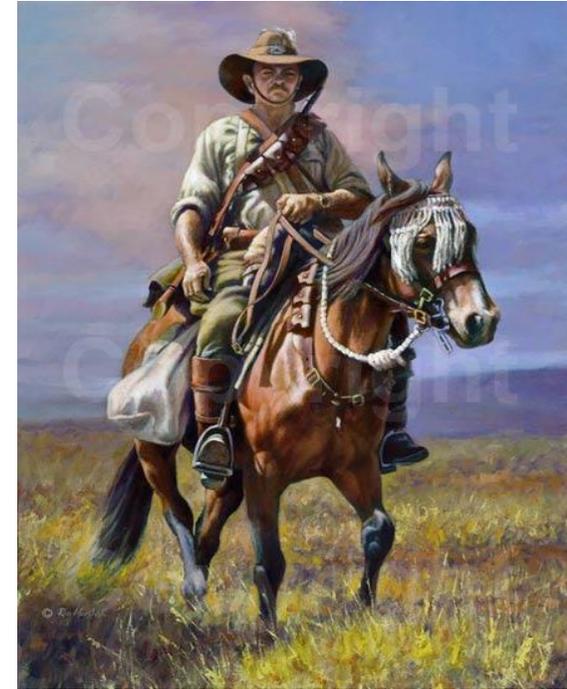
**Proposed Memorial Ave
Concept Plan**

Date: April 2017 Scale: NTS Drawn: AB
Slide 4 of 16

Sculpture Thoughts for the Memorial Ave Site

Located in Memorial Park

Similar in Style to the *Shadows of the Past* on the Heritage Highway created by Folko Kooper from Rural Design, Mangalore



Proposed Memorial Ave Concept Plan

Date: Mar 2017 Scale: NTS Drawn: AB
Slide 8 of 16

TASMANIA

**LOCAL GOVERNMENT AMENDMENT
(TARGETED REVIEW) BILL 2017**

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LOCAL GOVERNMENT AMENDMENT (TARGETED REVIEW) BILL 2017

This Public Bill originated in the House of Assembly, and, having this day passed, is now ready for presentation to the Legislative Council for its concurrence.

SHANE DONNELLY, *Clerk of the House*
21 September 2017

*(Brought in by the Minister for Planning and Local
Government, the Honourable Peter Carl Gutwein)*

A BILL FOR

An Act to amend the *Local Government Act 1993*

Be it enacted by Her Excellency the Governor of Tasmania, by and with the advice and consent of the Legislative Council and House of Assembly, in Parliament assembled, as follows:

PART 1 – PRELIMINARY

1. Short title

This Act may be cited as the *Local Government Amendment (Targeted Review) Act 2017*.

2. Commencement

- (1) Except as provided by subsection (2), the provisions of this Act commence on the day on which this Act receives the Royal Assent.
- (2) Part 3 commences on a day or days to be proclaimed.

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Part 2 – Local Government Act 1993 Amended

**PART 2 – LOCAL GOVERNMENT ACT 1993
AMENDED**

3. Principal Act

In this Part, the *Local Government Act 1993** is referred to as the Principal Act.

4. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by omitting the definition of *absolute majority* and substituting the following definition:

absolute majority means –

- (a) if no councillors are suspended, more than half of the number of councillors to be elected to a council; or
- (b) if one or more councillors are suspended, more than half of the number of councillors to be elected to a council after subtracting the number of councillors who are suspended;

*No. 95 of 1993

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Part 2 – Local Government Act 1993 Amended

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- (b) by inserting the following definition after the definition of *assets*:

audit panel means the audit panel established under section 85;

- (c) by omitting “7th” from the definition of *nomination period* and substituting “8th”;
- (d) by omitting “5th” from the definition of *nomination period* and substituting “6th”;
- (e) by inserting the following definition after the definition of *partner*:

performance improvement direction means a direction issued to a council or councillor under section 214M;

5. Section 16 amended (Municipal areas)

Section 16 of the Principal Act is amended by omitting subsections (4) and (5) and substituting the following subsections:

- (4) The Minister, on receiving a report on a review made under section 214D that recommends an adjustment of the boundary of a municipal area or the boundary of an electoral district within a municipal area, regardless of whether the adjustment is minor or significant in nature, may recommend to the Governor

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Part 2 – Local Government Act 1993 Amended

that an order be made so adjusting that boundary.

(4A) The Minister –

(a) on receiving –

(i) from the Board, made otherwise than in a report on a review made under section 214D; or

(ii) from the Director –

a recommendation that an adjustment, that is minor in nature, be made to the boundary of a municipal area, or the boundary of an electoral district within a municipal area; and

(b) if satisfied that all owners of land who would be affected by the adjustment have been consulted by the relevant councils and have consented, in writing, to the adjustment –

may recommend to the Governor that an order be made so adjusting that boundary.

(5) The Governor, by order and on the recommendation of the Minister under subsection (4) or (4A), may do one or both of the following:

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-
- (a) adjust a boundary of a municipal area;
 - (b) if the municipal area is divided into electoral districts, adjust any boundary of any electoral district as may be necessary.

6. Section 27 amended (Functions of mayors and deputy mayors)

Section 27 of the Principal Act is amended as follows:

- (a) by omitting paragraphs (aa), (a), (b), (ba) and (c) from subsection (1) and substituting the following paragraphs:
 - (a) to act as a leader of the community of the municipal area; and
 - (b) to carry out the civic and ceremonial functions of the mayoral office; and
 - (c) to promote good governance by, and within, the council; and
 - (d) to act as chairperson of the council and to chair meetings of the council in a manner that supports decision-making processes; and
 - (e) to act as the spokesperson of the council; and

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Part 2 – Local Government Act 1993 Amended

- (f) to represent the council on regional organisations and at intergovernmental forums at regional, state and federal levels; and
 - (g) to lead and participate in the appointment, and the monitoring of the performance, of the general manager; and
 - (h) to liaise with the general manager on –
 - (i) the activities of the council and the performance and exercise of its functions and powers; and
 - (ii) the activities of the general manager and the performance and exercise of his or her functions and powers in supporting the council; and
 - (i) any function imposed by an order under section 27A; and
 - (j) any other function imposed by this or any other Act.
- (b) by omitting from subsection (2)(a) “absent; and” and substituting “absent from duty as Mayor or from the State, otherwise unavailable for duty as mayor

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or unable to perform the functions of mayor; and”;

- (c) by omitting from subsection (2A)(a) “the function” and substituting “either or both of the functions”;
- (d) by omitting from subsection (2A)(a) “subsection (1)(b)” and substituting “subsection (1)(e) and (f)”;
- (e) by omitting from subsection (2A)(b) “subsection (1)(a),” and substituting “subsection (1)(d),”.

7. Section 27A inserted

After section 27 of the Principal Act, the following section is inserted in Division 3:

27A. Order relating to Mayor’s functions

- (1) The Minister, by order, may do any one or more of the following:
 - (a) clarify the functions of mayor;
 - (b) impose on mayors such functions as the Minister considers appropriate.
- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the

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matters the Minister is considering including in the order, the amended order or the substitute order.

- (4) An order under this section may be combined with an order under one or more of the following sections:
 - (a) section 28AA;
 - (b) section 62A;
 - (c) section 62B.
- (5) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.
- (6) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

8. Section 28AA inserted

After section 28 of the Principal Act, the following section is inserted in Division 3:

28AA. Order relating to functions of councillors

- (1) The Minister, by order, may clarify the functions of councillors.
- (2) The Minister may amend, revoke, or revoke and substitute an order.

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- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
 - (4) An order under this section may be combined with an order under one or more of the following sections:
 - (a) section 27A;
 - (b) section 62A;
 - (c) section 62B.
 - (5) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.
 - (6) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

9. Section 53 amended (Notification of interest)

Section 53 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “councillor or member” and substituting “councillor, member or member of an audit panel”;

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- (b) by omitting from subsection (1) “committee or controlling authority” and substituting “committee, controlling authority or audit panel”;
- (c) by omitting subsection (2) and substituting the following subsection:
 - (2) On receipt of a notification, the general manager is to advise the following persons of the notification:
 - (a) the councillor, member or member of an audit panel who is the subject of the notification;
 - (b) all other councillors, members or members of the audit panel.

10. Sections 55B, 55C, 55D and 55E inserted

After section 55A of the Principal Act, the following sections are inserted in Part 5:

55B. When member of audit panel has an interest

- (1) A member of an audit panel has an interest in the making of a recommendation or in a review by the audit panel if –
 - (a) were the audit panel to make a particular possible recommendation and that

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recommendation were to be adopted by the council, the member or a close associate of the member would receive, have an expectation of receiving or be likely to receive or have an expectation of receiving a pecuniary benefit or pecuniary detriment; or

- (b) were the audit panel to conclude the review in a particular possible manner, the member or a close associate of the member would receive, have an expectation of receiving or be likely to receive or have an expectation of receiving a pecuniary benefit or pecuniary detriment.
- (2) For the purposes of subsection (1), the member of the audit panel has an interest in the making of a recommendation or a review from when the first of the following occurs:
- (a) the member becomes aware that he or she has an interest;
 - (b) the member should reasonably have become aware that he or she has an interest.
- (3) Sections 51 and 52 apply as if a reference to a member were a reference to a member of the audit panel.

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55C. Declaration of interest by member of audit panel

- (1) At any meeting of an audit panel, a member must not participate in any discussion, or vote, in relation to the making of a recommendation or a review in respect of which the member has an interest.

Penalty: Fine not exceeding 20 penalty units.

- (2) A member of an audit panel must declare any interest that he or she has in the making of a recommendation or a review before any discussion, or further discussion, relating to the recommendation or review takes place.

Penalty: Fine not exceeding 50 penalty units.

- (3) The chairperson of the audit panel is to ensure that a declaration of an interest in the making of a recommendation or a review is recorded in –

- (a) the minutes of the meeting of the audit panel; and
- (b) any relevant written report that the audit panel provides to the relevant council.

Penalty: Fine not exceeding 20 penalty units.

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- (4) A member of an audit panel is to notify the general manager, in writing, of the details of any interest that he or she has declared under this section within 7 days of that declaration.

Penalty: Fine not exceeding 20 penalty units.

55D. Register of interests of members of audit panel

- (1) The general manager is to keep a register of the interests of members of audit panels.
- (2) The general manager is to enter into the register the details of an interest of a member of audit panel when notified as specified in section 55C(4).
- (3) A councillor may inspect that part of the register that relates to the members of the audit panel established by his or her council.
- (4) The register is exempt from the provisions of the *Right to Information Act 2009*.

55E. Validity of audit panel proceedings, &c.

Any proceeding, review or recommendation of the audit panel is not invalid by reason only that, at the time the proceeding, review or

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recommendation was held, conducted or made, a member of the audit panel –

- (a) had not declared an interest as required by section 55C; or
- (b) had voted on a matter in respect of which the member had not declared such an interest.

11. Section 57 amended (Petitions)

Section 57 of the Principal Act is amended as follows:

- (a) by omitting from subsection (2)(a) “matter;” and substituting “matter and the action requested;”;
- (b) by omitting from subsection (2)(b) “a heading” and substituting “in the case of a paper petition, a heading”;
- (c) by omitting from subsection (2)(c) “a brief” and substituting “in the case of a paper petition, a brief”;
- (d) by omitting paragraph (e) from subsection (2) and substituting the following paragraph:
 - (e) at the end of the petition –
 - (i) in the case of a paper petition, the full name, address and signature of

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the person lodging the petition; and

- (ii) in the case of an electronic petition, the full name and address of the person lodging the petition and a statement by that person certifying that the statement of the subject matter and the action requested, as set out at the beginning of the petition, has not been changed.

- (e) by inserting the following subsection after subsection (2):

- (3) In this section –

electronic petition means a petition where the petition is created and circulated electronically and the signatories have added their details by electronic means;

paper petition means a petition where the petition is created on paper which is then circulated and to which the signatories have added their details directly onto the paper;

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petition means a paper petition
or electronic petition;

signatory means –

- (a) in the case of a paper petition, a person who has added his or her details to the paper petition and signed the petition; and
- (b) in the case of an electronic petition, a person who has added his or her details to the electronic petition.

12. Section 58 amended (Tabling petition)

Section 58(1) of the Principal Act is amended by omitting paragraph (a).

13. Section 61 amended (Appointment of general manager)

Section 61 of the Principal Act is amended as follows:

- (a) by inserting the following subsection after subsection (1):

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(1A) In appointing a person as general manager of the council, a council is to do so in accordance with any relevant order made under section 61A.

(b) by omitting subsection (6).

14. Sections 61A and 61B inserted

After section 61 of the Principal Act, the following sections are inserted in Division 1:

61A. Order relating to appointment and performance of general managers

- (1) The Minister, by order, may do any one or more of the following:
- (a) specify the principles governing the selection of a general manager;
 - (b) specify the matters, and classes of matters, that are to be taken into account when a council is selecting, or reappointing, a general manager;
 - (c) specify the procedures to be followed by a council in relation to appointing, or reappointing, a general manager;
 - (d) provide, or provide for the development of, the processes and procedures to be followed by

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a council in monitoring the performance of a general manager.

- (2) The Minister may amend, revoke, or revoke and substitute an order.
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
- (4) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.
- (5) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

61B. Acting general managers

- (1) For the purposes of this section, a general manager is absent if –
 - (a) he or she is absent from duty for any reason; or
 - (b) he or she is otherwise unavailable or unable to perform the functions of the office of general manager; or

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- (c) the position of general manager is vacant.
- (2) The mayor may appoint a person to act in the office of general manager if –
- (a) the general manager is absent and no person holds an appointment under subsection (4); or
 - (b) the general manager is absent and the person appointed under subsection (4) is absent from duty or otherwise unavailable or unable to act in the office of general manager.
- (3) An appointment under subsection (2) ends when the first of the following occurs:
- (a) the general manager returns to duty;
 - (b) the term of the appointment expires;
 - (c) the mayor or the council revokes the appointment;
 - (d) a person is appointed as general manager under section 61.
- (4) The council may appoint a person to act in the office of general manager during every absence of the general manager.

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- (5) An appointment under subsection (4) is for the term, not exceeding 5 years, specified in the appointment and ends when the first of the following occurs:
- (a) the term of the appointment expires;
 - (b) the council revokes the appointment;
 - (c) if the appointment is to the holder of an office, the person ceases to hold that office.
- (6) While a person appointed to act in the office of general manager is acting as general manager, that person is taken to be the general manager.

15. Sections 62A and 62B inserted

After section 62 of the Principal Act, the following sections are inserted in Division 1:

62A. Order relating to general manager's functions generally

- (1) The Minister, by order, may clarify the functions of general managers by specifying matters, or classes of matters, that are operational or administrative in nature and so are to be performed by general managers.
- (2) The Minister may amend, revoke, or revoke and substitute an order.

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-
- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
 - (4) An order under this section may be combined with an order under any one or more of the following sections:
 - (a) section 27A;
 - (b) section 28AA;
 - (c) section 62B.
 - (5) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.
 - (6) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

62B. Order relating to general manager's function to liaise with mayor

- (1) The Minister, by order, may specify the manner in which general managers are to liaise with their mayors.
- (2) The Minister may amend, revoke, or revoke and substitute an order.

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Part 2 – Local Government Act 1993 Amended

- (3) Before making, amending or revoking and substituting an order, the Minister must consult with the councils as to the matters the Minister is considering including in the order, the amended order or the substitute order.
- (4) An order under this section may be combined with an order under any one or more of the following sections:
 - (a) section 27A;
 - (b) section 28AA;
 - (c) section 62A.
- (5) Section 47(3), (3A), (4), (5), (6) and (7) of the *Acts Interpretation Act 1931* applies to an order under this section as if the order were regulations within the meaning of that Act.
- (6) An order under this section is subordinate legislation for the purposes of the *Subordinate Legislation Act 1992*.

16. Section 65 amended (Qualified persons)

Section 65 of the Principal Act is amended by omitting subsection (2) and substituting the following subsection:

- (2) A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –

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- (a) the general manager certifies, in writing –
 - (i) that such advice was obtained; and
 - (ii) that the general manager took the advice into account in providing general advice to the council or council committee; and
- (b) a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.

17. Section 72 amended (Annual report)

Section 72(1) of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (c):
 - (caa) a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during the preceding financial year together with a statement of the

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revenue associated with that activity;

- (b) by omitting from paragraph (cd) “hold positions designated by the council as being senior positions;” and substituting “are key management personnel, within the meaning of the Compiled Accounting Standard AASB 124, as amended or substituted from time to time, issued by the Australian Accounting Standards Board under the *Australian Securities and Investments Commission Act 2001* of the Commonwealth;”.

18. Section 82A inserted

After section 82 of the Principal Act, the following section is inserted in Division 3:

82A. Power of general manager to meet current and accruing requirements

- (1) If a council has not adopted before the end of a financial year, or considers that it is unlikely to so adopt, under section 82, estimates for the next financial year, the council may authorise the general manager to issue and apply in accordance with this section such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August in that financial year.

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- (2) If authorised to do so by the council under subsection (1), a general manager may issue and apply, in accordance with this section and any conditions specified by the council in the authorisation, such amounts as may be necessary to meet the current and accruing requirements of the council for the months of July and August in that financial year.
- (3) The authority of a general manager under this section to issue and apply amounts ceases on the adoption, by the council under section 82, of estimates for the relevant financial year, and does not in any event extend beyond 31 August in that financial year.
- (4) All amounts issued and applied under this section are taken to have been issued and applied in accordance with the estimates later adopted by the council under section 82 for the relevant financial year.
- (5) Amounts issued and applied by the general manager under this section for any one month are not, in total, to exceed the amount that would be equivalent to the expenditure for the month of June of the immediately preceding financial year in respect of all salaries, pay, wages, allowances, contracts, supplies, services, rents, other charges and all ordinary contingencies of the council.

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- (6) The issue or application of any amount under this section is to be issued or applied out of the cash reserves of the council.

19. Section 214A amended (Scope of review)

Section 214A of the Principal Act is amended as follows:

- (a) by omitting “matters:” and substituting “matters, in whole or in part:”;
- (b) by omitting paragraph (a) and substituting the following paragraph:
 - (a) the operation of a council, including the performance and exercise of the council’s functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council;

20. Part 12B inserted

After section 214K of the Principal Act, the following Part is inserted:

**PART 12B – PERFORMANCE IMPROVEMENT
DIRECTIONS**

**214L. Recommendation for issuing performance
improvement direction**

- (1) The Director may recommend to the Minister that he or she issue a performance improvement direction to a council or councillor.
- (2) Without limiting the situations in which the Director may make a recommendation under subsection (1), the Director may make a recommendation under that subsection if, in the Director’s opinion, the council or councillor –
 - (a) has failed to comply with a statutory requirement under this or any other Act or under subordinate legislation made under this or any other Act and the Director considers that the failure is not of a minor nature; or
 - (b) has failed on a number of occasions to comply with a statutory requirement, or a number of different statutory requirements, under this or any other Act or under subordinate legislation made under this or any other Act, regardless of whether

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any such failure is of a minor nature.

- (3) The recommendation is to include the grounds on which the recommendation is based.

214M. Minister may issue performance improvement direction

- (1) On receipt of the recommendation of the Director provided under section 214L, the Minister may –
- (a) issue to a council or a councillor a direction requiring the council or councillor to take, refrain from taking or cease taking an action for the purpose of complying with the statutory obligations of the council or councillor under this or any other Act; or
 - (b) refuse to issue such a direction.
- (2) The Minister may issue a direction to a council or councillor only if satisfied that it is appropriate to do so after considering any submissions made under section 214N(3)(e) and the recommendation of the Director provided under section 214L.
- (3) A direction may require the council or councillor –

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- (a) to take, refrain from taking or cease taking an action within the period specified in the direction; and
 - (b) to notify the Minister, in writing and within the period specified in the direction, of the steps that the council or councillor has taken, or proposes to take, to comply with the direction.
- (4) A direction may set out the consequences of failing to comply with the direction.

214N. Right of council or councillor to make submissions

- (1) If the Minister is proposing to issue a performance improvement direction to a council, the Minister is to notify the council of that fact.
- (2) If the Minister is proposing to issue a performance improvement direction to a councillor, the Minister is to notify the councillor and the relevant council of that fact.
- (3) The notice provided under subsection (1) or (2) is to –
 - (a) be in writing; and

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- (b) include a draft of the proposed performance improvement direction; and
 - (c) include the grounds for the making of the performance improvement direction; and
 - (d) in the case of a notice issued to a council, notify the council that it may make written submissions to the Minister on the matter within the period, of not less than 14 days, specified in the notice; and
 - (e) in the case of a notice issued to a councillor and the relevant council, notify both the councillor and the council that he or she and it may make written submissions to the Minister on the matter within the period, of not less than 14 days, specified in the notice.
- (4) The council or councillor may make written submissions to the Minister in relation to the proposed performance improvement direction within the period specified in the notice provided under subsection (1) or (2).

214O. Consequences of failing to comply with performance improvement direction

- (1) If a council or councillor fails to comply with a performance improvement

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direction, the Minister may do one or more of the following:

- (a) suspend all of the councillors or the councillor from office for a period not exceeding 6 months;
 - (b) under section 214, require the Board to carry out a general review, or a specific review, of the council;
 - (c) under section 215, establish a Board of Inquiry to investigate the council.
- (2) If the Minister suspends all of the councillors of a council, the Governor, under Division 2 of Part 13, may appoint a person as commissioner for that council during that suspension and that Division applies in relation to the appointment of the commissioner.

21. Section 215 amended (Board of Inquiry)

Section 215 of the Principal Act is amended by omitting subsection (5) and substituting the following subsection:

- (5) If the Minister establishes a Board of Inquiry to investigate a council, the Minister, at any time during the inquiry, may suspend all the councillors, or any of the councillors, from office for the period ending on the day on which –

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- (a) the Minister gives a direction under section 225(2); or
- (b) an order under section 226 dismissing all the councillors or any councillor takes effect.

22. Section 217 amended (Powers of Board of Inquiry)

Section 217 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph before paragraph (a) in subsection (1):
 - (aa) require any person to provide, in writing and within the time specified in the requirement, answers to the questions asked, or the information specified, in the requirement; and
- (b) by inserting the following paragraph before paragraph (a) in subsection (2):
 - (aa) fail to comply with a requirement referred to in subsection (1)(aa); or
- (c) by omitting from the penalty under subsection (2) “10” and substituting “50”.

23. Section 218 amended (Procedure of Board of Inquiry)

Section 218 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) Nothing in this section requires a Board of Inquiry to –
 - (a) hold a public hearing; or
 - (b) permit the cross-examination of a witness.

24. Section 220 amended (Representation)

Section 220 of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) Nothing in this section –
 - (a) entitles a legal practitioner or agent who represents a person to cross-examine a witness without the permission of the Board of Inquiry; or
 - (b) requires the Board of Inquiry to permit the cross-examination of a witness by such a legal practitioner or agent.

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25. Section 222 amended (Access to documents, &c.)

Section 222 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1)(a) “inquiry;” and substituting “inquiry and which are in the possession or control of the person;”;
- (b) by inserting the following subsection after subsection (1):

(1A) A person must not refuse or fail to comply with a requirement made under subsection (1).

Penalty: Fine not exceeding 50 penalty units.

26. Section 223A inserted

After section 223 of the Principal Act, the following section is inserted in Division 1:

223A. Disclosure of confidential information provided by Board of Inquiry

- (1) Except as required, or allowed, by this Act, another Act or any other law, a person must not disclose information provided to him or her by the Board of Inquiry in the course of an inquiry and on the condition that the person keep that information private and confidential.

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Penalty: Fine not exceeding 50 penalty units.

- (2) In addition to, or in substitution for, the imposition of a penalty under subsection (1), a court may make one or more of the following orders:
- (a) if the defendant is a councillor, an order dismissing the councillor (whether suspended or not);
 - (b) if the defendant is a councillor (whether suspended or not) or any other person, an order barring the councillor or person from nominating as a candidate for any election for a period not exceeding 7 years.

27. Section 225 amended (Result of inquiry)

Section 225 of the Principal Act is amended as follows:

- (a) by inserting in subsection (2) “councillor,” after “a council,”;
- (b) by inserting in subsection (2)(a) “councillor,” after “council,”;
- (c) by omitting from subsection (2)(a) “its” and substituting “its, his or her”;
- (d) by inserting in subsection (2)(b) “councillor,” after “council,”;

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- (e) by omitting from subsection (2)(b) “its” and substituting “its, his or her”;
- (f) by inserting in subsection (2)(c) “councillor,” after “council,”;
- (g) by omitting from subsection (2)(c) “its” and substituting “its, his or her”;
- (h) by inserting in subsection (2)(d) “councillor,” after “council,”;
- (i) by inserting in subsection (3) “councillor,” after “a council,”;
- (j) by inserting in subsection (3) “councillor,” after “require the council,”;
- (k) by inserting in subsection (3)(a) “councillor,” after “council,”;
- (l) by inserting in subsection (3)(b) “councillor,” after “council,”.

28. Section 226 amended (Dismissal of councillors)

Section 226 of the Principal Act is amended as follows:

- (a) by inserting in subsection (1) “or councillor” after “a council”;
- (b) by omitting from subsection (1) “the councillors” and substituting “any councillor or all councillors”;

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- (c) by inserting in subsection (1)(a) “councillor or” after “failure of the”;
 - (d) by inserting in subsection (1)(b) “councillor or” after “conduct of the”;
 - (e) by inserting the following subsection after subsection (1):
 - (1A) In subsection (1) –
 - operation of the council* includes the performance and exercise of the council’s functions and powers, the administrative operation of the council, the governance of the council and the decision making of the council.
 - (f) by inserting in subsection (2) “councillor or” after “If a”;
 - (g) by inserting in subsection (2) “councillor or all” after “dismiss the”;
 - (h) by inserting in subsection (3) “a councillor or all” after “dismissal of”.

29. Section 230 amended (Appointment of commissioner on suspension)

Section 230 of the Principal Act is amended by inserting “all of” after “suspends”.

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30. Section 231 amended (Appointment of commissioner on dismissal)

Section 231(1) of the Principal Act is amended by inserting “all of” after “dismissal of”.

31. Section 260 amended (Closure of electoral roll)

Section 260 of the Principal Act is amended by omitting “6th” and substituting “7th”.

32. Section 269 amended (Notice of election)

Section 269(1) of the Principal Act is amended by omitting “7th” and substituting “8th”.

33. Section 274 amended (Election without poll)

Section 274(3)(b) of the Principal Act is amended by omitting “4th” and substituting “5th”.

34. Section 278 amended (Electoral advertising)

Section 278 of the Principal Act is amended as follows:

- (a) by omitting from subsection (3) “publish, broadcast” and substituting “publish”;
- (b) by omitting from subsection (4)(b) “television.” and substituting “television or by a repeat on the internet of any such broadcast.”.

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35. Section 338A amended (Disclosure of information)

Section 338A(3) of the Principal Act is amended by inserting “or a member of an audit panel” after “law, a member”.

36. Section 339 amended (Improper use of information)

Section 339 of the Principal Act is amended as follows:

- (a) by omitting from subsection (1) “councillor or a member” and substituting “councillor, a member or a member of an audit panel”;
- (b) by omitting from subsection (1) “councillor or member.” and substituting “councillor, member or member of an audit panel.”;
- (c) by omitting from subsection (4)(b) “councillor or member” and substituting “councillor, member or member of an audit panel”.

37. Section 339A amended (Misuse of office)

Section 339A of the Principal Act is amended by inserting after subsection (2) the following subsection:

- (3) In this section –

member includes a member of an audit panel.

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38. Section 339E amended (Complaints against non-compliance or offence)

Section 339E of the Principal Act is amended by omitting subsections (4), (5) and (6) and substituting the following subsections:

- (4) The Director may determine the procedure for handling complaints, including –
 - (a) the acceptance and rejection of complaints or any parts of a complaint; and
 - (b) whether or not an investigation is to be held and, if so, whether to investigate the whole or part only of the complaint; and
 - (c) the dismissal of complaints.
- (5) Without limiting the power of the Director under subsection (4) to determine the procedure for handling complaints, the Director may dismiss a complaint at any time after receiving it if the Director considers that the complaint is frivolous or vexatious.
- (6) If the Director rejects a complaint, the Director is to notify the complainant, in writing, of the rejection and the reasons for it.

39. Section 339EA inserted

After section 339E of the Principal Act, the following section is inserted in Division 3:

339EA. Investigations of complaints and other matters

- (1) The Director may carry out an investigation in respect of a complaint received under section 339E.
- (2) The Director, without receiving a complaint under section 339E, may carry out an investigation in respect of –
 - (a) any matter which could be the subject of a complaint under section 339E; or
 - (b) any other matter relating to compliance with, or the administration of, this Act.
- (3) The Director may determine the procedure for investigations.
- (4) The Director may provide any information obtained from the conduct of an investigation in respect of a complaint made under section 339E or any matter referred to in subsection (2) to such authority as he or she considers appropriate, including but not limited to –

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- (a) the Integrity Commission established by section 7 of the *Integrity Commission Act 2009*; and
- (b) the Auditor-General; and
- (c) a law enforcement agency within the meaning of the *Personal Information Protection Act 2004*.

40. Section 341 amended (Immunity from liability)

Section 341 of the Principal Act is amended as follows:

- (a) by omitting subsection (1) and substituting the following subsection:
 - (1) A person who is –
 - (a) a councillor; or
 - (b) a member of the Board; or
 - (c) the Executive Officer; or
 - (d) a member of the Code of Conduct Panel or an audit panel; or
 - (e) a member of a Board of Inquiry; or
 - (f) a member of a special committee or a controlling authority; or

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(g) a commissioner, or an employee, of a council –

does not incur any personal liability in respect of any act done or omitted to be done by the person in good faith in the performance or exercise, or the purported performance or purported exercise, of any function or power under this or any other Act or in the administration or execution, or purported administration or purported execution, of this Act.

(b) by inserting in subsection (2) “a councillor, an employee of the council, or” after “lie against”;

(c) by inserting the following subsection after subsection (2):

(3) A liability that would, but for subsection (1), lie against a member of the Board, the Executive Officer, a member of the Code of Conduct Panel, a member of a Board of Inquiry or a commissioner lies against the Crown.

41. Section 348A inserted

After section 348 of the Principal Act, the following section is inserted in Division 3:

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348A. References to Act

A reference to this Act includes a reference to any regulations, rules, by-laws and orders made under this Act.

42. Schedule 5 amended (Office of Councillors)

Clause 3 of Schedule 5 to the Principal Act is amended by inserting after subclause (1) the following subclauses:

(1A) Despite subclause (1)(f), if –

- (a) a councillor is no longer eligible to nominate as a candidate under section 270 because the councillor ceases to be entitled under section 254(1) to be enrolled on the electoral roll kept under section 258(7) for an electoral district of the electoral area in respect of which he or she is a councillor; and
- (b) the councillor is entitled, by reason of section 254(2), to be enrolled on the electoral roll kept under section 258(1) in respect of that electoral area –

the councillor does not vacate the office of councillor on so ceasing to be eligible to nominate as a candidate under section 270 but, subject to subclause (1B), vacates the office at the

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end of the thirtieth day after ceasing to be eligible to so nominate unless the councillor lodges an electoral enrolment form under section 257 within that 30-day period.

- (1B) Despite subclause (1)(f), if a councillor referred to in subclause (1A) lodges an electoral enrolment form under section 257 before the end of the thirtieth day specified in that subclause, the councillor does not vacate the office of councillor.

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Part 3 – Local Government Act 1993 Further Amended

**PART 3 – LOCAL GOVERNMENT ACT 1993
FURTHER AMENDED**

43. Principal Act

In this Part, the *Local Government Act 1993** is referred to as the Principal Act.

44. Section 3 amended (Interpretation)

Section 3 of the Principal Act is amended as follows:

- (a) by inserting the following paragraph after paragraph (e) in the definition of *electoral advertising*:
 - (f) on the internet;
- (b) by inserting the following definition after the definition of *model code of conduct*:

model financial statements means the model financial statements published, and provided to councils, under section 83A, as replaced from time to time;

45. Part 5A inserted

After section 56 of the Principal Act, the following Part is inserted:

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PART 5A – GIFTS AND DONATIONS

56A. Councillor to notify of gifts and donations

- (1) A councillor who receives –
- (a) a gift or donation prescribed by the regulations for the purposes of this section; or
 - (b) a gift or donation of a class prescribed by the regulations, for the purposes of this section –

must notify the general manager of that gift or donation.

Penalty: Fine not exceeding 10 penalty units.

- (2) A notice is to –
- (a) be in writing; and
 - (b) contain the details prescribed by the regulations; and
 - (c) be provided to the general manager within the period prescribed by the regulations.

56B. Gifts and donations register

- (1) The general manager is to keep a register of the gifts and donations referred to in section 56A(1) that have been received by councillors.

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- (2) The register is to include the following information:
- (a) the name of the councillor;
 - (b) a description of the gift or donation;
 - (c) any other information required by the regulations to be included.

46. Section 83A inserted

After section 83 of the Principal Act, the following section is inserted in Division 3:

83A. Model financial statements

- (1) The Auditor-General is to provide to the Director model financial statements to be used by the councils.
- (2) From time to time, the Auditor-General may provide to the Director replacement model financial statements to be used by the councils that are to be substituted for the existing model financial statements.
- (3) On receipt of the model financial statements or replacement model financial statements, the Director –
 - (a) is to publish on the relevant website of the Department the model financial statements or replacement model financial

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statements for use by councils;
and

- (b) is to provide a copy of the model financial statements or replacement model financial statements to each council no later than the next occurring 30 June in preparation for use by the council in relation to its financial statements for the financial year ending on that 30 June.

47. Section 84 amended (Financial statements)

Section 84(2) of the Principal Act is amended as follows:

- (a) by omitting paragraph (b) and substituting the following paragraphs:
 - (a) be in the form set out in the model financial statements provided under section 83A; and
 - (b) contain the information required by those model financial statements; and
- (b) by omitting paragraph (da).

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Part 4 – Miscellaneous

PART 4 – MISCELLANEOUS

48. Repeal of Act

This Act is repealed on the three hundred and sixty fifth day from the day on which all of the provisions of this Act commence.