



ATTACHMENTS

ORDINARY COUNCIL MEETING

Oatlands Council Chambers, 71 High Street, Oatlands
Wednesday 26th October 2022
10.00 a.m.

Item 5.1	Draft Council Meeting Minutes (Open) – 28 th September 2022
Item 5.2.1	Arts Advisory Committee Minutes – 29 th September 2022 Community Shed AGM Minutes – 26 th September 2022
Item 12.4.1	Certified Amendments for 2022/1 and 2022/2 Representations
Item 12.4.2	Petition to Amend Sealed Plan No 183609 Title Documents
Item 18.1	Deed of Variation of Grant Deed

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 28th September 2022
10.00 a.m.

Kempton 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 28th SEPTEMBER 2022 AT THE KEMPTON MUNICIPAL OFFICES
COMMENCING AT 10.00 A.M.

1. PRAYERS

Reverend Dennis Cousens recited prayers.

2. ACKNOWLEDGEMENT OF COUNTRY

Deputy Mayor recited Acknowledgement of Country.

3. ATTENDANCE

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

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Richardson (Manager, Infrastructure & Works), Mr A Briggs (Oatlands Aquatic Centre Coordinator), Miss S Smith (Oatlands Aquatic Centre Attendant / Fitness Instructor), Ms G Pennicott (Oatlands Aquatic Centre Swim Instructor/Lifeguard) Mrs J Tyson (Senior Planning Officer), Mrs J Crosswell (Executive Officer).

4. APOLOGIES

Mayor A O Green

DECISION

Moved by Clr D Fish, seconded by Clr R McDougall

THAT the apology from Mayor A O Green be received and leave of absence granted.

CARRIED

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

5. MINUTES**5.1 Ordinary Council meeting**

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th August 2022, as circulated, are submitted for confirmation.

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr K Dudgeon

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th August 2022, as circulated, be confirmed.

CARRIED

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

5.2 Special Committees of Council Minutes**5.2.1 Special Committees of Council - Receipt of Minutes**

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 22nd August 2022
- Woodsdale Community Memorial Hall AGM Minutes – 5th September 2022
- Oatlands Community Shed Minutes – 29th August 2022
- Facilities & Recreation Committee Minutes – 15th September 2022
- Lake Dulverton & Callington Park Management Committee Minutes – 19th September 2022

RECOMMENDATION

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

DECISION*Moved by Clr D Fish, seconded by Clr R McDougall***THAT the minutes of the above Special Committees of Council be received.****CARRIED**

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

5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 22nd August 2022
- Woodsdale Community Memorial Hall AGM Minutes – 5th September 2022
- Oatlands Community Shed Minutes – 29th August 2022
- Facilities & Recreation Committee Minutes – 15th September 2022
- Lake Dulverton & Callington Park Management Committee Minutes – 19th September 2022

RECOMMENDATION**THAT the recommendations contained within the minutes of the above Special Committees of Council be endorsed.****DECISION***Moved by Clr R McDougall, seconded by Clr A E Bisdee OAM***THAT the recommendations contained within the minutes of the above Special Committees of Council be endorsed.****CARRIED**

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

5.3 Joint Authorities (Established Under Division 4 of the *Local Government Act 1993*)**5.3.1 Joint Authorities - Receipt of Minutes**

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

- Southern Tasmanian Councils Authority Draft Minutes – 22nd August 2022

RECOMMENDATION

THAT the minutes for the above Joint Authority be received.

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the minutes for the above Joint Authority be received.

CARRIED

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

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

Report prepared by the following Joint Authority, as circulated, is submitted for receipt:

- Southern Tasmanian Councils Authority Quarterly Report – September 2022

RECOMMENDATION

THAT the report for the above Joint Authority be received.

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the report for the above Joint Authority be received.

CARRIED

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

6. NOTIFICATION OF COUNCIL WORKSHOPS

DECISION

Moved by Cllr D Fish, seconded by Cllr K Dudgeon

THAT the information be received.

CARRIED

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

7. COUNCILLORS – QUESTION TIME

7.1 Questions (On Notice)

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

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

Questions received from Clr R McDougall – 9th September 2022

Question regarding the front area of the Oatlands Aquatic Centre, and the adjacent Midlands Memorial Community Centre.

The space between these two buildings is very visible and open to the High Street and needs an effective and good design solution to resolve what has become an awkward space. Given all the elements – the side of the Bargain Centre with its interesting and structural roof supports, the conference room of the Midlands Memorial Community Centre and its need for a safe, compliant Fire Exit, the 2 new concrete pathways into and around the Oatlands Aquatic Centre - at much lower levels than the community centre – there is a need for not only a functional, but a visually harmonious solution.

Another element requiring resolution is the forecourt of the Community centre.

In particular, the need to store the 3 large waste bins somewhere they can be easily accessed and wheeled onto the footpath for collection but away from public view, the need for seating on the concrete apron of the forecourt as this area is just a large ugly concrete space, the concrete step downs between the galvanized handrails and the forecourt apron which are not used (these could perhaps accommodate some raised timber garden beds).

The colour treatment of the front of the community centre needs to be redesigned so that it tones with the new Aquatic centre building and with the streetscape.

Is there a plan and a process in place to address these issues, in consultation with user groups at the centre, the community and council? If not, how soon can this process commence?

Can a wall-to-wall bare concrete solution be avoided, given the context of its location within a heritage streetscape?

Deputy General Manager's Response

It is acknowledged that the close proximity of the Midlands Memorial Community Centre (MMCC) at 68 High Street and the entrance to the Oatlands Aquatic Centre (OAC) at 70 High Street is extremely tight. This has been brought about by the requirements for the width of the Aquatic Centre car parking. It has always been acknowledged that this would be the case and it does to some degree provide a connection of these two public buildings, with their interesting form and character, in fact it is more consistent with the tight fabric of a Village setting rather than dispersed structures in the landscape. The added matter of the fire exit from the MMCC sees the convergence of the entrance to the OAC, the pathway to the access the rear of the OAC, which does appear to be rather bland at this point in time. It is acknowledged that the site fencing and the incomplete OAC external walls does not do any favours for an observer from the High Street. OAC Architect Peter Gaggin has been

asked to provide his advice in relation to this matter and to provide an image of the final design solution. Discussions have been held with the Lessee of the MMCC in relation to this matter, including the exit arrangement for the MMCC, as well as the gentrification of the forecourt of the MMCC to ensure that it is a usable space. The DGM has provided a site plan of the two sites, 68 and 70 High Street to enable the Lessee of the MMCC to imagine their futures and provide to Council their preferred enhancement of the MMCC site. It is noted that Council has invested in a new insulated roof in last year's budget and double glazed windows in the previous year's budget, for the comfort and energy efficiency of the users of the building. All of those works have been completed.

7.2 Questions Without Notice

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

It states:

“29. Questions without notice

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

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

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

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

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

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

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

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

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

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

Clr A E Bisdee OAM – Council Chambers, Kempton – commented that additional plantings (i.e. roses) would enhance the entry to the Chambers.

Clr D Fish – Glenelg Street, Oatlands (Reservoirs) – sought clarification in relation to the history of the reservoirs.

General Manager advised that the purpose of the reservoirs, of which ownership transferred to TasWater, was to increase the capacity to store treated water for the township in the event of an emergency breakdown.

Clr R McDougall – Jericho ‘Avenue of Honour’ – sought advice regarding the resent status of this project.

Research to be undertaken and advice to be provided.

Clr R McDougall – ‘The Gardeners of 7210’ – has their donation, which was to be allocated for the purchase of seating in the vicinity of the Community Centre / Aquatic Centre, be received?

General Manager confirmed that the donation has been received and representatives from the group would be invited to attend the next Council Meeting scheduled at Oatlands for the purpose of officially recognising receipt of the donation. The exact location of the seating will be determined as part of the overall landscape/development plan for the forecourt area.

Clr K Dudgeon – Tunbridge Bridge – update sought.

The General Manager advised that following the outcome of the Appeal process, it is the responsibility of the Department of State Growth to assess and determine the way forward. A information item is to be included in the next newsletter to provide the community with an update of the current situation.

Clr K Dudgeon – Justitia Court, Campania – a piece of play equipment is broken and needs to be repaired. Additional shade; seating and a table is required within the playground area. *Deputy General Manager confirmed that a shelter is to be installed (currently being fabricated) and seating has been purchased. Concreting is planned to be done in association with the nearby subdivision works.*

Clr K Dudgeon – issue with motorised scooters/bikes in the Campania township – public and road safety issue.
Deputy General Manager – this issue needs to be raised with Tasmania Police.

Deputy Mayor E Batt – Kempton Council Chambers – Clock Tower – further issues with the operation of the Clock – what is planned to address?
General Manager – Question taken on notice.

Deputy Mayor E Batt – Requested an update on the school crossing at Kempton.
Manager Infrastructure and Works referred to his Report which indicated that the works are to commence shortly.

Deputy Mayor E Batt – Requested an update on replacement of the light poles at Kempton Recreation Ground.
Manager Infrastructure and Works – the base plates are being fabricated and the electrician has been scheduled. On site works to commence in the short-term.

Deputy Mayor E Batt – Kempton Off lead Dog Park - update.
Deputy General Manager – Fencing quotes have been received. The skate park needed to be completed before the dog park could progress.

Deputy Mayor E Batt – Update on the walkway between Kempton and Mood Food?
General Manager – the Deed has been signed and returned to the Department of State Growth. Funding is yet to be received.

8. DECLARATIONS OF PECUNIARY INTEREST

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

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

Deputy Mayor E Batt declared a pecuniary interest in relation to Item 16.2.1 – Southern Midlands Community Small Grants Program 2022, specifically in regard to the grant application for Navigate Family Services Inc.

Clr D Fish declared a pecuniary interest in relation to Item 16.2.1 – Southern Midlands Community Small Grants Program 2022, specifically in regard to the grant application for the Community Shed Oatlands.

Clr K Dudgeon declared a pecuniary interest in relation to Item 16.2.1 – Southern Midlands Community Small Grants Program 2022, specifically in regard to the grant application for the Mount Pleasant Football Club.

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

- Tasmania Police Properties, Oatlands – Update (Closed Session)

RECOMMENDATION

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

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

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

CARRIED

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

DECISION

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

THAT the meeting be adjourned for morning tea at 10.49 a.m.

CARRIED

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

DECISION

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

THAT the meeting reconvene at 11.05 a.m.

CARRIED

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

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

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

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

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

Councillors are advised that, at the time of issuing the Agenda, no Questions on Notice had been received from a member of the Public.

No questions were received during Public Question Time.

10.1 Permission to Address Council

Nil.

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

Nil.

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

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

12.1 Development Applications

Nil.

12.2 Subdivisions

12.2.1 Development Application (SA2022/16) 109 Mountford Drive, Mangalore Subdivision 1 Lot plus Balance

DECISION

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

THAT, in accordance with the provisions of the Tasmanian Planning Scheme - Southern Midlands and Section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for a Lot 1 and Balance Subdivision at 109 Mountford Drive, Mangalore and that a permit be issued with the following conditions.

General

1. The subdivision layout 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. The development and works must be carried out in accordance with:
 1. *Bushfire Hazard Management Plan Report, Subdivision –109 Mountford Drive*, prepared by GES Geo-Environmental Solutions J6555v2 and dated July 2022.
3. Prior to Council sealing the final plan of survey for any stage the developer must provide certification from a suitably qualified person that all works required by the approved Bushfire Hazard Management Plan has been complied with.
4. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this permit unless, as the applicant and the only person with a right of appeal, you notify Council in writing that you propose to commence the use or development before this date, in accordance with Section 53 of the *Land Use Planning and Approvals Act 1993*.

Transfer of reserves

5. All roads or footways must be shown as “Road” or “Footway” on the Final Plan of Survey and transferred to the Council by Memorandum of Transfer submitted with the Final Plan of Survey.

Public Open Space

6. In accordance with the provisions of Section 117 of the Local Government (Building and Miscellaneous Provisions) Act 1993, payment of a cash contribution for Public Open Space must be made to the Council prior to sealing the Final Plan of Survey.
7. The cash contribution amount is to be equal to 5% of the value of the land being subdivided in the plan of subdivision at the date of lodgement of the Final Plan of Survey. The value is to be determined by a Land Valuer within the meaning of the Land Valuers Act 2001 at the developers’ expense.
8. The cash-in-lieu of public open space must be in the form of a direct payment made before the sealing of the final plan of survey or, alternatively, in the form of a Bond or Bank guarantee to cover payment within ninety (90) days after demand, made after the final plan of survey has taken effect.

Easements

9. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's General Manager. The cost of locating and creating the easements shall be at the subdivider's full cost.

Endorsements

10. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

Covenants

11. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Environment and Development Service

Agreements

12. Agreements made pursuant to Part 5 of the *Land Use Planning and Approvals Act 1993* must be prepared by the applicant on a blank instrument form to the satisfaction of the Council and registered with the Recorder of Titles. The subdivider must meet all costs associated with the preparation and registration of the Part 5 Agreement.

Final plan

13. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
14. A fee of \$265.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
15. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer.
16. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
17. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

Water quality

18. Before any work commences install temporary run-off, erosion and sediment controls and maintain these at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.
19. All disturbed surfaces on the land, except those set aside for roadways, footways and driveways, must be covered with top soil and, where appropriate, re-vegetated and stabilised to the satisfaction of the Council's Municipal Engineer.

Property Services

20. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

Existing services

21. The Subdivider must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed subdivision works. Any work required is to be specified or undertaken by the authority concerned.
22. Wastewater systems, including trenches, must be located on the title of the dwelling discharging the waste. The existing trenches must also meet the setbacks from dwellings and property boundaries as stated in the Director's Guidelines for Onsite Wastewater Management.
23. The relocation/alteration of the existing waste water treatment systems is to be designed by a suitably qualified environmental consultant and installed in accordance with a Plumbing Permit issued by the Permit Authority in accordance with the Building Act 2016.
24. Stormwater drainage from the proposed development must be retained on site (or) drain to a legal point of discharge to the satisfaction of Council's General Manager and in accordance with a Certificate of Likely Compliance or Plumbing permit issued by the Permit Authority in accordance with the Building Act 2016.

Sizing of services

25. All services must be sized and located to service the ultimate potential development of the site to the satisfaction of Council's Municipal Engineer or the responsible authority.

Telecommunications, electrical and gas reticulation

26. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's Municipal Engineer.

TasWater

27. The use and/or development must comply with the requirements of TasWater, as detailed in the form Submission to Planning Authority Notice, Reference No TWDA2022/01 364-STM dated 05/09/2022, as attached to this permit.

Rural Access

28. A separate vehicle access must be provided from the road carriageway to the balance lot. Access must be sealed with a minimum width of 3 metres at the property boundary and located and constructed in accordance with the standards shown on standard drawings SD-1009 *Rural Roads - Typical Standard Access* and SD-1012 *Intersection and Domestic Access Sight Distance Requirements* prepared by the IPWE Aust. (Tasmania Division) (attached) and the satisfaction of Council's Municipal Engineer.

Construction amenity

29. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:

- | | |
|---|---------------------|
| • Monday to Friday | 7:00 AM to 6:00 PM |
| • Saturday | 8:00 AM to 6:00 PM |
| • Sunday and State-wide public holidays | 10:00 AM to 6:00 PM |

30. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably 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 -

- a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
- b) Transport of materials, goods or commodities to or from the land.
- c) Appearance of any building, works or materials.

31. 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 Municipal Engineer.

32. 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.

Construction

33. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before commencing construction works on site or within a council roadway. The written notice must be accompanied by evidence of payment of the Building and Construction Industry Training Levy where the cost of the works exceeds \$12,000.

34. The subdivider must provide not less than 48 hours written notice to Council's Municipal Engineer before reaching any stage of works requiring inspection by Council unless otherwise agreed by the Council's Manager Engineering Services.

35. A fee for supervision of any works to which Section 10 of the *Local Government (Highways) Council 1982* applies must be paid to the Southern Midlands Council unless carried out under the direct supervision of an approved practising professional civil engineer engaged by the owner and approved by the Council's Municipal Engineer. The fee must equal not less than three percent (3%) of the cost of the works.

THE FOLLOWING ADVICE APPLIES TO THIS PERMIT: -

- A. This permit does not imply that any other approval required under any other legislation or by-law has been granted.
- B. This permit does not take effect until all other approvals required for the use or development to which the permit relates have been granted.
- C. Appropriate temporary control measures include, but are not limited to, the following:
- Minimise site disturbance and vegetation removal;
 - Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
 - Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
 - Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
 - Stormwater pits and inlets installed and connected to the approved stormwater system before the roadwork's are commenced; and
 - Rehabilitation of all disturbed areas as soon as possible.
- D. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

CARRIED

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

12.3 Municipal Seal (Planning Authority)

Nil.

12.4 Planning (Other)

Nil.

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

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

13.1 Roads

Strategic Plan Reference 1.1

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

13.1.1 Dust Suppressant (Application of a Road Seal) Policy - Endorsement

DECISION

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

THAT Council endorse the ‘Dust Suppressant (Application of a Road Seal) Policy’ (as amended), which requires the property owner to provide a financial contribution of 50% towards the estimated cost of the dust suppressant seal in cases where they determine that no alternative exists.

CARRIED

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

13.2 Bridges

Strategic Plan Reference 1.2

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

Nil.

13.3 Walkways, Cycle ways and Trails

Strategic Plan Reference 1.3

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

Nil.

13.4 Lighting

Strategic Plan Reference 1.4

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

Nil.

13.5 Buildings

Strategic Plan Reference 1.5

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

Nil.

13.6 Sewers / Water

Strategic Plan Reference(s) 1.6

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

13.6.1 TasWater – Appointment of Proxy for the Owners Representatives Group General Meeting (November 2022)

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr R McDougall

THAT Council:

- a) Accept (and approve) the need to change its appointment of the proxy representative to the TasWater Owners' Representatives Group; and
- b) Appoint the General Manager as its proxy on the TasWater Owners Representative Group pending the review of all appointments following the conclusion of the election process.

CARRIED

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

13.7 Drainage

Strategic Plan Reference 1.7

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

Nil.

13.8 Waste

Strategic Plan Reference 1.8

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

Nil.

13.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

13.10 Officer Reports – Infrastructure & Works

13.10.1 Manager – Infrastructure & Works Report

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Clr K Dudgeon – Woodsdale Road – ‘The Cutting’ – when is the safety railing being installed and any plan to remove the wattle trees in this location?

Manager Infrastructure and Works – removal of the wattle trees have been programmed. In relation to the safety railing, the budget is not sufficient to achieve the full outcome and there is a proposal to seek funding through the State Government’s ‘Safer Rural Roads Program’.

Clr K Dudgeon – Woodsdale Road - between Levendale Cricket Ground and the Levendale Hall - requires maintenance.

Manager Infrastructure and Works – pavement repairs are scheduled to commence next week.

Clr K Dudgeon – York Plains Road - requires maintenance.

Manager Infrastructure and Works – The Annual tender for the Road Stabilisation Program closed 30th September 2022. The outcome of the tenders will determine the scheduling of works.

Clr K Dudgeon – New Country Marsh Road - requires maintenance grading.

Manager Infrastructure and Works – Noted.

Clr R McDougall – Campania Cemetery – requires general maintenance and general clean-up.

Manager Infrastructure and Works – Works are planned.

Clr R McDougall – Ongoing issue with blocked drains outside the Tunnack Hall.

Manager Infrastructure and Works – Noted and will inspect.

Clr R McDougall – Eldon Road - request from property owners to have a white line painted at the bottom section of Eldon Road where the road narrows.

Manager Infrastructure and Works – Taken on notice.

Clr R McDougall – Eldon Road – installation of crash barrier rails.

Manager Infrastructure and Works – advised that new signage is to be installed as opposed to crash barriers and this is the preferred safety treatment.

Clr R McDougall – Stonor Road – some areas are in quite bad condition.

Manager Infrastructure and Works – The Budget includes an allocation for stabilisation works on Stonor Road. Maintenance grading to be scheduled.

Clr A E Bisdee OAM – Woodsdale Road, Baden (vicinity of Dean property) – there are still concerns from a road safety aspect. Can a report be prepared?

Manager Infrastructure and Works – will provide a report but it is apparent that the main issues relates to the location of the entrance to the Dean property.

RECOMMENDATION

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

DECISION

Moved by Clr K Dudgeon, seconded by Clr R McDougall

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

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

<p>Strategic Plan Reference 2.1 <i>Increase the resident, rate-paying population in the municipality.</i></p>
--

Nil.

14.2 Tourism

Strategic Plan Reference 2.2

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

DECISION

Moved by Clr R McDougall, seconded by Clr K Dudgeon

THAT Council endorse the 2022/23 Partnership Agreement with Destination Southern Tasmania.

CARRIED

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

14.3 Business

Strategic Plan Reference 2.3

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

Nil.

14.4 Industry

Strategic Plan Reference 2.4

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

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 Heritage

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Program Report

DECISION

Moved by Cllr R McDougall, seconded by Cllr K Dudgeon

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

CARRIED

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

15.2 Natural

Strategic Plan Reference – page 23/24

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

15.2.1 NRM Unit – General Report

DECISION

Moved by Clr R McDougall, seconded by Clr A E Bisdee OAM

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

CARRIED

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

15.3 Cultural

Strategic Plan Reference 3.3

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

Nil.

15.4 Regulatory (Development)

Strategic Plan Reference 3.4

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

Nil.

15.5 Regulatory (Public Health)

Strategic Plan Reference 3.5

Monitor and maintain a safe and healthy public environment.

Nil.

15.6 Regulatory (Animals)

Strategic Plan Reference 3.6

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

15.6.1 Animal Management Report

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

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

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

CARRIED

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

15.7 Environmental Sustainability

Strategic Plan Reference 3.7

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Community Health and Wellbeing

Strategic Plan Reference 4.1

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

Nil.

16.2 Recreation

Strategic Plan Reference 4.2

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

16.2.1 Southern Midlands Council Community Small Grants Program 2022

Deputy Mayor E Batt declared an interest in Navigate Family Services Inc and departed the meeting at 11.41 a.m.

DECISION

Moved by Clr K Dudgeon, seconded by Clr A Bantick

THAT Clr A E Bisdee OAM be appointed as the Chair in the absence of the Deputy Mayor.

CARRIED

Clr A E Bisdee took the chair.

RECOMMENDATION

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

1 \$3,000.00 *Navigate Family Service Inc*

DECISION

Moved by Clr K Dudgeon, seconded by Clr A Bantick

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

1 \$3,000.00 *Navigate Family Service Inc*

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	

Deputy Mayor E Batt returned to the meeting at 11.42 a.m. and Clr A E Bisdee OAM vacated the Chair.

Clr D Fish declared a pecuniary interest in the Community Shed Oatlands and departed the meeting at 11.42 a.m.

RECOMMENDATION

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

2 \$1,599.00 *Community Shed Oatlands*

DECISION

Moved by Clr K Dudgeon, seconded by Clr R McDougall

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

2 \$1,599.00 *Community Shed Oatlands*

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Deputy Mayor E Batt	✓	
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr R McDougall	✓	

Clr D Fish returned to the meeting at 11.43 a.m.

Clr K Dudgeon declared a pecuniary interest in Mount Pleasant Football Club Inc and departed the room at 11.43 a.m.

RECOMMENDATION

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

8 \$2,600.00 *Mount Pleasant Football Club Inc*

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr R McDougall

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisation be approved:

8 \$2,600.00 *Mount Pleasant Football Club Inc*

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Deputy Mayor E Batt	✓	
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	

Clr K Dudgeon returned to the meeting at 11.44 a.m.

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisations be approved:

3	\$2,100.00	<i>Bagdad Volunteer Fire Brigade</i>
4	\$3,000.00	<i>Tunbridge Town Hall</i>
5	\$3,000.00	<i>Brighton & Green Ponds RSL Sub Branch Inc</i>
6	\$3,000.00	<i>Jericho Volunteer Fire Brigade</i>
7	\$2,997.00	<i>Bagdad Online Access Centre</i>
9	\$3,000.00	<i>St Mary's Community Cemetery Kempton Inc</i>
10	\$3,000.00	<i>Central Hawks Junior Football Club Inc</i>
11	\$1,452.00	<i>Tunnack Community Club Inc</i>
12	\$1,452.00	<i>Oatlands Ex Services & Community Club Inc</i>

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

THAT the financial allocations for the sixteenth round of the Southern Midlands Council Community Small Grants Program 2022 to the following organisations be approved:

3	\$2,100.00	<i>Bagdad Volunteer Fire Brigade</i>
4	\$3,000.00	<i>Tunbridge Town Hall</i>
5	\$3,000.00	<i>Brighton & Green Ponds RSL Sub Branch Inc</i>
6	\$3,000.00	<i>Jericho Volunteer Fire Brigade</i>
7	\$2,997.00	<i>Bagdad Online Access Centre</i>
9	\$3,000.00	<i>St Mary's Community Cemetery Kempton Inc</i>
10	\$3,000.00	<i>Central Hawks Junior Football Club Inc</i>
11	\$1,452.00	<i>Tunnack Community Club Inc</i>
12	\$1,452.00	<i>Oatlands Ex Services & Community Club Inc</i>

CARRIED

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

16.3 Access

Strategic Plan Reference 4.3

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

Nil.

16.4 Volunteers

Strategic Plan Reference 4.4

Encourage community members to volunteer.

Nil.

16.5 Families

Strategic Plan Reference 4.5

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

Nil.

16.6 Education

Strategic Plan Reference 4.6

Increase the educational and employment opportunities available within the Southern Midlands

Nil.

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

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

Nil.

16.8 Safety

Strategic Plan Reference 4.8

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

Nil.

16.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

16.9.1 Community Consultation Campania - Drop in Session for Community Input

DECISION

Moved by Clr R McDougall, seconded by Clr K Dudgeon

THAT the information be received, noting that there are issues to be addressed and the recommended outcomes will be reported accordingly.

CARRIED

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

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference 5.1

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

Nil.

17.2 Sustainability

Strategic Plan Reference 5.2

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

17.2.1 Tabling of Documents

Nil.

17.2.2 Elected Member Statements

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

Clr K Dudgeon – Advised Council that the annual ‘Pink Up Oatlands’ fundraising event to support the McGrath Foundation begins this weekend. Tracey Bevan (Ambassador for the McGrath Foundation) and Isabella Armstrong (Senior Community Fundraising Officer) will be visiting Oatlands and attending fundraising events.

Clr Dudgeon would like to acknowledge and congratulate Denise Smith for her efforts to coordinate and manage this successful fundraising event.

Clr R McDougall – Chauncy Vale held it’s very successful open day last weekend. There were a number of activities for children; an expert that was able to provide commentary regarding the bird life; and there was representation from the Aboriginal community which included the conduct of a ‘smoking ceremony’. It was a very well-attended event.

17.3 Finances**Strategic Plan Reference 5.3**

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

**17.3.1 Monthly Financial Statement
(Period ending 31 August 2022)****DECISION**

Moved by Clr R McDougall, seconded by Clr A E Bisdee OAM

THAT the Financial Report be received and the information noted.

CARRIED

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

**17.3.2 Monthly Oatlands Aquatic Centre Capital Expenditure Report
(Period ending 31 August 2022)**

DECISION

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

THAT the Financial Report be received and the information noted.

CARRIED

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

18. MUNICIPAL SEAL

18.1 Municipal Seal – Formal signing/sealing of the Grant Deed – Premier’s Fund for Children and Young People

DECISION

Moved by Cllr A E Bisdee OAM, seconded by Cllr R McDougall

THAT Council sign and Seal the Grant Deed of Agreement for the ‘Splash-in Good Fun Program’ for swimming lessons and water skill opportunities at the new Aquatic Centre for the amount of \$50,000.

CARRIED

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

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Nil.

RECOMMENDATION

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

DECISION

Moved by Clr K Dudgeon, seconded by Clr A E Bisdee OAM

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

CARRIED

Matter	Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Blackman Water Pty Ltd – Proposal</i>	15(2)(c)
<i>Tasmania Police Properties, Oatlands - Update</i>	15(2)(c)

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

RECOMMENDATION

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

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr K Dudgeon

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

CARRIED

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

20.1 Closed Council Minutes - Confirmation

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

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

20.2 Applications for Leave of Absence

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

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

20.3 Blackman Water Pty Ltd – Proposal

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

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

20.4 Update on the Progress of Tasmania Police Properties in Oatlands

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

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

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr K Dudgeon, seconded by Clr D Fish

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 12.20 p.m.



MINUTES

Arts Advisory Committee

Supported by *Community & Corporate Development*
a business unit of the Southern Midlands Council

Thursday, 29th September 2022

Kempton Council Chambers 3.30pm

COMMITTEE MEMBERS ATTENDEES	Edwin Batt Rowena McDougall Dale Campisi Martine Batt	SMC Deputy Mayor/Councillor SMC Councillor Community Representative Community Representative
COMMITTEE OFFICERS	Alan Townsend Michelle Webster	Heritage Projects Officer Community Development Officer
INVITED GUESTS	Deb Baldwin	Heritage Collections & Data Management Officer
APOLOGIES	Wendy Young Brad Williams	Manager Community & Corporate Development Manager Heritage Projects

Welcome

ITEM	WELCOME & PREVIOUS MINUTES	Attached File
DISCUSSION	Minutes of the previous meeting dated 20 th & 27 th January 2022 already endorsed by Council, were distributed Committee endorsed the minutes.	

ITEM	DECLARATION OF PECUNIARY INTEREST	Attached File
DISCUSSION	<p>In accordance with the requirements of Part 2 Regulation 8 of the <i>Local Government (Meeting Procedures) Regulations 2005</i>, 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.</p> <p>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 <i>Local Government (Meeting Procedures) Regulations 2005</i>.</p>	
ACTION ITEMS	RESPONSIBILITY	TIME LINE
No pecuniary interests declared		

ITEM	BUSINESS ARISING
DISCUSSION	<p>Business arising from the Minutes that is not covered within the agenda</p> <ul style="list-style-type: none"> • Arts Strategy - delivery progress. Item 1.2 Provide and maintain facilities that are capable of use for artistic expression. - Audit of facilities. During Covid lockdowns, maps & photos of the community hall/facilities was undertaken including dimensions. It includes additional facilities such as public toilets & playgrounds. Is

	<p>not comprehensive in that it does not include community managed halls & some SMC buildings yet.</p> <ul style="list-style-type: none"> Arts Forum. Hold at Kempton Community Church. Dale to head a sub-committee to progress a forum. The event to be held end of Summer – mid to end of February. Write an article for the SMC rates newsletter to promote the event. <p>Recommendation to Council: that Council provide resources towards a dedicated Communications & Arts position within Council staff as per the Arts Strategy</p>	
ACTION ITEMS	RESPONSIBILITY	TIME LINE
Provide facilities audit completed so far for review. Investigate whether this information (or an abbreviated version) be loaded onto SMC web site for room/building bookings.	CCD/Wendy	
Sub-committee to meet & plan Arts Forum for early 2023	Dale	
Write an article in SMC rates newsletter to advertise the Arts Forum	Alan	

ITEM	CORRESPONDENCE	Attached File
DISCUSSION	<p>In: Resignation from the Committee by Kerri Cooper</p> <p>Out:</p>	
ACTION ITEMS	RESPONSIBILITY	TIME LINE

ITEM	MEMBERSHIP REVIEW	Attached File
DISCUSSION	<p>Does anyone know someone who might be interested in joining the Committee? Please ask around your community & invite along to the next meeting.</p>	
ACTION ITEMS	RESPONSIBILITY	TIME LINE

ITEM	VISUAL ARTS	Attached File
DISCUSSION	<ul style="list-style-type: none"> LMAG - Artlands has moved location to St Mary's Church, Kempton & now held over a weekend. Creating a new event that still exhibits art works but also Artist talks & music. Artlands at the Church – a weekend celebrating Art – Saturday 8th & Sunday 9th October 10am – 4pm. Artlands funding request – given the move to the new premises and changes to the event an increase from the previous \$400 each year. <p>Recommendation to Council: That the Council contribute \$750 towards LMAG – Artlands Event.</p>	
ACTION ITEMS	RESPONSIBILITY	TIME LINE

ITEM	PERFORMING ARTS	Attached File	
DISCUSSION	<ul style="list-style-type: none"> • Performing Arts a success at Heritage & Bullock Festival Aug 2022. Edwin happy to continue & already considering other venues for 2023. • Live theatre group booking for Supreme Court, Oatlands – 6th November. Square Peg Productions from Hobart are performing two one act plays from 2pm. \$20 a ticket. • <u>'Performer in Residence' scheme:</u> Brad sent in email info regarding the idea of extending the AiR scheme to a stream specific to the performing Arts. As a preface, the AiR program would not change, but we would offer a parallel program. Accommodation could be provided in the Gaoler's Residence, and the space could focus on the Court House or Commissariat. We would provide a one month (or whatever appropriate duration) residency in exchange for several free public performances. With the Gaol Yard to come online in the near future as a large outdoor enclosed space, we could also utilize that area. Artshub still viable for advertising as it is with the current program. 		
DECISION			
ACTION ITEMS		RESPONSIBILITY	TIME LINE
Heritage Projects team to create a proposal & bring to the next meeting		Alan	Dec 2022

ITEM	ARTIST IN RESIDENCE (AiR) PROGRAM – Alan Townsend	Attached File	
DISCUSSION	<ul style="list-style-type: none"> • The Air program is fully booked each month until August 2023 with a waiting list & cancellation list running. Success is measured on overwhelming response, social engagement in the community & direct feedback. • AiR Collection- Council has now amassed a substantial collection of artworks from the AiR Program (some 20-30 works). Committee discussion as to how we might best use these for public benefit? Suggestions: <ul style="list-style-type: none"> - These become part of the Lower Midlands Art loan scheme. - We start a separate art loan scheme for businesses/public premises of the SM to borrow these. - Use in Council offices, halls etc. <p>Deb does have some concerns about it. LMAG own their collection & the money collected from the loan scheme purchases new art. SMC are custodians of an art collection & can monitor their security, storage & conditions. Nice idea but not appropriate for the LMAG system. Not in favour of loaning the pieces to members of the public. Would be preferable to have them on a revolving display.</p>		
ACTION ITEMS		RESPONSIBILITY	TIME LINE
Deb to provide recommendations to the Committee about what display options may be possible for the SMC Art Collection		Deb	Dec 2022

ITEM	FESTIVALS	Attached File	
DISCUSSION	Heritage & Bullock Festival 2022 highlights were discussed.		
DECISION			
ACTION ITEMS		RESPONSIBILITY	TIME LINE
nil			

ITEM	GENERAL BUSINESS	Attached File	
DISCUSSION	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 Southern Midlands		
DECISION	Committee interested in getting the word 'Art' out & raise profile of Arts in the community by sharing events happening but also opportunities available.		
ACTION ITEMS		RESPONSIBILITY	TIME LINE
Create a calendar of events for Southern Midlands Region		Dale	

ITEM	OTHER BUSINESS	Attached File	
DISCUSSION			
DECISION			
ACTION ITEMS		RESPONSIBILITY	TIME LINE

MEETING CLOSE: 4.55pm
NEXT MEETING: Thursday 1st December 3.30pm



AGM MINUTES

COMMUNITY SHED - OATLANDS MANAGEMENT COMMITTEE

Supported by
Community & Corporate Development

ITEM	Treasurer's Report	Attached File	
DISCUSSION	Financial Statement tabled for the 2021/2022 financial year.		
DECISION	That the Financial Statement be received Moved by: Andrew Baker Seconded by: Eleanor Bjorksten All in favour. Motion carried.		
ACTION ITEMS	RESPONSIBILITY	TIME LINE	

ITEM	Election of Office Bearers	Attached File	
DISCUSSION	<p>Clr Don Fish declared all positions vacant & called for the following positions to be filled:</p> <p>Vice-Chairperson: Nominations for this position called. Gillian Bailey nominated.</p> <p>Secretary/Treasurer: Nominations for this position called. Penny Duggan nominated.</p> <p>(4) other members Nomination for these positions called. Eleanor Bjorksten, Mary-Ann Orchard, Andrew Dean & Andrew Baker nominated as Community Representatives</p>		
DECISION	<p>That the above members are duly appointed</p> <p>Moved by: Mary-Ann Orchard Seconded by: Eleanor Bjorksten All in favour. Motion carried.</p>		
ACTION ITEMS	RESPONSIBILITY	TIME LINE	

ITEM	Memorandum of Understanding between SMC & Management Committee	Attached File	
DISCUSSION	To consider and vote on the motion that the Memorandum of Understanding between SMC and Community Shed – Oatlands Management Committee be changed		



AGM MINUTES

COMMUNITY SHED - OATLANDS MANAGEMENT COMMITTEE

Supported by
Community & Corporate Development

	A copy of the proposed changes were circulated and discussed. Changes agreed upon.		
DECISION	To accept the Memorandum of Understanding between SMC and Community Shed – Oatlands Management Committee Moved by: Penny Duggan Seconded by: Gillian Bailey All in favour. Motion carried.		
ACTION ITEMS	RESPONSIBILITY	TIME LINE	

ITEM	Other Business	Attached File	
DISCUSSION	Andrew Dean, on behalf of Reclink is keen to support shed members & offering to assist with transport to visit other sheds. Details were provided regarding the use of the SMC small van.		
DECISION			
ACTION ITEMS	RESPONSIBILITY	TIME LINE	

NEXT MEETING: Next Annual General Meeting to be held in accordance with Appendix A (1) – that is, before September 30, 2023

Close: 2.20pm

Distribution of Agenda:

Members

Community Shed, Oatlands

STATEMENT OF RECEIPTS AND PAYMENTS FOR THE PERIOD 1ST JULY 2021 TO 30TH JUNE 2022

Balance Carried Forward as at 1st July 2021		\$ 4,678.12
<u>RECEIPTS</u>		
Goods Sold	\$ 2,672.31	
Grant Southern Midlands Council	<u>\$ 1,130.00</u>	
	\$ 3,802.31	
TOTAL RECEIPTS		\$ 3,802.31
SUB TOTAL		\$ 8,480.43
<u>PAYMENTS</u>		
Stationery	\$ 4.00	
Tools	\$ 1,757.39	
Consumables Shed	\$ 226.95	
Consumables Kitchen	\$ 235.98	
Saw Blade Sharpening	<u>\$ 120.00</u>	
	\$ 2,344.32	
TOTAL PAYMENTS		\$ 2,344.32
Closing Balance as at 30th June 2022		<u>\$ 6,136.11</u>
Represented By:		
Commonwealth Bank Account 067 004 10036767		\$ 6,136.11
Add Outstanding Deposit		
Less Unpresented Cheque		
		<u>\$ 6,136.11</u>
Petty Cash on Hand as at 30th June 2022		\$ 100.45

AUDIT REPORT
OATLANDS COMMUNITY SHED

I have examined the financial records and supporting documents of the Oatlands Community Shed the year ended 30th June 2022

I report as follows:

I have obtained the information required.

The above accounts are properly drawn up so as to exhibit a true and correct view of the financial position, according to the information at my disposal and the explanations given to me.

The rules relating to the administration of the funds have been observed.

W Young

SOUTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE

DRAFT AMENDMENT 2022/02 RZ - PAGE 1 OF 2

Under section 35KB(1) of the *Land Use Planning and Approvals Act 1993*, the Tasmanian Planning Commission directed the Southern Midlands planning authority to prepare draft amendments under Part 3B of the Act, of the Southern Midlands Local Provisions Schedule.

Draft Amendment 2022/02 RZ seeks to:

Apply the Future Major Road Overlay to the Bagdad Bypass as shown in Figure 1 below:



Figure 1 – Application of the Future Major Road Overlay to the Bagdad Bypass

DRAFT AMENDMENT 2022/02 RZ - PAGE 2 OF 2

The seal of the Southern Midlands Council is hereto affixed pursuant to the provisions of section 35KB(4) of the Land Use Planning and Approvals Act 1993.



[Handwritten Signature]
.....
General Manager
Southern Midlands Council

Date: *7/7/2022*
.....

SOUTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE

DRAFT AMENDMENT 2022/01 RZ - PAGE 1 OF 2

Under section 35KB(1) of the *Land Use Planning and Approvals Act 1993*, the Tasmanian Planning Commission directed the Southern Midlands planning authority to prepare draft amendments under Part 3B of the Act, of the Southern Midlands Local Provisions Schedule (LPS).

Draft Amendment 2022/01 RZ seeks to:

Apply the Landscape Conservation Zone to the subject properties at Swanston as shown in Figure 1 below:

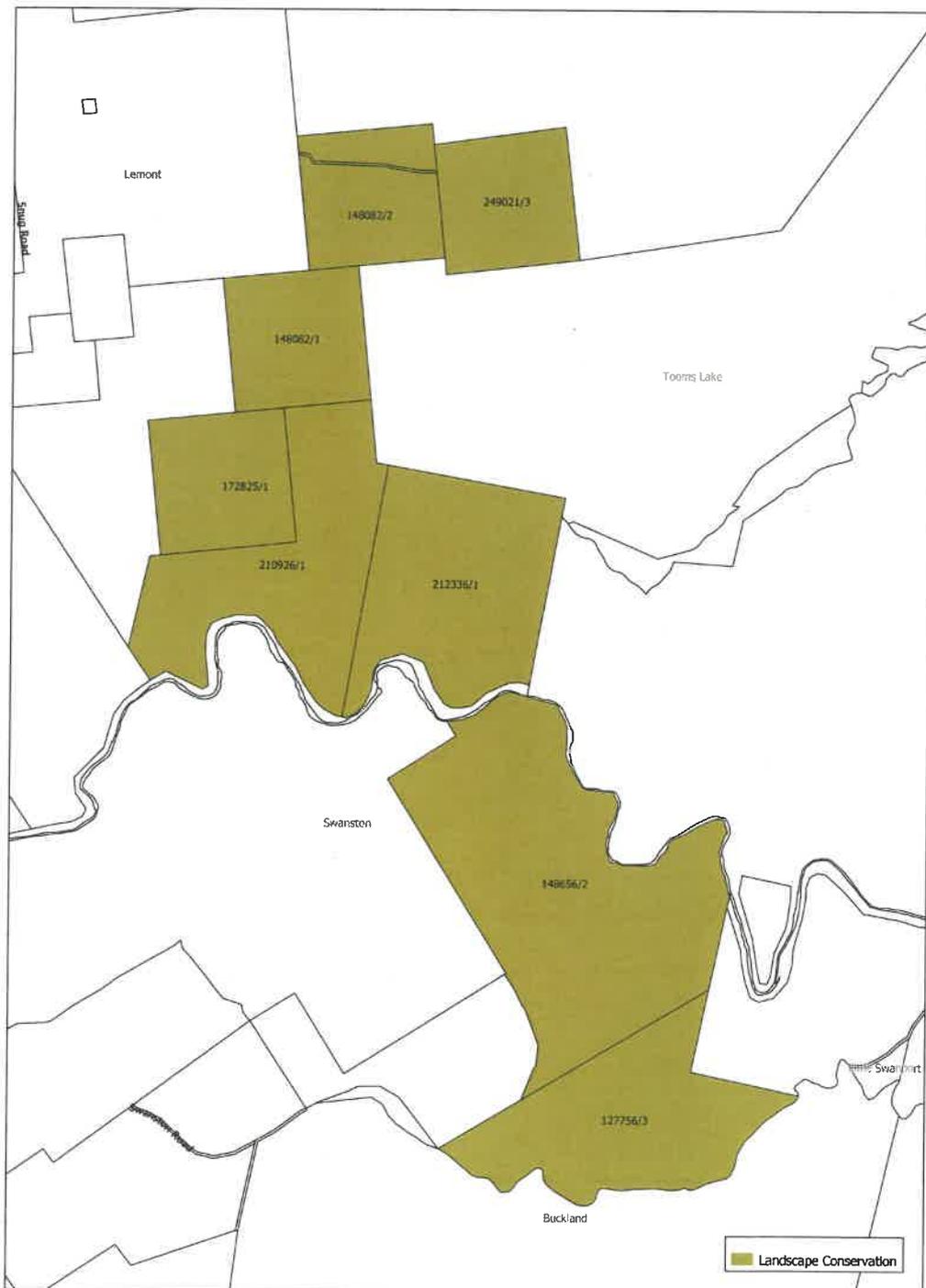


Figure 1 – Application of the Landscape Conservation Zone to the land at Swanston

DRAFT AMENDMENT 2022/01 RZ - PAGE 2 OF 2

The subject properties are identified as:

- Tooms Lake Road, Tooms Lake (folio of the Register 249021/3);
- Lot 2 Swanston Road, Swanston (folio of the Register 148082/2);
- Lot 1 Swanston Road, Swanston (folio of the Register 148082/1);
- Lot 1 Swanston Road, Swanston (folio of the Register 172825/1);
- 240 Daniels Road, Swanston (folio of the Registers 210926/1 and 212336/1);
and
- Swanston Road, Swanston (folio of the Registers 148656/2 and 127756/3).

The seal of the Southern Midlands Council is hereto affixed pursuant to the provisions of section 35KB(4) of the Land Use Planning and Approvals Act 1993.


.....
General Manager
Southern Midlands Council



Date: *7/7/2022*

Submission to Planning Authority Notice

Council Planning Permit No.	RZ 2022/01 2022/01 - RZ	Council notice date	7/09/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01469-STM	Date of response	14/09/2022
TasWater Contact	Al Cole	Phone No.	0439605108
Response issued to			
Council name	SOUTHERN MIDLANDS COUNCIL		
Contact details	mail@southernmidlands.tas.gov.au		
Development details			
Address	85 MAIN ST, KEMPTON	Property ID (PID)	5464306
Description of development	Local Provisions Schedule Draft Amendment - Rezone Land from Rural to Landscape Conservation Zone - Swanston		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Southern Midlands Council	Figure 1 Plan	N/A	07/07/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008 (TAS)</i> Section 56S(2) TasWater makes the following submission(s):</p> <ol style="list-style-type: none"> TasWater does not object and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. 			
Advice			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



16th September 2022

Mr Tim Kirkwood
General Manager
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

Via email: mail@southernmidlands.tas.gov.au

Representation on Draft Amendment 2022/01 RZ to Southern Midlands LPS – support for the rezoning of the eight titles to Landscape Conservation and the proposed inclusion of two additional titles

Dear Tim

Summary of Representation

In its Decision on the Southern Midlands Draft Local Provisions Schedule (LPS), the Tasmanian Planning Commission directed the Southern Midlands Planning Authority to exhibit Draft Amendment 2022/01 RZ under Section 35KB of the Act. The Draft Amendment involves the rezoning of eight adjoining titles with conservation covenants on six properties at Tooms Lake and Swanston from Rural Zone to Landscape Conservation Zone, as proposed by Conservation Landholders Tasmania (CLT) in Representation No 1.

In its Section 35F Report the Planning Authority accepted the merits of CLT's case and recommended *inter alia* that the eight covenanted titles, and two adjoining non-covenanted titles (CT 148656/1 and 234335/1) on one of the six properties (PID 1885138), be rezoned to Landscape Conservation. The Commission delegates also accepted the merits of the case but because only four of the six property owners had provided written consent to the proposed rezoning treated the rezoning as 'a substantial modification as there may be a public interest in the modifications'.

In the Commission's 21 April 2022 decision, the case for rezoning the two adjoining non-covenanted titles (CT 148656/1 and 234335/1) was not accepted despite the recommendation by the Planning Authority, evidence of written consent by the owner, Wildlife

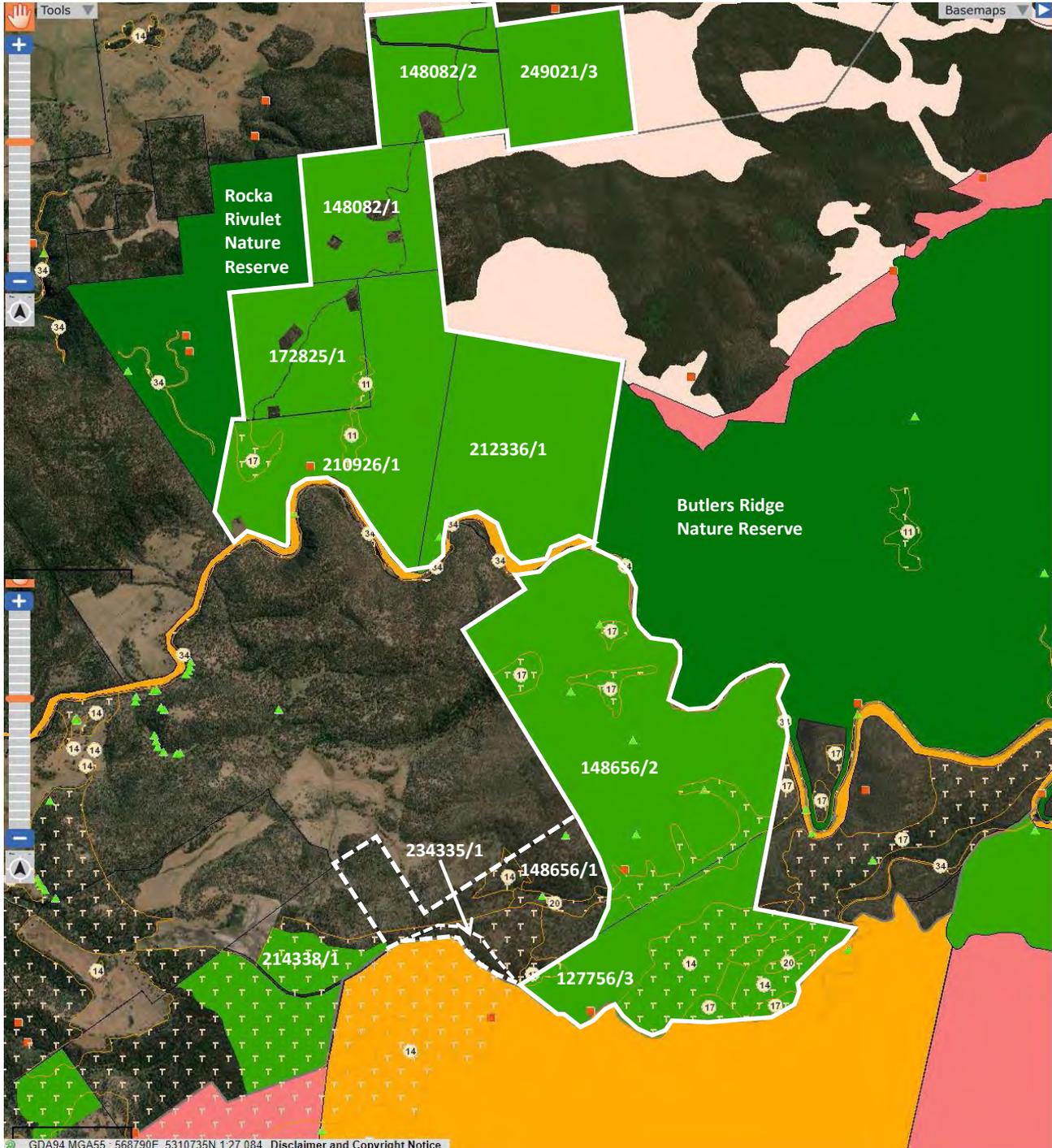
ABN 47 746 051 320
website www.clt.asn.au
post 675 Cradle Mountain Road Erriba TAS 7310
email gaidennett@gmail.com

Reserve Pty Ltd, and discussion of the merits of their inclusion at the hearing. This apparent oversight was brought to the attention of the Commission in a letter dated 25 April 2022. In its response the Commission stated the decision on these titles would stand but invited CLT to 'comment on whether or not land ought to be included in the draft amendment [2022/01 RZ] to be rezoned'. The case for including the non-covenanted titles in the land to be rezoned as Landscape Conservation is summarized.

By way of update, one of the titles at 240 Daniels Road (PID 3314347) without written consent from the owner (CT 212336/1) has recently been sold and the new owner, Wildlife Reserve Pty Ltd, supports the proposed rezoning of that title to Landscape Conservation.

CLT support for the proposed rezoning of the eight adjoining covenanted titles at Tooms Lake and Swanston via a Section 35KB Amendment

CLT supports the Commission’s decision to rezone the eight adjoining titles subject to Southern Midlands LPS Draft Amendment 2022/01 RZ. The eight titles in question can be seen in the ListMap Satellite image below bounded by a solid white line.



Map 1 – ListMap satellite image including the Tasmanian Reserve Estate, Threatened Native Vegetation Communities (‘T’ pattern), Threatened Flora Points (green triangles) and Threatened Fauna Points (red squares) layers. The eight titles to be rezoned are bounded by a solid white line.

Basis for the Commission's Decision to rezone the eight titles at Tooms Lake and Swanston

Clause 74 of the 21 April 2022 Decision stated that is was persuaded that the eight titles:

... demonstrate sufficient level of landscape value suitable for inclusion in the Landscape Conservation Zone. Again prominent landforms, natural values and proximity to reserved land in the Environmental Management Zone have been identified. The Commission holds that the Landscape Conservation Zone is the most appropriate zone and is consistent with LCZ 1 and LCZ 2 of Guideline No. 1.

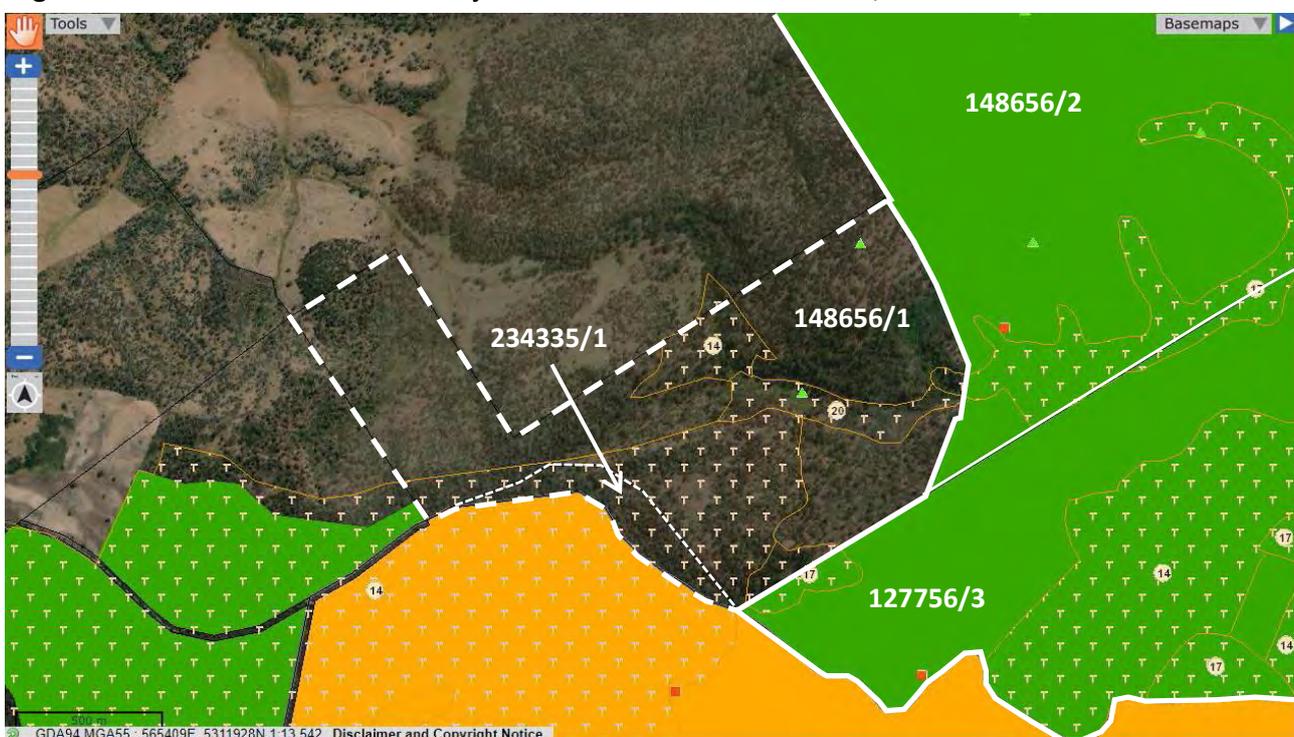
Reasons given by the Commission for not rezoning the two adjoining non-covenanted titles

The Commission's reasons for not including various other titles in the Landscape Conservation Zone as proposed by CLT in Representation No 1, including the two non-covenanted titles at Swanston Road (PID 1885138, CT 148656/1 and 234335/1), are presented in Clause 75 as follows:

The Commission does not agree that the Landscape Conservation Zone is appropriate for applying to remaining land identified in representation 1, primarily due to the lack of written agreement from relevant landowners and an avoidance of spot-zoning isolated titles.

Why these reasons do not apply to the two non-covenanted titles at Swanston Road

As can be seen in Map 2 below, the two non-covenanted titles at Swanston Road (PID 1885138, CT 148656/1 and 234335/1) that were also proposed for rezoning to Landscape Conservation on p 9 of Representation No 1 would not create a spot zone as they are contiguous with the other eight covenanted titles that are subject to Draft Amendment 2022/01 RZ.



Map 2 – Enlarged area from Map 1 showing the two non-covenanted titles (dashed white lines).

The owner of these two non-covenanted titles, Wildlife Reserve Pty Ltd, represented by its Director Dr Miles Jakeman AM, did provide written consent via an email sent to the Southern Midlands Planning Authority on 12 November 2022. Evidence of this written consent was provided to the Commission as part of CLT's response to the 11 November 2022 Direction which was submitted on 25 November 2022.

CLT's correspondence with the Commission about the possible oversight re these two titles

This correspondence was previously provided to Senior Planner Officer Jacqueline Tyson at the Planning Authority on 14 July 2022 but will be attached again to ensure it is considered together with this representation.

In short, CLT wrote to Commissioner Roger Howlett, Delegate (Chair) of the Southern Midlands Draft LPS Assessment, on 25 April 2022 notifying the Commission of a 'possible oversight' in the Commission's 21 April 2022 Decision on the Southern Midland Draft LPS that did not include the two non-covenanted titles (CT 148656/1 and 234335/1) at Swanston owned by Wildlife Reserve Pty Ltd that had also been proposed for rezoning to Landscape Conservation. The Planning Authority had supported the rezoning of these titles in its Section 35F Report, they were discussed at the hearing and it was acknowledged by the Commission that consent for rezoning these titles had been provided.

In Commissioner Howlett's response dated 2 June 2022 he advised that the published Decision would stand but indicated in the letter that

During this process [Draft Amendment 2022/01 RZ], representations may be made and comment can be made on the content or merit of the amendment, and this may include comment on whether or not land ought to be included in the draft amendment to be rezoned.

The case for including CT 148656/1 and 234335/1 in Draft Amendment 2022/01 RZ

While these two titles are not subject to a conservation covenant under the *Nature Conservation Act 2002*, they contain the following values and attributes that make them suitable for inclusion in Landscape Conservation Zone.

- They have the same landscape values as the other eight titles subject to Draft Amendment 2022/01 RZ, i.e. prominent native forested, hilly topography rising from the Little Swanport River
- They have the same significant natural values.
 - The 150.1 ha CT 148656/1 contains areas of three threatened vegetation communities: No 14 *Eucalyptus amygdalina* forest and woodland on sandstone, No 17 *Eucalyptus globulus* dry forest and woodland and No 20 *Eucalyptus ovata* forest and woodland listed in Schedule 3A of the *Nature Conservation Act 2002*.
 - The 10.7 ha CT 234335/1 is fully covered the threatened vegetation community No 14.
 - CT 148656/1 contains the two rare threatened flora *Asperula subsimplex* (Water woodruff) and *Poa mollis* (Soft tussock grass) listed in Schedule 5 of the *Threatened Species Protection Act 1995*.

- In the Draft Zone Map the Planning Authority determined that the land had limited agricultural potential, despite CT 148656/1 being classed as Unconstrained in ALMP Mapping Layer 2, and therefore zoned both titles as Rural.
- With a combined area of 161 ha they will increase the size of the Landscape Conservation Zone cluster from 1,663 ha to 1,824 ha.
- They have connectivity through the adjoining covenanted titles to the Butlers Ridge and Rocka Rivulet Nature Reserves and many other covenanted private titles in the Glamorgan Spring Bay municipality.

Recent change of ownership of CT 212336/1 at 240 Daniels Road

CT 212336/1 at 240 Daniels Road, Swanston, (PID 3314347), which was one of the three titles without written consent from the owner during the Draft LPS Assessment, has recently been sold and the new owner, Wildlife Reserve Pty Ltd, supports the proposed rezoning of that title to Landscape Conservation.

Dr Miles Jakeman AM, Director of Wildlife Reserve Pty Ltd, will be making a separate representation confirming his support for rezoning to Landscape Conservation the five titles owned by Wildlife Reserve Pty Ltd, including the 100% covenanted CT 212336/1, 148656/2 and 127756/3 which are subject to Draft Amendment 2022/01 RZ and the non-covenanted CT 148656/1 and 234335/1 discussed above.

Wildlife Reserve Pty Ltd is a charity established to acquire and manage land with significant biodiversity value, and to preserve this value for future generations.

Yours sincerely



John Thompson
On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125
Email thompsonjohng@gmail.com



25 April 2022

Commissioner Roger Howlett
Delegate (Chair) – Southern Midlands Draft LPS Assessment
Tasmanian Planning Commission
GPO Box 1691
Hobart TAS 7001

Via email: tpc@planning.tas.gov.au
Cc: mail@southernmidlands.tas.gov.au
Miles@jakeman.id.au

**Possible oversight in the Commission Decision on the Southern Midlands Draft LPS Assessment
re landowner rezoning request for folios of the Register 148656/1 and 234335/1**

Dear Commissioner Howlett

Thank you for your letter of 21 April 2022 containing the Commission Decision on the Southern Midlands Draft LPS Assessment.

Clauses 74 and 75 of your Decision relate to the cluster of adjoining titles at Tooms Lake and Swanston that were the subject of our representation (Representation No 1 pp 9-10), Representations 8 and 9, and our 25 November 2021 submission in response to your 11 November 2021 Direction 1.4. The latter submission provided written evidence that the owner of folio of the Register 172825/1 (Helsinki Foundation SR) and the owner of folios of the Register 148656/2, 127756/3, 148656/1 and 234335/1 (Wildlife Reserve Pty Ltd) consented to the proposed rezoning of those titles to Landscape Conservation.

This letter relates specifically to the zoning decision *re* two of the four titles owned by Wildlife Reserve Pty Ltd represented by its Director Dr Miles Jakeman AM.

In the Decision the Commission has supported the rezoning of folios of the Register 148656/2 and 127756/3 owned by Wildlife Reserve Pty Ltd but has not supported the rezoning of folios of the Register 148656/1 and 234335/1, also owned by Wildlife Reserve Pty Ltd. Clause 75 states

The Commission does not agree that the Landscape Conservation Zone is appropriate for applying to remaining land identified in representation 1, primarily due to the lack of written agreement from relevant landowners and an avoidance of spot-zoning isolated titles.

ABN 47 746 051 320
website www.clt.asn.au
post 675 Cradle Mountain Road Erriba TAS 7310
email gaidennett@gmail.com

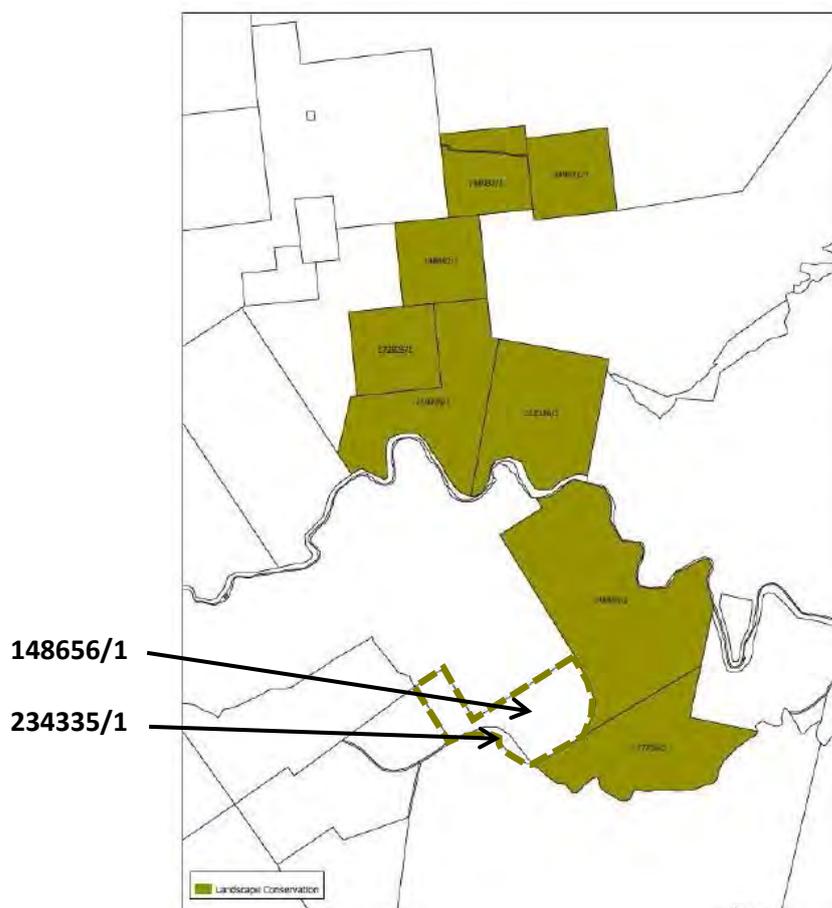
Yet Dr Jakeman did provide written agreement that he supported the rezoning of all four titles to Landscape Conservation, and spot zoning was not an issue for these two titles as they are contiguous with the cluster of eight titles that the Commission supported for rezoning in Clause 74.

You may recall that we specifically discussed these titles towards the end of the 17 February 2022 10:00am – 1:00pm hearing and that I referred the delegates to page 9 of CLT’s representation where the case for including folios of the Register 148656/1 and 234335/1 in the Landscape Conservation Zone was presented and I also referred to the written consent for rezoning all four titles provided by Dr Miles Jakeman.

The possible source of confusion about these titles was the fact that folios of the Register 148656/1 and 234335/1 are not covenanted and they were therefore not included in the list of reserved titles in the Summary on pp 1-2 of CLT’s representation.

Upon reading the Section 35F Report that recommended the rezoning of all four titles owned by Wildlife Reserve Pty Ltd, Dr Jakeman communicated his support for the rezoning of all four titles in his email of 6 November 2021 to the Southern Midlands Council (attached). Even if this was not forwarded to the Commission, his email to me on 12 November 2021 (also attached), which I submitted to the Commission on 25 November 2021 in response to your Direction, makes it clear that he agreed with the proposed rezoning of all four titles.

The connectivity of the two titles (dashed green border) with the other eight titles in the Tooms Lake/Swanston cluster can be seen below in the annotated map from Clause 82 of the Decision.



As explained and shown on pages 9 and 10 of Representation 1 (extract attached), the two non-covenanted titles (148656/1 and 234335/1) with a combined area of 160.8 ha contain the same threatened vegetation communities as the two titles comprising the 684.7 ha Swanston Private Nature Reserve (148656/2 and 127756/3) and are part of the same prominent landscape to be included in the Landscape Conservation Zone subject to the Commission's Decision following the Section 35KB process.

In light of our discussion at the hearing and in the absence of an explanation in the Commission's Decision as to why Dr Jakeman's request to rezone folios of the Register 148656/1 and 234335/1 to Landscape Conservation was not supported, I therefore presume that this was an oversight during the preparation of the Decision.

I trust that Section 35KB of the *Land Use Planning and Approvals Act 1993* will allow this apparent oversight to be addressed by the Planning Authority by the inclusion of these two titles in the draft Amendment to be submitted to the Commission prior to exhibition under Part 3B.

Yours sincerely



John Thompson
On behalf of the Board of Trustees, CLT Trust

Phone 0424 055 125
Email thompsonjohng@gmail.com

From: Miles <Miles@jakeman.id.au>
Sent: Friday, 16 September 2022 4:41 PM
To: SMC Mail <mail@southernmidlands.tas.gov.au>
Cc: John Thompson <thompsonjohng@gmail.com>; Jacqueline Tyson <jtyson@southernmidlands.tas.gov.au>
Subject: Representation on Southern Midland LPS Draft Amendment 2022-01 RZ - Dr M Jakeman

Attention: Mr Tim Kirkwood, General Manager

Dear Tim,

Many thanks for seeking commentary on the Southern Midlands LPS Draft Amendment 2022-01 RZ.

As background, I am the Director of Wildlife Reserve Pty Ltd, a charity established to acquire and manage land with significant biodiversity value, and to preserve this value for future generations. Wildlife Reserve Pty Ltd is the owner of three fully covenanted titles at Swanston (CT 212336/1, 148656/2 and 127756/3) which are subject to Southern Midlands LPS Draft Amendment 2022/01 RZ to rezone eight adjoining covenanted titles at Tooms Lake and Swanston from Rural to Landscape Conservation.

I wish to reiterate my support for the proposed rezoning of CT 148656/2 and 127756/3 to Landscape Conservation which I previously stated during the Draft LPS Assessment process and, as the new owner of CT 212336/1, state my support for the proposed rezoning of this title to Landscape Conservation as well.

I also wish to reiterate my support for the proposed rezoning of the two adjoining non-covenanted titles (CT 148656/1 and 234335/1) that were also proposed for rezoning to Landscape Conservation by Conservation Landholders Tasmania (CLT) during the Draft LPS Exhibition, recommended for rezoning by the Southern Midlands Planning Authority in its Section 35F Report but not included for rezoning in the Commission's 22 April 2021 decision. The case for including these two titles in Draft Amendment 2022/01 RZ is part of CLT's representation dated 16 September 2022 which I endorse.

Trust the above makes sense but, if there's anything else that you need from my end, please feel free to drop me an email or contact me on 0438 400 688.

Yours sincerely

Miles

Dr Miles Jakeman, AM
Director
Wildlife Reserve Pty Limited

Submission to Planning Authority Notice

Council Planning Permit No.	RZ 2022/02	Council notice date	7/09/2022
TasWater details			
TasWater Reference No.	TWDA 2022/01470-STM	Date of response	03/10/2022
TasWater Contact	Al Cole	Phone No.	0439605108
Response issued to			
Council name	SOUTHERN MIDLANDS COUNCIL		
Contact details	mail@southernmidlands.tas.gov.au		
Development details			
Address	85 MAIN ST, KEMPTON	Property ID (PID)	5464306
Description of development	Local Provisions Schedule - Apply the Future Major Road Overlay - (Bagdad Bypass)		
Schedule of drawings/documents			
Prepared by	Drawing/document No.	Revision No.	Date of Issue
Southern Midlands Council	Figure 1: Application of Overlay	N/A	07/07/2022
Conditions			
<p>Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater makes the following submission(s):</p> <ol style="list-style-type: none"> TasWater does not object to the draft amendment to planning scheme and has no formal comments for the Tasmanian Planning Commission in relation to this matter and does not require to be notified of nor attend any subsequent hearings. 			
Advice			
<p>General</p> <p>For information on TasWater development standards, please visit https://www.taswater.com.au/building-and-development/technical-standards</p> <p>For application forms please visit https://www.taswater.com.au/building-and-development/development-application-form</p>			
Declaration			
The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.			
TasWater Contact Details			
Phone	13 6992	Email	development@taswater.com.au
Mail	GPO Box 1393 Hobart TAS 7001	Web	www.taswater.com.au



PETITION TO AMEND SEALED PLAN NO. 183609

IN THE MATTER OF SECTION 103 OF THE LOCAL GOVERNMENT
(BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

IN THE MATTER OF FOLIO OF THE REGISTER Volume 171462 Folio 1

TO Southern Midlands Council, 71 High Street, Oatlands in Tasmania:

We, Paul Adrian Geard and Elizabeth Jane Geard of 622 Elderslie Road, Broadmarsh in Tasmania, as registered proprietors of the land contained in Folio of the Register Volume 171462 Folio 1

Do petition Sealed Plan Number 183609 be amended to remove:

- 1. The burdening easement:
"SP165617 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 1 on Plan 165618) over the Right of Way Variable Width on Plan 171462"

A copy of the petition has been served on all persons appearing by the registers under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment.

Signed by the petitioners Paul Adrian Geard and Elizabeth Jane Geard

Signature *EJ Geard* *PA Geard*
 In the presence of *P. Howall* *P.A. Geard*
witness signature

witness name *Peter Royston Howall*
 witness occupation *Lawyer*
 witness address *3/85 Macquarie St*
 *Hobart Tas*

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
171462	1		

Request to Amend Sealed Plan No 183609

In the Matter of Section 103 Of The Local Government (*Building and Miscellaneous Provisions*) Act 1993

In The Matter Of Folio of the Register Volume 171462 Folio 1

To, The Recorder of Titles

Southern Midlands Council requests Sealed Plan Number 183609 be amended to

1. remove the burdening easement:

"SP165617 BURDENING EASEMENT: Right of Carriageway (appurtenant to Lot 1 on Plan 165618) over the Right of Way Variable Width on Plan 171462"

The Common Seal of Southern Midlands Council is affixed this day of

Under delegated authority granted pursuant to a resolution of the council passed on the

in the presence of

Full Name

Office Held

Land Titles Office Use Only

Version I

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED

SMC - KEMPTON

RECEIVED

11/10/2022

SEARCH OF TORRENS TITLE

VOLUME 171462	FOLIO 1
EDITION 1	DATE OF ISSUE 30-May-2016

SEARCH DATE : 29-Sep-2022

SEARCH TIME : 08.48 AM

DESCRIPTION OF LAND

Parish of WALLACE Land District of MONMOUTH
 Lot 1 on Plan 171462
 Being in part the land described in Conveyance No. 56/2956
 Excepting thereout See P165945 for exceptions
 Derivation : Part of 691 Acres Gtd to Patrick McCabe and Part
 of 800 Acres Gtd to Archibald Thompson.
 Prior CT 165945/1

SCHEDULE 1

C353674, M410362 & M410546 TRANSFER to PAUL ADRIAN GEARD and
 ELIZABETH JANE GEARD

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP165617 FENCING COVENANT in Schedule of Easements
 SP165617 BURDENING EASEMENT: Right of Carriageway (appurtenant
 to Lot 1 on Plan 165618) over the Right of Way
 Variable Width on Plan 171462
 D34943 ADHESION ORDER under Section 110 of the Local
 Government (Building and Miscellaneous Provisions)
 Act 1993 Registered 26-Jun-2013 at noon

UNREGISTERED DEALINGS AND NOTATIONS

183609 SEALED PLAN Lodged by PETER WORRALL on 25-Jul-2022
 BP: 183609

OWNER PAUL ADRIAN GEARD & ELIZABETH JANE GEARD		PLAN OF TITLE		REGISTERED NUMBER P171462
FOLIO REFERENCE C/T 165945/1		LOCATION LAND DISTRICT OF MONMOUTH PARISH OF WALLACE		APPROVED 30 MAY 2016 <i>Alice Kawa</i> Recorder of Titles
GRANTEE PART OF 891.0.0 GRANTED TO PATRICK McCABE & PART OF 800 ACRES GRANTED TO ARCHIBALD THOMPSON.		CONVERTED BY PLAN No. D53664 COMPILED BY Peter Blinny NOT TO SCALE		LENGTHS IN METRES
MAPSHEET MUNICIPAL CODE No. 162 125	LAST UPI No.	LAST PLAN No. P165945	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	

SKETCH BY WAY OF ILLUSTRATION ONLY
AS RELATES TO THE LAND MARKED A, B, C, D DERIVED FROM CONV. NO 56/2956.

EXCEPTED LANDS

- A CONV 55/1579 LOT 1 (106/8600) 674m²
- B CONV 55/1579 LOT 3 (106/8600) 1399m²
- C CONV 55/1579 LOT 4 (106/8600) 363m²
- D C.T. 3967/62 LOT 2 (D17842) 718m²
- E C.T. 3967/62 LOT 2 (D17842) 1666m²
- F C.T. 4831/93 LOT 1 (D39797) 49.9m²
- CONV. 33/6216 LOT 1 (433/40) 5.87a.
- CONV. 56/6211 2.669ha
- C.T. 13310/2 LOT 2 (D13310) 46.3m²
- C.T. 165617/1 LOT 1 SP165617 45.79ha
- C.T. 165617/100 LOT 100 SP165617 1047m²
- C.T. 171461/1 LOT 1 ON SP171461, 51.53ha

THE PORTION OF LOT 1 LABELLED E, F, G, H IS COMPILED FROM SP165617-1



Deed of Variation of Grant Deed

Specific Purpose Funding 2017-18

The Crown in the Right of Tasmania
(represented by the Department of State Growth)
(Grantor)

and

Southern Midlands Council
(Recipient)

REFERENCE AND CONTACT DETAILS
Department: State Growth
Contact Officer: Manager, Sport and Recreation
Telephone: 1800 252 476
Email: grants@sportrec.tas.gov.au

Doc Ref: D22/81703 | Deed of Variation of Grant Deed (3) | Southern Midlands Council –
Oatlands Swimming Pool - Specific Purpose Funding 2017

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Deed of Variation of Grant Deed

Details and recitals

Date:

Parties:

Name	Crown in the Right of Tasmania (represented by the Department of State Growth)
Short form name	Grantor
Notice details	C/- Sport and Recreation, Department of State Growth GPO Box 536, Hobart, TAS 7001 Telephone: 1800 252 476 Email: grants@sportrec.tas.gov.au Attention: Manager, Sport and Recreation, Department of State Growth
<hr/>	
Name	As described in Item 3
Short form name	Recipient
Notice details	As set out in Item 3

Recitals:

- A. The parties have entered into the Grant Deed.
- B. The parties have agreed to vary the terms and conditions of the Grant Deed as set out in this Deed.

Information Table

Item 1 (clause 1.1): Commencement Date
The date of this Deed of Variation.
Item 2 (clause 1.1): Grant Deed
The grant deed between the Grantor and the recipient dated 6 October 2017.
Item 3 (clause 1.1): Grant Deed
The First Deed of Variation between the Grantor and the recipient dated 29 June 2018.
Item 4 (clause 1.1): Grant Deed
The Second Deed of Variation between the Grantor and the recipient dated 16 December 2019.
Item 5 (clause 1.1): Recipient
Southern Midlands Council 68 653 595 894 71 High Street, Oatlands TAS 7120 Email: mail@southernmidlands.tas.gov.au Attention: Mr Tim Kirkwood, General Manager
Item 6 (clause 2): Variation
<ol style="list-style-type: none">1. The Date for the completion of the Approved Purpose referred to in Item 9 (clause 4.5) is deleted and replaced with: “31 March 2023”2. The reporting requirements referred to in Item 11 (Clause 7.2) of the Grant Deed is deleted and replaced with: ‘Final report: a report due no later than 31 May 2023 including:<ul style="list-style-type: none">• A final report that details completion towards carrying out of the Approved Purpose;• An income and expenditure statement with respect to the Approved Purpose;• A signed acquittal declaration; and• A copy of the organisation’s audited financials including an audited statement against the Grant Funds.

Operative provisions

The parties agree as follows:

1 Definitions and interpretation

1.1 Definitions

In this Deed, unless the context otherwise requires:

Commencement Date means the date set out in Item 1.

this Deed means this deed and includes all its annexures, appendices, attachments and schedules (if any).

Grant Deed means the grant deed described in Item 2.

Information Table means the table titled 'Information Table' set out above.

Item means an item in the Information Table.

Recipient means the recipient described in Item 3.

1.2 Interpretation

In this Deed, unless the context otherwise requires:

- (a) the singular includes the plural and vice versa;
- (b) words importing a gender include all genders;
- (c) other parts of speech and grammatical forms of a word or phrase defined in this Deed have a corresponding meaning;
- (d) a reference to a thing (including property or an amount) is a reference to the whole and each part of that thing;
- (e) a reference to a group of persons includes a reference to any one or more of those persons;
- (f) a reference to an annexure, an appendix, an attachment, a schedule, a party, a clause or a part is a reference to an annexure, an appendix, an attachment, a schedule or a party to, or a clause or a part of, this Deed;
- (g) a reference to any legislation or legislative provision includes subordinate legislation made under it and any amendment to, or replacement for, any of them;
- (h) writing includes marks, figures, symbols, images or perforations having a meaning for persons qualified to interpret them;
- (i) a reference to a document includes:
 - (i) any thing on which there is writing;
 - (ii) any thing from which sounds, images or writings can be reproduced with or without the aid of any thing else;
 - (iii) an amendment or supplement to, or replacement or novation of, that document; or
 - (iv) a map, plan, drawing or photograph;

- (j) a reference to an agreement includes an undertaking, deed, agreement or legally enforceable arrangement or understanding, whether or not in writing;
- (k) a reference to a 'person' includes a natural person, a partnership, a body corporate, a corporation sole, an association, a Government Body, or any other entity;
- (l) a reference to a party includes that party's executors, administrators, successors and permitted assigns and substitutes;
- (m) a reference to a Minister includes, as applicable, that Minister's predecessors and successors in office;
- (n) a reference to a Government Body or other body or organisation that has ceased to exist, or that has been renamed, reconstituted or replaced, or the powers or functions of which have been substantially transferred, is taken to refer respectively to the Government Body or other body or organisation as renamed or reconstituted, or established or formed in its place, or to which its powers or functions have been substantially transferred;
- (o) a reference to an office in a Government Body or other body or organisation includes any person acting in that office, and if the office is vacant, the person who for the time being is substantially responsible for the exercise of the duties, functions or powers of that office;
- (p) mentioning any thing after the words 'includes', 'included' or 'including' does not limit the meaning of any thing mentioned before those words;
- (q) a reference to a day is to be interpreted as the period of time in Tasmania commencing at midnight and ending 24 hours later;
- (r) reference to a time or date in connection with the performance of an obligation by a party is a reference to the time or date in Hobart, Tasmania, even if the obligation is to be performed elsewhere; and
- (s) references to '\$' and 'dollars' are to Australian dollars.

1.3 Headings

Headings are included for convenience only and do not affect the interpretation of this Deed.

1.4 No rule of construction applies to disadvantage party

In relation to the interpretation of this Deed, no rule of construction is to apply to the disadvantage of a party because that party was responsible for the preparation of this Deed or any part of it.

1.5 Information Table

If there is an Information Table:

- (a) an Item that has not been completed will be taken to be 'not applicable'; and
- (b) unless the context otherwise requires, expressions defined in that table have the same meanings when used in other parts of this Deed.

2 Variation

- (a) The Grant Deed is amended and varied with effect on and from the Commencement Date in the manner set out in Item 4.
- (b) In all other respects the parties confirm the provisions of the Grant Deed.

3 Confidentiality

Despite any confidentiality subsisting in this Deed, any party may publish without reference to the other party all or any part of this Deed.

4 Miscellaneous

4.1 Governing law

This Deed is governed by the laws of Tasmania.

4.2 Severance

If a provision of this Deed is or at any time becomes illegal, prohibited, void or unenforceable for any reason, that provision is severed from this Deed and the remaining provisions of this Deed:

- (a) continue to be enforceable; and
- (b) are to be construed with such additions, deletions and modifications of language as are necessary to give effect to the remaining provisions of this Deed.

4.3 Counterparts

This Deed may be entered into in any number of counterparts. A party may execute this Deed by signing any counterpart. All counterparts, taken together, constitute one agreement.

4.4 Further assurance

The parties agree to do or cause to be done all such acts, matters and things (including, as applicable, passing resolutions and executing documents) as are necessary or reasonably required to give full force and effect to this Deed.

4.5 Legal costs

Each party must bear their own costs in preparing and negotiating this Deed.

4.6 Amendment

This Deed may only be amended or supplemented in writing signed by the parties.

4.7 No interference with executive duties or powers

Nothing in this Deed is intended to prevent, is to be taken to prevent, or prevents, the free exercise by the Governor, by any member of the Executive Council, or by any Minister of the Crown, of any duties or authorities of his or her office. Any provision of this Deed that is inconsistent with this clause is of no legal effect to the extent of the inconsistency.

Executed as a deed

Signing

Signing by Grantor

Executed as a deed on behalf of the **Crown in Right of Tasmania** by the person named below in the presence of the witness named below:

Signature:
→

Being a person who has authority to sign this Deed on behalf of the Crown.

*Print name and position:

Witness' signature:
→

*Witness print name and position:

*Use BLOCK LETTERS

*Witness print address:

Signing by Recipient

The common seal of **Southern Midlands Council** was hereunto affixed in the presence of:

Common seal:
→

Signature:
→

Signature:
→

*Print name and position held:

*Print name and position held:

*Use BLOCK LETTERS