

SOUTHERN
MIDLANDS
COUNCIL



ATTACHMENTS

ORDINARY COUNCIL MEETING

Tuesday, 25th January 2022

10.00 a.m.

PUBLIC COPY

Item 5.1	Draft Council Meeting Minutes (Open) – 8 th December 2021
Item 5.1.2	Draft AGM Minutes – 8 th December 2021
Item 5.3.1	STCA – Minutes – 22 nd November 2021 STCA – AGM Minutes – 22 nd November 2021
Item 5.3.2	SCTA Quarterly Report to members – December 2021
Item 13.8.1	Final draft Southern Tasmania Regional Waste Authority
Item 15.5.1	Mobile Food Vendors Policy
Item 16.2.1	Woodsdale Football Club Letter and Reports

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 8th December 2021
2.00 p.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, 8TH DECEMBER 2021 AT THE KEMPTON
MUNICIPAL OFFICES COMMENCING AT 2:02 P.M.

1. PRAYERS

Clr Dudgeon recited prayers.

2. ACKNOWLEDGEMENT OF COUNTRY

Mayor A O Green recited Acknowledgement of Country

3. ATTENDANCE

Mayor A O Green, 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), Mrs W Young (Manager Community & Corporate Development), Mrs A Burbury (Finance Officer) (Mrs J Crosswell (Executive Assistant).

4. APOLOGIES

Nil.

5. MINUTES

5.1 Ordinary Council meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th November 2021, as circulated, are submitted for confirmation.

DECISION

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

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 24th November 2021, as circulated, be confirmed.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
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:

- Lake Dulverton & Callington Park Management Committee Minutes – 29th November 2021
- Woodsdale Community Memorial Hall General Committee Meeting – 3rd November 2021

RECOMMENDATION

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

DECISION

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

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
Cllr A Bantick	✓	
Cllr A E Bisdee OAM	✓	
Cllr K Dudgeon	✓	
Cllr D F Fish	✓	
Cllr 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.

- Lake Dulverton & Callington Park Management Committee Minutes – 29th November 2021
- Woodsdale Community Memorial Hall General Committee Meeting – 3rd November 2021

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 K Dudgeon

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
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

- Southern Tasmanian Councils Authority – Meeting held 16th August 2021

RECOMMENDATION

THAT the minutes of the above Joint Authority be received.

DECISION

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

THAT the minutes of the above Joint Authority are received.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
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)

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

- Southern Tasmanian Councils Authority – Annual Report 2020/2021

RECOMMENDATION

THAT the Southern Tasmanian Councils Authority Annual Report 2020/2021 be received.

DECISION

Moved by Clr R McDougall, seconded by Clr D Fish

THAT the Southern Tasmanian Councils Authority Annual Report 2020/2021 is received.

CARRIED

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

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

No workshops were held since the last Ordinary Meeting.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr K Dudgeon, seconded by Clr D Fish

THAT the information is received.

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr D F Fish	✓	
Clr 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.*

Nil.

7.2 Questions Without Notice

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

It states:

“29. Questions without notice

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

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

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

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

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

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

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

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

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

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

Clr R McDougall – ‘Dog Poop Bags’ – queried whether it is possible to install an additional dispenser in the vicinity of the Lake Dulverton toilet facilities.

To be investigated.

Clr R McDougall – Requested an update on the Heritage Collections Store, including advice as to whether a potential location has been identified?

General Manager responded that planning work has commenced, primarily looking at design parameters and specifications. This work is being undertaken by Duo Design. Location yet to be determined.

Clr K Dudgeon – Kempton Municipal Offices – commented re: the need for additional maintenance.

Noted.

Mayor A Green – Advised Council that Rural Alive and Well have increased their level of staff resources and are investigating options for additional office space.

The General Manager advised that there is no additional capacity within Roche Hall, however the Levendale Community Centre was identified and referred to RAW for assessment as a possibility to accommodate the Outreach Workers.

Deputy Mayor E Batt entered the meeting at 2.14 p.m.

Deputy Mayor E Batt – Requested an update for plans for Children’s Crossing at Kempton Primary school.

Deputy General Manager advised that it is a work in progress.

Deputy Mayor E Batt – Enquired about the status of the Development Application for the Skate park facility.

General Manager advised that the DA has been approved under delegation as no representations were received. Permit has been issued.

8. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

1. Oatlands Aquatic Centre – Deed of Variation – Between Southern Midlands Council and the Department of Infrastructure, Transport, Regional Development and Communications
2. Briefing re: Staffing Movements

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 Cllr K Dudgeon, seconded by Cllr R McDougall

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*.

CARRIED

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

10. PUBLIC QUESTION TIME (SCHEDULED FOR 2.30 P.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 members of the public.

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

Mrs Glenda Pengelly - Tunbridge

Mrs Pengelly raised the following issues and provided comment in relation to each:

- Tunbridge Township – potholes (4) – Main Street being the focus;
- Main Street, Tunbridge – Tree Roots in roadway – vicinity of Tunbridge Manor
- Speeding on Midland Highway – to be referred to Tasmania Police
- Tas Ambulance – lack of volunteer ambulance officers to support Paramedics – to be discussed with Tas Ambulance
- Department of State Growth – signage on highway works not operating correctly
- Department of State Growth – southern entry to Tunbridge – need for extended acceleration lane (heading south)
- Tunbridge Bridge replacement project – delays have had adverse effect on her business operation.

- Disabled parking in Oatlands – comment provided. Mrs Pengelly indicated that she would seek signatures to evidence the need for disabled parking.
- Tunbridge Cemetery – raised issues relating to the management of the Cemetery by the Diocese of Tasmania.

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

11.1 Recognition – Mr Samuel Banks (AFL Draftee)

Councillor K Dudgeon has submitted the following Notice of Motion:

“THAT the Southern Midlands Council send a formal letter of acknowledgement and congratulations to Mr Samuel Banks who has been drafted by the Richmond Football Club as part of the 2021 AFL Draft”.

BACKGROUND / SUPPORTING STATEMENT(S) PROVIDED BY CLR DUDGEON:

Sam Banks has lived the majority of his life in the Southern Midlands Council area and grew up at Whitefoord. He commenced his football career playing with the Central Hawks Junior Football Club and progressed to play with Clarence; the Tassie Devils and represented Tasmanian numerous times at junior level.

DECISION

Moved by Clr K Dudgeon, seconded by Clr D Fish

THAT Council send a formal letter of acknowledgement and congratulations to Mr Samuel Banks who has been drafted by the Richmond Football Club as part of the 2021 AFL Draft.

CARRIED

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

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

Nil.

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.

Nil.

13.2 Bridges

Strategic Plan Reference 1.2

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

Nil.

13.3 Walkways, Cycle ways and Trails

Strategic Plan Reference 1.3

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

Nil.

13.4 Lighting

Strategic Plan Reference 1.4

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

Nil.

13.5 Buildings

Strategic Plan Reference 1.5

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

Nil.

13.6 Sewers / Water

Strategic Plan Reference(s) 1.6

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

Nil.

13.7 Drainage

Strategic Plan Reference 1.7

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

Nil.

13.8 Waste

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

Author: MANAGER INFRASTRUCTURE & WORKS (DAVID RICHARDSON)

Date: 3 DECEMBER 2021

Roads Program

Council's graders have been working on various roads with the bus routes being the priority roads for grading as required. The focus has been to prioritise the higher traffic usage areas of roads. General road maintenance and repairs will continue, including a focus on pavement repairs and table drain clearing works being a priority.

Minor gravel re-sheeting works have been completed on various sections of roads throughout the municipality. The gravel re-sheeting programme will commence as soon as weather and resources permit.

Roadside Mowing Programme

Council's annual road verge mowing programme has commenced in the northern and southern parts of the road network, it is anticipated that vegetation growth will be a focus over the coming months due to the optimal growing conditions.

Road Rehabilitation programme 2021/22

Council's 2021/2022 road stabilisation programme is completed.

Lake Dulverton Pathway

Construction of the walkway has re-commenced. It is expected these works will be completed in the coming weeks.

Walkway and Kerbing works

Instillation of kerb and gutter, footpath and associated storm water upgrade works has commenced on Black Brush road. There has been some alterations to the plans to allow for off street parking outside premises on Black Brush Road. Stage 1 of these works have re-commenced.

Parks and Reserves

General maintenance of parks and reserves will continue with a focus on ensuring spring growth is maintained at an acceptable level. The recent wet weather has created favourable growing conditions with grass area maintenance being a priority throughout the spring period.

Bridge Works

Bridge widening works are programmed on Interlaken Road starting Monday the 6th December. Interlaken Road between Midlands Highway and Cold Blow Lane. Interlaken road will be closed for bridge works between 8.00am Monday 6th until 4pm Friday 10th December to all vehicles. Light vehicle bypass is via Cold Blow Lane and Bowhill Road. Cold Blow Lane is not suitable for heavy vehicles. Heavy vehicle users are being notified of the closure.

Planned Works

The following capital works are planned for the coming period:

Oatlands Aquatic Centre storm water drainage pipe installation;
Underground power installation Oatlands (completed);
Footpath and kerb installation Oatlands to continue as weather permits;
Repair various roads and drainage;
Repair landslips on Cockatoo Gully road and Eldon Road;
Bridge widening Interlaken Road.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Clr D Fish – Requested an update on the underpass at Inglewood Road.

Manager Works and Infrastructure advised that the contractor is scheduled and asphaltting to be done prior to Christmas.

Clr A E Bisdee OAM – Received a complaint from a property owner on the northern side of Shene Road. Whipper snipper is required – labour and time intensive.

Clr K Dudgeon – Had a request from a resident in Whynyates Street, Oatlands. Needs slashing overgrown which apparently has been done in the past.

General Manager advised that Whynyates Street is not a Council maintained road however if slashing has been undertaken it would be to establish fire breaks in this location. To be assessed.

Mayor A Green – Has been advised by a resident that Butler Street in Tunbridge has large potholes requiring maintenance.

RECOMMENDATION

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

DECISION

Moved by Clr D Fish, seconded by Clr R McDougall

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

CARRIED

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 Residential

Strategic Plan Reference 2.1

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

Nil.

14.2 Tourism

Strategic Plan Reference 2.2

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

Nil.

14.3 Business

Strategic Plan Reference 2.3

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

Nil.

14.4 Industry

Strategic Plan Reference 2.4

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

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 K Dudgeon, seconded by Cllr A E Bisdee OAM

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

CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	✓	
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 Cllr D Fish, seconded by Cllr R McDougall

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

CARRIED

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

15.6 Regulatory (Animals)

Strategic Plan Reference 3.6

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

15.6.1 Animal Management Report

DECISION

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

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

CARRIED

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

15.7.1 Oatlands Aquatic Centre - Electric Vehicle Charging Station

DECISION

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

THAT Council:

1. Approve the Signing and Sealing the Grant Deed for the funding agreement between the Tasmanian Government through the Department of Treasury and Finance and the Southern Midlands Council for the amount of \$45,000 for the establishment of an Electric Vehicle Charge Fast Charging facility, in partnership with Electric Highway Tasmanian Pty Ltd. at the Oatlands Aquatic Centre;
2. Approve the licence of the land area at 70 High Street Oatlands in the Oatlands Aquatic Centre Carpark for the purpose of locating an Electric Vehicle Charge Station, as shown in the Southern Midlands Council & Electric Highway Tasmania Pty Ltd, Hosting Agreement, and marked in red in Schedule A of the Agreement, for a period not exceeding five years; and
3. Approve the Signing and Sealing the Hosting Agreement between Southern Midlands Council and Electric Highway Tasmanian Pty Ltd. for the establishment of an Electric Vehicle Charge Fast Charging facility, at the Oatlands Aquatic Centre.

CARRIED

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

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.

16.3 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

16.6.1 Southcentral Workforce Network - Jobs Hub Grant

DECISION

Moved by Cllr K Dudgeon, seconded by Cllr R McDougall

That Council:

1. Note the information and the Report
2. Enthusiastically support the endeavours of this strategic project.

CARRIED

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

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr K Dudgeon

THAT the meeting be adjourned for afternoon tea at 3.23 p.m.

CARRIED

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

DECISION

Moved by Clr A E Bisdee OAM, seconded by Clr A Bantick

THAT the meeting reconvene at 3.33 p.m.

CARRIED

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

16.7 Capacity & Sustainability

Strategic Plan Reference 4.7

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

Nil.

16.8 Safety

Strategic Plan Reference 4.8

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

Nil.

16.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference 5.1

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

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

Ian & Jennifer Johnston – Letter dated 20th November Re Campbell Street, Oatlands

Refer attached letter which Mr and Mrs Johnston have requested be brought to the attention of Councillors at a Council Meeting.

Ms S Carmichael – Letter dated 1st December 2021 re resignation from MMPHC

DECISION

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

THAT documents tabled at the Council meeting are received

CARRIED

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

17.2.2 Elected Member Statements

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

Nil.

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 30 November 2021)

Author: FINANCE OFFICER (MANDY BURBURY)

Date: 2 DECEMBER 2021

DECISION

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

THAT the Financial Report be received and the information noted.

CARRIED

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

17.3.2 Monthly Oatlands Aquatic Centre Capital Expenditure Report (period ending 31 August 2021)

DECISION

Moved by Clr A Bantick, seconded by Clr K Dudgeon

THAT the Financial Report be received and the information noted.

CARRIED

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

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

19.1 Oatlands Aquatic Centre – Deed of Variation - Between Southern Midlands Council and the Department of Infrastructure, Transport, Regional Development and Communications

DECISION

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

THAT Council

- 1. Note the correspondence from the Department of Infrastructure, Transport, Regional Development and Communications, and**
- 2. Approve the Signing and Sealing the Deed of Variation for the combined funding agreement between the Commonwealth, through the Department of Infrastructure, Transport, Regional Development and Communications and the Southern Midlands Council for the amount of \$2,000,000.00 for the construction of the Oatlands Aquatic Centre**

CARRIED

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

DECISION

Moved by Deputy Mayor E Batt, 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.

Matter	Local Government (<i>Meeting Procedures</i>) Regulations 2015 Reference
Closed Council Minutes - Confirmation	15(2)
Applications for Leave of Absence	15(2)(h)
Audit Panel Minutes	15(2)
Briefing Re: Staff Movements	15(2)(a)

CARRIED

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

RECOMMENDATION

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

DECISION

Moved by Clr R McDougall, 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
Mayor A O Green	✓	
Deputy Mayor E Batt	✓	
Clr A Bantick	✓	
Clr A E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	

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) of the Local Government (Meeting Procedures) Regulations 2015.

20.3 Audit Panel Minutes

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.

20.3.1 Receipt of Minutes

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.

20.3.2 Endorsement of Recommendations

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.

Clr A E Bisdee OAM departed the meeting at 4.26 p.m.

20.4 Briefing re: Staffing Movements

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.

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr D Fish, seconded by Clr K Dudgeon

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 4.40 p.m.

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ANNUAL GENERAL MEETING

Wednesday, 8th December 2021
5.00 p.m.

Kempton Municipal Offices
85 Main Street, Kempton



ANNUAL GENERAL MEETING OF THE SOUTHERN MIDLANDS COUNCIL

**WEDNESDAY 8th DECEMBER 2021 AT THE KEMPTON MUNICIPAL OFFICES
COMMENCING AT 5.00 P.M.**

1. OPENING/WELCOME

Mayor Alex Green opened the Southern Midlands Council Annual General Meeting and welcomed those present.

2. APOLOGIES

Clr A E Bisdée OAM

3. ATTENDANCE

Councillors: Mayor Alex Green, Deputy Mayor E Batt, Clr A Bantick, Clr K Dudgeon, Clr D Fish, Clr R McDougall

Officers: Tim Kirkwood (General Manager), Andrew Benson (Deputy General Manager), David Richardson (Manager, Infrastructure & Works), Wendy Young (Manager Community & Corporate Development), Jemma Crosswell (Executive Assistant)

Residents: Nil.

4. MEETING PROCEDURES

Refer Attachment 1.

5. 2020/2021 ANNUAL REPORT & 2020/2021 GENERAL PURPOSE FINANCIAL REPORT

5.1 Mayor's Report

Mayor A O Green presented the 2020/2021 Annual Report, incorporating the 2020/2021 General Purpose Financial Report.

RECOMMENDATION:

THAT the meeting note the presentation of the Annual Report for the year ending 30th June 2021 incorporating the 2020/2021 General Purpose Financial Report.

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr K Dudgeon

THAT the meeting note the presentation of the Annual Report for the year ending 30th June 2021 incorporating the 2020/2021 General Purpose Financial Report.

CARRIED

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

6. STRATEGIC PLAN 2020-2029

Members of the public are encouraged to provide comment on the 2020/2021 Strategic Plan available on Councils website at any time.

Note: a review of the Strategic Plan was undertaken in 2020 and the 2020-2029 Strategic Plan was formally adopted by Council on the 24th June 2020.

6.1 Questions/Discussion on Strategic Plan

Nil.

7. DISCUSSION ITEMS ON NOTICE

Nil.

8. DISCUSSION ITEMS WITHOUT NOTICE

Nil.

9. CLOSURE OF MEETING

The meeting closed at 5.04 p.m.

MEETING PROCEDURES

Attachment 1

1. The Annual General Meeting is in essence a Council meeting and will be conducted in accordance with normal Council procedures for the conduct of meetings; with the exception of course it is intended to make it as easy as possible for members of the public to have input so that maximum benefit is gained.
2. The Mayor is Chairman of the meeting.
3. The first part of the meeting comprises a presentation of an overview of:
 - (i) the Annual Report
 - (ii) Financial Statement, and
 - (iii) the Strategic Plan
4. At the conclusion of each of these presentations electors may ask questions.
5. Questions and comments should be concise to allow as many people as possible to have their input.
6. No one is to be interrupted whilst they are speaking.
7. You will be asked, as a matter of courtesy and for the minutes, to identify yourself before speaking.
8. All discussion will be addressed through the chair.
9. No person may:
 - (i) make any personal reflection on any Councillors, Council employee or member of the public;
 - (ii) disrupt the meeting; or
 - (iii) in the opinion of the Chairman, use any offensive expression.
10. If you intend to move a motion the following procedures apply: -
 - (i) All motions must be moved and seconded before debate is permitted.
 - (ii) In speaking to a motion, individuals may speak only once and for no longer than 5 minutes.
 - (iii) Voting is by a show of hands.
 - (iv) Only electors of the Southern Midlands municipal area are entitled to vote.
 - (v) A motion is passed by half plus one of the electors present voting in favour of it.
11. Any resolution passed at the Annual General Meeting will be considered at the next ordinary meeting of Council.



**SOUTHERN TASMANIAN COUNCILS AUTHORITY
DRAFT MINUTES**

**Minutes of a meeting of the Southern Tasmanian Councils Authority held on
22 November 2021 commencing at 11.00am**

- Present:**
- Brighton Council – Mayor Leigh Gray and Mr James Dryburgh**
 - Derwent Valley Council – Mayor Ben Shaw and Mr Dean Griggs**
 - Hobart City Council – Deputy Lord Mayor Helen Burnet and Ms Kelly Grigsby**
 - Huon Valley Council – Mayor Bec Enders and Mr Jason Browne**
 - Sorell Council - Mayor Kerry Vincent**
 - Southern Midlands Council - Mayor Alex Green and Mr Tim Kirkwood**
 - Tasman Council – Mayor Kelly Spaulding and Ms Kim Hossack**
- Apologies:**
- Glamorgan/Spring Bay Council - Mayor Robert Young and Mr Greg Ingham**
 - Central Highlands Council – Mayor Loueen Triffitt and Ms Lyn Eyles**
 - Sorell Council - Mr Robert Higgins**

- 1. Welcome and apologies**
The Chair opened the meeting at 11.10am.
Apologies for the meeting were noted and are listed above.
- 2. Confirmation of the minutes of the meeting held on 16 August 2021**

RECOMMENDATION

That the minutes of the meeting of the Southern Tasmanian Councils Authority (STCA) Board held on 16 August 2021 be confirmed as a true record of that meeting.

Moved: Deputy Lord Mayor Burnet

Seconded: Mayor Spaulding

CARRIED



3. Matters Arising

Southern Tasmanian Regional Land Use Strategy

James Dryburgh gave an update on the meeting held 5 October 2021 with the Minister for Planning, the Hon. Roger Jaensch regarding the Southern Tasmanian Regional Land Use Strategy.

4. STCA Administrative Support

The Board reviewed the submission and supported the recommendations for the Administration support, namely:

- 1). Brighton Council provide administrative support to the STCA Board and Audit and Governance Committee.
- 2). The current budget allocation of \$2,000 for administration support be increased to \$10,000.
- 3). The General Manager of Brighton Council be delegated the authority to approve expenditure on behalf of the STCA.

Mayor Gray sustained from any discussion or comment due to an interest.

Megan Braslin was welcomed to the role and Fiona Cleary was thanked for the work she has done for the STCA.

Moved: Mayor Vincent

Seconded: Mayor Enders

CARRIED

5.2022/23 Budget Community Consultation

The Board discussed other options to include in a submission to the State Government including Climate Change and Transport Corridor.

Kelly Grigsby asked if STCA should submit items to the Federal Government budget too, she took an undertaking to investigate and coordinate this.

Mayor Vincent advised that there is a big difference between State and Federal Grants and suggested STCA should workshop a list.

6. Regional Climate Change Initiative

The Board reviewed and noted the written Regional Climate Change Initiative report from Katrina Graham, including a letter sent to the Tasmanian Climate Change Office on the 12 November which outlined 7 recommendations.

Deputy Lord Mayor Burnet advised that invitation letters had gone out for the steering committee.

James Dryburgh noted the letter regarding the FBT cost on Electric Vehicles has been drafted to send to the Minister; a copy was included in the agenda.



Moved: Mayor Enders
Seconded: Mayor Spaulding

CARRIED

7. Representation Updates

PESRAC – Southern Committee

Mayor Vincent provided an update on the PESRAC - Southern Committee. A big topic being the issues of mental health and COVID will be discussed. It was agreed that this item would remain as a standing item on the agenda.

Moved: Mayor Enders
Seconded: Mayor Spaulding

CARRIED

8. Update on Projects

South East Regional Development Authority

Mayor Vincent provided an update on SERDA that the Board noted.

South Central Sub-region

James Dryburgh provided an update on the South Central Sub-region Jobs Hub noting that:

- the Old Pontville Chambers site had been renovated for the hub location
- \$200,000 grant instalment received
- interviews were being conducted on 23 November for the Jobs Hub Supervisor role
- letters had gone out to finalise the Jobs Hub Advisory committee with the first meeting set for 6 December
- an official launch with Minister Courtney is expected to be held in February 2022

South Central Sub-region next meeting is scheduled 6 December.

Moved: Mayor Enders
Seconded: Mayor Spaulding

CARRIED



9. 2021/22 Financial Statement

The board reviewed and noted the September 2021 Financial statement report.

Moved: *Deputy Lord Mayor Burnet*

Seconded: *Mayor Vincent*

CARRIED

10. Governance and Audit Committee meeting minutes

The Governance and Audit Committee meeting minutes from 8 November 2021 were noted.

It was noted that Mayor Green would speak with the Mayors of the non-STCA Councils on the matter of membership.

Moved: *Mayor Gray*

Seconded: *Mayor Vincent*

CARRIED

11. 2022 Meeting Dates

The Board reviewed the meeting dates for 2022 and agreed that the 21 November meeting would move to Monday 3 October 2022.

Moved: *Deputy Lord Mayor Burnet*

Seconded: *Mayor Enders*

CARRIED

12. Other Business

Biochar Trail

Deputy Lord Mayor Burnet spoke about the boxthorn biochar trial and advised that she would provide a report to the February 2022 Board meeting.

Regional Climate Change Initiative

Mayor Enders advised that she would be standing down as Chair of the Regional Climate Change Initiative (RCCI). Nominations were sought for a replacement with Deputy Lord Mayor Burnet being appointed the new Chair (moved by Mayor Enders; seconded by Mayor Vincent and carried by the Board). Mayor Enders was thanked for her valuable contribution to the RCCI group.



Destination Southern Tasmania

It was agreed that a regular update would be provided to the Board on Destination Southern Tasmania by the STCA representatives.

TasWater Update

It was agreed that an update would be provided on TasWater to the February 2022 meeting.

13. Next Meeting

It was agreed that Brighton Council would host the next meeting which is to take place on 21 February 2022 at 11.00am.

Meeting closed at 12.20 pm.

DRAFT



**SOUTHERN TASMANIAN COUNCILS AUTHORITY
NOTICE OF ANNUAL GENERAL MEETING**

Minutes of the Annual General Meeting of the Southern Tasmanian Councils Authority held on Monday 22 November 2021 commencing at 12.20pm at the Old Kempton Distillery, 26 Main Street, Kempton

- Present:**
- Brighton Council – Mayor Leigh Gray and Mr James Dryburgh**
 - Central Highlands Council – Mayor Loueen Triffitt and Ms Lyn Eyles**
 - Derwent Valley Council – Mayor Ben Shaw and Mr Dean Griggs**
 - Glamorgan/Spring Bay Council – Mayor Robert Young and Mr Greg Ingham**
 - Hobart City Council – Deputy Lord Mayor Helen Burnet and Ms Kelly Grigsby**
 - Huon Valley Council – Mayor Bec Enders and Mr Jason Browne**
 - Sorell Council – Mayor Kerry Vincent and Mr Robert Higgins**
 - Southern Midlands Council – Mayor Alex Green and Mr Tim Kirkwood**
 - Tasman Council – Mayor Kelly Spaulding and Ms Kim Hossack**
- Apologies:**
- Sorell Council – Mr Robert Higgins**
 - Glamorgan/Spring Bay Council – Mayor Robert Young**
 - Central Highlands Council – Mayor Loueen Triffitt and Ms Lyn Eyles**



1. Opening and Welcome

The Chair, Mayor Alex Green opened the meeting at 12.20pm and welcomed everyone to the STCA Annual General Meeting.

2. Apologies

The chair noted the apologies for the meeting as they appear on page 1.

3. Confirmation of the minutes of the Annual General Meeting of the Southern Tasmanian Councils Authority held on 23 November 2020.

Recommendation

That the Minutes of the Annual General Meeting of the Southern Tasmanian Councils Authority (STCA) held on Monday 23 November 2020 be confirmed as an accurate record.

Moved: Deputy Lord Mayor Burnet

Seconded: Mayor Spaulding

CARRIED

4. Chairperson's Report

The Chairperson's report, which included several highlights, was noted by the Board.

Recommendation

That the 2020/2021 Chairperson's report of the Southern Tasmanian Councils Authority be received and noted.

Moved: Mayor Spaulding

Seconded: Mayor Enders

CARRIED

5. Annual Report including the Audited Financial Statements

The 2020/21 STCA Annual Report including the audited Financial Statements were presented to the Board and provided a summary of the activities of the STCA during the year.

An amendment was requested to remove 'Lord' from Lord Mayor Bec Enders in the Financial Statement '13. Other Related parties Transactions'.



Recommendation

That the 2020/2021 Annual Report of the Southern Tasmanian Councils Authority, including the audited Financial Statements for the year ended 30th June 2021 be adopted.

***Moved: Mayor Enders
Seconded: Deputy Mayor Burnet
CARRIED***

6. Report of the Comptroller

Recommendation

That the report of the Comptroller for the year ended 30 June 202 be adopted

***Moved: Mayor Vincent
Seconded: Mayor Gray
CARRIED***

7 Appointment and Remuneration of the Auditor

In line with the *Local Government Act 1993*, the Auditor General undertakes an audit of the Southern Tasmanian Councils Authority's accounts.

Recommendation

That the Auditor General be appointed as the Auditor of the Authority's General Purpose Financial Statements and that any annual adjustment of the fee be negotiated.

***Moved: Mayor Enders
Seconded: Mayor Spaulding
CARRIED***

8. Close of the Meeting

There being no further business, the Chair closed the meeting at 12.24pm.



Southern Tasmanian Councils Authority

Quarterly Report to Members

December 2021



Each Joint Authority is required under Section 36B of the *Local Government Act 1993* to provide to its members a quarterly report that includes a statement of general performance and a statement of its financial performance

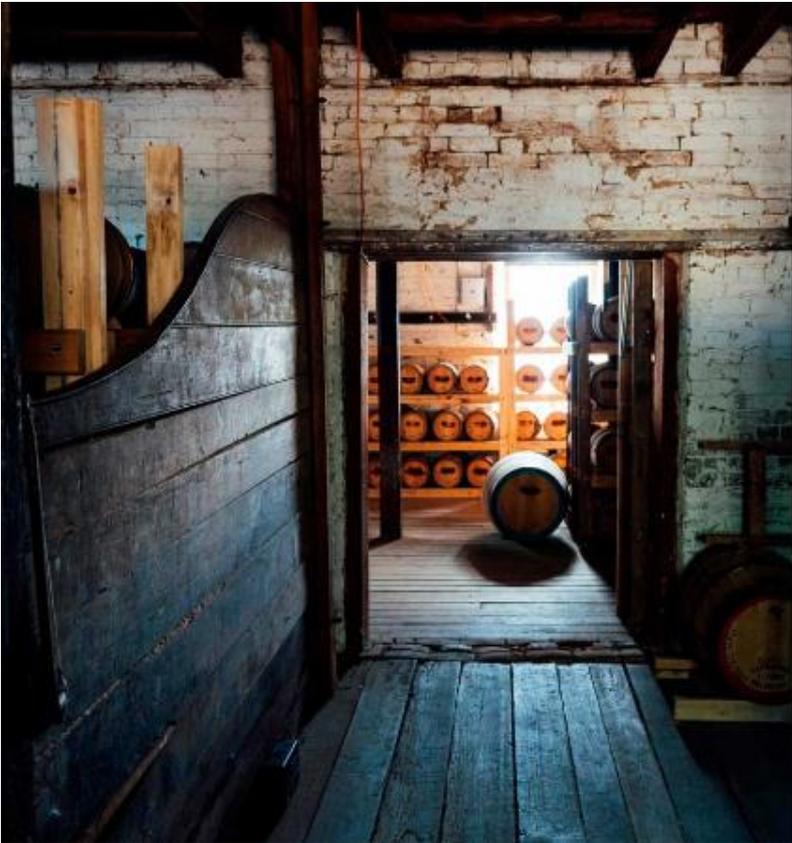
This report covers the three month period ending 31 December 2021. This report with all previous quarterly reports is published on the Authority's website: www.stca.tas.gov.au

The Southern Tasmanian Councils Authority commenced on 1 July 2006

Image Credit: Primrose Sands, Megan Braslin

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Old Kempton Distillery

ORDINARY BOARD MEETING – 22 November 2021

A meeting of the STCA Board took place on 22 November 2021, the following matters were discussed:

Southern Tasmanian Regional Land Use Strategy

An update was provided on the meeting held on 5 October 2021 with the Minister for Planning, the Hon. Roger Jaensch regarding the Southern Tasmanian Regional Land Use Strategy.

STCA Administrative Support

An increase in the budget for STCA administration support was approved with Brighton Council undertaking the role.

2022/23 State Budget Community Consultation

The Board discussed other options to include in a submission to the State Government due in December 2021, including Climate Change and Transport Corridor.

Regional Climate Change Initiative

The Board reviewed and noted the written Regional Climate Change Initiative report including a letter sent to the Tasmanian Climate Change Office which outlined 7 recommendations for changes to the Climate Change draft Bill.

Councils have received an invitation letter for the Steering Committee for the project 'Tasmanian Local Government Climate Strategy and Council Climate Action Plan'.

Mayor Enders advised that she would be standing down as Chair of the Regional Climate Change Initiative (RCCI). Nominations were sought for a replacement with Deputy Lord Mayor Burnet being appointed the new Chair. Mayor Enders was thanked for her valuable contribution to the RCCI group.

Other updates

Updates were provided for SERDA and South-Central Sub-region projects, it was noted that the new Regional Jobs Hub was up and running at Pontville, an Advisory Board has just been put together with the first meeting scheduled in early December. An official launch of the Regional Jobs Hub with Minister Courtney is expected to be held in February 2022.

Financial Report

The Board noted the 30 September 2021 draft Financial Report. A copy is included with this Quarterly Report.

Next Meeting

The next Board meeting will be hosted by Brighton Council and will be held on 22 February 2022.

STCA - FINANCIAL STATEMENT - SEPTEMBER 2021	YTD ACTUAL	YTD BUDGET	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET
Administration					
Expenses					
Website Development	1,091	1,200	109	9.1 %	4,800
Catering	318	250	(68)	(27.3 %)	1,000
Contractor Services - General	0	500	500	100.0 %	2,000
Consultancy - Business Management	0	0	0		10,000
Contractors - Auditors	0	0	0		6,075
Subtotal EXPENSES	1,409	1,950	541	27.7 %	23,875
Revenue					
Unspent Grants/Opening Funds B/F	(222,739)	(222,739)	0	0.0 %	(222,739)
Member Contributions 2021/22	(21,813)	(23,994)	(2,181)	9.1 %	(23,994)
Bank Interest	0	0	0	(100.0 %)	0
Subtotal REVENUE	(244,552)	(246,733)	(2,181)	(0.9 %)	(246,733)
Subtotal Administration	(243,143)	(244,783)	(1,640)	(0.7 %)	(222,858)
Climate Change Adaptation Project					
Expenses					
Contractor Services - Regional Climate Change Strategy and Council Action Plans	0	0	0	(100.0 %)	100,000
Contractor Services - Regional Coastal Strategy	0	0	0	(100.0 %)	6,000
Subtotal EXPENSES	0	0	0	(100.0 %)	106,000
Revenue					
Unspent Grants/Opening Funds B/F	(100,090)	(100,090)	0	0.0 %	(100,090)
Other Contributions - Regional Climate Change Initiative	(5,455)	(6,000)	(545)	(9.1 %)	(6,000)
Subtotal REVENUE	(105,545)	(106,090)	(545)	(0.5 %)	(106,090)
Subtotal Climate Change Adaptation Project	(105,545)	(106,090)	(545)	(0.5 %)	(90)
Waste Communications					
Expenses					
Consultancy - Business Management	0	0	0	(100.0 %)	0
Communications	0	7,500	7,500	100.0 %	30,000
Subtotal EXPENSES	0	7,500	7,500	100.0 %	30,000
Revenue					
Subtotal REVENUE	0	0	0		0
Subtotal Waste Communications	0	7,500	7,500	100.0 %	30,000
Regional Economic Development Strategy					
Expenses					
Development of Strategy	0	5,000	5,000	100.0 %	20,000
Subtotal EXPENSES	0	5,000	5,000	100.0 %	20,000
Revenue					
Unspent Grants/Opening Funds B/F	0	0	0		0
Subtotal REVENUE	0	0	0		0
Subtotal Regional Economic Development Strategy	0	5,000	5,000	100.0 %	20,000
Regional Planning Initiative					
Expenses					
Contractor Services - Environmental	0	6,110	6,110	100.0 %	24,435
Subtotal EXPENSES	0	6,110	6,110	100.0 %	24,435
Revenue					
Unspent Grants/Opening Funds B/F	(23,007)	(23,007)	0	0.0 %	(23,007)
Subtotal REVENUE	(23,007)	(23,007)	0	0.0 %	(23,007)
Subtotal Regional Planning Initiative	(23,007)	(16,897)	6,110	36.2 %	1,428
Total Operating					
Expenditure	1,409	20,560	19,151	93.1 %	204,310
Income	(373,103)	(375,830)	(2,727)	(0.7 %)	(375,830)
Net Operating	(371,694)	(355,270)	16,424	4.6 %	(171,520)

Note: This report is for management reporting purposes only. Actual and Budget income amounts include carry forward unspent grant funds which have been received and were unspent in prior reporting periods.

STCA September Financial Statement Summary

Funds Carried Forward from 2020/21 to 2021/22

- In the 2021/22 Financial Year \$345,836 has been carried forward from unspent funds in prior periods.
- \$100,000 of these funds have been allocated to Regional Climate Change Strategy and Council Action Plans
- \$6,000 of these funds have been allocated to Regional Coastal Strategy

Expenditure:

- Inclusive of adjustments made for funds carried forward the Annual Expenditure budget is \$204,310.
- With 25% of the financial year elapsed, \$1,409 has been spent. This represents just 0.69% of the Annual Expenditure budget.

Income:

- Inclusive of adjustments made for funds carried forward the Annual Income budget is \$375,830.
- In addition to funds carried forward, \$27,267 of funding has been received in the 2021/22 financial year, comprising:
 - \$21,813 for Annual Fees paid by Member Councils; and
 - \$5,454 from Non-Member Councils as contributions to the Regional Climate Change Initiative project.

**CERTIFICATION OF THE RULES OF THE
SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY
PURSUANT TO SECTION 32 OF THE LOCAL GOVERNMENT ACT 1993 (TAS)**

I, KATHRYN SPEED, of 179 Murray Street, Hobart in Tasmania, qualified legal practitioner, HEREBY CERTIFY that the Rules of the Southern Tasmanian Regional Waste Authority (a copy of which is annexed to this certification) are in accordance with the law.

This certificate is given in accordance with Section 32(2) of the *Local Government Act 1993* (Tas).

DATED this day of 2021

SIGNED by KATHRYN SPEED

in the presence of:

Witness Signature:.....

Print full name:.....

Occupation:.....

Full Address:.....

**CERTIFICATION OF THE RULES OF THE
SOUTHERN TASMANIAN REGIONAL WASTE AUTHORITY**

PURSUANT TO SECTION 32 OF THE LOCAL GOVERNMENT ACT 1993 (TAS)

I, [INSERT NAME], of [insert address] in Tasmania, [insert role of signatory and name of relevant Council], (a Participating Council of the Authority), HEREBY CERTIFY that the Rules of the Southern Tasmanian Regional Waste Authority (a copy of which are annexed to this certification) have been made in accordance with the *Local Government Act 1993* (Tas).

This certificate is given in accordance with Section 32(3)(b) of the *Local Government Act 1993* (Tas).

DATED this day of 2021

SIGNED by [INSERT NAME]

in the presence of:

Witness Signature:.....

Print full name:.....

Occupation:.....

Full Address:.....

Rules of the Southern Tasmanian Regional Waste Authority

1. Establishment and commencement

1.1 The Southern Tasmanian Regional Waste Authority (**STRWA**) is a joint authority established pursuant to section 30 of the *Local Government Act 1993* (Tas) (the **Act**).

1.2 The STRWA is a body corporate with perpetual succession and has the powers and functions specified in the Act and these Rules.

1.3 These Rules come into effect on and from the commencement date agreed to by resolution of the STRWA as constituted immediately before the coming into effect of these Rules.

2. Definitions and interpretation

2.1 In these Rules, unless the contrary intention is expressed, defined terms have the meanings set out below:

Act has the meaning given in Rule 1.1.

AGM has the meaning given in Rule 7.1.

Annual Plan has the meaning given in Rule 11.1.

Board means the Board of Directors of the STRWA appointed in accordance with Rule 8.

Budget has the meaning given in Rule 14.2.a.

Chair means the Chair of the Board appointed in accordance with Rule 8.6.

Close Associate has the meaning given in section 51 of the Act.

Council means a Council established under section 18 of the Act.

Corporations Act means the *Corporations Act 2001* (Cth).

Director means a person appointed under these Rules as the Chair or as a member of the Board.

Financial Contribution means the annual financial contribution of each Member for its membership of the STRWA as determined in accordance with Rule 14.2.

Forum has the meaning given in Rule 6.1.

General Manager means the General Manager or Chief Executive Officer of a Council or the General Manager's or Chief Executive Officer's nominee.

Member means a Participating Council.

Officer has the same meaning as given in the Corporations Act.

Participating Council means those Councils that established the STRWA in accordance with the Act or were admitted to the STRWA after its establishment in accordance with these Rules but does not include a Council that has withdrawn from the STRWA or has been expelled from the STRWA in accordance with these Rules.

Representative means a natural person appointed by a Member to be the representative of the Member in accordance with Rule 6.

Rules means these Rules of the Southern Tasmanian Regional Waste Authority as altered or added to from time to time.

Special Resolution means a resolution that is passed by 75 percent of the votes cast by Members entitled to vote on the resolution where a Member has the number of votes set out opposite their name in Schedule 1.

Strategic Plan has the meaning given in Rule 10.1.

STRWA has the meaning given in Rule 1.1.

STRWA Chief Executive Officer or **STRWA CEO** means the Chief Executive Officer of the STRWA appointed under Rule 9.

Treasurer means the Treasurer for the State of Tasmania.

Waste Action Plan means the Tasmanian Government's Draft Waste Action Plan Consultation Draft, June 2019 as may be amended or finalised.

Yearly Member Contribution Budget means the aggregate Financial Contributions required to be paid by all Members in a financial year as determined in accordance with Rule 14.2.

Yearly Member Contribution Cap means \$360, 170.

2.2 Interpretation

In these Rules, a reference to:

- a. words and phrases which are defined in the Act have the same meaning in these Rules;
- b. the singular includes the plural and the plural includes the singular;
- c. a person includes a body corporate or unincorporate;
- d. a party includes the party's executors, administrators, successors and permitted assigns;

- e. a statute, regulation or provision of a statute or regulation (**Statutory Provision**) includes:
 - (A) that Statutory Provision as amended or re-enacted from time to time;
 - (B) a statute, regulation or provision enacted in replacement of that Statutory Provision; and
 - (C) another regulation or other statutory instrument made or issued under that Statutory Provision;
- f. “including” and similar expressions are not words of limitation;
- g. a reference to a Rule or schedule is a reference to a Rule of or a schedule to these Rules;
- h. a reference to a document (including, without limitation, a reference to these Rules) is to that document as amended, novated or replaced;
- i. where a word or expression is given a particular meaning, other parts of speech and grammatical forms of that word or expression have a corresponding meaning; and
- j. headings and any table of contents or index are for convenience only and do not form part of these Rules or affect their interpretation.

3. Purpose

- 3.1. The purpose of the STRWA is to coordinate local government’s resource recovery and management of solid waste in the southern region for a more sustainable future.
- 3.2. The objectives and goals of the STRWA are to:
 - a. Foster sustainable use of resources
 - b. Deliver efficient collection and reprocessing of resources
 - c. Support opportunities for the circular economy to reduce environmental impact and grow Tasmania’s economy
 - d. Provide a collective voice for Member Councils on the circular economy, resource recovery and waste management.

4. Functions and Powers

- 4.1. The functions of the STRWA are to:
 - a. Support Members to deliver on their Council’s resource recovery and waste management strategies or objectives.
 - b. Manage resource recovery or waste management contracts on behalf of Members, ensuring contract compliance and timely, on-budget delivery of contract outcomes and output.
 - c. Develop a Strategic Plan, and subsidiary plans, for the region to deliver upon its purpose and objectives.

- d. Identify and implement, with partners, opportunities to recover more resources from waste.
- e. Identify and seek external funding opportunities and partnerships to support the objectives of the STRWA.
- f. Partner with the Tasmanian Government on delivery of the Waste Action Plan, or future similar strategy, where appropriate.
- g. Support Members to engage their communities through resource education and behaviour change programs.
- h. Support the development of policies and guidance for Members in their resource recovery and waste management activities.
- i. Undertake reasonably incidental actions in achieving its purpose and objectives that are not explicitly identified.
- j. Advocate for policy or legislative change in collaboration with the Local Government Association of Tasmania that will support the achievement of the STRWA's objectives.

4.2. The powers of the STRWA in performing its functions include:

- a. Anything the Act authorises a joint authority to do.
- b. Anything that a Member Council is empowered to do under statute¹ and that the Council could otherwise perform in relation to the functions of the STRWA.
- c. Anything the STRWA is otherwise empowered to do specifically, or generally under statute.
- d. Raising of revenue by:
 - i. calling for contributions from all or some Members additional to annual Financial Contributions;
 - ii. applying for and receiving grants or contributions from the Tasmanian Government or Australian Government;
 - iii. sourcing funds from service agreements for regional resource recovery or waste management.
- e. Acquiring land to deliver the STRWA's purpose, objectives and functions provided that such acquisition is approved by a Special Resolution of Members at a Forum meeting or AGM.
- f. To acquire, hold, dispose of or otherwise deal with property.
- g. To enter into contracts for the performance or exercise of any of its functions or powers.

¹ An Act, Regulation or By-law made by State of Tasmania, Commonwealth of Australia or by a participating Council

- h. To set fees, charges, terms and conditions relating to work done, or services, goods or information supplied by it, except any fee or charge referred to in section 205(2) of the Act or any rate or charge referred to in Part 9 of the Act.
- i. To make by-laws under Part 11 of the Act as if it were a Council.

5. Members

5.1. Councils able to participate as Members of the STRWA are listed in Schedule 1.

5.2. Councils are Members when a Council:

- a. resolves to agree to these Rules and Council provides written notification of such resolution to the STRWA Chief Executive Officer (**STRWA CEO**); and
- b. pays their respective annual Financial Contribution (if any), amended by yearly notice.

5.3. Subject to any requirements of the Act and of these Rules, Member Councils may withdraw their membership by providing a notice of intent to withdraw to the STRWA CEO at least six months prior to the commencement of the new financial year, provided that:

- a. the Member provides written notice of its intention to withdraw, detailing reasons, addressed to the STRWA CEO; and
- b. such withdrawal does not take effect until the completion of the STRWA's financial year following the STRWA's financial year in which written notice of the intention to withdraw is provided; and
- c. until the period referred to in Rule 5.3(b) expires, the Member pays the Financial Contributions as determined by the STRWA in accordance with these Rules; and
- d. prior to withdrawal the Member pays to the STRWA all sums of money (if any) presently payable by that Member to the STRWA whether on account of Financial Contributions or otherwise.

5.4. A Member ceases to be a member of the STRWA at the completion of the period referred to in Rule 5.3(b).

5.5. Where the STRWA has entered into a contract with a third party on behalf of, or for the benefit of, a Member and that Member ceases to be a Member of the STRWA in accordance with Rule 5.3 (**Exiting Council**), that Exiting Council will, unless otherwise agreed by the STRWA, be required to enter into a contract individually with the third party on the same terms and conditions as the STRWA contract, for the balance of the term of the STRWA contract in order to continue the scope of services provided by the third party for the benefit of the Exiting Council.

5.6. A Member may, in writing to the STRWA CEO, withdraw a notice of intention to withdraw at any time.

6. Member Representatives

- 6.1. Member Councils are to appoint one Representative to attend meetings of the STRWA Local Government Forum (**Forum**) (Rule 6.8) and the Annual General Meetings (Rule 7).
- 6.2. Subject to clause 6.3, the Member Council Representative is the only person authorised to vote on behalf of a Member Council.
- 6.3. Member Councils are to appoint one substitute Representative who may vote if the Representative is unable.
- 6.4. Member Councils may appoint an observer to attend Forum meetings and the Annual General Meeting.
- 6.5. A Member Representative must be an elected representative of the Council² or an employee of the Council. Where the Representative ceases to be either an elected representative of the Council or an employee of the Council, they will cease to be a member of:
 - a. The Forum; or
 - b. Any of the Forum's subsidiary groups, except if approved by the Forum.
- 6.6. Representatives may be changed when:
 - a. A Representative provides notice to the Member Council's General Manager;
 - b. A Member Council terminates an appointment and appoints a new Representative; or
 - c. A Member Council's General Manager temporarily appoints a substitute Representative if the Representative is unable to act as a Representative.
- 6.7. Changes to a Member Council's Representative are effective when the STRWA CEO has been advised in writing.
- 6.8. STRWA Local Government Forum
 - a. The role of the Forum is to:
 - i. Elect a Chief Member Representative and Deputy Chief Member Representative from within Forum members.
 - ii. Elect Directors of the STRWA in accordance with Rule 8.5.
 - iii. Receive information from, and provide feedback to, the Board and STRWA CEO on performance of the STRWA against its objectives, functions and Strategic Plan.
 - b. Members of the Forum

² Includes Mayor, Deputy Mayor, Alderman, or Councillor.

- i. Each Participating Council will have one Representative and may have a Council observer as part of the Forum.
 - ii. Members of the Forum will vote on the Chief Member Representatives and Deputy Chief Member Representatives on a three yearly basis. The Chief Member Representative and the Deputy Chief Member will also be Directors of the Board.
 - iii. Member votes will carry the number of votes opposite their name in Schedule 1.
- c. The Chief Member Representative will be the Chair of the Forum.
 - d. The Forum will meet at least three times a year.
 - e. In addition to the three Forum meetings per year, the Board may provide notice to Members of a Special Forum in accordance with Rule 6.9.
 - f. The STRWA will provide secretariat to the Forum.
 - g. The Forum may, following consultation with the STRWA, develop working groups where these will help to deliver on the objectives of the STRWA or to deliver particular projects or programs.
 - h. The Local Government Association of Tasmania may have an observer at Forum meetings.

6.9. Special Forums

- a. The Board may, at its discretion, convene a Special Forum of the STRWA at any time.
- b. A Special Forum means any Forum of the STRWA that is not one of the three Forums provided for in Rule 6.8.
- c. The Board, on the requisition in writing of at least 25% of Members of the STRWA, is to convene a Special Forum of the STRWA.
- d. A requisition for a Special Forum is to state the objects of the Special Forum.
- e. Where the nature of the business proposed to be dealt with at a Special Forum requires a Special Resolution of the STRWA, the Board must, at least 14 days before the date fixed for the holding of the Special Forum, cause notice to be sent to each Member specifying the intention to propose a resolution as a Special Resolution.

7. Annual General Meeting of Members and Forum meetings

7.1. Annual General Meeting

The STRWA must hold an Annual General Meeting (**AGM**) within four months after the end of the financial year.

7.2. Purpose of AGM

The purpose of the AGM is for Members to:

- a. Receive the annual report

- b. Receive the annual financial statements
- c. Be updated on the performance of the STRWA against its objectives and Annual Plan for the financial year just ended.

7.3. Convening an AGM or Forum meeting

An AGM or Forum meeting may be convened by resolution of the Board whenever they think fit and must be convened if required to do so under these Rules or the Act.

7.4. Notice of meeting

Notice of an AGM or Forum meeting must be provided to Members, Directors and an auditor of the STRWA. It must specify the date, time and place and the general nature of the business and must be provided in writing at least 14 days before the meeting.

7.5. Cancellation or postponement of meeting

The Board may, whenever they think fit, postpone, cancel or change the venue for an AGM or Forum meeting by giving notice as follows:

- a. The notice must be provided not later than five business days before the time the AGM or Forum meeting was to be held to Members, directors, the auditor of the STRWA.
- b. A notice postponing or changing the venue for an AGM or Forum meeting must specify the date, time and place of the meeting.

7.6. Directors may attend an AGM or Forum meeting.

7.7. At least 50 per cent of the Members by number are a quorum at an AGM or Forum meeting. A quorum must be present to conduct any business, except to adjourn the meeting by an elected Chair.

7.8. Decisions at an AGM or Forum meeting

- a. Except if a Special Resolution is required under these Rules, a resolution at the AGM or a Forum meeting is taken to be carried if 50% by number of the total votes as set out in Schedule 1 is cast by the Members present at the meeting are in favour of it and that decision is for all purposes a decision of the STRWA.
- b. In the case of an equality of votes upon any proposed resolution:
 - i. the chair of the meeting does not have a second or casting vote; and
 - ii. the proposed resolution is taken as having been lost.

7.9. Electronic technology to conduct meetings

- a. Any meeting of the STRWA may be conducted by video conference or other means of communication that gives the Members a reasonable opportunity to participate.
- b. A Member who participates in a meeting as permitted under this Rule is taken to be present at the meeting.

8. Board

8.1. Board to manage STRWA

The STRWA is governed by the Board which shall have the responsibility to manage the business and other affairs of the STRWA, ensuring that the STRWA acts in accordance with these Rules. The Board is a board of management for the purposes of the Act.

8.2. Decisions of Board

A question arising at a meeting of Directors is to be decided by a majority of votes of Directors present and entitled to vote with each Director having one vote.

8.3. Meetings of the Board

- a. The Board shall meet at such times and places, which includes by electronic means, as are determined by the Board as often as is necessary to properly discharge its responsibilities and functions under these Rules, and shall meet at least ten times each year.
- b. The Chair, after giving each Director reasonable notice of a meeting, may convene a meeting at any time.
- c. A Director may participate in a meeting of the Board by telephone or any electronic means of communication. A Director who participates by such means shall be taken to have been present in person at the meeting.
- d. The number of Directors whose presence in person is necessary to constitute a quorum for a meeting of Directors is more than half of the Directors by number.
- e. A quorum must be present to conduct any business, except to adjourn the meeting by the Chair.
- f. The STRWA CEO shall attend meetings of the Board and shall provide information as required.

8.4. Composition

- a. The Board of the STRWA will comprise five Directors one of who will be appointed as Chair.
- b. Directors are appointed based on merit, through a transparent process, and in alignment with the purpose and strategy, and ability to manage the financial and strategic affairs of the STRWA.
- c. The Chief Member Representative and Deputy Chief Member Representative appointed by the Forum will be Directors of the Board (refer to Rule 6.8).

- d. Directors are appointed for terms of up to three years, and may be reappointed provided that no Director shall be appointed for more than six consecutive years.
- e. Director recruitment is to balance renewal of Board, knowledge and perspective, and corporate knowledge.

8.5. Appointment of the Board

- a. Members of the Forum appoint, or reappoint, Directors to the Board through a Special Resolution of the Forum. The Forum appoints a total of five Directors as follows:
 - i. the Chief Member Representative and Deputy Chief Member Representative in accordance with Rule 6.8.a; and
 - ii. three Directors at a Forum meeting.
- b. In making the Board appointments, Forum members and the Chair are to:
 - i. consider the skills and experience and personal attributes needed of the Chair and Directors to deliver on the Board's functions
 - ii. consider the gender, social and cultural diversity of the Board
 - iii. take into account any likely or perceived conflict of interest(s) arising from employment or association with other organisations
 - iv. consult with the Chair regarding desirable skills, experience and diversity required in Director(s) appointment
 - v. consult with the Chair to set terms of appointment that support continuity of knowledge and skills within the Board and respond to the Director's personal circumstances, in line with this Rule 8.5.

8.6. The Chair of the Board

- a. The Directors may elect one of their number as Chair and may also determine the period for which the person elected as chairman is to hold office.
- b. Directors are to consider the skills and experience and personal attributes needed of the Chair.
- c. The Chair is to be appointed for a term of between one and three years and may be reappointed provided that no Chair is appointed for more than six consecutive years.

8.7. Eligibility as Chair or Director

- a. Persons are ineligible for appointment as Chair or Director if they:

- i. are an elected representative³ of a Member Council, except the local government Representatives appointed by the Forum; or an administrator appointed by the Tasmanian Government;
 - ii. are an undischarged bankrupt;
 - iii. have entered into a personal insolvency agreement under the *Bankruptcy Act 1966* (Cth) and failed to fully comply with the terms of the agreement;
 - iv. have been banned by ASIC or a court from managing corporations under the Corporations Act;
 - v. have been convicted of dishonesty-related offences, such as fraud; or
 - vi. are suspending payment to creditors, or compounding with, or assigning, their estate for the benefit of creditors.
- b. Persons will immediately cease to be the Chair or Director if they:
- i. become ineligible by meeting one of the conditions detailed in Rule 8.7a;
 - ii. for the local government representative(s) appointed by the Forum, cease to be an elected representative, or for an Officer, are no longer be employed within the local government sector;
 - iii. die;
 - iv. become of unsound mind;
 - v. are physically or mentally incapable of acting as Director;
 - vi. fail to attend Board meetings for a continuous period of 3 meetings without first obtaining a leave of absence;
 - vii. are not permitted under the Corporations Act to be a Director;
 - viii. resign by notice in writing; or
 - ix. fail to be appointed by the Forum.

8.8. Suspension or removal of Chair or Director

- a. Members may, by Special Resolution suspend the Chair or a Director where there is reasonable suspicion that they are not fulfilling their Directors' duties (see Rule 8.10).
- b. Suspension may be for a period of up to three months while an investigation in relation to the Chair or Director is undertaken.
- c. Whether or not a period of suspension has occurred or is occurring, Members may without prior notice, by Special Resolution, immediately remove the Chair or Director where Members form the reasonable view that they are guilty of grave misconduct, or are wilfully negligent in the discharge of their duties.

8.9. Functions of the Board

Functions of the Board are to:

³ Includes Mayor, Deputy Mayor, Alderman, or Councillor.

- a. ensure the business and affairs of the STRWA and other functions and powers are conducted in a manner that is commercially sound, is consistent with the STRWA's strategic and business plans and objectives, and in accordance with its approvals, permits, licences and statute.
- b. approve the annual Budget and annual Financial Contributions.
- c. declare dividends in accordance with Rule 14.8.
- d. provide advice, information and assistance to the STRWA on its functions and powers as needed.
- e. consult with Members on the strategic direction of the STRWA.
- f. have regard to the economic and social wellbeing of its customers, employees and the community generally.
- g. follow environmentally sound principles in its development and resource management activities.
- h. prepare the Strategic Plan for the STRWA.
- i. manage annual reporting.
- j. appoint the STRWA CEO.
- k. ensure appropriate risk management and policy frameworks are in place.
- l. ensure a safe and healthy workplace through the implementation and monitoring of appropriate systems, in line with legislative requirements.
- m. brief Members on the performance of the Board's functions from time to time.

8.10. Directors' duties

Directors' duties are to:

- a. act honestly, lawfully and ethically.
- b. exercise a degree of care and diligence that a reasonable person in a like position would exercise in the circumstances.
- c. not make improper use of information acquired through the position on the Board to gain, directly or indirectly, an advantage for themselves or another person, or to cause direct or indirect damage to the STRWA or any other person, or similarly a disadvantage.
- d. avoid and declare conflicts of interest.
- e. prevent insolvent trading.
- f. disclose to the STRWA CEO any direct or indirect pecuniary or other interest in a matter being considered by the STRWA.

8.11. Directors' remuneration and expenses

- a. The Chair and Directors are to be remunerated in accordance with the Tasmanian Government Board Fee Policy⁴ and escalated in line with increases to the Tasmanian State Service Award.
- b. The relevant category under Rule 8.11.a is Regional/state-wide (narrow focus), the competitive situation Category C Full Monopoly/Non-competitive; and turnover is the total value of the contracts let in the applicable financial year.
- c. Directors' remuneration may be increased by up to 20 per cent to attract particular skills with the approval of the Chair.
- d. The Chair's remuneration may be increased through a Special Resolution at the Forum.
- e. Directors will be reimbursed for all reasonable travel, accommodation and other expenses they incur while engaged on the business of the STRWA.

9. Chief Executive Officer and employees

- 9.1. The Board may appoint a STRWA CEO to be responsible for the operation and administration of the STRWA.
- 9.2. The CEO may be removed by the Board at any time.
- 9.3. The Board may delegate to the STRWA CEO, any of the STRWA's powers, discretions and duties as they think fit, and may resolve to delegate any powers, discretions and duties vested in, or exercisable by the directors to the STRWA CEO in writing.
- 9.4. The Board may withdraw, suspend or vary any of the powers, discretions and duties to the STRWA CEO at any time.
- 9.5. The Board may authorise the STRWA CEO to delegate all or any of the powers, discretions and duties conferred on the STRWA CEO.
- 9.6. The Board may require the STRWA CEO to attend meetings of the Board, or leave any part of a Board meeting.
- 9.7. The STRWA CEO may appoint, or remove, staff as necessary to fulfil the objectives, functions and strategic aims of the STRWA.
- 9.8. The STRWA CEO is to keep a register of interests of the Board of the STRWA in accordance with section 53B of the Act.

10. Strategic Plan

- 10.1. The STRWA is to prepare a strategic plan that sets out the strategic priorities of the STRWA (**Strategic Plan**).
- 10.2. Each Strategic Plan is to be for at least a three to five year period.
- 10.3. In preparing a proposed Strategic Plan, the STRWA will consult with each Member and any other organisations that it considers appropriate.

⁴ Available at:
http://www.dpac.tas.gov.au/divisions/People_Performance_and_Governance/Executive_Services/tasmanian_government_boards

- 10.4. The STRWA CEO is to make a copy of a proposed Strategic Plan available for public inspection at the STRWA's office during ordinary office hours and online on the STRWA's website.

11. Annual Plan

- 11.1. The STRWA is to prepare an annual plan for each financial year (**Annual Plan**).
- 11.2. Each Annual Plan is to:
- a. Be consistent with the Strategic Plan;
 - b. Include a statement of the manner in which the STRWA is to meet the goals and objectives of the Strategic Plan; and
 - c. Include a summary of the major strategies to be used in relation to the STRWA's objectives and goals outlined in Rule 3.2.

12. Annual reporting

- 12.1. The STRWA will provide an annual report no later than 30 October each year to Members and publish the report on its website following its adoption at the Annual General Meeting.
- 12.2. The annual report is to include at a minimum:
- a. A summary of the STRWA's activities for the preceding year and performance against the authority's overall goals and objectives, as set in any Strategic Plan.
 - b. Performance of contracts let for resource recovery, waste management or other activities.
 - c. Financial statements for the preceding year and accompanying audit opinion.
 - d. Any other information it considers appropriate or necessary to inform the Member Councils of its performance and progress during the financial year.

13. Quarterly reporting

- 11.1 The STRWA must provide a report to Members as soon as practicable after the end of March, June, September and December in each year.
- 11.2 The quarterly report must include:
- a. A statement of the STRWA's general performance; and
 - b. A statement of the STRWA's financial performance.

14. Finance, accounts and audit

- 14.1. Financing of the STRWA
- a. The STRWA's expenses are to be met or defrayed from:

- i. Financial Contributions and other Member contributions
 - ii. Fees charged for services or facilities provided by the STRWA, including to Members
 - iii. Other revenue received by the STRWA
 - iv. Loans taken by the STRWA from a financial institution with the authorisation of the Board
 - v. Loans taken by the STRWA from one or more Member Councils with the prior written consent of all Member Councils.
- 14.2. Member contributions
- a. The budget of the STRWA for each financial year (**Budget**), which includes the Yearly Member Contribution Budget (if any, depending on the external sources of revenue available to the STRWA), will be determined by the Board not less than 60 days prior to the end of the previous financial year. The Yearly Member Contribution Budget will not exceed the Yearly Member Contribution Cap unless the proposed Yearly Member Contribution Budget is first approved by a Special Resolution of the Board.
 - b. If Annual Member Financial Contributions are required, they will be required in proportion to the contribution percentage for each Member Council as set out in Schedule 1. The Board will give written notice to each Member of the Member's required Financial Contribution for each financial year.
 - c. Each Member must pay its Financial Contribution within 30 days of receiving the written notice under rule 14.2**Error! Reference source not found..**
- 14.3. The STRWA may only invest money in a manner in which a trustee is authorised by law to invest trust funds.
- 14.4. Borrowing
- a. The Board, for the purpose of raising a loan or obtaining any form of financial accommodation may decide by an absolute majority to provide any of the following forms of security:
 - i. debentures
 - ii. mortgages , security interests or other charges
 - iii. guarantees
 - iv. any other document evidencing indebtedness other than bearer instruments.
 - b. The STRWA may not raise a loan in any financial year exceeding any amount the Treasurer determines for that financial year.

14.5. The STRWA is to keep accounting records that correctly record and explain its transaction and financial position and keep those records in line with standards detailed by the Australian Accounting Standards Board and Australian law.

14.6. Financial statements

- a. Within the time prescribed by the Tasmanian Audit Office, the Board is to prepare the financial statements of the STRWA relating to that financial year including statements of:
 - i. financial performance for the financial year
 - ii. financial position as at the end of the financial year
 - iii. cash flows for the financial year
 - iv. reports and notes attached to, or intended to be read with, the financial statements.

14.7. Audit

- a. The accounts and financial reports of the STRWA are subject to the *Audit Act 2008* (Tas).
- b. The Board shall keep accounting records that correctly record and explain its transactions and financial position.
- c. The accounts and financial reports of the STRWA may be audited by private auditors with the approval of, and subject to any terms and conditions determined by the Auditor-General.
- d. The Member Representatives are to appoint and review the appointment of the auditor.
- e. The auditor is to report to the Board.

14.8. Dividends

- a. The Board may declare a dividend in respect of the results of the financial transactions of the STRWA during each financial year, that is to be distributed to the Members. The dividend is to be paid by the end of the following financial year.
- b. The dividend may be paid only out of profits and after payment of fees and taxes and must be distributed in proportion to the percentage contribution of each Member as set out in Schedule 1.
- c. The Board may:

- i. before paying any dividend, set aside out of the profits of the STRWA such sums as they think proper as a reserve, to be applied, at the discretion of the Directors, for any purpose for which the profits of the STRWA may be properly applied; and
- ii. carry forward so much of the profits remaining as they consider ought not to be distributed as dividends without transferring those profits to a reserve.

Pending application, any sum set aside as a reserve may, at the discretion of the Directors, be used in the business of the STRWA or be invested as the Directors think fit.

- d. The Directors may deduct from any dividend payable to a Member all sums of money (if any) presently payable by that Member to STRWA whether on account of Financial Contributions or otherwise.

15. Winding Up

- 15.1. The STRWA may only be wound up in accordance with section 37 of the Act.
- 15.2. Winding up will be triggered when Member Councils resolve by majority of Member Councils that the STRWA will be wound up.
- 15.3. Winding up is to be notified in the Gazette by one of the STRWA's Members.

15.4. Distribution of surplus - subject to these Rules

If the STRWA is wound up and the property of the STRWA is more than sufficient to pay all of its debts and liabilities; and the costs, charges and expenses of the winding up, then the excess must be divided among the Members in accordance with the equity proportions of each member set out in Schedule 1 of these Rules, irrespective of the amounts paid or credited as paid on the shares; and for the purpose of calculating the excess referred in previous point, any amount unpaid on an annual Financial Contribution is to be treated as property of the STRWA.

15.5. Division of property

If the STRWA is wound up, the liquidator may divide among the Members the whole or any part of the property of the STRWA in accordance with the proportions as set out in Schedule 1 of these Rules.

- 15.6. In the case of insolvency, Member Councils are responsible for the net liabilities of the STRWA in proportion to the contributions as listed in Schedule 1. This also includes former Member Councils that have withdrawn within the last two years of the decision to wind up.

16. Indemnity and insurance

16.1. Applicable persons for rules 16.2 and 16.4

- a. Each person who is, or has been, a Director or STRWA CEO of the STRWA.
- b. Other Officers or former Officers of the STRWA that the Directors determine on a case-by-case basis.
- c. Any auditor or former auditor of the STRWA determined by the Directors.

16.2. Indemnity

The STRWA must indemnify to the extent permitted by law each person to whom this Rule applies for all losses or liabilities incurred by the person as an Officer, or an auditor of the STRWA if the Directors so determine, including, but not limited to, a liability for negligence and for legal costs on a full indemnity basis.

16.3. Extent of indemnity

The indemnity in Rule 16.2:

- a. is a continuing obligation and is enforceable by a person whom Rule 16.2 applies even though that person may have ceased to be an Officer or auditor of the STRWA;
- b. applies to losses and liabilities incurred both before and after the date of adoption of that rule; and
- c. operates only to the extent that the loss or liability is not covered by insurance.

16.4. Insurance

The STRWA may, to the extent permitted by law:

- a. purchase and maintain insurance; or
- b. pay or agree to pay a premium for insurance

for any person to whom this Rule applies against any liability incurred by the person as an Officer or auditor of the STRWA including, but not limited to, a liability for negligence and for legal costs.

17. Dispute resolution

17.1. This Rule applies to dispute between:

- a. Any or all of the Member Councils; or
- b. Any or all of the Member Councils and the Representatives or the Board; or
- c. The Representatives and the Board; or
- d. Any withdrawn Member Council and the STRWA, the Board or the Representatives.

17.2. This Rule does not apply where a dispute has arisen from a Member Council in its capacity as a customer of the STRWA.

- 17.3. The dispute resolution process is:
- a. Negotiation in good faith;
 - b. If negotiation do not resolve the dispute, then mediation;
 - c. If mediation does not resolve the dispute then arbitration, if rule 17.8 applies.

17.4. Other parties may require that they join a dispute resolution process as a party.

17.5. If a dispute arises, the disputed party must give written notice to the other, and to the STRWA.

17.6. If after 30 days of the dispute notice, any party that considers that the dispute, or part of, is unlikely to be resolved through negotiation may give written notice to the other and the STRWA that mediation is required.

17.7. Mediation rules

- a. If within 14 days of receiving the notice of mediation the parties do not agree on:
 - i. the selection and compensation of an appropriate mediator; or
 - ii. another dispute resolution technique and procedures; or
 - iii. an actual resolution of the dispute;

then the dispute must be mediated in accordance with the mediation rules of the Law Society of Tasmania. The mediator is to be selected by the President of the Local Government Association of Tasmania who may determine the mediator's remuneration.

17.8. Arbitration

- a. If the mediator appointed under 17.7 certifies that the mediation has been unable, and is unlikely, to resolve the dispute, or any part of it, then the dispute, or that part that is unresolved is to be referred to arbitration under the *Commercial Arbitration Act 2011* (Tas). If the parties cannot agree on an arbitrator, the arbitrator is to be selected by the President of the Local Government Association of Tasmania.
- b. Rule 17.8(a) only applies if the unresolved dispute is one where the party had a right enforceable in a Court of law and that party wishes to enforce that right.

18. Adverse developments

18.1. The Board shall notify Members as soon as practicable after becoming aware of any development which, in the opinion of the STRWA may:

- a. significantly affect the financial viability or operating ability of the STRWA; or
- b. significantly affect the STRWA in an adverse manner.

19. Disclosure of interests

- 19.1. A Member, Representative or Director shall disclose to the STRWA CEO a direct or indirect pecuniary or other interest in a matter being considered or about to be considered by the STRWA.
- 19.2. At any meeting of the STRWA or the Board, a Representative or Director shall not participate in any discussion or vote on any matter in respect of which the Representative or Director has an interest or is aware or ought to be aware that a Close Associate has an interest.
- 19.3. A Member, Representative or Director shall declare any interest in a matter before any discussion on that matter commences.
- 19.4. On declaring an interest, a Representative or Director is to leave the room in which the meeting is being held.
- 19.5. A Member, Representative or Director shall advise the STRWA CEO in writing of the details of any interest declared in accordance with these Rules within 7 days.
- 19.6. The STRWA CEO must ensure that an employee of the STRWA notifies them in writing of any interest (pecuniary or otherwise) of the employee in any matter in respect of which they:
 - a. provide advice to the STRWA or to the Board;
 - b. make a decision or determination; or
 - c. make a recommendation to the STRWA or to the Board.
- 19.7. The STRWA CEO must advise the Board of the existence of any interest notified under Rule 19.6.
- 19.8. The STRWA CEO shall:
 - a. ensure that the declaration of interest of any Representative or Director is recorded in the minutes of the meeting at which it is made; and
 - b. keep a register of interests of Members, Representatives, Directors and employees of the STRWA in accordance with sections 48A, 53B and 55A of the Act.

20. Seal and Execution of Sealed Documents

- 20.1. The STRWA is a body corporate with a common seal.
- 20.2. The seal of the STRWA is to be in the form of a rubber stamp, inscribed with the name of the Southern Tasmanian Regional Waste Authority and the words "common seal".
- 20.3. The seal may be affixed to documents requiring execution under seal and where affixed must be witnessed by two Board Directors.
- 20.4. The seal must not be affixed to a document except to give effect to a resolution of the Board.

- 20.5. The Board may, by instrument under seal, authorise a person to execute documents on behalf of the STRWA.

21. Amendment of Rules

- 21.1. These Rules may be amended by a resolution of a majority of Member Councils.
- 21.2. Amendment of these Rules must comply with sections 31 and 32 of the Act in respect to publishing a notice and approval.
- 21.3. These Rules must be reviewed at least every five years and updated to reflect contemporary best practice and the requirements of Members.

DRAFT

Schedule 1

Council	Population (2019-20 estimate)	% Population	Contribution % of relevant part of budget	Votes
Brighton (M)	18,123	6%	% population x budget	2
Central Highlands (M)	2,166	1%	"	1
Clarence (C)	58,729	21%	"	3
Derwent Valley (M)	10,518	4%	"	1
Glamorgan-Spring Bay (M)	4,750	2%	"	1
Glenorchy (C)	47,963	17%	"	3
Hobart (C)	55,250	20%	"	3
Huon Valley (M)	17,966	6%	"	2
Kingborough (M)	38,628	14%	"	3
Sorell (M)	16,030	6%	"	2
Southern Midlands (M)	6,400	2%	"	1
Tasman (M)	2,479	1%	"	1
TOTAL Southern Region	279,002	100%	\$yearly member contribution budget	23

1. PURPOSE

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

2. OBJECTIVE

The objectives of this Policy are to:

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

3. SCOPE

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

4. DEFINITION OF TERMS

In this policy:

Council - means the Southern Midlands Council.

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

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

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

5. POLICY

5.1 General

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

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

5.2 Mobile Food Vendor Permit Applications

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

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

Mobile Food Vendor Applications must include the following information:

- a) Specify the intended trading locations, frequency and times;
- b) Current mobile food business registration under the *Food Act 2003*;
- c) If the business is to operate from a vehicle, the current registration under the *Vehicle and Traffic Act 1999*;
- d) Current ABN or ACN; and
- e) Public liability insurance policy with cover of not less than \$20 million.

5.3 Trading Locations

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

- **Bagdad** - Bagdad Community Club car park
- **Broadmarsh** – Broadmarsh Hall
- **Campania** – Campania Recreation Ground or car park at the corner of Climie Street and Reeve Street
- **Colebrook** – Colebrook Hall or Colebrook History Room/Park

- **Kempton** – Kempton Recreation Ground or Station Park
- **Mangalore** – Mangalore Oval or Council reserve at the corner of Blackbrush Road/Midland Highway
- **Oatlands** – Callington Park or Esplanade car park
- **Parattah** – Recreation Ground
- **Tunnack** – Tunnack Recreation Ground
- **Tunbridge** – Tunbridge Hall

Approved locations are identified by maps in Appendix 1 below.

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

5.4 Prohibited Locations

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

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

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

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

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

5.5 Trading Restrictions

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

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

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

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

5.6 Fees

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

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

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

5.7 Conditions of Operation

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

- a) Mobile Food Vendor Permits are issued for one vehicle only and are not able to be shared or transferred.
- b) Mobile Food Vendor Permits will be issued subject to conditions.
- c) Mobile food vendors must display their valid Mobile Food Vendor Permit when operating.
- d) Mobile food vendors must ensure they are legally parked at all times.
- e) Mobile food vendors must not obstruct or restrict the use of roads, driveways, footpaths, walkways or parking areas by other users in any way.
- f) Mobile food vendors are expected to provide their own power, water and rubbish disposal.
- g) Mobile food vendors are responsible for ensuring that rubbish is removed from the site and surrounds at the conclusion of trading and ensuring that no waste water or other contaminants discharge from the vehicle.
- h) Council strongly encourages Mobile Food Vendors to provide containers and utensils that are made from compostable and recyclable materials.
- i) Mobile food vendors must trade wholly from within their vehicle.
- j) Mobile food vendors must not leave vehicles unattended in an approved trading location.
- k) Noise from generators and other sources is kept to a minimum.
- l) Mobile food vendors must follow any and all instructions issued by a duly authorised officer of the Council.
- m) Council reserves the right to suspend or cancel a Mobile Food Vendor Permit at any time if the trading restrictions or conditions of operation are not followed or trade contravenes any regulatory requirement or condition of the Permit.
- n) Mobile food vendors operating without a Mobile Food Vendor Permit in accordance with this Policy, or other permission from Council, may be subject to enforcement action including fines under the *Land Use Planning and Approvals Act 1993*.



Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

6. LEGISLATION

The relevant legislation is:

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

7. DOCUMENT ADMINISTRATION

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

This document is Version 1.0 effective 24th June 2020. The document is maintained by Development and Environmental Services, for the Southern Midlands Council.

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

APPENDIX 1 – APPROVED LOCATION MAPS

Approved locations are marked in yellow on the maps below:

BAGDAD



Area 1: Bagdad Community Club - Car park; 1661 Midland Highway, Bagdad

BROADMARSH



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

CAMPANIA



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



Area 4: Car park; Corner of Climie Street and Reeve Street, Campania

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

COLEBROOK



Area 5: Colebrook Hall; 45 Richmond Street, Colebrook



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

KEMPTON



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



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

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

MANGALORE



Area 9: Mangalore Oval; 22 Blackbrush Road, Mangalore



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

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

OATLANDS



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



Area 12: Esplanade Car parks; 19 Esplanade, Oatlands

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

PARATTAH



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

TUNNACK



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

Approved by: Council
Approved date: 24th June 2020
Review date: June 2021

TUNBRIDGE



Area 15: Tunbridge Hall; 99 Main Road, Tunbridge



Attachment 1
AGENDA ITEM 16.2.1

Please address all correspondence to:
The Secretary
Woodsdale Football Club
Miss Alyson Scott
173 Campbells Road
WOODSDALE TAS 7120

To The Southern Midlands Council

C% Wendy Young

On behalf of the Woodsdale Football Club, I would like to thank you, General Manager Tim Kirkwood and Mayor Alex Green for meeting with the Woodsdale Football club committee members to discuss the audit and the ongoing maintenance to the facilities at the Woodsdale Recreation Ground.

After discussing with the members of the committee we would like to accept the Southern Midlands Councils offer to approach the Campania Football Club for the use of the Campania Recreation Ground as a home base for the club throughout the 2022 football season.

If this is agreed upon by both Council and Campania Football Club could we please have clarification that the gate, canteen, and bar takings for the weekends of which the Woodsdale Football Club use the recreation ground as a home base be of a revenue to the Woodsdale Football Club.

Regards

Alyson Scott

Secretary Woodsdale Football Club

----EXTRACT FROM COUNCIL MEETING 24 NOVEMBER 2021----

16.2.1 Woodsdale Recreation Ground

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 19 NOVEMBER 2021

Attachment:

AFL Tas Audit template (if available)

ISSUE

Council to consider its position following an approach by representatives of the Woodsdale Football Club seeking an upgrade of facilities at the Woodsdale Recreation Ground to enable its participation in the Oatlands District Football Association competition in 2022.

BACKGROUND

The Woodsdale Football Club has had a proud history in the Oatlands District Football Association winning 21 premierships. The Club went into recess in 2015.

A meeting, convened by interested persons, was held in October 2021 to determine the level of interest regarding the Woodsdale Football Club fielding a team in the ODFA in 2022. There was good interest and attendance at the meeting. A new Committee has been established. Since the demise of the club many people feel as though they have lost their community connection.

One of the main issues discussed was the sustainability of the club's playing group and off field support. To minimise the risk a coach has been appointed for a 3 year period and at this stage, 30 players have expressed an interest.

DETAIL

Since the Football Club went into recess in 2015, the Woodsdale Recreation Ground and facilities have only been utilised for an occasional birthday party and the annual Oatlands Golf Club cracker night.

In the absence of the Football Club, the Woodsdale Hall Management Committee has taken responsibility for local management of the facility. Limited maintenance has been carried out by Council, responding to basic maintenance issues and mowing the ground once a year.

The Woodsdale Football Club are seeking support from Council to assist with the following:-

- Rolling the playing surface and mowing of grass (with ongoing mowing)
- Bird proofing the change rooms and clubrooms
- Upgrading ground lighting to LED lights and
- Erecting 2 extra lights.

From a Council risk management perspective, it is anticipated that additional works will need to be undertaken to ensure the safety of players, supporters and officials. These include:

- Further improvements to the playing surface (e.g. addressing any defects following rolling etc.);
- Gravelling the road into the ground and the carpark;
- Urgent / safety repairs to change room floor (e.g. – large crack in concrete)
- Modifications to perimeter fencing on left hand side of ground – farm fence.
 - The farm fence contain two strands of barbed wire, with the distance of the “run off” less than 2 metres. For insurance purposes the preferred minimum distance for existing facilities is 3 metres “run off” for local level.
 - A legal precedent has been set in a court decision *Beaurmaris Football Club v Hart & Ors and Bayside City Council v Hart & Ors* {2017} VSACA 226 (30 August 2017). In 2009 a player suffered a knee injury playing U17 football when he flew for a mark in the forward pocket of the ground and landed with his left foot on the boundary fence. He was awarded damages of \$589,525 together with interest. It was found that the Club, Association and Council had been negligent and breached their duty of care to ensure that the boundary line complied with the minimum distance specified under the AFL preferred facilities guidelines (namely, 3 metres). The Club and Association were held liable for 60% of the damages payable and the remaining 40% to the Council.

Comment: In order to address the fencing situation, the boundary on the northern side of the Recreation Ground would have to be extremely limited to ensure that the boundary line-marking is a minimum of three metres from the boundary fence. In addition, the style of the fence would need to be changed to remove the barbed wire (2 strands – noting the likelihood of cattle in the adjoining paddock).

In addition to the above, from a health and environmental health perspective, it is apparent that there would also need to be:

- a) a substantial upgrade to the shower facilities (not dissimilar to Council’s other Recreation Grounds which are currently being used);
- b) an assessment of the wastewater system to confirm operational capacity (recognising period between use); and
- c) kiosk / kitchen improvements.

The Woodsdale Football Club Committee has made an in kind contribution to undertake cleaning of the facilities.

Whilst Council may consider a minimal approach to addressing the issues identified, there are also external factors that must be considered:

External Considerations:

AFL Tasmania will be undertaking an audit of the facilities and will report against compliance with Australian Standards and AFL Preferred Facilities Guidelines. The audit data is used to provide a rating of each facility, identifying gaps in provisions and standards (condition, size and general provisions). Once the results are available, they will be circulated. This audit may highlight additional work required.

A license needs to be granted by the Oatlands District Football Association. At this stage they are waiting on AFL Tas and Council to provide information on the ground. A further meeting will be held to discuss the issue of the license and/or conditions upon which the license will be issued.

JLT Marsh Insurance - JLT provide a blanket insurance for each of the ODFA member Clubs. JLT may conduct its own assessment to enable use of the ground for football. It is unknown at this stage what the outcome of that process may be.

Key considerations for Council:

1. Whether to further invest in the Woodsdale Recreation Ground to an extent that would enable football to be played safely at the Ground (noting that no budget has been allocated for this purpose);
2. Should Council request the Woodsdale Football Club play its home games at an alternative venue in 2022. This would provide additional time to confirm the likely sustainability of the Club and allow for the preparation of a 'development plan' (with associated costings) for the facility?
3. Council request the Woodsdale Football Club consider entering into a longer-term "facility" sharing agreement with another ODFA Club (e.g. Oatlands/Campania/Mt Pleasant) to allow for playing its home games and access to kiosk/bar facilities? Alternatively, the Kempton Recreation Ground could be used.

Depending on Council's position regarding the above, it would be remiss not to mention the final option, this being sale of the property. From an overall asset management and risk perspective, this is a real option that warrants thought, given the overall condition of the property. If this option was progressed, the intent would be to reinvest the proceeds into other local community infrastructure.

From a strategic point of view, the following extracts from Council's 'Southern Midlands Recreation Plan' prepared by Inspiring Place in April 2006 are worthy of noting:

Under the heading of Changing Situation:

'As the makeup of the community has changed, so has the needs and use of these facilities. For instance some sports grounds have limited use due to the decline of the population numbers and changed recreational interest in the community (e.g. loss of football and cricket teams).

It is evident that there are patterns of change in the demographics and recreation participation that will continue to impact on the use and provision of facilities and infrastructure programs and services in the municipality. These demographic and participation trends will require Council to monitor and review its future role in

recreation planning and provision. Council will also need to consider possible ways of sustaining recreation participation within the community, whilst dealing with changing demands for recreational facilities, programs and services – whilst some areas like Bagdad continue to grow and expect facilities, other areas in decline and existing facilities receive limited use.

Under the heading of Existing Facilities

A list of Council's recreational assets is provided in Appendix A (not attached) and indicates the existing commitment to managing a disperse range of facilities throughout the whole of the municipality. As a consequence, Council resources are likely to be spread across many different venues with limited scope to undertake major works other than on a shared program, with outside grants or partnership / joint venture arrangements with user groups.

Under the heading of Operating Budget and Grants

Ultimately, the cost of maintaining facilities which can never be viable will seriously threaten the survival of some user clubs (especially in the face of increased operation and maintenance costs) and may lead to further pressure on the Council for assistance. There are several examples of halls and sportsgrounds within the Southern Midlands that receive limited use, but require ongoing maintenance.

Under the heading of Planning and Design

..... there will ultimately be a need to review the long-term viability of some of these facilities and in some instances, take action to identify ways by which provision can be rationalised. Viability should not be defined purely in terms of financial issues, as in some rural communities, the local hall may be the only remaining evidence of past achievements and may play an important role in retaining a social identity. In these circumstances, community support and recognition should wherever possible, come ahead of purely economic issues.

Under the heading of Summary

As the make-up of the community has changed, so has the needs and use of these facilities. For instance some sports grounds have limited use due to the decline of the population numbers and changed recreational interests in the community (e.g. Loss of football and cricket teams). Clubs with a growing population base have been able to upgrade facilities and services to better cater for their sports, whilst others have lost players and seen use of their facilities decline. It is evident that there are patterns of change.....and therefore the use and provision of facilities and infrastructure programs and services in the municipality. These demographic and participation trends will require Council to monitor and review its future role in recreation planning and provision. It will be essential for the Council and other professional agencies, which provide or support recreation provision (e.g. schools, State government, State and regional associations) to take a strong leadership role in directing, facilitating or pursuing the required change.

Under the heading of Sportsgrounds

Most of the sports grounds have limited support facilities – such as change rooms, public toilets, seating, paths, fencing, car parking – and many facilities that did exist were seen to be adequate by the local community and other user groups but in some cases, not necessarily up to the standard for the regional district competition for which the facility was being used for. The tough financial constraints facing the Council and community will bring into question the feasibility for maintaining all of the existing sportsgrounds in future years, and inevitably some further rationalisation of facilities is likely to occur.

The principal sportsgrounds are considered to be the Oatlands Recreation Ground, Bagdad Community Club and the Campania Recreation Ground. It is appropriate for these facilities to be upgraded to meet the expectations of the district and regional based competitions – this might be improved surfaces, night lights for training or extensions to existing facilities to better cater for users and spectators. All these facilities should eventually be subject to Master Plans, which seek to progressively upgrade the facilities to satisfy the needs and requirements of involvement in regional/district competition, particularly for football and cricket as the major users, but with scope for other activities in the future. However if there are some facilities, which no longer service community need, Council should then consider alternative use options.

The main direction for managing sportsgrounds is for the Council to:

continue supporting and maintaining the principal sportsgrounds for the municipality, those being the Oatlands Recreation Ground, Bagdad Community Club and the Campania Recreation Ground....'

End Extracts

Human Resources & Financial Implications – A full costing has not been undertaken at this stage, with the extent of works being influenced by the outcome of the AFL Tas audit process. It is not practical at this stage to prepare itemised costings until a full list of potential defects is known.

No Budget has been allocated for this facility. Any financial commitment would require funds to be redirected from another budget item.

Community Consultation & Public Relations Implications – To be considered.

Policy Implications – N/A

Priority - Implementation Time Frame – To be discussed.

RECOMMENDATION

Submitted for discussion and direction, noting that a final decision may need to be deferred pending advice and information from both AFL Tas and JLT Marsh Insurance.

DECISION

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

THAT:

- In the first instance, Council request a formal communication from the Woodsdale Football Club detailing its overall plan (and requirements);
- Council await the outcome of the AFL Tas Audit prior to making any further decision;
- Council await the outcome of an assessment to be undertaken by JLT Marsh Insurance prior to making any further decision; and finally
- Council officers prepare approximate cost estimates to undertake the anticipated works and address any reported defects.

CARRIED

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

---END EXTRACT---

WORKSHOP ITEM - WOODSDALE RECREATION GROUND

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 13 DECEMBER 2021

Attachment:

Woodsdale Football Club Inc. – Letter dated 28 November 2021

Woodsdale Football Club Inc. – Letter dated 8 December 2021

Report – Submitted to Council Meeting held 24 November 2021

ISSUE

To provide a follow-up report in relation to the Woodsdale Recreation Ground.

This matter has been referred to the workshop being 13th December 2021 as the Woodsdale Football Club is seeking feedback prior to the Christmas period.

Due to the limited timeframe since receipt of the responses from the external parties, a full costing has not been undertaken at this stage.

BACKGROUND

Council has been approached by the Woodsdale Football Club to upgrade facilities at the Woodsdale Recreation Ground, so that they can enter a side in the ODFA Competition in 2022 season. Council has no budget allocation for this financial year.

Woodsdale Football Club has had a proud history in the Oatlands District Football Association winning premierships 21 flags. The Club went into recess in 2015.

In October a meeting was held regarding the Woodsdale Football Club fielding a team in the ODFA in 2022. There was good interest and attendance at the meeting. A new Committee has been established. Since the demise of the club many people feel as though they have lost their community connection.

One of the main issues discussed was the sustainability of the club's playing group and off field support. To minimise the risk a coach has been appointed for a 3 year period and at this stage, 30 players have expressed an interest.

DETAIL

Reference is made to the initial report submitted to the November 2021 meeting. The following decision was taken at that meeting:

THAT:

- ***In the first instance, Council request a formal communication from the Woodsdale Football Club detailing its overall plan (and requirements);***

- **Council await the outcome of the AFL Tas Audit prior to making any further decision;**
- **Council await the outcome of an assessment to be undertaken by JLT Marsh Insurance prior to making any further decision; and finally**
- **Council officers prepare approximate cost estimates to undertake the anticipated works and address any reported defects.**

Council is now in receipt of advice from JLT and AFL Tas.

AFL Tasmania has provided the following information:-

Issue	Status / next step / required action
ALL rooms – kitchen, canteen, change rooms, toilet block, timekeeper box etc.	Council to check condition from a Health and Safety perspective (are the buildings in good enough condition or are they unsafe?) One key element – water damage to ceiling in kitchen / kiosk
Groundwater levels and other	Council to inspect these conditions (AFL unable to assess)
Playing surface	Ground to be mowed for full ground condition assessment
Barbed-wire fence	Club has spoken with landowner and confirmed that this can be taken down
Change rooms – players, umpires	Tidy / clean-up required
Toilet block	Tidy / clean-up required
Timekeeper room	Steps up to timekeeper box to be fixed/replaced (currently splintered)
Car parking / oval fencing	No specific standards from a national AFL facility guidelines perspective

JLT response to photos and AFL Tas advice:

AFL have somewhat “understated” the work needed on the buildings, and I’d be very surprised if they could be brought up to a reasonable standard in a short time period. If they were to use this ground next season, I’d be more inclined to look into bringing in some temporary buildings (i.e. portables) to be used while the existing ones are completely demolished and replaced (or at least significant refurbished), noting obviously there would be a need for funding for this to occur. It just seems like there is so much that needs to be rectified with the existing buildings that it would be very difficult/costly to repair them, and I’d imagine that achieving compliance with Disabled Access requirements would be very difficult, perhaps even impossible in some aspects.

In terms of the ground, I’d say you would be able to achieve compliance with boundary run-off requirements by accepting a less than ideal ground width – from a liability perspective, it is the run-off that is key. As long as the boundary line is marked correctly

(i.e. minimum distance from any fence/other object), it should be fine to just remove any fencing or bollards that are seen as a hazard (i.e. the barbed wire and/or broken post and rail oval fencing).

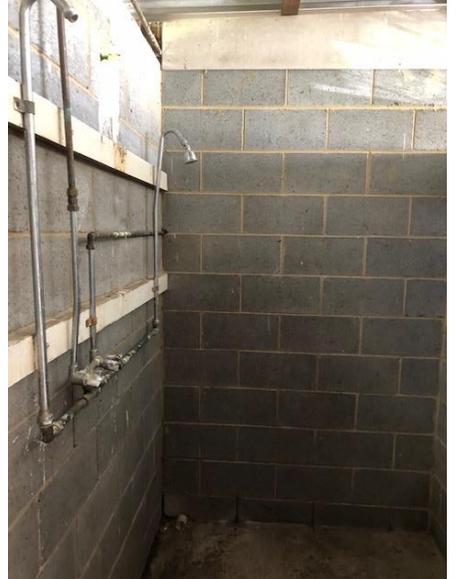
Car parking wise – it isn't such a big concern having them parked around the perimeter (fairly typical at regional grounds), however we would suggest they prevent them parking behind the goals (which would also prevent any likelihood of a vehicle entering the playground, and keep the area in front of the buildings clear for spectators, etc). And while it would certainly be inconvenient having a car rolling down onto the ground, I don't see it presenting a significant liability risk.

For me it is the buildings that are the biggest challenge, with mould, non-compliance with DDA regs, significant upgrades needed for food permit requirements, cracking in the floor, missing steps, and a huge amount of cleaning to be done. Hence why I suggested portables may be a more simple solution in the short term (although still coming with some cost), particularly if the club may only play a few home games.

Council's Building Inspector/Plumbing Permit Authority has advised the following:-

	<p>The shelter at the gate needs to be up righted and fixed. Requires slab to AS2870 and fixing/ bracing to be in accordance with AS1684</p>
	<p>The site at present does not comply with the DDA (Disability Discrimination Act) there is no specified parking area, no ramps to change rooms and facilities, gravel paths wheel chair compliant between structures.</p>

	<p>The site at present does not comply with the DDA (Disability Discrimination Act) there is no specified parking area, no ramps to change rooms and facilities, gravel paths wheel chair compliant between structures</p>
	<p>The dimensions of the change room is 4.8 m x 7 m with 1.9 x 1.45 m shower. Total player change room is 30.85 m²</p> <p>AFL Preferred Facility Guidelines for Local level preferred provision is 45m²-55m²</p> <p>The crack in the floor of the change rooms is a trip hazard and will require attention. The showers and wastes are non-compliant. The hot and cold water plumbing is non-compliant, there are no temperature control valves on the HW Systems-(players could be scolded)</p>
	<p>The shower in home team change room measures 1.45 m x 1.9 m total shower area is 2.75 m² with 2 showers</p> <p>AFL Preferred Facility Guidelines for Local level preferred provision is 25m² with 3 showers per amenity</p> <p>Shower bases and waste non-compliant</p>

	<p>There is a crack is through the base of the shower.</p> <p>Cracked shower waste through wall non-compliant</p>
	<p>The shower in home team change room measures 1.45 m x 1.9 m total shower area is 2.75 m² with 2 showers</p> <p>AFL Preferred Facility Guidelines for Local level preferred provision is 25m² with 3 showers per amenity</p> <p>Plumbing non-compliant- compression fittings are not allowed, these fittings have the ability to come apart causing injury to people in the shower if it was the untempered hot water.</p>
	<p>Room off home change room contains the pump and 2 hot water cylinders</p> <p>No Tempering valves fitted and if showers were for disabled use then thermostatic mixing valves would be required throughout.</p>



The umpires room measures 1.3 m x 3.1 m totalling 4.03 m²

AFL Preferred Facility Guidelines for Local level preferred provision is 20 m² - 25m² (including toilet and showers).

There is a safety concern for the umpires using either home or away team showers.



Masonry at the front of the change rooms is being held in place with timber bolted through masonry to timber on the opposite side of the wall. The reason for the cracking to the floors is that the oval side of the change rooms is sinking.

	<p>Non-compliant tank stand- not structurally sound</p> <p>Tank stand would require engineer approval.</p>
	<p>Female Toilets – 2nd cubicle</p> <p>Requires extensive cleaning, bird proofing, a door needs to be installed on entry</p> <p>This cubicle is supposed to be an accessible toilet - this is non-compliant and does not meet AS1428</p>
	<p>In same room as the toilet above</p> <p>Thermostatic mixing valve/ hot water required to comply. Basin not DDA compliant.</p>

	<p>Kiosk / kitchen will require a substantial upgrade to be compliant. Minimum requirements are a double bowl sink, hand washing sink, splashbacks and covered vinyl floor.</p>
	<p>Mould on ceiling of kiosk</p> <p>The ceiling in this room would require a complete re-sheet of plaster and paint.</p>
	<p>Approx. 150 m length of farm fencing which include 2 strands of barb wire on the left hand side of the ground. This would need to be removed.</p>



Width from copper log fence to farm fence is 97 m

MAV Insurance Liability Mutual Insurance –
Best Practice Manual: Risks in Sports
Reserve
Appendix 4: Sport Ground Dimension
Guide

Length = 135 – 185 m

Width = 110.- 155m

Boundary run-off the preferred minimum
distance is 3 m. This minimum on the farm
fence side would need to be 4 m.

Human Resources & Financial Implications –The budget has already been set for this financial year and any allocation of funds would require redirecting funds from an already approved budget item.

Community Consultation & Public Relations Implications – To be considered.

Policy Implications – N/A

Priority - Implementation Time Frame – To be discussed.