

SOUTHERN
MIDLANDS
COUNCIL



MINUTES

ORDINARY COUNCIL MEETING

Wednesday, 22nd January 2020

Colebrook Memorial Hall
45 Richmond Street, Colebrook

INDEX

1. PRAYERS	4
2. ATTENDANCE	4
3. APOLOGIES	4
4. MINUTES	4
4.1 Ordinary Council Minutes.....	4
4.2 Annual General Meeting Minutes.....	5
4.2 Special Committees of Council Minutes	6
4.2.1 Special Committees of Council - Receipt of Minutes.....	6
4.2.2 Special Committees of Council - Endorsement of Recommendations	6
4.3 Joint Authorities (Established Under Division 4 Of The Local Government Act 1993) ...	8
4.3.1 Joint authorities - Receipt of Minutes.....	8
4.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)	8
5. NOTIFICATION OF COUNCIL WORKSHOPS	9
6. COUNCILLORS – QUESTION TIME	11
6.1 QUESTIONS (ON NOTICE).....	11
6.2 QUESTIONS WITHOUT NOTICE	12
9. PUBLIC QUESTION TIME (10.30 A.M.)	14
QUESTIONS WITHOUT NOTICE (cont.)	15
12.1.1 Craighourne Road, Colebrook – North-Eastern Section Accessed Via Link Road, Colebrook – Part Road Closure	18
PERMISSION TO ADDRESS COUNCIL	22
7. DECLARATIONS OF PECUNIARY INTEREST	61
8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA	62
10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015	63
11. COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL’S STATUTORY LAND USE PLANNING SCHEME	64
11.1 DEVELOPMENT APPLICATIONS	64
11.2 SUBDIVISIONS	64
11.2.1 Development Application (SA 2019/13) for Subdivision (one lot and balance) at 31 Hall Lane, Bagdad owned by J Haig & L Van Beek.....	64
11.3 MUNICIPAL SEAL (PLANNING AUTHORITY)	64
11.4 PLANNING (OTHER)	65
11.4.1 Planning Appeal updated (Appeal reference 122/19P) - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania).....	65
12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE) ..	69
12.1 ROADS.....	69
12.2 BRIDGES	69
12.3 WALKWAYS, CYCLE WAYS AND TRAILS.....	69
12.4 LIGHTING.....	69
12.5 BUILDINGS.....	69
12.6 SEWERS / WATER	69
12.7 DRAINAGE	69
12.8 WASTE.....	70
12.9 INFORMATION, COMMUNICATION TECHNOLOGY	70
12.10 OFFICER REPORTS – INFRASTRUCTURE & WORKS.....	71
12.10.1 Manager – Infrastructure & Works Report.....	71
13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)	75

13.1	RESIDENTIAL	75
13.2	TOURISM.....	75
13.3	BUSINESS.....	75
13.4	INDUSTRY.....	75
14.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....	76
14.1	HERITAGE	76
14.1.1	<i>Heritage Project Program Report</i>	<i>76</i>
14.2	NATURAL.....	78
14.2.1	<i>NRM Unit – General Report.....</i>	<i>78</i>
14.3	CULTURAL.....	80
14.4	REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)	80
14.5	CLIMATE CHANGE.....	80
15.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)	81
15.1	COMMUNITY HEALTH AND WELLBEING	81
15.2	YOUTH	81
15.3	SENIORS	81
15.4	CHILDREN AND FAMILIES	81
15.5	VOLUNTEERS.....	81
15.6	ACCESS	81
15.7	PUBLIC HEALTH	81
15.8	RECREATION	82
15.9	ANIMALS.....	82
15.10	EDUCATION.....	82
16.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)	83
16.1	CAPACITY.....	83
16.1.1	<i>Broadmarsh Community Petition – Bus Shelter for the Junction of Elderslie Rd and Bluff Rd, Elderslie</i>	<i>83</i>
16.1.2	<i>St Mary’s Church, Kempton – Proposed Sale by the Anglican Diocese of Tasmania (Green Ponds Progress Association and ‘Save Our Church Kempton’)</i>	<i>100</i>
16.2	SAFETY	104
16.3	CONSULTATION & COMMUNICATION.....	104
17.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION).....	105
17.1	IMPROVEMENT	105
17.2	SUSTAINABILITY	106
17.2.1	<i>Local Government Shared Services update (Standing Item – Information Only) ..</i>	<i>106</i>
17.2.2	<i>Tabling of Documents.....</i>	<i>112</i>
17.2.3	<i>Elected Member Statements</i>	<i>113</i>
17.3	FINANCES.....	114
17.3.1	<i>Monthly Financial Statement (period ending 31 December 2019)</i>	<i>114</i>
18.	MUNICIPAL SEAL	126
19.	CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....	127
19.1	<i>Blackman River Bridge, Tunbridge – renewal of timber superstructure and barriers - Concept Design report prepared by pitt & sherry</i>	<i>127</i>
20.	BUSINESS IN “CLOSED SESSION”	129
20.1	<i>Closed Council Minutes - Confirmation.....</i>	<i>129</i>
20.2	<i>Applications for Leave of Absence.....</i>	<i>129</i>
20.3	<i>Legal Matter</i>	<i>129</i>
21.	CLOSURE	131

OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL
HELD ON WEDNESDAY, 22nd JANUARY 2020 AT THE COLEBROOK MEMORIAL
HALL, 45 RICHMOND STREET, COLEBROOK COMMENCING AT 10:00 A.M

1. PRAYERS

Rev Dennis Cousens recited prayers.

2. ATTENDANCE

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

Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Cundall (Manager, Development and Environmental Services), Mrs J Tyson (Senior Planning Officer), Mr J Lyall (Manager Infrastructure & Works), Mrs W Young (Corporate Compliance Officer), Miss E Lang (Executive Assistant).

3. APOLOGIES

Nil.

4. MINUTES

4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 11th December 2019, as circulated, are submitted for confirmation.

DECISION

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

THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 11th December 2019, as circulated, be confirmed.

CARRIED

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

4.2 ANNUAL GENERAL MEETING MINUTES

The Minutes of the Annual General Meeting of Council held on the 11th December 2019, as circulated, are submitted for confirmation.

DECISION

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

THAT the Minutes of the Annual General Meeting of Council held on the 11th December 2019, as circulated, be confirmed.

CARRIED

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

4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

4.2.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES

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

- Minutes – Parattah Progress Association – 10th December 2019.

RECOMMENDATION

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

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr A Bisdee OAM

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

CARRIED

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

4.2.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS

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

- Minutes – Parattah Progress Association – 10th December 2019.

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

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

4.3 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)

4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- Southern Tasmanian Councils Authority – Minutes – Nil.
- Southern Tasmanian Councils Authority (Waste Strategy South) – Nil.

DECISION NOT REQUIRED

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

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

- Southern Tasmanian Councils Authority – Nil.

DECISION NOT REQUIRED

5. 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.

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 14th January 2020 at the Council Chambers, Kempton commencing at 9.00 a.m.

Attendance: Mayor A O Green, Deputy Mayor E Batt, Clrs A Bantick, A E Bisdee OAM, K Dudgeon and D Fish.

Apologies: Clr R McDougall

Also in Attendance: T Kirkwood, A Benson, D Cundall and G Green

The purpose of the workshop was to consider and discuss the following items:

a) St Mary's Church, Kempton

Mr John Hay, representing the Green Ponds Progress Association, and Mr John Jones, representing the group 'Save our Church Kempton' attended the meeting to discuss issues associated with the sale of St Mary's Church, Kempton.

Please refer to the full Agenda Item (Item 16.1.2) which provides the detail and outcome of the discussion.

b) Oatlands Swimming Pool

The latest Project Management Plan, including key milestone dates, was presented to the workshop for information.

c) Climate Change

The following documents were circulated in relation to this issue:

1. Southern Midlands Council - Climate Change Action Plan (draft January 2020); and
2. Southern Midlands Council – Climate Change Adaptation Plan 2020 Review

It was recognised that this was intended to be a preliminary discussion with further workshop sessions to be held to focus on identifying strategies and actions that can be progressed going forward.

In the first session, Mr Graham Green presented the Climate Change Action Plan, focussed on 'mitigation' with the intent of presenting the Adaptation Plan at the February 2020 workshop.

d) Staffing Matter (Confidential)

The Deputy Manager General Manager (A Benson) briefed Council in relation to a staffing matter.

The Workshop concluded at approximately 12.40 p.m.

RECOMMENDATION

THAT the information be received.

DECISION

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

THAT the information be received.

CARRIED

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

6. COUNCILLORS – QUESTION TIME

6.1 QUESTIONS (ON NOTICE)

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

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

Nil.

6.2 QUESTIONS WITHOUT NOTICE

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

Deputy Mayor E Batt – question regarding rates for a property at Mangalore (Mr Hobden) back payments/credits to be applied?

The General Manager advised that all amounts have been processed to the correct valuation but will contact Mr Hobden to clarify the conflicting information being provided by the Valuer-General's office.

Deputy Mayor E Batt – construction estimate for the footpath in Sophia Street, Kempton?

The General Manager advised that this will be addressed through the budget process in March/April 2020.

Clr A Bisdee OAM – following up on discussion regarding legal opinion on deconsecrated churches and their eligibility for rate exemptions.

The General Manager advised that he has spoken to Council's legal representative and despite the church being deconsecrated, land or part of land that is occupied exclusively for charitable purposes is rate exempt (Section 87(1)(d). Cemetery is part of this land.

Deputy Mayor E Batt – following from the above question, what action is being taken by the LGAT to address these rate exemption issues arising from recent purchase of property.

Advised that the LGAT are presently focussed on the exemption provisions relating to independent living units and not the broader provisions. Draft motion to be prepared and submitted to a LGAT General Meeting.

Clr K Dudgeon – question regarding new tourism brochures for Oatlands and when they will be available?

The Deputy General Manager advised that the tear-off maps will be finalised within the next couple of days and will go to businesses with a covering letter. The 'Welcome to Oatlands' booklet is about to go to print.

Clr R McDougall – question regarding progress on the Oatlands Bus Shelter.

The General Manager advised that the final design will need to comply with new disability access standards. This will mean that the associated infrastructure (i.e. access points etc.) will encroach into the road pavement/verge. A plan will be circulated to Councillors for comment.

Clr R McDougall – question regarding roadside stopover areas and the 48 hour maximum time limit and complaints received from residents that the 48 hour limit is not being enforced. Vans are filling up with water without charge and there appears to be a significant increase in numbers. Request for full costing of roadside stopover areas including power, donations, water etc. There have also been issues with people using the toilet when the facility is locked.

The General Manager advised that notices have been placed on vehicles where they have overstayed the 48 hour time limit but it has been determined this is not the best system to deal with overstays. There has been a couple of cases of staff being abused when placing notices but Council staff are doing their best to monitor overnight stays. The toilet/shower facilities are locked to prevent free use of the showers. The Mayor requested that the operation of stopover areas be reviewed at the end of the season to look at service levels and systems to support it.

Mayor A Green – request for update on Lake Dulverton foreshore and clearing of macrocarpa trees?

The General Manager advised that DPIPWE has now confirmed closure of the investigation. A meeting was held (20th January 2020) with representatives from PWS and Aboriginal Heritage and the outcome of that discussion was a requirement for SMC to seek a permit from the Aboriginal Heritage Council. Council are now going through the application process. The application will be considered by the Aboriginal Heritage Council at its meeting scheduled for 27th March 2020. (Note: Agenda is full for the February meeting).

Until the Aboriginal Heritage Council endorse the application no entry to the site is permitted (assuming that a permit is issued). Part of the amenity issue is the logs on the southern side of the unmade road which is outside of the area containing aboriginal artefacts so council can now go into this area to do initial clean up works. Until the permit is issued, no works can continue.

Councillor's question time was then suspended at 10.30 a.m. for Public Question Time.

9. PUBLIC QUESTION TIME (10.30 A.M.)

Councillors were advised that, at the time of issuing the Agenda, no questions on notice had been received from members of the public.

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

There were two (2) members of the public in attendance.

DANIELLE RYRIE – COLEBROOK

Mrs Ryrie thanked Council for the recent newsletter which included an article on ‘securing your load’ when travelling to the waste transfer station. Hopefully this will result in less rubbish on the side of the road.

Question regarding the latest Central Highlands News which included an article titled ‘looking after your yard’. It was indicated that there are a number of properties in Colebrook that are untidy which reflects on Colebrook and tourists passing through. How can Council address this?

The Mayor advised that representations have been received and there are a couple of properties within Colebrook requiring attention. The Manager, Development & Environmental Services advised that Council officers will attend to those matters as soon as possible and advise Mrs Ryrie of the outcome.

Question regarding what is happening to the sale of the church in Colebrook?

It was advised that unfortunately it will be sold by the Diocese of Tasmania. For information, the Mayor advised that Council has made a resolution that it would not be purchasing any church properties.

JULIA JABOUR – SOUTHERN MIDLANDS REGIONAL NEWS

Ms Jabour made comment on littering/nuisance issues and advised that a short article on the Litter Act and the powers Council have to issue an abatement notice will be included in the next edition of SMRN.

QUESTIONS WITHOUT NOTICE (CONT.)

Councillors Question Time then resumed following Public Question Time.

Mayor A Green – is there any progress regarding a water point being installed by TasWater at Colebrook?

The General Manager advised that he has spoken to a representative from TasWater who is the officer responsible for all filler stations in Tasmania. A forward works program is addressing issues with existing filler stations but TasWater have no plans to expand/install new filler stations at this stage. This item will need to be raised with the TasWater CEO, or alternatively, at the TasWater Owner/Rep quarterly meeting.

Clr McDougall – question regarding the Oatlands water filling station.

An upgrade of infrastructure is being planned by TasWater, which will also address issues with truck turning etc.

Mayor A Green - question regarding the Tasmania Fire Service (TFS) change in policy regarding rehabilitation of private land following major bushfires.

The General Manager advised that as a result of the recent Pelham fires, a meeting was held with TFS and other key stakeholders on Monday 20th January 2020.

During this meeting TFS advised that it will undertake the rehabilitation planning, but TFS are not involved in the recovery due to Section 1.9 of the Inter-Agency Protocol (2019/2020), this being a new protocol of which local government is not a signatory. This states that “Recovery arrangements are coordinated on a whole-of-Government basis by the Department of Premier and Cabinet (DPaC) in conjunction with local government and other recovery organisations. It is the responsibility of the signatories to this protocol to undertake the rehabilitation planning and prepare the transition to community recovery”. This is the first fire season that this rule has been put in place due to the review of the 2018/2019 fire season.

TFS have clear direction from Emergency Management arrangements and have been instructed to follow these by Chief Officer (TFS).

This issue has been referred to the Local Government Association for clarification as local government has not had any previous role in rehabilitation / recovery as it relates to private property.

Deputy Mayor E Batt – request for an update on the walkway to Mood Food from Kempton.

The General Manager advised that the 2019/20 budget allocated funds to construct a walkway outside the road reservation (i.e. private property) from Kempton to Mood Food. The Department of State Growth has been consulted on this issue and negotiations will be progressed as a priority.

Clr Bisdee – advice that Hazell Bros are about to commence works on the Midland Highway (Melton Mowbray to Lovely Banks) and believed Council were promised revised plans for these works.

The Mayor advised that he will follow up with the new Minister once appointed.

DECISION

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

THAT the meeting be adjourned to conduct a Citizenship Ceremony for Ms Judith Engel at 10.58 a.m.

CARRIED

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

DECISION

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

THAT the meeting be reconvened at 11.34 a.m.

CARRIED

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

DECISION

Moved by Clr D Fish, seconded by Clr R McDougall

THAT Agenda Item 12.1.1 be brought forward as the Property Owner(s) & their legal representative from Simmons Wolfhagen were in attendance.

CARRIED

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

12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PART ROAD CLOSURE

Author: SPECIAL PROJECTS OFFICER (D MACKEY)

Date: 13 JANUARY 2020

Enclosure(s):

F Miller – Email dated 9th December 2019

Simmons Wolfhagen – Letter dated 4th December 2019

F Miller – Email dated 1st December 2019

Extract from Council Minutes held 23rd January 2019 (includes extracts from the Council Meetings held 24th October 2018; Legal Advice from Abetz Curtis dated 6th November 2018; and Extract from Council Minutes held 28th November 2018)

Survey Plans

ISSUE

Council to formally consider the submission received from Simmons Wolfhagen, acting on behalf of the property owners (F Miller and M Nardi), including associated Email correspondence received from Mr F Miller.

BACKGROUND

Council is fully aware of the background associated with this issue.

Copies of previous Council Reports including other relevant documentation (listed above), are included as an enclosure.

In terms of Council's current position:

1. it has formed the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety; and
2. Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook).

Formal notice to remove the farm gate obstructing the use of Craighourne Road was given pursuant to section 49(3) of the *Roads and Jetties Act 1935* in June 2019, however this was subsequently challenged on the basis that the General Manager did not have the delegated authority to issue such a Notice. This has since been addressed by Council, but further Notice has been withheld pending consideration of these latest submissions.

DETAIL

In summary, the intent of the letter received from Simmons Wolfhagen dated 4th December 2019 is to request Council to reconsider its position regarding the closure of the north-eastern section of Craighourne Road which passes through the land owned by F Miller and M Nardi.

The letter seeks to provide Council with a proper understanding of the impact that the decision not to close this section of Craighourne Road is having on their clients.

In reference to the letter, circumstances are detailed which relate to trespass on the property which adjoins the Craighourne Dam.

From a Council perspective, previous discussions relating to alleged trespassing can be addressed through fencing of the roadway and property boundary. In this regard, Council has already engaged (and funded) a Surveyor to 're-peg' the relevant boundaries between the public road; the Craighourne Dam; and private property. Mr Miller has been provided with a copy of the Survey Plan in an endeavour to address this very concern. The following comments are provided in response to other specific issues raised in the Letter:

- Page 1 – 4th Paragraph – the letter makes reference to the Craighourne Road which passes over their land. It is important to note that the Craighourne Road is a Council maintained Road, with a surveyed Road Reservation. Their private property adjoins the Road.

- At the base of Page 1 of the Letter, it makes reference to a Council concern relating to the cost of funding an application to the Magistrates Court if the Council decides to close Craighourne Road.

Whilst the issue of costs was raised in the report to the January 2019 Council Meeting, mainly in relation to the closure process (i.e. advertising etc.) and responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*, to the best of my knowledge, this has not been an influencing factor underlying Council's decision not to close the road.

- Background Section: - on the construction of the Craighourne Dam in 1986, the relevant Council was Richmond Council, which was mostly absorbed into Clarence Council. It is on the creation of the Southern Midlands Council in April 1993 that the area around Craighourne Dam fell within the municipal area of the Southern Midlands. Council has not taken any steps to close that part of the road that is unpassable. However, it can be assumed that this did occur following, or at the time, the Craighourne Dam was constructed although Council holds no record of this.

- Background Section – Public Access Point (north-eastern section of the Dam). The Southern Midlands did write to the Minister for Primary Industries and Water (Hon G Barnett MHA) as his portfolio includes responsibility for Inland Fisheries. The intent of that submission was to seek assistance from the State Government to construct some form of basic infrastructure (and installation of signage) which clearly identifies the property boundaries and provides an area whereby vehicles can park; turn around; and be directed to the Dam without trespassing. This action was consistent with Council's earlier decision to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

- Page 3 – final paragraph – Road reservation. It is acknowledged that the Survey Plan shows:

- a) that there are some minor deviations where the road, in its existing position, is not wholly within the surveyed road reservation; and
- b) That in some locations, the existing wire fence on the eastern side of the road encroaches into the road reserve.

This was highlighted in a letter dated 8th March 2019 to F Miller and M Nardi, which included a comment that the most practical solution is to simply erect a fence on the western side of the road in its present location and avoid the need to relocate any fences on the eastern side. Whilst this was put forward as a possible solution, the letter advised that it was the property owner's decision as to the preferred course of action.

A copy of the Survey Plan is included as an enclosure to this Report.

To conclude, reference is made to past Council Reports, including the Report (and attachments) submitted to the Council Meeting held in January 2019. This was the basis for determining Council's current position.

Human Resources & Financial Implications – Refer comment above.

Community Consultation & Public Relations Implications – Reference is made to the Council Report dated 15th January 2019 which detailed the outcomes of the public consultation process which was initiated in December 2018.

The consultation process included publishing a Notice in the Mercury Newspaper on 1st December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.

For information, the following is an extract from the Minutes of the Council Meeting held in January 2019:

In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:

- *Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;*
- *Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;*
- *Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;*
- *This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;*
- *Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;*
- *Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;*
- *Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;*

- *Dam used to access water for firefighting purposes;*
- *Craigbourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.*

It was also noted that among the submissions against closure the following were received:

- *Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;*
- *Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;*
- *Submission from ‘change.org’ which includes the names and addresses of 200 individuals;*
- *Petition letter containing 577 signatories.*

In terms of support for the permanent closure, the following comments capture the sentiments contained therein:

- *Express support for the permanent closure of Craigbourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craigbourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;*
- *Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine’s property);*
- *Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.*
- *Person has lived in close proximity for some years and has had nothing but concern for their property’s safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is case for concern or all.*
- *Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.*
- *Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.*

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

RECOMMENDATION

THAT the information be received and Council determine its position following the presentations(s) made.

Note: Should any legal argument be submitted during the presentation(s), it may be necessary for Council to defer any decision pending receipt of qualified advice in response to any issue raised.

Permission to Address Council

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

- Mr Fraser Miller and his legal representative.

Mr Miller addressed Council advising that no progress has been made and no solution has been provided. Mr Miller highlighted ongoing cases of vandalism, trespass, illegal hunting, stock losses and illegal 'rave parties' on his property.

He is concerned that Craighourne Road is not being used responsibly and he is being denied lawful use of a significant part of his land. He believes that now is the time to act and resolve the ongoing issues that have been occurring for many years for this section of the road.

Mr Miller's legal representative then addressed Council. It was requested that Council reconsider its decision not to close this section of the road. He understands the public benefit in access to the dam but there is an escalation of problems being experienced on his client's property. Police are unable to help in this situation due to lengthy response times given the remote location of the road. Fencing is not a realistic option as the length is approximately 2.4 klms, and there is an alternative access to the Dam.

It was commented that the best way forward is for council to have an independent third party resolve the matter (i.e. Magistrate) noting that to go down this pathway Council would need to decide to close the road. Any objections can then be referred to the Court to decide. Mr Miller has offered to make a contribution for Councils reasonable legal fees if this course of action is undertaken.

Reference was also made to Section 42 of the *Local Government (Highways) Act 1982* which enables Council to close a 'dangerous highway' following report by an engineer or an officer authorised to prepare a report as provided in section 41 of that Act.

DECISION

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

THAT, in light of the issues raised during the presentation by the property owner and the representative from Simmons Wolfhagen, Council defer a decision at this meeting pending receipt of further qualified advice.

CARRIED

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

ENCLOSURE

Agenda Item 12.1.1

Timothy Kirkwood

From: Alexander Green
Sent: Monday, 9 December 2019 9:26 AM
To: Timothy Kirkwood
Subject: Fwd: Trespass and Vandalism w/e 8th December 2019

Sent from my iPhone

Begin forwarded message:

From: "Fraser Miller" <fraser@mtbaines.com>
To: "Alexander Green" <agreen@southernmidlands.tas.gov.au>
Subject: Trespass and Vandalism w/e 8th December 2019

Alex,

Further to our conversation this afternoon please see attached a picture of the dead calf which has a broken neck. This has occurred as a vehicle has driven close by and causing the calf to fall down the embankment. The tracks of the vehicle are clearly evident in the pasture which are well within our property. The picture obviously does not take into account the distress caused to the calves mother who is pining for her lost calf.

This is the second cow we have lost in as many weeks again at a substantial cost of \$3,000 bringing out livestock losses to \$6,000 in the past two weeks alone.

Whilst I was down there I also witnessed further trespass, this time a fisherman, who had travelled well into my property with his vehicle, again through my cattle. There was also evidence of a campfire and empty beer cans left behind.

I have reported these matters to the police.

It is completely and utterly unacceptable that we as private citizens should be put in this position where we are suffering financial loss in order to provide a public facility that is so routinely abused and in the process being denied the use of our land. It has been nearly 12 months since the Council rescinded the decision to close the Road and nothing has changed and there has been no meaningful dialogue to resolve these issues. Yet we are \$000s out of pocket and have spent countless hours trying to resolve this issue. It is clear that unless the road is closed these issues will continue as the public simply cannot be trusted to respect our property and the overly simplistic solutions proposed by the Council will not address the issues, a fact also acknowledged by the Council on many occasions.

Can you please draw attention to the Council on this latest incident ahead of the meeting on the 11th.

Cheers,

Fraser





Contact: Karen Abey
Our Ref: KMA/NAB:192490

4 December 2019

Nathan Street
Abetz Curtis

By email: nstreet@abetzcurtis.com.au

Dear Mr Street,

Closure of Craighourne Road

We refer to your letter dated 1 October 2019, which provided some information and documentation on behalf of the Council regarding Craighourne Road.

As discussed, on the weekend, there was a further trespass on our clients' land. Some members of the public passed onto our clients' land on dirt bikes. They drove through cattle owned by our clients, one of whom suffered a broken leg and had to be euthanised. The value of that stock was \$3,000. The matter has been reported to Tasmania Police.

In addition, there was damage to pasture, destroying valuable and scarce feed, two groups of fisherman who let themselves into our clients' property, well beyond the obvious roadway end to launch boats (leaving gates open and destroying pasture) and illegal hunters on the property at 2:45am.

While there is not a weekend which passes without incident, the loss of valuable stock over the past weekend has prompted our clients to again request the Council to consider closing the part of Craighourne Road which passes over their land. The background to this matter and the impact of having the Road on their land is detailed below, so that the Council has a proper understanding of the impact on our clients.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees of any such application.

Hobart Office

Address Level 4, 99 Bathurst Street
Hobart TAS 7000
GPO Box 145

Launceston Office

Address 45 Cameron Street
Launceston TAS 7250
GPO Box 170

ABN 31 635 248 976

Email info@simmons.com.au

Lawyers specialising in

- Business Acquisitions, Partnerships, Company & Commercial Law
- Conveyancing, Property Development, Easements & Subdivisions
- Family & De Facto Relationship Law
- Local, State & Federal Government Administration of Property

SIMMONS WOLFHAGEN

Background

Historically, Craighourne Road allowed for travel between Hungry Flats Road to Colebrook Road. This changed in 1986, with the creation of the Craighourne Dam which flooded some land which had been part of Craighourne Road. You have indicated that it is assumed the relevant parts of Craighourne Road were closed at the time, but we have not seen any documentation to support this assumption. We would be grateful if further efforts were made to locate this documentation so that there is a clear understanding of what has occurred.

A public access point for Craighourne Dam has been created to allow for fishing and other leisure activities, accessible from Colebrook Road. This area has proper facilities, including parking, public toilets, a boat ramp and rubbish collection points and we understand it is well used.

Craighourne Road passes through our clients' land and abruptly stops at the Dam. The Road is in poor condition, particularly where it meets the Dam.

No works have been undertaken to create a public access point for Craighourne Dam where it meets our clients' land, yet it continues to be accessed by some members of the public. These works have been proposed by the Mayor to the Minister for Primary Industries. Our clients are disappointed that this step was taken without consultation with them, and despite having already indicated to the Council that this would exacerbate the instances of trespass by directing more people to the area.

Impacts

The impacts on our clients having Craighourne Road on their land are as follows:

1. members of the public trespass onto their land on a regular basis;
2. illegal logging for firewood is often carried out on our clients' land, including up a treacherous track which is very dangerous when wet, posing serious risks to those who do so;
3. illegal hunting is also carried out on our clients' land, which poses a serious risk to the public and our clients, who face the risk that they could potentially be shot at;
4. damage is caused to pasture with vehicles driving across the property in particular dirt bikes which cause significant damage;

SIMMONS WOLFHAGEN

5. rubbish and waste is regularly dumped on the property, with trespasser's regularly defecating on my land and in my buildings;
6. damage is caused to fencing and other infrastructure, again on a regular basis; and
7. costs are incurred and time is spent by our clients to repair fencing and other infrastructure, and to recover stock which has escaped due to this damage.

A significant part of our clients' land – approximately 20% – is rendered unusable because of the public incursions, which prevent our clients from planting new pasture which is necessary to feed livestock. This impacts on the overall carrying capacity of the property, the ability to rotate stock across the property and exposes our clients' livestock to theft, escape and being killed either by shooting or being run over as has happened in the past.

Unfortunately, for practical reasons (limited staffing and travel times) the Tasmania Police are of no assistance to our clients to resolve these issues. Tasmania Police are supportive of the Road being closed, which is an acknowledgement that there is nothing the Police can do to prevent the activities on our clients' land.

Council Response

The position of the Council as we understand it is, in summary:

1. members of the public have the right to travel on the section of Craighourne Road which is on our clients' land;
2. the Council has no obligation to fence the Road; and
3. the Council has no obligation to take any other steps to inform members of the public as to the extent of our clients' land or to prevent trespasses onto our clients' land.

Your letter states that "your clients fencing their boundary is an obvious and simple solution to their concerns".

Aside from this, the Council has acknowledged that the Road is outside the road reservation, as shown on the survey which was provided to us. If the Road is not closed then our clients will request the Council to realign the Road so that it is within the road reservation.

SIMMONS WOLFHAGEN

Ongoing Concerns

Unfortunately, this response fails to take into account the fact that existing fencing which has been erected has been damaged, over and over again. Vehicles have travelled well inside our clients' land – clearly outside the road reservation – to destroy fencing, camping and lighting fires, carry out illegal shooting activities and to remove firewood without permission.

Attempts to lock gates on our clients' land have resulted in the gates being driven through and destroyed, which impacts on the efficiency with which they can farm their land.

The damage is clearly caused deliberately and most likely by vehicles being driven at the fencing. The destruction of fencing seems to be carried out for reasons which can only be explained through boredom or vindictiveness, or trying to gain access further into the property to shoot, camp, log, dump rubbish etc; the damage to the fencing makes no practical difference to the ability to access the Dam.

Given these circumstances, it is impossible to create fencing which is resistant to this type of interference.

You have suggested some sort of physical barrier such as large boulders so that the public cannot pass onto our clients' land, yet this would also effectively prevent our clients from using their own land.

Our clients have already incurred significant expense to repair existing fencing and it seems utterly pointless to spend tens of thousands of dollars to erect further fencing which it is assumed will be damaged or destroyed for similar reasons.

We acknowledge that the *Boundary Fences Act 1908* does not apply to roads, pursuant to s.7. There is no other statutory power to require the Council to erect or contribute to the cost of erecting fences on either side of a road such as this. Even if there were and the Council erected fencing, this would be of no value to our clients unless there was an undertaking or requirement to continually repair the damage which is expected to be caused to the fences.

In essence, the legislation does not respond to the current scenario and provides no protection to our clients from members of the public who are prepared to trespass onto their land.

There are no physical measures, no assistance from Police, no assistance from the Council and no legislative framework upon which our clients can rely to balance their interests against the people who use this Road.

SIMMONS WOLFHAGEN

Closure of part of Craighourne Road

On 24 October 2018, the Council considered whether to close the part of Craighourne Road on our clients' land and passed a resolution pursuant to the *Local Government (Highways) Act 1982* to do so for reasons of public benefit and in the interests of public safety.

Rather than follow the statutory processes to close the relevant part of the Road, the Council sought further public input on the closure. The Council also sought legal advice on the ability to close the Road pursuant to s.14, from your firm. That advice concluded, in summary, that the requirements of s.14 were met and the Road could be closed, but that the Council could take into account matters such as the number of complaints made to the Police and the costs of closing the Road if there was opposition (which was very likely) as a basis not to close the Road.

Having acknowledged the extensive issues faced by our clients if the Road remains open, the Council was advised that it had two options:

1. proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The decision to close the Road was rescinded on 23 January 2019.

Despite the acknowledgement that the Council should consult with the property owners to implement measures that will address the issues being experienced, it is our clients' position that there are no measures to implement that will address the issues they are experiencing, other than for them to abandon 20% of their land.

We understand that the Council has appointed a consultant to try and achieve a solution to the ongoing issues. This consultant has yet to contact our clients and it is unclear what his role and remit is in this matter, but our clients are concerned that there are discussions being had without their input as the main stakeholder in this matter.

The Council has suggested the "simple solution" for our clients to fence the Road, which is completely at odds with the practical reality of what has happened on the land and is likely to continue if further fencing is erected. The Council's decision on

SIMMONS WOLFHAGEN

23 January 2019 without proper regard to the ongoing impact of the Road staying open and the risks that this poses to both members of the public and our clients.

Outcome Sought

Ultimately, our clients' position is that the part of Craighourne Road which is on their land should be closed. It is our view that the requirements of s.14 of the *Local Government (Highways) Act 1982* (the Act) are met and that the Council should reconsider this matter again, taking into account the matters raised in this letter.

For convenience, s.14(1) is as follows:

If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use...

The most thorough analysis of the meaning of this section is by then Chief Magistrate Shott in *Listers Land and Golconda Road*.¹

With respect to the Chief Magistrate, it is our opinion that the parts of this decision dealing with whether this is a two limbed test or a three limbed test, would not be followed today. As you would know, there has been a substantial shift in the authorities from the High Court regarding statutory interpretation subsequent to the *Listers Land and Golconda Road* decision.² The focus is now on the text, context and purpose of legislation.³ An historical review of past legislation is no longer encouraged as an approach to the interpretation of current legislation.

It follows, in our firm view, that only one of the three matters listed in s.14 must be satisfied in order to close a highway.⁴ Regardless, we say that there are two of the

¹ Reference pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASMC 4

² Including *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* (2009) 239 CLR 27; *Zheng v Cai* (2009) 239 CLR 446; *Lacey v Attorney-General (Qld)* (2011) 242 CLR 573; *Certain Lloyd's Underwriters Subscribing to Contract No IH00AAQS v Cross* (2012) 248 CLR 378

³ *Sultan Holdings Pty Ltd v John Fuglsang Developments Pty Ltd* [2017] TASFC 14 at [49]

⁴ We have successfully made an application for a road to be closed for the Break O'Day Council based only on the public benefit limb. (Magistrates Court of Tasmania, Administrative Appeals Div, file no. M/2018/1371). An order was made in those proceedings on 27 June 2018, providing the Court's authorisation to close part of Parkside Avenue. The justification provided was that closure of that road would allow a development to take place on that land, which would encourage tourism and provide a boost to the community.

SIMMONS WOLFHAGEN

matters in s.14 which are satisfied: public benefit and public safety. Your firm has already acknowledged in the advice provided by your firm to the Council on 6 November 2018, at [5.4], that there is a sufficient basis to close the road on these grounds.

Clearly, the “public benefit” element in s.14 is broad. In every other respect, the Council (as “the corporation”) under the Act has broad powers to open, maintain and regulate “highways” as it sees fit. It follows that the phrase “public benefit” should be interpreted in that context. The Council is the entity which is best suited to assess the needs and requirements of the public, and to assess the costs and benefits of keeping the relevant part of Craighourne Road open.

It should, in our view, take into account the fact that:

1. keeping the Road open has a significant financial impact on our clients which they are powerless to prevent in a practical way;
2. our clients are not able to be supported in any meaningful way by Tasmania Police, and the law of trespass provides no effective control for the actions which have taken place on their land;
3. the legislative regime provides our clients with no power to require the Council to take steps to fence and maintain that fencing – it is their burden alone;
4. our clients will not gain anything, as such, by the closure of the Road – other than to be able to enjoy the rights to use their land as any landowner should be able to do. To this extent, there is no private benefit to them by the Road being closed, merely removing the negative impacts of the Road remaining open;
5. the closure of the Road could be carried out by our clients by placing a physical barrier which could not be crossed, at the point of entry;
6. while there was a substantial resistance to the closure of the Road presented to the Council,⁵ it is understood that this level of interest is not reflected in the number of people who actually use the Road;⁶

⁵ Our clients are concerned about the impact of some incorrect information which was circulating, including that the road closure would prevent access to the Dam entirely – we can address this further, if required

⁶ For example, there were people who reside in Canada who signed the petition

SIMMONS WOLFHAGEN

7. members of the public have not respected our clients' private land rights and it is unreasonable for them to push for the Road to remain open while having the intention to continue to abuse that right.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees.

Could you please pass on this request to the Council. We understand that this matter is already on the agenda to be discussed on 11 December 2019.

If you would like to discuss this matter further, please contact us.

Yours faithfully
Simmons Wolfhagen



Karen Abey
Managing Associate | Local Government, Planning & Development Law
karen.abey@simwolf.com.au

From: Fraser Miller
Date: 1 December 2019 at 6:10:27 pm AEDT
To: Alexander Green <agreen@southernmidlands.tas.gov.au>
Subject: Trespass and Vandalism 1 Dec 2019

Alex,

Further to our conversation this afternoon about ongoing and continual vandalism to our property as afforded by the access of Craigbourne Road I wish to draw yours and Councils attention to the issues we have faced this weekend alone. I have reported these issues to the police.

- Trespassers who were riding their dirt bikes amongst my cattle who have new born calves and still in calf. This caused one of them to break their leg and had to be put down at a cost of \$3,000.
- In addition there was significant damage to pasture which as you and the Council will be aware is in short supply given the lack of rain
- There have been at least 2 groups of fisherman driving through my property to launch boats, leaving gates open and allowing cattle to escape.
- There have been illegal shooters on the property last night at 2:45am

Obviously these issues are just related to this weekend but are by no means the only instances of trespass over the preceding months to which Council seeks to ignore and deflect onto the Tasmanian Police to resolve.

The overly simplistic approach of fencing the road reserve is not something that will work as both you and Council have acknowledged previously and I would request that Council revisit its decision to close this road as it is the only practical solution to these ongoing issues.

It is simply unacceptable that I as a private citizen should have to bear these costs particularly when Council has within its power to resolve this issue once and for all.

I would welcome you and Council to attend the property on the weekend so you can see first hand these issues of trespass so you can gain a better understanding of these issues.

Cheers,
|
Fraser

Southern Midlands Council
Minutes – 23 January 2019

12.1 Roads

Strategic Plan Reference 1.1.1

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

12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PROPOSED PART ROAD CLOSURE

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 JANUARY 2019

Enclosure(s):

Map of proposed road closure point

Extract from Council Minutes held 24th October 2018

Legal Advice from Abetz Curtis dated 6th November 2018

Extract from Council Minutes held 28th November 2018

Attachment:

Submissions received regarding proposed closure.

ISSUE

To:

- a) Report on the outcomes of the public consultation process relating to the proposed closure of the north-eastern section of the Craighourne Road (beyond No 38 and extending through to the Dam); and
- b) Council to determine its final position in respect to this matter.

Note: Reference is now made to No 38 - as opposed to No 32 which was the original proposed closure point. This being the property owned by J & G Bailey. A discrepancy has been detected between the Council Property System (showing their property as being No 32) and the actual Rural Address affixed to their property. It is agreed that the Council Property System should align with the nominated Rural Address. The Council system has since been amended.

Irrespective, it was always intended that any road closure would be beyond the property owned by J & G Bailey.

BACKGROUND

Council, at its meeting held on 24th October 2018, considered a Notice of Motion submitted by then Deputy Mayor Alex Green relating to the proposed closure of the Craighourne Road (north-eastern section) between 32 Craighourne Road and the Craighourne Dam.

An extract from the Minutes of that meeting is enclosed. This includes all the background information.

Council resolved as follows:

Southern Midlands Council
Minutes – 23 January 2019

THAT:

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982* s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and
- b) Prior to proceeding further, Council seek advice in terms of:
 - (1) what constitutes 'public benefit' and whether there is sufficient grounds for Council to rely upon in this case; and
 - (2) being able to justify the decision to close the road based on the interests of public safety.

Following that decision, legal advice was sought from Abetz Curtis (enclosed) in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in regard to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A further report was submitted to the Council Meeting held 28th November 2018. A full copy of the advice received from Abetz Curtis was included with that report.

An extract from the Minutes of that meeting (i.e. 28th November 2018) is also included as an enclosure to complete the record.

Council resolved as follows:

THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1st December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.

Southern Midlands Council
Minutes – 23 January 2019

DETAIL

The following Notice was published in the Mercury Newspaper on 1st December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.


**SOUTHERN
MIDLANDS
COUNCIL**

**Access to Craighourne Dam, Colebrook
(via the north-eastern section of Craighourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craighourne Road extending from No 32 Craighourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to mail@southernmidlands.tas.gov.au. Written submissions will be received up until close of business on 17th December 2018.

TF Kirkwood
GENERAL MANAGER

In summary, 948 names have been recorded as providing a response to the request for feedback – 933 of which object to the closure and 15 support the closure.

It is confirmed that elected members have been provided with a full copy of all submissions received, and an electronic copy has been placed on Council's website as an attachment to this Council Agenda (refer www.southernmidlands.tas.gov.au)

In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:

- Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;
- Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;
- Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;
- This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;

Southern Midlands Council
Minutes – 23 January 2019

- Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;
- Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;
- Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;
- Dam used to access water for firefighting purposes;
- Craighourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.

It was also noted that among the submissions against closure the following were received:

- Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;
- Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;
- Submission from 'change.org' which includes the names and addresses of 200 individuals;
- Petition letter containing 577 signatories.

In terms of support for the permanent closure, the following comments capture the sentiments contained therein:

- Express support for the permanent closure of Craighourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craighourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;
- Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);
- Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.
- Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is cause for concern or all.
- Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.

Southern Midlands Council
Minutes – 23 January 2019

- Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.

General Managers' Comments:

Following analysis of each of the comments and feedback received through the public consultation process (noting confirmation that all submissions have been circulated to elected members), further reference is made to section 14 of the *Local Government (Highways) Act 1982*.

To address this matter, Council must determine whether it is of the opinion that the road should be closed for the public benefit, in the interests of public safety or because of lack of use.

Note: It has generally been accepted that there is no basis to argue that the Road should be closed due to lack of use.

In reference to the 'Summary of Advice' provided by Abetz Curtis, the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to require that it be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

Southern Midlands Council
Minutes – 23 January 2019

In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision which will be significant.

Having sought input from the broader public, there are now two options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The following comments are provided and considered to be relevant to Council reaching an opinion:

- a) There is clearly no dispute regarding this section of road being a Council maintained road and members of the public are legally entitled to use the road without any restrictions.
- b) Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property), and more recently there have been reports of vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.
- c) in so far as being in the interests of public safety, the question arises whether the issues being raised by those seeking a road closure are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.
- d) There are numerous other instances within the Southern Midlands Council area where the roadway is not fenced and there is no physical barrier preventing vehicles from straying onto private property (for whatever purpose).
- e) Can the situation be adequately addressed by fencing of the road reserve? This being the responsibility of the property owner.

Note: Section 7 of the *Boundary Fences Act 1908* states that no local body having the administration, management, or control of any road shall be liable to make any contribution towards the erection or repair of any dividing fence between any road and the land of any occupier of land adjoining such road.

Southern Midlands Council
Minutes – 23 January 2019

- f) It is confirmed that a check Survey has been completed and marker pegs have been installed. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a small parking bay/turning circle within the land owned by Tas Irrigation (as owner of the Dam);
- g) Overall there is insufficient evidence that the public benefit is best served by road closure given the vast majority of the use of the road occurs in a lawful manner and that other options exist such as fencing, to address the concerns raised in the main by the adjoining landowner.
- h) Council may consider that in further discussions with the landowner, given the unique circumstances that exist, it may offer to make a contribution towards the cost of fencing if the decision is that the road is to remain open.

In conclusion, and in reference to the recommendation provided, it is considered appropriate that Council should formally rescind part (a) of the Motion passed at the meeting held 24 October, 2018. Whilst there was a proviso included in that Motion, the wording did suggest that the Council will close the road.

Recognising that the Motion was passed prior to the recent election, only a simple majority is required to rescind the original decision.

In reference to the *Local Government (Meeting Procedures) Regulations 2015*, any report provided by the General Manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include the following detail:

- (a) Confirmation that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision whichever is the case;
- (b) The details of that previous decision, or the part of that previous decision, that would be overturned – refer following:

THAT:

- a) **the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and***
- b)
- (c) Whilst this part of the decision directed that certain action be taken, part (b) of the Motion included a requirement to seek prior legal advice; and
- d) Pending further direction, no action has been taken in respect to part (a) of the Motion.

Human Resources & Financial Implications – Refer comment above.

Southern Midlands Council
Minutes – 23 January 2019

Community Consultation & Public Relations Implications – Refer detail provided.

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

RECOMMENDATION

THAT:

- a) In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;
- b) Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;
- c) Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook); and
- d) Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

DECISION

Moved by Cllr A Bisdee OAM, seconded by Deputy Mayor E Batt

THAT

- a) **In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;**
- b) **Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;**
- c) **Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook); and**
- d) **Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.**

CARRIED

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

Southern Midlands Council
Minutes – 23 January 2019

ENCLOSURE(S)
Item 12.1.1



Southern Midlands Council
Agenda – 23 January 2019

[EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]

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

10.1 CRAIGBOURNE ROAD, COLEBROOK

Deputy Mayor Alex Green has submitted the following Notice of Motion:

"That Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1)* close for reasons of public benefit and in the interests of public safety that section of Craigbourne Road, Colebrook, situated between 32 Craigbourne Road and Craigbourne Dam".

BACKGROUND (Comments provided by Deputy Mayor A Green)

Supporting comments to be provided at the meeting.

General Manager's Comments:

The Notice of Motion makes reference to the Local Government (Highways) Act 1982. The following is an extract from the Act (Division 2, Part II – section 14) relating to the permanent closure of highways.

Note: For clarification, reference to a highway includes a Council maintained road.

"14. Closure and diversion of highways

(1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may –

(a) if it is satisfied, in the case of a diversion of a highway, that standard requirements, if applicable, have been complied with; and

(b) not less than 28 days after a written notice of its intention to do so –

(i) has been served on each of the owners and occupiers affected;

(ii) has been served on the Transport Commission;

(iii) has been displayed in a prominent position at each end of the highway; and

(iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated –

close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.

(2) A notice under [subsection \(1\)](#) may apply to 2 or more highways that are connected with one another.

(3) Subject to [subsection \(4\)](#), a notice under [subsection \(1\)](#) shall contain a map or plan showing the proposed closure or diversion to which it relates.

(4) A notice under [subsection \(1\)](#) that is required to be published in a newspaper may, instead of containing such a map or plan as is referred to in [subsection \(3\)](#), contain a

Southern Midlands Council
Minutes – 23 January 2019

statement of a place in the municipality in which the highway is situated where the plan may be inspected free of charge at all reasonable hours.

(5) An interested person may, before the expiration of a notice under [subsection \(1\)](#), give written notice to the corporation of his objection to the proposed closure or diversion.

(6) The corporation is to refer each objection that it is notified of under [subsection \(5\)](#) to the Magistrates Court (Administrative Appeals Division).

(7) The Magistrates Court (Administrative Appeals Division) has power to receive and determine the objection as if it were an application to review the decision relating to the proposed closure or diversion and, in addition to its powers under the [Magistrates Court \(Administrative Appeals Division\) Act 2001](#), the Court may make a local highway order –
(a) upholding the objection; or
(b) authorizing the proposed closure or diversion.

(8) An order under [subsection \(7\)\(b\)](#) may prohibit, in whole or in part, the closure or diversion authorized by the order until such conditions as may be specified in the order have been fulfilled, being conditions that the Magistrates Court (Administrative Appeals Division) considers proper to impose for the provision or preservation of the means of communication by highway or the means of access to a highway.

(9) Where the Magistrates Court (Administrative Appeals Division) makes an order under [subsection \(7\)\(b\)](#), the Minister shall, as soon as possible after the making of the order, cause a notice containing particulars of the order to be published in the Gazette.

(10) A diversion of a highway that is opened under this section by a corporation is maintainable by the corporation.”

For information purposes, a full extract of Division 2, Part II is included as an attachment.

Craigbourne Road

The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.

Note: Prior to the construction of the Craigbourne Dam, the Craigbourne Road extended from the Colebrook Road through to the junction of Hungry Flats Road and Link Road. Construction of the Dam split the road into two separate sections and the Dam creates a physical break in the road.

It should be further noted that Council, at its meeting held 26th September 2018, resolved to request the Nomenclature Board to rename the south-western section of the Road as Craigbourne Dam Road.

A map has been included to show the section of Road situated between 32 Craigbourne Road and Craigbourne Dam. It is an approximate distance of 1.1 kilometres.

Background Comments

Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property i.e. No 32), and more recently there have been reports of

Southern Midlands Council
Minutes – 23 January 2019

vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.

Following an approach by the new owners (F Miller & M Nardi) of the Mt Baines property in early 2018, an initial site meeting was arranged to gain a full understanding of the issues and determine a suitable course of action. Suggestions arising from that initial meeting included:

- a) Fencing of the road reserve. This obviously creates an issue whereby vehicles are unable to turn or park (i.e. in a designated parking area);
- b) Construct a parking bay at the boundary of the Mount Baines property and restrict access to pedestrians only beyond that point. Whilst this means that any boat access would be restricted to the entry off Colebrook Main Road, it would prevent vehicles entering private property and therefore discourage illegal shooting activities and removal of firewood; and
- c) Go through a formal road closure process and close the road at the boundary of the Mount Baines property. This would mean that public access to this part of the Dam (other than by boat) ceases.

Due to the complexity of issues which had the potential to impact on a range of stakeholders, a further on-site meeting was held with the property owner/s and officers from Inland Fisheries; Tasmania Police; Tas Irrigation (as owner of the Dam) and Council.

This meeting was held on 12th June 2018 and the following outcomes of the discussion were recorded and circulated to all present:

1. Southern Midlands Council - It was confirmed that the Craighourne Road is a Council maintained road which provides access to the Dam. From a Council perspective it is apparent that there are three options:
 - (B) Maintain the status quo;
 - (C) Maintain the status quo and property owners fence the Road reserve. Note: Council has no obligation to contribute towards the cost of fencing between road and private property. This would prevent vehicles straying onto private property. Depending on where the road actually ends (i.e. enters the Dam), turning and parking of vehicles may become an issue;
 - (D) formal Road closure (it is assumed that this would be at the point where the road enters the Mt Baines property). This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 14.
 - (E) Change the status of the road to pedestrian traffic only (again assumed to be at the point where the road enters the Mt Baines property). The property owner indicated that no land would be made available to construct a parking area where vehicles could park at that point and walk to the Dam. This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 31.
2. Property Owners – their strongly preferred option is to close the road and purchase the reservation. There is good access to the Dam from Colebrook Main Road end where there is a boat ramp and other infrastructure.
3. Tasmania Police – they experience policing difficulties due to lack of delineation of property boundaries. They would strongly support a road closure (or restriction) to prevent

Southern Midlands Council
Minutes – 23 January 2019

vehicle access. Unfortunately they are the agency that has to respond to the type of incidents that have been reported in previous communications.

4. *Inland Fisheries – don't support closure of the road. Previous email correspondence indicates that access to the Dam via Craighourne Road was guaranteed by the government of the day when it was constructed (1986) as the public had previously enjoyed access to the Coal River for fishing and other recreation.*

Notes:

It was acknowledged that no formal check survey has been undertaken to confirm the exact boundary between road reservation / private property and property owned by Tas Irrigation.

Actions:

Recommended that there was a need to do a check survey to confirm property boundaries (i.e. both TI and private property) and end of Council maintained road. SMC to obtain a quote to survey and consult with TI and property owner re: possibility of sharing costs;

Research background relating to the guaranteed access to the Dam given by the State Government. Was this included in any legislative provision or other documentation?

Tas Irrigation – unsure whether they had any obligation to fence their property? To be clarified."

[End – Site Meeting Notes]

Following from the above, I can confirm that a check Survey has been completed. Marker pegs have been installed and a full copy of the survey diagram has only recently been received. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a turning circle within the land owned by Tas Irrigation.

The next proposed course of action was to reconvene the group of representatives that attended the above meeting and determine the strategy going forward.

Concluding Comments

In order to close a 'highway', Council must be satisfied that there is a public benefit; it is in the interests of public safety or because of lack of use.

In this case, lack of use can be discounted. Whilst there are no detailed traffic numbers available, there is certainly evidence that the road is frequently used.

The Notice of Motion specifically refers to the public benefit and in the interests of public safety.

At this stage, no advice has been sought in terms of what constitutes 'public benefit'. In this instance, it is difficult to qualify the public benefit of closing the road as there is evidence that the road is still being used.

In so far as being in the interests of public safety, the question arises whether the issues being raised by the property are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.

Southern Midlands Council
Minutes – 23 January 2019

RECOMMENDATION

For discussion.

DECISION

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

THAT:

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1)* close for reasons of public benefit and in the interests of public safety that section of Craighbourne Road, Colebrook, situated between 32 Craighbourne Road and Craighbourne Dam; and
- a) Prior to proceeding further, Council seek advice in terms of:
- 1) what constitutes 'public benefit' and whether there is a sufficient grounds for Council to rely upon in this case; and
 - 2) being able to justify the decision to close the road based on the interests of public safety

CARRIED

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

[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]

Southern Midlands Council
Minutes – 23 January 2019



6 November 2018

General Manager
Southern Midlands Council
PO Box 21
OATLANDS TAS 7120

ATTENTION: Mr T Kirkwood
BY EMAIL: tkirkwood@southernmidlands.tas.gov.au

Dear Tim,

CRAIGBOURNE ROAD CLOSURE

Thank you for your instructions on this matter.

1. Your Instructions

- 1.1 At the most recent Council meeting, Deputy Mayor Alex Green submitted a Notice of Motion proposing to close the section of Craighourne Road, Colebrook between 32 Craighourne Road and Craighourne Dam ("Road").
- 1.2 You have asked the following questions:
 - (a) For the purposes of s. 14 of the *Local Government (Highways) Act 1982*, what constitutes "public benefit"?
 - (b) Is there sufficient grounds for Council to rely on "reasons of public benefit" to close the Road?
 - (c) Is there sufficient grounds for Council to rely on the "interests of public safety" to close the Road?
- 1.3 I assume you accept there is no basis to argue that the Road should be closed due to "lack of use",¹ so I have not explored this in detail.

A+C Management Services
Pty Ltd
ABN: 27 006 576 149

83 Davey Street
Hobart Tasmania Australia 7000
GPO Box 405
Hobart Tasmania Australia 7001

Phone 03 6225 6955
Facsimile 03 6224 9640
Email info@abecurtis.com.au
Web www.abecurtis.com.au

¹ It is the use of the road that is causing the public safety issues.

2. Summary of Advice

- 2.1 There are only two circumstances in which a Council can justify the closure of a road, rather than three. “Public benefit” is a necessary element of both options, rather than being a separate option itself. This means the two options are:
- (a) When it is for the public benefit, in the interests of public safety; or
 - (b) When it is for the public benefit, because of lack of use.
- 2.2 In my view, there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.
- 2.3 Even if Council are satisfied that closure of the Road is for the public benefit in the interests of public safety, it is important to note that Council is not then automatically obligated to close the Road. Council has a discretion which it can exercise as it sees fit.
- 2.4 The exercise of Council’s discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an “interested person” is aggrieved by the Road closure. The likelihood of opposing legal action depends on who is using the Road and why.
- 2.5 It is worth noting that there is no basis to appeal a decision not to close the road.
- 2.6 It would be reasonable for Council to require that it be persuaded further before making a final decision regarding the closure of the Road.
- 2.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

3. Background

- 3.1 Council are looking to close a 1.1 kilometre section of road between 32 Craighourne Road and Craighourne Dam (‘Dam’). This is at the north-east of the Dam.
- 3.2 Prior to the construction of the Dam in 1986, Craighourne Road continued from Colebrook through to Hungry Flats Road. Now the road ceases at both ends of the Dam, but the north-eastern end is still used as an access road by some people to the Dam itself. There is no boat ramp at the north-east end of the Dam, and the only access for boats is at the south-west end (off Colebrook Road).
- 3.3 There are no issues with the state of the Road itself. The issues are with the inappropriate use of the Road by the public to access the Dam, which has caused the following problems:
- (a) Vehicles stray onto private property; and

- (b) Reports of vandalism, damage to buildings on the property, illegal shooting activities and the non-approved removal of firewood.
- 3.4 These concerns appear to affect the owners of the property surrounding the Road only. A number of options, alternative to closing the Road, have been discussed with the owners, although presumably none have been deemed suitable.
4. The Law
- 4.1 Section 14 of the *Local Government (Highways) Act 1982* ('Act') prescribes as follows:
- 14. Closure and diversion of highway*
- (1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may*
- (subject to formal requirements)*
- ...close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*
- 4.2 One reading of s. 14 of the Act suggests that it prescribes three separate circumstances that could justify diversion or closure, being
- (a) for the public benefit;
 - (b) in the interests of public safety; and
 - (c) because of lack of use.
- 4.3 However, Chief Magistrate A G Shott in *Listers Lane and Golconda Road*² determined that there were in fact only two circumstances in which diversion or closure could be justified. He said as follows:
- "In my view, when one has regard to the words of section 14(1) when read in context, the legislative history and the extrinsic material to which I have referred, it contains only two grounds, both qualified by a concept of 'public benefit.'*"³ [my emphasis]
- 4.4 He said that the only bases upon which diversion or closure could be justified are:

² REFERENCE pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASM 4

³ I note that this was the subject of argument from three highly experienced counsel, all of whom submitted that there were three rather than two circumstances. Chief Magistrate Shott reviewed the legislative history of s. 14 of the Act at length and reached the opposite conclusion.

Southern Midlands Council
Minutes – 23 January 2019

- (a) When it is for the public benefit in the interests of public safety; or
 - (b) When it is for the public benefit because of lack of use.
- 4.5 This means that the public benefit and public safety must be considered together rather than separately. Chief Magistrate Shott made the following comments about the “public benefit” in *Listers Lane and Colconda Road*:
- (a) The “public” refers to all people who could be directly or indirectly affected by the change.
 - (b) What may be a benefit to some members of the public may be a detriment to others. Therefore, public benefit means “net public benefit” after completing a balancing process.
 - (c) This can include economic, social, cultural and political aspects of “benefit” and perhaps others.
 - (d) This is a question of fact to be determined on the evidence provided to the Court.
- 4.6 Chief Magistrate Schott did not expressly define “public safety”, but his comments regarding the “public” are clearly applicable to that term too.
- 4.7 I emphasise that s. 14 uses the word “may” rather than “must”. This provides Council with an unfettered discretion to close the road, and means it is not mandatory to close a road, even if either or both of the above two circumstances are met.⁴

5. Application of the Law to the Facts

- 5.1 All previously published decisions of the Magistrates Court of Tasmania applying the “public safety” consideration in s. 14 of the Act address a risk to public safety inherent in the road itself.⁵
- 5.2 On your instructions, the question is not whether the Road itself is a risk to public safety, but whether activities of the public arising as a consequence of the use of the road are a risk to public safety.
- 5.3 It appears that the only people exposed to this risk are the current owners. However, the owners are members of the public, and in my view there is a strong argument that vandalism, damage to buildings, illegal shooting activities and the non-approved removal of firewood are of a risk to their safety, as is the potential access to their property.
- 5.4 This provides a basis to argue that it is in the interests of public safety to close the road.

⁴ The Court has this same discretion when reviewing a decision to close a road, s. 26(2) of the *Magistrates Court (Administrative Appeals Division) Act 2001*. Chief Magistrate Schott in *REFERENCE pursuant to the Local Government (Highways) Act 1952 section 14: Strickland Road at Porky Creek Bridge, King Island, Tasmania* [2009] TASMC 25 at paragraph [16].

⁵ Such as, for example, the dangers inherent in a road in a state of poor repair.

- 5.5 However you could also argue that these risks are best left to be addressed by the law of trespass, rather than justifying the closure of the Road. It is also unclear whether closure of the Road would effectively prevent the risk from arising.⁶
- 5.6 The public safety risks to the owners are to be weighed up against the public benefit in the Road remaining open.
- 5.7 Whilst my instructions do not extend to the reasons why the Road is still accessed by the public, I would assume it is used to access the Dam for fishing⁷ from the north-eastern side, rather than driving 13 kilometres to the south-western side.
- 5.8 The full extent of this benefit (and whether it would be in the “*net public benefit*” to close the road in light of the above) requires more detailed instructions as to how and why the Road is still used.
6. Advice
- 6.1 There are factors in support of, and in opposition to closing the Road. It is, in my view, at least arguable that the public safety risk outweighs the public benefit in keeping the Road open, however there is also an argument to the contrary. The argument to the contrary may be stronger if further instructions suggest that the use of the Road to access the Dam is still widespread.
- 6.2 Importantly, Council are provided a discretion by s. 14 of the Act. Council are not obligated to close the Road even if Council were satisfied that the risks to public safety outweighed the public benefit of keeping the Road open.
- 6.3 It is worth noting that if Council were to close the Road, any interested person could then object to the closure by written notice to the Council, after which Council would have to refer the objection to Magistrates Court (Administrative Appeals Division). The Court would then review the objection and either uphold the objection or authorise the closure.
- 6.4 It is worth noting that there is no power within the Act for an interested person to appeal a decision by Council not to close a Road.
- 6.5 This should be taken into account when conducting the balancing exercise prescribed by s. 14 of the Act, as should costs factors associated with closing the Road (or not closing the Road).
- 6.6 Given the above, it would be reasonable for Council to require that it be persuaded further by the owners (with reference to supporting evidence) before making a final decision regarding the closure of the Road.

⁶ Closing the road would not prevent access by foot as Hungry Flats Road is only 1.1 km from the Dam.

⁷ I am aware that the Dam is open for fishing all year, and the Inland Fisheries Service regularly stock the Dam with Atlantic Salmon.

Southern Midlands Council
Minutes – 23 January 2019

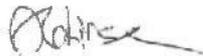
6.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

If you have any further queries please do not hesitate to contact Roger or myself.

Yours faithfully

ABETZ CURTIS

Per:



OLIVER ROBINSON

email: orobinson@abetzcurtis.com.au
file ref: 180561

Southern Midlands Council
Minutes – 23 January 2019

[EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]

12.1.1 CRAIGBOURNE ROAD – PROPOSED ROAD CLOSURE

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 NOVEMBER 2018

Enclosure:

Legal Advice from Abetz Curtis dated 6th November 2018

Extract from Council Minutes held 24th October 2018

ISSUE

To provide Council with advice (i.e. legal) in relation to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

Note: The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.

BACKGROUND

Council, at its meeting held on 24th October 2018, considered a Notice of Motion submitted by Deputy Mayor Alex Green relating to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

An extract from the Minutes of that meeting is attached. This includes all the background information.

Council resolved as follows:

“THAT:

- a) *the Southern Midlands Council as per the provisions of the Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craigbourne Road, Colebrook, situated between 32 Craigbourne Road and Craigbourne Dam; and*
- b) *Prior to proceeding further, Council seek advice in terms of:*
 - (1) *what constitutes ‘public benefit’ and whether there is a sufficient grounds for Council to rely upon in this case; and*
 - (2) *being able to justify the decision to close the road based on the interests of public safety.”*

Southern Midlands Council
Minutes – 23 January 2019

DETAIL

Advice has since been sought from Abetz Curtis in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in relation to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A full copy of the Abetz Curtis advice is included as an attachment.

In reference to the 'Summary of Advice', the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in opposing legal action. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision.

Southern Midlands Council
Minutes – 23 January 2019

It is apparent that there are three options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*, acknowledging the potential issues and costs associated with this course of action;
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced; or
3. Prior to making a formal decision to close the road, seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.
(This process would precede any formal advertising process under the Local Government (Highways) Act 1982).

Note: The following is a draft Notice that could be placed in the newspaper:



DRAFT

**Access to Craigbourne Dam, Colebrook
(via the north-eastern section of Craigbourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craigbourne Road extending from No 32 Craigbourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to mail@southernmidlands.tas.gov.au. Written submissions will be received up until December 2018.

Should you require further information, please contact the Council office on telephone 6254 5000.

TF Kirkwood
GENERAL MANAGER

Human Resources & Financial Implications – Refer comment above.

Community Consultation & Public Relations Implications – Refer detail provided.

Policy Implications – Policy position.

Priority - Implementation Time Frame – N/A.

Southern Midlands Council
Minutes – 23 January 2019

RECOMMENDATION

Submitted for discussion and direction.

DECISION

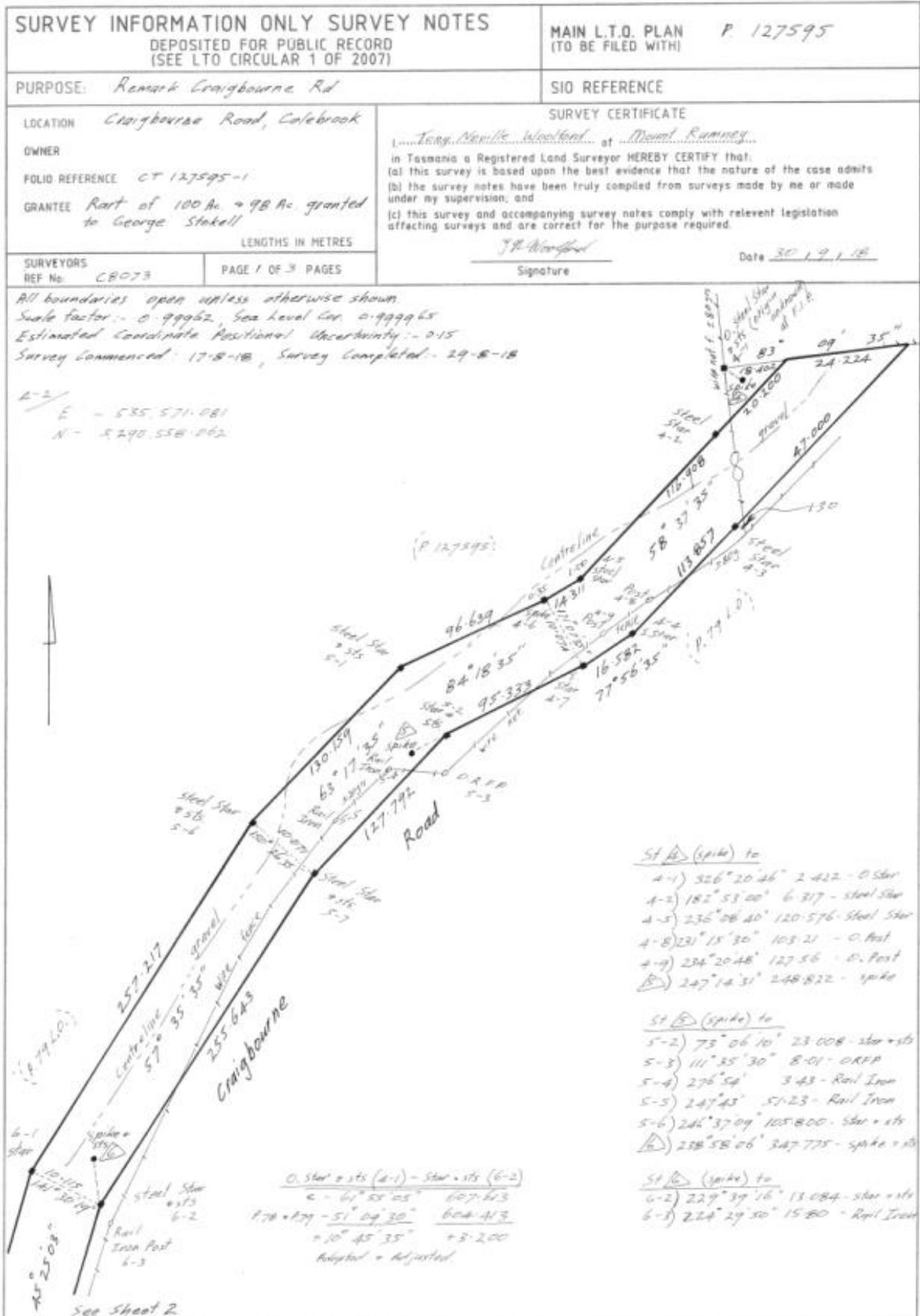
Moved by Deputy Mayor E Batt, seconded by Cllr A E Bisdee

THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1st December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.

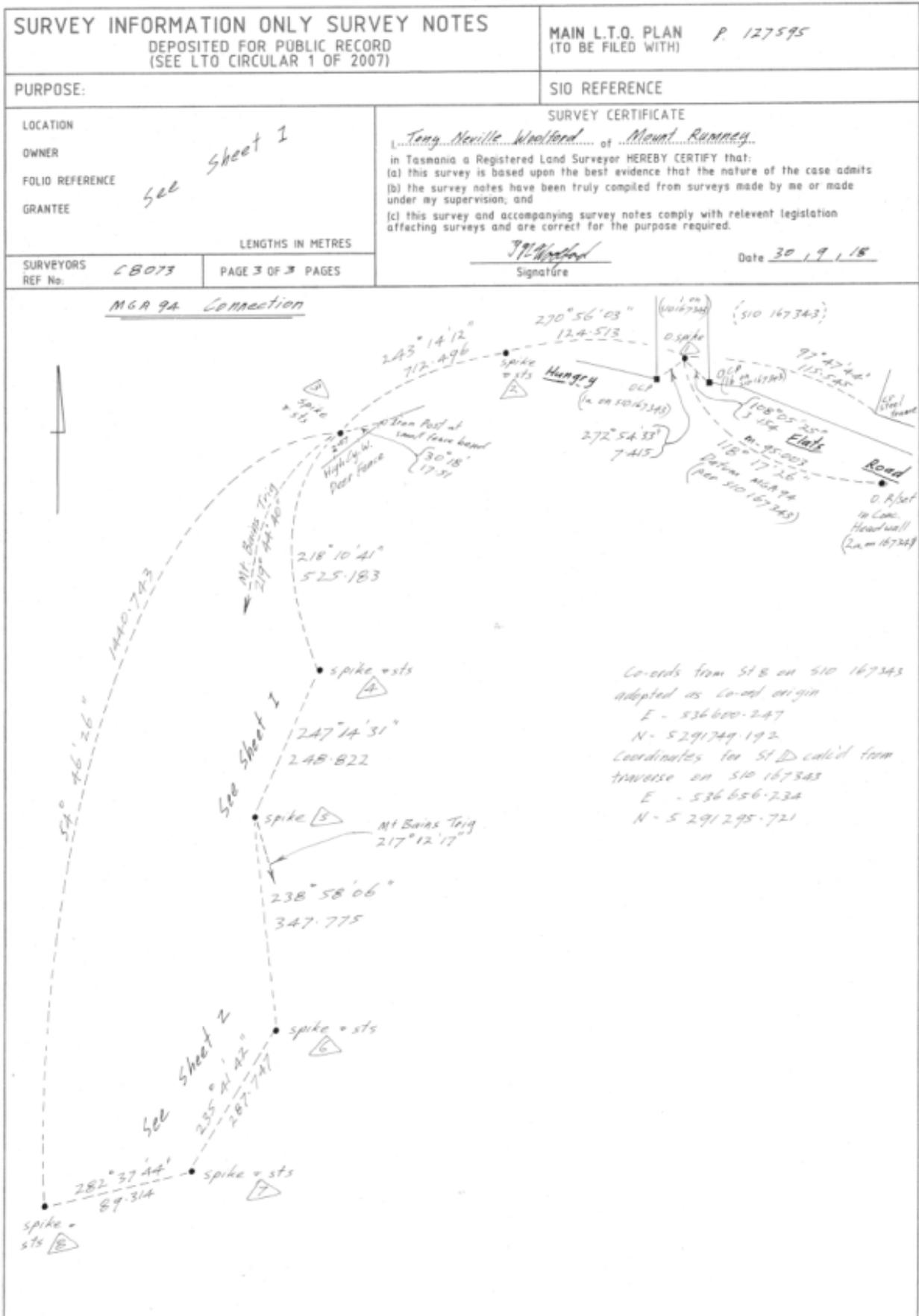
CARRIED

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	√	

[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]



(4-1)



(4-1)

7. DECLARATIONS OF PECUNIARY INTEREST

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

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

Nil.

8. 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.

The General Manager reported that the following item needs to be included on the Agenda. The matter is urgent, and the necessary advice is provided where applicable:-

1. BLACKMAN RIVER BRIDGE, TUNBRIDGE – RENEWAL OF TMBER SUPERSTRUCTURE AND BARRIERS - CONCEPT DESIGN REPORT PREPARED BY PITT & SHERRY

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 Deputy Mayor E Batt, seconded by Clr D Fish

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

CARRIED

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

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

Nil.

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

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

11.1 DEVELOPMENT APPLICATIONS

Nil.

11.2 SUBDIVISIONS

11.2.1 DEVELOPMENT APPLICATION (SA 2019/13) FOR SUBDIVISION (ONE LOT AND BALANCE) AT 31 HALL LANE, BAGDAD OWNED BY J HAIG & L VAN BEEK

Agenda Item 11.2.1 was withdrawn at the request of the applicant. Awaiting additional information.

11.3 MUNICIPAL SEAL (Planning Authority)

Nil.

11.4 PLANNING (OTHER)

11.4.1 PLANNING APPEAL UPDATED (APPEAL REFERENCE 122/19P) - DEVELOPMENT APPLICATION (DA 2019/78) FOR SPORTS & RECREATION (FIRING RANGE) AT 770 WOODSDALE ROAD, RUNNYMEDE OWNED BY SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (TASMANIA)

File Ref: T 1661046

Author: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

Date: 14 JANUARY 2020

Enclosure(s):

*Development Application documents
Representations*

ISSUE

As Council are aware the Sporting Shooters Association of Australia (Tasmania) have appealed the decision of Council to refuse a permit for the proposed Sports and Recreation (Shotgun Firing Range) applied for in DA 2019/78. The decision to refuse the permit was made at the 27th November 2019 Council meeting.

The parties to the appeal are the Sporting Shooters Association of Australia (Tasmania) (SSAA) and Southern Midlands Council.

As Council would recall it is standard practice in any appeal for the Resource Management and Appeals Tribunal (RMPAT) to facilitate and encourage alternative dispute resolution. That is - try find a mediated solution before proceeding to a full hearing and the exchange of evidence.

Council Officers are currently in the process of finding a mediated solution, rather than take the matter to a full hearing at the RMPAT.

The General Manager provided Elected Members (Council) with correspondence circulated on the 5th January 2020 with the preliminary details of the mediated solution and draft consent agreement. The majority of Elected Members responded with support for proceeding with a mediated agreement between Council and the SSAA.

This report will discuss the mediated agreement and draft consent agreement. The recommendation is that Council agree to a mediated solution and proceed to signing a Consent Agreement. The RMPAT will then further consider the agreement and direct Council to issue a permit with changes to the Development Application.

At the time of writing this report a final draft Consent Agreement and draft conditions for a Permit were not yet finalised. However Council Officers are in a position to discuss the content of the Agreement at the meeting or possibly circulate a final draft on the day of the meeting (if then available).

BACKGROUND

The grounds of refusal to grant a permit were:

1. The proposed location of the shotgun range will bring the activity unacceptably close to the nearby residential dwellings and likely cause a negative impact on the amenity of those occupants and users of the land. The proposal is not therefore considered to be a fair and orderly use of land and contrary to the Schedule 1 Objectives considered under Section 51 (2) (a) of the Land Use Planning and Approvals Act 1993.
2. Council per Section 51 (2) (c) Land Use Planning and Approvals Act 1993 must take into consideration matters set out in representations made by nearby persons. These matters primarily relate to health, well-being and dissatisfaction with the planning system and involvement with the Applicant. The proposed location of the shotgun range has not factored in the concerns for the health and well-being of other persons on adjoining land despite awareness of matters raised in previous representations made by nearby residents in the previously approved Application in September 2018 (Reference DA 2018/59).
3. A permit cannot be granted for the proposed use and development as the development is contingent on the Permit Authority amending the previously approved Permit (Reference DA 2018/59) under Section 56 of the Land Use Planning and Approvals Act 1993 to remove the shotgun range from the plan.

As part of the preparation for the appeal, Council's legal representative advised that none of the reasons for refusal had reasonable prospects of success if carried through to a full hearing at RMPAT.

Consent Agreement

Council Officers together with Council's legal representative and the SSAA have commenced mediation through the RMPAT procedures. It is expected that a mutually agreed position can be reached for approval with conditions.

The mediated solutions will be captured in the Consent Agreement together with a draft set of conditions for a Permit to be signed by all parties to the appeal.

This agreement is not yet completed but in essence will be a new set of permit conditions to those previously recommended to Council at the November 2019 meeting. This will include specific conditions including:

- Requirements for notification of nearby property owners before 'competition' shooting days;
- Correction of the number of parking spaces to sixty (60); and
- Amendment of the previously approved DA2018.59 at 457 Woodsdale Road, Runnymede to remove the shotgun range from that approval to avoid duplication.

A draft Consent Agreement is still being negotiated with the SSAA together with the draft conditions for a Permit.

Council are reminded also that the draft permit conditions includes formal Advice that:

“Noise emitted from the facility must not cause an environmental nuisance to surrounding properties in accordance with the requirements of the Environmental Management and Pollution Control Act 1994”

Specifically meaning that the issue of any Permit for the use of the land as Firing Range under the *Land Use Planning and Approvals Act 1993* must still be compliant with the *Environmental Management and Pollution Control Act 1994* (EMPCA). The granting of a Permit does not give immunity from compliance with EMPCA.

Furthermore should the Firing Range cause an ongoing nuisance or likely to otherwise cause environmental harm then Council can issue an “Environmental Protection Notice” (EPN) that further regulates the activity with specific conditioning/requirements or actions. Per Section 44 (7) of the EMPCA “An environment protection notice has effect even if it is inconsistent with a permit in force under the Land Use Planning and Approvals Act 1993 and the permit has no effect to the extent of the inconsistency.”

A final copy of the Consent Agreement and Permit will be provided to Council for information once the matter is finalised.

RECOMMENDATION

THAT

- A. The information be received.
- B. Council delegate authority to the General Manager to sign a Consent Agreement that:
 - a. Will resolve the Appeal reference 122/19P - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania); and
 - b. Result in the RMPAT directing Council to issue a permit for the Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede (DA 2019/78); and
 - c. Council Officers will circulate for information a final copy of the Consent Agreement together with the draft Permit to Elected Members once the matter is finalised.

DECISION

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

THAT

- A. The information be received.**
- B. Council delegate authority to the General Manager to sign a Consent Agreement that:**
- a. Will resolve the Appeal reference 122/19P - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania); and**
 - b. Result in the RMPAT directing Council to issue a permit for the Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede (DA 2019/78); and**
 - c. Council Officers will circulate for information a final copy of the Consent Agreement together with the draft Permit to Elected Members and those that lodged representations once the matter is finalised.**

CARRIED

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

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

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 Roads

Strategic Plan Reference 1.1.1

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

Note: Agenda Item 12.1.1 was brought forward and considered earlier in the meeting.

12.2 Bridges

Strategic Plan Reference 1.2.1

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

Nil.

12.3 Walkways, Cycle ways and Trails

Strategic Plan Reference 1.3.1

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

Nil.

12.4 Lighting

Strategic Plan Reference 1.4.1a & 1.4.1b

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

Nil.

12.5 Buildings

Strategic Plan Reference 1.5.1

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

Nil.

12.6 Sewers / Water

Strategic Plan Reference(s) 1.6.1 & 1.6.2

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.

12.7 Drainage

Strategic Plan Reference 1.7.1

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

Nil.

12.8 Waste

Strategic Plan Reference 1.8.1

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

Nil.

12.9 Information, Communication Technology

Strategic Plan Reference 1.9.1

Improve access to modern communications infrastructure.

Nil.

12.10 Officer Reports – Infrastructure & Works

12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT

Author: MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

Date: 17 JANUARY 2020

Roads Program

A significant amount of work has been undertaken on the clearance of road verges on Pelham Road, Bluff Road and Horners Road following the recent fires. Guide posts still to be installed.

Roadside slashing is occurring in the Tunnack, Woodsdale and Colebrook areas over the coming weeks (as weather permits).

Buckland Road – Traffic Count

Councillors will recall that a traffic count was undertaken in July 2019. The following is a summary of the results from that count:

Average vehicle movements per day **100 / 700 per week**. Calculated as - 2092 vehicle movements / **21 days** = 99.6.

It was requested a further count be undertaken in December / January (i.e. during the holiday period) to obtain comparative vehicle movements. The counter was placed for the period 17th December 2019 through to the 14th January 2020. This count reported the following:

Average vehicle movements per day **91 / 637 per week**. Calculated as - 2545 vehicle movements / **28 days** = 90.8.

From an analysis of the traffic, one explanation for the reduced number of vehicle movements in December and January is fewer larger trucks on the road. The overall average number of 'cars' on the road between July and Dec/Jan is remarkably similar – 73 per day July v 76 per day Dec/Jan. There was however a small spike in traffic between Christmas and the New Year.

A copy of the full traffic report (19 pages) is available upon request.

December / January

Class-Speed-Matrix¶

¶
Site: → Buckland-Road¶
Description: → Buckland-Road--Council-Boundary¶
Filter-time: → 2.30pm-Tuesday,-17-December-2019=>-9.05am-Tuesday,-14-January-2020¶
Scheme: → Vehicle-classification-(AustRoads94)¶
Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)-¶
¶
¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
20- 30	5	.	.	.	1	.	.	.	.	.	.	.	6	0.2%
30- 40	10	8	.	.	.	.	.	.	.	.	.	.	18	0.7%
40- 50	25	13	2	.	.	.	.	.	1	.	.	.	41	1.6%
50- 60	85	31	10	.	1	.	.	1	2	.	.	.	130	5.1%
60- 70	308	62	22	3	1	2	2	3	.	.	.	.	405	15.9%
70- 80	661	72	29	2	2	4	3	.	1	.	.	.	774	30.4%
80- 90	671	30	53	.	2	2	1	.	1	.	.	.	760	29.9%
90-100	302	6	35	.	.	.	.	.	.	.	.	.	343	13.5%
100-110	59	1	2	.	.	.	.	.	.	.	.	.	62	2.4%
110-120	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
120-130	.	.	.	1	.	.	.	.	.	.	.	.	1	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	2130	223	154	6	7	8	6	3	8	0	0	0	2545	
	83.7%	8.8%	6.1%	0.2%	0.3%	0.3%	0.2%	0.1%	0.3%	0.0%	0.0%	0.0%		

July 2019

Class-Speed-Matrix¶

¶
Site: → Buckland-Road¶
Description: → Buckland-Road--Council-Boundary¶
Filter-time: → 9.40am-Tuesday,-2-July-2019=>-8.45am-Tuesday,-23-July-2019-¶
Scheme: → Vehicle-classification-(AustRoads94)¶
Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)-¶
¶
¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
20- 30	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
30- 40	7	1	.	.	.	.	.	.	.	.	.	.	8	0.4%
40- 50	25	3	.	.	.	.	.	.	1	.	.	.	29	1.4%
50- 60	94	25	2	5	.	.	.	2	6	9	.	.	143	6.8%
60- 70	342	86	17	7	5	4	2	4	38	9	.	.	514	24.6%
70- 80	578	86	54	12	4	5	2	2	40	3	.	.	786	37.6%
80- 90	372	40	29	2	2	.	1	1	7	.	.	.	454	21.7%
90-100	112	11	7	2	.	.	.	.	.	.	.	.	132	6.3%
100-110	19	1	2	.	.	.	.	.	.	.	.	.	22	1.1%
110-120	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
Total	1552	253	112	28	11	9	5	9	92	21	0	0	2092	
	74.2%	12.1%	5.4%	1.3%	0.5%	0.4%	0.2%	0.4%	4.4%	1.0%	0.0%	0.0%		

Town and General Maintenance

Town and general maintenance is continuing in all other areas.

Bagdad Primary School Car Park

Whilst construction was planned to commence in January 2020, the Education Department has advised that Crown Law are still in the process of completing the relevant Agreements with the property owner and the Diocese of Tasmania (Church property). It is anticipated that these Agreements will be finalised in February and hence construction has been deferred pending execution of these Agreements, including confirmation of available budget and a revised timetable with the Department.

Waste Management Program

Operating arrangements at the Waste Transfer Stations are working well.

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

Deputy Mayor – Lovely Banks Road (vicinity of Charlton Park) – need for maintenance grading - to be inspected

Deputy Mayor - Dysart Waste Transfer Station – operational problems are being experienced with waste being stored on the concrete apron pending collection. Need to consider more frequent collections; additional opening hours; or additional bins.

General Manager advised that Council will need to have further discussions regarding the operation of the Waste Transfer Stations, including assessing the feasibility of purchasing a suitable vehicle(s) to transport the waste.

Clr Bantick – are staff doing regular checks to identify non-ratepayers using the Waste Transfer Stations?

On site staff regularly check details.

Clr Dudgeon – Loxton Road, feed trucks have to go down Lovely Banks Road but there is a load limit? Also the pine trees need trimming on this section of road.

Advised that local traffic is permitted.

Clr Dudgeon – Woodbury Road turn off on highway – corrugated, dangerous.

Clr McDougall – section on Woodsdale Road below Springvale Road – badly corrugated.

Clr Bisdee – pass on thanks to works staff as trees in Colebrook are thriving.

RECOMMENDATION

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

DECISION

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

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

CARRIED

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

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 Residential

Strategic Plan Reference 2.1.1

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

Nil.

13.2 Tourism

Strategic Plan Reference 2.2.1

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

Nil.

13.3 Business

Strategic Plan Reference 2.3.1a, 2.3.1b & 2.3.1c

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.

13.4 Industry

Strategic Plan Reference 2.4.1 & 2.4.2

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.

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 Heritage

Strategic Plan Reference 3.1.1, 3.1.2 & 3.1.3

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

14.1.1 HERITAGE PROJECT PROGRAM REPORT

Author: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

Date: 17 JANUARY 2020

ISSUE

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

DETAIL

During the past month, Southern Midlands Council Heritage Projects have included:

- Final planning for the Convict Archaeology in the Southern Midlands 2020 fieldschool in conjunction with the University of Tasmania, to run from Jan 18th to Feb 1st 2020. Councillors are asked to 'save the date' for the VIP site tour and public open day (Kempton Watch House) on January 31st (details in next week's Councillor Information Bulletin).
- Assisting with planning/design work for the Victoria Hall (Kempton) forecourt and façade upgrade.
- Liaising with next artist in residence Juliet Tillson (arriving 3 February).
- Researching 31 High St Oatlands for enthusiastic new owner.
- Ongoing coordination of volunteers & managing SM surface finishes collection / database.
- Researching individual Oatlands Supreme Court cases for publication in SMRN.
- Conducted two History & Heritage School Holiday Programs which completes the main part of the Pilot Project. Preparation underway for an exhibition of the children's work to go on display at the Town Hall in the coming weeks.
- Meeting to design heritage education resources for children to be sold through Heritage Hub (based on the History & Heritage SHP).
- Meeting to discuss the possibility of hosting Teachers' skills development (History & Heritage) workshops twice a year from 79 High Street.
- Development of a heritage team work plan schedule of projects/activities for the next 6-9 months (final to be provided in a forthcoming Councillor Information Bulletin).
- Conducted 3 Heritage Building tours for tourists visiting Oatlands.
- Commenced audit and upgrade of heritage collection store.

- Twice weekly social media posts (Wallpaper Wednesdays & Flashback Fridays).
- Liaising with Hunter Island Press for ‘Southern Midlands Quilt’ project (Heritage Festival May 2020).
- Planning for Historic Costume exhibition, Heritage Hub, April 2020 (as part of the 2020 National Trust Heritage Festival).

RECOMMENDATION

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

DECISION

Moved by Cllr D Fish, seconded by Cllr R McDougall

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

CARRIED

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

14.2 Natural

Strategic Plan Reference 3.2.1 & 3.2.2

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

14.2.1 NRM UNIT – GENERAL REPORT

Author: NRM PROGRAMS MANAGER (MARIA WEEDING)

Date: 14 JANUARY 2020

ISSUE:

Southern Midlands Landcare Unit Monthly Report.

DETAIL

- Helen Geard has been busy with Drum Muster – finalising reimbursements for Southern Midlands Council from the National Drum Muster Program.
- Helen Geard compiled a traffic report for Rhyndaston Road just prior to the Christmas break. She has just completed a second report. This is for Buckland Road, relating to traffic over the Christmas / New Year break period.
- Maria Weeding and Helen Geard have been busy placing mulch around some of the planting sites on the Lake foreshore. Watering of recent plantings has occurred on three occasions in recent weeks, due to the exceptionally dry soil conditions and high temperatures.
- Maria Weeding has been busy with follow up information being sought by the Commonwealth in relation to the proposed pathway upgrade on the Lake foreshore.
- Maria Weeding, Helen Geard and Jen Milne arranged a consultation with Nick Sell of QuickCorp on Tuesday 14th January 2020. The company is in Tasmania for three days demonstrating ‘steam’ weed control as an option for Councils. The steam weed machine was tested on a site at the Oatlands Works Depot on a patch with a variety of weed plants. The treated patches will be monitored to determine results.
- The Weeds Officer Jen Milne has provided the following report for the month ending 14th January 2020.

WEEDS REPORT:

Site visits and roadside weed control

- Cumbungi – surveyed the Lake Dulverton sites. Only regrown at three sites, approx 20 plants in total.
- Paterson’s curse – Inspected sites in Melton Mowbray and discussed control with owner. Follow up with properties in Bagdad and Mangalore.

Resource sharing - Brighton Council

- Obtaining weed inspector authorisation for Brighton as part of the resource sharing arrangement. Ad hoc advice provided for weed issues.

Projects

- Updating weed mapping for Woodbury Farmers Group thistle project. Very little germination of cotton and saffron thistles to date.
- Attended Chilean Needle Grass identification session with DPIPWE 17/12/19. Another site recently found in Orierton. Rail network has been surveyed and none found.

RECOMMENDATION

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

DECISION

Moved by Cllr D Fish, seconded by Cllr R McDougall

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

CARRIED

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

14.3 Cultural

Strategic Plan Reference 3.3.1

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

Nil.

14.4 Regulatory (Other than Planning Authority Agenda Items)

Strategic Plan Reference 3.4.1

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

Nil.

14.5 Climate Change

Strategic Plan Reference 3.5.1

Implement strategies to address issues of climate change in relation to its impact on Councils corporate functions and on the Community.

Nil.

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)

15.1 Community Health and Wellbeing

Strategic Plan Reference 4.1.1

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

Nil.

15.2 Youth

Strategic Plan Reference 4.2.1

Increase the retention of young people in the municipality.

Nil.

15.3 Seniors

Strategic Plan Reference 4.3.1

Improve the ability of the seniors to stay in their communities.

Nil.

15.4 Children and Families

Strategic Plan Reference 4.4.1

Ensure that appropriate childcare services as well as other family related services are facilitated within the Community.

Nil.

15.5 Volunteers

Strategic Plan Reference 4.5.1

Encourage community members to volunteer.

Nil.

15.6 Access

Strategic Plan Reference 4.6.1a & 4.6.1b

Continue to explore transport options for the Southern Midlands Community / Continue to meet the requirements of the Disability Discrimination Act (DDA).

Nil.

15.7 Public Health

Strategic Plan Reference 4.7.1

Monitor and maintain a safe and healthy public environment.

Nil.

15.8 Recreation

Strategic Plan Reference 4.8.1

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

Nil.

15.9 Animals

Strategic Plan Reference 4.9.1

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

Nil.

15.10 Education

Strategic Plan Reference 4.10.1

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

Nil.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 Capacity

Strategic Plan Reference 5.1.1 & 5.1.2

Build the capacity of the community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability / Maintain and strengthen communities in the Southern Midlands.

16.1.1 BROADMARSH COMMUNITY PETITION – BUS SHELTER FOR THE JUNCTION OF ELDERLSIE RD AND BLUFF RD, ELDELSLIE

Author: DEPUTY GENERAL MANAGER (ANDREW BENSON)

Date: 16 JANUARY 2020

Enclosures:

1. *Petition from Broadmarsh Community – Bus Shelter for Bluff Rd & Elderslie Rd junction*
2. *Concept Plan prepared by the Deputy General Manager*

ISSUE

Tabling of a Petition from the Broadmarsh / Elderslie Community and the responding action by Council Officers.

DETAIL

In mid December 2019, Cllr Tony Bantick advised Deputy General Manager (DGM), Andrew Benson that the Broadmarsh & Elderslie Progress Association (BEPA) were waiting on Council in respect of some road works to be completed to facilitate the installation of a bus shelter supplied by Brighton Rotary for the junction of Bluff Road and Elderslie Road.

When Cllr Bantick mentioned it to the DGM, he said that he was unaware of that situation, other than a bus shelter was mentioned in the Community Forum that he addressed at the Broadmarsh Hall in January last year. The DGM advised that he had heard nothing about that matter since then. Although he had progressed the Broadmarsh Streetscape Project, which was the major focus of that Community Forum.

However, the DGM understood from Cllr Bantick that a Petition was raised by BEPA and forwarded to Council some time ago (it is noted that the dates in the Petition are 2018, with some additional signatures in January 2020). The DGM advised that he had made enquiries and that Council had no record of receiving a Petition from BEPA, as there was no record of it in Council's Information Management System. He said that he was unsure what had happened there, but advised that he would contact BEPA to obtain a copy and would ensure that it is recorded in Council's system and presented at the next Council meeting.

In respect of the Bluff Road Bus Shelter, which is the subject of the Petition, the DGM met with Cllr Bantick, Jack Lyall, Paul Lang, Anita Clarke (BEPA Committee Member) and some other residents of Bluff Road on Wednesday 18th December 2019, immediately following Cllr Bantick's discussion with him. It was agreed that something needs to be done with both the alignment of Bluff Road to Elderslie Road and the provision of a School Bus parking bay. The DGM stated that he drives past that junction some mornings if he has a meeting in the

City and did say that he drove past there the last time and it was just before the bus pickup, he noticed eleven to twelve young children waiting on the side of the road for the School Bus. He said that he certainly agreed that is quite a dangerous situation.

Following that meeting the DGM sketched up a Concept Plan showing a road realignment of the Bluff Road & Elderslie Road junction and a proposed School Bus parking bay, then he arranged a meeting with Ben Geard (land owner) to discuss the Concept Plan. The DGM met with Ben Geard on Friday 20th December 2019 and left the Plan with him to consider and discuss with his family. Ben had some really valid comments during our meeting and the DGM incorporated some changes to the original Concept Plan and created version two.

In relation to the road realignment the DGM has since contacted the Department of State Growth to see if there is any money available to fund the project (approximately \$130,000.00). A preliminary funding application has been completed and lodged with the Department of State Growth.

The DGM has met on site with a Design Engineer and he has also discussed the Concept Plan with the Traffic Engineer, who will document a Safety Audit for the site. The civil engineering design, along with the traffic engineering fees and the survey fees have been included in the funding submission.

Council awaits advice from the Department of State Growth.

Human Resources & Financial Implications – No funding by Council has been included in the Funding Application to DSG.

Community Consultation & Public Relations Implications – All of this information has been communicated to BEPA President Donna Blackwell.

Policy Implications – N/A

Priority - Implementation Time Frame – Awaiting advice from DSG on funding availability.

RECOMMENDATION

THAT the

1. Petition be received and noted; and
2. Actions of Council Officers be endorsed.

DECISION

Moved by Clr A Bantick, seconded by Clr R McDougall

THAT the:

1. **Petition be received and noted; and**
2. **Actions of Council Officers be endorsed.**

CARRIED

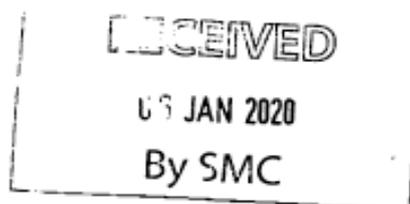
Councillor	Vote FOR	Vote AGAINST
Mayor A Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D Fish	√	
Clr R McDougall	√	

ENCLOSURE

Agenda Item 16.1.1

18/06/18

To whom it may concern



RE: REQUEST TO CONSTRUCT A BUS SHELTER ON THE CNR BLUFF & ELDELSLIE ROADS, ELDELSLIE

We reside with my family on Bluff Road, Elderslie.

The young people in our community catch the O'Driscoll Coach on the Elderslie – Brighton Route to the Brighton Primary School daily.

There have been recent changes to the school bus route which have extended the time our children have to travel to get to school and home again each day.

The location of our bus stop is at the Bluff Road/Elderslie Road intersection.

This bus stop services the children of four families, a total of 9 children of varying age (between 5 and 13 years of age) who alight and disembark from the school bus each school day.

We would like to seek your support in constructing a new bus stop / bus shelter to ensure the daily safety of our children, and to shelter them in the colder winter months from sometimes extreme weather conditions.

Currently, each morning, the bus pulls to the side of the road to collect our children. The area the bus pulls over to, does not remove the bus wholly from Bluff Road. I would also like to note that the speed limit for Bluff Road is a speed limit of 100KPH.

Generally, the traffic on Bluff Road **does not slow down** to consider the children waiting at the side of the road for the bus's arrival. There have been occasions where there have been logging trucks and cattle trucks, fully loaded, which travel the full extent of the speed limit, with little or no consideration for the children waiting on the roadside for their school bus, notwithstanding the daily local traffic, where drivers **do not slow down** when passing children waiting for the bus on the side of the road.

It is dangerous, and I fear for the safety of all of these children.

As members of the community, I'd like to make you aware of the Public Transport Standards, that Councils have some direct responsibilities where the local government has responsibility for infrastructure, such as bus stops.

In most areas, the Council is wholly or partly responsible for the provision of bus stops and waiting areas.

We would like to request that you consider constructing a bus shelter on the corner of Elderslie Road and Bluff Road (the preference for the bus stop on the Bluff Road side), so children do not have to cross the road when alighting or disembarking from the School bus each day. This location also allows Parents/Grandparents to wait safely off Elderslie Road for the children's departure/arrival each day. This should meet or exceed National Standards. *What is the safe off road distance off the road for a bus to stop? If I were to be riding a bicycle, in a 70km zone, it would be 1.5mtrs (ref. Tasmanian Road Rules, page 8).*

We would welcome any discussion with regard to the construction of a bus stop at the junction of Bluff Road and Elderslie Road.

Following is a petition signed by all the residents of Bluff Road and of our local community, all of whom support this communication to you.

With kind regards,

Colleen & Darren Neale
1264 Bluff Road, Elderslie
colzneale@gmail.com

PETITION – PLEASE SIGN TO SHOW YOUR SUPPORT FOR THE CONSTRUCTION OF A BUS SHELTER AT CNR BLUFF RD AND ELDERSLIE ROAD

Resident Name	Address	Signed	Signed	Date
Colleen & Darren Neale	1264 Bluff R, Elderslie	<i>[Signature]</i>	<i>[Signature]</i>	17/05/18
Fay & Zed Frazer	1354 Bluff Rd, Elderslie	<i>[Signature]</i>	<i>[Signature]</i>	17/05/18
Eve Bone	1268 Bluff Rd Elderslie	<i>[Signature]</i>		21.05.18
Bianca Boxall	1411 bluff Rd elderslie	<i>[Signature]</i>		21.05.18
Katrina McKenna	1403 Bluff Rd elderslie	<i>[Signature]</i>		21.05.18
Peter McKenna	" "	<i>[Signature]</i>		21/05/18
Jill Aries	1420 Bluff Rd	<i>[Signature]</i>		24/5/18
Peter Aries	" " "	<i>[Signature]</i>		" "
Kileen McKenzie	1260 Elderslie Rd	<i>[Signature]</i>		1-6-18
Lenessa Wick	1237 Elderslie Rd	<i>[Signature]</i>		1-6-18
Bruce Whelan	1181 Elderslie Rd	<i>[Signature]</i>		1-6-18
Lucy Blackwell	212 Clifton Vale	<i>[Signature]</i>		1-6-18
Carmen Meshane	"Blackbrush" Broadmarsh	<i>[Signature]</i>		1-6-18
Phil Jones	1290 Elderslie Rd	<i>[Signature]</i>		1-6-18
Keith Bramham	1244 Elderslie Rd	<i>[Signature]</i>		
DICK CALVERT	"BLACK BRUSH" BROADMARSH	<i>[Signature]</i>		1-6-18
GEOFF MESHANE	BLACKBRUSH BROADMARSH	<i>[Signature]</i>		1-6-18
Nicole Smith	603 Blackbrush Rd Broadmarsh	<i>[Signature]</i>		1-6-18
Heath Walker	" "	<i>[Signature]</i>		1-6-18
Jack Scott	" "	<i>[Signature]</i>		1-6-18
Jack Meshane	558 Blackbrush Rd	<i>[Signature]</i>		1-6-18
Julie Crown	1439 ELDERSLIE RD	<i>[Signature]</i>		1-6-18
RIC CROWN	1439 ELDERSLIE RD	<i>[Signature]</i>		1-6-18
L. Berris	1242 Bluff Rd	<i>[Signature]</i>		1-6-18
Anita Clarke	1422 Bluff Rd	<i>[Signature]</i>		1-6-18
Natalie Beard	714 Elderslie Rd	<i>[Signature]</i>		1-6-18



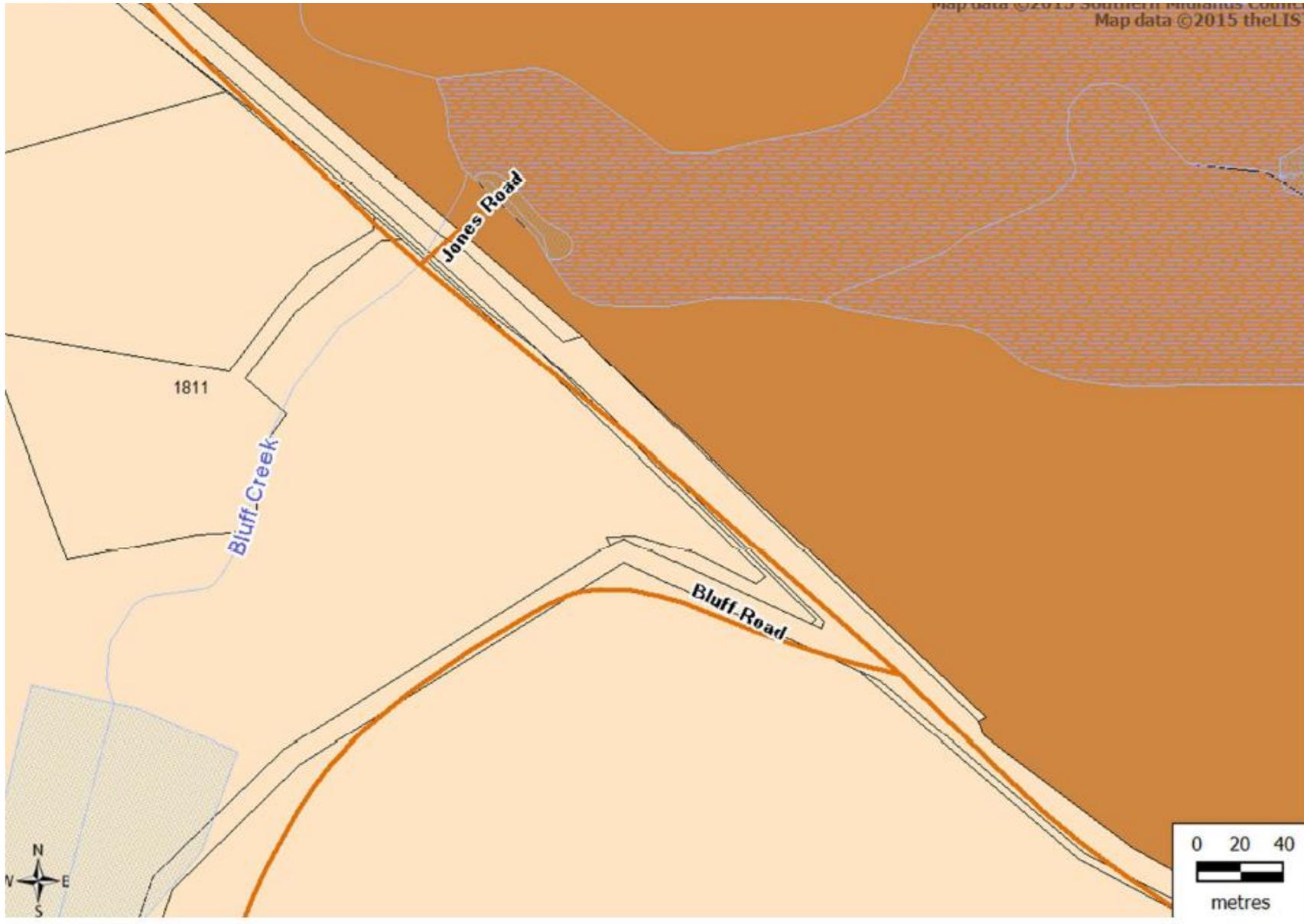
Concept Plan

*Realign Bluff Road's Junction with Elderslie Road,
also accommodating a School Bus Park*

Prepared by

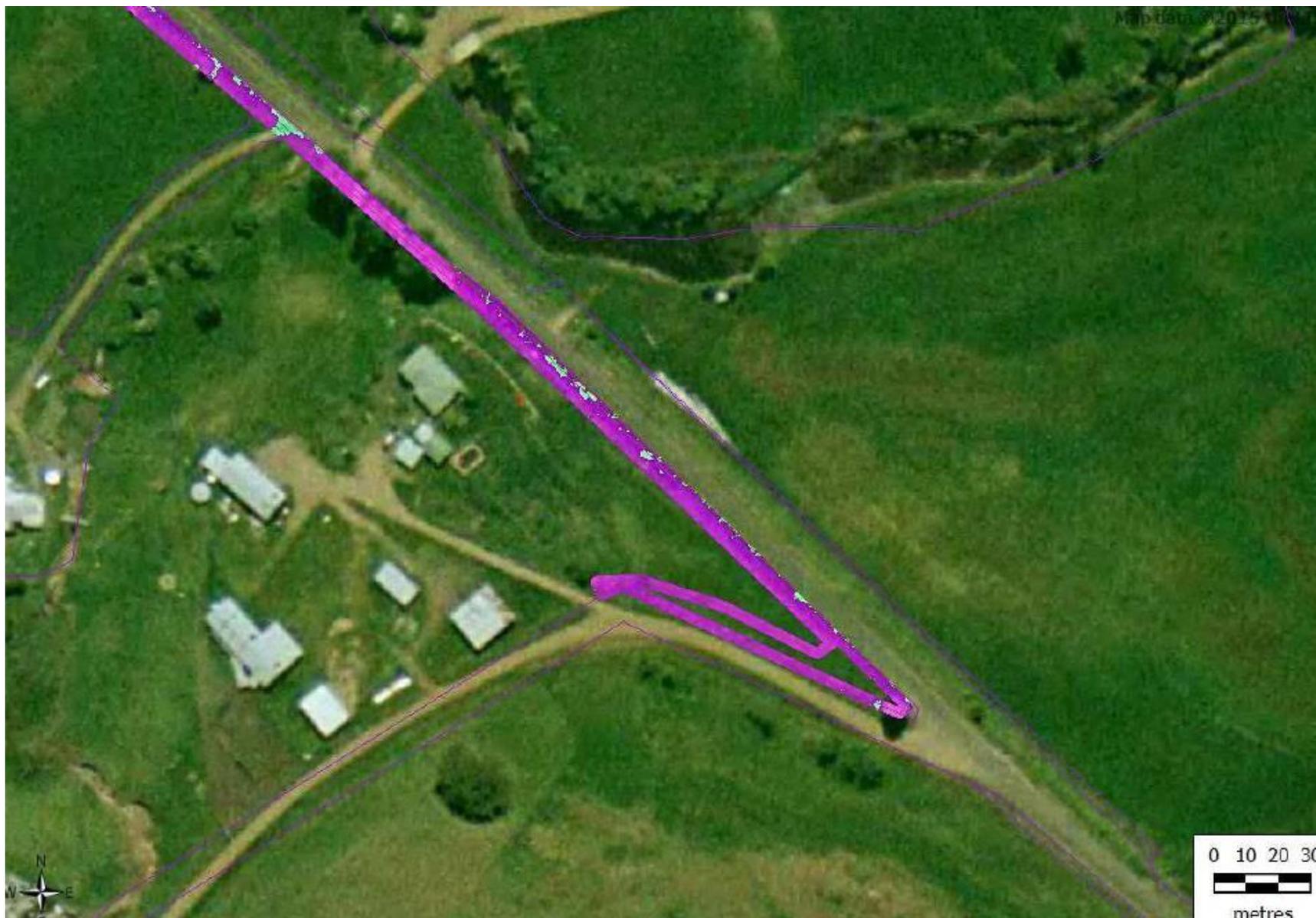
Andrew Benson

December 2019

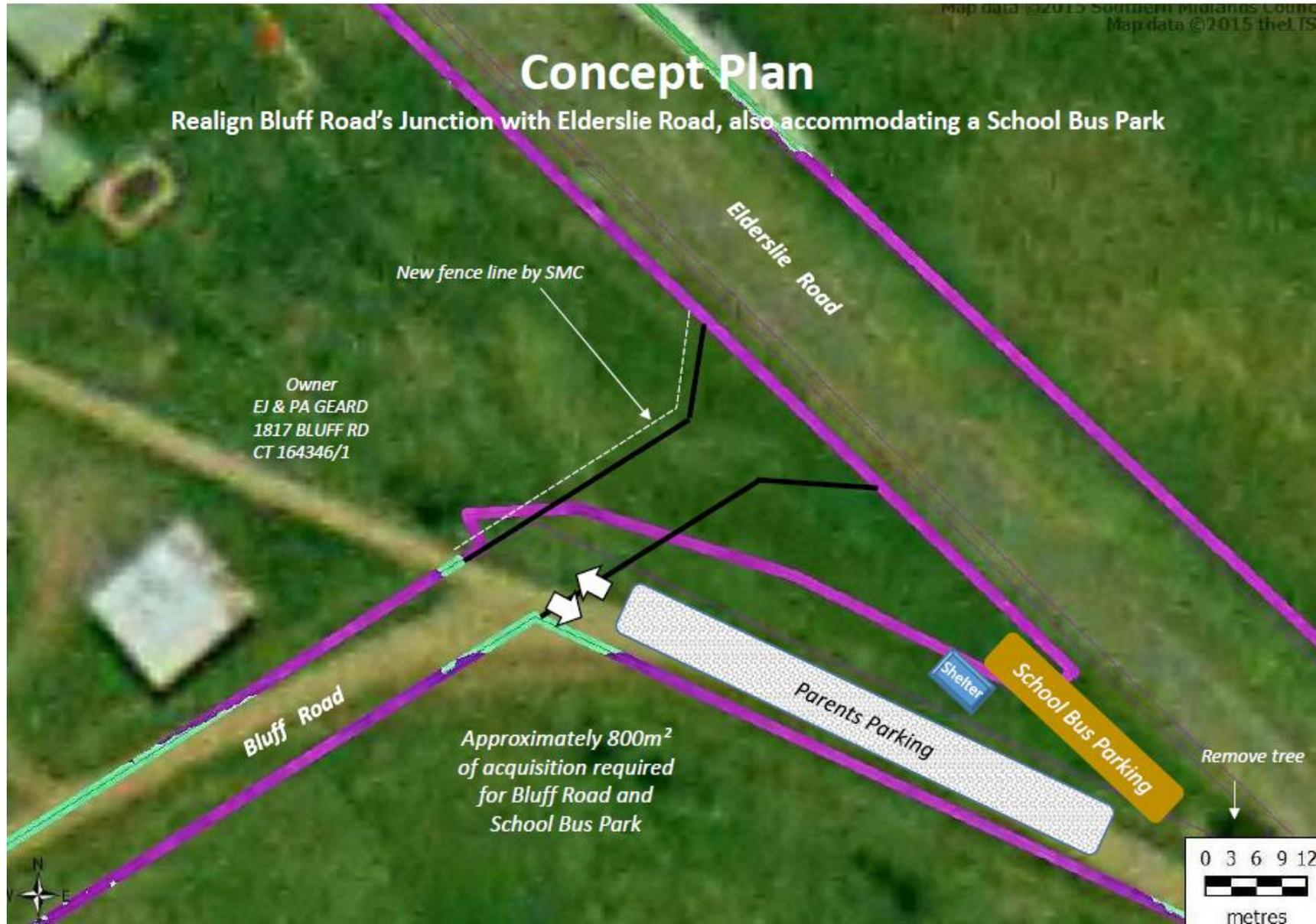


















16.1.2 ST MARY'S CHURCH, KEMPTON – PROPOSED SALE BY THE ANGLICAN DIOCESE OF TASMANIA (GREEN PONDS PROGRESS ASSOCIATION AND 'SAVE OUR CHURCH KEMPTON')

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 15 JANUARY 2020

Enclosure:

Green Ponds Progress Association – Letter dated 7th November 2019

ISSUE

Council to consider a request to fund the cost of obtaining an independent valuation of the St Mary Church at Kempton.

BACKGROUND

In May 2018, the Anglican Diocese of Tasmania (the Diocese) announced the sale of 108 properties to be sold across Tasmania to raise funds pursuant to the Anglican Church commitment to the national redress scheme for compensation and support of victims of sexual abuse. The commitment to the redress scheme is \$8m over ten years. In June 2018, Synod resolved that the funds would be raised by:

- *Around \$2.9m from levies (of 25%) on funds from past property sales.*
- *Around \$1.1m from direct contributions from larger parishes.*
- *Around \$4.7m from levies (of 25%) of the net proceeds of the sale of 108 properties. i.e. \$18.8m of property (net value) is intended to be sold.*

The following church properties in Southern Midlands were resolved to be sold:

- All Saints Church and Hall Melton Mowbray
- St James Church Colebrook
- St James Church Jericho
- St John the Evangelist Lower Marshes
- St Marys Church, Hall and Burial Ground Kempton
- St Oswald's Church Tunbridge
- St Matthias Church Woodsdale
- St Michaels Church Bagdad

As an outcome of the public consultation process and other determinations, the Woodsdale Church was withdrawn from the proposed list for sale.

In terms of Council's involvement in this matter, during July and August in 2018, eight community forums were held across the municipal area in/near the townships where the church properties are proposed for sale.

This result in the preparation of a submission to the Diocese of Tasmania.

Specifically in relation to the Kempton Forum, there was strong community opposition to the intent to sell. The following is an extract from the submission made to the Anglican Diocese of Tasmania in September 2018:

"Kempton (St Mary's church, hall, cemetery and columbarium)

The community strongly oppose the sale of the church, cemetery or any land (etc.) and believe that the retention of St Mary's is a priority in a town which is a growth area and that the Anglican church is the only remaining church open in the town. There are questions as to the legality of any sale given that descendants of the land (and benefactors of the building cost) still live in the town and there are certain legal provisions in early bequests that require further consideration."

DETAIL

Mr John Hay, representing the Green Ponds Progress Association (GPPA), and Mr John Jones, representing the group 'Save our Church Kempton' attended the Council workshop held 14th January 2020.

By way of introduction, Mr John Hay indicated that the GPPA was essentially playing a supporting role to the 'Save our Church Kempton' group, but the Progress Association had no intention of pursuing ownership or control of the property.

Mr John Jones then spoke about the group 'Save our Church Kempton' and the actions that it has taken to date. The group, which consists of approximately 13 members, has been in discussions with the Diocese of Tasmania and whilst the group has requested details of the property valuation from the Diocese, this information has not been made available and it is unlikely to be forthcoming.

In summary, the following dot points were noted:

- The St Mary's Church is the only remaining church in Kempton
- Concerns relating to the future management and operation of the cemetery
- the new legislative arrangements resulting from the review of the *Burial and Cremation Act 2019*, and to some extent, compliance with the current provisions of the Act by the Diocese
- there are currently 76 graves within the lawn cemetery; 20 Niches; 253 Graves at the rear of the Cemetery
- If ownership/control was secured, the church would become ecumenical (i.e. non-denominational)
- Sale of the Church property would impact on the streetscape and ambience of the area

The Group are aiming to convene a public meeting at some stage, with the intention of providing the community with an indicative value of the Church property. This would then enable the community to make an informed decision in terms of future ownership and the options that may be available.

The workshop discussion concluded with a request that Council, on behalf of the community, consider funding the cost of obtaining an independent valuation for the property.

Human Resources & Financial Implications –Opteon Solutions (Property Valuers) has submitted a quotation of \$1,798.50 (GST inclusive) to provide a market valuation. A budget has not been allocated for this purpose.

Community Consultation & Public Relations Implications – refer detail provided.

Policy Implications – whilst this decision has no direct policy implications, Council at its meeting held in September 2018 did resolve as follows:

“*THAT:*

- a) *Council adopts the position that it will not seek to acquire any church building(s); and*
- b) *The matter of Council as a cemetery manager be revisited pending the outcome of the public consultation process undertaken by the Diocese of Tasmania.”*

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council consider the request to fund the cost of obtaining an independent valuation of the St Marys Church property at a cost of \$1798.50 (GST inclusive).

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr R McDougall

THAT Council consider the request to fund the cost of obtaining an independent valuation of the St Marys Church property at a cost of \$1798.50 (GST inclusive).

CARRIED

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

DECISION

Moved by Deputy Mayor E Batt, seconded by Clr R McDougall

THAT Council be prepared to make a contribution of \$1,000 to the Green Ponds Progress Association (GPPA) to obtain an independent market valuation for St Marys Anglican Church at Kempton subject to:

- a) **The GPPA being prepared to engage Opteon Solutions (Property Valuers) and fund the balance of the cost (i.e. \$798.50); and**
- b) **Council being provided with a copy of the Valuation Report.**

CARRIED

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

ENCLOSURE
Agenda Item 16.1.2



7 November 2019

Tim Kirkwood
General Manager
Southern Midlands Council
71 High Street
Outlands Tasmania 7120

Dear Tim

The Committee of the Green Ponds Progress Association would appreciate the opportunity to discuss with Council the proposed sale of St Mary's Church in Kempton.

As the grave of Rev Trollop is under, or adjacent to, the eastern wall of the Church building it is the considered opinion that the entire property should be classified as a cemetery. This would prevent subdivision of the property and exclude the separate sale of the building.

In view of the above, it would appear that the property may only be sold to an incorporated body, which could include the local Council.

An independent group of concerned parishioners have formed a committee and are having continuing communication with the Church hierarchy.

As a precursor to the outcome of any negotiations by this committee, the Green Ponds Progress Association would like to discuss possibilities for the on-going control and management of the property.

Please advise a convenient time for representatives of the Association to meet with Council.

Yours faithfully

John Hay
President
Green Ponds Progress Association Inc
0407 526 895

16.2 Safety

Strategic Plan Reference 5.2.1

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

Nil.

16.3 Consultation & Communication

Strategic Plan Reference 5.3.1

Improve the effectiveness of consultation and communication with the community.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 Improvement

Strategic Plan Reference(s) 6.1.1, 6.1.2, 6.1.3, 6.1.4 & 6.1.5

Improve the level of responsiveness to Community 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 IT systems / Develop an overall Continuous Improvement Strategy and framework.

Nil.

17.2 Sustainability

Strategic Plan Reference(s) 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7 & 6.2.8

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.

17.2.1 LOCAL GOVERNMENT SHARED SERVICES UPDATE (STANDING ITEM – INFORMATION ONLY)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 17 JANUARY 2020

Enclosure(s):

Local Government Shared Services Update – November 2019

Local Government Shared Services – Council Update – November 2019

ISSUE

To inform Council of the Common Services Joint Venture activities for the month of November 2019.

BACKGROUND

There are seven existing members of the Common Services Joint Venture Agreement, with two other Council's participating as non-members.

Members: Brighton, Central Highlands, Glenorchy, Huon Valley, Sorell, Southern Midlands and Tasman.

DETAIL

Refer to the enclosed 'Local Government Shared Services – Council Update'.

Human Resources & Financial Implications – Refer comment provided in the update.

Councillors will note that the Southern Midlands Council provided 74 hours of service to other Councils and received 23 hours of services from other Councils during the month.

Details of services provided are included in the enclosures.

Community Consultation & Public Relations Implications – Nil

Policy Implications – N/A

Priority - Implementation Time Frame – Ongoing.

RECOMMENDATION

THAT the information be received.

DECISION

Moved by Clr A Bisdee, seconded by Clr K Dudgeon

THAT the information be received.

CARRIED

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

ENCLOSURE
Agenda Item 17.2.1

LG Shared Services Update

November 2019

Summary of Recent Shared Services Activity

448 hours of Shared Services were exchanged between Councils in November 2019, which is a decrease of 9% when compared to hours exchanged in October 2019 (495 hours) and is below the three-month average of 471 hours per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

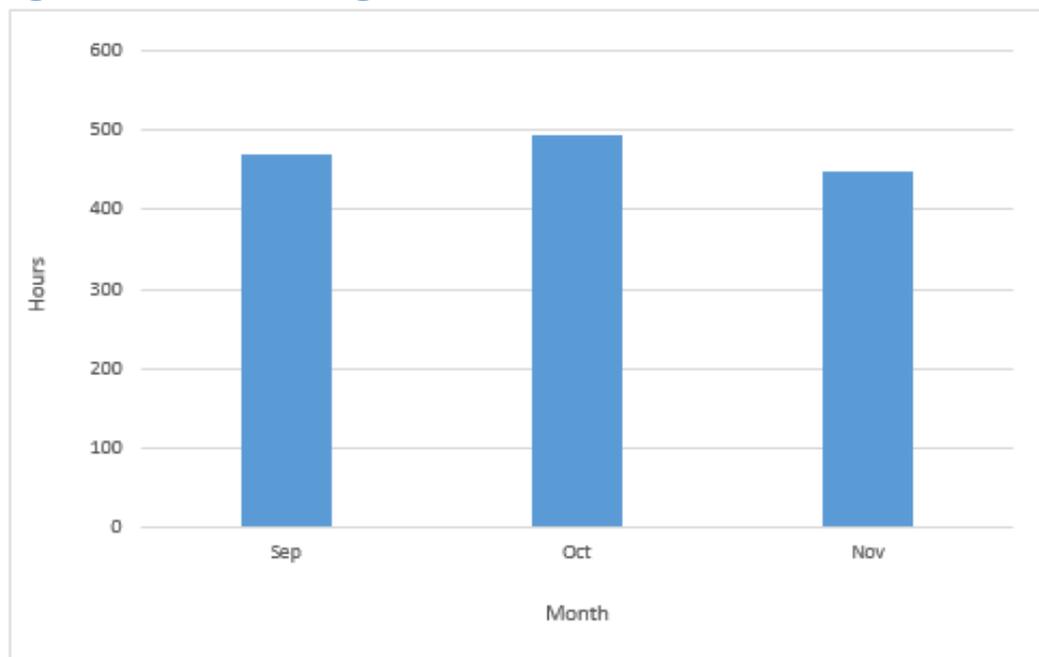
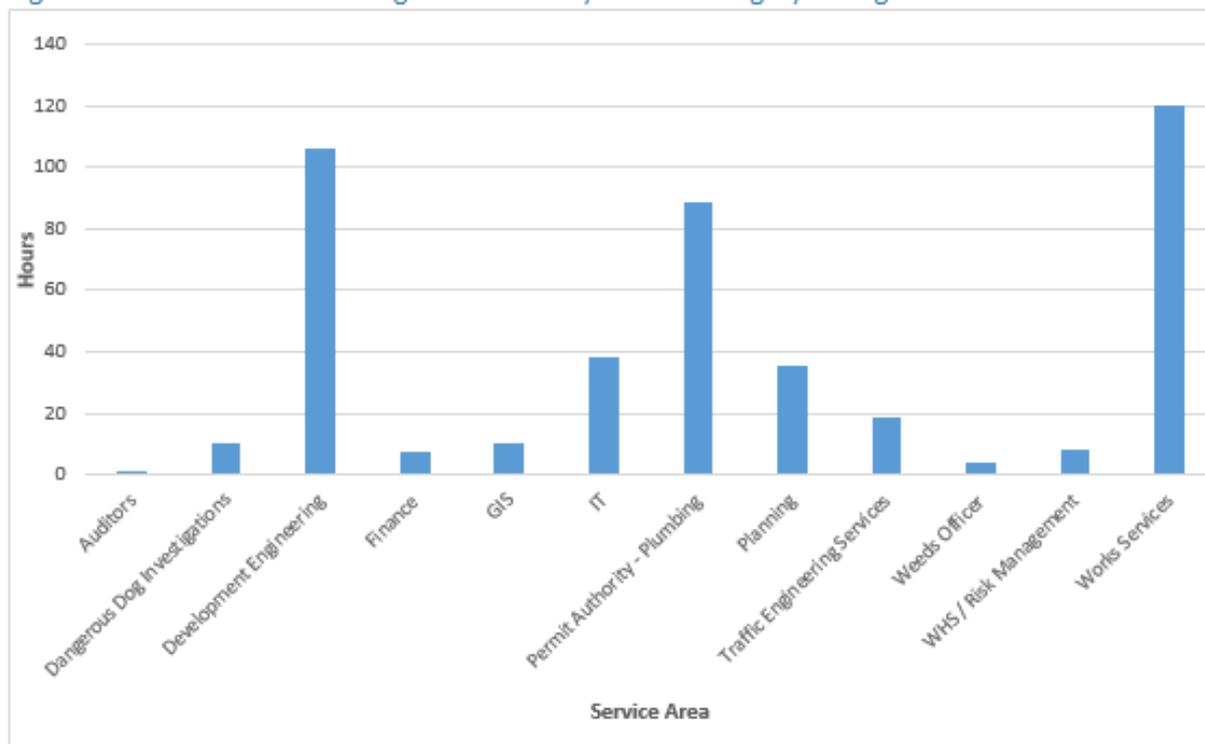


Fig 2 - Details of Current Exchange of Services by Council during November 2019

Provider Council	Client / Organisation							
	Brighton	Central Highlands	Derwent Valley	Glenorchy	GSB	Sorell	Southern Midlands	Tasman
Brighton		2	9.25	19	97.5		20.5	161.75
Central Highlands	2					2	2	2
GSB								
Glenorchy								
Huon Valley								
Litchfield								
West Arnhem Regional								
Sorell	6	31.25						19.25
Southern Midlands	4	35.5	34.25					
Tasman								

* Council/Organisation not currently a member of the Shared Services Joint Venture Agreement

Fig 3 - Details of Current Exchange of Services by Service Category during November 2019



Savings to Local Government

A total of 448 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$27,000 for the month of November. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

Local Government Shared Services – Council Update

Council

Southern Midlands

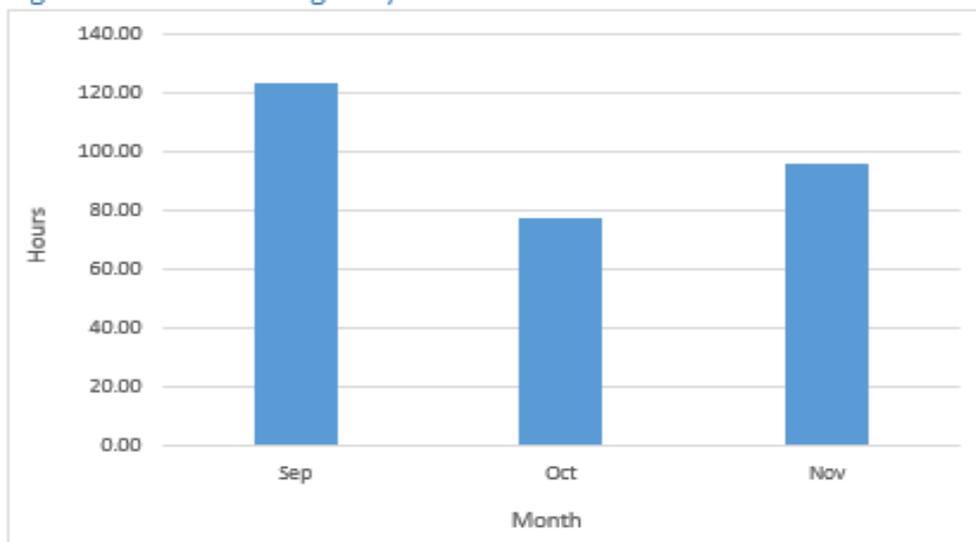
Shared Service Participation in November 2019

97 hours

Summary

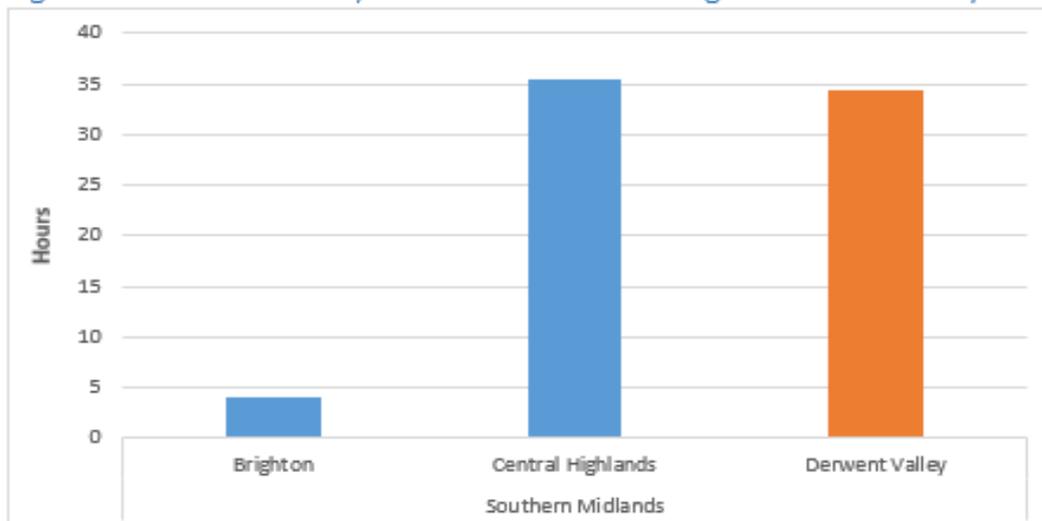
In November 2019, 97 hours of shared services were exchanged by the Southern Midlands Council. From this total, Southern Midlands provided 74 hours to other Councils and received 23 hours of services from other Councils. Total hours of exchange increased by 24% when compared to October 2019 (78) but were below the three-month average of 99 hours per month.

Fig 1 – Services Exchanged by Southern Midlands Council in Recent Months



Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands during November 2019 by Council



* Council is not currently a member of LG Shared Services

Fig 3 - Services Provided by Southern Midlands during November 2019 by Service Category

Southern Midlands	74	Summary of Services Provided
Brighton	4	
Weeds Officer	4	Weed Management
Central Highlands	36	
Planning	36	Regulatory and Strategic Planning
Derwent Valley	34	
Permit Authority - Plumbing	34	Regulatory and Strategic Planning

* Council is not currently a member of LG Shared Services

Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands during November 2019 by Council

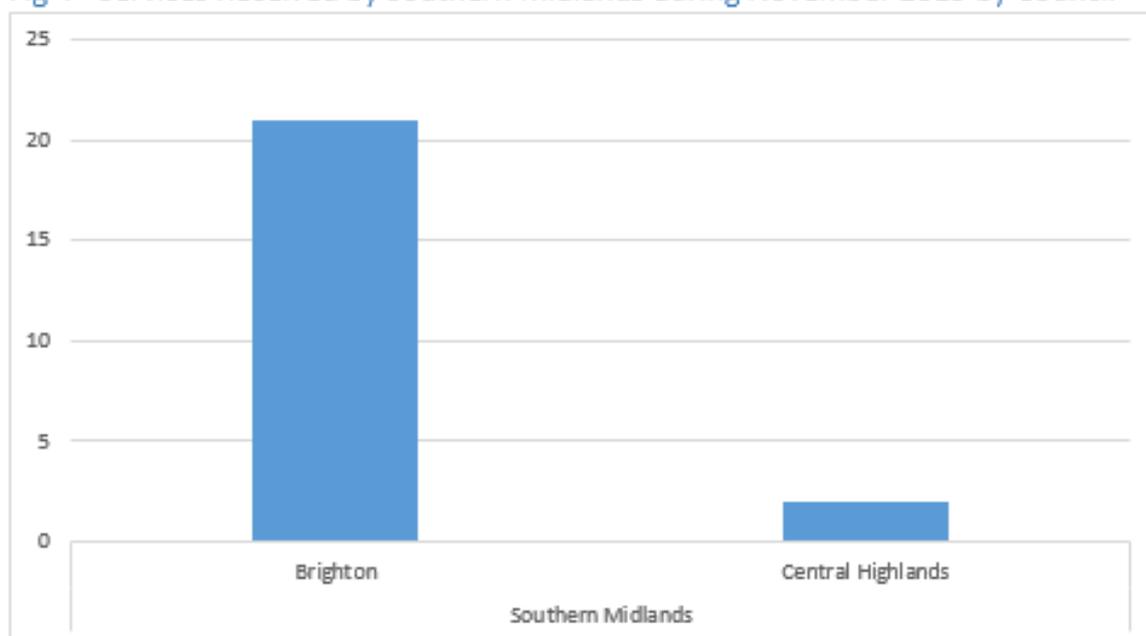


Fig 5 - Services Received by Southern Midlands during November 2019 by Service Category

Southern Midlands	23	Summary of Services Received
Brighton	21	
Development Engineering	6	Development Engineering
Permit Authority - Plumbing	4	Permit Authority - Plumbing
Dangerous Dog Investigations	11	Dog Attack investigations and call outs
Central Highlands	2	
WHS / Risk Management	2	Online Contractor Inductions

17.2.2 TABLING OF DOCUMENTS

Nil.

17.2.3 ELECTED MEMBER STATEMENTS

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

Clr K Dudgeon

- Advice of a Community Bushfire Fundraiser being held in Oatlands on the 8th February 2020.

17.3 Finances

Strategic Plan Reference(s) 6.3.1, 6.3.2 & 6.3.3

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

17.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 DECEMBER 2019)

Author: FINANCE OFFICER (COURTNEY PENNICOTT)

Date: 16 JANUARY 2020

ISSUE

Provide the Financial Report for the period ending 31st December 2019.

BACKGROUND

The format of the Operating Expenditure Report has been amended to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

Note: Depreciation is calculated on an annual basis at the end of the financial year and therefore the budget for depreciation is included in the June period.

DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2019 to 31 December 2019.
- Operating Expenditure Budget Report – as at 31 December 2019.
- Capital Expenditure Estimates – as at 31 December 2019.
- Cash Flow Statement – 1 July 2019 to 31 December 2019.
- Rates & Charges – as at 11th January 2020.

OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of December 2019 was \$3,643,744, which represents 87.10% of YTD Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), YTD expenditure is consistent with Budget.

Strategic Theme - Infrastructure

Sub-Program – Roads – expenditure to date (\$746,883 – 110.34%). Expenditure relates to additional works of \$16k for the asphaltting of deformations and cracks along Brown Mountain Road and Eldon Road, as well as the costs associated with mowing and slashing that began earlier (due to weather and hazards) than the previous year.

Strategic Theme – Growth

Nil.

Strategic Theme – Landscapes

Nil.

Strategic Theme – Lifestyle

Nil.

Strategic Theme – Community

Sub-Program – Capacity – expenditure to date (\$35,818 – 131.62%). Expenditure relates to costs associated with the Heritage Bullock Festival, Arts Committee Events and donations provided for sporting representations.

Strategic Theme – Organisation

Nil.

RECOMMENDATION

THAT the Financial Report be received and the information noted.

DECISION

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

THAT the Financial Report be received and the information noted.

CARRIED

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

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2019 to 31st DECEMBER 2019				
	Annual Budget	Year to Date as at 31st December	%	Comments
Income				
General rates	\$ 5,724,701	\$ 5,667,443	99.0%	Budget includes Interest & Penalties to be imposed to end of June 2020
User Fees (refer Note 1)	\$ 694,036	\$ 343,088	49.4%	
Interest	\$ 180,000	\$ 85,217	47.3%	
Government Subsidies	\$ 19,250	\$ 11,655	60.5%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 74,422	45.9%	
Sub-Total	\$ 6,779,987	\$ 6,181,825	91.2%	
Grants - Operating	\$ 3,470,832	\$ 875,616	25.2%	
Total Income	\$ 10,250,819	\$ 7,057,441	68.8%	
Expenses				
Employee benefits	\$ (3,905,753)	\$ (1,740,735)	44.6%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,063,277)	\$ (1,749,064)	57.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (3,061,160)	\$ (1,530,580)	50.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (27,088)	\$ (18,015)	66.5%	
Contributions	\$ (233,907)	\$ (58,477)	25.0%	Fire Service Levies
Other	\$ (133,944)	\$ (77,453)	57.8%	Incls Rate Discounts
Total expenses	\$ (10,425,129)	\$ (5,174,324)	49.6%	
Surplus (deficit) from operations	\$ (174,310)	\$ 1,883,117	-1080.3%	
Grants - Capital (refer Note 3)	\$ 4,526,481	\$ 830,950	18.4%	
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 226,869	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ (108,182)	\$ 0	0.0%	
Surplus / (Deficit)	\$ 4,243,989	\$ 2,940,937	69.3%	

NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 471,579	\$ 208,277	44.2%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 222,457	\$ 132,260	59.5%	
- Callington Mill	\$ -	\$ 2,551	0.0%	
	\$ 694,036	\$ 343,088		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 12,315	8.10%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 62,107	0.0%	\$58,450 received from the Tunbridge Hall Management Comm - Toilet Project.
	\$ 162,000	\$ 74,422	45.9%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Aus Gov Election Commit'	\$ 1,930,000	\$ -	0.0%	
- Swimming Pool	\$ 1,900,000	\$ 800,000	0.0%	
- Roads To Recovery Grant	\$ 665,531	\$ -	0.0%	To be received March 2020
- Twin Equestrian Arenas	\$ -	\$ -	0.0%	
- Commissariat NSRF Grant	\$ 30,950	\$ 30,950	100.0%	
	\$ 4,526,481	\$ 830,950	18.4%	
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
- FAGS		\$ 870,921		
- Court House		\$ 150		
- Weed Control Grant		\$ 4,545		
	\$ -	\$ 875,616		

INFRASTRUCTURE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
ROAD ASSETS						
Resheeting Program	Various	Roads Resheeting	\$ 500,000	\$ 43,937	\$ 456,063	
Reseal Program		Roads Resealing (as per agreed program)	\$ 280,000	\$ -	\$ 280,000	
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
Reconstruct & Seal		Green Valley Road, Bagdad (300metres off Swan Street)	\$ 54,000	\$ -	\$ 54,000	
	C1020025	Shene Road, Mangalore (650metres)	\$ 97,500	\$ 44,698	\$ 52,802	
	C1010089	Woodsdale Road (1klm Reconstruction)	\$ 165,000	\$ 164,225	\$ 775	
Construct & Seal (Unsealed Roads)		Huntington Tier (300 metres new seal)	\$ 63,000	\$ -	\$ 63,000	
		Roberts Road (350m new seal incl. stormwater)	\$ 59,000	\$ -	\$ 59,000	
		Main Intersection/Carpark Campania - Design Concept	\$ 50,000	\$ -	\$ 50,000	
		Eldon Road (800 metres new seal)	\$ 154,000	\$ -	\$ 154,000	RTR
		Banticks Road (1klm new seal from Junction with Blackbrush)	\$ 27,500	\$ -	\$ 27,500	
		Blackbrush Road (1klm new seal from existing to Banticks)	\$ 210,000	\$ -	\$ 210,000	RTR
	C1020055	Yarlington Road (construct & Seal)		\$ 2,983.70	\$ (2,984)	RTR
Minor Seals (New)		Dust Suppressant Seal	\$ 20,000	\$ -	\$ 20,000	
		Junctions - Various Locations (incl. Greggs Road)	\$ 20,000	\$ -	\$ 20,000	
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/19 \$959
Unsealed Rds - Road Widening	C1020065	Clifton Vale Road - (Cliff Section)	\$ 20,128	\$ 17,410	\$ 2,717	
	C1020061	Native Corners Road (Far end, Widening/Guard Rail)	\$ 9,000	\$ 3,277	\$ 5,723	\$9K Budget c/fwd
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 9,504	\$ 60,496	\$70K Budget c/fwd WIP 30/6/19 \$2,617
		Water Lane (Minor Widening/drainage - V drain)	\$ 23,500	\$ -	\$ 23,500	
Drainage Component - \$42,900	C1010079	Reeve St - Hall Street to Rec Ground (K&G)	\$ 94,915	\$ 2,575	\$ 92,340	\$20k Budget c/fwd WIP 30/06/19 \$6,887
	C1020047	Lovely Banks Road (vicinity of Carnes)	\$ 25,000	\$ 1,621	\$ 23,379	Extend Culverts/ tree removal / realign
		Rhyndaston Road - Guard Rail	\$ 20,000	\$ -	\$ 20,000	
	C1020066	Stonor Road - Guard Rail	\$ 30,000	\$ 8,657	\$ 21,343	
		Woodsdale Road (Vicinity of Dean Property)	\$ 15,000	\$ -	\$ 15,000	
	C1010088	Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ 20,741	\$ 4,259	\$25k Budget c/fwd WIP 30/06/19 \$6,036
			\$ 2,062,543	\$ 320,587	\$ 1,741,955	
BRIDGE ASSETS						
	C1030058	Hardings Road (White Kangaroo Rivulet- B1096)	\$ 180,400	\$ 59,259	\$ 121,141	RTR
	C1030059	Woodsdale Road (Nutting Garden Rivulet- B3968))	\$ 210,390	\$ 11,508	\$ 198,882	RTR
			\$ 390,790	\$ 70,767	\$ 320,023	

WALKWAYS	C1040003	Footpaths - General Streetscapes Bagdad Township	\$ 20,000	\$ -	\$ 20,000	
	C1040014	- East Bagdad Road Broadmarsh Township	\$ 105,000	\$ 3,486	\$ 101,514	WIP 30/6/19
		- Streetscape Works Campania Township	\$ 230,000	\$ -	\$ 230,000	Funds \$230k subject to finalising Grant Deeds (Federal Gov.)
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Reeve Street - Footpath through to Hall	\$ 30,000	\$ -	\$ 30,000	
		- Climie Street/Water Lane (incl. footpath)				
		- Climie Street to Kandara Court Footpath Kempton Township				
		- Midlands Highway/Mood Food	\$ 70,150	\$ -	\$ 70,150	
	C1040027	- Memorial Avenue (complete drainage/other site works)	\$ 25,000	\$ 16,245	\$ 8,755	
		- Streetscape Plan (Review & Implementation)	\$ 110,000	\$ 31,357	\$ 78,643	Footpath renewal Component - Funds \$75k subject to finalising Grant Deeds (Federal Gov.)
		Melton Mowbray Township				
	G2020002	- Streetscape Works (Trough / Shelter etc)	\$ 30,000	\$ 5,318	\$ 24,682	
		Oatlands Township				
	C1040016	- High Street (Footpath Renewal)	\$ 33,000	\$ 1,252	\$ 31,748	
	C1040026	- Church Street (Footpath Renewal)	\$ 17,000	\$ 16,714	\$ 286	
		Tunbridge Township				
		- Maint Street Kerb & Gutter (Vicinity of Hall)	\$ 30,000	\$ -	\$ 30,000	
		Tunnack Township				
		- Streetscape concept Plan	\$ 5,000	\$ -	\$ 5,000	
			\$ 710,150	\$ 74,372	\$ 635,778	
						\$64k Budget c/fwd WIP 30/6/19 \$21,251 - Funds \$250k subject to finalising Grant Deeds (Federal Gov.)
LIGHTING	C1050001	Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 134,000	\$ 21,327	\$ 112,673	
			\$ 134,000	\$ 21,327	\$ 112,673	
BUILDINGS	C1110002	Campania Flour Mill Park - Concrete Pathways/drainage/remove p	\$ 15,000	\$ -	\$ 15,000	
		Tunbridge Hall Toilets	\$ 77,500	\$ 84,864	\$ (7,364)	WIP 30/6/19 \$18,288 - Budget incl. Grants
			\$ 92,500	\$ 84,864	\$ 7,636	

DRAINAGE		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
	C1090013	- Midland Highway/Swan Street Drainage	\$ 50,000	\$ 8,178	\$ 41,822	
		Campania				
		- Estate Road (School Farm)	\$ 10,000	\$ -	\$ 10,000	
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Queen Anne Street	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
		Kempton				
		- Erskine Street		\$ 4,668	\$ (4,668)	WIP 30/6/19
			\$ 97,500	\$ 12,846	\$ 84,654	
WASTE	C110001	Wheelie Bins and Crates	\$ 8,000	\$ -	\$ 8,000	
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ 4,060	\$ 15,940	\$20K Budget c/fwd
			\$ 53,000	\$ 4,060	\$ 48,940	
GROWTH						
HERITAGE	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 35,550	\$ (25,550)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ 6,500	\$ -	Budget c/fwd
		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
	C3010002	Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ 3,938	\$ 11,062	\$15K Budget c/fwd
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	\$3.5K Budget c/fwd
		Kempton Watch House (Fitout)	\$ 4,000	\$ -	\$ 4,000	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval	\$ 40,000	\$ 6,945	\$ 33,056	WIP 30/6/19 \$3,845 - Budget c/fwd
	C3010011	Roche Hall - Internal & External Painting (excl. Gutters; Fascias &	\$ 80,000	\$ -	\$ 80,000	\$15K Budget c/fwd
			\$ 167,000	\$ 52,933	\$ 114,067	
NATURAL		Campania Bush Reserve (Walking/Riding Path)	\$ 100,000	\$ -	\$ 100,000	Funds \$100k subject to finalising Grant Deeds (Federal Gov.)
	C3020007	Chauncy Vale - Sanctuary Bridge	\$ 55,000	\$ -	\$ 55,000	Funds \$55k subject to finalising Grant Deeds (Federal Gov.)
	C3020008	Mahers Point - Lanscape Plan	\$ 22,404	\$ -	\$ 22,404	Budget c/fwd
	C1040019	Lake Dulverton Walkway (Section 1)	\$ 135,000	\$ -	\$ 135,000	Funds \$135k subject to finalising Grant Deeds (Federal Gov.)
	C1040028	Lake Dulverton Walkway (Section 2)	\$ 85,000	\$ -	\$ 85,000	Funds \$85k subject to finalising Grant Deeds (Federal Gov.)
			\$ 397,404	\$ -	\$ 397,404	

CULTURAL						
		Heritage HUB - Internal fitout	\$ 10,000	\$ -	\$ 10,000	
			\$ 10,000	\$ -	\$ 10,000	
REGULATORY	C3040001	Kempton Council Chambers - Restoration Works	\$ 5,000	\$ 3,595	\$ 1,405	
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 5,000	\$ -	\$ 5,000	
			\$ 10,000	\$ 3,595	\$ 6,405	
LIFESTYLE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
COMMUNITY HEALTH & WELLBEING						
	C4070035	Oatlands Bus Shelter	\$ 14,000	\$ -	\$ 14,000	
			\$ 14,000	\$ -	\$ 14,000	
LIFESTYLE						
ACCESS						
	C4070035	All Buildings (Priority Approach - Year 4 of 5)	\$ 40,000	\$ -	\$ 40,000	
			\$ 40,000	\$ -	\$ 40,000	
PUBLIC HEALTH						
	C4070035	Kempton Community Health Facility	\$ 225,000	\$ 2,415	\$ 222,585	\$200K Budget c/fwd WIP 30/6/19 \$445
			\$ 225,000	\$ 2,415	\$ 222,585	
RECREATION						
	C4070005	Recreation Committee	\$ 20,000	\$ 3,364	\$ 16,636	Campania Rec Ground Window
		Oatlands Aquatic Centre (New Pool)	\$ 2,400,000	\$ -	\$ 2,400,000	Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 471,768	\$ (471,768)	WIP 30/6/19 \$395,896
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Campania - Public Open Space dev (Subdivision)	\$ 23,000		\$ 23,000	
		Campania - Public Open Space dev (Shelter Alexander Circle)	\$ 10,000	\$ 8,400	\$ 1,600	
		Campania - Public Open Space dev (Play Equip Alexander Circle)	\$ 16,000		\$ 16,000	
	G4070024	Mangalore Equestrian Arena	\$ 51,784	\$ 37,437.30	\$ 14,347	Grant of \$36,784 plus additional budget \$15k
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000		\$ 18,000	
		Oatlands - Callington Park (Playground Election Commitment)	\$ 500,000		\$ 500,000	Incls. Revegetation and Watering System - Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
		Campania - Recreation Ground (Nets)	\$ 45,000		\$ 45,000	\$45K Budget c/fwd
	C4070019	Kempton - Recreation Ground (Grandstand Rails & Seating)	\$ 6,000		\$ 6,000	\$6K Budget c/fwd
		Kempton - Recreation Ground (Lighting)	\$ 10,000		\$ 10,000	\$10K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubroc)	\$ 15,000		\$ 15,000	
		Mount Pleasant - Recreation Ground (Upgrade Toilets)	\$ 38,000		\$ 38,000	\$13K Budget c/fwd
		Runnymede - Recreation Ground (resurfacing & watering system)	\$ 20,000		\$ 20,000	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 30,000		\$ 30,000	\$7.5K Budget c/fwd
			\$ 3,202,784	\$ 900,772	\$ 2,302,012	

COMMUNITY						
ANIMALS		Oatlands - Dog Pound	\$ 20,000	\$ -	\$ 20,000	
			\$ 20,000	\$ -	\$ 20,000	
CAPACITY						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Oatlands Structure Plan	\$ 25,000	\$ -	\$ 25,000	
			\$ 33,000	\$ -	\$ 33,000	
SAFETY						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			\$ 3,000	\$ -	\$ 3,000	
ORGANISATION						
SUSTAINABILITY		Council Chambers - Internal Toilets Upgrade	\$ 60,000	\$ -	\$ 60,000	
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
		Council Chambers - Works Office (floor coverings)	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 5,540	\$ 625	\$ 4,916	
	C6020003	Computer System (Hardware / Software)	\$ 55,400	\$ 41,964	\$ 13,436	\$15K Budget c/fwd
			\$ 140,940	\$ 42,589	\$ 98,351	
WORKS						
	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	\$ 50,000	\$ 178,497	\$ (128,497)	Total Project Cost - to be funded over 4 yrs (Yr 1 - \$50K)
	C6020011	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Stor	\$ 200,000	\$ 92,776	\$ 107,224	
		Minor Plant Purchases	\$ 9,500	\$ 535	\$ 8,965	
	C6020008	Radio System	\$ 3,000	\$ -	\$ 3,000	
		Plant Replacement Program				
		Refer separate Schedule (Gross)	\$ 935,000	\$ 114,215	\$ 820,785	
		Light Vehicles (Gross)	\$ 210,000	\$ 192,763	\$ 17,237	
		(Trade Allowance - \$180K)				
			\$ 1,417,500	\$ 578,787	\$ 838,713	
		GRAND TOTALS	\$ 9,221,111	\$ 2,169,914	\$ 7,051,196	

	INFLOWS (OUTFLOWS) (July 2019)	INFLOWS (OUTFLOWS) (August 2019)	INFLOWS (OUTFLOWS) (September 2019)	INFLOWS (OUTFLOWS) (October 2019)	INFLOWS (OUTFLOWS) (November 2019)	INFLOWS (OUTFLOWS) (December 2019)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities							
Payments							
Employee costs	- 259,732.34	- 280,026.23	- 290,033.86	- 374,698.08	- 281,014.52	- 283,264.70	- 1,485,505.03
Materials and contracts	- 489,960.05	- 252,409.90	- 176,421.49	- 359,780.69	- 285,349.16	- 169,232.07	- 1,563,921.29
Interest	- 4,148.51	-	-	-	- 2,995.62	- 10,870.47	- 7,144.13
Other	- 29,966.89	- 69,054.75	- 52,617.77	- 80,824.91	- 23,849.60	- 32,135.15	- 256,313.92
	- 783,807.79	- 601,490.88	- 519,073.12	- 815,303.68	- 593,208.90	- 495,502.39	- 3,312,884.37
Receipts							
Rates	98,749.91	1,287,791.14	1,399,266.96	201,106.06	519,769.80	329,069.98	3,506,683.87
User charges	65,479.66	44,553.00	127,713.29	47,010.97	31,174.71	69,604.49	315,931.63
Interest received	18,471.63	6,408.06	16,386.98	20,750.03	8,083.13	15,117.45	70,099.83
Subsidies			11,655.00				11,655.00
Other revenue grants	150.00	435,460.50			466,410.50	4,545.45	902,021.00
GST Refunds from ATO							
Other	34,923.65	94,315.16	66.01	- 17,193.20	- 31,632.04	70,015.89	80,479.58
	217,774.85	1,868,527.86	1,555,088.24	251,673.86	993,806.10	488,353.26	4,886,870.91
Net cash from operating activities	- 566,032.94	1,267,036.98	1,036,015.12	- 563,629.82	400,597.20	- 7,149.13	1,573,986.54
Cash flows from investing activities							
Payments for property, plant & equipment	- 66,086.49	- 82,224.34	- 450,270.92	- 360,407.41	- 92,140.02	- 184,331.75	- 1,051,129.18
Proceeds from sale of property, plant & equipment	30,840.90	15,054.55	147,996.46	32,540.91	54.55	381.82	226,487.37
Proceeds from Capital grants						800,000.00	
Proceeds from Investments							
Payment for Investments							
Net cash used in investing activities	- 35,245.59	- 67,169.79	- 302,274.46	- 327,866.50	- 92,085.47	616,050.07	- 824,641.81
Cash flows from financing activities							
Repayment of borrowings	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
Proceeds from borrowings							
Net cash from (used in) financing activities	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
Net increase/(decrease) in cash held	- 608,338.60	1,199,867.19	733,740.66	- 891,496.32	293,963.63	583,570.25	727,736.56
Cash at beginning of reporting year	12,368,944.95	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	12,368,944.95
Cash at end of reporting year	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	13,680,251.76	13,096,681.51

SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2019/20

SUMMARY SHEET

PROGRAM	YTD ACTUAL (as at 31 December 19)	YTD BUDGET (as at 31 December 19)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET REVISED INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	746,883	676,869	70,014	110.34%	3,205,738
Bridges	11,528	23,749	12,221	48.54%	383,498
Walkways	108,632	119,965	11,333	90.55%	214,930
Lighting	45,044	42,882	2,162	105.04%	85,764
Irrigation	-	-	-	-	-
Drainage	8,493	15,036	6,543	56.48%	78,072
Waste	417,724	441,775	24,051	94.56%	901,549
Public Toilets	37,249	34,491	2,758	108.00%	66,982
Communications	-	-	-	-	-
Signage	4,948	5,076	128	97.48%	7,020
INFRASTRUCTURE TOTAL:	1,380,501	1,359,843	-20,658	101.52%	4,943,553
GROWTH					
Residential	-	-	-	-	-
Tourism	33,985	40,690	6,705	83.52%	62,380
Business	106,992	116,499	9,507	91.84%	971,998
Agriculture	-	-	-	-	-
GROWTH TOTAL:	140,977	157,189	16,212	89.69%	1,034,378
LANDSCAPES					
Heritage	135,478	170,854	35,376	79.29%	335,907
Natural	100,096	100,565	469	99.53%	188,629
Cultural	5,207	20,214	15,007	25.76%	40,427
Regulatory	335,922	422,027	86,105	79.60%	846,586
Climate Change	-	-	-	-	-
LANDSCAPES TOTAL:	576,704	713,660	136,956	80.81%	1,411,549
LIFESTYLE					
Youth	156,468	142,160	14,308	110.06%	264,320
Aged	1,011	1,500	489	67.42%	1,500
Childcare	4,000	5,750	1,750	69.57%	6,500
Volunteers	12,799	35,000	22,201	36.57%	40,000
Access	-	-	-	-	-
Public Health	1,479	5,094	3,615	29.03%	10,189
Recreation	169,048	225,317	56,269	75.03%	462,022
Animals	44,137	55,068	10,931	80.15%	110,137
Education	-	-	-	-	-
LIFESTYLE TOTAL:	388,942	469,889	80,947	82.77%	894,668
COMMUNITY					
Retention	-	-	-	-	-
Capacity	35,818	27,213	8,605	131.62%	41,925
Safety	25,274	24,100	1,174	104.87%	51,200
Consultation	6,488	10,650	4,162	60.92%	21,300
COMMUNITY TOTAL:	67,580	61,963	5,617	109.06%	114,425
ORGANISATION					
Improvement	41,992	57,058	15,066	73.60%	114,116
Sustainability	940,733	1,264,466	323,733	74.40%	2,370,532
Finances	106,315	112,272	5,957	94.69%	306,907
ORGANISATION TOTAL:	1,089,040	1,433,796	344,756	75.96%	2,791,555
TOTALS	3,643,744	4,196,340	552,596	86.83%	11,190,128

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
	This Financial Year 11th January 2020		Last Financial Year 11th January 2019	
Arrears brought forward as at July 1		\$ 429,240.71		\$ 419,894.17
ADD current rates and charges levied		\$ 5,625,571.60		\$ 5,297,326.00
ADD current interest and penalty		\$ 46,077.42		\$ 43,352.62
TOTAL rates and charges demanded	100.00%	\$ 6,100,889.73	100.00%	\$ 5,760,572.79
LESS rates and charges collected	59.46%	\$ 3,627,523.35	59.70%	\$ 3,438,945.90
LESS pensioner remissions	3.90%	\$ 238,124.99	3.93%	\$ 226,238.81
LESS other remissions and refunds	-0.16%	-\$ 9,646.55	0.27%	\$ 15,509.49
LESS discounts	0.48%	\$ 29,518.35	0.50%	\$ 28,524.85
TOTAL rates and charges collected and remitted	63.69%	\$ 3,885,520.14	64.39%	\$ 3,709,219.05
UNPAID RATES AND CHARGES	36.31%	\$ 2,215,369.59	35.61%	\$ 2,051,353.74

18. MUNICIPAL SEAL

Nil.

19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

Council to address urgent business items previously accepted onto the agenda.

19.1 BLACKMAN RIVER BRIDGE, TUNBRIDGE – RENEWAL OF TIMBER SUPERSTRUCTURE AND BARRIERS - CONCEPT DESIGN REPORT PREPARED BY PITT & SHERRY

DECISION

Moved by Clr K Dudgeon, seconded by Clr D Fish

THAT:

- a) Council receive the report; and
- b) Council make every endeavour to ensure that the Department of State Growth adhere to its commitment to undertake consultation in the Tunbridge community (with assistance from Council if required).

CARRIED

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

DECISION

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

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

Matter	<i>Local Government (Meeting Procedures) Regulations 2015 Reference</i>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Legal Matter</i>	15(2)(i)

CARRIED

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

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

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

CLOSED COUNCIL MINUTES

20. BUSINESS IN “CLOSED SESSION”

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.

20.1 CLOSED COUNCIL MINUTES - CONFIRMATION

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

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

20.3 LEGAL MATTER

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

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Moved by Clr R McDougall, seconded by Clr D Fish

THAT Council move out of “Closed Session”.

CARRIED

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

OPEN COUNCIL MINUTES

21. CLOSURE

The meeting closed at 1.12 p.m.