

SOUTHERN  
MIDLANDS  
COUNCIL



# **MINUTES**

## **ORDINARY COUNCIL MEETING**

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Wednesday, 28<sup>th</sup> November 2018

Municipal Offices, 71 High Street, Oatlands

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# **OPEN COUNCIL MINUTES**

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL  
HELD ON WEDNESDAY, 28<sup>TH</sup> NOVEMBER 2018 AT THE MUNICIPAL OFFICES, 71  
HIGH STREET, OATLANDS COMMENCING AT 10:00 A.M**

## **1. PRAYERS**

Rev Dennis Cousens recited prayers.

## **2. ATTENDANCE**

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

Tim Kirkwood (General Manager), Andrew Benson (Deputy General Manager), David Cundall (Manager, Development and Environment Services), Elisa Lang (Executive Assistant).

## **APOLOGIES**

Nil.

### 3. ELECTION ISSUES

#### 3.1 Receive Certificate of Election

The General Manager to formally table the Certificate of Election for the October 2018 Election.

#### RECOMMENDATION

THAT the Certificate of Election be formally received.

#### DECISION

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

**THAT the Certificate of Election be formally received.**

#### CARRIED

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

#### 3.2 Election of Deputy Mayor by Councillors – *Local Government (General) Regulations 2015*

Following the outcome of the 2018 Election for the position of Deputy Mayor, it is confirmed that a casual vacancy existed for the position of Deputy Mayor.

In accordance with Regulation 4 of the *Local Government (General) Regulations 2015*, the General Manager issued a 'Notice of an Election for the officer of Deputy Mayor' to all Councillors. This was issued on Monday 12<sup>th</sup> November 2018, and a reminder issued on Wednesday 21<sup>st</sup> November 2018.

Councillors were advised that the nomination period begins at 9.00 a.m. on Thursday 22<sup>nd</sup> November 2018 and ends at 12.00 noon on Tuesday 27<sup>th</sup> November 2018. A Nomination Form was included for this purpose.

It is advised that at the close of Nominations, one nomination had been received from Clr Edwin Batt, and each Councillor was informed of this and confirmation given that a ballot will not be required.

In accordance with Regulation 5 of the *Local Government (General) Regulations 2015*, the General Manager is to declare the nominee elected to the office of deputy mayor at the beginning of the first meeting.

The General Manager declared Councillor Edwin Batt elected to the position of Deputy Mayor.

## RECOMMENDATION

THAT the information be received.

## DECISION

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

**THAT the information be received.**

## CARRIED

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

### 3.3 Declaration of Office

Section 321 of the *Local Government Act 1993* states:

#### ***“Declaration of office***

- (1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.*
- (2) A person elected as a councillor who has not made a declaration must not–*
  - (a) act in the office of councillor, mayor or deputy mayor; or*
  - (b) take part in the proceedings of any meeting of the council or a committee.*
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting”.*

It is confirmed that the Mayor, Deputy Mayor, and all elected Councillors have made the prescribed declarations.

## RECOMMENDATION

THAT Council acknowledge the making of the declarations in accordance with section 321 of the *Local Government Act 1993*.

**DECISION**

*Moved by Cllr R McDougall, seconded by Deputy Mayor E Batt*

**THAT Council acknowledge the making of the declarations in accordance with section 321 of the *Local Government Act 1993*.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Cllr A Bantick	√	
Cllr E Batt	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D F Fish	√	
Cllr R McDougall	√	

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 24<sup>th</sup> October 2018, as circulated, are submitted for confirmation.

#### DECISION

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

**THAT the Minutes (Open Council Minutes) of the previous meeting of Council held on the 24<sup>th</sup> October 2018, as circulated, be confirmed.**

#### CARRIED

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

## 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:

- Chauncy Vale Management Committee Minutes - 20<sup>th</sup> November 2018.

#### RECOMMENDATION

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

#### DECISION

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

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

#### CARRIED

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

### 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.

- Chauncy Vale Management Committee Minutes - 20<sup>th</sup> November 2018.

#### RECOMMENDATION

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

#### DECISION

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

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

***Note: Request to be forwarded to the Committee to consider the development of a 'bush creative play space for juniors' as part of its forward capital development plans.'***

#### CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

#### **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 of Meeting held 19<sup>th</sup> November 2018.
- Southern Tasmanian Councils Authority – Minutes of Annual General Meeting held 19<sup>th</sup> November 2018.
- Southern Tasmanian Councils Authority (Waste Strategy South) – Nil.

#### **RECOMMENDATION**

THAT the minutes of the above Joint Authority be received.

#### **DECISION**

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

**THAT the minutes of the above Joint Authority be received.**

#### **CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

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

Section 36A of the Local Government Act 1993 provides the following;

##### **36A. Annual reports of authorities**

- (1) *A single authority or joint authority must submit an annual report to the single authority council or participating councils.*
- (2) *The annual report of a single authority or joint authority is to include –*
- (a) a statement of its activities during the preceding financial year; and*
  - (b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and*
  - (c) the financial statements for the preceding financial year; and*
  - (d) a copy of the audit opinion for the preceding financial year; and*
  - (e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.*

Section 36B of the Local Government Act 1993 provides the following;

##### **36B. Quarterly reports of authorities**

- (1) *A single authority or joint authority must submit to the single authority council or participating councils a report as soon as practicable after the end of March, June, September and December in each year.*
- (2) *The quarterly report of the single authority or joint authority is to include –*
- (a) a statement of its general performance; and*
  - (b) a statement of its financial performance.*

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.

The workshop was held on the 12<sup>th</sup> November 2018 at the Council Chambers, Oatlands commencing at 9.30 a.m.

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

Apologies: Clr A Bantick

Also in Attendance: T Kirkwood, A Benson and E Lang.

The purpose of the workshop was to:

- a) Receive and acknowledge the Certificate of Election;
- b) Completion of prescribed declarations by elected members;
- c) Commencement of induction process which included:
  - Overview of Council Roles and Responsibilities; Role of the Councillor; Role of the Mayor; Role of the Deputy Mayor; Relationship between the Council and council staff; Role of the General Manager and council staff;
  - Overview of key legislation (i.e. Local Government Act 1993; Local Government (General Regulations) 2015; Local Government (Meeting Procedures) Regulations 2015; Land Use Planning and Approvals Act 1993 etc.)
  - Circulation of Induction Manual containing key documents (e.g. Strategic Plan; Annual Plan etc.)
  - Training videos (i.e. Integrity Commission – Conflict of Interest etc.).
- d) Preliminary discussion re: meeting times (refer separate Agenda Item); and
- e) Brief discussion re: Committee Membership and Appointments (to be completed at the Council Meeting scheduled for 28<sup>th</sup> November 2018).

The Workshop concluded at approximately 12.15 p.m.

### RECOMMENDATION

THAT the information be received.

### DECISION

*Moved by Clr D Fish, seconded by Clr K Dudgeon*

**THAT the information be received.**

### CARRIED

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

## **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

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

It states:

**“29. Questions without notice**

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

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

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

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

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

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

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

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

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

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

**Clr D Fish** – request for Southern Midlands Regional News to correct the reporting of the cost of the ‘Cows in the Lake’ sculptures. It was reported in the Southern Midlands Regional News that this project cost Council \$20,000 – the actual cost was \$13,455.

*The General Manager advised that he will request this information to be corrected.*

**Clr R McDougall** – Colebrook Public Toilets, constant leak in toilet needs to be rectified.

*Deputy General Manager advised that Works staff are aware of the issue and it will be rectified in the coming week.*

**Clr R McDougall** – question in regard to the Beacon tourism project (Virtual Reality Project). Has the insurance ramifications been considered due to hazards it may create for members of the public using this app?

*The Deputy General Manager advised that a formal Risk Assessment will be undertaken on all Beacon sites.*

**Clr A E Bisdee** – can Council ascertain how many tourists are utilising the app? E.g numbers/statistics etc. and can a report on its use be provided to Council on a quarterly basis?

*The Deputy General Manager will investigate. Mayor Green further advised that there is extensive data that will be made available to Council.*

**Deputy Mayor E Batt** – concern regarding large number of vehicles at the rear of 37 Main Street, Kempton. Is Council addressing this?

*The General Manager advised that Council are aware of issues with this property and will continue to discuss with the property owner.*

**Clr A E Bisdee** – complaints from elderly residents unable to manoeuvre the large garbage bins once they are full. Can smaller bins be provided for these residents?

*The General Manager advised that a six monthly review is scheduled to take place and if Councillors are aware of any residents with such concerns, please request that they contact Council's Kempton office to record their details. This will then be addressed as part of the review. Use of the smaller bins will require the purchase of new smaller yellow and red lids for this purpose.*

**Clr A E Bisdee** – has the public consultation process been completed at Maher's Point / Landscape Plan?

*The Landscape Plan has been endorsed and the General Manager advised that Council are awaiting further advice from DPIPWE prior to proceeding with further works.*

**Clr Fish** – can a temporary sign be placed at Maher's Point advising that works are still in progress and awaiting DPIPWE clearance prior to proceeding?.

**Clr A E Bisdee** – has any further developments been made with underground power on the Esplanade?

*Deputy General Manager advised that these works have been programmed to commence in May/June 2019 and the balance budgeted in the following financial year.*

**Mayor A O Green** – complaints from residents regarding the width of Water Lane, Campania and access to driveways. Has the Works Manager inspected?

*The General Manager advised that this issue has been discussed and it is intended to develop an overall capital improvement plan that includes upgrade of the Water Lane junction; road improvements; and the establishment of a pedestrian pathway in Clime Street (from the junction with Reeve Street). To be considered as part of the 2019/2020 budget process.*

**Mayor A O Green** – question regarding the issue of roadside litter. Has a date been set for the roadside litter collection activity?

*The General Manager advised that Works staff will be addressing this issue across the municipal area the week commencing 15<sup>th</sup> December 2018.*

## 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 items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

### 1. SPECIAL COUNCIL MEETING – PROPOSED FOR 19<sup>TH</sup> DECEMBER 2018 – TIME TO BE SET

#### 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 Cllr A E Bisdee*

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

#### CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
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	√	

## **9. PUBLIC QUESTION TIME**

Public Question Time was held later in the meeting.

### **9.1 Permission to Address Council**

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

- Nil.

**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**

Nil.

**11.3 MUNICIPAL SEAL (Planning Authority)**

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

Nil.

## 11.4 PLANNING (OTHER)

### 11.4.1 ENDORSEMENT OF THE DRAFT SOUTHERN MIDLANDS LOCAL PROVISIONS SCHEDULE FOR SUBMISSION TO THE TASMANIAN PLANNING COMMISSION

**Author:** MANAGER DEVELOPMENT AND ENVIRONMENT SERVICES (DAVID CUNDALL)

**Date:** 22 NOVEMBER 2018

**Attachments:**

*Southern Midlands Local Provisions Schedule Supporting Report – November 2018*

*Appendix A: Draft Southern Midlands Local Provisions Schedule Written Ordinance (Nov 2018 V1)*

*Appendix B: Draft Southern Midlands Local Provisions Schedule Maps (Nov 2018 V1)*

*Appendix C: Flow Chart of Process for assessment of LPS prepared by Tasmanian Planning Commission*

*Appendix D: Draft Schedule 6 Transition Notices from Planning Policy Unit*

*Appendix E: Summary of the Regional Ecosystem Model of Tasmanian Biodiversity – Mapping of the Priority Vegetation Overlay prepared by Rod Knight (Feb 2016)*

*Appendix F: Tasmanian Planning Scheme explaining the Priority Vegetation Area Overlay – Regional Ecosystem Model prepared by Meander Valley Council (May 2018)*

*Appendix G: Guideline No 1 LPS Zone and Code Application prepared by Tasmanian Planning Commission (June 2018)*

*Appendix H: Decision Tree and Guidelines for Mapping the Agriculture and Rural Zones prepared by Ak Consultants (May 2018)*

*Appendix I: Tas Fire Service Bushfire Prone Areas Report for Southern Midlands (September 2018)*

## PURPOSE

The purpose of this report is for Council to endorse the draft Local Provisions Schedule (LPS) together with the enclosed *Southern Midlands Local Provisions Schedule Supporting Report November 2018* as suitable for submission to the Tasmanian Planning Commission (TPC).

The submission of the draft LPS with a resolution of Council will trigger the TPC assessment process and the public exhibition and consultation of the draft.

Council has been regularly informed of the steps taken to prepare the draft LPS over the past 18 months and endorsed a workplan for the draft in August 2017. A first draft was provided to Council in August this year and then workshopped in September.

The recommendation is that Council endorse the draft LPS as compliant with Section 34 of the *Land Use Planning and Approvals Act 1993* as suitable for submission to the

TPC for post lodgement assessment and commencement of the public exhibition and consultation.

## BACKGROUND

As Council will recall, Tasmanian Planning Scheme will consist of the State Planning Provisions (SPPs) and the Local Provisions Schedules (LPSs). The SPPs were declared by the Minister in February 2017 and the LPS that follows will need to be prepared by each of the 29 Councils in Tasmania.

Some content of the LPS has already been prepared by the State Government, but much of this content will need to be refined and applied by local government to suit the local area and suit local values.

In the Southern region Council Officers have made every attempt to work together through the Southern Technical Reference Group (TRG) to ensure both consistency and to coordinate and manage the State Government funding used to assist Councils in the preparation of the technical mapping and technical guidance documents and support.

The content of the LPS consists of two parts:

- A. Preparation and refinement of zone maps and overlay maps; and
- B. Preparation of the written ordinance

The overlay maps and zone maps spatially define the application of the zones, specific area plans and the applications of certain planning scheme codes.

It is the responsibility of each Council to prepare these maps and written ordinance.

Once a draft is endorsed by Council, then the TPC will consider the draft LPS and hold an informal “post lodgement conference” with Council Officers and potentially direct Council to modify the draft and the supporting report. Once satisfied the draft meets the LPS Criteria, provided in Section 34 of the Act, then the TPC will recommend to the Minister that Council be directed to commence public exhibition of the draft.

The Approval process is provided in the flowchart provided in this report - *Draft Local Provisions Schedule Approval Process (Prepared by TPC)* (Diagram 1).

The preparation of the draft LPS and supporting report has largely involved the following (in brief summary):

- Reviewing the current interim planning scheme and public representations received on that scheme;
- Reviewing the *Southern Midlands 1998 Planning Scheme*;
- Reviewing and applying the Guideline No. 1 Local Provisions Schedule (LPS): zone and code application, which outlines how the SPP zones and codes are to be used in the LPS;
- Reviewing current land use, development and settlement patterns
- Reviewing records, past permits and decisions of Council and the TPC

- Numerous Technical Reference Group meetings with staff from Southern Council to clarify LPS policy and technical issues and achieve a consistent approach.
- Reporting to Council
- The TRG has coordinated three consultancies funded by the State:
  - Regional Ecosystem Modelling for the mapping of the Priority Vegetation Layer (Natural Assets Code) and identifying priority vegetation; and
  - Zoning agricultural land on a consistent, regional and best-practice basis having regard to the State Government directions contained in Guideline No 1 – to which Southern Midlands project managed.
  - Methodology and best practice for identifying scenic landscape protection areas and drafting management objectives
- Briefings and information sessions with the TPC Panel that has been appointed to the initial processes of approving a draft for formal public exhibition.
- Extensive and detailed GIS technical mapping work in applying the zoning and overlays
- Coordination and project management to complete the draft LPS by the Manager DES
- Reviewing and applying existing Local Strategy and Regional Strategy
- Reviewing and applying the requirements of the Act
- Reviewing and consultation with the Planning Policy Unit of the amendments to the *Southern Tasmanian Regional Land Use Strategy*
- Liaise with Tasmanian Fire Service for the preparation of the Bushfire Hazard Overlay for the Bushfire Code

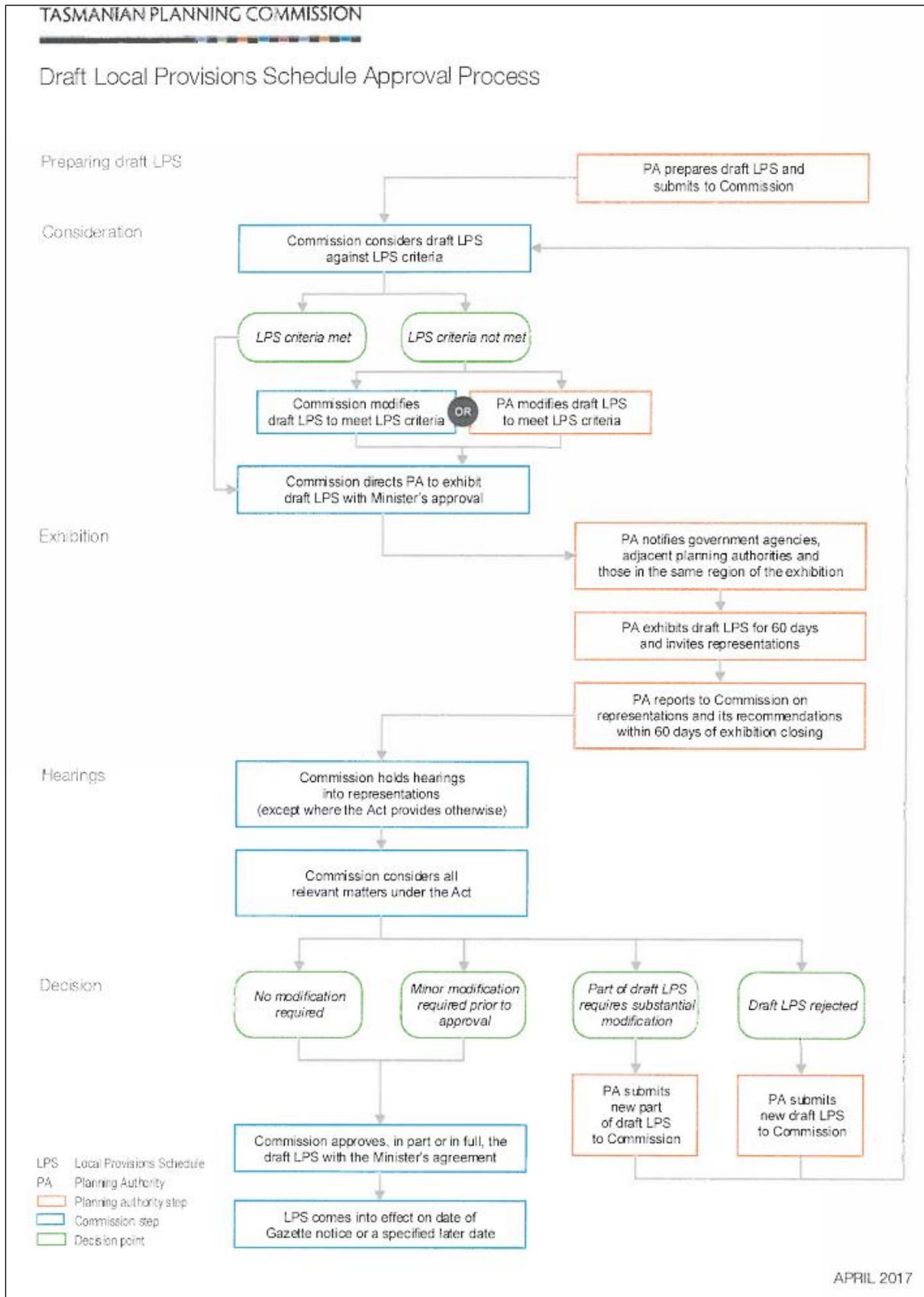


Diagram 1 – Draft Local Provisions Schedule Approval Process (Prepared by TPC)

### ***The Southern Midlands Draft LPS***

The draft LPS maps and ordinance are in most parts a “like for like” and “best fit” translation of the *Southern Midlands Interim Planning Scheme 2015* (SMIPS2015) as prescribed by the statutory document *Guideline No.1 Local Provisions Schedule (LPS): Zone and Code Application* under Section 8A of the Act (prepared by the TPC). The most recent version is dated June 2018. The document provides Councils with the reference guide for the application of SPP zones and codes. The outcome being consistency between Councils and meeting the objectives of the State Governments Planning Reform Agenda.

The mapping of the LPS is the method of applying the available SPP zones and codes to the land. Council can then include local overriding provisions that substitute, modify or are in addition to specific SPPs through:

- Local Area Objectives;
- Particular Purpose Zones;
- Specific Area Plans; or
- Site Specific Qualifications.

It is not however possible to develop a localised Code as part of the LPS. The Tasmania Planning Scheme provides no scope for such codes.

Existing local provisions that were in effect, prior to the December 2015 amendments to the Act which created the Tasmania Planning Scheme are transitioned to the draft LPS without the need for further explanation or justification under the Section 34 criteria of the Act. These existing “local provisions” include heritage listed places, precincts, landscapes, the Oatlands Equestrian Specific Area Plan, the Chauncy Vale Specific Area Plan etc. These are uniquely Southern Midlands provisions (thus “local” in nature and application).

The draft LPS is overall a mixture of the following key aspects:

- The translation of the SMIPS2015 zones and codes to the SPP zones and codes,
- The translation/transition of existing particular purpose zones, specific area plans, site specific qualifications,
- Local lists of heritage places, precincts, scenic protection areas and landscapes
- Changes to ensure consistency with the Guideline No.1
- Changes to ensure consistency with the regional land use strategy
- Changes to enact local strategic plans (where consistent/allowable under the Guidelines No.1, and regional land use strategy, and the Act)
- Consideration and application of new zones and codes as provided in the SPPs such as the Agriculture Zone and Rural Zone, and the Natural Assets Code and the associated overlays.

A summary of the key changes, contents and development of the draft LPS was provided to Council at the August 2018 meeting.

Since that meeting, and the following workshop held in September, there have been some minor technical changes and refinement of both the LPS and the supporting information that was supplied at the time.

### ***Statutory Requirements and Status of LPS***

Although the SPPs came into effect on 2 March 2017 as part of the Tasmanian Planning Scheme, they have no practical effect until an LPS is in effect in a municipal area.

When the final Southern Midlands LPS is ultimately approved by the Commission, the TPS will replace the current SMIPS2015.

The SPPs and draft LPS are not relevant to the assessment of any proposal required to be determined under the current SMIPS2015.

The enclosed *LPS Supporting Report (November 2018)* documents in detail the content of the draft LPS and demonstrate its compliance with the Act. Section 34(2) states:

- a) *contains all the provisions that the SPPs specify must be contained in an LPS; and*
- b) *is in accordance with section 32; and*
- c) *furtheres the objectives set out in Schedule 1; and*
- d) *is consistent with each State policy; and*
- e) *is consistent with the regional land use strategy, if any, for the regional area in which is situated the land to which the relevant planning instrument relates; and*
- f) *is consistent with the strategic plan, prepared under section 66 of the Local Government Act 1993 , that applies in relation to the land to which the relevant planning instrument relates; and*
- g) *as far as practicable, is consistent with and co-ordinated with any LPSs that apply to municipal areas that are adjacent to the municipal area to which the relevant planning instrument relates; and*
- h) *has regard to the safety requirements set out in the standards prescribed under the Gas Pipelines Act 2000.*

The enclosed report is indeed a lengthy document. But is found to be necessary to demonstrate the draft LPS complies with what is estimated to be around 120 different tests provided under the *Land Use Planning and Approvals Act 1993*. The “120 different tests” is a number estimated by the TPC.

### ***Community Consultation***

The contents of the draft LPS have not yet been exhibited. The SPPs which form the bulk of the TPS were exhibited in 2016.

When directed to do so, by the Commission, the LPS will be exhibited in accordance with the statutory requirements.

Community Consultation will largely involve:

- The statutory requirements of Division 4 of the Act– that is in summary:
  - 60 days exhibition
  - Notification of adjacent Councils and Councils in the region; and
  - State Service Agencies and Authorities as directed by the TPC
  - Newspaper notice of exhibition
  - Provide exhibition of draft LPS through for public viewing
  - TPC to exhibit a copy
  - Receive and administer representations on the draft LPS
- Use of Council resources to exhibit and communicate the draft - Council website, facebook, and readily available information at Kempton and Oatlands Offices
- Information Sessions at key locations (i.e. dedicated drop in session)
- Officers available to discuss matters with the public and stakeholders

### ***External Referrals***

No informal external referrals were required or undertaken as part of the development of the draft LPS. Following endorsement by Council, the draft LPS will be referred to relevant State agencies.

### ***State Policies and RMPS Objectives***

The enclosed draft LPS supporting report details consistency and the furthering of State Policies and objectives of Schedule 1 of LUPAA.

### ***Council Strategic Plan (and Local Planning Strategy)***

The enclosed draft LPS supporting report details consistency and furthering of the Southern Midlands Strategic Plan and local planning objectives and plans.

### ***Financial Implications***

A timeframe for the exhibition of the draft LPS is pending the consideration of the draft LPS by the TPC. Adjacent Council's that have already submitted their LPS to the TPC in April and May 2018 are still working to comply with post lodgement directions from the TPC and otherwise awaiting direction from TPC/Minister to commence public exhibition.

Council has the capacity to continue the preparation of the draft and commence the exhibition under current budgeted allowances. There is every possibility that the exhibition may not commence until mid-2019 (based on the status of other Council LPSs).

Continuing with the preparation and exhibition of the draft is a core requirement of Council and duty of the Planning Authority and carries a low financial liability but overall is a resource intensive exercise for the Planning Department.

## CONCLUSION

Council is considering the enclosed *Southern Midlands Local Provisions Schedule Supporting Report November 2018* as suitable for endorsement and submission to the TPC to then enact the TPC assessment process and public exhibition.

The enclosed report demonstrates the draft LPS satisfactorily meets the Section 34 criteria of the *Land Use Planning and Approvals Act 1993* and the draft (and report) is otherwise compliant with the requirements of the TPC. The draft LPS further local and regional strategic objectives and as far as practicable provides a draft LPS that is logical and considerate of the needs of the Southern Midlands.

Council has been continually informed of the development of the draft LPS over the past 18 months through Council Agenda items which in turn informs the community and provided a platform for the Elected Council to discuss the contents and development of the draft LPS openly with Council planning staff.

The recommendation is that Council endorse the draft LPS together with the supporting Report and delegate essential operational functions of Council to the General Manager to progress the development of the LPS.

## RECOMMENDATION

THAT:

- A. Council certify the enclosed Draft Local Provisions Schedule for Southern Midlands Council (“Appendix A” and “Appendix B”) of the *Southern Midlands Local Provisions Schedule Supporting Report November 2018* as having satisfactorily met the LPS Criteria of Section 34 (2) of *Land Use Planning and Approvals Act 1993* (LUPAA).
- B. Council endorse the enclosed *Southern Midlands Local Provisions Schedule Supporting Report (and Appendices) November 2018* (“the Supporting Report”) as satisfactorily demonstrating compliance with Section 34 (2) and those matters outlined in this report (and otherwise outlined in the *supporting report* and required by LUPAA).
- C. Council endorse the submission of the Draft Local Provisions Schedule for Southern Midlands Council and the *Supporting Report* to the Tasmanian Planning Commission under Section 35(1).
- D. Council delegates to the General Manager & Manager Development and Environmental Services the powers and functions to:
  - a. submit the LPS to the Commission pursuant to Section 35(1) of LUPAA in the form outlined in this and the enclosed report;
  - b. submit the provisions for transition under Schedule 6 of LUPAA to the Minister for Planning;
  - c. modify the LPS if a notice is received from the Commission pursuant to Section 35(5)(b), and advise the Council of any technical modification; and

- d. seek resolution of Council for modification to any strategic local objectives before proceeding to public exhibition
  - e. exhibit the LPS pursuant to Sections 35B, 35C and 35D;
  - f. Represent the Council at hearings pursuant to Section 35H.
- E. Endorse the Community Consultation as outlined in this report
- F. Continue with regular updates and reports to Council and the TPC until such time that the TPC has provided approval for formal public exhibition.

#### **DECISION**

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

#### **THAT the**

- A. Council certify the enclosed Draft Local Provisions Schedule for Southern Midlands Council (“Appendix A” and “Appendix B”) of the *Southern Midlands Local Provisions Schedule Supporting Report November 2018* as having satisfactorily met the LPS Criteria of Section 34 (2) of *Land Use Planning and Approvals Act 1993* (LUPAA).**
- B. Council endorse the enclosed *Southern Midlands Local Provisions Schedule Supporting Report (and Appendices) November 2018* (“ the Supporting Report”) as satisfactorily demonstrating compliance with Section 34 (2) and those matters outlined in this report (and otherwise outlined in the *supporting report* and required by LUPAA).**
- C. Council endorse the submission of the Draft Local Provisions Schedule for Southern Midlands Council and the *Supporting Report* to the Tasmanian Planning Commission under Section 35(1).**
- D. Council delegates to the General Manager & Manager Development and Environmental Services the powers and functions to:**
  - a. submit the LPS to the Commission pursuant to Section 35(1) of LUPAA in the form outlined in this and the enclosed report;**
  - b. submit the provisions for transition under Schedule 6 of LUPAA to the Minister for Planning;**
  - c. modify the LPS if a notice is received from the Commission pursuant to Section 35(5)(b), and advise the Council of any technical modification; and**
  - d. seek resolution of Council for modification to any strategic local objectives before proceeding to public exhibition;**
  - e. exhibit the LPS pursuant to Sections 35B, 35C and 35D;**
  - f. Represent the Council at hearings pursuant to Section 35H.**
- E. Endorse the Community Consultation as outlined in this report.**
- F. Continue with regular updates and reports to Council and the TPC until such time that the TPC has provided approval for formal public exhibition.**

#### **CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

## 12. 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.*

#### 12.1.1 CRAIGBOURNE ROAD – PROPOSED ROAD CLOSURE

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 15 NOVEMBER 2018

**Enclosure:**

*Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018*

*Extract from Council Minutes held 24<sup>th</sup> 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 24<sup>th</sup> 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.*”

## 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.

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:



SOUTHERN  
MIDLANDS  
COUNCIL

DRAFT

**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](mailto: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.

## 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, 1<sup>st</sup> 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	√	

**ENCLOSURE**

*Agenda Item 12.1.1*



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](mailto: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",<sup>1</sup> so I have not explored this in detail.

**A+C Management Services  
Pty Ltd**  
ABN 27 009 576 149

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Hobart Tasmania Australia 7000  
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Email [info@abetzcurtis.com.au](mailto:info@abetzcurtis.com.au)  
Web [www.abetzcurtis.com.au](http://www.abetzcurtis.com.au)

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<sup>1</sup> 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*<sup>2</sup> 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.'"<sup>3</sup> [my emphasis]*

4.4 He said that the only bases upon which diversion or closure could be justified are:

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

<sup>3</sup> 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.

- (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.<sup>4</sup>
- 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.<sup>5</sup>
- 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.

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<sup>4</sup> 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 1982 section 14: Strickland Road at Porky Creek Bridge, King Island, Tasmania* [2009] TASM 25 at paragraph [16].

<sup>5</sup> 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.<sup>6</sup>
- 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 fishing<sup>7</sup> 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.

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

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

- 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](mailto:orobinson@abetzcurtis.com.au)  
file ref: 180561

**[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 Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne 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 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 26<sup>th</sup> 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 Craighourne 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 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 12<sup>th</sup> 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 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.*

## RECOMMENDATION

For discussion.

## DECISION

*Moved by Deputy Mayor A Green, seconded by Clr 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 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.**

## CARRIED

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

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

**DECISION**

*Moved by Clr K Dudgeon, seconded by Clr R McDougall*

**THAT the meeting be suspended at 11.07 a.m. for morning tea.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

**DECISION**

*Moved by Clr D Fish, seconded by Clr K Dudgeon*

**THAT the meeting be reconvened at 11.30 a.m.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

*David Cundall (Manager, Development and Environment Services) left the meeting at 11.30 a.m.*

## 12.1.2 MELTON MOWBRAY – PROPOSED BUS STOP (DEPARTMENT OF STATE GROWTH)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 15 NOVEMBER 2018

### ISSUE

To report on the advice received from the Department of State Growth in response to the concerns raised regarding the proposed siting of the Bus Stop in the vicinity of Blackwell Road and the Highlands Lakes Road at Melton Mowbray.

### BACKGROUND

Council, at its last meeting, reviewed a copy of the concept plan which propose that the bus stop be located within the turning circle at the junction of Blackwell Road, Melton Mowbray.

The following was resolved:

*“THAT Council:*

- a) Request the Department of State Growth to consider relocation of the bus stop to the corner of Blackwell Road and the Highlands Lakes Road (i.e. north-western side); and*
- b) Request the Department to undertake a safety audit of that section of road extending from Blackwell Road to the property owned by V Bryant, with a particular assessment of the drainage issues and the need to reinstate / upgrade the footpath on the southern side of the road.”*

### DETAIL

In relation to the first issue regarding the location of the Bus Stop, the Department has provided the following response (extract from Email):

*“The location of the Melton Mowbray Bus stop has been recommend by our engineering consultancy as the best fit to meet required DDA compliance.*

*The western junction of Blackwell Road was investigated as an option but was deemed not suitable due to the following reasons.*

- Existing table drain results in a bus having perform an extreme right hand turn or reverse (major safety concern) to access the turning circle to continue the route*
- Trucks and cars entering and exiting Blackwell Road whilst a bus is pulled over leaves very little passing room and also provides a concern for passengers leaving the bus*

*Our Traffic Engineering section has also signed off on this location being the most suitable and bus operators have been consulted and are happy.*

*Furthermore Jacobs have checked turning paths for the stop and confirmed there is sufficient space for a heavy vehicle (semi-trailer) to pass safely whilst a bus is parked.”*

Note: The works are exempt from requiring a permit in accordance with Clause 6.2.4 of the Southern Midlands Planning Scheme.

**Human Resources & Financial Implications – N/A.**

**Community Consultation & Public Relations Implications – Refer comment above.**

**Policy Implications – N/A.**

**Priority - Implementation Time Frame – N/A.**

## **RECOMMENDATION**

THAT the information be received.

## **DECISION**

*Moved by Deputy Mayor E Batt, seconded by Clr D Fish*

**THAT the information be received.**

## **CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

## 12.2 Bridges

**Strategic Plan Reference 1.2.1**

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

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.*

#### 12.5.1 PROPERTY MAINTENANCE – COLEBROOK PUBLIC TOILETS

**Author:** DEPUTY GENERAL MANAGER, MANAGER COMMUNITY & CORPORATE DEVELOPMENT (ANDREW BENSON)

**Date:** 20 NOVEMBER 2018

#### ISSUE

##### *For Information Only*

#### ISSUE

During Public Question Time in the September 2018 Council meeting a matter regarding the Colebrook Public toilets was raised, namely.

Question:

*“I stopped off at the public conveniences in Colebrook recently and the toilet was in an appalling state of uncleanliness and poor hygiene. Firstly how often are these toilets cleaned? Secondly much of the surface in the toilet block is stone which is rough and porous and not easily cleaned or kept clean. Will Council consider renovating these toilets to a much better standard to facilitate ease of cleaning and the keeping of the toilets in a hygienic state? “*

#### **General Manager’s Response:**

*The Colebrook Toilets, adjacent to the History Room, are cleaned under a contractual arrangement with a local resident. I am aware that this person responsible services the facility approximately three times per week. In addition, a Council employee visits the facility on a weekly basis to restock supplies etc. If necessary, it is cleaned at that time.*

*Having said that, Council officers have been made aware that usage of this facility has increased substantially, which in part is believed to be linked with the works on the Midlands Highway (Bagdad to Pontville) which is redirecting considerable amount of traffic via the Colebrook Road.*

*Whilst the contract has recently been re-negotiated to reflect the additional servicing, in light of this feedback the Contractor will be asked to increase monitoring and frequency of cleaning (if required) and further adjustment made to the remuneration. Council officers will also be requested to call in when travelling through Colebrook.*

*In relation to the surface of the walls, the facility was constructed using Thunderstone ‘sandstone’ blocks, the intent being to use a material that is consistent in appearance with the external of the adjacent Colebrook History Room. Consideration could be given to installing an internal laminated surface.*



**DETAIL**

The Deputy General Manager, Andrew Benson had followed up on the original request and sought advice from Council’s maintenance contractor. The quotation for the undertaking of remedial works is as follows; the remedial works will consist of a floor to ceiling cement render, including coved corners, on three masonry walls plus a painted finish to provide an impervious surface.

This solution is deemed to be the most cost effective ‘life cycle costing’ manner to address this issue. A Purchase Order has been issued for the works to be undertaken and it is anticipated that this will be completed prior to Christmas 2018.

**RECOMMENDATION**

THAT the report be noted and the information be received

**DECISION**

*Moved by Cllr R McDougall, seconded by Cllr D Fish*

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

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
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	√	

## 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 WORKS & TECHNICAL SERVICES (JACK LYALL)

**Date:** 22 NOVEMBER 2018

#### **ROADS PROGRAM**

Maintenance grading in the Woodbury (Glen Morey Road) and Rhyndaston / Colebrook areas.

Drainage and tree works has been completed on Eldon Road.

#### **TOWN AND GENERAL MAINTENANCE**

Town and general maintenance is continuing in all other areas.

Colebrook kerb and guttering has commenced and will be poured in the coming week.

#### **Waste Management Program**

Operating arrangements at the Waste Transfer Stations are working well.

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

Clr A E Bisdee – complaints re: waterlogging on northern section of Campania Recreation Ground. Drainage system improvements required and request for Works Manager to prepare a budget submission.

Clr A Bantick – following an inspection of the Bridge in East Bagdad Road with local residents, it was acknowledged that the remedial works were undertaken promptly and greatly appreciated.

#### **RECOMMENDATION**

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

#### **DECISION**

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

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

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

## **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:** 23 NOVEMBER 2018

#### **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:

- Acknowledgment has been received from the Anglican Diocese of Tasmania for receipt of Council's submission to the Anglican Church sales process. The request to make a deputation to Diocesan Council or Synod has been refused.
- Planning and research for the Convict Archaeology of the Southern Midlands (CASM) project in conjunction with the University of Tasmania (to commence 20/1/19). Current enrolment is 14 archaeology students for the Picton Road Station site and five education students for the Oatlands Guard House site. Staff have been involved in the preparation of the online component of the course. A detailed briefing of the project will be provided to Council's December meeting.
- Building works are almost complete at the Oatlands Commissariat and 79 High Street with final site clearance and landscaping underway.
- Works to the Kempton Council Chambers roof lantern have been completed. Wallpaper hanging and other repairs are to be undertaken over the Christmas break.
- Viewing Tasmanian Archive and Heritage Office collections to source images/ documents to form part of the interpretation for the Oatlands Commissariat (information panels and printed material).
- Designing interpretation panels for the Oatlands Commissariat.
- Further curation of archaeological artefacts associated with the commissariat project.
- Hosting visit of staff from the Tasmanian Museum and Art Gallery to the Oatlands Gaoler's Residence and Supreme Courthouse providing overview of buildings and collections.

- Staging the Heritage Hub Open Days & invited expressions of interest for Artisans to use the shop front & bakers oven areas. As a result of attending Festivals, craft markets & Fairs, along with the Open Days, we are now in negotiations with 17 Artists to operate from the Heritage Hub.
- Promoting the use of the Heritage Hub site – in negotiations to hold a monthly Farmers Market with the first one to be held in December 2018.
- Assisting two prospective Artists in Residence.
- Supporting the volunteer program, particularly towards the Tasmanian Decorated Interiors database.
- The Draft Southern Midlands Historic Heritage Strategy is currently on public exhibition until December 5<sup>th</sup> 2018.

Note that Brad Williams is currently undertaking some work for Derwent Valley Council and Glamorgan-Spring Bay Council on a charge-out basis via Council's resource sharing arrangement.

Council is informed of the passing of a recent Artist in Residence (during July 2018) – Mr Michael Morgan. Staff have been in contact with Mrs. Morgan and will contact her at an appropriate time to seek her wishes on commemorating Mr. Morgan's residency.

## RECOMMENDATION

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

## DECISION

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

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

## CARRIED

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr 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 LANDCARE UNIT – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 20 NOVEMBER 2018

**ISSUE:** Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Kempton Streetscape matters continue to progress. Final preparations have been sorted for a community BBQ event to be held on Sunday, 25<sup>th</sup> November 2018 at 12.00 noon. This will celebrate the works at the Recreation Ground to date. On the day, it is planned that the mural on the back wall of the grandstand be progressed. All Councillors have been invited.

It is hoped that the interpretation panel in relation to the history of the ground will also be in place in time for the event. Helen Geard and Maria Weeding have both been working on the draft of the panel. Research for the contents of the panel has been through Alan Townsend.

Mayor Green will speak at the event and welcome everyone. Daphne Hill, one of Kempton's oldest residents who has lived in Kempton for many years, has been invited to cut a ribbon at the new entrance to the recreation ground following on from Mayor Green's speech.

- A Lake Dulverton and Callington Park Management Committee working bee was held on Saturday, 10<sup>th</sup> November 2018 to repair the section of dry stone wall in Callington Park. The wall had fallen down. Works were done by Athol Bennett, Maria Weeding and Cllr Don Fish. The section is now in good order.
- Power boxes at Callington Park were checked in regard to identifying the various sub-boards in relation to the mains board switches. Replacing faded labelling some new labelling in the switchboard will make it easier to manage the power in the area for future events. The sub-boards have also been better identified as part of the process.
- Helen Geard has visited many landholders in the Bagdad / Mangalore area in relation to Patterson's Curse. The majority of the landholders are actively managing the weed on their properties. Landholders were appreciative of the chance to check and discuss their progress in managing the weeds in general that are found in the area.
- Council has just become aware of the existence of Chilean Needle Grass in a section of the Coal River Valley area. It has been identified by a weeds contractor working on weeds on the state road verges – Colebrook /Mud Walls

Road. The extent of the patch is fairly large. It is on a number of private properties. Landholders that we know are affected will be made aware of the existence of the plant on their properties with officers from the SMC and the Department of Primary Industries Water and Environment (DPIPWE) planning to meet up and visit the landowners in the next few days. It is planned that further investigations occur in the area to identify the full extent of the plant. SMC will be working with DPIPWE on the matter. Chilean Needle Grass is a Declared Weed under the Weeds Management Act. Currently this plant is rated as a Zone A Weed, meaning 'eradicate' for Southern Midlands.

- A section of the Dulverton Walking track was resurfaced. The Parattah end of the track from the township to the start of the Meaburn property was recoated. Work was undertaken to address any cross slope surfaces that were evident in a few sections. It is now at a better standard for walkers, cyclists etc.
- Maria Weeding was on leave for one week.

## RECOMMENDATION

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

## DECISION

*Moved by Clr D Fish, seconded by Clr R McDougall*

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

## CARRIED

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

## **14.2.2 CHAUNCY VALE CARETAKER HOUSE – NEW MODUS OPERANDI FOR CONSIDERATION & ENDORSEMENT**

**Author:** SPECIAL PROJECTS OFFICER (GRAHAM GREEM)

**Date:** 19 NOVEMBER 2018

### **ISSUE**

The primary issue for consideration is development of a sustainable model for running the caretaker house and caretaker position at Chauncy Vale.

The recommendation is to use the house (a Council asset) for short term accommodation in conjunction with the existing caretaker's role.

Should Council endorse the Recommendation then a Permit will be required under the *Land Use Planning and Approvals Act 1993* to allow for short term accommodation and to undergo the compliance and notification requirements under the *Building Act 2016*.

Any change of use or change in model does not prevent Council / Chauncy Vale Management Committee from returning to the previous caretaker model.

The proposed arrangement were endorsed by the Chauncy Vale Management Committee at their meeting on 20<sup>th</sup> November 2018.

### **BACKGROUND**

The caretaker house underwent significant (and much needed) renovations in 2017. The aim was to renovate and improve the quality of the building and to open up options for a new caretakers model.

Council staff and the Chauncy Vale Management Committee have had discussions over the last year about potential new ways to operate the caretaker role and house, short stay accommodation option has been flagged several times as an option.

One option was to commence a revolving roster of short term volunteers (including groups) to act as both caretaker and undertake volunteer type works in the reserve. However despite numerous attempts it has been difficult to attract the desired person or organisation to the caretaking role, the Wildcare co-program being the latest approach.

The latest caretaker, Sam Hilton, has been with Chauncy Vale since April 2018 and has willingly embraced the role. Sam is currently working on plans to make his role more personally sustainable and diverse. Sam has expressed interest in hosting paid guests at the Caretaker House on an occasional basis and has approached the Committee with the idea. Guests would be taken on a guided walk at the Wildlife Sanctuary.

The model would generate an income for Chauncy Vale and also for the caretaker, and provide a greater incentive for the caretaker to stay on in the role. The details of the arrangement are provided below.

## DETAIL

The proposed mechanism for implementation is:

- i) Gain planning approval for short term stays at the caretaker house – planning application form to be lodged pending approval of this concept by Council.
- ii) Undergo building safety requirements for a change of use under the *Building Act 2016*
- iii) listing the premises on AirBNB as this platform includes insurance cover under the *Airbnb Host Protection Insurance and Host Guarantee* (details below).

*Compliance of the premises* - the recent renovation of the Caretaker House was done to specifications e.g. deck construction and balcony railings.

*Fire safety* – a fire safety audit was recently undertaken by Tasmania Fire Service to check smoke alarms and install a fire blanket and fire extinguisher.

*Promotion* - to be undertaken through the Chauncy Vale website, AirBnB platform, and by the caretaker.

It is anticipated that initially there will be one group of six people staying each month. The accommodation opportunity to be potentially expanded up to a maximum of 12 nights per month availability, depending upon how the trial period transpires.

*Payments* - Council receives funds for overnight stays direct to a nominated account via the AirBNB platform.

*Servicing* – The caretaker to invoice the Chauncy Vale Management Committee for his services in managing the accommodation enterprise.

*Contingency plan post the current caretaker* - a tried and tested model that may be attractive for other prospective caretakers / accommodation managers to run.

**Human Resources, Financial Implications & Timeframes** - Estimated 1 hour per week extra work for the Chauncy Vale Project Officer. Working towards increased financial sustainability for the reserve in line with other initiatives such as: gate donations, tours of Day Dawn Cottage, book sales, venue hire and campervan fees.

Anticipated initial gross income based upon one group (x 2 nights) per month = \$480 / month. Anticipated that this has potential to increase significantly once the program had been trialled.

Timeframe – commence in January, once planning approval has been gained.

**Community Consultation & Public Relations Implications** - There are positive public relations outcomes envisaged – increased options and opportunities at Chauncy Vale plus an increase in visitation.

Reputation will need to be managed due to third party involvement in managing a Council asset. Need to ensure processes and procedures are in place so that guests have a positive experience in terms of presentation, cleanliness and safety.

**Policy Implications - Chauncy Vale Wildlife Sanctuary & Flat Rock Reserve Joint Management Plan 2010**

A key ‘threatening process’ identified in the Chauncy Vale Wildlife Sanctuary & Flat Rock Reserve Joint Management Plan 2010 is:

- ‘Lack of support for recreation and tourism opportunities’ – the source of the threat being identified as ‘Lack of facilities and resources’

A contemporary accommodation option adjacent to the reserve (promoted on a global platform – AirBNB) in part addresses this threatening process. It provides an option for travellers who are more than a day-trip away from Chauncy Vale to easily visit the reserve. It also provides travellers the benefit of experiencing the reserve with the assistance of the caretaker who is well versed in interpreting the key features to visitors.

**Southern Midlands Council Draft Strategic Plan 2018-2027** - The Chauncy Vale caretaker house accommodation proposal is relevant to the following Council aims and actions in the Draft Strategic Plan 2018-2027:

Southern Midlands Council Draft Strategic Plan 2018-2027

2.2 TOURISM		GROWTH
<i>What we are aiming to achieve:</i>		
2.2.1	Increase the number of <b>tourists</b> visiting and spending money in the municipality	
<b>Key actions to achieve our aims:</b>		<b>Responsible Business Unit(s)</b>
2.2.1.1	Seek opportunities to support the development, growth and promotion of a wide range of tourism in the Southern Midlands	GM
2.2.1.2	Seek opportunities to further develop and link heritage tourism opportunities both within and outside the region, including convict sites, the Oatlands Military Precinct and Callington Mill Precinct	HP
2.2.1.3	Support the development of tourism products	GM
2.2.1.4	Work in partnership with other State, Regional and local organisations including Destination Southern	GM

Southern Midlands Council Draft Strategic Plan 2018-2027

2.3 BUSINESS		GROWTH
<i>What we are aiming to achieve:</i>		
2.3.1a	Increase the number and diversity of <b>businesses</b> in the Southern Midlands	
2.3.1b	Increase <b>employment</b> within the municipality	
2.3.1c	Increase Council revenue to facilitate <b>business and development activities</b> (social enterprise)	
<b>Key actions to achieve our aims:</b>		<b>Responsible Business Unit(s)</b>
2.3.1.1	Continue to facilitate and actively promote the development of new business opportunities	DES
2.3.1.2	Continue to provide support to businesses within the municipality to help ensure their long-term viability and to support them to actively work co-operatively together	C&CD

**Other Issues** - The Planning and Building approvals for short stay accommodation will be undertaken internally.

**Insurance - Airbnb Host Protection Insurance and Host Guarantee**

Airbnb’s Host Protection Insurance program is provided in partnership with Lloyd’s of London and Zurich (and partners) to provide hosts with up to US\$1 million of liability cover. It covers primary liability claims where a guest is physically injured or has their property damaged or stolen during their stay on your property. According to Airbnb, it may also cover damage to common areas outside of the listing itself. The insurance can be used even if the host has other insurances over the property. Airbnb states the Host Protection Insurance provides coverage for hosts and landlords (if the landlord is named in a lawsuit).

Airbnb's Host Guarantee is said to protect hosts "against damages to their own possessions or unit in the rare instance of property damage by a guest," up to US\$1 million. It does have its own set of exclusions, including damage caused by pets, personal injury and property damage claims from third parties (which could instead fall under the Host Protection Insurance). Airbnb also states "jewellery, collectables and artwork can have more limited protections," so these items may require additional insurance.

## RECOMMENDATION

THAT Council endorse the proposal for part change of usage of the caretaker house at Chauncy Vale in line with the recommendation of the Chauncy Vale Management Committee on the 20<sup>th</sup> November 2018.

## DECISION

*Moved by Cllr A E Bisdee, seconded by Cllr A Bantick*

**THAT Council endorse the proposal for part change of usage of the caretaker house at Chauncy Vale in line with the recommendation of the Chauncy Vale Management Committee on the 20<sup>th</sup> November 2018.**

## 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	√	

### 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).*

### 15.6.1 OATLANDS DISRICT PROGRESS ASSOCIATION – REQUEST FOR BUS SHELTER (HIGH STREET, OATLANDS)

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 21 NOVEMBER 2018

#### ISSUE

To provide Council with a cost estimate to construct an enclosed bus shelter in High Street, Oatlands (proposed to be sited adjacent to the Oatlands District High School netball court).

#### BACKGROUND

The request for a bus shelter was initiated by the Oatlands District Progress Association via an email dated 17<sup>th</sup> September 2018.

The request was first considered by Council at its September 2018 meeting, at which it was resolved to endorse 'in-principle' and that Council officers proceed to obtain alternative cost estimates and designs for further consideration.

The following background comments and detail were provided in the initial report to Council:

*For information, the Redline Coach service, subject to advanced bookings, comes through Oatlands three times per day on weekdays (from both north and south), and there are two services on weekends.*

*In past years, the bus collection point has changed a number of times along High Street, Oatlands (for various reasons), however it is apparent that the present bus stop, located in front of the Oatlands District High School has become a more permanent arrangement.*

*Whilst the provision of Bus shelters is generally not a local government responsibility, past requests to the bus service organisations to provide such infrastructure, or alternatively, to contribute to bus shelters, has proven to be unsuccessful.*

*In reference to the Email correspondence from the Oatlands District Progress Association, it goes without saying that Oatlands does experience some adverse weather conditions that can make waiting for a bus extremely uncomfortable. For this reason, and from a community service perspective, it is suggested that Council be prepared to fund the cost of providing an appropriate shelter.*

*Due to the central location of the shelter, it is envisaged that the shelter would not only be used by bus passengers, but also the broader community as a drop-off or collection point, including school children.*

*Based on the indicative bus shelter design that was included in the Email, a price of \$6,700 has been obtained however there is an additional freight component of \$4,370.00.*

*In light of this, it is anticipated that a Shelter could be fabricated locally for a much lesser amount, but there has been insufficient time to design and seek a quote. Subject to Council's decision, this can be progressed in the short-term.*

## DETAIL

A number of design options have been considered with the following being the preferred based on its heritage style, size and budget. A quote of \$12,250 (GST exclusive) has been received to fabricate the shelter which would be 3.5 metres long x 1.50 metres wide. Three sides would be half glass; and double back colourbond. Colours have yet to be decided.

In addition to the above cost, Council will be responsible to construct a slab and transport from northern Tasmania – estimate of \$1,500.



**Human Resources & Financial Implications** – A budget has not been allocated in 2018/19. Construction will be dependent on an available budget which will need to be transferred from another project, or through a separate source of funding.

In terms of funding options, this project is classified as a 'new asset' which would ordinarily be funded from the \$250K set aside in Council's Financial Management Strategy for new assets. Councillors will recall, that as part of the 2018/19 budget process, a total amount of \$336,500 was allocated for new assets, being an excess of \$86,500. The budget was to be reviewed following confirmation of Council's Financial

Assistance Grant (i.e. Grants Commission). Any additional FAGS grant (in excess of budgeted grant) could offset the over commitment.

The confirmed FAGS allocation for 2018/19 is \$3,390,044, which is \$33,914 greater than the budgeted amount. This reduces the budgeted excess for new assets to \$52,500.

It follows that there is no capacity within the existing budget to fund the Bus Shelter this financial year, and hence, it needs to be carried forward for inclusion in the 2019/20 budget.

**Community Consultation & Public Relations Implications** – The need for a bus shelter has certainly been suggested in the past, however due to the frequent change in location of the bus stop, and in the absence of support from the bus service organisation(s), the suggestion has not been progressed beyond that stage.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – subject to available funding.

## RECOMMENDATION

THAT:

- a) The information be received;
- b) Council confirm its acceptance of the proposed design; and
- c) That an amount of \$14,000 be committed in the 2019/20 Capital Works Program for construction of a Bus Shelter in High Street, Oatlands.

## DECISION

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

THAT

- a) The information be received; and
- b) That the proposed design be released for community comment and feedback (allow a two week period).

**CARRIED**

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

## 15.7 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.*

#### 15.10.1 BAGDAD PRIMARY SCHOOL – VEHICLE PARKING AND TRAFFIC CONGESTION IN SCHOOL PRECINCT

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 26 NOVEMBER 2018

**Enclosure:**

*School Car Park – Amended Design Options 1 to 2*

### ISSUE

To provide Council with an update in relation to the proposed development of a car park off School Road, Bagdad in the vicinity of the Bagdad Primary School .

### BACKGROUND

The Bagdad Primary School is situated in School Road, Bagdad. The issue of parking in School Road and traffic congestion, particularly in the peak morning and afternoon periods, has been a significant issue for many years. A number of on-site meetings have been held in the past with representatives from the School and the Department of Education with respect to this issue.

Whilst a number of improvements have been undertaken in School Road, it has always been identified that the most appropriate and long-term solution is to acquire land on the southern boundary of the school property for the purpose of constructing an off-road car park and designated bus area.

In November 2017, a letter was received from B & J Wilson and T & P Barham which offered to make their land (located on the southern side of School) available to Council in anticipation that Council would fund and project manage the construction of this infrastructure. The Bagdad Primary School Association also wrote in support of the proposal.

Council, at its meeting held 13<sup>th</sup> December 2017, resolved as follows:

*“THAT:*

- a) Council acknowledge the extremely charitable and generous offer;*
- b) In the first instance, Council seek to facilitate a communication process that brings together representatives from the Department of Education, Bagdad Primary School (and the School Association) and the property owners; and*
- c) A further report, including recommendations, be provided to Council following these initial discussions.*

Following the above decision, a meeting was held on 21<sup>st</sup> February 2018 with the Principal of the Bagdad Primary School, representatives from the School Association and the property owners. The representative from the Education Department (Property Section) did not attend the meeting.

The following outcomes were noted and were reported to the Council Meeting held 27<sup>th</sup> February 2018.

- a) Both property owners confirmed that the land would be made available as a donation to the community;
- b) In order to advance the project, it was proposed that Council be requested to fund the cost of preparing an initial design plan, including estimated cost to construct; *Note: Estimated cost to include land value and all associated acquisition costs which can then be recognised as a community contribution and / or negotiated as part of the final financing arrangements.*
- c) Following preparation of a preliminary design, the parties meet to consider the detail prior to submitting a formal proposal to the Education Department and/or direct to the State Government at the political level.

Council, at its February 2018 meeting then agreed to fund the initial engineering design plan for a proposed carpark on land adjacent to the Bagdad Primary School.

Sugden & Gee were then engaged to prepare preliminary designs and estimates for the car park.

A lowest cost approach was taken to siting the car park and the following options are provided:

- Option 1 – Sealed car park with one bus bay – this enables the car park to be constructed slightly closer to the school.
- Option 2- Sealed car park with two bus bays.
- Option 3 - Unsealed car park with one bus bay.
- Option 4 – Unsealed car park with two bus bays.

The Engineer has noted the following design considerations:

1. The carpark is positioned to minimise bulk earthworks and avoid the steeper section to the north of the site;
2. The solutions provide access to the school via compacted red gravel and full separation from vehicle and bus movements;
3. Bus bays have been positioned on School Road to separate bus movements from the car park and pedestrian movements. The location also allows buses to pull in and out with minimal risk or intrusion to the passing traffic;
4. Positioning of the bus bays on the road shoulder minimises construction costs;
5. Stormwater is managed with cur off drains and open channels instead of piped solutions to reduce construction costs;
6. Visitor car parking is short term and spaces are 2.60 m x 5.40 m to allow for more access space to get children in and out of vehicles;
7. Staff parking is longer term and spaces are the standard 2.40 m x 5.4 m;

## DETAIL

These initial design options were referred to the property owners, and based on feedback from the owners (together with feedback from the Education Department), resulted in the preparation of two revised design options. Refer amended design options (attached).

A further meeting has been held with the landowners and whilst final confirmation is yet to be received, both options appear to be acceptable.

Whilst Design Option No 2 is preferable, this is dependent on the outcome of the Education Department's negotiations with the Church Diocese.

In relation to this, the amended design options (including revised costings) have been referred to the Department and the Director of Facility Services has advised that support has been obtained from the Department to progress the car park. There is also support to commence a discussion with the Church regarding purchase of the property.

At this stage, the issue of funding the project is yet to be resolved, noting that Council has committed an amount of \$25,000 as its contribution. In addition, confirmation has been sought from the Education Department that it will accept ownership of the car park post construction, and final survey / boundary adjustments have been completed.

Following confirmation of funding and the ownership issue by the Department, and formal acceptance by the property owners, it would be possible to commence some preliminary work such as tree and fence removal; erection of temporary fencing; excavation and infilling i.e. to maximise the availability of material from the Midland Highway project.

**Human Resources & Financial Implications** – The revised cost estimates are:

Option 1 – \$226K

Option 2 - \$238K

**Community Consultation & Public Relations Implications** – refer detail provided.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – N/A

## RECOMMENDATION

THAT the information be received.

## DECISION

*Moved by Clr R McDougall, seconded by Clr A Bantick*

**THAT the information be received.**

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

**ENCLOSURE**

*Agenda Item 15.10.1*

**GENERAL NOTES**

- THIS IS A CONCEPT SKETCH ONLY FOR THE PURPOSE OF OPTION DISCUSSION ONLY.
- DIMENSIONS ARE VERY APPROXIMATE DUE TO A LACK OF ENGINEERING SURVEY.
- TO UNDERTAKE ANY DETAILED DESIGN AN ENGINEERING SURVEY IS REQUIRED.
- STORM WATER DESIGN REQUIRED AND NOT CONSIDERED IN THIS SKETCH.
- EITHER OPTION REQUIRES SIGNIFICANT TREE REMOVAL.
- SERVICES NOT LOCATED OR CONSIDERED IN THIS SKETCH.
- DESIGN MAY CHANGE SLIGHTLY IF DETAILED DESIGN PROCEEDS.

**CARPARK SPEC**

- 40 SPACES AS2890 1:2004
- CLASS 3 FULL OPENING DOOR
- SHORT TERM PARKING
- CLUSING WHEEL STOPS
- 2.6m x 5.4m BAYS
- ABLE WIDTH 6.2m - TWO WAY

**OPTION ONE NOTES**

- NO ACQUISITION AND/OR LAND SWAPPING WITH CHURCH PROPERTY OWNER REQUIRED.
- LESS COMPLICATED IN RELATION TO NEW TITLE OF CAR PARK IF ONE SO REQUIRED.
- PEDESTRIAN ACCESS ON NEW FOOTPATH NEXT TO FENCE ON SCHOOL ROAD. THIS WILL CROSS CHURCH ACCESS.

OPTION ONE  
SCALE 1:500

**OPTION TWO NOTES**

- ACQUISITION AND/OR LAND SWAPPING WITH CHURCH PROPERTY OWNER REQUIRED.
- UNRESTRICTED PEDESTRIAN ACCESS ON NEW FOOTPATH NEXT TO FENCE ON SCHOOL ROAD.
- OTHER DIRECT PEDESTRIAN POINTS REQUIRE FURTHER INVESTIGATION.

OPTION TWO  
SCALE 1:500

REFERENCE FILED ATTACHED:

DRAWING REVISION HISTORY		DESIGN	DESIGNED	REVIEWED	DATE	SCALE		CLIENT	PROJECT	TITLE	CLIENT NO.	ISSUE NO.	REVISION
REVISION	DESCRIPTION	SG	IP			1:500	1:500	SOUTHERN MIDLANDS COUNCIL	BAGDAD PRIMARY SCHOOL CARPARK	LOCATION IDEAS SKETCH	SG1807-100		A
A	INITIAL CONCEPT FOR CLIENT DISCUSSION												

STATUS: CONCEPT  
DATE: AHD / GDA PLANE

Sugden & Gee  
Ingenuity

## **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.*

Nil.

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

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

#### ISSUE

Please note that the October report is currently unavailable due to the Chief Administrator providing relief General Manager services at Tasman Council and has indicated an inability to fulfil this role during this tenure.

## **17.2.2 LEGISLATIVE UPDATES – VARIOUS (INFORMATION ONLY)**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

### **ISSUE**

To inform Council of recent legislative updates.

### **DETAIL**

#### ***Local Government (General) Regulations 2015***

The Tasmanian Industrial Commission completed a review into councillor allowances in April 2018, delivering its final findings and recommendations to the Minister on 15 May 2018. The Review recommended that a 'higher duties allowance' be paid to the deputy mayor where the deputy is required to act in the role of mayor for more than four consecutive weeks.

In line with this recommendation, the *Local Government (General) Regulations 2015* have been amended. A new sub regulation 42(2A) has been inserted which provides that if a deputy mayor is appointed to act in the role of mayor for a period of four consecutive weeks or more, the deputy mayor is entitled to receive, for that period, the allowance payable to the mayor.

These regulations are effective from 14 November 2018.

#### ***Code of Conduct (section 28T of the Local Government Act 1993)***

Section 28T of the *Local Government Act 1993* requires a council to review its code of conduct within three months after each ordinary election.

The Local Government Division has recently been conducting a Code of Conduct review which has resulted in some proposed amendments to the current model code of conduct. It is expected that the Minister for Local Government will make available the amended model code of conduct in early December 2018.

As per section 28T(2), councils must adopt the amendments within three months of the Minister making it available.

In light of the proposed amendments, it is suggested that council may wish to wait to review the code of conduct until those the amendments are provided.

#### ***Burial and Creation Amendment Bill 2018***

The final Burial and Cremation Amendment Bill 2018 was tabled in Parliament on 20<sup>th</sup> November 2018.

The Director of Local Government has advised that the Government considered all feedback provided through the public consultation on the draft Bill in preparing the final Bill. The final Bill reflects the range of feedback received and contains changes to

address key issues raised. Further details of these changes and copies of the submissions received are available on the Department of Premier and Cabinet website.

The review of Tasmania's cemeteries legislation will continue in 2019. This work will include further consideration and analysis of broader issues raised through the public consultation process, with further consultation to occur at that time. It is anticipated that further amendments to the Act will result from this work.

Council will be notified of upcoming consultation opportunities as the review progresses.

**Human Resources & Financial Implications – Nil.**

**Community Consultation & Public Relations Implications – N/A**

**Policy Implications – N/A**

**Priority - Implementation Time Frame – N/A**

## **RECOMMENDATION**

THAT the information be received.

## **DECISION**

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

**THAT the information be received.**

## **CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

### **17.2.3 DRAFT 2019 COUNCIL MEETING SCHEDULE**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 14 NOVEMBER 2018

#### **ISSUE**

Council to confirm dates and locations for the 2019 Council meetings.

#### **BACKGROUND**

At present, Council Meetings are held on the fourth Wednesday of every month commencing at 10.00 a.m.

Meetings generally alternate between Oatlands and Kempton, with the exception that during the summer months, Council conducts its' meetings at the various community halls within the municipal area.

The "public question time" session at these Ordinary Meetings commence at 12.30 p.m.

Councillors are reminded of the following legislative provisions:

Regulation 4 (4) of the *Local Government (Meeting Procedures) Regulations 2005* states that an ordinary meeting of a council is to be held at least once in each month.

Regulation 6 of the *Local Government (Meeting Procedures) Regulations 2015* states:

*"Times of meetings*

*(1) A meeting is not to start before 5 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.*

*(2) After each ordinary election, a council and a council committee are to review the times of commencement of meetings."*

A forward Meeting Schedule (draft) has been developed for consideration, including the meeting date, venue and commencement time for consideration.

DATE	VENUE	TIME
Wednesday, 23 <sup>rd</sup> January 2019	Campania Hall	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Tuesday, 26 <sup>th</sup> February 2019	Tunbridge Hall	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Wednesday, 27 <sup>th</sup> March 2019	Woodsdale OR Levendale Hall	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Wednesday, 24 <sup>th</sup> April 2019	Broadmarsh Hall	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Wednesday, 22 <sup>nd</sup> May 2019	Kempton	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Wednesday, 26 <sup>th</sup> June 2019	Oatlands	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>
Wednesday, 24 <sup>th</sup> July 2019	Kempton	10.00 a.m. <i>Public Question Time – 12.30 p.m.</i>

## DETAIL

At the Induction Workshop held 12<sup>th</sup> November 2018, Councillors gave preliminary consideration to the issue of meeting commencement times.

Following discussion, it was agreed that the current Meeting Schedule, which is based on meetings commencing at 10.00 a.m., should be endorsed as an interim measure. This position was reached pending a review following a community consultation process and whether there was sufficient interest to warrant meetings being held of an evening.

## RECOMMENDATION (FROM WORKSHOP)

THAT:

- a) Ordinary Meetings of Council be held on the fourth Wednesday of every month; and
- b) As an interim arrangement (pending a community consultation process), all Ordinary Meetings commence at 10.00 a.m. with the Public Consultation session scheduled for 12.30 p.m.

**DECISION**

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

**THAT**

- a) **Ordinary Meetings of Council be held on the fourth Wednesday of every month; and**
- b) **As an interim arrangement (pending a community consultation process), all Ordinary Meetings commence at 10.00 a.m. with the Public Consultation session scheduled for 12.30 p.m.**

**CARRIED**

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

## 17.2.4 COMMITTEE MEMBERSHIP AND APPOINTMENTS

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

**Enclosure:**

*Council Committees*

### ISSUE

Appointment of Councillors to:

- a) Council Committee - Southern Midlands Facilities & Recreation Committee;
- b) Special Committees of Council;
- c) Council representatives to external Committees; and
- d) Advisory Committees.

### BACKGROUND

The *Local Government Act 1993*, provides for two different types of Committees, they being Council Committees, and Special Committees.

#### ***“Section 23 - Council committees***

*(1) A council may establish, on such terms as it thinks fit, council committees to assist it in carrying out its functions under this or any other Act.*

*(2) A council committee consists of councillors appointed by the council and any councillor who fills a vacancy for a meeting at the request of the council committee.*

*(3) A meeting of a council committee is to be conducted in accordance with prescribed procedures.”*

#### ***“Section 24 - Special committees***

*(1) A council may establish, on such terms and for such purposes as it thinks fit, special committees.*

*(2) A special committee consists of such persons appointed by the council as the council thinks appropriate.*

*(3) The council is to determine the procedures relating to meetings of a special committee.”*

## DETAIL

Each of the above mentioned Committees, excluding the external committees, have documented roles and responsibilities.

It is necessary to review the appointments following a Council Election.

Councillors should note that in the absence of a proxy being appointed for a position held by the Mayor, the Deputy Mayor automatically becomes the Mayor's proxy.

## RECOMMENDATION

THAT Council confirm appointments to the following Committees:

- a) Council Committee - Southern Midlands Facilities & Recreation Committee;
- b) Special Committees of Council;
- c) Council representatives to external Committees; and
- d) Advisory Committees.

## DECISION

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

**THAT Council confirm appointments to the following Committees (as listed on the following page(s):**

- a) Council Committee - Southern Midlands Facilities & Recreation Committee;**
- b) Special Committees of Council;**
- c) Council representatives to external Committees; and**
- d) Advisory Committees.**

## CARRIED

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

COUNCIL COMMITTEE(S)	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
Southern Midlands Facilities & Recreation Committee (incl. Disability Access)	Clr Don Fish (Chair) Clr A Bantick Clr E Batt	Deputy Mayor Alex Green	Deputy Mayor E Batt Clr Don Fish Clr A Bantick	Clr K Dudgeon

STATUTORY REQUIREMENTS	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
Audit Panel	Mr D E Sales (Independent Chair) Deputy Mayor A Green Clr E Batt	Clr David Marshall	Deputy Mayor E Batt Clr R McDougall	Clr A E Bisdee
Southern Midlands Emergency Management Planning Committee	Clr Anthony Bantick	Clr Don F Fish	Clr A Bantick	Clr D Fish

COUNCIL SPECIAL COMMITTEE(S)	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
Australia Day Awards Committee	Mayor Bisdee OAM	Deputy Mayor Alex Green	Mayor A Green	Deputy Mayor E Batt
Enterprise Bargaining / Award Consultative Committee	Mayor Tony Bisdee OAM	Deputy Mayor Alex Green	Mayor A Green	Deputy Mayor E Batt
Lake Dulverton & Callington Park Management Committee	Clr Don Fish	Clr Bob Campbell	Clr D Fish	Clr K Dudgeon
Oatlands Community Shed Committee	Clr Don Fish	Clr Bob Campbell	Clr D Fish	Clr K Dudgeon
Chauncy Vale Management Committee	Clr Tony Bantick	Clr Bob Campbell	Clr A Bantick	Clr R McDougall

COUNCIL SPECIAL COMMITTEE(S)	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
Campania Halls Management Committee	Deputy Mayor Alex Green	Clr David Marshall	Mayor A Green	Deputy Mayor E Batt
Colebrook Memorial Hall Management Committee	Deputy Mayor Alex Green	Clr Don Fish	Mayor A Green	Clr D Fish
Oatlands Community Hall Management Committee	Clr Don Fish	Clr Bob Campbell	Clr D Fish	Clr R McDougall
Parattah Railway Restoration Management Committee	Cr Don Fish	Clr Bob Campbell	Clr R McDougall	Clr D Fish
Woodsdale Hall Management Committee	Deputy Mayor Alex Green	Clr Bob Campbell	Clr K Dudgeon	Mayor A Green
Campania Recreation Ground Management Committee	Deputy Mayor Alex Green	Clr David Marshall	Mayor A Green	Deputy Mayor E Batt
Mangalore Recreation Ground Management Committee	Clr Tony Bantick	Clr Edwin Batt	Clr A Bantick	Clr A E Bisdee
Parattah Progress Association (formerly Parattah Recreation Ground Management Committee)	Clr Don Fish	Clr Bob Campbell	Clr D Fish	Mayor A Green
Tunnack Recreation Ground Management Committee	Mayor Tony Bisdee OAM	Clr Edwin Batt	Clr R McDougall	Deputy Mayor E Batt
Mt Pleasant Recreation Ground Management Committee	Tim Kirkwood (General Manager)	Maria Weeding (NRM Manager)	Clr K Dudgeon	Clr D Fish

COUNCIL ADVISORY GROUPS	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
Arts Advisory Committee	Clr E Batt	Clr B Campbell	Deputy Mayor E Batt	Clr R McDougall
MEDaLS Implementation Committee (previously Oatlands Integrated Development Strategy)	Deputy Mayor A Green Clr Edwin Batt	Clr Don Fish		
Southern Midlands Memorial Trees Committee	Clr Edwin Batt	Clr Campbell	Deputy Mayor E Batt	Clr A E Bisdee
Kempton Streetscape Committee	Clr Edwin Batt		Deputy Mayor E Batt	Clr A E Bisdee
Heritage and Bullock Festival Committee	Clr Batt		Deputy Mayor E Batt	Clr D Fish
Heritage Hub Management Committee	N/A		Deputy Mayor E Batt	Clr R McDougall
Melton Mowbray Park Advisory Group	N/A		Deputy Mayor E Batt	Clr A E Bisdee
Oatlands Parking Advisory Group	N/A		Clr R McDougall	Clr D Fish

EXTERNAL COMMITTEES	CURRENT MEMBERS	PROXY	2018 APPOINTMENT	PROXY
MMPHC Community Advisory Committee (CAC)	Mayor Tony Bisdee OAM	Tim Kirkwood (General Manager)	Clr A E Bisdee	Clr K Dudgeon
Southern Tasmanian Councils Authority (STCA)	Mayor Tony Bisdee OAM	Deputy Mayor Alex Green	Mayor A Green	Deputy Mayor E Batt
Waste Strategy – South	Clr Bob Campbell David Cundall (Manager DES) Leon McGuinness (EHO)	David Cundall (Manager DES) Leon McGuinness (EHO)	David Cundall (Manager DES) Leon McGuinness (EHO)	
TasWater Corporation Owners/Representatives Committee	Mayor Tony Bisdee OAM	Deputy Mayor Alex Green	Clr A E Bisdee	Mayor A Green
Local Government Association General Meetings	Mayor Tony Bisdee OAM	Deputy Mayor Alex Green	Mayor A Green	Deputy Mayor E Batt
Midlands Fire Area Management Committee	Tim Kirkwood (General Manager)		Tim Kirkwood	Jack Lyall
NRM South	Maria Weeding (NRM Manager)	Helen Geard (NRM Unit)	Maria Weeding (NRM Manager)	Helen Geard (NRM Unit)
Regional Community Learning & Development Centre – Levendale Inc.	Deputy Mayor Alex Green	Clr Bob Campbell	Mayor A Green	Clr R McDougall

## **17.2.5 PROPOSED LOCAL COMMUNITY STRATEGIC ALLIANCE – CAMPANIA DISTRICT SCHOOL & SOUTHERN MIDLANDS COUNCIL**

**Author:** DEPUTY GENERAL MANAGER, MANAGER COMMUNITY &  
CORPORATE DEVELOPMENT (ANDREW BENSON)

**Date:** 20 NOVEMBER 2018

**Enclosure:**

*Landscape Concept Plan – Campania District School*  
*Draft Local Community Strategic Alliance Charter*  
*Strategic Alliance Project Framework*

### **ISSUE**

Paul Dalla-Fontana (Principal, Campania District School) addressed Council at the October 2018 meeting regarding the proposed Landscape Plan for Campania District School and its potential benefits for the whole Community.

The Deputy General Manager was asked to develop a Strategic Alliance framework for consideration by Council and provide it to the next Council meeting for consideration.

### **DETAIL**

The presentation from the Principal prompted the notion of a strategic alliance between SMC and the School to reinforce the commitment to the joint goals of each organisation for the greater good of the community. This document would provide tangible evidence to Grant Bodies as well as the broader community that the two organisations have made a firm undertaking to be supportive in their endeavours.

The Strategic Alliance Project Framework that is attached would then provide the structure in which the Strategic Alliance would function project by project.

With this particular project of the Landscape Concept Plan, we would look at expanding the 'Concept' to include the Campania Recreation Ground as well as the public open space in the new subdivision, working up a shared vision for all of the sites into one multifaceted plan.

The enclosed Local Community Strategic Alliance Charter is the high level commitment that both organisations would make and it would metaphorically be a beacon of the shared success envisaged for the community that could be displayed with pride in the foyers of both organisations.

A progress report will be provided to Council annually on the achievements of this arrangement.

## RECOMMENDATION

THAT

1. the report be noted;
2. Council endorse the Project Definition & Alignment Framework; and
3. Council enter into a strategic alliance with Campania District School by signing the enclosed Local Community Strategic Alliance Charter.

## DECISION

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

THAT

1. the report be noted;
2. Council endorse the Project Definition & Alignment Framework; and
3. Council enter into a strategic alliance with Campania District School by signing the enclosed Local Community Strategic Alliance Charter.

## 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	√	

**ENCLOSURE**  
*Agenda Item 17.2.5*

**Intention of the Master Plan**

The master plan aims to connect the spaces within the school and provide a wide range of areas and activities to suit students of all abilities. The planting palette and selection of materials should be kept as natural as possible with planting selected specifically to the area using a predominantly endemic mix of species. It is envisioned that the grounds will be a space used recreationally after school hours for play, walking and gathering for bbq's etc. so has been designed to benefit both school community and the surrounding neighbourhood areas.

**Pump Track**

Create an offshoot of the bike path to enable a small pump track or area where small mounds and jumps can be built to provide some challenge. Have separate entry and exit points to ensure no conflict of use.

**Central Gathering Space**

Create a space in the centre of the outdoor area for gathering, outdoor teaching and to be used as a visual surveillance space. Possible outdoor fire area/ BBQ and storytelling circle. Plant deciduous trees for sun protection in the summer.

**Nature Playground**

Create a natural playspace incorporating a creek bed and area for cubby making. Use old tree stumps and weathered boulders with planting to create habitats for animals and places the students can study nature.

**Vineyard**

Establish a small vineyard at the entrance to the school on Estate Rd. Work with local vineyards to establish appropriate varieties for the area and to teach the students viticulture.

**Active Play Zone**

Continue the active play zone that has already been created around in an arc providing an enclosure for the open space and a linear play experience. Supplement the existing play structures with more swings, a tower and slide down the bank, climbing grips up the bank and some monkey bars and spinning play pieces.

**Bush Play**

Create little nooks, trails and nests within the existing bush area and connect trail to bike track.

**Kindergarten**

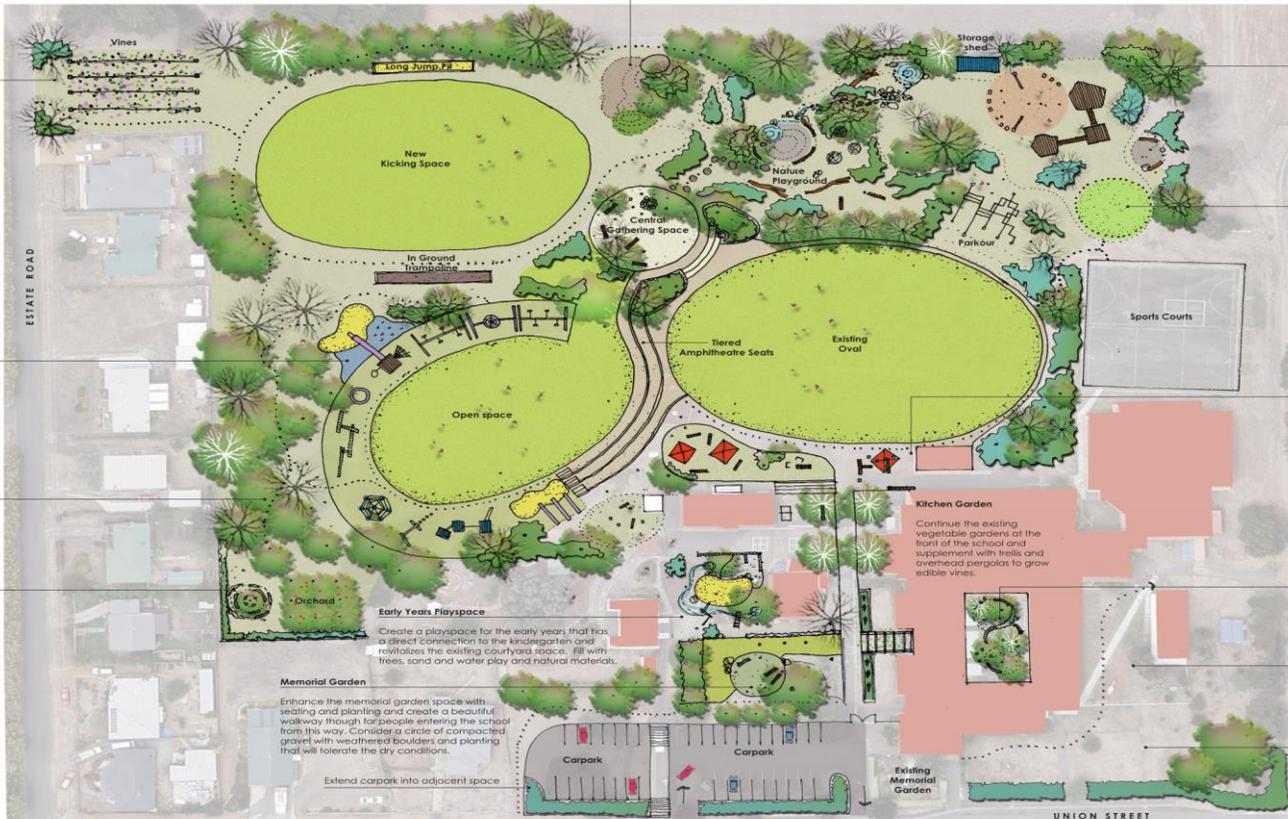
Extend kindergarten garden into orchard space and create a maze or labyrinth of edible hedges. Revitalize some of the areas of the kindergarten garden and create a connection to the proposed new early years playspace.

**Memorial Garden**

Enhance the memorial garden space with seating and planting and create a beautiful walkway through for people entering the school from this way. Consider a circle of compacted gravel with weathered boulders and planting that will tolerate the dry conditions.

**Early Years Playspace**

Create a playspace for the early years that has a direct connection to the kindergarten and revitalizes the existing courtyard space. Fill with trees, sand and water play and natural materials.



**Bike Track**

Install a compacted gravel bike track around the outdoor spaces weaving in and out of the different areas and providing off shoots for jumps. Track to double as a running track and exercise equipment and obstacles to be placed along it at different nodes. Consider a bike repair programme to do up old bikes for use on the track.

**Adventure Playground**

Create a space for the older age groups with a variety of challenging equipment as well as a linker yard and a loose parts yard for building and creating. Different activities such as parkour, go go pits etc. to be investigated. Site container to be placed for the storage of building parts etc.

**Tiered Amphitheatre Seats**

Connect the levels between the open spaces with tiered seating for viewing and gathering with sets of steps for easier navigation between spaces. Incorporate ramp connection for all abilities access.

**Seating Area**

Redo the levels in this area to create seating steps and zones for students to gather, eat and chat. Provide comfortable seating and benches with wind rated shade umbrellas for protection from the sun. Consider a mix of seating options including hammocks and spaces for bean bags. Use a bright palette of colour to lift the area with some trees and garden beds to provide a softness around the edges. Incorporate outdoor ping pong tables and a basketball hoop to add a playful dimension to space.

**Health & Well Being Garden**

Create a beautiful courtyard for relaxation, quiet play and outdoor teaching. Replace surfaces to be softer and install seating/hammocks and new trees with sensory planting to create a haven.

**Launch Into Learning**

Redo the play garden and consider redesigning path to gym to increase size of playspace.

**Front of School Garden**

Plant more trees and gardens into space allowing for groups of children to gather for uses. Consider providing shelter and seating for the students while they wait.



**Campania District School**  
Master Plan



North  
Scale: 1:500 @ A1  
July 2018 / Modified: 18/07/18  
Issue Final MP

Client: Campania District School  
Address: 2 Union Street, Campania





## *Local Community Strategic Alliance Charter*

### **BETWEEN CAMPANIA DISTRICT SCHOOL AND SOUTHERN MIDLANDS COUNCIL**

The village of Campania is a place where people want to work, live, visit and enjoy. We recognise that there is much that needs to be done to maintain and improve the quality of life for all residents/students. We are faced with the very real challenge of ensuring that the growth/development of the village along with the surrounding district occurs in a sustainable way and enabling local people to fully participate in Community life.

This document recognises the respective strengths of each other's organisation and they agree to enter into a mutually supportive strategic alliance as set out in this Charter.

#### **Our purpose**

- To jointly identify, develop then implement Community capacity building & special projects that add value for both organisations and their respective Community roles.
- To support the people in the Campania village and surrounding district to live in a sustainable Community that is strong, healthy, active, safe and inclusive - where the well-being of people is improved and inequalities reduced, so that people feel a sense of belonging and can fully participate in Community life and share in the village's success
- To support a sustainable Community that is thriving, environmentally sensitive and an affordable place in which to live - where the growth of the village does not jeopardise the interests of current or future generations.

#### **Our means of achievement**

The Campania District School and Southern Midlands Council will;

- Provide relevant energetic support along with information to each other and ensure timely actions and decisions;
- Not incur any liability or in any way make any contract binding on behalf of the other without prior written consent;
- Use our best endeavours to ensure that our employees, agents and contractors do not disclose or permit disclosure of any confidential or sensitive information; and
- Publicly endorse valued outcomes of each organisation.

The obligations of the parties under this Charter will continue until a party terminates by three months' notice in writing to the other.

**This Local Community Strategic Alliance Charter is made the day of 2018**

**For**  
**Campania District School**  
Union Street Campania

**For**  
**Southern Midlands Council**  
High Street Oatlands

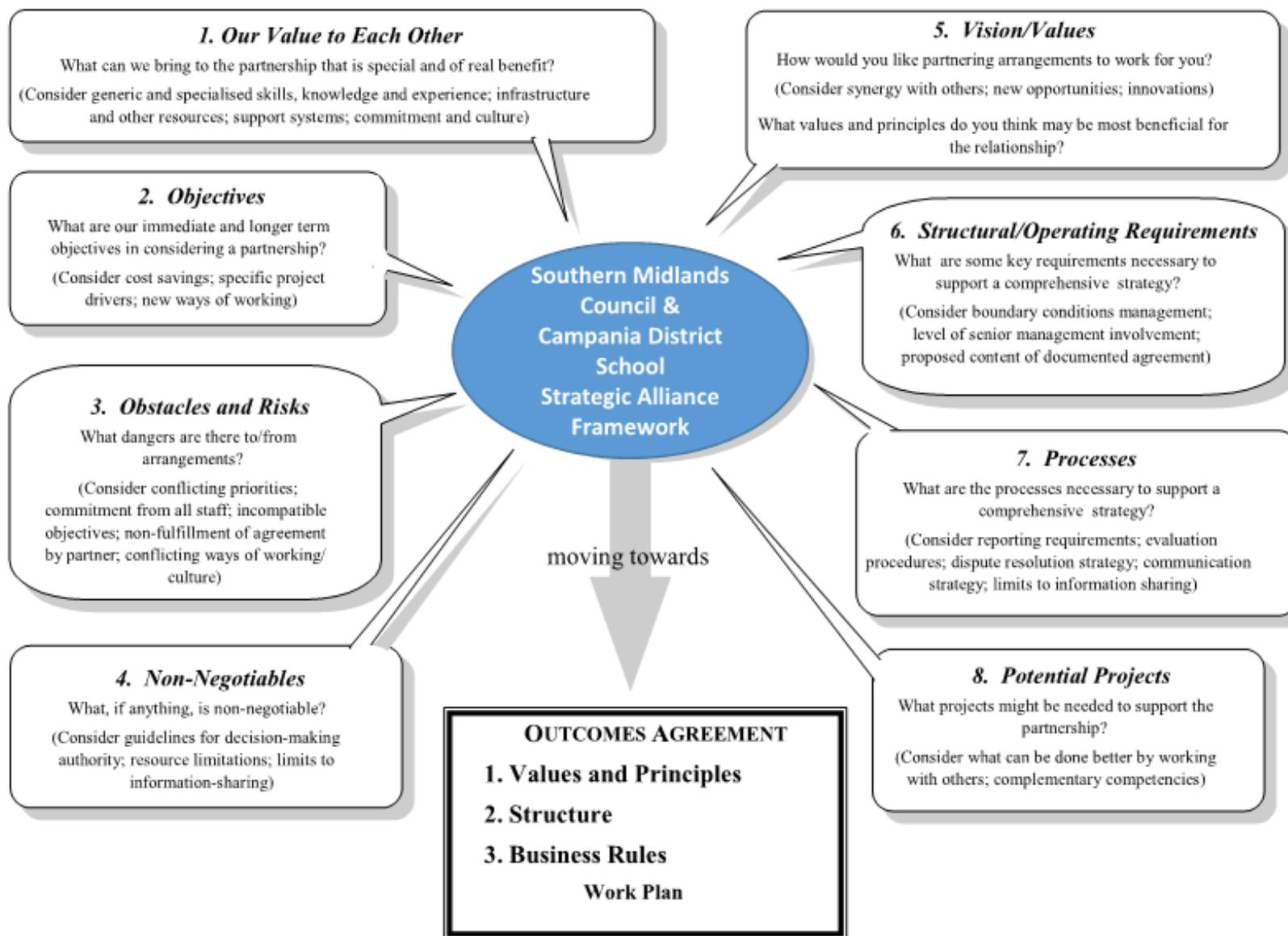
**PAUL DALLA FONTANA**  
Principal  
Campania District School

**CLR. ALEX GREEN**  
Mayor  
Southern Midlands Council

President  
Campania School Association

**ANDREW BENSON**  
Deputy General Manager, Manager Community & Corporate Development  
Southern Midlands Council

## Project Definition & Alignment Framework



## 9. PUBLIC QUESTION TIME (12.30 PM)

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

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

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

Councillors 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 three (3) members of the public in attendance.

### **John Mollineaux – Parattah**

Question regarding Railway Restoration Management Committee and who has been appointed to the Committee from Council.

*It was advised Clr R McDougall has been appointed and Clr D Fish as Proxy.*

### **Jennifer Johnson - Oatlands**

Advice of large rocks/trip hazard on the corner of Campbell Street and High Street, Oatlands that need to be removed.

*It was advised that Works staff will address asap.*

### **Terry Loftus – Southern Midlands Regional News**

Suggestion that Council look at the Campbell Town Bus Shelter as it looks like a better option for Oatlands.

*Council will include this option within the bus shelter public consultation process.*

## 17.2.6 TASMANIAN LIBRARY BOARD – LOCAL GOVERNMENT REPRESENTATIVE

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

**Enclosure:**

*Tasmanian Library Advisory Board Committee Roles and Responsibilities*  
*LGAT Nomination Form*

### ISSUE

The Local Government Association of Tasmania (LGAT) are seeking nominations for four (4) Local Government representatives for the Tasmanian Library Advisory Board.

### DETAIL

The Minister for Education has called for nominations for four (4) Local Government representatives for the Tasmanian Library Advisory Board.

LGAT is required to provide a list of nominees for the Minister's consideration, from which he will nominate four people "representing a mix of urban and rural interests". There must be at least one representative from the north, south and north-west of the State.

Nominations can come from elected representatives or staff, noting the Terms of Reference regarding skills and experience in relation to those terms and attached position description for the role.

The following snapshot from the TOR provides an overview of the purpose of the Tasmania Library Advisory Board may be of assistance:

#### 1. Purpose

The Tasmanian Library Advisory Board (Board) is a voluntary, independent advisory group established under the *Libraries Act 1984* (Act).

The Board provides the Minister for Education and Training (Minister) and Secretary Department of Education (Secretary) with objective, community-based advice on issues concerning the delivery of statewide library and archive services in Tasmania; in particular, the public's right of access to information and ideas.

The Board's scope covers contemporary library services that include lending, reference and information services, computers and internet access, written and digital literacy and numeracy programs, lifelong learning, care of Tasmania's documentary heritage and State Archives.

The Board is a valuable resource that enhances Library Tasmania's reputation and credibility by:

- Representing the views of library users and the general community;

- Providing advice on proposed services and initiatives and direction;
- Offering a breadth of skills and knowledge-base that the organisation can draw on; and
- Championing and advocating the side range of services, programs and resources Libraries Tasmania offers.

The Board does not have responsibility for Libraries Tasmania's operational decisions.

**Human Resources & Financial Implications – N/A.**

**Community Consultation & Public Relations Implications – Nil**

**Policy Implications – N/A**

**Priority - Implementation Time Frame –** Nominees need to return their Statement of Support of Nomination and CV to the LGAT by close of business Friday, 7<sup>th</sup> December 2018.

## **RECOMMENDATION**

That interested Councillors (if any) express their interest in nominating to be one of the four (4) Local Government representatives for the Tasmanian Library Advisory Board.

**RESOLVED that the information be received.**

**ENCLOSURE**

*Agenda Item 17.2.6*

**LOCAL GOVERNMENT REPRESENTATIVE:  
COMMITTEE ROLE AND RESPONSIBILITIES**

Committee/Board:	Tasmanian Library Advisory Board (TLAB)
Current Representative(s):	
Authority of Position (eg Section of Act of Parliament, Ministerial request, agency head request etc) Terms of Reference:	See the 2018 Terms of Reference (supplied) See the attached section of the <i>Libraries Act 1984</i>
Coordinating Body:	State Library of Tasmania
Contact Name:	Liz Jack
Role of Representative:	Providing advice on library services to the Minister for Education and involvement in community consultations, working parties and strategic planning
Skills and Experience Required:	Board members need to reflect a wide range of backgrounds, interests and involvements. Interest in literacy and libraries.
Frequency of Meetings:	Board meetings are held up to four times a year
Location of Meetings:	In varying locations throughout the State
Legislative Act/s falling under jurisdiction of Committee:	<i>Libraries Act 1984, Libraries Amendment Act 2000, Libraries Regulations 1985</i>
Reference Material (eg annual reports, discussion papers, codes etc)	2018 Term of Reference
Out of Session Involvement (eg research, reporting etc):	None
Type of Representative (officer or elected member):	Either
Sitting Fees:	None
Other Fees (eg report writing, allowances):	None
Travel Expenses:	Yes
Will the Local Government Representative be required to liaise/ consult with Local Government and contribute to information collection?	Yes
Will the Local Government Representative have the authority to disseminate information from the meetings to Councils?	Yes
Other Additional Information:	

*Libraries Act 1984*

**PART III - [PART III HEADING SUBSTITUTED BY NO. 14 OF 1994, S. 13  
TASMANIAN LIBRARY ADVISORY BOARD**

**Tasmanian Library Advisory Board**

**11. (1)** There is constituted by this Act a Board to be known as the Tasmanian Library Advisory Board.

**(2)** *[Section 11 Subsection (2) substituted by No. 14 of 1994, s. 14 ]**[Section 11 Subsection (2) amended by No. 88 of 1995, s. 41 and Sched. 1 ]* The Board consists of –

**(a)** a chairperson nominated by the Minister; and

**(b)** *[Section 11 Subsection (2) amended by No. 53 of 2000, s. 8, Applied:14 Jul 2000]*  
4 persons nominated by the Minister from a list of names representing a mix of urban and rural interests submitted by the Local Government Association of Tasmania of whom –

**(i)** at least one is from the northern area; and

**(ii)** at least one is from the north-western area; and

**(iii)** at least one is from the southern area; and

**(c)** 4 persons nominated by the Minister to represent the interests of users of the State Library Service; and

**(d)** the person for the time being holding, in the Department, an office or position nominated by the Secretary; and

**(e)** *[Section 11 Subsection (2) amended by No. 53 of 2000, s. 8, Applied:14 Jul 2000]*  
a person nominated by the Minister from the northern area to represent the interests of users from that area; and

**(f)** *[Section 11 Subsection (2) amended by No. 53 of 2000, s. 8, Applied:14 Jul 2000]*  
a person nominated by the Minister from the north-western area to represent the interests of users from that area; and

**(g)** *[Section 11 Subsection (2) amended by No. 53 of 2000, s. 8, Applied:14 Jul 2000]*  
a person nominated by the Minister from the southern area to represent the interests of users from that area.

**(3)** *[Section 11 Subsection (3) substituted by No. 14 of 1994, s. 14 ]**[Section 11 Subsection (3) amended by No. 53 of 2000, s. 8, Applied:14 Jul 2000]* The members referred to in subsection (2)(a), (b), (c), (e), (f) and (g) are appointed by the Governor.

**(4)** *[Section 11 Subsection (4) substituted by No. 14 of 1994, s. 14 ]* The Minister may require the body referred to in subsection (2)(b) to submit a list of names within a specified period, being a period of not less than 6 weeks.

**(5)** *[Section 11 Subsection (5) inserted by No. 14 of 1994, s. 14 ]* If the body referred to in paragraph (b) of subsection (2) fails to comply with subsection (4) the Minister may nominate persons for the purposes of that paragraph.

**(6)** *[Section 11 Subsection (6) substituted by No. 14 of 1994, s. 14 ]* If the body referred to in paragraph (b) of subsection (2) changes its name, the Governor may, by order, amend that paragraph by substituting the body's new name.

**(7)** *[Section 11 Subsection (7) substituted by No. 14 of 1994, s. 14 ]*If the body referred to in paragraph (b) of subsection (2) ceases to exist, the Governor, on the recommendation of the Minister may, by order, amend that paragraph by substituting the name of a body which the Governor is satisfied substantially represents the interests represented by the first-mentioned body.

**(7A)** *[Section 11 Subsection (7A) inserted by No. 14 of 1994, s. 14 ][Section 11 Subsection (7A) substituted by No. 53 of 2000, s. 8, Applied:14 Jul 2000]* The membership of the Board is to reflect a mix of urban and rural interests.

**(8)** *[Section 11 Subsection (8) amended by No. 86 of 2000, Sched. 1, Applied:01 May 2001]* A member of the Board is not, as such, subject to the *State Service Act 2000*, but a State Service officer or State Service employee may hold office as a member of the Board in conjunction with State Service employment.

**(8A)** *[Section 11 Subsection (8A) inserted by No. 14 of 1994, s. 14 ]*The Secretary, at the invitation of the Board or otherwise, may attend any meeting of the Board.

**(9)** Schedule 1 has effect with respect to the membership and meetings of the Board.

### **Functions of Board**

**12.** *[Section 12 Amended by No. 100 of 1986, s. 5 ][Section 12 Amended by No. 5 of 1990, s. 3 and Sched. 1 ][Section 12 Amended by No. 14 of 1994, s. 15 ]*The functions of the Board are as follows:

**(a)** *[Section 12 Amended by No. 53 of 2000, s. 9, Applied:14 Jul 2000]* to consider and report on matters referred to it by the Secretary;

**(b)** to advise the Minister and the Secretary on the administration of this Act;

**(c)** to advise the Minister and the Secretary on such other matters as it thinks fit;

**(d)** to make recommendations to the Minister in respect of such matters as it thinks fit or in respect of such matters as the Minister may require;

**(e)** to advise the Minister and the Secretary on policies affecting the delivery of library services;

**(ea)** to advise the Minister and the Secretary on issues affecting the provision of reference and information services by the State Library Service including, in particular, the public's right of access to information and ideas;

**(f)** to submit to the Secretary as soon as practicable after 30th June in each financial year, a report of its affairs and activities in relation to that financial year.



**Local Government Representation  
Statement in Support of Nomination for Board or Committee**

**Name of Nominee** \_\_\_\_\_

**Council** \_\_\_\_\_

**Name of Body** \_\_\_\_\_

**Qualifications and Experience Relevant to the Role:**

**Address** \_\_\_\_\_ **Phone** \_\_\_\_\_

**Email** \_\_\_\_\_

More overleaf.....

**Please provide a paragraph in support of your nomination which describes your interest in the role and your capacity to meet the requirements of the role as specified in the terms of reference and/or criteria supplied.**

If insufficient room is provided, please use a separate sheet and attach.

---

**Signature**

---

**Date**

**Do you currently hold other positions as a representative of Local Government?  
Please detail.**

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This form will be submitted to the Local Government Association of Tasmania General Management Committee and a copy will be kept in the Association records system.

Authorised LGAT officers will have access to information provided.

Support staff for General Management Committee members may have access to the details in this form.

## **17.2.7 TASMANIAN HERITAGE COUNCIL – LOCAL GOVERNMENT REPRESENTATIVE**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

### **ISSUE**

The Local Government Association of Tasmania (LGAT) are seeking nominations for a Local Government representative on the Tasmanian Heritage Council.

### **DETAIL**

The Tasmanian Heritage Council is a statutory body responsible for the administration of the *Historic Cultural Heritage Act 1995* and the establishment and maintenance of the Tasmanian Heritage Register. It operates as part of the resource management planning system.

LGAT currently has two representatives on the Tasmanian Heritage Council, one with experience in planning and one general representative. The member with planning experience, Danielle Gray, is continuing on, however as of the 31<sup>st</sup> December 2018 there will be a vacancy for the general member, who has tended to be an elected representative.

Heritage Tasmania has requested that LGAT provide the names of three suitable candidates from Local Government, along with their current Curriculum Vitae, the names of two referees and a brief statement that provides an outline of their reasons for nominating for this position. Further information about the Heritage Council be found at <https://heritage.tas.gov.au/THC/about-the-tasmanian-heritage-council>

**Human Resources & Financial Implications – N/A.**

**Community Consultation & Public Relations Implications – Nil.**

**Policy Implications – N/A.**

**Priority - Implementation Time Frame –** Nominees need to return their brief statement, CV and names of referees to the LGAT by close of business Wednesday, 5<sup>th</sup> December 2018.

### **RECOMMENDATION**

That interested Councillors (if any) express their interest in nominating to be one of the two (2) Local Government representatives for the Tasmanian Heritage Council.

**RESOLVED that the information be received.**

**17.2.8 EMMAUS MONASTIC COMMUNITY INC – REQUEST FOR RATE EXEMPTION (PROPERTY ID 5837133) – OSBORNES ROAD, RHYNDASTON**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 NOVEMBER 2018

**Enclosure:**

*Emmaus Monastic Community Inc. Letter dated 2<sup>nd</sup> November 2018 (including attachments).*

**ISSUE**

Council to consider a request from the Emmaus Monastic Community Inc. to exempt Property Identification Number 583737133 at 60 Osbornes Road, Rhyndaston in accordance with section 87 of the *Local Government Act 1993*.

**BACKGROUND**

Reference is made to section 87 of the *Local Government Act 1993*. It states:

**87. Exemption from rates**

*“(1) All land is rateable except that the following are exempt from general and separate rates, averaged area rates, and any rate collected under [section 88](#) or [97](#) :*

- (a) .....*;
- (b) .....*;
- (c) .....*;
- (d) land or part of land owned and occupied exclusively for charitable purposes;*
- (da) .....*;
- (e) .....*;

*(2) The owner of any land referred to in [subsection \(1\)](#) may agree to pay general or separate rates or an averaged area rate.*

- (3) .....*;
- (4) .....*

**DETAIL**

This property, situated at Osbornes Road, Rhyndaston, consists of 35.9 hectares and has a single dwelling constructed. It was purchased by Emmaus Monastic Community Inc. in January 2012.

The attached request for rate exemption includes a Certificate confirming that the Emmaus Monastic Community Inc. is registered by the Australian Charities and Not-for-profits Commission (ACNC). The organisation was registered on 3<sup>rd</sup> December 2012. It includes a copy of correspondence from the ACNC confirming their successful application for registration as a charity (letter dated 27<sup>th</sup> June 2014).

The Emmaus Monastic Community Inc. also appears as an entry in the official directory of the Catholic Church in Australia.

**Human Resources & Financial Implications** – Total rates and charges for the 2018/19 financial year are \$1097.36. This includes the General Rate of \$899.02; Waste Management Levy \$158; and Fire Service Levy of \$40.34.

Note: The Waste Management Levy is set as a service charge and still applies.

2017/18 rates and Charges were \$1065.26 - \$882.26; \$144 and \$39  
2016/17 Rates and Charges were \$1025.81 – \$865.81; \$122 and \$38  
2015/16 Rates and Charges were \$1004.84 – \$848.84; \$118 and \$38  
2014/15 Rates and Charges were \$963.60 – \$808.60; \$118 and \$37

**Community Consultation & Public Relations Implications** – Nil

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Ongoing.

### RECOMMENDATION

THAT, in accordance with section 87 of the *Local Government Act 1993*, the property situated at 60 Osbornes Road, Rhyndaston (PID 5837133) be classified as rate exempt (effective from 1<sup>st</sup> July 2018) and a remission be granted for the 2018/19 financial year.

### DECISION

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

**THAT, in accordance with section 87 of the *Local Government Act 1993*, the property situated at 60 Osbornes Road, Rhyndaston (PID 5837133) be classified as rate exempt (effective from 1<sup>st</sup> July 2018) and a remission be granted for the 2018/19 financial year.**

### 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	√	

**ENCLOSURE**

*Agenda Item 17.2.8*

PO Box 724  
Glenorchy TAS 7010  
2 November 2018

RECEIVED

- 6 NOV 2018

By SMC

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

Dear Sir,

On behalf of Emmaus Monastic Community, I request that property ID 5837133, at 60 Osbornes Rd, Rhyndaston TAS 7120, be classified as Rates Exempt.

This property is owned and occupied by Emmaus Monastic Community and is used solely for charitable purposes, namely, to advance religion through prayer, hospitality, work, and study that promotes friendship and understanding between people of different religions and faith traditions.

In addition to this letter, I enclose the following documents in support of this request:

- \* certificate of registration with the Australian Charities and Not-for-profits Commission;
  - \* a letter from Susan Pascoe, former Commissioner of the Australian Charities and Not-for-profits Commission, confirming that Emmaus Monastic Community has been registered with the Australian Charities and Not-for-profits Commission as a charity with the subtype advancing religion (double-sided page);
  - \* two one-page excerpts from the 2018–19 edition of the *Official Directory of the Catholic Church in Australia*, namely the title page of the directory, and page 265, which lists Emmaus Monastic Community as an organisation of the Catholic Church in Tasmania.
- All of these enclosed documents are certified true copies of the originals.

Thank you for your attention to this matter.

Yours faithfully,



Rev. Fr Christopher Brennan  
Treasurer, Emmaus Monastic Community Inc

I certify this to be a true and accurate copy  
of the original document signed by me 2 Nov 2018

Fiona Deirdre Jennison

Jennison Marriage Celebrant A13265



Australian Government



Australian  
Charities and  
Not-for-profits  
Commission

THIS CERTIFIES THAT

**Emmaus Monastic  
Community Inc**

ABN 67 636 731 250

HAS BEEN REGISTERED BY THE

**Australian Charities and  
Not-for-profits Commission**

ON THE DATE OF

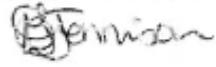
**3 December 2012**

CERTIFIED BY

*Susan Pascoe*

Susan Pascoe AM  
Commissioner  
Australian Charities and  
Not-for-profits Commission

I certify this to be a true and accurate copy  
of the original document signed by me

Fiona Deirdre Jemison  
  
Australian Government Marriage Celebrant  
A 18263 2 Nov 2018



Australian  
Charities and  
Not-for-profits  
Commission

27 June 2014

Mr Chris Brennan  
Emmaus Monastic Community Inc  
PO Box 724  
GLENORCHY TAS 7010

#### Successful application for registration as a charity

Dear Mr Brennan,

Congratulations. I am pleased to confirm that Emmaus Monastic Community Inc (ABN 67 636 731 250) has been registered as a charity with the Australian Charities and Not-for-profits Commission (ACNC). Your organisation has been registered with the following subtype advancing religion.

The effective date of charity registration is 3 December 2012.

Charities are an essential part of the fabric of Australian society and the ACNC is committed to improving the regulatory framework for charities, reducing red tape and supporting a sustainable, innovative and independent not-for-profit sector.

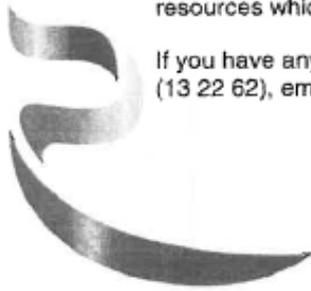
As a registered charity, information about your organisation is now available on the ACNC Register, which can be accessed through our website. Our website also features information, advice and guidance, to help your charity run as effectively as possible and meet your obligations.

You are also able to review and update the information available on the ACNC Register by using the ACNC Charity Portal. You can access the portal at [charity.acnc.gov.au](http://charity.acnc.gov.au) and log in with your username and unique password. Keep your log in details secure. The log in details can only be used by your responsible persons or other authorised people – It is your responsibility to keep these details safe and secure.

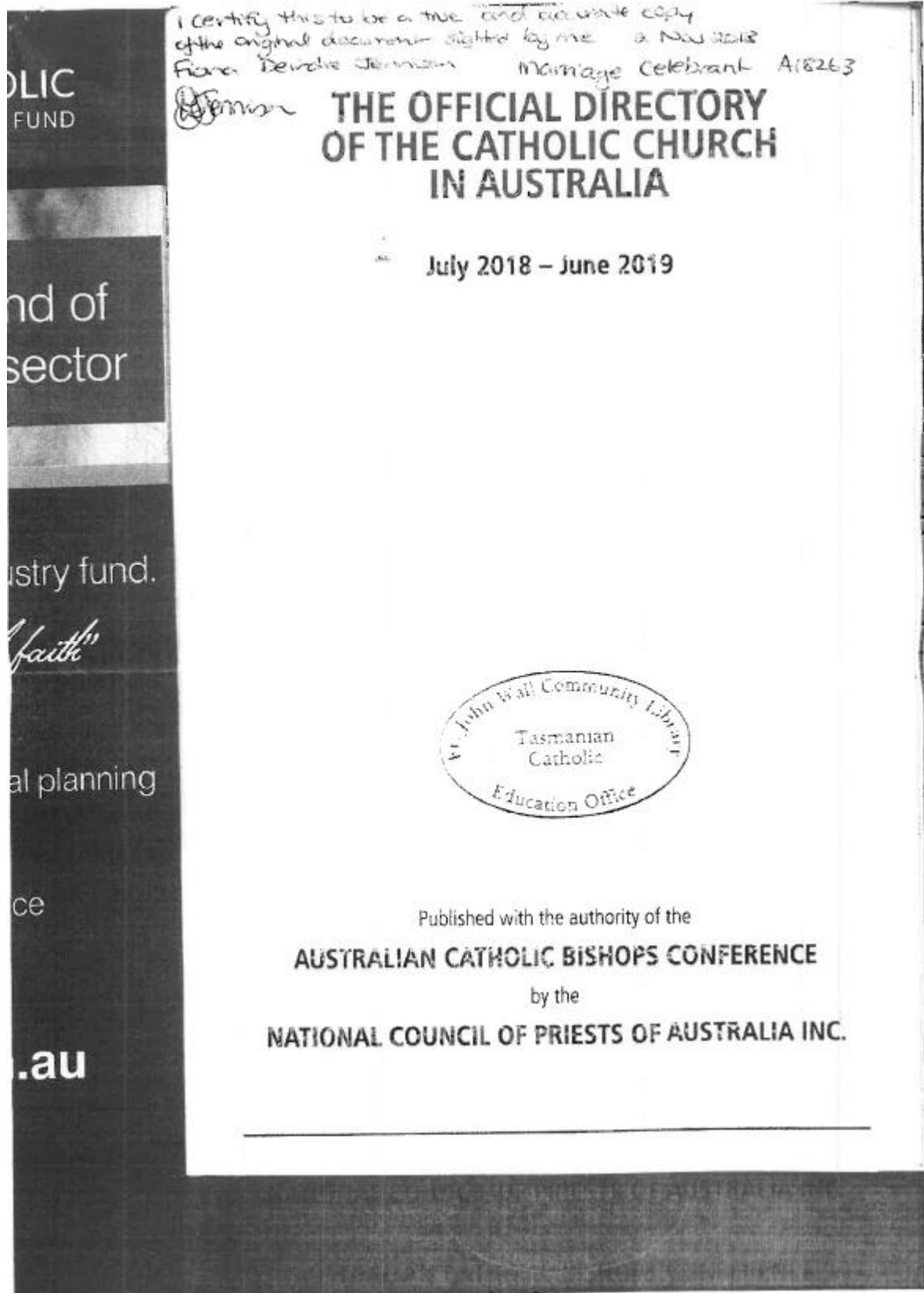
- Your username is your ABN (without spaces): 67636731250
- Your unique password is:

Enclosed with this letter is a Charity Welcome Pack. The pack contains your certificate of registration, a number of useful factsheets, and a copy of the *Welcome to the ACNC DVD*. The DVD includes a short welcome video, a presentation for board meetings, and other resources which you can view on your computer or print out.

If you have any questions or if you would like more information, you can call us on 13 ACNC (13 22 62), email us at [advice@acnc.gov.au](mailto:advice@acnc.gov.au) or visit [acnc.gov.au](http://acnc.gov.au).



GPO Box 5108 Melbourne VIC 3001  
Tel: 13 ACNC Fax: 1300 232 555  
[acnc.gov.au](http://acnc.gov.au)



Children's Services	Other Organisations
<p>GPO Box 62, Hobart 7001 35 Tower Rd, New Town 7008 Ph: 1300 119 455 Fax: (03) 6208 6099 Email: ccs.admin@aohtas.org.au State Manager: Louise Waterworth</p>	<p><b>Other Organisations</b></p>
<p><b>CatholicCare Tasmania, Housing &amp; Children's Services</b></p>	<p><b>Carmelite Secular Order</b></p>
<p><b>Centacare Evolve Housing'</b> Shop 2, 28 Green Point Rd, Bridgewater 7030 Ph: (03) 6173 0060 (General Enquiries) Ph: (03) 6173 0061 (Maintenance Enquiries) Email: centacareevolve@aohtas.org.au Director of Housing: No Current Appointment State Manager Housing: Mr James Norman</p>	<p>5 Georgina Cr, West Launceston 7250 Ph: (03) 6331 4991 Email: sandrawalking@yahoo.com.au Contact: Mrs Sandra Walking OCDS</p>
<p><b>Society of St Vincent de Paul</b></p>	<p><b>Catholic Charismatic Renewal Tasmania</b></p>
<p><b>St Vincent De Paul Society (Tasmania) Inc</b> 191 Invermay Rd, Invermay 7248 Ph: (03) 6333 0822 Fax: (03) 6333 0840 Email: admin@vinniestas.org.au</p>	<p>22 Christina St, Cygnet 7112 Ph: (03) 6295 1221 Email: annbrereton58@gmail.com Contact: Ann Brereton</p>
<p><b>Accommodation</b> <b>Supporting Patients &amp; Family Members with Accommodation</b></p>	<p><b>Catholic Women's League Tasmania Inc</b></p>
<p><b>Marillac House</b> 32 Brisbane St, Launceston 7250 Ph: (03) 6331 0405 Fax: (03) 6331 0256 Email: jennifer.lyall@vinniestas.org.au Marillac House is an accommodation facility for patients, family members and carers travelling to Launceston for medical reasons. Room rates start at \$60 per night.</p>	<p>Web: www.cwla.org.au State Chaplain: No Current Appointment State President: Mrs Sandra Harvey</p>
<p><b>Bethlehem House</b> <b>Men's Homeless Support Services</b> 56 Warwick St, North Hobart 7000 Ph: (03) 6234 4594 Fax: (03) 6234 7515 Email: admin@bethlehemhouse.org.au</p>	<p>65B Jetty Rd, Old Beach 7017 Ph: (03) 6249 5504 State Secretary: Mrs Lillian Deane</p>
<p><b>Employment</b> <b>Disability Services</b></p>	<p>Unit 58/131 Hill St, West Hobart 7000 Ph: (03) 6234 9878 Email: lillipet@dodo.com.au</p>
<p><b>St Vincent Industries</b> 82A Burnett St, North Hobart 7000 Ph: (03) 6234 5680 Fax: (03) 6236 9183 Email: sales@stvincentind.com.au</p>	<p>State Treasurer: Mrs Jan Lawler 65 Main Rd, Sorell 7172 Ph: (03) 6265 2321</p>
<p><b>Tastex Knitwear Inc</b> 12 Mill Lane, Glenorchy 7010 Ph: (03) 6272 8877 Fax: (03) 6272 8887 Email: sales@tastex.com.au</p>	<p>State International Secretary: Mrs Mary Walsh 2A Cedar St, Lindisfarne 7015 Ph: (03) 6243 8136 Email: mmwalsh@netspace.net.au</p>
<p><b>Vincent Industries</b> 38 Jackson St, Wynyard 7325 Ph: (03) 6442 3538 Fax: (03) 6442 3055 Email: admin@vincentindustries.org.au</p>	<p><b>Emmaus Monastic Community</b> PO Box 724, Glenorchy 7010 Contact: Rev Christopher Brennan PO Box 724, Glenorchy 7010 Contact: Dr Drasko Dizdar</p>
<p><b>York Place Social Club, Launceston</b> <b>Disability Services</b> Ph: (03) 6326 5551 Fax: (03) 6326 6636 Email: north@vinniestas.org.au</p>	<p><b>Houghton House</b> Bowden St, Glenorchy 7010</p>
	<p><b>Epiphany Monastery</b> Osborne's Rd, Rhynaston 7120</p>
	<p><b>Equestrian Order of the Holy Sepulchre of Jerusalem</b></p>
	<p>GPO Box 62, Hobart 7001 Web: www.eohsjaustralia.org</p>
	<p>President: Mr Michael McKenna KCCHS Ph: (03) 6208 6034; 0409 178 733 Email: michael.mckenna@aohtas.org.au</p>
	<p><b>Grief to Grace Retreats Australia</b> Healing Victims of Abuse PO Box 478, Kingston 7051 Ph: 0407 704 539 Email: info@griefftograceaus.org.au Web: www.griefftograce.org</p>

HOBART

I certify this to be a true and accurate copy  
of the original document signed by me 2 Nov 2018  
Fiona Debrae Jamison Marriage Celebrant A18263  
*F Jamison*

## 17.2.9 TABLING OF DOCUMENTS

Nil.

## 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 (OCTOBER 2018)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 22 NOVEMBER 2018

#### ISSUE

Refer enclosed Report incorporating the following: -

- Statement of Comprehensive Income – 1<sup>st</sup> July 2018 to 31<sup>st</sup> October 2018 (including Notes)
- Current Expenditure Estimates – as at 31<sup>st</sup> October 2018
- Capital Expenditure Estimates (*refer to enclosed report detailing the individual capital projects*) – as at 31<sup>st</sup> October 2018
- Cash Flow Statement – October 2018
- Rates & Charges – 13<sup>th</sup> November 2018

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2018 to 31<sup>st</sup> October 2018 – 33% of the period.*

#### CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

##### ***Strategic Theme - Infrastructure***

**Sub-Program – Bridges** – expenditure to date (\$139,936 – 37.54%). Expenditure relates to engineering assessments required for NHVR.

**Sub-Program – Public Toilets** – expenditure to date (\$25,612 – 39.91%). Annual insurance premiums have been allocated to all facilities and there has been additional unforeseen costs associated with internal sewerage blockages at Colebrook History Room Toilets.

##### ***Strategic Theme – Growth***

**Sub-Program – Business** – expenditure to date (\$156,067 – 36.81%). Costs relate to private works and the Stornoway Contract where works are undertaken on a recharge basis

**Strategic Theme – Landscapes**

**Sub-Program – Heritage** – expenditure to date (\$120,393 – 40.33%). Expenditure relates to general running, maintenance and annual insurance costs on Heritage Buildings

**Sub-Program – Natural** – expenditure to date (\$76,727 – 44.28%). Expenditure relates to works at the Chauncy Vale Reserve i.e. safety upgrades, and land care facilitator costs. It includes annual insurance allocations.

**Strategic Theme – Lifestyle**

**Sub-Program – Youth** – expenditure to date (\$99,896 – 38.85%). Expenditure relates to the implementation of the school holiday program.

**Sub-Program – Childcare** – expenditure to date (\$5,130 – 68.40%). Expenditure includes annual donation of \$5,000 to the Brighton Family Day Care Service.

**Sub-Program – Animals** – expenditure to date (\$39,516 – 37.44%). Expenditure includes costs relating to annual dog registration notices and reminders.

**Strategic Theme –Community**

**Sub-Program – Capacity** – expenditure to date (\$39,895 – 142.87%). Expenditure includes Council's contribution of \$5K to the Green Ponds Progress Association (being its contribution towards the purchase of a community bus); the annual donation of \$2K to the Melton Mowbray Community Rodeo Association; and costs associated with the Heritage Festival and the Kempton Memorial Avenue event.

**Strategic Theme –Organisation**

**Sub-Program – Sustainability** – expenditure to date (\$805,812 – 35.71%). Expenditure includes annual costs associated with computer software licensing/subscriptions \$60,455, and annual insurance payments of \$56,446.

**RECOMMENDATION**

THAT the Financial Report be received and the information noted.

**DECISION**

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

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

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2018 to 31st OCTOBER 2018				
	Annual	Year to Date	%	Comments
	Budget	as at 31st OCTOBER		
<b>Income</b>				
General rates	\$ 5,390,741	\$ 5,320,351	98.7%	Budget includes Interest & Penalties to be imposed to end of June 2019
User Fees (refer Note 1)	\$ 730,602	\$ 362,618	49.6%	
Interest	\$ 177,000	\$ 69,674	39.4%	
Government Subsidies	\$ 24,000	\$ 11,751	49.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 37,042	22.9%	
<b>Sub-Total</b>	<b>\$ 6,484,343</b>	<b>\$ 5,801,436</b>	<b>89.5%</b>	
Grants - Operating	\$ 3,356,130	\$ 430,540	12.8%	\$425,776 FAGS; \$4,764 ANZAC
<b>Total Income</b>	<b>\$ 9,840,473</b>	<b>\$ 6,231,976</b>	<b>63.3%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,914,764)	\$ (1,306,855)	33.4%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,042,876)	\$ (1,344,107)	44.2%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,855,500)	\$ (942,315)	33.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (30,723)	\$ (4,427)	14.4%	
Contributions	\$ (221,180)	\$ (55,295)	25.0%	Fire Service Levies
Other	\$ (141,075)	\$ (139,321)	98.8%	Incls Rate Discounts
<b>Total expenses</b>	<b>\$ (10,206,118)</b>	<b>\$ (3,792,319)</b>	<b>37.2%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (365,645)</b>	<b>\$ 2,439,656</b>	<b>-667.2%</b>	
Grants - Capital (refer Note 3)	\$ 1,669,375	\$ 0	0.0%	
Sale Proceeds (Plant & Machinery)	\$ 353,000	\$ 909	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 1,656,730</b>	<b>\$ 2,440,565</b>	<b>147.3%</b>	

NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 399,869	\$ 232,089	58.0%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 170,733	\$ 90,550	53.0%	
- Callington Mill	\$ 160,000	\$ 39,978	25.0%	
	\$ 730,602	\$ 362,618		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 29,128	19.16%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 7,914	0.0%	
	\$ 162,000	\$ 37,042	22.9%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Swimming Pool	\$ 1,250,000	\$ -	0.0%	
- Kempton Comm Health Centre	\$ 75,000	\$ -	0.0%	Received 30/6/18
- Roads To Recovery Grant	\$ 344,375	\$ -	0.0%	
	\$ 1,669,375	\$ -	0.0%	
Note:				
Operating Grants				
FAGS		\$ 425,776		
ANZAC Memorial Grant		\$ 4,764		
		\$ 430,540		

CAPITAL EXPENDITURE PROGRAM 2018-19  
AS AT 31 OCTOBER 2018

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>INFRASTRUCTURE</b>						
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	\$ 450,000	\$ 130,404	\$ 319,596	
Reseal Program		Roads Resealing (as per agreed program)	\$ 500,000	\$ -	\$ 483,200	
	C1010047	Kempton Intersections		\$ 16,800		
		Glen Morey Road	\$ 135,000	\$ -	\$ 135,000	RTR
		Woodsdale Road	\$ 135,000	\$ -	\$ 135,000	RTR
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	\$22.5K Budget c/fwd
	C1010073	Woodsdale Road (6 Sections)		\$ 1,456	\$ (1,456)	RTR Budget c/fwd
Reconstruct & Seal		Blackbrush Road - new seal (400 metres each end)	\$ 72,000	\$ -	\$ 72,000	\$72K Budget c/fwd
		Huntington Tier ( 350 metres, Huntington Tier End)	\$ 52,000	\$ -	\$ 52,000	
Minor Seals (New)		Various Projects	\$ 20,000	\$ -	\$ 20,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/18 \$959
Unsealed - Road Widening	C1010077	Clifton Vale - (Cliff Section)	\$ 40,000	\$ -	\$ 40,000	\$40K Budget c/fwd
		Brown Mountain Road (vicinity of Ferniehurst)	\$ 15,000	\$ -	\$ 15,000	
		Native Corners Road (Far end, Widening/Guard Rail)	\$ 20,000	\$ -	\$ 20,000	
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 2,617	\$ 67,383	\$45K Budget c/fwd WIP 30/6/18 \$2,617
	C1010079	Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
		Reeve Street - Footpath (continuation to Hall)	\$ 18,000	\$ -	\$ 18,000	
		Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ -	\$ 25,000	
		Tunbridge Main Road - Kerb & Gutter Renewal	\$ 20,000	\$ -	\$ 20,000	
	C1010039	Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,500	\$ 3,662	\$ 5,838	\$9.5K Budget c/fwd
			<b>\$ 1,649,000</b>	<b>\$ 155,897</b>	<b>\$ 1,493,103</b>	
<b>BRIDGE ASSETS</b>	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/18
			<b>\$ -</b>	<b>\$ 1,469</b>	<b>\$ (1,469)</b>	

<b>WALKWAYS</b>	C1040003	Footpaths - General Streetscapes	\$ 5,000	\$ 1,127	\$ 3,873	
		Bagdad Township				
		- Swan Street (Blackport Rd to Green Valley Rd)	\$ 110,000	\$ 107,988	\$ 2,013	\$4K Budget c/fwd WIP 30/6/18 \$2,687
		Campania Township				
		- Review Management Plan (Site Plan) / Walking Tracks (Bush)	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		Colebrook Township				
	C1040015	- Streetscape Plan Development & Implementation (Part)	\$ 15,000	\$ 9,277	\$ 5,723	\$15K Budget c/fwd
		Kempton Township				
	C1040004	- Streetscape Plan (Review & Implementation (Part)	\$ 70,000	\$ 73,809	\$ (3,809)	\$40K Budget c/fwd WIP 30/6/18 \$9,660
	C1040006	- Main Street Footpath Construction	\$ 25,000	\$ 22,363	\$ 2,637	
		Parattah Township				
	C1040025	- Tunnack Main Road Kerb & Gutter	\$ 14,478	\$ 18,129	\$ (3,651)	
		Tunbridge Township				
	C1040024	- Streetscape Project (Part Implementation) - 2 yr program	\$ 9,500	\$ 6,344	\$ 3,156	\$9.5K Budget c/fwd
	C1040022	- Main Road Kerb & Gutter		\$ 4,713	\$ (4,713)	Budget C/fwd \$7k
			<b>\$ 253,978</b>	<b>\$ 243,750</b>	<b>\$ 10,228</b>	
<b>LIGHTING</b>		Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 64,000	\$ -	\$ 64,000	
			<b>\$ 64,000</b>	<b>\$ -</b>	<b>\$ 64,000</b>	

**CAPITAL EXPENDITURE PROGRAM 2018-19  
AS AT 31 OCTOBER 2018**

			<b>BUDGET</b>	<b>EXPENDITURE</b>	<b>VARIANCE</b>	<b>COMMENTS</b>
<b>BUILDINGS</b>		Tunbridge Town Hall Toilets (Contribution)	\$ 10,000	\$ 1,495	\$ 8,505	
			<b>\$ 10,000</b>	<b>\$ 1,495</b>	<b>\$ 8,505</b>	
<b>DRAINAGE</b>		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	
		Campania				
		- Reeve Street Open Drain (north of Telephone Box)	\$ -	\$ 4,124	\$ (4,124)	WIP 30/6/18 \$4,124 - Budget c/fwd
		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				
		- Memorial Avenue	\$ 10,000	\$ -	\$ 10,000	
			<b>\$ 47,500</b>	<b>\$ 4,124</b>	<b>\$ 43,376</b>	

<b>WASTE</b>	C110001	Wheelie Bins and Crates	\$ 17,000	\$ 176,172	\$ (159,172)	Funded Annual Depreciation
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ -	\$ 20,000	\$20K Budget c/fwd
			<b>\$ 62,000</b>	<b>\$ 176,172</b>	<b>\$ (114,172)</b>	
<b>GROWTH</b>						
<b>TOURISM</b>	C2020005	Lake Dulverton Arts Sculpture Project	\$ 12,000	\$ 14,446	\$ (2,446)	WIP 30/6/18 \$12,000
			<b>\$ 12,000</b>	<b>\$ 14,446</b>	<b>\$ (2,446)</b>	
<b>HERITAGE</b>						
	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 15,387	\$ (5,387)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd
		Callington Mill (Restoration of Fan Tail & Sails)	\$ -	\$ 27,494	\$ (27,494)	WIP 30/6/18 \$27,494
	G3010010	Commissariat (79 High Street)	\$ 141,800	\$ 188,066	\$ (46,266)	
		Commissariat (79 High Street)	\$ 464,250	\$ 692,258	\$ (228,008)	WIP 30/6/18 \$692,258
Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	Budget c/fwd \$5k
	C3010002	Oatlands Gaol - Minor Capital Works	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ -	\$ 15,000	
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	
	G3010011	Heritage Building (Key Card System)	\$ 47,000	\$ 37,192	\$ 9,808	\$47K Budget c/fwd WIP \$37,192
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval)	\$ 40,000	\$ 3,845	\$ 36,156	
		Roche Hall - External Painting (excl. Gutters; Fascias & Soffits)	\$ 15,000	\$ -	\$ 15,000	
	C3010006	Parattah Railway Station	\$ -	\$ 5,700	\$ (5,700)	
			<b>\$ 763,550</b>	<b>\$ 969,942</b>	<b>\$ (206,392)</b>	
<b>NATURAL</b>						
		Chauncy Vale - Improvements	\$ 15,000	\$ 861	\$ 14,139	
		Mahers Point - Lanscape Plan	\$ 25,000	\$ 2,596	\$ 22,404	
		Callington Park - BBQ Replacement	\$ 5,500	\$ -	\$ 5,500	
			<b>\$ 45,500</b>	<b>\$ 3,457</b>	<b>\$ 42,043</b>	
<b>REGULATORY</b>						
		Kempton Council Chambers - Restoration Works	\$ 46,500	\$ 1,547	\$ 44,953	\$11.5K Budget c/fwd
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 8,400	\$ -	\$ 8,400	
			<b>\$ 54,900</b>	<b>\$ 1,547</b>	<b>\$ 53,353</b>	

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>LIFESTYLE ACCESS</b>						
	C4070035	All Buildings (Priority Approach - Year 3 of 5)	\$ 50,000	\$ -	\$ 50,000	
			<b>\$ 50,000</b>	<b>\$ -</b>	<b>\$ 50,000</b>	
<b>PUBLIC HEALTH</b>						
	C4070035	Kempton Community Health Facility	\$ 200,000	\$ 445	\$ 199,555	
			<b>\$ 200,000</b>	<b>\$ 445</b>	<b>\$ 199,555</b>	
<b>RECREATION</b>						
	C4070005	Recreation Committee	\$ 30,000	\$ 17,664	\$ 12,336	Colebrook Hall & Oat Community Centre
	C4070034	Oatlands Aquatic Centre (New Pool)	\$ 2,000,000	\$ 32,301	\$ 1,967,699	
	C4070034	Oatlands Aquatic Centre (New Pool)	\$ -	\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Kempton Blue Place - Water/Sewerage Connections	\$ -	\$ 3,844	\$ (3,844)	WIP 30/6/18 \$3,844 Budget c/fwd
		Kempton Hall - external repainting	\$ 50,000	\$ 23,073	\$ 26,927	\$40K Budget c/fwd WIP 30/6/18 \$23,073
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000	\$ -	\$ 18,000	
		Recreation Ground - Campania (Nets)	\$ 45,000	\$ -	\$ 45,000	
	C4070019	Recreation Ground - Kempton (Granstand Rails & Seating)	\$ 10,000	\$ 4,042	\$ 5,958	
		Recreation Gorund - Kempton (Lighting)	\$ 10,000	\$ -	\$ 10,000	
		Recreation Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	\$13K Budget c/fwd
	C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 10,929	\$ 3,071	\$14K Budget c/fwd WIP \$407
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
			<b>\$ 2,197,500</b>	<b>\$ 471,657</b>	<b>\$ 1,725,843</b>	
<b>COMMUNITY CAPACITY</b>						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Memorial Avenue Development (Island: Survey; Fencing & Aquisition)		\$ 54,902	\$ (54,902)	CFIG Grant - C/Fwd WIP 30/6/18
		Memorial Avenue Development (Interps)	\$ 15,000	\$ 24,917	\$ (9,917)	
			<b>\$ 23,000</b>	<b>\$ 79,820</b>	<b>\$ (56,820)</b>	
<b>SAFETY</b>						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
<b>ORGANISATION</b>			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	

ORGANISATION			\$	3,000	\$	-	\$	3,000	
<b>SUSTAINABILITY</b>									
	C4070011	Council Chambers - Building Improvements	\$	10,500	\$	-	\$	10,500	\$7.5K Budget c/fwd
		Council Chambers - Works Office	\$	5,000	\$	-	\$	5,000	
		Floor Coverings (Works Office)	\$	6,000	\$	-	\$	6,000	
		Council Chambers - Damp Issues & Stonemasonry	\$	15,000	\$	-	\$	15,000	\$15K Budget c/fwd
	C6020009	Computer System (Hardware / Software)	\$	42,000	\$	20,604	\$	21,396	
		Telephone / Comms System	\$	55,000	\$	-	\$	55,000	\$35K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$	8,400	\$	-	\$	8,400	
		Photo Reframing	\$	3,000	\$	-	\$	3,000	
		Computers/Phones - Councillors	\$	21,000	\$	-	\$	21,000	
			\$	<b>165,900</b>	\$	<b>20,604</b>	\$	<b>145,296</b>	
<b>WORKS</b>									
		Kempton Depot - External Painting	\$	10,000	\$	-	\$	10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Stor	\$	358,000	\$	118,907	\$	239,093	\$80K Budget c/fwd
		Minor Plant Purchases	\$	9,500	\$	-	\$	9,500	
		Radio System	\$	2,000	\$	380	\$	1,620	
		<b>Plant Replacement Program</b>							
		Refer separate Schedule (Gross)	\$	770,000	\$	52,212	\$	717,788	
		Light Vehicles (Gross)	\$	210,000	\$	-	\$	210,000	
		(Trade Allowance - \$180K)							
			\$	<b>1,359,500</b>	\$	<b>171,500</b>	\$	<b>1,188,000</b>	
		<b>GRAND TOTALS</b>	\$	<b>6,961,328</b>	\$	<b>2,316,324</b>	\$	<b>4,645,004</b>	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2018/19

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31st OCTOBER 2018 33%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3,176,074	3,176,074	1,044,164	2,131,910	32.88%
Bridges	372,719	372,719	139,936	232,783	37.54%
Walkways	194,893	194,893	69,311	125,582	35.56%
Lighting	86,520	86,520	27,369	59,151	31.63%
Irrigation	0	0	0	0	0.00%
Drainage	80,042	80,042	20,300	59,742	25.36%
Waste	825,181	825,181	272,438	552,744	33.02%
Public Toilets	64,173	64,173	25,812	38,561	39.91%
Communications	0	0	0	0	0.00%
Signage	7,575	7,575	1,263	6,312	16.67%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4,807,177</b>	<b>4,807,177</b>	<b>1,600,392</b>	<b>3,206,785</b>	<b>33.29%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Business	1,173,941	423,941	156,067	267,874	36.81%
Tourism	43,950	43,950	12,812	31,138	29.15%
Agriculture	0	0	0	0	0.00%
<b>GROWTH TOTAL:</b>	<b>1,217,891</b>	<b>467,891</b>	<b>168,878</b>	<b>299,013</b>	<b>36.09%</b>
<b>LANDSCAPES</b>					
Heritage	298,546	298,546	120,393	178,153	40.33%
Natural	173,266	173,266	76,727	96,539	44.28%
Cultural	9,600	9,600	0	9,600	0.00%
Regulatory	792,083	792,083	245,681	546,402	31.02%
Climate Change	10,047	10,047	0	10,047	0.00%
<b>LANDSCAPES TOTAL:</b>	<b>1,283,542</b>	<b>1,283,542</b>	<b>442,801</b>	<b>840,741</b>	<b>34.50%</b>
<b>LIFESTYLE</b>					
Youth	257,126	257,126	99,896	157,230	38.85%
Aged	2,500	2,500	136	2,364	5.45%
Childcare	7,500	7,500	5,130	2,369	68.40%
Volunteers	40,000	40,000	627	39,373	1.57%
Access	0	0	0	0	0.00%
Public Health	10,093	10,093	1,446	8,648	14.32%
Recreation	473,710	473,710	102,579	371,131	21.65%
Animals	105,552	105,552	39,516	66,036	37.44%
Education	0	0	90	-91	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>896,481</b>	<b>896,481</b>	<b>249,421</b>	<b>647,059</b>	<b>27.82%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	27,925	27,925	39,895	-11,971	142.87%
Safety	56,650	56,650	8,401	48,249	14.83%
Consultation	23,425	23,425	3,444	19,981	14.70%
<b>COMMUNITY TOTAL:</b>	<b>107,999</b>	<b>107,999</b>	<b>51,740</b>	<b>56,259</b>	<b>47.91%</b>
<b>ORGANISATION</b>					
Improvement	104,984	104,984	31,631	73,353	30.13%
Sustainability	2,256,362	2,256,362	805,812	1,450,550	35.71%
Finances	296,680	296,680	93,716	202,964	31.59%
<b>ORGANISATION TOTAL:</b>	<b>2,658,026</b>	<b>2,658,026</b>	<b>931,159</b>	<b>1,726,867</b>	<b>35.03%</b>
<b>TOTALS</b>	<b>10,971,116</b>	<b>10,221,116</b>	<b>3,444,391</b>	<b>6,776,724</b>	<b>33.70%</b>

	INFLOWS (OUTFLOWS) (July 2018)	INFLOWS (OUTFLOWS) (August 2018)	INFLOWS (OUTFLOWS) (September 2018)	INFLOWS (OUTFLOWS) (October 2018)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>					
<b>Payments</b>					
Employee costs	- 285,779.85	- 295,693.96	- 410,844.19	- 269,413.22	- 1,261,731.22
Materials and contracts	- 482,830.14	- 220,305.02	- 185,394.11	- 460,711.50	- 1,349,240.77
Interest	- 4,426.65	-	-	-	- 4,426.65
Other	- 25,671.40	- 41,219.25	- 71,621.86	- 92,680.45	- 231,192.96
	- 798,708.04	- 557,218.23	- 667,860.16	- 822,805.17	- 2,846,591.60
<b>Receipts</b>					
Rates	114,381.50	1,201,186.32	1,358,690.78	235,199.99	2,909,458.59
User charges	979,934.15	78,692.91	66,852.70	97,915.47	1,223,395.23
Interest received	15,678.88	19,293.05	16,295.02	18,406.88	69,673.83
Subsidies		11,751.00	-	-	11,751.00
Other revenue grants	-	425,775.75	-	-	425,775.75
GST Refunds from ATO					-
Other	7,715.98	65,480.21	45,845.86	6,626.13	125,668.18
	1,117,710.51	1,802,179.24	1,487,684.36	358,148.47	4,765,722.58
<b>Net cash from operating activities</b>	<b>319,002.47</b>	<b>1,244,961.01</b>	<b>819,824.20</b>	<b>- 464,656.70</b>	<b>1,919,130.98</b>
<b>Cash flows from investing activities</b>					
Payments for property, plant & equipment	- 140,397.25	- 369,085.11	- 311,770.44	- 132,413.29	- 953,666.09
Proceeds from sale of property, plant & equipment				909.09	909.09
Proceeds from Capital grants	-	-	-	4,764.00	4,764.00
Proceeds from Investments	-	-	-	-	-
Payment for Investments	-	-	-	-	-
<b>Net cash used in investing activities</b>	<b>- 140,397.25</b>	<b>- 369,085.11</b>	<b>- 311,770.44</b>	<b>- 126,740.20</b>	<b>- 947,993.00</b>
<b>Cash flows from financing activities</b>					
Repayment of borrowings	- 6,781.93	-	-	-	- 6,781.93
Proceeds from borrowings					-
<b>Net cash from (used in) financing activities</b>	<b>- 6,781.93</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>- 6,781.93</b>
<b>Net increase/(decrease) in cash held</b>	<b>171,823.29</b>	<b>875,875.90</b>	<b>508,053.76</b>	<b>- 591,396.90</b>	<b>964,356.05</b>
Cash at beginning of reporting year	11,567,278.62	11,739,101.91	12,614,977.81	13,123,031.57	11,567,278.62
<b>Cash at end of reporting year</b>	<b>11,739,101.91</b>	<b>12,614,977.81</b>	<b>13,123,031.57</b>	<b>12,531,634.67</b>	<b>12,531,634.67</b>

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 13th November 2018		Last Financial Year 13th November 2017	
Arrears brought forward as at July 1		\$ 419,894.17		\$ 379,430.89
ADD current rates and charges levied		\$ 5,297,326.00		\$ 5,108,174.45
ADD current interest and penalty		\$ 26,117.08		\$ 26,534.37
<b>TOTAL rates and charges demanded</b>	100.00%	<b>\$ 5,743,337.25</b>	100.00%	<b>\$ 5,514,139.71</b>
LESS rates and charges collected	47.28%	\$ 2,715,607.07	45.37%	\$ 2,501,725.28
LESS pensioner remissions	3.93%	\$ 225,955.77	4.12%	\$ 227,233.64
LESS other remissions and refunds	0.13%	\$ 7,644.57	0.11%	\$ 5,916.11
LESS discounts	0.50%	\$ 28,524.85	0.48%	\$ 26,244.14
<b>TOTAL rates and charges collected and remitted</b>	51.85%	<b>\$ 2,977,732.26</b>	50.07%	<b>\$ 2,761,119.17</b>
<b>UNPAID RATES AND CHARGES</b>	48.15%	<b>\$ 2,765,604.99</b>	49.93%	<b>\$ 2,753,020.54</b>

## **17.3.2 DEPARTMENT OF PREMIER AND CABINET (LOCAL GOVERNMENT DIVISION) – RATES SNAPSHOT**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 22 NOVEMBER 2018

### **ISSUE**

To provide Council with detail relative to the Southern Midlands Council from the 'Rates Snapshot' report prepared by the Local Government Division.

### **BACKGROUND**

In 2017, the Minister for Local Government, the Hon Peter Gutwein MP, issued to the Director of Local Government a direction under the *Local Government Act 1993* to publish local government performance information. The Local Government Data, Analysis, Transparency, Accountability (LG DATA) project forms a key part of the Director's response to the Minister's direction.

Through the LG DATA project, the Director has undertaken to publish, on a regular basis, a series of data 'snapshots' across a range of key themes and areas. The snapshots are designed to be easily digestible and complement the Auditor-General's annual report on financial sustainability. The overall objective in producing the snapshots is that communities will be better informed in relation to council performance, and that councils can use this information to identify areas where there is scope for improvement.

Some of these snapshots focus on rates, given the strong level of community interest in the subject.

### **DETAIL**

The 'Rates Snapshot' report is based on the 2016/17 financial year data.

Three performance indicators are reported. They include:

1. average rates per rateable property;
2. rate revenue to operating revenue; and
3. operating costs per rateable property.

Data is presented for the following years:

- 2009-10, chosen as the baseline year for data as it was the first reporting period after council owned water and sewage assets, and corresponding revenues, were transferred to the water corporations;
- 2014-15, showing change over a five-year interval; and
- 2016-17, being the latest available audited data.

The Southern Midlands Council is classified as 'Rural Agricultural Large'. Similar councils are grouped together for the purposes of comparison. It is in a category with Break O'Day, Circular Head, Dorset, George Town, and Kentish Councils.

Within this group, the Southern Midlands:

- a) Had the second lowest rate per head of population of \$802.

The lowest rate per head in this category was \$795 with a category average of \$1,021.

The state-wide average rate per head of population was \$1,018.

In percentage terms, the Southern Midlands Council is approximately 79% of the state-wide (and category) average.

- b) Had the third lowest average rate per rateable property of \$1,343.

This compares to the lowest of \$1,315 and a category average of \$1,464.

The state-wide average per rateable property was \$1,516.

In percentage terms, the Southern Midlands Council is approximately 88% of the state-wide average; and 92% of the category average.

- c) Rate revenue, as a percentage of total revenue, was 48.1%.

This compares to a category percentage of 58% and a state-wide average of 58.8%.

It needs to be acknowledged that the SMC Operating Revenue includes the consolidation of the two entities HBS & HESC. Operating revenue therefore needs to be reduced by \$387K in order to compare 'like for like' with other Councils. This increases the rate revenue percentage to 50% of total revenue.

- d) Average amount of operating costs per rateable property was \$2,785.

This compares to a category percentage of \$2,500 and a state-wide average of \$2,593.

Similar to the above, it needs to be acknowledged that the SMC Operating Expenses includes the consolidation of the two entities HBS & HESC. Operating expenses therefore need to be reduced by \$408K in order to compare 'like for like' with other Councils. This decreases the amount of operating costs per rateable property to \$2,673.

**Human Resources & Financial Implications** – Refer above detail.

**Community Consultation & Public Relations Implications** – Nil

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – N/A.

## RECOMMENDATION

THAT the information be received.

## DECISION

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

**THAT the information be 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	√	

**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 SPECIAL COUNCIL MEETING

#### DECISION

*Moved by Deputy Mayor E Batt, seconded by Cllr D Fish*

**THAT a Special Council Meeting be held on Wednesday, 19<sup>th</sup> December 2018 at the Council Chambers, Oatlands commencing at 9.30 a.m.**

#### CARRIED

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

**DECISION**

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

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

<b>MATTER</b>	<b>REFERENCE</b> <i>Local Government (Meeting Procedures) Regulations 2015</i>
<b>Confirmation of Closed Council Minutes</b>	<b>15(2)</b>
<b>Applications for Leave of Absence</b>	<b>15(2)(h)</b> Applications by councillors for a leave of absence
<b>Property Matter - Oatlands</b>	<b>15(2)(f)</b> Proposals for the council to acquire land or an interest in land or for the disposal of land

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

**DECISION**

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

**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**

<b>DECISION (BY ABSOLUTE MAJORITY)</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Clr A Bantick	√	
Clr A E Bisdee OAM	√	
Clr K Dudgeon	√	
Clr D F Fish	√	
Clr R McDougall	√	

## **CLOSED COUNCIL MINUTES**

### **20. BUSINESS IN “CLOSED SESSION”**

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

#### **20.3 PROPERTY MATTER - OATLANDS**

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

#### **20.4 WEED ISSUE**

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

**DECISION**

*Moved by Cllr R McDougall, seconded by Cllr A Bantick*

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

**CARRIED**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
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	√	

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## OPEN COUNCIL MINUTES

### 21. CLOSURE

The meeting closed at 1.25 p.m.