

COUNCIL MEETING

AGENDA

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ENCLOSED

**Council Meeting Minutes & Special Committees of Council Minutes
General Information Bulletin
Enclosures**

- Item 16.3.1 Draft Partnership Agreement
- Item 17.3.2 2011/12 General Purpose Financial Report

22nd November 2012

Dear Sir/Madam,

NOTICE OF MEETING

Notice is hereby given that the next ordinary meeting of Council will be held at the

**Municipal Offices
85 Main Street, Kempton
Wednesday 28th November 2012
10.00 a.m.**

I certify under s.65(2) of the Local Government Act 1993 that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

COUNCILLORS PLEASE NOTE:

- **Public Question Time has been scheduled for 12.30 p.m.**

Yours faithfully,



**Mr T F Kirkwood
General Manager**

OPEN COUNCIL AGENDA

1. PRAYERS

Councillors to recite the Lords Prayer.

2. ATTENDANCE

3. APOLOGIES

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 24th October 2012, as circulated, are submitted for confirmation.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.2 SPECIAL COUNCIL MINUTES

Nil.

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

Nil.

5.3.2 Special Committees of Council - Endorsement of Recommendations

Nil.

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

5.4.1 Joint Authorities - Receipt of Minutes

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

- **Southern Tasmanian Councils Authority** – Meeting held 18th October 2012
- **Southern Waste Strategy Authority** - Nil

Note: Issues which require further consideration and decision by Council will be included as a separate Agenda Item, noting that Council's representative on the Joint Authority may provide additional comment in relation to any issue, or respond to any question.

RECOMMENDATION

THAT the minutes of the above Joint Authority meeting(s) be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

5.4.2 Joint Authorities - Receipt of Reports (Annual and 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** – Annual Report 2011/2012
- **Southern Tasmanian Councils Authority** – Quarterly Report September 2012
- **Southern Waste Strategy Authority** – Annual Report 2011/2012

RECOMMENDATION

THAT the reports received from the Joint Authorities be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

6. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2005*, the Agenda is to include details of any Council workshop held since the last meeting.

A Council workshop was held on 15th November 2012, commencing at 10.00 a.m.

Attendance: Deputy Mayor M Jones OAM, Clrs A R Bantick, C J Beven, B Campbell, M J Connors, D F Fish, A O Green and J L Jones OAM.

Apologies: Mayor A E Bisdee OAM

Also in Attendance: T F Kirkwood, A Benson, J Lyall and K Brazendale.

The Workshop involved the following:

1. Integrity Commission – Commission’s Education Officer (Ruth Malley) made a presentation on the role of the Integrity Commission and its processes; the Integrity Commission Act 2009; and a general overview of ‘Ethical Decisions and Action’. Copy of Presentation provided to all attendees.

Note: Clr J L Jones OAM left the workshop at 11.45 a.m.

2. Department of Infrastructure, Energy and Resources (Safer Roads Project) – representatives from the Department attended the workshop to brief Council in relation to the ‘Safer Roads’ project. In summary, it is proposed to introduce a 90 klm per hour limit on non-urban sealed roads and 80 klm per hour limit on non-urban unsealed roads. A number of criteria have been adopted to assess any roads where it is proposed to retain the current speed limit(s). Essentially, there are no roads within the Southern Midlands Council area which would meet the criteria to retain the present speed limits.

Note: Clr D L Fish left the workshop at 1.00 p.m.

3. Review of ‘Asset Management Plan – Transport Infrastructure’ – presentation of the draft plan and associated documentation and systems. Detailed consideration was given to the Risk Management Plan for Transport Infrastructure, with any feedback to be provided to the General Manager following review by Councillors.

Next priority is to prepare an AMP for Property and Buildings, which will necessitate the purchase of the Assetic Asset Management System – Building Module. The cost of this Module is \$12,000, which was acknowledged as being a relatively small investment for a property portfolio with a written down value of approx.. \$10 million.

4. Long Term Financial Management Strategy – draft copy of the ten-year plan circulated to Councillors. Overview provided, including explanation of the linkage to the Asset Management Plans. The aim is to finalise the Strategy prior to the commencement of the 2013/14 Budget Process.
5. Local Government Valuation and Rating Review – copies of the Steering Committee’s draft reports circulated for information.
6. Division of Local Government, Security and Emergency Management – copy of Discussion Paper entitled ‘Role of Local Government’ – circulated for information.
7. National Trust (Tasmania) – development of an MOU/Partnership Agreement re: establishment of an appeal and related issues (refer Agenda Item).

RECOMMENDATION

THAT the information be received and the outcomes of the workshops held 15th November 2012 be noted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

7. 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 2005*, 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.

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 2005*.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

8. DECLARATIONS OF PECUNIARY INTEREST

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the chairman of a meeting is to request 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 2005*.

9. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2005* states:

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

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

Mayor A E Bisdee OAM to invite questions from members of the public.

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 2005

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

11.1.1 Development Application for a 'Level 1 – Sand Quarry', defined as an Industry (Extractive) at Ballochmyle Rd, Tunbridge.

File Reference: T3072851

APPLICANT: Mr Neil Douglas *obo* Hall Earth Moving Pty Ltd
REPORT AUTHOR: Planning Officer (D Cundall)
LANDOWNER: Mr Headlam
DATE: 19TH NOVEMBER 2012

ATTACHMENTS:

- 1. Site Map and Cart Route**
- 2. Representation**

THE PROPOSAL:

The applicant, Mr Neil Douglas of Hall Earth Moving Pty Ltd, has applied to Council for the development and use of a Sand Quarry (Level 1 Extraction) on land situated at Ballochmyle Rd, Tunbridge (Headlam's property).

The level of extraction is less than 5,000 cubic meters of sand per year. At this level the quarry is to be assessed by both Council and Mineral Resources Tasmania (MRT).

The extraction of sand does not require any blasting. It is a process of identifying a certain soil type found in certain areas and stripping back the top soil, and any vegetation, to reveal the sand below. The sand in this case is a coarse to fine grain of sand that would be typically used as 'bedding sand' for the bedding of pipes or pipelines. In this case, it is anticipated the sand will be used as 'bedding sand' as part of the Midlands Irrigation Scheme.

The sand is typically extracted (dug) with a single front-end-loader that will also be used to load the product onto trucks. The applicant expects a maximum of 10 trucks per day, at 1 per hour, but an average of only 2 per day. The sand is extracted as and when needed (typical for this type of operation).

The topsoil that is ‘stripped’ is typically stored on site for the later progressive rehabilitation of the site. This would be a requirement of Mineral Resources Tasmania and Council in accordance with the *Quarry Code of Practice 1999* (“the code”). *The Code* is the standard guideline document for quarry operation.

The sand is carted by truck and/or trailer to the intended destination. The access is across intensive farmland, onto Ballochmyle Rd and through the township of Tunbridge onto the Midland Hwy via the southern entrance.

THE SITE

The site in question is cleared dry pasture land on the slope of a small hillside. There is some vegetation nearby and a dam. It would seem the land would generally be used for open grazing.

The site is about 3km from the council maintained section of Ballochmyle Rd. This is approximately the same distance to the nearest resident ‘Ballochmyle’. The remainder of the land is intensive farming, pasture and cropping. There is no residential development in the immediate vicinity of the site. The nearest town is Tunbridge; which is located a considerable distance from the site and obscured by the hills of the landscape.

The access through the property is a reasonably well maintained farm track that appears on most maps.

LEGISLATIVE PERFORMANCE REQUIREMENTS

The proposal must be assessed, monitored and developed under various bodies of legislation administered by Council and the State Government, including but not limited to:

- *Land Use Planning and Approvals Act 1993*
- *Environmental Management and Pollution Control Act 1994*
- *The Mineral Resources Development Act 1995*
- *Dangerous Goods Regulations 1994*
- *Workplace Health and Safety Act 1995*
- *Quarry Code of Practice 1999*
- *Southern Midlands Planning Scheme 1998*
- *State Policy of Water Quality Management*
- *State Policy on the Protection of Agricultural Land 2009*

Council is to assess the application under the *Land Use Planning and Approvals Act 1993*, in association with *Environmental Management and Pollution Control Act 1994*, *The Quarry Code of Practice 1999*, and *Southern Midlands Planning Scheme 1998*. Consideration has also been given to the *State Policy of Water Quality Management* and the *State Policy on the Protection of Agricultural Land 2009*.

It is worth noting that impact mitigation controls and further monitoring of the proposed quarry is not just limited to Council.

THE APPLICATION

In consultation with Council’s Environmental Health Officer, the applicant was to provide a completed ‘Environmental Effects Report’. This report is the standard requirement to demonstrate how potential environmental impacts and nuisances can be mitigated or controlled. The report also assists in drawing out further information from the applicant and will often answer most questions members of the public or Council may have about the development.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

Under *Schedule 3 Use or Development Category Definitions* of the *Planning Scheme*, the proposed use and development is defined as an:

“Industry (Extractive) - means the use or development of any land for the extraction of minerals, sand, gravel, clay, soil, rock, turf, stone or any similar substance from land.

The term includes:

- a) the extraction of any overburden;
- b) primary treatment including crushing or screening of that substance on the same land;
- c) the associated storage of goods or materials used in connection with or resulting from that extractive industry;
- d) the wholesale sale of goods or materials resulting from that extractive industry; and/or
- e) the repair and maintenance of vehicles and machinery used in connection with that extractive industry.”

Zone: Rural Agriculture Zone

The site of the proposed quarry is located entirely within the Rural Agriculture Zone and not within any overlays or special areas.

Given the ‘discretionary’ status of the proposal it would be reasonable for the Planning Officer to give a comment in relation to the below listed intentions of the Rural Agricultural Zone:

6.2.2 The intent of the Rural Agriculture Zone is to:

- (a) give priority to the sustainable long term use of land for agricultural, pastoral, forestry and other rural uses;*

In the Rural Zone, a quarry is considered to be a rural type activity. Given also the location and size of the proposed operation, on a sloping part of the land; better farming land located on level ground can still be used for other agricultural and horticultural practices.

It is also thought that a sand extraction pit is not a development that would leave a long-term scar on the landscape or prevent the land from being used for other pursuits in the future (post rehabilitation).

(b) recognise and protect the potential of land in the Kempton, Bagdad/Mangalore and Jordan valleys for future intensive agricultural use in anticipation of the completion of the South East Irrigation Scheme;

The proposal was advertised for fourteen days. Adjoining owners have the right to present any concerns to Council regarding potential conflict with intentions to conduct any such activities related to the Irrigation Scheme. It would be anticipated that a small sand mine would have little impact upon neighbouring agricultural pursuits. Needless to say, all adjoining owners have been notified and have the right to voice concern.

(c) encourage expansion and diversification of agricultural activities;

The Tunbridge area is a good example of diversified agricultural activities. A proposed sand quarry would not be entirely out of place in the area.

(d) protect rural land from development that may:

- (i) jeopardise its long term capability for agricultural use;***
- (ii) cause unplanned and premature demands on the Council for the provision of infrastructure services, or***
- (iii) cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;***

The quarry site is simply not big enough to jeopardise the long term capability of the land.

Council Officers acknowledge that Ballochmyle Rd is due for some maintenance. It is anticipated that the level of truck movements are quite low and should not have a high level of undue wear and tear on the road. It should also be noted that the road only serves a few residents and the Headlam's farm.

(e) retain the prevailing rural character of the areas generally characterised by open paddocks and timbered ridges;

No substantial vegetation will be removed to allow for the quarry. It is anticipated that the site will be progressively rehabilitated with suitable vegetation

over the life of the quarry in accordance with the *Quarry Code of Practice* and the requirements of Mineral Resources Tasmania.

(f) allow for the development of activities that are associated and compatible with long term rural use of the land;

As above.

(g) ensure that land is used and developed within its capability as defined by the Land Capability Classification System; and

According to Council's GIS mapping the soil is a 'Class 5'. This however may not be accurate as more recent studies have indicated the soil is capable of intensive agricultural pursuits suitable for a range of cropping subject to irrigation water.

However, given the reasonably short lifespan of a sand quarry, as determined by a license from Mineral Resources Tasmania, the land can and will be eventually reinstated to its former soil type and could in fact be used for grazing or horticultural practices once again.

(h) ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.

The only adjoining 'non-agricultural' land use in the area is the Ballochmyle property. This home is a considerable distance from the quarry site and located over the many hills. There will be some truck traffic that will pass the residence, however, given the terrain and the track it would be anticipated that such movements would not be at any considerable speed. It is also acknowledged that the applicant is only applying for a 'level -1' industry that is under 5,000cum per year.

Road users or adjoining land users can inform Council or Tasmania Police if public roads are used recklessly in association with this development.

Statutory Status

Under the *Planning Scheme*, an Industry (Extractive) is a 'Discretionary Use/Development' in the Rural Agriculture Zone. Such a use development:

- I. May be granted a Planning Permit by Council, with or without conditions, provided it complies with all relevant development standards and does not, by virtue of an other provision of this Scheme, invoke Clause 11.6 (prohibited use or development); or
- II. May be refused a Planning Permit by Council

Extract SMPS 1998

A discretionary use or development must be advertised under S.57 of the Land Use Planning and Approvals act 1993.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on the 2nd November 2012 for the statutory 14 day period. One (1) representation was received. The representation received by Council was mostly concerned over the condition of Ballochmyle Rd and raised a few basic questions that were addressed by the Planning Officer in discussion with the representor and with the applicant.

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

Zone Development Standards

There are no proposed buildings or structures as part of this application. The extraction pit cannot be seen from any major roads, homes or transport routes.

Referral

The application was referred, internally, to Council's Environmental Health Officer (EHO).

The EHO is satisfied that due to the considerable 'attenuation distance' surrounding the mine site, environmental impacts upon adjoining land owners or sensitive users is highly unlikely. It is expected that the operator will abide by the law and in accordance with the *Quarry Code of Practice*.

The quarry can be monitored by Council and State Government Officers and is still subject to approvals by Mineral Resources Tasmania.

Conclusion

The proposed sand quarry has been subject to all the correct rigors of an application for a planning permit.

One representation was received against the proposal, and as a result, Council Officers will attend to any necessary road treatment on Ballochmyle Rd.

The proposal meets all the necessary planning scheme requirements and could operate within the confines of the *Environmental Management and Pollution Control Act 1994* and the *Quarry Code of Practice 1999*. It is also worth noting that the operation of the quarry will be further subject to conditioning and monitoring from Mineral Resources Tasmania and can be further monitored by Council; and if necessary, Council can also serve an Environmental Protection Notice (EPN) on the operator to better ensure compliance with environmental law and regulation.

It is recommended that the proposal be granted a permit from Council subject to conditions to further enforce and ensure operation meets the necessary legislative requirements.

RECOMMENDATION

THAT, in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and section 57 of the Land Use Planning & Approvals Act 1993, Council approve the application for an Industry (Extractive) – ‘Sand Quarry’, at Ballochmyle Rd Tunbridge and that a permit be issued with the following conditions.

CONDITIONS

General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, which ever is later, in accordance with section 53 of the *land Use Planning and Approvals Act 1993*.
- 3) Extraction of material from the site is not to exceed 5,000 cubic meters per year.
- 4) Operation and rehabilitation is to comply with the *Quarry Code of Practice*.

Services

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

Use Amenity

- 6) The loading and unloading of vehicles and the storage of vehicles or materials shall be contained within the property boundaries and not on part of any road reserve or Public Open Space.
- 7) The developer must make good and/or clean any road surface or other element damaged or soiled by the quarry operation to the satisfaction of the Council’s Manager of Works and Technical Services.

Hours of Operation

- 8) The use or development must only operate between the following hours unless otherwise approved by Council’s Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 7:00 p.m.
Saturday	7:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	8:00 a.m. to 5.00 p.m.

The following advice applies to this permit:

- A. This permit does not imply that any other approval required under any other legislation has been granted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

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**

File Ref: (Refer PID numbers in table below)

AUTHOR PLANNING OFFICER (D CUNDALL)
DATE 19TH NOVEMBER 2012

APPLICATION OF MUNICIPAL SEAL

The following Final Plans and related documents, pertaining to subdivisions, boundary adjustments and adhesion orders, etc. within Southern Midlands have had the Municipal Seal applied by the Manager Development & Environmental Services in the period 16^h August 2011 to 28th November 2012.

Owner	PID	Address	Description	Date
Stanshield Pty Ltd	2304593	Horners Rd, Elderslie	Boundary Adjustment and amendment to Right of Way	22 nd August 2012
NL & DK Grice	5892116	27 Reeve St, Campania	1 Lot plus Balance	18 th September 2012
Aukland Holdings Pty Ltd & EM McShane	3052535	Highland Lakes Rd, Melton Mowbray	Adhesion Order	31 st October 2012
Don Fish	2862827	Bowhill Rd, Oatlands	Boundary Adjustment	31 st October 2012
Simon Fergusson	7882130	Eldon Rd, Colebrook	Boundary Adjustment	28 th November 2012

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

11.4 PLANNING (OTHER)**11.4.1 Progression Towards a New Southern Midlands Planning Scheme and the Southern Tasmania Regional Planning Project***File Ref:* 9/084

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 21ST NOVEMBER 2012

- ATTACHMENTS**
1. Correspondence STCA to TPC, 16 November 2012.
 2. Correspondence TPC to STCA, 21 November 2012.

1. BACKGROUND

The Southern Tasmania Regional Planning Project concluded the first major phase of the Project in October 2011, being the delivery of a Southern Regional Land Use Strategy to the Minister for Planning and its subsequent formal declaration as a statutory *Regional Strategy*. This followed its endorsement by all twelve Southern Tasmanian Councils.

The second major output of the Southern Tasmania Regional Planning Project is a suite of contemporary and consistent planning schemes, one for each of the twelve Planning Authorities in Southern Tasmania.

All new planning schemes in the State will have to be based on the State's Planning Scheme Template for Tasmania. However the Template only provides the 'bare bones' of planning schemes - primarily in layout, structure, definitions and common zone names. It does not provide the actual operational provisions and standards that are the 'engine room' of planning schemes in a day-to-day sense. These are being drafted by Councils acting collectively within the region, (to create regional common provisions), and Councils acting individually, (to create local-level provisions)

In terms of acting together; the Southern Regional Planning Project is nearing completion of the 'regional model planning scheme', which will be constituted by all the intended regionally-common planning scheme provisions set within the State's Template. A large portion of future consistency and commonality between planning schemes will come from the regional model planning scheme.

In terms of acting individually to create local provisions; this recognises that there are genuine differences and peculiarities between Council areas across the region. Each planning scheme will therefore contain planning scheme provisions particular to it. It is intended that the amount of local provisions in each scheme will be minimal so that the proportion of consistent provisions is maximised. The philosophy adopted is: "be the same unless there is a reason to be different."

Therefore, the new planning schemes within Southern Tasmania will include content provided from three sources:

- The State (the Planning Scheme Template for Tasmania and any State-wide Codes).
- The Region (the great majority of Zone provisions and most Codes).
- The Local Council (local provisions necessary to reflect specific local circumstances or protect important local values, plus Specific Area Plans and any specific Council Codes).

2. WORK ON THE REGIONAL MODEL PLANNING SCHEME

As Councillors are aware, the Regional Project ceased regional strategic planning work in September 2011 when it delivered the Draft Southern Tasmania Regional Land Use Strategy to the Minister for Planning, (who subsequently formally declared it in October last year).

Since then most of the resources of the Regional Planning Project have been dedicated to working with the 12 Councils to devising the regional model planning scheme. In other words; determining what can be the same and what has to be different.

Two iterations of the regional model scheme have so far been produced, one at the end of 2011 and the second in mid 2012. Councils and various State Agencies have provided comment to each.

The major source of comments on the second draft has come from the Tasmanian Planning Commission (officer level), which provided its comments in early November. The TPC did not have the resources to provided input into the first draft due to its workload arising from progressing the Northern region's schemes, and the receipt of its input at this point in time is crucial to the timeframe going forward.

3. TIMEFRAME GOING FORWARD

It is important that each Council within the region keeps in step with the others in the scheme drafting process. All schemes should be drafted contemporaneously, lodged with the Minister at the same time and proceed through the statutory public exhibition, assessment, and approval process together - with common issues being dealt with in common TPC hearings.

The third iteration of the regional model scheme will arise from amending the second draft to take into account the recent input of the TPC, Councils and some State Agencies. This will be the version that each Council will use to finalise its draft planning scheme, by adding its local level provisions.

Councils will be completing their draft schemes in the new year, through February and March. It is intended that all Councils will be able to consider their draft schemes at their March Council meetings to determine if they consider them suitable to be subject to public consultation.

The informal (non-statutory) public consultation process would then be able to commence in April. All Councils have previously endorsed the principle that the draft schemes should be subject to informal consultation prior to finalising them and sending them into the statutory process at the Tasmanian Planning Commission. There are two reasons for this:

- Once a draft is submitted into the statutory process there are limitations on the extent of change possible without repeating statutory consultation (in order to afford the public ‘due process’).
- The informal consultation process will enable many desirable changes to the draft schemes to be identified and implemented easily and quickly, outside of the more cumbersome and bureaucratic statutory process.

The April 2013 public consultation process will be a coordinated effort between all Southern Councils.

It is noted that Kingborough and Huon Valley currently have drafts of their schemes out for public consultation. These Councils will nevertheless participate in the joint process in April. One reason they are undertaking a ‘preliminary’ consultation process now is they have more local issues to sort out than most other councils. This is because:

- Kingborough is moving from a very high performance-based scheme with only six zones into a new Template scheme in which there will be around 20 zones. Much of the Kingborough will therefore have to be ‘rezoned’. Most other Councils in Southern Tasmania have a similar division of zones to the Template, and therefore most of their properties will be moving to a Template zone that more or less resembles the previous zone.
- Huon Valley is merging three old different schemes into one Template based scheme. Again, this will likely raise a larger number of ‘local issues’ that it will need to sort out with its local communities, that most other Council areas.

4. OUTLINE OF PUBLIC CONSULTATION

The April consultation period will be the first time the public will be provided with an opportunity to comment on the proposed regional model provisions. It is important that all members of the public in Southern Tasmania can provide comment on the intended regional provisions through one coordinated process, regardless of which municipality they live in.

At the same time they will be able to see their own Council's proposed local level provisions and will be able to provide comment on them also. Understanding the local level provisions and the regional provisions in the context of each other and the State Template will be an important aspect of this process, and is a key reason why a draft of the regional model planning scheme has not already been exposed to the general public for comment. It can only be understood in the context of state and local planning scheme content - and the planning scheme maps.

Comments received during public consultation will relate to text from all three sources, and submissions will be treated differently accordingly. It will be important that members of the public can distinguish the source of the content that they wish to comment on. Therefore, the text in the draft schemes will be colour-coded.

Following the conclusion of the advertising period:

- Submissions pertaining to local provisions will be considered and resolved by the relevant Council.
- Submissions pertaining to intended regional provisions will be collated by the Regional Planning Project and considered collectively through a regional process involving all Southern Councils, with some input from the Tasmanian Planning Commission.
- Submissions pertaining to the State-mandated text will not be able to be considered by Councils or the Regional Project at all. These submissions will be passed on to the State for their records. This informal public consultation process does not have any ability whatsoever to amend State text.

The timeframe for considering and resolving the issues raised by the public will take several months. It is not possible to foreshadow exactly how long as it will depend, in part, and the number and nature of the submissions received, particularly in respect of the regional provisions, and the ease in reaching agreement amongst the 12 Southern Councils in their resolution.

Once all public consultation issues have been resolved, the Councils will then be able to amend their draft of their planning schemes for formal submission to the Minister.

The colour-coding of the text will also provide for a level of openness, transparency and political accountability that has been a significant deficiency of Tasmania's planning system in the past, and which has partially contributed to the State's abrogation of its role of providing clear direction through State Planning Policies and State Planning Directives that is intended by the Resource Management and Planning System.

5. FUTURE OF THE SOUTHERN REGIONAL PLANNING PROJECT: FUNDING

The Southern Regional Planning Project continues to exist tenuously through a series of ad hoc short-term funding agreements between the State and the Councils.

At the start of 2012 the Southern Tasmanian Councils Association was hopeful that an agreement with the State could be finalised for a 3-year arrangement for a joint regional planning structure that brought key Government agencies, Southern Water and expanded local government representation to the table. Such a structure was foreshadowed, in principle, in the Project's original Memorandum of Understanding. It would have provided for a regional planning entity with the resources to recommence strategic planning work – as well as fulfil the regional coordination role as the draft schemes step through the statutory TPC approval process.

However, such an agreement was not reached and negotiations reduced to merely continuing the Regional Planning Project as it currently exists – and only for the regional coordination role to complete scheme drafting and the statutory TPC approval process.

Therefore, no further regional strategic planning work will be undertaken in the foreseeable future. One significant outcome of this is that the next iteration of the Southern Tasmania Regional Land Use Strategy will be a long way off. Important new information, such as the 2011 census data, will not be incorporated into regional strategic planning for several years, at least.

Be that as it may, agreement has now been reached with the State Government for a modest joint funding arrangement (50/50 state/local government) to enable the Regional Planning Project to continue to the end of the financial year. Provided the 12 Councils endorse their draft schemes as suitable for (informal) public consultation at their March 2013 Council meetings, this funding should see the project through to the completion of public consultation period and the initial collation of comments pertaining to regional issues.

6. THE PATHWAY FORWARD: INTERIM SCHEMES OR DRAFT SCHEMES?

Two years ago the State amended the Land Use Planning and Approvals Act 1993 to re-introduce the concept of interim planning schemes, which had been eliminated in 1993 when the legislation was overhauled. The Regional Project MoU between the State and the 12 Southern Councils sets down the State's expectation that the new planning schemes will be submitted to the State by Councils as draft interim planning schemes.

It is noted that the ‘traditional’ (post-1993) draft planning scheme approval pathway remains in the Act and, therefore, Councils have the option of submitting their draft planning schemes to the State as either draft interim planning schemes or as ‘traditional’ draft schemes.

As Councillors are aware, the key difference is that interim planning schemes come into effect prior to the statutory public consultation and formal hearings process, whilst in the traditional planning scheme pathway new schemes coming into effect at the end of that process.

The Solicitor General has provided advice to the Tasmanian Planning Commission that highlights some potential issues that arise through the use of the Interim Planning Scheme mechanism. These apparently revolve around potential impacts on property rights prior to the ‘due process’ afforded to landowners by the statutory public consultation and hearings process.

Whilst this was initially identified by the STCA as a potential risk prior to the signing of the MoU, the legislation had not been written and the detailed process of creating an interim planning scheme was therefore not known at the time. A Review of the legislation and process now set in place through the legislation has brought to light other issues that may be of concern to Councils, in addition to those apparently raised by the Solicitor General to the TPC.

Legal advice has been sought by the STCA to assist Councils in making a determination in regard to the approach they would like to adopt in pursuing new planning schemes

The southern Councils are all committed to the introduction of new planning schemes and have invested a considerably amount in preparing their new schemes.

It is anticipated that the Councils will wish to implement their new planning schemes in the most effective and efficient manner, providing contemporary land use management while ensuring that the outcomes for the community are fair and equitable and that the new planning schemes are legally robust and will not be subject to future legal challenge.

The decision that needs to be made now or in the not-to-distant future is: do we lodge our draft schemes as ‘interim’ planning schemes or as ‘traditional’ draft planning schemes? As mentioned above, both pathways remain in the Act.

The options that are available to Councils to create new planning schemes are:

To use the Interim Planning Scheme path as it currently exists, and amend their planning schemes to withdraw rezonings and other strategic changes that are not ‘necessary’ to implement the Regional Strategy (even though such changes are ‘consistent’ with the Regional Strategy).

To use the traditional path and jointly agree to consistency with the Southern Regional Land Use Strategy and to common regional provisions.

To seek legislative changes to the Interim Planning Scheme process to deal with the issues raised by the Solicitor General.

It should be noted that, in order to achieve the objectives of the Regional Planning Project's MoU, we would need to make a collective decision - so that all 12 Councils adopt the same pathway. Regional consistency would likely be severely diminished through the statutory process if, for example, some Councils choose the interim scheme pathway and others the traditional pathway.

In terms of timing, the decision whether to take the interim or traditional scheme pathway ought to be made prior to the collective informal public notification period, which now will be around April next year. It is essential that we can advise members of the public what the next steps will be – essentially in layman's terms; whether they will have the opportunity to be involved in the statutory public consultation and hearing process before or after the scheme comes into effect.

At its meeting on 18 October, the STCA Board considered a detailed report into all of the above, along with high-level legal advice. That report with the legal advice has subsequently been forwarded to Councils for their consideration. The minutes of the STCA meeting will be available prior to the Council meeting, and will be tabled. Essentially, the Board is proposing that:

That the STCA continue to investigate, with the Tasmanian Planning Commission and the Minister for Planning, ways to ensure that:

- the common objective of the State Government and the 12 Councils' to implement new planning schemes consistent with the Southern Regional Land Use Strategy is met
- a high proportion of common provisions are included in the new planning schemes.
- that the process of declaring the new planning schemes is undertaken in a manner which is effective and efficient, that the community perceive is fair and equitable and that results in legally robust planning schemes that have minimal risk of being subject to future legal challenge as a consequence of the process adopted for their declaration
- whichever solution is adopted must allow Councils to implement local strategic planning, subregional strategic planning and the outcomes of the regional Industrial Land Study

Attachment 1 is a letter from the STCA to the TPC and copied to the Minister's adviser.

Attachment 2 is the response letter from the TPC. It is noted that the response does not address the key issues.

The STCA is awaiting further discussion with the Minister and the TPC on this matter.

7. PLANNING SCHEMES ONLINE AND THE CONTENT MANAGEMENT SYSTEM

The Tasmanian Planning Commission is implementing an IT solution to assist the drafting, assessing, managing and accessing of all planning scheme provisions across the State.

From the Regional Planning Project's point of view, this is most welcome and timely. The solution will have the following characteristics:

- Reduced cost in drafting planning schemes:
 - Allow the collective drafting of planning scheme documents into which text from multiple sources must appear.
 - Enable specified text to be automatically common to various schemes on a state wide or region-wide basis.
 - Allow for common provisions to be drafted and amended at one source, regardless of how many schemes they are common to.
 - Provide surety that intended common provisions are accurately portrayed in final scheme documents.
- More manageable public consultation processes:
 - Provide a single website where all draft schemes are available.
 - Enable on-line comments to be lodged by members of the public against specific provisions, thereby automating a significant component of the public notification process.
- More effective assessment of comments and the schemes:
 - Enable statutory reviewers of draft scheme provisions to view public comments, lodge their own comments, see the comments made by their fellow reviewers and suggest amended wording.

- Provide for multiple levels of access and authority, in terms of reviewing, commenting, drafting, approving and publishing changes.
- An easily understandable end user interface:
 - Access to all planning scheme ordinances being via a single website, which holds the current and correct version of all schemes.
 - Enquiries regarding a particular property and a particular proposed use identify only those parts of the planning scheme that are relevant.
 - Minimise the need for hard copies of entire planning schemes to be printed.
 - Provide for a simple public user interface.
- Clearly portraying to the public that the State has a single, coordinated system of planning schemes.

This will be a very timely improvement to the system and will speed up the drafting of our planning schemes.

8. EXPANSION OF THE STEERING COMMITTEE

At the last Regional Planning Project steering committee meeting it was agreed to expand the steering committee.

This will be along the lines that the STCA and the 12 Southern Councils had proposed early in 2012 for the mooted 'regional planning structure', by adding:

- A representative of the 4 small councils (to be nominated by the General Managers of the 4 small Councils).
- A representative of the 4 medium-sized councils (to be nominated by the General Managers of the 4 medium-sized Councils).
- (The current representative of all General Managers, Andrew Paul, will change to become the representative of the 4 large Councils).
- A representative of Southern Water.
- A representative of DIER
- A representative of DEDTA

It is envisaged that the expanded committee will sit in two sessions, one dealing with

statutory matters (i.e. progressing the draft schemes through the drafting and approval processes) and one dealing with strategic land use planning.

The Project does not actually have any funding to recommence strategic land use planning under the current joint funding deal. However the committee can:

- Plan for the next full review of the Regional Strategy.
- Oversee a possible 'house keeping' review of the current Regional Strategy.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	



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Mr Greg Alomes
Executive Commissioner,
Tasmanian Planning Commission
GPO Box 1691
HOBART TAS 7001

16th November, 2012

Dear Mr Alomes,

APPROVAL PATHWAY FOR DRAFT PLANNING SCHEMES

Further to recent correspondence and discussions regarding the progression of the Southern Region's draft planning schemes and the recent meeting of the STCA Board I write to clarify the current position of the STCA Board and Councils in Southern Tasmania in respect to the Interim Planning Scheme process.

Firstly, I wish to assure you that all twelve southern Councils remain committed to completing the drafting of their new planning schemes as soon as possible. To that end all Councils continue to apply considerable internal resources to the task and remain fully engaged with the Regional Planning Project to ensure we attain a high degree of commonality within our new planning scheme provisions.

The issue that is of great concern to Councils at this point in time relates to the new and unforeseen advice from the Solicitor General to the TPC regarding the limitations of the Interim Planning Scheme mechanism. This advice appears to put at jeopardy the development of the planning schemes in the manner originally envisaged and agreed between State and Local Government - as set out within the Project's Memorandum of Understanding.

If our understanding of the advice we have been given through the TPC is correct, then the new Interim Planning Schemes may be limited to a direct translation of the existing schemes into the new State Template, except where 'necessary' to implement the Regional Strategy.

This would mean that the new schemes will only be a marginal improvement on the old schemes.

It would also mean that the recommendations of most of the local strategic planning work that Councils have been undertaking over the last 2 – 6 years in preparation for their new schemes could not be implemented into those schemes. This outcome would not be consistent with the MoU, which stated that:

"The project includes the development of local or sub-regional planning strategies, consistent with the regional land use strategy, which take into account local issues and circumstances which need to be expressed in the individual planning schemes."

The Southern Councils are concerned that the interim planning scheme legislation does not seem to allow for the ready inclusion of local and/or sub-regional components into their planning schemes and that this seems to be inconsistent with the MoU. We remain, however, committed to pursuing the objectives of the MoU nevertheless.

In order to understand the breadth and depth of the actual problem, as you are aware, the TPC has made available some resources to look at a sample of possible issues that may exist in current drafts of Council planning schemes and has now requested that the southern Councils provide a number of examples of proposed rezonings and other strategic changes that may fall foul of the Solicitor General's advice, (refer attached document).

It is our understanding that officers at the TPC will then assess this sample of proposed changes and make a judgment on whether these types of changes can be legally allowed into Interim Planning Schemes pursuant to the Solicitor General's advice.

I would like to make it clear that, whilst the Steering Committee has agreed to this exercise, it is our understanding that this is for the purpose of gaining an appreciation of the dimensions of the potential problem. If it transpires that material changes are required to the Councils' planning schemes to make them comply with the new interim planning scheme provisions in LUPAA it is highly likely that a number of southern Councils will want to seek to review their options for the statutory progression of their draft planning schemes.

The STCA Board's position on this matter is encapsulated in the following resolution:

That the STCA continue to investigate, with the Tasmanian Planning Commission and the Minister for Planning ways to ensure that:

- a) the common objective of the State Government and the 12 Councils' to implement new planning schemes consistent with the Southern Regional Land Use Strategy is met
- b) a high proportion of common provisions are included in the new planning schemes
- c) that the process of declaring the new planning schemes is undertaken in a manner which is effective and efficient, that the community perceive is fair and equitable and that results in legally robust planning schemes that have minimal risk of being subject to future legal challenge as a consequence of the process adopted for their declaration
- d) whichever solution is adopted must allow Councils to implement local strategic planning, subregional strategic planning and the outcomes of the regional Industrial Land Study
- e) Councils, acting as planning authorities, can be indemnified for any loss, or potential loss, from adopting the interim planning scheme process as the method of having their new planning schemes declared
- f) that should legislative change be required to bring about any of the above changes that it be introduced to Parliament at the earliest opportunity

Many of our Councils are counting on their new schemes constituting a complete overhaul of their existing schemes. Getting their new scheme 'right' is considered by most Councils to be a higher priority than getting their new scheme in force quickly through the interim planning scheme mechanism.

The Councils are also well aware of the potential disruption that will be caused to the development community if interim planning schemes, once promulgated, need to then go through a lengthy period of modification and re-assessment to include local and sub-regional strategies.

There is also some disquiet among Councils regarding relying on the view of TPC officers in what is essentially a job for solicitors, in terms of assessing which proposed changes to planning schemes do or do not fall foul of the Solicitor General's advice.

Finally, Councils must have a legally robust process for delivering their new planning schemes. Our legal advice points out that there are 'many imponderables' within the new interim scheme provisions of the Land Use Planning and Approvals Act 1993. This does not provide us with complete confidence that this pathway will deliver the outcomes the STCA Board has resolved to pursue

The 'traditional' pathway is tried and tested and known to be legally sound. It does not deny 'due process' to anyone at any stage, and is therefore politically defensible.

I hope that the above information provides you with an understanding of the southern Councils current concerns regarding issues around the interim planning scheme process, and their desire to have the option to work with both the TPC and the Minister's office to agree a declaration process that is effective and efficient, that the community perceive is fair and equitable and that results in legally robust planning schemes that have minimal risk of being subject to future legal challenge as a consequence of the process adopted for their declaration.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'D. Hunn', with a horizontal line extending to the right.

David Hunn

Joint CEO

Southern Tasmanian Councils Authority

c.c. Chris Warr
Advisor - Mining, Marine Resources (Commercial & Recreational), Planning
Level 10,
15 Murray Street, Hobart
HOBART TAS 7001

TASMANIAN PLANNING COMMISSION



Southern Regional Planning Project

Consideration of Active Rezoning and Strategic Changes

Issue

The Tasmanian Planning Commission (the Commission) has obtained advice from the Solicitor General that outlines that:

- the main focus of the draft interim planning scheme process is introducing consistency at regional and state levels;
- the translation of the current planning schemes into the format required by the planning directives is acceptable; and
- any changes beyond those considered a translation must be 'reasonably necessary' to be consistent with and further the objectives and outcomes of the Regional Land Use Strategy (see s.30E(6) of LUPAA).

Opportunity for Advisory Committee to provide Advice

The Commission's Interim Planning Schemes Advisory Committee (the Advisory Committee) has offered to assist the Southern Region by considering a select group of examples from Councils of potential 'active rezonings' or other strategic changes.

The Advisory Committee does not have the resources to consider a large number of examples, but is able to consider up to a total of 15 examples from the Region.

Councils will be requested by the Project Manager of the Southern Regional Planning Project to provide any examples. The Project Manager will then provide the examples to the Advisory Committee for consideration.

What is required?

For the Advisory Committee to fully consider the examples, it will require the following information.

For Active Rezonings:

- Map of subject area showing proposed zone, any relevant overlays, and surrounding zones.
- Map of subject area showing current zone, any relevant overlays, and surrounding zones.
- Extract of key zone provisions (including use tables) that will apply to the land.
- A short assessment of how the proposed rezoning furthers the objectives and outcomes of the Regional Land Use Strategy with specific reference to relevant policies/actions/outcomes.

For other Strategic Changes:

- Extract of proposed provisions.
- Extract of current provisions.
- A short assessment of how the proposed change furthers the objectives and outcomes of the Regional Land Use Strategy with specific reference to relevant policies/actions/outcomes.

TASMANIAN PLANNING COMMISSION



Our ref: FOL/12/325
Officer: Greg Alomes
Phone: 6233 2795
Email: enquiry@planning.tas.gov.au

21 November 2012

Mr David Hunn
Joint CEO
Southern Tasmanian Councils Authority
GPO Box 503E
HOBART TAS 7001

Dear Mr Hunn

APPROVAL PATHWAY FOR DRAFT PLANNING SCHEMES

Thank you for your letter dated 16 November 2012 outlining the commitment of the STCA Board and its 12 member Councils to completing the drafting of new planning schemes and clarifying the Board's current position in regard to the interim planning scheme process, especially in relation to the consequences of legal advice received by the Commission.

There are two points that may assist your Board and Councils with their understanding of the interim planning scheme process. I previously made these points verbally at the Southern Regional Planning Steering Committee immediately after receiving the legal advice.

The first point is that the legal advice confirmed that the Minister for Planning has 'legislative power' through provisions in the *Land Use Planning and Approvals Act 1993* (LUPAA) to declare interim planning schemes and for declared interim schemes to be operational from the date the declaration is gazetted. By contrast, Councils (in preparing draft schemes) and the Commission (in providing advice on draft schemes), operate under 'administrative powers' as assigned in LUPAA.

The Parliament assigned these powers to the Minister in the 2010 amendments to LUPAA in line with the Memoranda of Understanding signed between the Minister, the STCA and Southern Councils. The Commission's legal advice has consistently reiterated the powers of the Minister and highlighted that the Minister is not acting in accordance with an 'administrative power' which may be subject to judicial review.

Declaration of the Launceston Interim Planning Scheme 2012 is the first practical example of the Minister exercising this power. The Launceston Interim Scheme has been operational since 17 October 2012.

The second point relates to whether the Commission's legal advice substantially constrains the extent of zoning and other strategic changes in the preparation of draft interim schemes.

Level 3 144 Macquarie Street Hobart Tasmania GPO Box 1691 Hobart TAS 7001
Ph 03 6233 2795 Fax 03 6233 5400 www.planning.tas.gov.au

As you note in your correspondence, the legal advice in relation to zoning changes came very late in the process. It arose when the Commission received draft interim schemes with zoning maps from northern Councils in April this year. This was the first opportunity the Commission had to review proposed zoning changes.

The practical effect of the legal advice is that a professional planning judgment is required to determine a draft interim scheme's compliance with statutory requirements in LUPAA, including provisions relating to the regional land use strategy.

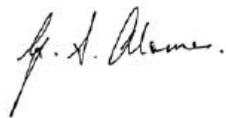
The Commission has facilitated this through its Interim Planning Scheme Advisory Committee and delegating the Advisory Committee responsibility to review draft interim planning schemes. This process commenced with the review of draft interim schemes prepared by northern Councils.

The Advisory Committee has developed a consistent methodology and process for this review task and providing advice to the region, Councils and the Minister. As you are aware, the Advisory Committee is now working with the STCA's Project Manager and has provided an overview of its methodology in correspondence to the Project Manager.

As recently agreed at the Southern Regional Planning Steering Committee, Southern Councils can benefit from the Commission's experience with draft interim schemes in the northern region by providing a selection of possible zoning and other strategic changes to the Advisory Committee for examination. This is the most practical means to clarify the likely extent of the issue in draft southern schemes.

I trust both points assist in clarifying the way forward.

Yours sincerely



Greg Alomes
EXECUTIVE COMMISSIONER

12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

12.1 ROADS

Strategic Plan Reference – Page 13

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

12.1.1 Midland Highway, Constitution Hill – Speed Limit (Department of Infrastructure, Energy and Resources)

File Ref:

AUTHOR GENERAL MANAGER
DATE 22nd NOVEMBER 2012

ISSUE

Council to provide comment (if any) to the Department of Infrastructure, Energy and Resources on the proposal to increase the speed limit down Constitution Hill (southbound) from 80 to 90 kilometres per hour.

BACKGROUND

Nil.

DETAIL

The Department has written to Council seeking its comments, as representative of community views, to increase the speed limit on the Midland Highway down Constitution Hill from 80 to 90 km/h.

The section of the highway in question is some 3.8 kilometres long, extending from Dysart to the northern edge of Bagdad. The Midland Highway has a 110 km/h speed limit to the north of Dysart and an 80 km/h speed limit through Bagdad to the south. It is not proposed to make any changes to the existing 100 km/h speed limit going up Constitution Hill from Bagdad to Dysart.

To the best of my knowledge, the speed limit was reduced approximately five years ago following a multiple fatality at Dysart. Subsequent to this accident, the Midland Highway on Constitution Hill had a median barrier installed several years ago to eliminate the risk

of head-on crashes. In the last five years (2007-2011) there have only been four reported crashes on the Midland Highway (southbound) between Dysart and Bagdad and these all resulted in property damage only.

Human Resources & Financial Implications – Nil.

Community Consultation & Public Relations Implications – In terms of community opinion, a major concern has been the use of engine brakes in this location. Any increase in speed limit will alleviate the need to use engine brakes.

It is assumed that during periods where there is ice/snow or other adverse weather conditions, the electronic signage boards will be activated to recommend a reduced speed limit on a temporary basis.

Policy Implications – N/A.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT Council endorse the proposal to increase the speed limit on the Midland Highway down Constitution Hill from 80 to 90 kilometres per hour.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

12.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

12.3 WALKWAYS, CYCLE WAYS AND TRAILS

Strategic Plan Reference – Page 14

- 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 – Page 14

- 1.4.1a Improve lighting for pedestrians.
- 1.4.1b Contestability of energy supply.

Nil.

12.5 SEWERS

Strategic Plan Reference – Page 15

- 1.5.1 Increase the number of properties that have access to reticulated sewerage services.

Nil.

12.6 WATER

Strategic Plan Reference – Page 15

- 1.6.1 Increase the number of properties that have access to reticulated water.

Nil.

12.7 IRRIGATION

Strategic Plan Reference – Page 15

- 1.7.1 Increase access to irrigation water within the municipality.

Nil.

12.8 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

12.9 WASTE

Strategic Plan Reference – Page 16

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

Nil.

12.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16

1.10.1 Improve access to modern communications infrastructure.

Nil.

12.11 SIGNAGE

Strategic Plan Reference – Page 16

1.11.1 Signage that is distinctive, informative, easy to see and easy to understand.

Nil.

12.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

12.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES

DATE 22ND NOVEMBER 2012

ROADS PROGRAM

Maintenance Grading – Campania, Colebrook, York Plains, Nala and Inglewood areas.

Bitumen Patching – Woodsdale, Stonor and York Plains areas.

Culvert Cleaning – Woodsdale and Tunnack areas.

Tree Trimming – New Country Marsh Road

Roadside slashing to commence within next fortnight starting in the Tunbridge area, then heading south.

Roads to Recovery works on Rhyndaston Road has commenced. Trees have been cleared and road widening site distance works well underway. These works will be completed within the next fortnight, followed by guard rail installation. Councillors may recall that this was for the first section where the accident occurred. The intention was to excavate enough away to allow a section of guard rail to be installed and give a better line of sight through the corner.

BRIDGE PROGRAM

Elderslie Road – old bridge has now been removed and fencing works has commenced around the old section of bridge site.

WASTE MANAGEMENT PROGRAM

Increased waste being deposited at waste transfer stations. Extra collections will be required at most sites.

TOWN FACILITIES PROGRAM

Due to increasing visitor numbers, arrangements will be made to introduce a garbage collection and toilet cleaning service on Saturday mornings.

Swimming Pool has been prepared for the forthcoming season.

Grass mowing still required in all areas.

Blackbrush Road - Suggestion of Walkway By Richard Barnes

Refer to a copy of the correspondence attached and more specifically item 4. Mr Barnes suggested that Council should construct a walkway between Mountford Drive and Banticks Lane and the attached A4 coloured maps of the site.

The Manager Works & Technical Services (Jack Lyall) & Councillor M Jones OAM may wish to convey their views following an on-site discussion with Mr Barnes. Item to be discussed so that a response to Mr Barnes can be provided.

WORKS SERVICES PROGRAM

Staff Leave/Resignations/Appointments

- Nil.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

13.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

13.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

13.3 BUSINESS

Strategic Plan Reference – Page 19

2.3.1a Increase the number and diversity of businesses in the Southern Midlands.
2.3.1b Increase employment within the municipality.
2.3.1c Increase Council revenue to facilitate business and development activities (social enterprise)

Nil.

13.4 INDUSTRY

Strategic Plan Reference – Page 20

2.4.1 Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands.

Nil.

13.5 INTEGRATION

Strategic Plan Reference – Page 21

2.5.1 The integrated development of towns and villages in the Southern Midlands.

Nil.

14 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

14.1 HERITAGE

Strategic Plan Reference – Page 22

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

14.1.1 Heritage Project Officer’s Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)
DATE 28TH NOVEMBER 2012

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

During the past month, Southern Midlands Council heritage projects have included:

- Maintenance works have been undertaken on the Oatlands Gaoler’s Residence and Oatlands Town Hall.
- Preparations for the removal of the Oatlands Gaol arch are being finalised (demolition to be complete by mid-December).
- Providing support on statutory heritage issues.
- Rowena McDougall has almost completed the first round of public days as part of the Southern Midlands Community Heritage Archive Project
- Alan Townsend has been continuing the Southern Midlands Probation Stations Project, with assistance from volunteer Will Peart.
- Final fitout for the Gaoler’s Residence is nearing completion. Karen Bramich is currently working with the interpretation consultant on these final stages.
- The Conservation Management Plan for the Commissariat and 79 High Street is progressing.

- Comments are being formulated on the Draft Aboriginal Heritage Protection Bill 2012. A report on this will be given to Council’s December meeting.
- Planning for the 2013 summer archaeology program is progressing. It is expected that an open day will be held on February 10th.

Note that the letter to the Legislative Council regarding the proposed ‘eleventh hour’ amendments to the Historic Cultural Heritage Bill 2012 was sent after endorsement last Council meeting. It has been indicated that the issues raised (by SMC and others in the heritage industry and local government) have been taken on-board and that those amendments which were opposed have been removed from consideration. The bill is expected to pass the Legislative Council on 22nd November, with proclamation in April 2013. Brad Williams and Damian Mackey are monitoring consequences for Council closely (all expected to be positive).

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

14.1.2 National Trust (Tasmania) – Potential for Agreement Re: Conservation/Restoration Appeal for Commissariat Store (79 High Street, Oatlands)

AUTHOR GENERAL MANAGER
 DATE 22nd NOVEMBER 2012

ISSUE

Council to consider entering into a formal Agreement with the National Trust (Tasmania) to establish an appeal to conserve/restore the Commissariat Store, 79 High Street, Oatlands.

BACKGROUND

Nil.

DETAIL

Report to be circulated prior to the meeting.

Human Resources & Financial Implications – Detail to be provided.

Community Consultation & Public Relations Implications – Comment to be provided.

Council Web Site Implications: N/A

Policy Implications – N/A.

Priority - Implementation Time Frame – Immediate commencement.

RECOMMENDATION

To be submitted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

14.2 NATURAL

Strategic Plan Reference – Page 23

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

14.2.1 Landcare Unit – General Report

AUTHORS NRM PROGRAMS MANAGER (M WEEDING)

DATE 13TH NOVEMBER 2012

ISSUE

Southern Midlands Landcare Unit Monthly Report

DETAIL

- Rod Bowerman is currently spraying for horehound, gorse and broome on area adjacent to the Dulverton Walking Track.
- Work on the Bushlinks 500 project continues. Site planning and field data is being collected at the project sites.
- The CEEP (Community Energy Efficiency Program) Project to retrofit the Town Hall for energy efficiency is progressing.
- A meeting of the Little Swanport Catchment Committee is scheduled for Thursday 15th November at 7.00 p.m. The meeting is to provide an update to landholders of NRM activities and give an overview of the publication *The Value of Water in a Drying Climate*. This book was commenced around 5 years ago, but was only recently completed. The Little Swanport catchment is the main case study in the publication.
- Work continues in relation to Lake Dulverton foreshore – with the shelter hut due to be installed within the next two weeks.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

14.3 CULTURAL

Strategic Plan Reference – Page 23

3.3.1a Increase the retention, documentation and accessibility of the aboriginal convict, rural and contemporary culture of the Southern Midlands.

3.3.1b Ensure that the Cultural diversity of the Southern Midlands is maximised.

Nil.

14.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 24

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

Nil.

14.5 CLIMATE CHANGE

Strategic Plan Reference – Page 24

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 LIFESTYLE

15.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 25

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

Nil.

15.2 YOUTH

Strategic Plan Reference – Page 25

4.2.1 Increase the retention of young people in the municipality.

Nil.

15.3 SENIORS

Strategic Plan Reference – Page 26

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

Nil.

15.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 26

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 – Page 26

4.5.1 Encourage community members to volunteer.

Nil.

15.6 ACCESS

Strategic Plan Reference – Page 27

4.6.1a Continue to explore transport options for the Southern Midlands Community.

4.6.1b Continue to meet the requirements of the Disability Discrimination Act.

Nil.

15.7 PUBLIC HEALTH

Strategic Plan Reference – Page 27

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

15.8 RECREATION

Strategic Plan Reference – Page 28

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 – Page 28

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

15.9.1 Animal Control Officers Report

File Ref: 3/027

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 20TH NOVEMBER 2012

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

Refer Monthly Statement on Animal Control for period ending 31st October 2012.

BAGDAD: I refer to last month’s report regarding this matter, and wish to advise that as a result of detailed investigation the offending dog has been identified and disposed of. Both parties are in agreement with my action

RECOMMENDATION

THAT the Animal Control Officer’s Monthly report be received.

DECISION

Vote For	Councillor	Vote Against
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 31/10/2012**

Total of Dogs Impounded: 7
Dogs still in the Pound: -

Breakdown Being:

ADOPTED	RECLAIMED	LETHALISED	ESCAPED
4	3		

MONEY RECEIVED

Being For:

Pound	_____
Reclaims	_____
	\$700.88
Dog Registrations	_____
	\$120.00
Kennel Licence Fee	_____
Infringement Notices	_____
Complaint Lodgement Fee	_____
TOTAL	<u>\$820.88</u>

COMPLAINTS RECEIVED FOR PERIOD ENDING 31/10/2012

Dog at Large: 4
Dog Attacks: 1
Request Pick-ups: 1
After Hours Calls: 4
TOTAL 10

Number of Formal Complaints Received: -
Number of Infringement Notices Issued: 3

Animal Control Officer: **Garth Denne**

15.10 EDUCATION

Strategic Plan Reference – Page 28

4.9.1 Increase the educational and employment opportunities available in the Southern Midlands.

Nil.

16 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

16.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

16.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 29

5.2.1 Build the capacity of the Community to help itself and embrace the framework and strategies articulated by the Social Inclusion Commissioner to achieve sustainability.

Nil.

16.3 SAFETY

Strategic Plan Reference – Page 30

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

16.3.1 State Emergency Service – Memorandum of Understanding (Partnership Agreement)

AUTHOR GENERAL MANAGER
DATE 20th NOVEMBER 2012

ENCLOSURE: Draft Partnership Agreement.

ISSUE

Council to consider and endorse draft Partnership Agreement between the State Emergency Service and Southern Midlands Council.

BACKGROUND

This MOU will replace the initial Agreement which was entered into in approximately five years ago and has since expired.

DETAIL

The MOU is for a period of three years and is due to commence in January 2013. Annual reviews are to be undertaken to confirm successful performance of responsibilities and identify and issues for discussion.

In terms of Council responsibility there has been no significant change and basically extends to:

- Insurance of vehicle(s) and equipment;
- Operational and maintenance costs of above;
- Provision of training venues and facilities (the Unit primarily uses the Oatlands Police Station and Kempton Fire / SES Station. Practical activities are normally undertaken within the depot/storage yard.
- Provide an annual budget for operations and basic consumables, which is offset by receipt of monies from the Motor Accident Insurance Board (\$250 per call-out);
- Capital contributions to replace rescue equipment and vehicles (level of contribution subject to available budget and negotiation with SES).

Note: No costs in relation to electricity, rates or rent as these are met by either Tasmania Police (Oatlands based Unit) or Tasmania Fire Service (Kempton based Unit).

Human Resources & Financial Implications – Council provides an operational budget of \$16,175 less estimated receipts of \$12,000 from MAIB. A standard \$3,000 is allocated in the Capital Budget for replacement / purchase of equipment.

For information, the Road Rescue Unit had 49 call-outs involving 192 operational hours during the 2010-11 period. This was an increase in the number of incidents (42 incidents in 2009-10) but a reduction in operational hours (273 operational hours in 2009/10).

Community Consultation & Public Relations Implications – Positive.

Policy Implications – N/A

Priority - Implementation Time Frame – The MOU is due to commence in January 2013.

RECOMMENDATION

THAT Council endorse signing the Memorandum of Understanding between the State Emergency Service and Southern Midlands Council.

DECISION

Vote For	Councillor	Vote Against
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

16.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

16.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

17.1 IMPROVEMENT

Strategic Plan Reference – Page 31	
6.1.1	Improve the level of responsiveness to Community needs.
6.1.2	Improve communication within Council.
6.1.3	Improve the accuracy, comprehensiveness and user friendliness of the Council asset management system.
6.1.4	Increase the effectiveness, efficiency and use-ability of Council IT systems.
6.1.5	Develop an overall Continuous Improvement Strategy and framework

17.1.1 Proposed Southern Midlands Council Policies

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)

DATE 20TH NOVEMBER 2012

ATTACHMENT Ref to the attachments provided at last month’s meeting, namely

1. Tasmanian Audit Office Survey Fraud Control in Local Government
2. Draft Fraud Control Policy
3. Draft Code of Conduct for Councillors & Employees
4. Draft Gifts, Bribes & Benefits Policy
5. Public Interest Disclosures Act 2002 Procedures

ISSUE
Business Process Improvements - Fraud Prevention

CURRENT
The abovementioned documents attached as draft policies were tabled at the October 2012 Council meeting for Council’s consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then “lays on the table” until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the policy, before the document is finally considered for adoption at the following meeting.

REPORT TO THE PREVIOUS COUNCIL MEETING

BACKGROUND
The Tasmanian Audit Office (TAO) circulated a questionnaire/survey to all Tasmanian Councils in July/August 2012 seeking advice as to the fraud control arrangements that Councils have in place. The Southern Midlands Council response is attached as Attachment 1. In his response to the TAO, the General Manager advised that whilst there has been no fraud related matters that have ever been detected at the Southern Midlands Council, the questionnaire has prompted a review of relevant policies and procedures in dealing with such matters.

For the purposes of the survey, the TAO advised that they adopted the following definition of fraud;

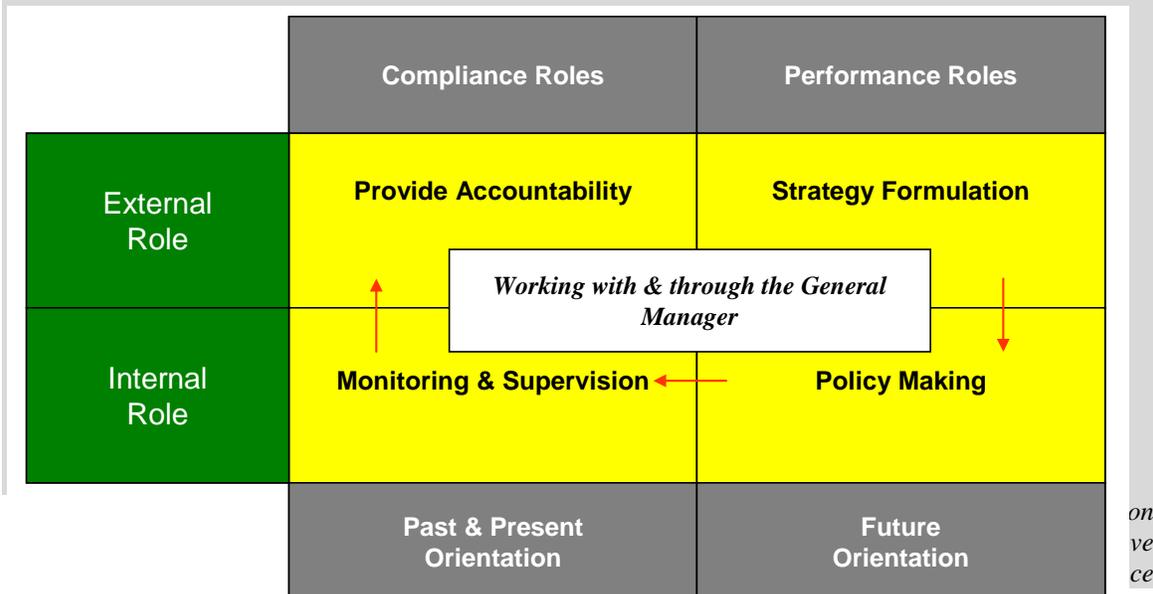
Fraud is dishonesty obtaining a benefit by deception or other means. The definition of fraud includes suspected fraud, incidents under investigation and completed incidents, whether the fraud was proved or not and whether the incident was dealt with by a criminal, civil or administrative remedy.

The survey questionnaire included the following key areas;

1. *Fraud Risk Assessments*
2. *Fraud Control Plan*
3. *Fraud Awareness Training*
4. *Computer Assisted Techniques to identify Fraud Indicators*
5. *Gifts & Benefits*
6. *Secondary Employment*
7. *Conflicts of Interest*
8. *Code of Conduct*
9. *Pre-employment Checks*
10. *Employees Taking Leave*
11. *Lessons Learned from Fraud Penetration*

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

The diagram below along with its explanation has been the subject of previous presentations to Council; however, it is meaningful to reflect on this governance framework when policy documents are presented to Council. As part of this framework it is important for Council to be aware of and monitor audits and related governance review mechanisms that are undertaken within the organisation, based on Council’s strategies and policies.



Tricker, R., International Corporate Governance: Text Readings and Cases, New York: Prentice Hall, 1994, p.149.

DETAIL

Following the above mentioned TAO questionnaire/survey response, the General Manager asked the Manager Community & Corporate Development to review the information and prepare a suite of policies and procedures to address any deficiencies. The following represent the range of actions specific to the TAO areas of concern;

1. Fraud Risk Assessments

A separate component of the SMC Risk Register has been set aside to address fraud risk and will be populated as part of a workshop activity with Council staff over the next two months. It is noted that a number of the areas of concern were already included in various business function risk categories within the risk register – Council will be provided a copy of the Fraud Prevention tranche of the SMC Risk Register when it has been completed. To assist the Council officers in their consideration of these matters, information will, be drawn from a NSW State Government risk assessment manual. A number of matters that form part of that document have been used in the recently approved SMC Computer Use Policy

2. Fraud Control Plan

Attached for Councils consideration/approval is a draft Fraud Control Policy, this policy includes the following elements;

2.1 Fraud Control Investigation Procedure.

2.2 Fraud Prevention Strategy.

2.3 Fraud Detection and Risk Management Strategy.

3. Fraud Awareness Training

Following approval of the suite of fraud related policies and procedures a structured training program will be delivered to all SMC team members

4. Computer Assisted Techniques to Identify Fraud Indicators

The computer assisted data mining referred to will be an outcome of the risk assessment and be addressed in the risk treatment plans within the risk register

5. Gifts & Benefits

Attached for Councils consideration/approval is a draft Gifts, Bribes & Benefits Policy

6. Secondary Employment

This matter is not currently addressed in Council's human resource management (HRM) policies. The policies are currently being reviewed and the full suite of HRM policies will be presented to Council for consideration/adoption during the next three months

7. Conflicts of Interest

Attached for Councils consideration/approval is a draft Code of Conduct Policy that has been redrafted to included conflicts of interest.

8. Code of Conduct

Attached for Councils consideration/approval is a draft Code of Conduct Policy. It is noted that the existing Code of Conduct only refers to elected members; therefore it has been changed to also include Council staff

9. Pre-employment Checks

Pre-employment checks are undertaken for high risk positions and are an integral component of the existing SMC HRM suite of policies

10. Employees Taking Leave

SMC staff are not required to take at least two weeks leave per year, however any potential risks are mitigated through the risk register and vigilance on the part of the General Manager in relation to fraud prevention.

11. Lessons Learned from Fraud Penetration

Lessons have been learned from fraud penetration in local government across the country; however it is pleasing to note that no fraudulent activities have been recorded in Southern Midlands Council since its formation in 1993

In developing the aforementioned policies a requirement to develop procedures that relate to the Public Interest Disclosures Act 2002 have been identified. Therefore a document with those procedures contained within it has been included for Council's consideration/approval. It is noted that the procedures also refer to requirements under the Integrity Commission Act 2009.

As a requirement of the Public Interest Disclosures Act 2002, Council is required to appoint a Public Interest Disclosure Officer. It is recommended that the General Manager be appointed to the position of Public Interest Disclosure Officer, given he is currently the authorised officer under the Right to Information Act 2009, which is also referred to with these procedures.

RECOMMENDATION

THAT Council

- 1 Receive and note the report;**
- 2 Receive the draft Fraud Control Policy for consideration at the November 2012 Council meeting;**
- 3. Receive the revised Code of Conduct Policy for consideration at the November 2012 Council meeting;**
- 4. Receive the draft Gifts, Bribes & Benefits Policy for consideration at the November 2012 Council meeting;**
- 5. Receive the Public Interest Disclosures Act 2002 Procedures for consideration at the November 2012 Council meeting; and**
- 6. Appoint the General Manager to the role of Public Interest Disclosure Officer in accordance with the Public Interest Disclosures Act 2002.**

Given the report and the associated draft policies have been available for review by Councillors for the last month it is recommended that final input be sought, amendments be considered, the documents be amended if required and then the draft documents including amendments if agreed, be adopted as policy.

RECOMMENDATION

THAT Council

- 1 Receive and note the report;**
- 2 Receive the draft Fraud Control Policy, including any subsequent amendments, for adoption as Council’s Fraud Control Policy;**
- 3. Receive the revised Code of Conduct Policy, including any subsequent amendments, for adoption as Council’s Code of Conduct Policy;**
- 4. Receive the draft Gifts, Bribes & Benefits Policy, including any subsequent amendments, for adoption as Council’s Gifts, Bribes & Benefits Policy; and**
- 5. Receive the Public Interest Disclosures Act 2002 Procedures, including any subsequent amendments, for adoption as Council’s Public Interest Disclosures Act 2002 Procedures.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

17.2 SUSTAINABILITY

Strategic Plan Reference – Page 32 & 33

- | | |
|-------|--|
| 6.2.1 | Retain corporate and operational knowledge within Council. |
| 6.2.2 | Provide a safe and healthy working environment. |
| 6.2.3 | Ensure that staff and elected members have the training and skills they need to undertake their roles. |
| 6.2.4 | Increase the cost effectiveness of Council operations through resource sharing with other organisations. |
| 6.2.5 | Continue to manage and improve the level of statutory compliance of Council operations. |
| 6.2.6 | Ensure that suitably qualified and sufficient staff are available to meet the Communities needs. |
| 6.2.7 | Work co-operatively with State and Regional organisations. |
| 6.2.8 | Minimise Councils exposure to risk. |

Nil.

17.3 FINANCES

Strategic Plan Reference – Page 33 & 34

- 6.3.1 Maintain current levels of community equity.
- 6.3.2 Major borrowings for infrastructure will reflect the inter-generational nature of the assets created.
- 6.3.3 Council will retain a minimum cash balance to cater for extra-ordinary circumstances.
- 6.3.4 Operating expenditure will be maintained in real terms and expansion of services will be funded by re-allocation of service priorities or an increase in rates.
- 6.4.4 Sufficient revenue will be raised to sustain the current level of community and infrastructure services.

17.3.1 Monthly Financial Statement (October 2012)

File Ref: 3/024

AUTHOR FINANCE OFFICER
DATE 22nd NOVEMBER 2012

Refer enclosed Report incorporating the following: -

- a) Current Expenditure Estimates
- b) Capital Expenditure Estimates

Note: Refer to enclosed report detailing the individual capital projects.

- c) Rates & Charges Summary – as at 13th November 2012
- d) Cash Flow Statement – July to October 2012.

Note: Expenditure figures provided are for the period 1st July to 31st October 2012 – approximately 34% of the period.

Comments

A. Current Expenditure Estimates (Operating Budget)

Strategic Theme – Infrastructure

- **Sub-Program – Drainage** - expenditure to date (\$21,340 – 64.42%). General maintenance of drainage systems across various towns in municipal area. Budget to be monitored.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$4,671 – 92.13%). Includes approx. \$3,000 of Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee. The Station is awaiting an electrician to investigate and confirm separate metered connection.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2012/13

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31 OCT 2012 34%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	1291666	1291666	428002	863664	33.14%
Bridges	81313	81313	10483	70830	12.89%
Walkways	167192	167192	45571	121621	27.26%
Lighting	82035	82035	21361	60674	26.04%
Irrigation	2450	2450	0	2450	0.00%
Drainage	33128	33128	21340	11788	64.42%
Waste	507046	507046	145261	361785	28.65%
Public Toilets	49580	49580	18538	31042	37.39%
Communications	0	0	0	0	0.00%
Signage	12300	12300	3328	8972	27.06%
INFRASTRUCTURE TOTAL:	2226710	2226710	693884	1532826	31.16%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	759628	759628	231517	528111	30.48%
Tourism	34110	34110	12201	21909	35.77%
Business	66250	66250	16936	49314	25.56%
Agriculture	5256	5256	108	5148	2.06%
Integration	27600	27600	0	27600	0.00%
GROWTH TOTAL:	895744	895744	260762	634982	29.11%
LANDSCAPES					
Heritage	293347	293347	88583	204764	30.20%
Natural	132062	132062	42256	89806	32.00%
Cultural	0	0	0	0	0.00%
Regulatory	759930	759930	222658	537272	29.30%
Climate Change	39418	39418	9700	29718	24.61%
LANDSCAPES TOTAL:	1224757	1224757	363197	861560	29.65%
LIFESTYLE					
Youth	177469	177469	39847	137622	22.45%
Aged	1500	1500	717	783	47.83%
Childcare	16535	16535	5261	11274	31.82%
Volunteers	41311	41311	4433	36878	10.73%
Access	6405	6405	0	6405	0.00%
Public Health	7665	7665	315	7350	4.10%
Recreation	348300	348300	125552	222748	36.05%
Animals	67690	67690	23889	43801	35.29%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	666875	666875	200015	466860	29.99%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	26025	26025	5998	20027	23.05%
Safety	51400	51400	14136	37264	27.50%
Consultation	5070	5070	4671	399	92.13%
Communication	15125	15125	1018	14107	6.73%
COMMUNITY TOTAL:	97620	97620	25823	71797	26.45%
ORGANISATION					
Improvement	5850	5850	0	5850	0.00%
Sustainability	1326000	1326000	505811	820189	38.15%
Finances	227585	227585	62574	165011	27.49%
ORGANISATION TOTAL:	1659435	1659435	568385	991050	36.45%
TOTALS	6671141	6671141	2112066	4559075	31.66%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2012-13
AS AT 31 OCTOBER 2012

INFRASTRUCTURE	ROAD ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	Resealing Program	\$ 700,000	\$ 259,051	\$ 440,949	
	Reeal Program	\$ 350,000	\$ -	\$ 350,000	
	Reconstruct & Seal	\$ 20,000	\$ -	\$ 20,000	
		\$ 80,000	\$ -	\$ 80,000	
		\$ 45,000	\$ -	\$ 45,000	
		\$ 80,000	\$ 39,878	\$ 40,122	
		\$ 45,000	\$ -	\$ 45,000	
		\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 10,000	\$ -	\$ 10,000	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 20,000	\$ -	\$ 20,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 6,637	\$ -	\$ 6,637	
		\$ 50,000	\$ -	\$ 50,000	
		\$ 6,000	\$ -	\$ 6,000	
		\$ 25,600	\$ -	\$ 25,600	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 10,000	\$ -	\$ 10,000	
		\$ 8,000	\$ -	\$ 8,000	
		\$ 8,000	\$ -	\$ 8,000	
		\$ 5,200	\$ -	\$ 5,200	50% Balance - Property Owner
		\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 20,000	\$ -	\$ 20,000	
		\$ 35,000	\$ 12,646	\$ 22,354	
		\$ 110,000	\$ 32,061	\$ 77,939	
		\$ 60,000	\$ 58,680	\$ 1,320	
		\$ 10,000	\$ 300	\$ 9,700	
		\$ 1,799,437	\$ 402,616	\$ 1,396,821	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2012-13
AS AT 31 OCTOBER 2012

BRIDGE ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
Chauncy Vale Road (Browns Cave Creek B3763)	\$ 51,320	\$ -	\$ 51,320	
Daniells Road - Marshalls Ck	\$ 26,440	\$ -	\$ 26,440	
Swanston Road - Little Swanport Rv (B 1716)	\$ 40,000	\$ -	\$ 40,000	Design Only
Elton Road - Burns Creek (B436)	\$ 87,340	\$ 80,883	\$ 6,357	
Works in Progress (30/6/12):				
Elderslie Rd (Grahams Creek Bridge)	\$ -	\$ 1,231	\$ -1,231	
Elderslie Rd (Jordan River Bridge)	\$ 804,160	\$ 778,415	\$ 25,745	
Fields Road (No. 1851)	\$ -	\$ 1,469	\$ -1,469	
Rotherwood Road Bridge (No. 1137)	\$ 57,000	\$ 1,663	\$ 55,347	
	\$ 1,086,260	\$ 883,751	\$ 202,509	
WALKWAYS				
Footpaths - General (Program to be confirmed)	\$ 130,000	\$ -	\$ 130,000	
Bagdad Township	\$ 50,000	\$ 4,969	\$ 45,031	
- East Bagdad Road (Le Comptie to Highway)	\$ 25,000	\$ -	\$ 25,000	
- Swan Street	\$ -	\$ -	\$ -	
Campania Township	\$ 10,000	\$ -	\$ 10,000	
- Reeve Street (Vicinity of Store)	\$ 5,000	\$ -	\$ 5,000	
Kempton Township	\$ 5,000	\$ -	\$ 5,000	
- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	\$ -	\$ -	\$ -	
- Huntingford Road (to School)	\$ 5,500	\$ -	\$ 5,500	
- Kempton Hall (rear of Hall)	\$ 4,000	\$ -	\$ 4,000	
- Main Street - Elizabeth St to Shop (excl front of Hotel)	\$ 14,445	\$ -	\$ 14,445	
Margaloe Township	\$ 16,500	\$ -	\$ 16,500	
- Blackloun Road (Mountford Drive down - 300 mm pipe - 110 metres)	\$ -	\$ -	\$ -	
Oatlands Township	\$ 7,000	\$ -	\$ 7,000	
- High Street (Tree Planting)	\$ -	\$ -	\$ -	
Turnack Township	\$ 7,000	\$ -	\$ 7,000	
- Various (to be confirmed)	\$ -	\$ -	\$ -	
	\$ 274,445	\$ 4,969	\$ 269,476	
NI Projects	\$ -	\$ -	\$ -	
	\$ -	\$ -	\$ -	
DRAINAGE				
Bagdad	\$ 18,000	\$ 6,889	\$ 11,101	Carry Forward
- Hall Lane (opp Community Club)	\$ 21,882	\$ -	\$ 21,882	
- Swan Street - Kerb & Gutter (eastern side - 250 metres)	\$ 39,388	\$ -	\$ 39,388	
- Swan Street - Kerb & Gutter (western side - 400 metres)	\$ 10,000	\$ -	\$ 10,000	
- North of Le Comptie Place Subdivision	\$ -	\$ -	\$ -	
Kempton	\$ 21,740	\$ -	\$ 21,740	
- Louisa Street	\$ -	\$ -	\$ -	
Oatlands	\$ 5,000	\$ -	\$ 5,000	
- High SWWellington Street Junction	\$ -	\$ -	\$ -	
Works in Progress (30/6/12):				
Reeve St (Open Drain - north of Telephone Box)	\$ 28,000	\$ 3,750	\$ 24,250	
Stanley Street, Oatlands (Albert Terrace)	\$ 8,140	\$ 5,312	\$ 2,828	
	\$ 150,150	\$ 15,981	\$ 134,169	
WASTE				
Wheelle Bins & Crates	\$ 5,000	\$ -	\$ 5,000	
Rubbish Receptacles (Heritage) - 15 @ \$700	\$ 10,500	\$ 781	\$ 9,719	
	\$ 15,500	\$ 781	\$ 14,719	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2012-13
AS AT 31 OCTOBER 2012

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
PUBLIC TOILETS				
	\$ 5,000	\$ -	\$ 5,000	Carry Forward
	<u>\$ 5,000</u>	<u>\$ -</u>	<u>\$ 5,000</u>	
SIGNAGE				
	\$ 25,000	\$ -	\$ 25,000	Carry Forward
	<u>\$ 25,000</u>	<u>\$ -</u>	<u>\$ 25,000</u>	
RESIDENTIAL				
	\$ -	\$ -	\$ -	
	<u>\$ -</u>	<u>\$ -</u>	<u>\$ -</u>	
TOURISM				
	\$ 4,000	\$ -	\$ 4,000	Carry Forward
	<u>\$ 4,000</u>	<u>\$ -</u>	<u>\$ 4,000</u>	
HERITAGE				
	\$ 22,767	\$ 2,030	\$ 20,737	
	\$ 15,000	\$ 10,865	\$ 4,135	
	\$ 22,000	\$ -	\$ 22,000	
	\$ 96,000	\$ 38,701	\$ 57,299	Grant Funded
	\$ 8,000	\$ 1,786	\$ 6,214	
	\$ 166,000	\$ -	\$ 166,000	Loan Funded
	<u>\$ 329,767</u>	<u>\$ 53,382</u>	<u>\$ 276,385</u>	
LANDSCAPES				
	\$ 4,000	\$ -	\$ 4,000	Carry Forward
	<u>\$ 4,000</u>	<u>\$ -</u>	<u>\$ 4,000</u>	
REGULATORY				
	\$ 20,000	\$ 7,486	\$ 12,514	
	\$ 3,500	\$ 1,467	\$ 2,033	
	<u>\$ 23,500</u>	<u>\$ 8,954</u>	<u>\$ 14,546</u>	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2012-13
AS AT 31 OCTOBER 2012

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
LIFESTYLE				
RECREATION				
Recreation Committee	\$ 30,000	\$ 1,910	\$ 28,090	
Bagdad Iden Park - Table / Chairs	\$ 2,500	\$ -	\$ 2,500	
Kempston Memorial Hall	\$ 10,000	\$ -	\$ 10,000	
Campania Recreation Ground - Cricket Nets	\$ 36,430	\$ 30,667	\$ 5,763	
Campania Hall - Footpath (adjacent to Hall)	\$ 3,900	\$ -	\$ 3,900	
Campania Hall - Car Park Imp's (incl. part seal)	\$ 35,000	\$ -	\$ 35,000	
Colebrook Recreation Ground (Amenities)	\$ 16,367	\$ -	\$ 16,367	
Midlands Aquatic & Recreation Centre	\$ 75,000	\$ 178,370	\$ (103,370)	
Paratitan Recreation Ground	\$ 2,600	\$ -	\$ 2,600	
	\$ 211,797	\$ 210,946	\$ 851	
COMMUNITY				
Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
	\$ 3,000	\$ -	\$ 3,000	
ORGANISATION				
SUSTAINABILITY				
ADMINISTRATION				
Council Chambers - Building Improvements (\$ for \$)	\$ 15,000	\$ -	\$ 15,000	
Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	
Council Chambers (External Windows - Repaint)	\$ 5,000	\$ -	\$ 5,000	Carry Forward
Computer System (Hardware / Software)	\$ 22,000	\$ 21,029	\$ 971	
Town Hall (Chairs)	\$ 5,000	\$ -	\$ 5,000	
Paintings (ref Mayor)	\$ 2,000	\$ -	\$ 2,000	
Town Hall (General)	\$ 8,286	\$ -	\$ 8,286	
Town Hall (Upstairs) - Rewiring	\$ 5,000	\$ 1,550	\$ 3,450	
Asset Management - Computer Software	\$ 5,000	\$ -	\$ 5,000	
Web Site - Capital Development	\$ -	\$ 9,664	\$ (9,664)	
Minor Plant Purchases	\$ 13,500	\$ 890	\$ 12,610	
WORKS				
Radio System	\$ 2,000	\$ -	\$ 2,000	
Security Key System	\$ 6,000	\$ -	\$ 6,000	
Depot - Glanelg Street (Security Fencing)	\$ 3,000	\$ -	\$ 3,000	
Plant Replacement Program	\$ 494,152	\$ 4,538	\$ 489,616	
Refer separate Schedule (Net Changeover)	\$ 144,000	\$ 88,048	\$ 55,952	
Light Vehicles	\$ -	\$ -	\$ -	
(Trade Allowance - \$240K)	\$ -	\$ -	\$ -	
Excavator (Approx. 2.70 tonne)	\$ 60,000	\$ -	\$ 60,000	
	\$ 804,938	\$ 125,717	\$ 679,221	
GRAND TOTALS	\$ 4,716,794	\$ 1,687,058	\$ 3,029,736	

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

	13/11/2012	13/11/2011
Arrears Brought Forward	\$251,900.24	\$212,537.06
ADD Current Rates and Charges Levied	\$3,936,078.68	\$3,743,108.63
ADD Current Interest	\$20,290.34	\$17,245.06
TOTAL Rates and Charges Demanded	\$4,208,269.26	\$3,972,890.75
LESS Rates and Charges Collected	\$1,790,871.33	\$1,784,278.68
LESS Pensioner Remissions	\$199,005.43	\$183,116.92
LESS Other Remissions	-\$3,557.57	-\$6,205.46
LESS Discounts	\$12,778.60	\$13,009.28
TOTAL Rates and Charges Collected and Remitted	\$1,999,097.79	\$1,974,199.42
UNPAID RATES AND CHARGES	\$2,209,171.47	\$1,998,691.33
	52.50%	50.31%
	47.50%	49.69%
	100%	100%

	INFLOWS (OUTFLOWS) (July 2012)	INFLOWS (OUTFLOWS) (August 2012)	INFLOWS (OUTFLOWS) (Sept 2012)	INFLOWS (OUTFLOWS) (Oct 2012)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities					
Payments					
Employee costs	- 357,728.80	- 242,200.74	- 257,614.56	- 246,751.72	- 1,104,295.82
Materials and contracts	- 360,058.18	- 351,467.48	- 261,700.30	- 212,622.44	- 1,185,848.40
Interest	- 888.14	-	-	-	- 888.14
Other	- 25,513.82	- 16,720.50	- 64,977.79	- 21,855.49	- 129,067.60
	<u>- 744,188.94</u>	<u>- 610,388.72</u>	<u>- 584,292.65</u>	<u>- 481,229.65</u>	<u>- 2,420,099.96</u>
Receipts					
Rates	57,360.96	246,084.53	1,433,837.32	181,502.52	1,918,785.33
User charges	91,304.92	96,850.99	60,105.73	53,106.70	301,368.34
Interest received	19,147.65	25,894.70	19,528.76	23,108.70	87,679.81
Subsidies	-	-	-	-	-
Other revenue grants	-	-	450,690.86	38,900.00	489,590.86
GST Refunds from ATO	-	-	-	-	-
Other	99,110.53	59,116.17	59,946.42	144,137.47	74,035.65
	<u>266,924.06</u>	<u>427,946.39</u>	<u>2,024,109.09</u>	<u>152,480.45</u>	<u>2,871,459.99</u>
Net cash from operating activities	<u>- 477,264.88</u>	<u>- 182,442.33</u>	<u>1,439,816.44</u>	<u>- 328,749.20</u>	<u>451,360.03</u>
Cash flows from investing activities					
Payments for property, plant & equipment	- 49,423.63	- 142,126.33	- 247,901.17	- 137,389.88	- 576,841.01
Proceeds from sale of property, plant & equipment	12,357.27	-	-	10,630.00	22,987.27
Proceeds from Capital grants	-	-	-	-	-
Proceeds from Investments	-	-	-	-	-
Payment for Investments	-	-	-	-	-
Net cash used in investing activities	<u>- 37,066.36</u>	<u>- 142,126.33</u>	<u>- 247,901.17</u>	<u>- 126,759.88</u>	<u>- 553,853.74</u>
Cash flows from financing activities					
Repayment of borrowings	- 4,443.64	-	-	-	- 4,443.64
Proceeds from borrowings	-	-	-	-	-
Net cash from (used in) financing activities	<u>- 4,443.64</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>- 4,443.64</u>
Net increase/(decrease) in cash held	<u>- 518,774.88</u>	<u>- 324,568.66</u>	<u>1,191,915.27</u>	<u>- 455,509.08</u>	<u>- 106,937.35</u>
Cash at beginning of reporting year	7,993,200.13	7,474,425.25	7,149,856.59	8,341,771.86	8,457,080.00
Cash at end of reporting year	<u>7,474,425.25</u>	<u>7,149,856.59</u>	<u>8,341,771.86</u>	<u>7,886,262.78</u>	<u>8,350,142.65</u>

17.3.2 General Purpose Financial Report – 2011/2012 Financial Year

File Ref: 7/019

AUTHOR GENERAL MANAGER
DATE 22nd NOVEMBER 2012
ENCLOSURE: 2011/12 General Purpose Financial Report

ISSUE

Refer enclosed copy of the General Purpose Financial Report for the 2011/2012 Financial Year to be tabled in accordance with Section 84 of the *Local Government Act 1993*.

BACKGROUND

Section 84 (Part 8 – Financial Management) of the Local Government Act 1993 states:

“84. Financial statements

(1) The general manager is to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the Audit Act 2008.

(2) Any financial statement for a financial year is to–

(a)

(b) specify any interests as notified to the general manager of any councillor in respect of any body or organisation with which the council has major financial dealings; and

(c) contain a comparison between the council's actual and estimated revenue and expenditure for that financial year; and

(d) contain a statement of any revenue and expenditure of a council committee, a special committee or a controlling authority; and

(da) contain a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during that financial year together with a statement of the revenue associated with that activity; and

(e) contain any other information the Minister determines.

(3) The general manager is to certify that, in accordance with this Act and any other relevant Act, the financial statements fairly represent –

(a) the financial position of the council; and

(b) the results of the council's operations; and

(c) the cash flow of the council.

(4) *The general manager is to ensure that the certified financial statements are tabled at a meeting of the council as soon as practicable.*

(5) *In this section –*

"competitive neutrality costs" means the costs required to be taken into account under the competitive neutrality principles.

DETAIL

Refer enclosed copy of the 2011/12 General Purpose Financial Report.

The Report was forwarded to the Auditor General on 7th August 2012, and the Tasmanian Audit Office has completed the audit process.

The General Manager will provide any further explanation required and respond to any questions.

Human Resources & Financial Implications – Comment to be provided.

Community Consultation & Public Relations Implications – Not applicable.

Council Web Site Implications: *A copy of the audited Statement will be included on the Website as part of the 2011/12 Annual Report when completed.*

Policy Implications – N/A.

Priority - Implementation Time Frame – Report completed and submitted to the Auditor General within the statutory timeframe.

RECOMMENDATION

THAT Council receive a copy of the General Purpose Financial Report for the 2011/2012 Financial Year.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18. INFORMATION BULLETINS

Refer enclosed Bulletin dated 22nd November 2012.

Information Bulletin dated 2nd & 11th November 2012 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 2nd, 11th and 22nd November 2012 be received and the contents noted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

18.1 QUESTION TIME (COUNCILLORS)

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

Comments / Update will be provided in relation to the following:

1.

2.

3.

4.

19. MUNICIPAL SEAL

Nil.

20. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

RECOMMENDATION

THAT Council move into “Closed Session” and the meeting be closed to the public.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

CLOSED COUNCIL AGENDA

21. BUSINESS IN “CLOSED SESSION “

EXCLUDED FROM THE AGENDA PURSUANT TO SECTION 15 (2) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.

**T F KIRKWOOD
GENERAL MANAGER**

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

RECOMMENDATION

THAT Council endorse the decision made in “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr C J Beven	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

22. CLOSURE