

COUNCIL MEETING

AGENDA

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ENCLOSED

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

Nil.

17th October 2014

Dear Sir/Madam,

NOTICE OF MEETING

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

**Municipal Offices
71 High Street, Oatlands
Wednesday 22nd October 2014
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 Lord's Prayer.

2. ATTENDANCE

3. APOLOGIES

Mayor A E Bisdee OAM

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 September 2014, as circulated, are submitted for confirmation.

DECISION

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

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- Nil

RECOMMENDATION

DECISION NOT REQUIRED

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- Nil

RECOMMENDATION

DECISION NOT REQUIRED

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 – Nil**
- **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

DECISION NOT REQUIRED

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** – Nil
- **Southern Waste Strategy Authority** – Nil

RECOMMENDATION

DECISION NOT REQUIRED

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.

It is reported that no Council workshops have been held since the last ordinary meeting of Council.

RECOMMENDATION

THAT the information be received.

DECISION

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

7. QUESTIONS WITHOUT NOTICE

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.

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. 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
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

10. 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.

Deputy Mayor M Jones OAM to invite questions from members of the public.

10.1 PERMISSION TO ADDRESS COUNCIL

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

- Mr John Hay – Southern Midlands Community Radio Station will address Council at 1.30 p.m.

11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005

11.1 TASMANIA FIRE SERVICE (CAMPANIA FIRE STATION) – PROPERTY 8 UNION STREET, CAMPANIA (PID 5896218)

Clr A O Green has submitted the following Motion:

“THAT Council commence discussions regarding sale of the Campania Fire Station property, situated at 8 Union Street, Campania to the Tasmania Fire Service.

General Managers’ Comments:

The Campania Fire Station property is owned by Council, but leased to the Tasmania Fire Service (TFS). The TFS owns all buildings on the property.

The property consists of 559m² and has a Capital Value of \$180,000 – the land component being \$50,000.

The terms of the current lease to the TFS will be confirmed at the meeting (System unavailable),

In reference to Section 177 of the *Local Government Act 1993* ‘Sale and disposal of land’, it states:

(1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.

(2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.

(3) A council may sell –

(a) any land by auction or tender; or

(b) any specific land by any other method it approves.

(4) A council may exchange land for other land –

(a) if the valuations of each land are comparable in value; or

(b) in any other case, as it considers appropriate.

(5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.

(6) A decision by a council under this section must be made by absolute majority.

The property is not classified as Public Land.

The current lease arrangement certainly does not provide any commercial return on the investment and the intent of the motion is endorsed. It is suggested that the following could also form part of the Motion:

- a) Should the TFS be prepared to consider purchase of the property:
 - (i) then Council proceed to obtain a valuation of the land from the Valuer-General; and
 - (ii) Council resolve to sell the property through direct negotiation with the TFS.

DECISION (BY ABSOLUTE MAJORITY)

A new lease Agreement has been drafted by the State Fire Commission, with the following key terms and conditions:

- a) An annual rental amount of \$50 per annum (if demanded);
- b) Commission to be responsible for all power and telephone costs;
- c) Pay all rates and other statutory charges levied in respect of the said land (not separately assessed for rating purposes. No water and sewerage services).

DECISION

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

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

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

12.1 DEVELOPMENT APPLICATIONS

12.1.1 Development Application (DA 2014/103) for a proposed Dwelling in the Rural Agriculture Zone on land described as Lot 1 Henrietta Street Oatlands.

File Ref: T5842303 HENRI

AUTHOR PLANNING OFFICER (D CUNDALL)
DATE 17TH OCTOBER 2014

ATTACHMENTS 1. Development Application Plans and Drawings
2. Representation

PROPOSAL

The Applicant Ms Susan Barnes has applied to the Southern Midlands Council for a Planning Permit to build a new dwelling and shed at land identified as Lot 1 Henrietta Street, Oatlands (Certificate of Title 115632/1) owned by B W and S Emery.

The proposed development is a 16m by 6m single storey sandstone face brick dwelling and a green colourbond 9m by 6m shed on a 2 hectare lot.

The proposed access is from Henrietta Street. The access is not formed at this point in time.

The land was previously used as a sandstone quarry. There is no other development on the land.

The land is zoned Rural Agriculture Zone under the *Southern Midlands Planning Scheme 1998* ("the Scheme"). A new dwelling in this zone is a discretionary use/development. The land is not prime or significant agricultural land.

The Development Application was advertised for the statutory 14 day time period under the *Land Use Planning and Approvals Act 1993* ("the Act") and received one (1) representation objecting to the dwelling.

This report will assess the proposal against the relevant provisions of the Act and the Scheme. The Application is recommended for approval subject to conditions and advice.

Council Officers have also conducted a site visit and held discussions with the Applicant.

USE/DEVELOPMENT DEFINITION

Under Schedule 3 ‘Use or Development Category Definitions’ of the Planning Scheme, the proposed development is defined as an ‘Dwelling (Single)’:

Dwelling (Single):

means the use or development of any land for a single dwelling unit which:

- a) is in a separate building on its own allotment;*
- b) is occupied by a single household consisting of a single person, a family, or up to 8 unrelated persons;*
- c) may include minor domestic outbuildings associated with a dwelling unit, such as garages and storage sheds; and*
- d) may, within the Residential Activity Zones, include the parking of 2 commercial vehicles that are owned or operated by the occupants of the single dwelling on the basis that:*
 - (i) not more than one of the vehicles is a truck; and*
 - (ii) none of the vehicles are large trucks such as semi-trailers, B-doubles or vehicles of similar size and/or function.*

Use Development/Status under the Planning Scheme

Under the Scheme, ‘Dwelling (Single)’ is a discretionary use/development in the *Rural Activity Zone* and invokes **Clause 11.5. Subsequently the 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 another provision of this Scheme, invoke Clause 11.6 (prohibited use or development);
- or
- II. May be refused a Planning Permit by Council

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 3rd October 2014 for fourteen (14) days and received one (1) representation objecting to the dwelling due to increased dust issues from more traffic on Henrietta Street.

The representation is attached in its entirety to this report for the Council’s information only as ‘Attachment 2 – Representation’. The names and personal details in the representation have been otherwise omitted from the contents of this report.

Council Officers provide a comment in response to the representation in the table below (Table 1). The Officer comments appear in *Italics* in the table below:

TABLE 1 - Representation 1

**I refer to my telephone conversation re the above and submit the objection below-
Dust from the road surface is a problem due to increased TRAFFIC over the past
25+ years.**

I will discuss this further when I return to Tas early November.

*There should be no requirements imposed on the Applicant to have the road sealed
prior to the construction or occupation of the dwelling. The traffic generated by a
single new dwelling does not warrant a significant increase in vehicle movements.*

*In the last 10 years there have been two new dwellings constructed on Henrietta Street
and the construction of a horse stables and the construction of several sheds. This
ongoing land development and changes in land usage have gradually increased the
number of vehicle movements on Henrietta Street.*

*Council may consider making changes to the surfacing of Henrietta Street as a
separate strategic matter.*

ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998

Development Standards of the Rural Agriculture Zone

In accordance with Part 6.3 of the Scheme, buildings shall not exceed 10m in height and maintain a 20m minimum setback from the front (road alignment) and 10m minimum setback from side and rear boundaries.

The proposed dwelling and shed meet the standards for height and building setbacks from the property boundaries.

Rural Character Standards

The aim of the provisions below is to ensure that development does not detract from the character of the rural areas. To satisfy this aim the design and appearance of new development should:

- a) *have minimal impact on the existing landscape character of the surrounding area;*

The existing landscape character of Henrietta Street is dwellings, open pasture, equine activities, domestic landscaping, tree plantings and sheds. The area is also becoming a rural residential type setting. This is primarily due to the large number of smaller 2ha - 4ha land lots close to the Oatlands Township. The proposal does not conflict with the landscape character.

- b) *not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;*

The proposed shed and dwelling are not on the skyline and would not impact on any watercourse. Wastewater and stormwater are to be contained and treated adequately on site in accordance with a Special Plumbing and Plumbing Permit.

- c) *be of a scale and design that is not intrusive within the rural landscape;*

Both buildings are suitable in this area. Both buildings are located a substantial distance from boundaries and are not considered to be a size or scale that would negatively impact on the rural landscape.

- d) be constructed of materials, colours and finishes complimentary to existing rural buildings and the rural setting; and*

Both buildings are constructed of materials suitable to this area.

- e) require minimal excavation for building sites and the construction and location of access roads to avoid the unsightly appearance of major cut and fill works.*

The proposed access shall be conditioned to follow natural contours or existing internal access tracks. The buildings will require minor cut and fill. This would not look out of character in this area considering the land was previously a quarry site.

OTHER MATTERS TO CONSIDER

This Section of the report will briefly outline and assess the other matters to consider as prescribed in Part 11.10 of the Planning Scheme. This Part of the Planning Scheme draws on the Intent of the Rural Zone and the relevant schedules to building a dwelling in the Rural Zone.

Services (water and sewer)

Council shall consider whether the land is adequately serviced.

The dwelling will be serviced by an onsite wastewater system. Council's Environmental Health Officer has assessed the site and has determined that the land has the capacity to contain an onsite waste water system subject to a Special Plumbing Permit issued by Council.

Council records show that the land has a water connection. The Applicant has also included a 23,000lt water tank. Council Officers are satisfied there is adequate potable water to service the dwelling.

Dwelling in the Rural Zone (fettering of land)

Map 1 in this report demonstrates the large number of smaller rural zoned lots in the Henrietta Street Area. The land in this area is used for rural and rural residential purposes.

It is unlikely that another dwelling built in this street would fetter the agricultural potential of the land or adjoining land. Small scale rural uses on adjoining land can continue in consideration to other land users. Any resident in this area should be aware of the growing number of equine activities associated with the nearby 'Oatlands Racecourse'.

CONCLUSION

This report has assessed a Development Application for a proposed dwelling and garage on land described as Lot 1 Henrietta Street, Oatlands.

The Application received one (1) representation raising the issue of increased traffic on Henrietta Street created by the dwelling. Council Officers disagree that any responsibility to upgrade Henrietta Street should be imposed on the Applicant. Council however can consider the representation in light of the increase in dwellings and traffic on Henrietta Street over the years.

The Development Application has met the relevant standards of the Planning Scheme for a new dwelling in Henrietta Street. Council Officers note the mixed land usage in Henrietta

Street and the suitability of a new dwelling alongside other dwellings on similarly sized lots. There is still scope for landowners to use their land for rural residential type purposes.

It is recommended the Application is approved and a Permit issued with conditions and advice.

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 a Dwelling (Single) on land described as Lot 1 Henrietta Street, Oatlands 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.

Services

- 2) 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.

Access

- 3) A vehicle access must be provided from the road carriageway to the property boundary. The vehicle access must be located and constructed in accordance with the construction standards shown on standard drawings SD 1012 and SD 1009 prepared by the IPWE Aust. (Tasmania Division) (attached) and to the satisfaction of Council's Manager of Works and Technical Services (Jack Lyall 6254 5008). The works and drainage shall be modified to suit the onsite conditions and to the satisfaction of the Manager of Works and Technical Services.
- 4) The Applicant must provide not less than 48 hours' notice to Council's Manager of Works and Technical Services (Jack Lyall 6254 5008) before commencing construction works within a council roadway.
- 5) The Developer is to contact the Manager, Works & Technical Services to arrange a site inspection within two (2) working days of completion of works.

Stormwater

- 6) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Wastewater

- 7) Wastewater from the development shall discharge to an on-site waste disposal system in accordance with a Special Plumbing Permit issued by Council.

Construction Amenity

- 8) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- 9) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
 - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
 - b. The transportation of materials, goods and commodities to and from the land.
 - c. Obstruction of any public roadway or highway.
 - d. Appearance of any building, works or materials.
 - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 10) The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

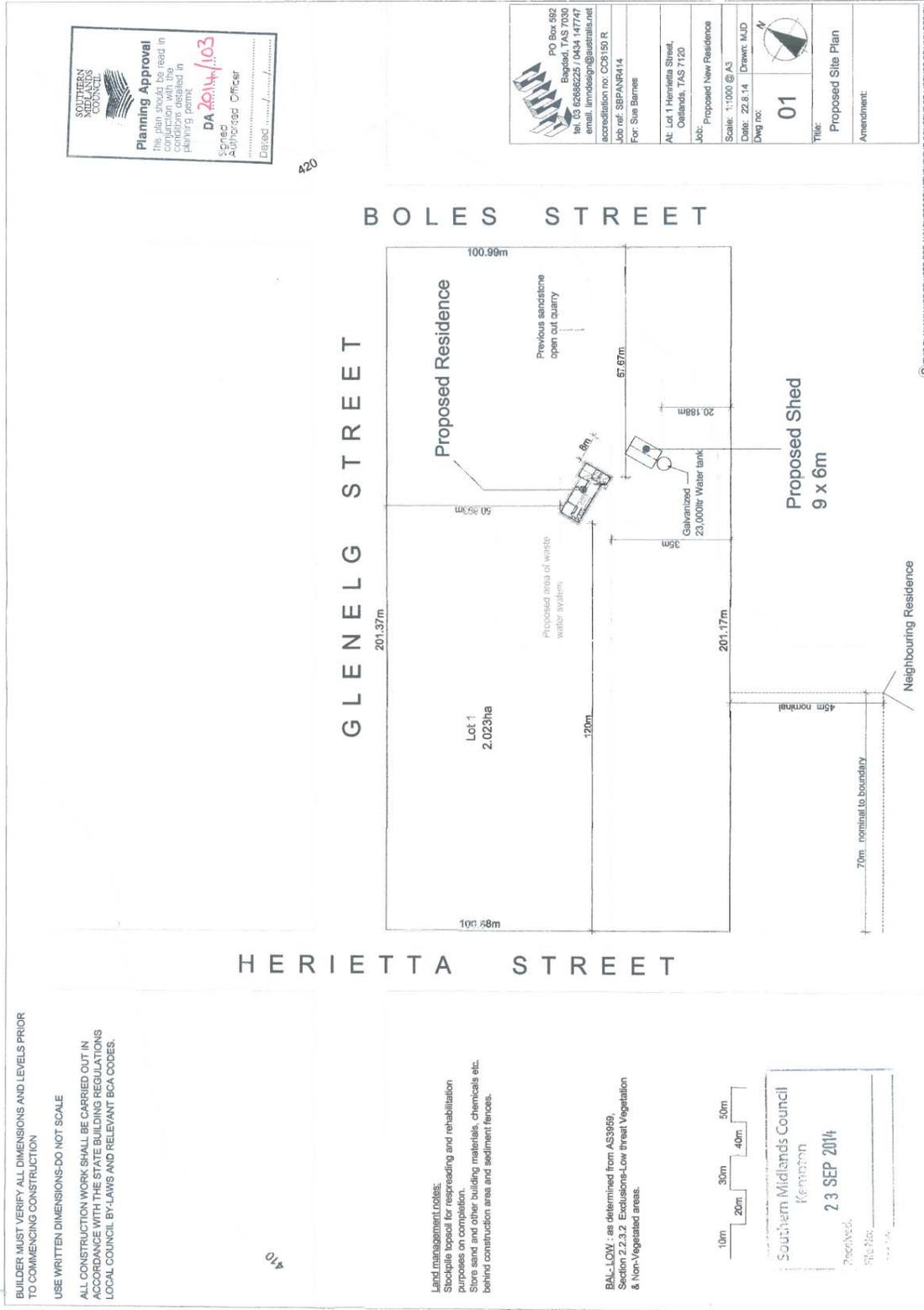
The following advice applies to this permit:

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.

- c) Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.

DECISION

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

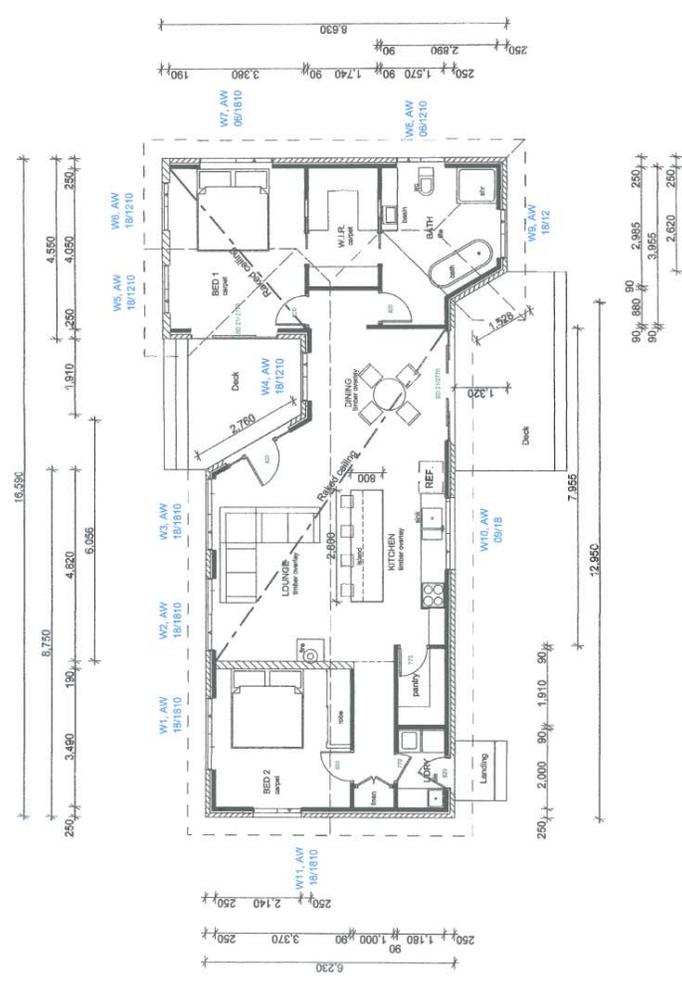


Southern Midlands Council
Planning Approval
 This approval is issued in accordance with the conditions stipulated in planning permit
DA 2014/103
 Signed Authorised Officer
 Date: / /

PO Box 592
 Bagdad, TAS 7030
 tel. 03 6286225 / 0434 14747
 email. info@smcouncil.tas.gov.au
 accreditation no: C08150 R
 Job ref: SBPANR14
 For: Sue Barnes
 At: Lot 1 Henrichs Street,
 Cheltenham, TAS 7120
 Job: Proposed New Residence
 Scale: 1:100 @ A3
 Date: 22.8.14 Drawn: MJD
 Dwg no: 02
 Title: Proposed Floor Plan
 Amendment:

BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION
 USE WRITTEN DIMENSIONS-DO NOT SCALE

ALL CONSTRUCTION WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE STATE BUILDING REGULATIONS LOCAL COUNCIL BY-LAWS AND RELEVANT BCA CODES.



Southern Midlands Council
 Kempton
 23 SEP 2014
 Received:
 File No:
 Drawn:

Proposed Floor area : 106.35m², 11.45 Squares

THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OR LICENSE OF LMI DESIGN

BUILDER MUST VERIFY ALL DIMENSIONS AND LEVELS PRIOR TO COMMENCING CONSTRUCTION. USE WRITTEN DIMENSIONS DO NOT SCALE.

ALL CONSTRUCTION WORK SHALL BE CARRIED OUT IN ACCORDANCE WITH THE STATE BUILDING REGULATIONS LOCAL COUNCIL BY-LAWS AND RELEVANT BCA CODES.

ALL TIMBER FRAMING FIXINGS AND BRACING SHALL COMPLY WITH AS1684 AND THE REQUIREMENTS IN BCA CODES.

COLOURBOND 'OUTLINE' ROOF, RIVERGUM IN COLOUR. SECOND TYPE ROOFING FOR PROBABLE WATER COLLECTION, 90DLS. PVC COMPRESSOR FOR PROBABLE WATER COLLECTION, 90DLS.

Planning Approval
This plan should be read in conjunction with the planning permit.
DA 2014/1103
Signed: *[Signature]*
Authorised Officer
Dated:

North Elevation
Front entrance timber framed deck
22.5°
WB, AW 18/1210
WS, AW 18/1210
W4, AW 18/1210
W3, AW 18/1810
W2, AW 18/1810
W1, AW 18/1810
4.286
5.96
CL
FL
500

West Elevation
W11, AW 18/1810
22.5°
CL
FL
approximate ground level

East Elevation
WB, AW 08/1210
WB, AW 08/1810
3.908
CL
FL

South Elevation
W10, AW 08/1810
300 mm
WB, AW 18/12
21/1770
← →
Timber deck framing in rear sliding doors & Laundry access
Sandstone face brick
CL
FL

Technical Specifications:
Balustrade construction shall comply with the requirements of clause 3.9.2. Minimum height of 1000mm. Maximum spigot or gaps of 125mm.
Barriers, including windows in external walls where floor levels are greater than 1m above ground level, shall comply with the performance requirements P.2.5.2 for balustrades. Spigots shall be spaced at a maximum of 125mm for awning shades by shortening window chain accordingly).
Safes shall comply with the requirements of clause 3.1.1.
Stair construction shall comply with the requirements of clause 3.1.1.
Barriers, including windows in external walls where floor levels are greater than 1m above ground level, shall comply with the performance requirements P.2.5.2 for balustrades. Spigots shall be spaced at a maximum of 125mm for awning shades by shortening window chain accordingly).
Balustrade construction shall comply with the requirements of clause 3.9.2. Minimum height of 1000mm. Maximum spigot or gaps of 125mm.

Site Preparation Part 3.1
The construction shall comply with the requirements of clause 3.1.1.1 and relevant clauses in 3.1.1.1.
Drainage shall comply with the requirements of clause 3.1.2.2.
FOOTINGS & SLABS PART 3.9
The construction shall comply with the requirements of clause 3.2.2.2.
Provide vapour barriers such as the underlayment of slabs in accordance with the requirements of clause 3.2.2.6.
Footings and slab design in compliance with the requirements of clause 3.2.4.1, 3.2.5.1 and 3.2.5.2.
Safe Movement and Access Part 3.9
Stair construction shall comply with the requirements of clause 3.1.1.
Barriers, including windows in external walls where floor levels are greater than 1m above ground level, shall comply with the performance requirements P.2.5.2 for balustrades. Spigots shall be spaced at a maximum of 125mm for awning shades by shortening window chain accordingly).
Balustrade construction shall comply with the requirements of clause 3.9.2. Minimum height of 1000mm. Maximum spigot or gaps of 125mm.

Professional Details:
AL: Lot 1, Henrietta Street, Camarillo, TAS 7120
Job: Proposed New Residence
Scale: 1:100 @ A3
Date: 22.8.14 Drawn: M.J.D
Dwg no: **03**
Title: Proposed Elevations
Amendment:

Company Information:
PO Box 592
Bogdad, TAS 7030
Tel: 03 6286225 / 0434 147747
email: limdesign@australis.net
accreditation no: CO1501 R
Job ref: SSPANR414
For: Sue Barnes

Approval:
Southern Midlands Council
Kempson
23 SEP 2014
Resubmitted: _____
Title No: _____

Disclaimer:
© THIS PLAN MAY NOT BE USED FOR ANY PURPOSE WITHOUT THE CONSENT OF LICENCEE OF LAND DESIGN

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

**T F KIRKWOOD
GENERAL MANAGER**

12.1.2 Resource Management & Planning Appeal Tribunal - Proposed Mediated Solution Development Application DA 2014/84 - Retaining Wall, Fencing and Earthworks at St Ann's Church and Cemetery, 5 Church Lane, Dysart

File Reference: T5462693

REPORT AUTHOR: MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE: 16TH OCTOBER 2014

ATTACHMENTS:

1. Grounds of Appeal.
2. Correspondence from Applicants 16/10/2014.
3. Community Update Newsletter 23/09/14.

BACKGROUND

At the 10 September meeting Council refused an application from Lisa & Paul Rudd for the St Ann's Church and Cemetery site at Dysart. The church has been deconsecrated and the whole site was sold by the Anglican Church Diocese to the Rudds some three years ago. The cemetery is still an operating cemetery in that burials continue to take place and public visitor access during the day continues. The site is listed on the Tasmanian Heritage Register.

Early in 2014 the owners undertook earthworks without approval from the Tasmanian Heritage Council or Southern Midlands Council. The earthworks are depicted in the photographs below and include a large cut into the slope behind and to the side of the church and the placement of the excavated material in front of the church to create an embankment. The top of the cut is very close to some of the graves - within approximately 0.3 metres of the closest. Council directed the owners to cease work and to obtain engineering advice from a suitably qualified person pertaining to the stability of the cut. Worksafe Tasmania also directed the owners to install an approved safety fence.

At the time the earthworks were undertaken, the applicants had lodged an application for planning and heritage approval, but this had not completed the public advertising and had not been assessed and determined. They continued with this process in an attempt to legitimise the unauthorised works. That whole application included:

- The cut and fill earthworks already undertaken.
- A retaining wall set back 1.3 metres from the graves.
- A caretaker's dwelling built onto the southern side and rear of the church, with walls on the retaining wall.
- A shed at the far end of the cemetery.
- The use of the church as a community arts space.
- Backfilling behind the retaining wall with some of the earth spoil (currently in front of the church) to create a grassed surface level with the cemetery surface.

That application was refused in June 2014. Significant factors were the design of the caretakers dwelling, which was considered inappropriate against the heritage-listed sandstone church building and the impact on the public use of the cemetery by the close proximity of

the retaining wall / proposed dwelling to the graves. The location and design of the shed was also considered to be inappropriate.

Discussions between the applicants and officers from Council and the Tasmanian Heritage Council then followed. A practical issue was that any return of the fill material to the cut would need to be retained in some engineered way, as advised by the geotechnical engineer. The applicants then lodged a second application. This did not include a dwelling and was predominantly for a retaining wall, but set back further from the graves than originally proposed, with a heritage-appropriate fence and landscaping:

- A retaining wall set back two metres from the graves.
- A fence at the top of the retaining wall.
- Backfilling behind the retaining wall with a significant proportion of the earth spoil (currently in front of the church) to create a grassed surface level with the cemetery surface.

The second application was refused by Council at a special Council meeting in 10 September, on grounds based on the adverse impact that the proximity of the retaining wall and fence would have on the public use of the cemetery.

The concurrent decision of the Tasmanian Heritage Council was that the application ought to be approved, but that the cut area behind the church building should be filled in. This decision would have left only the cut area to the side of the church building with a retaining wall and fence two metres from the nearest graves.

Councillors will also be aware that the situation has created a significant amount of community angst, with 47 representations plus a 390-signature petition in relation to the first application and seven representations received in relation to the second.

Council has kept interested members of the community updated through a number of community meetings and two community update newsletters. Attachment 3 is the latest community update newsletter, advising of the lodgement of the appeal and the opportunity for community members to become parties to the appeal.



Rear view of the church, from Church Lane.



Rear cut area, showing proximity of nearest grave.



Looking east showing the graves along the southern boundary.



Front view of the church showing the fill embankment

PLANNING APPEAL TRIBUNAL MEDIATION PROCESS

Process:

Following Council's decision to refuse the second application, the owners lodged an appeal with the Resource Management and Planning Appeal Tribunal. Attachment 1 is the applicants' notice of appeal including their grounds of appeal. Attachment 2 is a letter from the applicants.

As per usual Planning Appeal Tribunal procedure, the Tribunal is now attempting to find a mediated solution between the parties. The parties to the appeal are:

- Lisa and Paul Rudd.
- Southern Midlands Council.
- Tasmanian Heritage Council.

The Appeal Tribunal has provided a professional mediator to facilitate discussion between the parties.

Proposed Mediated Solution:

The mediation process has produced the following possible mediated solution set out in the Recommendation section, which is put to Councillor for consideration. It essentially involves:

- Moving the retaining wall so that the top of the wall is now three metres from the nearest graves;
- Constructing a heritage-appropriate fence near the top of the retaining wall allowing at least 2.8 metres between the fence and the nearest graves;
- Completely filling the cut behind the church as required by the Tasmanian Heritage Council;
 - Except for a one-metre wide pathway at the rear; this would need a low retaining wall. (Until the land was sold into private ownership, soil had built up against the back wall of the church and this has to be prevented from happening again in the future).
- Moving a large proportion of the fill material back behind the retaining wall, levelling the surface with the ground level of the cemetery land and grassing it over.
- Removing the remaining spoil from the site as required by the Tasmanian Heritage Council.

- Completing the works by the end of February 2015.
 - Note regarding timeframe: Any formal mediation agreement endorsed by the Tribunal will not likely be issued until into November. This would not leave enough time for the applicants to obtain a certified engineering design for the construction of the wall, have it assessed and issued with a certificate by a Building Surveyor and have Council's Building Permit Authority issue a building permit, arrange for a certified builder and to then have the wall built before the Christmas / New Year / January holiday period.

It is considered that a clear 2.8 metres between the nearest graves and the fence would provide a reasonably practical and respectful 'space' around the graves for visitors. It would also allow a vehicle to pass between for maintenance purposes or to deliver a new headstone, for example, or a small excavator to dig a new grave.

As such 2.8 metres is a significant improvement on the application considered and refused by Council, which had two metres from top of retaining wall to graves which, with a fence, would have allowed only 1.8 metres of clear space.

Planning / Heritage Approval is Not Building Approval:

Note that any mediated solution is arrived at is only for planning and heritage issues. The applicants would then have to engage an engineer and a certified designer to have the building and construction plans drawn up and specified. They would then need to engage a Building Surveyor to certify the plans. The final step would be to apply for a Building Permit from Council. Only then could construction start.

If a Mediated Solution is Not Found:

If a mediated solution is not arrived at, the Tribunal has set a date for a full hearing - 12 December. A final decision from such a hearing is likely to be issued in the New Year. This may be to agree with Council's original refusal or it may be to approve the application.

RECOMMENDATION

THAT Council agree to a mediated solution in regard to the appeal against Council's decision to refuse application DA 2014/84 for a planning permit for a retaining wall, fence and earthworks at 5 Church Lane Dysart, based on the following conditions of approval:

Key Conditions:

- 1) The retaining wall must be located so that the face of the top of the retaining wall is no closer than three metres from any grave or grave monument.

- 2) A fence, of a type described on plans submitted with application DA 2014/84, is to be erected along the top of the retaining wall so that it is no closer than 2.8 metres from any grave or grave monument.
- 3) The retaining wall is not to extend west of the alignment of the east wall of the chapel, and the area of cut behind (i.e.: on the south side) of the chapel is to be backfilled with earth to reinstate the slope. A one metre wide pathway at the level of the top of the foundations of the church is to be provided, retained as necessary by a secondary low retaining wall.
- 4) The top of the retaining wall is to be level with the natural contour of the ground.
- 5) The surface of the fill area behind the retaining wall is to be levelled-off with topsoil and vegetated with grass species consistent with those existing over the rest of the cemetery area (excluding weed species).
- 6) Any soil previously excavated without the approval of the Tasmanian Heritage Council (noted as ‘fill material from the front of St Ann’s’ on the plans submitted with application DA 2014/84) that is not used as backfill for the retaining wall, or associated site reinstatement, must be removed from the site. The original ground level below spoil deposits must not be disturbed.
- 7) The material used for the surfacing of any car parking or access road or pathway be of a colour that blends with the natural soil colour of the site.
- 8) Construction drawings are to be submitted to Heritage Tasmania and be to the satisfaction of Heritage Tasmania’s Works Manager before works commence.
- 9) The retaining wall, fencing and earthworks shall be completed and accompanied by a Certificate of Final Inspection by the 28 February 2015.

Services

- 10) 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.

Parking Area

- 11) The parking area as depicted on the site plan(s) provided as part of the Application is not approved by Council.

Explanation of Condition

The proposed parking area is not a requirement of the Planning Scheme.

Stormwater:

- 12) Drainage from the proposed development must drain to a legal discharge point to the satisfaction of Council's Plumbing Inspector (Shane Mitchell 6259 3003) and in accordance with a permit issued by the Permit Authority in accordance with the *Building Act 2000*.

Construction Amenity:

- 13) The development must only be carried out between the following hours unless otherwise approved by the Council's Manager of Development and Environmental Services:

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.

- 14) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:

- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
- b. The transportation of materials, goods and commodities to and from the land.
- c. Obstruction of any public footway or highway.
- d. Appearance of any building, works or materials.
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

- 15) Public roadways must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

- 16) The developer must make good and/or clean any road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies:

- a) This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- b) This Planning Permit is in addition to a Building Permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the *Building Act 2000*.

- c) Any shipping containers located on site are to be removed at the completion of the construction works, including restoration works of the church, unless the necessary planning and building permit for the container has been obtained by the developer/owner.

DECISION

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

Appeal No.....



RESOURCE MANAGEMENT AND PLANNING APPEAL TRIBUNAL

TO: The Resource Management & Planning Appeal Tribunal
GPO Box 2036
HOBART TAS 7001
(1st Floor, 144-148 Macquarie Street, Hobart)
Email: rmpat@justice.tas.gov.au

Phone: (03) 6165 6794 Fax: (03) 6224 0825



NOTICE OF APPEAL

The Tribunal has issued Practice Directions which are available on the Tribunal website at www.rmpat.tas.gov.au. They are also available in hard copy form at the Tribunal Registry.

PLEASE ENSURE YOU READ THE TRIBUNAL'S PRACTICE DIRECTIONS BEFORE COMPLETING AND SUBMITTING THIS FORM.

Early attention should be given to Practice Directions 1, 2, 3, 4 and 11 in preparing this form. The other Practice Directions must be read as well.

LAND USE PLANNING AND APPROVALS ACT 1993

I/We Lisa and Paul Rudd
of "The Grange", House 2, 142 Grange Rd, KEMPTON Post Code 7030

Hereby appeal against the decision of the: Southern Midlands Council
in relation to Application No: **DA 2014/84** of which decision notice was given to me
dated .10th September 2014 and received on 10th of September; .being:

- *1)
 - *2) A refusal to grant a permit (S.61(4));
 - *3)
 - *4)
 - *5)
 - *6)
 - *7)
- * Delete whichever is not applicable.

CONTINUED OVERLEAF

LOCATION & DESCRIPTION OF DEVELOPMENT OR USE

NO .5 ROAD/STREET: Church Lane TOWN/LOCALITY: DYSART
NAME OF APPLICANT: Lisa & Paul Rudd
ADDRESS OF APPLICANT: "The Grange", House 2, 142 Grange Rd, KEMPTON 7030
DESCRIPTION OF DEVELOPMENT OR USE: Retaining wall, earthworks and fencing

GROUND OFS OF APPEAL

1. The proposed development is permissible in a Community Use Zone (Clause 7.1(a) and 7.2.1(a) of the Southern Midlands Planning Scheme 1998) as the development will not prevent the use of the land as a cemetery or prevent public access to the cemetery. The applicants are State approved Cemetery Managers (by the Department of Premier and Cabinet) and intend to maintain the cemetery. The land will retain its intended purpose via use as a privately owned public cemetery.
2. The development was recommended for approval, subject to conditions, by Southern Midlands Council Officers. The Tasmanian Heritage Council consented to a discretionary permit being granted to allow the development.
 - 1) These approvals indicate that the proposed development is permissible in a Community Use Zone.

Dated the 23rd day of September 20 14

Signature of Appellant / Agent:

Postal Address: C/O Bagdad Post Office BAGDAD Tasmania 7030

Telephone: N/A Fax: N/A

Mobile: Email: grangeworth@bigpond.com

LEASE NOTE: If you provide an email address you consent, pursuant to Section 6 of the *Electronic Transactions Act 2000* to the Tribunal using that address as its primary method of contact and provision of information and notification and the Tribunal will not forward hard copy documentation unless specifically requested. It is vital that you ensure you provide the Tribunal with your correct email and that you **check your email account on a daily basis** in the event of important communications from the Tribunal.

FEES ARE PAYABLE UPON LODGMENT OF THIS FORM.

PLEASE REFER TO THE TRIBUNAL WEBSITE FOR FURTHER DETAILS.

SEE OVER FOR PERSONAL INFORMATION PROTECTION STATEMENT

PERSONAL INFORMATION PROTECTION STATEMENT

Personal information will be collected from you for the purpose of performing the Tribunal's statutory functions in conducting appeals and applications. This information will be primarily used by the Tribunal for contacting you in order to advise you of procedures, appointments and providing such other information as necessary. You are required to provide this information by the *Resource Management and Planning Appeal Tribunal Act 1993*, and such other legislation where application may be made to the Tribunal. Failure to provide this information may result in the Tribunal being unable to process your appeal/application and consequential orders made that any such appeal or application be dismissed. Your personal information will be used for the primary purpose for which it is collected, and it will be disclosed to other parties to the proceedings. You should note that Notices of Appeal are public documents, which are available to members of the public on request to the Tribunal. You should also note that any information disclosed in a public hearing as part of evidence, also constitutes public information. Your basic personal information may be disclosed to other public sector bodies where necessary for the efficient storage and use of the information. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and may be accessed by the individual to whom it relates on request to the Registry of the Resource Management and Planning Appeal Tribunal.

Lisa & Paul Rudd
C/o Post Office
Bagdad 7030

Southern Midlands Council
Main Street
Kempton 7030

Dear Mayor and Councillors,

I am writing to you in relation to the cemetery at 5 Church Lane, Dysart. At your last meeting you voted against our Development Application for a retaining wall and fence at our property. The basis of your decisions centred on the Community Zoning element of our land. This letter is to assure you that I am a community focused person; I have spent the past ten years employed in the area of community development. Not only my professional life but also my personal life have focused on the assistance of others; I have included with this letter a DVD for you to view to show my dedication and commitment to community.

Also if you visit my website: www.lisarudd.com you will see the contributions that I have made to my communities. I wanted to share this information with you to placate any concerns you may have regarding community access to the cemetery and to assure you that we do not want to stop people from visiting the cemetery. We have asked, on numerous occasions, for people to share their knowledge of the cemetery with us - as the Church of England were unable to provide us with any plans to show marked or unmarked graves. I have a genuine interest in the history of St Ann's, formerly known as 'The Chapel of Ease on Constitution Hill' and the surrounding graves and the stories of those buried in the cemetery. I have spoken with Damian Mackey, from Southern Midlands Council, about the possibility of Council facilitating the collection of information from community members regarding the cemetery - a process that I would gratefully support.

I have recently met with Southern Midlands Council Planning Officers, the Resource Management and Planning Appeals Tribunal and the Tasmanian Heritage Council to work through the concerns identified at Council's last meeting. I am hoping that you will view the revised conditions, developed during the mediation process, and our commitment to community favourably when reconsidering our Development Application.

If you wish to seek further clarification from me regarding this matter or have me address Council in person then I would be happy to attend your next meeting. I apologise that I cannot be at the meeting on the 22nd but important family matters prevent me from attending.

Thank you for your time.
Yours sincerely

Lisa Rudd
16/10/14



**ST ANNE'S CHURCH AND CEMETERY, DYSART
COMMUNITY UPDATE**

23 September 2014

Dear Community Members,

I write to provide an update on St Anne's church and cemetery, at Dysart.

On 10 September 2014 Council considered a second development application pertaining to this site.

The application was for:

- o Construction of a retaining wall in the cut area at the rear and side of the church, set back further from the graves than the retaining wall proposed in the initially refused application.
- o Re-filling behind the retaining wall with the fill material currently in front of the church.
- o Creating a grassed surface behind the retaining wall, level with the ground level of the cemetery.
- o Building a fence near the top of the retaining wall to separate the cemetery area from the church area.

Council resolved to refuse the application. Grounds of refusal were as follows:

- A. The proposal is not in accordance with the intent of the Community Use Zone, as expressed in Clause 7.1(a) of the Southern Midlands Planning Scheme 1998, as it will restrict the use of, and access to, the cemetery by the public.
- B. The proposal does not accord with the community's expectation of the use of the land as a public cemetery.
- C. The proposal does not meet the intent of the Community Use Zone, as expressed in Clause 7.2.1(a), in that it does not give priority to the cemetery land being used for cemetery use.
- D. The proposal does not meet the intent of the Community Use Zone, as expressed in Clause 7.2.1(b), in that it is considered to be inappropriate development that would impact on the use of the cemetery, as the proposed fence and retaining wall separating the land around the church building from the land used as a cemetery is too close to the existing graves.
- E. The proposal has failed to demonstrate that it meets the requirements of the planning scheme in respect of Clause 7.1(a) and Clause 7.2.1(a) and (b).

Council also resolved to direct the owners to return the fill material excavated from the cut, which currently forms a bank in front of the church building, back to the cut to reinstate the natural ground surface level. This work is to be completed within 60 days of Council's decision (or within 60 days of Council's decision being confirmed in any planning appeal). This is to be undertaken in accordance with an appropriate geotechnical design provided by a suitably qualified person and is to include the revegetation of the surface with appropriate plant species.

Council has now been informed by the Resource Management & Planning Appeal Tribunal that an appeal has been lodged against its decision to refuse the application. Anyone who lodged a representation with Council now has the right to become a party in the appeal. Those considering becoming a party to the appeal should contact the Resource Management & Planning Appeal Tribunal on (03) 6165 6794.

Tony Bisdee
MAYOR
Southern Midlands Council

Queries can be directed to Damian Mackey
Email: dmackey@southernmidlands.tas.gov.au

Ph: (03) 6259 3011

Address all correspondence to: The General Manager, PO Box 21, Oatlands, Tasmania 7120
Oatlands Office: 71 High Street, Oatlands Phone (03) 6254 5000 Fax (03) 6254 5014
Kempton Office: 85 Main Street, Kempton Phone (03) 6259 3011 Fax (03) 6259 1327
Email Address: mail@southernmidlands.tas.gov.au Web: www.southernmidlands.tas.gov.au
ABN 68 653 459 589

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

12.3.1 Councillor Information:- Municipal Seal Applied Under Delegated Authority to Subdivision Final Plans & Related Documents

File Ref: (Refer PID numbers in table below)

Nil Report.

12.4 PLANNING (OTHER)

12.4.1 Petition to Amend Sealed Plan 51736 and Sealed Plan 104688 at 1447 Tea Tree Road, Rekuna, for KN Gangell,

File Ref: T 2941250 TEATR

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES
(D MACKEY)

DATE 16TH OCTOBER 2014

- ATTACHMENTS:
1. Petition to Amend Sealed Plan.
 2. Sealed Plan 51736.
 3. Sealed Plan 104688.
 4. Diagram 'URD 311' (showing old roadway 50 links wide).
 5. Aerial Plan, (provided by the Applicant indicating the roadway and the new Tasmanian Irrigation Dam).
 6. Cadastral Plan, (with annotations) and Larger Aerial Plan

PROPOSAL

A petition to amend two related Sealed Plans has been received from Solicitor Don Armstrong on behalf of Mr K N Gangell relating to land at 1447 Tea Tree Road, Rekuna.

Attached is the 'Petition to Amend' document, the two existing Sealed Plans and an aerial photograph of the area.

The amendment would cause an existing road widening lot - Lot 100 on SP 51736 - to cease to exist, amalgamating it into the neighbouring lot - Lot 3 on SP 104688.

Lot 3 on SP 104688 was formerly Lot 1 on SP 51736.

The road widening lot is in the ownership of Mr Gangell, having never been transferred to local government ownership since its creation in 1993.

The road widening lot runs parallel and adjacent to an old 'roadway 50 links wide' - refer below.

BACKGROUND

Need:

The need to amend the plans has arisen out of the construction of a large storage dam on the land for Tasmanian Irrigation as part of the expanded South East Irrigation Scheme and the need to create associated pipeline easements and rights-of-way over the titles.

Tasmanian Irrigation has built a (private) road roughly along the alignment of the road widening lot and the parallel old 'roadway 50 links wide' and is seeking to obtain a right-of-way over it. The local irrigation scheme manager for Tasmanian Irrigation has advised that the existence of the road widening lot and the old roadway lot are creating difficulties in

creating the right of way (and pipeline easement), and it that it was Tasmanian Irrigation's suggestion to the landowner that their removal would simplify the situation.

Hence, the landowner has instructed his solicitor to pursue two related actions:

- This petition to amend the sealed plans to effectively adhere the road widening lot into the landowners main title, and
- A possessory title claim over the 'roadway 50 links wide'.

History of the Road Widening Lot:

The road widening lot was created in 1993 follow approval of a subdivision proposal plan in 1991. The subdivision approval conditions, supplied by the then Commissioner for Town and Country Planning to the former Richmond Council, required road reservation widening along a 'roadway 50 links wide' (10.06 metres wide). This was duly created on the 1993 Sealed Plan.

However, the 'roadway 50 links wide' was not a public road and appears to never have been a public road. It would appear the road reservation widening condition applied by the Commissioner for Town and Country Planning may have been a standard condition erroneously applied. Certainly there is no road appearing on the statutory Council list of public roads or the associated 'municipal map' in this location.

There is a section of Council-maintained public road between Tea Tree Road and the Main Line Railway. This is Rekuna Station Road and, according to Council's statutory road list, is a public road for 0.05 km (50 metres). The public road section therefore does not extend over the railway line where the road widening lot and the parallel roadway 50 links wide commence and run north.

History of 'Roadway 50 Links Wide':

This appears to have been created in 1908 by Diagram URD 311 (refer attachment 4). It has been transposed onto more recent title plans as 'roadway 10.06 wide'.

As mentioned above, it is not considered by Council to be a public road and does not appear on council's statutory road list.

An enquiry with the Lands Titles Office (LTO) has revealed that its ownership is not currently known, and a significant search of deeds archives would likely be needed to determine ownership. The applicant's solicitor has advised that:

“Our researches indicate that the ownership of the old roadway is likely to be the residuary of the estate of Emma Gibbons who died in 1930. A trace of her estate from that date could not be ascertained”.

Council records indicate that the land has not been separately rated or valued.

In summary, as it is not a Council (or State) public road, it is essentially a strip of land of currently uncertain ownership that has, for valuation and rating purposes, been indistinguishable from the land of Mr Gangell.

STATUTORY PROCESS

Under section 103 of the *Local Government (Building & Miscellaneous provisions) Act 1993* (the LGBMP Act) a person may apply ‘by petition’ to the Council to amend a sealed plan.

The person is to serve a copy of the petition on all persons appearing by the registers under the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* to have an estate or interest at law affected by the proposed amendment.

Any such persons then have 28 days to ‘ask to be heard’ by Council in regard to the proposed amendment.

ASSESSMENT

(Refer attachment 6 for a cadastral plan with annotations pointing out the titles mentioned below.)

The applicant’s solicitor has advised that there are no persons appearing on the *Land Titles Act 1980* and the *Registration of Deeds Act 1935* that have an estate or interest at law affected by the proposed amendment. Enquiries by Council officers at the Lands Titles Office have confirmed this.

The applicant’s solicitor has further advised that the only person who might appear to have an interest is the owner of the title immediately to the north of the northern end of the roadway / road widening lot. This title (CT 100368/2) could possibly gain access via the roadway /road widening lot (if it were a public road). However the access to that land is on Williams Road, (158 Williams Road). Furthermore, the applicant’s solicitor has advised that the owner has provided a statutory declaration in support of the changes.

A final possible interest in the road widening lot is another title to the northeast, CT 207951/1. As can be seen on SP 104688, a ‘right-of-way private 6.00 wide’ extends in an easterly direction from the northern end of the road widening lot / roadway 50 links wide. At first instance this appears to serve a large title to the north owned by the applicant in conjunction with two other family members - CT 207951/1. However, the title documents indicate this is not the case. The applicants’ solicitor has advised that:

“I am advised that it (the right-of-way) does not serve 207951/1, as can be seen from the title documents that you provided. Further, as a matter of fact, I am advised that the ROW is not used as access to 207951/1. The ROW appears to be redundant and an application can be made at a later date to have it removed.

It is concluded that the petition to amend the sealed plans should be approved.

RECOMMENDATION

That the Petition to Amend Sealed Plan 51736 and Seal Plan 104688 at 1447 Tea Tree Road, Rekuna, for KN Gangell be granted pursuant to Section 104(1)(a) of the Local Government (Building & Miscellaneous Provisions) Act 1993.

DECISION

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

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form
Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio
51736	100	104688	3

To the Recorder of Titles:

REQUEST TO AMEND SEALED PLAN 51736 & SEALED PLAN 104688

Section 103 Local Government (Building and Miscellaneous Provisions) Act 1993

Southern Midlands Council requests that Sealed Plan 51736 & Sealed Plan 104688 be amended in the following manner-

1. Delete the "Road" notation from lot 100 on Sealed Plan 51736
2. Adhere lot 1 & lot 100 on Sealed Plan 51736 to form a single lot on the plan
3. Make a consequential amendment to Sealed Plan 104688 such that lot 3 is enlarged to be compiled from lots 1 & 100 on Sealed Plan 51736

Dated this day of 2014

The COMMON SEAL of Southern Midlands Council

has been affixed in the presence of-

(seal)

.....

Council delegate

Land Titles Office Use Only

Version 1

THE BACK OF THIS FORM MUST NOT BE USED

Stamp Duty

PETITION TO AMEND SEALED PLAN 51736 ~ 1447 TEA TREE ROAD, CAMPANIA ~ K N GANGELL

APPLICATION BY PETITION TO AMEND SEALED PLAN 51736 and SEALED PLAN 104688

Section 103 Local Government (Building and Miscellaneous Provisions) Act 1993

To: SOUTHERN MIDLANDS COUNCIL

1. Your petitioner

- 1.1 KEVIN NORMAN GANGELL being the registered proprietor of the subject land situated at 1447 Tea Tree Road, Campania in Tasmania

2. The subject land

- 2.1 Lot 1 and lot 100 (Road) on Sealed Plan 51736 a copy of which is enclosed on Page 3.

3. Background

- 3.1 Sealed Plan 51736 contains lot 1 (46.29ha) and road widening lot 100 (3837m²) and was made effective by the Recorder of Titles on 27 March 1992.
- 3.2 Lot 1 has since been cancelled into lot 3 on Sealed Plan 104688 (your petitioner owner).
- 3.3 Lot 100 was apparently set aside as a road widening lot as it adjoins the eastern boundary of an unmade Road 10.06 Wide passing through your petitioner's property.
- 3.4 Your petitioner is currently in negotiations with Tasmanian Irrigation to provide pipeline easements, rights of way and a large dam site in the vicinity of the subject land as shown on the draft plan enclosed on Page 4.
- 3.5 Your petitioner is also currently assembling the documentation to claim the adjoining unmade road line 10.06 wide by possessory title and is desirous of tidying up his property titles by-
- adhering the unmade possessory road line to Folio 47586/4 to the west by adhesion order; and
 - adhering Folio 51736/100 to Folio 104668/3 by this application.

4. The proposed amendments

- 4.1 Delete the "Road" notation from lot 100 on Sealed Plan 51736.
- 4.2 Adhere lot 1 & lot 100 on Sealed Plan 51736 to form a single lot on the plan which will then form an enlarged lot 3 on Sealed Plan 104688.

PETITION TO AMEND SEALED PLAN 51736 ~ 1447 TEA TREE ROAD, CAMPANIA ~ K N GANGELL

5. Persons affected by the proposed amendment

- 5.1 Lot 100 on Sealed Plan 51736 is neither constructed nor used as a highway (and never has been) and the abutting property to the north (Joyce Merlene Williams owner, Folio 100368/2, 158 Williams Road, Tea Tree) is the only property affected by the proposed amendment.
- 5.2 Ms Williams has made a statutory declaration in support of the petitioner's claim to the Road 10.06 wide passing between her property and Tea Tree Road.
- 5.3 No other person is considered to have an interest in the proposed amendment.

6. Section 103 amendment

- 6.1 Section 103 is the only legal mechanism by which lots in a sealed plan may be amended.
- 6.2 Division 5 in the legislation provides for a section 103 Request to Amend document to be lodged with the Recorder of Titles to effect the amendment.

7. Application to Council

- 7.1 Application is made to Council for amendment of the sealed plan as set out in the petition.
- 7.2 Should Council cause the amendments proposed in the petition to be made, would you please execute, seal and return the attached Request to Amend document which will then be filed in the Land Titles Office.

Dated this 12th day of September 2014

Signed on behalf of the petitioner
by his nominated solicitor
DON ARMSTRONG



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980

SEARCH OF TORRENS TITLE

VOLUME 51736	FOLIO 100
EDITION 2	DATE OF ISSUE 14-Apr-1993

SEARCH DATE : 24-Sep-2014
SEARCH TIME : 03.31 PM

DESCRIPTION OF LAND

Parish of YARLINGTON, Land District of MONMOUTH
Lot 100 on Sealed Plan 51736
Derivation : Part of 845A-2R-0Ps Gtd to W Brodribb
Prior CT 4868/92

SCHEDULE 1

B604898 ASSENT to KEVIN NORMAN GANGELL Registered
14-Apr-1993 at 12.04 PM (MF:2077/299)

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP 51736 FENCING COVENANT in Schedule of Easements
SP 51736 COUNCIL NOTIFICATION under Section 468(12) of the
Local Government Act 1962
B401168A LEASE to KEVIN NORMAN GANGELL of a leasehold estate
for the term of twenty (20) years from the 1st day of
March 1988 Registered 19-Dec-1990 at 12.04 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



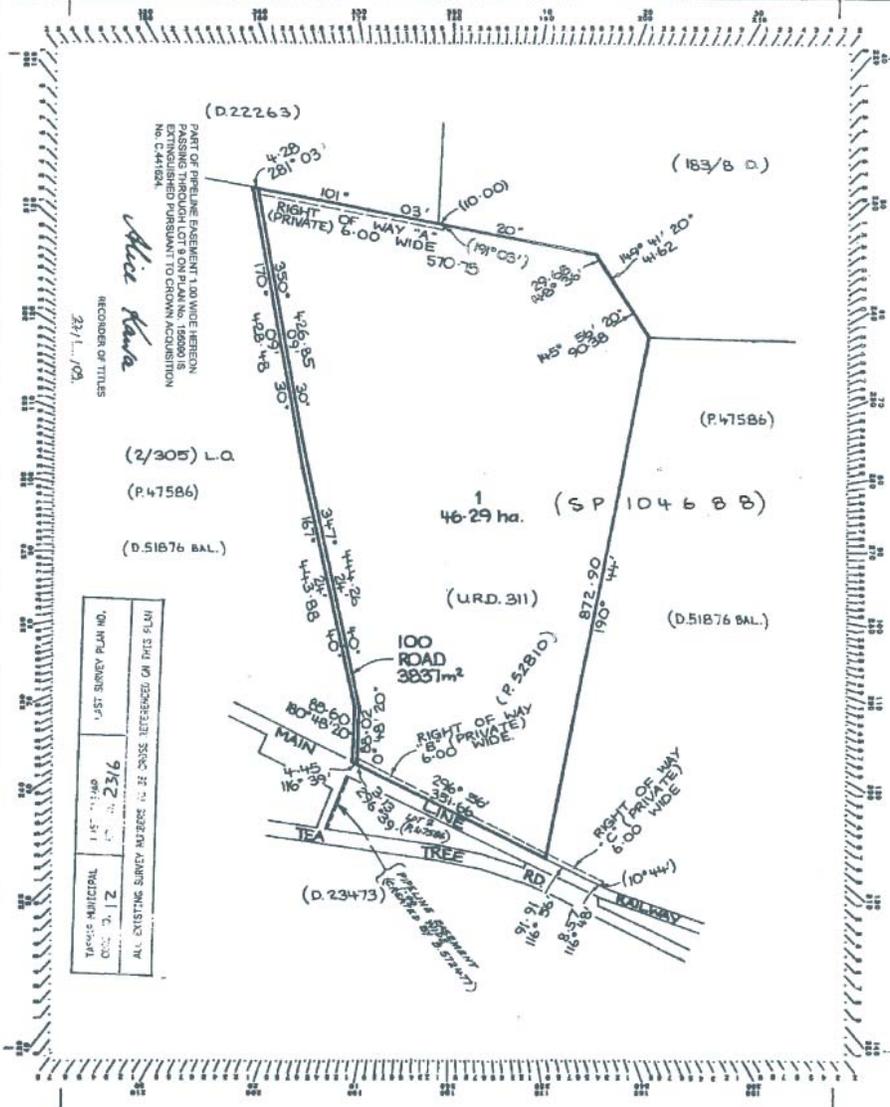
FOLIO PLAN

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



Owner: J.E. GANSELL PROMPTA INVESTMENTS TAS LTD	PLAN OF SURVEY J.L. CERUTTY by Surveyor... of land situated in the CROWER & CERUTTY PL 7 BAYFIELD ST. ROSNY PARK	Registered Number: SP51736
Title Reference: GENV 54/1607 C.T. 4731 - 31	MONMOUTH YARLINGTON	Appraised Effective from: 27 MAR 1992
Grantee: PART OF (B45-2-0) WILLIAM BRODRIBB.	SCALE 1: 600 MEASUREMENTS IN METRES	<i>M. H. H. H.</i> Registered Titles



LAST SURVEY PLAN NO.	91376
TASMANIAN MUNICIPAL DISTRICT	21
ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	



RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 104688	FOLIO 3
EDITION 3	DATE OF ISSUE 12-Mar-2004

SEARCH DATE : 24-Sep-2014
SEARCH TIME : 03.08 PM

DESCRIPTION OF LAND

Parish of YARLINGTON, Land District of MONMOUTH
Lot 3 on Sealed Plan 104688
Derivation : Part of 845A-2R-0Ps Gtd to W Brodribb
Prior CT 51736/1

SCHEDULE 1

B604898 ASSENT to KEVIN NORMAN GANGELL Registered
14-Apr-1993 at 12.04 PM (MF:2077/299)

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
SP104688 EASEMENTS in Schedule of Easements
SP51736, SP104688 FENCING COVENANT in Schedule of Easements
SP51736, SP104688 COUNCIL NOTIFICATION under Section 468(12)
of the Local Government Act 1962
B675059 Burdening easement: pipeline rights for the Hobart
Regional Water Board over the land marked `PIPELINE
EASEMENT 6.00 WIDE' shown passing through the said
land within described (Subject to the provisions
contained therein) Registered 19-Sep-1995 at noon
(MF:2346/235)
B401168A LEASE to KEVIN NORMAN GANGELL of a leasehold estate
for the term of twenty (20) years from the 1st day of
March 1988 Registered 19-Dec-1990 at 12.04 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



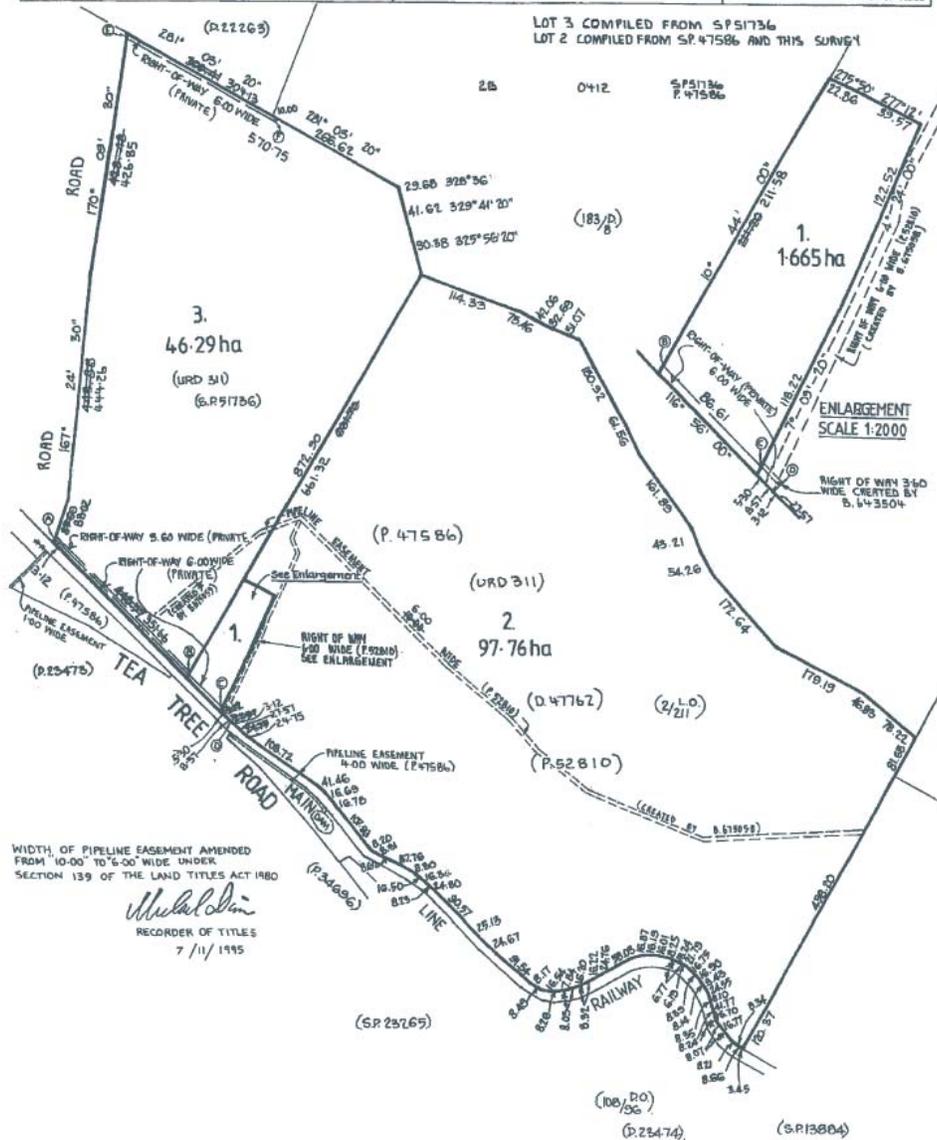
FOLIO PLAN

RECORDER OF TITLES

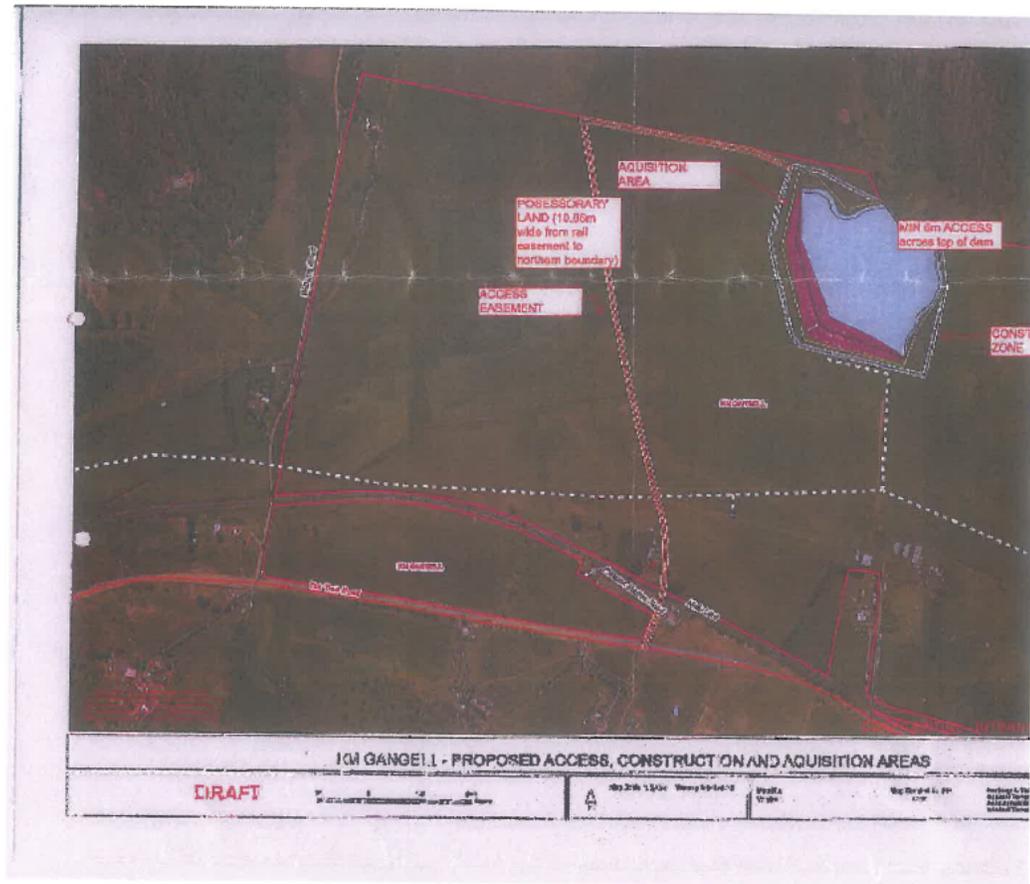
Issued Pursuant to the Land Titles Act 1980

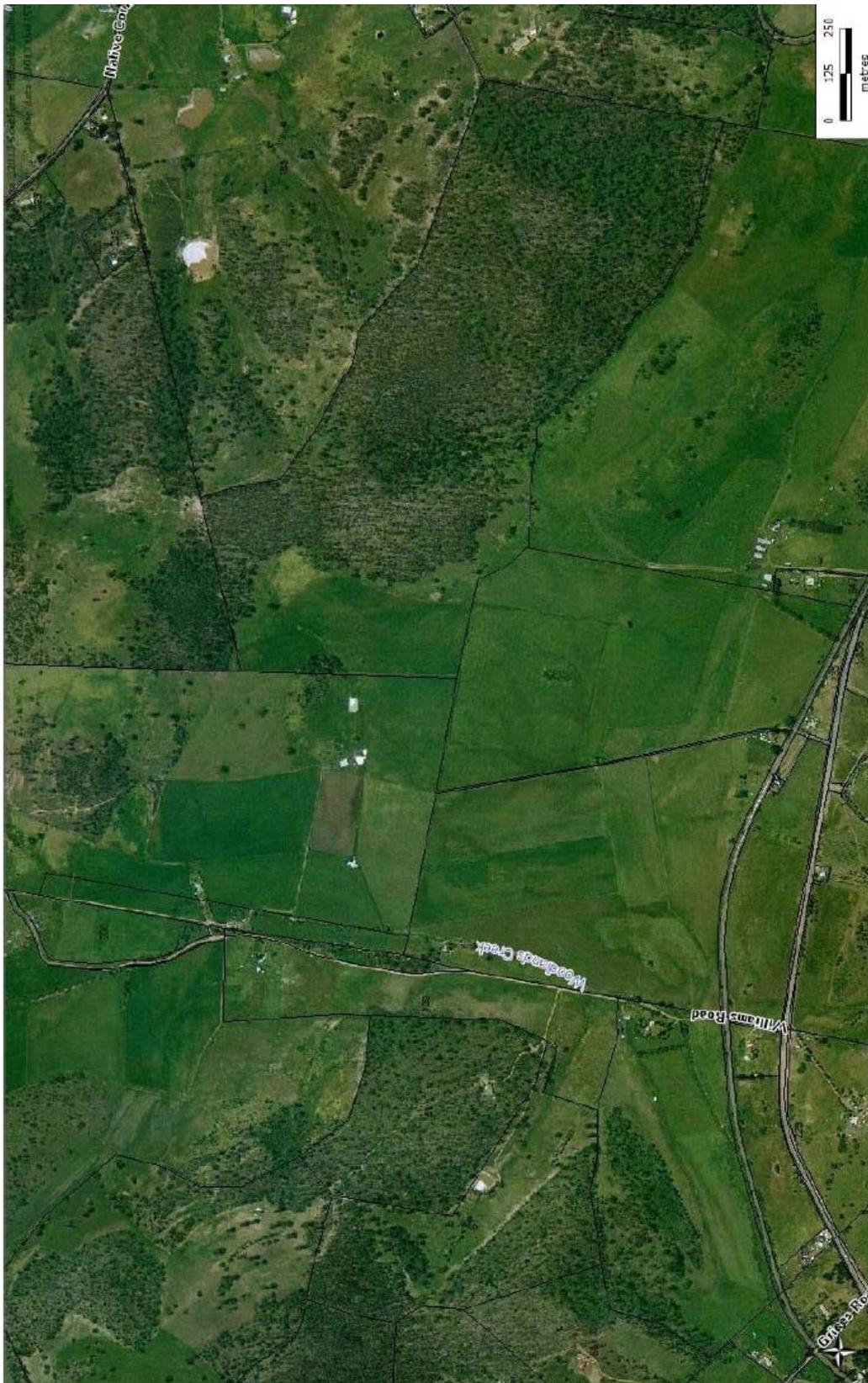


Owner: KEVIN NORMAN GANGELL.	PLAN OF SURVEY by Surveyor ANTHONY OWEN CARPICK of land situated in the	REGISTERED NUMBER SP104688
Title Reference: SP 104688-21 & 26 C1 47586-5 or 51736-1	LAND DISTRICT OF MONMOUTH PARISH OF YARLINGTON & STAFFA	Approved: 13 MAY 2014 Effective from: 23/12/13 <i>Michael Din</i> Recorder of Titles
Grantee: PART OF 845 ⁺ 2 ⁺ 0 ⁺ & 1950 ⁺ 0 ⁺ 0 ⁺ Ghd TO WILLIAM BEOPRIEB.	SCALE 1: 6000 MEASUREMENTS IN METRES	



PETITION TO AMEND SEALED PLAN 51736 – 1447 TEA TREE ROAD, CAMPANIA – K N GANGELL





12.4.2 Proposed Changes to the *Land Use Planning & Approvals Act 1993*.*File Ref:* 9/084**AUTHOR** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES
(D MACKEY)**DATE** 16TH OCTOBER 2014**ATTACHMENTS** 1. Nil**ISSUE**

At the last meeting Council considered a report on a position paper released by the State Government seeking input from Local Government on proposed changes to the *Land Use Planning and Approvals Act 1993*. Council's comments were subsequently provided to the Local Government Association of Tasmanian, which is collating input on behalf of the sector.

The State Government has set a very tight timeframe for progressing the reforms, and was seeking comment from Local Government by the first week of October 2014. It is understood it plans to send the Land Use Planning and Approvals Amendments Bill 2014 to Parliament by the end of October.

It is clear that the major part of the changes to the Act are intended to provide for a speedy end to the previous government's planning reform process so that the current government can apply sufficient resources to develop and implement the single statewide planning scheme within the life of this parliament. The government has indicated that in 2015 it will introduce further amendments to facilitate the development of the statewide scheme.

By the date of the Council meeting on 22 October, detailed information may be available from the government regarding the final shape of the proposed amendments. If so, a verbal update will be provided by the Manager Development & Environmental Services.

RECOMMENDATION**THAT the information be received.****DECISION**

Vote For	Councillor	Vote Against
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	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 – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil.

13.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

13.3 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.

13.4 LIGHTING

Strategic Plan Reference – Page 14

1.4.1a Ensure Adequate lighting based on demonstrated need.
1.4.1b Contestability of energy supply.

Nil.

13.5 BUILDINGS

Strategic Plan Reference – Page 15

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

Nil.

13.6 SEWERS

Strategic Plan Reference – Page 15

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

13.7 WATER

Strategic Plan Reference – Page 15

1.7.1 Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.

Nil.

13.8 IRRIGATION

Strategic Plan Reference – Page 15

1.8.1 Increase access to irrigation water within the municipality.

Nil.

13.9 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.10 WASTE

Strategic Plan Reference – Page 17

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

Nil.

13.11 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)

DATE 15TH OCTOBER 2014

ROADS PROGRAM

Maintenance Grading is being undertaken on Interlaken Road, Oatlands. Due to dry conditions grading may be put on hold – most roads are in reasonable condition. Prior to the Christmas break the heavy usage gravel roads will be graded if required.

BRIDGE PROGRAM

No issues

WASTE MANAGEMENT PROGRAM

All operating well, still extra cartage services being required.

TOWN FACILITIES PROGRAM

Footpath spraying and general maintenance continuing.

RECOMMENDATION

THAT the information be received.

DECISION

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

13.12.2 Annual Tenders 2014/2015

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)

DATE 15TH OCTOBER 2014

BACKGROUND

Tenders for the supply of road base materials and external plant hire for the period 1st October, 2014 to 30th September, 2015.

Plant Hire:

Following consideration of the registrations submitted, it is recommended that all which satisfy the requirements of the tender document be registered for hire on an as required basis for the period 1st October, 2014 to 30th September, 2015.

Plant hire decisions are based on the following:

- a) Best price.
- b) Operator ability.
- c) Machine condition.
- d) Availability.

Supply of Road Base Materials and Screenings:

Decisions are based on the following:

- a) Material quality
- b) Source locality
- c) Price

RECOMMENDATION

THAT the information be received.

DECISION

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 18

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 19

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 20

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.

14.4 INDUSTRY

Strategic Plan Reference – Page 21

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

2.5.1 The integrated development of towns and villages in the Southern Midlands.
2.5.2 The Bagdad Bypass and the integration of development.

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Officer's Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 15TH OCTOBER 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

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

- Consultation was undertaken on the draft *Southern Midlands Council Historic Heritage Strategy 2014-18*. The results of that consultation are provided to this meeting as a separate report.
- Heritage staff has been working on Heritage Building Solutions projects ranging from Triabunna to Zeehan.
- Jen Jones is progressing write-ups of the summer archaeology programs 2011-13 and liaising with students on projects prior to her finishing up in November.
- The final stages of the interpretive installations for the *Southern Midlands Convict Sites* project are underway.
- A call for volunteers for the heritage program was placed in last Council newsletter with a good response of people from the community interested in assisting the program.
- A grant application is being prepared for the National Stronger Regions Fund for works at 79 High Street/Oatlands Commissariat.
- All of the heritage staff has been on leave at various times for part of October.

RECOMMENDATION

THAT the information be received.

DECISION

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

15.1.2 Southern Midlands Council Historic Heritage Strategy 2014-18

AUTHOR MANAGER HERITAGE PROJECTS (B WILLIAMS)

DATE 15TH OCTOBER 2014**ISSUE**

This report seeks endorsement of the *Southern Midlands Council Historic Heritage Strategy 2014-18* (hereinafter referred to as the strategy), following Council's in-principle endorsement in September 2014 and a round of public consultation.

BACKGROUND

The draft *Southern Midlands Council Historic Heritage Strategy 2014-18* was given in-principle endorsement at Council's 23rd September 2014 meeting in order for a round of public consultation to be undertaken.

Copies of the plan were placed at both Oatlands and Kempton Council Offices, and posters distributed which advertised the availability of the document. The document was placed on Council's website, and a link was forwarded to interest groups (e.g. Heritage Tasmania, Arts Tasmania, Cultural Heritage Practitioners Tasmania, various local heritage groups etc.). Comments were sought by 13th October 2014.

A copy of the draft strategy was previously distributed to Councillors. No changes have been made (with the exception of the addition of an additional photograph as requested at that meeting).

DETAIL

The strategy document provides a contextual overview of Council's approach to heritage management this far, by collation of all reports and projects undertaken by Council to date, and provides detail on the two general streams of heritage management undertaken, that of statutory heritage management, and non-statutory heritage management (projects). The strategy also considers Council's role as an advocate of heritage and how that diffuses into community development. The strategy is driven by the heritage initiatives deriving from the *Southern Midlands Council Strategic Plan 2014-23* (which are detailed within the strategy).

The strategy aligns current and developing statutory and strategic planning aspects of heritage, such as the *Joint Land Use Planning Initiative*, *Southern Midlands Heritage Project*, *Oatlands Integrated Development Strategy*, *MEDALS* and draft planning scheme processes (although noting that there will need to be an amendment to the strategy once the planning scheme is adopted to reflect new process and provisions). The strategy consolidates recommendations of other endorsed heritage planning documents, such as the Callington Mill, Oatlands Gaol and Oatlands Commissariat master plans.

Overall, the strategy does not introduce any new initiatives to Council, however formalises and aligns the many and varied initiatives which are in different stages of inception and development as drawn from previously endorsed plans and strategies.

Human Resources & Financial Implications

The implementation and advancement of the strategy will require ongoing financial and human resources, however all of the initiatives contained within the strategy have already been initiated by Council – this document being the means of gaining cohesion between projects towards the common overall directions.

Endorsement of the strategy will act to affirm Council’s commitment to proactive and sustainable heritage management, which will be a favourable consideration for funding bodies, possibly increasing the chance of external grants into the future (as has been demonstrated by the success of obtaining external funding partly based upon the previous heritage strategy).

Community Consultation & Public Relations Implications

Whilst several informal verbal comments were provided in support of the strategy, no formal comments were received; therefore it is not considered that any amendment of the draft strategy is necessary. The document, if endorsed, will provide a basis for future public engagement in heritage within the Southern Midlands and act to stimulate participation in projects.

Policy Implications

The SMHHS encompasses a range of strategies deriving from the *Southern Midlands Council Strategic Plan 2014-23*, which relate to heritage and tourism, as well a range of strategies arising from the previous historic heritage strategy and other endorsed plans/strategies etc.

No amendment to current Council policy or strategic direction is consequent from endorsement of the SMHHS.

Priority - Implementation Time Frame

The SMHHS sets a five-year plan for the progression and achievements of certain milestones, although it does acknowledge that many of these achievements are subject to external factors which may be beyond Council’s control (i.e. external funding, partnerships etc). Timeframes and priorities have been developed as closely as possible to current strategic directions in the *Southern Midlands Council Strategic Plan 2014-23*, as well as individual project timelines and priorities.

RECOMMENDATION

THAT Council endorse the *Southern Midlands Council Historic Heritage Strategy 2014-18*.

DECISION

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

15.2 NATURAL**Strategic Plan Reference – Page 23/24**

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

15.2.1 Landcare Unit & Climate Change – General Report*File Ref: 03/082*

AUTHOR NRM PROGRAMS MANAGER – (M WEEDING)

DATE 14TH OCTOBER 2014**ISSUE**

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- The Bushlinks 500 project continues to progress. The project is scheduled to finish by 30th November, however any committed activity / expenses as at that date can be completed post 30th November.
- Graham continues to spend some time on mapping work for Council's Development and Environmental Services staff, mainly in relation to minor Planning Scheme amendments.
- Some annual maintenance continues to be undertaken on sections of the Dulverton Walkway in relation to the planted native vegetation.
- Lake Dulverton: Works at the bund wall to place the valve on the bund wall pipe will most likely commence this week. A concrete base will need to be poured to hold a frame in place. The frame will be used to secure the main body of the valve and provide support to the valve extension handle.
- A meeting with Tas Irrigation was held on Tuesday 23rd Sept re the lake water. It has been agreed that for 2014/15 the Lake Dulverton 'winter allocation' water be delivered in the 'summer' season as capacity in the line permits. The delay in taking the water in the winter period has come about as the line was not fully commissioned. There is a query on payment of the holding costs of any unused water in any one season, should the full annual 215 Ml not be taken by Council in any one year. This remains an unresolved issue which we (Council) will continue to pursue to have this matter clarified.
- Expressions of Interest for the removal / purchase of the Callington Mill Cap are out for public interest – closing 1st December. Details are on the Council web site.
- There is an opportunity to pursue more funding for revegetation activities under the recently released 20 Million Trees grant round. With limited funds available across the nation, it will be very competitive. An application for further works on the Lake Dulverton corridor plantings will meet most of the criteria, making it the best opportunity for Southern Midlands to secure some of the funds available. Applications close at the

end of October.

- The proposed sale of the Council owned property known as the Interlaken Stock Reserve and the potential sale of Mahers Point cottage, are progressing slowly.
- A seminar on biogas, renewable energy and economic returns on investment is to be held in Hobart on 22nd October 2014. Graham Green will attend.

RECOMMENDATION

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

DECISION

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

15.3 CULTURAL

Strategic Plan Reference – Page 24

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

Nil.

15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 25

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 25

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.

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 26

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 27

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

Nil.

16.4 CHILDREN AND FAMILIES

Strategic Plan Reference – Page 27

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

Nil.

16.5 VOLUNTEERS

Strategic Plan Reference – Page 27

4.5.1 Encourage community members to volunteer.

Nil.

16.6 ACCESS

Strategic Plan Reference – Page 28

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 (DDA).

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 28

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 29

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

Nil.

16.9 ANIMALS

Strategic Plan Reference – Page 29

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

16.9.1 Animal Control Report

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 16TH OCTOBER 2014

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

Refer Monthly Statement on Animal Control for period ending 30th September 2014.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	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 30/9/2014**

Total of Dogs Impounded: 4
Dogs still in the Pound:

Breakdown Being:

ADOPTED RECLAIMED LETHALISED ESCAPED

2	2		
---	---	--	--

MONEY RECEIVED

Being For:

Pound	<u>\$197.00</u>
Reclaims	<u> </u>
Dog Registrations	<u>\$2186.47</u>
Kennel Licence Fee	<u> </u>
Infringement Notices	<u> </u>
Complaint Lodgement Fee	<u> </u>
TOTAL	<u>\$2383.47</u>

COMPLAINTS RECEIVED FOR PERIOD ENDING 30/9/2014

Dog at Large: 3

Dog Attacks:

Request Pick-ups: 2

After Hours Calls: 3

TOTAL 8

Number of Formal Complaints Received: -

Number of Infringement Notices Issued: -

Animal Control Officer: **Garth Denne**

16.10 EDUCATION

Strategic Plan Reference – Page 29

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

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 30

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 30

5.2.1 Build the capacity of the Community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability.

Nil.

17.3 SAFETY

Strategic Plan Reference – Page 31

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

Nil.

17.4 CONSULTATION AND COMMUNICATION

Strategic Plan Reference – Page 31

5.4.1 Improve the effectiveness of consultation and communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 32

- | | |
|-------|---|
| 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 |

Nil.

18.2 SUSTAINABILITY

Strategic Plan Reference – Page 33 & 34

- | | |
|-------|--|
| 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.

18.3 FINANCES**Strategic Plan Reference – Page 34 & 35**

- | | |
|-------|---|
| 6.3.1 | Communities finances will be managed responsibly to enhance the wellbeing of residence. |
| 6.3.2 | Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation. |
| 6.3.3 | Council's finance position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses. |
| 6.3.4 | Resources will be allocated to those activities that generate community benefit. |

18.3.1 Monthly Financial Statement (September 2014)

File Ref: 3/024

AUTHOR FINANCE OFFICER (C Pennicott)
DATE 22nd October 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st September 2014 to 30th September 2014 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

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

- d) Rates & Charges Summary – as at 1st October 2014
- e) Cash Flow Statement – September 2014

Note: Expenditure figures provided are for the period 1st September to 30th September 2014 – approximately 25% of the period.

Comments**A. Current Expenditure Estimates (Operating Budget)****Strategic Theme – Growth**

- **Sub-Program – Business** - expenditure to date (\$65,749– 99.24%). Works undertaken on a recharge basis (e.g. Stornoway Contract – not included in original budget). Expenditure will be offset by income received.

Strategic Theme – Landscapes

- **Sub-Program – Natural** – expenditure to date (\$114,095 –77.19%). Expenditure consists of \$55,700 being associated with the NRM South which are recovered via operational grants.

Strategic Theme – Lifestyle

- **Sub-Program – Aged** – expenditure to date (\$1104 – 73.58%). Expenditure consists of payments associated with the Healthy Communities Initiative which are recovered via operational grants.
- **Sub-Program – Childcare** – expenditure to date (\$5,071 – 67.61%). Expenditure includes \$5,000 BFDC Grant to the Brighton Family Day Care.

Strategic Theme – Community

- **Sub-Program – Capacity** - expenditure to date (\$11,680 –33.35%). Expenditure of the final \$5,000 to the Tunbridge Community Hall from the Sale of the Tunbridge Fire Station Land.
- **Sub-Program – Consultation** - expenditure to date (\$1,977 –38.99%). Expenditure of \$1,099 relates to Aurora expenses associated with the operation of the Radio Station (Transmitter Tower). Apportionment of expenses to be addressed through joint negotiation with Radio Station.

Strategic Theme – Organisation

- **Strategic Theme – Improvement** – expenditure to date (\$11,419– 111.95%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The \$9,074 is the total cost and is to be shared between the six (6) Councils with revenue coming back to Southern Midlands
- **Sub-Program – Sustainability** - expenditure to date (\$591,703 – 29.67%). Includes annual insurance renewals payable at the commencement of the financial year.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

DECISION

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

STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2014 to 30TH SEPTEMBER 2014

	Annual Budget	Year to Date as at 30TH SEPTEMBER	% To Date	Comments
Income				
General rates	\$ 4,384,707	\$ 4,333,935	98.8%	Budget includes Interest & Penalties to be imposed to end of June 2015
User Fees (refer Note 1)	\$ 614,813	\$ 169,427	27.6%	
Interest	\$ 245,000	\$ 48,730	19.9%	
Government Subsidies	\$ 27,750	\$ -	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 308,188	\$ 75,570	24.5%	
Sub-Total	\$ 5,580,458	\$ 4,627,662	82.9%	
Grants - Operating	\$ 3,250,402	\$ 808,443	24.9%	FAGS Grant \$3.245K; \$5K Campania Structure Plan
Total Income	\$ 8,830,860	\$ 5,436,105	61.6%	
Expenses				
Employee benefits	\$ 3,851,335	\$ 799,723	20.8%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 2,729,768	\$ 865,088	31.7%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ 2,654,000	\$ 663,500	25.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 53,023	\$ 374	0.7%	
Contributions	\$ 178,450	\$ -	0.0%	Fire Service Levies
Other	\$ 228,242	\$ 71,454	31.3%	
Total expenses	\$ 9,694,818	\$ 2,400,138	24.8%	
Surplus (deficit) from operations	-\$ 863,958	\$ 3,035,968	-351.4%	
Grants - Capital (refer Note 3)	\$ 445,234	\$ 3,604	0.8%	
Donations	\$ 2,500	\$ 300	12.0%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ 25,357	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ -	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	-\$ 416,224	\$ 3,065,228	-736.4%	

NOTES

1. Income - User Fees (Budget \$614,813) includes:

- All other Programs	\$ 296,813	\$	113,575	38.3%
- Callington Mill	\$ 318,000	\$	55,852	17.6%
	\$ 614,813	\$	169,427	Actual Income Received (i.e. excluding Debtors)

2. Income - Other (Budget \$308,188) includes:

- Income (Private Works)	\$ 76,188	\$	64,810	85.1%
- Tas Water Distributions	\$ 228,000	\$	1,515	0.7%
- Public Open Space Contributions	\$ 4,000	\$	-	0.0%
- Other	\$ -	\$	9,244	0.0%
	\$ 308,188	\$	75,570	

3. Grant - Capital (Budget \$445,234) includes:

- Roads To Recovery Grant	\$ 445,213	\$	-	0.0%
- Healthy Communities Initiative	\$ -	\$	3,604	To be claimed in March 2015
	\$ 445,213	\$	3,604	0.8%

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2014/15

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30 SEPTEMBER 2014 25%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3044345	3044345	601533	2242812	26.33%
Bridges	415869	415869	97648	318221	23.48%
Walkways	178627	178627	27406	151221	15.34%
Lighting	89995	89995	21939	88056	24.38%
Irrigation	0	0	0	0	0.00%
Drainage	77923	77923	13217	64706	16.95%
Waste	575204	575204	102573	472631	17.83%
Public Toilets	56304	56304	8462	47842	15.03%
Communications	0	0	0	0	0.00%
Signage	12300	12300	1050	11250	8.53%
INFRASTRUCTURE TOTAL:	4450567	4450567	1073827	3376740	24.13%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	550291	550291	109788	440503	19.95%
Tourism	201345	201345	43491	157854	21.60%
Business	66250	66250	65749	501	99.24%
Agriculture	5493	5493	0	5493	0.00%
Integration	25350	25350	0	25350	0.00%
GROWTH TOTAL:	848729	848729	219028	629701	25.81%
LANDSCAPES					
Heritage	304709	304709	65829	238880	21.60%
Natural	147816	147816	114110	33706	77.20%
Cultural	0	0	0	0	0.00%
Regulatory	832085	832085	204275	627810	24.55%
Climate Change	37739	37739	870	37069	1.78%
LANDSCAPES TOTAL:	1322349	1322349	384885	937464	29.11%
LIFESTYLE					
Youth	205731	205731	30284	175447	14.72%
Aged	1500	1500	1104	396	73.58%
Childcare	7500	7500	5071	2429	67.61%
Volunteers	34500	34500	247	34253	0.72%
Access	6520	6520	0	6520	0.00%
Public Health	7826	7826	492	7334	6.28%
Recreation	380880	380880	60388	320492	15.85%
Animals	70090	70090	18820	51270	26.85%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	714547	714547	116405	598142	16.29%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	11680	23345	33.35%
Safety	56650	56650	14225	42425	25.11%
Consultation	5070	5070	1977	3093	38.99%
Communication	12125	12125	1682	10443	13.87%
COMMUNITY TOTAL:	108870	108870	29564	79306	27.16%
ORGANISATION					
Improvement	10200	10200	11419	-1219	111.95%
Sustainability	1994595	1994595	591581	1403014	29.66%
Finances	244953	244953	26234	218729	10.71%
ORGANISATION TOTAL:	2249758	2249758	629234	1620524	27.97%
TOTALS	9694820	9694820	2452943	7241877	25.30%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 SEPTEMBER 2014

INFRASTRUCTURE	ROAD ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	Reshaping Program	\$ 600,000	\$ 180,685	\$ 419,315	
	Reseal Program	\$ 300,000	\$ -	\$ 300,000	
	Reconstruct & Seal	\$ 26,400	\$ -	\$ 26,400	
	Remove / Cut Bank Bank (DIER)	\$ 33,000	\$ -	\$ 33,000	
		\$ 6,400	\$ -	\$ 6,400	
		\$ 48,400	\$ -	\$ 48,400	
		\$ 39,600	\$ -	\$ 39,600	
	Construct & Seal (Unsealed Roads)	\$ 39,375	\$ -	\$ 39,375	
		\$ 13,750	\$ -	\$ 13,750	
	Minor Seals (New)	\$ 7,000	\$ -	\$ 7,000	
		\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ -	\$ 15,000	
	Unsealed – Road Widening	\$ 20,000	\$ -	\$ 20,000	
		\$ 20,000	\$ 11,023	\$ 8,977	Budget Incls. \$11,023 expended 13/14
		\$ 30,000	\$ -	\$ 30,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 20,000	\$ -	\$ 20,000	
		\$ -	\$ -	\$ -	
	Junction Road Realignment/ Other	\$ 211,000	\$ 16,324	\$ 194,676	Budget Incls. \$16,044 expended 13/14
		\$ 20,000	\$ 6,692	\$ 13,308	
		\$ 83,000	\$ -	\$ 83,000	
		\$ 25,600	\$ 4,595	\$ 21,005	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 20,250	\$ -	\$ 20,250	
		\$ 3,000	\$ -	\$ 3,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ -	\$ 6,225	\$ (6,225)	
		\$ 9,700	\$ -	\$ 9,700	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 1,641,475	\$ 225,545	\$ 1,415,930	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 SEPTEMBER 2014

BRIDGE ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
C1030003	\$ 436,272	\$ 123,979	\$ 312,293	Brown Mountain Road (Coal River BR37)
C1030023	\$ 336,335	\$ 3,225	\$ 333,110	Swanston Road - Little Swanport Rv (B 1716)
C1030028	\$ 156,340	\$ 20,400	\$ 135,941	Rotherwood Road Bridge (No. 1137)
C1030030	\$ -	\$ 905	\$ (905)	Jones Rd (B5083)
C1030041	\$ 142,600	\$ -	\$ 142,600	Kheme Road (Birralee Creek B5175)
C1030044	\$ 81,672	\$ 1,304	\$ 80,368	Grahams Creek Road (Grahams Creek B2510) Elderslie Road
C1030045	\$ 26,440	\$ -	\$ 26,440	Daniels Road - Marshalls Crk
	\$ 60,129	\$ -	\$ 60,129	Noyes Road (Limelkin Creek)
	\$ -	\$ 1,469	\$ (1,469)	Fields Road Bridge (B1851)
	\$ 212,650	\$ -	\$ 212,650	Inglewood Road (Tin Dish Rivulet B4289)
	\$ 107,290	\$ -	\$ 107,290	Muddy Plains Road (Summerfield Creek B417)
	\$ 107,290	\$ -	\$ 107,290	Nala Road (Kittys Rivulet B4264)
	\$ 56,950	\$ -	\$ 56,950	Sandy Lane (Red Rocks Race B4198)
	\$ 1,723,968	\$ 151,281	\$ 1,572,687	
WALKWAYS				
	\$ 40,000	\$ -	\$ 40,000	Footpaths - General (Program to be confirmed)
	\$ -	\$ -	\$ -	Campania Township
	\$ 10,000	\$ -	\$ 10,000	- Reeve Street (Vicinity of Store)
	\$ 80,000	\$ 11,179	\$ 68,821	- Reeve Street (500 metres)
	\$ 5,000	\$ -	\$ 5,000	- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)
	\$ -	\$ -	\$ -	Oatlands Township
	\$ 9,100	\$ -	\$ 9,100	- Esplanade (Roadside Stopover to Infant School)
	\$ 15,000	\$ -	\$ 15,000	- High Street (Vicinity of School)
	\$ 6,000	\$ -	\$ 6,000	- High Street (Vicinity of Pancake Parlour)
	\$ 15,000	\$ -	\$ 15,000	- Church Street (K&G renewal)
	\$ -	\$ -	\$ -	Tumbridge Township
	\$ 7,800	\$ -	\$ 7,800	- Various (to be confirmed)
	\$ -	\$ -	\$ -	Parattah Township
	\$ 8,000	\$ -	\$ 8,000	- Turnnack Main Road (Link footpath existing to Bailey's Rd)
	\$ 195,900	\$ 11,179	\$ 184,721	
IRRIGATION				
	\$ 8,262	\$ 1,528	\$ 6,734	Mt Pleasant Rec Ground (10ML) - Balance
	\$ 8,262	\$ 1,528	\$ 6,734	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 SEPTEMBER 2014

DRAINAGE	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
Bagdad				
- Midland Hwy/ Swan St Drainage (McShane Property)	\$ 22,500	\$ -	\$ 22,500	
- Swan Street - Kerb & Gutter (eastern & western side)	\$ 241,882	\$ 128,511	\$ 113,371	Budget - allocated in 2013/14
- Hyland Crescent	\$ -	\$ 14,351	\$ (14,351)	
Campania				
- Reeve Street Open Drain (North Of Telephone Box)	\$ 45,000	\$ 3,750	\$ 41,250	
Oatlands				
- Barrack Street (towards Mason St)	\$ 10,000	\$ -	\$ 10,000	
- High St/Wallington Street Junction	\$ 5,000	\$ -	\$ 5,000	
- Stanley Street / Lake Duiyverton - Extension	\$ 13,000	\$ 1,007	\$ 11,994	
- Wallington Street (150 metres - kerb replacement)	\$ 12,000	\$ -	\$ 12,000	
- William Street (Church St to Gay St)	\$ 10,000	\$ -	\$ 10,000	
	\$ 359,382	\$ 147,619	\$ 211,763	
WASTE				
C110001	\$ -	\$ 1,197	\$ (1,197)	
C110002	\$ 7,500	\$ -	\$ 7,500	
	\$ 7,500	\$ 1,197	\$ 6,303	
PUBLIC TOILETS				
Colebrook - Power Connection & Lighting	\$ 5,000	\$ -	\$ 5,000	
Campania - Urinal / Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000	
	\$ 9,000	\$ -	\$ 9,000	
SIGNAGE				
Municipal Boundary (Brighton Bypass)	\$ 2,500	\$ -	\$ 2,500	
	\$ 2,500	\$ -	\$ 2,500	
MILL OPERATIONS				
Visitor Centre - Appliances	\$ -	\$ 426	\$ (426)	
	\$ -	\$ 426	\$ (426)	
HERITAGE				
C3010002	\$ 20,000	\$ -	\$ 20,000	
G3010007	\$ -	\$ 4,900	\$ (4,900)	
C3010008	\$ 89,500	\$ 3,423	\$ 86,077	
C3010009	\$ 7,000	\$ -	\$ 7,000	
	\$ 7,500	\$ -	\$ 7,500	
	\$ 124,000	\$ 8,323	\$ 115,677	
NATURAL				
C3020004	\$ -	\$ 4,232	\$ (4,232)	
Lake Duiyverton - Improvements	\$ 5,000	\$ -	\$ 5,000	
Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ -	\$ -	\$ -	
	\$ 5,000	\$ 4,232	\$ 768	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 30 SEPTEMBER 2014

REGULATORY	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
C3040001	\$ 8,954	\$ -	\$ 8,954	Kempston Council Chambers - Building & Office Improvements
C3040001	\$ 3,000	\$ -	\$ 3,000	Kempston Council Chambers - Office Equipment
C3040001	\$ 5,000	\$ 2,700	\$ 2,300	Kempston Council Chambers - Carpet & Flooring
C3040001	\$ 7,500	\$ -	\$ 7,500	Kempston Council Chambers - External Repainting
	\$ 24,454	\$ 2,700	\$ 21,754	
C4070001	\$ 10,000	\$ -	\$ 10,000	Parlatan Recreation Ground - Grassland
C4070001	\$ 5,000	\$ -	\$ 5,000	Parlatan Recreation Ground - Demolish External Toleils
C4070003	\$ -	\$ -	\$ -	Campagna Recreation Ground
C4070005	\$ 15,000	\$ 18,739	\$ (3,739)	Recreation Committee
C4070005	\$ (4,498)	\$ -	\$ (4,498)	Campagna Hall - Internal Painting (Committee Contribution)
C4070005	\$ 3,300	\$ 2,636	\$ 664	Mengalore Hall- kitchen Amenities
C4070005	\$ 7,500	\$ -	\$ 7,500	Mengalore - Bore Water
C4070008	\$ 8,995	\$ -	\$ 8,995	Campagna Hall - Internal Painting
C4070016	\$ 25,000	\$ -	\$ 25,000	Colebrook Recreation Ground (Amenities)
C4070017	\$ 10,000	\$ -	\$ 10,000	Kempston Memorial Hall
C4070022	\$ 10,000	\$ -	\$ 10,000	Turnack - Recreation Ground (Upgrade Toleils)
C4070024	\$ 10,000	\$ 1,449	\$ 8,551	Physica Strategy - Alexander Circle & Lyndon Road
C4070028	\$ 10,000	\$ -	\$ 10,000	Lyndon Road Barbecue Shelter
	\$ 10,000	\$ 1,166	\$ 8,834	Tunbridge Park - BBQ Shelter
	\$ 5,200	\$ -	\$ 5,200	Mt Pleasant Floor Coverings
	\$ 5,000	\$ -	\$ 5,000	Mt Pleasant - Upgrade Toleils
	\$ 130,497	\$ 32,985	\$ 97,512	
	\$ 3,000	\$ -	\$ 3,000	Road Accident Rescue Unit
	\$ 3,000	\$ -	\$ 3,000	
C6020007	\$ 35,000	\$ 25,890	\$ 9,110	Computer System (Hardware / Software)
C6020007	\$ 15,000	\$ -	\$ 15,000	Council Chambers - Damp Issues & Stonemasonry
C6020007	\$ 7,400	\$ -	\$ 7,400	Council Chambers - Concrete Paths (Forecourt)
C6020007	\$ 7,500	\$ -	\$ 7,500	Council Chambers - Building Improvements
C6020007	\$ 6,000	\$ 2,660	\$ 5,320	Town Hall (General) - incs. Office Equip/Furniture
C6020007	\$ 6,000	\$ -	\$ 6,000	Council (Notebooks/Tables)
C6020007	\$ 1,500	\$ -	\$ 1,500	Photo Reframing
	\$ 5,000	\$ -	\$ 5,000	Kempston Depot - Furnishings
	\$ 10,000	\$ -	\$ 10,000	Kempston Depot - Rewiring
	\$ 5,000	\$ -	\$ 5,000	Depot Relocation
C9990002	\$ 9,500	\$ 5,308	\$ 4,192	Minor Plant Purchases
	\$ 2,000	\$ -	\$ 2,000	Radio System
	\$ 217,920	\$ 93,458	\$ 124,461	Plant Replacement Program
	\$ 168,000	\$ -	\$ 168,000	Refor separate Schedule (Net Changeover)
	\$ -	\$ -	\$ -	Light Vehicles
	\$ 36,000	\$ -	\$ 36,000	(Trade Allowance - \$240K)
	\$ -	\$ -	\$ -	Water Tanks Replacement (Truck)
	\$ 533,620	\$ 127,337	\$ 406,483	
	\$ 4,768,758	\$ 714,353	\$ 4,054,405	GRAND TOTALS

SOUTHERN MIDLANDS COUNCIL			
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED			
	This Financial Year 12th October 2014	Last Financial Year 1st October 2013	
Arrears brought forward as at July 1	\$ 431,103.63	\$ 352,040.89	
ADD current rates and charges levied	\$ 4,325,759.24	\$ 4,131,441.69	
ADD current interest and penalty	\$ 3,845.37	\$ 19,716.31	
TOTAL rates and charges demanded	100.00% \$ 4,760,708.24	100.00% \$ 4,503,198.89	
LESS rates and charges collected	39.75% \$ 1,892,144.80	39.77% \$ 1,791,093.14	
LESS pensioner remissions	4.50% \$ 214,239.77	4.53% \$ 203,799.57	
LESS other remissions and refunds	-0.07% \$ 3,164.95	-0.09% \$ 4,033.42	
LESS discounts	0.45% \$ 21,435.40	0.39% \$ 17,725.96	
TOTAL rates and charges collected and remitted	44.63% \$ 2,124,655.02	44.60% \$ 2,008,585.25	
UNPAID RATES AND CHARGES	55.37% \$ 2,636,053.22	55.40% \$ 2,494,613.64	

	INFLOWS (OUTFLOWS) (July 2014)	INFLOWS (OUTFLOWS) (August 2014)	INFLOWS (OUTFLOWS) (September 2014)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities				
Payments				
Employee costs	- 286,297.46	- 268,596.25	- 270,131.91	- 825,025.62
Materials and contracts	- 521,480.45	- 306,375.10	- 373,753.54	- 1,201,609.09
Interest	- 373.55	-	-	- 373.55
Other	- 16,354.26	- 20,038.62	- 35,060.86	- 71,453.74
	- 824,505.72	- 595,009.97	- 678,946.31	- 2,098,462.00
Receipts				
Rates	96,394.89	127,273.28	1,693,179.94	1,916,848.11
User charges	66,467.29	57,926.84	74,787.66	124,394.13
Interest received	17,918.73	10,122.94	20,688.05	28,041.67
Subsidies	-	-	-	-
Other revenue grants	-	812,046.89	-	812,046.89
GST Refunds from ATO	-	-	-	-
Other	- 68,007.19	30,214.61	49,892.91	37,792.58
	112,773.72	1,037,584.56	1,838,548.56	2,843,538.22
Net cash from operating activities	- 711,732.00	442,574.59	1,159,602.25	745,076.22
Cash flows from investing activities				
Payments for property, plant & equipment	- 58,787.91	- 80,497.25	- 124,934.81	- 264,219.97
Proceeds from sale of property, plant & equipment	-	14,720.91	13,636.36	28,357.27
Proceeds from Capital grants	-	-	-	-
Proceeds from Investments	-	-	-	-
Payment for Investments	-	-	-	-
Net cash used in investing activities	- 58,787.91	65,776.34	111,298.45	235,862.70
Cash flows from financing activities				
Repayment of borrowings	- 4,262.22	-	-	- 4,262.22
Proceeds from borrowings	-	-	-	-
Net cash from (used in) financing activities	- 4,262.22	-	-	- 4,262.22
Net increase/(decrease) in cash held	- 774,782.13	376,798.25	1,048,303.80	650,319.92
Cash at beginning of reporting year	7,992,781.80	7,217,999.67	7,594,797.92	7,992,781.80
Cash at end of reporting year	7,217,999.67	7,594,797.92	8,643,101.72	8,643,101.72

18.3.2 Policy Development – Corporate Credit Card Policy

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
 DATE 14TH OCTOBER 2014

ATTACHMENT: Updated Policy – Southern Midlands Council Corporate Credit Card.

ISSUE

Adoption of Policy.

BACKGROUND

Nil.

DETAIL

Council has recently changed banking companies on the two credit cards, this change required the current Corporate Credit Card Policy to be reviewed and updated.

The two credit cards have been issued to the General Manager (Tim Kirkwood) and Executive Assistant (Katrina Brazendale), both with a limit of \$4,000.00.

Human Resources & Financial Implications – Not applicable.

Community Consultation & Public Relations Implications – N/A.

Council Web Site Implications: Nil

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT the updated Policy, subject to any amendment, be endorsed.

DECISION

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

Purpose

Southern Midlands Council Corporate Credit Cards are provided to Council personnel (currently Executive Assistant and General Manager) to enable the purchase of goods in the following situations:

- Only for Council business activities
- When outside the municipal area on business
- For minor purchases where a Council order is not able to be accepted
- For the purchase of goods in accordance with Council's Purchasing Policy (Ordering of Goods and Services)

Southern Midlands Council Corporate Credit Cards do not have a cash advance facility.

This policy provides a clear framework to:

1. Allow the use of corporate credit cards
2. To provide Southern Midlands Council personnel issued with a corporate credit card clear and concise guidelines outlining corporate credit card use.
3. To reduce the risk of fraud and misuse of the corporate credit card.

The application of this policy is to be in conjunction with the Southern Midlands Council Code of Conduct and any legislative requirements of the Local Government Act that may be enforced.

Procedures:

ELIGIBILITY AND APPLICATION PROCEDURES FOR NEW CORPORATE CREDIT CARDS

A new corporate credit card application can only be approved by the General Manager, or in the case that the card is for the General Manager, approval is provided by the Mayor.

Once approved the application must be signed by two (2) signatories to Council's bank accounts and the cardholder.

Corporate credit cards will only be issued when it is established that the anticipated usage of the card warrants such.

Personnel issued with corporate credit cards are responsible for any minor purchases that are made during the daily operations of Southern Midlands Council. Minor purchases where corporate credit cards are becoming the normal method of payment include purchase of Australian Standards, other regulatory items, emergency items, internet purchases. Items that are able to be purchased via a Council order will not be purchased on a corporate credit card.

LIMITS

Each card will be limited to a maximum of \$4000 (or lesser amount) and be for business expenditures only.

CORPORATE CREDIT CARDHOLDER RESPONSIBILITIES

1. Ensure corporate credit cards are maintained in a secure manner and guarded against improper use.
2. Corporate credit cards are to be used only for Southern Midlands Council official activities, there is no approval given for any private use.
3. All documentation regarding a corporate credit card transaction is to be retained by the cardholder and produced as part of the reconciliation procedure.
4. Credit limits are not to be exceeded.
5. Purchases on the corporate credit card are to be made in accordance with Southern Midlands Council's Purchasing Policy (Ordering of Goods and Services).
6. Reconciliation is to be completed within 7 days of the date of the corporate credit card statement being issued.
7. Corporate credit cards are to be returned to the Manager Corporate Services on or before the employee's termination date with a full acquittal of expenses.
8. All cardholder responsibilities as outlined by the card provider.

CORPORATE CREDIT CARD RECONCILIATION PROCEDURES

1. Corporate Credit Card statement accounts will be issued to the relevant cardholder who will, within 7 days, acquit the transactions on the account. A template is attached to this policy identifying the reconciliation requirements.
2. Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 2000 to enable a GST rebate to be applied.
3. Transactions shall be accompanied by a job number for costing purposes.
4. If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'. Approval of this expense is referred to the General Manager, or in the case of the General Manager, the Mayor for a decision.
5. Should approval of expenses be denied by the Mayor or General Manager, recovery of the expense shall be met by the cardholder.
6. The cardholder shall sign and date the credit card statement with supporting documentation attached stating 'all expenditure is of a business nature'.

PROCEDURES FOR LOST, STOLEN AND DAMAGED CARDS

The loss or theft of a credit card must be immediately reported by the cardholder to the card provider regardless of the time or day discovered. The cardholder must also formally advise the Manager Corporate Services of the loss or theft on the next working day.

Advice of a damaged card is to be provided to the Manager Corporate Services who will organise replacement.

RENEWAL OF CARDS

Cards that are due to expire will receive a replacement in advance. Old cards must be returned to the Manager Corporate Services and the replacement card signed by the cardholder.

DISPUTED TRANSACTIONS

Disputed transactions must be resolved with the supplier and the bank by the cardholder. The cardholder must notify the bank immediately for resolutions and financial services should be informed for noting.

TERMINATION OF EMPLOYMENT

Prior to departure or termination of duties, the cardholder must acquit all expenditures on his / her card account.

It is the responsibility of the departing staff member to ensure that his / her account is settled prior to departure. Accounts in arrears will be liable for legal action.

The card must be surrendered upon termination of employment to the Manager Corporate Services.

Southern Midlands Council Corporate Credit Cardholder Agreement

I (insert cardholder name) acknowledge and accept the below listed conditions of use of the Southern Midlands Council Corporate Credit Card:

1. Ensure corporate credit cards are maintained in a secure manner and guarded against improper use.
2. Corporate credit cards are to be used only for Southern Midlands Council official activities, there is no approval given for any private use.
3. All documentation regarding a corporate credit card transaction is to be retained by the cardholder and produced as part of the reconciliation procedure.
4. Credit limits are not to be exceeded.
5. Observe all cardholder responsibilities as outlined by the card provider.
6. Purchases on the corporate credit card are to be made in accordance with Southern Midlands Council's Purchasing Policy (Ordering of Goods and Services).
7. Reconciliation is to be completed within 7 days of the date of credit card statement being issued on the supplied template.
8. Transactions will be supported by a GST invoice stating the type of goods purchased, amount of goods purchased and the price paid for the goods. The receipt shall meet the requirements of the Goods and Services Tax Act 2000 to enable a GST rebate to be applied.
9. Transactions shall be accompanied by a job number for costing purposes.
10. If no supporting documentation is available the cardholder will provide a declaration detailing the nature of the expense and must state on that declaration 'all expenditure is of a business nature'. Approval of this expense is referred to the General Manager or Mayor for a decision.
11. Should approval of expenses be denied by the Mayor or General Manager recovery of the expense shall be met by the cardholder.
12. The cardholder shall sign and date the corporate credit card statement with supporting documentation attached stating 'all expenditure is of a business nature'.
13. Lost or stolen cards shall be reported immediately to the card provider and a written account of the circumstances shall be provided to the Manager Corporate Services on the next working day.
14. Credit cards are to be returned to the Manager Corporate Services on or before the employees' termination date with a full acquittal of expenses.

Failure to comply with any of these requirements could result in the card being withdrawn. In the event of loss or theft through negligence or failure to comply with the Southern Midlands Council corporate Credit Card Policy any liability arising may be passed to the cardholder.

Signed: (cardholder).....

Date: (insert date)

Witness Name: (insert name).....

Witness Signature: (signature)

Date: (insert date)

Corporate Credit Card Reconciliation Template

Cardholders Name:

Period Ended:

All expenditure items must be listed:

Date	Supplier	Reason for Expenditure	Tax Invoice Supplied Yes / No	Amount	Costing Allocation

I certify that all the purchases are of a business nature.

Cardholder Signature:

Date:

Approving Officer:

**If no tax invoice is supplied a declaration of expenditure must be provided for consideration to the General Manager or Mayor.

18.3.3 Melton Mowbray Rodeo 1st November 2014 – Request for Donation

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 14TH OCTOBER 2014

ISSUE

Council to consider a request for a donation from the Melton Mowbray Community Rodeo Association Inc. The purpose of the donation is to assist with the organisation of the 2014 Melton Mowbray Rodeo, scheduled for the 1st November 2014.

BACKGROUND

Council has not previously made a cash donation to the Rodeo Association, but has provided significant ‘in-kind’ support through the following:

- Provision of toilet facility (include set-up and removal);
- Made available a council vehicle for rubbish collection throughout the day, including clean-up the following day;
- Made available a 8m³ truck and water cart for dust suppression; and
- Road safety signage – including placement and removal.

DETAIL

This event attracts a considerable number of people, and any profits made by the Rodeo Association are generally donated to a number of community organisations within the southern midlands and surrounding areas. (e.g. MMPHC; Fire Brigades, SES; Schools etc).

In terms of economic benefit, it is difficult to compare this event with others such as the Kempton Festival and previous Oatlands Spring Festival as all activities are within the one location and patrons are generally catered for at the rodeo site.

Human Resources & Financial Implications – In light of the above, what is an appropriate level of cash donation (if any) taking into account the above factors?

For information, Council has previously donated \$1,000 towards both the Kempton and Oatlands Festivals, noting that the Kempton Festival received \$2,000 in 2013/14 as the Oatlands event was not conducted.

Any donation would be allocated to the Community Capacity Program ‘Special Events’ Budget allocation.

Community Consultation & Public Relations Implications – Any support of the Community Rodeo Association would be viewed as a positive community initiative, as

the event is run purely by a volunteer Management Committee and supported by a range of other stakeholders.

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate

RECOMMENDATION

THAT Council provide a cash donation of \$250, including the offer of ‘in-kind’ support as previously provided and detailed above.

DECISION

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

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 15th October 2014.

RECOMMENDATION

THAT the Information Bulletins dated 15th October 2014 be received and the contents noted.

DECISION

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

20. MUNICIPAL SEAL

Nil.

21. 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
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

CLOSED COUNCIL AGENDA

22. 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
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	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
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr B Campbell	
	Clr M Connors	
	Clr D F Fish	
	Clr A O Green	
	Clr J L Jones OAM	

23. CLOSURE