

COUNCIL MEETING

AGENDA

INDEX

1.	PRAYERS.....	5
2.	ATTENDANCE	5
3.	APOLOGIES.....	5
4.	APPLICATION FOR LEAVE OF ABSENCE.....	5
5.	ELECTION ISSUES.....	5
5.1	RECEIVE CERTIFICATES OF ELECTIONS.....	5
5.2	DECLARATION OF OFFICE	6
5.3	CONFIRMATION OF FREQUENCY AND MEETING DATES	7
5.4	COUNCILLORS CODE OF CONDUCT AND ‘CODE OF CONDUCT’ PANEL	9
5.5	COMMITTEE MEMBERSHIP AND APPOINTMENTS.....	11
6.	MINUTES.....	19
6.1	ORDINARY COUNCIL MINUTES	19
6.2	SPECIAL COMMITTEES OF COUNCIL MINUTES	20
6.2.1	<i>Special Committees of Council - Receipt of Minutes</i>	<i>20</i>
6.2.2	<i>Special Committees of Council - Endorsement of Recommendations.....</i>	<i>21</i>
6.3	JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)	22
6.3.1	<i>Joint Authorities - Receipt of Minutes</i>	<i>22</i>
6.3.2	<i>Joint Authorities - Receipt of Reports (Annual and Quarterly).....</i>	<i>23</i>
7.	NOTIFICATION OF COUNCIL WORKSHOPS.....	25
8.	QUESTIONS WITHOUT NOTICE.....	26
9.	DECLARATIONS OF PECUNIARY INTEREST.....	27
10.	CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....	28
11.	PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM).....	29
11.1	PERMISSION TO ADDRESS COUNCIL	30
12.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005.....	30
13.	COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL’S STATUTORY LAND USE PLANNING SCHEME.....	30
13.1	DEVELOPMENT APPLICATIONS	30

13.2	SUBDIVISIONS	30
13.3	MUNICIPAL SEAL (PLANNING AUTHORITY)	30
13.3.1	<i>COUNCILLOR INFORMATION:- MUNICIPAL SEAL APPLIED UNDER DELEGATED AUTHORITY TO SUBDIVISION FINAL PLANS & RELATED DOCUMENTS.....</i>	<i>30</i>
13.4	PLANNING (OTHER).....	31
13.4.1	<i>Amendments to the Southern Midlands Planning Scheme 1998 Bagdad / Mangalore Area – Tasmanian Planning Commission Decisions</i>	<i>31</i>
13.4.2	<i>Draft Amendments to the Southern Midlands Planning Scheme 1998 Heritage Precincts Changes – Tasmanian Planning Commission Decisions.</i>	<i>44</i>
13.4.3	<i>Amendments to the Southern Midlands Planning Scheme 1998 Blackbrush Road Amendments: Rejection by the Tasmanian Planning Commission.....</i>	<i>54</i>
14.1	ROADS.....	75
14.1.1	<i>Department of State Growth (Transport Infrastructure Services Division) – Traffic Facilities</i>	<i>75</i>
14.2	BRIDGES.....	77
14.3	WALKWAYS, CYCLE WAYS AND TRAILS	77
14.4	LIGHTING	78
14.4.1	<i>Public Lighting Contract Update (LGAT).....</i>	<i>78</i>
14.5	BUILDINGS	80
14.6	SEWERS.....	80
14.7	WATER.....	80
14.8	IRRIGATION	80
14.9	DRAINAGE.....	81
14.9.1	<i>Stormwater Pipeline Construction Upsizing - Reeve Street Campania.....</i>	<i>81</i>
14.10	WASTE	85
14.11	INFORMATION, COMMUNICATION TECHNOLOGY	85
14.12	OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)	86
14.12.1	<i>Manager - Works & Technical Services Report.....</i>	<i>86</i>
15.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)	87
15.1	RESIDENTIAL.....	87
15.2	TOURISM.....	87
15.3	BUSINESS	87
15.4	INDUSTRY	87
15.5	INTEGRATION	87
16	OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....	88
16.1	HERITAGE	88
16.1.1	<i>Heritage Project Officer’s Report</i>	<i>88</i>
16.2	NATURAL	89
16.2.1	<i>Landcare Unit & Climate Change – General Report.....</i>	<i>89</i>
16.3	CULTURAL	90
16.4	REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS).....	90
16.5	CLIMATE CHANGE	90
17	OPERATIONAL MATTERS ARISING LIFESTYLE.....	90
17.1	COMMUNITY HEALTH AND WELLBEING.....	90
17.2	YOUTH	90
17.3	SENIORS	90
17.4	CHILDREN AND FAMILIES.....	91
17.5	VOLUNTEERS	91
17.6	ACCESS	91
17.7	PUBLIC HEALTH	91
17.8	RECREATION	92
17.8.1	<i>Progress Report on the Flood Lighting of Oatlands & Campania Recreation Grounds Expression of Interest</i>	<i>92</i>

17.9	ANIMALS.....	95
17.10	EDUCATION.....	95
18	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY).....	95
18.1	RETENTION	95
18.2	CAPACITY AND SUSTAINABILITY	95
18.3	SAFETY	95
18.4	CONSULTATION AND COMMUNICATION	96
19.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)	96
19.1	IMPROVEMENT	96
19.2	SUSTAINABILITY	97
19.2.1	Proposed Christmas / New Year arrangements (including office closure)	97
19.2.2	Local Government Amalgamation / Reform (Policy Position).....	100
19.2.3	Councillor Allowances Indexation	102
19.3	FINANCES.....	104
19.3.1	Monthly Financial Statement (October 2014).....	104
20.	INFORMATION BULLETINS.....	123
21.	MUNICIPAL SEAL	124
22.	CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....	124
23.	BUSINESS IN “CLOSED SESSION “	125
24.	CLOSURE	125

ENCLOSED

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

21st November 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
85 Main Street Kempton
Wednesday 26th November 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 Lords Prayer.

2. ATTENDANCE

3. APOLOGIES

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

5. ELECTION ISSUES

5.1 RECEIVE CERTIFICATES OF ELECTIONS

The General Manager to formally table the Certificate of Election for the October 2014 Election.

RECOMMENDATION

THAT the Certificate of Election be formally received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

5.2 DECLARATION OF OFFICE

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

“Declaration of office

(1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.

(2) A person elected as a councillor who has not made a declaration must not–

(a) act in the office of councillor, mayor or deputy mayor; or

(b) take part in the proceedings of any meeting of the council or a committee.

(3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting”.

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

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

5.3 CONFIRMATION OF FREQUENCY AND MEETING DATES

For information, Ordinary Meetings of Council are presently held on the fourth Wednesday of every month commencing at 10.00 a.m.

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

The “public consultation” session at these Ordinary Meetings commence at 12.30 p.m.

Councillors are reminded of the following legislative provisions:

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

Regulation 6 of the *Local Government (Meeting Procedures) Regulations 2005* states:

“Times of meetings

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

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

Note: A forward Meeting Schedule (draft) has been developed based on the existing Policy.

RECOMMENDATION (FROM WORKSHOP)

THAT:

- a) Ordinary Meetings of Council be held on the fourth Wednesday of every month; and**
- b) All Ordinary Meetings commence at 10.00 a.m. with the Public Consultation session scheduled for 12.30 p.m.**

DECISION (BY ABSOLUTE MAJORITY)

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

.....

DRAFT - Council Meeting Schedule 2015

Council Meeting	28 th January 2015	Campania Hall
	25 th February 2015	Tunbridge Hall
	25 th March 2015	Woodsdale
		Community Hall
	22 nd April 2015	Broadmarsh
		Community Hall
	27 th May 2015	Oatlands
	24 th June 2015	Kempton
(Tuesday)	21 st July 2015	Oatlands
	26 th August 2015	Kempton
	23 rd September 2015	Oatlands
	28 th October 2015	Kempton
	25 th November 2015	Oatlands
AGM	9 th December 2015 (Wednesday) (To include December Ordinary Meeting)	Kempton

5.4 COUNCILLORS CODE OF CONDUCT AND ‘CODE OF CONDUCT’ PANEL

Section 28G of the Local Government Act 1993 states:

“Establishment of Code of Conduct Panel

(1) A council must establish a Code of Conduct Panel to hear and determine a complaint in respect of the alleged failure of a councillor to comply with a provision of the code of conduct.

(2) A Code of Conduct Panel is to consist of 2 members appointed by the council of whom one is a person of good standing in the community and is not or has not been a councillor or employee of that council within the previous 5 years.

(3) The person of good standing appointed under subsection (2) is the chairperson of a Code of Conduct Panel.

(4) At the first ordinary meeting after an ordinary election, a council is to nominate 3 councillors, other than the mayor.

(5) The chairperson of a Code of Conduct Panel is to select one of the councillors nominated under subsection (4) to be the second member of the Code of Conduct Panel in respect of a complaint.

(6) Both members of a Code of Conduct Panel must be present to hear and determine a complaint.

A copy of the Councillors Code of Conduct, including the Terms of Reference for the Code of Conduct Panel, have been previously circulated with the Policy and Induction Manual.

Clrs C J Beven, M Connors and D F Fish and were the appointed Councillors following the 2011 Election.

Mr Edwin Batt was the appointed person of good standing in the community who shall chair the Code of Conduct Panel. Mr Batt is no longer eligible due to his election as a Councillor, and Council needs to consider the appointment of a new Chair.

There has been no requirement to convene the Code of Conduct Panel in the past.

RECOMMENDATION

THAT Council:

- a) **nominate 3 Councillors to be members of the Code of Conduct Panel in accordance with section 321 of the *Local Government Act 1993*; and**
- b) **identify a person (or a process to appoint a person) of good standing in the community as the Chairperson of the Code of Conduct Panel.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

5.5 COMMITTEE MEMBERSHIP AND APPOINTMENTS

File Ref: 3/017

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 18th NOVEMBER 2014

ISSUE

Appointment of Councillors to:

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

BACKGROUND

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

“Section 23 - Council committees

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

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

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

“Section 24 - Special committees

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

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

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

DETAIL

Each of the above mentioned Committees, excluding the external committees, have documented roles and responsibilities, which are included in the Policy Manual.

It is necessary to review the appointments following the Council Election:

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

RECOMMENDATION

THAT Council confirm appointments to the following Committees:

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

	Current	Proxy	Appointment	Proxy
Council	Mayor Bisdee OAM Deputy Mayor Mark Jones OAM Clr Tony Bantick Clr Edwin Batt Clr Bob Campbell Clr Don Fish Clr Alex Green	Not applicable		
Council Committee(s)				
Southern Midlands Facilities & Recreation Committee (Incl. Disability Access)	Clr Don Fish (Chair) Deputy Mayor Mark Jones OAM Clr Marie Connors Clr John Jones OAM	Clr A R Bantick		
Council – Advisory Committees (some with delegation)				
Arts Advisory Committee	Clr J L Jones OAM	Clr B Campbell		
Australia Day Awards (Policy - Mayor & Deputy Mayor)	Mayor Bisdee OAM	Deputy Mayor Mark Jones OAM	Mayor Bisdee OAM	Deputy Mayor Mark Jones OAM

	Current	Proxy	Appointment	Proxy
Enterprise Bargaining / Award Consultative Committee	Mayor Bisdee OAM	Deputy Mayor John Jones OAM	Mayor Bisdee OAM	Deputy Mayor Mark Jones OAM
Municipal Disaster Management Committee (Emergency Management Planning Committee)	Deputy Mayor Mark Jones OAM	Clr Don Fish		
New Pool Project Steering Committee	Deputy Mayor Mark Jones OAM	Clr Bob Campbell		
MEDaLS Implementation Committee (previously Oatlands Integrated Development Strategy Committee)				
External Committees				
DHHS Community Advisory Committee (MMPHC)	Clr Marie Connors	General Manager Tim Kirkwood		

	Current	Proxy	Appointment	Proxy
Little Swanport Catchment Committee (incl. Little Swanport Water Management Plan Committee)	Clr D Fish	Clr B Campbell		
Southern Tasmania Councils Association (Policy - Mayor & Deputy Mayor)	Mayor A Bisdee OAM	Deputy Mayor Mark Jones OAM		
Southern Waste Strategy Authority	Clr Alex Green	Clr John Jones OAM		
TasWater Corporation – Owners Representatives Committee (proxy)	Appointed by STCA Councils	Mayor Bisdee OAM	No action necessary	
TFS Coal River Area Fire Management Committee	Mr Jack Lyall	Clr Alex Green		

	Current	Proxy	Appointment	Proxy
TFS Dulverton Area Fire Management Committee	Clr Don Fish	Clr Alex Green		
TFS Jordan Area Fire Management Committee	Clr A R Bantick	Clr J Jones OAM		
NRM South	Maria Weeding	Helen Geard		
Council – Special Committees				
	Current	Proxy	Appointment	Proxy
Campania Halls Management Committee	Clr Alex Green	Deputy Mayor M Jones OAM		
Campania Recreation Ground Management Committee	Clr Alex Green	Deputy Mayor M Jones OAM		
Chauncy Vale Management Committee	Clr M Connors	Clr A R Bantick		
Colebrook Hall Committee	Clr Alex Green	Clr D F Fish		

	Current	Proxy	Appointment	Proxy
Lake Dulverton / Callington Park Management Committee	Clr Don Fish	Deputy Mayor Mark Jones OAM		
Levendale Community Centre	Clr A O Green	Deputy Mayor M Jones OAM		
Mangalore Recreation Ground Management Committee	Clr A R Bantick			
Mt Pleasant Recreation Ground Management Committee	Redundant – consider formal Lease arrangement ???			
Oatlands Community Hall Management Committee	Clr Don Fish	Clr B Campbell		
Oatlands Community Men's Shed	Deputy Mayor Mark Jones OAM	Clr Don Fish		
Oatlands Recreation Ground Management Committee	Clr Don Fish	Deputy Mayor M Jones OAM		
Parattah Progress Association	Clr Don Fish	Clr Bob Campbell		

	Current	Proxy	Appointment	Proxy
Parattah Railway Restoration Management Committee	Clr Don Fish	Clr B Campbell		
Tunnack Recreation Ground Management Committee	Mayor Bisdee Clr Marie Connors	Clr B Campbell		
Woodsdale Hall Management Committee	Deputy Mayor Mark Jones OAM	Clr B Campbell		

6. MINUTES

6.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 22nd October 2014, as circulated, are submitted for confirmation.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

6.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

6.2.1 Special Committees of Council - Receipt of Minutes

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

- **Lake Dulverton and Callington Park Management Committee – meeting held 10th November 2014**
- **Southern Midlands Arts Advisory Committee – meeting held 27th October 2014**
- **Southern Midlands Arts Advisory Committee – meeting held 29th September 2014**

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

6.2.2 Special Committees of Council - Endorsement of Recommendations

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

- **Lake Dulverton and Callington Park Management Committee – meeting held 10th November 2014**
- **Southern Midlands Arts Advisory Committee – meeting held 27th October 2014**
- **Southern Midlands Arts Advisory Committee – meeting held 29th September 2014**

Note: Southern Midlands Arts Advisory Committee – Meeting held 29th September 2014 – Item relating to reimbursement of travel expenses - Comment is to be provided at the meeting.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

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

6.3.1 Joint Authorities - Receipt of Minutes

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

- **Southern Tasmanian Councils Authority** – meeting held 11th August 2014
- **Southern Waste Strategy Authority** - Nil

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

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

6.3.2 Joint Authorities - Receipt of Reports (Annual and Quarterly)

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

36A. Annual reports of authorities

(1) A single authority or joint authority must submit an annual report to the single authority council or participating councils.

(2) The annual report of a single authority or joint authority is to include –

(a) a statement of its activities during the preceding financial year; and

(b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and

(c) the financial statements for the preceding financial year; and

(d) a copy of the audit opinion for the preceding financial year; and

(e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.

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

36B. Quarterly reports of authorities

(1) A single authority or joint authority must submit to the single authority council or participating councils a report as soon as practicable after the end of March, June, September and December in each year.

(2) The quarterly report of the single authority or joint authority is to include –

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

- **Southern Tasmanian Councils Authority** – Annual Report 2013/2014
- **Southern Waste Strategy Authority** – Annual Report 2013/2014

RECOMMENDATION

THAT the reports received from the Joint Authorities be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

7. 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
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

8. 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. Date to be set for the Annual General Meeting – currently listed to be held at Oatlands
- 2.
- 3.
- 4.

9. 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*.

10. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the general manager has reported –

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

RECOMMENDATION

THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2005*.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

11. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

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

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

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

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

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

11.1 PERMISSION TO ADDRESS COUNCIL

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

- Nil

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

- Nil

13. 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.

13.1 DEVELOPMENT APPLICATIONS

Nil.

13.2 SUBDIVISIONS

Nil.

13.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil Report.

13.4 PLANNING (OTHER)

**13.4.1 Amendments to the Southern Midlands Planning Scheme 1998
Bagdad / Mangalore Area – Tasmanian Planning Commission Decisions**

File Ref: 9/084

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 20TH NOVEMBER 2014

ATTACHMENTS Nil

ISSUE

An update to Council on the Tasmanian Planning Commission decisions pertaining to the suite of planning scheme amendments aimed at implementing the Bagdad Mangalore Structure Plan.

BACKGROUND

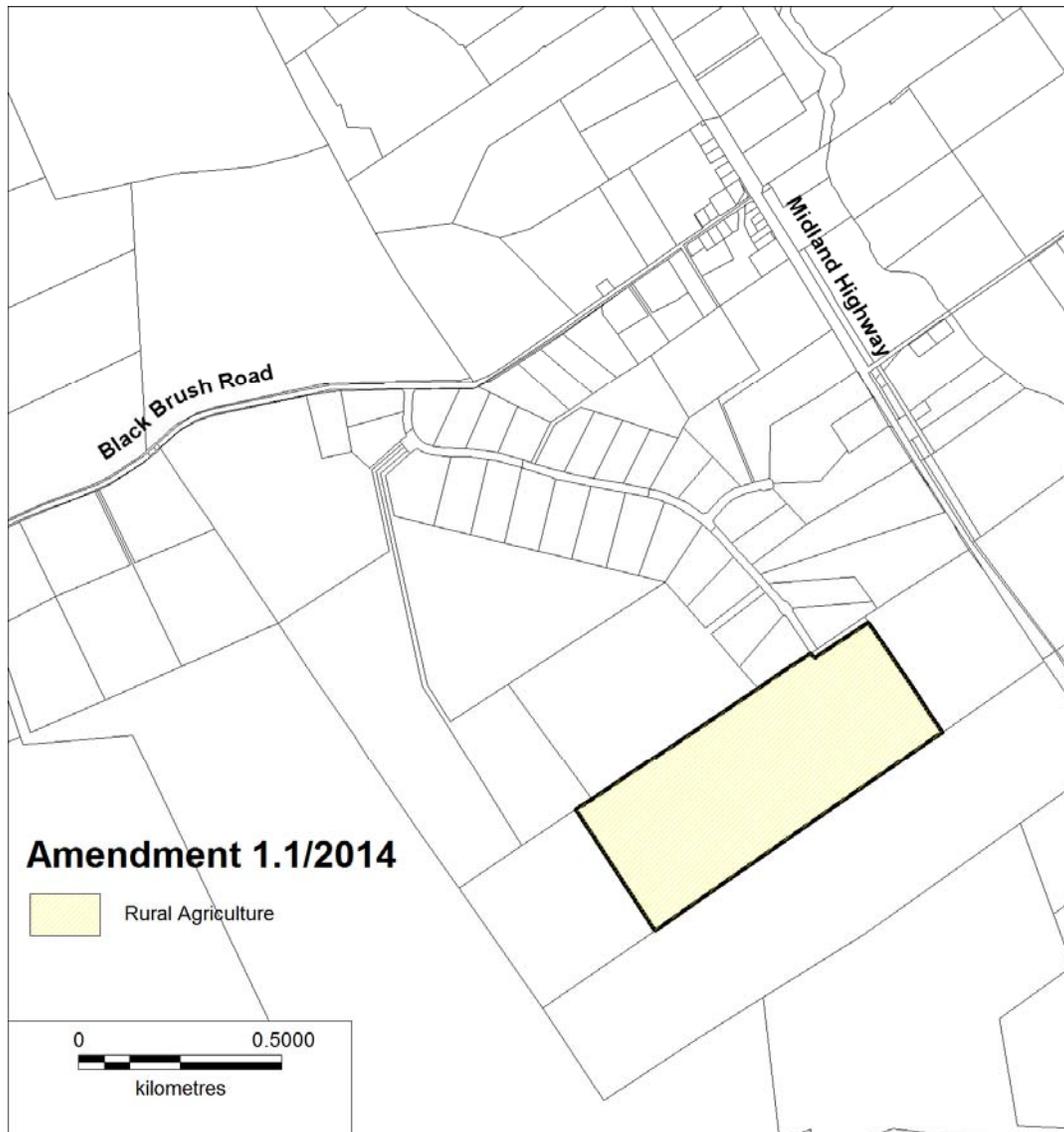
In early 2014 Council initiated a suite of ten amendments to the Southern Midlands Planning Scheme 1998 in the Bagdad-Mangalore valley. The purpose of the proposed amendments was to seek to implement the recommendations in the Bagdad Mangalore Structure Plan 2010, (BMSP), which was a stage two component of the Joint Land Use Planning Initiative.

As Councillors are aware, planning scheme amendments are ultimately determined by the Tasmanian Planning Commission. Over the last month Council has been receiving the decisions.

AMENDMENT 1.1/2014

Amendment 1.1/2014 was approved.

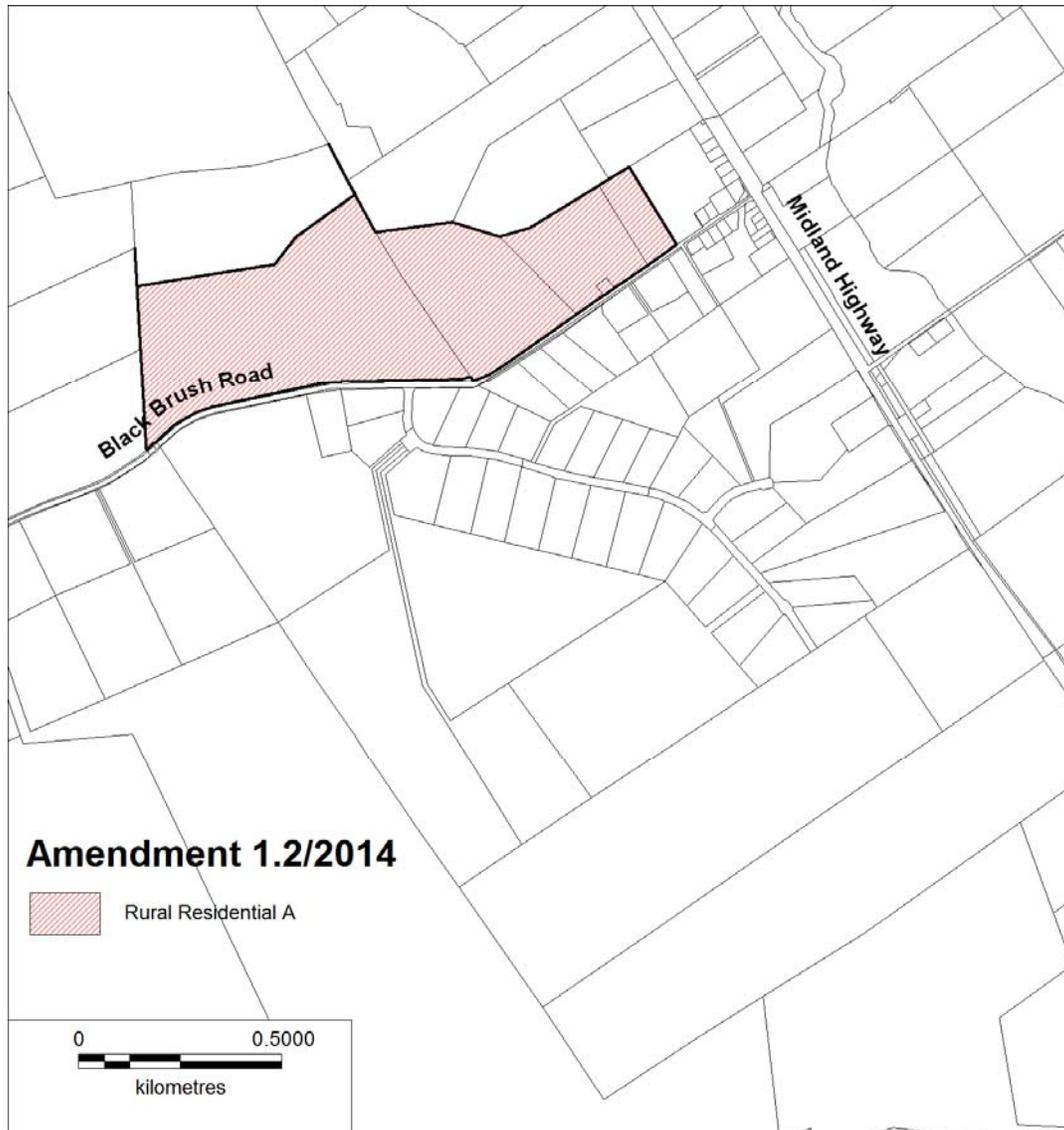
This amends the planning scheme by alerting the zoning pertaining to a 30 hectare area of land at the end of Mountford Drive, Mangalore so that the zone is changed from Rural Residential A to Rural Agriculture, as indicated on the plan below.



AMENDMENT 1.2/2014

Amendment 1.2/2014 was refused. (Refer separate report).

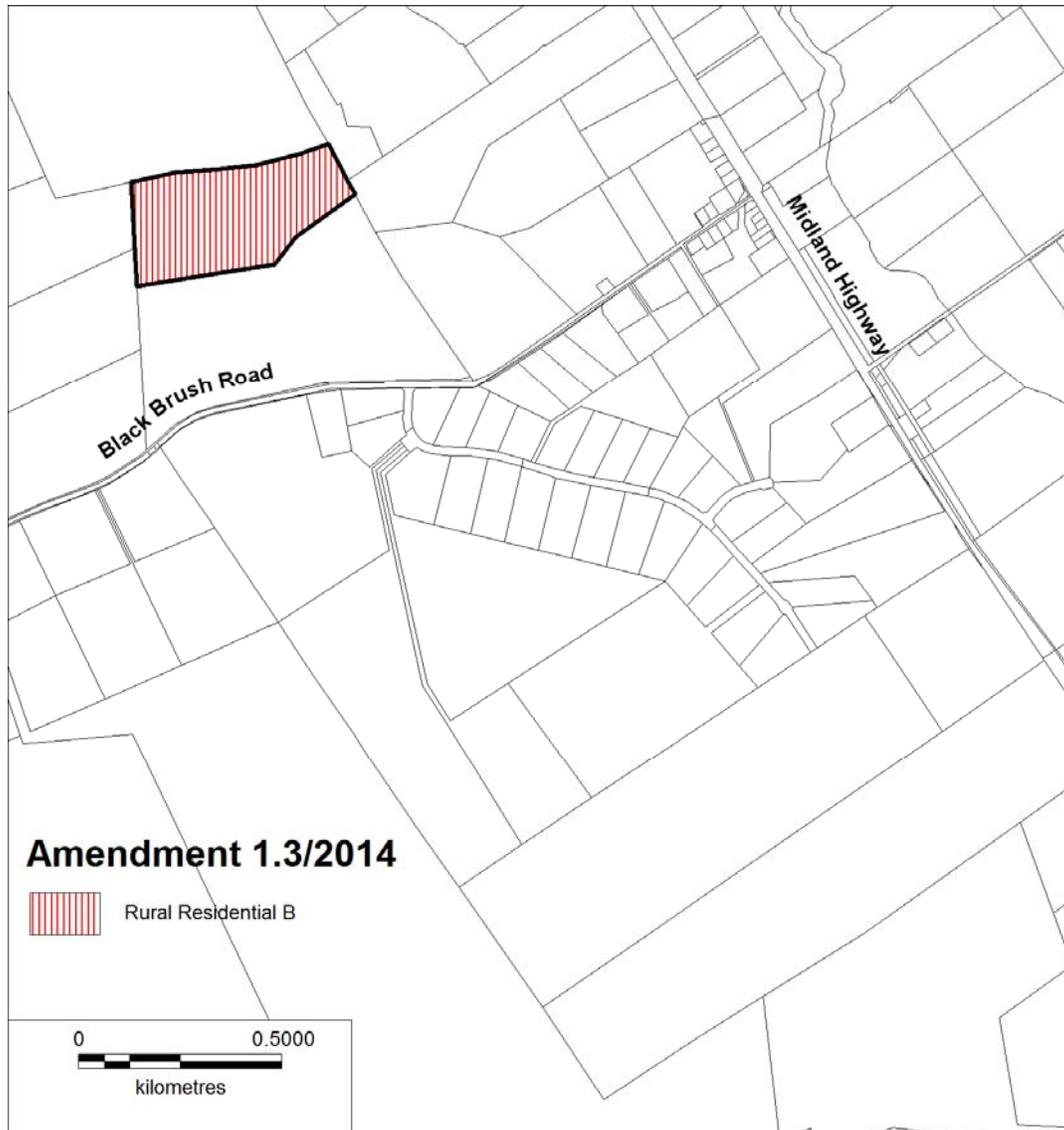
This would have amended the scheme by altering the zoning pertaining to a 44.33 hectare area of land on the northern side of Blackbrush Road, Mangalore, opposite the Mountford Drive junction, so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the plan below.



AMENDMENT 1.3/2014

Amendment 1.3/2014 was refused. (Refer separate report).

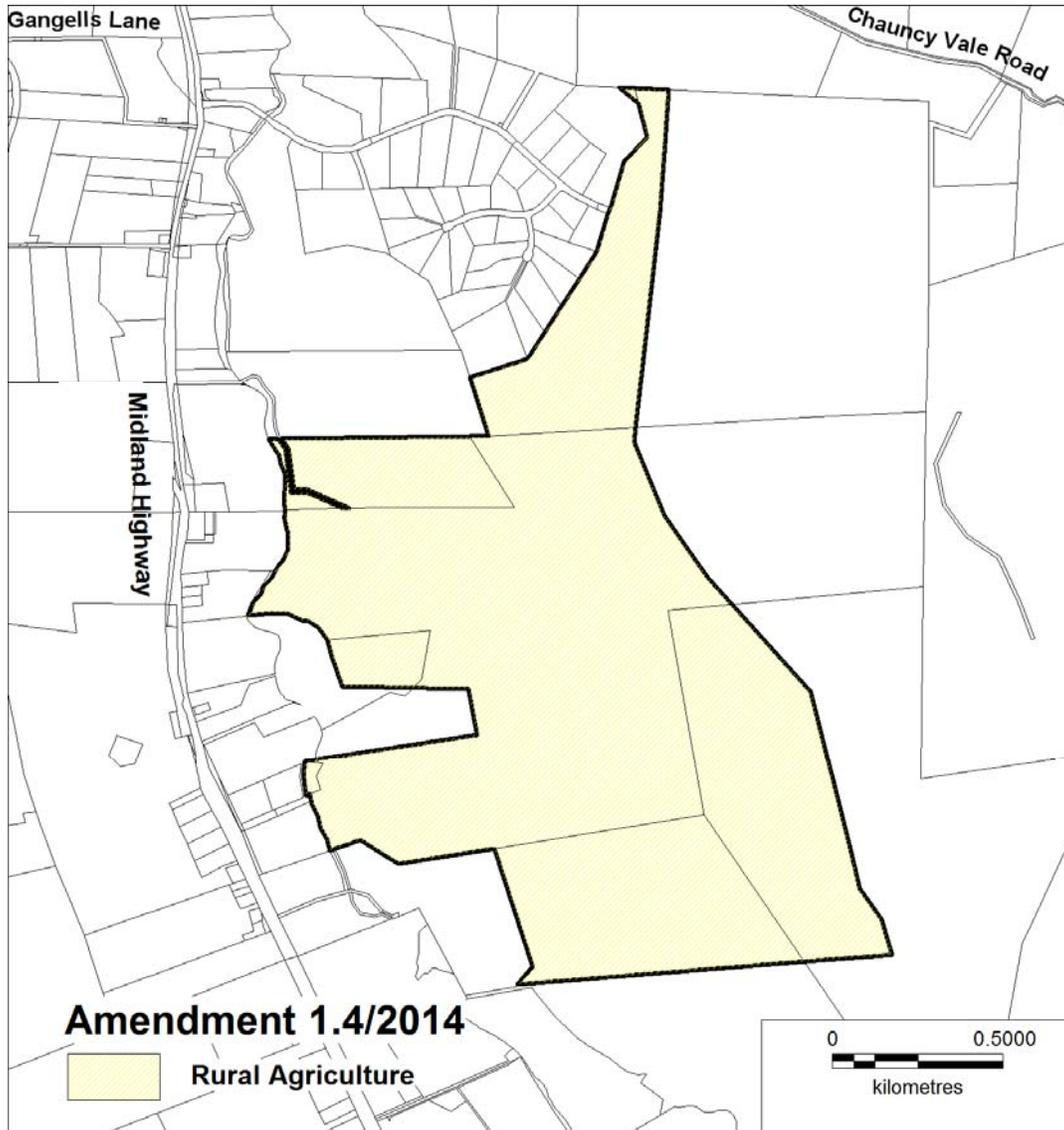
This would have amended the scheme by altering the zoning pertaining to a 12.2 hectare area of land on the northern side of Blackbrush Road, Mangalore, opposite the Mountford Drive junction, so that the zone is changed from Rural Agriculture to Rural Residential B, as indicated on the plan below.



AMENDMENT 1.4/2014

Amendment 1.4/2014 was approved.

This amends the scheme by altering the zoning pertaining to a 214.39 hectare area of land located on the floor of the Bagdad-Mangalore Valley generally south of the Winstead Road area, west of the alignment of the future highway corridor and east of the Bagdad Rivulet, so that the zone is changed from Rural Residential A to Rural Agriculture, as indicated on the plan below.

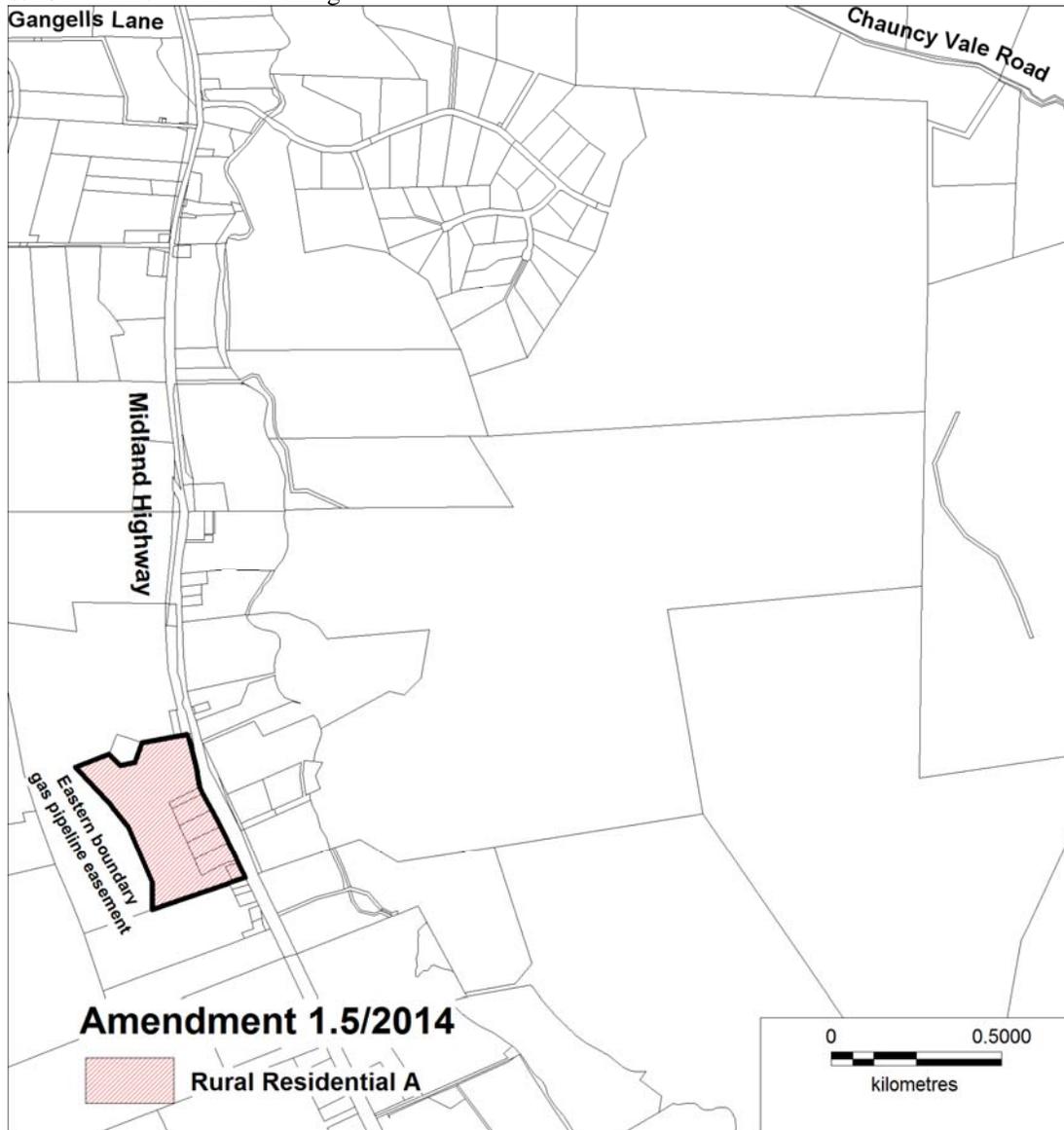


AMENDMENT 1.5/2014

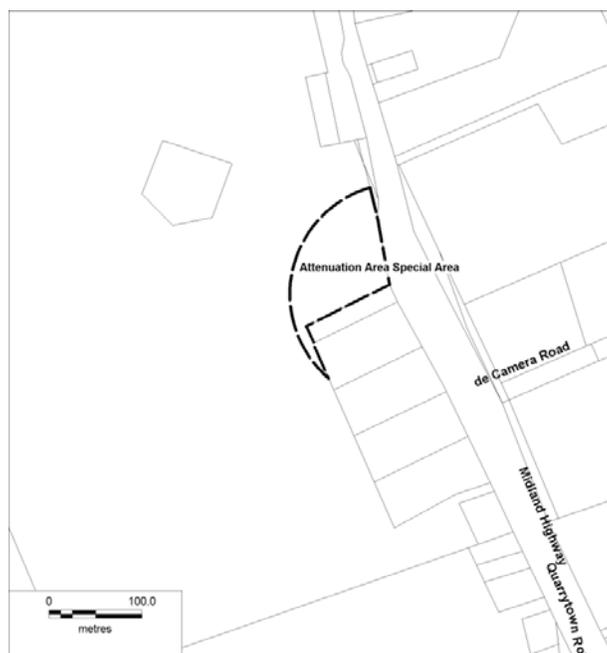
Amendment 1.5/2014 was approved.

This amends the scheme by alerting the zoning pertaining to a 11.3 hectare area of land at Quarry Town Road, Bagdad, so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the first plan below. The Planning Commission decision altered the amendment by aligning the western boundary with the edge of the gas pipeline easement and by adding an Attenuation Area Special Area around the 24 hour fuel stop at 49 Quarrytown Road, as indicated on the second plan below as the black dashed line.

1.5/2014 – First Plan - Rezoning:



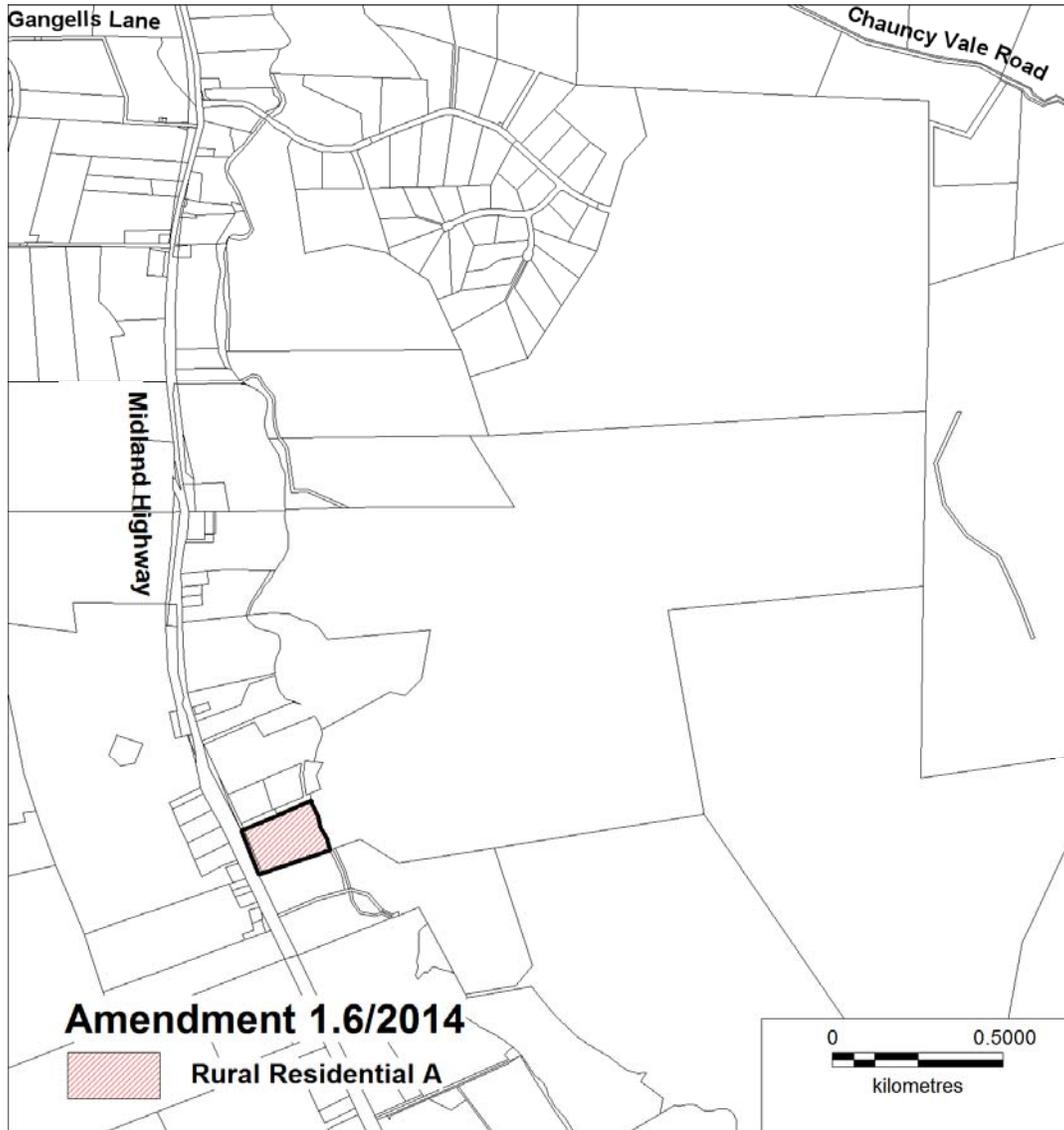
1.5/2014 – Second Plan: 120 m Attenuation Area Special Area around Fuel Stop.



AMENDMENT 1.6/2014

Amendment 1.6/2014 was approved.

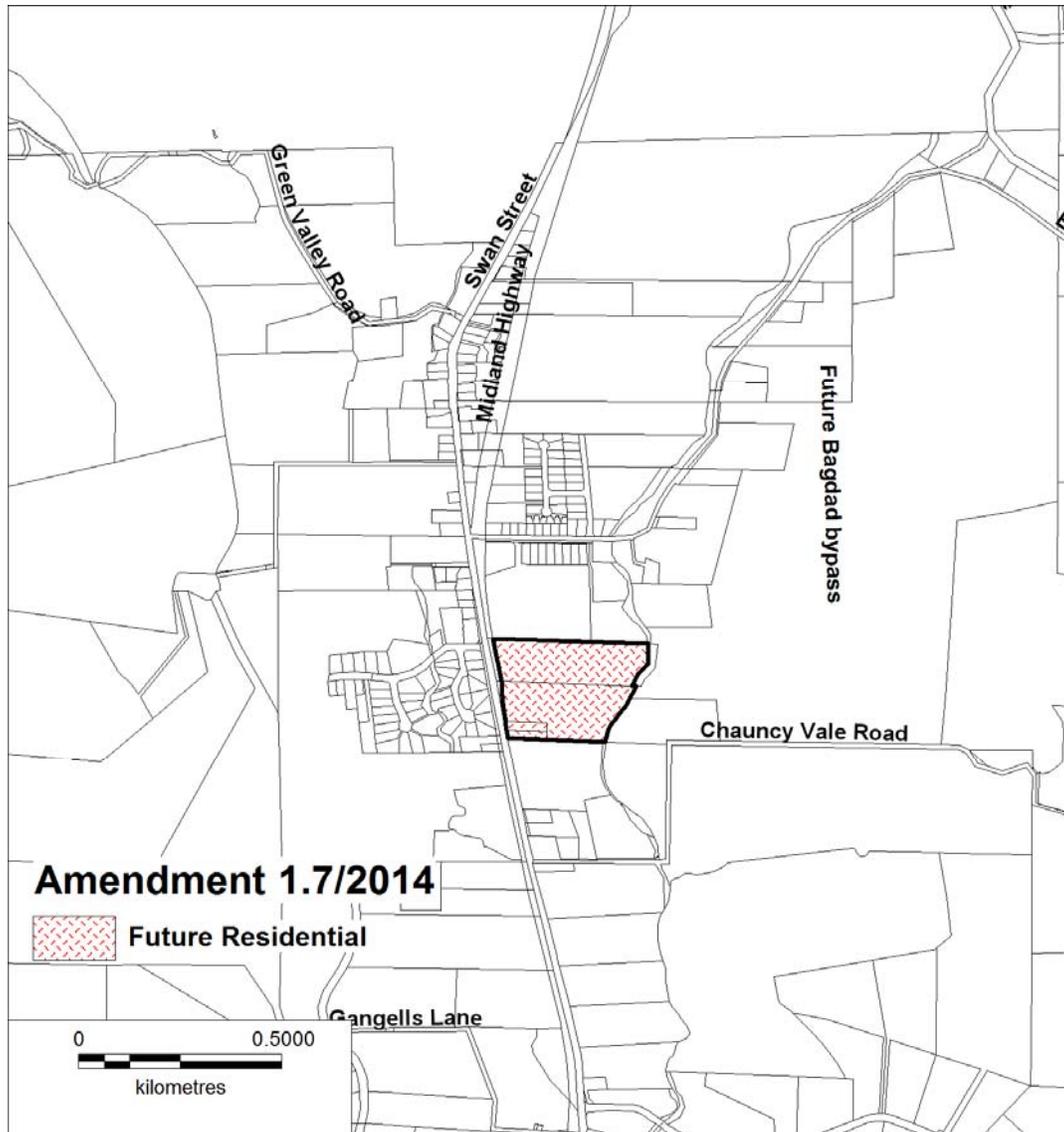
This amends the scheme by altering the zoning pertaining to a 2.61 hectare area of land at 1516 Midlands Highway, Bagdad (corner of De Camera Road), so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the plan below.

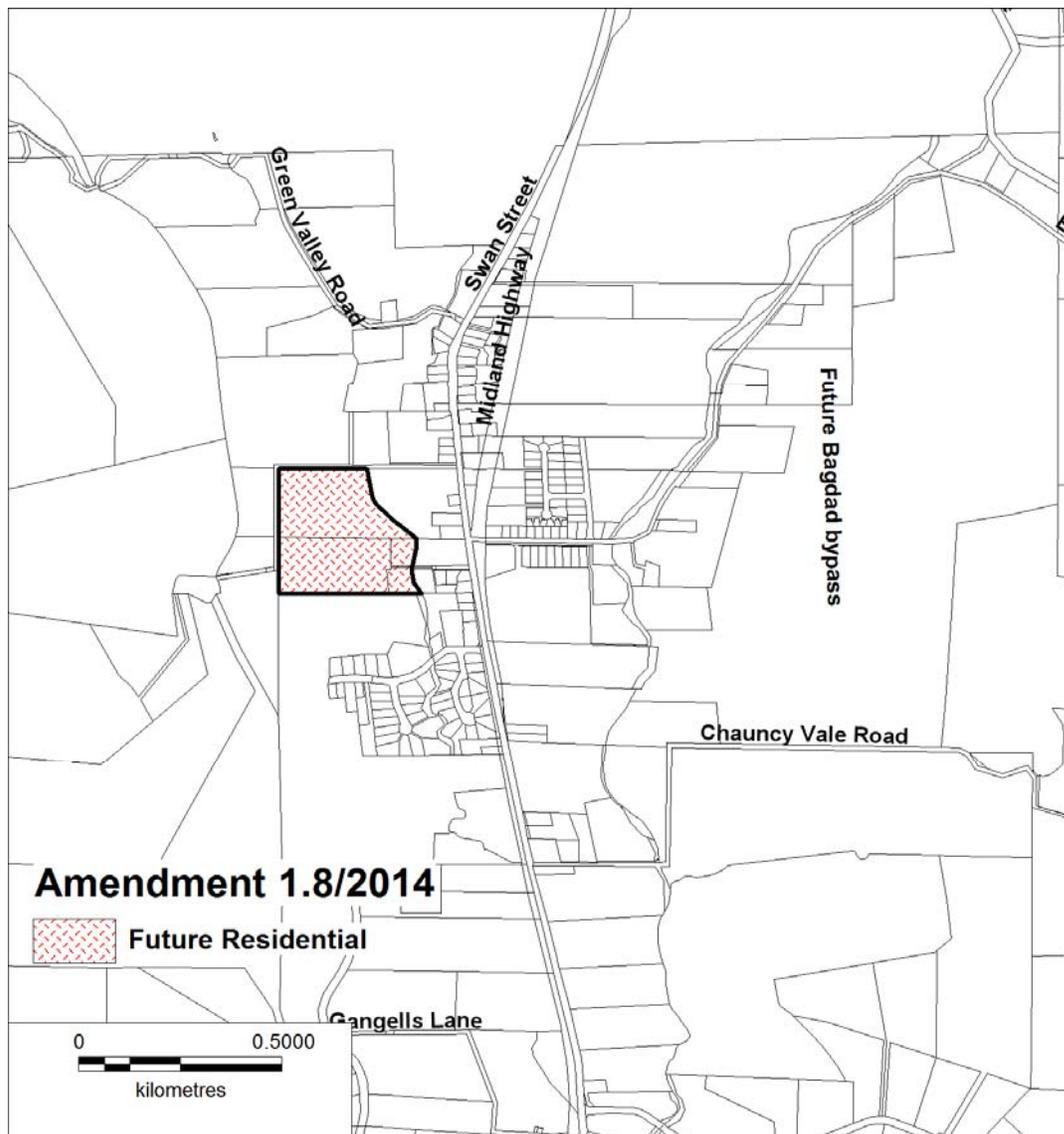


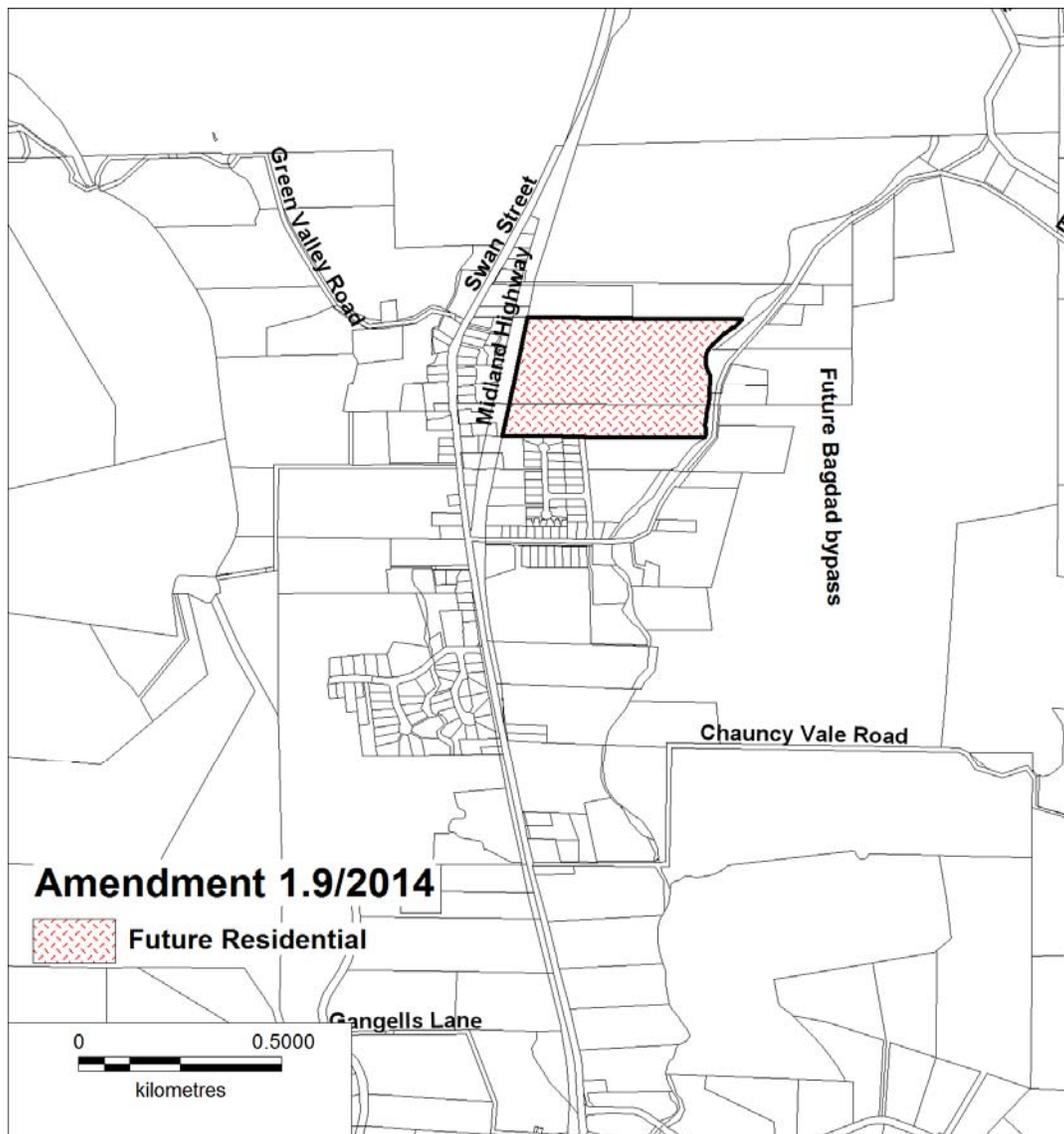
AMENDMENTS 1.7/2014 1.8/2014 AND 1.9/2014

Amendments 1.7/2014, 1.8/2014 and 1.9/2014 were approved.

These amend the scheme by altering the zoning of three areas of land around the Bagdad village from Rural Agriculture to Future Residential, as indicated on the three plans below. These amendments effectively create a town boundary indicated the long term expansion areas for the town.



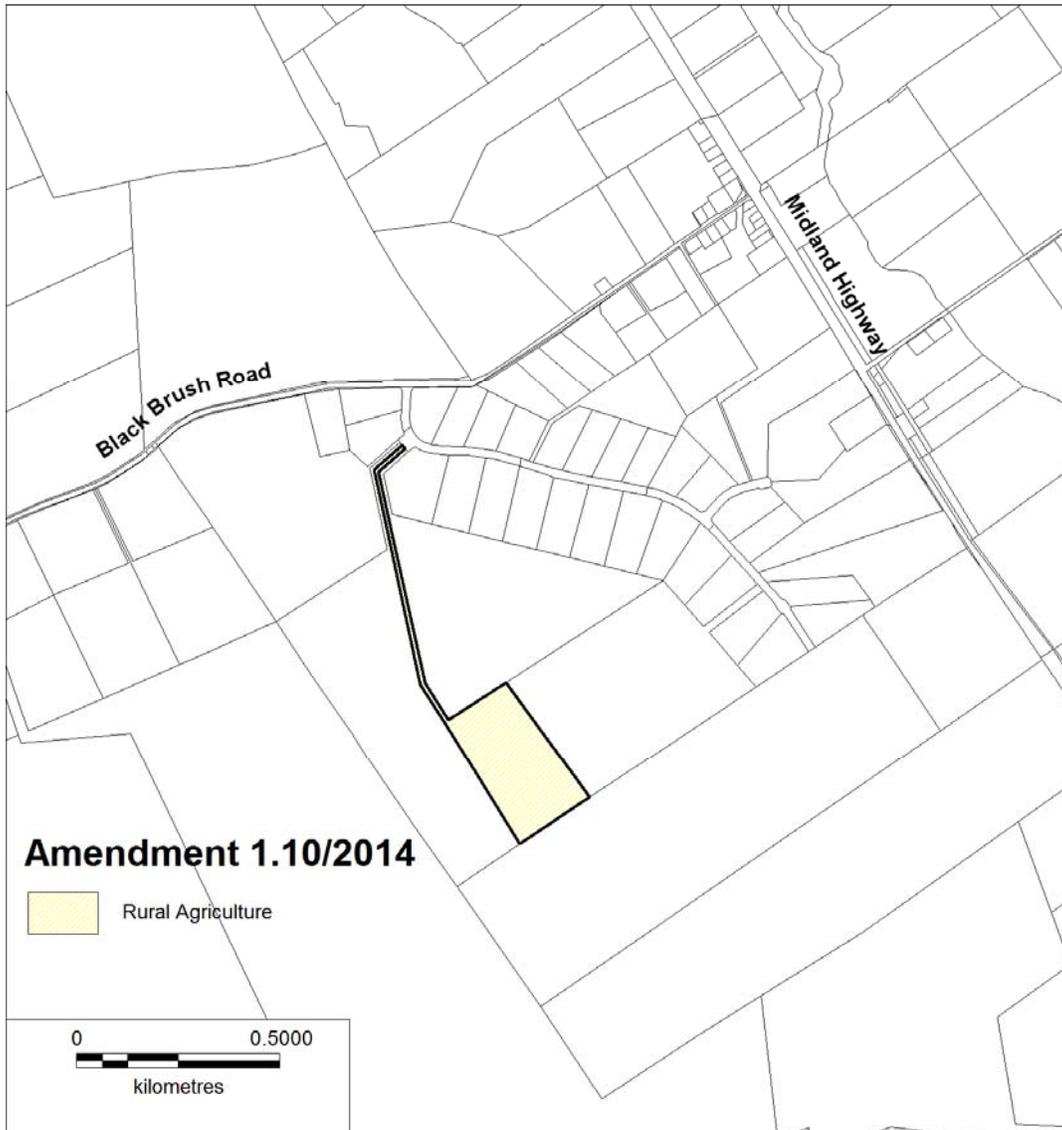




AMENDMENT 1.10/2014

Amendment 1.10/2014 was approved.

This is a rezoning in the Mangalore area additional to the BMSP recommendations. It follows Council’s decision in 2009 to dispose of public land pursuant to S.178(4) of the *Local Government Act 1993*. This, in turn, followed the creation of the Mangalore Recreation Plan in concert with the local community which determined to dispose of this unused public land on the basis that the proceeds would be used to fund recreation and community projects in the local area, (predominantly the Mangalore Recreation Ground). The amendment alters the zoning of a 7.6 hectare area of land at 12 Mountford Drive from Environmental Management to Rural Agriculture, as indicated on the plan below.



RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

13.4.2 Draft Amendments to the Southern Midlands Planning Scheme 1998 Heritage Precincts Changes – Tasmanian Planning Commission Decisions.

File Ref: 9/084

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 20TH NOVEMBER 2014

ISSUE

An update to Council on the Tasmanian Planning Commission decisions regarding the planning scheme amendments pertaining to the Heritage Precincts.

BACKGROUND

In late 2013 Council initiated a suite of amendments to the Southern Midlands Planning Scheme 1998 aimed at updating the Heritage Precincts:

1. Amendments to the (general) Oatlands Heritage Precinct Special Area to expand the area to which it applies and amend the ordinance provisions to provide greater clarity.
2. The establishment of a Callington Mill Precinct Special Area nested within the general Oatlands Heritage Precinct Special Area, to provide more specific controls.
3. The establishment of an Oatlands Landscape Protection Special Area over the open rural land between the Highway and the town, replacing the Scenic Corridor Special Area, which currently extends only 100 metres from the highway boundary.
4. Expansion of the Heritage Precinct Special Area at Campania.
5. A reduction of the Heritage Precinct Special Area at Kempton.
6. A new Landscape Protection Special Area at Colebrook, behind the Pugin Church

As Councillors are aware, planning scheme amendments are ultimately determined by the Tasmanian Planning Commission. Over the last month Council has been receiving the final decisions.

AMENDMENT 2/2013

Amendment 2/2013 was approved.

This amends the planning scheme by changing the plans as indicated on the plans below and changing the ordinance by adding:

- The Oatlands Historic Precinct Special Area.
- The Callington Mill Precinct Special Area.

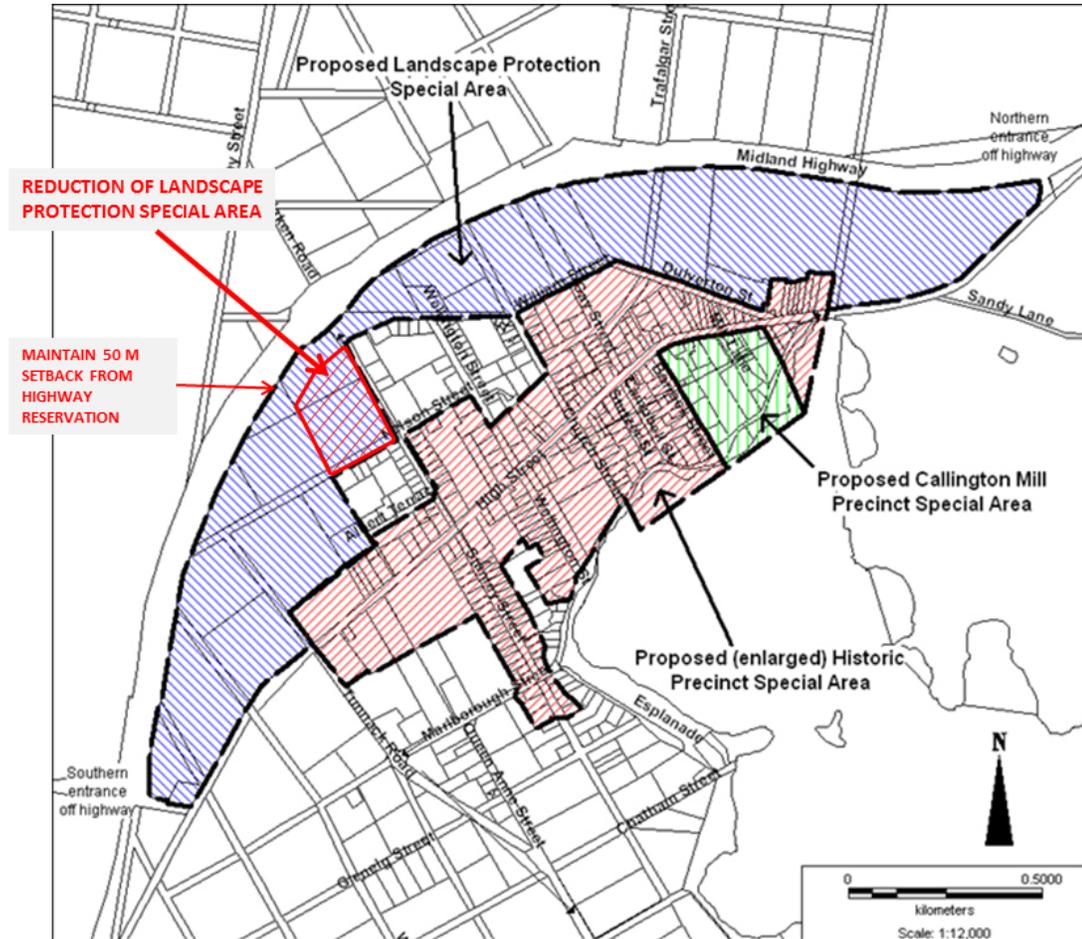
- The Landscape Protection Special Area.

The Planning Commission decision has altered the original amendment as follows:

- Amend the plan by reducing the area covered by the Landscape Protection Special Area, by removing it from the land in Stanley Street opposite the 'Thunderstones area'. These two titles are part of the School Farm land.
 - This is to ensure that the 'Thunderstones area' contains sufficient land to accommodate a future rural services precinct outside the Historic Precinct or Landscape Protection Special Areas.
- Amend the ordinance provisions to:
 - Amend the terminology to require new development to '*respect*' Georgian architectural principles, rather than to '*be consistent with*' Georgian architectural principles.
 - Remove the proposed prohibition of dwellings in the Landscape Protection Special Area. The Commission has directed that new dwellings be discretionary.
 - Correct a number of minor drafting errors, and provide for clearer wording.

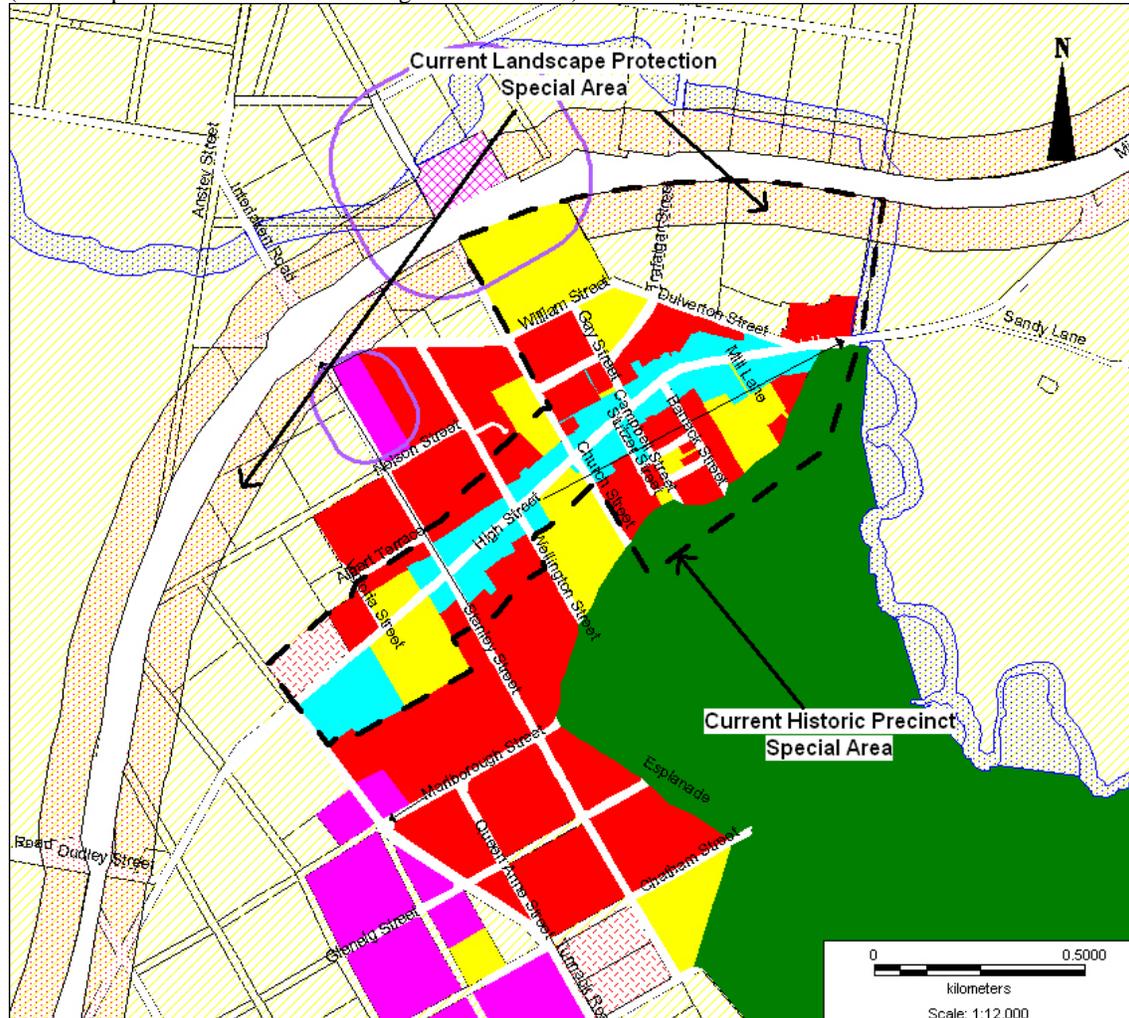
The New Otlands Heritage Precincts:

Note the reduction of the Landscape Protection Special Area.



The Previous Outlands Heritage Precincts:

(Previous precincts indicated in the diagram as 'current')

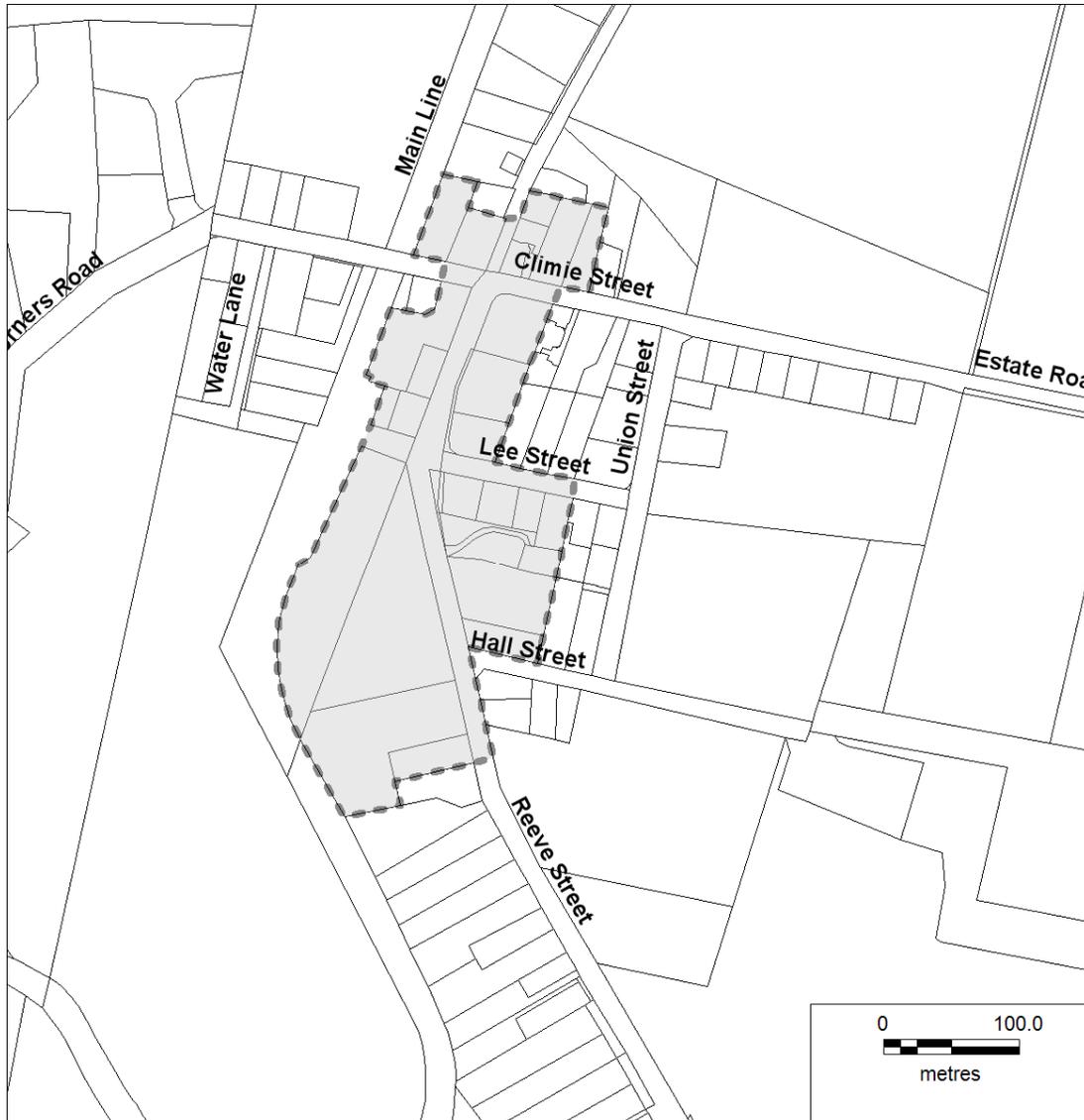


AMENDMENT 3/2013

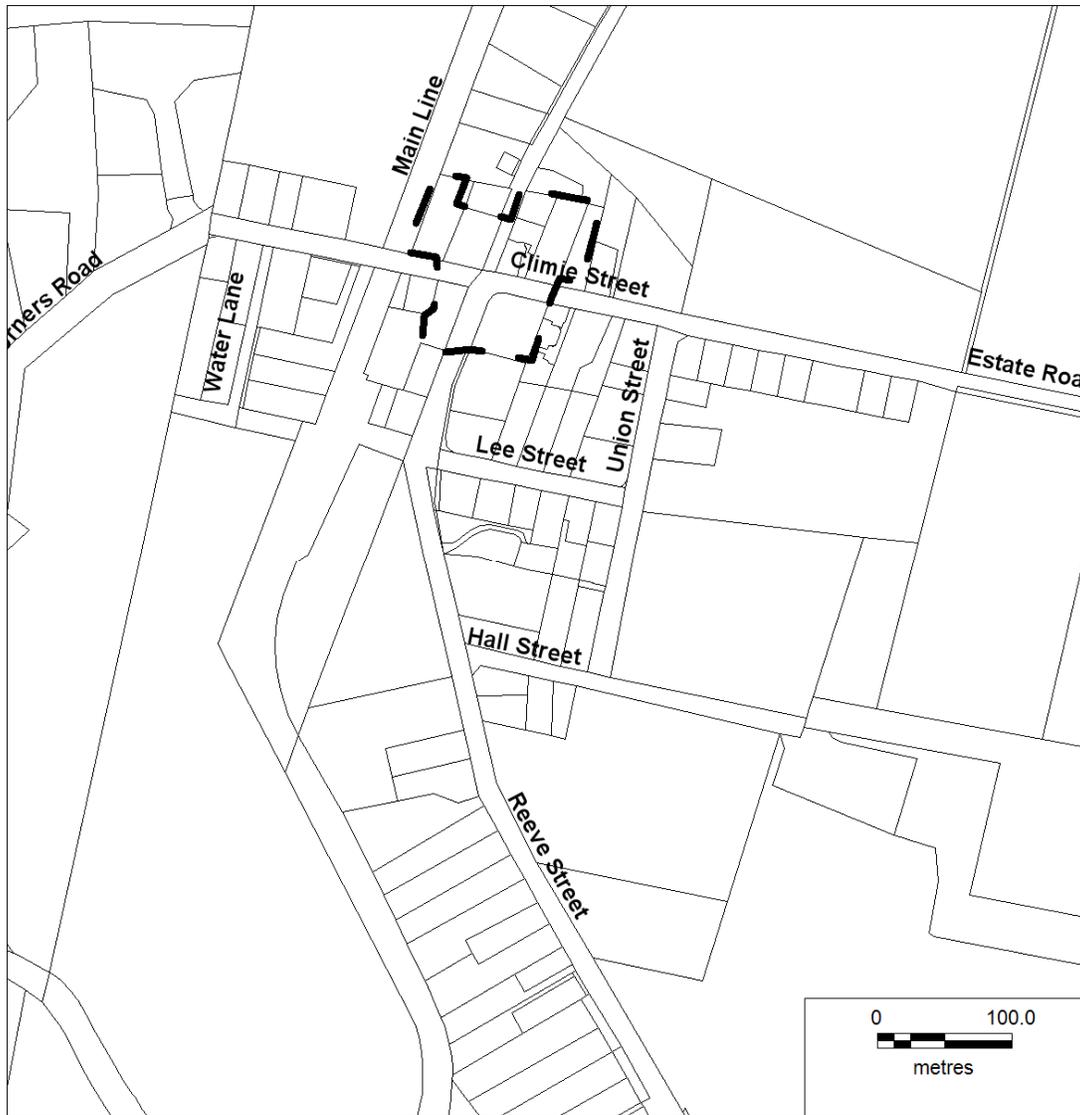
Amendment 3/2013 was approved.

This amends the planning scheme by enlarging the Heritage Precinct Special Area at Campania.

The new Campania Heritage Precinct Special Area:



The previous Campania Heritage Precinct Special Area:



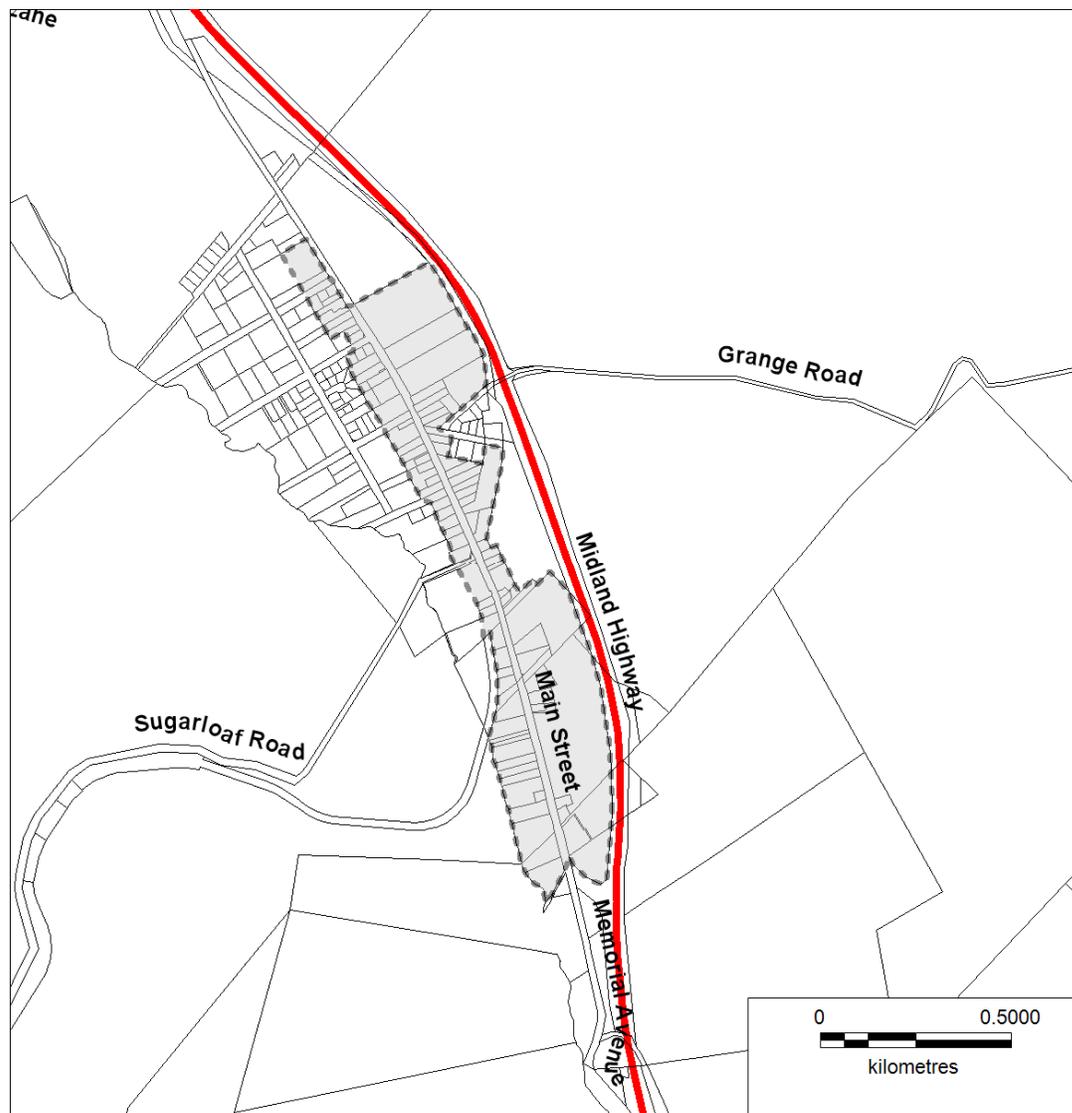
AMENDMENT 4/2013

Amendment 4/2013 was refused.

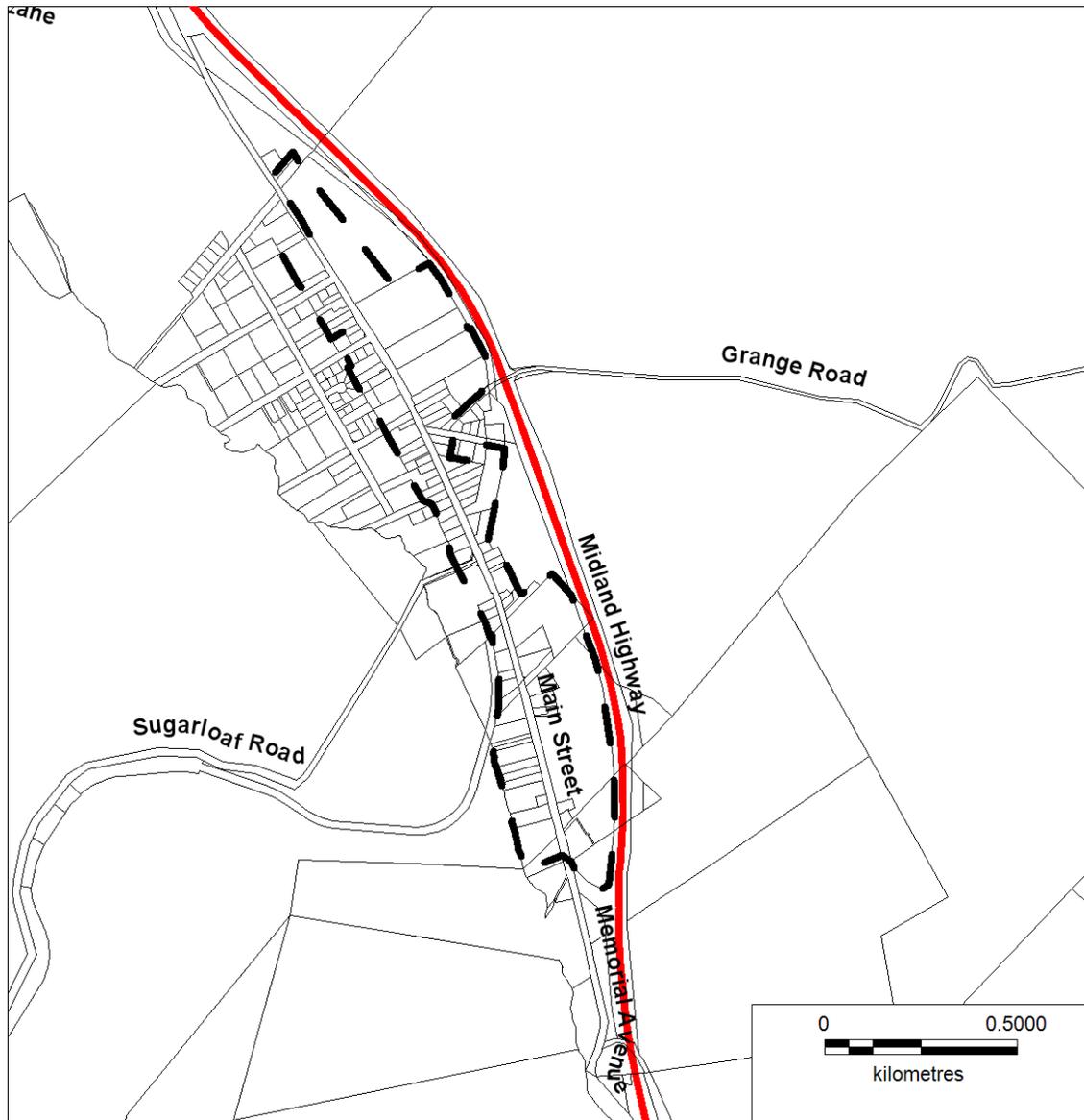
This would have amended the planning scheme by reducing the Heritage Precinct Special Area at Kempton.

The Commission's reasons for rejecting the amendment were based on an absence of strategic justification for the reduction, particularly as Council's Heritage Management Plan (a Joint Land Use Planning Initiative document) recommended expansion, not contraction.

Proposed (and rejected) Heritage Precinct at Kempton:



Existing Heritage Precinct at Kempton:

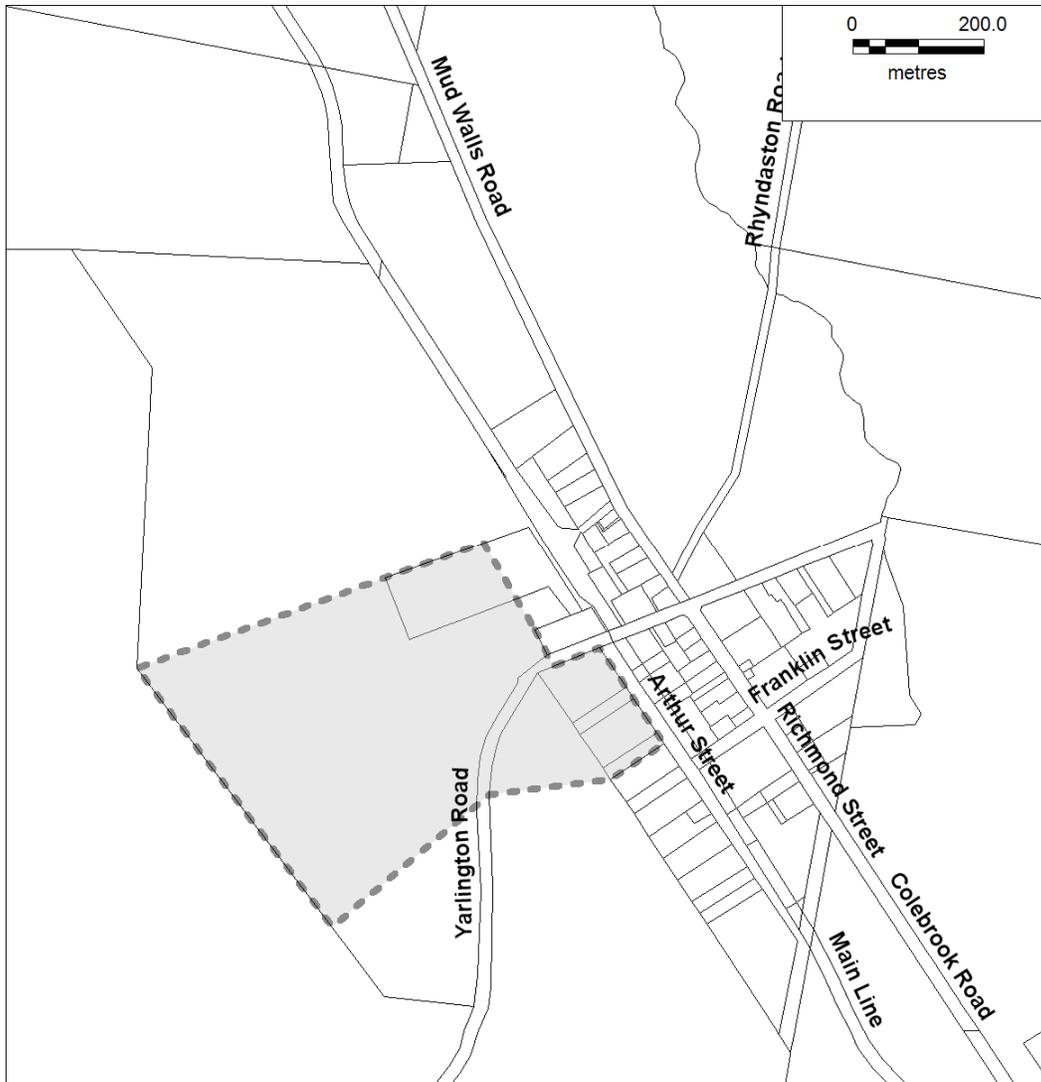


AMENDMENT 5/2013

Amendment 5/2013 was approved.

This amends the planning scheme by creating a new Landscape Protection Special Area at Colebrook, protecting the landscape setting of the Pugin-designed St Patrick’s Church.

The new Colebrook Landscape Protection Special Area:



RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

**13.4.3 Amendments to the Southern Midlands Planning Scheme 1998
Blackbrush Road Amendments: Rejection by the Tasmanian Planning
Commission**

File Ref: 9/084

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)
DATE 20TH NOVEMBER 2014

- ATTACHMENTS**
1. Zoning Maps
 2. Tasmanian Planning Commission Decision.

ISSUE

Apparent flawed decision by the Tasmanian Planning Commission pertaining to Planning Scheme Amendments 1.2/2014 and 1.3/2014 – rezoning from Rural Agriculture to Rural Residential A and Rural Residential B, at Blackbrush Road, Mangalore.

BACKGROUND

The Tasmanian Planning Commission has rejected two of the ten planning scheme amendments in the Bagdad Mangalore valley aimed at implementing the Bagdad Mangalore Structure Plan (BMSP). (Refer decision, attached).

Council has been endeavouring to implement the recommendations of the Bagdad Mangalore BMSP through a suite of planning scheme amendments to the Southern Midlands Planning Scheme 1998, ahead of the declaration of the new Interim Planning Scheme.

The BMSP constitutes a comprehensive review of the land use zoning in the Bagdad-Mangalore area. This area is the one part of Southern Midlands that is on the periphery of Greater Hobart and contains a complex mix of settlement, rural living land and intensive farming land. The BMSP was a product of the Joint Land Use Planning Initiative (JLUPI) and is supported by the broader foundation ‘sub-regional’ strategy documents; the JLUPI Land Use Strategy 2008 and the JLUPI Settlement and Open Space Strategy 2010.

JLUPI was a sub-regional planning initiative involving Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils. It was intended to culminate in the production of four common planning schemes for the four Councils. However, just as the initiative reached the stage of planning scheme drafting the State Government’s regional planning reform initiative came into being. The four JLUPI Councils signed up to the new broader project and therefore did not go ahead with drafting the intended JLUPI planning schemes. Thus, implementation of the planning scheme changes recommended in the various JLUPI documents was delayed.

The JLUPI changes were then intended to be brought into existence in the new Interim Planning Schemes resulting from the State Government's regional planning reform initiative. However, in 2012 the Solicitor General apparently advised the State Government that significant changes could not be brought into existence through the interim planning schemes unless 'necessary to implement the Southern Tasmanian Regional Land Use Strategy' (STRLUS). (Council has subsequently become aware of alternative legal opinion) The STRLUS was written to address regional issues and therefore does not drill down to changes based on local strategic issues. Therefore, based on the apparent view of the Solicitor General in 2012, Council has been endeavouring to amend its current planning scheme during the course of 2014.

A significant strategic aspect of the BMSP is to 'back zone' a large area of productive and irrigated agricultural land on the valley floor from rural residential to rural zoning, and to create new rural residential land at Blackbrush Road, which is off to the side of the valley on less productive land and builds on an existing rural residential node. Overall, more than 244 hectares of land is proposed to be back zoned from rural residential to rural and 71 hectares of new rural residential land is proposed. Although this represents a very substantial reduction in the amount of rural residential land in Southern Midlands it was nevertheless supported by Council on the basis that it was good responsible planning.

In 2011 the owner of one of the parcels of land at Blackbrush Road that is proposed to be rezoned to rural residential lodged a S43A application to have the land rezoned and to subdivide. In February 2012 the Tasmanian Planning Commission refused the application largely on the basis that the rezoning was part of a suite of changes recommended by the Bagdad Mangalore Structure Plan and should not be implemented in isolation of the other changes. In particular, the Commission was concerned that there was no guarantee that the 'back zonings' proposed elsewhere in the valley would occur.

In 2014 Council initiated a suite of 10 planning scheme amendments in the Bagdad Mangalore area. Most, including the Blackbrush Road amendments, were directly based on recommendations in the BMSP.

Council has now received notification of the decisions of the Planning Commission for all ten amendments. Eight of the ten amendments have been approved - including the 'back zoning' of the valley floor. However the two Blackbrush Road amendments have been refused.

The Blackbrush Road amendments represented the vast majority of new rural living land proposed in the BMSP - 56 of 71 hectares.

This decision has left Southern Midlands Council with negligible developable rural residential land, with almost all of the rural residential zoned land having already been subdivided and developed for housing. Over the last few years rural residential housing development has ground to a halt in Southern Midlands because there are no more lots available.

DISCUSSION

Council officers have reviewed and sought legal advice on the Blackbrush Road decision. There is a strong case that it was fundamentally flawed, both in fact and in process:

1. The TPC decision incorrectly found that the proposed amendments were **not** recommended by the Bagdad Mangalore Structure Plan.
 - This is a fundamental and highly significant error of fact.
2. The TPC delegates received a letter from a party opposing the amendments two weeks before the hearing. This only came to light half way through the hearing when mentioned that party. The delegates had not provided the letter to Council or the other parties, or otherwise advise of its existence at all. This letter was in the form of a lengthy submission and contained substantive new evidence.
 - Firstly, the party should not have made the submission outside of the proper process, (especially as it was from a person who purports to be a qualified planning professional).
 - Secondly, the delegates, having received and accepted the submission, should at least have forwarded it to Council and the other parties involved without delay.
 - The outcome of the above was that Council and the other parties did not have the opportunity to present new evidence to refute the new evidence, (noting that closing written submissions are not the vehicles for the presentation of new evidence).
 - This was a denial of procedural fairness to Council and another party that supported the amendments.
3. The TPC delegates used their own interpretation of the Regional Land Use Strategy as a reason for refusal. However they did not explore this at the hearing and Council did not have the opportunity to put any alternative point of view.
 - This was a denial of procedural fairness to Council and the other party that supported the amendments.
4. The TPC delegates cited a lack of local services as a reason for refusal, earlier quoting an objector's claims that there is no local playground at Mangalore. This is an obvious error of fact.

Following Point 2, above, Council now has no confidence that there was no other inappropriate and hidden liaison between the parties to the appeal and the Tasmanian Planning Commission. Council has therefore submitted a Request for Information.

In brief explanation of Point 3, above, it is the Manager Development & Environmental Services view that the delegates fundamentally misinterpreted the Regional Land Use Strategy by confusing regional strategy SRD 1.2 with regional strategy SRD 1.3:

- SRD 1.2 deals with towns and activates the ‘growth scenarios’ in *Table 3 Growth Management Strategies for Settlements*. (Note that in *Table 2 The Settlement Network* the definition of various town and settlement types explicitly excludes surrounding rural living areas.)
- SRD 1.3 deals with rural living land. Whilst the STRLUS generally calls for the restriction of rural living land to existing, it allows for land not currently zoned for such use to be zoned Rural Living Zone if:
 - Recognising existing (‘de facto’) rural living communities, or
 - Replacing undeveloped inappropriately zoned rural living land with more appropriate land, provided the total area does not increase, or
 - Infilling or consolidating existing rural living settlements.

It is the Manager Development & Environmental Services view that the Commission delegates have erroneously applied SRD 1.2 to the proposed rezoning as it deals with rural living land not with a township. SRD 1.3 is the relevant STRLUS provision, and the proposed rezoning demonstrably complies with that clause.

In addition to the above:

- There is now new evidence from the Resource Management and Planning Appeal Tribunal that directly refutes one of the Commission’s grounds of refusal. This was in relation to an appeal lodged against Council’s refusal of an application for an egg farm on a property which neighbours the land subject to the Blackbrush Road rezoning application. In the decision, the Appeal Tribunal said that the ‘likely’ rezoning of the neighbouring land cannot be ignored and must be given some weight. However, with the modifications and conditions applied in its decision, the Appeal Tribunal believes there should be no planning issues between the egg farm and the rezoned land. One of the Commission’s reasons for refusing the rezoning was potential for conflict with farming activities on that land.
- The rationale that led the Planning Commission in February 2012, to refuse the Blackbrush Road S.43A application largely on the basis that the amendment is part of the overall Bagdad Mangalore Structure Plan strategic package of amendments and should not be advanced in isolation of the others (e.g. the ‘back zoning’ of the valley floor), appears to have now been given no weight. Instead, the Planning Commission has devised new reasons for refusal - despite the fact that one of the delegates sat on both hearings.

Attached are three maps indicating the current planning scheme zoning, the planning scheme zoning proposed in the rejected amendments and the draft interim planning scheme zoning. Not that the extent land proposed to be rezoned to Rural Living in the draft interim planning

scheme is larger than that subject to the Blackbrush Road amendments to the current planning scheme.

This is because additional lots have been included in the Rural Living Zone pursuant to Regional Land Use Strategy SRD1.3, which provides for the recognition of existing rural living land

OPTIONS FOR MOVING FORWARD

Council's legal advice is as follows:

- In normal circumstances, Council should pursue a judicial review of the decision.
- However, in the current circumstances a judicial review should not be pursued.
 - Judicial reviews are heard by the Supreme Court and the court would not be able to hear the matter until well into 2015.
 - Any decision from a judicial review would be after the declaration of the new interim scheme. As the court would be making a decision pertaining to a document that no longer exists, it would be a waste of time.
 - Even if a final decision could be achieved before declaration of the interim scheme, the best outcome would be that the Planning Commission decision was flawed and should be re-heard and re-made. In that case, the Planning Commission would also be making a decision on a document that no longer exists.
- The Blackbrush Road amendments are in the Draft Interim Planning Scheme submitted to the Minister in early 2014.
- Contrary to the 2012 Solicitor General's apparent advice, there is nothing to stop significant changes being brought in by an interim planning scheme, if supported by documented strategic planning.
- The proposed Blackbrush Road changes have a documented strategic basis and therefore are allowed in an interim scheme.
- It is open to Council to determine to pursue the changes at Blackbrush Road through the Interim Planning Scheme and to advise the Minister accordingly.

In late November or early December it is expected that Council will receive an 'exposure draft' of the Planning Commission's intended advice the Planning Minister pertaining to changes that it recommends should be made to the draft interim planning scheme before it is declared an Interim planning Scheme. The Planning Commission intends to provide that advice to the Minister before the end of the year. In what form the planning scheme is declared will then be up to the Minister. It is anticipated the scheme might be declared in February or March 2015 (along with the other eleven Southern interim planning schemes). Council will have opportunity during the intervening period to approach the Minister.

RECOMMENDATION**THAT Council:**

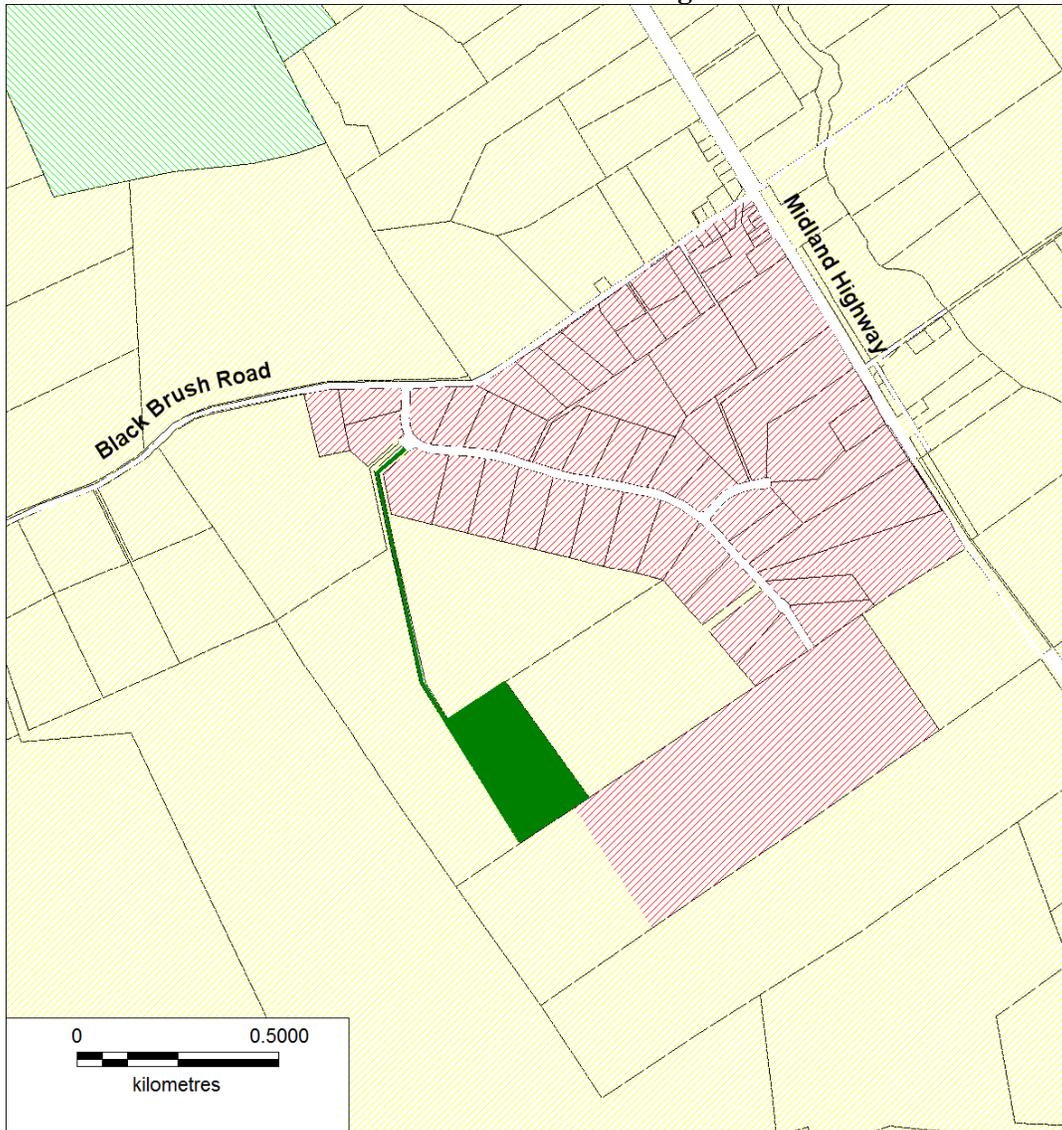
1. **Confirm that it does not accept the decisions of the Tasmanian Planning Commission pertaining to planning scheme amendments 1.2/2-14 and 1.3/2014, being proposed rezonings to Rural Residential A and Rural Residential B at Blackbrush Road, Mangalore, for the reasons outlined above;**
2. **Advise the Tasmanian Planning Commission and the Planning Minister of this view;**
3. **Through the Tasmanian Planning Commission and the Planning Minister, seek to maintain the zoning at Blackbrush Road in the pending interim planning scheme in accordance with the zoning in the draft interim planning scheme originally submitted to the Minister by Council.**
4. **Seek a meeting between the Mayor and the Planning Minister as soon as possible.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

ATTACHMENT 1

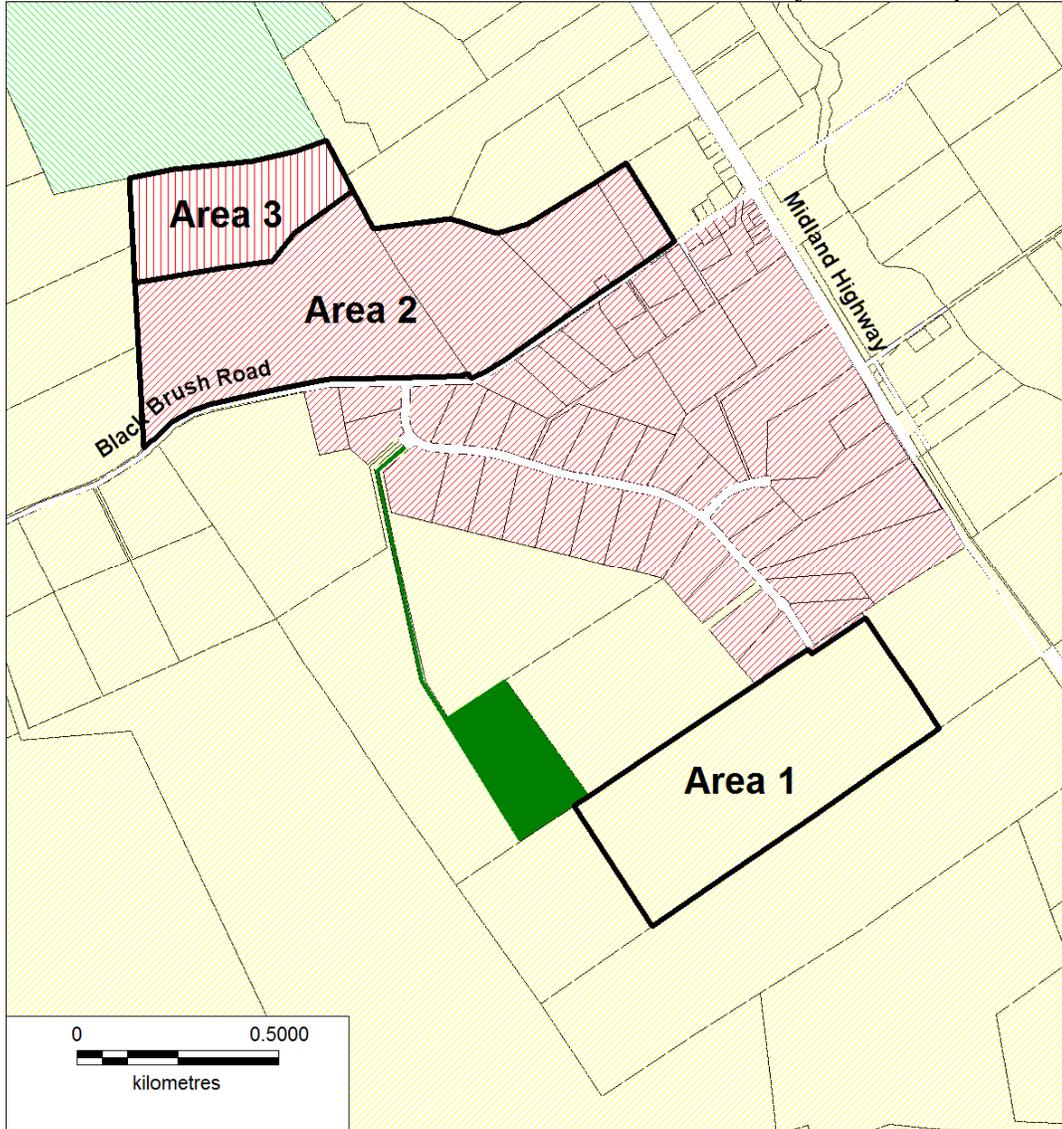
**Zone Maps
Current Southern Midlands Planning Scheme 1998**



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rual Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

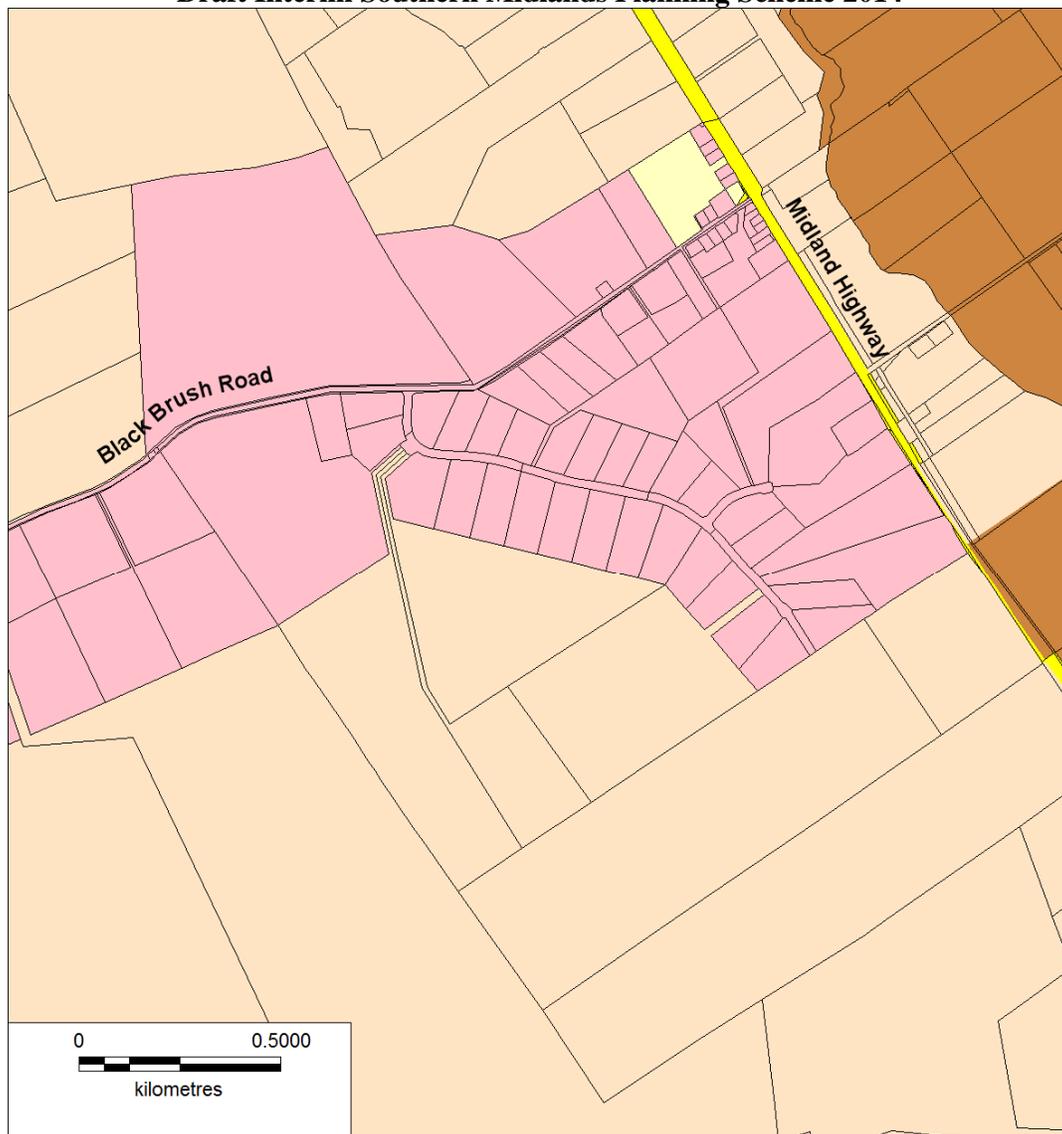
Intended Amended Southern Midlands Planning Scheme 1998
Area 2 and Area 3 are the Blackbrush Road amendments subject to this report.



Current Planning Scheme Legend

- Road
- Rural Agriculture
- Rural Forest
- Rual Residential A
- Future Road
- Village
- Utilities
- Environmental Management
- Rural Agriculture
- Community Use
- Rural Residential B

Draft Interim Southern Midlands Planning Scheme 2014



New Planning Scheme Legend

-  Utilities
-  Particular Purpose Zone 1 Settlement Growth Zone
-  Rural Resource
-  Significant Agricultural
-  Rural Living
-  Community Purpose
-  Environmental Management
-  Village
-  Environmental Living

ATTACHMENT 2

Tasmanian Planning Commission Decision

TASMANIAN PLANNING COMMISSION

Our ref: DOC/14/84580
Officer: Mary Bessell
Phone: 03 6165 6835
Email: enquiry@planning.tas.gov.au

14 October 2014

SOUTHERN MIDLANDS COUNCIL

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

Rec'd 15 OCT 2014
File no Planning Scheme
Per Id

Attention: Damian Mackey

Dear Mr Kirkwood

**Draft amendment 1.2/2014 and 1.3/2014
Southern Midlands Planning Scheme 1998**

Further to the hearing of this matter held from 27 to 29 August 2014, the Delegates have decided to reject these draft amendments pursuant to section 41(b) of the *Land Use Planning and Approvals Act 1993*. A copy of the Delegates decision is enclosed for your information.

If you wish to seek any further clarification of this decision please do not hesitate to make contact.

Yours sincerely


Pam Scott
Director Assessments

TASMANIAN PLANNING COMMISSION

SOUTHERN MIDLANDS C

Rec'd 13 OCT 2014
 File no _____
 Dis: let _____

DECISION AND REASONS FOR DECISION

Amendment	1.2/2014 and 1.3/2014
Planning instrument	Southern Midlands Planning Scheme 1998
Planning Authority	Southern Midlands Council
Date of decision	10 October 2014
Delegate/s	John Vandenberg and Pamela Scott
Date of Commission's delegation	7 July 2014

Description of draft amendment

Draft amendment 1.2/2014 proposes to rezone a 44.33 ha area of land comprised of the following parcels at Black Brush Road, Mangalore from Rural Agriculture to Rural Residential A:

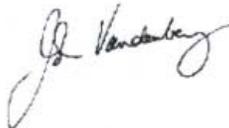
PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	25.8 ha (of 38.0 ha)	Rural Agriculture to Rural Residential A
5018461	123830/1	10.24 ha	
5018381	47455/1	0.51 ha	
5018453	14387/1	5.76 ha	
5018445	6519/1	2.02 ha	
Total area:		44.33 ha	

Directly adjoining the land affected by 1.2/2004, draft amendment 1.3/2014 proposes to rezone a 12.2 ha area of land (CT 152939/6) at Black Brush Road from Rural Agriculture to Rural Residential B.

The draft amendments are parts 2 and 3 of a package of 10 that affects the Bagdad-Mangalore Valley.

Decision

The Commission rejects the draft amendments pursuant to section 41(b) of the *Land Use Planning and Approvals Act 1993* for the following reasons:



John Vandenberg
Chair



Pamela Scott
Delegate

Southern Midlands Planning Scheme 1998
Draft amendment 1.2/2014 and 1.3/2014

REASONS FOR DECISION

Amendment

Draft amendment 1.2/2014 proposes to rezone a 44.33 ha area of land comprised of the following parcels at Black Brush Road, Mangalore from Rural Agriculture to Rural Residential A:

PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	25.8 ha (of 38.0 ha)	Rural Agriculture to Rural Residential A
5018461	123830/1	10.24 ha	
5018381	47455/1	0.51 ha	
5018453	14387/1	5.76 ha	
5018445	6519/1	2.02 ha	
Total area:		44.33 ha	

Directly adjoining the land affected by 1.2/2014, draft amendment 1.3/2014 proposes to rezone a 12.2 ha area of land (CT 152939/6) at Black Brush Road from Rural Agriculture to Rural Residential B.

The draft amendments are parts 2 and 3 of a package of 10 that affects the Bagdad-Mangalore Valley.

Background

The Commission has refused a similar application (02-2010) in the past on the grounds that:

- The draft amendment is inconsistent with the intent of the Rural Residential A and Rural Residential B zones of the Scheme
- The draft amendment represents a reactive and ad hoc response to development that will not provide for the fair, orderly and sustainable use and development of land, contrary to Schedule 1 Part 1, Objectives 1 (a) and (b) of the Act; and
- The draft amendment is not sound strategic planning, contrary to Schedule 1 Part 2, Objective 2(a) of the Act.

Commission delegate John Vandenberg made announcement at the hearing that he was involved in this prior decision and given the opportunity, none of the parties had any objection to his appearance on the Panel for the hearing of this matter.

The Planning Authority initiated and certified this version of the draft amendment at its meeting of 22 January 2014. The draft amendments are parts 2 and 3 of a series of ten aimed at implementing the Bagdad Mangalore Structure Plan.

A series of background studies and strategic plans have been undertaken and are presented as the basis for these amendments. Primarily these are the outputs of the Joint Land Use Planning Initiative (JLUPI), the Southern Tasmania Regional Land Use Strategy (STRLUS), the Mangalore Recreation Plan (MRP) and the Bagdad Mangalore Structure Plan (BMSP).

The key overarching objectives of the BMSP relevant to the draft amendments are:

- To consolidate residential and rural-residential development in nodes and retain the rural landscape between the nodes.
- To retain the expansive productive agricultural areas on the valley floor for long term agricultural use.

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

- To zone new rural residential land on the sides of the valley adjacent to existing development, especially where not requiring new accesses onto the Midlands Highway.
- To recognise and protect land immediately around the Bagdad village for future residential / village development.

Similarly, the STRLUS recognises a number of planning priorities which are relevant to the draft amendments. Particularly:

- CV4 – protect the rural cultural landscape of the valley by preserving the valley floor for agricultural use.
- P12 – to provide for the orderly growth of the valley, clustering new development around existing nodes, avoiding need for new accesses onto the Midlands Highway and identifying and preserving land for future settlement use.
- LUITI – protects the current and future Midlands Highway corridors.
- T1 – preservation of the rural landscape gateway approach to greater Hobart from the north, and preservation of the visual landscape catchment of numerous historic houses in the valley.
- PR1 – recognise and preserve the expansive good agricultural land on the valley floor for agricultural use.
- SRD 1.2 – to manage the orderly growth of Bagdad and Mangalore.
- SRD 1.3b – to reduce the total area of land allocated to rural living within the valley by back zoning to agriculture, and allocate some new lots to rural living in appropriate locations to consolidate existing development nodes.

The Draft Southern Midlands Interim Planning Scheme (DSMIPS)

As the draft Interim Planning Scheme is primarily a translation of the current scheme into the Planning Scheme Template for Tasmania (see Planning Directive No. 1), Council have initiated this series of amendments to facilitate due process, natural justice and community involvement.

Representations

The draft amendments were publicly exhibited from 1 February to 14 March 2014.

Ten representations were received from:

1.	All (1.2 & 1.3)	R Barnes & J Price	Banticks Farm Sheep Stud, MANGALORE
2.	1.5	T O'Connor obo Bennetts Petroleum	Johnstone McGee & Gandy Pty Ltd, HOBART
3.	All	A & K Bowerman	
4.	1.1/2014	P Hubble, Department of Infrastructure, Energy and Resources	
5.	1.2/2014 and 1.3/2014	J Blowfield obo Hunter Heritage Pty Ltd	IreneInc Planning, NORTH HOBART
6.	1.1/2014	M Craig & F Kooper	
7.	1.5/2014	R & B Saltmarsh	
8.	1.2 & 1.3	J Topfer & A Wilson	MANGALORE
9.	1.4/2014	R Wilson	BAGDAD
10.	1.1/2014	R & K Goudsouzian	

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

Issues raised in the representations

The representors raised the following issues.

- None of the draft amendments are consistent with section 32 of *the Land Use Planning and Approvals Act 1993* (the Act)
- The Bagdad – Mangalore Structure Plan was conducted without adequate community consultation and does not contain adequate environmental, social or economic assessment
- The draft amendments contribute to ‘sprawl’
- Council have a conflict of interest in relation to the draft amendments
- There has been no assessment of land capability in this area
- Agricultural land has been farmed successfully in recent years and should not be rezoned
- Conflict of use concerning a service station with heavy vehicle movements and noise
- Extra land should be included for rezoning and future subdivision
- Comments and recommendations from DIER concerning the Bagdad Bypass Corridor, the consolidation of settlements, and the impact on the Midlands Highway (no new accesses permitted).
- Support for the draft amendments on heritage grounds
- Support for the draft amendments on the grounds of sustainable development

Planning Authority’s response to the representations

The Planning Authority’s report pursuant to section 39 of the Act considered the representations at its meeting of 16 April 2014 and recommended that no modifications be made to draft amendments 1.2 and 1.3.

Date and place of hearing

Dates of hearings: 27–29 August 2014
Location: Tasmanian Planning Commission, 144 Macquarie Street, Hobart

Attendance at the hearing

Applicant/Planning Authority: Mr Damian Mackey represented Southern Midlands Council with Mr David Cundall (hearing 28 August 2014)

Representors: Mr Tom O’Connor represented Bennett’s Petroleum (hearing 27 August 2014)

Ms Jacqui Blowfield represented Hunter Heritage (hearing 27 & 28 August 2014)

Ms Maureen Craig (hearing 27 & 29 August 2014)

Mrs Kerrie Goudsouzian (hearing 27 & 29 August 2014)

Ms Jenny Topfer (hearing 27 & 28 August 2014)

Dr Richard Barnes (hearing 27 & 28 August 2014)

Mr Ray and Mrs Brenda Saltmarsh (hearing 27 August 2014)

Mr F Kooper (hearing 29 August 2014)

Interested persons: Mr Andrew Goodsell via telephone link representing Mr Noel Jackman and Mrs Andrea Jackman in attendance (hearing 29 August 2014)

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

Dr Barnes, Ms Topfer and Ms Blowfield made representation and attended the hearings to present evidence specifically in relation to amendments 1.2 and 1.3.

Dr Barnes and Ms Topfer object to the draft amendments on the following grounds:

- The rezoning will have an adverse impact on rural amenity and the rural landscape
- The access (Black Brush Road) is not safe for vehicles or pedestrians
- The steep gradient of land is not suitable for residential development
- There are significant trees and threatened species on the site
- The site is agriculturally viable – and a rezoning would cause land use conflict with surrounding lots
- Critical of the Bagdad-Mangalore Structure Plan. Mangalore has no local service centre, a lack of community facilities, no parks or public open space. Services need to be developed before increase in population.
- Council has a conflict of interest because it owns land in the area

Ms Blowfield on behalf of Hunter Heritage supported the draft amendment:

- No threatened species on the Hunter Heritage parcel
- Site is well located with direct access to main road traffic network and consistent with encouraging walkable neighbourhoods
- Agricultural viability is limited due to low rainfall and no irrigation supply

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

Commission’s assessment of the draft amendments

**SOUTHERN MIDLANDS PLANNING SCHEME 1998
DRAFT AMENDMENT 1.2/2014**

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 44.33 hectare area of land on the northern side of Black Brush Road, Mangalore, opposite the Mountford Drive junction, with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential A, as indicated on the plan below

PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	25.8 ha (of 38.0 ha)	Rural Agriculture to Rural Residential A
5018461	123830/1	10.24 ha	
5018381	47455/1	0.51 ha	
5018453	14387/1	5.76 ha	
5018445	6519/1	2.02 ha	
Total area:		44.33 ha	

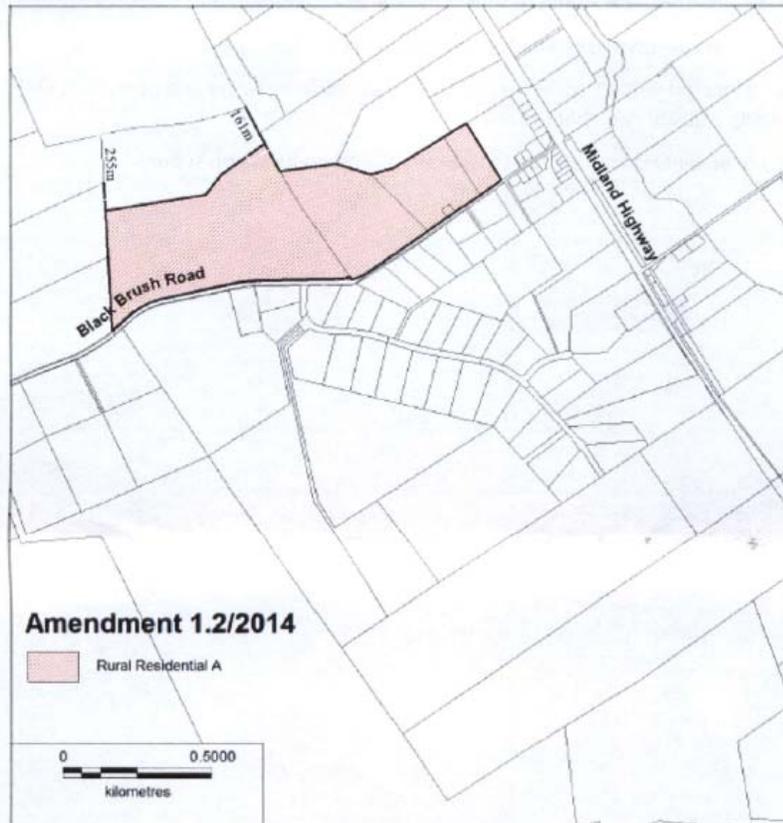


Figure 1. Draft Amendment 1.2/2014

Southern Midlands Planning Scheme 1998
 Draft amendments 1.2/2014 and 1.3/2014

**SOUTHERN MIDLANDS PLANNING SCHEME 1998
 DRAFT AMENDMENT 1.3/2014**

The Southern Midlands Planning Scheme 1998 is amended by the alteration of zoning pertaining to a 12.2 hectare area of land on the northern side of Black Brush Road, Mangalore, opposite the Mountford Drive junction, with property descriptors listed below so that the zone is changed from Rural Agriculture to Rural Residential B, as indicated on the plan below.

PID	C.T.	Area	Proposed Rezoning
2831342 (Part)	152939/6 (Part)	12.2 ha (of 38.0 ha)	Rural Agriculture to Rural Residential B

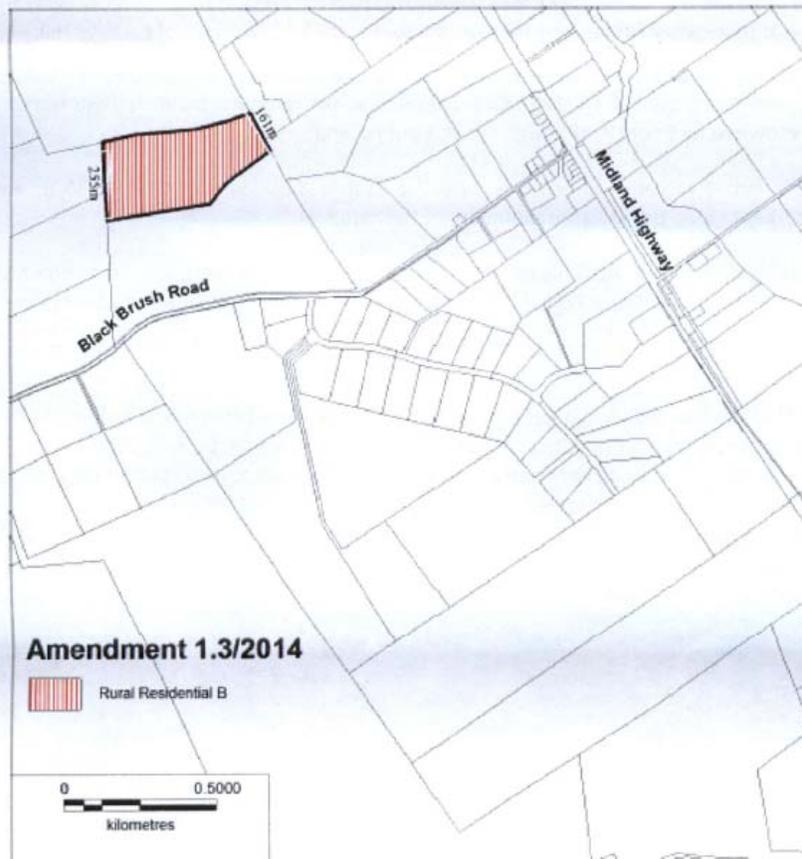


Figure 2. Draft Amendment 1.3/2014

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

Site and locality

Draft amendment 1.2/2014 affects 5 titles at Black Brush Road, Mangalore (refer to figure 1). It proposes to rezone 44.33 ha from Rural Agriculture to Rural Residential A.

Directly adjoining the land affected by 1.2/2004, draft amendment 1.3/2014 proposes to rezone a 12.2 ha area of land (CT 152939/6) at Black Brush Road, Mangalore (refer to figure 2) from Rural Agriculture to Rural Residential B.

The locality is predominantly a flat, pastoral valley, with trees on the upper slopes and ridgelines. The site of amendment 1.2 is located on the western mid-slopes, rising to a saddle in proximity to Mountford Drive, an established rural-residential subdivision. The site of amendment 1.3 is on the steeper, upper slopes of Lackeys Hill to the north of amendment 1.2. The eastern portion of amendment 1.2 has views across the Midland Highway and the Mangalore valley giving the site a predominately south-easterly aspect. The western portion, beyond the saddle, has a westerly aspect and drains to the Mangalore Creek valley. This part of the land drops steeply away from its frontage at Black Brush Road, and then rises towards the upper slopes of Lackeys Hill.

The site is generally pasture but some cropping has occurred on the lower, flatter land on CT 152939/6, and a portion of CT 123830/1 contains some remnant bush. It is noted that CT 123830/1 is owned by Council, although it is not public land.

The site contains a private right-of-way over the eastern boundary of CT 152939/6, and gas supply easement along the western boundary of the same lot.

Surrounded by larger Rural Agriculture zoned lots to the east and west, the lot to the north of amendment 1.3 is zoned Rural Forest. Opposite the site on Black Brush Road the lots are large Rural Agricultural, with a section of smaller Rural Residential lots along both sides of Mountford Drive.

On CT 152939/6 the boundary between the proposed Rural Residential A land subject to 1.2/2014 and the proposed Rural Residential B land subject to 1.3/2014, is located approximately along the break between moderately sloping pasture land (Class 4 capability) and steeper lands with lower land capability.



Land Capability, extracted from LIST, Tasmanian Government

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

Consideration of issues

Regional Strategy

The STRLUS categorises Mangalore as an 'other small settlement or locality' with a 'very low growth strategy'. It is outside the Urban Growth Boundary as defined for the Greater Hobart Area. Also relevant is SRD 1.3 which directs:

"Support consolidation of existing settlements by restricting the total area of rural living and environment living footprints to the existing overall land area of such use."

Council's evidence at hearing was that the land subject to the amendments forms part of the southern node recognised in the BMSP. Overall the package of 10 amendments proposed reduces the land zoned Rural Residential and Council contends that amendments 1.2 and 1.3 simply move Rural Residential land to a more appropriate location. Ms Blowfield supported Council's position.

Ms Topfer challenged the validity of swapping 'like for like' zoned land.

At the hearing, Mr Mackey appearing for Council acknowledged that these amendments are not part of the recommendations arising from the Structure Plan, but they build on a rural residential node, helping to shift residential development from the valley floor. This will avoid rural residential sprawl such as can be seen at Brighton. Existing accesses could be used.

Mr Mackey advised that there are some threatened species on the land subject to draft amendment 1.2, and these could be protected by a covenant. However Mr Mackey noted that Council prefers contributing resources to the Chauncy Vale Wildlife Sanctuary, Flat Rock Reserve, Bagdad, and Alpha Pinnacle Conservation Area, which forms a substantial area of approx. 1,500 – 2,000 ha.

Mr Mackey advised that Mangalore is not serviced therefore smaller blocks cannot be created until such time as services are provided. Council is placing greater emphasis on residential development at Bagdad as it is serviced. Mr Mackey was confident that water could be provided to both areas given that development would be lower down the contours of the hill. Dr Barnes and Ms Topfer contended that there are no services (such as shops or playgrounds) to justify the identification of this area as a node. They both submitted that facilities should be developed before the residential area increases. Ms Topfer expressed concerns about the provision of footpaths and widening of roads.

Ms Topfer submitted that the Council has a conflict of interest in this draft amendment as it owns one of the parcels of land that will be subdivided if approved. There is a developer who has done a lot of work in preparation for the approval and is ready to proceed with the subdivision.

Ms Blowfield, appearing on behalf of Hunter Heritage, submitted that the staggered timing of the production of the STRLUS, MBSP and strategic planning generally by Council has resulted in the draft amendments not being clearly supported in a strategic sense. However, Ms Blowfield submitted that it is common to have a variety of densities ranging from 4,000m² up to 10 to 20 ha. This becomes a rural living area with a variety of lot sizes. In Ms Blowfield's submission it was unreasonable to expect a full range of services in a rural living setting such as Mangalore.

The delegates do not agree with the position of Council and do not consider this area as an appropriate node for rural residential growth due to a lack of services and lack of demonstrated demand. "Very low growth" in the context of the STRLUS means practically none, and the required services should be developed prior to any further expansion of rural residential development in this locality. The proposal is also contrary to SRD 1.3. The delegates do not support a proposition that the rezoning of the valley floor to Rural necessarily implies a 'quid pro quo' rezoning of the upper valley slopes to Rural Residential.

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

7. *The protection of non-prime agricultural land from conversion to non-agricultural use will be determined through consideration of the local and regional significance of that land for agricultural use.*

Council contends in that this area is 'rural living' in character, and that the titles are no more than hobby farms. Ms Blowfield provided accounts of the various agricultural activities carried out over the preceding years and submitted that the agricultural activities are not of a nature that indicates 'significant agricultural land'.

At the hearing, Dr Barnes and Ms Topfer presented that the land has been cropped and grazed successfully, and if approved, the rural residential development could have the potential to fetter agricultural uses on adjoining land. They also presented that the rural landscape values of the locality were of significance.

Dr Barnes submitted that he is a serious farmer operating a farming enterprise on land zoned Rural Agricultural. He claimed that he has existing use rights that will be impinged upon by the amendment. Dr Barnes acknowledged that the land is not prime agricultural land but referring to the Protection of Agricultural Land Policy he noted that land does not have to be 'prime' to be zoned Rural Agriculture. Dr Barnes submitted that he had no doubt that the change in zoning would fetter farming activities conducted adjacent to the subject land. For example, Dr Barnes referred to noise issues where a 5 m setback is required to achieve 40dBA at the window of residences.

Ms Blowfield submitted that Rural Residential zoning sits well beside Rural as it is a transition zone. It is accepted that the land is not prime agricultural land (that is, Class 1, 2 or 3 land) as defined under the *State Policy on the Protection of Agricultural Land 2009* or significant agricultural land as defined under the STRLUS. However, that is not sufficient justification for conversion of agricultural land to use for rural residential subdivision. There is virtually no prime agricultural land in the southern region; both the Coal River valley and Bagdad Rivulet valley are class 4 land of acknowledged agricultural potential. The site is of comparable quality to other broad acre grazing land in the surrounding region and if developed for rural residential use, could have the effect of curtailing future agricultural use and creating the potential to fetter permitted productive uses on surrounding agricultural land.

State Coastal Policy 1996

The State Coastal Policy is not relevant to this draft amendment.

State Policy on Water Quality Management 1997

This draft amendment complies with the provision of the State Policy on Water Quality Management.

National Environmental Protection Measures (NEPMs)

The draft amendment does not invoke any NEPMs.

Objectives of the Resource Management and Planning System

Schedule 1 of the Land Use Planning and Approvals Act 1993

Part 1

- a) *To promote the sustainable development of natural and physical resources and the maintenance of ecological processes and genetic diversity;*

The draft amendment is not considered to promote this objective in as far as the amendment proposes to reallocated agriculturally zoned land for rural residential development.

Southern Midlands Planning Scheme 1998
Draft amendments 1.2/2014 and 1.3/2014

- b) *To provide for the fair, orderly and sustainable use and development of air, land and water;*

Issues were raised in the hearing regarding the presence of threatened species. On balance, this is not considered as a reason for refusal of the amendment.

- c) *To encourage public involvement in resource management and planning;*

The JLUPI strategic planning documents, including the MBSP, involved community consultation in their development.

The proposed planning scheme amendments were subject to statutory public notification and hearings were held into the representations.

- d) *To facilitate economic development in accordance with the objectives set out in paragraphs (a), (b) and (c);*

The draft amendment does not facilitate development consistent with the previous objectives.

- e) *To promote the sharing of responsibility for resource management and planning between the different spheres of Government, the community and industry in the State.*

The development of the JLUPI strategic planning documents, including the MBSP, included input from the major State Agencies, such as the Department of Infrastructure Energy & Resources (DIER), the Education Department and Department of Primary Industries, Water and Environment.

The planning scheme amendment process further facilitated sharing the responsibility of planning between Local and State Government and the community.

Part 2

The Part 2 objectives require assessment particularly in terms of providing for the consolidation of approvals and the full consideration of land capability.

The draft amendments are not considered to be strategically sound as they are contrary to the STRLUS nor do they support sustainable development as they have the potential to preclude land for agricultural use and fetter adjoining land for agricultural activities.

Conclusion on draft amendments

Draft amendment 1.2/2014 proposes to rezone a 44.33 ha area of land comprised of 5 parcels at Black Brush Road, Mangalore from Rural Agriculture to Rural Residential A and draft amendment 1.3/2014 proposes to rezone a 12.2 ha area of land at Black Brush Road from Rural Agriculture to Rural Residential B.

Both of the draft amendments are refused on the following grounds:

- (a) *The draft amendments are inconsistent with SRD1.3 and the Growth Management Strategy of the Southern Tasmania Regional Land Use Strategy*
- (b) *The draft amendments are contrary to principles 1, 5 and 7 of the State Policy on the Protection of Agricultural Land*
- (c) *The draft amendments are contrary to the strategy and relevant zone intents of the Scheme*
- (d) *The draft amendments are not strategically sound and are contrary to objectives contained within Schedule 1 of the Act.*

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

14.1 ROADS

Strategic Plan Reference – Page 13

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

14.1.1 Department of State Growth (Transport Infrastructure Services Division) – Traffic Facilities

AUTHOR GENERAL MANAGER
DATE 20th NOVEMBER 2014

ATTACHMENT: Nil.

ISSUES

To inform Council of changes introduced by the Department of State Growth relating to approval process for traffic facilities.

BACKGROUND

Historically Council has been required to obtain approval from the Department of State Growth (formerly Department of Infrastructure, Energy & Resources) to install traffic facilities. The approval process was undertaken by the Department under delegated authority from the Transport Commission.

DETAIL

The Transport Commissioner (Department of State Growth) has advised local government as a whole that in the interest of removing red tape and streamlining the process of responding to emerging traffic management issues, he is rescinding the direction which requires Transport Commission approval of traffic facilities on Council owned roads, effective from 1st January 2015.

The Commissioner indicates that this decision reflects the significant increase in expertise within local government and industry, along with the reduction in State government.

Approval from the Transport Commissioner will still be required for:

- a) Installation of road humps under section 31 of the *Local Government (Highways) Act 1982*; and
- b) Speed limits and traffic signals (i.e. traffic lights).

The Transport Commission will continue to issue directions relating to technical standards for the use of traffic signals and facilities in accordance with section 59 of the *Traffic Act 1925*.

Whilst this decision is favourable in terms of streamlining the process, and in many cases Council will be able to proceed to address a number of traffic management issues based on these set of technical standards, others will require Council to engage traffic engineering expertise, obviously at a direct cost (*apparently the Department of State Growth will remain available to provide advice to Councils on traffic matters, if requested to do so, but the level of resources that may exist is unknown*).

For information, the correspondence does indicate that the LGAT was consulted in relation to these changes and states that several Councils indicated strong support for a change to the process. The level of consultation has been questioned, particularly from the smaller Councils that don't have ready access to traffic engineering expertise. This may be the subject of further discussion with the Transport Commissioner.

Human Resources & Financial Implications – refer comment above.

Community Consultation & Public Relations Implications –Not applicable.

Policy Implications – Policy position adopted by the Department of State Growth.

Priority - Implementation Time Frame – The process changes will be implemented from the 1st January 2015.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

14.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

14.3 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.

14.4 LIGHTING

Strategic Plan Reference – Page 14

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

14.4.1 Public Lighting Contract Update (LGAT)

AUTHOR GENERAL MANAGER
DATE 19th NOVEMBER 2014

ATTACHMENT: Nil.

ISSUES

Brief report to provide Council with an update in relation to the public lighting contract proposal being progressed by the Local Government Association of Tasmania.

BACKGROUND

The Southern Midlands Council is a party to this competitive tender proposal being coordinated by the LGAT.

DETAIL

From information provided to the recent LGAT General Meeting, it is advised that the contract to test the market for the supply of the retail energy component of public lighting is underway. The Association has indicated that things look positive, with both Aurora Energy and ERM indicating interest to submit proposals.

As this is the first time such a contract has been possible following the introduction of retail contestability, the consultant (Goanna Energy) is working closely with both retailers to enable two competitive proposals.

Once formal proposals are received, the contract terms and conditions will be reviewed by Simmons Wolfhagen. If the outcome of this is successful, LGAT will report back to members with a recommendation to move to negotiations with each retailer to achieve the best possible price and service.

Human Resources & Financial Implications – Council spends approximately \$84,000 (excl. GST) per year on unmetered public lighting. The cost to participate in this consultancy is \$450.00 (excl. GST), or \$300 if the proposal does not progress past Stage 1. It is evident that any minor percentage saving will recoup this initial investment.

Note: The division of funds is based upon the LGAT Rules voting model.

Community Consultation & Public Relations Implications –Not applicable.

Policy Implications – Policy Position.

Priority - Implementation Time Frame – Process being coordinated by the LGAT. At this stage there is no definitive date for implementation (if necessary).

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

14.5 BUILDINGS

Strategic Plan Reference – Page 15

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

Nil.

14.6 SEWERS

Strategic Plan Reference – Page 15

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

14.7 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.

14.8 IRRIGATION

Strategic Plan Reference – Page 15

1.8.1 Increase access to irrigation water within the municipality.

Nil.

14.9 DRAINAGE**Strategic Plan Reference – Page 16**

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

14.9.1 Stormwater Pipeline Construction Upsizing - Reeve Street CampaniaAUTHOR DEPUTY GENERAL MANAGER
(ANDREW BENSON)DATE 20th NOVEMBER 2014ATTACHMENTS 1. Stormwater Pipeline Upsizing Alexander Circle (past example)
2. Stormwater Pipeline Upsizing Reeve St**ISSUE**

Approval of budget allocation of \$35,000 for Council's contribution to subdivision construction works to accommodate for extra-over storm water pipe sizes.

BACKGROUND

It has been the past practice for Council to contribute to the extra-over costs of stormwater engineering infrastructure in subdivisions when there is either anticipated or indeed actual stormwater that traverses the new subdivision, with that stormwater being in a catchment outside of the Developer's control. A somewhat recent example is the development at Alexander Circle (refer to Attachment 1) where the rear lots of the development running north/south on the eastern side of the development required a 300mm dia stormwater outfall to accommodate the requirements of the subdivision. Council officers determined that sometime in the future, the land on which the Campania School Farm is situated will be developed as well as accommodating other upstream outfalls. Therefore as a strategic investment Council covered the extra-over cost of installing a 450mm dia stormwater pipeline as opposed to a 300mm dia stormwater pipeline to cater for the future development of the School Farm and upstream outfalls. The Developer laid the bigger pipeline in the normal course of construction and Council paid the Developer the extra-over cost associated with that upsizing when it was certified by the Council's Engineer.

This is a fair and appropriate manner in which to deal with potentially conflicting Developer issues. It is an efficient and effect manner in which Council can increase its infrastructure requirements in a timely manner, to accommodate development needs and to take advantage of the existing construction timetable. Indeed strategic implementation that ensures future upstream developments are "shovel ready".

CURRENT

In respect of the soon to be developed Scaife subdivision at Reeve Street, Campania, there is an open stormwater outfall that traverses Lots 1, 2, 3, 4, 5, and 6, all of which front Reeve Street. The outfall drains the Campania School, Council roadways and private properties North West of Lot 1 in the proposed subdivision and this is in effect a Council issue to resolve.

The requirement for the subdivision is that a 300mm dia pipeline would be sufficient to drain the development from Lot 1 (NW corner) down to Lot 6 (SE corner), where the balance of the developments stormwater will enter the Reeve Street system. From this point to the proposed outfall of the new stormwater pipeline in the field to the south east of the Direen property the development requires a 600mm dia stormwater pipeline.

The upsizing to accommodate the additional Council stormwater would be that, the development’s 300mm dia is required to be a 600mm dia and the development’s 600mm dia is required to be a 750mm dia. The extra-over cost to Council for the works to be undertaken as part of the overall development of the subdivision is \$35,000.

When formulating the 2014/15 Budget, based on the information the writer had to hand, he advised the General Manager that the best information pointed to the fact that the development would not be proceeding during the 2014/15 financial year. Clearly events overtook the view expressed. It is understood that a tender for the development works has been let and work is to commence shortly, hence the requirement for this year’s budget allocation.

General Manager’s Comments:

In reference to section 82 of the *Local Government Act 1993*, a Council (by absolute majority) may alter the estimates during the financial year. It is suggested that a budget variation of this amount warrants a formal amendment to the 2014/15 Budget.

In relation to source of funding, this investment is to be classified as ‘new assets’ and the funding will net to be offset against the normal amount of \$250K allocated on an annual basis. A loan is not warranted for this amount. The 2015/16 ‘New Asset’ allocation will need to be reduced by this amount accordingly.

RECOMMENDATION

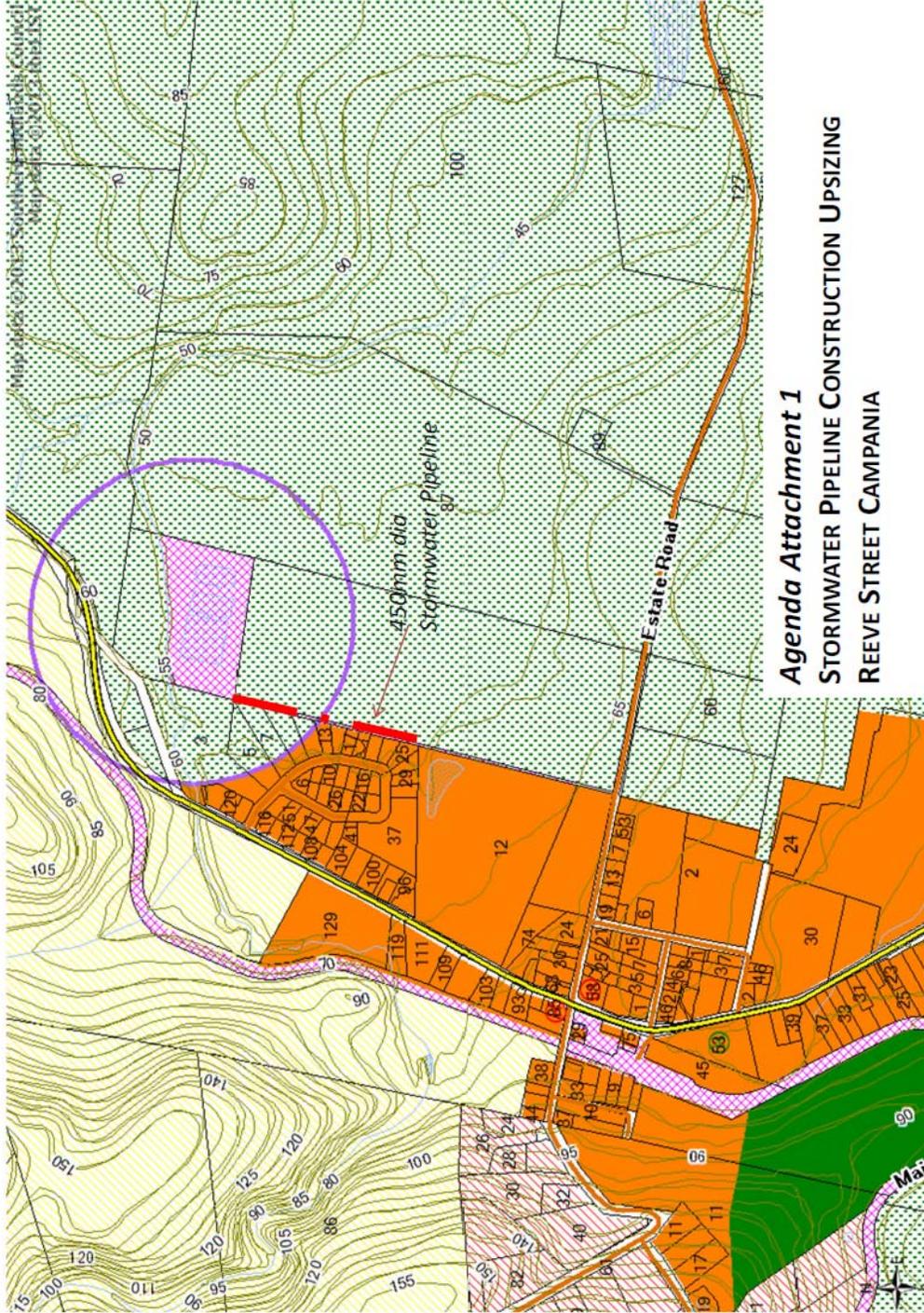
THAT Council:

- 1. receive & note the report; and**
- 2. in accordance with section 82 of the Local Government Act 1993 formally amend the 2014/15 budget estimates to include an allocation of \$35,000 for the upsizing of the stormwater pipeline to accommodate Council’s stormwater outfall obligations.**

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

Alexander Street Stormwater (past example)



Agenda Attachment 1
STORMWATER PIPELINE CONSTRUCTION UPSIZING
REEVE STREET CAMPANIA

14.10 WASTE

Strategic Plan Reference – Page 17

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

Nil.

14.11 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 17

1.11.1 Improve access to modern communications infrastructure.

Nil.

14.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

14.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES
 DATE 19TH NOVEMBER 2014

ROADS PROGRAM

Maintenance Grading in the Campania area whilst conditions allow. Rain is required to continue with maintenance grading program.

Roadside Slashing has commenced in the Tunbridge and Elderslie areas.

BRIDGE PROGRAM

Brown Mountain Road Bridge – Decking has been removed in readiness for Council and Contractor to commence new bridge works on 24th November 2014.

WASTE MANAGEMENT PROGRAM

No operational issues, although extra bin clearances are still required.

TOWN FACILITIES PROGRAM

General Mowing and township maintenance proceeding as normal.

Oatlands Swimming Pool – Maintenance work has been undertaken in readiness for opening to the public. The Pool will be open on Sunday 30th November 2014.

OTHER

Stornoway Contract – verbal report to be provided on a monthly basis as requested at the previous meeting.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

15.1 RESIDENTIAL

Strategic Plan Reference – Page 18

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

Nil.

15.2 TOURISM

Strategic Plan Reference – Page 19

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

Nil.

15.3 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.

15.4 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.

15.5 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.

16 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

16.1 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.

16.1.1 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:

- Liaising with partner Councils with the 5 x 5x5 project.
- Acquittal has been completed for the probation project.
- Alan Townsend and Karen Bramich have both been on leave.
- Finalisation of the commissariat conservation plan.
- Preparation of grant application to RDAF for 79 High Street, Oatlands (Commissariat property).
- HEC courses have been continuing with good attendance.

RECOMMENDATION

THAT the information be received.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

16.2 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.

16.2.1 Landcare Unit & Climate Change – General Report

File Ref: 03/082

AUTHOR NRM PROGRAMS MANAGER – M WEEDING
DATE 18th NOVEMBER 2014

ISSUE
 Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- The Bushlinks 500 project continues to progress with some final fencing and planting works occurring as the project draws to a close. Both Helen and Graham have been busy with this project, undertaking a lot of the planting works in recent weeks.
- Graham continues to do mapping work for Council’s Development and Environmental Services staff, mainly in relation to minor Planning Scheme amendments.
- A Draft Memorandum of Understanding between Tas Irrigation (TI) and the Southern Midlands Council has been compiled and forwarded to TI for comment.
- A funding application was submitted to the 20 Million Trees grant round for weed removal and re-vegetation activities on a section of Lake Dulverton foreshore. The funding was submitted under the Midlands Tree Committee name, with support from Parks and Wildlife, Council and the Lake Dulverton & Callington Park Management Committee.
- The proposed sale of the Council owned property known as the Interlaken Stock Reserve and the potential sale of Mahers Point cottage, continues to progress slowly.

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

16.3 CULTURAL

Strategic Plan Reference – Page 24

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

Nil.

16.4 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.

16.5 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.

17 OPERATIONAL MATTERS ARISING LIFESTYLE

17.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 26

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

Nil.

17.2 YOUTH

Strategic Plan Reference – Page 26

4.2.1 Increase the retention of young people in the municipality.

Nil.

17.3 SENIORS

Strategic Plan Reference – Page 27

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

Nil.

17.4 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.

17.5 VOLUNTEERS

Strategic Plan Reference – Page 27

- 4.5.1 Encourage community members to volunteer.

Nil.

17.6 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.

17.7 PUBLIC HEALTH

Strategic Plan Reference – Page 28

- 4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

The Deputy General Manager was appointed Project Manager on his return to work by the General Manager. A detailed review of the EoI/Tender document found that it left a number of questions unanswered, which gave rise to a flood of questions from electrical contractors who had accessed the documents from Council web site. Also the document stated that Council would undertake the excavations, pouring the footing for the lights and erecting the light poles (23m in height). The document had nominated two criteria by which the tenders would be assessed (this is a requirement of SMC Code of Tendering), they were price and capacity to deliver.

From this analysis it was agreed to provide an Update to the EoI/Tender document, which was provided to each organisation that had contacted Council as well as it being placed on the web site. The Update formally changed the EoI/Tender to just an EoI where the organisation was required to provide, Capacity to Deliver information along with associated Quality Management & Safety Management documentation as well as information about similar projects that have been undertaken.

An Electrical Consulting Engineer has been appointed to

- analyse the EoIs;
- prepare a detailed design for the works at each site,
- use cost effective smart technology (Programmable Logic Controllers – PLCc) to
 - adjust the lux levels (200 lux night games, 100 lux training and 50 lux)
 - at the close-out time of 9.00pm the lux level will change down automatically to a lower level for 15 minutes and then off by 9.15pm
 - isolation for the lighting of sections of the playing surface. (If not all of the ground is required for training, all of the lights are not required to be on)
 - programmed / automated on and off switching
 - adjustment of the start-up power load on the site so that it does not draw excessive power load from the area (flipping out circuit breakers and the like)
- develop a more robust Request for Tender (RFT) document with a greater range of criteria assessment within the RFT, eg
 - Price,
 - Minimisation of light spill to adjoining property owners,
 - Energy efficiency,
 - Life cycle costing,
 - Maintenance regimes and finally,
 - Timeliness of construction.
- analyse the Tender submissions;
- provide Superintendent services in verifying construction compliance with the design and the RFT during the contract; and
- sign off on the completed works.

The proposed Project Plan is provided for information however it could be subject to slight modification. It is noted that the end of day light saving in Tasmania is Sunday 5th April 2015.

Date	Action
25 th October	EoI/Tender (Design & Construct) placed in the Mercury newspaper
5 th November	EoI/Tender Update Issued reverting back to just an EoI

7 th November	Electrical Consulting Engineers FortEng appointed
7 th November	GeoTech Soil Test requested for pole footings
11 th November	The Deputy General Manager (DGM) prepared and submitted the Planning Applications for both sites and submitted them to the Planning Authority for consideration as discretionary applications
13 th November	The DGM and Mgr Works and Services knocked on the doors of the property owners backing onto the Oatlands Recreation Ground, this being the location that provides possible concern about the light spill during the night events
15 th November	Planning Applications for both sites appeared in the Mercury and adjoining owners letters were on their way
17 th November	EoI Closed 9 Contractors took out the documents 5 Contractors submitted an EoI
19 th November	Analysis of EoI responses
19 th November	Geo Tech Soil Test Results Report received
21 st November	Briefing Report prepared for Council meeting
26 th November	Council meeting
1 st December	Design works commence
10 th December	Planning Authority consideration and decision in respect of the two Planning Applications
11 th December	Council issue purchase orders for the poles and lights based on the design
2 nd February	Release the Request for Tender
3 rd February	Submit Grant application to Communities, Sport & Recreation Tasmania
18 th February	Tender Closes
20 th February	Electrical Consulting Engineers provide report on the analysis of the Tender
25 th February	Council decision in respect of the success Tenderer (Feb Council Meeting)
26 th February	Successful Tenderer advised
2 nd March	Contractors start on site for six week construction program covering both sites
3 rd March	Pre-ordered poles and lights arrive on site
20 th April	Contractor hand-over and exits sites at Practical Completion

RECOMMENDATION

THAT Council receive & note the report.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

17.9 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.

Nil.

17.10 EDUCATION

Strategic Plan Reference – Page 29

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

Nil.

18 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

18.1 RETENTION

Strategic Plan Reference – Page 30

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

18.2 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.

18.3 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.

18.4 CONSULTATION AND COMMUNICATION

Strategic Plan Reference – Page 31

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

Nil.

19. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

19.1 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.

19.2 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.

19.2.1 Proposed Christmas / New Year arrangements (including office closure)

File Ref: 3/004

AUTHOR EXECUTIVE ASSISTANT (KBRAZENDALE)

DATE 19TH NOVEMBER 2014

ISSUE

To inform Council, and seek endorsement, of the proposed Christmas / New Year arrangements (includes Office closures).

DETAIL

The following arrangements are proposed for the 2014-15 Christmas / New Year period:

Council Offices close on Wednesday 24th December 2014 at 2.00 pm, and re-open on Monday 5th January 2015.

Household Garbage Collection Service – no change to normal collection days.

All Waste Transfer Stations will be closed on Christmas Day and New Years Day.

The Heritage Highway Visitor Information Centre and the Oatlands Swimming Pool will be closed on Christmas Day.

Human Resources & Financial Implications - With the exception of scheduled rostered days off, all staff will take Annual Leave on normal working days during the closure period. Please refer to the attached Schedule for On-call arrangements.

Community Consultation & Public Relations Implications - The proposed arrangements will be advertised following endorsement by Council.

Policy Implications - Consistent with standard Council Policy.

Priority - Implementation Time Frame - N/A.

RECOMMENDATION

THAT the information be received and Council endorse the proposed Office closure arrangements.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

2014-15 Proposed Christmas / New Year Arrangements:

On call arrangements to be alternated between Mr J Lyall, Mr C Whatley and Mr T Kirkwood.

Tuesday	23 rd December	Break-Up Function (Location to be confirmed - commencing at 12.30 pm)
Wednesday	24 th December	Council Offices close at 2.00 pm
Thursday	25 th December	Public Holiday All Waste Transfer Stations closed. Swimming Pool closed. Tourism Information Centre closed.
Friday	26 th December	Public Holiday
Saturday	27 th December	
Sunday	28 th December	
Monday	29 th December	Kempton Outdoor – RDO Oatlands Outdoor – Leave
Tuesday	30 th December	Kempton Outdoor – Leave Oatlands Outdoor – Leave
Wednesday	31 st December	Kempton Outdoor – Leave Oatlands Outdoor – Leave
Thursday	1 st January	Public Holiday All Waste Transfer Stations closed
Friday	2 nd January	Kempton Outdoor – Leave Oatlands Outdoor – RDO
Saturday	3 rd January	
Sunday	4 th January	
Monday	5 th January	Return to Work Council Offices – reopen at 9.00 am Public Holiday

19.2.2 Local Government Amalgamation / Reform (Policy Position)

AUTHOR GENERAL MANAGER
DATE 19th NOVEMBER 2014

ISSUE

Council to give preliminary consideration to the adoption of a policy position in relation to local government amalgamations / reform.

BACKGROUND

This report is written in the context of recent public statements / comments made by the Minister for Planning and Local Government in relation to the issue of local government amalgamations.

The Minister has indicated that it is his intention to write to all new mayors following the conduct of local government elections inviting them to participate in a forum to discuss voluntary amalgamations.

DETAIL

In general terms, the Southern Midlands Council has in the past been opposed to any form of amalgamation and has tended to focus on proposals which involve resource sharing in areas such as engineering; planning and development; plumbing inspection; tourism related activities; and more recently occupation health and safety / risk management.

At present, the Southern Midlands Council does not have a formal policy position in relation to amalgamation, although it is acknowledged that in the absence of any firm proposal, it is difficult to consider adoption of such a policy.

Whilst the Minister has yet to correspond with Council, and the actual timing for such discussions is unknown, it is timely for Council to commence discussions in relation to this issue. The intention is to work towards a policy position which will enable the Mayor to communicate Council's position through any forums that may be convened.

Numerous reports, studies and associated documents have been prepared over many years, some focussed on principles; others have actually provided firm recommendations and defined boundaries; and others provide a guide to voluntary amalgamations which outlines in process terms the types of things that councils need to consider and actually do.

Copies of these documents can be provided upon request and if necessary can be considered through subsequent workshops, however the purpose of this report is to simply initiate the discussion and promote thought in this area.

Options obviously available to Council include, and could range from:

- a) Total opposition to any form of amalgamation;

- b) Amalgamation of Councils (or part thereof) where there are demonstrated cost savings, efficiencies and benefits to the community;

Note: Some proposals could purely demonstrate cost savings and efficiencies, but not necessarily benefit the community.

- c) Amalgamation of the ‘organisational components’, but retain the elected Council; or
- d) Achieve reform through other means such as resource sharing agreements; single or joint authorities or other structures.

Alternative to the above, Council may elect to adopt a policy position whereby it would be prepared to entertain any amalgamation proposal based on a set of principles (examples only and not a complete list);

- A council area whereby ‘community of interest’ (or commonality of interest) is maintained (i.e. rural with rural);
- A council must achieve a set minimum population base, and minimum rate base, in order to maintain viability into the future;
- A council area that incorporates a range of catchments such as social; transport; education; natural resource / water; etc. etc.
- A council are whereby local wards are maintained in order to guarantee ongoing representation.
- A council area that can demonstrate through detailed financial and asset management planning, that it is viable, sustainable and able to meet the future needs of the community;

Human Resources & Financial Implications – Not applicable at this stage.

Community Consultation & Public Relations Implications – To be considered as part of the discussion.

Council Web Site Implications: *Nil.*

Policy Implications – Policy development.

Priority - Implementation Time Frame – Refer above comment in relation to timing.

RECOMMENDATION

Submitted for general discussion and identification of issues.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

19.2.3 Councillor Allowances Indexation

File Ref:

AUTHOR GENERAL MANAGER

DATE 21st NOVEMBER 2014

ATTACHMENT: Nil

ENCLOSURE: Nil

ISSUE

To inform Council of the new allowances applicable from 1st November 2014.

BACKGROUND

Section 340 (2A) of the *Local Government Act 1993* entitles councillors to allowances as prescribed in regulations.

Mayors and Deputy Mayors are entitled to allowances in addition to those payable to them as Councillors.

DETAIL

The Local Government Division (LGD) has updated the ‘Councillor Allowances Information Sheet’ for the year 1 November 2014 – 31 October 2015 by applying the required inflationary factor to the elected member allowances. A 2.30% factor has been applied, resulting in the following allowances:

Councillor	\$9,729 (was \$9,510)
Deputy Mayor	\$9,676 (was \$9,458)
Mayor	\$24,322 (was \$23,775)

Regulation 42(3) requires the annual allowance to be paid in monthly or fortnightly instalments.

It is customary for the Southern Midlands Council to pay the allowance in monthly instalments, with travel and telephone expenses being paid at the end of each quarter.

Note: Recognising that there has been some discussion in relation to ‘freezing allowances’, the LGD has confirmed that it is up to individual councils to decide whether or not to implement a ‘freeze’ on councillor allowances by foregoing this year’s 2.3 per cent wage increase under section 340A(3) of the Local Government Act 1993.

Human Resources & Financial Implications – The increase in allowances was provided from in the 2014/15 Budget estimates.

Community Consultation & Public Relations Implications – Not applicable.

Council Web Site Implications: N/A

Policy Implications – Policy position.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT:

- a) the information be received; and
- b) Council continue to pay the allowance on a monthly basis, with travel and telephone being paid quarterly (quantum of telephone reimbursement to be reviewed as a separate item).

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

19.3 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. |

19.3.1 Monthly Financial Statement (October 2014)

File Ref: 3/024

AUTHOR FINANCE OFFICER (C PENNICOTT)
DATE 17TH NOVEMBER 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2014 to 31st October 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 13th November 2014
- e) Cash Flow Statement –October 2014

Note: Expenditure figures provided are for the period 1st October to 31st October 2014 – approximately 33% of the period.

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

- **Sub-Program – Lighting** - expenditure to date (\$43,114 – 47.94%). Expenditure relates to Aurora expenses payable quarterly. Two instalments have been paid.

Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date (\$85,557– 129.14%). Works undertaken on a recharge basis (e.g. Stornoway Contract – not included in original budget). Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Aged** – expenditure to date (\$1,331 – 88.78%). 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 the annual payment of \$5,000 Grant to the Brighton Family Day Care.
- **Sub-Program – Volunteers** – expenditure to date (\$11,887 – 34.43%). Expenditure includes amounts payable under the SMC Small Community Grants Program 2014.
- **Sub-Program – Animals** – expenditure to date (\$26,657 – 38.03%). Expenditure includes \$2,870 professional fees for legal representation relating to dangerous dogs.

Strategic Theme – Community

- **Sub-Program – Capacity** - expenditure to date (\$17,308 –49.42%). Expenditure relates to annual donations and sponsorship. Including \$4,545 support for MILE and disbursement of the remaining \$5,000 to the Tunbridge Town Hall for the sale of the Tunbridge Fire Station land.
- **Sub-Program – Consultation** - expenditure to date (\$3,365 –66.37%). 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 (\$12,381– 121.39%). 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 (\$767,677 – 38.49%). 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
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

**STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2014 to 31st OCTOBER 2014**

	Annual Budget	Year to Date as at 31st OCTOBER	% To Date	Comments
Income				
General rates	\$ 4,384,707	\$ 4,348,526	99.2%	Budget includes Interest & Penalties to be imposed to end of June 2015
User Fees (refer Note 1)	\$ 614,813	\$ 222,647	36.2%	
Interest	\$ 245,000	\$ 66,752	27.2%	
Government Subsidies	\$ 27,750	\$ -	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAMB reimbursements
Contract Income	\$ -	\$ -	0.0%	
Other (refer Note 2)	\$ 308,188	\$ 95,692	31.0%	
Sub-Total	\$ 5,580,458	\$ 4,733,618	84.8%	
Grants - Operating	\$ 3,250,402	\$ 808,443	24.9%	FAGS Grant \$3,245K
Total Income	\$ 8,830,860	\$ 5,542,061	62.8%	
Expenses				
Employee benefits	\$ 3,851,335	\$ 1,037,129	26.9%	Less Bonds - Purchasing Capitalised
Materials and contracts	\$ 2,729,768	\$ 1,244,615	45.6%	Less Bonds - Purchasing Capitalised, includes Land Tax
Depreciation and amortisation	\$ 2,654,000	\$ 875,820	33.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 53,023	\$ 374	0.7%	
Contributions	\$ 178,450	\$ 44,613	25.0%	Fire Service Levies
Other	\$ 228,242	\$ 99,489	43.6%	
Total expenses	\$ 9,694,818	\$ 3,302,040	34.1%	
Surplus (deficit) from operations	-\$ 863,958	\$ 2,240,021	-259.3%	
Grants - Capital (refer Note 3)	\$ 445,234	\$ 7,095	1.6%	
Donations	\$ 2,500	\$ 300	12.0%	
Sale Proceeds (Plant & Machinery)	\$ -	\$ 60,221	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ -	\$ -	0.0%	Budget Amount - Sale of Lots - Kandara Court
Surplus / (Deficit)	\$ 416,224	\$ 2,307,636	-554.4%	

NOTES

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

- All other Programs
- Callington Mill

\$	296,813	\$	142,484
\$	318,000	\$	80,163
\$	614,813	\$	222,647

48.0%

25.2% Actual Income Received (i.e. excluding Debtors)

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

- Income (Private Works)
- Tas Water Distributions
- Public Open Space Contributions
- Other

\$	76,188	\$	67,344
\$	228,000	\$	18,769
\$	4,000	\$	*
\$	-	\$	9,579
\$	308,188	\$	95,692

88.4%

8.2%

0.0%

0.0%

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

- Roads To Recovery Grant
- School Holiday Program
- Communities For Children
- Healthy Communities Initiative

\$	445,213	\$	*
\$	-	\$	2,400
\$	-	\$	1,091
\$	-	\$	3,004
\$	445,213	\$	7,095

0.0% To be claimed in March 2015

1.6%

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2014/15

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31 OCTOBER 2014 33%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3044345	3044345	1104614	1939731	36.28%
Bridges	415869	415869	131204	284665	31.55%
Walkways	178627	178627	38999	139628	21.83%
Lighting	89985	89985	43144	46851	47.94%
Irrigation	0	0	0	0	0.00%
Drainage	77923	77923	19462	58461	24.98%
Waste	575204	575204	148462	426742	25.81%
Public Toilets	56304	56304	11148	45156	19.80%
Communications	0	0	0	0	0.00%
Signage	12300	12300	1078	11222	8.77%
INFRASTRUCTURE TOTAL:	4450567	4450567	1498109	2952458	33.66%
GROWTH					
Residential	0	0	0	0	0.00%
Mill Operations	550291	550291	147231	403060	28.76%
Tourism	201345	201345	55808	145537	27.72%
Business	66250	66250	85557	-19307	129.14%
Agriculture	5493	5493	0	5493	0.00%
Integration	25350	25350	0	25350	0.00%
GROWTH TOTAL:	848729	848729	288596	560133	34.00%
LANDSCAPES					
Heritage	304709	304709	78314	226395	25.70%
Natural	147816	147816	24204	123612	16.37%
Cultural	0	0	0	0	0.00%
Regulatory	832085	832085	269205	562880	32.35%
Climate Change	37739	37739	670	37069	1.78%
LANDSCAPES TOTAL:	1322349	1322349	372394	949955	28.16%
LIFESTYLE					
Youth	205731	205731	41650	164081	20.24%
Aged	1500	1500	1332	168	88.78%
Childcare	7500	7500	5071	2429	67.61%
Volunteers	34500	34500	11877	22623	34.43%
Access	6520	6520	0	6520	0.00%
Public Health	7826	7826	492	7334	6.28%
Recreation	380880	380880	89357	291523	23.46%
Animals	70090	70090	28657	41433	38.03%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	714547	714547	176436	538111	24.69%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	17308	17717	49.42%
Safety	56650	56650	17135	39515	30.25%
Consultation	5070	5070	3365	1705	66.37%
Communication	12125	12125	1682	10443	13.87%
COMMUNITY TOTAL:	108870	108870	39490	69380	36.27%
ORGANISATION					
Improvement	10200	10200	12381	-2181	121.39%
Sustainability	1994595	1994595	767677	1226918	38.48%
Finances	244963	244963	78127	166836	31.88%
ORGANISATION TOTAL:	2249758	2249758	858185	1391573	38.15%
TOTALS	9694820	9694820	3233209	6461611	33.38%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 31 OCTOBER 2014

INFRASTRUCTURE	ROAD ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	Resurfacing Program	\$ 900,000	\$ 196,688	\$ 401,311	
	Reseal Program	\$ 300,000	\$ -	\$ 300,000	
	Reconstruct & Seal	\$ -	\$ -	\$ -	
	Remove / Cut Bank Bank (DIER)	\$ -	\$ -	\$ -	
	Construct & Seal (Unsealed Roads)	\$ 39,375	\$ 520	\$ 38,855	
	Minor Seals (New)	\$ 7,000	\$ -	\$ 7,000	
	Unsealed - Road Widening	\$ 10,000	\$ -	\$ 10,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 20,000	\$ -	\$ 20,000	
		\$ 20,000	\$ 11,023	\$ 8,977	Budget incs \$11,023 expended 13/14
		\$ 30,000	\$ -	\$ 30,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ 20,000	\$ -	\$ 20,000	
	Junction Road Realignments/ Other	\$ 211,000	\$ 16,324	\$ 194,676	Budget incs \$16,044 expended 13/14
		\$ 20,000	\$ 6,652	\$ 13,308	
		\$ 83,000	\$ -	\$ 83,000	
		\$ 25,500	\$ 4,565	\$ 21,005	
		\$ 6,000	\$ -	\$ 6,000	
		\$ 20,250	\$ -	\$ 20,250	
		\$ 3,000	\$ -	\$ 3,000	
		\$ 15,000	\$ -	\$ 15,000	
		\$ -	\$ 6,225	\$ (6,225)	
		\$ 9,700	\$ -	\$ 9,700	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 1,841,475	\$ 244,069	\$ 1,397,406	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 31 OCTOBER 2014

BRIDGE ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
C1030003	\$ 436,272	\$ 161,188	\$ 268,084	
C1030023	\$ 336,335	\$ 3,225	\$ 335,110	
C1030028	\$ 156,340	\$ 21,675	\$ 134,666	
C1030030	\$ -	\$ 905	\$ (905)	
C1030041	\$ 142,800	\$ -	\$ 142,800	
C1030044	\$ 81,672	\$ 1,304	\$ 80,368	
C1030045	\$ 26,440	\$ -	\$ 26,440	
C1030006	\$ 60,129	\$ -	\$ 60,129	
	\$ -	\$ 1,469	\$ (1,469)	
	\$ 212,650	\$ -	\$ 212,650	
	\$ 107,260	\$ -	\$ 107,260	
	\$ 107,260	\$ -	\$ 107,260	
	\$ 56,950	\$ -	\$ 56,950	Roads to Recovery 484,180
	\$ 1,723,968	\$ 185,766	\$ 1,527,202	
WALKWAYS				
	\$ 40,000	\$ -	\$ 40,000	
	\$ 10,000	\$ -	\$ 10,000	
	\$ 60,000	\$ 8,385	\$ 71,614	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 6,100	\$ 3,672	\$ 6,426	
	\$ 15,000	\$ -	\$ 15,000	
	\$ 6,000	\$ -	\$ 6,000	
	\$ 15,000	\$ -	\$ 15,000	
	\$ 7,800	\$ -	\$ 7,800	
	\$ -	\$ 39	\$ (39)	
	\$ -	\$ 372	\$ (372)	
	\$ 8,000	\$ -	\$ 8,000	
	\$ 195,900	\$ 12,470	\$ 183,430	
	\$ 9,202	\$ 1,528	\$ 6,734	
	\$ 8,262	\$ 1,528	\$ 6,734	
IRRIGATION				
	\$ 8,000	\$ -	\$ 8,000	
	\$ 195,900	\$ 12,470	\$ 183,430	
	\$ 9,202	\$ 1,528	\$ 6,734	
	\$ 8,262	\$ 1,528	\$ 6,734	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 31 OCTOBER 2014

DRAINAGE	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	\$ 22,500	\$ -	\$ 22,500	
	\$ 241,862	\$ 126,639	\$ 112,244	Budget - allocated in 2013/14
	\$ -	\$ 14,351	\$ (14,351)	
	\$ 45,000	\$ 3,750	\$ 41,250	
	\$ -	\$ 100	\$ (100)	
	\$ 10,000	\$ -	\$ 10,000	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 13,000	\$ 1,007	\$ 11,994	
	\$ 12,000	\$ 21,028	\$ (9,028)	
	\$ 10,000	\$ -	\$ 10,000	
	\$ 383,382	\$ 189,874	\$ 189,508	
	\$ 7,500	\$ 9,117	\$ (1,617)	
	\$ 7,500	\$ 9,117	\$ (1,617)	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 4,000	\$ -	\$ 4,000	
	\$ 9,000	\$ -	\$ 9,000	
	\$ 2,500	\$ 2,657	\$ (157)	
	\$ 2,500	\$ 2,657	\$ (157)	
	\$ -	\$ 800	\$ (800)	
	\$ -	\$ 800	\$ (800)	
	\$ -	\$ 428	\$ (428)	
	\$ -	\$ 428	\$ (428)	
	\$ 20,000	\$ -	\$ 20,000	
	\$ -	\$ 4,800	\$ (4,800)	
	\$ 99,500	\$ 3,423	\$ 96,077	
	\$ 7,000	\$ -	\$ 7,000	
	\$ 7,500	\$ -	\$ 7,500	
	\$ 124,000	\$ 6,323	\$ 115,677	
	\$ -	\$ 4,965	\$ (4,965)	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 5,000	\$ 4,965	\$ 35	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2014-15
AS AT 31 OCTOBER 2014

REGULATORY	LIFESTYLE	RECREATION		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
C3040001			Kempston Council Chambers - Building & Office Improvements	\$ 8,954	\$ -	\$ 8,954	
C3040001			Kempston Council Chambers - Office Equipment	\$ 3,000	\$ -	\$ 3,000	
C3040001			Kempston Council Chambers - Carpet & Flooring	\$ 5,000	\$ 2,700	\$ 2,300	
C3040001			Kempston Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500	
				\$ 24,454	\$ 2,700	\$ 21,754	
C4970001			Paratiah Recreation Ground - Grandstand	\$ 10,000	\$ -	\$ 10,000	
C4970001			Paratiah Recreation Ground - Demolish External Toilets	\$ 5,000	\$ -	\$ 5,000	
C4970003			Campania Recreation Ground	\$ -	\$ -	\$ -	
C4970005			Recreation Committee	\$ 15,000	\$ 13,539	\$ 1,461	
C4970005			Campania Hall - Internal Painting (Committee Contribution)	\$ (4,486)	\$ -	\$ (4,486)	
C4970005			Mengalora Hall- Kitchen Amenities	\$ 3,300	\$ 2,639	\$ 664	
C4970005			Mengalora - Bona Water	\$ 7,500	\$ -	\$ 7,500	
C4970008			Campania Hall - Internal Painting	\$ 8,995	\$ 3,995	\$ 5,000	
C4970018			Colabrook Recreation Ground (Amenities)	\$ 25,000	\$ -	\$ 25,000	
C4970017			Kempston Memorial Hall	\$ 10,000	\$ -	\$ 10,000	
C4670022			Turnnick - Recreation Ground (Upgrade Toilets)	\$ 10,000	\$ -	\$ 10,000	
C4670024			Playspace Strategy - Alexander Circle & Lyndon Road	\$ 10,000	\$ 4,850	\$ 5,170	
C4670025			Lyndon Road - BBQ Shelter	\$ 10,000	\$ 4,850	\$ 5,170	
C4670026			Alexander Circle Park - BBQ Shelter	\$ -	\$ 7,005	\$ (7,005)	
C4670026			Tunbridge Park - BBQ Shelter	\$ 10,000	\$ 1,169	\$ 8,834	
C4670005			Mt Pleasant Floor Coverings	\$ 5,200	\$ 5,200	\$ -	
C4670005			Mt Pleasant - Upgrade Toilets	\$ 5,000	\$ -	\$ 5,000	
				\$ 130,497	\$ 48,409	\$ 82,088	
			Safety	\$ 3,000	\$ -	\$ 3,000	
			Read Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
				\$ 3,000	\$ -	\$ 3,000	
				\$ 35,000	\$ 40,360	\$ (5,360)	
C6020007			Computer System (Hardware / Software)	\$ 15,000	\$ -	\$ 15,000	
C6020007			Council Chambers - Dairy Issues & Stonemasonry	\$ 7,400	\$ -	\$ 7,400	
C6020007			Council Chambers - Concrete Paths (Forecourt)	\$ 7,500	\$ -	\$ 7,500	
C6020007			Council Chambers - Building Improvements	\$ 8,000	\$ 4,789	\$ 3,211	
C6020007			Town Hall (General) - Indk. Office Equip/Furniture	\$ 9,000	\$ -	\$ 9,000	
C6020007			Council (Notebook/Tablets)	\$ 1,500	\$ -	\$ 1,500	
			Photo Reframing	\$ 5,000	\$ -	\$ 5,000	
			Kempston Depot - Furnishings	\$ 10,000	\$ -	\$ 10,000	
			Kempston Depot - Refitting	\$ 5,000	\$ -	\$ 5,000	
			Depot Relocation	\$ 5,000	\$ -	\$ 5,000	
			Minor Plant Purchases	\$ 9,500	\$ 5,309	\$ 4,192	
			Radio System	\$ 2,000	\$ -	\$ 2,000	
			Plant Replacement Program	\$ 217,920	\$ 201,817	\$ 16,103	
			Refr separate Schedule (Net Changeover)	\$ 168,000	\$ -	\$ 168,000	
			Light Vehicles	\$ -	\$ -	\$ -	
			(Trade Allowance - \$240K)	\$ -	\$ -	\$ -	
			Water Tanks Replacement (Truck)	\$ 36,000	\$ -	\$ 36,000	
				\$ 833,620	\$ 252,289	\$ 581,331	
			GRAND TOTALS	\$ 4,768,758	\$ 864,384	\$ 3,904,375	

	INFLOWS (OUTFLOWS) (July 2014)	INFLOWS (OUTFLOWS) (August 2014)	INFLOWS (OUTFLOWS) (September 2014)	INFLOWS (OUTFLOWS) (October 2014)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities					
Payments					
Employee costs	286,297.46	268,596.25	270,131.91	239,132.31	1,064,157.93
Materials and contracts	521,480.45	306,375.10	373,753.54	365,393.05	1,567,002.14
Interest	373.55	-	-	-	373.55
Other	16,354.26	20,038.62	35,040.86	83,164.94	154,618.68
	824,505.72	595,009.97	678,946.31	687,690.30	2,786,152.30
Receipts					
Rates	96,394.89	127,273.28	1,693,179.94	425,042.42	2,341,890.53
User charges	66,467.29	57,926.84	74,787.66	45,762.56	244,944.35
Interest received	17,918.73	10,122.94	20,688.05	18,022.03	66,751.75
Subsidies	-	-	-	-	-
Other revenue grants	-	812,046.89	-	3,490.91	815,537.80
GST Refunds from ATO	-	-	-	-	-
Other	68,007.19	30,214.61	49,892.91	139,356.55	127,256.22
	112,773.72	1,037,584.56	1,838,548.56	352,961.37	3,341,868.21
	711,732.00	442,574.59	1,159,602.25	334,728.93	555,715.91
Net cash from operating activities					
	-	-	-	-	-
Cash flows from investing activities					
Payments for property, plant & equipment	58,787.91	80,497.25	124,934.81	222,026.69	486,246.66
Proceeds from sale of property, plant & equipment	-	-	-	-	-
Proceeds from Capital grants	-	14,720.91	13,636.36	31,863.63	60,220.90
Proceeds from investments	-	-	-	-	-
Payment for investments	-	-	-	-	-
Net cash used in investing activities					
	58,787.91	65,776.34	111,298.45	190,163.06	425,025.76
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	524,891.99	125,427.93
Cash at beginning of reporting year	7,992,781.80	7,217,999.67	7,594,797.92	8,643,101.72	7,992,781.80
Cash at end of reporting year					
	7,217,999.67	7,594,797.92	8,643,101.72	8,118,209.73	8,118,209.73

SOUTHERN MIDLANDS COUNCIL			
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED			
	This Financial Year 13th November 2014	Last Financial Year 13th November 2013	
Arrears brought forward as at July 1	\$ 431,103.63		\$ 352,040.89
ADD current rates and charges levied	\$ 4,326,873.65		\$ 4,131,441.69
ADD current interest and penalty	\$ 17,757.45		\$ 23,730.44
TOTAL rates and charges demanded	\$ 4,775,734.73	\$ 4,507,213.02	100.00%
LESS rates and charges collected	45.12% \$ 2,154,626.47	43.73% \$ 1,971,184.29	
LESS pensioner remissions	4.51% \$ 215,526.19	4.54% \$ 204,682.21	
LESS other remissions and refunds	-0.14% -\$ 6,655.39	-0.11% -\$ 5,054.49	
LESS discounts	0.45% \$ 21,456.01	0.39% \$ 17,725.96	
TOTAL rates and charges collected and remitted	\$ 2,384,953.28	\$ 2,188,537.97	48.56%
UNPAID RATES AND CHARGES	\$ 2,390,781.45	\$ 2,318,675.05	51.44%

19.3.2 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

That Council endorse the updated Policy.

BACKGROUND

This policy was discussed at the last ordinary meeting of Council with only one minor amendment. The Policy now requires final endorsement.

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 Policy be endorsed.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

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 Chair of the Audit Committee 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.

20. INFORMATION BULLETINS

Refer enclosed Bulletin dated 21st November 2014.

Information Bulletin dated 4th November 2014 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 4th November 2014 and 21st November 2014 be received and the contents noted.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

21. MUNICIPAL SEAL

Nil.

22. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

CLOSED COUNCIL AGENDA

23. BUSINESS IN “CLOSED SESSION “

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

RECOMMENDATION

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

DECISION

Vote For	Councillor	Vote Against
	Mayor A E Bisdee OAM	
	Dep. Mayor M Jones OAM	
	Clr A R Bantick	
	Clr E Batt	
	Clr B Campbell	
	Clr D F Fish	
	Clr A O Green	

24. CLOSURE