



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

---

Wednesday, 24<sup>th</sup> August 2016  
10.00 a.m.  
Municipal Office, 85 Main Street, Kempton



Dear Sir/Madam

**NOTICE OF MEETING**

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

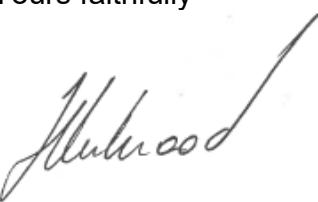
**Date:** **Wednesday, 24<sup>th</sup> August 2016**  
**Time:** **10.00 a.m.**  
**Venue:** **Municipal Office, 85 Main Street, Kempton**

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



Tim Kirkwood  
**GENERAL MANAGER**

# **OPEN COUNCIL AGENDA**

## **1. PRAYERS**

Rev Dennis Cousens to recite prayers.

## **2. ATTENDANCE**

## **3. APOLOGIES**

## **4. APPLICATION FOR LEAVE OF ABSENCE**

Nil.

## **5. MINUTES**

### **5.1 Ordinary Council Minutes**

The Minutes of the previous meeting of Council held on the 27<sup>th</sup> July 2016, as circulated, are submitted for confirmation.

## **DECISION**

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

### **5.3 Special Committee of Council Minutes**

#### **5.3.1 SPECIAL COMMITTEES OF COUNCIL - RECEIPT OF MINUTES**

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

- Lake Dulverton & Callington Park Management Committee held 1<sup>st</sup> August 2016.

#### **RECOMMENDATION**

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

#### **DECISION**

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

#### **5.3.2 SPECIAL COMMITTEES OF COUNCIL - ENDORSEMENT OF RECOMMENDATIONS**

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

- Lake Dulverton & Callington Park Management Committee held 1<sup>st</sup> August 2016.

#### **RECOMMENDATION**

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

#### **DECISION**

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

**5.4 Joint Authorities (Established Under Division 4 Of The Local Government Act 1993)**

**5.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

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

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

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

**DECISION NOT REQUIRED**

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

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

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

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

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

- (a) a statement of its activities during the preceding financial year; and
- (b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and
- (c) the financial statements for the preceding financial year; and
- (d) a copy of the audit opinion for the preceding financial year; and
- (e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.

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

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

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

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

- (a) a statement of its general performance; and
- (b) a statement of its financial performance.

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

- **Southern Waste Strategy Authority – March and June 2016 Quarterly Reports**
- **Southern Tasmanian Councils Authority – March 2016 Quarterly Report**

**RECOMMENDATION**

**THAT the reports from the above Joint Authorities be received.**

**DECISION**

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

## **6. NOTIFICATION OF COUNCIL WORKSHOPS**

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

One workshop was held on 16<sup>th</sup> August 2016 at the Council Chambers, Kempton commencing at 9.10 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clrs A R Bantick, E Batt, D F Fish and D Marshall.

Apologies: Clr R Campbell

Also in Attendance: T F Kirkwood and D Cundall

The purpose of this Workshop was to:

1. Receive a briefing from the Manager – Development & Environmental Services (D Cundall) in relation to the Williams Quarry Development; and
2. Receive an update in relation to the Melton Mowbray Trough.

### **Williams Quarry, Tea Tree**

Council were provided an update on the hearing before the Resource Management and Appeals Tribunal into the Williams Quarry, and an application before the Tasmanian Planning Commission to urgently amend the Planning Scheme to map an attenuation overlay around the proposed quarry. Such an overlay would also account for activities associated with the level 1 quarry and the now default 300m buffer that has been applied by the subsequent Interim Planning Scheme.

The hearing has been adjourned pending the outcome of an application before the Commission to urgently amend the planning scheme. The application before the Commission is to map an attenuation area around the quarry that represents the maximum noise outputs of the quarry and maps the 47 decibel noise level as the boundary of the buffer area. This is mapped through science not just guidelines. This 47 decibel noise level is a noise level limit determined by the Environment Protection Authority as acceptable for the amenity of sensitive land uses such as residential, visitor accommodation, restaurant etc. The mapped attenuation area would substitute the default 750m attenuation area that would otherwise be applied by the Interim Planning Scheme.

The 750m attenuation area is considered excessive and would unnecessarily impose the requirements of the Attenuation Code onto a significant amount of land – of which the landowners affected do not agree. This is considered unfair and unreasonable by Council and was a reason for refusing to grant a permit. Landowners affected by the smaller mapped attenuation area, that is before the Commission, do not object to the matter being heard before the commission and were consulted over a 2 week time period. However, in the 24 hours prior to the hearing, that was held Tuesday the 9<sup>th</sup> August, one landowner lodged a submission with the commission to say they have not agreed with the mapped area and also oppose the quarry and do not want to be further

contacted by Council or the Appellant. These persons are not a party to the appeal that is currently (adjourned) before the Appeals Tribunal.

Previously Council Officers were given direction to support the application before the Commission on the basis that landowners were also agreeable to the mapped attenuation area. This was to address the issue of fair and reasonable. Officers needed further direction from Council, as one of the landowners is not agreeable to the mapped attenuation area. The Commission do not need unanimous consent from all landowners – but must be satisfied the “public interest is not prejudiced” by the amendment to the scheme. The public interest is the critical matter the commission and the Minister must consider in urgently amending the planning scheme.

Based on feedback received, Council Officers will continue to support the application before the Commission.

### **Melton Mowbray Trough**

Council were provided an update on the progression of enforcement action under the ***Land Use Planning and Approvals Act 1993*** in regard to the removal of the heritage listed sandstone trough at Melton Mowbray without a permit. Council have issued the “Notice of Intention to issue an enforcement notice” and had given the person 21 days to respond. No response was received. In order for Council to take enforcement action and seek either the return of the trough or submit an application for a permit to remove the trough or fine the person for removing the trough the Council must now issue the enforcement notice. Failure to comply with the directions of the notice i.e. return the trough, apply for permit or failure to appeal the enforcement notice can result in fine up to 500 penalty units.

Council Officers will continue with the enforcement action .

The workshop concluded at approximately 10.30 a.m.

### **RECOMMENDATION**

**THAT the information be noted and the outcomes of the workshop noted.**

### **DECISION**

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

## **7. QUESTIONS WITHOUT NOTICE**

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

1. *November Council Meeting – seek advice from Councillors regarding possible change of venue to Colebrook*
- 2.
- 3.
- 4.
- 5.

## **8. DECLARATIONS OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2005*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2005*.

## **9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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

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

### **RECOMMENDATION**

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

### **DECISION**

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

## **10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)**

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

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

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

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

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

### **10.1 Permission to Address Council**

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

- Nil

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

Nil.

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

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

### **12.1 DEVELOPMENT APPLICATIONS**

#### **12.1.1 DEVELOPMENT APPLICATION (DA 2016/50) FOR PROPOSED CHANGE OF USE TO DISTILLERY (RESOURCE PROCESSING) WITH BUILDING WORKS ON A HERITAGE PLACE AT 26 MAIN STREET, KEMPTON (CT 102388/1) OWNED BY JOHN IBRAHIM (REDLANDS DISTILLERY)**

**Author:** PLANNING OFFICER (PETER CONEY)

**Date:** 19 AUGUST 2016

**Attachments:**

1. *Development Application – Dysart House Distillery*
2. *Notice of Heritage Decision dated 9<sup>th</sup> August 2016*
3. *TasWater – Submission to Planning Authority Notice dated 18<sup>th</sup> July 2016*

**Enclosure:**

*Representations*

### **ISSUE**

#### **Proposal**

The proposal is for a change of use for the land at 26 Main St Kempton to a Distillery, as well building works on a heritage place, involving the construction of Bond Stores, the construction of a new vehicle access and signage to be affixed to the proposed new building. The proposed use of land as a distillery is classed as Resource Processing, this is a discretionary use. The site is a Heritage Place and within the Heritage Precinct and so the development standards of these codes are applicable.

The Council gave notice of the application on the 22<sup>nd</sup> of July 2016. During the notification period, the Council received two (2) representations raising concern with the application.

This report will assess the proposal against the relevant provisions of the *Land Use Planning and Approvals Act 1993* ("the Act") and the *Southern Midlands Interim Planning Scheme 2015* ("the Scheme"). The Application is recommended for approval, and permit to be granted subject to conditions and advice.

#### **Site and Locality**

Subject site is located on the Eastern side of Main St Kempton. The property is bound entirely along the East by the Midland Highway, to the south by adjoining residential properties, the West is Main St Kempton and the Northern boundary is an irregular

shape which is bound by a vacant lot and residential lots. The locality is characterised by single dwellings as well as a small number of commercial properties.



*Fig. 1 Site and immediate surrounds*

### **Background**

The operation of the existing building and associated curtilage of “Dysart House” as a cellar door was approved as part of permit reference DA2015/153 in December 2015. The approved operating hours for the cellar door are 9am to 5pm, there is no proposed change to the use or operating hours of the Cellar Door.

### **Interpretation**

**Access:** means land over which a vehicle enters or leaves a road from land adjoining a road.

**Amenity:** means, in relation to a locality, place or building, any quality, condition or factor that makes or contributes to making the locality, place or building harmonious, pleasant or enjoyable.

**Gross floor area:** means the total floor area of the building measured from the outside of the external walls or the centre of a common wall.

Hours of operation: means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business.

Sensitive use: means a residential use or a use involving the presence of people for extended periods except in the course of their employment, such as in a caravan park, childcare centre, dwelling, hospital or school.

Setback: means the distance from any lot boundary to a building on the lot.

Streetscape: means the visual quality of a street depicted by road width, street planting, characteristics and features, public utilities constructed within the road reserve, the setbacks of buildings and structures from the lot boundaries, the quality, scale, bulk and design of buildings and structures fronting the road reserve.

For the purposes of determining streetscape with respect to a particular site, the above factors are relevant if within 100 m of the site.

### **Use Class description**

**Resource Processing:** Use of land for treating, processing or packing plant or animal resources. Examples include an abattoir, animal saleyard, cheese factory, fish processing, milk processing, winery and sawmilling.

### **PLANNING SCHEME ZONING**

Subject site is zoned Village pursuant to section 16 of the Southern midlands Interim planning Scheme 2015 (SIPS), the immediate surrounds also are zoned Village, except for the Midland Highway which is zoned Utilities.

### **Zone Purpose Statements**

To provide for small rural centres with a mix of residential, community services and commercial activities. To provide for residential and associated development in small communities. To ensure development is accessible by walking and cycling. To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services. To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage. To provide for the efficient utilisation of existing reticulated services in the serviced villages of Bagdad, Campania, Colebrook, Kempton and Tunbridge.

### **Use Table**

The use class for a Distillery is Resource Processing. This is a discretionary use in the Village Zone. It is considered that as resource processing is defined as use of land for treating, processing or packing plant or animal resources, this is the most fitting use class for a distillery pursuant to 8.2 Categorising Use or Development.

### **Use Standards**

Hours of operation proposed are 6:30am to 10:30pm Monday to Sunday this is outside of the acceptable solutions and so the proposed operating hours are reliant on the performance criteria to meet the objective, which is to ensure that non residential use does not unreasonably impact residential amenity. The performance criteria require that:

*Hours of Operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.*

It is considered that the impact of the operating hours of the proposed use will have varying impacts on residential amenity owing to the different causes of impact. These causes of impact have been identified as, the operation of the stills, commercial vehicle movements, noise of forklifts and lighting.

In regards to the operation of stills and or grist mill, a condition is recommended that the noise emissions measured at the boundary of the site must not exceed the acceptable solutions (A2). Furthermore, building design is considered to contribute to noise attenuation where the grist mill is enclosed in a room within the proposed building.

In regards to commercial vehicle movements it is a recommended condition of the granting of this permit that Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 40 vehicle movements per day and be within the hours of:

- (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;
- (b) 8.00 am to 6.00 pm Saturdays;
- (c) 9.00 am to 5.00 pm on Sundays and Public Holidays.

In regards to Forklifts it is noted that the applicant has stated that Forklift use will only be necessary during official work hours of 9-5pm as manual hydraulic lifts will be used of a morning and night.

It is a recommended condition of the granting of this permit that forklift operation be limited to 9am-5pm Monday to Sunday inclusive, in so far as the operation of forklifts does not exceed the noise emissions measured at the boundary of the site in accordance with the aforementioned condition.

#### **Development Standards for buildings and Works (Part 16.4 of the Scheme)**

The proposal meets all of the acceptable solutions of the development standards of the Village Zone, except where it relies on the performance criteria to meet the objective for 16.4.2 (A1) Setback and 16.4.3 (A1) Design.

16.4.2 Setback (P1) requires that:

*Building setback from frontage must satisfy all of the following:*

- (a) *be consistent with any Desired Future Character Statements provided for the area;*
- (b) *be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*
- (c) *enhance the characteristics of the site, adjoining lots and the streetscape,*

The proposal is assessed to meet the performance criteria where (a) there are no desired future character statements provided for the area, (b) there is no continuous building line evident in the streetscape on the eastern side and (c), by siting proposed buildings with a setback in excess of 32m from the frontage, the characteristics of the

site as it contributes to the heritage precinct and as a heritage place are maintained and as such allows for a larger landscaped area which enhances the site.

16.4.3 Design (P1) requires that:

*Building design must enhance the streetscape by satisfying all of the following:*

- (a) *provide the main access to the building in a way that addresses the street or other public space boundary;*
- (b) *provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;*
- (c) *treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;*
- (d) *ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;*
- (e) *ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;*
- (f) *not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;*
- (g) *only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible*
- (h) *be consistent with any Desired Future Character Statements provided for the area*

The proposal is assessed to meet the objective by satisfying the performance criteria where, (a) The main entrance to the distillery is clearly defined by a path and visible from the street. (b) The proposal provides windows which are complementary to the heritage values of the site and allow for the passive surveillance of public areas within the site. (c) The proposal does not present large expanses of blank wall. (d) there is no proposal for any mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar to be placed in a way which will allow them to be viewed from the street, (e) there is no proposed rooftop service infrastructure, (f) there are no proposed awnings, (g) there are no proposed security shutters.

## **PLANNING SCHEME CODES**

### **Road and Railway Assets Code**

The proposed new access complies with all of the use standards for the road and railway assets code.

The proposed new access complies with all of the acceptable solutions of the development standards, except where they are not applicable, or where the proposal relies on the performance criteria.

### Road accesses and junctions

The proposal is for a new access to be constructed to allow for both entry and exit to a proposed car parking area. As the access is an additional access providing both entry and exit to a road subject to a speed limit of 60km/h or less, the proposal is reliant on the performance criteria which require that:

*For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:*

- (a) *the nature and frequency of the traffic generated by the use;*
- (b) *the nature of the road;*
- (c) *the speed limit and traffic flow of the road;*
- (d) *any alternative access to a road;*
- (e) *the need for the access or junction;*
- (f) *any traffic impact assessment; and*
- (g) *any written advice received from the road authority.*

The proposal has been referred to Leigh Whighton the Senior Technical Officer at Brighton Council and he has made the following comments.

Main Road Kempton has a posted speed limit of 50km/h. The applicant proposes an additional access be provided to Main Road and as such does not meet the acceptable solution A2 that;

“No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.”

As such the proposal must meet the performance criteria P2

The additional traffic generation from the development is not excessive and relates mostly to the distillery use (tours and operation). Cellar door opening hours are between 10am and 4pm and 3 tours are scheduled throughout the day at 11am, 1pm and 2pm. Tours are to be limited to 12 persons and it would be reasonable to assume 2 persons to a car. The applicant has estimated that the extra traffic generated by staff and delivery vehicles to be 10 – 15 vehicle movements per day. Whilst it would be desirable to separate the commercial/staff traffic from patrons the design of the new access in accordance with the parking code for commercial vehicles will result in a safe and functional arrangement. Ensuring the access has sufficient width will enable commercial vehicles to enter and exit the site without crossing to the wrong side of Main Street.

Main Street is constructed to an urban standard with a seal width of just over 10m with kerb and channel both sides resulting in a carriageway width of around 11m. A parking lane is marked on the western side and kerb outstands with street trees providing an unmarked parking lane on the eastern side. The carriageway width is sufficient for the road to be considered under the Council's standards (Standard drawing TSD-R06-v1 Urban Roads Typical Section and Pavement Widths) as a residential collector.

The road will have more than sufficient capacity to accommodate the additional traffic generated by the proposed development.

The speed limit is posted at the General Urban Speed Limit of 50km/h. Sight distances from the new access will be well in excess of the 80 metre minimum requirement.

The western side of Main Street along the frontage of the subject property has some 9 vehicular accesses. Given the large road frontage afforded the property the addition of a new access, to commercial vehicle standards, to the north of the existing accesses (separate entrance and exit) is considered acceptable.

It is considered that the proposed new access will be safe and will not unduly impact on the efficiency of Main St

### **Parking and Access Code**

The parking and access code is an applicable code. The proposal is assessed to meet the acceptable solutions for the applicable standards of the parking and access code, except where it relies on performance criteria to meet the objective, as outlined below.

#### **Number of Car parking Spaces**

The proposal provides for 15 car parking spaces. This number presents a shortfall of 16 car parking spaces where the table E6.1 calculates the total gross floor space area of 1520m<sup>2</sup> generates 31 spaces. The proposal is therefore reliant on the performance criteria which requires that:

*The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:*

- (a) *Car parking demand;*
- (b) *The availability of on-street and public car parking in the locality;*
- (c) *The availability and frequency of public transport within a 400m walking distance of the site;*
- (d) *The availability and likely use of other modes of transport;*
- (e) *The availability and suitability of alternative arrangements for car parking provision;*
- (f) *any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;*
- (g) *Any car parking deficiency or surplus associated with the existing use of the land;*
- (h) *any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;*
- (i) *the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;*
- (j) *Any verified prior payment of a financial contribution in lieu of parking for the land;*
- (k) *Any relevant parking plan for the area adopted by Council;*
- (l) *The impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;*

With regard to (a) the applicant has cited that approximately 1020m<sup>2</sup> of floor space of the proposal is used as bond stores and that will not in itself generate any parking requirement. This is an appropriate consideration in assessing the car parking demand pursuant to the performance criteria. The proposed number of car parking spaces is assessed to be appropriate with regard to the demand generated by the remaining 500m<sup>2</sup> distillery building.

With regard to (b), there is a considerable availability of on street parking; (c) public transport is considered to provide a limited service unlikely to be used by visitors to the site owing to its frequency. (d) The applicant has not demonstrated the likely use of other modes of transport. (e) There is limited availability for parking sharing arrangements though the applicant has demonstrated a potential for over flow parking if required. (f) there is no proposed sharing of car parking areas in the vicinity (g) 5 car parking spaces are provided at the rear of Dysart house, this has not been cited as a surplus, but is considered to be able to be used by staff and or patrons in conjunction with the proposed car parking spaces bringing the total to 20. (h) is not applicable, (i) there are no public parking facilities in close proximity to the site which the applicant could make a contribution toward (j) not applicable (k) not applicable. (l) parking areas are sited behind the building line pursuant to E6.7.12 and this is assessed as minimising the impact on historic cultural heritage significance of the site.

### **Number of Vehicular Accesses**

The acceptable solutions (A1) require that the number of vehicle access points provided for each road frontage must be no more than 1 or the existing number of vehicle access points, whichever is greater. As a new access point is proposed, this access relies on the performance criteria (P1) which requires that The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

- (a) *access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;*
- (b) *whether the additional access points can be provided without compromising any of the following:*
  - (i) *pedestrian safety, amenity and convenience;*
  - (ii) *traffic safety;*
  - (iii) *residential amenity on adjoining land;*
  - (iv) *streetscape;*
  - (v) *cultural heritage values if the site is subject to the Local Historic Heritage Code;*
  - (vi) *the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.*

It is considered that the proposed access meets the performance criteria in regard to both (i) and (ii). With regard to (iii), Residential amenity though impacted, will be impacted to a level which cannot be mitigated, without introducing further amenity concerns such as proximity to side boundaries. Amenity concerns relate to where the access meets the road, however, as Main Street is a public road, it is not considered unreasonable. Both the streetscape and heritage values of the proposed access are considered minimal with regard to the proposed location and there is no available alternative location which would not compromise the streetscape to a lesser degree. The

proposed access location does not involve the removal of any existing fencing or buildings which contribute to the street scape.

### **Surface Treatment of Parking Areas**

The proposal is reliant on the performance criteria to meet the objective. The performance criteria require that:

*Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:*

- (a) *the suitability of the surface treatment;*
- (b) *the characteristics of the use or development;*
- (c) *measures to mitigate mud or dust generation or sediment transport.*

Conditions are recommended to ensure that the proposed surface treatment of the access and parking areas meet the performance criteria.

### **Lighting of Parking Areas**

The applicant has stated that parking areas will be lit as required. Conditions are recommended to ensure Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council’s General Manager.

### **Stormwater Management Code**

The proposal is assessed to meet the acceptable solutions of the stormwater management code except where it relies on the performance criteria E7.7.1 (P1) which requires that:

***Stormwater from new impervious surfaces must be managed by any of the following:***

- (a) *disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles*
- (b) *collected for re-use on the site;*
- (c) *disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*

The proposal has been referred to Council’s plumbing inspector and they have indicated that they are satisfied with the management of stormwater on site.

### **Historic Heritage Code**

#### **Development Standards for Heritage Place**

Subject site is listed as a Heritage Place (ref No 157) on Table E13.1 Heritage Places. The proposal has been referred to the Tasmanian Heritage Council and they have

issued a notice of Heritage decision with conditions which must form a part of any permit. The proposal has been assessed against the development standards for a Heritage Place and is reliant on performance criteria which require that:

*Development must not result in any of the following:*

- (a) *loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;*
- (b) *substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.*

*The proposal is for new buildings where owing to the setback and landscaping, there is considered to be a negligible loss of historic cultural heritage significance to the place. Furthermore, there is no diminution of significant streetscape elements again owing to the setback.*

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) *scale and bulk, materials, built form and fenestration;*
- (b) *setback from frontage;*
- (c) *siting with respect to buildings, structures and listed elements;*
- (d) *using less dominant materials and colours.*

*Setback and siting, as well as the use of less dominant materials all contribute to a subservient characteristic of the new building, which is considered complimentary to the place's main points of significance.*

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

The proposed building materials are assessed as being subservient identifiably different and responsive to the more dominant brick and stone buildings.

### **Development standards for Heritage Precincts**

The subject site is within a Heritage Precinct. Pursuant to E13.8.2 Buildings and works other than demolition, there are no acceptable solutions and so the proposal is reliant upon the performance criteria in order to meet the objective. The performance criteria applicable to the proposal require that Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.

The proposal is assessed to meet the performance criteria where the setback of proposed buildings and works precludes detriment to the existing significance of the precinct. As well, The proposed access from Main Street does not detract from the existing streetscape in that it is suitably landscaped and distanced from the built heritage of the site.

With regard to P2, the proposal is assessed against the following criteria,

*The design and siting of buildings and works must satisfy the following criteria:*

- (a) *scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;*
- (b) *building setback must provide a strong edge to the street, except where such would be inconsistent with the prevailing building line in the streetscape;*  
*Prevailing building line is staggered with increasing setbacks toward the East and so proposed setback is consistent.*
- (c) *buildings close to the street must address the street, with a façade running parallel to the street;*  
*Not applicable*
- (d) *buildings must not visually dominate the streetscape or buildings at places listed in Table 13.1;*  
*Proposed setback ensures that the streetscape, as well as the heritage listed place on site are not dominated by the new building.*
- (e) *architectural details and openings for windows and doors to visually prominent facades must respect the architectural style dominant in the precinct in terms of style, size, proportion and position;*  
*Rough hewn timber cladding along the front of the proposed new building, as well as timber windows reflect the dominant architectural style of the Heritage Listed Place.*
- (f) *roof form and material must be consistent with the following:*
  - (i) *pitch between 25 and 40 degrees and hipped or gable if a major part of the building;*
  - (ii) *pitch less than 25 degrees and skillion a minor part of the building at the rear;*
  - (iii) *avoidance of large unbroken expanses of roof and very long roof lines;*
  - (iv) *roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Sheetng must be either traditional galvanised iron or painted;*
  - (v) *guttering is rounded profile, with downpipes of circular in cross-section;*

Proposal is assessed to be consistent with all of the above.

### **Signs code**

The proposal involves a wall sign to be fixed to the new building facing Main Street. The sign is 2.2m<sup>2</sup> and is subject to the signs code E17.2. The proposed sign complies with all of the acceptable solutions of E17.6 Use Standards for signs. The proposal is reliant on the performance criteria for E17.7 Development as the sign is in excess of 2m<sup>2</sup> and is a sign on a Heritage place.

E17.7.1 Standards for signs:

*The performance criteria (P1) require that a sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:*

- (a) *be integrated into the design of the premises and streetscape so as to be attractive and informative without dominating the building or streetscape;*
- (b) *be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*
- (c) *be constructed of materials which are able to be maintained in a satisfactory manner at all times;*
- (d) *not result in loss of amenity to neighbouring properties;*
- (e) *not involve the repetition of messages or information on the same street frontage;*
- (f) *not contribute to or exacerbate visual clutter;*
- (g) *not cause a safety hazard.*

The proposed signage is assessed to meet the performance criteria where (a) the sign is affixed to a building which is proposed to be setback significantly, which prevents dominance of the streetscape, (b) is of an appropriate dimension for the size of the building (c) is constructed of tin which is considered a satisfactorily maintainable material. (c) contributes to no loss in amenity to neighbouring properties as there are no flashing lights nor any illumination. (e) there are no other comparable signs within the vicinity of the proposed wall sign, although there are a number of signs within the frontage this number is not considered excessive owing to the frontage size. (f) the total number of signs along the frontage is 3. This number is not considered to exacerbate visual clutter (g) proposed sign does not pose a safety hazard as it is proposed to be fixed direct to vertical board cladding and so does not pose an obstacle to the public.

Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts

There are no acceptable solutions for signs on a Heritage Place listed within a Heritage code or within Heritage Precinct and so the proposed signage must satisfy all of the following:

- (a) *be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*
- (b) *be placed so as to allow the architectural details of the building to remain prominent;*
- (c) *be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*
- (d) *be placed in a location on the building that would traditionally have been used as an advertising area if possible;*
- (e) *not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*
- (f) *have fixtures that do not damage historic building fabric, including but not restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*
- (g) *not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*

- (h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;
- (i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.

The proposed signage is assessed to meet the performance criteria where (a) the proposed signage is affixed to a new building setback from the streetscape and distinct from existing built heritage (b) placement on a new building allows for the architectural details of existing built heritage to remain (c) is of an appropriate size that has negligible impact on street scape as well as existing built heritage (d) is placed over windows along the façade in what is considered a traditional place<sup>1</sup> (e) there are no historic signs in the vicinity (f) proposed signage is not affixed to any historic building fabric (g) proposed sign does not project above an historic parapet (h) proposal is of a graphic design with no modern proprietary logos but is rather of traditional lettering, (i) proposal does not use any internal illumination.

The proposed signage meets all of the other acceptable solutions for the applicable standards for the Signs Code.

## **REFERRALS**

### **Engineering**

The proposal has been referred to Leigh Whighton Senior Technical officer of Brighton Council and he has made the following comments:

#### *General*

This is in application for a distillery including parking for the existing cellar door.

#### *Vehicular Access and Parking*

Vehicular access to the property is from the Main Street. The property has 2 existing accesses to Main Road providing separate entry and exit. A new 2 way access is proposed to service the distillery and parking for the cellar door. Given the size of the property and the length of frontage the new access should not create any adverse safety issues or have any significant impact to on street parking.

A condition requiring the access to Main Road be provided in accordance with the parking code for commercial vehicles and Council standards is recommended.

The internal access between the boundary and the parking area narrows to one way. This should be widened to 6.5m to allow for 2 way traffic in accordance with the parking code for commercial vehicles. A condition to this effect is recommended.

The applicant proposes that 15 new car parking spaces, including 2 disabled, are to be provided for use of the distillery and cellar door. This is in addition to the 2 existing disabled spaces at the rear of the cellar door. Whilst not specifically identified by the applicant there is sufficient space for the car park to be expanded to provide an additional 4 or 5 spaces if necessary.

#### *Sewer*

The property is an area serviced by sewer. The application was referred to TasWater who have imposed conditions.

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<sup>1</sup> Works Guidelines for Historic Heritage Places Nov 2015, Heritage Tasmania, 14.3 New signs.

*Stormwater*

The applicant proposes that roof runoff will be collected in tanks for reuse and WSUD will be implemented. It is proposed that some roof and tank overflow will be directed to the roadside kerb. Where possible the connection should be to a piped system. Advice to this effect is included.

*Water*

Reticulated water is available to the property. The application was referred to TasWater who have imposed conditions.

The applicant proposes to use bore water for part of the process and roof runoff will be collected in tanks for reuse on site.

*Planning Scheme Provisions*

**E6 Parking and Access**

**E6.6.1 Number of Car parking Spaces**

The applicant proposes using the performance criteria for the number of car spaces. The application seems reasonable however provision should be made for the future expansion of the car park if necessary.

**E6.6.2 Number of Accessible Car Parking Spaces**

The development includes 2 new disabled car spaces which should meet the acceptable solution.

**E6.6.3 Number of Motorcycle Parking Spaces**

N/A

**E6.6.4 Number of Bicycle parking Spaces**

N/A

**E6.7.1 Number of Vehicular Accesses**

The site has 2 existing vehicle access points providing separate entry/exit to the cellar door. A new access is to be provided for the distillery.

**E6.7.2 Design of Vehicular Accesses**

A condition requiring all parking access and associated areas to be in accordance with AS2890 is recommended.

**E6.7.3 Vehicular Passing Areas Along an Access**

The proposed new access should be conditioned to provide 2 way access.

**E6.7.4 On-site Turning**

On site turning is provided.

**E6.7.5 Layout of Parking Areas**

A condition requiring all parking, access and associated areas to be in accordance with AS2890 is recommended.

**E6.7.6 Surface Treatment of Parking Areas**

The applicant proposes that parking spaces and vehicle circulation roadways are gravel so does not meet the acceptable solution. The applicant has addressed the

performance criteria in their application and standard conditions are included to ensure the performance criteria are met.

**E6.7.7 Lighting of Parking Areas**

A condition requiring Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, unless approved otherwise by the General Manager is included.

**E6.7.8 Landscaping of Parking Areas**

The developer proposes to landscape the car parking areas thus meeting the acceptable solution. A condition requiring landscaping is recommended.

**E6.7.9 Design of Motorcycle Parking Areas**

N/A

**E6.7.10 Design of Bicycle Parking Facilities**

N/A

**E6.7.11 Bicycle End of Trip Facilities**

N/A

**E6.7.12 Siting of Car Parking**

Parking is located behind the building line and as such the acceptable solution is met.

**E6.7.13 Facilities for Commercial Vehicles**

Delivery vehicles will use the new access to the distillery. A condition requiring access and parking to generally comply with AS2890.2 is included.

**E6.7.14 Access to a Road**

Access is to Main Road. The access will need to be provided in accordance with Council standards and AS2890.2 for commercial vehicles. A condition to this effect is recommended.

**E7.0 Stormwater Management Code**

**E7.7.1 Stormwater Drainage and Disposal**

The acceptable solution that stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure. There is limited public stormwater infrastructure capable of servicing the development (kerb and channel). A condition requiring stormwater from roofs to be collected in tanks for reuse and runoff from hardstand and tank overflow to be contained on site or directed to a legal point of discharge is recommended.

The size of the new impervious exceeds 600 sq m and the developer will need to implement WSUD principles. This can be achieved via stormwater reuse (collection by tanks) and on site disposal.

### **Stormwater**

The proposal has been referred to Council's Plumbing inspector Shane Mitchell and he has made the following comments,

The stormwater design and arrangement for the conveying and disposal of the stormwater and roof water from the proposed development is seen as satisfactory.

### **TasWater**

The proposal has been referred to Taswater. Pursuant to the *Water and Sewerage Industry Act 2008 (TAS)* Section 56P(1) TasWater imposes conditions which will form an appendix (Appendix A) to the permit.

### **Tasmanian Heritage Council**

The proposal has been referred to the Tasmanian Heritage Council and a notice of Heritage Decision has been given. Under section 39 (6)(b) of the *Historic Cultural heritage Act 1995* The Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with the Development Application DA2016/50, advertised on 22/07/2016, subject to conditions Appendix B

### **Environmental Health**

The proposal has been referred to Council's Environmental Health Officer and they have made the following comments

#### *Solid waste produced by distillery activities on site:*

I am satisfied that the practices employed by the distillery and proposed to be carried out at this site for the storing and disposal of solid waste produced are sufficient to reduce the risk of odour nuisance occurring and attraction of vermin and other pests. The solid waste, comprised mostly of grains, will be stored in sealed 1000ltr intermediate bulk containers for limited periods of time (expected to be 24hrs or less). This material will then be recycled as stock feed. As the waste is not left out in the open or in large stockpiles for long periods of time it is highly unlikely to attract vermin or cause an odour nuisance.

#### **Liquid waste:**

As the liquid waste is being disposed of to TasWater's sewer network, and all works will need to meet their requirements and those of the Plumbing Code, it is highly unlikely that an odour nuisance will be created. If in the unlikely event an environmental nuisance does occur Council has powers under the *Environmental Management and Pollution Control Act 1994* to require additional works be undertaken to address any such nuisance.

#### **Noise:**

Hours of use for noise producing machinery, such as forklifts are recommended to be restricted so as to reduce the likely hood of a noise nuisance occurring.

The grist mill, which is used to crack grains, is likely to be the noisiest part of the distilling process. This machine will be housed within a self-contained room inside the distillery building. This will reduce the noise emitted by the machine outside the property boundary considerably. Similar mills operate in built up areas of other municipalities with very basic acoustic screening with no noise nuisance issues encountered.

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 22nd of July 2016 for fourteen (14) days. Two (2) separate representations were received.

### Representation 1

Representation one (1) outlined the following concerns and they are addressed herein (italicised)

#### 1. Access

We wish to strongly object to the additional access for the Distillery on Main Street, Kempton; which is currently regarded as temporary. We would suggest that an amicable solution would be the use of the current access to Dysart House in front of the stable. This would be in keeping with the original design and would not fetter the security and privacy of existing nearby residences.

Presently, vehicle lights shine in our house windows when traffic is coming and going from the temporary carpark. Also vehicle noise is a disturbing issue; when vehicles accelerate away from the carpark.

The design of the streetscape is not being met under current arrangements.

*The proposed new access is discretionary pursuant to E5.6.2 Road accesses and junctions of the road and railway assets code, as well as E6.7.1 Number of vehicular accesses of the parking and access code. With regard to the former, the proposed access is assessed against the performance criteria (P2) which require that for roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road. There are no performance criteria which relate to amenity for the development standards of the Road and railway assets code, however under the Parking and Access code where the proposal is also discretionary owing to being more than 1 or the existing number of accesses, it is assessable pursuant to (P1) (b) (iii) whether additional access points can be provided without compromising residential amenity on adjoining land.*

*It is considered that the proposed location of the access contributes to a lesser amount of impact on residential amenity owing to being offset from the houses opposite, identifiable in figure 1. Furthermore, and with regard to streetscape, it is considered that the positioning of the access has the least impact by not intensifying existing access nor impacting on existing fencing. As the proposed access use is to accommodate truck movements, the existing driveway would be insufficient.*



Fig 2. Demonstration of the proposed access as it relates to properties opposite.

2. Noise and Emissions in terms of Odour and Air Quality  
Commercial Vehicles and Handling Equipment should meet relevant regulations in regard to a heritage urban area.

*The proposed commercial vehicle movements meet the acceptable solutions of the use standards for the Village zone. There are no use standards for the heritage precinct (E13.6.1).*

Noise impact and air quality/ odour levels should be enforced within regulatory limits so as not to impact on our urban heritage area. We have noted that no study into the impact of the proposed levels has been done as yet.

*The proposal was referred to Council's Environmental Health Officer and they have assessed the proposal as not requiring any supplementary study, but did require additional information. The applicant in addressing the additional information required has indicated that,*

There is no planned emissions to air. Steam from brewing will be very minimal due to the fully enclosed brewing system.

*Should the emissions to the air be in excess of what has been applied for (indicated in the response to the additional information,) or be of a nature which could cause environmental harm, Council's environmental health officer would be positioned to act on any complaint.*

### 3. Hours of Operation and Business Activity

Hours of operation will be 6.30am - 10.30pm. Monday to Sunday. Tours and working 9.am – 5.pm. If minor works and car parking is to the rear of the main building with no noise pollution it would be O.K. but present by-laws re: lawn mowers etc ( Sunday times are 10am – 6pm as it is a residential village zone) should be adhered to under written obligation.

*The proposal is assessed against the performance criteria of the use standards for the Village zone as a non residential use. It is considered that the impact on residential amenity through commercial vehicle movements, noise or other emissions as they relate to the hours of operation will be minimal for the following reasons:*

- *Anticipated impacts on residential amenity experienced outside of the acceptable solutions (A1) are expected to be restricted to a smaller number of staff remaining on site outside of the business opening hours and the operation of the stills.*
- *The use of forklifts are as part of the application proposed only to be used during the hours of 9-5pm.*
- *Proposed Commercial vehicle movements are recommended to be within the acceptable solutions 16.3.1 (A4) as a condition of the granting of this permit.*
- *Noise emissions are recommended to be conditioned to meet the acceptable solutions 16.3.1 (A2). Any use of lawn mowers would be required to meet the condition of the permit that noise levels measured at the boundary do not exceed the acceptable solutions. Furthermore, as the hours of operation means the hours that a business is open to the public or conducting activities related to the business, not including routine activities normally associated with opening and closing for business, staff private vehicle movements cannot form part of this assessment*

### 4. Lighting

The application has stated down-lighting to be installed. This has not been carried out on existing works – e.g. floodlights on stable need directional (down) covers installed.

*This assessment only relates to the proposed use and development and cannot make reference to existing lighting arrangements. All proposed lighting in order to meet the use standards for non residential use is required to be baffled to ensure overspill is minimised and it is noted that the proposed plans indicate lighting has downward covers and that they are sensor lights which will reduce the duration and extent of lighting.*

5. Water Bore

This has been drilled and tapped in the previous 2 months with the assumption of use from 4 to 5 k/litres daily. What have tests shown on the effect on the water table and neighbouring areas. No information has been provided.

*Water arrangements are considered under the Water Management Act 1999, there are no applicable standards under the Southern Midlands Interim Planning Scheme 2015 for water boring.*

6. Liquid Waste

Known as Pot Ale, pumped into a sump and treated with lime. Is this sump open or enclosed? No information has been provided.

*The proposal cites a fully enclosed brewing system. In the event that an environmental nuisance is detected in the treatment of liquid waste, as defined under the Environmental Management and Pollution Control Act 1994 (Tas) council has authority to require abatement.*

7. Buildings

Buildings facing main street should have a brick external façade or material that is more suitable for a Heritage Area.

*Proposed new building has rough hewn timber façade to Main street and this is assessed to respect the principles of the architectural style dominant in the precinct and is subservient to then heritage place. It should be noted that the 32m setback of the new building from the frontage precludes dominance of the streetscape and is consistent with the prevailing staggered setback of buildings on site. Furthermore, the proposal has been referred to the Tasmanian Heritage Council and no concern has been raised regarding the style of the proposed new building and how it relates to buildings on site.*

## **Representation 2**

Representation two (2) outlined the following concerns and they are addressed herein (italicised)

We have found it difficult to fully understand the DA due to some ambiguities and lack of important detail regarding the scale and impacts of the change of use operations. We do not believe this development has been correctly classified and are concerned that it may therefore not necessarily get the scrutiny by experts that it deserves.

*The classification of a distillery as resource processing is in keeping with other developments across Tasmania. When categorising use or development pursuant to section 8.2 of SMIPS 2015, the examples given in the table are not the limit to which the use class may be applied. It is considered that the classification of the proposal as Resource Processing satisfies section 8.2 of the Southern Midlands Interim Planning Scheme 2015, as the proposal does not readily fit any other use class. It is important to note also that within the draft Tasmanian Planning Scheme, the definition of resource processing has been expanded to include an example of a distillery.*

We request more consideration be given to the location of car parking on the site and the internal roads and pathways.

*The applicable standards E6.7.2 requiring location of car parking areas behind the building line of buildings located or proposed on a site have been met. Under the Historic Heritage code (E13.8.2), the design and siting of works must satisfy the criteria of the precinct (Table E13.2) none of the listed criteria relate to works except where Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2. it is considered that the setback of the parking area and its siting behind the building line satisfies the development standards fo the code. Furthermore, the proposal has been referred to the Tasmanian Heritage Council and they have made no comment with regard to the placement of works and how that relates to the historical significance of the place.*

We would request that the site plan show the locations of all machinery, condensers, external building services (e.g. air conditioners) etc. to ensure the proper identification of where screening must go in such an important heritage location.

*The proposal does not identify any external building services. Any external building services to be placed on site would rerquire a separate development application as the site is a heritage place. Vegetative screening is proposed for the water tanks and grain silos. It is a conditon of the granting of this permit that said vegetation be placed and maintained to the satisfaction of the Tasmanian Heritage Council.*

What we do not want to see from any main road aspect and as far as practical from our upstairs or downstairs viewing vantage points is unsightly plant; stockpiles; wastes or refuse. There is already an element of this in our locale and we would not want to encourage more.

*There are no proposed outdoor storage areas, it is a recommended condition of the granting of this permit that any outdoor storage of goods, materials or wastes must be in accordance with the acceptable solutions of the development standards of the Village Zone 16.4.5.*

We would like to see more consideration given to the use of heritage brick in keeping with the existing stable and the more recent extension to the stable wall. We would like to see less timber cladding in lieu of the brick. We feel the building architectural features of door surrounds and corners of the buildings could have simple (modernistic interpretations) of the quoins currently seen on the stables (now alcohol storage) building. Less timber significantly reduces the fire risk. More brick reduces the fire risk and noise impacts and prevent the buildings looking like an American Ranch complex.

*The proposal has been referred to the Tasmanian Heritage Council and they have made no comment regarding the building materials. With regard to the heritage precinct, owing to the setback of in excess of 32m, the building is not considered to dominate the streetscape or detract from the values of existing buildings on site. Noise attenuation is assessed as satisfactory by the building design placing the grist mill within a room inside the main building. Furthermore, it is a recommended condition of the granting of this permit that noise levels measured at the boundary are not to exceed the acceptable solutions. In the unlikely event an environmental*

*nuisance does occur, Council has powers under the Environmental Management and Pollution Control Act 1994 to require additional works be undertaken to address any such nuisance. Building materials as they relate to fire risk are considered under the building regulations.*

We prefer brick wall screening for the silo/tank area, i.e. just like the existing tanks have.

*The proposal has been referred to the Tasmanian Heritage Council and no requirement for brick screening is required to preclude any detraction of heritage values from the site as a heritage place. There are no applicable standards for screening silos and water tanks in the village zone. With regard to the heritage precinct, the setback and vegetative screening is considered sufficient to not detract from the amenity of the streetscape.*

We are concerned that vehicular traffic numbers and types has been potentially underestimated, particularly if the existing business thrives as we would hope. As a result control and management of vehicles, (parking, buses and coaches) may not get the attention it deserves in this assessment process.

We request consideration be given to conduction of a traffic use review, particularly in regard to safety and potential restrictions on the types and permitted locations for street parking. We do not want buses and coaches parking in front of our houses and would prefer the proponent provide more off street parking in a location that does not spoil the visual amenity and encourages its use. We note that the majority of the parking requirements directly relate to the existing Dysart House tasting and light meals business activity. It is possible that more street parking restrictions and entrance signage, lighting, speed limit changes are required

*The proposal has been referred to Leigh Whighton Senior Technical Officer at Brighton Council and he is satisfied that the proposed new access will have negligible impacts on vehicular and or traffic safety. The council as a road authority has made no comment on impacts to on street parking or potential coach parking.*

#### **(4) VERMIN AND NATURAL WILDLIFE AND WATERCOURSE**

##### **(a) Vermin**

We are most concerned that the proposed development will have detrimental impacts on the local area environment. We are unable to adequately assess, quantify and judge the potential impacts as there is insufficient detail; proponent or council reports etc.

in the Development Application to address these particular concerns.

However, we note that the current waste discharge practices (solids dumped on ground) are attracting mice. The proposed development will be increasing the quantity of this waste which will need appropriate temporary storage recepticals and screening on the site before it is on-sold. In addition the change of use does require storage of grain and possibly other resource products that animals find attractive to eat.

Starlings, rabbits, feral cats are already a problem in our area and this development will exacerbate these problems which is a health and safety issue and needs serious attention.

*It is a recommended condition of the granting of this permit that any Solid waste produced through the distilling process must be stored appropriately and removed regularly as such that it does not cause an environmental nuisance, as defined under the Environmental Management and Pollution Control Act 1994 (Tas) (EMPCA) furthermore, if any environmental nuisance were to occur in the handling of materials on site, Council would be positioned under EMPCA to take action.*

(b) Natural Wildlife and Watercourse

We are concerned that the activities associated with this proposed development will put the habitat at risk. As per above we are unable to quantify, assess and judge the impacts and we are not expert.

We note that the previous owners of Dysart House have done considerable work in rehabilitation of the waterway on the land. These water ways are habitat for snakes, skinks, frogs, birdlife and platypus. We do not want to see any degradation of this habitat and believe a very cautious approach to assessing potential impacts and defining the required ALARP and risk management controls must be undertaken by experts.

Increasing vermin lead to increases in snake numbers.

The discharge of any products whether deliberately or by accident onto the land surface is likely to change the balance in the current eco system. i.e. production waste waters, spent solids (leaching effects), ethanol spills-discharge by accident etc. This needs consideration and spill containment controls included in the development.

*The Biodiversity Protection code is not an applicable code. Though there is a waterway and coastal protection area on the site, there is no development proposed within the protection area and so the code does not apply.*

(a) Safety - Fire and Spills

Our principal safety concerns are regarding the storage and handling of a highly flammable product.

We fully understand that State and Federal legislation comprehensively covers the processes and duties of the proponent in these regards.

We understand that fire probability risk may be low but we also understand that potential catastrophic escalating events can and do occur where there are large flammable and combustible storage inventories.

However, a risk assessment and risk controls to meet the ALARP criteria must be undertaken and we believe it is more than appropriate to conduct such an exercise on the Development Application design as it stands as a preliminary first step. This needs expert attention.

The risk controls may require buildings to be repositioned/resited; building materials like the currently proposed extensive timber facia are definitely not appropriate in a fire case. Drainage paths for potential ethanol spills may not be appropriate etc.

As stakeholders we wish to see the ALARP risk acceptance criteria.

We wish to point out the close proximity of the public and heritage assets and main roads to this development and the lack of fire response services within an appropriate travel time/distance.

*Storage of dangerous materials is not assessable under the planning scheme. As well, the fire rating of a building is not assessable under the planning scheme. Vegetation adjacent to the site is presently maintained. If this vegetation is not maintained a Fire Risk Nuisance Abatement notice under the Local Government Act 1993 may be issued. The ongoing maintenance of vegetation on site precludes vegetation being considered bushfire prone and so the bushfire code is not applicable.*

(b) Safety - Asbestos

We wish someone in authority give us a written undertaking that asbestos will not be allowed to enter this location.

*Asbestos use as a building material is not assessable under the planning scheme.*

(d) Security

Our concerns in regard to security relate to the apparent lack of positive security ("deterrence") features.

We believe this development will become a magnet for those in our societies that make their living or get their kicks via theft and vandalism. We believe the high value of the proponent's products and the increased tourism//visitor numbers create the right elements for undesirable and illegal activity of this nature to occur in our locale.

We believe a remote monitored alarm and discretely positioned CCTV's plus appropriate gates and fencing will greatly improve the security deterrence around this complex.

*Security lighting is proposed for the development. As well, it is a recommended condition that the lighting of car parking areas be done so in accordance with clause 3.1 "Basis of Design" and clause 3.6 "Car Parks" in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council's General Manager.*

*The proposal is unable to be assessed in regard to the likelihood of criminal behaviour.*

We are concerned that there will be smells and vapour emissions from this development (V.O.C's; Co2's etc.). There is widely published data on distilleries world wide in this regard.

*The proposal has indicated there are no planned emissions to air. In regard to smells and solid wastes it is a recommended condition that Solid waste produced through the distilling process must be stored appropriately and removed regularly as such that it does not cause an environmental nuisance, as defined under the Environmental Management and Pollution Control Act 1994 (Tas)*

We are concerned that the activities associated with this proposed land change of use, may have detrimental impacts upon the structural stability of existing area heritage buildings. As the council and us locals would know, the nature of the soils and the surface and subsurface water courses when considered in conjunction with the lack of substantial modern foundations in local heritage buildings is highly problematic. We will not accept exacerbation of these impacts as a result of the proposed development. Water springs up wherever ground surfaces are covered by impermeable materials; or are substantially disturbed. The extent of building adverse movement is dictated by location and direction of springs, irrigation practices, climatic conditions etc.

*The proposal has been referred to both the senior technical officer at Brighton as well as Council's plumbing inspector and they have made no comment regarding the impact of the development on subsurface water, but have indicated herein the body of this report that they are satisfied with the proposal.*

No detail or plan has been provided regarding construction temporary works, locations and time-lines

*Any permit granted must be substantially commenced within 2 years. Pursuant to 5.6 Temporary Buildings or Works of the SMIPS 2015, the erection of temporary buildings or works to facilitate development for which a permit has been granted or for which no permit is required provided they are not occupied for residential use and are removed within 14 days of completion of development. Such buildings and works are generally exempt.*

## **CONCLUSION**

The report has assessed a Development Application for the proposed Change of use to Distillery (Resource Processing) with Building works on a Heritage Place at 26 Main St Kempton.

Two representations have been lodged with Council raising concerns which have been addressed within the body of this report. In order to address these concerns, Council Officers have recommended suitable conditions to be placed on the permit.

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

## **RECOMMENDATION**

**THAT, in accordance with the provisions of the Southern Midlands Interim Planning Scheme 2015 and section 57 of the Land Use Planning & Approvals Act 1993, Council approve the application for proposed change of use to resource processing and the development of associated buildings, signage and works at 26 Main St Kempton (CT 102388/1), owned by Mr J Ibrahim – Redlands Distillery, Applicant Redlands Distillery, by agent Ireneinc Planning and that a permit be issued with the following conditions:**

### ***General***

- 1. Use and development shall be substantially in accordance with development application number DA2016/50 including pp 12-34 of the submission received 09/06/2016, pp1-7 of the response to the RFI received 14/07/2016 and drawings sheet A-01, A-02, A-05, A-06, A-09, A-10 dated 31/05/2016, sheet A-04 dated 04/07/2016 and Sheets A-03 and A-07 dated 13/07/2016 except as otherwise required by this permit.**
- 2. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.**
- 3. Any conditions and/or advice as determined by TasWater, and set out in the attached Appendix A, form part of this permit.**
- 4. Any Conditions and/or advice as determined by the Tasmanian Heritage Council, and set out in the Attached Appendix B, form part of this permit.**

### ***Planning***

5. Hours of Operation of the use of the distillery are limited to 6.30am until 10:30pm (Monday to Sunday)
6. Use of forklifts on site are limited to 9am-5pm (Monday to Sunday)
7. Commercial vehicle movements including unloading and loading and garbage removal to or from the site must be limited to 40 vehicle movements per day and be within the hours of:
  - (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;
  - (b) 8.00 am to 6.00 pm Saturdays;
  - (c) 9.00 am to 5.00 pm on Sundays and Public Holidays.
8. External lighting must be turned off between 9:00pm and 6:00am. Security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.

### ***Environmental Health***

9. Noise emissions measured at the boundary of the site must not exceed the following:
  - (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
  - (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;
  - (c) 65dB(A) (LAmax) at any time.

Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.

Noise levels are to be averaged over a 15 minute time interval.

10. Solid waste produced through the distilling process must be stored appropriately and removed regularly as such that it does not cause an environmental nuisance, as defined under the Environmental Management and Pollution Control Act 1994 (Tas)

### ***Parking and Access***

11. At least Fifteen (15) parking spaces must be provided on the land at all times for the use of the distillery in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney.
12. At least two (2) of the required parking spaces must be provided for the use of people with disabilities as close as practicable to a suitable entrance to

the building. The parking spaces must be signed and marked out to indicate that the spaces are only for use by persons with disabilities and must be designed in accordance with Standards Australia (2009): Australian Standard AS 2890.-6 2009 – Parking Facilities Part 6: Off Street Parking for People with Disabilities; Standards Australia, Sydney.

13. The vehicular access to Main Street must be designed, located and constructed in accordance with Council standard drawings and Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney and to the satisfaction of Council's General Manager. The access must be constructed from the road edge to the property boundary in reinforced concrete.
14. The areas set-aside for parking and associated access and turning must be provided in accordance with Standards Australia (2004): Australian Standard AS 2890.1 - 2004 – Parking Facilities Part 1: Off Street Car Parking; Standards Australia, Sydney and Standards Australia (2002): Australia Standard AS 2890.2 – 2002, Parking facilities - Part 2: Off-Street, Commercial vehicle facilities, Sydney and to the satisfaction of Council's General Manager, and must include all of the following;
  - a) Constructed with a durable all weather pavement
  - b) Adequate turning space on site to allow that vehicles enter and leave the site in a forward direction.
  - c) Vehicular passing areas
  - d) Internal driveway (circulation roadway), from the road frontage to the parking area(s), with a minimum width of 6.5m or as otherwise required by AS2890.2 Parking Facilities Part 2 : Off-street commercial facilities.
  - e) Drained to an approved stormwater system.
15. The areas set-aside for parking and associated access and turning must be kept available for these purposes at all times.
16. The areas set-aside for parking and associated access and turning must be designed, constructed and maintained to mitigate mud or dust generation or sediment transport to the standard required by Council's General Manager.
17. Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting, or as otherwise approved by Council's General Manager.
18. A parking plan prepared and certified by a qualified civil engineer or other person approved by Council's General Manager must be submitted to Council prior to the use commencing.

**The parking plan is to include:**

- a) pavement details,
- b) design surface levels and drainage,
- c) turning paths,
- d) dimensions of the access width, vehicular passing area and driveway width and shall form part of the permit when approved.

19. The completed parking and associated turning, loading and unloading areas and access must be certified by a practicing civil engineer to the effect that they have been constructed in accordance with the endorsed drawings and specifications approved by Council before the use commences.
20. All areas set-aside for parking and associated turning, loading and unloading areas and access must be completed before the use commences and must continue to be maintained to the satisfaction of the Council's General Manager.

***Stormwater***

21. All rainwater run-off from roof surfaces must be collected and stored in tanks for on-site use in accordance with a Plumbing permit issued by the Permit Authority and to the satisfaction of Council's General Manager.
22. All stormwater run-off from impervious surfaces and storage tanks must be retained on site or drain to a legal discharge point to the satisfaction of Council's General Manager and in accordance with a Plumbing permit issued by the Permit Authority in accordance with the Building Act 2000. No stormwater run-off from the development is permitted to discharge to sewer or onto an adjoining allotment other than to a registered drainage easement in favour of the source allotment.
23. Water Sensitive Urban Design Principles must be incorporated into the development. These Principles will be in accordance with the Water Sensitive Urban Design Procedures for Stormwater Management in Southern Tasmania or The Model for Urban Stormwater Improvement Conceptualisation (MUSIC) and to the satisfaction of the Council's General Manager.

***Soil and Water Management***

24. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South, must be approved by Council's General Manager before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.

**25. Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines Soil and Water Management on Building and Construction Sites, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's General Manager.**

- a) Works associated with the development of the land must only be carried out between the following hours unless otherwise approved by the Council's General Manager:

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

- b) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - The transportation of materials, goods and commodities to and from the land.
  - Obstruction of any public footway or highway.
  - Appearance of any building, works or materials.
- c) Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's General Manager.
- d) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- e) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's General Manager.

**Advice:**

- a) This permit does not imply that any other approval required under any other legislation has been granted.
- b) This permit is in addition to a building permit. Construction and site works must not commence until a Building Permit has been issued in accordance with the Building Act 2000.
- c) All works within the Main Street road reservation must be undertaken in accordance with Council requirements. Works are to be inspected by Councils Works Manager prior to pouring of concrete. It is the responsibility of the developer to notify Council Works Manager prior to the activity commencing.
- d) Parking plan must be designed to show that the location of the driveway is to be such that the impact of headlights exiting the site on properties opposite is minimised.
- e) Stormwater connections to public infrastructure must be to a piped system where available.
- f) Parking spaces provided to the rear of the cellar door are not to be included in the required fifteen (15) car parking spaces for the use of the distillery.

**DECISION**

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

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Office Use

DA:

PID:

Date Rec:

# Application for Planning Approval – Use and Development for Commercial, Industrial and other Non-Residential Development

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

*Tick ✓ if there has been a pre-application meeting with a Council officer:*

Yes:

No:

Officer's name

Date:

## Applicant, Owner & Contact Details:

Provide details of the Applicant and Owner of the land. (Please print)

**Applicant:** Redlands Distillery, by agent Ireneinc Planning

Address: 49 Tasma Street, North Hobart 7000

Email: [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au)

Phone No: 6234 9281

Mobile: No:

**Owner:** John Ibrahim - Redlands Distillery

Address: 26 Main Street, Kempton 7030

Email: [emma\\_aless@hotmail.com](mailto:emma_aless@hotmail.com)

Phone No:

## Present use of land/buildings:

Provide details of the land, including street address, title details and the existing use.

Address: 26 Main Street, Kempton 7030

Volume: 102388

Folio: 1

Existing Use

Farm, cellar door, whisky tasting rooms, café / kitchen, sitting room, entertainment room and offices

## Description of Proposed Development:

Provide details of the activities proposed to be carried out on the site.

Use

Resource processing (distillery)

Refer definitions in Clause 8.2 of the Southern Midlands Interim Planning Scheme 2015

Development:

One new two storey building to house the distillery and four new bond store buildings.

Use of the existing stables building for bond stores

*Tick ✓ if proposed developed is to be staged:*

Yes

No

Provide an estimate of the completed value of the proposed development works, including the value of all site works and any labour contributions by the Applicant or the Owner.

Est. value:

\$750,000.00

Write 'Nil' if no works are proposed, e.g. a 'change of use'

<b>Business Details: (if applicable)</b>			
<b>Existing hours (opening imminently):</b> Weekdays      10 am to      4 pm Saturday      10 am to      4 pm Sunday      10 am to      4 pm	<b>New Proposed Hours</b> Weekdays <b>6.30</b> am to <b>11.30</b> pm Saturday <b>6.30</b> am to <b>11.30</b> pm Sunday <b>6.30</b> am to <b>11.30</b> pm		
<b>Employees:</b> How many people are at present employed at the site?      3 How many people will be employed implementation of development?      9 Does the proposal provide for access for disable people?      yes <input checked="" type="checkbox"/> no <input type="checkbox"/> ✓ tick If so, identify on plans			
<b>Commercial Traffic:</b> Approximate number of commercial vehicles servicing the site at present:      7 per week Approximate number of commercial vehicles servicing the site in the future:      11 per week			
<b>Detail proposed machinery and or waste products applicable including any emissions to air and water: (if applicable):</b>			
Type: Stills (3), grist mill, mash tun, fermenters (8), grain kiln Please attach further details separately.	Quantity:		
<b>Description of Existing Municipal Services and / or Proposed New Municipal Services required: (if applicable)</b>			
Please tick✓ or answer other			
<b>Is the access already constructed?</b> <input type="checkbox"/> yes      or <input checked="" type="checkbox"/> no			
Provided details: .....			
How many existing car spaces currently provided? 10	How many new car spaces are proposed? 15		
<b>Is this site or building listed on the Tasmanian Heritage Register?</b> please tick <input checked="" type="checkbox"/> Yes      or <input type="checkbox"/> No		If so, the application will be referred to the Tasmanian Heritage Council, unless the applicant has obtained an Exemption for the new development or works.	
<b>Describe all new structures external building MATERIAL TYPES and colours:</b>			
i) Walls      Type <b>Tas Oak vertical boards / Colourbond</b> Colour <b>Natural Finish / Windspray</b> ii) Roof      Type <b>Custom orb roof sheeting</b> Colour <b>Galvanised finish</b> iii) Boundary fences, walls etc.      N/A.....      Colour .....			
iv) Surfacing of a) access road <b>Consolidated gravel (concrete apron)</b> b) parking area (s) <b>Consolidated gravel</b>			

## Personal Information Protection Statement

The personal information that Council is collecting from you is deemed personal information for the purposes of the Personal Information Protection Act 2004. The intended recipients of personal information collected by Southern Midlands Council may be:

- Officers within Southern Midlands Council;
- Data service providers engaged by Council from time to time;
- Any other agent/contractor of Southern Midlands Council;

The supply of the information by you is voluntary. If you cannot provide or do not wish to provide the information sought, Southern Midlands Council may be unable to process your application or request.

Council is collecting this personal information from you for the purposes of managing, assessing, advising upon and determining the relevant application, or other Council related matters.

You may make application for access or amendment to your personal information held by Council.

Enquiries concerning this matter can be addressed to the Freedom of Information Officer, Southern Midlands Council, PO Box 21 Oatlands 7120, email [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au).

## Applicant's / Owners Declaration

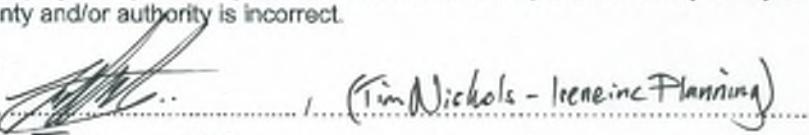
APPLICANT

I/we hereby apply for a planning permit to carry out the use and/or development described in this application and the accompanying plans. I/we declare that the information contained in the form is correct. By providing Council with the plans and documents attached to this application ("Documents"), I

1. warrant to Council I own all copyright in the Documents or am a licensee of the copyright owner with the right to grant the following authority;
2. authorise Council to copy the Documents, attach copies to Agendas for any relevant Council meetings and release copies to the public upon request; and
3. acknowledge Council is relying on my warranty and authorisation and may seek recovery of any damages suffered by it if my warranty and/or authority is incorrect.

Signed (Applicant/ Agent)

Dated this 8<sup>th</sup> day of June 2016...

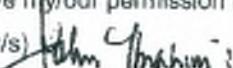


## Owner's Declaration

OWNER

I/we hereby give my/our permission for the lodgment of this application.

Signed (Owner/s)



JOHN IBRAHIM

Signed (Owner/s)

Name/s (Please Print)

Dated: 3rd day of June 2016

Name/s (Please Print)

Dated: ..... day of ..... 20.....

Address all correspondence to:

The General Manager, PO Box 21, Oatlands, Tasmania 7120  
Or by Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) 'in single PDF file format'  
Phone (03) 62593011

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## REDLANDS DISTILLERY, KEMPTON



ireneinc & smithstreetstudio  
PLANNING & URBAN DESIGN

Page 48

# REDLANDS DISTILLERY, KEMPTON

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**Submission to the Southern Midlands Council  
Development Application**

# CONTENTS

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<b>CONTENTS</b>	<b>3</b>
<b>TABLE OF FIGURES</b>	<b>4</b>
<b>1. INTRODUCTION</b>	<b>5</b>
1.1.1 THE SITE	5
1.1.2 EXISTING DEVELOPMENT	6
1.1.3 TOPOGRAPHY	7
1.1.4 VEGETATION & SOIL CLASSIFICATION	7
1.1.5 HERITAGE	8
<b>1.2 SITE SURROUNDS</b>	<b>9</b>
<b>2. PROPOSED DEVELOPMENT</b>	<b>10</b>
<b>3. PLANNING SCHEME PROVISIONS</b>	<b>11</b>
<b>3.1 ZONING AND OVERLAYS</b>	<b>11</b>
<b>3.2 USE STATUS</b>	<b>12</b>
<b>3.3 VILLAGE ZONE</b>	<b>12</b>
3.3.1 USE STANDARDS	12
3.3.2 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS	13
<b>3.4 ROAD AND RAILWAY ASSETS CODE</b>	<b>16</b>
3.4.1 USE STANDARDS	16
3.4.2 DEVELOPMENT STANDARDS	17
<b>3.5 PARKING AND ACCESS CODE</b>	<b>18</b>
3.5.1 USE STANDARDS	18
3.5.2 DEVELOPMENT STANDARDS	19
<b>3.6 STORMWATER MANAGEMENT CODE</b>	<b>24</b>
3.6.1 DEVELOPMENT STANDARDS	24
<b>3.7 HISTORIC HERITAGE CODE</b>	<b>25</b>
3.7.1 DEVELOPMENT STANDARDS	25
3.7.2 DEVELOPMENT STANDARDS FOR HERITAGE PRECINCTS	27
<b>4. CONCLUSION</b>	<b>31</b>

## TABLE OF FIGURES

---

Figure 1: Site Location (source: The LIST).....	5
Figure 2: Site Aerial (source: The LIST).....	6
Figure 3: Site Topographical Map (source: The LIST).....	7
Figure 4: SMIPS Heritage Listing Area (source: The LIST).....	8
Figure 5: Zoning Plan (Source: The LIST) .....	11

## 1. INTRODUCTION

Ireneinc Planning have been engaged to prepare an application for the extension to the distillery at 26 Main Street, Kempton (CT102388/1). This report provides an assessment of the proposal against the provisions of the *Southern Midlands Interim Planning Scheme 2015* (SMIPS).

The documentation that accompanies this application includes:

- Application Form
- Property title (refer appendix)
- Architectural Drawings, Longview Design



**Figure 1: Site Location (source: The LIST)**

### 1.1.1 THE SITE

The subject site comprises CT102388/1 and has a site area of approximately 5.8ha, (shown blue in Figure 1) and contains Dysart House. The site has approximately 230m frontage and is accessed off Main Street which forms the majority of the western boundary. Adjacent properties form the remainder of the western boundaries, as well as the northern and southern boundaries. Approximately 305m of frontage to the Midland Highway forms the eastern boundary.

### 1.1.2 EXISTING DEVELOPMENT

Historic Dysart House is located in the southwest corner of the site, and the complex comprises of the house and its two wings, a rear cottage forming an internal courtyard, and a convict brick coach house / stables building is located directly to the north. The house currently accommodates a cellar door, whisky tasting rooms, café / kitchen, sitting room, entertainment room and offices, all opening to the public imminently. A small shed is also located in this area, as well as walls, vehicular and pedestrian paths and gardens. Cropping areas form the majority of the site, other than a small area of drainage running east-west through the site.



Figure 2: Site Aerial (source: The LIST)

### 1.1.3 TOPOGRAPHY

The site is relatively flat, falling slightly toward the north from a height of approximately 232m at the southern boundary to approximately 222m at the northern boundary, at an average gradient of approximately 1:35, see Figure 3. The Glenfern Creek runs through the middle of the site from the eastern to the western side of the site forming a drainage channel of approximately 0.5 - 1m depth.



**Figure 3: Site Topographical Map (source: The LIST)**

### 1.1.4 VEGETATION & SOIL CLASSIFICATION

The site is identified as FAG Agricultural land under the TasVeg mapping available on the LIST, and largely comprises cleared land used for grazing and cropping, other than some area of garden, primarily exotic plantings around the existing buildings. The proposed development is located on one of the main cleared areas. Areas of revegetation are associated with the drainage line in the middle of the site.

The subject and surrounding areas are all mapped as being Class 4 Agricultural Land on the LIST maps.

*CLASS 4 Land primarily suitable for grazing but which may be used for occasional cropping. Severe limitations restrict the length of cropping phase and/or severely restrict the range of crops that could be grown. Major conservation treatments and/or careful management is required to minimise degradation.*

*Cropping rotations should be restricted to one to two years out of ten in a rotation with pasture or equivalent, during ‘normal’ years to avoid damage to the soil resource. In some areas longer cropping phases may be possible but the versatility of the land is very limited. (NB some parts of Tasmania are currently able to crop more frequently on Class 4 land than*

*suggested above. This is due to the climate being drier than ‘normal’. However, there is a high risk of crop or soil damage if ‘normal’ conditions return.)<sup>1</sup>*

### 1.1.5 HERITAGE

The site is listed in the SMIPS 2015 as a heritage place (reference no. 157), and also listed in the Tasmanian Heritage Register (Place ID 5461). The Tasmanian Heritage Council’s data sheet on the property states the importance of the place in terms of a), b), c), d), g) & h) of the Significance criteria. To summarise, the significance of Dysart House is that it:

- Demonstrates the process by which the convict or ex-convict social class became property-owning citizens and progenitors of families is at the heart of the transformation of the convict colony of Van Diemen’s Land into the self-governing colony of Tasmania;
- Demonstrates the past importance of Main Street, Kempton as part of the former Main Road to Hobart and the significance of Kempton as a stopover, catering for the needs of both travellers and horses;
- Contains a rare feature in the water tank in the centre of the courtyard;
- Has the potential to contribute important information about the lives, economy and material culture of the Tasmanian colonists settled in, or travelling through, Kempton in the nineteenth century, including emancipist entrepreneur William Ellis and his family; and,
- Is a particularly fine example of an Old Colonial Regency Inn.

The site is also mapped as part of the Kempton Township Heritage Precinct as shown in Figure 4.



Figure 4: SMIPS Heritage Listing Area (source: The LIST)

The Statement of Historic Cultural Heritage Significance for this area is:

<sup>1</sup> LAND CAPABILITY HANDBOOK Guidelines for the Classification of Agricultural Land in Tasmania Second Edition Edited by C J GROSE Department of Primary Industries, Water and Environment Prospect Offices 1999

*The Kempton Township Precinct is of historic cultural heritage significance because:*

- (a) *it demonstrates the evolution and settlement patterns of Tasmania in the early-mid nineteenth century, as a township associated with the pastoral activity of the Midlands area;*
- (b) *it demonstrates the evolution of important transport routes joining the north and south of the State;*
- (c) *its predominant building material of sandstone, as a source of local materials, and reflecting the differing economies of labour and construction at the time;*
- (d) *it demonstrates a township comprising a concentration of highly intact historic buildings of the Old Colonial Georgian and Victorian Georgian styles.*

## 1.2 SITE SURROUNDS

The site is located at the southern end of the Kempton township, with frontage to Main Street. The surrounding properties fronting this street are predominantly residential in the vicinity, and mostly address the street. The town centre is located some 500m north of the site where a range of services and amenity is clustered around Main Street. Heritage places and fabric dot the entire length of Main Street providing a strong point of differentiation from surrounding streets. Wider afield, residential development gives way to a mosaic of agricultural land use either side of the Midland Highway, nestled within a broad valley defined by a system of steep, partially vegetated hills.

## 2. PROPOSED DEVELOPMENT

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The proposal includes development of a two storey building to house the distillery and four new buildings for use as bond stores, as well as the use of the existing stables building ( $295m^2$ ) for further bond stores.

The proposed distillery building is designed with two sections arranged perpendicularly to each other and linked by a smaller single story containing bathroom facilities and storage space.

The front section of the distillery building (closest to Main Street) contains the main distilling area and is 7.62m in height and is to be clad on the front and side facades in vertical rough sawn Tasmanian Oak boards left to weather.

The rear section of the distillery building is two storeys and contains the bottling area on the ground floor and the malting floor on the first floor, this section has a maximum height of 8.184m with the walls to be clad in Colourbond ‘Windspray’.

In total the distillery building is approximately  $500m^2$  with the entire building proposed to be roofed with galvanised short sheets. All facades of the distillery building contain traditionally shaped, proportioned and regularly arranged vertical sash style windows. Timber doors will be painted white.

The four new bond stores have a single open plan room with a floor area of  $180m^2$  each and a maximum height of 6.7m. The facades are clad in vertical Tasmanian Oak timber boards, with galvanised orb roof sheeting.

The remainder of the development includes parking and circulation areas (grass and gravel), a hardstand for truck loading/unloading, silos (for grain storage), paths and landscaping.

This proposal also includes the temporary use of the existing stables building for the operation of the stills until the construction of the new distillery building is complete, at which point the stables accommodate bond stores.

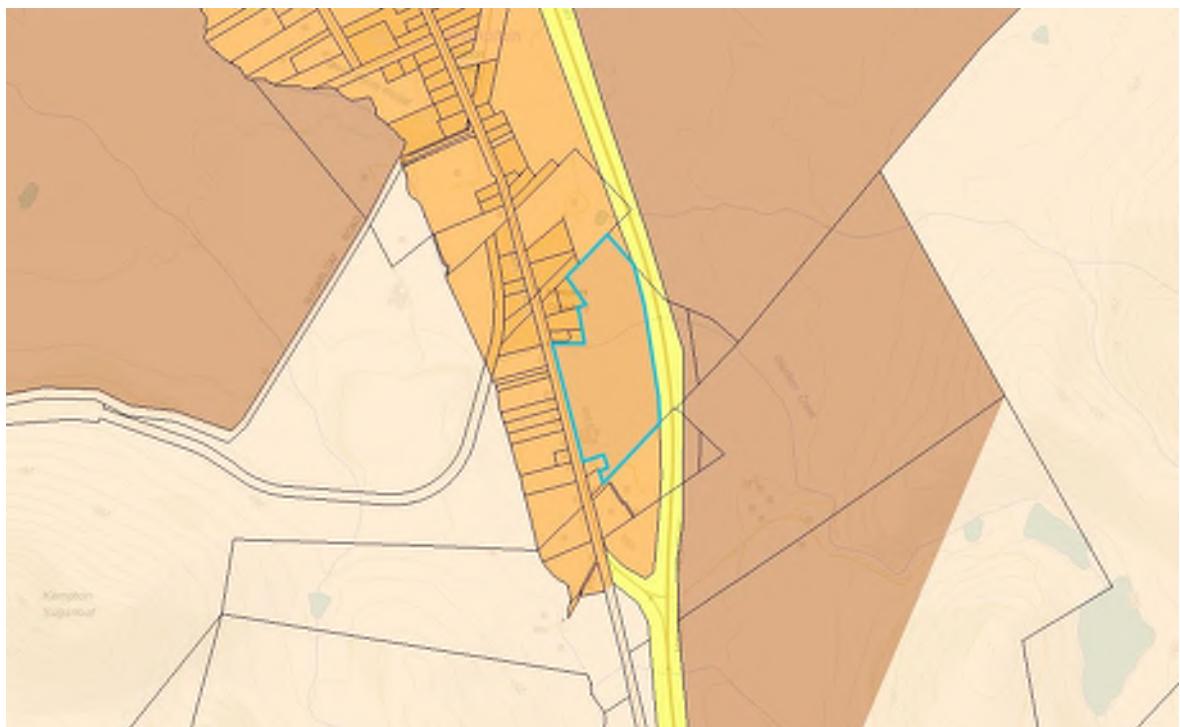
## 3. PLANNING SCHEME PROVISIONS

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The following provisions of the *Southern Midlands Interim Planning Scheme 2015* (document version no.6 effective 21 March 2016) are relevant to consideration of the proposal.

### 3.1 ZONING AND OVERLAYS

The site is zoned Village, as shown in orange and outlined blue in Figure 5, and borders an area of the Utilities Zone to the east as shown in yellow. The surrounding properties to the north, south and west are also zoned Village.



**Figure 5: Zoning Plan (Source: The LIST)**

The purpose of the Village Zone is as follows:

- 16.1.1.1 To provide for small rural centres with a mix of residential, community services and commercial activities.
- 16.1.1.2 To provide for residential and associated development in small communities.
- 16.1.1.3 To ensure development is accessible by walking and cycling.
- 16.1.1.4 To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services.

**16.1.1.5** To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage.

**16.1.1.6** To provide for the efficient utilisation of existing reticulated services in the serviced villages of Bagdad, Campania, Colebrook, Kempton and Tunbridge.

The proposed use and development are aimed at expanding the operation for the production of whisky at the property. The whisky industry is a relatively new and expanding segment within Tasmania with strong links to the tourism industry and heritage as an agricultural producer with increasing associations with Tasmania's international reputation for "clean green" and boutique quality product.

The existing operation (imminently opening to the public) at the site provides the tourist and commercial "front of house" while the current application will allow for the production expansion to support the operation. The commercial expansion at the site is consistent with the above objectives for the Village zone while also providing a strong connection to the agricultural sector through the setting of the development within the rural landscape setting.

There are no local area objectives or desired future character statements applicable to the site.

## 3.2 USE STATUS

Consistent with the existing distillery use, the proposed use is for new buildings associated with the production of whisky and as such is classified Resource Processing use class, a discretionary use class in the zone.

## 3.3 VILLAGE ZONE

### 3.3.1 USE STANDARDS

#### 16.3.1 Non-Residential Use

**Objective:** To ensure that non-residential use does not unreasonably impact residential amenity.

##### A1

Hours of operation must be within:

- (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;
- (b) 8.00 am to 6.00 pm Saturdays;
- (c) 9.00 am to 5.00 pm Sundays and Public Holidays;

except for office and administrative tasks or visitor accommodation.

The existing front of house operations are to take place between 10am to 4pm, 7 days a week, whereas the proposed hours of operation for the distillery and associated buildings are from 6.30am to 11.30pm, 7 days a week and as such must address the performance criteria.

The proposal complies with the acceptable solutions for noise, external lighting and commercial vehicle movements, and as such will not have an unreasonable impact on the residential amenity of surrounding properties and satisfies the performance criteria.

##### P1

Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise or other emissions that are unreasonable in their timing, duration or extent.

**A2**  
*Noise emissions measured at the boundary of the site must not exceed the following:*

- (a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;
- (b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;
- (c) 65dB(A) (LAmax) at any time.

*Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.*

*Noise levels are to be averaged over a 15 minute time interval.*

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**A3**  
*External lighting must comply with all of the following:*

- (a) be turned off between 9:00 pm and 6:00 am, except for security lighting;
- (b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.

External lighting will comply with the acceptable solution.

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**A4**  
*Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 40 vehicle movements per day and be within the hours of:*

- (a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;
- (b) 8.00 am to 6.00 pm Saturdays;
- (c) 9.00 am to 5.00 pm on Sundays and Public Holidays.

Expected commercial vehicle (freight and service vehicles) movements associated with the proposal are 4 freight trucks per week. The existing use of Dysart House involves up to 7 per week. The existing and proposed total will be approximately 11 per week, and will be within the hours stated in the acceptable solution and as such will comply with the acceptable solution.

### 3.3.2 DEVELOPMENT STANDARDS FOR BUILDINGS AND WORKS

#### 16.4.1 Building Height

**Objective:** To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on amenity of adjoining land.

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**A1**  
*Building height must be no more than: 8.5m.*

The maximum height of the proposed buildings is 8.15m, and as such the proposal complies with the acceptable solution.

#### 16.4.2 Setback

**Objective:** To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of adjoining land.

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**A1**

The adjoining lot to the north has no building and as such the proposal cannot comply with

*Building setback from frontage must be parallel to the frontage and must be:*

- (a) *A distance not more or less than the maximum and minimum setbacks of the buildings on the adjoining lots if fronting Main Street in Kempton.*
- (b) *4.5m if fronting any other street.*

#### P1

*Building setback from frontage must satisfy all of the following:*

- (a) *be consistent with any Desired Future Character Statements provided for the area;*
- (b) *be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;*
- (c) *enhance the characteristics of the site, adjoining lots and the streetscape,*

#### A2

*Building setback from side and rear boundaries must be no less than:*

- (a) *2m;*
- (b) *half the height of the wall, whichever is the greater.*

the acceptable solution and must address the performance criteria.

(a) No Desired Future Character Statements are provided for the area.

(b) No continuous building line is evident in the streetscape. The proposed setback is approximately 32m so that the proposed buildings are subservient to Dysart House and stables in accordance with clause E13.7.2 P2(b).

(c) The proposed setback facilitates the dominance of Dysart House and the stables within the streetscape, and also allows for a landscaped setting to compliment the heritage character of the property.

As such the proposal satisfies the performance criteria.

#### 16.4.3 Design

**Objective:** To ensure that building design for non-residential uses contributes positively to the streetscape, the amenity and safety of the public and adjoining land.

#### A1

*Building design for non-residential use must comply with all of the following:*

- (a) *provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;*
- (b) *for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;*
- (c) *for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;*
- (d) *screen mechanical plant and miscellaneous equipment such as heat*

The proposed buildings are setback at least approximately 50m from the nearest side or rear boundary and as such comply with the acceptable solution.

(a) The main pedestrian entrance the proposed distillery building is located on the front façade, with a path leading from Main Street.

(b) The proposal has windows in the front façade that make up less than 40% of the front façade of the proposed front building. However, the sizing and spacing of these windows are designed to respond to and complement the heritage facades adjacent, in particular the brick stables, and in turn enhancing the streetscape and providing for passive surveillance.

(c) The ground level front façade of the front proposed building has regularly spaced windows to ensure no single expanse of blank wall is greater than 30% of the length of the façade.

(d) Mechanical plant and miscellaneous equipment will not be visible from public areas.

- pumps, air conditioning units, switchboards, hot water units or similar from view from the street and other public spaces;*
- (e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;
  - (f) provide awnings over the public footpath if existing on the site or on adjoining lots;
  - (g) not include security shutters over windows or doors with a frontage to a street or public place.
- (e) The proposal does not include roof-top service infrastructure.
- (f) No awnings exist on the site or adjoining lots.
- (g) No security shutters are proposed.
- The proposal complies with all of the acceptable solution except for (b), for which it satisfies the performance criteria.

**P1**

*Building design must enhance the streetscape by satisfying all of the following:*

- (a) provide the main access to the building in a way that addresses the street or other public space boundary;
- (b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;
- (c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;
- (d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;
- (e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;
- (f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;
- (g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;
- (h) be consistent with any Desired Future Character Statements provided for the area.

**16.4.4 Landscaping**

**Objective:** To ensure that a safe and attractive landscaping treatment enhances the appearance of sites for non-residential use.

**A1**

*Landscape must be provided for sites for non-residential use along the frontage for at least 50% of the frontage width, except if front setback is less than 1m in which case no landscaping is necessary.*

The existing landscaping at the front of Dysart House is extended to the north to increase the total to greater than 50% of the frontage width, and as such the proposal complies with the acceptable solution.

**A2**

*Along a boundary with a lot used for residential use landscaping must be provided for a depth no less than: 2m.*

There are residential uses located north and south along Main Street from the site. The proposal does not alter the existing landscaping to these boundaries, the widths of which are greater than 2m. As such the proposal complies with the acceptable solution.

**16.4.5 Outdoor Storage Areas**

**Objective:** To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.

**A1**

*Outdoor storage areas for non-residential uses must comply with all of the following:*

- (a) *be located behind the building line;*
- (b) *all goods and materials stored must be screened from public view;*
- (c) *not encroach upon car parking areas, driveways or landscaped areas.*

No outdoor storage areas are proposed.

**16.4.6 Fencing**

**Objective:** To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.

**A1**

*Fencing must comply with all of the following:*

- (a) *fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;*
- (b) *fences along a frontage must be at least 50% transparent above a height of 1.2 m;*
- (c) *height of fences along side and rear boundaries must be no more than 2.1 m.*

Fencing is not proposed.

**3.4 ROAD AND RAILWAY ASSETS CODE****3.4.1 USE STANDARDS****E5.5.1 Existing road accesses and junctions**

**Objective:** To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.

**A3**

*The annual average daily traffic (AADT) of vehicle movements, to and from a site, using*

The proposal will increase vehicle movements to and from the site by an estimated 10-15

*an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.*

vehicle movements per day, and as such complies with the acceptable solution.

### 3.4.2 DEVELOPMENT STANDARDS

#### **E5.6.2 Road accesses and junctions**

**Objective:** To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

##### **A2**

*No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.*

The proposal provides a separate, new access to Main Street to service the distillery area in addition to the existing two accesses (providing separate entry and exit associated with Dysart House). As such the performance criteria must be addressed.

##### **P1**

*For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:*

- (a) *the nature and frequency of the traffic generated by the use;*
- (b) *the nature of the road;*
- (c) *the speed limit and traffic flow of the road;*
- (d) *any alternative access to a road;*
- (e) *the need for the access or junction;*
- (f) *any traffic impact assessment; and*
- (g) *any written advice received from the road authority.*

(a) The proposed access will be used by staff and also delivery trucks. These uses are estimated to generate 10-15 vehicular movements per day.

(b) At the location of the proposed access Main Street is a long, straight, flat road. The closest change of direction or intersection is approximately 300m to the south, and some 440m to the north. The existing exit associated with Dysart House is located approximately 40m south with the nearest existing access on an adjacent lot being 110m to the north for the vacant lots adjoining the site.

(c) Main Street's speed limit is 50km/h, and given the role of the Midland Highway as a bypass around Kempton, is primarily confined to low levels of local traffic.

(d) The property also fronts Midland Highway however access is restricted to this road. The use of the existing access around Dysart House is considered undesirable as (e) the provision of a new access separates staff and service traffic from visitor traffic, and enables truck and farm traffic to access the site without going through Dysart House.

#### **E5.6.4 Sight distance at accesses, junctions and level crossings**

**Objective:** To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

##### **A1**

*Sight distances at:*

The proposal complies with the Safe Intersection Sight Distances.

- (a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; ...

## 3.5 PARKING AND ACCESS CODE

### 3.5.1 USE STANDARDS

#### E6.6.1 Number of Car Parking Spaces

**Objective:** To ensure that:

- (a) there is enough car parking to meet the reasonable needs of all users of a use or development, taking into account the level of parking available on or outside of the land and the access afforded by other modes of transport.
- (b) a use or development does not detract from the amenity of users or the locality by:
  - (i) preventing regular parking overspill;
  - (ii) minimising the impact of car parking on heritage and local character.

A1

The number of on-site car parking spaces must be:

- (a) no less than the number specified in Table E6.1;

except if:

the site is subject to a parking plan for the area adopted by Council, in which case parking provision (spaces or cash-in-lieu) must be in accordance with that plan;

P1

The number of on-site car parking spaces must be sufficient to meet the reasonable needs of users, having regard to all of the following:

- (a) car parking demand;
- (b) the availability of on-street and public car parking in the locality;
- (c) the availability and frequency of public transport within a 400m walking distance of the site;
- (d) the availability and likely use of other modes of transport;
- (e) the availability and suitability of alternative arrangements for car parking provision;
- (f) any reduction in car parking demand due to the sharing of car parking spaces by multiple uses, either because of variation of car parking demand over time or because of efficiencies gained from the consolidation of shared car parking spaces;

The proposed use of the new buildings for a distillery (Resource processing use) generates a requirement for 1 space for each 50m<sup>2</sup> of floor area. 1,520m<sup>2</sup> floor area = 31 spaces as per Table E6.1.

The proposal provides 15 car parking spaces associated with the proposed buildings, and as such must address the performance criteria.

(a) Approximately 1,020m<sup>2</sup> of floor space is used as bond stores, a relatively inert part of the whisky making process that will not in itself generate any parking requirement. The 500m<sup>2</sup> distillery building would generate 10 spaces at the 1/50m<sup>2</sup> rate, less than the proposed spaces. The parking spaces proposed is also more than sufficient to accommodate the proposed staff numbers.

(b) There is in excess of 40 on-street parking spaces in front of the site along Main Street. (However, it is not likely that staff or servicing vehicles will park on the street).

(c) A bus stop is located at 7 Main Street, 100m south of the site, for the Derwent Valley Link route no. 140. This service runs between Bothwell and Hobart once per direction Monday to Friday.

(d) Other modes of transport are not likely.

(e) The large site has adequate space to accommodate overflow parking should it be required.

(f) No sharing of car parking spaces by multiple uses is anticipated.

- (g) any car parking deficiency or surplus associated with the existing use of the land;
  - (h) any credit which should be allowed for a car parking demand deemed to have been provided in association with a use which existed before the change of parking requirement, except in the case of substantial redevelopment of a site;
  - (i) the appropriateness of a financial contribution in lieu of parking towards the cost of parking facilities or other transport facilities, where such facilities exist or are planned in the vicinity;
  - (j) any verified prior payment of a financial contribution in lieu of parking for the land;
  - (k) any relevant parking plan for the area adopted by Council;
  - (l) the impact on the historic cultural heritage significance of the site if subject to the Local Heritage Code;
  - (g) No existing parking deficiency or surplus was calculated.
  - (h) N/A
  - (i) Given the site location is not near existing or proposed public parking facilities a financial contribution would not be appropriate for the proposal.
  - (j) N/A
  - (k) No parking plan applies.
  - (l) Parking has been confined to behind the building line of the proposed distillery building, however this does not constrain the parking provision.
- Given the significant excess in parking spaces required through Table E6.1 with regard to the inert use of the bond store buildings, it is considered that the proposal is sufficient to meet the reasonable needs of users and as such satisfies the performance criteria.

#### **E6.6.2 Number of Accessible Car Parking Spaces for People with a Disability**

**Objective:** To ensure that a use or development provides sufficient accessible car parking for people with a disability..

##### **A1**

*Car parking spaces provided for people with a disability must:*

- (a) satisfy the relevant provisions of the Building Code of Australia;
- (b) be incorporated into the overall car park design;
- (c) be located as close as practicable to the building entrance.

The proposal complies with the acceptable solution.

#### **3.5.2 DEVELOPMENT STANDARDS**

#### **E6.7.1 Number of Vehicular Accesses**

**Objective:** To ensure that:

- (a) safe and efficient access is provided to all road network users, including, but not limited to: drivers, passengers, pedestrians, and cyclists, by minimising:
  - (i) the number of vehicle access points; and
  - (ii) loss of on-street car parking spaces;
- (b) vehicle access points do not unreasonably detract from the amenity of adjoining land uses;
- (c) vehicle access points do not have a dominating impact on local streetscape and character.

##### **A1**

*The number of vehicle access points provided for each road frontage must be no more than 1*

The proposal provides an access in addition to the two existing (providing separate entry and exit associated with Dysart House) and as such must address the performance criteria.

or the existing number of vehicle access points, whichever is the greater.

### P1

The number of vehicle access points for each road frontage must be minimised, having regard to all of the following:

- (a) access points must be positioned to minimise the loss of on-street parking and provide, where possible, whole car parking spaces between access points;
- (b) whether the additional access points can be provided without compromising any of the following:
  - (i) pedestrian safety, amenity and convenience;
  - (ii) traffic safety;
  - (iii) residential amenity on adjoining land;
  - (iv) streetscape;
  - (v) cultural heritage values if the site is subject to the Local Historic Heritage Code;
  - (vi) the enjoyment of any 'al fresco' dining or other outdoor activity in the vicinity.

(a) The proposed access point will remove two on-street parking spaces, however there is ample on-street parking in the vicinity, in particular to the north and south of the access.

(b) (i) The proposed access does not impact on pedestrian footpaths in the area, the footpath being located on the opposite side of the road.

(ii) Main Street in the vicinity of the proposed access is low-speed, straight, and flat, and the access is located approximately 40m from the closest adjacent access.

(iii) The access is located greater than 100m from adjoining residential properties.

(iv) The proposed access is located in an area of cleared paddock, with a low wire fence forming the front boundary, and as such will not impact any streetscape qualities. The landscaping associated with the proposed access extends the streetscape qualities associated with Dysart House.

(v) The purpose of the additional access is to separate the distillery traffic from the access and driveway associated with historic Dysart House.

(vi) The proposed access is not located within proximity of any 'al fresco' dining or other public outdoor activity.

As such the proposal satisfies the performance criteria.

### E6.7.2 Design of Vehicular Accesses

**Objective:** To ensure safe and efficient access for all users, including drivers, passengers, pedestrians and cyclists by locating, designing and constructing vehicle access points safely relative to the road network.

#### A1

Design of vehicle access points must comply with all of the following:

...(b) in the case of commercial vehicle access, the location, sight distance, geometry and gradient of an access must be designed and constructed to comply with all access driveway provisions in section 3 "Access Driveways and Circulation Roadways" of AS2890.2 - 2002 Parking facilities Part 2: Off-street commercial vehicle facilities.

The vehicle access point will comply with the acceptable solution.

### E6.7.3 Vehicular Passing Areas Along an Access

**Objective:** To ensure that:

- (a) the design and location of access and parking areas creates a safe environment for users by minimising the potential for conflicts involving vehicles, pedestrians and cyclists;
- (b) use or development does not adversely impact on the safety or efficiency of the road network as a result of delayed turning movements into a site.

**A1**

*Vehicular passing areas must:*

- (a) be provided if any of the following applies to an access:
  - (i) it serves more than 5 car parking spaces;
  - (ii) is more than 30 m long;
  - (iii) it meets a road serving more than 6000 vehicles per day;
- (b) be 6m long, 5.5m wide, and taper to the width of the driveway;
- (c) have the first passing area constructed at the kerb;
- (d) be at intervals of no more than 30 m along the access.

The proposal provides vehicle passing areas in accordance with the acceptable solution.

**E6.7.4 On-Site Turning**

**Objective:** To ensure safe, efficient and convenient access for all users, including drivers, passengers, pedestrians and cyclists, by generally requiring vehicles to enter and exit in a forward direction.

**A1**

*On-site turning must be provided to enable vehicles to exit a site in a forward direction, except where the access complies with any of the following:*

- (a) it serves no more than two dwelling units;
- (b) it meets a road carrying less than 6000 vehicles per day.

On-site turning is provided in accordance with the acceptable solution.

**E6.7.5 Layout of Parking Areas**

**Objective:** To ensure that parking areas for cars (including assessable parking spaces), motorcycles and bicycles are located, designed and constructed to enable safe, easy and efficient use.

**A1**

*The layout of car parking spaces, access aisles, circulation roadways and ramps must be designed and constructed to comply with section 2 “Design of Parking Modules, Circulation Roadways and Ramps” of AS/NZS 2890.1:2004 Parking Facilities Part 1: Off-street car parking and must have sufficient headroom to comply with clause 5.3 “Headroom” of the same Standard.*

The layout of car parking spaces, access aisles and circulation roadways will comply with the acceptable solution.

**E6.7.6 Surface Treatment of Parking Areas**

**Objective:** To ensure that parking spaces and vehicle circulation roadways do not detract from the amenity of users, adjoining occupiers or the environment by preventing dust, mud and sediment transport.

**A1**

Parking spaces and vehicle circulation roadways must be in accordance with all of the following;

- (a) paved or treated with a durable all-weather pavement where within 75m of a property boundary or a sealed roadway;
- (b) drained to an approved stormwater system,

unless the road from which access is provided to the property is unsealed.

The parking and circulation areas are to be finished with consolidated gravel drained on-site, however parts are within 75m of Main Road and therefore must address the performance criteria.

(a) The consolidated gravel finish is stabilised to ensure safe access for staff and service vehicles.

(b) The choice of finish relates to the heritage listing of the place and responds to the characteristics of Dysart House and the setting.

(c) The proposed gravel finish will be stabilised and drained to landscaped areas to mitigate mud, dust and sediment transport. A concrete apron is provided at the start of the driveway to minimise mud, dust and sediment transferral to the road.

As such the proposal satisfies the performance criteria.

**P1**

Parking spaces and vehicle circulation roadways must not unreasonably detract from the amenity of users, adjoining occupiers or the quality of the environment through dust or mud generation or sediment transport, having regard to all of the following:

- (a) the suitability of the surface treatment;
- (b) the characteristics of the use or development;
- (c) measures to mitigate mud or dust generation or sediment transport.

**E6.7.7 Lighting of Parking Areas**

**Objective:** To ensure parking and vehicle circulation roadways and pedestrian paths used outside daylight hours are provided with lighting to a standard which:

- (a) enables easy and efficient use;
- (b) promotes the safety of users;
- (c) minimises opportunities for crime or anti-social behaviour; and
- (d) prevents unreasonable light overspill impacts.

**A1**

Parking and vehicle circulation roadways and pedestrian paths serving 5 or more car parking spaces, used outside daylight hours, must be provided with lighting in accordance with clause 3.1 “Basis of Design” and clause 3.6 “Car Parks” in AS/NZS 1158.3.1:2005 Lighting for roads and public spaces Part 3.1: Pedestrian area (Category P) lighting.

Lighting will be provided as required.

**P1**

Parking and vehicle circulation roadways and pedestrian paths used outside daylight hours

*must be provided with lighting to a standard which satisfies all of the following:*

- (a) *enables easy and efficient use of the area;*
- (b) *minimises potential for conflicts involving pedestrians, cyclists and vehicles;*
- (c) *reduces opportunities for crime or anti-social behaviour by supporting passive surveillance and clear sight lines and treating the risk from concealment or entrapment points;*
- (d) *prevents unreasonable impact on the amenity of adjoining users through light overspill;*
- (e) *is appropriate to the hours of operation of the use.*

#### **E6.7.8 Landscaping of Parking Areas**

**Objective:** *To ensure that large parking and circulation areas are landscaped to:*

- (a) *relieve the visual impact on the streetscape of large expanses of hard surfaces;*
- (b) *screen the boundary of car parking areas to soften the amenity impact on neighbouring properties;*
- (c) *contribute to the creation of vibrant and liveable places;*
- (d) *reduce opportunities for crime or anti-social behaviour by maintaining clear sightlines.*

#### **A1**

*Landscaping of parking and circulation areas must be provided where more than 5 car parking spaces are proposed. This landscaping must be no less than 5 percent of the area of the car park, except in the Central Business Zone where no landscaping is required.*

Landscaping is provided in the form of trees surrounding the parking and circulation areas, and also along the frontage.

#### **E6.7.12 Siting of Car Parking**

**Objective:** *To ensure that the streetscape, amenity and character of urban areas is not adversely affected by siting of vehicle parking and access facilities.*

#### **A1**

*Parking spaces and vehicle turning areas, including garages or covered parking areas in the ..., Village Zone, ... must be located behind the building line of buildings located or proposed on a site except if a parking area is already provided in front of the building line of a shopping centre.*

The proposed parking areas are located behind the line of buildings on the site and as such comply with the acceptable solution.

#### **E6.7.13 Facilities for Commercial Vehicles**

**Objective:** *To ensure that facilities for commercial vehicles are provided on site, as appropriate.*

#### **A1**

*Commercial vehicle facilities for loading, unloading or manoeuvring must be provided on-site in accordance with Australian*

Commercial vehicle facilities are provided for in accordance with the acceptable solution.

*Standard for Off-street Parking, Part 2:  
Commercial Vehicle Facilities AS 2890.2:2002,  
unless:*

- (a) *the delivery of all inward bound goods is by a single person from a vehicle parked in a dedicated loading zone within 50 m of the site;*
- (b) *the use is not primarily dependent on outward delivery of goods from the site.*

#### **E6.7.14 Access to a Road**

*Objective: To ensure that access to the road network is provided appropriately.*

**A1**

*Access to a road must be in accordance with the requirements of the road authority.*

The proposal will meet municipal standards as required through permit conditions and complies with the acceptable solution.

### **3.6 STORMWATER MANAGEMENT CODE**

#### **3.6.1 DEVELOPMENT STANDARDS**

##### **E7.7.1 Stormwater Drainage and Disposal**

*Objective: To ensure that stormwater quality and quantity is managed appropriately.*

**A1**

*Stormwater from new impervious surfaces must be disposed of by gravity to public stormwater infrastructure.*

Stormwater is disposed of via a combination of gravity to public stormwater infrastructure for the proposed building roofs, and overland flow to on-site soakage for the car parking areas, and as such satisfies the performance criteria.

**P1**

*Stormwater from new impervious surfaces must be managed by any of the following:*

- (a) *disposed of on-site with soakage devices having regard to the suitability of the site, the system design and water sensitive urban design principles*
- (b) *collected for re-use on the site;*
- (c) *disposed of to public stormwater infrastructure via a pump system which is designed, maintained and managed to minimise the risk of failure to the satisfaction of the Council.*

**A2**

*A stormwater system for a new development must incorporate water sensitive urban design principles R1 for the treatment and disposal of stormwater if any of the following apply:*

- (a) *the size of new impervious area is more than 600m<sup>2</sup>;*

The stormwater from the car parking and circulation areas is disposed of via graded overland flow across the gravel surface to the nearest landscaped area for on-site infiltration and as such complies with the acceptable solution.

- (b) new car parking is provided for more than 6 cars;
- (c) a subdivision is for more than 5 lots.

**A3**

*A minor stormwater drainage system must be designed to comply with all of the following:*

- (a) *be able to accommodate a storm with an ARI of 20 years in the case of non-industrial zoned land and an ARI of 50 years in the case of industrial zoned land, when the land serviced by the system is fully developed;*
- (b) *stormwater runoff will be no greater than pre-existing runoff or any increase can be accommodated within existing or upgraded public stormwater infrastructure.*

The stormwater design is considered capable of accommodating stormwater demands.

### 3.7 HISTORIC HERITAGE CODE

#### 3.7.1 DEVELOPMENT STANDARDS

##### **E13.7.1 Demolition**

**Objective:** To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

**A1**

*No acceptable solution*

The proposal does not involve demolition of any heritage fabric.

**P1**

*Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;*

- (a) *there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (b) *there are no prudent and feasible alternatives;*
- (c) *important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;*
- (d) *significant fabric is documented before demolition.*

##### **E13.7.2 Buildings and Works other than Demolition**

**Objective:** To ensure that development at a heritage place is:

- (a) *undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and*

(b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.

**A1**

*No acceptable solution*

**P1**

*Development must not result in any of the following:*

- (a) loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;
- (b) substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, outbuildings and other items that contribute to the significance of the place.

(a) The proposal has been designed and sited so as to be compatible with the heritage listed Dysart House and stables buildings adjacent. This has been achieved by referencing the dominant Georgian architectural style of the precinct in detailing buildings that adopt a traditional working farm aesthetic, and also has designed the largest of the building to be read as smaller scale structures to reduce the visual bulk as well as recessive materials and finishes.

(b) The proposal does not involve the loss of any streetscape elements.

As such the proposal satisfies the performance criteria.

**A2**

*No acceptable solution*

**P2**

*Development must be designed to be subservient and complementary to the place through characteristics including:*

- (a) scale and bulk, materials, built form and fenestration;
- (b) setback from frontage;
- (c) siting with respect to buildings, structures and listed elements;
- (d) using less dominant materials and colours.

(a) The proposal arranges the proposed buildings so that the main distillery area forms the front face of the development. This part of the building addresses the street, and is smaller in scale and bulk than the adjacent Dysart House and stables buildings. It also adopts a simple working farm building aesthetic in its form, timber panelling and location of windows.

(b) & (c) The proposed buildings are all setback further than the heritage listed buildings on the site, to prioritise these buildings within the streetscape.

(d) The simple and natural materials of the front building are recessive with natural timber intended to age to grey tones. Further back and on the buildings to the rear the material is 'Windspray' Colourbond.

As such the proposal satisfies the performance criteria.

**A3**

*No acceptable solution*

**P3**

*Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.*

The proposed utilises a simple working farm building aesthetic in the new buildings' form, timber / iron panelling, and location and proportion of windows. This is sympathetic to the farm setting, and also distinguishable from and subservient to the solid stone and brick heritage buildings on the site.

<b>A4</b>	The proposal does not include an extension to an existing building.
<b>No acceptable solution</b>	

<b>P4</b>	<i>Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.</i>
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<b>A5</b>	No new front fences are proposed.
<i>New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.</i>	

### 3.7.2 DEVELOPMENT STANDARDS FOR HERITAGE PRECINCTS

#### E13.8.1 Demolition

**Objective:** To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.

<b>A1</b>	The proposal does not involve demolition of any heritage fabric.
<i>No acceptable solution</i>	

#### P1

*Demolition must not result in the loss of any of the following:*

- (a) *buildings or works that contribute to the historic cultural heritage significance of the precinct;*
- (b) *fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct;*  
*unless all of the following apply;*
- (i) *there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;*
- (ii) *there are no prudent or feasible alternatives;*
- (iii) *opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.*

#### E13.8.2 Buildings and Works other than Demolition

**Objective:** To ensure that development undertaken within a heritage precinct is sympathetic to the character of the precinct.

<b>A1</b>	The historic cultural heritage significance of the precinct is the demonstration of the
<i>No acceptable solution</i>	

**P1**

*Design and siting of buildings and works must not result in detriment to the historic cultural heritage significance of the precinct, as listed in Table E13.2.*

evolution of settlement patterns and transport routes, predominantly sandstone buildings and high concentration of intact Old Colonial Georgian and Victorian Georgian styles.

The proposal respects these characteristics of the heritage fabric on the site by adopting a subservient and secondary role and aesthetic through its scale and bulk, siting and setback, and materials. However, the form of the proposed buildings echoes the Georgian heritage of the precinct in the façade form, deep roof profile, fenestration, and roof ornamentation.

**A2**

*No acceptable solution*

**P2**

*Design and siting of buildings and works must comply with any relevant design criteria / conservation policy listed in Table E13.2, except if a heritage place of an architectural style different from that characterising the precinct.*

**1. The design and siting of buildings and works must satisfy the following criteria:**

- (a) *scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;*
- (b) *building setback must provide a strong edge to the street, except where such would be inconsistent with the prevailing building line in the streetscape;*
- (c) *buildings close to the street must address the street, with a façade running parallel to the street;*
- (d) *buildings must not visually dominate the streetscape or buildings at places listed in Table 13.1;*
- (e) *architectural details and openings for windows and doors to visually prominent facades must respect the architectural*

(a) The proposed buildings respect the principles of the Georgian architectural style, with a general two-storey appearance in height and horizontal symmetrical massing, regular window grid, traditionally pitched gable roof profile, and geometric roof ornaments.

(b) The site is at the edge of the township on an agricultural estate property that has no existing strong edge to the street. The proposed buildings retain the characteristics of the heritage buildings on the site as grand buildings clustered within an agricultural setting, and retains the dominance of these buildings within the local streetscape.

(c) The façade of the front building runs parallel to the street.

(d) The proposed buildings are setback greater than the existing listed buildings so as not to dominate the streetscape.

(e) The windows and doors are uniform in size and reference the adjacent buildings, and are generally regularly spaced.

(f) (i) All proposed buildings' roofs are 30° pitched gables.

(ii) The rear of the distillery building has a small room with a pitch of 6°.

(iii) The distillery building is broken up into a number of sections through varied heights.

(iv) Roof material is proposed as galvanised corrugated sheeting.

(v) Guttering is rounded in profile.

(g) No outbuildings are proposed.

(h) No fences are proposed.

- style dominant in the precinct in terms of style, size, proportion and position;*
- (f) *roof form and material must be consistent with the following:*
- (i) *pitch between 25 and 40 degrees and hipped or gable if a major part of the building;*
  - (ii) *pitch less than 25 degrees and skillion a minor part of the building at the rear;*
  - (iii) *avoidance of large unbroken expanses of roof and very long roof lines;*
  - (iv) *roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Sheetng must be either traditional galvanised iron or painted;*
  - (v) *guttering is rounded profile, with downpipes of circular in cross-section;*
- (g) *outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;*
- (h) *fences along frontages must be:*
- (i) *between 900mm and 1000mm high, with a maximum of 1200mm for posts;*
  - (ii) *vertically articulated, (such as with dowel-and-rail, picket or palisade fences);*
  - (iii) *“semi-transparent” in appearance, that is, the distance between dowels or pickets, etc., must be such that the fence does not appear ‘solid’.*

**A3***No acceptable solution*

The proposal does not involve any extensions to existing buildings.

**P3**

*Extensions to existing buildings must not detract from the historic cultural heritage significance of the precinct.*

**A4**

No new front fences are proposed.

*New front fences and gates must accord with original design, based on photographic, archaeological or other historical evidence.*

**P4**

*New front fences and gates must be sympathetic in design, (including height, form, scale and materials), and setback to the style, period and characteristics of the precinct.*

## 4. CONCLUSION

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The proposal involves the development of a new two storey building to house the distillery and four new bond store buildings, as well as the use of the existing stables building, currently housing the distillery for a further bond stores.

The proposal is a Discretionary use, and in addition a number of discretions are required by the use and development standards of the applicable Codes, in summary for:

- Hours of operation (16.3.1 A1);
- Setback from frontage (16.4.2 A1);
- Ground level façade fenestration (16.4.3 A1);
- New vehicle access (E5.6.2 A2 & E6.7.1 A1)
- Provision of on-site car parking spaces (E6.6.1 A1);
- Surface treatment of parking areas (E6.7.6 A1)
- Stormwater Management Code (E7.7.1 A1); and,
- Historic Heritage Code (E13.7.2 A1, A2, & A3, E13.8.2 A1 & A2).

A discretion relates to the hours of operation, proposed as 6.30am to 11.30pm 7 days a week. As the proposal complies with the acceptable solutions for noise, external lighting and commercial vehicle movements it is considered that these extended hours of operation will not have an unreasonable impact on surrounding residential amenity.

The discretion in terms of the setback from frontage is a technical discretion given that there is no existing building on the lot to the north. However, the proposed setback facilitates the dominance of Dysart House and the stables within the streetscape, and also allows for a landscaped setting to compliment the heritage character of the property.

The proposal has windows in the front façade that make up less than 40% of the front façade of the proposed front building, triggering a discretion under clause 16.4.3 A1. However, the sizing and spacing of these windows are designed to respond to and complement the heritage facades adjacent, in particular the brick stables.

The proposal involves the creation of a new vehicle access, triggering discretions under clauses E5.6.2 A2 & E6.7.1 A1. Main Street has a speed limit of 50km/h and primarily serves local traffic given the Midland Highway bypass, and is a long, straight and flat road with few access on the eastern side of the road in the vicinity of the development. In addition, the proposed access serves to separate the distillery staff and service traffic from the existing access that is associated with the historic Dysart House.

A discretion relates to the number of car parking spaces provided, being less than that required by clause E6.6.1 A1. However, the car parking space requirement generated by the use will be

substantially less than that generated by Table E6.1 as 1,020 of the 1,520m<sup>2</sup> of proposed floor area is bond store, which will generate virtually no parking requirement.

There is a discretion in relation to the finish and drainage of parking and circulation as they are proposed to be finished in consolidated gravel and drained via overland flow to adjacent landscaped areas. This surface finish has been selected for compatibility with the adjacent heritage fabric, and will be separated from the road by an initial area of concrete to prevent transferal of dust, mud and sediment.

With regard to the discretion relating to stormwater disposal methods other than by gravity to public stormwater infrastructure, the car parking and circulation areas utilise water sensitive urban design in the form of overland flow to infiltration on-site at adjacent landscaped areas.

The proposal is located on a site that is a listed heritage place and also within a heritage precinct and as such triggers a number of discretions for which there is no acceptable solution. The proposal has been designed and sited so as to be compatible with the heritage listed Dysart House and stables building adjacent. This has been achieved by referencing the dominant Georgian architectural style of the precinct in detailing buildings that adopt a working farm aesthetic, and also a smaller scale as well as recessive materials and finishes.

Overall the proposal is found to be consistent with the purpose of the Village Zone and of the Codes. The development furthers the range of commercial activity and employment in the town, whilst also maintaining surrounding residential amenity. The existing operation (imminently open to the public) at the site provides the tourist and commercial “front of house” while the current application will allow for the production expansion to support the operation. The commercial expansion at the site is consistent with the objectives for the Village zone while also providing a strong connection to the agricultural sector through the setting of the development within the rural landscape setting.

## SEARCH OF TORRENS TITLE

VOLUME	FOLIO
102388	1
EDITION	DATE OF ISSUE
9	04-May-2016

SEARCH DATE : 16-May-2016

SEARCH TIME : 04.34 PM

DESCRIPTION OF LAND

Town of KEMPTON

Lot 1 on Diagram 102388

Derivation : Part of 76 Acres Gtd. to J. Johnson

Derived from Statement No. Y. 15,665

SCHEDULE 1E19675 & M566205 JOHN GEORGE IBRAHIM Registered 22-Mar-2016  
at noonSCHEDULE 2

Reservations and conditions in the Crown Grant if any

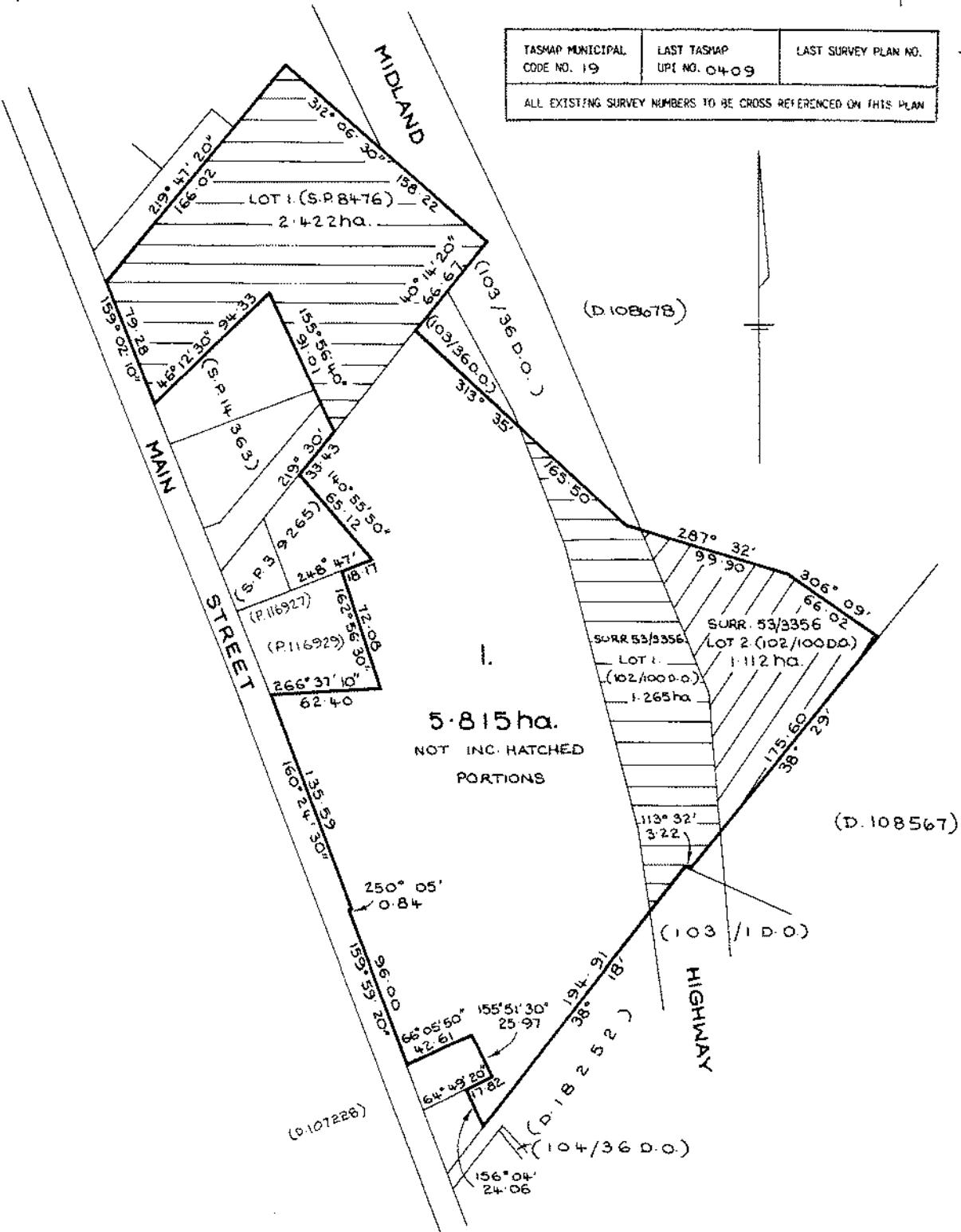
E46523 MORTGAGE to Commonwealth Bank of Australia

Registered 04-May-2016 at noon

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

Owner: L.T. ACT 1980.	PLAN OF TITLE of land situated in the  TOWN OF KEMPTON	Registered Number:  <b>D.102388</b>
Title Reference: Y 15665	COMPILED FROM (86/5.L.D.Q.)	
Grantee: PART OF A R P 76-0-0 GTD. TO JOSEPH JOHNSON	Approved... 24 NOV 1992  <i>Michael J. Smith</i> Recorder of Titles	
SCALE 1:2500 MEASUREMENTS IN METRES		



13th July 2016

SMC - KEMPTON  
RECEIVED  
Response to  
RFI 01  
14/07/2016

ireneinc &  
smithstreetstudio  
PLANNING & URBAN DESIGN



Peter Coney  
Planning Officer - Southern Midlands Council  
71 High Street  
Oatlands TAS 7120

Dear Peter,

### RESPONSE TO RFI 01 - DA 2016/50

The following is a response to a request for further information dated 23<sup>rd</sup> June 2016 in relation to the development application at the properties 24 Stanton Place, Cambridge. This response letter is accompanied by the following documents.

- Amended Architectural Plans - *Planning Changes* - Longview Design

#### RESPONSE

##### ITEM 1

See accompanying plans A-03.

##### ITEM 2

The client has provided the following statement:

*The Hours of Operation will be 6.30am until 10.30pm (Monday to Sunday). There will be minimal cars onsite outside of the hours 9am - 5pm - with only two staff members needed in the distillery outside of working hours. Forklift use will only be necessary during official work hours of 9 -5pm as we will be using manual hydraulic lifts of a morning and night.*

This confirms that commercial vehicle movements will comply with the hours of the acceptable solution for 16.3.1 A4.

The response to 8b confirms that the distilling process will not contribute to any unreasonable noise impacts. The use of forklifts is restricted to within business hours (9am to 5pm) to comply with 16.3.1 A2 (a & b). The hydraulic lifts used outside of these hours are manually moved and silent, and will comply with 16.3.1 A2 (b).

The response to 8c confirms that the proposal will not create any unreasonable emissions in terms of odour or air quality. Solid waste will be taken off site as is detailed in the response to 8c. Liquid wastes will be treated on site prior to disposal via the sewerage system as detailed in the response to 8a.

##### ITEM 3

The client has provided the following statement:

#### smithstreetstudio

Studio 2, 402 Smith Street, Collingwood, VIC 3066  
Tel (03) 9419 1712  
Email [smithstreetstudio@ireneinc.com.au](mailto:smithstreetstudio@ireneinc.com.au)

#### ireneinc

49 Tasma St, North Hobart, TAS 7000  
Tel (03) 6234 9281  
Fax (03) 6231 4727  
Mob 0412 48283  
Email [planning@ireneinc.com.au](mailto:planning@ireneinc.com.au)

*Being a production site the new distillery will not be used for events and functions. The cellar door will have occasional events as per previous council and liquor license approval. There will be 3 tours scheduled daily at 11am, 1pm and 2pm. These tours will be small with no more than 12pax and will be booked via the cellar door. Tastings will only occur in conjunction with tours, which tour participants will receive in the cellar door, within cellar door opening hours (10am - 4pm) due to liquor license regulations.*

#### ITEM 4

The client has provided the following statement:

*The parking adjacent to the proposed new build will include parking for the cellar door. Disabled parking is found at the back of the existing house (approved during change of use application in December). Current parking in paddock is temporary and will be moved once new parking area is finalised.*

The report previously submitted did not include the cellar door portion of the use in the parking calculations. The response to E6.6.1 A1 (a) is updated below to include the cellar door (approx. 835m<sup>2</sup>) aspect of the use:

*The proposed use of the new buildings for a distillery (Resource processing use) generates a requirement for 1 space for each 50m<sup>2</sup> of floor area. 2,355m<sup>2</sup> floor area = 48 spaces as per Table E6.1.*

*The proposal provides 15 car parking spaces associated with the proposed buildings in addition to the two previously approved disabled parking spaces at the back of the existing Dysart House, and as such must address the performance criteria.*

*(a) Approximately 1,020m<sup>2</sup> of floor space is used as bond stores, a relatively inert part of the whisky making process that will not in itself generate any parking requirement. The 500m<sup>2</sup> distillery building would generate 10 spaces at the 1/50m<sup>2</sup> rate.*

*Approximately 380m<sup>2</sup> of Dysart House (the upstairs) is used as storage associated with the current use, another relatively inert part of the use and will be accessed only by staff otherwise already present at the site. Of the remaining 455m<sup>2</sup> of the ground floor area, only approximately 140m<sup>2</sup> is accessible to the public. This area generates a parking requirement of 3 spaces at the 1/50m<sup>2</sup> rate as per Table E6.1. The remainder of the ground floor area is for use by staff only. The staff that work in the cellar door mostly live locally and are either dropped off by family or walk to work. As such, staff of the cellar door will not generate significant demand for parking spaces. In any case, an additional four spaces are allowed for, bringing the total calculated demand for the cellar door aspect of the use to 7 car parking spaces.*

*In total, the proposal generates a demand for 17 car parking space, which have been provided for in the proposed 15 car parking spaces and two previously approved disabled access spaces.*

*(b) ...*

#### ITEM 5

See accompanying plans detailing proposed lighting on the external distillery walls facing the hardstand and car parking areas. The proposed lighting is down lighting to eliminate light spill, and hedging across the frontage will further minimise any possible light pollution.

## ITEM 6

Please see accompanying plans. These include a proposed Wall Sign on the front façade of the proposed distillery building. This sign would be exempt, except for its location at Heritage Place. The provisions of the Signs Code are addressed below:

**E17.6.1 Use of Signs**

**Objective:** To ensure that the use of signs complements or enhances the built or natural environment in which they are located.

**A1**

*A sign must be a permitted sign in Table E.17.3.*

Wall sign is a permitted sign within the Village Zone.

**A2**

*A sign associated with the sale of goods or services must relate directly to the use of the building or site to which it is affixed.*

The proposed sign reads 'Redlands Distillery', describing the use of the building upon which it is fixed.

**A3**

*A sign must not contain flashing lights, moving parts or moving or changing messages or graphics, except if a Statutory Sign.*

The sign is not proposed to contain flashing lights, moving parts or moving or changing messages or graphics.

**A4**

*An illuminated sign must not be located within 30 metres of a residential use, except if a Statutory Sign.*

The sign is not proposed to be illuminated, and not within 30m of a residential use regardless.

**E17.7.1 Standards for Signs**

**Objective:** To ensure that the design and siting of signs complement or enhance the characteristics of the natural and built environment in which they are located.

**A1**

*A sign must comply with the standards listed in Table E.17.2 and be a permitted sign in Table E17.3.*

- (a) The message is located on the front face only.
- (b) The sign will not project more than 450mm.
- (c) The sign does not extend laterally beyond the wall or above the top of the wall to which it is attached.
- (d) The sign is  $4 \times 0.55\text{m} = 2.2\text{m}^2$ .

**Wall Sign**

- (a) Message on the front face only;
- (b) Projection from the face of the wall or fence no more than 450mm;
- (c) Does not extend laterally beyond the wall or above the top of the wall to which it is attached;
- (d) Area of sign no more than 2m<sup>2</sup>.

As such the sign must address the performance criteria.

**P2**

*A sign not complying with the standards in Table E17.2 or has discretionary status in Table E17.3 must satisfy all of the following:*

- (a) be integrated into the design of the premises and streetscape so as to be attractive

- (a) The proposed sign is located on the front façade of the proposed building above the windows. This position is that traditional location for signage within the heritage precinct, and given its setback from the street will not dominate the streetscape.
- (b) The sign exceeds the dimensions of the acceptable solution by only 10% and as such will not dominate the streetscape or premises on which it is located.

- and informative without dominating the building or streetscape;*
- (b) *be of appropriate dimensions so as not to dominate the streetscape or premises on which it is located;*
  - (c) *be constructed of materials which are able to be maintained in a satisfactory manner at all times;*
  - (d) *not result in loss of amenity to neighbouring properties;*
  - (e) *not involve the repetition of messages or information on the same street frontage;*
  - (f) *not contribute to or exacerbate visual clutter;*
  - (g) *not cause a safety hazard.*

- (c) The sign is painted on Tin, and as such will be able to be easily maintained and restored periodically as required.
- (d) The proposed sign is to be located in excess of 50m from the nearest neighbouring property (opposite) and not proposed to contain flashing lights or illumination and as such will not impact neighbouring amenity.
- (e) The proposed sign is distinct from other existing signs at the site.
- (f) The proposed sign is well setback from the street and does not contribute to or exacerbate visual clutter.
- (g) The proposed sign does not represent a safety hazard.

As such the proposal satisfies the performance criteria.

## A2

*The number of signs per business per street frontage must comply with all of the following:*

- (a) *maximum of 1 of each sign type;*
- (b) *maximum of 1 window sign per window;*
- (c) *if the street frontage is less than 20 m in length, the maximum number of signs on that frontage is 3;*
- (d) *if the street frontage is 20 m in length or greater, the maximum number of signs on that frontage is 6.*

*except for the following sign types, for which there is no limit;*

- (i) *Building Site,*
- (ii) *Name Plate,*
- (iii) *Newspaper Day Bill,*
- (iv) *Open/Closed,*
- (v) *Real Estate,*
- (vi) *Street Number,*
- (vii) *Temporary Sign.*

The proposal will result in multiple signs of each sign type and as such must address the performance criteria.

(a) & (b) The proposed wall sign is not within the streetscape, but set back some 32m from the frontage. The two previously approved signs that are located within proximity of the streetscape are the Wall Sign located on the entry fence and the Ground Based Sign located just inside the front boundary. These are both pedestrian scale and oriented signs, as distinct from the Wall Sign proposed on the distillery. Three further previously approved Ground Based Signs are located further into to the property (one not visible from the frontage), for the purposes of wayfinding for tourists and visitors once inside the property.

Overall the cumulative effect does not create clutter within the streetscape, and signage has been designed so as to be sympathetic to the heritage values of the place and precinct.

(c) The signs at the street front perform different functions (entry, information). Within the property the Wall Sign on the distillery highlights the function of the building, and the remaining three signs are purely functional, assisting in way-finding for tourists and visitors.

## P2

*The number of signs per business per street frontage must:*

- (a) *minimise any increase in the existing level of visual clutter in the streetscape; and where possible, shall reduce any existing*

*visual clutter in the streetscape by replacing existing signs with fewer, more effective signs;*

*(b) reduce the existing level of visual clutter in the streetscape by replacing, where practical, existing signs with fewer, more effective signs;*

*(c) not involve the repetition of messages or information.*

As such it is considered that the proposal satisfies the performance criteria.

**A3**

*Signs must not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.*

The proposed will not obscure or prevent or delay a driver from seeing a Statutory Sign or a Tourist Information Sign.

**A4**

*Signs must not resemble Statutory Signs because of the same or similar shape, size, design, colour, letter size or lighting.*

The proposed complies with the acceptable solution.

**E17.7.2 Standards for signs on Heritage Places subject to the Heritage Code or within Heritage Precincts or Cultural Landscape Precincts**

**Objective:** To ensure the size, design and siting of signs complements and does not impact on the cultural heritage significance of places or precincts listed in the Historic Heritage Code.

**A1**

*No Acceptable Solution*

(a) (b) The proposed sign is located on a new building that is designed so as to be distinct from, and subservient to, the adjacent heritage fabric.

(c) The proposed Wall Sign relates to the scale of the building upon which it is mounted.

(d) The proposed sign is erected over the windows on the front façade, an area traditionally used for signage in the precinct.

(e) Not applicable.

(f) The proposed sign is not erected on historic building fabric.

(g) The proposed sign does not project above an historic parapet or roof line.

(h) The proposed sign utilises traditional lettering.

(i) The proposed sign is not to be illuminated.

As such the proposed sign satisfies the performance criteria.

**P2**

*A sign on a Heritage Place listed in the Historic Heritage Code or within a Heritage Precinct or Cultural Landscape Precinct must satisfy all of the following:*

*(a) be located in a manner that minimises impact on cultural heritage significance of the place or precinct;*

*(b) be placed so as to allow the architectural details of the building to remain prominent;*

*(c) be of a size and design that will not substantially diminish the cultural heritage significance of the place or precinct;*

*(d) be placed in a location on the building that would traditionally have been used as an advertising area if possible;*

*(e) not dominate or obscure any historic signs forming an integral part of a building's architectural detailing or cultural heritage values;*

*(f) have fixtures that do not damage historic building fabric, including but not*

*restricted to attachments to masonry and wood, such as to using non-corrosive fixings inserted in mortar joints;*

*(g) not project above an historic parapet or roof line if such a projection impacts on the cultural heritage significance of the building;*

*(h) be of a graphic design that minimises modern trademark or proprietary logos not sympathetic to heritage character;*

*(i) not use internal illumination in a sign on a Heritage Place unless it is demonstrated that such illumination will not detract from the character and cultural heritage values of the building.*

#### ITEM 7

The client has provided the following statement:

*The distillery plans to use a reticulation system for cooling during distillation, this will be fed by bore water found on the property recently which has a flow rate of 43L/min. This system recirculates water drastically reducing water usage. We have installed 3 20,000L galvanised tanks which are fed by rain water which we also plan to use, when needed. Finally, we will rely upon 2.5KL/day for cleaning and production.*

#### ITEM 8

The client has provided the following statements in response the relevant environmental matters:

- a. *Our liquid waste, known as pot ale, will be treated with agricultural liquid lime to neutralise pH. This pot ale will be pumped into a sump and filtered to remove any residual debris. It will then be cooled and disposed of via our sewage system.*
- b. *Distilling generates minimal, if any, noise during production. Production onsite includes; malting, kiln, brewing, fermenting, distilling, maturing and bottling. These processes use the following equipment; kiln, mash tun, wash back, fermenters, stills, bottling machine, manual hydraulic lift and a fork lift. The fork lift will only be used mainly for loading and unloading deliveries, which will only be delivered during normal business hours 9am - 5pm. Any large items being moved outside of these hours will be moved using our hydraulic lift which is very quiet and is moved like a trolley.*
- c. *Solid waste such as spent grain from the brewing process is highly valued by farmers as stock feed. As per our previous set up in the Derwent Valley we have set up for local farmers to pick up this waste and use it on their properties to feed their livestock.*
- d. *There is no planned emissions to air. Steam from brewing will be very minimal due to the fully enclosed brewing system we will be installing.*

#### ITEM 9

The client has provided the following statement:

*The expected daily volume of discharged waste to sewer is estimated at 4 to 5 K/L daily. There is no plan for seasonal variability. Our liquid waste, known as pot ale, will be treated with agricultural liquid lime to neutralise pH. This pot ale will be pumped into a sump and filtered to remove any residual debris. It will then be cooled and disposed of via our sewage system.*

ITEM 10

- a. No works are proposed for the historic stables as part of this application.
- b. Signage has been included in the application. Refer to Item 6 above, and to the accompanying amended plans.
- c. The rainwater tanks are to be corrugated galvanised iron - as per previous recommendations from the Tasmanian Heritage Council
- d. The roof ventilators are to be pre-made Colourbond as detailed on the accompanying drawing A-07.

If you would like to discuss any of the above in further detail please do not hesitate to contact me on 6234 9281.

Yours sincerely



Tim Nichols  
IRENEINC PLANNING

# PROPOSED DISTILLERY AT 26 MAIN STREET KEMPTON ON DYSART HOUSE GROUNDS

SMC - KEMPTON  
RECEIVED  
Response to  
RFI 01  
14/07/2016

FLOOR AREAS: LWR FLOOR LEVEL 381M<sup>2</sup>  
UPPER FLOOR LEVEL 103M<sup>2</sup>  
BOND STORE 180M<sup>2</sup> X 4= 720M<sup>2</sup>  
HARD STAND AREA= 264M<sup>2</sup>  
GRAVEL AREAS= 917M<sup>2</sup>

LAND AREA: 58150M<sup>2</sup>

C/T: 102388/1

- A-01 COVER SHEET
- A-02 SITE PLAN
- A-03 SITE PLAN SECTION
- A-04 SITE PLAN WITH EXISTING PARKING
- A-05 LWR FLOOR PLAN
- A-06 UPPER FLOOR PLAN
- A-07 ELEVATIONS
- A-08 STREET SCAPE
- A-09 BOND STORES
- A-10 SILOS

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CLIENT NAME:  
**REDLANDS ESTATE  
DISTILLERY**

PROJECT ADDRESS:  
**26 MAIN STREET  
KEMPTON TAS 7030**

DATE:  
**31/05/2016**

REVISION No:  
**0**

DRAWN BY:  
**PK**

SCALE:  
**N/A**

PROJECT:  
**DISTILLERY AND  
OUT BUILDINGS**

DRAWING TITLE:  
**COVER SHEET**

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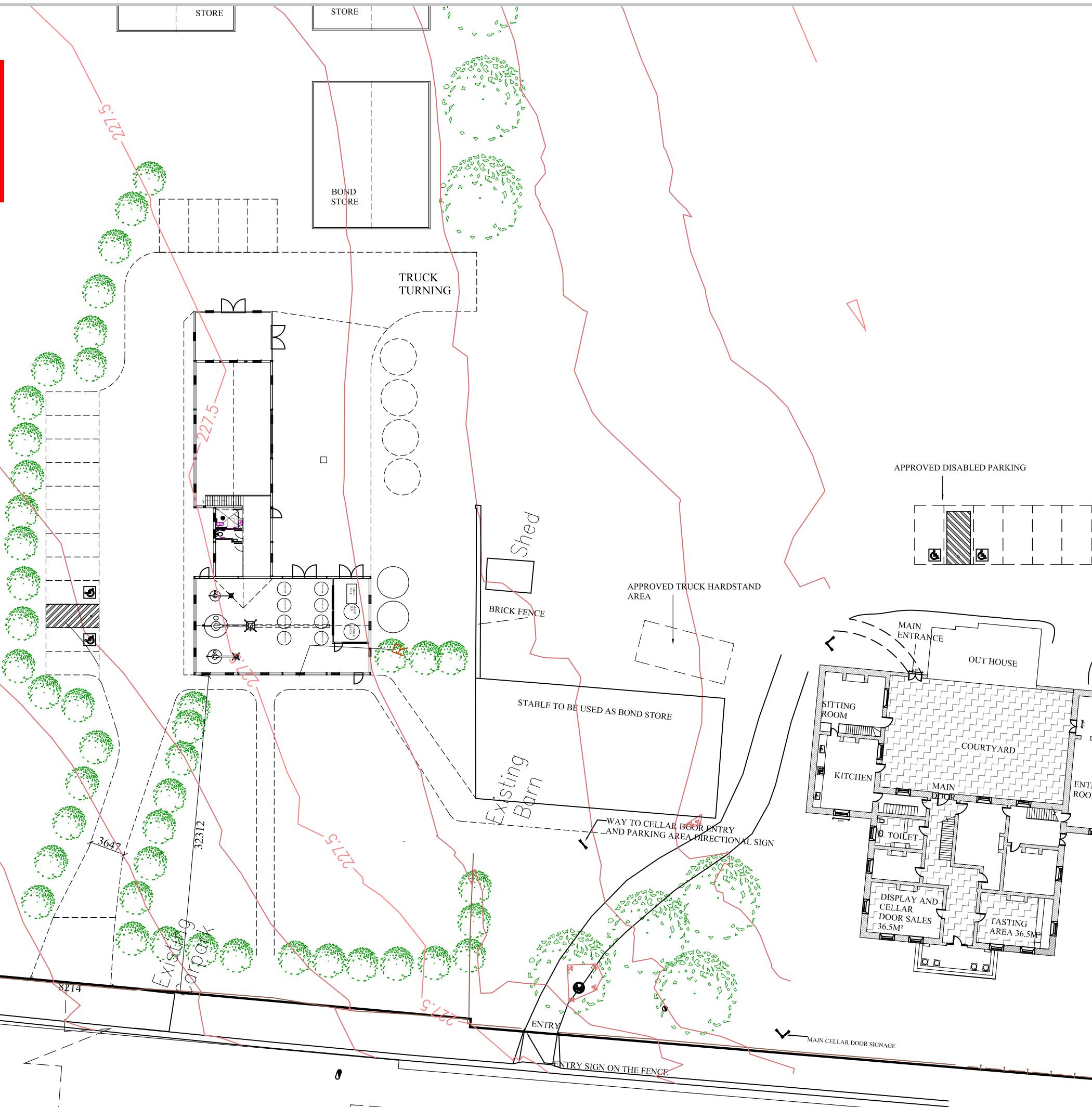
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**DRAWING TITLE:**  
**SITE PLAN**

SHEET SIZE: <b>A3</b>	JOB No: Page 90 <b>16-024</b>	SHEET No: <b>A-02</b>
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 R:1**

**DRAWN BY:  
 PK**      **SCALE:  
 1:400**

**PROJECT:  
 DISTILLERY AND  
 OUT BUILDINGS**

**DRAWING TITLE:  
 SITE PLAN SECTION  
 WITH APPROVED  
 PARKING AREAS**

**SHEET SIZE:  
 A3**      **JOB No:  
 Page 92**      **SHEET No:  
 A-04**

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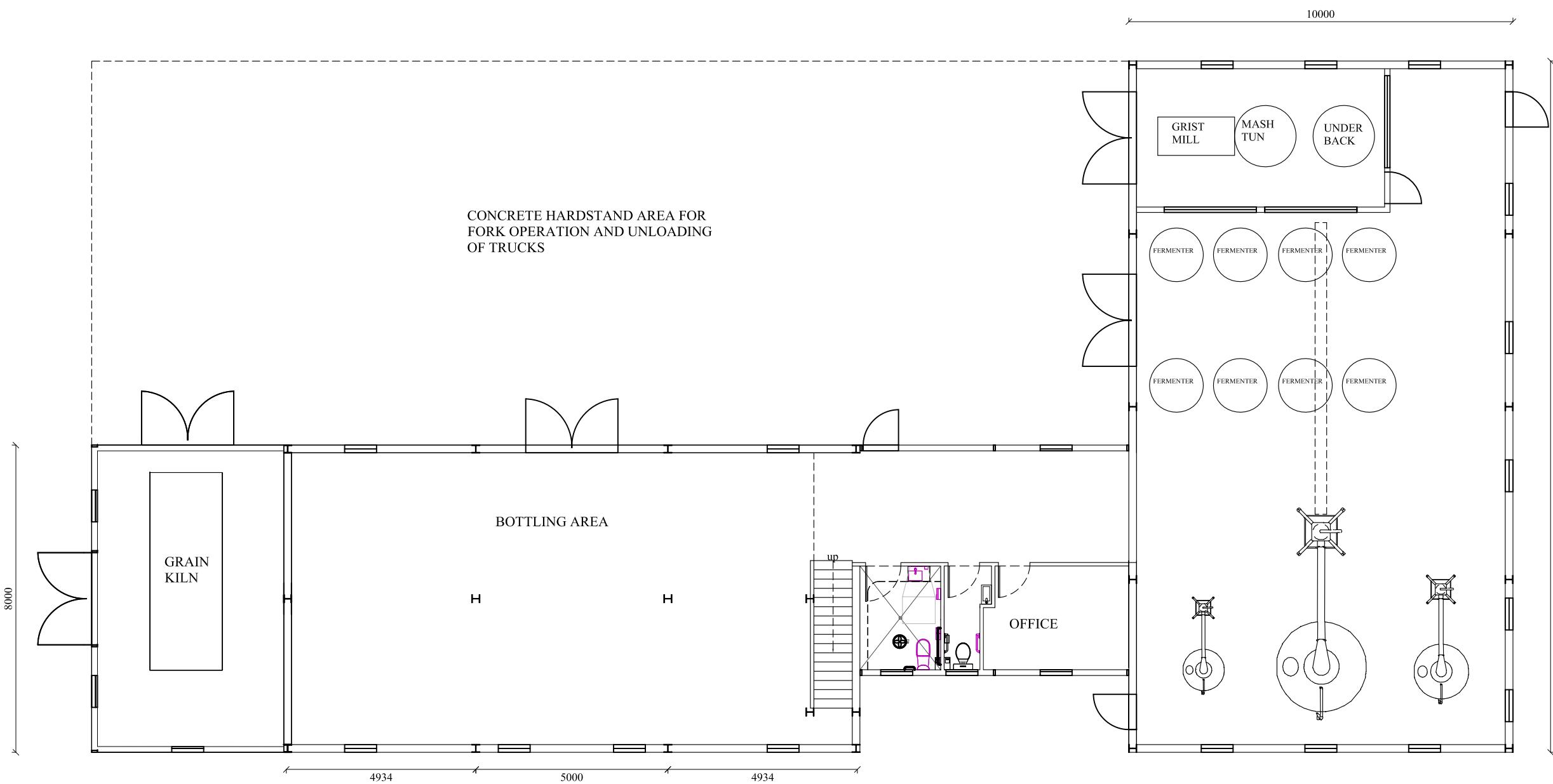
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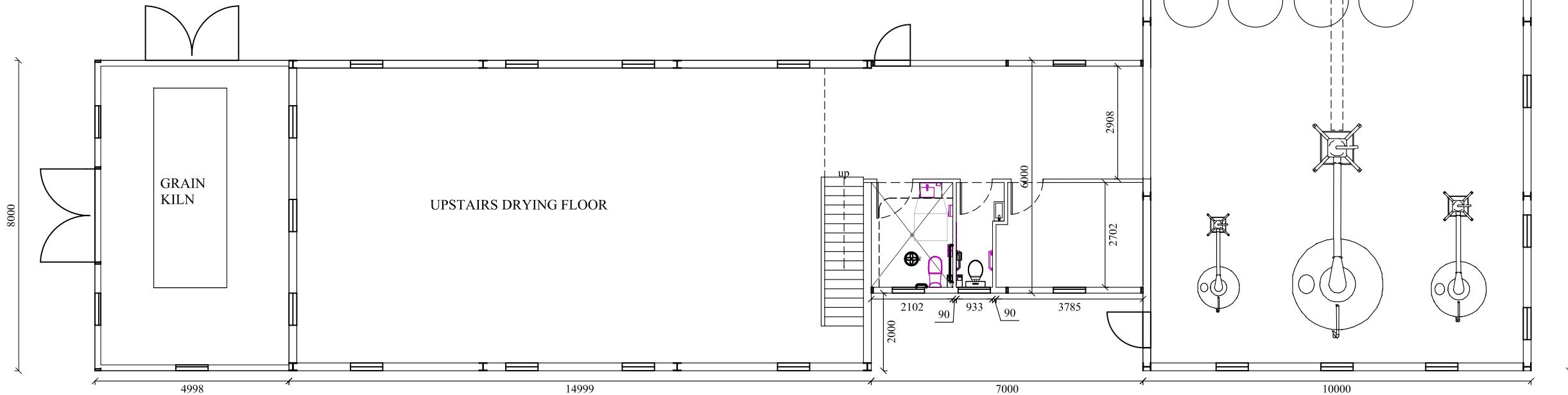
**PROJECT:  
DISTILLERY AND  
OUT BUILDINGS**

**DRAWING TITLE:  
LOWER FLOOR PLAN**

**SHEET SIZE: A3**    **JOB No: Page 93**    **SHEET No: A-05**



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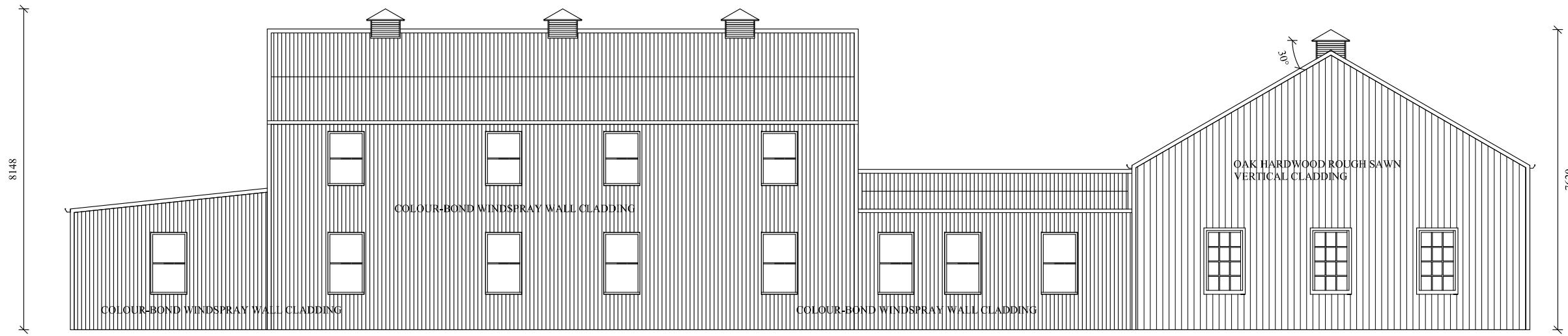
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SCALE:  
**1:125**

PROJECT:  
**DISTILLERY AND OUT BUILDINGS**

DRAWING TITLE:  
**UPPER FLOOR PLAN**

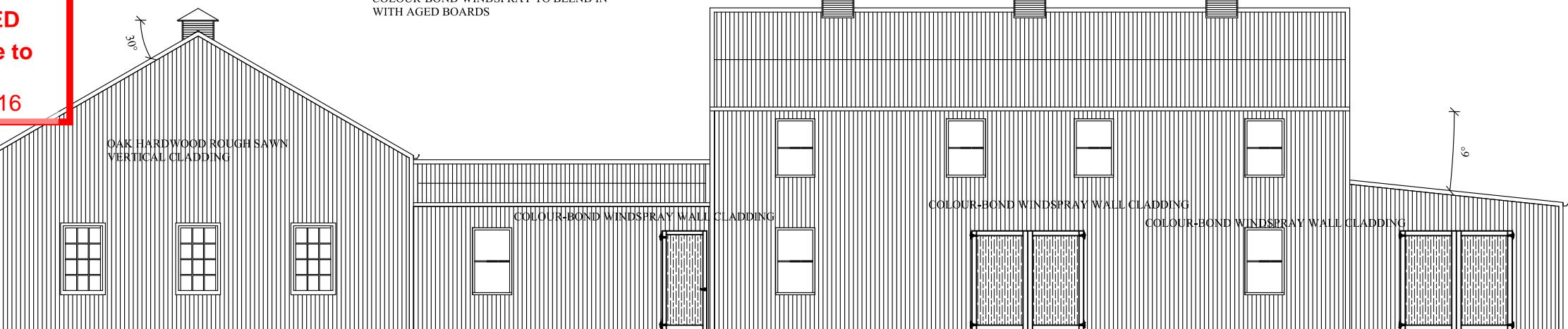
SHEET SIZE: **A3** JOB No: Page 94 SHEET No:  
**16-024** **A-06**



NORTHERN ELEVATION

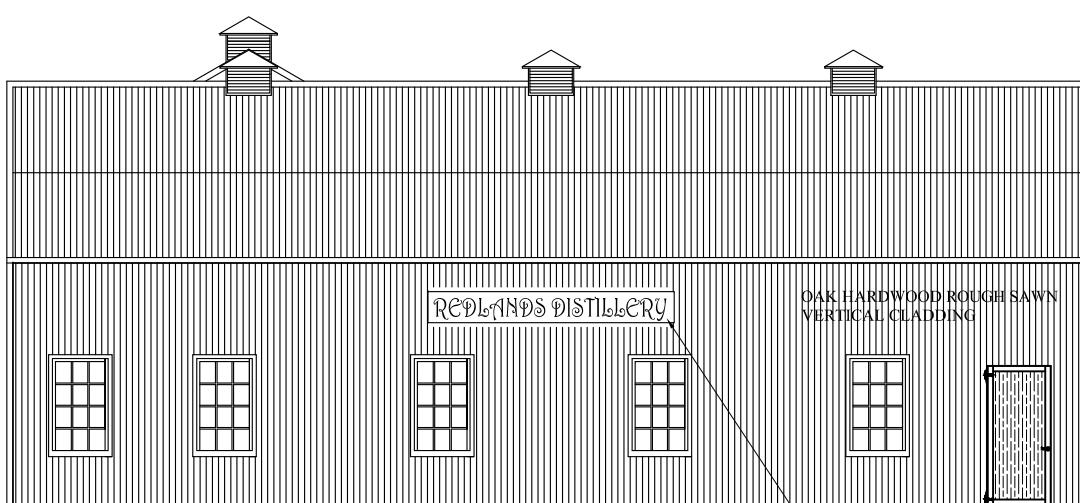
GALVANISED ROOF SHEETS-SHEETS TO BE SHORT SHEETS AS SHOWN ON ELEVATIONS

DISTILLERY FACING THE ROAD IS TO BE CLAD ON THE FRONT AND SIDES WITH TAS OAK ROUGH SAWN VERTICAL BOARDS AND ALLOWED TO GREY OFF WITH AGE. THE REST OF THE WALL CLADDING IS TO BE COLOUR-BOND WINDSPRAY TO BLEND IN WITH AGED BOARDS



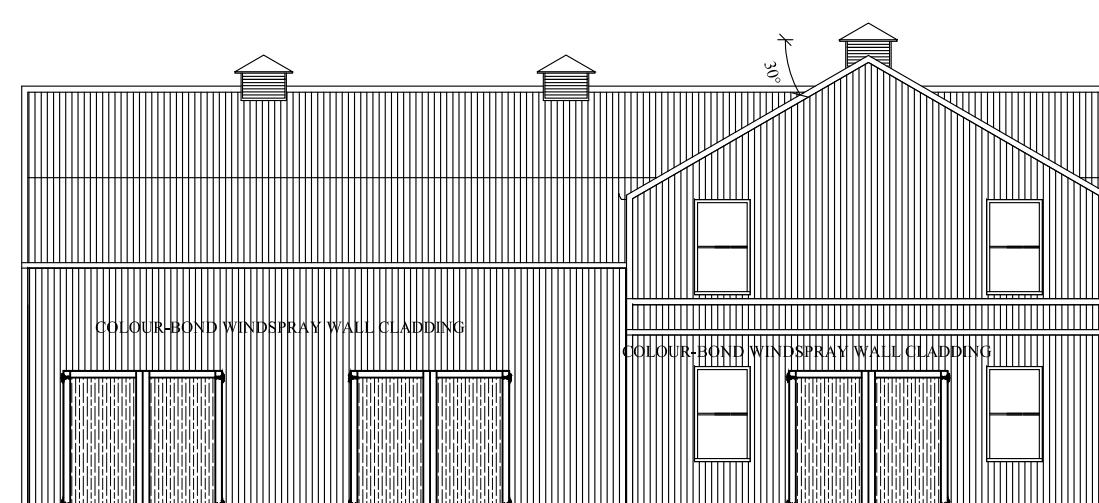
SOUTHERN ELEVATION

ALUMINIUM WINDOWS TO REAR BUILDINGS GREY IN COLOUR TO MATCH FRONT TIMBER WINDOWS AND DOORS PAINTED GREY TO MATCH



WESTERN ELEVATION

FLAT TIN SIGN 4000 X 550 FIXED DIRECT TO VERTICAL BOARD CLADDING



EASTERN ELEVATION

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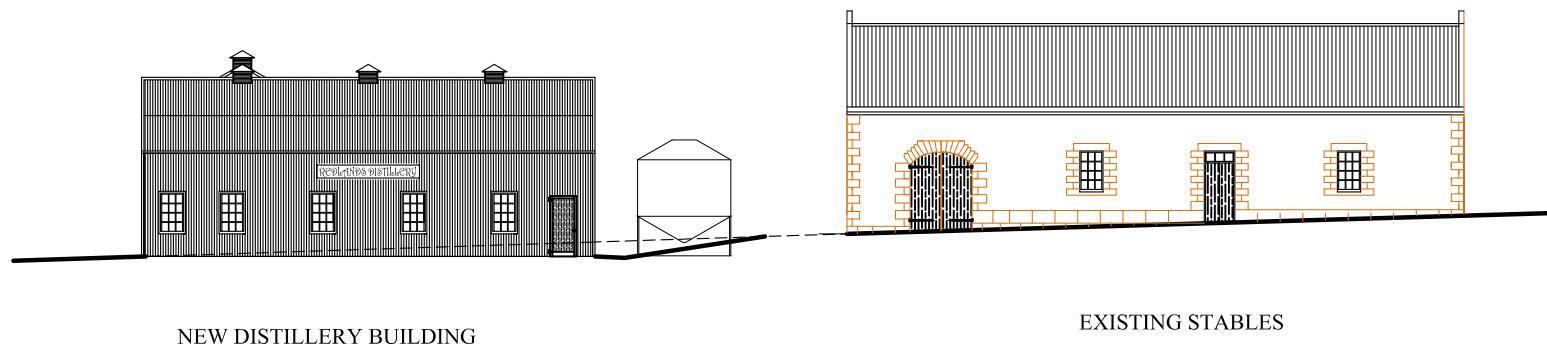
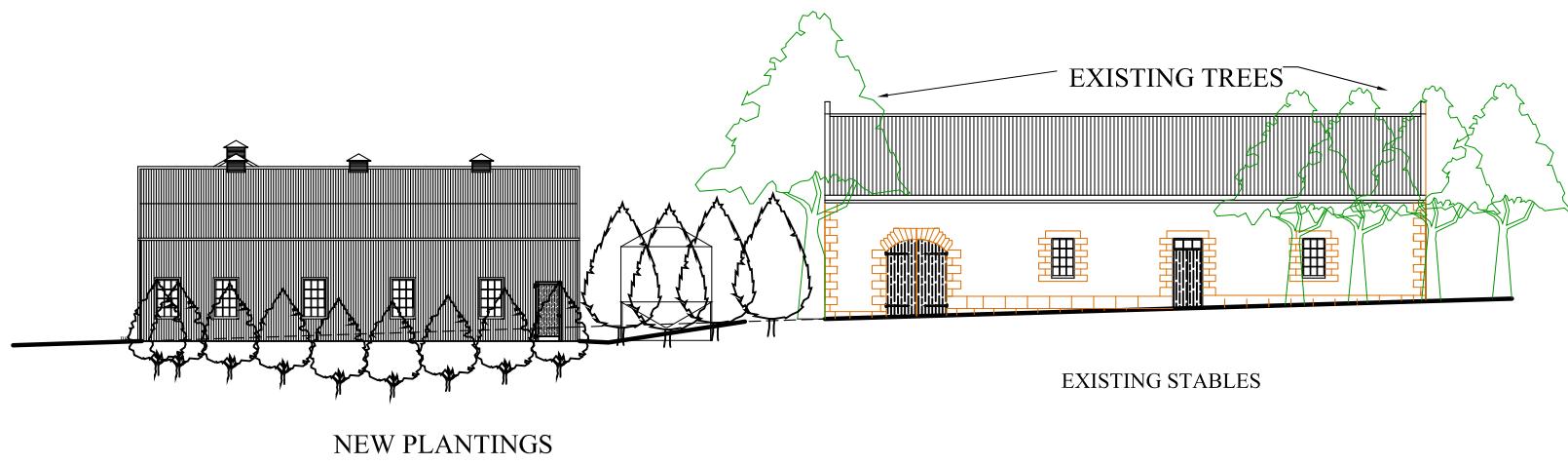
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PROJECT:  
**DISTILLERY AND OUT BUILDINGS**

DRAWING TITLE:  
**ELEVATIONS - REVISED WINDOWS**

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POSITION OF DISTILLERY TO THE EXISTING STABLES & DYSART HOUSE

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PROJECT ADDRESS:  
**26 MAIN STREET  
KEMPTON TAS 7030**

DATE:  
**17/06/2016**

REVISION No:  
**R:2**

DRAWN BY:  
**PK**

SCALE:  
**1:300**

PROJECT:  
**DISTILLERY AND  
OUT BUILDINGS**

DRAWING TITLE:  
**STREET SCAPE AND  
PROPORTIONS**

SHEET SIZE: **A3** JOB No: **Page 96** SHEET No:  
**A-08**

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CLIENT NAME:  
**REDLANDS ESTATE DISTILLERY**

PROJECT ADDRESS:  
**26 MAIN STREET KEMPTON TAS 7030**

DATE:  
**31/05/2016**

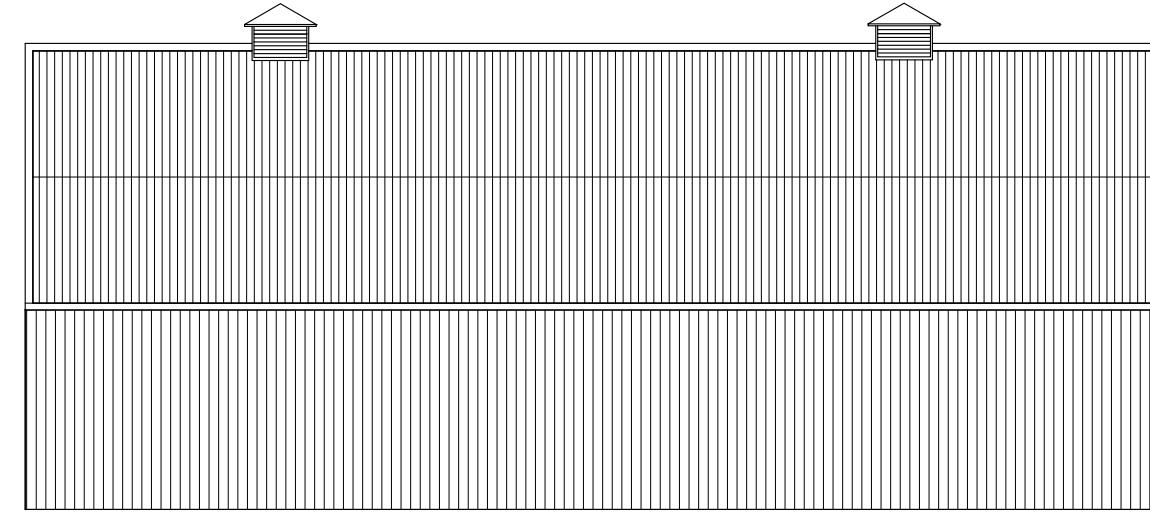
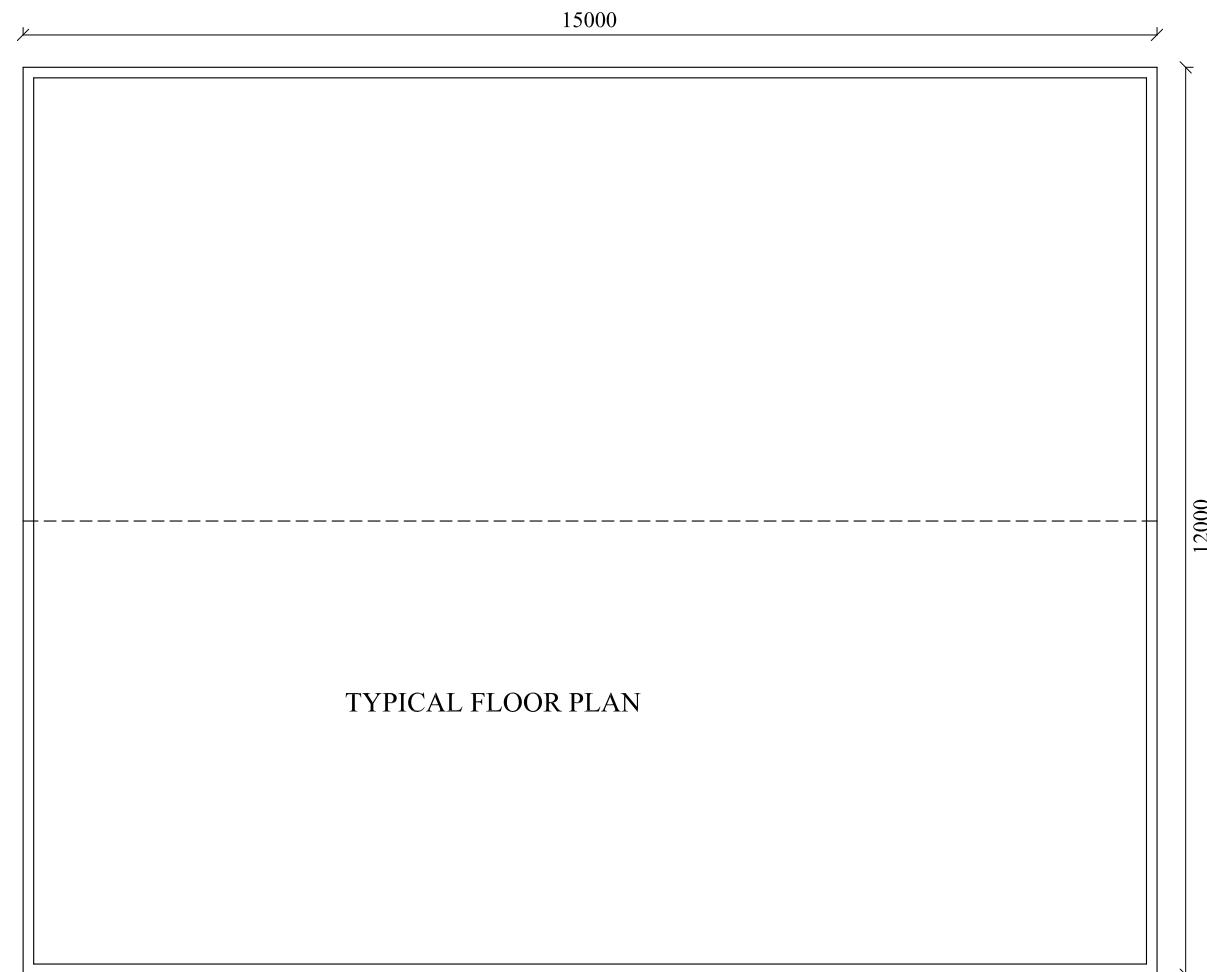
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**0**

DRAWN BY:  
**PK**      SCALE:  
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PROJECT:  
**DISTILLERY AND OUT BUILDINGS**

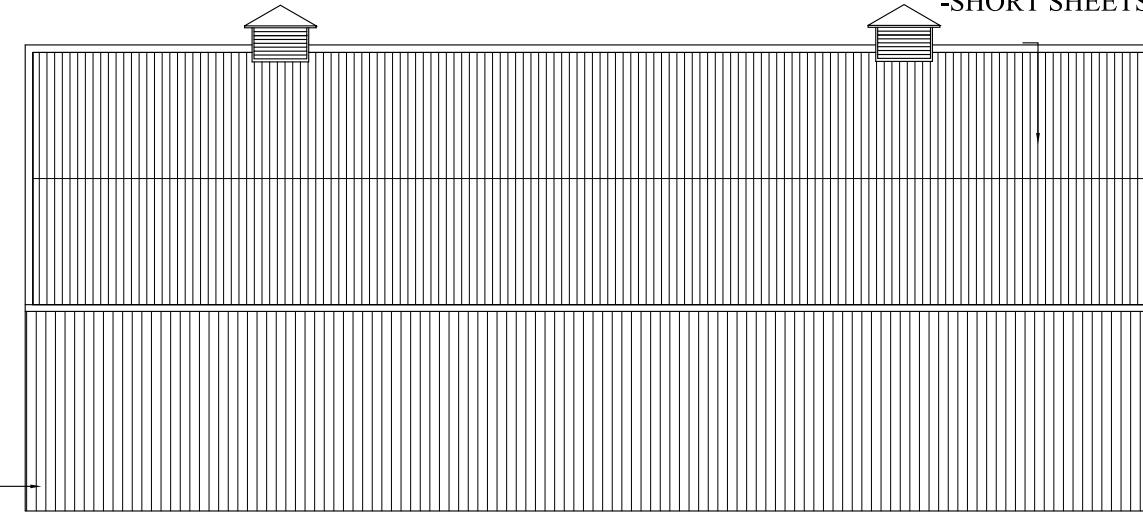
DRAWING TITLE:  
**BOND STORES**

SHEET SIZE: **A3**      JOB No: **Page 97**      SHEET No:  
**16-024**      **A-09**



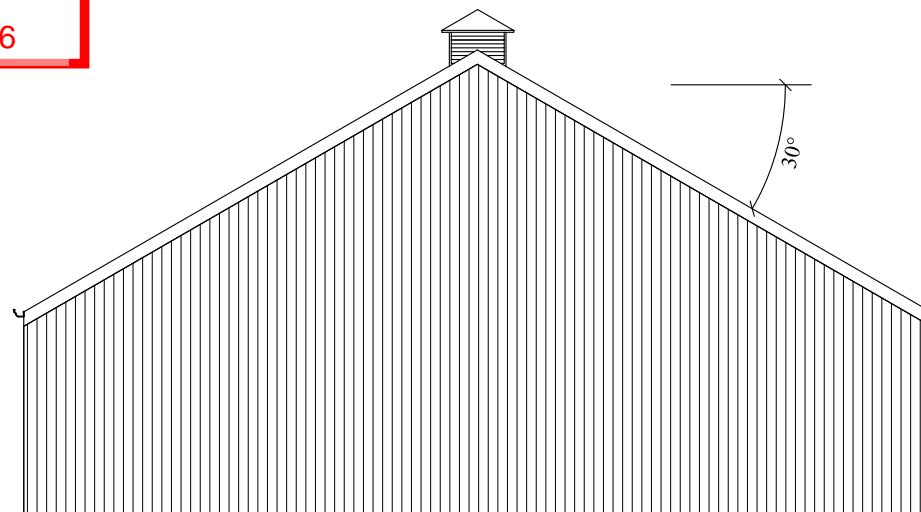
NORTHERN ELEVATION

GALVANIZED CUSTOM ORB ROOF SHEETING -SHORT SHEETS

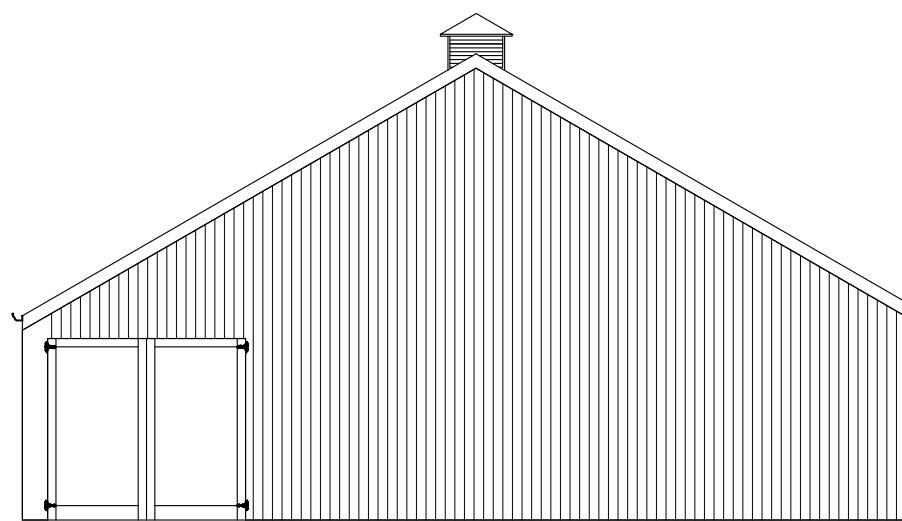


SOUTHERN ELEVATION

TAS OAK VERTICAL BOARD CLADDING ALLOWED TO WEATHER AND GREY UP



WESTERN ELEVATION



EASTERN ELEVATION

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**14/07/2016**

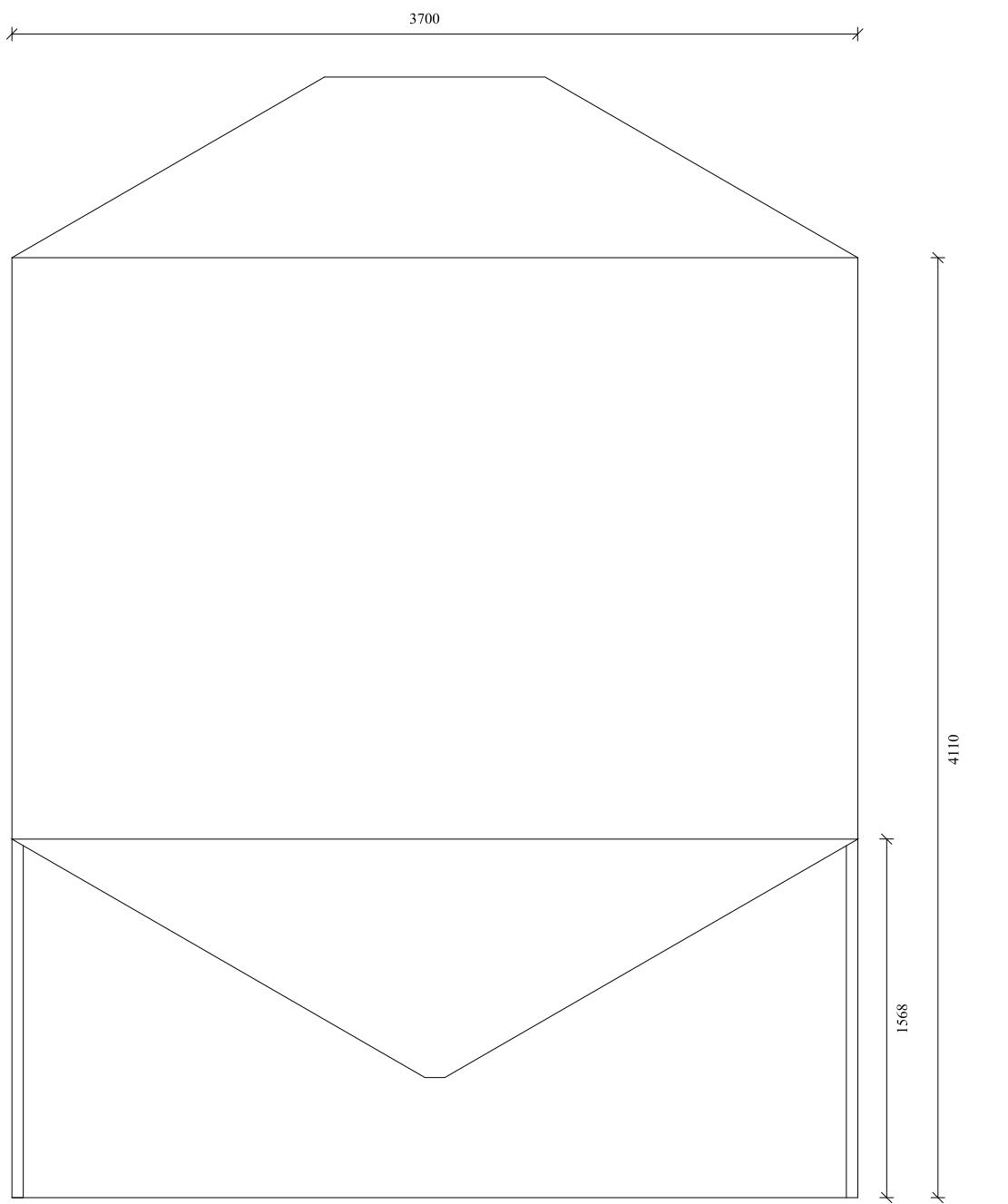


TYPE OF SILO TO BE USED

#### Specifications

Model	Cubic Metres	Height	Tonnes (approx.)	Auger	Diameter	Cone to Ground	Cone Degree	Oversized (Pilots)
940	32.7	4.9m	27.5	9.0m (30')	3.7m	500mm	30°	1

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GRAIN STORAGE SILOS

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MOB: 0407 876 711  
pasakrause@hotmail.com  
Accreditation No: cc371s  
www.longviewdesign.com.au

CLIENT NAME:  
**REDLANDS ESTATE DISTILLERY**

PROJECT ADDRESS:  
**26 MAIN STREET KEMPTON TAS 7030**

DATE:  
**31/05/2016**

REVISION No:  
**0**

DRAWN BY: **PK** SCALE: **1:30**

PROJECT:  
**DISTILLERY AND OUT BUILDINGS**

DRAWING TITLE:  
**SILOS**

**Attachment 2**



Tasmanian Heritage Council  
GPO Box 618 Hobart Tasmania 7000  
103 Macquarie St, Hobart Tasmania 7000  
Tel: 1300 850 332  
[enquiries@heritage.tas.gov.au](mailto:enquiries@heritage.tas.gov.au)  
[www.heritage.tas.gov.au](http://www.heritage.tas.gov.au)

PLANNING REF: 2016-50  
THC WORKS REF: 5045  
REGISTERED PLACE NO: 5461  
FILE NO: 06-31-06 THC  
APPLICANT: Irene inc  
DATE: 09 August 2016

## **NOTICE OF HERITAGE DECISION**

(Historic Cultural Heritage Act 1995)

The Place: 'Dysart House', 26 Main Street, Kempton  
Proposed Works: New Distillery with Bond Stores and Associated Structures.

Under section 39(6)(b) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that it consents to the discretionary permit being granted in accordance with Development Application DA2016/50, advertised on 22/07/2016, subject to the following conditions:

- 1. Prior to works requiring ground disturbance commencing on site a preliminary archaeological assessment and site survey must be carried out by a qualified historical archaeologist in order to determine whether archaeological features and/or deposits are likely to be disturbed by the works. A copy of the assessment and survey results is to be provided to Heritage Tasmania's Works Manager prior to any excavations for the approved development commencing on site.**

Reason for condition

To ensure that archaeological potential is identified and appropriately managed.

- 2. If any archaeological features and/or deposits are revealed during excavations, this archaeological material must be managed in accordance with Part 7 of the Tasmanian Heritage Council's Practice Note 2 'Managing Historical Archaeological Significance in the Works Application Process' (version 4, November 2014) including, as a minimum, (a) stopping work and immediately reporting the discovery to Heritage Tasmania's Works Manager, and (b), if the Works Manager of Heritage Tasmania determines the deposits or feature to be significant, archaeological recording and recovery of artefacts.**

Reason for condition

To ensure that the subsurface heritage information is not lost.

- 3. (i) Prior to the commencement of those works requiring a building permit, a detailed planting schedule for the trees proposed to be established on the**

**street frontage and surrounding the parking and circulation areas must be submitted to and signed off by Heritage Tasmania's Works Manager. Once approved, this schedule will form part of this permit and must be complied with.**

**(ii) The plantings in this schedule are to be established within 12 months of any certificate of occupancy being granted for the development, and must be maintained for a minimum of 5 years from the date of the certificate of occupancy being granted.**

Reason for condition

To ensure that new tree plantings are established to provide adequate screening of the new development and respond to the historic character of the place.

Advice

The occupant of this significant historic place is encouraged to prepare a conservation management plan for the buildings, grounds and associated landscape elements in order to provide appropriate policies for future development of the place.

Please ensure the details of this notice, including conditions, are included in any permit issued, and forward a copy of the permit or decision of refusal to the Heritage Council for our records.

Please contact Russell Dobie on 1300 850 332 if you require clarification of any matters contained in this notice.



Dr Kathryn Evans  
**Chair**  
*Under delegation of the Tasmanian Heritage Council*

**Attachment 3**



**Submission to Planning Authority Notice**

Council Planning Permit No.	DA 2016/50		Council notice date	10/06/2016
<b>TasWater details</b>				
TasWater Reference No.	TWDA 2016/00821-STM		Date of response	18/07/2016
TasWater Contact	David Boyle	Phone No.	6345 6323	
<b>Response issued to</b>				
Council name	SOUTHERN MIDLANDS COUNCIL			
Contact details	mail@southernmidlands.tas.gov.au			
<b>Development details</b>				
Address	26 MAIN ST, KEMPTON		Property ID (PID)	5464904
Description of development	Dyart House Redlands Distillery			
<b>Schedule of drawings/documents</b>				
Prepared by	Drawing/document No.		Revision No.	Date of Issue
Longview Design	16-024 A-02 A-03,			13/05/2016
<b>Conditions</b>				
Pursuant to the <i>Water and Sewerage Industry Act 2008</i> (TAS) Section 56P(1) TasWater imposes the following conditions on the permit for this application:				
<b>CONNECTIONS, METERING &amp; BACKFLOW</b>				
1. A suitably sized water supply with metered connection / sewerage system and connection for this Distillery development must be designed and constructed to TasWater's satisfaction and be in accordance with any other conditions in this permit.				
2. Any removal/supply and installation of water meters and/or the removal of redundant and/or installation of new and modified property service connections must be carried out by TasWater at the developer's cost.				
3. Prior to use of the development, a boundary backflow prevention device and water meter must be installed, to the satisfaction of TasWater.				
<b>TRADE WASTE</b>				
4. Prior to the commencement of operations the business owner must negotiate and sign an Industrial Transitional Agreement with TasWater for consent to discharge trade waste to sewer.				
<b>DEVELOPMENT ASSESSMENT FEES</b>				
5. The applicant or landowner as the case may be, must pay a development assessment fee to TasWater, as approved by the Economic Regulator and the fees will be indexed, until the date they are paid to TasWater, as follows:				
a. \$335.18 for development assessment; and				
The payment is required within 30 days of the issue of an invoice by TasWater.				



#### Advice

For information on TasWater development standards, please visit  
<http://www.taswater.com.au/Development/Development-Standards>

For application forms please visit <http://www.taswater.com.au/Development/Forms>

The developer is responsible for arranging to locate existing TasWater infrastructure and clearly showing it on any drawings. Existing TasWater infrastructure may be located by TasWater (call 136 992) on site at the developer's cost, alternatively a surveyor and/or a private contractor may be engaged at the developer's cost to locate the infrastructure.

#### TARDE WASTE

Prior to any Building and/or Plumbing work being undertaken, the applicant will need to make an application to TasWater for a Certificate for Certifiable Work (Building and/or Plumbing). The Certificate for Certifiable Work (Building and/or Plumbing) must accompany all documentation submitted to Council. Documentation must include a floor and site plan with:

- Location of any trade waste pre-treatment devices
- Schematic drawings and specification (including the size and type) of any proposed trade waste pre-treatment devices and drainage designs; and
- Location of an accessible sampling point in accordance with the TasWater Trade Waste Flow Meter and Sampling Specifications for sampling discharge.

The application for a Certificate for Certifiable Work (Building and/or Plumbing) is required to be submitted with a completed Trade Waste Application Form.

If the nature of the business changes or the business is sold, TasWater is required to be informed in order to review the pre-treatment assessment.

The application forms are available at [www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial](http://www.taswater.com.au/Customers/Liquid-Trade-Waste/Commercial).

#### Declaration

The drawings/documents and conditions stated above constitute TasWater's Submission to Planning Authority Notice.

#### Authorised by

A handwritten signature in black ink, appearing to read "Jason Taylor".

**Jason Taylor**

Development Assessment Manager

#### TasWater Contact Details

Phone	13 6992	Email	<a href="mailto:development@taswater.com.au">development@taswater.com.au</a>
Mail	GPO Box 1393 Hobart TAS 7001	Web	<a href="http://www.taswater.com.au">www.taswater.com.au</a>

## **12.2 SUBDIVISIONS**

Nil.

## **12.3 MUNICIPAL SEAL (Planning Authority)**

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

**Author:** MANAGER, DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 16 AUGUST 2016

### **APPLICATION OF MUNICIPAL SEAL**

The following final plans and related documents, pertaining to subdivisions, boundary adjustments and adhesion orders, etc. within Southern Midlands have had the Municipal Seal applied by the Manager, Development & Environmental Services in the period 18<sup>th</sup> March 2015 to the 16<sup>th</sup> August 2016.

<b>OWNER</b>	<b>PID</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>DATE</b>
KC Foster, T Hoskinson, M & C Clayton	5461324	The Basin, Fosters Road Dysart	Multiple Boundary Adjustments & Re-organisation	26/06/2015
F & J Wessing	2647828	Blackbrush Road, Mangalore	Boundary Adjustment between 2 titles	26/06/2015
T Burns & K Coulson	5461834	Kings Road, Bagdad	1 Lot Plus Balance	26/06/2015
Beven	5891885	Hall Street, Campania	Boundary Adjustment between 2 titles	6/10/2015
Southern Midlands Council	5842047	Mahers Point Cottage	1 Lot Plus Balance	6/10/2015
Chris Klye	3226478	Main Street, Kempton	Adhesion of 2 titles	29/10/2015
RE & JN Scaife, AGlover	7635914	Reeve Street Subdivision – Stage 1	10 lots of staged subdivision	29/10/2015
Mr & Mrs Mills	7350564	85 Native Corners Road, Campania	1 Lot Plus Balance	19/10/2015
D & P Cashion	5019384	Goodwins Road, Mangalore	1 lot plus balance	23/12/2015
Maria Dwyer - Howlett	7369134	Harbachs Road, Dysart	Part 5 Agreement – completion of caretakers cottage	2/02/2015
Clyde River holdings	3115313	Clifton Vale Road, Dysart	Boundary Adjustment	2/02/2015
M & E Jones	2103281	98A Reeve Street	1 new lot and public opens space of staged subdivision	3/02/2016
D Figg	3279297	Esplanade and Glenelg Street	4 Lot Subdivision	1/04/2016

<b>OWNER</b>	<b>PID</b>	<b>ADDRESS</b>	<b>DESCRIPTION</b>	<b>DATE</b>
RE & JN Scaife, A Glover	3110758	Reeve Street, Campania	1 lot part of staged subdivision	26/04/2016
Geard & Jones	3241766	Elderslie Road, Broadmarsh	Boundary Adjustment	29/04/2016

## **RECOMMENDATION**

**THAT the information be received.**

## **DECISION**

<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

**12.4        PLANNING (OTHER)**

Nil.

## **13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)**

### **13.1 Roads**

**Strategic Plan Reference – Page 14**

- |       |  |
|-------|--|
| 1.1.1 | Maintenance and improvement of the standard and safety of roads in the municipality. |
|-------|--|

Nil.

### **13.2 Bridges**

**Strategic Plan Reference – Page 14**

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

Nil.

### **13.3 Walkways, Cycle ways and Trails**

**Strategic Plan Reference – Page 14**

- |       |  |
|-------|--|
| 1.3.1 | Maintenance and improvement of the standard and safety of walkways, cycle ways and pedestrian areas to provide consistent accessibility. |
|-------|--|

Nil.

### **13.4 Lighting**

**Strategic Plan Reference – Page 14**

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

Nil.

### **13.5 Buildings**

**Strategic Plan Reference – Page 15**

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

Nil.

### **13.6 Sewers**

**Strategic Plan Reference – Page 15**

- |       |   |
|-------|---|
| 1.6.1 | Increase the capacity of access to reticulated sewerage services. |
|-------|---|

Nil.

### **13.7 Water**

**Strategic Plan Reference – Page 15**

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

Nil.

### **13.8 Irrigation**

**Strategic Plan Reference – Page 15**

- 1.8.1 Increase access to irrigation water within the municipality.

Nil.

### **13.9 Drainage**

**Strategic Plan Reference – Page 16**

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

Nil.

## **13.10      Waste**

<b>Strategic Plan Reference – Page 17</b>
---

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

### **13.10.1    WASTE MANAGEMENT STRATEGY & ACTION PLAN**

**Author:**    GIS & PROJECTS (GRAHAM GREEN)

**Date:**        16 AUGUST 2016

**Attachments:**

1.    *Waste Management Strategy*
2.    *Priority Options & Actions*

## **ISSUE**

Development of a Waste Management Strategy has been an internally driven process in response to: the rising cost of waste management (increasing contractor and disposal costs); the increasing volume of waste; and occupational health and safety issues at council's waste transfer stations. The objective of developing a waste management strategy was to document issues associated with the operation and options available for improving cost-efficiency whilst staying true to council's strategic objectives for waste management.

## **BACKGROUND**

Waste management in the Southern Midlands is an operation that manages in the order of 1600 tonnes of waste and approximately 120 tonnes of recyclables annually. On a per-capita basis, Southern Midlands Council manages around 265 kg/person/year of municipal waste.

Council currently operates three waste transfer stations and a roadside collection service (waste and recyclables) for most towns and settlements in the municipality. The waste management service is operated on a cost recovery basis with a current annual budget in the vicinity of \$600,000.

The cost of running the waste management operation is increasing steadily which is primarily due to:

- The increasing cost of waste disposal. In the past council received a 30% discount on waste disposal at Jackson Street. This discount has been steadily wound back.
- Increasing contractor fees. Contractor for council's waste transfer stations, Veolia, recently reviewed their price structure and increased costs significantly.
- Increasing volume of waste being managed by council.
- Increasing cost burden associated with managing scrap metal. Scrap metal once created revenue for council, however the price now fluctuates meaning that it has cost council up to \$30/tonne at times to have scrap metal disposed of.

Aside from increasing cost pressures associated with waste management, other issues associated with the operation that require addressing include:

- Agreeing upon and adopting a cost effective solution for managing green woody waste which is currently incinerated.

- Lack of checks and balances at our waste transfer stations in terms of: bin numbers and volumes handled by the contractors; and dumping of hazardous materials, particularly asbestos.
- Inconsistency in fee collection and enforcement – largely related to vulnerabilities associated with single operators.
- Occupational health and safety issues associated with single operators working in remote locations and potential exposure to hazardous materials.

## **DETAIL**

Two documents have been drafted - the ‘Waste Management Strategy’ and ‘Priority Options & Actions for Waste Management’.

### **1. *The Waste Management Strategy***

The Waste Management Strategy was prepared in line with Council’s strategic objectives for waste management. The Strategy is comprised of three key sections: waste, recyclables and organic waste. For each section there is discussion regarding the current situation, a table of issues and options, and case studies highlighting alternative approaches to waste management. The Strategy details 28 new options for moving forward in waste management, together with perceived pros and cons of each.

### **2. *Priority Options and Actions***

‘Priority Options & Actions for Waste Management’ - options and actions arising from the Waste Management Strategy workshopped by an internal waste management group and considered as the highest priority for short term consideration and implementation.

#### *Option 1-1b Go to tender on waster transfer station collection and disposal services*

In the context that Council has recently taken a marked cost increase from the current contractors for our waste transfer stations, together with the fact that there are now a number of players in the waste management business, it appears that the timing may be appropriate to test the market for a better deal.

*Action Arising:* Prepare tender documents for operation of the collection and disposal of waste from Council’s three waste transfer stations.

#### *Option 1-3 Kerbside collection – discussion of options with contractors*

Beyond the currently contracted period for roadside collection (2018), there is potential to move to fortnightly waste collection for all residents with an upgrade of bin size from 140 L to 240 L. It is assumed that a more comprehensive kerbside collection service will reduce pressure on the waste transfer stations and help to soften the blow if the waste transfer stations are to be rationalised.

*Action Arising:* Arrange a meeting with Thorps to determine their capacity and potential to expand the roadside collection service to all residents.

#### *Option 1-4 Waste transfer stations rationalisation*

Council’s waste management group has discussed options for potential closure or relocation of all council’s waste transfer stations with no definitive decision arrived at so

far. The most tenuous of the waste transfer stations is Campania (Brown Mountain Road) over which council currently has no tenure. This site is vulnerable to exploitation by out-of-area-users as it is close to the municipal boundary.

The preferred option for the southern half of the municipality is for a centralised waste transfer station to service residents who currently use the Dysart and Campania sites. In the absence of an appropriate site being identified in the Southern Midlands there is potential for a site sharing arrangement with Brighton Council which is likely to result in significant operational cost savings to council. Initial discussions have highlighted the Brighton Industrial Estate as a potential option. This site is located 22 km from Campania and 24 km from Kempton. Residents in close proximity to the Dysart and Campania waste transfer stations will be inconvenienced by a site relocation, however, there are many that will benefit e.g. residents of the Mangalore Valley and Tea Tree Road, and arguably any resident travelling down the Midland Highway to the city.

Prior to any rationalisation of the Oatlands waste transfer station, it was suggested that it would be appropriate to compile a survey of users to determine their waste disposal behaviour in order to help guide decision making.

*Actions Arising:*

- i) Arrange a meeting with Heath McPherson and other appropriate staff to further discuss the potential for a shared waste transfer station and facilities in the vicinity of Brighton;
- ii) compile a list of questions for a waste transfer station users survey and identify someone to implement the survey.

*Option 1-5 Analyse resource sharing options with other councils – joint tenders, group pricing, shared facilities*

There is potential for shared resources with Brighton in terms of: a waste transfer station site; on site infrastructure (e.g. a waste compactor & green waste processing); and sharing of transport and disposal contractors.

*Action Arising:* Continue to be open to discussion with neighbouring councils, particularly Brighton who have expressed interest to date.

*Option 2 Rationalise WTS operating times and logistics*

It has been agreed that a minimum of two operators at the waste transfer stations is preferable to enable: site efficiency to be improved; scrutiny of what's going into bins; record keeping - keeping track of bin volumes and movements; collection of fees; and improvement in on-site occupational health and safety. A move to two operators would require changes to rosters and opening hours.

*Action Arising:* Convene a meeting of waste transfer station employees to discuss record keeping protocols and to determine what people's capabilities are in terms of hours and ability to work at more than one site.

*Option 3-1 Reduce waste amounts by improving site layout and increasing recovery effort*

Based upon observations at other council waste transfer stations, the aim is still to work towards having our waste transfer stations laid out for optimal segregation of recoverable materials. This works very effectively at Huon Valley Council where the Southbridge site has become a functional and positive community hub with high recovery levels of recyclables and objects with reuse potential or value. Better segregation provides potential for council to operate a small ‘tip shop’ reducing waste volumes and generating some revenue.

*Action Arising:* Pending the outcome of the waste survey (Option 1-4) and decisions around future siting of waste transfer stations – plan, develop and implement new site layouts for efficient operation and resource segregation.

**Option 8-1    Mulching/chipping of green woody waste**

The conversion of green waste and construction waste to mulch by Barwicks at the Huon Valley Southbridge site is impressive. Barwick’s mulcher is only required on site once per annum to process all of Huon Valley’s green waste. The resultant product is used by council and also sold to the public. It would be pertinent to pursue a joint green waste processing operation with Brighton Council as they also have green waste management issues.

*Action Arising:* Pursue a joint arrangement with Brighton to share a green waste collection and processing site. In the absence of any workable outcome, continue to consider the option of collating all our green waste at one site (e.g. Oatlands waste transfer station) with the view to Barwick’s processing it on an annual basis.

**Option 9-1    Undertake a waste stream audit**

It was agreed that a waste audit to determine whether food organics are a significant proportion by weight of the waste stream (as it is in other areas) is worth commissioning. A management solution e.g. compost bins for residents, would be based upon the outcome of the audit.

*Action Arising:* ‘Just Waste’ based in Launceston have the capability to undertake waste stream auditing. A quote for this service has been requested.

**Human Resources, Financial Implications & Timeframes** - Estimated timeframes and resources for the priority waste management actions.

Action	Timeframe (from August 2016)	Staff resources	Relative Cost
1-1 Prepare tender documents for operation of the collection and disposal of waste from Council’s three waste transfer stations.	Next 3 months	medium	low
1-3 Arrange a meeting with Thorps to determine their capacity and potential to expand the roadside collection service to all residents.	Next 3 months	minimal	minimal
1-4a Arrange a meeting with Heath McPherson and other appropriate staff to further discuss the potential for a shared waste transfer station and facilities in the vicinity of Brighton	Next 3 months	minimal	minimal

1-4b Compile a list of questions for a waste transfer station users survey, identify someone to undertake the survey.	Next month	1	minimal	low
1-5 Continue to be open to discussion with neighbouring councils regarding resource sharing, particularly Brighton who have expressed interest to date.	Ongoing		minimal	minimal
2 Convene a meeting of waste transfer station employees to discuss record keeping protocols and to determine what people's capabilities are in terms of hours and ability to work at more than one site.	Next month	1	low	low
3-1 Pending the outcome of the waste survey and decisions around future siting of waste transfer stations – plan, develop and implement new site layouts for efficient operation and resource segregation.	Next months	9	low	low
8-1 Pursue a joint arrangement with Brighton to share a green waste collection and processing site. In the absence of any workable outcome, continue to consider the option of collating all our green waste at one site (e.g. Oatlands waste transfer station) with the view to Barwick's processing it on an annual basis.	Next months	9	low	medium
9-1 'Just Waste' based in Launceston have the capability to undertake waste stream auditing. Obtain a quote for this service, proceed if reasonable, and then take appropriate action as guided by the survey outcome.	Next month	1	low	medium

**Community Consultation & Public Relations Implications** - Any changes to the waste management operation will be contentious as residents have become used to a particular routine with the kerbside service and availability of waste transfer stations at specific locations and times. Consequently, council must ensure there is comprehensive consultation in relation to any changes to waste management service delivery with reasons provided.

With any changes to the kerbside service or the waste transfer stations council will need to bear in mind that it is important to achieve an adequate service level for all residents. For example, if a waste transfer station were to be closed or relocated, then improvements to the kerbside collection service could be considered to compensate for the loss of convenience to residents in the affected areas.

**Policy Implications** - The Waste Management Strategy and Action Plan is directly relevant to the following Council aims and actions in the Strategic Plan.

- 1.10.1 Maintenance and improvement of the provision of waste management services to the Community.
- 1.10.1.1 Continue to be an active participant in the Southern Waste Strategy.

- 1.10.1.2 Continue to review the on-going operational arrangements for waste management including cooperation with other local government authorities.
- 1.10.1.3 In conjunction with the Waste Advisory Council seek to identify suitable markets for recyclable products.
- 1.10.1.4 Undertake a review of the whole waste management service delivery system.

## **RECOMMENDATION**

**THAT**

- 1. Council endorse the Waste Management Strategy;**
- 2. Council endorse and support the implementation of the 'Priority Options and Actions' as directed by an internal waste management group.**

## **DECISION**

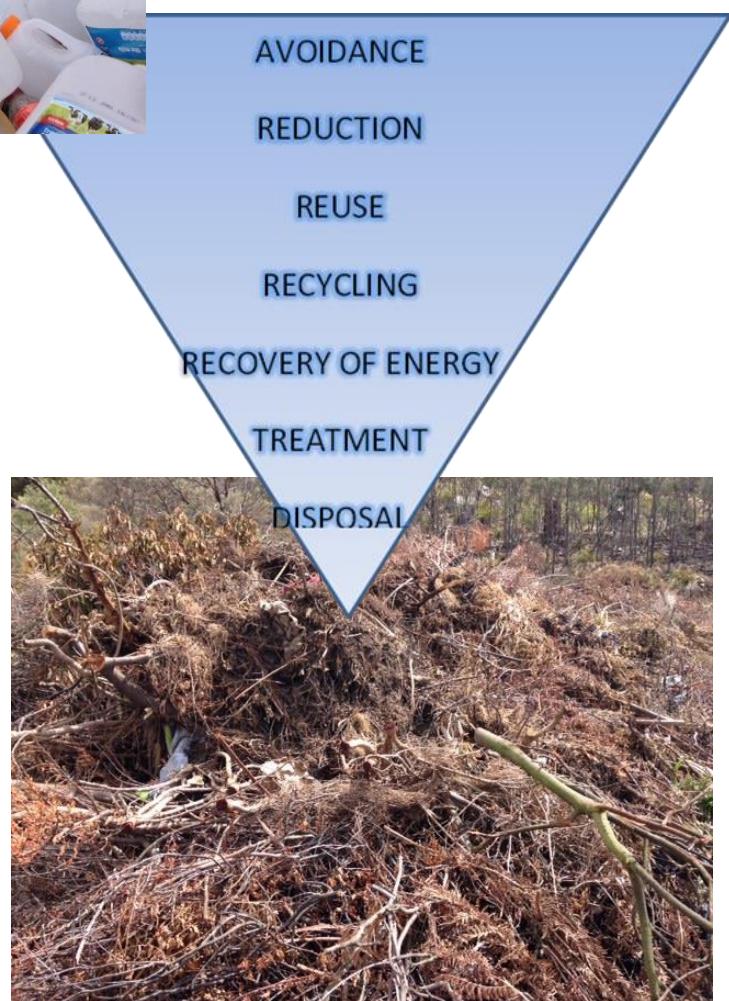
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A R Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

**Attachment 1**



## **Waste Management Strategy**

August 2016



**Document version control**

- Final Draft – Southern Midlands Waste Management Strategy – August 2<sup>nd</sup> 2016

**Enquiries regarding this document:**

Graham Green

[ggreen@southernmidlands.tas.gov.au](mailto:ggreen@southernmidlands.tas.gov.au)

0422 936027

**TABLE OF CONTENTS**

<b>1.0</b>	<b><u>INTRODUCTION</u></b>	<b>119</b>
1.1	<u>REGIONAL PERSPECTIVE</u>	119
1.2	<u>STRATEGIC WASTE MANAGEMENT OBJECTIVES</u>	120
1.3	<u>OBJECTIVES OF THIS STRATEGY</u>	120
1.4	<u>OUTCOMES OF THIS STRATEGY</u>	ERROR! BOOKMARK NOT DEFINED. <i>Error! Bookmark not defined.</i>
1.4.1	<u>Measures of success</u>	
<b>2.0</b>	<b><u>WASTE</u></b>	<b>122</b>
2.1	<u>ROADSIDE COLLECTION SERVICE</u>	122
2.2	<u>WASTE TRANSFER STATIONS</u>	122
2.2.1	<u>Oatlands Waste Transfer Station</u>	123
2.2.2	<u>Campania Waste Transfer Station</u>	125
2.2.3	<u>Dysart Waste Transfer Station</u>	127
2.3	<u>WASTE DISPOSAL COSTS AND VOLUMES</u>	129
2.4	<u>WASTE STREAM ISSUES &amp; OPTIONS</u>	131
2.5	<u>CASE STUDIES – WASTE STREAM REDUCTION</u>	137
2.5.1	<u>'Recovery Centre' tip shop' recycling centre, Southbridge, Huonville</u>	.Error! Bookmark not defined.
2.5.2	<u>'Recovery Centre' tip shop recycling centre, Jackson Street, Glenorchy</u>	139
2.5.3	<u>Garage sale trail</u>	140
<b>3.0</b>	<b><u>RECYCLABLES</u></b>	<b>141</b>
3.1	<u>CURRENT SITUATION</u>	141
3.1.1	<u>Scrap Metal</u>	144
3.2	<u>RECYCLABLES ISSUES &amp; OPTIONS</u>	145
<b>4.0</b>	<b><u>ORGANIC WASTE</u></b>	<b>147</b>
4.1	<u>CURRENT SITUATION</u>	147
4.2	<u>ORGANIC WASTE ISSUES &amp; OPTIONS</u>	149
4.2.1	<u>Case Study - Earth Systems mobile pyrolysis unit</u>	153

## 1.0 Introduction

Waste management is a significant logistics operation for Southern Midlands Council – an operation that manages in the order of 1600 tonnes of waste annually plus recyclables (120 tonnes/year). On a per-capita basis, Southern Midlands Council manages around 265 kg/person/year of municipal waste.

Council currently operates three waste transfer stations and a roadside collection service (waste and recyclables) for most towns and settlements in the municipality. The waste management service is operated on a cost recovery basis with a current annual budget in the vicinity of \$600,000 (Table 1). The cost of running the waste management operation is increasing steadily which is primarily due to: the increasing cost of waste disposal; increasing amount of waste; and increasing cost burden associated with managing recyclables. Combined waste and recyclables cost council in the order of \$340/tonne to manage.

*Table 1: Waste management budget summary*

BUDGET:	2014/15 Est.	2014/15 Actual	2015/16 Budget
<b>Revenue</b>			
Waste Transfer Stations - Disposal Fees	6,000	5,482	6,000
Rates (Est Rates based on \$132 - prev \$126)	205,548	205,674	216,108
Rates (Woodssdale) (Est Rates based on \$132 - prev \$126)	-	-	-
Rates (Broadmarsh & Tunbridge) (Est Rates based on	-	-	-
Waste Management Levy (Est based on \$118 - prev \$118 and \$40	365,348	366,044	366,888
Grant- Solar Waste Receptacles/ Sale Of Recyclables	-	-	-
<b>Total Revenue:</b>	<b>576,896</b>	<b>577,200</b>	<b>588,996</b>
<b>Expenditure</b>			
Household Collecton Service	212,220	172,282	220,881
Operating Expenses			
Oatlands WTS	133,204	97,537	133,585
Campania WTS	103,403	84,214	107,249
Dysart WTS	94,476	75,281	94,476
-	-	-	-
Waste Management Plan (incls. SWSA & Rehab)	12,900	2,415	11,000
Land Tax Payable	-	-	-
Interest Charges	-	-	-
Principal Repayments / Depreciation	19,000	19,000	12,000
Budget Reduction/Adjustment			
<b>Total Expenditure:</b>	<b>575,203</b>	<b>450,729</b>	<b>579,191</b>
<b>(Surplus)/Deficit:</b>	<b>(1,693)</b>	<b>(126,471)</b>	<b>(9,805)</b>

## 1.1 Regional perspective

Southern Midlands Council is a member of the Southern Waste Strategy Authority (SWSA) which is currently in the process of being subsumed into the Southern Tasmanian Councils Authority. SWSA is a regional working group with a focus on governance, recycling and on reducing the waste volumes.

Waste Advisory Council (WAG) of SWSA is chaired through the EPA, who subsequently advise ‘the Minister’ on matters of significance in relation to waste management.

## **1.2 Strategic Waste Management Objectives**

Council's objectives in relation to waste management are listed in the Strategic Plan 2014-2023:

- 1.10.1 Maintenance and improvement of the provision of waste management services to the Community.
- 1.10.1.1 Continue to be an active participant in the Southern Waste Strategy.
- 1.10.1.2 Continue to review the on-going operational arrangements for waste management including cooperation with other local government authorities.
- 1.10.1.3 In conjunction with the Waste Advisory Council seek to identify suitable markets for recyclable products.
- 1.10.1.4 Undertake a review of the whole waste management service delivery system.

## **1.3 Objectives of this Strategy**

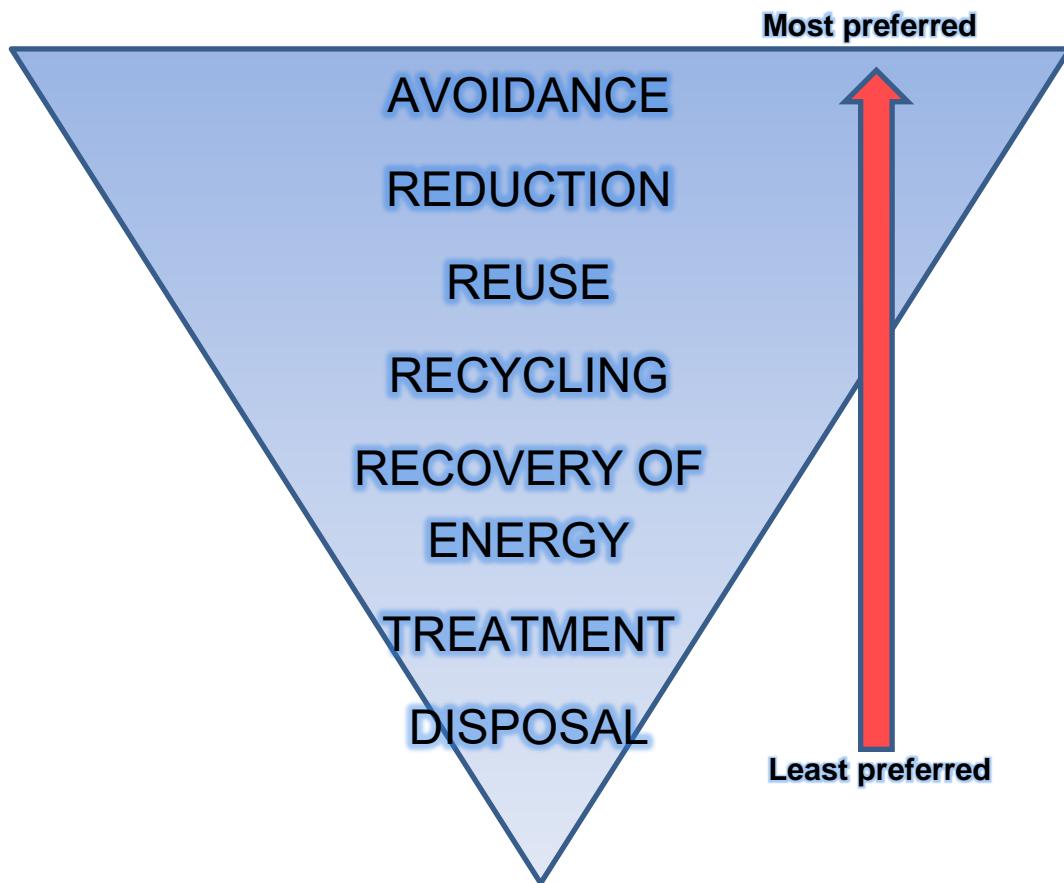
The objectives of this strategy are aligned with Council's strategic direction for waste management and are as follows:

- Review current waste management costs and service delivery system.
- Identify opportunities for cost savings whilst maintaining service level to the community.
- Identify ways to make the waste management system more efficient, including exploration of resource and operational sharing opportunities with neighbouring councils.
- Identify options for management of green waste.
- Identify options for greater recovery of resources from Council's waste stream, thereby reducing the volume of waste going to landfill.

## **1.4 Outcomes of this Strategy**

The outcome of this strategy is for council to achieve progress according to the underlying principle of waste management in Australia, the 'waste management hierarchy' (Figure 1), which is to: maximise the useful life of materials; reduce, reuse and recycle waste; recover as much energy out of what is left, and dispose of the remainder sensibly.

Figure 1: Waste Management Hierarchy



#### 1.4.1 Measures of success

Successful implementation of this strategy will be judged by:

- 1 The volume of materials diverted or avoided from landfill through the above principles. This may be measured by:
  - tracking the weight of waste taken to landfill;
  - the weight of materials recycled;
  - estimated recovery of materials (e.g. timber, bricks, roofing iron, household goods etc) through new initiatives; and
  - estimated volume of organic waste processed.
- 2 Rationalisation of activities through regional or sub-regional partnerships;

## 2.0 Waste

### 2.1 Roadside Collection Service

Southern Midlands Council's roadside collection service currently consists of:

- a weekly waste collection service for 1364 households at the following towns: Oatlands, Kempton, Dysart, Campania, Colebrook, Jericho, Mangalore and Bagdad (140 litre bins); and
- a fortnightly collection service for 230 households at Tunbridge, Broadmarsh, Elderslie, Woodsdale and Levendale (240 litre bins).

The roadside collection service is operated by a contractor (Thorpe's). Collected waste is disposed of at both the Copping regional waste facility and at Glenorchy City Council's Jackson Street site. The current arrangement with the contractor is a monthly fee of \$15,636 (out to 1/1/2018).

### 2.2 Waste Transfer Stations

Southern Midlands Council operates three waste transfer stations (Figure 2):

- Oatlands (Tunnack Road);
- Campania (Brown Mountain Road); and
- Dysart (Huntingdon Tier Road).

The Oatlands and Campania sites are run by Council employees, the Dysart site by contractors Ken and Janine Thorpe. Rate payers pay an annual 'waste management levy' enabling residents to utilise the waste transfer stations for waste disposal, recycling, green waste, and some hazardous material disposal. Non-residents of Southern Midlands Council may also utilise the facilities, however fees apply.

Recyclable materials (plastics, glass, cardboard and metals) are separated out as best as possible at the waste transfer stations and transported to appropriate facilities for subsequent processing. Most recyclables are taken to SKM at Derwent Park where there is a current fee of approximately \$35/tonne, except for cardboard which generates a credit. Metals are taken by One Stop Steel.

Waste collected at the waste transfer stations is currently taken to Glenorchy City Council's Jackson Street facility where the disposal fee is currently \$60 per tonne (GST inclusive), however this is set to rise in the 2016/17 financial year to about \$68 per tonne.

Also collected at the waste transfer stations are hazardous materials such as chemicals (Drum Muster Program), waste oils, and tyres. There is a fee to residents for disposing of tyres which covers the cost of transport and shredding.

**Figure 2: Waste transfer station locations**



### 2.2.1 Oatlands Waste Transfer Station

A summary of monthly operational costs at the Oatlands waste transfer station is given in Table 2.

**Table 2: Oatlands WTS, monthly operating costs as at May 2016**

<b>Detail</b>	<b>Monthly Cost*</b>
6.5m <sup>3</sup> bins – rental, compaction and disposal	\$2416
30m <sup>3</sup> (large) bins – handling	\$1347**
30m <sup>3</sup> (large) bins – disposal fee	\$747**
Waste transfer station management fee (average monthly wages)	\$2601
Waste transfer station management fee (average monthly on-costs)	\$599
Recycling fee	\$808
<b>Total</b>	<b>\$8518</b>

\*This is the expected monthly cost based upon data since July 2013

\*\*This is the average monthly cost since July 2013 (Figure 3) - weekly charge for handling of each bin is currently \$313

Figure 3: Large bin handling and disposal costs for the Oatlands WTS

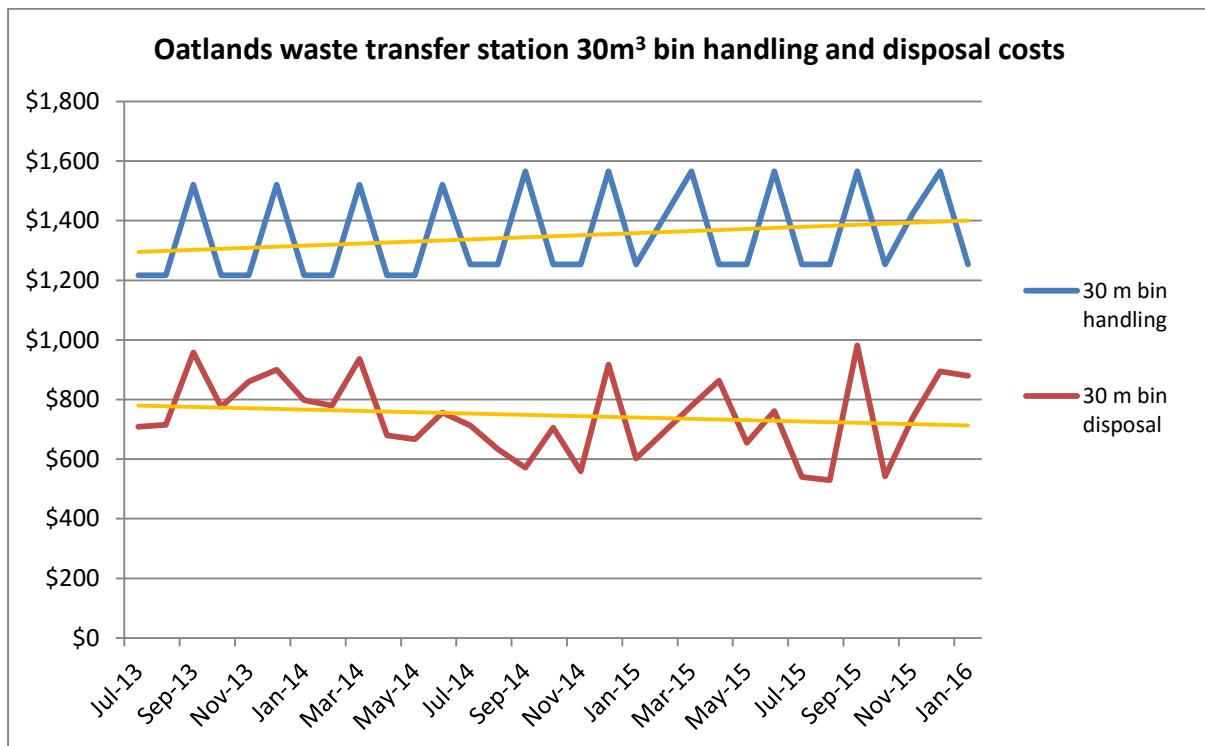


Figure 4: Oatlands waste transfer station bins



### *Construction waste*

Construction waste at the Oatlands waste transfer station can become a management headache in terms of the large volume of material that accumulates at times (Figure 5). As there is potentially reusable material in the stockpile, a solution is required to improve recovery prior to disposal, or to make it easier for those who want to salvage materials.

*Figure 5: Oatlands waste transfer station construction waste*



### **Operating Times**

Current operating times at the Oatlands waste transfer station are:

- Tuesday 1.00 pm - 5.00 pm
- Friday 11.00 am - 3.00 pm
- Saturday 8.00 am - 12.00 pm
- Sunday 1.00 pm - 5.00 pm

### **2.2.2 Campania Waste Transfer Station**

A summary of monthly operational costs at the Campania waste transfer station is given in Table 3.

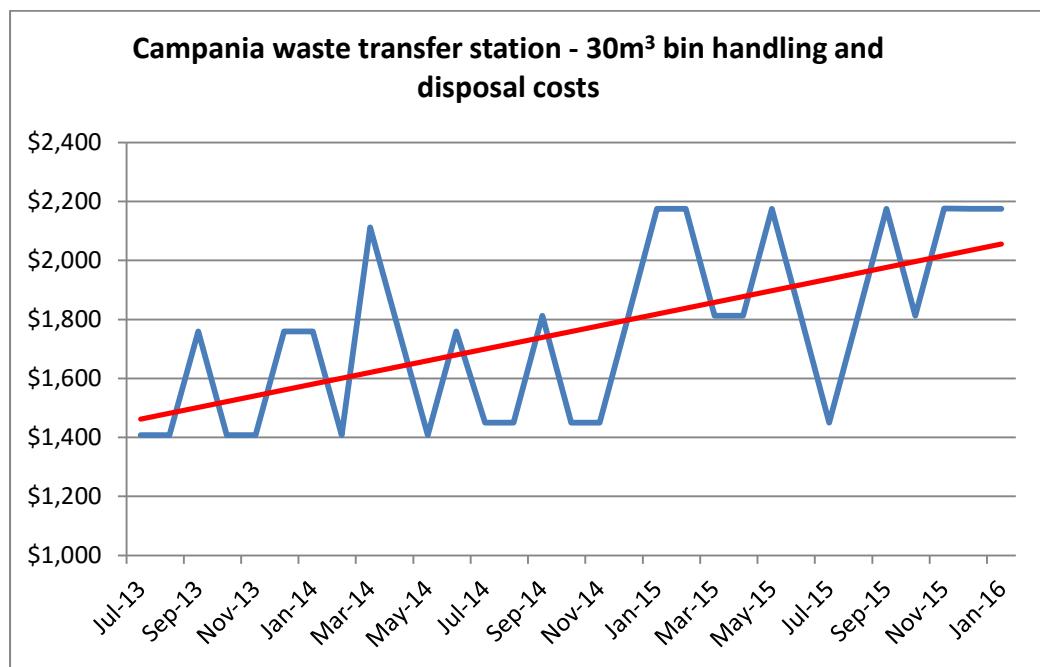
*Table 3: Campania WTS, monthly operating costs as at May 2016*

<b>Detail</b>	<b>Monthly Cost</b>
6m <sup>3</sup> bins – rental, compaction and disposal	\$1364*
30m <sup>3</sup> (large) bins – disposal and return	\$1748**
Waste transfer station management fee (ave. monthly wages)	\$2888*
Waste transfer station management fee (ave. monthly on-costs)	\$654*
Recycling fee	\$404
<b>Total</b>	<b>\$7058</b>

\*This is the expected monthly cost based upon data since July 2013

\*\*Currently disposed of for a weekly fee of \$363 – monthly trend data (Figure 6)

Figure 6: Large bin handling and disposal costs for the Campania WTS



#### Occasional extra costs incurred at the Campania WTS

Jet Patcher Hire	\$667
Portable Toilet Hire 18/4 to 18/5/14	\$173
10 Loads of Green Waste Ash 13/5/15	\$850
5 Loads of Green Waste ash 14/5/15	\$425
Cart Excavator 13/5/15	\$120
Load Council Truck 14/5/15	\$185
Herbicide Spraying 15/9/15	\$315
Cart Steel from WTS to Recycling Depot 23/11/15	\$240
>20l plastic drum collection x 284 29-10-15	\$159
Drum muster truck hire labour charge 29-10/15	\$110

The Campania waste transfer station is the most vulnerable of Council's sites in terms of its viability. Council has no tenure over the site i.e. freehold or lease arrangement. The site also receives significant usage from out-of-area-users due to its proximity to the municipal boundary. The nearest alternative waste transfer station is at Mornington (Clarence City Council) where users are obliged to pay a minimum gate fee of \$10 and a disposal fee of \$97/tonne. This provides an incentive for people to travel to Campania to dispose of their waste where there is an opportunity to do so for free. As the Campania site has a single operator, it is often difficult to enforce the fees that out-of-area-users are obliged to pay, particularly during busy times. Council is thereby largely providing a free service to out-of-area-users, a situation that is not sustainable.

*Figure 7: Campania waste transfer station small bins*



### **Campania Waste Transfer Station**

Current operating times

- Tuesday 1.00pm - 5.00pm
- Thursday 1.00pm - 5.00pm
- Saturday 8.00am - 12.00pm
- Sunday 1.00pm - 5.00pm

### **2.2.3 Dysart Waste Transfer Station**

A summary of monthly operational costs at the Campania waste transfer station is given in Table 4.

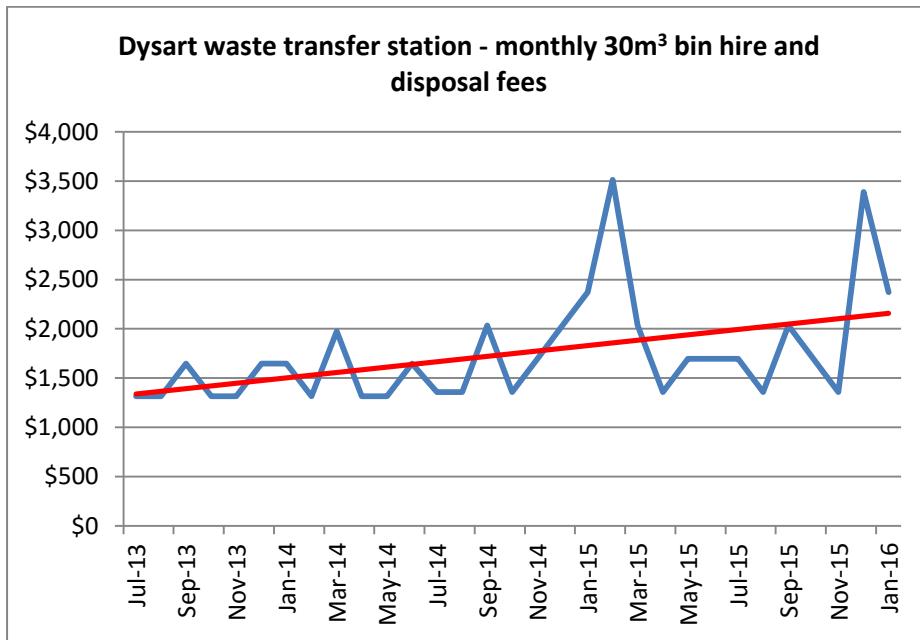
*Table 4: Dysart WTS, monthly operating costs as at May 2016*

<b>Detail</b>	<b>Monthly Cost*</b>
6m <sup>3</sup> bins – rental, compaction and disposal	\$1818
30m <sup>3</sup> (large) bins – disposal and return	\$1748**
Waste transfer station management fee (Contractors)	\$2852
Recycling fee	\$404
<b>Total</b>	<b>\$6822</b>

\*This is the expected monthly cost based upon data since July 2013

\*\* Currently disposed of weekly for a fee of \$363 – monthly trend data (Figure 8)

Figure 8: Large bin handling and disposal costs for the Dysart WTS



Occasional extra costs incurred at the Dysart waste transfer station

Cart Steel from WTS to Recycling Depot 23/11/15	\$90
Herbicide Spraying Broom, Gorse, Heath, Curse	\$101
Steel from Dysart WTS - 2 hours	\$120

Figure 9: Dysart waste transfer station



### Dysart Waste Transfer Station

Current operating times

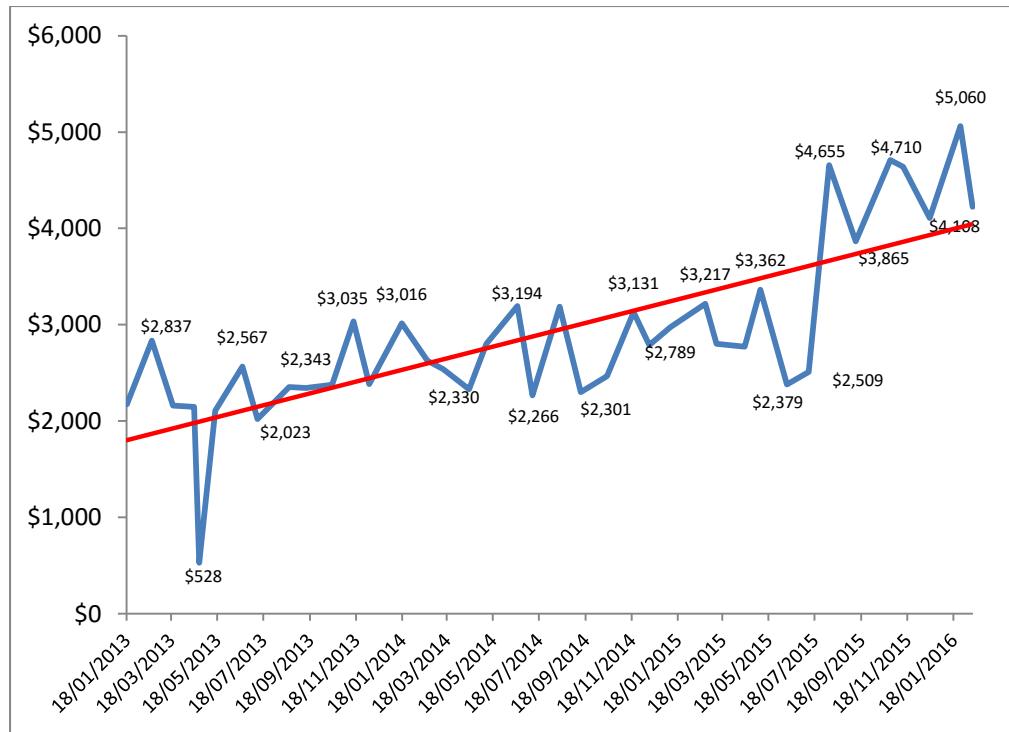
- Tuesday 1.00pm - 5.00pm
- Saturday 12.00pm - 5.00pm
- Sunday 10.00am - 5.00pm

## 2.3 Waste disposal costs and volumes

Council's waste is currently taken to Glenorchy City Council's Jackson Street facility – the distance from the Oatlands WTS to Jackson St is 82 km. Account data for waste disposal at Glenorchy City Council's Jackson Street facility is shown in Figure 10. The disposal fee is currently \$60 per tonne (GST inclusive), recently up from around \$40 per tonne (Figure 11). The cost of disposal has been subsidised to varying degrees in the past but this situation is coming to an end. The cost of disposal at Jackson Street is set to rise in the 2016/17 financial year to the unsubsidised rate of about \$68 per tonne.

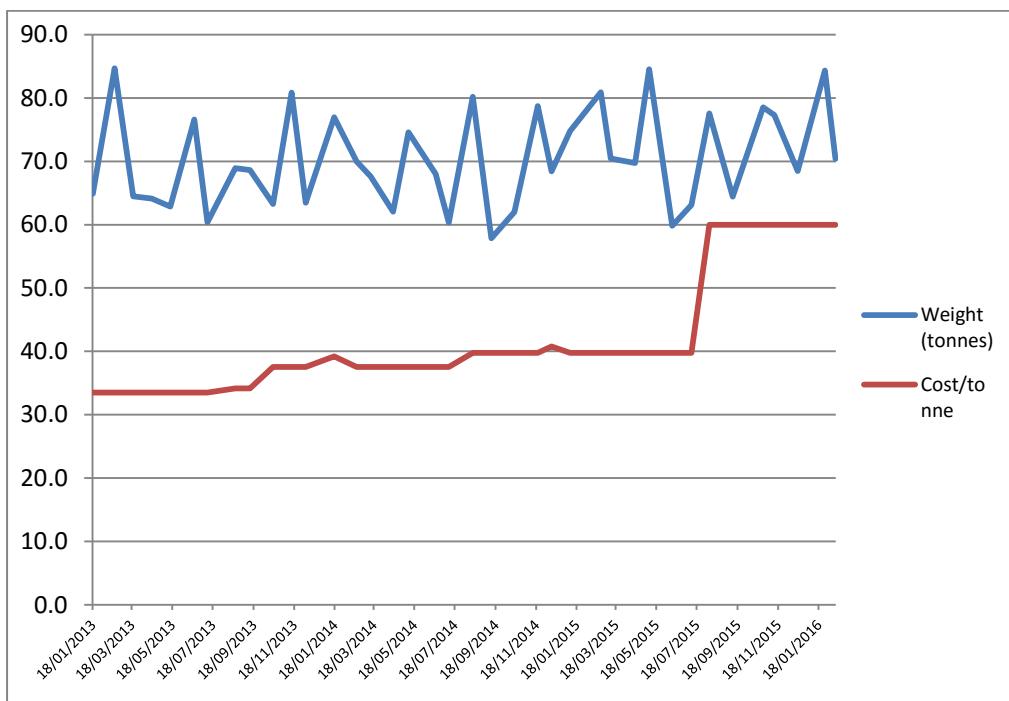
- Total municipal waste generated is approximately **1600 tonnes/year**;
- Roadside waste volume collected averages approximately **70 tonnes/month** (Fig. 11);
- Average total roadside collection past three years has been **840 tonnes/year**;
- Waste transfer station amounts (managed by Veolia) has averaged **760 tonnes/year**; (based on data for the last five years – amount trending upwards)
- Per-capita municipal waste generation is approximately **265 kg/person/year**; (the southern regional average is around 500 kg/person/year<sup>2</sup>)
- The overall cost of managing waste is approximately **\$340/tonne**.

*Figure 10: Data from Jackson Street waste disposal accounts*



<sup>2</sup> Waste Management 2020 and beyond (2011) – Blue Environment for SWSA

Figure 11: Data from Jackson Street waste disposal accounts



## 2.4 Waste Stream Issues & Options

Table 5: Southern Midlands Council waste stream issues and options

Issue	Option(s)	Pros	Cons	Timeframe
<b>1 Rising cost of waste management</b>  The cost of waste management is increasing, e.g. disposal and contractors (Veolia) costs are currently rising. In the past SMC received a 30% discount for waste disposal at Jackson Street, recently this was reduced to 15% and in the 2016/17 financial year the discount will be discontinued.	<b>1-1a Investigate an alternative disposal site</b>  Investigate the costs of transport and disposal at an alternative site to Jackson St, e.g. Peppermint Hill (DVC), Hamilton (CHC) or the Copping regional waste management facility. Jackson St and Peppermint Hill are 82 km from the Oatlands WTS, Copping is 95 km, and Hamilton (via Brighton & Elderslie) 106 km. Of the alternatives, the Copping landfill has by far the longest lifespan i.e. 200 years versus <20 years for the other sites.  Huon Valley Council currently have a Southern Waste Solutions contract that includes a compactor, transport and disposal at Copping. Discussions will be initiated with Huon Valley in order to determine the cost effectiveness of pursuing a similar arrangement.	Immediate short term reduction in costs – assuming the waste disposal charge is lower than at Jackson Street.	Does not address the issue of waste volumes – should be a priority for council to reduce the volumes of waste going to landfill.	Immediate
	<b>1-1b Go to tender on waster transfer station collection and disposal services</b>  In the context that Council has recently taken a cost 'hit' with the current contractors for our waste transfer stations, together with the fact that there are several players in the waste management game, it appears pertinent to test the market for a better deal.	Potential to achieve a cost saving on waste collection and disposal services at our waste transfer stations.		Immediate
	<b>1-2a WTS bin volume management</b>  As bin handling fees at the waste transfer stations are high, it is pertinent to develop an on-site procedure to ensure that bins are as full as possible before disposal to maximise the value of the handling fees.	More efficient use of resources – small reduction in costs.	Not always easy to schedule the optimal time of bin cartage with the contractors.	Immediate

Issue	Option(s)	Pros	Cons	Timeframe
	<p><b>1-2b Investigate on-site waste compaction</b></p> <p>It is pertinent to ensure that 30m<sup>3</sup> bins are taking as much waste as possible to maximise the value of the bin handling fee. Compaction of waste on-site is a solution ranging from low-tech options such as a front end loader compacting to specialised hydraulic compactors.</p> <p>Huon Valley Council currently hire a compactor from Southern Waste Solutions as part of a contract that includes transport and disposal at Copping. Discussions to be held with Huon Valley Council will determine whether it is cost effective for Southern Midlands to pursue a similar arrangement.</p>	<p>Potential to reduce waste handling costs, particularly if part of a contract arrangement similar to Huon Valley Council.</p>	<p>Capital investment required. Potential for on-site vandalism of capital infrastructure or machinery.</p>	Medium-term
	<p><b>1-3 Investigate weekly to fortnightly collection for all residents</b></p> <p>Currently, eight of council's thirteen towns/settlements are serviced weekly, the balance fortnightly. Investigate/discuss changing the frequency of waste collection to fortnightly for all towns whilst expanding the service to capture all residents. Pressure on waste transfer stations may be relieved if all residents are captured by the roadside service – opening the way for rationalisation of the WTSs.</p>	<p>Potentially lower contractor costs for roadside waste collection.</p>	<p>Small reduction in service level for ratepayers currently on a weekly service. The cost of issuing larger bins (240L to replace 140L) to residents currently on a weekly service.</p>	Short-term

Issue	Option(s)	Pros	Cons	Timeframe
	<p><b>1-4 Rationalise the number of waste transfer stations</b>            Investigate/discuss reducing the number of waste transfer stations or relocating to a more centralised site in the south of the municipality. The most obvious site to close is Brown Mt (Campania) as council has no tenure over the site and is the site most afflicted by out-of-area users.</p> <p>It may be possible to negotiate a resource sharing arrangement with a neighbouring council whereby sub-regional facilities could be investigated. Brighton Council has expressed interest in sharing a waste transfer station at the Brighton Industrial Estate.</p>	Reduction in costs, particularly if resource sharing with Brighton. More convenient for some residents if a new site is established near the Midland Hwy in the south.	Reduced convenience for some residents if the Campania and/or Dysart sites were to close. Potential increase in roadside dumping of rubbish.	Long-term
<b>1 a Lack of resource sharing – high unit cost</b> Council currently operates its own waste management operation and therefore isn't capitalising on potential benefits of resource sharing, joint tenders or group pricing. The unit cost per tonne (currently around \$340) in the operation is not optimised by operating in isolation.	<p><b>1-5 Investigate (and implement) resource sharing</b>            Initiate a cooperative approach to waste management with other councils – e.g. joint tenders for recyclables – group pricing – shared waste transfer stations. Potential options and new contracts could be explored through direct discussions with neighbouring councils.</p> <p>Brighton Council has expressed interest in a shared waste transfer station and compactor – channels of communication to be kept open on this front.</p>	Rationalisation of operation by determining new ways of working together - joint contracts, sharing of services and infrastructure. Likely to result in lower operational costs.	Possibly difficult to implement due to the dispersed nature of southern rural councils and the logistics changes that may be required.	Short-term
<b>2 Inefficient waste transfer station operations</b> Councils waste transfer stations need to be managed more effectively to streamline processes, to cope with peak waste delivery times, allow for increased segregation of reusable materials and to improve OH&S for workers at the sites.	<p><b>2-1 Rationalise the WTS operating times</b>            Investigate changing the operating hours schedule so that at least 2 operators are present at each WTS to enable more efficient sorting and segregation of materials and management of customers. For example, operators could spend a morning at one site and then move to another site for the afternoon. This also opens up the potential to shift materials (e.g. green waste) from one site to another for collection or processing – refer to 2-2.</p>	Greater efficiencies in the management of the WTS, enhanced resource recovery, lower waste disposal costs for council.  Safer workplaces due to more staff on the ground at any given time – covers off on the OH&S issue (Issue 4)	Likely increased cost in running the WTSs.	Immediate – meeting with operators to discuss.

Issue	Option(s)	Pros	Cons	Timeframe
	<b>2-2 Rationalise WTS logistics</b> Further to 2-1, investigate streamlined logistics, for example, with the view to concentrating all green waste at one WTS so that potential processing options are more viable.	Greater efficiencies in the management of the WTS, enhanced resource recovery & processing options.	Potential increased running costs of the waste transfer stations.	Immediate – meeting with operators to discuss.
<b>3 Waste volumes</b> There is a direct relationship between the amount of waste that council manages and the cost of handling logistics and disposal. There has been an increasing trend in the volume of waste managed by council and no internal strategy, beyond recycling, to reduce waste amounts.	<b>3-1 Reduce waste amounts by increasing recovery effort</b> Ensure there is on-site rigour with segregation of green waste from comingled, recyclables from waste, and any re-useable materials for potential re-sale (related to Issue 2). Ensure that WTS's are set up fit-for-purpose to enable efficient segregation and storage of recovered items/materials.  <b>Case Study – Huon Valley Southbridge site (Section 2.5)</b>	Reduction in the waste stream - reduced disposal fees for council.  More organised, streamlined operation at the WTSs.  New opportunities with recovered materials - improved environmental outcomes.	The cost associated with planning & implementation of new initiatives.	Short-term
	<b>3-2 Implement new waste reduction initiatives</b> Investigate the potential of setting up new initiatives to divert waste from landfill, for example:  <ul style="list-style-type: none"> <li>● A pilot ‘tip shop’ style operation at the Oatlands WTS or transfer segregated items to sell at the Glenorchy tip shop. Resale centres in southern Tasmania have proven to be very successful and are established profitable operations (Refer to Case Studies - <b>Section 2.5</b>).</li> <li>● Participate in the ‘Garage Sale Trail’ – cost to council ~\$517. Very popular initiative that facilitates reuse of people’s redundant items that may have otherwise been disposed of. The next Garage Sale Trail day is Saturday 22 Oct 2016.</li> </ul>	Reduction in the amount of waste to landfill & hence lower disposal costs.  ‘Tip shops’ are a recognised business model in southern Tasmania.  New employment opportunities.	The cost associated with the planning, implementation and promotion of new initiatives.  Viability concerns due to much smaller scale of operation to city tip shops.	Short-term

Issue	Option(s)	Pros	Cons	Timeframe
	<p><b>3-3 Reduce waste amounts through community education</b></p> <p>Highlight the importance of reusing materials where possible; sorting recyclables and placing them out for collection; and segregating organic waste for processing at the WTSs.</p> <p>Inform and involve residents in new initiatives such as a small resource recovery tip-shop style operation. This would enable anything that has value to be sold on and reused.</p> <p>Highlight achievements in reduction and recovery of waste to raise awareness of waste issues and opportunities (in newsletters and/or on Council's web site)</p> <p>The education program should address the increasing costs of waste management as environmental management practices improve. This helps justify and soften the blow if waste rates are required to be increased to cover rising costs.</p>	<p>Well informed residents are likely to change behaviour leading to smarter resource use, change in consumption patterns, reduction in waste volume and involvement in new initiatives e.g. organic waste processing and tip shop style operations.</p> <p>Well informed residents are more likely to understand reasons for increases in waste rates i.e. as the need for more recovery and re-use in waste management increases, costs rise.</p>	<p>Cost of developing and running the education program.</p>	<p>As necessary in relation to other waste management initiatives</p>

Issue	Option(s)	Pros	Cons	Timeframe
<p><b>4 OH&amp;S</b></p> <p>The Oatlands &amp; Campania waste transfer stations currently have a single operator (council employed) in relatively remote locations and are potentially vulnerable if something goes wrong – although rationalisation operations (See Issue 2) will mean that there are multiple operators present at all times.</p> <p>Additionally, all employees and contractors are at times required to handle waste at very busy times when waste drop-off gets out of control. Sometimes the waste contains hazardous materials such as syringes and there is no clear protocol in regard to managing situations such as this.</p>	<p><b>4-1a Review OH&amp;S procedures at the WTSs</b></p> <p>Ensure there is a protocol in place for employees to manage an emergency situation such as personal injury or a threatening situation – e.g. a press button alert system.</p>	<p>A safer workplace for employees operating alone in a field based location.</p>		Short-term
	<p><b>4-1b Handling hazardous materials</b></p> <p>Ensure staff and contractors have the means to avoid handling waste that may contain hazardous materials and also understand appropriate protocols e.g. for dealing with syringes.</p>	<p>Reduced risk of injury to employees and contractors</p>		Immediate

## 2.5 Case Studies – waste stream reduction

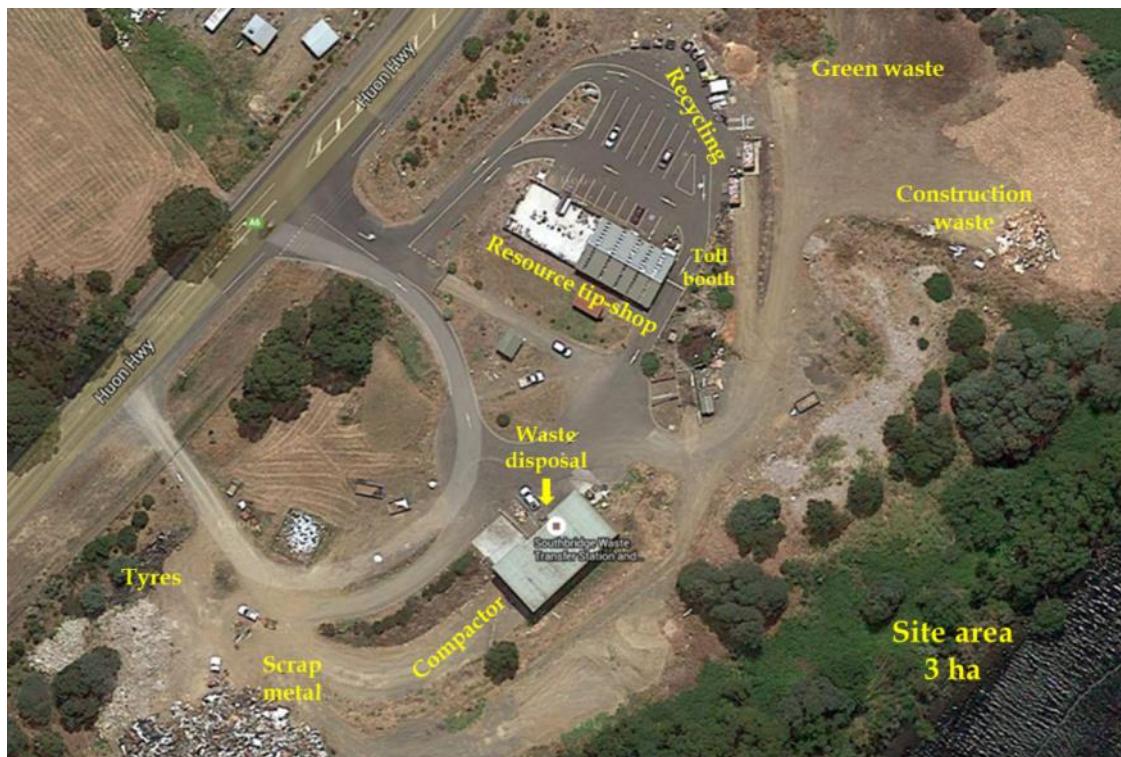
### 2.5.1 ‘Recovery Centre’ tip shop recycling centre, Southbridge, Huonville

Huonville’s Southbridge waste transfer station (Figures 12-14) was overhauled and remodelled five years ago, particularly to incorporate into the site a resource recovery ‘tip shop’ style operation. The combined purpose built shed and toll booth, together with site development cost in the order of \$200 000.

The waste transfer station is operated by two staff: one at the resource shop/toll booth and the other overseeing the waste operations. There is also a roster of volunteers that assists at the site.

The resource recovery centre has been very successful with 25 000 transactions through the shop last year at an average of \$3.80 per transaction. Turnover at the shop is increasing and the price customers are willing to pay at the shop is increasing. The success of the operation has lead council to consider opening another resource recovery tip shop in Cygnet.

Figure 12: Layout of Huon Valley Council’s Southbridge waste transfer station



*Figure 13: Huon Valley Council's Southbridge resource tip shop*



*Figure 14: Huon Valley Council's Southbridge resource tip shop*



#### ***Transferability to the Southern Midlands***

There are a number of questions that arise in consideration of a resource tip shop operation at, for example, the Oatlands waste transfer station:

- Population - the population of Huon Valley municipal area is 16 000 versus 6,000 in the Southern Midlands, hence does the Southern Midlands have the critical mass to support such an operation in terms of customer numbers? Also, does council have the resources to set up a similar operation?

- Socio-economic factors – are any socio-economic factors at play that may affect the quality of goods received at a midlands site, and the price people are willing to pay for goods?
- Location – The Huon Valley site is very well located on the Huon Highway just south of Huonville and is easily visible from the road. Current waste transfer station sites in the Southern Midlands are located at sites with far less passing traffic, a factor that will affect business viability.

These questions emphasise the fact that development of a business case and risk analysis would be required to analyse the viability of a resource tip shop style operation in the midlands.

### **2.5.2 ‘Recovery Centre’ tip shop recycling centre, Jackson Street, Glenorchy**

Recovery Tas, is a family owned company that operates the Recovery Centre & Shop in Glenorchy which has been in operation for 23 years. The business procures items for resale by the following means: salvaging from landfill; receiving ‘drop offs’ from residents; and undertaking ‘pick-ups’ from the community. The Recovery Centre was the first tip shop in Tasmania and is a thriving business which is highlighted by the following statistics:

#### Statistics for the 2014 calendar year:

- over **138,000** customers visited the centre;
- **8,000 drop-offs** from residential and commercial sources were received and processed by recovery crews deferring an estimated **527 tonnes** of products from landfill;
- salvage operations retrieved based on conservative figures in excess **400 tonnes** from the landfill;
- conservatively estimates that over **550,000 products and parts** were put back in circulation;
- estimated annual total savings of **\$165,000** to Glenorchy City Council from reduction in landfill volume.
- estimated that the activities of Recovery Tas and the Glenorchy City community extended the life of Jackson Street landfill by **four percent**.

#### Statistics for the 3 month period August to October 2015:

- **36,000** customers visited the centre;
- **74,000** products and parts being reused through the work of the centre;
- **700** cubic metres of materials were saved from disposal at the landfill.

#### Economic Benefits 2014

- sixteen permanent jobs were funded from business activities;
- revenue was increased and directly reinvested back into the Centre and the local economy;
- better than ever savings to the rate payer were delivered through reduction in landfill volumes and extension to landfill life;
- new expanded sale spaces were opened to increase business revenue;
- other small businesses continued to rely upon the Recovery Shop for their supply; and
- the Glenorchy community continued to have access to affordable goods that improves people’s quality of life.

#### Environmental Benefits 2014

- a second generation of Glenorchy residents were provided with reliable, safe access to opportunities to participate in waste minimisation and materials re-use;
- four new sale spaces were created to maximise product recovery from the waste stream;
- awareness of alternatives to disposal continues to rise and another 550,000 plus products and parts were put back into circulation; and
- available landfill space was increased thereby extending the potential lifespan of the site.

#### Social Benefits 2014

- the Recovery Centre provides a ‘feel-good factor’ with members of the community feeling satisfaction when dropping off items of potential re-use rather than throwing them away.
- the centre’s birthday celebration was held in recognition of outstanding community results in public participation in waste minimisation; and
- the unique sustainability education trail was enhanced to be an informative and enjoyable education initiative.

The Recovery Centre offers a broad range of second hand goods for sale inclusive of: building materials (e.g. tiles bricks, timber, metal, mesh, plumbing, roofing, doors, windows, perspex, glass), electrical goods and spare parts, outdoor furniture, gates, pallets, containers (plastic, wooden or metal), toys, bric-a-brac, washing machines (working or for parts), tumble dryers, refrigerators, exhaust fans, vacuum cleaners, lighting, microwaves, TVs, DVD and CD players, gaming consoles, switches and knobs, motors, cords and cables, power packs and chargers, beds, mattresses, paint, pet cages and carriers, hardware, pots, pans, cutlery, automotive, curtains, books for all ages, stationary, hand bags, backpacks and suitcases, baskets, collectables, pictures and frames, glass wear, eye wear, jewellery, bikes, sportswear and equipment, exercise bikes, bikes, garden tools and pots, jars, shop fittings, mirrors, lawn mowers, BBQs, aquariums and terrariums, heaters, kitchen electrics, computers and attachments, hard drives, fencing, wire and more.

#### **2.5.3 Garage sale trail**

Garage Sale Trail is a not-for-profit social enterprise whereby thousands of garage sales are held across the country on one day. It is a national program that promotes reuse, waste education and community building. It is delivered locally by around 160 councils and state governments in partnership with Garage Sale Trail. In 2015 the Garage Sale Trail broke previous records with 13,191 garage sales and stalls nationally.

Taking part in the Garage Sale Trail means that residents contribute to reduction in the amount of reusable materials put out for council collection or disposed of at council waste transfer stations. This in turn reduces the amount of waste the community is sending to landfill.

The next Garage Sale Trail is on Saturday 22 October 2016.

## 3.0 Recyclables

### 3.1 Current Situation

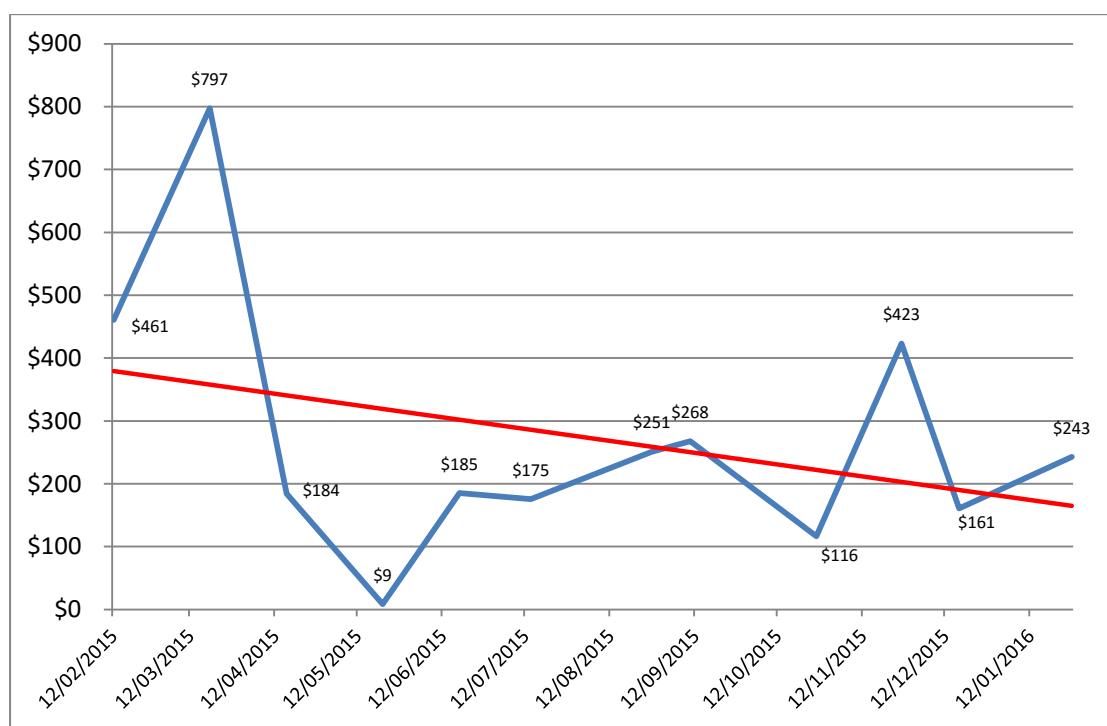
Council manages recyclables as part of its roadside collection service and at each of its three waste transfer stations (Table 6). Roadside collection includes: glass, plastics, tins and aluminium cans - collected by Thorpe's contracting at the same time as the rubbish collection service. Residents are supplied with a small crate (55 L) for their recyclables. Recyclables are manually loaded into a trailer towed by the contractor's waste compactor truck. Additional recyclables collected at the waste transfer stations include cardboard and scrap metal.

Recyclables, with the exception of scrap metal, are taken to SKM at Derwent Park where they incur a gate fee of around \$32/tonne (Figure 15), with the exception of cardboard for which a credit of \$30/tonne is received.

The volume of recyclables managed by council and its contractors is variable - in the vicinity of 10 tonnes per month. This means that recyclables comprise approximately 7% by weight of the total waste stream generated by Southern Midlands Council. This amount compares to the southern Tasmanian regional recycling rate of 22%, suggesting that there is potential for greater resource recovery from the waste stream by improving participation in recycling.

Although the recyclables industry is problematic in terms of: lack of local processing; questionable end usage for some products; logistics difficulties with sorting co-mingled products; issues related to contamination and broken glass - the value of community participation and waste stream reduction cannot be understated.

*Figure 15: Net cost of recyclables processed at SKM Recycling\**



\*Shows the net cost to council once revenue from cardboard is accounted for.

*Table 6: Contractor's recycling fees for Council's waste transfer stations*

<b>Detail</b>	<b>Monthly Cost*</b>
Oatlands WTS Recycling fee	\$808
Campania WTS Recycling fee	\$404
Dysart WTS Recycling fee	\$404

## **Recyclables Overview**

### *Metals*

The cost to Council for recycling scrap metal (at One Stop Metal in Glenorchy) has been a \$36/tonne gate fee, however this fee was recently reduced. Scrap metal is currently processed interstate by Smargon.

### *Plastics and Glass*

Various plastic and glass recyclables are sorted and sent interstate by SKM for recycling. A cost to Council (approx. \$32/tonne) is incurred for recycling these products.

### *Cardboard & Paper*

Cardboard and paper is collected at the waste transfer stations and recycled generating a revenue credit for Council (approx. \$30/tonne).

### *Chemicals*

Southern Midlands Council utilises the services of the 'Drum Muster' program to dispose of waste chemicals. Used drums of chemicals (required to be triple rinsed) may be dropped-off by residents at the Oatlands and Campania waste transfer stations. The drums are collected annually by Veolia, a service that currently costs Council in the order of \$1000 annually but this is largely reimbursed through the Drum Muster program.

### *Oil*

Waste oils, both sump oil and cooking oil, are collected at the waste transfer stations and re-cycled.

### *E-waste*

The National Television and Computer Recycling Scheme is regulated by the Australian Government under the *Product Stewardship Act 2011* and is a key component of Australia's National Waste Policy. The scheme provides Australian households and small businesses with access to free recycling services for televisions and computers. Recycling services are provided through collection events, which are made available across metropolitan, regional and remote areas. The scheme aims to lift television and computer recycling rates from the low rate of around 17 per cent in 2010 to 80 per cent by 2021–22. Details at [www.recyclingnearyou.com.au](http://www.recyclingnearyou.com.au)

*Figure 16: Oatlands waste transfer station recycling area*



*Figure 17: Campania waste transfer station recycling area*



*Figure 18: Campania waste transfer station cardboard recycling*



### **3.1.1 Scrap Metal**

The gate fee for recycling scrap metal (at One Stop Steel in Glenorchy) has been until recently \$36/tonne which is a significant disincentive to dispose of scrap metal, particularly for organisations such as councils that handle large volumes. Additional to the gate fees, handling and transportation fees are also a cost component of managing scrap metal. As the price of scrap metal fluctuates it is pertinent to closely monitor the situation so that Council is in a position to be opportunistic regarding the collection of scrap metal by the contractors.

Scrap metal collection at the Oatlands waste transfer station recently reached significant proportions (Figure 19). Scrap metal at the site is at times difficult to manage as it is unsorted and unsightly.

*Figure 19: Oatlands waste transfer station scrap metal collection area*



*Figure 20: Campania waste transfer station scrap metal collection*



### 3.2 Recyclables Issues and Options

Table 7: Southern Midlands Council recyclables issues and options

Issue	Option(s)	Pros	Cons	Timeframe
<p><b>5 Increase resource recovery – reduce waste volume</b></p> <p>Southern Midlands Council recycling program recovers approximately 7% of materials that would have gone to the waste stream. This is lower than the southern regional average of 22% for all councils suggesting there is potential for recovery of more material from the waste stream.</p> <p>Although the end use of many recyclables is dubious, the segregation of this material is important to the community as creates some business opportunity and results in reduced volumes in landfill.</p> <p>Also, although there is also a cost in managing recyclables, it is lower per tonne than if it were disposed of as waste.</p> <p>Interstate experience has shown that crates divert much less recyclable material than bins and generate more litter<sup>3</sup>. Also, southern regional councils using crates rather than bins have a limited range of plastics (1 to 3) accepted whereas those using bins have an expanded range (1 to 7).</p>	<p><b>5-1 Upgrade from crates to bins</b></p> <p>Council to consider the potential to upgrade the recycling service in order to make an impact on reducing waste volume. This could entail upgrading bin size from the 55 L crates to a wheelie bin of at least 140 L, together with a move to fortnightly collection.</p> <p>Council also to consider expanding the range of materials collected in the recycling service (refer to Option 5-2).</p> <p>Discussions would be required with the current contractors in terms of their capacity to revamp their operation to cope with recyclables in wheelie bins.</p>	<p>Highly likely that there will be an increase in materials recovered from the waste stream therefore resulting in reduced volume of waste and lower associated fees.</p>	<p>Cost of replacing crates with bins.</p> <p>New collection arrangement required resulting in increased costs.</p> <p>Increased disposal costs at SKM. Under the current arrangement, council's recyclables incur a low fee due to the relative cleanliness of the material collected.</p>	Medium-term
	<p><b>5-2 Expand the range of plastics collected</b></p> <p>Expanding the range of plastics recovered from (1 to 3) to (1 to 7) will reduce the volume of waste going to landfill. Council to explore the pros and cons of restructuring council's recycling operation.</p>	Same as for Option 5-1.	Same as for Option 5-1.	Short-term

<sup>3</sup> Waste Management 2020 and beyond (2011) – Blue Environment for SWSA

<b>Issue</b>	<b>Option(s)</b>	<b>Pros</b>	<b>Cons</b>	<b>Timeframe</b>
<b>6 Lack of resource sharing – high unit cost</b>  Council currently operates its own waste management operation and therefore isn't capitalising on potential benefits of resource sharing, joint tenders or group pricing. The unit cost per tonne in the operation is not optimised by operating in isolation.	<b>6-1 Commence discussions regarding resource sharing with a view to rationalising the operation</b>  Initiate a cooperative approach to waste management with other councils – e.g. joint tenders for recyclables – group pricing – shared waste transfer stations. Potential options and new contracts could be explored through direct discussions with neighbouring councils.	Rationalisation of the service through joint contracts, sharing of services and infrastructure. Likely to result in lower operational costs.	Higher levels of coordination between participating councils would be required – although this may be viewed as a positive, it requires a time commitment.	Short-term
<b>7 Scrap metal logistics</b>  Scrap metal has become a management issue for council, specifically at the Oatlands waste transfer station. This is partly related to the fact that there is has been a cost to dispose of scrap metal (as high as \$36/tonne). The gate fee at One Stop Metal has recently been waived presenting a good opportunity for council to dispose of the stockpile.	<b>7-1 Arrange for immediate collection of scrap metal by One Stop Steel while the metal price is higher and the gate fees and collection fees have been waived</b>  Organised – May 2016	An unsightly, large stockpile cleaned up.		Immediate
	<b>7-2 Implement a revised procedure at the Oatlands waste transfer station</b>  Increased attention and focus on sorting and removal of scrap metal at the Oatlands waste transfer station is required so that volumes remain manageable and do not exceed a defined limit or volume. A re-occurrence of the current situation needs to be avoided.	Streamlined management of scrap metal from on-site segregation through to delivery to the scrap metal dealer.		Immediate
	<b>7-3 Identify and implement a short-term scrap metal storage site</b>  Discuss this option if Options 7-1 and 7-2 aren't achieved - identify options for a scrap metal storage site so that collected metal may be stored until the market or price for scrap metal improves.	Avoidance of current disposal cost.	Uncertainty in the timeframe of a recovery in scrap metal prices, and hence the duration of storage.  Scrap metal would incur a handling and transportation cost for storage.	Short-term

## 4.0 Organic Waste

### 4.1 Current Situation

Approximately 60% of material (by weight) currently disposed of to landfill in Tasmania is organic waste<sup>4</sup>. Organic waste is a broad term that comprises: woody waste such as garden clippings, pruned material and lopped material; light garden waste such as weeds and grass clippings from lawn mowing; and kitchen waste such as fruit, vegetables, bread etc.

Southern Midlands Council endeavours to segregate as much of the coarse woody organic material as possible from the waste stream by providing organic waste drop-off points at each of its waste transfer stations (Figures 21-23). However, there is currently no means provided for residents to segregate putrescible kitchen and light organic garden waste, so if residents are not composting this material or feeding it to animals, it most likely ends up in the waste stream. Not only does this dense and often heavy material incur a disposal cost to council, it's rapid decomposition results in the release of greenhouse gases such as methane into the atmosphere.

Council currently has not employed a consistent methodology for dealing with the coarse woody organic material dropped off at its waste transfer stations. Impediments to primary processing of organic waste (e.g. shredding for mulch) include:

- Cost.
- Variability in quantity and quality. Organic waste can comprise of anything from grass clippings, food waste or woody material of varying size.
- Potential contamination with metals and other materials that have the potential to foul or damage mulching machinery.

*Figure 21: Woody green waste at Dysart waste transfer station*



<sup>4</sup> Waste Management 2020 and beyond (2011) – Blue Environment for SWSA

*Figure 22: Woody green waste at Oatlands waste transfer station*



*Figure 23: woody green waste at Campania waste transfer station*



## 4.2 Organic Waste Issues & Options

Table 8: Southern Midland Council organic waste issues and options

Issue	Option(s)	Pros	Cons	Timeframe
<b>8 Woody green waste stockpiles</b>  Council's woody green waste stockpiles are awaiting a cost-effective and appropriate solution. Some of the material is burned to keep stockpiles manageable – a practice that may not continue to be EPA compliant in the future. Further, burning woody green material contributes to air pollution, is a bushfire risk, and is wasteful of a potential resource.	<b>8-1 Mulching/chipping – generating a value-added, saleable products from woody green waste</b>  Improve management of green waste such that practices are environmentally compliant. Currently Barwick's are able to provide a chipping service for \$10 m <sup>3</sup> cut + approximately \$2500 to transport their machinery to the site. Approx. 1000 m <sup>3</sup> can be done in a day (Huon Valley Council experience) – so once per year may be feasible.	Woody green waste stockpiles reduced.  Relatively low capital outlay.  Saleable product (mulch) created & hence a new revenue stream generated.  Mulch useable by council in its own operations, thereby avoiding cost of purchasing mulch.  Produces a beneficial product for soil improvement & moisture conservation.  Good public relations outcome for council.	Capital outlay required for mulcher to be leased or purchased (unless a contractor is used).  Potential for feedstock contamination with wire or metal means that organic waste pre-screening or cleaning may be necessary, dependent upon machinery.  Mulched material produces methane, a potent greenhouse gas.  There is potential to spread weeds in the end product.	Immediate to Short-term
	<b>8-2 Pelletisation for fuel</b>  Woody green waste is chipped/shredded, pulverised, dried and compacted into briquettes or pellets for use as fuel.	Useful, saleable product produced – although market analysis / business case would need to be undertaken.  Reduction in future greenhouse gas emission liability.	Likely high capital and operating cost.  Large throughput of feedstock required for economy of scale.  Feedstock resource reliability needed to justify capital outlay.	Long-term
	<b>8-3 Thermal treatment 1 – combustion</b>  Burning of mixed woody waste to produce energy in the form of heat which may be utilised directly or coupled to a turbine to generate electricity.	Useful products – heat and energy.  Reduction in future greenhouse gas emission liability.	High capital and operating cost.  Air emission controls necessary.  Would need to be located strategically to utilise heat energy.  Ash disposal issue.	Long-term

Issue	Option(s)	Pros	Cons	Timeframe
	<p><b>8-4 Thermal treatment 2 – pyrolysis</b></p> <p>For pyrolysis to occur, organic matter is heated to between 400° - 800°C in the absence of oxygen to produce: heat, gas, liquid and a solid char outputs – the relative proportions of which are dependent upon the method of pyrolysis and processing parameters.</p> <p>Pyrolysis plants can be constructed according to needs: i.e. small mobile units that can be easily transported to the feedstock; or large scale fixed facilities for processing a variety of waste streams at a regional scale.</p>	<p>Useful, saleable product produced e.g. heat, syngas, biodiesel, charcoal and biochar.</p> <p>Opportunity for collaboration in shared regional infrastructure.</p> <p>May attract grant funds and investment.</p> <p>Size flexibility e.g. ‘back of a truck’ sized infrastructure able to be transported easily to a number of sites to process smaller volumes of materials. This is potentially the most appropriate option for a small rural council and is ideally suited as a shared resource between dispersed rural councils.</p> <p><b>Refer to Case Study:</b> Refer to Section 4.2.1</p> <p>Reduction in future greenhouse gas emission liability.</p>	<p>Expensive for one council to implement due to high capital costs e.g. at least ~480 K for a small mobile CharMaker unit – potentially more suited as a regional or sub-regional project.</p> <p>For larger fixed-location facilities a high throughput of feedstock is required for economies of scale.</p> <p>Feedstock resource reliability not guaranteed.</p> <p>Detailed planning and business case development required before investment may be considered.</p> <p>Gate fees of at least \$130/tonne may be required for viability.</p> <p>Specific technical expertise required for development, commissioning and operation.</p> <p>Guaranteed market for products not yet established.</p> <p>Large scale facility must be located strategically to: minimise feedstock transport; to be near powerlines; minimise environmental impact in terms of nearby residents; and ideally co-located with a business able to utilise the heat energy produced.</p>	Long-term

Issue	Option(s)	Pros	Cons	Timeframe
	<b>8-5 Thermal treatment 3 – gasification</b> In gasification waste is heated to over 900°C in the absence of oxygen to produce a fuel (gas) which can be used to generate electricity.	Useful, saleable product produced, e.g. fuel gas. Opportunity for collaboration in shared regional infrastructure. May attract grant funds and investment. Reduction in future greenhouse gas emission liability.	Prohibitively expensive for one council to implement due to high capital costs – more suited as a regional project. Large throughput of feedstock required for economy of scale – gate fees of at least \$130/tonne. Specific technical expertise required. Feedstock resource reliability not guaranteed. No guaranteed market for products. Large scale facility must be located strategically, as per a pyrolysis plant.	Long-term
<b>9 Food organics</b> Food organics can comprise up to 50% by weight of the domestic waste stream <sup>5</sup> , hence, diversion of this organic material to alternative processing can significantly reduce the cost of waste disposal. In rural Tasmania the issue of food organics in the waste stream is assumed to be lower than average due to the higher likelihood of feeding to chickens, stock, dogs, or composting for vegetable gardens.	<b>9-1 Undertake a waste audit</b> Engage a specialist to audit council's waste stream to determine the relative composition of materials, particularly to ascertain whether disposing of food organics is an issue that needs to be addressed.	Clearer information about the nature of council's waste stream. Provision of a basis for decision making in regard to determining future approaches and options in waste management.		Immediate

<sup>5</sup> Waste Management 2020 and beyond (2011) – Blue Environment for SWSA

Issue	Option(s)	Pros	Cons	Timeframe
	<b>9-2 Community education &amp; awareness</b> Undertake an awareness raising program whereby residents are informed of waste management issues, particularly in relation to keeping food organics and garden waste out of the waste stream. The campaign would focus on the positive options available for composting / processing organic matter.	A better informed community leading to a reduction in food organics and garden waste entering the waste stream.  Lower waste disposal costs for council.		Short-term
	<b>9-3 Provide residents with a compost bin</b> Based upon the results of the waste audit (9-1) if food organics are a significant component of the waste stream consideration needs to be given to issuing residents with a compost bin (opt-in basis) together with an information kit or community presentations about how to compost organics effectively.	Reduction in, or elimination of, food waste from the waste stream.  Lower waste disposal costs.	If the cost benefit analysis of issuing the bins adds up, then there are no negative aspects to this action.	Short term

#### **4.2.1 Case Study - Earth Systems mobile pyrolysis unit**

Australian company Earth System developed the CharMaker – Mobile Pyrolysis Plant (Figure 24) for Victoria's North East Catchment Management Authority. The CharMaker is a transportable batch pyrolysis technology applicable to any log or stick sized woody biomass – a feature of which is that pre-processing (e.g. chipping) of the feedstock is not required. Pyrolysis is the high temperature treatment of woody waste in a low oxygen environment. Pyrolysis converts woody waste into either standard charcoal or a special form charcoal known as biochar which has a number of useful applications.

Biochar is a soil amendment product that: improves soil structure; nutrient availability; microbial activity; and moisture holding capacity. Biochar is also a stable form of carbon that enables long term storage of organic carbon in the soil profile, which is a useful proposition in the face of likely future liabilities that will be incurred regarding carbon emissions to the atmosphere. Biochar has applications at a variety of scales, for example: improving soil in the home garden; as an admix to horticultural products such as potting mix or composts; application in broad-scale agriculture as a means to improve soil properties and productivity.

The CharMaker has successfully trialed over 20 feedstocks, including: wattle, eucalypts, mixed green waste, old grape vines, pine plantation residue waste, railway sleepers, straw bales, timber waste (from waste transfer stations), and willows.

*Figure 24: The Earth Systems mobile pyrolysis unit for the processing of woody or green waste*



The CharMaker technology is particularly ideal where: transport issues make processing of green woody waste unviable; processing of small dispersed volumes of material are desired; chipping costs are expensive, or a process is needed for green woody waste treatment without smoke emissions (e.g. urban environment).

The Charmaker transportable pyrolysis furnace has the following key parameters and benefits:

- Easily transported unit with access to most remote areas.
- Batch processing with 19 m<sup>3</sup> internal volume per batch for the CharMaker MPP 20, and 38 m<sup>3</sup> for the CharMaker MPP 40.
- Pyrolysis converts biomass to ~1 to 2 tonne biochar per batch for the CharMaker MPP 20, or ~2 to 4 for the CharMaker MPP 40.
- Processes larger wood feedstocks, including logs. Minimal feedstock pre-treatment is required (no chipping required). To process larger woody feedstocks in a suitable time, the maximum recommended woody dimensions are: no greater than 150 mm diameter (6") and 1.8 metres (6 feet) in length.
- Batch processing takes a few hours – normally 4-5 hrs per batch depending on moisture content and wood feedstock diameter.
- Targeted processing temperature range can be selected from 300-550°C.
- Destruction of all pathogens.
- Biochar product has very high fixed carbon content.
- Very low emissions.
- High thermal energy output.
- No smoke: the high after-burner temperature minimises volatile emissions. When operating there are no visible smoke emissions – the technology can therefore be operated in an urban environment.
- Designed for farm, forestry and waste management operations.
- The biochar product is screened, crushed and packaged at the end of the process on site.
- A sophisticated control system with multi-sensory input operates the CharMaker MPP. Once the CharMaker MPP has ignited, operator input requirements are minimal. It can be operated unattended, and will quench and shut itself down at the conclusion of the process. This allows unattended operation overnight. The CharMaker MPP can then be unloaded the following day during work hours – thereby increasing the number of batches per work day.
- Optional heat recovery for drying / space heating.
- Optional wood vinegar and bio-oil recovery system.
- Optional small-scale power generation.
- No site works required.
- No on-site power requirements.
- No lengthy set-up and commissioning required.

The cost of the CharMaker mobile pyrolysis units is in the vicinity of \$480 000. The units can be set up to be operated remotely and unattended overnight operation is possible. Approximately 50 litres of diesel is required for each batch to ignite the process.

**Attachment 2**



Waste Management Strategy

**PRIORITY OPTIONS & ACTIONS**

Draft - August 2016

These Options and ‘actions arising’ were initiated through development of the Southern Midlands Council’s Waste Management Strategy and have been discussed and assessed by an internal waste management group as the highest priority for short-term consideration.

Refer to the Waste Management Strategy for the complete list of issues and options.

**WASTE STREAM**

**Option 1-1b Go to tender on waster transfer station collection and disposal services**

In the context that Council has recently taken a marked cost increase from the current contractors for our waste transfer stations (collection and disposal), together with the fact that there are now a number of players in the waste management game, it appears that the timing may be appropriate to test the market for a better deal.

The terms of reference for the contractor services may need to specify that there could be some rationalisation of council’s waste transfer station sites – refer to Option 1-4.

**ACTION ARISING:** Prepare tender documents for operation of the collection and disposal of waste from Council’s three waste transfer stations.

**RESPONSIBILITY:** Tim Kirkwood et al.

**Option 1-3 Kerbside collection – discussion of options with contractors**

The initial priority in waste management is a focus on rationalisation of the waste transfer stations rather than the kerbside collection service as the kerbside collection is currently contracted to 2018.

Beyond 2018, there is potential to move to a fortnightly waste collection for all residents with an upgrade of bin size from 140 L to 240 L. It is assumed that a more comprehensive kerbside collection service will reduce pressure on the waste transfer stations and help to soften the blow if the waste transfer stations are to be rationalised.

**ACTION ARISING:** Arrange a meeting with Thorps to determine their capacity and potential to expand the roadside collection service to all residents.

**RESPONSIBILITY:** Graham Green & Tim Kirkwood

**Option 1-4      *Waste transfer stations rationalisation***

Council's waste management group has discussed options for potential closure or relocation of all council's waste transfer stations with no definitive decision arrived at so far. The most tenuous of the waste transfer stations is Campania (Brown Mountain Road) over which council currently has no tenure. This site is vulnerable to exploitation by out-of-area-users as it is close to the municipal boundary.

The preferred option for the southern half of the municipality is for a centralised waste transfer station to service residents who currently use the Dysart and Campania sites. In the absence of an appropriate site being identified in the Southern Midlands there is potential for a site sharing arrangement with Brighton Council which is likely to result in significant operational cost savings to council. Initial discussions have highlighted the Brighton Industrial Estate as a potential option. This site is located 22 km from Campania and 24 km from Kempton. Residents in close proximity to the Dysart and Campania waste transfer stations will be inconvenienced by a site relocation, however, there are many that will benefit e.g. residents of the Mangalore Valley and Tea Tree Road, and arguably any resident travelling down the Midland Highway to the city.

Prior to any rationalisation of the Oatlands waste transfer station, it was suggested that it would be appropriate to compile a survey of users to determine their waste disposal behaviour in order to help guide decision making.

**ACTIONS ARISING:**

- i) Arrange a meeting with Heath McPherson and other appropriate staff to further discuss the potential for a shared waste transfer station and facilities in the vicinity of Brighton.

**RESPONSIBILITY:** Tim Kirkwood, Graham Green et al.

- ii) Compile a list of questions for a waste transfer station 'users survey' and identify someone to undertake the survey.

**RESPONSIBILITY:** Graham Green & Tim Kirkwood

**Option 1-5      *Analyse resource sharing options with other councils – joint tenders, group pricing, shared facilities***

Further to 1.4, there is potential for shared resources with Brighton in terms of: a waste transfer station site; on site infrastructure (e.g. a waste compactor & green waste processing); and sharing of transport and disposal contractors.

**ACTION ARISING:** Continue to be open to discussion with neighbouring councils, particularly Brighton who have expressed interest to date

**Option 2      *Rationalise WTS operating times and logistics***

It has been agreed that a minimum of two operators at the waste transfer stations is preferable to enable: site efficiency to be improved; scrutiny of what's going into bins; record keeping - keeping track of bin volumes and movements; collection of fees; and improvement in on-site occupational health and safety.

A move to two operators would require changes to rosters and opening hours with the potential that operators could open one site in the morning and move to another site for the afternoon. This would also open the possibility of materials transfer from site to site e.g. green waste all transported to one site for subsequent efficiency of processing e.g. chipping/mulching through Barwicks.

In discussion regarding waste compaction, it was agreed that a commercial compactor as a shared resource would be the best option and that this could work in conjunction with a shared waste transfer station at Brighton.

**ACTIONS ARISING:** Convene a meeting of waste transfer station employees to discuss record keeping protocols and to determine what people's capabilities are in terms of hours and ability to work at more than one site.

**RESPONSIBILITY:** Graham Green to organise a meeting of waste transfer station employees/contractors to discuss proposed changes.

**Option 3-1      *Reduce waste amounts by improving site layout and increasing recovery effort***

Based upon observations at other council waste transfer stations, the aim is still to work towards having our waste transfer stations laid out for optimal segregation of recoverable materials. This certainly works very effectively at Huon Valley Council where the Southbridge site has become a functional and positive community hub with high recovery levels of recyclables and objects with reuse potential or value.

More logical site layout at the waste transfer stations will facilitate effective segregation of recoverable materials and open up the potential for council to operate a small tip shop reducing waste volumes and generating a new revenue flow.

**ACTION ARISING:** Pending the outcome of the waste survey (Option 1-4) and decisions around future siting of waste transfer stations – plan, develop and implement new site layouts for efficient operation and resource segregation.

## **RECYCLING**

### ***Option 5 Upgrade from crates to bins – expand the range of plastics collected***

It was agreed that recycling operations would not be changed at this stage. Council currently receives a competitive disposal cost for recyclables which is related to the manner in which recyclables are collected (crates) which enables contractors to scrutinise the contents and keep the recyclables stream relatively free of contamination. Additionally, our current roadside contractors are geared up for crate collection and it is a cost effective operation for council to have waste and recyclables collected in the same run.

**ACTION ARISING:** Nil

## **GREEN WASTE**

### ***Option 8-1 Mulching/chipping***

The conversion of green waste and construction waste to mulch by Barwicks at the Huon Valley Southbridge site is impressive. Barwick's mulcher is only required on site once per annum to process all of Huon Valley's green waste. The resultant product is used by council and also sold to the public.

A joint green waste processing operation with Brighton needs to be pursued as they also have green waste management issues.

**ACTION ARISING:** Pursue a joint arrangement with Brighton to share a green waste collection and processing site. In the absence of any workable outcome, continue to consider the option of collating all our green waste at one site (e.g. Oatlands waste transfer station) with the view to Barwick's processing it on an annual basis.

### ***Option 9-1 Undertake a waste stream audit***

It was agreed that a waste audit to determine whether food organics are a significant proportion by weight of the waste stream (as it is in other areas) is worth commissioning. A management solution e.g. compost bins for residents, would be based upon the outcome of the audit.

**ACTION & RESPONSIBILITY:** 'Just Waste' based in Launceston have the capability to undertake waste stream auditing. Obtain a quote for this service, proceed if reasonable, and then take appropriate action as guided by the survey outcome.

### **13.10.2 TUNNACK DISTRICT – WASTE COLLECTION**

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

**Date:** 18 AUGUST 2016

#### **ISSUE**

To provide Council with a cost estimate to provide a one-day focussed waste collection (i.e large items) service for the Tunnack District.

#### **BACKGROUND**

This issue was raised at the previous Council meeting whereat it was resolved that a cost estimate be prepared for consideration by Council.

#### **DETAIL**

Based on preliminary information received, property owners / residents within the immediate Tunnack district have requested Council to provide a service whereby large items could be delivered to a central point for placement in a large skip bin and then subsequently disposed of by Council.

In terms of preparing an estimate, the following assumptions have been made:

- a) The service would somehow be limited to a designated district (unsure how this would be achieved) and property owners would be required to deliver items to the central location. For the purpose of preparing an estimate, it is assumed that this would be limited to 50 households.
- b) Council would be responsible for unloading and placement in the container as OHS issues do arise. This would require a backhoe (or similar) for lifting purposes.
- c) 3 large skip bins (20m<sup>3</sup>) would be on-site for the designated day (two of which would require prior delivery), with the third being transported by the contracted truck on the day. Skip bins would be continuously transported to landfill (either Glenorchy or Copping landfill) during the course of the day. Note: *Prior arrangements would need to be made with the relevant landfill operator.*
- d) Based on 50 households and an average of 2m<sup>3</sup> per household – this would equate to 5 containers (more likely six depending on the type of goods and the amount of space lost within the container).

A variation to this proposal could involve property owners notifying Council in advance of items to be disposed and Council collecting direct from the property.

**Human Resources & Financial Implications** – an estimate is being finalised which will detail the costs based on the assumptions listed, however this could vary substantially.

Note: No allowance has been provided in the 2016/17 Waste Management Program Budget.

**Community Consultation & Public Relations Implications** – As mentioned, restricting the service to a designated area would be extremely problematic. It goes without saying that there would be likely demand for a similar service to be provided to all areas.

**Policy Implications** – N/A.

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

## **RECOMMENDATION**

**Submitted for discussion and direction.**

## **DECISION**

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

### **13.10.3 SOUTHERN TASMANIAN COUNCIL'S AUTHORITY (STCA) – WASTE GROUP NOMINATION**

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

**Date:** 18 AUGUST 2016

#### **ISSUE**

Council to appoint its representative to the Southern Tasmanian Council's Authority (STCA) Waste Group.

#### **BACKGROUND**

Council, at its meeting held in March 2016, endorsed the proposal that the STCA host the Waste Management Strategy Group. As part of that decision, the following was noted:

- a) the Terms of Reference as endorsed by the Southern Tasmanian Council's Authority;
- b) the proposed draft Budget for the 2016/17 financial year and associated council subscriptions; and
- c) the proposed regional waste group activities for the 2016/17 year as endorsed by the STCA.

The STCA Waste Group effectively replaces the Southern Waste Strategy Authority in terms of structure, however its actions will be limited given the restrictive budget.

#### **DETAIL**

The STCA Waste Group is now operational, however Council did not appoint its representative at the March meeting.

The decision to defer an appointment was based on waiting for all twelve southern council to confirm participation in the model.

Each member Council is to nominate an elected representative and relevant officers from member councils are also invited to attend.

**Human Resources & Financial Implications** – SMC's annual subscription (being part of the total budget of \$150K) is \$2,400. This is a calculation based on the size of each Council.

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

**Policy Implications** – N/A.

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

**RECOMMENDATION**

**THAT Council appoint its representative to the Southern Tasmanian Council's Authority (STCA) Waste Group.**

**DECISION**

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

## **13.11 Information, Communication Technology**

<b>Strategic Plan Reference – Page 17</b>
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1.11.1      Improve access to modern communications infrastructure.
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Nil.

**13.12 Officer Reports – Works & Technical Services (Engineering)**

**13.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT**

**Author:** MANAGER WORKS & TECHNICAL SERVICES (JACK LYALL)

**Date:** 19 AUGUST 2016

**ROADS PROGRAM**

Maintenance grading is underway in the York Plains and Tunnack areas.

**BRIDGE PROGRAM**

Guard rails have been installed on the Inglewood Road bridge. There are some minor road works to be completed.

**WASTE MANAGEMENT PROGRAM**

All sites are operating well.

**TOWN FACILITIES PROGRAM**

General Maintenance is continuing.

**QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES**

**RECOMMENDATION**

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

**DECISION**

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

## **14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)**

### **14.1 Residential**

**Strategic Plan Reference – Page 18**

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

Nil.

### **14.2 Tourism**

**Strategic Plan Reference – Page 19**

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

Nil.

### **14.3 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.

## **14.3 Business**

### **Strategic Plan Reference – Page 20**

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

### **14.3.1 SIGNIFICANT BUSINESS ACTIVITIES ASSESSMENT – COMPLIANCE WITH COMPETITIVE NEUTRALITY PRINCIPLES (CALLINGTON MILL BUSINESS PRECINCT)**

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

**Date:** 21 AUGUST 2016

**Attachment:**

*Department of Treasury and Finance - Identification and Management of Significant Business Activities by Local Government in Tasmania to Comply with Competitive Neutrality Principles*

### **ISSUE**

Council to review its current position in relation to the application of the National Competition Policy and the identification of significant business activities for reporting purposes.

*Note: The Audit Panel has referred this issue to Council, particularly in relation to the assessment of the Callington Mill Business Precinct operation.*

### **BACKGROUND**

The National Competition Policy relates to the issue of competitive neutrality. It requires that government businesses should not enjoy any net competitive advantage simply as a result of their public sector ownership. This is the principle of ‘competitive neutrality’. The objective of competitive neutrality is the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities so that ultimately all government businesses compete on fair and equal terms with private sector businesses, where this is in the public benefit.

The Department of Treasury and Finance has prepared the enclosed paper entitled “Identification and management of significant business activities by local government in Tasmania to comply with the competitive neutrality principles”. This paper provides guidance and details a step by step process to identify and determine any significant business activities (SBA).

The Competition Principles Agreement (CPA) provides two separate models of competitive neutrality. These are the corporatisation model and the full cost attribution model. The CPA requires these models to be applied to the extent that it is in the public benefit. While the CPA sets out these models as alternatives, there is considerable merit in a staged approach to the introduction of competitive neutrality. On an ongoing basis councils must:

1. identify all business activities within their operations;
2. identify which of these are SBAs;
3. apply full cost attribution to those SBAs, to the extent that it is in the public benefit;

4. identify those SBAs which are potentially suitable for corporatisation;
5. undertake public benefit assessments of the corporatisation of those business activities; and
6. corporatise those business activities where a public benefit assessment indicates that the benefits outweigh the costs of doing so.

## **DETAIL**

Council needs to refer to the document, titled *Identification and Management of Significant Business Activities by Local Government in Tasmania to Comply with Competitive Neutrality Principles*. This provides guidelines on identifying and reporting on Local Government SBAs. Amongst other things, this document provides that while, in the first instance, councils identify which business activities are significant, the ultimate decision as to what is a business activity and a SBA may need to be resolved by the Tasmanian Economic Regulator, in the event of a complaint under the Act.

Whilst this process has been undertaken by Councils in the past, whereby Water and Sewerage activities were identified as significant business activities, all councils need to regularly review their activities to determine if there are any activities that should be classified as business activities and/or SBAs and therefore to which the competitive neutrality principles (either corporatisation or full cost attribution, as appropriate) should be applied.

In terms of what has changed, the Audit Panel has identified the need to consider the Callington Mill Business Precinct as being a significant business activity and what is the appropriate method of reporting (and structure).

### **Step 1 – definition of business activity**

The first part of the assessment clarifies whether an activity is a business, rather than a regulatory or governance function.

The National Competition Council considers that, in defining a business activity, the relevant considerations are the nature of the activity and the contestability of the market. In line with this, a business activity is one that involves the production of goods and/or services in a market that is, or has the potential to be, competitive.

The fact that there is no competition, actual or potential, with other providers of the same goods or services does not automatically imply that an activity is not a business, as the Local Government body may be setting artificially low prices and so preventing potential competitors from entering the market.

#### ***Comment:***

Assessment of the Callington Mill Business Precinct is very complex as it includes a number of separate activities. For example, the provision of visitor information and associated services would certainly not be considered a business activity. However, the production and supply of flour (and similar product) in a commercial environment would certainly be considered a business activity; and similarly, the café and retail component could also be viewed as a commercial activity.

### **Step 2 – determining if a business activity is significant**

Once an activity has been determined to be a business activity, the next step is to determine if it is a significant business activity. A business activity will not necessarily be

significant simply because a competitor alleges that it is adversely affected by that business.

A defined financial threshold measure (such as turnover) is not a satisfactory indicator of significance, as it may not reflect the actual or potential impact of that business' activities on other businesses, especially in small markets such as those in and between municipalities. Financial size is a necessarily arbitrary measure and difficult to apply on a consistent basis across Australia.

Neither should significance be determined according to the Local Government body's expenditure or revenue on an activity relative to that body's total revenue or expenditure. The impact of the activity on the relevant market is a more appropriate indicator.

Useful questions for assessing "significance" are:

- What is the relevant market?
- What is the size of the relevant market and of the Local Government body's activity compared to the whole market?
- What is the competitive impact (including the potential competitive impact) of the business activity in the relevant market? Is the business activity a major player in the overall market? If the business activity is the only local or regional provider of the service to the community, would competitors emerge if tenders were called?

The responsibility for initially assessing whether a business activity is significant, and for applying the competitive neutrality principles as appropriate, rests with Council.

***Comment:***

In order to assess the above questions, I provide the level of sales for the 2015/16 financial year as one form of indicator:

- Flour Sales - \$153,698
- Retail - \$77,445
- Café - \$46,922

In terms of the relevant market, no commentary is provided in relation to whether it is the local, regional or broader market.

Irrespective, it is my clear view that neither of these activities have a significant impact on the overall market, in whichever context it is considered. In fact, each as a stand-alone activity is not commercially viable and calling for expressions of interest in the past has not secured any interest from the private market.

The assessment of "significance" involves a degree of judgement, and the alternative view is to consider each a significant business activity.

This would involve the application of competitive neutrality principles, unless it can be demonstrated that it is not in the public interest to do so. The onus would then be on Council to conduct an objective public benefit test to substantiate a view that the public benefit will not be served by applying competitive neutrality.

In reference to the enclosed paper and under the section of ‘Onus of Proof: Public Benefit Test’, it states that the onus is on local government to conduct a **robust** and **independent** public benefit test. This automatically suggests the need to engage an independent (i.e. external) body to conduct this test.

**Step 3 – application of the competitive neutrality principles to SBA’s**

Taking into account the above comments, should Council determine that certain activities within the Callington Mill Business Precinct should be considered as ‘significant’; then the following steps must be taken to fulfil competitive neutrality responsibilities:

1. apply full cost attribution and cost reflective pricing to all SBAs, unless the costs exceed the benefits of doing so;
2. identify those SBAs which are potentially suitable for corporatisation and, for those SBAs identified, undertake a public benefit assessment of corporatisation; and
3. corporatise those SBAs where a public benefit assessment indicates that the benefits outweigh the costs of doing so.

**Comment:**

Applying full cost attribution and cost reflective pricing is not a simple exercise when the entire costs of operating the precinct are recognised. This would involve an apportionment of all overheads, including management; depreciation; and all operating costs (e.g. site maintenance, electricity etc.). As one example, how does Council apportion the cost of electricity between the Visitor Centre, Retail component of the Visitor Centre, the Café component of the Visitor Centre, the Mill Tower (tourism purposes) and the Mill Tower (commercial milling activities).

Further comment in relation to the application of the competitive neutrality principles to SBA’s can be provided at the meeting.

**Human Resources & Financial Implications** – Dependent on the position adopted by Council. Essentially, competitive neutrality all relates to the delivery of those activities that actively compete, or could compete, with the private sector. Whilst Council’s desire has always been to outsource (or privatisate) the operation of the Callington Mill Precinct as a complete package, this has not been achievable to date. The decision to outsource is considered to be separate to the issue of declaring it a significant business activity.

**Community Consultation & Public Relations Implications** – To be considered. Outsourcing the operation at some stage in the future appears to be consistent with the community’s expectations, although this has not been formally ‘tested’.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – No specific timeframe. Any change in reporting requirements would be implemented from the commencement of the 2016/17 financial period.

## **RECOMMENDATION**

**THAT Council**

- a) Receive and note the report; and**
- b) For the reasons provided in this report, determine that the Callington Mill Precinct Business operation (as a whole), or any individual activity operating from with the Precinct, be considered a significant business activity in terms of National Competition Policy and the application of competitive neutrality principles.**

## **DECISION**

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

# **Identification and management of significant business activities by local government in Tasmania to comply with competitive neutrality principles**

December 2013

## Contents

1. Introduction .....	3
2. Competitive neutrality.....	3
3. Step 1 – definition of business activity .....	4
4. Step 2 – determining if a business activity is significant.....	5
5. Remaining steps – application of the competitive neutrality principles to SBAs.....	6
6. Review and reporting.....	7
7. Contact .....	8

## I. Introduction

This document has been prepared to provide guidance to Local Government on the definition and reporting of significant business activities for the purposes of competitive neutrality in accordance with the *National Competition Policy: Applying the Principles to Local Government in Tasmania*, December 2013 (Application Statement) ([www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)).

This document and the 2013 Application Statement apply not only to individual councils and their activities but also to single and joint local government authorities established under the *Local Government Act 1993*.

The 2013 Application Statement is designed to assist Local Government in the continued application of competition principles to its activities. This document is to be used in conjunction with the 2013 Application Statement.

The application of competitive neutrality principles, under National Competition Policy (NCP), continues to be sound public policy. Local Government bodies are encouraged to proactively consider the application of competitive neutrality with regard to the delivery of those activities that actively compete, or could compete, with the private sector.

This document overrides all previously issued guidelines and materials on the identification of significant business activities by local government.

## 2. Competitive neutrality

NCP requires that government businesses should not enjoy any net competitive advantage simply as a result of their public sector ownership. This is the principle of 'competitive neutrality'. The objective of competitive neutrality is the elimination of resource allocation distortions arising out of the public ownership of entities engaged in significant business activities so that ultimately all government businesses compete on fair and equal terms with private sector businesses, where this is in the public benefit.

Competitive neutrality principles are only required to be implemented to the extent that it is in the public benefit.

As described in the 2013 Application Statement, there are two separate methods for implementing competitive neutrality principles: the corporatisation model and the full cost attribution model.

The 2013 Application Statement sets out a staged approach to the implementation of competitive neutrality which reflects the principles set out in subclauses 3(4) and 3(5) of the *Competition Principles Agreement*, one of the three Agreements that comprise the National Competition Policy.

This involves:

- Local Government bodies identifying all business activities;
- Local Government bodies identifying which of these are significant business activities;
- application of full cost attribution (including cost reflective pricing) to those significant business activities;
- identification of those significant business activities which are potentially suitable for corporatisation;
- undertaking a public benefit assessment of the corporatisation of those business activities; and

- corporatisation of those business activities where a public benefit assessment indicates that the benefits outweigh the costs of doing so.

This document will focus on the first two steps – identifying business activities and significant business activities. Councils and other Local Government bodies should refer to the documents listed later in this document.

Under NCP, the application of competitive neutrality principles applies only to significant business activities. However, there is no prescribed definition of “significant business activities”. A Local Government body must make its own assessment to determine whether, in each case, an activity is:

- a business; and if so
- a significant business.

To ensure that Local Government meets its NCP obligations, it is important that significant business activities are identified and that the list of these activities is regularly reviewed. In addition, the principles are only to be applied to these activities to the extent that it is in the public benefit, as set out in section 4.2.

### 3. Step 1 – definition of business activity

The first part of the assessment clarifies whether an activity is a business, rather than a regulatory or governance function.

The National Competition Council considers that, in defining a business activity, the relevant considerations are the nature of the activity and the contestability of the market. In line with this, a business activity is one that involves the production of goods and/or services in a market that is, or has the potential to be, competitive.

Certain activities are excluded from this definition:

- isolated and one off transactions are not business activities. Business activities must involve repetition and regularity;
- regulatory or policy functions are not business activities and nor is the imposition of fees and charges associated with performing such functions;
- taxing and licensing activities are excluded; and
- services provided and used solely by a Local Government body, whether or not under a tied contract arrangement, are not subject to the competitive neutrality principles agreed under the Competition Principles Agreement.

The fact that there is no competition, actual or potential, with other providers of the same goods or services does not automatically imply that an activity is not a business, as the Local Government body may be setting artificially low prices and so preventing potential competitors from entering the market. For example, providing goods or services free of charge does not necessarily mean that the provision is not made in the course of a business activity.

The provision of a good or service that is considered to be necessary or essential, or involving an element of public service, does not prevent an activity from being considered a business activity.

The ultimate decision as to whether an activity is a business activity may need to be resolved by the Tasmanian Economic Regulator in the event of a complaint under the *Economic Regulator Act 2009*. Examples of such decisions are referred to in the *State Government Entities Directions Paper – Recreational Vehicle Overnight Camping Services*, September 2012, listed later in this document.

## 4. Step 2 – determining if a business activity is significant

Once an activity has been determined to be a business activity, the next step is to determine if it is a significant business activity. A business activity will not necessarily be significant simply because a competitor alleges that it is adversely affected by that business.

A defined financial threshold measure (such as turnover) is not a satisfactory indicator of significance, as it may not reflect the actual or potential impact of that business' activities on other businesses, especially in small markets such as those in and between municipalities. Financial size is a necessarily arbitrary measure and difficult to apply on a consistent basis across Australia.

Neither should significance be determined according to the Local Government body's expenditure or revenue on an activity relative to that body's total revenue or expenditure. The impact of the activity on the relevant market is a more appropriate indicator.

Useful questions for assessing "significance" are:

- What is the relevant market?
- What is the size of the relevant market and of the Local Government body's activity compared to the whole market?
- What is the competitive impact (including the potential competitive impact) of the business activity in the relevant market? Is the business activity a major player in the overall market? If the business activity is the only local or regional provider of the service to the community, would competitors emerge if tenders were called?

Single and joint local government authorities are required to adhere to competitive neutrality principles under section 36 of the Local Government Act when performing their functions outside municipal boundaries.

### 4.1 Who determines Significance?

The responsibility for initially assessing whether a business activity is significant, and for applying the competitive neutrality principles as appropriate, rests with the relevant Local Government body.

All councils are required to identify SBAs for reporting purposes, as detailed in Part 6 of the Act, and for the application of competitive neutrality principles. It is not the role of the Departments of Treasury and Finance or Premier and Cabinet (Local Government Division) to oversee councils' work in this matter.

The assessment of "significance" involves a degree of judgement, and this makes it critical for a Local Government body to document its reasoning so that its assessment of significance is defensible and can withstand scrutiny.

In the event of receiving a complaint alleging a breach of competitive neutrality principles, the Regulator has a statutory responsibility to undertake a preliminary assessment to determine whether or not an investigation of the complaint is necessary or appropriate. The process for investigating complaints is set out in the Economic Regulator Act. In determining whether a complaint is justified, the Regulator is called upon to determine, amongst other things, whether or not the complaint is related to a significant business activity.

The steps taken by the Regulator in determining this are detailed in the *Competitive Neutrality Complaints Guideline*, 2010, published by the Regulator.

#### 4.2 Onus of Proof: Public Benefit Test

As noted above, the competitive neutrality principles must be applied, unless it can be demonstrated that it is in the public interest not to do so. The onus is therefore on Local Government bodies to conduct an objective public benefit test to substantiate a view that the public benefit will not be served by applying competitive neutrality.

For example, if a complaint is lodged with the Regulator that the competitive neutrality principles have not been applied to a Local Government body's SBA, the Local Government body must be able to demonstrate that its earlier decision to not apply, or fully apply, the competitive neutrality principles was based on a robust and independent public benefit test.

If the Regulator accepts that the public benefit case justifies not applying some or all of the competitive neutrality principles, it is possible that the complaint may not be upheld, as there would be no breach of the principles. It is therefore in the interests of Local Government bodies to undertake an objective and robust assessment of the costs and benefits of applying the competitive neutrality principles to SBAs if there is doubt as to whether it is in the public benefit to apply the principles, in part or in full.

### 5. Remaining steps – application of the competitive neutrality principles to SBAs

Once Local Government bodies have identified their SBAs in accordance with the guidelines contained in this document, the following steps must be taken to fulfil the State's competitive neutrality responsibilities:

- apply full cost attribution and cost reflective pricing to all SBAs, unless the costs exceed the benefits of doing so;
- identify those SBAs which are potentially suitable for corporatisation and, for those SBAs identified, undertake a public benefit assessment of corporatisation; and
- corporatise those SBAs where a public benefit assessment indicates that the benefits outweigh the costs of doing so.

For more detailed information in relation to the application of the competitive neutrality principles, please see the following document:

- *National Competition Policy: Applying the Principles to Local Government*, December 2013 ([www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)).

Additional information can also be obtained from the following documents:

- *Corporatisation Principles for Local Government Business Activities*, December 1998 ([www.economicregulator.tas.gov.au](http://www.economicregulator.tas.gov.au));
- *Full Cost Attribution Principles for Local Government*, June 1997 ([www.economicregulator.tas.gov.au](http://www.economicregulator.tas.gov.au));
- *Application of the Competitive Neutrality Principles under National Competition Policy*, June 1996 ([www.economicregulator.tas.gov.au](http://www.economicregulator.tas.gov.au));
- *Community Service Obligation Policy and Guidelines for Local Government in Tasmania*, November 2000 ([www.dpac.tas.gov.au](http://www.dpac.tas.gov.au)); and
- *State Government Entities Directions Paper – Recreational Vehicles Overnight Camping Services*, September 2012 ([www.treasury.tas.gov.au](http://www.treasury.tas.gov.au)).

Further information is also available on the National Competition Policy website at [ncp.ncc.gov.au](http://ncp.ncc.gov.au).

In particular, it is recommended that Local Government bodies review the document titled *Community Service Obligation Policy and Guidelines for Local Government in Tasmania* when determining the manner in which prices will be set in order to meet competitive neutrality principles. For example, a council can still satisfy objectives such as social objectives while meeting the competitive neutrality principles by ensuring that the manner in which these objectives are met is clear and transparent in the council's reporting and pricing.

## 6. Review and reporting

It is recommended that Local Government bodies regularly review their activities to determine if there are any new activities which should be classified as SBAs, or existing activities which have changed such that they now warrant classification as SBAs, and to which the competitive neutrality principles should be applied.

Accordingly, councils will report details of their SBAs in their annual reports.

The specific reporting requirements for annual reports are discussed below. Councils are required by section 72 of the Local Government Act to prepare an annual report, and to include any matter which is prescribed.

Further, section 84(2)(da) requires all councils to include in their annual report a statement of the operating, capital and competitive neutrality costs in respect of each SBA undertaken by these councils during that financial year, together with a statement of the revenue associated with that activity.

The State Government requires councils to demonstrate their compliance with NCP by also reporting on the following matters in their annual reports:

- a list of the councils' SBAs as determined by councils and any determined as such by the Regulator following a competitive neutrality complaint;
- the outcome of any public benefit assessments undertaken in relation to the extent to which the competitive neutrality principles should be applied to a SBA;
- any complaints received and the outcome of investigation of those complaints; and
- any actions taken by a council following a competitive neutrality investigation by the Regulator.

These items are required by section 84 of the *Local Government Act 1993* and are also set out in the Treasury document *National Competition Policy – Applying the Principles to Local Government in Tasmania*.

## 7. Contact

Copies of this document can be obtained from the Economic Policy section of the Treasury website: <http://www.treasury.tas.gov.au> or by contacting Treasury as set out below:

Assistant Director, Microeconomic Policy Reform  
Economic Policy Branch  
Department of Treasury and Finance  
GPO Box 147  
HOBART TAS 7001  
Ph: (03) 6166 4252  
Email: [economic.reform@treasury.tas.gov.au](mailto:economic.reform@treasury.tas.gov.au)

## **14.4 Industry**

**Strategic Plan Reference – Page 21**

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

Nil.

## **14.5 Integration**

**Strategic Plan Reference – Page 21**

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

Nil.

## **15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)**

### **15.1 Heritage**

#### **Strategic Plan Reference – Page 22**

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

#### **15.1.1 HERITAGE PROJECT PROGRAM REPORT**

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 19 AUGUST 2016

#### **ISSUE**

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

#### **DETAIL**

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

- Awaiting determination of the DA for 79 High Street and Oatlands Commissariat.
- Calls for expressions of interest for heritage tradespeople for the commissariat project resulted in a satisfactory number of responses.
- Simon Blight has been appointed Heritage Collections and Publicity Officer and is to commence 3-days per week with Council from early October. Simon has a strong background in heritage collection management, museums/exhibitions, public programs and graphic design, and is joining us from his current position at the National Gallery in Canberra.
- Volunteers Linda Clark, Caroline Heine and Cindy Tattersall have been continuing various projects on Council's heritage collection.
- Alan Townsend staged a wallpaper and specialist surface finishes display as part of the heritage trades day on the 5<sup>th</sup> of August 2016.
- Alan Townsend is currently undertaking the following activities:
  - Liasing with graphic designer for production of historic interpretation panel at Pawtella Mount Pleasant
  - Researching and writing a paper for the Tasmanian Historical Research Association highlighting the forgotten social history of convict sites in the Southern Midlands
  - Scoping potential for a book and/or online publication about working life in the Midlands in the nineteenth century based on archival documents and heritage artefacts
  - Planning for the 2017 Artist in Residence program as well as supporting the current artist Henrietta Manning

- Finalising a 'Community Correspondent' report about travelling cinema shows in 1930s midlands towns to be broadcast on ABC 936 Local.

Heritage Projects program staff have been involved in the following Heritage Building Solutions activities:

- Continued input into heritage aspects of various projects, including the formulation of a conservation management plan for a large estate in the Derwent Valley.

Heritage Projects program staff have been involved in the following Heritage Education and Skills Centre activities:

- Strategic planning for future phases of the 5x5x5 project.

## **RECOMMENDATION**

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

## **DECISION**

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

## **15.2 Natural**

### **Strategic Plan Reference – Page 23/24**

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

### **15.2.1 LANDCARE UNIT, GIS & CLIMATE CHANGE – GENERAL REPORT**

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

**Date:** 16 AUGUST 2016

#### **ISSUE**

Southern Midlands Landcare Unit Monthly Report.

#### **DETAIL**

- The funding application for the Dulverton Walkway track submitted to the Tasmanian Community Fund has been successful. The full amount requested, \$15,482, has been granted. The grant will allow for several areas of the track to be upgraded and resurfaced. In addition there will be safety railing installed near the aquatic club building where there are some steep banks into Lake Dulverton, solar lighting and more seating to be added at key points along the track.
- Helen Geard worked with Graham Green to plant out an area in the Tunbridge township at the new turning circle that State Growth constructed off the Midland Highway intersection. Native plants were used and there is a seat to be installed to complete the works.
- Update: Council determined some time back to sell the Interlaken Stock Reserve land that Council owns and for the funds to go to upgrading Roche Hall. The issue is that Council could not sell the Interlaken block and retain the funds as there is a restricting caveat on the title that requires Council to return any sale funds back to the State Government (as they gave the Interlaken block to Council). Crown Land Services have now indicated that Council should return the title to the Government, they will then remove the caveat and then return the unencumbered title back to Council. Council can then sell the land, on the proviso that the funds go to Roche Hall. A letter of confirmation of abiding by this arrangement has been forwarded to the State Government. A Title Transfer document is now being prepared, so that the land title can be returned to the State Government, as the first task of many steps.
- Helen Geard and Maria Weeding have been continuing winter planting and maintenance on the walking track.

#### **RECOMMENDATION**

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

**DECISION**

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

### **15.3 Cultural**

**Strategic Plan Reference – Page 24**

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

Nil.

### **15.4 Regulatory (Other than Planning Authority Agenda Items)**

**Strategic Plan Reference – Page 25**

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

Nil.

### **15.5 Climate Change**

**Strategic Plan Reference – Page 25**

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

Nil.

## **16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)**

### **16.1 Community Health and Wellbeing**

**Strategic Plan Reference – Page 26**

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

#### **16.1.1 GP SERVICES (DR G BOOTH CEASING GENERAL PRACTICE – KEMPTON)**

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

**Date:** 19 AUGUST 2016

### **ISSUE**

To provide Council with an update in relation to the recruitment of a General Practitioner to replace Dr G Booth who will be ceasing general practice effective from 1<sup>st</sup> October 2016.

### **BACKGROUND**

Council, at its meeting held in June 2016, received advice from Dr Greg Booth that he will be ceasing general practice at Kempton and Bothwell, effective from 1<sup>st</sup> October 2016. Dr Booth has provided GP services for the past 28 years and been servicing the communities of the Southern Midlands and Central Highlands.

In terms of a broad indicator, Dr Booth has indicated that approximately 60% of his client base is from within the Southern Midlands. The balance of 40% from the Central Highlands and surrounding regions. He also indicated that a significant percentage of his client base is from Bagdad and surrounds (i.e. south of Kempton). Total patients are in the vicinity of 2,500.

Dr Booth also provides a consulting room for both a diabetic educator and dietician at his Kempton surgery, and other health professionals.

Dr Booth will continue to live at Kempton from his current residence.

Dr Booth, as Council's appointed Medical Officer of Health (MOH), is available to continue to provide MOH services as he will maintain his registration etc. This role primarily relates to providing immunisation services at the various schools within the municipal area.

### **DETAIL**

In order to explore options, and to gain an understanding of the present circumstances, a meeting was held at the Midlands Multi-Purpose Health Centre on 18<sup>th</sup> August 2016. This meeting was attended by Dr Michael Lees; Dr Greg Booth; Louise Mason (Health Recruitment Plus Recruitment Manager); Acting Mayor Lana Benson (Central Highlands

Council); Lyn Eyles (CHC General Manager); Mayor Tony Bisdee (Southern Midlands Council) and Tim Kirkwood (SMC General Manager).

For Councillors information, Health Recruitment Plus (HRP) is an organisation which works with other GP service providers, local government etc. to assist in the recruitment process. The Central Highlands Council had previously engaged HRP to assist with recruitment, as the Council presently offers a package of incentives to retain / recruit a GP for the Bothwell district.

During the meeting it became even more evident that this is an extremely difficult and complex issue to deal with, compounded by:

- a) the fact that HRP advised that there has been no interest from suitable GP's to either relocate or commute to provide a service to the Bothwell / Kempton districts; and
- b) there are no actual premises within the Kempton / Bagdad districts that are available (or currently suitable) for use as a basic 'medical centre'. The term medical centre has been used as opposed to just a GP Practice room, as consideration needs to be given to other visiting health professionals that currently use Dr Booth's premises.

Further commentary will be provided at the Council meeting in relation to this session. In terms of outcomes, HRP will continue to explore a number of options, which is to include preparing a business / financial model where local government has significant involvement.

**Human Resources & Financial Implications** – Comment to be provided.

**Community Consultation & Public Relations Implications** – This is a significant issue from a community perspective. Strategies will need to be developed to inform the community of proposed actions, and provide a means of input and feedback.

**Policy Implications** – Council does not have a policy position in respect to its involvement in the recruitment / retention of GP's. It has however been involved in previous working groups (in conjunction with the Northern Midlands Council) to look at options associated with the recruitment of GP's to the Midlands Multi-Purpose Health Centre at Oatlands and the Medical Centre at Campbell Town. This can be expanded upon at the meeting.

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

## **RECOMMENDATION**

**THAT:**

- a) The information be received; and
- b) Council consider its policy position in relation to the overall issue of recruiting GP(s) and adopt an appropriate action plan based on that position.

**DECISION**

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

## **16.2      Youth**

**Strategic Plan Reference – Page 26**

- 4.2.1      Increase the retention of young people in the municipality.

Nil.

## **16.3      Seniors**

**Strategic Plan Reference – Page 27**

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

Nil.

## **16.4      Children and Families**

**Strategic Plan Reference – Page 27**

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

Nil.

## **16.5      Volunteers**

**Strategic Plan Reference – Page 27**

- 4.5.1      Encourage community members to volunteer.

Nil

## **16.6      Access**

**Strategic Plan Reference – Page 28**

- 4.6.1a      Continue to explore transport options for the Southern Midlands Community.  
4.6.1b      Continue to meet the requirements of the Disability Discrimination Act (DDA).

Nil.

## **16.7      Public Health**

**Strategic Plan Reference – Page 28**

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

Nil.

## **16.8      Recreation**

**Strategic Plan Reference – Page 29**

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

Nil.

## **16.9      Animals**

**Strategic Plan Reference – Page 29**

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

### **16.9.1    REVIEW OF THE DOG MANAGEMENT POLICY**

**Author:** MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (DAVID CUNDALL)

**Date:** 17 AUGUST 2016

**Attachment:**

*Dog Management Policy July 2016*

## **ISSUE**

Section 7 of the *Dog Control Act 2000* (“the Act”) specifies a Council must review their Dog Management Policy every five (5) years. The current policy, *Dog Management Policy 2011* was adopted in 2011 and is therefore due for a review.

The Council invited public submissions on the draft policy on Saturday the 16th July 2016 for a 3 week submission period.

## **LEGISLATIVE REQUIREMENTS**

The Act requires that:

- 1) A council is to develop and implement a policy relating to dog management in its municipal area.
- 2) A dog management policy is to include the following:
  - a. a code relating to responsible ownership of dogs;
  - b. the provision of declared areas;
  - c. a fee structure;
  - d. any other relevant matter.
- 3) A council is to –
  - a. invite public submissions relating to a proposed dog management policy; and

- b. consult with any appropriate body or organisation; and
  - c. consider any submissions and results of any consultation before finalising the policy.
- 4) A council is to review its dog management policy at least once every 5 years.
- 5) In reviewing its dog management policy, a council is to take the actions referred to in subsection (3).

Each Council in Tasmania has a different dog management policy. The Southern Midlands policy is a relatively comprehensive document, when compared with those of other Councils in Tasmania. This reflects the unique attributes of each Local Government Area and the expectations of each community.

The policy is reviewed every five (5) years to both encourage public participation in the review of the policy and to include any new guidelines or legislative changes that may have occurred within that five (5) year period. This enables the policy to be updated in line with current community expectations and give the Council the opportunity to reflect on dog control and management procedures of the preceding period and implement any necessary changes.

The policy is also the opportunity for the Council to articulate requirements of the Act, such as:

- Standards for kennels and kennel licences;
- Promote responsible dog ownership;
- Articulate enforcement procedures;
- Specify dog exercise areas and any associated maps.

## **AMENDMENTS**

The 2016 policy is an updated version of the 2011 policy. Essentially the only changes made were providing parameters and limitations on land suitable for Kennel Licences and include the Mangalore Recreation Ground as a declared “dog training area” as prescribed by the act. The details of these changes are below.

### ***Kennels***

- No more than 5 dogs in the village zone, residential zone or business zone. But not including the rural residential zone.
- No kennels on land less than 600m<sup>2</sup>
- No kennels on multiple dwellings i.e. strata titled land

To explain, without these changes to the policy, a person can apply to have an unlimited number of dogs on any land. The cap on the location of kennels and the number of dogs is in line with the management policies of other Councils in Tasmania and in line with Community expectations.

### **Mangalore Recreation Ground**

- Mangalore Recreation is now a “dog training area” under the act; and
- Provide the conditions on the use of the land as a dog training area.

To explain, the dog training area at the Mangalore Recreation Ground was previously created through a separate public consultation process. Information on the training area will now be included in the 2016 policy. This was not included in the 2011 policy as the dog training area was created post 2011.

**Community Consultation & Public Relations Implications** - Notification of the draft 2016 policy was provided in *The Mercury* and on Council’s website. Persons were given a 21 day period to review the policy and provide comment to Council.

During the notification period Council received two (2) written submissions and one (1) verbal submission. The details of these submissions are tabled below with a comment:

<b>PUBLIC SUBMISSIONS ON THE DRAFT DOG MANAGEMENT POLICY 2016</b>	
<b>Written Submission 1</b> <p>It would be a good idea to ban working dogs (farm dogs) being kept in town areas. The dogs belonging to our neighbours bark continually when their owner does not take them to work. Quite often there are three dogs penned all of the day and night.</p> <p>Negotiating some outcome has been very difficult as our neighbour has little regard for common sense. We have had to deal with this problem for many years.</p>	<b>Council Officer Comment</b> <p><i>The nature of the letter is highlighting the issues of a potential nuisance caused by multiple dogs. This may be a compliance issue. Council can be contacted if the owner seeks to lodge a complaint.</i></p> <p><i>It should be noted also that the updated policy includes a limitation on the number of dogs allowable in residential areas. This should reduce the potential for nuisance barking due to high densities of kennels and dogs.</i></p> <p><i>No further changes to the policy are necessary.</i></p>
<b>Written Submission 2</b> <p>I agree with your policy as reviewed today at your Kempton offices.</p> <p>I did not find reference to how a dog holder stands if the dog is legally registered elsewhere? ie in somewhere interstate or intrastate.</p>	<b>Council Officer Comment</b> <p><i>The Dog Control Act 2000 determines the requirements for dog registration. That is:</i></p> <p><i>(1) The owner of a dog that is over the age of 6 months must register the dog. Penalty: Fine not exceeding 5 penalty units.</i></p> <p><i>(2) A person must not conceal, or dispose of, a dog to evade registration of the dog. Penalty: Fine not exceeding 5 penalty units.</i></p>

	<p><i>The owner of a dog required to be registered is to apply for registration to the general manager of the council in the municipal area in which –</i></p> <p><i>(a) the owner resides; or</i></p> <p><i>(b) if the dog is a guard dog, the premises guarded by the dog are situated.</i></p> <p><i>(2) An application for registration is to be –</i></p> <p><i>(a) in an approved form; and</i></p> <p><i>(b) accompanied by the appropriate registration fee.</i></p> <p><i>No further changes to the policy are necessary.</i></p>
<b>(Verbal) Submission 3</b>  The person rang to support the review of the policy.  The person mentioned that residents should be reminded of their responsibilities of to keep dogs on a lead at all times in built up areas – unless in a designated “off-lead” area. It was suggested by the person that Council provide this reminder in the Council Newsletter.	<b>Council Officer Response</b>  <i>An item was included in the recent Council Newsletter that reminds persons of their obligations as a responsible dog owner and their requirements under the legislation.</i>  <i>No further changes to the policy are necessary.</i>

## RECOMMENDATION

**THAT:**

- A. The report be received; and**
- B. The Dog Management Policy July 2016 be adopted by Council.**

## DECISION

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

***Attachment***



# **Southern Midlands Council**

## **Dog Management Policy 2016 (Draft)**

**DRAFT**

**July 2016**

## Table of Contents

<b><u>Definitions</u></b>	.....
<b><u>1. Introduction</u></b>	.....
<b><u>2. Code of Responsible Dog Ownership</u></b>	.....
2.1 <u>Dog Owners Responsibilities</u>	.....
2.2 <u>Irresponsible Dog Ownership</u>	.....
2.3 <u>Seizure of Dogs</u>	.....
<b><u>3. Control of Dogs</u></b>	.....
3.1 <u>Responsibilities of the Owner or Person in Charge of a Dog</u>	.....
3.2 <u>Dogs in Vehicles</u>	.....
<b><u>4. Declared Areas</u></b>	.....
4.1 <u>Off the Lead Dog Exercise Areas</u>	.....
4.2 <u>Areas where dogs are required to be on leads</u>	.....
4.3 <u>Dog Prohibited Areas</u>	.....
4.4 <u>Prohibited Public Areas</u>	.....
<b><u>5. Dangerous Dogs</u></b>	.....
5.1 <u>Restricted breed dogs</u>	.....
5.2 <u>Sale and Purchase of Dangerous and Restricted Breed Dogs</u>	.....
5.3 <u>Monitoring the Location of Dangerous Dogs</u>	.....
5.4 <u>Collars and Signage Associated with Dangerous Dog</u>	.....
5.5 <u>Declaration of a Dangerous Dog</u>	.....
5.6 <u>Requirements for Keeping Dangerous Dogs</u>	.....
5.7 <u>Dangerous Dog Enclosures &amp; Secure Confinement of Restricted Breed Dogs</u>	.....
5.8 <u>Attacks by dangerous or restricted breed dogs</u>	.....
5.9 <u>Loss, straying or death of a dangerous or restricted breed dog</u>	.....
<b><u>6. Dogs Creating Nuisance</u></b>	.....
<b><u>7. Registration and Registration Fees</u></b>	.....
<b><u>8. Kennel Licences</u></b>	..... <b>199</b>
8.1 <u>Limitations on Licences</u>	.....
8.2 <u>Application Requirements</u>	.....
<b><u>9. Kennels - Requirements</u></b>	.....
<b><u>10. Review Period</u></b>	.....
<b><u>11. Further Information</u></b>	.....
• <u>Dog Control Act 2000</u>	..... Error! Bookmark not defined.
• <u>Dog Control Regulations 2010</u>	.....
<b><u>12. Appendix A - Enforcement</u></b>	.....
<u>Preamble</u>	.....

<a href="#"><u>Purpose of this Document</u></a>	.....
<a href="#"><u>Defining Enforcement</u></a>	.....
<a href="#"><u>Principles of Good Enforcement</u></a>	.....
<a href="#"><u>Proportionality</u></a>	.....
<a href="#"><u>Consistency</u></a>	.....
<a href="#"><u>Transparency</u></a>	.....
<a href="#"><u>Authorisation of Officers</u></a>	.....
<a href="#"><u>Decision Making</u></a>	.....
<a href="#"><u>Enforcement Options</u></a>	.....
<a href="#"><u>No Action</u></a>	.....
<a href="#"><u>Informal Action</u></a>	.....
<a href="#"><u>Mediation</u></a>	.....
<a href="#"><u>Formal Action</u></a>	.....
<a href="#"><u>Service of Orders / Directions / Notices</u></a>	.....
<a href="#"><u>Action in Regard to a Default</u></a>	.....
<a href="#"><u>Prosecution</u></a>	.....

## **PREAMBLE**

- *Local Government is charged with legislative responsibilities which protect individuals and the community as a whole.*
- *Council's customers include, both those on whom the law places a duty and those whom the law protects.*
- *While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.*
- *In addition to enforcement, Council carries out a range of activities to ensure compliance such as community education programs to encourage conformance.*

## **COUNCIL'S OBLIGATION**

- *to provide consistency in enforcement action in matters of non-compliance;*
- *to ensure transparency, procedural fairness and natural justice principles are applied; and*
- *to ensure that enforcement action is proportionate to the alleged offence in each case.*

## **Definitions**

In this policy:-

### **“at large”**

A dog is at large if –

- (a) it is not under the effective control of a person in a public place or in or on premises without the consent of the occupier; or
- (b) it is a dangerous dog in a public place and is –
  - (i) in the charge of a person under the age of 18 years; or
  - (ii) without a muzzle; or
  - (iii) not on a lead; or
  - (iv) without an approved collar.

**“domestic animal”** means an animal kept as a domestic pet.

**“fees”** means a fee determined by the Council.

**“attack”** includes bite, menace or harass.

**“authorised person”** means:-

- (a) a police officer; or
- (b) a general manager; or
- (c) a person appointed by a general manager to be an authorised person; or
- (d) a person who is a ranger under the *National Parks and Wildlife Act 1970*; or
- (e) a person appointed as a bailiff of Crown Lands under the Crown Lands Act 1976.

**“built-up area”** means an area in which:-

- (a) there are buildings on land next to the road; and
- (b) there is street lighting at intervals not over 100 metres for a distance of at least 500 metres, or, if the road is shorter than 500 metres, for the whole road.

**“dangerous dog”** means a dog declared to be a dangerous dog under section 29 or 30 of the *Dog Control Act 2000*.

A general manager, by notice served on the owner of a dog –

- (a) may declare that dog to be a dangerous dog if –
  - (i) the dog has caused serious injury to a person or another animal; or
  - (ii) there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal; and

**“declared area”** means a declared area under division 2 or part 3 of the *Dog Control Act 2000*.

**“de-sexed dog”** means a dog of either sex which has been sterilised or neutered.

**“effective control”** means effective control as referred to in section 4 of the *Dog Control Act 2000*.

**“exercise area”** refers to an area declared under section 20 of the *Dog Control Act 2000*.

**“General Manager”** means the general manager of the Council appointed under the *Local Government Act 1993*.

**“Guide Dog”** means

(a) a guide dog as defined by the [\*Guide Dogs and Hearing Dogs Act 1967\*](#); or

(b) a dog training to be a guide dog;

**“lead”** means a lead, leash, cord or chain of sufficient strength to restrain a dog.

**“licence”** means a licence to keep on premises –

(a) more than two dogs over the age of 6 months; or

(b) more than 4 working dogs over the age of 6 months.

**“nuisance”** means a dog referred to in section 46 (3) of the *Dog Control Act 2000*

(a) behaves in a manner that is injurious or dangerous to the health of any person; or

(b) creates a noise, by barking or otherwise, that persistently occurs or continues to such an extent that it unreasonably interferes with the peace, comfort or convenience of any person in any premises or public place.

**“owner of a dog”** means a person referred to in section 6 of the *Dog Control Act 2000*.

The person who is the owner of a dog is –

(a) in the case of a registered dog, the person in whose name the dog is registered; or

(b) in the case of an unregistered dog, the person who ordinarily keeps the dog; or

(c) in the case of a child's pet, the child's parent or guardian.

**“pensioner”** means a person in receipt of a Federal Pension as defined in the *Local Government Act 1993*.

**“premises”** includes land or any part of any premises or land.

**“prohibited area”** means an area declared under section 22 of the *Dog Control Act 2000*.

**“public place”** means:-

(a) a public places as defined in the *Police Officers Act 1935*; and

(b) a road; and

(c) a road related area.

**“register”** means a register kept under section 15 of the *Dog Control Act 2000*.

**“registered dog”** means a dog registered in accordance with the *Dog Control Act 2000*.

**“registration disc”** means a disc or tag referred to in section 10 (1) of the *Dog Control Act 2000*.

**“restricted area”** means an area declared under section 23 of the *Dog Control Act 2000*.

**“road”** means:-

- (a) an area that is developed for, or has as one of its main uses, the driving or riding of motor vehicles and is open to, or used by, the public; and
- (b) a part of the kerb; and
- (c) an unsealed part of a sealed road.

**“road related area”** means:-

- (a) an area that divides a road; or
- (b) a footpath or nature strip adjacent to a road; or
- (c) a footpath or track that-
  - (i) is not a road; and
  - (ii) is designed for use by cyclists or pedestrians; and
  - (iii) is open to the public.

**“shopping centre”** means a collection of shops in an enclosed area covered by a roof or forming a courtyard or square, excluding any area provided for the parking of vehicles.

**“training area”** means an area declared under section 21 of the *Dog Control Act 2000*.

**“working day”** means a day on which the public office of the council is open for business.

**“working dog”** means a dog used principally for:-

- (a) droving or tending stock; or
- (b) detecting illegal substances; or
- (c) searching, tracking or rescuing; or
- (d) working with police officers.

## **1. Introduction**

The Southern Midlands Council is committed to encouraging the responsible ownership of dogs within its municipal area. To achieve this it will enforce its responsibilities set out in the *Dog Control Act 2000* as well as the Dog Control Amendment Act 2009 and abide by its commitments set out in this Dog Management Policy.

The Council recognises the significant contribution that responsible dog owners (whether urban, rural or working dogs) can make within society. Therefore a strong emphasis will be placed on education to ensure that all dog owners and potential dog owners are encouraged to behave responsibly.

Community education will be progressed through measures including the production of information pamphlets, articles in Council's newsletter and other publications, use of the Community Radio Station and presentations to schools and community groups.

Council recognises that education programs need to target new residents, particularly those that have had no experience living in country areas and who may therefore be unaware of the associated additional responsibilities of dog ownership.

## **2. Code of Responsible Dog Ownership**

### **2.1 Dog Owners Responsibilities**

To promote responsible ownership the Southern Midlands Council will ensure its policies are consistent with community expectations, and are designed to encourage a compatible relationship between dog owners and non-dog owners.

It is the responsibility of every dog owner whilst in the municipal area of Southern Midlands to:

- Ensure that the dog is registered and that registration is maintained, as well as ensuring that the dog is microchipped in accordance with the *Dog Control Act 2000*
- Ensure that the dog is kept under effective control at all times and not allowing a dog to be at large;
- Ensuring that it is collared and on a lead in public places and that it is properly restrained when in or on a vehicle.
- Ensure that the dog does not cause a nuisance to any other person, whether by persistent or loud barking, howling or by any other means;
- Ensure that the dog does not injure, endanger, intimidate, or otherwise cause distress to any person. *An owner is responsible for the actions of a dog;*
- Ensure that the dog does not damage or endanger any property belonging to any other persons;
- Ensure that dogs are not allowed to roam unsupervised;
- Take all reasonable steps to ensure that the dog does not injure, endanger, or cause distress to any live stock, poultry, domestic animal, or protected wildlife;
- Ensure that the dog receives proper care and attention and is supplied with proper and sufficient food, water and shelter;
- Ensure that the welfare of the dog is protected as required by the Animal Welfare Act 1993

- Ensure that the dog receives adequate exercise; and
- Clean up after the dog should it defecate in a public place and dispose of waste in a responsible way.

An owner can be held liable for the actions of a dog and can be fined or penalised for dog control offences. Owners can also be liable to pay compensation for injury or damage caused by a dog in their charge.

An owner's failure to properly control a dog may in some circumstances result in the dog being destroyed.

## **2.2 Irresponsible Dog Ownership**

No matter how much positive education on responsible dog ownership the community is exposed to, there will always be an element of our society that is unresponsive and uncooperative. Such people either fail or simply refuse to conform to acceptable codes of behaviour and reasonable community expectations.

It is this minority group that make it necessary to have legislation in place to govern the keeping of dogs in our community. Council is committed to maintaining community standards by means of positive education wherever possible. However, at times it is necessary to instigate legal proceedings to change some people's attitudes and unacceptable behaviour. Council is equally committed to "Education by Prosecution" if required.

## **2.3 Seizure of Dogs**

Pursuant to the *Dog Control Act 2000* authorised officers have the power to seize and impound any dog:

- That is not under effective control,
- That is in a prohibited area,
- That has attacked or chased any person or animal
- Where there is reason to believe it may attack or chase any person or animal

Impounded dogs that are currently registered will be held for a period of 5 working days before any further action. Dogs that are not registered will be kept for a minimum period of 3 working days.

Council's preferred solution for dogs that are impounded but remain unclaimed is for re-homing. Only as a last resort will dogs be put down.

## **3. Control of Dogs**

Southern Midlands Council is committed to providing a caring and safe community. To achieve this Council will enforce its regulatory functions in relation to the *Dog Control Act 2000*.

### **3.1 Responsibilities of the Owner or Person in Charge of a Dog**

Under the Act the owner or person in charge of a dog must ensure (that):

1. That the dog remains under effective control and does not cause a nuisance in private premises, in a public place, or rushes at or chases any person.
2. The dog is on a leash no longer than 2 metres when in a built-up area in a public place
3. The dog is not tethered to a fixed object in a public place by a lead longer than 2 metres or for longer than 30 minutes.
4. They have no more than 2 dogs on a lead on a footpath or road
5. They have no more than 4 dogs in their charge in a public place
6. When on private property the dog/s are securely confined to that property
7. They clean up after the dog should it defecate in a public place
8. The dog is wearing a collar and registration disc when in a public place
9. Council is notified on the death, loss or disposal of a dog, or a change of address
10. The dog does not rush at or chase motor vehicles or bicycles in a public place
11. The dog does not attack or chase any person or another animal
12. Dogs are not taken into prohibited areas
13. Dogs are not taken into restricted areas outside allowable times
14. The dog is microchipped in accordance with the Act

Failure to comply with these requirements is an offence under the Dog Control Regulations 2010 and may be punished by a fine of up to five penalty units (as of 1 July 2010, one penalty unit is equal to \$130)

Regular patrols of the municipal area will be maintained by the Animal Control Officer to ensure compliance by the dog owners with provisions of the *Dog Control Act 2000*.

The Southern Midlands Council will locate dog tidy bins within exercise areas and other high usage areas where deemed necessary.

It is the responsibility of owners to ensure they have the means to clean up after their dogs in public places.

### **3.2 Dogs in Vehicles**

When a dog is in or on a vehicle, the owner or person in charge of the dog must restrict it sufficiently so that it is unable to leave the vehicle or attack any person or animal outside the vehicle. Failure to do so is an offence punishable by a fine of up to five penalty units. When in open vehicles, dogs should be restricted in such a way that the restraint does not allow the animal to reach over the side of the vehicle.

Using a restraint that permits a dog to be strangled or otherwise injured, should it fall from the vehicle, may be an offence under the Animal Welfare Act 1993. Animal welfare offences are punishable by fines of up to 100 penalty units and/or a term of imprisonment of up to 12 months.

## **4. Declared Areas**

### **4.1 Off the Lead Dog Exercise Areas**

Being a large rural municipality it is assumed that most dog owners have the opportunity to exercise their dog(s) without the need for dedicated off-lead exercise areas.

Nevertheless, Council recognises that there may be a need for such areas in parts of the municipality and is prepared to accept and consider nominations of such areas from the community.

Since the last Dog Management Policy 2011, Council commenced a process to identify such areas as part of its strategic planning and Community consultation process. This process has given rise to the Mangalore Recreation Ground in Blackbrush Road being declared as a Dog Training Area, under Section 21, Training areas, *Dog Control Act 2000*. The conditions for the use of that Declared Dog Training Area are included in the Appendices.

It is noted that, while in any dedicated off-lead exercise area, dogs are still required to be under the effective control of the owner at all times and must be prevented from creating a nuisance to nearby residents and other users.

In addition, dogs declared dangerous under the *Dog Control Act 2000* remain subject to the requirements of Section 32 of the Act and must not be allowed off a lead, even when in a dog exercise area.

The Southern Midlands Council will locate dog tidy bins within formally designated exercise areas and other high usage areas where deemed necessary.

### **4.2 Areas where dogs are required to be on leads**

As defined under Section 4 (2) of the *Dog Control Act 2000* all road and road related areas in built up areas are areas where dogs must be on leads at all times.

In addition, dogs must be on leads in all Council parks except those designated as off lead exercise areas

### **4.3 Dog Prohibited Areas**

(Guide dogs and hearing dogs are exempt from these provisions)

These areas relate to sensitive habitats for wildlife, reserves which are set aside for biodiversity conservation and provide recreational opportunities for users that are compatible with the protection of these values.

The following areas are declared as areas prohibited to dogs on the basis that they provide sensitive habitat for wildlife.

- Chauncy Vale Sanctuary
- Lake Dulverton Wildlife Reserve (The Reserve is defined as being that area under water at any point of time)
- Lake Tiberius
- Coal River Gorge Nature Reserve

- All dedicated Conservation Areas

#### **4.4 Prohibited Public Areas**

(Guide dogs and hearing dogs are exempt from these provisions)

The *Dog Control Act 2000* prohibits dogs in the following defined areas:

- In any grounds of a school, pre-school, kindergarten, crèche or any other place for the reception of children without the permission of a person in charge of the place
- Any shopping centre or shop
- In any grounds of a public swimming pool
- Any playing area of a sportsground on which sport is being played
- Any area within ten metres of a children's playground

Additional Areas includes:

- Any place licensed as a Place of Assembly

### **5. Dangerous Dogs**

Amendments to the Act were made in 2009 in response to widespread community concern about dog attacks, which can result in horrific injuries and, in extreme cases, the death of the victim. The Government introduced new controls with the aim of increasing public safety and highlighting the responsibilities of dog owners. Changes were made to the requirements relating to dogs declared to be dangerous dogs, and a category of restricted breed dog has also been introduced.

#### **5.1 Restricted breed dogs**

Dogs of a breed which have been banned from importation into Australia may be declared restricted breed dogs. Of the breeds banned from importation, only the American pit bull terrier or pit bull terrier is understood to be in Tasmania.

The restricted breed dogs are the dogo Argentino, the fila Brasileiro, the Japanese tosa, the American pit bull terrier or pit bull terrier, and the Perro de Presa Canario or Presa Canario. These breeds were banned from importation into Australia over 15 years ago due to the threat they pose to public safety. Cross-breeds are not included.

Council officers will determine whether a dog is a restricted breed dog on the basis of approved guidelines which will include key characteristics of dog breeds such as height, weight, coat, colouration, tail carriage, and facial and body features.

Owners can appeal the declaration of their dog as a restricted breed dog to the Magistrates Court (Administrative Appeals Division) within 28 days of the service of notice of the declaration. In such an appeal the onus is on the owner to prove that the dog is not a restricted breed.

#### **5.2 Sale and Purchase of Dangerous and Restricted Breed Dogs**

A person who wishes to purchase or become the owner of a restricted breed dog must apply to Council for approval to have ownership transferred to them.

All dogs declared to be dangerous or restricted breed dogs in other states will be recognised as such in Tasmania and approval will be required before they can be imported into the state.

A dangerous or restricted breed dog may only be sold or given away after the buyer or new owner has received prior approval from Council. The seller must notify their council within 24 hours of completion of the sale of the dog and failure to notify the council of such a sale may incur a penalty of up to 20 penalty units.

### **5.3 Monitoring the Location of Dangerous Dogs**

The Southern Midlands Council dog register will record all dogs declared dangerous under the *Dog Control Act 2000*. This register will contain the owners name and address, and dog registration details.

Where the Southern Midlands Council is made aware that a dangerous dog has moved to another municipal area, notification will be given to that Council. On a regular basis, an officer of the Southern Midlands Council will visit the premises on which a dangerous dog is kept to ensure:

- a) the dog is being housed correctly as defined in the *Dog Control Act 2000*, and
- b) appropriate signage is displayed at every entrance to the property.

Appropriate legal action will be taken against any dangerous dog owner not complying with the regulations.

### **5.4 Collars and Signage Associated with Dangerous Dog**

To ensure dogs that are declared dangerous under Section 32 and 33 of the *Dog Control Act 2000* are using the specified collars and warning signage, the Southern Midlands Council will make the required purchases from the appropriate supplier and issue them to the owner of the dangerous dog. The costs associated with purchasing the items will be the responsibility of the dog owner.

### **5.5 Declaration of a Dangerous Dog**

Any dog that has caused serious injury to a person or another animal, or there is reasonable cause to believe that the dog is likely to cause serious injury to a person or another animal, may be declared a dangerous dog.

Where the Council has cause to believe that a dog is likely to cause serious injury to a person or another animal, the Council will consider all evidence, including third party dog behaviour assessments where necessary, before declaring the dog to be dangerous.

As defined in the *Dog Control Act 2000*, all dogs that are recognised as used to guard non-residential premises will be immediately declared dangerous.

### **5.6 Requirements for Keeping Dangerous Dogs**

The owner of a dog declared dangerous must ensure that the dog is implanted with an identifying micro-chip in an approved manner, within 30 days of being served notice of the declaration.

The owner or person in charge of a dangerous dog must ensure that approved signs are displayed at all entrances to the property where the dog is kept. These are available only through Council.

The owner or person in charge of a dangerous dog must ensure the dog wears an approved collar at all times. These are available only through Council.

When on private premises and not under adult supervision or, in the case of a guard dog, when the dog is not performing guard duties, it is to be housed in a childproof enclosure.

The owner or person in charge of a dangerous dog must ensure that the dog, when in a public place is:

- a. muzzled so as to be unable to bite a person or animal; and
- b. on a lead not exceeding 2 metres in length and of sufficient strength to control and restrain the dog; and
- c. under the control of a person at least 18 years of age.
- d. *wearing an approved collar at all times (an approved collar has distinctive markings and is available through Council).*

Failure to meet any of these requirements may incur a penalty of up to 20 penalty units.

### **5.7 Dangerous Dog Enclosures & Secure Confinement of Restricted Breed Dogs**

When not under the control of a person, a dangerous dog must be kept in a childproof enclosure that meets certain requirements. Owners of dangerous dogs should refer to the Dog Control (Regulations) 2010 for the full requirements.

The childproof enclosure must be a full enclosure and:

- a. have a minimum height of 1.8 metres and a minimum width of 1.8 metres
- b. have a floor area of at least 10 square metres for each dog in the enclosure
- c. have walls, roof and door or gate made of brick, timber, concrete, iron or mesh, or a combination of those materials, of sufficient strength and durability to prevent the escape of a dog
- d. have a sufficient weatherproof sleeping area for each dog in the enclosure
- e. have a sealed, graded concrete floor
- f. be situated so as not to require a person to pass through it to gain access to other parts of the property
- g. if fitted with a door or gate, be fitted with a self-closing and self-latching mechanism for the door or gate, be locked from the outside when a dog is inside the enclosure, and have a clearly legible sign saying "Dangerous Dog" displayed on the door or gate, and
- h. be sufficient to prevent any dog in it from escaping.

Council may detain a dangerous dog until a suitable enclosure has been built and the dog owner will be responsible for the costs of holding the dog. If a suitable enclosure is not built, Council may destroy the dog and recover all costs from the owner.

When on private premises a restricted breed dog does not have to be kept in such an enclosure, but must be securely confined to those premises.

A warning sign that meets certain requirements must be erected at each entrance to a property that houses a dangerous or restricted breed dog. Council can advise where the appropriate signs can be obtained.

### **5.8 Attacks by dangerous or restricted breed dogs**

If a dog declared to be a dangerous or restricted breed dog attacks a person or animal, the owner is guilty of an offence and may be punished by a fine or imprisonment. A restricted breed dog that attacks a person or animal may subsequently be declared a dangerous dog.

*A person found guilty of an attack by an already-declared dangerous dog will be automatically banned from owning or being in charge of any dog for a period of five years*

### **5.9 Loss, straying or death of a dangerous or restricted breed dog**

*If a dangerous or restricted breed dog goes missing, strays or dies, or is lost, the owner or a person on behalf of the owner must notify the council as soon as possible and failure to do so may incur a penalty of up to 20 penalty units.*

*A dangerous or restricted breed dog must not be allowed to stray or be abandoned, and abandonment is also an offence under the Animal Welfare Act 1993.*

## **6. Dogs Creating Nuisance**

Council recognises the problems associated with nuisance dogs and in particular the issue of excessive dog barking. Council's preferred option is to stop the dog barking quickly without the need for lengthy legal proceedings which are costly and time consuming.

Therefore the most important issue is for the owner to be made aware of the nuisance and to be advised as to the best methods available to alleviate the problem. Using this approach, these issues can often be settled quickly and without causing conflict amongst neighbours.

Council will follow the processes set out in its standard operating procedures when investigating nuisance dogs (for a copy of Council's standard operating procedures refer to Council web site [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au) )

## **7. Registration and Registration Fees**

All fees payable under the *Dog Control Act 2000* will be determined by the Council (section 80). The schedule of fees will be set annually prior to the end of May in each year and will be in line with the financial year, i.e. 1<sup>st</sup> July to 30<sup>th</sup> June.

Consultation with other municipal councils may occur to ensure a level of consistency and uniformity in regard to fee structures.

Fees subject to this section include:

- Registration fee
- Formal notice of complaint
- Licence applications and renewals (Division 7)
- Impounding reclaim fee
- Impounding maintenance fee
- Replacement tag fee

In addition to setting a schedule of fees, Council will also determine categories of dog registration, discounted registration fees and the required evidence in order to claim a discounted registration fee.

Refund of registration fees will only be provided for dogs that have died or those that have been de-sexed in the current year of registration. Refunds are only available on completion of the appropriate form lodged with Council by the owner of the dog subject of the claim. Any refund provided is on a pro-rata basis as at the time application.

A discount will also be offered to pensioners.

The Southern Midlands Council will transfer dog registrations from other Tasmanian Councils at no cost to the dog owner, provided the registration is for the same registration period.

## **8. Kennel Licences**

The Southern Midlands Council will administer kennel licences in line with Division 7, of the *Dog Control Act 2000*. In particular, any property upon which it is intended to keep more than two dogs (or more than four dogs in the case of working dogs) will be required to submit an application for a kennel licence. Such applications include a fourteen day representation period.

In addition, where required by the planning scheme, an application for a development / use permit pursuant to the *Land Use Planning and Approvals Act 1993* may also be required for kennels.

### **8.1 Limitations on Licences**

A Licence for kennels will not be approved in the following circumstances:

- Licences will not be approved for more than 5 dogs in a village zone, business zone or residential zone (not including the rural residential zone) of the Planning Scheme.
- Licences will not be approved in respect of properties where the land is less than 600sq metres in size.
- Licences will not be approved for kennels on land used for multiple dwellings (i.e. strata dwellings).

### **8.2 Application Requirements for Licence**

All applications to Council for kennel licences and development/use permits for kennels must include plans and details sufficient for Council officers and any member of the public interested in the application to gain a full understanding of what is proposed. Once detailed plans are submitted to the satisfaction of Council Officers then Council will advertise the application in the local newspaper at a cost specified in the Council *Schedule of Fees and Charges*.

Before determining the application, Council officer(s) will inspect the premises to assess its suitability for the number and type of dogs proposed to be kept on the property, along with relevant issues raised within representations received from members of the public.

Upon being satisfied that the proposal meets with the requirements listed in Division 7, of the *Dog Control Act 2000*, and any relevant planning scheme requirements, the appropriate approvals will be issued by Council. It is noted that kennel licences issued pursuant to the *Dog Control Act 2000* apply to the applicant, whereas development / use permits for kennel issued pursuant to the *Land Use Planning and Approvals Act 1993* apply to, and run with, the property regardless of subsequent change of ownership.

A kennel licence will apply for a financial year, and must be renewed annually. During the course of each year a Council officer will inspect every property issued with a licence to ensure compliance of the licence conditions.

Where a dog owner is not meeting the conditions, appropriate action will be taken pursuant to the *Dog Control Act 2000* and/or the *Land Use Planning and Approvals Act 1993*.

In the event of extenuating circumstances the General Manager may grant a temporary exemption from the need to obtain a licence if in the opinion of the General Manager, that in doing so, it will not cause a nuisance to any other person in any other premises.

### **8.3 Kennels - Requirements**

The following specifications are considered the minimum required for the construction of kennels and yards in licensed premises:

- The kennel or yard is to be sited the furthest practical distance, (and not less than 9 metres), from any neighbouring dwelling.
- The kennel or yard shall be at least 2 metres from any boundary of the premises on which the kennel or yard is constructed.
- The premises shall be enclosed in such a manner so as to contain any dogs kept in the kennel or yard.
- The kennel or yard shall be constructed in such a way as to provide effective methods of cleaning and disinfection.
- There shall be sufficient room to allow dogs reasonable freedom of movement.
- There shall be a raised (50mm) weatherproof sleeping area.
- Adequate ventilation and insulation shall be provided to maintain a comfortable internal temperature free from condensation.
- A sanitary method of disposal of excreta and other waste shall be provided to the satisfaction of the General Manager.

Council may issue a kennel licence for the keeping of a specified number of dogs on premises which does not comply with some or all of the above minimum specifications provided that the General Manager or his delegate is satisfied that adequate provisions for health, welfare and control of the dogs is provided, and no nuisance is likely to occur to any other person.

### **9. Review Period**

In accordance with section 7(4) of the *Dog Control Act 2000* the Southern Midlands Council will review the Dog Management Policy at least every five years and more regularly should

there be significant changes in community expectations relating to the issue of dog control within the municipal area.

A twelve month trial period will be introduced for any off lead areas that may be declared; therefore the first review of this policy will take place immediately following the trial period.

## **10. Further Information**

Southern Midlands Council web site

[www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)

- Animal Management – Is Your Dog a Noisy Dog?
- Animal Management – Barking Dogs
- Animal Management – Anti Barking Collar Hire
- Animal Management – Anti Barking Collar Hire Rental Agreement
- Animal Management - Anti Barking Collar Purchase
- Animal Management – Notice of Complaint Form
- Animal Management – Dog Attack Incident Report Form
- Standard Operating Procedure – Barking Dogs
- Standard Operating Procedure – Seizing & Impounding a Dog
- Standard Operating Procedure – Dog Attack & Harassment

Tasmanian Legislation website

[www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au)

- *Dog Control Act 2000*
- Dog Control Regulations 2010

Department of Premier & Cabinet - Local Government Division

[www.dpac.tas.gov.au/divisions/lgd/dog\\_control](http://www.dpac.tas.gov.au/divisions/lgd/dog_control)

- General Dog Legislation & Control Matters

## **11. Appendix A - Enforcement**

### **Preamble**

Local Government is charged with legislative responsibilities which protect individuals and the community as a whole. Council's customers include both those on whom the law places a duty and those whom the law protects. While it is ultimately the responsibility of individuals and other bodies to comply with the law, Council staff are required to carry out activities which enforce compliance.

This policy is an “umbrella” policy which outlines Council’s approach to enforcement matters and provides staff with direction about the manner in which enforcement activities are to be undertaken.

In addition to enforcement, Council carries out a range of activities to ensure compliance such as community education programs to encourage conformance. Detailed policies and procedures about these specific activities may also apply.

Enforcement activities include:

- patrolling streets and public places;
- inspecting premises either on a routine programmed basis or on a random basis; and
- responding to enquiries and complaints.

### **Purpose of this Document**

- convey communication to the broader Community
- to provide consistency in enforcement action in matters of non-compliance;
- to ensure transparency, procedural fairness and natural justice principles are applied; and
- to ensure that enforcement action is proportionate to the alleged offence in each case.

### **Defining Enforcement**

Council adopts a broad definition of “enforcement” which combines the provision of advice; assisting compliance, and with formal action where necessary. This is intended to encourage higher levels of voluntary compliance with legal requirements by individuals, businesses and other bodies.

Notwithstanding the above, Council will take immediate action when required (for example to ensure public health and safety or to protect the environment) and take firm action against those who act unlawfully when circumstances warrant.

### **Principles of Good Enforcement**

Enforcement actions are taken within the context of both a legal and policy framework. Council staff will carry out their enforcement related work with due regard to the following principles.

#### ***Proportionality***

A proportionate response means that Council’s actions will be scaled to the seriousness of the breach.

Council recognises that most individuals want to comply with the law and will assist compliance by being open and helpful, offering informal advice and providing the chance to discuss compliance problems.

Attention will be focussed on those whose activities give rise to the most serious risks, or where potential hazards are least well controlled. Depending on the seriousness and persistence of the infringement, Council will minimise the costs to the person or body infringing the law by enforcing the minimum action necessary to secure future compliance. Prosecution will generally be used as a last resort, or for continuous serious offences.

### ***Consistency***

Council will take a similar approach in similar cases to achieve similar outcomes.

While decisions on enforcement require the use of professional judgement and discretion to assess varying circumstances, officers will:

- follow standard operating procedures wherever possible;
- ensure fair, equitable and non-discriminatory treatment; and
- record any deviation from standard operating procedures and the reasons.

### ***Transparency***

Council will be open and transparent about the manner in which it undertakes enforcement activities and the laws it enforces. It will consult on and provide ready access to published standards and levels of service and performance that can be expected and be clear and open about what is expected from those on whom the law places a duty (duty holders).

In educating the community at large and dealing with duty holders, Council will make a clear distinction between what is legally required and what is desirable but not compulsory.

Staff will be open to discussing potential and actual compliance failures, before, during and after formal action has been taken.

When remedial action is needed Council will explain clearly and in plain language why the action is necessary. Where practicable, it will give notice of its intent to commence formal action. It will point out what action is required to achieve compliance and the timeframe for undertaking that action. Advice will be provided on the process for seeking a review of, or how to appeal against that decision.

Where it is not practical to give notice, the reasons why will be recorded.

Complainants will be advised of what action has been taken and why that action has been taken.

### **Authorisation of Officers**

Only officers who are competent by training, qualification and/or experience will be authorised to take enforcement action. Officers will also have sufficient training and understanding of Council's policies and procedures to ensure a consistent approach to their duties. Any decision to act other than in accordance with this policy must have approval from the relevant Manager and the reasons for action recorded. Officers are required to show their authorisations on demand.

## **Decision Making**

Where non-compliance is discovered as a result of enforcement activities, options available to the Council to seek or promote compliance include:

- explaining legal requirements and, where appropriate, the means to achieve compliance;
- providing an opportunity to discuss points of issue where appropriate;
- allowing reasonable timeframes to achieve compliance
- facilitating mediation between affected parties;
- issuing a verbal or written warning; or
- enforcement actions such as issuing an order/direction/notice or prosecution.

Enforcement decisions must be fair, consistent, balanced and relate to common standards that ensure the public is adequately protected. Where a decision is made not to investigate a complaint, the decision and reasons, will be recorded, and the complainant will be advised in writing.

In coming to a decision on the most appropriate means of enforcement, the officer shall consider, amongst other relevant factors:

- the seriousness of the offence;
- the degree of wilfulness involved;
- past history;
- the consequences of non-compliance;
- the likely effectiveness of the various enforcement options;
- deterrence;
- the effect on the community and other people; and
- consistency of approach to similar breaches/offences.

The following factors are to be ignored when choosing an enforcement strategy:

- any element of discrimination or bias against the person such as ethnicity, nationality, political association, religion, gender, sexuality or beliefs; and
- possible political advantage or disadvantage to a government, person holding (or a candidate for) public office, or any political group or party.

Where a personal association or relationship with the alleged offender or any other person involved exists:

- an alternative person will make decisions where possible; and
- the facts about any conflict/relationship will be recorded.

Written documentation will:

- include all the information necessary to make clear what needs to be done to comply with legal requirements, the required time frame and if necessary, the reasons for these actions and potential penalties for failing to comply with the request;
- include the legislation contravened, measures necessary to ensure compliance and the consequences of non-compliance; and
- clearly differentiate between legal requirements and recommendations of good practice.

## **Enforcement Options**

### **No Action**

No action will be taken when, after investigation, no breaches of the legislation are discovered.

It may also be appropriate to take no action when:

- the complaint is frivolous, vexatious or trivial in nature;
- the alleged offence is outside Council's area of authority; or
- taking action may prejudice other major investigations.

### **Informal Action**

Informal action to achieve compliance with legislation may include:

- offering verbal or written advice;
- verbal warnings and requests for action; or
- written warnings.

Advice from officers will be put clearly and simply and will be confirmed in writing.

The circumstances in which informal action may be appropriate include:

- the act or omission is not serious enough to warrant formal action;
- the duty holder's past history reasonably suggests that informal action will secure compliance;
  - confidence in the individual/other body is high;
  - the consequences of non-compliance will not pose a significant risk; or
  - where informal action may prove more effective than a formal approach.

Where statutory action is not possible, but it would be beneficial in a wider public safety context to urge a particular outcome, such action will be taken by a senior officer of Council and the reasons recorded in accordance with Council's Records Management protocols. The recipient will be made aware that the requested actions are not legally enforceable.

### **Mediation**

Where practical, Council will make mediation available. Mediation is a possible alternative where, after investigation, an officer determines that the problems being complained of are incapable of resolution through other formal or informal means. The use of mediation services may also be appropriate where an aggrieved individual has no wish to pursue action to resolve a complaint by legal means.

### **Formal Action**

#### **Service of Orders / Directions / Notices**

Various pieces of legislation specify the procedures which Councils must follow, in order to:

- advise of the intention to issue an Order; Direction or Notice;
- invite submissions with respect to the matter;
- order a person to do or refrain from doing a thing under specified circumstances; and/or
- issue directions specifying how the Order, Direction or Notice may be complied with.

Council Officers will use professional judgement and discretion to assess the variables relating to each matter under consideration, including the reasonableness of the actions required by an Order/Direction/Notice and the timeframe to comply.

Only in circumstances such as a threat to life or immediate threat to public health or safety will formal action be made without giving notice of intention. In these circumstances immediate compliance to resolve a situation can be required.

In most cases the person receiving the Order/Direction/Notice has a right of appeal to the appropriate court if the Order/Direction/Notice is considered unreasonable. If an Order/Direction/Notice is served for which an appeal is possible, Council will advise the recipient in writing of the right to appeal and the relevant legal provisions at the time of serving.

Where there is evidence that an offence has been committed Council may issue a Notice or launch a prosecution in addition to serving an Order. This will only be done where it is determined that the conduct of the recipient justifies taking both steps.

### **Action in Regard to a Default**

Failure to comply with Orders will incur further enforcement action such as launch of a prosecution.

Where action in regard to a default is provided for by legislation and the necessary work has not been carried out in the time allowed without good reason, Council may undertake the required work. Before doing the work Council will consider whether there is a realistic prospect that the person responsible will complete the work within a reasonable time. Where work in default is undertaken Council will seek to recover all costs over a fair period, using all statutory means available.

The decision to carry out action in default will be made by the General Manager or delegate.

Where an offence has been committed Council may issue an Notice or launch a prosecution in addition to taking action to fulfil an Order. This will only be done where the conduct of the recipient justifies taking such steps. Factors such as giving false information, the obstruction of Council staff and the harm or risk of harm caused by the recipient's delay will be considered in determining additional enforcement actions.

### **Prosecution**

A prosecution will only proceed where there is a reasonable prospect that an offence can be proved beyond reasonable doubt.

The following circumstances are likely to warrant a prosecution:

- a flagrant breach of the law such that public health, safety and welfare have been put at risk;
- the alleged breach is too serious or the risks too great to be dealt with by means of an expiation;
- a failure to correct an identified serious problem after having been given reasonable opportunity to do so;
- a failure to comply with the requirements of an Order;
- an established and recorded history of similar offences;
- an unwillingness, on the part of the individual or other body, to prevent a recurrence of the problem; or
- the recovery of the costs of the investigation or remedial work or financial compensation that are required by Council or an aggrieved party.

Where circumstances warrant a prosecution all relevant evidence and information will be considered to enable a consistent, fair and objective decision to be made.

Before a prosecution is recommended there must be substantial, reliable and admissible evidence that an identifiable person or organisation has committed the offence.

A decision to prosecute must be in the public interest. In considering whether prosecution is in the public interest, the following additional factors will be considered:

- whether the offence was premeditated;
- the need to influence the offender's future behaviour;
- the effect on the offender's or witness's physical or mental health, balanced against the seriousness of the offence;
- the availability and efficacy of any alternatives to prosecution;
- the prevalence of the alleged offence and the need for deterrence, both personal and general; and
- the likely length, expense and outcome of a trial.

The final decision to prosecute will be made via a formal decision by the Council and carried out by the General Manager.

## **12. Appendix B – Mangalore Recreation Ground Conditions**

The following conditions apply to the use of the Declared Training Area at the Mangalore Recreation Ground:

1. A supervising officer shall be appointed to oversee and take responsibilities for the activities on the day of each event;
2. A formal risk assessment must be undertaken prior to activities commencing, with a copy of that document being signed off and then tabled at the next Mangalore Recreation Ground Management Committee meeting;

3. All dogs to be on a leash and under control of a competent person whilst within the grounds, unless partaking in an activity that requires off leash work;
4. Check chains only are acceptable, no harnesses or fixed collars or halters. No check chain no train;
5. Dogs not participating in training sessions to be confined to trailers or placed into the care of a competent handler not participating in an active training session;
6. Dogs participating in training may, with permission, be allowed off leash whilst undertaking training in any activity that requires off leash work but must exhibit control at all times. Owners/trainers who exhibit any degree of loss of control will be requested to leash their dog;
7. No one to attempt to control more than two leashed dogs at any one time;
8. No one to attempt to control more than one unleashed dog at any one time;
9. All owners are responsible for cleaning up after their dog, droppings, grooming leftovers etc.;
10. Dogs in trailers and vehicles must have adequate access to water, shade and ventilation;
11. Dogs that exhibit ongoing aggression towards other dogs and/or persons must be muzzled until such times as their aggression is curbed;
12. No dogs within the buildings;
13. Respect shown at all times for other organisations equipment and needs;
14. No dogs on the ground whilst Equestrian club horses are present unless by invitation from the equestrian club(s). May be in trailers and/or vehicles whilst waiting to utilise the grounds only; and
15. Grounds, buildings and equipment must be left as found or better [clean up].

## **16.10 Education**

<b>Strategic Plan Reference – Page 29</b>
---

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

Nil.

## **17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

### **17.1 Retention**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

### **17.2 Consultation and Communication**

**Strategic Plan Reference – Page 31**

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

Nil.

## **18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)**

### **18.1 Improvement**

#### **Strategic Plan Reference – Page 32**

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

Nil.

### **18.2 Sustainability**

#### **Strategic Plan Reference – Page 33 & 34**

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

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

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

**Date:** 21 AUGUST 2016

**Attachment:**

*Common Service JV Council Update – July 2016.*

#### **ISSUE**

To inform Council of the Joint Venture's activities for the month of July 2016.

#### **BACKGROUND**

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

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

#### **DETAIL**

Refer 'Common Services Joint Venture Update – July 2016 attached.

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

Councillors will note that the Southern Midlands Council provided 138 hours of service to six Councils: - Brighton, Central Highlands, Derwent Valley, Glamorgan/Spring Bay, Sorell and Tasman and received 5 hours of services from other Councils.

Details of services provided are included in Figure 3.

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

**Policy Implications – N/A**

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

**RECOMMENDATION**

**THAT the information be received.**

**DECISION**

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

**Attachment**

## LG Common Services Joint Venture - Council Update

### Council

Southern Midlands

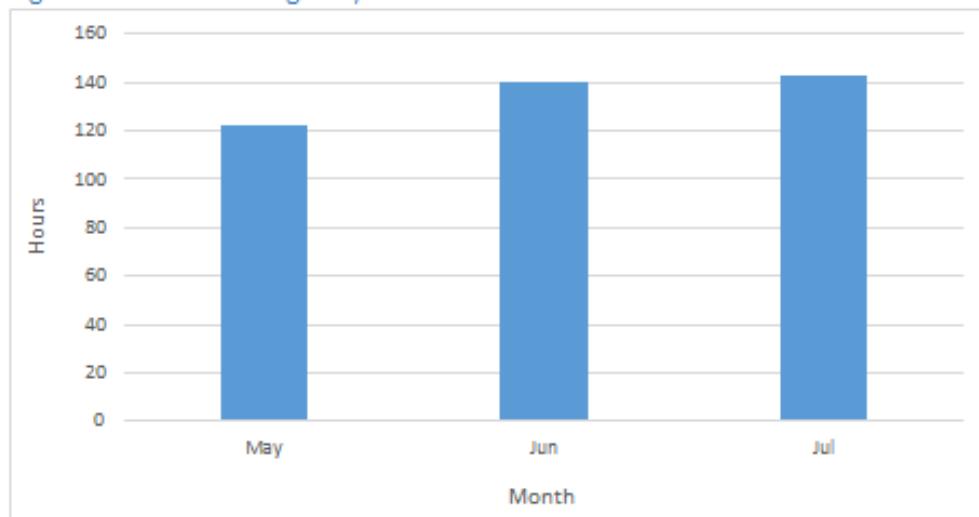
### Common Services Joint Venture Participation in July '16

143 hours

### Summary

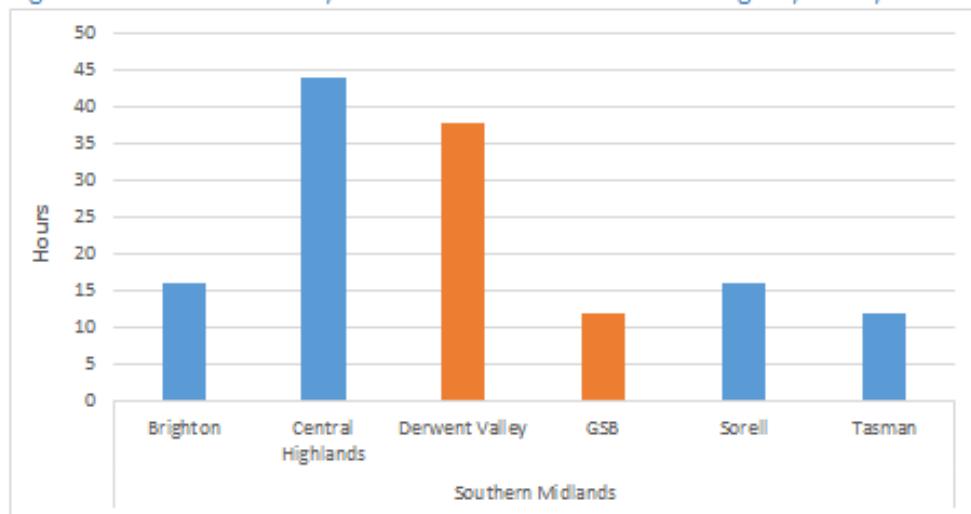
In July 2016, 143 hours of Common Services were exchanged by Southern Midlands Council. From this total, Southern Midlands provided 138 hours of services and received 5 hours of services from other Councils.

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



### Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands Council during July '16 by Council



\* Council not currently a member of the Common Services Joint Venture Agreement

Fig 3 – Details of Services Provided by Southern Midlands Council during July '16

<b>Southern Midlands</b>	<b>138</b>	<b>Summary of Services Provided</b>
<b>Brighton</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice
<b>Central Highlands</b>	<b>44</b>	
Planning	44	Regulatory Planning
<b>Derwent Valley</b>	<b>38</b>	
Permit Authority - Plumbing	38	Plumbing Inspections
<b>GSB</b>	<b>12</b>	
WHS / Risk Management	12	WHS Advice
<b>Sorell</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice
<b>Tasman</b>	<b>12</b>	
WHS / Risk Management	12	WHS Advice

\* Council not currently a member of the Common Services Joint Venture Agreement

#### Services Received by Sorell Council

Fig 4 - Services Received by Sorell Council during July '16 by Service Category

<b>Southern Midlands</b>	<b>5.00</b>	<b>Summary of Services Received</b>
<b>Brighton</b>	<b>5.00</b>	
Development Engineering	1.00	Development Engineering
Planning	4.00	TPC Representation

#### Cost Benefits Achieved by Southern Midlands and Other Councils

143 hours of Common Services were exchanged by Southern Midlands Council last month. Analysis of common services provision has indicated that both the Provider Council and the Client Council save money through the exchange of common services at an approximate ratio of 50%.

In the month of July it is estimated, Council have achieved a net benefit of approximately \$4,000. This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising common services from within Local Government as opposed to external consultants (on average LG common services rates can be procured at significant discount to external consultant fees).

It is estimated that Southern Midlands Council's direct involvement in common services saved participating Councils (including Southern Midlands Council) approximately \$8,500 for the month of July.

## **18.2.2 PROPOSED EDUCATION BILL 2016 – IMPACT OF PROPOSED CHANGES TO THE TASMANIAN EDUCATION ACT**

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 18 AUGUST 2016

### **Attachment:**

1. *Starting Age Fact Sheet – Department of Education*
2. *Early Childhood Australia – Review of the Proposed Education Act – Letter to Mayor Bisdee OAM*

## **ISSUE**

The establishment of a policy position by Council in respect of the ‘Lowering of the Prep Starting Age as detailed in the proposed Education Act 2016.

## **BACKGROUND**

Council at its last meeting received representations from a local Childcare Operator in respect to the lowering of the starting age under the proposed Education Act 2016.

## **DETAIL**

The Deputy General Manager was asked by Council following the representation at the last Council meeting, to consult with School Association Presidents and others within the Community to gauge the extent of concern in respect of the issue of early entry into the Education system through the provisions of the proposed Education Act 2016.

Following the discussions with various interest groups in the Southern Midlands community the overwhelming response appears to be that people are not supportive of the lowering of the compulsory school starting age.

The Minister for Education has recently issued a Fact Sheet, (copy attached) and Early Childhood Australia – Tasmanian Branch have written to the Mayor (copy attached), these documents present the opposing views in respect of the lowering of the compulsory school starting age.

## **RECOMMENDATION**

**For discussion and decision.**

## **DECISION**

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

**Attachment 1**



## FACT SHEET: LOWERING THE PREP STARTING AGE BY SIX MONTHS

### WHAT IS BEING PROPOSED?

As part of the review of the Education Act, the Government is proposing to lower the compulsory school starting age (for Prep) by six months, from 5 years to 4 years and 6 months.

The proposed change to the school starting age will apply to children born in 2016 and means that beginning in 2021, a child who is 4 years and 6 months by the start of the year must be enrolled in Prep or be provided with registered home education.

Children will have access to Kindergarten up to six months earlier. Kindergarten in Tasmania is preschool and is not compulsory.

### WHY IS THIS CHANGE IMPORTANT?

Evidence shows that quality early learning has significant benefits for our children that flow throughout their schooling years and later life.

While the research is clear that all children benefit from quality early learning experiences, this is especially so for those from a low socio-economic background. Providing more options for families in rural and remote areas who currently may have limited or no access to early learning education is also important.

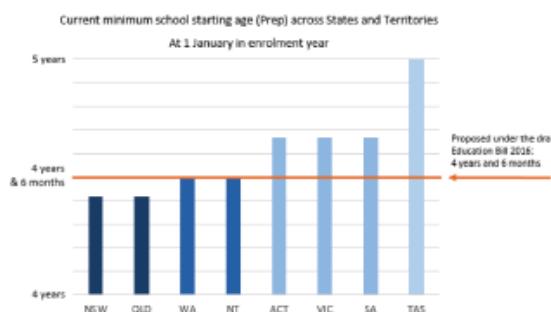
Simply – this proposal is about equity in education and creating more options for families by offering every Tasmanian child access to quality early learning sooner.



### WHAT DO OTHER STATES AND TERRITORIES DO?

We know that the minimum age in which a child can be enrolled in Prep across Australia ranges from 4 years and 5 months to 5 years.

Tasmanian children should have the same opportunities to participate as children in other States and Territories. Lowering the minimum school starting age will bring Tasmania closer to the average of other States and Territories. This means Tasmanian children will be about the same age in the same grade as children in other States and Territories.



### WHAT CHOICES WILL BE AVAILABLE FOR MY CHILD IN THE YEAR BEFORE PREP?

Changes to the school starting age will provide you with greater choice for early learning options for your children. You may choose for your child to be enrolled in Kindergarten or remain in an education and care setting/service or remain at home until your child reaches compulsory age or a mixture of all these options based on what suits you and your child best. Many families find that participating in Kindergarten helps their child with the transition to school.

The Early Years Learning Framework is the main approved framework used across the nation in both education and care (child care) and early learning settings in Kindergarten for this age group.

*"Inequality in early childhood experiences and learning produces inequality in ability, achievement, health, and adult success."*

Heckman, Spring 2011, American Educator, The Economics of Inequality: The Value of Early Childhood Education



*"High quality pre-schooling is related to better intellectual and social/behavioural development for children."*

The Effective Provision of Pre-School Education (EPPE) Project, 2003.

### WHAT IS KINDERGARTEN?

Pre-school arrangements are different across Australia. In 1968, a decision was made to attach pre-schools to schools in Tasmania and these were called Kindergartens.

Kindergartens today use play-based learning. They are dynamic, interesting and fun places for children to discover the world around them. We know that it's really important for very young minds to learn through play and play-based experiences, not through formal instruction.

*Children are born ready to learn. In the first 5 years of life the brain develops more and faster than at any other time.*

### ARE SCHOOLS ABLE TO PROVIDE FOR CHILDREN UPTO 6 MONTHS YOUNGER?

Schools already have a range of early learning experiences for children from birth to four years with teachers supporting children at different points in their learning and development. Launching into Learning (LiL) provides an opportunity for children and families to begin interacting with school from birth and facilitates a positive transition into Kindergarten.

The Department will continue working with schools to ensure they are able to support all children in Kindergarten and Prep. For example, continuing working with schools to assist any teachers who may need to upgrade their early childhood qualifications, or to allow for any facility modifications. If Tasmania lowers the prep starting age, we have until 2020, when the first group of children will be eligible for Kindergarten, to make sure schools and families are ready for the change.

### WILL TEACHERS BE ABLE TO SUPPORT MY CHILD AND THEIR SPECIFIC NEEDS?

Teachers are highly qualified and are equipped to support and nurture children throughout their many, and varied, levels of development. They will continue to be well supported with teacher assistant/s in Kindergarten. Children learn and develop at different rates and teachers and other staff will continue working with families to make sure all children are cared for and supported. This includes providing assistance with going to the toilet, comforting a child who is sick or upset and ensuring children get a rest should they need it.

### WHY AREN'T WE DOING WHAT FINLAND DOES AND STARTING SCHOOL LATER?

Most Finnish children attend early learning programs between the ages of 1-5 prior to starting formal schooling.

While some countries with a later starting age do better than Australia in high stakes testing, such as Finland and Estonia, other countries with a later starting age do less well than Australia, such as Sweden, Hungary and Bulgaria.

There are many things to learn from other places in the world, including Finland. However it is not always beneficial to look at communities which do not have the same base community make-up and assume what works there will work here. For instance, the Finnish education system, and Finnish society more broadly, is very different to Tasmania. We need to promote ideas which will work best for children growing up in Tasmania.

### HOW ARE WE WORKING WITH THE CHILD CARE SECTOR ON THESE CHANGES?

It is acknowledged that lowering the Prep starting age will have an impact on the child care sector in Tasmania. We are working with the sector to firstly understand the impact, then to ensure the impact is minimised in this important change for families.

### CAN A CHILD CARE BUSINESS PROVIDE KINDERGARTEN?

Yes. Long day care centres can seek registration as a non-government school (through the Schools Registration Board, which registers non-government schools) in order to deliver Kindergarten.

A for-profit Long Day Care (LDC) that is approved to deliver Kindergarten as a non-government school would be eligible for funding under the National Partnership Agreement on Universal Access to Early Childhood Education (NP UAECE). It would not be eligible for State Government funding as funding is provided to not-for-profit schools only (as per the Education Act).

A non-for-profit LDC that is approved to deliver Kindergarten as a non-government school would be eligible for State Government funding and for funding under the NP UAECE.

**Attachment 2**



**Early Childhood Australia**

Tasmania Branch

8 August 2016

SOUTHERN MIDLANDS COUNCIL

Rec'd 10 AUG 2016

File no.

Ref:

Mayor Tony Bisdee  
Southern Midlands Council  
PO Box 21  
Oatlands 7120

**SCANNED**  
OUR  
VISION:  
EVERY  
YOUNG  
CHILD IS  
THRIVING  
AND  
LEARNING

**Re: REVIEW OF THE EDUCATION ACT 2016**

Dear Mayor Tony Bisdee,

As you are aware, the Government has introduced a draft Education Bill 2016. The Bill includes a number of changes to the Education Act.

The one major change impacting upon the early education and care sector is the proposed lowering of the compulsory school starting age to 4 ½ for Prep. The flow-on effect is that Kindergarten will commence for children aged 3 ½ years from 2020.

While Kindergarten is not a compulsory year of school, 98% of Tasmanian children attend Kindergarten – mainly because families do not recognise that it is not compulsory.

There has been much recent debate in the media about the facts and implications of this major change.

Early Childhood Australia, who has briefed Legislative Council members and has been involved in communication with the Minister for Education and his office, believes that children and their needs are being forgotten in the current debate.

We believe that all of Tasmania's young children should have access to quality early learning from birth to age five, as the benefits are proven through evidence based research.

Early Childhood Australia supports the Tasmanian Government's aim to extend school retention for 18-year-olds.

**Early Childhood Australia cannot support three-and-a-half-year-olds being injected into formal school settings in an attempt to address longer term educational outcomes.**

We believe effective early learning programs must be truly play based, delivered in suitable early childhood environments and supported by specialist early childhood qualified professionals.

"Early learning" means the vital stages of children's development from birth to age five ... including brain development, motor skills, communication, social and emotional wellbeing ... all of the skills needed for lifelong learning.

Early childhood education and care services are required to comply with the National Quality Framework. This framework determines a range of requirements, including the adult to child ratios of one early

Early Childhood Australia Tasmania Branch Inc.

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ABN 61 123 123 123



childhood educator to every group of 10 children aged over three years. In many Tasmanian Kindergartens, the ratio is much higher.

In rural and remote Tasmania, there are many schools that combine kindergarten groups with their Grade 1 and Grade 2 classes, this has the potential to put even greater pressure on both staff and young children.

Our members are very concerned about the impacts on young children caused by sending them too early to formal school-based environments, with teachers who, in the majority, are trained to support older children.

We urge you to consider the impact that this change will have on the social and emotional wellbeing of 3½ olds. They are not developmentally ready to be educated in a formal school setting.

Tasmania already has one of the lowest compulsory school starting ages in the country, second only to Western Australia. It should be noted that in WA issues have been identified with their younger school starting age, where they are seeing a rapid increase in the formalization of many classroom and calls for discussion and review are taking place. "The 'earlier is better' formalized teaching approach with the intention of improving educational outcomes seems to miss the point that young children need to experience rich, child centered, play based experiences combined with intentional teaching to develop the early learning required for future academic achievement" (Leavers, 2007; Whitebread, 2012).

We realise that many ECA members operate an education and care business, but cannot dismiss the impact that this change will have on the viability of the sector. Our research shows that some 50 services Statewide are at risk of closing if the Governments policy is implemented and over 500 jobs will be lost.

More importantly, when services close, many communities will be left with no early childhood education and care options – meaning more people, mainly women, will not be able to engage in employment opportunities to support their family, or will be forced to use "unregulated" care options.

The Government's argument is that it wants to assist children and families who cannot access or afford early childhood education and particularly vulnerable children and families.

ECA would argue that the Government needs to undertake contextual research and develop sound strategies that support, in the first instance, quality early learning in the home environment.

ECA's priority is children, we believe, based on national and international research that an earlier starting age in a formal school setting is NOT in the best interests of children. Attached is a fact sheet that outlines the impacts that this change will have on young Tasmanian children.

**Early Childhood Australia (Tasmania Branch) is seeking an amendment to the proposed Education Bill 2016. We request that the proposed lowering of the compulsory school starting age to 4½ for Prep be removed and that the status quo is maintained.**

Yours Sincerely,



Annette Barwick

Early Childhood Australia (Tasmania) President

Media Contact: A. Mark Thomas, M&M Communications, 0422 006 732

Annette Barwick



This fact sheet has been developed by Early Childhood Australia (ECA) Tasmania Branch to succinctly focus on key issues arising from the Tasmanian Government's proposal to lower the starting age for compulsory school entry into Prep to four years, six months and subsequently for kindergarten to 3 years, six months. The detail of ECA's response to the Regulatory Impact Statement regarding the proposed Education Bill 2016 can be found at: [www.premier.tas.gov.au/releases/education\\_act\\_review\\_submissions\\_online](http://www.premier.tas.gov.au/releases/education_act_review_submissions_online)

#### **FACT 1: LEARNING BEGINS IN THE HOME**

International research strongly confirms that the home environment impacts significantly on a child's language development and their capacity to self-regulate – the ability to control your emotions and actions and ability to sustain attention and participate in a group (Melhuish, 2016).

These areas of development are essential foundations for successful learning in school.

Australian research shows that programs that target children's social and emotional development ...and those associated with parental support and engagement for disadvantaged families show both short and long term benefits, including those for children 0-3 (Harrison et al, 2012).

The Launching into Learning program (LIL) does not engage hard-to-reach families (Department of Education Annual Report, 2015). Recent initiatives such as the LIFT program are in their infancy and their impact has yet to be demonstrated. LIFT aims to engage families with children in the first years of school, but does not reach families with children 0-3.

The proposed changes to the Education Act do not deal with the key issues of:

- How to add value to the home learning experiences provided for children in the first three years of life; and
- How to encourage parents to engage with their child's education and motivate and support them throughout schooling.

#### **FACT 2: HIGH QUALITY CARE BEFORE SCHOOL BOOSTS CHILDREN'S DEVELOPMENT**

Children's development is strongly related to the quality of care in the first three years of life.

In an early childhood education and care (ECEC; 'child care') setting, children and families come to know educators over several years. Children participate in a familiar, safe, unpressured learning environment where their needs are met and their family can be advised about their role in fostering the child's wellbeing and learning.

Educators in ECEC settings have the specialised early childhood knowledge and skill required to maximise young children's learning and wellbeing and the adult: child ratio to facilitate individual and small group learning interactions.

The proposed changes devalue the excellent early education provision in the non-school sector. The best interests of the child would be served most effectively by strengthening, not diminishing the quality of the ECEC sector in line with the national early childhood agenda.

#### **FACT 3: THE INSTITUTIONAL SETTING OF A SCHOOL IS NOT THE BEST CONTEXT TO FOSTER YOUNG CHILDREN'S LEARNING**

The highly scheduled nature of the school setting is not conducive to providing the flexible program that is responsive to individual children's needs in the 3-5 age range.

In school, class sizes tend to be higher and adult: child ratios lower (e.g. less adults per child) than those provided for the 3-5 age group in non-school settings.

Kindergarten and Prep teachers are not required to hold a specialised degree qualification in early childhood development and learning as required under the National Quality Framework.

It is not good enough to say that kindergartens in Tasmania are 'working towards mirroring the requirements of the National Quality Framework for Early Childhood Education and Care' (Department of Education FAQ, accessed 16/07/16). The non-school ECEC sector is required to meet those standards.

### **18.2.3 SUB-REGION COLLABORATION STRATEGY – STANDING ITEM**

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

**Date:** 19 AUGUST 2016

#### **Attachments:**

1. *Sub-Region Collaboration Strategy*
2. *Minutes from meeting No 2 (held 25<sup>th</sup> July 2016)*

## **ISSUE**

Standing Item to enable:

- a) Council to identify or consider new initiatives that can be referred to the Sub-Region Group for research and / or progression; and
- b) The provision of updates and reports on the Group's activities.

## **BACKGROUND**

The Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils have agreed to work together to identify and pursue opportunities of common interest and to more effectively and efficiently serve ratepayers, residents and the communities in these municipal areas.

## **DETAIL**

A copy of the original Sub-Region Collaboration Strategy is included as an attachment.

The Sub-Region Group has now met on two occasions and a copy of the most recent Minutes (meeting held 25<sup>th</sup> July 2016) are also included as an attachment.

**Human Resources & Financial Implications** – No budget has been allocated for these sub-regional activities. Any specific projects which require additional funding will be referred to Council for consideration prior to commencement.

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

**Policy Implications** – N/A

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

## **RECOMMENDATION**

**THAT the information be received.**

**DECISION**

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

**Attachment 1**

## **SUB-REGION COLLABORATION STRATEGY**

March 2016

The Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils have agreed to work together to identify and pursue opportunities of common interest and to more effectively and efficiently serve ratepayers, residents and the communities in these municipal areas.

### **Background**

The four councils have successfully shared resources for several years across a wide range of services which has largely been at a staff or operational level. This strategy elevates working together to a policy or corporate level.

While the 2014-15 Auditor General's report indicates that all four councils are sustainable, it is acknowledged that there is always room for improvement. Expectations of local government are always increasing and there is intensive scrutiny of council operations, particularly from the media and lobby groups.

Through member organisations such as the LGAT and STCA the councils are included in funding submissions as individual councils or as part of a regional or state-wide lobby group. However, some issues and opportunities relate more to the Sub-region than to these larger bodies, making it important to lobby for focussed funding for specific projects within the Sub-Region and leverage off the individual strengths of each of the four council areas in a collaborative effort.

### **Guiding Policies**

The Sub-Region will be stronger by working together. It should:

1. Build on strengths by working together and reducing duplication.
2. Share resources and expertise.
3. Represent and build on the collective strengths of the Sub-Region.
4. Recognise the common interests of the communities in the four municipal areas.
5. Provide a strategic basis for decision-making
6. Enhance and promote the sustainability of each of the four Municipal Areas
7. Provide a platform for the development of supporting strategies covering a range of areas of mutual interest; in some cases it may be a consolidation of existing strategies

### **Action Plan**

The councils will work together to achieve beneficial outcomes in the following key focus areas:

- economic development and employment
- education and skills training
- health, well-being and environment
- tourism development and promotion

- infrastructure

As an initial Action Plan (which will expand over time), the following projects have been proposed under each of the key focus areas to achieve the goals established in the guiding policies:-

*Economic development and employment:*

- a) Prepare a high-level investment prospectus for the region reflecting the competitive strengths and advantages of each of the municipal areas;
- b) Consider options to address ‘short-term’ accommodation requirements for seasonal workers within the four municipal areas;

*Education and Skills Training:*

- a) The four Councils commit to supporting the Bridgewater Trade Training Centre, (Note: the BTTC has a defined catchment area covering the entire sub region and therefore it is appropriate that it receives the support of the four Councils as a focal point of Vocational Education and Training):
  - (i) by being active Members of the Centre’s Advisory Board;
  - (ii) assisting to facilitate engagement strategies with Community & Employers across the sub region;
  - (iii) promoting the Centre for skill acquisition for Apprenticeships/Traineeships as well as across all ages; and
  - (iv) facilitating collaborations with the BTTC with other organisations, such as universities and councils.
- b) The Centre for Heritage at Oatlands/Southern Midlands Council will soon establish the *Integrated Heritage Skills Hub* – a community cooperative aimed at economic development through promotion of heritage trade skills. This will collaborate and expand existing initiatives relating to heritage trade and craft skills, archaeological investigations, conservation management planning and research. The Council’s in Sub-region;
  - (i) commit to working in partnership in accessing grants and funded programs to further the heritage restoration and skill enhancement programs provided by the centre;
  - (ii) identify appropriate sites and initiatives across the sub region for skills training programs which may include; restoration, research, enhanced use/accessibility and interpretation; and
  - (iii) work with industry partners and training organisations to build heritage trades skill-sets within the communities (including youth programs).

*Health, Well-being and environment:*

- a) Disaster and emergency management – convene a meeting of the respective Local Emergency Management Coordinators (and other interested persons) for the purpose of identifying opportunities to achieve improved coordination and efficiencies in emergency management.
- b) Aged Services – review existing aged care and related strategies (and policies) with the intent of identifying specific actions that can be taken to advance the aim of being aged-friendly communities (this includes monitoring the activities of Primary Health Tasmania which is a non-government organisation responsible for engaging with local communities to seek out the health needs of Tasmanian and identify solutions).
- c) Disability Access Strategy – participate in the project being undertaken by the Local Government Division which is working with local government representatives on a disability access strategy. The strategy aims to identify and provide resources which will assist Councils to improve disability access in their local area. The intent of this action is to achieve efficiencies by streamlining participation yet maximising the outcomes from the project.

*Tourism development and promotion:*

- a) Assess and report on the suitability / viability of a proposal entitled 'The Time Travellers Guide to Tasmania - A history based multimedia tourism project'- refer detailed proposal attached.
- b) Seek to work collaboratively in cross-regional tourism initiatives capitalising on the region's core attractors (e.g. food, beverage, natural and cultural environments).

*Infrastructure:*

- a) Four Councils to identify infrastructure project priorities for lobbying purposes (suggest maximum of five projects per Council for inclusion in a sub-regional election submission) – aim to complete by end of March 2016
- b) Waste Management –  
Short-term – identify opportunities for efficiencies and/or cost savings for collection and disposal  
Medium to Long Term – consider landfill disposal options (and other strategic infrastructure requirements) that can cater for the sub-region

**Attachment 2**

**Minutes**  
**Sub-region Collaboration Meeting – Brighton, Central Highlands, Derwent Valley,  
Southern Midlands**

Venue: Kempton Council Chambers

Time: 25<sup>th</sup> July 2016 @ 10am

Apologies: Tony Foster, Dierdre Flint

**1. Update on Action Plan items – James Dryburgh**

- **Investment prospectus**

Andrew Benson, Shane Wells and Patrick Carroll to meet and prepare a brief and estimated budget for a sub-regional investment prospectus. CHC will need to take this to council to seek approval. It is expected that some or all of the four councils will prepare a local investment prospectus via this process in addition to the sub-regional version.

- **Tourism/visitor action plans progress report**

James Dryburgh has agreement from DST to prepare 4 local ‘destination action plans’ which will then inform the preparation of Sub-regional ‘destination action plan.’ The four plans will be funded by State Growth via DST and some minimal top up funding from the group (in the order of \$1,000) may be required simply for additional stakeholders meetings for the sub-regional plan.

James Dryburgh to give DST the go-ahead immediately.

- **Age services issues and opportunities report**

Richard Cuskelly, Andrew Benson and Jess (DVC) to meet to discuss updating and adapting AB’s previous Age Friendly Strategy for the Sub-region.

- **Disability access strategy progress**

Andrew Benson to share Disability access strategy (including annual funding strategy) with relevant staff at the four councils and assist each council to prepare their own.

**2. Update on Action Plan items – Tim Kirkwood**

- **Centre for Heritage Hub**

Hub is going through approvals process now.

5+5+5 project has struggled for numbers. In the process now of presenting a different model to TCF for approval.

- **Education skills and training**

Andrew Benson would like to assist Mayor Foster to meet with the new Department Secretary

There is a need to assist the BTTC to link better with industry and agriculture.

Potential for the sub-region to jointly lobby for a high school in Brighton and for improved education services in the sub-region. A workshop should be convened with Mayors and relevant staff of the sub-region to develop a strategy with regards to education prior to convening a meeting with principals and government. JD to convene.  
Martyn Evans suggested the Sub-region jointly fund or offer traineeships.

- **Disaster and emergency management**

Tim Kirkwood has begun this process, but initial enthusiasm was limited. He will pursue further.

There is a need to assist volunteer fire fighter recruitment.

- **Waste management**

Graham Greene and Heath MacPherson have begun discussions in this area.

A meeting to be convened with relevant staff to discuss Graham's strategy and formulating a sub-regional strategy. JD

**3. Update on Action Plan items – Martyn Evans**

- **Seasonal workers issues and options**

DVC are aiming to create a Agri-Horti-Viti centre for excellence and trying to create a fruit picker's trail.

**4. Update on Action Plan items – Greg Winton/Janine Banks**

- **Dog management – sub-regional solution**  
- **Compliance officer**

Janine to follow up with Tim K and Andrew B to prepare a model, draft position descriptions, projected FTEs and costings for a sub-regional solution to resourcing animal management and dog licences, and potentially combining with other forms of compliance such as planning, building, plumbing.

**5. Media – Communication Strategy**

Wait until there is something more concrete to report, such as shared animal management services (better service, lower cost) or the preparation of Destination Action Plans.

**6. Other business**

**7. Next meeting: time, date and location.**

Monday 26<sup>th</sup> September, 10am at New Norfolk Council Chambers.

## **18.3 Finances**

### **Strategic Plan Reference – Page 34 & 35**

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

### **18.3.1 MONTHLY FINANCIAL STATEMENT (JULY 2016)**

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

**Date:** 22 AUGUST 2016

## **ISSUE**

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1<sup>st</sup> July 2016 to 31<sup>st</sup> July 2016 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates  
*Note: Refer to enclosed report detailing the individual capital projects.*
- d) Cash Flow Statement – July 2016

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2016 to 31<sup>st</sup> July 2016 – approximately 8% of the period.*

## **CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)**

### ***Strategic Theme – Infrastructure***

**Sub-Program – Roads** - expenditure to date (\$317,173 – 10.33%). Expenditure of \$87,900 relates to gravel from Swans Quarry.

### ***Strategic Theme – Lifestyle***

**Sub-Program – Childcare** – expenditure to date (\$5,000 – 66.67%). Expenditure includes \$5,000 BFDC Grant to the Brighton Family Day Care.

### ***Strategic Theme –Community***

**Sub-Program – Capacity** – expenditure to date (\$7,000 – 20.57%). Expenditure includes \$7,000 Donation to MILE.

**Sub-Program – Consultation** – expenditure to date (\$1,231 – 16.87%). Expenditure relates to annual electricity payments for the Radio Station tower.

***Strategic Theme – Organisation***

**Sub-Program – Improvement** - expenditure to date (\$4,996 – 57.10%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

**Sub-Program – Sustainability** - expenditure to date (\$222,021 – 10.40%). Includes annual costs associated with computer software maintenance (GIS/NAV) \$10,780, and insurance payments of \$42,500.

**CAPITAL EXPENDITURE ESTIMATES (CAPITAL BUDGET)**

Nil.

**RECOMMENDATION**

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

**DECISION**

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

STATEMENT OF COMPREHENSIVE INCOME FOR THE PERIOD 1st JULY 2016 to 31st JULY 2016					
	Annual Budget	Year to Date as at 31st JULY	%		Comments
<b>Income</b>					
General rates	\$ 4,870,842	\$ 658	0.0%	Budget includes Interest & Penalties to be imposed to end of June 2016	
User Fees (refer Note 1)	\$ 933,626	\$ 73,960	7.9%		
Interest	\$ 145,000	\$ 11,234	7.7%		
Government Subsidies	\$ 15,600	\$ 0	0.0%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements	
Contract Income	\$ 0	\$ 0	0.0%		
Other (refer Note 2)	\$ 238,000	\$ 21,703	9.1%		
<b>Sub-Total</b>	<b>\$ 6,203,068</b>	<b>\$ 107,556</b>	<b>1.7%</b>		
Grants - Operating	\$ 3,280,756	\$ 40	0.0%	Oatlands Court House \$40	
<b>Total Income</b>	<b>\$ 9,483,824</b>	<b>\$ 107,596</b>	<b>1.1%</b>		
<b>Expenses</b>					
Employee benefits	\$ (3,915,055)	\$ (268,236)	6.9%	Less Roads - Resheeting Capitalised	
Materials and contracts	\$ (2,982,446)	\$ (343,811)	11.5%	Less Roads - Resheeting Capitalised, Includes Land Tax	
Depreciation and amortisation	\$ (2,719,500)	\$ (217,560)	8.0%	Percentage Calculation (based on year-to-date)	
Finance costs	\$ (49,436)	\$ (4,950)	10.0%		
Contributions	\$ (197,903)	\$ 0	0.0%	Fire Service Levies	
Other	\$ (163,261)	\$ (16,322)	10.0%		
<b>Total expenses</b>	<b>\$ (10,027,601)</b>	<b>\$ (850,880)</b>	<b>8.5%</b>		
<b>Surplus (deficit) from operations</b>	<b>\$ (543,777)</b>	<b>\$ (743,285)</b>	<b>136.7%</b>		
Grants - Capital (refer Note 3)	\$ 1,448,681	\$ 0	0.0%		
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 107,302	0.0%		
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%		
<b>Surplus / (Deficit)</b>	<b>\$ 904,904</b>	<b>\$ (635,983)</b>	<b>-70.3%</b>		

**NOTES**

1. Income - User Fees (Budget \$658,662) includes:

- All other Programs	\$ 609,626	\$ 56,220	9.2%	Actual Income Received (i.e. excluding Debtors)
- Callington Mill	\$ 324,000	\$ 17,740	5.5%	
	\$ 933,626	\$ 73,960		

2. Income - Other (Budget \$355,854) includes:

- Income (Private Works )	\$ -	\$ 17,701	0.0%	
- Tas Water Distributions	\$ 228,000	\$ 4,002	1.76%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ -	0.0%	
	\$ 238,000	\$ 21,703	9.1%	

3. Grant - Capital (Budget \$877,860) includes:

- Black Spot Funding	\$ -	\$ -	0.0%	
- Tourism Funding	\$ -	\$ -	0.0%	To be claimed in March 2017
- Roads To Recovery Grant	\$ 1,448,681	\$ -	0.0%	
	\$ 1,448,681	\$ -	0.0%	

Note:

Operating Grants

- School Holiday Program	\$ -	\$ -		
- Oatlands Court House	\$ -	\$ 40		
- Mens Shed	\$ -	\$ -		
- NRM South	\$ -	\$ -		
- Communities For Children	\$ -	\$ -		
- School Community Garden	\$ -	\$ 40		

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2016/17  
SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 31st JULY 2016 8.3%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3,069,775	3,069,775	317,173	2,752,602	10.33%
Bridges	350,787	350,787	25,730	325,057	7.33%
Walkways	212,810	212,810	9,253	203,558	4.35%
Lighting	85,680	85,680	6,653	79,027	7.76%
Irrigation	0	0	0	0	0.00%
Drainage	105,123	105,123	5,314	99,809	5.06%
Waste	626,104	626,104	20,950	605,154	3.35%
Public Toilets	57,603	57,603	3,687	53,916	6.40%
Communications	0	0	0	0	0.00%
Signage	9,400	9,400	631	8,769	6.72%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4,517,282</b>	<b>4,517,282</b>	<b>389,392</b>	<b>4,127,891</b>	<b>8.62%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Mill Operations	502,735	502,735	21,112	481,624	4.20%
Tourism	254,602	254,602	22,258	232,344	8.74%
Business	985,226	235,226	16,477	218,749	7.00%
Agriculture	0	0	0	0	0.00%
Integration	7,500	7,500	0	7,500	0.00%
<b>GROWTH TOTAL:</b>	<b>1,750,064</b>	<b>1,000,064</b>	<b>59,847</b>	<b>940,217</b>	<b>5.98%</b>
<b>LANDSCAPES</b>					
Heritage	265,140	265,140	23,304	241,836	8.79%
Natural	141,498	141,498	8,614	132,884	6.09%
Cultural	10,500	10,500	0	10,500	0.00%
Regulatory	785,355	785,355	69,875	715,481	8.90%
Climate Change	16,221	16,221	0	16,221	0.00%
<b>LANDSCAPES TOTAL:</b>	<b>1,218,714</b>	<b>1,218,714</b>	<b>101,793</b>	<b>1,116,921</b>	<b>8.35%</b>
<b>LIFESTYLE</b>					
Youth	221,481	221,481	0	221,481	0.00%
Aged	2,500	2,500	0	2,500	0.00%
Childcare	7,500	7,500	5,000	2,500	66.67%
Volunteers	40,000	40,000	0	40,000	0.00%
Access	0	0	0	0	0.00%
Public Health	8,010	8,010	250	7,759	3.13%
Recreation	435,855	435,855	32,429	403,426	7.44%
Animals	73,819	73,819	904	72,914	1.22%
Education	0	0	0	0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>789,165</b>	<b>789,165</b>	<b>38,583</b>	<b>750,581</b>	<b>4.89%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	34,025	34,025	7,000	27,025	20.57%
Safety	56,650	56,650	1,293	55,357	2.28%
Consultation	7,300	7,300	1,231	6,069	16.87%
Communication	12,125	12,125	0	12,125	0.00%
<b>COMMUNITY TOTAL:</b>	<b>110,100</b>	<b>110,100</b>	<b>9,525</b>	<b>100,575</b>	<b>8.65%</b>
<b>ORGANISATION</b>					
Improvement	8,750	8,750	4,996	3,754	57.10%
Sustainability	2,135,394	2,135,394	222,021	1,913,373	10.40%
Finances	263,133	263,133	893	262,240	0.34%
<b>ORGANISATION TOTAL:</b>	<b>2,407,277</b>	<b>2,407,277</b>	<b>227,909</b>	<b>2,179,367</b>	<b>9.47%</b>

CAPITAL EXPENDITURE PROGRAM 2016-17 AS AT 31 JULY 2016						
			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>INFRASTRUCTURE</b>						
	<b>ROAD ASSETS</b>					
	Resheeting Program	Roads Resheeting	\$ 600,000	\$ -	\$ 600,000	
	Reseal Program	Roads Resealing (as per agreed program)	\$ 1,000,000	\$ -	\$ 1,000,000	
	Reconstruct & Seal	Green Valley Road (approx 500 metres - area widened) Inglewood Road (final seal of prev. reconstructed section) Woodsdale Road (near 'glue pot' - final seal) Yarlington Road (Smarts Hill - 150 metres)	\$ 158,000 \$ 21,600 \$ 11,880 \$ 22,500	\$ 66,931 \$ - \$ - \$ -	\$ 91,069 \$ 21,600 \$ 11,880 \$ 22,500	WIP 30/6/16 \$66,931 - Budget includes \$83K c/fwd
	Construct & Seal (Unsealed Roads) Incls. widening component	Eldon Road (areas between Bridge & Reynolds Rd junction) Lower Marshes Road, Jericho (approx. 600 metres) Station Street, Tea Tree	\$ 169,000 \$ 90,000 \$ 19,500	\$ - \$ - \$ -	\$ 169,000 \$ 90,000 \$ 19,500	Budget c/fwd
	Minor Seals (New)	Brownwood Estate (junction plus setback) Weavers Lane (junction plus setback) Church Road (Brighton Council end) Hasting Street Junction	\$ 12,000 \$ 12,000 \$ 10,000 \$ 15,000	\$ - \$ - \$ - \$ -	\$ 12,000 \$ 12,000 \$ 10,000 \$ 15,000	Budget c/fwd Budget c/fwd
	Unsealed - Road Widening	Estate Road (vicinity of Mallow) Hall Lane, Bagdad - widening Chauncy Vale Road, Bagdad	\$ 30,000 \$ 15,000 \$ 20,000	\$ - \$ - \$ -	\$ 30,000 \$ 15,000 \$ 20,000	Budget c/fwd Budget c/fwd
	Junction / Road Realignment / Other	Campania - Reeve St / Clime Street (includes Footpath) Stonor Road - Benching (vicinity of Halls) Sugarloaf / Cliftonvale Road Junction (Black Spot Investigation) Yarlington Road - Realignment High Street / Esplanade - Junction Improvements Lovely Banks Road (junction with Colebrook) Reeve St - Hall Street to Rec Ground (K&G) - 70 metres Campania - Reeve St / Hall Street (K&G) Woodsdale Road - Landslip Area (vicinity Scott's Quarry) Woodsdale Road - Landslip Area(s) - Engineering Assessment York Plains Road (Camber adjustment)	\$ 140,000 \$ 15,000 \$ 35,000 \$ 240,000 \$ 35,000 \$ 210,000 \$ 8,800 \$ 5,000 \$ 15,000 \$ 9,700 \$ 5,000	\$ 16,779 \$ - \$ 2,810 \$ 11,023 \$ 16,025 \$ 5,755 \$ - \$ - \$ - \$ - \$ -	\$ 123,221 \$ 15,000 \$ 32,190 \$ 228,977 \$ 18,975 \$ 204,245 \$ 8,800 \$ 5,000 \$ 15,000 \$ 9,700 \$ 5,000	WIP 30/6/16 \$16,779 - Budget includes \$40K c/fwd WIP 30/6/16 \$2,810 WIP 30/6/16 \$11,023 WIP 30/6/16 \$12,536 - Budget includes \$25K c/fwd WIP 30/6/16 \$5,755 - Budget includes \$40K c/fwd
			\$ 2,924,980	\$ 119,324	\$ 2,805,656	
	<b>BRIDGE ASSETS</b>					
		Kheme Road (Biralee Creek T468) Inglewood Road (Tin Dish Rivulet B42) Old Tier Road (B4490) Grahams Creek Road (Grahams Creek B2510) Hardings Road (White Kangaroo Rivulet B1096) Link Road (Craigbourne Creek B3820) Noyes Road (Limekiln Creek) C1030006 Fields Road Bridge (B1851) C1030044 Grahams Creek Road (Grahams Creek B2510) Elderslie Road	\$ - \$ - \$ - \$ 81,740 \$ 163,550 \$ 91,960 \$ 41,270 \$ - \$ -	\$ 1,374 \$ 554 \$ 4,782 \$ - \$ - \$ - \$ - \$ 1,469 \$ 1,304	\$ (1,374) \$ (554) \$ (4,782) \$ 81,740 \$ 163,550 \$ 91,960 \$ 41,270 \$ (1,469) \$ (1,304)	
			\$ 378,520	\$ 9,481	\$ 369,039	

	<b>WALKWAYS</b>	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ -	\$ 30,000	
		Bagdad Township - Swan Street (Blackport Rd to Green Valley Rd) - Midland Highway (Bus Shelter)	\$ 109,557 \$ 5,000	\$ 2,687 \$ -	\$ 106,870 \$ 5,000	WIP 30/6/16 \$2,687 - Budget c/fwd
		Campania Township - Reeve Street - 500 metres - Review Management Plan (Site Plan) / Walking Tracks (Bush Rese	\$ 71,614 \$ 5,000	\$ 8,386 \$ -	\$ 63,228 \$ 5,000	WIP 30/6/16 \$8,386 - Budget c/fwd Budget c/fwd
		Colebrook Township - K&G Renewal (Richmond St -southern end) - Streetscape Plan Development & Implementation (Part)	\$ 30,000 \$ 60,000	\$ - \$ -	\$ 30,000 \$ 60,000	
		Oatlands Township - Church Street (K&G renewal) - Wellington Street	\$ 15,000 \$ -	\$ - \$ -	\$ 15,000 \$ -	
		Tunbridge Township - Tunbridge Main Road (Renew Kerb & Gutter)	\$ 15,000	\$ -	\$ 15,000	
			<b>\$ 341,171</b>	<b>\$ 11,073</b>	<b>\$ 330,098</b>	
<hr/>						
	<b>DRAINAGE</b>	Bagdad - Midland Hwy/Swan St Drainage (McShane property)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
		Campania - Estate Road (School Farm - Easement) - Reeve Street Open Drain (north of Telephone Box)	\$ 10,000 \$ 35,000	\$ - \$ 3,750	\$ 10,000 \$ 31,250	
		Oatlands - Barrack Street (towards Mason Street) - High St/Wellington Street Junction	\$ 10,000 \$ 5,000	\$ - \$ -	\$ 10,000 \$ 5,000	Budget c/fwd Budget c/fwd
			<b>\$ 82,500</b>	<b>\$ 3,750</b>	<b>\$ 78,750</b>	
	<b>WASTE</b>	Oatlands WTS - Concrete Pad(s)	\$ 5,000	\$ -	\$ 5,000	
		Wheelie Bins & Crates	\$ 7,500	\$ -	\$ 7,500	
			<b>\$ 12,500</b>	<b>\$ -</b>	<b>\$ 12,500</b>	
	<b>PUBLIC TOILETS</b>	Campania - Urinal / Plumbing / External Shower Head	\$ 10,000	\$ -	\$ 10,000	Budget includes \$4K c/fwd
		Lake Dulverton (New facilities - design & approvals)	\$ 12,000	\$ -	\$ 12,000	
			<b>\$ 22,000</b>	<b>\$ -</b>	<b>\$ 22,000</b>	
	<b>SIGNAGE</b>	Oatlands Signage (Info Bays) - Town Maps etc. - 2 Small & 2 Large Sig	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		Highway Signage (State Growth proposal) - Graphic Design	\$ 2,000	\$ 2,588	\$ (588)	WIP 30/6/16 \$1,920 - Budget c/fwd
			<b>\$ 12,000</b>	<b>\$ 2,588</b>	<b>\$ 9,412</b>	
	<b>CAPACITY</b>	C2020003 Community Garden- Mill Precinct	\$ 8,200	\$ 3,924	\$ 4,276	WIP 30/6/16 \$3,924 - Budget c/fwd
			<b>\$ 8,200</b>	<b>\$ 3,924</b>	<b>\$ 4,276</b>	

GROWTH	TOURISM	Building (Wool Press Cover)	\$ 9,170	\$ -	\$ 9,170	
		Lake Dulverton (Aquatic Club Fit-Out) - Shower / Toilet Facility	\$ 18,000	\$ -	\$ 18,000	
		Kempton Roadside Stopover - Electrical Upgrade	\$ 2,500	\$ -	\$ 2,500	
			\$ 29,670	\$ -	\$ 29,670	
LANDSCAPES	HERITAGE	Callington Mill (Precinct Master Plan Implementation)	\$ 12,500	\$ -	\$ 12,500	Budget c/fwd
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd
2016-17		Commissariat (79 High Street)	\$ 384,250	\$ 14,010	\$ 370,240	WIP 30/6/16 \$14,010 - Budget includes \$125,490 c/fwd
		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000	Budget c/fwd
		Roche Hall (Building - Urgent Asset Upgrade / Renewal)	\$ 40,000	\$ -	\$ 40,000	
		Roche Hall - Forecourt (Interps - Planning Condition of Approval)	\$ 35,000	\$ 4,750	\$ 30,250	WIP 30/6/16 \$4,750 - Budget includes \$5K c/fwd
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd
		Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K c/fwd
			\$ 507,350	\$ 18,760	\$ 488,590	
	NATURAL	Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Chauncy Vale - Interps Hut Repairs	\$ -	\$ -	\$ -	
		Dulverton Walkway RLCIP	\$ -	\$ 687	\$ (687)	
		Tunbridge Circle Landscaping	\$ -	\$ 2,670	\$ (2,670)	WIP 30/6/16 \$111
			\$ 5,000	\$ 3,357	\$ 1,643	
	REGULATORY	Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ -	\$ 23,704	Budget includes \$13,704 c/fwd
		Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd
		Kempton Council Chambers - Office Furniture & Equipment	\$ 3,000	\$ -	\$ 3,000	
			\$ 34,204	\$ -	\$ 34,204	
LIFESTYLE	ACCESS	All Buildings (Priority Approach - Year 1 of 5)	\$ 50,000	\$ -	\$ 50,000	
			\$ 50,000	\$ -	\$ 50,000	
RECREATION		Recreation Committee	\$ 20,000	\$ -	\$ 20,000	
		Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000	
		Colebrook Hall - Heating	\$ 3,000	\$ -	\$ 3,000	
		Kempton Hall - external repainting	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
		Parks - Playspace Strategy	\$ -	\$ -	\$ -	
		- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ -	\$ 8,000	Budget c/fwd
		Playground Equipment	\$ -	\$ -	\$ -	
		Swimming Pool - Aut Cleaner	\$ 8,000	\$ -	\$ 8,000	
		Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000	
	C4070016	Rec Ground - Colebrook Recreation Ground (Improvements)	\$ 45,000	\$ 22,337	\$ 22,663	WIP 30/6/16 \$22,337 - Budget includes \$35K c/fwd
	C4070033	Oatlands Aquatic Club Building	\$ 18,000	\$ 18,729	\$ (729)	WIP 30/6/16 \$18,729 - Budget includes \$18K c/fwd
		Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000	Budget c/fwd
		Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ -	\$ 14,000	Budget c/fwd
		Stables & Carriage Shed	\$ -	\$ 724	\$ (724)	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500	
			\$ 179,500	\$ 41,789	\$ 137,711	

COMMUNITY	CAPACITY	Levendale Community Centre	\$ 10,000	\$ -	\$ 10,000	
	C3010010	Community Blacksmith Program	\$ 6,200	\$ 6,213	\$ (13)	WIP 30/6/16 \$5,422 - Budget c/fwd
			<b>\$ 16,200</b>	<b>\$ 6,213</b>	<b>\$ 9,987</b>	
	SAFETY	Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
ORGANISATION	SUSTAINABILITY	Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500	
		Photo Reframing	\$ 3,000	\$ -	\$ 3,000	Budget includes \$1,500 c/fwd
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	Budget c/fwd
		Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ -	\$ 10,000	
		Computer System (Hardware / Software)	\$ 40,000	\$ -	\$ 40,000	
		Telephone / Comms System	\$ -	\$ -	\$ -	
		Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 7,427	\$ 573	
			<b>\$ 83,500</b>	<b>\$ 7,427</b>	<b>\$ 76,073</b>	
WORKS		Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		Depot Relocation (Site / Concept Plans etc.)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Minor Plant Purchases	\$ 9,500	\$ -	\$ 9,500	
		Radio System	\$ 2,000	\$ -	\$ 2,000	
		Plant Replacement Program				
		Refer separate Schedule (Gross)	\$ 660,000	\$ -	\$ 660,000	
		Light Vehicles (Gross)	\$ 320,000	\$ -	\$ 320,000	
		(Trade Allowance - \$180K)			\$ -	
		Mini Excavator & Trailer (1.7 tonne)	\$ 45,000	\$ -	\$ 45,000	
			<b>\$ 1,051,500</b>	<b>\$ -</b>	<b>\$ 1,051,500</b>	
		GRAND TOTALS	<b>\$ 5,741,795</b>	<b>\$ 227,687</b>	<b>\$ 5,514,108</b>	

	INFLOWS (OUTFLOWS)	INFLOWS (OUTFLOWS)
	(July 2016)	(Year to Date)
<b>Cash flows from operating activities</b>		
Payments		
Employee costs	-	272,322.31
Materials and contracts	-	707,028.22
Interest	-	4,950.49
Other	-	16,322.26
	<b>- 1,000,623.28</b>	<b>- 1,000,623.28</b>
Receipts		
Rates	85,211.38	85,211.38
User charges	89,356.35	89,356.35
Interest received	11,234.37	11,234.37
Subsidies	-	-
Other revenue grants	40.00	40.00
GST Refunds from ATO		-
Other	116,774.85	116,774.85
	<b>302,616.95</b>	<b>302,616.95</b>
<b>Net cash from operating activities</b>	<b>- 698,006.33</b>	<b>- 698,006.33</b>
<b>Cash flows from investing activities</b>		
Payments for property, plant & equipment	-	23,053.18
Proceeds from sale of property, plant & equipment	-	-
	<b>107,301.79</b>	<b>107,301.79</b>
Proceeds from Capital grants	-	-
Proceeds from Investments	-	-
Payment for Investments	-	-
<b>Net cash used in investing activities</b>	<b>84,248.61</b>	<b>84,248.61</b>
<b>Cash flows from financing activities</b>		
Repayment of borrowings	-	6,258.09
Proceeds from borrowings	-	-
<b>Net cash from (used in) financing activities</b>	<b>- 6,258.09</b>	<b>- 6,258.09</b>
<b>Net increase/(decrease) in cash held</b>	<b>- 620,015.81</b>	<b>- 620,015.81</b>
Cash at beginning of reporting year	8,586,333.61	8,586,333.61
<b>Cash at end of reporting</b>	<b>7,966,317.80</b>	<b>7,966,317.80</b>

### **18.3.1 FINANCIAL STATEMENTS – 2015-2016 FINANCIAL YEAR**

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

**Date:** 17 AUGUST 2016

**Enclosure:**

*Financial Statement 2015/2016 Financial Year*

#### **ISSUE**

Refer enclosed copy of the General Purpose Financial Report for the 2015/2016 Financial Year to be tabled in accordance with Section 84 of the *Local Government Act 1993*.

#### **BACKGROUND**

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

***“84. Financial statements***

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

***(2) Any financial statement for a financial year is to—***

***(a) . . . . .***

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

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

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

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

***(db) contain financial management indicators, and asset management indicators, specified in an order under subsection (2A); and***

***(e) contain any other information the Minister determines.***

***(2A) The Minister, by order, may specify –***

***(a) financial management indicators; and***

***(b) asset management indicators –***

*to be included in the financial statements of councils.*

**(2B)** *The Minister is to consult with councils as to the matters to be included in an order under subsection (2A).*

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

**(a)** *the financial position of the council; and*

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

**(c)** *the cash flow of the council.*

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

**(5)** *In this section –*

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

## **DETAIL**

Refer enclosed copy of the 2015/16 General Purpose Financial Report.

The Report was forwarded to the Auditor General on 12<sup>th</sup> August 2016, and the Tasmanian Audit Office is in the process of undertaking the audit process.

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

**Human Resources & Financial Implications** – Comment to be provided.

**Community Consultation & Public Relations Implications** – Not applicable.

**Council Web Site Implications** - A copy of the audited Statement will be included on the Website as part of the 2015/16 Annual Report when completed.

**Policy Implications** – N/A.

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

**RECOMMENDATION**

**THAT Council receive a copy of the General Purpose Financial Report for the 2015/2016 Financial Year.**

**DECISION**

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

## **19. INFORMATION BULLETINS**

Information Bulletins dated the 29<sup>th</sup> July, 5<sup>th</sup> August, 12<sup>th</sup> August and 19<sup>th</sup> August 2016 have been circulated since the previous meeting.

### **RECOMMENDATION**

**THAT the Information Bulletins dated the 29<sup>th</sup> July, 5<sup>th</sup> August, 12<sup>th</sup> August and 19<sup>th</sup> August 2016 be received and the contents noted.**

### **DECISION**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
	Mayor A E Bisdee OAM	
	Dep. Mayor A O Green	
	Clr A R Bantick	
	Clr E Batt	
	Clr R Campbell	
	Clr D F Fish	
	Clr D Marshall	

**20. MUNICIPAL SEAL**

Nil.

## **21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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

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

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

**T F KIRKWOOD  
GENERAL MANAGER**

**23. CLOSURE**