

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 28TH MAY 2014 AT THE MUNICIPAL
OFFICES, 85 MAIN STREET, KEMPTON COMMENCING AT 10:00 A.M.**

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ENCLOSED

**Council Meeting Minutes & Special Committees of Council Minutes
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Item 12.4.2 Midlands Economic Development & Landuse Strategy - Stage 1 Report,
May 2014

Item 16.4.1 SGS Report (Levendale School)

Item 16.4.2 Presentation to the Tasmanian Polar Network by Andrew Benson

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COUNCIL HELD ON WEDNESDAY 28TH MAY 2014 AT THE MUNICIPAL
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OPEN COUNCIL MINUTES

1. PRAYERS

Councillors recited the Lord's Prayer.

2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM, Clr A R Bantick, Clr B Campbell, Clr M Connors, Clr D F Fish and Clr J L Jones OAM.

In Attendance: Mr T Kirkwood (General Manager), Mr D Mackey (Manager Development and Environmental Services), Mr A Benson (Manager Community and Corporate Development), Mr D Cundall (Planning Officer), and Mrs K Brazendale (Executive Assistant).

3. APOLOGIES

Clr A O Green (due to attendance at the Destination South Board Meeting).

C/14/05/004/19692 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr J L Jones OAM

THAT the apology from Clr A O Green be received and leave of absence granted.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 16th April 2014, as circulated, are submitted for confirmation.

C/14/05/005/19693 DECISION

Moved by Clr J L Jones OAM, seconded by Clr D F Fish

THAT the Minutes of the previous meeting of Council held on the 16th April 2014, as circulated, be confirmed.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- Arts Advisory Committee – Meeting held 24th March 2014
- Lake Dulverton & Callington Park Management Committee Minutes – Meeting held 5th May 2014
- Facilities and Recreation Committee – Meeting held 21st May 2014
- Audit Committee – Meeting held 21st May 2014

RECOMMENDATION

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

C/14/05/006/19694 DECISION

Moved by Clr D F Fish, seconded by Deputy Mayor M Jones OAM

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

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

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.

- Arts Advisory Committee – Meeting held 24th March 2014
- Lake Dulverton & Callington Park Management Committee Minutes – Meeting held 5th May 2014
- Facilities and Recreation Committee – Meeting held 21st May 2014
- Audit Committee – Meeting held 21st May 2014

RECOMMENDATION

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

C/14/05/007/19695 DECISION

Moved by Clr J L Jones OAM, seconded by Clr M Connors

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

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

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

5.4.1 Joint Authorities - Receipt of Minutes

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

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

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

RECOMMENDATION

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

DECISION

DECISION NOT REQUIRED

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

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

36A. Annual reports of authorities

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

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

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

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

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

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

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

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

36B. Quarterly reports of authorities

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

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

(a) a statement of its general performance; and

(b) a statement of its financial performance.

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

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

RECOMMENDATION

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

DECISION

DECISION NOT REQUIRED

6. NOTIFICATION OF COUNCIL WORKSHOPS

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

A Workshop was held at the Council Chambers, Oatlands on 6th May 2014, commencing at 9.00 a.m.

Attendance: Mayor A E Bisdee OAM, Clrs A R Bantick, B Campbell, M J Connors J L Jones OAM.

Apologies: Deputy Mayor M Jones OAM, Clrs A O Green and D F Fish.

Also in Attendance: T F Kirkwood, A Benson, D Mackey, M Weeding and S Rawnsley.

The purpose of this Workshop was to:

- a) Review the Strategic Plan;
- b) Adopt a workshop / meeting timetable for development and adoption of the 2014/15 Budget and rates; and
- c) Update / Review of the Callington Mill operations.

In terms of outcomes:

- the Strategic Plan (as amended) will be submitted to the next Council Meeting for endorsement;
- a workshop / timetable was considered and confirmed; and
- time did not permit undertaking the review of the Callington Mill operations.

RECOMMENDATION

THAT the information be received and the outcomes of the workshop held 6th May 2014 noted.

C/14/05/011/19696 DECISION

Moved by Clr B Campbell, seconded by Clr M Connors

THAT the information be received and the outcomes of the workshop held 6th May 2014 noted.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |

| | | |
|---|-------------------|--|
| √ | Clr J L Jones OAM | |
|---|-------------------|--|

7. QUESTIONS WITHOUT NOTICE

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

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

1. That the Council meeting for 23rd July 2014 be re-scheduled (LGAT Conference)

C/14/05/012/19697 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M Jones OAM

THAT the Ordinary Council Meeting scheduled for July be held on 22nd July 2014 (Tuesday). Change due to the LGAT Conference.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

Deputy Mayor M Jones OAM left the meeting at 10.23 a.m.

2. Installation of Solar Panels – Tasmanian Heritage Council guidelines relating to the installation of solar panels on heritage buildings to be made available.

Deputy Mayor M Jones OAM returned to the meeting at 10.25 a.m.

3. Council Depot – Station Street, Kempton – allowance to be included in Budget to enable external painting of the building.
4. Streetlights, Main Street, Kempton – Aurora has completed replacement.

8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 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.

The General Manager reported that the following items need to be included on the Agenda. The matters are urgent, and the necessary advice is provided where applicable:-

- Report on outcome of the Public Meeting – Dysart Church / Cemetery (Item 21.1)

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*.

C/14/05/013/19698 DECISION

Moved by Clr D F Fish, seconded by Clr M Connors

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

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

9. DECLARATIONS OF PECUNIARY INTEREST

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

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

The following declarations was recorded:

Clr A R Bantick – Item 22.1 Council Property – 5 Marlborough Street, Oatlands

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 advised the meeting that no formal questions on notice had been received for the meeting.

This session was held later in the meeting at the prescribed time.

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 2014/17 - Proposed ‘Free Range Egg Farm’ (defined as Animal Intensive Farming under the Planning Scheme) at 32 Banticks Road, Mangalore.

File Ref: T2831326BANTI

AUTHOR PLANNING OFFICER (D CUNDALL) AND MANAGER DEVELOPMENT AND ENVIRONMENTAL SERVICES (D MACKEY)

DATE 23RD MAY 2014

ATTACHMENTS

Attachment 1 – Development Application

Attachment 2 – Representations

Attachment 3 – ‘A Review and Report to the Southern Midlands Council on the Banticks Farm Proposal 22 May 2014’ Prepared by Paul F. Healy

Attachment 4 - Applicant’s Comments on concerns raised in Representations (dated Monday 19th May 2014)

Attachment 5 - Applicant’s final response to questions raised by Council Officers (dated Friday 16th May 2014)

INTRODUCTION

The Applicants Mr Richard Barnes and Mr Jeremy Price have applied to the Southern Midlands Council for a Planning Permit to develop and operate a ‘Free Range Egg Farm’ at their property and residence at 32 Banticks Road, Mangalore.

The proposed use/development is defined as Animal Intensive Farming under the *Southern Midlands Planning Scheme 1998* (“Planning Scheme”). The proposal is depicted as ‘Discretionary’ in the table of use/development in the Rural Agriculture zone and accordingly may be granted a Planning Permit by Council, with or without

conditions, or may be refused a Planning Permit by Council pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993*.

Council Officers have considered a range of issues in making a recommendation to the Council. This report presents the information to Council with detailed assessment of the issues against the Planning Scheme and the relevant legislation.

PROPOSAL

The proposal is for a staged 'Free-Range Egg Farm', developed at increments over a 4 year period. The Applicant is seeking approval to keep a total 2,450 birds at the final stage (2018).

The Applicants propose to operate the farm with the following nominated standards and codes of practice:

- i. Free Range Egg & Poultry Australia Ltd Standard (emphasis on animal welfare)
- ii. National Water Biosecurity Manual Poultry Production
- iii. Code of Practice For Shell Egg, Production, Grading, Packing and Distribution (Australian Egg Corporation Limited)
- iv. Rangecare's code of practice for accreditation by free range egg and poultry Australia Ltd
- v. Code of Practice for Biosecurity in the Commercial Egg Industry (issued by RIRDC and endorsed by the Australian Egg Industry Association)

The proposal is to divide the farm into four paddocks (over a 5.187ha area). This encompasses roughly 50 percent of the Applicant's land. Within these paddocks a total of 7 flocks will be placed (see Figure 1 of Attachment 1 in the 'Environmental Effects and Planning Report'). Each flock will be 350 birds. There will be no more than 600 birds per hectare. This effectively creates a lower density/stocking rate of birds when compared with various industry standards for free-range egg farming. The stocking rate is also lower than many other well-known free-range egg enterprises across Tasmania and Australia. The proposal is also different to other forms of free-range egg farming as the birds are encouraged to openly roam and forage within the fenced areas.

It is proposed that each flock is further separated by internal fencing and serviced by a portable unit for water and feed and a movable laying and roosting coop. The concept behind both the lower stocking rate and the internal fencing is to create a stock rotational system with the intention of constantly rotating the birds over a period of time to prevent soil erosion and the concentration of faecal matter. This is known as 'cell grazing'. The Applicant states this, '...is a technique that utilises small areas of pasture/forage crops that are grazed at a high intensity for a short period of time as not to destroy the crop cover.' It is a commonly used in farming livestock.

The Applicant intends to maintain a vegetative cover in the grazing/stocking areas at all times as part of the management of the farm. The Applicant also intends to crop some areas to grow fodder for the birds and trees to provide protection from predators and

shade and refuge for the birds. The other benefits of maintaining a certain vegetative cover is further assessed in this report. The Applicant presents further information for the benefits of ‘cell grazing’ on pages 6-7 of Attachment 1, in the ‘Environmental Effects and Planning Report’.

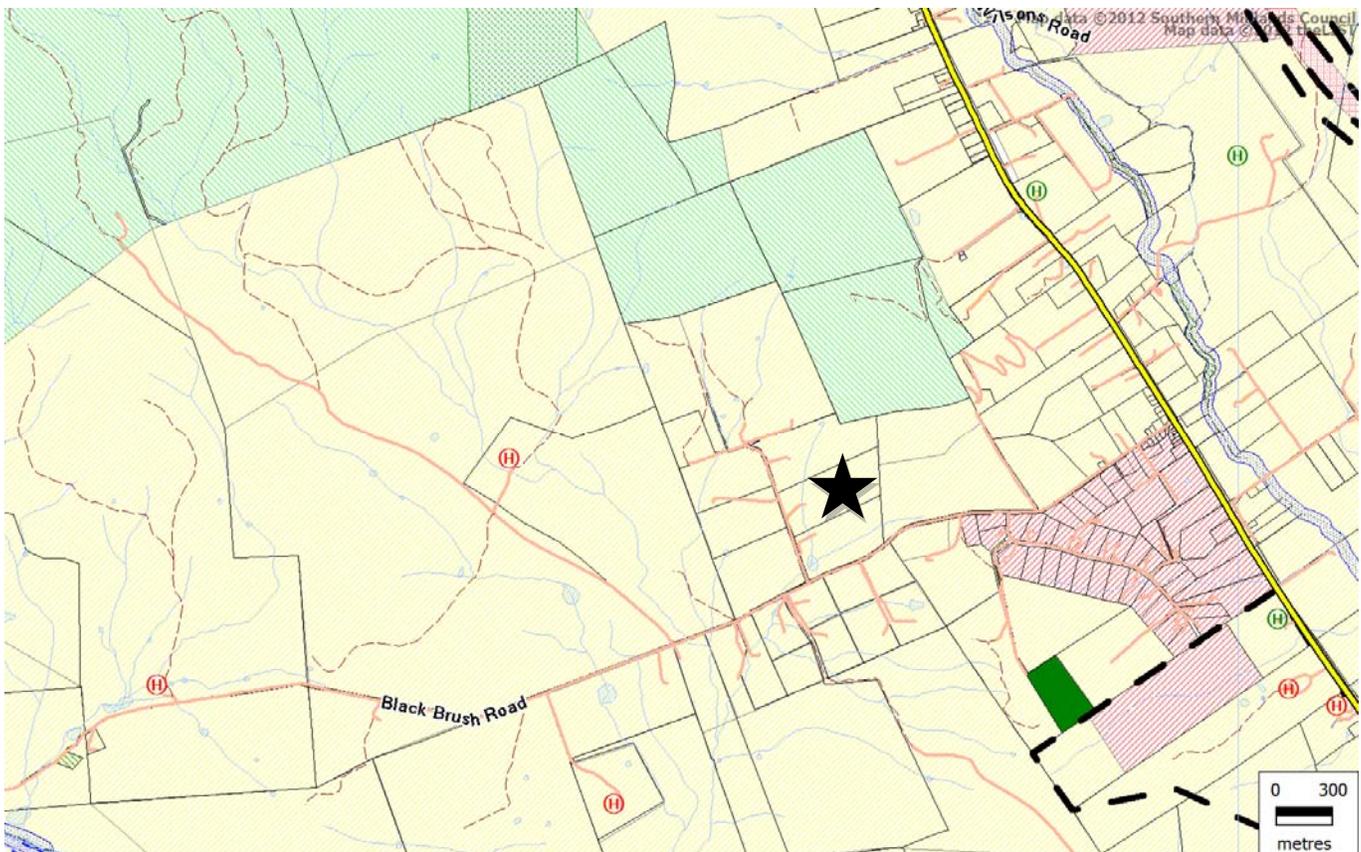
Development of the Land

The Application includes a proposal for:

- Seven approximately 3m by 6m by 2.7m high timber relocatable chook nesting/roosting coop houses to each serve 350 birds
- A 7m by 14m colorbond processing shed fitted out with facilities to process the eggs and personal amenities for staff and farm hygiene
- Two 10,000lt water tanks associated with the shed
- Five open ended concrete composting bins (2m by 2m)
- Onsite wastewater treatment
- Fencing and other ancillary site works, landscaping and development

The Land

The property is located in Banticks Road, Mangalore. This is a short no-through road off Blackbrush Road. The land is in the Rural Agriculture Zone and is adjoined by Rural Agriculture Zoned land. The Rural Residential Zone of Mountford Drive is approximately 500m from the boundary of the Applicant’s land. The adjoining lot on the eastern side is currently subject to an amendment to the Southern Midlands Planning Scheme 1998 to change the zoning from Rural to Rural Residential.



Map 1 Zoning_32 Banticks Road is symbolised by a black star in the map. The red coloured land is the Rural Residential A zone at Mountford Drive on the South Side of Blackbrush Rd. The green and light yellow is the Rural Activity Zones (green is rural forest and yellow is rural agriculture).

Although the surrounding land is in the Rural Agriculture Zone (one of the Rural Activity Zones), a large proportion is used for typically rural residential uses. Most of the Southern Midlands Local Government Area is in the Rural Activity Zones; however a large percentage of this land, in the Bagdad - Mangalore area, is used for rural residential type purposes. Map 1 in this report also demonstrates the many smaller lots that appear concentrated around the Midland Highway and along Blackbrush Road in the vicinity of Banticks Road. This is a fairly typical evolution of land use on the outer fringe of the Greater Hobart Area.

There are many lots in the rural zones that would be unsuitable for intensive rural activity (and some other rural industries), due to size and/or proximity to sensitive uses. However, a developer is still afforded the ability to apply for such uses in the rural zone and given the opportunity to prove suitable.

THE APPLICATION

The Applicant provided a completed Development Application Form, an 'Environmental Effects Report' (and other information and appendices) prepared by the Applicant. There are also several emails, plans and diagrams that all form part of the Development Application in Attachment 1 of this report.

Since the Application was first lodged with Council in February 2014, the Applicant has made significant modifications. A noteworthy modification was the reduction of bird numbers from 5,000 to 2,450 and condensing the 'paddock layout area' from approximately 7.8 ha of land to approximately 5.8ha of land. This first draft of the Application was not advertised. Council advertised a final draft prepared by the Applicant post receiving additional information pursuant to Section 54 of the Act. This is standard procedure as many Applicants' consider Council Officer input and choose to review their Development proposal if necessary.

It should be noted also that since the representations were received, the Applicant, in discussion with Council Officers, has also included additional information regarding potential impacts on adjoining land and provided comments in response to matters raised in the representations. Council Officers also posed further questions to the Applicant prompted by concerns raised by Council Officers and in the representations.

Council Officers, upon receipt of the Representations, also informed the Applicant on the possibility of a mediation session pursuant to Section 57A of the Act. This mediation session would need to be held prior to Council making a decision. Accordingly the Council and the persons that lodged a representation and the Applicant could attend a mediation session on agreed terms and conditions and conducted by an agreed

independent mediator. The Applicant was not prepared to enter into mediation with Council and persons that lodged representations.

As indicated further in the report, the Applicant has not provided some additional details requested by Council officers, towards the end of the assessment process, stating on several occasions that he believes sufficient information has been supplied to Council in order for it to make a determination. Council officer then sought and obtained external expert advice.

All information necessary to make a determination has been included with this report.

LEGISLATIVE REQUIREMENTS and ASSESSMENT METHODOLOGY

Such a use/development must be assessed, monitored and development in accordance with:

- *Land Use Planning and Approvals Act 1993*
- *Environmental Management and Pollution Control Act 1994*
- *Southern Midlands Planning Scheme 1998*
- *State Policy of Water Quality Management 1997*
- *State Policy on the Protection of Agricultural Land 2009*

Council shall also give consideration to any foreseeable implications from any related legislation, policy, guidelines, codes of practice or regulations that may or may not cause changes to the proposal or result in impacts on land usage.

Council Officers have researched free-range egg farming and various government manuals and guidance notes on intensive chicken farming right across Australia. Such publications were useful in assessing the Application.

As mentioned, Council Officers also sought the expertise of a well experienced and accredited industry professional for advice on the Application. This is standard practice in accordance with Part 11.10 of the Planning Scheme. The attached report (Attachment 3) 'A Review and Report to the Southern Midlands Council on the Banticks Farm Proposal' dated 22 May 2014 prepared by Paul F. Healy, has been an integral part to understanding free-range chicken farming in this area and in gauging the ability and proposed management plans by the Applicant.

Council Officers also researched and considered any implications from the standards, code of practice and guidelines referenced by the Applicant in the Development Application. It is important to note that Council Officers at all times have considered that the Applicant is intending to run a smaller and less intensive operation than many of those depicted in these publications. To give perspective on the matter, there are battery and 'barn laid' farms in Australia with up to 1 million birds. A 'free-range' farm is typically between 1,000 and 7,000 birds (Australian Egg Corporation Limited, 2008). It is therefore unrealistic to compare the Banticks Road proposal for 2,450 birds against the much larger and more intensive operations. The proposal is a smaller and less

intensive free-range foraging operation on a small lot of ground in a predominately rural residential type setting ('rural residential' refers to actual land use not land zoning).

Nevertheless, expert reports and guidelines all recommend larger land areas distant from the urban/residential environment.

The other documents that were used in this assessment are:

- Australian Egg Corporation Limited, 2008 'Environmental Guidelines for the Australian Egg Industry', Australian Government – Department of Agriculture, Fisheries and Forestry
- Department of Agriculture, Fisheries and Forestry, 2009 'National Farm Biosecurity Manual Poultry Production' Australian Government
- Department of Agriculture, Fisheries and Forestry, 2009 'National Water Biosecurity Manual Poultry Production' Australian Government
- Environmental Protection Authority – New South Wales, sourced from <http://www.epa.nsw.gov.au/air/aqt.htm> updated June 2013 'Local Government Air Quality Toolkit' NSW Government
- Agnote, 2004 'Odour Management options for meat chicken farms', NSW Agriculture

A key document researched by both Council Officers and the Applicant is the 'Environmental Guidelines for the Australian Egg Industry, 2008' ("EGAEP"). This document provides environmental guidelines for the establishment of an egg farm. Some key points in this document that Council should consider are:

1. The potential for nuisance depends upon a range of factors, including:
 - The location of the enterprise in relation to sensitive sites.
 - The adequacy of separation and buffer distances provided.
 - Design features of the enterprise.
 - The on-going management of the enterprise.
 - Communication between those operating the enterprise and neighbours.
 - Ongoing two-way communication provides a basis to manage impact and to reduce the risk of nuisance odour, dust, noise and light at neighbouring residences.
2. Prevent contamination of surface waters and ground waters
3. Facility Design, Location and Planning Considerations
 - Farms must have an adequate and reliable supply of water.

- “When developing a proposal for a new facility it is critical to consider current and future land use zonings and existing and planned developments in the adjacent area, including potential ‘as of right’ or equivalent dwellings.”
- “For the purpose of considering whether an area affected by a separation distance may contain a sensitive use in the future, consideration must be given to the potential for the development of a dwelling on an adjoining property ‘as of right’ (that is, without a planning permit). Where a lot is identified as having potential for an ‘as of right’ dwelling the separation distance is generally calculated to the centre line of the vacant lot.”
- “Locating new developments on land that is appropriately designated under the local planning schemes, with future land use planning considered.”
- “Avoiding locations near urban or rural residential development where possible.”
- “Protecting existing operations from incompatible future development by encouraging suitable provisions in planning schemes.”
- “Providing an adequate area of suitable land on-farm for the sustainable utilisation of by-products (nutrients and water) if practical or other arrangements for the removal of wastes off farm.”
- Buffer distances from other land uses and other poultry operations in “...combination with good design and management.”
- “Owning sufficient land around the operation to cater for the recommended separation distances prevents encroachment by other development on nearby land.”

Council must consider any possible implications the proposal may have on the local area and future land use planning. It is therefore the responsibility of the Applicant to demonstrate to the best of their ability their capability of managing and developing such an operation within the framework of the relevant legislation and to the satisfaction of the relevant Government Authority.

USE/DEVELOPMENT DEFINITION

Under Schedule 3 Use or Development Category Definitions of the Planning Scheme, the proposed development is defined as a Proposed Free Range Egg Farm (defined as Animal Intensive Farming under the Planning Scheme):

“Animal Intensive Farming:

means the use or development of any land for the farming of animals where their feeding is undertaken primarily by hand and/or machinery-based practices.

The term does not include Agriculture, Aquaculture or Animal Keeping.”

(Planning Scheme Extract)

Whilst the application is for ‘free range’ hens and includes the intention to retain vegetation cover on the ground to, in part, provide a food source, this will only constitute a very small proportion of the hens’ feed. Their feed will predominantly be brought onto the property. This is the essential difference between keeping animals under the general definition of ‘agriculture’ and ‘animal intensive farming’.

Use Development/Status under the Planning Scheme

Under the Scheme, the proposed use/development is a discretionary use/development in the *Rural Agriculture Zone* and invokes Clause 11.5. Subsequently the use/development:

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

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

PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 19th April 2014 for 14 days. It shall be noted that the period for representations was extended in accordance with Section 57 of the Act due to the closure of the Council Offices over the Easter Break. In this period, nine (9) representations were received.

Two (2) letters were supportive of free-range egg farms in the district and one (1) was supportive of the proposal with suitable conditions. The remaining six (6) representations expressed opposition and a range of concerns about the proposal.

Representations Table

All representations have been attached in their entirety to this report as ‘Attachment 2 – Representations’, and the issues raised have been included in the table below. All names and personal details have been omitted from the table.

Council Officers have provided comments regarding key issues raised in these representations as part of the table below. The concerns are then further considered in the detailed assessment of the proposal against the relevant provisions of the Planning Scheme, the Act and the *EMPCA*. The Officer comments appear in *italics* within the table below:

| |
|---|
| Representation 1 |
| I am writing in opposition of the above mentioned proposal of said, Egg Farm. |

Our **objection** involves us due to,

- Its vicinity to our outlook from the front of our premises as it is in direct eye line. The area that is to be used is the paddocks on the opposite side of the very small valley. Less than 500 metres.
- It is directly up from our premises for all the Northerly and Northwesterly that we get most year round. Therefore the odour created by the chickens and their waste.
- The paddocks that are going to be used, is on the side of a large catchment of runoff rains, and this will be directed to the Jordan River catchment. This will increase the nutrient levels by an extreme amount due to strength of chicken waste. This affects us only by being concerned about the environment and the future. If a Effluent dam is used to combat this, then again the odour issue will become an effect.
- The influx of feed that is possible, will increase the problem in the area of PEST birds (Sparrows, Black birds and Starlings).
- They have been limited to 2500 birds, but this amount won't be monitored so could increase.
- This facility will be on the fence line with the proposed small acreage plots, so will anyone want to move into a development that is bordered by a medium density egg farm.

Planning Officer Comment

This submission is from property owners not immediately neighbouring the subject land. The minimum distance between the two properties is approximately 500 metres whilst the representors' dwelling is approximately 600 metres from the proposed use.

The concerns expressed are also raised in representations 4 and 5, and are further discussed in those sections of the report

Representation 2

We have come to the attention that 32 Banticks Rd Mangalore want to create a 2500 chicken Egg Farm on their land. Our property is roughly 400-600 meters away from [the] property.

We **STRONGLY OPPOSE** this application for these reasons.

The DISEASES that chickens can and do have are extremely worrying to us especially for two of our eight grandchildren who have health concerns one of whom has very sensitive skin and allergy's to cats (which will be attracted to the area). The other grandchild is of even more concern, she has a condition called Urticaria Pigmentosa and is extremely sensitive, so much so that she cannot even take antibiotics without being watched in intensive care in case of anaphylactic shock. So if she was to contract something from these chicken's then it would be putting her life in grave danger. Our grandchildren frequent our property very regularly.

The SMELL, NOISE and DUST that will come from 2500 chickens will be foul and grossly impact on our current standard to living. Not to mention the vermin, lice and

other parasites they will attract to the area. The chicken farm will be unsightly and greatly impact on the natural beauty of this area.

This chicken farm will also increase traffic to the area. Putting even more pressure on our unsealed roads and also adding ‘industrial’ type road noise to our ‘rural’ area.

There are some areas with this chicken farm proposal that do not meet the southern midlands planning scheme.

This chicken farm will immediately DEVALUE our property and impact on any future resale attempts.

Please consider our appeal against this, as we really do not want this chicken farm to effect ours or our grandchildren’s health or ruin such a lovely and peaceful area.

Council Officer Comments

This submission is from property owners not immediately neighbouring the subject land. The minimum distance between the two properties is approximately 550 metres whilst the representors’ dwelling is approximately 650 metres from the proposed use.

The concerns expressed are also raised in representations 4 and 5, and are further discussed in those sections of the report.

Representation 3

We wish to express our concern regarding the above Development Application.

We are concerned with the proposed size of the operation, in particular regard to the effect it may have on neighbouring properties.

The main areas of concern would be the noise factor of such a large open-air operation, the runoff of excrement in wet weather and possibly contaminated dust in dry windy weather.

We would also like to query the possibility of cross-contamination with other birds and animals (pigs, dogs, sheep and wildlife) on the property.

Thank you for considering our position with particular view to the area mainly being used for small farming and equine interests

Council Officer Comments

This submission is from property owners whose property is approximately 250 metres from the proposed use whilst the representors’ dwelling is approximately 280 metres from the proposed use.

The concerns expressed are also raised in representations 4 and 5, and are further discussed in those sections of the report.

Representation 4

We would like to put forward our objection to the proposed ‘Free Range Egg Farm at 32 Banticks Road, Mangalore which we STRONGLY OBJECT to due to the following:

NOISE:

As parents of... young children we are extremely concerned as to the constant noise that the proposed chook farm will generate. We do not believe that the noise of the chickens will blend naturally into the current surroundings, as a young working family, we can see our quality of life (which is one of the main reasons we chose to move to the area) will be severely impacted upon by early wake up calls from roosters, impacting on the children being able to carry out their daily routines (including school and out of school activities) due to their lack of / disturbed sleep.

Unlike other farming practices that are carried out on the surrounding properties, the noise generated from the chickens will be constant and irritating, especially when the hens are brooding, the noise will be unbearable. Barnes states in his application that he will provide egg laying nest boxes, this is all well and good, but my understanding of 'free range' is that the hens will have access to wherever they like and unless he has a special "training technique" to teach the hens to lay in the nest boxes, I believe they can and will lay anywhere they like.

AIR EMISSIONS, DUST AND ODOURS:

We have major concerns with regard to the dust and emissions of odours that will come from such an intensive animal operation. As Barnes has documented, 'that surrounding farmlands already has existing odours of horse faeces', we feel that this is an extremely poor comparison on his behalf. It's our view that keeping a few domestic animals is no comparison to a vast production of thousands of chickens.

We are extremely worried about the impact of manure build up that will result in significant odour being produced, with the applicant relying heavily on the birds to distribute / discard the manure, in an attempt to lessen the manual labour required by him. In particular, him stating that the faeces build up in the hen houses sitting there for a minimum of a month, we feel that the smell generated from this production will be foul. This will severely impact on our lifestyle, as we enjoy the company of our family and friends (particularly outdoor activities and dining) and feel that having this facility neighbouring on the property will severely impact on our family's lifestyle.

Due to the extreme weather conditions that occur in the Mangalore area (dry, wet, windy), it will be very rare that they chickens will be exposed to fresh green forage. With Mangalore receiving one of the lowest rainfalls in the state (as per photo below of the proposed location) ground coverage can be very low resulting in much of the area being exposed to bare ground including large cracks due to soil type. This along with chicken's innate behaviour to scratch the soils surface as the applicant stated in his application will only increase the amount of dust that will be generated from the property. Also, with the area receiving a lot of North West winds most of the year, and our location being directly downwind of the proposed egg farm the emissions generated from the production will directly impact on our property.



HOUSING OF CHICKENS:

Not only are the allocated paddocks for the egg farm operation along the boundaries of 3 neighbouring properties, it is our understanding that one in particular houses a ‘threatened species’ of grass. Referring to the Southern Midlands Planning Scheme section 10.13.4 & 10.13.6 d, we feel that the application does not meet the standards. If this is the case then the proposed area to be used to house the chicken farm will be even smaller to run their ‘paddock system’ as described in their application.

10.13.4 No vegetation or vegetation community which is listed as rare, vulnerable or endangered in a database held by the Department of Primary Industries, Water and Environment, under the Tasmanian Threatened Species Protection Act 1995 or which contains the habitat of a rare, vulnerable and endangered species listed under that Act, is to be cleared or damaged without a permit under that Act.

10.13.6 Where an application for use or development involving vegetation clearance not exempted under Clause 10.13.2 is submitted to Council, the applicant is to demonstrate the measures to be used to

(d) protect vegetation, vegetation communities and habitats of rare, vulnerable or endangered species listed under the Tasmanian Threatened Species Protection Act 1995;

We strongly oppose any extra fencing to be erected along our boundary fence. We feel that even if 6 foot fences were to be erected that they would not guarantee that the chickens will be kept within his boundaries.

Knowing that just a few chickens (let alone a chicken farm) are prone to predators, the applicant states that fencing and mobile housing units will provide protection from predators, but neither of these will deter the chickens from attracting them. Attracting pests such as starlings and other native birds including a large flock of resident white cockatoos increase the possibility of transferring disease. In particular Avian Influenza (bird flu) and Avian Tuberculosis resulting from the native birds being attracted to the area due to increased feed supplies and then excreting onto our roofs which feed our tanks for drinking water.

It’s of immense concern that the amount of vermin, including rats and mice that may be increased significantly to the neighbourhood as a result of the chicken farm. It is alarming to us the vermin plagues that may be possible, not to mention that they will then attract snakes, which obviously pose an enormous threat to not only our children but horses, sheep and family pets.

Another concern for the welfare of our animals is that of parasites that chooks are commonly known to carry. I don’t feel that the applicants proposed pest control measures (i.e. natural / alternate therapies) are of a good enough standard to protect our property, particularly when the chickens will have access right up to our boundary fence.

LIQUID EFFLUENT:

As previously mentioned, our area is well known for its extreme weather conditions. On occasions when we do receive a heavy rainfall, it is evident (as per attached photo) that... *[the adjoining land]* ...receives the natural run off from the applicant's property and it seems that insufficient or no drainage systems are to be installed to alleviate any problems that may arise from this effluent. There is no mention of any tests of effluent that may drain from the property, nor is there any mention of an environmental impact statement / study prior to this development.





Considering ... easements ... catch the overflow from his (and surrounding) properties we dread the contamination that will end up in ... waterways particularly in ... dam which ...[is]... use[d] to water ... stock on the property. [The] dam also houses a flock of wild ducks and fear the impact any contamination will have on them.

We feel that Barnes' application does not meet the standards of the Southern Midlands Council Planning Scheme in relation to section 10.11 a, b (i) & (ii).

10.11 MINIMISING SEDIMENTATION OF SURFACE WATERS

(a) Council shall not approve a use or development unless it is satisfied that it will not result in the transport of sediments into surface waters such that environmental harm might be caused during either the carrying out of such works or the subsequent use of the land;

(b) In determining an application, Council shall consider whether:

(i) the capability of the land, in terms of its geological stability, slope, erodibility and vegetation cover, is sufficient to support the use or development without giving rise to sediment transport; and

(ii) if there is a risk of sediment transport, the measures proposed to reduce such risk are adequate.

Barnes states in an email to the southern midlands council that there will be only 'opportunistic watering / irrigation of pasture over particularly hot and dry summers'. It

is our understanding that the property houses a bore but we are gravely concerned if this is what he is predominately relying on to water his stock as there is no guarantee as to how much water is available and how long for.

Also mentioned is that the mob of sheep running on the property will continue to be there once the proposed chicken farm is established. These sheep currently graze on the proposed paddocks allocated for the chicken farm which concerns us not only in respect to overstocking but the allocation of water from this one source for such a hefty amount of stock.

TRAFFIC IMPACTS:

From the proposed development and the increased traffic that it will generate in our little dead end street we fear that our quality of life will be severely impacted. Not only do we feel that the infrastructure will not cope with such an increased load, but also impact on the road safety in the area and delay access into and out of our property.

Our family enjoys living in a quiet family orientated street. We quite often enjoy setting out on foot and horseback to visit likeminded friendly neighbours but with such an increase in traffic to the street we fear this lifestyle will be diminished if this chicken farm is to be approved.

VISUAL IMPACT:

It is our belief that this proposal does not comply with section 6.33 a, b and c of the Southern Midlands Council Planning Scheme.

6.3.3 Rural Character

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

- (a) have minimal impact on the existing landscape character of the surrounding area;
- (b) not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;
- (c) be of a scale and design that is not intrusive within the rural landscape;

We feel that 2500 birds on an area of approximately 5.8 hectares will have a tremendous impact on the existing landscape, particularly when all of this area adjoins neighbouring properties.

This 'Free Range Chicken Farm' will not be a small scale operation for the amount of land proposed to be used. With that amount of birds and associated equipment required to run the production, we feel it will significantly impact the appearance of the natural environment. Not only for ... neighbouring property but for anyone approaching the area from along Blackbrush Rd, as the proposed site is in direct eyesight as you descend down the hill towards Banticks Rd.

Once again we feel that the scale of production intended by the occupant will be

enormously intrusive to the current beautiful country landscape.

DECREASED PROPERTY VALUE:

We purchased this property and decided to raise our family here because of the natural beauty the neighbourhood had to offer. We feel that if this industrial operation was to be developed in our quiet family orientated street it would do nothing but devalue its worth. Who would like to live next door to thousands of chickens that generate nothing but a revolting odour, noise and a visual eyesore, not to mention the environmental impact on our land?

CONCLUSION:

Overall we feel that this proposal is ludicrous. We believe that 5.817 hectares is not large enough to run the proposed intensive animal operation, particularly when all of the 4 paddocks that have been allocated to run the chickens are bordered by neighbouring properties. It is our belief that what this application is offering will not be anything but an environmental nuisance and eyesore to us and the neighbourhood.

We completely oppose to the development of a 'Free Range Egg Farm' at 32 Banticks Road and under no circumstances are we happy for it to be established.

Council Officer Comments

This submission is from property owners whose property adjoins the subject property whilst the representors' dwelling is approximately 180 metres from the proposed use.

In regard to noise, the applicant acknowledges that there will be a level of noise produced, such as from the additional roosters and the general noise of many hundreds of hens. Because there is already noise sources in the area, the applicant argues that additional noise ought to be acceptable. This is not agreed with.

The applicant has asked for no limit on the number of roosters on the property. This is not considered appropriate, given the size of the property and the relative close proximity of nearby dwellings.

The potential for dust and odour is considered a genuine concern, and one that will need to be carefully considered. The proposed maximum number of almost 2,500 pullets is considered too great for the property size, as discussed elsewhere in this report and as observed in the report from Mr Healy.

The concerns raised in regard to increased traffic are not agreed with. Banticks Road is a very low-traffic road and the increase in traffic arising from the proposed use would not change this.

Neighbouring properties should not experience a decrease in property values if the proposed use is managed in a way that does not create impacts on them. The proposal, as submitted, would create potential for such impacts, however with the correct conditions and limitations, a free range egg farm ought to be able to be accommodated on the subject property responsibly.

The issue of disease, vermin, lice, etc. ought to be able to be adequately controlled

through proper management and modifications to the proposed use and development. Importantly, the 15 m wide buffer strip recommended by Mr Healy around the proposed use would need to be established.

The concerns raised in regard to the potential for contaminated water runoff running off the subject property onto others and into watercourses is considered a valid concern. If the proposed use is to proceed, modifications and management conditions would need to be imposed to ensure the potential for environmental impact in this regard is reduced to a reasonable level.

The visual impact from the proposal per se is not considered un reasonable in a rural landscape. What would be unreasonable would be the denuding of the paddocks arising from over grazing / scratching and insufficient irrigation water and/or insufficient space to rotate the grazing cells for the number of birds. This issue is discussed elsewhere in this report.

In general, it must be recognised that the property is not sufficiently large to accommodate the use and a substantive buffer distance within it. If the use cannot be managed to prevent impacts on residential amenity at distances greater than 100 metres into neighbouring properties, then refusal of the application should strongly be considered.

Ideally, proposed uses requiring large separation distances ought to accommodate them within the boundaries of the subject land and not rely on imposing on neighbouring properties under other ownership. Southern Midlands contains many titles more than large enough to accommodate such separation distances. This proposal would need careful management, restrictions and limitations on this relatively small lot if it is not to unreasonably impose on neighbouring residential amenity.

Representation 5

I am writing to strongly object to the proposed Free Range Egg Farm at 32 Banticks Road Mangalore.

We are opposed to the entire proposal on the following grounds:

1. NOISE

I understand that we live in an area classed as rural and have no problem with general farming or day to day noises. Barnes has stated in his application that there are noise sources in the area such as ride on lawn mowers, dirt bikes, trucks and planes. I believe this is a poor comparison to the noise he intends to introduce as these are intermittent noises (which most could be heard even in a residential area) compared to the constant noise of thousands of chickens and roosters.

In his application, Barnes states in the section ‘Paddock Layout’ that they “plan to have up to 2450 laying hens at full production.” Does this mean that there will be an unknown quantity of hens that are not laying? How will the number of birds at his property be monitored? We are concerned that this will be a constant issue of overstocking an already small area of land causing even more issues with noise, dust, odour and vermin etc.

2. DUST AND ODOUR

We have ... children under five, one of who was diagnosed with asthma as a baby. We are extremely concerned about the dust these chickens will make and the impact it will have on our children's health. Barnes has barely addressed the issue of managing the dust problem and since this area has one of the lowest rainfalls in the state I see this as a huge issue. The ground here becomes so dry that there are large cracks running through the ground most of the year around and the land is barren. High winds are another other common factor in the area which will carry the dust and odour of these chickens about to the whole neighbourhood.

Barnes states in his application that there is already existing odours in the area such as horse manure. Another poor comparison since there is only a handful of horses on any property in Banticks Road. Manure from a few horses cannot be compared to thousands of chickens. A small amount of chicken fertilizer on a home garden smells quite foul and offensive so I am extremely concerned as to the smell that 2450 chickens would create.

In his application, Barnes indicates that he will predominately utilise bore water for watering his chickens and maintaining green grass/stubble. Firstly, thousands of chooks will consume a substantial amount of water and there is no way of monitoring how much bore water Barnes will use and if he will dry up the source for the rest of the neighbourhood. Another concern would be for the welfare of the chickens. Is his bore capable to provide adequate water to the chickens and is the water quality suitable for the chickens to consume?

Barnes has stated in an email to the council "there will be opportunistic watering/irrigation of pasture over particularly hot and dry summers however it is not financially viable to irrigate full time and have extensive green grass, indeed it is not necessary to have an egg producing farm to have this dry stubble and dead grass can be just of benefit offering grass seeds and invertebrates to feeding chooks". Upon reading this, it is my perception that Barnes is justifying the fact that he is not going to attempt to keep green grass/stubble cover on the ground and not maintaining any kind of dust control.

With the extremely dry land conditions and the small amount of land which the applicants are proposing to run thousands of chickens on is completely absurd. The applicants have previously informed us of a threatened species of grass on their property which they are "not allowed to graze", yet they have indicated on their application that they will be putting chickens on this paddock. If this is "not allowed to be grazed" then this makes there land area even smaller to run their "paddock system" as described in the application.

3. INCREASED TRAFFIC

We are concerned about the increased traffic the egg farm will produce. We understand that there is a nearby quarry but we barely hear traffic from Black Brush Road which is a thoroughfare. Banticks Road is a quiet 'no through road' which local residents enjoy walking with their families, their dogs and riding their horses. Increased traffic from the egg farm will cause danger to all of those daily activities.

4. DECREASE IN PROPERTY VALUE

Banticks Road is a quiet, family orientated neighbourhood. With a noisy, stinking, industrial eye sore of a chicken farm developed in our neighbourhood, this would dramatically decrease the value of any of the properties in the area.

5. DISEASE, VERMIN AND LICE

In the application, it is stated that chook feeding devices will be fitted to prevent pests accessing the food. It is common knowledge that chickens peck at food and spread it about. There is no doubt that these chickens will attract pests such as unwanted birds (starlings, sparrows which carry parasites in their faeces which will be passed onto the chickens) and rats, mice, devils, native cats and snakes which are a huge concern for our children and animals. There are also a considerable number of white cockatoos which frequent our neighbourhood. These birds regularly fly over and flock in the trees of all of our properties and would also drop parasite infested faeces into the egg farm.

I am concerned about the health of the chickens with their intention to use “alternative therapies” to treat internal parasites. After speaking with Veterinarians, I have been informed that “garlic-onion mixes” are not a proven therapy and will not be of any benefit to the chickens.

6. PLANNING SCHEME STANDARDS

This application does not meet certain areas in the Southern Midlands Council Planning Scheme 1998.

Part 11 (xii) refers to the development not significantly fettering the agricultural potential of adjoining land. In Barnes’ application, under the section ‘Chicken Pest Control’ Barnes has stated he will treat the chickens “via mainly natural means, including the careful use of herbs and forage plants...” and control intestinal parasites with “garlic-onion mixes (alternative therapies)...” I believe that it is his intention to develop the Free Range Egg Farm with the view of seeking organic status. I don’t see any other explanation for these preposterous types of pest control for such a large scale chicken farm other than that of organic status. This concerns us as Barnes could attempt to prevent us from cropping, spraying, drenching our livestock and other agricultural type activities which we have always conducted.

Part 11 (xvii) relates to the adequate containment and/or treatment of noise, liquid, effluent and air pollutants on the site. I don’t believe the application meets the standard of: Containment; as chickens can fly/jump 7 foot high. I don’t believe he will be able to contain the chickens within his boundary. Treatment of noise; I don’t believe that the noise of 2450 laying hens and the other unknown quantity of chickens/roosters “will blend with the surrounding noises” as per Barnes’ opinion in his application, but will be a constant irritant to a peaceful neighbourhood. Effluent; I have seen the land in times of heavy rain and have witnessed rapid running water running off the applicant’s land and run directly into... [neighbouring] dam This is of great concern in relation to the amount of contamination which will occur from the chicken faeces lying about the paddocks which will run onto the ... [neighbouring]... land and into the water source for their horses and stock. Air Pollutants; Barnes states that odour will be avoided by the low

density of the birds. This is purely his opinion, in my opinion 2450 chickens on a few acres is animal intensive farming and will pollute the neighbourhood with a filthy stench.

CONCLUSION

Banticks Road has developed into a family orientated, close knit community with the majority of homes containing young children who often gather together and all have similar interests, hobbies and lifestyles. All of this will be destroyed if an industrial type business such as an Egg Farm is developed in our neighbourhood.

We are strongly opposed to the Egg Farm proposal in Banticks Road and are not happy for it to be established on any condition.

Council Officer Comments

This submission is from property owners whose property adjoins the subject property whilst the representors' dwelling is approximately 150 metres from the proposed use.

In regard to noise, the applicant acknowledges that there will be a level of noise produced, such as from the additional roosters and the general noise of many hundreds of hens. Because there is already noise sources in the area, the applicant argues that additional noise ought to be acceptable. This is not agreed with.

The applicant has asked for no limit on the number of roosters on the property. This is not considered appropriate, given the size of the property and the relative close proximity of nearby dwellings.

The potential for dust and odour is considered a genuine concern, and one that will need to be carefully considered. The proposed maximum number of almost 2,500 pullets is considered too great for the property size, as discussed elsewhere in this report and as observed in the report from Mr Healy.

The concerns raised in regard to increased traffic are not agreed with. Banticks Road is a very low-traffic road and the increase in traffic arising from the proposed use would not change this.

Neighbouring properties should not experience a decrease in property values if the proposed use is managed in a way that does not create impacts on them. The proposal, as submitted, would create potential for such impacts, however with the correct conditions and limitations, a free range egg farm ought to be able to be accommodated on the subject property responsibly.

The issue of disease, vermin, lice, etc. ought to be able to be adequately controlled through proper management and modifications to the proposed use and development. Importantly, the 15 m wide buffer strip recommended by Mr Healy around the proposed use would need to be established.

In general, it must be recognised that the property is not sufficiently large to accommodate the use and a substantive buffer distance within it. If the use cannot be managed to prevent impacts on residential amenity at distances greater than 100 metres

into neighbouring properties, then refusal of the application should strongly be considered.

Ideally, proposed uses requiring large separation distances ought to accommodate them within the boundaries of the subject land and not rely on imposing on neighbouring properties under other ownership. Southern Midlands contains many titles more than large enough to accommodate such separation distances. This proposal would need careful management, restrictions and limitations on this relatively small lot if it is not to unreasonably impose on neighbouring residential amenity.

Representation 6

We would like to make a representation in support of the proposal by Dr Richard Barnes to establish a free range egg farm at 32 Banticks Rd Mangalore.

As residents of Mangalore and a near neighbour of the proposed business, we believe this is exactly the sort of quality agricultural business development that the Council should be encouraging in our rural community.

This will be a sustainable business making appropriate use of the agricultural land around Mangalore. Further, it will have little or no impact on the residents, the business being compatible with the overall rural environment of Mangalore.

Our family will be delighted to have local access to truly free range eggs from a farm which has the highest concern for animal welfare.

We look forward to the Council supporting this and other similar agricultural initiatives that will showcase the Southern Midlands area as an exciting producer of quality food and sustainable farming.

Council Officer Comments

This submission is from property owners whose property does not neighbour the subject property whilst the representors' dwelling is approximately 600 metres from the proposed use.

The sentiments are supported, in that a free range egg farm in the area is a worthy idea.

The key issue is that it is operated in a way and under the correct conditions and limitations to ensure there is no unreasonable adverse impacts on the environment or neighbouring / nearby sensitive uses, such as dwellings.

Representation 7

I write on behalf of our clients....., the owners of land at ...*[omitted from report]*
... Mangalore ... which is to the above property, in support of the application proposed.

Our understanding is that the application proposed is for the establishment of a free-range egg farm which includes, the keeping of up to 2500 chickens which are intended to be managed in a paddock rotation system with moveable shelters, and a processing packing building located towards the western end of the property. It is also our understanding

that the application contains detail of the management practices and plans for the operation of the property in order to maintain vegetation coverage within the paddocks and manage all the anticipated environmental impacts sustainably within the property.

It is considered that the use proposed is generally consistent with the Rural Agriculture zone of the existing Scheme and is likewise consistent with the Rural Resource zone proposed through the Southern Midlands Draft Interim Planning Scheme (SMDIPS). The development associated with this use would appear to be appropriate provided that suitable Permit conditions ensure that all environmental impact are suitably managed and maintained.

...[Omitted]... land involved in a set of planning scheme amendments (Draft Amendments 1.1/2014 – 1.10/2014) proposed to the Southern Midlands Planning Scheme 1998. These amendments have been proposed by Council to further the adopted outcomes of the Bagdad Mangalore Structure Plan. The specific amendments which directly affects ... land are 1.2/2014 and 1.3/2014 which propose rezoning of the land to part Rural Residential A and part Rural Residential B. In relation to the proposed future zoning of ... land, both as proposed through the current amendments, and additionally through the proposed Rural Living zone under the SMDIPS, the use proposed does not appear to create a conflict with the future rural residential zoning given that rural and agricultural activities including those proposed are a normal and anticipated activity which any future residents of a rural residential area which borders other rural land would anticipate.

Specifically considering the possible future lot arrangement of... land, if future subdivision were to be approved, only a limited part of the land would be adjacent to the proposed development on 32 Banticks Road. In the previously drafted subdivision layout only three lots are within 100m of the boundaries of 32 Banticks Road. Therefore any future residential development on our clients land would, based on the normal expectation of rural residential lot sizes for the area, be sufficient in size to be situated 100m or more from the proposed development site.

Under the Rural Living standards of the SMDIPS a setback of 100m to land zoned Rural Resource would meet the Acceptable Solution and also therefore be consistent with the future direction and strategies for managing edge effects between rural and rural residential lands.

It is therefore considered that provided suitable Permit conditions are imposed to appropriately manage potential environment affects as proposed by the applicant, that the development will be consistent with existing and future strategic directions for the area.

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| <p>Council Officer Comments</p> <p><i>This submission is on behalf of property owners whose property adjoins the subject property. No dwelling currently exists on the subject property. This property is currently subject to a proposed rezoning to rural residential.</i></p> <p><i>It is agreed that the farm could be operated in harmony with the surrounding land use with the right conditions and restrictions and proper ongoing management and initial setup.</i></p> <p><i>As addressed in this report, without buffer areas and adequate fencing there is a significant risk to the egg-farm from existing rural residential use in the general area from dog attack. More such residents would add to this potential. As stated in the provided report by Mr Healy, the farm ought to have dog and other predator proof fencing taking into account the existing rural residential use in the area. Ongoing dog attacks would be a detrimental outcome for all residents, the operator and of course the welfare of the animals.</i></p> <p><i>The recommendations of Mr Healy must be considered in any conditioning of the development in this regard.</i></p> <p><i>The general conclusion in the representation is that this use ought to be possible under appropriate conditions and restrictions, and that it ought not be fettered by the proposed rezoning and future subdivision of the neighbouring land as this has been designed to provide for a minimum 100 metres setback for any new dwellings. This aligns with the standard for separation of residential use on rural living zoned land from land zoned rural resource in the Southern Regional Model Planning Scheme.</i></p> <p><i>The property is not sufficiently large to accommodate the use and any substantive buffer distance within it. If the use cannot be managed to prevent impacts on residential amenity at distances greater than 100 metres into neighbouring properties, then refusal of the application should strongly be considered.</i></p> |
| <p>Representation 8</p> <p>I refer to Application to establish a free range egg farm in the district.</p> <p>I have had some experience with poultry firstly, through time spent working in the poultry section at ... Agriculture College in..., Australia where 1200 white leghorns were housed in sheds.</p> <p>Secondly, during my farming days where I ran a small number of poultry for home consumption and, thirdly I have visited a battery hen operation. As a result it's my opinion that egg production by utilising free range methods should be encouraged.</p> <p>Council Officer Comments</p> |

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| <p><i>This submission is from property owners whose property does not neighbour the subject property whilst the representors' dwelling is approximately 1,500 metres from the proposed use.</i></p> <p><i>The sentiments are agreed with. Egg production through free range egg farming should be encouraged.</i></p> |
| <p>Representation 9</p> <p>In relation to the proposed Free Range Egg Farm, at 32 Banticks Rd Mangalore. My interpretation of the proposal is that the applicants would possibly be looking in the future, to obtain an 'organic' status. If organic status is granted, my concern is that this will affect the farming practices of the area. As you would be aware it will possibly stop the use of, spraying, fertilising crops, drenching livestock and other agricultural type activities within a designated radius of the area.</p> <p>Traditional farming practices have been happening in the Mangalore area for generations. It would be devastating to see this affected through such an insignificant project.</p> |
| <p>Council Officer Comments</p> <p><i>The Applicant has since submitted a letter from Treasurer of Organics Tasmania stipulating that it is the responsibility of the organic farm operator to ensure buffers and separation from other agricultural uses are within the boundaries of their own farm.</i></p> <p><i>Adjoining farmers are still subject to other laws and regulations preventing the spread of chemicals.</i></p> |

ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998

Zone: Rural Agriculture Zone

6.2.2 The intent of the Rural Agriculture Zone is to:

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

If the land is properly managed in accordance with best practice guidelines for free-range chickens, in consultation with a suitably qualified person and appropriately respecting the existing close-by sensitive uses there is great potential for the proposal to be run sustainably with minimal impact on surrounding land use or future land use.

The Applicant intends to create a long-term sustainable land use in the area. This could be achieved with an appropriate maximum number of birds for the area and with further conditioning of the proposal to comply with best practices and reduce potential land use conflicts.

The representations have raised concerns for environmental impacts and visual impacts created by the proposal. The Applicant has since modified some aspects of the proposal

to attempt to mitigate these issues. However, further conditioning and restrictions of the activity is still warranted.

Council Officers and residents alike recognise that the land in question is a smaller rural lot in the rural zone surrounded by other ‘smaller’ lots. The surrounding actual land use is more ‘rural residential’ than rural.

This is not unusual to the southern extremities of the Southern Midlands such as the Bagdad - Mangalore area. Farm land has been fractured and subdivided considerably over the years.

To prevent further fragmentation of farm land the Southern Midlands Planning Scheme does not allow the number of titles to be increased in the Rural Activity Zones, (with an exception for heritage-listed houses in certain circumstances). The underlying policy position is that further fragmentation of rural land has too great a potential for fettering existing rural uses and limits opportunities for new intensive rural resource activities.

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

This would appear unaffected by the proposed use/development. Through the Joint Land Use Planning Initiative and the Southern Tasmania Regional Planning Project, land with genuine potential for intensive agriculture in the Bagdad -Mangalore valley has been identified and allocated to the Significant Agricultural Zone in the Draft Southern Midlands Interim Planning Scheme. This is the land of the floor of the valley, where there are generally larger lots sizes, fewer dwellings, good soil and irrigation is physically and economically possible.

The Blackbrush Road area is not considered significant agricultural land.

(c) encourage expansion and diversification of agricultural activities;

The proposal is a more alternative approach to commercial egg production. It is responsive to current market demands and expectations. Council should be supportive of such initiatives and diversification of activities in the Southern Midlands.

However this should not be to the detriment of other land users or cause a potential land use conflict in the area.

Council should consider that although land in Banticks Road is zoned rural it is generally used for low-key and small scale rural activities. The Banticks Road lots are considered to be large enough to sustain a dwelling and allow for some rural activities in consideration to other residents and subject to Council Approvals.

This is further addressed in this report.

(d) protect rural land from development that may:

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

The proposed development of the site would not prevent any future agricultural use of the land provided that the operator runs the livestock at sustainable levels and develops the bird population at manageable levels. The proposed sheds and built development are fairly typical of rural land in the Southern Midlands.

The Applicants would not provide any useful information on the quality or quantity of the bore water on the land. They have simply stated that there is sufficient water to service the operation and the existing dwelling without undue impost on the Council or on other farmers or residents. The Applicant would not disclose information regarding quality or quantity stating ‘The water use at the house and elsewhere on the property is not of relevance to this application as it is not part of the application for the development being assessed’ and ‘this is of no relevance to the Council nor my application’ (The Applicants comments in regard to this matter are attached in full in Attachment 5).

Without a level of confidence that the proposed water source is suitable or sufficient, Council has sought advice from Mr Healy. Mr Healy has expressed serious concern for the viability of the operation and the ability of the operator to manage dust and vegetation.

The unknown quality and quantity of the water is a risk at the Applicant’s expense. However, if the water is unsuitable and/or insufficient, then, it is also a risk to adjoining properties as this may result in an inability to keep the land vegetated, which would in turn create potential for dust, odour and contaminated runoff to impact land outside of the subject land. .

The uncertainty surrounding the water supply situation is therefore both a private and a public risk. In considering an application for planning approval Council needs to consider public risk.

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

The proposal is consistent with this intent. The Application states that the intent is to retain a vegetative cover at all times in addition to further plantings.

The proposed packing shed, composting facility and ‘relocatable coops’ would not adversely impact on the surrounding landscape character.

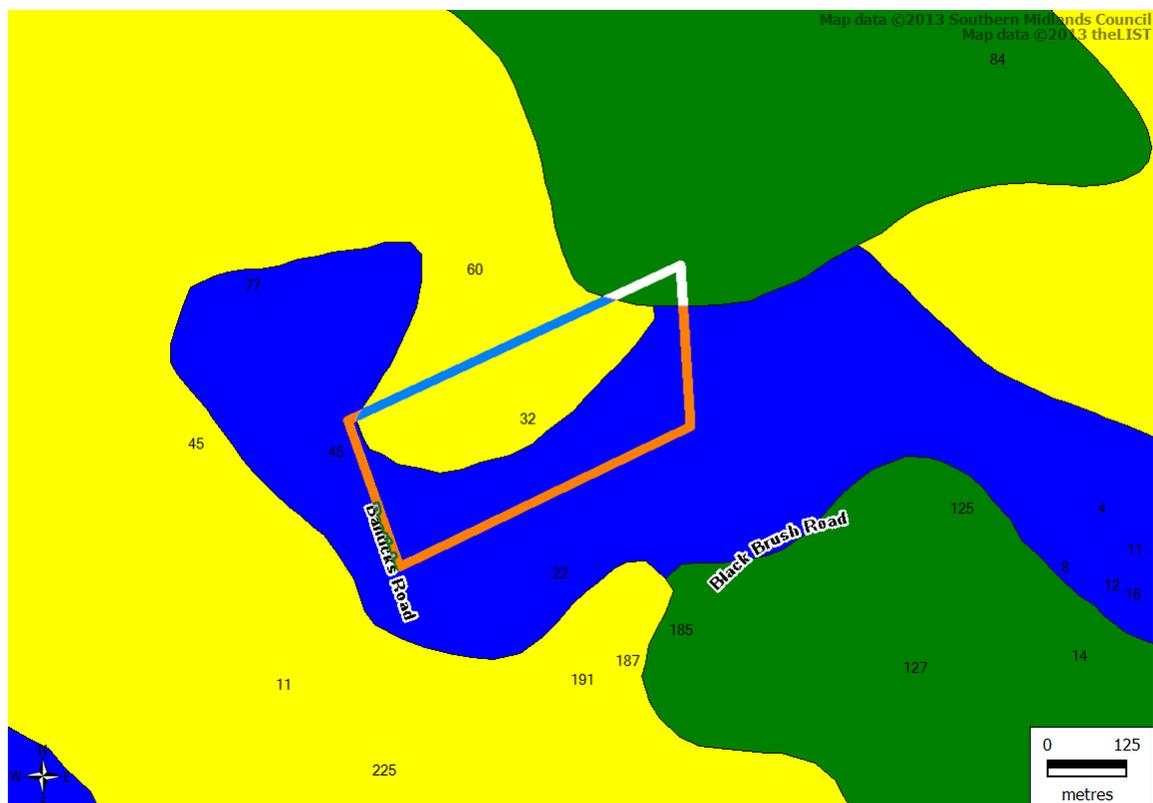
(f) allow for the development of activities that are associated and compatible with long term rural use of the land;

The proposal may restrict other land owners from raising poultry. The ‘Environmental Guidelines for the Australian Egg Industry’ recommends a buffer distance between poultry farms for biosecurity reasons.

The proposal is for the chicken runs (a ‘bio-secure area’) to run right up to property boundaries. The Applicant has stated that the intention is to retain the existing rural fences on the property boundaries, which are standard rural fence height with wallaby-proof mesh. It would appear that the absence of a buffer area within the subject property and simple mesh fencing would not be sufficient to create a bio-secure area.

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

As per ‘Map 2’ below the land is both Class 5 and Class 4 agricultural land. The proposed farm is within the capability of the Land Capability Classification System and could be returned to open grazing and some cropping in the future. (It is noted that an on-site assessment of land neighbouring to the east associated with the propose rezoning of that land, which the broad-brush mapping below identify as partially Class 4, was in fact found to be entirely Class 5.)



Map 2_ Land Capability Mapping_ The highlighted area marks the proposal site. The yellow coloured land is 'Class 5 Land'. The blue area is 'Class 4 Land'. 35% of Tasmania is Class 5 land.

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

As per the intent (a), the intent of the Rural Agriculture Zone is to prioritise agricultural land for agricultural uses. The proposal is an intensive agricultural use. Adjoining land is predominately rural residential use.

The Applicant could operate a smaller scale intensive chicken farm in this area in accordance with the draft conditions within this report and in accordance with the management techniques presented in the attached report by Mr Healy.

The proposed number of birds on this specific site and the potential mismanagement issues and the refusal by the Applicant to provide information on the availability of water or adequately supply management plans or protocols for potential sources of conflicts with other land users in the area has given rise to a considerable number of objections and concerns raised in the representations.

The matters of concern raised in the representations are not unreasonable as many are just seeking answers to their questions about the management of a chicken farm in close proximity to their property.

Rural Activity Zone Development Standards

The proposal should accord with the Development Standards of the Rural Zone. An assessment of these standards is below.

Setbacks and Building Height

The proposed size and location of the buildings all accord with the development standards for height and setback from boundaries. The 'relocatable chook houses' should not be located within the boundary setbacks. This appears to be adequately addressed in a supplementary site plan designating a 'chook house zone' on the land well over 10m from any property boundary.

Rural Character Standards

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

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

The area is a mixture of land uses. There are five (5) dwellings within 500m of the centre of the proposed activity. The land is used for some small scale animal keeping, occasional cropping, rural residential type activities and a timbered ridge above the subject property.

Should the Applicant be able to maintain a vegetative cover on the land in accordance with the Development Application then there will be a minimal impact on the existing landscape character of the surrounding area.

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

The proposal is not on a skyline and would not alter a ‘natural environment’. The proposal must not impact on any watercourse. It is the responsibility of the Applicant/operator to prevent pollutants entering a watercourse. Preventative measure must be implemented prior to the use commencing.

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

The proposal is not intrusive on the rural landscape. Ongoing vegetative management and plantings will reduce any impacts on amenity.

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

The development meets this standard. The proposed buildings are timber clad with an corrugated iron roof.

Council should consider a condition to ensure the proposed relocatable buildings blend with the surrounding landscape i.e. low shine roof, timber walls or painted to a more recessive colour.

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

Much of the land is sloped. The Applicant has not addressed any need to create a cut in order to place the relocatable buildings on a level surface. If a level area is needed for each location for the relocatable buildings to accord with the cell grazing system, then cut/fill platforms would need to be established. Nevertheless, any such platforms would likely be modest in size and have a minimal impact on the landscape - if allowed to sufficient time to revegetate during the rest periods for the grazing cells.

The attached report, prepared by Mr Healy, has expressed concern for the ability to continually relocate these buildings to avoid land degradation during wet boggy conditions. They are proposed to be sledges, not wheeled. The physical task of relocating

these buildings appears to be an onerous task on a sloping block of land, especially during wetter months.

There is also sincere doubt about whether these buildings are large enough to house 350 birds. The attached report by Mr Healy, has misinterpreted the size of the sheds in the short time given to read through and assess the application. Mr Healy has assumed the sheds are approximately 50m² in floor area. In actual fact the Application is for relocatable sheds under 20m² (17.4m²). If the applicant intends on securing each flock at night it would equate to 350 birds in less than 20m² of floor area. At 20m² that is 5.7cm of gross floor area per bird for each coop.

The welfare of the animals and the capacity of the sheds to house/serve the operation is the business of the operator. However the proposal to use and move these sheds would appear quite problematic and, potentially, unrealistic. As a result there is potential for land degradation with environmental implications in the vicinity of the sheds resulting from over-use. The Applicant may need to review the hen house system and re-apply to Council.

Part 10.11 Minimising Sedimentation of Surface Waters

Council shall not approve a use or development unless it is satisfied that it will not result in the transport of sediments into surface waters such that environmental harm might be caused during either the carrying out of such works or the subsequent use of the land; In determining an application, Council shall consider whether:

- a) the capability of the land, in terms of its geological stability, slope, erodibility and vegetation cover, is sufficient to support the use or development without giving rise to sediment transport; and
- a) if there is a risk of sediment transport, the measures proposed to reduce such risk are adequate.
- b) Where a risk of sediment transport exists the application is to include a stormwater
- c) management strategy detailing the nature of the risk and the measures proposed to reduce such risk.
- d) Council may impose conditions on any permit to minimise the potential for erosion or water quality degradation.

With conditioning and implementing the recommendations of the attached report by Mr Healy, including limiting the number of birds, sedimentation should be manageable.

However as the applicant would not provide any details on the availability of water citing 'commercial in confidence' and stating that water 'is not a part of the development being assessed', it is difficult for the Council to form a view on the ability of the operator to

manage the proposed operation in a sustainable way and without detrimental impact on other properties.

It is usual practice for a Council to seek information regarding water availability where there is potential for impact on other land users.

Part 10.13 Protection of Vegetation

In accordance with this Part of the Scheme:

“No vegetation or vegetation community which is listed as rare , vulnerable or endangered in a database held by the Department of Primary Industries, Water and Environment, under the Tasmanian Threatened Species Protection Act 1995 or which contains the habitat of a rare, vulnerable and endangered species listed under that Act, is to be cleared or damaged without a permit under that Act.”

There are currently listed species on the property. The species, *Poa labillardierei* (a native ‘grass’) is located in Paddock 4 on the Site Plan.

Any clearance of a threatened species requires a separate permit under the *Threatened Species and Protection Act 1995* from the Department of Primary Industries Water and Environment.

The application states that threatened vegetation communities on the subject land ‘...will not be affected by the egg farm operation’. Several years ago the applicant applied for and received government funds through a program run locally by Council’s NRM department to fence-off and protect two vegetation communities. One of these is one of the paddocks intended to be used for the free range hens. The applicant was questioned about this matter and has advised that the grant for the public funds only lasts for a six year period. The paddock in question will only be used as a hen range after this period expires.

Part 11.10 – Consideration of Other Matters

Council must also consider Part 11.10 of the scheme. This Part of the scheme details all the ‘Matters to be Considered’ in assessing Development Applications. The application has the potential to comply with most of the basic ‘Matters to be considered’. The other key matters for consideration are listed below:

- Whether any part of the land is subject to:
 - landslip, soil instability, or erosion;
 - excessive slope;
 - ponding or flooding;
 - risk of bushfire;
 - a Protected Catchment District under s.26 of the Water Act 1957;
 - soil contamination; or
 - environmental or safety hazards or constraints;

- the potential for sedimentation and other adverse effects on surface water quality and Protected Environmental Values in the local area and within the catchment in general;
- whether any proposed use or development within the Rural Activity Zones will significantly fetter the agricultural potential of that land or adjacent land;
- whether any proposed use or development on, or adjacent to, Prime Agricultural Land or Significant Agricultural Land will fetter the agricultural potential of that land;
- the adequate containment and/or treatment of noise, liquid, effluent and air pollutants on the site.

Odour Issues Raised in the Representations

The Applicants recognise that chicken farms are a source of odour. The odour is generated by nesting material, food scraps and the faeces, dead birds, egg waste etc.

The Applicant states that nearby domestic horse keeping and cropping creates odour in the rural environment and reasons that some additional odour should therefore be acceptable in the area.

Council needs to ascertain whether the proposed chicken farm will create a level of odour considered unacceptable in the area. It is the responsibility of the Applicant to manage and contain any pollutants within the boundaries of the property. Council, as the Planning Authority, needs to reasonably confident that this is possible and indeed likely.

The Applicant intends to mitigate one source of odour through the collection of concentrated waste matter from the proposed relocatable coops. The coops would be the second highest concentration of bird waste on the property. The waste is then composted on site or removed from the site for off-site uses. The compost area is therefore the highest concentration of bird waste and a potential source of odour; with a further amount of waste spread across the pasture. The Applicant states that composting will be odourless when managed properly with adequate moisture content and handling.

The beginnings of the composting process will not be odourless and nor will the transport of the material from the coops.

The Applicant states that faecal matter will either wash into the soil during rain or dry during dryer months.

There may of course be times when there are lengthy times of drought or lengthy times of damp humid conditions. It is noted that the land is also on the southern side of a hill.

Other sources of odour may result from mismanagement of animal carcasses or egg waste. The Applicant intends on freezing and then removing such waste off site. This would appear a likely way of managing this potential source of odour.

Most literature on intensive chicken farming (and managing any odour generating activity) states that the key to managing odour is:

1. The choice of site – the operation should be a reasonable distance from adjoining properties, roadways and sensitive uses. The land should be large enough to contain the activity with a reasonable buffer to adjoining land, land uses or any incompatible zoning. The land shall be large enough to contain and manage any odour to be compliant with *EMPCA* and best practices.
2. Manage and reduce the moisture content of poultry litter.
3. Remove the litter from the site or relocate away from nearby sensitive uses.
4. Dietary supplements – altering the birds diet as stated by the Applicant may reduce odour levels and alter the moisture content of the litter
5. Removal of dead birds and egg waste from the site
6. Tree Plantings and vegetative breaks to surround the intensive activity to reduce wind issues and associative odour/visual association issues i.e residents or passing traffic/visitors may immediately attribute any odour with a chicken farm.
7. Prevent the concentration of faeces in particular areas –prevent concentrated amounts of faecal run-off through well-managed vegetative cover.
8. Day-to-day management of the operation – the operator can avoid creating odour problems through a range of measures such as:
 - a. Turning or moving compost during more suitable weather conditions.
 - b. Relocate the chicken coops during more suitable weather conditions.
 - c. Removing chicken litter and nesting material during more suitable weather conditions.

The Applicant has addressed some of the odour concerns. Odour could be managed in accordance appropriate conditioning and restrictions and with best practices and in accordance with *EMPCA* and to the satisfaction of the Environmental Health Officer.

Amount of Birds:

The number of birds proposed to be kept on the property is the primary issue raised in the representations.

Land Use is primarily regulated in Tasmania under the Land Use Planning and Approvals Act 1993. Principally all use and development should accord with the objectives of this act and with the relevant Planning Scheme. The objectives promote sustainable use and development and public participation with the planning process. It also affords rights and protection to other land uses from adverse land use. Similarly the *Environmental Management and Pollution Control Act 1994* also affords other land users and the environment protection from an environmental nuisance.

Accordingly a Council can apply conditions or restrictions on a development proposal. Council could apply a restriction on the number of birds kept on the property or refuse the application entirely.

Part 11.10.2 – External Advice

Council may seek the advice of any organisation or person in its consideration of an application. In order for the Council to further gauge the ability of the Applicant to run and manage this operation (in this particular area), Council engaged the services of an expert in the field of chicken breeding, free-range farming and sustainable farming. The report ‘A Review and Report to the Southern Midlands Council on the Banticks Farm Proposal 22 May 2014’ Prepared by Paul F. Healy is attached in its entirety to this report (Attachment 3). It has been referenced through-out this report.

PROTECTION OF AGRICULTURAL LAND POLICY 2009

Council can consider the State Policy on the Protection of Agricultural Land 2009 (the ‘PAL policy’) in its decision making and assessment.

The current planning scheme (1998) was already advanced in much of this policy, and the application of the Policy to the local area has been further refined in the Draft Southern Midlands Interim Planning Scheme 2014. The intentions of the Agricultural Activity Zones all seek to recognise and protect agricultural land from conflicting usage or to actively encourage a use that is subservient to the agricultural use.

The intention of the PAL policy is not to preserve every piece of agricultural zoned land for intensive cropping purposes. The Policy is concerned primarily with the recognition and protection of Prime Agricultural Land. Under the policy agricultural land in Tasmania is divided into seven categories through an objective scientific assessment methodology. The Southern region of Tasmania has almost no Prime Agricultural Land, and Southern Midlands has none at all. In taking a state-wide view it is quite clear that the agricultural land in North and North-western Tasmania is superior in terms of quality and far superior in terms of quantity.

However, under the PAL Policy, a secondary issue is that of ‘significant agricultural land’. This is land that is not Prime Agricultural Land but nevertheless ought to be afforded consideration because it has significance from a regional or local view point.

As the Southern Region has almost no Prime Agricultural Land, the Southern Tasmanian Regional Planning Project spent considerable resources investigating the question of ‘what is significant agricultural land in the region’, with the intention that the land determined to be ‘significant’ will be zoned in the Significant Agricultural Zone in the

suite of new planning schemes. By taking a regional view, the Southern Region was able to determine what is genuinely ‘significant’.

The outcome of this work produced a list of considerations to be taken into account by the drafters of the planning schemes in spatially allocating the Significant Agriculture Zone.

The land in question fails to meet the parameters of ‘significant agricultural land’ and is not zoned that way in the new draft interim planning scheme. Crucially, it is relatively small in size, isolated from the main body of significant agricultural land in the area and is in one of the lowest rainfall areas in Tasmania. It is also in relative proximity to a residential uses.

Comparing this land with the valley floor of the Bagdad Mangalore Valley highlights these deficiencies. The valley floor is comparatively large, open, flat, contains better alluvial soils, is composed of generally larger titles, has irrigation water currently available from TasWater special licences and is potentially able to be serviced by more irrigation water from the expanded SE Irrigation Scheme (although this branch line has been omitted from the current expansion project).

Just as importantly, the valley floor forms a sizeable district that will enable the provisions of the future Significant Agricultural Zone to work. They will not work if the spatial allocation of the zone is to small isolated patches - such as the land in question at Banticks Road.

It is therefore concluded that the proposed development is not inconsistent with the PAL policy.

STATE POLICY WATER QUALITY MANAGEMENT 1997

Consideration of Policy

This State Policy is largely supplanted by the EMPCA Act and other environmental regulations. It is reasonable to assume that compliance with these laws establishes compliance with this Policy. Refer other sections of this report, including the Environmental Health Officer comments.

ENVIRONMENTAL HEALTH OFFICER COMMENTS

The Environmental Health Officer has provided the following comments regarding relevant potential environmental nuisances and impacts. These are matters were also identified in the Representations.

The SRAD (Standard Recommended Attenuation distance) as put forward in the Environmental Assessment Manual (January 1996) by the then Department of Environment and Land Management for Poultry (intensive animal husbandry) and other more sensitive uses is 500m. The nearest dwelling is about 160m away from the nearest area on which the free range chicken farm is proposed to developed, and for the “chook house zone” this is at least 200m. Although it is probable that

this SRAD is more relevant to “chicken sheds” where this a much larger concentration of birds, as opposed to a “free range egg farm” there is still the potential for off-site environmental effects including odour, noise, water run-off, etc. Providing a suitable setback from an environmentally relevant activity (such as intensive animal husbandry (poultry) to other more sensitive uses is considered to be a sensible and practical way of minimising potential land-use conflict.

The main environmental issues which are considered relevant regarding the Banticks Road Egg Farm proposal are considered to be odour, noise (including from roosters), waste disposal (eg: broken or rotten eggs, bird carcasses, food waste, etc.), dust/air pollution from the chickens foraging and scratching the ground, and surface water run-off/contamination.

Waste Management: The proposed method of dealing with chicken carcasses and egg waste: freezing and then monthly collection and disposal to an approved waste disposal centre by a licensed Controlled Waste Operator, is considered satisfactory. Disposal of such waste to any of Council’s Waste Transfer Stations would not be acceptable, so any condition would need to ensure this could not occur in the future – could be dealt with by Planning Condition requiring compliance with the Environmental Effects Report/Planning report or a more specific condition.

Faecal material from the chickens is potentially a significant environmental issue, and will be a combination of manure deposited over the paddocks and that concentrated from the “chicken houses”. The proponent has provided much information detailing how this will be managed, including a lower stocking rate per hectare than is otherwise permitted in “free range egg production guidelines. It is proposed that the manure from the houses will be collected and sold (ie: removed from the property). On farm composting is also proposed with a number of bins set up which will be about 200m from the nearest dwelling on other land. The SRAD (Standard Recommended Attenuation distance) as put forward in the Environmental Assessment Manual for composting is 500m, and this is because composting of significant amounts of waste products is likely to lead to odours which could easily be an environmental nuisance. A very large facility composting facility located near the town of Parattah was, for many years, a source of many complaints due to odour, and the problems were only resolved when the facility relocated to a much more remote rural location, where the setbacks from dwellings was at least 1km. The amount of composting proposed for the free range egg farm is such that a smaller setback can be considered, however it is recommended that a Planning permit condition be developed which requires all composting to be undertaken in such a manner that there are no off-site environmental effects (eg: odour).

Air Pollution: One potential problem with having a large number of free range chickens is that they are likely to forage and scratch the ground such that grass and other vegetation is denuded resulting in the topsoil being exposed to the elements, and then becoming windblown. The proponent has put forward a

number of reasons as to why this will not occur, or will be managed, however it is considered that this is likely to be a potential ongoing issue, particularly as the egg farm becomes fully populated. Wind-blown topsoil is likely to blow onto neighbouring properties as denudation of the vegetation occurs and if it is unable to be properly managed. Under the proposal before Council the chickens will be able to “graze” up to the property boundaries, such that any wind-blown soil will (in all certainty) blow onto neighbouring properties. It is considered that this potential problem could be addressed by providing a boundary setback to each of the “chicken paddocks” and reducing the number of birds allowed to graze in each paddock.

Odour and Noise: The issue of odour from the on-site composting has been previously discussed. In terms of other odours there is the potential for odour from the “mobile chicken sheds” as the birds will be concentrated together as will any droppings, manure, etc. Noise is also more likely to be an issue (whether from chicken or roosters) when the mobile chicken sheds are in use (ie: essentially overnight). The construction of these “sheds” should assist in minimising noise and odour emissions, and it is noted that the “chook house zone” is setback about 50m from the side and rear property boundaries (and there is a setback of more than 250m from the front (road) boundary for the “chicken paddocks”. However it needs to be considered as to whether or not a setback from the side and rear property boundary for the “chicken paddocks” (as well as for the “chook houses”) would be prudent. Such a buffer zone could be used for the planting of suitable trees which would provide visual shielding as well as disturbing any local winds, which would likely assist in reducing the potential for off-site odours and noise. Reducing the number of chickens in each flock (and hence in each “shed”) would also go some way to reducing the potential for odour and noise problems.

Surface water run-off/ contamination: The proponent has detailed a number of methods of limiting the potential for the contamination of surface water run-off, however the retention of vegetation is considered the most effective means of limiting such run-off. Having a buffer area between the “chicken paddocks” and any downslope boundary would enable the vegetation in this area to be retained (subject to grazing by other animals) but it is considered that this would assist in limiting the potential for surface water flows (containing soil or other contaminants) onto neighbouring properties.

Summary: The proposed free range chicken (“egg”) farm at Banticks Road would likely have a number of environmental effects that could, unless carefully managed, affect neighbouring properties. If a Planning Permit was issued for the proposal then conditions are recommended to address the following:

- Limit the size of each flock so as to reduce potential environmental off-site effects such as noise, odour, air pollution (dust), etc;
- Provision of a vegetative buffer zone between the chicken grazing paddocks and the property boundaries so as to reduce potential

- environmental off-site effects such as noise, odour, air pollution (dust), surface water run-off/contamination, etc;
- Composting to be limited to material/s generated on the property and such composting be done in such that there is compliance with EMPCA; and
 - Chicken carcasses, egg waste, etc. to be managed/disposed of in accordance with the proponents Environmental Effects and Planning Report, with no such material to be disposed of at any of Council's Waste Transfer stations.

Leon McGuinness
Environmental Health Officer

SUMMARY

Council must take into consideration the representations received, the assessment provided in this report and the contents of the Development Application.

As stated throughout this report there is scope for a smaller well managed 'free-range egg farm' at 32 Banticks Road.

A key component of the assessment has been the report prepared by Mr Paul Healy. The consultant was not engaged until all information was received from the Applicant. The final piece of integral information, from the Applicant, was received Tuesday 20th May. This has given both Council Officers a short time to make an informed recommendation for the May 28th 2014 Council Meeting.

Council Officers also wanted to give the Applicant the opportunity to consider and provide feedback to the representations received. Council Officers were of the firm opinion that the Applicant could make some modifications to the proposal or even reduce the proposed number of birds on the land to better suit the area.

The Applicants have made the following key modifications to the Development Application and provided further input for Council to consider:

1. Create an internal 'zone' within the property to place the relocatable chicken houses.
2. Nominated buffer distances from the chicken houses and the dwellings on the adjoining land and a buffer distance to the Rural Residential Zone of Mountford Drive.
3. Submitted a 'Sedimentation Management Plan'
4. Considered and provided a response to the views of the Representations and further questions from Council Officers

5. Provided a letter from Alexandra Mitchell, Treasurer of ‘Organics Tasmania’ with attached standards for Organic Farming.

Possible Conditions and Restrictions

The proposal, as submitted, is not considered appropriate to be approved unless modified through conditions and restrictions of approval. If Council were of a mind to approve the development, the following type of draft conditions are considered necessary and specific to the proposed activity:

Buffers within adjoining property and from adjoining land uses and zoning

This permit does not endorse any buffers or restrictions placed on any adjoining property as depicted in the Development Application. All attenuation and buffer distances necessary to operate the ‘free-range egg farm’ must be maintained within the subject property boundary. The buffers are to be specific to the size of the activity and in accordance with the conditions of this permit.

Vegetative Buffer around the ‘Paddock Layout’

A 15 metre wide buffer strip is to be established within the subject property to separate the chicken run areas from neighbouring properties. This is not to be used to run hens and must be vegetated with plant species suitable to the site and in accordance with a landscaping plan to the satisfaction of the Manager Development and Environmental Services.

Fencing for prevention of domestic and native animal attack, and retention of chickens within the property.

A boundary fence around the perimeter of the 15m wide vegetation buffer must be constructed to the following specifications:

- (a) 1.4m high with rabbit proof netting backed by seven live electric strands at 150mm out from the rabbit netting and evenly spaced at 200mm intervals ascending up the fence

A secondary internal fence inside the 15m wide buffer to the following specifications:

- (b) 1.2m high netting fence

Stages of Development

Bird population on the land is to be increased at increments of no more than 250 pullets per year from a base of 250 pullets.

Total Bird Population

The total pullet population is to be limited to no more than 1500 pullets on the land at any one time; and

The rooster population on the land is to be limited to no more than 8 roosters on the land at any one time.

Building Materials

The external building materials associated with the development shall blend with the general landscape.

Air Quality and Dust Management Plan

The property is to be managed in accordance with an air quality and dust management plan prepared by the developer and submitted to Council for further approval to the satisfaction of the Manager Development & Environmental Services. The plan shall provide for the following:

- Site specific management of the activity to avoid the creation of dust or other potentially airborne material that may impact upon adjoining property.
- Protocols for dust suppression (for example, through damping) until the dust area is revegetated or otherwise controlled.
- Specific management measures to avoid odour impacting the amenity of neighbouring land.

Sediment Management and Run-Off

In addition to the buffer strip around the activity, the developer shall implement sediment management techniques described in ‘A Review and Report to the Southern Midlands Council on the Banticks Free Range Farm Proposal’, May 2014, prepared by Mr Paul F. Healy in combination with management techniques prescribed in the report ‘Sedimentation Management Plan’, May 2014 Prepared by Van Diemen Consulting. All sedimentation and water run-off measures shall ensure compliance with *EMPCA* and shall be implemented to the satisfaction of the Manager of Development and Environmental Services within 12 months of establishing 250 pullets.

Disposal of Dead Birds and Egg Waste

Chicken carcasses, egg waste, etc. to be managed/disposed of in accordance with the proponents Environmental Effects and Planning Report, with no such material to be disposed of at any of Council’s Waste Transfer stations.

Stormwater from buildings

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

Advice - Alterations to Chicken houses/coops

Any substantial alterations to the proposed chicken houses will require further approval by Council.

CONCLUSION

As indicated in the ‘possible draft conditions’ within this report, the proposal, as submitted, is not considered appropriate to be approved unless modified through conditions and restrictions of approval. A key consideration is whether such conditions modify the proposal to such a degree that it is no longer what was applied for. If this is considered the case, the application ought to be refused instead.

Further to this, there needs to be a level of confidence that what is proposed can indeed be implemented without risk of unreasonable impact on nearby properties or the environment generally. The lack of detail regarding the availability of water of sufficient quality and quantity to keep the land vegetated to suppress dust in summer and control sediment run-off is a cause for doubt.

RECOMMENDATION

THAT, in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and Section 57 of the *Land Use Planning & Approvals Act 1993*, Council refuse the Application for a ‘Free Range Egg Farm’ (defined as Animal Intensive Farming under the Planning Scheme), at 32 Banticks Road Mangalore and that a Notification of Refusal to Grant a Planning Permit be issued with the following grounds:

- A. The land proposed for the ‘Free-Range Egg Farm’ is inadequate in size to include a suitable separation distance within the boundaries of the land from adjoining land to ameliorate potential detrimental impacts, given the number of birds proposed.**
- B. The land proposed for the ‘Free-Range Egg Farm’ is inadequate in size to contain environmental pollutants and nuisances within the boundaries of the land without substantial modification to the development proposal.**
- C. The proposed use/development, in particular the number of birds, would conflict with the rural living use that predominates in the vicinity and would have unreasonable potential to impact upon the day-to-day amenity of nearby sensitive uses.**
- D. The Development Application does not adequately address the following:**
 - a. Fencing to prevent dog and cat attack in a high risk environment on the outer fringe of greater Hobart.**
 - b. The management of dust levels and exposure of other particles to adjoining land users.**

- c. **The management of potential for contaminated stormwater runoff onto neighbouring land.**
- d. **Potential for noise impacts on nearby sensitive use, particularly from a proposed unlimited number of roosters.**
- e. **The availability of a water source of sufficient quality and quantity to ensure the land does not become denuded, given the number of birds proposed and amount of land available for cell rotation.**

C/14/05/060/19699 DECISION

Moved by Cllr A R Bantick, seconded by Cllr M Connors

THAT Council note the modified recommendation, and in accordance with the provisions of the Southern Midlands Planning Scheme 1998 and Section 57 of the *Land Use Planning & Approvals Act 1993*, Council refuse the Application for a 'Free Range Egg Farm' (defined as Animal Intensive Farming under the Planning Scheme), at 32 Banticks Road Mangalore and that a Notification of Refusal to Grant a Planning Permit be issued with the following grounds:

- A. The land proposed for the 'Free-Range Egg Farm' is inadequate in size to include a suitable separation distance within the boundaries of the land from adjoining land to ameliorate potential detrimental impacts, given the number of birds proposed. Without suitable separation distances to other land generally and to sensitive uses on that land in particular, the need to protect the residential amenity of these sensitive use will fetter the operation of the proposed free range egg farming use. The proposal therefore does not meet the intent of the Rural Agriculture Zone as expressed in clause 6.2.2(h) of the Southern Midlands Planning Scheme 1998.
- B. The land proposed for the 'Free-Range Egg Farm' is inadequate in size to contain environmental pollutants and nuisances within the boundaries of the land without substantial modification to the development proposal. It therefore does not accord with the requirements of the planning scheme to adequately contain environmental pollutants and nuisances as inferred under clause 11.10.1(b)(xvii) of the planning scheme.
- C. The free range egg farm as proposed, in particular the number of birds, would conflict with the rural living use that predominates in the vicinity and would have unreasonable potential to impact upon the day-to-day amenity of nearby sensitive uses. The proposed use is therefore unlikely to meet the requirements of the Environmental Management and Pollution Control Act 1994.
- D. The free range egg farm as proposed has significant potential to result in the denuding of the land and the subsequent loss of topsoil from wind erosion in dry times and water run-off erosion during major rain events. The proposal therefore

does not comply with the intent of the Rural Agriculture Zone as expressed on clause 6.2.2(d)(iii) of the planning scheme.

E. The proposed free range egg farm in general does not accord with the intent of the Rural Agriculture Zone as expressed in clause 6.2.2(a) of the planning scheme in that it would not constitute a sustainable long term use of the land.

F. The proposed Free Range Egg Farm does not accord with the requirements of the Planning Scheme 11.10.1 (a) in particular Objective 2.2 (xi) - to minimise the potential environmental and land use conflicts between different land use activities.

A. The proposed use and development does not adequately address the following:

- a. Fencing to prevent dog and other predator attack in a high risk environment on the fringe of greater Hobart.
- b. The management of dust levels and exposure of other particles to adjoining land users.
- c. The management of potential for contaminated stormwater runoff onto neighbouring land.
- d. Potential for noise impacts on nearby sensitive use, particularly from a proposed unlimited number of roosters.
- e. The availability of a water source of sufficient quality and quantity to ensure the land does not become denuded, given the number of birds proposed and amount of land available for cell rotation.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| | Clr D F Fish | √ |
| | Clr J L Jones OAM | √ |

PART OF DEVELOPMENT APPLICATION – DA 2014/17

Dear David

Thank you for your email and phone call today.

There will be opportunistic watering/irrigation of pasture over particularly hot and dry summers however it is not financially viable to irrigate full time and have extensive cover of green grass, indeed it is not necessary to have an egg producing farm to have this dry stubble and dead grass can be just of benefit offering grass seeds and invertebrates to feeding chooks.

One 10,000 L tank will be filled by automatic pump to the water bore. One tank will be solely used to collect rainwater from the shed for the shed. Excess rainwater off the shed will also be used in the second tank, which will be connected to the bore top-up system.

We may need to add another tank or have larger tanks but these will be added later if required. Water can still be fed downhill from the shed location to the chook area by gravity if power fails and the pumps do not work. As the bore water supplied tank will be topped up when low there will always be at least 4,000 L in the bore filled tank.

Potable water may need to be delivered to fill the shed water tank during periods of low rainfall (the water used in the shed for egg washing etc).

At full capacity, chooks [based on the figures of the webpage you emailed] may consume up to 243,000 L of water - 666 litres per day. Not all of this would come from the bore, this is why the tanks are connected to the shed to fill with rainwater.

During summer for the months of Jan and Feb there may be 1,500 L per week (for the full operation - Stage 4) used to irrigate areas within the paddocks, to provide chickens with green grass to maintain egg yolk colour (a conversion of chlorophyll to the yolk production makes it yellow - yolk colouration agents will not be used in this ethically based egg farm operation).

Each house would need cleaning once per month and would utilise about 150 L of water under a high pressure house situation - 12,600 L of water (bore accessed) for the 7 houses when at Stage 4

There will be 7 total of the chicken roosting houses, with new houses added per the stages as required per flock number. That is the below (there will not be 7 houses till late 2017 to 2018)

- 3 HOUSES Stage 1 – Initiation (late 2014 to early 2015) – erect processing shed, establish internal fencing and mobile units within 3 paddocks, establish 3 flocks of approximately 200 birds each (600 birds total).

- ⁵ HOUSES Stage 2 – Expansion 1 (late 2015 to early 2016) – increase to 5 flocks of up to 300 birds per flock (use 3 paddocks, with supplementary use of the remaining two; 1,500 birds total for the operation).
- ⁶ HOUSES Stage 3 – Expansion 2 (late 2016 to early 2017) - increase flock size to 350 birds per flock and establish an additional flock (6 flocks) using the extra paddock (use 4 paddocks; 2,100 birds total for the operation).
- ⁷ HOUSES Stage 4 – Expansion 3 (late 2017 to late 2018) - increase flock number to 7 and flock size to 350 birds per flock (2,450 birds total for the operation) – the size of each flock will occasionally vary (max. 350 per flock due to limit of housing facilities) with the total size of the paddock within which the flocks are located, pasture health and weather conditions.

In relation to threatened species, as far as I am concerned Council has no right to ask for this information nor any right to contact/discuss my proposal with PCAB. I do not consent to my application or details being provided to PCAB, they have no role to play in this process. As an expert ecologist I have provided you with the relevant information for the Council assessment to be made.

The paddock with the species will not be grazed by chickens until late 2016 to early 2017, and will only be done after the NRM South agreement expires.

I would like your written confirmation that my application is now accepted as meeting the requirements of Sect 51 (1AC) of LUPAA. As you would appreciate, I have provided considerable information for this egg farm and it has been discussed with several Council officers already and you have done a site visit.

regards
Richard

SIGNAGE LETTER

Dear David

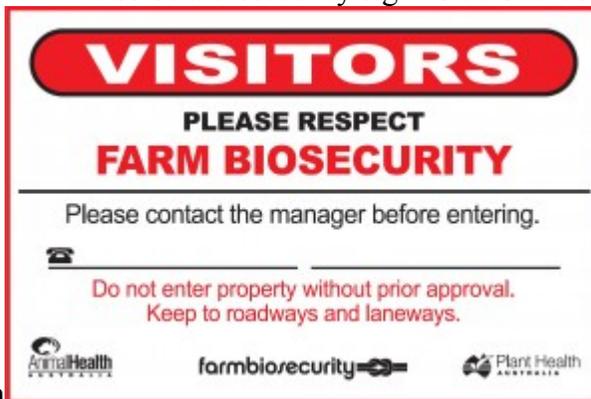
I have realised that the signage component of your request for additional information was missing from my recent email.

I provide the following in relation to signage.

All signage will be placed on the wooden part of our front gate, on the side facing south (such that it can be seen by visitors and staff to the site upon immediate arrival at our gate. It also makes it easier for the contractors/delivery drivers to find the place. Signage will not be placed above the highest wooden slat of the gate entry point, which is about 1.4 m high.

There will be a 1,000 x 1,000 mm metal sign with the farm name and contact details, and to denote what we produce. This will also include an image of a chicken, eggs and a chook house as well as our Banticks Farm logo. It will be made in colours suitable for the feature being displayed, such that chickens will be the colour of chickens etc. The background will be white and it will be reflective such that it can be readily seen at night (especially during the winter months when day length is short). We have not completed the full design of this sign, and cannot do so until we have decided on the accreditation provider, as we may need to include their logo next to our farm logo (some require this while others do not).

There will also be a biosecurity sign - 900x900 corflute

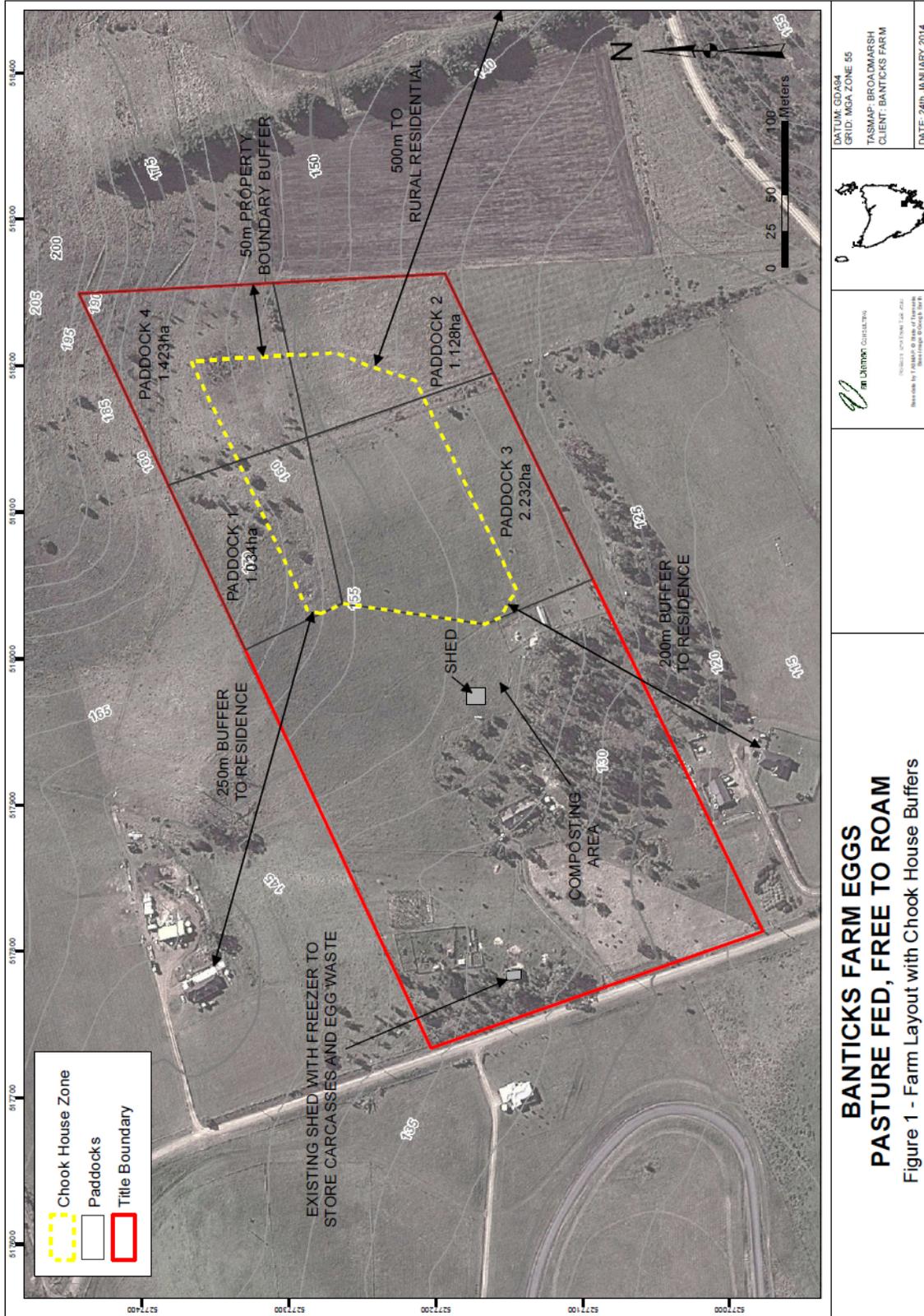


sign

(<http://www.animalhealthaustralia.com.au/farm-biosecurity-farm-gate-sign/>).

I suspect we will also have another set of signs that will comprise a total of 1,000 x 1,000 mm of space, to recognise the industry accreditation system we intend to use, we have not yet decided as they are quite complex to choose between.

regards
Richard



**BANTICKS FARM EGGS
PASTURE FED, FREE TO ROAM**
Figure 1 - Farm Layout with Chook House Buffers

Planning

Southern Midlands Council

71 High Street, Oatlands TAS 7120

Alex Mitchell

Treasurer

Organics Tasmania

PO Box 13, Campbell Town, TAS 7210

20 May 2014

Dear Sir,

Dr Richard Barnes has contacted me with regards to some concerns that have been raised during the application approval process for his free-range chicken farm . More specifically, in relation to the long term intentions of attaining organic accreditation and certification for his operations.

Mr Barnes contacted Organics Tasmania as it is the peak Tasmanian body responsible for providing advice and advocacy to the industry, and is the Government's recognised body representing the Tasmanian Organic industry.

One of the objections to Mr Barnes' development stated grave concerns on Dr Barnes gaining certification as a producer of organic eggs. The representation stated,

" If organic status is granted, my concern is that this will affect farming practices of the area. As you are probably aware it will possibly stop the use of spraying, fertilising crops, drenching livestock and other agricultural type activities within a designated radius of the area.

Traditional farming practices have been happening in Mangalore for generations. It would be devastating to see this affected through such an insignificant project".

I would like to address the two points of the representation's statements, as both are incorrect in their assumption , and can be proven to be borne out of general ignorance of both the process for becoming a certified organic operator and also the significance of the operation to the wider industry.

IMPACT ON NEIGHBOURING FARMING PRACTICES

For your information I have attached the *NATIONAL STANDARD FOR ORGANIC AND BIO-DYNAMIC PRODUCE Edition 3.5*, the standard by which all certification agencies **MUST** comply to certify operators and products for Domestic and Export markets. This is considered to be the highest Standard internationally for compliance of organic products and is implemented through the Commonwealth Department of Agriculture –Organic Export Team. The Export Control (Organic Produce Certification) Orders prohibits the export of organic produce unless an organic produce certificate has been issued under these Orders (compliance with the Standard) for the produce.

Organic and bio-dynamic produce for export must be certified by an approved certifying organization accredited by the Organic Export Team, verifying that the produce has been prepared in accordance with the National Standard for Organic and Bio-Dynamic Produce.

Under this Standard it clearly stipulates that compliance to the National Standard is in addition to all other State and Commonwealth Government regulations:

1. *Requirements outlined in this Standard are complementary and additional to other health, agricultural or food standards or regulatory requirements recognised by or enacted by the Commonwealth, States or Territories. These include but are not limited to food safety, animal welfare and, environmental management and social justice.*
2. *Operators are responsible for the use of inputs and must adhere to relevant Commonwealth, State/Territory or Local/Statutory laws.*

Maintaining Buffer Zones

The National Standard notes the responsibility for buffer zones to maintain the integrity of organic status is the responsibility of the organic operator on his own property (NOT neighbours). An Organic Management Plan (Section 3.2.1) for both land conversion and animal systems is mandatory as part of the application process and includes the General Principles for Farming under Section 3.1, and must establish the buffer zones within the land boundary independent of neighboring properties.

Normal (“Traditional”) farming practices of neighbours should not be an issue in anyway as under the legislation for spraying (I assume proponent means industrial ag chemicals), handling and use of ag chemicals there should be no contamination spread onto neighbouring properties anyway, regardless of their current operation status.

Any such spread of chemicals across a neighbours boundary would show a breach in the use of such chemicals. The Tasmanian legislation regulating the use of agricultural chemicals is Agricultural and Veterinary Chemicals (Control of Use) Act 1995 and the Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996.

Other relevant State legislation, codes and guidelines include:

- The Environmental Management and Pollution Control Act 1994 and regulations under this Act.
- National Health and Medical Research Council's "Code of Practice for the Safe Use of Agricultural Chemicals by Aerial Application".
- Tasmanian Agricultural Productivity Group's "Guidelines for Aerial Spraying".
- The Dangerous Goods Act 1998 and regulations under this Act.
- The Workplace Health and Safety Act 1995 and regulations under this Act.

SIGNIFICANCE OF THE DEVELOPMENT

The significance of this new development (be it small compared to "traditional " egg producing operations) cannot be underestimated. Tasmanian currently imports 90% of its certified organic eggs (mainly from Queensland) due to a distinct lack of local supply. Since the closure of Cackleberry Farm in 2006, we have not had a significant supplier in Tasmania.

This operation would further enhance the growth of the sector by not only supplying eggs to the local CBD area, but also to the food service industry who rely on marketing free-range and organic eggs as part of the point of difference in the tourist market. Many producers of certified organic baked products with longer shelf life also have problems in expanding their businesses due to the lack of supply of certified organic eggs, and this would provide an opportunity for these businesses as well.

In addition to the eggs, the supply of certified organic manure coming from the farm (collected under perches and housing) would finally provide an easy fertiliser choice for other certified organic operators (such as berry and fruit producers) to use in their systems, again a resource which has been sadly lacking in the last 7-8 years and placed hardship on some operators in trying to source an appropriate nitrogen source for their intensive berry and fruit operations.

The co-promotion of this operation along with the organic grains/flours from Oatlands Mill will be a further step in a local and green food supply chain for those discerning shoppers and tourists.

I would like to take the time to congratulate Dr Barnes on the level of integrity he has taken in getting this proposal off the ground, and the level of research and development he has undertaken to ensure not only a high level of animal welfare in his production systems, but also in his current plans for maintaining and increasing the biodiversity on his property.

I wish Dr Barnes the best of luck with his development, and extend the help of Organics Tasmania when it comes time for him to apply for organic certification.



Yours sincerely

Alex Mitchell

Treasurer, Organics Tasmania, Mobile : 0408 012970

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

**T F KIRKWOOD
GENERAL MANAGER**

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**T F KIRKWOOD
GENERAL MANAGER**

**A Review and Report to the
Southern Midlands Council on the
Banticks Egg Farm Proposal**

22 May 2014

Paul F. Healy

The Banticks Free Range Farm Proposal – Paul Healy Review

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Background

This report has been written in response to a request from the Southern Midlands Council for a study, on my part, of a free range farm proposal for Banticks Farm Eggs.

Background

I come to this study as a professional poultry breeder with thirty years plus experience in ranging heirloom purebreds, as well as crossbred laying fowls, across open farmland, in both the drier 18 to 22 inch annual rainfall climate of Western Victoria, and under the higher rainfall conditions of South Eastern Tasmania.

I am, as well, a foundation member and president of The Sustainable Poultry Keepers Association of Tasmania, and in a parallel life as public speaker, writer and media commentator on aspects of sustainable food production and free range poultry keeping, have promoted the potential economic, flock health, and food quality advantages of well designed and managed open forage systems of poultry flock management.

Brief

I have been asked to review and make comments upon any possible shorter term impacts, as well as upon any foreseeable longer term effects, of running as many as 2450 hens, on the Bantick's Road Farm, in an area that is to be divided into four fenced paddocks covering roughly five hectares of land.

Features of the land under consideration for free range poultry management which I note, as of particular interest are discussed in the following pages, under the subheading: Site, Soil, Climate, Tree Cover and Topography.

This Report lists my initial concerns with the Banticks Free Range Farm Proposal, and includes outline recommendations for enhancing the project – both to help improve the longer term chances of success built upon continuing good flock health and welfare, as well as upon a sustainable pasture and soil management plan, and in seeking to alleviate community concerns with regard to perceived possible impacts - upon surrounding properties - of any possible dust blows or sediment flows; as well as the possible straying of fowls onto adjoining land.

The recommendations made would also help improve aspects of visual amenity, watercourse protection, boundary buffer separation, bio security and better protection from dog attack for the open ranging fowls, as well as improve the birds protection from extremes of storm wind gusts and full sun exposure in what is a fairly open and exposed site for the open ranging of hens.

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An Initial Review of the Banticks Egg Farm Proposal

Tree Coverage

The property has a tree and shrub cover that is less than ten percent, on average, in the area to be ranged by the fowls.

I consider a tree and shrub cover of 33% of the total land area, to be the ideal ratio for foraging fowls, in this ever warming climate. We are experiencing an ever increasing frequency of days of heat exceeding 36 degrees C, the critical mark for the possible onset of hen heat stress. Our domestic hens are descended from wild species which are not natural inhabitants of open grassland. Rather they are creatures of the forest, and do best – as farmed creatures – when allowed to forage around, under and across a mix of 33% shorter green pasture, 33% longer clumping grasses, sedges and shrubs; and 33% denser, more closely branched mixed woodland and forest.

My own studies have proven that ranging hens which have the choice of open pasture, or of shaded woodland, will spend 70 to 80% of the daylight hours - between 10 am and 4 pm, from October 1 through to April 30 - under tree and shrub cover, on clear sunny days which exceed more than 28 degrees C. They do this to avoid heat impacts, and because of their natural, ever present fear of raptor attack, from the skies, in the clear sunny conditions which favour the flight of kites, hawks, eagles, and goshawks.

Therefore, increasing tree and shrub cover will need to be considered as an integral part of improving shelter and reducing the risk of hen heat and wind stress, whilst providing for a more diverse and resilient hen environment, one which would also help to improve soil and slope stability and the longer term ability of a variegated vegetative cover to withstand impacts of drought and poultry forage and movement impact.

Land Slope

Land with an average slope of 4 to 5% - or a drop of close to one meter in twenty - on average. Land with a slope greater than 2.5 % , which is largely devoid of tree or shrub cover, and which has not been protected by buffer lines of hedgerow, or closely planted avenue of fodder scrub or bush cover, backed up by fringes of sediment filtering longer grass verges, does offer a potential risk - across time – under the impact of poultry forage scratching, dust bathing, and movement - for grass litter and dry pasture remnants, plus degraded fragments of poultry droppings and powdered parts of the upper soil mass to shift down slope.

Such downslope movement may occur both suddenly - under high volume surface runoff from heavy cloudbursts, or from sustained days of continuing heavy rain; or gradually, as a consequence of the natural hen behaviour of dust bathing, scratching while foraging, and treading and tearing with their claws whilst moving rapidly across the land surface.

It is all very well to describe a poultry strain or breed as sedate or quiet – my own breed, the Barnevelder – is noted as the most sedate and phlegmatic of all the poultry breeds, but even Barnevelders will flap and run across the ground at times, as will all hens, especially when they are less than 18 months of age - as peak laying pullets - and have the lighter body frame

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of youth. Such rapid hen movements will happen, at unpredictable intervals, sometimes infrequently, sometimes daily, in response to such factors as sudden wind gusts, raptor threat, mating behaviours, and as an expression of joy, by the hen, upon being released from the night shed, or within the lighter airs and refreshing shade of the late evening, after days of heat.

There may be possible negative impacts upon - and I have proposed further counter measures against - the grass and soil cover, and of the risk of dust being blown, as well as of sediment being washed off the land and onto adjoining properties, or into dams and waterways.

Therefore, the slope of the land needs to be considered in greater detail and a site inspection may be required, to ascertain the soil structures, depth of pasture root mass, variations in slope from paddock to paddock, variations in soil depth and cover etc - with a view to reducing any risk of potential soil erosion and sediment shift or runoff.

The Proximity of Residential Property

The property is located in the proximity of three dwellings within 300 meters, and of a larger subdivision of more than 30 dwellings, within 500 meters of the boundaries of the land proposed for higher density free ranging flocks.

The following factors need to be considered in this regard.

Dog Attack Risk and Fencing

The reported experience of many free range poultry keepers who have kept medium to larger commercial or hobby flocks on the open range, within a distance of less than one kilometre of multiple housing clusters - especially those settled by occupants from an urban background moving into a newly established rural subdivision, or into one set at the fringe of a city - is an enhanced risk of dog attack, with attendant multiple flock fatalities, often caused upon a repeating cycle, by family pets left unattended, midweek, when the occupants of commuter settlements are absent, away at work and/or school.

Such risk of dog attack presents a risk to flock welfare, to farm economic viability, and to local community relations, as not all dog owners, from an urban background, understand their new responsibilities, when moving into a rural zone, or may comprehend the real risk of their unrestrained animal wandering off their land, in their absence, to make lone attacks on fowls, or worse, to join a rampaging pack of unsupervised, and unrestrained canines.

Free ranging hens are at great risk of dog assault and they are a great lure to dogs. They are best protected from dog, cat and fox attack by a combination sandwich fence built of 1400 mm minimum high rabbit netting fence backed up by seven live electric strands set 150 mm out from the netting, and spaced at 200 mm intervals evenly, ascending up the fence.

Where a buffer zone of between ten to fifteen meters of land inside the property boundary is protected by an external sandwich fence paralleled by an internal, lighter, 1200 mm high netting fence – especially where the land between is kept as a fowl free buffer zone planted out to a mix of interweaving shrubs and trees presenting a visual barrier to dogs - the ranging flocks will receive close to 100% protection from dog attack. These same closely planted, thickly grassed or foliage littered visual barriers may also act as sediment filters, windbreaks for the fowls, and as a cooling shade refuge, on days of extreme heat.

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Dust Impact on Residential Property

It is impossible to determine at this stage if there will be a significant dust impact upon the nearby residential properties, but in the absence of any detailed data or evidence presented to support feasible drought amelioration through the use of supplementary irrigation, and given lack of presented data indicating volume sufficiency or proving that any supplied bore water would be viable for such use, the possibility of dust issues, and of topsoil loss and degradation through pasture death, soil exposure, and subsequent powdering, is a concern.

An open ranging poultry flock can generate considerable levels of raised dust at times where the topsoil has dried and where the grass cover is thin, or has had dried out under drought impact.

Even where a so called stubble and or remnant cover of dried crop residue or pasture cover is left standing, the soil beneath can be loosened and powdered through the impact of claw tread, scratching, dustbathing etc.

These possible risk factors are increased where stocking densities are so high that insufficient reserve areas of drought refuge land, and insufficient time between periods of occupation, of any one area of land, is made possible.

Personally, under a 22 inch rainfall climate, without any evidence of a sufficient supply of irrigation water of sufficient quality being available to sustain the pasture through drier summer weather and through drought, I would not ever consider running as many as 2450 hens across a land area as small as 5 hectares, especially upon land with a slope in excess of 2%.

In my view, without available irrigation water of sufficient quality being available, no method of cellular grazing or regular shed and flock cycling across paddocks which are to be kept stocked continuously, at densities of close to 500 birds per hectare, would enable the full variety density and longer term sustainable integrity of pasture and soil cover to remain, as there are just too many birds within the area of dryland pasture occupied.

In the absence of any supporting evidence to the contrary, one must assume that this farming operation will remain a dryland practice, without the support of supplementary irrigation for periods of extended summer dryness and drought.

Dustbathing Impacts During Dry Periods

Please note that even where multiple, self contained, above ground dustbaths are provided (sufficient frequency would be one dustbath of two square meters in area for every twenty hens in the flock) fowls will usually prefer to use such facilities only when the soil is wet.

Once the ground has dried some hens may continue to use the baths provided, but just as many hens will choose to ignore the mobile dustbaths left standing around the paddock, and will dustbath in small groups in random places, across the range, usually close to nearby cover – around trees and shrubs, or around the hen house.

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Hens will usually dustbath in late morning, and in mid to late afternoon, breaking the soil cover, often potholing the ground, and exposing soil which is powdered and fluffed in places where the vegetative cover is thinner.

Typical dust bathing habit is for a sub flock unit of between three to twelve hens to use a site of up to two meters in diameter for a run of five to twelve days consecutively, disturbing the soil in this way, daily.

The greater the stocking density of the fowls, and the longer the fowls remain kept in single paddocks, the greater the potential impact.

I have kept poultry in Western Victoria, in a 22 inch rainfall zone, on unirrigated summer pasture and across scrub areas, at rates of 500 birds per hectare, for period of five years which included the 1982 drought, and despite cellular grazing, rotational movements, multiple yard divisions, portable housing, and regular movement patterns, the impact on soil structure, vegetative cover, and land quality, was severe.

It took a destocking program – from 500 birds per hectare back to less than 100 – and three years of remediation work – to restore the grass and ground cover to areas of ground in which up to 33% of the land area was denuded, disturbed, powdered, and potholed.

For that reason I would not ever recommend a stocking rate of hens on any form of dryland open range program at numbers higher than 250 birds per hectare, and even then, I would need to see a clear rest and recovery plan, giving each area of ground nine months rest and recovery time to break the intestinal worm cycle, between each three month period of occupation.

Intestinal Worm Cycles

My main concern – based upon the extent of the supporting documents presented – is that no longer term, seasonally cycled, detailed plan for flock occupation and exit from each area of ground has been supplied.

Based upon the material presented by the proponent, I see no provision made for sufficient area of land made available to allow each paddock to be given time to remain able to be kept free of fowl occupation for sufficient time for the pasture to regenerate fully, or for the intestinal worm cycle to be broken.

Even where an in paddock cellular grazing pattern has been described, and might be followed fully (and no supporting detailed movement plans, schedules, or diagrams have been supplied to support this aspect of the proposal) on a longer term flock forage cycle, at occupation rates of 250 birds or more per hectare - and even where the flock would be kept to a maximum of 1500 birds - a fifth paddock of around 1.5 hectares in area would need to be built into the plan, to enable any sort of realistic rest and recovery rotational schedule to be followed – one which would see one paddock kept unoccupied for at least for six consecutive months of rest, while the other four were occupied and used with a cellular grazing pattern.

The more birds you range across that pasture, the greater the potential impacts, and it should be noted that in the absence of any detailed Tasmanian studies of the grazing impacts of

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higher concentrations of open ranging fowls upon particular types of Tasmanian soil profiles, landforms and grass cover, trialled in different areas under different rainfall patterns or under different types of irrigation supplement, it is difficult to predict what sorts of soil, dust and sediment impacts would occur, at different stocking densities, under different grazing regimes.

Therefore, a conservative approach is advisable, and if this was my project, and my land, and my responsibility for maintaining the integrity of the soil mass and vegetative cover, whilst seeking to provide the very best welfare and health outcomes for the hens, I would follow a five year, slowly stepped, cautiously established build up of numbers which would allow me sufficient time and space, as well as land reserves, to trial, observe and develop the grazing and rotation plan in response to the ways in which the hens might impact upon the pasture and soil.

My plan would thus build in the following manner:

Year One.

250 first year pullets in paddocks one, two and three on four month occupation cycles while paddock four is kept in reserve, being planted to the tree lines suggested, and paddock five is being fenced and prepared, as the other paddocks are being used.

Year Two.

A second flock of 250 pullets being cycled ahead of the hens, across four paddocks, on three monthly occupation cycles, while paddock one is being rested and planted to a better tree cover.

Year Three

A third flock of first year 250 pullets introduced to the rested paddock one, while the second and third year hens are now restricted to paddocks 5 and 4. Paddocks 2 and 3 kept in reserve, recovering.

Year Four.

A fourth flock of 250 first year pullets stocked in Paddock 2, the second year hens moved to paddock 3, the third years hens to paddock one, the original flock culled, and paddocks four and five rested.

Year Five.

A fifth flock of 250 first year pullets introduced to paddock 4, the second batch of the three year old birds culled, the now second and third year birds occupying paddocks five and two, the other two paddocks rested.

On 5 hectares of dryland pasture I would thus not ever exceed a maximum flock size of 750 birds, for in my personal view, that is the maximum number that is truly sustainable on a longer term five to fifteen year cycle of occupation. For shorter term commercial purposes in an operation that was proposed to continue for no longer than five years, I would set a

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maximum allowable number of 1500 birds, but only after the ameliorating double fenced and tree planted buffers, shade and windbreak plantings, and sediment barriers had been planted and provided.

A Review of Flock Health and Attendant Hen Welfare Issues

This is centred specifically – from my point of view - in two of the paddocks that are lacking any significant tree and shrub cover, a lack of shade which greatly increases the risk of heat stress and of hens suffering potential high mortality on days of extreme temperature spikes, especially those with minimum to maximum 24 hour temperature gradient profiles which take the temperature from below 18 degrees C to above 36 degrees C.

This may be ameliorated by the planting - along the centre contour line which bisects the two paddocks - of a six meter wide, double netting fenced, double faced hedgerow, or a double line of offset planted fruit or fodder trees, to offer shade and wind protection for the flocks. The grass should be allowed to grow long and thick for a width of two meters, on either side of the trees planted in rows set two meters apart, with the longer grass bands contained within the netted barrier, to act as a mid slope stabilising sediment filter and scree trap.

Housing Issues

The proponent seeks to house flocks of up to 350 hens in moveable houses, measuring 3 meters high, by six meters long, (width is not specified) mounted on skids, to be shifted by tractor, across land with between a 4 to 5 % slope factor.

In the absence of shed width being supplied – and considering factors of overall weight, portability, stability on skids, when moving, lets us assume that each shed may be as wide as seven meters, which would stretch the limits of feasible movement capacity.

Dimensions of seven by eight meters would supply a floor area of roughly 50 square meters for each flock, which would offer each hen roughly 150 square millimeters of floor space. These sorts of floor areas provisions are taking the hen indoor space allowance and density ratios back to that provided for caged birds indoors.

At these sorts of shed occupation densities, the sheds can act, clearly, only as overnight quarters for perching birds, and to meet any sort of “ethical egg” criteria, the birds must be free to leave the shed and to roam from dawn to dusk on every day of the year.

The sheds could in way act as any form of ethically centred type of daytime housing, as the occupation densities exceed all recommended ratios for free range, organic, and sustainable forage standards.

Some of those standards specify 250 square millimeters per hen of indoor space, while the Tasmanian Sustainable Forage Standard specifies a minimum of .5 of a square meter, per hen, of indoor space per hen, for all forms of housing, and under all methods of management.

My central concern here - therefore - is the massive short term impact of 350 hens per shed foraging closely around sheds that are stuck in the mud, on saturated sloping ground which is

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not accessible to tractors, for periods of time possibly exceeding three, five, seven and even days of sustained wet spring and winter weather, on clay based loams on slopes that may take an extended time to dry out, after saturation.

My extended studies and observation of fowls moving out from and around fixed sheds, set in areas of open pasture, have shown that fowls will occupy 33% of their time within a ten meter radius of their night shed; another 33% of their day moving between ten and thirty meters from their shed, and only 33% of their time, on average, moving more than thirty meters from their shed.

This poses the risk of significant damage to saturated, sodden, muddy areas of pasture being let by hens crowding around the shed, for shelter, through extended periods of rain and cold winds.

Health Impacts

My other concern - with a total reliance upon such densely stocked moveable structures as housing - is the short term health impacts upon fowls that will be moving out in the rain and wind across open pasture, or else which will be forced to crowd inside together – to find shelter - at densities exceeding any form of acceptable ethical standard for sustainable open forage systems.

A provisional plan - to cater for period where the sheds cannot be moved, and where another shelter for the birds is made available, on open pasture, needs to be added to this proposal.

Manure Build Up Issues

I question the suitability of once a month cleanout of combination timber and wire floored pens, at stocking rates of 150 square mm per bird, when the potential for large accumulations of droppings, in short periods, is glaring.

Cleanouts may be need on a weekly, rather than monthly basis, to avoid the risk of odour, egg contamination, flock health challenges, internal parasite build up, and other unwanted issues.

There is some confusion created by the proponent in this area, as he also talks of using an ash based flooring litter to prevent issues with droppings build up occurring.

At concentrations of 350 birds per shed, assuming that the shed width is somewhere around seven meters wide, by the seven meters length stated, I doubt that an ash based flooring system would work, as it would be soon choked up by the sheer volume of droppings.

Using a shed based flooring litter method, I would not stock a 7 by 7 meter night shed with any more than fifty birds, if I wanted that system to work at an efficient basis, and if I was not planning to replace the ash bed on weekly basis.

I would not stock more than 100 birds in a seven by seven meter wire floored shed, but I would not use a wire floored shed, in any event, at it has negative impacts on the foot health of the birds, and I do not consider it as an ethical practice.

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The feeding of biochar to the fowls would not make a significant difference to problems caused by overstocking issues.

A Bore Water Review

The big unknown – in this project – is the availability of sufficient bore water, of sufficient quality, to ensure that drought affected summer pasture – in a relatively low rainfall zone – may be irrigated, and kept viable, as a means of keeping the soil intact, and sloping areas of land stable.

No figures on the potential available volum of bore water have been presented, and a requisite accompanying breakdown or analysis of the bore water has not been made available, so comment cannot be made upon any possible saline readings, which would have a possible negative impact on soil health and pasture growth, should salt be present in any bore water used for irrigating pasture.

One wonders why a bore water analysis has not been presented. I would consider such an analysis an essential part of the evidence review base, if the Council were to be able to consider fully, questions of sustainable pasture and soil stability, in drought conditions, under the daily, dusk to dawn, cross pasture movement, tread impact, and foraging challenge of 2450 hens, or even of 1500 hens.

As an added concern, in this area, should the flocks become dependent upon bore water for drinking water supplies, the salt and mineral content of the bore water needs to be carefully considered, as any significant levels of sodium in provided drinking water to chickens may seriously affect egg shell quality.

Therefore, a bore water analysis should be considered as an important – if not essential - part of the evidence base for this proposal.

A Review of the Sufficient Width of Grass Filter Verges Swales and Bungs, As Sediment Traps and Filters

It should be noted that the calculations used by the proponent on the required width of swales for use as sediment traps is based upon calculations which appear to be made for land with less than a 2% slope.

On land with a slope greater than 4% - such as that comprising the proposed poultry range at Banticks Egg Farm - the stipulated sufficient width of such micro landform features would need to be adjusted upwards.

This same slope factor, and attendant impact upon the volume and speed of overland flow of runoff waters, with their increased ability to overspill across the resistance factor of grass verges acting as filters, will increase the required width of such verge filters, in a direct relationship with the increasing degrees of slope.

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Summary of Recommendations

The below summary of recommendations is based upon an initial review of the documents provided to this point. However, it is not to be considered a full and complete list at this stage and further review may necessitate consideration of additional factors.

1. A review of the shrub and tree coverage is necessary to provide shelter and protection for the hens and to help protect against soil and sediment shift, and against sediment flows in overland water movement.
2. A review of the proposed grass filter verges is necessary to protect against potential runoff and to ensure long term sustainable land management practices are effective. This is important as part of the consideration of the slope of the land.
3. A bore water analysis must be conducted to ensure salt and mineral content is suitable for use for potential irrigation and as supplied as drinking water to hens for egg production.
4. Fencing type and method needs to be better considered to provide protection for the hens against predators, especially dogs moving in from the nearby housing development, and to provide boundary buffers which would act as windbreaks, shade belts, and sediment filters.
5. The stocking rate of hens per acre and hens per pen needs to be carefully considered and reviewed. This will affect the provision of dust baths, water and feed outlets, and egg laying practices.
6. The dust factor as a potential impact on nearby residential properties needs to be carefully reviewed as part of this proposal. Evidence for wind velocities, direction of prevailing summer winds, possible summer storm front and gale direction of movement, has not been presented or considered.
7. Addressing the above recommendations may go a long way to addressing this potential concern.

It is important to note that addressing the above recommendations may provide initial solutions, however all systems need ongoing management and review as challenges arise. This is particularly important in keeping poultry, as it is when keeping any animals, as health and seasonal concerns frequently occur as part of a natural and going organic process.

For these reasons, I would caution against early high stocking of the land in question. A wiser course would be to build flock numbers by increments of 250 per year - starting from a base of 250 birds - allowing the operators time to observe, assess, and respond to any unforeseen flock management issues, impacts upon the land, and weather and climate affects.

I gather - from the way that this proposal has been put together - that the proponents do not have many accumulated years of experience in managing larger flocks of free range fowl under conditions of open forage.

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All the more reason, therefore, if the proponents do, indeed, lack commercial experience in open range larger poultry flock management, to build this project slowly, and carefully - across a five year time plan - to allow them the very best chance to be able to carry out their desire of being able to supply high quality eggs sourced from well managed flocks which have - indeed - been managed in a healthy, wholesome, sustainable, and in a truly ethical manner.

I wish the proponents all the best, within this endeavour.

Response to Representations

Dr Richard Barnes 19-5-14

Please note that I have not made any comment about representations 6, 7 or 8.

Representation 1

The issue of landscape amenity is not considered relevant as the farming of animals and associated structures is expected within the Rural Agriculture Zone.

Our property that will support the free range egg farm is 12.9% of the catchment of the dam on 22 Banticks Rd, which includes land above our property on 60 Banticks Rd. The majority of runoff into the 22 Banticks Rd dam is from their own land, the land to the rear of their property and the roadside drainage system which carries oil, grease and other contaminants. Our Sedimentation Plan will address sediment runoff issues.

Feed will not attract nor create pest bird problems, feed will be accessible to chickens via feeding apparatus which will only be accessible to them, based on their weight/feeding patterns. Indeed, we need to avoid spillages of feed to ensure that the farm does not attract wild birds and to ensure no wastage of expensive feed.

Representation 2

The issue of landscape amenity is not considered relevant as the farming of animals and associated structures is expected within the Rural Agriculture Zone.

The representor refers to diseases that may pass to their asthmatic grandchildren who occasionally visit their property in actively managed farmland. They make no specific claim about any disease that may be transferred from chickens to humans. I cannot therefore make any informed comment about the representors' claims.

It is naive to suggest that chickens will attract vermin, cats, lice and other parasites to the area. Mice and rats (if this is what the representor means by vermin) are a common problem in all rural landscapes, including this one. Hence, this is why we are using special feeders to minimise/prevent spillage of feed. Chickens can be clean birds, free of lice and parasites (red mite etc) if they are cared for, kept in well ventilated and clean houses – we also aim to utilise a flooring system in the houses which will prevent the need for supplementary red-mite control, and it also keeps the houses dry and desiccates the manure within a day (further preventing odour and reduces cleanouts to once a month or two).

There are feral cats already throughout this valley, and neighbours let their cats wander at night. Our chicken farm will not increase the feral cat number nor attract cats. If cats do however enter our land we will enact our rights (i.e. humanely destroy) under the *Cat Management Act 2009* –

'S17. Protection of property from cats

(1) A person carrying on primary production relating to livestock on rural land, or a person acting on behalf of such a person, may trap, seize or humanely destroy any cat found on that land.'

The chickens we intend to buy are a strong breed, having been bred such that they do not need the 15-20 vaccinations now required by breeds used in battery cage or barn systems. Indeed, some free-range systems used in the market place are so high density and with limited access to the outside world that they too need the full set of vaccinations. I will not need to vaccinate my chickens, and I am very unlikely to need any lice or red mite control (normally use 'pestene' or other rotenone based product).

The issue of 'natural beauty' is not considered relevant as the farming of animals and associated structures is expected within the Rural Agriculture Zone and I will not be clearing any native vegetation.

The Free Range Egg Farm will generate traffic, however this will be negligible. Council and the EPA have approved a major quarry expansion which will see an extra 20+ trucks on Black Brush Road – these trucks travel at speed along Black Brush Road creating plumes of dust which was acceptable to the Council and EPA so I see no reason why the usage of the same road by smaller trucks for our development will create any issues nor an environmental nuisance. Our development will see a truck to deliver feed once a fortnight or month as noted in our planning report which I have copied in full below:

'The grain will be delivered to the property about once every fortnight or calendar month on a truck subject to cost efficiencies of transport. Eggs will be delivered using a small mini-van, on a daily basis to maintain the high quality of eggs that the operation is promoting. Other vehicle movements would be for the staff entering and exiting the site. There will be upwards of 16 traffic movements from the property each day, which is comparable to other properties in the area (eg those along Banticks Road). The egg farm development will not impact on the road user safety or efficiency/function of the existing road network.'

To place our activity into perspective, cars regularly leave and enter 22 Banticks Road as both owners work. At 45 Banticks Road the training facility for horses attracts people to ride and train horses as well as the owners who work, as well as trucks which deliver horses to the facility and also take horses away from the facility. At 60 Banticks Rd the owner has two haulage trucks which he regularly uses to cart material to his property to infill a creek system to create more flat land near their house – upwards of 10 movements per week day – not including the use of their other two vehicles. Furthermore, many properties, including ourselves, have potable water delivered by trucks.

The alleged 'devaluing' of land is of no relevance to my application.

The impression I gleaned from this representation is one of fear and misunderstanding as to what it is we are aiming to achieve by this activity. We too live in this valley and we too value the area for its amenity so why would we seek to destroy this with an inappropriate development – our Free Range Egg Farm is of small scale, well planned, thoughtful of the surrounds, has buffers to sensitive land classifications and sensitive uses, and is in keeping with the intent of Rural Agriculture land. Importantly, it will showcase the ability of this region to produce food of a high ethical quality without the use of vaccinations and other chemical based products which now dominate the egg industry.

Representation 3

The Free Range Egg Farm is a small-scale operation of only 2,450 birds (maximum), with stocking densities less than half the permitted 'free range standard'. An open-air operation is the intent of a 'free range' system as opposed to the imprisonment of birds in cages (battery) or permanent enclosure within a barn system.

Potential impacts have been well considered and addressed in our application and several supplementary pieces of information. Our proposal is in keeping with the intent of the zoning so the fact that it is not of an equine nature is of no relevance to the assessment process.

Representation 4

The Free Range Egg Farm is a small-scale operation of only 2,450 birds (maximum), with stocking densities less than half the permitted 'free range standard'. An open-air operation is the intent of a 'free range' system as opposed to the imprisonment of birds in cages (battery) or permanent enclosure within a barn system. The system is not intensive, and it appears that I was correct in my assertion to Council that people would perceive it as such because of the definition used by the Planning Scheme. The classification has in my view prejudiced the perceptions of people against my development.

I am unsure as to what other farming practices are carried out on surrounding properties (apart from the property to the rear of ours and theirs which has been cropped 5 out of the past 6 years because it is Class 3 land), perhaps the representors can identify some.

In relation to roosters, our application stated –

'We already have 4 roosters on the property and this number will only increase to 6 for the full operation. There have been no noise complaints about our current roosters (we have had them for 5 years) and we do not envisage any noise issues with an extra 2. The area is an agricultural landscape with many noisy activities occurring on a daily basis, and other nearby properties also have roosters (at least 3 properties).'

Please note that I would not accept any condition on our activity to limit the number of roosters. If we wanted to hatch and breed our own blood line in the future, which is a possibility, we would need at least 20 roosters for the breeding process (these would include the existing 6 we would have for pecking order issues). Having our own blood line means that we can further enhance our own biosecurity and breed the chickens tougher to the local conditions than those bred elsewhere. As you would appreciate, there are no limitations on the number of roosters a backyard chicken breeder can have so it would be inappropriate, unfair, anti-competitive and prejudicial to impose such a condition (ie limiting the number of roosters) on us.

The manure issue has been further reduced by the buffers proposed (see Free Range Egg Farm Buffer Areas for Chook Houses) and the adoption of a hydrophobic – ash based floor to the chook houses (ie. desiccates manure quickly, enables birds to bath in ash to kill red mite and lice etc – see notes under Representation 2). I have cited in my application CSIRO published details about, manure management on pastures and typical excretion levels for the number of birds at full operating capacity. As a scientist (BSc PhD and 20 years field and research experience), I have read and considered the literature and I have found no reason to dispute the results of CSIRO funded, initiated, conducted and published scientific literature.

The grass species is in fact an herb, *Scleranthus fasciculatus* (spreading knawel). Section 10.13.4 of the Scheme does not require any action from Council, it simply reiterates the requirements

of the *Threatened Species Protection Act 1995* – whether I request a permit from DPIPW is my business. Please note that we have an exemption under Clause 10.13.2 – day to day farming activities – so 10.13.6 does not apply, and even if it did it is not relevant as we are not clearing native vegetation.

Fencing is a matter for the *Boundary Fencing Act 1908* (we would not seek costs to any fence improvements from our neighbours), and an exemption is afforded under the Scheme to boundary fencing to 2.1 m tall. The objection is noted by the representor however we have legal rights in respect to the fence height and design that they cannot extinguish.

I have dealt with the matter of attracting birds above in another response. I find it unusual that the representor criticises us for possibly attracting birds to the area when their dam is a large attractant of birds and snakes – it has been a perennial water source for the past 3 years. The sediment pond we have proposed is small, will dry out over time due to its small size and will only serve to capture sediment. The representor even notes that they have a wild duck population on their dam which would excrete directly into their dam and pastures around it, possibly exposing their children to direct contact with fresh chicken faeces.

The issue of infrequent heavy rainfalls has been addressed by the construction of a cut-off drain and associated peak flow – sediment pond to receive water for treatment (sediment capture) prior to discharge. As Council would acknowledge, water flows across all properties regardless of what they are and where they are. We receive waters from two properties above us within which we have no idea how much is contaminated with horse faeces, equally the creek below the dam on 22 Banticks Rd receives water from that dam which is in close proximity to the septic (standard septic, absorption trenches) on 22 Banticks Rd – what happens to discharged effluent when soil is saturated? Does it go into the groundwater or percolate into their own dam?

Sedimentation has been dealt with by the sediment pond and water balance assessment done by a highly qualified engineer with expertise in hydrological flows and subsequent water management.

The alleged ‘devaluing’ of land is of no relevance to my application.

It is utter nonsense to suggest that 20 sheep grazing on 5 hectares is over-stocking. I suggest Council visit the property from which this representation was clearly made and assess their paddock management in relation to 7 horses they maintain there, and compare that to our property with 20 sheep.

Horse riding on Banticks Road is an occasional activity of neighbours but there are rules that apply to them. I draw your attention the link <http://www.horseroadsafety.org.au/road-rules> Furthermore, a horse being ridden by a rider is a vehicle within the meaning of the Road Rules 2009, and therefore must abide by the road rules that govern all road users -

‘ROAD RULES 2009 - REG 15

15. What is a vehicle

vehicle includes –

- (a) a motor vehicle, trailer and tram; and
- (b) a bicycle; and

(c) an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
and

(d) a combination; and

(e) a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground) –

but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.’

Like all road users horse riders must comply with the road rules, and the traffic increases on the road from our development will need to also comply with the road rules – road safety is a non-issue with the compliance of all parties to the road rules.

What natural environment? The landscape and indeed most of our property and the neighbours is improved pasture with no *natural* values. We have retained an area of white gum forest with three threatened species in it which we are actively managing to regenerate and maintain as a viable native forest ecosystem, as well as plant over 3,500 native trees on our land to enhance the natural environment. The neighbours have planted very few trees, most of which dies and have no shifted to birch trees for most plantings, and they do virtually no weed control.

The issue of landscape amenity is not considered relevant as the farming of animals and associated structures is expected within the Rural Agriculture Zone.

The free range egg farm is not an industrial operation, and it is unwarranted and unsubstantiated to suggest that it is. It is disappointing that the representor has suggested my farm is ‘ludicrous’. The activity is in keeping with the zoning and perhaps it is their land use that is not, hence their concerns about us conducting a farming activity. While they are entitled to their opinion, it is a shame that they have clearly not taken the time to fully consider my application and supporting information in detail. I cannot force anyone to read an application in detail but I do however expect that Council will.

Potential impacts have been well considered and addressed in our application and several supplementary pieces of information. Our proposal is in keeping with the intent of the zoning so the fact that it is not of an equine nature is of no relevance to the assessment process.

The clear impression I got from this representation is one of fear and misunderstanding as to what it is we are aiming to achieve by this activity. We too live in this valley and we too valley the area for its amenity so why would we seek to destroy this with an inappropriate development – our Free Range Egg Farm is of small scale, well planned, thoughtful of the surrounds, has buffers to sensitive land classifications and sensitive uses, and is in keeping with the intent of Rural Agriculture land. Importantly, it will showcase the ability of this region to produce food of a high ethical quality without the use of vaccinations and other chemical based products which now dominate the egg industry.

Representation 5

I have addressed many of the concerns raised by this representor under representation 5 so will not repeat them here.

There are 22 horses on the immediate properties around us. One of these properties operates a horse training facility with no limit on how many horses they can run. I do not accept that there are only a few 'horses' in this area.

The representor refers to their child's asthma yet they live on and work within an actively managed farmland district – including their own property which they stock with numerous sheep and also have numerous areas of exposed soil-rock stockpiles which are being used to infill a watercourse. Having said this, I have applied buffers within which chook houses will not be located.

I take offence to the constant purporting that this area is a family oriented neighbourhood because it implies that we are perhaps not a young working family or we are going to destroy the area for people to live – we are a young working family without children but we are still a young working family nonetheless. People all make choices to live where they do, and it is not my fault that people come to live in Rural Agriculture zones and then not expect farming to occur. If the neighbours wanted to live in an area of horses then perhaps they should have bought 5 acres with a Rural Residential zoning. I do not see that I should be denied the right to farm my land because of 'lifestylers' wanting to live in an actively farmed area.

In terms of chicken health, I find the representor's views misguided. Our choice of breed will not need vaccinations like the hundreds of thousands of bred birds used for commercial egg 'factories'. I have sought advice from breeders and suppliers of chickens who have direct expertise in the handling, management and health treatment of chickens in the same sort of operation we propose.

Representation 9

It is disappointing to have our development referred to as 'insignificant'. This attitude to small-scale farming and a focus on animal welfare is a reason as to why we have decided to pursue a Free Range Egg Farm - .

It is unclear to me what the representor means by 'traditional farming practices have been happening in the Mangalore area for generations'. Our development is farming, and while egg farming has not occurred in this region (to our knowledge) there is no reason why it couldn't occur here.

While we currently have no intention of becoming registered 'organic', if we did, it would be a decision that is of no concern to those in the broader community. In any case, it is the responsibility of all landowners to utilise chemicals and other products used in farming within the manufacturer's parameters, and to not allow drift of any chemicals onto the land in ownership of another person.

Draft queries arising from issues raised by representors.

Water:

- The area is one of the lowest rainfall areas in Tasmania, with a mean of 528 mm.
- What is the average total amount of water needed per (week?) (month?) for the following expected uses:
 - Drinking water for chickens.
 - Irrigation water for paddocks.
 - Wash-out water for poultry houses.
 - Water use at the processing shed.
 - Domestic water for the dwelling and other needs on the property.

I have already provided details on this question in my report. The water use at the house and elsewhere on the property is not of relevance to this application as it is not part of the application for the development being assessed.

- Can the bore produce enough water to meet this demand?

While the water bore is not of relevance to this application, I can say that I would not be applying for this development if the water bore was not of sufficient capacity to service the development.

- What is the quality of the bore water? is it sufficiently fresh for chickens?

The water quality for chickens is not of relevance to this application.

- Please provide the performance details of the bore (quantity and quality) and which type of permit from dipwv do you have for your well? Or which type of permit will be required for the proposed operation?

This is of no relevance to the Council nor to my application.

Stormwater / waste product management

- Further to the photograph supplied by a representor of stormwater sheeting down the slope from the subject property onto a neighbouring property - from where it would flow into a water course and farm dam, what measures might be able to be put in place to adequately prevent chicken manure-laden run-off from the property?

I am preparing a plan to address peak water flows across the surface such that any sedimentation issues can be alleviated, as per the sedimentation section of the Scheme. I will provide this report next week (Monday 19).

Amenity impacts on neighbouring land uses

Dust control:

- This would appear to be highly dependent on the stocking rate and the availability of sufficient water (especially in summer) to keep the ground well vegetated. Council needs a level of confidence as to the surety of water supply, especially from the bore.

There seems to be an assumption that a lack of vegetative cover or sparse vegetative cover automatically results in dust – whatever dust means in this case. I have already identified in my

application that we are running less than half the free range standard density of birds to cater for our lower rainfall and the need to take care of the vegetative cover we have.

Noise Impacts:

- The application acknowledges the chickens and roosters will produce noise, and makes that claim that this will be acceptable because this is a rural area and there are already noise sources, such as other roosters. Council needs a level of confidence that, in this particular circumstance, the degree of increased noise will not result in environmental nuisance on neighbouring sensitive uses.

What sensitive uses are you referring to? This is a farming area where farming is the objective of the Scheme for the zone, residential dwellings are only meant to be approved where they are not going to fetter the use of the land, Council would have had to have taken that into account for the discretionary applications for 22, 60 and 45 Banticks Road. It is therefore reasonable to assert that residential use is not the primary goal of this zone, rather it is farming.

I provide below the objective of the Rural Agriculture zone, in which nothing is provided for residential development as the sole or primary use, that is the intent of another zone, and indeed the zone indicates that the protection of rural land from development that may threaten the rural use is not in keeping with the zoning:

The intent of the Rural Agriculture Zone is to:

- give priority to the sustainable long term use of land for agricultural, pastoral, forestry and other rural uses;
- recognise and protect the potential of land in the Kempton, Bagdad/Mangalore and Jordan valleys for future intensive agricultural use in anticipation of the completion of the South East Irrigation Scheme;
- encourage expansion and diversification of agricultural activities;
- protect rural land from development that may:
 - jeopardise its long term capability for agricultural use;
 - cause unplanned and premature demands on the Council for the provision of infrastructure services, or
 - cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;
- retain the prevailing rural character of the areas generally characterised by open paddocks and timbered ridges;
- allow for the development of activities that are associated and compatible with long term rural use of the land;
- ensure that land is used and developed within its capability as defined by the Land Capability Classification System; and
- ensure that adjoining non-agricultural use or development does not unreasonably fetter agricultural uses.

Proposed Rezoning of Land at the Rear of the Property

- The planning consultant for the owner of land at the rear of the property proposed to be rezoned to Rural Residential considers that the proposed free range egg farm would not be incompatible with the future rural residential development of that land, especially as no new dwellings would be within 100 metres. Do you agree?

I cannot speak for the planning consultant so you will need to discuss your query with them about their representation.

Intended Protocols for dealing with escaped chickens:

- You have indicated that the likelihood of chickens leaving your land is low – citing chickens have a homing instinct and naturally want to stay with the flock; and therefore high and secure fencing is unnecessary. We would like to know that, in the event of chickens leaving the land – under unusual circumstances (spooked by a predator for instance) do you have any protocols in place to retrieve your chickens from the neighbours land? What is your plan of action? This question relates the proposed chicken runs/paddocks abutting the neighbouring property.

The chickens we are likely to use at our operation are docile and placid, with little flight instinct. If chickens leave my land then the landowner's land they are upon has rights to impound them etc, and also to request Council comes and catches them and takes them away for impoundment. This has occurred at least once on our property when a sheep of unknown origin entered our property. Horses and sheep have entered our property from 60 Banticks Rd on several occasions, and sheep also from 22 Banticks Road, in both cases we have either informed the owners and they have retrieved their animals or the animals have voluntarily left our property through the fence (which is why we installed netting at great expense to us as neither landowner was willing to contribute to the cost). I would expect the same level of courtesy and neighbouring landowners that they would allow me to retrieve my animals if, in the extremely unlikely event some chickens were to leave my land.

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil Report

The meeting was suspended at 11.08 a.m. for a short break and resumed at 11.27a.m.

Mr J Lyall (Manager Works & Technical Services) attended the meeting at 11.27 a.m.

12.4 PLANNING (OTHER)

12.4.1 Petition to Amend Sealed Plan 36828 – Removal of a Right of Drainage and Drainage easement - 5 Marlborough Street Oatlands Southern Midlands Council

File Ref: T7333457

AUTHOR PLANNING OFFICER (D CUNDALL)

DATE 19TH MAY 2014

- ATTACHMENTS:
1. Instrument Form – Application to Amend Sealed Plan 36828
 2. Title Documents - Sealed Plan 36828 and Plan 37928

INTRODUCTION

This report seeks to amend a Sealed Plan at 5 Marlborough Street, Oatlands. The amendment is to remove an easement from a Sealed Plan and remove the relevant wording from the Schedule of Easements. The easement was associated with a small lot, described as lot 1 on Sealed Plan 36828. The easement was located on the adjoining lot, known as lot 1 on Plan 37928.

The easement benefited the smaller lot as it was not sufficiently sized to contain a building and a wastewater system on the same parcel of land and relied on the larger adjoining lot to service the land (room for an absorption drain).

DETAIL

In 2013, Council approved a boundary adjustment between the 2 lots in question. The adjustment altered the lot layout and negated the need for a drainage easement.

Effectively the absorption drain is no longer necessary as Lot 1 was adhered to the existing house lot.

Council’s solicitor advised an Instrument Form with a ‘Request to Amend Sealed Plan 36828’ in the matter of Section 103 of the *Local Government (Building and Miscellaneous Provisions) Act 1993* (“LGBMP”) be lodged with the Lands Titles Office to accompany the Final Plan of Survey for the approved boundary adjustment.

ASSESSMENT

The matter has been discussed at the Development Assessment Committee meeting and the Officers’ recommend the Council Amend the Sealed Plan and that it be lodged with the Lands Titles Office.

If approved by Council the ‘Instrument Form’ with instructions to make the necessary changes, signed and sealed by Council will be lodged at the Land Titles Office alongside the Final Sealed Plan for the Boundary Adjustment.

As a side note, a wastewater system on a sufficiently sized lot prevents the need to create restrictive easements or covenants on adjoining land and ensures the dwelling owner has full control of the wastewater system and alleviates any unnecessary maintenance or interference issues.

It is recommended Council sign and seal the Instrument Form in accordance with the Solicitor’s advice for lodgement at the Lands Titles Office.

RECOMMENDATION

THAT in accordance with Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* Council Sign and Seal an ‘Instrument Form’ to be lodged at the Land Titles Office with a Request to Amend Sealed Plan 36828 to remove the ‘Drainage Easement (Absorption Drain)’ and delete the relevant wording from the Schedule of Easements.

C/14/05/112/19700 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M J Jones OAM

THAT in accordance with Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* Council Sign and Seal an ‘Instrument Form’ to be lodged at the Land Titles Office with a Request to Amend Sealed Plan 36828 to remove the ‘Drainage Easement (Absorption Drain)’ and delete the relevant wording from the Schedule of Easements.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

TASMANIAN LAND TITLES OFFICE

Blank Instrument Form
Land Titles Act 1980



| DESCRIPTION OF LAND | | | |
|-----------------------|-------|--------|-------|
| Folio of the Register | | | |
| Volume | Folio | Volume | Folio |
| 36828 | 1 | | |

REQUEST TO AMEND SEALED PLAN NUMBER 36828

IN THE MATTER of section 103 of the *Local Government Act (Building and Miscellaneous Provisions) Act 1993*

To the **Recorder of Titles**:

The **Southern Midlands Council** hereby requests that sealed plan number 36828 be amended in the following terms, by:

1. deleting the notation on the plan of survey showing a "*DRAINAGE EASEMENT (ABSORPTION DRAIN)*"; and
2. deleting the following words from the schedule of easements:
 - (a) "*Easement:*

Lot 1 on the Plan is together with a right of drainage over the drainage easement "Absorption DRAIN" on the Plan for the purposes of draining effluent and sullage."

The **Common Seal** of the)
Southern Midlands Council is)
 hereunto affixed in the presence of:)

.....
 Position held:
 Full name:

.....
 Position held:
 Full name:

.....
 Position held:
 Full name:

Land Titles Office Use Only

Version 1

Stamp Duty

THE BACK OF THIS FORM MUST NOT BE USED



RESULT OF SEARCH
 RECORDER OF TITLES
 Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

| | |
|-----------------|------------------------------|
| VOLUME 36828 | FOLIO 1 |
| EDITION . 3 | DATE OF ISSUE 17-Mar-2003 |

SEARCH DATE : 30-Apr-2013
 SEARCH TIME : 03.53 PM

DESCRIPTION OF LAND

Town of OATLANDS
 Lot 1 on Sealed Plan 36828
 Derivation : Whole of Lot 2 Section Q.9 Gtd. to H. Clerke
 Prior CT 4514/20

SCHEDULE 1

C436960 TRANSFER to SOUTHERN MIDLANDS COUNCIL Registered
 17-Mar-2003 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
 SP 36828 BENEFITING EASEMENT: Right of Drainage
 SP 36828 FENCING COVENANT in Schedule of Easements

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



RESULT OF SEARCH
RECORDER OF TITLES
Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

| | |
|-----------------|------------------------------|
| VOLUME 37928 | FOLIO 1 |
| EDITION 3 | DATE OF ISSUE 17-Mar-2003 |

SEARCH DATE : 06-May-2013

SEARCH TIME : 03.33 PM

DESCRIPTION OF LAND

Town of OATLANDS

Lot 1 on Diagram 37928

Derivation : Whole of Lot 2 Section Q.9 Gtd. to H. Clerke

Prior CT 4514/21

SCHEDULE 1

C436960 TRANSFER to SOUTHERN MIDLANDS COUNCIL Registered
17-Mar-2003 at 12.01 PM

SCHEDULE 2

Reservations and conditions in the Crown Grant if any
BURDENING EASEMENT a right of drainage (appurtenant to Lot 1
on Sealed Plan No. 36828) over the Drainage Easement
(absorption drain) shown on Diagram No. 37928

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations

12.4.2 Midlands Economic Development and Landuse Strategy – Stage 1 Report

File Ref: Midlands Economic Development and Landuse Strategy

AUTHOR MANAGER STRATEGIC PROJECTS (D MACKEY)

DATE 22ND MAY 2014

ENCLOSURE Midlands Economic Development & Landuse Strategy - Stage 1 Report, May 2014

ISSUE

Council endorsement of the Midlands Economic Development & Landuse Strategy - Stage 1 Report, May 2014.

BACKGROUND

Council, with the support of the Department Economic Development, Tourism and the Arts (DEDTA), is undertaking an integrated economic development strategy for the municipality. Consultants SGS Economics and Planning were selected to undertake the project.

The Midlands Economic Development and Land-use Strategy (MEDaLS) is intended to set out a coordinated approach to the future economic development of the municipality. Taking into consideration current & future initiatives, and both external & internal forces acting on the municipality, it will provide a range of practical initiatives for Council to pursue.

Stage 1 of this two-stage project was undertaken through the course of 2013. The Stage 1 Report is now ready for Council consideration for endorsement.

DISCUSSION

Stage 1 of the MEDaLS project included an analysis of the economic development background in which Southern Midlands sits and ‘cast a wide net’ in terms of ideas for practical initiatives that Council might subsequently pursue.

The initiatives were analysed and prioritised and a short list produced for advancement in Stage 2.

In late 2013 the project steering committee considered the first draft of the Stage 1 report. This was subsequently amended and then subject to further modifications made arising from the more recent detailed consideration of the Stage 2 initiatives.

Attached is the proposed final version of the Stage 1 report.

The key value of the document is that it forms a record of all the existing and possible initiatives that Council might pursue to enhance the economic development of the municipality. It logically prioritises them into those that are most worth doing and most able to be done.

Through Stage 2 of the project, actions plans are now being formed for the key priority initiatives.

RECOMMENDATION

THAT Council receive and endorse the *Midlands Economic Development & Landuse Strategy - Stage 1 Report, May 2014*, and make the document publicly available via Council's website.

C/14/05/117/19701 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M Jones OAM

THAT Council receive and endorse the *Midlands Economic Development & Landuse Strategy - Stage 1 Report, May 2014*, and make the document publicly available via Council's website.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

13.1 ROADS

Strategic Plan Reference – Page 13

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

Nil

13.2 BRIDGES

Strategic Plan Reference – Page 14

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

Nil.

13.3 WALKWAYS, CYCLE WAYS AND TRAILS

Strategic Plan Reference – Page 14

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

Nil.

13.4 LIGHTING

Strategic Plan Reference – Page 14

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

Nil.

13.5 SEWERS

Strategic Plan Reference – Page 15

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

Nil.

13.6 WATER

Strategic Plan Reference – Page 15

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

Nil.

13.7 IRRIGATION

Strategic Plan Reference – Page 15

1.7.1 Increase access to irrigation water within the municipality.

Nil.

13.8 DRAINAGE

Strategic Plan Reference – Page 16

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

Nil.

13.9 WASTE

Strategic Plan Reference – Page 16

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

Nil.

13.10 INFORMATION, COMMUNICATION TECHNOLOGY

Strategic Plan Reference – Page 16

1.10.1 Improve access to modern communications infrastructure.

Nil.

13.11 SIGNAGE

Strategic Plan Reference – Page 16

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

Nil.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)

DATE 22ND MAY 2014

ROADS PROGRAM

Maintenance Grading being undertaken in the Brown Mountain, Hungry Flats Road and Lower Marshes area.

Potholing being undertaken on Stonor Road, Nala Road, New Country Marsh and other roads as required.

BRIDGE PROGRAM

Brown Mountain Road (Bridge over Coal River) will be advertised for tender in the upcoming fortnight.

WASTE MANAGEMENT PROGRAM

All operating well.

TOWN FACILITIES PROGRAM

Kerb and Guttering has been completed in Tunbridge and Colebrook Township areas.

Footpaths sections in High Street, Oatlands and East Bagdad Road, Bagdad have been completed. There is a section of Kerb and Gutter in Wellington Street, Oatlands still to be finalised.

The following Works and Technical Services issues were raised for discussion:

- Grices Road, Tea Tree – representation received relating to the width of the road; need for culvert extensions; and the need for construction of passing bays
- Tunnack Main Road – junction with Inglewood Road – identified need for a slip road when entering Inglewood Road (from Oatlands) – to be referred to DIER
- Dysart Waste Transfer Station – enhance signage to indicate fees payable for ‘outside users’
- East Bagdad Road / Midland Highway – need to relocate ‘Stop Sign’ following construction of new footpath.
- Animal Control – Council pounds – general discussion re: location of pounds

- Inglewood Road – possible method of reducing the extent of potholes developing in the area near the viaduct.
- Swanston Road Bridge – inspection required to assess maintenance needs
- Weed spraying - Kempton township - spraying of footpaths to be scheduled
- Back Woodsdale Road – installation of rails (vicinity of bridge)

RECOMMENDATION

THAT the information be received.

C/14/05/121/19702 DECISION

Moved by Clr D F Fish, seconded by Clr B Campbell

THAT the information be received.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

14.1 RESIDENTIAL

Strategic Plan Reference – Page 17

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

Nil.

14.2 TOURISM

Strategic Plan Reference – Page 18

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

Nil.

14.3 BUSINESS

Strategic Plan Reference – Page 19

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

Nil.

14.4 INDUSTRY

Strategic Plan Reference – Page 20

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

Nil.

14.5 INTEGRATION

Strategic Plan Reference – Page 21

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

Nil.

15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

15.1 HERITAGE

Strategic Plan Reference – Page 22

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

15.1.1 Heritage Project Officer's Report

File Ref: 3/097

AUTHOR MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE 28th MAY 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

During the two weeks, Southern Midlands Council heritage projects have included:

- Further works to the restoration/capping of the Oatlands Gaol Walls.
- Installation of the *Southern Midlands Convict Sites* exhibition in the Oatlands Town Hall foyer.
- SMC provided loan items from the heritage collection for the Arts Tasmania/Queen Victoria Museum and Art Gallery *21 Objects 21 Stories* exhibition.
- The HESC program for 2014-15 has been drafted and publicity commenced. A launch will be held at Oatlands on July 4th.
- Completion of the Oatlands Commissariat Conservation Management Plan ready for submission of a DA for works.
- Preparation of budget submissions for the 2014-15 financial year

- Finalising of Probation Stations project with set up of exhibition, development applications for installation of interpretation panels and consultation with land owners
- Setting up heritage interiors database with Linda Clarke and establishment of conservation procedures for stored samples
- Developing U3A course for semester 2, 2014
- Presentation about SMC heritage program to Midlands Seniors Group

RECOMMENDATION

THAT the information be received.

C/14/05/124/19703 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M Jones OAM

THAT the information be received.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

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

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

15.2.1 Landcare Unit & Climate Change – General Report

File Ref: 03/082

AUTHOR NRM PROGRAMS MANAGER – (M WEEDING)

DATE 20TH MAY 2014

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- Helen Geard and Graham Green continue with further work on the Bushlinks 500 project. It appears that an extension will not be possible from the Australian Government, meaning that the project will have to conclude prior to December 2014. This means that there need to be a concentrated effort to achieve all the on ground works in a short time period.
- Helen has spent time assessing works required on the Dulverton Walking Track particularly in relation to the Hawthorn Bay site, which has a funded project for weed removal and reinstatement with native trees.
- Helen and Maria in conjunction with Southern Midlands Kempton staff have been continuing work on the building asset management plan for Southern Midlands Council. The building condition base line data has been collected for all buildings and documented. The form is now being used in the field by Council's Building Inspector assisted by other staff.
- Maria has been busy with irrigation matters associated with the proposed operation of the Midlands Water Scheme. She has also been assisting landholders with queries on the scheme as the completion date draws near. It is now expected that the water will be available in early July 2014. A meetings at Oatlands for all irrigators is to be held at the end of May.

RECOMMENDATION

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

C/14/05/126/19704 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

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

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

Mr J Lyall (Manager Works & Technical Services) left the meeting at 12.06 p.m.

15.3 CULTURAL

Strategic Plan Reference – Page 23

- | | |
|--------|---|
| 3.3.1a | Increase the retention, documentation and accessibility of the aboriginal convict, rural and contemporary culture of the Southern Midlands. |
| 3.3.1b | Ensure that the Cultural diversity of the Southern Midlands is maximised. |

Nil.

15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)

Strategic Plan Reference – Page 24

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

Nil.

15.5 CLIMATE CHANGE

Strategic Plan Reference – Page 24

- | | |
|-------|--|
| 3.5.1 | Implement strategies to address issues of climate change in relation to its impact on Councils corporate functions and on the Community. |
|-------|--|

Nil.

16 OPERATIONAL MATTERS ARISING LIFESTYLE

16.1 COMMUNITY HEALTH AND WELLBEING

Strategic Plan Reference – Page 25

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

Nil.

16.2 YOUTH

Strategic Plan Reference – Page 25

4.2.1 Increase the retention of young people in the municipality.

Nil.

16.3 SENIORS

Strategic Plan Reference – Page 26

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

Nil.

16.4 CHILDREN AND FAMILIES**Strategic Plan Reference – Page 26**

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

16.4.1 The Former Levensdale School - Potential Development of a Community-Based Social Enterprise

| | |
|------------------|---|
| AUTHOR | MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON) |
| DATE | 23 RD MAY 2014 |
| ENCLOSURE | SGS Report |

ISSUES

1. The development of a sustainable Community use for the buildings and the site
2. The transfer of the former Levensdale Primary School from Department of Education ownership to Council ownership

BACKGROUND

The Levensdale Primary School had a projected enrolment of approximately eight students for the 2014 school year. The school association therefore requested the Education Department initiate a transition process for the closure of the school at the conclusion of the school year in 2013. With the closure of the school an opportunity for the Community to retain the school as an important focus of activity and enterprise arose.

From discussions with the Department of Education it emerged that there could be an opportunity to transfer the buildings/grounds for the former Levensdale Primary School to the Southern Midlands Council. The Department is not permitted to vest the property to a Community based organisation.

At a public meeting to discuss the future of the school site, held at Levensdale on Wednesday 6th November 2013 approximately thirty local residents were in attendance. In a wide-ranging discussion, there was a clear indication from the Levensdale residents that they believed that the school should be retained as a Community resource. People suggested a number of options for the site, and a working group was quickly established with the purpose of exploring these options.

The Levensdale Working Group Chaired by Carolyn Birch subsequently convened its first meeting on 12th November 2013. From a list of ideas collated at the 6th November meeting the concept of a social enterprise delivering sustainability education experiences and other complimentary activities quickly emerged. A number of potential partners for the project(s) were approached and responded enthusiastically to the concept, acknowledging that the site lends itself to a number of co-located activities.

Council has been extremely supportive of the efforts of the Community in exploring and developing activities at the Levendale School site, and is mindful of the financial and physical implications of taking on additional significant property based assets.

In order to assess the viability and sustainability of such a project it was agreed that it was necessary to engage a skilled and practiced professional to undertake the analysis, and then develop a robust business case. Without such an assessment it was felt that it would be extremely difficult to progress any plans for Community ownership of the site.

Both Southern Midlands Council and the former State Government, through the Department of Premier & Cabinet via Rebecca White MP and the former Member for Lyons, Michael Polley, provided funding for the engagement of a suitably qualified consultant to undertake this important project. As such, Southern Midlands Council commissioned SGS Economics and Planning to undertake a rigorous process to assist in developing a tangible business plan / structure that articulates the viability and sustainability of any not for profit social enterprise that could be the hub of the school site's future.

A project Steering Group was established and consists of the following members, Cllr Alex Green (Chairman), Carolyn Birch (Community Member and former Chair of the School Association), Kristina Szymanski (SM Rural Primary Health Service – DHHS), and Andrew Benson (SMC),

THE PROJECT

The consultancy brief encompassed the following output benchmarks;

1. Preparation
2. Generating ideas
3. Idea Screening
4. Feasibility study
5. Business plan summary
6. Comprehensive Business Plan.
7. Project Report

SGS Economic and Planning, led by Ellen Witte, supported by Tara Bailey were selected to undertake the project, based on their facilitation of the *Midlands Economic Development and Landuse Strategy (MEDaLS)* project, given much of the information for Levendale has already been collected through the MEDaLS Project.

The detail below shows how each of the project consultancy outputs will be delivered, and indeed some outputs have already been achieved.

1. Preparation

Review of the potential of the district and the Community, along with the needs of potential customers. Development of criteria for scoring of ideas. These criteria will include (not limited to) that the ideas should generate clear Community benefits (in terms of social enterprise revenue or wider benefits), are complementary to other Community activities and assets such as the Levensdale Community Hall and contribute to a sustainable operation of the former school as a social enterprise. This has already been undertaken by SGS with assistance/input from the project Steering Committee members. This input also included information about the Community and results of work done prior to this consultancy.

2. Generating ideas

Consultative workshops with the Community, to be facilitated by SGS. The workshops would take up to 1 day. The workshop will be split in to smaller group sessions to support active participation by all attendees.

It is noted that Consultative Workshops were undertaken on the 10th May 2014 at the former Levensdale School. The SGS details the steps taken by Council officers to ensure that the invitation distribution was far and wide. It also lists the attendees.

3. Idea screening

To conclude the consultative workshops, a plenary session was used to undertake a first pass screening/assessment of the ideas on their merits, against the criteria. A more in-depth assessment will be undertaken by SGS in the following weeks based on information about market potential, likely costs (capital and operations) and likely benefits to the community. SGS will collate this information.

4. Feasibility study

SGS will prepare a preliminary financial feasibility analysis. The project team will deliver inputs on (historic) costs for the school including capital replacement, maintenance, power and electricity usage. This analysis will indicate if and under what conditions the former Levensdale school could be run as a social enterprise.

This is the current stage of the project consultancy with the attached SGS Report covering the preceding tranches of the project consultancy.

5. Comprehensive business plan

In consultation with the Steering Committee, the Community will be asked to nominate possible future drivers of the social enterprise, who are also willing to put time and effort in preparing a business plan with guidance from SGS. SGS will support the drivers of the initiative in writing a comprehensive business plan. SGS will provide a structure for the plan as well as Q&A.

6. Business plan summary

SGS will support the key drivers of the initiative to write a short and appealing summary that is suitable for marketing and funding application purposes.

7. A Project Report will be prepared

Preparation of a project report on the workshop results (including attendees), assumptions and results of the feasibility analysis as well as a validation of the business plan, and any recommendations or conditions that need to be met to enhance the robustness of the business plan.

Timeline

The Department of Education has agreed to, and is supportive, of this overall process and as such it has agreed to continue to undertake the maintenance of the School and its grounds until May 31st 2014. If no social enterprise has been established with a solid business plan, the Council will find it challenging to enter into discussions with the Department in respect of a property transfer. If an arrangement cannot be facilitated between Council and the Department, the Department will have no other option than to place the site on the open real estate market.

DETAIL

The attached SGS Report is supplied in support of this report for the further discussion and consideration by Council.

RECOMMENDATION

For discussion and direction

C/14/05/133/19705 DECISION

Moved by Clr J L Jones OAM, seconded by Clr D F Fish

THAT:

- a) Council acknowledge that a meeting is to be convened with the local community for the purpose of presenting the report and inviting feedback; and
- b) Following receipt of feedback, Council further consider its position.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

16.4.2 Bridgewater Trade Training Centre

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)

DATE 23RD MAY 2014

ENCLOSURE **Presentation to the Tasmanian Polar Network
by Andrew Benson,**

ISSUES

For Information

BACKGROUND

Councillors would recall that a number of years ago a fire burnt down the Bridgewater High School. As stage one of the redevelopment the State Government created the Brighton & Southern Midlands Education Renewal Taskforce (BSMERT). Council's Deputy General Manager provided a presentation to BSMERT on behalf of the Councils in the area and this presentation included a significant component of Vocational Education Training. The Department of Education rebuilt the Bridgewater High School and established the Jordan River Learning Federation which includes the High School (now known as the Senior School) as well as the Primary Schools in the general Bridgewater area, the Brighton School farm, as well as the LINC (previously known as the Library) were also part of the Federation.

In 2010 funding was received by the Department of Education from the Australian Government under a program known as the Trade Training Centre Program and at that time the Bridgewater Trade Training Centre was constructed on the site of the former Bridgewater High School at a cost of a little over \$M4.

The Trade Training Centre has an Advisory Board which meets quarterly and comprises some "industry" players, Principal's from the feeder high schools, namely Oatlands, Campania, Bothwell, New Norfolk and Bridgewater. There are Community representatives from the Derwent Valley, Brighton, Central Highlands as well as Southern Midlands local government areas. The Community representatives are from the Council's, with Deputy General Manager Andrew Benson representing Southern Midlands, Brighton Council sends a representative but the attendance from Derwent Valley and Central Highland is at best adhoc.

The Southern Midlands Council representative has developed the framework for the Centre's Strategic/Operational Plan, putting the Centre on an energetic structured pathway to success. He has also has prepared and provided presentations to the

Tasmanian Maritime Network as well as the Tasmanian Polar Network (copy attached). These sessions also included Chairman Chris Edwards and the Centre’s Principal, Robyn Storey. The objective of the presentations is to engage with “Industry” to secure, work experience; leading to apprenticeships and sustainable employment for the students (this includes students from Oatlands and Campania High Schools).

It is important for Councillors to be aware that its officers are providing tangible/sustainable, support and benefits to the Southern Midlands Community way beyond the municipal boundary.

RECOMMENDATION

THAT the information be received

C/14/05/135/19706 DECISION

Moved by Clr B Campbell, seconded by Clr J L Jones OAM

THAT the information be received.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

16.5 VOLUNTEERS

Strategic Plan Reference – Page 26

4.5.1 Encourage community members to volunteer.

Nil.

16.6 ACCESS

Strategic Plan Reference – Page 27

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

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

Nil.

16.7 PUBLIC HEALTH

Strategic Plan Reference – Page 27

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

16.8 RECREATION

Strategic Plan Reference – Page 28

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

Nil.

16.9 ANIMALS

Strategic Plan Reference – Page 28

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

16.9.1 Animal Control Officers Report

AUTHOR ANIMAL CONTROL OFFICER (G DENNE)

DATE 22ND MAY 2014

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

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

RECOMMENDATION

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

C/14/05/137/19707 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr D F Fish

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

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

Clr J L Jones OAM left the meeting at 12.28 p.m.

**SOUTHERN MIDLANDS COUNCIL
MONTHLY STATEMENT ON ANIMAL CONTROL
FOR PERIOD ENDING 30/4/2014**

Total of Dogs Impounded: 3
Dogs still in the Pound: 2

Breakdown Being:

| ADOPTED | RECLAIMED | LETHALISED | ESCAPED |
|---------|-----------|------------|---------|
| 2 | 1 | | |

MONEY RECEIVED

Being For:

| | |
|--------------------------------|-----------------|
| Pound | |
| Reclaims | \$81.82 |
| Dog Registrations | \$104.54 |
| Kennel Licence Fee | |
| Infringement Notices | |
| Complaint Lodgement Fee | |
| TOTAL | \$186.36 |

COMPLAINTS RECEIVED FOR PERIOD ENDING 30/4/2014

Dog at Large: 3
Dog Attacks:
Request Pick-ups: 1
After Hours Calls: 4
TOTAL 8

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

Animal Control Officer: **Garth Denne**

16.9.2 2014/15 Animal Management Fees (incl. Dog Registrations)

File Ref: 2/002

AUTHOR ANIMAL CONTROL OFFICER
DATE 20th MAY 2014

ISSUE

Adoption of the 2014-15 Animal Management Fees.

BACKGROUND

Dog Registration fees are to be adopted in accordance with Council's Dog Management Policy and the *Dog Control Act 2000*.

DETAIL

For information, the Animal Control operation provides for the following arrangements:

- Contractor engaged for 17 hours per week during normal Council office hours.
- In addition to this, the Contractor will respond to:
 1. Call-outs and special events as required by the General Manager or his delegate.
 2. Call-outs of an emergency nature, which shall include:
 - a) dog attacks on persons or stock;
 - b) animals impounded or detained by the public and the person(s) concerned are not prepared to house the animal(s) until the next working day; and
 - c) animals straying in areas that are likely to cause danger to the public (e.g. highways).

A mobile telephone is carried at all times for which a standby allowance of \$8 per day is paid. (Cost per annum \$2,920).

The following budget details have been submitted to indicate percentage cost recovery (59%) if the fees remain at the same level. For information, the actual percentage cost recovery budgeted for 2013-14 was 60% (60% in 2012/13).

Budget Details**Expenditure**

| | |
|---|-------------------|
| Refer Budget Working Paper attached – total expenditure of | \$ 71,164 |
| Income | |
| - Present level of Fees (estimated) | \$(40,900) |
| - Infringements | \$(1,300) |

Note: Income to date for the Animal Control Program is \$30,022 however a large number of dogs are registered prior to June 30 which is recognised as income this financial year.

Net Cost / Deficit **\$28,964**

There are currently 1,770 registered Dogs. Following Council's decision to introduce a standard fee, it is not possible to provide a breakdown by classification (i.e. Dogs (irrespective of sex) - Not sterilised, Spayed females and Neutered Males, Working Dogs etc).

Note: In relation to cost recovery through the collection of dog registration fees (and associated charges), at the time of considering the schedule of fees for 2013/14, it was queried as to what percentage of the Animal Control Officer's (ACO) time was dedicated to dog management issues, as opposed to other animal control matters (e.g. straying stock, snakes, animal welfare issues etc.) It should also be acknowledged that the ACO undertakes other works related tasks whilst performing his duties

In this regard, last year it was reported that following a basic assessment, approximately 70 to 75% of the Animal Control Officers time would be committed to dog control issues. Based on the increasing number of dog related nuisances and other dog incidents, it is suggested that this percentage would be more like 80 to 85% at the present time.

Based on the recommended increase in registration fees for 2014/15, this would provide an additional \$2,000 in income (not included in estimated income above), which would then increase the percentage cost recovery at 62.0%.

Human Resources & Financial Implications

The following fees and charges were adopted for the 2013-14 financial year:

| | <u>Paid by the 31/7/13</u> | <u>Paid after 31/7/13</u> |
|-----------------------------|----------------------------|---------------------------|
| Pensioners (first dog only) | \$ 13.00 | \$35.00 |
| All other Dog Categories | \$ 25.00 | \$40.00 |
| Guide Dogs | no charge. | |

- Kennel Licence Application Fee - \$120.00

- Kennel Licence Renewal Fee - \$50.00
- Impounding Reclaim Fees - \$20 for the first impounding, \$40 for subsequent impoundings and \$10 per day maintenance
- Formal Notice of Complaint Fee - \$50.00
- Replacement of Registration Tag - \$5.00

In reference to Council's Dog Management Policy, refund of registration fees will only be provided for dogs that have died 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 of application.

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.

Community Consultation & Public Relations Implications – Nil

Southern Midlands Council Web Site - The adopted Fees will be displayed on the Web Site.

Policy Implications - Policy position.

Priority - Implementation Time Frame – It is normal practice for reminder Notices to be issued in late May of each year. Registration fees are due on 1st July.

RECOMMENDATION

THAT Council adopt the following fees and charges for the 2014-15 period:

| | <u>Paid by the 31/7/14</u> | <u>Paid after 31/7/14</u> |
|------------------------------------|-----------------------------------|----------------------------------|
| Pensioners (first dog only) | \$ 14.00 | \$36.00 |
| All other Dog Categories | \$ 26.00 | \$42.00 |
| Guide Dogs | no charge. | |

- **Kennel Licence Application Fee - \$120.00**
- **Kennel Licence Renewal Fee - \$50.00**
- **Impounding Reclaim Fees - \$20 for the first impounding, \$40 for subsequent impoundings and \$10 per day maintenance**
- **Formal Notice of Complaint Fee - \$50.00**
- **Replacement of Registration Tag - \$5.00**

C/14/05/142/19708 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr M Connors

THAT Council adopt the following fees and charges for the 2014-15 period:

| | <u>Paid by the 31/7/14</u> | <u>Paid after 31/7/14</u> |
|-----------------------------|----------------------------|---------------------------|
| Pensioners (first dog only) | \$ 14.00 | \$36.00 |
| All other Dog Categories | \$ 26.00 | \$42.00 |
| Guide Dogs | no charge. | |

- Kennel Licence Application Fee - \$120.00
- Kennel Licence Renewal Fee - \$50.00
- Impounding Reclaim Fees - \$20 for the first impounding, \$40 for subsequent impoundings and \$10 per day maintenance
- Formal Notice of Complaint Fee - \$50.00
- Replacement of Registration Tag - \$5.00

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |

16.10 EDUCATION

Strategic Plan Reference – Page 28

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

Nil.

17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 RETENTION

Strategic Plan Reference – Page 29

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

17.2 CAPACITY AND SUSTAINABILITY

Strategic Plan Reference – Page 29

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

Nil.

17.3 SAFETY

Strategic Plan Reference – Page 30

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

Nil.

17.4 CONSULTATION

Strategic Plan Reference – Page 30

5.4.1 Improve the effectiveness of consultation with the Community.

Nil.

17.5 COMMUNICATION

Strategic Plan Reference – Page 30

5.5.1 Improve the effectiveness of communication with the Community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 IMPROVEMENT

Strategic Plan Reference – Page 31

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

Nil.

Clr J L Jones OAM returned to the meeting at 12.30 p.m.

18.2 SUSTAINABILITY**Strategic Plan Reference – Page 32 & 33**

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

18.2.1 Local Government Association of Tasmania – 2014 Local Government Conference**AUTHOR** EXECUTIVE ASSISTANT (K BRAZENDALE)**DATE** 19th MAY 2014**ISSUE**

To confirm attendance at the Local Government Association of Tasmania 2014 Local Government Conference to be held at Wrest Point from 23rd – 25th July 2014.

DETAIL

The Conference Program and Registration Form has previously been provided to Councillors.

The full registration fee for the Conference is \$750.00. This fee does not include accommodation or travel.

Human Resources & Financial Implications – Registration fees will be funded from the 2013/14 Budget and other conference costs will be incurred in 2014/15 (e.g. accommodation).

Community Consultation & Public Relations Implications – attendance at the conference assists Council in being proactive and having input into the planning and direction of local government for the future.

Policy Implications – N/A

Priority - Implementation Time Frame – Delegates registration must be lodged prior to the 1st July 2014.

RECOMMENDATION

THAT Council confirm those attending the 2014 Local Government Conference.

C/14/05/146/19709 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

THAT the following Councillors attend the 2014 Local Government Conference:
 Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM, Clr B Campbell, Clr A O Green
 and Clr J L Jones OAM.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

18.2.2 New Policy – Bullying, Harassment and Violence Policy

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)

DATE 19TH MAY 2014

ATTACHMENT Draft Version 1_Bullying, Harassment and Violence Policy

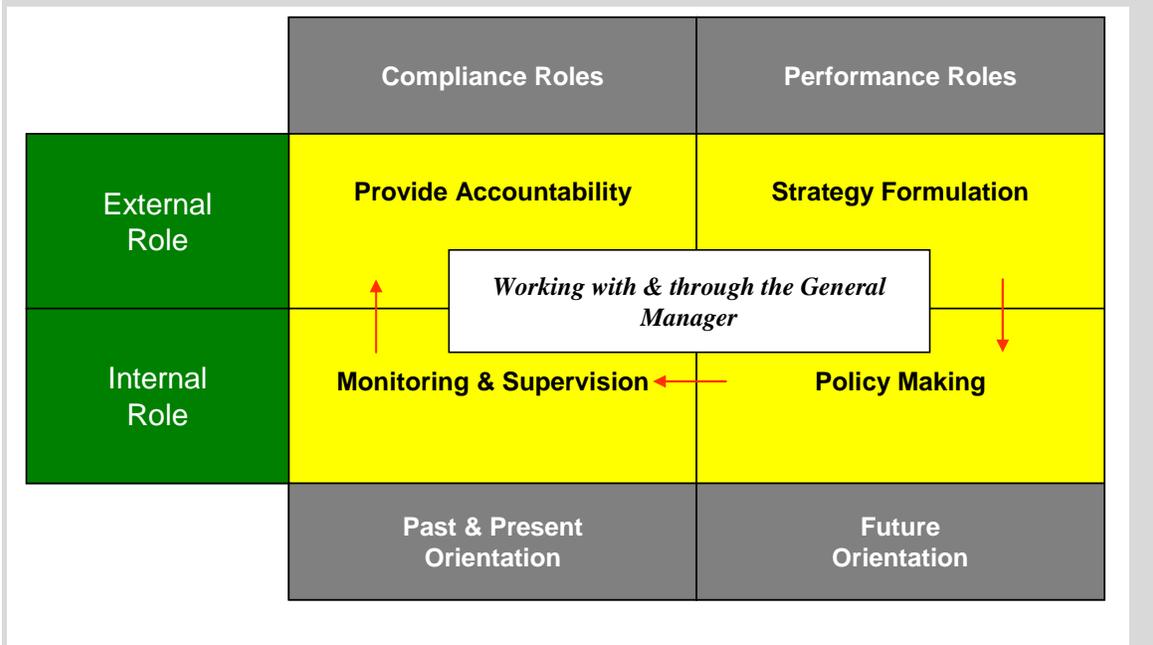
ISSUE

Bullying has recently been adopted as a significant workplace issue under the Fair Work Commission’s jurisdiction. This matter is also covered under the Workplace Health & Safety Act 2012. It is appropriate that Council considers and adopts a policy in relation to this matter to add to its suite of human resource management policies.

BACKGROUND

FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION

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



DETAIL

Draft version 1 of the Bullying, Harassment and Violence Policy is tabled for Council's consideration. It is noted that this matter has been covered to some extent in recent policies, namely Code of Conduct as well as the Computer Use Policy.

RECOMMENDATION**THAT Council**

- 1. Receive and note the report;**
- 2. Consider the Bullying, Harassment and Violence Policy – draft version 1 for adoption at the June 2014 Council meeting**

C/14/05/148/19710 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr B Campbell

THAT Council:

1. Receive and note the report;
2. Consider the Bullying, Harassment and Violence Policy – draft version 1 for adoption at the June 2014 Council meeting.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

May 2014 Purpose

To affirm Southern Midlands Council's commitment to providing a safe working environment free from bullying, harassment (including sexual harassment) and violence.

Objective

To outline the approach to preventing and addressing unreasonable behaviour and unlawful conduct, including:

- Promoting a work environment that sustains respectful relationships;
- Providing clear pathways for reporting incidents and resolving complaints, both formally and informally; and
- The consequences of breaching this policy.

Scope

This policy covers all workers including employees, volunteers and contractors.

Policy

1. Definitions

Bullying:

Means repeated, unreasonable behaviour directed towards an individual or group that creates a risk to personal and workplace health and safety. Reasonable management action, carried out fairly, is not bullying.

Harassment:

Means any unwelcome behaviour or conduct which has no legitimate workplace function and which makes you feel:

- Offended or humiliated
- Intimidated or frightened
- Uncomfortable at work

It can be an isolated incident or repeated behaviour.

Harassment is a form of discrimination. Unlawful harassment includes prohibited conduct based on any of the attributes defined in anti-discrimination legislation.

Bullying and harassment can be:

- verbal, physical, written or electronic (eg texting, social media, emails)
- social or psychological abuse
- Threats or yelling
- Insults, criticism or offensive language or material
- Cruel and malicious rumours, gossip and innuendo
- Inappropriate comments about appearance, lifestyle or family
- Subtle behaviours such as:
 - Setting impossible deadlines or tasks
 - Undermining performance by withholding information or resources
 - Excessive or unreasonable scrutiny
 - Unfair treatment in relation to rosters, leave or training
 - Being ignored, excluded or isolated
- Intentional or unintentional including behaviour that did not have any apparent effect.

Sexual Harassment:

Is an unwelcome comment with sexual undertones, sexual advance, request for sexual favours or other conduct of a sexual nature which makes a person feel offended, humiliated and/or intimidated, where a reasonable person would anticipate that reaction in the circumstances.

Violence:

Means an act of aggression, physical assault or threatening behaviour that causes physical or emotional harm to co-workers, managers or members of the public. Violence may also include malicious damage to or acts of sabotage on work-site or property.

Discrimination:

Is unlawful treatment that occurs when someone is treated less favourably or disadvantaged on the basis of any attribute covered by the *Anti-Discrimination Act 1998 (Tas)*. The Act covers:

- Age
- Breastfeeding
- Family responsibilities
- Gender/Sex
- Pregnancy

- Lawful sexual activity
- Marital status
- Industrial activity
- Irrelevant criminal record
- Race
- Relationship status
- Irrelevant medical record
- Disability
- Parental status
- Sexual orientation/trans-sexuality
- Political activity
- Political belief or affiliation
- Religious activity
- Religious belief or affiliation
- Association with a person who has, or is believed to have, any of these attributes or identities
- Other prohibited conduct includes victimisation, inciting hatred and publishing, displaying or advertising matter that promotes, expresses or depicts discrimination or prohibited conduct.

Victimisation:

Means unfair treatment of an individual by another worker or action the worker has taken, such as making a sexual harassment complaint.

Unreasonable behaviour:

Means behaviour that a reasonable person, having regard to the circumstances, would consider to be unreasonable, including victimising, humiliating, undermining and threatening.

Contact Officer:

Council's Contact Officer is the Manager Community & Corporate Development (currently Andrew Benson) he will be able to provide information and support on workplace issues such as bullying, harassment and discrimination. The Contact Officer will provide a confidential 'sounding board' and can provide guidance to assist workers make informed decisions on how best to address a grievance or concern.

2. Standards of Appropriate Behaviour

Southern Midlands Council encourages a harmonious workplace where workers demonstrate respect for each other and value diversity, equity, equality, fairness and inclusion.

Unreasonable behaviour and unlawful conduct will not be tolerated.

The Code of Conduct captures the professional standards, behaviours and underlying ethics which workers are expected to use to guide their conduct, including the requirement to comply with all relevant legislation.

Further guidance on expected standards of behaviour is provided in documents such as the Enterprise Agreement, Position Descriptions and Workplace Policies and Procedures. Copies of these documents are available from your manager.

3. Responsibilities

All workers have a responsibility to follow and encourage the standards of appropriate behaviour by:

- **Practising** dignity, courtesy and respect toward others
- **Promoting** mutual respect between individuals
- **Speaking Up** when you find behaviour unacceptable or offensive
- **Reporting** unreasonable or unlawful behaviour towards yourself or others
- **Supporting** people who are subject to unreasonable behaviours

Managers must ensure that:

- Workers have access to a copy of this policy and information on the Contact Officer.
- Appropriate behaviours are encouraged
- Respond in a timely and sensitive manner should you become aware of any behaviour that breaches this policy, even if a complaint has not been made.
- All complaints are treated seriously.

4. Be Alert to the Risks

Workers should be mindful that this policy extends beyond the physical workplace and fellow workers. Any worker engaging in or encouraging unreasonable behaviour directed at an individual or group related to the workplace is in breach of this policy, regardless of where or when it occurs. This includes:

- Work-related functions, on or off site;
- Social websites, eg Facebook, Twitter, etc; and
- Conduct towards clients, councillors and members of the public.

Workers should also be alert to situations where the following groups are at higher risk:

- New workers (including managers);
- Young workers;
- Apprentices;
- Injured workers and those on return to work plans; and
- Workers in a minority group because of ethnicity, religion, disability, gender or sexual preferences.

5. Grievance Reporting and Handling

All reports of unreasonable behaviour must be taken seriously and dealt with in a sensitive, confidential, fair and timely manner.

Either a formal or informal process may be appropriate, depending on the nature of the incident. For full procedures on grievance reporting and handling, refer to the separate documents, *Complaints and Grievance Policy*, *Discipline and Counselling Procedures*.

Consequences of Breaching this Policy

Breaches of this policy will not be tolerated and may have significant consequences.

Internally

Disciplinary action may be taken and determined as part of the grievance reporting process and may include counselling, behavioural training or in some instances; dismissal. Anyone who

victimises a complainant may also be subject to disciplinary action.

Externally

Bullying, harassment, discrimination and violence are prohibited under a number of laws, including:

- Sexual harassment and victimisation are unlawful under the *Sex Discrimination Act 1984 (Cth)* as well as anti-discrimination legislation operating in every State and Territory.
- Workers have duty of care responsibilities under the *Work Health and Safety Act 2012*, as well as the *Fair Work Act 2009*. Bullying, harassment and violence are a workplace hazard.
- Certain violence-related behaviour is prohibited under criminal law. When appropriate, Southern Midlands Council will refer such cases for prosecution.

Individuals may be held personally liable for their own unlawful conduct or for contributing to the unlawful conduct of others. Southern Midlands Council may also be held vicariously liable for the unlawful conduct of its workers.

Legislation

Work Health and Safety Act 2012 (Tas)

Work Health and Safety Regulations 2012 (Tas)

Fair Work Act 2009 (Cth)

Anti-Discrimination Act 1998 (Tas)

Sex Discrimination Act 1984 (Cth)

Review

This policy is to be reviewed annually.

Approval Process

| | | | |
|---------------------------------------|-------------------|---------------------|--|
| <i>First Council Meeting Date:</i> | <i>28.05.2014</i> | <i>Decision No.</i> | |
| <i>Final Council Meeting Date:</i> | | <i>Decision No.</i> | |
| <i>Repealed Council Meeting Date:</i> | | <i>Decision No.</i> | |
| <i>Updated Council Meeting Date:</i> | | <i>Decision No.</i> | |

Mr T Kirkwood (General Manager) left the meeting at 12.38 p.m.

Public Consultation Session

One (1) member of the public attended the meeting at 12.39 p.m.

Topics discussed included the following:

- Mr Williams raised the issues surrounding his complaint under the *Dog Control Act 2000*. The Mayor said that he noted Mr Williams' concerns.

Public Consultation Session concluded at 12.50 p.m. and the meeting was suspended for lunch.

The meeting resumed at 1.20 p.m.

18.2.3 Chauncy Vale Management Committee

File Ref: Chauncy Vale

AUTHOR Manager Development & Environmental Services (D MACKEY)
DATE 21ST MAY 2014

ATTACHMENTS

1. Section 24 LG Act - Roles and Functions Charter.
2. Statutory Management Plan 1993 – Excerpt - Roles and Responsibilities of Council and of the Management Committee

ISSUE

The purpose of this report is to seek direction from Council regarding a proposed investigation into potential changes to the management arrangements for the Chauncy Vale Wildlife Sanctuary. If agreed, the matter would then be the subject of detailed discussions between Council representatives and other members of the Management Committee, with a view to providing detailed recommendations to Council at a future meeting.

BACKGROUND**History**

The Chauncy Vale Wildlife Sanctuary was bequeathed to the Brighton Council by the Chauncy Family in 1988 and then handed to the Southern Midlands Council in 1993 as a result of municipal amalgamations.

The reserve is bounded on most sides by other reserved land including that managed by Parks and Wildlife (Alpha Pinnacle Conservation Area) and the Tasmanian Land Conservancy (Flat Rock Reserve) and by private land subject to a nature conservation covenant.

The Sanctuary is a gazetted Conservation Area under the *National Parks and Reserves Management Act 2002*; this Act replaced the former *National Parks and Wildlife Act 1970*.

The Southern Midlands Council is the owner of the land and the ‘Managing Authority’ under the Act and under the statutory Management Plan.

In 2006, land neighbouring to the north, now known as the Flat Rock Reserve was purchased by the Tasmanian Land Conservancy. The combined reserved area (which also includes the State’s Alpha Pinnacle Conservation Area) is managed cooperatively and a representative of the Tasmanian Land Conservancy attends Management Committee meetings, when time permits

The Management Committee

The Management Committee exists under Section 24 of the *Local Government Act 1993* - to provide advice to Council for the management of the reserve in accordance with a statutory Management Plan created in 1993 under the former *National Parks and Wildlife Act 1970* (now repealed and replaced by the *National Parks and Reserves Management Act 2002*).

The statutory Management Plan 1993 also provides for the existence of the Management Committee.

The Committee therefore exists pursuant to two Acts: under S.24 of the *Local Government Act 1993* and under the *National Parks and Reserves Management Act 2002* via the statutory Management Plan.

The Management Committee is comprised of representatives from many stakeholder groups.

Under both the Management Plan 1993 and Council's S.24 LG Act resolution (Attachment 1), the Committee is comprised of:

- a) One Councillor
- b) One Chauncy Family Member
- c) One representative from the Bagdad Community
- d) Two representatives from the Friends of Chauncy Vale
- e) One representative from the Bagdad Primary School
- f) One representative from the Bagdad Field and Game Association
- g) One representative from the Parks and Wildlife Service

Over the years the Committee has evolved without amendment to the Management Plan and now (informally) involves:

- a) Two Councillors (Chairperson and proxy)
- b) One Chauncy Family Member
- c) One representative from the Bagdad Community (also currently fulfilling the role of one of the two Friends of Chauncy Vale representatives)
- d) A second representative from the Friends of Chauncy Vale
- e) The Caretaker
- f) One representative from the Bagdad Field and Game Association
- g) One representative from the Parks and Wildlife Service
- h) One representative from the Tasmanian Land Conservancy
- i) One Council Officer

However, it is noted that:

- The Friends of Chauncy Vale Incorporated is no longer active;
- There is no Bagdad Primary School representative;
- Parks and Wildlife Service representative has only been unable to attend one meeting in approximately two years; and
- The Tasmanian Land Conservancy representative has been unable to regularly attend.

The Management Plan 1993 does not provide detail regarding meeting procedures and frequency of meetings, etc.

Council's S.24 resolution states that the committee must meet every month – although this is subject to possible change, and at any time three members of the committee can call a meeting. (Refer Attachment 1).

The Management Plan

The Chauncy Vale Management Plan 1993 is the formal document providing overarching direction for the management of the Sanctuary.

In 2009/2010 the Management Committee, largely through the efforts of the Tasmanian Land Conservancy, and in consultation with the community, drafted a new management plan covering the Chauncy Vale and Flat Rock Reserve combined area. This plan is intended to replace the old 1993 plan. However the new plan has not proceeded to statutory status due primarily to the lack of resources within Parks and Wildlife, which is devoting all its management planning resources to reserves that do not have any management plan in place, which is understandable. Updating a reserves' formal management plan is a very resource-hungry process for the State.

The 1993 Management Plan is now considered to be not representative of current best practice. It is desirable that the management of Chauncy Vale be in line with the new 2010 draft document.

The fact that the 2010 draft management plan has not been finalised provides an opportunity for any new agreed management arrangements to be incorporated within it.

The Friends of Chauncy Vale Inc.

The Friends of Chauncy Vale Inc. (FoCV), as an entity, is no longer active. FoCV were a great asset and were responsible for:

- Promotion of the Sanctuary
 - Creating networks between organisations
 - Encouraging public involvement and “hands on” experiences
 - Providing differing types of interpretation
- Fund raising
 - Events
 - Ordering and selling books, DVDs, cards and merchandise
- Social Networking and volunteer opportunities

The FoCV still own some merchandise and some current/former members have been more than willing to volunteer their time for open days upon the invitation/organisation by the Management Committee.

DISCUSSION

It is apparent that there is a long-term decline in various representatives' involvement in the monthly committee meetings, and an even greater decline in the volunteer activities of the FoCV. The administrative task of servicing the monthly committee meetings and organising the Council tasks necessary in the sanctuary, now combined with undertaking the roles formerly undertaken by the FoCV and other management committee members has become quite onerous for Council staff. The time and resources available for practical actions within the Sanctuary are now suffering.

It is considered that the current management situation needs to be reviewed to make more efficient use of available Council resources and reflect that reality that the amount of community input and assistance is steadily declining.

Council representatives have discussed the situation with Management Committee members and, at the May Committee meeting (which was relatively well-attended) there was general agreement that we need to substantially reorganise management arrangements with a view to establishing a new system to serve the Sanctuary into the long term.

Possible changes that the Committee considered worthy of further consideration are:

- Changing the conduit for community input from the monthly management committee / stakeholder representation system to an annual community workshop.
 - A once-a-year event would likely attract much more community interest, as time-poor members of the community would be more able to attend.
- The community workshop would focus on 'big picture' issues for the Sanctuary, and the outputs would inform an annual plan.
- The annual plan would become the key practical management document for each 12-month period, with progress reported back to the community at each subsequent annual community workshop.
- In between the annual workshops, members of the community would naturally be able to report issues to the Caretaker, Council officers and/or Tasmanian Land Conservancy staff. Protocols for directing and handling such issues would be developed.
- The Council and the Tasmanian Land Conservancy would be responsible for undertaking the actions necessary to implement the annual plan, and have responsibility for day-to-day management decisions.
- Tasks could be allocated according to each entity's core skill set. Actions associated with the Sanctuary's natural values would likely be handled by the Tasmanian Land Conservancy and those associated with preserving its cultural heritage values would likely be handled by Council.

- The role of the Caretaker could be better defined than at present, and clearer protocols could be established for practical cooperation between Council, the Tasmanian Land Conservancy and the Caretaker.
- Meetings between Council, the Tasmanian Land Conservancy and/or the Caretaker would take place on as as-needed bases. These would likely be quite frequent in the first instance as the new management system beds down.
- Parks and Wildlife would be consulted on as as-needed basis - for certain issues and in accordance with agreed protocols. They would also be invited to participate in the annual workshop, as would all stakeholder groups.
- The 2010 draft management plan could be amended to reflect the agreed new management arrangements. Council's Section 24 Local Government Act committee would be similarly amended.

The above points are the result of quick brainstorming discussions between most of the remaining active management committee members. They are not recommendations to Council and serve only to indicate a possible alternative management system.

If Council agrees in principle with the need to investigate a new management system for Chauncy Vale, then Council representatives will engage more substantially with the remaining active management committee members to develop a more considered and detailed proposal which will be brought back to a future Council meeting. The committee members would similarly need to present any proposed new management arrangements to their organisations (e.g. the Tasmanian Land Conservancy and the Parks & Wildlife Service) for consideration.

Further to all of the above, it is noted that during the abovementioned recent discussions the possibility of transferring ownership of the Sanctuary to the Tasmanian Land Conservancy was raised. It was felt that this ought not be ruled out as a long term possibility. However, a number of significant issues would need to be resolved if this were to be seriously contemplated. It was agreed that the immediate priority should be consideration of a new management system.

RECOMMENDATION

THAT Council agree to investigate a new management system for the Chauncy Vale Wildlife Sanctuary in consultation with relevant stakeholders, as represented on the current Management Committee, and that a report containing detailed recommendations be provided to a future Council meeting.

C/14/05/161/19711 DECISION

Moved by Clr J L Jones OAM, seconded by Clr B Campbell

THAT Council agree to investigate a new management system for the Chauncy Vale Wildlife Sanctuary in consultation with relevant stakeholders, as represented on the current Management Committee, and that a report containing detailed recommendations be provided to a future Council meeting.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

ATTACHMENT 1**CHAUNCY VALE MANAGEMENT COMMITTEE
ROLES & FUNCTIONS**

| | |
|--|--|
| Committee Name | Chauncy Vale Management Committee |
| Decision No. | C/02/06/033/5604 |
| File Reference. | 6/020 |
| Type | THAT in accordance with the provisions of Section 24 of the Local Government Act 1993 a Special Committee be established to be known as the Chauncy Vale Management Committee. |
| Roles, Functions & Responsibilities | <ol style="list-style-type: none"> 1. To manage the Sanctuary in accordance with the Chauncy Vale Wildlife Sanctuary Management Plan 1993. 2. The Committee is empowered to do such things as are required to manage Chauncy Vale Sanctuary within the following objects of Management. <ol style="list-style-type: none"> (a) maintain the diversity of plant life, (b) protect the known breeding sites of raptorial birds, (c) maintain the integrity of the Browns Caves Creek, (d) to develop an appropriate fire management plan in conjunction with the responsible authorities. 3 To protect and conserve land forms and cultural features in particular: <ol style="list-style-type: none"> (a) conserve Mr Chauncy's house and to develop an appreciation of the Chauncy family works and lives. (b) conserve Aboriginal artifacts and other historic features. (c) preserve the caves from vandalism and inappropriate use. 4. To promote use of the Sanctuary for education purposes and in particular the study of natural history by: <ol style="list-style-type: none"> (a) development of an area for use by school groups of up to 30 students. Such area to provide minimal facilities. (b) development of education and management projects for recreation by school groups. (c) provide for benign forms of recreation such as bush walking, birdwatching and climbing. 5. To promote use of the Sanctuary for scientific studies based on the natural resources of the reserve. 6. To continue to foster the support of the public group (Friends of Chauncy Vale Inc.) to assist in the management of |

| | |
|------------------------------------|--|
| | <p>Chauncy Vale Wildlife Sanctuary including its interpretation, development and assessment.</p> <ol style="list-style-type: none"> 7. To provide advice in any review of the Management Plan. 8. To consider and report on any matters which may be referred to it by Council. 9. To manage the facilities so that each year’s operating budget is not exceeded. Nothing in this requirement prevents the Committee from purchasing items of a capital nature from surplus funds held. 10. To liaise with Council to ensure appropriate management practices are followed in relation to the appointment of any service providers. Ensure all service providers utilised by the Committee of Management have in place public liability insurance for an amount of not less than five million dollars (\$5,000,000). 11. To maintain the facilities in good repair to the satisfaction of the Council and apply any excess funds that are accumulated by the Committee of Management as a result of rentals or grants on maintenance of the facilities or purchase of equipment to be used within the facilities. 12. To not make any alterations or additions to the buildings and not install fittings or fixtures within the buildings without prior written approval from Council, which shall include all other relevant approvals. 13. To provide Council, in April of each year, with an up to date inventory of the Council owned contents of the facilities. |
| <p>Membership Structure</p> | <p>Membership of the Chauncy Vale Management Committee is documented in the 1993 Management Plan and is as follows:-</p> <ol style="list-style-type: none"> 1. The membership of the Committee shall consist of eight (8) members made up as follows:- <ul style="list-style-type: none"> - One (1) Southern Midlands Council Councillor - One (1) Chauncy family member - One (1) representative from Bagdad Community - Two (2) representatives from the "Friends of Chauncy Vale" - One (1) representative from the Bagdad Primary School - One (1) representative from the Bagdad Field and Game |

| | |
|---|--|
| | <p>Association</p> <p>- One (1) representative from the Department of Primary Industry, Water and Environment - Parks & Wildlife Division.</p> <ol style="list-style-type: none"> 2. Nominations from the above groups (excluding the Councillor representative and Chauncy family member) shall be requested at the end of the term. 3. Nominations received shall be forwarded to Council for formal consideration and appointment. 4. In the absence of sufficient nominations, the Council shall appoint suitable persons to fill any vacancies. 5. The Committee shall have the power to appoint a Secretary from within its members. 6. At the conclusion of their term of office, members are eligible to be re-appointed to the Committee. 7. Members of the Committee will be deemed to vacate their position if they are absent without leave from three consecutive ordinary meetings. 8. To ensure each Committee of Management Member has completed a volunteer information sheet. |
| Chairperson | The appointed Southern Midlands Councillor will be Chairperson. |
| Term of Appointment | Appointments shall be for a two (2) year term. |
| Quorum | A quorum at any meeting of the Committee shall be a majority of it's members (5 members). |
| Proxies | Where possible, proxies shall be appointed for all Committee representatives. |
| Meetings Frequency & Minutes | <ol style="list-style-type: none"> 1. The Committee shall meet at least once each calendar month unless otherwise determined for the purpose of:- <ul style="list-style-type: none"> • Confirming the minutes of the previous meeting; • The payment of accounts; • Correspondence and; • General Business. 2. A copy of the meeting minutes shall be provided to Council in accordance with Council Policy No. 5.3.1.4. |

| | |
|--|--|
| | <ol style="list-style-type: none"> 3. The Committee shall have power to adjourn and otherwise regulate its meetings as it deems fit. Any three members shall have the power to call a meeting of the Committee. The Chairperson of the Committee shall take the chair at all such meetings. Should the Chairperson not be present then the Vice Chairperson shall take the chair. In the absence of the Vice Chairperson the Committee shall elect one of its number to take the chair. 4. All notices of Committee meetings shall unless extreme urgency arises, be in writing to members at least seven days prior to the date of such meeting. 5. The Committee shall have the power to delegate any of its powers to a Subcommittee or delegates to deal with any particular matter or matters upon such terms as the Committee may think fit except the power to expend the funds of the Management Committee. |
| <p>Pecuniary Interest Members & Recording</p> | <p>Committee Members (ref: Part 5 Local Government Act 1993) Committee members with a direct or indirect pecuniary interest in a matter before the Committee must declare that interest before any discussion on that matter commences. On declaring an interest the member is to leave the meeting room.</p> <p>Recording Any declaration of pecuniary interest shall be recorded in the minutes of the Committee meetings.</p> |
| <p>Spokesperson Protocol</p> | <ol style="list-style-type: none"> 1. Under the Local Government Act 1993 the Mayor is “spokesperson” for Council and its activities. This protocol is strictly adhered to. As such media releases, public statements or advertisements, which contain or impute the view or policy position of Council must be vetted by the Mayor and issued under the Mayor’s name unless otherwise agreed. 2. Committee members shall also adhere to the Southern Midlands Council Policy (No. 5.3.4.9) relating to this issue. 3. Provide articles on services available at the facilities on a regular basis to Council so they can be included in Council press releases and newsletters. |

| | |
|---|---|
| Working Groups (under Committee) | The Committee may appoint specific purpose working groups in relation to its functions, comprising of members of the Committee and/or other persons subject to prior Council approval. |
| Admin/Sec Support | Council will allocate sufficient staff resources in order to provide ongoing and regular liaison and interaction between Council and the Committee. |
| Annual Budget | <ol style="list-style-type: none">1. In each year the Committee is to prepare and submit to Council a draft operational plan, including estimates for the forthcoming financial year.2. Recommend to Council in March of each year a list of capital works to be considered for funding. |

18.2.4 Proposed Amendment to the Development Assessment Committee Delegations Policy

File Ref: Development Assessment Committee - Policy

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE 22 MAY 2014

ATTACHMENTS 1. Proposed Amended Development Assessment Committee Delegations Policy.

ISSUE

Consideration of proposed amendments to the Development Assessment Committee Delegations Policy.

DISCUSSION

Under Council’s relevant Delegations Policy, the Development Assessment Committee has the following two fundamental delegations:

- To approve a compliant application for a permitted development or use.
- To approve a compliant application for a discretionary development or use where no representations have been received objecting to the proposal.

These are detailed further in Attachment 1, which is the current delegations policy - with proposed additions inserted and shown as underlined text.

Council has a statutory time limit in which to determine applications for planning permits. This is 42 days for most applications and 56 days for applications involving places listed on the Tasmanian Heritage Register where the Heritage Council has requested extra time. (Note that the time limit ‘clock’ does not run during a period in which Council has requested additional information from the applicant.)

These time limits can be extended by agreement with the applicant. In effect, the applicant may grant an extension of time to Council.

If Council fails to make a determination within the statutory time period, or any further extension of time that the applicant may grant, a ‘deemed approval’ potentially exists. The applicant may then apply to the Resource Management and Planning Appeals Tribunal for a planning permit. The Tribunal must then hold a formal hearing to determine whether a permit should be granted or refused and, if granted, the conditions of

the permit. The costs of such a hearing must be borne by Council. This includes the costs of all experts and any legal counsel engaged by all the parties to the appeal.

For applications where the Development Assessment Committee has no delegation to make a determination, it is not uncommon for Council officers to have to request extensions of time from applicants. The monthly meeting cycle of ordinary Council meetings often means the statutory time period potentially runs out between meetings.

Up until recently Council has had no problems in requesting extensions of time from applicants, who have generally been cooperative and accommodating of Council's monthly cycle of ordinary meetings.

However, recently a case arose where the applicant delayed making a decision on whether to grant an extension of time. Then, on the last day that Council had to set in motion arrangements for a Special Council Meeting to deal with the application within the statutory time frame, refused to grant the extension (initially).

Whilst late on that day the applicant eventually did provide an extension of time, the situation served to highlight the problems that could arise with an unaccommodating applicant.

- Council was in danger of falling into a 'deemed approval' situation, and all the costs to the ratepayers of the municipality that that might entail.
- The holding of a Special Council Meeting at the last minute's notice would have resulted in significant disruption to Council officers' scheduled work programs and inconvenience to elected members in terms of having to cancel scheduled appointments, other various commitments and/or travel plans. More significantly, if a quorum could not have been raised, a determination could not be made and a deemed approval situation would result despite Council's best efforts.

It is therefore requested that Council delegate to the Development Assessment Committee the power to refuse an application where the applicant has refused to grant an extension of time.

Delegation to approve such applications is not considered appropriate because such cases would involve discretionary applications where objections have been received. Any approval of such applications ought to be through a Council meeting.

In practice, the prospect of a refusal under delegation by the Development Assessment Committee would likely prompt the rare unaccommodating applicant to simply provide an extension of time to the next ordinary meeting.

Furthermore, a refusal can be mediated to an approval with conditions at the Appeals Tribunal in cases where approval would perhaps have been forthcoming if the application

were determined at a full Council meeting. An approval, on the other hand, might be inappropriate and the matter may well not go to the Tribunal as the applicant would likely have no desire to lodge an appeal and neither might any of the representors involved.

Human Resources & Financial Implications

As indicated above, a ‘deemed approval’ situation could well cost Council - and therefore the ratepayers of the municipality - a considerable sum.

The holding of a Special Council Meeting just to deal with one development application would also be considered by most people to be an unfortunate waste of public money.

Community Consultation & Public Relations Implications

Extensions of time to enable controversial development applications, (such as those that have attracted representations), to be considered by full Council are not likely to be thought unreasonable in the eyes of the community.

The vast majority of applicants have willingly provided extensions of time, and so it can be concluded that development proponents generally would not think the change to the policy unreasonable.

Policy Implications:

The Delegations Policy for the Development Assessment Committee would be amended if the recommendation in this report is agreed to by Council.

This report has been send to Dobson Mitchell & Allport for review, any suggested alterations will be provided at the meeting.

RECOMMENDATION

THAT the Delegations Policy for the Development Assessment Committee be amended by the inclusion of the following additional power, as indicated by the underlined text in Attachment 1:

Refusing Planning Permits where Applicant Refuses to Grant Extension of Time

Pursuant to Section 22 of the *Local Government Act 1993* Council delegates to the Development Assessment Committee the authority to refuse a planning permit under the *Land Use Planning & Approvals Act 1993* in the following circumstances:

- (a) The application is not one for which the Development Assessment Committee has delegation to grant a permit and therefore should be determined by full Council, and**

- (b) **The applicant has been requested to provide Council with an extension of time pursuant to Sections 57(6)(b)(i), 57(6)(b)(ii) and/or 57(6A) of the *Land Use Planning & Approvals Act 1993* in order that full Council may determine the application at the next available ordinary Council meeting, and**
- (c) **The applicant has refused to grant an extension of time or has not provided a response.**

C/14/05/170/19712 DECISION

Moved by Clr J L Jones OAM, seconded by Deputy Mayor M Jones OAM

THAT the Delegations Policy for the Development Assessment Committee be amended by the inclusion of the following additional power (as indicated by the underlined text in Attachment 1):

Refusing Planning Permits where Applicant Refuses to Grant Extension of Time

Pursuant to Section 22 of the *Local Government Act 1993* Council delegates to the Development Assessment Committee the authority to refuse a planning permit under the *Land Use Planning & Approvals Act 1993* in the following circumstances:

- (a) The application is not one for which the Development Assessment Committee has delegation to grant a permit and therefore should be determined by full Council, and
- (b) The applicant has been requested to provide Council with an extension of time pursuant to Sections 57(6)(b)(i), 57(6)(b)(ii) and/or 57(6A) of the *Land Use Planning & Approvals Act 1993* in order that full Council may determine the application at the next available ordinary Council meeting, and
- (c) The applicant has refused to grant an extension of time or has not provided a response, following all reasonable endeavours to contact the applicant to obtain such a response.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

ATTACHMENT 1**PROPOSED DEVELOPMENT ASSESSMENT COMMITTEE
DELEGATIONS POLICY (Proposed new text shown underlined).****X.X DELEGATION: COUNCIL TO THE DEVELOPMENT ASSESSMENT
COMMITTEE (A Special Committee appointed pursuant to Section
24 of the *Local Government Act 1993*)**

| | |
|-------------------------------------|--|
| Meeting Date: | xx / xx / xx (Reviewed) DECISION: <u>C/xx/xx/xxx/xxxx</u> |
| Date Void & Comment: | |

Introduction:

The Southern Midlands Council, in accordance with Section 24 of the *Local Government Act 1993*, has established a Special Committee to be known as the development Assessment Committee.

The roles, functions and responsibilities; delegation; membership; and other operating procedures of the Special Committee are detailed in the attached document.

Delegation to the Development Assessment Committee:**2.1 Granting of Planning Permits:**

Pursuant to Section 22 of the *Local Government Act 1993* Council delegates to the Development Assessment Committee the authority to grant a planning permit under the *Land Use Planning & Approvals Act 1993*, with or without conditions, in relation to applications for a use or development for which:

- (a) under the provisions of the planning scheme, Council is bound to grant a permit, (ref: Permitted Uses - Section 58 *Land Use Planning & Approval Act 1993*); or
- (b) under the provisions of the planning scheme, Council has a discretion to refuse or permit and no representations in the form of objections have been received during the statutory public notification period, (ref: Discretionary Uses - Section 57 *Land Use Planning & Approvals Act 1993*); and
- (c) are assessed as being in conformity with the development standards and other relevant provisions of the planning scheme.

2.2 Forwarding of Certified Planning Scheme Amendments:

Pursuant to Section 22 of the *Local Government Act 1993* Council delegates to the Development Assessment Committee the authority to forward certified planning scheme amendments to the Resource Planning and Development Commission in cases where:

- (a) no representations in the form of objections have been received within the statutory public notification period; and
- (b) no amendments are otherwise considered necessary.

2.3 Nullification of 2.1 and 2.2:

Delegation under points 2.1 and 2.2 above, only has effect for cases where a Councillor has not, prior to the issuing of a Planning Permit or prior to the forwarding of the amendment, requested that the application or amendment be referred to full Council for determination.

2.4 Refusing Planning Permits where Applicant Refuses to Grant Extension of Time

Pursuant to Section 22 of the *Local Government Act 1993* Council delegates to the Development Assessment Committee the authority to refuse a planning permit under the *Land Use Planning & Approvals Act 1993* in the following circumstances:

- (a) The application is not one for which the Development Assessment Committee has delegation to grant a permit under 2.1 and therefore should be determined by full Council, and
- (b) The applicant has been requested to provide Council with an extension of time pursuant to Sections 57(6)(b)(i), 57(6)(b)(ii) and/or 57(6A) of the *Land Use Planning & Approvals Act 1993* in order that full Council may determine the application at the next available ordinary Council meeting, and
- (c) The applicant has refused to grant an extension of time or has not provided a response.

Notes:

In reference to the *Building Act 2000*, a **permit authority** means a person or body authorised for that purpose by the council of the municipal area in which the relevant building work, building, plumbing work or plumbing installation is located or, if the council has not made such an authorisation, the general manager of the council.

Through separate delegation, the Southern Midlands Council, pursuant to Section 11 of the *Building Act 2000*, has authorised and appointed the Senior Administration Officer (Development & Environmental Services) to act as the “Permit Authority – Building”.

Through separate delegation, the Southern Midlands Council, pursuant to Section 11 of the *Building Act 2000*, has authorised and appointed the Building Compliance Officer / Plumbing Inspector to act as the “Permit Authority – Plumbing”.

In terms of backup provisions, in the absence of either officers, the General Manager is authorised to act as both the “Permit Authority – Building” and “Permit Authority - Plumbing”, and may delegate this authority to another officer accordingly.

The common seal of the Southern Midlands Council has been hereunto affixed, pursuant to a resolution of the Southern Midlands Council passed the xx day of xx, 2014. (Ref: C/xx/xx/xxx/xxxxx)

..... **Mayor**
..... **Councillor**
..... **General Manager**

| | |
|--|---|
| Committee Name | Development Assessment Committee |
| Decision No. | C/13/07/065/19408 |
| File Reference. | 6/061 |
| Type | THAT in accordance with the provisions of Section 24 of the Local Government Act 1993 a Council Committee be established to be known as the Development Assessment Committee. |
| Roles, Functions & Responsibilities | <p>1 <u>Decision Making:</u></p> <p>(i) The Chair will ensure that the Committee does not decide on the granting of a permit unless the appropriate professional advice has been obtained.</p> <p>(ii) The Development Assessment Committee has the authority, with the consent of the General Manager, to seek external professional advice as considered necessary.</p> <p>(iii) In cases where there is not unanimous support at a meeting for the granting of a permit, the application is to be referred to full Council for determination.</p> <p>(iv) The Development Assessment Committee has the authority to refer applications to any Access Advisory Committee established by Council under the DDA Act, for determination in regard to access provisions.</p> <p>2 <u>Functions:</u></p> <p>(i) A forum for the joint consideration and discussion of all development applications received by Council with view to coordinating assessment, inspections, agenda preparation and processing of applications.</p> <p>(ii) Determination of certain applications and other matters in accordance with powers delegated from Council.</p> <p>(3) <u>Councillor Involvement:</u></p> <p>(i) Councillors are permitted to attend meetings of the Development Assessment Committee.</p> <p>(ii) A summary of the <i>register of applications</i> is to be forwarded to all Councillors fortnightly.</p> <p>4 <u>Delegation</u></p> <p>4.1 Pursuant to Section 22 of the <i>Local Government Act 1993</i> Council delegates to the Development Assessment Committee the authority to grant a planning permit under the <i>Land Use Planning & Approvals Act 1993</i>, with or without conditions, in relation to applications for a use or development for which:</p> <p>(a) under the provisions of the planning scheme, Council is bound to grant a permit, (ref: Permitted Uses - Section 58 <i>Land Use Planning & Approval Act 1993</i>); or</p> <p>(b) under the provisions of the planning scheme,</p> |

| | |
|-----------------------------|--|
| | <p>Council has a discretion to refuse or permit and no representations in the form of objections have been received during the statutory public notification period, (ref: Discretionary Uses - Section 57 <i>Land Use Planning & Approvals Act 1993</i>); and</p> <p>(c) are assessed as being in conformity with the development standards and other relevant provisions of the planning scheme.</p> <p>4.2 Pursuant to Section 22 of the <i>Local Government Act 1993</i> Council delegates to the Development Assessment Committee the authority to forward certified planning scheme amendments to the Resource Planning and Development Commission in cases where:</p> <p>(a) no representations in the form of objections have been received within the statutory public notification period; and</p> <p>(b) no amendments are otherwise considered necessary.</p> <p>4.3 Delegation under points 4.1 and 4.2 above, only has effect for cases where a Councillors has not, prior the issuing of a Planning Permit or prior to the forwarding of the amendment, requested that the application or amendment be referred to full Council for determination.</p> <p>4.4 <u>Pursuant to Section 22 of the <i>Local Government Act 1993</i> Council delegates to the Development Assessment Committee the authority to refuse a planning permit under the <i>Land Use Planning & Approvals Act 1993</i> in the following circumstances:</u></p> <p>(a) <u>The application is not one for which the Development Assessment Committee has delegation to grant a permit under 4.1 and therefore should be determined by full Council, and</u></p> <p>(b) <u>The applicant has been requested to provide Council with an extension of time pursuant to Sections 57(6)(b)(i), 57(6)(b)(ii) and/or 57(6A) of the <i>Land Use Planning & Approvals Act 1993</i> in order that full Council may determine the application at the next available ordinary Council meeting, and</u></p> <p>(c) <u>The applicant has refused to grant an extension of time or has not provided a response.</u></p> |
| Membership Structure | <ul style="list-style-type: none"> Chair: Manager Development & Environmental Services (Proxy: General Manager) |

| | |
|---|--|
| | <ul style="list-style-type: none"> • Development Control / Planning Officer • Permit Authority (Building) • Permit Authority (Plumbing) • Manager – Works & Technical Services (Proxy: Works Coordinator – W&TS) • Environmental Health Officer • Other Council officers to be in attendance as appropriate |
| Chairperson | <ul style="list-style-type: none"> • Chair: Manager Development & Environmental Services Proxy - General Manager |
| Term of Appointment | No term |
| Quorum | A quorum for the Development Assessment Committee is three (3) members. |
| Proxies | See under membership structure |
| Meetings Frequency & Minutes | <ol style="list-style-type: none"> 1. Meetings are to be held on a weekly basis. 2. Minutes of meetings are to be prepared in accordance with a proforma. 3. The minutes will constitute a <i>register of applications</i> under consideration by the Development Assessment Committee and is to indicate applicable assessment and determination timeframes and whether delegation of approval applies. |
| Pecuniary Interest Members & Recording | <p>Committee Members (ref: Part 5 Local Government Act 1993) Committee members with a direct or indirect pecuniary interest in a matter before the Committee must declare that interest before any discussion on that matter commences. On declaring an interest the member is to leave the meeting room.</p> <p>Recording Any declaration of pecuniary interest shall be recorded in the minutes of the Committee meetings.</p> |
| Spokesperson Protocol | As per policy. |
| Working Groups (under Committee) | Not applicable |
| Admin/Sec Support | Administration Officer (Development Services) |
| Annual Budget | Not applicable |

18.3 FINANCES**Strategic Plan Reference – Page 33 & 34**

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

18.3.1 Monthly Financial Statement (April 2014)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C Pennicott)
 DATE 23rd May 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 30th April 2014 (including Notes)
- b) Current Expenditure Estimates
- c) Capital Expenditure Estimates

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

- d) Rates & Charges Summary – as at 15th May 2014
- e) Cash Flow Statement - July 2013 to April 2014.

Note: Expenditure figures provided are for the period 1st July to 30th April 2014 – approximately 83% of the period.

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

- **Sub-Program – Business** - expenditure to date (\$66,963– 101.08%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Aged** – expenditure to date (\$2,808 – 187.17%). Expenditure includes annual costs associated with Seniors Week event. No further expenses to be incurred.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$11,532 –227.45%). Expenditure of \$8,270 relates to Aurora expenses associated with the operation of the Radio Station. Part-reimbursement from Management Committee.

Strategic Theme – Organisation

- **Strategic Theme –Improvement** – expenditure to date (\$17,179– 235.33%). This includes an amount of \$16,728 which relates to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The \$16,728 is the total cost and is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.
- **Sub-Program – Sustainability** - expenditure to date (\$1,668,070 – 86.61%). All major annual (i.e. one-off) payments are included in the expenditure to date figure.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

C/14/05/178/19713 DECISION

Moved by Clr D F Fish, seconded by Deputy Mayor M Jones OAM

THAT the information be received.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |

| | |
|---|-------------------|
| √ | Clr J L Jones OAM |
|---|-------------------|

**STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2013 to 30TH APRIL 2014**

| | Annual Budget | Year to Date as at 30TH APRIL | % | Comments |
|---|---------------------|----------------------------------|----------------|--|
| | | | To Date | |
| Income | | | | |
| General rates | \$ 4,192,243 | \$ 4,220,346 | 100.7% | Budget includes Interest & Penalties to be imposed to end of June 2014 |
| User Fees (refer Note 1) | \$ 699,354 | \$ 553,033 | 79.1% | |
| Interest | \$ 260,000 | \$ 203,607 | 78.3% | |
| Government Subsidies | \$ 31,700 | \$ 15,750 | 49.7% | Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements |
| Contract Income | \$ - | \$ - | 0.0% | |
| Other (refer Note 2) | \$ 235,188 | \$ 159,314 | 67.7% | |
| Sub-Total | \$ 5,418,485 | \$ 5,152,051 | 95.1% | |
| Grants - Operating | \$ 3,570,800 | \$ 1,246,101 | 34.9% | FAGS Grant; \$5K Leventdale School Grant; \$7,491 School Holiday/Youth |
| Total Income | \$ 8,989,285 | \$ 6,398,151 | 71.2% | |
| Expenses | | | | |
| Employee benefits | \$ 3,703,066 | \$ 2,641,304 | 71.3% | Less Roads - Resheeting Capitalised |
| Materials and contracts | \$ 3,046,484 | \$ 2,491,253 | 81.8% | Less Roads - Resheeting Capitalised, Includes Land Tax |
| Depreciation and amortisation | \$ 2,496,000 | \$ 2,071,680 | 83.0% | Percentage Calculation (based on year-to-date) |
| Finance costs | \$ 58,741 | \$ 30,526 | 52.0% | |
| Contributions | \$ 169,088 | \$ 126,816 | 75.0% | Fire Service Levies |
| Other | \$ 240,004 | \$ 169,948 | 70.8% | |
| Total expenses | \$ 9,713,383 | \$ 7,531,526 | 77.5% | |
| Surplus (deficit) from operations | -\$ 724,098 | \$ 1,133,375 | 156.5% | |
| Grants - Capital (refer Note 3) | \$ 606,153 | \$ 785,818 | 129.6% | |
| Donations | \$ 3,500 | \$ 2,188 | 62.5% | |
| Sale Proceeds (Plant & Machinery) | \$ - | \$ 177,333 | 0.0% | |
| Net gain / (loss on disposal of non-current assets) | \$ 160,000 | \$ - | 0.0% | Budget Amount - Sale of Lots - Kandara Court |
| Surplus / (Deficit) | \$ 45,555 | \$ 168,036 | -368.9% | |

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

| PROGRAM | TOTAL | REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS) | ACTUAL AS AT APRIL 2014 83% | VARIANCE (+/-) | % BASED ON REVISED BUDGET 100% |
|------------------------------|-----------------|--|--------------------------------|-------------------|--------------------------------------|
| INFRASTRUCTURE | | | | | |
| Roads | 3484103 | 3484103 | 2788934 | 695169 | 80.05% |
| Bridges | 428807 | 428807 | 333749 | 95058 | 77.83% |
| Walkways | 175603 | 175603 | 137269 | 38334 | 78.17% |
| Lighting | 89544 | 89544 | 44178 | 45366 | 49.34% |
| Irrigation | 2450 | 2450 | 1489 | 961 | 60.78% |
| Drainage | 81322 | 81322 | 59365 | 21957 | 73.00% |
| Waste | 548480 | 548480 | 399902 | 148578 | 72.91% |
| Public Toilets | 55726 | 55726 | 40842 | 14884 | 73.29% |
| Communications | 0 | 0 | 636 | -636 | 0.00% |
| Signage | 12300 | 12300 | 7767 | 4533 | 63.15% |
| INFRASTRUCTURE TOTAL: | 4878335 | 4878335 | 3814133 | 1064203 | 78.19% |
| GROWTH | | | | | |
| Residential | 2900 | 2900 | 0 | 2900 | 0.00% |
| Mill Operations | 610120 | 610120 | 494273 | 115847 | 81.01% |
| Tourism | 188853 | 188853 | 72104 | 116750 | 38.18% |
| Business | 66250 | 66250 | 66963 | -713 | 101.08% |
| Agriculture | 5370 | 5370 | 0 | 5370 | 0.00% |
| Integration | 27600 | 27600 | 3000 | 24600 | 10.87% |
| GROWTH TOTAL: | 901093 | 901093 | 636340 | 264753 | 70.62% |
| LANDSCAPES | | | | | |
| Heritage | 291385 | 291385 | 205972 | 85413 | 70.69% |
| Natural | 477908 | 477908 | 278681 | 199227 | 58.31% |
| Cultural | 0 | 0 | 0 | 0 | 0.00% |
| Regulatory | 789303 | 789303 | 634198 | 155105 | 80.35% |
| Climate Change | 40376 | 40376 | 8441 | 31935 | 20.91% |
| LANDSCAPES TOTAL: | 1598972 | 1598972 | 1127291 | 471681 | 70.50% |
| LIFESTYLE | | | | | |
| Youth | 160905 | 160905 | 89392 | 71513 | 55.56% |
| Aged | 1500 | 1500 | 2808 | -1308 | 187.17% |
| Childcare | 10000 | 10000 | 5000 | 5000 | 50.00% |
| Volunteers | 32000 | 32000 | 17732 | 14268 | 55.41% |
| Access | 6405 | 6405 | 0 | 6405 | 0.00% |
| Public Health | 7706 | 7706 | 884 | 6822 | 11.47% |
| Recreation | 402126 | 402126 | 331158 | 70968 | 82.35% |
| Animals | 70029 | 70029 | 38895 | 31134 | 55.54% |
| Education | 0 | 0 | 0 | 0 | 0.00% |
| LIFESTYLE TOTAL: | 690671 | 690671 | 485868 | 204803 | 70.35% |
| COMMUNITY | | | | | |
| Retention | 0 | 0 | 0 | 0 | 0.00% |
| Capacity | 35025 | 35025 | 19812 | 15213 | 56.56% |
| Safety | 56650 | 56650 | 38088 | 18562 | 67.23% |
| Consultation | 5070 | 5070 | 11532 | -6462 | 227.45% |
| Communication | 15125 | 15125 | 5133 | 9992 | 33.94% |
| COMMUNITY TOTAL: | 111870 | 111870 | 74564 | 37306 | 66.65% |
| ORGANISATION | | | | | |
| Improvement | 7300 | 7300 | 17179 | -9879 | 235.33% |
| Sustainability | 1925878 | 1925878 | 1668070 | 257808 | 86.61% |
| Finances | 223263 | 223263 | 179339 | 43924 | 80.33% |
| ORGANISATION TOTAL: | 2156441 | 2156441 | 1864588 | 291853 | 86.47% |
| TOTALS | 10337382 | 10337382 | 8002784 | 2334598 | 77.42% |

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 APRIL 2014

| INFRASTRUCTURE | ROAD ASSETS | | BUDGET | EXPENDITURE | VARIANCE | COMMENTS |
|----------------|-----------------------------------|-----------|--------------|-------------|--------------|----------|
| | Resurfacing Program | | | | | |
| | | C1020039 | \$ 600,000 | \$ 313,302 | \$ 286,698 | |
| | | C1020041 | | \$ 70,526 | | |
| | | C1020044 | | \$ 21,708 | | |
| | | C1020046 | | \$ 3,746 | | |
| | | C1020046 | | \$ 5,659 | | |
| | | C1020046 | | \$ 4,452 | | |
| | Reseal Program | | \$ 350,000 | \$ - | \$ 350,000 | |
| | Reconstruct & Seal | | | | | |
| | | NI | | | | |
| | | C1010033 | \$ 68,750 | \$ - | \$ 68,750 | |
| | | NI | | | | |
| | | Dyart | \$ - | \$ - | | |
| | | NI | | | | |
| | | Wingalore | \$ - | \$ - | | |
| | | NI | | | | |
| | | Oatlands | \$ 137,500 | \$ 4,888 | \$ 132,612 | |
| | | C1010023 | \$ 137,500 | \$ 17,975 | \$ 119,525 | |
| | | C1010027 | | | | |
| | | C1010028 | | | | |
| | | C1010022 | \$ 37,500 | \$ 300 | \$ 37,200 | |
| | | C1010017 | \$ 30,000 | \$ - | \$ 30,000 | |
| | | C1010032 | | | | |
| | | C1010034 | | | | |
| | | C1010031 | | \$ 2,432 | \$ (2,432) | |
| | | C1010035 | | | | |
| | Construct & Seal (Unsealed Roads) | | \$ 39,375 | \$ - | \$ 39,375 | |
| | Minor Seals (New) | | | | | |
| | | C1020030 | \$ 7,000 | \$ - | \$ 7,000 | |
| | | C1020031 | \$ 10,000 | \$ - | \$ 10,000 | |
| | | C1020032 | \$ 15,000 | \$ - | \$ 15,000 | |
| | | C1020032 | \$ 10,000 | \$ - | \$ 10,000 | |
| | Unsealed - Road Widening | | | | | |
| | | C1020027 | \$ 29,349 | \$ 18,519 | \$ 10,830 | |
| | | C1020033 | \$ 20,000 | \$ 3,339 | \$ 16,661 | |
| | | C1020034 | \$ 20,000 | \$ - | \$ 20,000 | |
| | | C1020035 | \$ 15,000 | \$ - | \$ 15,000 | |
| | | C1020036 | \$ 5,000 | \$ - | \$ 5,000 | |
| | | C1020037 | \$ 15,000 | \$ - | \$ 15,000 | |
| | | C1020038 | \$ 20,000 | \$ - | \$ 20,000 | |
| | Junction Road Realignment/Other | | | | | |
| | | C1010036 | \$ 83,000 | \$ - | \$ 83,000 | |
| | | C1020026 | \$ 27,000 | \$ - | \$ 27,000 | |
| | | C1020040 | \$ 21,000 | \$ 16,044 | \$ 4,956 | |
| | | C1010037 | \$ 32,000 | \$ 54,884 | \$ (22,884) | |
| | | C1010038 | \$ 25,600 | \$ - | \$ 25,600 | |
| | | C1010038 | \$ 5,000 | \$ - | \$ 5,000 | |
| | | C1010023 | \$ 8,000 | \$ - | \$ 8,000 | |
| | | C1010039 | \$ 8,000 | \$ - | \$ 8,000 | |
| | | C1010039 | \$ 9,700 | \$ - | \$ 9,700 | |
| | | C1010039 | \$ 15,000 | \$ - | \$ 15,000 | |
| | | | \$ 1,801,274 | \$ 537,873 | \$ 1,263,591 | |

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 APRIL 2014

| | | BUDGET | EXPENDITURE | VARIANCE | COMMENTS |
|----------------------|---|---------------------|-------------------|---------------------|--|
| BRIDGE ASSETS | | | | | |
| C1030013 | Shene Road (B4636) | \$ - | \$ 2,750 | \$ (2,750) | |
| C1030003 | Brown Mountain Road (Coal River B637) | \$ 557,000 | \$ 100,228 | \$ 456,774 | |
| C1030043 | Lyalls Road - Burns Creek (Total Replaces B365) | \$ 166,000 | \$ 61,031 | \$ 104,969 | |
| C1030028 | Rotherwood Road Bridge (No. 1137) | \$ 57,000 | \$ 2,606 | \$ 54,394 | |
| C1030023 | Swanston Road - Little Swanport Rv (B 1716) | \$ 678,000 | \$ 3,225 | \$ 674,775 | |
| C1030044 | Grahams Creek Road (Grahams Creek B2510) Elderslie Road | \$ 81,700 | \$ 1,304 | \$ 80,396 | |
| C1030045 | Daniels Road - Marshalls Crk | \$ 26,440 | \$ - | \$ 26,440 | |
| C1030041 | Shene Road (Birralee Creek B5175) | \$ 142,600 | \$ 79,200 | \$ 63,400 | |
| | Fields Road Bridge (B1851) | \$ - | \$ 1,459 | \$ (1,459) | |
| | Jones Rd (B5063) | \$ - | \$ 648 | \$ (648) | |
| | | \$ 1,708,740 | \$ 252,659 | \$ 1,456,082 | |
| WALKWAYS | | | | | |
| C1040014 | Footpaths - General (Program to be confirmed) | \$ 18,874 | \$ - | \$ 18,874 | Part Budget reallocated to Grange Rd |
| | Bagdad Township | \$ - | \$ - | \$ - | |
| | - East Bagdad Road (Le Compté to Highway) | \$ 50,000 | \$ 10,195 | \$ 39,805 | |
| | Campagna Township | \$ - | \$ - | \$ - | |
| | - Reeve Street (Vicinity of Store) | \$ 10,000 | \$ - | \$ 10,000 | |
| C1040005 | - Reeve Street (500 metres) | \$ 80,000 | \$ 8,396 | \$ 71,614 | |
| C1040005 | - Review Management Plan (Site Plan) / Walking Tracks (Bieth Reserve) | \$ 5,000 | \$ - | \$ 5,000 | |
| | Colbrook Township | \$ - | \$ - | \$ - | |
| | - Kerb & Gutter / Footpath Improvements | \$ 15,000 | \$ 4,177 | \$ 10,823 | |
| C1040015 | Kempston Township | \$ - | \$ - | \$ - | |
| C1040017 | - Grange Road Kerb & Gutter | \$ 31,326 | \$ 31,326 | \$ (0) | Budget ex Footpaths - General (above) |
| | Mangalore Township | \$ - | \$ - | \$ - | |
| | - Black Bough | \$ - | \$ 3,685 | \$ (3,685) | |
| C1040013 | Oatlands Township | \$ 8,000 | \$ - | \$ 8,000 | |
| | - High Street (Kearns / School area) | \$ - | \$ - | \$ - | |
| C1040016 | Turnagain Township | \$ 7,000 | \$ - | \$ 7,000 | |
| | - Various (to be confirmed) | \$ - | \$ - | \$ - | |
| | | \$ 225,000 | \$ 57,769 | \$ 167,231 | |
| | Nil Projects | \$ - | \$ - | \$ - | |
| | | \$ - | \$ - | \$ - | |
| LIGHTING | | | | | |
| | | | | | |
| DRAINAGE | | | | | |
| C1090013 | Bagdad | \$ 21,882 | \$ 45,558 | \$ (23,474) | Includes construction of Bus Stop Area |
| C1090015 | - Swan Street - Kerb & Gutter (eastern side - 250 metres) | \$ 75,000 | \$ 4,527 | \$ 70,473 | |
| C1090015 | - Swan Street - Kerb & Gutter (western side - 360 metres) | \$ 145,000 | \$ 2,887 | \$ 142,313 | |
| | - Swan Street - Kerb & Gutter (western side - 180 metres) | \$ 10,000 | \$ - | \$ 10,000 | |
| | - North of Le Compté Place Subdivision | \$ - | \$ - | \$ - | |
| | Colbrook | \$ - | \$ - | \$ - | |
| | - Colbrook Main Rd / Yarrington Rd (Junction to Rail) | \$ 12,000 | \$ 1,007 | \$ 10,994 | |
| C1090016 | - Franklin Street - Kerb & Gutter | \$ - | \$ 4,581 | \$ (4,581) | |
| C1090017 | - Machonochie Street - Kerb & Gutter | \$ - | \$ 5,106 | \$ (5,106) | |
| C1090018 | Kempston | \$ - | \$ - | \$ - | |
| | - Nil | \$ - | \$ - | \$ - | |
| | Oatlands | \$ - | \$ - | \$ - | |
| | - High St/Wellington Street Junction | \$ 5,000 | \$ - | \$ 5,000 | |
| | - Stanley Street / Lake Duberton - Extension | \$ 13,000 | \$ - | \$ 13,000 | |
| C1090019 | - Wellington Street (150 metres - kerb replacement) | \$ 12,000 | \$ 57 | \$ 11,943 | |
| | Turnbridge | \$ - | \$ - | \$ - | |
| | - Main Road (Vicinity of Community Club) | \$ 20,000 | \$ - | \$ 20,000 | |
| C1090020 | - Main Road (Junction with Allison Street) | \$ 8,000 | \$ - | \$ 8,000 | |
| C1090021 | | \$ - | \$ - | \$ - | |
| | | \$ 318,882 | \$ 63,320 | \$ 266,248 | |

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 APRIL 2014

| | | BUDGET | EXPENDITURE | VARIANCE | COMMENTS |
|----------------|--|--|-----------------------------|-------------------------------------|-----------------------------------|
| WASTE | C110001 C110002 | \$ 5,000 \$ 10,829 \$ | \$ 10,829 \$ - | \$ (5,829) 10,000 | |
| | | \$ 15,000 \$ | \$ 10,829 \$ | \$ 4,171 | |
| PUBLIC TOILETS | C1110001 | \$ 5,000 \$ | \$ - \$ | \$ 5,000 | |
| | | \$ 5,000 \$ | \$ - \$ | \$ 5,000 | |
| SIGNAGE | C113001 | \$ 10,000 \$ | \$ 8,522 \$ | \$ 1,478 | |
| | | \$ 10,000 \$ | \$ 8,522 \$ | \$ 1,478 | |
| RESIDENTIAL | | \$ - \$ | \$ - \$ | \$ - | |
| | | \$ - \$ | \$ - \$ | \$ - | |
| GROWTH | | \$ - \$ | \$ - \$ | \$ - | |
| | | \$ - \$ | \$ - \$ | \$ - | |
| TOURISM | | \$ - \$ | \$ - \$ | \$ - | |
| | | \$ - \$ | \$ - \$ | \$ - | |
| HERITAGE | C3010004 | \$ 58,900 \$ | \$ 56,872 \$ | \$ 2,028 | \$35,900 TCF Grant, \$23K Council |
| | | \$ 4,000 \$ | \$ - \$ | \$ 4,000 | |
| | | \$ - \$ | \$ 16,736 \$ | \$ (16,736) | |
| | | \$ 96,000 \$ | \$ 124,534 \$ | \$ (28,534) | |
| | | \$ 7,500 \$ | \$ 4,534 \$ | \$ 2,966 | |
| | | \$ 20,000 \$ | \$ 5,120 \$ | \$ 14,880 | |
| | | \$ 7,500 \$ | \$ - \$ | \$ 7,500 | Grant Funded |
| | | \$ 67,500 \$ | \$ 3,423 \$ | \$ 64,077 | Loan Funded |
| | | \$ 261,400 \$ | \$ 211,220 \$ | \$ 50,180 | |
| NATURAL | C3020004 C3020004 | \$ 5,240 \$ 2,100 \$ | \$ 4,680 \$ - | \$ 560 2,100 | |
| | | \$ 7,340 \$ | \$ 6,532 \$ | \$ 808 | |
| REGULATORY | C3040001 C3040001 C3040001 C3040001 | \$ 20,000 \$ 3,500 \$ 5,000 \$ 2,500 \$ | \$ 11,048 \$ 655 \$ - | \$ 8,954 2,845 5,000 2,500 | |
| | | \$ 31,000 \$ | \$ 11,701 \$ | \$ 19,299 | |

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 30 APRIL 2014

| LIFESTYLE | RECREATION | BUDGET | EXPENDITURE | VARIANCE | COMMENTS |
|--------------|--|---------------------|---------------------|---------------------|---|
| | Recreation Committee | \$ 30,000 | \$ 550 | \$ 29,450 | TBC |
| | Playground Equipment | \$ 7,500 | \$ 3,744 | \$ 3,756 | TBC |
| | Campania Hall | \$ - | \$ 2,835 | \$ (2,835) | |
| | Kempston Memorial Hall | \$ 10,000 | \$ - | \$ 10,000 | |
| | Colebrook Recreation Ground (Amenities) | \$ 16,367 | \$ 18,828 | \$ (2,461) | |
| | Midlands Aquatic & Recreation Centre | \$ - | \$ 8,482 | \$ (8,482) | TBC |
| | Colebrook Omnia Access Centre (Repainting) | \$ 2,500 | \$ 2,560 | \$ (60) | |
| | Oatlands - BMX Track | \$ 5,000 | \$ 2,005 | \$ 2,994 | |
| | Paratish Recreation Ground | \$ 2,800 | \$ - | \$ 2,800 | |
| | Playspace Strategy - Alexander Circle & Lyndon Road | \$ 25,000 | \$ - | \$ 25,000 | |
| | Medicine Balls Various Weights | \$ - | \$ 10,113 | \$ (10,113) | Grant Funded - Health Communities Program |
| | Campania Recreation Ground (Amenities) | \$ - | \$ 224 | \$ (224) | |
| | Supply and Installation 2 Heat Pumps HW | \$ - | \$ 256 | \$ (256) | |
| | | \$ 98,967 | \$ 48,636 | \$ 48,331 | |
| COMMUNITY | | \$ 3,000 | \$ 685 | \$ 2,315 | |
| | Road Accident Rescue Unit | \$ - | \$ - | \$ - | |
| | | \$ 3,000 | \$ 685 | \$ 2,315 | |
| ORGANISATION | | \$ 7,500 | \$ - | \$ 7,500 | |
| | Council Chambers - Building Improvements (\$ for \$) | \$ 7,400 | \$ - | \$ 7,400 | |
| | Photo Reframing | \$ 100 | \$ - | \$ 100 | |
| | Council Chambers - Damp Issues & Shorrennessy (C4070011) | \$ 9,500 | \$ 11,081 | \$ (1,581) | |
| | Council Chambers (External Works - Repaint) | \$ 10,000 | \$ 9,313 | \$ 687 | |
| | Comms System (Hardware / Software) | \$ 23,000 | \$ 18,532 | \$ 4,468 | |
| | Town Hall (Ceiling) - incl. Office Equip/Furniture | \$ 5,000 | \$ - | \$ 5,000 | |
| | Town Hall (General) - Revewing | \$ 8,288 | \$ 5,956 | \$ 2,330 | |
| | Town Hall (Upstairs) - Revewing | \$ 5,000 | \$ - | \$ 5,000 | |
| | Climate Change Efficiency | \$ 5,000 | \$ 24,642 | \$ (19,642) | Grant Funded |
| WORKS | Minor Plant Purchases | \$ 6,000 | \$ 9,180 | \$ (3,180) | |
| | Radio System | \$ 2,000 | \$ 2,969 | \$ (969) | |
| | | \$ 662,536 | \$ 519,625 | \$ 142,911 | |
| | Plant Replacement Program | \$ 144,000 | \$ 149,177 | \$ (5,177) | |
| | Rider separate Schedule (Net Changeover) | \$ - | \$ - | \$ - | |
| | Light Vehicles | \$ - | \$ - | \$ - | |
| | Excavator (Approx. 2.70 tonne) | \$ 60,000 | \$ 70,384 | \$ (10,384) | |
| | Emulsion Sprayer | \$ 7,000 | \$ - | \$ 7,000 | |
| | Traffic Lights (mounted mobile) | \$ - | \$ - | \$ - | |
| | Water Tanks Replacement (Truck) | \$ 36,000 | \$ - | \$ 36,000 | |
| | | \$ 1,009,222 | \$ 819,869 | \$ 189,353 | |
| | GRAND TOTALS | \$ 5,495,625 | \$ 2,030,634 | \$ 3,464,991 | |

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

| | 15/05/2014 | 15/05/2013 |
|---|-----------------------|-----------------------|
| Arrears Brought Forward | \$352,040.89 | \$251,900.24 |
| ADD Current Rates and Charges Levied | \$4,142,807.56 | \$3,944,658.09 |
| ADD Current Interest | \$77,843.49 | \$73,040.71 |
| TOTAL Rates and Charges Demanded | \$4,572,691.94 | \$4,269,599.04 |
| | 100% | 100% |
| LESS Rates and Charges Collected | \$3,771,514.82 | \$3,528,740.43 |
| LESS Pensioner Remissions | \$208,552.64 | \$201,677.68 |
| LESS Other Remissions | -\$10,633.25 | -\$2,697.20 |
| LESS Discounts | \$17,782.22 | \$13,102.39 |
| TOTAL Rates and Charges Collected and Remitted | \$3,987,216.43 | \$3,740,823.30 |
| | 87.20% | 87.62% |
| UNPAID RATES AND CHARGES | \$585,475.51 | \$528,775.74 |
| | 12.80% | 12.38% |

| | INFLOWS (OUTFLOWS) (July 2013) | INFLOWS (OUTFLOWS) (August 2013) | INFLOWS (OUTFLOWS) (September 2013) | INFLOWS (OUTFLOWS) (October 2013) | INFLOWS (OUTFLOWS) (November 2013) | INFLOWS (OUTFLOWS) (December 2013) | INFLOWS (OUTFLOWS) (January 2014) | INFLOWS (OUTFLOWS) (February 2014) | INFLOWS (OUTFLOWS) (March 2014) | INFLOWS (OUTFLOWS) (April 2014) |
|---|--------------------------------|----------------------------------|-------------------------------------|-----------------------------------|------------------------------------|------------------------------------|-----------------------------------|------------------------------------|---------------------------------|---------------------------------|
| Cash flows from operating activities | | | | | | | | | | |
| Payments | - 239,458.53 | - 274,071.17 | - 268,147.50 | - 249,876.01 | - 255,270.42 | - 371,181.37 | - 195,329.89 | - 235,955.17 | - 272,127.79 | - 269,469.49 |
| Employee costs | - 277,590.55 | - 437,046.31 | - 181,933.87 | - 342,786.11 | - 302,707.23 | - 189,616.03 | - 353,850.65 | - 240,836.10 | - 328,786.80 | - 221,700.84 |
| Materials and contracts | - 627.25 | - | - | - | - | - | - | - | - | - |
| Interest | - 9,793.10 | - 34,432.27 | - 32,556.88 | - 62,381.71 | - 16,041.56 | - 15,725.79 | - 63,276.44 | - 17,588.10 | - 67,150.04 | - 9,511.08 |
| Other | - 527,469.43 | - 745,549.75 | - 487,638.25 | - 665,043.83 | - 583,338.83 | - 597,102.31 | - 612,456.98 | - 494,379.37 | - 668,068.63 | - 500,681.41 |
| Receipts | 57,079.91 | 819,356.99 | 1,104,558.08 | 139,532.99 | 422,175.54 | 162,501.85 | 446,953.09 | 173,187.88 | 408,325.56 | 168,540.37 |
| Rates | 97,861.87 | 48,302.62 | 43,422.56 | 83,826.89 | 51,929.89 | 83,351.78 | 69,253.48 | 55,210.26 | 71,542.64 | 43,979.70 |
| User charges | 15,891.50 | 16,810.00 | 22,072.17 | 23,089.96 | 21,998.52 | 22,448.52 | 18,748.67 | 21,530.68 | 19,349.28 | 21,668.00 |
| Interest received | - | - | - | - | - | - | - | - | - | - |
| Subsidies | - | - | - | - | - | - | - | - | - | - |
| Other revenue grants | - | 410,803.25 | - | - | 410,803.25 | - | - | 410,803.25 | - | - |
| GST Refunds from ATO | 17,385.26 | 29,379.99 | 5,523.39 | 21,207.61 | 60,487.65 | 41,019.55 | 27,216.88 | 24,058.70 | 73,130.59 | 39,142.83 |
| Other | 188,218.54 | 1,324,652.85 | 1,175,576.20 | 267,657.45 | 849,419.53 | 309,321.70 | 507,738.36 | 684,790.77 | 588,098.07 | 273,330.90 |
| Net cash from operating activities | - 339,230.89 | 579,103.10 | 692,937.95 | 397,386.38 | 266,080.70 | 287,780.61 | 104,718.62 | 190,411.40 | 79,970.56 | 227,350.51 |
| Cash flows from investing activities | | | | | | | | | | |
| Payments for property, plant & equipment | - 48,657.75 | - 76,280.43 | - 30,979.38 | - 343,190.42 | - 281,434.17 | - 103,739.47 | - 268,244.17 | - 247,082.53 | - 73,916.67 | - 41,748.62 |
| Proceeds from sale of property, plant & equipment | - | 15,993.64 | - | 26,000.00 | 65,716.84 | - | 25,000.00 | 10,044.55 | 45.45 | 34,532.73 |
| Proceeds from Capital grants | 2,368.18 | 9,141.85 | 6,690.91 | 327,847.50 | 7,226.91 | 7,172.58 | - | 3,865.73 | 425,097.50 | 10,785.74 |
| Proceeds from investments | - | - | - | - | - | - | - | - | - | - |
| Payment for investments | - | - | - | - | - | - | - | - | - | - |
| Net cash used in investing activities | - 46,289.57 | 51,144.94 | 24,288.47 | 10,657.08 | 208,490.42 | 96,566.89 | 243,244.17 | 233,172.25 | 351,226.28 | 3,569.85 |
| Cash flows from financing activities | | | | | | | | | | |
| Repayment of borrowings | - 4,704.53 | - | - | - | 10,105.29 | 35,555.91 | - | - | - | - |
| Proceeds from borrowings | - | - | - | - | - | - | - | - | - | - |
| Net cash from (used in) financing activities | - 4,704.53 | - | - | - | 10,105.29 | 35,555.91 | - | - | - | - |
| Net increase/(decrease) in cash held | - 390,244.99 | 527,958.16 | 668,649.48 | 386,729.30 | 47,484.99 | 419,903.41 | 347,962.79 | 42,760.85 | 271,255.72 | 223,780.66 |
| Cash at beginning of reporting year | 8,734,794.63 | 8,344,549.64 | 8,872,507.80 | 9,541,157.28 | 9,154,427.98 | 9,201,912.97 | 8,782,009.56 | 8,434,046.77 | 8,391,285.92 | 8,662,541.64 |
| Cash at end of reporting year | 8,344,549.64 | 8,872,507.80 | 9,541,157.28 | 9,154,427.98 | 9,201,912.97 | 8,782,009.56 | 8,434,046.77 | 8,391,285.92 | 8,662,541.64 | 8,438,760.98 |

19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 22nd May 2014.

Information Bulletins dated 29th April 2014 and 9th May 2014 have been circulated since the previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 29th April 2014, 9th May 2014 and 22nd May 2014 be received and the contents noted.

C/14/05/187/19714 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

THAT the Information Bulletins dated 29th April 2014, 9th May 2014 and 22nd May 2014 be received and the contents noted.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

20. MUNICIPAL SEAL

Nil.

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

21.1 REPORT ON OUTCOME OF THE PUBLIC MEETING – DYSART CHURCH / CEMETERY

NOTES FROM COMMUNITY MEETING

REGARDING:

RECENT UNAUTHORISED EARTHWORKS AND RELATED PROPOSED DEVELOPMENT AT ST ANN'S CHURCH & CEMETERY, DYSART HELD AT THE KEMPTON HALL, MONDAY 26 MAY 2014, AT 6:30 PM

PRESENT

- Mayor Tony Bisdee, Manager Development & Environmental Services Damian Mackey, Planning Officer David Cundall.
- 71 members of the community, (as per completed attendance sheets).
- Owner Lisa Rudd.

WELCOME

Mayor Tony Bisdee welcomed all present to the meeting, and introduced Council officers Damian Mackey and David Cundall.

Mayor Bisdee advised he had arranged the community meeting after a meeting on site at St Ann's Church and Cemetery one week before with approximately 30 local residents and one of the landowners, Lisa Rudd. A large cut has recently been made into the ground behind the church, with the spoil being used to create a level area in front of the church. The cut is about 2.5 metres deep furthest into the slope. The top of the cut is only a few hundred millimetres from some of the nearest graves. It extends back approximately 5.5 metres behind the rear wall of the church. The residents present had requested the meeting so that all those with an interest in the cemetery and church could attend.

BACKGROUND

Council's Manager Development & Environmental Services, Damian Mackey, provided the following background to the situation.

- Council records show that in 2007 there was concern from members of the community about an apparent proposal to remove the church and rebuild it in the north of the State.
- However, Council received no formal proposal, and the idea obviously do not go ahead.
- The incident, however, highlighted the fact that the property was not listed on the Tasmanian Heritage Register – although it was listed on Council's local heritage list in its planning scheme.

- In 2010/2011 St Anne’s Church was formally listed on the Tasmanian Heritage Register (the THR). Like most THR listings, the whole title is listed. Therefore, the cemetery is also part of the listing.
- Also in 2010, the Anglican Church applied for and received a planning permit from Council for the subdivision of the church from the cemetery. However, this was not enacted upon, and the church and cemetery remain on the one single title.
- In 2012 Council received correspondence from the Local Government Office of the Department of Premier and Cabinet formally advising that the cemetery had changed hands and the new owners, Paul and Lisa Rudd, had been advised of their responsibilities under the *Burial and Cremation Act 2002* and the *Burial and Cremation (Cemetery) Regulations 2005*.
 - It is noted that some of the owners’ responsibilities under these rules include:
 - Maintaining reasonable public access to the cemetery.
 - Maintaining records of the cemetery, including of past and future burials.
 - Unfortunately, several decades ago when the church and cemetery was still the responsibility of the Anglican Church, the cemetery records were lost or destroyed. Therefore, there were few or no records available for the Anglican Church to hand over to the new owners when the property changed hands.
- In April 2014 the new owners, Paul & Lisa Rudd, lodged a development application (including a heritage application) to build a dwelling on the site - a ‘caretakers dwelling’ - and a shed.
 - The proposed dwelling would adjoin the church on the southern side and at the rear. It is proposed to be two storey - the same height as the church - and clad in weatherboard.
 - The proposed colorbond shed would be 10m x 10m in size and is proposed to be located at the top of the cemetery.
- On 17 May 2014 the application was placed on public exhibition, as it is a ‘discretionary’ application.
 - A discretionary application is one that may or may not be approved, and must be advertised for public comment.
 - The application is discretionary for two reasons:
 - It is a heritage-listed site.
 - A ‘caretakers dwelling’ is a discretionary development/use in the zone.
 - The land is in the Community Use Zone under the Southern Midlands Planning Scheme 1998.

- As the site is now listed on the Tasmanian Heritage Register (THR), it is the Tasmanian Heritage Council that will primarily consider the heritage issues of what is proposed (and the works that have been done already).
 - For these THR-listed sites, Council refers the application to the Tasmanian Heritage Council for assessment. Council will also refer any representations (submissions) received from members of the public during the public exhibition period.
- The development / heritage application is currently on public exhibition for a two-week period, which was scheduled to end on 30 May.
- Neither Southern Midlands Council nor the Tasmanian Heritage Council has yet made any decision as to whether to grant or refuse the application.
- However, the owners have undertaken significant site works, being the cut and fill works mentioned above.
- This work was done without the necessary approvals and should not have been done.
- The owners were verbally instructed to stop work as soon as Council officers became aware of what had happened – which was last Tuesday, 20 May. The owners have obeyed this direction. (This has since been followed up with a written stop-work direction.)
- The cut is what would have been allowed, if their development application gained planning and heritage approvals.
- They must now wait to see if such approvals are forthcoming.
- Certainly the cut has come very close to graves, and Council will be considering the amenity of the cemetery for visitors and the appropriate space that ought to be around graves.
 - Council would be interested to hear any views of community members on this score, and these views could be included in any formal submissions that community members may wish to make during the public exhibition period.
- If planning or heritage approval is not granted, the owners will have to reverse the work that has been done.
- It is noted that local government in Tasmania does not yet have direct enforcement powers for its planning schemes. In cases such as this where someone has done something they should have obtained planning approval for, the first step is to ask them to seek to retrospectively legitimise what they have done by seeking the necessary approvals. If their application is ultimately refused (or if they do not attempt to seek the necessary approvals at all) then Council will seek an order from the Resource Management & Planning Appeals Tribunal for enforcement of the planning scheme. If a person fails to abide with an order from the Appeals Tribunal, Council can take the person back to the Tribunal a second time and seek the imposition of a monetary penalty.

(Note: the Government is currently considering changes to the planning legislation that would provide Councils with direct enforcement powers).

QUESTIONS

Questions from the floor were as follows, with the answers as provided by the Council representatives:

Q: When did Council know about the excavation work? Did it know before it happened?

A: Council did not know about the excavation until after it was done – when local residents asked the Mayor to the site on the evening of 19 May.

Q: Will Council approve the application?

A: Council representatives cannot foreshadow what Council's decision might be. To do so would potentially render Council's decision legally invalid. The final decision will be made by full Council at a formal Council meeting after considering the formal submissions made by members of the public and the professional officers' assessment reports.

Also, in this case, the Tasmanian Heritage Council has to separately consider the heritage issues and advise Council of its decision on that score.

Q: How would Council representatives feel if it were their relatives buried in the graves very close to the cut?

A: It is acknowledged that people who have relatives buried close to the cut have a valid reason to feel aggrieved.

Q: There is supposed to be a stop-work order on the site – but a man was still working on the church recently. Why?

A: The stop-work order relates to works that need planning / heritage approval. Maintenance work is allowed to be done.

Lisa Rudd, who was present at the meeting, advised that the workman is repairing the roof the church to stop it leaking.

Q: There is a caravan and a shipping container on the site. Why - and are these allowed to be there?

A: In regard to the caravan, the owners had advised Council they would remove it on the weekend just gone.

Lisa Rudd advised the meeting that on the weekend it was too wet to remove the caravan.

In regard to the container, neither planning nor building approval is required for a container placed on a building site for the purposes of a site shed - provided it is removed when works are finished.

Q: What about workplace standards? The cut is dangerous to members of the public who visit the cemetery.

A: Council officers visited the site on 20 May with an officer from Workplace Standards Tasmania. He confirmed a safety fence must be erected at the top of the cut as soon as possible. Council officers have relayed this to the owners.

Lisa Rudd advised she has arranged for licensed contractors to erect a safety fence tomorrow. However, unfortunately, some graves would have to be fenced inside the safety fence, for practical reasons. While the safety fence is in place, therefore, anyone wishing to visit a grave inside it can contact her and she will provide access to the grave from the church side.

Q: Is it true that anyone wishing to bury a relative in the cemetery will have to get the permission of the new owners Paul and Lisa Rudd?

Some people present advised that they have reserved plots for burial, and wanted to be sure the new owners would honour these reservations.

A: Lisa Rudd advised the meeting that:

- As the owners of the cemetery and therefore its managers under the *Burial and Cremation Act 2002*, people will have to get permission from her and Paul. This is a requirement of State legislation.
- However, no reasonable request would be refused.
- A significant problem is that the Anglican Church had no cemetery records to hand over when the sale occurred. Lisa and Paul, therefore, have no way of knowing who have reserved plots where.
- Lisa advised she is attempting to rebuild the cemetery records, including a map that will show who owns vacant plots and where they are. But to do this, she needs people to come forward with any information they might have - such as receipts from the Anglican Church when they reserved their plot, or from a funeral directors.
- It is noted that the problem of knowing who is allowed to be buried where would still exist even if the cemetery had not been sold into private hands.
- Lisa advised that this is a real challenge for her and Paul, but they intend to rebuild the cemetery records as best they can. But they do need people to come forward with their information.

Q: The proposed 10 m x 10 m shed at the top of the cemetery is quite large and would be very close to graves. It would also likely be in the way of the hearse, which uses the top entrance. Isn't this inappropriate?

A: Lisa Rudd advised the meeting that she agrees that the shed is too large for where it is proposed, and she is happy for it to be deleted from the proposal plans. There will still need to be a shed somewhere on the property to house the lawnmower and other equipment needed to maintain the cemetery. She hopes to find a better location where a smaller shed could go.

Q: Someone, who is not present here tonight, said they went to the Council offices last week and were not allowed to see all the plans. This isn't fair.

A: The Mayor advised that, if this did indeed occur, it would be a serious breach of protocol. To ensure no one is disadvantaged, Council will extend the public exhibition period for a further week.

Therefore, the plans will continue to be available for inspection at the Council offices until 6 June. Members of the public may send written representations to the Council up until close of business, Friday 6 June.

Q: Apparently the previously approved subdivision (mentioned in 'background', above) was not proceeded with by the Anglican Church because it was too costly compared to the sale price of the church. One of the big costs was the removal of the large pine trees. A condition of the Council approval was the removal of the closest pine tree. However, the Tasmania Heritage Register record states that the pine trees have heritage value. Does Council still want to see one or both of the trees removed?

A: Yes. The trees are very large and old, and threaten the church. If they are not removed they will eventually likely fall on the church. They appear to be partially on the Council street reservation. Therefore, Council would be prepared to assist with their removal in some way. The primary responsibility for their removal would nevertheless be the new owners, however.

Q: The Council planning scheme says Council must refuse an application for a site listed on the scheme's heritage list if the proposed works would significantly detract from the significance of the building. What has Council to say about the proposal in light of this?

A: Yes. If Council ultimately judges that the proposal would significantly detract from the heritage significance of the site it must refuse the application.

Given the site is also listed on the Tasmanian Heritage Register; Council will be looking to the views of the Tasmanian Heritage Council in this regard.

Q: How is the wastewater from the proposed dwelling going to be dealt with?

A: The initial wastewater system solution for the site submitted with the application, and which Council's Environmental Health Officer had preliminarily agreed with, had the soakage trenches to the front of the church. However, the fill has now covered a part of this area. This has thrown doubt on whether the proposed design will work. Council officers have requested the applicants' wastewater consultant to undertake another assessment of the situation and advise what can be done. Possibly a more engineered enviro-cycle type system may have to be installed. Certainly it would be inappropriate for soakage trenches to be located above the church in the cemetery.

Lisa Rudd advised the meeting that she recognises she may have to remove some of the fill if necessary to get enough land suitable for wastewater disposal.

Q: What about the stability of the cut? It is raining and wet on site. Can we be sure that it is stable?

A: Council arranged for a geo-technical engineer to look at the site today to advise if there is a potential landslip issue or not. If there is, Council will direct the owners to get a geotechnical assessment done to advise what must be done to temporarily stabilise the cut. Presumably, this will mean propping up the face of the cut in some way. The owners will then have to get this done as soon as possible.

Q: If the application is approved subject to conditions, can Council put a timeframe on the development to ensure certain works are done promptly and the amenity of the graveyard is fixed up without undue delay?

A: Yes. Council can put such conditions on a planning permit.

WHERE TO FROM HERE?

- The period for public representations (submissions) will be extended to Friday 6 June.
- Submissions may be made by writing or emailing to the Council.

(Submission forms were provided at the meeting for people to fill in. However, it is not necessary to use these. A simple letter or email will do.)

- All submissions will also be forward to the Tasmanian Heritage Council.
- The Tasmanian Heritage Council will then assess the proposed plans and consider the submissions and then advise council if it refuses the application or recommends approval subject to conditions.
- Southern Midlands Council will then consider the matter and make a determination. This could be to refuse the application or approve it subject to conditions. Note that if the Tasmanian Heritage Council refuses the application on heritage grounds, then Council must refuse also.

- The matter is likely to be considered at either the 25 June Council meeting or the Council meeting at the end of July. If the process goes very smoothly, it will be the June meeting. However, if there are any delays, it is likely to be July.
- The Mayor advised that these meetings are scheduled to be in Oatlands and Kempton. However, given the strong community interest in this matter, Council will consider moving the relevant meeting to the Bagdad Community Club.
- Council officers noted that if people lodge a submission with Council during the public exhibition period, they then have the legal right to be part of any subsequent appeal at the Resource Management and Planning Appeals Tribunal. This is another reason for any interested members of the public to lodge a formal submission.

CONCLUSION

Mayor Tony Bisdee thanked everyone for their attendance.

C/14/05/194/19715 DECISION

Moved by Clr J L Jones OAM, seconded by Clr A R Bantick

THAT Council agree to the relocation of the June 2014 Ordinary Meeting to the Bagdad Community Club in the event that the Development Application relating to the Dysart Church / Cemetery property is included on the Agenda. This will enable attendance at the meeting by the local community without the additional travel.

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

RECOMMENDATION

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

C/14/05/195/19716 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

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

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

CLOSED COUNCIL MINUTES

22. BUSINESS IN “CLOSED SESSION “

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

**T F KIRKWOOD
GENERAL MANAGER**

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

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GENERAL MANAGER**

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GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

Clr J L Jones OAM left the meeting at 2.50 p.m. and returned at 2.56 p.m.

RECOMMENDATION

THAT Council move out of “Closed Session”.

C/14/05/206/19721 DECISION

Moved by Clr B Campbell, seconded by Clr D F Fish

THAT Council move out of “Closed Session”.

CARRIED.

| Vote For | Councillor | Vote Against |
|-----------------|------------------------|---------------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

RECOMMENDATION**THAT Council endorse the decision made in “Closed Session”.****C/14/05/207/19722 DECISION**

Moved by Clr B Campbell, seconded by Deputy Mayor M Jones OAM

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

CARRIED.

| Vote For | Councillor | Vote Against |
|----------|------------------------|--------------|
| √ | Mayor A E Bisdee OAM | |
| √ | Dep. Mayor M Jones OAM | |
| √ | Clr A R Bantick | |
| √ | Clr B Campbell | |
| √ | Clr M Connors | |
| √ | Clr D F Fish | |
| √ | Clr J L Jones OAM | |

Prior to closing the meeting, Council acknowledged the recent passing of Mr Paul Horne, who was a long-serving Midlands District Field Officer for the Tasmania Fire Service.

Mr Horne worked with all Brigades located within the Southern Midlands municipal area for a period of approximately 38 years, and during this time, provided relevant support, training and advice to all involved with the Tasmania Fire Service.

23. CLOSURE 3.00 P.M.