

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 25TH JUNE 2014 AT THE BAGDAD
COMMUNITY CLUB, MIDLAND HIGHWAY, BAGDAD COMMENCING AT
10:00 A.M.**

INDEX

1. PRAYERS.....	4
2. ATTENDANCE	4
3. APOLOGIES.....	4
4. APPLICATION FOR LEAVE OF ABSENCE.....	5
5. MINUTES.....	5
5.1 ORDINARY COUNCIL MINUTES	5
5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES	6
5.3.1 <i>Special Committees of Council - Receipt of Minutes</i>	6
5.3.2 <i>Special Committees of Council - Endorsement of Recommendations</i>	6
5.4 JOINT AUTHORITIES (ESTABLISHED UNDER DIVISION 4 OF THE LOCAL GOVERNMENT ACT 1993)	6
5.4.1 <i>Joint Authorities - Receipt of Minutes</i>	6
5.4.2 <i>Joint Authorities - Receipt of Reports (Annual and Quarterly)</i>	7
6. NOTIFICATION OF COUNCIL WORKSHOPS.....	9
7. QUESTIONS WITHOUT NOTICE.....	14
8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....	15
9. DECLARATIONS OF PECUNIARY INTEREST.....	16
10. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM).....	17
10.1 PERMISSION TO ADDRESS COUNCIL	18
11. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2005	18
12.2 SUBDIVISIONS	19
12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)	19
12.3.1 <i>COUNCILLOR INFORMATION:- MUNICIPAL SEAL APPLIED UNDER DELEGATED AUTHORITY TO SUBDIVISION FINAL PLANS & RELATED DOCUMENTS</i>	19
12.4 PLANNING (OTHER).....	19
13. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE).....	19
13.1 ROADS.....	19
13.2 BRIDGES.....	19
13.3 WALKWAYS, CYCLE WAYS AND TRAILS	19
13.4 LIGHTING	20
13.5 SEWERS	20
13.6 WATER.....	20
13.7 IRRIGATION	20
13.8 DRAINAGE.....	20
13.9 WASTE	20

13.10	INFORMATION, COMMUNICATION TECHNOLOGY	21
13.11	SIGNAGE	21
14.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)	22
14.1	RESIDENTIAL.....	22
14.2	TOURISM.....	22
14.3	BUSINESS	22
14.4	INDUSTRY	22
14.5	INTEGRATION	22
15	OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....	23
15.1	HERITAGE	23
15.1.1	<i>Heritage Project Officer's Report</i>	<i>23</i>
15.2	NATURAL	25
15.2.1	<i>Landcare Unit & Climate Change – General Report.....</i>	<i>25</i>
15.3	CULTURAL	26
15.4	REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS).....	27
15.4.1	<i>Unauthorised Commercial Signs on the Midland Highway at Oatlands</i>	<i>27</i>
15.5	CLIMATE CHANGE	33
16	OPERATIONAL MATTERS ARISING LIFESTYLE.....	33
16.1	COMMUNITY HEALTH AND WELLBEING.....	33
16.2	YOUTH	33
16.3	SENIORS	33
16.4	CHILDREN AND FAMILIES.....	33
16.5	VOLUNTEERS	34
16.6	ACCESS	34
16.7	PUBLIC HEALTH	34
16.8	RECREATION	34
16.9	ANIMALS.....	35
16.9.1	<i>Animal Control Officers Report.....</i>	<i>35</i>
16.10	EDUCATION.....	37
17	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY).....	37
17.1	RETENTION	37
17.2	CAPACITY AND SUSTAINABILITY	38
17.2.1	<i>Oatlands Parterre Garden – Renew the Memorandum of Understanding for a further four years. 38</i>	
17.3	SAFETY	43
17.4	CONSULTATION.....	43
17.5	COMMUNICATION	43
18.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)	43
18.1	IMPROVEMENT	43
18.2	SUSTAINABILITY	44
18.2.1	<i>Proposed Amendment to the Development Assessment Committee Delegations Policy</i>	<i>44</i>
18.2.2	<i>New Policy – Bullying, Harassment and Violence Policy</i>	<i>54</i>
18.2.3	<i>Review of Council's Strategic Plan 2012 – 2017 and the Creation of the 2014 – 2023 Strategic Plan</i>	<i>63</i>
18.3	FINANCES.....	65
18.3.1	<i>Monthly Financial Statement (May 2014).....</i>	<i>65</i>
18.3.3	<i>Adoption of 2014-2015 Rates and Charges Resolution.....</i>	<i>76</i>
18.2.3	<i>The Former Levendale School - Potential Development of a Community-Based Social Enterprise</i>	<i>82</i>
13.12	OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)	90

13.12.1	Manager - Works & Technical Services Report.....	90
18.3.4	Bagdad Soccer Club – Request for Donation.....	92
19.	INFORMATION BULLETINS.....	95
20.	MUNICIPAL SEAL	96
20.1	RENEWAL OF MINING LEASE 1510P/M – ST PETERS PASS AND 1977P/M - STONOR	96
20.2	2014/15 NATION BUILDING BLACK SPOT PROGRAM – ELDERSLIE ROAD / CHURCH ROAD BROADMARSH.....	101
22.	BUSINESS IN “CLOSED SESSION “	103
21.1	CORRESPONDENCE DATED 29 TH MAY 2014 RECEIVED FROM SOUTHERN WASTE STRATEGY AUTHORITY.....	113
21.2	CORRESPONDENCE DATED 8 TH JUNE 2014 RECEIVED FROM IMAGINE CAMPANIA – NAMING OF PARK.....	123
21.3	CORRESPONDENCE DATED 8 TH JUNE 2014 RECEIVED FROM IMAGINE CAMPANIA – BUS SHELTER	125
21.4	AUSTRALIA LOCAL GOVERNMENT ASSOCIATION – GENERAL ASSEMBLY	127
21.5	BUSINESS / TOURISM DEVELOPMENT – SOUTHERN MIDLANDS MUNICIPALITY.....	127
21.6	CONDOLENCE MOTION – MR STEPHEN WALKER AM.....	128
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	129
12.1	DEVELOPMENT APPLICATIONS.....	129
12.1.1	<i>Development Application DA 2014/46 - Storage Shed, Dwelling (Caretaker) and Community Art Space (Miscellaneous Use/Development) – Requiring Works to Building/Site listed in Schedule 4 and on the Tasmanian Heritage Register (Historic Cultural Heritage Act 1995) at St Anne’s Church, Church Lane Dysart</i>	<i>129</i>
12.1.2	<i>Development Application for Signage (‘Southern Midlands Convict Sites – Interpretation Panels’) Various Locations – Broadmarsh Hall, Jericho Mudwalls Site, Kempton Rotunda Park, Corner Machonochie Street and Richmond Main Road, Colebrook and Tunbridge Main Road.....</i>	<i>177</i>
23.	CLOSURE 6.00 P.M.....	190

ENCLOSED

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

Item 12.1.1 Representations

Item 18.2.3 SGS Report

**Item 18.2.4 Draft Strategic Plan 2014 – 2023 including the proposed amendments
from Councillor / Senior staff workshops**

**Item 18.3.2 2014/15 Annual Plan & Operating Budget and 2014/15 Capital Works
Program Budget**

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS
COUNCIL HELD ON WEDNESDAY 25TH JUNE 2014 AT THE BAGDAD
COMMUNITY CLUB, MIDLAND HIGHWAY, BAGDAD COMMENCING AT
10:00 A.M.**

OPEN COUNCIL MINUTES

1. PRAYERS

Councillors recited the Lords 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 A O Green.

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

3. APOLOGIES

Clr J L Jones OAM.

C/14/06/004/19723 DECISION

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

THAT the apology from Clr J L Jones OAM 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 A O Green	

4. APPLICATION FOR LEAVE OF ABSENCE

Clr A R Bantick has made an application for leave of absence from 14th July – 15th August 2014 inclusive.

C/14/06/005/19724 DECISION

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

THAT Clr A R Bantick be granted leave of absence for the nominated period.

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 A O Green	

5. MINUTES

5.1 ORDINARY COUNCIL MINUTES

The Minutes of the previous meeting of Council held on the 28th May 2014, as circulated, are submitted for confirmation.

C/14/06/005/19725 DECISION

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

THAT the Minutes of the previous meeting of Council held on the 28th May 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 A O Green	

5.3 SPECIAL COMMITTEES OF COUNCIL MINUTES

5.3.1 Special Committees of Council - Receipt of Minutes

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

- Nil

5.3.2 Special Committees of Council - Endorsement of Recommendations

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

- Nil

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** – *Quarterly Report March 2014*
- **Southern Waste Strategy Authority** – *Quarterly Report March 2014*

RECOMMENDATION

THAT the reports from the Joint Authorities be received.

DECISION

C/14/06/008/19726 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

THAT the reports from the Joint Authorities 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 A O Green	

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.

Two workshops have been held since the previous Council meeting.

1. A Workshop was held at the Council Chambers, Oatlands on 5th June 2014, commencing at 9.00 a.m.

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

Apologies: Nil.

Also in Attendance: T F Kirkwood, A Benson and C Pennicott.

The purpose of this Workshop was to consider the draft 2014-15 Operating Budget, including submissions received, and commence preliminary assessment of the draft 2014-15 Capital Works Program Budget.

2. A Workshop was held at the Council Chambers, Kempton on 13th June 2014, commencing at 9.00 a.m.

Attendance: Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM, Clr M J Connors and Clr D F Fish.

Apologies: Clrs A R Bantick, B Campbell, A O Green and J L Jones OAM

Also in Attendance: T F Kirkwood, A Benson, J Lyall, D Mackey and C Pennicott.

The purpose of this Workshop was to further consider the draft 2014-15 Capital Works Program Budget.

Budget alterations identified at both Workshops are listed in the attachment.

RECOMMENDATION

THAT the information be received and the outcomes of the workshops held 5th June and 13th June 2014 noted.

C/14/06/010/19727 DECISION

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

THAT the information be received and the outcomes of the workshops held 5th June and 13th June 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 A O Green	

BUDGET ALTERATIONS (based on outcome of Workshops held 5th June and 13th June 2014)

Operating Budget	
Income - Amendments	
Rates increase reduced to 3.30% (draft Budget 4.0%) - Reduced Income	\$ 23,152
Sub-Total	<u>\$ 23,152</u>
Expenditure - Amendments	
Callington Mill Precinct - Business Unit - reduction in budget	-\$ 23,500
Child Care Program - reduction in Subsidy	-\$ 2,500
Volunteers Program - increase in Community Grants Program	\$ 2,500
Consultation Program - reduction in budget	-\$ 3,000
Sub-Total	<u>-\$ 26,500</u>
Net Change - Operating Budget (Improvement)	-\$ 3,348

Capital Works Program - Budget

Commencement - Available Budget:					
Previously Funded (not required)	\$	2,627,000	\$	100,000	\$
Commencement - Draft Program:	-\$	3,519,847	-\$	100,000	-\$
Total (Amount to be reduced)	-\$	892,847	\$	-	-\$

Note: Elderslie Rd / Church Rd Junction - Confirmed Grant Funding

Roads Program

Reduction in Roads Resheeting (\$650K to \$600K)	\$	50,000			
Reduction in Roads Resealing (\$350K to \$300K)	\$	50,000			
High Street, Oatlands - Remove Pedestrian Crossing (delete project)					\$
Greggs Road	\$	7,500			6,000
Lovely Banks / Colebrook Main Road Junction - Realignment (delete project)					\$
Estate Road					\$
Church Road Junction					\$
Native Corners (prior to Billy's Garden) (delete project)					\$
Yarlington Road (Realignment)	\$	75,000			25,980

Bridges Program

Swanston Road - Little Swanport Rv (B 1716) - deleted - Grant Funding	\$	672,670			\$
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Walkways Program

Colebrook Township - Kerb & Gutter / renewal (South of Franklin St eastern side)	\$	30,000			
Bagdad - Swan Street (Blackport Rd to Green Valley Road) - estimate not previously available					\$
Kempton - Louisa Street (from Elizabeth St to Old Huntingground Road) - Concrete Option					\$
Parattah - Linkage of Walkway to existing					\$

Drainage Program

Bagdad - McShane property (Stage works over 2 years)	\$				22,500
Oatlands - Stanley St - Piping open drain (delete project)	\$				12,800
Tunbridge - estimate not previously available (project deleted)	\$				-

Signage Program

Oatlands - Information Bays	\$				15,000
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Heritage Program			
Callington Mill (Steam Mill Interps)		\$	10,000
Heritage Building (Key Card System)		\$	15,000
Natural Program			
Chauncy Vale - Interps Hut Repairs (Committee to Fund)	\$	6,000	
Access Program			
Oatlands Council Chambers - Consultancy / Assessment (Reduction from \$25K to \$5K)	\$		25,000
Recreation Program			
Playground Equipment	\$		5,000
Sustainability Program			
Admin - Council (Notebooks) - Reduction in Budget (\$10K to \$6K)	\$		4,000
	-\$	1,677	\$
		-	\$
		-	\$
			139,112
Combined Amount	-\$		140,789

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. Community Owned Halls – availability of funding to prepare quotes for community owned Halls for grant application purposes (e.g. Parattah Community Hall – Underpinning and toilet facilities)
2. Southern Midlands Council Website – availability for community halls to place information on the site – confirmed that a section of the Website is available for this purpose.
3. Signage – Portable ‘Kennel Sign’ – junction of Midland Highway and East Bagdad Road – requires relocation – impedes sight vision

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:-

- Correspondence dated 29th May 2014 received from Southern Waste Strategy Authority (Item 21.1)
- Correspondence dated 8th June 2014 received from Imagine Campania Re: Naming of Park (Item 21.2)
- Correspondence dated 8th June 2014 received from Imagine Campania – Bus Shelter (Item 21.3)
- Australia Local Government Association – General Assembly (Item 21.4)
- Business / Tourism Development – Southern Midlands Municipality (Item 21.5)
- Condolence Motion – Mr Stephen Walker AM (Item 21.6)
- Development Application for Signage (‘Southern Midlands Convict Sites – Interpretation Panels’) Various Locations – Broadmarsh Hall, Jericho Mudwalls Site, Kempton Rotunda Park, Corner Machonochie Street and Richmond Main Road, Colebrook and Tunbridge Main Road. (Item 12.1.2)

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/14/06/015/19728 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 A O Green	

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*.

Nil

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:

- 11.30 a.m. - Presentation of concepts for the greater utilisation of Council heritage buildings, by Chairman of the Arts Advisory Committee, Edwin Batt, Member of the Arts Advisory Committee, Dot Evans and Manager Heritage Projects, Brad Williams

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

Nil

C/14/06/018/19729 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

THAT Council defer consideration of Section 12 of the Agenda (i.e. Council Acting as a Planning Authority) until 5.30 p.m.

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 A O Green	

12.2 SUBDIVISIONS

Nil.

12.3 MUNICIPAL SEAL (PLANNING AUTHORITY)

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

Nil.

12.4 PLANNING (OTHER)

Nil.

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.

C/14/06/021/19730 DECISION

Moved by Clr A O Green, seconded by Clr B Campbell

THAT consideration of Item 13.12.1 ‘Manager - Works & Technical Services Report’ be deferred until the arrival of the Manager – Works & Technical Services (Mr J Lyall) at the 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 A O Green	

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 (B WILLIAMS)

DATE 25TH JUNE 2014

ISSUE

Southern Midlands Heritage Projects – report from Manager Heritage Projects

DETAIL

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

- An application has been submitted to the Tasmanian Community Fund for a heritage skills training program to be developed for 15-25 year olds through the Heritage Education and Skills Centre, in conjunction with Brighton, Glamorgan/Spring Bay, Derwent Valley and Tasman Councils. The Oatlands Commissariat and 79 High Street have been nominated as training projects for SMC in this overall project.
- The HESC Heritage Skills and Trades weekend is scheduled for July 5-6, with the launch of the 2014-15 HESC program on July 5.
- The Southern Midlands Convict Sites project is nearing completion.
- Capping of the Oatlands Gaol walls has been completed.
- Alan Townsend has been continuing U3A lectures in conjunction with Clarence Council.
- Jen Jones has been on leave completing her PhD in Archaeology.

- Brad Williams has been continuing working with HBS on heritage projects such as Willow Court.

RECOMMENDATION

THAT the information be received.

C/14/06/024/19731 DECISION

Moved by Clr B Campbell, seconded by Clr M Connors

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 A O Green	

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 18TH JUNE 2014

ISSUE

Southern Midlands Landcare Unit and GIS Monthly Report

DETAIL

- An Australian Govt extension of time to complete the Bushlinks 500 project has been granted after having made an application for such in late May. This unexpected but welcome extension will enable the on ground to proceed in a better time frame which will lead to better outcomes from the project. Helen and Graham will work full time from early July to mid October to undertake some of the planting work required to complete the project. The onground work that they plan to undertake will be funded through the project grant funds.
- Tree planting has commenced on the eastern foreshore of Hawthorn Bay (Lake Dulverton) as part of the Midlands Tree Committee grant received from Landcare Tas.
- Graham Green has completed the final report for the Climate Change Energy Efficiency Project (CEEP). This project included the Oatlands Town hall energy conservation changes to the building. A more detailed information report on the outcomes of this project will be provided to the next Council meeting.
- Maria has continued to work on the building asset management plan for Southern Midlands Council. This has including work to create a revised method on calculating the replacement value of assets in terms of the fit out components. Preliminary results on testing of this revised formula have met with a positive response from the staff involved to date.

- A meeting for all irrigators involved with the Midlands Water Scheme was held on Friday 6th June at Oatlands. Tas Irrigation has advised that there are still some changes required to the mini hydro power generator at Floods Creek. The contractor that has built the power generator is working as best to resolve the problem as quickly as possible. Until this is resolved Tas Irrigation is not in the position to advise the irrigators formally that the scheme is completed. Therefore the balance payments due for the water entitlements has been delayed. TI is not in a position to be able to guarantee the full winter water entitlements while the generator is not fully working. Maria has been liaising with Tas Irrigation who advise that they still feel confident that the full allocation of the Lake Dulverton (winter water) will be able to be delivered to the lake in 2014. This will mean that the normal winter take time period will see the water being delivered to the Lake in the first one or two months of the official ‘summer take’ period (October and November).

RECOMMENDATION

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

C/14/06/026/19732 DECISION

Moved by Clr B Campbell, seconded by Clr A R Bantick

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 A O Green	

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.

15.4.1 Unauthorised Commercial Signs on the Midland Highway at Oatlands

File Ref: Highway Signs

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKAY)

DATE 19TH JUNE 2014

ATTACHMENTS

1. Correspondence from the Department of Infrastructure Energy & Resources dated 26 May 2014.
2. Latrobe Example Signs.

ISSUE

Potential clean-up of unauthorised commercial signs on the Midland Highway at Oatlands - consideration of an offer from the Department of Infrastructure Energy & Resources for a pilot project.

BACKGROUND

Council has received the attached correspondence from the Department of Infrastructure Energy & Resources (DIER) proposing a joint project trialling a new approach to the problem of unauthorised commercial signs on the highway.

Unfortunately it is reasonable to say that one of the worst examples of a proliferation of unauthorised highway signage in Tasmania is at Oatlands. Both Council and the State Government have powers to force the removal of these signs. However because of local political reasons both tiers of government have not proceeded to remove the signs. The reasons why the State has not moved on the issue are articulated in the letter from DIER, and they are essentially the same reasons that Council has also not acted.

Under the State's Signs Manual, it is not generally possible for businesses in a bypassed town to gain approval to have a sign on the highway. The only exceptions are for businesses that are formally recognised by the State as a tourist attraction of state significance. The only two businesses in Oatlands that have this status are Casaveen and Callington Mill. This enables these two enterprises to have the directional signage plates on the highway. All other existing businesses would not be able to gain approval from

DIER for signs on the highway. There are currently nine businesses that have unauthorised highway signs.

There is one further exception to the general ban on commercial signs on the highway. This is for service stations. The petrol station in Oatlands has an unauthorised highway sign, but in fact could obtain formal approval for highway signage. The State has particular design specifications and rules for such signs. They can include the brand of petrol with corporate colours and logos, but they also must show the price per litre for fuel – which must be correct on any given day. The cost of manufacture and installation of such signs would naturally be borne by the business.

PROPOSED PILOT PROJECT

DIER has now advised of a new approach being trialled at Latrobe and has suggested that Southern Midlands Council consider a similar approach at Oatlands, as a second pilot project for the State.

The Latrobe solution essentially involves replacing the various unauthorised signs with one or two communal town signs on each approach to the town. The attached plans illustrate the concept of the Latrobe signs in which there will be two communal signs on each approach:

- A ‘welcome to’ sign that permanently lists four key attractions.
- A ‘what’s happening’ sign that has slots for four events, which can be changed.

Note that neither of the Latrobe signs allow for the name of individual commercial businesses. Instead, generic terms are used, such as ‘Antiques & Art Galleries’ or “Specialty Shops & Eateries”.

DIER provided funds to the Latrobe Council to cover the construction and installation of the signs.

The Latrobe Council was responsible for the costs of graphic design and will be responsible for the ongoing management, maintenance and ownership of the signs once erected.

As per the attached correspondence, DIER have now made the same offer to Southern Midlands Council, in terms of providing funds for the construction and installation of the signs - but on the condition that Council similarly takes on all on-going responsibility for the signs, including management of any replaceable elements and any liaison with community groups and/or businesses that this may entail.

DIER have also advised that Southern Midlands does not have to follow the Latrobe solution exactly. It is “open to considering a different concept that Council might

propose”. DIER officers are also available to attend a Council meeting to discuss any detailed proposal that Council might develop, if requested.

CONSIDERATIONS

In considering whether to agree in principle with progressing a pilot project with DIER, there are a number of key factors Council must take on board:

- DIER officers have confirmed that Council would need to be politically committed to work in partnership with DIER to remove the existing unauthorised commercial highway signs.
 - Whilst it would be DIER (ultimately the Minister) that uses its powers to remove most of the signs, Council would need to be seen to be ‘on board’ with the whole approach.
 - A few of the unauthorised signs are not in the highway reservation and therefore DIER is not able to force their removal. Council would need to use its planning enforcement powers for these. This would need to be done at the same time DIER is forcing the removal of the other signs.
- Whilst the Latrobe example does not include specific names of commercial businesses, DIER officers have advised that it is not out of the question.
 - Council would need to include this concept in any proposal it puts to DIER for consideration.
 - Oatlands is different to Latrobe in that there are fewer businesses in the town, and hence the problem of too many businesses seeking signage would likely not be as great. Nevertheless it is likely that there may be more businesses in Oatlands seeking highway signage than can be accommodated on a communal town sign.
 - Council’s proposal might, for example, include slots for commercial businesses plates on the sign. However, DIER has indicated that, (if allowed at all), it may not allow more than four businesses.
 - Research has apparently shown that drivers at highway speed can generally not take in more than three pieces of information.
 - The more business name plates on a sign, the greater the risk to road safety, as some drivers may endeavour to read them all and become too distracted from the driving task. DIER officers have noted that road safety is always their primary consideration.
- If the number of business signage plates is limited (possibly to only four businesses), Council would have to develop protocols for determining which businesses get a signage plate, (assuming more than the number limit will want a plate). Options include:

- The business signage slots are periodically rotated in and out to provide all interested businesses with equal exposure. (Time of year may become a contentious issue to manage, unless frequently rotated).
- The limited number of signage slots (possibly only four) could be auctioned off to the highest bidders each year.
- In terms of graphic design, options include:
 - The business signs are standard 'name only' signs - similar to the Casaveen and Callington Mill tourist directional signs.
 - Business corporate colours and logos are allowed. This would likely be a significant consideration for DIER. The inclusion of corporate colours and logos has the potential to make signs too visually busy for motorists to take in.
- In terms of creating the business signage plates:
 - They would all need to be made to standard dimensions, to fit within the available slots on the communal town sign.
 - Council could have all the business signage plates made, and recharge the businesses. This would ensure all signs are manufactured to the right specifications.
 - Alternatively, the businesses could be allowed to have their own signs made up (to standard dimensions and design criteria). This could leave room for mistakes and therefore businesses wasting money in having to have a sign remade.
- If it is possible to have commercial business sign plates on a communal highway sign managed by Council, it would be possible for Council to require certain minimum customer-service standards on the businesses that have the signs. Such as:
 - Businesses must be open at least 5 days per week including weekends and public holidays.
 - Businesses must meet certain customer service standards.
- Fees will need to be charged, as there would be administration cost to Council, and potentially signage manufacture costs to pass on. Periodically changing the business signage - and any community event signage - would also require Council resources.
- Overall, Council needs to be willing to take on the task of managing business signage on communal signs. The alternative is for Council to adopt the Latrobe approach and only use generic terms (e.g. 'Artisan Bakeries').

Human Resources & Financial Implications

DIER would provide funds for the construction and installation of the signs. However, they would be Council property and Council responsibility. If they are destroyed in an accident, Council would have to fund any replacement signs. More significantly, Council would have to maintain and manage the signs, particularly any business name plates or other temporary / changeable elements (e.g. coming events). This would come at a cost to Council.

Some or all of the costs of managing business name signs and community event signs could be recovered by fees.

Community Consultation & Public Relations Implications

If Council wishes to explore the communal signage concept and develop a proposal for DIER to consider, it would be desirable to engage with the local businesses in developing the idea.

However, businesses with unauthorised signage on the highway may view the proposed communal sign as a step backwards from their current situation - even if they are able to have their name and corporate colours ' logo on it.

Managing expectations in terms of what might ultimately be allowed by DIER would be critical.

Policy Implications:

There are no implications in terms of Council's formal policies. However, pursuing this process with DIER would require a Council commitment to eliminating the unauthorised highway signage at Oatlands.

RECOMMENDATION

THAT Council:

- (i) support in principle the proposal from the Department of Infrastructure, Energy & Resources to jointly pursue a new approach to address the issue of the proliferation of unauthorised commercial highway signage at Oatlands;**
- (ii) develop a proposal to be provided to the Department for consideration centred on the concept of replacing the unauthorised signage with communal town signs incorporating spaces for community event notifications and for advertising the commercial businesses within the town either by generic description or by individual business name; and**
- (iii) consult with the local business community in developing the proposal;**

noting that the proposal is to include draft sign design and protocols for managing the community event and any business name elements of the signs, as well as a program with DIER for removal of the unauthorised signs.

C/14/06/032/19733 DECISION

Moved by Clr A O Green, seconded by Clr B Campbell

THAT Council:

- (i) develop a proposal to be provided to the Department of Infrastructure Energy & Resources for consideration, centred on the concept of replacing the unauthorised signage with communal town signs incorporating spaces for community event notifications and for advertising the commercial businesses within the town either by generic description or by individual business name; and
- (ii) consult with the local business community and community groups in developing a proposal;

noting that the proposal is to include draft sign design and protocols for managing the community event and any business name elements of the signs, as well as a program with DIER for removal of the unauthorised signs.

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 A O Green	

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.

Nil.

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 17TH JUNE 2014

ISSUE

Consideration of Animal Control Officer’s monthly report.

DETAIL

NATIVE CORNERS

At least 5 sheep were killed, and several more injured as a result of two dogs attacking the flock. On this occasion the owner of the sheep witnessed the attack and was able to give me a firm description of the offending dogs. A thorough door knock of the area was undertaken, and eventually two pit bull types were surrendered and positively identified by the farmer.

Council were able to broker an outcome that was satisfactory to both parties (this outcome included the destruction of the dogs and the issuing of Infringement notices). As councillors would be aware, when there are witnesses that are willing to cooperate with councils investigations a positive result is achievable as in this instance.

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

RECOMMENDATION

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

C/14/06/035/19734 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

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 A O Green	

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.

17.2.1 Oatlands Parterre Garden – Renew the Memorandum of Understanding for a further four years.

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 11TH JUNE 2014

ATTACHMENT: Memorandum of Understanding

ISSUE

To renew the current Memorandum of Understanding for a further four years for the Oatlands Parterre Garden.

BACKGROUND

The first Memorandum of Understanding commenced on 1st September 2005, for a two year period. It was subsequently extended every two years from then on.

The property owners have requested a further four-year extension.

DETAIL

In reference to the MOU (copy attached), it would appear that all parties continue to comply with the terms and conditions. The community can certainly appreciate the level of investment in the Parterre Garden.

Human Resources & Financial Implications – Consistent with the MOU, Council has paid MILE Inc. the following amounts have been paid \$400.00 for the 2011/12 period, \$408.40 for the 2012/13 period and \$420.24 for the 2013/14 period the amount is indexed by Hobart CPI (for the period ending March) in subsequent years.

Community Consultation & Public Relations Implications – Nil.

Policy Implications – Nil.

Priority - Implementation Time Frame – That the MOU be signed as soon as possible.

RECOMMENDATION

THAT Council extend the Memorandum of Understanding for a further four-year period under the same terms and conditions.

C/14/06/039/19735 DECISION

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

THAT Council extend the Memorandum of Understanding for a further four-year period under the same terms and conditions.

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 A O Green	

MEMORANDUM OF UNDERSTANDING

OATLANDS PARTERRE GARDEN

Purpose:

A memorandum of understanding between the parties listed below for the development and use of the Oatlands Parterre Garden, located at Mill Lane, Oatlands, for community use and enjoyment, enhancement of the Oatlands visitor experience and as an adjunct to the Callington Mill historic site.

The Parties:

The Owners:- Don and Julie Grigg

Midlands Initiative for Local Enterprise

The Southern Midlands Council

Commencement Date:

1st July 2013

Duration:

A period of four years from the commencement date.

Renewal:

Subject to review and agreement by all parties, it is intended that this Memorandum of Understanding will be renewed for subsequent four-year periods.

The Parterre Garden Management Committee:

A management committee is hereby established for the Parterre Garden with the following membership:

The owners:	Don Grigg & Julie Grigg
Midlands Initiative for Local Enterprise	Eleanor Bjorksten
Southern Midlands Council representative:	To be appointed by Council

Replacement members to be arranged as required.

It is intended that the Parterre Garden Management Committee will resolve issues through consensus, however in the event that consensus cannot be reached, the landowners will have ultimate decision-making powers.

Public Access:

The public will have access to the Parterre Garden seven days a week during normal business hours (unless special circumstances exist) to enhance the experience of the Callington Mill precinct.

Public Liability:

Midlands Initiative for Local Enterprise will maintain public liability cover for the Parterre Garden to an amount of \$20,000,000.

Council Rates and Charges:

The owners will pay normal Council rates and charges.

Council contribution to MILE Inc:

In recognition of Community benefits provided by the Garden, including seven-days per week public access, Council undertakes to make a direct cash contribution to MILE Inc of \$420.24 for the 2013/14 period, which is indexed by Hobart CPI (for the period ending March) in subsequent years.

The above-mentioned funds on maintenance and improvements within the Garden.

Views of Callington Mill:

In recognition of the primary importance of Callington Mill, the Management Committee will ensure that the view of Callington Mill from High Street and Mill Lane is not adversely affected by development and plantings within the Garden (for example by excessively high trees).

Signed:

The owners: Don Griggdate

Julie Griggdate

Midlands Initiative for Eleanor Bjorkstendate
Local Enterprise:

Southern Midlands Council Tim Kirkwooddate
representative:

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.

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 Proposed Amendment to the Development Assessment Committee Delegations Policy

File Ref: Development Assessment Committee - Policy

AUTHOR MANAGER DEVELOPMENT & ENVIRONMENTAL SERVICES (D MACKEY)

DATE 19TH JUNE 2014

ATTACHMENTS 1. Proposed Amended Development Assessment Committee Delegations Policy.

ISSUE

Consideration of proposed amendments to the Development Assessment Committee Delegations Policy – second consideration.

DISCUSSION

Council must consider formal policies and changes to formal policies twice.

At the May 2014 meeting Council considered a change to the Development Assessment Committee Delegations Policy.

As advised in the previous agenda report, 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.

THE MAY 2014 DETERMINATION

At the May 2014 meeting, Council agreed to amend the policy to add the additional power as recommended, but with an additional phrase added to subclause (c), as indicated below (additional phrase shown underlined):

- (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.

Advice from Council's solicitor is that the additional phrase is too open to interpretation and therefore legal argument. In particular, the meaning of the phrase "reasonable endeavours" is quite debateable. It is recommended that it be replaced with the simple phrase "after being requested to do so." Hence it is recommended that the subclause be changed to read:

- (c) The applicant has refused to grant an extension of time or has not provided a response, after being requested to do so.

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.

RECOMMENDATION

THAT the Delegations Policy for the Development Assessment Committee be amended by the inclusion of the following additional text, 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, after being requested to do so.**

C/14/06/048/19736 DECISION

Moved by Clr A O Green, seconded by Clr M Connors

THAT the Delegations Policy for the Development Assessment Committee be amended by the inclusion of the following additional text, 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, after being requested to do so.

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 A O Green	

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, after being requested to do so.

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
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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, Council has a discretion to refuse or permit and no representations in the form of objections have</p>

	<p>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, after being requested to do so.</u></p>
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Membership Structure	<ul style="list-style-type: none"> • Chair: Manager Development & Environmental Services (Proxy: General Manager) • 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

Deputy Mayor M Jones OAM left the meeting at 11.01 a.m.

18.2.2 New Policy – Bullying, Harassment and Violence Policy

AUTHOR MANAGER, COMMUNITY & CORPORATE DEVELOPMENT (A BENSON)
DATE 19TH JUNE 2014

ATTACHMENT Bullying, Harassment and Violence Policy - Draft Version 1

ISSUE

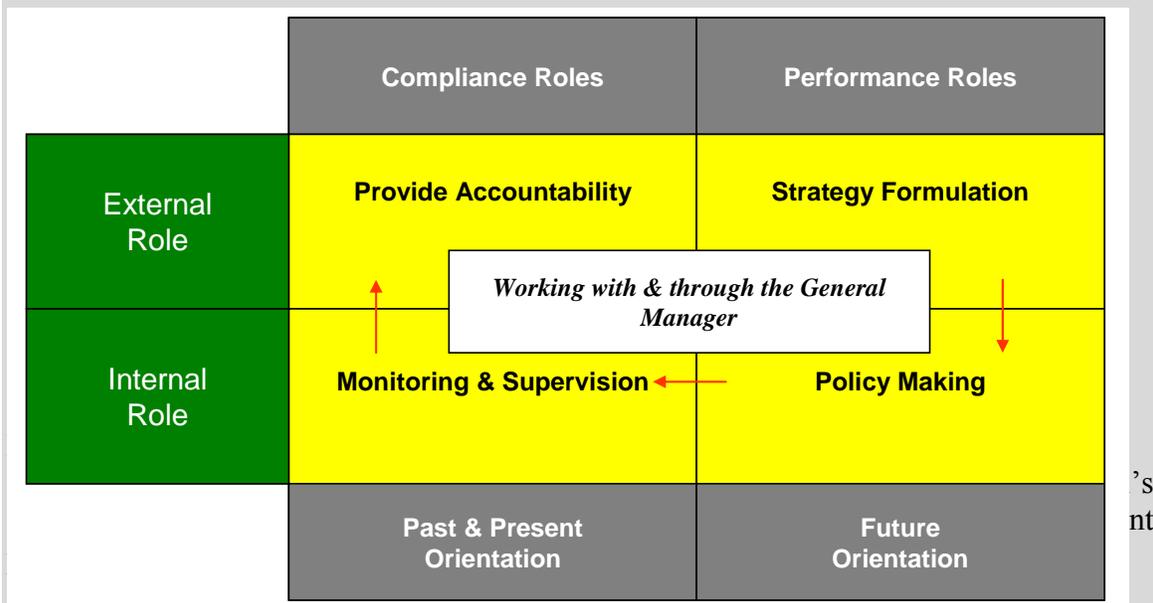
Bullying has recently been adopted as a significant workplace issue under the Fair Work Commission’s jurisdiction. This matter is also covered under the Workplace Health & Safety Act 2012. It is appropriate that Council considers and adopts a policy in relation to this matter to add to its suite of human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

BACKGROUND

Report to the May 2014 Council Meeting [EXTRACT]

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.



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	

[END OF EXTRACT]

DETAIL

The draft policy was tabled at the May 2014 Council meeting for Council's consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then "lays on the table" until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting.

No modifications have been made to the document that was tabled at the May meeting.

RECOMMENDATION

THAT Council adopt the Bullying, Harassment and Violence Policy version 1

C/14/06/055/19737 DECISION

Moved by Clr B Campbell, seconded by Clr A O Green

THAT Council adopt the Bullying, Harassment and Violence Policy version 1.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

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>	

Deputy Mayor M Jones OAM returned to the meeting at 11.04 a.m.

C/14/06/062/19738 DECISION

Moved by Clr M Connors, seconded by Clr A O Green

THAT consideration of Item 18.2.3 ‘The Former Levensdale School - Potential Development of a Community-Based Social Enterprise’ be deferred.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

18.2.3 Review of Council’s Strategic Plan 2012 – 2017 and the Creation of the 2014 – 2023 Strategic Plan

AUTHOR MANAGER COMMUNITY & CORPORATE DEVELOPMENT
(A BENSON)
DATE 20TH JUNE 2014

ENCLOSURE: 1. Draft Strategic Plan 2014 – 2023 including the proposed amendments from Councillor / Senior staff workshops

BACKGROUND

Council’s Strategic Plan in its current layout was adopted prior to the commencement of the 2006/07 financial year and it is acknowledged that a review of the Plan has occurred every two years since that date. There have been changes to the Local Government Act 1993 and those changes require Council to create a plan that encapsulates a ten year period in line with the requirement for Council to have a ten year asset Management Plan.

The attached draft Strategic Plan 2014 – 2023 is the outcome of Councillor and senior Manager Workshops, with input also having been sought from the employees of Council.

Following this Council meeting, the amended draft Strategic Plan will be advertised for Community input and then tabled at the July Council meeting for further consideration of submissions and final endorsement by Council.

For Discussion

RECOMMENDATION

THAT Council

- 1. receive and note the report;**
- 2. adopt the proposed changes developed in the Councillor/Senior Management workshops and included those changes in the draft Strategic Plan 2014 – 2023 enclosed with the agenda papers;**
- 3. adopt the draft Strategic Plan 2014 - 2023, as amended during the meeting and proceed to advertise the document for further public comment with final consideration in the July 2014 Council meeting; and**
- 4. endorse the process of the review of the Strategic Plan to date**

C/14/06/064/19739 DECISION

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

THAT Council

1. receive and note the report;
2. adopt the proposed changes developed in the Councillor/Senior Management workshops and included those changes in the draft Strategic Plan 2014 – 2023 enclosed with the agenda papers;
3. adopt the draft Strategic Plan 2014 - 2023, as amended during the meeting and proceed to advertise the document for further public comment with final consideration in the July 2014 Council meeting; and
4. endorse the process of the review of the Strategic Plan to date

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

The meeting was suspended for morning tea at 11.12 a.m. and resumed at 11.32 a.m.

A presentation from the Arts Group regarding the concepts for the greater utilisation of Council heritage buildings, by Chairman of the Arts Advisory Committee, Edwin Batt, Member of the Arts Advisory Committee, Dot Evans and Manager Heritage Projects, Brad Williams.

The presentation concluded at 12.10 p.m.

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 (May 2014)*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C PENNICOTT)
 DATE 19TH JUNE 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1st July 2013 to 31st May 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 16th June 2014
- e) Cash Flow Statement - July 2013 to May 2014.

*Note: Expenditure figures provided are for the period 1st July to 31st May 2014 – approximately 92% of the period.***Comments****A. Current Expenditure Estimates (Operating Budget)****Strategic Theme – Growth**

- **Sub-Program – Business** - expenditure to date (\$72,103– 108.83%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

Strategic Theme – Lifestyle

- **Sub-Program – Aged** – expenditure to date (\$2,408 – 160.50%). Expenditure includes annual costs associated with Seniors Week event. No further expenses to be incurred.

- **Sub-Program – Childcare** – expenditure to date (\$9,750 – 97.50%). Expenditure includes \$5,000 BFDC Grant to the Brighton Family Day Care, and a \$4,750 Donation to the Bagdad Childcare Centre.

Strategic Theme – Community

- **Sub-Program – Consultation** - expenditure to date (\$11,727 –231.31%). 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 (\$18,621– 255.08%). 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 (\$1,815,365 – 94.26%). All major annual (i.e. one-off) payments are included in the expenditure to date figure.
- **Sub-Program – Finances** – expenditure to date (\$222,957 – 99.86%). Expenditure includes annual costs related to the Fire Service Levy.

B. Capital Expenditure Estimates (Capital Budget)

Nil.

RECOMMENDATION

THAT the information be received.

C/14/06/066/19740 DECISION

Moved by Clr D F Fish, seconded by Clr A O Green

THAT the information be received

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

**STATEMENT OF COMPREHENSIVE INCOME
FOR THE PERIOD
1st JULY 2013 to 31ST MAY 2014**

	Annual Budget	Year to Date as at 31ST MAY	% To Date	Comments
Income				
General rates	\$ 4,192,243	\$ 4,221,702	100.7%	Budget includes Interest & Penalties to be imposed to end of June 2014
User Fees (refer Note 1)	\$ 699,354	\$ 656,230	93.8%	
Interest	\$ 260,000	\$ 223,548	86.0%	
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	\$ -	0.0%	
Sub-Total	\$ 5,418,485	\$ 5,117,230	94.4%	
Grants - Operating	\$ 3,570,800	\$ 1,656,904	46.4%	FAGS Grant; \$5K Levensdale School Grant; \$8,691 School Holiday/Youth
Total Income	\$ 8,989,285	\$ 6,774,134	75.4%	
Expenses				
Employee benefits	\$ 3,703,066	\$ 2,856,297	77.1%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,046,484	\$ 2,741,033	90.0%	Less Roads - Resheeting Capitalised, includes Land Tax
Depreciation and amortisation	\$ 2,496,000	\$ 2,296,320	92.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ 58,741	\$ 39,541	67.3%	
Contributions	\$ 169,088	\$ 169,088	100.0%	Fire Service Levies
Other	\$ 240,004	\$ 180,796	75.3%	
Total expenses	\$ 9,713,383	\$ 8,283,075	85.3%	
Surplus (deficit) from operations	-\$ 724,098	\$ 1,508,941	208.4%	
Grants - Capital (refer Note 3)	\$ 606,153	\$ -	0.0%	
Donations	\$ 3,500	\$ 1,500	42.9%	
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	-\$ 1,330,107	-2919.8%	

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2013/14

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT MAY 2014 92%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
INFRASTRUCTURE					
Roads	3484103	3484103	3046313	437790	87.43%
Bridges	428807	428807	367804	61003	85.77%
Walkways	175603	175603	149798	25805	85.30%
Lighting	89544	89544	66117	23427	73.84%
Irrigation	2450	2450	1489	961	60.78%
Drainage	81322	81322	68148	13174	83.80%
Waste	548480	548480	440451	108029	80.30%
Public Toilets	55726	55726	45073	10653	80.88%
Communications	0	0	636	-636	0.00%
Signage	12300	12300	10052	2248	81.72%
INFRASTRUCTURE TOTAL:	4878335	4878335	4195881	682454	86.01%
GROWTH					
Residential	2900	2900	0	2900	0.00%
Mill Operations	610120	610120	559036	51084	91.63%
Tourism	188853	188853	72104	116750	38.18%
Business	86250	86250	72103	-5853	108.83%
Agriculture	5370	5370	0	5370	0.00%
Integration	27600	27600	3000	24600	10.87%
GROWTH TOTAL:	901093	901093	706242	194851	78.38%
LANDSCAPES					
Heritage	291385	291385	231332	60053	79.39%
Natural	477908	477908	287975	189933	60.26%
Cultural	0	0	0	0	0.00%
Regulatory	789303	789303	689105	100198	87.31%
Climate Change	40376	40376	11758	28618	29.12%
LANDSCAPES TOTAL:	1598972	1598972	1220171	378801	76.31%
LIFESTYLE					
Youth	160905	160905	96898	64007	60.22%
Aged	1500	1500	2408	-908	160.50%
Childcare	10000	10000	9750	250	97.50%
Volunteers	32000	32000	19788	12212	61.84%
Access	6405	6405	0	6405	0.00%
Public Health	7706	7706	5629	2077	73.04%
Recreation	402126	402126	368332	33794	91.60%
Animals	70029	70029	44297	25732	63.26%
Education	0	0	0	0	0.00%
LIFESTYLE TOTAL:	690671	690671	547102	143569	79.21%
COMMUNITY					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	20386	14639	58.20%
Safety	58650	58650	40670	15980	71.79%
Consultation	5070	5070	11727	-6657	231.31%
Communication	15125	15125	5133	9992	33.94%
COMMUNITY TOTAL:	111870	111870	77917	33953	69.65%
ORGANISATION					
Improvement	7300	7300	18621	-11321	255.08%
Sustainability	1925878	1925878	1815365	110513	94.26%
Finances	223263	223263	222957	306	99.86%
ORGANISATION TOTAL:	2156441	2156441	2056943	99498	95.39%
TOTALS	10337382	10337382	8804256	1533126	85.17%

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MAY 2014

INFRASTRUCTURE	ROAD ASSETS		BUDGET	EXPENDITURE	VARIANCE
	Resealing Program				
		Roads Resealing (40.00 kims x 5.5 x 150mm x \$20 m3)	\$ 800,000	\$ 343,646	\$ 256,354
		Lovely Banks Rd Resealing 349		\$ 70,656	
		Harbicks Road		\$ 21,706	
		Dares Road		\$ 3,766	
		Lower Marshes		\$ 5,659	
		Tin Pot Marsh Road		\$ 4,452	
	Reseal Program	Roads Resealing (as per agreed program)	\$ 350,000	\$ -	\$ 350,000
	Reconstruct & Seal				
		Bagdad			
		Nil			
		Colebrook			
		Eldon / Rhyndaston Road (500 metres)	\$ 68,750	\$ 37,980	\$ 30,770
		Dysart			
		Nil			
		Mangalore			
		Nil			
		Outlands			
		Inglewood Road (1 km - Nala Rd to Vilsauct)	\$ 137,500	\$ 73,204	\$ 64,296
		Spicer Road (10km - From Midland Highway)	\$ 137,500	\$ 82,764	\$ 54,736
		Whitford / Woodside			
		Junction with Stonehenge Road (250 metres)	\$ 37,500	\$ 25,215	\$ 12,285
		Woodside Road (Baden Straight - 200 metres)	\$ 30,000	\$ 25,084	\$ 4,916
		Glenmorey Road - Reseal			
		Green Valley Road - from Kennes to Bridge			
		Cliftonvale Road			
		Ballyhooy Road - Road Improvements		\$ 2,432	\$ (2,432)
		Stanley Street (William St. to Thunderstone to Nelson)			
		Rhyndaston Road			
		Williams Road - Option 1 (Junction to Bridge - 250 metres)	\$ 39,375	\$ -	\$ 39,375
Construct & Seal (Unsealed Roads)					
	Minor Seals (New)				
		Nunns Road - Junction with Elderslie Main Road	\$ 7,000	\$ -	\$ 7,000
		Church Road	\$ 10,000	\$ -	\$ 10,000
		Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000
		Pelham Road (end of Elderslie Rd)	\$ 10,000	\$ -	\$ 10,000
		Rhyndaston Road (vicinity of Bevens) - Stage 2			
		Yarrington Road - Realignment	\$ 29,349	\$ 18,519	\$ 10,830
		Church Road (Corner widening)	\$ 20,000	\$ 11,023	\$ 8,977
		Estate Road (Survey Investigation Only - \$5,000)	\$ 20,000	\$ -	\$ 20,000
		Green Valley Road - Vicinity of Erston Gully (Survey Investigation)	\$ 15,000	\$ -	\$ 15,000
		Hall Lane, Bagdad - widening	\$ 5,000	\$ -	\$ 5,000
		Chauncy Vale Road, Bagdad	\$ 15,000	\$ -	\$ 15,000
			\$ 21,000	\$ -	\$ 21,000
	Junction Road Realignment/ Other				
		Other:			
		Green Valley Road - Widening	\$ 83,000	\$ -	\$ 83,000
		Balfourvale Road (600 dia pipes - vicinity of Pooley Property) - was \$27K	\$ 27,000	\$ -	\$ 27,000
		Church Road (Intersection with Elderslie Road) - Survey & Acquisition	\$ 21,000	\$ 16,044	\$ 4,956
		Innerallan Road - Corner Realignment (Rockton)	\$ 32,000	\$ 54,884	\$ (22,884)
		Campagna - Reeve St / Chime Street	\$ 25,600	\$ -	\$ 25,600
		Campagna - Reeve St / Hall Street	\$ 5,000	\$ -	\$ 5,000
		Huntington Tier (Road to Tip - Guard Rail)	\$ 8,000	\$ -	\$ 8,000
		Inglewood Road - Sight Improvements	\$ 8,000	\$ -	\$ 8,000
		Woodside Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700
		Woodside Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000
			\$ 1,801,274	\$ 796,311	\$ 1,004,963

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MAY 2014

	BUDGET	EXPENDITURE	VARIANCE
BRIDGE ASSETS			
C1030013	\$ -	\$ 2,750	\$ (2,750)
C1030003	\$ 567,000	\$ 112,128	\$ 444,872
C1030043	\$ 166,000	\$ 62,892	\$ 103,308
C1030028	\$ 57,000	\$ 3,106	\$ 53,894
C1030023	\$ 876,000	\$ 3,225	\$ 872,775
C1030044	\$ 81,700	\$ 1,304	\$ 80,396
C1030045	\$ 26,440	\$ -	\$ 26,440
C1030041	\$ 142,500	\$ 79,200	\$ 63,400
	\$ -	\$ 1,469	\$ (1,469)
	\$ -	\$ 646	\$ (646)
	\$ 1,708,740	\$ 286,922	\$ 1,442,218
WALKWAYS			
	\$ 18,674	\$ -	\$ 18,674 P1
Footpaths - General (Program to be confirmed)			
Bagdad Township	\$ 50,000	\$ 31,857	\$ 18,143
- East Bagdad Road (Le Compte to Highway)			
Campagna Township			
- Reeve Street (Vicinity of Store)	\$ 10,000	\$ -	\$ 10,000
- Reeve Street (500 metres)	\$ 80,000	\$ 8,390	\$ 71,614
- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	\$ 5,000	\$ -	\$ 5,000
Colebrook Township			
- Kerb & Gutter / Footpath improvements	\$ 15,000	\$ 4,177	\$ 10,823
Kempston Township			
- Grange Road Kerb & Gutter	\$ 31,326	\$ 31,326	\$ (0) Bk
Margaloe Township			
- Black Bush	\$ -	\$ 3,685	\$ (3,685)
Oatlands Township			
- High Street (Keen's / School area)	\$ 8,000	\$ 12,068	\$ (4,068)
Turnback Township			
- Vanous (to be confirmed)	\$ 7,000	\$ -	\$ 7,000
	\$ 225,000	\$ 91,488	\$ 133,502
LIGHTING			
	\$ -	\$ -	\$ -
	\$ -	\$ -	\$ -
DRAINAGE			
	\$ 21,662	\$ 49,965	\$ (28,113) In
Bagdad	\$ 73,000	\$ 4,327	\$ 70,473
- Swan Street - Kerb & Gutter (eastern side - 250 metres)			
- Swan Street - Kerb & Gutter (western side - 380 metres)			
- Swan Street - Kerb & Gutter (backlan side - 160 metres)	\$ 145,000	\$ 2,887	\$ 142,313
- North of Le Compte Place Subdivision	\$ 10,000	\$ -	\$ 10,000
Colebrook			
- Colebrook Main Rd / Yarrington Rd (Junction to Rail)	\$ 12,000	\$ 1,007	\$ 10,994
- Franklin Street - Kerb & Gutter	\$ -	\$ 4,581	\$ (4,581)
- Machonochie Street - Kerb & Gutter	\$ -	\$ 5,106	\$ (5,106)
Kempston			
- Nil	\$ -	\$ -	\$ -
Oatlands			
- High SW/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000
- Stanley Street / Lake Duvernoy - Extension	\$ 13,000	\$ -	\$ 13,000
- Wellington Street (150 metres - kerb replacement)	\$ 12,000	\$ 57	\$ 11,943
Turnbridge			
- Main Road (Vicinity of Community Club)	\$ 20,000	\$ 4,697	\$ 15,304
- Main Road (Junction with Allison Street)	\$ 6,000	\$ 3,653	\$ 2,347
	\$ 319,662	\$ 76,309	\$ 253,261

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MAY 2014

		BUDGET	EXPENDITURE	VARIANCE	
WASTE	C110001	\$ 5,000	\$ 10,829	\$ (5,829)	
	C110002	\$ 10,000	\$ -	\$ 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 GROWTH		\$ -	\$ -	\$ -	
		\$ -	\$ 15,707	\$ (15,707)	
		\$ -	\$ 15,707	\$ (15,707)	
HERITAGE	C3010004	\$ 59,900	\$ 56,872	\$ 2,028	
		\$ 4,000	\$ -	\$ 4,000	
		\$ 96,000	\$ 16,736	\$ (16,736)	
		\$ 7,500	\$ 124,684	\$ (28,694)	
		\$ 20,000	\$ 4,534	\$ 2,966	
		\$ 7,500	\$ 5,120	\$ 14,880	
		\$ 7,500	\$ -	\$ 7,500	
		\$ 67,500	\$ 3,423	\$ 64,077	
		\$ 281,400	\$ 211,370	\$ 50,030	
	LANDSCAPES		\$ 5,240	\$ 4,680	\$ 560
			\$ 2,100	\$ -	\$ 2,100
			\$ 7,340	\$ 1,852	\$ (1,852)
		\$ 7,340	\$ 6,532	\$ 808	
NATURAL	C3020004	\$ 20,000	\$ 11,046	\$ 8,954	
		\$ 3,500	\$ 655	\$ 2,845	
		\$ 5,000	\$ -	\$ 5,000	
		\$ 2,500	\$ -	\$ 2,500	
		\$ 31,000	\$ 11,701	\$ 19,299	
REGULATORY		\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	
		\$ -	\$ -	\$ -	

SOUTHERN MIDLANDS COUNCIL
CAPITAL EXPENDITURE PROGRAM 2013-14
AS AT 31 MAY 2014

		BUDGET	EXPENDITURE	VARIANCE
LIFESTYLE	RECREATION			
	C-4070005	\$ 30,000	\$ 550	\$ 29,450
	C-4070004	\$ 7,500	\$ 3,744	\$ 3,756
	C-4070008	\$ 10,000	\$ 2,835	\$ 7,165
	C-4070017	\$ 16,367	\$ 18,828	\$ (2,461)
	C-4070006	\$ 2,500	\$ 8,482	\$ (5,982)
	C-4070020	\$ 5,000	\$ 2,580	\$ 2,420
	C-4070021	\$ 2,600	\$ 2,006	\$ 594
	C-4070001	\$ 25,000	\$ -	\$ 25,000
	C-4070022	\$ -	\$ 8,049	\$ (8,049)
	C-4070024	\$ -	\$ 10,113	\$ (10,113)
	G-4020002	\$ -	\$ 224	\$ (224)
	G-4070020	\$ -	\$ 295	\$ (295)
	C-4070023	\$ -	\$ -	\$ -
		\$ 98,967	\$ 57,685	\$ 41,282
COMMUNITY				
	C5030001	\$ 3,000	\$ 685	\$ 2,315
		\$ 3,000	\$ 685	\$ 2,315
ORGANISATION				
	SAFETY			
		\$ 7,500	\$ -	\$ 7,500
		\$ 7,400	\$ -	\$ 7,400
		\$ 3,500	\$ -	\$ 3,500
		\$ 15,000	\$ 11,081	\$ 3,919
		\$ 10,000	\$ 20,280	\$ (10,280)
		\$ 23,000	\$ 18,552	\$ 4,448
		\$ 5,000	\$ -	\$ 5,000
		\$ 8,286	\$ 5,956	\$ 2,330
		\$ 5,000	\$ -	\$ 5,000
		\$ 24,642	\$ 24,642	\$ -
		\$ 6,000	\$ 9,180	\$ (3,180)
		\$ 2,000	\$ 2,969	\$ (969)
		\$ 1,009,222	\$ 831,856	\$ 177,366
		\$ 5,485,825	\$ 2,387,527	\$ 3,224,175
ORGANISATION	SUSTAINABILITY			
	ADMINISTRATION			
		\$ 662,536	\$ 519,625	\$ 142,911
		\$ 144,000	\$ 148,177	\$ (4,177)
		\$ 60,000	\$ 70,384	\$ (10,384)
		\$ 7,000	\$ -	\$ 7,000
		\$ 7,000	\$ -	\$ 7,000
		\$ 36,000	\$ -	\$ 36,000
		\$ 1,009,222	\$ 831,856	\$ 177,366
		\$ 5,485,825	\$ 2,387,527	\$ 3,224,175
WORKS				
		\$ 662,536	\$ 519,625	\$ 142,911
		\$ 144,000	\$ 148,177	\$ (4,177)
		\$ 60,000	\$ 70,384	\$ (10,384)
		\$ 7,000	\$ -	\$ 7,000
		\$ 7,000	\$ -	\$ 7,000
		\$ 36,000	\$ -	\$ 36,000
		\$ 1,009,222	\$ 831,856	\$ 177,366
		\$ 5,485,825	\$ 2,387,527	\$ 3,224,175

SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED

	15/06/2014	15/06/2013
Arrears Brought Forward	\$352,040.89	\$251,900.24
ADD Current Rates and Charges Levied	\$4,139,022.14	\$3,949,607.96
ADD Current Interest	\$82,954.40	\$77,633.14
TOTAL Rates and Charges Demanded	\$4,574,017.43	\$4,279,141.34
LESS Rates and Charges Collected	\$3,878,294.24	\$3,682,313.02
LESS Pensioner Remissions	\$208,552.64	\$201,677.68
LESS Other Remissions	-\$13,464.12	-\$2,425.22
LESS Discounts	\$17,782.22	\$13,102.39
TOTAL Rates and Charges Collected and Remitted	\$4,091,164.98	\$3,894,667.87
UNPAID RATES AND CHARGES	\$482,852.45	\$384,473.47
	100%	100%
	84.79%	86.05%
	4.56%	4.71%
	-0.29%	-0.06%
	0.39%	0.31%
	89.44%	91.02%
	10.56%	8.98%

	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)	INFLOWS (OUTFLOWS) (May 2014)	INFLOWS (OUTFLOWS) (Year to Date)
Cash flows from operating activities												
Payments												
Employee costs	- 239,458.53	- 274,071.17	- 268,147.50	- 259,876.01	- 255,270.42	- 371,181.37	- 195,329.89	- 235,955.17	- 272,127.79	- 269,469.49	- 214,992.96	- 2,855,880.30
Materials and contracts	- 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	- 222,064.48	- 225,762.32	- 3,102,980.45
Interest	- 627.25	-	-	-	-	-	-	-	-	-	-	-
Other	- 9,793.10	- 34,432.27	- 32,556.88	- 62,381.71	- 16,041.56	- 15,725.79	- 63,276.44	- 17,588.10	- 67,154.04	- 9,511.08	- 9,014.96	- 39,540.97
Receipts	- 527,469.43	- 745,549.75	- 482,638.25	- 665,043.83	- 583,338.85	- 597,102.31	- 612,456.98	- 494,379.37	- 668,068.63	- 501,045.05	- 502,890.31	- 6,379,982.76
Rates	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	129,405.60	4,031,617.86
User charges	97,861.87	48,302.62	43,422.56	83,826.89	54,929.89	83,351.78	69,253.48	55,210.26	71,542.64	43,979.70	90,853.66	742,535.35
Interest received	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	19,940.52	223,547.82
Subsidies	-	-	-	-	-	-	-	-	-	-	-	-
Other revenue grants	-	-	-	-	-	-	-	-	-	-	-	-
GST Refunds from ATO	-	410,803.25	-	-	410,803.25	-	-	410,803.25	-	-	410,803.25	1,643,213.00
Other	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	39,106.47	34,230.95	128,876.08
Net cash from operating activities	188,218.54	1,324,632.85	1,175,576.20	267,657.45	849,419.53	309,321.70	507,738.36	684,790.77	588,098.07	273,294.54	616,772.08	6,785,540.11
	- 339,250.89	579,103.10	692,937.95	397,386.38	266,080.70	287,780.61	104,718.62	190,411.40	79,970.56	227,730.51	113,881.77	405,557.35
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	- 326,548.90	- 1,841,822.51
Proceeds from sale of property, plant & equipment	-	-	-	-	-	-	-	-	-	-	-	-
Proceeds from Capital grants	-	15,993.64	-	26,000.00	65,716.84	-	25,000.00	10,044.55	45.45	34,532.73	-	177,333.21
Proceeds from Investments	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	343,016.00	1,143,213.90
Payment for Investments	-	-	-	-	-	-	-	-	-	-	-	-
Net cash used in investing activities	- 46,289.57	- 51,144.94	- 24,288.47	- 208,490.42	- 208,490.42	- 96,566.89	- 243,244.17	- 233,172.25	- 351,226.28	- 3,569.85	- 16,467.10	- 521,276.40
Cash flows from financing activities												
Repayment of borrowings	- 4,704.53	-	-	-	-	-	-	-	-	-	-	-
Proceeds from borrowings	-	-	-	10,105.29	35,555.91	-	-	-	-	-	-	10,409.97
Net cash from (used in) financing activities	- 4,704.53	-	-	10,105.29	35,555.91	-	-	-	-	-	-	10,409.97
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	- 224,180.66	119,938.90	- 176,494.75
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	8,438,360.98	8,734,794.63
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	8,438,360.98	8,558,299.88	8,558,299.88

18.3.2 2014 / 2015 Annual Plan & Budgets (Operating & Capital)

AUTHOR GENERAL MANAGER (T KIRKWOOD)

DATE 20th JUNE 2014ENCLOSURES: 1. 2014/15 Annual Plan & Operating Budget
2. 2014/15 Capital Works Program Budget**ISSUE**

Formal adoption of the 2013 / 2014 Annual Plan and Budget – Operating and Capital.

BACKGROUNDThe following documents have been updated following the workshops held 5th June and 13st June 2014.

1. Annual Plan and Program Budget Operating
2. Estimates Worksheets for Current Expenditure (Operating)
3. Capital Expenditure Estimates – Source of Funds Analysis

DETAIL

The Budget documents are submitted for formal endorsement at this meeting.

RECOMMENDATION**THAT Council formally adopt the 2014/2015 Annual Plan and Budget – Operating and Capital.****C/14/06/075/19741 DECISION**

Moved by Deputy Mayor M Jones OAM, seconded by Clr A O Green

THAT Council formally adopt the 2014/2015 Annual Plan and Budget – Operating and Capital.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

18.3.3 Adoption of 2014-2015 Rates and Charges Resolution

AUTHOR GENERAL MANAGER (T KIRKWOOD)
DATE 21st JUNE 2013

ISSUE

Formal adoption of the 2014 / 2015 Rates and Charges Resolution under the *Local Government Act 1993* and the *Fire Services Act 1979*.

BACKGROUND

Nil.

DETAIL

The following Rates & Charges Resolution (draft) has been based on the outcome of discussions through the budget workshops.

2014/2015 RATES AND CHARGES **RATES RESOLUTION SOUTHERN MIDLANDS COUNCIL**

THAT under the *Local Government Act 1993* and the *Fire Service Act 1979*, the Southern Midlands Council has made the following rates and charges upon rateable land within the municipal area of Southern Midlands (“the municipal area”):

General Rates

1. (a) Under section 90 (3) (c) of the *Local Government Act 1993* (“the Act”) Council makes a general rate of 7.8293 cents in each dollar of Assessed Annual Value for all rateable land within the municipal area shown on the valuation list prepared under the *Valuation of Land Act 2001* (“the valuation list”), subject to a minimum amount of \$285.00

(b) Under sections 107 (1) (a) of the Act the Council also declares that the general rate is varied according to the use or predominant use of the land (as classified by the Valuer-General on the valuation list) and a rate of 7.2421 cents in each dollar of Assessed Annual Value applies for all rateable land classified as Primary Production, subject to a minimum amount of \$285.

Waste Management Charge

2. Under section 94 (1) of the Act Council makes a separate services charge in respect of the service of waste management called the Waste Management Charge upon all rateable land, which is capable of use for residential purposes, and

Council declares that the charge is to be calculated in accordance with the following formulae:

- a) for rateable land upon which a dwelling or dwellings are constructed:

Waste Management Charge = \$118 x D, where D is the number of dwellings on the rateable land, capable of being occupied.

- b) for rateable land upon which no dwelling is constructed:

Waste Management Charge = \$40.00

Garbage Removal Charge

3. a) Under section 94 (1) of the Act Council makes a separate services charge of \$126.00 in respect of the service of waste management called the Garbage Removal Charge upon all rateable land.
- b) Under section 107 (1) (c) and section 94 (3A) of the Act the Council declares that the Garbage Removal Charge is varied according to the locality of the land and the level of service provided as follows:
- (i) for the land identified by Property Identification Number 7462339 the charge is \$2,646.00;
- (ii) for land in the Broadmarsh/Elderslie areas to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$182.00.
- (iii) for land in the Tunbridge area to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$182.00.
- (iv) for land to which the Council does not provide either a weekly garbage removal service and kerbside recycling service, or a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is zero.

Fire Service Contributions

4. For the Council's contribution to the State Fire Commission:-
- (a) for land within the Oatlands & Kempton Volunteer Brigade Rating District an amount of 0.3902 cents in the dollar on the assessed annual value of all rateable land subject to a minimum amount of \$37.00;

- (b) for all other land in the municipal area an amount of 0.30 cents in the dollar on the assessed annual value of the land subject to a minimum amount of \$37.00.

Instalments

5. These rates and charges are for the year commencing 1st July, 2014 and ending 30th June 2015 and are payable by 4 equal instalments, the first payable 30 days after the issue of the rates notices, the second by 4.30 p.m. on 28th November 2014, the third by 4.30 p.m. on 30th January 2015 and the fourth by 4.30 p.m. on 31st March 2015.

Where a ratepayer elects to enter into an arrangement to pay the current rates and charges by monthly, fortnightly, or weekly instalments via one of the electronic payment options (including direct debit), then the instalment amounts will be calculated to settle the debt by 30th June 2015. Penalty and interest will not be applied on any of the 2014-15 rates and charges at the relevant date, provided that the instalment arrangements are adhered to. In the event of default, penalty and interest is to be calculated on the outstanding amounts.

Late Payments

6. **Penalty:** A penalty of 5% applies to any rate or charge that is not paid on or before the date it falls due.

Interest: In addition to the penalty, interest under section 128 of the *Local Government Act 1993* will be charged at the rate of 9.5% per annum.

Discount

7. A discount of 1.7% will apply to all rates and charges paid in full within 30 days after the date of issue. This discount is not applicable to rates and charges which are paid in instalments. The payment due date will appear on the rates notice.

RECOMMENDATION

THAT Council adopt the 2014-15 Rates and Charges resolution as presented.

C/14/06/079/19742 DECISION

Moved by Clr A R Bantick seconded by Clr B Campbell

THAT Council adopt the 2014-15 Rates and Charges with an amendment to the General Rate to provide for an increase of 3.7% (adjusted as below):

2014/2015 RATES AND CHARGES
RATES RESOLUTION SOUTHERN MIDLANDS COUNCIL

THAT under the *Local Government Act 1993* and the *Fire Service Act 1979*, the Southern Midlands Council has made the following rates and charges upon rateable land within the municipal area of Southern Midlands (“the municipal area”):

General Rates

1. (a) Under section 90 (3) (c) of the *Local Government Act 1993* (“the Act”) Council makes a general rate of **7.8596** cents in each dollar of Assessed Annual Value for all rateable land within the municipal area shown on the valuation list prepared under the *Valuation of Land Act 2001* (“the valuation list”), subject to a minimum amount of \$285.00
- (b) Under sections 107 (1) (a) of the Act the Council also declares that the general rate is varied according to the use or predominant use of the land (as classified by the Valuer-General on the valuation list) and a rate of **7.2701** cents in each dollar of Assessed Annual Value applies for all rateable land classified as Primary Production, subject to a minimum amount of \$285.

Waste Management Charge

2. Under section 94 (1) of the Act Council makes a separate services charge in respect of the service of waste management called the Waste Management Charge upon all rateable land, which is capable of use for residential purposes, and Council declares that the charge is to be calculated in accordance with the following formulae:

- a) for rateable land upon which a dwelling or dwellings are constructed:

Waste Management Charge = \$118 x D, where D is the number of dwellings on the rateable land, capable of being occupied.

- b) for rateable land upon which no dwelling is constructed:

Waste Management Charge = \$40.00

Garbage Removal Charge

3. a) Under section 94 (1) of the Act Council makes a separate services charge of \$126.00 in respect of the service of waste management called the Garbage Removal Charge upon all rateable land.
- b) Under section 107 (1) (c) and section 94 (3A) of the Act the Council declares that the Garbage Removal Charge is varied according to the locality of the land and the level of service provided as follows:
- (i) for the land identified by Property Identification Number 7462339 the charge is \$2,646.00;
 - (ii) for land in the Broadmarsh/Elderslie areas to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$182.00.
 - (iii) for land in the Tunbridge area to which the Council provides a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is \$182.00.
 - (iv) for land to which the Council does not provide either a weekly garbage removal service and kerbside recycling service, or a fortnightly garbage removal service (utilising wheelie bins) and kerbside recycling service, the charge is zero.

Fire Service Contributions

4. For the Council's contribution to the State Fire Commission:-
- (a) for land within the Oatlands & Kempton Volunteer Brigade Rating District an amount of 0.3902 cents in the dollar on the assessed annual value of all rateable land subject to a minimum amount of \$37.00;
 - (b) for all other land in the municipal area an amount of 0.30 cents in the dollar on the assessed annual value of the land subject to a minimum amount of \$37.00.

Instalments

5. These rates and charges are for the year commencing 1st July, 2014 and ending 30th June 2015 and are payable by 4 equal instalments, the first payable 30 days after the issue of the rates notices, the second by 4.30 p.m. on 28th November 2014, the third by 4.30 p.m. on 30th January 2015 and the fourth by 4.30 p.m. on 31st March 2015.

Where a ratepayer elects to enter into an arrangement to pay the current rates and charges by monthly, fortnightly, or weekly instalments via one of the electronic payment options (including direct debit), then the instalment amounts will be calculated to settle the debt by 30th June 2015. Penalty and interest will not be

applied on any of the 2014-15 rates and charges at the relevant date, provided that the instalment arrangements are adhered to. In the event of default, penalty and interest is to be calculated on the outstanding amounts.

Late Payments

6. Penalty: A penalty of 5% applies to any rate or charge that is not paid on or before the date it falls due.

Interest: In addition to the penalty, interest under section 128 of the *Local Government Act 1993* will be charged at the rate of 9.5% per annum.

Discount

7. A discount of 1.7% will apply to all rates and charges paid in full within 30 days after the date of issue. This discount is not applicable to rates and charges which are paid in instalments. The payment due date will appear on the rates notice.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
	Clr D F Fish	√
	Clr A O Green	√

The Meeting was suspended at 12.44 p.m. for the Public Consultation Session

Two (2) members of the public attended the consultation session with no specific issues raised.

Ms Sally Tame attended the meeting to observe Item 18.2.3 ‘The Former Levendale School - Potential Development of a Community-Based Social Enterprise’ being considered.

18.2.3 The Former Levendale School - Potential Development of a Community-Based Social Enterprise

AUTHOR MANAGER, COMMUNITY & CORPORATE
DEVELOPMENT (A BENSON)
DATE 19TH JUNE 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 Levendale Primary School from Department of Education ownership to Council ownership

The following report was provided for the May 2014 Council

[EXTRACT from the Minutes]

BACKGROUND

The Levendale 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 Levendale 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 Levendale on Wednesday 6th November 2013 approximately thirty local residents were in attendance.

In a wide-ranging discussion, there was a clear indication from the Levendale 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 Levendale 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 Levensdale 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	

[End of EXTRACT from the Minutes]

CURRENT DETAIL

As requested by Council at the May 2014 meeting, the Manager Community & Corporate Development (Andrew Benson) convened a Community meeting at the former Levendale Primary School on the 18th June 2014. Invitations to that meeting were extended to the people who attended the Community Forum on the 10th May 2014, as well as members of the Levendale Hall Committee. A copy of the SGS “*Feasibility Analysis Levendale School Social Enterprise*” report was attached to each invitation. The Conclusion of the report stated

Since it became evident the Levendale Primary School would be closed, the Levendale community has been eager to explore ways to retain this facility where so many people have fond childhood memories of, as a community hub. Southern Midlands Council, together with the State Government, have provided funding towards a business plan for an organisation that would operate the school assets and grounds in a financially viable manner and for the community to use and benefit from.

The discounted cash flow analysis of the short listed ideas does not return a neutral or positive operating result. The plausible scenario is based on a number of assumptions that in reality are quite aspirational: the levels of activity required at the former school site are significant. There would be activities at the former school for 86 days per annum plus 60 days of use of facilities (mostly office) through lease arrangements. Also, running programs and catering would require volunteers to be involved.

In addition, as part of the screening of ideas, our analysis has established for a number of ideas that market demand is uncertain and would need to be further explored as part of a business planning exercise. The research into the business plan may quite likely establish that the expected levels of demand are insufficient to sustain such levels of activity.

Only in case of the optimistic scenario there is the opportunity for the social enterprise to operate at a break-even level if the upfront capital investment is not considered. This scenario relies on significant levels of volunteer involvement. It is uncertain whether the community is able to commit to such a significant task which would require volunteers to take on much of the management, administration, marketing and cleaning of the site and facilities. Such a big task may be beyond the enthusiasm and commitment one could ask from dedicated community members.

At the meeting on the 18th June 2014, there were a number of apologies, from people wanting to be kept up to date on progress. Eleven Community members attended and a two hour discussion ensued. The meeting commenced at 5.30pm with the Manager Community & Corporate Development (the Convener) asking each person their views in relation to the report. In general, people spoke of a limited timeframe to develop ideas and uses, some of the costings were thought to be rather high, and some of the assumptions had not been tested. These comments were provided in the context of a number of recent events in the area. E.g. the closing of the school meant that many of the

normal Community interactions and cohesiveness were being gradually eroded now that the school has been closed and people are travelling to Sorell or other places with their children. The traditional engagements of Community life are not happening and people expressed a deep sadness as these matters become a reality in the day to day life of people. It also transpires that when the only Church in the area was deconsecrated, the Community were not involved in deciding a future for the building. This was expressed as tragic given the land on which the Church stood was gifted by the Community, the Church was built by the Community, many members of the Community had a strong and ongoing commitment that stretched back many, many years in the up keep of the site.

Whilst this was a discussion about a technical document that was based on rational assumptions, the emotion and sense of sadness pervaded the meeting as the people talked about their Community resources being gradually removed along with the impact that it was having on families. As the Convener, it was distressing to hear these heartfelt comments from a Community that in the past has been an energetic and strong exemplar of Community values coupled with a can do attitude.

There was then a re-engagement when the “*What if*” question was asked. This gave rise to a discussion about a possible subdivision/boundary adjustment effectively severing the playground, tennis court and oval from the former school site and then adhering them to the Levendale Community Hall title. The question then arose could these elements and their associated sites be transferred to the Levendale Hall title or does it need to be transferred to Council on a separate title.. The meeting worked through this and added some other matters, namely

1. Could various items within the school kitchen be gifted from the DoE to the Levendale Hall, eg microwave, fridge, cutlery, pots and pans, et al for use in the kitchen?
2. Could the mower and other tools used on the site be gifted to the Levendale Hall to maintain the playground area?
3. Could significant elements from the school site be transferred to the playground area, eg the Old School Gateways, etc
4. The issue of the Memorial Trees came up and the people at the meeting believed that the ones that are on the remaining school site, (after the subdivision) could be moved with a fitting ceremony to mark the occasion, with all reverence and humility.
5. An issue was flagged in respect of the septic tank from the Hall and that this could be a good time to address this issue.

The elected members present did state that Council wished to support the Community and could provide some degree of support in the upgrading of the Levendale Hall kitchen and /or improving the disability access to the hall services. Council’s Development & Environmental Services Officers have been asked to visit the site and provide suggestions in respect of these matters.

The issue of maintenance of the playgrounds/oval arose and one of the suggestions was, that given Council contribute to both the Levensdale Cricket Club as well as the Runnymede Cricket Club, (which are both private grounds), the sum of a \$1,000 towards the mowing of their grounds, maybe Council could do the same with the Levensdale Hall Committee in respect of maintenance of the playground/oval. Council Officers have been asked to assess the condition of the playground equipment.

At this stage the sense of optimism was starting to rise in the meeting with good ideas of what could happen and how it could happen, with people contributing very valid suggestions and offering their individual and collective commitments to make things happen. Such was the sense of optimism that the group suggested that Council ask the Department of Education (DoE) for the total site and that if after three years there was no tangible and sustainable social enterprise established on the site, that the school buildings (not including the previously suggested subdivided area) be sold by the Council and that any funds be reinvested with the Levensdale Community. The Hall Committee have indicated that they would be keen to undertake any maintenance functions during that two to three year period, if Council could provide some support.

The Convener stated that he understood the DoE was very keen to leave a lasting commitment in the local Community from the school presence, and that he would be pleased to convey the Communities views to the DoE

It is noted that Council do not own any Community infrastructure in the district, south of Woodsdale. It is also noted that Council does have a Memorandum of Understanding (MOU) with the Bagdad Community Club Inc, with an annual financial sum attached to the MOU, in recognition that the Bagdad Community does provide Community infrastructure for the benefit of the broader Community. A similar arrangement could be entered into with the Levensdale Hall Committee Inc in respect of the former Levensdale School site.

The DoE have generously provided ongoing maintenance at the site as well as keeping the power supply connected since the school was closed in 2013. That level of support has to be terminated at the end of June 2014 and therefore a final decision is required from this Council meeting.

CONCLUSION

A school is more than just a place to educate children; it influences the Community's well-being. In addition to building human and cultural capital, schools build and maintain social capital. Schools in rural areas are centres of the District's social life and have a crucial role in constructing a local identity. For some people, the school is the only site for contact with other local people. Nonetheless, the significance of a rural school is often taken as a given, and the school's importance does not become evident until the school is threatened. Given the closure of the Levensdale School after 113 years, the sentiment and significance of the site and the buildings continues on as a strong compass point both metaphorically and practically in sustaining social capital in our rural district of Levensdale.

This Council and this State Government can be the *stepping stones* on the journey to the future sustainability and success of the Levendale Community or they can be the *signpost on the journey* that marks a significant milestone in the further fragmentation and degradation of the social capital and cohesiveness of our rural Communities.

Martin Luther King said it thusly: “*All life is interrelated.*” Meaning, what affects some of us will eventually affect us all. We must evolve humane and effective means of managing that inevitable reality.

The suggestions from the Community meeting are commended to Council as a meaningful way forward and also as an opportunity for the Levendale Community to maintain their sense of Community.

RECOMMENDATION

For discussion and decision.

DECISION

C/14/06/089/19743 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

THAT the Southern Midlands Council commence negotiations with the Department of Education with a view to transferring ownership of Levendale School from the Department to the Southern Midlands Council, on the following basis:

- a) After 3 years and if deemed necessary, the Southern Midlands Council is able to sell the property and the proceeds be re-invested within the Levendale Community;
- b) A boundary adjustment be undertaken to transfer an agreed portion of land to the Levendale Hall Committee; and
- c) Any costs/expenses incurred by Council be recouped from the sale proceeds.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

The meeting was suspended at 1.15 p.m. for lunch (followed by site visits) and the meeting resumed at 4.12 p.m.

13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)

13.12.1 Manager - Works & Technical Services Report

File Ref: 3/075

AUTHOR MANAGER – WORKS & SERVICES

DATE 20TH JUNE 2014

ROADS PROGRAM

Maintenance Grading being undertaken in the York Plains, Inglewood and Swanston area.

Drainage and Culvert clearing has commenced on Lower Marshes Road along with Shoulder and culvert clearing on Jericho Road.

BRIDGE PROGRAM

Maintenance to be undertaken on Rotherwood Road Bridge once timber beams have been received.

WASTE MANAGEMENT PROGRAM

All operating well.

TOWN FACILITIES PROGRAM

Kerb and Guttering at Swan Street, Bagdad is progressing well.

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

- Water Filler (Whynyates Street, Oatlands) - water laying on road causing potholes and running into neighbouring properties.
- Oatlands School – Church Street entrance – bus parking area requires reconstruction (and stabilisation)
- Sorell Springs Road - Culvert / Drainage maintenance – to be inspected
- Williams Road, Tea Tree – construct ‘hard stand’ area for filler station being installed on irrigation pipeline (filler station being funded by Tas Rail for emergence service use)

RECOMMENDATION

THAT the information be received.

C/14/06/091/19744 DECISION

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

THAT the information be received.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

18.3.4 Bagdad Soccer Club – Request for Donation

File Ref: Financial Management

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 12TH JUNE 2014

ISSUE

Consideration of a request for a donation from the Bagdad Soccer Club

BACKGROUND

Nil

DETAIL

Refer letter received 8th June 2014 attached.

The Bagdad Soccer Club (as an organisation) is not specifically recognised in Council's Donations Policy, and therefore the request is to be considered on merit.

For information, Council did provide an annual contribution of \$160 (up until June 2009), after which no further requests were received.

Following the introduction of the Community Small Grants Scheme, it is considered more appropriate that the Bagdad Soccer Club submit an application under that scheme to enable the purchase of small equipment etc. *Note: The Grants Scheme does not fund ongoing operational expenses (e.g. linemarking paint).* This comment takes into account one of the major reasons for introducing the Grants Scheme was to enable all such applications to be considered at the same time, and funded on a priority basis.

Human Resources & Financial Implications - Dependant on the level of donation (if any) granted by Council.

Community Consultation & Public Relations Implications - N/A.

Policy Implications - Reference Policy No. 5.6.2.2 – 'Remissions – Charitable, Community and Sporting Bodies'.

This type of donation is not recognised in the existing Policy.

Priority - Implementation Time Frame – Immediate.

RECOMMENDATION

THAT the request for a donation be declined and it be recommended that the Bagdad Soccer Club submit an application under Council’s Community Small Grants Scheme.

C/14/06/093/19745 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

THAT the request for a donation be declined and it be recommended that the Bagdad Soccer Club submit an application under Council’s Community Small Grants Scheme.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

**BAGDAD SOCCER
CLUB**

SOUTHERN MIDLANDS COUNCIL

Date - 6 JUN 2014

File no

Doc Id

To whom it may concern,

Hello my name is Mandy Witek and I am the president of the Bagdad Soccer Club.

I am writing to ask for some sponsorship for the Bagdad Soccer Club.

We currently do not have any sponsorship and we are struggling to be able to offer the necessary things required to run the club.

I would like to ask kindly for any assistance the Southern Midlands Council could give the Bagdad Soccer club.

I need to purchase paint for line marking on a regular bases. We are also in need of another set of goals for our Under 6 field and trophies for the end of season.

Thank you

Kind Regards

Mandy Witek
1829 Midlands Hwy
Bagdad Tas 7030
Ph. 62686544 or 0439635246



19. INFORMATION BULLETINS

Refer enclosed Bulletin dated 19th June 2014.

Information Bulletin dated 30th May 2014 and 12th June 2014 circulated since previous meeting.

RECOMMENDATION

THAT the Information Bulletins dated 30th May 2014, 12th June 2014 and 19th June 2014 be received and the contents noted.

C/14/06/095/19746 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr A O Green

THAT the Information Bulletins dated 30th May 2014, 12th June 2014 and 19th June 2014 be received and the contents noted.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

20. MUNICIPAL SEAL**20.1 RENEWAL OF MINING LEASE 1510P/M – ST PETERS PASS AND 1977P/M - STONOR**

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)

DATE 12TH JUNE 2014**ISSUE**

Council to renew two mining leases:

- 1) Lease 1977 P/M quarry located at Stonehenge (owned by Mr E McShane)
- 2) Lease 1510 P/M quarry located at “St Peters Pass” Oatlands (owned by Mr A Morrison)

DETAIL

The Director of Mines has advised, that in accordance with the provisions of Section 97 of the *Mineral Resources Development Act 1995*, he intends to recommend to the Minister for Infrastructure, Energy and Resources that these Mining Lease 1977P/M & 1510 P/M be renewed for a term of three years.

It is advised that a new Compensation Agreement is to be entered into between Council and the quarry owners which will provide for payment of \$1.10 (incl. GST) royalty per cubic metre of gravel taken from these sites.

RECOMMENDATION

THAT Council renew Mining Leases 1977 P/M quarry located at Stonehenge (owned by Mr E McShane) and 1510 P/M quarry located at “St Peters Pass” Oatlands (owned by Mr A Morrison).

C/14/06/096/19747 DECISION

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

THAT Council renew Mining Leases 1977 P/M quarry located at Stonehenge (owned by Mr E McShane) and 1510 P/M quarry located at “St Peters Pass” Oatlands (owned by Mr A Morrison).

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

COMPENSATION AGREEMENT

AN AGREEMENT made the _____ day of _____ 2014
between Stonehenge Holdings Pty Ltd (The Trustee for the E & F McShane Trust), ABN 48 941 697 764 of 2303 Inglewood Road, Stonehenge (hereinafter called ‘the owner and occupier’ which expression shall include the legal representatives and assigns of the owner and occupier) of the one part and SOUTHERN MIDLANDS COUNCIL **ABN 68 653 459 589 of 71 High Street, Oatlands in Tasmania** (hereinafter called ‘the Applicants’ which expression shall include the assigns of the applicants) of the other part.

WHEREAS the applicants are desirous of obtaining under the *Mineral Resources Development Act 1995* a mining lease of the land described in the schedule hereto. **AND**
WHEREAS the owner is the owner and occupier of the said land.

NOW IS HEREBY AGREED AND DECLARED as follows:

1. **Amount of compensation:** The amount of compensation to be paid in money to the owner and occupier shall be a royalty of \$1.00 per cubic metre of gravel quarried and removed by the applicants such amount to be reviewed by the parties at the expiration of twelve months from the granting of the lease and at the end of every subsequent twelve month period.
2. **Licence to take possession and consent to lease:** The owner and occupier hereby grants to the applicants full licence and authority to take possession of the said land for mining purposes for the duration of a period of _____ years from the issuance of the said lease with a further term to be negotiated between the parties at the expiration of such period of time and hereby consents to any such lease being granted to the applicants under the *Mineral Resources Development Act 1995*.
3. **Consequence of Breach:** If the applicants fail to comply with any of the terms of this agreement then (without prejudice to any other rights of the owner) the applicants shall be deemed to have wholly ceased operations within the meaning of the *Mineral Resources Development Act 1995*.

- 4. Transfer of rights:** Upon a transfer of the applicants to any other person of their right title and interest in and to any application for mining lease or in and to any such lease said land and upon such persons undertaking all liability on the part of the applicants under this agreement the liability of the parties hereto of the second part shall cease and determine.

THE SCHEDULE

<p>“Stonehenge Holding Pty Ltd (The Trustee for the E & F McShane Trust)” Reference (Tasmap 1:100.000) –</p>	
---	--

IN WITNESS WHEREOF the parties hereto have hereunto set their and seal the day and the first hereinbefore written.

EXECUTED in.

Signed by

Name Mr E McShane

In the presence of:

Name

THE COMMON SEAL of the SOUTHERN)
 MIDLANDS COUNCIL has been fixed pursuant)
 To a resolution of the said Sothern Midlands Council)
 Passed the day of 2014.)

In the presence of:)

General Manager

Councillor

Councillor

COMPENSATION AGREEMENT

AN AGREEMENT made the _____ day of _____ 2014 between ST PETERS PASS PTY LTD (Mr A A Morrison), ABN 64 507 996 753 of 6820 Midlands Highway, Oatlands 7120 (hereinafter called ‘the owner and occupier’ which expression shall include the legal representatives and assigns of the owner and occupier) of the one part and SOUTHERN MIDLANDS COUNCIL **ABN 68 653 459 589 of 71 High Street, Oatlands in Tasmania** (hereinafter called ‘the Applicants’ which expression shall include the assigns of the applicants) of the other part.

WHEREAS the applicants are desirous of obtaining under the *Mineral Resources Development Act 1995* a mining lease of the land described in the schedule hereto. **AND WHEREAS** the owner is the owner and occupier of the said land.

NOW IS HEREBY AGREED AND DECLARED as follows:

2. **Amount of compensation:** The amount of compensation to be paid in money to the owner and occupier shall be a royalty of \$1.00 per cubic metre of gravel quarried and removed by the applicants such amount to be reviewed by the parties at the expiration of twelve months from the granting of the lease and at the end of every subsequent twelve month period.
5. **Licence to take possession and consent to lease:** The owner and occupier hereby grants to the applicants full licence and authority to take possession of the said land for mining purposes for the duration of a period of _____ years from the issuance of the said lease with a further term to be negotiated between the parties at the expiration of such period of time and hereby consents to any such lease being granted to the applicants under the *Mineral Resources Development Act 1995*.
6. **Consequence of Breach:** If the applicants fail to comply with any of the terms of this agreement then (without prejudice to any other rights of the owner) the applicants shall be deemed to have wholly ceased operations within the meaning of the *Mineral Resources Development Act 1995*.

7. Transfer of rights: Upon a transfer of the applicants to any other person of their right title and interest in and to any application for mining lease or in and to any such lease said land and upon such persons undertaking all liability on the part of the applicants under this agreement the liability of the parties hereto of the second part shall cease and determine.

THE SCHEDULE

<p>“St Peters Pass Pty Ltd” Reference (Tasmap 1:100.000) –</p>	
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IN WITNESS WHEREOF the parties hereto have hereunto set their and seal the day and the first hereinbefore written.

EXECUTED in.

Signed by Mr A Morrison

Name

In the presence of:

Name

THE COMMON SEAL of the SOUTHERN)
MIDLANDS COUNCIL has been fixed pursuant)
To a resolution of the said Sothern Midlands Council)
Passed the day of 2014.)

In the presence of:)

General Manager

Councillor

Councillor

**20.2 2014/15 NATION BUILDING BLACK SPOT PROGRAM – ELDERSLIE ROAD /
CHURCH ROAD BROADMARSH.**

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)
DATE 20TH JUNE 2014

ISSUE

THAT Council formalise the Nation Building Black Spot Program allocation for 2014/15 by signing and sealing the Grant Deed for the amount of \$100,000.

DETAIL

Council has developed a design to improve sight distance for side street traffic by realigning the northern end of Church Road to join with Elderslie Road further to the east and carrying out some sight benching on the southern side of the road.

The total cost of the project is estimated to be \$200,000. Council has agreed to contribute 50% (\$100,000), with the remaining \$100,000 to come from the Black Spot Program.

RECOMMENDATION

THAT Council sign and seal the Grant Deed for the Nation Building Black Spot Program 2014/15 for the amount of \$100,000.

C/14/06/101/19747 DECISION

Moved by Clr A O Green, seconded by Clr A R Bantick

THAT Council sign and seal the Grant Deed for the Nation Building Black Spot Program 2014/15 for the amount of \$100,000.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

RECOMMENDATION

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

DECISION

C/14/06/102/19748 DECISION

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

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	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

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.

**T F KIRKWOOD
GENERAL MANAGER**

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.

**T F KIRKWOOD
GENERAL MANAGER**

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.

**T F KIRKWOOD
GENERAL MANAGER**

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.

**T F KIRKWOOD
GENERAL MANAGER**

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

**T F KIRKWOOD
GENERAL MANAGER**

RECOMMENDATION**THAT Council move out of “Closed Session”.****C/14/06/112/19750 DECISION**

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

THAT Council move out of “Closed Session”.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

RECOMMENDATION**THAT Council endorse the decision made in “Closed Session”.****C/14/06/112/19751 DECISION**

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

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

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

Clr B Campbell left the meeting at 4.45 p.m.

Mr D Cundall (Planning Officer) attended the meeting at 4.55 p.m.

21.1 CORRESPONDENCE DATED 29TH MAY 2014 RECEIVED FROM SOUTHERN WASTE STRATEGY AUTHORITY

Refer correspondence dated 29th May 2014 which details the issue(s) and provides options for consideration.

C/14/06/113/19752 DECISION

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

THAT Council adopt the following position:

- a) SWSA should continue to operate for the 2014-15 financial year;
- b) During that period an acceptable funding model should be developed in consultation with member Councils; and
- c) If an acceptable funding model cannot be developed, then the organisation be wound-up in accordance with its Rules, and responsibilities transferred to another organisation (not specific).

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	



SOUTHERN MIDLANDS COUNCIL

Rec'd 30 MAY 2014

File no: _____
Date: _____

Level 2
Hobart Council Centre
16 Elizabeth Street
Hobart Tasmania 7000
Telephone: 03 6224 3088
Facsimile: 03 6224 3099
Email: swsa@bigpond.com
www.southernwaste.com.au

SOUTHERN WASTE STRATEGY AUTHORITY

Councillor T. Bisdee
Mayor
Southern Midlands Council
P.O. Box 21
Oatlands TAS 7120

Dear Mayor Bisdee

Last week, the Chief Executive Officer, Mr David Sales, wrote to your Council advising that Hobart City Council had resigned from Southern Waste Strategy Authority (SWSA) with effect from 30th June 2014 and that a Special Meeting of SWSA had been convened for Tuesday 27th May 2014 to consider the letter of resignation and the effect it might have on the future operations of SWSA.

As a result of this letter, a number of Member Councils included that advice as a late agenda item at Council Meetings held prior to the Special Meeting of SWSA.

Representatives of all Members, except Hobart (there was a Council Officer present) and Glamorgan/Spring Bay (whose Council Meeting took place at the same time), were present.

Representatives of those Councils that had considered the matter, advised that none of the resolutions passed at these meetings included a decision by Council to give the necessary advice that their Councils were resigning from SWSA. Other representatives indicated that they were unaware of their Council intending to hold a Special Meeting in a time frame which would enable their Council to give sufficient notice to enable a resignation to take effect prior to 1st July 2014.

This being the case, it is assumed that all present Members with the exception of Hobart City will remain Members on 1st July 2014.

At the conclusion of the Meeting and after considerable discussion, the Board adopted the following resolution:

That SWSA advise its Members of the possible alternatives for the future of SWSA and request that they form an opinion and advise their Representative of the Member's position in time for the next Board Meeting, with the date to be advised.

A number of possible alternatives have been developed and attached in an Appendix. I would appreciate if your Council could give the matters outlined in the appendix consideration, so that your representative can be advised of your Council's preferred position at the next SWSA Board meeting which should be held in early July.

I would also advise that the CEO and/or I will make every endeavour to attend any Council Meeting or Workshop where this matter might be discussed to answer any questions your Council may have, if it is thought this may be helpful in enabling Council to reach a decision.

Yours faithfully



Cr Alex Green
Chairman
| 29th May 2014

APPENDIX

At the commencement of the special meeting of SWSA held 27th May 2014, the Representative from Clarence City Council advised the meeting of the resolution which was passed at the Clarence City Council Meeting the previous evening, which read:

“That Council”

1. notes Hobart City Council has advised the Southern Waste Strategy authority (SWSA) that it is withdrawing from the Joint Authority with effect 30 June 2014 and that a special meeting of the SWSA Board will be considering the ramifications of Hobart’s withdrawal on 27 May 2014;
2. advises the remaining members of SWSA that Clarence Council’s preferred position is that the SWSA be wound up in accordance with its Rules; and
3. Recommends that subsequent to any such decision to wind up SWSA, its roles and functions be transferred to the Southern Tasmanian Councils Authority”.

There was considerable discussion regarding the letter of resignation, which included the following points:

- There was substantial support for SWSA continuing into the 2014/15 financial year until a final decision can be made regarding the future the Authority;
- Concern was expressed that there was no specific proposal regarding STCA hosting regional waste activities for consideration by councils and that matters such as Structure, Roles and Functions and Funding should be detailed so that councils can make an informed decision;
- It was suggested that SWSA should take all possible steps to resolve the matter of the introduction of a State Waste Levy as quickly as possible;
- SWSA should continue as a legal entity until, at least, such time as all contractual obligations have been met;
- It was suggested that, following the withdrawal of Hobart City as a member, more liaison should take place between SWSA and other councils to ensure that they were being offered the appropriate level of services

At the conclusion of the discussion the following motion was carried:

That SWSA advise its Members of the possible alternatives for the future of SWSA and request that they form an opinion and advise their Representative of the Member’s position in time for the next Board Meeting, with the date to be advised.

Prior to the meeting the Chief Executive Officer had produced a briefing paper which forms the substance of the possible future alternatives for waste management in Southern Tasmania.

Firstly there are the legal requirements in the Rules. The applicable parts of the rules seem to be.

"10. Cessation of membership

- (1) A Member may cease to participate in the Authority on giving 4 weeks notice to withdraw."

This means that Hobart's resignation is valid in respect of the termination date of 30/6/14 and any further resignations received by Monday 2nd June 2014 will also be valid in respect of resignation of membership as at 30th June 2014.

Any Member, who has resigned by 30th June 2014, would not be liable for any contributions levied by the Authority for 2014/15. All other members would be legally liable for the 2014/5 contribution, even if they resigned early in the financial year.

A further point to bear in mind is the following rule:

"43. Surplus on winding up

- (1) Subject to Part 13 of the Act, on the winding up of the Authority, the person appointed to administer the winding up must distribute any assets or money remaining after payment of the expenses of the Authority, between the members."

This effectively means that any Members who resign in accordance with the rules during FY2013/2104 would not be eligible to any distribution of funds if the Authority is wound up in 2014/15;

It would appear therefore, that all Councils, except Hobart, will remain members at 1st July 2014.

To consider this matter it is suggested that some historical background needs to be given.

SWSA was formed in 2001 for a range of reasons. No corresponding regional waste groups were established in the north or the north-west of the State.

However, in 2003, the Premier's Local Government Council commenced discussions relating to implementing a regional approach to waste management in Tasmania. In September 2005, the Environmental Division of the Department of Primary Industry, Water and Environment prepared a discussion paper entitled 'Regional Waste Management in Tasmania' which was released to all Councils by LGAT in November 2005. Submissions were made by many Councils and regional groups. They were generally supportive of a regional approach to waste management.

Subsequently, a letter dated 4/8/06, (all Councils should have a copy of this letter in their files) jointly signed by the Director of Environment and the CEO of LGAT was issued to all Regional Groups and Councils, which required regional waste groups to be established and which had the capacity to deliver as a minimum, each of the following:

- 1 A regional strategy that addresses both statewide and regional waste management objectives. Statewide waste management objectives will be established through a consultative process that is currently being put in place but are considered include:
 - a. Improved resource recovery
 - b. Identification of infrastructure needs
 - c. Collaboration on statewide initiatives
 - d. Process of engagement with stakeholders
- 2 Regular meetings of member Councils at decision making level (preferably General Manager or Senior Manager).
- 3 Adoption of an appropriate and transparent funding formula by which member Councils contribute funds to agreed state and regional waste management initiatives and a process for setting and reviewing an annual budget for waste management as agreed by member Councils.
- 4 A process for measuring and regularly reporting progress towards achieving regional waste management objectives and providing data for reporting against statewide objectives."

This document served as the impetus for the formation of the Northern and Cradle Coast Waste Groups, whilst in the South, it reinforced a commitment from the Southern Councils to continue the delivery of the services outlined above through Southern Waste Strategy Authority.

Almost from the outset and especially in more recent years there has been a tension between Councils regarding the equity relating to the funding arrangements of SWSA. Councils which ran landfills without transfer stations provided the lion's share of funding, while the owner Councils of Copping Landfill had to meet their contribution from rate revenue, derived from municipal waste going to landfill. It should be noted that Copping has been exempt from paying the voluntary levy due to the current SWSA funding structure in place and as such no revenue at all is being raised from any non-municipal waste taken to Copping. Under the Authorities current rules, there is no way to rectify this position.

It is these discrepancies in the funding arrangements that has led most Councils in Southern Tasmania to support a State mandated levy on waste to land fill. As such, LGAT changed its policy on opposing a mandated Waste Levy and over the past 18 months, LGAT and the three Regional Waste Groups have been endeavouring to lobby the State Government to introduce this levy. It should also be noted that agreement had been reached at an officer level in the EPA, on the funds raised being fully hypothecated to waste; a situation which has not occurred in any other jurisdiction. Both the EPA and the Department of Environment have made strong representations to the previous Government supporting the proposed model.

The Board of SWSA fully realises that without a mandated waste levy, the future of SWSA looks bleak. With the construction of new transfer stations, waste to landfill will continue to decline and with it, voluntary contributions to SWSA. It also recognises that 2014/15 will be a make or break year for SWSA unless different funding arrangements can be made.

There is of course, a new State Government in place and to this stage, it has given no indication on its position on a mandated waste levy.

SWSA believes now is an appropriate time for the Councils in Southern Tasmania to consider how they might honour the commitment given to the Department of Environment in 2006.

There appear to be a number of possible alternatives:

- That SWSA continues in existence, either with or without a mandated levy.
- It is anticipated that a decision on the potential of there being a waste levy would be known by late 2014. Obviously if there is a waste levy on the basis presently proposed, the future funding of the Authority is assured. If not, SWSA would need to reassess its situation and present a proposal for its ongoing future. This could include a downsizing and consideration of a different more equitable source of funding.
- That SWSA is wound up, with individual Councils taking responsibility for their own waste management practices. Surplus funds would be returned to members and Southern Tasmania would have no regional voice in the waste management area.
- As an alternative to winding up the Authority, because of that cost, it may be preferable to merely strip the Authority but maintain the legal entity so that if circumstances change, it would not be necessary to go through all the procedures to set up a new entity. Southern Tasmania would still have no regional voice in the waste management area.
- That the roles and functions of SWSA are carried out by some other body.

At the present time, it is anticipated that SWSA will record a small deficit for the year which will leave accumulated funds at 30/6/14 in the range of \$180,000 - \$190,000. In a previous report to the Board, it was indicated that income from contributions in 2014/15 would be about \$K293, of which Hobart would contribute about \$K72. This would reduce the income to about \$K221 without Hobart's contribution. Total operating expenses budgeted in 2013/14 were \$K237 (excluding consultants and radio/TV advertising). It would be possible to reduce this figure by about \$K40 by achieving various administrative efficiencies. This would mean that a budget with a surplus of \$K24 could be used for activities such as the Garage Sale Trail. It is also pointed out that SWSA has already committed to a number of small projects in early 2014/15 which would need to be funded, but these would generally come out of existing allocations.

Clearly the activities of SWSA, albeit slightly reduced and better targeted, could continue for 2014/15. If the Board decided, it would be quite possible for the first half year's subscription to be delayed, as there are sufficient funds on hand to allow for operations for a number of months.

Besides providing better targeted services, the Authority's prime objective would be to convince the new State Government to introduce a mandated levy. Once a decision is made

on that matter, SWSA would clearly need to seek its members' views as to whether there was any point in the organisation continuing.

Alternatively, SWSA could remain operational for a short period into 2014/5, to enable its members the opportunity of determining whether a viable alternative structure exists or whether to wind up the Authority. In this case the Authority could agree not to levy the first half year's contribution, which would normally occur in August and no new obligations would be accepted. This would mean that the legal and moral commitments that the Authority has, could be concluded and the Councils would have time to consider whether they use a different vehicle to provide regional waste management or whether should the Authority be wound up.

Clarence Council has suggested that the roles and function of SWSA should be transferred to STCA.

It might be noted that, at its meeting of 14th April 2011, the STCA resolved:

"That the Authority take no further action in this matter of the Review of Solid Waste Management in Southern Tasmania allowing it to be pursued by the SWSA on the basis of the conclusions and recommendations of the report by Blue Environment "Waste Management 2020 and beyond".

Further, enquiries have revealed that STCA has not revisited the matter of waste management since that time and would not be able to do so until their next meeting, which is not scheduled until late June 2014.

Clarence's proposal calls for STCA to take over the roles and functions of SWSA. This would seemingly mirror the situation in north-west Tasmania where the Cradle Coast Regional Waste Group is a committee of the Cradle Coast Joint Authority. In both the Northern and Cradle Coast Regions, the voluntary waste levy has been increased and the Cradle Coast Waste Group has a budget of about \$K450pa; well in excess of our existing revenue of about \$K300pa. If STCA is to take over the roles and function of SWSA, it will need a substantial budget to do so and the existing tensions regarding funding, referred to earlier in the report, will not just go away.

The view of the SWSA Board is that, before a Council could make an informed decision on this matter, it would be necessary for STCA to firstly indicate that it is prepared to administer waste management affairs in Southern Tasmania and then provide Councils with a detailed proposal which would indicate a governance structure, roles and functions and the quantum and method of funding.

At this point members could determine whether SWSA should be merged into STCA, restructured in some other manner or alternatively wound up.

There is provision in the SWSA rules that, in the event of the Authority being wound up, an administrator must be appointed to carry out the winding up and make any disbursements. The costs in respect of commercial administrators are quite expensive and advice sought indicated that at least \$20,000 should be allowed for this cost. It is suggested that an alternative might be to maintain the legal entity as a shell having divested it of all its assets. In this case the legal entity could be used in the future if required.

One further consideration raised at the meeting was that if Southern Tasmania did not have a regional waste group, and both the North and Cradle Coast Regions had well resourced regional waste groups (which they do) their political influence in relation to waste management in Tasmania could be disproportional.

**21.2 CORRESPONDENCE DATED 8TH JUNE 2014 RECEIVED FROM IMAGINE CAMPANIA
– NAMING OF PARK**

Refer correspondence dated 8th June 2014.

C/14/06/123/19753 DECISION

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

THAT Council further investigate this matter and consult with interested parties, including the developer of the subdivision.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

Imagine

Campania Inc

Rec'd 11 JUN 2014

File no.

Date of

98937

The Mayor

Southern Midlands Council

PO Box 21

Oatlands Tasmania 7120

Dear Mayor

Naming of a park in honour of Councillor Beven dec.

At a recent meeting of Imagine Campania Incorporated it was unanimously resolved that the unnamed park in Alexander Circle be named after Councillor Colin Beven.

We thus ask that the park be officially named the 'Colin Beven Memorial Park'.

As you will appreciate, Councillor Beven was a long time worker for the Campania area and his efforts to improve the community over many years were much appreciated by the residents of Campania. The community would like to acknowledge his contribution by naming this park after him.

Yours sincerely



Chris Adams
President
Imagine Campania Inc.

08.06.14

**21.3 CORRESPONDENCE DATED 8TH JUNE 2014 RECEIVED FROM IMAGINE CAMPANIA
– BUS SHELTER**

Refer correspondence dated 8th June 2014.

C/14/06/125/19754 DECISION

Moved by Clr M Connors, seconded by Clr A O Green

THAT:

- a) Council further investigate possible locations for siting a bus shelter, and in doing so, consult with Tassie Link as the bus service provider;
- b) Council officers assess the suitability of the bus shelter being offered by the Rotary Club of Brighton; and
- c) A report to be submitted next meeting.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

Imagine
Campania Inc

SOUTHERN MIDLANDS COUNCIL

Rec'd 11 JUN 2014

File no.

File #

98936

The Mayor
Southern Midlands Council
PO Box 21
Oatlands Tasmania 7120

Attn Mr Tony Bisdee
CC CEO Tassielink

Dear Mayor

Campania Bus Shelter

A number of residents have expressed concern that there is no shelter for those waiting for a bus at Campania.

The current bus stop is located on the main road and is dangerously located and very exposed to the weather. The Campania Tavern balcony was used previously to provide some shelter but passengers needed to cross a road to board the bus, and the tavern is yet to be rebuilt. As I'm sure we all appreciate, the Climie Street/Native Corners Road and Reeve Street intersection is very dangerous for pedestrians and vehicles alike.

In the first instance what we would ask is that funds be budgeted for a bus shelter. Imagine Campania Inc. sees this as an important piece of community infrastructure. The actual location of the bus stop to improve safety for bus users will need to be investigated, and Imagine Campania Inc. is happy to be involved in any consultation process deemed appropriate by the Council and Tassielink. I have copied this email to the CEO of Tassielink as I see their involvement as critical to successfully being able to provide a suitable facility.

Your public commitment to provide funding for this community facility would be greatly appreciated.

Yours sincerely



Chris Adams
President
Imagine Campania Inc.

06.06.14

21.4 AUSTRALIA LOCAL GOVERNMENT ASSOCIATION – GENERAL ASSEMBLY

Mayor A E Bisdee OAM provided a verbal report following his recent attendance at the ALGA General Assembly held in Canberra.

Conference papers were tabled.

21.5 BUSINESS / TOURISM DEVELOPMENT – SOUTHERN MIDLANDS MUNICIPALITY

Background documents were circulated at the meeting, followed by a presentation by the Deputy General Manager (Mr A Benson).

C/14/06/127/19755 DECISION

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

THAT Council support the conduct of a forum aimed at engaging with the business community and identifying opportunities to work together to promote and enhance business operations within the municipal area.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

21.6 CONDOLENCE MOTION – MR STEPHEN WALKER AM**C/14/06/128/19756 DECISION**

Moved by Clr A O Green, seconded by Clr M Connors

THAT Council acknowledge the passing of Mr Stephen Walker AM, being one of Tasmania's renowned sculptors and artist.

Mr Walker was a long-term resident of Campania and the Southern Midlands Council notes his sad passing with condolences to his wife and family.

Mr Walker AM undertook a number of public art projects, including sculptures and topiaries, which are located within the Council area (e.g. Campania and Oatlands).

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	

The meeting was suspended for a short break at 5.25 p.m. and resumed at 5.32 p.m.

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 2014/46 - Storage Shed, Dwelling (Caretaker) and Community Art Space (Miscellaneous Use/Development) – Requiring Works to Building/Site listed in Schedule 4 and on the Tasmanian Heritage Register (Historic Cultural Heritage Act 1995) at St Anne's Church, Church Lane Dysart

File Reference: T5462693

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

DATE: 19th JUNE 2014

ATTACHMENTS:

- 1. Development Application.**
- 2. Representations (Enclosure).**
- 3. Notice of Heritage Decision, dated 18th June 2014.**

THE PROPOSAL:

The Applicants Mr and Mrs Rudd, have applied to the Southern Midlands Council for a Planning Permit for a change of use and development of land at St Anne's Church, Dysart. The Application includes an extension to the existing church building for a 'caretakers dwelling' and shed and change the use of the existing church to a 'community art space' for 'community art projects' and to provide a space for 'artists in residents' to '...share their expertise and creativity with residents of Southern Midlands'.

Whilst the church building itself is no longer used as a church, the associated cemetery is still used as such.

The land is zoned 'Community Use' under the *Southern Midlands Planning Scheme 1998* ("the Scheme") and is listed in Schedule 4 of the Scheme as a local building and works of historic significance. The Application is therefore assessed at Council's discretion in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993*.

The site is also listed on the Tasmanian Heritage Register and development of the land requires approval by the Tasmania Heritage Council pursuant to the *Historic Cultural Heritage Act 1995* (“Heritage Act”).

The Tasmanian Heritage Council notified the Southern Midlands Council on the 19th June 2014 that the application must be refused by Council. Accordingly, Southern Midlands Council must refuse to grant a Permit and must issue a notification of the decision to the applicant stating the grounds of refusal.

It is open to Council to add to the grounds of refusal, if it deems appropriate to do so, based on the planning scheme.

Works without Council Approval

The owner has undertaken earthworks and site works without approval from the Tasmanian Heritage Council or Southern Midlands Council. The earthworks are clearly depicted in the photographs provided in this report.

The applicant is now seeking retrospective approval for these works as part of the submitted Development Application.

There is concern that the earthworks may cause instability of the bank and possibly damage graves. Council officers issued a direction to the landowner to engage a geotechnical consultant to advise on any works necessary to stabilise the cut whilst it remains open. The applicant, on the 19th June 2014, has reported that their consultant has advised that the cut appears stable and should not present any immediate problems. Council officers have asked for a written report from the consultant.

A refusal of the current application would leave the option open for the owners to redesign and submit a new application. The cut would then be likely to remain open for a longer period than the owners may have planned for, and measures would need to be undertaken to verify / ensure that the cut will remain stable for such a period.

Description of the Proposed Development and Site Works

The proposed extension to the church for a ‘caretakers dwelling’ is a two-storey extension with a total approximate floor area of 313m². The proposed cladding is weatherboard with a skillion type roof. The internal layout of the extension is a fairly typical, large, 3 bedroom dwelling. The building is 1.5m from the southern boundary and 22.8m from the eastern/Dysart Drive boundary.

The proposed shed is a 100m² colorbond ‘barn style’ outbuilding with a rollerdoor. The maximum height is 5.5m potentially allowing for a second storey or large storage area or internal mezzanine floor. An internal floor plan of the shed was not provided however a written description stated that the use of this building was for storage of ‘...equipment used for the maintenance of the Church grounds and grave sites; an electric pottery kiln,

horse float and storage for other general items..’. The proposed shed is 10m from the Ely street boundary and 3m from the southern side property boundary.

There is a car parking area drawn on the site plan aside with a written accompaniment stating Council may need to consider a relaxation to the parking standards for the proposed use of the site. There would appear some area available for parking without impacting on the graves and community use/concerns or heritage significance of the site. Council Officers have also noted that there is no defined parking area on site for the people to visit the land. This is further addressed in this report.

As mentioned previously the Applicant has also begun earthworks without Council (or Heritage Council) approvals. The earthworks are a large cut and fill as shown between ‘Photos 1 - 4’ of this report and as partly depicted in the provided plans. These earthworks have caused distress in the community as they are located very close to graves on the land. Many of the Representations, enclosed with this report, have expressed a high level of concern for the earthworks, the proximity to the graves of family members and the impact on the amenity of the cemetery for people visiting the graves.

The Applicant has proposed a wastewater system to service the use of the land in front of the church (Dysart Drive side).



Photo 1 _Photo looking south from Church Lane at the rear of St Anne's.



Photo 2_Demonstrating the distance between a grave and the cut behind St Anne's.



Photo 3_Photo looking east showing the graves along the southern boundary of St Anne's



Photo 4 Photo demonstrates the fill and a possible car parking space on the 'Church Lane' side of St Anne's.

Proposed Use of Site

There are two changes of use proposed, a 'Community Art Space' and a 'Caretakers Dwelling'.

The 'Community Art Space' is not defined under Schedule 3 of the Scheme. Accordingly, it is defined as 'Miscellaneous' as the use/development does not specifically, nor in substance fit with any other category listed elsewhere in the Scheme. The Applicant has provided some information articulating the use of the site and has provided links to their website demonstrating community art projects and community engagement.

The 'Caretakers Dwelling' is specifically defined in the Scheme under Schedule 3 as 'Dwelling (Caretaker)'. The proposal conforms with this use/development category. There is however an onus on the Applicant to demonstrate the need for a caretaker on the land to the satisfaction of Council.

SITE DESCRIPTION

The land is a generally moderately sloping 4444m² lot. On site is a cemetery, some landscaping and the 1870s sandstone church. There is also two very large pine trees located behind the church. The land is bounded by Church Lane, Dysart Drive and Ely Street. There is a residential property on the southern side.

THE APPLICATION

The Applicant has submitted a completed application form, site plan, wastewater report and elevation drawings and a written accompaniment to the application.

There is sufficient information for the Planning Authority, Heritage Tasmania and any member of the public to form a view on the Development Application and assess under the relevant legislation.

THE PLANNING SCHEME ASSESSMENT

Statutory Status

The use/development invokes Clause 11.5 of the Planning Scheme and Section 57 of the Act for:

- a) The use/development status of ‘Miscellaneous’ and ‘Dwelling (Caretaker)’ as ‘Discretionary’ in Table 7.1 of the Community Use Zone
- b) Works to a place listed in Schedule 4 of the Scheme in accordance with Part 10.1
- c) Relaxation to the setback standard for development adjoining the Rural Residential B Zone
- d) The proposed works are not exempt from requiring Heritage Approval under the Heritage Act 1995 and is therefore lodged in accordance with Section 34 of the Heritage Act and assessed under Section 57 of the *Land Use Planning and Approvals act 1993*.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on Saturday 17th May 2014 for the standard 14 day notification and exhibition period. During this period, a public information session was held in Kempton on May 26th 2014 to address community concerns. The meeting was very well attended with 71 persons recorded on the register. At this meeting Council announced an extension of time for public notification period by 7 days, making it a total of 21 days. A further notice was subsequently placed in *The Mercury* and neighbouring property owners written to again.

47 representations were received. One representation also included an attached petition signed by 390 people. The representations are enclosed for the Elected Members review separately to this report.

Most of the Representations expressed similar grounds of concern. It is apparent this has been a highly emotive matter.

The ultimate concern raised in most representations is that the earthworks undertaken without Council approval or consultation with the community and family members are disrespectful and inconsiderate. The current works and the proposed extension to the building has/will restrict access to some of the graves and will prevent any more burial plots alongside loved ones and unreasonably impose on the ability to visit the graves in peace and dignity. The sentiment in most of the representations is one of grief and anguish.

The other major concern is the proposed 10m by 10m shed. Almost every aspect of this proposed shed has caused a great deal of concern for its size, its location and its usage associated with the dwelling use. People feel its location within the cemetery area is very disrespectful.

The following table provides a list of the issues and comments raised within the various representations.

List of Issues raised both verbatim and summarised

- | |
|--|
| <ul style="list-style-type: none"> • <i>Concern that the owner of the property has planned to develop the site without any consultation with family members of the grave sites.</i> • <i>Concern that the proposal is too close to existing graves.</i> • <i>Concern that works were undertaken without any Council Approval.</i> • <i>Disgusted at the lack of respect shown to the community and to families.</i> • <i>Concern the owner of the land may prevent new burial plots in the future or deny those who have already paid for a plot.</i> • <i>Concern that some of the graves have been fenced with a cyclone safety fence and prevented access to the graves and a disrespect for families.</i> • <i>How can the owner be sure that the excavation works have not destroyed any other unknown graves or unmarked graves; and that this is irreversible damage.</i> • <i>People should not be forced to straddle over other peoples graves when visiting due to the construction works and due to an extension to the church.</i> • <i>Works have caused a huge amount of distress and upset in the community.</i> • <i>Works are disrespectful.</i> • <i>Object to a shed of the size proposed (Planning Officer notes that many of the representations raise this matter).</i> |
|--|

- *The land is a place of rest not a playground.*
- *Upset at finding loved ones graves have been fenced off from the free access.*
- *The proposed shed is placed over the only access to the site for the hearse and for mourners it would also force vehicles to drive over a grave to access the land.*
- *The large caravan and car currently on the site are disrespectful to mourners and visitors to the site.*
- *Restriction of access to graves near the proposed caretakers extension.*
- *The proposed extension is not sympathetic to the heritage value of the church.*
- *The construction works have restricted access to graves.*
- *The earth works are at risk of collapsing.*
- *The proposal has disturbed a resting place for loved ones.*
- *Opposition to any building or structural work of any kind on the graveyard.*
- *The site looks like Dysart's second tip.*
- *Concern the current owner will not manage the site appropriately and respectfully.*
- *Opposition to any buildings erected above the church (i.e. in the cemetery).*
- *Excavation should be at least 2m from any graves.*
- *The excavation works have put graves at risk.*
- *The excavation works are completely disrespectful.*
- *The site looks like a tip with the caravan, car and shipping container on site.*
- *Who wants to visit loved ones and have to walk around sheds, shipping containers, caravans and old cars?*
- *The excavation works are a safety hazard to visitors to the site and have put visitors at risk.*
- *Any development at the cemetery is a disgrace. People have paid for their resting place so let them rest in peace.*
- *Building works should be confined to the church area and not on any part of the cemetery.*

- *Council should know just how upset and angry they are at the proposal.*
- *Buildings should not be located amongst the graves.*
- *The proposed caretakers extension is a substantive development for such a limited site.*
- *The downstairs pantry/upstairs ensuite part of the proposed building restricts access to graves and prevents any further graves alongside loved ones.*
- *The caretakers cottage has not taken into consideration community and heritage values of a cemetery and historically significant building.*
- *Concern the proposed extension may weaken and damage the church.*
- *All development should follow guidelines for development of heritage places as prescribed by Heritage Tasmania.*
- *The site should be preserved for future generations.*
- *Wish to see that development of the church building is conducted sympathetically and the owners and Council will take into consideration the heritage significance of the site and those buried on the site in making a decision.*
- *Southern Midlands Council and the Heritage Council must take control of this situation.*
- *A timeframe to rectify the damage should be put into place.*
- *The proposal greatly detracts from the historic significance of the building and the importance of the graves to loved ones.*
- *This work should not take place due to the unknown factor regarding unmarked graves.*
- *Concern that the proposed caretakers cottage is more likely just a residence.*
- *The owners should have known better.*
- *There should be at least 2m from the graves to allow room for free and easy access to visitors.*
- *The proposed shed is unsympathetic to the site and the community.*
- *The proposal does not benefit the community; in fact it has caused great distress to the community.*
- *The proposed shed has greatly reduced the land available for future graves; and that a large percentage of the site will be developed for the residential use and not for the community use.*

- *The building works would shade the graves and the use of the site would interfere with people's privacy and right to visit the graves.*
- *The caretakers extension would visually impede on the historical significance of the church to the extent that it would remove all cultural and community importance of the church for the Dysart Residence and for families who's loved ones had their funeral service held there.*
- *The large shed is extremely disrespectful.*
- *Very concerned about the lack of land available for the onsite wastewater system and the possibility of unmarked children's graves in the vicinity of the wastewater system. This should not occur.*
- *There may be environmental health issues associated with the excavation works and possibly contaminated leachate discharging from the cut.*
- *The concept of modern art within the church does nothing but upset and detract from the importance of the site.*
- *There is insufficient parking on site for visitors to the art space and for any art exhibitions. Parking on the street would destroy the road.*
- *The proposed shed would deface the graveyard and is disrespectful to the community and those buried in the cemetery.*
- *There is insufficient room for car-parking for the new residence.*
- *Where will stormwater be disposed from the large shed?*
- *If unmarked graves are disturbed who is notified and what happens to the remains?*
- *The proposal takes away peoples dignity to peacefully mourn and remember loved ones. It will feel like those buried in the cemetery have been buried in somebody's backyard.*
- *The proposed change of use will make visitors feel uncomfortable and inhibited to express grief.*
- *The proposal appears to be just a residence for the Rudd Family.*
- *The construction works have discriminated against people visiting graves within the cyclone fenced area.*
- *It takes a special person to own a cemetery, to treat it with respect and honour.*
- *Where is the guarantee that the proposed works and works already conducted have not disturbed unmarked graves.*

- *Issues with access between the large shed and the residence – the need for a pathway through the graves to and from the shed.*
- *The southern boundary fence marks the graves of deceased new born babies – it is sad to see this area being disturbed.*

PLANNING SCHEME ASSESSMENT

Zone - Community Use Zone

St Anne's church and graveyard is in the Community Use Zone.

Purpose of Zone

The Community Use Zone recognises land used for facilities and services that are primarily used for, and accessed by, the public such as schools, churches, child care centres, community halls, sporting fields, playgrounds and Council offices.

The zone allows for the continued use and future development of these sites for the benefit of the community.

Intent of Zone

The Scheme lists a set of four (4) zone intent statements. These statements shall be considered by Council in making a decision. Each intent statement below is provided with a comment from the Planning Officer.

- 1. give priority to land being used for community purposes such as schools, community centres, crèches, churches, sports fields, playgrounds and the like;***

The land is currently used for community purposes as a cemetery open to the public, although the church itself has been close for some years. Council zoned this land under the current Planning Scheme as Community Use recognising its ownership by the Anglican Church and recognising its ongoing use as a cemetery (and potentially an Anglican Church or other community use). This, at the time was a fitting zone for the land.

The entire lot, church and cemetery, was sold in 2011 by the Anglican Church to a private owner. This did not change the zoning of the land. A new owner could still use the church for community purposes and still has an obligation to run the cemetery and keep it open to the public.

The owner of a cemetery is subject to the *Burial and Cremations Act 2002* and the *Burial and Cremation (Cemetery) Regulations 2005*. This legislation is administered by the Local Government Division of the Department of Premier

and Cabinet. The owner of a cemetery is also the authorised manager of a cemetery with a range of responsibilities prescribed by this legislation and regulations. To put this into perspective, the Anglican Church was previously responsible for managing the graveyard and the new owners are subject to the same roles and responsibilities.

The cemetery shall continue to be managed by the owner of the land in accordance with the Burial and Cremations Act (irrespective of the planning scheme zone).

The owner has proposed to change the use of the church to a ‘community art space’ and a place for an ‘artists in residence’ and for art exhibitions. These intentions are considered a community use of the land. They should however be confined to the church building and not incorporated into the cemetery usage of the site. These are quite separate uses of the land.

2. ensure that such areas are protected from inappropriate development that would impact on the use and development of the facilities;

It is considered that the Development Application submitted to Council does not meet this intent of the zone. The current use of the site is a ‘working’ graveyard. The proposed caretakers extension to the church would impose an unnecessary level of development very close to some of the graves and cause a degree of impact on the amenity afforded visitors to the site. The design of the building, especially the proposed downstairs pantry/upstairs ensuite appears to wrap around the existing graves. This does not appear appropriate or respectful of the existing use of the site. This matter is strongly highlighted as a community concern in the many representations received. The graves constitute sensitive sites with significant community attachment. The size and location of the caretakers dwelling would restrict public access and restrict another possible grave alongside the existing graves.

It is considered that remedial works of the large cut and an appropriate complete redesign of the proposed caretakers dwelling could alleviate these issues.

The proposed shed on the Ely Street entrance is an unnecessarily large shed for the care of a cemetery. A much smaller shed (large enough for a lawnmower or other gardening tools, purpose built for maintenance of the grounds) would be sufficient. A much smaller shed would not restrict access to the site and may be possible if of an appropriate design and external cladding materials more fitting for the current use of the site and its heritage values.

The proposed shed is not purpose built for just a cemetery maintenance use. It would appear to be primarily for the proposed residential use of the property and the community arts facility. The splitting of these uses between the two extremes of the property would create a land use conflict with the ongoing community use

of the graveyard, and would give the impression that part of the cemetery is also part of a residential backyard.

3. *ensure that the facilities have minimal impact of the amenity and use of neighbouring properties;*

The proposed shed is 3m from the adjoining boundary. The setback standard in this zone is 10m. This is a 70% reduction in the setback standard. This matter is further addressed in the assessment of the Development Standards for the zone.

The significant reduction in setback by the proposed dwelling extension is also addressed later in this report i.e. an 85% reduction in the setback distance.

4. *identify areas that may be required for community use in the future.*

Without the proposed 10m by 10m shed and with a reduction in the footprint of the proposed caretaker dwelling it is considered that there would be sufficient room on site for the normal operation of a cemetery. The current proposal, however, is considered to be not in compliance with this provision.

Development Standards of the Community Use Zone:

There are only two development standards for the Community Use Zone regarding height and setbacks. Council has discretion to approve a development that does not conform to these standards if satisfied it meets the criteria prescribed in Part 7.4.2

1. **Buildings shall not exceed 8 metres in height.**

The proposal does not exceed the 8m height standard.

2. **No minimum setback is specified, except that where a Community Activity Zone neighbours a non-Community Activity Zone, the setback applicable in the neighbouring zone shall apply.**

The proposed caretaker dwelling is, in part, only 1.5m from the southern boundary. The proposed shed is 3m from the southern boundary. The adjoining property is in the Rural Residential B Zone. The setback standard for this zone is 10m from any boundary. Council can allow a relaxation to the standard if satisfied the use/development would not conflict with the intent of the adjoining zone and after considering the criteria prescribed in Part 7.4.2 below 'Variations to Setback and Height'

Variations to Setback and Height

Council may relax the development standards in Clause 7.4.1 after considering the following criteria and if satisfied that such a relaxation would not conflict with the intent of the Community Activity Zones or neighbouring zone:

(i) the particular shape, contours or slope of the subject land, or of adjoining land;

Both the subject land and the adjoining land slope toward Dysart Drive. The Church land is not at a higher level than the adjoining land. Only a part of the caretaker dwelling is 1.5m from the adjoining property boundary (i.e. the proposed downstairs pantry and upstairs ensuite. This part of the building is 2.8m wide with a height of 4.8m from natural ground level. The remainder of this side of the building is 11m long and also 4.8m high. This height is proposed to be reduced through the cut into the embankment. This effectively reduces the wall height, from the highest part of the natural ground level to approximately 3m above natural ground level down.

As the adjoining land is on the southern side, it is more than likely the proposed caretakers dwelling would overshadow a part of the neighbours land.

The other issue is that the southern wall of the proposed caretaker dwelling abuts existing graves at around .5m. This would leave very little room for ongoing building maintenance or day-to-day use of the site without walking over graves.

(ii) the need to protect existing natural features or qualities of the locality;

Council shall consider the impacts on the heritage significance of the site and the building. This is best addressed under the section ‘Part 10 - Historic Buildings and Works’ as part of this report. The Heritage Council (Heritage Tasmania) are also required to make a decision on the proposal and give a direction to Council to Approve or Refuse the Development.

St Anne’s Church and cemetery contributes to the ‘qualities of the locality’. The size and bulk of the proposed extension to the church would greatly detract from the identifiable characteristics of a well-recognised Dysart landmark.

In regards to the setback, Dysart does not have a defined streetscape plan or similar specific provisions in the scheme. There are several buildings in Dysart that do not meet the 10m setback provisions of the scheme. This is due to Council either granting a relaxation to the standard through a previous Planning Permit or due to the historical development of the township i.e. ‘pre-planning scheme’

The proposal would have minimal impact on the ‘natural features’ of the site.

(iii) the adjoining land uses and/or zoning;

The shed would be built alongside the adjoining dwelling and sheds and would create a small degree of overshadowing. It is noted that there is a large shrub in the vicinity of the proposed shed that already partly shades and screens the adjoining land.

The proposed use of the shed for storage and a pottery kiln would have minimal impact on the amenity and day-to-day use of the adjoining land.

The proposed dwelling extension is considered too close to the boundary at only 1.5m. This is a very significant relaxation of the Planning Standards. Council should not grant Planning Approval for this relaxation as the Application for such a large extension is insufficiently unjustified by the Applicant; other than to have a very large house.

(iv) the existing setback in the vicinity;

The existing setback of the church from the boundary is 13m. This allows only 3m of room to extend the church building and remain (within the 10m setback). 3m is not enough room for a caretaker’s residence.

The site is constrained for development by the location of the graves, the wastewater system, the overhead power lines the heritage significance of the church and the public access to the land. Council should allow some relaxation of the boundary setback provisions. However as stated in the previous standard 1.5m is considered unjustified.

(v) relevant professional advice on environmental hazards;

The caretakers dwelling will need an onsite wastewater system. This has further constrained the land available to build. Council should allow some relaxation of the boundary setback provisions given this further impost on a large part of the land when combined with all the other constraints.

(vi) all other provisions of this Scheme.

These are considered as part of this report.

Part 10 – Historic Buildings and Works

Part 10 of the Scheme applies to all properties listed in Schedule 4 of the Scheme. ‘St Anne’s Church, 5 Church Lane’ is listed in Schedule 4 of the Scheme.

Accordingly no person shall carry out any use or development with respect to a place listed in Schedule 4 without first applying to Council for a Planning Permit. Part 10.1 (e) of the Scheme states that ‘Council must refuse an application that, will significantly detract from the heritage character or importance of any place listed in Schedule 4’.

Under the Scheme, Council has the ability to form a Heritage Advisory Committee for advice on matters of heritage significance. Council currently does not have a Committee and instead relies on in-house expertise in accordance with contemporary guidelines and experience or seek advice from external parties such as Heritage Tasmania or other suitably experienced or qualified persons.

In this case, as the property is also on the Tasmanian Heritage Register, Council has sought the verbal advice from Heritage Tasmania and, in fulfilling duties prescribed under the Heritage Act, has referred the Development Application to the Tasmania Heritage Council for assessment and a formal decision.

Decision of the Heritage Council 18th June 2014:

The Tasmanian Heritage Council at its meeting of Wednesday the 18th June 2014 resolved to issue a notification to the Planning Authority (Council) to refuse a Planning Permit for the proposal on the following grounds:

- 1. The position, form, and architectural character of the proposed addition to the church will result in an obvious and unacceptable visual intrusion on this heritage place, diminishing its historic cultural heritage significance.*
- 2. Elements of the proposal, including the large shed, will be disruptive to the ongoing use of the place as a cemetery. The community’s use of the cemetery will be compromised by the proposed works. The development will impact on the community’s access to the cemetery for the purpose of remembering the deceased.*
- 3. The formation of an earth terrace intrudes on views to the front of the church and changes the topography in an area believed to be the location of infant graves.*
- 4. Accordingly, under section 39(10) of the Act, the planning authority must refuse to grant the permit.*
Please ensure the above reasons for refusal are included in the notice of refusal provided to the applicant, and forward a copy of the correspondence to the Heritage Council for our records.

These reasons for refusal must be included in the grounds of refusal and the recommendation contained in this report.

Schedule 5 - Parking

The development and use of the site shall be in accordance with Schedule 5 of the Planning Scheme.

Parking space requirements, i.e. number of spaces needed to meet the proposed use of the land is prescribed in Part 5.6 of the Scheme. A Dwelling (Caretaker) is ‘one (1) space’ and a Miscellaneous use/development is ‘as determined by Council’.

There is room for one (1) space on the land for the caretaker. This accords with the scheme. The Application has, however, indicated that a family will be living in the caretaker’s residence. It may be possible that a second car space would be necessary. There should be sufficient room for another vehicle to park downslope from the proposed extension.

The parking spaces, depicted in the site plan should not be endorsed by Council. They are of insufficient size and should not be on the cemetery part of the land. It would also require another vehicular crossover to access the land.

The ‘Community Art Space’ would require a much higher number of car-parking spaces. There is not enough room to accommodate all vehicles on site for this use. Visitors to the art space would need to park on Church Lane.

There is currently no onsite parking associated with the cemetery. Visitors would typically park in the road reserve or may have used the grassed area in front of the church.

The Church Lane road reserve and other surrounding road reserves are typically used by visitors to the cemetery and during funerals. Church Lane has very few traffic movements and parking along the lane associated with the proposed community art space would not impede on traffic movements nor impact greatly on the nearby residential amenity. There may however become some onus on Council to widen the shoulders of Church Lane to accommodate parking should the grassed area become denuded.

OTHER MATTERS TO CONSIDER

This part of the Planning Report is an opportunity to discuss other considerations in accordance with the Scheme and to further the objectives of the Resource Management and Planning System of Tasmania as determined by Schedule 1 of the Act.

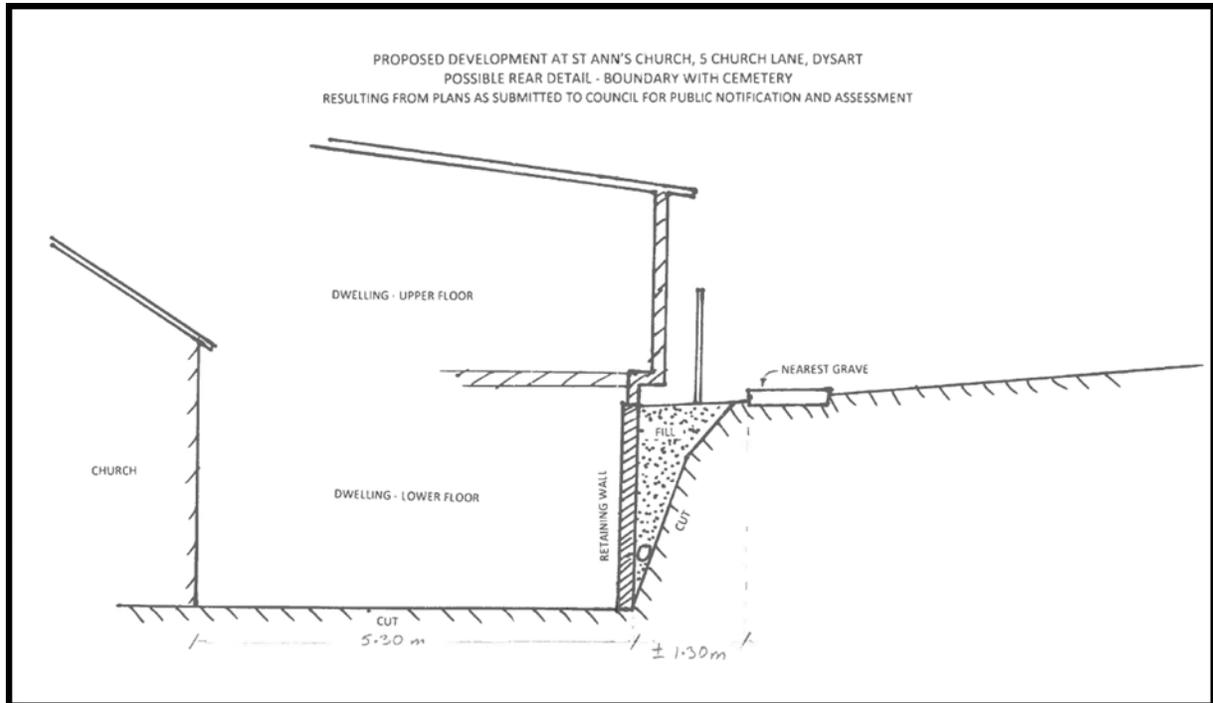


Diagram 1: Concept cross-section drawing of the proposed church extension (as submitted) drawn by Council officers, demonstrating proximity to 'nearest grave' and the earthworks. There would be approximately only 1 metre between the wall and the nearest grave.

Churches as Dwellings

As part of assessing this development Council Officers have considered the many examples of churches converted to dwellings in the Midlands area. These are included as ‘Photos 5 – 9’ in this report.

Council should note that the church at Bridgewater in ‘photo 7’ and ‘photo 8’ demonstrate earthworks very close to a cemetery. It appears also that the developer is in the process of constructing a 5 foot or possibly 6 foot high fence between the cemetery and the timber building. This would effectively provide an element of separation between the cemetery and the remainder of the site.

Numerous representors have stated that 2m is a sufficient distance for any development from the Dysart cemetery (from a grave). An appropriately designed fence along with a setback of at least 2m should provide a reasonable attenuation between the burial plots and any caretaker dwelling/community art space. A fence would also further distinguish between the two uses of the land and allow sufficient room for access and the right of people to peacefully spend time at the cemetery uninhibited by a dwelling and the occupants of the dwelling.

Photo 5 of this report is the church on the corner of Chauncy Vale Road and Midland Highway. It clearly shows an outdoor dining area associated with the dwelling use of the Church. As denoted under ‘Photo 5’ it would be expected that any owner of the church would exercise some discretion when people were visiting the cemetery.

Clearly delineating between the cemetery and the proposed community art space and dwelling is key to resolving many of the issues raised in this report.



Photo 5 _ Church in Bagdad converted to a dwelling alongside the cemetery. The grassed area provides room for access. It would be assumed the owners of the church would exercise some discretion as the Managers of the cemetery when visitors are on site.



Photo 6_Church in Broadmarsh converted to a Dwelling with cemetery in the foreground. There is considerable distance between the cemetery and the church.



Photo 7_Church in Bridgewater with a relocated timber building very close to cemetery. Note the cut that was used to level the earth for the building.



Photo 8_ Church in Bridgewater demonstrates a fence in construction alongside the cemetery. Approximately a metre between the graves and the fence



Photo 9 _ Congregational Church in Kempton converted to a dwelling with cemetery at the rear. The cemetery is maintained by the owner of the land.

ENVIRONMENTAL HEALTH OFFICER ASSESSMENT

Council’s Environmental Health Officer has provide the following comments:

The cut on the site is in close proximity to a number of graves and as such there is the potential for any water flowing through the ground to become contaminated and then flow out of the bank. It is considered that the risk of any such contamination is low based on the amount of time that has elapsed since the interment of anyone at the site in proximity to the cut; nevertheless the potential risk is real and should be considered.

The fact that the cut has “already been made” makes the issue somewhat problematic, in that it has already been constructed very close to some graves, and the ability to mitigate any seepage or contamination issues by providing a “reasonable” setback to the graves can no longer be achieved. Thus, whether or not the proposed development is approved, the issue of potential site seepage from the cut needs to be taken into account and addressed.

To this end it is considered that if there are no other impediments to the development proceeding that the minimum requirement would be for further investigation to be

undertaken to determine how any site seepage could be managed and then contained on the site. A condition would need to be developed to address this and also to require any such measures to be “put into effect” as soon as possible.

However, if there are other reasons why the proposal should be refused then the potential site/seepage issues could also be considered as another reason for refusal. If the development is recommended for refusal then an investigation would still need to be undertaken in this regard and then the relevant measures adopted. In this case the matter could be dealt with by taking action under the Public Health Act and/or the Environmental Management & pollution Control Act.

CONCLUSION

This report has assessed a proposed storage shed, Dwelling (Caretaker) and ‘community art space’ (Miscellaneous Use/Development) requiring works to a property listed in Schedule 4 of the Scheme at St Anne’s Church, Church Lane Dysart in accordance with the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning and Approvals Act 1993*.

47 Representations were received during the public notification of the development along with a 390 signatory petition. The proposal has generated much interest in the community. Most of the representations wanted to express how the proposal and the earthworks have caused emotional distress. As stated in the report this is a very sensitive issue.

It is concluded that:

- a) The proposed extension to the church has not taken into consideration the sensitivities of building in close proximity to a cemetery and has not addressed practical considerations regarding the usage and public access to the cemetery. The application does not, therefore, accord with the general intent of the Community Use Zone.
- b) The proposed extension is unnecessarily close the adjoining property boundary and does not satisfactorily accord with Part 7.4.2 of the Scheme
- c) The size and design of the extension and the location of the shed do not accord with the Part 7.2.1 (b) of the Community Use Zone
- d) There is some scope for a smaller and more sympathetically designed extension to the church with an acceptable separation between the cemetery and the buildings.

The general sentiments expressed in the representations received - that people have a right to visit a grave in peace and privacy without feeling like they are entering

somebody's backyard - is considered valid, and it is considered that the proposal does not adequately provide for this.

The Tasmania Heritage Council has notified the Southern Midlands Council that the application must be refused a Planning Permit and that Council must comply in accordance with Section 39 of the *Historic Cultural Heritage Act 1995*. Council must include the reasons for refusal in a notification to the Applicant along with any other grounds of refusal as determined by the Council.

It is considered that the conclusions of the Tasmanian Heritage Council should also be endorsed by Council in terms of its responsibilities to consider heritage issues under the Planning Scheme.

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 Development Application (DA 2014/46) for a Storage Shed, Dwelling (Caretaker) and Community Art Space (Miscellaneous Use/Development) – Requiring Works to Building/Site listed in Schedule 4 of the Scheme at St Anne's Church, Church Lane Dysart and that a Notification of Refusal to Grant a Planning Permit be issued with the following grounds:

Tasmanian Heritage Council Reasons for Refusal

- A. Elements of the proposal, including the large shed, will be disruptive to the ongoing use of the place as a cemetery. The community's use of the cemetery will be compromised by the proposed works. The development will impact on the community's access to the cemetery for the purpose of remembering the deceased.
- B. The formation of an earth terrace intrudes on views to the front of the church and changes the topography in an area believed to be the location of infant graves.
- C. Accordingly, under section 39(10) of the Act, the planning authority must refuse to grant the permit.

Southern Midlands Council Planning Authority Reasons for Refusal

- D. The proposed development of the caretakers dwelling (including the associated earthworks) is too close to graves and would unreasonably impose on the community use of the cemetery and on its amenity as a cemetery, and is therefore not consistent with the intent of the Community Use Zone.
- E. The proposed extension to the church has not taken into consideration the sensitivities of building in close proximity to a cemetery and has not

- addressed practical considerations regarding the usage of the cemetery, such as sufficient space around graves.
- F. The proposed splitting of the residential use of the land between the two ends of the land, including using a part of the cemetery for this use, is not consistent with the intent of the Community Use Zone.**
 - G. The proposed development and siting of the 10m x 10m shed would create a conflict with the community use of that part of the cemetery and would unreasonably impose on it amenity.**
 - H. The proposed extension of the church building for the caretaker dwelling is unnecessarily close the adjoining property boundary and does not satisfactorily accord with Part 7.4.2 of the Scheme.**
 - I. The size and design of the extension and the location of the shed do not accord with the Part 7.2.1 (b) of the Community Use Zone.**
 - J. The position, form, and architectural character of the proposed addition to the church will result in an unacceptable impact on this heritage place, diminishing its historic cultural heritage significance, and is therefore not in compliance with Part 10.1 of the Planning Scheme.**

C/14/06/153/19757 DECISION

Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

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 Development Application (DA 2014/46) for a Storage Shed, Dwelling (Caretaker) and Community Art Space (Miscellaneous Use/Development) – Requiring Works to Building/Site listed in Schedule 4 of the Scheme at St Anne’s Church, Church Lane Dysart and that a Notification of Refusal to Grant a Planning Permit be issued with the following grounds:

Tasmanian Heritage Council Reasons for Refusal

- A. The position, form and architectural character of the proposed addition to the church will result in an obvious and unacceptable visual intrusion on this heritage place, diminishing its historic cultural heritage significance.
- B. Elements of the proposal, including the large shed, will be disruptive to the ongoing use of the place as a cemetery. The community’s use of the cemetery will be compromised by the proposed works. The development will impact on the community’s access to the cemetery for the purpose of remembering the deceased.

- C. The formation of an earth terrace intrudes on views to the front of the church and changes the topography in an area believed to be the location of infant graves.
- D. Accordingly, under section 39(10) of the Act, the planning authority must refuse to grant the permit.

Southern Midlands Council Planning Authority Reasons for Refusal

- E. The proposed development of the caretakers dwelling (including the associated earthworks) is too close to graves and would unreasonably impose on the community use of the cemetery and on its amenity as a cemetery, and is therefore not consistent with the intent of the Community Use Zone.
- F. The proposed extension to the church has not taken into consideration the sensitivities of building in close proximity to a cemetery and has not addressed practical considerations regarding the usage of the cemetery, such as sufficient space around graves.
- G. The proposed splitting of the residential use of the land between the two ends of the land, including using a part of the cemetery for this use, is not consistent with the intent of the Community Use Zone.
- H. The proposed development and siting of the 10m x 10m shed would create a conflict with the community use of that part of the cemetery and would unreasonably impose on it amenity.
- I. The proposed extension of the church building for the caretaker dwelling is unnecessarily close the adjoining property boundary and does not satisfactorily accord with Part 7.4.2 of the Scheme.
- J. The size and design of the extension and the location of the shed do not accord with the Part 7.2.1 (b) of the Community Use Zone.
- K. The position, form, and architectural character of the proposed addition to the church will result in an unacceptable impact on this heritage place, diminishing its historic cultural heritage significance, and is therefore not in compliance with Part 10.1 of the Planning Scheme.

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr B Campbell	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	





Wilmot Arms
120 Main Street
KEMPTON Tas 7030
15.04.14

Mr David Cundall
Planning Officer
Southern Midlands Council
85 Main Street
KEMPTON Tas 7030

Dear David,

In relation to our conversation on the 14th of April 2014 I am submitting this information to accompany the Planning Application for 5 Church Lane, Dysart.

As you are aware we are applying to build a caretaker dwelling adjoining the church - formerly known as St Ann's and prior to that as 'The Chapel of Ease on Constitution Hill'.

It is our intention that the existing Church be utilised as a space for the creation of artworks by artists and community members and potentially also an exhibition space. In the future it is an aim to explore opportunities regarding 'studio swapping' where artists from Tasmania, mainland Australia and perhaps even from overseas will swap studios and come to 5 Church Lane to create art and share their expertise and creativity with residents of the Southern Midlands.

As a professional Community Arts Worker my passion focuses on utilising the arts to bring people together; I encourage you to visit my website so that you can gain an insight into the types of projects I have undertaken in the past and intend to continue to pursue at 5 Church Lane, Dysart www.lisarudd.com

I am also in the process of developing a Facebook page called *Church Dwellers* that aims to provide a link to those who live, work, create or operate businesses in churches across Australia and the world. I am very interested in connecting with people who have breathed new life into church buildings saving them from a state of disrepair and disuse.

We hope that Council will view our application favourably and support our endeavours to establish a new initiative and home in the Southern Midlands.

If you require any further information please feel free to contact me; thank you for your time.

Yours sincerely



Lisa Rudd
And on behalf of Paul, Lily-Joan and Ethan Rudd



FOLIO PLAN
RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



ORIGINAL – NOT TO BE REMOVED FROM TITLES OFFICE

S.T. 1600
TASMANIA
REAL PROPERTY ACT, 1962, as amended



CERTIFICATE OF TITLE

Register Book
Vol. Fol.

1540 5

Cert. of Title Vol.8 Fol.33.

I certify that the person described in the First Schedule is the registered proprietor of an estate in fee simple in the land within described together with such interests and subject to such encumbrances and interests as are shown in the Second Schedule. In witness whereof I have hereunto signed my name and affixed my seal.

W. H. ...
Recorder of Titles.



DESCRIPTION OF LAND

TOWN OF SHEPTON MONTACUTE
ONE ACRE on the Plan hereon

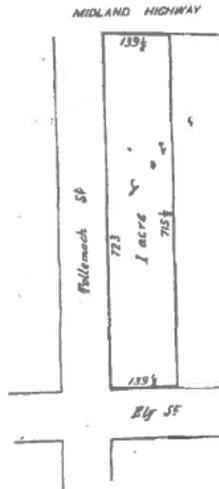
FIRST SCHEDULE (continued overleaf)

WILLIAM COCKBURN SHARLAND of New Norfolk, Barrister,
WILLIAM TARLETON and WILLIAM LOVETT

SECOND SCHEDULE (continued overleaf)
nil

REGISTERED NUMBER
214270

Let 1 of this plan consists of all the land comprised in the above-mentioned cancelled folio of the Register.



Part of Lot 5 Sec.E. Gtd. to J.Horsfall Meas. in Links.

FIRST Edition, Registered 1369

Derived from C.T.Vol.8 Fol.33.

GEO-ENVIRONMENTAL ASSESSMENT

5 Church Lane

Dysart

April 2014



GEO-ENVIRONMENTAL
SOLUTIONS

Disclaimer: The author does not warrant the information contained in this document is free from errors or omissions. The author shall not be liable for any loss, damage or injury suffered by the User consequent upon, or incidental to, the use of any of the information.

Geo-Environmental Solutions P/L 86 Queen Street Sandy Bay 7005 Ph 6223 1839 Fax 6223 4539

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

Introduction

Client: Lisa Rudd
Date of inspection: 31/03/2014
Location: 5 Church Lane, Dysart
Land description: Approx 4490m²
Building type: Proposed renovations
Investigation: Earth Probe 200
Inspected by: G McDonald

Background information

Map: Mineral Resources Tasmania -- Brighton Sheet 1:50 000
Rock type: Triassic Sandstone
Soil depth: 2.00 m +
Landslide zoning: None known
Local meteorology: Annual rainfall approx 500 mm
Local services: Mains water and on-site waste water disposal required

Site conditions

Slope and aspect: Moderate 7-17% slope to the North/Northeast
Site drainage: Good fall, imperfect subsoil drainage
Vegetation: Pasture and mixed weed sp
Weather conditions: Dry, approx 5 mm rainfall received in preceding 7 days.
Ground surface: Slightly moist sandy surface

Investigation

A number of auger holes were completed to identify the distribution of, and variation in soil materials on the site. Two representative auger holes drilled at the approximate location indicated on the site plan were chosen for testing and classification according to AS2870-2011 and AS1547-2012 (see profile summary).

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

Profile summary

Hole 1 front Depth (m)	Hole 2 rear Depth (m)	Horizon	Description
0.0 – 0.20		B1	Greyish Brown Sandy CLAY (CL) , moderate polyhedral structure, slightly moist stiff consistency, medium plasticity, few stones and gravels, clear smooth boundary to
0.20 – 1.10		B2	Dark Grey with lenses of Brownish Yellow CLAY (CH) , well developed polyhedral structure, slightly moist stiff consistency, medium to high plasticity, few fine gravels, gradual boundary to
1.10 – 2.00+	0.0 – 1.30+	B3	Mixed Grey and Brownish Yellow Sandy CLAY (CL) , moderate polyhedral structure, slightly moist hard consistency, medium plasticity, cemented clay/coffee rock, lower boundary undefined

Profile summary 3 -wastewater

Hole 3 Depth (m)	Horizon	Description
0.0 – 0.50	A1	Grey Clayey SAND (SC) , weak polyhedral structure, 10% clay, dry medium dense consistency, clear boundary to
0.50 – 1.20+	B3	Mixed Grey and Brownish Yellow CLAYEY SAND (SC) , moderate polyhedral structure, slightly moist hard consistency, medium plasticity, cemented clay/coffee rock, lower boundary undefined

Soil profile notes

The soils on site are developing on Triassic Sandstone, and appear to be well drained. The soils are likely to exhibit moderate ground surface movement with moisture fluctuations.

Site Classification

According to AS2870-2011 for construction the natural soil is classified as **Class M**, that is a moderately reactive clay site which can experience moderate ground movement from moisture changes.

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

Wind Classification

The AS 4055-2006 Wind load for housing classification of the site is:

Region:	A
Terrain category:	TC2
Shielding Classification:	NS
Topographic Classification:	T2
Wind Classification:	N3
Design Wind Gust Speed ($V_{h,u}$)	50 m/sec

Wastewater Classification & Recommendations

According to AS1547-2012 for on-site wastewater management the soil on the property is classified as a **Loam (category 3)**. The soil on site is moderately permeable (~1 m/day), and the land area available aids the installation of onsite wastewater systems.

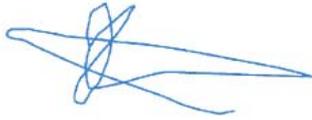
Based upon a loading of 725L/day for a three bedroom dwelling on mains water with standard water saving fixtures and a moderate DLR of 15L/m²/day, a dual purpose septic tank system would require an absorption area of 50m². Wastewater should therefore flow into a 3000L dual purpose septic tank and via a two-way flow splitter into two 20m long x 1.2m wide x 0.55m deep terraced trenches according to the attached design (for all calculations please refer to the attached Trench summary reports). An upslope surface water diversion drain is also recommended, and should sufficient room not be available downslope of the building then absorption trenches could be located well upslope of the building and dosed via a submersible pump. The absorption trenches should also have a minimum down slope setback of 5m from boundaries and or foundations/site excavation.

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

Construction recommendations

The natural soil is classified as **Class M**, that is a moderately reactive sandy clay. Consideration should be given to drainage and sediment control on site during and after construction to minimise loss of the sandy materials on site - Please refer to BTF-18 information sheet enclosed.

I also recommend that during construction that I and/or the design engineer be notified of any major variation to the foundation conditions as predicted in this report.



Dr John Paul Cumming B.Agr.Sc (hons) PhD CPSS GAICD
Environmental and Engineering Soil Scientist

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

GES
Land suitability and system sizing for on-site wastewater management
Version 3.0 (Australian Institute of Environmental Health)

Assessment Report
Site assessment for on site wastewater disposal

Assessment for Lisa Rudd	Assess. Date 10-Apr-14
	Ref. No.
Assessed site(s) 5 Church Lane, Dysart	Site(s) inspected 31-Mar-14
Local authority Southern Midlands Council	Assessed by John Paul Cumming

This report summarises wastewater volumes, climatic inputs for the site, soil characteristics and system sizing and design issues. Site Capability and Environmental sensitivity issues are reported separately, where 'Alert' columns flag factors with high (A) or very high (AA) limitations which probably require special consideration for system design(s). Blank spaces on this page indicate data have not been entered into TRENCH.

Wastewater Characteristics
Wastewater volume (L/day) used for this assessment = 750 (using the 'No. of bedrooms in a dwelling' method)
Septic tank wastewater volume (L/day) = 250
Sullage volume (L/day) = 500
Total nitrogen (kg/year) generated by wastewater = 1.4
Total phosphorus (kg/year) generated by wastewater = 1.4

Climatic assumptions for site (Evapotranspiration calculated using the crop factor method)

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Mean rainfall (mm)	41	36	36	45	36	29	46	47	40	48	44	56
Adopted rainfall (R, mm)	41	36	36	45	36	29	46	47	40	48	44	56
Retained rain (Rr, mm)	33	29	29	36	29	23	37	36	32	36	35	43
Max. daily temp. (deg. C)												
Evapotrans (ET, mm)	130	110	91	63	42	29	32	42	63	84	105	126
Evapotr. less rain (mm)	97	81	62	27	13	6	-5	4	31	46	70	81
Annual evapotranspiration less retained rain (mm) =												514

Soil characteristics
Texture = light clay Category = 5 Thick. (m) = 1.2
Adopted permeability (m/day) = 1.5 Adopted L.TAR (L/sq m/day) = 15 Min depth (m) to water = 10

Proposed disposal and treatment methods
Proportion of wastewater to be retained on site: All wastewater will be disposed of on the site
The preferred method of on-site primary treatment: In dual purpose septic tank(s)
The preferred method of on-site secondary treatment: In-ground
The preferred type of in-ground secondary treatment: Trench(es)
The preferred type of above-ground secondary treatment: None
Site modifications or specific designs: Not needed

Suggested dimensions for on-site secondary treatment system
Total length (m) = 39
Width (m) = 1.2
Depth (m) = 0.6
Total disposal area (sq m) required = 100
comprising a Primary Area (sq m) of: 50
and a Secondary (backup) Area (sq m) of: 50

Sufficient area is available on site
To enter comments, click on the line below 'Comments'. (This yellow -shaded box and the buttons on this page will not be printed.)

Comments
Waste water loading for the house is calculated upon a maximum loading of 750L/day (5 persons @ 150 L/day). Utilising the water balance method and taking a conservative approach a DLR of 15L/sq m/day has been assigned, with a required absorption area of at least 50 sq m.

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

Site Capability Report
Site assessment for on site wastewater disposal

Assessment for	Lisa Rudd	Assess. Date	10-Apr-14
		Ref. No.	
Assessed site(s)	5 Church Lane, Dysart	Site(s) inspected	31-Mar-14
Local authority	Southern Midlands Council	Assessed by	John Paul Cumming

This report summarises data relating to the physical capability of the assessed site(s) to accept wastewater. Environmental sensitivity and system design issues are reported separately. The 'Alert' column flags factors with high (H) or very high (VH) site limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Limitation			Remarks
				Conns level	Trench	Amended	
	Expected design area	sq m	1,000	V. high	Moderate		
	Density of disposal systems	/sq km	4	High	Very low		
	Slope angle	degrees	10	V. high	Moderate		
	Slope form	Straight simple		V. high	Low		
	Surface drainage	Mod good		High	Low		
	Flood potential	Site floods <1:100 yrs		High	Very low		
	Heavy rain events	Infrequent		High	Moderate		
	Aspect (Southern hemi.)	Faces NE or NW		V. high	Low		
	Frequency of strong winds	Common		High	Low		
	Wastewater volume	L/day	750	High	Moderate		
	SAR of septic tank effluent		0.8	High	Very low		
	SAR of sullage		1.3	High	Low		
	Soil thickness	m	1.2	V. high	Very low		
	Depth to bedrock	m	4.0	High	Very low		
	Surface rock outcrop	%	0	V. high	Very low		
	Cobbles in soil	%	2	V. high	Very low		
	Soil pH		5.5	High	Low		
	Soil bulk density	gm/cub. cm	1.5	High	Low		
	Soil dispersion	Emerson No.	8	V. high	Very low		
	Adopted permeability	m/day	1.5	High	High	Moderate	Other factors lessen impact
	Long Term Accept. Rate	L/day/sq m	15	High	Very low	Moderate	

To enter comments, click on the line below 'Comments'. (This yellow-shaded box and the buttons on this page will not be printed.)

Comments

The soils are moderately permeable and have a moderate C.E.C. for nutrient absorption.

Geo-Environmental Solutions Pty Ltd – Site Assessment 5 Church Lane

GES

Land suitability and system sizing for on-site wastewater management
Form 6.30 (Australian Institute of Environmental Health)

Environmental Sensitivity Report
Site assessment for on site wastewater disposal

Assessment for	Lisa Rudd	Assess. Date	10-Apr-14
		Ref. No.	
Assessed site(s)	5 Church Lane, Dysart	Site(s) inspected	31-Mar-14
Local authority	Southern Midlands Council	Assessed by	John Paul Cumming

This report summarises data relating to the environmental sensitivity of the assessed site(s) in relation to applied wastewater. Physical capability and system design issues are reported separately. The 'Alert' column flags factors with high (A) or very high (AA) limitations which probably require special consideration in site acceptability or for system design(s). Blank spaces indicate data have not been entered into TRENCH.

Alert	Factor	Units	Value	Confd level	Limitation		Remarks
					Trench	Amended	
	Cation exchange capacity	mmol/100g	75	High	Moderate	No change	
	Phos. adsorp. capacity	kg/cub m	0.5	High	High	Moderate	Other factors lessen impact
	Annual rainfall excess	mm	-514	High	Very low		
	Min. depth to water table	m	10	V. high	Very low		
	Annual nutrient load	kg	2.7	High	Very low		
	Gwater environ. value	Agric non-sensit		High	Low		
	Min. separation dist. required	m	10	High	Low		
	Risk to adjacent bores	Very low		High	Very low		
	Surf. water env. value	Agric non-sensit		High	Low	No change	
	Dist. to nearest surface water	m	300	High	Low		
	Dist. to nearest other feature	m	50	V. high	Moderate		
	Risk of slope instability	Very low		High	Very low		
	Distance to landslip	m	1000	High	Very low		

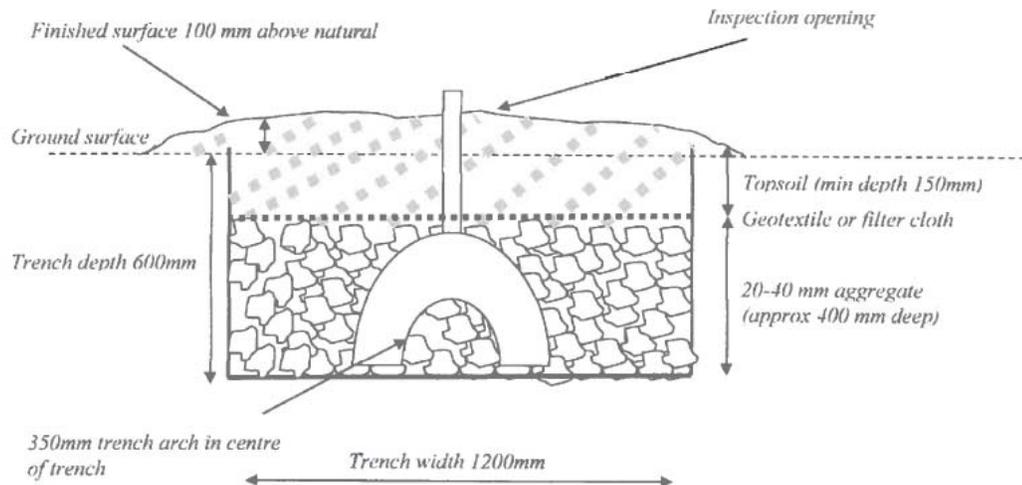
To enter comments, click on the line below 'Comments'. (This yellow -shaded box and the buttons on this page will not be printed.)

Comments

There is a low environmental risk associated with waste water disposal on the site.



Figure 1 – absorption trench

**Design notes:**

1. Absorption trench dimensions of up to 25m long by 0.60m deep by 1.2m wide.
2. Base of trenches to be excavated level and smearing and compaction avoided.
3. 350-410mm arch should be paced in centre of trench or slotted 100mm PVC pipe @ 400mm centres and covered with aggregate (PVC in top 100mm of aggregate).
4. Geotextile or filter cloth to be placed over the distribution arch/PVC pipes to prevent clogging of the pipes and aggregate – in sand (category 1 soils) the sides of the trench over the aggregate should also be covered.
5. Construction on slopes up to 20% to allow trench depth range 650mm upslope edge to 450mm on down slope edge.
6. On slopes over 10% the sandy loam cover should be 150mm above natural with a toes no less than 500mm in length to avoid surface water accumulation (up slope ag drain also recommended to divert surface water flows).
7. All works on site to comply with AS3500 and Tasmanian Plumbing code.

David I thought I would email this letter to you, for feedback, prior to submitting it to Council as a final submission to go with our planning application.

Are you able to provide me with any advice as to what I should change/add/edit? Cheers
Lisa

Paul & Lisa Rudd

David Cundall
Southern Midlands Council
Planning Officer
85 Main Street
Kempton 7030

RE: File Reference 5462693 – Request for further information in relation to 5 Church Lane Dysart

Dear David

Please find within this letter, and in the attached documents, the additional information that you requested regarding our proposed caretakers Dwelling and community art space.

Works to St Ann's Church

1. Schedule of work for St Ann's Church:

- Repair pointing to the interior and exterior of building.
- Refix sandstone that have moved in the pillars.
- Repair/replace/refix sandstone roof capping that has deteriorated, cracked or slipped.
- Replace glass in broken windows.
- Install a partial mezzanine floor (open ended with balcony rail) at a height of 2400mm - size 5.4 X 5.4 meters (as per ground floor plan already submitted).
- Create an entrance into the vestry to allow access from the dwelling to the church/art space.
- Level the roof height of the vestry to allow for the floor above.
- Repair existing timber flooring.

2. Trees on site

No trees are to be removed; Tasmanian Heritage Council indicated that the two large trees to the rear of the Church were trees of significance and that they would like them to remain. We have had staff from the Royal Hobart Botanical Gardens inspect the trees and received advice regarding the tree roots that were impacting on the sandstone walls of the Church and have followed their advice regarding the cutting of the invasive roots.

Wastewater

3. I assume that our Wastewater Consultant, John Paul Cumming, has provided you with the additional information that you required.

Signage

4. We will not be seeking to install signage as it would impact on the heritage nature of the building and site. However we will, in the future, request that Council reinstates the street sign that was knocked down some time ago and we will also request that this sign be changed from Church Street to Church Lane as our research indicates that Church Lane is the correct title (but this can be confirmed with Council at a later date).

Car parking

5. There is room for parking directly in front of the Church but Tasmanian Heritage Council (THC) has requested that we don't park vehicles at this location. THC suggested that we create parking spaces between the two large trees to the rear of the Church. To place parking at this location would mean that we would have to install some type of sail/canopy to protect the vehicles from pine cone damage. We are not seeking to install a solid structure at this location. I have marked parking spaces for two vehicles on the site plan (attached) - that includes a sail/canopy.

Parking for participants, who join in activities at the Community Art Space, presents more of a challenge; this is due to the location of the graves and THC's request that we do not have parking at the front of the building. This basically leaves road side parking as our only option; would this mean that we would need to seek a relaxation of the parking standard of the Planning Scheme? The Community Art Space will not be open on a 'full time' basis but will be open at times that supports regional activities and events occurring in the Southern Midlands area and to allow seasonal art activities to take place on site. I am happy to discuss this further with Council to seek a solution to this matter.

Proposed Barn/Shed

6. Please find attached an indication of the proposed barn/shed. The purpose of this shed is to house equipment used for the maintenance of the Church grounds and grave sites; an electric pottery kiln, horse float and storage for other general items such as camping equipment etc.

Thank you for your time - please let me know if you require any further information.

Yours sincerely
Lisa Rudd

PROJECT

PROPOSED CARETAKERS RESIDENCE

CLIENTS

L & P RUDD

SITE ADDRESS

5 CHURCH LANE
DYSART



BUSHFIRE RISK ASSESSMENT
Not in a bushfire prone area

LOCAL COUNCIL
SOUTHERN MIDLANDS
CERTIFICATE OF TITLE
214270/1

J DARBY
ACCREDITED BUILDING DESIGNER
ACCREDITATION No CC 136E
Architectural Design & Estimating
Ph 03 62593040
31 LOUISA STREET KEMPTON 7030
email jdarb@73e@bigpond.net.au

INDEX	Sheet 1	COVER	Sheet 7	SECTION	Sheet 13	SITE
	Sheet 2	FLOOR PLAN	Sheet 8	ENG DETAIL		
	Sheet 3	FLOOR PLAN	Sheet 9	LAYOUTS		
	Sheet 4	ELEVATIONS	Sheet 10	ENERGY		
	Sheet 5	SECTION	Sheet 11	GLAZING		
	Sheet 6	ENG SPEC	Sheet 12	WET AREA		
	Lower	154	WIND SPEED	N3	ZONE	7
	Upper	150				
			SOIL CLASS	M		

DATE	4/04/2014	JOB No	SM 1407
DRAWN	Joe Darby	SHEET No	1 of 13

BUILDING CODE OF AUSTRALIA

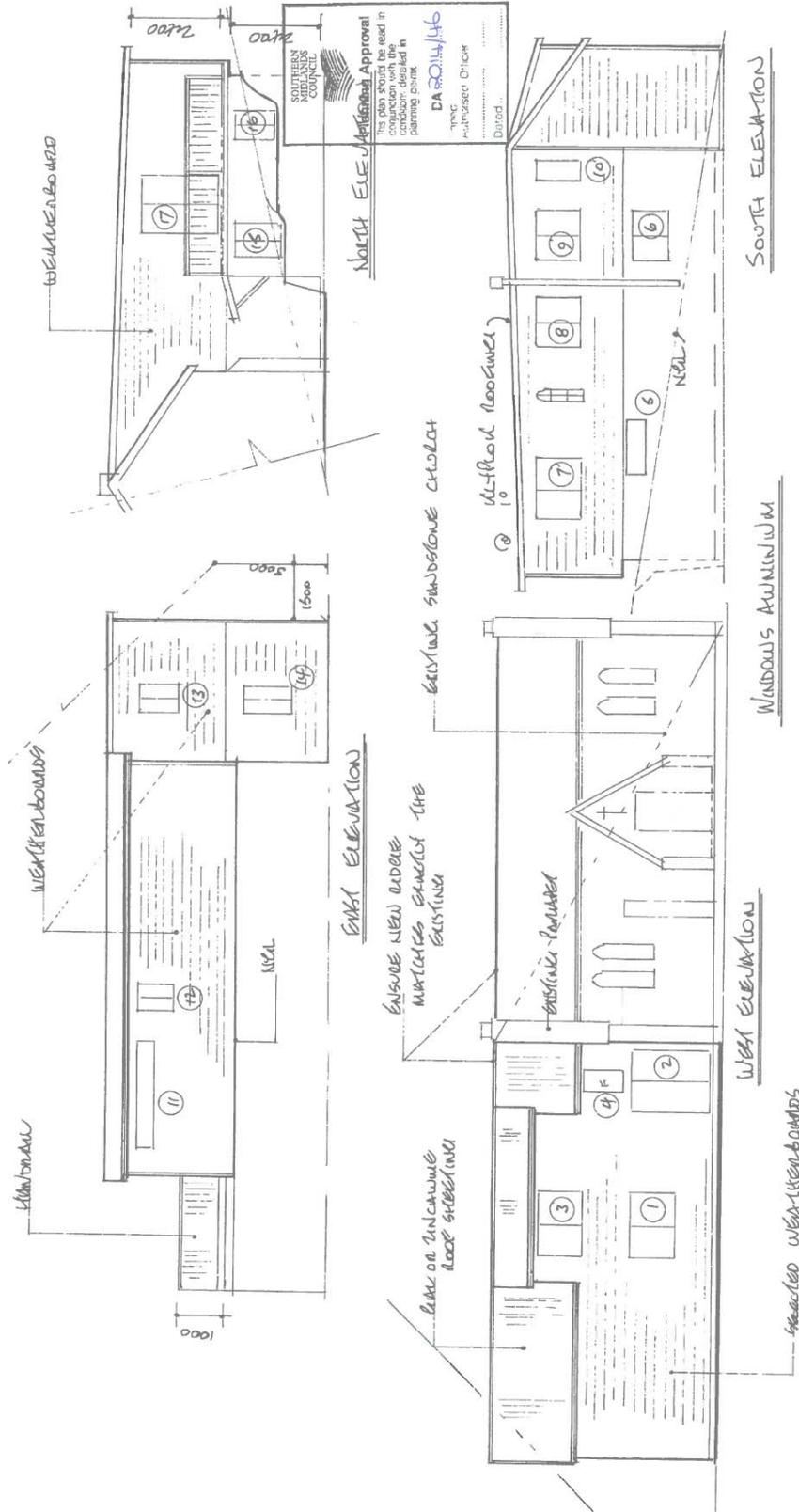
SPECIFICATION NOTES
THE BUILDER TO ENSURE THAT ALL BUILDING WORK COMPLIES WITH NATIONAL CONSTRUCTION CODE VOLUME 2

CURRENT ISSUE OF THE BCA (adopted 1/5/13)

- Earthworks to comply with BCA 3.1.1
- Drainage to comply with BCA 3.1.2
- Footings and concrete slabs to comply with BCA 3.2.6 OR Engineers details
- Masonry brickwork to comply with BCA 3.3.1 & 3.3.2
- Sub floor ventilation to comply with BCA 3.4.1
- Framing to comply with BCA 3.4 and AS 1684.2-2010
- Roof & Wall cladding to comply with BCA 3.5.1-3.5.3
- Glazing to comply with BCA 3.5 & AS 2047 and AS 1288
- Smoke alarms to comply with BCA 3.7.2 & AS 3786
- Heating appliances to comply with BCA 3.7.3
- Wet area flashings to comply with BCA 3.8.1 & AS 3740
- Ventilation to comply with BCA 3.8.5
- Staircases & Balustrades to comply with BCA 3.9.1 & 3.9.2
- Electrical to comply with AS 3000
- Plumbing & Drainage to comply with AS 3500
- Structural timbers to comply with AS 1684.2-2010
- Framing tie downs and bracing to comply with AS 1684.2-2010

DO NOT SCALE - USE DIMENSIONS ONLY

Builder/Owner to ensure that all external materials are fixed in accordance with manufacturers recommended practices and that all timber surfaces are pre-primed or suitably sealed with appropriate sealants



Revision	CLIENT	LISA & PAUL RUDD	Drawn Joe Darby	JOB No	SM 1407
	SITE	5 CHURCH LANE DYSART	Accreditation No CC 136E	SCALE	1:100
			Phone 03 62593040 email jdas4738@bigpond.net.au	DATE	4/04/2014
				SHEET No	4 of 13



Tasmanian Heritage Council
 GPO Box 618 Hobart Tasmania 7000
 103 Macquarie St, Hobart Tasmania 7000
 Tel: 1300 850 332
 Fax: [03] 6233 3186
 enquiries@heritage.tas.gov.au
 www.heritage.tas.gov.au

THC APPLICATION NO: 4485
 PLACE ID: 5425
 APPLICANT: Lisa Michelle Rudd
 DATE OF DECISION: 18 June 2014
 PLANNING APPN REF: DA 2014 - 46
 THC FILE: 10-86-81THC

NOTICE OF HERITAGE DECISION

(Historic Cultural Heritage Act 1995)

The Place: Former St Anne's Anglican Church and Cemetery, 5 Church Lane, Dysart.
 Proposed Works: Residential addition to church building requiring bulk excavation, septic waste system, and new steel shed.

Under section 39(6)(c) of the *Historic Cultural Heritage Act 1995* (the Act), the Heritage Council gives notice that the discretionary permit should be refused.

Reasons for refusal

1. The position, form, and architectural character of the proposed addition to the church will result in an obvious and unacceptable visual intrusion on this heritage place, diminishing its historic cultural heritage significance.
2. Elements of the proposal, including the large shed, will be disruptive to the ongoing use of the place as a cemetery. The community's use of the cemetery will be compromised by the proposed works. The development will impact on the community's access to the cemetery for the purpose of remembering the deceased.
3. The formation of an earth terrace intrudes on views to the front of the church and changes the topography in an area believed to be the location of infant graves.

Accordingly, under section 39(10) of the Act, the planning authority must refuse to grant the permit.

Please ensure the above reasons for refusal are included in the notice of refusal provided to the applicant, and forward a copy of the correspondence to the Heritage Council for our records.

Please contact Ian Boersma on 1300 850 332 if you require further information.

A handwritten signature in black ink, appearing to read "KE", followed by a long horizontal flourish.

Dr Kathryn Evans
Acting Chair, Works Committee
Under delegation of the Tasmanian Heritage Council

Jericho

The sign is a proposed within the existing ‘Mudwalls’ enclosure. The land is within the Rural Agriculture Zone. This land is already used for interpretation and visitors alike.

Kempton

This sign is proposed within the ‘Rotunda Park’ at the northern end of the Kempton township. The land is in the Road Activity Zone. There is existing interpretive signage within this park. There is also sufficient room for parking on the road reserve.

The approximate location of each of the signs is on the attached Development Application map.

THE APPLICATION

The Applicant has provided a completed standard application form and provided a sign design, written description and a location map.

There is sufficient information for Council Officers to assess the proposal in accordance with the *Land Use Planning and Approvals Act 1993* and for Stakeholders or any member of the public to understand and form a view on the proposal.

THE PLANNING SCHEME ASSESSMENT

Use/Development Definition

The proposed works are defined as a ‘Sign’ under Schedule 6 of the *Southern Midlands Planning Scheme 1998*. Signs must be developed in accordance with Schedule 6 ‘Signs’.

Statutory Status

Under the Planning Scheme, signage of this type is a ‘Discretionary Use/Development’. Such a use development:

- I. May be granted a Planning Permit by Council, with or without conditions, provided it complies with all relevant development standards and does not, by virtue of any other 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 Act.

Public Notification and Representation

The application was advertised, and all adjoining owners notified on the 16th May 2014 for the statutory 14 day period.

One (1) representation was received. The representation supported the proposal but noted in regard to the Colebrook sign “...care should be taken with regards to the power pole and Give Way sign in close proximity to the site... and the

maintenance in regards to Council mower access’’. The Representor also proposed the Applicant give consideration to including a three dimensional image of the former Jerusalem Probation Station. The representation is included as an attachment to this report.

A condition on the Planning Permit should address any possible issues regarding the Colebrook sign. Council’s Manger of Works and Technical Services was also informed of the proposed signage and has not raised any particular area of concern with the sign. It is suggested however that the installation of the signs are to the satisfaction of Council’s Manager of Works and Technical Services to both mitigate any possible safety concerns during construction, within a road reserve, and to ensure the interpretative panels do not interfere in day-to-day maintenance of the land.

Response to the Representation

The Planning Officer informed Council’s Heritage Projects Officer of the Representor’s concerns and the request to include the 3D depiction of the Probation Station. Council’s Heritage Projects Officers then further discussed the possibility with Representor with an intention of including the 3D depiction. The issues were also raised with Council’s Manager of Works and Technical Services at Council’s Development Assessment Committee meetings.

Principles for signage in Schedule 6:

Signs are to be developed in accordance with the following principles:

1. *signs must be of a high standard in terms of design, construction and materials;*
All proposed signs are in accordance with this principle and should ensure signs are of a robust construction appropriate for a public places.
2. *signs must directly relate to the site upon which they are displayed;*
The location of all the signs are in ‘public places’ for the benefit of the public i.e. parks and road reserves. The proposal is not considered a change of use of the land. The development is considered a part of the existing use of the land.
3. *If located on a site adjacent to a place listed in Schedule 4, Buildings and Works of Historic Significance, signs should respect the character and location of the site listed in Schedule 4.*

The signs directly relate to the interpretation and appreciation of nearby heritage places. The size, design and location of the signs are respectful of both heritage places and heritage streetscapes. This is part of an ongoing strategic approach to the heritage interpretation in the Southern Midlands.

Council shall not approve a sign that:

1. *creates a traffic hazard;*

DIER are satisfied that all the proposed signs are outside of the DIER property boundaries. However they indicated, in their comments included in this report, that DIER have no objection in principle but suggest Council carefully consider the location of the Colebrook sign to ensure it does not impose any level of risk on the use of the DIER road by way of the encumbrances of parking or creating a hazard due to the signs location and material.

The Planning Officer is satisfied that the issue is resolvable upon a condition on the permit ensuring signage does not encroach on the DIER Road Reserve to the satisfaction of the Planning Officer.

2. *interferes with pedestrian or vehicular traffic;*

The proposed signage would not obstruct pedestrian or vehicular traffic. There is ample parking in the vicinity of the signs, within the road reserve or on site at the Broadmarsh Hall. Many of the signs are also accessible on foot for residents or visitors to the townships.

3. *obscures any direction, safety, information, warning, traffic control or other like sign;*

The location of the signs would not obscure such traffic safety information.

4. *creates a loss of sunlight or daylight to adjoining residential properties;*

The proposed signs are not of a scale that could impact on sunlight or daylight to adjoining properties.

5. *is fixed, painted or in any way attached to a residential building which is not on the site of the business to which the sign relates;*

Not applicable.

6. *intrudes in terms of its size, design, colour, location or shape so as to cause a reduction of visual amenity;*

The proposed size, design and materials are respectful of the proposed location and would not visually intrude on the area.

7. *is not of a high standard of design or construction;*

The proposed materials and construction methods are of robust and quality materials appropriate for public places.

8. *substantially reduces the visibility of other signs in the locality;*

Not applicable.

9. *if illuminated, causes or is likely to cause annoyance to residents or confusion with traffic control devices in the vicinity;*

Not applicable.

10. *interferes with any public utility.*

The Applicant shall ensure that the sign does not encroach on the DIER road reserve and shall ensure that any construction works are at least 2m clear of any underground water services in Colebrook.

DIER REFERRAL

DIER were notified, as an adjoining owner, to the proposed development. DIER Officers provided the following comment for Council's consideration in an email dated 26th May 2014:

“DIER has no objection in principle to this proposal. However concerns have been raised over the proximity of non-frangible installations within clear-zones and the apparent lack of parking adjacent to these installations. While neither of these issues are extreme it is suggested that SMC carefully consider the need to address them. It is noted that the approximate locations provided indicate that all are outside DIER property boundaries

I trust this information is of assistance and please contact me if you require further.”

As mentioned in the development principles section of this report, it is certainly possible to reconcile any issues with the Colebrook site through a condition on the Planning Permit without substantially modifying the development

CONCLUSION

The Applicant has applied to the Council as Planning Authority for a Planning Permit to develop five (5) interpretive signs in five (5) different locations in the Southern Midlands.

The Development Application was advertised for the required statutory timeframe and received one representation advising support in principle and some minor concerns for the location of the Colebrook Sign and any impact on day-to-day maintenance and access.

The Applicant has undertaken preliminary consultation with the adjoining landowners and has taken into consideration the principles of the Planning Scheme.

The signs have been assessed against the relevant standards of the scheme. The Application is deemed appropriate with some conditioning to determine the exact and final location of the signage and avoid any impact on assets and infrastructure.

RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for Signage (‘Southern Midlands Convict Sites – Interpretation Panels’) Various Locations – Broadmarsh Hall, Jericho Mudwalls Site, Kempton Rotunda Park, Corner Machonochie Street and Richmond Main Road, Colebrook and Tunbridge Main Road with the following conditions:

CONDITIONS

General

- 1) **The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.**
- 2) **The developer shall contact Council’s Manager of Development Environmental Services at least fourteen (14) days prior to installing the signs to determine the final and exact location of the signage to ensure the following:**
 - a. **Signage does not impact on any underground assets in accordance with the *Water and Sewerage Industry Act 2008* and *Water and Sewerage Industry (General) Regulations 2009*; and**
 - b. **ensure the signage accords with the advice provide by the Department of Infrastructure Energy and Resources (included in the Advice of this Permit).**

The following advice applies to this permit:

DIER Advice

- A. DIER has no objection in principle to this proposal. However concerns have been raised over the proximity of non-frangible installations within clear-zones and the apparent lack of parking adjacent to these installations. While neither of these issues are extreme it is suggested that SMC carefully consider the need to address them. It is noted that the approximate locations provided indicate that all are outside DIER property boundaries**

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

C/14/06/183/19758 DECISION

Moved by Deputy Mayor M Jones OAM, seconded by Clr A O Green

THAT, in accordance with the provisions of the *Southern Midlands Planning Scheme 1998* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council approve the application for Signage ('Southern Midlands Convict Sites – Interpretation Panels') Various Locations – Broadmarsh Hall, Jericho Mudwalls Site, Kempton Rotunda Park, Corner Machonochie Street and Richmond Main Road, Colebrook and Tunbridge Main Road with the following conditions:

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

CARRIED.

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Deputy Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr M Connors	
√	Clr D F Fish	
√	Clr A O Green	



Design Statement
Southern Midlands Convict Sites Interpretation Installations

Alan Townsend and Brad Williams
SMC Heritage Projects Program – April 2014

Project aim: This project aims to install five interpretive panels in the vicinity of five significant convict sites in the Southern Midlands municipal area. The installations are to supplement a 24 page brochure on Southern Midlands convict sites, as well as compliment an exhibition on that subject. This project has been funded by Council with assistance from the Australian Government's *Your Community Heritage* scheme.

Choice of sites: Although the extensive research for the project identified over 20 substantial and significant convict sites (limited to road and probation stations) through the Southern Midlands, the sites were chosen by the following criteria:

- The site is known exactly
- There are some built remains (or at least substantial archaeological remains)
- There is opportunity to locate the installation on public land, or on private land where it is easily accessible and the owner is in agreement
- There is safe vehicular access for people stopping to view
- The interpretation is positioned not to impede neighbours privacy or amenity

Accordingly, the proposed sites are:

- **Tunbridge** – river reserve adjacent the Blackman River Bridge (township side, next to northern abutment)
- **Broadmarsh** – grounds of Broadmarsh hall (note that this is distant from the station, with remaining buildings being private property and not publicly accessible)
- **Jericho** – existing 'Mudwalls' enclosure. Although private land, the owner is agreeable and there is a precedent for public access (also in response to public requests to refresh the existing interpretation on that site).
- **Colebrook** – road reserve on the corner of Machonochie Street and Richmond Road. Whilst this is close to private dwellings which were formerly station buildings, the owners are supportive.

- **Kempton/Picton** – Rotunda Park near northern highway junction. Although this is distant to both the Green Ponds (Kempton) and Picton station sites, the precise location of the Green Ponds site is not known, and the Picton site is on private land with no safe highway egress. The park is a well-used public space with good parking.

Consultation has been undertaken with relevant landowners and neighbours to ensure that they are happy for the installations to occur.

Choice of form and materials: The materials for the installations have been selected to interpret the predominant building materials of each individual station. It is intended that their construction will be incorporated into training/public events in conjunction with the Centre for Heritage at Oatlands – Heritage Education and Skills Centre. Brick has been chosen for Broadmarsh and Colebrook, stone for Kempton/Picton (using salvaged stone from the station, currently stored from recent archaeological works), Tunbridge will be timber (that station having been a portable station, and associated with a timber-getting station at Tunbridge Tier) and Jericho will be rammed earth (Pise) which that station was built from (and is reflected in the popular name of ‘Mudwalls’).

The plinths themselves have been designed to be reasonably uniform in height with a uniform steel bracket supporting the panel, each panel being 750x450mm and designed according to Southern Midlands Council’s interpretation guidelines.

Heritage impact: The installations have been designed to be unobtrusive in their respective environments, yet still be found with assistance from the brochure. The use of traditional materials aims both to interpret and promote the materials used by the convicts at each station. Those installations at Kempton, Broadmarsh and Tunbridge are not within close proximity to the station sites, therefore are not in archaeologically sensitive areas. Colebrook and Jericho are in areas with known archaeological potential (and are in areas listed on the Tasmanian Heritage Register). Jericho has been designed to require no excavation but will be reinforced by two powdercoated ‘star pickets’ driven into the ground, therefore impact will be extremely minimal. Colebrook will require excavation of a 200mm deep concrete slab under the brick plinth. This is expected to only be within more recent road verge fill, however these excavations will be archaeologically monitored and if significant remains are found these will be dealt with in accordance with the Tasmanian Heritage Council’s Practice Note (*Managing Historical Archaeological Significance in the Works Application Process*) and in consultation with Heritage Tasmania.

Sustainability: The installations have been designed to be low maintenance (e.g. to allow ease of mowing around, and from UV stabilised print). They form a part of a wider interpretation initiative which includes a brochure on all known Southern Midlands probation/road station sites which will guide people to the sites. There is the possibility of adding further sites to the ‘trail’ subject to funding and meeting the above criteria.

For enquiries, please contact

Alan Townsend – Heritage Project Officer, Southern Midlands Council

atownsend@southernmidlands.tas.gov.au

0419 383552

Southern Midlands Convict Sites - Proposed Interpretation Installations



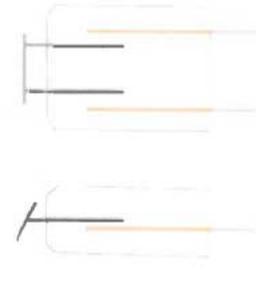
Type 2 (Jericho)

Re-used earth (Pits) combined with retaining the concrete top elements of the station buildings.

Black powder-coated metal supporting brackets.

Re-used earth (Pits) combined with retaining the concrete top elements of the station buildings.

Black powder-coated metal supporting brackets.

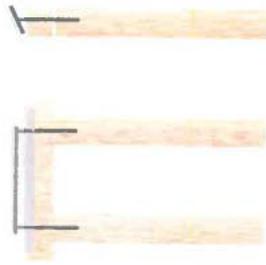


Type 4 (Tunbridge)

Re-cycled timber bridge beams, supporting timber set on bedrocks and red-briquette building.

Black powder-coated metal mounting brackets.

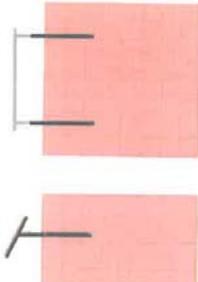
Black powder-coated metal mounting brackets.



Type 1 (Broadmarsh, Colebrook)

Re-cycled saddle and tie-rod supporting brick & section buildings.

Black powder-coated metal mounting brackets.



Re-cycled concrete slab (re-cast)

800mm

800mm

800mm

Tunbridge

Broadmarsh

Colebrook

Jericho

Kempton



Main Road (river reserve near bridge)



Broadmarsh Hall, Elderslie Road



Road reserve, cnr Machonochie St & Richmond Rd



'Mudwalls' reserve (private owner)



Rolunda park, northern highway jcn.

Consultations and property owners – Southern Midlands Convict Sites Interpretation Installations

Site	PID	Title	Owner	Consultations
Broadmarsh	5022495	10427/14	Ernest McShane et al	Mr and Mrs McKenzie (Hall committee) CI- Secretary, Broadmarsh 7030
Colebrook	Road Reserve Corner of Machonochie Street and Richmond Road.		Crown (Council maintained road)	Owners of adjacent remaining portions of station Graeme and Danielle Rynie 24-28 Richmond Road, Colebrook 7027 Colin Parramore 30 Machonochie Street, Colebrook 7027 Robert Scott 38 Machonochie Street, Colebrook 7027 Graeme French PO Box 70 Colebrook 7027
Jericho	3007363	158827/1	Gerard and Elizabeth McShane 3997 Midlands Highway, Melton Mowbray 7030	PO Box 70 Colebrook 7027 Owner
Kempton	DIER (no title – highway reserve)		Crown	SMC (D Mackey/T Kirkwood) has been consulted on use of existing slab (former BBQ platform).
Tunbridge	DPIPWE (no title – river reserve)		Crown	

REPRESENTATION – INTERPRETATION PANELS DA

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

**T F KIRKWOOD
GENERAL MANAGER**

23. CLOSURE 6.00 P.M.