

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN  
MIDLANDS COUNCIL HELD ON WEDNESDAY 27<sup>TH</sup> AUGUST 2014 AT  
THE MUNICIPAL OFFICES, 71 HIGH STREET, OATLANDS  
COMMENCING AT 10:05 A.M.**

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**ENCLOSED**

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

**Item 12.1.2 -** Development Application Plans and Documents  
Representations

**Item 18.2.3 -** National Timber Councils Association – Annual Report 2012/13

**Item 18.3.2 -** 2013/14 General Purpose Financial Report

**Item 18.3.3 -** 2014-2015 Southern Midlands Schedule of fees and charges

**MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS  
COUNCIL HELD ON WEDNESDAY 27<sup>TH</sup> AUGUST 2014 AT THE MUNICIPAL  
OFFICES, 71 HIGH STREET, OATLANDS COMMENCING AT 10:05 A.M.**

## **OPEN COUNCIL MINUTES**

### **1. PRAYERS**

Rev Dennis Cousens (Patrol Minister) conducted Prayers.

### **2. ATTENDANCE**

Mayor A E Bisdee OAM, Deputy Mayor M Jones OAM, Clr A R Bantick, Clr D F Fish, and Clr A O Green.

**In Attendance:** Mr T Kirkwood (General Manager), Mr D Mackey (Manager Development and Environmental Services) and Mr D Cundall (Planning Officer)

### **3. APOLOGIES**

Clr M Connors, Clr J L Jones OAM and Clr B Campbell

#### **C/14/08/004/19788 DECISION**

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

THAT the apologies from Clr M Connors, Clr J L Jones OAM and Clr B Campbell be received.

#### **CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

#### 4. APPLICATION FOR LEAVE OF ABSENCE

Clr B Campbell has requested leave of absence for the period 12<sup>th</sup> August 2014 – 23<sup>rd</sup> September 2014.

##### **C/14/08/005/19789 DECISION**

Moved by Clr A R Bantick, seconded by Deputy Mayor M Jones OAM

THAT Clr B Campbell's application for leave of absence be approved.

**CARRIED**

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	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 22<sup>nd</sup> July 2014, as circulated, are submitted for confirmation.

##### **C/14/08/005/19790 DECISION**

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

THAT The Minutes of the previous meeting of Council held on the 22<sup>nd</sup> July 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 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:

- **Audit and Risk Committee – Minutes of the Meeting held 14<sup>th</sup> August 2014**

#### **RECOMMENDATION**

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

#### **C/14/08/006/19791 DECISION**

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

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

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

### 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.

- **Audit and Risk Committee – Minutes of the Meeting held 14<sup>th</sup> August 2014**

#### **RECOMMENDATION**

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

#### **C/14/08/007/19792 DECISION**

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

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

#### **CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**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 NOT REQUIRED**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*(a) a statement of its general performance; and*

*(b) a statement of its financial performance.*

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

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

**RECOMMENDATION**

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

**DECISION NOT REQUIRED**

## 6. NOTIFICATION OF COUNCIL WORKSHOPS

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

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

### RECOMMENDATION

**THAT the information be received.**

### **C/14/08/011/19793 DECISION**

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

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 D F Fish	
√	Clr A O Green	

## 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. Bendigo Bank – Community Action
2. September 2014 Ordinary Council Meeting - consideration of changing the 24<sup>th</sup> September 2014 meeting to another date, due to the meeting clashing with the Local Government Association of Tasmania - General Meeting.

### **C/14/08/012/19794 DECISION**

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

THAT the September Ordinary Council Meeting be held on the 23<sup>rd</sup> September 2014.

**CARRIED**

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

3. Set date, time and location for a Special Meeting (proposed to be held second week of September 2014) for the purpose of determining a Development Application.

### **C/14/08/012/19795 DECISION**

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

THAT Council conduct a Special Council Meeting on the 10<sup>th</sup> September 2014 (to be held at the Municipal Offices, Kempton commencing at 10.00 a.m.).

**CARRIED**

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

**4. Applications - *Right to Information Act 2009***

In response to a question from Clr A O Green, the General Manager advised that eight (8) applications for information, from three (3) separate individuals, were processed in the 2013-14 financial year.

Total officer time is estimated at 28 hours to respond to these requests (an approximate cost of \$2,450) plus direct legal costs of approximately \$2,900 have also been incurred. Other relatively minor administrative costs are not included in the above (e.g. photocopying).

A \$36.00 fee applies to each application.

**5. *Egg Industry Act 2002* – Proposed Amendments / introduction of Regulations**

Clr Bantick raised concerns regarding the proposed introduction of additional regulations which are to be imposed on small egg producers.

The extent and status of the proposed amendments was unknown at the meeting.

**C/14/08/013/19796 DECISION**

Moved by Clr A R Bantick, seconded by Clr D F Fish

THAT Council write to the relevant Minister expressing disappointment regarding the proposed introduction of additional regulations on small egg producers, particularly noting that the Government was elected on a platform of reduced regulation.

**CARRIED**

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

## 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:-

- Managed Investment Schemes – Senate Inquiry (Senator P Whish-Wilson)
- Council Chambers, Oatlands – Meeting Table
- *Primary Industry Protection Act 1995* – Review
- St George’s Anglican Church – Lee Street, Campania

### 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/14/08/014/19797 DECISION

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

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 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*.

***The following declaration was recorded:***

*Clr A O Green – Item 12.1.1 - Development Application to Rebuild a Hotel in the Historic Precinct Special Area and Demolition of Existing Outbuilding at the site of the former ‘Campania Tavern’ at 85 Reeve Street Campania.*

**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:

- 11.00 a.m. – Mr Brenton West – CEO Southern Tasmanian Councils Authority will attend the meeting to discuss issues relative to the STCA; and items that Council may wish to specifically raise.
- 3.15 p.m. - A tour of the Midlands Water Scheme – Pump stations at Floods Creek and Woodbury, and the power station at Floods Creek

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

*Nil.*

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

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

*Clr A O Green declared an interest and left the meeting at 10.37 a.m.*

**12.1 DEVELOPMENT APPLICATIONS**

**12.1.1 Development Application to Rebuild a Hotel in the Historic Precinct Special Area and Demolition of Existing Outbuilding at the site of the former 'Campania Tavern' at 85 Reeve Street Campania**

*File Reference:* T5892220

**REPORT AUTHOR:** PLANNING OFFICER - (D CUNDALL)  
**DATE:** 19<sup>TH</sup> AUGUST 2014

**ATTACHMENTS:** 1. Plans  
2. Representation

**THE PROPOSAL:**

The Applicant S & K Appleby have applied to the Southern Midlands Council for a Planning Permit to rebuild a hotel at the site of the former 'Campania Tavern' at 85 Reeve Street Campania. The former 'Campania Tavern' was destroyed by fire in 2013.

The Applicant originally submitted plans for a replica copy of the previous tavern in the same footprint in an Application received December 2013. The Application for the 'replica hotel' was accepted by Council and publicly advertised. Three letters (3) were received from members of the public and discussions were subsequently held with the Applicant to discuss issues raised in the representations and to discuss any potential changes proposed by the Applicant. The Applicant had made it clear to Council Officers that they intended to make some alterations to the design of the hotel at some stage.

In July 2014, the Applicant provided a new set of plans with a substantially different design to the former tavern and substantially different to the plans submitted in December 2013. The new set of plans replaces the previous set of plans.

Accordingly Council Officers 're-advertised' the application in accordance with Section 57 of the *Land Use Planning and Approvals Act 1993* ("the Act") for public comment. One (1) representation was received. This matter is addressed in this report.

The Application is not a new 'use' of the land as the land is afforded existing use rights as a hotel. The Application is therefore an application for a new building in the Historic

Precinct Special Area and Council shall assess the design of the this new building and ensure that the building can be appropriately used as a hotel with minimal impact on the Village Zone and nearby land uses.

The Development Application is considered at Council’s discretion for development in the Historic Precinct Special Area.

The Application is recommended for approval subject to conditions.

## **THE APPLICATION**

The Applicant submitted a completed Application form, detailed site plans and elevation drawings.

All plans were made available to the public for comment.

There is sufficient information for the Planning Authority 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**

New development in the Historic Precinct Special area is determined at Council’s discretion.

A discretionary use or development must be advertised in accordance with Section 57 of the *Land Use Planning and Approvals act 1993* for the statutory 14 day period.

### **Public Notification and Representation**

**The application was ‘re-advertised’, and all adjoining owners were notified on Saturday 19<sup>th</sup> July 2014 for the 14 day advertising period. One (1) letter was received. The letter raises issues with noise generated by a hotel and the alterations to the external appearance and design of the building. The content of this letter is included in full below with a comment from the Planning Officer (Report Author).**

#### **Representation 1 (Verbatim)**

Mr Cundall was generous with his time last Thursday (31<sup>st</sup> July), discussing with us the latest plans of the buildings proposed for development on the site of the destroyed Campania Tavern.

Apparently there were things wrong with the original plans (December 2013). These could have been put right, viz, clearly defined areas for dining and drinking at the bar with lavatories moved to a more appropriate location. Such modifications could easily have been achieved.

Instead of separate buildings (Manager’s residence) shown in the new plans, a ready-made manager’s residence is located on the first floor of the original plans, thus obviating the expense of constructing a separate residence.

I’ve spoken over the weekend to residents who have expressed interest in what might rise from

the ashes of the old Tavern, all of whom were anxious to see it rebuilt.

From my description of this latest effort – the proposed building shrunk from resembling the original tavern they assumed they would get to a single-storey construct – the consensus was the village is being short-changed, is getting something second-rate, second-best.

The question has to be asked: which design would enhance the historic precinct of which it is to be an integral part?

I've enclosed an article from the Age on the subject of noise abatement, which is opposite. What applies to people living in close proximity in apartments should also apply to people living in close proximity to taverns that double as venues for "Live Music". Hence double glazing in whichever design for a new tavern is decided upon could be considered an essential part of the construction.

**Planning Officer Comment**

*The representation raises issues associated with living close to a pub and live music venue. The representor is disappointed the design of the pub has changed from the original proposed set of plans and a diversion from the original design of the pub – though also notes the improvements to the internal lay-out of the pub compared to the former tavern i.e. a more modern internal layout.*

*It is agreed that there is a good opportunity make improvements to the design of the building to reduce the impact of a pub close to existing dwellings. The following features should be noted by the Council:*

- *The developer is installing "Comfort Plus" glazing for the windows – to improve energy efficiency and reduce noise impacts*
- *Modern brickwork and insulation will also reduce noise impacts*
- *The windows can be closed and sealed during noisy live music or events*
- *A proposed designated smoking and outdoor area has been located on the western side of the building – at a reasonable distance from public roads and reduces the need for patrons to stand and smoke on the front verandah*

*The idea of double glazing was raised with the Applicant, but they have decided to use 'comfort plus glazing'.*

*The design of the building is assessed in detail in this report.*

**Zone: Village Zone**

The Village Zone recognises the mixture of uses within the towns of Kempton, Bagdad and Campania and the role of a number of smaller settlements as local service centres including Colebrook, Tunbridge, Parattah and Tunnack. The development standards aim

to maintain the village settings whilst providing opportunities for a range of non-residential developments. The Scheme distinguishes between sewered and un-sewered townships within the Village Zone insofar as the provisions of the Scheme relate to subdivision.

**The intent of the Village Zone is to:**

- a) *give priority to maintaining Kempton, Bagdad, Campania, Colebrook, Tunbridge, Parattah and Tunnack as local settlements;*
- b) *allow for a broad range of uses within the settlements provided they do not adversely affect the amenity of the settlement, nor place undue burden on the Council to provide infrastructure services; and*
- c) *encourage, where possible, the centralisation of future commercial and business development in positions close to existing facilities.*

The proposal is for the re-development of a hotel. Even though the hotel has been destroyed, and there is currently no alternative form of hotel in operation, the land is still afforded ‘existing use rights’ pursuant to Section 20 of the Act.

In other words, the Council are not in a position to refuse the Application to again use the land as a hotel. The Council are to address the design features of the hotel in an historic precinct and the practicality of the hotel design in a Village Zone close to existing dwellings and other land uses.

The proposal has included design features to improve the impact of a hotel in close proximity to dwellings. The Applicant also considered the views of Council Officers and of the interested members of the public through the statutory advertising period (representations) and through other discussions with the public to create a building more accommodating to family dining and patronage.

It is noted that new hotels right across Australia, and in rural areas especially, are expanding their market to become more attractive to families for meals and dining.

**Historic Precinct Special Area: Development Standards**

Development within the Historic Precinct Special Area must be in accordance with the following principles:

- a. *scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings should be appropriate to the site, adjacent buildings, and the heritage values of the local streetscape, taking into account the intent of the Special Area;*

The scale, roof pitch, building height, form, bulk and rhythm of the proposed rebuild are all acceptable in the Campania historic precinct special area. The former tavern

was an integral component of the historic precinct and its loss has left a prominent part of the Campania township vacant and unsightly.

The proposal to emulate many features of the former tavern have been well considered by the Applicant. Of note is the ‘wrap around’ verandah, the use of sandstone lintel and sill features on the windows, the steepness of the roof pitch and the use of timber, brickwork and custom orb roofing.

The ‘heritage face bricks’ and ‘selected face brick’ are however some un-confirmed elements in the design. It would be prudent that the Planning Authority condition any permit with a requirement to provide the Council with a full colour and finish chart and possibly samples. This is necessary given the prominence of a corner building in an historic town. Any new corner building should be sympathetic to the other nearby Georgian/Victorian corner buildings.



Image 1\_ Photograph depicts the former ‘Campania Tavern’

- b. *buildings should provide a strong edge to the street consistent with the prevailing building line;*

The proposed design and locations of the building meets this standard the Applicant seeks permission to build the hotel on the same footprint as the former tavern i.e same setback distance. The setback is compatible with the cottage on the opposite corner.

- c. *the visual relationship between the existing and new buildings should be considered, with new buildings avoiding visually dominating neighbouring historic buildings;*

This could be better achieved through providing specific details of the proposed finish of the building to the satisfaction of Council.

In discussion with Council's Manager of Heritage Projects it may be warranted to encourage a rendered type finish on the building over the brick work. This would tie in better with the existing shop and other heritage buildings.



*Image 2\_ the existing shop in Campania with painted colonial brickwork.*

- d. where feasible, additions and new buildings should be confined to the rear of existing buildings;*

The application is to 're-build' a hotel on a prominent street corner. As noted in the representation the Applicant has provided a building with a prominent façade on a street corner with the bulk of the building, including the managers residence sited behind the more important public frontage.

- e. architectural details and openings for windows and doors to visually prominent facades shall respect the historic character in terms of style, size, proportion and position;*

This has been achieved. The height and bulk of the building, the verandah, windows and doorways are sympathetic to the shop and cottage on the opposite corner. It is important, in accordance with the Part 9 of the Planning Scheme and the *Burra* Charter that new buildings in historic areas are sympathetic to the setting but do not copy or completely imitate other buildings.



Image 3\_ A Victorian residence on the opposite corner to the proposed pub. Note the decorative verandah and building line to be emulated by the new pub.

- f. *outbuildings are generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also match that of the primary building on the land;*

No additional outbuildings are proposed. An existing outbuilding will however be demolished.

In place of the demolished outbuilding is the ‘Managers Residence’. The ‘Managers Residence’ is more sympathetic to the heritage precinct than the former outbuilding.

- g. *fences along street boundaries of properties, including both main and side streets should be:*

- *between 900mm and 1000mm high, with a maximum of 1200mm for posts;*
- *vertically articulated, (such as with dowel-and-rail, picket or palisade fences), and should not be horizontally articulated, (such as with post and rail fences); and*
- *“transparent” or “open” in appearance, that is, the distance between dowels or pickets, etc, should be such that the fence does not appear solid;*
- *hedges along street boundaries, including both main and side streets, are acceptable provided they are kept to the height indicated for fences in (vii), above.*

The proposal includes a picket fence and low shrubs on the Reeve Street boundary. A condition on any permit should include a condition that meets the above standard.

### **TASWATER**

The Application was referred to TasWater as the Regulated Entity for assessment and any necessary conditioning relating to the construction and discharge of trade waste.

Accordingly TasWater pursuant to Section 56 of the *Water and Sewerage Industry Act 2008* impose conditions on the development to be included in any Permit issued by the Council.

### **DEPARTMENT OF STATE GROWTH “ROAD AUTHORITY”**

The Application was referred to the “Road Authority”, Department of State Growth for assessment or comment on the new development and construction in close proximity to a state road.

The Department offered the following comment to Council:

*“Stategrowth has no objection in principle to the development application; however the applicant must comply in accordance with the Roads and Jetties Act 1935 Section 16AA, that no work can be carried out in a State highway or subsidiary road without approval from the Minister's delegate.*

*A permit must be obtained from Stategrowth through applying on-line at [Permits@stategrowth.tas.gov.au](mailto:Permits@stategrowth.tas.gov.au). At that time a thorough investigation will be conducted and conditions will apply. Conditions will include, but are not limited to, the construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.*

*I trust this information is of assistance and please contact me should you require further, Regards Scott Ingles Traffic Engineering Officer Transport Infrastructure Services Ph; 6166 3321 E; [scott.ingles@stategrowth.tas.gov.au](mailto:scott.ingles@stategrowth.tas.gov.au) ”*

Council should include this matter as advise in any Permit issued to inform the Applicant that should any works impact the state road, including drainage then a separate permit must be obtained from the department.

The Applicant will need to seek the permission from the Department during the construction phase of the development if any part of Reeve Street is required to be fenced or obstructed.

### **CONCLUSION**

This report has assessed a proposal to rebuild a hotel on the site of the ‘former Campania Tavern’ in accordance with the *Southern Midlands Planning Scheme 1998* and the *Land Use Planning and Approvals Act 1993*.

The Development Application has been discussed assessed by Council Officers, including the Manager of Heritage Projects to assess the design of a new building in the Historic Precinct Special Area on a prominent street corner. The Application was also referred to the “Road Authority” and the “Regulated Entity” (Sewer and Water) for further assessment and conditioning.

The Application is not an assessment of a new land use but the development of a new hotel. Council shall consider the impact of this building in an historic precinct special area and the impact of a hotel in the Village Zone close to other land uses. Council Officers are satisfied that the Applicant has given consideration to the built heritage of Campania and traditional settlement patters. The Applicant has also given consideration to concerns raised in previous representations and has incorporated design elements to reduce noise and anti-social behavior.

The Application should be approved by Council subject to conditions.

## **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 to Rebuild a Hotel in the Historic Precinct Special Area and Demolition of Existing Outbuilding at the site of the former ‘Campania Tavern’ at 85 Reeve Street Campania for with the following 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) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *land Use Planning and Approvals Act 1993*.
- 3) Sound insulating glazing must be installed on all windows facing a public street. The glazing known as “Comfort Plus” is an acceptable solution; any variation will require further approval by Council’s Manager of Development and Environmental Services.

### *External Finishes and Colours*

- 4) Prior to the Application for a Building Permit, the Developer shall submit a schedule specifying the finish, materials and colours of all external surfaces (and where necessary samples) to and approved by the Council’s Manager of Development and Environmental Services. The schedule must provide for

finished colours and materials consistent with the immediate heritage townscape character of the Reeve Street, Climie Street intersection. The schedule shall form part of this permit when approved.

*Explanation of Condition*

*As a specific schedule of finishes and colours was not submitted with the Development Application Council will require some further details to affirm appropriate finishes, colours and materials are used for a prominent new building in the center of Campania. The new building will become a permanent focal point in the township. Please see the Advice contained within this permit regarding this condition of approval.*

*Fencing*

- 5) Front fence to be restricted to a height between 900mm and 1000mm high, with a maximum of 1200mm for posts;
  - a. vertically articulated, (such as with dowel-and-rail, picket or palisade fences), and should not be horizontally articulated, (such as with post and rail fences);
  - b. “transparent” or “open” in appearance, that is, the distance between dowels or pickets, etc, should be such that the fence does not appear solid; and
  - c. hedges along main street are acceptable provided they are kept to the height indicated for fences above.
  - d. unless alternative details are submitted and approved by Council.

*Signage*

- 6) The developer shall submit a proposed plan of signage prior to their installation. Signage shall comply with Schedule 6 Signs of the Southern Midlands Planning Scheme 1998 and in accordance with the Tasmanian Heritage Council ‘Practice Note 6 – Signs and Hoardings on Sites Listed in the Tasmanian Heritage Register’. The submitted plan shall be to the satisfaction of Council’s Manager of Development of Environmental Services.

*State Road*

- 7) The Developer must ascertain the necessary permission from the Department of State Growth prior to any construction works commencing on or having impact on Reeve Street. Please see the Advice contained within this permit for further information.

*TasWater*

- 8) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Form PL05P (attached).

*Services*

- 9) The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the development. Any work required is to be specified or undertaken by the authority concerned.

*Stormwater*

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

*Construction Amenity*

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

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

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

- 13) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
  - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b. The transportation of materials, goods and commodities to and from the land.

- c. Obstruction of any public footway or highway without the permission of the relevant Road Authority.
  - d. The unsightly appearance of any building, works or materials.
  - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 14) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period unless the relevant approvals are obtained from the Road Authority.
- 15) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

**The following advice applies to this permit:**

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

*External Finishes and Colours*

- C. You are strongly advised to contact Council's Planning Officer to discuss this component of the approval. Appropriate finishes, colours and materials may include:
  - a. Brickwork – coated in a render or flat finish paintwork. Alternatively provide a sample of the 'heritage face brickwork' as depicted in the Development Application for Council Approval.
  - b. Custom Orb Roofing – a grey colour similar to the former tavern and matching the cottage on the opposite street corner.
  - c. Windows and Doorways - Timber framed or provide further details of intended framing for Council Approval

*State road (Reeve Street)*

- D. Should a permit be warranted, prior to works commencing, then a permit must be obtained from Stategrowth through applying on-line at [Permits@stategrowth.tas.gov.au](mailto:Permits@stategrowth.tas.gov.au). At that time a thorough investigation will be conducted and conditions will apply.

- E. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.
- F. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -
  - a. Minimise site disturbance and vegetation removal;
  - b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council's storm water system, a watercourse or road drain);
  - c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
  - d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
  - e. Rehabilitation of all disturbed areas as soon as possible.

**C/14/08/031/19798 DECISION**

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

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 to Rebuild a Hotel in the Historic Precinct Special Area and Demolition of Existing Outbuilding at the site of the former ‘Campania Tavern’ at 85 Reeve Street Campania for with the following conditions:

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#### *State Road*

- 7) The Developer must ascertain the necessary permission from the Department of State Growth prior to any construction works commencing on or having impact on Reeve Street. Please see the Advice contained within this permit for further information.

#### *TasWater*

- 8) Pursuant to the Water and Sewerage Industry Act 2008 (TAS) Section 56P (2) (b) TasWater impose conditions on the permit as per Form PL05P (attached).

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- b. The transportation of materials, goods and commodities to and from the land.
- c. Obstruction of any public footway or highway without the permission of the relevant Road Authority.
- d. The unsightly appearance of any building, works or materials.
- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.

- 14) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period unless the relevant approvals are obtained from the Road Authority.
- 15) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies to this permit:

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

*External Finishes and Colours*

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  - c. Windows and Doorways - Timber framed or provide further details of intended framing for Council Approval

*State road (Reeve Street)*

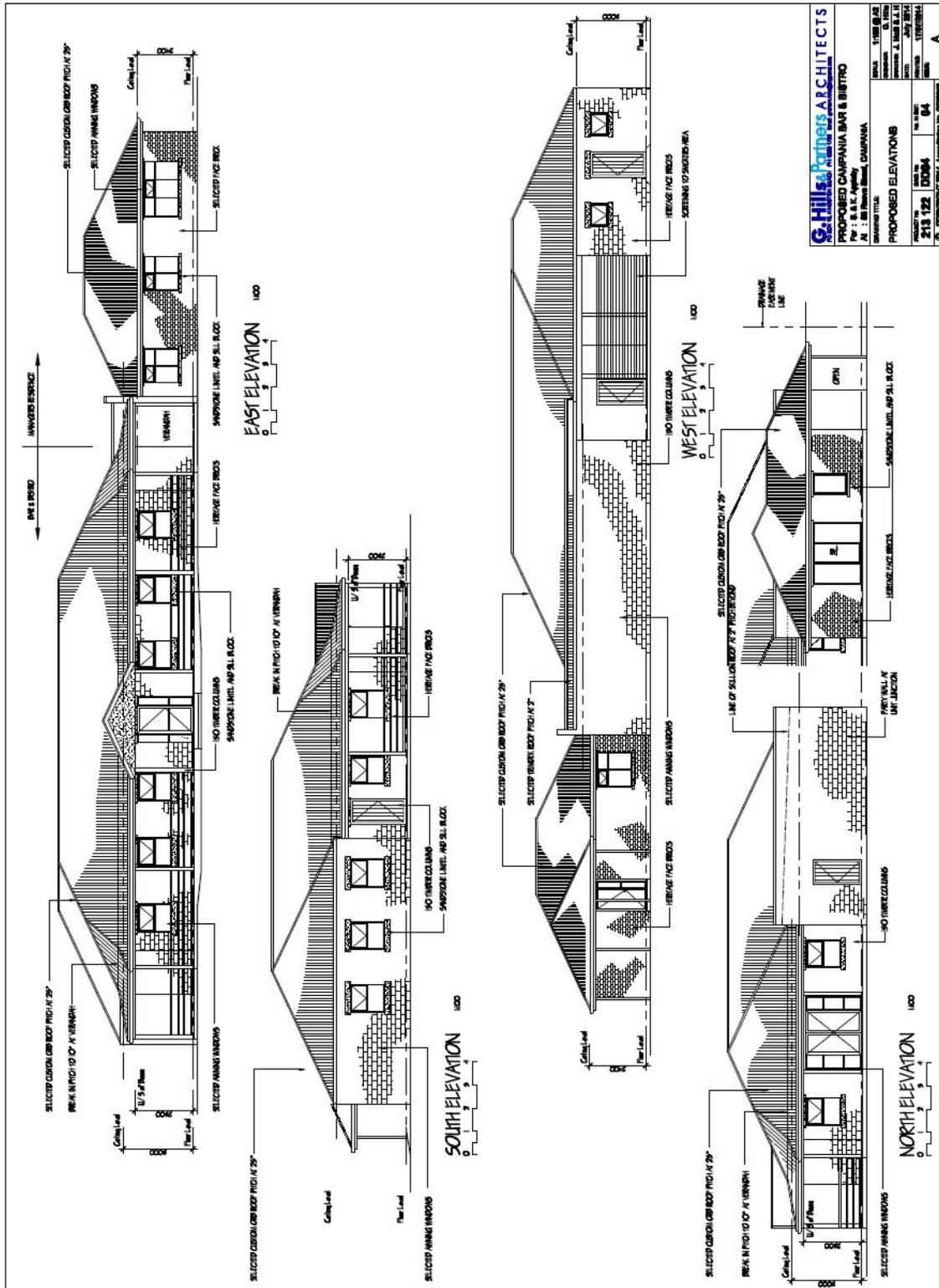
- D. Should a permit be warranted, prior to works commencing, then a permit must be obtained from Stategrowth through applying on-line at [Permits@stategrowth.tas.gov.au](mailto:Permits@stategrowth.tas.gov.au). At that time a thorough investigation will be conducted and conditions will apply.
- E. Any containers located on site for construction purposes are to be removed at the completion of the project unless the necessary planning and building permit have been obtained by the developer/owner. Materials or goods stored in the open on the site shall be screened from view from people on adjoining properties, roads and reserves.
- F. Appropriate temporary erosion and sedimentation control measures include, but are not limited to, the following -

- a. Minimise site disturbance and vegetation removal;
- b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (eg. temporarily connected to Council’s storm water system, a watercourse or road drain);
- c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
- d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains;
- e. Rehabilitation of all disturbed areas as soon as possible.

**CARRIED**

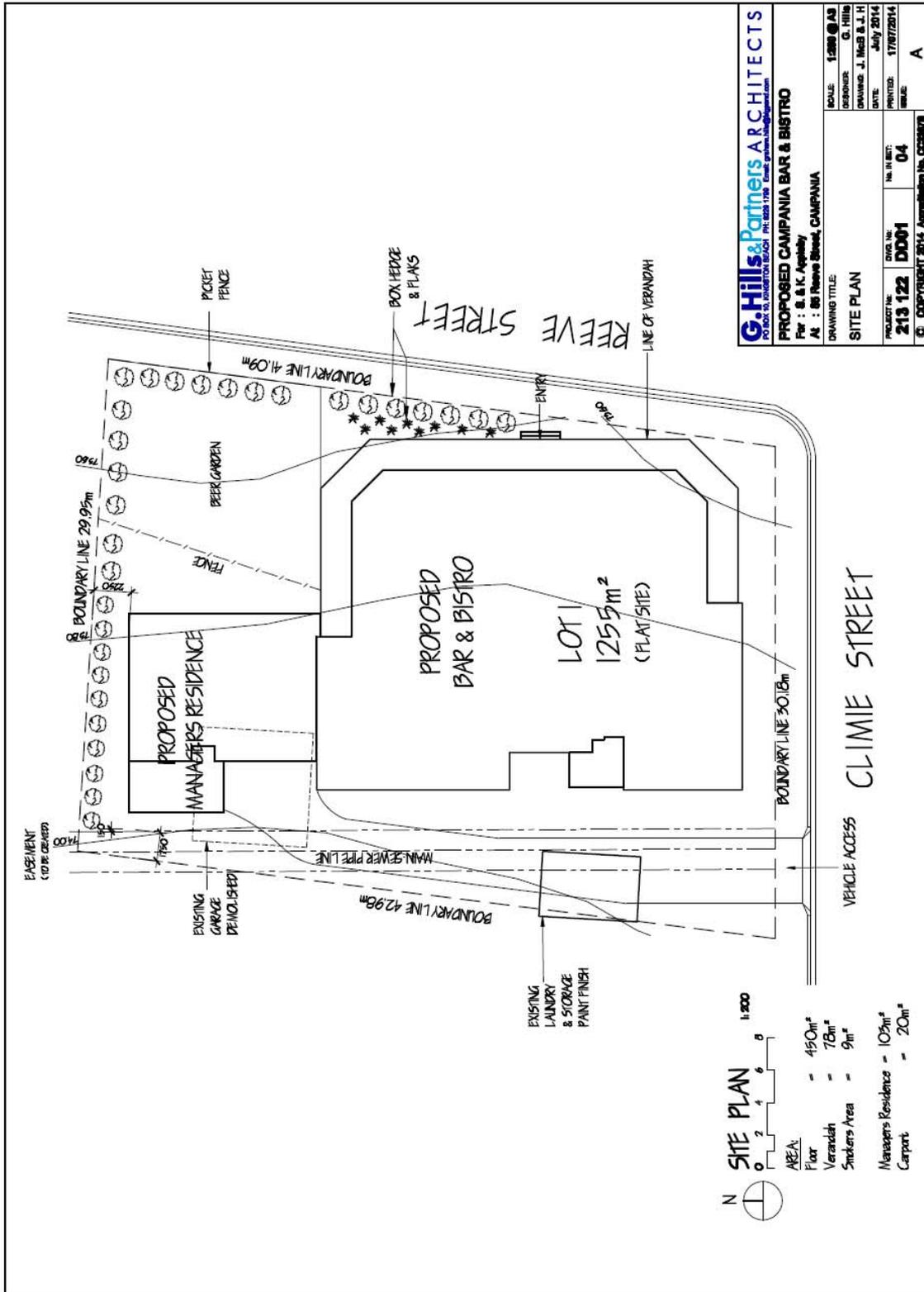
Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	

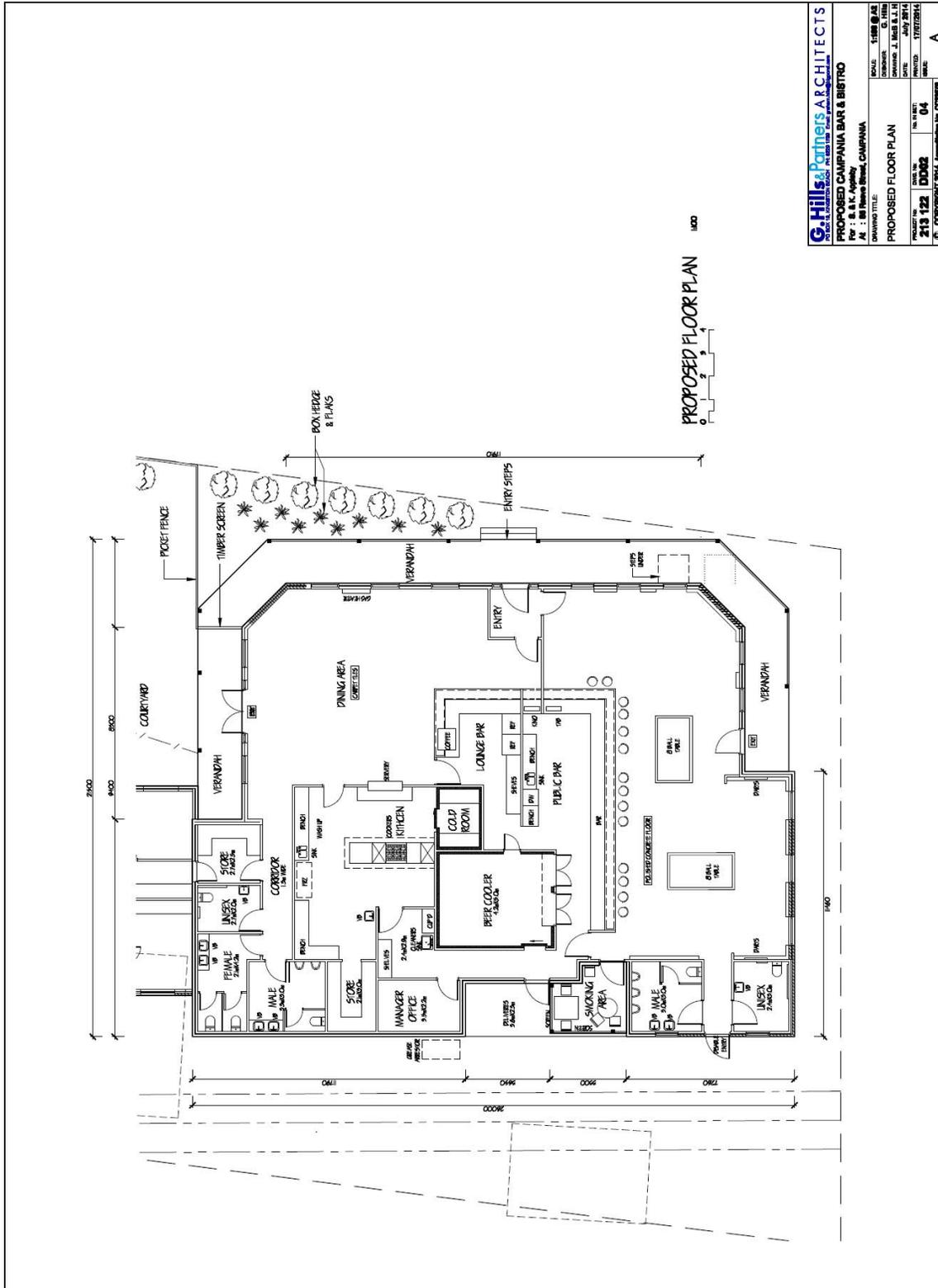
*Clr A O Green returned to the meeting at 10.48 a.m.*



**G. Hills & Partners ARCHITECTS**  
 PROPOSED CAMPANIA BAR & BISTRO  
 For S.A.C. Approval  
 At: 88 Rivers Road, CAMPANIA

DRAWING TITLE: PROPOSED ELEVATIONS  
 DRAWN BY: J.A.M.  
 CHECKED BY: J.A.M.  
 DATE: 04/08/14  
 PROJECT NO: 213 122 0004  
 COPYRIGHT BY: ARCHITECTS IN CONJUNCTION WITH CLIENT





<b>G.Hills Partners ARCHITECTS</b>	
PROPOSED CAMPAGNA BAR & BISTRO	
PROJECT NO:	213 112
DATE:	DD02
NO. OF SHEETS:	04
SHEET NO.:	01
DATE:	JULY 2014
BY:	JT/ST/RSB
CHECKED BY:	G. HILL
DATE:	JULY 2014
PROJECT TITLE:	PROPOSED CAMPAGNA BAR & BISTRO
CLIENT:	MR & MRS CAMPAGNA
LOCATION:	1500 1/2
SCALE:	1:500 @ A3
DATE:	JULY 2014
BY:	JT/ST/RSB
CHECKED BY:	G. HILL
DATE:	JULY 2014
PROJECT TITLE:	PROPOSED CAMPAGNA BAR & BISTRO
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BY:	JT/ST/RSB
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**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**

**12.1.2 Development Application to construct Six (6) Stone Statues on Concrete Platforms (defined as Miscellaneous use/development) at 1384 Tea Tree Road, Tea Tree.**

*File Ref:* T2941293

**AUTHOR** PLANNING OFFICER (D CUNDALL)  
**DATE** 19<sup>TH</sup> AUGUST 2014

**ENCLOSURE** Development Application Plans and Documents  
Representations

**PROPOSAL**

The Applicant and landowner, Holy Tantra Esoteric Buddhism Incorporated (“HTEB”) has applied to the Southern Midlands Council for a Planning Permit to construct six (6) stone statues on concrete platforms requiring earthworks at 1384 Tea Tree Road Tea Tree.

The proposal is to erect 6 statues on concrete plinths on 4 ‘grass green coloured’ concrete platforms. The detail of these statues is clearly presented in Attachment 1 of this Report. The statues are a pair of stone lion statues and other four statues are the ‘Four Heavenly Deva’ statues. The proposal states the statues are significant to the Buddhist School – Chinese Han Transmission Esotericism Academy.

The land is currently used for a rural residential type purposes with improvements such as sheds, internal roads and vegetable gardens. The land is zoned Rural Agriculture.

The proposal is defined as ‘Miscellaneous’ development as the proposal does not conform specifically nor in substance with any other category listed elsewhere in the *Southern Midlands Planning Scheme 1998* (“the Scheme”). Accordingly a Miscellaneous development invokes Clause 11.5 of the Scheme and is determined at Council’s discretion pursuant to Section 57 of the *Land Use Planning and Approvals Act 1993* (“the Act”).

The access to the land is from Tea Tree Road. The access is currently used to serve a dwelling and ‘Agricultural Land’ (as defined by the Planning Scheme). The proposed statues are highly visible from the State Road. The Application has included a Traffic Impact Assessment. The Traffic Impact Assessment and Application were referred to the Department of State Growth as the ‘Road Authority’.

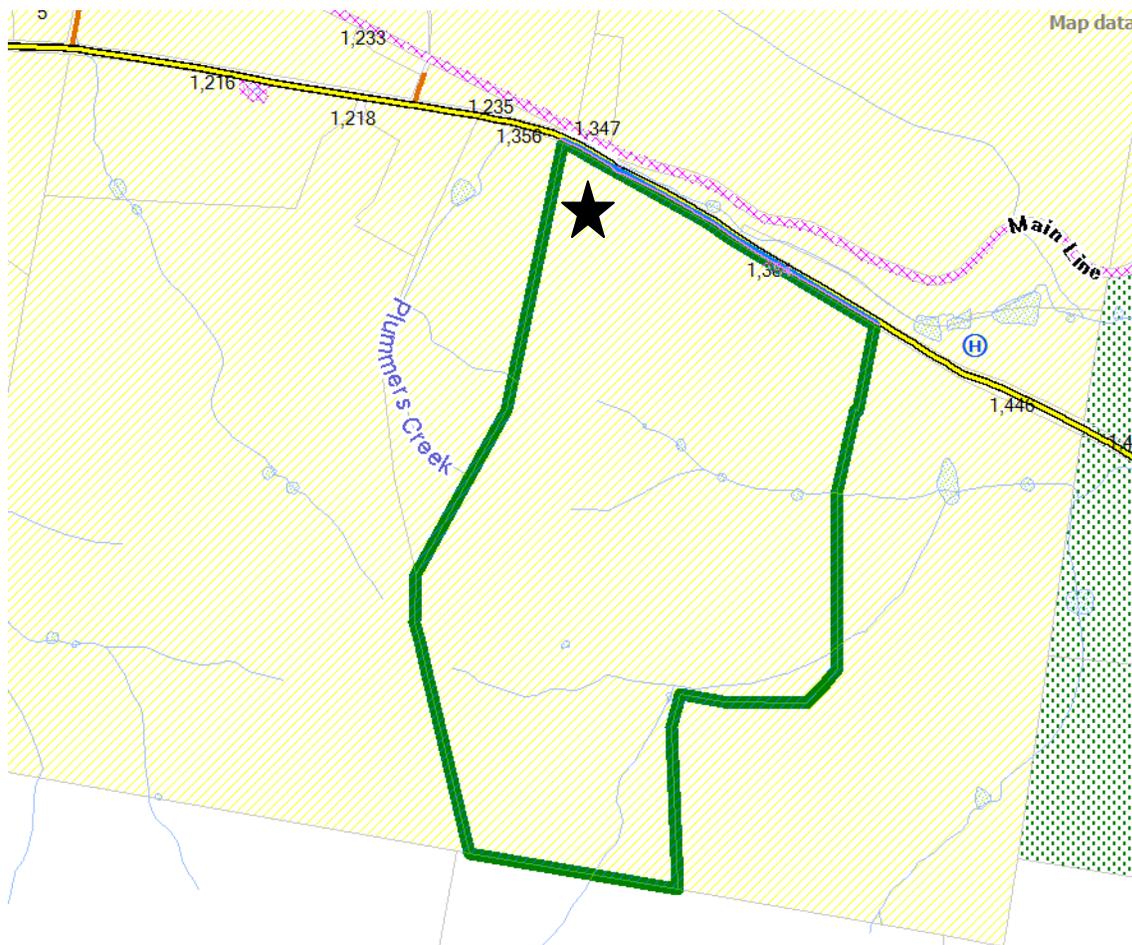
There are no proposed alterations to the access or changes to vehicle movements as a result of this development proposal.

The Application has received two (2) representations raising numerous concerns with the proposal. The concerns are tabled as part of this report.

The Application is recommended for approval subject to conditions and advice.

### THE SITE

The land is in the Rural Agriculture Zone. The land is used for a dwelling on ‘Agricultural Land’ (as defined in Schedule 2 of the Planning scheme as land that is in an Agricultural use or has the potential for agricultural use). The property is surrounded by ‘Agricultural Land’, working farms, former farms and rural lifestyle land. All adjoining land is in the Rural Agriculture Zone. Map 1 below demonstrates the land zoning.



*Map 1\_The land, coloured light yellow, is the Rural Agriculture Zone. The proposed statues site is marked by a ‘black star’. The northern boundary of the site is the Tea Tree Road.*

The land is 106ha accessed from Tea Tree Road and contains open pasture, remnant bushland, a dwelling, outbuildings, internal tracks, vegetable gardens, fencing and other rural type improvements. The land is undulating, with small gullies, watercourses (minor

streams) and has a high point of 280m toward the Coal River Tier (southern tip of the property).

As stated by the Applicant the land is owned by a not-for-profit organisation for the dissemination of Buddhist philosophy and meditative practice methods.

The landowners have made it clear to the Council, the public and the State Government their intentions to one day apply to the Planning Authority to develop and use the land as a “Tasmanian Buddhist Cultural Park”.

An Application to build the “Tasmanian Buddhist Cultural Park” has not been submitted to Council. Such use/development in the Rural Zone would require significant changes to the Planning Scheme and detailed assessment by the Council and Tasmanian Planning Commission. All would be subject to extensive public consultation and possibly formal hearings. The specific details of this “Tasmanian Buddhist Cultural Park” have not been included in this report as this report is to assess an application for statues.

### **THE APPLICATION**

The Applicant has submitted a written accompaniment to the plans, a Traffic Impact Assessment, and plans and photographs of the stone statues. There is sufficient information within these documents for Council Officers to make a recommendation to the Council and for any member of the public to form a view on the application.

### **USE/DEVELOPMENT DEFINITION**

*Under Schedule 3 ‘Use or Development Category Definitions’ of the Planning Scheme, the proposed development is defined as ‘Miscellaneous’:*

*“Miscellaneous – means the use or development of any land which conforms neither specifically nor in substance with a category listed elsewhere in this Schedule.”*

There are no other definitions of use/development categories in the Southern Midlands Planning Scheme that specifically account for a sculpture/statue/art installation or likewise.

It is suggested, however that the Applicant has intended to improve the ‘Amenity’ of the land and the area as defined in Schedule 2 of the Scheme as:

*“Amenity – means such qualities, features or advantages that contribute to the feeling of pleasantness, harmony and enjoyment in a particular area.”*

Council Officers do not regard the proposed Buddhist statues to be ‘offensive’ or ‘provocative’ but nevertheless consider the ‘Amenity’ description to invoke differences of opinion or bias towards the unusual proposal in the Tasmanian rural landscape.

‘Miscellaneous’ development is therefore the more fitting and neutral description for unusual development of this type. Opinion on art installations/sculptures/religious or

cultural art works etc should not be influenced or shaped by the Council definition of the works.

### **Use Development/Status under the Planning Scheme**

**Under the Scheme, a ‘Miscellaneous’ development is a discretionary development in any zone and invokes Clause 11.5. Subsequently the use/development:**

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

or

- II. May be refused a Planning Permit by Council

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

### **PUBLIC NOTIFICATION AND REPRESENTATIONS**

**The application was advertised on the 1<sup>st</sup> August 2014 for fourteen (14) days and received two (2) representations raising concerns and opposition to the proposal.**

**All representations have been attached in their entirety to this report for the Council’s information as ‘Attachment 2 – Representations’. All names and personal details have otherwise been omitted from this report.**

**Council Officers have provided comments regarding the key issues raised in these representations in this section of the report. The concerns are further considered as part of the detailed assessment of the proposal against the relevant provisions of the Planning Scheme. The Officer comments appear in *Italics* in the table below:**

Representation 1 (Verbatim)
<ul style="list-style-type: none"><li>• <b>Dogs killing sheep will increase</b></li><li>• <b>Sewerage water run off on to property in to stock water</b></li><li>• <b>Wildlife on crops will increase</b></li><li>• <b>Shooting will not be allowed</b></li><li>• <b>Council Rates will increase</b></li></ul>
<i>Council Officer Comment on Representation 1</i> <ul style="list-style-type: none"><li>• <i>To the best of Council Officer knowledge the proposal would not increase the number of dogs or enable dogs to attack livestock in the area.</i></li><li>• <i>No wastewater alterations are proposed.</i></li><li>• <i>Wildlife control and extermination on farms is a private matter not considered as part of this Development Application.</i></li></ul>

- *Shooting and the operation of firearms is controlled by separate legislation and not considered as part of this Development Application. Nevertheless the ability to shoot appears unaffected by the proposed statutes. In Particular:*

***“FIREARMS ACT 1996 - SECT 113***

***113. Recklessly discharging firearm***

*(1) A person must not discharge a firearm recklessly or without due regard to the safety of any other person or property.*

***Penalty:***

*Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both.*

*(2) A person must not discharge a firearm within 250 metres of a dwelling house except –*

*(a) on an approved range; or*

*(b) with the consent of the occupier of the dwelling house.*

***Penalty:***

*Fine not exceeding 50 penalty units or imprisonment for a term not exceeding 2 years, or both. “*

- ***Council rates and property pricing is not considered by the Planning Authority.***

Representation 2 (verbatim in part with personal details removed and summarised in dot point where necessary)

- **The HTEB are not using the land for agricultural purposes and are harbouring possums and wallabies. This has added costs to crop protection for an adjoining owner.**
- **The planning and development of the ‘Tasmanian Buddhist Cultural Park’ has been secretive, non-inclusive and dismissive of the community’s input to date**
- **The Development Application should have included a full assessment against the relevant provisions of the Planning Scheme, i.e. the standards for the Rural Zone. This should have been included to justify a ‘Miscellaneous’ use in the Rural Zone.**
- **The proposal should have been categorised as a ‘Place of Assembly’ which is prohibited in the Rural Agriculture Zone.**
- **Council should have requested a more detailed planning assessment**

- **The proposal appears to be the beginnings to the ‘Tasmanian Buddhist Cultural Park’**
- **Council have been supportive of a Buddhist Cultural Park in the drafting of the Southern Midlands Interim Planning Scheme and in the Midlands Economic Development and Land Strategy (MEDaLS project).**
- **The development of the statues would allow room for temple gates which have been presented by the Buddhists in the media**
- **Council should exercise caution in making a decision on the statues as it may prejudice future decision making for any Development Application lodged to construct the intended ‘Tasmanian Buddhist Cultural Park’**

*Council Officer Comment*

- *Pest and vermin control is not relevant to this Application for statues.*
- *‘Planning and Development’ of the ‘Tasmanian Buddhist Cultural Park’ has been open and transparent. The intentions of the landowner have been widely publicised in the media as have the views of the Elected Members of the Southern Midlands Council. Information on Council’s involvement in the development has been available on the Public Agenda for the Council Meetings over the years. This matter was also widely publicised at the time of the informal public consultation period for the draft interim planning schemes in June/July 2013.*
- *Unfortunately not many Applications include a full assessment against the provisions of the Planning Scheme. The Applicant has however provided a written accompaniment which further explains the plans and photographs. There is sufficient information for Council Officers to assess the Development Application and form a recommendation.*
- *The Application does not conform neither precisely nor in substance with any particular use/development category in Schedule 3 of the Scheme. The proposal is a unique development. There is no evidence to suggest the land is to be used as a ‘Place of Assembly’ on a permanent basis requiring Planning Approvals*
- *There is currently no provision in the Southern Midlands Planning Scheme 1998 that would allow for a ‘Buddhist Cultural Park’ in its entirety as presented to the public and Council over the last few years. Almost all aspects of the ‘Buddhist Cultural Park’ are prohibited in the Rural Agriculture Zone. The proposed statues may well become part of a grand plan for the land, but in their current form they are in isolation.*
- *It is agreed that the Council should not consider this application to be a precursor or gateway to future development. Any permit issued for this Application should include written advice to this effect.*

- *Council have included a ‘Special Area’ for a Buddhist Cultural Park’ in the Draft Interim Planning Scheme 2014 submitted to the Minister in March 2014. Should the Interim Scheme be declared by the State Government then it would allow the opportunity for a Development Application to be lodged with the Council for the development of a ‘Buddhist Cultural Park’ on the land (or particular parts of a ‘Buddhist Cultural Park’ i.e. temple, gate, etc) to be submitted to the Council for assessment and to be determined at Council’s discretion. Council are still awaiting the outcome of assessment by the State Government.*

Representation 2 Continued (Verbatim with Personal names omitted and replaced with wording “[my Client]”).

The below can be said about the proposed development in relation to the Zone intent -

(a) Council must give priority to the sustainable long term use of land for agricultural, pastoral, forestry and other rural uses. The erection of 6 [religious] statues is a religious use;

(b) the South East Irrigation Scheme Stage 3 is nearing completion, with the land upon which the development occurs on the edge of the section that encompasses the Rekuna – Campania region.

Of this matter [my client] provided the below –

‘Land in the Rekuna Valley is just on the edge of the South East Irrigation Scheme with water available to all to increase farming in the Rural Zoned area, however with development such as that proposed only 180 metres off our boundary we feel that a request will be made to not allow us to use our firearms for crop protection within 250 metres, as these statues will be clearly a place of worship, this means we will have to drive into the middle of our crops not around the edge of our paddock, therefore forcing us to cease all farming practices because of the impracticality this restriction would cause. This leaves one question, will Southern Midlands Council or the adjoining landowner pay us, and or other land owners in the area, compensation for the discontinuation of farming practices on a yearly basis?’

*Council Officer Comment*

*The proposed statues, internal tracks, earthworks and concrete platforms associated with the proposal would occupy an area less than one (1) hectare. This equates to less than 1% of the total size of the 106 ha property. This would not greatly impact the long-term agricultural use of the land. There are thousands of hectares of Rural zoned Land in the immediate area. There are many rural activities that can continue on the land and adjoining land with or without these six Buddhist statues.*

*In regards to comments on shooting and pest control there are other laws that control*

*responsible firearm usage outside the scope of the Planning Authority's control.*

*There is no evidence in the proposal that the 6 statues are intended to prevent farming on nearby property.*

(c) the erection of 6 [religious] statues does not encourage expansion and diversification of agricultural activities because it is a religious use, not an agricultural use, and no agricultural activities of any form occur on the land . It is important for Council to note that the 'vegetable garden' at the front of the property is not of any significance, and does not qualify as an agricultural use because it appears to be solely for the use of the people who reside on the property – it is not for commercial gain as is the definition of 'Agriculture' in the Scheme – 'means the use or development of any land for commercial and other non-domestic farming operations involving the cultivation of plants and/or the raising of animals.');

(d) Council must protect rural land from development that may jeopardise its long term capability for agricultural use and cause adverse impacts on the environment, catchment or productivity of the land and its general ability to sustain agricultural use;

*Council Officer Comment*

*The statues have no impact on agricultural activities on adjoining land. They are inanimate stone statues.*

*Nor do they pose a significant loss of Class 5 land. Agricultural activities may be pursued with or without these statues. Should the land be sold, at a later date, then there is still plenty of scope to use a 106ha lot for farming with or without these statues.*

(e) the erection of 6 [religious] statues does not serve to retain the prevailing rural character of the area, which is characterised by open paddocks and timbered ridges and farm infrastructure – a 'rural' landscape. Of this matter Mr and Mrs Williams provide the below –

'The visual impact of the statues will be overwhelming on our property both physically and psychologically and will antagonise our mental state as they will be visible from all aspects around our home and surrounding land. In 2004 when we erected our workshop, we had a battle with Council for it to be zinalume, not colourbond, as all other sheds in the area are silver (zinalume or galvanised), so how is it 10 years later Council, with the same staff assessing applications, are being so overtly supportive of the so-called Buddhist Cultural Park yet we still have a 'historical precinct' in Oatlands where you are not even allowed to have a shipping container. We feel that the Council, if it approves this development, is out of touch and are taking the path of supporting this venture purely for financial

gain, with no respect to the rural constituents it is meant to be serving.’

*Council Officer Comment*

***Even with the inclusion of six statues, the land in Tea Tree/Rekuna will still be characterised by ‘open paddocks and timbered ridges’. Only a small portion of a paddock is occupied by the statues and a small portion of vegetation is to be removed to make way for the works. The Applicant has offered to offset vegetation removal.***

***The location of the statues is not in a prominent visual catchment area when compared to other open plains valleys in the Southern Midlands. The statues are an aesthetically pleasing and unique landmark in the Tasmania. The statues are not ‘provocative’ or meant to cause offence or disrespect. The intention is that people will appreciate and enjoy the installation.***

***The land is not within an historic precinct or cultural landscape precinct. There is no correlation between shipping containers in Oatlands and this Application.***

(f) the erection of 6 [religious] statues is not associated with the long-term rural use of the land, rather it is for the long-term religious use of the land, as evident by the ancestral master burial site and previous application to Council from the current applicant for the site to develop a private cemetery;

***Council Officer Comment***

***A private burial is not relevant to this Development Application. This is a private burial and a ‘private matter’. The inclusion of the ‘Ancestral Master Burial Site’ on the Application Site Plan (‘page no.1’) was at the request of Council Officers to clarify the location of this burial site in accordance with requirements in the Planning Scheme to demonstrate all such features on the lot in question. The Applicant is not seeking approval for a burial site as part of this Application.***

(g) no information has been provided by the applicant as to the Land Capability of the land; and

***Council Officer Comment***

***In accordance with the Land Capability Classification System (LCCS) the land is Class 5 land. “This land is unsuitable for cropping, although some areas on easier slopes may be cultivated for pasture establishment or renewal and occasional fodder crops may be possible. The land may have slight to moderate limitations for pastoral use. The effects of limitations on the grazing potential may be reduced by applying appropriate soil conservation measures and land management practices.” (Department of Primary Industries, Water and Environment Prospect Offices, 1999, Land Capability Handbook - Guidelines for the Classification of Agricultural Land in Tasmania, 2<sup>nd</sup> Edition)***

***Information on land capability is readily available. A separate land capability report was not warranted for this development. The statues do not prevent further agricultural use of the land in other locations (or other parts of the property).***

(h) Council must ensure that this (the erection of 6 [religious] statues) non-agricultural development does not unreasonably fetter agricultural uses on adjoining lands. In deciding this, it is important that Council identify the true use of the development – being religious in nature, and associated with an alleged ‘Tasmanian Buddhist Cultural Park’ and existing burial site on the land, indicates that a grander vision is planned for the property. The six statues are unlikely to be an isolated entity devoid of any religious meetings, congregations or ceremonies – will these events and/or the statues themselves fetter nearby uses for agricultural activities, including but not limited to the control of native animals (shooting), ploughing and fertilising of paddocks, weed spraying, moving sheep between paddocks, repairing or servicing farm machinery etc. None of these matters have been considered by the applicant in any form that is publicly available for the community consultation phase, the phase within which the community are meant to be afforded an opportunity to examine and consider the development on its merits – it is impossible to consider a development when pertinent information has not been provided.

***Council Officer Comment***

*All information was made available to the Public in accordance with the requirements of the Act.*

*Should the landowners or any persons seek to hold any significant public events on the land i.e. open the land to the public for a religious or cultural event (or other public event) then they may apply to the Council for a temporary Place of Assembly (Special Event) Licence.*

*Private worship or religious or cultural practices conducted on the property are not a matter for the Planning Authority to consider.*

**Rural Character**

To quote the Planning Scheme - ‘6.3.3 Rural Character.

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

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

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

The below can be said about the proposed development in relation to Cause 6.3.3 -

- (a) the character of the area is rural which is clearly evident by the farming activities, rural-style residential properties (both historic and modern), agricultural – storage sheds, silage storage, dams, livestock, farm machinery, pasture – crops – remnant native vegetation with vegetated hills etc. that visually dominate the landscape.

Indeed, the area is typical of rural country Tasmania that extends throughout Rekuna, Tea Tree, the Coal River Valley and to Bagdad, Mangalore, Richmond and Cambridge – a quintessential ‘Southern Midlands’ landscape.

The erection of 6 [religious] statues and associated 1.6413 acres of moss coloured concrete is not in keeping with the rural character enjoyed by [my client] and those that visit their property.

***Council Officer Comment***

*The Southern Midlands landscape can still be appreciated with the inclusion of these statues. The landscape will include a unique landmark in a small visual catchment area alongside the Tea Tree Road.*

*The Application is to install statues in full public view (from the Road) and other vantage points with an intention of enhancing the amenity of the area for the enjoyment of others. This is a miscellaneous development in the Southern Midlands Planning Scheme. The standards for the Rural Character in the Southern Midlands are primarily intended to assess more conventional applications for ordinary development and land use such as sheds, buildings, earthworks, vegetation removal etc and not the unforeseeable applications for art installations in the rural landscape. Assessment in this report is further provided in the relevant assessment section (“Rural Character Standards”)*

Tea Tree Road is part of the Coal River Valley tourist region, an area renowned and actively promoted for its rolling country vistas, vineyards and other agricultural enterprises and early European heritage. Nowhere in the Rekuna area nor region generally are there obtrusive statues of any religious denomination. Religious statues are limited to those associated with historic religious buildings or shrines (eg churches, war memorials) which are generally located in or near historic towns, such as Richmond, Pontville and Campania. None of the latter could reasonably be said to be obtrusive and atypical of the regional rural character – indeed, the local community and tourists value the historic nature of these buildings as they embody the historical European colonisation of the region.

***Council Officer Comment***

*The proposal is a unique landmark in Tasmania and arguably the result of the progression of a multicultural society. The proposal is compatible with the Council Strategic Plan to encourage cultural diversity.*

*The Tea Tree/Rekuna area though a typical Tasmanian rural landscape it not within any formalised cultural landscape precinct area (for particular historic European and Aboriginal Values or settlement patterns).*

It is not unreasonable to suggest that road users could be distracted by the ‘odd’ looking statues and the ‘odd’ colouration of the bases in a rural area. Road users may be put at risk by this distraction, or by road users trying to pull over to further investigate the statues or to take photographic opportunities.

Of this matter Mr and Mrs Williams provide the below –

‘The Buddhist Statues will cause traffic issues as people will be stopping to look at something out of character in the area, this is human nature, eg. car accident, floods or fires, people will always want to stop look and take photos. When trucks breakdown along the road, or people stop to remove roadkill, as occurs, other cars slow and some even stop to ask or to see what is occurring. There is nowhere safe for people to pullover on the side of the road along the section which will be the highest visible section. Furthermore, and despite what the applicant says, the site will attract tourists and visitors to ‘look at the statues’ because they will be put in The Mercury and then everyone will know about them, and want to see them. The site not being officially open to visitors will not prevent people from visiting the road verge to see the statues. It is not like putting up a house or machinery shed, these will be 6 statues that are completely unusual for this nature region and people will want to see them to upload images to Facebook.’;

***Council Officer Comment***

*The proposal is a unique development in the Southern Midlands (and in Tasmania for that instance). It is agreed people will want to stop and view the statues or may slow down to look at the statues.*

*The Application was referred to the Department of State Growth as the Road Authority for comment. They too have formed the view that the Statues will be an attraction to passing motorists or may even encourage people to specifically visit the area to see the statues.*

*The Department of State Growth have informed Council that, the Tea Tree Road in the vicinity of the subject land does not currently include a wide hard-stand verge typically found on many rural roads. Department of StateGrowth are of the opinion that a hard-stand verge would be necessary to allow passing motorists room to pull-over and view or*

*photograph the Buddhist statues. Assessment and presentation of the comments from the Road Authority is further addressed in this report.*

*One other matter for the landowner to consider is security to prevent trespassing from overly interested members of the public from entering the land. Any lighting or security should be considerate of other land users.*

- (b) The erection of 6 [religious] statues and associated 1.6413 acres of moss coloured concrete may have a significant impact on the skyline, but this is impossible to confidently assess given the paucity of information in the development application;

***Council Officer Comment***

*The location of the proposed statues is not considered a ‘skyline’.*

- (c) The 6 [religious] statues are of a scale and design that is deliberately intrusive within the rural landscape – it is simply not possible to erect 6 large [religious] statues in a paddock of the Rekuna area which denote religious figures of the Buddhist faith without them ‘looking out of place’.

Of this matter [my Client] provide the below –

‘The visual impact of the statues will be overwhelming on our property both physically and psychologically and will antagonise our mental state as they will be visible from all aspects around our home and surrounding land.’

Council should not condone this proposed development as it will consequently subject Mr and Mrs Williams to a visually offensive development. The Rural Character provision of the Scheme, which Council is to implement, serves to provide reasonable protection to visual amenity in the rural area such that development does not ‘detract from the character of the rural area’.

It is irrefutable that the erection of 6 [religious] statues and associated 1.6413 acres of moss coloured concrete is intrusive in the rural landscape, and therefore the development detracts from the Rural Character of the rural area and is consequently not in accordance with the Scheme;

***Council Officer Comment***

*It is clear from the Application that the proposed statues have been deliberately sited to be visible from the Tea Tree Road.*

*The Applicant has described the statues as a ‘landmark’ that will ‘...bring peace, harmony and economic prosperity to the Tasmanian region and the whole of Australia.’*

*The Applicant has made no assertion that the proposal will be recessive to the landscape in the immediate area. Council Officers also agree that the proposal would be a*

*'landmark' and noticeable and a point of interest to the general public. Common sense dictates that this is the 'function' of statues/sculptures or art installations etc*

- (d) Granite Buddhist-faith styled statues are neither typical of the building material or built form of the region – sandstone is the dominant material used for historic and even some modern buildings. The form is like no other anywhere in the Rekuna area, or surrounding rural region.

Furthermore, 1.6413 acres of moss coloured concrete is not even remotely 'complimentary' to the existing rural buildings and the rural setting – indeed, [my Client] were required to provide vegetative screening of their machinery shed to protect visual amenity but this development seems to be aiming for an 'imposing presence' in the landscape, which is consistent with many religious infrastructure developments across various religious denominations.

The erection of 6 large [religious] statues in a paddock of the Rekuna area which denote religious figures of the Buddhist faith are not complimentary to existing buildings and the rural setting – they are intrusive in the landscape and visually offensive to my Client.

It is irrefutable that the erection of 6 [religious] statues and associated 1.6413 acres of moss coloured concrete is not complimentary to the materials, colors and finishes of existing buildings and the rural setting, and therefore the development detracts from the Rural Character of the rural area and is consequently not in accordance with the Scheme; and

- (e) major excavation appears to be necessary and annotated on the technical drawings, which risks exposure of cut and fill. The proposed 'moss green colouration' of the concrete will be visually offensive to [my Client] and not s[sic.]. Indeed it is not unreasonable to suggest that road users could be distracted by the 'odd' looking statues and the 'odd' colouration of the bases in a rural area. Road users may be put at risk by this distraction, or by road users trying to pull over to further investigate the statues or to take photographic opportunities.

***Council Officer Comment***

*The Tasmanian rural landscape is a landscape defined by natural features and Aboriginal and European settlement. The Chinese Buddhist statues are foreign to this environment and would certainly become a 'landmark' in the area. This is applicable to most land in the Southern Midlands.*

*Council should note that this representation is the only representation opposed to the statues on cultural grounds – to the point they find the statues offensive.*

**Sediment pollution off-site**

Of environmental concern is the lack a stormwater management plan to address the likely

large quantities of runoff from the largely impervious surface of the concrete slabs –

45 x 45m x 2 slabs = 4,050 m<sup>2</sup>

36 x 36 m = x2 = 2592 m<sup>2</sup>

Total concrete cover (approx.) = 6,642 m<sup>2</sup> or 0.6642 hectares or 1.6413 acres. There have been two rainfall events in the past 6 weeks in excess of 20 mm (within a 24 hr period) and a third in excess of 15 mm (within a 24 hr period). For a rainfall event of 20 mm, this equates to approximately 132,840 litres of stormwater produced across the four slabs.

Although some water will penetrate the concrete, the permeability of the concrete slabs for the statue bases is not discussed nor even acknowledged as an issue by the applicant. The Rekuna – Tea Tree area is well known for its sporadic but widespread dispersive soils which are often expressed topographically by springs, soaks and ‘boggy ground’ and, in extreme examples, tunnel erosion. No assessment has been made of this matter.

Evidence that indicates dispersive and/or unstable ground may occur or adjoin the development area, which is known to Council, is provided below in comments from [my Client]-

‘Tea Tree road is a wet road on both sides in front of the said development, many times now roadwork machinery has become bogged, the water main in front of the said property has had many issues over many years, and Council will be well aware as they owned the pipeline prior to Tas Water. From the Alma Lodge gateway to Rekuna Station Road, in front of our property the road realignment had to be built on a 500 mm layer of blue stone spools to alleviate ground water problems.’

On this basis, and pursuant to Clause 11.9 (g) ‘Where development involves significant soil disturbance or the potential for off-site pollution of stormwater, the application is to include an assessment of the potential impacts....’. the Council should have requested and received for advertising a stormwater management plan for the development which included the construction and post-construction phases. While this matter could be addressed by a permit condition, permit conditions should not be used in the absence of information as it prejudices the ability of Council (or its delegate identified through the permit condition itself) to refuse an application where a satisfactory plan cannot be provided. Permit conditions are not designed to excuse poor planning assessments conducted in the initial stages of a development.

In the absence of a stormwater management plan, and no planning report from the applicant, it is simply not possible for the community to be in a position to provide informed and reasonable views on the water management impacts that may be caused off-site by this development. This matter could be addressed through a revised application.

I trust that Council will carefully and fully consider the contents of this representation

when assessing the proposed development to construct 6 [religious] statues and concrete bases in the Rural Agriculture Zone.

***Council Officer Comment***

*Council Officers have carefully considered the contents of this representation. The following can be deduced:*

- *The location of the statues are highly visible to passing traffic and some residents in the immediate area*
- *There is currently insufficient room on the road verge to safely park and view or photograph the statues;*
- *There is scope to improve road safety on Tea Tree Road as requested by the Department of State Growth - given the possible high level of interest the statues may generate;*
- *The Application is not an application to change the use of the land to a 'Place of Assembly' or 'Tourism Facility' or other defined use/development;*
- *The Application is a unique proposal in Tasmania*
- *It is highly unlikely that stone statues will prevent the ongoing use of adjoining land for farming and agricultural activities and similarly the subject land can still be used for other rural pursuits with or without the statues*
- *The statues would undoubtedly become a 'landmark'; however*
- *the Council must ensure that the statues are not a change of the land use or the landowners are being misled into assuming approvals for any other use/development has been granted;*
- *a permit can be granted for the erection of stone statues only;*
- *private worship or religious practices are a private matter not considered by the Planning Authority*
- *Although the Tea Tree/Rekuna area is a fine example of European and Aboriginal settlement patterns along waterways and traditional roadways the statues are not considered to be at the detriment of the overall landscape and add a unique value to the area.*
- *The standards of the Planning Scheme for development in the Rural Zone are primarily concerned with ordinary development such as sheds, houses, buildings, earth works, roads etc.; and*
- *Standards for development of the Rural Zone (particularly Part 6.3.3 'Rural Character') are not specifically tailored to assess unusual/unknown or unexpected miscellaneous development such as creative works or 'art installations' 'religious or cultural statues' etc*

*Council Officers do not believe the Application needs to be withdrawn and re-submitted. Any construction issues can be addressed through the proper implementation of a 'Soil and Water Management Plan' and through conditioning of any permit issued to avoid erosion or offsite pollutant issues during construction. The issue of Stormwater has been addressed in this report. The works will require further building and engineering approvals separate to the Planning Process.*

**ASSESSMENT - THE SOUTHERN MIDLANDS PLANNING SCHEME 1998**  
**Part 6 of the Scheme - Rural Agriculture Zone**

**Intent of the Rural Agriculture Zone**

The land is situated in the *Rural Agriculture Zone*. The intent of the Rural Agriculture Zone is to:

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

The ‘landmark’ statues are not considered a rural use of the land, but do not prevent the ability to farm the land or adjoining land.

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

Use of the land for the statues does not prevent sustainable use of the surrounding land. The Planning Authority is not in a position to force landowners to use irrigation water or conduct farming activities. This is a private matter.

*(c) encourage expansion and diversification of agricultural activities;*

The representations received have raised concerns that the statues would prevent and hinder the ability to farm on adjoining land as they are a pre-cursor to a much bigger plan and development. One of the representations has also claimed that the statues will cause psychological distress.

By all practicality the statues would not prevent other landowners from diversifying or expanding their agricultural activities. These are inanimate stone statues in a paddock. The Application is not intended to cause offense or provoke controversy like other modern art installations – the doctrine of the HTEB is not, to Officer knowledge, an organisation seeking to antagonise others.

The application is not to change the use of the land to a place of assembly or tourist attraction or any other activity that may require other landowners to modify their activities to accommodate the new statues.

The two representations have both posed an issue the development would restrict the ordinary use of firearms in the area, and as discussed in this report, the use of firearms are controlled under separate legislation and a matter for the Tasmania Police.

*(d) protect rural land from development that may:*

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

The subject land can still be used or has the potential to be used for an agricultural use with or without the stone statues.

The development would not cause unplanned and premature demands on the Council to provide services to accommodate the proposed statues.

The land is ‘Class 5’ soil containing bushland, the land can still sustain an agricultural use with or without these statues.

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

The proposed statues are at odds with any Tasmanian rural landscape. The Tasmanian landscape is typically shaped by thousands of years of Aboriginal occupation and 210 years of European settlement. Historically Chinese Buddhist culture has not played a great part in shaping the Tasmanian rural landscape. However, the inclusion of Chinese Buddhist statues sited in the landscape it is not a reason to refuse the Application because of cultural indifference. The sensitivities raised in the representation are of a personal nature.

The Buddhist statues are not to the detriment of the rural landscape in a small side valley along the Tea Tree Road and within a small visual catchment area.

There are many examples of sculptures, statues, hill side sign writing in the Tasmanian rural landscape that have become a part of the rural landscape and a unique feature of the rural landscape and tourism in the State.



*Image 1\_Sculptures carved from a pine tree at Legerwood and example of art installations in a rural township.*



*Image 2\_ Sculptures carved from a tree at Campbell Town and example of art installations in an historic rural township.*



*Image 3\_Hillside writing at Kempton (painted car tyres). Overlooking a major valley and cultural landscape. A unique feature of the Kempton Melton Mowbray area.*



Image 4 \_Silhouettes at Kempton visible from the Midland Highway an example of art installations in the rural landscape.

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

Statues and sculptures and the like are unlikely to have a detrimental impact on the long term rural use of the land.

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

As discussed in this report the proposal meets this standard. The inclusion of statues on concrete platforms is not a detrimental loss of Class 5 land.

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

There is no evidence to suggest that stone statues in a paddock will prevent farming practices and put further strain on crop protection (as raised in the Representations).

## **Development Standards – Setback and Building Height**

### **Height**

In accordance with Part 6.3.1 (a) of the Planning scheme, buildings shall not exceed 10 metres in height in the rural zone. None of the proposed statues are over 10m from natural ground level.

### **Setback**

In accordance with Part 6.3.1(b) of the Planning Scheme the minimum setback from the road boundary (Tea Tree Road) is 50m and the minimum setback from the rear and side boundaries is 10m. All of the proposed statues meet the standards for setbacks.

### **Rural Character Standards**

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

- a) have minimal impact on the existing landscape character of the surrounding area;*
- b) not significantly alter or impact on the appearance of the natural environment, watercourses or the skyline;*
- c) be of a scale and design that is not intrusive within the rural landscape;*
- d) be constructed of materials, colours and finishes complimentary to existing rural buildings and the rural setting; and*
- e) require minimal excavation for building sites and the construction and location of access roads to avoid the unsightly appearance of major cut and fill works.*

### **Rural Character (Officer Assessment)**

The proposal is to install statues that will create a new ‘landmark’ in the area. There are many landmark features in the rural landscape but this proposal to build 6 Buddhist statues is unlike any other landmark in Tasmania.

Representation 2 has raised the impact on the ‘rural character’ as the predominant reason to question this development proposal.

The initial earthworks (cut and fill) will leave an unsightly scar on the landscape until landscaping or pasture is regrown. A recommended condition of approval is to rehabilitate that land upon the completion of the building works.

Council Officers are satisfied that the location of these statues, is appropriate in this minor side valley, and although clearly visible from Tea Tree Road, it is not visible from the much bigger valleys and populated plains, in the nearby areas of the Coal River Valley, Bagdad Valley and the Brighton Plains where such installations would have a much greater impact.

The statues do not impact any watercourse or skyline. They do however require some vegetation removal. It is recommended that replanting to offset the vegetation removal is included as Advice in any permit issued.

Rehabilitation works to re-vegetate the earthworks upon completion of the building work is essential and must be conditioned in the absence of any particular plan or details provided in the Development Application.

The statues are more aesthetically pleasing and less intrusive than the extensive deforestation and land degradation that has unfortunately scarred much of the rural landscape since European settlement. The intent of the statues installations is to raise the ‘Amenity’ of the area for people to enjoy.



Image 5\_ Sculpture at Ross visible from the Midland Highway. Example of an art installation in the Tasmanian Rural Landscape.

### **DEPARTMENT OF STATE GROWTH – Referral to the “Road Authority” for Tea Tree Road**

The Applicant has submitted a ‘Traffic Impact Assessment’ (“TIA”) with the Application. The TIA and the Application were referred to the Department of State Growth for comment on the proposed statues.

The Road Authority responded with the following:

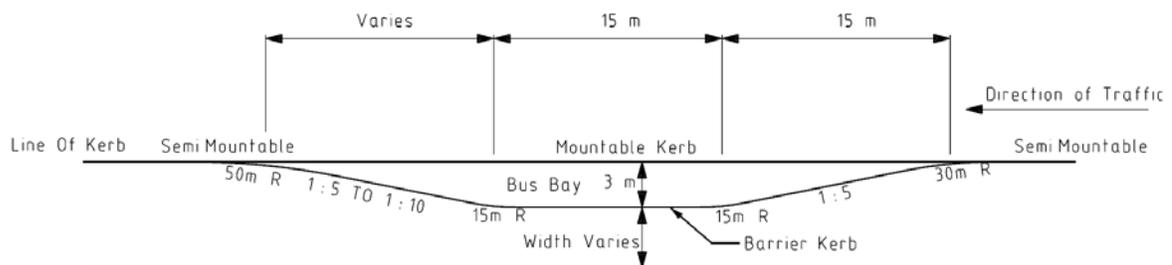
*“This proposal will probably result in passing traffic stopping to view/photograph statues and there is no existing parking/pull-off area available. In this regard the Department of State Growth would consider this a safety issue.*

*It is requested that any approval raises this issue and requires parking/pull-off to be provided.*

*Stategrowth has no objection in principle to the development application; however the applicant must comply in accordance with the Roads and Jetties Act 1935 Section 16, that no work can be carried out in a State highway or subsidiary road without approval from the Minister's delegate.*

*A permit must be obtained from Stategrowth through applying on-line at [Permits@stategrowth.tas.gov.au](mailto:Permits@stategrowth.tas.gov.au). At that time a thorough investigation will be conducted and conditions will apply. Conditions will include, but are not limited to, the construction standards and sealing of the access from the road edge to the property boundary, drainage, sight lines and environmental considerations.”*

After receiving the above comment, Council Officers met with an Officer from the Department of State Growth on site to inspect the road and proposal site. The Department further modified this comment and suggested a wider hardstand road side verge to the approximate specifications for a ‘Bus Bay’ in ‘Diagram 1’ are warranted:



*Diagram 1 \_ A typical bus-stop layout – Austroads Guide to Road Design –Geometric design Fig 4.39, dimensions are the critical feature, no requirement for kerbing etc,*

As detailed in this report and as noted by Representation 2, the proposed statues will undoubtedly be of interest to the public. It would be negligent for Council to ignore this fact. In the interest of road safety, a widened roadside verge should be constructed to the specifications provided by the Department of State Growth prior to any building works commencing.

An issue for a Planning Authority is that including a condition to widen the road verge would mean including land in a permit that was not included in the Development Application.

The Department however can issue a separate permit pursuant to the *Roads and Jetties Act 1935 Section 16* to the Applicant to widen the roadside verge (and any other necessary works) separate to the issue of a Planning Permit. Widening the roadside verge is defined as ‘roadwork (minor improvement)’ under Schedule 3 of the Planning Scheme

and is exempt from Planning Approval in accordance with Schedule 1 of the Planning Scheme. The widening of the road side verge as specified in this report (Figure 1) and constructed to the satisfaction of the Department does not require separate Planning Approval by Council.

To ensure that the works recommended by the Department are implemented a condition of approval on any permit issued should read:

“Building and construction works must not commence until and unless widened hard-stand verges on Tea Tree Road in the vicinity of the development are constructed to the satisfaction of the Department of State Growth.”

Council should note this matter of road safety has been raised and discussed with the Applicant prior to the completion of this assessment report.

### **STORMWATER MANAGEMENT**

Councils Plumbing Inspector has provided the following comments and advice in regard to the management of storm water on the concrete platforms:

*“It is advised that the hard paved area for the statues (4 in total) shall be constructed so the center of the area is slightly higher than the perimeter and an even gradual fall to all four sides is achieved. Any stormwater runoff is evenly spread over the whole perimeter area and thereby minimising any potential erosion issues.*

*On the surrounding area a suitable type of vegetation is to be maintained so there is no soil erosion created and this is to be monitored by the owners/occupiers of the property.*

*No Plumbing Permit required for the above method.*

*If an alternative solution is used such as directing the water runoff to a collection point and channelled or piped to the roadside drain on Tea Tree Road then a detailed plan from a hydraulics engineer will need to be provided to Council. Plumbing Permit will be required for the above.”*

A condition of approval to this effect has been included in the recommended conditions.

### **CONCLUSION**

This report has assessed a Development Application for six (6) stone statues on concrete platforms defined as Miscellaneous development at 1384 Tea Tree Road, Tea Tree.

Two (2) representations raising concerns and objections to the statues were received during the statutory notification period. Council Officers have considered these representations in depth and addressed them as part of this report. Council Officers are satisfied that there is no reason to modify the design or layout of these statues. Aside

from the implementation of appropriate construction standards, storm water disposal and ensure rehabilitation of the land upon the completion of the project.

Site visits and consultation with the Road Authority have determined an absence of suitable roadside verges on the Tea Tree Road. It is necessary in the interest of public safety that the road side verges are widened to allow room for motorists to stop and view the statues. Works to the Tea Tree Road shall be to the satisfaction of the Department of State Growth. It is justifiable that a condition of approval to this effect is included in any permit issued given the nature of the proposal to create a 'landmark' installation in full public view. This matter has been raised with the Applicant.

Advice shall be included in any permit issued reiterating the status of the statues to the effect that the permit does not imply any other approval required under any other legislation has been granted and that the construction of statues does not imply the statues to be used for any other purpose other than stone statues. Advice to this effect should also be included in any covering letter issued with the Permit.

## **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 to construct Six (6) Stone Statues on Concrete Platforms (defined as Miscellaneous use/development) at 1384 Tea Tree Road, Tea Tree and that a permit be issued with the following conditions:**

## **CONDITIONS**

### ***General***

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and reports and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
3. A colour sample of the 'grass green' coloured concrete shall be provided to Council Officers for approval prior to construction.

### ***Road Safety***

4. Building and construction works must not commence until and unless widened hard-stand verges on Tea Tree Road in the vicinity of the development are constructed to the satisfaction of the Department of State Growth.

### ***Explanation of Condition***

*The statues will be of high interest to passing motorists. It is expected that motorists may seek to stop and view the statues. In the absence of suitable widened hardstand roadside verges on Tea Tree Road and in the interest of road safety works to widen the road side verges in the vicinity of the statues must be constructed prior to the statue development commencing. It is the responsibility of the Applicant to contact the Department of StateGrowth to ascertain the necessary approvals.*

***Stormwater Disposal (disposal of water on concrete hardstand areas)***

5. Stormwater disposal arrangements shall be made to the satisfaction of Council's Plumbing Inspector. A plan demonstrating storm water disposal shall be submitted to Council with or prior to the submission of an Application for a Building Permit for Officer Assessment. The plan shall demonstrate measures to dispose of water from the hardstand area(s).

***Explanation of Condition***

*Any plans to concentrate and discharge storm water to a singular point(s) will require a Plumbing Permit. Council must be satisfied that storm water disposal will not cause significant erosion or impact on adjoining land. Discharge of water to the Tea Tree Road (reserve) will require separate approval by the Department of State Growth. It is therefore recommended the developer contact Council's Plumbing Inspector to discuss this matter prior to the submission of any plans associated with the Building Permit.*

***Rehabilitation of Land***

6. Upon the completion of the construction works, the developer shall revegetate all 'cut and fill' and exposed soils with suitable landscape plantings (or pastures). Plantings shall be in accordance with the Soil and Water Management Plan required per condition 6 and condition 7 of this Permit. Plantings must be completed with three (3) months of the completion of the works to the satisfaction of the Manager of Development and Environmental Services.
  - a. It is the responsibility of the developer to contact the Council (Phone 6259 3011) to arrange an inspection of the rehabilitation works.

***Soil and Water Management Plan***

7. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager of Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
  - a. The plan shall include a landscape plan for the rehabilitation of the land upon the completion of the works.

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

*Existing services*

9. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed development works. Any work required is to be specified or undertaken by the authority concerned.

**Advice to Accompany this Permit**

*General Advice*

- A. This permit does not imply that any other approval required under any other legislation or for any other use defined by the *Southern Midlands Planning Scheme 1998* has been granted.
- B. Construction is not to commence until a Building Permit and if necessary Plumbing Permit has been issued by Council.
- C. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

*Threatened Species and Vegetation Removal*

- D. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth *Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.
- E. It is recommended the developer implement plans to offset vegetation removal in accordance with the 'Policy of "no net loss"' as stated in the Development Application.

*Soil and Water Management Plan*

- F. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council's Municipal Engineer and show the following -

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
  - Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
  - Estimated dates of the start and completion of the works;
  - Timing of the site rehabilitation or landscape program;
  - Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
  - Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
  - Temporary erosion and sedimentation controls to be used on the site; and
  - Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.
- G. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

#### **C/14/08/071/19799 DECISION**

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

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 to construct Six (6) Stone Statues on Concrete Platforms (defined as Miscellaneous use/development) at 1384 Tea Tree Road, Tea Tree and that a permit be issued with the following conditions:

#### **CONDITIONS**

##### ***General***

1. The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and reports and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
2. This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the *Land Use Planning and Approvals Act 1993*.
3. This permit does not imply that any other approval required under any other legislation or for any other use or development defined by the *Southern Midlands Planning Scheme 1998* has been granted.

- a. The issue of this permit does not imply or constitute any form of approval (or approval in principle) for any other intended future use or development of the land.
- b. The construction of the statues and associated works are not to be construed as substantial commencement of the “Tasmanian Buddhist Cultural Park” as referenced in the Development Application.

4. A colour sample of the ‘grass green’ coloured concrete shall be provided to Council Officers for approval prior to construction.

**Road Safety**

5. Building and construction works must not commence until and unless widened hard-stand verges on Tea Tree Road in the vicinity of the development are constructed to the satisfaction of the Department of State Growth.

*Explanation of Condition*

*The statues will be of interest to passing motorists. It is expected that motorists may seek to stop and view the statues. In the absence of suitable widened hardstand roadside verges on Tea Tree Road and in the interest of road safety, works to widen the road side verges in the vicinity of the statues must be constructed prior to the statue development commencing. It is the responsibility of the Applicant to contact the Department of State Growth to ascertain the necessary approvals.*

**Stormwater Disposal (disposal of water on concrete hardstand areas)**

6. Stormwater disposal arrangements shall be made to the satisfaction of Council’s Plumbing Inspector. A plan demonstrating storm water disposal shall be submitted to Council with or prior to the submission of an Application for a Building Permit for Officer Assessment. The plan shall demonstrate measures to dispose of water from the hardstand area(s).

*Explanation of Condition*

*Any plans to concentrate and discharge storm water to a singular point(s) will require a Plumbing Permit. Council must be satisfied that storm water disposal will not cause significant erosion or impact on adjoining land. Discharge of water to the Tea Tree Road (reserve) will require separate approval by the Department of State Growth. It is therefore recommended the developer contact Council’s Plumbing Inspector to discuss this matter prior to the submission of any plans associated with the Building Permit.*

**Rehabilitation of Land**

7. Upon the completion of the construction works, the developer shall revegetate all ‘cut and fill’ and exposed soils with suitable landscape plantings (or pastures). Plantings shall be in accordance with the Soil and Water Management Plan required per condition 8 and condition 9 of this Permit. Plantings must be completed with three (3) months of the completion of the works to the satisfaction of the Manager of Development and Environmental Services.

- a. It is the responsibility of the developer to contact the Council (Phone 6259 3011) to arrange an inspection of the rehabilitation works.

### ***Soil and Water Management Plan***

8. Before any work commences a soil and water management plan (SWMP) prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, must be approved by Council's Manager of Development and Environmental Services before development of the land commences (refer to advice below). The SWMP shall form part of this permit when approved.
  - a. The plan shall include a landscape plan for the rehabilitation of the land upon the completion of the works.
9. Before any work commences install temporary run-off, erosion and sediment controls in accordance with the recommendations of the approved SWMP and maintain these controls at full operational capacity until the land is effectively rehabilitated and stabilised after completion of the development in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South and to the satisfaction of Council's Manager of Development and Environmental Services.

### ***Existing services***

10. The developer must pay the cost of any alterations and/or reinstatement to existing services, Council infrastructure or private property incurred as a result of the proposed development works. Any work required is to be specified or undertaken by the authority concerned.

### **Advice to Accompany this Permit**

#### ***General Advice***

- A. Construction is not to commence until a Building Permit and Plumbing Permit (Permission) has been issued by Council.
- B. A separate permit is required for any signs unless otherwise exempt under Council's planning scheme.

#### ***Threatened Species and Vegetation Removal***

- C. The issue of this permit does not ensure compliance with the provisions of the *Threatened Species Protection Act 1995* or the Commonwealth *Environmental Protection and Biodiversity Protection Act 1999*. The applicant may be liable to complaints in relation to any non-compliance with these Acts and may be required to apply to the Threatened Species Unit of the Department of Primary Industry, Water & Environment or the Commonwealth Minister for a permit.
- D. It is recommended the developer implement plans to offset vegetation removal in accordance with the 'Policy of "no net loss" as stated in the Development Application.

*Soil and Water Management Plan*

E. The SWMP shall be prepared in accordance with the guidelines *Soil and Water Management on Building and Construction Sites*, by the Derwent Estuary Programme and NRM South, the State Policy for Water Quality Management 1997 and the requirements of the Council’s Municipal Engineer and show the following -

- Allotment boundaries, north-point, contours, layout of roads, driveways, building envelopes and reticulated services (including power and telephone and any on-site drainage or water supply), impervious surfaces and types of all existing natural vegetation;
- Critical natural areas such as drainage lines, recharge area, wetlands, and unstable land;
- Estimated dates of the start and completion of the works;
- Timing of the site rehabilitation or landscape program;
- Details of land clearing and earthworks or trenching and location of soil stockpiles associated with roads, driveways, building sites, reticulated services and fire hazard protection;
- Arrangements to be made for surface and subsurface drainage and vegetation management in order to prevent sheet and tunnel erosion;
- Temporary erosion and sedimentation controls to be used on the site; and
- Recommendations for the treatment and disposal of wastewater in accordance with Standards Australia: *AS/NZS 1547: On-site wastewater management*, Standards Australia, Sydney, 2000.

F. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.

**CARRIED**

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

*The meeting was suspended for morning tea at 11.10 a.m. and reconvened at 11.30 a.m.*

***Council Address:***

Mr Brenton West – CEO Southern Tasmanian Councils Authority discussed issues relative to the STCA.

*The address concluded at 12.10 p.m.*

**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 Report.*

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

Nil.

### **13.5 BUILDINGS**

**Strategic Plan Reference – Page 15**

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

Nil.

### **13.6 SEWERS**

**Strategic Plan Reference – Page 15**

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

**13.7 WATER**

**Strategic Plan Reference – Page 15**

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

Nil.

**13.8 IRRIGATION**

**Strategic Plan Reference – Page 15**

1.8.1 Increase access to irrigation water within the municipality.

Nil.

**13.9 DRAINAGE**

**Strategic Plan Reference – Page 16**

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

Nil.

**13.10 WASTE**

**Strategic Plan Reference – Page 17**

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

Nil.

**13.11 INFORMATION, COMMUNICATION TECHNOLOGY**

**Strategic Plan Reference – Page 17**

1.11.1 Improve access to modern communications infrastructure.

Nil.

## **13.12 OFFICER REPORTS – WORKS & TECHNICAL SERVICES (ENGINEERING)**

### **13.12.1 Manager - Works & Technical Services Report**

*File Ref:* 3/075

AUTHOR MANAGER – WORKS & SERVICES (J LYALL)  
DATE 22<sup>ND</sup> AUGUST 2014

#### **ROADS PROGRAM**

Maintenance Grading and re-sheeting in the Elderslie / Broadmarsh area, continuing for the next week. Stornoway works being conducted on Highways as per contract.

Inglewood Road area culvert cleaning in progress.

Works nearly completed on Lovely Banks Road, Mud Walls Road to Loxton cleaning up vergers and gutters.

#### **BRIDGE PROGRAM**

Tender are still being progressed for Brown Mountain Road and Rotherwood Road.

#### **WASTE MANAGEMENT PROGRAM**

All operating well.

#### **TOWN FACILITIES PROGRAM**

Continuing works at Swan Street, Bagdad for the Kerb and Guttering. Weed spraying has been completed on township footpaths.

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

- Campania Recreation Ground – Poplar Trees – confirmed that a formal inspection and report is required from an arborist prior to removal (Jerry Romanski)
- Lemont Road – vicinity of Fonthill – clearance of drains
- Midland Highway, Bagdad – R Foster – ongoing drainage issues
- D Tapp, Campania – vicinity of Tapp’s shed – road potholing
- Quarry Town Road, Bagdad – reinstatement of safety fencing following truck accident
- Native Corners Road, Campania – Property – disposal of tyres etc. – property under investigation
- York Plains Road – vicinity of R Barwick’s property – road potholing

- Mt Seymour – Crichton & Lynwood Roads – commended for standard of work carried out

**RECOMMENDATION**

**THAT the information be received.**

**C/14/08/079/19800 DECISION**

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

THAT the information be received.

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)**

**14.1 RESIDENTIAL**

**Strategic Plan Reference – Page 18**

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

Nil.

**14.2 TOURISM**

**Strategic Plan Reference – Page 19**

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

Nil.

**14.3 BUSINESS**

**Strategic Plan Reference – Page 20**

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

Nil.

**14.4 INDUSTRY**

**Strategic Plan Reference – Page 21**

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

Nil.

**14.5 INTEGRATION**

**Strategic Plan Reference – Page 21**

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

Nil.

**15 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)**

**15.1 HERITAGE**

**Strategic Plan Reference – Page 22**

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

**15.1.1 Heritage Project Officer's Report**

*File Ref:* 3/097

**AUTHOR** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**DATE** 22<sup>ND</sup> AUGUST 2014

**ISSUE**

Southern Midlands Heritage Projects – report from Manager Heritage Projects

**DETAIL**

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

- Southern Midlands Convict Sites interpretation installations are nearing completion. Colebrook and Broadmarsh are complete; Tunbridge, Kempton and Jericho will be completed soon. Alan Townsend has been working on an academic publication on Southern Midlands Convict Sites.
- The HESC application to the Tasmanian Community Fund for the youth heritage skills training program (in conjunction with Tasman, Derwent Valley, Brighton and Glamorgan/Spring Bay Councils) has made it to second round assessment with a detailed project plan to be submitted by September 22<sup>nd</sup>.
- Alan Townsend has continued to stage U3A seminars in conjunction with Clarence City Council, and has been working with several volunteers on SMC heritage projects.
- Drafts of most of the archaeological summer season reports are currently being internally reviewed. Planning for the 2015 season has commenced.
- Review of the Southern Midlands Council Historic Heritage Strategy 2009-13 is continuing.

Council Meeting Minutes – 27<sup>th</sup> August 2014

- Two HESC Courses have been run during August. Further course development is being undertaken.
- Brad Williams has been continuing to work with Heritage Building Solutions on projects around the state.

**RECOMMENDATION**

**THAT the information be received.**

**C/14/08/082/19801 DECISION**

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

THAT the information be received.

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**15.2 NATURAL**

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

3.2.1 Identify and protect areas that are of high conservation value.

3.2.2 Encourage the adoption of best practice land care techniques.

**15.2.1 Landcare Unit & Climate Change – General Report**

*File Ref: 03/082*

AUTHOR NRM PROGRAMS MANAGER – (M WEEDING)

DATE 18<sup>TH</sup> AUGUST 2014

**ISSUE**

Southern Midlands Landcare Unit and GIS Monthly Report

**DETAIL**

- The Bushlinks 500 project is progressing well. Round two field works have been completed on the properties ‘Lemon Hill’, Oatlands, ‘Warringa’ Woodbury and ‘Bowsden’ Jericho. Both Graham Green and Helen Geard are working on planting trees on the project properties with their time funded from the within the project grant.
- Some annual winter maintenance has been undertaken on sections of the Dulverton Walkway in relation to the planted native vegetation. Of those planted in recent years, the majority are surviving, so the replacement number required each year is diminishing.
- On Wednesday 30<sup>th</sup> July 2014 landholders in the Midlands Water Scheme were able to participate in a tour of the line from Arthurs Lake - Midlands Water Scheme intake through to the pump station at Woodbury. The tour was organised by Maria, with Ben Roberts from Tas Irrigation providing information on the scheme at various locations along the way. The trip through the highlands involved using roads that have several high security gates so keys had to be organised. It was interesting to see the difficult and rough terrain that the line traverses. About 30 people braved a cold but sunny day long tour that was most enjoyable by all reports.
- Work compiling the building asset management register is now complete. The only outstanding matter is to complete the Building Asset Management Plan document.
- Lake Dulverton: Valve to place on the bund wall pipe has arrived. The water level marker has also arrived. The water level marker is the priority for installation, as the bund wall pipe has been closed off semi permanently at the moment.

- A tour of the Midlands Water Scheme – Pump stations at Floods Creek and Woodbury, and the power station at Floods Creek, has been organised for Southern Midlands Councillors for Wednesday 27<sup>th</sup> August at 3.15 p.m.

**RECOMMENDATION**

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

**C/14/08/084/19802 DECISION**

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

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

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

### **15.3 CULTURAL**

**Strategic Plan Reference – Page 24**

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

Nil.

### **15.4 REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS)**

**Strategic Plan Reference – Page 25**

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

Nil.

### **15.5 CLIMATE CHANGE**

**Strategic Plan Reference – Page 25**

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

Nil.

## **16 OPERATIONAL MATTERS ARISING LIFESTYLE**

### **16.1 COMMUNITY HEALTH AND WELLBEING**

**Strategic Plan Reference – Page 26**

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

Nil.

### **16.2 YOUTH**

**Strategic Plan Reference – Page 26**

4.2.1 Increase the retention of young people in the municipality.

Nil.

### **16.3 SENIORS**

**Strategic Plan Reference – Page 27**

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

Nil.

**16.4 CHILDREN AND FAMILIES**

**Strategic Plan Reference – Page 27**

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

Nil.

**16.5 VOLUNTEERS**

**Strategic Plan Reference – Page 27**

4.5.1 Encourage community members to volunteer.

Nil.

**16.6 ACCESS**

**Strategic Plan Reference – Page 28**

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

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

Nil.

**16.7 PUBLIC HEALTH**

**Strategic Plan Reference – Page 28**

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

**16.8 RECREATION**

**Strategic Plan Reference – Page 29**

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

Nil.

**16.9 ANIMALS**

**Strategic Plan Reference – Page 29**

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

**16.9.1 Animal Control Report**

**AUTHOR** ANIMAL CONTROL OFFICER (G DENNE)

**DATE** 21<sup>ST</sup> AUGUST 2014

**ISSUE**

**Consideration of Animal Control Officer’s monthly report.**

**DETAIL**

Refer Monthly Statement on Animal Control for period ending 31<sup>st</sup> July 2014.

**RECOMMENDATION**

**THAT the information be received.**

**C/14/08/087/19803 DECISION**

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

THAT the information be received.

**CARRIED**

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



**16.10 EDUCATION**

**Strategic Plan Reference – Page 29**

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

Nil.

**17 OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)**

**17.1 RETENTION**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

## 17.2 CAPACITY AND SUSTAINABILITY

### Strategic Plan Reference – Page 30

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

#### 17.2.1 Levendale Community Centre (ex Levendale Primary School) – Establishment of Special Committee

(NOTE: COMMITTEE NAME MAY BE CHANGED FOLLOWING CONSULTATION WITH APPOINTED COMMITTEE MEMBERS)

**AUTHOR** FINANCE OFFICER (C PENNICOTT) AND EXECUTIVE ASSISTANT (K BRAZENDEALE)

**DATE** 20<sup>th</sup> AUGUST 2014

**ATTACHMENT:** Draft Constitution

#### ISSUES

Council to establish the Levendale Community Centre Special Committee in accordance with section 24 of the *Local Government Act 1993*; and

To endorse the draft Constitution for the Special Committee which sets the Terms of Reference for the Committee and the meeting procedures as required by the Act.

#### BACKGROUND

In relation to this property, the following decision was made by Council at its meeting held 25<sup>th</sup> June 2014:

*“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.*

#### DETAIL

This decision has been conveyed to the Department of Education and whilst a formal response has not been received to date, there have been a number of developments which necessitates the need to progress with the establishment of a Management Committee.

These developments include:

- Significant interest from the Edmund Rice Foundation to conduct camps and other activities at the property (plus the adjacent Community Hall);
- Significant interest from other local governments and the business community within the Sorell and surrounding districts to support the above organisation; and
- Interest from other potential user groups, including the Levendale Cricket Club and a Mountain Bike organisation.

Each of the above would contribute strongly to making the facility a sustainable and viable operation going forward.

Section 24 of the Local Government Act 1993 states:

***“24. Special committees***

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

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

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

Recognising the strong interest that the community has shown in the property, and its desire to seek ownership and control, the intent is to provide the Committee with broad terms of reference which will enable it to manage the property, and basically respond to opportunities and issues as they arise.

The attached Constitution has been drafted with this intent ion mind.

**Human Resources & Financial Implications** – It is suggested that the Committee will, in the first instance, prepare a Budget for the entire operation (assistance to be provided by Council officers). This will identify anticipated costs, potential level of use, and the resultant hire charges.

Council may be required to provide some level of financial assistance upon completion of this task and will be subject to a further report.

**Community Consultation & Public Relations Implications** –The draft Constitution details the membership of the Committee which includes a community representative, and a representative from both the Levendale Hall Committee and the Levendale Cricket Club (being an organisation that has shown interest in relocating to the property).

Whilst the Constitution enables the Committee to co-opt others (as considered necessary), which would effectively be in a volunteer role, it may be necessary to formally expand the membership at some stage.

**Policy Implications** – Policy Position.

**Priority - Implementation Time Frame** – Immediate for initial Committee planning sessions (pending formal transfer of ownership).

## **RECOMMENDATION**

**THAT Council:**

- a) **Resolve to establish the Levendale Community Centre Special Committee in accordance with section 24 of the *Local Government Act 1993*; and**
- b) **endorse the draft Constitution for the Special Committee which sets the Terms of Reference for the Committee and the meeting procedures as required by the Act; and**
- c) **nominate a Councillor (and proxy) to be a member of the Committee**

## **C/14/08/092/19804 DECISION**

Moved by Clr D F Fish, seconded by Clr A R Bantick

THAT Council:

- a) Resolve to establish the Levendale Community Centre Special Committee in accordance with section 24 of the *Local Government Act 1993*; and
- b) endorse the draft Constitution for the Special Committee which sets the Terms of Reference for the Committee and the meeting procedures as required by the Act; and
- c) nominate Clr A O Green to be a member of the Committee and Deputy Mayor M Jones OAM as proxy.

## **CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

## **CONSTITUTION OF THE LEVENDALE COMMUNITY CENTRE MANAGEMENT COMMITTEE**

Established as a Special Committee by the Southern Midlands Council under the provisions of Section 24 of the *Local Government Act 1993*.

### **1. INTERPRETATION**

In this Constitution unless otherwise stated:-

**"The Council"** shall mean the elected Council of the Southern Midlands.

**"The Committee"** shall mean the Committee of Management of the Levendale Community Centre appointed by the Council.

**"The Premises"** shall mean the Council property known as the Levendale Community Centre, situated at 1315 Woodsdale Road, Levendale (PID 1481598).

### **2. OBJECTS**

The objects of the Committee shall be:-

- (a) To manage the use of premises on behalf of the Council.
- (b) To actively encourage diversity in community use of the premises and its facilities.
- (c) To make such rules not inconsistent with this Constitution as may be deemed necessary for the purpose of administration and control of the premises.
- (d) To develop, upgrade and maintain the premises and its facilities for the benefit of the whole community.

N.B. Maintenance includes the day to day maintenance of the internal fabric of the premises, e.g., cleaning, caretaking, replacement of defective electric light globes, plumbing, painting, repairs to electrical appliances, equipment and furniture, etc.

- (e) To raise funds for the purposes of meeting expenditures by the Committee for the operation of the premises and to offset costs of the Council associated with the premises.

### **3. POWERS AND OBLIGATIONS**

The Council has appointed the Committee for the purposes of managing the premises and in order to achieve the objects outlined above empowers and obliges the Committee as follows:-

- (a) To authorise and schedule use of the premises by individuals or groups.
- (b) To ensure that the internal condition of the premises are maintained to a good standard and to supervise repairs to the premises.
- (c) To purchase, lease, hire, make, provide and maintain all kinds of equipment for the carrying out of the objects of the Committee.
- (d) To invest any monies not immediately required in such manner as may from time to time be determined by the Council or Council's delegate.
- (e) To organise all fundraising functions and activities in the interests of the premises and their use by the community.
- (f) To expend funds towards the development, enhancement, day-to-day maintenance and operations of the premises.
- (g) To determine conditions (including hire fees and other charges, if any) for use of the premises by individuals or groups, subject to Council review and amendment of such determinations by Council.
- (h) The Committee may not hire staff for the purpose of caretaking and cleaning of the premises, but may engage contractors for this purpose after consultation and in accordance with the directions of the Council's General Manager.
- (i) All fixtures, fittings, equipment and appliances provided with or for the premises by Council or donated by any party or purchased by the Committee shall be and remain the property of Council, held for and on behalf of the residents of the Southern Midlands Council.
- (j) The Committee will maintain a comprehensive inventory of all property included under Clause (i). A copy of this inventory shall accompany the Annual Financial Statements for presentation to the Council (refer Clause 11.).
- (k) No major additions or alterations to the premises shall be carried out without the consent of the Southern Midlands Council.

- (l) No equipment or appliances shall be sold without a formal resolution by the Committee, which is to be subsequently endorsed by Council prior to the equipment or appliance being sold. The items shall be offered for sale through tender or auction, alternately through a method of disposal approved by the Council.
- (m) The Committee may pay an honorarium to the elected Office Bearers out of its own operating funds, the amount of the payment to be decided in consultation with the Council.

#### **4. OFFICE BEARERS**

- (a) The Committee shall be comprised of the following:
  - i) One representative being an Elected member of Council as determined from time to time by Council;
  - ii) One representative of the ‘Levendale Hall Committee’ as determined from time to time by that organisation;
  - iii) One representative of the ‘Levendale Cricket Club’ as determined from time to time by that organisation;
  - iv) Two representatives from the Levendale community as determined from time to time by Council.

The Committee shall appoint the following Office Bearers, with all members being eligible for nomination.

- Chairperson;
- Vice Chairperson;
- Secretary; and
- Treasurer

## **5. DUTIES OF OFFICE BEARERS**

The duties of the Office Bearers shall include:

### **CHAIRPERSON**

The Chairperson may chair all meetings of the Committee.

The Chairperson shall be responsible for the efficient management of the premises within the objects of this Constitution. The Chairperson shall instigate policy initiatives in consultation with the Council. The Chairperson shall issue all public statements on behalf of the Committee after first referring such statements to the Council for the Council's consent. The Chairperson shall prepare:

The Annual Report to the Committee and to the Council comprising a report on the achievements of the previous year, as well as the aims and objectives of the Committee in the year ahead.

### **VICE CHAIRPERSON**

The Vice Chairperson shall chair meetings of the Committee should the Chairperson be absent or should the Chairperson choose not to chair that meeting. The Vice Chairperson shall assist the Chairperson with his/her duties.

### **SECRETARY**

The Secretary shall keep the minutes of all meetings of the Committee.

The Secretary shall forward a copy of all minutes to Council for information and endorsement of recommendations where appropriate. The Secretary shall be responsible for correspondence and any other duties as delegated by the Committee. The Secretary may maintain a petty cash float as provided for under Clause 11(c). The Secretary shall submit a report on the maintenance needs of the premises (i.e., external structural maintenance, general maintenance and grounds maintenance) to Council's Facilities and Recreation Committee by no later than 30<sup>th</sup> April, each year.

### **TREASURER**

The Treasurer shall keep the books of account of the Committee. The Treasurer shall:-

- i) Receive and bank all subscriptions and other monies paid to the premises into an account opened in the name of the Committee;
- ii) Make all authorised disbursements on the Committee's behalf;
- iii) Keep proper accounts and records of all sums of money received and expended by the hall/centre and the matter in respect of which the receipt or expenditure takes place, and of the credits and liabilities of the centre;
- iv) Produce a list of accounts for payment including the most recent bank statement at each Committee Meeting and each General Meeting;
- v) Present accounts for payment to the Committee at the Monthly meeting;

- vi) Produce all books, receipts and accounts to Council's Finance Officer for audit at the end of each financial year;
- vii) The Treasurer shall submit a full report on the financial accounts to the Committee and to Council by no later than 15<sup>th</sup> August each year;
- viii) Subject to any reasonable restrictions as to the time and manner of inspection, these accounts shall be open to inspection by members of the Committee and Council's Finance Officer.

### **GENERAL MEMBER**

The General Member of the Committee shall attend Committee Meetings, serve on Subcommittees as appropriate and perform any duties as delegated by the Committee.

## **6. TERMINATION OF OFFICE BEARERS**

- (a) Any person elected to the position of office bearer in the Committee shall hold office until a decision is made by the Committee to elect a successor.
- (b) The Committee may seek to expel any member of the Committee whose conduct in the opinion of the Committee or the Council is discreditable or injurious to the character or interests of the Committee and the Council.
- (c) Where the Committee has made a determination under b) the Committee shall report its finding to the Council together with its recommended course of action. The Council's decision on the report shall be final.
- (d) The position of any elected Office Bearer shall be automatically deemed vacant if that person is absent without leave of absence for three (3) consecutive Committee Meetings.
- (e) Any member may resign from the Committee. Such resignations must be in writing and forwarded to the Secretary.

## **7. ORGANISATIONAL STRUCTURE**

### **(a) COMMITTEE**

The Committee shall be responsible for the day-to-day management of the premises within the objects of this Constitution. The Committee shall meet at least quarterly unless otherwise determined by the Committee. All elected members of the Committee specified in Clause 4 of this Constitution may vote at Committee Meetings.

(b) SUBCOMMITTEES

The Committee may appoint Subcommittees for a specified purpose. Any user or resident may be appointed by the Committee as a member.

The Convenor of a Subcommittee shall be a Committee Member and shall report to the Committee on the activities and decisions of the Subcommittee. The Chairperson or in his/her absence the Vice Chairperson shall be an ex-officio member of all Subcommittees.

A quorum shall comprise at least 50% of the members and shall include the Convenor.

A Subcommittee shall not be authorised to expend funds on behalf of the Committee.

**8. MEETINGS**

(a) COMMITTEE MEETINGS

- i) The Committee shall meet at least once each calendar quarter unless otherwise determined for the purpose of:-
  - Confirming the minutes of the previous meeting;
  - The payment of accounts;
  - Correspondence and;
  - General Business.
- ii) A quorum of the Committee shall consist of three members;
- iii) The Committee shall have power to adjourn and otherwise regulate its meetings as it deems fit. Any three members shall have the power to call a meeting of the Committee. The Chairperson of the Committee shall take the chair at all such meetings. Should the Chairperson not be present then the Vice Chairperson shall take the chair. In the absence of the Vice Chairperson the Committee shall elect one of its number to take the chair;
- v) All notices of Committee meetings shall unless extreme urgency arises, be in writing to members at least seven days prior to the date of such meeting;
- vi) The Committee shall have the power to delegate any of its powers to a Subcommittee or delegates to deal with any particular matter or matters upon such terms as the Committee may think fit except the power to expend the funds of the Management Committee.

**9. ELECTIONS**

- (a) The Office Bearers shall be appointed at the inaugural meeting of the Committee, and shall hold office until otherwise determined by the Committee.

**10. POWERS OF THE COMMITTEE**

- i) The Committee retains the right to refuse admission to anyone who misbehaves or misuses the premises or equipment;
- ii) The business and affairs of the premises shall be under the Management of the Committee and under the control of the Council;
- iii) The Committee may, subject to the Constitution and Rules, exercise the powers required to do such things which it considers necessary or expedient to carry out the objects of the Committee;
- iv) The Committee may make Rules binding on all users of the premises, provided that before such a Rule takes effect a copy of the proposed Rule is displayed on the notice board in the premises for at least 28 days. Residents and users may object to any Rule before the expiration of the 28 days and all objections shall be considered by the Committee;
- v) The Committee may at any time rescind or amend a rule after giving 28 days' notice to users of the premises, except in cases of urgency when execution will be immediate.

**11. FINANCE**

- (a) All monies raised by, for or otherwise on behalf of the Committee (including Subcommittees) shall be used solely for the premises needs and shall be deposited in Bank Accounts maintained for the purpose of the Committee.
- (b) The Treasurer shall maintain a Cheque Account. All cheques, draft bills of exchange, promissory notes and other negotiable instruments shall be signed by any two of the following.
- Chairperson;
  - Vice Chairperson;
  - Secretary;
  - Treasurer.
- (c) The Secretary may maintain a petty cash float of \$150.00 with a limit of \$20.00 on disbursements.

- (d) The Financial Year shall commence on 1 July. The Annual Statement of Accounts and Balance Sheet shall be prepared by the Treasurer and audited prior to presentation to the Annual General Meeting.
- (e) A Financial Statement shall be prepared quarterly (30 September, 31 December and 31 March) and presented to the next appropriate Committee Meeting.
- (f) The Council shall audit the Balance Sheets and Statements of Receipts and Expenditure at the end of each financial year unless the Council determines otherwise. These documents must be forwarded to the Council by 10<sup>th</sup> August each year.
- (g) Management Committees are strictly prohibited from borrowing funds from any source.

## **12. THE CONSTITUTION**

- (a) Any proposed change to the Constitution must firstly be notified to the Council and provided that such proposed change is within the legislative requirements for elected Committees of Management it may then (on advice from the Council) proceed to be determined.
- (b) This Constitution may be amended at any Committee meeting provided that the proposed amendments are presented to the Secretary in writing by no later than 7 days prior to the meeting.
- (c) A motion to amend the Constitution must receive the support of not less than 75% of those present and eligible to vote.
- (d) This shall be the only Constitution of the Management Committee. The Secretary shall supply a copy of this Constitution to any member of the Committee upon request.
- (e) In the event of the dissolution of the Committee all funds and assets of the Committee shall remain the property of the Council and be held for the benefit of the residents of the area. Those funds and assets may at the Council's discretion be handed over to a similar organisation in the area which has indicated its preparedness to manage the premises on behalf of the Council. If no such group exists within a reasonable period of time after the dissolution of the Committee the Council may employ these assets elsewhere as it sees fit.

### **17.3 SAFETY**

**Strategic Plan Reference – Page 31**

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

Nil.

### **17.4 CONSULTATION AND COMMUNICATION**

**Strategic Plan Reference – Page 31**

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

Nil.

## **18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)**

### **18.1 IMPROVEMENT**

**Strategic Plan Reference – Page 32**

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

Nil.

## 18.2 SUSTAINABILITY

### Strategic Plan Reference – Page 33 & 34

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

### 18.2.1 *Local Government Association of Tasmanian (LGAT) – 2014 Election of New President*

AUTHOR EXECUTIVE ASSISTANT - (K BRAZENDALE)  
DATE 6<sup>TH</sup> AUGUST 2014

#### ISSUE

**To seek interest from elected members for nomination to the position of President of the Local Government Association of Tasmania.**

#### BACKGROUND / DETAIL

Councillors would be aware that Mayor Barry Easter has announced he will retire as Mayor of the West Tamar Council at the end of his term in October 2014, and will also step down from his role as President of the Local Government Association of Tasmania.

Nominations are now invited from LGAT members and must be received at the Tasmanian Electoral Commission by 3<sup>rd</sup> September 2014. The term of the position is until the conclusion of the 2015 Annual General Meeting of the Association.

**Human Resources & Financial Implications** – The State Electoral Commissioner will conduct the election and the cost is met by the Association.

**Community Consultation & Public Relations Implications** – Nil.

**Council Web Site Implications:** *Nil.*

**Policy Implications** – Policy position

**Priority - Implementation Time Frame** – nominations close on 3<sup>rd</sup> September 2014 at 5.00 p.m.

**RECOMMENDATION**

**For Council's consideration.**

**RESOLVED THAT THE INFORMATION BE RECIEVED**

**PUBLIC CONSULTATION SESSION**

One (1) member of the community (Mr Craig Williams) attended the Public Consultation session which commenced at 12.30 p.m.

*The following issues were raised and/or discussed:*

- Preparation of Promotional Brochure – Southern Midlands Activities
- Campania School Council – involvement in building project within adjoining subdivision
- Animal Control issues

*The meeting was suspended for lunch at 12.50 p.m. resumed at 1.18 p.m.*

***18.2.2 Maher' Point Property (PID 5842047 – Volume 115861 – Folio 1) – Sale of Maher's Point Cottage***

*File Ref:*

AUTHOR                    GENERAL MANAGER  
DATE                        20<sup>th</sup> AUGUST 2014

ATTACHMENT:        Copy of Title - PID 5842047 (Title Reference 115861/1)  
Map (to define the proposed boundary of the area to be sold)

**ISSUE**

Council to formally resolve in accordance with Section 177 of the *Local Government Act 1993* to sell the Maher's Point Cottage property (including the identified area indicated on the attached Map).

**BACKGROUND**

Maher's Point Cottage (c 1830) is a classic example of a vernacular building because it typifies the architecture, building methods and locally available materials used by poorer, free settlers. Such buildings are now rare because, until recently, they have not been considered worth saving. The land was originally 'a location' (grant) to Daniel Dillon, but Denis Maher was one of the first residents of the cottage. A number of families have resided in the cottage. The last time it was used as a residence was in the late 1970s. From the 1970s to 1995 the building decayed to reach the point that it was best described as 'a ruin'. By 1995 there were varying opinions as to whether the building could be ever be restored back to being inhabitable, with some suggesting the remains should be pulled down for safety reasons.

The following is a brief synopsis of the decisions and activity that has occurred since 1995:

1995 - The building was purchased by the Southern Midlands Council from the Estate of R T Fish.

September 1995 – August 2013 - Volunteer members of the Oatlands District Historical Society and the Lake Dulverton & Callington Park Management Committee (LD&CPMC) spent time restoring the cottage, largely under the direction of Graeme Raphael, a passionate champion for the cottage. T. G. Raphael passed away suddenly in August 2013.

October 2013 - The LD&CPMC applied for funding from the Tasmanian Community Fund to finalise the restoration of the cottage. The application was not successful.

February 2014 – The LD&CPMC requested that an Options Paper for the future direction and use of the building be developed.

March 2014 - An Options Paper for the Future Use of Maher’s Point Cottage is considered by the LD&CPMC. It is decided that the recommendation of seeking Expressions of Interest to Purchase the cottage be sought from the public, with the view to selling the cottage if, and only if, the right buyer is found. This committee recommendation is forwarded to Council.

March 2014 – Council endorse the recommendation of the LD&CPMC to seek expressions of interest for the purchase of the property, subject to the terms and conditions identified by the committee.

Following from the above, it is important to acknowledge that the area of land is classified as ‘Public Land’ under the *Local Government Act 1993*, being an area that has been used for recreation and public use purposes.

Prior to disposal of public land, Council must comply with section 178 of the *Local Government Act 1993*. The following is an extract from the Act:

***“178. Sale, exchange and disposal of public land***

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

*(2) Public land that is leased for any period by a council remains public land during that period.*

*(3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.*

*(4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–*

*(a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*

*(ab) display a copy of the notice on any boundary of the public land that abuts a highway; and*

*(b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*

*(5) If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).*

*(6) The council must –*

*(a) consider any objection lodged; and*

*(b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*

*(i) that decision; and*

*(ii) the right to appeal against that decision under section 178A.*

*(7) The council must not decide to take any action under this section if –*

*(a) any objection lodged under this section is being considered; or*

*(b) an appeal made under section 178A has not yet been determined; or*

*(c) the Appeal Tribunal has made a determination under section 178B(b) or (c).*

*(8) . . . . .*

## **DETAIL**

The existing property known as Maher’s Point includes the cottage and an area of land that extends out to the Lake foreshore – refer attached Copy of Title.

A subdivision will be required to excise the cottage and the area of land which is to be sold.

In light of the above, the following is a summary of the proposed process that Council will need to progress through:

- a) Define the exact area that is to be sold;
- b) Council resolution to sell that area under section 178 of the *Local Government Act 1993*;
- c) Advertise Council’s intent to sell (in accordance with the Act);
- d) Post advertising and consideration of any objections (if any) to proposed sale, prepare and submit development application for subdivision;
- e) Assuming approval, then proceed with final survey and re-fence property to suit; and
- f) Determine sale method and dispose.

A coloured map which defines the proposed boundary is included as an Attachment.

**Human Resources & Financial Implications** – All costs associated with preparing the property for sale will be recouped through the sale proceeds. In reference to the process, formal survey, and re-fencing, has been deferred pending the advertisement for objections (and subdivision approval) in case the process is terminated as result of these statutory procedures.

**Community Consultation & Public Relations Implications** – The broader community will be provided with an opportunity to comment through the two-stage advertising process (i.e. sale of public land and subdivision).

**Council Web Site Implications:** *Nil.*

**Policy Implications** – Policy position

**Priority - Implementation Time Frame** – The initial advertising process will be undertaken following Council decision.

## **RECOMMENDATION**

**THAT Council:**

- a) **Note the information and endorse the proposed process;**
- b) **Define the area of land that will be included with the Cottage for disposal;**
- c) **Formally resolve in accordance with section 178 of the *Local Government Act 1993*, that it intends to dispose of that area of land defined above; and**
- d) **publish its intention to lease on at least 2 separate occasions in the Mercury newspaper, and display a copy of the notice on the boundary of the public land.**
- e) This matter was considered at the last Council meeting. A decision was deferred pending consideration of planning issues.

## **C/14/08/107/19805 DECISION (BY ABSOLUTE MAJORITY)**

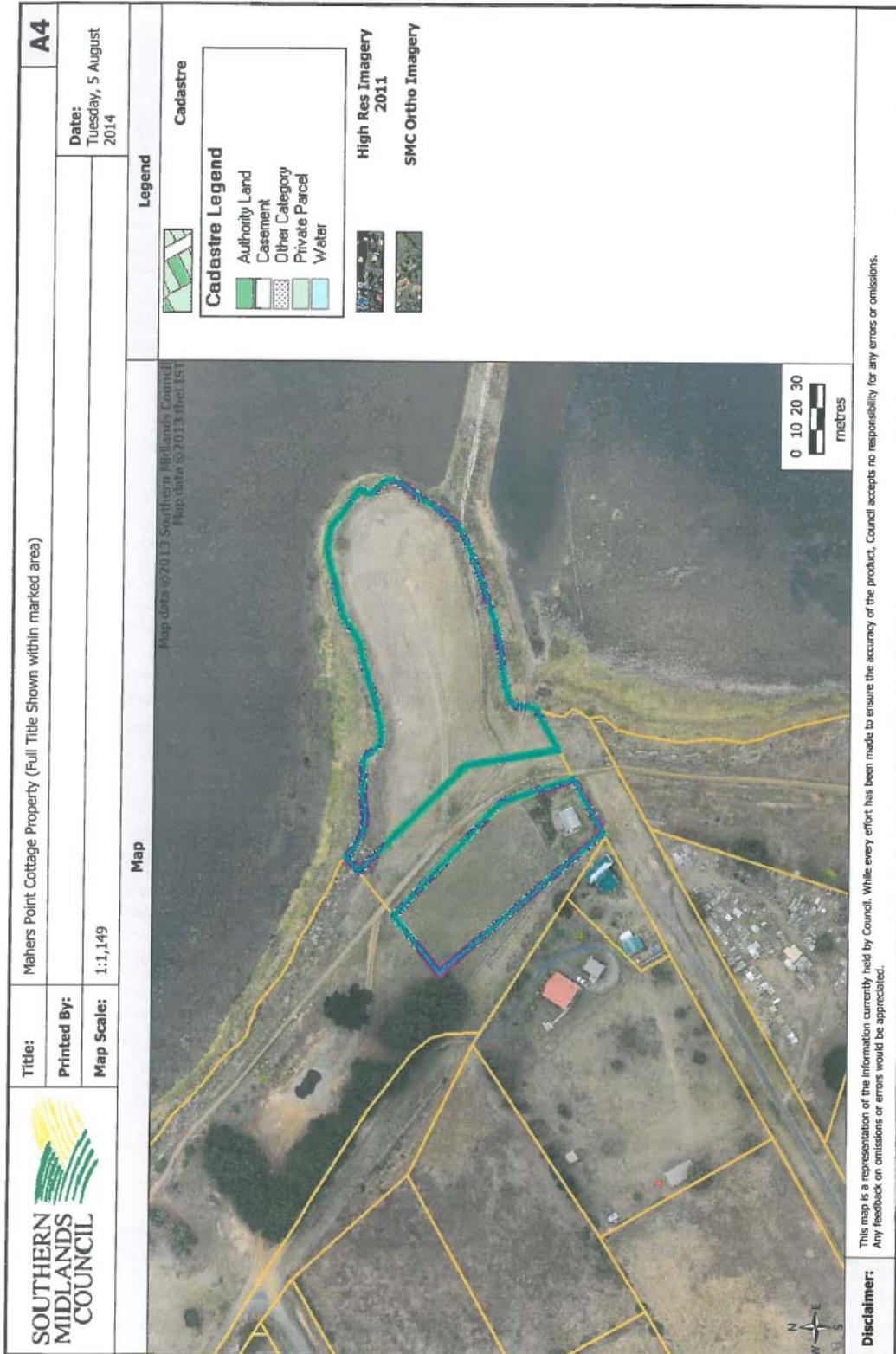
Moved by Clr A O Green, seconded by Deputy Mayor M Jones OAM

**THAT:**

- a) a decision be deferred pending consideration of broader landuse planning issues; and
- b) this matter be further considered at the Special Meeting scheduled for 10<sup>th</sup> September 2014.

## **CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	





**RESULT OF SEARCH**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



SEARCH OF TORRENS TITLE

VOLUME 115861	FOLIO 1
EDITION 2	DATE OF ISSUE 08-Sep-1995

SEARCH DATE : 05-Aug-2014  
SEARCH TIME : 09.32 AM

DESCRIPTION OF LAND

Town of OATLANDS  
Lot 1 on Plan 115861  
Being the land described in Conveyance No. 16/0227  
Derivation : Part of 3-0-20 Granted to D. Dillon  
Derived from W2232

SCHEDULE 1

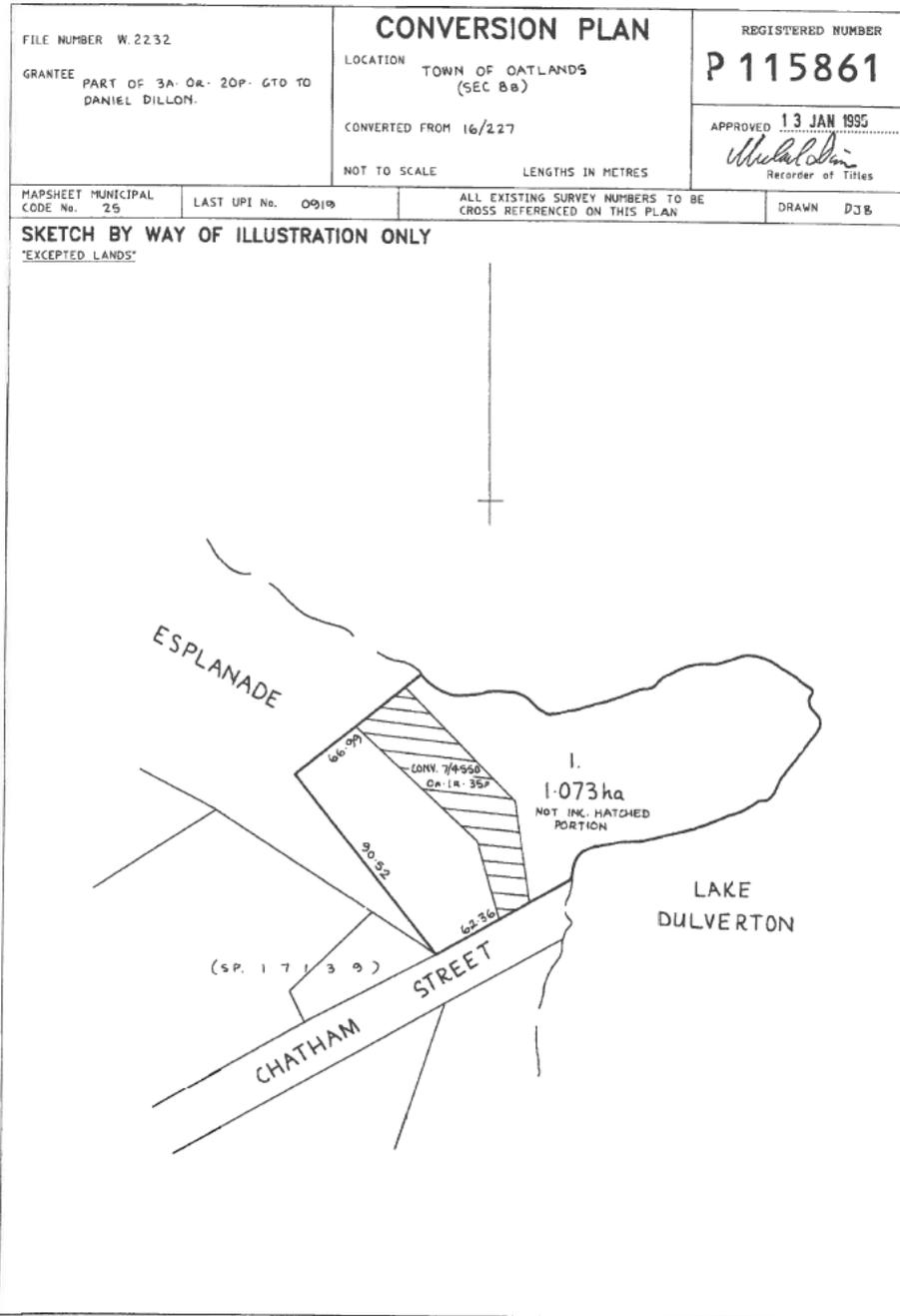
B858921 TRANSFER to SOUTHERN MIDLANDS COUNCIL Registered  
08-Sep-1995 at noon (MF:2343/153)

SCHEDULE 2

Reservations and conditions in the Crown Grant if any

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



**18.2.3 National Timber Councils Association – Membership of Organisation**

AUTHOR GENERAL MANAGER  
DATE 12<sup>th</sup> AUGUST 2014

ENCLOSURE: National Timber Councils Association – Annual Report 2012/13  
(received 8<sup>th</sup> August 2014)

**ISSUE**

**Council to consider maintaining membership of the National Timber Councils Association.**

**BACKGROUND**

The Southern Midlands Council first became a member of the National Timber Councils Association in January 2013. The initial membership fee of \$750 (excl. GST) was for a six-month period and it was renewed in 2013/14 at a cost of \$1,500.

Based on my memory, Council resolved to become a member recognising the forestry issue(s) that were being debated at that time. It believed that this would provide an opportunity to contribute from a policy perspective; and generally demonstrate support for the forest industry.

**DETAIL**

Council has received its renewal Invoice for the 2014-15 - an amount of \$1,500 (excl GST).

The purpose of this brief report is to confirm whether Council wishes to renew, or alternatively, cease being a member of the organisation.

The value of renewal is doubted given the current status of the forestry debate, and hence, Council's ability to provide any policy input into future direction of the industry.

For information, the Associations' Web Site shows that there is a membership of nineteen (19) Council's however post June 2013, there are twenty Councils (some shown on the Web Site are now not members, and some not shown are members). This information is taken from the 2012/13 Annual Report:

NSW	Kyogle Shire Council Tumbarumba Shire Council Tumut Shire Council
VIC	Alpine Shire Council East Gippsland Shire Council Glenelg Shire Council

TAS Latrobe City Council  
Moorabool Shire Council  
Murrindindi Shire Council  
Pyrenees Shire Council  
Towong Shire Council  
Wellington Shire Council  
West Wimmera Shire Council  
Break O’Day  
Dorset Council  
Glamorgan Spring Bay  
Southern Midlands Council

Clr D F Fish, who has represented Council at the annual Association Dinner, may be in a position to provide further comment in support of maintaining membership.

**Human Resources & Financial Implications** – Cancellation of membership would be a saving of \$1,500 per annum.

**Community Consultation & Public Relations Implications** – To be considered.

*Council Web Site Implications: N/A*

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Immediate

### **RECOMMENDATION**

**THAT Council determine whether it wishes to remain a member of the National Timber Councils Association Inc. for the 2014-15 period.**

### **C/14/08/112/19806 DECISION**

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

THAT Council decline to renew the membership.

**CARRIED**

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

### 18.3 FINANCES

#### Strategic Plan Reference – Page 34 & 35

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

#### 18.3.1 Monthly Financial Statement (July 2014)

*File Ref: 3/024*

AUTHOR FINANCE OFFICER (C PENNICOTT)  
DATE 21<sup>ST</sup> AUGUST 2014

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1<sup>st</sup> July 2014 to 31<sup>st</sup> July 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 20<sup>th</sup> August 2014
- e) Cash Flow Statement - July 2014

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July to 31<sup>st</sup> July 2014 – approximately 8% of the period.*

#### Comments

##### A. Current Expenditure Estimates (Operating Budget)

#### Strategic Theme – Growth

- **Sub-Program – Business** - expenditure to date (\$27,801– 41.96%). Works undertaken on a recharge basis (e.g. Stornoway Contract – not included in original budget). Expenditure will be offset by income received.

**Strategic Theme – Lifestyle**

- **Sub-Program – Aged** – expenditure to date (\$500 – 33.33%). Expenditure consists of an advanced food payment for cooking classes.
- **Sub-Program – Childcare** – expenditure to date (\$5,000 – 66.67%). Expenditure includes annual \$5,000 BFDC Grant to the Brighton Family Day Care.

**Strategic Theme – Community**

- **Sub-Program – Consultation** - expenditure to date (\$1,736 –34.23%). Expenditure of \$1,099 relates to Aurora expenses associated with the operation of the Radio Station (Transmitter Tower). Apportionment of expenses to be addressed through joint negotiation with Radio Station.

**Strategic Theme – Organisation**

- **Strategic Theme – Improvement** – expenditure to date (\$7,766– 76.14%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The \$7,766 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 (\$211,288 – 10.59%). Includes annual insurance renewals payable at the commencement of the financial year.

**B. Capital Expenditure Estimates (Capital Budget)**

Nil.

**RECOMMENDATION**

**THAT the information be received.**

**C/14/08/114/19807 DECISION**

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

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 D F Fish	
√	Clr A O Green	

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

	Annual Budget	Year to Date as at 31ST JULY	%	To Date	Comments
<b>Income</b>					
General rates	\$ 4,192,243	\$ 4,076	0.1%		Budget includes Interest & Penalties to be imposed to end of June 2014
User Fees (refer Note 1)	\$ 699,354	\$ 56,340	8.1%		
Interest	\$ 260,000	\$ 17,919	6.9%		
Government Subsidies	\$ 31,700	-	0.0%		Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ -	-	0.0%		
Other (refer Note 2)	\$ 235,188	\$ 9,489	4.0%		
<b>Sub-Total</b>	<b>\$ 5,418,485</b>	<b>\$ 87,803</b>	<b>1.6%</b>		
Grants - Operating	\$ 3,570,800	-	0.0%		
<b>Total Income</b>	<b>\$ 8,989,285</b>	<b>\$ 87,803</b>	<b>1.0%</b>		
<b>Expenses</b>					
Employee benefits	\$ 3,703,066	\$ 286,297	7.7%		Less Roads - Resheeting Capitalised
Materials and contracts	\$ 3,046,484	\$ 283,264	9.6%		Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ 2,496,000	-	0.0%		Percentage Calculation (based on year-to-date)
Finance costs	\$ 58,741	\$ 374	0.6%		
Contributions	\$ 169,088	-	0.0%		Fire Service Levies
Other	\$ 240,004	\$ 16,354	6.8%		
<b>Total expenses</b>	<b>\$ 9,713,383</b>	<b>\$ 596,289</b>	<b>6.1%</b>		
<b>Surplus (deficit) from operations</b>	<b>-\$ 724,098</b>	<b>\$ 508,486</b>	<b>70.2%</b>		
Grants - Capital (refer Note 2)	\$ 445,234	-	0.0%		
Donations	\$ 3,500	-	0.0%		
Sale Proceeds (Plant & Machinery)	\$ -	-	0.0%		
Net gain / (loss on disposal of non-current assets)	\$ 160,000	-	0.0%		Budget Amount - Sale of Lots - Kandara Court
<b>Surplus / (Deficit)</b>	<b>-\$ 115,364</b>	<b>\$ 508,486</b>	<b>440.8%</b>		

Council Meeting Minutes – 27<sup>th</sup> August 2014

SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2014/15

SUMMARY SHEET

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT JULY 2014 8%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3044345	3044345	237606	2806739	7.80%
Bridges	415869	415869	32185	383684	7.74%
Walkways	178627	178627	5985	172642	3.35%
Lighting	89995	89995	0	89995	0.00%
Irrigation	0	0	0	0	0.00%
Drainage	77923	77923	3699	74224	4.75%
Waste	575204	575204	10521	564683	1.83%
Public Toilets	56304	56304	3160	53144	5.61%
Communications	0	0	0	0	0.00%
Signage	12300	12300	668	11632	5.43%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4450567</b>	<b>4450567</b>	<b>293825</b>	<b>4156742</b>	<b>6.60%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Mill Operations	550291	550291	46109	504182	8.38%
Tourism	201345	201345	12317	189028	6.12%
Business	66250	66250	27801	38449	41.96%
Agriculture	5493	5493	0	5493	0.00%
Integration	25350	25350	0	25350	0.00%
<b>GROWTH TOTAL:</b>	<b>848729</b>	<b>848729</b>	<b>86227</b>	<b>762502</b>	<b>10.16%</b>
<b>LANDSCAPES</b>					
Heritage	304709	304709	22444	282265	7.37%
Natural	147816	147816	8116	139700	5.49%
Cultural	0	0	0	0	0.00%
Regulatory	832085	832085	62423	769662	7.50%
Climate Change	37739	37739	5	37734	0.01%
<b>LANDSCAPES TOTAL:</b>	<b>1322349</b>	<b>1322349</b>	<b>92988</b>	<b>1229361</b>	<b>7.03%</b>
<b>LIFESTYLE</b>					
Youth	205731	205731	9188	196543	4.47%
Aged	1500	1500	500	1000	33.33%
Childcare	7500	7500	5000	2500	66.67%
Volunteers	34500	34500	0	34500	0.00%
Access	6520	6520	0	6520	0.00%
Public Health	7826	7826	239	7587	3.05%
Recreation	380880	380880	21997	358883	5.78%
Animals	70090	70090	5439	64651	7.78%
Education	0	0	0	0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>714547</b>	<b>714547</b>	<b>42363</b>	<b>672184</b>	<b>5.93%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	35025	35025	1115	33910	3.18%
Safety	56650	56650	3663	52987	6.47%
Consultation	5070	5070	1736	3334	34.23%
Communication	12125	12125	0	12125	0.00%
<b>COMMUNITY TOTAL:</b>	<b>108870</b>	<b>108870</b>	<b>6514</b>	<b>102356</b>	<b>5.98%</b>
<b>ORGANISATION</b>					
Improvement	10200	10200	7786	2434	76.14%
Sustainability	1994595	1994595	211288	1783307	10.59%
Finances	244963	244963	865	244098	0.35%
<b>ORGANISATION TOTAL:</b>	<b>2249758</b>	<b>2249758</b>	<b>219920</b>	<b>2029838</b>	<b>9.78%</b>
<b>TOTALS</b>	<b>9694820</b>	<b>9694820</b>	<b>741836</b>	<b>8952984</b>	<b>7.65%</b>

Council Meeting Minutes – 27<sup>th</sup> August 2014

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

INFRASTRUCTURE	ROAD ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	Resheeting Program	\$ 600,000	\$ 72,920	\$ 527,080	
	Roads Resheeting (40.00 kms x 5.5 x 150mm x \$20 m8)				
	Reseal Program	\$ 300,000	\$ -	\$ 300,000	
	Roads Resealing (as per agreed program)				
	Reconstruct & Seal	\$ 26,400	\$ -	\$ 26,400	
	Eidon Road - Vicinity Of Norm Housgos (200m)				
	Colebrook				
	Outlands				
	Stonor Road (Vicinity Of Halls) - 250metres	\$ 33,000	\$ -	\$ 33,000	
	Woodsdale Road / Tunnack Main Rd Junction (30 mm Overlay)	\$ 6,400	\$ -	\$ 6,400	
	Woodsdale Road (Section - Runnymede Cricket Club) - 400 metres	\$ 48,400	\$ -	\$ 48,400	
	York Plains (vicinity of Greggs Road) - 300 metres	\$ 39,600	\$ -	\$ 39,600	
	Williams Road - Option 1 (Junction to Bridge -250 metres)	\$ 39,375	\$ -	\$ 39,375	
	Ballyhooby Road (end of Bridge) - 100 metres	\$ 13,750	\$ -	\$ 13,750	
	Minor Seals (New)	\$ 7,000	\$ -	\$ 7,000	
	Church Road	\$ 10,000	\$ -	\$ 10,000	
	Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000	
	Unsealed - Road Widening	\$ 20,000	\$ -	\$ 20,000	
	Church Road (Corner widening)	\$ 20,000	\$ -	\$ 20,000	
	Yarrington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977	Budget Incls. \$11,023 expended 13/14
	Estates Road (Survey Investigation Only - \$5,000)	\$ 30,000	\$ -	\$ 30,000	
	Half Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000	
	Chauncey Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	
	Other:	\$ -	\$ -	\$ -	
	Church Road - Realign (Intersection with Elderslie Road) - Survey & Acquisition	\$ 211,000	\$ 16,324	\$ 194,676	Budget Incls. \$16,044 expended 13/14
	Interlaken Road - Corner Realignment (Rockton)	\$ 20,000	\$ -	\$ 20,000	
	Green Valley Road - Widening	\$ 85,000	\$ -	\$ 85,000	
	Campania - Reeve St / Clims Street	\$ 25,600	\$ 2,113	\$ 23,487	
	Campania - Reeve St / Hat Street	\$ 5,000	\$ -	\$ 5,000	
	Colebrook Main Road - Verge (Station St to Shop)	\$ 20,250	\$ -	\$ 20,250	
	Turbridge Main Road Verge	\$ 3,000	\$ -	\$ 3,000	
	Woodsdale Road - Landship Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000	
	Woodsdale Road - Landship Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
	York Plains Road - Camber adjustment	\$ 5,000	\$ -	\$ 5,000	
		\$ 1,841,475	\$ 102,380	\$ 1,739,095	

Council Meeting Minutes – 27<sup>th</sup> August 2014

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

BRIDGE ASSETS	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
C:1030003	\$ 456,272	\$ 119,855	\$ 316,616	
C:1030023	\$ 336,335	\$ 3,225	\$ 333,110	
C:1030028	\$ 156,340	\$ 18,581	\$ 137,759	
C:1030030	\$ -	\$ 905	\$ (905)	
C:1030041	\$ 142,600	\$ -	\$ 142,600	
C:1030044	\$ 81,672	\$ 1,304	\$ 80,368	
C:1030045	\$ 26,440	\$ -	\$ 26,440	
	\$ 60,129	\$ -	\$ 60,129	
	\$ -	\$ 1,469	\$ (1,469)	
	\$ 212,650	\$ -	\$ 212,650	
	\$ 107,290	\$ -	\$ 107,290	
	\$ 107,290	\$ -	\$ 107,290	
	\$ 56,950	\$ -	\$ 56,950	
	<b>\$ 1,723,968</b>	<b>\$ 145,140</b>	<b>\$ 1,578,828</b>	
<b>WALKWAYS</b>				
	\$ 40,000	\$ -	\$ 40,000	
	\$ 10,000	\$ -	\$ 10,000	
	\$ 80,000	\$ 8,385	\$ 71,614	
	\$ 5,000	\$ -	\$ 5,000	
	\$ 9,100	\$ -	\$ 9,100	
	\$ 15,000	\$ -	\$ 15,000	
	\$ 6,000	\$ -	\$ 6,000	
	\$ 15,000	\$ -	\$ 15,000	
	\$ 7,800	\$ -	\$ 7,800	
	\$ 8,000	\$ -	\$ 8,000	
	<b>\$ 195,900</b>	<b>\$ 8,386</b>	<b>\$ 187,514</b>	
<b>IRRIGATION</b>				
	\$ 8,262	\$ 1,528	\$ 6,734	
	<b>\$ 8,262</b>	<b>\$ 1,528</b>	<b>\$ 6,734</b>	

Council Meeting Minutes – 27<sup>th</sup> August 2014

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

		BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>DRAINAGE</b>					
	Bagdad	\$ 22,500	\$ -	\$ 22,500	
	- Midland Hwy/ Swan St Drainage (McShane Property)	\$ 241,882	\$ 91,299	\$ 150,583	Budget - allocated in 2013/14
	- Swan Street - Kerb & Gutter (eastern & western side)	\$ -	\$ 8,966	\$ (8,966)	
	- Hyland Crescent	\$ -	\$ -	\$ -	
	Campania	\$ 45,000	\$ 3,750	\$ 41,250	
	- Reeve Street Open Drain (North Of Telephone Box)	\$ -	\$ -	\$ -	
	Oatlands	\$ 10,000	\$ -	\$ 10,000	
	- Barrack Street (towards Mason St)	\$ 5,000	\$ -	\$ 5,000	
	- High St/Wellington Street Junction	\$ 13,000	\$ 1,007	\$ 11,994	
	- Stanley Street / Lake Dulverton - Extension	\$ 12,000	\$ -	\$ 12,000	
	- Wellington Street (150 metres - kerb replacement)	\$ 10,000	\$ -	\$ 10,000	
	- William Street (Church St to Gay St)	\$ -	\$ -	\$ -	
		<b>\$ 359,382</b>	<b>\$ 105,022</b>	<b>\$ 254,360</b>	
<b>WASTE</b>					
	C110002 Wheelie Bins & Crates	\$ 7,500	\$ -	\$ 7,500	
		<b>\$ 7,500</b>	<b>\$ -</b>	<b>\$ 7,500</b>	
<b>PUBLIC TOILETS</b>					
	C1110001 Colebrook - Power Connection & Lighting	\$ 5,000	\$ -	\$ 5,000	
	Campania - Urinal / Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000	
		<b>\$ 9,000</b>	<b>\$ -</b>	<b>\$ 9,000</b>	
<b>SIGNAGE</b>					
	Municipal Boundary (Brighton Bypass)	\$ 2,500	\$ -	\$ 2,500	
		<b>\$ 2,500</b>	<b>\$ -</b>	<b>\$ 2,500</b>	
<b>MILL OPERATIONS</b>					
	Visitor Centre - Appliances	\$ -	\$ 426	\$ (426)	
		<b>\$ -</b>	<b>\$ 426</b>	<b>\$ (426)</b>	
<b>HERITAGE</b>					
	C3010002 Callington Mill (Master Precinct Plan)	\$ 20,000	\$ -	\$ 20,000	
	C3010008 Commissariat (79 High Street)	\$ 89,500	\$ 3,423	\$ 86,077	
	Oatlands Carol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000	
	C3010009 Kempion Watch House (Flood)	\$ 7,500	\$ -	\$ 7,500	
		<b>\$ 124,000</b>	<b>\$ 3,423</b>	<b>\$ 120,577</b>	
<b>LANDSCAPES</b>					
	C3020004 Lake Dulverton - Filler	\$ -	\$ -	\$ -	
	Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000	
		<b>\$ 5,000</b>	<b>\$ -</b>	<b>\$ 5,000</b>	

# Council Meeting Minutes – 27<sup>th</sup> August 2014

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

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>REGULATORY</b>				
C304/0001	\$ 8,954	\$ -	\$ 8,954	Kempston Council Chambers - Building & Office Improvements
C304/0001	\$ 3,000	\$ -	\$ 3,000	Kempston Council Chambers - Office Equipment
C304/0001	\$ 5,000	\$ -	\$ 5,000	Kempston Council Chambers - Carpet & Flooring
C304/0001	\$ 7,500	\$ -	\$ 7,500	Kempston Council Chambers - External Repainting
	<b>\$ 24,454</b>	<b>\$ -</b>	<b>\$ 24,454</b>	
<b>LIFESTYLE</b>				
C407/0001	\$ 10,000	\$ -	\$ 10,000	Paratiah Recreation Ground - Grandstand
C407/0001	\$ 5,000	\$ -	\$ 5,000	Paratiah Recreation Ground - Demolish External Toilets
C407/0003	\$ 15,000	\$ -	\$ 15,000	Campagna Recreation Ground
C407/0005	\$ (4,498)	\$ -	\$ (4,498)	Recreation Committee
C407/0005	\$ 3,300	\$ 2,036	\$ 664	Campagna Hall - Internal Painting ( Committee Contribution)
C407/0005	\$ 7,500	\$ -	\$ 7,500	Mangalore Hall- Kitchen Amenities
C407/0005	\$ 8,995	\$ -	\$ 8,995	Mangalore - Bore Water
C407/0008	\$ 25,000	\$ -	\$ 25,000	Campagna Hall - Internal Painting
C407/0018	\$ 10,000	\$ -	\$ 10,000	Colbrook Recreation Ground (Amenities)
C407/0017	\$ 10,000	\$ -	\$ 10,000	Kempston Memorial Hall
C407/0022	\$ 10,000	\$ -	\$ 10,000	Tunnock - Recreation Ground (Upgrade Toilets)
C407/0024	\$ 10,000	\$ -	\$ 10,000	PlaySpace Strategy - Alexander Circle & Lyndon Road
C407/0029	\$ 10,000	\$ 420	\$ 9,580	Lyndon Road Barbecue Shelter
	\$ 5,200	\$ -	\$ 5,200	Tunbridge Park - BBQ Shelter
	\$ 5,000	\$ -	\$ 5,000	Mt Pleasant Floor Coverings
	<b>\$ 130,497</b>	<b>\$ 3,055</b>	<b>\$ 127,441</b>	<b>Mt Pleasant - Upgrade Toilets</b>
	\$ 3,000	\$ -	\$ 3,000	Road Accident Rescue Unit
	<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
<b>SAFETY</b>				
C602/0007	\$ 35,000	\$ -	\$ 35,000	Computer System (Hardware / Software)
C602/0007	\$ 15,000	\$ -	\$ 15,000	Council Chambers - Damp Issues & Stonemasonry
C602/0007	\$ 7,400	\$ -	\$ 7,400	Council Chambers - Concrete Paths (Forecourt)
C602/0007	\$ 7,500	\$ -	\$ 7,500	Council Chambers - Building Improvements
C602/0007	\$ 8,000	\$ -	\$ 8,000	Town Hall (General) - Incls. Office Equip/Furniture
C602/0007	\$ 6,000	\$ -	\$ 6,000	Council (Notebooks/Tablets)
C602/0007	\$ 1,500	\$ -	\$ 1,500	Photo Reframing
	\$ 5,000	\$ -	\$ 5,000	Kempston Depot - Furnishings
	\$ 10,000	\$ -	\$ 10,000	Kempston Depot - Rewiring
	\$ 5,000	\$ -	\$ 5,000	Depot Relocation
C999/0002	\$ 9,500	\$ 454	\$ 9,048	Minor Plant Purchases
	\$ 2,000	\$ -	\$ 2,000	Radio System
	\$ 217,920	\$ 31,340	\$ 186,580	Plant Replacement Program
	\$ 168,000	\$ -	\$ 168,000	Refer separate Schedule (Net Changeover)
	\$ -	\$ -	\$ -	Light Vehicles
	\$ 36,000	\$ -	\$ 36,000	(Trade Allowance - \$240K)
	\$ -	\$ -	\$ -	Water Tank Replacement (Truck)
	<b>\$ 553,920</b>	<b>\$ 31,794</b>	<b>\$ 522,126</b>	
<b>GRAND TOTALS</b>	<b>\$ 4,768,758</b>	<b>\$ 401,155</b>	<b>\$ 4,367,603</b>	

<b>SOUTHERN MIDLANDS COUNCIL</b>			
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>			
	This Financial Year 20th August 2014	Last Financial Year 20th August 2013	
Arrears brought forward as at July 1	\$ 431,103.63	\$ 352,040.89	
ADD current rates and charges levied	\$ 4,325,759.24	\$ 4,124,506.03	
ADD current interest	\$ 4,364.23	\$ 3,534.15	
<b>TOTAL rates and charges demanded</b>	<b>\$ 4,761,227.10</b>	<b>\$ 4,480,081.07</b>	<b>100.00%</b>
LESS rates and charges collected	2.36% \$ 112,403.77	6.98% \$ 312,776.31	
LESS pensioner remissions	4.16% \$ 198,005.33	4.29% \$ 192,067.23	
LESS other remissions and refunds	-0.02% -\$ 1,023.95	-0.05% -\$ 2,336.74	
LESS discounts	0.00%	0.08% \$ 3,729.45	
<b>TOTAL rates and charges collected and remitted</b>	<b>\$ 309,385.15</b>	<b>\$ 506,236.25</b>	<b>11.30%</b>
<b>UNPAID RATES AND CHARGES</b>	<b>\$ 4,451,841.95</b>	<b>\$ 3,973,844.82</b>	<b>88.70%</b>

\*\*\*\*\* Rates for 2013/14 were issued on 7th August 2013

Council Meeting Minutes – 27<sup>th</sup> August 2014

	INFLOWS (OUTFLOWS) (July 2014)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>		
<b>Payments</b>		
Employee costs	- 286,297.46	- 286,297.46
Materials and contracts	- 494,622.23	- 494,622.23
Interest	- 373.55	- 373.55
Other	- 16,354.26	- 16,354.26
	<u>- 797,647.50</u>	<u>- 797,647.50</u>
<b>Receipts</b>		
Rates	96,394.89	96,394.89
User charges	66,467.29	66,467.29
Interest received	17,918.73	17,918.73
Subsidies	-	-
Other revenue grants	-	-
GST Refunds from ATO	-	-
Other	- 94,785.41	- 94,785.41
	<u>85,995.50</u>	<u>85,995.50</u>
<b>Net cash from operating activities</b>	<u>- 711,652.00</u>	<u>- 711,652.00</u>
<b>Cash flows from investing activities</b>		
Payments for property, plant & equipment	- 58,787.91	- 58,787.91
Proceeds from sale of property, plant & equipment	-	-
Proceeds from Capital grants	-	-
Proceeds from Investments	-	-
Payment for Investments	-	-
<b>Net cash used in investing activities</b>	<u>- 58,787.91</u>	<u>- 58,787.91</u>
<b>Cash flows from financing activities</b>		
Repayment of borrowings	- 4,262.22	- 4,262.22
Proceeds from borrowings	-	-
<b>Net cash from (used in) financing activities</b>	<u>- 4,262.22</u>	<u>- 4,262.22</u>
<b>Net increase/(decrease) in cash held</b>	- 774,702.13	- 774,702.13
Cash at beginning of reporting year	7,992,781.80	7,992,781.80
<b>Cash at end of reporting year</b>	<u>7,218,079.67</u>	<u>7,218,079.67</u>

**18.3.2 General Purpose Financial Report – 2013/2014 Financial Year**

*File Ref: 7/019*

AUTHOR                    GENERAL MANAGER  
DATE                        22<sup>nd</sup> AUGUST 2014  
ENCLOSURE:            2013/14 General Purpose Financial Report

**ISSUE**

Refer enclosed copy of the General Purpose Financial Report for the 2013/2014 Financial Year to be tabled in accordance with Section 84 of the *Local Government Act 1993*.

**BACKGROUND**

*Section 84 (Part 8 – Financial Management) of the Local Government Act 1993 states:*

**“84. Financial statements**

*(1) The general manager is to prepare and forward to the Auditor-General a copy of the council's financial statements for each financial year in accordance with the Audit Act 2008.*

*(2) Any financial statement for a financial year is to–*

*(a) . . . . .*

*(b) specify any interests as notified to the general manager of any councillor in respect of any body or organisation with which the council has major financial dealings; and*

*(c) contain a comparison between the council's actual and estimated revenue and expenditure for that financial year; and*

*(d) contain a statement of any revenue and expenditure of a council committee, a special committee or a controlling authority; and*

*(da) contain a statement of the operating, capital and competitive neutrality costs in respect of each significant business activity undertaken by the council during that financial year together with a statement of the revenue associated with that activity; and*

*(db) contain financial management indicators, and asset management indicators, specified in an order under subsection (2A); and*

*(e) contain any other information the Minister determines.*

*(2A) The Minister, by order, may specify –*

*(a) financial management indicators; and*

*(b) asset management indicators –*

*to be included in the financial statements of councils.*

*(2B) The Minister is to consult with councils as to the matters to be included in an order under subsection (2A).*

*(3) The general manager is to certify that, in accordance with this Act and any other relevant Act, the financial statements fairly represent –*

*(a) the financial position of the council; and*

*(b) the results of the council's operations; and*

*(c) the cash flow of the council.*

*(4) The general manager is to ensure that the certified financial statements are tabled at a meeting of the council as soon as practicable.*

*(5) In this section –*

*competitive neutrality costs means the costs required to be taken into account under the competitive neutrality principles.*

## **DETAIL**

Refer enclosed copy of the 2013/14 General Purpose Financial Report.

The Report was forwarded to the Auditor General on 14<sup>th</sup> August 2014, and the Tasmanian Audit Office is in the process of undertaking the audit process.

The General Manager will provide any further explanation required and respond to any questions.

**Human Resources & Financial Implications** – Comment to be provided.

**Community Consultation & Public Relations Implications** – Not applicable.

**Council Web Site Implications:** *A copy of the audited Statement will be included on the Website as part of the 2013/14 Annual Report when completed.*

**Policy Implications** – N/A.

**Priority - Implementation Time Frame** – Report completed and submitted to the Auditor General within the statutory timeframe.

## **RECOMMENDATION**

**THAT Council receive a copy of the General Purpose Financial Report for the 2013/2014 Financial Year.**

**C/14/08/125/19808 DECISION**

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

THAT Council receive a copy of the General Purpose Financial Report for the 2013/2014 Financial Year.

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**18.3.3 2014-2015 Southern Midlands Schedule of Fees and Charges**

AUTHOR EXECUTIVE ASSISTANT (K BRAZENDALE)  
DATE 15<sup>TH</sup> AUGUST 2014

ENCLOSURE: 2014-2015 Southern Midlands Schedule of fees and charges

**ISSUE**

Adoption of the 2014-2015 Southern Midlands Schedule of fees and charges.

**BACKGROUND**

Council staff has worked through the fees schedule and the following charges are recommended for Councillors to consider.

**DETAIL**

A consolidated schedule, incorporating the adjustments, is submitted for formal endorsement.

**Human Resources & Financial Implications** – self-explanatory.

**Community Consultation & Public Relations Implications** – *The adopted Fees will be displayed on the Web Site.*

**Policy Implications** - Policy position.

**Priority - Implementation Time Frame** – commence new charges on 1<sup>st</sup> September 2014.

**RECOMMENDATION**

**THAT Council endorse the proposed fees contained within the 2014-2015 Southern Midlands fees and charges schedule.**

**C/14/08/126/19809 DECISION**

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

THAT a workshop discussion be held prior to endorsement of the Schedule of Fees and Charges.

**CARRIED**

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

**19. INFORMATION BULLETINS**

Refer enclosed Bulletin dated 22<sup>nd</sup> August 2014.

Information Bulletin dated 1<sup>st</sup> August 2014 and 8<sup>th</sup> August 2014 has been circulated since previous meeting.

**RECOMMENDATION**

**THAT the Information Bulletins dated 1<sup>st</sup> August 2014, 8<sup>th</sup> August 2014 and 22<sup>nd</sup> August 2014 be received and the contents noted.**

**C/14/08/127/19810 DECISION**

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

THAT the Information Bulletins dated 1<sup>st</sup> August 2014, 8<sup>th</sup> August 2014 and 22<sup>nd</sup> August 2014 be received and the contents noted.

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**20. MUNICIPAL SEAL**

Nil.

**21. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA**

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

**21.1 MANAGED INVESTMENT SCHEMES – SENATE INQUIRY**

The General Manager tabled correspondence from the office of Senator P Whish-Wilson relating to a Senate inquiry into Managed Investment Schemes.

An invitation is extended to interested parties to make submissions.

**DECISION**

RESOLVED THAT the information be received.

**21.2 COUNCIL CHAMBERS, OATLANDS – MEETING TABLE**

Clr D F Fish requested Council officers to assess the suitability of transferring the current Oatlands Meeting Table (ex LGAT Boardroom Table) to the Kempton Chambers and continue to use the previous Table at Oatlands.

**21.3 PRIMARY INDUSTRY PROTECTION ACT 1995 - REVIEW**

Clr A O Green requested that a copy of Council's submission prepared by the Manager – Development & Environmental Services be distributed to all Councillors for information.

**21.4 ST GEORGE'S ANGLICAN CHURCH – LEE STREET, CAMPANIA**

RESOLVED that a letter be sent to the Diocese requesting information regarding the future intent for the property, and secondly, strongly encouraging the Diocese to consult and keep the community informed of what plans may have been adopted or are being considered for the property.

**RECOMMENDATION**

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

**C/14/08/129/19811 DECISION**

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

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

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	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**

**RECOMMENDATION**

**THAT Council move out of “Closed Session”.**

**C/14/08/134/19813 DECISION**

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

**THAT Council move out of “Closed Session”.**

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**RECOMMENDATION**

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

**C/14/08/134/19814 DECISION**

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

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

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor M Jones OAM	
√	Clr A R Bantick	
√	Clr D F Fish	
√	Clr A O Green	

**23. CLOSURE 2.45 P.M.**