

SOUTHERN  
MIDLANDS  
COUNCIL



**PUBLIC COPY**

**MINUTES**  
**ORDINARY COUNCIL MEETING**

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Wednesday, 25<sup>th</sup> May 2016  
Municipal Office, 71 High Street, Oatlands

# OPEN COUNCIL MINUTES

MINUTES OF AN ORDINARY MEETING OF THE SOUTHERN MIDLANDS COUNCIL  
HELD ON WEDNESDAY, 25<sup>th</sup> MAY 2016 AT MUNICIPAL OFFICES, OATLANDS  
COMMENCING AT 10:04 A.M.

## 1. PRAYERS

Reverend Dennis Cousens recited prayers.

## 2. ATTENDANCE

Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clr A R Bantick, Clr E Batt, Clr R Campbell, Clr D F Fish, Clr D Marshall

**In Attendance:** Mr T Kirkwood (General Manager), Mr A Benson (Deputy General Manager), Mr D Mackey (Manager Strategic Projects), Mr D Cundall (Manager Development & Environment Services), Mr B Williams (Manager Heritage Projects), Miss E Lang (Executive Assistant)

## 3. APOLOGIES

Nil.

## 4. APPLICATION FOR LEAVE OF ABSENCE

Nil.

## 5. MINUTES

### 5.1 Ordinary Council Minutes

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

### DECISION

*Moved by Deputy Mayor A Green, seconded by Clr R Campbell*

**THAT the minutes of the previous meeting of Council held on the 27<sup>th</sup> April 2016 be confirmed.**

### CARRIED

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

### 5.3 Special Committee of Council Minutes

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

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

- Lake Dulverton & Callington Park Management Committee held on the 2<sup>nd</sup> May 2016.
- Southern Midlands Emergency Management Committee held on the 23<sup>rd</sup> May 2016.

#### RECOMMENDATION

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

#### DECISION

*Moved by Deputy Mayor A Green, seconded by Clr R Campbell*

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

#### CARRIED

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

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

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

- Lake Dulverton & Callington Park Management Committee held on the 2<sup>nd</sup> May 2016.
- Southern Midlands Emergency Management Committee held on the 23<sup>rd</sup> May 2016.

#### RECOMMENDATION

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

## **DECISION**

*Moved by CLr R Campbell, seconded by Clr D Fish*

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

## **CARRIED**

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

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

#### **5.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

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

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

#### **DECISION NOT REQUIRED**

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

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

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

#### **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 two workshops have been held since the last ordinary meeting of Council.

A preliminary budget workshop was held on the 5<sup>th</sup> May 2016 at the Council Chambers, Oatlands commencing at 9.30am to review and update the Southern Midlands Council's Long-term Financial Management Strategy (June 2016 to June 2025) and review the draft 2016/17 Capital Works Program.

**Attendance:** Mayor A Bisdee, Deputy Mayor A Green, Clr A Bantick, Clr E Batt, Clr R Campbell, Clr D Fish and Clr D Marshall

**Officers in attendance:** T Kirkwood, A Benson, J Lyall, C Pennicott

The workshop concluded at 12.30 p.m.

The second workshop was held on the 19<sup>th</sup> May 2016 at the Council Chambers, Oatlands commencing at 11.30am to discuss the draft Operating Budget, including Rates & Charges.

**Attendance:** Mayor A Bisdee, Deputy Mayor A Green, Clr E Batt, Clr D Fish, Clr D Marshall

**Apologies:** Clr A Bantick, Clr R Campbell

**Officers in attendance:** T Kirkwood, J Lyall, C Pennicott

The workshop concluded at 4.00 p.m.

The following table details the amendments made to the draft Budget documents at both workshops:

2016/17 Capital Works Program		
Walkways Program	Colebrook Township – Streetscape Plan (Development and part implementation)	Reduce budget by \$20K (was \$80K)
Walkways Program	Midland Highway, Bagdad (Bus Shelter)	Allocate \$5K – to enable negotiation with Department of State Growth
Public Toilets	Campania – Flour Mill Park	Reduce budget by \$10K (was \$20K including carry forward)
Tourism	Building (Wool Press Cover)	Increase budget by \$3K (was \$6,170) – to include slab preparations etc.
Regulatory Program	Kempton Council Chambers	Include allocation of \$5K for building assessment; scope of works etc.
Recreation Program	Oatlands Aquatic Club Building	Delete \$18K allocation – duplication in Tourism Program
<b>Overall reduction in draft Capital Works Program of \$35K</b>		

<b>2016/17 Operating Budget</b>		
<b>Revenue Adjustments:</b>		
Waste Management Program	Household Garbage & Kerbside Recycling Charge	\$10 increase (from 2015/16) in the annual charge. Draft budget based on \$3 increase.
Business Program	Subsidiary (HBS)	Include \$10K for dividend payable by HBS
Finance Program	General Rate Increase	Reduced proposed increase from 2.5% to 2.0% and removed discount for Primary Production properties. (reduces amount of General rates levied by \$18,786)
<b>Expenditure Adjustments:</b>		
Community Health and Wellbeing	Holiday Program	Increase budget allocation to \$10K (was \$5K)
Community Capacity	MILE Inc.	Increase budget allocation to \$7K (was \$5K) – consistent with budget request
Community Capacity	National Volunteers Week	Include new budget allocation of \$1K to enable recognition of volunteers
Community Consultation	Radio Station	Allocate separate budget of \$4.80K to Radio Station (Aurora Supply – Transmitter Station) and allocate \$2.5K for general Community Consultation (overall increase in budget of \$2,230)
<i>Note: Arts Advisory Committee to be transferred to Cultural Program (ex: Volunteers Program)</i>		

## RECOMMENDATION

THAT the information be received and the outcomes of the workshops as detailed in the table be endorsed.

## DECISION

*Moved by Clr D Fish, seconded by Clr E Batt*

**THAT the information be received and the outcomes of the workshops as detailed in the table be endorsed.**

## CARRIED

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

## 7. QUESTIONS WITHOUT NOTICE

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

1. Clr Campbell – concerns from residents on Woodsdale Road regarding motorbikes travelling at excessive speeds, dangerous for residents entering/exiting their driveways.

*It was advised that this item would be referred to the local Police for further investigation/action.*

2. Clr Campbell – query regarding cat management and who is responsible for policing the State Government policy and associated costs etc.

*It was advised that Council do not have a policy on cats. The draft Cat Management Plan is currently out for comment and any feedback can be provided for a collective response from Council.*

3. Clr Campbell – enquiry about how to attract young people to volunteer on committees and was open to ideas on encouraging young people to be involved on voluntary community committees.

*The Deputy General Manager advised of an initiative in place between Council and Rural Primary Health Services to fund 15 youth from Oatlands District School to be involved in the Rural Youth program. This has been subsidised for the first year of joining to assist in getting younger people into a volunteering head space.*

4. Clr Campbell – enquired about LED lighting and the cost of converting street lights to LED.

*The General Manager advised that Aurora Energy have a program that converts street lighting to LED and provides full costings, with the preference to trial the LED lighting program in Campania. The General Manager will report further at the next Council meeting.*

5. Clr Fish – enquired whether a response was received from Davies Brothers (Tas Country) regarding the incorrect fracking statement published about Southern Midlands.

6. Clr E Batt – enquired about status of the Melton Mowbray trough.

*It was advised that documents are currently with Council's Solicitor for further action to be taken.*

7. Clr D Marshall – advised of significant excavation at Buddhist Cultural Park (area behind house/accommodation) and whether Council officers have inspected the site.

*Council officers will inspect as soon as possible and report to Council.*

8. Clr Marshall – advised that the sign at Brown Mountain Waste Transfer Station requires replacement (possibly with corflute)

9. Mayor – enquired about progress of the Oatlands signage.

*Damian Mackey advised that Eye Spy signs were advised to proceed with manufacturing the signs a considerable time ago. Will make enquiries re: progress.*

10. Deputy Mayor – enquired about progress of Runnymede Cricket Ground property transfer.

*The Deputy General Manager advised that an application was lodged a couple of weeks ago.*

12. Mayor – noted that the Parattah grandstand has now been demolished and removed and requested that this item is to also be removed from the Development Assessment Committee minutes for non-compliance now that this issue has been rectified.

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

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

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

Nil.

## 9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

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:-

**21.1 Southern Midlands Emergency Management Plan (May 2016)**

**21.2 Colebrook Online Access Centre**

**21.3 Local Government Association of Tasmania – 2016 Annual Conference**

### RECOMMENDATION

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

### DECISION

*Moved by Deputy Mayor A Green, seconded by Clr R Campbell*

**THAT the Council resolve by absolute majority to deal with the above listed 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*.**

### CARRIED

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

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

Mayor A E Bisdee OAM advised the meeting that no formal questions on notice had been received for the meeting.

No members of the public attended the meeting.

*The meeting was suspended at 10.38 am for a short break*

### **Station Child Care Committee**

Committee members Rachael Barwick, Alli McShane, Rebecca Moore and Sarah Barrington joined Councillors for morning tea to be formally acknowledged for the generous donation of \$80,350 from the Station Child Care Committee to the Southern Midlands Council as a contribution to the planned Midlands Aquatic Centre (or alternatively other children related activities within the community).

The Mayor formally acknowledged and thanked all members of the committee for their many hours of hard work and commitment on a voluntary basis to raise such a large amount of money.

Alli McShane also formally acknowledged all members of the Station Child Care committee members (both past & present) for their efforts as it has been the culmination of numerous committees' efforts over the years that have helped raise these funds.

*The meeting reconvened at 11.14am*

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

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

- Dale Rayner, Tasmania Fire Service (District Officer, Midlands District)
- Stacey Peters, Tasmania Fire Service (Field Officer, Midlands District)

Council raised concerns about the low number of volunteer membership within the Oatlands Volunteer Fire Brigade and how Council can assist in increasing volunteer numbers.

Dale Rayner advised that this issue is common amongst a number of brigades within the rural demographic but is committed to working with the local community, Council and the local brigade to identify target groups and try and attract volunteer members.

Dale Rayner further advised that he will consult with the Volunteer Recruitment Officer at Tasmania Fire Service to specifically target the Oatlands area and seek support on how to initiate interest within the community.

A number of questions and suggestions from Councillors were put forward and it was agreed that the General Manager and Dale Rayner liaise in the near future with potential strategies.

*Dale Rayner and Stacey Peters left the meeting at 11.40 a.m.*

*Brad Williams, Manager – Heritage Projects entered the meeting at 11.41 a.m.*

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

Nil.

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

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

### **12.1 DEVELOPMENT APPLICATIONS**

Nil.

### **12.2 SUBDIVISIONS**

Nil.

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

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

Nil.

### **12.4 PLANNING (OTHER)**

#### **12.4.1 COUNCIL SUBMISSION TO THE STATE GOVERNMENT REGARDING THE DRAFT STATE PLANNING SUBMISSIONS**

**Author:** A/MANAGER DEVELOPMENT & ENVIRONMENT SERVICES (D MACKEY)

**Date:** 18 MAY 2016

**Attachments:**

- 1. Submission on the State Planning Provisions
- 2. Tasmanian Planning Commission Info Sheet 3/2016

**Previously provided:**

- Draft State Planning Provisions and accompanying Explanatory Document (publicly available via the Tasmanian Planning Commission website)

## **ISSUE**

Endorsement of a submission to the Tasmanian Planning Commission in regard to the Draft State Planning Provisions.

## **PURPOSE**

In March 2016 the Tasmanian Planning Commission (TPC), at the direction of the Minister for Planning, released the draft State Planning Provisions (SPPs) for a 60-day public exhibition period. The SPPs will form the bulk of the pending Tasmanian Planning Scheme, which is likely to be introduced in 2017. Councils, along with members of the

public, have the opportunity to formally comment on the draft provisions, (refer Information Sheet from the TPC in Attachment 2).

On 26 April a Councillor Workshop was held to formulate a submission. The outcomes of this workshop are encapsulated in Attachment 1 (Part A).

Planning officers from the resource-sharing group of Councils have collated technical comments on the draft State Planning Provisions. These are included in Attachment 1 (Part B).

This report seeks endorsement from Council for the submission – both Part A and Part B.

Submissions were due on 18 May – prior to the council meeting. The submission has therefore been submitted to the Tasmanian Planning Commission, but with a note that it had not yet received Council endorsement. Any changes made by Council at the meeting within the decision to endorse the submission will be relayed to the Tasmanian Planning Commission.

## **THE PROCESS FOLLOWING CLOSE OF SUBMISSIONS**

Following the 18 May submission deadline, the TPC will conduct public hearings and formulate recommendations to the Minister for the finalisation of the SPPs. These provisions will form the bulk (perhaps 95%) of the future Tasmanian Planning Scheme.

In the second half of 2016 each Council will be required to draft its 'Local Planning Schedule' (LPS) and put it out for formal public notification.

Each council will then need to form a view on each submission it receives and provide a report to the TPC, which will hold public hearings for each Council's LPS. As each LPS is finalised and declared by the Minister, the Tasmanian Planning Scheme will come into force in that municipal area and the relevant interim planning scheme will be displaced.

Each Council's LPS will provide perhaps just 5% of the ordinance of the Tasmanian Planning Scheme for its municipal area. The rest will be the SPPs. However, very significantly, all of the mapping is also be part of the LPS. That is: all of the zoning maps and any overlay maps, (regardless of whether the State has directed, or even simply provided, some of these maps).

The drafting of the LPS later in 2016 will be a substantial task for each Council, as will the consideration of submissions flowing the public notification period.

Because the great bulk of the ordinance of future Tasmanian Planning Scheme will be constituted by the State Planning Provisions, it is important that Council consider the draft SPPs and provide a submission into the process.

*Clr Campbell left the meeting at 11.59 a.m.  
Clr Campbell returned to the meeting at 12.02 p.m.*

## RECOMMENDATION

THAT Council endorse the attached submission to the Tasmanian Planning Commission on the Draft State Planning Provisions.

## DECISION

*Moved by Deputy Mayor A Green, seconded by Clr E Batt*

**THAT Council endorse the attached submission to the Tasmanian Planning Commission on the Draft State Planning Provisions.**

## CARRIED

## DECISION

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

*Damian Mackey left the meeting at 12.08 p.m.*

**Attachment 1**

**SOUTHERN MIDLANDS COUNCIL SUBMISSION REGARDING THE DRAFT  
STATE PLANNING PROVISIONS**

**PART A – COUNCILLOR COMMENTS**

**4.0 Exemptions.**

*Vegetation removal for safety or in accordance with other statutes, (f):*

From powerlines, clearance should be exempt as necessary to make safe private or public powerlines.

The 2m distance provided in subclause (f) is inadequate and, in any case, there should be no distance limitation given the wide variation in the possible height of trees within 'striking distance' of powerlines and the risks (predominantly bushfire) associated with this issue.

*Vegetation removal for safety or in accordance with other statutes, (i):*

From fence lines, clearance should be exempt within 5m in the Rural and Agriculture zones, and within 3m in other zones.

The 3m distance provided in subclause (i) in rural zones would not be sufficient for the machinery needed for fence construction in many bushland areas. The 1.5 metres provided in other zones would not be sufficient for the lighter vehicles usually used in fence construction in those areas.

*Rain-water tanks and fuel tanks*

The 45kl capacity limit should be greater in the Rural and Agriculture zones. Working farms generally have significantly more capacity in their rainwater tanks. Ideally, all rain-water tanks should simply be exempt.

Fuel tanks should be treated separately to rain-water tanks, and be subject to a different exemption trigger point.

**12.0 Village Zone**

**12.2 Use Table**

Planning Authorities, in developing their local provisions, should be able to qualify various commercial uses so that they are permitted rather than discretionary if located in certain targeted areas within a particular village. For example: 'If located on Main Street'. It is unclear whether the TPS will provide for such local variation.

## **20.0 Rural Zone**

### Mapping of the Rural Zone:

Without zone mapping guidelines, Council found it difficult to fully consider the draft zone provisions. Southern Midlands has large tracts of land that would appear to be bushland, but are used as bush-run country for winter grazing and sheltering of stock. Such land should be zoned Agriculture rather than Rural.

Council notes that the State is pursuing a project to map the Tasmanian Agricultural Estate, which will assist in establishing the Rural Zone / Agriculture Zone boundary, and this is welcomed.

It is noted that guidance will be required as to what zone non-rural/non-agricultural titles that do not fit within any other zone are to be. Traditionally, the 'base rural zone' in Tasmanian planning schemes has been used for such titles and it is currently unclear whether the Agricultural Zone or the Rural Zone will be used in such localities.

In addition, it is noted that many properties contain titles that are partly 'agriculture' partly 'rural'. Council wishes to foreshadow a need to have split zone titles.

### *20.2 Use Table*

The Residential Use Class should explicitly allow, at the planning authority's discretion, for seasonal workers accommodation, (fruit pickers, shearers, etc.). It is currently uncertain as to what Use Class this type of accommodation would be in.

### *20.4.3 Access for new dwellings*

The requirement for a Part 5 Agreement between Council and landowners concerning private rights-of-way is opposed. This is a private property rights matter and Council (i.e.: public) resources should not be consumed umpiring private property matters.

### *20.5 Development Standards for Subdivision, P1:*

Subclause (b)(ii) requires a Part 5 Agreement to be registered on the title preventing the construction of a dwelling on a vacant balance lot. This will be problematic. The balance lot may be very large and may accommodate a substantial rural use, and a new dwelling may be desirable and appropriate for farm management, operation and security.

## **21.0 Agriculture Zone**

### Mapping of the Agriculture Zone:

Without zone mapping guidelines, Council found it difficult to fully consider the draft zone provisions. Southern Midlands has large tracts of land that would appear to be bushland, but are used as bush-run country for winter grazing and sheltering of stock. Such land should be zoned Agriculture rather than Rural.

Council notes that the State is pursuing a project to map the Tasmanian Agricultural Estate, which will assist in establishing the Rural Zone / Agriculture Zone boundary, and this is welcomed.

It is noted that guidance will be required as to what zone non-rural/non-agricultural titles that do not fit within any other zone are to be. Traditionally, the 'base rural zone' in Tasmanian planning schemes has been used for such titles and it is currently unclear whether the Agricultural Zone or the Rural Zone will be used in such localities.

In addition, it is noted that many properties contain titles that are partly 'agriculture' partly 'rural'. Council wishes to foreshadow a need to have split zone titles.

### *21.2 Use Table*

The Residential Use Class should explicitly allow, at the planning authority's discretion, for seasonal workers accommodation, (fruit pickers, shearers, etc.). It is currently uncertain as to what Use Class this type of accommodation would be in.

### *21.4.3 Access for new dwellings*

The requirement for a Part 5 Agreement between Council and landowners concerning private rights-of-way is opposed. This is a private property rights matter and Council (i.e.: public) resources should not be consumed umpiring private property matters.

### *21.5 Development Standards for Subdivision, P1:*

Subclause (c)(ii), which requires a Part 5 Agreement to be registered on the title preventing the construction of a dwelling on a vacant balance lot, is problematic. The balance lot may be very large and may accommodate a substantial rural use, and a dwelling may be necessary for an appropriate level of farm management, operation and security.

## **C7.0 Natural Assets Code**

### *Absence of State Policy Direction*

There is currently no legislation, regulation, policy, ministerial statement of expectation or other form of policy direction from the State that sets out a requirement for planning schemes to mirror, reflect or impose the provisions of the Threatened Species Act or the Nature Conservation Act.

It is understood that the view of the relevant State public servants is that the 2009 changes to the Forestry Regulations constitutes such a policy direction.

It is Council's submission, however, that this is not the case: The Forestry Regulations direct what the Forestry System does and does not do. They do not direct what planning schemes do.

Council submits that a clear policy statement from the State Government is necessary, by way of legislation, regulation, policy, ministerial statement of expectation or some other form of policy direction, before the proposed Natural Values Code is to be included in the TPS.

In the absence of a clear policy statement:

- Local Government will be unfairly blamed for imposing use and development restrictions on private land.
- There will be no democratic accountability for the decision to mirror / impose the provisions of the Threatened Species Act and Nature Conservation Act via planning schemes.

In further explanation of the above two dot points, it is noted that the code will apply via a planning scheme map overlay. Map overlays are defined, statutorily, as local provisions, not state provisions. It will therefore be the local Council that will be held accountable by landowners and developers for the impact of the Natural Assets Code.

The objective of the Resource Management & Planning System calling for '*the sharing or responsibility ... between the different spheres of government ...*' does not mean '*hiding responsibility*'. In any democracy there must be accountability for any restrictions and limitations placed on the rights of the citizens, and this must be to one of the levels of government, being constituted by the democratically elected representatives of the people.

The system should not be arranged so that Local Government elected members take political responsibility for policy decisions of the State Government, and certainly not for de facto policy decisions of State Government public servants.

*C7.2.1(xi)*

The General Residential Zone should be removed from the application of the Natural Values Code. The strategic decision that any natural values are not, on balance, worth protecting, should be made at the time of rezoning.

For land already zoned General Residential, the planning system should accept that any natural values thereon are already lost.

It is noted that the Zone Purpose for the General Residential Zone does not include protection of natural values.

The decision to apply the Natural Values Code to the General Residential Zone, albeit for subdivision only, appears inconsistent from a policy point of view with C7.6.2 A1(b) whereby up to 3,000m<sup>2</sup> of priority vegetation can be cleared as an Acceptable Solution in the Rural Living Zone.

*Council supports:*

The policy decision to exclude urban zones and the Agriculture Zone from the priority vegetation overlay is supported. Land in the various urban zones represents a very small percentage of the overall land mass and constitutes a limited and valuable resource. Recognising and protecting natural values on such land will land to increased urban sprawl, greater long-term impacts on the environment, inefficient services and extra costs for servicing.

The resource development in the Agriculture Zone need to be able to proceed unfettered by such considerations.

**PART B - OFFICER COMMENTS**

<b>GENERAL</b>	
Mapping of local planning provisions.	Any site specific measures in the local planning provisions should be mapped for transparency benefitting owners, planners and investors. Historically, schemes have hidden too many site specific provisions. With TheList and iplan, this is unnecessary and avoidable.
Structure of Code Performance Criteria.	Some code performance criteria mandate expert reports to be submitted. This raises a number of issues including <ul style="list-style-type: none"> <li>- Whether it is appropriate for a performance criteria to determine process</li> <li>- Whether the performance criteria are drafted with sufficient focus on the outcome</li> <li>- Whether the drafting places undue costs on applicants by removing the discretion of planner's</li> </ul> As an example, the landslide code provides a number of exemptions. But in the case of development that is exempt from building but not planning in a low or medium hazard band then C15.6.1 requires an expert report regardless of the context of the work proposed, which could be minimal if a building permit is not required.
Subdivision standards.	The southern IPS have not removed, in full, the need to refer back to Local Government (Building and Miscellaneous Provisions) Act 1993. For instance, the scheme defines frontage and minimum lot frontages, but does not clarify provisions in s109 of LGBMP that imply frontage via a right of way having to be exclusive to the lot. If LGBMP cannot be promptly and belatedly removed from the system, subdivision standards should be comprehensively revised to ensure that the planning scheme does in fact say otherwise (see s109 of LGBMP).
PD4-based Standards outside Greater Hobart	PD4 standards are inappropriate for application to established towns outside of Greater Hobart and to some existing suburbs in Greater Hobart <ul style="list-style-type: none"> <li>o Too high</li> <li>o Too dense</li> </ul> Local variation – GSBC – historical pattern of development minimised impact on amenity and valued characteristics of localities by being consistent in terms of scale and planning regulations. PD4 will do the same in new suburbs, but disturb that pattern in existing areas. There is nothing to say that this should not happen but there is no analysis to support a view that this is universally desirable.

<p>PD4-based Standards, generally.</p>	<p>The convoluted language and layered standards are unnecessary. Front setback standard could be streamlined to: The front setback of a habitable building shall comply with one the following: (a) No less than 4.5 from primary frontage (b) No less than 3.0m from secondary frontage (c) a lesser distance than (a) or (b) that is equal to or greater than the setback of the front wall of any existing habitable buildings on the lot or adjoining lot The definition of setbacks could exclude minor protrusion, avoiding the need for ad nauseam repetition.</p>
<p>Subdivision Standards, generally.</p>	<p>The repetition of 8.6.1 A1 (b) (c) and (d) could be removed by these clauses forming part of section 7.0. There is no consideration of urban design or outcomes, particularly evident in the frontage standard. Provisions are purely functional and the individual lot level. Subdivision is an appropriate level to consider place making. Should densities be increased or decreased in response to local topography, views, vegetation, infrastructure or other features. If a Planning Authority ever desires such an outcome it is at a loss to require it.</p>
<p>Outbuildings</p>	<p>Outbuildings should not be considered as sensitive use for the purposes of the use standards. This could be achieved by exclusionary clauses in the use standards or by a significant broadening of the exemptions. Outbuildings in a rural type zone are rarely, if ever, problematic and should be exempted in full or substantially greater individual and cumulative floor areas than proposed. It should be recognised that the practical difference between a residential outbuilding and a farm building in the curtilage of a house is minimal.</p>
<p>Use: Natural and Cultural Values Management</p>	<p>The use is defined in rather vague terms yet it is one that is rarely applicable. The consistent treatment of this use of no permit required is not considered, where for instance it is NPR in a commercial zone. The use seems to conglomerate a range of activities that are perhaps best addressed by activity based exemptions, rather than use. Rarely, do NRM or heritage management activities constitute a use in of itself. Or, potentially, incorporated into the concept of useless development.</p>
<p>Exemptions</p>	<p>The structure of PD1 does not assist well if the criteria for the exemption are exceeded. How do we assess a hot water cylinder located to the front of a building, what standards apply? In many ways these discrete issues would be better managed by mechanisms that describe what criteria are to be met if they are exempt, permitted or discretionary and, if discretionary, what criteria should apply.</p>
<p>Application Requirements</p>	<p>Rather than split the provision of title information between must and maybe, it is submitted that there is no need for title information at all. Councils have unrestricted access to this information. The information does not enhance or restrict a third parties ability to comprehend a proposal and make an</p>

	informed position on any impacts. It may however reveal otherwise private information for public consumption such as financial arrangements set out in a Part 5 Agreement, name of owner or nature of any unique covenant
Development not categorised by use (cl 6.2.6)	The concept is supported. However, uncategorised development should be assessed in a self-contained code or general provision. The uncategorised developments are limited too discrete activities but only subdivision, signs and coastal protection works, and retaining walls in terms of exemptions, have specific development standards. For each uncategorised development there ought to be a specific standards to ensure consistency in the exercise of discretion and ensure assessment is against relevant provisions.
Demolition	Demolition should be discretionary in commercial zones to allow for consideration of streetscape and activity centre policies and be permitted in other zones.

**DRIVE FOR COMPLETE CONSISTENCY WILL NOT PRODUCE ‘SIMPLER, FAIRER, CHEAPER’ OUTCOMES**

It is considered that the desire for consistency is being expressed solely as making the outcome consistent, rather than the process. Too much emphasis is placed on having one standard for all situations regardless of context, different environment values or, importantly, how past regulation has established existing patterns of development. Too little emphasis is place of determining why this is appropriate. Consistency in process can be achieved with a small amount of variation in development standards. This allows local planning provisions to target standards to address issues properly. The demand for sameness will have three outcomes;

1. standards are too onerous and too many discretions unnecessarily evoked, such as side setbacks in the low density residential zone
2. standards are too loose and provide avenues for unrealistic development leading to unnecessary agitation for communities and their planning authorities
3. there will be no noticeable effect.

Rather than riding your luck and landing on three, planning authorities ought to be given some ability to mitigate outcomes 1 or 2 through sensible, but minimal, variations in key standards particularly minimum lot size, setback and height.

Equally, long standing development standards such as Glamorgan Spring Bay’s former height and setback provisions for coastal lots ought to be able to be carried forward. For the best part of 20 years development of coastal lots was determined by these standards. Housing has been constructed with an understanding of restrictions and removing those provisions can be significant impact to existing development that is designed with an awareness of now changed rules to adjoining land. Equally it is not considered that local provisions such as this undermine consistency.

The desire for consistency clearly has primacy. Desires for faster or cheaper will not be delivered under the Planning Scheme Template for Tasmania or LUPAA.

<b>SPECIFIC PROVISIONS</b>		
<b>Clause/Section</b>	<b>Issue</b>	<b>Proposed Solution</b>
3.1.3 Definitions	“home based business” – should have a limitation on number of customers.	Add: (l) no more than the occasional customer.
3.1.3 Definitions	“Building area” – Includes the words “where all buildings will be located”. This is not desirable. Every new lot should not require a building envelope on the title. The subdivision provisions regarding building area at the zone level are that there is a suitable area in the lot. It is only at the code level that building envelopes may in fact be required and this can be achieved by conditions.	The clause should read “where buildings could reasonably be located”.
3.1.3 Definitions	“Cinema” – Includes the words “to persons for reward”. This phrase is used in isolation which could lead to uncertainty but in any case is unnecessary. Other land use definitions could, but do not, specify this – on the basis that a land use is a land use, regardless of whether a person is receiving payment.	Omit “to persons for reward”.
3.1.3 Definitions	“Crop Production” – Unnecessary. Serves no practical benefit or clarifies any aspect of the Resource Development use class definition and addresses half of what is covered by the definition of Agricultural Use. It is not used in the scheme.	Omit.
3.1.3 Definitions	“Family day care” – The proposed intervention to reduce the number of children permissible in a family day care centre is opposed. The planning system has no role to play. The federal standards allow 1 educator to 7 students with a maximum of four students under preschool age. Such centres are prevalent throughout the state. They are not problematic. The restriction is devoid of logic. This clause is evident of the lack of policy or analysis undertaken and the arbitrary nature of clauses derived from opinion rather than fact	Amend the definition to: “means use of land for family day care or outside school hours care”.
3.1.3 Definitions	“Land filling”	Exclude “associated with approved building foundations”.
3.1.3 Definitions	“Local Shop” – Restrictions on scale, if necessary, belong in the use standards not the definition. There is no flexibility.	Move scale restrictions to Use Standards.

3.1.3 Definitions	“Public open space” - Different to the meaning in Local Government Act 1993. Why ?	
3.1.3 Definitions	“Serviced Apartment / Visitor Accommodation”. The definition essentially captures all forms of visitor accommodation other than a camping, B&B or hotel. Most facilities are furnished and self-contained. The issue here is that the use class lists a number of examples that must, somehow, be different. Arguably, Serviced Apartment is not required. Terms can be defined for camping, B&B and hotel and the remainder can rely on the use class.	
Table 4.1 Exemptions	<p>“Utilities”</p> <ul style="list-style-type: none"> <li>• (c) overlaps with (b)</li> <li>• If some legislation is exempted, should not all relevant legislation be referred to?</li> </ul>	<p>(c) should read “stormwater infrastructure provided by a stormwater service provider”. Treatment of stormwater by way of temporary holding or delayed flow should be exempt The Tasmanian Irrigation program should be exempt. It is a utility and subject to a number of other pieces of legislation, including the water management act and EPBC.</p>
Table 4.1 Exemptions	<p>“Minor infrastructure” – does not include ‘landscaping’. (Note that the “landscaping and vegetation management” exemption only applies to certain kinds of land.)</p>	<p>Add: ‘landscaping’.</p>
Table 4.1 Exemptions	<p>“landscaping and vegetation management”: “Private garden” is not defined. Does this mean a backyard? If a private garden is not a backyard then there needs to be assessment standards in zones.</p>	<p>Provide a definition of ‘private garden’ in 3.1.3 to clarify it includes backyards.</p>
Table 4.1 Exemptions	<p>“retaining wall”</p>	<p>For cases where retaining walls do not meet the exemption benchmarks, there will need to be standards within zones, or an assessment clause within 7.0 General Provisions.</p>
Table 4.1 Exemptions	<p>“Roadworks”</p> <ol style="list-style-type: none"> <li>a. Should include construction of a new road within an existing road reservation. Planning functions alongside road infrastructure providers rather than as an overseer.</li> <li>b. Should include sealing of an existing road</li> <li>c. Should clarify the meaning of traffic control devices to include roundabouts</li> </ol>	<p>Include:</p> <ul style="list-style-type: none"> <li>• Construction of a new road within an existing road reservation. Planning functions alongside road infrastructure providers rather than as an overseer.</li> <li>• Sealing of an existing road</li> <li>• Clarifying that the meaning of traffic control devices to include roundabouts</li> </ul>

Table 4.1 Exemptions	“Minor infrastructure”: “Public land” has a particularly meaning under the Local Government Act 1993 which is narrower than the intent. The scope of activities is clearly public in nature and the status of the land does not appear to be particularly important in the content.	Deleted “on public land”.
Table 4.1 Exemptions	Low capital cost Council activities: Should be up to a threshold of \$1 million excluding the Environmental Management Zone, equivalent to the Victorian system. Capital expenditure by Council is determined transparently by democratically elected representatives. The specific of the capital programs are planned and designed by qualified staff against a comprehensive list of Australian Standards, State legislation and Council policies. There is no practical benefit in the planning system controlling such processes, aside from the exposure of Council decisions to third party appeal rights. The system recognises that LUPAA does not value add to the outcomes of essentially all infrastructure providers, except for Councils.	Consider exempting Council activities in appropriate circumstances and ensure infrastructure providers are afforded a similar extent of exemptions to enable them to preform basic maintenance and provision consistent with core services.
Table 4.1 Exemptions	‘Vegetation removal for safety or in accordance with other acts’: Subclause (f) states that removal of vegetation within 2m of a powerline is exempt. This is inadequate and will result in safety compromises.	Remove ‘powerlines’ from (f), and include add the following to (h): ‘ ... including the removal of vegetation necessary to make safe private or public powerlines.’
Table 6.2 Use Classes	A “bakery” should be an example under food services (there has been issues with categorising as Resource Processing).	Add: ‘bakery’ to examples listed in the definition.
Table 6.2 Use Classes	“Resource Processing” does not include ancillary food and drink sales.	Add: ‘Includes the ancillary use of display and sale of products and the preparation and sale of food and drink directly related to the use for consumption on or off the premises’.
6.11.2 (f) Conditions on a Permit.	Wastewater treatment/disposal is not included in the list of matters for which conditions or restrictions can be applied.	Add to point (iv)...’, including wastewater treatment and disposal’.
6.11.2 Conditions on a Permit.	Landscaping is not included in the list of matters for which conditions or restrictions can be applied	Add: ‘(v) provision of landscaping’.

7.4 Change of Use of a Local Heritage Place	A heritage place listed in the scheme has the benefit of flexible use potential whereas a place listed only on the Tasmanian Heritage Register (and not also on the planning scheme list) does not.	Expand 7.4 so that it applies to places on the Tasmanian Heritage Register and Local Heritage Places.
8.1 GR Zone Purpose	Diversity in multiple dwellings	Add: '8.1.4 To provide for multiple dwelling developments that provide diversity in dwelling type, size and form and integrate with the character of the area.' Renumber existing 8.1.4 to 8.1.5.
8.1.4 GR Zone Purpose	Reference to not displacing a residential use is unnecessary. 8.1.3 (a) adequately addresses the issue by ensuring non-residential use primarily services the local community; thereby any displacement cannot be viewed as unreasonably displacing a residential use.	Remove 8.1.4
8.2 & 9.2 GR and IR Zones Use Table	It is in the public interest for substantive multiple dwelling proposals to be discretionary. Two is acceptable, but three or more should be discretionary.	Change Permitted "Residential" qualification to 'If for two dwellings'. Add Discretionary "residential", qualification: "if for three or more dwellings".
8.4.2 A3(b) and GR Zone Diagrams 8.4.2A, B & D. (Also applies to IR Zone)	It appears side and rear setbacks are treated the same in the standards. However the diagrams indicate a 1.5m rear setback and zero side setbacks.	Change the diagrams for the building envelopes to abut the rear boundary.
8.4.3 A1 & A2 GR Zone	A multiple dwelling requires 60m <sup>2</sup> of private open space and a normal dwelling only 24m <sup>2</sup> . Gradient of 1 in 10 is unnecessarily onerous	Delete A1 (b)

<p>8.4.3 A2 (c) GR Zone</p>	<p>Private Open Space in frontage should not be an Acceptable Solution as it is not “private”.</p> <p>Should be “not located between the dwelling and the frontage”... otherwise not “private. Could be located in this position as a discretion. Or if can be adequately screened to 1.8m if consistent with streetscape.</p>	<p>Add to AS: “is not located between the dwelling and the frontage”</p> <p>Move from AS to PC: “is located between the dwelling and the frontage only if adequately screened from public view and the frontage is orientated between 30 degrees west of north and 30 degrees east of north”.</p>
<p>8.4.7 A1 GR Zone</p>	<p>The front fence AS is the same as the front fence exemption. This becomes confusing between exemption and NPR.</p>	<p>Amend to provide for this as either an Exemption or No Permit Required.</p>
<p>Missing re: substantive multiple dwelling developments. GR Zone.</p>	<p>Need ability to require landscaping for substantive multiple dwelling developments.</p>	<p>Add a landscaping standard:</p> <p>Add AS: Developments with three or more dwellings must have landscaping:</p> <ul style="list-style-type: none"> <li>a) Along the perimeter of the driveway and frontage; and</li> <li>b) Along the perimeter of one of the sides of the POS, including a suitable tree that has a mature height of at least 3m.</li> </ul> <p>Add PS: Developments with three or more dwellings must have landscaping that:</p> <ul style="list-style-type: none"> <li>a) Adequately softens the development in the streetscape; and</li> <li>b) Contributes to the enhancement of the character of the area.</li> </ul>
<p>8.5 GR Zone</p>	<p>Clarify whether outbuildings can be assessed as a “residential” use if there is no dwelling approved on the land.</p>	<p>Clarification needed.</p>
<p>8.6.1 A1 GR Zone</p>	<p>Need “or” between a, b, c and d.</p>	<p>Add an “or” between a, b, c and d.</p>

8.6.1 A2 & 8.6.2 P1 GR Zone (And all zones)	Need to discourage internal lots.	Reintroduce the internal lot standards from Southern Interim Planning Schemes.
8.6.2 P1 GR Zone (And all zones)	Need ability to required roads to be landscaped with street trees.	Add: 'Roads are landscaped to enhance the character of the area.'
8.6.1 P1 GR Zone subdivision	Performance criteria should reflect density provisions for multiple dwellings at 8.4.1 P1. le proximity to public transport should be a justification for higher densities of subdivision as it is for units.	Add 8.4.1 P1 (b) (i) and (ii) to 8.6.1 P1
8.6.3 A3 GR Zone subdivision	Stormwater design should provide for the entire lot rather than a nominal building area. Otherwise lots are partially serviced and impede future use and development	Replace "building area" with "lot" at 8.6.3 A3
9.4.1 IR Zone	Site area per dwelling, if necessary, would be more effective as being no more than rather than no less than	Replace 9.4.1 A1 with "Multiple dwellings have a site area per dwelling of no more than 325m <sup>2</sup> "
10.4 LDR Zone	Provisions ought to reflect the role that this zone plays at the top of zoning hierarchy for some municipal areas, and the need to retain permitted pathways in most instances. The zone is designed for larger lot application but is required to be used in unserviced coastal settlements that often have existing subdivision patterns comparable to serviced areas. The result will be an excessive proportion of discretionary applications in these settlements.	Re-draft the zone and provide flexibility for standards to suit larger lot and unserviced residential locations.
10.4 LDR Zone	The drafting language of the zone is improved significant by departing from the PD4 approach. There is no overriding need to maintain a division between dwelling and non-dwelling development, it is an unnecessary complication that can be avoided by ensure that the standards are tailored to the characteristics of the lot, particularly given that the distinction does not expand requirements on commercial buildings to give a greater consideration to streetscape and urban design	
10.4.1 LDR Zone	References to natural or landscape values - Clause 10.4.1 P1.2 b makes reference to this despite the lack of any reference either the objective at 10.4.1 or the zone purpose. Reference to these values	

	is not provided in any subdivision standard where arguably it is of more utility.	
10.4.3 A1 LDR Zone	THE LDRZ is applied to a number of shack communities with small lots e.g. White Beach, Spring Beach, Eaglehawk Neck, where an 8m front setback is not practical and will result in an excessive number of discretionary applications.	Allow local planning authorities to vary the standard front setback. For example, to 4.5m to reflect existing zone standards in some localities.
10.4.3 A2 LDR Zone	As above, for side and rear setbacks. Unless there is some local flexibility in the Tasmanian Planning Scheme it will result in an excessive number of discretionary applications.	Allow local planning authorities to vary the side and rear setbacks. For example, to 1.5m to reflect existing zone standards in some localities.
10.6.2 P1 LDR Zone	Provide of local planning authorities to require street trees in new streets.	Add: 'Roads are landscaped to enhance the character of the area.'
10.6.2 A1 LDR Zone	Need tables allowing for different minimum lot sizes based on level of servicing and local character, and reflecting existing and long established subdivision provisions for local areas.	Add to AS: A table that allows the specification of minimum lot sizes for local areas. (For example: Area A, B, C etc. 1500m2, 2000m2, 4000m2).
11.2 RL Zone Use Table	Use Table – Food Services and Vehicle Fuel Sales and Service not appropriate in the Rural Living Zone.	Delete from Use Table.
11.2 RL Zone Use Table	Sport and recreation qualification of 'outdoor facility' isn't the defined term in PD1	
11.5.1 A1 RL Zone Minimum Lot Sizes	There should be other lot size options of 5000m2 and 4 ha.to enable the established character of existing areas to be continues, if deemed appropriate by the local planning authority.	Add to AS: A table that allows the specification of minimum lot sizes for local areas. (For example: 5000m2, 1 ha, 2ha, 4ha).
12.2 Village Zone Use Table	Use Table – Permitted 'Food Services' should have drive-thru qualification. This should be discretionary.	Add qualification for the Permitted Food Services: 'Except if a drive through'. Add 'Food Services' to Discretionary with qualification: 'Except if Permitted'.

12.4 Village Zone Subdivision	Standards should reflect serviced and unserviced application of the zone	
13.2 Urban Mixed Use Zone	Manufacturing and process use qualification is “for alterations to an existing use”. Question the practicality of this in light of clause 7.2	
14.2 LB Zone	Transport Depot and Distribution use qualification. “For distribution of goods to or from land within the zone”. This phrase is confusing, it appears to say that distribution inwards or outwards is fine but it does not simply say “for distribution”.	
18.4.1 LI Zone	Height standard. Appears too low for industrial purposes. If it not clear what adverse impacts are envisaged due to height in an industrial zone or how bulk and form would affect another industrial use. Presumably there is a streetscape concern behind these provisions.	Suggest. Building height must be not more than 10m within 10m of a boundary or 12m otherwise.
18.4.2 LI Zone	<p>Front setback standard. The rationale for 5.5m is not clear and nor is its relationship to the performance criteria focus on providing space for access, parking and loading which are design outcomes that are only related if it is desired to park in front of the building line. In terms of a streetscape, a more effective and efficient, in terms of avoiding unnecessary discretions, is to delete 18.4.2 A1 a) and expand c) to “no more or less than the respective setbacks of the closest adjacent buildings to either side”</p> <p>The standards collectively appear to promote a urban design outcome, as height, bulk, form, or setback of an adjoining site are typically irrelevant to the operation of an industrial activity. This should be supported by a zone purpose statement:</p> <p>“To provide for a good standard of urban design through landscaping, architectural detail and siting of building bulk away from the street and adjoining land”</p>	
18.5 LI Zone	Frontage of 20m is insufficient for turning of semi articulated vehicles. 25 should be specified for the frontage. The building	Suggest frontage be 25m and minimum lot dimensions be 25m x 40m

Subdivision	area is not the critical issue given a 1000m <sup>2</sup> minimum lot size, rather the lot dimensions should be a minimum of 25 x 40.	
18.5 LI Zone Subdivision	Road design should consider circulation of semi-articulated vehicles	Add a road design standard
20.1 Rural Zone	No reference to protecting timber or mineral resources or for lesser significant environmental and landscape values	
20.2 Rural Zone Use Table	There is community expectation that Extractive Industry, Motor Racing Facility, Recycling and Waste Disposal will be discretionary. This is needed as the Rural Zone will likely be the zone that covers not only genuine 'rural land' but also all other land that does not fit within any other zone. There are many examples of small clusters of de factor rural living lots on which these uses will be inappropriate or, at least, in need of the discretionary process. A solution would be to keep these uses 'Permitted' but add the qualification that the applicable Attenuation Distance is contained within the subject title, otherwise it is discretionary.	Keep these three uses as discretionary, but add the qualification: 'Only if the applicable Attenuation Distance is contained within the subject title. Add these three uses to Discretionary, with the qualification: 'Unless permitted'.
20.3.1 P1 (a)	Use of 'adjoining' is too limited. It precludes a discretionary use that may serve a broader area without causing settlement impacts	Delete "adjoining"
20.4.2 Rural Zone Setbacks	The 5m setback is too small as an AS, especially as this zone will likely be the zone that covers not only genuine 'rural land' but also all other land that does not fit within any other zone.	Change AS to 10m.
20.5.1 A1 Rural Zone Subdivision minimum lot sizes.	The minimum lot size of 40ha constitutes a major strategic change for areas where the minimum lot size is substantially larger, and particularly for areas where the existing planning scheme prohibits further fragmentation of rural land. In many cases, 40 hectare lots will be no more than large rural living lots. The minimum lot size is arbitrary and based on (some) historical approaches used throughout the State. It is unrealistic to think that every 40ha lot can provide for the sustainable operation of a use. The standard poses a significant risk of further baseless fragmentation of rural land contrary to the southern regional land use strategy. 20.5.1 P1 a) should be expanded upon as per the	Add to AS: A table that allows the specification of minimum lot sizes for local areas. (For example: 40 ha, 80 ha, 100 ha, 'no further subdivision').

	<p>agricultural zone to offer guidance on what is relevant in establishing what is a sustainable operation and the 40ha either removed or significantly increased to ensure a proper assessment of the land and its potential occurs.</p>	
<p>20.5.1 P1 Rural Zone Subdivision</p>	<p>Remove excision (P1 (b)). Rural areas have been excessively fragmented over the years through similar subdivision areas, undermining local and regional settlement strategies and building demand for public services where they are expensive to provide. This return to the past is inappropriate. There is no clear community demand for this type of provision to return or for it to be significantly expanded in scope beyond the original intent of enabling farmers to retire in situ. The clause is internally inconsistent through the prohibition of housing on any new lot despite the discretion in other circumstance. Either housing is or is not necessary to support rural or agricultural use and the scheme needs to be clear on this.</p>	<p>Delete (b) from P1.</p>
<p>20.4.3 and 21.4.1 Access for new dwellings in the Rural and Agriculture Zones</p>	<p>The need for a Part 5 Agreement covering the right-of-way is not necessary and highly problematic.</p> <ul style="list-style-type: none"> <li>• No application could be made without all interest parties being subject to the Part 5. Why would anyone not wishing to get approval for the house want to be involved? Effectively a prohibition.</li> <li>• Why should the local Council commit itself to being the umpire, for ever more, between private landowners in a private property rights matter?</li> <li>• If deficiencies exist with the management of rights of way, then they should be resolved by legislation.</li> <li>• Whilst subclause (b) provides a useful set of criteria to ensure the adequacy of access at the DA assessment stage, the ongoing maintenance obligations are not a proper planning purpose and belong in land title law.</li> </ul>	<p>Remove the reference to Part 5 Agreements.</p>

<p>20.5.2 Rural Zone Water reticulation connection.</p>	<p>Rural-zoned land is very unlikely to be connected to reticulated water. If it is, it should be potentially be zoned otherwise to make more efficient use of the resource. If it is in a serviced area, the scheme should leave the choice of whether to connect to the subdivider.</p>	<p>Delete 20.5.2 in its entirety.</p>
<p>21.1 Ag Zone Purpose</p>	<p>21.1.3 is useful but support can be interpreted in a narrow sense, such as allowing a distribution facility to transport produce out of an area. Expansion of economic output from rural and agricultural land is what is desired, potential through new opportunities associated with food tourism which are better seen as building upon, rather than supporting, agricultural use.</p>	<p>Suggest rewording 21.1.3 as “To provide for use or development that supports or enhances agricultural use”.</p>
<p>21.2 Ag Zone Use Table</p>	<p>The full range of residential use types is allowable, under discretion, subject to meeting the applicable use standard. This is too broad and a qualification should be inserted into the Use Table.</p>	<p>Add a qualification to the Use Table: ‘Only if ancillary to Resource Development, such as seasonal workers accommodation and rural workers’ dwellings’.</p>
<p>21.5.1 P1 Ag Zone Subdivision</p>	<p>The subdivision provisions have great potential for abuse wherein rural living lots are created under the guise of agricultural lots. In Southern Tasmania, many examples exist where similar provisions in some previous planning schemes have been used this way, with proponents prepared to fund any and all necessary reports from suitably qualified persons to achieve approval. Once the subdivision is approved and the lots sold, it is common for the mooted agricultural enterprises to never commence.</p>	<p>It is very difficult, if not impossible, to tighten these types of clauses to minimise abuse. The need for these types of clauses should be reconsidered. In reality, in most agricultural areas of the state there are numerous existing small lots. People with genuine intent to establish new agricultural enterprises that require only small areas of land tend to find these.</p>
<p>21.3 P3 (b) (ii) Ag Zone</p>	<p>Clause 21.3 P3 (b) (ii) states that a lot “is not capable of being included with other agricultural land (regardless of ownership) for agricultural use”. The meaning is unclear.</p>	<p>Amend to: “is isolated from any agricultural land and incapable of adhesion or other means of conglomeration with agricultural land”</p>
<p>22.4.1 P1 LC Zone</p>	<p>No provision for built form and design to mitigate impact.</p>	

24 Major Tourism Zone	The “Major Tourism Zone” should be modified to become just a “Tourism Zone”. The rejection of many Major Tourism Zone sites by the State that were put forward in the southern draft interim schemes has resulted in substantial tourism sites being inappropriately zoned Low Density Residential. Whilst small-to-medium sized tourism ventures should be appropriately accommodated in most zones, more substantial tourism sites should be recognised by a specific zoning that provides clear strategic purpose, enables reasonable additions and expansion to have permitted statutes and provides certainty to investors.	Amend the ‘Major Tourism Zone’ to the ‘Tourism Zone’ and direct that it may be applied more generously than the existing ‘Major Tourism Zone in the interim schemes.
C2.0 Parking and Sustainable Transport Code	The code makes clear a distinction between new and existing requirements where the number of spaces is concerned. It does not do this for the design and construction requirements, and should where the proposal relates to an extension to an existing facility that generates additional car parking.	Suggest C2.2 include “Clause C2.6.1 and C2.6.5 does not apply to extensions to existing use or development where any increase parking requirement required by C2.5.1 is less than 20% of existing car parking onsite.
C7.6.1 Natural Assets Code	There is no relationship between A1 and P1. For instance, A1 (b) is to not impede the flow of water meaning don’t be in the stream, yet P1 (a), (b), (c) are all in the context of streambank impacts	
C7.6.2 Natural Assets Code	The provisions rely on all biodiversity having equal significance. Clearly, an impact to one particular species or community will be greater than another given differences in scarcity. The code should reflect differences in the significance of priority vegetation and set a higher bar for more significant elements.	
C7.6.2 Natural Assets Code	7.6.2 P1 (b) appears irrelevant give 7.6.2 P1 (a) requires minimisation only. (b) is only necessary where there is an overriding public benefit warranting an impact that should otherwise be avoided. (a) does not consider avoidance.	
On-site wastewater	On-site wastewater needs to be considered at the planning application stage on lots below a certain sizes in zones with no reticulated services	Add AS to relevant zones: ‘For lots less than 1500m2 it must be demonstrated that an on-site wastewater system can be contained

	<p>This could be achieved in a 'light' (but possibly deficient) approach by including an AS/PC in relevant zones.</p> <p>Or, <b>as an alternative</b>, a reduced statewide scope code (in comparison to the southern IPS code), could recognise the potential to consider cumulative impacts and should be strict in its application to residential or visitor accommodation, given the potential for complex scenarios associated with non-residential use to be address solely through the normal plumbing process, given potential for trade-waste and more complicated issues that cannot be addressed well by uniform planning language and processes</p>	<p>within the property.'</p> <p>Add PS: There is no Performance Criteria.</p> <p><b>An alternative:</b> Add a small-scope onsite wastewater management code with application to smaller, e.g. &lt;1500m2 lots, that enables the planning process to formally and simultaneously consider the physical design of both buildings and onsite wastewater systems and their potential for offsite impacts. .</p>
<p>Landscaping</p>	<p>There is a need for landscaping across multi-dwellings and other non-dwelling developments in urban zones.</p> <p>Landscaping could be done under 6.11.2 'Conditions and Restrictions on a Permit', however this may not provide planning authorities with a sufficient level of control. , however developers should know it's a requirement and it should have its own standard. Alternatively, a landscaping clause could be inserted in 7.0 General Provisions, which would provide planning authorities with greater ability to proactively require landscaping within appropriate developments in appropriate zones.</p>	<p>Include a landscaping general clause within 7.0 General Provisions specifying that certain kinds of development (e.g. multiple dwelling development for three or more dwellings) in certain zones (i.e. the 'urban zones') need to include landscaping.</p>
<p>Stormwater</p>	<p>Council staff have assisted with the preparation of a draft stormwater code by the Derwent Estuary Program. The code has merit and would seem necessary to provide an immediate response to legislative issues that do not appear to enable a drainage authority to adequately preform its functions during the development process.</p> <p>An alternative, (and preferable), approach is to pursue legislative amendment to create a TasWater-like referral and decision making role for drainage authorities. Any code will have issues as it necessitates providing a decision making path in planning language on an issue that is purely technical in nature. A referral process would retain appeal rights if the managers of the planning system deem that to be a necessary limit on a drainage authority's authority.</p>	<p>Add a stormwater code (DEP-developed) or pursue legislative amendments (preferred).</p>

## Information Sheet 3/2016

**Subject:** Consultation and consideration of the draft State Planning Provisions

**Purpose:** To provide information about the Commission's process for consultation and consideration of the draft State Planning Provisions

### **Introduction**

The Minister for Planning and Local Government has approved the draft State Planning Provisions (SPPs) for exhibition under section 21 of the *Land Use Planning and Approvals Act 1993* (the Act).

The Act requires the Commission to make the draft SPPs available for comment, then to consider the SPPs and report back to the Minister [sections 24 and 25].

### **Background**

The Minister formed a Planning Reform Taskforce in 2014, which was given the task of preparing the Tasmanian Planning Scheme to provide a single planning scheme for Tasmania.

Amendments to the Act took effect on 17 December 2015 and provide a process for the introduction of the Tasmanian Planning Scheme.

The Tasmanian Planning Scheme comprises the State Planning Provisions (SPPs) and Local Planning Schedules (LPSs). The SPPs are confined to administrative, zone and code provisions, and specifications for LPSs. LPSs include Particular Purpose zones, Specific Area Plans, Site Specific Qualifications, zoning maps and overlays.

The Commission's present task is limited to consideration of the draft SPPs.

Consideration of draft LPSs will follow once Planning Authorities have prepared and submitted their LPSs to the Commission. Submission of the first draft LPSs is expected in late 2016.

### **Comments on the draft State Planning Provisions**

Any person may make a comment in writing about the draft SPPs during the **60 day period commencing Tuesday 15 March 2016 and up until close of business Tuesday 18 May 2016** [section 22].

The draft SPPs can be obtained by downloading them from the Commission's website ([www.planning.tas.gov.au](http://www.planning.tas.gov.au)) or viewing them at the Commission's office on Level 3, 144 Macquarie Street, Hobart during office hours.

Hard copies are not available but an electronic copy of the draft SPPs and other relevant documents can be provided on CD (free of charge) if you have difficulty in accessing the online versions.

The Commission is required to make available for viewing:

- the draft SPPs;
- the Minister's Terms of Reference;
- any explanatory document; and
- any incorporated documents [section 22(5)].

The Terms of Reference have been prepared by the Minister [section 17] and concern the draft SPPs. An explanatory document has been provided to the Commission by the Minister. Incorporated documents are external documents relied upon in the draft SPPs. They help interpret the draft SPP provisions.

### **The Commission's consideration**

After the period for comments closes, the Commission has 90 days to consider the draft SPPs and report to the Minister. The Commission may request the Minister grant an extension of time to complete this task [section 25].

The terms of the Commission's consideration are set out in the Act [section 24] and include the need to consider the comments received. The Commission may hold public hearings as part of this task. If you have made written comments, the Commission will contact you about the next steps, including any hearings. Even if you did not make comments, the Commission's hearing processes are public and it will notify any hearings in the newspaper so that you may attend.

In its report to the Minister the Commission will make recommendations about the draft SPPs and advise the Minister if it considers the draft SPPs meet the criteria set out in the Act. This process includes scope for the Commission to make modifications to the draft SPPs and recommend a modified version to the Minister.

### **Minister's decision**

The decision about whether to proceed with the SPPs and in what terms, is a matter for the Minister [section 26 and 27]. The Minister is required to notify his decision in the Government Gazette. The SPPs come into effect on the day they are notified in the Gazette [section 29].

The SPPs have practical effect only when there is also a LPS in effect for a Council area.

### **Further information**

If after viewing the draft SPPs, the explanatory document (setting out the purpose of the draft SPPs) and other documents, you require further information about the content of the draft SPPs, please contact the Manager, Planning Policy Unit, Department of Justice by emailing [planning.unit@justice.tas.gov.au](mailto:planning.unit@justice.tas.gov.au).

Enquiries about the processes for consultation and consideration of the draft SPPs can be directed to the Tasmanian Planning Commission as follows:

**Telephone:** (03) 6165 6828  
**Email:** [tpc@planning.tas.gov.au](mailto:tpc@planning.tas.gov.au)  
**Website:** [www.planning.tas.gov.au](http://www.planning.tas.gov.au)

Greg Alomes

**Executive Commissioner**  
**Tasmanian Planning Commission**

March 2016

## **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**

**Author:** MANAGER WORKS & TECHNICAL SERVICES (JACK LYALL)

**Date:** 20 MAY 2016

## **ROADS PROGRAM**

### **Traffic Counts**

Following purchase of the “MetroCount Traffic Executive” traffic counter, this has since been installed on Eldon and Yarlington Roads.

The following summary of the count is provided, noting that a sample report will be tabled at the meeting. The report provides a considerable level of additional information, including travel times, vehicle speeds, class of vehicles (based on the AusRoads vehicle classifications) and vehicle direction.

- Eldon Road - period 3/5/16 to 10/5/16 – total of 1025 vehicles travelled on Eldon Road
- Yarlington Road – period 11/5/16 to 17/5/16 – total of 841 vehicles (adjusted to ensure direct time comparison to Eldon Road)

Native Corners Road is the next scheduled road.

Maintenance grading is underway in the Rhyndaston and Tunbridge areas. Both graders are now working.

Drainage works are commencing on Monday, 23<sup>rd</sup> May 2016 on Woodsdale Road.

Widening of Green Valley Road, Bagdad has commenced and progressing well.

## **BRIDGE PROGRAM**

The Wattle Hill Road bridge has been installed and awaiting on guard rail to be fitted.

## **WASTE MANAGEMENT PROGRAM**

All sites are operating well.

## **TOWN FACILITIES PROGRAM**

General Maintenance is continuing.

## QUESTIONS WITHOUT NOTICE TO MANAGER, WORKS & TECHNICAL SERVICES

- Road Counter - Native Corners Road summary - approximately 1300 vehicles over a 7 day period. It was suggested that Woodsdale Road be scheduled as part of the forward program. This will require multiple reading locations to identify exact traffic movements.
- Clr Campbell – Inglewood Road near viaduct - 2 large potholes (maintenance required).
- Clr Campbell – Issue from residents regarding Whynyates Street and flooding of the road in a particular area. It was yet again confirmed that this is not a Council maintained road and the residents need to consider submitting a proposal in accordance with Council’s Unmade Roads Policy and procedure. Residents have been informed of this option.
- Mayor – lights in High Street, Oatlands require replacement. Aurora have been informed and will rectify.

## RECOMMENDATION

THAT the Works & Technical Services Report be received and the information noted.

## DECISION

*Moved by Clr D Marshall, seconded by Clr D Fish*

**THAT the Works & Technical Services Report be received and the information noted.**

## CARRIED

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

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

### **14.1 Residential**

**Strategic Plan Reference – Page 18**

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

Nil.

### **14.2 Tourism**

**Strategic Plan Reference – Page 19**

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

Nil.

### **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.

### **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 PROGRAM REPORT

**Author:** MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**Date:** 17 MAY 2016

#### ISSUE

Report from the Manager, Heritage Projects on various Southern Midlands Heritage Projects.

#### DETAIL

During the past month, Southern Midlands Council Heritage Projects have included:

- Refining the Oatlands Commissariat and 79 High Street Project Plan and preparation of tendering documentation.
- Involvement with policy development for upcoming large-scale projects.
- A strategic planning workshop for the heritage program setting priorities for the 2016-17 budget and works program.
- Alan Townsend has been on leave for part of the month.

Heritage Projects program staff have been involved in the following Heritage Building Solutions activities:

- Scoping of a large-scale Conservation Management Plan for a substantial 1840s building complex.
- Collaboration with Derwent Valley Council on a potential conservation project.

Heritage Projects program staff have been involved in the following Heritage Education and Skills Centre activities:

- Promotion of the first-half of 2016 course program.
- Staging a series of three short courses for building practitioners in conjunction with the Master Builders Association.
- Continuation of the Brighton 5x5x5 project.
- Further discussion with project partners for sourcing of participants.
- The following HESC courses have been run:
  - Repair and Maintenance of Traditional Sash windows (1 day) – Hobart
  - Archaeological Research, Survey and Approvals (2 days) – Oatlands

- Introduction to Conservation Planning – Burra Charter (1 day) - Hobart
- Staging of an event at Oak Lodge in conjunction with Clarence City Council as part of the National Trust Heritage Festival.

Further to some questions raised at the previous council meeting, the following points are provided:

- It is acknowledged that there have been delays in the final implementation of the Oatlands Gaol interpretation project. This has been the result of various issues such as staffing levels, and the place being a worksite during the arch relocation. Council has a budget in reserve for the completion of the interpretation project.
- The Heritage Projects team has reviewed staffing arrangements and a 0.6 FTE Heritage Officer position is to be advertised which incorporates the roles of the former Collections Officer and Archaeology Project Officer. Finalisation of the interpretation and arrangements for better public access to heritage buildings is a priority for that role (amongst other identified priorities).
- We are awaiting a project proposal and quote for a keycard system for limited and monitored public access to heritage buildings to improve access without impost on staffing levels.
- For Councillors information the Oatlands Gaol interpretation plan was developed with a series of workshops in January 2011 and publicly exhibited in September 2012. No objection was raised at that time.

## RECOMMENDATION

THAT the Heritage Projects Report be received and the information noted.

## DECISION

*Moved by Clr R Campbell, seconded by Clr E Batt*

**THAT the Heritage Projects Report be received and the information noted.**

## CARRIED

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

## 15.2 Natural

### Strategic Plan Reference – Page 23/24

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

### 15.2.1 LANDCARE UNIT, GIS & CLIMATE CHANGE – GENERAL REPORT

**Author:** NRM PROGRAMS MANAGER (MARIA WEEDING)

**Date:** 20 MAY 2016

#### ISSUE

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- The sale of Mahers Point Cottage will be settled on or prior to 30 June 2016.
- Helen Geard set up the software for the road traffic counter and she has produced the first report on Eldon Road for the Works & Technical Services Department.
- A Green Army team will be working to place mulch around current native plant sites on the foreshore of Lake Dulverton immediately adjacent to the township. This work will be undertaken on Monday 23 May and Tuesday 24 May 2016.
- Maria Weeding and Damian Mackey attended a workshop on the Natural Assets Code proposed under the State Planning Scheme. The workshop was held at Longford and attended by NRM staff, the NRM Regional bodies, Local Government Association of Tas representative and some other organisations (Forestry, Derwent Estuary Program etc.). It was essentially a discussion session, with each Council taking away information to factor into their own specific Council's submission to the draft State Planning Scheme, which is currently out for comment. Damian Mackey will cover the Natural Assets Code for the Southern Midlands Council as part of the Council's submission.
- Maria Weeding has been working on the weather protection cage for the water meter associated with the underground irrigation system at the Mt Pleasant Recreation ground. It is hoped that the unit will be installed in the next two to three weeks.
- Update on the Interlaken Stock Reserve: The proposed sale of the Interlaken Stock reserve land has been discussed and pursued by Council for some considerable time. The plan has been to then put the sale funds into the Roche Hall building now that Council owns the building. Originally, the Interlaken Stock Reserve land was placed in the hands of the Council under the Crown Land Allocation Process (CLAC) some years ago (early 1990's). A condition was placed on the title at the time that if the land is ever sold, the funds would return to the State Government. In more recent time, through correspondence and a request to the State Government, the State Government has supported the notion of the sale of the Stock Reserve land and the funds going to Roche Hall. The difficulty was how to come up with an acceptable process that would enable this outcome to occur, given the restrictions on the current Interlaken Stock Reserve land title held by Council. Advice was sought from the Solicitor General by the Department of

Primary Industry, Water & Environment (DPIPWE). DPIPWE is the Department that we have to negotiate the transaction through. I can report that a process has now been identified. The advice from the Crown Solicitor and agreed by DPIPWE, is for *“the land to be returned to the Crown and for the land to be sold by the Crown, with the SMC receiving the equivalent of the sale proceeds. This arrangement does avoid the SMC paying stamp duty on return of the property and is subject to the necessary approvals being in place”*.

I have sought an idea on the time line and unfortunately this cannot be pinned down as this type of process / arrangement has not been done before. This method will avoid Council having to try and remove a restrictive covenant, and the need to pay stamp duty on the sale of the land for a second time round.

## RECOMMENDATION

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

## DECISION

*Moved by Clr D Fish, seconded by Clr R Campbell*

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

## CARRIED

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

### **15.3 Cultural**

**Strategic Plan Reference – Page 24**

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

Nil.

### **15.4 Regulatory (Other than Planning Authority Agenda Items)**

**Strategic Plan Reference – Page 25**

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

Nil.

### **15.5 Climate Change**

**Strategic Plan Reference – Page 25**

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

Nil.

## **16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE)**

### **16.1 Community Health and Wellbeing**

**Strategic Plan Reference – Page 26**

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

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.

Nil.

## 16.10 Education

**Strategic Plan Reference – Page 29**

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

Nil.

*The Manager – Heritage Projects (Brad Williams) left the meeting at 12.24 p.m.*

## 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.

#### 17.1.1 CREATIVE COLEBROOK COMMUNITY FORUM REPORT

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 19 MAY 2016

**Enclosure:**

- Creative Colebrook Community Forum Report (*report also available on SMC website*)

#### ISSUE

Council is requested to consider the outputs from the Creative Colebrook Community Forum, i.e. the project priorities that have been created and ranked by the Community Forum participants.

#### BACKGROUND

Deputy Mayor Alex Green was approached by Community members from Colebrook requesting Council to undertake a Forum to explore matters important to the Colebrook Community. This followed the successful establishment of the Colebrook Market by Council's Community Development Officer, Kelly Woodward, the Deputy Mayor and a number of Community members from Colebrook.

#### DETAIL

The Forum was undertaken on Sunday 1<sup>st</sup> May 2016 in the Colebrook Memorial Hall and is comprehensively covered in the attached Creative Colebrook Community Forum Report.

Copies of the Report have been printed and forwarded to all of the members of the Community that participated in the forum. A copy of the Report is now on the SMC website.

The document is commended to Council and the project priorities are recommended for Council's consideration.

Priority	Project	Score	Percentage
1	Public Transport	94	13.47%
2	Provide Youth Activities	92	13.00%
3	Establish Streetscape Improvements	89	12.75%
4	Provide Public Toilets / Showers (Rec Grd & Dam)	57	8.17%
5	Create a Lawn Cemetery	43	6.16%
6	Focus All Groups (for the greater good of Colebrook) Maximise the History Room and Other Activities in the Village	43	6.16%
7	Construct Walking Track / Bike Track (to Craighourne Dam)	41	5.87%
8	Facilitate Colebrook to be a Commuter Town	40	5.73%
9	Water Scheme Improvements	37	5.30%
10	Provide a Walking / Bike Track at the Recreation Grounds	35	5.01%
11	Provide Caravan Park Facilities	33	4.73%
12	Improve Mobile Phone Coverage	19	2.72%
13	Undertake Existing Playground Redevelopment	15	2.15%
14	Protecting History	13	1.86%
15	Provide Central Information Board	13	1.86%
16	Establish Bike Track (Mountain)	12	1.72%
17	BMX Track	8	1.15%
18	Pool	5	0.72%
19	Protect & Nurture Local Wildlife	5	0.72%
20	Moto Cross Track	4	0.57%
		698	100%

Note: More detailed information in respect of these projects shown in the table above is available in the Creative Colebrook Community Forum Report

For discussion and decision.

## RECOMMENDATION

THAT Council receive and note the report.

## DECISION

Moved by Clr R Campbell, seconded by Clr E Batt

THAT Council:

- a) receive and note the report;
- b) write to the participants and confirm the actions to be taken by Council (including advice of allocated budgets where applicable).

## CARRIED

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

## **17.2 Capacity & Sustainability**

### **17.2.1 VICTORIA MEMORIAL HALL, KEMPTON – PROPOSED MANAGEMENT ARRANGEMENT – BRIGHTON GREEN PONDS RSL**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 MAY 2016

**Attachment:**

- Victoria Memorial Hall, Kempton (current Hire Policy & Procedure)

#### **ISSUE**

Council to consider transferring management and operation of Victoria Memorial Hall, Kempton to the Brighton Green Ponds RSL.

#### **BACKGROUND**

The Brighton Green Ponds RSL, which partly occupies Victoria Memorial Hall, has expressed an interest in taking on full management responsibility for the Hall facility.

The following summarises the current arrangements:

The RSL has sole occupation and use of the two rooms (previous Child Nursing Room and Doctors Surgery) which has been converted into the Club's Bar and meeting rooms; The RSL has a Special Liquor Permit to trade between 6 pm and 10 pm on Wednesdays, 6 pm and 11 pm on Thursdays, noon to 6 pm on Sundays and 10 am to 6 pm on Anzac Day.

The RSL may also access the Kitchen and Supper Room during the above times, and no additional hire fee is payable for the following specified RSL events:

- ANZAC Day;
- Remembrance Day;
- Annual General Meeting;
- Christmas function (date to be advised each year); and
- Funeral wakes for RSL members only.

Note: The standard Hire fee is payable where the Hall is used by RSL members for private events and activities (e.g. parties or other gatherings). The fee is payable even if the RSL provides the catering as this is beyond its normal trading hours, and is not a specified event mentioned above.

The RSL reimburses Council 50% of the total actual power costs for the full facility on a quarterly basis; and this arrangement also recognises that the RSL is prepared to allocate surplus funds to undertaking minor improvements at the Hall, including kitchen upgrade.

The attached Hire Policy and Produce relates to the Victoria Memorial Hall.

## DETAIL

The Brighton Green Ponds RSL has expressed an interest in taking on full management and operational responsibility of the entire facility and seeks to negotiate this outcome.

Effectively a lease arrangement has been proposed and reference is made to section 175 of the *Local Government Act 1993* which specifies that a Council may purchase or lease land for any purpose which it considers to be of benefit to the council or the community.

In considering this matter, Council must however consider the provisions relating to the lease of Public Land within the *Local Government Act 1993 (Act)*.

*Note: Public Land is defined as, amongst other things, any land that provides health, recreation, amusement or sporting facilities for public use.*

Sections 178 and 179 of the Act therefore apply:

### ***“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).*

**179. Lease of public land for less than 5 years**

*A council may lease public land for a period not exceeding 5 years without complying with section 178.*

**Noting the latter section, it is firstly suggested that any lease arrangement should be for a period less than five years.**

In terms of section 175 of the Act (refer above), and acknowledging the existing hire policy and procedure (attached), it is my view that a lease arrangement would certainly be beneficial to both Council and the community for the following reasons:

- This would provide a single point of contact for all Hall bookings and use. It avoids the possibility of double bookings and removes the need for Council staff to receive bookings which normally requires confirmation with the RSL prior to confirming the booking;
- The RSL would be more proactive in encouraging broader use of the facility in order to increase rental income;
- The RSL would become fully responsible for all Aurora charges, reflecting that they are the major user for the facility;
- Enhances the RSL's ability to attract external funding for facility upgrade as they have total management control; and
- It would result in an improved operation with clear responsibility for cleaning (and associated timing); supply of consumables etc.

**Human Resources & Financial Implications** – Assuming a lease period of four (4) years, the following arrangements are proposed:

**Council responsibilities:**

- Payment of all rates and charges levied on the property, including Council rates; TasWater (both fixed and consumption charges) and Land Tax;
- Maintain a Public Liability Insurance policy to cover all incidents resulting from Council negligence;
- Insuring the Building and Council owned contents;
- Consider and respond to requests for funding assistance to upgrade or renew/replace property assets.

**RSL responsibilities:**

- To manage use of the premises on behalf of Council;
- Maintain a Public Liability Insurance policy to cover all incidents resulting from RSL negligence;
- Insuring RSL owned contents;
- To actively encourage diversity in community use of the premises and its' facilities;

- To make such rules as may be deemed necessary for the purpose of administration and control of the premises;
- To develop, upgrade and maintain the premises and it's facilities for the benefit of the whole community;

NB: 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, and repairs to electrical appliances, equipment and furniture, supply of all consumables etc.

- Retain all funds from booking fees and other user charges;
- Payment of all other outgoings (excluding those allocated to Council above) e.g. electricity
- to raise funds for the purposes of meeting expenditures related to the operation of the premises;
- Prepare and submit to Council any funding request for major works (other than general maintenance) e.g. repainting of Hall (interior and exterior); roof repairs/renewal etc.

**Community Consultation & Public Relations Implications** – To be considered. A similar proposal was floated a number of years ago, and whilst given in-principle support by Council the RSL elected not to progress at that time. From a community perspective, access to the facility will not be impeded and it would certainly simplify the booking procedure.

**Priority - Implementation Time Frame** – The aim would be to prepare the necessary documentation with a commencement date of 1<sup>st</sup> July 2016.

## **RECOMMENDATION**

**THAT Council:**

- a) **Acknowledge that a lease arrangement with the Brighton Green Ponds RSL for the management and operation of the Victoria Memorial Hall, Kempton would be beneficial to both Council and the community;**
- b) **Approve entering into a four-year lease of the facility to the Brighton Green Ponds RSL; and**
- c) **A lease document be prepared to reflect the proposed terms and conditions contained within the report; and**
- d) **The draft Lease, once approved by the Brighton Green Ponds RSL, be presented to Council for final endorsement prior to execution.**

**DECISION**

*Moved by Cllr R Campbell, seconded by Cllr E Batt*

**THAT:**

- a) the issue of transferring management of the Victoria Memorial Hall, Kempton to the Brighton Green Ponds RSL be referred to the community for consultation prior to determining a position; and
- b) this consultation takes place in sufficient time to further consider this matter at the July 2016 meeting.

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Cllr A R Bantick	
√	Cllr E Batt	
√	Cllr R Campbell	
√	Cllr D F Fish	
√	Cllr D Marshall	

## **Victoria Memorial Hall, Kempton**

### **Hire Policy & Procedure**

*Reviewed November 2015*

The purpose of this Policy and Procedure is to ensure that the Victoria Memorial Hall, Kempton is maintained in a suitable condition for users, and achieves an acceptable level of cost recovery to ensure that it is not being substantially subsidized by non-users of the facility.

#### **Procedure:**

Bookings for the Victoria Memoria Hall (excluding the RSL Bar Area) are to be referred to the Kempton Office where a Diary of bookings will be maintained.

Upon receipt of a booking, the Cleaner is to be notified to enable the Hall to be inspected and ensure that it is presentable, and that there are sufficient toiletries and other consumables appropriate for the event.

The Hire fee is to be in accordance with the adopted Schedule of Fees and Charges, and is to be paid in advance, together with a Bond to ensure that the key is returned and the Hall left in an acceptable condition.

Where a booking is made for only part-use of the facility, hirers are to ensure that access is restricted to that area hired. Where there is evidence that the full facility has been used, then the difference in hire fee is to be retained from the Bond.

*Note: The recently purchased black vinyl Chairs are not to be hired out for any purpose, and are not to be removed from the building without prior approval from General Manager.*

#### Regular Users:

Permanent users are to make application to secure a regular booking and are to nominate the day(s), time and period that the booking will be scheduled. They may be provided with an option to pay a bond to secure a dedicated key (refundable).

The Hire Fee is to be in accordance with the adopted Schedule of Fees and Charges unless an alternative hiring arrangement has been approved by Council in advance.

**Brighton / Green Ponds RSL** - The RSL has a current arrangement to pay fifty percent (50%) of the total Aurora Charges. This contribution enables the RSL to operate during their nominated (and approved) Trading Hours at no additional cost.

This arrangement also recognises that the RSL is prepared to allocate surplus funds to undertaking minor improvements at the Hall, including kitchen upgrade.

A hire fee is also not payable for the following specified RSL events:

- ANZAC Day;
- Remembrance Day;
- Annual General Meeting;
- Christmas function (date to be advised each year); and
- Funeral wakes for RSL members only.

The standard Hire fee is payable where the Hall is used by RSL members for private events and activities (e.g. parties or other gatherings). The fee is payable even if the RSL provides the catering as this is beyond its normal trading hours, and is not a specified event mentioned above.

**The RSL is required to notify Council if they require access to the Hall and Supper Room generally.**

**Kempton Primary School** - is required to notify Council of planned usage. A separate annual fee is to be negotiated.

## **17.2.2 COMMON SERVICES JOINT VENTURE UPDATE (STANDING ITEM – INFORMATION ONLY)**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 19 MAY 2016

**Attachment:**

- Common Service JV Council Update – April 2016.

### **ISSUE**

To inform Council of the Joint Venture's activities for the month of April 2016.

### **BACKGROUND**

There are seven existing members of the Common Services Joint Venture Agreement, with two other Council's participating as non-members.

Members: Brighton, Central Highlands, Glenorchy, Huon Valley, Sorell, Southern Midlands and Tasman.

### **DETAIL**

Refer 'Common Services Joint Venture Update – April 2016 attached.

**Human Resources & Financial Implications** – Refer comment provided in the update.

Councillors will note that the Southern Midlands Council provided 310 hours of service to six Councils: - Brighton, Central Highlands, Derwent Valley, Glamorgan/Spring Bay, Sorell and Tasman and received 5 hours of services from other Councils.

Details of services provided are included in Figure 3.

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

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Ongoing.

### **RECOMMENDATION**

THAT the information be received.

### **DECISION**

*Moved by Deputy Mayor A Green, seconded by Clr E Batt*

**THAT the information be received.**

**CARRIED**

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

*The meeting was suspended for lunch at 1.15 p.m.  
The meeting reconvened at 1.50 p.m.*

*Manager, Development & Environment Services (David Cundall) left the meeting at 1.50 p.m.*

# Common Services Joint Venture - Council Update

## Council

Southern Midlands

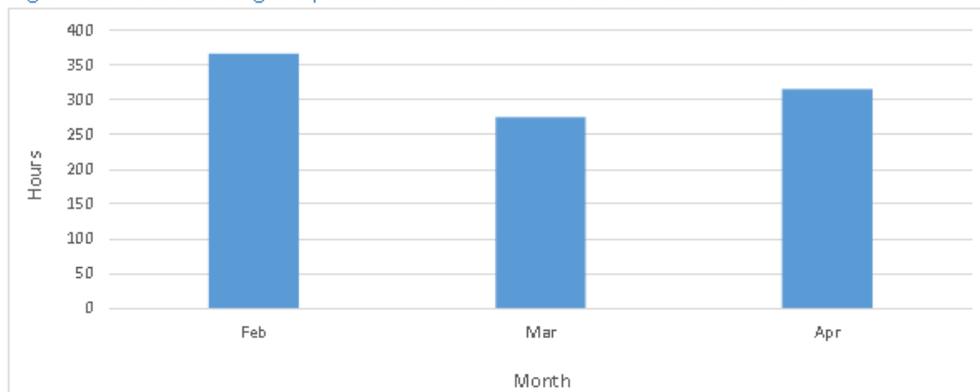
## Common Services Joint Venture Participation in April '16

315 hours

## Summary

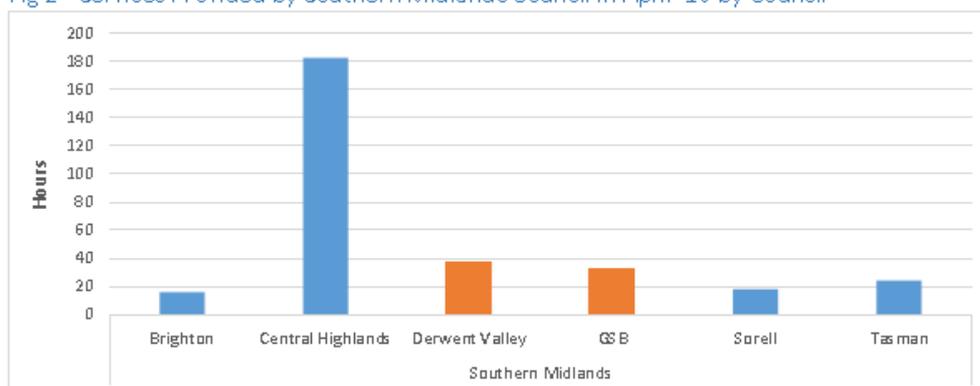
In April 2016, 315 hours of common services were exchanged by Southern Midlands Council. From this total, Southern Midlands provided 310 hours of services and received 5 hours of services from other Councils.

Fig 1 – Services Exchanged by Southern Midlands Council in Recent Months



## Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands Council in April '16 by Council



\* Council not currently a member of the Common Services Joint Venture Agreement

Fig 3 – Details of Services Provided by Southern Midlands Council in April '16

<b>Southern Midlands</b>	<b>310</b>	<b>Summary of Services Provided</b>
<b>Brighton</b>	<b>16</b>	
WHS / Risk	16	WHS Advice
<b>Central Highlands</b>	<b>183</b>	
General Management	156	Acting GM
Planning	27	Regulatory Planning
<b>Denwent Valley</b>	<b>37</b>	
Permit Authority	25	Plumbing Inspections
Planning	12	Strategic Planning
<b>GSB</b>	<b>32</b>	
Planning	6	Strategic Planning
WHS / Risk	26	WHS Advice
<b>Sorell</b>	<b>18</b>	
WHS / Risk	18	WHS Advice
<b>Tasman</b>	<b>24</b>	
WHS / Risk	24	WHS Advice
<b>Grand Total</b>	<b>310</b>	

\* Council not currently a member of the Common Services Joint Venture Agreement

### Services Received by Sorell Council

Fig 4 - Services Received by Sorell Council in April '16 by Service Category

<b>Southern Midlands</b>	<b>5</b>	<b>Summary of Services Received</b>
<b>Brighton</b>	<b>5</b>	
Development Engineering	5	Campania Subdivision
<b>Grand Total</b>	<b>5</b>	

### Cost Benefits Achieved by Southern Midlands and Other Councils

315 hours of common services were exchanged by Southern Midlands Council last month. Analysis of common services provision has indicated that both the Provider Council and the Client Council save money through the exchange of common services at an approximate ratio of 50%.

In the month of April it is estimated, Council have achieved a net benefit of approximately \$12,000 This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising common services from within Local Government as opposed to external consultants (on average LG common services rates can be procured at significant discount to external consultant fees).

It is estimated that Southern Midlands Council's direct involvement in common services saved participating Councils (including Southern Midlands Council) approximately \$32,000 for the month of April.

## 17.3 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

### **18.1.1 LOCAL GOVERNMENT ACT (TARGETED REVIEW) – MINISTER FOR PLANNING AND LOCAL GOVERNMENT (HON P GUTWEIN MHA)**

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 18 MAY 2016

#### **Attachment:**

- Discussion Paper (previously circulated)

#### **ISSUE**

Council to consider the issues raised within the Discussion Paper circulated for consultation by the Minister for Planning and Local Government (Hon P Gutwein MP).

#### **BACKGROUND**

The Minister, as part of the Foreword and Introduction, details the background reasoning for the targeted review of the *Local Government Act 1993*. Essentially, the review is focused on achieving improved governance, clarifying functions and powers and ensuring fair and transparent elections.

#### **DETAIL**

The Discussion Paper provides comment and raises a number of questions in relation to the following key areas:

- Role of the Mayor and associated issues;
- Role of the Deputy Mayor;
- Role of an Individual Councillor;
- Role of the General Manager and how the GM is appointed and managed;
- Monitoring Councils;
- Role of the Director of Local Government;
- Role and Process of the Code of Conduct Panel;
- Financial Performance of Councils and how is it monitored?
- Election Issues; and
- Role of Regional Bodies.

In the first instance it is suggested that Council work through each of the questions posed and determine its position. This can either be done at this meeting, or a workshop date nominated for this purpose.

Where consensus cannot be reached, Council may elect to either remain silent or provide the alternative views in any submission made via the Local Government Association of Tasmania. The Association is seeking to prepare a whole of sector response, but this does not preclude Council from making a submission direct to the Local Government Division. LGAT are seeking feedback prior to 3<sup>rd</sup> June 2015 to enable consolidation of issues and responses.

In addition to the issues raised in the consultation paper, Council may identify other specific areas of the Act which require review.

**Human Resources & Financial Implications** – N/A

**Community Consultation & Public Relations Implications** – The Discussion Paper has been widely advertised and input has been sought from the broader community.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Opportunities to provide feedback close on 10<sup>th</sup> June 2016.

## **RECOMMENDATION**

THAT Council:

- a) receive the Consultation Discussion Paper;
- b) consider the issues raised within the document; and
- c) prepare responses as required.

## **DECISION**

**RESOLVED to consider the Discussion Paper in detail as part of the Workshop scheduled for 2<sup>nd</sup> June 2016 at the Council Chambers, Kempton commencing at 9.30 a.m.**

## 18.1.2 LOCAL GOVERNMENT CODE OF CONDUCT – LOCAL GOVERNMENT AMENDMENT (CODE OF CONDUCT) ACT 2015 & LOCAL GOVERNMENT (MODEL CODE OF CONDUCT) ORDER 2016

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 18 MAY 2016

### **Attachment:**

- Southern Midlands Council Code of Conduct (Elected Members)
- Local Government Code of Conduct Complaint Form

### **ISSUE**

Final adoption of the Southern Midlands Council Code of Conduct in accordance with the *Local Government Amendment (Code of Conduct) Act 2015* and Part 3, Division 3A (Code of conduct, complaints and complaint resolution) of the *Local Government Act 1993*.

### **DETAIL**

Council, at its meeting held 27 April 2016 formally considered the model Code of Conduct and resolved to adopt without any variation.

The model Code of Conduct (made by order of the Minister for Planning and Local Government) prescribes the standard of behavior that all Tasmanian councillors are required to meeting when performing their role.

**Human Resources & Financial Implications** – Code of conduct complaints are lodged with the general manager of the relevant council and must comply with legislative requirements. Once the general manager has determined that the compliant complies with the Act, it is to be referred to the Code of Conduct Panel's Executive Officer if it is against less than half of all councillors; or the Director of Local Government is the complaint is against half or more of councillors. A lodgement fee of 50 fee units (currently \$75.50) applies.

All costs associated with the Code of Conduct Panel's operation are payable by the relevant council.

**Community Consultation & Public Relations Implications** – Any person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the council's code of conduct; or a person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Section 72B of the *Local Government Act 1993* has been amended to require a council to report in its annual report the number of code of conduct complaints that were upheld by the Code of Conduct Panel during the preceding financial year and the total costs met by the council in respect to all code of conduct complaints.

**Council Web Site Implications:** A standard ‘Local Government Code of Conduct Complaint Form’ has been developed (noting that it is not a prescribed form) – refer attached. This will be placed on Council’s Web Site, together with the Information Sheet produced by the Local Government Division.

**Policy Implications –** Policy position.

**Priority - Implementation Time Frame –** Immediately.

## RECOMMENDATION

THAT, in accordance with Council’s policy adoption procedure, the Southern Midlands Council Code of Conduct for elected members be adopted.

## DECISION

*Moved by Clr D Fish, seconded by Clr E Batt*

**THAT, in accordance with Council’s policy adoption procedure, the Southern Midlands Council Code of Conduct for elected members be adopted.**

## CARRIED

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



## SOUTHERN MIDLANDS COUNCIL **CODE OF CONDUCT (ELECTED MEMBERS)**

### **INTRODUCTION**

#### **Purpose of Code of Conduct**

This Code of Conduct sets out the standards of behaviour expected of the councillors of the Southern Midlands Council, with respect to all aspects of their role.

As leaders in the community, councillors acknowledge the importance of high standards of behaviour in maintaining good governance. Good governance supports each councillor's primary goal of acting in the best interests of the community.

Councillors therefore agree to conduct themselves in accordance with the standards of behaviour set out in the Code of Conduct for elected members.

This Code of Conduct incorporates the Model Code of Conduct made by Order of the Minister responsible for local government.

#### **Application of Code of Conduct**

This Code of Conduct applies to a councillor whenever he or she:

- conducts council business, whether at or outside a meeting;
- conducts the business of his or her office (which may be that of Mayor, Deputy Mayor or Councillor); or
- acts as a representative of the Council.

A complaint of failure to comply with the provisions of the Code of Conduct may be made where the councillor fails to meet the standard of conduct specified in the Model Code of Conduct.

#### *Standards of conduct prescribed under the Model Code of Conduct*

The model code of conduct provides for the following eight standards of conduct:

#### **1. Decision making**

A councillor is to bring an open and unprejudiced mind to all matters being considered in the course of his or her duties, so that decisions are made in the best interests of the community.

#### **2. Conflict of interest**

A councillor effectively manages conflict of interest by ensuring that personal or private interests do not influence, and are not seen to influence, the performance of his or her role and acting in the public interest.

**3. Use of office**

A councillor uses his or her office solely to represent and serve the community, conducting himself or herself in a way that maintains the community's trust in the councillor and the Council as a whole.

**4. Use of resources**

A councillor uses Council resources and assets strictly for the purpose of performing his or her role.

**5. Use of information**

A councillor uses information appropriately to assist in performing his or her role in the best interests of the community.

**6. Gifts and benefits**

A councillor adheres to the highest standards of transparency and accountability in relation to the receiving of gifts or benefits, and carries out his or her duties without being influenced by personal gifts or benefits.

**7. Relationships with community, councillors and council employees**

A councillor is to be respectful in his or her conduct, communication and relationships with members of the community, fellow councillors and Council employees in a way that builds trust and confidence in the Council.

**8. Representation**

A councillor is to represent himself or herself and the Council appropriately and within the ambit of his or her role, and clearly distinguish between his or her views as an individual and those of the Council.

*Principles of good governance*

By adopting this Code of Conduct, councillors commit to the overarching principles of good governance by being:

*Accountable – Explain, and be answerable for, the consequences of decisions made on behalf of the community.*

*Transparent – Ensure decision making processes can be clearly followed and understood by the community.*

*Law-abiding – Ensure decisions are consistent with relevant legislation or common law, and within the powers of local government.*

*Responsive – Represent and serve the needs of the entire community while balancing competing interests in a timely, appropriate and responsive manner.*

*Equitable – Provide all groups with the opportunity to participate in the decision making process and treat all groups equally.*

*Participatory and inclusive – Ensure that anyone affected by or interested in a decision has the opportunity to participate in the process for making that decision.*

*Effective and efficient – Implement decisions and follow processes that make the best use of the available people, resources and time, to ensure the best possible results for the community.*

*Consensus oriented – Take into account the different views and interests in the community, to reach a majority position on what is in the best interests of the whole community, and how it can be achieved.*

## **Legislation**

The code of conduct framework is legislated under the *Local Government Act 1993* (the Act). The Act is available to view via the Tasmanian Legislation Website at [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

## **Code of Conduct**

Tasmanian councillors are required to comply with the provisions of the Council's Code of Conduct while performing the functions and exercising the powers of his or her office with the Council.

The Code of Conduct incorporates the Model Code of Conduct (made by order of the Minister responsible for local government) and may include permitted variations included as attached schedules to the Model Code of Conduct.

## **Making a Code of Conduct complaint**

A person may make a code of conduct complaint against one councillor in relation to the contravention by the councillor of the relevant council's code of conduct.

A person may make a complaint against more than one councillor if the complaint relates to the same behaviour and the same code of conduct contravention.

Code of conduct complaints are lodged with the General Manager of the relevant council and must comply with legislative requirements, as outlined below.

A complaint may not be made by more than two complainants jointly.

A code of conduct complaint is to –

- be in writing;
- state the name and address of the complainant;
- state the name of each councillor against whom the complaint is made;
- state the provisions of the relevant code of conduct that the councillor has allegedly contravened;
- contain details of the behaviour of each councillor that constitutes the alleged contravention;
- be lodged with the general manager within six months after the councillor or councillors against whom the complaint is made allegedly committed the contravention of the code of conduct; and
- be accompanied by the code of conduct complaint lodgement fee.

Once satisfied that the code of conduct complaint meets prescribed requirements, the General Manager forwards the complaint to the Code of Conduct Panel.

## **Code of Conduct complaint lodgement fee**

The code of conduct complaint lodgement fee is prescribed under Schedule 3 (Fees) of the *Local Government (General) Regulations 2015*. The lodgement fee is 50 fee units (\$75.50 in 2015/16).

### **Councillor dispute resolution**

Councillors commit to developing strong and positive working relationships and working effectively together at all times.

Prior to commencing a formal code of conduct complaint, the councillors who are parties to any disagreement should endeavour to resolve their differences in a courteous and respectful manner, recognising that they have been elected to act in the best interests of the community.

A council's internal dispute resolution process should be the first step that is taken when there is a dispute between councillors.

A councillor who is party to any disagreement should request the Mayor (or Lord Mayor) or the General Manager to assist that councillor in resolving the disagreement informally.

If the informal assistance does not resolve the disagreement, the General Manager may, with the consent of the parties involved, choose to appoint an external mediator to assist in the resolution of the disagreement. If an external mediator is appointed, councillors who are party to the disagreement must strive to cooperate with the mediator and use their best endeavours to assist the mediator and participate in the mediation arranged.

Where a matter cannot be resolved through internal processes, the next step may be to lodge a formal code of conduct complaint.

Councillors should only invoke the provisions of the Code of Conduct in good faith, where it is perceived that another councillor has not complied with the provisions or intent of the Code of Conduct.

### **Complaints under the *Local Government Act 1993***

The Director of Local Government is responsible for the investigation of complaints regarding alleged breaches of the Act.

Any person can make a complaint to the Director, via the Local Government Division (contact details below), in accordance with section 339E of the Act, where it is genuinely believed that a council, councillor or general manager may have committed an offence under the Act or failed to comply with the requirements of the Act.

To make a complaint, it is recommended that you first contact the Local Government Division to discuss whether the matter is something that the Division can assist with.

### **Public Interest Disclosure**

Any instances of suspected corrupt conduct, maladministration and serious and substantial waste of public resources or substantial risk to public health or safety or to the environment should be reported in accordance with the *Public Interest Disclosures Act 2002*. Disclosures may be made to the Tasmanian Ombudsman or the Tasmanian Integrity Commission.

## Key contacts

Department of Premier and Cabinet's Local Government Division  
Executive Building, 15 Murray Street, HOBART TAS 7000  
GPO Box 123, HOBART TAS 7001  
Phone: (03) 6232 7022 Fax: (03) 6232 5685  
Email: [lgd@dpac.tas.gov.au](mailto:lgd@dpac.tas.gov.au)  
Web: [www.dpac.tas.gov.au/divisions/local\\_government](http://www.dpac.tas.gov.au/divisions/local_government)

Local Government Association of Tasmania  
326 Macquarie Street, HOBART TAS 7000  
GPO Box 1521, HOBART TAS 7001  
Phone: (03) 6233 5966  
Email: [admin@lgat.tas.gov.au](mailto:admin@lgat.tas.gov.au)  
Web: [www.lgat.tas.gov.au](http://www.lgat.tas.gov.au)

The Tasmanian Integrity Commission  
Surrey House, Level 2, 199 Macquarie Street, HOBART TAS 7000  
GPO Box 822, HOBART TAS 7001  
Phone: 1300 720 289  
Email: [mper@integrity.tas.gov.au](mailto:mper@integrity.tas.gov.au)  
Web: [www.integrity.tas.gov.au](http://www.integrity.tas.gov.au)

Ombudsman Tasmania  
NAB House, Level 6, 86 Collins Street, HOBART TAS 7000  
GPO Box 123, HOBART TAS 7001  
Phone: 1800 001 170  
Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)  
Web: [www.ombudsman.tas.gov.au](http://www.ombudsman.tas.gov.au)

### *Attachments to SMC Code of Conduct for Elected Members*

- **Local Government (Model Code of Conduct) Order 2016**
- **Local Government Code of Conduct Complaint Form**



VIEW SUMMARY

The legislation that is being viewed is valid for 19 May 2016.

**Local Government (Model Code of Conduct) Order 2016 (S.R.  
2016, No. 23)**

Requested: 19 May 2016

Consolidated: 19 May 2016

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INFORMATION

Notes: Not specified  
Links: Not specified  
Table of Amending Instruments: [\(click to view Table of Amendments\)](#)  
Responsible Minister and Department: Not specified

**CONTENTS**

**Local Government (Model Code of Conduct) Order 2016**

- 1. Short title**
- 2. Commencement**
- 3. Interpretation**
- 4. Model code of conduct**
- Schedule 1 - Model Code of Conduct**
- Part 1 - Decision making**
- Part 2 - Conflict of interest**
- Part 3 - Use of Office**
- Part 4 - Use of resources**
- Part 5 - Use of information**
- Part 6 - Gifts and benefits**
- Part 7 - Relationships with community, councillors and Council employees**
- Part 8 - Representation**
- Part 9 - Variation of Code of Conduct**

**Local Government (Model Code of Conduct) Order 2016**

I make the following order under section 28R(1) of the *Local Government Act 1993*.

Tasmanian Legislation Online

Page 2 of 5

4 April 2016

PETER GUTWEIN

Minister for Planning and Local Government

**1. Short title**

This order may be cited as the *Local Government (Model Code of Conduct) Order 2016*.

**2. Commencement**

This order takes effect on 13 April 2016.

**3. Interpretation**

(1) In this order –

*Act* means the *Local Government Act 1993*.

(2) The *Acts Interpretation Act 1931* applies to the interpretation of this order as if this order were by-laws.

**4. Model code of conduct**

For the purposes of section 28R(1) of the Act, the code of conduct set out in Schedule 1 is the model code of conduct relating to the conduct of councillors.

**SCHEDULE 1 - Model Code of Conduct**

Clause 4

**PART 1 - Decision making**

1. A councillor must bring an open and unprejudiced mind to all matters being decided upon in the course of his or her duties, including when making planning decisions as part of the Council's role as a Planning Authority.
2. A councillor must make decisions free from personal bias or prejudgement.
3. In making decisions, a councillor must give genuine and impartial consideration to all relevant information known to him or her, or of which he or she should have reasonably been aware.
4. A councillor must make decisions solely on merit and must not take irrelevant matters or circumstances into account when making decisions.

**PART 2 - Conflict of interest**

1. When carrying out his or her public duty, a councillor must not be unduly influenced, nor be seen to be unduly influenced, by personal or private interests that he or she may have.
2. A councillor must act openly and honestly in the public interest.

3. A councillor must uphold the principles of transparency and honesty and declare actual, potential or perceived conflicts of interest at any meeting of the Council and at any workshop or any meeting of a body to which the councillor is appointed or nominated by the Council.
4. A councillor must act in good faith and exercise reasonable judgement to determine whether he or she has an actual, potential or perceived conflict of interest.
5. A councillor must avoid, and remove himself or herself from, positions of conflict of interest as far as reasonably possible.
6. A councillor who has an actual, potential or perceived conflict of interest in a matter before the Council must –
  - (a) declare the conflict of interest before discussion on the matter begins; and
  - (b) act in good faith and exercise reasonable judgement to determine whether the conflict of interest is so material that it requires removing himself or herself physically from any Council discussion and remaining out of the room until the matter is decided by the Council.

#### **PART 3 - Use of Office**

1. The actions of a councillor must not bring the Council or the office of councillor into disrepute.
2. A councillor must not take advantage, or seek to take advantage, of his or her office or status to improperly influence others in order to gain an undue, improper, unauthorised or unfair benefit or detriment for himself or herself or any other person or body.
3. In his or her personal dealings with the Council (for example as a ratepayer, recipient of a Council service or planning applicant), a councillor must not expect nor request, expressly or implicitly, preferential treatment for himself or herself or any other person or body.

#### **PART 4 - Use of resources**

1. A councillor must use Council resources appropriately in the course of his or her public duties.
2. A councillor must not use Council resources for private purposes except as provided by Council policies and procedures.
3. A councillor must not allow the misuse of Council resources by any other person or body.
4. A councillor must avoid any action or situation which may lead to a reasonable perception that Council resources are being misused by the councillor or any other person or body.

#### **PART 5 - Use of information**

1. A councillor must protect confidential Council information in his or her possession or knowledge, and only release it if he or she has the authority to do so.
2. A councillor must only access Council information needed to perform his or her role and not for personal reasons or non-official purposes.
3. A councillor must not use Council information for personal reasons or non-official purposes.

4. A councillor must only release Council information in accordance with established Council policies and procedures and in compliance with relevant legislation.

#### **PART 6 - Gifts and benefits**

1. A councillor may accept an offer of a gift or benefit if it directly relates to the carrying out of the councillor's public duties and is appropriate in the circumstances.

2. A councillor must avoid situations in which the appearance may be created that any person or body, through the provisions of gifts or benefits of any kind, is securing (or attempting to secure) influence or a favour from the councillor or the Council.

3. A councillor must carefully consider –

(a) the apparent intent of the giver of the gift or benefit; and

(b) the relationship the councillor has with the giver; and

(c) whether the giver is seeking to influence his or her decisions or actions, or seeking a favour in return for the gift or benefit.

4. A councillor must not solicit gifts or benefits in the carrying out of his or her duties.

5. A councillor must not accept an offer of cash, cash-like gifts (such as gift cards and vouchers) or credit.

6. A councillor must not accept a gift or benefit if the giver is involved in a matter which is before the Council.

7. A councillor may accept an offer of a gift or benefit that is token in nature (valued at less than \$50) or meets the definition of a token gift or benefit (if the Council has a gifts and benefits policy).

8. If the Council has a gifts register, a councillor who accepts a gift or benefit must record it in the relevant register.

#### **PART 7 - Relationships with community, councillors and Council employees**

1. A councillor –

(a) must treat all persons with courtesy, fairness, dignity and respect; and

(b) must not cause any reasonable person offence or embarrassment; and

(c) must not bully or harass any person.

2. A councillor must listen to, and respect, the views of other councillors in Council and committee meetings and any other proceedings of the Council, and endeavour to ensure that issues, not personalities, are the focus of debate.

3. A councillor must not influence, or attempt to influence, any Council employee or delegate of the Council, in the exercise of the functions of the employee or delegate.

4. A councillor must not contact or issue instructions to any of the Council's contractors or tenderers, without appropriate authorisation.

5. A councillor must not contact an employee of the Council in relation to Council matters unless authorised by the General Manager of the Council.

#### **PART 8 - Representation**

1. When giving information to the community, a councillor must accurately represent the policies and decisions of the Council.
2. A councillor must not knowingly misrepresent information that he or she has obtained in the course of his or her duties.
3. A councillor must not speak on behalf of the Council unless specifically authorised or delegated by the Mayor or Lord Mayor.
4. A councillor must clearly indicate when he or she is putting forward his or her personal views.
5. A councillor's personal views must not be expressed in such a way as to undermine the decisions of the Council or bring the Council into disrepute.
6. A councillor must show respect when expressing personal views publicly.
7. The personal conduct of a councillor must not reflect, or have the potential to reflect, adversely on the reputation of the Council.
8. When representing the Council on external bodies, a councillor must strive to understand the basis of the appointment and be aware of the ethical and legal responsibilities attached to such an appointment.

#### **PART 9 - Variation of Code of Conduct**

1. Any variation of this model code of conduct is to be in accordance with section 28T of the Act.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 13 April 2016.

This order is administered in the Department of Premier and Cabinet.

**Attachment**

<b>LOCAL GOVERNMENT CODE OF CONDUCT COMPLAINT FORM</b>	
<b>INTRODUCTION</b>	
<p>This form is designed to help you comply with section 28V (Making a code of conduct complaint against councillor) under the <i>Local Government Act 1993</i>.</p> <p><b>All complaints must be in writing and be lodged within 6 months after the councillor or councillors allegedly committed the contravention of the Council's Code of Conduct.</b></p>	
<b>INSTRUCTIONS</b>	
<p>If completing this form by hand, please use black or blue pen and print clearly.</p> <p><b>Send your completed form to the General Manager of the Council.</b></p> <p><b>A code of conduct complaint must be accompanied by the prescribed lodgement fee of 50 fee units (\$75.50 in 2015/16).</b></p>	
<b>CONTACT DETAILS (of person making the complaint)</b>	
Name:	Telephone (mobile):
Address (Residential):	Telephone (work):
Address (Postal):	Telephone (home):
Email address:	
<b>SUMMARY OF COMPLAINT</b>	
<p>Name of each councillor who you believe has contravened the Council's Code of Conduct</p> <p><i>(may include more than one councillor if complaint relates to the same behaviour and same code of conduct contravention):</i></p>	
<p>Provisions of the Council's Code of Conduct that you believe each councillor has contravened:</p>	

Date(s) of incident(s):	
Location(s) of incident(s):	
<b>DETAILS OF THE BEHAVIOUR OF EACH COUNCILLOR THAT CONSTITUTES THE ALLEGED CONTRAVENTION (further information may be attached)</b>	
<b>WITNESSES (include anyone with knowledge of what happened)</b>	
<b>HAVE YOU PREVIOUSLY MADE A CODE OF CONDUCT COMPLAINT ABOUT THIS MATTER?</b>	
YES <input type="checkbox"/> NO <input type="checkbox"/>	
If yes, when did you make the complaint?	
<b>DESIRED OUTCOME OF COMPLAINT</b>	
Please explain what you would like to happen as a result of lodging this complaint:	
<b>PLEASE SIGN AND DATE</b>	
<b>SIGNATURE:</b>	
<b>Date:</b>	

### 18.1.3 COUNCIL & COUNCIL COMMITTEE MEETINGS – RECORDING OF MINUTES POLICY & PROCEDURE

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 20 MAY 2016

#### ISSUE

Council and Council Committee Meetings - Recording of Minutes Policy and Procedure.

#### DETAIL

The following policy position is submitted for Council's consideration.

#### Legislative Provisions

The following is an extract from the *Local Government (Meeting Procedures) Regulations 2015* relating to the Minutes of a meeting:

#### *“32. Minutes*

*(1) Subject to regulation 34(1), the general manager is to ensure that the minutes of a meeting accurately record the following matters:*

*(a) any matter discussed at the meeting;*

*(b) any decision made at the meeting;*

*(c) if the Act or any regulations made under the Act require the making of a decision by absolute majority, that the decision was by absolute majority;*

*(d) a summary of any address, statement or report made or provided on an invitation under regulation 38;*

*(e) any motion moved during the meeting;*

*(f) any question on notice by a councillor that is answered and the answer to that question;*

*(g) any question asked and put in writing during the period referred to in regulation 31(3) and any written answer or summary of that answer to that question;*

*(h) any question asked, without notice, by a member of the public and a summary of any answer given in response;*

*(i) the attendance of councillors;*

*(j) any absence of any councillor during the meeting, including the times of leaving and returning to the meeting.*

*(2) The general manager is to ensure that –*

- (a) copies of the minutes of meetings are kept as records of the council; and  
(b) those copies are available to councillors.”

**Notes:** Regulation 34 (1) relates to the Minutes of closed meetings;

Regulation 38 relates to Invitations to address a meeting; and

Regulation 31(3) relates to Public Question Time.

### Southern Midlands Policy Position

As a matter of Policy:

1. Minutes of both Council and Council Committee Meetings will be prepared in accordance with the *Local Government (Meeting Procedures) Regulations 2015*.
2. In general, this does not extend to recording comments made by individual Councillors as part of considering items contained within the Agenda, unless the following is complied with.
  - Where a Councillor seeks to have comments that are made at a meeting recorded in the Minutes, then those comments are to be written in advance and circulated to all Councillors.
  - With the agreement of Council (Motion required), and based on the comments made at the meeting being consistent with those documented, then the speaker will be identified and comments recorded in the Minutes.
  - The Motion to include the written comments at the request of a Councillors is to be considered following determination of the Motion relating to the Agenda Item being discussed.

### RECOMMENDATION

THAT the policy and procedure for recording of minutes (subject to any amendment) be approved.

### DECISION

Moved by Cllr D Marshall, seconded by Deputy Mayor A Green

**THAT the policy and procedure for recording of minutes be approved.**

### CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Cllr A R Bantick	
√	Cllr E Batt	
√	Cllr R Campbell	
√	Cllr D F Fish	
√	Cllr D Marshall	

## 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 POLICY REVIEW – CUSTOMER SERVICE CHARTER

**Author:** DEPUTY GENERAL MANAGER (ANDREW BENSON)

**Date:** 18 MAY 2016

#### Attachment:

- Revision Draft Version 1 - Customer Service Charter
- Southern Midlands Customer Service Charter

#### ISSUE

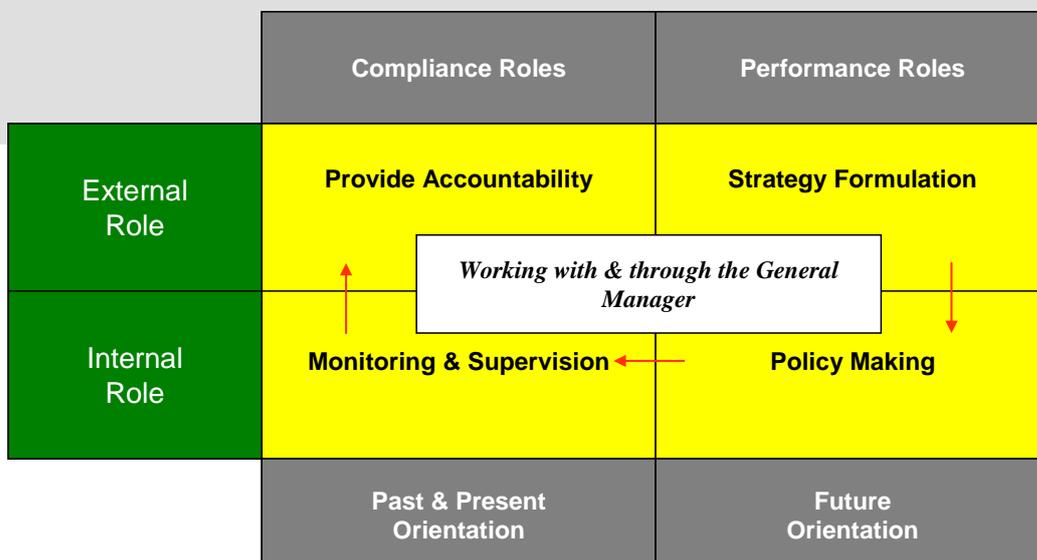
Council's Customer Service Charter is a requirement of *S.339F Local Government Act 1993*. This document requires regular review and endorsement by Council.

#### BACKGROUND

#### [EXTRACT FROM THE REPORT TO THE APRIL COUNCIL MEETING]

#### FRAMEWORK FOR ANALYSING COUNCIL'S GOVERNANCE FUNCTION

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



## **DETAIL**

*The attached Revision Draft version of the Customer Service Charter will replace the existing version. The Revision Draft is a shorter and more concise document, which is more user-friendly for Council's Customers.*

*The opportunity was taken to review the Service Standards within the Charter in line with Council's Business Process Improvement program. Some parts of the existing Charter refer to a 15 day response time and other parts refer to a 20 day response time. In the Revision Draft the response times by Council officers has been effectively halved, from 20 working days down to 10 working days. But also with an acknowledgement within 3 days, which is consistent with the existing Charter.*

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

## **CONCLUSION**

*This proposed document represents a more professional and customer focused approach in working with Council's Customers both in the manner in which it is presented and the reduction of response times articulated within the document.*

*This document also now refers to Council's Unreasonable Complainant Conduct Policy.*

*The Revision Draft of the Customer Service Charter is commended to Council for consideration.*

## **RECOMMENDATION**

### **THAT Council**

- 1. Receive and note the report;**
- 2. Consider Revision Draft Version 1 of the Customer Service Charter for adoption at the May 2016 Council meeting.**

## **DECISION**

*Moved by Cllr E Batt, seconded by Deputy Mayor A Green*

*THAT Council:*

*A) Receive and note the report;*

*B) Consider Revision Draft Version 1 of the Customer Service Charter for adoption at the May 2016 Council meeting.*

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	D/Mayor A O Green	
√	Cllr A R Bantick	
√	Cllr E Batt	
√	Cllr B Campbell	
√	Cllr D F Fish	
√	Cllr D Marshall	

**[END EXTRACT FROM THE REPORT TO THE APRIL COUNCIL MEETING]**

## DETAIL

The Revision Draft Customer Service Charter was tabled at the April 2016 Council meeting for Council's consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then "lays on the table" until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting. Input from Councillors would be welcome.

**Human Resources & Financial Implications** - Business Unit Managers will undertake briefings with their team members to ensure that everyone is up to date with the revised Charter.

**Community Consultation & Public Relations Implications** - This document along with the Unreasonable Complainant Conduct Policy will be housed on the SMC website.

**Policy Implications** - Procedures will be adopted to support the revised Charter.

**Priority - Implementation Time Frame** - As soon as possible.

## RECOMMENDATION

THAT Council

1. Receive and note the report;
2. Adopt revision Version 1 - Customer Service Charter

## DECISION

*Moved by Cllr E Batt, seconded by Cllr R Campbell*

**THAT Council:**

1. **Receive and note the report;**
2. **Adopt revision Version 1 – Customer Service Charter.**

## CARRIED

Vote For	Councillor	Vote Against
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Cllr A R Bantick	
√	Cllr E Batt	
√	Cllr R Campbell	
√	Cllr D F Fish	
√	Cllr D Marshall	



Draft

# Customer Service Charter

*S.339F Local Government Act 1993*

April 2016



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## 1. PURPOSE

This Customer Service Charter specifies the Southern Midlands Council's customer service commitment and principles relating to the services it provides.

## 2. GENERAL PRINCIPLES

### **2.1 Honesty and Integrity**

- (a) We will treat you with respect and be courteous at all times;
- (b) We will be honest and transparent in all dealings with you; and
- (c) We will be consistent and impartial in administering our statutory and regulatory functions.

### **2.2 Professionalism**

- (a) We will always be polite, listen to your enquiry and respond in a professional manner;
- (b) We will endeavour to correct things promptly when they have gone wrong;
- (c) We will provide you with straightforward information and try to provide you with an alternative avenue if we are unable to help with your request;
- (d) We will respond to all enquiries within the timeframe set out in this document; and
- (e) We expect that our customers treat fellow customers, Council team and Councillors with respect and courtesy. Anti-social behaviour including offensive or abusive language, and/or harassing or threatening behaviours, is not acceptable and will not be tolerated. Any Councillor or Council team member have the right to ask a customer to cease a conversation or indeed they may leave, if the customer's actions breach this code of behaviour.

### **2.3 Privacy**

- (a) We will respect our customers' privacy and handle personal and confidential information in accordance with the *Personal Information Protection Act 2004*; and
- (b) We will only access confidential information for authorised work-related tasks.



### 3. CONTACTING THE COUNCIL

#### **3.1 In Person**

The Council's Administration Centres are at 71 High Street, Oatlands and 85 Main Street Kempton and they are open Monday to Friday from 9.00am – 4.30pm (closed on Public Holidays); and

#### **3.2 By Phone**

(a) Telephone number at Oatlands is (03) 62 545 000 and Kempton is (03) 62593011

(b) The Council's Switchboard is operational Monday to Friday from 8.30am – 4.30pm (closed on Public Holidays), a recorded message function is available after ours that includes an after hours emergency contact number.

#### **3.3 By Email**

Email address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)

#### **3.4 In Writing**

You may write to:

The General Manager  
Southern Midlands Council  
PO Box 21  
OATLANDS, TAS 7120

#### **3.5 Councillors**

Contact details for the Mayor and Councillors can be found on the Council's website.

#### **3.6 Service Request**

A service request may be lodged as an appeal for assistance to inspect, remove, replace, repair or reinstate Council infrastructure which may be damaged, missing or not operating. It can also be a request for a Council service or an appeal for action to be taken in respect of a nuisance, including stray or barking dogs.

To make a Service Request, please use one of the following options:

- (a) Complete an online Service Request on the Council's website Home Page: [Service Request](#);
- (b) Complete a Service Request form, these forms are available from the Administration Centres; or
- (c) The telephone numbers are - Oatlands (03) 62 545 000  
Kempton (03) 62 593 011



#### 4 COMPLAINTS

A complaint may be lodged as an expression of dissatisfaction, made to the Council in relation to its services, where a response or resolution is expected. Unsatisfactory conduct of an Officer(s) or failure to comply with the Service Standards will be treated as a complaint.

All complaints will be treated with seriousness, however if the complaint is found to be malicious, or is a repeated complaint to which a response has previously been given, the Council will take no further action. The customer will be informed of this decision in writing by the General Manager.

To make an official complaint, please write to the relevant party and ensure the following details are included:

- (a) Your full name, address and telephone number, anonymous complaints may be accepted where there is a potential risk to persons or property; and
- (b) Sufficient details for the complaint to be actioned.

If a Council Officer or Manager is unable to resolve your complaint, or if you are not satisfied with the suggested resolution, you may choose to escalate your complaint to the General Manager. In this case, please forward your original complaint and related information to:

The General Manager  
Southern Midlands Council  
PO Box 21  
OATLANDS, TAS 7120

If you are dissatisfied with the Council's attempt to address your complaint, you may contact the Mayor or escalate your complaint further by contacting:

(a) The Ombudsman  
GPO Box 960  
HOBART TAS 7001  
Phone: 1800 001 170 Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

(b) The Director  
Local Government Division  
Department of Premier and Cabinet  
GPO Box 123  
HOBART TAS 7001  
Phone: 03 6232 7022 Email: [ljd@dpac.tas.gov.au](mailto:ljd@dpac.tas.gov.au)



While you can refer your complaint directly to these bodies at any time, we strongly encourage you to approach the Council to investigate your complaint first.

Where a customer makes a complaint that the Council, a Councillor or the General Manager has failed to comply with the *Local Government Act 1993* or any other Act or may have committed an offence under that Act, the customer may, where they are not satisfied with the response, lodge the complaint with the Director of Local Government in accordance with *Section 339E* of the Act.

## 5 LEGISLATION AND COUNCIL POLICIES

Related legislation and internal documents include:

- (a) *Local Government Act 1993*
- (b) *Personal Information and Protection Act 2004*
- (c) *Right to Information Act 2009*
- (d) Unreasonable Complainant Conduct Policy.

It should be noted that some legislation determines approval, public notification and related response times that are outside the framework of this Customer Service Charter eg *Land Use Planning Approval Act 1993*, *Right to Information Act 2009*, etc. For further information in respect of State legislation please refer to the legislation online site [www.thelaw.tas.gov.au](http://www.thelaw.tas.gov.au).

## 6 SERVICE STANDARDS

### **6.1 Contact by telephone**

- (a) Our team will answer telephone enquiries promptly and courteously;
- (b) We aim to answer all questions at the first point of contact; and
- (c) If specialist attention is needed and the person required is available they will answer the call. Where the person required is not available, the call will be returned within one working day.

### **6.2 Contact in writing**

- (a) We aim to acknowledge both written and electronic communication within three working days of receiving it and respond to the communication within 10 working days;
- (b) If we cannot respond within the set timeframes we will make contact to explain the reason for the delay and when a full reply can be expected;
- (c) We will use language that is clear and concise.



### **6.3 Service Requests**

- (a) Where a service request is urgent and the matter places the safety of the community at a high risk, the matter will be dealt with immediately;
- (b) Where the matter is urgent and there is little risk to the safety of the community, the matter will be responded to within 24 hours;
- (c) Routine service requests will be dealt with according to the policies and procedures of the Council and guidelines as required by legislation.

### **6.4 Complaints**

If you are dissatisfied or have concerns about the services, decisions or actions of the Council we would like to hear about it:

- (a) We will acknowledge receipt of your telephone complaint within one working day and resolve or respond to your complaint within 10 working days;
- (b) If we are unable to resolve your complaint within 10 working days we will contact you to explain why and advise the timeframe in which we will be able to resolve it;
- (c) If you are not satisfied that your complaint has been adequately resolved you can request a review against the complaint resolution process. The complaint will be escalated to the General Manager who will then undertake an investigation of the issue and make a determination on the matter; and
- (d) We will ensure all of our correspondence includes the name and contact details of the Officer dealing with the matter.

The *Local Government Act 1993* requires that the General Manager provide the Council with a report at least once a year detailing the number and the nature of the complaints received. Complaints received are reported in the Annual Report of the Council.

## **7. APPROVAL PROCESS**

Reviewed every two years

<i>First Council Meeting Date:</i>	<i>November 2005</i>
<i>Final Council Meeting Date:</i>	<i>December 2005</i>
<i>Repealed Council Meeting Date:</i>	
<i>Updated Council Meeting Date:</i>	<i>Draft April 2016</i>



**CUSTOMER SERVICE CHARTER**  
**(NOVEMBER 2005)**  
*(S.339F Local Government Act 1993)*

**CUSTOMER SERVICE CHARTER**

The mission of the Southern Midlands Council under its Strategic Plan is to work in partnership with the community, and:

- a) work for the benefit of the community
- b) be forward looking and responsible
- c) operate as a team of Councillors and staff focussed upon performance
- d) be financially responsible.

This *Customer Service Charter* is in compliance with the requirements of the *Local Government Act 1993* and outlines our commitment to customers in accordance with our mission statement.

This document signals our commitment to:

- listen to and act on customers' views and needs
- transparent decision making that is consistent with open government;
- set clear standards of service and report on our performance;
- provide services that meet those standards; and
- investigate complaints openly, fairly and within published target response times.

## **OUR COMMITMENT TO CUSTOMER SERVICE**

The Southern Midlands Council is committed to the provision of timely, efficient, consistent and quality services provided by polite and helpful Officers that meet our customer's expectations.

The Southern Midlands Council places great emphasis on the efficient handling of complaints. Our aim at all times is to provide a quality service. We may not be able to provide complete satisfaction but we will always be trying for the best possible solution.

To achieve this customers are encouraged to voice their complaints and for Council to work toward increasing customer satisfaction and continuously improve our services by responding to customer complaints as efficiently and effectively as possible.

## **WHO IS A CUSTOMER**

A customer is any person or organisation having dealings with the Southern Midlands Council.

## **OUR SERVICE STANDARDS**

### **At all times we shall to:**

- Treat customers courteously and with respect.
- Deal with customers in a polite and helpful manner.
- Listen to customers and take their views into account.
- Provide customers with necessary and relevant information.
- Treat customers fairly and take account of the customer's particular needs.
- Act on our commitments in a timely manner.
- Value customers privacy by treating all personal information confidentially.
- Leave a "visit card" with our name and contact number following a visit to a customer's residence if that customer is absent at the time.
- Be punctual for meetings and appointments.

### **When a customer visits or telephones the Council**

We will attend the counter and answer the telephone promptly, courteously and deal with an enquiry directly without unnecessary referrals or transfers. If we cannot deal with the enquiry we will provide the customer with the name of the person the request or enquiry will be referred to or, if that information is not readily available, will request the relevant person to contact the customer directly. Telephone calls will be returned at the first opportunity however where information is not readily available verbal enquiries will be answered within 5 (five) working days. The person concerned will be informed of the reason(s) for the delay.

### **When a customer writes or emails**

We will respond to all written requests or enquiries within fifteen (15) working days. All written correspondence will however be acknowledged within three (3) working days. Our response will be either in full, or as an acknowledgement outlining the name of the person handling the matter. Such acknowledgement may be by telephone or in writing as appropriate. All correspondence will be as prompt as possible, courteous and written in plain English.

## OUR EXPECTATIONS OF THE CUSTOMER

To make our job efficient and effective in providing our services we ask customers to:

- Treat council officers as you would expect to be treated in their position.
- Respect the privacy, safety and needs of other members of the community.
- Have a note pad and pen by the phone.
- Provide accurate and complete details.
- Phone to make an appointment for a complex enquiry or a need to see a specific Officer.
- Phone the Officer nominated on correspondence sent to the customer and quoting the file number on the letter.

### Abusive Customers

Any interaction with members of the community where personal abuse or vulgar language is used, the communication may be terminated immediately by the Officer. If face to face, the Officer should walk away. If on a telephone, the Officer will terminate the call. If in email, the address may be blocked.

There may be occasions when

- the issue(s) a person has cannot be dealt with to their satisfaction and it is not possible for council officers to continue to respond; or
- correspondence contains personal abuse or vulgar language is used.

In these cases, the General Manager may decide to limit or cease responses to the person. A decision of this nature will be communicated in writing to the person.

If an Officer feels threatened by the language or behaviour of the customer, they may notify the Police.

## COMPLAINTS

We aim to give a high-quality service to all our customers and we do our best to satisfy everyone. If we slip from the high standards we set ourselves, we want to hear about it so that we can try to put things right as quickly as possible and prevent it happening again.

### What is a complaint?

A complaint is an expression of dissatisfaction with a decision (outside of a structured process), level or quality of service, or behaviour of an employee or agent, which can be investigated and acted upon.

A structured process is where legislation (Act, Regulation, Rule or By-law) specifically makes provision for an appeal, internal or external review of a decision.

#### **What is not a complaint**

- A request for service (unless there was no response to a first request for service)
- A request for information or an explanation of a policy or procedure.
- Disagreement with a policy of the Council.
- An appeal or request for internal or external review of a decision for which a structured process applies, other than that made as the result of a complaint.
- An expression concerning the general direction and performance of Council or its Councillors.
- An expression of dissatisfaction with the behaviour of a Councillor.
- Reports of damaged or faulty infrastructure.
- Reports about neighbours, noise, dogs, nuisances, unauthorised building work or similar issues that fall into the regulatory aspect of our service.

Many of the issues above are called 'complaints' when a customer contacts us. They are called complaints because a customer is unhappy about the situation and wants something done. The actions we take to resolve many 'complaints' are an everyday part of organisational life for us due to the nature of services we provide and will be dealt with apart from the formal complaints management process.

#### **Complaints Management Process**

The Manager/Supervisor of each Department of the Council is responsible for handling complaints relevant to that Department.

While most problems can usually be resolved at an early stage, there are times when they require detailed investigation. If a complaint is of a very serious nature, it will be referred to the General Manager.

Irrespective of the manner in which the complaint was received a response to the complaint can be expected within twenty (20) working days. If a Councillor has submitted a complaint on a customer's behalf we will also try to respond to the Councillor within twenty (20) working days.

There are times when it's not possible to meet this deadline, eg. where a complaint is a complex one and Councillors are to be briefed on the outcome of the investigations. In these cases we will endeavour to keep the customer informed of progress.

#### **Form of Complaint**

A complaint may be lodged orally (by telephone or at the counter) and may be responded to orally by phoning or by meeting with the Manager/Supervisor of the relevant Department to discuss the complaint.

If the complaint relates to a complex matter or there is no resolution from discussing the matter with the relevant Manager/Supervisor a complaint should be made in writing setting out the complaint as simply as possible.

To assist Council in dealing with your complaint a customer should include the following if relevant:

- a) date, times and location of events
- b) what happened – ( identify any witnesses to the event[s] )
- c) to whom the customer has spoken (names, position in the Council and dates)
- d) copies or references to letter or documents relevant to the complaint
- e) state what the customer hopes to achieve as an outcome to the complaint.

#### **Internal Review**

Experience has shown that the majority of complaints will be satisfactorily resolved by the relevant Manager/Supervisor. However, a person who is not satisfied with the outcome may request a review of the complaint by the Council's General Manager. A request for a review of the complaint to the General Manager is to be in writing.

The General Manager will inform the customer of the findings on completion of an investigation.

#### **Consideration of a Complaint**

In considering a complaint the relevant Manager/Supervisor or the General Manager will:

- Examine and analyse the information already available and follow up points requiring clarification.
- Look at the Council Policies which might have a bearing on the complaint.
- Consider whether or not the Council is at fault;
- Consider any necessary action to be taken to correct the faults identified; and
- Consider a review of the Council's procedures to avoid recurrence of any similar complaint in the future if necessary.

The relevant Manager/Supervisor or the General Manager may enter into informal discussions or mediation on a complaint with a view to resolution.

#### **Vexatious Complaints**

All complaints received by Council will be treated with the utmost seriousness however if a complaint is found to be malicious, frivolous or vexatious no further action will be taken on the complaint. The customer will be informed of this decision in writing by the General Manager.

#### **Anonymous Complaints**

While we will receive anonymous complaints, we will generally only act on them where the matter is considered to be serious and there is sufficient information in the complaint to enable an investigation to be undertaken.

#### **Protection of Customer**

We will take all care to ensure that the reporting of complaints will not result in a customer experiencing any form of victimisation or retribution as a result of the complaint.

**What if a customer is not satisfied with the resolution of the complaint**

Council is confident that it can resolve the majority of complaints received however, we understand that we may not be able to satisfy every customer on every occasion.

Sometimes Councils have to make difficult and complex decisions involving many people and individual customers do not get the outcome they want.

If a complaint remains unresolved or a customer is dissatisfied with our process in dealing with a complaint other avenues remain for the customer to explore which include:

- available Administrative Appeals Process,
- the *Judicial Review Act 2000*
- contact external agencies which can review actions and decisions taken by the Council, these include:
  - The Ombudsman who is an officer responsible to Parliament for investigating complaints made about administrative actions (or inactions) of Tasmanian Government Departments, most Statutory Authorities and Local Government. The Ombudsman is located at Ground Floor, 99 Bathurst Street, Hobart, 7000. Ph (03) 6233 6217.
  - Local Government Division, Level 8, 15 Murray Street, Hobart (GPO Box 123 HOBART, 7001) Ph. (03) 6233 6758

While a customer is entitled to refer a complaint directly to these Bodies at any time, customers are encouraged to allow the Council to investigate the complaint first.

**HOW YOU CAN CONTACT US**

You can contact us to make an enquiry or a complaint:

- in person by visiting Council's Offices at 71 High Street, Oatlands or 83 Main Street, Kempton during the hours of 9:00am to 4:30pm Monday to Friday
- by telephone by phoning 62 545000 during the hours of 8:30am to 5:20pm Monday to Friday. Council provides an After-Hours Emergency Service on telephone 0419 325405.
- By Email to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)
- By Internet by visiting the Council Web-site at [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)

**PERSONAL INFORMATION PROTECTION**

Council has a commitment to protection of Personal Information provided by a customer to Council in accordance with the requirements of the *Personal Information Protection Act 2004* and the *Freedom of Information Act 1991*.

**REPORTING**

The General Manager is to provide Council with a report at least once a year of the number and nature of complaints received in accordance with section 339F(5) of the *Local Government Act 1993*.

#### **AVAILABILITY**

This *Customer Service Charter* is available:

- For public inspection at the Council Office during normal office hours
- On the Council's Web-site free of charge
- For purchase from the Council Office

#### **REVIEW**

This *Customer Service Charter* is to be reviewed at least once every two years in accordance with section 339F(4) of the *Local Government Act 1993*.

## 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 (APRIL 2016)

**Author:** FINANCE OFFICER (COURTNEY PENNICOTT)

**Date:** 21 MAY 2016

#### ISSUE

Refer enclosed Report incorporating the following: -

- a) Statement of Comprehensive Income – 1<sup>st</sup> July 2015 to 30<sup>th</sup> April 2016 (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 15<sup>th</sup> May 2016
- e) Cash Flow Statement - April 2016

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2015 to 30<sup>th</sup> April 2016 – approximately 83% of the period.*

### CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

#### **Strategic Theme – Infrastructure**

**Sub-Program – Lighting** - expenditure to date (\$82,482– 94.52%). Street lighting is now paid on a monthly basis. Prior to the commencement of monthly payments, in August 2015, a quarterly payment was made in July 2015 which related to part of the previous financial year. Recognising that this was not an accrued expense as at June 2015, it is expected that this budget will be exceeded by approximately \$14,700 at the end of the reporting period.

**Sub-Program – Signage** – expenditure to date (\$11,089– 117.97%). Expenditure relates to the replacement of damaged and missing signs, including the large Çolebrook township sign.

#### **Strategic Theme – Growth**

**Sub-Program – Business** - expenditure to date (\$181,819– 152.52%). Works undertaken on a recharge basis. Expenditure will be offset by income received.

**Strategic Theme – Lifestyle**

**Sub-Program – Aged** – expenditure to date (\$2,700 – 180.01%). Expenditure of \$1256 relates to seniors week activities.

**Strategic Theme –Community**

**Sub-Program – Consultation** – expenditure to date (\$5,183 – 102.22%). Expenditure relates to annual electricity payments for the Weeding’s Hill tower.

**Strategic Theme – Organisation**

**Strategic Theme – Improvement** – expenditure to date (\$71,747– 819.97%). All costs relate to the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands.

**Sub-Program – Sustainability** - expenditure to date (\$1,808,126 – 88.29%). Expenditure to date includes approximately \$149,500 of annual expenses (e.g. insurances, subscriptions and licence payments). If this amount is apportioned over the financial year, expenditure to date is within the approved budget.

**CAPITAL EXPENDITURE ESTIMATES (CAPITAL BUDGET)**

Nil.

**RECOMMENDATION**

THAT the Financial Report be received and the information noted.

**DECISION**

*Moved by Clr E Batt, seconded by Clr D Marshall*

**THAT the Financial Report be received and the information noted.**

**CARRIED**

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

STATEMENT OF COMPREHENSIVE INCOME				
FOR THE PERIOD				
1st JULY 2015 to 30th APRIL 2016				
	Annual Budget	Year to Date as at 30th APRIL	%	Comments
<b>Income</b>				
General rates	\$ 4,666,548	\$ 4,664,325	100.0%	Budget includes Interest & Penalties to be imposed to end of June 2016
User Fees (refer Note 1)	\$ 658,662	\$ 636,951	96.7%	
Interest	\$ 200,000	\$ 153,209	76.6%	
Government Subsidies	\$ 15,570	\$ 7,570	48.6%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 355,854	\$ 370,153	104.0%	
<b>Sub-Total</b>	<b>\$ 5,896,634</b>	<b>\$ 5,832,208</b>	<b>98.9%</b>	
Grants - Operating	\$ 3,201,435	\$ 1,272,009	39.7%	Mens Shed \$3202 FAGS \$1,271,474 NRM \$332.73
<b>Total Income</b>	<b>\$ 9,098,069</b>	<b>\$ 7,104,218</b>	<b>78.1%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,766,728)	\$ (2,488,723)	66.1%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (2,738,461)	\$ (2,589,601)	94.6%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,668,500)	\$ (2,214,855)	83.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (50,583)	\$ (26,181)	51.8%	
Contributions	\$ (188,399)	\$ (141,299)	75.0%	Fire Service Levies
Other	\$ (264,784)	\$ (198,908)	75.1%	
<b>Total expenses</b>	<b>\$ (9,677,455)</b>	<b>\$ (7,659,567)</b>	<b>79.1%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (579,386)</b>	<b>\$ (555,349)</b>	<b>95.9%</b>	
Grants - Capital (refer Note 3)	\$ 877,860	\$ 216,934	24.7%	
Sale Proceeds (Plant & Machinery)	\$ 210,000	\$ 315,268	150.1%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 508,474</b>	<b>-\$ (23,147)</b>	<b>-4.6%</b>	

<b>NOTES</b>				
<b>1. Income - User Fees (Budget \$658,662) includes:</b>				
- All other Programs	\$ 330,162	\$ 365,075	110.6%	Actual Income Received (i.e. excluding Debtors)
- Callington Mill	\$ 328,500	\$ 271,876	82.8%	
	\$ 658,662	\$ 636,951		
<b>2. Income - Other (Budget \$355,854) includes:</b>				
- Income (Private Works )	\$ 127,854	\$ 246,780	193.0%	
- Tas Water Distributions	\$ 228,000	\$ 117,725	51.6%	
- Public Open Space Contributions	\$ -	\$ -	0.0%	
- Other	\$ -	\$ 5,649	0.0%	
	\$ 355,854	\$ 370,153	104.0%	
<b>3. Grant - Capital (Budget \$877,860) includes:</b>				
- Black Spot Funding	\$ -	\$ -	0.0%	
- Tourism Funding	\$ -	\$ 4,000	0.0%	To be claimed in March 2016
- Roads To Recovery Grant	\$ 877,860	\$ 212,934	24.3%	
	\$ 877,860	\$ 216,934	24.7%	
<b>Note:</b>				
<b>Operating Grants</b>				
- Mens Shed	\$ -	\$ 3,202		
- NRM South	\$ -	\$ 333		
		\$ 3,535		

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2015/16  
SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th APRIL 2016 83%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3004318	3004318	2357046	647272	78.46%
Bridges	361179	361179	281845	79334	78.03%
Walkways	179906	179906	131167	48739	72.91%
Lighting	87266	87266	82482	4784	94.52%
Irrigation	0	0	0	0	0.00%
Drainage	85107	85107	59997	25110	70.50%
Waste	579191	579191	435108	144083	75.12%
Public Toilets	56642	56642	38367	18275	67.74%
Communications	0	0	0	0	0.00%
Signage	9400	9400	11089	-1689	117.97%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4363009</b>	<b>4363009</b>	<b>3397101</b>	<b>965908</b>	<b>77.86%</b>
<b>GROWTH</b>					
Residential	0	0		0	0.00%
Mill Operations	481205	481205	371456	481205	77.19%
Tourism	222479	222479	159529	222479	71.71%
Business	876177	126177	192440	-66263	152.52%
Agriculture	0	0	89	-89	0.00%
Integration	25615	25615	4528	21087	17.68%
<b>GROWTH TOTAL:</b>	<b>1605476</b>	<b>855476</b>	<b>728042</b>	<b>658419</b>	<b>85.10%</b>
<b>LANDSCAPES</b>					
Heritage	292412	292412	143686	148726	49.14%
Natural	138323	138323	104388	33935	75.47%
Cultural	0	0	0	0	0.00%
Regulatory	824289	824289	680231	144058	82.52%
Climate Change	28204	28204	1405	26799	4.98%
<b>LANDSCAPES TOTAL:</b>	<b>1283228</b>	<b>1283228</b>	<b>929710</b>	<b>353518</b>	<b>72.45%</b>
<b>LIFESTYLE</b>					
Youth	222610	222610	23544	199066	10.58%
Aged	1500	1500	2700	-1200	180.01%
Childcare	7500	7500	5000	2500	66.67%
Volunteers	34500	34500	19995	14505	57.96%
Access	0	0	0	0	0.00%
Public Health	7881	7881	2481	5400	31.48%
Recreation	430731	430731	336532	94199	78.13%
Animals	72429	72429	45012	27417	62.15%
Education	0	0		0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>777151</b>	<b>777151</b>	<b>435265</b>	<b>341886</b>	<b>56.01%</b>
<b>COMMUNITY</b>					
Retention	0	0		0	0.00%
Capacity	31025	31025	23583	7442	76.01%
Safety	56650	56650	41396	15254	73.07%
Consultation	5070	5070	5183	-113	102.22%
Communication	12125	12125	1179	10946	9.72%
<b>COMMUNITY TOTAL:</b>	<b>104870</b>	<b>104870</b>	<b>71340</b>	<b>33530</b>	<b>68.03%</b>
<b>ORGANISATION</b>					
Improvement	8750	8750	71747	-62997	819.97%
Sustainability	2047836	2047836	1808126	239710	88.29%
Finances	252135	252135	198968	53167	78.91%
<b>ORGANISATION TOTAL:</b>	<b>2308721</b>	<b>2308721</b>	<b>2078841</b>	<b>229880</b>	<b>90.04%</b>
<b>TOTALS</b>	<b>10442455</b>	<b>9692455</b>	<b>7640300</b>	<b>2583140</b>	<b>78.83%</b>

CAPITAL EXPENDITURE PROGRAM 2015-16

AS AT 31 MAY 2016

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>INFRASTRUCTURE</b>						
	<b>ROAD ASSETS</b>					
	Resheeting Program	Roads Resheeting (40.00 klms x 5.5 x 150mm x \$20 m3)	\$ 600,000	\$ 435,272	\$ 164,728	
	Reseal Program	Roads Resealing (as per agreed program)	\$ 500,000	\$ -	\$ 27,213	
		C1010046 East Bagdad Road Reseal		\$ 21,521		
		C1010048 Oatlands and Kempton Road Reseal Project		\$ 451,267		
		C1010052 Eldon Road Reseal	\$ -	\$ 56,305	\$ (56,305)	RTR
		C1010053 Rhyndaston Road	\$ -	\$ 72,590	\$ (72,590)	RTR
		C1010057 White Kangaroo Road Reseal	\$ -	\$ 52,018	\$ (52,018)	RTR
		C1010058 Woodsdale Road Reseal 3 Sections (near 'glue pot' - New Country Marsh Road)	\$ -	\$ 43,760	\$ (43,760)	RTR
	<b>Reconstruct &amp; Seal</b>					
		C1010034 Clifton Vale Road	\$ 21,818	\$ 28,383	\$ (6,565)	
		C1010051 Brown Mountain Road (section up Hill - 200 metres)	\$ 30,000	\$ 36,173	\$ (6,173)	
		C1010049 Eldon Road Restabilise and Seal (various sections - 500 metres)	\$ 75,000	\$ 68,326	\$ 6,674	
		C1010032 Green Valley Road (above Bridge - 150 metres)	\$ 22,500	\$ 21,570	\$ 930	
		C1010023 Inglewood Road (vicinity of Viaduct) - 585 mtrs from Rail Lights to Viaduct	\$ 87,750	\$ 70,966	\$ 16,784	
		C1010050 Rhyndaston Road (Vicinity of J Housego - 100 metres)	\$ 13,750	\$ 19,244	\$ (5,494)	
		C1010055 Woodsdale Road (Whitefoord end - 2 sections - 200 metres)	\$ 30,000	\$ 34,401	\$ (4,401)	
		Woodsdale Road (near 'glue pot' - 2 sections - 240 metres)	\$ 36,000	\$ -	\$ 36,000	
		Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	
	<b>Junction Road Realignment/ Other</b>					
		C1010037 Campania - Reeve St / Clime Street	\$ 45,600	\$ 11,722	\$ 33,878	
		Church Street, Oatlands (outside school -V' drain) - 100mtrs	\$ 6,000	\$ -	\$ 6,000	
		C1010056 High Street/Esplanade - Junction Improvements	\$ 25,000	\$ 4,733	\$ 20,267	
		Reeve Street - Hall Street to Rec Ground (K&G) - 70 mtrs	\$ 8,800	\$ -	\$ 8,800	
		C1020047 Lovely Banks Road (junction with Colebrook)	\$ 40,000	\$ 5,755	\$ 34,245	
		Station Street, Tea Tree	\$ 19,500	\$ -	\$ 19,500	

<b>Carry Forwards:</b>						\$ -	
Minor Seals (New)	C1020031	Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000		
	C1020032	Hasting Street Junction	\$ 15,000	\$ -	\$ 15,000		
Sealed - Road Widening	C1010002	Green Valley Road - Widening	\$ 83,000	\$ 19,755	\$ 63,245		
Unsealed - Road Widening	C1020037	Hall Lane, Bagdad - widening	\$ 15,000	\$ -	\$ 15,000		
	C1020038	Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000		
	C1020034	Church Road (Corner Widening)	\$ 7,165	\$ 9,202	\$ (2,037)		
Junction / Road Realignment / Other		Woodsdale Road / Tunnack Main Rd Junction (30 mm Overlay)	\$ 6,400	\$ -	\$ 6,400		
		Yarlington Road - Realignment	\$ 20,000	\$ 11,023	\$ 8,977		
	C1020040	Interlaken Road- Corner Realignment (Rockton)	\$ 13,308	\$ 12,909	\$ 399		
	C1010038	Campania - Reeve St / Hall Street K&G	\$ 5,000	\$ -	\$ 5,000		
		Tunbridge Main Road Verge	\$ 3,000	\$ -	\$ 3,000		
	C1010039	Woodsdale Road - Landslip Area (vicinity Scotts Quarry)	\$ 15,000	\$ -	\$ 15,000		
		Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700		
		York Plains Road *Camber adjustment)	\$ 5,000	\$ -	\$ 5,000		
	C1020026	Church Road - Realign (Intersection with Elderslie Road) - Survey & Acquisition	\$ 211,000	\$ 204,127	\$ 6,873	WIP 30/6/15	
			<b>\$ 2,022,792</b>	<b>\$ 1,691,022</b>	<b>\$ 331,770</b>		
<b>BRIDGE ASSETS</b>							
	C1030003	Brown Mountain Rd Bridge (B637)	\$ -	\$ 1,024	\$ (1,024)		
	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/15	
	C1030012	Sandy Lane (Red Rocks Race B4198)	\$ 56,950	\$ 31,222	\$ 25,728	WIP 30/6/15	
	C1030021	Wattle Hill Road (Coal River B1402)	\$ 284,925	\$ 32,436	\$ 252,489		
	C1030023	Swanston Road - Little Swanport Rv (B 1716)	\$ 355,000	\$ 384,093	\$ (29,093)		
	C1030028	Rotherwood Road (B1137)	\$ -	\$ 8,419	\$ (8,419)		
	C1030040	Jones Rd (B5083)	\$ -	\$ 80,778	\$ (80,778)	WIP 30/6/15	
	C1030046	Kheme Road (Birrale Creek T468.00570)	\$ 142,527	\$ 10,892	\$ 131,635		
	C1030044	Grahams Creek Road (Grahams Creek B2510) Elderslie Road	\$ 81,672	\$ 1,304	\$ 80,368		
	C1030048	Muddy Plains Road (Summerfield Creek B417)	\$ 107,289	\$ 73,694	\$ 33,595	WIP 30/6/15	
	C1030049	Inglewood Road (Tin Dish Rivulet B4289)	\$ 212,650	\$ 2,398	\$ 210,252	WIP 30/6/15	
	C1030050	Nala Road (Kittys Rivulet B4264)	\$ 107,289	\$ 60,607	\$ 46,682	WIP 30/6/15	
	C1030051	Old Tier Road (Blackman River B3207)	\$ 132,834	\$ 51,965	\$ 80,869		
	C1030052	Jordan River B5083	\$ -	\$ 7,877	\$ (7,877)		
	C1030053	Stratford Road Bridge (B4823)	\$ -	\$ 22,128	\$ (22,128)		
		Noyes Road (Limekiln Creek)	\$ 41,265	\$ -	\$ 41,265		
		Hardings Road (White Kangaroo Rivulet B1096)	\$ 163,547	\$ -	\$ 163,547		
			<b>\$ 1,685,948</b>	<b>\$ 770,305</b>	<b>\$ 915,643</b>		

<b>WALKWAYS</b>						
		Footpaths - General (Program to be confirmed)	\$ 30,000	\$ -	\$ 30,000	
	C1040003	Streetscapes	\$ -	\$ 1,633	\$ (1,633)	
		Bagdad Township			\$ -	
	C1090013	- Swan Street - Kerb & Gutter (eastern & western side)	\$ 112,244	\$ 2,687	\$ 109,557	
		Campania Township				
	C1040005	- Reeve Street (Vicinity of Store)	\$ 10,000	\$ 5,057	\$ 4,943	
	C1040005	- Reeve Street (500 metres)	\$ 80,000	\$ 8,386	\$ 71,614	WIP 30/6/14 Design etc
		- Review Management Plan (Site Plan) / Walking Tracks (Bush Reserve)	\$ 5,000		\$ 5,000	
		Kempton Township			\$ -	
		- Main Street (vicinity of Tavern) incl. renewal of K&G	\$ 17,500	\$ 14,302	\$ 3,198	
		Oatlands Township			\$ -	
		- Church Street (K&G renewal)	\$ 15,000	\$ 26,139	\$ (11,139)	
		Tunbridge Township				
		- Various (to be confirmed)	\$ 7,800	\$ -	\$ 7,800	
			<b>\$ 277,544</b>	<b>\$ 58,203</b>	<b>\$ 219,341</b>	
<b>DRAINAGE</b>		Bagdad				
		- Midland Hwy/ Swan St Drainage (McShane Property)	\$ 22,500	\$ -	\$ 22,500	
	C1090015	- Swan Street - Kerb & Gutter (eastern & western side)	\$ -	\$ -	\$ -	WIP 30/6/15
		- East Bagdad Road - Drainage Renewal	\$ 50,000	\$ 45,237	\$ 4,763	
		Campania			\$ -	
	C1090008	- Reeve Street Open Drain (North Of Telephone Box)	\$ 35,000	\$ 9,592	\$ 25,408	WIP 30/6/15
		Oatlands				
		- Barrack Street(towards Mason St)	\$ 10,000	\$ -	\$ 10,000	
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	
	C1090024	Stormwater Management Plan		\$ 4,661	\$ (4,661)	
			<b>\$ 122,500</b>	<b>\$ 59,491</b>	<b>\$ 63,009</b>	
<b>WASTE</b>	C110002	Wheelie Bins & Crates	\$ 7,500	\$ 4,216	\$ 3,284	
			<b>\$ 7,500</b>	<b>\$ 4,216</b>	<b>\$ 3,284</b>	
<b>PUBLIC TOILETS</b>	C1110001	Colebrook - Power Connection & Lighting	\$ 5,000	\$ 3,935	\$ 1,066	
		Campania - Urinal / Plumbing / External Shower Head	\$ 4,000	\$ -	\$ 4,000	
			<b>\$ 9,000</b>	<b>\$ 3,935</b>	<b>\$ 5,066</b>	

	<b>SIGNAGE</b>		Oatlands Signage (Info Bays) - Town Maps	\$ 10,000	\$ 660	\$ 9,340
		C113001	Highway Signage - Graphic Design	\$ 2,000	\$ 1,020	\$ 980
				<b>\$ 12,000</b>	<b>\$ 1,680</b>	<b>\$ 10,320</b>
	<b>RESIDENTIAL</b>	C201001	Kandara Court Subdivision	\$ -	\$ 2,606	\$ (2,606)
				<b>\$ -</b>	<b>\$ 2,606</b>	<b>\$ (2,606)</b>
	<b>CAPACITY</b>	C2020003	Community Garden- Mill Precinct	\$ 8,200	\$ 3,809	\$ 4,391
				<b>\$ 8,200</b>	<b>\$ 3,809</b>	<b>\$ 4,391</b>
	<b>BUSINESS</b>	C2030001	Barrack Street Property Purchase	\$ -	\$ 172,320	\$ (172,320)
				<b>\$ -</b>	<b>\$ 172,320</b>	<b>\$ (172,320)</b>
<b>LANDSCAPES</b>	<b>HERITAGE</b>	C3010002	Callington Mill (Master Precinct Plan)	\$ 12,500	\$ -	\$ 12,500
			Callington Mill (Mill Tower- Fire Detection System)	\$ 6,500	\$ -	\$ 6,500
			Callington Mill (Car Parking Area- Drainage Improvements)	\$ 5,000	\$ -	\$ 5,000
		C3010008	Commissariat (79 High Street)	\$ 139,500	\$ 13,323	\$ 126,177
			Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000
			Oatlands Gaol - Minor Capital Works	\$ 7,000	\$ -	\$ 7,000
			Roche Hall - Forecourt (Interps- Planning)	\$ 5,000	\$ -	\$ 5,000
			Roche Hall - Stamp Duty (Property Transfer)	\$ 15,275	\$ -	\$ 15,275
		C3010009	Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500
			Parattah Railway Station - Guttering & Fascia	\$ 2,600	\$ -	\$ 2,600
				<b>\$ 205,875</b>	<b>\$ 13,323</b>	<b>\$ 192,552</b>
	<b>NATURAL</b>	C3020002	Callington Park - Stone Wall	\$ 9,000	\$ 3,480	\$ 5,520
			Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ -	\$ 5,000
		C3020005	Chauncy Vale Track Construction	\$ -	\$ 10,000	\$ (10,000)
			NRM South Weed Management	\$ -	\$ 620	\$ (620)
			Tunbridge Circle Landscaping	\$ -	\$ -	\$ -
				<b>\$ 14,000</b>	<b>\$ 14,100</b>	<b>\$ (100)</b>

	<b>REGULATORY</b>	C3040001	Kempton Council Chambers - Building & Office Improvements	\$ 18,954	\$ -	\$ 18,954	
		C3040001	Kempton Council Chambers - Office Equipment	\$ 3,000	\$ -	\$ 3,000	
		C3040001	Kempton Council Chambers - External Repainting	\$ 7,500	\$ -	\$ 7,500	
				<b>\$ 29,454</b>	<b>\$ -</b>	<b>\$ 29,454</b>	
<b>LIFESTYLE</b>	<b>RECREATION</b>	C4070001	Parattah Recreation Ground - Building	\$ 10,000	\$ 12,343	\$ (2,343)	
		C4070001	Parattah Recreation Ground - Demolish External Toilets	\$ 5,000	\$ -	\$ 5,000	
		C4070002	Parattah Recreation Ground - Facility Development	\$ 20,000	\$ -	\$ 20,000	
		C4070003	Campania Recreation Ground- Tree Planting	\$ 5,000	\$ -	\$ 5,000	
		C4070005	Recreation Committee	\$ 15,000	\$ 6,085	\$ 8,915	Incl. W/Dale Hall Heating
		C4070016	Colebrook Recreation Ground (Amenities)	\$ 35,000	\$ 22,337	\$ 12,663	
		C4070017	Kempton Hall - External Repainting	\$ 20,000	\$ -	\$ 20,000	
			Kempton Recreation Ground - Grandstand Hand Rails	\$ 5,000	\$ -	\$ 5,000	Includes C4070030
			Oatlands Aquatic Club Building	\$ 18,000	\$ -	\$ 18,000	
		C4070022	Playspace Strategy - Alexander Circle & Lyndon Road	\$ 8,000	\$ -	\$ 8,000	
			Oatlands Recreation Ground - Retaining Wall	\$ 12,000	\$ -	\$ 12,000	
		C4070027	Oatlands Recreation Ground Flood Lights	\$ 385,000	\$ 375,973	\$ 9,027	
		C4070028	Campania Recreation Ground Flood Lights	\$ -	\$ 279,769	\$ (279,769)	
		C4070031	Mt Pleasant - Watering System	\$ 20,554	\$ 16,626	\$ 3,928	Ground Lighting - Budget Amendment
			Mt Pleasant - Upgrade Toilets	\$ 13,000	\$ -	\$ 13,000	
		C4070032	Mt Pleasant - Cricket Pitch	\$ -	\$ 17,140	\$ (17,140)	Club Contribution
				<b>\$ 571,554</b>	<b>\$ 730,273</b>	<b>\$ (158,719)</b>	
	<b>SAFETY</b>		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
				<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
	<b>CAPACITY</b>		Community Blacksmith Program	\$ 6,200	\$ -	\$ 6,200	
		C5020001	Levendale Community Centre	\$ 20,000	\$ 10,242	\$ 9,758	
				<b>\$ 26,200</b>	<b>\$ 10,242</b>	<b>\$ 15,958</b>	

<b>ADMINISTRATION</b>	C6020003	Computer System (Hardware / Software)	\$ 20,000	\$ 8,808	\$ 11,192	
	C6020007	Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	
	C6020007	Council Chambers - Building Improvements	\$ 7,500	\$ -	\$ 7,500	
	C6020007	Town Hall (General) - incl. Office Equip/Furniture	\$ 8,000	\$ 5,401	\$ 2,599	
	C6020007	Photo Reframing	\$ 1,500	\$ -	\$ 1,500	
	C6020010	Municipal Revaluation		\$ 126,000	\$ (126,000)	WIP 30/6/15 - \$98K
					\$ -	
<b>WORKS</b>		Kempton Depot - Painting	\$ 10,000	\$ -	\$ 10,000	
		Depot Relocation	\$ 5,000	\$ -	\$ 5,000	
					\$ -	
	C9990002	Minor Plant Purchases	\$ 9,500	\$ 13,783	\$ (4,283)	
		Radio System	\$ 2,000	\$ -	\$ 2,000	
					\$ -	
		Plant Replacement Program				
		Refer separate Schedule (Net Changeover)	\$ 365,000	\$ 128,480	\$ 236,520	
		Light Vehicles	\$ 168,000	\$ 302,347	\$ (134,347)	
		(Trade Allowance - \$240K)	\$ -	\$ -	\$ -	
		Water Tanks Replacement (Truck)	\$ 50,000	\$ 49,440	\$ 560	
					\$ -	
			<b>\$ 661,500</b>	<b>\$ 634,259</b>	<b>\$ 27,241</b>	
		<b>GRAND TOTALS</b>	<b>\$ 5,657,067</b>	<b>\$ 4,169,783</b>	<b>\$ 1,487,284</b>	

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 15th May 2016		Last Financial Year 14th May 2015	
Arrears brought forward as at July 1		\$ 369,292.54		\$ 431,103.63
ADD current rates and charges levied		\$ 4,597,407.55		\$ 4,326,873.65
ADD current interest and penalty		\$ 70,939.16		\$ 71,856.87
<b>TOTAL rates and charges demanded</b>	100.00%	\$ 5,037,639.25	100.00%	\$ 4,829,834.15
LESS rates and charges collected	84.02%	\$ 4,232,466.09	84.93%	\$ 4,102,206.31
LESS pensioner remissions	4.36%	\$ 219,448.33	4.51%	\$ 217,665.10
LESS other remissions and refunds	-0.08%	-\$ 4,074.49	-0.21%	-\$ 10,335.58
LESS discounts	0.47%	\$ 23,779.48	0.45%	\$ 21,649.34
<b>TOTAL rates and charges collected and remitted</b>	88.76%	\$ 4,471,619.41	89.68%	\$ 4,331,185.17
<b>UNPAID RATES AND CHARGES</b>	11.24%	\$ 566,019.84	10.32%	\$ 498,648.98

	INFLOWS (OUTFLOWS) (July 2015)	INFLOWS (OUTFLOWS) (August 2015)	INFLOWS (OUTFLOWS) (September)	INFLOWS (OUTFLOWS) (October 2015)	INFLOWS (OUTFLOWS) (November)	INFLOWS (OUTFLOWS) (December 2015)	INFLOWS (OUTFLOWS) (January 2016)	INFLOWS (OUTFLOWS) (February 2016)	INFLOWS (OUTFLOWS) (March 2016)	INFLOWS (OUTFLOWS) (April 2016)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>											
<b>Payments</b>											
Employee costs	- 254,864.07	- 261,693.89	- 251,001.52	- 232,034.50	- 393,712.86	- 269,604.92	- 187,615.29	- 228,230.80	- 245,094.85	- 223,062.84	- 2,546,915.54
Materials and contracts	- 412,124.72	- 525,718.68	- 473,273.43	- 198,766.35	- 377,494.06	- 176,160.99	- 281,497.11	- 283,506.80	- 209,000.52	- 264,940.77	- 3,202,483.43
Interest	- 128.02	-	-	-	- 5,019.42	- 15,929.89	- 5,075.00	- 28.35	-	-	- 26,180.68
Other	- 14,368.84	- 28,264.62	- 34,991.30	- 82,725.46	- 24,794.03	- 18,381.21	- 70,745.43	- 12,312.14	- 27,054.94	- 61,207.67	- 374,845.64
	- 681,485.65	- 815,677.19	- 759,266.25	- 513,526.31	- 801,020.37	- 480,077.01	- 544,932.83	- 524,078.09	- 481,150.31	- 549,211.28	- 6,150,425.29
<b>Receipts</b>											
Rates	86,203.59	581,696.64	1,435,377.23	353,194.19	343,847.82	283,887.71	398,500.51	278,454.53	369,173.37	251,304.97	4,381,640.56
User charges	341,967.92	60,880.69	107,331.56	106,788.34	76,656.56	65,760.67	67,507.98	97,430.06	103,308.57	59,252.13	1,086,884.48
Interest received	14,286.13	15,869.47	15,542.66	15,996.65	16,712.92	15,647.60	14,995.76	15,527.82	14,298.59	14,331.77	153,209.37
Subsidies	-	-	-	-	7,570.00	-	-	-	-	-	7,570.00
Other revenue grants	3,166.00	422,824.75	-	36.36	512,260.75	-	-	423,157.48	-	-	1,361,445.34
GST Refunds from ATO	-	-	-	-	-	-	-	-	-	-	-
Other	49,007.95	28,624.98	89,118.60	- 34,879.60	- 17,328.99	- 19,151.19	- 40,706.55	93,473.86	- 39,217.84	- 64,496.48	44,444.74
	494,631.59	1,109,896.53	1,647,370.05	441,135.94	939,719.06	346,144.79	440,297.70	908,043.75	447,562.69	260,392.39	7,035,194.49
<b>Net cash from operating activities</b>	- 186,854.06	294,219.34	888,103.80	- 72,390.37	138,698.69	- 133,932.22	- 104,635.13	383,965.66	- 33,587.62	- 288,818.89	884,769.20
<b>Cash flows from investing activities</b>											
Payments for property, plant & equipment	- 108,069.43	- 563,212.67	- 61,851.29	- 133,488.49	- 566,039.49	- 222,041.48	- 422,906.09	- 477,231.68	- 363,593.74	- 328,669.84	- 3,247,104.20
Proceeds from sale of property, plant & equipment	-	-	-	-	-	-	-	-	-	-	-
Proceeds from Capital grants	12,357.27	15,330.01	-	7,944.55	25,599.09	24,235.45	58,000.63	74,094.82	97,706.07	-	315,267.89
Proceeds from Investments	-	-	-	-	-	-	-	127,498.00	-	-	127,498.00
Payment for Investments	-	-	-	-	-	-	-	-	-	-	-
<b>Net cash used in investing activities</b>	- 95,712.16	- 547,882.66	- 61,851.29	- 125,543.94	- 540,440.40	- 197,806.03	- 364,905.46	- 275,638.86	- 265,887.67	- 328,669.84	- 2,804,338.31
<b>Cash flows from financing activities</b>											
Repayment of borrowings	- 4,507.85	-	-	-	- 12,524.30	- 35,569.30	- 6,133.58	-	-	-	- 58,735.03
Proceeds from borrowings	250,000.00	-	-	-	-	-	-	-	-	-	250,000.00
<b>Net cash from (used in) financing activities</b>	245,492.15	-	-	-	- 12,524.30	- 35,569.30	- 6,133.58	-	-	-	191,264.97
<b>Net increase/(decrease) in cash held</b>	- 37,074.07	- 253,663.32	826,252.51	- 197,934.31	- 414,266.01	- 367,307.55	- 475,674.17	108,326.80	- 299,475.29	- 617,488.73	- 1,728,304.14
Cash at beginning of reporting year	10,002,747.20	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	9,926,062.00	9,558,754.45	9,083,080.28	9,191,407.08	8,891,931.79	10,002,747.20
<b>Cash at end of reporting</b>	9,965,673.13	9,712,009.81	10,538,262.32	10,340,328.01	9,926,062.00	9,558,754.45	9,083,080.28	9,191,407.08	8,891,931.79	8,274,443.06	8,274,443.06

## 19. INFORMATION BULLETINS

Information Bulletins dated the 29<sup>th</sup> April, 13<sup>th</sup> May & 20<sup>th</sup> May 2016 have been circulated since the previous meeting.

### RECOMMENDATION

THAT the Information Bulletins dated 29<sup>th</sup> April, 4<sup>th</sup>, 13<sup>th</sup> & 20<sup>th</sup> May 2016 be received and the contents noted.

### DECISION

*Moved by Clr R Campbell, seconded by Deputy Mayor A Green*

**THAT the Information Bulletins dated 29<sup>th</sup> April, 4<sup>th</sup>, 13<sup>th</sup> & 20<sup>th</sup> May 2016 be received and the contents noted.**

### CARRIED

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

**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 SOUTHERN MIDLANDS EMERGENCY MANAGEMENT PLAN

**Author:** GENERAL MANAGER (TIM KIRKWOOD)

**Date:** 24 MAY 2016

**Enclosure:**

- Southern Midlands Municipal Emergency Management Plan (May 2016)

#### ISSUE

Council to endorse the revised (and updated) Southern Midlands Emergency Management Plan.

#### BACKGROUND

In accordance with the *Emergency Management Act 2006*, each Municipal Committee is required to prepare a plan for emergency management in the municipal area or municipal areas in respect of which the Municipal Committee has the responsibility of instituting and coordinating emergency management.

The plan provides details of the arrangements and responsibilities for the governance and coordination of emergency management within the Municipal Committee area.

Each Municipal Committee is to review its Emergency Management Plan at least once every two years.

#### DETAIL

The enclosed Plan has been updated and was submitted to the Southern Midlands Emergency Management Committee at its meeting held 23<sup>rd</sup> May 2016 for review and recommendation to Council.

In reference to the Minutes of that meeting, the Committee has recommended to Council that the Southern Midlands Emergency Management Plan (May 2016) be adopted and submitted to the State Emergency Service for processing and sign-off.

**Human Resources & Financial Implications** – Refer detail contained within the Plan.

**Community Consultation & Public Relations Implications** – the Plan has been developed in consultation with the key emergency management stakeholders.

**Priority - Implementation Time Frame** – Immediate.

#### RECOMMENDATION

THAT Council adopt the revised (and updated) Southern Midlands Emergency Management Plan (May 2016).

**DECISION**

*Moved by Cllr D Marshall, seconded by Cllr A Bantick*

**THAT Council adopt the revised (and updated) Southern Midlands Municipal Emergency Management Plan (May 2016).**

**CARRIED**

<b>Vote For</b>	<b>Councillor</b>	<b>Vote Against</b>
√	Mayor A E Bisdee OAM	
√	Dep. Mayor A O Green	
√	Cllr A R Bantick	
√	Cllr E Batt	
√	Cllr R Campbell	
√	Cllr D F Fish	
√	Cllr D Marshall	

## **21.2 COLEBROOK ONLINE ACCESS CENTRE**

The General Manager informed Council that he has been advised by Linc Tasmania that the Colebrook Online Access Centre intends to close as at 30<sup>th</sup> June 2016, primarily due to lack of volunteers and low usage.

The Centre currently receives a minimal grant of approximately \$5,400 per annum to assist with running costs such as energy and telephone bills. It is run solely with volunteers under the auspices of the local Community Association.

Their last report for January-March 2016 recorded 78 visits for the 3 months (6 persons per week or 0.5 per hour open).

Linc Tasmania would be prepared to consider transferring some equipment to another publicly accessible site if one is available – and there is ongoing community need. In view of the data they have reported this does not really seem likely, but Linc Tasmania would appreciate Council's view.

### **DECISION**

**RESOLVED** that the information be received, noting that the Deputy Mayor will raise this issue at the next Colebrook Progress Association meeting.

## **21.3 LOCAL GOVERNMENT ASSOCIATION OF TASMANIA – 2016 ANNUAL CONFERENCE**

**Author:** EXECUTIVE ASSISTANT (ELISA LANG)

**Date:** 24 MAY 2016

### **Enclosure:**

Conference Program & Registration Form

### **ISSUE**

To confirm attendance at the Local Government Association of Tasmania 2016 Local Government Conference to be held at the C3 Convention Centre from the 20<sup>th</sup> – 22<sup>nd</sup> July 2016.

### **DETAIL**

The Conference Program and Registration Form is enclosed for Councillors consideration.

The full registration fee for the Conference is \$800.00. This fee does not include accommodation or travel.

**Human Resources & Financial Implications** – Registration fees will be funded from the 2015/16 Budget and other conference costs will be incurred in 2016/17 (e.g. accommodation and travel).

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

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Delegates registration must be lodged prior to the 1<sup>st</sup> July 2016.

### **RECOMMENDATION**

THAT Council confirm attendance at the 2016 Local Government Association of Tasmania Annual Conference.

### **DECISION**

**RESOLVED** that the Mayor, Deputy Mayor, Cllr Campbell, General Manager and Deputy General Manager attend the 2016 LGAT Conference.

## RECOMMENDATION

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

## DECISION

*Moved by Clr R Campbell, seconded by Clr E Batt*

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

## CARRIED

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

## 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”.

### DECISION

*Moved by Clr R Campbell, seconded by Clr D Fish*

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

### CARRIED

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

### RECOMMENDATION

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

### DECISION

*Moved by Clr R Campbell, seconded by Deputy Mayor A Green*

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

### CARRIED

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

## 23. CLOSURE

The meeting closed at 3.21 p.m.