

SOUTHERN  
MIDLANDS  
COUNCIL



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

---

Wednesday, 22<sup>nd</sup> January 2020  
10.00 a.m.

Colebrook Memorial Hall  
45 Richmond Street, Colebrook

# INDEX

1.	PRAYERS.....	6
2.	ATTENDANCE .....	6
3.	APOLOGIES.....	6
4.	MINUTES.....	6
4.1	Ordinary Council Minutes.....	6
4.2	Annual General Meeting Minutes.....	6
4.2	Special Committees of Council Minutes .....	7
4.2.1	Special Committees of Council - Receipt of Minutes.....	7
4.2.2	Special Committees of Council - Endorsement of Recommendations .....	7
4.3	Joint Authorities (Established Under Division 4 Of The Local Government Act 1993) ...	8
4.3.1	Joint authorities - Receipt of Minutes.....	8
4.3.2	Joint Authorities - Receipt of Reports (Annual & Quarterly) .....	8
5.	NOTIFICATION OF COUNCIL WORKSHOPS.....	9
6.	COUNCILLORS – QUESTION TIME .....	11
6.1	QUESTIONS (ON NOTICE).....	11
6.2	QUESTIONS WITHOUT NOTICE .....	12
7.	DECLARATIONS OF PECUNIARY INTEREST .....	13
8.	CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA .....	14
9.	PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.).....	15
9.1	PERMISSION TO ADDRESS COUNCIL .....	15
10.	MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015 .....	16
11.	COUNCIL ACTING AS A PLANNING AUTHORITY PURSUANT TO THE LAND USE PLANNING AND APPROVALS ACT 1993 AND COUNCIL'S STATUTORY LAND USE PLANNING SCHEME .....	17
11.1	DEVELOPMENT APPLICATIONS .....	17
11.2	SUBDIVISIONS .....	18
11.2.1	Development Application (SA 2019/13) for Subdivision (one lot and balance) at 31 Hall Lane, Bagdad owned by J Haig & L Van Beek.....	18
11.3	MUNICIPAL SEAL (PLANNING AUTHORITY) .....	38
11.4	PLANNING (OTHER) .....	39
11.4.1	Planning Appeal updated (Appeal reference 122/19P) - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania).....	39
12.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE) ..	42
12.1	ROADS.....	42
12.1.1	CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PART ROAD CLOSURE .....	42
12.2	BRIDGES .....	84
12.3	WALKWAYS, CYCLE WAYS AND TRAILS.....	84
12.4	LIGHTING.....	84
12.5	BUILDINGS.....	84
12.6	SEWERS / WATER .....	84
12.7	DRAINAGE .....	84
12.8	WASTE.....	84
12.9	INFORMATION, COMMUNICATION TECHNOLOGY .....	84
12.10	OFFICER REPORTS – INFRASTRUCTURE & WORKS.....	85
12.10.1	Manager – Infrastructure & Works Report.....	85
13.	OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH) .....	88
13.1	RESIDENTIAL .....	88

13.2	TOURISM.....	88
13.3	BUSINESS.....	88
13.4	INDUSTRY.....	88
<b>14.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME –LANDSCAPES).....</b>	<b>89</b>
14.1	HERITAGE .....	89
14.1.1	<i>Heritage Project Program Report .....</i>	<i>89</i>
14.2	NATURAL.....	91
14.2.1	<i>NRM Unit – General Report.....</i>	<i>91</i>
14.3	CULTURAL.....	93
14.4	REGULATORY (OTHER THAN PLANNING AUTHORITY AGENDA ITEMS) .....	93
14.5	CLIMATE CHANGE.....	93
<b>15.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LIFESTYLE) .....</b>	<b>94</b>
15.1	COMMUNITY HEALTH AND WELLBEING .....	94
15.2	YOUTH .....	94
15.3	SENIORS .....	94
15.4	CHILDREN AND FAMILIES .....	94
15.5	VOLUNTEERS.....	94
15.6	ACCESS .....	94
15.7	PUBLIC HEALTH .....	94
15.8	RECREATION .....	95
15.9	ANIMALS.....	95
15.10	EDUCATION.....	95
<b>16.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY) .....</b>	<b>96</b>
16.1	CAPACITY.....	96
16.1.1	<i>Broadmarsh Community Petition – Bus Shelter for the Junction of Elderslie Rd and Bluff Rd, Elderslie .....</i>	<i>96</i>
16.1.2	<i>St Mary’s Church, Kempton – Proposed Sale by the Anglican Diocese of Tasmania (Green Ponds Progress Association and ‘Save Our Church Kempton’) .....</i>	<i>112</i>
16.2	SAFETY .....	116
16.3	CONSULTATION & COMMUNICATION.....	116
<b>17.</b>	<b>OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION).....</b>	<b>117</b>
17.1	IMPROVEMENT .....	117
17.2	SUSTAINABILITY .....	118
17.2.1	<i>Local Government Shared Services update (Standing Item – Information Only) ..</i>	<i>118</i>
17.2.2	<i>Tabling of Documents.....</i>	<i>124</i>
17.2.3	<i>Elected Member Statements .....</i>	<i>125</i>
17.3	FINANCES.....	126
17.3.1	<i>Monthly Financial Statement (period ending 31 December 2019) .....</i>	<i>126</i>
<b>18.</b>	<b>MUNICIPAL SEAL .....</b>	<b>138</b>
<b>19.</b>	<b>CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA.....</b>	<b>139</b>
<b>20.</b>	<b>BUSINESS IN “CLOSED SESSION” .....</b>	<b>141</b>
20.1	<i>Closed Council Minutes - Confirmation.....</i>	<i>141</i>
20.2	<i>Applications for Leave of Absence.....</i>	<i>141</i>
20.3	<i>Legal Matter .....</i>	<i>141</i>
<b>21.</b>	<b>CLOSURE .....</b>	<b>143</b>



Dear Sir/Madam

## NOTICE OF MEETING

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

**Date: Wednesday, 22<sup>nd</sup> January 2020**  
**Time: 10.00 a.m.**  
**Venue: Colebrook Memorial Hall, 45 Richmond Street, Colebrook**

*The Local Government Act 1993 section 65 provides the following:*

1. *A general manager must ensure that any advice, information or recommendation given to the council or a council committee is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation.*
2. *A council or council committee is not to decide on any matter which requires the advice of a qualified person without considering such advice unless –*
  - (a) *the general manager certifies, in writing –*
    - (i) *that such advice was obtained; and*
    - (ii) *that the general manager took the advice into account in providing general advice to the council or council committee; and*
  - (b) *a copy of that advice or, if the advice was given orally, a written transcript or summary of that advice is provided to the council or council committee with the general manager's certificate.*

*I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:*

- (1) *The advice, information or recommendation is given by a person who has the qualifications or experience necessary to give such advice, information or recommendation; and*
- (2) *Where any advice is directly given by a person who does not have the required qualification or experience, that person has obtained and taken into account in that person's general advice, the advice from an appropriately qualified or experienced person.*

***Councillors please note:***

- Public Question Time has been scheduled for 10.30 a.m.
- A Citizenship Ceremony for Mrs Judith Engels will be conducted at 10.45 a.m.
- Mr Fraser Miller and his legal representative will address Council at 12.00 p.m.

Yours faithfully

A handwritten signature in black ink, appearing to read 'Tim Kirkwood', written in a cursive style.

Tim Kirkwood  
**GENERAL MANAGER**

# OPEN COUNCIL AGENDA

## 1. PRAYERS

Rev Dennis Cousens to recite prayers.

## 2. ATTENDANCE

## 3. APOLOGIES

## 4. MINUTES

### 4.1 ORDINARY COUNCIL MINUTES

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, are submitted for confirmation.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 4.2 ANNUAL GENERAL MEETING MINUTES

The Minutes of the Annual General Meeting of Council held on the 11<sup>th</sup> December 2019, as circulated, are submitted for confirmation.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 4.2 SPECIAL COMMITTEES OF COUNCIL MINUTES

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

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

- Minutes – Parattah Progress Association – 10<sup>th</sup> December 2019.

#### RECOMMENDATION

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

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

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

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

- Minutes – Parattah Progress Association – 10<sup>th</sup> December 2019.

#### RECOMMENDATION

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

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

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

**4.3.1 JOINT AUTHORITIES - RECEIPT OF MINUTES**

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

- Southern Tasmanian Councils Authority – Minutes – Nil.
- Southern Tasmanian Councils Authority (Waste Strategy South) – Nil.

**DECISION NOT REQUIRED**

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

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

- Southern Tasmanian Councils Authority – Nil.

**DECISION NOT REQUIRED**



## 5. NOTIFICATION OF COUNCIL WORKSHOPS

In accordance with the requirements of the *Local Government (Meeting Procedures) Regulations 2015*, the Agenda is to include details of any Council workshop held since the last meeting.

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 14<sup>th</sup> January 2020 at the Council Chambers, Kempton commencing at 9.00 a.m.

Attendance: Mayor A O Green, Deputy Mayor E Batt, Clrs A Bantick, A E Bisdee OAM, K Dudgeon and D Fish.

Apologies: Clr R McDougall

Also in Attendance: T Kirkwood, A Benson, D Cundall and G Green

The purpose of the workshop was to consider and discuss the following items:

### a) St Mary's Church, Kempton

Mr John Hay, representing the Green Ponds Progress Association, and Mr John Jones, representing the group 'Save our Church Kempton' attended the meeting to discuss issues associated with the sale of St Mary's Church, Kempton.

Please refer to the full Agenda Item (Item 16.1.2) which provides the detail and outcome of the discussion.

### b) Oatlands Swimming Pool

The latest Project Management Plan, including key milestone dates, was presented to the workshop for information.

### c) Climate Change

The following documents were circulated in relation to this issue:

1. Southern Midlands Council - Climate Change Action Plan (draft January 2020); and
2. Southern Midlands Council – Climate Change Adaptation Plan 2020 Review

It was recognised that this was intended to be a preliminary discussion with further workshop sessions to be held to focus on identifying strategies and actions that can be progressed going forward.

In the first session, Mr Graham Green presented the Climate Change Action Plan, focussed on 'mitigation' with the intent of presenting the Adaptation Plan at the February 2020 workshop.

### d) Staffing Matter (Confidential)

The Deputy Manager General Manager (A Benson) briefed Council in relation to a staffing matter.

The Workshop concluded at approximately 12.40 p.m.

**RECOMMENDATION**

**THAT the information be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## **6. COUNCILLORS – QUESTION TIME**

### **6.1 QUESTIONS (ON NOTICE)**

Regulation 30 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions on notice. It states:

- (1) A councillor, at least 7 days before an ordinary council meeting or a council committee meeting, may give written notice to the general manager of a question in respect of which the councillor seeks an answer at that meeting.*
- (2) An answer to a question on notice must be in writing.*

Nil.

## 6.2 QUESTIONS WITHOUT NOTICE

Section 29 of the *Local Government (Meeting Procedures) Regulations 2015* relates to Questions without notice.

It states:

**“29. Questions without notice**

(1) *A councillor at a meeting may ask a question without notice –*

- (a) of the chairperson; or*
- (b) through the chairperson, of –*
  - (i) another councillor; or*
  - (ii) the general manager.*

(2) *In putting a question without notice at a meeting, a councillor must not –*

- (a) offer an argument or opinion; or*
- (b) draw any inferences or make any imputations – except so far as may be necessary to explain the question.*

(3) *The chairperson of a meeting must not permit any debate of a question without notice or its answer.*

(4) *The chairperson, councillor or general manager who is asked a question without notice at a meeting may decline to answer the question.*

(5) *The chairperson of a meeting may refuse to accept a question without notice if it does not relate to the activities of the council.*

(6) *Questions without notice, and any answers to those questions, are not required to be recorded in the minutes of the meeting.*

(7) *The chairperson of a meeting may require a councillor to put a question without notice in writing.*

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

## **7. DECLARATIONS OF PECUNIARY INTEREST**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, 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 2015*.

## 8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

In accordance with the requirements of Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*, the Council, by absolute majority may decide at an ordinary meeting to deal with a matter that is not on the agenda if the General Manager has reported –

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

### RECOMMENDATION

**THAT the Council resolve by absolute majority to deal with any supplementary items not appearing on the agenda, as reported by the General Manager in accordance with the provisions of the *Local Government (Meeting Procedures) Regulations 2015*.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## **9. PUBLIC QUESTION TIME (SCHEDULED FOR 10.30 A.M.)**

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the agenda is to make provision for public question time.

In particular, Regulation 31 of the *Local Government (Meeting Procedures) Regulations 2015* states:

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

Councillors are advised that, at the time of issuing the Agenda, no questions on notice had been received from members of the public.

Mayor A O Green to then invite questions from any members of the public in attendance.

### **9.1 Permission to Address Council**

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

- Mr Fraser Miller and his legal representative will address Council at 12.00 p.m.

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER  
REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING  
PROCEDURES) REGULATIONS 2015**

Nil.



**11. 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.*

**11.1 DEVELOPMENT APPLICATIONS**

Nil.

## 11.2 SUBDIVISIONS

### 11.2.1 DEVELOPMENT APPLICATION (SA 2019/13) FOR SUBDIVISION (ONE LOT AND BALANCE) AT 31 HALL LANE, BAGDAD OWNED BY J HAIG & L VAN BEEK

*File Ref:* T 5018760

**Author:** SENIOR PLANNING OFFICER (JACQUI TYSON)

**Date:** 15 JANUARY 2020

**Enclosure(s):**

*Development Application documents*  
*Representations*

## PROPOSAL

The applicant JMG Engineers and Planners on behalf of the landowners, John Haig and Laga Van Beek, have applied to the Southern Midlands Council for a Permit under the *Land Use Planning and Approvals Act 1993* (“the Act”) to subdivide the property at 31 Hall Lane, Bagdad.

The application seeks to create one vacant lot with an area of 1.02ha as Lot 1, leaving the existing house and the remainder of the land on the balance lot with an area of 3.18ha. Lot 1 will encompass most of the front (northern) section of the existing title, with around 90m of frontage to Hall Lane. The balance lot will become an internal lot, with an access strip providing frontage of 11.5m to Hall Lane.

The balance lot will be serviced by the existing water connection and onsite wastewater system and accessed using the existing driveway. Lot 1 will require a new access to be constructed from Hall Lane and will be provided with a water connection to the reticulated supply. A geotechnical assessment has been provided to demonstrate that Lot 1 is suitable for onsite wastewater disposal to service a future dwelling.

The application has been lodged under the *Southern Midlands Interim Planning Scheme 2015* (“the Planning Scheme”).

The land is zoned Rural Living and is currently developed with a single dwelling, outbuildings and associated improvements. The area that will be Lot 1 is a cleared paddock. The balance land is a mix of cleared land and areas of remnant native vegetation.

Under the Planning Scheme subdivision is defined as development. The proposal is to be assessed against the development standards of the zone and the development standards of the applicable Codes. These matters are described and assessed in this report.

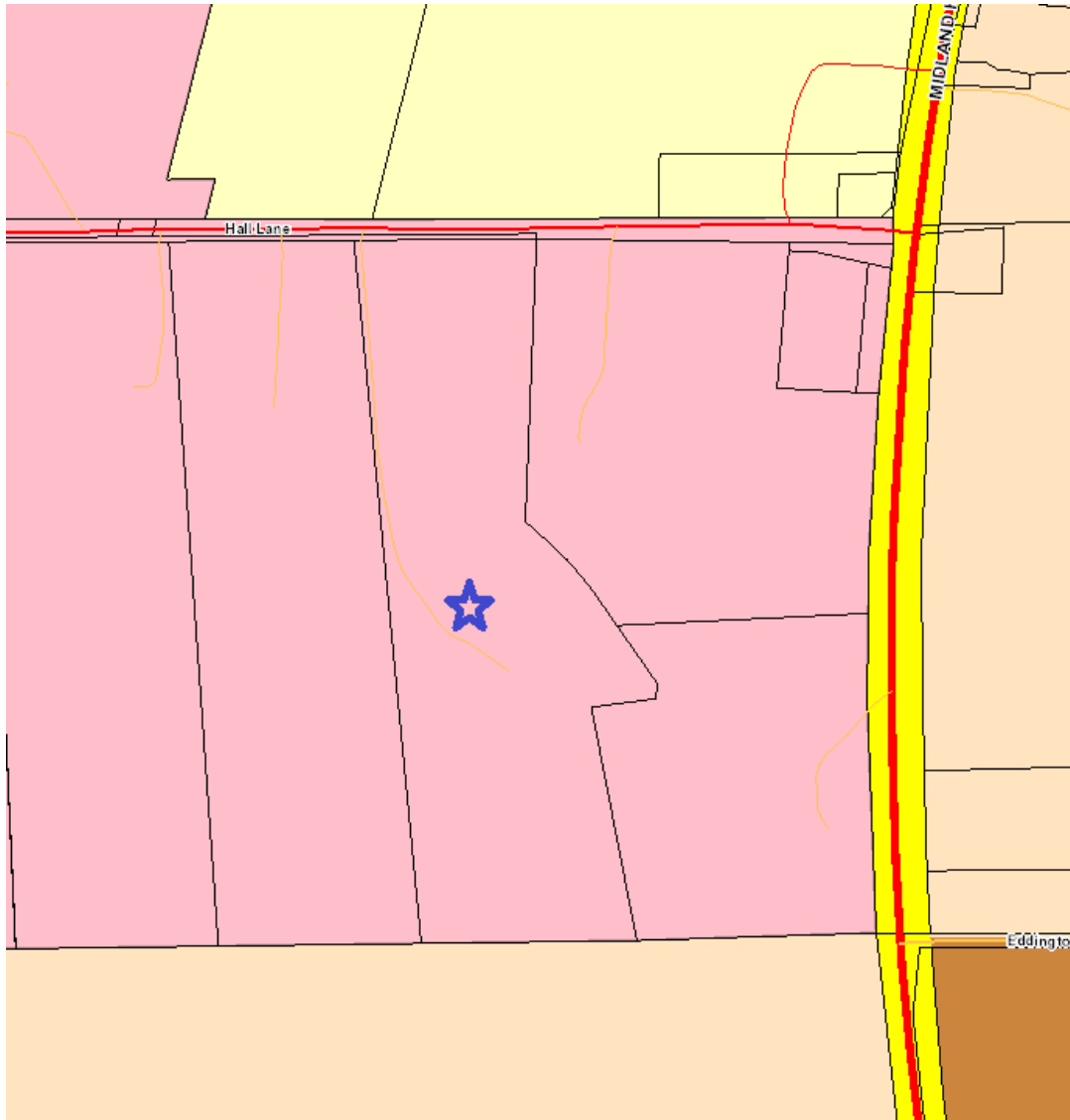
A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period four (4) representations were received.

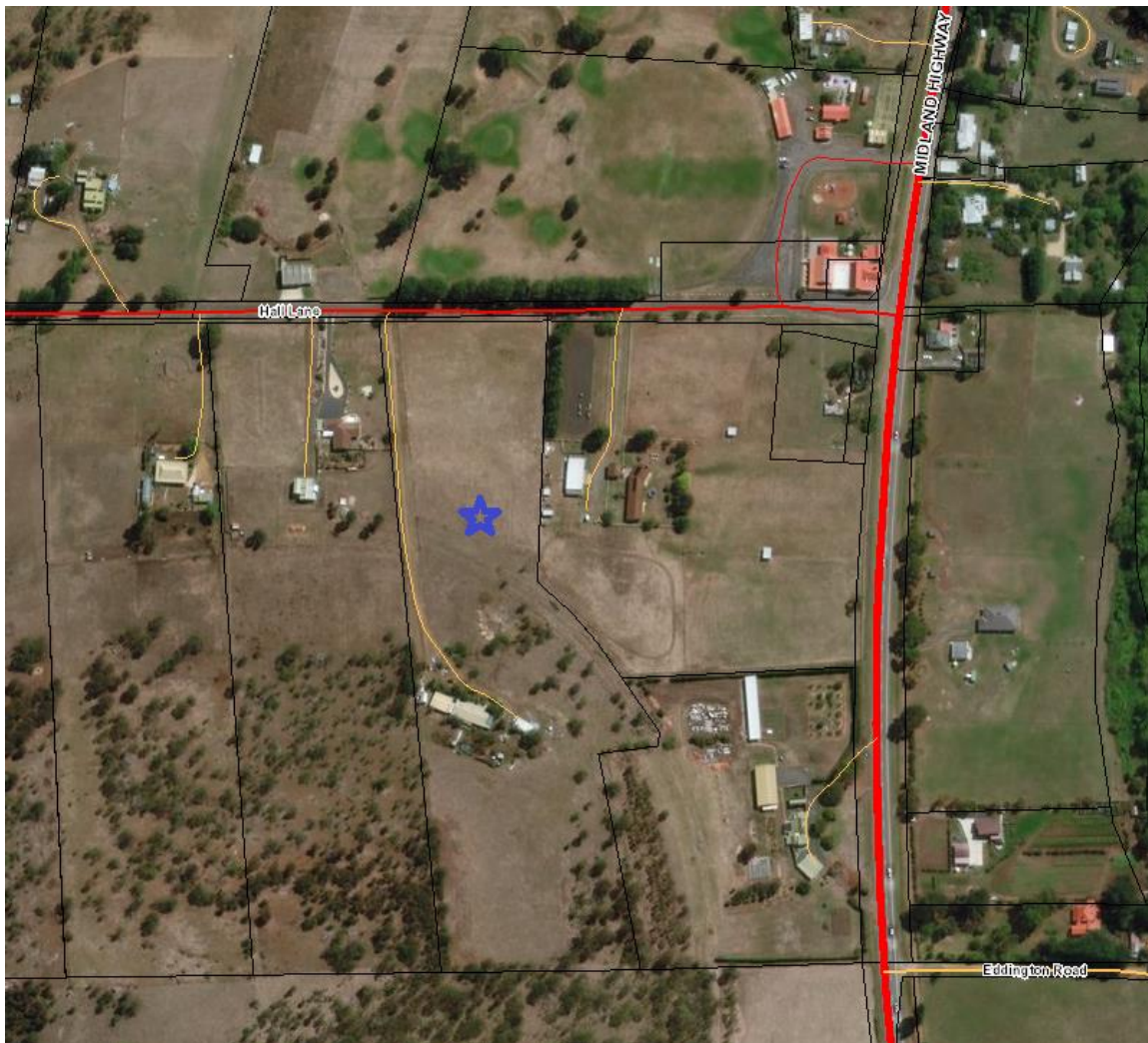
This report will assess the proposal against the relevant provisions of the Act and the Scheme. It is recommended that Council approve the proposal.

## THE SITE

Map 1 below shows the land zoning and location of the property.



Map 1\_The subject land and adjoining properties to the east and west are in the Rural Living Zone (pink). Land to the south and on the eastern side of the Midland Highway is zoned Rural Resource (light brown). The Bagdad Community Centre land to the north is zoned Community Purpose (cream) and the Midland Highway is zones Utilities (yellow). The subject land is marked with a blue star. Source: theLIST



Map 2 \_ Aerial image of the subject land and surrounding area.

## THE APPLICATION

The Applicant has submitted the attached Plans and reports to accompany the Development Application form.

The Application documents include a planning report, a geotechnical report and a bushfire assessment and management plan, all by appropriately qualified people.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as development for Subdivision, which is Discretionary in accordance with Clause 9.7.2 of the Southern Midlands Interim Planning Scheme 2015.

## Use/Development Status under the Planning Scheme

As a discretionary development, the application was advertised in accordance with Section 57 of the Act.

Council has the discretion to grant a permit for this proposal with or without conditions, or refuse to grant a permit.

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised on the 7<sup>th</sup> December 2019 for fourteen (14) days. During this period Council received four (4) representations, as detailed in the table below.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>I OBJECT to this application for the following reasons: The properties on Hall Lane are rural residential allotments and having smaller sub-divisions is not in keeping with the zoning in this area. With the new proposed sub-division, it allows for a further 2 dwellings to be built. Taking the number to a total of 3 residential buildings on the current block.</p>	<p><i>The proposed subdivision is in accordance with the Rural Living Zone standards, which allows for minimum lots of 1ha.</i></p> <p><i>The proposed subdivision will create one (1) additional vacant lot (Lot 1). The balance lot (Lot 2) is already developed with a single dwelling (including ancillary dwelling).</i></p> <p><i>It is not possible to construct multiple dwellings in the Rural Living Zone, so there will only be one additional house (on Lot 1).</i></p> <p><i>The subdivision plan shows an indicative envelope on Lot 2 near the proposed boundary. This is a theoretical illustration to show compliance with the development standards, it does not reflect an intent to build another dwelling on Lot 2.</i></p>
<p>The issue of a sub-division decreases the privacy I have on from my property. The plans also provide another proposed dwelling to be built on the proposed "New Lot 2", if this went ahead then that would further impede on privacy.</p>	<p><i>The proposed subdivision will allow for construction of a new dwelling on Lot 1, which is closer to neighbouring properties than the existing dwelling. However, Lot 1 is over 1.02ha in size and the minimum setback to boundaries for future development is 10m. Neighbouring dwellings are sited more than 10m from the existing boundaries, so there will be a reasonably large separation (25m or more) to any future dwelling, limiting impacts to privacy. There is also plenty of opportunity to ensure a high level of privacy is maintained through use of landscaping, fencing and the like.</i></p>
<p>The Visual amenity will ruin the views from the east side of my house, our outlook will not be rural anymore. When a further 2 dwellings are built on the block, instead of looking out our lounge room window and seeing agriculture land, we will be looking into someone's house and 'garden'. The development is a high contrast to the area's rural character. This specific block is surrounded by large rural blocks, 10 acres or more, with natural landscaping and agriculture. The proposed development is suburban in nature and is lacking any sympathy with its surrounds. This development is in high contrast to this area's neighborhood, as this application allows for a further 2 dwellings to be built on</p>	<p><i>Views are not protected by the planning scheme. This is a rural residential area on the edge of the Bagdad township.</i></p> <p><i>As addressed above, the subdivision only provides opportunity for one additional dwelling.</i></p> <p><i>Under the previous Southern Midlands Planning Scheme 1998, parts of Hall Lane, including the subject land, were subject to a 2ha minimum lot size, so there has been some change from previous standards.</i></p> <p><i>However, the current lot size of 1ha is still a typical rural residential density and allows for continuation of the existing lifestyle and amenity</i></p>

<p>the existing land. Having a smaller subdivision is not in keeping with zoning and impedes on the community.</p>	<p><i>of the area, while also making more efficient use of land and services.</i></p> <p><i>In this case, the balance lot will still exceed 3ha, so the average density of this subdivision is around 2ha overall.</i></p> <p><i>A 1ha lot is not a suburban density. It is a typical Rural Living density, particularly in an area with reticulated water services and close to local services and amenities.</i></p>
<p>Traffic generation will significantly increase in the area, the vehicle movements will be well above 10 vehicle movements per day as documented in E5.5.1 and Hall Lane does not have a speed limit of more than 60km/hr.</p>	<p><i>The subdivision will result in one additional dwelling, which typically will generate around 10 vehicle movements per day. This is well within the capacity of Hall Lane and the surrounding road network.</i></p>
<p>We live within view of the proposed development, on the road to and from the proposed development and often use this area for recreation. It will impact directly on us and our neighbors specifically in the forms of traffic, light pollution, noise pollution and a degradation of the natural environment within which we live sympathetically.</p>	<p><i>As mentioned above, the traffic generation from the additional lot will be relatively minor and within capacity of the local road network.</i></p> <p><i>Light and noise pollution to neighbouring properties are not expected to be a problem with the separation provided by a 1ha lot.</i></p> <p><i>Lot 1 is a cleared paddock, with no evidence of particular natural values. A geotechnical assessment has been provided to indicate that Lot 1 can be developed and serviced onsite safely and without impacting the environment.</i></p>
<p><b>Representation 2</b></p>	<p><b>Council Officer Comment</b></p>
<p>Has a thorough inspection been done on the land? The proposed site of a further dwelling on “the balance lot” is situated where a quarry was and was filled in with rubbish prior to sale.</p>	<p><i>As mentioned above, there is no additional dwelling proposed on Lot 2/balance lot.</i></p> <p><i>A geotechnical assessment of Lot 1 has been provided which does not indicate any fill or the like in the area tested.</i></p>
<p>There is no mention that the block currently has a house and a self-contained unit on it, the plans only mention current house and outbuilding. If the land is subdivided and the further 2 dwellings are built, that makes 4 dwellings on it, and in no way has the application addressed this, all it talks about is the dwelling on the front block.</p>	<p><i>It is understood that the property is developed with a dwelling and ancillary dwelling, which is considered to be part of the single dwelling use in accordance with the definitions of the planning scheme.</i></p> <p><i>As explained above, the subdivision only creates the opportunity for one (1) additional dwelling on Lot 1.</i></p>
<p>The area floods through to neighbouring property to the East, with inadequate drainage on #31 and they don't care that neighbours property is flooded out.</p>	<p><i>It is understood that natural overland drainage from Stamford Hill passes through 31 Hall Lane during rain events. This is not relevant to the consideration of the subdivision proposal.</i></p>
<p>There has been inadequate information provided to residents on Hall Lane and no “RED” public notice has been placed on the front of their property as is required by law.</p>	<p><i>The proposal was advertised in accordance with the statutory regulations.</i></p>

<p>Where is the new access to the proposed sub-division going to be, there is no reference on the plans, and who pays for this and the upgrade to the corrugated asphalt road outside this property.                  What about the traffic increase and vehicle access for another dwelling on the balance lot.</p>	<p><i>The exact location of the new access to Lot 1 will be determined by way of engineering plans after approval. The developer must pay for this work.</i></p> <p><i>Upgrading the road is not considered necessary for a one lot subdivision.</i></p> <p><i>Traffic is addressed above.</i></p>
<p>The issue of a sub-division decreases the privacy I have on from my property. The plans also provide another proposed dwelling to be built on the proposed “New Lot 2”, if this went ahead then that would further impede on privacy.</p>	<p><i>This matter is addressed in answers to Representation 1 above.</i></p>
<p>The Visual amenity will ruin the views from the east side of my house, our outlook will not be rural anymore. When a further 2 dwellings are built on the block, instead of looking out our lounge room window and seeing agriculture land, we will be looking into someone’s house and ‘garden’.                  The development is a high contrast to the area’s rural character. This specific block is surrounded by large rural blocks, 10 acres or more, with natural landscaping and agriculture. The proposed development is suburban in nature and is lacking any sympathy with its surrounds. This development is in high contrast to this area’s neighbourhood, as this application allows for a further 2 dwellings to be built on the existing land. Having a smaller sub-division is not in keeping with zoning and impedes on the community.</p>	<p><i>This matter is addressed in answers to Representation 1 above.</i></p>
<p>Traffic generation will significantly increase in the area, the vehicle movements will be well above 10 vehicle movements per day as documented in E5.5.1 and Hall Lane does not have a speed limit of more than 60km/hr.</p>	<p><i>This matter is addressed in answers to Representation 1 above.</i></p>
<p>We live within view of the proposed development, on the road to and from the proposed development and often use this area for recreation. It will impact directly on us and our neighbors specifically in the forms of traffic, light pollution, noise pollution and a degradation of the natural environment within which we live sympathetically.</p>	<p><i>This matter is addressed in answers to Representation 1 above.</i></p>
<p><b>Representation 3</b></p>	<p><b>Council Officer Comment</b></p>
<p>We object to this proposed planning application on the following grounds.                  We moved to Bagdad because of the peaceful rural setting and country environment.</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>

<p>31 Hall Lane already has two residential dwellings not one as stated in the application.</p>	
<p>The hazardous state of Hall Lane due to its narrowness and also the damage caused to the road surface by the roots of the trees adjacent to the golf course.</p> <p>Hall Lane is recognised by many local residents as a safe and quiet road who use it regularly to exercise or walk together with their children, grand children or pets including myself and my wife along with our grand children.</p> <p>We believe there is already more than enough traffic on Hall Lane unless major road reconstruction is under taken.</p>	<p><i>Hall Lane is a local road providing access to a relatively small number of properties.</i></p> <p><i>The additional traffic generated by one additional lot is considered to be within the capacity of the road and surrounding network.</i></p>
<p><b>Representation 4</b></p>	<p><b>Council Officer Comment</b></p>
<p>I personally object to any form of subdivision on Hall Lane, as there has been limited information on how far this will go.</p>	<p><i>As discussed above, the minimum lot size for Rural Living zoned land in Hall Lane and other areas is 1ha. This means that there is some potential for additional subdivisions in the area, but this is really limited to land close to services and the Midland Highway.</i></p>
<p>I consider it is environmentally unstable, unviable ground due to no infrastructure to cope with a normal wet year when all properties in the upper side of Hall Lane have a big problem with water that comes from Stamford Hill range behind the existing homes. Block 31 floods water through the neighbouring property land.</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>
<p>It is not just the immediate neighbours of block 31 who are impacted by an unwelcome subdivision. It was designated at semi-rural or rural residential. Previous purchasers of land in Hall Lane were told it would never be considered for subdivision, so residents have over a period of time chosen their blocks for the rural setting and privacy and to enjoy our horses, sheep, dogs, chooks and gardens.</p> <p>Why would Council even consider an application so inept and unpractical? Is the Council going to be responsible for the definite problems that are going to come from the subdivision and no doubt future subdivisions?</p>	<p><i>These matters are addressed in answers to Representations 1 and 2 above.</i></p>
<p>The people who have submitted this application to Council are not in tune with the rural lifestyle and have not personally lived in this district long enough to know that Hall Lane is not the place for a suburban environmental disaster!</p>	<p><i>The application for a Rural Living subdivision of one additional lot is made in accordance with the planning scheme.</i></p>



## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### Rural Living Zone

The subject site is in the Rural Living Zone. The proposal must satisfy the requirements of the following relevant development standards of this zone:

<b>Development Standards - Subdivision</b>		
<p><b>13.5.1 Lot Design</b>                      To provide for new lots that:</p> <p>(a) have appropriate area and dimensions to accommodate development consistent with the Zone Purpose and any relevant Local Area Objectives or Desired Future Character Statements;</p> <p>(b) contain building areas which are suitable for residential development, located to avoid hazards and values and will not lead to land use conflict and fettering of resource development use on adjoining rural land;</p> <p>(c) are not internal lots, except if the only reasonable way to provide for infill development in existing subdivided areas.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b>                      The size of each lot must be no less than the following, except if for public open space, a riparian or littoral reserve, or a Utilities, Emergency services, or Community meeting and entertainment use class, by or on behalf of the State Government, a Council, a statutory authority, or a corporation all the shares of which are held by or on behalf of the State or by a statutory authority:</p> <p>1ha minimum lot size.</p>	<p><b>P1</b>                      No Performance Criteria.</p>	<p><i>Both of the proposed lots are more than 1ha, complying with the Acceptable Solution A1.</i></p>
<p><b>A2</b>                      The design of each lot must provide a minimum building area that is rectangular in shape and complies with all of the following, except if for public open space, a riparian or littoral reserve or utilities;</p> <p>(a) clear of the frontage, side and rear boundary setbacks;</p> <p>(b) not subject to any codes in this planning scheme;</p>	<p><b>P2</b>                      The design of each lot must contain a building area able to satisfy all of the following:</p> <p>(a) is reasonably capable of accommodating residential use and development;</p> <p>(b) meets any applicable standards in codes in this planning scheme;</p> <p>(c) enables future development to achieve reasonable solar</p>	<p><i>Both of the proposed lots can accommodate a building area that complies with the requirements of the Acceptable Solution A2.</i></p>

<p>(c) clear of title restrictions such as easements and restrictive covenants;</p> <p>(d) has an average slope of no more than 1 in 5;</p> <p>(e) has a separation distance no less than:</p> <p>(i) 100 m from land zoned Rural Resource;</p> <p>(ii) 200 m from land zoned Significant Agriculture;</p> <p>(f) has a setback from land zoned Environmental Management no less than 100 m.</p> <p>(g) is a minimum of 30 m x 30 m in size.</p>	<p>access, given the slope and aspect of the land;</p> <p>(d) minimises the requirement for earth works, retaining walls, and cut &amp; fill associated with future development;</p> <p>(e) is sufficiently separated from the land zoned Rural Resource and Significant Agriculture to prevent potential for land use conflict that would fetter non-sensitive use of that land, and the separation distance is no less than:</p> <p>(i) 40 m from land zoned Rural Resource;</p> <p>(ii) 80 m from land zoned Significant Agriculture;</p> <p>(f) is setback from land zoned Environmental Management to satisfy all of the following:</p> <p>(i) there is no significant impact from the development on environmental values;</p> <p>(ii) the potential for the spread of weeds or soil pathogens onto the land zoned Environmental Management is minimised;</p> <p>(iii) there is minimal potential for contaminated or sedimented water runoff impacting the land zoned Environmental Management;</p> <p>(iv) there are no reasonable and practical alternatives to developing close to land zoned Environmental Management.</p>	
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<p><b>A3</b> The frontage for each lot must be no less than the following, except if for public open space, a riparian or littoral reserve or utilities and except if an internal lot:  40 m.</p>	<p><b>P3</b> The frontage of each lot must provide opportunity for reasonable vehicular and pedestrian access and must be no less than:  6m.</p>	<p><i>The proposed Lot 1 has frontage to Hall Lane in of around 90m, which complies with the Acceptable Solution A3.</i></p> <p><i>The balance lot will have an access strip with 11.5m of frontage to Hall Lane, which complies with the Performance Criteria P3.</i></p>
<p><b>A4</b> No lot is an internal lot.</p>	<p><b>P4</b> An internal lot must satisfy all of the following:</p> <p>(a) access is from a road existing prior to the planning scheme coming into effect, unless site constraints make an internal lot configuration the only reasonable option to efficiently utilise land;</p> <p>(b) it is not reasonably possible to provide a new road to create a standard frontage lot;</p> <p>(c) the lot constitutes the only reasonable way to subdivide the rear of an existing lot;</p> <p>(d) the lot will contribute to the more efficient utilisation of rural living land;</p> <p>(e) the amenity of neighbouring land is unlikely to be unreasonably affected by subsequent development and use;</p> <p>(f) the lot has access to a road via an access strip, which is part of the lot, or a right-of-way, with a width of no less than 3.6m;</p> <p>(g) passing bays are provided at appropriate distances along the access strip to</p>	<p><i>The proposed balance lot is an internal lot so is assessed against Performance Criteria P4.</i></p> <p><i>(a) Hall Lane is an existing road.</i></p> <p><i>(b) It is considered unreasonable and unnecessary to provide a new road when adequate frontage can be provided as proposed.</i></p> <p><i>(c) The proposal is the only reasonable way to subdivide without creating new roads.</i></p> <p><i>(d) The proposal will result in a lot serviced with water and located close to community services becoming available for development, which represents a more efficient utilisation of rural living land and infrastructure.</i></p> <p><i>(e) Lot 1 is over 1ha in area and development of it is unlikely to impact the amenity of neighbouring land to an unreasonable extent.</i></p> <p><i>(f) The balance lot will have suitable access to Hall Lane via the access strip, which encompasses the existing driveway.</i></p> <p><i>(g) The access strip is wide enough to accommodate passing bays.</i></p> <p><i>(h) The access strip will only be used by one lot..</i></p> <p><i>(i) A condition is included in the recommendation to require the access to be sealed in accordance with this standard.</i></p>

	<p>service the likely future use of the lot;</p> <p>(h) the access strip is adjacent to or combined with no more than three other internal lot access strips and it is not appropriate to provide access via a public road;</p> <p>(i) a sealed driveway is provided on the access strip prior to the sealing of the final plan.</p> <p>(j) the lot addresses and provides for passive surveillance of public open space and public rights of way if it fronts such public spaces.</p>	<p>(j) <i>The lot does not front public open space or rights of way.</i></p>
<p><b>A5</b> Setback from a new boundary for an existing building must comply with the relevant Acceptable Solution for setback.</p>	<p><b>P5</b> Setback from a new boundary for an existing building must satisfy the relevant Performance Criteria for setback.</p>	<p><i>The existing dwelling on the balance lot is setback more than 10m from the proposed new lot boundary. This complies with the Acceptable Solution for setback in the Rural Living Zone, which is 10m to all boundaries.</i></p>

### Bushfire Prone Areas Code

The Bushfire Prone Areas Code applies to subdivision of land in a bushfire prone area. The proposal must satisfy the requirements of the following relevant development standards of this Code:

<p><b>E1.6.1 Subdivision: Provision of hazard management areas</b> Subdivision provides for hazard management areas that:</p> <p>(a) facilitate an integrated approach between subdivision and subsequent building on a lot;</p> <p>(b) provide for sufficient separation of building areas from bushfire-prone vegetation to reduce the radiant heat levels, direct flame attack and ember attack at the building area; and</p> <p>(c) provide protection for lots at any stage of a staged subdivision.</p>		
<p><b>Acceptable Solutions</b></p>	<p><b>Performance Criteria</b></p>	<p><b>OFFICER COMMENT</b></p>
<p><b>A1</b> (a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of hazard management areas as part of a subdivision; or</p>	<p><b>P1</b> A proposed plan of subdivision shows adequate hazard management areas in relation to the building areas shown on lots within a bushfire-prone area, having regard to:</p>	<p><i>A bushfire report by an accredited person (Dana Elphinstone) has been provided with the development application, certifying that the proposal complies with this standard, including achieving BAL of 19 or less for all lots.</i></p>

<p>(b) The proposed plan of subdivision:</p> <p>(i) shows all lots that are within or partly within a bushfire-prone area, including those developed at each stage of a staged subdivision;</p> <p>(ii) shows the building area for each lot;</p> <p>(iii) shows hazard management areas between bushfire-prone vegetation and each building area that have dimensions equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(iv) is accompanied by a bushfire hazard management plan that addresses all the individual lots and that is certified by the TFS or accredited person, showing hazard management areas equal to, or greater than, the separation distances required for BAL 19 in Table 2.4.4 of Australian Standard AS 3959 – 2009 Construction of buildings in bushfire-prone areas; and</p> <p>(c) If hazard management areas are to be located on land external to the proposed subdivision the application is accompanied by the written consent of the owner of that land to enter into an agreement under section 71 of the Act that will be registered on the title of the neighbouring property providing for the affected</p>	<p>(a) the dimensions of hazard management areas;</p> <p>(b) a bushfire risk assessment of each lot at any stage of staged subdivision;</p> <p>(c) the nature of the bushfire-prone vegetation including the type, fuel load, structure and flammability;</p> <p>(d) the topography, including site slope;</p> <p>(e) any other potential forms of fuel and ignition sources;</p> <p>(f) separation distances from the bushfire-prone vegetation not unreasonably restricting subsequent development;</p> <p>(g) an instrument that will facilitate management of fuels located on land external to the subdivision; and</p> <p>(h) any advice from the TFS..</p>	<p><i>The Acceptable Solution is satisfied.</i></p>
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land to be managed in accordance with the bushfire hazard management plan.		
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**E1.6.2 Subdivision: Public and fire fighting access**

Access roads to, and the layout of roads, tracks and trails, in a subdivision:

- (a) allow safe access and egress for residents, firefighters and emergency service personnel;
- (b) provide access to the bushfire-prone vegetation that enables both property to be defended when under bushfire attack and for hazard management works to be undertaken;
- (c) are designed and constructed to allow for fire appliances to be manoeuvred;
- (d) provide access to water supplies for fire appliances; and
- (e) are designed to allow connectivity, and where needed, offering multiple evacuation points.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b></p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant specific measures for public access in the subdivision for the purposes of fire fighting; or</p> <p>(b) A proposed plan of subdivision showing the layout of roads, fire trails and the location of property access to building areas is included in a bushfire hazard management plan that:</p> <p>(i) demonstrates proposed roads will comply with Table E1, proposed private accesses will comply with Table E2 and proposed fire trails will comply with Table E3; and</p> <p>(ii) is certified by the TFS or an accredited person.</p>	<p><b>P1</b></p> <p>A proposed plan of subdivision shows access and egress for residents, fire-fighting vehicles and emergency service personnel to enable protection from bushfires, having regard to:</p> <p>(a) appropriate design measures, including:</p> <ul style="list-style-type: none"> <li>(i) two way traffic;</li> <li>(ii) all weather surfaces;</li> <li>(iii) height and width of any vegetation clearances;</li> <li>(iv) load capacity;</li> <li>(v) provision of passing bays;</li> <li>(vi) traffic control devices;</li> <li>(vii) geometry, alignment and slope of roads, tracks and trails;</li> <li>(viii) use of through roads to provide for connectivity;</li> <li>(ix) limits on the length of cul-de-sacs and dead-end roads;</li> <li>(x) provision of turning areas;</li> <li>(xi) provision for parking areas;</li> <li>(xii) perimeter access; and</li> <li>(xiii) fire trails;</li> </ul>	<p>A bushfire report by an accredited person (Dana Elphinstone) has been provided with the development application, certifying that access for the proposal complies with this standard.</p> <p>The Acceptable Solution is satisfied.</p>

	<p>(b) the provision of access to:</p> <p>(i) bushfire-prone vegetation to permit the undertaking of hazard management works; and</p> <p>(ii) fire fighting water supplies; and</p> <p>(c) any advice from the TFS.</p>	
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**E1.6.3 Subdivision: Provision of water supply for fire fighting purposes**

Adequate, accessible and reliable water supply for the purposes of fire fighting can be demonstrated at the subdivision stage and allow for the protection of life and property associated with the subsequent use and development of bushfire-prone areas.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p><b>A1</b> In areas serviced with reticulated water by the water corporation:</p> <p>(a) TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant the provision of a water supply for fire fighting purposes;</p> <p>(b) A proposed plan of subdivision showing the layout of fire hydrants, and building areas, is included in a bushfire hazard management plan approved by the TFS or accredited person as being compliant with Table E4; or</p> <p>(c) A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>	<p><b>P1</b> No Performance Criteria.</p>	<p><i>While the area is supplied with reticulated water, it is not close enough to be relied upon for fire fighting purposes.</i></p> <p><i>Assessment is against A2 below.</i></p>
<p><b>A2</b> In areas that are not serviced by reticulated water by the water corporation:</p>	<p><b>P2</b> No Performance Criteria.</p>	<p><i>A bushfire report by an accredited person (Dana Elphinstone) has been provided with the development application, certifying that static water supply</i></p>

<p>(a)                  The TFS or an accredited person certifies that there is an insufficient increase in risk from bushfire to warrant provision of a water supply for fire fighting purposes;</p> <p>(b)                  The TFS or an accredited person certifies that a proposed plan of subdivision demonstrates that a static water supply, dedicated to fire fighting, will be provided and located compliant with Table E5; or</p> <p>(c)                  A bushfire hazard management plan certified by the TFS or an accredited person demonstrates that the provision of water supply for fire fighting purposes is sufficient to manage the risks to property and lives in the event of a bushfire.</p>		<p><i>for the proposal complies with this standard.</i></p> <p><i>The Acceptable Solution is satisfied.</i></p>
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**Road and Railway Assets Code**

The proposal includes a new access for Lot 1, which requires assessment against the relevant parts of this Code.

The proposed access is suitably located to achieve the required sight distance. The design and construction of the Lot 1 access will need to be in accordance with the recommended conditions.

**Parking and Access Code**

The Parking and Access Code applies to all use and development.

In this case the proposed subdivision of one lot and balance, with Lot 1 to be provided with a new access and the balance to be accessed via the existing crossover and driveway.

As mentioned above, the access strip will be required to be sealed in accordance with the subdivision standards of the zone.

The dwelling on the balance lot is provided with sufficient parking in accordance with the Code requirements.

The location and design of the access complies with the requirements of the Code.



## CONCLUSION

The report has assessed a Development Application for a subdivision of one lot and balance at 31 Hall Lane, Bagdad.

Four (4) representations were received in regard to the proposal, raising concerns as addressed above.

The proposal has been found to comply with all the relevant standards of the Rural Living Zone and the applicable Codes.

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

## RECOMMENDATION

**THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (SA 2019/13) for Subdivision of one lot and balance at 31 Hall Lane, Bagdad, owned by J Haig and L Van Beek and that a permit be issued with the following conditions:**

## CONDITIONS

### *General*

1. The subdivision layout or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.

### *Public open space*

2. As insufficient provision has been made for recreational space, and having formed the opinion that such a provision should be made in respect of the proposal, Council requires that an amount equal to five percent (5%) of the unimproved value of Lot 1 must be provided as cash-in-lieu of public open space in accordance with the provisions of Section 117 of the *Local Government (Building & Miscellaneous Provisions) Act 1993*. The subdivider must obtain a valuation for the unimproved value of the subdivision from a registered Valuer.

### *Easements*

3. Easements must be created over all drains, pipelines, wayleaves and services in accordance with the requirements of the Council's Municipal Engineer. The cost of locating and creating the easements shall be at the subdivider's full cost.

### *Endorsements*

4. The final plan of survey must be noted that Council cannot or will not provide a means of drainage to all lots shown on the plan of survey.

### *Covenants*

5. Covenants or other similar restrictive controls that conflict with any provisions or seek to prohibit any use provided within the planning scheme must not be included or otherwise imposed on the titles to the lots created by

this permit, either by transfer, inclusion of such covenants in a Schedule of Easements or registration of any instrument creating such covenants with the Recorder of Titles, unless such covenants or controls are expressly authorised by the terms of this permit or the consent in writing of the Council's Manager Environment and Development Services.

***Final plan***

6. A final approved plan of survey and schedule of easements as necessary, together with two (2) copies, must be submitted to Council for sealing for each stage. The final approved plan of survey must be substantially the same as the endorsed plan of subdivision and must be prepared in accordance with the requirements of the Recorder of Titles.
7. A fee of \$250.00, or as otherwise determined in accordance with Council's adopted fee schedule, must be paid to Council for the sealing of the final approved plan of survey for each stage.
8. Prior to Council sealing the final plan of survey for each stage, security for an amount clearly in excess of the value of all outstanding works and maintenance required by this permit must be lodged with the Southern Midlands Council. The security must be in accordance with section 86(3) of the *Local Government (Building & Miscellaneous Provisions) Council 1993*. The amount of the security shall be determined by the Council's Municipal Engineer.
9. All conditions of this permit, including either the completion of all works and maintenance or payment of security in accordance with this permit, must be satisfied before the Council seals the final plan of survey for each stage. It is the subdivider's responsibility to notify Council in writing that the conditions of the permit have been satisfied and to arrange any required inspections.
10. The subdivider must pay any Titles Office lodgment fees direct to the Recorder of Titles.

***Property Services***

11. Property services must be contained wholly within each lots served or an easement to the satisfaction of the Council's Municipal Engineer or responsible authority.

***Existing services***

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

***Telecommunications, electrical and gas reticulation***

13. Electrical and telecommunications services must be provided to each lot in accordance with the requirements of the responsible authority and the satisfaction of Council's Municipal Engineer.

***Drainage***

14. Stormwater from the development is to be connected to the Council's existing reticulation system using a single point of discharge to the satisfaction of Council's Municipal Engineer.

***TasWater***

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

***Access***

16. A separate vehicle access must be provided from the road carriageway to each lot. The access must comply with the standards shown on standard drawings TSD-R03-v1 Rural Roads Typical Property Access, TSD-R04-v1 Rural Roads Typical Driveway Profile prepared by the IPWE Aust. (Tasmania Division), or as otherwise required by this permit, and the satisfaction of Council's General Manager. The accesses should include:
- The access must have a minimum width of 6m for a sufficient length to allow for vehicles to pass at the property boundary without encroaching on the public road.
  - The access strip to the balance lot is to be sealed from Hall Lane to the lot proper; and
  - Include stormwater drainage as required.
17. The subdivider must provide not less than 48 hours written notice to Council's Works Manager before commencing access works in order to arrange an onsite meeting to finalise the required works.

***Engineering***

18. The subdivision must be carried out in accordance with the Tasmanian Subdivision Guidelines October 2013 (attached).
19. Engineering design drawings to the satisfaction of the Council's General Manager must be submitted to and approved by Council before development of the land commences.
20. Engineering design drawings are to be prepared by a qualified and experienced civil engineer, or other person approved by Council's General Manager, and must show -
- (a) all existing and proposed services required by this permit;
  - (b) all existing and proposed roadwork required by this permit;
  - (c) measures to be taken to provide sight distance in accordance with the relevant standards of the planning scheme;
  - (d) measures to be taken to limit or control erosion and sedimentation;
  - (e) any other work required by this permit.
21. Approved engineering design drawings will remain valid for a period of 2 years from the date of approval of the engineering drawings.
22. The developer shall appoint a qualified and experienced Supervising Engineer (or company registered to provide civil engineering consultancy services) who will be required to certify completion of subdivision construction works. The appointed Supervising Engineer shall be the primary contact person on matters concerning the subdivision.

***Construction amenity***

23. The development must only be carried out between the following hours unless otherwise approved by the Council's Manager Environment and Development Services:

- Monday to Friday 7:00 AM to 6:00 PM
- Saturday 8:00 AM to 6:00 PM
- Sunday and State-wide public holidays 10:00 AM to 6:00 PM

24. All subdivision works associated with the development of the land must be carried out in such a manner so as not to unreasonably cause injury to, or unreasonably prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of -
- (a) Emission from activities or equipment related to the use or development, including noise and vibration, which can be detected by a person at the boundary with another property.
  - (b) Transport of materials, goods or commodities to or from the land.
  - (c) Appearance of any building, works or materials.
25. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Municipal Engineer.
26. Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.

**THE FOLLOWING ADVICE APPLIES TO THIS PERMIT:**

- A. This permit does not imply that any other approval required under any other legislation has been granted.
- B. The owner is advised that an engineering plan assessment and inspection fee must be paid to Council in accordance with Council's fee schedule.
- C. This permit does not ensure compliance with the Aboriginal Heritage Act 1975. It is recommended that you conduct a property search with Aboriginal Heritage Tasmania prior to commencing works – see this website for further details: <https://www.aboriginalheritage.tas.gov.au/assessment-process>
- D. A declared weed Paterson's Curse (*Echium plantagineum*) is known to occur in this area. The prevention of spread of any declared weeds from your site is legal requirement under the Weed Management Act 1999. Follow the guidelines of the *Weed and Disease Planning and Hygiene Guidelines - Preventing the spread of weeds and diseases in Tasmania* to ensure you are meeting this requirement. This can be found at [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au).  
For information on specific weed management please discuss with councils Weed Officer (Jennifer Milne, 6254 5046) or DPIPWE - <https://dpiuwe.tas.gov.au/invasive-species/weeds>.
- E. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval unless the development for which the approval was given has been substantially commenced or extension of time has been granted. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development may be treated as a new application.

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**11.3 MUNICIPAL SEAL (Planning Authority)**

Nil.

## 11.4 PLANNING (OTHER)

### 11.4.1 PLANNING APPEAL UPDATED (APPEAL REFERENCE 122/19P) - DEVELOPMENT APPLICATION (DA 2019/78) FOR SPORTS & RECREATION (FIRING RANGE) AT 770 WOODSDALE ROAD, RUNNYMEDE OWNED BY SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (TASMANIA)

*File Ref: T 1661046*

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

**Date:** 14 JANUARY 2020

**Enclosure(s):**

*Development Application documents  
Representations*

## ISSUE

As Council are aware the Sporting Shooters Association of Australia (Tasmania) have appealed the decision of Council to refuse a permit for the proposed Sports and Recreation (Shotgun Firing Range) applied for in DA 2019/78. The decision to refuse the permit was made at the 27<sup>th</sup> November 2019 Council meeting.

The parties to the appeal are the Sporting Shooters Association of Australia (Tasmania) (SSAA) and Southern Midlands Council.

As Council would recall it is standard practice in any appeal for the Resource Management and Appeals Tribunal (RMPAT) to facilitate and encourage alternative dispute resolution. That is - try find a mediated solution before proceeding to a full hearing and the exchange of evidence.

Council Officers are currently in the process of finding a mediated solution, rather than take the matter to a full hearing at the RMPAT.

The General Manager provided Elected Members (Council) with correspondence circulated on the 5<sup>th</sup> January 2020 with the preliminary details of the mediated solution and draft consent agreement. The majority of Elected Members responded with support for proceeding with a mediated agreement between Council and the SSAA.

This report will discuss the mediated agreement and draft consent agreement. The recommendation is that Council agree to a mediated solution and proceed to signing a Consent Agreement. The RMPAT will then further consider the agreement and direct Council to issue a permit with changes to the Development Application.

At the time of writing this report a final draft Consent Agreement and draft conditions for a Permit were not yet finalised. However Council Officers are in a position to discuss the content of the Agreement at the meeting or possibly circulate a final draft on the day of the meeting (if then available).

## BACKGROUND

The grounds of refusal to grant a permit were:

1. The proposed location of the shotgun range will bring the activity unacceptably close to the nearby residential dwellings and likely cause a negative impact on the amenity of those occupants and users of the land. The proposal is not therefore considered to be a fair and orderly use of land and contrary to the Schedule 1 Objectives considered under Section 51 (2) (a) of the Land Use Planning and Approvals Act 1993.
2. Council per Section 51 (2) (c) Land Use Planning and Approvals Act 1993 must take into consideration matters set out in representations made by nearby persons. These matters primarily relate to health, well-being and dissatisfaction with the planning system and involvement with the Applicant. The proposed location of the shotgun range has not factored in the concerns for the health and well-being of other persons on adjoining land despite awareness of matters raised in previous representations made by nearby residents in the previously approved Application in September 2018 (Reference DA 2018/59).
3. A permit cannot be granted for the proposed use and development as the development is contingent on the Permit Authority amending the previously approved Permit (Reference DA 2018/59) under Section 56 of the Land Use Planning and Approvals Act 1993 to remove the shotgun range from the plan.

As part of the preparation for the appeal, Council's legal representative advised that none of the reasons for refusal had reasonable prospects of success if carried through to a full hearing at RMPAT.

### Consent Agreement

Council Officers together with Council's legal representative and the SSAA have commenced mediation through the RMPAT procedures. It is expected that a mutually agreed position can be reached for approval with conditions.

The mediated solutions will be captured in the Consent Agreement together with a draft set of conditions for a Permit to be signed by all parties to the appeal.

This agreement is not yet completed but in essence will be a new set of permit conditions to those previously recommended to Council at the November 2019 meeting. This will include specific conditions including:

- Requirements for notification of nearby property owners before 'competition' shooting days;
- Correction of the number of parking spaces to sixty (60); and
- Amendment of the previously approved DA2018.59 at 457 Woodsdale Road, Runnymede to remove the shotgun range from that approval to avoid duplication.

A draft Consent Agreement is still being negotiated with the SSAA together with the draft conditions for a Permit.



Council are reminded also that the draft permit conditions includes formal Advice that:

*“Noise emitted from the facility must not cause an environmental nuisance to surrounding properties in accordance with the requirements of the Environmental Management and Pollution Control Act 1994”*

Specifically meaning that the issue of any Permit for the use of the land as Firing Range under the *Land Use Planning and Approvals Act 1993* must still be compliant with the *Environmental Management and Pollution Control Act 1994* (EMPCA). The granting of a Permit does not give immunity from compliance with EMPCA.

Furthermore should the Firing Range cause an ongoing nuisance or likely to otherwise cause environmental harm then Council can issue an “Environmental Protection Notice” (EPN) that further regulates the activity with specific conditioning/requirements or actions. Per Section 44 (7) of the EMPCA “An environment protection notice has effect even if it is inconsistent with a permit in force under the Land Use Planning and Approvals Act 1993 and the permit has no effect to the extent of the inconsistency.”

A final copy of the Consent Agreement and Permit will be provided to Council for information once the matter is finalised.

## RECOMMENDATION

### THAT

- A. The information be received.
- B. Council delegate authority to the General Manager to sign a Consent Agreement that:
  - a. Will resolve the Appeal reference 122/19P - Development Application (DA 2019/78) for Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede owned by Sporting Shooters Association of Australia (Tasmania); and
  - b. Result in the RMPAT directing Council to issue a permit for the Sports & Recreation (Firing Range) at 770 Woodsdale Road, Runnymede (DA 2019/78); and
  - c. Council Officers will circulate for information a final copy of the Consent Agreement together with the draft Permit to Elected Members once the matter is finalised.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**[THIS CONCLUDES THE SESSION OF COUNCIL ACTING AS A PLANNING AUTHORITY]**

## 12. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

### 12.1 Roads

**Strategic Plan Reference 1.1.1**

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

#### 12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PART ROAD CLOSURE

**Author:** SPECIAL PROJECTS OFFICER (D MACKEY)

**Date:** 13 JANUARY 2020

**Enclosure(s):**

*F Miller – Email dated 9<sup>th</sup> December 2019*

*Simmons Wolfhagen – Letter dated 4<sup>th</sup> December 2019*

*F Miller – Email dated 1<sup>st</sup> December 2019*

*Extract from Council Minutes held 23<sup>rd</sup> January 2019 (includes extracts from the Council Meetings held 24<sup>th</sup> October 2018; Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018; and Extract from Council Minutes held 28<sup>th</sup> November 2018)*

*Survey Plans*

### ISSUE

Council to formally consider the submission received from Simmons Wofhagen, acting on behalf of the property owners (F Miller and M Nardi), including associated Email correspondence received from Mr F Miller.

### BACKGROUND

Council is fully aware of the background associated with this issue.

Copies of previous Council Reports including other relevant documentation (listed above), are included as an enclosure.

In terms of Council's current position:

1. it has formed the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety; and
2. Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook).

Formal notice to remove the farm gate obstructing the use of Craighourne Road was given pursuant to section 49(3) of the *Roads and Jetties Act 1935* in June 2019, however this was subsequently challenged on the basis that the General Manager did not have the delegated authority to issue such a Notice. This has since been addressed by Council, but further Notice has been withheld pending consideration of these latest submissions.

## DETAIL

In summary, the intent of the letter received from Simmons Wolfhagen dated 4<sup>th</sup> December 2019 is to request Council to reconsider its position regarding the closure of the north-eastern section of Craighourne Road which passes through the land owned by F Miller and M Nardi.

The letter seeks to provide Council with a proper understanding of the impact that the decision not to close this section of Craighourne Road is having on their clients.

In reference to the letter, circumstances are detailed which relate to trespass on the property which adjoins the Craighourne Dam.

From a Council perspective, previous discussions relating to alleged trespassing can be addressed through fencing of the roadway and property boundary. In this regard, Council has already engaged (and funded) a Surveyor to 're-peg' the relevant boundaries between the public road; the Craighourne Dam; and private property. Mr Miller has been provided with a copy of the Survey Plan in an endeavour to address this very concern. The following comments are provided in response to other specific issues raised in the Letter:

- Page 1 – 4<sup>th</sup> Paragraph – the letter makes reference to the Craighourne Road which passes over their land. It is important to note that the Craighourne Road is a Council maintained Road, with a surveyed Road Reservation. Their private property adjoins the Road.
- At the base of Page 1 of the Letter, it makes reference to a Council concern relating to the cost of funding an application to the Magistrates Court if the Council decides to close Craighourne Road.

Whilst the issue of costs was raised in the report to the January 2019 Council Meeting, mainly in relation to the closure process (i.e. advertising etc.) and responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*, to the best of my knowledge, this has not been an influencing factor underlying Council's decision not to close the road.

- Background Section: - on the construction of the Craighourne Dam in 1986, the relevant Council was Richmond Council, which was mostly absorbed into Clarence Council. It is on the creation of the Southern Midlands Council in April 1993 that the area around Craighourne Dam fell within the municipal area of the Southern Midlands. Council has not taken any steps to close that that part of the road that is unpassable. However, it can be assumed that this did occur following, or at the time, the Craighourne Dam was constructed although Council holds no record of this.
- Background Section – Public Access Point (north-eastern section of the Dam).  
The Southern Midlands did write to the Minister for Primary Industries and Water (Hon G Barnett MHA) as his portfolio includes responsibility for Inland Fisheries. The intent of that submission was to seek assistance from the State Government to construct some form of basic infrastructure (and installation of signage) which clearly identifies the property boundaries and provides an area whereby vehicles can park; turn around; and be directed to the Dam without trespassing. This action was consistent

- with Council's earlier decision to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.
- Page 3 – final paragraph – Road reservation. It is acknowledged that the Survey Plan shows:
    - a) that there are some minor deviations where the road, in its existing position, is not wholly within the surveyed road reservation; and
    - b) That in some locations, the existing wire fence on the eastern side of the road encroaches into the road reserve.

This was highlighted in a letter dated 8<sup>th</sup> March 2019 to F Miller and M Nardi, which included a comment that the most practical solution is to simply erect a fence on the western side of the road in its present location and avoid the need to relocate any fences on the eastern side. Whilst this was put forward as a possible solution, the letter advised that it was the property owner's decision as to the preferred course of action.

A copy of the Survey Plan is included as an enclosure to this Report.

To conclude, reference is made to past Council Reports, including the Report (and attachments) submitted to the Council Meeting held in January 2019. This was the basis for determining Council's current position.

**Human Resources & Financial Implications** – Refer comment above.

**Community Consultation & Public Relations Implications** – Reference is made to the Council Report dated 15<sup>th</sup> January 2019 which detailed the outcomes of the public consultation process which was initiated in December 2018.

The consultation process included publishing a Notice in the Mercury Newspaper on 1<sup>st</sup> December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.

For information, the following is an extract from the Minutes of the Council Meeting held in January 2019:

*In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:*

- *Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;*
- *Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;*
- *Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;*

- *This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;*
- *Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;*
- *Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;*
- *Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;*
- *Dam used to access water for firefighting purposes;*
- *Craigbourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.*

*It was also noted that among the submissions against closure the following were received:*

- *Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;*
- *Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;*
- *Submission from 'change.org' which includes the names and addresses of 200 individuals;*
- *Petition letter containing 577 signatories.*

*In terms of support for the permanent closure, the following comments capture the sentiments contained therein:*

- *Express support for the permanent closure of Craigbourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craigbourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – 9 signatories;*
- *Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);*
- *Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.*
- *Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is case for concern or all.*
- *Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night*

*to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.*

- *Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.*

**Policy Implications – Policy position.**

**Priority - Implementation Time Frame – N/A.**

## **RECOMMENDATION**

**THAT the information be received and Council determine its position following the presentations(s) made.**

*Note: Should any legal argument be submitted during the presentation(s), it may be necessary for Council to defer any decision pending receipt of qualified advice in response to any issue raised.*

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 12.1.1*

**Timothy Kirkwood**

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**From:** Alexander Green  
**Sent:** Monday, 9 December 2019 9:26 AM  
**To:** Timothy Kirkwood  
**Subject:** Fwd: Trespass and Vandalism w/e 8th December 2019

Sent from my iPhone

Begin forwarded message:

**From:** "Fraser Miller" <fraser@mtbaines.com>  
**To:** "Alexander Green" <agreen@southernmidlands.tas.gov.au>  
**Subject:** Trespass and Vandalism w/e 8th December 2019

Alex,

Further to our conversation this afternoon please see attached a picture of the dead calf which has a broken neck. This has occurred as a vehicle has driven close by and causing the calf to fall down the embankment. The tracks of the vehicle are clearly evident in the pasture which are well within our property. The picture obviously does not take into account the distress caused to the calves mother who is pining for her lost calf.

This is the second cow we have lost in as many weeks again at a substantial cost of \$3,000 bringing out livestock losses to \$6,000 in the past two weeks alone.

Whilst I was down there I also witnessed further trespass, this time a fisherman, who had travelled well into my property with his vehicle, again through my cattle. There was also evidence of a campfire and empty beer cans left behind.

I have reported these matters to the police.

It is completely and utterly unacceptable that we as private citizens should be put in this position where we are suffering financial loss in order to provide a public facility that is so routinely abused and in the process being denied the use of our land. It has been nearly 12 months since the Council rescinded the decision to close the Road and nothing has changed and there has been no meaningful dialogue to resolve these issues. Yet we are \$000s out of pocket and have spent countless hours trying to resolve this issue. It is clear that unless the road is closed these issues will continue as the public simply cannot be trusted to respect our property and the overly simplistic solutions proposed by the Council will not address the issues, a fact also acknowledged by the Council on many occasions.

Can you please draw attention to the Council on this latest incident ahead of the meeting on the 11th.

Cheers,

Fraser





Contact: Karen Abey  
Our Ref: KMA/NAB:192490

4 December 2019

Nathan Street  
Abetz Curtis

By email: [nstreet@abetzcurtis.com.au](mailto:nstreet@abetzcurtis.com.au)

Dear Mr Street,

#### Closure of Craighourne Road

We refer to your letter dated 1 October 2019, which provided some information and documentation on behalf of the Council regarding Craighourne Road.

As discussed, on the weekend, there was a further trespass on our clients' land. Some members of the public passed onto our clients' land on dirt bikes. They drove through cattle owned by our clients, one of whom suffered a broken leg and had to be euthanised. The value of that stock was \$3,000. The matter has been reported to Tasmania Police.

In addition, there was damage to pasture, destroying valuable and scarce feed, two groups of fisherman who let themselves into our clients' property, well beyond the obvious roadway end to launch boats (leaving gates open and destroying pasture) and illegal hunters on the property at 2:45am.

While there is not a weekend which passes without incident, the loss of valuable stock over the past weekend has prompted our clients to again request the Council to consider closing the part of Craighourne Road which passes over their land. The background to this matter and the impact of having the Road on their land is detailed below, so that the Council has a proper understanding of the impact on our clients.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees of any such application.

#### Hobart Office

**Address** Level 4, 99 Bathurst Street  
Hobart TAS 7000  
GPO Box 145

#### Launceston Office

**Address** 45 Cameron Street  
Launceston TAS 7250  
GPO Box 170

**ABN** 31 635 248 976

**Email** [info@simmons-wolfhagen.com.au](mailto:info@simmons-wolfhagen.com.au)

#### Lawyers specialising in

- Business Acquisitions, Partnerships, Company & Commercial Law
- Conveyancing, Property Development, Easements & Subdivisions
- Family & De Facto Relationship Law
- Local Councils, Planning & Administration of Property



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SIMMONS WOLFHAGEN

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### Background

Historically, Craighourne Road allowed for travel between Hungry Flats Road to Colebrook Road. This changed in 1986, with the creation of the Craighourne Dam which flooded some land which had been part of Craighourne Road. You have indicated that it is assumed the relevant parts of Craighourne Road were closed at the time, but we have not seen any documentation to support this assumption. We would be grateful if further efforts were made to locate this documentation so that there is a clear understanding of what has occurred.

A public access point for Craighourne Dam has been created to allow for fishing and other leisure activities, accessible from Colebrook Road. This area has proper facilities, including parking, public toilets, a boat ramp and rubbish collection points and we understand it is well used.

Craighourne Road passes through our clients' land and abruptly stops at the Dam. The Road is in poor condition, particularly where it meets the Dam.

No works have been undertaken to create a public access point for Craighourne Dam where it meets our clients' land, yet it continues to be accessed by some members of the public. These works have been proposed by the Mayor to the Minister for Primary Industries. Our clients are disappointed that this step was taken without consultation with them, and despite having already indicated to the Council that this would exacerbate the instances of trespass by directing more people to the area.

### Impacts

The impacts on our clients having Craighourne Road on their land are as follows:

1. members of the public trespass onto their land on a regular basis;
2. illegal logging for firewood is often carried out on our clients' land, including up a treacherous track which is very dangerous when wet, posing serious risks to those who do so;
3. illegal hunting is also carried out on our clients' land, which poses a serious risk to the public and our clients, who face the risk that they could potentially be shot at;
4. damage is caused to pasture with vehicles driving across the property in particular dirt bikes which cause significant damage;

SIMMONS WOLFHAGEN

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5. rubbish and waste is regularly dumped on the property, with trespasser's regularly defecating on my land and in my buildings;
6. damage is caused to fencing and other infrastructure, again on a regular basis; and
7. costs are incurred and time is spent by our clients to repair fencing and other infrastructure, and to recover stock which has escaped due to this damage.

A significant part of our clients' land – approximately 20% – is rendered unusable because of the public incursions, which prevent our clients from planting new pasture which is necessary to feed livestock. This impacts on the overall carrying capacity of the property, the ability to rotate stock across the property and exposes our clients' livestock to theft, escape and being killed either by shooting or being run over as has happened in the past.

Unfortunately, for practical reasons (limited staffing and travel times) the Tasmania Police are of no assistance to our clients to resolve these issues. Tasmania Police are supportive of the Road being closed, which is an acknowledgement that there is nothing the Police can do to prevent the activities on our clients' land.

#### Council Response

The position of the Council as we understand it is, in summary:

1. members of the public have the right to travel on the section of Craighourne Road which is on our clients' land;
2. the Council has no obligation to fence the Road; and
3. the Council has no obligation to take any other steps to inform members of the public as to the extent of our clients' land or to prevent trespasses onto our clients' land.

Your letter states that "your clients fencing their boundary is an obvious and simple solution to their concerns".

Aside from this, the Council has acknowledged that the Road is outside the road reservation, as shown on the survey which was provided to us. If the Road is not closed then our clients will request the Council to realign the Road so that it is within the road reservation.

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SIMMONS WOLFHAGEN

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**Ongoing Concerns**

Unfortunately, this response fails to take into account the fact that existing fencing which has been erected has been damaged, over and over again. Vehicles have travelled well inside our clients' land – clearly outside the road reservation – to destroy fencing, camping and lighting fires, carry out illegal shooting activities and to remove firewood without permission.

Attempts to lock gates on our clients' land have resulted in the gates being driven through and destroyed, which impacts on the efficiency with which they can farm their land.

The damage is clearly caused deliberately and most likely by vehicles being driven at the fencing. The destruction of fencing seems to be carried out for reasons which can only be explained through boredom or vindictiveness, or trying to gain access further into the property to shoot, camp, log, dump rubbish etc; the damage to the fencing makes no practical difference to the ability to access the Dam.

Given these circumstances, it is impossible to create fencing which is resistant to this type of interference.

You have suggested some sort of physical barrier such as large boulders so that the public cannot pass onto our clients' land, yet this would also effectively prevent our clients from using their own land.

Our clients have already incurred significant expense to repair existing fencing and it seems utterly pointless to spend tens of thousands of dollars to erect further fencing which it is assumed will be damaged or destroyed for similar reasons.

We acknowledge that the *Boundary Fences Act 1908* does not apply to roads, pursuant to s.7. There is no other statutory power to require the Council to erect or contribute to the cost of erecting fences on either side of a road such as this. Even if there were and the Council erected fencing, this would be of no value to our clients unless there was an undertaking or requirement to continually repair the damage which is expected to be caused to the fences.

In essence, the legislation does not respond to the current scenario and provides no protection to our clients from members of the public who are prepared to trespass onto their land.

There are no physical measures, no assistance from Police, no assistance from the Council and no legislative framework upon which our clients can rely to balance their interests against the people who use this Road.

SIMMONS WOLFHAGEN

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#### Closure of part of Craighourne Road

On 24 October 2018, the Council considered whether to close the part of Craighourne Road on our clients' land and passed a resolution pursuant to the *Local Government (Highways) Act 1982* to do so for reasons of public benefit and in the interests of public safety.

Rather than follow the statutory processes to close the relevant part of the Road, the Council sought further public input on the closure. The Council also sought legal advice on the ability to close the Road pursuant to s.14, from your firm. That advice concluded, in summary, that the requirements of s.14 were met and the Road could be closed, but that the Council could take into account matters such as the number of complaints made to the Police and the costs of closing the Road if there was opposition (which was very likely) as a basis not to close the Road.

Having acknowledged the extensive issues faced by our clients if the Road remains open, the Council was advised that it had two options:

1. proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The decision to close the Road was rescinded on 23 January 2019.

Despite the acknowledgement that the Council should consult with the property owners to implement measures that will address the issues being experienced, it is our clients' position that there are no measures to implement that will address the issues they are experiencing, other than for them to abandon 20% of their land.

We understand that the Council has appointed a consultant to try and achieve a solution to the ongoing issues. This consultant has yet to contact our clients and it is unclear what his role and remit is in this matter, but our clients are concerned that there are discussions being had without their input as the main stakeholder in this matter.

The Council has suggested the "simple solution" for our clients to fence the Road, which is completely at odds with the practical reality of what has happened on the land and is likely to continue if further fencing is erected. The Council's decision on

SIMMONS WOLFHAGEN

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23 January 2019 without proper regard to the ongoing impact of the Road staying open and the risks that this poses to both members of the public and our clients.

**Outcome Sought**

Ultimately, our clients' position is that the part of Craighourne Road which is on their land should be closed. It is our view that the requirements of s.14 of the *Local Government (Highways) Act 1982* (the Act) are met and that the Council should reconsider this matter again, taking into account the matters raised in this letter.

For convenience, s.14(1) is as follows:

*If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use...*

The most thorough analysis of the meaning of this section is by then Chief Magistrate Shott in *Listers Land and Golconda Road*.<sup>1</sup>

With respect to the Chief Magistrate, it is our opinion that the parts of this decision dealing with whether this is a two limbed test or a three limbed test, would not be followed today. As you would know, there has been a substantial shift in the authorities from the High Court regarding statutory interpretation subsequent to the *Listers Land and Golconda Road* decision.<sup>2</sup> The focus is now on the text, context and purpose of legislation.<sup>3</sup> An historical review of past legislation is no longer encouraged as an approach to the interpretation of current legislation.

It follows, in our firm view, that only one of the three matters listed in s.14 must be satisfied in order to close a highway.<sup>4</sup> Regardless, we say that there are two of the

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<sup>1</sup> Reference pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASM 4

<sup>2</sup> Including *Alcan (NT) Alumina Pty Ltd v Commissioner of Territory Revenue* (2009) 239 CLR 27; *Zheng v Cai* (2009) 239 CLR 446; *Lacey v Attorney-General (Qld)* (2011) 242 CLR 573; *Certain Lloyd's Underwriters Subscribing to Contract No IH00AAQS v Cross* (2012) 248 CLR 378

<sup>3</sup> *Sultan Holdings Pty Ltd v John Fuglsang Developments Pty Ltd* [2017] TASFC 14 at [49]

<sup>4</sup> We have successfully made an application for a road to be closed for the Break O'Day Council based only on the public benefit limb. (Magistrates Court of Tasmania, Administrative Appeals Div, file no. M/2018/1371). An order was made in those proceedings on 27 June 2018, providing the Court's authorisation to close part of Parkside Avenue. The justification provided was that closure of that road would allow a development to take place on that land, which would encourage tourism and provide a boost to the community.

SIMMONS WOLFHAGEN

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matters in s.14 which are satisfied: public benefit and public safety. Your firm has already acknowledged in the advice provided by your firm to the Council on 6 November 2018, at [5.4], that there is a sufficient basis to close the road on these grounds.

Clearly, the “public benefit” element in s.14 is broad. In every other respect, the Council (as “the corporation”) under the Act has broad powers to open, maintain and regulate “highways” as it sees fit. It follows that the phrase “public benefit” should be interpreted in that context. The Council is the entity which is best suited to assess the needs and requirements of the public, and to assess the costs and benefits of keeping the relevant part of Craighourne Road open.

It should, in our view, take into account the fact that:

1. keeping the Road open has a significant financial impact on our clients which they are powerless to prevent in a practical way;
2. our clients are not able to be supported in any meaningful way by Tasmania Police, and the law of trespass provides no effective control for the actions which have taken place on their land;
3. the legislative regime provides our clients with no power to require the Council to take steps to fence and maintain that fencing – it is their burden alone;
4. our clients will not gain anything, as such, by the closure of the Road – other than to be able to enjoy the rights to use their land as any landowner should be able to do. To this extent, there is no private benefit to them by the Road being closed, merely removing the negative impacts of the Road remaining open;
5. the closure of the Road could be carried out by our clients by placing a physical barrier which could not be crossed, at the point of entry;
6. while there was a substantial resistance to the closure of the Road presented to the Council,<sup>5</sup> it is understood that this level of interest is not reflected in the number of people who actually use the Road;<sup>6</sup>

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<sup>5</sup> Our clients are concerned about the impact of some incorrect information which was circulating, including that the road closure would prevent access to the Dam entirely – we can address this further, if required

<sup>6</sup> For example, there were people who reside in Canada who signed the petition

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SIMMONS WOLFHAGEN

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7. members of the public have not respected our clients' private land rights and it is unreasonable for them to push for the Road to remain open while having the intention to continue to abuse that right.

We note the Council's concerns about funding an application to the Magistrates Court if the Council decides to close Craighourne Road. Our client is prepared to pay the Council's reasonable legal fees.

Could you please pass on this request to the Council. We understand that this matter is already on the agenda to be discussed on 11 December 2019.

If you would like to discuss this matter further, please contact us.

Yours faithfully  
Simmons Wolfhagen



**Karen Abey**  
Managing Associate | Local Government, Planning & Development Law  
karen.abey@simwolf.com.au

**From:** Fraser Miller  
**Date:** 1 December 2019 at 6:10:27 pm AEDT  
**To:** Alexander Green <[agreen@southernmidlands.tas.gov.au](mailto:agreen@southernmidlands.tas.gov.au)>  
**Subject:** Trespass and Vandalism 1 Dec 2019

Alex,

Further to our conversation this afternoon about ongoing and continual vandalism to our property as afforded by the access of Craigbourne Road I wish to draw yours and Councils attention to the issues we have faced this weekend alone. I have reported these issues to the police.

- Trespassers who were riding their dirt bikes amongst my cattle who have new born calves and still in calf. This caused one of them to break their leg and had to be put down at a cost of \$3,000.
- In addition there was significant damage to pasture which as you and the Council will be aware is in short supply given the lack of rain
- There have been at least 2 groups of fisherman driving through my property to launch boats, leaving gates open and allowing cattle to escape.
- There have been illegal shooters on the property last night at 2:45am

Obviously these issues are just related to this weekend but are by no means the only instances of trespass over the preceding months to which Council seeks to ignore and deflect onto the Tasmanian Police to resolve.

The overly simplistic approach of fencing the road reserve is not something that will work as both you and Council have acknowledged previously and I would request that Council revisit its decision to close this road as it is the only practical solution to these ongoing issues.

It is simply unacceptable that I as a private citizen should have to bear these costs particularly when Council has within its power to resolve this issue once and for all.

I would welcome you and Council to attend the property on the weekend so you can see first hand these issues of trespass so you can gain a better understanding of these issues.

Cheers,  
|  
Fraser



Southern Midlands Council  
Minutes – 23 January 2019

## 12.1 Roads

### Strategic Plan Reference 1.1.1

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

#### 12.1.1 CRAIGBOURNE ROAD, COLEBROOK – NORTH-EASTERN SECTION ACCESSED VIA LINK ROAD, COLEBROOK – PROPOSED PART ROAD CLOSURE

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

**Date:** 15 JANUARY 2019

**Enclosure(s):**

*Map of proposed road closure point*

*Extract from Council Minutes held 24<sup>th</sup> October 2018*

*Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018*

*Extract from Council Minutes held 28<sup>th</sup> November 2018*

**Attachment:**

*Submissions received regarding proposed closure.*

### ISSUE

To:

- a) Report on the outcomes of the public consultation process relating to the proposed closure of the north-eastern section of the Craighourne Road (beyond No 38 and extending through to the Dam); and
- b) Council to determine its final position in respect to this matter.

*Note: Reference is now made to No 38 - as opposed to No 32 which was the original proposed closure point. This being the property owned by J & G Bailey. A discrepancy has been detected between the Council Property System (showing their property as being No 32) and the actual Rural Address affixed to their property. It is agreed that the Council Property System should align with the nominated Rural Address. The Council system has since been amended.*

*Irrespective, it was always intended that any road closure would be beyond the property owned by J & G Bailey.*

### BACKGROUND

Council, at its meeting held on 24<sup>th</sup> October 2018, considered a Notice of Motion submitted by then Deputy Mayor Alex Green relating to the proposed closure of the Craighourne Road (north-eastern section) between 32 Craighourne Road and the Craighourne Dam.

An extract from the Minutes of that meeting is enclosed. This includes all the background information.

Council resolved as follows:

Southern Midlands Council  
Minutes – 23 January 2019

**THAT:**

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982* s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and
- b) Prior to proceeding further, Council seek advice in terms of:
  - (1) what constitutes 'public benefit' and whether there is sufficient grounds for Council to rely upon in this case; and
  - (2) being able to justify the decision to close the road based on the interests of public safety.

Following that decision, legal advice was sought from Abetz Curtis (enclosed) in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in regard to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A further report was submitted to the Council Meeting held 28<sup>th</sup> November 2018. A full copy of the advice received from Abetz Curtis was included with that report.

An extract from the Minutes of that meeting (i.e. 28<sup>th</sup> November 2018) is also included as an enclosure to complete the record.


Council resolved as follows:

**THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1<sup>st</sup> December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.**

Southern Midlands Council  
Minutes – 23 January 2019

## DETAIL

The following Notice was published in the Mercury Newspaper on 1<sup>st</sup> December 2018, and notifications were provided through the Southern Midlands Council's website and Facebook page.

  
**SOUTHERN  
MIDLANDS  
COUNCIL**

**Access to Craighourne Dam, Colebrook  
(via the north-eastern section of Craighourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craighourne Road extending from No 32 Craighourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au). Written submissions will be received up until close of business on 17<sup>th</sup> December 2018.

TF Kirkwood  
**GENERAL MANAGER**

In summary, 948 names have been recorded as providing a response to the request for feedback – 933 of which object to the closure and 15 support the closure.

It is confirmed that elected members have been provided with a full copy of all submissions received, and an electronic copy has been placed on Council's website as an attachment to this Council Agenda (refer [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au))

In terms of opposition to the permanent closure, the comments made are too numerous and varied to report on all of them but the most common matters raised include the following:

- Highly popular public fishery destination due to close proximity to Hobart and high level stocking policy;
- Primary cause of problems being experienced by the property owner by a small minority are a direct result of their failure to properly fence their property which would deter any unauthorised access;
- Council should remove the illegal gate which is frequently locked that obstructs access to the public road and reinstate a cattle grid or have the owner erect proper fencing;
- This area is the best sheltered access for people to fish from shore (for those that don't own a boat) and to utilise kayaks and canoes – also ideal access point to fish from for the elderly, those with mobility issues, young families etc;

Southern Midlands Council  
Minutes – 23 January 2019

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- Closure will damage the efforts of Inland Fisheries Service to promote the lake as a tourism drawcard and economic benefits for Southern Midlands lost;
- Disagree with public safety aspect of closure, any trespassing/anti-social issues experienced are a police matter and would be dealt with accordingly;
- Believe the closure will solely benefit one property owner only but in the process will disadvantage thousands of recreational anglers; the vast majority of anglers who visit this area do the right thing and shouldn't be disadvantaged by a very small minority who may do the wrong thing;
- Dam used to access water for firefighting purposes;
- Craighourne Road is a public road, the property was purchased knowing this road was public access - urge Council to maintain its status as a public road.

It was also noted that among the submissions against closure the following were received:

- Submission from Inland Fishers – acting in the interests of 26,407 licensed anglers;
- Anglers Alliance Tasmania – representing some 27,000 freshwater anglers;
- Submission from 'change.org' which includes the names and addresses of 200 individuals;
- Petition letter containing 577 signatories.

In terms of support for the permanent closure, the following comments capture the sentiments contained therein:

- Express support for the permanent closure of Craighourne Road as I am satisfied that this road serves no public use and does not impact my ability to use the Craighourne Dam for recreational pastimes as I can use the public carpark and facilities on the southern end of the Dam – *9 signatories*;
- Person has witnessed continued vandalism and trespass on the Mt Baines and adjoining property; seen fences damaged and cut as people use this road to illegally hunt and fish the dam; person has been verbally abused and physically assaulted when asking people to leave his property (and Mt Baine's property);
- Witnessed drunken persons illegally hunting and discharging firearms; only a matter of time before someone is seriously injured or killed; have seen the dangers first hand of people putting themselves in danger trying to launch boat in the Dam from the shoreline; witnessed antisocial behaviour and for the safety of the public close the road.
- Person has lived in close proximity for some years and has had nothing but concern for their property's safety and the poor livestock that call this area home. The traffic and action of many at all hours on this road it is clear that it is not being used for its intended use and is cause for concern or all.
- Seen burn out circles on pasture; rubbish, broken bottles etc.; cutting down anything that will burn. Has been informed that a person must be on the property every night to prevent break-ins; state of the dam foreshore shows what goes on at night after the people who follow the rules leave.

Southern Midlands Council  
Minutes – 23 January 2019

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- Agrees with the property owners, access to the dam over their land should be restricted. Council either buys the land to make it public access or (support the landowners) fence so that fishers must drive to the ramp. To be intimidated and suffer damage on your own land is insufferable.

**General Managers' Comments:**

Following analysis of each of the comments and feedback received through the public consultation process (noting confirmation that all submissions have been circulated to elected members), further reference is made to section 14 of the *Local Government (Highways) Act 1982*.

To address this matter, Council must determine whether it is of the opinion that the road should be closed for the public benefit, in the interests of public safety or because of lack of use.

Note: It has generally been accepted that there is no basis to argue that the Road should be closed due to lack of use.

In reference to the 'Summary of Advice' provided by Abetz Curtis, the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to require that it be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

Southern Midlands Council  
Minutes – 23 January 2019

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In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in responding to any subsequent appeals that may be referred through to the Magistrates Court (Administrative Appeals Division) under section 14 of the *Local Government (Highways) Act 1982*. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision which will be significant.

Having sought input from the broader public, there are now two options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*; or
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

The following comments are provided and considered to be relevant to Council reaching an opinion:

- a) There is clearly no dispute regarding this section of road being a Council maintained road and members of the public are legally entitled to use the road without any restrictions.
- b) Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property), and more recently there have been reports of vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.
- c) in so far as being in the interests of public safety, the question arises whether the issues being raised by those seeking a road closure are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.
- d) There are numerous other instances within the Southern Midlands Council area where the roadway is not fenced and there is no physical barrier preventing vehicles from straying onto private property (for whatever purpose).
- e) Can the situation be adequately addressed by fencing of the road reserve? This being the responsibility of the property owner.

Note: Section 7 of the *Boundary Fences Act 1908* states that no local body having the administration, management, or control of any road shall be liable to make any contribution towards the erection or repair of any dividing fence between any road and the land of any occupier of land adjoining such road.

Southern Midlands Council  
Minutes – 23 January 2019

- f) It is confirmed that a check Survey has been completed and marker pegs have been installed. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a small parking bay/turning circle within the land owned by Tas Irrigation (as owner of the Dam);
- g) Overall there is insufficient evidence that the public benefit is best served by road closure given the vast majority of the use of the road occurs in a lawful manner and that other options exist such as fencing, to address the concerns raised in the main by the adjoining landowner.
- h) Council may consider that in further discussions with the landowner, given the unique circumstances that exist, it may offer to make a contribution towards the cost of fencing if the decision is that the road is to remain open.

In conclusion, and in reference to the recommendation provided, it is considered appropriate that Council should formally rescind part (a) of the Motion passed at the meeting held 24 October, 2018. Whilst there was a proviso included in that Motion, the wording did suggest that the Council will close the road.

Recognising that the Motion was passed prior to the recent election, only a simple majority is required to rescind the original decision.

In reference to the *Local Government (Meeting Procedures) Regulations 2015*, any report provided by the General Manager to a council in respect of a proposed motion to overturn a decision of the council, or that will result in the overturning of a decision of the council, wholly or partly, is to include the following detail:

- (a) Confirmation that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision whichever is the case;
- (b) The details of that previous decision, or the part of that previous decision, that would be overturned – refer following:

**THAT:**

- a) **the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craighourne Road, Colebrook, situated between 32 Craighourne Road and Craighourne Dam; and***
- b) .....
- (c) Whilst this part of the decision directed that certain action be taken, part (b) of the Motion included a requirement to seek prior legal advice; and
- d) Pending further direction, no action has been taken in respect to part (a) of the Motion.

**Human Resources & Financial Implications** – Refer comment above.

Southern Midlands Council  
Minutes – 23 January 2019

**Community Consultation & Public Relations Implications** – Refer detail provided.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – N/A.

#### RECOMMENDATION

THAT:

- a) In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;
- b) Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;
- c) Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook); and
- d) Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.

#### DECISION

*Moved by Cllr A Bisdee OAM, seconded by Deputy Mayor E Batt*

THAT

- a) **In accordance with Regulation 18 of the *Local Government (Meetings Procedures) Regulations 2015*, Council formally rescind part (a) of the Motion passed at its meeting held 24 October 2018;**
- b) **Council form the opinion that there are insufficient grounds to satisfy closure of the road for the public benefit in the interests of public safety;**
- c) **Council require that unrestricted access be maintained to the Craighourne Dam via the north-eastern section of the Craighourne Road (accessed via Link Road, Colebrook); and**
- d) **Council continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced.**

#### CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D F Fish	√	
Cllr R McDougall	√	



Southern Midlands Council  
Minutes – 23 January 2019

**ENCLOSURE(S)**  
Item 12.1.1



Southern Midlands Council  
Agenda – 23 January 2019

**[EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]**

**10. MOTIONS OF WHICH NOTICE HAS BEEN GIVEN UNDER REGULATION 16 (5) OF THE LOCAL GOVERNMENT (MEETING PROCEDURES) REGULATIONS 2015**

**10.1 CRAIGBOURNE ROAD, COLEBROOK**

***Deputy Mayor Alex Green has submitted the following Notice of Motion:***

"That Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982* s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craigbourne Road, Colebrook, situated between 32 Craigbourne Road and Craigbourne Dam".

**BACKGROUND (Comments provided by Deputy Mayor A Green)**

Supporting comments to be provided at the meeting.

**General Manager's Comments:**

*The Notice of Motion makes reference to the Local Government (Highways) Act 1982. The following is an extract from the Act (Division 2, Part II – section 14) relating to the permanent closure of highways.*

*Note: For clarification, reference to a highway includes a Council maintained road.*

"14. Closure and diversion of highways

*(1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may –*

*(a) if it is satisfied, in the case of a diversion of a highway, that standard requirements, if applicable, have been complied with; and*

*(b) not less than 28 days after a written notice of its intention to do so –*

*(i) has been served on each of the owners and occupiers affected;*

*(ii) has been served on the Transport Commission;*

*(iii) has been displayed in a prominent position at each end of the highway; and*

*(iv) has been published twice in separate issues of a local newspaper circulating in the municipality in which the highway is situated –*

*close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*

*(2) A notice under [subsection \(1\)](#) may apply to 2 or more highways that are connected with one another.*

*(3) Subject to [subsection \(4\)](#), a notice under [subsection \(1\)](#) shall contain a map or plan showing the proposed closure or diversion to which it relates.*

*(4) A notice under [subsection \(1\)](#) that is required to be published in a newspaper may, instead of containing such a map or plan as is referred to in [subsection \(3\)](#), contain a*

Southern Midlands Council  
Minutes – 23 January 2019

statement of a place in the municipality in which the highway is situated where the plan may be inspected free of charge at all reasonable hours.

(5) An interested person may, before the expiration of a notice under [subsection \(1\)](#), give written notice to the corporation of his objection to the proposed closure or diversion.

(6) The corporation is to refer each objection that it is notified of under [subsection \(5\)](#) to the Magistrates Court (Administrative Appeals Division).

(7) The Magistrates Court (Administrative Appeals Division) has power to receive and determine the objection as if it were an application to review the decision relating to the proposed closure or diversion and, in addition to its powers under the [Magistrates Court \(Administrative Appeals Division\) Act 2001](#), the Court may make a local highway order –  
(a) upholding the objection; or  
(b) authorizing the proposed closure or diversion.

(8) An order under [subsection \(7\)\(b\)](#) may prohibit, in whole or in part, the closure or diversion authorized by the order until such conditions as may be specified in the order have been fulfilled, being conditions that the Magistrates Court (Administrative Appeals Division) considers proper to impose for the provision or preservation of the means of communication by highway or the means of access to a highway.

(9) Where the Magistrates Court (Administrative Appeals Division) makes an order under [subsection \(7\)\(b\)](#), the Minister shall, as soon as possible after the making of the order, cause a notice containing particulars of the order to be published in the Gazette.

(10) A diversion of a highway that is opened under this section by a corporation is maintainable by the corporation.”

For information purposes, a full extract of Division 2, Part II is included as an attachment.

### **Craigbourne Road**

The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.

Note: Prior to the construction of the Craigbourne Dam, the Craigbourne Road extended from the Colebrook Road through to the junction of Hungry Flats Road and Link Road. Construction of the Dam split the road into two separate sections and the Dam creates a physical break in the road.

It should be further noted that Council, at its meeting held 26<sup>th</sup> September 2018, resolved to request the Nomenclature Board to rename the south-western section of the Road as Craigbourne Dam Road.

A map has been included to show the section of Road situated between 32 Craigbourne Road and Craigbourne Dam. It is an approximate distance of 1.1 kilometres.

### **Background Comments**

Access to the Craigbourne Dam via this section of road has raised many issues over a considerable period of time. Primarily the issues have related to vehicles straying onto private property (noting that the roadway is not fenced beyond the point where it enters the Mt Baines property i.e. No 32), and more recently there have been reports of

Southern Midlands Council  
Minutes – 23 January 2019

vandalism; damage to buildings located on the property; illegal shooting activities and non-approved removal of firewood.

Following an approach by the new owners (F Miller & M Nardi) of the Mt Baines property in early 2018, an initial site meeting was arranged to gain a full understanding of the issues and determine a suitable course of action. Suggestions arising from that initial meeting included:

- a) Fencing of the road reserve. This obviously creates an issue whereby vehicles are unable to turn or park (i.e. in a designated parking area);
- b) Construct a parking bay at the boundary of the Mount Baines property and restrict access to pedestrians only beyond that point. Whilst this means that any boat access would be restricted to the entry off Colebrook Main Road, it would prevent vehicles entering private property and therefore discourage illegal shooting activities and removal of firewood; and
- c) Go through a formal road closure process and close the road at the boundary of the Mount Baines property. This would mean that public access to this part of the Dam (other than by boat) ceases.

Due to the complexity of issues which had the potential to impact on a range of stakeholders, a further on-site meeting was held with the property owner/s and officers from Inland Fisheries; Tasmania Police; Tas Irrigation (as owner of the Dam) and Council.

This meeting was held on 12<sup>th</sup> June 2018 and the following outcomes of the discussion were recorded and circulated to all present:

1. Southern Midlands Council - It was confirmed that the Craighourne Road is a Council maintained road which provides access to the Dam. From a Council perspective it is apparent that there are three options:
  - (B) Maintain the status quo;
  - (C) Maintain the status quo and property owners fence the Road reserve. Note: Council has no obligation to contribute towards the cost of fencing between road and private property. This would prevent vehicles straying onto private property. Depending on where the road actually ends (i.e. enters the Dam), turning and parking of vehicles may become an issue;
  - (D) formal Road closure (it is assumed that this would be at the point where the road enters the Mt Baines property). This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 14.
  - (E) Change the status of the road to pedestrian traffic only (again assumed to be at the point where the road enters the Mt Baines property). The property owner indicated that no land would be made available to construct a parking area where vehicles could park at that point and walk to the Dam. This process is undertaken in accordance with the provisions of the Local Government (Highways) Act 1982 – refer extract from the Act attached – Section 31.
2. Property Owners – their strongly preferred option is to close the road and purchase the reservation. There is good access to the Dam from Colebrook Main Road end where there is a boat ramp and other infrastructure.
3. Tasmania Police – they experience policing difficulties due to lack of delineation of property boundaries. They would strongly support a road closure (or restriction) to prevent

Southern Midlands Council  
Minutes – 23 January 2019

vehicle access. Unfortunately they are the agency that has to respond to the type of incidents that have been reported in previous communications.

4. *Inland Fisheries* – don't support closure of the road. Previous email correspondence indicates that access to the Dam via Craighourne Road was guaranteed by the government of the day when it was constructed (1986) as the public had previously enjoyed access to the Coal River for fishing and other recreation.

**Notes:**

*It was acknowledged that no formal check survey has been undertaken to confirm the exact boundary between road reservation / private property and property owned by Tas Irrigation.*

**Actions:**

*Recommended that there was a need to do a check survey to confirm property boundaries (i.e. both TI and private property) and end of Council maintained road. SMC to obtain a quote to survey and consult with TI and property owner re: possibility of sharing costs;*

*Research background relating to the guaranteed access to the Dam given by the State Government. Was this included in any legislative provision or other documentation?*

*Tas Irrigation – unsure whether they had any obligation to fence their property? To be clarified."*

**[End – Site Meeting Notes]**

*Following from the above, I can confirm that a check Survey has been completed. Marker pegs have been installed and a full copy of the survey diagram has only recently been received. The Survey shows that there is an 18 metre wide reservation. Pending a site visit, it is unclear whether there is sufficient room to construct a turning circle within the land owned by Tas Irrigation.*

*The next proposed course of action was to reconvene the group of representatives that attended the above meeting and determine the strategy going forward.*

**Concluding Comments**

*In order to close a 'highway', Council must be satisfied that there is a public benefit; it is in the interests of public safety or because of lack of use.*

*In this case, lack of use can be discounted. Whilst there are no detailed traffic numbers available, there is certainly evidence that the road is frequently used.*

*The Notice of Motion specifically refers to the public benefit and in the interests of public safety.*

*At this stage, no advice has been sought in terms of what constitutes 'public benefit'. In this instance, it is difficult to qualify the public benefit of closing the road as there is evidence that the road is still being used.*

*In so far as being in the interests of public safety, the question arises whether the issues being raised by the property are 'policing matters' and not necessarily public safety issues that can be addressed through closure of a road.*

Southern Midlands Council  
Minutes – 23 January 2019

**RECOMMENDATION**

For discussion.

**DECISION**

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

**THAT:**

- a) the Southern Midlands Council as per the provisions of the *Local Government (Highways) Act 1982 s.14 ss. (1)* close for reasons of public benefit and in the interests of public safety that section of Craighbourne Road, Colebrook, situated between 32 Craighbourne Road and Craighbourne Dam; and
- a) Prior to proceeding further, Council seek advice in terms of:
- 1) what constitutes 'public benefit' and whether there is a sufficient grounds for Council to rely upon in this case; and
  - 2) being able to justify the decision to close the road based on the interests of public safety

**CARRIED**

Councillor	Vote FOR	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	√	

[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 24 OCTOBER 2018]

Southern Midlands Council  
Minutes – 23 January 2019



6 November 2018

General Manager  
Southern Midlands Council  
PO Box 21  
OATLANDS TAS 7120

ATTENTION: Mr T Kirkwood  
BY EMAIL: [tkirkwood@southernmidlands.tas.gov.au](mailto:tkirkwood@southernmidlands.tas.gov.au)

Dear Tim,

#### CRAIGBOURNE ROAD CLOSURE

Thank you for your instructions on this matter.

##### 1. Your Instructions

- 1.1 At the most recent Council meeting, Deputy Mayor Alex Green submitted a Notice of Motion proposing to close the section of Craighourne Road, Colebrook between 32 Craighourne Road and Craighourne Dam ("Road").
- 1.2 You have asked the following questions:
  - (a) For the purposes of s. 14 of the *Local Government (Highways) Act 1982*, what constitutes "public benefit"?
  - (b) Is there sufficient grounds for Council to rely on "reasons of public benefit" to close the Road?
  - (c) Is there sufficient grounds for Council to rely on the "interests of public safety" to close the Road?
- 1.3 I assume you accept there is no basis to argue that the Road should be closed due to "lack of use",<sup>1</sup> so I have not explored this in detail.

A+C Management Services  
Pty Ltd  
ABN: 27 009 576 149

83 Davey Street  
Hobart Tasmania Australia 7000  
GPO Box 405  
Hobart Tasmania Australia 7001

Phone 03 6225 6955  
Facsimile 03 6224 9640  
Email [info@abecurtis.com.au](mailto:info@abecurtis.com.au)  
Web [www.abecurtis.com.au](http://www.abecurtis.com.au)

<sup>1</sup> It is the use of the road that is causing the public safety issues.

Southern Midlands Council  
Minutes – 23 January 2019

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2. Summary of Advice

- 2.1 There are only two circumstances in which a Council can justify the closure of a road, rather than three. “Public benefit” is a necessary element of both options, rather than being a separate option itself. This means the two options are:
- (a) When it is for the public benefit, in the interests of public safety; or
  - (b) When it is for the public benefit, because of lack of use.
- 2.2 In my view, there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.
- 2.3 Even if Council are satisfied that closure of the Road is for the public benefit in the interests of public safety, it is important to note that Council is not then automatically obligated to close the Road. Council has a discretion which it can exercise as it sees fit.
- 2.4 The exercise of Council’s discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an “interested person” is aggrieved by the Road closure. The likelihood of opposing legal action depends on who is using the Road and why.
- 2.5 It is worth noting that there is no basis to appeal a decision not to close the road.
- 2.6 It would be reasonable for Council to require that it be persuaded further before making a final decision regarding the closure of the Road.
- 2.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

3. Background

- 3.1 Council are looking to close a 1.1 kilometre section of road between 32 Craighourne Road and Craighourne Dam (‘Dam’). This is at the north-east of the Dam.
- 3.2 Prior to the construction of the Dam in 1986, Craighourne Road continued from Colebrook through to Hungry Flats Road. Now the road ceases at both ends of the Dam, but the north-eastern end is still used as an access road by some people to the Dam itself. There is no boat ramp at the north-east end of the Dam, and the only access for boats is at the south-west end (off Colebrook Road).
- 3.3 There are no issues with the state of the Road itself. The issues are with the inappropriate use of the Road by the public to access the Dam, which has caused the following problems:
- (a) Vehicles stray onto private property; and



Southern Midlands Council  
Minutes – 23 January 2019

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- (b) Reports of vandalism, damage to buildings on the property, illegal shooting activities and the non-approved removal of firewood.
- 3.4 These concerns appear to affect the owners of the property surrounding the Road only. A number of options, alternative to closing the Road, have been discussed with the owners, although presumably none have been deemed suitable.
4. The Law
- 4.1 Section 14 of the *Local Government (Highways) Act 1982* ('Act') prescribes as follows:
- 14. Closure and diversion of highway*
- (1) If, in the opinion of the corporation, a local highway or part of a local highway should be diverted or closed for the public benefit, in the interests of public safety or because of lack of use, it may*
- (subject to formal requirements)*
- ...close or divert the highway in respect of all traffic or particular types of traffic or subject to the reservation of a footpath or some other highway that may be used only for limited purposes.*
- 4.2 One reading of s. 14 of the Act suggests that it prescribes three separate circumstances that could justify diversion or closure, being
- (a) for the public benefit;
- (b) in the interests of public safety; and
- (c) because of lack of use.
- 4.3 However, Chief Magistrate A G Shott in *Listers Lane and Golconda Road*<sup>2</sup> determined that there were in fact only two circumstances in which diversion or closure could be justified. He said as follows:
- "In my view, when one has regard to the words of section 14(1) when read in context, the legislative history and the extrinsic material to which I have referred, it contains only two grounds, both qualified by a concept of 'public benefit.'*"<sup>3</sup> [my emphasis]
- 4.4 He said that the only bases upon which diversion or closure could be justified are:

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<sup>2</sup> REFERENCE pursuant to the *Local Government (Highways) Act 1982* section 14: *Listers Lane and Golconda Road, Scottsdale, Tasmania* [2006] TASM 4

<sup>3</sup> I note that this was the subject of argument from three highly experienced counsel, all of whom submitted that there were three rather than two circumstances. Chief Magistrate Shott reviewed the legislative history of s. 14 of the Act at length and reached the opposite conclusion.

Southern Midlands Council  
Minutes – 23 January 2019

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- (a) When it is for the public benefit in the interests of public safety; or
  - (b) When it is for the public benefit because of lack of use.
- 4.5 This means that the public benefit and public safety must be considered together rather than separately. Chief Magistrate Shott made the following comments about the “public benefit” in *Listers Lane and Colconda Road*:
- (a) The “public” refers to all people who could be directly or indirectly affected by the change.
  - (b) What may be a benefit to some members of the public may be a detriment to others. Therefore, public benefit means “*net public benefit*” after completing a balancing process.
  - (c) This can include economic, social, cultural and political aspects of “benefit” and perhaps others.
  - (d) This is a question of fact to be determined on the evidence provided to the Court.
- 4.6 Chief Magistrate Schott did not expressly define “public safety”, but his comments regarding the “public” are clearly applicable to that term too.
- 4.7 I emphasise that s. 14 uses the word “may” rather than “must”. This provides Council with an unfettered discretion to close the road, and means it is not mandatory to close a road, even if either or both of the above two circumstances are met.<sup>4</sup>

5. Application of the Law to the Facts

- 5.1 All previously published decisions of the Magistrates Court of Tasmania applying the “public safety” consideration in s. 14 of the Act address a risk to public safety inherent in the road itself.<sup>5</sup>
- 5.2 On your instructions, the question is not whether the Road itself is a risk to public safety, but whether activities of the public arising as a consequence of the use of the road are a risk to public safety.
- 5.3 It appears that the only people exposed to this risk are the current owners. However, the owners are members of the public, and in my view there is a strong argument that vandalism, damage to buildings, illegal shooting activities and the non-approved removal of firewood are of a risk to their safety, as is the potential access to their property.
- 5.4 This provides a basis to argue that it is in the interests of public safety to close the road.

---

<sup>4</sup> The Court has this same discretion when reviewing a decision to close a road, s. 26(2) of the *Magistrates Court (Administrative Appeals Division) Act 2001*. Chief Magistrate Schott in *REFERENCE pursuant to the Local Government (Highways) Act 1952 section 14: Strickland Road at Porky Creek Bridge, King Island, Tasmania* [2009] TASMC 25 at paragraph [16].

<sup>5</sup> Such as, for example, the dangers inherent in a road in a state of poor repair.

Southern Midlands Council  
Minutes – 23 January 2019

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- 5.5 However you could also argue that these risks are best left to be addressed by the law of trespass, rather than justifying the closure of the Road. It is also unclear whether closure of the Road would effectively prevent the risk from arising.<sup>6</sup>
- 5.6 The public safety risks to the owners are to be weighed up against the public benefit in the Road remaining open.
- 5.7 Whilst my instructions do not extend to the reasons why the Road is still accessed by the public, I would assume it is used to access the Dam for fishing<sup>7</sup> from the north-eastern side, rather than driving 13 kilometres to the south-western side.
- 5.8 The full extent of this benefit (and whether it would be in the “*net public benefit*” to close the road in light of the above) requires more detailed instructions as to how and why the Road is still used.
6. Advice
- 6.1 There are factors in support of, and in opposition to closing the Road. It is, in my view, at least arguable that the public safety risk outweighs the public benefit in keeping the Road open, however there is also an argument to the contrary. The argument to the contrary may be stronger if further instructions suggest that the use of the Road to access the Dam is still widespread.
- 6.2 Importantly, Council are provided a discretion by s. 14 of the Act. Council are not obligated to close the Road even if Council were satisfied that the risks to public safety outweighed the public benefit of keeping the Road open.
- 6.3 It is worth noting that if Council were to close the Road, any interested person could then object to the closure by written notice to the Council, after which Council would have to refer the objection to Magistrates Court (Administrative Appeals Division). The Court would then review the objection and either uphold the objection or authorise the closure.
- 6.4 It is worth noting that there is no power within the Act for an interested person to appeal a decision by Council not to close a Road.
- 6.5 This should be taken into account when conducting the balancing exercise prescribed by s. 14 of the Act, as should costs factors associated with closing the Road (or not closing the Road).
- 6.6 Given the above, it would be reasonable for Council to require that it be persuaded further by the owners (with reference to supporting evidence) before making a final decision regarding the closure of the Road.

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<sup>6</sup> Closing the road would not prevent access by foot as Hungry Flats Road is only 1.1 km from the Dam.

<sup>7</sup> I am aware that the Dam is open for fishing all year, and the Inland Fisheries Service regularly stock the Dam with Atlantic Salmon.

Southern Midlands Council  
Minutes – 23 January 2019

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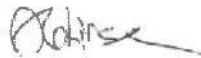
- 6.7 If you would like detailed advice about the balancing exercise required by s. 14 of the Act, please provide further instructions about how the public use the Road and the full extent of the risks to public safety asserted by the owners.

If you have any further queries please do not hesitate to contact Roger or myself.

Yours faithfully

**ABETZ CURTIS**

Per:



**OLIVER ROBINSON**

email: [orobinson@abetzcurtis.com.au](mailto:orobinson@abetzcurtis.com.au)  
file ref: 180561

Southern Midlands Council  
Minutes – 23 January 2019

**[EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]**

**12.1.1 CRAIGBOURNE ROAD – PROPOSED ROAD CLOSURE**

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

**Date:** 15 NOVEMBER 2018

**Enclosure:**

*Legal Advice from Abetz Curtis dated 6<sup>th</sup> November 2018*

*Extract from Council Minutes held 24<sup>th</sup> October 2018*

**ISSUE**

To provide Council with advice (i.e. legal) in relation to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

*Note: The section of Craigbourne Road that is the subject of this Motion is the north-eastern section of the road that is accessed via Link Road, Colebrook.*

**BACKGROUND**

Council, at its meeting held on 24<sup>th</sup> October 2018, considered a Notice of Motion submitted by Deputy Mayor Alex Green relating to the proposed closure of the Craigbourne Road (north-eastern section) between 32 Craigbourne Road and the Craigbourne Dam.

An extract from the Minutes of that meeting is attached. This includes all the background information.

Council resolved as follows:

**“THAT:**

- a) *the Southern Midlands Council as per the provisions of the Local Government (Highways) Act 1982 s.14 ss. (1) close for reasons of public benefit and in the interests of public safety that section of Craigbourne Road, Colebrook, situated between 32 Craigbourne Road and Craigbourne Dam; and*
- b) *Prior to proceeding further, Council seek advice in terms of:*
  - (1) *what constitutes ‘public benefit’ and whether there is a sufficient grounds for Council to rely upon in this case; and*
  - (2) *being able to justify the decision to close the road based on the interests of public safety.”*

Southern Midlands Council  
Minutes – 23 January 2019

#### DETAIL

Advice has since been sought from Abetz Curtis in relation to the provisions contained within section 14 of the *Local Government (Highways) Act 1982*, and specifically in relation to the following:

- a) What constitutes 'public benefit; and whether, in this case, there is sufficient grounds for Council to rely upon; and
- b) Being able to justify the decision to close the road based on the interests of public safety.

A full copy of the Abetz Curtis advice is included as an attachment.

In reference to the 'Summary of Advice', the following comments are provided:

- a) The advice indicates that there is a basis to argue that it is in the public benefit in the interests of public safety to close the Road, but there is also an argument against this.

Additional commentary is provided later in the advice, and raises such issues as '*net public benefit*' which is influenced by the extent of use of the road. In this regard, it is apparent that the road is still frequently used, which is evidenced by the number (and timing) of complaints received when a lock has been placed on the gate across the road.

The advice also suggests that it would be reasonable for Council to be further persuaded by the owners (with reference to supporting evidence) before making a final decision to close the road. In this regard, it is unknown how many formal police reports have been made in relation to the alleged offences which would provide such evidence.

- b) The exercise of Council's discretion should keep in mind the associated costs with closing the Road (and the costs of keeping the Road open), together with the possibility of opposing legal action if an 'interested person' is aggrieved by the Road closure.

The cost of keeping the road open is considered to be irrelevant, as it is a Council maintained road for which we have a responsibility to maintain.

In relation to closing the road, advertising costs are estimated at \$1,200 (i.e. two advertisements). Other administrative costs, including notification of owners and occupiers, and other stakeholders nominated in the Act would be minimal.

It is not possible to estimate the costs that may be incurred in opposing legal action. Based on past complaints, and feedback received since Council's decision made at the last meeting, it would need to be assumed that opposition to closure will be guaranteed. It follows that Council will need to be prepared to accept the cost of defending its decision.

Southern Midlands Council  
Minutes – 23 January 2019

It is apparent that there are three options available to Council:

1. Proceed to close the road in accordance with the *Local Government (Highways) Act 1982*, acknowledging the potential issues and costs associated with this course of action;
2. Resolve not to close the road and continue to consult with the property owner(s) (and other stakeholders) to implement measures that will address the issues being experienced; or
3. Prior to making a formal decision to close the road, seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.  
*(This process would precede any formal advertising process under the Local Government (Highways) Act 1982).*

Note: The following is a draft Notice that could be placed in the newspaper:



DRAFT

**Access to Craigbourne Dam, Colebrook  
(via the north-eastern section of Craigbourne Road - off Link Road, Colebrook).**

Due to issues being experienced by the adjacent landowner(s), and in the interests of public safety, the Southern Midlands Council has been requested to consider a permanent closure of the Craigbourne Road extending from No 32 Craigbourne Road (i.e. approx. 320 metres from the junction with Link Road) extending through to the Dam.

Prior to making a decision in respect to this matter, Council seeks feedback from the broader community in terms of how any proposed closure may impact on users of the road.

Written submissions can be sent to the General Manager, 71 High Street, Oatlands or can be emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au). Written submissions will be received up until ..... December 2018.

Should you require further information, please contact the Council office on telephone 6254 5000.

TF Kirkwood  
**GENERAL MANAGER**

**Human Resources & Financial Implications** – Refer comment above.

**Community Consultation & Public Relations Implications** – Refer detail provided.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – N/A.

Southern Midlands Council  
Minutes – 23 January 2019

### RECOMMENDATION

Submitted for discussion and direction.

### DECISION

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

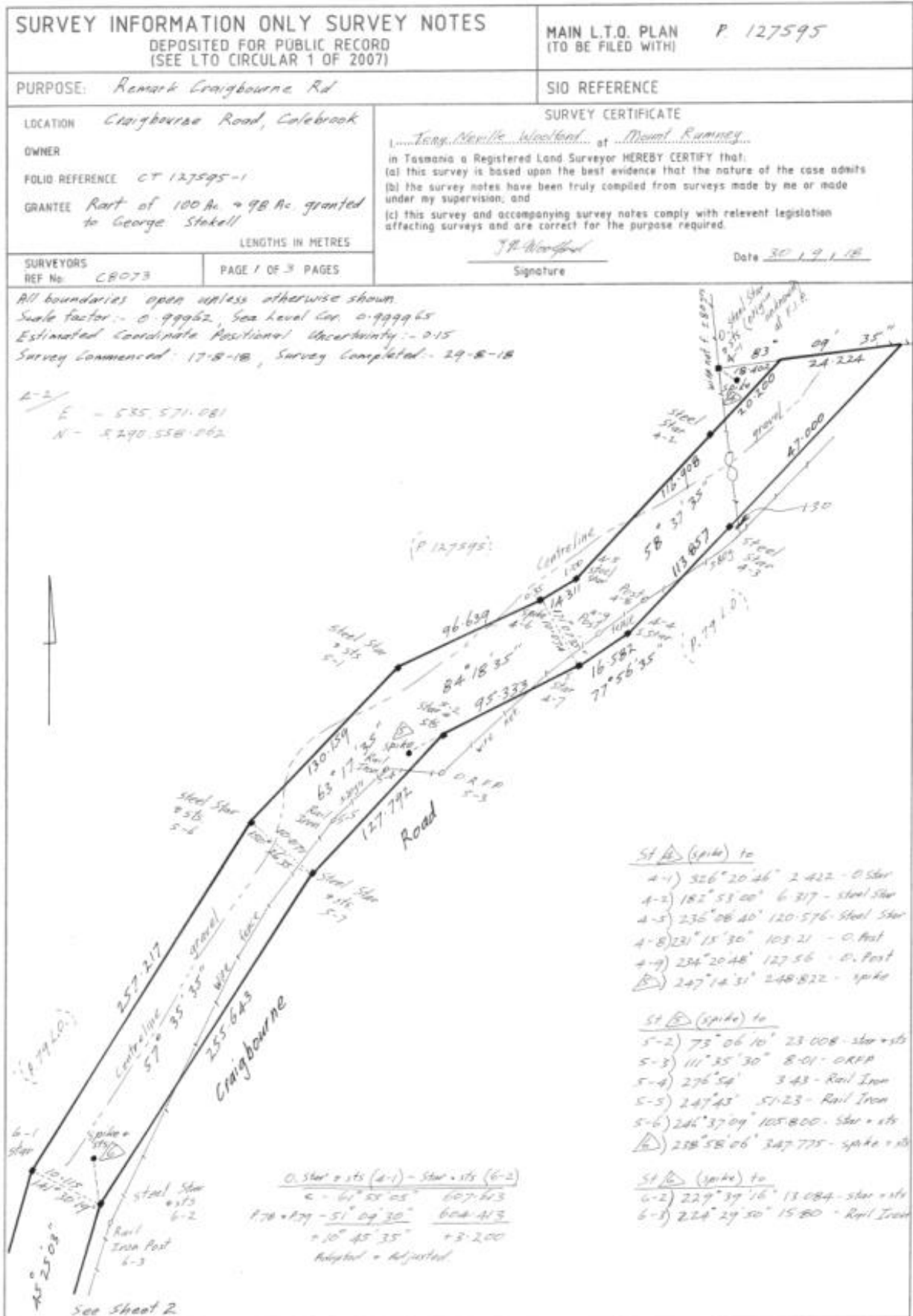
**THAT prior to making a formal decision to close the road, Council seek prior input from the broader public (via a Public Notice published in the Mercury Newspaper on Saturday, 1<sup>st</sup> December 2018). The aim would be to seek written submissions in response to the possible closure of the road. Council to further consider its position following consideration of submissions received.**

### CARRIED

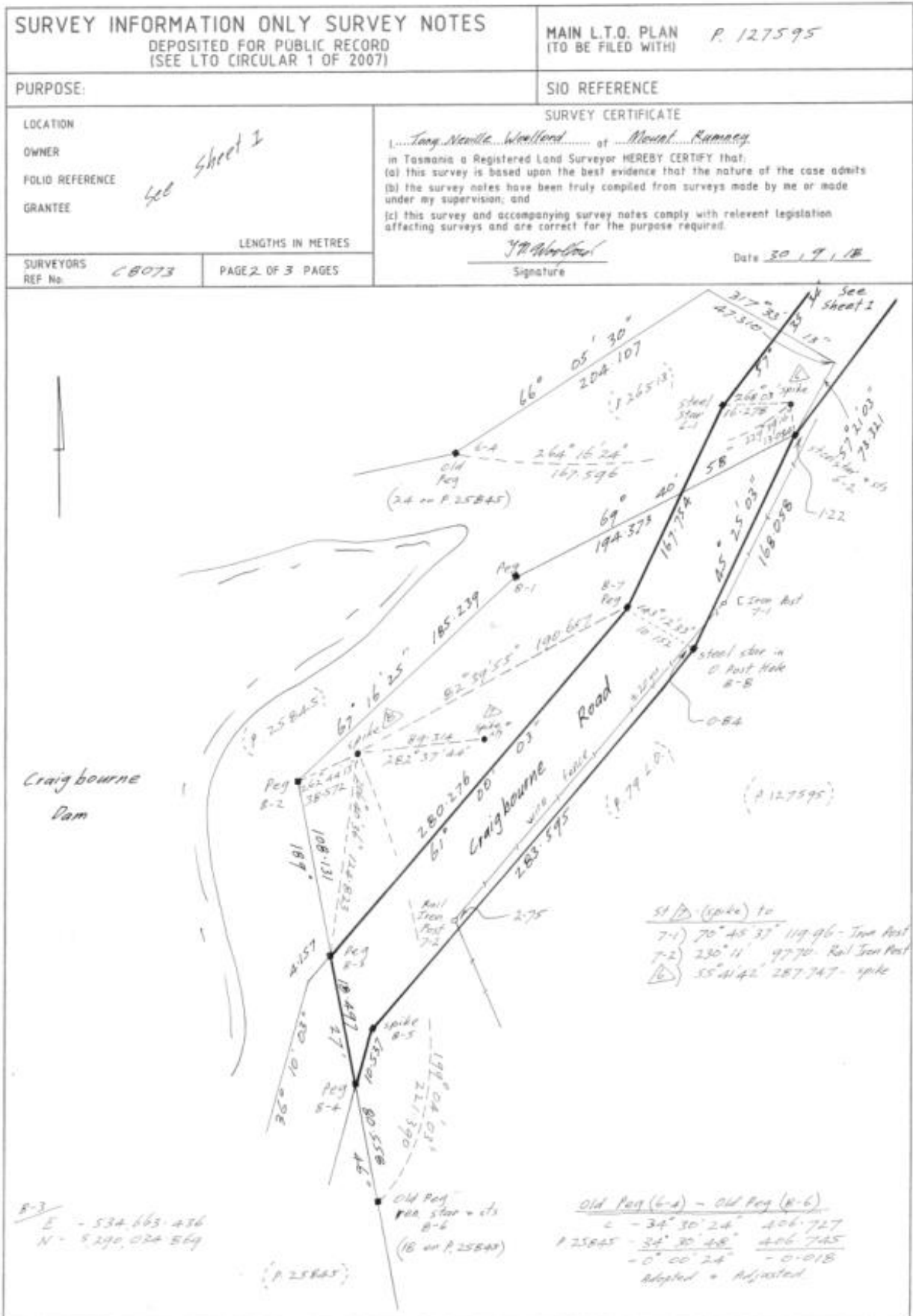
DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green	√	
Deputy Mayor E Batt	√	
Cllr A Bantick	√	
Cllr A E Bisdee OAM	√	
Cllr K Dudgeon	√	
Cllr D F Fish	√	
Cllr R McDougall	√	

[END EXTRACT - MINUTES OF COUNCIL MEETING HELD 28 NOVEMBER 2018]

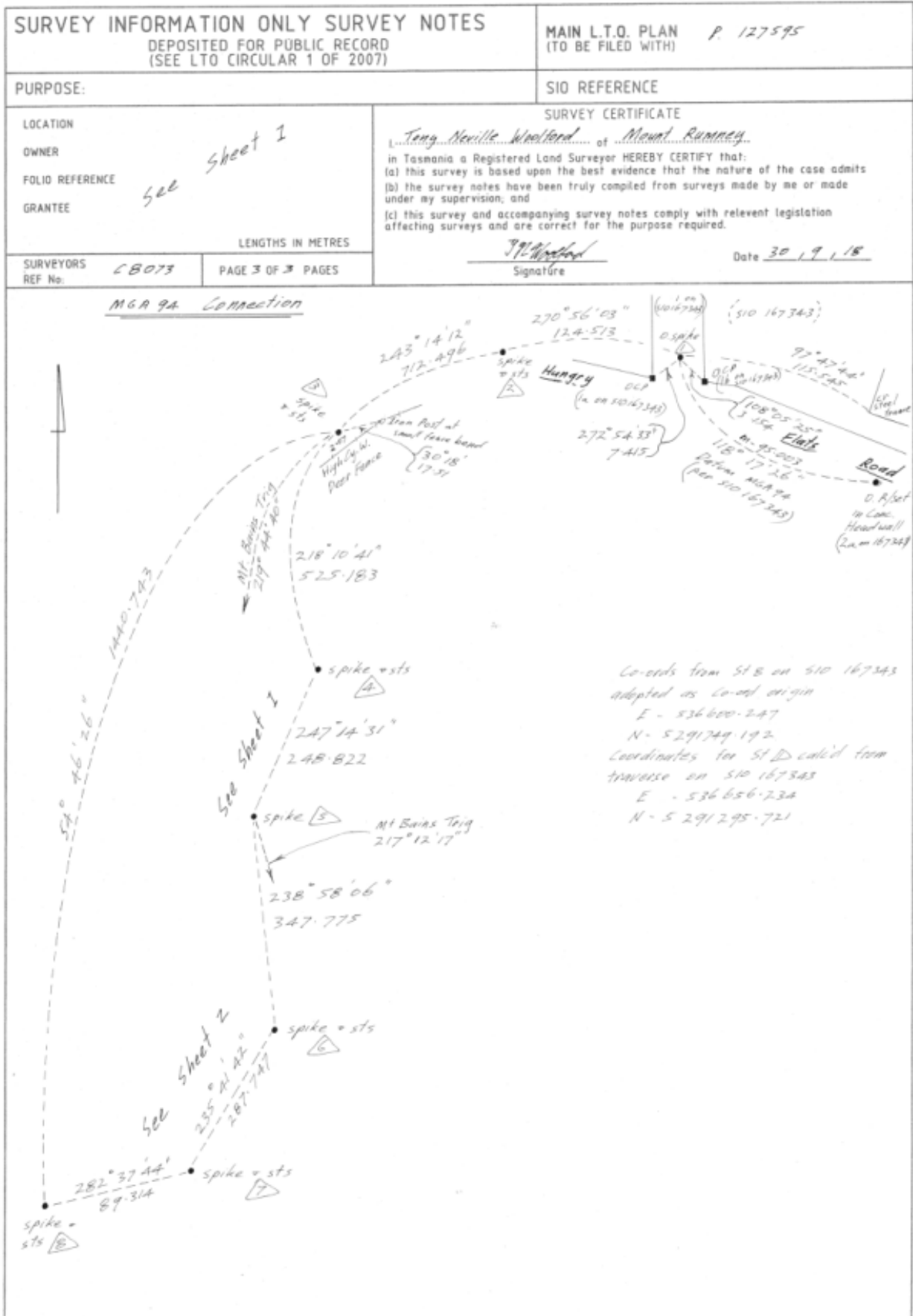




(4-1)



(L-1)



(4-1)

## 12.2 Bridges

**Strategic Plan Reference 1.2.1**

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

Nil.

## 12.3 Walkways, Cycle ways and Trails

**Strategic Plan Reference 1.3.1**

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

Nil.

## 12.4 Lighting

**Strategic Plan Reference 1.4.1a & 1.4.1b**

*Ensure adequate lighting based on demonstrated need / Contestability of energy supply.*

Nil.

## 12.5 Buildings

**Strategic Plan Reference 1.5.1**

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

Nil.

## 12.6 Sewers / Water

**Strategic Plan Reference(s) 1.6.1 & 1.6.2**

*Increase the capacity of access to reticulated sewerage services / Increase the capacity and ability to access water to satisfy development and Community to have access to reticulated water.*

Nil.

## 12.7 Drainage

**Strategic Plan Reference 1.7.1**

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

Nil.

## 12.8 Waste

**Strategic Plan Reference 1.8.1**

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

Nil.

## 12.9 Information, Communication Technology

**Strategic Plan Reference 1.9.1**

*Improve access to modern communications infrastructure.*

Nil.

## **12.10 Officer Reports – Infrastructure & Works**

### **12.10.1 MANAGER – INFRASTRUCTURE & WORKS REPORT**

**Author:** MANAGER INFRASTRUCTURE & WORKS (JACK LYALL)

**Date:** 17 JANUARY 2020

#### **Roads Program**

A significant amount of work has been undertaken on the clearance of road verges on Pelham Road, Bluff Road and Horners Road following the recent fires. Guide posts still to be installed.

Roadside slashing is occurring in the Tunnack, Woodsdale and Colebrook areas over the coming weeks (as weather permits).

#### **Buckland Road – Traffic Count**

Councillors will recall that a traffic count was undertaken in July 2019. The following is a summary of the results from that count:

Average vehicle movements per day **100 / 700 per week**. Calculated as - 2092 vehicle movements / **21 days** = 99.6.

It was requested a further count be undertaken in December / January (i.e. during the holiday period) to obtain comparative vehicle movements. The counter was placed for the period 17<sup>th</sup> December 2019 through to the 14<sup>th</sup> January 2020. This count reported the following:

Average vehicle movements per day **91 / 637 per week**. Calculated as - 2545 vehicle movements / **28 days** = 90.8.

From an analysis of the traffic, one explanation for the reduced number of vehicle movements in December and January is fewer larger trucks on the road. The overall average number of 'cars' on the road between July and Dec/Jan is remarkably similar – 73 per day July v 76 per day Dec/Jan. There was however a small spike in traffic between Christmas and the New Year.

A copy of the full traffic report (19 pages) is available upon request.

## December / January

### Class-Speed-Matrix¶

¶  
Site: → Buckland-Road¶  
Description: → Buckland-Road--Council-Boundary¶  
Filter-time: → 2.30pm-Tuesday,-17-December-2019=>-9.05am-Tuesday,-14-January-2020¶  
Scheme: → Vehicle-classification-(AustRoads94)¶  
Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)-¶  
¶  
¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	3	.	.	.	.	.	.	.	.	.	.	.	3	0.1%
20- 30	5	.	.	.	1	.	.	.	.	.	.	.	6	0.2%
30- 40	10	8	.	.	.	.	.	.	.	.	.	.	18	0.7%
40- 50	25	13	2	.	.	.	.	.	1	.	.	.	41	1.6%
50- 60	85	31	10	.	1	.	.	1	2	.	.	.	130	5.1%
60- 70	308	62	22	3	1	2	2	3	.	.	.	.	405	15.9%
70- 80	661	72	29	2	2	4	3	.	1	.	.	.	774	30.4%
80- 90	671	30	53	.	2	2	1	.	1	.	.	.	760	29.9%
90-100	302	6	35	.	.	.	.	.	.	.	.	.	343	13.5%
100-110	59	1	2	.	.	.	.	.	.	.	.	.	62	2.4%
110-120	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
120-130	.	.	.	1	.	.	.	.	.	.	.	.	1	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
<b>Total</b>	<b>2130</b>	<b>223</b>	<b>154</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>6</b>	<b>3</b>	<b>8</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2545</b>	
	83.7%	8.8%	6.1%	0.2%	0.3%	0.3%	0.2%	0.1%	0.3%	0.0%	0.0%	0.0%		

## July 2019

### Class-Speed-Matrix¶

¶  
Site: → Buckland-Road¶  
Description: → Buckland-Road--Council-Boundary¶  
Filter-time: → 9.40am-Tuesday,-2-July-2019=>-8.45am-Tuesday,-23-July-2019-¶  
Scheme: → Vehicle-classification-(AustRoads94)¶  
Filter: → Class-(1-12)-Dir-(NESW)-Speed-(10,160)-¶  
¶  
¶

km/h	Class												Total	
	SV 1	SVT 2	TB2 3	TB3 4	T4 5	ART3 6	ART4 7	ART5 8	ART6 9	BD 10	DRT 11	TRT 12		
10- 20	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
20- 30	1	.	1	.	.	.	.	.	.	.	.	.	2	0.1%
30- 40	7	1	.	.	.	.	.	.	.	.	.	.	8	0.4%
40- 50	25	3	.	.	.	.	.	.	1	.	.	.	29	1.4%
50- 60	94	25	2	5	.	.	.	2	6	9	.	.	143	6.8%
60- 70	342	86	17	7	5	4	2	4	38	9	.	.	514	24.6%
70- 80	578	86	54	12	4	5	2	2	40	3	.	.	786	37.6%
80- 90	372	40	29	2	2	.	1	1	7	.	.	.	454	21.7%
90-100	112	11	7	2	.	.	.	.	.	.	.	.	132	6.3%
100-110	19	1	2	.	.	.	.	.	.	.	.	.	22	1.1%
110-120	1	.	.	.	.	.	.	.	.	.	.	.	1	0.0%
120-130	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
130-140	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
140-150	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
150-160	.	.	.	.	.	.	.	.	.	.	.	.	0	0.0%
<b>Total</b>	<b>1552</b>	<b>253</b>	<b>112</b>	<b>28</b>	<b>11</b>	<b>9</b>	<b>5</b>	<b>9</b>	<b>92</b>	<b>21</b>	<b>0</b>	<b>0</b>	<b>2092</b>	
	74.2%	12.1%	5.4%	1.3%	0.5%	0.4%	0.2%	0.4%	4.4%	1.0%	0.0%	0.0%		

## Town and General Maintenance

Town and general maintenance is continuing in all other areas.

## Bagdad Primary School Car Park

Whilst construction was planned to commence in January 2020, the Education Department has advised that Crown Law are still in the process of completing the relevant Agreements with the property owner and the Diocese of Tasmania (Church property). It is anticipated that these Agreements will be finalised in February and hence construction has been deferred pending execution of these Agreements, including confirmation of available budget and a revised timetable with the Department.

## Waste Management Program

Operating arrangements at the Waste Transfer Stations are working well.

## QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

## RECOMMENDATION

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

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

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

### **13.1 Residential**

**Strategic Plan Reference 2.1.1**

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

Nil.

### **13.2 Tourism**

**Strategic Plan Reference 2.2.1**

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

Nil.

### **13.3 Business**

**Strategic Plan Reference 2.3.1a, 2.3.1b & 2.3.1c**

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

Nil.

### **13.4 Industry**

**Strategic Plan Reference 2.4.1 & 2.4.2**

*Retain and enhance the development of the rural sector as a key economic driver in the Southern Midlands / Increase access to irrigation water within the municipality.*

Nil.



## 14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

### 14.1 Heritage

**Strategic Plan Reference 3.1.1, 3.1.2 & 3.1.3**

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

#### 14.1.1 HERITAGE PROJECT PROGRAM REPORT

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

**Date:** 17 JANUARY 2020

#### 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:

- Final planning for the Convict Archaeology in the Southern Midlands 2020 fieldschool in conjunction with the University of Tasmania, to run from Jan 18<sup>th</sup> to Feb 1<sup>st</sup> 2020. Councillors are asked to 'save the date' for the VIP site tour and public open day (Kempton Watch House) on January 31<sup>st</sup> (details in next week's Councillor Information Bulletin).
- Assisting with planning/design work for the Victoria Hall (Kempton) forecourt and façade upgrade.
- Liaising with next artist in residence Juliet Tillson (arriving 3 February).
- Researching 31 High St Oatlands for enthusiastic new owner.
- Ongoing coordination of volunteers & managing SM surface finishes collection / database.
- Researching individual Oatlands Supreme Court cases for publication in SMRN.
- Conducted two History & Heritage School Holiday Programs which completes the main part of the Pilot Project. Preparation underway for an exhibition of the children's work to go on display at the Town Hall in the coming weeks.
- Meeting to design heritage education resources for children to be sold through Heritage Hub (based on the History & Heritage SHP).
- Meeting to discuss the possibility of hosting Teachers' skills development (History & Heritage) workshops twice a year from 79 High Street.
- Development of a heritage team work plan schedule of projects/activities for the next 6-9 months (final to be provided in a forthcoming Councillor Information Bulletin).
- Conducted 3 Heritage Building tours for tourists visiting Oatlands.

- Commenced audit and upgrade of heritage collection store.
- Twice weekly social media posts (Wallpaper Wednesdays & Flashback Fridays).
- Liaising with Hunter Island Press for ‘Southern Midlands Quilt’ project (Heritage Festival May 2020).
- Planning for Historic Costume exhibition, Heritage Hub, April 2020 (as part of the 2020 National Trust Heritage Festival).

## RECOMMENDATION

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

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## 14.2 Natural

### Strategic Plan Reference 3.2.1 & 3.2.2

*Identify and protect areas that are of high conservation value / Encourage the adoption of best practice land care techniques.*

### 14.2.1 NRM UNIT – GENERAL REPORT

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

**Date:** 14 JANUARY 2020

#### ISSUE:

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- Helen Geard has been busy with Drum Muster – finalising reimbursements for Southern Midlands Council from the National Drum Muster Program.
- Helen Geard compiled a traffic report for Rhyndaston Road just prior to the Christmas break. She has just completed a second report. This is for Buckland Road, relating to traffic over the Christmas / New Year break period.
- Maria Weeding and Helen Geard have been busy placing mulch around some of the planting sites on the Lake foreshore. Watering of recent plantings has occurred on three occasions in recent weeks, due to the exceptionally dry soil conditions and high temperatures.
- Maria Weeding has been busy with follow up information being sought by the Commonwealth in relation to the proposed pathway upgrade on the Lake foreshore.
- Maria Weeding, Helen Geard and Jen Milne arranged a consultation with Nick Sell of QuickCorp on Tuesday 14<sup>th</sup> January 2020. The company is in Tasmania for three days demonstrating ‘steam’ weed control as an option for Councils. The steam weed machine was tested on a site at the Oatlands Works Depot on a patch with a variety of weed plants. The treated patches will be monitored to determine results.
- The Weeds Officer Jen Milne has provided the following report for the month ending 14<sup>th</sup> January 2020.

#### WEEDS REPORT:

##### Site visits and roadside weed control

- Cumbungi – surveyed the Lake Dulverton sites. Only regrown at three sites, approx 20 plants in total.
- Paterson’s curse – Inspected sites in Melton Mowbray and discussed control with owner. Follow up with properties in Bagdad and Mangalore.

### Resource sharing - Brighton Council

- Obtaining weed inspector authorisation for Brighton as part of the resource sharing arrangement. Ad hoc advice provided for weed issues.

### Projects

- Updating weed mapping for Woodbury Farmers Group thistle project. Very little germination of cotton and saffron thistles to date.
- Attended Chilean Needle Grass identification session with DPIPWE 17/12/19. Another site recently found in Orierton. Rail network has been surveyed and none found.

### RECOMMENDATION

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

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

### 14.3 Cultural

**Strategic Plan Reference 3.3.1**

*Ensure that the cultural diversity of the Southern Midlands is maximised.*

Nil.

### 14.4 Regulatory (Other than Planning Authority Agenda Items)

**Strategic Plan Reference 3.4.1**

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

Nil.

### 14.5 Climate Change

**Strategic Plan Reference 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.

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

### **15.1 Community Health and Wellbeing**

**Strategic Plan Reference 4.1.1**

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

Nil.

### **15.2 Youth**

**Strategic Plan Reference 4.2.1**

*Increase the retention of young people in the municipality.*

Nil.

### **15.3 Seniors**

**Strategic Plan Reference 4.3.1**

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

Nil.

### **15.4 Children and Families**

**Strategic Plan Reference 4.4.1**

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

Nil.

### **15.5 Volunteers**

**Strategic Plan Reference 4.5.1**

*Encourage community members to volunteer.*

Nil.

### **15.6 Access**

**Strategic Plan Reference 4.6.1a & 4.6.1b**

*Continue to explore transport options for the Southern Midlands Community / Continue to meet the requirements of the Disability Discrimination Act (DDA).*

Nil.

### **15.7 Public Health**

**Strategic Plan Reference 4.7.1**

*Monitor and maintain a safe and healthy public environment.*

Nil.

## 15.8 Recreation

**Strategic Plan Reference 4.8.1**

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

Nil.

## 15.9 Animals

**Strategic Plan Reference 4.9.1**

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

Nil.

## 15.10 Education

**Strategic Plan Reference 4.10.1**

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

Nil.

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

### **16.1 Capacity**

**Strategic Plan Reference 5.1.1 & 5.1.2**

*Build the capacity of the community to help itself and embrace the framework and strategies articulated through social inclusion to achieve sustainability / Maintain and strengthen communities in the Southern Midlands.*

#### **16.1.1 BROADMARSH COMMUNITY PETITION – BUS SHELTER FOR THE JUNCTION OF ELDERLSIE RD AND BLUFF RD, ELDELSLIE**

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

**Date:** 16 JANUARY 2020

**Enclosures:**

- 1. Petition from Broadmarsh Community – Bus Shelter for Bluff Rd & Elderslie Rd junction*
- 2. Concept Plan prepared by the Deputy General Manager*

### **ISSUE**

Tabling of a Petition from the Broadmarsh / Elderslie Community and the responding action by Council Officers.

### **DETAIL**

In mid December 2019, Cllr Tony Bantick advised Deputy General Manager (DGM), Andrew Benson that the Broadmarsh & Elderslie Progress Association (BEPA) were waiting on Council in respect of some road works to be completed to facilitate the installation of a bus shelter supplied by Brighton Rotary for the junction of Bluff Road and Elderslie Road.

When Cllr Bantick mentioned it to the DGM, he said that he was unaware of that situation, other than a bus shelter was mentioned in the Community Forum that he addressed at the Broadmarsh Hall in January last year. The DGM advised that he had heard nothing about that matter since then. Although he had progressed the Broadmarsh Streetscape Project, which was the major focus of that Community Forum.

However, the DGM understood from Cllr Bantick that a Petition was raised by BEPA and forwarded to Council some time ago (it is noted that the dates in the Petition are 2018, with some additional signatures in January 2020). The DGM advised that he had made enquiries and that Council had no record of receiving a Petition from BEPA, as there was no record of it in Council's Information Management System. He said that he was unsure what had happened there, but advised that he would contact BEPA to obtain a copy and would ensure that it is recorded in Council's system and presented at the next Council meeting.

In respect of the Bluff Road Bus Shelter, which is the subject of the Petition, the DGM met with Cllr Bantick, Jack Lyall, Paul Lang, Anita Clarke (BEPA Committee Member) and some other residents of Bluff Road on Wednesday 18<sup>th</sup> December 2019, immediately following Cllr Bantick's discussion with him. It was agreed that something needs to be done with both the alignment of Bluff Road to Elderslie Road and the provision of a School Bus parking bay. The DGM stated that he drives past that junction some mornings if he has a meeting in the



City and did say that he drove past there the last time and it was just before the bus pickup, he noticed eleven to twelve young children waiting on the side of the road for the School Bus. He said that he certainly agreed that is quite a dangerous situation.

Following that meeting the DGM sketched up a Concept Plan showing a road realignment of the Bluff Road & Elderslie Road junction and a proposed School Bus parking bay, then he arranged a meeting with Ben Geard (land owner) to discuss the Concept Plan. The DGM met with Ben Geard on Friday 20<sup>th</sup> December 2019 and left the Plan with him to consider and discuss with his family. Ben had some really valid comments during our meeting and the DGM incorporated some changes to the original Concept Plan and created version two.

In relation to the road realignment the DGM has since contacted the Department of State Growth to see if there is any money available to fund the project (approximately \$130,000.00). A preliminary funding application has been completed and lodged with the Department of State Growth.

The DGM has met on site with a Design Engineer and he has also discussed the Concept Plan with the Traffic Engineer, who will document a Safety Audit for the site. The civil engineering design, along with the traffic engineering fees and the survey fees have been included in the funding submission.

Council awaits advice from the Department of State Growth.

**Human Resources & Financial Implications** – No funding by Council has been included in the Funding Application to DSG.

**Community Consultation & Public Relations Implications** – All of this information has been communicated to BEPA President Donna Blackwell.

**Policy Implications** – N/A

**Priority - Implementation Time Frame** – Awaiting advice from DSG on funding availability.

## RECOMMENDATION

THAT the

1. Petition be received and noted; and
2. Actions of Council Officers be endorsed.

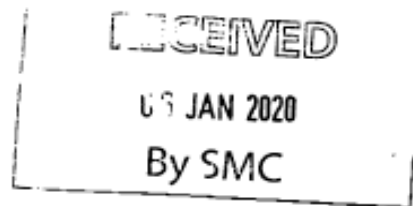
DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 16.1.1*

18/06/18

To whom it may concern



**RE: REQUEST TO CONSTRUCT A BUS SHELTER ON THE CNR BLUFF & ELDELSLIE ROADS, ELDELSLIE**

We reside with my family on Bluff Road, Elderslie.

The young people in our community catch the O'Driscoll Coach on the Elderslie – Brighton Route to the Brighton Primary School daily.

There have been recent changes to the school bus route which have extended the time our children have to travel to get to school and home again each day.

The location of our bus stop is at the Bluff Road/Elderslie Road intersection.

This bus stop services the children of four families, a total of 9 children of varying age (between 5 and 13 years of age) who alight and disembark from the school bus each school day.

We would like to seek your support in constructing a new bus stop / bus shelter to ensure the daily safety of our children, and to shelter them in the colder winter months from sometimes extreme weather conditions.

Currently, each morning, the bus pulls to the side of the road to collect our children. The area the bus pulls over to, does not remove the bus wholly from Bluff Road. I would also like to note that the speed limit for Bluff Road is a speed limit of 100KPH.

Generally, the traffic on Bluff Road **does not slow down** to consider the children waiting at the side of the road for the bus's arrival. There have been occasions where there have been logging trucks and cattle trucks, fully loaded, which travel the full extent of the speed limit, with little or no consideration for the children waiting on the roadside for their school bus, notwithstanding the daily local traffic, where drivers **do not slow down** when passing children waiting for the bus on the side of the road.

It is dangerous, and I fear for the safety of all of these children.

As members of the community, I'd like to make you aware of the Public Transport Standards, that Councils have some direct responsibilities where the local government has responsibility for infrastructure, such as bus stops.

In most areas, the Council is wholly or partly responsible for the provision of bus stops and waiting areas.

We would like to request that you consider constructing a bus shelter on the corner of Elderslie Road and Bluff Road (the preference for the bus stop on the Bluff Road side), so children do not have to cross the road when alighting or disembarking from the School bus each day. This location also allows Parents/Grandparents to wait safely off Elderslie Road for the children's departure/arrival each day. This should meet or exceed National Standards. *What is the safe off road distance off the road for a bus to stop? If I were to be riding a bicycle, in a 70km zone, it would be 1.5mtrs (ref. Tasmanian Road Rules, page 8).*

We would welcome any discussion with regard to the construction of a bus stop at the junction of Bluff Road and Elderslie Road.

Following is a petition signed by all the residents of Bluff Road and of our local community, all of whom support this communication to you.

With kind regards,

Colleen & Darren Neale  
1264 Bluff Road, Elderslie  
[colzneale@gmail.com](mailto:colzneale@gmail.com)

**PETITION – PLEASE SIGN TO SHOW YOUR SUPPORT FOR THE CONSTRUCTION OF A BUS SHELTER AT CNR BLUFF RD AND ELDELSLIE ROAD**

Resident Name	Address	Signed	Signed	Date
Colleen & Darren Neale	1264 Bluff R, Elderslie			17/05/18
Fay & Zed Frazer	1354 Bluff Rd, Elderslie			17/05/18
Eve Bone	1268 Bluff Rd Elderslie			21.05.18
Bianca Boxall	1411 bluff Rd elderslie			21.05.18
Katrina McKenna	1403 Bluff Rd elderslie			21.05.18
Peter McKenna	" "			21/05/18
Jill Aries	1420 Bluff Rd			24/5/18
Peter Aries	" " "			" "
Kileen McLenze	1260 Elderslie Rd			1-6-18
Lenessa Wick	1237 Elderslie Rd			1-6-18
Bruce Whelan	1181 Elderslie Rd			1-6-18
Lucy Blackwell	212 Clifton Vale			1-6-18
Carmen Meshane	"Blackbrush" Broadmarsh			1-6-18
Phil Jones	1290 Elderslie Rd			1-6-18
Keith Bramham	1244 Elderslie Rd			
DICK CALVERT	"BLACKBRUSH" BROADMARSH			1-6-18
GEOFF MESHANE	BLACKBRUSH BROADMARSH			1-6-18
Nicole Smith	603 Blackbrush Rd Broadmarsh			1-6-18
Heath Walker	" "			1-6-18
Jack Scott	" "			1-6-18
Jack Meshane	558 Blackbrush Rd			1-6-18
Julie Crown	1439 ELDELSLIE RD			1-6-18
RIC CROWN	1439 ELDELSLIE RD			1-6-18
L. Berris	1242 Bluff Rd			1-6-18
Anita Clarke	1422 Bluff Rd			1-6-18
Natalie Beard	714 Elderslie Rd			1-6-18







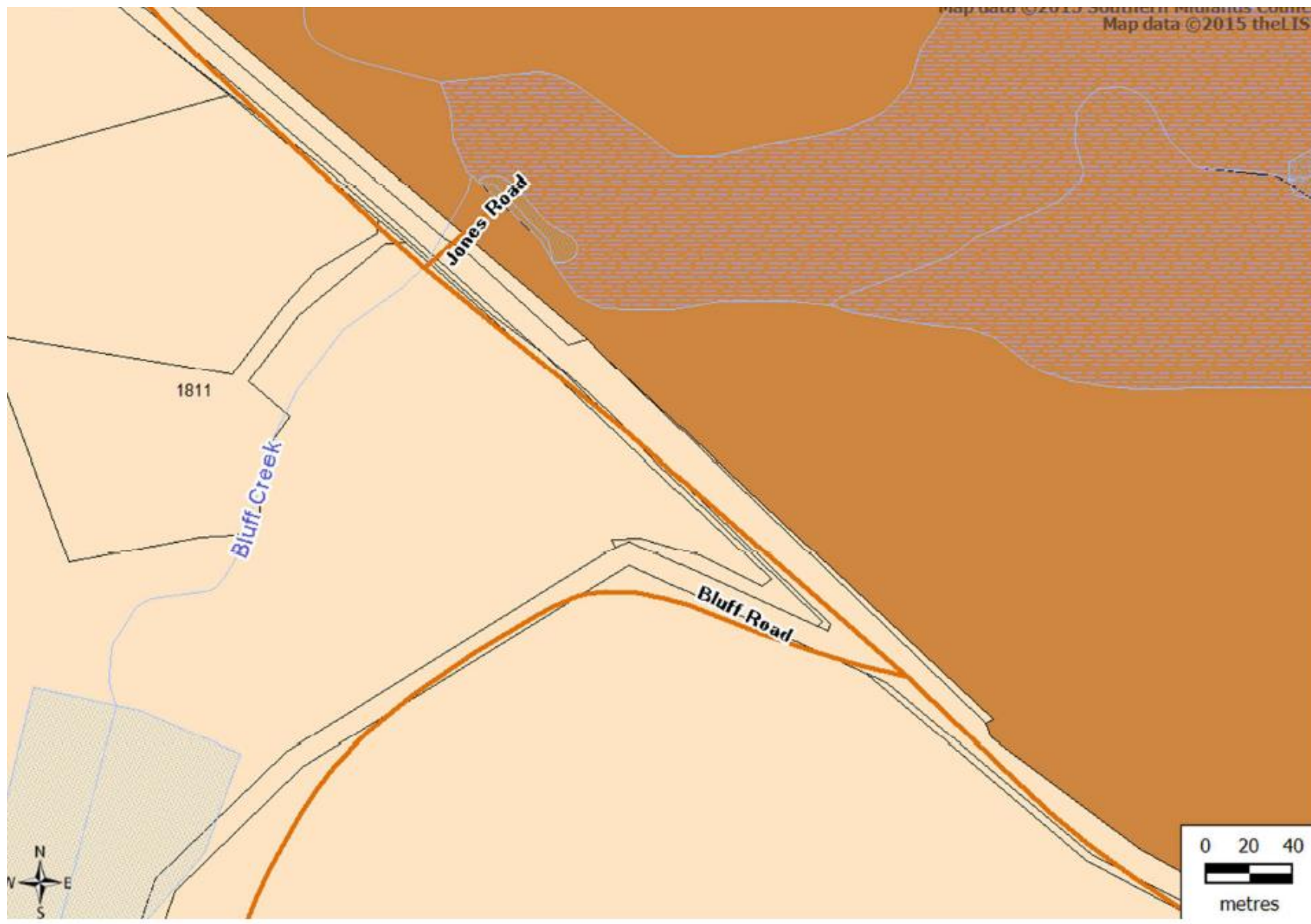
# *Concept Plan*

*Realign Bluff Road's Junction with Elderslie Road,  
also accommodating a School Bus Park*

*Prepared by*

*Andrew Benson*

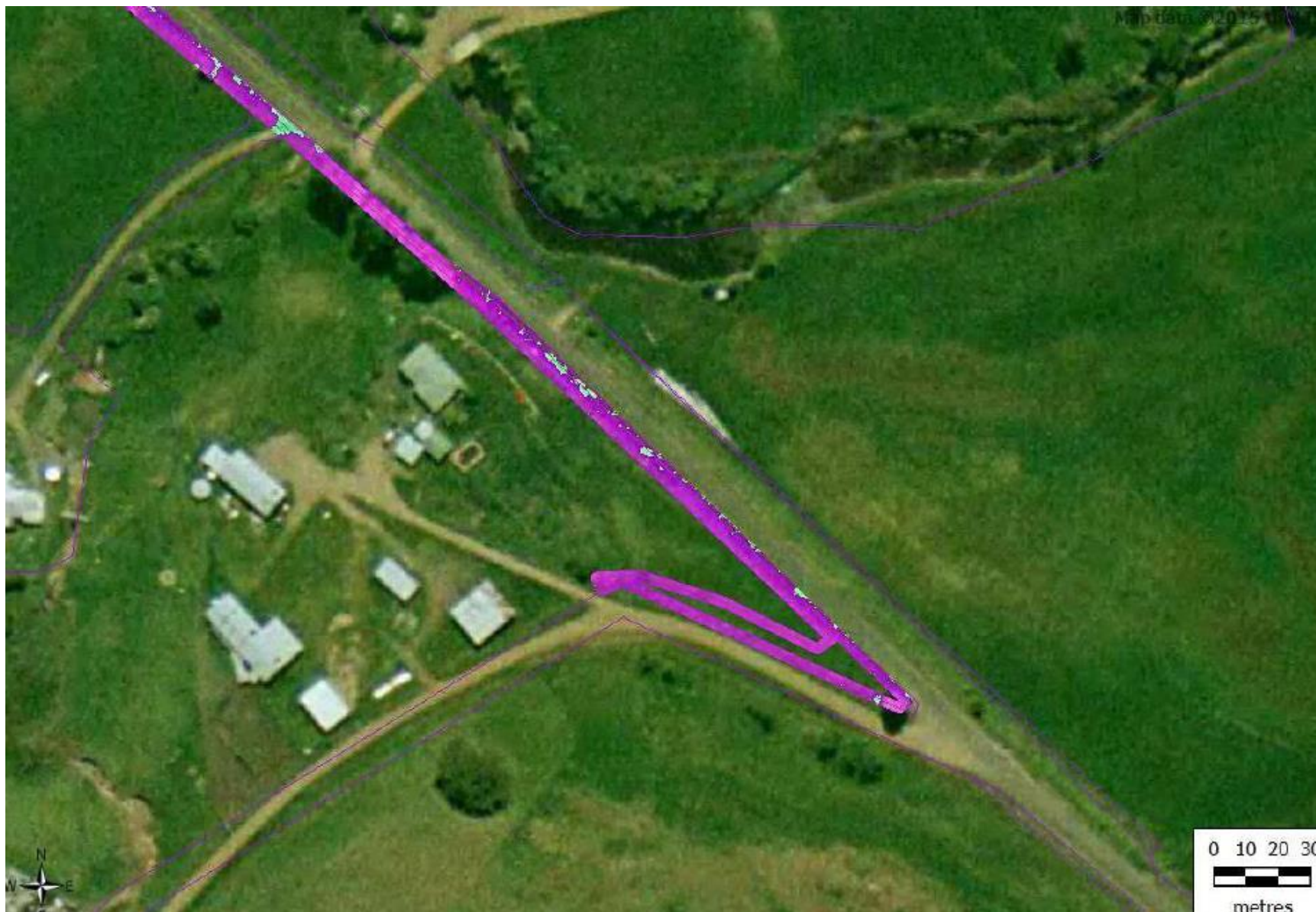
*December 2019*



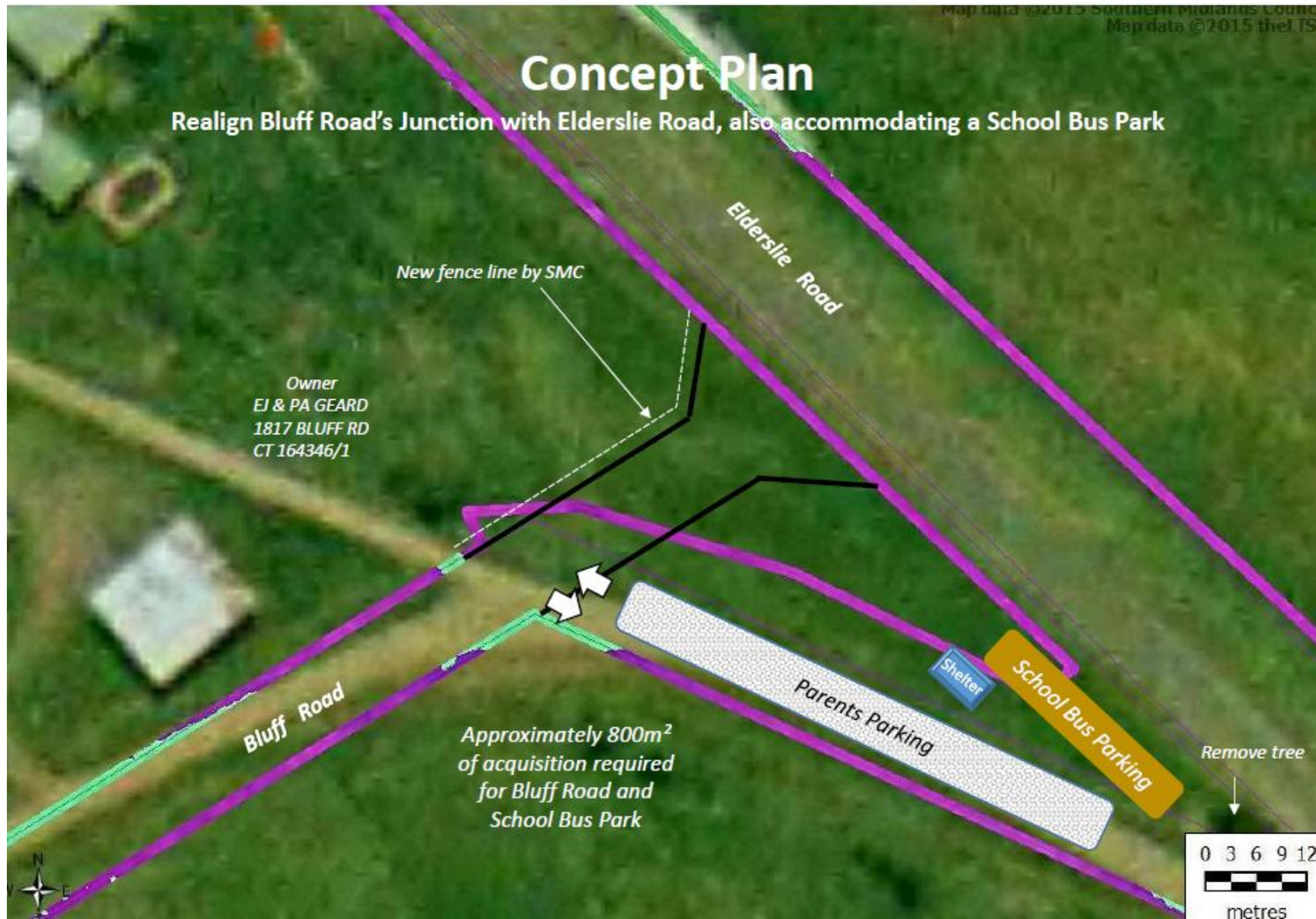


















**16.1.2 ST MARY'S CHURCH, KEMPTON – PROPOSED SALE BY THE ANGLICAN DIOCESE OF TASMANIA (GREEN PONDS PROGRESS ASSOCIATION AND 'SAVE OUR CHURCH KEMPTON')**

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

**Date:** 15 JANUARY 2020

**Enclosure:**

*Green Ponds Progress Association – Letter dated 7<sup>th</sup> November 2019*

**ISSUE**

Council to consider a request to fund the cost of obtaining an independent valuation of the St Mary Church at Kempton.

**BACKGROUND**

In May 2018, the Anglican Diocese of Tasmania (the Diocese) announced the sale of 108 properties to be sold across Tasmania to raise funds pursuant to the Anglican Church commitment to the national redress scheme for compensation and support of victims of sexual abuse. The commitment to the redress scheme is \$8m over ten years. In June 2018, Synod resolved that the funds would be raised by:

- *Around \$2.9m from levies (of 25%) on funds from past property sales.*
- *Around \$1.1m from direct contributions from larger parishes.*
- *Around \$4.7m from levies (of 25%) of the net proceeds of the sale of 108 properties. i.e. \$18.8m of property (net value) is intended to be sold.*

The following church properties in Southern Midlands were resolved to be sold:

- All Saints Church and Hall Melton Mowbray
- St James Church Colebrook
- St James Church Jericho
- St John the Evangelist Lower Marshes
- St Marys Church, Hall and Burial Ground Kempton
- St Oswald's Church Tunbridge
- St Matthias Church Woodsdale
- St Michaels Church Bagdad

As an outcome of the public consultation process and other determinations, the Woodsdale Church was withdrawn from the proposed list for sale.

In terms of Council's involvement in this matter, during July and August in 2018, eight community forums were held across the municipal area in/near the townships where the church properties are proposed for sale.

This result in the preparation of a submission to the Diocese of Tasmania.

Specifically in relation to the Kempton Forum, there was strong community opposition to the intent to sell. The following is an extract from the submission made to the Anglican Diocese of Tasmania in September 2018:



***"Kempton (St Mary's church, hall, cemetery and columbarium)***

*The community strongly oppose the sale of the church, cemetery or any land (etc.) and believe that the retention of St Mary's is a priority in a town which is a growth area and that the Anglican church is the only remaining church open in the town. There are questions as to the legality of any sale given that descendants of the land (and benefactors of the building cost) still live in the town and there are certain legal provisions in early bequests that require further consideration."*

**DETAIL**

Mr John Hay, representing the Green Ponds Progress Association (GPPA), and Mr John Jones, representing the group 'Save our Church Kempton' attended the Council workshop held 14<sup>th</sup> January 2020.

By way of introduction, Mr John Hay indicated that the GPPA was essentially playing a supporting role to the 'Save our Church Kempton' group, but the Progress Association had no intention of pursuing ownership or control of the property.

Mr John Jones then spoke about the group 'Save our Church Kempton' and the actions that it has taken to date. The group, which consists of approximately 13 members, has been in discussions with the Diocese of Tasmania and whilst the group has requested details of the property valuation from the Diocese, this information has not been made available and it is unlikely to be forthcoming.

In summary, the following dot points were noted:

- The St Mary's Church is the only remaining church in Kempton
- Concerns relating to the future management and operation of the cemetery
- the new legislative arrangements resulting from the review of the *Burial and Cremation Act 2019*, and to some extent, compliance with the current provisions of the Act by the Diocese
- there are currently 76 graves within the lawn cemetery; 20 Niches; 253 Graves at the rear of the Cemetery
- If ownership/control was secured, the church would become ecumenical (i.e. non-denominational)
- Sale of the Church property would impact on the streetscape and ambience of the area

The Group are aiming to convene a public meeting at some stage, with the intention of providing the community with an indicative value of the Church property. This would then enable the community to make an informed decision in terms of future ownership and the options that may be available.

The workshop discussion concluded with a request that Council, on behalf of the community, consider funding the cost of obtaining an independent valuation for the property.

**Human Resources & Financial Implications** –Opteon Solutions (Property Valuers) has submitted a quotation of \$1,798.50 (GST inclusive) to provide a market valuation. A budget has not been allocated for this purpose.

**Community Consultation & Public Relations Implications** – refer detail provided.

**Policy Implications** – whilst this decision has no direct policy implications, Council at its meeting held in September 2018 did resolve as follows:

*“THAT:*

- a) Council adopts the position that it will not seek to acquire any church building(s); and*
- b) The matter of Council as a cemetery manager be revisited pending the outcome of the public consultation process undertaken by the Diocese of Tasmania.”*

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

## RECOMMENDATION

**THAT Council consider the request to fund the cost of obtaining an independent valuation of the St Marys Church property at a cost of \$1798.50 (GST inclusive).**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 16.1.2*



7 November 2019

Tim Kirkwood  
General Manager  
Southern Midlands Council  
71 High Street  
Oatlands Tasmania 7120

Dear Tim

The Committee of the Green Ponds Progress Association would appreciate the opportunity to discuss with Council the proposed sale of St Mary's Church in Kempton.

As the grave of Rev Trollop is under, or adjacent to, the eastern wall of the Church building it is the considered opinion that the entire property should be classified as a cemetery. This would prevent subdivision of the property and exclude the separate sale of the building.

In view of the above, it would appear that the property may only be sold to an incorporated body, which could include the local Council.

An independent group of concerned parishioners have formed a committee and are having continuing communication with the Church hierarchy.

As a precursor to the outcome of any negotiations by this committee, the Green Ponds Progress Association would like to discuss possibilities for the on-going control and management of the property.

Please advise a convenient time for representatives of the Association to meet with Council.

Yours faithfully

John Hay  
President  
Green Ponds Progress Association Inc  
0407 526 895

## 16.2 Safety

**Strategic Plan Reference 5.2.1**

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

Nil.

## 16.3 Consultation & Communication

**Strategic Plan Reference 5.3.1**

*Improve the effectiveness of consultation and communication with the community.*

Nil.

## 17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

### 17.1 Improvement

**Strategic Plan Reference(s) 6.1.1, 6.1.2, 6.1.3, 6.1.4 & 6.1.5**

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

Nil.

## 17.2 Sustainability

**Strategic Plan Reference(s) 6.2.1, 6.2.2, 6.2.3, 6.2.4, 6.2.5, 6.2.6, 6.2.7 & 6.2.8**

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

### 17.2.1 LOCAL GOVERNMENT SHARED SERVICES UPDATE (STANDING ITEM – INFORMATION ONLY)

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

**Date:** 17 JANUARY 2020

**Enclosure(s):**

*Local Government Shared Services Update – November 2019*

*Local Government Shared Services – Council Update – November 2019*

### ISSUE

To inform Council of the Common Services Joint Venture activities for the month of November 2019.

### 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 to the enclosed 'Local Government Shared Services – Council Update'.

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

Councillors will note that the Southern Midlands Council provided 74 hours of service to other Councils and received 23 hours of services from other Councils during the month.

Details of services provided are included in the enclosures.

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

**Policy Implications** – N/A

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

## RECOMMENDATION

**THAT the information be received.**

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**  
 Agenda Item 17.2.1

# LG Shared Services Update

November 2019

## Summary of Recent Shared Services Activity

448 hours of Shared Services were exchanged between Councils in November 2019, which is a decrease of 9% when compared to hours exchanged in October 2019 (495 hours) and is below the three-month average of 471 hours per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

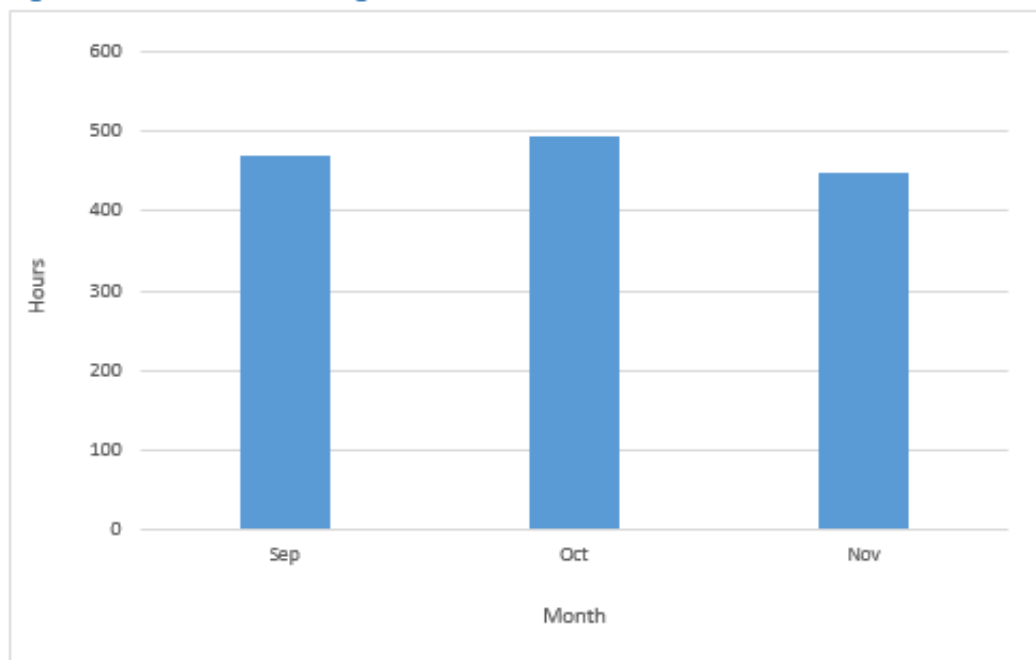


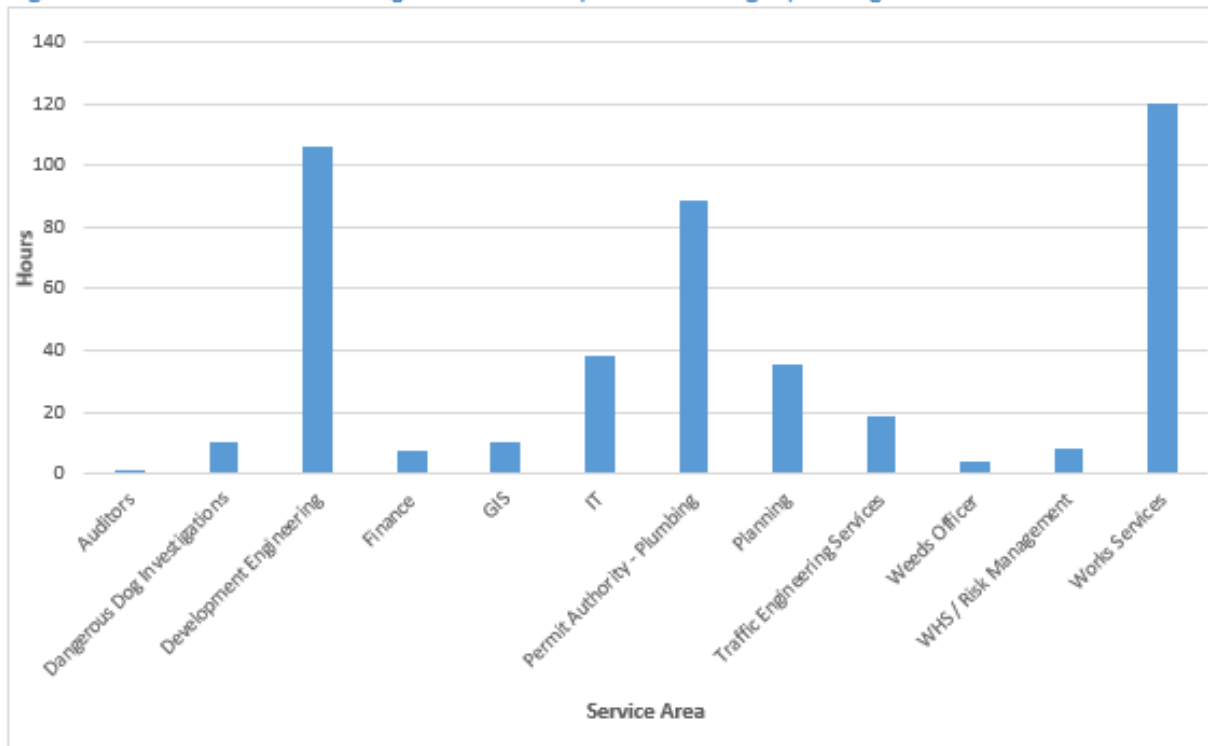
Fig 2 - Details of Current Exchange of Services by Council during November 2019

Provider Council	Client / Organisation							
	Brighton	Central Highlands	Derwent Valley	Glenorchy	GSB	Sorell	Southern Midlands	Tasman
Brighton		2	9.25	19	97.5		20.5	161.75
Central Highlands	2					2	2	2
GSB								
Glenorchy								
Huon Valley								
Litchfield								
West Arnhem Regional								
Sorell	6	31.25						19.25
Southern Midlands	4	35.5	34.25					
Tasman								

\* Council/Organisation not currently a member of the Shared Services Joint Venture Agreement



Fig 3 - Details of Current Exchange of Services by Service Category during November 2019



### Savings to Local Government

A total of 448 hours of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of shared services between Councils saved participating Councils and Local Government as a whole \$27,000 for the month of November. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

# Local Government Shared Services – Council Update

## Council

Southern Midlands

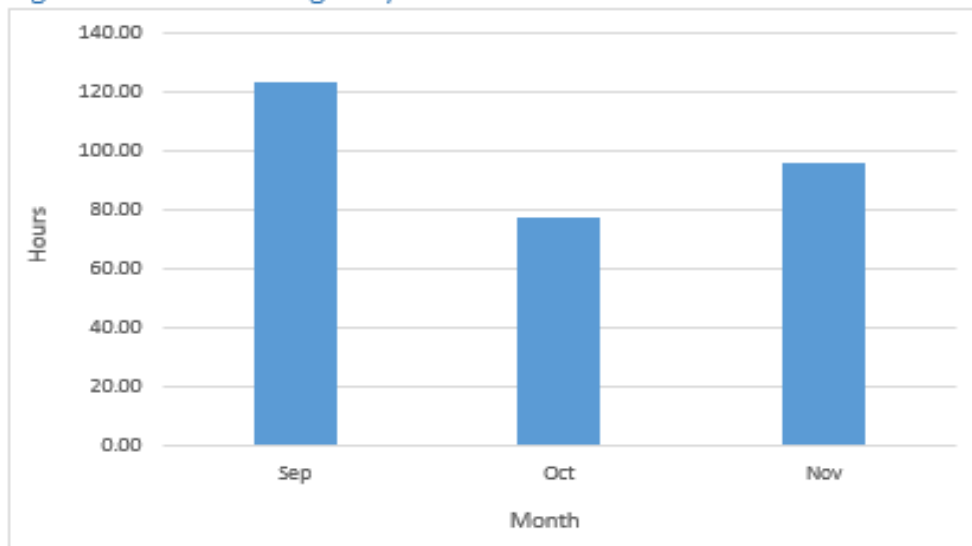
## Shared Service Participation in November 2019

97 hours

## Summary

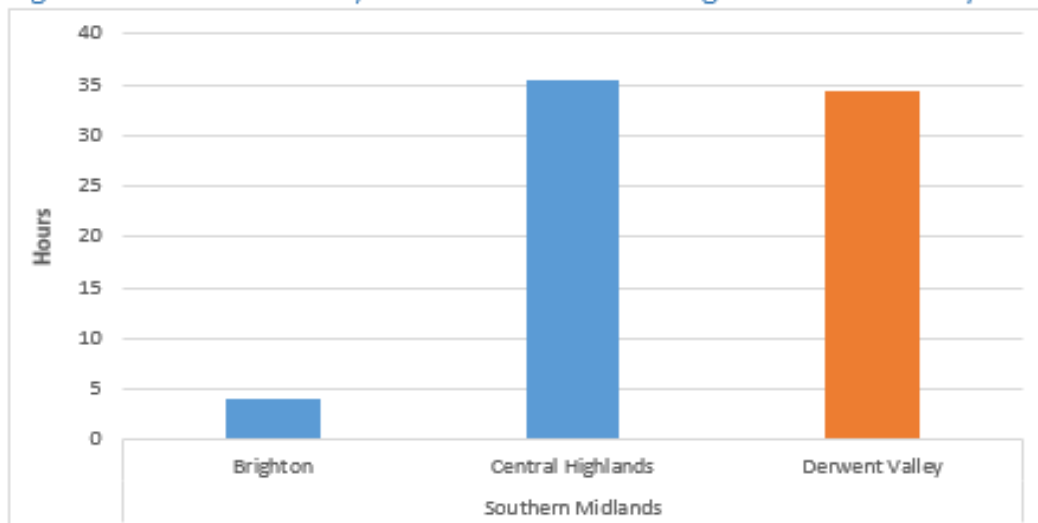
In November 2019, 97 hours of shared services were exchanged by the Southern Midlands Council. From this total, Southern Midlands provided 74 hours to other Councils and received 23 hours of services from other Councils. Total hours of exchange increased by 24% when compared to October 2019 (78) but were below the three-month average of 99 hours per month.

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



## Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands during November 2019 by Council



\* Council is not currently a member of LG Shared Services

Fig 3 - Services Provided by Southern Midlands during November 2019 by Service Category

Southern Midlands	74	Summary of Services Provided
<b>Brighton</b>	<b>4</b>	
Weeds Officer	4	Weed Management
<b>Central Highlands</b>	<b>36</b>	
Planning	36	Regulatory and Strategic Planning
<b>Derwent Valley</b>	<b>34</b>	
Permit Authority - Plumbing	34	Regulatory and Strategic Planning

\* Council is not currently a member of LG Shared Services

### Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands during November 2019 by Council

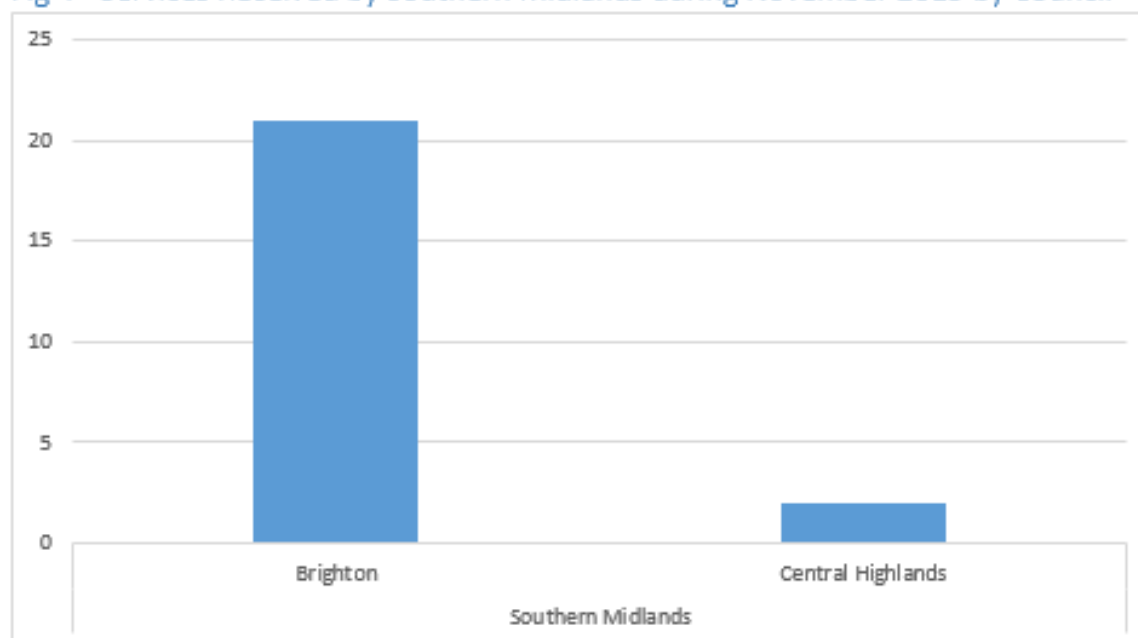


Fig 5 - Services Received by Southern Midlands during November 2019 by Service Category

Southern Midlands	23	Summary of Services Received
<b>Brighton</b>	<b>21</b>	
Development Engineering	6	Development Engineering
Permit Authority - Plumbing	4	Permit Authority - Plumbing
Dangerous Dog Investigations	11	Dog Attack investigations and call outs
<b>Central Highlands</b>	<b>2</b>	
WHS / Risk Management	2	Online Contractor Inductions

## 17.2.2 TABLING OF DOCUMENTS

Nil.

### **17.2.3 ELECTED MEMBER STATEMENTS**

An opportunity is provided for elected members to brief fellow Councillors on issues not requiring a decision.

## 17.3 Finances

### Strategic Plan Reference(s) 6.3.1, 6.3.2 & 6.3.3

*Community's finances will be managed responsibly to enhance the wellbeing of residents / Council will maintain community wealth to ensure that the wealth enjoyed by today's generation may also be enjoyed by tomorrow's generation / Council's financial position will be robust enough to recover from unanticipated events, and absorb the volatility inherent in revenues and expenses.*

### 17.3.1 MONTHLY FINANCIAL STATEMENT (PERIOD ENDING 31 DECEMBER 2019)

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

**Date:** 16 JANUARY 2020

#### ISSUE

Provide the Financial Report for the period ending 31<sup>st</sup> December 2019.

#### BACKGROUND

The format of the Operating Expenditure Report has been amended to include a Year To Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets – as opposed to total annual Budget.

Note: Depreciation is calculated on an annual basis at the end of the financial year and therefore the budget for depreciation is included in the June period.

#### DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2019 to 31 December 2019.
- Operating Expenditure Budget Report – as at 31 December 2019.
- Capital Expenditure Estimates – as at 31 December 2019.
- Cash Flow Statement – 1 July 2019 to 31 December 2019.
- Rates & Charges – as at 11<sup>th</sup> January 2020.

#### OPERATING EXPENDITURE ESTIMATES (OPERATING BUDGET)

Overall, operating expenditure to end of December 2019 was \$3,643,744, which represents 87.10% of YTD Budget.

Whilst there are some variations within the individual Program Budgets (refer following comments), YTD expenditure is consistent with Budget.

#### ***Strategic Theme - Infrastructure***

**Sub-Program – Roads** – expenditure to date (\$746,883 – 110.34%). Expenditure relates to additional works of \$16k for the asphaltting of deformations and cracks along Brown Mountain Road and Eldon Road, as well as the costs associated with mowing and slashing that began earlier (due to weather and hazards) than the previous year.

**Strategic Theme – Growth**

Nil.

**Strategic Theme – Landscapes**

Nil.

**Strategic Theme – Lifestyle**

Nil.

**Strategic Theme – Community**

**Sub-Program – Capacity** – expenditure to date (\$35,818 – 131.62%). Expenditure relates to costs associated with the Heritage Bullock Festival, Arts Committee Events and donations provided for sporting representations.

**Strategic Theme – Organisation**

Nil.

**RECOMMENDATION**

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

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

<b>STATEMENT OF COMPREHENSIVE INCOME</b>				
<b>FOR THE PERIOD</b>				
<b>1st JULY 2019 to 31st DECEMBER 2019</b>				
	<b>Annual Budget</b>	<b>Year to Date as at 31st December</b>	<b>%</b>	<b>Comments</b>
<b>Income</b>				
General rates	\$ 5,724,701	\$ 5,667,443	99.0%	Budget includes Interest & Penalties to be imposed to end of June 2020
User Fees (refer Note 1)	\$ 694,036	\$ 343,088	49.4%	
Interest	\$ 180,000	\$ 85,217	47.3%	
Government Subsidies	\$ 19,250	\$ 11,655	60.5%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 74,422	45.9%	
<b>Sub-Total</b>	<b>\$ 6,779,987</b>	<b>\$ 6,181,825</b>	<b>91.2%</b>	
Grants - Operating	\$ 3,470,832	\$ 875,616	25.2%	
<b>Total Income</b>	<b>\$ 10,250,819</b>	<b>\$ 7,057,441</b>	<b>68.8%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,905,753)	\$ (1,740,735)	44.6%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,063,277)	\$ (1,749,064)	57.1%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (3,061,160)	\$ (1,530,580)	50.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (27,088)	\$ (18,015)	66.5%	
Contributions	\$ (233,907)	\$ (58,477)	25.0%	Fire Service Levies
Other	\$ (133,944)	\$ (77,453)	57.8%	Incls Rate Discounts
<b>Total expenses</b>	<b>\$ (10,425,129)</b>	<b>\$ (5,174,324)</b>	<b>49.6%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (174,310)</b>	<b>\$ 1,883,117</b>	<b>-1080.3%</b>	
Grants - Capital (refer Note 3)	\$ 4,526,481	\$ 830,950	18.4%	
Sale Proceeds (Plant & Machinery)	\$ 0	\$ 226,869	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ (108,182)	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 4,243,989</b>	<b>\$ 2,940,937</b>	<b>69.3%</b>	



NOTES				
1. Income - User Fees (Budget \$730,602) includes:				
- All other Programs	\$ 471,579	\$ 208,277	44.2%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 222,457	\$ 132,260	59.5%	
- Callington Mill	\$ -	\$ 2,551	0.0%	
	\$ 694,036	\$ 343,088		
2. Income - Other (Budget \$162,000) includes:				
- Tas Water Distributions	\$ 152,000	\$ 12,315	8.10%	
- HBS Dividend	\$ 10,000	\$ -	0.0%	
- Other	\$ -	\$ 62,107	0.0%	\$58,450 received from the Tunbridge Hall Management Comm - Toilet Project.
	\$ 162,000	\$ 74,422	45.9%	
3. Grant - Capital (Budget \$1,669,375) includes:				
- Aus Gov Election Commit'	\$ 1,930,000	\$ -	0.0%	
- Swimming Pool	\$ 1,900,000	\$ 800,000	0.0%	
- Roads To Recovery Grant	\$ 665,531	\$ -	0.0%	To be received March 2020
- Twin Equestrian Arenas	\$ -	\$ -	0.0%	
- Commissariat NSRF Grant	\$ 30,950	\$ 30,950	100.0%	
	\$ 4,526,481	\$ 830,950	18.4%	
4. Grant - Operating (Budget \$1,669,375) includes:				
Operating Grants				
- FAGS		\$ 870,921		
- Court House		\$ 150		
- Weed Control Grant		\$ 4,545		
	\$ -	\$ 875,616		

INFRASTRUCTURE			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	\$ 500,000	\$ 43,937	\$ 456,063	
Reseal Program		Roads Resealing (as per agreed program)	\$ 280,000	\$ -	\$ 280,000	
	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
Reconstruct & Seal		Green Valley Road, Bagdad (300metres off Swan Street)	\$ 54,000	\$ -	\$ 54,000	
	C1020025	Shene Road, Mangalore (650metres)	\$ 97,500	\$ 44,698	\$ 52,802	
	C1010089	Woodsdale Road (1klm Reconstruction)	\$ 165,000	\$ 164,225	\$ 775	
Construct & Seal (Unsealed Roads)		Huntington Tier (300 metres new seal)	\$ 63,000	\$ -	\$ 63,000	
		Roberts Road (350m new seal incl. stormwater)	\$ 59,000	\$ -	\$ 59,000	
		Main Intersection/Carpark Campania - Design Concept	\$ 50,000	\$ -	\$ 50,000	
		Eldon Road (800 metres new seal)	\$ 154,000	\$ -	\$ 154,000	RTR
		Banticks Road (1klm new seal from Junction with Blackbrush)	\$ 27,500	\$ -	\$ 27,500	
		Blackbrush Road (1klm new seal from existing to Banticks)	\$ 210,000	\$ -	\$ 210,000	RTR
	C1020055	Yarlington Road (construct & Seal)		\$ 2,983.70	\$ (2,984)	RTR
Minor Seals (New)		Dust Suppressant Seal	\$ 20,000	\$ -	\$ 20,000	
		Junctions - Various Locations (incl. Greggs Road)	\$ 20,000	\$ -	\$ 20,000	
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	\$15K Budget c/fwd WIP 30/6/19 \$959
Unsealed Rds - Road Widening	C1020065	Clifton Vale Road - (Cliff Section)	\$ 20,128	\$ 17,410	\$ 2,717	
	C1020061	Native Corners Road (Far end, Widening/Guard Rail)	\$ 9,000	\$ 3,277	\$ 5,723	\$9K Budget c/fwd
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 70,000	\$ 9,504	\$ 60,496	\$70K Budget c/fwd WIP 30/6/19 \$2,617
		Water Lane (Minor Widening/drainage - V drain)	\$ 23,500	\$ -	\$ 23,500	
Drainage Component - \$42,900	C1010079	Reeve St - Hall Street to Rec Ground (K&G)	\$ 94,915	\$ 2,575	\$ 92,340	\$20k Budget c/fwd WIP 30/06/19 \$6,887
	C1020047	Lovely Banks Road (vicinity of Carnes)	\$ 25,000	\$ 1,621	\$ 23,379	Extend Culverts/ tree removal / realign
		Rhyndaston Road - Guard Rail	\$ 20,000	\$ -	\$ 20,000	
	C1020066	Stonor Road - Guard Rail	\$ 30,000	\$ 8,657	\$ 21,343	
		Woodsdale Road (Vicinity of Dean Property)	\$ 15,000	\$ -	\$ 15,000	
	C1010088	Bagdad Primary School - Car Park (contribution)	\$ 25,000	\$ 20,741	\$ 4,259	\$25k Budget c/fwd WIP 30/06/19 \$6,036
			<b>\$ 2,062,543</b>	<b>\$ 320,587</b>	<b>\$ 1,741,955</b>	
<b>BRIDGE ASSETS</b>						
	C1030058	Hardings Road (White Kangaroo Rivulet- B1096)	\$ 180,400	\$ 59,259	\$ 121,141	RTR
	C1030059	Woodsdale Road (Nutting Garden Rivulet- B3968))	\$ 210,390	\$ 11,508	\$ 198,882	RTR
			<b>\$ 390,790</b>	<b>\$ 70,767</b>	<b>\$ 320,023</b>	

<b>WALKWAYS</b>	C1040003	Footpaths - General Streetscapes Bagdad Township	\$ 20,000	\$ -	\$ 20,000	
	C1040014	- East Bagdad Road Broadmarsh Township	\$ 105,000	\$ 3,486	\$ 101,514	WIP 30/6/19
		- Streetscape Works Campania Township	\$ 230,000	\$ -	\$ 230,000	Funds \$230k subject to finalising Grant Deeds (Federal Gov.)
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Reeve Street - Footpath through to Hall	\$ 30,000	\$ -	\$ 30,000	
		- Climie Street/Water Lane (incl. footpath)				
		- Climie Street to Kandara Court Footpath Kempton Township				
		- Midlands Highway/Mood Food	\$ 70,150	\$ -	\$ 70,150	
	C1040027	- Memorial Avenue (complete drainage/other site works)	\$ 25,000	\$ 16,245	\$ 8,755	
		- Streetscape Plan (Review & Implementation)	\$ 110,000	\$ 31,357	\$ 78,643	Footpath renewal Component - Funds \$75k subject to finalising Grant Deeds (Federal Gov.)
		Melton Mowbray Township				
	G2020002	- Streetscape Works (Trough / Shelter etc)	\$ 30,000	\$ 5,318	\$ 24,682	
		Oatlands Township				
	C1040016	- High Street (Footpath Renewal)	\$ 33,000	\$ 1,252	\$ 31,748	
	C1040026	- Church Street (Footpath Renewal)	\$ 17,000	\$ 16,714	\$ 286	
		Tunbridge Township				
		- Maint Street Kerb & Gutter (Vicinity of Hall)	\$ 30,000	\$ -	\$ 30,000	
		Tunnack Township				
		- Streetscape concept Plan	\$ 5,000	\$ -	\$ 5,000	
			<b>\$ 710,150</b>	<b>\$ 74,372</b>	<b>\$ 635,778</b>	
<b>LIGHTING</b>	C1050001	Esplanade Project (Total Project Cost \$128k year 1-2)	\$ 134,000	\$ 21,327	\$ 112,673	\$64k Budget c/fwd WIP 30/6/19 \$21,251 - Funds \$250k subject to finalising Grant Deeds (Federal Gov.)
			<b>\$ 134,000</b>	<b>\$ 21,327</b>	<b>\$ 112,673</b>	
<b>BUILDINGS</b>	C1110002	Campania Flour Mill Park - Concrete Pathways/drainage/remove p Tunbridge Hall Toilets	\$ 15,000	\$ -	\$ 15,000	
			\$ 77,500	\$ 84,864	\$ (7,364)	WIP 30/6/19 \$18,288 - Budget incl. Grants
			<b>\$ 92,500</b>	<b>\$ 84,864</b>	<b>\$ 7,636</b>	

<b>DRAINAGE</b>		Bagdad				
		- Lyndon Road	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
	C1090013	- Midland Highway/Swan Street Drainage	\$ 50,000	\$ 8,178	\$ 41,822	
		Campania				
		- Estate Road (School Farm)	\$ 10,000	\$ -	\$ 10,000	
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
		- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
		- Queen Anne Street	\$ 7,500	\$ -	\$ 7,500	\$7.5K Budget c/fwd
		Kempton				
		- Erskine Street		\$ 4,668	\$ (4,668)	WIP 30/6/19
			<b>\$ 97,500</b>	<b>\$ 12,846</b>	<b>\$ 84,654</b>	
<b>WASTE</b>	C110001	Wheelie Bins and Crates	\$ 8,000	\$ -	\$ 8,000	
		Oatlands WTS - Concrete Pad(s)	\$ 25,000	\$ -	\$ 25,000	\$25K Budget c/fwd
		Dysart WTS - General Improvements	\$ 20,000	\$ 4,060	\$ 15,940	\$20K Budget c/fwd
			<b>\$ 53,000</b>	<b>\$ 4,060</b>	<b>\$ 48,940</b>	
<b>GROWTH</b>						
<b>HERITAGE</b>	C3010003	Callington Mill (Asset Renewals)	\$ 10,000	\$ 35,550	\$ (25,550)	
		Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ 6,500	\$ -	Budget c/fwd
		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
	C3010002	Oatlands Gaol - Wingwall Completion	\$ 15,000	\$ 3,938	\$ 11,062	\$15K Budget c/fwd
		Oatlands Gaol - Aluminum Temporary Steps (Entrance)	\$ 3,500	\$ -	\$ 3,500	\$3.5K Budget c/fwd
		Kempton Watch House (Fitout)	\$ 4,000	\$ -	\$ 4,000	\$7.5K Budget c/fwd
	C3010011	Roche Hall Forecourt (Interps - Planning Condition of Approval	\$ 40,000	\$ 6,945	\$ 33,056	WIP 30/6/19 \$3,845 - Budget c/fwd
	C3010011	Roche Hall - Internal & External Painting (excl. Gutters; Fascias &	\$ 80,000	\$ -	\$ 80,000	\$15K Budget c/fwd
			<b>\$ 167,000</b>	<b>\$ 52,933</b>	<b>\$ 114,067</b>	
<b>NATURAL</b>		Campania Bush Reserve (Walking/Riding Path)	\$ 100,000	\$ -	\$ 100,000	Funds \$100k subject to finalising Grant Deeds (Federal Gov.)
	C3020007	Chauncy Vale - Sanctuary Bridge	\$ 55,000	\$ -	\$ 55,000	Funds \$55k subject to finalising Grant Deeds (Federal Gov.)
	C3020008	Mahers Point - Lanscape Plan	\$ 22,404	\$ -	\$ 22,404	Budget c/fwd
	C1040019	Lake Dulverton Walkway (Section 1)	\$ 135,000	\$ -	\$ 135,000	Funds \$135k subject to finalising Grant Deeds (Federal Gov.)
	C1040028	Lake Dulverton Walkway (Section 2)	\$ 85,000	\$ -	\$ 85,000	Funds \$85k subject to finalising Grant Deeds (Federal Gov.)
			<b>\$ 397,404</b>	<b>\$ -</b>	<b>\$ 397,404</b>	

<b>CULTURAL</b>					
		Heritage HUB - Internal fitout	\$ 10,000	\$ -	\$ 10,000
			<b>\$ 10,000</b>	<b>\$ -</b>	<b>\$ 10,000</b>
<b>REGULATORY</b>	C3040001	Kempton Council Chambers - Restoration Works	\$ 5,000	\$ 3,595	\$ 1,405
	C9990001	Kempton Council Chambers - Office Furniture & Equipment	\$ 5,000	\$ -	\$ 5,000
			<b>\$ 10,000</b>	<b>\$ 3,595</b>	<b>\$ 6,405</b>

<b>LIFESTYLE</b>			<b>BUDGET</b>	<b>EXPENDITURE</b>	<b>VARIANCE</b>	<b>COMMENTS</b>
<b>COMMUNITY HEALTH &amp; WELLBEING</b>						
	C4070035	Oatlands Bus Shelter	\$ 14,000	\$ -	\$ 14,000	
			<b>\$ 14,000</b>	<b>\$ -</b>	<b>\$ 14,000</b>	
<b>LIFESTYLE ACCESS</b>						
	C4070035	All Buildings (Priority Approach - Year 4 of 5)	\$ 40,000	\$ -	\$ 40,000	
			<b>\$ 40,000</b>	<b>\$ -</b>	<b>\$ 40,000</b>	
<b>PUBLIC HEALTH</b>						
	C4070035	Kempton Community Health Facility	\$ 225,000	\$ 2,415	\$ 222,585	\$200K Budget c/fwd WIP 30/6/19 \$445
			<b>\$ 225,000</b>	<b>\$ 2,415</b>	<b>\$ 222,585</b>	
<b>RECREATION</b>						
	C4070005	Recreation Committee	\$ 20,000	\$ 3,364	\$ 16,636	Campania Rec Ground Window
		Oatlands Aquatic Centre (New Pool)	\$ 2,400,000	\$ -	\$ 2,400,000	Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 471,768	\$ (471,768)	WIP 30/6/19 \$395,896
	C4070034	Oatlands Aquatic Centre (New Pool)		\$ 379,803	\$ (379,803)	WIP 30/6/18 \$379,803
		Campania - Public Open Space dev (Subdivision)	\$ 23,000		\$ 23,000	
		Campania - Public Open Space dev (Shelter Alexander Circle)	\$ 10,000	\$ 8,400	\$ 1,600	
		Campania - Public Open Space dev (Play Equip Alexander Circle)	\$ 16,000		\$ 16,000	
	G4070024	Mangalore Equestrian Arena	\$ 51,784	\$ 37,437.30	\$ 14,347	Grant of \$36,784 plus additional budget \$15k
		Mangalore Hall (replace Gutters and Roofing)	\$ 18,000		\$ 18,000	
		Oatlands - Callington Park (Playground Election Commitment)	\$ 500,000		\$ 500,000	Incls. Revegetation and Watering System - Funds \$500k subject to finalising Grant Deeds (Federal Gov.)
		Campania - Recreation Ground (Nets)	\$ 45,000		\$ 45,000	\$45K Budget c/fwd
	C4070019	Kempton - Recreation Ground (Grandstand Rails & Seating)	\$ 6,000		\$ 6,000	\$6K Budget c/fwd
		Kempton - Recreation Ground (Lighting)	\$ 10,000		\$ 10,000	\$10K Budget c/fwd
		Kempton - Recreation Ground (Roof Structure - Entry to Clubroc)	\$ 15,000		\$ 15,000	
		Mount Pleasant - Recreation Ground (Upgrade Toilets)	\$ 38,000		\$ 38,000	\$13K Budget c/fwd
		Runnymede - Recreation Ground (resurfacing & watering system)	\$ 20,000		\$ 20,000	
		Tunbridge Park - Perimeter Fence (Safety)	\$ 30,000		\$ 30,000	\$7.5K Budget c/fwd
			<b>\$ 3,202,784</b>	<b>\$ 900,772</b>	<b>\$ 2,302,012</b>	

<b>COMMUNITY</b>						
<b>ANIMALS</b>		Oatlands - Dog Pound	\$ 20,000	\$ -	\$ 20,000	
			<b>\$ 20,000</b>	<b>\$ -</b>	<b>\$ 20,000</b>	
<b>CAPACITY</b>						
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000	\$8K Budget c/fwd
		Oatlands Structure Plan	\$ 25,000	\$ -	\$ 25,000	
			<b>\$ 33,000</b>	<b>\$ -</b>	<b>\$ 33,000</b>	
<b>SAFETY</b>						
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000	
			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>	
<b>ORGANISATION</b>						
<b>SUSTAINABILITY</b>		Council Chambers - Internal Toilets Upgrade	\$ 60,000	\$ -	\$ 60,000	
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000	\$15K Budget c/fwd
		Council Chambers - Works Office (floor coverings)	\$ 5,000	\$ -	\$ 5,000	\$5K Budget c/fwd
	C9990001	Town Hall (General - Incl. Office Equip/Furniture)	\$ 5,540	\$ 625	\$ 4,916	
	C6020003	Computer System (Hardware / Software)	\$ 55,400	\$ 41,964	\$ 13,436	\$15K Budget c/fwd
			<b>\$ 140,940</b>	<b>\$ 42,589</b>	<b>\$ 98,351</b>	
<b>WORKS</b>						
	C6020011	Kempton Depot - Property Purchase (Year 1 Budget of \$180K)	\$ 50,000	\$ 178,497	\$ (128,497)	Total Project Cost - to be funded over 4 yrs (Yr 1 - \$50K)
	C6020011	Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	\$10K Budget c/fwd
	C6020001	Depot Relocation (Site / Concept Plans/ Amneities/ Redords Stor	\$ 200,000	\$ 92,776	\$ 107,224	
		Minor Plant Purchases	\$ 9,500	\$ 535	\$ 8,965	
	C6020008	Radio System	\$ 3,000	\$ -	\$ 3,000	
		<b>Plant Replacement Program</b>				
		Refer separate Schedule (Gross)	\$ 935,000	\$ 114,215	\$ 820,785	
		Light Vehicles (Gross)	\$ 210,000	\$ 192,763	\$ 17,237	
		(Trade Allowance - \$180K)				
			<b>\$ 1,417,500</b>	<b>\$ 578,787</b>	<b>\$ 838,713</b>	
		<b>GRAND TOTALS</b>	<b>\$ 9,221,111</b>	<b>\$ 2,169,914</b>	<b>\$ 7,051,196</b>	

	INFLOWS (OUTFLOWS) (July 2019)	INFLOWS (OUTFLOWS) (August 2019)	INFLOWS (OUTFLOWS) (September 2019)	INFLOWS (OUTFLOWS) (October 2019)	INFLOWS (OUTFLOWS) (November 2019)	INFLOWS (OUTFLOWS) (December 2019)	INFLOWS (OUTFLOWS) (Year to Date)
<b>Cash flows from operating activities</b>							
Payments							
Employee costs	- 259,732.34	- 280,026.23	- 290,033.86	- 374,698.08	- 281,014.52	- 283,264.70	- 1,485,505.03
Materials and contracts	- 489,960.05	- 252,409.90	- 176,421.49	- 359,780.69	- 285,349.16	- 169,232.07	- 1,563,921.29
Interest	- 4,148.51	-	-	-	- 2,995.62	- 10,870.47	- 7,144.13
Other	- 29,966.89	- 69,054.75	- 52,617.77	- 80,824.91	- 23,849.60	- 32,135.15	- 256,313.92
	- 783,807.79	- 601,490.88	- 519,073.12	- 815,303.68	- 593,208.90	- 495,502.39	- 3,312,884.37
Receipts							
Rates	98,749.91	1,287,791.14	1,399,266.96	201,106.06	519,769.80	329,069.98	3,506,683.87
User charges	65,479.66	44,553.00	127,713.29	47,010.97	31,174.71	69,604.49	315,931.63
Interest received	18,471.63	6,408.06	16,386.98	20,750.03	8,083.13	15,117.45	70,099.83
Subsidies			11,655.00				11,655.00
Other revenue grants	150.00	435,460.50			466,410.50	4,545.45	902,021.00
GST Refunds from ATO							
Other	34,923.65	94,315.16	66.01	- 17,193.20	- 31,632.04	70,015.89	80,479.58
	217,774.85	1,868,527.86	1,555,088.24	251,673.86	993,806.10	488,353.26	4,886,870.91
<b>Net cash from operating activities</b>	- 566,032.94	1,267,036.98	1,036,015.12	- 563,629.82	400,597.20	- 7,149.13	1,573,986.54
<b>Cash flows from investing activities</b>							
Payments for property, plant & equipment	- 66,086.49	- 82,224.34	- 450,270.92	- 360,407.41	- 92,140.02	- 184,331.75	- 1,051,129.18
Proceeds from sale of property, plant & equipment	30,840.90	15,054.55	147,996.46	32,540.91	54.55	381.82	226,487.37
Proceeds from Capital grants						800,000.00	
Proceeds from Investments							
Payment for Investments							
<b>Net cash used in investing activities</b>	- 35,245.59	- 67,169.79	- 302,274.46	- 327,866.50	- 92,085.47	616,050.07	- 824,641.81
<b>Cash flows from financing activities</b>							
Repayment of borrowings	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
Proceeds from borrowings							
<b>Net cash from (used in) financing activities</b>	- 7,060.07				- 14,548.10	- 25,330.69	- 21,608.17
<b>Net increase/(decrease) in cash held</b>	- 608,338.60	1,199,867.19	733,740.66	- 891,496.32	293,963.63	583,570.25	727,736.56
Cash at beginning of reporting year	12,368,944.95	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	12,368,944.95
<b>Cash at end of reporting year</b>	11,760,606.35	12,960,473.54	13,694,214.20	12,802,717.88	13,096,681.51	13,680,251.76	13,096,681.51

SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2019/20

SUMMARY SHEET

PROGRAM	YTD ACTUAL (as at 31 December 19)	YTD BUDGET (as at 31 December 19)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET REVISED INC. GRANTS & OTHER
<b>INFRASTRUCTURE</b>					
Roads	746,883	676,869	70,014	110.34%	3,205,738
Bridges	11,528	23,749	12,221	48.54%	383,498
Walkways	108,632	119,965	11,333	90.55%	214,930
Lighting	45,044	42,882	2,162	105.04%	85,764
Irrigation	-	-	-	-	-
Drainage	8,493	15,036	6,543	56.48%	78,072
Waste	417,724	441,775	24,051	94.56%	901,549
Public Toilets	37,249	34,491	2,758	108.00%	66,982
Communications	-	-	-	-	-
Signage	4,948	5,076	128	97.48%	7,020
<b>INFRASTRUCTURE TOTAL:</b>	<b>1,380,501</b>	<b>1,359,843</b>	<b>-20,658</b>	<b>101.52%</b>	<b>4,943,553</b>
<b>GROWTH</b>					
Residential	-	-	-	-	-
Tourism	33,985	40,690	6,705	83.52%	62,380
Business	106,992	116,499	9,507	91.84%	971,998
Agriculture	-	-	-	-	-
<b>GROWTH TOTAL:</b>	<b>140,977</b>	<b>157,189</b>	<b>16,212</b>	<b>89.69%</b>	<b>1,034,378</b>
<b>LANDSCAPES</b>					
Heritage	135,478	170,854	35,376	79.29%	335,907
Natural	100,096	100,565	469	99.53%	188,629
Cultural	5,207	20,214	15,007	25.76%	40,427
Regulatory	335,922	422,027	86,105	79.60%	846,586
Climate Change	-	-	-	-	-
<b>LANDSCAPES TOTAL:</b>	<b>576,704</b>	<b>713,660</b>	<b>136,956</b>	<b>80.81%</b>	<b>1,411,549</b>
<b>LIFESTYLE</b>					
Youth	156,468	142,160	14,308	110.06%	264,320
Aged	1,011	1,500	489	67.42%	1,500
Childcare	4,000	5,750	1,750	69.57%	6,500
Volunteers	12,799	35,000	22,201	36.57%	40,000
Access	-	-	-	-	-
Public Health	1,479	5,094	3,615	29.03%	10,189
Recreation	169,048	225,317	56,269	75.03%	462,022
Animals	44,137	55,068	10,931	80.15%	110,137
Education	-	-	-	-	-
<b>LIFESTYLE TOTAL:</b>	<b>388,942</b>	<b>469,889</b>	<b>80,947</b>	<b>82.77%</b>	<b>894,668</b>
<b>COMMUNITY</b>					
Retention	-	-	-	-	-
Capacity	35,818	27,213	8,605	131.62%	41,925
Safety	25,274	24,100	1,174	104.87%	51,200
Consultation	6,488	10,650	4,162	60.92%	21,300
<b>COMMUNITY TOTAL:</b>	<b>67,580</b>	<b>61,963</b>	<b>5,617</b>	<b>109.06%</b>	<b>114,425</b>
<b>ORGANISATION</b>					
Improvement	41,992	57,058	15,066	73.60%	114,116
Sustainability	940,733	1,264,466	323,733	74.40%	2,370,532
Finances	106,315	112,272	5,957	94.69%	306,907
<b>ORGANISATION TOTAL:</b>	<b>1,089,040</b>	<b>1,433,796</b>	<b>344,756</b>	<b>75.96%</b>	<b>2,791,555</b>
<b>TOTALS</b>	<b>3,643,744</b>	<b>4,196,340</b>	<b>552,596</b>	<b>86.83%</b>	<b>11,190,128</b>



<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 11th January 2020		Last Financial Year 11th January 2019	
Arrears brought forward as at July 1		\$ 429,240.71		\$ 419,894.17
ADD current rates and charges levied		\$ 5,625,571.60		\$ 5,297,326.00
ADD current interest and penalty		\$ 46,077.42		\$ 43,352.62
<b>TOTAL rates and charges demanded</b>	100.00%	<b>\$ 6,100,889.73</b>	100.00%	<b>\$ 5,760,572.79</b>
LESS rates and charges collected	59.46%	\$ 3,627,523.35	59.70%	\$ 3,438,945.90
LESS pensioner remissions	3.90%	\$ 238,124.99	3.93%	\$ 226,238.81
LESS other remissions and refunds	-0.16%	-\$ 9,646.55	0.27%	\$ 15,509.49
LESS discounts	0.48%	\$ 29,518.35	0.50%	\$ 28,524.85
<b>TOTAL rates and charges collected and remitted</b>	<b>63.69%</b>	<b>\$ 3,885,520.14</b>	<b>64.39%</b>	<b>\$ 3,709,219.05</b>
<b>UNPAID RATES AND CHARGES</b>	<b>36.31%</b>	<b>\$ 2,215,369.59</b>	<b>35.61%</b>	<b>\$ 2,051,353.74</b>

**18. MUNICIPAL SEAL**

Nil.

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

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

**RECOMMENDATION**

**THAT in accordance with Regulation 15 of the *Local Government (Meeting Procedures) Regulations 2015*, the following items are to be dealt with in Closed Session.**

<b>Matter</b>	<b><i>Local Government (Meeting Procedures) Regulations 2015 Reference</i></b>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Legal Matter</i>	15(2)(i)

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**RECOMMENDATION**

**THAT in accordance with Regulation 15(2) of the *Local Government (Meeting Procedures) Regulations 2015*, Council move into Closed Session and the meeting be closed to members of the public.**

<b>DECISION (MUST BE BY ABSOLUTE MAJORITY)</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr D F Fish		
Clr K Dudgeon		
Clr R McDougall		

## **CLOSED COUNCIL AGENDA**

### **20. BUSINESS IN “CLOSED SESSION”**

*Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015 provides that Council may consider certain sensitive matters in Closed Meeting.*

*The following matters have been listed in the Closed Meeting section of the Council Agenda in accordance with Regulation 15 of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.1 CLOSED COUNCIL MINUTES - CONFIRMATION**

#### **20.2 APPLICATIONS FOR LEAVE OF ABSENCE**

#### **20.3 LEGAL MATTER**

**RECOMMENDATION**

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

<b>DECISION</b>		
<b>Councillor</b>	<b>Vote FOR</b>	<b>Vote AGAINST</b>
Mayor A O Green		
Deputy Mayor E Batt		
Clr A Bantick		
Clr A E Bisdee OAM		
Clr K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## OPEN COUNCIL AGENDA

### 21. CLOSURE