

SOUTHERN  
MIDLANDS  
COUNCIL



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

---

Wednesday, 22<sup>nd</sup> September 2021  
10.00 a.m.

Oatlands Municipal Offices  
71 High Street, Oatlands

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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> September 2021**

**Time: 10.00 a.m.**

**Venue: Oatlands Municipal Offices, 71 High Street, Oatlands**

*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.*

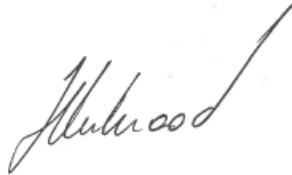
*I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:*

- (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 will be held at 10.30 a.m. – members of the public are invited to attend.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'TF Kirkwood', written in black ink.

TF Kirkwood  
**GENERAL MANAGER**

## OPEN COUNCIL AGENDA

### 1. PRAYERS

Rev Dennis Cousens to recite prayers.

### 2. ACKNOWLEDGEMENT OF COUNTRY

*We acknowledge the Traditional Custodians of the land on which we meet today, and recognise their continuing connection to the land, water and to community. We pay respects to Elders past, present and emerging.*

### 3. ATTENDANCE

### 4. APOLOGIES

### 5. MINUTES

#### 5.1 Ordinary Council meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 25<sup>th</sup> August 2021, 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		

## 5.2 Special Committees of Council Minutes

### 5.2.1 Special Committees of Council - Receipt of Minutes

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

- Lake Dulverton & Callington Park Management Committee – 6<sup>th</sup> September 2021
- Woodsdale Community Memorial Hall General and AGM Minutes – 6<sup>th</sup> September 2021
- Facilities and Recreation Committee Minutes – 8<sup>th</sup> September 2021

### 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		

### 5.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Lake Dulverton & Callington Park Management Committee – 6<sup>th</sup> September 2021
- Woodsdale Community Memorial Hall General and AGM Minutes – 6<sup>th</sup> September 2021
- Facilities and Recreation Committee Minutes – 8<sup>th</sup> September 2021

### 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		

**5.3 Joint Authorities (Established Under Division 4 of the *Local Government Act 1993*)**

**5.3.1 Joint authorities - Receipt of Minutes**

Nil.

**5.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)**

Nil.



## 6. 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 was held since the last Ordinary Meeting.

A workshop was held on the 13<sup>th</sup> September 2021 at the Council Chambers, Kempton commencing at 9.30 a.m.

Attendance: Mayor A Green, Deputy Mayor E Batt, Cllrs A Bantick, A E Bisdee OAM, K Dudgeon, D Fish and R McDougall.

Apologies: Nil.

Also in Attendance: T Kirkwood, A Benson, D Richardson, and J Crosswell.

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

- **Destination Southern Tasmania (CEO – Alex Heroys)**

Presentation from Alex Heroys - provided an update and commentary in relation to DST activities.

- **Tasmanian Library Advisory Board – LGAT Nominees**

Determined not to submit a nomination.

- **Jones Subdivision – Main Street, Kempton (Infrastructure / Development Incentive Agreement)**

Discussion of process and proposed timing for the release of funds.

- **Weed Management – Staff Resource**

Confirmed level of resources available and option(s) available to provide services.

- **Federal Regional Telecommunications Review**

The Australian Government, under the *Telecommunications (Consumer Protection and Service Standards) Act 1999* (Part 9B), has formed the Regional Telecommunications Independent Review Committee (the Committee) to review telecommunications services in regional, rural and remote parts of Australia. The review is undertaken every three years.

As part of this review process, the Local Government Association of Tasmania (LGAT) is seeking council's feedback on regional telecommunications issues.

In particular, the committee will be considering:

- the impact of Government policies and programs to improve regional connectivity and digital inclusion (like the Regional Connectivity Program);
- insights from COVID-19 on the changing digital needs of regional, rural and remote areas;
- service reliability issues which impact regional communities and options for mitigating them;
- the role of emerging technologies in delivering telecommunications services in regional Australia;
- ways of encouraging further investment in regional telecommunications;
- the role of telecommunications in supporting broader regional development goals; and
- ways to improve co-ordination between government and industry in telecommunications investment.

The detailed Issues Paper is attached for your reference.

LGAT would welcome feedback by 17 September 2021.

Comments to be submitted:

- The review should identify / recommend a structure (and process) to enable local government to partner with Telecommunication companies to facilitate the provision of infrastructure
- The review should identify / recommend a structure (and process) to require Telecommunication companies to identify opportunities to better utilise existing resources (i.e. co-locate infrastructure on towers etc.)
- Review should assess whether the Telecommunication companies are presently fulfilling their legal obligations and responsibilities

*Note: Extend an invitation to the Telstra General Manager (Tasmania) to attend a Council workshop to discuss related matters.*

- **Heritage Building Solutions Pty Ltd & Heritage Education and Skills Centre Ltd**

Preliminary discussion including background information.

- **Australian Government – Department of the Prime Minister and Cabinet - Black Summer Bushfire Recovery Grants Program**

Councillors are aware that in July 2021 the Australian Government, via the new National Recovery and Resilience Agency (NRRA), announced a \$280 million Black Summer Bushfire Recovery Grants Program to help communities address priorities for recovery and resilience after the 2019-20 bushfires across the country.

The Program opened on 22 July 2021 and was originally meant to close on 2 September 2021, however the Australian Government has extended the Program to 6 October 2021. This additional time will hopefully allow eligible Tasmanian LGAs to identify suitable opportunities to leverage this funding. **Eligible LGA's in Tasmania are Southern Midlands, Central Highlands, Break O'Day, Flinders and Glamorgan Spring Bay.**

Andrew Benson provided an update.

The Workshop concluded at approximately 12.35 p.m.

### **RECOMMENDATION**

**THAT the information be received and the outcomes of the workshop(s) noted and endorsed.**

<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		

## **7. COUNCILLORS – QUESTION TIME**

### **7.1 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.

## 7.2 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.

## **8. 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*.

## 9. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

## **10. 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 members of the public in attendance.

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

Nil.



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

Nil.

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

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

**12.1 Development Applications**

**12.1.1 Development Application (DA2020/145) for Alterations to Bridge, Blackman River Bridge, Tunbridge applicant Pitt & Sherry on behalf of the Department of State Growth**

*File Reference:* DA2020/145

**Authors:** PLANNING OFFICER (LOUISA BROWN)  
MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

**DATE** 17 SEPTEMBER 2021

**ATTACHMENT(s):**

*Development Application Documents*

*Representation 1*

*Heritage Referral by Bradley Williams*

*Notice of Heritage Decision – Tasmanian Heritage Council*

**PROPOSAL**

Pitt & Sherry on behalf of the Department of State Growth, have applied for a Permit under the Land Use Planning and Approvals Act 1993 (“the Act”) for alterations to bridge (utility), which includes the renewal of timber superstructure and barriers to Tunbridge Bridge. The proposal includes the replacement of the timber superstructure with new engineered timber beams structures, a concrete deck and new barriers. This application was submitted to Council in November 2020. Additional Information was requested and received in July 2021.

Tunbridge Bridge (Blackman River Bridge) is situated over the Blackman River within Southern Midlands Council and Northern Midlands Council. The work is proposed within both local government areas.

Tunbridge Bridge is within the Village Zone, is a Heritage Place within the Southern Midlands Interim Planning Scheme 2015 and is listed on the Tasmanian Heritage Register as Tunbridge Bridge (Blackman River) (Registered Place Number 5585). The Tasmanian Heritage Council have been referred the application and responded on 24 August 2021 with Notice of Heritage Decision No.6420, consenting to the discretionary permit being granted, subject to conditions as stated within the Notice. Please see enclosed Notice of Heritage Decision.

Under the Planning Scheme the proposal is defined as a utility “use of land for infrastructure”. The proposal is to be assessed against the provisions of the utility use standards of the village Zone and applicable Codes. These matters are described and assessed in this report.

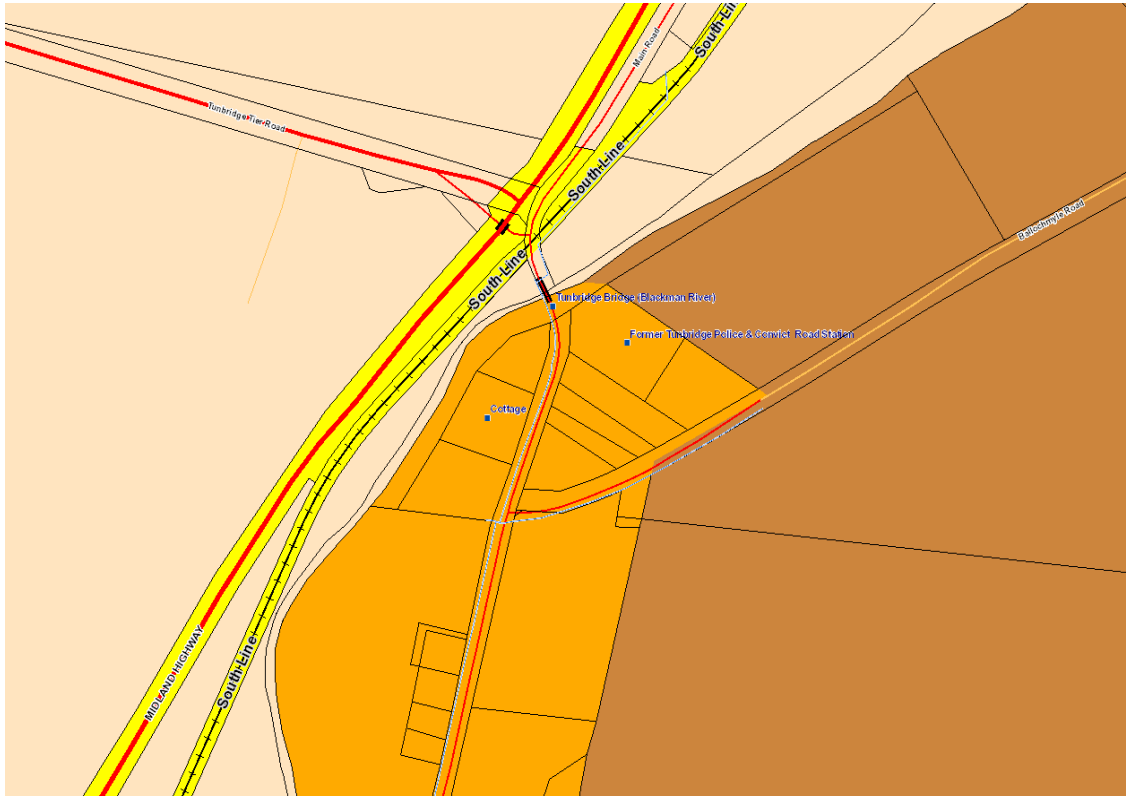
A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period one (1) representation was received and is considered below.

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

## THE SITE

Tunbridge Bridge Old Main Road Tunbridge is located on Map 1 below and identifies the zoning of the property and surrounding land. The bridge is situated south of the Midlands Highway and the Southern Railway Line. The Bridge served as a northern access into Tunbridge, a further access is located to the south off the Midland Highway.



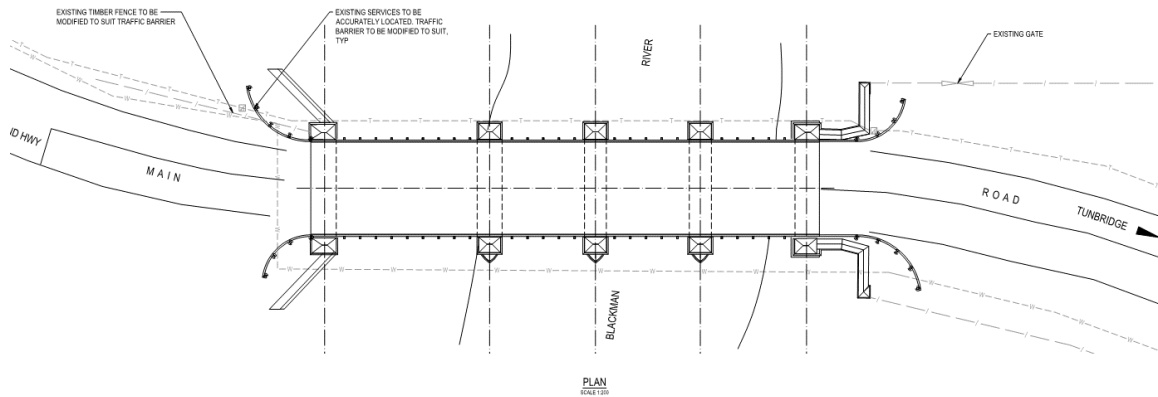
Map 1\_Tunbridge Bridge is located in the village Zone (orange) Nearby properties zoned Significant Agriculture (brown) and Village (orange) adjoining the site (Source: LISTmap).



Map 2 \_ Aerial image of the subject land and surrounding area. (Source: LISTmap).



Image 1 \_ Photograph of Tunbridge Bridge



Map 3 \_ Site Plan of the proposal. (Source: Pitt & Sherry).

## THE APPLICATION

The application has been submitted with plans and supporting documentation describing the proposal and addressing planning requirements, to accompany the Development Application form. The application includes the following documents:

- Blackman River Bridge Planning report prepared by Pitt & Sherry (November 2020)
- Proposed Plans
- Heritage Assessment prepared by Peter Spratt (2014)
- Tasmanian Heritage Register Datasheet
- Additional Information response prepared by Pitt & Sherry (July 2021)

### General description

An application for a planning permit for replacement works to Tunbridge Bridge was submitted to Council in November 2020.

Following a fire in 2019 the bridge has remained closed to traffic. A Structural Assessment prepared by Pitt & Sherry in May 2021 confirmed that the timber superstructure has rot present in all girders, timber spreader beams and within some timber planks to the deck. The sandstone superstructure is in a good condition.

The proposed alterations to the bridge include replacing the existing timber superstructure with new engineered timber beams, a concrete deck and new barriers. These alterations will enable the bridge to achieve a load capacity suitable for highway standard freight vehicles.

### Heritage

Tunbridge Bridge is listed on the Tasmanian Heritage Register and is identified as a Heritage Place in the Southern Midlands Planning Scheme 2015.

The Tasmanian Heritage Council have been referred the application and responded on 24 August 2021 with Notice of Heritage Decision No.6420, consenting to the discretionary permit being granted, subject to conditions as stated within the Notice.

Brad Williams Manager Heritage Projects, Southern Midlands Council has provided a comprehensive Heritage Referral, which is enclosed.

**USE/DEVELOPMENT DEFINITION**

*The proposed use and development is defined, under the Planning Scheme, as utility. The use is Discretionary in the Village Zone.*

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

**Due to the status of ‘utility’ in the village zone, the application must be considered at the discretion of the Council. Further discretions are generated by the application of the Historic Heritage Code.**

*As a discretionary development, the application was advertised in accordance with Section 57 of the Act. Accordingly Council has the discretion to grant a permit or refuse to grant a permit.*

**PUBLIC NOTIFICATION AND REPRESENTATIONS**

**The application was advertised from the 31 July 2021, for fourteen (14) days. During this period Council received one (1) representation was received and is detailed in the table below. Please also refer to the Heritage Referral Document for the Heritage Commentary.**

<b>Representation</b>	<b>Council Officer Comment Commentary</b>
<i>As residents of Tunbridge we are disappointed not to have received a notice under SR 262 considering the significance of this application to the town of Tunbridge. We believe all local stakeholders should have been notified.</i>	Notification as required pursuant to the Land Use Planning and Approvals Act 1993 was correctly undertaken. Adjoining land owners notified, notice of the application was erected at the Bridge and on the community notice board and notice given in the Mercury newspaper.
<i>Provision of Crown Consent from the Department of Primary Industries, Parks, Water and Environment</i>	Crown consent was given on 29 October 2020 and formed part of the application document.
<i>Assessment of application by the Tasmanian Heritage Council.</i>	The Tasmanian Heritage Council provide an assessment and a determination of applications after the public advertising period closes.
<i>A clear explanation as to the reason for the significant change to the fabric of the bridge to facilitate usage by “highway standard freight vehicles” (T44 included).</i>	This is not considered a Planning matter, however further correspondence with Pitt & Sherry suggest that the proposed alterations will allow the bridge to continue operating as before. When a bridge is refurbished, where possible load limits are removed, as they are difficult to enforce and limit the communities use of the structure.

	<p>Whilst load limits of bridges are not a consideration under the historic heritage code, interventions to the fabric of a bridge resulting from such a desire are a consideration. Please also refer to the Heritage Referral Document for the Heritage Commentary.</p>
<p><i>Main Rd traffic volume report on usage post upgrade and structural engineers report on road suitability/road category change recommendation to carry vehicles mentioned above. It is our understanding that certain types of heavy vehicle require a permit to travel on suburban streets.</i></p>	<p>This is not considered to be a Planning matter, as it is not controllable under the planning scheme. However further correspondence with Pitt &amp; Sherry suggest that the proposed alterations will allow the bridge to continue operating as before.</p>
<p><i>An assessment of lane width on the bridge as it will not comply with Australian Standards for dual carriageway usage.</i></p>	<p>This is not a consideration under the planning scheme, nor directly a heritage matter, however please refer to the Heritage Referral Document for the Heritage Commentary.</p>
<p><i>We are further wishing to express our disappointment at the lack of stakeholder engagement.          The upgrade to allow the bridge to be used by locals and visitors whilst retaining the bridge's heritage fabric and characteristics would suggest a different type of upgrade than what is proposed.</i></p>	<p>It is noted that Stakeholder engagement has occurred for several years, however no engagement has been sought with the community recently.</p> <p>It is considered that a suitable range of options for how the repairs to the bridge could be undertaken have been provided. Please refer to the Heritage Referral Document for the Heritage Commentary for a more detailed analysis of these options in terms of the heritage impact.</p>

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### Village Zone

Tunbridge Bridge is located in the Village Zone. The proposal is considered against the Zone purpose statements as follows:-

The proposal must satisfy the requirements of the following relevant use and development standards of the Village Zone:



## 16.0 Village Zone

### 16.1 Zone purpose

16.1.1 Zone Purpose Statement	OFFICER COMMENT
To provide for small rural centres with a mix of residential, community services and commercial activities.	The proposal meets the zone purpose.
16.1.1.2 To provide for residential and associated development in small communities.	The proposal meets the zone purpose.
16.1.1.3 To ensure development is accessible by walking and cycling.	The proposal meets the zone purpose.
16.1.1.4 To allow for a small shopping precinct that may include supermarket, tourism related business and a range of shops and rural services.	The proposal meets the zone purpose.
16.1.1.5 To allow for office based employment provided that it supports the viability of the centre and the surrounding area and maintains an active street frontage.	The proposal meets the zone purpose.
16.1.1.6 To provide for the efficient utilisation of existing reticulated services in the serviced villages of Bagdad, Campania, Colebrook, Kempton and Tunbridge.	NA

### 16.1.2 Local Area Objectives

There are no Local Area Objectives for this zone.

### 16.1.3 Desired Future Character Statements

There are no Desired Future Character Statements for this zone.

## 16.2 Use Table

Use Standards		
16.3.1 Non-residential Use		
<i>To ensure that non-residential use does not unreasonably impact residential amenity.</i>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1  Hours of operation must be within:	P1  Hours of operation must not have an unreasonable impact upon the residential amenity through commercial vehicle movements, noise	<i>Not applicable for the proposed alterations to the existing structure.</i>

<p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm Sundays and Public Holidays; except for office and administrative tasks or visitor accommodation.</p>	<p>or other emissions that are unreasonable in their timing, duration or extent.</p>	
<p>A2</p> <p>Noise emissions measured at the boundary of the site must not exceed the following:</p> <p>(a) 55 dB(A) (LAeq) between the hours of 8.00 am to 6.00 pm;</p> <p>(b) 5dB(A) above the background (LA90) level or 40dB(A) (LAeq), whichever is the lower, between the hours of 6.00 pm to 8.00 am;</p> <p>(c) 65dB(A) (LAmax) at any time.</p> <p>Measurement of noise levels must be in accordance with the methods in the Tasmanian Noise Measurement Procedures Manual, issued by the Director of Environmental Management, including adjustment of noise levels for tonality and impulsiveness.</p> <p>Noise levels are to be averaged over a 15 minute time interval.</p>	<p>P2</p> <p>Noise emissions measured at the boundary of the site must not cause environmental harm.</p>	<p><i>Not applicable for the proposed alterations to the existing structure.</i></p>
<p>A3</p> <p>External lighting must comply with all of the following:</p>	<p>P3</p> <p>External lighting must not adversely affect existing or future residential amenity,</p>	<p><i>Not applicable, no lighting is proposed as a part of the application.</i></p>

<p>(a) be turned off between 9:00 pm and 6:00 am, except for security lighting;</p> <p>(b) security lighting must be baffled to ensure they do not cause emission of light into adjoining private land.</p>	<p>having regard to all of the following:</p> <p>(a) level of illumination and duration of lighting;</p> <p>(b) distance to habitable rooms in an adjacent dwelling.</p>	
<p>A4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) to or from a site must be limited to 40 vehicle movements per day and be within the hours of:</p> <p>(a) 7.00 am to 9.00 pm Mondays to Fridays inclusive;</p> <p>(b) 8.00 am to 6.00 pm Saturdays;</p> <p>(c) 9.00 am to 5.00 pm on Sundays and Public Holidays.</p>	<p>P4</p> <p>Commercial vehicle movements, (including loading and unloading and garbage removal) must not result in unreasonable adverse impact upon residential amenity having regard to all of the following:</p> <p>(a) the time and duration of commercial vehicle movements;</p> <p>(b) the number and frequency of commercial vehicle movements;</p> <p>(c) the size of commercial vehicles involved;</p> <p>(d) the ability of the site to accommodate commercial vehicle turning movements, including the amount of reversing (including associated warning noise);</p> <p>(e) noise reducing structures between vehicle movement areas and dwellings;</p> <p>(f) the level of traffic on the road;</p> <p>(g) the potential for conflicts with other traffic.</p>	<p><i>Not applicable for the proposed alterations to the existing structure.</i></p>

**Development Standards**

<b>16.4.1 Building Height</b>		
To ensure that building height contributes positively to the streetscape and does not result in unreasonable impact on amenity of adjoining land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Building height must be no more than:</p> <p>8.5 m.</p>	<p>P1</p> <p>Building height must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p>(i) overlooking and loss of privacy;</p> <p>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact when viewed from adjoining lots, due to bulk and height;</p> <p>(c) not unreasonably overshadow adjacent public space;</p> <p>(d) allow for a transition in height between adjoining buildings, where appropriate;</p>	<p><i>Not applicable, no buildings proposed, alterations to existing bridge only.</i></p>
<b>16.4.2 Setback</b>		
To ensure that building setback contributes positively to the streetscape and does not result in unreasonable impact on residential amenity of adjoining land.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>

<p>A1</p> <p>Building setback from frontage must be parallel to the frontage and must be:</p> <p>(a) A distance not more or less than the maximum and minimum setbacks of the buildings on the adjoining lots if fronting Main Street in Kempton.</p> <p>(b) 4.5 m if fronting any other street.</p>	<p>P1</p> <p>Building setback from frontage must satisfy all of the following:</p> <p>(a) be consistent with any Desired Future Character Statements provided for the area;</p> <p>(b) be compatible with the setback of adjoining buildings, generally maintaining a continuous building line if evident in the streetscape;</p> <p>(c) enhance the characteristics of the site, adjoining lots and the streetscape,</p>	<p><i>Not applicable, no buildings proposed, alterations to existing bridge only.</i></p>
<p>A2</p> <p>Building setback from side and rear boundaries must be no less than:</p> <p>(a) 2 m;</p> <p>(b) half the height of the wall,</p> <p>whichever is the greater.</p>	<p>P2</p> <p>Building setback from side and rear boundaries must satisfy all of the following:</p> <p>(a) be sufficient to prevent unreasonable adverse impacts on residential amenity on adjoining lots by:</p> <p>(i) overlooking and loss of privacy;</p> <p>(ii) overshadowing and reduction of sunlight to habitable rooms and private open space on adjoining lots to less than 3 hours between 9.00 am and 5.00 pm on June 21 or further decrease sunlight hours if already less than 3 hours;</p> <p>(iii) visual impact, when viewed from adjoining lots, through building bulk and massing;</p>	<p><i>Not applicable, no buildings proposed, alterations to existing bridge only.</i></p>

	<p>taking into account aspect and slope.</p>	
<p><b>16.4.3 Design</b>          To ensure that building design for non-residential uses contributes positively to the streetscape, the amenity and safety of the public and adjoining land.</p>		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Building design for non-residential use must comply with all of the following:</p> <p>(a) provide the main pedestrian entrance to the building so that it is clearly visible from the road or publicly accessible areas on the site;</p> <p>(b) for new building or alterations to an existing facade provide windows and door openings at ground floor level in the front façade no less than 40% of the surface area of the ground floor level facade ;</p> <p>(c) for new building or alterations to an existing facade ensure any single expanse of blank wall in the ground level front façade and facades facing other public spaces is not greater than 30% of the length of the facade;</p> <p>(d) screen mechanical plant and miscellaneous equipment such as heat pumps, air conditioning</p>	<p>P1</p> <p>Building design must enhance the streetscape by satisfying all of the following:</p> <p>(a) provide the main access to the building in a way that addresses the street or other public space boundary;</p> <p>(b) provide windows in the front façade in a way that enhances the streetscape and provides for passive surveillance of public spaces;</p> <p>(c) treat large expanses of blank wall in the front façade and facing other public space boundaries with architectural detail or public art so as to contribute positively to the streetscape and public space;</p> <p>(d) ensure the visual impact of mechanical plant and miscellaneous equipment, such as heat pumps, air</p>	<p><i>Not applicable, no buildings proposed, alterations to existing bridge only.</i></p>

<p>units, switchboards, hot water units or similar from view from the street and other public spaces;</p> <p>(e) incorporate roof-top service infrastructure, including service plants and lift structures, within the design of the roof;</p> <p>(f) provide awnings over the public footpath if existing on the site or on adjoining lots;</p> <p>(g) not include security shutters over windows or doors with a frontage to a street or public place.</p>	<p>conditioning units, switchboards, hot water units or similar, is insignificant when viewed from the street;</p> <p>(e) ensure roof-top service infrastructure, including service plants and lift structures, is screened so as to have insignificant visual impact;</p> <p>(f) not provide awnings over the public footpath only if there is no benefit to the streetscape or pedestrian amenity or if not possible due to physical constraints;</p> <p>(g) only provide shutters where essential for the security of the premises and other alternatives for ensuring security are not feasible;</p> <p>(h) be consistent with any Desired Future Character Statements provided for the area.</p>	
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**16.4.4 Landscaping**

To ensure that a safe and attractive landscaping treatment enhances the appearance of sites for non-residential use.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1                      Landscaping must be provided for sites for non-residential use along the frontage for at least 50% of the frontage width, except if front setback is less than 1 m in which case no landscaping is necessary.</p>	<p>P1                      Landscaping must be provided for sites for non-residential use to satisfy all of the following:</p> <p>(a) enhance the appearance of the development;</p> <p>(b) provide a range of plant height and forms to create diversity, interest and amenity;</p> <p>(c) not create concealed entrapment spaces;</p>	<p><i>Not applicable, alterations to existing bridge only.</i></p>

	(d) be consistent with any Desired Future Character Statements provided for the area.	
Along a boundary with a lot used for residential use landscaping must be provided for a depth no less than:  2 m.	P2  Along a boundary with a lot used for residential use landscaping or a building design solution must be provided to avoid unreasonable adverse impact on the visual amenity of the adjoining land, having regard to the characteristics of the site and the characteristics of the adjoining land.	
<p><b>16.4.5 Outdoor Storage Area</b></p> <p>To ensure that outdoor storage areas for non-residential use do not detract from the appearance of the site or the locality.</p>		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  Outdoor storage areas for non-residential uses must comply with all of the following:  (a) be located behind the building line;  (b) all goods and materials stored must be screened from public view;  (c) not encroach upon car parking areas, driveways or landscaped areas.	P1  Outdoor storage areas for non-residential uses must satisfy all of the following:  (a) be located, treated or screened to avoid unreasonable adverse impact on the visual amenity of the locality; (b) not encroach upon car parking areas, driveways or landscaped areas.	<i>Not applicable, no buildings proposed, alterations to existing bridge only.</i>
<p><b>16.4.6 Fencing</b></p>		



To ensure that fencing does not detract from the appearance of the site or the locality and provides for passive surveillance.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>Fencing must comply with all of the following:</p> <p>(a) fences, walls and gates of greater height than 1.5 m must not be erected within 4.5 m of the frontage;</p> <p>(b) fences along a frontage must be at least 50% transparent above a height of 1.2 m;</p> <p>(c) height of fences along side and rear boundaries must be no more than 2.1 m.</p>	<p>P1</p> <p>Fencing must contribute positively to the streetscape and not have an unreasonable adverse impact upon the amenity of the area, having regard to all of the following:</p> <p>(a) the height of the fence;</p> <p>(b) the degree of transparency of the fence;</p> <p>(c) the location and extent of the fence;</p> <p>(d) the design of the fence;</p> <p>(e) the fence materials and construction;</p> <p>(f) the nature of the use;</p> <p>(g) the characteristics of the site, the streetscape and the locality, including fences;</p> <p>(h) any Desired Future Character Statements provided for the area.</p>	<p><i>Not applicable, no fencing is proposed.</i></p>

## Road and Railway Assets Code

### E5.0 Road and Railway Assets Code

The purpose of this provision is to:

- (a) protect the safety and efficiency of the road and railway networks; and
- (b) reduce conflicts between sensitive uses and major roads and the rail network.

The proposal is to provide a new superstructure, deck and barrier to allow the bridge to operate as before, when a fire in 2019 resulted in the closing of the Bridge.

The applicable standards of the Code are addressed in the following tables:

The proposal must satisfy the requirements of the following relevant use and development standards of this code:

<b>Use Standard</b>		
<b>E5.5.1 Existing road accesses and junctions</b>		
To ensure that the safety and efficiency of roads is not reduced by increased use of existing accesses and junctions.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  The annual average daily traffic (AADT) of vehicle movements, to and from a site, onto a category 1 or category 2 road, in an area subject to a speed limit of more than 60km/h , must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.	P1  Any increase in vehicle traffic to a category 1 or category 2 road in an area subject to a speed limit of more than 60km/h must be safe and minimise any adverse impact on the efficiency of the road, having regard to:  (a) the increase in traffic caused by the use; (b) the nature of the traffic generated by the use; (c) the nature of the road; (d) the speed limit and traffic flow of the road; (e) any alternative access to a road; (f) the need for the use; (g) any traffic impact assessment; and (h) any written advice received from the road authority.	<i>NA the bridge is existing and has a speed limit of less than 60km/h.</i>
A2	P2	

<p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of more than 60km/h, must not increase by more than 10% or 10 vehicle movements per day, whichever is the greater.</p>	<p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of more than 60km/h must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> <li>(f) any alternative access to a road;</li> <li>(g) the need for the use;</li> <li>(h) any traffic impact assessment; and</li> <li>(i) any written advice received from the road authority.</li> </ul>	<p><i>NA the bridge is existing and has a speed limit of less than 60km/h.</i></p>
<p>A3</p> <p>The annual average daily traffic (AADT) of vehicle movements, to and from a site, using an existing access or junction, in an area subject to a speed limit of 60km/h or less, must not increase by more than 20% or 40 vehicle movements per day, whichever is the greater.</p>	<p>3</p> <p>Any increase in vehicle traffic at an existing access or junction in an area subject to a speed limit of 60km/h or less, must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <ul style="list-style-type: none"> <li>(a) the increase in traffic caused by the use;</li> <li>(b) the nature of the traffic generated by the use;</li> <li>(c) the nature and efficiency of the access or the junction;</li> <li>(d) the nature and category of the road;</li> <li>(e) the speed limit and traffic flow of the road;</li> <li>(f) any alternative access to a road;</li> <li>(g) the need for the use;</li> <li>(h) any traffic impact assessment; and</li> </ul>	<p><i>Until a fire in 2019 which saw the closure of the Bridge, the Bridge provided access into Tunbridge from the north.</i></p> <p><i>The proposal complies with the Performance Criteria. The proposals seek to provide a new superstructure, deck and barrier to enable the bridge to continue operating as before.</i></p>

	(i) any written advice received from the road authority.	
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<b>E5.6 development Standards</b>		
<b>E5.6.1 Development adjacent to roads and railways</b>		
To ensure that development adjacent to category 1 or category 2 roads or the rail network:		
(a) ensures the safe and efficient operation of roads and the rail network;		
(b) allows for future road and rail widening, realignment and upgrading; and		
(c) is located to minimise adverse effects of noise, vibration, light and air emissions from roads and the rail network.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1.1                      Except as provided in A1.2, the following development must be located at least 50m from the rail network, or a category 1 road or category 2 road, in an area subject to a speed limit of more than 60km/h:</p> <p>(a) new buildings;</p> <p>(b) other road or earth works; and</p> <p>(c) building envelopes on new lots.</p> <p>A1.2                      Buildings, may be:</p> <p>(a) located within a row of existing buildings and setback no closer than the immediately adjacent building; or</p> <p>(b) an extension which extends no closer than:</p> <p>(i) the existing building; or</p> <p>(ii) an immediately adjacent building.</p>	<p>P1                      The location of development, from the rail network, or a category 1 road or category 2 road in an area subject to a speed limit of more than 60km/h, must be safe and not unreasonably impact on the efficiency of the road or amenity of sensitive uses, having regard to:</p> <p>(a) the proposed setback;</p> <p>(b) the existing setback of buildings on the site;</p> <p>(c) the frequency of use of the rail network;</p> <p>(d) the speed limit and traffic volume of the road;</p> <p>(e) any noise, vibration, light and air emissions from the rail network or road;</p> <p>(f) the nature of the road;</p> <p>(g) the nature of the development;</p> <p>(h) the need for the development;</p> <p>(i) any traffic impact assessment;</p> <p>(j) any recommendations from a suitably qualified person for mitigation of noise, if for a habitable building for a sensitive use; and</p> <p>(k) any written advice received from the rail or road authority.</p>	<p><i>The proposal complies with the Performance Criteria, the proposals are within the existing bridge, no new buildings are proposed.</i></p> <p><i>The proposals seek to provide a new superstructure, deck and barrier to enable the bridge to continue operating as before, which is considered safe and will not have an unreasonably impact on the road network.</i></p>

**E5.6.2 Development adjacent to roads and railways**

To ensure that the safety and efficiency of roads is not reduced by the creation of new accesses and junctions.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>No new access or junction to roads in an area subject to a speed limit of more than 60km/h.</p>	<p>P1</p> <p>For roads in an area subject to a speed limit of more than 60km/h, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;                      (b) the nature of the road;                      (c) the speed limit and traffic flow of the road;                      (d) any alternative access;                      (e) the need for the access or junction;                      (f) any traffic impact assessment; and                      (g) any written advice received from the road authority.</p>	<p><i>NA no new access or junctions are proposed.</i></p>
<p>A2</p> <p>No more than one access providing both entry and exit, or two accesses providing separate entry and exit, to roads in an area subject to a speed limit of 60km/h or less.</p>	<p>P2</p> <p>For roads in an area subject to a speed limit of 60km/h or less, accesses and junctions must be safe and not unreasonably impact on the efficiency of the road, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;                      (b) the nature of the road;                      (c) the speed limit and traffic flow of the road;                      (d) any alternative access to a road;                      (e) the need for the access or junction;                      (f) any traffic impact assessment; and</p>	<p><i>NA no new access or junctions are proposed</i></p>

	(g) any written advice received from the road authority.	
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**E5.6.4 Sight Distance at accesses, junctions and level crossings**

To ensure that accesses, junctions and level crossings provide sufficient sight distance between vehicles and between vehicles and trains to enable safe movement of traffic.

<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
<p>A1</p> <p>Sight distances at:</p> <p>(a) an access or junction must comply with the Safe Intersection Sight Distance shown in Table E5.1; and</p> <p>(b) rail level crossings must comply with AS1742.7 Manual of uniform traffic control devices - Railway crossings, Standards Association of Australia.</p>	<p>P1</p> <p>The design, layout and location of an access, junction or rail level crossing must provide adequate sight distances to ensure the safe movement of vehicles, having regard to:</p> <p>(a) the nature and frequency of the traffic generated by the use;</p> <p>(b) the frequency of use of the road or rail network;</p> <p>(c) any alternative access;</p> <p>(d) the need for the access, junction or level crossing;</p> <p>(e) any traffic impact assessment;</p> <p>(f) any measures to improve or maintain sight distance; and</p> <p>(g) any written advice received from the road or rail authority.</p>	<p><i>The existing bridge complies with the Acceptable solution A1.</i></p>

**Historic Heritage Code**

**E13.1 Purpose**

The purpose of the Historic Heritage Code is to recognise and protect the historic cultural heritage significance of places, precincts, landscapes and areas of archaeological potential by regulating development that may impact on their values, features and characteristics.

This code applies to development involving land defined in this code as Heritage Place. Tunbridge Bridge is a Heritage Place in the Southern Midlands Interim Planning Scheme 2015.

In achieving the objectives, the following Performance Criteria must be satisfied (note that where it is concluded the proposal adequately meets the performance criteria these are shaded green – where it is considered that proposal does not meet the performance criteria these are shaded red:

<b>E.13.7.1 – Demolition</b>	
Objective: To ensure that demolition in whole or part of a heritage place does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.	
Performance Criteria	Comments
<p>P1. Demolition must not result in the loss of significant fabric, form, items, outbuildings or landscape elements that contribute to the historic cultural heritage significance of the place unless all of the following are satisfied;</p> <ul style="list-style-type: none"> <li>(a) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</li> <li>(b) there are no prudent and feasible alternatives;</li> <li>(c) important structural or façade elements that can feasibly be retained and reused in a new structure, are to be retained;</li> <li>(d) significant fabric is documented before demolition.</li> <li>(e) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</li> <li>(f) there are no prudent or feasible alternatives.</li> </ul>	<p>The comprehensive history of the bridge provided as part of the conservation management plan (forming part of the application documentation) demonstrates that the timber elements of the bridge, including the bearers, beams, stringers, decking and railings have all been replaced several times in the lifespan of the bridge. It is accepted that the timber elements of the bridge require regular replacement and that their loss and replacement is part of the essential maintenance to provide for cultural continuity of the use of the bridge for its original and significant purpose. Accordingly, the following comments are made against the specific points of the Performance Criteria:</p> <ul style="list-style-type: none"> <li>a. There is no doubt that much of the current bridge fabric is not fit for purpose and that replacement is necessary. It is essential that the bridge remain in use as abandonment of the bridge would result in an extremely adverse heritage impact in the loss of cultural continuity of use and loss of the ability to traverse an important icon to the Tasmanian ‘north-south divide’.</li> <li>b. As per above, and also further articulated in the application documentation, a ‘do nothing’ approach is not feasible and will result in further loss of heritage fabric, amenity and associative meaning.</li> <li>c. The proposal seeks to retain reused bridge beams in a ‘veneered’ façade of the new bridge beam structure. Noting that these existing beams are replacement and not significant fabric in their own right, this action is merely cosmetic, however is considered appropriate.</li> <li>d. The application documentation is considered as providing sufficient existing condition documentation to adequately fulfil this requirement.</li> <li>e. Given that the fabric proposed for removal is not original, and its removal represents the continued precedent of replacement of fabric to maintain the amenity of the bridge, these actions resulting in demolition are not considered detrimental in comparison to the ongoing retention of the use of the bridge.</li> </ul>

	<p>f. A do-nothing approach is not considered feasible in maintaining the amenity of the bridge. Demolition is not considered to be an issue here in that it is only proposed to remove fabric which is not original and of low significance.</p>
<p><b>It is concluded that the proposal adequately meets this Performance Criterion as it does not result in the loss of any significant fabric and that the loss of fabric is necessary to retain the amenity of the bridge which is considered an overarching requisite when compared to demolition of non-original fabric.</b></p>	



The following will consider *building and works other than demolition* on various separate aspects of the proposal against the provisions of Clause E.13.7.2:

<b>E.13.7.2 – Building and Works other than Demolition (note that there are no Acceptable Solutions for this Clause – excluding front fencing which is not applicable in the current case).</b>			
Objectives: To ensure that development at a heritage place is:			
(a) undertaken in a sympathetic manner which does not cause loss of historic cultural heritage significance; and			
(b) designed to be subservient to the historic cultural heritage values of the place and responsive to its dominant characteristics.			
<b>Performance Criteria</b>	<b>Bridge structure</b>	<b>Bridge decking</b>	<b>Bridge railings</b>
P1. Development must not result in any of the following:			
Loss of historic cultural heritage significance to the place through incompatible design, including in height, scale, bulk, form, fenestration, siting, materials, colours and finishes;	The proposal does not appreciably alter the height, scale, bulk and form of the bridge; therefore the proposal is acceptable from those perspectives. Alteration of fenestration and siting is not applicable in this case. The issue in this instance is whether the materials and finishes (lesser-so colours) result in the loss of historic cultural heritage significance of the bridge.		
	The discussion above concludes that the use of laminated timber beams with an edge-veneer of half-log timber is acceptable as a means of retaining a predominantly timber structure, acknowledging changing timber technologies/availability and providing a visually acceptable solution to maintaining the tenor of the timber bridge.	The use of a concrete deck is not considered to be an appropriate/ compatible material in terms of maintaining the overall aesthetic of a timber bridge and there has been no compelling reason beyond build and life cycle cost as to why this is necessary. The use of concrete will <u>substantially alter the appearance of the bridge and is considered to be detrimental to heritage value.</u>	The proposal includes replacing the (non-original) timber railings with steel railings. It is agreed that a compelling case has been made for the need for steel railings for safety reasons – and there is a precedent of vehicular impact into railings which has previously damaged the stonework and could result in personal injury. It is accepted that the use of timber railings does not provide a sufficient safety outcome. The heritage impact assessment has suggested that these may be achieved in steel that has an impressed finish which resembles timber graining – hence providing sufficient performance attributes but giving the appearance of timber. Whilst not an ideal heritage outcome, this is considered acceptable, and this minor use of a non-traditional material can be justified for overarching safety requirements with minimal visual impact and maintains the overall tenor of a timber bridge. Note that the Pitt &
Substantial diminution of the historic cultural heritage significance of the place through loss of significant streetscape elements including plants, trees, fences, walls, paths, out-buildings and other items that contribute to the significance of the place.	The underlying structure of the bridge will not be prominent with the use of half-logs on the outer edges to maintain the current appearance of a log structure. This is considered an acceptable outcome in conjunction with the laminated timber beams. That the proposed repair of the sandstone elements of the bridge is a positive heritage outcome.	As per above. If the bridge can be described as a ‘streetscape element’ then the proposed concrete deck will result in the substantial diminution of the cultural heritage significance through loss of items that contribute to the place (i.e., the tenor of the timber bridge).	

			<p>Sherry Structural Assessment (p11) states that further consideration will need to be given as to the stiffness of any new barriers to ensure that any impact of these does not adversely transfer additional load into the substructure and potentially impact the sandstone. A condition of any approval should seek clarification on this.</p>
<p><b>It is concluded that the proposal does not adequately meet this Performance Criterion</b> as the concrete decking is considered to be unnecessarily detrimental to the tenor of the timber bridge, with the traditional materials being a key aspect of the historic cultural heritage of the place. Further the concrete decking is considered detrimental to the streetscape values of the bridge as it will markedly impact upon the visual characteristics of the deck and road profile.</p>			
<p>P2. Development must be designed to be subservient and complementary to the place through characteristics including:</p>			
<p>a) scale and bulk, materials, built form and fenestration;</p>	<p>The scale, bulk and built form of the proposed bridge structure will not be markedly different than existing (fenestration is not applicable). The use of laminated timber beams with an outer log veneer is considered an acceptable material which demonstrates the evolution of timber availability and technology through time. The continued use of timber structure is considered to be complimentary to the ongoing use of the bridge whilst maintaining the tenor of a timber bridge.</p>	<p>The scale, bulk and built form of the proposed bridge decking will not be markedly different than existing (fenestration is not applicable). The use of concrete decking is a markedly different approach than any deck which has previously been installed on the bridge. The use of concrete is not considered to be complementary to the bridge – with one of the key attributes of the significance of the bridge being its timber framing and decking. The use of concrete as a ‘dominant’ and permanent material is not considered to demonstrate ‘subservience’ in comparison to the softer and more ephemeral timber decking and therefore is not considered able to adequately address this performance criterion.</p>	<p>The scale, bulk and built form of the proposed railing will not be markedly different than existing (fenestration is not applicable) – provided that the recommendation to use steel with a timber profile/grain is used. It is accepted that there is a clear need for certain safety requirements dictating the use of steel over timber therefore the minor negative heritage impact of such can sustain the use of an alternate material.</p>
<p>b) setback from frontage;</p>	<p>Not applicable. The bridge is not considered to have ‘frontage’ by this definition.</p>		

c) siting with respect to buildings, structures and listed elements;	Not applicable. The proposal is for works to the heritage item itself.		
d) using less dominant materials and colours.	The use of glue laminated timber beams is considered acceptable as it represents the evolution of timber technology that is precedented on the bridge. As per the history of the site, the timber structure has been replaced at least four times and this different approach is considered acceptable as it maintains the use of timber and visual impact is mitigated by the affixing of half-logs to the visible sides of the bridge.	A key attribute of the bridge is the use of timber in the decking and structure. The individual boards comprising the deck in particular are discernible which greatly assist in interpreting the heritage values of the bridge and the use of traditional materials. The use of concrete as a more robust and dominant material is inconsistent with the appreciation of that value.	Whilst the use of steel for guard rails is not a traditional material approach, if these are specified to resemble timber and that specification can achieve the required safety outcomes, then this is considered acceptable. If styled appropriately these are unlikely to look any more dominant than the current railings and the intent is that these be the same colour (white).
<p><b>It is concluded that the proposal does not adequately meet this Performance Criterion</b> as the concrete decking is considered to be an incompatible material to the heritage values of the bridge and will be an unreasonably dominant attribute which will inhibit the interpretation of a key aspect of the historic cultural heritage of the place.</p>			
P3. Materials, built form and fenestration must respond to the dominant heritage characteristics of the place, but any new fabric should be readily identifiable as such.	The use of timber, albeit in a different form responds to the dominant heritage characteristics of the place as a timber span bridge. The laminated beams will be discernible from under the bridge as new fabric, but any visual impact will be mitigated by the use of half-logs affixed to the outer edges. The proposed repair of the sandstone elements of the bridge is a positive heritage outcome.	The use of concrete decking is inconsistent with the important attribute of the bridge as being a timber decked bridge.	The railings, if specified to resemble timber will respond to the dominate heritage characterises of the place as a timber span and decked bridge, but will be identifiable as new fabric.
<p><b>It is concluded that the proposal does not adequately meet this Performance Criterion</b> as the concrete decking does not respond to the dominant heritage character of the place.</p>			
P4. Extensions to existing buildings must not detract from the historic cultural heritage significance of the place.	Not applicable – the proposal does not constitute an extension to an existing building.		

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<p>P5. New front fences and gates must be sympathetic in design, (including height, form, scale and materials), to the style, period and characteristics of the building to which they belong.</p>	<p>Not applicable – the proposal does not constitute new front fences or gates.</p>
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## Concluding Remarks and **RECOMMENDATION:**

It is concluded that the proposed development does not adequately meet the Performance Criteria of the applicable Clause E.13.7.2 P1, P2 and P3 of the Southern Midlands Interim Planning Scheme 2015, therefore the proposal as it stands must be **refused on heritage grounds**.

The key points where the proposal does not adequately meet the Performance Criteria are as per the table below, with suggestions as to how amendment of such may achieve compliance with the scheme;

Element	Suggested change
Concrete deck	A timber deck will maintain the heritage values of the bridge by retaining the tenor of a timber spanned and decked bridge. Whilst this may require variation of load limits and is not as desirable from a lifecycle cost perspective, an acceptable heritage outcome would arise from installation of a timber deck. This is considered to be the only way the applicable performance criteria may be adequately addressed. A concrete deck must be refused under those scheme provisions. <b>This may form a condition of any approval.</b>
Steel railings.	The impact of steel railings would be adequately mitigated by specifying a steel profile with an impressed woodgrain effect and by a suitable dimension and paint finish. <b>This may form a condition of any approval.</b>

If the above conditions are included on any permit, the application is not recommended for refusal on heritage grounds.

### Conditions:

1. That the installation of a **concrete deck is not approved**. Specifications for a timber deck must be provided to the satisfaction of Council's Planning Officer prior to the commencement of works. If possible, this is to be constructed by traditional methods using Australian hardwood, however an alternative methodology *may* be considered provided that timber is the predominant material.
2. That the steel railings must be of a specification which resembles timber and an assessment of their potential to negatively impact upon the stone bridge abutments and pylons must be undertaken further to Section 3.5 of the *Blackman River Bridge Structural Assessment* (Pitt & Sherry 13/5/2021). Specifications to achieve this must be provided to the satisfaction of Council's Planning Officer prior to the commencement of works.
3. The recommendations for sandstone repair/conservation of Section 6 of the *Blackman River Bridge, Tunbridge, Detailed Fabric Assessment* (Peter Spratt, 14/4/2021) must be implemented as part of any superstructure renewal works.

### Advice

None.

## CONCLUSION

The report has assessed a Development Application for Alterations to Bridge at Tunbridge Bridge (Blackman River Bridge).

One (1) representation has been received and the concerns raised have been addressed in this report.

The proposal has been found to comply with all the relevant standards of the Village Zone and the applicable Codes, subject to Heritage Conditions.

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 (DA 2020/145) Blackman River Bridge Tunbridge, Alterations to Bridge and that a permit be issued with the following conditions:**

## CONDITIONS

### General

- 1) The use or development must be carried out substantially in accordance with the application for planning approval, the endorsed drawings and with the conditions of this permit and must not be altered or extended without the further written approval of Council.
- 2) This permit shall not take effect and must not be acted on until 15 days after the date of receipt of this letter or the date of the last letter to any representor, whichever is later, in accordance with section 53 of the Land Use Planning and Approvals Act 1993.

### Heritage

- 3) That the installation of a **concrete deck is not approved**. Specifications for a timber deck must be provided to the satisfaction of Council's Planning Officer prior to the commencement of works. If possible, this is to be constructed by traditional methods using Australian hardwood, however an alternative methodology may be considered provided that timber is the predominant material.
- 4) That the steel railings must be of a specification which resembles timber and an assessment of their potential to negatively impact upon the stone bridge abutments and pylons must be undertaken further to Section 3.5 of the Blackman River Bridge Structural Assessment (Pitt & Sherry 13/5/2021). Specifications to achieve this must be provided to the satisfaction of Council's Planning Officer prior to the commencement of works.
- 5) The recommendations for sandstone repair/conservation of Section 6 of the Blackman River Bridge, Tunbridge, Detailed Fabric Assessment (Peter Spratt, 14/4/2021) must be implemented as part of any superstructure renewal works.

## Heritage Tasmania

- 6) Compliance with any conditions or requirements of the Tasmanian Heritage Council in the attached 'Notice of Heritage Decision' No. 6420 dated 24 August 2021 (as attached).

## Environmental Management Plan

- 7) The applicant shall provide Council with an approved copy of the Environmental Management Plan.

### Services

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

## Protection of Water Quality

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

## Construction Amenity

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

Monday to Friday	7:00 a.m. to 6:00 p.m.
Saturday	8:00 a.m. to 6:00 p.m.
Sunday and State-wide public holidays	10:00 a.m. to 6:00 p.m.
- 10) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
  - a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b. The transportation of materials, goods and commodities to and from the land.
  - c. Obstruction of any public footway or highway.
  - d. Appearance of any building, works or materials.



- e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 11) 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.
- 12) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

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

- A. This Planning Permit is in addition to the requirements of the *Building Act 2016*. Approval in accordance with the *Building Act 2016* may be required prior to works commencing. A copy of the *Directors Determination – categories of Building Work and Demolition Work* is available via the Customer Building and Occupational Services (CBOS) website.
- B. If you notify Council that you intend to commence the use or development before the date specified above you forfeit your right of appeal in relation to this permit.
- C. This planning approval shall lapse at the expiration of two (2) years from the date of the commencement of planning approval if the development for which the approval was given has not been substantially commenced. Where a planning approval for a development has lapsed, an application for renewal of a planning approval for that development shall be treated as a new application.
- D. Appropriate temporary erosion and sedimentation control measures during construction include, but are not limited to, the following -
  - a. Minimise site disturbance and vegetation removal;
  - b. Diversion of up-slope run-off around cleared and/or disturbed areas, or areas to be cleared and/or disturbed, provided that such diverted water will not cause erosion and is directed to a legal discharge point (e.g. temporarily connected to Council's storm water system, a watercourse or road drain);
  - c. Sediment retention traps (e.g. sediment fences, straw bales, grass turf filter strips, etc.) at the down slope perimeter of the disturbed area to prevent unwanted sediment and other debris escaping from the land;
  - d. Sediment retention traps (e.g. sediment fences, straw bales, etc.) around the inlets to the stormwater system to prevent unwanted sediment and other debris blocking the drains; and
  - e. Rehabilitation of all disturbed areas as soon as possible.

<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		

**12.2 Subdivisions**

Nil.

**12.3 Municipal Seal (Planning Authority)**

Nil.

**12.4 Planning (Other)**

Nil.

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

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

### **13.1 Roads**

**Strategic Plan Reference 1.1**

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

Nil.

### **13.2 Bridges**

**Strategic Plan Reference 1.2**

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

Nil.

### **13.3 Walkways, Cycle ways and Trails**

**Strategic Plan Reference 1.3**

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

Nil.

### **13.4 Lighting**

**Strategic Plan Reference 1.4**

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

Nil.

### **13.5 Buildings**

**Strategic Plan Reference 1.5**

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

Nil.

### **13.6 Sewers / Water**

**Strategic Plan Reference(s) 1.6**

*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.

### **13.7 Drainage**

**Strategic Plan Reference 1.7**

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

Nil.

## 13.8 Waste

### Strategic Plan Reference 1.8

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

#### 13.8.1 Southern Waste Joint Authority and Recycling Tender

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

**Date:** 20 AUGUST 2021

**Enclosure(s):**

*Project Plan*

#### ISSUE

The purpose of this report is to:

- a) seek approval to proceed with a tender to secure a new contract for the processing of Recyclable Materials; and
- b) seek approval for the establishment of a new Joint Authority (with other Southern Tasmanian councils) to manage the new recycling contract (and other waste related issues) on behalf of the region.

#### BACKGROUND

There have been numerous changes associated with the processing of recyclables over recent years, these include:

- Impacts of a decision by China to restrict the import of material
- Decisions by the Australian Government to restrict the export of recyclables
- The Council's (then) contractor for the processing of recyclables, SKM Industries Pty Ltd (SKM) being placed into administration.
- The subsequent acquisition of SKMs assets by Cleanaway Pty Ltd.
- Agreement (in December 2019) that Cleanaway Pty Ltd would accept the Councils recyclables for 2 years.

This arrangement allowed the Council (and region) time to prepare to procure a new contract for the processing of recyclables whilst service continuity was maintained.

#### REPORT SUMMARY

1. Council's former contractor for the processing of co-mingled recycled materials (SKM Industries, Pty Ltd) (SKM) was placed into administration in late 2019.
2. Cleanaway Pty Ltd took over the operation of the Derwent Park Materials Recycling Facility in December 2019 with a 'Receipt of Recyclable Agreement' entered into between the Council and Cleanaway on 6 November 2020 to cover the period December 2019 to December 2021.

This agreement is an interim measure to ensure recycling continues to be able to be processed in southern Tasmania.

3. The 12 Southern Tasmanian councils are working together to enable the procurement of a new contract for the processing of co-mingled recyclable materials to take effect late 2021.

This partnership is being coordinated (on an interim basis) through the Waste Management Memorandum of Understanding, with support from the Local Government Association of Tasmania (LGAT).

4. It has been identified that there is a need for the establishment of a Joint Authority to be formed by the councils in the southern region of Tasmania to manage the new recycling contract and progress other waste related issues for the region.

## **DETAIL**

The 12 southern councils collectively signed a Memorandum of Understanding (MOU) to enter into an arrangement to work co-operatively on waste management and resource recovery issues and projects for the southern Tasmanian region.

Under this MOU, the Southern Tasmanian Waste Management Group (STWMG) (facilitated by the LGAT) committed to a range of activities including supporting councils in securing efficient, sustainable and suitably scaled end-of-collection facilities for processing materials including co-mingled recycling.

The LGAT was also successful in obtaining assistance from the State Government (Department of State Growth and EPA) to help fund a Southern Tasmanian Strategic Recycling Analysis.

With the completion of the analysis, the region has direction to enable the development of tender specifications. The analysis identified the following:

- A preferred contract duration of 10-15 years
- Recycling service administration and management via a dedicated third party
- Benefits of expanded reporting and disclosure settings
- Capacity to influence products and end buyers
- Gate fees to incorporate price transparency and shared ownership

20,300 tonnes of recycling is currently collected and delivered for processing by the 12 councils in the southern region. This equates to a total cost of just over \$2.81m per year, based on the current gate fee of \$139 per tonne.

The volume of recycling in the south exceeds the combined total of both the North (11,000 tpa) and the North West (6,700 tpa) regions, with each of those regions running a single contract administration through its Regional Waste Authority.

It is noted that the collection of recycling is outside the scope of this proposal, with collection arrangements of each council area to remain separately determined/administered by each council, to their own satisfaction and requirements.

The following provides further explanation of the findings:

## **1. Contract duration of 10-15 years**

- 1.1 The study recommends the councils acquire a recycling service operating for between 10-15 years' duration.

This proposal enables a timeframe that allows operators to invest in modern, high performance plant and equipment needed to produce high quality sorted materials.

- 1.2 High quality products would help diminish market risk arising from strong competing demand for reprocessing capacity on the mainland while positioning the councils to offer material to more local re-processors over coming years.
- 1.3 Equally important, a longer timeframe could also attract new entrants who would need to invest in a complete facility.
- 1.4 While a longer contract represents some risk that the service may grow out of step with market and policy conditions over time, this is itself a more systemic issue caused by a reliance on capital intensive services as a means to deliver resource recovery during a time of market change.
- 1.5 Other recommendations below seek to alleviate this potential disparity, while the State Government may have a role in trialling less capital intensive recycling models with a subset of councils, in parallel to the mainstream use of sorting infrastructure.

## **2. Recycling service administration and oversight via a dedicated third party**

- 2.1 The report determined that the preferred model to administer the recycling service would involve a single entity overseeing the recycling operator's activities on behalf of the 12 councils, joined through a single contract.
- 2.2 This is anticipated to lower the overall administrative burden across the 12 councils, and help to ensure that those communities whose councils have modest internal resources allocated to waste management are able to access a high standard of recycling services.
- 2.3 It is important that a minimum level of expertise and attention be retained from the council sector to oversee the performance of this third party administrator, both to ensure it acquits its duties in line with expectations, and to ensure governance arrangements place councils' priority outcomes at the front and centre of all activities.
- 2.4 The analysis found that in ideal circumstances, this single entity model would undertake the procurement process although timing constraints prevent the southern councils from adopting this option in this instance.
- 2.5 As such, the councils will need to continue to work together to initiate the procurement process in parallel to establishing the third party arrangement



(which will include ACCC authorisations and internal sign-offs across the 12 councils).

### **3. Expanded reporting and disclosure settings**

- 3.1 The study recognised a number of councils raised the issues of transparency and the need for a suitably encompassing interpretation of accountability with respect to recycling services.
- 3.2 Councils (and their communities) need to understand destinations involved with recovery of resources downstream of the sorting facility.
- 3.3 Given the situation it was proposed the recycling service involve the following reporting obligations placed on the operator:
  - 3.3.1 Volumes received by the operator, reported on a fixed periodic (i.e. monthly) basis;
  - 3.3.2 Volumes discarded, processed and consigned, reported on a fixed periodic (i.e. monthly), and covering:
    - Tonnages disposed of to landfill
    - Tonnages consigned to recovery activities, represented according to material types and their end purchasers (company, location and processing activities/outputs), and including volumes of rejected shipments and shipments handed over at 'no charge' to buyers
    - Tonnages stockpiled on site at the end of each reporting period (or sites elsewhere, managed by the operator) awaiting shipment to recovery and disposal facilities as relevant, represented according to material types and intended end markets (subject to sales and acceptance of material)
  - 3.3.3 Sales reports and disposal costs pertaining to the materials listed above, represented as average unit pricing (i.e. per tonne) over the period and total payments and charges from sale of material and discard to landfill respectively
  - 3.3.4 Major contaminants identified in kerbside materials received by the operator from kerbside collections (as observed during normal operations) over the period, where 'major' may refer to larger volume contaminants and/or those that entail greater commercial risk to the operator
  - 3.3.5 Market information and intelligence as relevant, where this information may help the operator and the councils better plan for and address commercial and/or reputational risks and unnecessary cost impacts upon the recycling service, shared on a periodic (e.g. quarterly or six-monthly) basis or as needed to manage undue costs and risks

3.3.6 Details of incidents that may have impacts on the operator's social and regulatory licences to operate, including incidents that may give rise to or have given rise to:

- Complaints raised by the community
- Investigations, official warnings/notices and enforcement actions associated with environmental regulation, occupational health and safety responsibilities, and other potential breaches of law occurring on premises
- Planned and unplanned changes to operations where this may have an impact on nearby communities and the environment, and/or deleterious impacts on the quality of materials recovered on councils' behalf and/or stockpiling levels
- Other developments and incidents that may impair the social licence of recycling operations conducted by the operator on the councils' behalf.

#### **4. Capacity to influence products and end buyers**

4.1 The study found that expectations on councils have changed, with their exposures to risk and opportunity not as static as in the past.

Further, incidents over recent years reveal that councils cannot be completely insulated from market and policy changes that affect downstream operations.

Rather, there is some need to respond and adapt while staying within the confines of a service agreement with the recycling operator.

4.2 Councils need some capacity to influence the pathway that their sorted recyclable materials take once they leave the sorting facility.

4.3 Noting the study proposed that the following terms be applied in the relationship between the councils and the recycling operator:

- The requirement for the recycling service provider to scan for and engage with councils on alternative products sorted from kerbside materials and alternative end markets.
- Based on 1 above, the capacity for councils to require that the operator undertake commercial investigations (e.g. potentially including market sounding; feasibility studies and business cases within a confined scale) seeking to explore the merit in adjusting products and end markets, noting that this may potentially involve gate fee impacts and/or the need to introduce upgrades to the service
- Based on 2 above, the capacity for councils and the operator to agree to a schedule of service amendments to bring online new products and/or sales to new end-markets.

4.4 It is anticipated that the above terms strike a suitable balance between councils' and commercial operator needs, accounting for the stakes they share in how the recycled material is managed after leaving the recycling facility.

## **5. Gate fees to incorporate price transparency and shared ownership**

5.1 The current arrangement to set gate fees involves a fixed rate (per tonne received from the kerbside), with the provision for the operator to seek adjustments to the gate fee in response to market conditions.

5.2 While this provides some price certainty for councils, it may not be wholly adequate given the volatility in demand and pricing for materials sorted by the recycling operator, and given the shared responsibility that the councils and the operator have for ensuring the quality of recovered material.

5.3 The study identified a more efficient and risk reduced approach to gate fees could involve two components:

- A fixed (static) cost component applied to cover the relatively stable cost for the recycler to operate recycling services
- A variable (dynamic or floating) component that covers the sharing of sales revenue between operator and councils for the sorted material sold onto buyers in various end-markets.

These findings will inform the development of the specifications used as a basis of the new tender.

## **Project Plan**

The STWMG has developed a project plan listing all elements of this complex process (**copy attached**).

The plan identifies timelines for each of the projects to be undertaken and a potential budget associated with those tasks.

One key task is the establishment of a Tender Review Committee (TRC).

This five member Committee would be comprised of representatives of the 12 councils and be supported by a Senior Procurement Officer from the City of Hobart and an external Probity Auditor.

The TRC would provide oversight of the following:

- Tender specification development
- Tender Process and Documentation
- Evaluation of tenders received
- Development of recommendations in relation to the determination of the tenders received
- Oversight the development of the contract documentation.

## **Joint Authority**

A key finding of the investigations undertaken by the STWVG is the need for the establishment of a single body to manage the recycling contract on behalf of the 12 southern Tasmanian councils.

Whilst there have been bodies established previously to manage regional waste in Southern Tasmania, the current circumstances present a unique opportunity for the creation of a new body.

Those circumstances include:

- a) The introduction of a new statewide waste levy that could provide funding to resource the body.

The State Government has committed to the provision of funding to regional bodies in the North and North West of the State, to ensure equity, funding should also be available to southern councils.

- b) The experiences of the recycling service demonstrate the need for the region to 'work as one'.
- c) There are numerous other waste related changes facing the region (and Tasmania) in coming months, the region must be well positioned to take advantage of these changes.
- d) A range of joint (or regional) procurement opportunities could be available for organics, green waste, collection services, education and community awareness programs.

The MoU as an interim measure, has allowed the 12 councils to more formally work together while a long term structure was being considered and developed, being this the proposed Joint Authority.

The Joint Authority will:

- I. provide a direct link to the State Government for discussion and collaboration and funding opportunities) in the waste sector,
- II. coordinate responses to proposed actions arising from the State's Draft Waste Action Plan (including proposed legislation), providing one source of negotiation on behalf of the 12 councils.
- III. provide a formal structure and administrative body to assist and/or take the place of regional projects and tenders across the region, whereby previously this has been left to a single Council to initiate, coordinate, request involvement of others, and administer (various examples of this being the recycling contract, FOGO processing, compostable bags, recycling units, education programs and collateral, state-wide communications program (Rethink etc).
- IV. Improve the ability to secure/access funding, particularly through the levy, but also grant programs.

- V. Objectives and Terms of Reference for such a body should also include specific reference to the management of the recycling contract on behalf of the southern councils, to ensure compliance and to ensure contract provisions are utilised to deliver on priority outcomes for the councils.
- With an annual value in excess of \$2.8M, a 10-year contract will have a value of \$28M and is a significant financial undertaking.
- More specific reference to the management of the elements of the recycling contract can be included if considered necessary.

### **Australian Competition and Consumer Commission**

The Australian Competition and Consumer Commission (ACCC) granted an authorisation in June 2014 for the Hobart, Glenorchy and Clarence City Councils to jointly tender and subsequently enter into individual contracts comprising common terms for recycling.

The ACCC determined that the proposed arrangements were likely to result in a public benefit that would outweigh the detriment to the public constituted by any lessening of competition arising from the contract.

In preparation for the current tender process, legal advice was sought by the City of Hobart that indicated:

- (a) *Councils may be viewed as competitors where they are seeking to acquire the same goods or services; and*
- (b) *By undertaking joint tendering, councils are aggregating their buying power, which may be seen to have a potential anti-competitive effect on the market.*

Given the advice received, it is recommended the councils lodge an application for authorisation of the Proposal with the ACCC.

The ACCC has recently granted authorisations for a number of similar proposals.

If granted by the ACCC, authorisation will provide the participating councils with complete immunity from potential contraventions of the *Competition and Consumer Act 2010 (Cmwltth)*

## Proposal and Implementation

This is a complex matter with the following key elements:

- I. Proceeding with the procurement of a new contract for the processing of co-mingled recyclable materials
- II. Agreeing to work with other councils in Southern Tasmania to secure the new service.
- III. Seeking ACCC approval to proceed with a joint tender
- IV. Agreeing to establish a new Joint Authority with other councils in Southern Tasmania to progress waste related issues.

This report provides a detailed analysis of issues surrounding the above and proposes the General Manager be delegated authority to undertake all actions necessary to enable:

- Tender specification to be developed and advertised
- ACCC approval to be pursued
- Arrangements for the establishment of a new Joint Authority with other Southern Tasmanian councils to be progressed.

## Legal, Risk and Legislative Considerations

As with all tendering processes there are some risks associated with this matter.

There is always a risk there will be limited interest from service providers meaning the cost could be expensive or the contract provisions unattractive.

Initial conversations with service providers however suggest that this will not be the case and there will be interest from service providers who may be prepared to provide a service at a cost similar to the existing arrangement.

The Council working with 11 other local government partners introduces a level of risk, however there has been significant goodwill expressed between the councils in southern Tasmania.

That level of cooperation and goodwill suggests that this risk is also low.

With the 12 councils working together there is a need for ACCC requirements to be satisfied. There is a risk this approval will not be secured.

Again, this risk is considered low as a similar approval has been secured previously and there is nothing to suggest that the approval will not be again provided.

As indicated earlier in this report Joint Authorities have been established previously in the southern region. These Authorities have not been as successful as they could have been.

There is a risk any newly establish Joint Authority might not be as effective as it should be.

The establishment of the Joint Authority however with the appropriate governance arrangements (including the establishment of an expert Board) and appropriate membership will minimise this risk.

On balance it is considered each of the risks identified can be appropriately mitigated.

The *Local Government Act 1993* provides the ability for the establishment of a single or a Joint Authority:

30. *Single and joint authorities*

- (1) *A council, by a resolution of an absolute majority, may resolve to establish –*
  - (a) *a single authority; or*
  - (b) *a joint authority with one or more other councils.*
- (2) *A single authority or joint authority may be established –*
  - (a) *to carry out any scheme, work or undertaking; and*
  - (b) *to provide facilities or services; and*
  - (c) *to perform any function or exercise any power of a council under this or any other Act.*

**Human Resources & Financial Implications** – The processing of co-mingled recycled materials currently costs Council \$43,300 (312 tonne of recycling at \$139 per tonne).

The costs associated with the establishment of new tender documentation have been estimated at \$70,000 with the Council's share of that cost being approximately \$1,700 (i.e. 1.50%).

The costs associated with the establishment of a new Joint Authority will be the subject of a subsequent report.

The operational costs of a new joint authority could be in the order of \$200,000 per annum. It is anticipated that these costs could be covered by the State Government through the allocation of a portion of the new waste levy.

**Community Consultation & Public Relations Implications** – A considerable amount of stakeholder engagement has been undertaken in the Strategic Analysis undertaken by Urban EP.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Refer detail provided.

## RECOMMENDATION

### THAT:

- a) the update on the Council's arrangements for the acceptance and processing of its co-mingled recyclable materials be received and noted;
- b) Authority be provided to the General Manager to proceed with the procurement of a new contract for the processing of con-mingled recyclable materials.

### In doing so:

- i) the General Manager be authorised to work with other councils in Southern Tasmania to develop specifications, call tenders and award the tender in accordance with the assessment of the submissions received by the Tender Review Committee.
  - ii) The General Manager be authorised to work with other councils in Southern Tasmania to secure ACCC approval to proceed with a joint tender.
- 
- c) In accordance with Section 30 of the Local Government Act 1993, the Council resolve to establish a Joint Authority with other Southern Tasmanian councils to progress waste related issues; and
  - d) The General Manager be authorised to work with other councils in Southern Tasmania to progress the establishment of a new Joint Authority including the development of rules and governance arrangements for the new Joint Authority; and
  - e) A further report be provided to Council detailing the outcome of the tender process and seeking formal approval of the membership of the Joint Authority, within the next 6-months.

<b>DECISION (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 K Dudgeon		
Clr D F Fish		
Clr R McDougall		







## 13.9 Information, Communication Technology

**Strategic Plan Reference 1.9**

*Improve access to modern communications infrastructure.*

Nil.

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

### **13.10.1 Manager – Infrastructure & Works Report**

**Author:** MANAGER INFRASTRUCTURE & WORKS DAVID RICHARDSON

**Date:** 14 SEPTEMBER 2021

#### **Roads Program**

Council's graders have been working on various roads with the bus routes being the priority roads for grading as required. The focus has been to prioritise the higher traffic usage areas of roads. General road maintenance will continue, including a focus on storm-water culvert and table drain clearing works being a priority.

Sections of Woodsdale Road have required various pavement repairs due to recent wet weather and heavy vehicle usage that has created defects.

Gravel re-sheeting works have been completed on sections of roads in the Yarlington area.

#### **Road Rehabilitation programme 2021/22**

Council's 2021/2022 road stabilisation programme tender closed on 27<sup>th</sup> August 2021 (refer separate report).

#### **Lake Dulverton Pathway**

Construction of the walkway has commenced with some delays due to wet weather. The contractor undertaking these works has committed to returning in spring when the temperature warms up to allow the dirt glue product to stabilise. It is expected these works will re-commence in the coming weeks.

#### **Walkway and Kerbing works**

A section of kerb and footpath has been renewed in High Street Oatlands opposite the IGA Supermarket. Parallel parking line-marking has been installed.

New kerb and footpath is completed in Wellington Street Oatlands.

Stanley Street footpath works have commenced.

Installation of kerb and gutter, footpath and associated storm water upgrade works has commenced in Black Brush Road.

#### **Waste Management Program**

Ongoing safety improvements are being completed as a result of risk assessments that have been undertaken. Further works are required over the coming period.

Dysart Waste Transfer Station is having new waste disposal slides installed.

## Parks and Reserves

General maintenance of parks and reserves will continue with a focus on ensuring all playground equipment is compliant with the relevant standards. Any potential defects identified as a result of the inspections will be rectified as a priority. The recent wet weather has created favourable growing conditions with grass maintenance being a priority throughout the Spring period.

## Planned Works

The following capital works are planned for the coming period

- Oatlands aquatic centre storm water drainage pipe installation
- Underground power installation Oatlands
- Footpath and kerb installation Oatlands to continue
- East Bagdad Road complete small section of footpath

## 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		

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

### **14.1 Residential**

**Strategic Plan Reference 2.1**

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

Nil.

### **14.2 Tourism**

**Strategic Plan Reference 2.2**

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

Nil.

### **14.3 Business**

**Strategic Plan Reference 2.3**

*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.

### **14.4 Industry**

**Strategic Plan Reference 2.4**

*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.

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

### **15.1 Heritage**

<b>Strategic Plan Reference – Page 22</b>	
3.1.1	Maintenance and restoration of significant public heritage assets.
3.1.2	Act as an advocate for heritage and provide support to heritage property owners.
3.1.3	Investigate document, understand and promote the heritage values of the Southern Midlands.

#### **15.1.1 Heritage Project Program Report**

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

**Date:** 22 SEPTEMBER 2021

#### **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:

- Ongoing MidFM series with proposal to launch podcasts 'Oatlands True Crime' series.
- Oatlands Kinder class tour of heritage buildings.
- Providing support to One-Act Festivals who are producing a live theatre performance in October at the Supreme Court.
- Liaison with Heritage Highway Committee.
- Assisting Heritage Tasmania in the preparation of a consolidated entry for the Melton Mowbray Hotel to include the trough ahead of relocation and park development.
- Approval of Artefact Store revisions by designers and Phase 2 'Planning' now in process
- Commenced initial stage of assessing cataloguing, packaging and storage requirements for photographic and corporate document collections
- Digitisation of manual cataloguing sheets as part of audit process and records management
- Continued work with two UTas School of Architecture students on Oatlands projects.
- Continued high volume of development application input.
- Support provided for an Arts Committee meeting.
- Alan Townsend has been on leave for part of the month.

**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		



## 15.2 Natural

### Strategic Plan Reference – page 23/24

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

### 15.2.1 NRM Unit – General Report

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

**Date:** 15 SEPTEMBER 2021

**ISSUE:** Southern Midlands NRM Unit Monthly Report.

#### DETAIL

- Maria continues to work on matters in regard to the new pathway on the Lake foreshore (High St to stop over).
- Helen updated the *Lake Dulverton & Dulverton Walking Tack Information Guide*. The Guide is used by visitors / tourists and is available on the Council website or at the Oatlands Council office.
- There is one outstanding minor work task at the Victoria Hall that needs to be completed by HBS prior to the certificate of completion being issued. Work has started on preparing the final grant acquittal report for the Australian Government.
- The Lake Dulverton & Callington Park Management Committee are working to review and update the *Lake Dulverton & Dulverton Walkway Action Plan 2017*. At the last Committee meeting held on 6<sup>th</sup> September a number of changes were suggested. A draft revised action plan will be considered at the Committee's next meeting. It is proposed that the draft action plan will go Council requesting authority for the draft action plan to go out for public consultation.
- Plans to install CCTV and lighting at the Callington Park playground continue to progress. An order for the CCTV equipment has now been placed.
- Some maintenance work on the Lake Dulverton foreshore plantings has been completed. There is however more to do if time permits.
- Helen has been away on annual leave for some of the last month.

#### RECOMMENDATION

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

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		

### **15.3 Cultural**

**Strategic Plan Reference 3.3**

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

Nil.

### **15.4 Regulatory (Development)**

**Strategic Plan Reference 3.4**

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

Nil.

### **15.5 Regulatory (Public Health)**

**Strategic Plan Reference 3.5**

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

**15.5.1 Woodsdale Cemetery (2003 Woodsdale Road, Woodsdale PID 5840316) – Proposed Transfer of Ownership from Crown to Southern Midlands Council (5384-17)**

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

**Date:** 17 SEPTEMBER 2021

**Enclosure:**

*Extract from the Minutes of the Council Meeting held 28 April 2021.*

**ISSUE**

Council to re-consider whether to provide a financial contribution to the Office of the Crown Solicitor to assist in complying with the requirements of the *Burial and Cremation Act 2019* as part of the transfer of ownership process.

**BACKGROUND**

Please refer to a copy of the report submitted to the Council Meeting held 28<sup>th</sup> April 2021 (enclosed).

The following decision was made at that meeting:

**“THAT:**

- a) *The information be received;*
- b) *Council acknowledge, and agree on the need to comply with Division 4 of Part 4 of the Burial and Cremations Act 2019 in order to advance the transfer of ownership of the property*
- c) *It be Council’s position that all costs associated with the process to be undertaken by the ‘person selling the cemetery’ be borne by the Crown;*
- d) *Council confirm its intention to become the appointed cemetery manager going forward; and*
- e) *Council advises that it is does not have any evidence or documentation relating to the appointment of the current cemetery manager, but would assume that the Levendale and Woodsdale History Rooms Inc. would be viewed as such.”*

**DETAIL**

An Email communication has since been received which confirms that the Office of the Crown Solicitor has met with the Parks and Wildlife Service (PWS) and the relevant area from the Department of Premier and Cabinet (DPAC) who administer the Burial and Cremation legislation regarding what may be required in these circumstances.

The following is an extract from that Email:

*“The advice received was that the key documents that will need to be prepared and provided are a complete interment register for the cemetery, a cemetery map and an exclusive rights of burial register listing any rights that exist (with relevant holders to have been issued a certificate regarding the same).*

*An independent audit of the cemetery against the requirements of the Burial and Cremation Act 2019 would also be required. We have been informed the firm of Wise, Lord and Ferguson have experience regarding this, having been the firm who has completed such audits for most cemetery compliance applications.*

*It was also advised that as part of the process, there will need to be an advertisement in each of the Mercury, Examiner and Advocate newspapers indicating that the proposed transfer of the cemetery. This is so that anyone who has a claim for an exclusive right of burial can come forward.*

*I am instructed PWS will continue to endeavour to progress this matter and have the appropriate documents obtained/prepared. As previously noted, this office will also seek to prepare updated deed documentation dealing with the previous deed which will no longer be of effect, and provide for what is now agreed in these circumstances, once it has been determined exactly how this matter will progress.*

*In addition to the above, in which the Crown will be contributing significant time and resources and wearing internal costs for time and effort, there are the external provider costs of the audit and newspaper advertisements involved in what is now proposed. I am instructed to enquire whether Council would be willing to enter into a cost sharing arrangement for these external provider costs, which are roughly estimated at this time around \$2,000, given the other work the Crown will be undertaking.*

*Furthermore, would Council have any issues with using the firm of Wise, Lord and Ferguson for the audit? It may be that further consideration is subsequently given as to how the auditing firm is ultimately contracted and paid, given any internal limitations on both Crown and Council on acquisition of services.*

*If there are any issues or queries, including as to any ongoing cemetery manager obligations that will flow to Council as the result of any transfer of the site or any of the matters listed above, please let me know.”*

End Extract

This matter is referred to Council for further consideration taking into account its previous decision that all costs associated with the transfer of ownership process be borne by the Crown (i.e. the ‘person selling the cemetery’).

In summary, the Crown is requesting Council to consider a contribution of \$2,000.

Whilst this is a straight forward consideration, a decision to contribute would involve overturning a previous decision and must therefore be carried by an absolute majority.

In addition the General Manager must:

- a) Include a statement that the proposed motion, if resolved in the affirmative, would overturn that previous decision or part of that previous decision.

This is the case and part (c) of the previous decision would be overturned as the intent of that decision was that all costs associated with the process to be undertaken by the ‘person selling the cemetery’ be borne by the Crown; and

- b) There are no issues in terms of overturning the decision as there were no actions to be taken other than informing the Crown of Council's position which can obviously be reviewed at any time.

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

**Community Consultation & Public Relations Implications** – N/A.

**Policy Implications** – N/A

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

## **RECOMMENDATION**

**THAT, in order to progress this matter in a timely manner, Council agree to contribute a maximum amount of \$2,000 toward the cost of engaging Wise, Lord and Ferguson to undertake an independent audit of the cemetery against the requirements of the Burial and Cremation Act 2019.**

<b>DECISION (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 K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

*Agenda Item 15.5.1*

[EXTRACT FROM COUNCIL MEETING 28 APRIL 2021]

**18.1 Woodsdale Cemetery (2003 Woodsdale Road, Woodsdale PID 5840316)**

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

**Date:** 27 APRIL 2021

**Attachment:**

*Extract from Burial and Cremation Act 2019 – Division 4 of Part 4*

**ISSUE**

1. Provide Council with an update in relation to the transfer of ownership of the Woodsdale Cemetery; and
2. Seek Council direction regarding the need to comply with the provisions of *the Burial and Cremation Act 2019* to progress the transfer of ownership.

**BACKGROUND**

At the January 2021 Council Meeting, Council was advised that the transfer of ownership from the Crown to the Southern Midlands Council has now been finalised through signing of a Transfer Agreement.

It was reported that this matter dates back to a formal decision of Council made in December 2012. In summary the decision involved:

- a) Council accepting ownership on the basis that Crown Land can only be transferred to Council (and not a separate entity);
- b) The Levensdale and Woodsdale History Rooms Inc. forfeiting the Lease arrangement (since actioned); and
- c) Council establishing a Management Committee consisting of local residents to manage the property.

**DETAIL**

Council is now in receipt of an Email from the Office of the Crown Solicitor, and the following is an extract from that communication:

*“As you may be aware, this office acts on behalf of the Department of Primary Industries, Parks, Water and Environment in respect of the proposed transfer of the Woodsdale cemetery site to the Southern Midlands Council (“Council”). I am also informed you may have been dealing with Jerome McGee at PWS concerning this matter.*

*It is understood that previously an agreement has been proposed whereby the Woodsdale cemetery site will be transferred via section 12 of the Crown Lands Act*

*1976 to Council, and that such agreement had been signed by SMC (I note I am instructed such has yet to be signed by the Crown).*

*On further review of the proposed transaction, there is a concern that while the issue maybe arguable, the stronger view is that even a transfer via section 12 of the Crown Lands Act 1976 at no commercial cost falls would fall within the meaning of ‘sell’, as such term is defined in s 3 of the Burial and Cremation Act 2019 (“BCA”) (as it arguably constitutes ‘giving away for any purpose’ (sub-paragraph (i) of definition)). This then means that as there is a “selling” of a cemetery site, such will need to occur in compliance with the requirements of Division 4 of Part 4 of the Burial and Cremation Act 2019, which legislation imposes, amongst other matters, various notice and auditing and regulator approval requirements etc.*

*The agreement previously prepared does not provide specifically for all these Division 4 of Part 4 of the Burial and Cremation Act 2019 matters. It would therefore be proposed that the Crown prepare a new agreement for consideration that would acknowledge the old proposed agreement is to no longer be taken to be of any effect, and to provide for the relevant Burial and Cremation Act 2019 matters.”*

#### End Extract

The Office of the Crown Solicitor is seeking a response as to whether Council is content with such a course of action, or alternatively, Council may seek its own advice regarding the appropriateness of this process.

A copy of the relevant provisions from the *Burial and Cremations Act 2019* (i.e. Division 4 of Part 4) is included as an enclosure.

Firstly, It is apparent that there is little (or no value) in seeking alternative advice to challenge the position taken by the Office of the Crown Solicitor.

It is however appropriate to clarify, or seek confirmation from the Crown, that they will meet all costs associated with the process / requirements that must be followed by the ‘person selling the cemetery’. Whilst these costs are unknown, the provisions are fairly extensive and could amount to a considerable cost if Council is expected to meet this expense.

The question regarding costs has been submitted to the Office of the Crown Solicitor, however a response had not been received at the time of finalising this report.

From a Council perspective, it was always assumed that Council would need to seek approval to become the cemetery manager under the previous Act, but amendments to the Act since finalising the Transfer Agreement have certainly expanded upon the previous legislative requirements.

Once a general way forward is agreed, it is then prosed to work through the various requirement of Division 4 of Part 4 of the Burial and Cremation Act 2019, and work out how such exactly will be met (and incorporating this information into any relevant agreement terms).

The Office of the Crown Solicitor has already flagged the first issue for determination, this being who is currently the relevant cemetery manager for the site (whether it be the Crown, the Levendale and Woodsdale History Rooms Inc., Council or some other entity).

Whilst it is unclear and there is no evidence (to my knowledge), it would be fair to assume that the Levendale and Woodsdale History Rooms Inc. would be considered as the current cemetery manager, although in the absence of any formal appointment, it may be the Crown as the owner of the property.

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

**Community Consultation & Public Relations Implications** – The process is likely to take a considerable period of time, and an update will need to be provided to the Woodsdale Community, and in particular, the appointed members of the Management Committee (in waiting).

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Pending a response and/or comment from Council.

## RECOMMENDATION

**THAT:**

- a) The information be received;
- b) Council acknowledge, and agree on the need to comply with Division 4 of Part 4 of the *Burial and Cremations Act 2019* in order to advance the transfer of ownership of the property;
- c) It be Council's position that all costs associated with the process to be undertaken by the 'person selling the cemetery' be borne by the Crown;
- d) Council confirm its intention to become the appointed cemetery manager going forward; and
- e) Council advises that it does not have any evidence or documentation relating to the appointment of the current cemetery manager, but would assume that the Levendale and Woodsdale History Rooms Inc. would be viewed as such.

## DECISION

*Moved by Cllr K Dudgeon, seconded by Deputy Mayor E Batt*

- a) The information be received;
- b) Council acknowledge, and agree on the need to comply with Division 4 of Part 4 of the *Burial and Cremations Act 2019* in order to advance the transfer of ownership of the property
- c) It be Council's position that all costs associated with the process to be undertaken by the 'person selling the cemetery' be borne by the Crown;



- d) Council confirm its intention to become the appointed cemetery manager going forward; and
- e) Council advises that it does not have any evidence or documentation relating to the appointment of the current cemetery manager, but would assume that the Levensdale and Woodsdale History Rooms Inc. would be viewed as such.

**CARRIED**

<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	✓	

[END EXTRACT FROM COUNCIL MEETING 28 APRIL 2021]

## 15.6 Regulatory (Animals)

**Strategic Plan Reference 3.6**

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

### 15.6.1 Animal Management Report

**Author:** ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

**Date:** 16 September 2021

**Enclosure(s)**

*Animal Management Statement August-September 2021*

#### ISSUE

Consideration of the Animal Management/Compliance Officer's report for August-September 2021

The purpose of the report is twofold:

1. To inform Council and the Community of infringements issued by Council Officers in relation to Animal Management for the period June ; *and*
2. Provide a brief summary of actions and duties undertaken by Council Officers in relation to animal management.

This in turn informs the community of the requirements and expectations of the Council to uphold and enforce the relevant legislation. This reminds Council and the community of the importance of responsible ownership of animals.

The infringements detailed in this report were all issued under the *Dog Control Act 2000*.

#### Resource Sharing

Southern Midlands Council currently provide Animal Management services to the Central Highlands Council through resource sharing arrangements. Jobs of note are itemised in the enclosed statement.

#### INFRINGEMENT DETAILS

**ENCLOSURE**

*Agenda Item 15.6.1*

**YTD ANIMAL MANAGEMENT STATEMENT**

**August-September 2021**

<b>DOG IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
22	13	5	4
<b>OTHER IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>

**JOBS ATTENDED**

**August – September 2021**

<b>DOGS AT LARGE</b>	<b>DOG ATTACKS</b>	<b>DOG BARKING</b>	<b>DOG GENERAL</b>
4	1	2	5
Central Highlands	Central Highlands	Central Highlands	Central Highlands
<b>NEW KENNEL INSPECT</b>	<b>WELFARE</b>	<b>STOCK</b>	<b>OTHER</b>
2 active licences	3	4	

**REGISTERED DOGS:** 1525 - Registered & 265 - Pending Registrations

**KENNEL LICENCES:** 56

**INFRINGEMENTS ISSUED:** 0

**RECOMMENDATION**

**THAT the Animal Management 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		

## **15.7 Environmental Sustainability**

**Strategic Plan Reference 3.7**

*Implement strategies to address the issue of environmental sustainability in relation to its impact on Councils corporate functions and on the Community.*

Nil.

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

**16.1 Community Health and Wellbeing**

**Strategic Plan Reference 4.1**

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

Nil.

## 16.2 Recreation

### Strategic Plan Reference 4.2

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

#### 16.2.1 Southern Midlands Council Community Small Grants Program 2021

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

**Date:** 15 SEPTEMBER 2021

### BACKGROUND

Council has conducted a Community Small Grants program twice a year since 2008, converting to an annual program in September 2009. The main aim of the program is to streamline and condense the many requests for financial support received from various community groups, charitable organisations and service providers throughout the year. The program has proven to be very popular with all the target groups and excellent goodwill is gleaned from the successful grant recipients. Additional kudos has been obtained by having presentations to successful Grantee organisations at the Australia Day function in January.

### [EXTRACT FROM THE GUIDELINES]

*The Southern Midlands Council's Community Small Grants program has been established to support projects, programs and activities developed for the benefit of the residents of the Southern Midlands local government area.*

*The Community Small Grants provide assistance to community groups to provide programs, improve safety, undertake minor capital works, facilitate small seminars, conferences and forums or purchase equipment.*

*The Southern Midlands Council recognises the immense community benefit provided to our residents and visitors by local community organisations through the provision of opportunity for involvement in activities in Southern Midlands.*

*The Community Small Grants Program is one method of supporting and assisting local organisations in providing additional opportunities for the Southern Midlands community.*

### **Purpose**

*To provide financial assistance in a regulated and equitable way to community groups catering for, and responding to, the needs of the residents and visitors to Southern Midlands.*

*The program provides assistance to organisations to conduct a wide range of activities. The following broad categories are designed to give applicants an idea as to the types of projects which Council seeks to support through this program:*

### **Community Building**

*Projects which aim to increase community participation & access to information, services & facilities while strengthening community and social well-being.*

### **Minor Capital Works**

Projects which enhance our community facilities by aiding in the development of new facilities or improvements to any existing Community/Council owned facility. It will provide assistance for projects such as fencing, roofing, ground lighting, shade sails, building refurbishments, paving, etc.

### **Safety/Accessibility Upgrades/Equipment**

Projects that increase the capacity of local groups and clubs to cater for the needs of the community. These developments can be in the form of a construction project or the purchase of equipment.

### **Frequency**

Council's grant program is currently held on an annual basis.

### **Important Dates:**

The current round for assistance opens at 8.30am on Tuesday 3<sup>rd</sup> August 2021 and **closes on Monday 30<sup>th</sup> August 2021 at 4:00pm**. Applications can be lodged at either the Oatlands or Kempton Office, or lodged electronically at [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)

Projects are able to start from Monday 7<sup>th</sup> October 2021 - full acquittal is required by 30<sup>th</sup> July 2022.

### **Level of Funding Available**

An organisation can apply for assistance up to a maximum of \$3000 per round- no minimum grant amount applies.

### **Eligibility**

#### **Financial Assistance WILL be considered for:**

- Any not for profit community group or voluntary association that is legally constituted as an incorporated body or under the auspice of one.
- The group or organisation is located in the Southern Midlands municipal area or is proposing an activity or project which will take place in the Southern Midlands municipal area, for the benefit of those who live, visit or conduct business in the municipal area.
- The applicant is able to demonstrate financial viability and competence.
- The applicant meets Council's insurance requirements.
- Education providers are able to apply on the condition that the project/activity is open to all residents and has a broad community benefit.
- For equipment grants, applicants are required to contribute at least 50% towards the cost of equipment for items considered 'consumables' eg cricket bats / balls , Footballs etc .Items of a longer term nature eg line marking machines , training equipment and the like would be eligible for up to 100% funding.
- Projects that are seeking funding from \$3,001 to \$5,000 shall be required to have a matching 50% contribution from other sources.

*The following are important areas to address*

- *Any application which relates to works or projects on property not under the applicants direct ownership (land tenure) or control, must provide a letter of authorisation and approval for said works / projects from the land owner with the grant application.*
- *In the case of applications from the Department of Education, where the facilities will be used by Community and school students alike, the application requires written commitment from the Department of Education / Principal that the facilities (or improvements) will be accessible by the public.*

***Financial Assistance WILL NOT be given for:***

- *Activities by a private person that is not a formal representative of a bone fide organisation.*
- *Activities of For-Profit organisations.*
- *Applicant organisations who have previously failed to acquit Council assisted projects in line with the agreed terms.*
- *Projects that have previously received funding from this grant program.*
- *Working Capital or straight donation purposes.*
- *Projects by local schools/education providers that are exclusive to students core school curriculum with no availability to the general public.*
- *Retrospective request for a project already fully or partially completed*
- *Community Organisations who already receive Council funds to undertake a specific activity for which funding is being sought or community organisations wanting to do a specific activity that is already funded by Council.*
- *Facilities where little or no public access is available.*
- *Travel to sporting competitions or conferences for individual or community groups.*
- *Projects/ programs that are not based in or focused on southern midlands residents*

*It should be noted that meeting the eligibility criteria is not a guarantee of funding.*

*The following conditions apply to all financial assistance allocated through the program*

***Project Management***

*Funds will only be spent on the project for which funds were applied and as approved by the Southern Midlands Council.*



*Successful applicants must finalise and acquit the project within the approved time frame and approved budget as per application form.*

*Any variation of this agreement, such as an extension of the project completion date, shall only be made in writing between the parties. Any request for extension of time must be received in writing prior to the relevant original acquittal completion date.*

*Successful applicants are required to maintain a copy of all receipts of project expenditure for the term of the grant program, including copies of any advertising, media, newsletters, etc. Council will require copies of expenditure invoices / receipts as part of its acquittal procedure.*

*If relevant, applicants must obtain and comply with all applicable Council Permit Regulations for example planning, &/or building permit – including road closures, outdoor advertising and any health and safety programs (please ensure that costs for these permits, if required, are included in your application). Please ensure that you have allowed sufficient timeline for these approvals to be obtained and the project to be completed in a timely manner.*

*The Council strongly encourages that all equipment acquired through the program be insured against theft and fire or covered under your organisations insurance policy.*

*Although possession of current public liability insurance is not a condition of eligibility, Council strongly encourages all applicants to investigate all their insurance requirements to ensure activities are adequately covered and protected.*

### **Financial**

*Should a group not be able to fulfil the grant conditions as indicated on the application form or substantial savings have been made, any unspent funds shall be returned to the Southern Midlands Council. In special circumstances, surplus funds from savings made may be authorized for redirection to fund similar projects/ activities. Pre-approval in writing should be sought from Council prior to any additional funds being expended. Should the project exceed the amount estimated, groups will be required to meet the additional costs.*

### **Promotion**

*The Council requests that successful applicants actively promote the support of the Southern Midlands Council. This may include (but not limited to) any of the following:*

- Inclusion of the Southern Midlands Council logo in press advertising or any promotional material.*
- Acknowledgement of the Southern Midlands Council in radio or television advertising, award presentation, etc.*
- Opportunities for the Mayor or delegate to participate in any public relations activities, launches, or proceedings associated with the project. Sufficient notice should be given in the form of an official letter of invite addressed to the General Manager.*

- *Must attend Council arranged event celebrating the provision of the grant funding, in particular providing a representative at Council's Australia Day ceremony.*
- *Prominently displaying any certificates or plaques associated with the Council's provision of any grant funding*

*A version of Council's Logo is available and will be provided on request. The logo can only be used for a specific purpose to which it was requested and must be replicated in its existing form and not altered in any way.*

*If use of the Council logo is not practicable, the following wording should be incorporated in any material related to the funded project: "Proudly supported by the Southern Midlands Council".*

### **Evaluation / Acquittal Process**

*Once the project or equipment purchase has been completed, grant recipients must submit an evaluation and provide copies of any advertising, newsletters and media releases relating to the funded project. An evaluation form will be provided with the grant approval letter.*

*Evidence of expenditure of funds is required to accompany the evaluation. It is preferred that the evaluation / acquittal information be forwarded as soon as the project or purchase is complete ie not left until the final acquittal date*

*Unsatisfactory acquittal of the grant may lead to withdrawal of the grant approval and subsequent request for return of the allocated funding.. Inability to apply for future grant funding may also apply in this circumstance. If you are having difficulties completing the acquittal obligations, please contact Council's grant staff to discuss possible solutions.*

### **Priority Criteria**

*Due to the limited amount of funds available, priority will be given to projects that:*

1. *Demonstrate considerable benefit to the Southern Midlands community;*
2. *Raise the awareness of or access to a service, program, group or issue or maximize the participation or use of a facility;*
3. *Demonstrate coordination with other groups in the community;*
4. *Address local issues by attempting to meet a community need or gap;*
5. *Show evidence of community support for the project;*
6. *Enhance the lifestyle options for residents and visitors in the community;*
7. *Demonstrate an ability to manage the project through resource allocation including financial resources, effective planning, clear goals and evaluation processes;*
8. *Demonstrate the ability to be ongoing [if applicable]*

9. *Is the project reliant on other funds, if so has other funding been approved (evidence of the other funding is required to accompany the application);*
10. *Includes the ability for broad Community access – Land Tenure [in the ownership of the applicant or in other ownership]*
11. *Grant funds applied for as a % of the total amount to complete the project [inc. in kind contribution] i.e. A financial contribution by the applicant/s would be favorably looked upon*
12. *The Project shall be one that has not received any previous funding for the same purpose by Council or any other funding body (i.e. no ‘double dipping’)*
13. *Demonstrate that a Risk Assessment of the project is deemed within acceptable limits*
14. *Has the Applicant received funding over the last five years (if the organisation has received funding over the last five years through this program, then a weighting will be included to provide a higher ranking for Applicants that have not received funding over the last five years)*

*Final funding decisions are made on the merit of each application against the stated eligibility criteria, guidelines and an assessment against the aforementioned criteria.*

#### **Assessment**

*The application process is as follows:*

*The application forms can be accessed from the Council Chambers, Oatlands and Kempton or via the Council Website: [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au)*

*Applicants are encouraged to contact Council’s Manager Community & Corporate Development, Andrew Benson on 6254 5050 if you have any questions relating to completion of the forms or require information in regard to how your project meets the guidelines of the program.*

*The completed applications, once received within timeline parameters, will be assessed and prioritized by the assessment panel consisting of Council Officers and Councillors. The panel’s decision is final and no further correspondence shall be entered into.*

*The assessment panel will then make their recommendations to the next scheduled Council Meeting for adoption.*

*Once adopted by Council the applicants will be informed of their success or otherwise in gaining funding. Successful applicants will need to supply Council with a tax invoice [ on their own letterhead preferably ] for the approved grant amount to allow funding of grant monies to be processed .**This should be done as soon as the approved grant funding letter has been received.***

<b>Tips for completing the Application Form</b>
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*Please use the following as a guide to help you to complete the application form.*

**Section 1: General Information**

*1 – 5 As directed by the form, please provide as many details as possible about your group / organisation / club.*

**Section 2: Details of the Project**

*Tell us about your project, what you are planning and what you want to achieve.*

- 6. Select the category that your project best fits under.*
- 7. Give your project a name which represents what your project/activity is about.*
- 8 Indicate where the project/activity is to be held or carried out (e.g. Hall, park, or facility).*
- 9 When answering this question think about the following:*
  - What does your group want to achieve? (e.g. raise awareness of a service program, group or local issue, improve access to and use of a community facility, maximize participation in your group or a particular activity, improve safety).*
  - What steps are you planning to take to make sure your project/activity runs smoothly?*
  - Who might you involve; (e.g.) young persons, older persons, people with different abilities, people from different cultural backgrounds).*
  - Why is this project/activity important for your group/organisation and the wider community?*
- 10 When answering this question think about the following?*
  - How things will be different for your group and/or the wider community?*
  - What might it allow them to do that they can't at present?*
  - How might it improve access to or participation in activities?*
  - Who will benefit most from your project/activity?*

*Keep in mind concepts such as community pride, attracting people to the region and spending money in the community, forming new community links, etc.*
- 11 Tell us how your group identified a need in the community (e.g. community consultation, public meeting, suggestion box).*
  - Why do you think the need exists?*
  - Why is it a problem/issue for your group and/or the wider community?*
  - Who have you spoken to about this need?*
  - Why has your group chosen this way to tackle the problem and/or improve the situation?*

12 To answer these questions think about:

- Can you draw on volunteers from within your group or organisation? If yes, what sort of work will they be asked to do or in what way can they help?
- What equipment, machinery, etc. you have?
- What sort of skills or abilities do the individuals involved in the project/activity have? (e.g. financial management, organisational, trade skills – e.g. plumber, builder etc).
- What type of outside assistance will you seek to complete the project or run the event?

13. For example:

- Increased participation/membership
- A well attended event or activity
- Peoples comments and thoughts (how will you get these?)
- Media coverage (e.g. newspaper, community newsletter)  
You may wish to identify the main aims of your project which you can go back and review to see whether you were successful.

14. Please provide approximate start date, completion date, and a contact person for the project.

### **Section 3: Budget**

Please complete this section as accurately as possible and attach more pages if necessary.

15. Clearly list the expenses for your project/activity and indicate which expenses you intend to use Council's contribution for.

16. Please provide details of the confirmed and anticipated sources of funding for your project. If available please provide with your application any documents confirming the availability of these funds (e.g. bank statements, loan details, letters, etc).

*Good luck with your Application*

**[END OF EXTRACT FROM THE GUIDELINES]**

### **CURRENT POSITION**

This is the fifteenth round of the Grants Program that Council have offered, with the application form and guidelines being continually refined to provide clear and concise information and criteria for community groups and organisations who apply for the grants.

The Program time table is shown below:-

### TIMETABLE

<b>Advertisement in “Mercury”</b>	<b>Saturday 27 July 2021</b>
<b>Grant Applications open</b> (with Application Forms available from the SMC website from this date)	<b>Tuesday 3 August 2021</b>
<b>Grant Applications close</b>	<b>Monday 30 August 2021 (4.00pm)</b>
<b>Confirmation letter acknowledging receipt of applications</b>	<b>Thursday 2 September 2021</b>
<b>Facilities &amp; Recreation Committee Agenda closes</b>	<b>Thursday 2 September 2021</b>
<b>Facilities &amp; Recreation Committee meeting</b> [For assessment of applications] 10am start time	<b>Thursday 9 September 2021</b>
<b>Full Council meeting Agenda closes</b>	<b>Thursday 16 September 2021</b>
<b>Full Council meeting – Oatlands</b> [To consider recommendations from the Facilities & Recreation Committee]	<b>Wednesday 22 September 2021</b>
<b>Successful / Unsuccessful letters to grant applicants</b>	<b>Week commencing Monday 4 October 2021</b>
<b>Grant Acquittal</b>	<b>30<sup>th</sup> June 2022</b>

11 applications have been received identifying **\$44,344.50** worth of projects, requesting a total of \$31,310.00 of support from Council through the SMC Community Small Grants Program 2021. Within the application we ask,

**GRANT AMOUNT REQUESTED:**            \$ \_\_\_\_\_ **[GST inc]**

*Council may not be able to fund the full amount requested .Please advise the minimum amount that would still allow the project to continue \$ \_\_\_\_\_.*

A total “Will Accept” figure of \$28,260.00 has been determined from the applications for this grant round. The funds available for distribution by Council for the projects being \$30,000 as per the 2021/22 budget,

## ASSESSMENT PROCESS

As per the previous rounds, to assess the applications in an open, transparent and equitable manner, whilst maintaining a rigorous analysis against the established criteria, the Deputy General Manager (Andrew Benson) prepared a rational decision making process to assist the Facilities & Recreation Committee in their deliberations.

The process consisted of;

- **Firstly**, a set of criteria in a matrix format to establish the initial eligibility of the applicants. This set of criteria was extracted from the grant guidelines as issued to the Applicants. This set of criteria required a YES, NO or N/A response. These are classified as *must comply*, if an Applicant does not meet this then the application is not further assessed.

<b>MUST - Eligibility YES</b>
A not for profit community group or voluntary association that is legally constituted as an incorporate body
A not for profit community group or voluntary association that is not legally constituted as an incorporate body but will operate this grant under the auspice of one - Name of auspicing body
The group or organisation is located in the Southern Midlands municipal area
The group or organisation is proposing an activity or project which will take place in the Southern municipal area, for the benefit of those who live, visit or conduct business in the municipal area.
The applicant is able to demonstrate financial viability and competence.
The applicant meets Council's insurance requirements (if applicable).
Is the applicant an educational organisation
If an education provider will the project/activity be open to all residents and does it have a broad community benefit.
If the application is for an equipment grants applicants are required to contribute at least 50% towards the cost of the equipment, has this been identified in the budget.

- **Secondly**, a set of criteria in a matrix format to establish the areas in which the grant does not cover. This set of criteria was extracted from the grant guidelines as issued to the Applicants. This set of criteria required a YES, NO or N/A response. These are also classified as *must comply*, if an Applicant scores a YES in response then the application is not further assessed.

<b>MUST - NOs</b>	<b>Funds not available for the following</b>
Has the Applicant organisation previously failed to acquit Council assisted projects in line with the agreed terms.	
Actions/services previously disbursed.	
Fundraising purposes (donations).	
Program/projects by local schools/education providers that are exclusive to students Core school curriculum and activities cannot be considered.	

Projects with ongoing costs e.g. staff, salaries, administration, maintenance, insurance, rental or lease arrangements.
Community Organisations who already receive Council funds to undertake a specific activity for which funding is being sought or community organisations wanting to do a specific activity that is already funded by Council.
The purchase of land.
Routine and regular maintenance work to existing facilities (e.g. gardening, cleaning).
Facilities where little or no public access is available.
Travel to sporting competitions or conferences for individual or community groups.

- **Thirdly**, a set of criteria that have been called the WANTS in a matrix format that are ‘weighted’ to gauge the extent to which the assessment team believe that the application meets the criteria detailed below. This set of criteria has been extracted from the grant guidelines as they are pivotal to the decision making process, eg risk assessment, funding sought from Council as a percentage of the total project costs, etc.

This set of criteria required a “raw scoring” of between 1 and 5 (5 being the highest/best category), which is then multiplied by the weighting to achieve a “refined score”. For example in Criterion 1 on the next page, the weighting (WT) is 10 because it was felt that this criterion represents a very high priority, when the application is scored by an assessment panel member against this criterion, if the member of the assessment panel scores it as a 1, in the 1 to 5 range, this is then automatically multiplied by the weighting (WT), which arrives at a “refined score” of 10. Likewise if the member assessed it as a 5, in the 1 to 5 range which is then automatically multiplied by the weighting (WT) it comes up with a “refined score” of 50. Working this process through against each of the fourteen criteria by each of the assessment panel members it arrives at a total as shown on the A3 Summary Sheet. Affectively in this model the highest collective score is determined to be the most deserving application.

<b>WANT</b>
<b>Criteria 1</b> Demonstrate considerable benefit to the community;
<b>Criteria 2</b> Raise the awareness of or access to a service, program, group or issue or maximize the participation or use of facility;
<b>Criteria 3</b> Demonstrate coordination with other groups in the community;
<b>Criteria 4</b> Address local issues by attempting to meet a community need or gap;
<b>Criteria 5</b> Show evidence of community support for the project;
<b>Criteria 6</b> Enhance the lifestyle options for residents and visitors in the community;
<b>Criteria 7</b> Demonstrate an ability to manage the project through resource allocation, effective planning, clear goals and evaluation processes;
<b>Criteria 8</b>



Demonstrate the ability to be ongoing (if appropriate).
<b>Criteria 9</b> Is the project reliant on other funds, if so has other fund been approved
<b>Criteria 10</b> Includes the ability for broad Community access – Land Tenure
<b>Criteria 11</b> Grant funds applied for as a % of the total to complete the project
<b>Criteria 12</b> The Project shall be one that has not received any previous funding for the same purpose by Council or any other funding body
<b>Criteria 13</b> Risk Assessment of this Project
<b>Criteria 14</b> Funding received over the last five years

- **Potential Conflict of Interest** It is important to have at least five people that assess and score the applications because of the high level of potential ‘conflict of interest’ that is present in such a small Community. When a Councillor or officer identifies a conflict of interest (ie if an Elected Member or an Officer on the Assessment Panel is an office bearer for the organisation that is an Applicant for a grant, they are required to declare that interest and exit the meeting, they do not enter into discussions or score that application) and the automatic scoring in the spread sheet is adjusted by the averaging (ie if there is no conflict of interest with an Application the totals of all five scorers is summed and then divided by five to achieve the average. If there is one conflict of interest then the totals of all four scorers is summed and then divided by four to achieve the average). Therefore with potentially five assessors individually scoring fourteen criteria, coupled with the weightings and then the averaging, no one assessor has the ability to adversely influence the potential outcome of the scoring. In a further element of transparency the A3 Summary Sheet is available to all applicants so that they can gauge their level of success compared with the other applicants based purely on the identified criteria.

The Member of the Assessment Panel who declared an interest and therefore stood aside in relation the nominated application from the Brighton Equestrian Club Inc was Clr A Bantick who is Chairman of the Mangalore Recreation Ground Management Committee. This declaration and withdrawal ensures the integrity of the process.

Southern Midlands Community Small Grants Program 2021								
Group/Club	Auspiced by	Project	Project Cost	Grant Sought	Will Accept	Recommend to be Approved by Council	Priority Scored (1 = highest)	Remarks
Brighton Equestrian Club	NA	Remediation of Arena	\$ 3,825.00	\$ 3,000.00	\$ 2,500.00	\$ 3,000.00	1	No GST - No ABN
Oatlands Ex Services & Community Club	NA	Gas Hot Water Upgrade	\$ 5,275.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	2	Yes GST - Yes ABN
Brighton & Green Ponds RSL Sub Branch	NA	Floor sanding and finishing	\$ 5,750.00	\$ 2,950.00	\$ 2,500.00	\$ 2,950.00	3	No GST - Yes ABN
Oatlands Community Assn Inc	NA	Kitchen Reburfishment	\$ 7,331.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	4	No GST - Yes ABN
Campania FC	NA	Electrical Sub Board at Club Rooms	\$ 2,898.50	\$ 2,800.00	\$ 2,000.00	\$ 2,790.00	5	No GST - Yes ABN
Levendale Hall Committee	NA	Install Heat Pump	\$ 2,800.00	\$ 2,800.00	\$ 2,000.00	\$ 2,000.00	6	No GST - No ABN
Central Hawks Junior FC	NA	Replace existing Carpet in Clubrooms	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	7	No GST - Yes ABN
Mount Pleasant FC	NA	New Fridge for Clubrooms	\$ 3,135.00	\$ 3,000.00	\$ 2,500.00	\$ 2,500.00	8	No GST - Yes ABN
Oatlands Rural Youth	RYOT	New Seating for the Clubrooms	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	9	RYOT Yes GST - Yes ABN
Campania VFB	TFS	Ride on Mower	\$ 5,669.00	\$ 3,000.00	\$ 3,000.00	\$ 3,000.00	10	TFS Yes GST - Yes ABN
Green Ponds Progrss Assn	NA	COVID-19 Supplies fo GPPA plus others	\$ 1,760.00	\$ 1,760.00	\$ 1,760.00	\$ 1,760.00	11	No GST - Yes ABN
			<b>\$ 44,443.50</b>	<b>\$ 31,310.00</b>	<b>\$ 28,260.00</b>	<b>\$ 30,000.00</b>		

The Facilities & Recreation Committee took the following decision.

**DECISION**

*Moved by Cllr E Batt, seconded by Cllr A Bantick*

**THAT**

- 1. The rigorous impartial assessment process as developed by the Deputy General Manager undertaken by the Assessment Panel of the Facilities and Recreation Committee, plus two Council Officers be endorsed;*
- 2. The attached summary document (marked Southern Midlands Council Community Small Grants Program 2021 - Allocation) articulates the final decisions that have been calculated and endorsed based on the Southern Midlands Council Community Small Grants Program 2021 assessment; and;*
- 3. The financial allocations for the fifteenth round of the Southern Midlands Council Community Small Grants be subsequently submitted to the next Full Council meeting for ratification.*

**CARRIED**

Councillor	Vote For	Vote Against
Cllr D F Fish (Chairperson)	√	
Deputy Mayor E Batt	√	
Cllr A R Bantick	√	

**CONCLUSION**

The Facilities & Recreation Committee received eleven applications identifying **\$44,344.50** worth of projects to be undertaken in the Southern Midlands for the benefit of the Community, requesting a total of **\$31,310.00** of support from Council through the SMC Community Small Grants Program 2021. Council had allocated \$30,000.00 in its 2020/2021 budget for the Program. A rigorous and transparent assessment was undertaken as detailed above with the available funds being allocated in priority order as detailed in the Assessment Results on the preceding page.

From an historical perspective it is interesting to note that since the inception of the Southern Midlands Community Small Grants Program in 2007, **Council have paid out to Community Groups through this Program \$367,697.00, supporting \$1,202,286.00 worth of Community Projects.**

It must be acknowledged that this Program and this Council has made a significant contribution to this Southern Midlands Community through the Program, a contribution that current and past Councillors should be rightly proud of.

**Human Resources & Financial Implications** - Nil, funds included in the 2021/2022 budget.

**Community Consultation & Public Relations Implications** - Include an award session for the next Australia Day event.

**Policy Implications - Nil.**

**Priority - Implementation Time Frame -** From the date of the September Council meeting.

### RECOMMENDATION

**THAT the financial allocations for the fifteenth round of the Southern Midlands Council Community Small Grants Program 2021 to the following organisation be approved:**

**\$3,000.00                      *Brighton Equestrian Club***

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

**THAT the financial allocations for the fifteenth round of the Southern Midlands Council Community Small Grants Program 2021 to the following organisation be approved:**

**\$2,500.00                      *Mount Pleasant Football Club Inc***

<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 R McDougall		

**THAT the financial allocations for the fifteenth round of the Southern Midlands Council Community Small Grants Program 2021 to the following organisations be approved:**

**\$3,000.00                      *Oatlands Ex Services & Community Club Inc***  
**\$2,950.00                      *Brighton & Green Ponds RSL Sub Branch Inc***  
**\$3,000.00                      *Oatlands Community Assn Inc***  
**\$2,790.00                      *Campania Football Club Inc***  
**\$2,000.00                      *Levendale Hall Committee Inc***  
**\$3,000.00                      *Central Hawks Junior Football Club Inc***  
**\$3,000.00                      *Oatlands Rural Youth***  
**\$3,000.00                      *Campania Volunteer Fire Brigade***  
**\$1,760.00                      *Green Ponds Progress Association Inc***

<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		

### **16.3 Access**

**Strategic Plan Reference 4.3**

*Continue to explore transport options for the Southern Midlands community / Continue to meet the requirements of the Disability Discrimination Act.*

Nil.

### **16.4 Volunteers**

**Strategic Plan Reference 4.4**

*Encourage community members to volunteer.*

Nil.

### **16.5 Families**

**Strategic Plan Reference 4.5**

*Ensure that appropriate childcare services as well as other family related services are facilitated within the community / Increase the retention of young people in the municipality / Improve the ability of seniors to stay in their communities.*

Nil.

### **16.6 Education**

**Strategic Plan Reference 4.6**

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

Nil.

## 16.7 Capacity & Sustainability

### Strategic Plan Reference 4.7

*Build, maintain and strengthen the capacity of the community to help itself whilst embracing social inclusion to achieve sustainability.*

### 16.7.1 Sale of Public Land – 27 Church Street, Oatlands (PID 7559499 – Total Area 5053m<sup>2</sup> -; CT 39750/1)

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

**Date:** 20 AUGUST 2021

**Enclosure(s):**

*Report submitted to Council Meeting held 23 June 2021*

*Notice published in Mercury Newspaper*

### ISSUE

Council to confirm its intent to sell (i.e. transfer of ownership) 27 Church Street, Oatlands (PID 7559499) to the Tasmanian Government (Department of Health).

### BACKGROUND

This matter was initially considered by Council at its meeting held in June 2021. It was resolved as follows:

**“THAT:**

- a) The information be received;**
- b) Council proceed to subdivide a strip of land (width of 8 Metres) off the western side of the property for the purpose of facilitating access to the lots at the rear of the IGA Supermarket and High Street shops;**
- c) in accordance with section 178 of the Local Government Act 1993, Council resolve (by absolute majority) of its intent to sell 27 Church Street, Oatlands (PID 7559499 – Total Area 5053m<sup>2</sup> less subdivided strip -; CT 39750/1) to the Department of Health; and**
- d) Council proceed to publish this intention on at least 2 separate occasions in the Mercury Newspaper and comply with the other legislative requirements relating to the sale of public land.”**

Refer to enclosed copy of report for further background information.

### DETAIL

In accordance with section 178 (b) of the Local Government Act 1993, Council proceeded to notify the public by way of a Public Notice in the Mercury Newspaper on 14<sup>th</sup> and 21<sup>st</sup> July 2021. A Notice was also placed on the property. Refer copy of Notice attached.

The advertisement allowed for objections to the proposed disposal of land to be submitted by 6<sup>th</sup> August 2021.

No objections or any representations were received as a result of this process.

Council is now in a position to proceed and sell the Land.

**Human Resources & Financial Implications** – The full property has been valued at \$110,000. An adjustment to valuation may be required following removal of the access strip.

**Community Consultation & Public Relations Implications** – Refer comment above.

**Policy Implications** – N/A

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

## RECOMMENDATION

### THAT:

- f) the information be received;
- g) Council proceed to subdivide a strip of land (width of 8 Metres) off the western side of the property for the purpose of facilitating access to the lots at the rear of the IGA Supermarket and High Street shops;
- h) in accordance with section 178 of the *Local Government Act 1993*, Council resolve (by absolute majority) to sell 27 Church Street, Oatlands (PID 7559499 – Total Area 5053m<sup>2</sup> less subdivided strip -; CT 39750/1) direct to the Department of Health; and
- i) a Contract of Sale be prepared following completion of the subdivision process.

<b>DECISION (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 K Dudgeon		
Clr D F Fish		
Clr R McDougall		



**ENCLOSURE**

*Agenda Item 16.7.1*



**NOTICE OF INTENTION TO SELL PUBLIC LAND**  
Pursuant to S.178 (4) of the Local Government Act 1993

Notice is hereby given of Southern Midlands Council's intention to sell public land.

**Location:**

27 Church Street, Oatlands, except for an 8 metre wide strip along the south-eastern boundary to be retained for public access purposes.

**Property References:**

PID 7559499, FR 39750/1  
Approximate Area: 4,600m<sup>2</sup>

**Reason:**

For transfer to the Department of Health to consolidate the titles encompassing the Midlands Multi-Purpose Health Centre.



Objections to the proposed disposal of this land may be made in writing and addressed to the General Manager and posted to Southern Midlands Council, PO Box 21, Oatlands, Tasmania, 7120 or emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au), and must be received prior to 4:30pm, 6<sup>th</sup> August 2021. Enquiries to Tim Kirkwood Phone 6254 5000

TF KIRKWOOD  
GENERAL MANAGER

[EXTRACT FROM COUNCIL MEETING 23 JUNE 2021]

**15.7.2 Sale of Public Land – 27 Church Street, Oatlands (PID 7559499 – Total Area 5053m<sup>2</sup> -; CT 39750/1)**

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

**Date:** 16 JUNE 2021

**Enclosure(s):**

*Certificate of Title*

*Location Plan – Extract from LIST System*

**ISSUE**

Council to formally make a decision regarding its intent to sell (i.e. transfer of ownership) 27 Church Street, Oatlands (PID 7559499) to the Tasmanian Government (Department of Health).

**BACKGROUND**

This matter was initially considered by Council at its meeting held in December 2020. It was resolved as follows:

***“THAT:***

- a) the information be received;***
- b) Council confirm that there is merit in progressing the proposal to transfer ownership of the Council owned land at 27 Church Street, Oatlands (PID 7559499 – CT 39750/1);***
- c) Council to retain an access strip to facilitate access to the ‘land-locked’ lots at the rear of the IGS Supermarket and High Street shops;***
- d) Council proceed to obtain a fresh Valuation which can then be referred to the Department of Health for its consideration to provide ‘in-principle approval to purchase’; and***
- e) Subject to the outcome of the above, Council then formally make a decision regarding its intention to dispose of the land and proceed through the public notification process.”***

In reaching the decision, the following background information and detail was provided.

This property (CT 39750/1) situated at 27 Church Street, Oatlands is owned by the Southern Midlands Council. It adjoins the property owned by the Department of Health upon which the majority of the Midlands Multi-Purpose Health Centre (MMPHC) is built.

In reference to the attached locality plan, it can be seen that the sections of the existing MMPHC which are located on this Council owned land include:

- The previous Day Centre Centre (now Meeting and Activity Room);
- part of the Nursing Home section;
- the Palliative Care unit;
- the new Day Care Centre; HACC and CRC services building; and
- the Car Park.

It is evident from the above that the land is already wholly occupied by the Department of Health and therefore transfer of ownership is considered appropriate.

Whilst transfer of property ownership was considered at the time that the Southern Midlands Council passed on management responsibility of the MMPHC to the State Government (late 1990's), it was not pursued at that stage as there was some concern within Council regarding the State Government's commitment to the long-term future of the facility. It was thought that at some stage in the short-term the State Government may consider closure of the MMPHC.

Based on recent capital investment by the State Government at the MMPHC, it could reasonably be determined that the future of the facility is secure.

There are a number of issues (and problems) associated with the present arrangement. These include:

- existing buildings that currently extend across separate Titles (and different ownership);
- whilst Council has ownership of the land, it is included in Council's property schedule for public liability purposes (to ensure no liability exposure);
- A Value of \$1.2m is included for the buildings that are situated on Council owned land in Council's Property Insurance Schedule. This is the current value provided by the Valuer-General as part of the normal municipal valuation process; and
- Based on the present insurance arrangements, Council recharges the MMPHC a percentage of Council's total property insurance premium based on an insured value of \$1.2 million (out of a total property portfolio of \$24.60 million).

In addition to resolving the above issues, the possible sale proceeds from this property could be used to offset the proposed purchase cost of the Barrack Street property owned by Tasmania Police.

*Note: The sale price would only be the value of the land. The majority of the buildings have been funded by the Federal/State Governments with the exception of community donations for the Palliative Care Unit and other improvements within that part of the facility).*

Possibly related to this proposal is the Oatlands Structure Plan, which is considering car-parking options in the vicinity of the High Street shops (i.e. IGA Supermarket). One possibility that has been flagged is providing an access off Church Street at the rear of the Kentish Hotel leading to the rear of the Roxy Supermarket. If this option is pursued it would be appropriate to retain a strip of land (i.e. max. of 10 metres) on the western side of the lot. This strip, which would be classified as 'public roadway' or similar, would be achieved through a subdivision process and precede the sale process. If necessary, this would not impact on the present use of the land.

In terms of sale process, the following is an extract from the relevant sections of the *Local Government Act 1993* relating to 'Sale and Disposal of Land', and in particular, the provisions relating to 'Public Land':

**“Section 177. Sale and disposal of land**

- (1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under [section 4 of the Land Valuers Act 2001](#) .
- (3) A council may sell –
  - (a) any land by auction or tender; or
  - (b) any specific land by any other method it approves.
- (4) A council may exchange land for other land –
  - (a) if the valuations of each land are comparable in value; or
  - (b) in any other case, as it considers appropriate.
- (5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.
- (6) A decision by a council under this section must be made by absolute majority.

**177A. Public land**

- (1) The following land owned by a council is public land:
  - (a) a public pier or public jetty;
  - (b) any land that provides health, recreation, amusement or sporting facilities for public use;
  - (c) any public park or garden;
  - (d) any land acquired under [section 176](#) for the purpose of establishing or extending public land;
  - (e) any land shown on a subdivision plan as public open space that is acquired by a council under the [Local Government \(Building and Miscellaneous Provisions\) Act 1993](#) ;
  - (f) any other land that the council determines is public land;
  - (g) any other prescribed land or class of land.
- (2) The general manager is to –
  - (a) keep lists or maps of all public land within the municipal area; and
  - (b) make the lists and maps available for public inspection at any time during normal business hours.

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

- (1) A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.
- (2) Public land that is leased for any period by a council remains public land during that period.
- (3) A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.
- (4) If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–
  - (a) publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and
  - (ab) display a copy of the notice on any boundary of the public land that abuts a highway; and
  - (b) notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.
- (5) If the general manager does not receive any objection under [subsection \(4\)](#) and an appeal is not made under [section 178A](#) , the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under [subsection \(4\)](#) .
- (6) The council must –
  - (a) consider any objection lodged; and
  - (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –

- (i) that decision; and
- (ii) the right to appeal against that decision under [section 178A](#) .
- (7) The council must not decide to take any action under this section if –
  - (a) any objection lodged under this section is being considered; or
  - (b) an appeal made under [section 178A](#) has not yet been determined; or
  - (c) the Appeal Tribunal has made a determination under [section 178B\(b\)](#) or [\(c\)](#) .
- (8) . . . . .

**DETAIL**

Subsequent to the decision made by Council at its meeting held in December 2020, the following update is provided:

1. A fresh Valuation has been obtained and the property has been valued at \$110,000. This is the entire property and the value has not been adjusted to take into account the removal of a strip of land to facilitate access to the rear of the IGA Supermarket and High Street shops. It is envisaged that the value would only be reduced marginally and an adjustment to the valuation can be made upon completion of the subdivision process.
2. The Department of Health has provided ‘in-principle’ approval to purchase the land; and
3. In relation to the access strip, whilst there are a range of options, it is recommended that Council retain a strip of 8 metres which would be subdivided and dedicated as Public Road.  
Note: the absolute minimum would be 8.0 metres and could extend to width of 15 metres depending on the extent of landscaping or services to be placed within the roadway.

As referred to above, the property is classified as Public Land. It follows that the process involves an initial decision (to be passed by an absolute majority) that Council intends to dispose of ‘public land’. This intention is then advertised on two separate occasions to notify the public and allow a 21 day period for objection.

Council then makes a final decision based on the outcome of this notification process, and any final decision is subject to appeal.

**Human Resources & Financial Implications** – Noting the comments provided above, the property has been valued at \$110,000.

**Community Consultation & Public Relations Implications** – Refer comment above.

**Policy Implications** – N/A

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

**RECOMMENDATION**

**THAT:**

- j) the information be received;**

- k) Council proceed to subdivide a strip of land (width of 8 Metres) off the western side of the property for the purpose of facilitating access to the lots at the rear of the IGA Supermarket and High Street shops;
- l) in accordance with section 178 of the *Local Government Act 1993*, Council resolve (by absolute majority) of its intent to sell 27 Church Street, Oatlands (PID 7559499 – Total Area 5053m<sup>2</sup> less subdivided strip -; CT 39750/1) to the Department of Health; and
- m) Council proceed to publish this intention on at least 2 separate occasion in the Mercury Newspaper and comply with the other legislative requirements relating to the sale of public land.

<b>DECISION (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 E Bisdee OAM	✓	
Clr K Dudgeon	✓	
Clr D F Fish	✓	
Clr R McDougall	✓	

[END EXTRACT FROM COUNCIL MEETING 23 JUNE 2021]

## 16.7.2 Proposed Disposal of Public Land: A Portion of the “Campania Bush Reserve”, Water Lane/Native Corners Road, Campania

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

**Date:** 16 SEPTEMBER 2021

**Enclosures:** Draft Master Plan (May 2021)  
Public Notice / Site Notice  
Corner Site Notice  
Submission (two parts)

### ISSUE

The purpose of this report is to consider the submissions received following the public notification of Council’s intention to dispose of public land, being a portion of the land known as the “Campania Bush Reserve” at Campania. The notification of this intent was pursuant to Section 178 of the *Local Government Act 1993* which provides that a Council cannot sell or otherwise dispose of public land without advertising that intention and giving due consideration to any objections received.

### BACKGROUND

In 2015 Council, in conjunction with the local community, undertook a substantial project to create a Structure Plan for the township of Campania.

This set a number of strategies and initiatives in place for the town, for example; the parameters for the future development of the former school farm and the design of improvements to the car park & bus stop facility near the corner of Climie Street and Reeve Street.

Another initiative was the idea of subdividing land on the southern side of Native Corners Road, above Water Lane, with the net sale proceeds being used to fund improvements in the town:

*“Council owned land on the southern side of Native Corners Road is within convenient walking distance of the town centre, is well serviced and has historically been zoned ‘Village’. This land could be sold for infill development and to help fund other actions recommended in this Structure Plan.”*

Plans for the subdivision of the land have been progressed to draft stage by Council officers with input from Council’s consultant engineer and surveyor.

In addition to the possible subdivision, the recent major upgrade of the accessible walkway in the Bush Reserve created a high level of interest in the area. Also, there is potential need to improve the cemetery and columbarium, and there have been calls from some members of the community for an off-lead dog exercise area.

All these issues, including a draft design of the subdivision, were combined into a draft master plan for the area for the purposes of community consultation. A mail-out was undertaken to the local community and on 12 May 2021 a ‘drop-in session’ was held at the Memorial Hall. Approximately 34 members of the community attended.

At the May 2021 meeting Council considered the feedback. It was noted that, of those who commented on the idea of the subdivision, most were in favour provided there is a guarantee that the profits are invested back into facilities for the town. There is also an expectation that, if the subdivision goes ahead, Council will undertake another consultation process with the townsfolk to revisit and reaffirm the priorities for expenditure of the sale proceeds, at it has been over five years since the Structure Plan was created.

It is noted that, not only would the sale provide funds for community facilities, the proposed subdivision design would provide a much-improved vehicular route to the cemetery and the Bush Reserve more generally. Water Lane is too narrow for a two-way road and there is substandard sight distance to the west where Water Lane meets Climie Street/Native Corners Road.

In summary, the May 2021 community consultation process reaffirmed the outcome of the 2015 community consultation undertaken as part of the structure planning process; that the subdivision and sale of part of the Bush Reserve is still supported, - provided the net proceeds are invested into the town. Council therefore resolved to initiate the process under Section 178 of the *Local Government Act 1993* to formally seek endorsement to dispose of the land.

### **INTENTION TO DISPOSE OF “PUBLIC LAND”**

The disposal of council property generally must be in accordance with Section 177 of the *Local Government Act 1993*. The Act provides the following:

#### *Section 177*

- (1) A council may sell, lease, donate, exchange or otherwise dispose of land owned by it, other than public land, in accordance with this section.*
- (2) Before a council sells, leases, donates, exchanges or otherwise disposes of any land, it is to obtain a valuation of the land from the Valuer-General or a person who is qualified to practise as a land valuer under section 4 of the Land Valuers Act 2001.*
- (3) A council may sell –*
  - (a) any land by auction or tender; or*
  - (b) any specific land by any other method it approves.*
- (4) A council may exchange land for other land –*
  - (a) if the valuations of each land are comparable in value; or*
  - (b) in any other case, as it considers appropriate.*
- (5) A contract pursuant to this section for the sale, lease, donation, exchange or other disposal of land which is public land is of no effect.*
- (6) A decision by a council under this section must be made by absolute majority.*

Where council land is recognised as ‘public land’, Section 177A the Act provides additional specific requirements and procedures.



Firstly, 'public land' is defined as follows:

*Section 177A*

- (1) *The following land owned by a council is public land:*
  - (a) *a public pier or public jetty;*
  - (b) *any land that provides health, recreation, amusement or sporting facilities for public use;*
  - (c) *any public park or garden;*
  - (d) *any land acquired under section 176 for the purpose of establishing or extending public land;*
  - (e) *any land shown on a subdivision plan as public open space that is acquired by a council under the Local Government (Building and Miscellaneous Provisions) Act 1993*
  - (f) *any other land that the council determines is public land;*
  - (g) *any other prescribed land or class of land.*

Secondly, the disposal of land considered to be 'public land' must be in accordance with Section 178 of the Act, which states:

*Section 178*

- (1) *A council may sell, lease, donate, exchange or otherwise dispose of public land owned by it in accordance with this section.*
- (2) *Public land that is leased for any period by a council remains public land during that period.*
- (3) *A resolution of the council to sell, lease, donate, exchange or otherwise dispose of public land is to be passed by an absolute majority.*
- (4) *If a council intends to sell, lease, donate, exchange or otherwise dispose of public land, the general manager is to–*
  - (a) *publish that intention on at least 2 separate occasions in a daily newspaper circulating in the municipal area; and*
  - (ab) *display a copy of the notice on any boundary of the public land that abuts a highway; and*
  - (b) *notify the public that objection to the proposed sale, lease, donation, exchange or disposal may be made to the general manager within 21 days of the date of the first publication.*
- (5) *If the general manager does not receive any objection under subsection (4) and an appeal is not made under section 178A, the council may sell, lease, donate, exchange or otherwise dispose of public land in accordance with its intention as published under subsection (4).*
- (6) *The council must –*

- (a) consider any objection lodged; and*
- (b) by notice in writing within 7 days after making a decision to take or not to take any action under this section, advise any person who lodged an objection of –*
  - (i) that decision; and*
  - (ii) the right to appeal against that decision under section 178A.*
- (7) The council must not decide to take any action under this section if –*
  - (a) any objection lodged under this section is being considered; or*
  - (b) an appeal made under section 178A has not yet been determined; or*
  - (c) the Appeal Tribunal has made a determination under section 178B (b) or (c).*

*Section 178A:*

- (1) Any person who lodged an objection under section 178 may appeal to the Appeal Tribunal against the decision of a council under section 178(6) within 14 days after receipt of notice of that decision under section 178(6)(b).*
- (2) An appeal must be made in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.*
- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –*
  - (a) the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or*
  - (b) there is no similar facility available to the users of that facility.*
- (4) The Appeal Tribunal is to hear and determine an appeal in accordance with the Resource Management and Planning Appeal Tribunal Act 1993.*
- (5) The decision of the Appeal Tribunal on hearing an appeal is final and section 25 of the Resource Management and Planning Appeal Tribunal Act 1993 does not apply.*

*Section 178B.*

*Determination of appeal*

*In hearing an appeal against a decision of a council, the Appeal Tribunal may –*

- (a) confirm that decision; or*
- (b) set aside that decision; or*
- (c) set aside that decision and –*
  - (i) substitute another decision; or*

*(ii) remit the matter to the council for reconsideration.*

It is clear from the above that the land at Campania proposed to be subdivided and sold should be considered as 'public land' under the Act.

## **PUBLIC NOTIFICATION**

At the May 2021 meeting, Council formally resolved to 'intend' to sell the land. This intention was advertised for 21 days and members of the public were provided with the opportunity to object. The objection period closed on 16 July 2021.

Attached is the newspaper advertisement and site notices erected on the boundaries of the land. One site notice was general in nature (essentially the same as the newspaper ad) and the other related specifically to a particular corner of the land as the location of that corner was not otherwise obvious.

## **SUBMISSIONS RECEIVED**

Council must consider any objections received and determine whether to progress with the sale. If it determines to progress, then anyone who lodged an objection may lodge an appeal with the Resource Management and Planning Appeal Tribunal. Council must then not take any further action until and unless any such appeals are resolved in favour of disposal.

Only one submission was received, in two parts, (refer enclosed).

This was not in the form of an 'objection' but a request for ownership of a part of the land. It was from the representative of a neighbour who has occupied a portion of the land for some years under an informal lease arrangement with Council.

The neighbour has used this section of the land:

- to graze horses on a paddock area,
- to access the rear of their house block over a gravel driveway through the paddock, and
- as part of their backyard by fencing in a smaller section of the land with their backyard.

One of their outbuildings encroaches over the boundary onto the Council land. This appears on Land Titles Office survey notes from 1986 which shows the shed half a metre over the boundary.

The land title also shows that this neighbour's land has a right-of-way 4.0 metres wide over the Council land running alongside the common boundary.

## **CONSIDERATION OF OBJECTIONS**

Section 178A(3) of the Act sets out the criteria to be used to assess objections to the disposal of public land:

- (3) An appeal may only be made on the ground that the decision of the council is not in the public interest in that –*

- (a) *the community may suffer undue hardship due to the loss of access to, and the use of, the public land; or*
- (b) *there is no similar facility available to the users of that facility.*

For the purposes of assessing the submission under the 178A(3) Act, the points made need to be assessed solely in respect of the above.

None of the points go to the core considerations under the Act, being that *the community may suffer undue hardship due to the loss of access to, and the use of, the public land or there is no similar facility available to the users of that facility.*

The submission is focussed on seeking ownership of part of the land subject to the Notice and does not make any points relevant to the disposal of public land under Section 178A. Furthermore, the points are not in the form of 'objections'. (The Act specifically uses the word 'objection'.

Therefore, it is reasonable for Council to conclude that there have been no objections to the disposal of this public land. Even if it were to accept that the points made in the submission are some form of 'objection', it can only be concluded that they do not raise any matter that the Act states are relevant considerations, ( i.e.: that the community may suffer undue hardship due to the loss of access to, and the use of, the public land or there is no similar facility available to the users of that facility.)

It is therefore recommended that Council determine that the submissions received referring to the intended disposal of the land do not warrant a reversal of Council's decision to dispose of the land.

It is further recommended that Council proceed with arrangements to dispose of the subject land once the period in which persons who made submissions can lodge an appeal under section 178A of the Act has lapsed and it is clear that no appeal has been lodged or, if an appeal has been lodged, once any such appeal has been determined in favour of Council's decision.

To progress this in practice, Council officers will continue to refine the subdivision plan with Council's consultant engineer and surveyor. Once progressed to a satisfactory stage, a Development Application will be lodged. This will be subject to the usual public notification process, giving the local community a chance to further comment on the proposed subdivision.

## **REQUEST FOR OWNERSHIP**

Finally, it is noted that the matter raised in the submission, whilst not relevant to Section 178 of the Local Government Act, nevertheless needs to be considered and dealt with by Council. It is essentially a request for ownership of part of the land. Consideration of this request will involve potential commercial dealings with an external party and will need to be the subject of a separate report to Council that should be considered confidentially - 'in-committee'. A separate report will therefore appear on the agenda in that section.

It is noted that the only section of the Act that would be brought into play – should Council determine to sell some of this land to the neighbour - would be Section 177 which provides, amongst other things, that Council must obtain a current market valuation of land before determining to sell it.

## **Human Resources & Financial Implications**

The sale of the land would realise a significant windfall for the town. The subdivision would be fully serviced with reticulated water, sewer, stormwater, a sealed road, footpaths, etc. Very rough estimations of the cost of the subdivision, based on conceptual engineering and subdivision plans, are around \$1.2m. The potential sales could be around double this figure, leaving a significant pool of funds for town improvements.

As the subdivision layout and engineering design is refined, Council will be able to gain a more accurate picture of the true costs and potential profits, providing Council with an opportunity to confirm if the entire venture is worth the risk of proceeding. This will be subject to a further report to Council prior to the lodging of the Development Application.

## **Community Consultation & Public Relations Implications**

The public notification of the Development Application for the subdivision will provide the community with another opportunity to comment.

Should the subdivision gain a Planning Permit, accurate costings of the engineering works will be able to be ascertained, as definitive conditions from relevant authorities such as TasWater and TasRail will then be known. Combined with knowledge of the real estate market that exists at that time, this will enable Council to estimate the net sale proceeds. This, in turn, will provide Council with critical information to undertake a new community consultation process with the explicit intention of determining the priorities for expending the net profits. Some priorities identified in the 2015 Campania Structure Plan may no longer be seen as important and/or the community might now have entirely new needs or desires.

## **Policy Implications –.N/A**

Council's standing policy is that the proceeds from the disposal of assets within a community are to be reinvested into that same community.

In the case of Campania, this was reinforced when Council adopted the 2015 Structure Plan which included the commitment that the profits from the subdivision and sale of this land would be re-invested into the local community.

## **Priority - Implementation Time Frame**

Further refinement of the subdivision plan and associated engineering design needs to occur. Preliminary discussions have been held with TasWater and TasRail, but more pointed discussions are now needed with these authorities. It is likely a Development Application will be ready for lodgement in early 2022.

## **RECOMMENDATION**

**That the Council:-**

- 1. Determine that the submission received pertaining to the disposal of the subject land, being a portion of the land known as the Campania Bush Reserve, PID 3140690, F.R. 162947/5, as indicated on the attached plans and being approximately 1.95 hectares, is not of sufficient weight to warrant a reversal of Council's decision to dispose of the land.**

2. Proceed with arrangements, as outlined in this report, to dispose of the subject land in accordance with the relevant sections of the *Local Government Act 1993*, once the period in which persons who made objections can lodge an appeal under Section 178A of the Act has lapsed and it is clear that no appeal has been lodged or, if an appeal has been lodged, once any such appeal has been determined in favour of Council's decision.
3. Reaffirm its existing policy position that, if the disposal of the subject land progresses, the net proceeds are to be reinvested into the local community.
4. Re-commit to consulting with the local community to identify and prioritise the needs and desires of the community for expending the net sale proceeds.

<b>DECISION (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 K Dudgeon		
Clr D F Fish		
Clr R McDougall		

**ENCLOSURE**

Agenda Item 16.7.2

**MASTER PLAN – CAMPANIA BUSH RESERVE**  
(Draft used for the May 2021 Community Consultation Process)



**MASTER PLAN**  
**CAMPANIA BUSHLAND RESERVE**  
**SOUTHERN MIDLANDS COUNCIL**



PHILP LIGHTON ARCHITECTS

**PUBLIC NOTICE**

**Newspaper advertisement and boundary notice**



**SOUTHERN MIDLANDS COUNCIL**

**NOTICE OF INTENTION TO SELL PUBLIC LAND**

Pursuant to S178(4) of the Local Government Act 1993

Notice is hereby given of Southern Midlands Council's intention to sell or otherwise dispose of public land.

<p><b>Location</b></p>	
<p>Northern-most part of the land known as 'Campania Bush reserve', Native Corners Road/ Water Lane, Campania, (refer plan).</p> <p>Property Identification No. Part of 3140690.</p> <p>Title Reference Part of 162947/5.</p> <p>Approximate Area 1.95 hectares</p> <p>Reason Disposal of surplus land with net sale proceeds to be reinvested into the local community.</p>	

Objections to the proposed disposal of this land may be made in writing and addressed to the General Manager and posted to Southern Midlands Council, PO Box 21, Otlands, Tasmania, 7120 or emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au), and must be received prior to 4:30pm, Friday 16th July. Enquiries to Damian Mackey, Special Projects Officer, Phone 03 6254 5000.

TF Kirkwood, General Manager



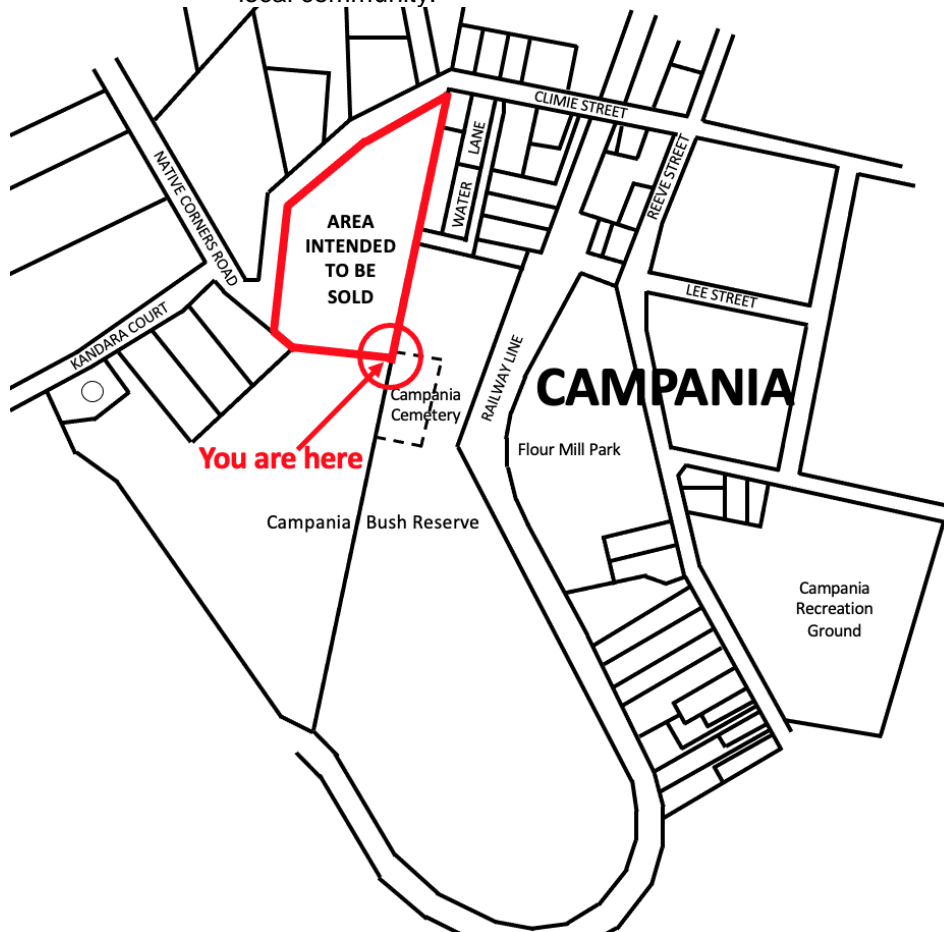
## CORNER SITE NOTICE



### NOTICE OF INTENTION TO SELL PUBLIC LAND Pursuant to S.178(4) of the Local Government Act 1993

Notice is hereby given of Southern Midlands Council's intention to sell or otherwise dispose of public land.

Location: Northern-most part of the land known as 'Campania bush reserve', Native Corners Road / Water Lane, Campania, (refer plan below).  
Property Identification No. Part of 3140690.  
Title Reference: Part of 162947/5.  
Approximate Area: 1.95 hectares  
Reason: Disposal of surplus land with net sale proceeds to be reinvested into the local community.



### **CORNER OF SOUTHERN EXTENT OF LAND PROPOSED TO BE DISPOSED**

Objections to the proposed disposal of this land may be made in writing and addressed to the General Manager and posted to Southern Midlands Council, PO Box 21, Oatlands, Tasmania, 7120 or emailed to [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au), and must be received prior to 4:30pm, Friday 16<sup>th</sup> July. Enquiries to Damian Mackey, Special Projects Officer, Phone 6254 5000



## SUBMISSION (FIRST PART)

Nigel Grice <NGrice@holdfasttas.com>

Fri 2/07, 7:02 PM

Damian Mackey

RE: Expression of Interest: 21 Water Lane, Campania (PID 3140690)80 KB

Good evening Damian

As you are aware from previous correspondence (attached), I am acting on behalf of the owner of 39 Climie Street, Campania (PID 7166900) Mr Rodney Mark Pregnell.

I had a meeting with Rod yesterday to discuss Councils request for Public opinion regarding the disposal of lands immediately adjacent his property.

Rod is having difficulties in understand the position of the land in relation to his property boundary. We are unaware of and have not been able to locate any survey markers in the general area. As a result of the age of the surrounding allotments it is difficult to determine actual boundaries to be able to provide a meaningful response to Council at this time.

Rod therefore requests that Council have a boundary identification survey undertaken by a Land Surveyor to identify actual boundaries of the parcel of land proposed for disposal.

As Rod is unable to determine the actual impact upon his property until such time as the Survey is completed, he request that you provide an extension to the period to which representation can be made, until at least 2 weeks after the Survey has been completed and the people of Campania informed that the parcel has now been identified for meaningful consideration; could you please confirm as soon as possible that you are willing to grant this extension?

I trust that you appreciate Rod's position and we look forward to your prompt response.

Kind regards

Nigel Grice  
Building Surveyor

Holdfast Building Surveyors  
38 Burnett Street  
Hobart, Tasmania 7000  
03 6231 5717  
[admin@holdfasttas.com](mailto:admin@holdfasttas.com)  
[www.holdfasttas.com](http://www.holdfasttas.com)

## SUBMISSION (SECOND PART)

Nigel Grice <NGrice@holdfasttas.com>

Tue 13/07, 1:46 PM

Damian Mackey

Good afternoon Damian

Thank you for organising the boundary identification survey for Rod to be able to consider the proposal in detail.

Please find attached a marked up extract from the LIST that Rod has prepared; as you can see from the LIST map image there is a road depicted to the west of Rod's property, albeit it not designated as a right of way or roadway in title.

Rod would like to continue to enjoy this established access to his property as well as the amenity that it offers to his existing residence. The proposed subdivision would result in new allotments immediately adjacent his western boundary, which would result in a significant loss of existing amenity; which has already occurred to the East of his allotment.

Rod would therefore like a boundary adjustment to purchase a piece of land adjacent to his property from the parcel that Council intend to sell. Rod has suggested a parcel that extends for the full length of his existing property, which is 11m wide towards Native Corners Road and 21m to the rear of the site; this could either end parallel with his existing boundary or extend to Native Corners Road, if Council did not intend to have access from Native Corners Road to the remainder of the parcel (refer attached mark-up).

I trust that the above and attached are sufficient for Council to consider Rod's request for a boundary adjustment to purchase a piece of the parcel proposed to be sold; however, if you require further information or would like to discuss further please do not hesitate to contact me.

Kind regards

**Nigel Grice**

Building Surveyor

[ngrice@holdfasttas.com](mailto:ngrice@holdfasttas.com)

Mobile: 0427 271 111

Office: 03 6231 5717

38 Burnett Street

North Hobart

Tasmania 7000

[www.holdfasttas.com](http://www.holdfasttas.com)

## 16.8 Safety

### Strategic Plan Reference 4.8

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

### 16.8.1 Southern Midlands Council – *Emergency Management Act 2006* - Nomination to the Position(s) of Municipal Coordinator and Deputy Municipal Coordinator

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

**Date:** 16 SEPTEMBER 2021

**Attachment:**

*Nil*

### ISSUE

Council to nominate person(s) to the position of Municipal Coordinator and Deputy Municipal Coordinator under the *Emergency Management Act 2006*.

### BACKGROUND

The position of Municipal Coordinator is currently held by the General Manager (Tim Kirkwood). This appointment was for a period of five (5) years and is due to expire in November 2021.

The position of Deputy Municipal Coordinator is currently held by Council's previous Manager Infrastructure & Works, Mr Jack Lyall. This appointment also expires in November 2021.

In relation to the latter, due to Mr Lyall's recent resignation from the Works Management position, and his transition into retirement, it is necessary to nominate a replacement Deputy Coordinator.

It is considered appropriate to take this opportunity to separate the Emergency Management role from Council's Works Department, as in most emergency situations, there are competing demands and requirements associated the Works Manager's position and the role of Deputy Municipal Coordinator.

### DETAIL

Section 23 of the *Emergency Management Act 2006* provides the following:

#### ***"23. Municipal Emergency Management Coordinators and Deputies***

- (1) The Minister is to appoint a Municipal Emergency Management Coordinator and a Deputy Municipal Emergency Management Coordinator for each municipal area.*
- (2) The Minister is to appoint as Municipal Emergency Management Coordinator, or Deputy Municipal Emergency Management Coordinator, for a municipal area a person nominated by the council in that municipal area.*
- (3) Each Municipal Coordinator and Deputy Municipal Coordinator may hold that office in conjunction with any other appointment, position or office.*
- (4) Each Municipal Coordinator and Deputy Municipal Coordinator holds office for the period, and on the terms and conditions, specified in his or her instrument of appointment.*

- (5) *A Deputy Municipal Coordinator for a municipal area may act in the office of Municipal Coordinator if –*
- (a) *the Municipal Coordinator is absent from Tasmania or from duty as Municipal Coordinator; or*
  - (b) *the Municipal Coordinator is otherwise unable to perform the functions of the office of Municipal Emergency Management Coordinator; or*
  - (c) *the Municipal Coordinator has died, resigned or been removed from office and a new Municipal Coordinator has not been appointed.*
- (6) *While the Deputy Municipal Coordinator is acting in the office of Municipal Emergency Management Coordinator, he or she is taken to be the Municipal Coordinator.*
- (7) *The Minister, by written notice provided to a council, may require the council to nominate persons for the positions of Municipal Emergency Management Coordinator and Deputy Municipal Emergency Management Coordinator by providing that nomination to the Minister within the time specified in the notice.*
- (8) *A council may only nominate a person for the position of Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator if the person, once appointed to the position, would have the authority and ability to make decisions relating to the coordination of emergency management in the municipal area during an emergency without first seeking the approval of the council.*
- (9) *On receipt of the nomination, the State Controller is to provide the nomination, together with his or her recommendations, to the Minister.*
- (10) *If a council fails to comply with a notice provided under subsection (7) , the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area.*
- (11) *If a council fails to nominate a Municipal Coordinator or Deputy Municipal Coordinator, the Minister may appoint a person he or she considers suitable to be Municipal Emergency Management Coordinator or Deputy Municipal Emergency Management Coordinator for the municipal area governed by that council.”*

In reference to the current internal structure for Emergency Management, there are three other key roles:

- A) Chair – Municipal Emergency Management Committee (Clr A Bantick);
- B) Manager - Municipal Emergency Coordinator Centre (Manager – Corporate Services – B Porter); and
- C) Municipal Recovery Coordinator (Manager – Community & Corporate Development- W Young.

In terms of being able to meet the requirements of the Deputy Municipal Coordinator in an emergency situation, the Municipal Recovery Coordinator is the preferred nominee as the recovery role is mostly post-emergency.

**Human Resources & Financial Implications – Nil.**

**Community Consultation & Public Relations Implications – N/A.**

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

## RECOMMENDATION

**THAT Council nominate:**

- a) Tim Kirkwood (General Manager) as the Municipal Coordinator; and**
- b) Wendy Young (Manager Community & Corporate Development) as the Deputy Municipal Coordinator).**

<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		

## 16.9 Consultation & Communication

**Strategic Plan Reference 4.8**

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

Nil.



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

### **17.1 Improvement**

#### **Strategic Plan Reference 5.1**

*Improve the level of responsiveness to Community & Developer 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 ICT systems / maintain the Business Process Improvement & Continuous Improvement framework*

Nil.

### **17.2 Sustainability**

#### **Strategic Plan Reference 5.2**

*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 / Ensure that exceptional customer service continues to be a hallmark of Southern Midlands Council*

#### **17.2.1 Tabling of Documents**

- a) Email correspondence from Eleanor Bjorksten dated 29<sup>th</sup> August 2021 Re: Oatlands Structure Plan
  
- b) Letter received from Marie and Kerrie Lee dated 13<sup>th</sup> September 2021 Re: Oatlands Structure Plan.

**ENCLOSURE(s)**  
*Agenda Item 17.2.1*

**Jemma Crosswell**

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**From:** Timothy Kirkwood  
**Sent:** Friday, 10 September 2021 2:23 PM  
**To:** Jemma Crosswell  
**Subject:** FW: letter for Council

**From:** eleanor bjorksten <eleanorbj@yahoo.com>  
**Sent:** Sunday, 29 August 2021 2:48 PM  
**To:** Timothy Kirkwood <tkirkwood@southernmidlands.tas.gov.au>  
**Subject:** letter for Council

11 Dulverton Street

Oatlands

Tasmania 7120

Sunday 29<sup>th</sup> August 2021

The General Manager  
Southern Midlands Council  
Oatlands

Dear Mr Kirkwood,

Please table this correspondence at the next Council meeting.

Re: Proposed central lane for RH turns and pedestrian refuge, High Street Oatlands

I understand that the Structure Plan for Oatlands has suggested a central lane to be created in the middle of High Street. I wish to make some comments regarding this proposal.

Thankfully for the small country town of Oatlands some past recommendations to "improve" High Street have not been followed. Speed humps, seating bubbles, widened footpaths, etc have been discussed through the efforts of Gilby and Roussos, Pitt and Sherry, to name 2 recent ones. The best project carried out by the Southern Midlands Council was the removal of the above-ground electricity and phone poles and wires thus clearing away unsightly intrusions beside the High Street and exposing the historic buildings. Now we have a structure plan which wants

unnecessary clutter to be introduced right down the centre of High Street between Dulverton Street and Wellington Street.

It is hard to believe that the volume of traffic warrants the centre lane. Have the daily traffic numbers been counted?

Obviously Council is expecting the new developments in town to result in increased traffic. However, when the Callington Mill project was nearing completion there was an assumption that traffic to Oatlands would increase dramatically. This never happened and perhaps the same is true about speculations of increased traffic visiting the distillery and swimming pool when they are completed. As a guide, has Council ever counted the increased traffic visiting the distillery in Kempton?

Does Council have measurements of the widths of High Street between Dulverton and Wellington Streets? Is there room for 3 lanes of traffic, parking and trees? Do we risk losing parking places and trees to allow a mid-city type road "improvement"?

Pedestrian refuges in the middle of High Street will affect the street parades for which Oatlands is known. Bullocks, Buddhists (dancing and doing acrobatics) and other attractions taking part in a parade may be dis-allowed because of introduced road hazards!

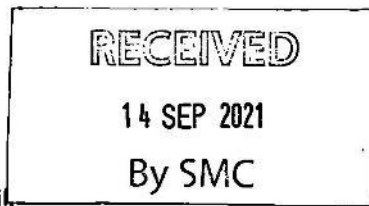
The Tourism Centre once situated on the mill site had books where visitors could make comments. So many of those comments referred to High Street, its lack of clutter, its old world appeal and the sense of stepping back in time when travelling down it. Do we want High Street Oatlands to look like the main road through Moonah in the expectation of one car every few seconds?

As a Council you have sought advice from a large city-based projects company. Perhaps their approach to "traffic solutions" is not appropriate for a small, country town no longer on the Midlands Highway. Please think Historic Town, and leave High Street as it is.

Thank you,

Eleanor Bjorksten

The General Manager,  
Southern Midlands Council,  
Oatlands, 7120.



47 Wellington Street,  
OATLANDS, 7120.  
13<sup>th</sup> September, 2021.

Dear Sir,

We write to comment on the Structure Plan for Oatlands and what we understand is a proposal to construct a centre lane along High Street for the provision of turning lanes and pedestrian refuge.

**We ask that this correspondence be tabled at the next Council meeting.**

Firstly we would like to congratulate and thank Council on the installation of new road guttering, pedestrian paving in and adjoining High Street, the upgraded and extended pathway adjacent to Lake Dulverton and the introduction of parallel parking in High Street. These installations serve to practically and intelligently increase safety, convenience and comfort for users. They do not detract unduly from the natural and heritage ambience of our historic village, which, as well as much-valued by existing residents and newcomers, is the widely-accepted reason for visitors to the area.

We find it puzzling and frustrating that at times Council gives the impression that it acknowledges the profound heritage values of our village and attempts to capitalise on it in rhetoric and at other times seems to act in ways that show complete disregard for those values, of which this current proposal is an example.

It is our opinion that Council has already made decisions in recent times that have allowed intrusion by modern developments that have served to significantly compromise and reduce Oatlands strong historic ambience.

We believe that any proposal to install this unsightly, out-of-character and completely unnecessary infrastructure is unwise and would be further damaging to what we and many others respect and value so strongly. Is it a fanciful proposal driven by parties more experienced in littering modern towns and cities with such ugliness?

if the yet-unsubstantiated claims of increased traffic can at some future time be proven, we suggest that clever redirection of traffic to avoid High Street would be a more suitable strategy than to clog High Street with modern intrusions that will prevent the likes of street parades and film-making and general appreciation and enjoyment of our valuable, historic streetscape.

We are yours faithfully,  
Marie and Kerry Lee.

### **17.2.2 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 5.3

*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 August 2021)

**Author:** FINANCE OFFICER (MANDY BURBURY)

**Date:** 14 SEPTMEBER 2021

#### ISSUE

Provide the Financial Report for the period ending 31<sup>st</sup> August 2021.

#### 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, therefore the budget and expense for depreciation are included in the June period.

#### DETAIL

The enclosed Report incorporates the following: -

- Statement of Comprehensive Income – 1 July 2021 to 31 August 2021.
- Operating Expenditure Report – 1 July 2021 to 31 August 2021.
- Capital Expenditure Report – 1 July 2021 to 31 August 2021.
- Cash Flow Statement – 1 July 2021 to 31 August 2021.
- Rates & Charges – as at 11 September 2021.

#### OPERATING EXPENDITURE (OPERATING BUDGET)

Overall operating expenditure to end of August was \$1,394,786, which represents 89.8% of the Year to Date Budget.

Whilst there is one variation within the individual Program Budgets (refer following comment), expenditure is consistent with the Budget.

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

Nil.

#### ***Strategic Theme – Growth***

**Sub-Program – Business** - expenditure to date (\$66,053 – 188.36%). Additional expenditure relates to private works. The additional expense will be offset by a corresponding increase in private works income.

***Strategic Theme – Landscapes***

Nil.

***Strategic Theme – Community***

Nil.

***Strategic Theme – Organisation***

Nil.

**CAPITAL EXPENDITURE PROGRAM**

***Strategic Theme - Infrastructure***

**Sub-Program – Bridges** - expenditure to date on the Woodsdale Road (Nutting Garden Rivulet) Bridge exceeds the budget by \$41,888. The nominated Budget was based on the 'Bridge Replacement cost' provided by AusSpan as part of its annual revaluation. The AusSpan does not take into account the Council related works (i.e. construction of bypass; temporary fencing and pavement works) which are additional to the renewal cost. This additional cost was reported to Council at the time that the Tender was accepted.

**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		

**STATEMENT OF COMPREHENSIVE INCOME**  
for the period 1st July 2021 to 31st August 2022

	Annual Budget \$	Year to Date as at 31st August 2021 \$	%	Comments
<b>Income</b>				
General rates	5,995,491.00	5,953,579.27	99.3%	Includes Interest & Penalties on rates
User Fees (refer Note 1)	786,810.00	164,642.10	20.9%	Includes Private Works
Interest	125,000.00	3,751.79	3.0%	
Government Subsidies	72,431.00	2,500.00	3.5%	Heavy Vehicle Licence Fees, Road Rescue MAIB reimbursements & Interest Subsidy
Contract Income	0.00	0.00		
Other (refer Note 2)	192,400.00	37,951.76	19.7%	Includes TasWater Distributions
<b>Sub-Total</b>	<b>\$7,172,132.00</b>	<b>\$6,162,424.92</b>	<b>85.9%</b>	
Grants - Operating	3,619,473.00	465,253.68	12.9%	
<b>Total Income</b>	<b>\$10,791,605.00</b>	<b>\$6,627,678.60</b>	<b>61.4%</b>	
<b>Expenses</b>				
Employee benefits	-4,387,132.00	-643,254.45	14.7%	Less Roads - Resheeting (Capitalised)
Materials and contracts	-3,357,595.00	-738,296.86	22.0%	Less Roads - Resheeting (Capitalised), Includes Land Tax
Depreciation and amortisation	-3,004,300.00	-508,925.14	16.9%	Percentage Calculation (based on year-to-date)
Finance costs	-67,891.00	-3,557.53	5.2%	Interest
Contributions	-245,179.00	0.00	0.0%	Fire Service Levies
Other	-147,571.00	-19,544.20	13.2%	Audit Fees and Councillor Allowances
<b>Total expenses</b>	<b>-\$11,209,668.00</b>	<b>-\$1,913,578.18</b>	<b>17.1%</b>	
<b>Surplus (deficit) from operations</b>	<b>-\$418,063.00</b>	<b>\$4,714,100.42</b>	<b>-1127.6%</b>	
Grants - Capital (refer Note 3)	3,063,096.00	100,000.00	3.3%	
Sale Proceeds (Plant & Machinery)	0.00	58,181.82		
Sale Proceeds (Land)	0.00	0.00		
Sale Proceeds (Other Assets)	0.00	899.99		Includes old wheelie bins & sale of wheat
Net gain / (loss on disposal of non-current assets)	-7,000.00	0.00		
<b>Surplus / (Deficit)</b>	<b>\$2,638,033.00</b>	<b>\$4,873,182.23</b>	<b>184.7%</b>	



**STATEMENT OF COMPREHENSIVE INCOME**  
for the period 1st July 2021 to 31st August 2022

NOTES	Annual Budget \$	Year to Date as at 31st August 2021 \$	%	Comments
<b>1. Income - User Fees (Budget \$681,158) includes:</b>				
- All other Programs	584,279.00	120,000.44	20.5%	
- Private Works	202,531.00	44,641.66	22.0%	
	<u>\$786,810.00</u>	<u>\$164,642.10</u>	20.9%	
<b>2. Income - Other (Budget \$86,000) includes:</b>				
- Tas Water Distributions	182,400.00	0.00	0.00%	
- HBS Dividend	10,000.00	0.00	0.00%	
- Public Open Space Contribution	0.00	0.00		
- Donations for use of recreation facilities	0.00	0.00		
- Worker's Comp. Wage Reimbursement	0.00	37,951.76		
	<u>\$192,400.00</u>	<u>\$37,951.76</u>	19.7%	
<b>3. Grant - Capital (Budget \$3,558,627) includes:</b>				
- Midland Hwy/ Mood Food Pathway	147,565.00	0.00	0.00%	
- Elderslie/Bluff Road Junction (Black Spot)	150,000.00	0.00	0.00%	
- Reeve St Intersection Campania (Vuln. Road Users)	200,000.00	0.00	0.00%	
- Federal Grant Oatlands Aquatic Centre	1,500,000.00	0.00	0.00%	
- State Govt. Aquatic Centre - final instalment	400,000.00	0.00	0.00%	
- Roads To Recovery	665,531.00	0.00	0.00%	
<u>Outstanding and future capital grant income</u>				
- Local Roads and Community Infrastructure Phase 1	0.00	0.00		\$66,553 of \$665,531 remaining (10%)
- Local Roads and Community Infrastructure Phase 2	0.00	0.00		\$60,903 of \$609,032 remaining (10%)
- Local Roads and Community Infrastructure Phase 3	0.00	0.00		\$1,331,062 Projects to be completed by 30.06.23
- (CDGP) Oatlands Aquatic Centre (\$500K)	0.00	0.00		\$500K remaining
- (CDGP) Lake Dulverton Walkways (\$220K)	0.00	0.00		\$176K remaining
- (CDGP) Campania Bush Reserve (\$100K)	0.00	100,000.00		
- (CDGP) Kempton Streetscape Project (\$75K)	0.00	0.00		\$45K remaining
- (CDGP) Broadmarsh Streetscape Project (\$230K)	0.00	0.00		\$230K remaining
- (CDGP) Oatlands Underground Lighting (\$250K)	0.00	0.00		\$125K remaining
	<u>\$3,063,096.00</u>	<u>\$100,000.00</u>	3.26%	
<b>4. Grant - Operating (Budget \$3,564,167) includes:</b>				
Operating Grants				
- FAGS	3,619,473.00	462,474.50	12.8%	Actual Grant - \$3,657,903 (\$1,808,005 prepayment in 20/21 + four instalments of \$462,474.50)
- Hobart City Mission - School Holiday Program	0.00	2,779.18		
	<u>\$3,619,473.00</u>	<u>\$465,253.68</u>	12.9%	

**CAPITAL EXPENDITURE PROGRAM 2021-22**  
**As at 31 August 2021**

		BUDGET	EXPENDITURE	BALANCE	COMMENTS
		\$	\$	\$	
<b>INFRASTRUCTURE</b>					
<b>ROAD ASSETS</b>					
Resheeting Program	Roads Resheeting	800,000	40,941	759,059	
Reseal Program	Roads Resealing (as per agreed program)	400,000	0	400,000	
Reconstruct & Seal	Bagdad - Green Valley Rd / Huntingdon Tier Road (250 metres)	45,000	0	45,000	RTR 21/22
	Baden - Woodsdale Road (700m Reconstruction)	115,500	0	115,500	Urgent works to be carried out in lieu of Stonor Road (700m)
	Oatlands - South Parade (including Kerb, Channel and Footpath)	170,000	3,638	166,362	WIP 30.06.21 \$2,591
	Stonor - Stonor Road (western end) (1000 metres)	165,000	0	165,000	
	York Plains - York Plains Road (pavement failures) (500 metres)	82,500	0	82,500	LRC1 P3
Construct & Seal (Unsealed Roads)	Bagdad - Green Valley Road (650m New Seal)	136,500	0	136,500	RTR \$126.5K (project nominated using savings from 20/21 RTR)
	Bagdad - Huntingdon Tier (400m new seal) Two Coat	84,000	0	84,000	
	Lower Marshes - Lower Marshes Road (approx. 750 Metres)	144,375	0	144,375	RTR 21/22
	Mangalore - Ballyhooky Road (approx 500 metres)	96,250	0	96,250	RTR 21/22
	Tunnack - Eldon Road (1,100 metres new seal)	231,000	0	231,000	RTR 21/22
Minor Seals (New)	Rhyndaston - Rhyndaston Road Dust Suppressant	20,000	0	20,000	
	Tunnack - Scotts Road Dust Suppressant	20,000	0	20,000	
Junction / Road Realignment / Other	Campania - Estate Road (vicinity Mallow property)	49,000	13,544	35,456	\$10K Budget c/fwd WIP 30/06/21 \$3638.16
	Campania - Main Intersection/Carpark Design Concept	50,000	0	50,000	\$50K c/fwd
	Campania - Reeve St / Clime Street (includes Footpath)	70,000	11,419	58,581	\$70K Budget c/fwd WIP 30/6/20 \$11,418.84
	Campania - Reeve St Junction/footpath/kerb & channel	200,000	894	199,106	Vulnerable Road Users Program
	Dysart - Cliftonvale & Sugarloaf Rd Junction Improvements	50,000	16,884	33,116	WIP 30/06/20 \$16,884.46
	Elderslie - Bluff Road Intersection Upgrade	150,000	90,836	59,164	WIP 30/06/21 \$36992.28
	Elderslie - Elderslie Road Widening Investigation & Trial (Sth Blackbrush Rd)	40,000	3,321	36,679	WIP 30/06/21 \$1078.54
	Oatlands - Hasting Street Junction	15,000	959	14,041	\$15K Budget c/fwd WIP 30/6/19 \$958.52
	Tea Tree - Grices Road (Tree removal, set-back of embankment, drainage)	15,000	0	15,000	
	Woodsdale - Woodsdale Road (400m safety rail in two sections, The Cutting)	17,000	0	17,000	
		<b>3,166,125</b>	<b>182,436</b>	<b>2,983,689</b>	
<b>BRIDGE ASSETS</b>	Interlaken Road (Dulv Rvlt - Bridge No 3861) - Widening	42,218	0	42,218	
	Woodsdale Road (Nutting Garden Rivulet - Bridge No 4084)	148,200	190,088	-41,888	Budget c/fwd RTR (\$94,531) WIP 30/06/21 \$16,917.03
	York Plains Road (Kitty's Rivulet - Bride No 457)	60,000	33981.36	26,019	WIP 30/06/21 \$25,945
		<b>208,200</b>	<b>224,070</b>	<b>-15,870</b>	

**CAPITAL EXPENDITURE PROGRAM 2021-22**  
**As at 31 August 2021**

	BUDGET	EXPENDITURE	BALANCE	COMMENTS
	\$	\$	\$	
<b>WALKWAYS</b>				
Footpaths - General Streetscapes	225,000	0	225,000	Includes \$170K Budget C/fwd, \$20K moved to South Parade
Bagdad - East Bagdad Road	210,000	145,886	64,114	Budget c/fwd WIP 30/6/21 \$143062.53
Bagdad - Midland Highway - Walking Path Upgrade (500 metres)	50,000	0	50,000	
Broadmarsh - Streetscape Works	230,000	198,160	31,840	Budget c/fwd WIP 30/06/21 \$190864.48
Campania - Review Manag. Plan (Site Plan) / Walking Tracks (Bush Reserve)	5,000	0	5,000	\$5K Budget c/fwd
Campania - Reeve Street - Footpath through to Hall	30,000	0	30,000	
Kempton - Midlands Highway/Mood Food	147,565	0	147,565	
Kempton - Streetscape Plan (Review & Implementation)	35,000	1,881	33,119	Budget c/fwd WIP 30/06/21 \$1881.13
Kempton - Streetscape Plan - Footpath Renewal (Dysart House)	23,000	0	23,000	Budget c/fwd
Kempton - Streetscape Plan - Footpath Renewal (southern end)	60,000		60,000	LRC1 P3
Kempton - Jones' Subdivision - Footpath/kerb & gutter/stormwater	278,000		278,000	LRC1 P3
Kempton - Main St, Sophia to Erskine (145m) - Footpath/kerb & gutter/stormwater	52,032	878	51,154	LRC1 P2
Kempton - Streetscape Plan - Victoria Memorial Hall	110,000	111,586	-1,586	Budget c/fwd WIP 30/06/20 \$109,336.52
Melton Mowbray - Streetscape Works (Trough / Shelter etc)	30,000	5,318	24,682	WIP 30/06/20 \$5318.18
Oatlands - High Street (Footpath Renewal)	61,281	44,582	16,699	LRC1 P1
Oatlands - Wellington Street (Footpath, Kerb, Guttering Anstey Crt to High St)	54,000	57,263	-3,263	LRC1 - Renominated from P1 savings
Oatlands - Wellington Street (Footpath - High to Infant Car Park - Gravel to Concrete)	24,225	5,092	19,133	
Oatlands - Wellington Street (Footpath - Oak Court to Anstey Court)		256	-256	
Oatlands - Stanley Street (Concrete Footpath, Marlborough St to High St)	43,000	2,906	40,094	LRC1 - Renominated from P1 savings
Oatlands - Church Street (High St to Esplanade - Gravel to Concrete - 240m)	28,800			
Tunbridge - Main Street (Ongoing Kerb & Gutter Renewal)	20,000	0	20,000	
Tunnack - Streetscape concept Plan	50,000	28,771	21,229	\$45K budget c/fwd WIP 30/06/21 \$28,770.96
	<b>1,766,903</b>	<b>602,579</b>	<b>1,135,524</b>	
<b>LIGHTING</b>				
Oatlands - Esplanade Project	384,000	202,948	181,052	Budget c/fwd WIP 30/6/21 \$162,203.16
	<b>384,000</b>	<b>202,948</b>	<b>181,052</b>	
<b>PUBLIC TOILETS</b>				
Campania - Flour Mill Park - Concrete Pathways/drainage/remove pavers	15,000	0	15,000	Budget c/fwd
General Public Toilets - Upgrade Program	20,000	0	20,000	Budget c/fwd
	<b>35,000</b>	<b>0</b>	<b>35,000</b>	
<b>DRAINAGE</b>				
Bagdad - Lyndon Road	15,000	0	15,000	\$15K Budget c/fwd
Bagdad - Blackbrush Road Drainage (kerb, gutter, footpath)	430,000	22,907	407,092.55	LRC1 Phase 2 - WIP 30/06/21 \$6,575.80
Bagdad - Hall Lane Drainage	75,000	5,324	69,676.37	LRC1 Phase 2 - WIP 30/06/21 \$3,592.71
Campania - Estate Road (School Farm)	10,000	0	10,000	\$10K Budget c/fwd
Oatlands - High St/Wellington Street Junction	5,000	0	5,000	\$5K Budget c/fwd
Stormwater Management Plan	0	656	-656	
	<b>535,000</b>	<b>28,887</b>	<b>506,113</b>	

**CAPITAL EXPENDITURE PROGRAM 2021-22**  
**As at 31 August 2021**

		BUDGET	EXPENDITURE	BALANCE	COMMENTS
		\$	\$	\$	
<b>WASTE</b>	Wheelie Bins and Crates	5,000	0	5,000	
	WTS Safety & Operational Improvements	25,000	0	25,000	
		<b>30,000</b>	<b>0</b>	<b>30,000</b>	
<b>GROWTH</b>					
<b>TOURISM</b>	Jericho - Memorial Avenue - Plaques (Stage 1 of 2 - \$20K per year)	\$ 20,000			
	Kempton - Memorial Avenue Park - Interps (Stage 1 of 2 - \$20K per year)	\$ 20,000			
	Oatlands Accommodation Facility	0	9,157	-9,157	To be offset by Barrack Street Property WIP 30/6/21 \$3,502.41
		<b>40,000</b>	<b>9,157</b>	<b>-9,157</b>	
<b>LANDSCAPES</b>					
<b>HERITAGE</b>	Heritage Collections Store	10,000	1,500	8,500	Budget c/fwd WIP 30/06/21 \$1,500
	Oatlands - Barrack Street Police House (\$110K over 2 years)	55,000	0	55,000	
	Oatlands - Callington Mill (Limestone Seal in Precinct)	27,250	935	26,315	
	Oatlands - Commissariat (79 High Street) Boundary Fence	6,000	0	6,000	Budget c/fwd
	Oatlands - Court House (Sandstone wall restoration)	15,000	0	15,000	
	Oatlands - Gaol Aluminium Temporary Steps (Entrance)	3,500	0	3,500	\$3.5K Budget c/fwd
	Oatlands - Gaol Wingwall Restoration	8,000	0	8,000	
	Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000	0	40,000	\$40K Budget c/fwd
	Parattah - Railway Station -Shed for Gangers Trolley	2,000	0	2,000	
		<b>166,750</b>	<b>2,435</b>	<b>164,315</b>	
<b>NATURAL</b>	Chauncy Vale - Wombat Walk	39,250	10,061	29,190	Includes \$29,250 grant WIP 30/06/21 \$5,030
	Oatlands - Lake Dulverton Walkway (Grants \$135K + \$85K)	220,000	121,583	98,417	\$220K Budget c/fwd WIP \$121583.30
	Municipal Area - Preventing Roadkill (Signs)	5,000	0	5,000	
		<b>264,250</b>	<b>131,644</b>	<b>132,606</b>	
<b>CULTURAL</b>	Nil	0	0	0	
		<b>0</b>	<b>0</b>	<b>0</b>	
<b>REGULATORY - DEVELOPMENT</b>	Kempton Council Chambers - Chambers Restoration Works	15,000	17,885	-2,885	\$5K Budget c/fwd WIP 30/06/21 \$1,818.18
	Kempton Council Chambers - Clock Restoration Works	20,000	502	19,499	Budget c/fwd WIP \$501.50
	Kempton Council Chambers - Office Furniture & Equipment	5,000	656	4,344	
	Kempton Council Chambers - Solar Proposal	11,145	0	11,145	
		<b>51,145</b>	<b>19,043</b>	<b>20,957</b>	

**CAPITAL EXPENDITURE PROGRAM 2021-22**  
**As at 31 August 2021**

		BUDGET	EXPENDITURE	BALANCE	COMMENTS
		\$	\$	\$	
<b>REGULATORY - PUBLIC HEALTH</b>	Water Bottle Refill Stations	7,980	0	7,980	
	Kempton - Community Health Facility	400,000	324,497	75,503	Budget c/fwd WIP 30/06/21 \$324,497.46
		<b>407,980</b>	<b>324,497</b>	<b>83,483</b>	
<b>REGULATORY - ANIMAL CONTROL</b>	Kempton - Dog Pound(s)	35,000	16,025	18,975	Budget c/fwd WIP 30/06/21 \$14,370.46
		<b>35,000</b>	<b>16,025</b>	<b>18,975</b>	
<b>COMMUNITY RECREATION</b>	Recreation Committee	25,000	0	25,000	
	Bagdad - Bagdad Community Club (Precinct Plan)	25,000	0	25,000	
	Campania - Public Open Space dev (Justitia Park)	12,000	0	12,000	
	Campania - Recreation Ground (Internal Toilet Improvements)	40,000	8,636	31,364	Budget c/fwd WIP 30/06/21 \$8,636.36
	Kempton - Memorial Avenue Park (Gifted to Council)	0	155	-155	WIP 30/06/20 \$155
	Kempton - Memorial Hall Improvements (Online Access Centre)	0	449	-449	
	Kempton - Memorial Hall Portico	52,000	54,332	-2,332	Budget c/fwd WIP \$54,332.24
	Kempton - Recreation Ground (Lighting)	16,000	0	16,000	Budget c/fwd
	Kempton - Recreation Ground (Roof Structure - Entry to Clubrooms)	15,000	468	14,532	Budget c/fwd WIP 30/06/21 \$468.18
	Kempton - Recreation Ground (Site Development and Play Equipment)	25,000	0	25,000	
	Mangalore - Hall (replace Gutters and Roofing)	18,000	0	18,000	Budget c/fwd
	Oatlands - Aquatic Centre (New Pool) - Work in Progress prior to 2020/21	941,987	941,987	0	WIP 30/06/20 \$166,197.29, 30/6/19 \$395,896.00, 30/6/18 \$379,803
	Oatlands - Aquatic Centre (New Pool) - 2020/21 & current year expenditure	9,379,600	2,599,396	6,780,204	WIP 30/06/21 \$1,741,641.16
	Oatlands - Callington Park (Two seats with arm rest & back support)	7,000	0	7,000	
	Oatlands - Callington Park (Lighting & Surveillance)	6,000	0	6,000	
	Oatlands - Community Hall (Maintenance Program)	51,300	0	51,300	
	Oatlands - Midlands Memorial Community Centre (Roof & Insulation)	39,000	0	39,000	
	Tunbridge Park - Perimeter Fence (Safety)	30,000	0	30,000	Budget c/fwd
		<b>10,682,887</b>	<b>3,605,424</b>	<b>7,077,463</b>	
<b>ACCESS</b>	All Buildings (Priority Approach)	50,000	0	50,000	Budget c/fwd - 5 years @ \$10K per year
	Tunbridge Community Club (Council Contribution to Accessible Toilets)	20,000	0	20,000	
		<b>70,000</b>	<b>0</b>	<b>70,000</b>	
<b>CAPACITY &amp; SUSTAINABILITY</b>	Campania Bush Reserve / Cemetery	300,000	7,011	292,989	WIP 30/06/21 \$5,194.75
	Levendale Community Centre	38,390	0	38,390	Budget c/fwd
	Oatlands - Church Street Sub-Division	0	7,847	-7,847	Expenses offset on sale of properties WIP 30/06/21 \$6,764.66
	Oatlands - Stanley Street Master Plan	20,000	0	20,000	
	Oatlands Structure Plan	25,000	27,202	-2,202	\$25K Budget c/fwd WIP \$23,203
		<b>383,390</b>	<b>42,060</b>	<b>341,330</b>	

**CAPITAL EXPENDITURE PROGRAM 2021-22**  
**As at 31 August 2021**

		BUDGET	EXPENDITURE	BALANCE	COMMENTS
		\$	\$	\$	
<b>SAFETY</b>	Nil	0	0	0	
		<b>0</b>	<b>0</b>	<b>0</b>	
<b>ORGANISATION</b>					
<b>SUSTAINABILITY</b>	Oatlands - Council Chambers - Internal Toilets Upgrade	100,000	0	100,000	Budget c/fwd
	Oatlands - Council Chambers - Damp Issues & Stonemasonry	15,000	0	15,000	Budget c/fwd
	Oatlands - Council Chambers - Works Office (floor coverings)	5,000	0	5,000	Budget c/fwd
	Oatlands - Town Hall (General - Incl. Office Equip/Furniture)	5,000	0	5,000	
	Records System	30,000		30,000	\$20K Budget c/fwd
	Computer System (Hardware / Software)	80,000	18,892	61,108	
		<b>235,000</b>	<b>18,892</b>	<b>216,108</b>	
<b>WORKS</b>	Kempton Depot - Property Purchase (Year 3 Budget of \$180K)	45,000	45,000	0	Total Project Cost - to be funded over 4 yrs (Yr 3 - \$45K)
	Kempton Depot - Internal Building Improvements	30,000	349	29,651	\$15K Budget c/fwd
	Kempton Depot - Storage Lockers	2,000	0	2,000	Budget c/fwd
	Oatlands Depot - Roof over containers/General repairs & alterations	28,000	265	27,735	Budget c/fwd
	Minor Plant Purchases	9,500	0	9,500	
	Radio System	3,000	0	3,000	
	<b>Plant Replacement Program</b>				
	Heavy Vehicles	715,000	6,500	708,500	
	Light Vehicles	108,000	0	108,000	
	(Trade Allowance - \$280K)				
		<b>940,500</b>	<b>52,114</b>	<b>888,386</b>	
<b>GRAND TOTALS</b>		<b>19,402,130</b>	<b>5,462,211</b>	<b>13,859,919</b>	

<b>CASH FLOW 2021/2022</b>	INFLOWS (OUTFLOWS) (July 2021) \$	INFLOWS (OUTFLOWS) (August 2021) \$	INFLOWS (OUTFLOWS) (Year to Date) \$
<b><i>Cash flows from operating activities</i></b>			
<b>Payments</b>			
Employee costs	- 260,616	- 390,947	- 651,563
Materials and contracts	- 491,436	- 202,262	- 693,697
Interest	- 3,558	-	- 3,558
Other	- 28,525	- 73,931	- 102,457
	<b>- 784,134</b>	<b>- 667,140</b>	<b>- 1,451,274</b>
<b>Receipts</b>			
Rates	114,192	1,709,936	1,824,128
User charges	126,455	- 3,059	123,396
Interest received	1,852	1,900	3,752
Subsidies	-	-	-
Other revenue grants	2,779	462,475	465,254
GST Refunds from ATO	-	-	-
Other	45,664	13,995	59,659
	<b>290,942</b>	<b>2,185,246</b>	<b>2,476,188</b>
<b>Net cash from operating activities</b>	<b>- 493,192</b>	<b>1,518,106</b>	<b>1,024,914</b>
<b><i>Cash flows from investing activities</i></b>			
Payments for property, plant & equipment	- 144,440	- 1,208,615	- 1,353,055
Proceeds from sale of property, plant & equipment	55	59,027	59,082
Proceeds from Capital grants	-	100,000	100,000
Proceeds from Investments	-	-	-
Payment for Investments	-	-	-
<b>Net cash used in investing activities</b>	<b>- 144,385</b>	<b>- 1,049,588</b>	<b>- 1,193,973</b>
<b><i>Cash flows from financing activities</i></b>			
Repayment of borrowings	- 7,651	-	- 7,651
Proceeds from borrowings	-	-	-
<b>Net cash from (used in) financing activities</b>	<b>- 7,651</b>	<b>- -</b>	<b>- 7,651</b>
Net increase/(decrease) in cash held	- 645,228	468,517	- 176,710
Cash at beginning of reporting period	18,201,458	17,556,231	18,201,458
<b>Cash at end of month / year-to-date</b>	<b>17,556,231</b>	<b>18,024,748</b>	<b>18,024,748</b>

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2021/22  
 SUMMARY SHEET**

PROGRAM	YTD ACTUAL (as at 31 Aug 21)	YTD BUDGET (as at 31 Aug 21)	YTD VARIANCE	YTD VARIANCE %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
<b>INFRASTRUCTURE</b>					
Roads	238,883	233,052	5,831	102.50%	3,250,313
Bridges	138	3,470	3,332	3.97%	400,987
Walkways	26,377	33,537	7,160	78.65%	226,220
Lighting	6,889	14,200	7,311	48.52%	85,200
Public Toilets	14,251	15,623	1,373	91.22%	77,741
Sewer/Water	-	-	-	-	-
Drainage	140	4,602	4,462	3.04%	79,614
Waste	107,151	176,793	69,643	60.61%	1,088,258
Information, Communication	-	-	-	-	-
<b>INFRASTRUCTURE TOTAL:</b>	<b>393,829</b>	<b>481,278</b>	<b>87,449</b>	<b>81.83%</b>	<b>5,208,333</b>
<b>GROWTH</b>					
Residential	-	-	-	-	-
Tourism	12,000	11,783	217	101.84%	48,700
Business	66,053	35,067	30,985	188.36%	957,904
Industry	-	-	-	-	-
<b>GROWTH TOTAL:</b>	<b>78,053</b>	<b>46,851</b>	<b>31,202</b>	<b>166.60%</b>	<b>1,006,604</b>
<b>LANDSCAPES</b>					
Heritage	61,839	71,471	9,632	86.52%	414,926
Natural	31,062	33,634	2,572	92.35%	219,603
Cultural	-	2,250	2,250	0.00%	13,500
Regulatory - Development	124,701	148,255	23,554	84.11%	889,530
Regulatory - Public Health	796	3,388	2,591	23.50%	20,325
Regulatory - Animals	20,978	20,352	626	103.08%	111,113
Environmental Sustainability	-	-	-	-	-
<b>LANDSCAPES TOTAL:</b>	<b>239,376</b>	<b>279,349</b>	<b>39,974</b>	<b>85.69%</b>	<b>1,668,997</b>
<b>COMMUNITY</b>					
Community Health & Wellbeing	32,836	45,404	12,568	72.32%	267,425
Recreation	67,040	128,310	61,270	52.25%	729,670
Access	-	-	-	-	-
Volunteers	-	2,500	2,500	0.00%	45,000
Families	-	5,250	5,250	0.00%	11,500
Education	-	-	-	-	-
Capacity & Sustainability	15,467	20,801	5,334	74.36%	44,405
Safety	3,768	6,617	2,848	56.95%	39,700
Consultation & Communication	2,316	3,258	942	71.08%	17,300
<b>LIFESTYLE TOTAL:</b>	<b>121,428</b>	<b>212,140</b>	<b>90,712</b>	<b>57.24%</b>	<b>1,155,000</b>
<b>ORGANISATION</b>					
Improvement	17,625	17,815	190	98.93%	106,890
Sustainability	518,301	489,139	29,163	105.96%	2,500,667
Finances	26,175	27,333	1,159	95.76%	328,179
<b>ORGANISATION TOTAL:</b>	<b>562,101</b>	<b>534,287</b>	<b>27,814</b>	<b>105.21%</b>	<b>2,935,736</b>
<b>TOTALS</b>	<b>1,394,786</b>	<b>1,553,904</b>	<b>159,119</b>	<b>89.8%</b>	<b>11,974,670</b>



<b>SOUTHERN MIDLANDS COUNCIL SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year 11th September 2021		Last Financial Year 11th September 2020	
Arrears brought forward as at July 1		\$ 434,414.30		\$ 527,651.89
ADD current rates and charges levied		\$ 5,946,701.12		\$ 5,720,328.73
ADD current interest and penalty		\$ 7,014.93		\$ -
<b>TOTAL rates and charges demanded</b>	<b>100.00%</b>	<b>\$ 6,388,130.35</b>	<b>100.00%</b>	<b>\$ 6,247,980.62</b>
LESS rates and charges collected	40.40%	\$ 2,580,768.37	41.30%	\$ 2,580,715.87
LESS pensioner remissions	3.88%	\$ 248,018.83	3.92%	\$ 244,628.11
LESS other remissions and refunds	0.02%	\$ 1,363.42	-0.06%	-\$ 3,562.32
LESS discounts	0.54%	\$ 34,662.90	0.53%	\$ 32,817.61
<b>TOTAL rates and charges collected and remitted</b>	<b>44.85%</b>	<b>\$ 2,864,813.52</b>	<b>45.69%</b>	<b>\$ 2,854,599.27</b>
<b>UNPAID RATES AND CHARGES</b>	<b>55.15%</b>	<b>\$ 3,523,316.83</b>	<b>54.31%</b>	<b>\$ 3,393,381.35</b>

### **17.3.2 Monthly Oatlands Aquatic Centre Capital Expenditure Report (period ending 31 August 2021)**

**Author:** FINANCE OFFICER (MANDY BURBURY)

**Date:** 14 SEPTEMBER 2021

#### **ISSUE**

Provide the capital expenditure report for the Oatlands Aquatic Centre to 31<sup>st</sup> August 2021.

#### **DETAIL**

The enclosed Report includes all capital expenditure relating to the Oatlands Aquatic Centre prior to 2020/2021, and budget and expenditure for 2020/2021 and 2021/2022.

#### **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		

**OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION  
 AS AT 31 AUGUST 2021**

	BUDGET \$	EXPENDITURE \$	VARIANCE \$	COMMENTS
<b>Total Expenditure to 31 August 2021</b>		<b>3,708,291</b>		
Council Labour & On-costs		5,255		
Materials - Council		195		
External Plant Hire - Council		6,217		
SMC Planing / Building Permits		6,495		
SMC Planing / Building Permits - June 2020		6,868		
SMC - Other Contractor Costs		901		
August 2012 - Purchase of 70 High Street, Oatlands		166,908		Total Cost (includes legals etc.) Gov't Land Value - \$23,000
<b>Bzowy Architecture &amp; Other Consultants</b>				
<b>2016/17</b>		27,056		Best described as Project Revival
Contract No 1 (part of \$107,660)		16,227		
<b>2017/18</b>				
Contract No 1 (part of \$107,660)		92,471		Includes Disbursements of \$1,038
Other Costs - Variations & Redesign		63,579		Additional Floor / Redesign etc.
Bio-Energy (review & assessment)		24,867		
Appeal Costs		140,153		Various
<b>2018/19</b>				
Bzowy - Other Costs - Variations & Redesign		108,611		Includes Survey & Legal
Engagement Agreements		21,470		
Formal Contract - Tenders / Design etc (part of \$379,960)		265,905		

**OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION  
 AS AT 31 AUGUST 2021**

	BUDGET	EXPENDITURE	VARIANCE	COMMENTS
	\$	\$	\$	
<b>2019/20</b>				
Bzowy - Other Costs - Variations & Redesign		96,779		Includes Survey & Legal
Bzowy - Formal Contract - Tenders / Design etc (part of \$379,960)		39,921		
Building Surveying		350		
Communications (Nylander)		180		
Legal (BMB)		18,488		
<b>Construction Phase (to date) - July 2020 - to 31 August 2021</b>				
Legal (BMB)	0	15,996	-15,996	
Construction Contract (Vos)	7,783,604	2,023,812	5,759,792	Four progress claims made
Consultants Fees (SMG)	581,712	429,025	152,687	
Furniture, Fittings and Equipment (SMG)	50,000	0	50,000	
Principal Supplied Goods (SMG)	62,284	35,867	26,417	
Principal Works (SMC)	300,000	63,699	236,301	
Contingency Sum (SMG)	400,000	0	400,000	
Demolition of CT Fish Building	10,000	24,673	-14,673	
Construction of Waste Water Holding Facility	192,000	6,325	185,675	
<b>Current Year Budget and Expenditure</b>	<b>\$ 9,379,600</b>	<b>\$ 2,599,396</b>	<b>\$ 6,780,204</b>	
<b>Total Expenditure to 31 August 2021</b>		<b>\$ 3,708,291</b>		
<b>Reconciliation to Capital Expenditure Report</b>				
Work in Progress (expenses prior to 2020/21)		941,987		
2020/21 expenditure	1,741,641			
2021/22 expenditure	857,755			
Expenditure as per Capital Expenditure Report		2,599,396		
add purchase of 70 High Street		166,908		
		<u><u>\$ 3,708,291</u></u>		

## **18. MUNICIPAL SEAL**

Nil.

**19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO 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>Local Government (Meeting Procedures) Regulations 2015 Reference</b>
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Audit Panel Minutes</i>	15 (2)
<i>Tenders – Annual Reseal &amp; Road Reconstruction Program</i>	15(2)(c)
<i>Southern Midlands Council - Enterprise Bargaining Agreement</i>	15(2)(a)
<i>Request for Ownership of Land – Campania Bush Reserve</i>	15(2)(c)

<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 K Dudgeon		
Clr D F Fish		
Clr R McDougall		

## CLOSED COUNCIL AGENDA

### 20. BUSINESS IN “CLOSED SESSION”

20.1 Closed Council Minutes - Confirmation

20.2 Applications for Leave of Absence

20.3 Audit Panel Minutes

20.3.1 Receipt of Minutes

20.3.2 Endorsement of Recommendations

20.4 Tender – Annual Road Stabilisation Program

20.5 Southern Midlands Council - Enterprise Bargaining Agreement (No 12 of 2021)

20.6 Request for Ownership of Council Land: A Portion of the “Campania Bush Reserve”, Water Lane / Native Corners Road, Campania

### RECOMMENDATION

THAT Council move out of “Closed Session”.

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		



## **OPEN COUNCIL AGENDA**

### **21. CLOSURE**