

SOUTHERN
MIDLANDS
COUNCIL



AGENDA

ORDINARY COUNCIL MEETING

Wednesday, 23rd November 2022
10.00 a.m.

Kempton Municipal Offices
85 Main Street, Kempton

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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 23rd November 2022

Time: 10.00 a.m.

Venue: Kempton Municipal Offices, 85 Main Street, Kempton

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.*

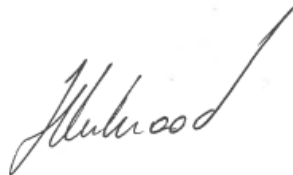
I therefore certify that with respect to all advice, information or recommendation provided to the Council in or with this Agenda:

- (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 black ink, appearing to read 'TF Kirkwood', written in a cursive style.

TF Kirkwood
GENERAL MANAGER

OPEN COUNCIL AGENDA

1. PRAYERS

Reverend 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. LOCAL GOVERNMENT ELECTION

5.1 Receive Certificate of Election

The General Manager to formally table the Certificate of Election for the October 2022 Election.

RECOMMENDATION

THAT the Certificate of Election be formally received.

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

5.2 Declaration of Office

Section 321 of the *Local Government Act 1993* states:

“Declaration of office

- (1) Any person elected as councillor must make a prescribed declaration in a prescribed manner.
- (2) A person elected as a councillor who has not made a declaration must not–
- (a) act in the office of councillor, mayor or deputy mayor; or
 - (b) take part in the proceedings of any meeting of the council or a committee.
- (3) A council is to acknowledge the making of a declaration at its meeting and the general manager is to record that fact in the minutes of that meeting”.

It is confirmed that the Mayor, Deputy Mayor, and all elected Councillors have made the prescribed declarations.

RECOMMENDATION

THAT Council formally acknowledge the making of the declarations in accordance with section 321 of the *Local Government Act 1993*.

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

6. MINUTES

6.1 Ordinary Council meeting

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 26th October 2022, as circulated, are submitted for confirmation.

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

6.2 Special Committees of Council Minutes

6.2.1 Special Committees of Council - Receipt of Minutes

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 24th October 2022

RECOMMENDATION

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

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

6.2.2 Special Committees of Council - Endorsement of Recommendations

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

- Chauncy Vale Wildlife Sanctuary Management Committee Minutes – 24th October 2022

RECOMMENDATION

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

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

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

6.3.1 Joint Authorities - Receipt of Minutes

Nil.

6.3.2 Joint Authorities - Receipt of Reports (Annual & Quarterly)

Nil.

7. NOTIFICATION OF COUNCIL WORKSHOPS

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

One workshop has been held since the last Ordinary Meeting.

A workshop was held on the 14th November 2022 at the Council Chambers, Oatlands commencing at 9.30 a.m.

Attendance: Mayor E Batt, Cllrs A E Bisdee OAM, D Blackwell, K Dudgeon, D Fish, R McDougall and F Miller.

Apologies: Nil.

Also in Attendance: T Kirkwood, A Benson, D Richardson, W Young, A Burbury, B Williams, M Weeding and J Crosswell.

The purpose of the workshop was to commence the induction program for elected members (following the October 2022 Local Government Election). It included the following:

- a. Overview of the *Local Government Act 1993*, with particular reference to the Role of the Councillor; Council - Roles and Responsibilities; Role of the Mayor; Role of the Deputy Mayor; and Role of the General Manager and relationship with council staff.
- b. Overview of Council Area and Organisation,
- c. Strategic Plan Overview and Organisational Structure i.e. key functional areas of council operations
- d. Overview of Council Area (incl. Council Property Listing and demographics
- e. Procedural Matters, including Issue of Agenda; Agenda Format; Meeting Procedures and guidelines (incl. closed sessions); Workshops; and Complaints / Request for works and services process.
- f. Financial Documents – explanation in relation to the Financial Management Strategy; Long-Term Financial Management Plan; 2022/23 Annual Operating Plan / Budget
- g. Overview of key legislation (i.e. Local Government Act 1993; Local Government (General Regulations) 2015; Local Government (Meeting Procedures) Regulations 2015; Land Use Planning and Approvals Act 1993 etc.)
- h. Office of Councillor – Allowances
- i. Office of Councillor - Expenses
- j. Preliminary discussion re: meeting procedures and times – to be formally determined at the first meeting of Council.
- k. Circulation of Induction Manual containing key documents (e.g. Strategic Plan; Annual Plan & Budget; Financial Management Strategy; Long-Term Financial Management Plan; Legislation etc.) and other relevant documents.

Further workshop to be scheduled to discuss Committee Appointments; appointments to legislative bodies; regional bodies and other external organisations.

The workshop concluded at approximately 12.35 p.m.

RECOMMENDATION

THAT the information be received.

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

8. COUNCILLORS – QUESTION TIME

8.1 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.

8.2 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.

9. 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*.

10. 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 E Batt		
Deputy Mayor K Dudgeon		
Clr A E Bisdee OAM		
Clr D Blackwell		
Clr D F Fish		
Clr R McDougall		
Clr F Miller		

11. 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 a member of the Public.

11.1 Permission to Address Council

Nil.

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

12.1 Oatlands Aquatic Centre – External Cladding (High Street Frontage of Building)

Clr A E Bisdee OAM has submitted the following Notice of Motion:

“THAT Council investigate the possibility of cladding the outside of the office extension of the new Oatlands Aquatic Centre with SANDSTONE bricks as an alternative to PAINTING the exterior as proposed by the architects”.

General Manager’s Comments:

The Project Architect (Peter Gaggin) has been requested to provide comment in relation to this Motion. At the time of finalising the Agenda, a response has not been received. Advice will be provided at the meeting.

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

13. 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.

13.1 Development Applications

Nil.

13.2 Subdivisions

Nil.

13.3 Municipal Seal (Planning Authority)

Nil.

13.4 Planning (Other)

13.4.1 Submission to the Tasmanian Planning Policies – Draft for Consultation in accordance with section 12C(2) of the *Land Use Planning and Approvals Act 1993*.

AUTHOR: SPECIAL PROJECTS OFFICER (DAMIAN MACKEY)

DATE: 16 NOVEMBER 2022

Enclosure(s):

1. *Correspondence from the Minister for Planning re: Consultation on Draft Tasmanian Planning Policies, 19 September 2022.*
2. *Draft Council Submission on Draft Tasmanian Planning Policies.*

Attachments(s):

1. *Tasmanian Planning Policies – Draft for Consultation.*
2. *Tasmanian Planning Policies - Supporting Report.*

PURPOSE

The purpose of this report is to determine a submission to the *Tasmanian Planning Policies – Draft for Consultation under Section 12C(2) of the Land Use Planning & Approvals Act 1993*.

The draft Tasmanian Planning Policies have been prepared by the State Planning Office under the Minister for Planning, who has now called for comment from Councils and State Agencies.

BACKGROUND

The enclosed *Draft Tasmanian Planning Policies – Supporting Report for Consultation* outlines the proposed Tasmanian Planning Policies (TPPs) and how they are to be implemented.

Tasmania's land use planning system has been in need of a policy 'engine room' since it was established in 1993. Successive governments have either avoided this matter altogether or have made only half-hearted attempts at developing policy.

Since the 1990s the 'State Planning Policy' mechanism has existed, but only three such policies have been enacted, all during the 1990s and 2000s. This mechanism requires a policy to pass both houses of parliament, (with the advice of the Planning Commission), which has proven politically challenging and controversial. Hence a lack of political appetite on the part of both major parties to develop more. The existing State Planning Policies address the protection of agricultural land, water quality management and coastal matters. There is an array of other issues that would benefit from State policy direction.

The new TPPs only need to be approved at ministerial level (again, with the advice of the Planning Commission) which may prove more successful.

In the absence of policy direction on a large range of matters, the planning system essentially has to 'make it up as it goes along' on a case-by-case basis. This results in ad

hoc and inconsistent policy judgements. Most significantly, and inappropriately, it forces policy to be made by public servants (the Tasmanian Planning Commission) instead of the elected representatives of the people.

DISCUSSION

The proposed new TPPs are part of a larger planning system reform that started 12 years ago with the creation of statutory Regional Land Use Strategies. Around six years ago the process to create a single state-wide planning scheme was commenced. This process is ongoing with more than half of Tasmania's Councils having now transitioned their planning schemes into the new Tasmanian Planning Scheme.

Ideally, a complete set of Tasmanian Planning Policies would have been established first, then the Regional Land Use Strategies developed second, and then the state-wide planning scheme provisions. Clearly, it hasn't happened that way. Nevertheless, the advent of a project to develop a suite of Tasmanian Planning Policies should be welcomed and the State Government applauded for finally moving to fill the policy void.

The TPPs will be crucial in informing the pending revision of the three Regional Land Use Strategies. They are also expected to lead to changes to the provisions of the Tasmanian Planning Scheme. They represent the final piece of the planning system jigsaw.

It is anticipated there will be a five-yearly review process. The revised TPPs will then inform five-yearly reviews of the Regional Land Use Strategies which, in turn, will flow into on-ground strategic planning exercises run by Local Government and then to planning scheme amendments.

The current consultation process is a preliminary process in which key stakeholders, such as Councils, State Agencies and infrastructure providers, are invited to provide input. Once the State Planning Office has made any subsequent changes, a general public notification process will take place in which members of the community will be able to make submissions. Council will be able to make a further submission at that time.

This is an opportunity for Council to make comment on matters of concern that arose through the process to develop its Local Provisions Schedule, (the 'local Council component' of the Tasmanian Planning Scheme). Whilst this process was nominally under Council control, in reality most of the content was directed by the State Government pursuant to informal State planning policy positions.

Initially, the State Planning Office requested submissions by 1 November. However, the Local Government Association of Tasmania pointed out that the short notice combined with the local government elections would make it impossible to provide considered submissions. The Government subsequently advised that submissions from Councils submitted after their November meetings would be accepted.

The attached draft submission is submitted for Councillors' consideration. It needs to be read in conjunction with the enclosed Draft Tasmanian Planning Policies.

RECOMMENDATION

THAT the attached submission to the *Tasmanian Planning Policies – Draft for Consultation in accordance with section 12C(d) of the Land Use Planning & Approvals Act 1993*, be endorsed.

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

ENCLOSURE 1
Agenda Item 13.4.1

**Deputy Premier
Treasurer
Minister for Infrastructure and Transport
Minister for Planning**

Level 10, Executive Building, 15 Murray Street, Hobart
Public Buildings, 53 St John Street, Launceston
GPO Box 123, Hobart TAS 7001
Phone: (03) 6165 7701; Email: Michael.Ferguson@dpac.tas.gov.au



19 September 2022

Councillor Alex Green
Mayor
Southern Midlands Council
Email: mail@southernmidlands.tas.gov.au

Dear Mayor

Consultation on draft Tasmanian Planning Policies

The Tasmanian Planning Policies (TPPs) are intended to provide consistent, high-level strategic policy direction that will guide the State's planning system. The principal mechanisms for delivering the policy content of the draft TPPs is through the Regional Land Use Strategies and the Tasmanian Planning Scheme. The draft TPPs will not apply to individual development applications.

The Tasmania Government has prepared a suite of draft TPPs. Your feedback is sought on the matters addressed, the policy content and their effectiveness in delivering desired land use planning outcomes.

The draft TPPs are accompanied by a Supporting Report that provides background information regarding the preparation of the draft TPPs and some explanatory material to help guide consultation.

Your feedback will assist with informing the draft TPPs prior to them being lodged with the Tasmanian Planning Commission (TPC) for independent review and assessment. The review by the TPC will involve public exhibition of the draft TPPs and may include public hearings.

The draft TPPs and Supporting Report can be viewed under the 'Have Your Say' tab on the Planning in Tasmania website: planningreform.tas.gov.au

Written submissions in response to the draft TPPs can be made until close of business on

Tuesday 1 November 2022:

- by email to yoursay.planning@dpac.tas.gov.au or
- by post to:

Department of Premier and Cabinet
State Planning Office
GPO Box 123,
HOBART TAS 7001.

22199708

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Enquiries can be directed to the Department of Premier and Cabinet, State Planning Office by phone on 1300 703 977 or email stateplanning@dpac.tas.gov.au

Yours sincerely

A handwritten signature in blue ink that reads "Michael Ferguson".

Michael Ferguson MP
Minister for Planning

ENCLOSURE 2
Agenda Item 13.4.1

SOUTHERN MIDLANDS COUNCIL

SUBMISSION - DRAFT TASMANIAN PLANNING POLICIES
Consultation under 12C(2) of the Land Use Planning & Approvals Act 1993

Draft - 16 November 2022

GENERAL COMMENTS

0.1 Need

Council supports the State Government in moving to fill the policy void at the heart of Tasmania's planning system. This is long overdue.

The absence of comprehensive policy direction has left the State's planning system unguided, forcing informal policy decisions to be made 'on the fly' in an inconsistent and disjointed fashion by public servants who should not be forced into a position of having to make up policy that impacts the rights and responsibilities of citizens. Policy must be created by the elected representatives of the people.

0.2 Implementation - Who

Many of the 'Implementation Guidelines' sections of the policy statements are currently blank.

Yet many of the strategy statements require implementation outside the Planning Authority / Tasmanian Planning Commission sphere of action. In particular, some strategy statements will rely on State Agencies and state-wide infrastructure providers for successful implementation.

If the Tasmanian Planning Policies are to be successful, these entities will need to fully accept the policies and engage in subsequent strategic planning exercises, (such as local settlement planning and reviews of the Regional Land Use Strategies) and accept the outcomes. They then need to be committed to modify their long term infrastructure provision plans to match these outcomes.

It is therefore proposed that State Agencies and infrastructure providers that are pivotal to the implementation of particular strategy statements be named under the relevant implementation guideline.

0.3 Implementation - How

It is not clear how some strategy statements will be implemented. Such statements can lead to proposed planning scheme amendments being refused by the Tasmanian Planning Commission where a Planning Authority or proponent can't demonstrate proactive compliance. They can therefore have the unintended consequence of knocking out sound planning scheme amendments.

It is therefore proposed that all strategy statements be written so that they are meaningful in practice and clearly implementable. If this is not possible then the strategy statement should be omitted.

A test is the question: *what 'work' has this policy statement to do?* If it cannot clearly be articulated, then that proposed strategy should be omitted.

0.4 Drafting Conventions

Drafting conventions as adopted for the Tasmanian Planning Scheme (Practice Note 5) would be useful to ensure language and format is clear, unambiguous and consistently applied.

COMMENTS ON PARTICULAR STRATEGIES

1.0 SETTLEMENT

General:

Most new housing is provided by the private sector within a free market system, operating under the law of supply and demand. This determines price and, therefore, affordability.

For the market to operate properly, there needs to be ample land available for future housing needs. That is; a truly 'free' market. This is necessary to avoid artificial supply bottlenecks and subsequent unnecessarily high housing prices. The current housing supply crises in Tasmania constitutes a major failure of our planning system over the last two decades.

Demand for housing is notoriously difficult to forecast. Attempts to do so usually boil down to projecting the trends of the precious five or ten years forward. This disregards major real world changes that drive demand which, in some cases, cannot be predicted in advance.

Therefore, it is proposed that the stated aim of a 15-year supply of zoned land should be extended to 20 years. There is little down-side to over-estimating supply, but the consequences of under-estimation are severe.

1.0.2 Climate Change Statement

No comment.

1.1 Growth

In **Strategy 1**, the aim should be to maintain a 20-year supply of zoned land for development. Settlement planning should endeavour to provide this, and should also earmark future land out to the 30 year time horizon.

In **Strategy 2(d)**, the phrase:

"... or could have the potential to be used for viable agricultural ... uses"

should be changed to

"... or could have the potential to be used for significant agricultural ... uses".

It may well be that the best overall strategic use of agricultural land abutting a settlement is to make it available for urban expansion, notwithstanding the fact that it might be suitable for viable agriculture. The alternative might be urban sprawl, unviable public transport systems and increased greenhouse gas emissions, to name just a few potential negative outcomes.

The policy framework should enable Planning Authorities and the Commission to make this judgement in particular circumstances. Council does not believe that all agricultural land should be sacrosanct regardless of its agricultural worth.

In **Strategy 3** it should be recognised that ‘population projections and forecast demographic change’ have failed us in the past. They cannot foresee future population growth drivers. This is why we should play it safe and aim to provide a 20 year supply of zoned land.

Strategy 3 should explicitly recognise that the growth of rural towns located beyond the gravitational pull of the major cities is driven mostly by local factors. Any regional settlement hierarchy should therefore not attempt to dictate growth scenarios for such towns. The current Southern Tasmania Regional Land Use Strategy does this, and this was a mistake.

It follows that **Strategy 4**, which provides that growth should be prioritised in settlements that are in the higher tiers of the settlement hierarchy, should not apply to rural towns beyond the influence of the major cities.

Strategy 5, stating that impediments to infill development should be ‘actively addressed’, is strongly supported. Government intervention and proactive planning is needed to remove impediments to infill development and overcome market failure in particular cases.

Strategy 7, calling for settlement and urban growth boundaries, should establish an aim to provide a 30 year supply within such boundaries, (encompassing a 20 year supply of zoned land).

The purpose of **Strategy 8** appears to be to provide an ‘out’ for development or rezoning proposals not in accordance with an established settlement plan. If such plans seek to provide a 20 year supply of zoned land, the instances of this should be very few..

It may be that **Strategy 8** is actually attempting to provide a mechanism for rare, different, one-off proposals, in which case requiring compliance with the policy sub-clauses would be impossible. It is therefore suggested that **Strategy 8** be removed and a different external mechanism developed to enable the consideration of potentially desirable ‘black swan’ proposals.

A new strategy statement should be developed that explicitly acknowledges ‘change’. If we are to develop genuine environmentally sustainable urban footprints, we have to increase densities, particularly in the major cities. This will involve substantial change within our urban environments. There is a belief within some sectors of our Tasmanian community that there should be no, or very little, ‘change’. This thought should be explicitly countered. Change will be tempered by explicit planning scheme mechanisms such as heritage precincts, specific area plans and various codes (and by the zone development standards), but there needs to be acknowledgment that significant change in many areas will be necessary through a clear policy statement.

1.2 Liveability

Strategy 3, calling for tertiary education and vocational training institutions close to, or highly accessible by, residential areas, can obviously only apply to some residential areas in the larger cities. The statement cannot apply to rural towns.

Strategy 11 regarding ‘facilitating place making and recognising the contribution it makes to the local economy, environmental amenity and social wellbeing’, is an example of a vague statement with which it would be difficult to prove compliance.

A new strategy statement should be added recognising the role of rural residential land in the suite of liveability options. Such land provides the opportunity for people to live in a genuinely environmentally sustainable way, with little-to-no carbon footprint. There is a place for such land in a carbon-neutral world and Council is anecdotally aware of a very significant un-met demand from people searching such opportunities.

1.3 Social Infrastructure

Many strategy statements in this section are examples that will require State Agencies and infrastructure providers to be fully engaged with the planning system and to proactively follow initiatives set out in Regional Land Use Strategies and local settlement plans. This has not occurred in the past. Consideration should be given to naming the relevant State Agencies and infrastructure providers in the **Implementation Guidelines**.

1.4 Settlement Types

Strategy 1, regarding the peri-urban interface, should acknowledge that this area is also where future urban expansion is most likely to be best located, and should be protected from development that would render it economically unfeasible for that future development. This will particularly be the case within settlement and urban growth boundaries, which will extend into this land.

Strategy 4, regarding settlements that experience seasonal population fluctuations, mentions coast locations characterised by holiday homes. It should also mention inland areas with recreational fishing holiday homes (‘shacks’) and seasonal agricultural workers accommodation.

Strategy 6, regarding rural residential land, is written in the negative. It should include a proactive statement encouraging the zoning of existing de facto rural residential areas to the Rural Living Zone. Such a strategy would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

Sub-strategy 6(f) should refer to ‘significant agricultural land’, not just ‘agricultural land’. The current informal State policy underpinning the new Tasmanian Planning Scheme requires the preservation of poor agriculture agricultural land for agriculture. This policy position has gone well beyond the State Policy on the Protection of Agricultural Land and is wrong. If not redressed by these new Tasmanian Planning Policies, this informal policy position will see large rural areas made unavailable for a large range of sensible economic development opportunities, (including many rural non-agricultural land uses).

1.5 Housing

In **Strategy 1**, the ‘timely supply of land’ should explicitly refer to a 20 year supply of zoned land and a 30 year supply within urban and settlement growth boundaries.

Strategy 4 should include an additional subpoint referring to sustainable living on rural residential lots. As mentioned above, the supply of these can be increased by zoning de facto rural residential areas accordingly. This would enable an amount of infill subdivision within many such areas. In this way, the current significant unmet demand for sustainable living opportunities can be significantly addressed whilst not increasing the overall footprint of rural living land and not encroaching on any genuine agricultural land. This would have the additional benefit of providing the existing inhabitants of such areas with planning scheme provisions that match their reality, in terms of boundary setbacks, height limits, use tables and protection of amenity. A policy shift of this nature would have no negative land use consequences. As it this strategy is currently written, (in the negative), the Commission will refuse most, if not all, attempts by Planning Authorities to undertake such rezonings.

An additional strategy should be added regarding infill of existing de facto rural residential areas, as described above.

An additional subpoint of **Strategy 5** regarding higher density housing should explicitly recognise that change will occur within our urban streetscapes, and that this is an unavoidable consequence of pursuing a more environmentally sustainable urban footprint.

1.6 Design

Strategy 4, providing for the ‘existing and desired future character of neighbourhoods and suburbs’ to be respected, should relate only to specific areas identified within planning schemes, such as heritage precincts. This should not apply generally as doing so would significantly impact the aim of accommodating a larger population in an environmentally sustainable urban footprint. There needs to be explicit recognition that change must happen.

Furthermore, as it is written, this strategy applies everywhere. With no mechanism in planning schemes for it to apply everywhere, it is un-implementable.

Strategies 7 and 8 both deal with subdivision design and could be consolidated.

Many strategies in this section, (and some in other sections), start with vague words such as ‘promote’ and ‘encourage’. This is not sufficiently certain for a statutory document. Implementation is unclear and compliance would be difficult to prove at the Planning Commission. If such strategies can’t be expressed more definitively, they would be better placed in a non-statutory partner document. It is noted that the State PAL policy provides a good example of definitive, implementable, assessable statements, whereas the Coastal State Policy contains many examples of vague ‘motherhood’ statements that are either redundant, unnecessary or unimplementable.

2.0 ENVIRONMENTAL VALUES

General

The various strategy statements make no distinction between those values for which we have well-established systems in place for their recognition and protection and those for which we have very little. The amount of ‘work’ each set of strategy statements has to do varies enormously. The reader is unaware of this very significant practical difference. This should be remedied.

2.1 Biodiversity

Biodiversity values are already the subject of significant state-wide mapping work that has been translated into code overlays in planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

A **new strategy statement** should recognise that infill development within urban areas is a key strategy to protect biodiversity outside urban areas.

A **new strategy statement** should recognise that once land has been assessed and zoned for urban development, there is no longer a requirement to consider any remnant biodiversity values during subsequent development approval processes.

A **new strategy statement** should set out a system for biodiversity offsets. We should not adopt the ‘postage stamp’ method currently pursued by several Tasmanian Councils. This is financially unviable for the Council to manage in the long term and produces poor environmental outcomes. This ought to be avoided in the future.

Instead, each Planning Authority that wishes to use the offset method should identify large areas of high biodiversity land that is not reserved. This should be identified on planning scheme maps through an overlay. Money taken for biodiversity offsets from developers seeking to clear high biodiversity land is then placed in a kitty, and titles within the target reserve area are then purchased over time. This system will create large reserved areas that are sustainable in a biodiversity sense and with significantly less ongoing management costs than many scattered small areas.

It is noted that the system adopted in Victoria for the expansion of greater Melbourne westward over EPBC-listed grasslands is a good example. Many thousands of hectares of high quality grasslands are now being preserved in formal state-owned reserves whilst urban expansion is allowed over some areas of EPBC-listed grassland. The monetary contributions so obtained from developers are used to purchase land in the areas targeted for reserves.

This policy approach will require spatial strategic planning for implementation.

A **new strategy statement** should concurrently recognise that the most environmentally sustainable outcome might be the destruction of some biodiversity values in some key urban expansion locations. If the result is a more carbon neutral urban footprint, such possibilities should be allowed to be weighed by the Planning Authority and the Planning Commission.

2.2 Waterways, Wetlands and Estuaries

We have an established system to recognise and protect waterways, wetlands and estuaries within planning schemes. The strategy statements should recognise this and articulate what more should be done, if anything.

2.3 Geodiversity

We do not have an established system to grade geodiversity values. It is unclear if this policy statement assumes that we do.

‘High conservation value geodiversity’ should be defined.

2.4 Landscapes

We do not have a well-established system to grade landscape values across the State. The policy statement assumes that we do.

‘Significant landscapes’ and ‘significant cultural, ecological, geological and aesthetic landscapes and scenic areas’ should be defined.

It is noted that the previous Rural Resource Zone provisions provided Planning Authorities with an efficient, flexible and ‘light touch’ mechanism to minimise unnecessary visual impacts in the landscape. In practice this was most commonly achieved by conditions of approval relating to external colour and/or the planting of screening trees. These provisions were removed from the new Rural Zone, forcing Councils that wish for a level of landscape protection to consider creating scenic protection overlays. Except for landscapes of genuinely high significance, this is the equivalent of using a sledgehammer to crack a walnut.

Therefore, the reintroduction of landscape protection provisions similar to those in the previous Rural Resource Zone should be considered. The appropriate place for this consideration to occur is through the development of the Tasmanian Planning Policies.

2.5 Coasts

Is it the intention that the coast-related policy statements in the Tasmanian Planning Policies will replace the existing State Coastal Policy, and that the latter will be retired?

3.0 ENVIRONMENTAL HAZARDS

3.1 Bushfire

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.2 Landslip

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.3 Flooding

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

3.4 Coastal Hazards

Recognise that we have an existing system that does most of this, and we continue to rely on that system.

Strategy 5, dealing with existing settlements under threat of erosion and sea level rise, should be expanded. The State Government needs to develop clearer protocols and policy direction to enable decisions to be made regarding which settlements will be the subject of planned retreat and which will be provided with protective works. This is an enormous decision, with huge consequences for landowners and residents, and for the public purse. The earlier this decision is made for each settlement, the less impact there will be on the public purse and the more time affected individuals will have to adjust.

3.5 Contaminated Air and Land

The statements should acknowledge that we have an existing system that does all of this, and we will continue to rely on that system. The statements should articulate what more needs to be done, if anything.

4.0 SUSTAINABLE ECONOMIC DEVELOPMENT

4.1 Agriculture

The existing Protection of Agricultural Land (PAL) State Policy addresses many of the issues covered in the proposed strategy statements. The proposed statements go significantly further than the PAL policy, however, in seeking to preserve all agricultural land, regardless of its significance, for agriculture. The PAL policy seeks only to reserve Prime Agricultural Land and significant agricultural land.

Council strongly supports the policy position encapsulated in the PAL policy and rejects the proposed new policy statements. There are many other economic development activities that occur in rural areas besides agriculture and our planning system should encourage and facilitate their location of lesser quality agricultural land.

This significant problem is evident in the new Tasmanian Planning Scheme, which has far exceeded Parliament's intent encapsulated in the PAL policy.

The Agriculture Zone is a restrictive special-purpose agricultural zone, whereas the Rural Zone is a flexible multi-use zone. By over-allocating the Agriculture Zone the Tasmanian Planning Scheme has severely limited economic development opportunities across large swathes of country.

In the Tasmanian Planning Scheme there is a fundamental mis-match between the spatial allocation of the Agriculture Zone (as an ‘any agriculture’ zone) and the written provisions of the Agriculture Zone (as a ‘prime and significant agriculture’ zone). For the sake of future economic development the spatial allocation of the Agriculture Zone needs to be reworded in the next iteration of Local Provisions Schedules.

The draft Tasmanian Planning Policy statements are calibrated along the same lines as the informal policy position underpinning the Agriculture Zone in the Tasmanian Planning Scheme and they will not be supported by Council.

It is noted that the treatment of agricultural land in the northwest of Tasmania has been different to Southern Tasmania in the development of the Tasmanian Planning Scheme. In the northwest, only prime and significant agricultural land has been zoned Agriculture, whereas in the south large areas of poorer quality agricultural land have been placed in this restrictive single-purpose zone. This is not in accordance with the overall intent of creating a single Tasmanian planning scheme: to treat land use and development the same across the State.

4.2 Extractive Industry

No comment.

4.3 Tourism

No comment.

4.4 Renewable Energy

No comment.

4.5 Industry

No comment.

4.6 Business & Commercial

No comment.

4.7 Innovation & Research

No comment.

5.0 PHYSICAL INFRASTRUCTURE

General

State agencies and infrastructure providers need to be fully engaged in the next iteration of Regional Land Use Strategies and in local settlement planning, and must fully embrace the outcome. They then need to re-work their future infrastructure plans accordingly. In the past, this has not happened.

5.1 Provision of Services

No comment.

5.2 Energy Infrastructure

No comment.

5.3 Roads

5.4 Transport Modes

No comment.

5.5 Ports and Strategic Transport Networks

No comment.

6.0 CULTURAL HERITAGE

6.1 Aboriginal Cultural Heritage

Should this statement recognise the pending new Aboriginal Cultural Heritage Act?

6.2 Non-Indigenous Cultural Heritage

Should this heading use same terminology as the Act? (Historic Cultural Heritage).

Should a statement acknowledge the existence of the Historic Cultural Heritage Act 1995 ?

7.0 PLANNING PROCESSES

Proposed new section

It is proposed that a new section be added setting out principles under which ‘values’ are, firstly, recognised and, secondly, protected.

This would be particularly helpful in regard to those values for which we do not have well-developed systems for this.

7.1 Consultation

New public notification system needed:

It is time that the planning system recognised that the old system of advertising Development Applications in local newspapers no longer works well. The system no longer reaches most people and needs a 21st century solution.

Two categories of public notification needed:

A lot of expense is wasted on advertising that is not necessary.

A common example is the proposed relaxation of a boundary setback. This is only relevant to the neighbour. There is no broader public interest. Such applications do not need to be advertised in a local newspaper. Only neighbour notification is necessary.

Notified development applications should be divided into two categories.

7.2 Strategic Planning

No comment.

7.3 Regulation

The treatment of No Permit Required use and development is inconsistent between Planning Authorities. The State should set the process across the State, and standardised any fees (including no fee) that may be considered appropriate.

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

14. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – INFRASTRUCTURE)

14.1 Roads

Strategic Plan Reference 1.1

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

Nil.

14.2 Bridges

Strategic Plan Reference 1.2

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

Nil.

14.3 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.

14.4 Lighting

Strategic Plan Reference 1.4

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

Nil.

14.5 Buildings

Strategic Plan Reference 1.5

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

14.5.1 'Carriage House' at Kempton – Future Community Use

AUTHOR: DEPUTY GENERAL MANAGER (ANDREW BENSON)

DATE: 16 NOVEMBER 2022

Enclosure(s):

Letter from Navigate Family Services

ISSUE

Request from newly formed not-for-profit Community Group called *Navigate Family Services* to use (possible peppercorn lease) the former Carriage House at Kempton

BACKGROUND

This matter was reported on at the February 2022 Council meeting and the following extract of the minutes of that meeting are provided as background information to reacquaint Councillors in respect of this matter.

EXTRACT – Minutes of the February 2022 Council Meeting

13.5.1 'Carriage House' at Kempton – Future Community Use

AUTHOR: DEPUTY GENERAL MANAGER (ANDREW BENSON)

DATE: 2 FEBRURY 2022

Enclosure(s):

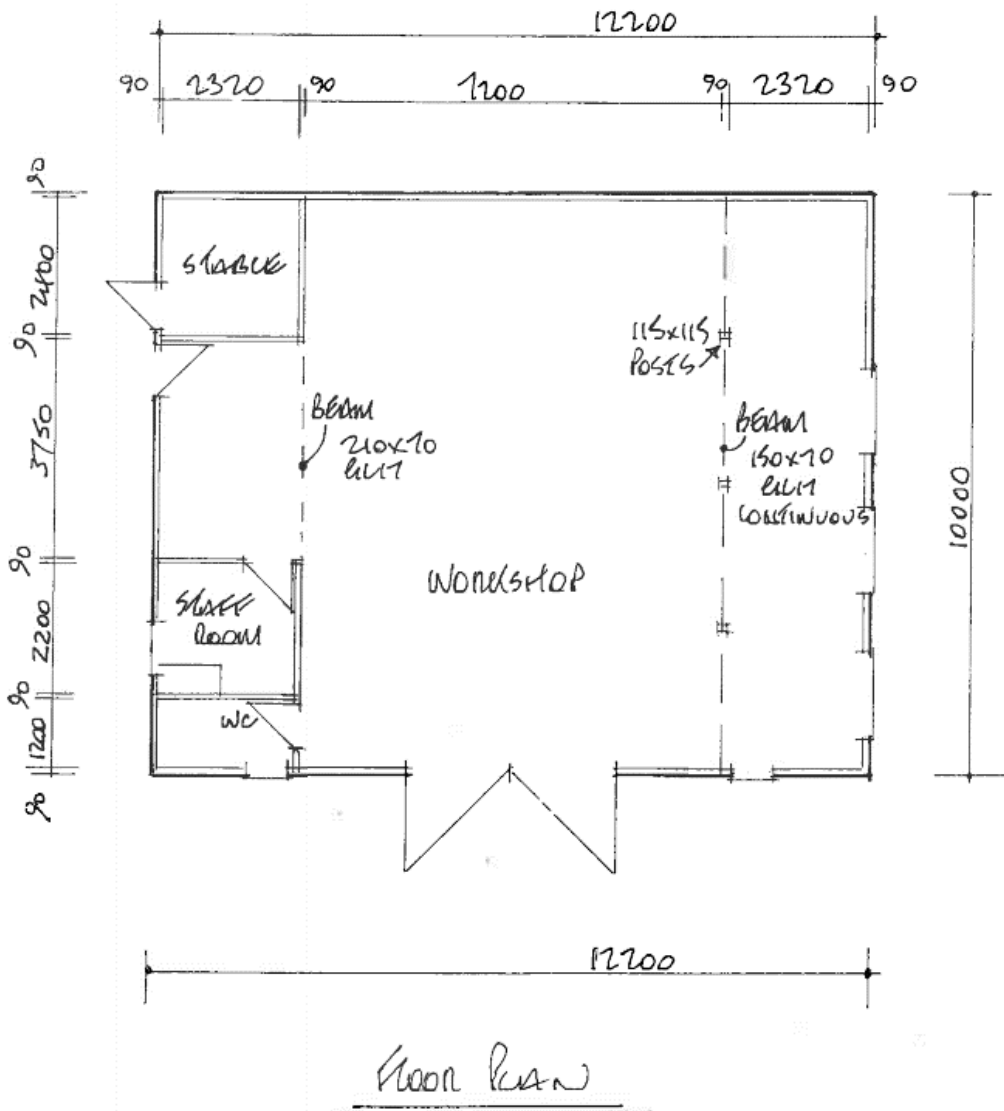
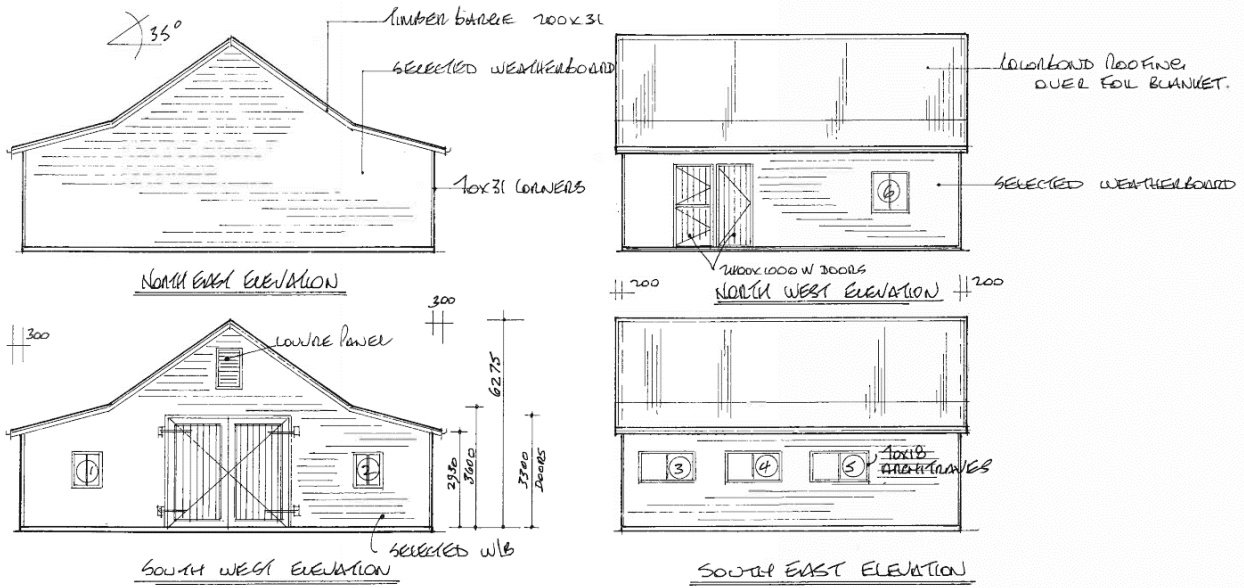
Site Plan

ISSUE

*Request from newly formed not-for-profit Community Group called *Navigate Family Services* to use (possible peppercorn lease) the former Carriage House at Kempton*

BACKGROUND

The 'Carriage House' at Kempton was designed and built with funding from the then Rudd Government in 2010 as a Community facility. It was designed to accommodate the three horse drawn carriages that were loaned to Council by the Eaves Family. The three carriages were stored at the Carriage House since construction of the building and the Kempton based, Horse Drawn Carriage Group have used the building to also store other horse drawn carriage types along with associated bridles and harnesses.



The Eaves Family decided to offer the three carriages for sale last year and the carriages have subsequently been sold. The Horse Drawn Carriage Group's

enthusiasm appeared to have waned and they have not met for a very long time, although the two principal members of that Group, John Jones OAM and John Hay are still very active members of other Community groups in Kempton. The building was also used as a 'storage area' for other Community based organisations in Kempton.

DETAIL

Council Officers have been approached by a newly formed Community group, named 'Navigate Family Services' which is based in Kempton. Deputy General Manager - Andrew Benson, Manager Community & Corporate Development – Wendy Young and Community Development Officer – Michelle Webster met with Martine Batt, Kristy Ingram, Adam Frazer and Kristen Kizimchuck, representing Navigate Family Services. Council Officers were advised that the new organisation had been formed from a Community meeting where fifteen Community members enthusiastically supported the formation of the new organisation to provide the following services for families, across Bagdad, Broadmarsh, Kempton, Dysart and Melton Mowbray, namely;

- Counselling for Families;*
- Brief Interventions and Case Management;*
- General Advice and Assistance for local Families – (Documentation Correspondence, Legal Questioning, Support);*
- Services, Links to other Allied Health Professionals including warm referrals);*
- Behavioural Management Individualised Support;*
- Support Groups, Children wellbeing workshops;*
- Community Enhancement Events and programs developed in consultation with identified community needs.*

In general terms these services would equate to activities in the following types of areas, where they could be 'centre based'.

- Children Identified and Community identified workshops and fun activities for children.*
- Community Enrichment programs identified by the community such as Dance, Skate, Sport, Art, Chillout programs (lego days)*
- Local guest speakers then linking these events with local festivals etc.*
- Programs developed in consultation with community's resources industry needs farmers working with children (local celebrated male and female farmer's workshops). Wellbeing identified issues for example Gaming and local author Vietnam Bradley Cooper. Fixed programs developed implemented and presented by locals. Budding voice, mentorship lifelong community growth enhancement.*
- Links with other local events – children can showcase their work at festivals, the successful Artist in Residence program can utilise space in return – these professional artists provide specialist workshops to our children (already encouraged).*
- Space to celebrate the young people's achievements.*
- Year long activities because indoors.*
- Space for Navigate and other external organisations to run community support programs. Sessions with a space for children to play.*

The logo for the organisation, below certainly represents their aspirations.



The organisation is currently seeking incorporation under the Associations Incorporate Act 1964. It has already galvanized a funding stream for the Salvation Army's Communities for Children Program and is currently preparing a funding submission under, 'The Premier's Fund for Children and Young People' which is a community development fund delivered through the It Takes a Tasmanian Village: Child and Youth Wellbeing Strategy, with funding provided from the Tasmanian State Budget 2021-22. That grant application is for children and young people aged 0-25 years in their local areas, and closes on the 11th February 2022.

It was suggested that the Carriage House could be the 'centre based' location for these activities and a 'home' for the organisation. The Deputy General Manager offered to explore the situation in respect of the Carriage House and seek Council's views in respect of a way forward to enable the organisation to flag Council's interest and support is being sought prior to the closing of the grant.

It is acknowledged that a number of Community groups in the Village of Kempton have 'an interest' in the Carriage House and therefore the Deputy General Manager (DGM) reached out to the following Community leaders in Kempton to seek their views on the use of the Carriage House by this new organisation, namely

- *John Jones OAM, former Chairman of the Horse Drawn Carriage Group, President of the St Mary's Community Cemetery Kempton Inc;*
- *John Hay, President of the Green Ponds Progress Association Inc (GPPA); Public Officer of the St Mary's Community Cemetery Kempton Inc;*
- *Gabrielle Watkins, Immediate Past President of the GPPA and also the Chairperson of the Kempton Festival Committee; and*
- *Carolyn Bassett, Treasurer/acting Secretary of the Kempton RSL, Secretary of the GPPA, Secretary of the St Mary's Community Cemetery Kempton Inc.*

All of these very active and influential members of the Kempton Community were very supportive of the new organisation and its aspirations. They were also supportive of the new organisation using the Carriage House. It was identified that the GPPA do use the Carriage House for storage of equipment and materials. It was agreed that if Council supported NFS using the Carriage House, then NFS would make every endeavour to accommodate the storage of the GPPA equipment that is currently within the building. Other equipment and carriages are still housed in the building and the DGM agreed to gather all of the people on site that had equipment or materials in the building with the removal from the building being agreed, documented and then arranged.

This appeared to have covered most of the issues with interest groups and Community support. The one remaining issue is that of a toilet within the building. There is a space in the building but no toilet occupying that space. However there is a sewer that was constructed by AWC when they hired the building a few years ago and that is just outside the building, where AWC had a 'portaloo' connected. Power and water are already connected to the building.

CONCLUSION

The Carriage House has been underutilised for a number of years and the emergence of this new Community focused not-for-profit organisation will bring new life and a sense of vibrancy to this building. This use will also add to the plans that the Community have championed on this overall site for the Skate Park and the off-lead Dog Park. Being adjacent to the Kempton Recreation Ground the ability of this whole precinct to be an engaging area and meet many Community expectations, is a wonderful resource for the Village of Kempton and indeed the whole district.

Community Consultation & Public Relations Implications – Stakeholder engagement has been undertaken in relation to this matter as discussed within this report.

Policy Implications – Nil

Priority - Implementation Time Frame – Nil

RECOMMENDATION

THAT Council:

- 1) Received and note the Report;**
- 2) Acknowledge the establishment of the new Community based organisation Navigate Family Services, (soon to be incorporated);**
- 3) Enter into a three year lease, including options for extension, with a peppercorn rental of the Carriage House building at 128 Main Street, Kempton to Navigate Family Services, once that the organisation is incorporated;**
- 4) Consider a budget item in the 2022/2023 budget for the establishment of appropriate amenities for the Carriage House;**
- 5) Provide a letter of support from Council for the inclusion in the Navigate Family Services grant submission; and**
- 6) Council's position be reviewed if the grant application is unsuccessful.**

DECISION

Moved by Deputy Mayor E Batt, seconded by Cllr R McDougall

THAT Council:

- 1) Received and note the Report;**

- 2) **Acknowledge the establishment of the new Community based organisation Navigate Family Services, (soon to be incorporated);**
- 3) **Enter into a three year lease, including options for extension, with a peppercorn rental of the Carriage House building at 128 Main Street, Kempton to Navigate Family Services, once that the organisation is incorporated;**
- 4) **Consider a budget item in the 2022/2023 budget for the establishment of appropriate amenities for the Carriage House;**
- 5) **Provide a letter of support from Council for the inclusion in the Navigate Family Services grant submission; and**
- 6) **Council's position be reviewed if the grant application is unsuccessful.**

CARRIED

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

ENCLOSURE

Agenda Item 14.5.1



MASTER PLAN
KEMPTON RECREATION GROUND
SOUTHERN MIDLANDS COUNCIL



END OF EXTRACT – Minutes of the February 2022 Council Meeting

DETAIL

Whilst Navigate Family Services Inc. (NFS) was in its infancy at the time of the last Report in February 2022, it has now grown considerably with the activities that it is driving in the southern part of the local government area. Council are now in receipt of the letter from NFS requesting to enter into a three year lease arrangement with Council for the Carriage House at Kempton.

Since the previous report in February 2022, Council has set aside a budget allocation to provide a toilet in the building.

As the letter from NFS mentioned, I asked Council's Building Surveyor to provide me advice in respect of the use of the building. The following is his response to my request;

I inspected the Coach House recently (with Phil) to look at the possibility of it being converted to a Class 9b (Assembly Building).

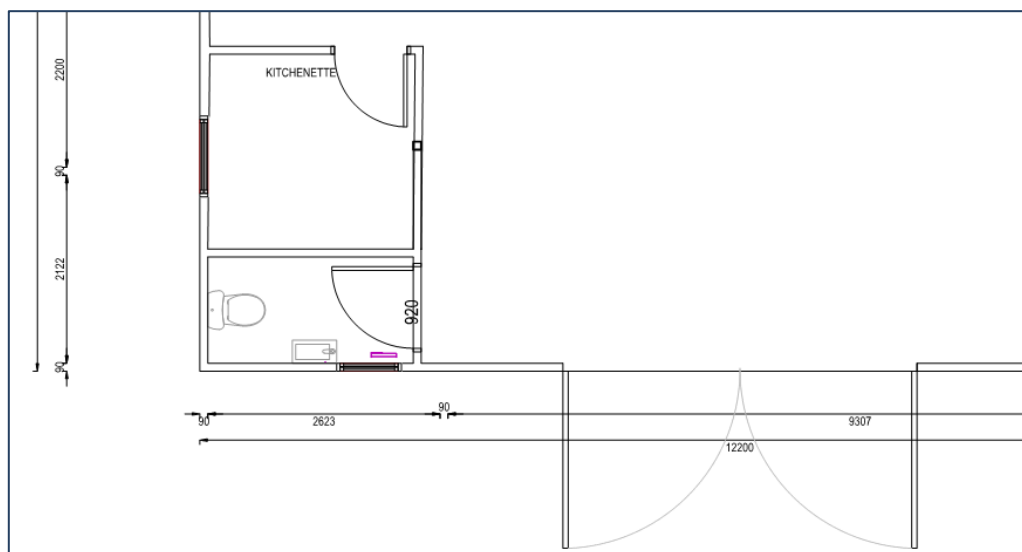
The Coach House was constructed as a Class 10a building (ie: as a shed) it has been partly lined but no insulation has been installed. If converted to a Class 9b a lot of works would be required including installation of an accessible WC, Bushfire Provisions considered including preparation of a an Emergency Plan, and provision of firefighting water (distance from nearest hydrant?), upgrading of insulation (requiring removal of existing cladding to have it installed, removal of bolts etc. form exit/access door and installation of emergency lighting/exit lights, and access to be brought into compliance with AS1428.1 including provision of an accessible car-parking space.

I would suggest that a much more cost effective option would be to do the following works:

- *Remove bolts etc. from exit door and fit a complying latch;*
- *Install an illuminated exit light above the exit/entrance door (and this would provide some emergency lighting in the building); and*
- *Install a WC in the building (would not need to be an accessible WC).
(this is detailed in the attached plans)*

The building could remain as a Class 10a building but I could then issue a Temporary Occupancy Permit for it to be used (say one day a week) for the type of use (painting classes for 10-12 people), as is occurring now or for similar uses.

*Leon McGuinness
Building Surveyor*





Andrew Benson
Deputy General Manager
Southern Midlands Council
85 Main Street
Kempton TAS 7030 abenson@southernmidlands.tas.gov.au

Dear Andrew

RE NAVIGATE FAMILY SERVICES – PROPOSED LEASE OF THE CARRIAGE HOUSE IN KEMPTON

Further to our discussions, Navigate Family Services would like to formally register our interest in leasing the Carriage House at Kempton for a three year period. As per your comments we note that the building is a Class 10a - Shed under the Building Act and if we were to operate solely from the Carriage House, major works would need to be undertaken to bring the building up to a Class 9b – Assembly Building under the Building Act.

1

We note that you did mention that you had your Building Surveyor undertake an assessment of the building and he advised that he could offer the following; "The building could remain as a Class 10a building but I [Building Surveyor] could then issue a Temporary Occupancy Permit for it to be used (say one day a week) for the type of use (painting classes for 10-12 people), as is occurring now or for similar uses."

We also noted that you said that the Temporary Occupancy Permit would be for twelve months with a review at the end of that period. Then the issue of another twelve months if the Building Surveyor was satisfied that the use was consistent with his directions.

As you know we do rent part of the Community Health Centre at Kempton for our very small not-for-profit business operations and also have the ability to use the Kempton War Memorial Hall which is a Class 9b for some activities. The reasons for wanting to use the Carriage House is that we do have some equipment to store and it is also a great location for the outside activities that complement the inside activities which we would like to undertake. Of course the proposed Off Lead Dog Park and the Skate Board facility that is adjacent to the Carriage House provides for a wonderful environment in which we could integrate our children's activities into an engaging and meaningful environment that full compliments the adjacent Kempton Recreation Ground.

We also note that the Green Ponds Progress Association use part of the Carriage House for the storage of their Kempton Festival equipment, which will work in very well with our use, with them both being compatible uses.

In conclusion, as a very new local community based and community driven organisation, our activity level has grown considerably in supporting the disadvantaged families in the southern part of Southern Midlands local government area and as such we would like to ask Council for the opportunity to lease the Carriage House for our activities in line with the Building Surveyors recommendation, for a three year period.

Warmest Regards

Kristy Ingram & Martine Batt
DipCouns BA (Hons), B.Ed, DipCouns

 navigatefamilyservices@gmail.com

 4 Old Hunting Ground Rd Kempton TAS 7030

 www.navigatefamilyservices.com.au

CONCLUSION

From the Council decision in February 2022, refer to item 6 –

Council's position be reviewed if the grant application is unsuccessful.

The Grant application as applied for by NFS in February 2022 was unfortunately unsuccessful, however the need for a space that is adjacent to open space will provide a tremendous benefit to the current operations of NFS, and indeed their work with our community. Therefore it is recommended that Council enter into the standard SMC three year lease agreement with NFS for the use of the building, subject to the requirements of the Building Surveyor's restrictions on the use of the building and that the usage/compliance be reviewed by the Building Surveyor annually. If a non-compliance is recorded by the Building Surveyor's annual review, it will be grounds for terminating the Lease Agreement.

Human Resources & Financial Implications

Given that Navigate Family Services will basically be the sole occupant, they will be required to meet the Aurora costs.

The total electricity costs for 2021/22 was in the order of \$376. The connection would remain in Council's name and be recharged to NFS.

Council would continue to insure (approx. \$380); pay land tax (currently \$1,223); being mindful that the Off Lead Dog Park and the Skate Park occupy that same parcel of land.

SMC will cover Council rates and charges as it is a multi-use parcel of land; and we Council incur any TasWater charges when the toilet is installed.

These lease arrangements are consistent with the standard SMC Lease arrangement with Council owned public buildings, eg the Midlands Memorial Community Centre

Community Consultation & Public Relations Implications

Stakeholder engagement has been undertaken in relation to this matter as discussed within the February 2022 report to Council.

Policy Implications

Nil, standard SMC Lease Agreement with 'peppercorn' rent, with services being paid for by the Lessee

Priority - Implementation Time Frame

As soon as possible

RECOMMENDATION

THAT Council:

- 1) Received and note the Report;**
- 2) Acknowledge the receipt of the letter from Navigate Family Services Inc.; and**
- 3) Enter into a three year lease, including options for extension, with a peppercorn rental of the Carriage House building along with its immediate surrounds at 128 Main Street, Kempton to Navigate Family Services, subject to the Lease qualifications provided by the Building Surveyor, i.e.**
 - a. Issue of a Temporary Occupancy Permit for a 10a class building for it to be used (say one day a week, or a maximum of eight hours over the**

- course of a week) for the type of use (painting classes for 10-12 people), as is occurring now or for similar uses,
- b. The Temporary Occupancy Permit to be review annually by the Building Surveyor to ensure compliance,
 - c. If a non-compliance is recorded the Lease will be required to be terminated;

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

14.6 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.

14.7 Drainage

Strategic Plan Reference 1.7

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

Nil.

14.8 Waste

Strategic Plan Reference 1.8

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

Nil.

14.9 Information, Communication Technology

Strategic Plan Reference 1.9

Improve access to modern communications infrastructure.

Nil.

14.10 Officer Reports – Infrastructure & Works

14.10.1 Manager – Infrastructure & Works Report

AUTHOR: MANAGER INFRASTRUCTURE & WORKS (DAVID RICHARDSON)

DATE: 18 NOVEMBER 2022

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 and repairs will continue, including works on pavement repairs and table drain clearing. A number of roads have again been affected by the recent rain event and council's crews are working to repair the roads on a priority basis.

Road Rehabilitation programme 2021/22

Drainage works and road repair works continue throughout the municipality as required. Council's annual road stabilization tender has been awarded and preparation works at the various sites has commenced, the pavement re-construction works will commence late November by a contractor. Woodsdale Road pavement and drainage repairs continue.

Flood Damage Repairs

Storm water drainage repairs continue on a priority basis throughout the municipality. Road infrastructure has seen various levels of damage throughout the municipality as a result of the wet weather conditions. Council's works crews and contractors are rectifying recent damage on a priority basis, these works are expected to take months to complete. A footbridge located at Bagdad (near Gangells Lane) has been severely undermined during the rain events and will require re-construction works.



Gangells Lane Footbridge

Current Capital Work.

Oatlands Aquatic Centre

Car park construction works continuing including landscaping and irrigation works on target to complete carpark in the coming weeks. (Have been delayed due to weather).

Kempton School crossing (works were programmed for concrete but delayed due to weather)

Parks and Reserves

General maintenance of parks and reserves will continue with a focus on ensuring growth is maintained at an acceptable level, this has been difficult to achieve due to the on-going rain that has occurred and growth is exceptional that makes it almost impossible for machinery to undertake mowing works in a safe and efficient manner. Extra casual personnel have been engaged to assist with the vegetation control works.

Sports fields are receiving some spring renovation works to improve the quality of playing surfaces throughout the municipality. (Delayed due to weather).

Bridge Works

A number of bridges will require some minor rectification works over the coming period as a result of weather conditions.

Building Services Unit

Councils building services employees are continuing to undertake committed contractual obligations that are a result of the transition from formerly heritage building solutions to council. The obligations are expected to take up to six months to complete the works.

Planned Works

The following capital works are planned for the coming period

- Oatlands Aquatic Centre car-park finalise construction and landscaping;
- Repair various road pavements and drainage;
- Drainage and pavement repairs Woodsdale Road and York Plains Road;
- Undertake various bridge maintenance repairs;
- Kempton School crossing and associated works;
- Preparation Works for Council insitu- road stabilization programme;
- Commence construction of dog enclosure Kempton;
- Commence pole and light replacement works Kempton Recreation Ground;

QUESTIONS WITHOUT NOTICE TO MANAGER, INFRASTRUCTURE & WORKS

RECOMMENDATION

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

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

15. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – GROWTH)

15.1 Residential

Strategic Plan Reference 2.1
Increase the resident, rate-paying population in the municipality.

Nil.

15.2 Tourism

Strategic Plan Reference 2.2
Increase the number of tourists visiting and spending money in the municipality.

Nil.

15.3 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.

15.4 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.

16. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – LANDSCAPES)

16.1 Heritage

Strategic Plan Reference – Page 22

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

16.1.1 Heritage Project Program Report

AUTHOR: MANAGER HERITAGE PROJECTS (BRAD WILLIAMS)

DATE: 23 NOVEMBER 2022

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:

- The October Artist in Residence was Donna Caffrey. Donna's art practice involved study and playing with paint, clay, collage, textiles and threads. She combined different mediums and methods of presentation. Donna was inspired by the colours & textures of the local sandstone & her exhibition "Abstractions & Distractions" was a reflection of that. Donna also helped to promote the Artist in Residence program globally by participating in the "Poles Apart" digital blog with a fellow Artist undertaking a residency in Iceland, with both Artists recording their experiences. The image is one of a pair selected from her exhibition to remain in the AiR Collection.
- Current Artist Rhys Cousins is mid-way through his stay & preparing for his exhibition, "Traces" with Lucy Maddox, at Salamanca Arts Centre from 2nd Dec 2022 – 27th Jan 2023. Rhys is a Melbourne born and based artist who is necessarily transdisciplinary; with formal academic education in landscape architecture, his works range from material investigations, sculpture, place-based installation, and digital screen works. Rhys' practice has a broad interest in the phenomenology of landscape, and concern with the impacts of capital and consumption on the urban and natural environment in the age of the Anthropocene. Rhys researches the locality before transposing the findings and conceptualising a new encounter, often through augmenting the existing qualities of Place. His practice is process driven often resulting in works that are tactile, emotive, refined and mute – employing saturated colour and hue. Rhys is a PhD candidate in the School of Design at RMIT University. Rhys has been opening the AiR studio every Friday, Monday & Saturday from 9am-5pm.
- Commencement of the review of the Southern Midlands Historic Heritage Strategy 201-2022. This is expected to go to Council for consideration in the latter half of 2023.
- Supported groups booking the heritage buildings - Supreme Court – AUSTA chamber music & Square Peg Theatre.

- Support & administration of the Artist in Residence Program. Fully booked until December 2023.
- Development of a ‘Performing Artist in Residence’ program complementary to the Artist in Residence Program.
- Continued ‘Oatlands True Crime’ series in conjunction with MidFM.
- First draft of new collection management system received for testing and review from First Software Solutions. Currently testing performance and data migration from the old system.
- Commencement of research for a ‘Letters from Kempton’ series and exhibition based on a colonial family’s letter collection about early farming in the area.
- Completion of heritage components for the SMC annual report.
- Launch of nominations for the Significant Trees on Public Land register.

RECOMMENDATION

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

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

16.2 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.

16.2.1 NRM Unit – General Report

AUTHOR: NRM PROGRAMS MANAGER (MARIA WEEDING)

DATE: 15 NOVEMBER 2022

ISSUE: Southern Midlands NRM Unit Monthly Report.

DETAIL

- The new Lake Dulverton brochure on flora and fauna associated with the lake and information on the walking track has been printed. It has been distributed to the local information centre and will also be available at the Council office.
- Maria and Helen undertook some gorse weed control work on the foreshore of Lake Dulverton. The exceptionally wet October month has meant that there has been limited opportunity to do work on this particular weed. There is limited gorse about the lake foreshore, so control of this plant, with the aim of eradication is the long term plan. Some broome weed control works in areas immediately close to the walking track and or Oatlands township was also undertaken. There is more to be done – subject to weather.
- Helen and Mary spent two half days on removing boneseed from two areas, one at Dysart and one patch on the Green Valley Rd, Bagdad. We are not aware of other incursions in the Municipality, so these sites are closely monitored.
- Maria continues to be busy with works relating to the Mt Pleasant Recreation Ground change room upgrade project. The large water tank at the rear of the building was removed by volunteers on Wednesday 2nd Nov. The builder commenced work on the site on 9th November.
- Maria continues to work with Duo Designs and Council's Heritage Dept in regard to the toilet block proposed for Callington Park. An on site meeting was held. It is apparent that the gradient fall levels to reach the existing sewer pump pit at the foreshore toilets will have some issues, so further consideration needs to be undertaken to come up with a solution.
- Maria and Helen rescued a swan that was caught in a fence in an Oatlands residential yard. The swan was uninjured and was released back to the lake, much to the pleasure of a number of concerned people.
- Information for the Council's annual report prepared and submitted, ready for inclusion in the 2021-2022 year report.

Weeds Officer Report for the period Tuesday 18th October – Monday 8th November 2022 is as follows:

Enquiries/feedback

4 (Gorse/capeweed, Spanish heath, Paterson's curse and Amsinckia).

Site visits

Total = 19

Another visit to Kempton recreation ground to plant another 4 replacement Acacias at southern end of mounds. Most recent plantings inspected and watered; all looking good. It was noted that Whiteweed has started to encroach onto the mound areas from adjacent paddocks and highway roadside.

Amsinckia infestation at Oatlands tip inspected again and a number of small plants were pulled out.

Inspected roadside near the entrance to Chauncy Vale. Graham Green has requested some thistle and capeweed control whilst he's away on leave. Was able to put in a couple of hours selective spraying (mostly slender and spear thistles) the following week; more to come as time and weather permits.

Started twitch control around the new blackwoods at the tanks near the sullage pit in Oatlands. Majority of the blackwoods are surviving but a number along the embankment behind the large mound of dirt have died.

Visited Dysart with Helen Geard for annual boneseed inspections and control (hand pulling and some cut & swab). Small number of Spanish heath near cemetery on Church Street cut & swabbed. Some properties free of boneseed now but further follow-up of a number of properties listed on our data base is continuing.

A couple of patches of Amsinckia discovered in one of the Dysart properties where we were inspecting for boneseed: all hand pulled the following week.

Spent the day on 8th November with Adam Muyt (Dept. Natural Resources & Environment) inspecting for African lovegrass and Chilean needlegrass at a number of sites including the Mount Pleasant recreation ground, Glen Morey Road and Nala Road areas. All property owners contacted and permissions given. **All 9 sites were free of the weeds.** Ran out of time to inspect Spring Hill area for the single known serrated tussock infestation in SMC; this will be done by me late November. Did observe an outlier population of roadside Canary broom near Lemont which I will follow up in the next fortnight.

Communication

Attended a meeting of the Weeds Action Fund sub-committee of the Coal River Products Association on 24th October. Convenor requested overview of weed control monies spent on roadside weeds and related activities for previous 18 months. Information forwarded on 7th November.

Sent a couple of the new Lake Dulverton brochures to my photographer friend Kathy Purcell who provided a number of bird photos for the leaflet; she was very impressed with the final product.

Research

Research through Google Scholar for information regarding the transmissibility of Paterson's curse through a sheep's gut. It is apparent that this is a major way this particular weed spreads. The weed is also high in toxic alkaloids which can cause liver damage in livestock.

Issues with the Natural Values Atlas resolved and I have access to a SMC weeds project where data can be uploaded.

Roadside weeds data base

56 waypoints entered into Spectrum Spacial on 31st October. Started mapping Coal River valley roadsides. Very little gorse or broom so only 11 waypoints so far.

Weed of the Week

With the support of the front office staff at Oatlands, I have begun a small display of an actual flowering weed, with accompanying brochure, as an educational idea. I have been finding that many people are not familiar with the majority of our declared weeds so perhaps a regular display may prove beneficial. So far this month I have displayed Amsinckia, Whiteweed and English/Scotch broom.

RECOMMENDATION

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

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

16.3 Cultural

Strategic Plan Reference 3.3

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

Nil.

16.4 Regulatory (Development)

Strategic Plan Reference 3.4

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

Nil.

16.5 Regulatory (Public Health)

Strategic Plan Reference 3.5

Monitor and maintain a safe and healthy public environment.

Nil.

16.6 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

16.6.1 Animal Management Report

AUTHOR: ANIMAL MANAGEMENT OFFICER (RACHEL COLLIS)

DATE: 16 NOVEMBER 2022

Enclosure(s):

Animal Management Statement 2022

ISSUE

Consideration of the Animal Management/Compliance Officer's report for November 2022

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 October; *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:

7/11/22 – Failing to register dog over 6 months, Colebrook area

7/11/22 - Failing to register dog over 6 months, Colebrook area

7/11/22 - Failing to register dog over 6 months, Colebrook area

THAT the Animal Management report be received and the information noted.

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

ENCLOSURE
 Agenda Item 16.6.1

YTD ANIMAL MANAGEMENT STATEMENT
 January – November 2022

DOG IMPOUNDS	RECLAIMED	ADOPTED/DOGS HOME	EUTHANISED	OTHER IMPOUNDS
30	22	5	3	5 sheep

JOBS ATTENDED
 November 2022

DOGS AT LARGE	DOG ATTACKS	DOG BARKING	DOG GENERAL
0	0	1	10
NEW KENNEL LICENCES	WELFARE	STOCK	OTHER
	2	1	

REGISTERED DOGS: 1729 Registered
KENNEL LICENCES: 60
INFRINGEMENTS ISSUED: 3

16.7 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.

16.7.1 Central Renewable Energy Zone

AUTHOR: SPECIAL PROJECTS OFFICER (DAMIAN MACKEY)

DATE: 16 NOVEMBER 2022

Attachment(s):

1. *Renewable Energy Coordination Framework. Renewables, Climate and Future Industries Tasmania, Tasmanian Government.*
2. *A guideline for community engagement, benefit sharing and local procurement. Renewables, Climate and Future Industries Tasmania, Tasmanian Government.*

PURPOSE

The purpose of this report is to provide Councillors with an update on the *Renewable Energy Coordination Framework* project, under the State Government's Renewables, Climate and Future Industries Tasmania section, (ReCFIT).

BACKGROUND

The overarching aim of the *Renewable Energy Coordination Framework* is to determine how to manage Tasmania's renewable energy growth. The project seeks to address all the issues that surround the construction of renewable energy generation, such a wind farms. A full list of matters is provided in the attached document *Renewable Energy Coordination Framework*. In brief, there are four 'key pillars':

1. **Integrated Infrastructure** to deliver the least cost and optimally located generation and transmission to meet load where it is needed.
2. **Environment** to protect and enhance our State's environmental values – biodiversity, cultural and aboriginal heritage.
3. **Economic** to stimulate job creation and business growth through renewable energy investment to build a skilled workforce for generations.
4. **Community** to engage communities to ensure benefits are tangible and valued and make positive contributions to shaping their future.

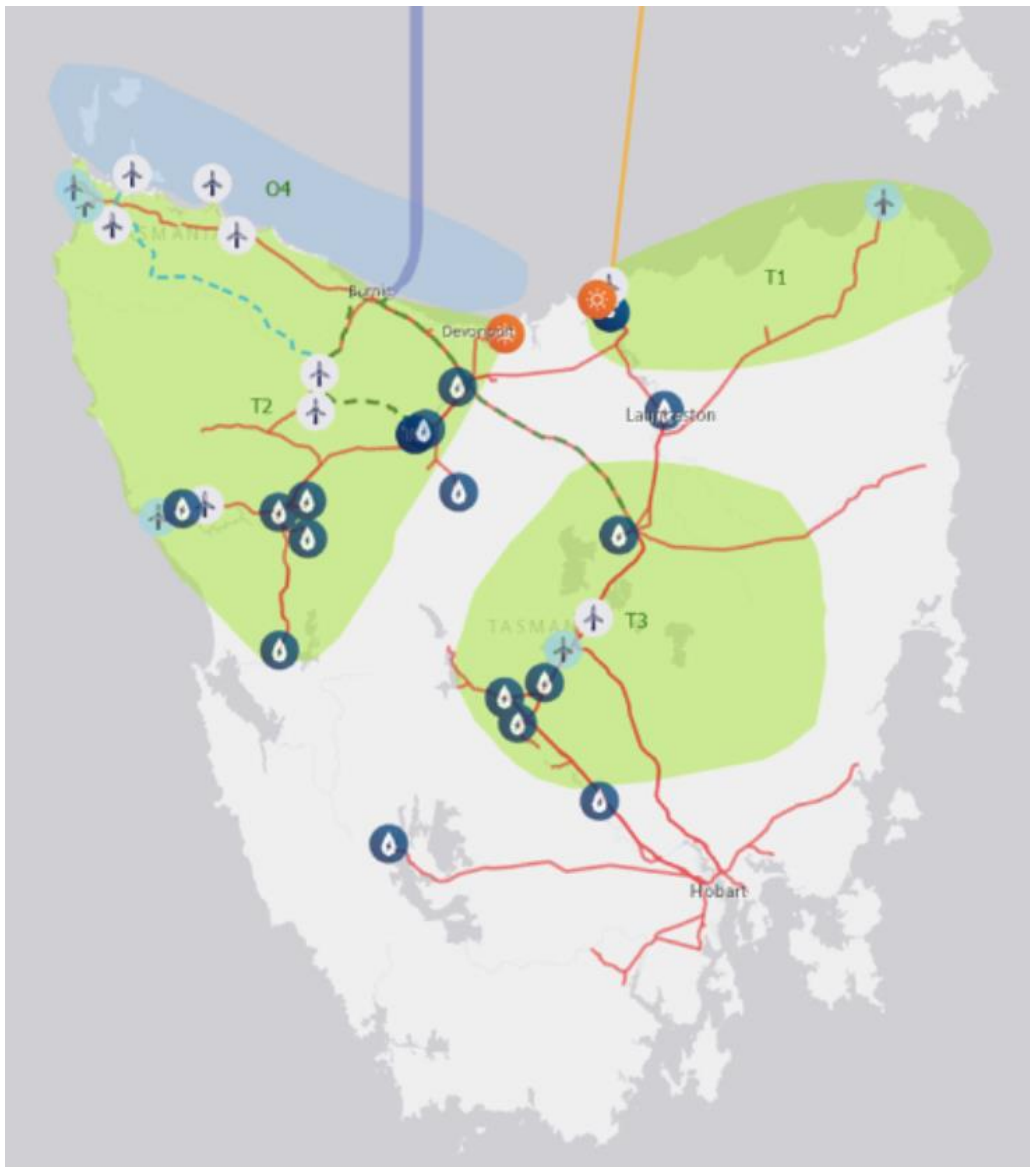
Four regions of Tasmania have been identified as potential 'renewable energy zones'. The 'central zone' is comprised of land within the Central Highlands, Southern Midlands and Northern Midlands municipal areas.

The ReCFIT program is relatively new and is now nearing the consultation stage. As indicated in the enclosed document *A guideline for community engagement, benefit sharing and local procurement*, the aim of ReCFIT's consultation exercise will be to better undertake community and stakeholder engagement, take account of community values and determine

how to ensure local communities benefit from large renewable energy projects, such as windfarms.

TASMANIA'S (APPROXIMATE) RENEWABLE ENERGY ZONES

The four (approximate) renewable energy zones have only been roughly defined to date. This occurred at the national level. In regard to wind energy, the ideal locations are where the best wind resource areas overlap with existing high voltage transmission lines. Pumped hydro facilities clearly need to be associated with existing dams and power stations.

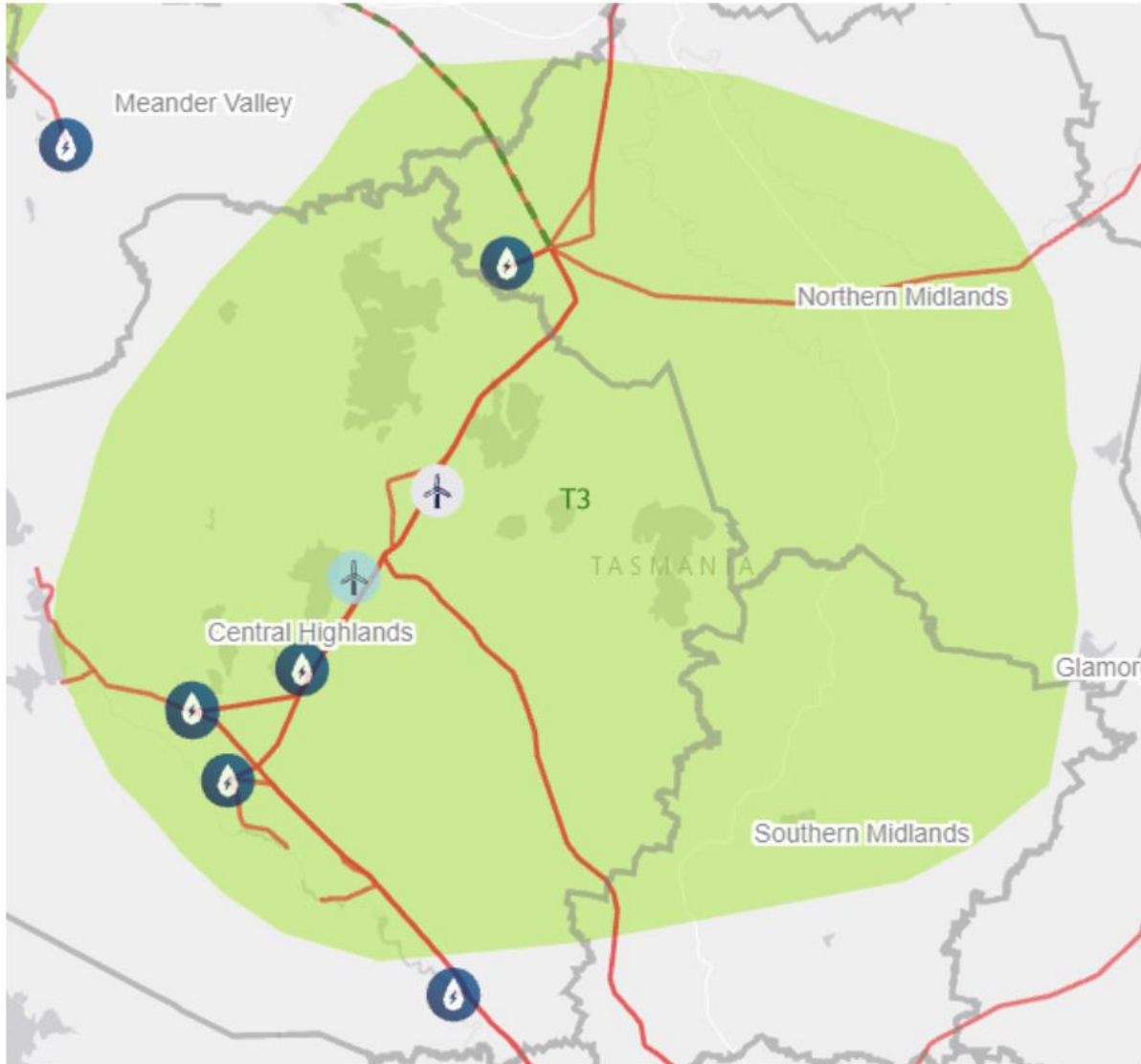


Renewables, Climate and
Future Industries Tasmania

The four (approximate) Tasmanian Renewable Energy Zones.

Once declared, each renewable energy zone will be further investigated. This work will include community & stakeholder consultation. The zones will then be spatially more accurately defined, and potentially reduced in size.

THE (APPROXIMATE) CENTRAL RENEWABLE ENERGY ZONE



The (approximate) Central Renewable Energy Zone.

At present, a significant section of Southern Midlands is within the central zone. It is possible this will be modified once the more detailed investigations and community & stakeholder consultation have occurred.

PENDING DECLARATION OF THE FIRST ZONE

The first officer-level ‘forum’ for local government in the Central Renewable Energy Zone occurred on 10 November.

ReCFIT officers advised that the first Renewable Energy Zone will likely be formally declared in December 2022. This will signal the start of their further investigations, and community & stakeholder consultation for that zone.

ReCFIT were not in a position to divulge which of the four zones will be announced, but it is clearly possible it may be the Central Zone.

If it is, then ReCFIT will seek an opportunity to brief Councillors on the project and to commence community consultation as soon as possible. The Councillor briefing would likely occur at a Council meeting, and the community consultation would start with a ‘pop-up’ information session which, in Southern Midlands, would likely be in Oatlands. It is possible that this might occur as soon as December.

RECOMMENDATION

THAT the information be received.

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

17. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – COMMUNITY)

17.1 Community Health and Wellbeing

Strategic Plan Reference 4.1
Support and improve the independence, health and wellbeing of the Community.

Nil.

17.2 Recreation

Strategic Plan Reference 4.2
Provide a range of recreational activities and services that meet the reasonable needs of the community.

Nil.

17.3 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.

17.4 Volunteers

Strategic Plan Reference 4.4
Encourage community members to volunteer.

Nil.

17.5 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.

17.6 Education

Strategic Plan Reference 4.6
Increase the educational and employment opportunities available within the Southern Midlands

Nil.

17.7 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.

Nil.

17.8 Safety

Strategic Plan Reference 4.8

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

Nil.

17.9 Consultation & Communication

Strategic Plan Reference 4.8

Improve the effectiveness of consultation & communication with the community.

Nil.

18. OPERATIONAL MATTERS ARISING (STRATEGIC THEME – ORGANISATION)

18.1 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

18.1.1 Audit Panel Report to Council – 2021/2022

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 9 NOVEMBER 2022

Enclosure(s):

Audit Panel Report 2021/2022

ISSUE

Council to receive the Audit Panel's Annual Report for the 2021/2022 financial year.

BACKGROUND

The Audit Panel is established pursuant to Section 85(1) of the *Local Government Act 1993* and the *Local Government (Audit Panels) Order 2014*.

As part of Council's governance obligations to its community, Council has constituted an Audit Panel to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting
- Effective management of financial and other risks and the protection of Council assets
- Compliance with laws and regulations as well as use of other best practice guidelines
- The provision of an effective means of communication between the external auditor, management and the Council
- Oversight of the two existing (including any additional) companies which have been established by Council.

The objective of the Panel is to assist Council and the General Manager in providing an independent process in its financial and risk management practices to ensure accountability to the community in the governance, management and allocation of resources.

The Panel is to ensure that there is an adequate and effective system of internal controls throughout Council.

DETAIL

The Audit Panel's Charter requires the Chair of the Panel to provide Council with a report at the end of each financial year on the activities of the Panel.

The Annual Report is included as an enclosure.

Human Resources & Financial Implications – Not applicable.

Community Consultation & Public Relations Implications – Not applicable.

Priority - Implementation Time Frame – Not applicable.

RECOMMENDATION

THAT Council receive a copy of the Audit Panel Report for the 2021/2022 financial year.

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

ENCLOSURE
Agenda Item 18.1.1

SOUTHERN MIDLANDS COUNCIL

AUDIT PANEL REPORT 2021/2022

The Southern Midlands Council Audit Panel is pleased to be able to present its Report for the year 2021/2022.

This Audit Panel is established pursuant to Section 85 of the *Local Government Act* and the *Local Government (Audit Panels) Order 2014*.

The purpose of the Audit Panel is to facilitate:

- The enhancement of the credibility and objectivity of internal and external financial reporting
- Effective management of financial and other risks and the protection of Council assets
- Compliance with laws and regulations as well as use of other best practice guidelines
- The provision of an effective means of communication between the external auditor, management and the Council
- Oversight of the two existing (including any additional) companies which have been established by Council.

During this period the Panel consisted of Deputy Mayor Edwin Batt, Councillor Anthony Bantick and the Chair was Mr. David Sales F.C.P.A

In terms of the Order, the Panel is required to determine:

- Whether the annual financial statements of the Council accurately represent the state of affairs of the Council;
- Whether and how the Part 7 plans are integrated and the processes by which, and assumptions under which those plans are prepared;
- The accounting, internal control, anti-fraud, anti-corruption and risk management policies, systems and controls that the Council has in relation to safeguarding its long term financial position;
- Whether the Council is complying with provisions of the Act and any other relevant legislation; and
- Whether the Council has taken any action in relation to previous recommendations provided by the audit panel to the Council and, if it has taken action, what that action was and its effectiveness.

Southern Midlands Council is a relatively small Council and does not have a dedicated internal audit function. This means that the Council must rely on having robust control policies and a process to ensure that the policies are being observed. The Audit Panel has continued to concentrate on this aspect of control while at the same time carrying out those other duties which are prescribed.

The Order requires that an Audit Panel prepare an annual work plan which it has done and submitted as required to Council. In determining its work plan, the Panel takes into account the particular circumstances of the Council. The Work Plan is a living document and is under constant review.

In accordance with the Charter, the Panel's Plan in 2021/2022 included:

External Audit

- Meeting with the External Auditors at least once;
- Providing input and feedback on the financial statement and performance audit coverage proposed by external audit and providing feedback on the audit services provided;
- Receiving and considering all external plans and reports in respect of planned or completed audits and monitoring management's implementation of audit recommendations;

Annual Audited Financial Statements

- Satisfying itself that the financial statements were supported by appropriate management and sign-off;
- Reviewing the financial statements, including the appropriateness of Account Policies and significant estimates and judgements adopted in the preparation of the financial statements;

Risk Management

- Actively reviewing the risk management framework, and associated procedures that are in place for management to effectively identify and manage the Southern Midlands Council's financial and business risks;
- Monitoring the organisational performance in managing the risks identified in the risk register(s).

Internal Control

- Ensuring that the internal control measures in place are appropriate for the size of the council
- Reviewing the operation of internal control measures
- Checking compliance with regulations, policies, best practice guidelines, instructions and contractual arrangements
- Monitoring ethical standards and related party transactions by determining whether the systems of control are adequate
- Monitoring the progress of any major lawsuits facing the council

2021/2022 has been another difficult year because of the Coronavirus. Council had adopted a Covid 19 Safety Plan during the previous year and the Panel was delighted to see that it was vigorously applied during the year and there were minimal adverse effects felt by Council.

The Panel was again pleased to see that Council continued to progressively review its policies to improve accountability and performance of the organisation during 2021/2022. The policies were all submitted to the Panel for review.

The Panel was also pleased to see that the External Auditors had issued the Council with a clear report for 2020/21. There is one matter relating to accumulated leave which had been raised in previous years and the Panel was pleased to see that the accumulated leave balance was being progressively reduced. It was also noted that the External Auditors contracted by the Auditor General completed their term in 2020/2021 and that the External Audit for 2021/2022 was conducted by the Auditor General.

The Audit Panel met with External Auditors during the year to discuss the scope of the External Auditor and whether there were any specific matters which the External Auditor would like the Audit Panel to give particular attention to.

Other matters which the Panel examined were inter alia: -

- Workplace health and safety matters;
- The Financial Management Strategy and the Long-Term Financial Management Plan;
- Depreciation Protocols; and
- An external Audit Evaluation.

The Committee met on four occasions during the financial year and there were no specific irregularities that the Panel drew to the attention of Council. A number of systemic improvements were discussed with the General Manager in the course of the meetings. The Panel assisted in the proof reading of several draft policy documents and it is hoped that this was of assistance to senior staff.

The Panel is required biennially to review its Charter and conduct a self-evaluation. Because of the change in membership of the Panel it was agreed that these tasks would be deferred to the first meeting in 2022/23 to enable the new member to become more familiar with the Panel's functions

A copy of the minutes of each Panel Meeting was submitted to Council for its information as required by the Charter and all of the Panel's recommendations were accepted without alteration. No matters were referred to the Panel by Council or any third party.

The attendance at the meetings was as follows:

- Chair – Mr. D. Sales 4/4
- Deputy Mayor- E. Batt 4/4
- Councillor- A. Bantick 4/4
- General Manager - Mr. T. Kirkwood 4/4

All recommendations made to Council were adopted by Council without alteration and were put into effect.

There are a number of areas which the Panel continues to monitor to ensure the proper implementations of its recommendations.

The Panel would like to thank all staff, in that they unfailingly went out of their way to provide the Panel with any information and documentation that it may have required.

18.2 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

18.2.1 Tabling of Documents

Nil.

18.2.2 Elected Member Statements

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

18.2.3 Ordinary Council Meetings (Meeting Times and Frequency) – *Local Government (Meeting Procedures) Regulations 2016 & Draft Council Meeting Schedule*

Author: EXECUTIVE ASSISTANT (JEMMA CROSSWELL)

Date: 15 NOVEMBER 2022

Enclosure:
Proposed 2023 Council Meeting Schedule

ISSUE

Council to confirm the Meeting Time and Frequency for Ordinary Council Meetings (in accordance with the *Local Government (Meeting Procedures) Regulations 2016*) endorse the forward Meeting Schedule.

BACKGROUND

In part, the *Local Government (Meeting Procedures) Regulations 2015* provide the following:

- An ordinary meeting of a council is to be held at least once in each month.
- Times of meetings - A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.
- After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

At present, Council Meetings are held on the fourth Wednesday of every month commencing at 10.00 a.m.

Meetings generally alternate between Oatlands and Kempton, with the exception that during the summer months, Council conducts its' meetings at the various community halls within the municipal area.

The 'public question time' session is scheduled at 10.30 a.m. for the meetings held at Oatlands and Kempton Council Chambers, and for the Ordinary Meetings held outside the two offices, the 'public question time' session is scheduled to commence at 12.30 p.m.

DETAIL

At the Induction Workshop held 14th November 2022, Councillors gave preliminary consideration to the issue of meeting commencement times.

Following discussion, it was the preference of the majority of Councillors to maintain the existing meeting frequency and commencement time.

A forward Meeting Schedule (draft) has been developed for consideration, including the meeting date, venue and commencement time for consideration.

RECOMMENDATION (FROM WORKSHOP)

THAT:

- a) Ordinary Meetings of Council be held on the fourth Wednesday of every month;
- b) all Ordinary Meetings commence at 10.00 a.m.;
- c) the 'Public Question Time' be scheduled for 10.30 a.m. for meetings held at the Kempton or Oatlands Council Chambers, and 12.30 p.m. for Ordinary Meetings of Council held in other locations; and .
- d) Council endorse the 2023 Council meeting schedule.

DECISION (By Absolute Majority)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt		
Deputy Mayor K Dudgeon		
Clr A E Bisdee OAM		
Clr D Blackwell		
Clr D F Fish		
Clr R McDougall		
Clr F Miller		

ENCLOSURE(S)
 Agenda Item 18.2.3

SOUTHERN
 MIDLANDS
 COUNCIL



2023 Council Meeting Schedule

DATE	VENUE	TIME
Wednesday, 25th January 2023	Broadmarsh / Elderslie Hall 1218 Elderslie Road, Broadmarsh	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Tuesday, 21st February 2023	Tunbridge Hall 99 Main Road, Tunbridge	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 22nd March 2023	Tunnack Hall 2147 Tunnack Main Road, Tunnack	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 26th April 2023	Campania War Memorial Hall 45 Reeve Street, Campana	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 24th May 2023	Runnymede Recreation Ground Woodsdale Road, Runnymede	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 28th June 2023	Kempton Council Chambers 85 Main Street, Kempton	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 26th July 2023	Oatlands Council Chambers 71 High Street, Oatlands	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 23rd August 2023	Kempton Council Chambers 85 Main Street, Kempton	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 27th September 2023	Oatlands Council Chambers 71 High Street, Oatlands	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 25th October 2023	Kempton Council Chambers 85 Main Street, Kempton	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 22nd November 2022	Oatlands Council Chambers 71 High Street, Oatlands	10.00 a.m. <i>Public Question Time 10.30 a.m.</i>
Wednesday, 13th December 2023	Kempton Council Chambers 85 Main Street, Kempton	2.00 p.m. <i>Public Question Time 2.30 p.m.</i>
Annual General Meeting Wednesday, 13th December 2023	Kempton Council Chambers 85 Main Street, Kempton	5.00 p.m.

18.2.4 Local Government Association of Tasmania – General Meeting (To be held 8th December 2022)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 9 NOVEMBER 2022

ISSUE

Council to consider the Motions which have been submitted for consideration at the Local Government Association of Tasmania's General Meeting scheduled for 8th December 2022.

BACKGROUND

These Motions have been included on the Agenda to allow for discussion prior to the General Meeting and to provide voting direction for Mayor Batt as Council's delegate to the Association.

DETAIL

The LGAT has received three motions to date. They being:

1. Burnie City Council – Meeting Times for Council Meetings and Council Workshops

Motion:

THAT LGAT adopt a policy position that ensures that council meeting and workshop times occur at times that are conducive to and facilitate increased participation across a broader cross-section of community candidates, particularly bearing in mind time constraints and commitments that would apply to those working full time, young people and those with caring responsibilities."

Background Comment (as submitted by Burnie City Council)

At its meeting of 26 July 2022, Burnie City Council resolved to submit a motion to the upcoming LGAT General Meeting, asking the above policy be adopted.

The motion raises valid considerations about the practical structural barriers that might preclude the fullest range of community members from participating as councillors. It would be counter-productive to prescribe the times at which Council meetings and Workshops should be held, as this may cause more problems than it solves. But making the issue of structural barriers more explicit and having each Tasmanian Council consider and determine meeting times to facilitate participation and access is worthy.

The demographic make up of elected councillors across the state is often a cause for discussion. There are persisting stereotypes that Councils are not particularly representative of the demographics of the communities from which they hail. Considering and minimising structural barriers that might preclude candidates from particular demographics is one way on improving the representative make-up of Councils.

SMC Comments:

The *Local Government (Meeting Procedures) Regulations 2015* provide the following:

- An ordinary meeting of a council is to be held at least once in each month.
- Times of meetings - A meeting is not to start before 5:00 p.m. unless otherwise determined by the council by absolute majority or by the council committee by simple majority.
- After each ordinary election, a council and a council committee are to review the times of commencement of their meetings.

In terms of timing, there is no legislative provision relating to the conduct of workshops.

From an SMC perspective, the existing regulation has proved to work effectively. It allows for the commencement time to be reviewed following each election. It enables those elected to make a determination based on the 'collective' circumstances of Councillors, and take into account any community sentiments that may have been raised or identified.

2. Kingborough Council – Housing Affordability

Motion:

THAT LGAT lobby the State Government to:

Encourage the development of affordable housing, as a matter of urgency through:

- a) Measures that promote the efficient supply of well located, diverse housing;**
- b) Promote the development of affordable housing with specific incentives for affordable housing enabled through planning schemes and policies; and**
- c) Require the development of affordable housing with the use of mandatory provisions in appropriate locations (ie, a threshold that would require certain sized developments to provide a minimum percentage of affordable housing).**

Background Comment (as submitted by Kingborough Council)

Housing affordability is an increasing problem throughout Tasmania particularly for women escaping from family violence, young people and older Tasmanians. Despite this, there are currently no mechanisms in Tasmania to encourage housing affordability through the planning framework.

The land use planning framework can provide important support for to promote affordable and social housing. Promoting new sources of affordable housing means encouraging provision through the private market of housing options that are more likely to meet the needs of low to moderate-income households now and in the future.

The State Government's "Affordable Housing Action Plan 2019-2023" included the following statement:

“Action 2.2. Planning mechanisms will be reviewed to promote a greater array of housing options in new developments, including affordable housing, to determine those best suited to the specific Tasmanian regulatory, social and economic context”.

However, with just one year left of this strategy and Tasmania’s worsening housing crisis, it does not appear that much progress has been made. Opportunities to promote new sources of affordable housing through the planning system could include:

- Ensuring that the Planning Scheme contains overall planning objectives to promote affordable housing. Such objectives will provide a basis for planning authorities to encourage applications that contribute to affordable housing or housing choice within an area;*
- Facilitating the supply of appropriately zoned residential land, to avoid artificial supply constraints that may affect the cost of housing, by identifying potential housing opportunities such as unutilised or under-utilised land, areas in need of urban renewal or upgrading, or vacant sites in public ownership.*
- Ensuring that zone and locality provisions are sufficiently flexible to promote new affordable housing opportunities.*
- Introducing planning incentives for diverse housing types or for affordable housing.*

Some Councils in other parts of Australia have introduced requirements in their planning schemes to diversify housing forms. For example:

- Leichhardt Council enforces mandatory requirements for diverse multi-unit configurations.*
- Blue Mountains Council have developed specific development controls for accessible housing, including residential care facilities, hostels, or groups of two or more self-contained units intended to be used for older people or people with disability. These controls include requirements to ensure that such housing is fully adaptable.*
- Waverley Council encourages shop top or mixed commercial / residential developments through floor space incentives.*

Communities Tasmania is currently in the process of reviewing their Housing Strategy, and the State Planning Office is working on planning reforms. It is therefore considered timely to advocate for policy change to ensure that all sectors work together to improve housing choices and access to suitable and affordable homes, particularly for the most vulnerable Tasmanians.

SMC Comments:

SMC should support the Motion as increasing the supply of housing, including affordable housing, is critical to meet the needs of the Tasmanian community. As suggested in the last paragraph of the supporting statement, there is already a number of actions/reforms being undertaken by the State with the intent of achieving more affordable housing, although more can always be done.

3. West Tamar Council – Review of *Property Agents & Land Transactions Act 2016*

Motion:

THAT LGAT:

“Seek revisions to the Property Agents and Land Transactions Act 2016 to consider:

- a) Requiring a 337 Certificate prior to listing of a property and making it available as part of the sale process; and***
- b) Requiring full disclosure for properties as part of the listing process.”***

Background Comment (as submitted by West Tamar Council)

The process of seeking the issue of a 337 Certificate as part of purchasing a property provides an effective tool in identifying a range of matters including matters relating to planning, building and plumbing. Regrettably normal practice is that a purchaser does not seek a certificate until they are about to, or already have, signed a contract meaning important information can remain unknown until the end of the process. This can and often does lead to frustration, increased costs, legal argument and ultimately delays in the process.

Requiring a 337 certificate prior to listing a property places the onus on the vendor and ensures the information is available when the property is listed for sale. This places the responsibility where it should lie and ensures a prospective purchaser is able to make a more informed decision.

Property disclosure statements exist in most states and territories in Australia and form part of the process of residential property sale. As with the responsibility described above regarding 337 certificates, it is appropriate that a property vendor be responsible for disclosing matters related to the property being listed for sale.

This is a matter which has been previously considered by government however with the recent increase in property transactions it has become apparent that it is appropriate to reconsider these suggested changes and incorporate them into Tasmanian law.

Providing this level of consumer protection has become the minimum standard expected by our communities.

SMC Comments:

The intent of the Motion is self-explanatory and SMC should support the Motion.

Human Resources & Financial Implications – Not applicable.

Community Consultation & Public Relations Implications – Issues to be considered.

Priority - Implementation Time Frame – LGAT General Meeting scheduled for 8th December 2022.

RECOMMENDATION

THAT Council consider its position in relation to each of the three (3) Motions submitted to the Local Government Association of Tasmania for consideration at its General Meeting to be held 8th December 2022.

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

18.2.5 Local Government Association of Tasmania – Workplace Health and Safety Review of Elected Representatives

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 17 NOVEMBER 2022

Enclosure(s):

- 1. Local Government Association of Tasmania – Extract from the LGAT General Meeting Agenda – Item 3.*
- 2. Report - Edge Legal – Work Health and Safety Review – Elected Representatives (15 November 2022) – Executive Summary*

ISSUE

Council to consider the recommendations contained in the 'Work Health and Safety Review – Elected Representatives' prepared by Edge Legal.

Note: This report will be considered at the LGAT General Meeting to be held 8th December 2022. Councils will be required to endorse (or otherwise) the recommendations contained therein.

BACKGROUND

The extract from the LGAT General Meeting Agenda for the 8th December 2022 General Meeting provides the background information and relevant commentary.

DETAIL

Reference is made to the Edge Legal Report and the Executive Summary enclosed with this report.

The recommendations are provided under seven (7) headings as follows:

- 1.15 – Legislation
- 1.16 – Code of Conduct
- 1.17 – Third Party Framework
- 1.18 – Training Elected Representatives
- 1.19 – Training – GM's / CEO's
- 1.20 – Training Mayors
- 1.21 – Qualifications and CPD (i.e. Continuing Professional Development)

The recommendations are too numerous to provided comment in respect of each, however Councillors may raise issue by exception.

It is suggested that Council may wish to particularly consider the recommendations provided in section 1.21 –'Qualifications and CPD' as here re direct implications associated with these.

Human Resources & Financial Implications – to be considered.

Community Consultation & Public Relations Implications – Issues to be considered.

Priority - Implementation Time Frame – LGAT General Meeting scheduled for 8th December 2022.

RECOMMENDATION

THAT Council consider each of the recommendations provided in the Edge Legal Report entitled ‘Work Health and Safety Review – Elected Representatives’ and either:

- a) **Endorse the recommendations (in their entirety); or**
- b) **Endorse the recommendations excluding the following:**

.....
.....
.....

Note: Reasoning to exclude a recommendation should be noted to assist the Mayor with any debate that may occur at the LGAT General Meeting.

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

ENCLOSURE 1
Agenda Item 18.2.5

LGAT GENERAL MEETING AGENDA - EXTRACT

3. WORKPLACE HEALTH AND SAFETY REVIEW OF ELECTED REPRESENTATIVES
Contact Officer – Dion Lester

Decision Sought

That Members endorse the recommendations contained in the Work Health and Safety Review – Elected Representatives.

Background

At the August 2021 General Meeting members resolved that:

The Tasmanian local government sector confirms its commitment to ensuring a safe workplace for elected representatives and staff and, that LGAT calls on the State Government to commission a review of the workplace health and safety of the Local Government sector for elected representatives.

Discussions with the State Government resulted in agreement for the Office of Local Government to fund the engagement of a suitably qualified consultant to undertake the review, with LGAT to manage the work.

Edge Legal were awarded the review following a competitive tender process. The full terms of reference are available on the LGAT Member Portal under “Elected reps governance”.

Broadly the engagement involved:

- A State-wide online survey document able to be answered anonymously by elected representatives, senior staff and relevant regulators.
- One on one confidential interviews (by request and invitation) of elected representatives, senior staff and relevant regulators.
- Inviting written submissions from elected representatives, senior staff and relevant regulators.
- A review of the current regulatory environment in Tasmania and other relevant jurisdictions.
- Written feedback on the draft report from all participants and the broader sector.

Edge Legal has produced the following deliverables as part of their work:

- An Executive Summary of the review, including all recommendations.
- The full report.
- Stand alone reports on council, elected representatives and council staff responsibilities under the various legislative instruments (e.g. WH&S, Code of Conduct, Anti-Discrimination Act etc.).
- A statewide assessment of the health and safety hazards to elected representatives

and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual councils, depending on local circumstances’.

Each of these documents is available on the LGAT Member Portal under “Elected reps governance”. The Executive Summary is also included as an Attachment to this item, with the full suite of recommendation outlined in detail from page 8 to 14.

Member endorsement of the recommendations is sought to allow LGAT to prepare an implementation plan for the work in 2023.

A summary of the recommendations is included below.

1. Legislation

- 1.1 If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement to have a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).¹
- 1.2 Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including a breach of the WHS Act, referral from GM/ CEO or Mayor; or not meeting the Director’s assessment of “not acting in the best interest of the Community”.
- 1.3 Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary community standards.
- 1.4 Include provisions in the Local Govt Act similar to allow those disrupting public meetings to be removed by the GM/ CEO and/or Mayor and with the potential to ban persons from future attendance
- 1.5 Amend Integrity Commission Act to allow Integrity Commissioner to refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or the Code of Conduct Panel to deal with at the triage stage

2. Code of Conduct

- 2.1 Amend s.28Y to allow the initial assessment² to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent a Respectful Conduct Advisor appointed by GM/ CEO.
- 2.2 Permit Respectful Conduct Advisor to assess the matters as either:
 - a) frivolous, vexatious or without reasonable foundation;

¹ The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils.

² Noting that the processes that Government has suggested could be further supported by such an additional assessment.

- b) minor breach; or
- c) serious breach.
- 2.3 Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor's assessment.
- 2.4 Have separate processes for the Code of Conduct Panel to conduct investigations for minor and serious breaches.
- 2.5 Allow Code of Conduct Panel to impose 'without fault' restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
- 2.6 Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
- 2.7 Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
- 2.8 Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
- 2.9 Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct.
- 2.10 Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
- 2.11 Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid 'silence' being used to 'weaponise' the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
- 2.12 Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.³
- 2.13 Change the "prescribed period" in s.28ZL(1) to be over the life of an Elected Representative's tenure – not just limited to consecutive terms.
- 2.14 Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3), after 3 suspensions.
- 2.15 Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

3. Third Party Framework

- 3.1 LGAT to coordinate with The Office of Local Government, Equal Opportunity Tasmania, Integrity Commission and WorkSafe Tasmania to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

³ To be considered as part of TASCAT feasibility study.

- 3.2 LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- 3.3 LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- 3.4 Independent Respectful Conduct Advisor position, with terms of reference, be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- 3.5 Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- 3.6 LGAT provide industry-wide examples of “what IS” and “what is NOT” acceptable behaviour in a council context for Elected Representatives, Council staff and members of the Community.
- 3.7 LGAT create standardised policies and processes for councils to deal with unreasonable complaints or inappropriate conduct from community members.
- 3.8 Introduce industry sponsored communication to the community to confirm what the Code of Conduct process or any other behavioural management process can and can't be used for.
- 3.9 Create a community education campaign to set realistic expectations for the services Councils are able to deliver.
- 3.10 Create specific processes and expectations for Community participation in Council meetings.
- 3.11 Create standardised procedures for the conduct of meetings across the Local Government industry.
- 3.12 Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/ CEO and Council staff) are to occur – similar to the Retail Industry campaign of “No one deserves a serve”.
- 3.13 Develop and introduce a Diversity campaign.
- 3.14 Extend EAP to Elected Representatives.
- 3.15 Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- 3.16 Councils to introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- 3.17 Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

4. Training

- 4.1 Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey - pre-election, induction; and refresher.
- 4.2 Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- 4.3 Training for Mayors on the management of meetings and chairing meetings under the meeting regulations.
- 4.4 Introduce a requirement for qualification similar to Company Director's Course as a mandatory pre-condition for seeking election, an ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative. The CPD to have a mandatory requirement for appropriate behavioural standards.
- 4.5 Provide opportunities for 'one on one' coaching for Elected Representatives

Budget Impact

This work was supported by funding from the Office of Local Government.

Current Policy

Strategic Plan Advocate

- Sector services

2022 – 23 Annual Priority

- Local government reform
- Health and wellbeing
- Sector development

ENCLOSURE 2
Agenda Item 18.2.5

Work Health and Safety Review – Elected Representatives

Prepared by David Dilger

15 November 2022



297 Elizabeth St
HOBART TAS 7000

P: 1300 77 3343

1 EXECUTIVE SUMMARY

1.1 Scope

- (a) Edge Legal was engaged by the Local Government Association of Tasmania to undertake a review of the workplace health and safety of the local government sector for Elected Representatives.
- (b) The scope of this work was to investigate, understand and report on identified issues related to interactions between:
 - (i) Elected Representatives
 - (ii) Elected Representatives and senior staff
 - (iii) Elected Representatives and members of the public.with the aim of developing a series of recommendations for how any highlighted matters can best be addressed and further support provided to Elected Representatives in the performance of their functions.
- (c) The full Terms of Reference for this engagement are contained in Schedule 1.

1.2 Existing perceptions of workplace culture amongst Elected Representatives

- (a) Respondents consider that workplace culture has deteriorated more markedly over the last three years in comparison to any other timeframe they can remember and that it continues to deteriorate at an alarming rate.
- (b) Despite these worrying perceptions, the majority of Elected Representatives Respondents are likely to seek to continue their role after their current term if elected indicating faith in the system to address its current failings and a personal preference to be part of the 'solution' for the Community.¹ The Elected Representatives Respondents' views appear to be contrary to those outside the Respondent group with multiple external press sources indicating an 'exodus' trend.
- (c) Overwhelmingly Respondents, other than Elected Representatives, perceive the unsatisfactory workplace culture of Elected Representatives to be a result of a lack of leadership and capacity to reasonably resolve interpersonal conflict.

1.3 Prevalence of harassment between Elected Representatives

- (a) Harassment between Elected Representatives was the largest concern for Elected Representatives and was notably higher than harassment between Elected

¹ Members of the community of a particular local government area

Representatives and Senior Management and/or Members of the Public.²

- (b) Personal conflict between Elected Representatives was perceived to be the most common cause of this Inappropriate Behaviour.

1.4 Prevalence of harassment between Elected Representatives and Senior Management

- (a) Harassment between Elected Representatives and Senior Management was the least concern for Elected Representatives.
- (b) Where there was any such harassment it almost always occurred between the Elected Representatives and the GM/ CEO – not other Council staff. Being 'politically unaligned' with the GM/ CEO and the prevailing Council 'faction' was the most common cause of harassment for Elected Representatives when it occurred with the GM/ CEO.

1.5 Prevalence of harassment between Elected Representatives and Members of the Public

- (a) Harassment between Elected Representatives and Members of the Public was the second largest concern for Elected Representatives despite the relatively low numbers of actual incidents or perpetrators.
- (b) Elected Representative Respondents,³ considered the high personal impact of the Inappropriate Behaviour not the quantum of such behaviour to cause the most concern.
- (c) A significant majority of Senior Management Respondents indicated that their Council had not conducted a risk assessment regarding the impact of Inappropriate Behaviours against Elected Representatives.⁴ There appeared to be no specific urgency regarding addressing this 'gap'. A separate statewide assessment of the health and safety hazards to Elected Representatives and appropriate risk mitigation actions (pursuant to the *Work Health and Safety Act 2012*) that can be taken by individual Councils, depending on local circumstances' has been developed to accompany this report.

1.6 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Anti-Discrimination Act 1998

- (a) Low.

² Harassment throughout this Report has adopted the standard Oxford Dictionary definition of "aggressive pressure or intimidation" and not the technical term used in the Anti-Discrimination Act to denote unlawful conduct.

³ Elected Representatives who participated in the Survey or Interview.

⁴ GMs/ CEOs or other Senior Council Employees who participated in the Survey or Interview.

- (b) Comparatively, Elected Representatives Respondents tended to focus their attention on remedies under the Local Government and WHS Acts.

1.7 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Work Health and Safety Act 2012 (WHS Act)

- (a) Moderate, but there were a concerning minority of Elected Representatives who continue to maintain that the WHS Act has no application to them whatsoever.
- (b) The majority of Elected Representatives Respondents considered their understanding of WHS laws to be adequate or higher.

1.8 Level of existing awareness and understanding of Council and Elected Representatives' responsibilities prescribed under the Local Government Act 1993 including the Code of Conduct framework

- (a) High, but there were a concerning number of Elected Representatives who misunderstood the fundamental aspect of their functions in that they conflated their election results as providing them with a mandate to be a particular activist for their purported constituents rather than to act in the interest of the whole of the Community.
- (b) The majority of Elected Representatives Respondents considered that the Code of Conduct process was totally ineffective in addressing Inappropriate Behaviours towards Elected Representatives which led to a significant majority of Elected Representatives Respondents choosing not to make a Code of Conduct complaint regarding Inappropriate Behaviour directed at them by other Elected Representatives.
- (c) The majority of Elected Representatives Respondents that made a Code of Conduct complaint were dissatisfied with the process, Panel and outcome.

1.9 Responsibilities under the Anti-Discrimination Act 1998

- (a) Elected Representatives must not engage in:
 - (i) discriminatory conduct on the basis of protected attributes;
 - (ii) prohibited conduct (offensive, humiliating, intimidating, insulting or ridiculing) on the basis of a particular protected attribute;⁵
 - (iii) sexual harassment;

⁵ An Elected Representative may engage in 'discriminatory conduct' generally but if it does not link to a protected attribute, it will not be unlawful discrimination within the scope of the Anti-Discrimination Act 1998.

- (iv) victimisation;
 - (v) inciting hatred, serious contempt, or severe ridicule on the basis of a particular protected attribute;
 - (vi) publishing or displaying discriminatory or prohibited conduct; or
 - (vii) knowingly causing, inducing or aiding another person to contravene the Anti-Discrimination Act.
- (b) Council, as an organisation, must ensure that Elected Representatives and staff are made aware of discrimination and prohibited conduct and take reasonable steps to ensure that these people don't engage in such conduct. This is set out in more detail in Schedule 4.
- (c) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
- (d) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.

1.10 Responsibilities under the Work Health and Safety Act 2012

- (a) Elected Representatives, are not Officers or Workers but, have coverage under the WHS Act because whilst conducting Council-related 'work' they are Other Persons at the Workplace.
- (b) Elected Representatives must take reasonable care for their own health and safety and that of others.
- (c) Elected Representatives must comply, so far as is reasonably able, with any reasonable instruction given by Council to comply with the WHS Act.
- (d) Responsibilities for Elected Representatives under this legislation are contained and explained in more detail in Schedule 2.
- (e) Responsibilities for Council employees under this legislation are contained and explained in more detail in Schedule 3.
- (f) Responsibilities for Council as a PCBU under this legislation are contained and explained in more detail in Schedule 4.

1.11 Existing information available to support Elected Representatives in understanding their obligations and supporting them in maintaining a safe workplace

- (a) Elected Representative Respondents considered that Council policies were only partially effective in preventing Inappropriate Behaviour towards them. This was

nearly mirrored by Senior Management Respondents who considered the same level of protection.

- (b) A significant majority of Elected Representatives Respondents claimed to not have received any training as an Elected Representative in responding to Inappropriate Behaviour from others during the performance of their role and considered regular training to be an effective measure to support them. This appears to be contrary to the assessment of Senior Management Respondents.
- (c) Despite this, there is extensive information already available to support Elected Representatives from Councils, LGAT and the various regulators in their understanding of their obligations. The disconnect, according to the Elected Representative Respondents, is that the information is:
 - (i) complex and nuanced;
 - (ii) derived from multiple sources; and
 - (iii) involves a high administrative burden for implementation.
- (d) There has already been considerable support for Elected Representatives provided by Councils, LGAT and the various regulators to maintain a safe workplace however, for the reasons set out above, 'true' effective implementation in the views of the Elected Representative Respondents:
 - (i) is administratively burdensome;
 - (ii) is time-consuming;
 - (iii) lacks an obvious distinction between processes for serious and less serious matters; and
 - (iv) requires disciplined repetition in following multiple processes for the same factual basis.

1.12 Cultural and/or structural barriers that may impede raising concerns, making complaints or otherwise seeking to resolve issues

- (a) The disproportionate personal effort (time and emotional impact) that was required to achieve 'minimal or unsatisfactory' results remains the largest barrier which impedes raising concerns, making complaints or otherwise seeking to resolve issues.
- (b) Gender-based and tenure-based discrimination were also significant barriers.
- (c) Worryingly, 'known' Inappropriate Behaviour went unreported or was under reported

and only a small minority considered the reporting of Inappropriate Behaviour towards Elected Representatives to be fully or at least partially accurate.

- (d) The majority of Inappropriate Behaviour related disputes arose out of personal conflict and Council related conflict. Political conflict and random acts are not of significant concern despite a countervailing view being regularly expressed in the press.
- (e) Effective Council meetings provide appropriate 'protection' from Inappropriate Behaviour from Members of the Public but not towards Elected Representative to Elected Representative behaviour.
- (f) Effective remedies are required to address the Social Media impacts of Inappropriate Behaviour from Members of the Public to Elected Representatives and the personal conflict exhibited by Elected Representatives to Elected Representatives on Social Media and in Council Meetings.

1.13 Mechanisms available to Councils to protect the health and safety of Elected Representatives and how they can be applied

- (a) Training (internal and industry based);
- (b) Internal Policies and Procedures;
- (c) Internal advice;
- (d) Code of Conduct;
- (e) Local Govt Act
- (f) WHS Act;
- (g) Anti-Discrimination Act;
- (h) External Professional Advice;
- (i) Regulatory Assistance;
- (j) Self Help;
- (k) Integrity Commission;
- (l) Fair Work Act - Bullying Jurisdiction;
- (m) Magistrate Court - Restraint Orders;
- (n) Workers Compensation; and
- (o) Negligence (Common Law action)

1.14 Other actions that can be taken by individual Councils or the sector to build or maintain workplace culture for Elected Representatives that is free from bullying and harassment

- (a) The majority of Senior Management Respondents indicated that they have tried multiple avenues but there was no 'silver bullet' and that they were frustrated with the lack of a consolidated response mechanism – which occurs because of the way in which multiple pieces of legislation deal with different aspects.
- (b) Self-Help remedies are not effective enough and take a significant personal toil on individuals and their families.
- (c) The overriding emphasis on a preferred 'protective' mechanism is underpinned by the following approach, if it were possible under the current legislative framework:
 - (i) targeted training;
 - (ii) clear documentary expectations;
 - (iii) a single consolidated 'policing' avenue;
 - (iv) stricter enforcement of penalties; and
 - (v) further reinforcement training.

1.15 Recommendations - Legislation

- (a) If any current initiatives to ensure a more comprehensive Model Code of Conduct are not achieved, include a requirement in the Local Govt Act to have, in addition to the Model Code of Conduct and other existing provisions of the Local Govt Act, a Behavioural Management Policy and optional Behavioural Support Policy (similar to the current SA Framework).⁶
- (b) Express confirmation in any such Policies that the intention is to manage complaints under the Policies within Council with as little formality and technicality as reasonably possible and with the intent on early resolution without resorting to Code of Conduct complaints.⁷
- (c) Amend Part 12B of Local Govt Act (Performance Improvement Directions) to broaden the application upon which a Director can make recommendations including:
 - (i) breach of the WHS Act,

⁶ The Government initially agreed to do this but rescinded after consultation on the draft Bill. Feedback received suggested that a comprehensive Code of Conduct is the preferred option. The Government will introduce a new mandatory Code of Conduct for all Councils. Councils, however, reserve the right to adopt a behaviour standards policy.

⁷ See comments in footnote 5.

- (ii) referral from GM/ CEO or Mayor; or
- (iii) simply not meeting the Director's assessment of "not acting in the best interest of the Community".
- (d) Amend Local Govt Act to permit removal of an Elected Representative from office by Minister (upon recommendation of the Director) for matters more currently recognised as not meeting contemporary expectations of appropriate Community standards as to being a fit and proper person.
- (e) Include specific provisions in the Local Govt Act similar to those contained in Local Government (Meeting Procedures) Regulations 2015 and Police Offences Act regarding disrupting public meetings – but allow action to be immediately taken by GM/ CEO and/or Mayor to ban persons from future attendance
- (f) Amend Integrity Commission Act to allow Integrity Commissioner to:
 - (i) refer minor matters or matters, that in the opinion of the Integrity Commissioner would be more appropriately dealt with by another body, to Council or Code of Conduct Panel to deal with at the triage stage; and
 - (ii) facilitate its acceptance of referrals from Code of Conduct panels.

1.16 Recommendations – Code of Conduct

- (a) Amend s.28Y to allow the initial assessment⁸ to be conducted by an expert (with expertise in behaviour and local government related matters) and/ or independent Respectful Conduct Advisor (similar to the City of Melbourne) appointed by GM/ CEO.
- (b) Permit Respectful Conduct Advisor to assess the matters as either:
 - (i) frivolous, vexatious or without reasonable foundation;
 - (ii) minor breach; or
 - (iii) serious breach.
- (c) Amend s.28ZA to allow Chairperson to have reference to the Respectful Conduct Advisor's assessment.
- (d) Have separate processes for the Code of Conduct Panel to conduct investigations for:

⁸ Noting that the processes that Government has suggested could be further supported by such an additional assessment.

- (i) minor; or
 - (ii) serious breaches.
- (e) Allow Code of Conduct Panel to impose 'without fault' restrictions (up to and including suspension) upon Elected Representatives whilst investigating serious breaches
 - (f) Strengthen sanctions for serious breaches – no requirement for 3 suspensions before removal of office is considered.
 - (g) Allow Code of Conduct Panel to impose suspensions until training orders have been complied with.
 - (h) Allow Code of Conduct Panel to determine breaches of matters already subject to training orders to be serious breaches.
 - (i) Amend Model Code of Conduct to include additional matters as set out in Local Government (Governance and Integrity) Regulations 2020 (Vic) Schedule 1 – Standards of Conduct (Set out in full in Schedule 5)
 - (j) Confirm regulatory intent of the Model Code of Conduct is to promote and protect psychosocial safety.
 - (k) Allow Code of Conduct Panel to provide permitted disclosures during the process to avoid 'silence' being used to 'weaponise' the process by preventing an Elected Representative who is responding to a complaint to declare their innocence and/or outline a basic summary of their defence.
 - (l) Amend s.28ZN to allow a Code of Conduct Panel to award costs against either party or both.⁹
 - (m) Change the "prescribed period" in s.28ZL(1) to be over the life of an Elected Representative's tenure – not just limited to consecutive terms.
 - (n) Allow automatic removal of an Elected Representative without requiring Ministerial discretion in s.28ZL(3).
 - (o) Introduce specific statutory protection for complainants and witnesses generally similar to the intent of those contained Public Interest Disclosures Act 2002.

1.17 Recommendations – Third Party Framework

- (a) LGAT to coordinate with The Office of Local Government (**OLG**), Equal Opportunity

⁹ To be considered as part of TASCAT feasibility study.

Tasmania (EOT), Integrity Commission and WorkSafe Tasmania (WST) to review the status quo/ improvements in relation to behavioural management and publish annual results for the industry.

- (b) LGAT (from the information above) provide clear guidance materials to Chair of Code of Conduct Panel.
- (c) LGAT (from the information above and direct information from Councils direct) to publish statistics on matters to demonstrate appropriate monitoring (eg due diligence) within the industry.
- (d) Independent Respectful Conduct Advisor position be created to assist GMs/ CEOs and the Mayor deal with behavioural matters informally and within Council.
- (e) Panel of Respectful Conduct Advisors to be created so access can be provided to Councils fairly and transparently.
- (f) Create Respectful Conduct Advisor (terms of reference).
- (g) Create standardised behavioural monitoring templates for Council to record and provide their behavioural management statistics to LGAT to publicly publish.
- (h) LGAT provide industry-wide examples of “what IS” and “what is NOT” acceptable behaviour in a Council context for Elected Representatives, Council staff and members of the Community.
- (i) LGAT create standardised policies and processes for Councils to deal with unreasonable complaints or inappropriate conduct which specifically put Community complainants on notice regarding their conduct and allow them the opportunity to respond before implementation of any remedy (including alternative service remedy) [see joint project of Australasian Parliamentary Ombudsman examples].
- (j) Introduce industry sponsored communication to the Community to confirm that the Code of Conduct process or any other behavioural management process adopted in relation to Elected Representatives should not be used to:
 - (i) provide feedback in response to consultation or engagement on Council projects;
 - (ii) agitate disagreements about an Elected Representative’s viewpoint on a particular matter;
 - (iii) requesting service or information from Council; or
 - (iv) complaining about a Council service provision.

- (k) Create a public Community education campaign to set realistic expectations for the services Councils are able to deliver.
- (l) Create specific processes and expectations for Community participation in Council meetings.
- (m) Create standardised procedures for the conduct of meetings across the Local Government industry.
- (n) Implement a public Community education campaign to set behavioural expectations for the manner in which interactions with Council (Elected Representatives, GM/CEO and Council staff) are to occur – similar to the Retail Industry campaign of "No one deserves a serve".
- (o) Develop and introduce a Diversity campaign.
- (p) Extend EAP to Elected Representatives.
- (q) Extend Grievance Resolution and Workplace Behaviour Policies to Elected Representatives or create new ones voted on by Elected Representatives.
- (r) Introduce practical measures which focus on building, maintaining and improving relationships between Elected Representatives (eg dinners, events, etc).
- (s) More rigorous internal monitoring of behavioural standards, and external referral at the earliest stages where resolution has been unable to be reasonably achieved.
- (t) Councils to require full disclosure of any correspondence to prevent anonymous or unauthorised interactions and recommend to Elected Representatives to do the same for their personal accounts.

1.18 Recommendations – Training Elected Representatives

- (a) Introduce additional training and education focused and tailored for 3 main stages of an Elected Representative's Journey:
 - (i) pre-election,
 - (ii) induction; and
 - (iii) refresher.
- (b) Understanding of Elected Representative's obligation to move from activism (personal interest) to a whole of Council's approach (Community interest).
- (c) Understanding of genuine leadership and how to implement leadership in an Elected Representative's multi-faceted role.

- (d) Understanding of the role functions of the Mayor and GM/ CEO.
- (e) Understanding of meeting regulations.
- (f) Capacity to work constructively and collaboratively within the Council's framework.
- (g) Capacity to make decisions on merit.
- (h) Capacity to accept decisions made by Council and how to appropriately respond to constituents who continue to disagree with such decisions.
- (i) Understanding of psychosocial safety.
- (j) Bystander skills to 'respond' to unacceptable behaviour at the earliest opportunity.
- (k) Capacity to manage conflicts.
- (l) Understanding of the dispute resolution process.
- (m) Communication skills.
- (n) Civility skills.
- (o) Representation skills.
- (p) Media and Social Media skills.
- (q) Clarify the role of GM/ CEO as an Officer of the PCBU with certain obligations under WHS law which cannot be unreasonably interfered with.
- (r) Dealing with unreasonable complaints conduct.
- (s) Referrals to Respectful Conduct Advisor.

1.19 Recommendations – Training GM/ CEOs/ CEOs

- (a) Clarify the role of GM as an officer of the PCBU with certain obligations under WHS laws which cannot be unreasonably interfered with.
- (b) Dispute Resolution;
- (c) Dealing with unreasonable complaints conduct.
- (d) Referrals to Respectful Conduct Advisor.

1.20 Recommendations – Training Mayors

- (a) Management of meetings and chairing meetings under the meeting regulations.

1.21 Recommendations – Qualifications and CPD

- (a) Requirement for qualification similar to Company Director's Course as a mandatory

pre-condition for seeking election.

- (b) Ongoing requirement for Continuing Professional Development (CPD) to be maintained throughout the term of an Elected Representative.
- (c) CPD to have a mandatory requirement for appropriate behavioural standards.
- (d) Provide opportunities for 'one on one' coaching for Elected Representatives.

18.3 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.

18.3.1 Monthly Financial Statement (Period ending 31 October 2022)

AUTHOR: FINANCE OFFICER (MANDY BURBURY)

DATE: 15 NOVEMBER 2022

ISSUE

Provide the Financial Report for the period ending 31th October 2022.

BACKGROUND

The Operating Expenditure Report includes a Year to Date (YTD) Budget Column, with variations (and percentage) based on YTD Budgets.

Note: Depreciation is calculated on an annual basis at the end of the financial year. 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 2022 to 31 October 2022.
- Operating Expenditure Report – 1 July 2022 to 30 October 2022.
- Capital Expenditure Report – 1 July 2022 to 30 October 2022.
- Cash Flow Statement – 1 July 2022 to 30 October 2022.
- Rates & Charges – as at 14 November 2022.

OPERATING EXPENDITURE (OPERATING BUDGET)

Overall operating expenditure to end of October was \$2,888,295 which represents 97.5% of the Year to Date Budget.

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

Strategic Theme - Infrastructure

Sub-Program – Roads - expenditure to date (\$561,866 – 137.13%). Additional expenditure of \$152,132 relates to road maintenance required due to ongoing rain events leading to an increased level of call-outs for emergency works, road inspections, drainage works, maintenance grading, bitumen patching and tree removal. As previously reported, we

anticipate the level of operational expenditure on roads will decrease with dryer weather and an increase in capital works.

Strategic Theme – Growth

Sub-Program – Business - expenditure to date (\$150,256 – 165.69%). Additional expenditure relates to private works. The additional expense will be offset by an increase in private works income.

Strategic Theme – Landscapes

Nil.

Strategic Theme – Community

Nil.

Strategic Theme – Organisation

Nil.

CAPITAL EXPENDITURE PROGRAM

Capital Expenditure Projects are colour coded to signify the grant program and show the completion deadlines. A legend of the colour coding is as below:

Legend – Completion Deadlines for Grant funded projects

Roads to Recovery	It is the Government’s intention that the full allocation is budgeted and spent in the year allocated
Local Road and Community Infrastructure (LRCI) Phase 3	To be completed by 30 June 2023 (use or lose)
Other Specific Purpose Grants	Completion date as per grant deed or approved extension date

RECOMMENDATION

THAT the Financial Report be received and the information noted.

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

STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2022 to 31 October 2022

	Annual Budget \$	Year to Date as at 31 October \$	%	Comments
Income				
General rates	6,405,004	6,333,178	98.9%	Includes Interest & Penalties on rates
User Fees (refer Note 1)	1,094,687	350,005	32.0%	Includes Private Works
Interest	48,000	78,023	162.5%	
Government Subsidies	69,838	750	1.1%	Heavy Vehicle Licence Fees, Road Rescue MAIB reimbursements & Interest Subsidy
Contract Income	0	0		
Other (refer Note 2)	232,400	103,973	44.7%	Includes TasWater Distributions
Sub-Total	7,849,929	6,865,929	87.5%	
Grants - Operating	3,785,930	356,765	9.4%	
Total Income	11,635,859	7,222,693	62.1%	
Expenses				
Employee benefits	-4,802,251	-1,348,656	28.1%	Less Roads - Resheeting (Capitalised)
Materials and contracts	-3,432,747	-1,460,095	42.5%	Less Roads - Resheeting (Capitalised), Includes Land Tax & Private Works
Depreciation and amortisation	-3,521,000	-1,183,287	33.6%	Percentage Calculation (based on year-to-date)
Finance costs	-58,919	-3,244	5.5%	Interest
Contributions	-258,156	-64,539	25.0%	Fire Service Levies
Other	-154,951	-47,001	30.3%	Audit Fees and Councillor Allowances
Total expenses	-12,228,024	-4,106,822	33.6%	
Surplus (deficit) from operations	-592,165	3,115,872	-526.2%	
Grants - Capital (refer Note 3)	3,795,990	952,099	25.1%	
Contributions - Natural Disaster Relief Fund	80,000	0		
Sale Proceeds (Plant & Machinery)	0	92,500		
Sale Proceeds (Land)	0	0		
Sale Proceeds (Other Assets)	0	1,255		Includes used wheelie bins & sale of Mill assets
Net gain / (loss on disposal of non-current assets)	0	0		
Surplus / (Deficit)	3,283,825	4,161,725	126.7%	

**STATEMENT OF COMPREHENSIVE INCOME
for the period 1 July 2022 to 31 October 2022**

	Annual Budget \$	Year to Date as at 31 October \$	%	Comments
NOTES				
1. Income - User Fees (Budget \$681,158) includes:				
- All other Programs	795,241	201,284	25.3%	
- Private Works	299,446	96,186	32.1%	
- HBS interest on New Business Funds (since 30.08.2010)	0	52,535		
	<u>1,094,687</u>	<u>350,005</u>	32.0%	
2. Income - Other (Budget \$86,000) includes:				
- Tas Water Distributions	182,400	38,000	20.83%	
- Public Open Space Contributions	50,000	50,000	100.00%	
- "Gardeners of 7120" Donation for seating on High Street	0	2,720		
- Donations to Kempton Recreation Ground	0	210		
- Donations for use of recreation facilities	0	175		Including Blue Gum Rovers
- Worker's Comp. Wage Reimbursement	0	12,868		
	<u>232,400</u>	<u>103,973</u>	44.7%	
3. Grants - Capital (Budget includes):				
- Roads To Recovery	665,531	35,000	5.26%	
- LRCl - Phase 3 (Total \$1,331,062)	1,088,402	665,531	61.15%	\$1,331,062 Projects to be completed by 30.06.23
- LRCl - Rural & Remote Roads (Total \$5,346,180)	1,069,236	0	0.00%	
- Comm Dev Grant - Oatlands Aquatic Centre (\$500K)	500,000	0	0.00%	
- Dept of Communities Tas (Levelling the Playing Field)	234,000	0	0.00%	
- Aust Govt - Black Summer Bushfire Recovery Grant	238,821	208,968	87.50%	
- ChargeSmart (Second instalment)	0	36,000		
- Mens Shed Grant (Shipping Container)	0	6,600		
	<u>3,795,990</u>	<u>952,099</u>	25.08%	
4. Grant - Operating (Budget \$3,564,167) includes:				
Operating Grants				
- FAGS 2022/23	3,785,930	304,265	8.0%	
- FAGS 2023/24	0	0		2023/24 Payment in Advance
- Communities for Children - School Holiday Program	0	2,500		
- Dept. Premier & Cabinet - Splash-in Good Fun Program	0	50,000		
	<u>3,785,930</u>	<u>356,765</u>	9.4%	

**SOUTHERN MIDLANDS COUNCIL : OPERATING EXPENDITURE 2022/23
 SUMMARY SHEET**

PROGRAM	YTD ACTUAL (as at 30 Sept 22)	YTD BUDGET (as at 30 Sept 22)	YTD VARIANCE	YTD %	FULL YEAR BUDGET - REVISED INC. GRANTS & OTHER
INFRASTRUCTURE					
Roads	561,866	409,734	-152,132	137.13%	3,317,298
Bridges	9,831	12,890	3,059	76.27%	448,063
Walkways	71,517	76,537	5,019	93.44%	239,610
Lighting	26,728	27,169	441	98.38%	81,506
Public Toilets	31,753	28,918	-2,836	109.81%	80,478
Sewer/Water	-	-	-	-	-
Stormwater	2,034	9,316	7,282	21.83%	81,948
Waste	314,850	324,231	9,381	97.11%	1,217,693
Information, Communication	-	-	-	-	-
INFRASTRUCTURE TOTAL:	1,018,580	888,794	-129,786	114.60%	5,466,596
GROWTH					
Residential	-	-	-	-	-
Tourism	24,117	26,600	2,483	90.67%	42,200
Business	150,256	90,688	-59,569	165.69%	272,063
Industry	-	-	-	-	-
GROWTH TOTAL:	174,373	117,288	-57,086	148.67%	314,263
LANDSCAPES					
Heritage	112,890	155,775	42,885	72.47%	453,974
Natural	64,391	62,157	-2,233	103.59%	201,271
Cultural	-	6,500	6,500	0.00%	19,500
Regulatory - Development	210,543	320,741	110,198	65.64%	962,224
Regulatory - Public Health	2,445	7,500	5,056	32.59%	22,500
Regulatory - Animals	41,533	39,099	-2,434	106.23%	115,386
Environmental Sustainability	-	3,333	3,333	-	10,000
LANDSCAPES TOTAL:	431,802	595,105	163,304	72.56%	1,784,855
COMMUNITY					
Community Health & Wellbeing	100,789	109,985	9,195	91.64%	315,178
Recreation	189,944	267,284	77,340	71.06%	954,884
Access	-	-	-	-	-
Volunteers	1,237	15,000	13,764	8.24%	45,000
Families	4,313	7,167	2,854	60.18%	11,500
Education	-	-	-	-	-
Capacity & Sustainability	24,646	25,468	823	96.77%	54,405
Safety	3,785	13,233	9,448	28.60%	39,700
Consultation & Communication	2,217	5,525	3,308	40.13%	17,300
LIFESTYLE TOTAL:	326,931	443,662	116,731	73.69%	1,437,967
ORGANISATION					
Improvement	24,000	36,966	12,966	64.92%	72,642
Sustainability	798,385	765,588	-32,797	104.28%	2,809,812
Finances	114,223	115,783	1,560	98.65%	341,888
ORGANISATION TOTAL:	936,609	918,337	-18,272	101.99%	3,224,342
TOTALS	\$2,888,295	\$2,963,186	\$74,891	97.5%	\$12,228,023

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
INFRASTRUCTURE						
ROAD ASSETS						
Resheeting Program	Roads Resheeting	500,000	56,353	443,647		
	Oatlands - Interlaken Road Resheeting 5km	100,000	0	100,000	RTR	30 June 2023
	Mangalore - Black Brush Road Resheeting 3km	50,531	0	50,531	RTR	30 June 2023
	Elderslie - Bluff Road Resheeting 2km	30,000	0	30,000	RTR	30 June 2023
	Bagdad - East Bagdad Road 1.5km	20,000	0	20,000	RTR	30 June 2023
Reseal Program	Roads Reseal Program	270,000	0	270,000		
	Woodsdale - Woodsdale Road Reseal	50,000	6,499	43,501		
	Parattah - Inglewood Road Reseal	130,000	0	130,000	(RTR \$75K)	30 June 2023
		0				
Reconstruct & Seal	Campania - Native Corners Road (to complete section)	260,000	83,653	176,347	LRCI P3	30 June 2023
	Elderslie - Pelham Road (Stabilisation and drainage)	200,000	0	200,000	LRCI P3	30 June 2023
	Oatlands - South Parade (including Kerb, Channel and Footpath)	170,000	9,371	160,629	RTR 21/22 <i>cf</i> WMP \$9,264 (RTR \$150K)	30 June 2022
	Stonor - Stonor Road (stabilise - two sections)	245,000	3,356	241,644	LRCI P3	30 June 2023
	Woodsdale Road (Whitefoord - four sections)	255,000	3,682	251,318	RTR	30 June 2023
	York Plains - York Plains Road A (pavement failures) (500 metres)	82,500	0	82,500	LRCI P3 <i>cf</i>	30 June 2023
	York Plains - York Plains Road B (Starting 5km from Midland Hwy)	130,000	0	130,000	LRCI P3	30 June 2023
Construct & Seal (Unsealed Roads)	Campania - Hall Street (Seal and stormwater upgrade)	70,000	0	70,000	RTR	30 June 2023
	Mangalore - Ballyhooly Road (approx. 500 metres)	90,000	0	90,000	LRCI P3 - \$50K	30 June 2023
	Oatlands - Interlaken Road (Year 1/3 - Total contribution \$300K)	1,169,236	0	1,169,236	Remote Roads - \$1,069,236 of \$5,346,180	30 June 2026
Minor Seals (New)	Dust Suppressants	40,000	0	40,000		
	Oatlands - Bentwick Street	37,777	0	37,777	LRCI P3 - \$17,777	30 June 2023

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
Other	Campania Structure Plan - Town gateway and Streetscape	40,000	0	40,000		
	Campania - Estate Road (vicinity Mallow property)	49,000	13,544	35,456	Budget c/f WIP \$13,544	
	Campania - Main Intersection/Carpark Design Concept	50,000	0	50,000	Budget c/f	
	Campania - Reeve St / Clime Street (includes Footpath)	70,000	16,209	53,791	Budget c/f WIP 30/6/22 \$16,209	
	Campania - Reeve St Junction/footpath/kerb & channel	200,000	9,054	190,946	WIP \$16,209 Vulnerable Road Users	31 March 2023
	Colebrook - Junction Craigbourn Road and Colebrook Road	24,000	0	24,000		
	Elderslie - Bluff Road Intersection Upgrade	150,000	131,103	18,897	WIP \$130,674 Black Spot	31 August 2022
	Elderslie - Elderslie Road Widening Investigation & Trial (Sth Blackbrush Rd)	40,000	6,777	33,223	Budget c/f WIP \$6,777	
	Elderslie - Pelham Rd / Clifton Vale Rd (junction upgrade)	65,000	0	65,000	RTR	30 June 2023
	Mt Seymour - Junction Blackgate Road and Tunnack Road	24,000	0	24,000		
	Oatlands - Hasting Street Junction	15,000	959	14,041	Budget c/f WIP \$959	
	Runnymede quarry - Rehabilitation	20,000	17,045	2,955		
	Tea Tree - Grices Road (Tree removal, set-back of embankment, drainage)	15,000	0	15,000	Budget c/f	
	Tunnack - Link Road Landslip	25,000	107	24,893	Budget c/f WIP \$107	
	Woodsdale - Woodsdale Road Landslip	0	11,951	-11,951		
		4,687,044	369,663	4,317,381		
BRIDGE ASSETS	Interlaken Road (Dulv Rivit - Bridge No 3861) - Widening	42,218	67,095	-24,877	Budget c/f WIP \$53525	
	Jones Road Broadmarsh (Jordan River - Bridge 5083) - Flood Damage	80,000	3,302	76,698		
	York Plains Road (Kitty's Rivulet - Bride No 457)	60,000	92,826	-32,826	Budget c/f WIP \$89,342	
		182,218	163,223	18,995		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
WALKWAYS	Footpaths - General Streetscapes	96,000	0	96,000	Budget \$84K c/f	
	Bagdad - East Bagdad Road	210,000	156,498	53,502	Budget c/f WIP \$151,524	
	Bagdad - Midland Highway - Walking Path Upgrade (500 metres)	100,000	230	99,770	Budget \$50K c/f	
	Campania - Reeve Street - Footpath through to Hall	30,000	0	30,000	Budget c/f	
	Kempton - Midlands Highway/Mood Food	147,565	0	147,565	\$147,565 Budget c/f	
	Kempton - Grange Road (Retaining Wall)	30,000	0	30,000		
	Kempton - Streetscape Plan - Footpath Renewal (southern end)	60,000	0	60,000	LRCI P3 c/f	30 June 2023
	Kempton - Main St, Sophia to Erskine (145m) - Footpath/kerb & gutter/stormwater	80,032	80,476	-444	Budget c/f WIP \$58,404 /\$28K from General Streetscapes	
	Kempton - Old Huntingground Road (Footpath / School Crossing etc.)	80,000	12,511	67,489	Budget \$27K c/f WIP \$8,391	
	Melton Mowbray - Streetscape Works (Trough / Shelter etc)	30,000	5,318	24,682	Budget c/f WIP \$5318	
	Oatlands - Campbell Street (Footpath)	45,000	0	45,000		
	Oatlands - Stanley Street (Footpath -120 metre link)	25,000	0	25,000		
	Tunnack - Streetscape concept Plan	50,000	46,676	3,324	Budget c/f WIP \$42,970	
		983,597	301,709	681,888		
LIGHTING	Nil	0	0	0		
PUBLIC TOILETS	Colebrook - History Room Toilets (Tiling etc.)	10,000	0	10,000		
	Campania - Flour Mill Park - Concrete Pathways/drainage/remove pavers	15,000	0	15,000	Budget c/f	
	General Public Toilets - Upgrade Program	20,000	0	20,000	Budget c/f	
		45,000	0	45,000		
DRAINAGE	Kempton - Erskine Street - Stormwater Upgrade & Footpath	60,000		60,000		
		60,000	0	60,000		
WASTE	Wheelie Bins and Crates	5,000	0	5,000		
	Dysart WTS (Gates)	4,150	4,150	0		
	WTS Safety & Operational Improvements	20,850	0	20,850		
		30,000	4,150	25,850		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

	BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS	COMPLETION DEADLINE
GROWTH					
TOURISM					
Jericho - Memorial Avenue - Plaques (Stage 1 of 2 - \$20K per year)	20,000	0	20,000	Budget c/f	
Kempton - Memorial Avenue Park - Interps (Stage 1 of 2 - \$20K per year)	19,545	155	19,390	Budget c/f WIP \$155	
Oatlands Accommodation Facility	0	41,723	-41,723	WIP \$40,373 (Offset by Barrack Street Property)	
	39,545	41,878	-2,333		
LANDSCAPES					
HERITAGE					
Heritage Collections Store	10,000	3,700	6,300	Budget c/f WIP \$3,700	
Kempton - Watch House (Heat Pump)	0	3,800	-3,800		
Oatlands - Commissariat (Boundary Fence)	6,000	0	6,000	Budget c/f	
Oatlands - Commissariat (Toilet Improvements)	0	5,222	-5,222	Contribution from Mission Australia	
Oatlands Court House (Wall Stabilisation)	15,000	1,187	13,813		
Oatlands - Gaol Aluminium Temporary Steps (Entrance)	3,500	0	3,500	Budget c/f	
Oatlands Gaolers Residence (Ceiling Reinstatement)	5,000	0	5,000		
Oatlands Gaolers Residence (Wingwall)	23,000	0	23,000	Budget \$15K c/f	
Oatlands - Barrack Street Police House (Year 2/2 Budget of \$110K)	55,000	0	55,000	Budget c/f	
Oatlands - Roche Hall Forecourt (Interps - Planning Condition of Approval)	40,000	0	40,000	Budget c/f	
Oatlands Swimming Pool (Staged demolition)	200,000	0	200,000		
Parattah - Railway Station - Shed for Gangers Trolley	2,000	0	2,000	Budget c/f	
	359,500	13,909	345,591		
NATURAL					
Chauncy Vale - Wombat Walk	39,250	27,278	11,972	Includes \$29,250 grant WIP \$324,547.59	31 Dec 2022
Chauncy Vale - Day Dawn Cottage Improvements	12,000	0	12,000		
Municipal Area - Preventing Roadkill (Signs)	5,000	7,703	-2,703	Budget c/f WIP \$1,980	
	56,250	34,981	21,269		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
CULTURAL	Nil	0	0	0		
		0	0	0		
REGULATORY	Kempton Council Chambers - Clock Restoration Works	10,672	1,204	9,468	Budget c/fwd WIP \$726.5	
- DEVELOPMENT	Kempton Council Chambers - Office Furniture & Equipment	5,000	6,666	-1,666		
		15,672	7,870	7,802		
REGULATORY	Water Bottle Refill Stations	7,980	0	7,980	Budget c/f	
- PUBLIC HEALTH		7,980	0	7,980		
REGULATORY	Nil	0	0	0		
- ANIMAL CONTROL						
ENVIRONMENTAL	Oatlands Aquatic Centre - Electric Vehicle Charge Station	40,500	40,500	0	ChargeSmart Grant	
SUSTAINABILITY		40,500	40,500	0		
COMMUNITY						
COMMUNITY HEALTH	Nil	0	0	0		
& WELLBEING						

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
RECREATION	Recreation Committee	20,791	0	20,791		
	Bagdad - Bagdad Community Club (Precinct Plan)	25,000	16,917	8,083	Budget c/f WIP \$14,160	
	Bagdad - Bagdad Community Club (Repair of Oval)	20,000	17,042	2,958		
	Bagdad - Iden Road Park Development	75,000	0	75,000		
	Campania - Recreation Ground Drainage	25,000	53,304	-28,304		
	Campania - Public Open Space dev (Justitia Park)	6,375	0	6,375	Budget c/f	
	Kempton - Off-lead Dog Park	60,331	4,609	55,722	LRCI Phase 3 \$43,125 WIP \$3,915	30 June 2023
	Kempton - Recreation Ground (Hot Water System)	4,209	4,209	0	From Committee Budget	
	Kempton - Recreation Ground (Lighting)	16,000	0	16,000	Budget c/f	
	Kempton - Recreation Ground (Site Dev and Play Equipment)	24,250	0	24,250	Budget c/f	
	Kempton - Recreation Ground (Irrigation)	60,000	0	60,000		
	Kempton - Skate Park (Council Commitment)	5,000	13,667	-8,667	WIP \$11,364.23	
	Mt Pleasant Rec Ground - Building Improvements	259,000	5,867	253,133	Department of Communities Grant	31 December 2023
	Oatlands - Aquatic Centre (New Pool) - WIP prior to 2020/21	941,987	941,987	0	WIP \$941,987	
	Oatlands - Aquatic Centre (New Pool) - Construction	9,678,126	8,351,327	1,326,799	WIP \$6,519,656	
	Oatlands - Aquatic Centre (Gymnasium Equipment)	15,000	645.08	14,355		
	Oatlands - Callington Park (Lighting & Surveillance)	14,000	0	14,000		
	Oatlands - Callington Park Toilet	140,000	0	140,000		
	Oatlands - Community Hall (Maintenance Program)	51,300	0	51,300	Budget c/f	
	Oatlands - Midlands Community Centre (External Painting - Front of Building)	5,000	0	5,000		
	Oatlands - Midlands Community Centre (Roof & Insulation)	39,000	20,983	18,017	Budget c/f WIP \$468	
	Tunbridge - Park Gates	3,040	3,058	-18	Budget c/fwd	
		11,441,369	9,433,615	2,031,795		
ACCESS	All Buildings (Priority Approach)	50,000	0	50,000	Budget c/f	
	Tunbridge Community Club (SMC Contribution Accessible Toilets)	20,000	200	19,800	Budget c/f WIP \$200	
		70,000	200	69,800		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

		BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
		\$	\$	\$		DEADLINE
CAPACITY & SUSTAINABILITY	Campania - Bush Reserve / Cemetery	300,000	24,871	275,129	WIP \$14,817	
	Kempton - Carriage Shed - Toilets	15,000	0	15,000		
	Oatlands - Community Shed (Shipping Container)	6,600	6,602	-2	Men's Shed Grant	
	Oatlands - Church Street Sub-Division	0	35,124	-35,124	WIP \$32,471 (Offset by sale of properties)	
	Oatlands - Stanley Street Master Plan	20,000	0	20,000	Budget c/f	
	Oatlands - Structure Plan	25,000	34,155	-9,155	\$25K Budget c/fwd WIP \$23,203	
		366,600	100,752	265,848		
SAFETY	SMC Flood Mapping Project (subject to external Grant Funding)	40,000	0	40,000		
		40,000	0	40,000		
ORGANISATION SUSTAINABILITY	Oatlands - Council Chambers - Internal Toilets & Access Upgrade	100,000	1,537	98,463	Budget c/fwd WIP \$1538	
	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	1,250	3,750		
	Computer System (Hardware / Software) - includes CISCO 3 yrs	50,000	47,065	2,935		
	Ipads (2) (Animal & Building Control)	4,000	0	4,000		
	New Server - New Domain Controller/Main Server	20,000	14,226	5,774		
	Municipal Revaluation	0	40,250	-40,250	\$64,400 paid in 2021-22	
		199,000	104,328	94,672		

CAPITAL EXPENDITURE PROGRAM 2022-23
As at 31 October 2022

	BUDGET	EXPENDITURE	BALANCE	COMMENTS	COMPLETION
	\$	\$	\$		DEADLINE
WORKS					
Kempton Depot - Perimeter Fencing	25,000	0	25,000		
Kempton Depot - Property Purchase (Year 4/4 Budget of \$180K)	45,000	45,000	0	Total Project Cost - to be funded over 4 yrs (Yr 4 - \$45K)	
Kempton Depot - Storage Lockers	2,000	0	2,000	Budget c/fwd	
Oatlands Depot - General repairs & alterations	28,000	0	28,000	Budget c/fwd	
Minor Plant Purchases	9,500	1,735	7,765		
Minor Plant Purchases - Building Services Unit	0	0	0	To be funded from proceeds from HBS	
Second Hand MISU Screening Bucket	0	12,000	-12,000		
Radio System	3,000	0	3,000		
Plant Replacement Program					
Heavy Vehicles	714,199	144,167	570,032		
Light Vehicles	354,086	76,763	277,323		
(Trade Allowance - \$218K & \$229)					
	1,180,785	279,666	901,119		
GRAND TOTALS	19,805,060	10,896,444	8,932,657		

CASH FLOW 2022/2023	INFLOWS (OUTFLOWS) Jul 2022 \$	INFLOWS (OUTFLOWS) Aug 2022 \$	INFLOWS (OUTFLOWS) Sept 2022 \$	INFLOWS (OUTFLOWS) Oct 2022 \$	INFLOWS (OUTFLOWS) (Year to Date) \$
Cash flows from operating activities					
Payments					
Employee costs	(280,887)	(470,851)	(307,392)	(304,949)	(1,364,078)
Materials and contracts	(372,338)	(282,093)	(259,278)	(153,830)	(1,067,539)
Interest	(3,244)	0	0	0	(3,244)
Other	(48,103)	(68,139)	(128,628)	(71,252)	(316,122)
	<u>(704,572)</u>	<u>(821,083)</u>	<u>(695,298)</u>	<u>(530,030)</u>	<u>(2,750,983)</u>
Receipts					
Rates	90,401	1,757,594	1,473,724	191,542	3,513,261
User charges	94,343	417,276	1,595,316	63,774	2,170,709
Interest received	2,867	78,065	27,557	22,069	130,558
Subsidies	0	0	0	0	0
Other revenue grants	0	304,265	52,500	0	356,765
GST Refunds from ATO	0	0	0	0	0
Other	(36,958)	(97,132)	80,168	(53,397)	(107,319)
	<u>150,654</u>	<u>2,460,067</u>	<u>3,229,265</u>	<u>223,988</u>	<u>6,063,974</u>
Net cash from operating activities	<u>(553,918)</u>	<u>1,638,984</u>	<u>2,533,967</u>	<u>(306,042)</u>	<u>3,312,991</u>
Cash flows from investing activities					
Payments for property, plant & equipment	(198,831)	(1,065,572)	(1,103,032)	(205,257)	(2,572,693)
Proceeds from sale of property, plant & equipment	134	54,250	33	39,339	93,755
Proceeds from Capital grants	208,968	77,600	665,531	0	952,099
Proceeds from Investments	0	0	0	0	0
Repayment of Investments	0	200,000	0	0	200,000
Net cash used in investing activities	<u>10,270</u>	<u>(733,722)</u>	<u>(437,469)</u>	<u>(165,919)</u>	<u>(1,326,839)</u>
Cash flows from financing activities					
Repayment of borrowings	(7,965)	0	0	0	(7,965)
Proceeds from borrowings	0	0	0	0	0
Net cash from (used in) financing activities	<u>(7,965)</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>(7,965)</u>
Net increase/(decrease) in cash held	(551,613)	905,262	2,096,498	(471,961)	1,978,186
Cash at beginning of reporting period	14,355,848	13,804,235	14,709,497	16,805,995	14,355,848
Cash at end of reporting period	<u>13,804,235</u>	<u>14,709,497</u>	<u>16,805,995</u>	<u>16,334,034</u>	<u>16,334,034</u>

SOUTHERN MIDLANDS COUNCIL				
SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED				
		This Financial Year 13th November 2022		Last Financial Year 13th November 2021
Arrears brought forward as at July 1		\$ 414,040.53		\$ 434,414.30
ADD current rates and charges levied		\$ 6,311,348.28		\$ 5,940,113.54
ADD current interest and penalty		\$ 25,530.21		\$ 26,408.81
TOTAL rates and charges demanded	100.00%	\$ 6,750,919.02	100.00%	\$ 6,400,936.65
LESS rates and charges collected	48.77%	\$ 3,292,606.37	49.09%	\$ 3,142,500.46
LESS pensioner remissions	3.99%	\$ 269,293.76	3.91%	\$ 250,394.03
LESS other remissions and refunds	-0.09%	-\$ 5,897.10	-0.13%	-\$ 8,270.59
LESS discounts	0.53%	\$ 35,984.17	0.54%	\$ 34,725.14
TOTAL rates and charges collected and remitted	53.21%	\$ 3,591,987.20	53.42%	\$ 3,419,349.04
UNPAID RATES AND CHARGES	46.79%	\$ 3,158,931.82	46.58%	\$ 2,981,587.61

**18.3.2 Monthly Oatlands Aquatic Centre Capital Expenditure Report
(Period ending 31 October 2022)**

AUTHOR: FINANCE OFFICER (MANDY BURBURY)

DATE: 17 OCTOBER 2022

ISSUE

Provide the capital expenditure report for the Oatlands Aquatic Centre to 31st October 2022.

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.

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

**OATLANDS AQUATIC CENTRE CAPITAL EXPENDITURE RECONCILIATION
 AS AT 31 OCTOBER 2022**

	BUDGET \$	EXPENDITURE \$	BALANCE \$	COMMENTS
Total Expenditure to 31 October 2022		9,460,222		
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
Bzowy Architecture & Other Consultants				
2016/17		27,056		Best described as Project Revival
Contract No 1 (part of \$107,660)		16,227		
2017/18				
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
2018/19				
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		

2019/20

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	

Construction Phase (to date) - July 2020 - to 31 October 2022

Legal (BMB)	0	15,996	-15,996	
Construction Contract (Vos)	7,783,604	6,962,833	820,771	12 progress claims (work to 12.08.22)
Consultants Fees (SMG)	581,712	577,210	4,502	
Furniture, Fittings and Equipment (SMG)	50,000	26,307	23,693	
Principal Supplied Goods (SMG)	62,284	2,284	60,000	
Principal Works (SMC)	300,000	328,606	-28,606	
Contingency Sum (SMG)	400,000	13,777	386,223	
Demolition of CT Fish Building	10,000	24,673	-14,673	
Construction of Waste Water Holding Facility	490,526	399,643	90,883	Budget includes Grant (\$298,526)
Construction Budget and Expenditure	\$ 9,678,126	\$ 8,351,327	\$ 1,326,799	

Total Expenditure to 31 October 2022 **\$ 9,460,222**

Reconciliation to Capital Expenditure Report

Work in Progress (expenses prior to 2020/21)	941,987
2020/21 expenditure	1,741,641
2021/22 expenditure	4,810,340
2022/23 expenditure	1,799,346
Expenditure as per Capital Expenditure Report	8,351,327
add purchase of 70 High Street	166,908
	\$ 9,460,222

18.3.3 2022/23 Budget Estimates – Formal Revision And Alteration (In Accordance With Section 82 Of The *Local Government Act 1993*)

Author: FINANCE OFFICE (MANDY BURBURY)

Date: 16 NOVEMBER 2022

ISSUE

Formal review and alteration of the 2022/2023 Capital Works Program Budget Estimates in accordance with section 82 of the *Local Government Act 1993*.

BACKGROUND

The following is an extract from the *Local Government Act 1993*:

“S 82. Estimates

- (1) *The general manager must prepare estimates of the council's revenue and expenditure for each financial year.*
- (2) *Estimates are to contain details of the following:*
 - (a) *the estimated revenue of the council;*
 - (b) *the estimated expenditure of the council;*
 - (c) *the estimated borrowings by the council;*
 - (d) *the estimated capital works of the council;*
 - (e) *any other detail required by the Minister.*
- (3) *Estimates for a financial year must –*
 - (a) *be adopted by the council, with or without alteration, by absolute majority; and*
 - (b) *be adopted before 31 August in that financial year; and*
 - (c) *not be adopted more than one month before the start of that financial year.*
- (4) *A council may alter by absolute majority any estimate referred to in [subsection \(2\)](#) during the financial year.”*

DETAIL

The following reallocation of funds are proposed to the 2022/2023 Capital Works Program Budget Estimates (Infrastructure/Road Assets) to enable high priority road remediation works:

Program:	Original Budget:	Revised Budget:	Total value of alteration:	Details:
Reseal Program	\$450,000	\$240,000	(\$210,000)	Budget comprising of \$375,000 Council funding and \$75,000 Roads to Recovery
<i>Reseal Projects to be retained:</i>				
<i>Woodsdale Road Reseal</i>	\$50,000			<i>Council Funded</i>
<i>Inglewood Road Reseal</i>	\$130,000			<i>\$55,000 Council Funds/\$75,000 Roads to Recovery</i>
<i>Blackbrush Road Reseal</i>	<u>\$60,000</u>			<i>Council Funded</i>
<i>Total reseal projects:</i>	\$240,000			
Reconstruct & Seal Program	\$1,172,500	\$1,382,500	\$210,000	Original budget comprising of \$0 Council funding, \$255,000 Roads to Recovery and \$917,500 LRCI
NET COST OF ALTERATIONS			NIL	

Resealing ensures that the life of Council's road network is extended so that funds can be redirected towards roads that require immediate attention and more expensive repairs or re-construction treatments. Resealing is part of a preventative maintenance programme to resurface the road before it actually starts to significantly deteriorate. As the upper layers of road pavement are exposed to weather conditions and wear from traffic, the surface deteriorates and forms small cracks in the surface, these small cracks can allow water to penetrate the lower levels of the road surface and if left untreated, potholes can result. Resurfacing is a cost-effective way of protecting and extending the life of roads, ensuring value for money and substantially improving the condition of a greater portion of Councils road network. Council currently has a capital allocation of \$450,000 for Resealing works in the 202/23 Budget.

Councils sealed road infrastructure has sustained damage over the past 18 Months due to the unprecedented wet weather period. The damage has been predominantly related to the sub base layer of the pavement and requires remediation prior to re-surfacing works being completed.

Council annually calls for tenders for contractors to undertake a resealing programme, however it is expected that the 2022/23 year will have challenges associated with securing contractors to complete an annual resealing program, due to the large road construction works that are currently being completed across the State. Council has been informed that State roads authority are planning one of the largest re-surfacing programme they have done in many years.

The Maloneys Road Asset Management System has given council a 10 year re-surfacing programme that identifies by priority, based on condition, which sections of roads can be re-surfaced annually. The system also identifies various pavement re-construction works that are required.

Ongoing wet weather conditions that the Southern Midlands has experienced has resulted in a number of isolated road pavement failures that require remediation works, and are considered a higher priority than re-surfacing works.

Given the current expected market conditions and the need to undertake pavement repair works it is recommended that Council does not proceed with a re-surfacing tender for the 2022/23 financial year but re-allocates the budget funding to complete road pavement repairs.

There are sections of 3 roads that will require re-surfacing (Woodsdale Road, Inglewood Road and Black Brush Road) due to having re-surfacing preparation works completed, this process can be undertaken outside the tender process by obtaining quotations from relevant contractors.

Human Resources & Financial Implications – Refer comment provided.

Community Consultation & Public Relations Implications – N/A.

Policy Implications – N/A.

Priority - Implementation Time Frame – Immediate

RECOMMENDATION

THAT In accordance with section 82 of the *Local Government Act 1993*, the 2021/2022 Capital Works Program Budget Estimates be altered as follows (to incorporate the above amendments).

2022/2023 Capital Works Program Budget Estimates

Additions:

Road Reconstruct and Seal Program \$270,000

Reductions:

Road Resealing Program \$270,000

TOTAL CHANGE TO 2022/2023 CAPITAL BUDGET NIL

DECISION (By Absolute Majority)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt		
Deputy Mayor K Dudgeon		
Clr A E Bisdee OAM		
Clr D Blackwell		
Clr D F Fish		
Clr R McDougall		
Clr F Miller		

18.3.4 Wildlife Reserve Pty Ltd – Application for Rates Exemption (Charitable Purposes)

Author: GENERAL MANAGER (TIM KIRKWOOD)

Date: 21 OCTOBER 2022

Enclosure(s):

Email Communication dated 24th September 2022 – H Jones (Associate – Dobson Mitchell & Allport) – acting on behalf of Wildlife Reserve Pty Ltd

ISSUE

Council to consider a request for rate exemption received from Wildlife Reserve Pty Ltd as a trustee for the Wildlife Bank Trust.

BACKGROUND

Section 87 of the *Local Government Act 1993* provides the following:

“87. Exemption from rates

(1) All land is rateable except that the following are exempt from general and separate rates, averaged area rates, and any rate collected under [section 88](#) or [97](#) :

(a)

(b)

(ba)

(c)

(d) land or part of land owned and occupied exclusively for charitable purposes;

(da)

(e)

(2) The owner of any land referred to in [subsection \(1\)](#) may agree to pay general or separate rates or an averaged area rate.

(3)

(4)

DETAIL

In reference to the Email, it provides advice the Wildlife Bank Trust purchased the property known as 1699 Swanston Road, Swanston (property ID 1885138) in March 2021 and has recently purchased part of the property known as 240 Daniels Road, Swanston (comprised in folio of the Register Volume 212336 Folio 1 - property ID 3314347).

Pursuant to section 87(1)(d) of the *Local Government Act 1993*, the Wildlife Bank Trust applies to have each property exempt from rates on the basis the land is owned and occupied exclusively for charitable purposes.

The Wildlife Bank Trust is governed by a trust deed dated 12 August 2020 (a copy of which has been provided) and is a registered charity with the Australian Charities and not-for-profits Commission under the charitable subtypes:

- Preventing or relieving the suffering of animals
- Advancing the natural environment
- Advancing education

Clause 4 of the trust deed provides the Wildlife Bank Trust's purpose and objects, which specifically relate to environmental purposes and protecting/restoring/researching Australian ecosystems.

Included with the Email was:

- a) a letter from the Department of Agriculture, Water and the Environment which shows that the Wildlife Bank Trust has been entered onto the Register of Environmental Organisations and that it is endorsed as a Deductible Gift Recipient and
- b) conservation covenants in respect of each property to ensure the land subject to each conservation covenant is protected in perpetuity.

For the purposes of the land tax exemption, the relevant charitable purpose is "other purposes beneficial to the community".

The following describes each of the properties:

PID 1885138 – 1699 Swanston Road, Swanston

- consist of 833.73 Hectares (4 Titles) – Improvements are described as fencing; total Capital Value of the property is \$580,00 (Land Value \$520,000)

PID 9087057 - Daniels Road, Swanston

- consist of 242.89198 Hectares – Property is described as 'Natural Bush' – no improvements - total Capital Value of the property is \$130,00 (Land Value \$130,000)

Human Resources & Financial Implications – The following rates and charges are levied on each of the properties:

PID 1885138 – 1699 Swanston Road, Swanston	General Rate	
\$1,256.16		
	Waste Levy	\$ 90.00
	Fire Levy	\$ 59.48
	Total	\$1,405.64
PID 9087057 - Daniels Road, Swanston	General Rate	\$ 340.00
	Waste Levy	\$ 90.00
	Fire Levy	\$ 44.00
	Total	\$ 474.00

The total cost of the exemption (or loss of revenue) equates to \$1,596.16 (i.e. both properties).

Community Consultation & Public Relations Implications – N/A.

Priority - Implementation Time Frame – To apply from the 2022/23 financial year.

RECOMMENDATION

THAT:

- a) The information be received; and
- b) Council acknowledge and agree that the land is owned and occupied exclusively for charitable purposes; and
- c) Council, in accordance with section 87 of the *Local Government Act 1993*, grant an exemption from the General Rates levied on the two properties owned by Wildlife Reserve Pty Ltd, being PID 1885138 and 9087507).

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

ENCLOSURE
Agenda Item 18.3.4

Timothy Kirkwood

From: Bronwyn Porter
Sent: Friday, 18 November 2022 8:42 AM
To: Timothy Kirkwood
Subject: FW: Rate Exemption – Charitable Purposes - Wildlife Bank Trust
Attachments: Wildlife Bank Trust Deed - Executed (T2320148xD3FB5).PDF; Swanston covenant (T1768754xD3FB5).PDF; TorrenScannedDealing-D11507 (T2284335xD3FB5).PDF; Letter from Department of Agriculture, Water and the Environment (T2543064xD3FB5).PDF

From: Henry Jones <Henry.Jones@doma.com.au>
Sent: Saturday, 24 September 2022 12:45 PM
To: SMC Mail <mail@southernmidlands.tas.gov.au>
Subject: Rate Exemption – Charitable Purposes - Wildlife Bank Trust

Good afternoon

I act for Wildlife Reserve Pty Ltd as trustee for the Wildlife Bank Trust (**Wildlife Bank Trust**).

The Wildlife Bank Trust purchased the property known as 1699 Swanston Road, Swanston (property ID 1885138) in March 2021 and has recently purchased part of the property known as 240 Daniels Road, Swanston (comprised in folio of the Register Volume 212336 Folio 1 - property ID 3314347).

Pursuant to section 87(1)(d) of the *Local Government Act 1993*, the Wildlife Bank Trust applies to have each property exempt from rates on the basis the land is owned and occupied exclusively for charitable purposes.

The Wildlife Bank Trust is governed by a trust deed dated 12 August 2020 (a copy of which is enclosed) and is a registered charity with the Australian Charities and not-for-profits Commission under the charitable subtypes:

- Preventing or relieving the suffering of animals
- Advancing the natural environment
- Advancing education

Clause 4 of the trust deed provides the for the Wildlife Bank Trust's purpose and objects, which specifically relate to environmental purposes and protecting/restoring/researching Australian ecosystems. I attach a letter from the Department of Agriculture, Water and the Environment which shows that the Wildlife Bank Trust has been entered onto the Register of Environmental Organisations and that it is endorsed as a Deductible Gift Recipient.

The Wildlife Bank Trust owns and occupies each property exclusively for conservation purposes. Attached are conservation covenants in respect of each property to ensure the land subject to each conservation covenant is protected in perpetuity.

For the purposes of the land tax exemption, the relevant charitable purpose is "other purposes beneficial to the community".

Should you require any additional information, please do not hesitate to contact me.

Regards

Henry Jones
ASSOCIATE

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Commercial Litigation Property Lawyers

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19. MUNICIPAL SEAL

20. 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.

Matter	Local Government (Meeting Procedures) Regulations 2015 Reference
<i>Closed Council Minutes - Confirmation</i>	15(2)
<i>Applications for Leave of Absence</i>	15(2)(h)
<i>Update on the Progress of Transfer / Purchase of Tasmania Police Properties in Oatlands</i>	15(2)(e)(ii)

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

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.

DECISION (MUST BE BY ABSOLUTE MAJORITY)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt		
Deputy Mayor K Dudgeon		
Clr A E Bisdee OAM		
Clr D Blackwell		
Clr D F Fish		
Clr R McDougall		
Clr F Miller		

CLOSED COUNCIL AGENDA

21. BUSINESS IN “CLOSED SESSION”

21.1 Closed Council Minutes - Confirmation

21.2 Applications for Leave of Absence

21.3 Update on the Progress of Transfer / Purchase of Tasmania Police Properties in Oatlands

RECOMMENDATION

THAT Council move out of “Closed Session”.

DECISION (MUST BE BY ABSOLUTE MAJORITY)		
Councillor	Vote FOR	Vote AGAINST
Mayor E Batt		
Deputy Mayor K Dudgeon		
Clr A E Bisdee OAM		
Clr D Blackwell		
Clr D F Fish		
Clr R McDougall		
Clr F Miller		

OPEN COUNCIL AGENDA

22. CLOSURE