

SOUTHERN  
MIDLANDS  
COUNCIL



# **AGENDA**

## **ORDINARY COUNCIL MEETING**

---

Wednesday, 25<sup>th</sup> October 2017  
10.00 a.m.

Municipal Offices, 85 Main Street, Kempton

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**PUBLIC COPY ATTACHMENTS**

- Item 4.1 – Draft Council Minutes – 27<sup>th</sup> September 2017
- Item 4.2 – Draft Special Council Minutes – 13<sup>th</sup> October 2017
- Item 4.3.1 – Mangalore Recreation Ground Management Committee Minutes – 21<sup>st</sup> September 2017
- Item 4.3.1 - Chauncy Vale Management Committee Minutes – 10<sup>th</sup> October 2017
- Item 4.3.1 - Lake Dulverton & Callington Park Management Committee Minutes – 16<sup>th</sup> October 2017
- Item 4.4.1 – STCA Minutes – 25<sup>th</sup> September 2017
- Item 4.4.2 – STCA Quarterly Report – September 2017





Dear Sir/Madam

**NOTICE OF MEETING**

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

**Date: Wednesday, 25<sup>th</sup> October 2017**  
**Time: 10.00 a.m.**  
**Venue: Municipal Offices, 85 Main Street, Kempton**

I certify under s.65(2) of the *Local Government Act 1993* that the matters to be discussed under this agenda have been, where necessary, the subject of advice from a suitably qualified person and that such advice has been taken into account in providing any general advice to the Council.

***Councillors please note:***

- Public Question Time has been scheduled for 12.30 p.m.

Yours faithfully

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

Tim Kirkwood  
**GENERAL MANAGER**

# OPEN COUNCIL AGENDA

## 1. PRAYERS

Rev Dennis Cousens to recite prayers.

## 2. ATTENDANCE

## 3. APOLOGIES

## 4. MINUTES

### 4.1 Ordinary Council Minutes

The Minutes (Open Council Minutes) of the previous meeting of Council held on the 27<sup>th</sup> September 2017, as circulated, are submitted for confirmation.

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

### 4.2 Special Council Minutes

The Minutes (Open) of the Special Meeting of Council held on the 13<sup>th</sup> October 2017, as circulated, are submitted for confirmation.

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

#### 4.3 Special Committee of Council Minutes

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

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

- Mangalore Recreation Ground Management Committee Minutes – 21<sup>st</sup> September 2017.
- Chauncy Vale Management Committee Minutes – 10<sup>th</sup> October 2017.
- Lake Dulverton & Callington Park Management Committee Minutes – 16<sup>th</sup> October 2017.

#### RECOMMENDATION

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

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

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

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

- Mangalore Recreation Ground Management Committee Minutes – 21<sup>st</sup> September 2017.
- Chauncy Vale Management Committee Minutes – 10<sup>th</sup> October 2017.
- Lake Dulverton & Callington Park Management Committee Minutes – 16<sup>th</sup> October 2017.

#### RECOMMENDATION

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

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

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

##### 4.4.1 JOINT AUTHORITIES - RECEIPT OF MINUTES

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

- Southern Tasmanian Councils Authority – Minutes of meeting held 25<sup>th</sup> September 2017.
- Southern Tasmanian Councils Authority Waste Strategy South – Nil.

#### RECOMMENDATION

**THAT the Minutes of the above Joint Authority be received.**

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr E Batt		
Clr R Campbell		
Clr D F Fish		
Clr D Marshall		

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

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

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

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

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

- (a) a statement of its activities during the preceding financial year; and
- (b) a statement of its performance in relation to the goals and objectives set for the preceding financial year; and
- (c) the financial statements for the preceding financial year; and
- (d) a copy of the audit opinion for the preceding financial year; and
- (e) any other information it considers appropriate or necessary to inform the single authority council or participating councils of its performance and progress during the financial year.

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

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

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

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

- (a) a statement of its general performance; and
- (b) a statement of its financial performance.

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

- Southern Tasmanian Councils Authority – STCA Quarterly Report for period ending 30 September 2017.

## **RECOMMENDATION**

**THAT the Joint Authority report be received.**

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

## 5. NOTIFICATION OF COUNCIL WORKSHOPS

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

One workshop was held on the 27<sup>th</sup> September 2017 at the Council Chambers, Oatlands commencing at 1.00 p.m.

**Attendance:** Mayor A E Bisdee OAM, Deputy Mayor A O Green, Clr A Bantick, Clr E Batt, Clr B Campbell and Clr D Marshall

**Apologies:** Clr D F Fish

**Also in Attendance:** T Kirkwood, A Benson and E Lang.

This workshop was held during a suspended period of the Council Meeting. The purpose of the workshop was to receive a presentation from Ms Keryn Nylander and to consider draft communications relating to a Council business activity.

The Workshop concluded at approximately 2.00 p.m.

### RECOMMENDATION

**THAT the information be received.**

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

## 6. COUNCILLORS – QUESTION TIME

### 6.1 QUESTIONS (RECEIVED IN ADVANCE)

*The following questions on notice were received from Councillor Bob Campbell on the 17<sup>th</sup> October 2017. Responses from Council staff are provided below.*

**Q1 – When will we have a report on the 2017 LGAT Conference and how SMC voted to the motions put by councils around Tasmania.**

*General Manager’s response:*

*Please refer to Agenda item 17.2.4.*

*In relation to how SMC voted, the Motions included in the Agenda were circulated to each Councillor prior to the General Meeting for direction. This was particularly relevant where Council does not necessarily have an existing Policy position. Voting was based on that feedback, acknowledging that the Mayor and Deputy Mayor were in attendance to listen to debate and reach an informed position.*

**Q2 – Could you please bring us up to date re City Mission (Hobart) working with SMC re Building Better Regions (BBRF) and how this will help the Oatlands region.**

*Deputy General Manager’s response:*

*A project on youth employment & retainment in the Southern Midlands Council area.*

**Project Description** - *The project is designed as the first stage of a staged project designed to improve youth employment skills & build opportunities for youth employment, particularly within the Council area, through building community support and skills transfer from within & beyond the area. The first stage will focus on data gathering about the needs and interests of young people across the area, identifying local & other voluntary resources from within & beyond the area to meet these needs, from which to build a strategic plan designed to contribute to achieving key specific goals. It is intended to develop the project so that it may be replicated in other areas. The 1st stage of the project will be staffed by volunteers with administrative support.*

**Project outputs** - *The key output will be a strategic plan to address the identified issues of youth unemployment and disengagement in the area through community engagement through phased initiatives to achieve the goals of the strategic plan. The key outputs will be:*

- *a clear understanding of the differing needs and interests of youth living in areas ranging from small urban to remote;*
- *identification of skills and resources, particularly those offered on a voluntary basis, that can be marshalled within and from beyond the Council area to meet those needs and interests; leading to the strategic plan and program.*

*Within project funding it may be possible to undertake one or two pilot implementation projects designed to test the strategic plan.*

#### **Activity 1 - Start up**

- *Planning & organisation of focus groups (e.g. identifying participants, venues etc);*
- *Planning for recruitment & training volunteer facilitators;*
- *Analysis of existing statistical and other relevant data;*

**Activity 2 - Conduct and analysis of focus groups**

- Recruitment of focus group participants;
- Recruitment & training of volunteer facilitators; -
- Conduct of focus groups (5-8 groups of up to 12 people);
- Recording of focus group data (groups sessions will be taped, then transcribed).

**Activity 3 - Data analysis**

- analysis of focus group outcomes;
- identification, collection & analysis of any further data requirements.

**Activity 4 - Development of Strategic Plan**

- Develop the outline of the Strategic Plan and distribute (with data) to stakeholders;
- Analyse results of feedback from stakeholders;
- Development of the Strategic Plan, this will involve bringing together all findings from previous activities in consultation with stakeholders.
- Within project funding, it may be possible to design conduct limited pilot projects to validate aspects of the plan.

**Project Justification** - This application is for the first stage of a long term project designed to identify and implement strategies to improve community sustainability and, in particular, to improve youth employment skills and their engagement within the local community, thereby maximising job readiness, minimising unemployment and the drift to the city. There will be a particular focus on those in the 10 to 19 year old age group who collectively make up some 12% to 15% of the population of the area (the 5-14 and 15-19 age groups together make up over 20% of the population) and who are the group for which both the opportunities for constructive development and the risks of failure to act are greatest.

As such this first stage is setting up the plan by which concrete benefits to the community will be achieved in subsequent stages and will also provide the data on which these benefits can be estimated.

This project is being conducted by Hobart City Mission in collaboration with the Southern Midlands Council (SMC) and is designed to provide outcomes over the medium to longer term that will contribute substantially to the Growth, Lifestyle and Community objectives of the SMC Strategic Plan (2014-2023), see attached document.

The project has been designed to maximise community involvement at every stage in the process, including the ability of community members to act as facilitators and to design and conduct relevant programs and activities into the future. It is a key aim to work in ways that will in themselves contribute to involvement in community development in the process of developing and agreeing a strategic plan. Further stages will be designed to reinforce community involvement and ownership of solutions for the longer term.

While the data collected in this project will be primarily used to develop a Strategic Plan to address the issues of youth unemployment and disengagement it will also be an invaluable resource to guide planning for the Southern Midlands Council as well as for the four schools and existing community bodies located in the area.

The project is being developed in a way that will make it easily applied in other Local Government Areas.

The project has been designed to achieve a major step in development of the community and of youth employment skills and opportunities within a very limited budget by making



*maximum use of community and volunteer input. On a wider view, the issues in the Southern Midlands Council area are typical of those in many rural areas throughout Tasmania and Australia. The project submitted in this application has therefore been designed as a multi-stage project and as one that will develop and test methodologies that could subsequently be applied in other similar areas. The funding support requested has been kept to an absolute minimum to achieve its objectives and would not be possible without this support.*

*Hobart City Mission (HCM) operates a number of different community services programs and projects, some of which are Government funded, other grant funded. HCM has an outstanding record of managing this program funding, including timely reporting and acquittals to the funding body.*

*HCM have worked closely with the Southern Midlands Council to develop this application. As is outlined in their letter of support the Southern Midlands Council have committed to in-kind provision of various resources, including administrative support, access to venues and to a bus. The resources are all available as and when the project requires them.*

*Hobart City Mission's Vision is 'Creating compassionate, resilient and connected local communities', through our long connection with the Southern Midlands area we are particularly focused on rural communities. The proposed project will provide vital information to guide us in the development of youth focused community services in this area. It will also provide an opportunity for us to work with the Southern Midlands Community to identify and address the issues in this area. We expect that this community involvement will increase the community ownership and therefore the success of any such programs.*

*The proposed project is able to commence as soon as funding is granted.*

**Q3 – Re the Holy Tantra Park in the Tribunal report the trees are to be planted next to the western edge of the western slab, some trees have been planted (incorrect location) but signs are showing that these trees are dying, will these trees be replaced with appropriate new trees more suited to the area and will they be planted in the correct position as per tribunal report?**

*Manager, Development and Environment Services response:*

*Council Officers are aware the landscaping is insufficient in its current form and does not satisfactorily meet the conditions of the permit for statues at 1384 Tea Tree Road. The owners have been given specific direction from Council to undertake further landscape plantings to adequately meet the requirements of the condition. It is the understanding of Council Officers that the owner(s) of the land are continuing to work with a local landscape/horticulturalist to both put a more suitable plan together and implement as soon as practical.*

## **6.2 QUESTIONS WITHOUT NOTICE**

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

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

In accordance with the requirements of Part 2 Regulation 8 of the *Local Government (Meeting Procedures) Regulations 2015*, the chairman of a meeting is to request Councillors to indicate whether they have, or are likely to have, a pecuniary interest in any item on the Agenda.

Accordingly, Councillors are requested to advise of a pecuniary interest they may have in respect to any matter on the agenda, or any supplementary item to the agenda, which Council has resolved to deal with, in accordance with Part 2 Regulation 8 (6) of the *Local Government (Meeting Procedures) Regulations 2015*.

## 8. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

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

### RECOMMENDATION

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

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

## 9. PUBLIC QUESTION TIME (SCHEDULED FOR 12.30 PM)

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

Mayor A E Bisdee OAM to invite questions from any members of the public in attendance.

### 10.1 Permission to Address Council

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

- Nil.

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

Nil.

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

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

### **11.1 DEVELOPMENT APPLICATIONS**

#### **11.1.1 DEVELOPMENT APPLICATION (DA 2017/97) FOR DEMOLITION AND SITE REMEDIATION AT 18 CHURCH STREET, OATLANDS (CT46931/1), 68 HIGH STREET OATLANDS (CT148205/1) & 70 HIGH STREET, OATLANDS (CT41274/3), OWNED BY SOUTHERN MIDLANDS COUNCIL**

*File Ref: T 7817902*

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

**Date:** 18 OCTOBER 2017

**Attachments:**

*Development Application documents  
Representations*

### **PROPOSAL**

Southern Midlands Council have applied for a Permit under the *Land Use Planning and Approvals Act 1993* ("the Act") to demolish a number of buildings and undertake site remediation work at the current Oatlands Council Works Depot and adjoining properties.

The proposal includes the following:

- Demolition of all the Council depot buildings at 18 Church Street and 68 High Street, Oatlands;
- Demolition of the former shop and associated sheds and fences at 70 High Street, Oatlands; and
- Management of site contamination, including testing and remediation as necessary. The program and extent of remediation works (such as soil removal) will be determined by environmental consultant (SEMF) after the depot buildings are demolished as full testing cannot be achieved prior to the demolition.

The proposal will prepare the site for future development more suited to this location in the centre of Oatlands. A separate application for an aquatic centre has been lodged by Rick Bzowy (architect) and will be advertised and considered by Council in due course. The Council depot will be relocated to the light industrial area in Glenelg Street, Oatlands.

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

The land is zoned General Business and is within the Oatlands Heritage Precinct. The land is located between High Street and South Parade, with an access from Church Street.

Under the Planning Scheme the proposal is defined as Demolition and is to be assessed against the provisions of Clause 9.4, with reference to the applicable Zone and Codes. These matters are described and assessed in this report.

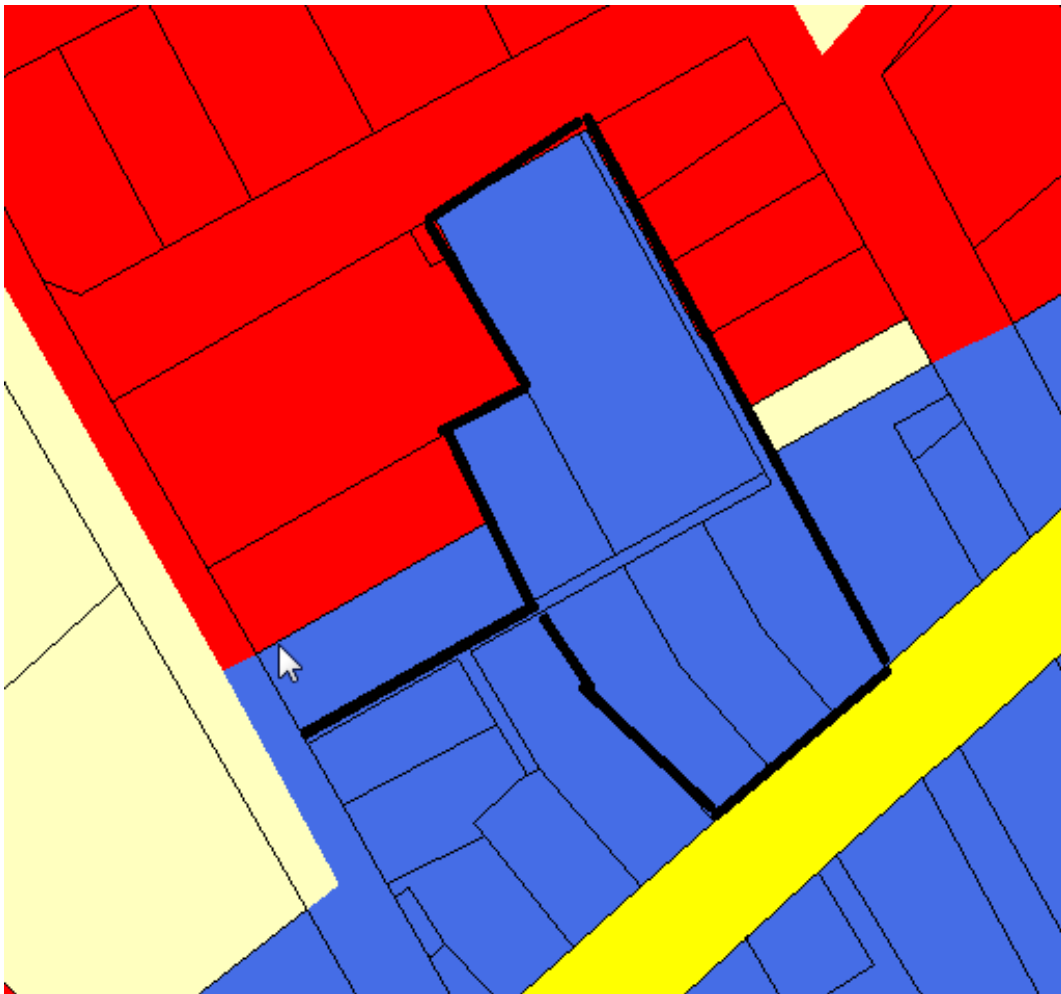
A permit for this type of development is considered at the discretion of Council.

The Council gave notice of the application for public comment for 14 days. During the notification period five (5) representations were received.

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

## **THE SITE**

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



*Map 1:  
The subject land is located in the General Business Zone (blue). There are properties zoned General Residential (red) and Community Purpose (cream) adjoining the site. The subject titles are outlined in black.*





*Map 2:  
Aerial image of the subject land and surrounding area.*

## **THE APPLICATION**

The application has been submitted with plans and an extract of the SEMF report to accompany the Development Application form.

Under the proposal all of the existing buildings across five titles (CT46931/1, CT22710/1, CT148205/1, CT148207/1 and CT41274/3) will be demolished, beginning with the Council depot buildings. Demolition of the former shop and associated sheds and fences at 70 High Street, Oatlands will be delayed until existing lease arrangements are concluded.

The proposal includes site remediation works as the land is potentially contaminated from use as a Works Depot and previous uses. A report considering the history and use of the site and likely contamination has been prepared by a consultant (SEMF) accredited in contaminated site assessment and remediation. The report includes a Sampling, Analysis and Quality Plan (SAQP) and recommends that this is implemented in full after demolition of the buildings so that soil beneath them can be tested. Once full testing has taken place the extent of remediation work for soil and/or groundwater can then be determined and carried out.

## USE/DEVELOPMENT DEFINITION

The proposed use and development is defined, under the Planning Scheme, as Demolition, which has a Discretionary status when it is not part of another development in accordance with Clause 9.4.

### Use/Development Status under the Planning Scheme

Due to the requirements of the Clause 9.4 the application must be considered at the discretion of the Council. Further discretions are generated by the application of the Historic Heritage Code and Potentially Contaminated Land Code.

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

## PUBLIC NOTIFICATION AND REPRESENTATIONS

The application was advertised from the 9<sup>th</sup> September 2017 until 29<sup>th</sup> September 2017. The usual fourteen (14) day advertising period was extended due to a delay in providing notification to some adjoining landowners. During this period Council received five (5) representations, as detailed in the table below.

<b>Representation 1</b>	<b>Council Officer Comment</b>
<p>I wish to object to the above Development Application on the grounds that insufficient information has been provided as to the specific nature of the demolition/ remediation works at the above sites, at least in the documentation provided to the public.</p> <p>So I am objecting on the basis of the information that has been made publicly available only - I do not know if there is any further information in connection with this matter that has not been made public.</p> <p>The SEMF Site History Report and Sampling Analysis and Quality Plan is not included in the DA documentation in full - only the front page, pages 2 and 3 - the list of contents- and the Executive Summary on page 4 which is very brief. The summary includes the recommendation to "...consider demolition of above-ground building structures prior to sampling" and that the Plan be implemented and any soil remediation that may be required, "based on the outcomes of the Plan."</p> <p>However the full detail of the Plan itself</p>	<p><b><i>The SEMF report sets out a plan to conduct thorough testing of the site and then conduct remediation in response to the results of the testing. The Executive Summary provided with the development application gives a concise and useful summary of the content of the report.</i></b></p> <p><b><i>It is not possible to complete the necessary testing to determine the specifics of the remediation, such as extent of soil removal, until the ground beneath the existing depot buildings can be accessed after demolition. Therefore, the development application must be considered before the full remediation plan is finalised.</i></b></p> <p><b><i>Conditions are included in the recommendation to require the final environmental site assessment to be provided and site remediation to be completed in accordance with the recommendations.</i></b></p>

<p>which is being relied upon to support these recommendations is not put forward in this DA.</p> <p>This DA does not provide any information as to the extent of works required to be undertaken in the remediation so it should not be approved before sufficient investigation and reporting occurs to enable the preparation of a detailed plan which can then be assessed and considered by interested parties.</p>	
<p>The works detail or lack thereof, is also relevant as 18 Church Street is in the Historic Village Precinct and with regard to its history, is a Place of Archaeological Potential. If there is significant excavation at the site then archaeology will be destroyed and/or removed.</p>	<p><b><i>There are no Places of Archaeological Potential identified in the Historic Heritage Code of the Southern Midlands Interim Planning Scheme.</i></b></p> <p><b><i>There will be an opportunity to identify significant items during the works.</i></b></p> <p><b><i>One of the recommended conditions of the permit is to stop works and investigate any archaeological sites – should it be uncovered.</i></b></p>
<p><b><i>Representation 2</i></b></p>	<p><b><i>Council Officer Comment</i></b></p>
<p>Fragile colonial foundations do not tolerate repeated vibrations caused by, for example, impact drills and trucks carrying heavy loads. I live in a house built in 1862 that has these type of foundations.</p> <p>For the reason stated above, trucks removing soil and building materials should not be allowed along South Parade or Gay Street. Please note that the Council responsible for Richmond has banned trucks in historic areas.</p>	<p><b><i>Heavy vehicle movements generated by the proposal are not expected to be of a scale that will cause impacts of this nature to surrounding properties.</i></b></p> <p><b><i>Heavy vehicle traffic is a regular occurrence for the current use of the site as Council Works Depot.</i></b></p> <p><b><i>The relocation of the Depot will result in an overall decrease heavy vehicle use in this area.</i></b></p>
<p>The dust from the excavation and removal of contaminated soil on the Works Depot site will be toxic and pose a health threat to residents and visitors, particularly as much of the work in demolition and remediation appears to be scheduled in summer months. There has been a problem with dust in the Works Depot in the past, eg in early 1989 when the dust rose from a gravel surface and blew into surrounding streets. How much worse will it be when there is just a bare soil surface.</p>	<p><b><i>Dust suppression is a standard part of demolition and excavation works, particularly for a potentially contaminated site.</i></b></p> <p><b><i>A condition is included in the recommendation to ensure dust suppression measures are in place.</i></b></p>

<b>Representation 3</b>	<b>Council Officer Comment</b>
<p>This is a contaminated site as the SEMF site history report which you commissioned in 2012 or 2013 makes clear. The SEMF engineer and scientist who did this report say that there are contaminants of potential concern, and the contaminants they list are all known to be toxic. They do not say that there are potential contaminants, but that the contaminants are of potential concern. This is based on their talks with your Depot personnel and study of your records about the site. The DA gives no details about what is going to be done to remediate this site, or how much it is going to cost.</p> <p>The site has to be properly and fully remediated in the interests of public health, and from your concept plan, not all that much of the site is going to be dug for the pool itself - Mr Bzowy's 'dirty great hole' - or buried under concrete. There is going to be a park that children will be likely to use on what looks like one of the most contaminated bits of the site beside the easement leading out to Church Street.</p> <p>Why is so little information given in the DA? Not even the updated SEMF report is there.</p>	<p><b>See comments to Representation 1 above.</b></p>
<p>This site is known to have had an old building on it, built in the 1830's. The whole site is in the heritage precinct. Why is there no information in the DA about the impact on whatever remains of this building under the surface? Isn't it silly to talk about moving the present pool out of the old gaol because it is supposed to be damaging it, and then set about destroying whatever heritage there is on this depot site? Hypocrisy!</p>	<p><b>The continued use of the site as a Council depot does not contribute to the heritage values of Oatlands.</b></p> <p><b>If there are any significant remains on the site these can be identified and possibly documented during the works. This is conditioned in the recommended permit.</b></p>
<p>I bought a house in the town of Oatlands as I loved the heritage homes and quiet locale of the area. I am now leaving due to the Council's decision to continue with this crazy project of placing a noisy, busy swimming pool in a heritage area - because that is what is going to happen after this demolition. You need to think about how many other people are going to be badly affected by this project - and</p>	<p><b>This proposal is for the demolition and site remediation works only.</b></p> <p><b>The aquatic centre is subject to a separate application. In any case, the planning system does not consider the economics of a proposal.</b></p>

that is going to include all the ratepayers in the municipality who are going to have to pay far more rates to maintain an indoor heated pool, and most of them won't be using it because they live too far away.

When I read the Southern Midlands Recreation Plan that you put online last March, the person who did it doesn't hesitate to say that pools like this are not viable in small municipalities because not enough people are around to use them, and the average cost of maintaining them is between \$350,000 and \$500,000 a year. What will that do to everybody's rates? What will all those people who would have been quite happy with a swim centre at 1/5th of the cost and maintenance of your project say about you when their rates jump? And if you lift the fees to use the pool fewer people will use it.

Your whole pool project has all the makings of being a white elephant, and people are going to have to put with it for generations. As a Council you may think you have achieved a great success with this project, but I think that you will be criticised for making another mistake just like the Council did in the 1950's when it poured concrete into the old gaol.

As a health professional I believe that demolition and remediation of this site are likely to create a real problem with dust blowing about, causing respiratory problems and worse because it will be toxic. The workers on the site will have protection but what about all the nearby residents and passers-by. Is everybody going to have to wear facemasks for months while this is going on and it will be months if the site is remediated properly according to the SEMF Report because you will be transporting huge amounts of soil to and fro. How are ratepayers going to know that the site has been cleaned up properly, and is safe for them and their children? This is something else that the DA doesn't tell me.

***Dust suppression is a standard part of demolition and excavation works, particularly for a potentially contaminated site.***

***A condition is included in the recommendation to ensure dust suppression measures are in place.***

***Conditions addressing the remediation of the site are also included in the recommendation.***

<b>Representation 4</b>	<b>Council Officer Comment</b>
<p>My major concern with the DA relating to the above demolition and remediation is that there is no provision for the potential damage which this proposal may inflict on my dwelling house in South Parade.</p> <p>I have been told by your Town Planner that the testing and remediation program to be undertaken by SEMF is exactly the same as in the SEMF report provided for the 2013 Aquatic Centre DA, and so I have read this, i.e. your online version of the report, again carefully.</p> <p>The SEMF personnel who undertook the 2013 report made it very clear that there are seven locations with contaminants of potential concern, and that it will be necessary to excavate the soil in these locations to a depth ranging from .5 to 2.5 metres below the surface.</p> <p>These contaminants are listed as diesel and petrol, toluene, ethyl-benzene and o,m, and p xylene, and lead, all of which are highly toxic. In addition to specific remediation provisions for the various locations, the SEMF personnel stated explicitly at p. 17 in the 2013 report that <i>'given that the majority of the site has operated as a municipal works depot for over 40 years, it is reasonable to assume that many potentially contaminating incidents have gone unrecorded. Therefore as the site is to be re-developed for a more sensitive use, removal of soil to a depth of 0.5 metres across the entire Works Depot area (defined as the majority of the site) is likely to prove necessary'</i></p> <p>The SEMF personnel were told in 2012 that the site had been used as a Works depot only since 1970. That has been extended to 1952 in the updated report, according to the executive summary contained in the 2017 DA. However, as I pointed out to the Councillors earlier this year, there was a garage with an underground fuel storage tank on the lot now identified as 68 High Street since 1926, and the Council has had this lot since 1944 because it needed the</p>	<p><b><i>The purpose of the site history examination conducted by SEMF is to identify the likely types of contaminants that need to be tested for – in this case mainly fuels. Determining the exact length of time that the related uses have been occurring is not necessary as long as a reasonable understanding of the past use is established.</i></b></p> <p><b><i>In regard to the condition of surrounding houses and potential for impacts to occur, this is considered to be very unlikely given the nature of the works and that they will occur over a limited time period. There is no intention to undertake condition surveys of adjoining properties.</i></b></p>

garage to accommodate and service a large lorry it had just purchased.

The potential for contamination has therefore existed for some 90 years. It is likely that remediation measures involving very large amounts of soil will be necessary, and this means that this soil will have to be transported out of the site. The 1993 diesel spill alone is estimated by SEMF to have covered 450 m<sup>2</sup>, and this area will have to be excavated to a depth of one metre. This site on its own will produce an enormous amount of soil which will have to be taken away, and this is just one of the seven sites with contaminants of potential concern.

There are two vehicular exits from the site: the right of way to Church Street and the gate to South Parade. If the South Parade exit is used, trucks transporting soil will pass my house if they turn left, and they may also take this route in bringing clean soil back to the site. Tons of this material will have to be moved, and its weight is likely to shake the foundations of my house which are traditional (i.e. not concrete), and cause substantial damage to the structure of the building. There is no provision in the DA for a prior inspection of my dwelling, or indeed of the other old houses in the vicinity, in order to establish a base against which damage can be measured.

Which authority is going to oversee the remediation of the Works Depot site, and guarantee that this has been carried out properly and fully?

This has to be done by a recognized authority which is totally independent of the Council so that it can be trusted.

People intending to access this site in its more sensitive uses as an Aquatic Centre, public park, etc. need to have an independent assurance that it is safe to do so.

I hope that the cost-cutting policy which has reduced the Works Depot relocation by \$450,000 and the Aquatic Centre costs by \$2 ½ million is not going to apply to the remediation of this site.

***Council is the responsible authority in this case as the proposal is a Level 1 Activity under the EMPCA.***

***Remediation works will need to be signed off by a person accredited by the Site Contamination Practitioners Australia (SCPA).***

***In this case SEMF Pty Ltd has been engaged by Council to do this.***



<p>Will the Council be releasing the results of the SEMF investigation and analysis of the Works Depot site contamination in full to the public as soon as these are made available to Council?</p>	<p><b><i>Council will make this document available to interested parties when it is completed.</i></b></p>
<p>Why is it that the updated SEMF report was not made available in full to the public in this 2017 DA?          Only 4 pages were available, two of which listed the contents and one was the cover page. A cursory glance at these contents pages indicates that the 2017 report includes sections which were not in the 2013 report in its online version. If there is nothing to hide, why has the 2017 report not been produced in full for the public to read?</p>	<p><b><i>For the purposes of this DA, the Executive Summary provides the necessary information – that is that a plan is in place to undertake suitable testing and remediation of the site.</i></b></p>
<p>This DA is apparently copyright, so that ratepayers were not permitted to take copies of it. The practice of several other Councils is to put DAs online, and it cannot be argued in this case that the DA is so lengthy that it would have been impracticable to put it online - there are only 19 pages. This approach to releasing information gives the impression that the Council wants to minimize public scrutiny of its doings as only those who could physically access the Council Chambers in Oatlands or Kempton were able to peruse the DA. Given the importance of the forthcoming DA for the Aquatic Centre, it will be most regrettable if it is also declared copyright, and is not made available online.</p>	<p><b><i>Council policy is to make a hard copy of DA documents available in Council offices during the advertising period. This meets the requirements of the Land Use Planning and Approvals Act and associated regulations.</i></b></p> <p><b><i>If someone is unable to attend the office, other arrangements may be made on a case by case basis.</i></b></p> <p><b><i>At this time Council officers have determined that providing copies to members of the public that are able to attend the office or displaying documents on the website is not necessary and can be time and resource intensive.</i></b></p>
<p>I also want to say that the proposed demolition of all the sheds on the 18 Church Street and 68 High Street lot, as well as the building on 70 High Street, is indeed welcome. The latter is a modern building which detracts from the heritage appearance of most of its neighbours, and its removal to permit traffic to exit from the Aquatic Centre is vastly preferable to retention of both the entrance and exit of traffic on to South Parade. As I have now looked at the Works Depot for 26 years, during which time it has largely presented as a cluttered dump, it is good to see the progressive removal of the litter, and I just wish that Bob and Mary Tressillian</p>	<p><b><i>Comments are noted.</i></b></p>



were still alive to witness it.	
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<b>Representation 5</b>	<b>Council Officer Comment</b>
My first concern is the noise and dust which will be made whilst the demolition is ongoing. If the noise becomes a nuisance what is Council going to do about it? As to the dust which will no doubt contain contaminants (see point 4) and at the very least be a source of annoyance to persons in the surrounding area, how is Council going to address the problem of airborne particles? Has the EPA been consulted on methods of control?	<p><b>Standard work hours, set by the EPA through EMPCA, will be required by condition.</b></p> <p><b>Dust suppression measures will be required.</b></p> <p><b>The EPA is not involved with this application.</b></p>
My other concern is what effect it will have on my property, namely: my fence line and the foundations remaining after the Main Building has gone. Is the new fence to be capable of ensuring my privacy?	<p><b>Suitable fencing will be provided on boundaries adjoining residential properties.</b></p>
Of equal or greater importance is the risk of damage to the foundations and structure of the surrounding buildings, most of which are of historical value and all of which are owned by ratepayers who have no wish to suffer for the sake of clearing land owned by the Council for what will possibly prove to be an expensive white elephant.	<p><b>As mentioned above, the proposed works are not expected to cause any damage to surrounding properties.</b></p>
Most important, however, is the contamination of the site. I understand from research that the site was in the 1920s used as a fuel station with an underground tank. Has the Council had the EPA assess the area for contaminants and will the renovation of the site comply with the EPA laws? What is being done to neutralise the risk of contaminated water, dust, etc. from infiltrating the neighbouring area, most of which contains private dwellings.	<p><b>An appropriately accredited practitioner (SEMF) has been engaged to undertake site contamination investigations and ensure that remediation is completed effectively to limit risk to health and the environment. This includes removal and remediation relating to fuel tanks.</b></p> <p><b>As stated above, the EPA is not involved in this application although copies of the final decontamination reports will be provided to them for their records.</b></p>
Having made the above comments, I would like to add that it is a pleasure to see that the Council Depot is at last being relocated to a more appropriate site.	<p><b>Comment is noted.</b></p>

## ASSESSMENT - THE SOUTHERN MIDLANDS INTERIM PLANNING SCHEME

### Demolition

Clause 9.4.1 provides that unless approved as part of another development or prohibited by another provision, an application for demolition may be approved at the discretion of the planning authority having regard to:

- (a) The purpose of the applicable zone;
- (b) Any relevant local area objective or desired future character statement of the applicable zone;
- (c) The purpose of any applicable code; and
- (d) The purpose of any applicable specific area plan.

The proposal is considered against the applicable zone and codes below. In this case there are no applicable local area objectives, desired future character statements or specific area plans.

### General Business Zone

The site is located in the General Business Zone. The proposal must be considered against the Zone Purpose Statements:

Zone Purpose Statement	OFFICER COMMENT
<p><b>21.1.1.1</b>                      To provide for business, community, food, professional and retail facilities serving a town or group of suburbs.</p>	<p>The proposed demolition and remediation works will provide a large site in the centre of Oatlands suitable for future development serving the local community.</p> <p>This is likely to include a community use (aquatic centre) and improved streetscape and public open spaces.</p> <p>There may also be future opportunities for residential or commercial developments.</p> <p>The Council depot will be relocated to a more suitable site in a light industrial precinct.</p> <p>Overall, the proposal will further the General Business Zone purpose.</p>
<p><b>21.1.1.2</b>                      To ensure the rural service centres provide for the daily and weekly needs of the community.</p>	<p>See above.</p>
<p><b>21.1.1.3</b>                      To provide for a mix of retail and office based employment servicing the local area, the broader rural region and the tourism market, including at least one supermarket and a range of specialty shops.</p>	<p>See above.</p>
<p><b>21.1.1.4</b></p>	<p>See above.</p>

To provide a safe, comfortable and pleasant environment for workers, residents and visitors through the provision of high quality urban spaces and urban design.

**Potentially Contaminated Land Code**

The Potentially Contaminated Land Code applies to all development on potentially contaminated land. The Council depot site is potentially contaminated due to fuel and chemical use and storage, vehicle servicing and related activities. The proposal is assessed against the relevant use and development standards below.

**Use Standard**

To ensure that potentially contaminated land is suitable for the intended use.

Acceptable Solutions	Performance Criteria	OFFICER COMMENT
<p>A1</p> <p>The Director, or a person approved by the Director for the purpose of this Code:</p> <p>(a) certifies that the land is suitable for the intended use; or</p> <p>(b) approves a plan to manage contamination and associated risk to human health or the environment that will ensure the land is suitable for the intended use.</p>	<p>P1</p> <p>Land is suitable for the intended use, having regard to:</p> <p>(a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or</p> <p>(b) an environmental site assessment that demonstrates that the level of contamination does not present a risk to human health or the environment; or</p> <p>(c) a plan to manage contamination and associated risk to human health or the environment that includes:</p> <p>(i) an environmental site assessment;</p> <p>(ii) any specific remediation and protection measures required to be implemented before any use commences; and</p> <p>(iii) a statement that the land is suitable for the intended use.</p>	<p><i>The Director (of the EPA) has not made a determination in regard to this site. Assessment against the Performance Criteria is necessary.</i></p> <p><i>SEMF have produced a plan to assess and manage site contamination in accordance with clause (c).</i></p> <p><i>While the future use or uses of the site have not been fully determined at this time it is reasonable to expect that they will include 'sensitive' uses such as residential and/or outdoor recreation facilities. Site contamination should be remediated to a level suitable for those uses.</i></p> <p><i>A condition is recommended to require all specific remediation measures determined by SEMF to be implemented before any new use of the site occurs.</i></p>
<p><b>Excavation</b>                      To ensure that works involving excavation of potentially contaminated land does not</p>		

adversely impact on human health or the environment.		
Acceptable Solutions	Performance Criteria	OFFICER COMMENT
A1  No acceptable solution.	P1  Excavation does not adversely impact on health and the environment, having regard to:  (a) an environmental site assessment that demonstrates there is no evidence the land is contaminated; or  (b) a plan to manage contamination and associated risk to human health and the environment that includes:  (i) an environmental site assessment; (ii) any specific remediation and protection measures required to be implemented before excavation commences; and  (iii) a statement that the excavation does not adversely impact on human health or the environment.	<i>As there is no Acceptable Solution, assessment against the Performance Criteria is required.</i>  <i>SEMF have produced a plan to assess and manage site contamination in accordance with clause (b).</i>  <i>A condition is recommended to require all specific measures determined by SEMF to be implemented before any excavation of the site occurs.</i>

### Historic Heritage Code

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

In this case the subject properties are located within the Oatlands Heritage Precinct.

## Development Standards for Heritage Precincts

<b>E13.8.1 Demolition</b>		
To ensure that demolition in whole or in part of buildings or works within a heritage precinct does not result in the loss of historic cultural heritage values unless there are exceptional circumstances.		
<b>Acceptable Solutions</b>	<b>Performance Criteria</b>	<b>OFFICER COMMENT</b>
A1  No Acceptable Solution	<p>P1</p> <p>Demolition must not result in the loss of any of the following:</p> <p>(a) buildings or works that contribute to the historic cultural heritage significance of the precinct;</p> <p>(b) fabric or landscape elements, including plants, trees, fences, paths, outbuildings and other items, that contribute to the historic cultural heritage significance of the precinct; unless all of the following apply;</p> <p>(i) there are, environmental, social, economic or safety reasons of greater value to the community than the historic cultural heritage values of the place;</p> <p>(ii) there are no prudent or feasible alternatives;</p> <p>(iii) opportunity is created for a replacement building that will be more complementary to the heritage values of the precinct.</p>	<p><i>The proposed demolition works will facilitate the relocation of the Council Works Depot and provide an opportunity for this large, central site to be used for other more suitable purposes. The Depot buildings do not contribute to the heritage significance of the area.</i></p> <p><i>The former retail building at 70 High Street dates from 1979. Loss of this building will have some impact on the current streetscape, however it is not considered to be a significant contribution to the heritage precinct.</i></p> <p><i>Overall, the proposal will facilitate future use and development of this site for purposes that will benefit the public and be designed to complement the heritage values of the precinct.</i></p>

**TABLE 13.2 - Oatlands Township Precinct**

The Oatlands Township Precinct is of historic cultural heritage significance because:

- a) it demonstrates a township comprising a concentration of highly intact historic buildings of the Old Colonial Georgian and Victorian Georgian styles;
- b) the density of historic buildings of similar architectural styles and periods in Oatlands contributes to a highly intact streetscape character;
- c) it demonstrates the evolution and settlement patterns of Tasmania in the early-mid nineteenth century, as a township transport routes joining the north and south of the State, and as an intended central capital associated with the pastoral activity of the Midlands area;
- d) its predominant building material of sandstone, as a source of local materials, and reflecting the differing economies of labour and construction at the time;
- e) it demonstrates the theme of convictism, through the use of sandstone, links to transport, and the many buildings in the township associated with convicts;
- f) it has the largest number of sandstone buildings within a township setting in Australia;

**Design Criteria/Conservation Policy**

**1. The design and siting of buildings and works must satisfy the following criteria:**

- a) scale, roof pitch, building height, form, bulk, rhythm, materials and colour of new buildings and additions to existing buildings should respect the principles of the Georgian architectural style dominant in the precinct, except if an addition to a heritage listed building of a non-dominant architectural style in which case consistency with that style is required;
- b) building setback from frontage must provide a strong edge to Main Street and be parallel to the street;
- c) buildings must address the street, unless at the rear of a site;
- d) buildings must not visually dominate the streetscape or buildings at places listed in Table.13.1
- e) architectural details and openings for windows and doors to visually prominent facades must respect the Georgian architectural style dominant in the precinct in terms of style, size, proportion and position;
- f) external wall building material must be any of the following:
  - i. sandstone of a colour matching that commonly found in Oatlands' buildings
  - ii. weatherboard (traditional profiles);
  - iii. rendered, painted or lime wash brickwork;
  - iv. unpainted brick of a traditional form and colour laid with a traditional bond;
  - v. traditional Tasmanian vertical board (non-residential buildings only);
  - vi. corrugated profile steel cladding, painted/colorbond or galvanised iron (not 'zincalume' or similar) (outbuildings only);
- g) roof form and material must be consistent with the following:
  - i. pitch between 30 and 40 degrees and hipped or gable if a major part of the building;
  - ii. pitch less than 30 degrees and skillion if a minor part of the building at the rear;
  - iii. avoidance of large unbroken expanses of roof and very long roof lines

- iv. roof material either custom orb (corrugated profile) sheeting, timber shingles, and slate. Steel sheeting must be either traditional galvanised iron or painted;
  - v. guttering is rounded profile, with downpipes of circular cross-section:
  - h) wall height sufficient to provide for lintels above doors and windows, with wall space above;
  - i) outbuildings generally to have a gabled, corrugated roof with an angle of pitch matching that of the primary building on the land, and with differentiated colouring of the exterior walls and roof so as to also approximate that of the primary building on the land;
  - j) fences along frontages must be:
    - a. (between 900mm and 1000mm high, with a maximum of 1200mm for posts;
    - b. (vertically articulated, (such as with dowel-and-rail, picket or palisade fences);
    - c. “semi-transparent” in appearance, that is, the distance between dowels or pickets, etc., must be such that the fence does not appear ‘solid’.
- 2. Subdivision must satisfy the following criteria:**
- a) maintain and extend the existing recto-linear grid pattern of streets;
  - b) provide for a variety of lot sizes;
  - c) where appropriate off High Street provide a traditional ‘soft edge’ design approach for stormwater and footpath works.

## CONCLUSION

The report has assessed a Development Application for demolition of buildings and site remediation work at 18 Church Street, 68 and 70 High Street, Oatlands.

Five (5) representations were made to Council with concerns including the remediation of site contamination, management during site works and impacts on the heritage values of the property and surrounding area. These concerns have been considered and are addressed above.

The proposal has been found to comply with all the relevant standards for Demolition, the General Business Zone and the applicable Codes.

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

## RECOMMENDATION

THAT, in accordance with the provisions of the *Southern Midlands Interim Planning Scheme 2015* and section 57 of the *Land Use Planning & Approvals Act 1993*, Council APPROVE the Development Application (DA 2017/97) for Demolition and site remediation at 18 Church Street, Oatlands (CT46931/1), 68 High Street Oatlands (CT148205/1) & 70 High Street, Oatlands (CT41274/3), owned by Southern Midlands Council and that a permit be issued with the following conditions:

## CONDITIONS

### *General*

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

### *Environment*

- 3) The recommendations of the report *SMC Oatlands Works Depot Site History Report and Sampling Analysis and Quality Plan 2017* must be fully implemented to the satisfaction of the Environmental Health Officer regarding site contamination and the safe remediation of the site.
- 4) At the conclusion of site remediation works a report from a suitably qualified professional must be provided to Council to confirm that the land is suitable for sensitive uses without risk to human health or the environment.

### *Services*

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

### *Heritage*

- 6) In the event of the uncovering potentially significant archaeology, during the works, the developer must cease the activity immediately contact Council's Manager of Heritage Projects (Mr Brad Williams, 6254 5000) for further advice and procedure before works, related to the particular site, can continue. Any subsequent documentation and management of archaeology must be to the satisfaction of the Manager of Heritage Projects.

### *Construction/Demolition Amenity*

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

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



- 8) All works associated with the development of the land shall be carried out in such a manner so as not to unreasonably cause injury to, or prejudice or affect the amenity, function and safety of any adjoining or adjacent land, and of any person therein or in the vicinity thereof, by reason of:
- a. Emission of noise, artificial light, vibration, odour, fumes, smoke, vapour, steam, ash, dust, waste water, waste products, grit or otherwise.
  - b. The transportation of materials, goods and commodities to and from the land.
  - c. Obstruction of any public footway or highway.
  - d. Appearance of any building, works or materials.
  - e. Any accumulation of vegetation, building debris or other unwanted material must be disposed of by removal from the site in an approved manner. No burning of such materials on site will be permitted unless approved in writing by the Council's Manager of Development and Environmental Services.
- 9) Public roadways or footpaths must not be used for the storage of any construction materials or wastes, for the loading/unloading of any vehicle or equipment; or for the carrying out of any work, process or tasks associated with the project during the construction period.
- 10) The developer must make good and/or clean any footpath, road surface or other element damaged or soiled by the development to the satisfaction of the Council's Manger of Works and Technical Services.

The following advice applies to this permit:

- A. This Planning Permit does not imply that any other approval required under any other legislation has been granted.
- B. This Planning Permit is in addition to the requirements of the Building Act 2016. Approval in accordance with the Building Act 2016 is required to be obtained prior to construction.

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

**ATTACHMENT**  
 Agenda Item 11.1.1

Development & Environmental Services  
 Email: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au)  
 Phone: (03) 62593011  
 Postal Address: PO Box 21 Oatlands Tas 7120



**APPLICATION FOR PLANNING PERMIT – USE AND DEVELOPMENT**  
**Commercial, Industrial, Forestry and other Non- Residential development**

Use this form to apply for planning approval in accordance with section 57 and 58 of the *Land Use Planning and Approvals Act 1993*

**Applicant / Owner Details:**

**Owner / s Name**

**Postal Address**    **Phone No:**   **Fax No:**

**Email address**

**Applicant Name**

(if not owner)

**Postal Address**    **Phone No:**  **Fax No:**

**Email address:**

**Description of proposed use and/or development:**

**Address of new use and development:**

**Certificate of Title No** **Volume No**     **Lot No:**

**Description of Use**

**Development on site**

**current use of land and building**

**Is the property Heritage Listed**  Yes  No  X

**Signage**   Yes  No  X

Refer Definitions in Clause 8.2 of the Southern Midlands Planning Scheme 2015  
 Attach additional information if required.

E.g. Are there any existing buildings on this title?  
 If yes, what is the main building used as?

Business Details	Existing hours of operation				Proposed hours of new operation			
	Hours	am	to	pm	Hours	am	pm	
	Weekdays				Weekdays	NA		
	Sat				Sat	NA		
	Sun				Sun	NA		

Number of existing employees		Number of proposed new employees :	NA
------------------------------	--	------------------------------------	----

Traffic Movements	Number of commercial vehicles serving the site at present		Approximate number of commercial vehicles servicing the site in the future	NA
Number of Car Parking Spaces	How many car spaces are currently provided		How many new car spaces are proposed	NA

Please tick ✓ answer

Is the development to be staged:  Yes  No  X

Is the development to be staged, if yes	Described proposed stages		Described period of proposed stages	
---	---------------------------	--	-------------------------------------	--

Proposed Material Types	What are the proposed external wall colours		What is the proposed roof colour	
	What is the proposed external wall materials		What is the proposed roof materials	
	What is the proposed new floor area m <sup>2</sup>		What is the estimated value of all the new work proposed	\$

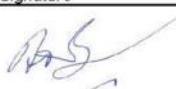
If yes attach details: size, colours, fonts, location

Please attach any additional information that may be required by Part 8.1 Application Requirements of the Planning Scheme.

Signed Declaration  

**I/we hereby apply for a planning approval to carry out the use or development described in this application and in the accompanying plans and documents, accordingly I declare that:**

- The information given is a true and accurate representation of the proposed development. I understand that the information and materials provided with this development application may be made available to the public. I understand that the Council may make such copies of the information and materials as, in its opinion, are necessary to facilitate a thorough consideration of the Development Application. I have obtained the relevant permission of the copyright owner for the communication and reproduction of the plans accompanying the development application, for the purposes of assessment of that application. I indemnify the Southern Midlands Council for any claim or action taken against it in respect of breach of copyright in respect of any of the information or material provided.
- I am the applicant for the planning permit and I have notified the owner/s of the land in writing of the intention to make this application in accordance with Section 52(1) of the *Land Use Planning Approvals Act 1993* (or the land owner has signed this form in the box below in "Land Owner(s) signature");

Applicant Signature 	Applicant Name (print) <b>Andrew Benson</b> Deputy General Manager Southern Midlands Council	Date <b>6<sup>th</sup> September 2017</b>
Land Owner(s) Signature <b>As above</b>	Land Owners Name (please print)	Date

Address all correspondence to:  
 The General Manager, PO Box 21, Oatlands, Tasmania 7120  
 Or by Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) 'in single PDF file format'  
 Phone (03) 62593011

## DEVELOPMENT – Information & Checklist sheet

Use this check list for submitting your application

### Submitting your application ✓

- |  |                          |
|--|--------------------------|
| 1. All plans and information required per Part 8.1 Application Requirements of the Planning Scheme                                     | ✓                        |
| 2. Copy of the current Certificate of Title, Schedule of Easements and Title Plan (Available from Service Tasmania Offices)            | ✓                        |
| 3. Any reports, certificates or written statements to accompany the Application (if applicable) required by the relevant zone or code. | <input type="checkbox"/> |
| 4. Prescribed fees payable to Council ( <i>Purchase Order attached</i> )   | ✓                        |

### Information

If you provide an email address in this form then the Southern Midlands Council ("the Council") will treat the provision of the email address as consent to the Council, pursuant to Section 6 of the Electronic Transactions Act 2000, to using that email address for the purposes of assessing the Application under the Land Use Planning and Approvals Act 1993 ("the Act").

If you provide an email address, the Council will not provide hard copy documentation unless specifically requested.

It is your responsibility to provide the Council with the correct email address and to check your email for communications from the Council.

If you do not wish for the Council to use your email address as the method of contact and for the giving of information, **please tick** ✓ the box

### Heritage Tasmania

If the Property is listed on the Tasmanian Heritage Register then the Application will be referred to Heritage Tasmania unless an Exemption Certificate has been provided with this Application. (Phone 1300 850 332 (local call cost) or email [enquires@heritage.tas.gov.au](mailto:enquires@heritage.tas.gov.au))

### TasWater

Depending on the works proposed Council may be required to refer the Application to TasWater for assessment (Phone 136992)

### PRIVACY STATEMENT

The Southern Midlands Council abides by the Personal Information Protection Act 2004 and views the protection of your privacy as an integral part of its commitment towards complete accountability and integrity in all its activities and programs.

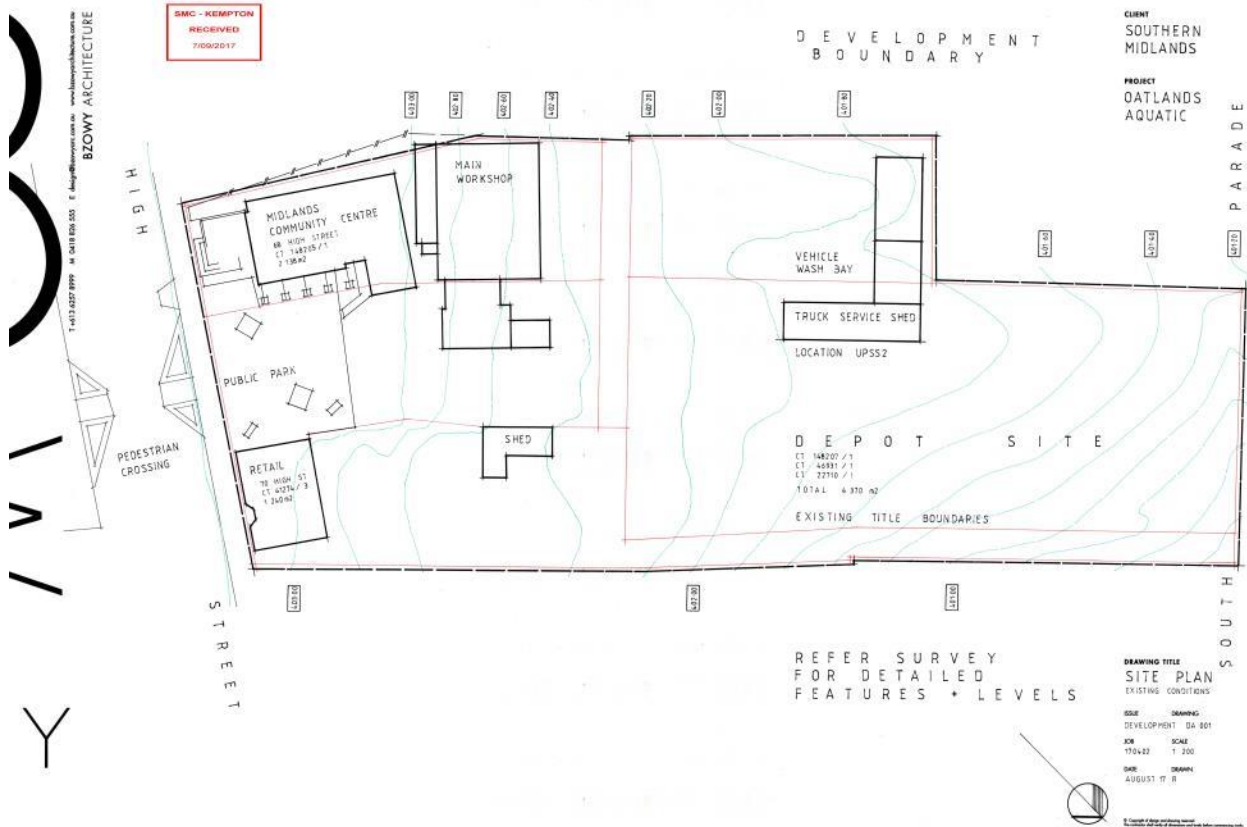
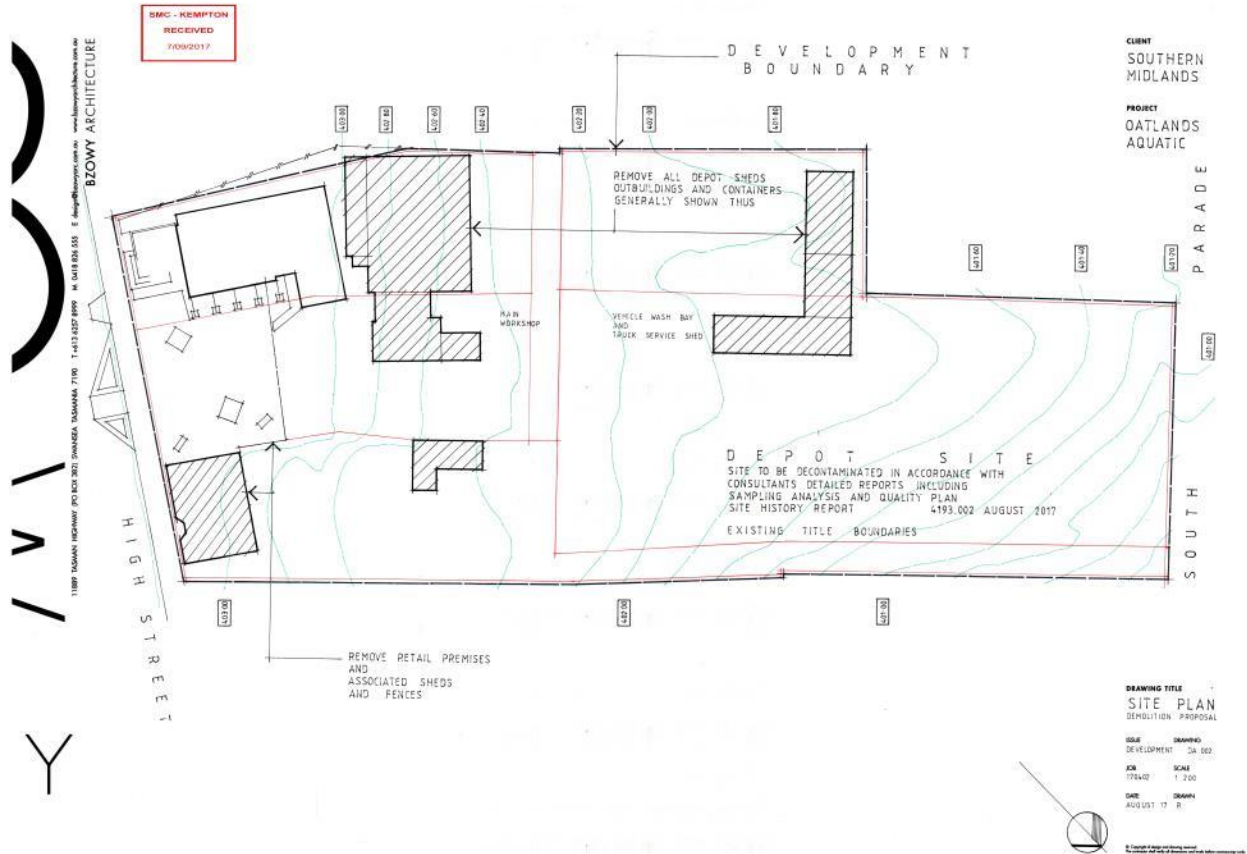
**Collection of Personal Information:** The personal information being collected from you for the purposes of the Personal Information Protection Act, 2004 and will be used solely by Council in accordance with its Privacy Policy. Council is collecting this information from you in order to process your application.

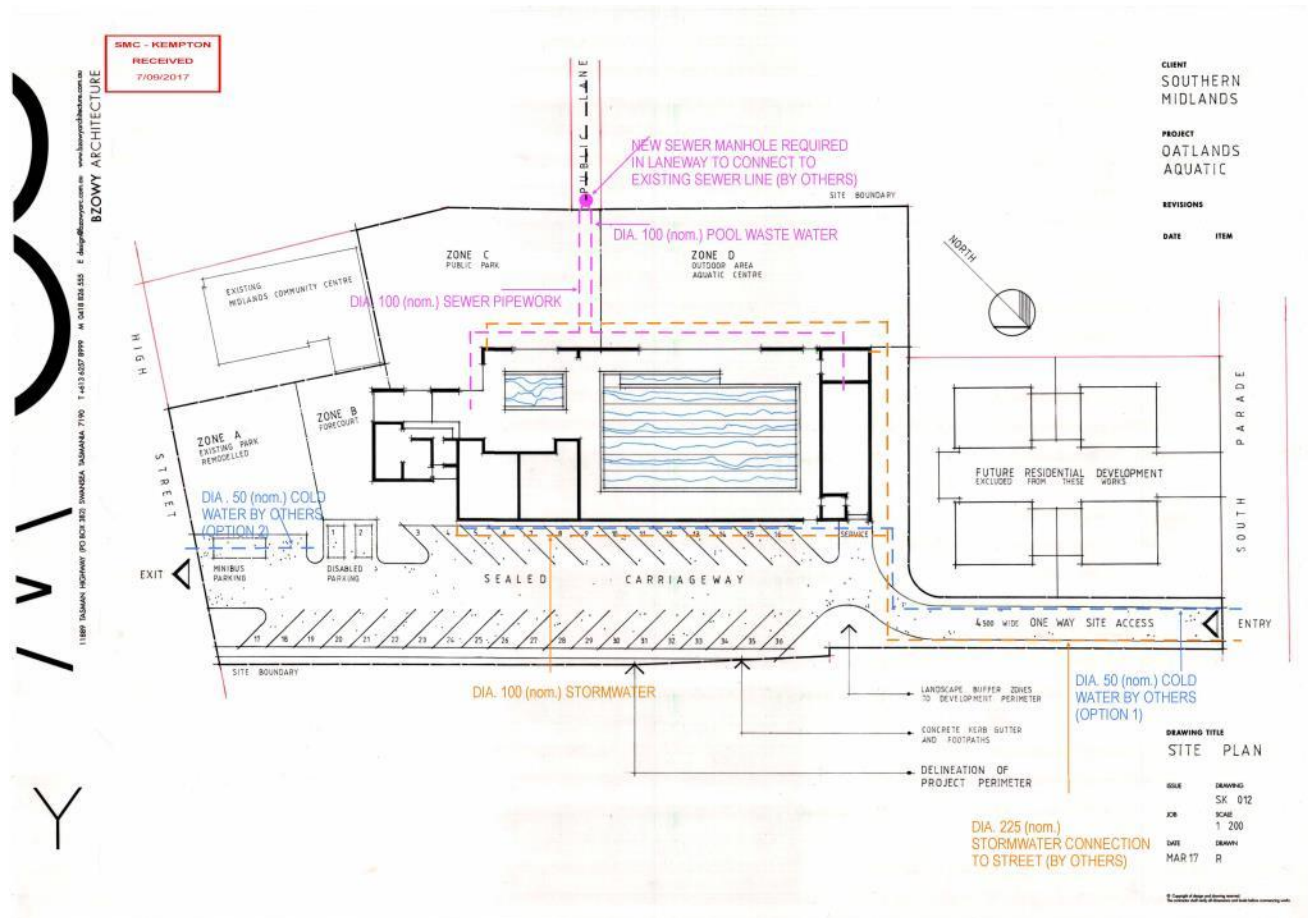
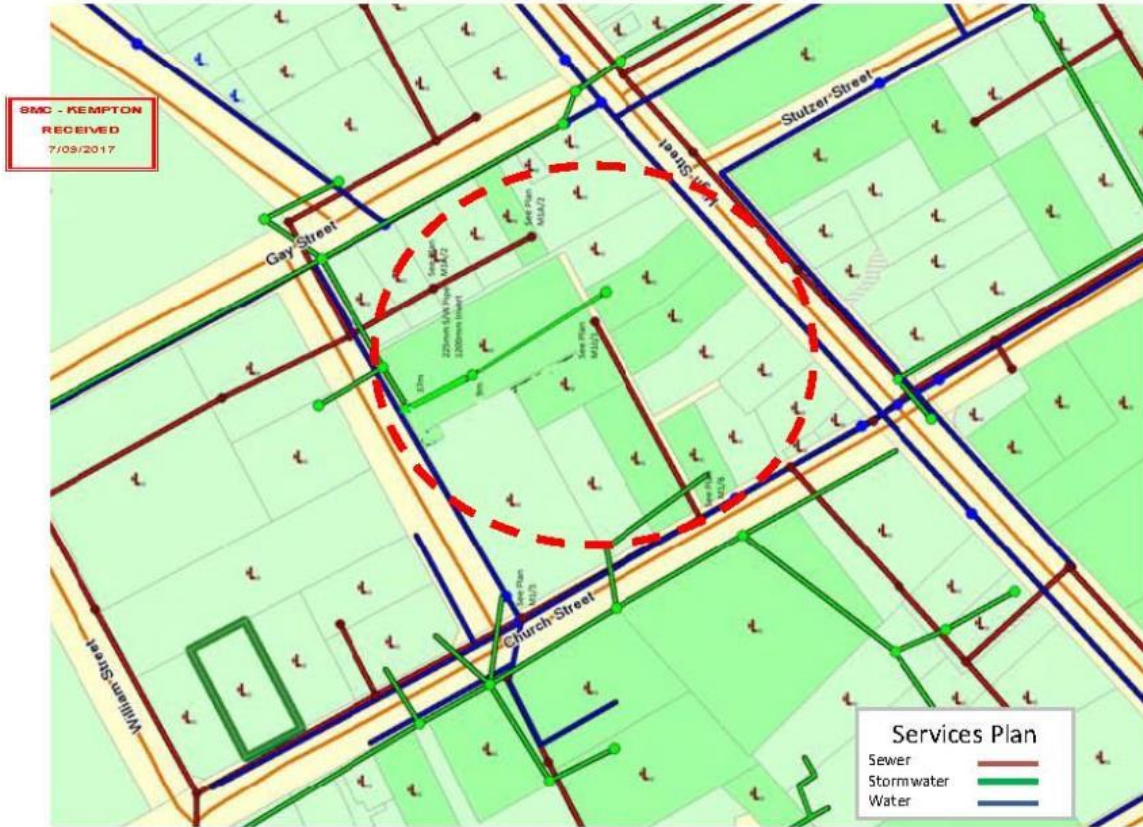
**Disclosure of Personal Information:** Council will take all necessary measures to prevent unauthorised access to or disclosure of your personal information. External organisations to whom this personal information will be disclosed as required under the Building Act 2000. This information will not be disclosed to any other external agencies unless required or authorised by law.

**Correction of Personal Information:** If you wish to alter any personal information you have supplied to Council please telephone the Southern Midlands Council on (03) 6259 3011. Please contact the Council's Privacy Officer on (03) 6254 5000 if you have any other enquires concerning Council's privacy procedures.

Address all correspondence to:  
The General Manager, PO Box 21, Oatlands, Tasmania 7120  
Or by Email Address: [mail@southernmidlands.tas.gov.au](mailto:mail@southernmidlands.tas.gov.au) 'in single PDF file format'  
Phone (03) 62593011











**EXTRACT**

**Southern Midlands Council Municipal Works Depot, Oatlands  
–  
Site History Report and Sampling Analysis and Quality Plan**

**4 August 2017 – PROPOSAL FINAL - Project No: 4193.002**



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## **2. EXECUTIVE SUMMARY**

In May 2017, SEMF Pty Ltd (SEMF) was engaged by Bzowy Architecture to review the existing site history investigation (SEMF, June 2013) of Southern Midlands Council's (SMC's) Oatlands Works Depot (18 Church Street), the Oatlands Community Centre (68 High Street) and a vacant premises (70 High Street), hereafter referred to as the 'Property', to update the information for the intervening years and update the report to meet current regulatory requirements, prior to submitting the revised Development Application (DA). The revised DA relates to redevelopment of part of the Property as an aquatic centre.

The objectives of the Site History Report (SHR) and Sampling, Analysis and Quality Plan (SAQP)(this report) are to collect Property information, identify the potential for contamination to have occurred on the Property, identify potential areas of contamination, potentially affected media and contaminants of potential concern (CoPC), by reviewing available information and conducting interviews.

The information collected has enabled a preliminary Conceptual Site Model (CSM) to be developed (Section 7). Based on existing information and identified knowledge gaps captured in the preliminary CSM, a SAQP has been developed (Section 8) for recommended field sampling. The SHR and SAQP indicates that all potential Property land and/or groundwater contamination is likely to be the result of SMC Works Depot operations since at least 1952.

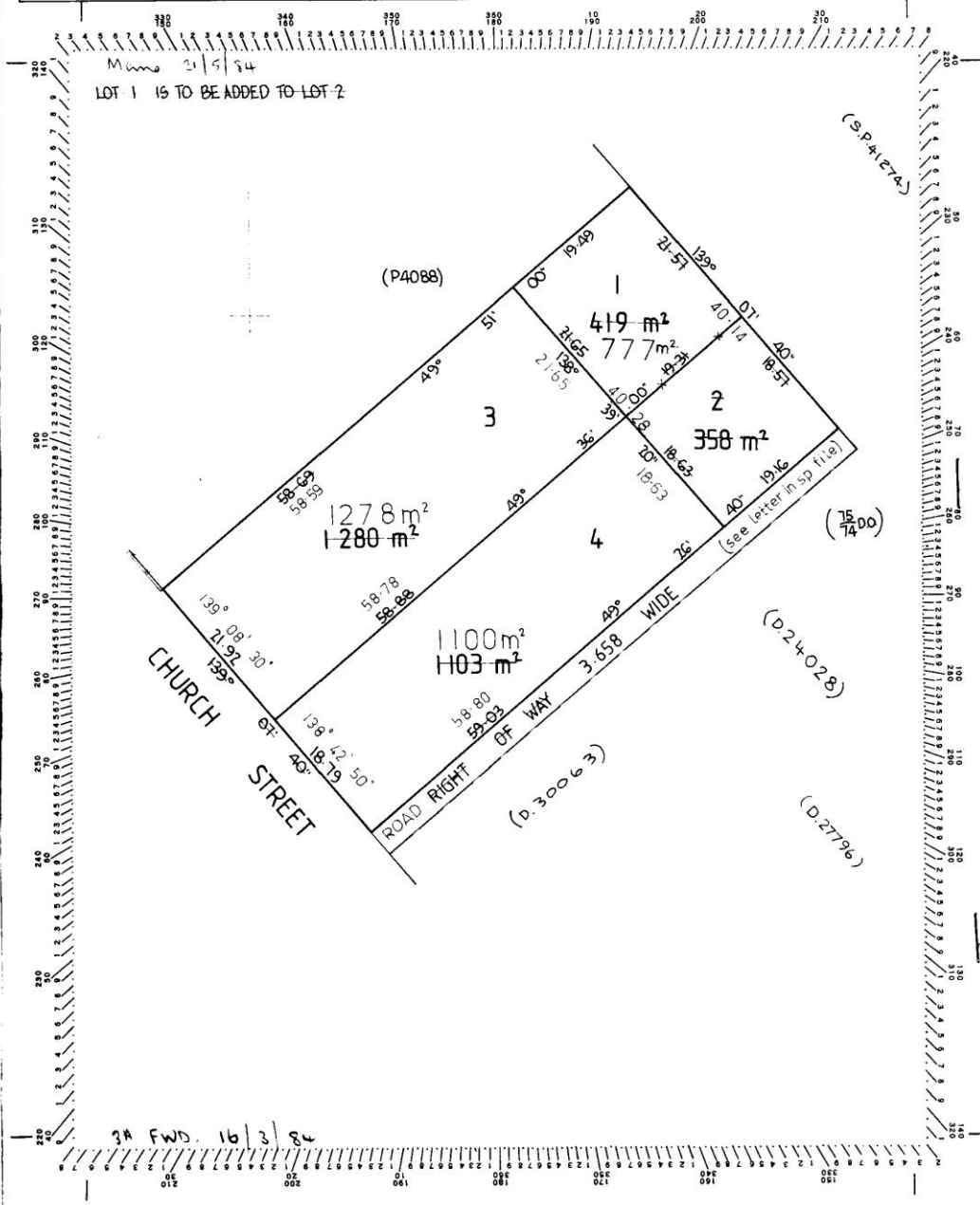
The Works Depot buildings and activities covers most of the Property and no other potential sources of contamination were identified at 68 or 70 High Street.


A summary of the SAQP is provided in Table 8. Sites nominated for sampling are highlighted in orange.

The following recommendations are made:

- Implement the proposed SAQP, consider demolition of above-ground building structures prior to sampling.
- Action any recommendations from the building asbestos audit (completed by others) as required, including obtaining a clearance certificate if any asbestos-containing material (ACM) are removed, prior to demolition.
- Address any groundwater investigation and/or soil remediation that may be required based on the outcomes of implementing the SAQP.

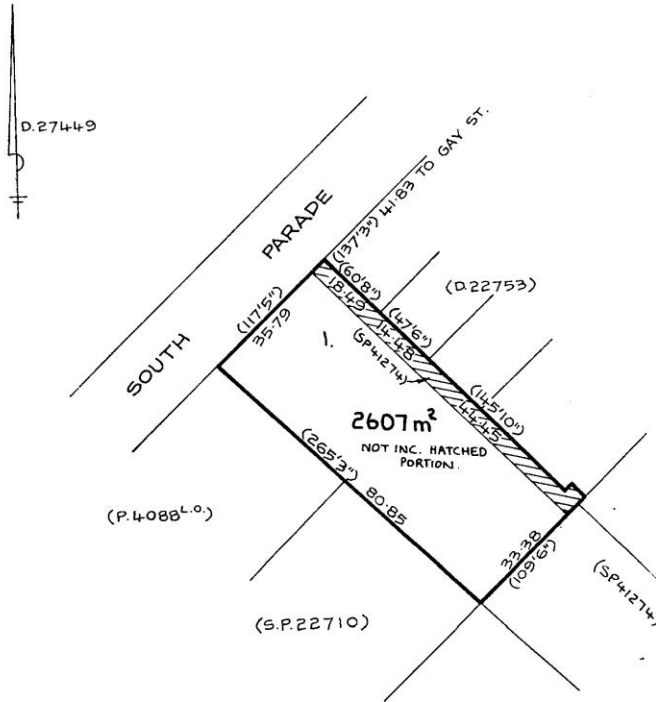
Owner: The Warden Councillors & Electors of the Municipality of Oatlands Title Reference: Conv 19/1877 & Conv 46/1066 Grantee: Part of la 3r 37p J. Robinson pur	PLAN OF SURVEY by Surveyor A.D. CARRICK of land situated in the <b>TOWN OF OATLANDS</b> SCALE 1: 500 MEASUREMENTS IN METRES	Registered Number: <b>S.P22710</b> Approved: 29 AUG 1984 Effective from: <i>E. R. Thorp</i> Recorder of Titles
--	---	---



Owner:	<b>PLAN OF TITLE</b> of land situated in the <b>TOWN OF OATLANDS</b>  COMPILED FROM... D.27449  SCALE $\frac{1}{1}$ MEASUREMENTS IN METRES	Registered Number: <b>D.46931</b>
Title Reference: CT 4216-86		Approved: <b>31 OCT 1990</b>
Grantee:		 Recorder of Titles

SKETCH BY WAY OF ILLUSTRATION ONLY

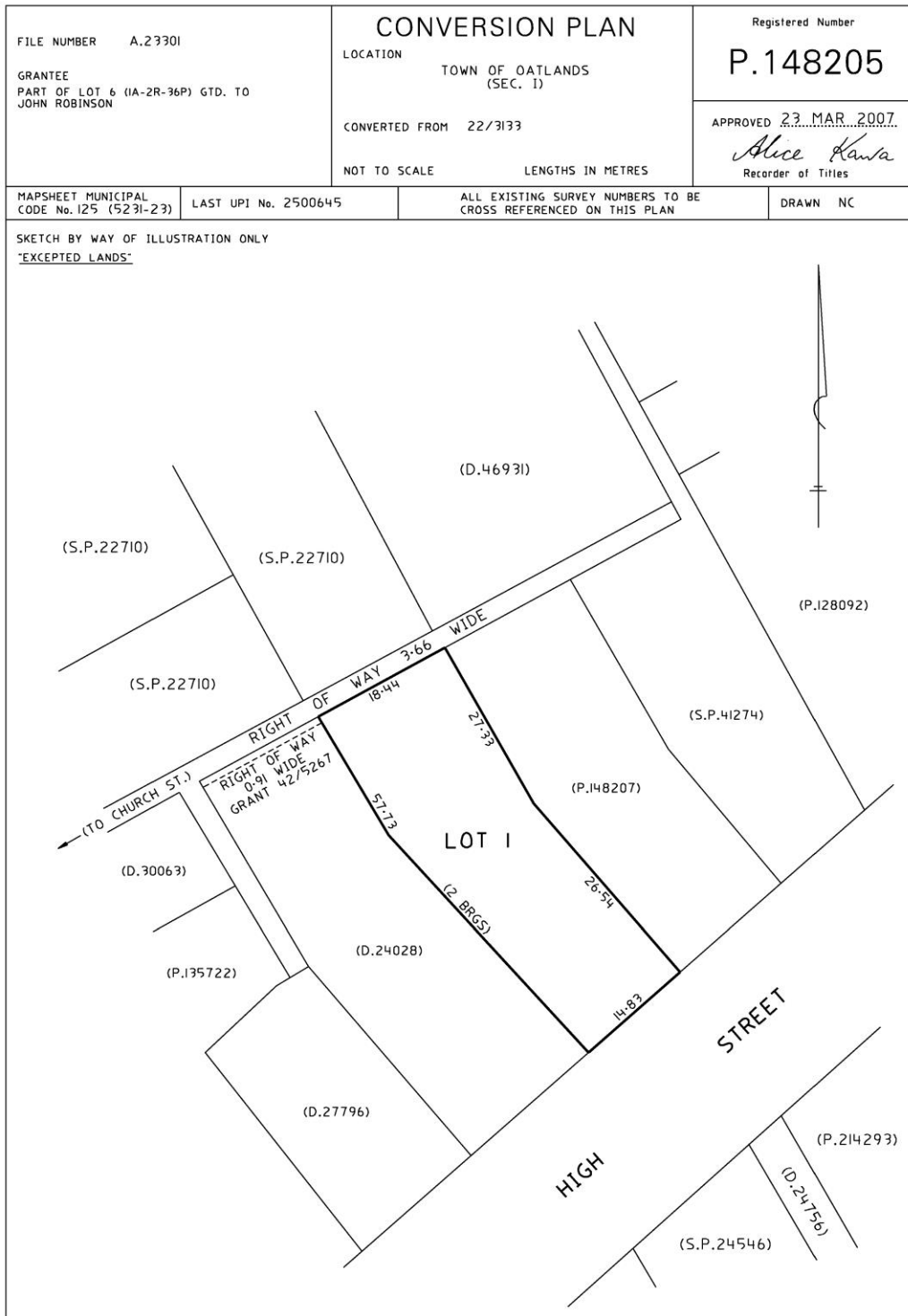
CITY/TOWN OF OATLANDS, SEC. I.  
 LAND-DISTRICT OF  
 PARISH OF  
 LENGTHS ARE IN METRES. NOT TO SCALE.  
 LENGTHS IN BRACKETS IN LINKS/FEET & INCHES.

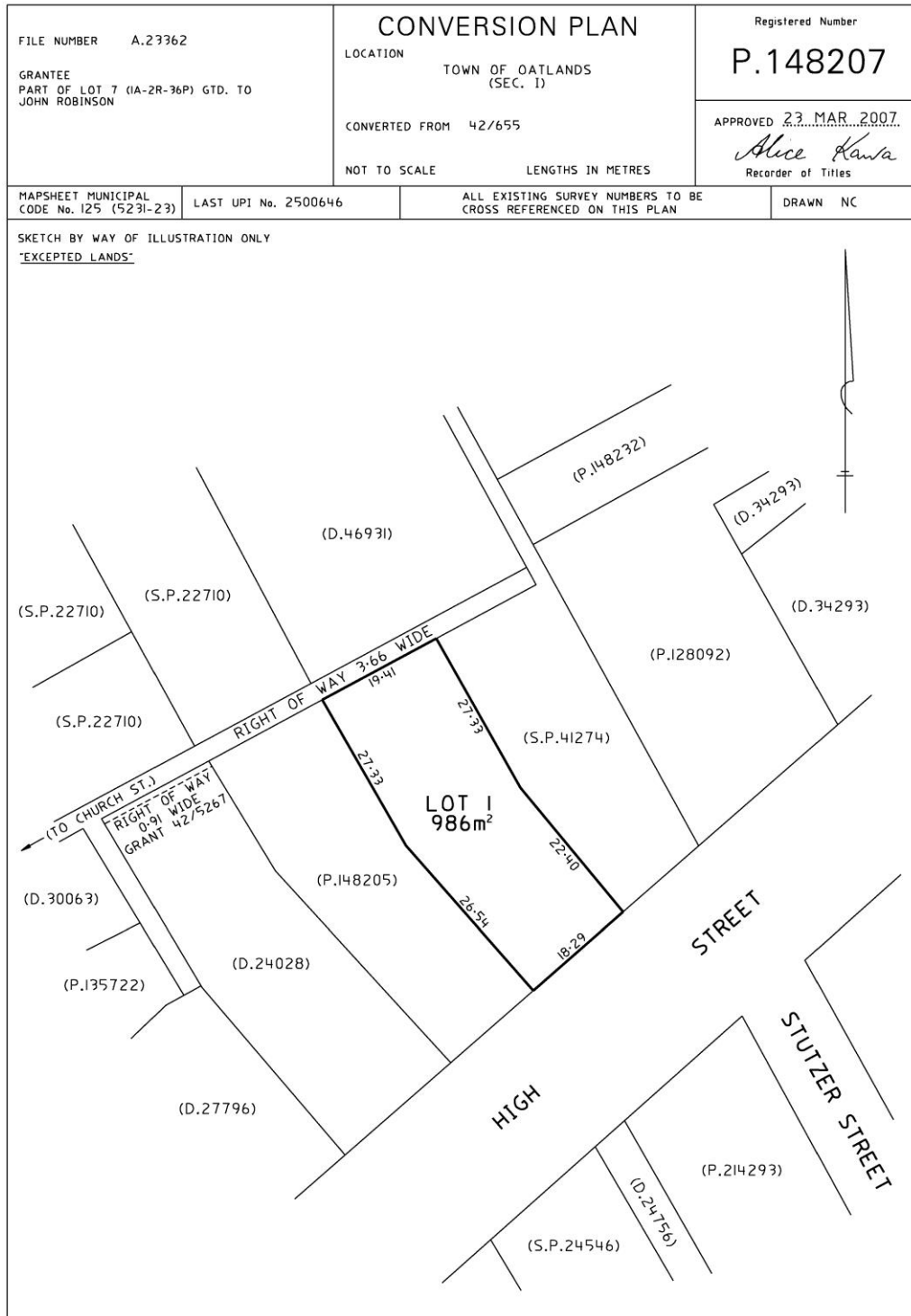


**FOLIO PLAN**

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980









## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME 22710	FOLIO 1
EDITION 2	DATE OF ISSUE 09-Jul-2015

SEARCH DATE : 06-Sep-2017

SEARCH TIME : 04.07 PM

### DESCRIPTION OF LAND

Town of OATLANDS

Lot 1 on Sealed Plan 22710

Derivation : Part of 1A-3R-37Ps. Gtd. to J. Robinson

Prior CT 4109/22

### SCHEDULE 1

SOUTHERN MIDLANDS COUNCIL

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

SP 22710 FENCING COVENANT in Schedule of Easements

### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations





## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME 46931	FOLIO 1
EDITION 2	DATE OF ISSUE 09-Jul-2015

SEARCH DATE : 06-Sep-2017  
SEARCH TIME : 04.06 PM

### DESCRIPTION OF LAND

Town of OATLANDS  
Lot 1 on Diagram 46931  
Being the land described in Conveyance No. 61/6392  
Excepting thereout Lot 1 on Sealed Plan No. 41274  
Derivation : Part of 1A-3R-37Ps. and 1A-2R-6Ps. Gtd. to J.  
Robinson  
Prior CT 4216/86

### SCHEDULE 1

SOUTHERN MIDLANDS COUNCIL

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any

### UNREGISTERED DEALINGS AND NOTATIONS

41274 SEALED PLAN Lodged by null on 14-Sep-1989 BP: 41274  
153040 SEALED PLAN Lodged by CROWN LAND SERVICES on  
06-Feb-2008 BP: 153040



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME 148205	FOLIO 1
EDITION 1	DATE OF ISSUE 16-Apr-2007

SEARCH DATE : 06-Sep-2017

SEARCH TIME : 04.01 PM

### DESCRIPTION OF LAND

Parish of OATLANDS Land District of MONMOUTH  
Lot 1 on Plan 148205  
Being the land described in Conveyance No.22/3133  
Derivation : Part of Lot 6, 1A-2R-36P Gtd to John Robinson  
Derived from A23301

### SCHEDULE 1

SOUTHERN MIDLANDS COUNCIL

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
22/3133 BENEFITING EASEMENT: Right of Carriageway over the  
Right of Way 3.66 Wide shown on Plan No.148205

### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME 148207	FOLIO 1
EDITION 1	DATE OF ISSUE 16-Apr-2007

SEARCH DATE : 06-Sep-2017

SEARCH TIME : 04.02 PM

### DESCRIPTION OF LAND

Parish of OATLANDS Land District of MONMOUTH  
Lot 1 on Plan 148207  
Being the land described in Conveyance No.42/0655  
Derivation : Part of Lot 7 (1a-2r-36p) granted to John Robinson  
Derived from A23362

### SCHEDULE 1

SOUTHERN MIDLANDS COUNCIL

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
42/0655 BENEFITING EASEMENT: Right of Carriageway over the  
Right of Way 3.66 wide shown on Plan No.148207  
42/5267 BENEFITING EASEMENT: Right of Carriageway over the  
Right of Way 0.91 wide shown on Plan No.148207

### UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



**Telephone Enquiries:**  
 (03) 6254 5000 - Oatlands Office  
 (03) 6259 3011 - Kempton Office

**Facsimile:**  
 (03) 6254 5014 - Oatlands Office  
 (03) 6259 1327 - Kempton Office

**Email:**  
 mail@southernmidlands.tas.gov.au

**Correspondence:**  
 71 High Street (PO Box 21) Oatlands, TAS 7120

**OFFICIAL ORDER**

ABN: 68 653 459 589

Supplier Details

Supplier: Southern Midlands Council  
 Address: P.O. Box 21 Date: 06.09.17  
 Suburb: Oatlands  
 State: Tas Postcode: 7120 Order No. **32603**

SMC Supplier Ref:

Please supply the undermentioned goods and charge same to the Southern Midlands Council

Qty	Description	Unit Cost	Total	Council Costing Council Use Only
	<u>Development Application Fees for the (Council) Depot Oatlands Demolition.</u>			

**Delivery Instructions:**

Tick  location where goods are to be delivered

- Council Offices 71 High Street, Oatlands 7120
- Council Depot 16 Church Street, Oatlands 7120
- Other Delivery Instructions: \_\_\_\_\_
- Council Offices 85 Main Street, Kempton 7030
- Council Depot Station Street, Kempton 7030

per   
 General Manager

**IMPORTANT:** The number on this Order must be quoted on all invoices for goods covered by this Authority.

SOUTHERN MIDLANDS COUNCIL

Rec'd 29 SEP 2017

File no \_\_\_\_\_

Ref: \_\_\_\_\_

The General Manager  
Southern Midlands Council  
PO Box 21  
Oatlands 7120

29/9/17

re: DA 2017/97 Demolition/Remediation at 18 Church Street and 68 High Street Oatlands 7120

Dear General Manager,

I wish to object to the above Development Application on the grounds that insufficient information has been provided as to the specific nature of the demolition/ remediation works at the above sites, at least in the documentation provided to the public. So I am objecting on the basis of the information that has been made publicly available only – I do not know if there is any further information in connection with this matter that has not been made public.

The SEMF Site History Report and Sampling Analysis and Quality Plan is not included in the DA documentation in full – only the front page, pages 2 and 3 - the list of contents- and the Executive Summary on page 4 which is very brief. The summary includes the recommendation to "...consider demolition of above-ground building structures prior to sampling" and that the Plan be implemented and any soil remediation that may be required, "based on the outcomes of the Plan." However the full detail of the Plan itself which is being relied upon to support these recommendations is not put forward in this DA.

The works detail or lack thereof, is also relevant as 18 Church Street is in the Historic Village Precinct and with regard to its history, is a Place of Archaeological Potential. If there is significant excavation at the site then archaeology will be destroyed and/or removed.

This DA does not provide any information as to the extent of works required to be undertaken in the remediation so it should not be approved before sufficient investigation and reporting occurs to enable the preparation of a detailed plan which can then be assessed and considered by interested parties.

Yours sincerely



Mr T. Kirkwood  
General Manager  
P.O. Box 21  
Oatlands 7120

28 September 2017

SOUTHERN MIDLANDS COUNCIL

Rec'd 29 SEP 2017

File no \_\_\_\_\_

Ref: \_\_\_\_\_

Dear Mr Kirkwood

*Representation on the proposed demolition and remediation works to be carried out at 18 Church Street, 68 and 70 High Street*

I have three major concerns about this proposal:

- (1) Fragile colonial foundations do not tolerate repeated vibrations caused by, for example, impact drills and trucks carrying heavy loads. I live in a house that was built in 1862 and has this type of foundations
- (2) For the reason stated at (1) above, trucks removing soil and building materials, etc., should not be allowed along South Parade or Gay Street. Please note that the Council responsible for Richmond has banned trucks in historic areas
- (3) The dust from the excavation and removal of contaminated soil on the Works Depot site will be toxic and will pose a health threat to residents and visitors, particularly as much of the work in demolition and remediation appears to be scheduled for the summer months. There has been a problem with dust in the Works Depot in the past – e.g in early 1989 when the dust rose from a gravel surface and blew into surrounding streets. How much worse it will be when there is just a bare soil surface!

Yours sincerely





Mr T. Kirkwood  
General Manager  
P.O. Box 21  
Oatlands 7120

28 September 2017

Dear Mr Kirkwood (for the attention of Council)

SOUTHERN MIDLANDS COUNCIL

Rec'd 20 SEP 2017

File no \_\_\_\_\_

Ref: \_\_\_\_\_

Representation re proposed demolition and remediation at 18  
Church St, 68 and 70 High Street, Oatlands

My major concern with the DA relating to the above demolition and remediation is that there is no provision for the potential damage which this proposal may inflict on my dwelling house in South Parade. I have been told by your Town Planner that the testing and remediation program to be undertaken by SEMF is **exactly** the same as in the SEMF report provided for the 2013 Aquatic Centre DA, and so I have read this, i.e. your online version of the report, again carefully. The SEMF personnel who undertook the 2013 report made it very clear that there are seven locations with contaminants of potential concern, and that it will be necessary to excavate the soil in these locations to a depth ranging from .5 to 2.5 metres below the surface. These contaminants are listed as diesel and petrol, toluene, ethyl-benzene and o,m, and p xylene, and lead, all of which are highly toxic. In addition to specific remediation provisions for the various locations, the SEMF personnel stated explicitly at p. 17 in the 2013 report that ***'given that the majority of the site has operated as a municipal works depot for over 40 years, it is reasonable to assume that many potentially contaminating incidents have gone unrecorded. Therefore as the site is to be re-developed for a more sensitive use, removal of soil to a depth of 0.5 metres across the entire Works Depot area (defined as the majority of the site) is likely to prove necessary'***.

The SEMP personnel were told in 2012 that the site had been used as a Works depot only since 1970. That has been extended to 1952 in the updated report, according to the executive summary contained in the 2017 DA. However, as I pointed out to the Councillors earlier this year, there was a garage with an underground fuel storage tank on the lot now identified as 68 High Street since **1926**, and the Council has had this lot since **1944** because it needed the garage to accommodate and service a large lorry it had just purchased. The potential for contamination has therefore existed for some **90** years. It is likely that remediation measures involving very large amounts of soil will be necessary, and this means that this soil will have to be transported out of the site. The 1993 diesel spill alone is estimated by SEMF to have covered 450 m<sup>2</sup>, and this area will have to be excavated to a depth of one metre. This site on

its own will produce an enormous amount of soil which will have to be taken away, and this is just one of the seven sites with contaminants of potential concern.

There are two vehicular exits from the site: the right of way to Church Street and the gate to South Parade. If the South Parade exit is used, trucks transporting soil will pass my house if they turn left, and they may also take this route in bringing clean soil back to the site. Tons of this material will have to be moved, and its weight is likely to shake the foundations of my house which are traditional (i.e. **not** concrete), and cause substantial damage to the structure of the building.

**There is no provision in the DA for a prior inspection of my dwelling, or indeed of the other old houses in the vicinity, in order to establish a base against which damage can be measured**

I have **four** other concerns:

- (a) which authority is going to oversee the remediation of the Works Depot site, and guarantee that this has been carried out properly and fully? This has to be done by a recognized authority which is totally independent of the Council so that it can be trusted. People intending to access this site in its more sensitive uses as an Aquatic Centre, public park, etc. need to have an independent assurance that it is safe to do so. I hope that the cost-cutting policy which has reduced the Works Depot relocation by \$450,000 and the Aquatic Centre costs by \$2 ½ million is not going to apply to the remediation of this site
- (b) will the Council be releasing the results of the SEMF investigation and analysis of the Works Depot site contamination in full to the public as soon as these are made available to Council?
- (c) why is it that the updated SEMP report was not made available in full to the public in this 2017 DA? Only 4 pages were available, two of which listed the contents and one was the cover page. A cursory glance at these contents pages indicates that the 2017 report includes sections which were not in the 2013 report in its online version. If there is nothing to hide, why has the 2017 report not been produced in full for the public to read?
- (d) this DA is apparently copyright, so that ratepayers were not permitted to take copies of it. The practice of several other Councils is to put DAs online, and it cannot be argued in



this case that the DA is so lengthy that it would have been impracticable to put it online – there are only 19 pages. This approach to releasing information gives the impression that the Council wants to minimize public scrutiny of its doings as only those who could physically access the Council Chambers in Oatlands or Kempton were able to peruse the DA. Given the importance of the forthcoming DA for the Aquatic Centre, it will be most regrettable if it is also declared copyright, and is not made available online.

I also want to say that the proposed demolition of all the sheds on the 18 Church Street and 68 High Street lot, as well as the building on 70 High Street, is indeed welcome. The latter is a modern building which detracts from the heritage appearance of most of its neighbours, and its removal to permit traffic to exit from the Aquatic Centre is vastly preferable to retention of both the entrance and exit of traffic on to South Parade. As I have now looked at the Works Depot for 26 years, during which time it has largely presented as a cluttered dump, it is good to see the progressive removal of the litter, and I just wish that Bob and Mary Tressillian were still alive to witness it.

Yours sincerely



SOUTHERN MIDLANDS COUNCIL

Rec'd - 2 OCT 2017

File no \_\_\_\_\_

From: \_\_\_\_\_

Mr T Kirkwood  
General Manager,  
Southern Midlands Council  
Oatlands 7120  
29 September 2017

Dear Sir

Representation on demolition and remediation of  
Works Depot DA

I am writing to object to this DA

This is a contaminated site as the SEMF site history report which you commissioned in 2012 or 2013 makes clear. The SEMF engineer and scientist who did this report say that there are contaminants of potential concern, and the contaminants they list are all known to be toxic. They do not say that there are potential contaminants, but that the contaminants are of potential concern. This is based on their talks with your Depot personnel and study of your records about the site. The DA gives no details about what is going to be done to remediate this site, or how much it is going to cost. The site has to be properly and fully remediated in the interests of public health, and from your concept plan, not all that much of the site is going to be dug for the pool itself – Mr Bzowy's 'dirty great hole' - or buried under concrete. There is *going to be* a park that children will be likely to use on what looks like one of the most contaminated bits of the site beside the easement leading out to Church Street. Why is so little information given in the DA? Not even the updated SEMF report is there.

This site is known to have had an old building on it, built in the 1830's. The whole site is in the heritage precinct. Why is there no information in the DA about the impact on whatever remains of this building under the surface? Isn't it silly to talk about moving the present pool out of the old gaol because it is supposed to be damaging it, and then set about destroying whatever heritage there is on this depot site? Hypocrisy!

I bought a house in the town of Oatlands as I loved the heritage homes and quiet locale of the area. I am now leaving due to the Council's decision to continue with this crazy project of placing a noisy, busy swimming pool in a heritage area – because that is what is going to happen after this demolition. You need to think about how many other people are going to be badly affected by this project – and that is going to include all the ratepayers in the municipality who are going to have to pay far more rates to maintain an indoor heated pool, and most of them won't be using it because they live too far away.

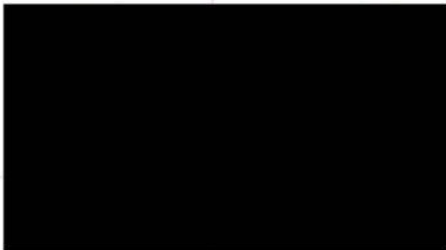
When I read the Southern Midlands Recreation Plan that you put online last March, the person who did it doesn't hesitate to say that pools like this are not viable in small municipalities because not enough people are around to use them, and the average cost of maintaining them is between \$350,000 and \$500,000 a year. What will that do to everybody's rates? What will all those people who would have been quite happy with a swim centre at 1/5<sup>th</sup> of the cost and

•  
•  
maintenance of your project say about you when their rates jump? And if you lift the fees to use the pool fewer people will use it.

As a health professional I believe that demolition and remediation of this site are likely to create a real problem with dust blowing about, causing respiratory problems and worse because it will be toxic. The workers on the site will have protection but what about all the nearby residents and passers-by. Is everybody going to have to wear facemasks for months while this is going on – and it will be months if the site is remediated properly according to the SEMF Report because you will be transporting huge amounts of soil to and fro. How are ratepayers going to know that the site has been cleaned up properly, and is safe for them and their children? This is something else that the DA doesn't tell me.

Your whole pool project has all the makings of being a white elephant, and people are going to have to put with it for generations. As a Council you may think you have achieved a great success with this project, but I think that you will be criticised for making another mistake just like the Council did in the 1950's when it poured concrete into the old gaol.

Yours sincerely



[REDACTED]

[REDACTED]

22 September 2017  
S M Council  
Oatlands 7120

My comments on the demolition of the Works Depot

1. My first concern is the noise and dust which will be made whilst the demolition is ongoing. If the noise becomes a nuisance what is Council going to do about it? As to the dust which will no doubt contain contaminants (see point 4) and at the very least be a source of annoyance to persons in the surrounding area, how is Council going to address the problem of airborne particles? Has the EPA been consulted on methods of control?
2. My other concern is what effect it will have on my property, namely: my fence line and the foundations remaining after the Main Building has gone. Is the new fence to be capable of ensuring my privacy?
3. Of equal or greater importance is the risk of damage to the foundations and structure of the surrounding buildings, most of which are of historical value and all of which are owned by ratepayers who have no wish to suffer for the sake of clearing land owned by the Council for what will possibly prove to be an expensive white elephant.
4. Most important, however, is the contamination of the site. I understand from research that the site was in the 1920s used as a fuel station with an underground tank. Has the Council had the EPA assess the area for contaminants and will the renovation of the site comply with the EPA laws? What is being done to neutralise the risk of contaminated water, dust, etc. from infiltrating the neighbouring area, most of which contains private dwellings
5. Having made the above comments, I would like to add that it is a pleasure to see that the Council Depot is at last being relocated to a more appropriate site.

1

Sincerely,

[REDACTED]

2

**11.2 SUBDIVISIONS**

Nil.

**11.3 MUNICIPAL SEAL (Planning Authority)**

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

Nil.

## 11.4 PLANNING (OTHER)

### 11.4.1 PETITION TO AMEND SEALED PLAN NUMBERS 170509 AND 167395 – AMEND RIGHTS OF WAY – 3452 MIDLAND HIGHWAY, MELTON MOWBRAY – E C & M J BATT

*File Ref:* T3289639

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

**Date:** 18 OCTOBER 2017

**Attachments:**

1. *Application to Amend Sealed Plan 170509 and 167395*
2. *Title Documents - Sealed Plan 170509 and 167395*

## INTRODUCTION

This report seeks to amend the Sealed Plans at 3452 Midland Highway, Melton Mowbray.

The proposed amendments to the Sealed Plans are:

- Remove the existing 10.06m wide Right of Way easement from Plans 170509 and 167395 (benefitting 'The Follies', CT 172811/1);
- Replace the expunged Right of Way with a new Right of Way relocated to the south, along the boundary between CT167395/1 and CT170509/1; and
- Create a Right of Way 6m wide on Plan 167395 parallel to the frontage with the Midland Highway.

## DETAIL

A petition to amend the Sealed Plans has been received that has been signed by all parties affected by the outcome. No other parties will be impacted.

The proposed changes will allow the affected parties to manage their respective properties more efficiently.

## STATUTORY PROCESS

Under section 103 of the *Local Government (Building & Miscellaneous provisions) Act 1993* (the LGBMP Act) a person may apply 'by petition' to the Council to amend a sealed plan.

The person is to serve a copy of the petition on all persons appearing by the registers under the Land Titles Act 1980 and the Registration of Deeds Act 1935 to have an estate or interest at law affected by the proposed amendment.

In this case the proposal has been signed by all affected parties and can proceed without further action.

## ASSESSMENT

The matter has been discussed at the Development Assessment Committee meeting and the Officers' recommend the Council Amend the Sealed Plan and that it be lodged with the Lands Titles Office.

It is recommended Council sign and seal the Instrument Form in accordance with the Solicitor's advice for lodgement at the Lands Titles Office.

## RECOMMENDATION

**THAT in accordance with Section 103 of the *Local Government (Building & Miscellaneous Provisions) Act 1993* Council Sign and Seal an 'Instrument Form' to be lodged at the Land Titles Office with a Request to Amend Sealed Plans 170509 & 167395 to amend the 'Rights of Carriageway' as proposed and amend the relevant wording in the Schedule of Easements.**

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



**ATTACHMENT**  
*Agenda Item 11.4.1*



PETITION TO THE SOUTHERN MIDLANDS COUNCIL TO AMEND SEALED PLAN NUMBERS 170509 and 167395 PURSUANT TO SECTION 103 OF THE LOCAL GOVERNMENT (BUILDING AND MISCELLANEOUS PROVISIONS) ACT 1993

EDWIN CHARLES BATT and MARTINE JANE BATT of 3452 Midland Highway Melton Mowbray Tasmania being the registered proprietors of land comprised in Certificates of Title Volume 170509 Folio 1 and 167395 Folio 1 and THE FOLLIES PTY LTD of Level 1, 160 Collins St Hobart Tasmania, being the Registered Proprietor of land comprised in Certificate of Title Volume 2785 Folio 78 hereby petition the Southern Midlands Council to amend Sealed Plans 170509 and 167395

1. By removing the 10.06m wide Burdening Easement for Right of Carriageway on Plan 170509 and on Plan 167395 and deleting all reference to that Easement from the Schedule of Easements relating to Lot 1 on Plan 170509 and Lot 1 on Plan 167395
2. By relocating the expunged Right of Carriageway on Plan 170509 and on Plan 167395 by the creation of Right of Way B 10.06 wide in accordance with the Easement Plan on the Plan of Survey Certified on 21/9/2016 by Justin Welch of Hobart, Registered Land Surveyor annexed hereto.
3. By creating Right of Way A 6.00 wide on sealed Plan 167395 in accordance with the annexed Plan of Survey

Other than the parties to this Petition there are no other persons affected by its outcome and all have been served with a copy of it. All the parties seek the outcome sought by this petition to more efficiently conduct their respective farming operations.

Dated this 21<sup>st</sup> day of SEPTEMBER, 2017

Signed by Edwin Charles Batt

In the presence of:

*Justin Jones* *E. Batt*

Signed by Martine Jane Batt

In the presence of:

*Justin Jones* *M. Batt*

Signed on behalf of The Follies Pty Ltd by

In the presence of:

*R. G. Jones*  
*Justin Jones*

WITNESS: JUSTIN JONES  
3454 MIDLAND HWY  
MELTON MOWBRAY 7036



TASMANIAN LAND TITLES OFFICE

Blank Instrument Form  
 Land Titles Act 1980



DESCRIPTION OF LAND			
Folio of the Register			
Volume	Folio	Volume	Folio

REQUEST TO AMEND PLAN NUMBER 170509 and 167395

TO: The Recorder of Titles, Land Titles Office

134 Macquarie St

HOBART 7000

IN THE MATTER of section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993

Pursuant to section 103 of the Local Government (Building and Miscellaneous Provisions) Act 1993 the Southern Midlands Council requests Sealed Plans 170509 and 167395 be amended in the following terms

1. By removing the 10.06m wide Burdening Easement for Right of Carriageway on Plan 170509 and on Plan 167395 and deleting all reference to that Easement from the Schedule of Easements relating to Lot 1 on Plan 170509 and Lot 1 on Plan 167395
2. By relocating the expunged Right of Carriageway on Plan 170509 and on Plan 167395 by the creation of Right of Way B 10.06m wide in accordance with the Easement Plan on the Plan of Survey Certified on 21/9/2016 by Justin Timothy Welch of Hobart, Registered Land Surveyor annexed hereto
3. By creating Right of Way A 6.00 wide on Sealed Plan 167395 in accordance with the annexed Plan of Survey

THE COMMON SEAL of the SOUTHERN MIDLANDS )

COUNCIL has been affixed )

In the presence of: )

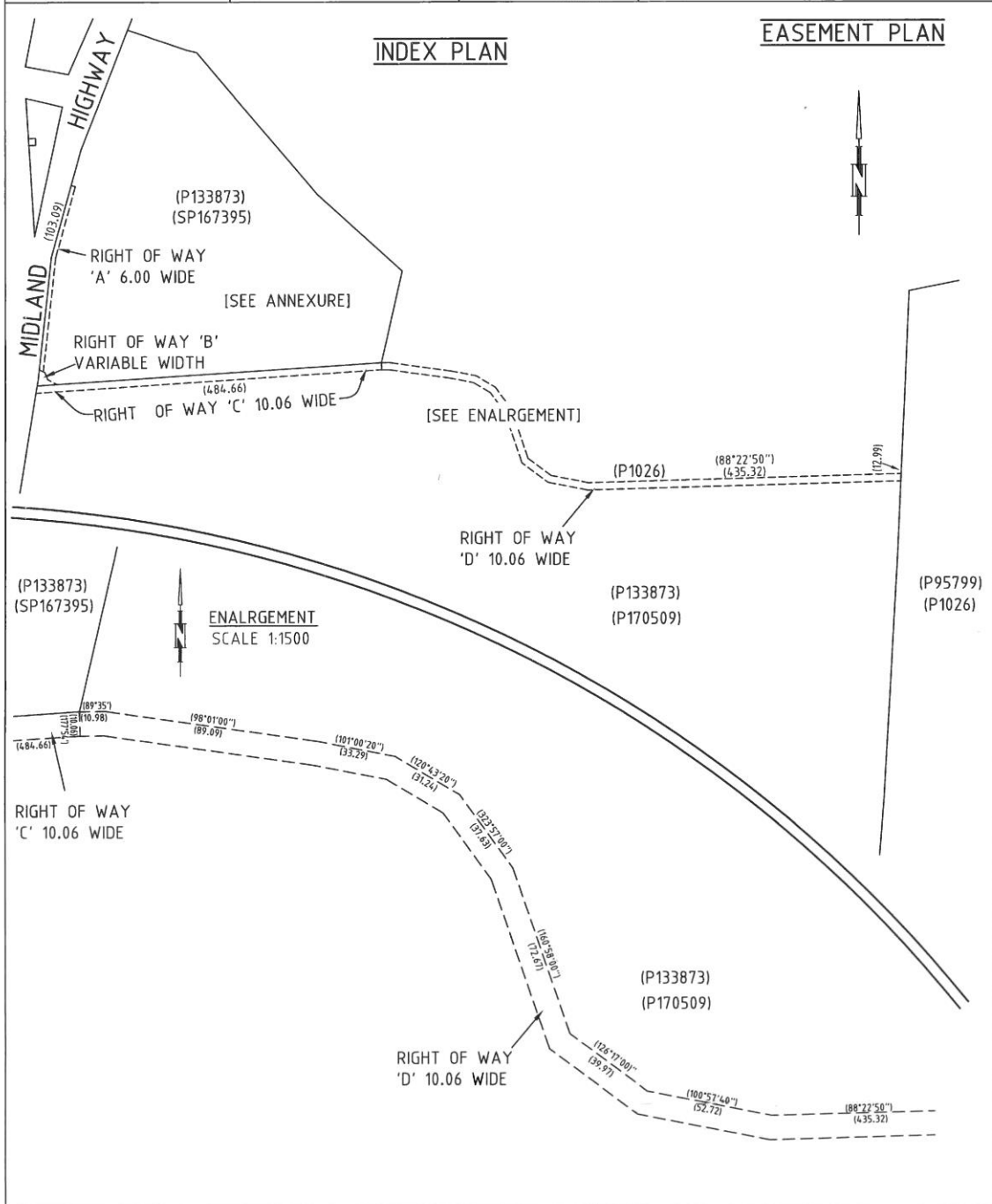
Land Titles Office Use Only

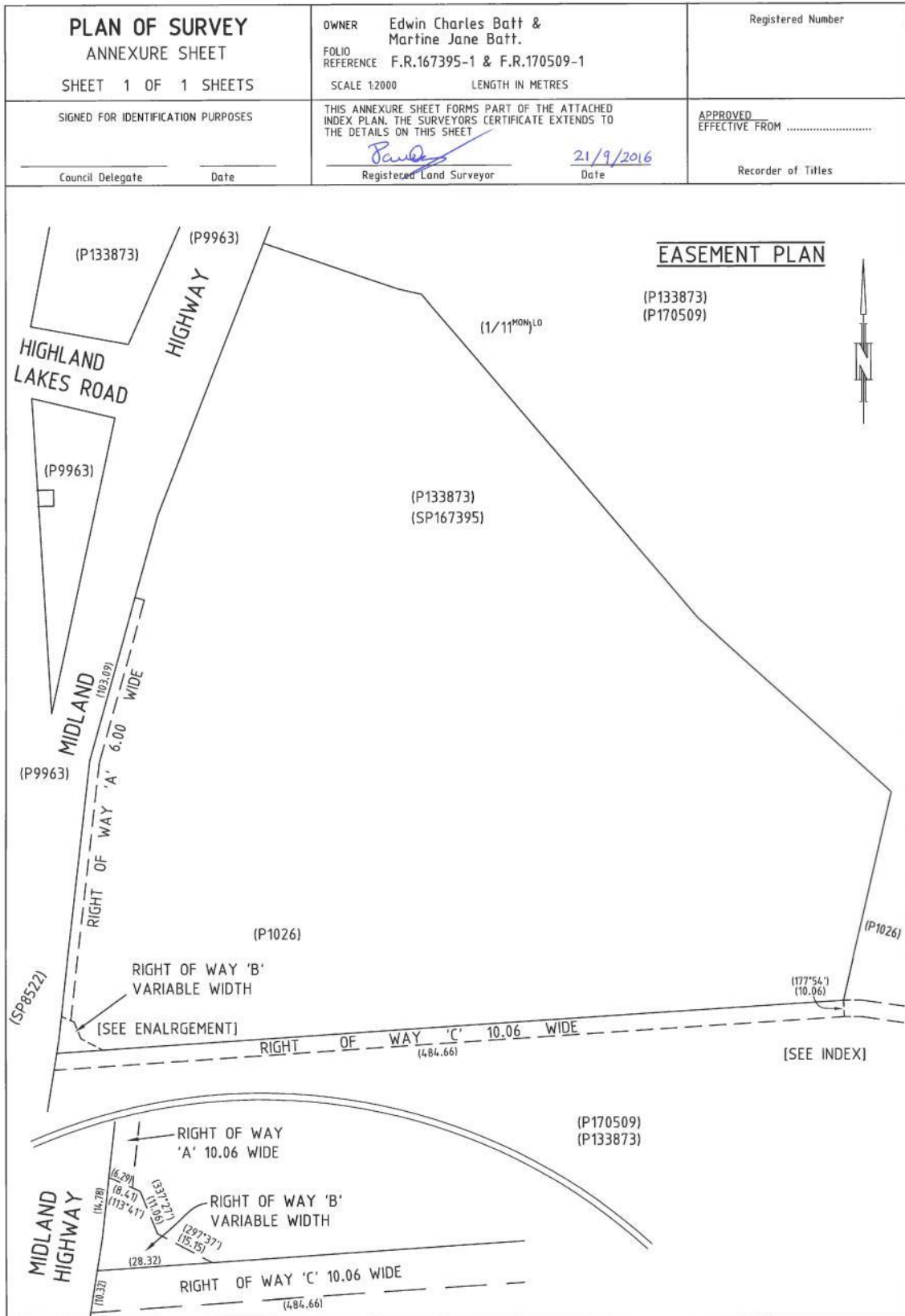
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Version 1

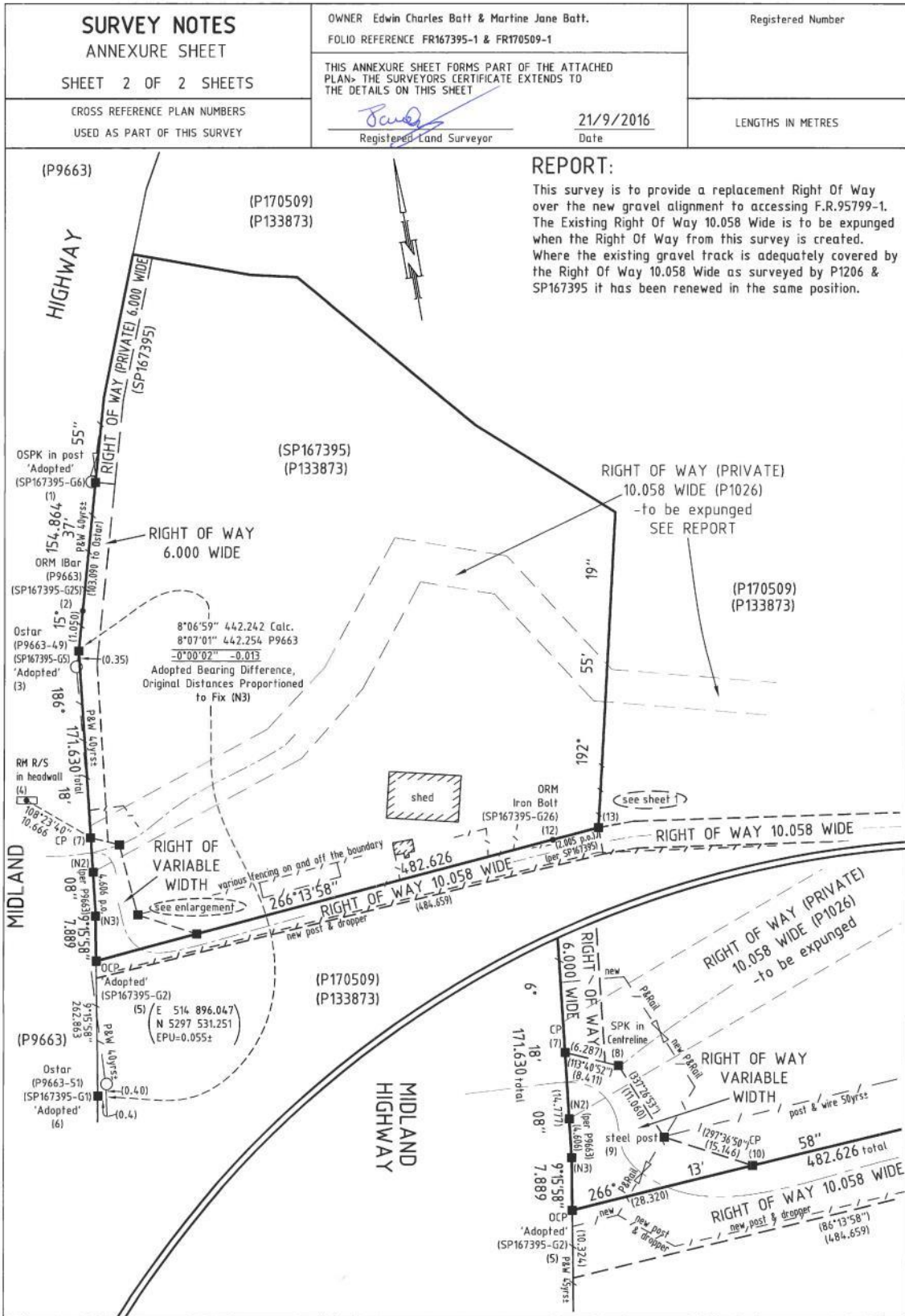
THE BACK OF THIS FORM MUST NOT BE USED

OWNER Edwin Charles Batt & Martine Jane Batt. FOLIO REFERENCE F.R.167395-1 & F.R.170509-1 GRANTEE Part of 3700 Acres gtd. to Thomas Lloyd Gellibrand, Part of 1500 Acres gtd. to George Cartwright & Robert Pitcairn and Part of 1268 Acres, John Hone Purchaser.	<b>PLAN OF SURVEY</b>		Registered Number
	BY SURVEYOR J. T. WELCH of PDA SURVEYORS PTY. LTD. 127 BATHURST STREET, HOBART	LOCATION Land District of <b>MONMOUTH</b> Parish of <b>WINTERTON</b>	
MAPSHEET MUNICIPAL CODE No. 125 (5029)	LAST UPI No	SCALE: 1:5000	LENGTHS IN METRES
LAST PLAN No. SP167395 P170509	SURVEYORS REF: T1113C	ALL EXISTING SURVEY NUMBERS TO BE CROSS REFERENCED ON THIS PLAN	









Registered Number

### COUNCIL APPROVAL

(Insert any qualification to the permit under section 83(5), section 109 or section 111 of the Local Government (Building & Miscellaneous Provisions) Act 1993)  
The subdivision shown in this plan is approved

SEAL NOT REQUIRED  
EASEMENT PLAN ONLY

In witness whereof the common seal of  
has been affixed, pursuant to a resolution of the Council of the said municipality  
passed the        day of        20        , in the presence of us

Member .....

Member .....

Council Delegate .....

Council Reference .....

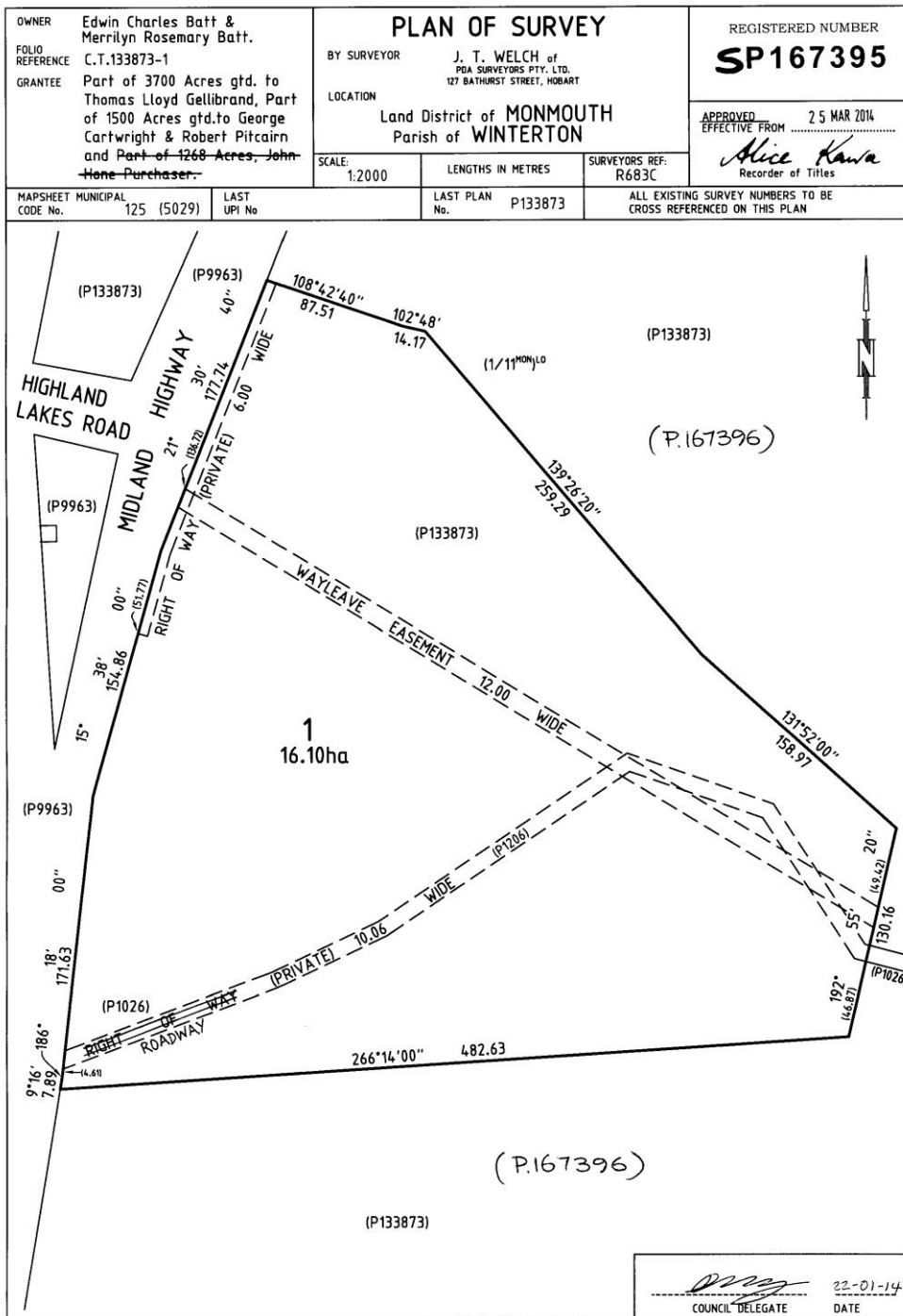
### NOMINATIONS

For the purpose of Section 88 of the Local Government (Building & Miscellaneous Provisions) Act 1993  
the owner has nominated

..... Solicitor to act for the owner  
PDA SURVEYORS Pty. Ltd. Surveyor to act for the owner  
Surveyors Reference: T1113C

OFFICE EXAMINATION:        Indexed .....        Computed .....        Examined .....





<b>SCHEDULE OF EASEMENTS</b>	Registered Number
<b>NOTE:</b> THE SCHEDULE MUST BE SIGNED BY THE OWNERS & MORTGAGEES OF THE LAND AFFECTED. SIGNATURES MUST BE ATTESTED.	<b>SP 167395</b>

PAGE 1 OF 2 PAGE/S

**EASEMENTS AND PROFITS**

Each lot on the plan is together with:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as may be necessary to drain the stormwater and other surplus water from such lot; and
- (2) any easements or profits a prendre described hereunder.

Each lot on the plan is subject to:-

- (1) such rights of drainage over the drainage easements shown on the plan (if any) as passing through such lot as may be necessary to drain the stormwater and other surplus water from any other lot on the plan; and
- (2) any easements or profits a prendre described hereunder.

The direction of the flow of water through the drainage easements shown on the plan is indicated by arrows.

**Right of way**

Lot 1 on the plan is SUBJECT TO a right of carriageway (in favour of the Balance Land) over that part of Lot 1 shown on the plan as "RIGHT OF WAY (PRIVATE) 6.00 WIDE".

Lot 1 on the plan is SUBJECT TO a right of carriageway (appurtenant to the land comprised in folio of the Register Volume 435 Folio 183) over the ROADWAY, 10.06 WIDE shown on Plan ~~133873~~ (subject to conditions (if any)).  
 (PRIVATE) the

**Wayleave easement**

Lot 1 on the plan is SUBJECT TO a Wayleave Easement over that part of Lot 1 shown on the plan as "WAYLEAVE EASEMENT 12.00m WIDE" in favour of Aurora.

**Fencing provision**

In respect of each lot shown on the plan the Vendor will not be required to fence.

**Definitions**

**Aurora** means Aurora Energy Pty Ltd (ACN 082 464 622) or its legal successors from time to time.

**Balance Land** means the balance of the land remaining in folio of the Register Volume 133873 Folio 1 at the date of acceptance of the plan excepting lot 1 on the plan.


**Vendor** means Merrilyn Rosemary Batt and Edwin Charles Batt or their legal successors from time to time

**Wayleave Easement means:**

Firstly, the full and free right and liberty for Aurora its servants, agents and contractors at all times:

- (a) to clear the land marked "WAYLEAVE EASEMENT 12.00m WIDE" (**Servient Land**); and
- (b) to lay, erect, construct, place, replace, inspect, operate, alter, add to, install, remove, repair, renew, maintain, modify and/or use, upon, over, under and/or along the Servient Land towers, poles, wires, cables, apparatus, appliances and/or other ancillary work (all of which are collectively referred to as

(USE ANNEXURE PAGES FOR CONTINUATION)

SUBDIVIDER: Merrilyn Rosemary Batt and Edwin Charles Batt FOLIO REF: 133873/1 SOLICITOR & REFERENCE: M+K dobson mitchell allport lawyers James Ramsay	PLAN SEALED BY: Southern Midlands Council DATE: 22 January 2014 REF NO. 1977104  Council Delegate
<p><b>NOTE:</b> The Council Delegate must sign the Certificate for the purposes of identification.</p>	



<b>ANNEXURE TO                  SCHEDULE OF EASEMENTS</b> PAGE 2 OF 2 PAGES	Registered Number <b>SP167395</b>
SUBDIVIDER: Merrilyn Rosemary Batt and Edwin Charles Batt FOLIO REFERENCE: 133873/1	

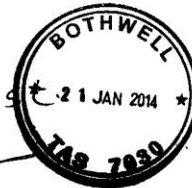
the **Electricity Infrastructure**) for the transmission and distribution of electrical energy and for purposes incidental to that;

- (c) to cause or permit electrical energy to flow or be transmitted through and along the Electricity Infrastructure;
- (d) to cut away, remove and/or keep clear of the Electricity Infrastructure all trees and other obstructions or erections of any nature which may at any time overhang, encroach and/or be in or on the Servient Land and which may in any way endanger or interfere with the improper operation of the Electricity Infrastructure; and
- (e) to enter into and upon the Servient Land for all or any of the above purposes with or without all necessary plant, equipment, machinery and/or vehicles of any kind and if necessary to cross over the remainder of the land contained in the servient tenement, and where practical in consultation with the registered proprietor of the servient tenement, for access to and egress from the Servient Land.

Secondly, the benefit of a covenant for Aurora with the registered proprietor of the servient tenement, for themselves and their successors in title to the Servient Land, not to erect any buildings or place any structures or objects that could interfere with the proper and safe operation of the Electricity Infrastructure, to the intent that the burden of this covenant may run with and bind the Servient Land and every part of it and that the benefit of this covenant is to be annexed to the wayleave easement mentioned above.

Signed by **Merrilyn Rosemary Batt** in the presence of:

Witness signature x M. Kirkland  
 Full name (print) x Mark Kirkland  
 Witness address x Bothwell P.O. Patwick St



Signed by **Edwin Charles Batt** in the presence of:

Witness signature x [Signature]  
 Full name (print) x JULIE RENSIENA COOKE  
 Witness address x 99 Main St  
KEMPTON  
TAS 7030

**NOTE:** Every annexed page must be signed by the parties to the dealing or where the party is a corporate body be signed by the persons who have attested the affixing of the seal of that body to the dealing.



## RESULT OF SEARCH

RECORDER OF TITLES

Issued Pursuant to the Land Titles Act 1980



### SEARCH OF TORRENS TITLE

VOLUME 170509	FOLIO 1
EDITION 1	DATE OF ISSUE 08-Apr-2016

SEARCH DATE : 18-Oct-2017

SEARCH TIME : 09.13 AM

### DESCRIPTION OF LAND

Parish of DYSART Land District of MONMOUTH  
Parish of SOMERTON Land District of MONMOUTH  
Parish of WINTERTON Land District of MONMOUTH  
Lot 1 on Plan 170509  
Derivation : Part of 3700 Acres Granted to Thomas Lloyd  
Gellibrand, Part of 1500 Acres Granted to George Cartwright &  
Robert Pitcairn & Part of 1268 Acres John Hone Purchaser  
Prior CT 167396/1

### SCHEDULE 1

E27317 TRANSFER to EDWIN CHARLES BATT and MARTINE JANE BATT  
Registered 08-Apr-2016 at noon

### SCHEDULE 2

Reservations and conditions in the Crown Grant if any  
BURDENING EASEMENT: a right of carriageway (appurtenant to the  
land comprised in Certificate of Title Volume 435  
Folio 183) over the Roadway 10.06 wide on Plan 170509  
D4385 Transfer of the "Gas Pipeline Right" created by  
Instrument C440827 in favour of Tasmanian Gas  
Pipeline Pty Ltd Registered 02-May-2012 at noon  
SP167395 BENEFITING EASEMENT: right of carriageway over the  
Right of Way 6.00 wide on Plan 170509  
A592498 Notice of Proclamation pursuant to Sections 9A(2) and  
52A(2) of the Roads and Jetties Act 1935 affecting  
portion of the above land as shown on Plan L.D.513 &  
514 lodged in the office of the Director of Lands.  
Registered 15-Feb-1978 at noon  
A904659 Notice of Proclamation pursuant to Section 9A(2A &  
2B) of the Roads and Jetties Act 1935 affecting  
portion of the above land as shown in Plan L.D.807  
lodged in the office of the Director General of Lands.  
Registered 16-May-1984 at noon  
C408830 LEASE to VODAFONE NETWORK PTY LIMITED of a leasehold  
estate for the term of 5 years from 01-Feb-2012 (of  
part of the said land within described as defined by

a plan on the said Lease.) (together with a right of access)

Registered 30-Jan-2003 at 12.01 PM

C408831 LEASE to VODAFONE NETWORK PTY LIMITED of a leasehold estate for the term of 5 years from 01-Feb-2017 (of part of the said land within described as defined by a plan on the said Lease.) (together with a right of access) Registered 30-Jan-2003 at 12.02 PM

C440827 SUBJECT to the Gas Pipeline right set forth in Memorandum of Provisions No. M225 for The Crown over the land marked "Gas Supply Easement 20.00 wide (P137120)" on Plan 170509 shown passing through the said land within described

C601763 Notice of Permit Corridor under S15 of the Major Infrastructure Development Act 1999 affecting the said land within described. Registered 14-Nov-2004 at noon

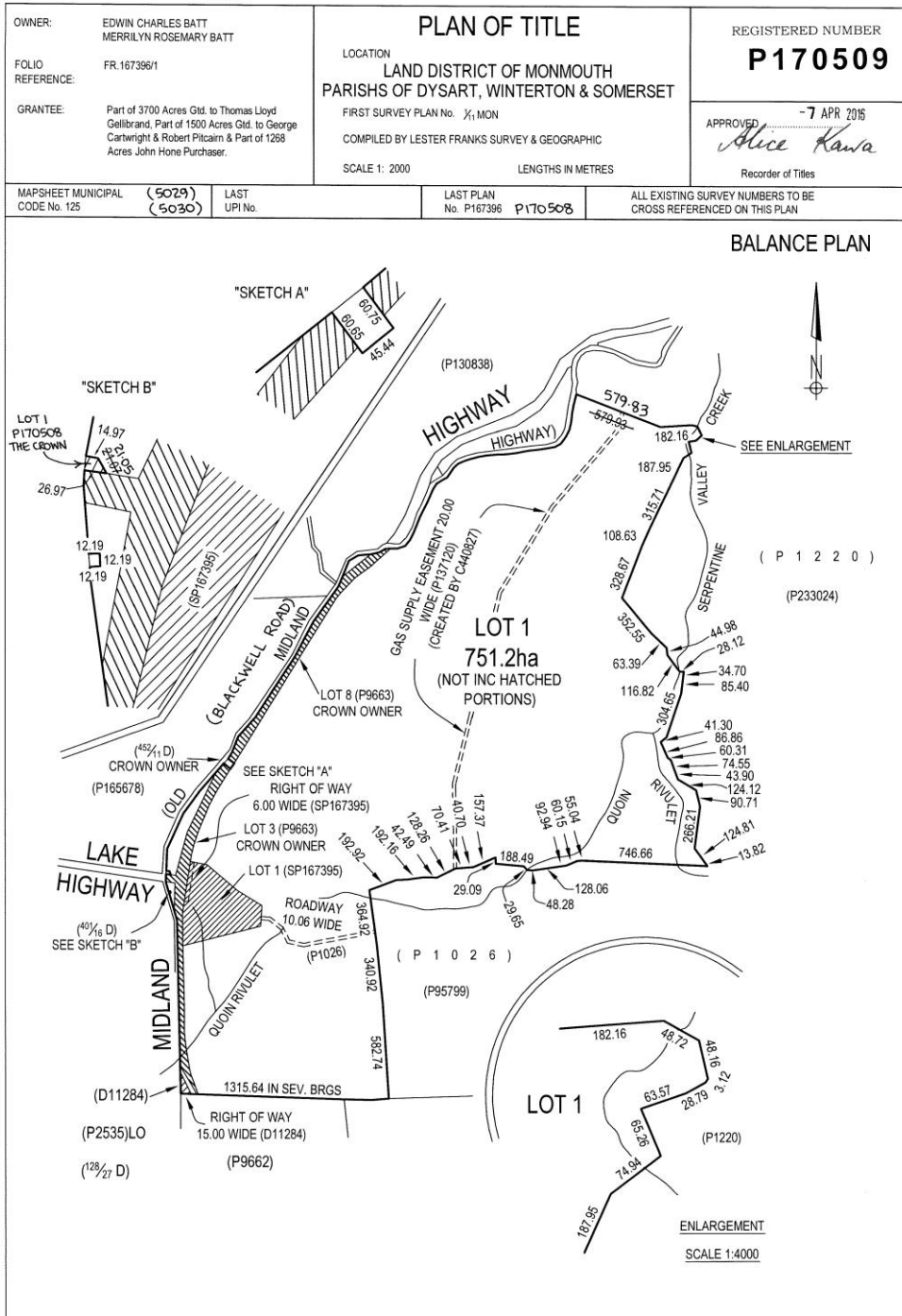
D146150 LEASE to CROWN CASTLE AUSTRALIA PTY LTD of a leasehold estate for the term of 10 years from 1-Oct-2014 that is concurrent with and subject to Lease C408830 until 31-Jan-2017 and Lease C408831 until 31-Jan-2022 (of that part of the said land within described shown as Lot 1 on SIO 168463) Registered 05-Dec-2014 at noon

D146151 LEASE to CROWN CASTLE AUSTRALIA PTY LTD of a leasehold estate for the term of 10 years from 1-Oct-2024 that is concurrent with and subject to Lease C408831 until 31-Jan-2022 (of that part of the said land within described shown as Lot 1 on SIO 168463) Registered 05-Dec-2014 at 12.01 PM

D146152 LEASE to CROWN CASTLE AUSTRALIA PTY LTD of a leasehold estate for the term of 10 years from 1-Oct-2034 (of that part of the said land within described shown as Lot 1 on SIO 168463) Registered 05-Dec-2014 at 12.02 PM

UNREGISTERED DEALINGS AND NOTATIONS

No unregistered dealings or other notations



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

### **12.1 Roads**

**Strategic Plan Reference – Page 14**

1.1.1 Maintenance and improvement of the standard and safety of roads in the municipality.

Nil.

### **12.2 Bridges**

**Strategic Plan Reference – Page 14**

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

Nil.

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

**Strategic Plan Reference – Page 14**

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

Nil.

### **12.4 Lighting**

**Strategic Plan Reference – Page 14**

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

Nil.

### **12.5 Buildings**

**Strategic Plan Reference – Page 15**

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

Nil.

### **12.6 Sewers**

**Strategic Plan Reference – Page 15**

1.6.1 Increase the capacity of access to reticulated sewerage services.

Nil.

### **12.7 Water**

**Strategic Plan Reference – Page 15**

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

Nil.

## 12.8 Irrigation

**Strategic Plan Reference – Page 15**

1.8.1 Increase access to irrigation water within the municipality.

Nil.

## 12.9 Drainage

**Strategic Plan Reference – Page 16**

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

Nil.

## 12.10 Waste

**Strategic Plan Reference – Page 17**

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

Nil.

## 12.11 Information, Communication Technology

**Strategic Plan Reference – Page 17**

1.11.1 Improve access to modern communications infrastructure.

Nil.

## **12.12 Officer Reports – Works & Technical Services (Engineering)**

### **12.12.1 MANAGER - WORKS & TECHNICAL SERVICES REPORT**

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

**Date:** 18 OCTOBER 2017

#### **ROADS PROGRAM**

Maintenance grading is continuing. Both graders are working in the Kempton and Campania areas.

General maintenance is continuing in other areas.

**Traffic Counters** –The Road Traffic Counter is currently installed on Huntington Tier Road/Clifton Vale Road.

**Bridges** – The Bellevale Road bridge is now complete and open, some minor works and fencing to be undertaken in the near future.

Grahams Creek Road bridge has been installed. Guard rail has been installed.

Noyes Road bridge has been installed with guard rails completed.

#### **WASTE MANAGEMENT PROGRAM**

All sites operating well. Extra waste is still being received at Campania.

#### **TOWN FACILITIES PROGRAM**

Ongoing maintenance.

#### **GENERAL**

**Depot relocation** – miscellaneous goods have been removed from the current depot site and relocated to the new depot site.

**Sale of surplus plant & equipment** – Council is aware that the gravel crusher has been identified as surplus to requirements and it is currently advertised through a tender/expression of interest process.

**Registrations** – Registrations have been received for road base materials and screening and for the supply of plant hire/equipment for the period 1/10/17 to 30/09/18. These registrations are used as a base for purchasing materials and/or plant hire.

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

## RECOMMENDATION

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

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



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

### **13.1 Residential**

**Strategic Plan Reference – Page 18**

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

Nil.

### **13.2 Tourism**

**Strategic Plan Reference – Page 19**

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

Nil.

### **13.3 Safety**

**Strategic Plan Reference – Page 31**

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

Nil.

### **13.4 Business**

**Strategic Plan Reference – Page 20**

2.3.1a Increase the number and diversity of businesses in the Southern Midlands.

2.3.1b Increase employment within the municipality.

2.3.1c Increase Council revenue to facilitate business and development activities (social enterprise)

Nil.

### **13.5 Industry**

**Strategic Plan Reference – Page 21**

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

Nil.

### **13.6 Integration**

**Strategic Plan Reference – Page 21**

2.5.1 The integrated development of towns and villages in the Southern Midlands.

2.5.2 The Bagdad Bypass and the integration of development.

Nil.

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

### **14.1 Heritage**

<b>Strategic Plan Reference – Page 22</b>
---

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

#### **14.1.1 HERITAGE PROJECT PROGRAM REPORT**

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

**Date:** 25 OCTOBER 2017

#### **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:

- Continuation of works at 79 High Street, Oatlands, including Commissariat building. Roof shingling, shop flooring, progressing electrical installation and further services/amenities planning.
- Social media for SMC Heritage Collections and Oatlands Commissariat Restoration Project.
- Welcoming and supporting the new Oatlands Gaol Residence Artist in Residence Tom Ryan (photographer) including access to collection items and buildings.
- Admin of Artist in Residence program; currently 5 applications, two definitely booked in, one applying through Arts Tasmania with letter of support from us. Artists include photographer, author and printmaker.
- Planning for articulation of heritage finishes database to Trove.
- Supporting artist in residence and coordinating new applications.
- Supplying material for social media.
- Additional research for Restoration Australia (Hunting Grounds Chapel) Initial archival research for planned monograph series Investigating possible costing and logistics for printing above.
- Promoting heritage program through Professional Historians Association of Tasmania visit.
- Development application lodged (with endorsement of owner) for demolition of garage at 81 High Street as part of the commissariat project.

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

- Various quoting and pre-project liaison with prospective clients.
- Review of the revised Centre for Heritage Business Plan.

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

- Continued work at the Brighton Army Camp which has been receiving significant media attention. The Brighton project module was wrapped up on 19<sup>th</sup> October 2017 as a great success.
- Planning of the Derwent Valley project for Heritage reGeneration, expected to commence on the 3<sup>rd</sup> of November 2017.
- Work on drafting of a 3-year HESC Operational Plan.

**RECOMMENDATION**

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

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

## 14.2 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.   |

### 14.2.1 LANDCARE UNIT – GENERAL REPORT

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

**Date:** 20 OCTOBER 2017

#### ISSUE

Southern Midlands Landcare Unit Monthly Report.

#### DETAIL

- The Dulverton Foreshore toilet block upgrade has been underway since the first week of October. The works to date have progressed without any major issues arising. The overall plumbing on the site has revealed a few issues, which has meant that rather than retrofitting, the system has had to be redone. The site should be back for public use by early November 2017.
- The Kempton Streetscape Project is progressing. A meeting of the group was held 16<sup>th</sup> October 2017. There were no other firm decisions made, although it does seem that the fence and gate at the recreation ground and some minor landscaping at the rear of the current grandstand will likely be the priority for works. There was quite a bit of discussion on changing the entrance to the recreation ground to the other side of the grandstand. Key groups involved with the recreation ground have been / are being consulted with at this stage.
- The Interlaken Stock Reserve block has been advertised for auction. The auction date is set for Friday, 17<sup>th</sup> November 2017 at 11.00 am, to be held at the Council Chambers, Oatlands.
- Sandy Leighton (Weeds Officer) commenced work on Monday 25<sup>th</sup> September 2017. Contact has been made with landholders known or possibly likely to have Patterson's Curse. Sandy Leighton is also gathering information to contact landowners in relation to other key weeds.

#### RECOMMENDATION

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

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr R Campbell		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

### **14.3 Cultural**

**Strategic Plan Reference – Page 24**

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

Nil.

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

**Strategic Plan Reference – Page 25**

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

Nil.

### **14.5 Climate Change**

**Strategic Plan Reference – Page 25**

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

Nil.

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

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

**Strategic Plan Reference – Page 26**

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

Nil.

### **15.2 Youth**

**Strategic Plan Reference – Page 26**

4.2.1 Increase the retention of young people in the municipality.

Nil.

### **15.3 Seniors**

**Strategic Plan Reference – Page 27**

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

Nil.

### **15.4 Children and Families**

**Strategic Plan Reference – Page 27**

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

Nil.

### **15.5 Volunteers**

**Strategic Plan Reference – Page 27**

4.5.1 Encourage community members to volunteer.

Nil.

## 15.6 Access

### Strategic Plan Reference – Page 28

4.6.1a	Continue to explore transport options for the Southern Midlands Community.
4.6.1b	Continue to meet the requirements of the Disability Discrimination Act (DDA).

### 15.6.1 REVIEW OF BUS TRANSPORT SERVICES (GENERAL ACCESS) COLEBROOK TOWNSHIP

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

**Date:** 20 OCTOBER 2017

#### ISSUE

To inform Council of advice received from the Department of State Growth in relation to the Colebrook Bus Service which is being reviewed as part of 'Project 2018'.

#### BACKGROUND

At the previous Council Meeting, a report was provided to Council in relation to the Bothwell to Hobart Bus Service.

As an outcome of that discussion, Council requested the General Manager to ascertain the current status of the review relating to the Colebrook township bus service. More specifically, advice was to be sought on relation to what consultations processes were planned (or envisaged).

#### DETAIL

Advice was subsequently sought from the Department of State Growth, and the following email response was received:

*"We have looked at services to Colebrook in some detail given the issues brought to our attention by the Deputy Mayor.*

*Currently the town has a service once a month (daily return), however when we looked at the average patronage of this service for Jan-March 2017 it was very low (2 people per day. Because of the low demand, the low population area, and the significant extra drive time along a poor road between Campania and Colebrook, we are not proposing to provide a bus service to the township.*

*When the Minister and John Dawson (Director Project 2018) met with the Mayor and you and also had a follow up meeting with the Deputy Mayor earlier in the year this issue was raised. At the meeting it was discussed that Council had a community bus but had problems getting drivers. In small communities where there is no public transport, community transport may provide the best solution. This has benefits as it provides a demand responsive service and can provide a door to door service which may better meet the community's needs.*

*We would be happy to explore community transport options with council.*

*We have undertaken no consultation with the community, but we would be happy to prepare some articles for local newsletters etc. to explain the key issues. Also if Council wanted us to consult with the Colebrook community e.g. through meetings/forums we would be happy to do this, but we would need council to organise this and advise on the best approach.*

*We would be happy to chat to you about the best approach.”*

**Human Resources & Financial Implications – Nil from a Council perspective.**

**Community Consultation & Public Relations Implications –** Based on the response from the Department, Council would be strongly encouraged to either convene a forum for the dedicated purpose of discussing the bus service, or alternatively, incorporate a consultation session as part of a broader Colebrook Progress Association.

**Policy Implications – N/A**

**Priority - Implementation Time Frame –** The Department has indicated that the change will begin at the beginning of 2019. They do not have a precise date, but most likely the first two months of the 2019 year.

## **RECOMMENDATION**

**THAT:**

- a) **Council proceed to arrange a community meeting for the purpose of discussing the Colebrook Bus Service; and**
- b) **the meeting be held at the Colebrook Memorial Hall (date and time to be set in consultation with the Department of State Growth).**

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



## 15.7 Public Health

**Strategic Plan Reference – Page 28**

4.7.1 Monitor and maintain a safe and healthy public environment.

Nil.

## 15.8 Recreation

**Strategic Plan Reference – Page 29**

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

### 15.8.1 OATLANDS SWIMMING POOL 2017/18 SEASON

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

**Date:** 18 OCTOBER 2017

#### ISSUE

To inform Council of the proposed dates for the Oatlands Swimming Pool for the 2017/2018 season.

#### DETAIL

The following arrangements are proposed for the 2017/18 Swimming Pool Season:

#### Opening Date:

Pool to open on Friday, 17<sup>th</sup> November 2017 at 3.00 p.m.

#### Closing Date:

Date to be confirmed – March/April 2018.

#### Opening Hours:

During School Terms (Mon-Fri)	3.00 p.m. – 6.00 p.m.
During School Holidays	11.00 a.m. – 6.00 p.m.
Weekends	11.00 a.m. – 6.00 p.m.
Public Holidays	11.00 a.m. – 6.00 p.m.

*Note: Pool closed on Christmas Day and New Years Day.*

#### Fees and Charges Schedule:

The fees and charges schedule is listed below for information:

2017/18 FEES & CHARGES		
Season Ticket:	Family	\$110.00
	Adult	\$55.00
	Child/Student	\$42.00

<b>Daily Tickets:</b>	Family	\$12.00
	Adult	\$5.00
	Child/Student	\$4.00
<b>Complex Hire Fee:</b>	All supervised (out of hours) \$45.00 per hour	

Note: Students require a current student identification card.

**Out of Hours bookings** - Out of Hours bookings must be supervised by Council's supervisor at all times. Application is to be made seven days in advance.

**Human Resources & Financial Implications** – Mr G Williams will be employed directly by Council as the Pool Supervisor. Relief services for the forthcoming season will be arranged as required.

**Community Consultation & Public Relations Implications** - The proposed arrangements, and fee structure, will be advertised following endorsement by Council.

**Policy Implications** - Nil.

**Priority - Implementation Time Frame** – Endorsement of the opening date at this Council meeting will allow sufficient time to advertise the pool opening date and organise staffing arrangements for 2017/2018.

**RECOMMENDATION**

**THAT Council endorse the proposed opening arrangements of the Oatlands Swimming Pool on the 17<sup>th</sup> November 2017 for the 2017/18 Season.**

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

## 15.9 Education

**Strategic Plan Reference – Page 29**

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

Nil.

## 15.10 Animals

**Strategic Plan Reference – Page 29**

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

### 15.9.1 ANIMAL MANAGEMENT REPORT

**Author:** ANIMAL MANAGEMENT/COMPLIANCE OFFICER (HELEN BRYANT)

**Date:** 19 OCTOBER 2017

**Attachment:**

*Animal Management Statement – August - October 2017*

### ISSUE

Consideration of the Animal Management/Compliance Officer's report for the period August - October 2017.

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 August to October 2017; *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

29 August 2017

#### BALLYHOOLY ROAD, MANGALORE

Two dogs witnessed wandering at large and attacking sheep in Ballyhooly Road, Mangalore area. One ewe injured and later euthanased, two lambs attacked and killed, one lamb missing, believed killed and taken. Infringements issued.

## RECOMMENDATION

THAT the information be received.

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

**ATTACHMENT**  
 Agenda Item 15.9.1

**SOUTHERN MIDLANDS COUNCIL  
 MONTHLY ANIMAL MANAGEMENT STATEMENT**

August - October 2017

<b>DOG IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
5	5	0	0
<b>OTHER IMPOUNDS</b>	<b>RECLAIMED</b>	<b>ADOPTED</b>	<b>EUTHANISED</b>
0	0	0	0

**JOBS ATTENDED August – October 2017**

<b>DOGS AT LARGE</b>	<b>DOG ATTACKS</b>	<b>DOG BARKING</b>	<b>DOG GENERAL</b>	<b>NEW KENNEL INSPECT</b>	<b>WELFARE</b>	<b>STOCK</b>	<b>OTHER</b>
10	5	4	2	2	3	14	1
Central Highlands 2	Central Highlands 1						

**REGISTERED DOGS:** 1662  
**INFRINGEMENTS ISSUED:** 0

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

**16.1 Retention**

**Strategic Plan Reference – Page 30**

5.1.1 Maintain and strengthen communities in the Southern Midlands.

Nil.

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

### 17.1 Improvement

#### Strategic Plan Reference – Page 32

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

#### 17.1.1 AUDIO RECORDING OF COUNCIL MEETINGS (POLICY POSITION)

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

**Date:** 18 OCTOBER 2017

**Attachment:**

*Draft Audio Recording of Meeting of Council'*

### ISSUE

Council to consider the introduction of audio recording of meetings.

### BACKGROUND

This issue was listed on the August 2017 Council meeting agenda for the purpose of determining whether Council was interested in undertaking a review of its current Policy not to record Council meetings.

The following decision was made:

*“THAT Council request the General Manager to present a business case that the capital and current expenditure required is not excessive relative to Council resources. The business case should include efficiency savings that can be attributed to processes that would otherwise be required to clarify minutes and motions, as well as non-tangible benefits such as increased transparency through making audio recordings publicly available.”*

For information, the following is an extract from the *Local Government (Meeting Procedures) Regulations 2015*:

The following is an extract from the Regulations:

**“33. Audio recording of meetings**

(1) A council may determine that an audio recording is to be made of any meeting or part of a meeting.

(2) If the council so determines, the audio recording of a meeting or part of a meeting that is not closed to the public is to be –

(a) retained by the council for at least 6 months; and

(b) made available free of charge for listening on written request by any person.

(3) If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part

*of that meeting is noticed, the council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record.*

*(4) A council may determine any other procedures relating to the audio recording of meetings it considers appropriate.*

## **DETAIL**

In reference to the decision, the following capital and recurrent costs have been identified:

Purchase Cost(s): \$1,500 (assuming a life of 5 years – annual cost of \$300).

This involves the purchase of:-

- **1 x Olympus WS-853 Business Digital Voice Recorder**  
The new WS-853 features a new Intelligent Auto Mode, which is perfect for when there is a distance between the speakers and recorder, such as in large meeting rooms.
- **4 x Olympus ME33 Boundary Microphones**  
This allows for multi-directional high-quality recording with reduced noise even for meetings with large numbers of people.
- **NCH Audio/Video Compression Software**

Please note that there are many different options available for recording of Council meetings. These range from the portable digital voice recorder (as quoted), which addresses the issues associated with meetings held outside the Council Chambers, to a fixed audio system and recording unit.

Recurrent Costs: Recurrent costs are primarily Council officer time which is estimated at approximately 1 to 2 hours per meeting. This includes set-up of equipment, downloading to corporate system; compression of audio file size for uploading to Web Site and web site maintenance. This equates to approximately \$600 per annum. Whilst this is not an additional cost to Council, it is a cost that can be attributed to this proposal.

From a cost perspective, the introduction of audio recording is certainly not cost prohibitive.

In terms of efficiency savings, it is envisaged that no efficiencies will be gained as there will still be a need to document and produce a hard copy of the Minutes. It does however ensure that a true and accurate account of debate and discussion at meetings is available.

Should a decision be made to introduce audio recording of meeting, the *Local Government (Meeting Procedures) Regulations 2015* require Council to determine procedures relating to the recording of meetings it considers appropriate. A draft Policy has been prepared consistent with this requirement and to comply with the *Local Government Act 1993*.

In regard to non-tangible benefits, audio recording of meetings would certainly enhance accountability; transparency; and increases the ability of interested persons to gain an understanding of Council and its operations.



**Human Resources & Financial Implications** – Refer detail provided above.

**Community Consultation & Public Relations Implications** – A basic survey of Tasmanian Councils indicates that approximately 60% of Councils now record their Council meetings.

**Policy Implications** – Policy position.

**Priority - Implementation Time Frame** – Audio recording of meeting could commence at the December 2017 meeting. This allows for purchase of equipment and final adoption of the Policy.

## RECOMMENDATION

**THAT:**

- a) the report be received;
- b) in accordance with Regulation 33(1) of the *Local Government (Meeting Procedures) Regulations 2015*, Council determine that it will commence recording meetings (in accordance with the adopted policy); and
- c) the draft Policy entitled ‘Audio Recording of Meeting of Council’ be considered with the intention of final adoption at the November 2017 Council Meeting.

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



**AUDIO RECORDING OF MEETINGS OF COUNCIL**

Approved by:  
Approved date:  
Review date:

Council  
Insert date  
Insert date

---

**1. PURPOSE**

This policy provides a framework and direction as to the management of the audio recording of specific meetings of Council. The purpose of audio recording is to assist in the preparation of minutes, and to ensure that a true and accurate record of debate and discussion is available.

**2. SCOPE**

This policy applies to all formal Council meetings (including Special meetings).

These meetings are generally held in the Council Chambers at either Oatlands or Kempton, and in various community halls throughout the municipality.

It does not apply to any other meetings of Council (e.g. Council Committees), including the Audit Panel Committee.

**Provisions**

Under Regulations 33(1) and (4) (Audio recording of Meetings) of the *Local Government (Meeting Procedures) Regulations 2015* (Regulations), Council "may determine that an audio recording is to be made of any meeting or part of a meeting" and "may determine any other procedures relating to audio recording of meetings it considers appropriate", respectively.

Under Regulation 33(2)(a) and (b), having made that determination that an audio recording is to be made of any meeting or part of a meeting, that audio recording of the meeting that is not closed to the public must:

- be retained by the Council for at least six months, and
- made available free of charge for listening on written request by any person

If after the minutes of a meeting have been confirmed as a true record a discrepancy between the minutes and an audio recording of that meeting or part of that meeting is noticed, the Council, at the next appropriate meeting, is to review the audio recording and either confirm that the minutes are a true record or amend the minutes to reflect the audio recording and then confirm the minutes as amended to be a true record: Regulation 33 (3).

Those parts of meetings which are closed to the public will not be audio recorded by Council.



**AUDIO RECORDING OF MEETINGS OF COUNCIL**

Approved by:  
Approved date:  
Review date:

Council  
Insert date  
Insert date

---

### 3. POLICY

All formal meetings of the Council (including Special Meetings) shall be audio recorded as provided for by Regulation 33 of the *Local Government (Meeting Procedures) Regulations 2015*, except for the proceedings of meetings or parts of meetings closed to the public in accordance with Regulation 15 (2).

The recording does not replace the written minutes and a transcript of the recording will not be prepared.

If in the situation of a technical difficulty that an audio recording is not possible, then the Chairperson will advise those present of the circumstances. In the event that an audio recording file becomes corrupt for any reason and therefore unavailable, this information will be provided on the Southern Midlands Council website (or equivalent).

At the commencement of those meetings being audio recorded, the Chairperson will announce to all present that an audio recording of the meeting will be made and that it will last the length of the open to the public part of that meeting, unless otherwise terminated by the Chairperson.

The Chairperson will also announce that members of the public are not permitted to make audio recordings of Council meetings.

The Chairperson has the authority at any time of the proceedings to direct the termination of the audio recording of a meeting. However, the Chairperson should only terminate the audio recording in exceptional circumstances including (but not limited to):

- it is clearly evident that the discussion is (or potentially likely to be):
  - an infringement of copyright
  - a breach of privacy and/or unlawful disclosure of personal information
  - a release of privileged or confidential information of Council.

If recorded, only the audio recording of proceedings made of meetings or parts of meetings open to the public will be made available to the public. The Council may, at its discretion, make any compressed audio recording (preserving adequate voice quality) to be accessible on the Southern Midlands Council website. Such recordings will be considered by Council as a routine disclosure under the *Right to Information Act 2009*. Recordings will be made available on the Council website as soon as practicable (normally within ten (10) business days) from the date of the meeting.

The original unmodified audio recording will be suitably stored in accordance with the Council's Information Management requirements. Under Regulation 33(2)(a), the General Manager will dispose of the audio recordings after six months from the date of recording. The General Manager is authorised, pursuant to section 64 of the *Local Government Act 1993*, to delegate these functions to a Council officer.



Council Policy

DRAFT

## **AUDIO RECORDING OF MEETINGS OF COUNCIL**

Approved by:  
Approved date:  
Review date:

Council  
Insert date  
Insert date

---

### **4. LEGISLATION**

- *Local Government Act 1993*
- *Right to Information Act 2009*
- *Local Government (Meeting Procedures) Regulations 2015*

### **5. DOCUMENT ADMINISTRATION**

This Instruction is a managed document and is to be reviewed every four years or as directed by the General Manager.

This document is Draft Version 1.0 effective XX-XX-XXXX. The document is maintained by the General Manager's Unit for the Southern Midlands Council.

## 17.2 Sustainability

### Strategic Plan Reference – Page 33 & 34

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

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

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

**Date:** 18 OCTOBER 2017

**Attachments:**

*Local Government Shared Services – Council Update – September 2017*

*Local Government Shared Services – Joint Venture Update – September 2017*

### ISSUE

To inform Council of the Common Services Joint Venture activities for the month of September 2017.

### BACKGROUND

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

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

### DETAIL

Refer 'Common Services Joint Venture Update – September 2017 attached.

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

Councillors will note that the Southern Midlands Council provided 104 hours of service to six Councils: - Brighton, Central Highlands, Derwent Valley, Glamorgan/Spring Bay, Sorell and Tasman; and received 3 hours of services from other Councils.

Details of services provided are included in the attachment.

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

**Policy Implications** – N/A

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

**RECOMMENDATION**

**THAT the information be received.**

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

**ATTACHMENT**  
*Agenda Item 17.2.1*

## Local Government Shared Services - Council Update

Council

**Southern Midlands**

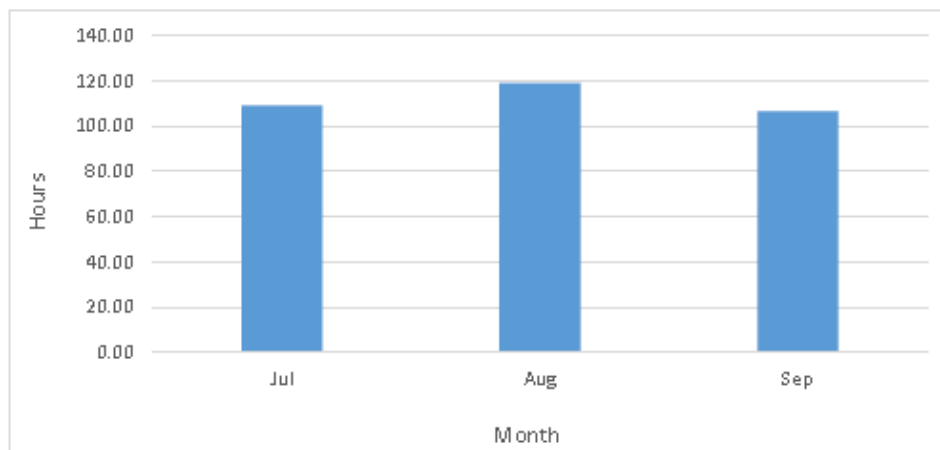
Shared Service Participation in September 2017

**107 hours**

Summary

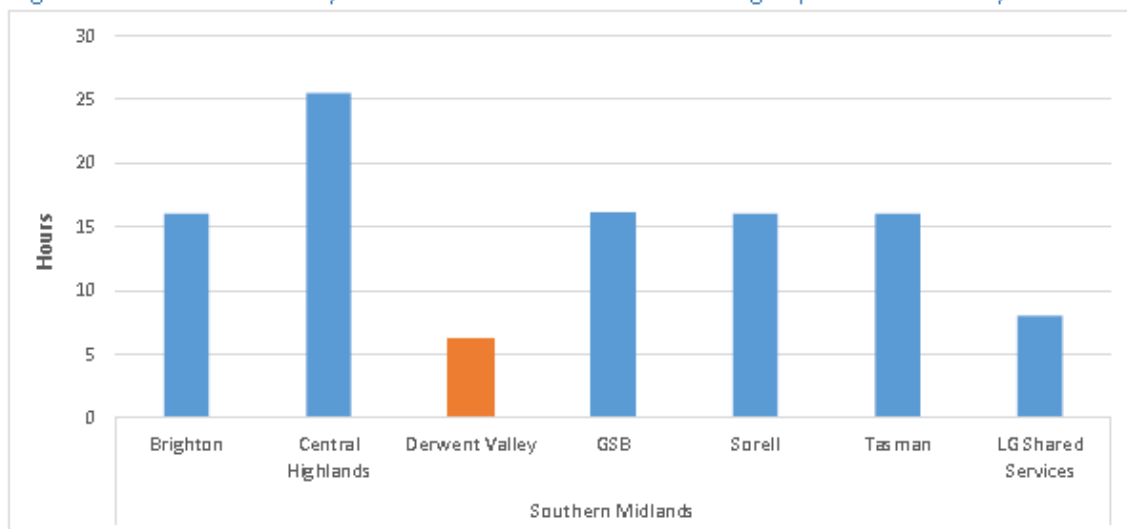
In September 2017, **107 hours** of shared services were exchanged by the Southern Midlands Council which was a slight decrease from hours exchanged in August (119). From this total, Southern Midlands only provided 104 hours of services to other Councils, and received only 3 hours of services from other Councils.

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



### Services Provided by Southern Midlands Council

Fig 2 - Services Provided by Southern Midlands Council during September 2017 by Council



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

Fig 3 - Services Provided by Southern Midlands Council during September 2017 by Service Category

Southern Midlands	104	Summary of Services Provided
<b>Brighton</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice & Services
<b>Central Highlands</b>	<b>26</b>	
Planning	26	Statutory Planning
<b>Derwent Valley</b>	<b>6</b>	
Permit Authority - Plumbing	6	Plumbing Inspections
<b>GSB</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice & Services
<b>Sorell</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice & Services
<b>Tasman</b>	<b>16</b>	
WHS / Risk Management	16	WHS Advice & Services
<b>LG Shared Services</b>	<b>8</b>	
LGSS Administration	8	LGSS Chief Administrator
<b>Grand Total</b>	<b>104</b>	

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

### Services Received by Southern Midlands Council

Fig 4 - Services Received by Southern Midlands Council during September 2017 by Council & Service Category

Southern Midlands		Summary of Services Received
<b>Brighton</b>	<b>3</b>	
Development Engineering	3	Development Engineering Services
<b>Grand Total</b>	<b>3</b>	

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

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

In the month of September, it is estimated, Council have achieved a net benefit of approximately **\$7,009**. This was a result of increasing the utilisation of its current staff to earn additional revenue from providing services to other Councils, and from utilising Shared services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

It is estimated that Southern Midlands Council's direct involvement in Shared Services saved ALL participating Councils (including Southern Midlands Council) approximately **\$7,215** for the month of September.



## Local Government Shared Services Update

### September 2017

#### Summary of Recent Shared Services Activity

**1160 hours** of Shared Services were exchanged between Councils during September 2017, which is a slight increase of approximately 2% when compared to hours exchanged in August 2017 (1185 hours) and is in line with the three-month average of **1150 hours** per month.

Fig 1 - Shared Service Exchange Hours in Recent Months

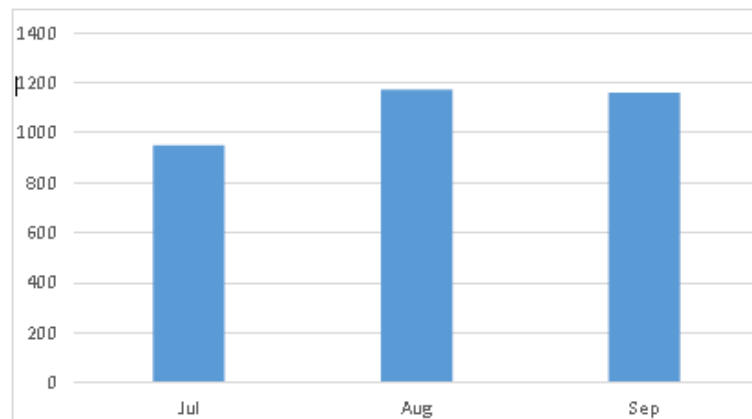
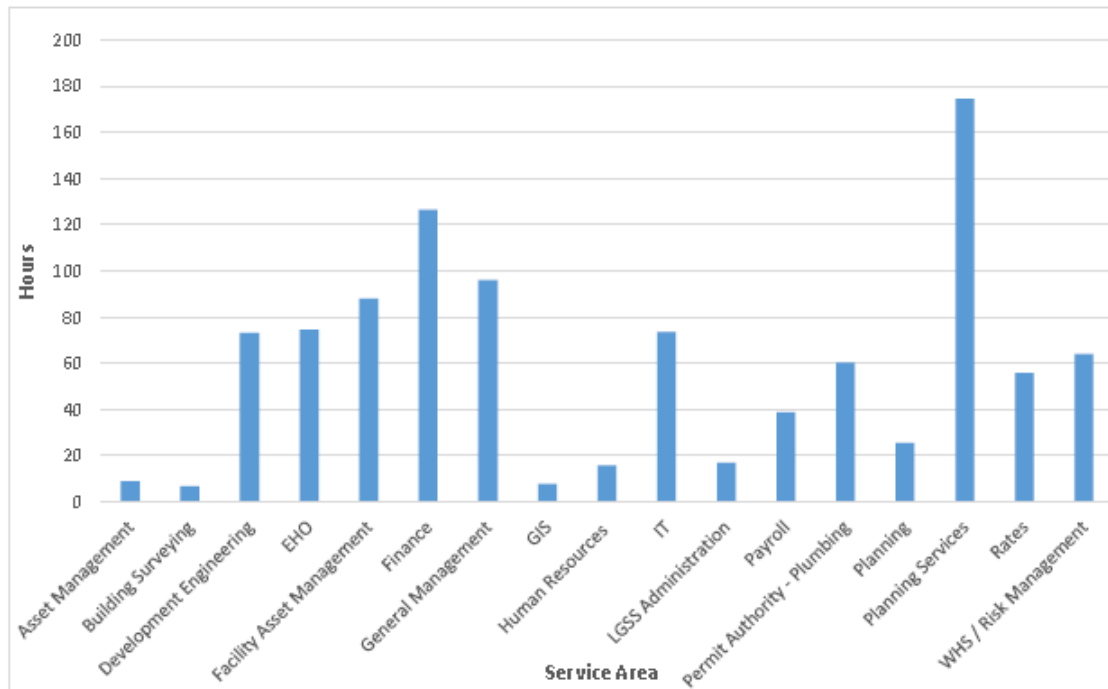


Fig 2 - Details of Current Exchange of Services by Council during September 2017

Provider Council	Client / Organisation									
	Brighton	Central Highlands	Derwent Valley	GSB	Litchfield	LGSS	Palmerston City	Sorell	Southern Midlands	Tasman
Brighton			108.5	159		9		105	3	125.5
Central Highlands										
GSB										
Glenorchy										
Huon Valley										
Litchfield							20.5			
Palmerston City										
Sorell	8			186.5						300
Southern Midlands	16	25.5	6.25	16		8		16		16
Tasman								135		

\*Council/Organisation not currently a member of the Local Government Shared Services Agreement

Fig 3 - Details of Current Exchange of Services by Service Category during September 2017



### Savings to Local Government

A total of **1160 hours** of shared services were exchanged between Councils last month. Analysis of Shared Services provision has indicated that both the Provider Council and the Client Council save money through the exchange of Shared Services at an approximate ratio of 50%.

Due to this, it is estimated that the provision of Shared Services between Councils saved ALL participating Councils and Local Government as a whole, **\$91,418** for the month of **September**. This was a result of increasing the utilisation of current Council Staff at Councils providing services and from Client Councils utilising Shared Services from within Local Government as opposed to external consultants (on average LG Shared Services rates can be procured at significant discount to external consultant fees).

### Progress of the Shared Services

- Cloud computing opportunities and the strategic aligning of common IT programs.
- Membership has increased to 14 Councils, with Katherine Town Council signing on during August.
- Development of Workforce Plans for each Council to highlight potential gaps in service provisions.
- Increase involvement with Northern Territory members and encourage more participation in meetings.
- Continuing to pursue financial gains through a combined tendering approach.

## 17.2.2 SOUTH CENTRAL SUB-REGION COLLABORATION STRATEGY – STANDING ITEM

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

**Date:** 18 OCTOBER 2017

### ISSUE

Standing Item to enable:

- a) Council to identify or consider new initiatives that can be referred to the Sub-Region Group for research and / or progression; and
- b) The provision of updates and reports on the Group's activities.

### BACKGROUND

The Brighton, Central Highlands, Derwent Valley and Southern Midlands Councils have agreed to work together to identify and pursue opportunities of common interest and to more effectively and efficiently serve ratepayers, residents and the communities in these municipal areas.

### DETAIL

The Sub-Region Group has now met on six occasions.

**Human Resources & Financial Implications** – No budget has been allocated for these sub-regional activities. Any specific projects which require additional funding will be referred to Council for consideration prior to commencement.

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

**Policy Implications** – N/A

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

### RECOMMENDATION

**THAT** the information be received.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr R Campbell		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

## 17.2.3 AMENDMENT OF EXISTING POLICY – CODE FOR TENDERS & CONTRACTS

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

**Date:** 19 SEPTEMBER 2017

**Attachment:**

*Draft Version 6 Code for Tenders and Contracts*

### ISSUE

The *Local Government Act 1993* refer to Tenders;

#### **[EXTRACT]**

##### **333A. Tenders**

- (1) *A council must invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above the prescribed amount.*
- (2) *Tenders must be invited and made in a prescribed manner.*
- (3) *[Subsection \(1\)](#) does not apply to prescribed situations or prescribed contracts.*

#### **[END OF EXTRACT]**

This section of the *Local Government Act 1993* refers to the Local Government (General) Regulations 2015

#### **[EXTRACT]**

##### **23. Public tenders**

- (1) *For the purpose of section 333A(1) of the Act, the prescribed amount is \$250 000 (excluding GST).*
- (2) *A tender is to be publicly invited by one of the following:*
  - (a) *an open tender under [regulation 24](#) ;*
  - (b) *a multiple-use register under [regulation 25](#) ;*
  - (c) *a multiple-stage tender under [regulation 26](#) .*
- (3) *A council, through a public tender process, may establish a standing contract in which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.*
- (4) *A council must not split a contract into 2 or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.*
- (5) *A council may extend a contract entered into by tender –*
  - (a) *as specified in the contract; or*
  - (b) *if the contract does not specify extensions, by an absolute majority.*

#### **[END OF EXTRACT]**

In respect to the aforementioned Sections of the Act and the Regulations, the Southern Midlands Council Code for Tenders and Contracts requires to be updated as the Code has a limit of \$100,000.00 rather the \$250,000.00 referred to in the latest amendment of the Local Government Regulations.

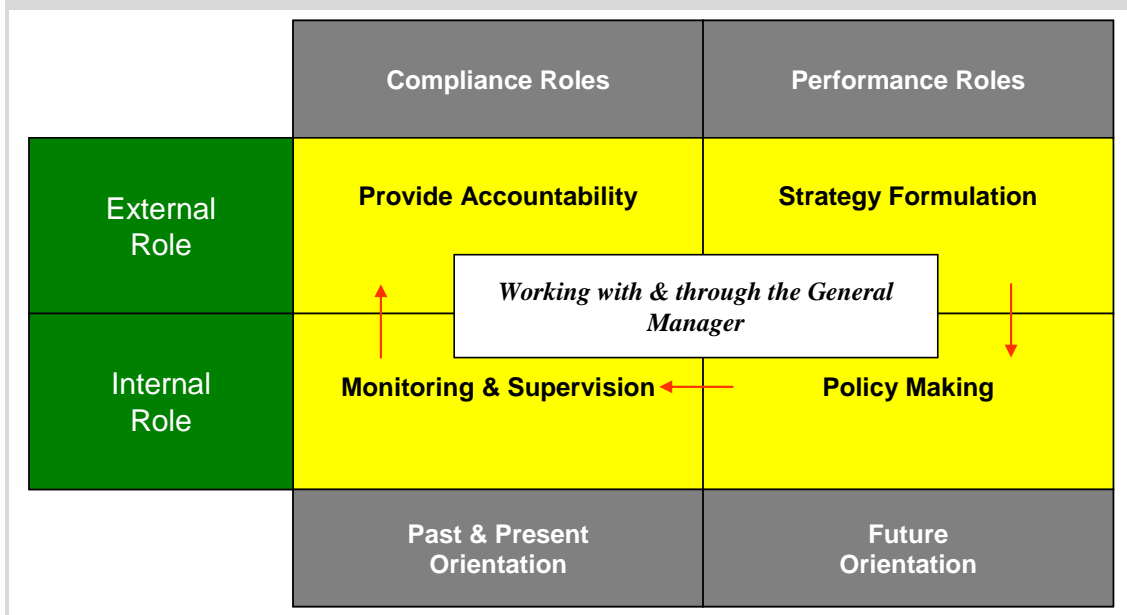
Council is aware of the recent adoption of the Procedures of the *Public Interest Disclosures Act 2002*. It was noted in that report and in those Procedures that Contractors should be made aware of the detail included within the Procedures. The addition of information within the Code of those Procedures is also to be considered as part of this report.

**BACKGROUND**

**[START EXTRACT FROM THE REPORT TO THE SEPTEMBER COUNCIL MEETING]**

**FRAMEWORK FOR ANALYSING COUNCIL’S GOVERNANCE FUNCTION**

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



**DETAIL**

Draft version 6 of the Code of Tenders and Contracts is attached and shows the minor changes required to the document to allow for the revised Tender prescribed amount as well as the information covering the PID Act Procedures.

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

is a very minor adjustment to the well-considered Code of Tenders and Contracts document it is recommended that is amendment to the Code be adopted at this meeting, without the additional timeline of one month's wait for final adoption by Council.

## RECOMMENDATION

THAT Council

1. Receive and note the report;
2. Consider the adoption of the revised prescribed amount of \$250,000.00 as detailed in the *Local Government (General) Regulations 2015* to be included in Council's Code for Tenders and Contracts;
3. Consider the inclusion of the reference to the Procedures of the *Public Interest Disclosures Act 2002* in Council's Code for Tenders and Contracts; and
4. Consider the adoption of draft version 6 Code of Tenders and Contracts at the October 2017 Council meeting.

## DECISION

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

THAT Council

1. **Receive and note the report;**
2. **Consider the adoption of the revised prescribed amount of \$250,000.00 as detailed in the *Local Government (General) Regulations 2015* to be included in Council's Code for Tenders and Contracts;**
3. **Consider the inclusion of the reference to the Procedures of the *Public Interest Disclosures Act 2002* in Council's Code for Tenders and Contracts; and**
4. **Consider the adoption of draft version 6 Code of Tenders and Contracts at the October 2017 Council meeting.**

## CARRIED

Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM	√	
Dep. Mayor A O Green	√	
Clr A Bantick	√	
Clr R Campbell	√	
Clr E Batt	√	
Clr D Marshall	√	

**[END OF EXTRACT FROM THE REPORT TO THE SEPTEMBER COUNCIL MEETING]**

## DETAIL

The Draft version 6\_Code of Tenders and Contracts was tabled at the September 2017 Council meeting for Council's consideration. As Councillors are aware, the process for any policy document is, that it is tabled at one meeting and then "lays on the table" until the next meeting, to enable Councillors sufficient time to work through and consider all of the ramifications of the strategy/policy, before the document is finally considered for adoption at the following meeting. Input from Councillors would be welcome.

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

**Community Consultation & Public Relations Implications** - This document will be housed on the SMC website.

**Policy Implications** - Review annually.

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

## RECOMMENDATION

### THAT Council

1. Receive and note the report;
2. Adopt the revised prescribed amount of \$250,000.00 as detailed in the Local Government (General) Regulations 2015 to be included in Council's Code for Tenders and Contracts;
3. Adopt the inclusion of the reference to the Procedures of the *Public Interest Disclosures Act 2002* in Council's Code for Tenders and Contracts; and
4. Adopt Version 6 Code of Tenders and Contracts.

DECISION		
Councillor	Vote FOR	Vote AGAINST
Mayor A E Bisdee OAM		
Dep. Mayor A O Green		
Clr A Bantick		
Clr R Campbell		
Clr E Batt		
Clr D F Fish		
Clr D Marshall		

**ATTACHMENT**  
*Agenda Item 17.2.3*



Code  
for  
Tenders and Contracts

September 2017



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*Code for Tenders and Contracts*

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## 1 Introduction

The purpose of this Code for Tenders and Contracts (Code), is to provide a policy framework on best practice tendering and procurement methods in line with the legislative requirements of the *Local Government Act 1993* (the Act) and the *Local Government Regulations 2015* (Regulations).

With this Code council aims to achieve the purchasing principles of:

- open and effective competition;
- value for money
- enhancement of the capabilities of local business and industry; and
- ethical behaviour and fair dealing.

The *Local Government Act 1993* requires every council to adopt a code relating to tenders and contracts by 1 January 2006.

This Code:

- is consistent with the Act and the Regulations; and
- includes procedures and guidelines for any prescribed matter.

As a measure of accountability and transparency, our General Manager will:

- make a copy of this Code (and any amendments) available for public inspection at the public office during ordinary office hours; and
- make copies of this Code available for purchase at a reasonable charge; and
- publish a copy of this Code on council's website.

The Act and Regulations require council to invite tenders for any contract it intends to enter into for the supply or provision of goods or services valued at or above \$250,000 (excluding GST). In accordance with the Regulations, council will invite tenders by one of the following means:

- (i) an open tender process; (refer Sections 5.1 through to 5.11)
- (ii) a multiple-use register; or (refer Section 5.12)
- (iii) a multiple-stage tender. (refer Section 5.13)

There are circumstances in which council is exempt from undertaking the above processes. These circumstances are described in Section 6.

For purchases under the \$250,000.00 threshold, council, in accordance with the Regulations, has decided that a quotation process will be undertaken. Council may choose to grant an exemption from undertaking a quotation process where the same circumstances exist for that of a tender described in Section 6.





Council will not split a contract into two or more contracts for the primary purpose of avoiding compliance with the requirement to publicly invite tenders.

## 2 Definitions

**Building Construction** - the construction and refurbishment of buildings and residential properties, and associated maintenance (services and residential) and professional services (eg. architects).

**Code** – refers to this Code for Tenders and Contracts which has been developed in accordance with the requirements of the *Local Government Act 1993* and **the Local Government Regulations 2015**.

**Consultant** - a person or organisation, external to a council, engaged under a contract on a temporary basis to provide recommendations or high level specialist or professional advice to assist decision making by council. The consultant will be expected to exercise his or her own skills and judgement independently of the council. It is the advisory nature of the work that distinguishes a consultant from a contractor.

**Contractor** - a person or organisation, external to the council, engaged under a contract for service (other than as an employee) to provide specified services to a council.

**Contract** - a contract is an obligation, such as an accepted offer, between competent parties upon a legal consideration, to do, or abstain from doing, some act.

**Expression of Interest (EOI)** - an Expression of Interest may be used as a means of exploring the market or to pre-qualify businesses to reduce the cost of tendering by restricting the issue of formal tenders.

**E Procurement Portal** – electronic procurement sometimes also known as supplier exchange is the *business to government* purchase and sale of supplies, work and services through the Internet as well as other information and networking systems, such as electronic data exchange. Elements of e-procurement include Request for Tender, Request for Quotation. This is in effect and electronic Tender Box that tracks the tender process with full audit accountability and is at "arms length" from Council Officers in a secure environment.

**Industry Capability Network Tasmania (ICNTAS)** - promotes Tasmanian industry through import replacement and opportunities for participation in major projects, government procurement and commercial developments. For more information go to [www.icntas.org.au](http://www.icntas.org.au)

**Local Business** - all businesses operating in the State, which have a permanent office or presence in Tasmania and employ Tasmanian workers.

**Multiple-stage purchasing** - a process which allows for a preliminary assessment of the market to be made in terms of the capabilities of potential suppliers and the goods and services that are available to satisfy the requirement, before a final purchasing stage is undertaken.

**Procurement** - the entire process by which all resources are obtained by an entity, including planning, design, standards determination, specification writing, selection of suppliers, financing, contract administration, disposals and other related functions.

**Probity** - probity is a risk management approach to ensuring procedural integrity.



**Probity Advisor** - a Probity Adviser provides advice on probity issues before and during the process of tendering and contracting to ensure the process is fair and in accordance with the Council's guidelines.

**Public Tender** - a tender where any business that can meet the requirements of the Request for Tender has the opportunity to bid.

**Purchasing** - the acquisition of goods or services.

**Quotation** - the bid submitted in response to a Request for Quotation from the Council.

**Request for Quotation** - either a verbal or written request for offers from businesses capable of providing a specified work, good or service.

**Request for Tender** - a document soliciting offers from businesses capable of providing a specified work, good or service. Requests for Tender are usually advertised.

**Standing Tender** – a tender from which a single tenderer or multiple tenderers may be contracted for a specified period to provide specified goods or services during that period without the need for a further tender process.

**Tender** - a proposal, bid or offer that is submitted in response to a Request for Tender from the Council.

**Tender Box** – the point of lodgement for tenders to ensure that the documentation is kept secure until the tender period closes. Generally a tender box: is a box or cabinet with an opening which allows large envelopes to be lodged, but which does not permit access to the contents; should be secured in a fixed position; and should be locked with two locks with different keys, maintained by two different officers.

**Tender Review Committee** – a committee established to review the process used for all building and construction and goods and services tenders over **\$250,000**.

**Value for Money** - achieving the desired outcomes at the best possible price.

**Verbal Quotation** - a verbal Request for Quotation. A verbal response may be adequate for low value purchases.

**Written Quotation** - a written Request for Quotation to undertake specific works or supply goods and services.



### 3 Purchasing Principles

This Code has been developed in order to have a transparent set of strategies that Southern Midlands Council will follow in order to comply with the four purchasing principles as required in the *Local Government Act 1993*. Below is a brief definition of each principle and what it means in practice to council.

#### 3.1 Open and effective competition

**Open and effective competition** – ensuring that the purchasing process is impartial, open and encourages competitive offers.

In practice this means that Southern Midlands Council will:

- use transparent and open purchasing processes so that potential contractors, suppliers and the public can have confidence in the outcomes;
- adequately test the market by applicable processes. For example, by open tender or by seeking quotations;
- avoid biased specifications; and
- treat all suppliers consistently and equitably.

#### 3.2 Value for money

**Value for money** – achieving the desired outcome at the best possible price.

In practice this means that Southern Midlands Council will weigh up the benefits of each purchase against the costs of that purchase. In doing this we may take the following factors into consideration:

- fitness for purpose;
- maintenance and running costs over the lifetime of the product;
- the advantages of buying locally, eg shorter delivery times, local backup and servicing, and the availability of spare parts;
- the contribution to the achievement of other Council objectives such as industry development and employment creation;
- quality assurance and perceived level of risk;
- the capacity of the supplier (eg managerial and technical abilities); and
- disposal value.





### **3.3 Enhancement of the capabilities of local business and industry**

Enhancement of the capabilities of local business and industry – ensuring that local businesses that wish to do business with council is given the opportunity to do so.

In practice this means that Southern Midlands Council will:

- for purchases less than \$30,000, three (3) verbal quotations to be obtained and the lowest one accepted. Any variation from this rule requires approval from the General Manager;
- for purchases between \$30,000 and \$249,999 three (3) written quotations to be obtained and the lowest one accepted. Any variation from this rule requires approval from the General Manager;
- for purchases greater than \$250,000 tenders are required, (Note where Council seeks tenders for the supply of goods and services, where possible and practical, at least 50% of the tenderers should be from within the municipal area; and
- All goods and services should be purchased from suppliers which are competitive in price, reliable in service and delivery, comply with relevant taxation and government legislation.

### **3.4 Ethical behaviour and fair dealing**

This principle means that all purchasing is undertaken in a fair and unbiased way and in the best interests of council.

In practice this means that Southern Midlands Council will:

- be fully accountable for the purchasing practices that we use and the decisions we make;
- ensure that decisions are not influenced by self-interest or personal gain (ie declining gifts or other personal benefits from suppliers);
- identify and deal with conflicts of interest;
- maintain confidentiality; and
- ensure that all procurement is undertaken in accordance with council's policies.

## **4 Ethics and Probity**

### **4.1 Ethics**

Southern Midlands Council will observe the following ethical standards when making purchasing transactions:

- all business will be conducted in the best interests of the ratepayers, avoiding any situation which may impinge, or might be deemed to impinge, on impartiality;
- all expenditure will be in accordance with the requirements of the *Local Government Act 1993*;



- all procurement activity will be undertaken without favour or prejudice and will aim to maximise value in all transactions;
- confidentiality will be maintained in all dealings; and
- acceptance of gifts, gratuities or any other benefits which may influence, or might be deemed to influence, equity or impartiality will not be permitted.

#### **4.2 Probity**

In order to achieve probity, council will consider the following five probity principles throughout all stages of procurement and contracting processes to ensure success in achieving the best value for public money:

- open competitive processes;
- transparency of process;
- identification and resolution of conflicts of interest;
- accountability; and
- monitoring and evaluating performance.

#### **4.3 Purchasing Code of Conduct**

The following points make up council's Purchasing Code of Conduct. The Council aims to:

- ensure that all potential suppliers are provided with identical information upon which to base tenders and quotations and are given equal opportunity to meet the requirements;
- establish and maintain procedures to ensure that fair and equal consideration is given to all tenders and quotations received;
- promote honesty and equity in the treatment of all suppliers of goods and services;
- provide a prompt and courteous response to all reasonable requests for advice and information from potential or existing suppliers;
- promote fair and open competition and seek value for money for the Council and its local community;
- seek to minimise the cost to suppliers for participation in the procurement process;
- protect commercial-in-confidence information;
- satisfy accountability standards;
- establish processes that avoid situations where private interests of council's employees may conflict with public/council duty and provide for the declaration of any conflicts of interest that do arise; and
- provide a clear statement that soliciting or accepting remuneration or other benefit from a supplier for the discharge of official duties is not permitted and may be illegal.





## **5 Making the Purchase**

### **5.1 Procurement overview - processes**

The following procurement overview is provided to give a brief outline on the way in which council procures routine goods and services:

- (i) plan the purchase (which includes the selection of the most appropriate purchasing method);
- (ii) prepare the relevant documents (eg quotation, tender or expression of interest);
- (iii) invite and receive offers;
- (iv) evaluate those offers;
- (v) advise the successful bidder and any unsuccessful bidders; and
- (vi) manage any contract that has been implemented as a result of the procurement.

### **5.2 Planning the Purchase**

During the planning phase of a purchase the following steps may be taken by council's staff:

- any relevant approval to undertake a purchase is obtained;
- an estimate of the cost of the good or service is undertaken and available Council funding of such a purchase is confirmed and an appropriate method of purchasing is chosen;
- market research and consultation is undertaken (eg what products are available on the market and how many suppliers);
- the specification is defined and mandatory requirements are identified. The specification will usually be developed in consultation with relevant Council stakeholders (useful resources during this phase may include previous or similar specifications);
- the establishment of evaluation criteria and evaluation methodology ;
- the development of a risk assessment and management plan;
- the commencement of a contract management plan; and
- if necessary, the engagement of a probity advisor.

There are three tendering and procurement thresholds that require different levels of involvement in planning and executing the purchase. The following table refers to the thresholds and summarises what purchasing method council utilises based on the total dollar value of the purchase.



Procurement Value	Minimum Requirement
\$30,000 and below	<p><b>Direct Purchase - Verbal Quotations</b></p> <p>No formal quotations are required however the General Manager may at his discretion obtain verbal quotations, of which at least one will be sought from a local business (if available).</p>
Between \$30,000 and \$249,999	<p><b>Written quotations</b></p> <p>The General Manager will, if possible obtain at least three written quotations, of which at least one will be sought from a local business (if available).</p>
\$250,000 and greater	<p><b>Public Tender</b></p> <ul style="list-style-type: none"> <li>• Council will advertise each tender at a minimum in the Mercury newspaper. Other advertising may be utilised as required.</li> <li>• Each tender will be advertised on Council website.</li> <li>• Council will seek at least one tender from a local business (if available).</li> </ul>

Council will apply the above requirements to the purchase of all goods and services with the exception of certain circumstances. The circumstances in which the above requirements may not be used are described under section 6 - *Exemptions*.

### 5.3 Purchasing Documentation

#### 5.3.1 Direct Purchase Verbal Quotations (for purchases below \$30,000 excluding GST)

Southern Midlands Council will undertake most purchases below \$30,000 on a verbal basis and as such there will not be any formal quotation documentation. However, Southern Midlands Council may choose for all but very low-value / low-risk purchases, to provide suppliers with a written specification and request a written quotation.

#### 5.3.2 Written Quotations (for purchases over \$30,000 excluding GST)

A Request for Quotation (RFQ) will be made inviting offers from businesses to provide a specified good or service. The request may include all terms and conditions of quotation, together with a clear description of the goods or services required, and the details of any applicable Council policies.

#### 5.3.3 Public Tenders (for purchases greater than \$250,000 excluding GST)

Council's Request for Tender (RFT) is a document inviting offers from businesses to provide specified goods or services. Council's Request for Tender documentation usually consists of four main parts. These four parts are:

- **Conditions of Tender** - The Conditions of Tender set out the terms under which council will receive and evaluate tenders. The conditions will usually include:
  - evaluation criteria and a brief outline of the evaluation methodology to be used;
  - closing date, time and place of lodgement;



- Council contact details;
  - pricing requirements (eg the price should exclude GST);
  - relevant Council policies and principles;
  - entitlement of unsuccessful bidders to be debriefed; and
  - information on the Council's complaints process.
- **Specification** - The specification clearly, accurately and completely describes the essential requirements of the goods or service being purchased. It is the basis of all offers and is the foundation for the contract. The specification will usually include:
    - functional requirements;
    - performance requirements; and
    - technical requirements.
  - **Conditions of Contract** - The Conditions of Contract contain the contractual terms defining the obligations and rights of the parties concerned. Contracts are used for all purchases over \$100,000 or where there are material risks involved.
  - **Tender Form** - The Tender Form must be completed, signed and returned by the tenderer. It includes a declaration by the tenderer that: the tenderer agrees to the Conditions of Tender; the information provided in the tender is accurate and correct; and the person signing the form is duly authorised to do so.

Southern Midlands Council, when preparing our tender documentation we will undertake the following procedures and processes:

- prepare clear and concise tender documentation that include all the terms and conditions of the planned purchase with a clear description of the goods or services required and details of any applicable Council policies;
- prepare tenders that include details of the intended duration of the contract, including any extensions that are applicable to the contract;
- prepare tenders that include details of the evaluation criteria (which are based on the specifications), any weightings to be used in the assessment of bids and the evaluation methodology;
- under no circumstances will we modify the evaluation criteria or methodology after the request for tender has been released without advising all potential tenderers;
- prepare specifications that do not restrict competition, reflect bias to any brand, or act as a barrier to the consideration of any alternatives;
- provide advice and details of any briefing sessions to be held in relation to the purchase;
- provide details on the availability of de-briefing sessions for unsuccessful bidders;
- provide details on council's complaints process and include the contact details of the complaints officer;
- prepare documentation that clearly specifies the Council's contact details (including Contact Officer), closing time, date and place of lodgement;





- prepare documentation that clearly states how and in what circumstances the purchasing documentation can be altered including the length of time given to bidders to prepare their submissions (which is to be at least 14 days from the date on which the tender notice is published);
- provide advice on the treatment of late submissions;
- provide an indication if alternative bids will be considered; and
- where applicable, documentation such as tenders will be cleared by council's legal advisors and the General Manager before being issued.

## **5.4 Inviting Offers**

### **5.4.1 Verbal Quotations**

Southern Midlands Council will follow the following procedures when inviting verbal quotations:

- provide each supplier with the same information and will give each supplier the same amount of time to prepare a quote; and
- Where possible and practical, at least 50% of the quotations should be from within the municipal area;

### **5.4.2 Written Quotations**

Southern Midlands Council will follow the following procedures when inviting written quotations:

- we will seek at least three written quotations, where possible and practical, at least 50% of the quotations should be from within the municipal area ;
- in some cases, we may choose to advertise a quotation if advantageous to do so;
- we will directly send the invitation to quote to identified businesses (such as businesses that already provide the service and businesses identified during the market research phase);
- exemption from seeking quotations will only be granted by the General Manager in circumstances outlined below under Exemptions;
- we will issue the request for quotation documentation either by mail, facsimile or by e-mail;
- when issuing a request for quotation to a business, the details of that business being will be recorded. The details recorded include: name of business; address; contact person; e-mail; telephone; and facsimile; and
- the time the Council provides to bidders to respond to the request for quotation will depend largely upon the nature and the complexity of the purchase, but equal time will be given to all businesses requested to quote.



### **5.4.3 Tenders**

Southern Midlands Council will do the following in respect of inviting tenders:

- for tenders, we will advertise each tender at a minimum in the Saturday edition of Mercury newspaper. The following information will be specified:
  - the nature of the goods or services the council requires;
  - any identification details allocated to the contract;
  - where the tender is to be lodged;
  - particulars identifying a person from whom more detailed information relating to the tender may be obtained; and
  - the period within which the tender is to be lodged.
- our tender documentation will either be made available via mail, email, facsimile or via an E Procurement Portal;
- we may send tender documentation directly to identified businesses, however, we will not provide any documentation to any potential tenderer until the tender has been advertised (so as not to give one tenderer an advantage over another);
- we will endeavour to get a minimum of three bids of which, where possible and practical, at least 40% of the tenderers should be from within the municipal area.;
- in accordance with our Code we will ensure that all potential suppliers are provided with identical information upon which to base tenders and are given equal opportunity to meet the requirements;
- when inviting tenders we will ensure that sufficient time has been provided to allow bidders to prepare an adequate response. At a minimum our tenders will be open for 14 days. However, this may increase dependant on whether the requirements are complex, or if it is likely that interested businesses may need to form partnerships/consortiums with other businesses in order to fulfil the requirements of the tender;
- when issuing a request for tender to a business, the details of that business will be recorded. The details recorded include: name of business; address; contact person; e-mail; telephone; and facsimile.
- if for any reason, there is a need to alter the tender documentation once it has been issued, an addendum will be sent to all businesses that have been issued with that documentation; and
- if it is necessary to extend the closing date of the tender the following will be done:
  - all businesses that have been issued with tender documentation will be advised in writing of the change in closing date; and
  - the new closing date will be advertised in all newspapers where the original advertisement was placed.



## **5.5 Communication with all potential suppliers and bidders – Contact Officer**

In accordance with council's Purchasing Code of Conduct and the Purchasing Principles Southern Midlands Council will do the following in respect of communication with all potential suppliers and bidders:

- nominate one contact person for each purchasing activity and clearly specify their name, contact details (including phone number and mailing address) so that tenderers know who to contact for more information (one only for probity reasons);
- the Contact Officer will be the sole point of communication with potential suppliers and bidders and will document any questions asked of them by a potential supplier or bidder and any response given;
- where possible, the Contact Officer will request that questions from potential suppliers and bidders be put in writing (email or facsimile will suffice). Any response from the Contact Officer will also be provided in writing;
- where possible the Contact Officer will limit the provision of information to the clarification of procedural issues; and
- any additional information provided to one prospective tenderer is also provided to everyone else who has requested or received tender documentation.

## **5.6 Receiving Offers**

### **5.6.1 Verbal and Written Quotations**

In receiving quotations, Southern Midlands Council will hold any written or verbal quotation received prior to the closing time in a secure location to maintain confidentiality, to ensure probity and to protect the individuals involved from claims of unfair practices.

Depending upon the nature and value of the purchase, Southern Midlands Council may from time to time, choose to use a tender box, or a E Procurement Portal as a point of lodgement for written quotations, to ensure that the documentation is kept secure until the tender period closes.

All quotations that the Council receives will be clearly marked with the time and date of receipt, and recorded in an appropriate schedule or register.

The Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

For written quotations, Southern Midlands Council will follow the procedures set out in the conditions of quotations for any late quotations and by accepting a late quotation, we will ensure that we are not providing an advantage to that bidder over other bidders.





## **5.6.2 Tenders**

Southern Midlands Council will provide a locked tender box at the designated tender lodgement location or an E Procurement Portal. Our tender box will not be opened until the time set for the closing of tenders has elapsed. Our E Procurement Portal will not be opened for Tender access until the time set for the closing of tenders has lapsed. The E Procurement Portal will automatically close-out when the Tender closing time has been reached.

Council treats information provided by suppliers as confidential and will not provide this information to unauthorised persons.

In receiving tenders, Southern Midlands Council may reject non-compliant offers (in accordance with the terms of our tender documents) which:

- are lodged after the closing time without a valid reason;
- are not signed where required;
- are incomplete - for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
- do not comply with mandatory conditions of tender; or
- fail to meet mandatory specifications.

When opening Tenders Southern Midlands Council will ensure that tenders are:

- opened in the presence of a minimum of two officers; and
- clearly identified and recorded.

In respect of the E Procurement Portal, the Audit Report of all transactions through the Portal along with the tender documentation will be verified by two officers, signed and then forwarded to the General Manager and the Records Management Officer for their action.

Southern Midlands Council will follow the procedures set out in the conditions of tender for any late tender submissions and by accepting a late tender, we will ensure that we are not providing an advantage to that bidder over other bidders.

## **5.7 Evaluating Offers**

### **5.7.1 Verbal and Written Quotations**

Southern Midlands Council when evaluating verbal and written quotations do so with the objective of identifying the offer that best meets our requirements and provides the best value for money. When evaluating quotations we take into consideration the following aspects of a bid:



- value for money, taking into account estimated life, disposal value and maintenance requirements and costs;
- price;
- compliance with quotation specifications;
- quality, delivery and service;
- the full benefits of sourcing locally;
- the consequences, including possible risks, of entering into a contract where there is one supplier, or a limited number of suppliers, that can provide and maintain the particular product over its lifetime; and
- any relevant Council policies.

### 5.7.2 Tenders

Southern Midlands Council will evaluate tenders in accordance with the evaluation criteria and methodology specified in the evaluation plan, which was developed prior to offers being invited. Under no circumstances will we modify the evaluation criteria or methodology after the Request for Tender has been released unless all potential tenderers are advised of the change in writing.

In evaluating tenders we will undertake the following steps:

- **Evaluate compliance** - Screen all offers to ensure that they are complete and comply with all mandatory evaluation criteria. Offers which do not meet all mandatory criteria may be excluded from further evaluation. Non-compliant offers include those that:
  - were lodged after the closing time;
  - are not signed where required;
  - are incomplete - for example, questions have not been answered, pages are missing, or required documentation has not been attached (for example, insurance certificates);
  - do not comply with mandatory conditions of tender; or
  - fail to meet mandatory specifications.
- **Clarify offers** - It may be necessary to seek clarification from a tenderer if an offer is unclear. Clarification does not mean that tenderers can revise their original offer. Any clarification sought should be documented.
- **Evaluate qualitative / non-cost criteria** - this stage involves a detailed analysis of each offer against the non-cost or qualitative evaluation criteria and weightings specified in the evaluation plan (the supplier must demonstrate that they meet the evaluation criteria, not just assert it).
- **Shortlist offers** - This step is only used for complex purchases in order to eliminate offers that are clearly not competitive. However, during this process, eliminated offers are not yet totally rejected, and may be re-visited later in the evaluation process.





- **Requests for Tenderers to make a formal presentation** - If appropriate, and tenderers have been forewarned in the Conditions of Tender, tenderers may be requested to make a formal presentation to the evaluation committee, clarifying their tender and providing the opportunity for the committee to ask questions. Under these circumstances, the tenderer will be directed to not introduce new or revised information. All information, questions and answers will be formally recorded by the Council.
- **Calculate value for money and compare offers** - The aim of council's comparative evaluation process is to determine which offer best meets all the requirements of the specification and offers the best value for money. The major factors which Southern Midlands Council take into consideration when evaluating value for money are:
  - the quality of the proposed good or service, that is, how well it meets the specified requirements; vs
  - whole of life costs; vs
  - risk, that is, the capacity of the tenderer to deliver the goods or services, as specified, on-time and on-budget.
- **Select preferred tenderer** – when selecting the offer that represents the best value for money for council and where two or more firms are ranked equally following the value for money assessment, we will give preference to a Tasmanian business over an inter-State or overseas businesses. In selecting a preferred tenderer for a high risk/high value or complex process, Southern Midlands Council will often undertake a due diligence investigation to ensure that the tenderer has the capacity and stability to fulfil all of the requirements of the contract.
- **Write the evaluation report** - on completion of the evaluation process Southern Midlands Council will document the selection of a successful tenderer in an Evaluation Report to be submitted to the relevant approval authority (eg. Tender Review Committee and/or General Manager). Council's evaluation reports include:
  - a comprehensive record of the evaluation method, the rationale used to select the preferred supplier, and whether it is recommended that negotiations should be undertaken, and on what basis; and
  - reasons for overlooking lower priced tenders.

## 5.8 Notification of successful and unsuccessful bidders

Once the preferred bidder is selected and all relevant Council approvals to proceed with the purchase have been granted, Southern Midlands Council shall write and (in most cases) telephone the preferred provider to notify them that they have been successful. After the preferred bidder has been notified, Southern Midlands Council will notify all unsuccessful bidders in writing of their non-selection.

Southern Midlands Council will advise the unsuccessful bidders in writing of:

- the tender outcome, including the contract number and title;
- the successful contractor;
- the term of the contract; and
- the total contract price for the term of the contract.



Details of tenders awarded will be displayed on council's public notice board and on our web site for a period of not less than fourteen days.

All unsuccessful bidders will be offered a debriefing session.

## **5.9 Contract Management**

A contract defines the rights and obligations of both parties once the tender is awarded. A contract is established when an offer is made and accepted. A contract comprises all relevant information provided to and by the business which has made the successful offer. This includes:

- the conditions of tender;
- the specifications, including any plans and other attachments;
- the successful offer; and
- the conditions of contract.

A draft copy of the conditions of contract will usually be included in council's original request for tender package.

For complex or high value purchases it may be necessary for council to enter into negotiations prior to finalising the contract in consultation with council's legal advisors. The purpose of these negotiations is to:

- test the understandings and assumptions made by tenderers in determining their costs;
- clarify and rectify any false assumptions; and
- achieve operational refinements and enhancements that may result in cost reductions.

The outcomes of these negotiations will be reflected in the final contract and once completed and agreed, the formal contract is then be signed by both parties.

A formal contract management plan is not required for all contracts, but Southern Midlands Council may develop contract management plans for contracts that involve large dollar amounts, complex technical requirements, or when the contract manager is responsible for managing a large number of contracts simultaneously.

## **5.10 Standing tenders**

From time to time Southern Midlands Council may utilise a standing tender in which one or more tenderers are contracted through an open tender process to provide specified goods or services over a period of time without the need for a further tender process.

The way in which a standing tender is established is the same as for an open tender process where the specification and description of the tender describe the intent of the standing contract and the conditions of its use.

## **5.11 Multiple-use register**

From time to time Southern Midlands Council may utilise a multiple-use register process to establish a register of suppliers that council has determined satisfy the conditions for participation in that register, and that council intends to use more than once.

If it is determined that council will establish such a register, our General Manager will invite expressions of interest from prospective applicants for inclusion on a register by publishing at least once in a daily newspaper circulating in the municipal area a notice specifying –

- a description of the goods and services, or categories thereof, for which the register may be used;
- the name and address of the council and other information necessary to contract the entity and obtain all relevant documents relating to the register; and
- any deadlines for submission of application for inclusion on the register.

Our General Manager will ensure that applicants provided with the following in order to make an application:

- details of the categories of goods or services required;
- the criteria for evaluating applications;
- the method of evaluating applications against the criteria; and
- the conditions for participation to be satisfied by suppliers and the methods that the council will use to verify a supplier's satisfaction of the conditions;
- a reference to the council's Code for Tenders and Contracts.

Our General Manager will advise all prospective tenderers of the results of their application including all categories for which they are registered and the reasons for rejection of inclusion on the register as soon as practicable.

When council wishes to use the register, our General Manager will invite all successful applicants that are registered for the relevant category to tender for the provision of the required good or service.

We will review any established register at least once every 12 months.

We will allow a prospective applicant to apply for inclusion on a register of tenderers at any time, unless the prospective tenderer –

- (a) has applied within the previous 12 months; and
- (b) has not been accepted.





The following table outlines the differences between a standing tender and a multiple-use register:

Standing Tender	Multiple-use register
<ul style="list-style-type: none"> <li>• Outcome of a procurement process</li> <li>• Can purchase directly from a panel list</li> <li>• Panel lists selected following evaluation</li> <li>• Size is set at conclusion of process</li> <li>• Indicative or set price</li> <li>• Operates for a finite period</li> <li>• Re-opens at conclusion of period</li> </ul>	<ul style="list-style-type: none"> <li>• Part of a procurement process</li> <li>• Basis for select tendering</li> <li>• conditions for participation stated</li> <li>• Cannot limit size</li> <li>• No pricing</li> <li>• Can operate indefinitely</li> <li>• Open continuously or annually</li> </ul>

### 5.12 Multiple-stage tenders

From time to time Southern Midlands Council may utilise a multiple-stage tendering process to:

- gain market knowledge and clarify the capability of suppliers (however, it will not be used as a substitute for conducting market research);
- shortlist qualified tenderers; and
- obtain industry input.

A multiple-stage purchasing process may be more costly and time-consuming for both suppliers and for council, and as such we will usually only use them where:

- the best way to meet the requirement is unclear;
- it is considered appropriate to pre-qualify businesses and restrict the issue of formal tenders (to reduce the cost of tendering);
- there are benefits which cannot be obtained by researching the market through conventional means; and
- maximum flexibility is required throughout the procurement process.

The multiple-stage processes that council may use are as follows:

- **Expression of interest** - an expression of interest (sometimes called a registration of interest) is generally used to shortlist potential suppliers before seeking detailed offers. Suppliers are shortlisted on their technical, managerial and financial capacity, reducing the cost of tendering by restricting the issue of formal tenders to those suppliers with demonstrated capacity.
- **Request for proposal** – may be used by council when a project or requirement has been defined, but where an innovative or flexible solution is sought.



- **Request for Tender**- may be used by council when a project requirement has been defined to solicit offers from businesses capable of providing a specified work, good or service.
- **Request for information** – may be used at the planning stage of a project to assist with defining the project. Council will not issue a request for information to identify or select suppliers.
- **Closed tender process** – may be used if the initial specification is well defined and an expression of interest or request for proposal has already been used to shortlist suppliers. Suppliers will be informed in advance that only those short-listed will be requested to tender.

Southern Midlands Council is mindful of the following aspects when conducting a multiple-stage tender process:

- the same mandatory requirements regarding advertising and seeking at least one bid from a local business, that apply to a public tender process;
- that a short-listed party cannot be engaged without going through a more detailed second (tender) stage process unless approved by an absolute majority of council; and
- when using a Request for Information, issues relating to intellectual property and copyright must be clarified prior to using the information provided to prepare the Request for Tender.

#### **5.14.1 Process**

Our General Manager will invite expressions of interest, and use the list of suppliers who lodge an application as the basis for inviting potential suppliers to submit tenders.

Our General Manager is to publish at least once in a daily newspaper circulating in the municipal area a notice requesting any interested supplier to submit an expression of its interest to supply the good or service required. The notice is to specify:

- the nature of the goods or services the council requires;
- any identification details allocated to the contract;
- where the expression of interest is to be lodged;
- particulars identifying a person from whom more detailed information relating to the tender may be obtained;
- the period within which the expression of interest is to be lodged.

Our General Manager will ensure that prospective tenderers are provided with the following in order to lodge an expression of interest:

- details of the goods or services required;
- the criteria for evaluating expressions of interest;
- the method of evaluating expressions of interest against the criteria;



- details of any further stages in the tender process; and
- a reference to the council's Code for Tenders and Contracts.

Our General Manager will then send an invitation to tender to all of the suppliers that expressed an interest in providing the good or service required unless it has stated specifically in the notice that the council may limit the suppliers that it will invite to participate.

Provided that the notice requesting expressions of interest states specifically that we may limit the suppliers we will invite to participate and the relevant requirements and evaluation criteria have been specified in the notice or associated documentation, our General Manager in determining the suppliers that will be invited to tender may:

- in assessing the technical ability, assess the extent to which an application meets the technical performance specifications of the procurement; and
- limit the number of businesses that it invites to tender, based on its rating of applications, provided that the largest number of potential suppliers selected, is consistent with an efficient tender process.

Our General Manager will:

- ensure that the evaluation criteria that is used to make a decision at the first stage of the process (expression of interest), is consistent with the criteria to be used for the second (tender) stage; and
- not directly engage a short-listed party without going through a more detailed second (tender) stage process unless approved by an absolute majority of council.

## 6 Exemptions

The *Local Government Regulations 2015* provide that councils must publicly invite tenders for the purchase of goods and services with a value in excess of \$100,000. Southern Midlands Council are committed to:

- encouraging open and effective competition between suppliers with the objective of obtaining value for money; and
- enhancing opportunities for local business.

As per the Regulations, council may not issue a tender or use a quotation process where the goods and services sought relate to:

- (a) an emergency if, in the opinion of the general manager, there is insufficient time to invite tenders for the goods or services required in that emergency;
- (b) a contract for goods or services supplied or provided by, or obtained through, an agency of a State or of the Commonwealth;
- (c) a contract for goods or services supplied or provided by another council, a single authority, a joint authority or the Local Government Association of Tasmania;
- (d) a contract for goods or services in respect of which a council is exempted under another Act from the requirement to invite a tender;





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- (e) a contract for goods or services that is entered into at public auction;
- (f) a contract for insurance entered into through a broker;
- (g) a contract arising when a council is directed to acquire goods or services due to a claim made under a contract of insurance;
- (h) a contract for goods or services if the council resolves by absolute majority and states the reasons for the decision, that a satisfactory result would not be achieved by inviting tenders because of –
  - (i) extenuating circumstances; or
  - (ii) remoteness of the locality; or
  - (iii) the unavailability of competitive or reliable tenderers;
- (i) a contract of employment with a person as an employee of the council.

Point (h) above may be applied for one or more of the following reasons:

- where it can be established that there is only one supplier of a particular product or service and there is no appropriate substitute available, or where alternative options are not viable or do not provide value for money;
- where the original product or service has been selected through an open tender process and the request for exemption relates to the proposed purchase of an upgrade or addition to the existing system, and there are limited supply options;
- the product is being trailed to assist in the evaluation of its performance prior to a large scale purchase for which open tenders will be called;
- to assist in the development of a new product in conjunction with a private sector business;
- where the cost to council and to suppliers would outweigh the value for money benefits of calling public tenders;
- projects of genuine urgency (eg, in the case of a natural disaster or similar emergency circumstances); or
- other exceptional circumstances, where conclusive justification of the request is provided.

Where an exemption has been granted on the basis of point (a) and (h) above, we will report in council's Annual Report the following details:

- (i) a brief description of the reason for not inviting public tenders;
- (ii) a description of the goods or services acquired;
- (iii) the value of the goods or services acquired; and
- (iv) the name of the supplier.



## 7 Complaints Process

Tasmanian Councils are provided with broad competency powers under the *Local Government Act 1993* to carry out the role of providing services to their communities.

The *Local Government Act 1993* also includes accountability measures under which Councils can be held responsible to their communities for their actions and decisions.

The resolution of complaints against council is a responsibility of council. Information regarding our formal complaint resolution process is available in council's Customer Service Charter.

In the first instance, complainants are encouraged to seek resolution through the Manager in charge of council's purchasing/tender process. If relevant, complainants are encouraged to seek a debriefing, if they have not already done so.

If a complainant is not satisfied with the response of council's manager in charge of the purchasing/tender process, the complainant is able to write to our General Manager providing copies of all correspondence and other relevant material. Council's General Manager will take whatever action is considered necessary to resolve the complaint. In certain circumstances, council may employ a Probity Auditor to investigate the complaint.

Southern Midlands Council will maintain the following for any complaint made against council in relation to a procurement activity:

- the date the complaint was made;
- the complainant's details (eg, business name, contact details);
- a brief description of the complaint;
- action in progress (including dates actions are taken);
- the outcome (including whether the complaint was resolved or whether it was referred to another body for further review); and
- the response time.

## 8 Contract Renewals and Extensions

### 8.1 Contract Renewals

In most cases, where the goods or services being delivered under the contract are required on an ongoing basis, council will undertake a new procurement process (tender/quotation) prior to the completion of the existing contract.

### 8.2 Contract extension

In some circumstances, it may be desirable for council to extend an existing contract, rather than seek new tenders or quotations for the delivery of the goods or services.

Contracts will only be extended:





- following a full evaluation of the performance of the current contractor; and
- where the principles of open and effective competition are protected.

As a general rule, council will not extend contracts if:

- the original contract does not allow an extension;
- since the previous tender, the market has changed substantially; or
- the nature of the goods/services required has substantially changed.

## **9 Disposals**

Disposals are to be conducted so that the best return to council is achieved. Disposal of land will be made in accordance with Division 1 of Part 12 of the *Local Government Act 1993*.

## **10 Reporting**

### **10.1 Annual Report**

Council will publish in its Annual Report in relation to all contracts for the supply or provision of goods and services valued at or above \$100 000 (excluding GST), awarded or entered in the financial year, including extensions granted:

- a description of the contract;
- the period of the contract;
- the periods of any options for extending the contract;
- the value of any tender awarded or, if a tender was not required, the value of the contract excluding GST;
- the business name of the successful contractor; and
- the business address of the successful contractor.

Where an exemption has been granted from a tender process [refer Section 6 point (a) and (h)], we will report in council's Annual Report the following details:

- a brief description of the reason for not inviting public tenders;
- a description of the goods or services acquired;
- the value of the goods or services acquired; and
- the name of the supplier.



## 10.2 Reporting to Council

The General Manager will report at each Council meeting any instance, since the previous meeting, where a purchase of a good or service is made where a public tender or quotation process is not used.

## 11 Common Use Contracts

Where the Department of Treasury and Finance has established whole-of-Government contracts for the supply of goods or services to agencies and other authorised organisations, council may choose to utilise the following whole-of-Government contracts:

Information on these contracts is available from the Tasmanian Government's Department of Treasury and Finance's website at [www.purchasing.tas.gov.au](http://www.purchasing.tas.gov.au).

## 12 Public Interest Disclosure Act 2002

### 12.1 Statement of Purpose

The Southern Midlands Council is committed to the aims and objectives of the *Public Interest Disclosures Act 2002* (the Act). It does not tolerate improper conduct by its employees, officers or members, or the taking of detrimental action against those who come forward to disclose such conduct.

The Southern Midlands Council recognises the value of transparency and accountability in its administrative and management practices, and supports the making of disclosures that reveal the type of conduct to which the Act is directed.

The Southern Midlands Council will take all reasonable steps to protect people who make such a disclosure from any detrimental action in reprisal for making the disclosure, and to protect their welfare. It will also afford natural justice to all parties involved in the investigation of a disclosure.

### 12.2 Purpose of the Procedures of the Public Interest Disclosure Act 2002

These procedures establish a system for reporting disclosures of improper conduct or detrimental action by members, officers or employees of the Southern Midlands Council. The procedures are also intended to assist its members, officers and employees to understand the way in which the Act operates and needs to be administered.

The system created by these procedures provides for such disclosures to be made to the General Manager (the Principal Officer) or to a delegated Public Interest Disclosure Officer. Disclosures may be made by people who are "public officers" with the Southern Midlands Council.

People who are or have been "contractors" with Southern Midlands Council for the supply of goods or services can make disclosures to the Ombudsman or Integrity Commission. The meaning of public officers and contractors is explained later in this document.



These procedures are designed to complement normal communication channels between supervisors and employees. Employees are encouraged to continue to raise appropriate matters at any time with their supervisors, and to use existing grievance procedures within the organisation where appropriate.

The procedures have been prepared in accordance with Guidelines and Standards published by the Ombudsman under s 38(1)(c) of the Act. These Guidelines and Standards can be seen on the Southern Midlands Council website at [www.southernmidlands.tas.gov.au](http://www.southernmidlands.tas.gov.au).

### 13 Policy Approval Process

The Code for Tenders and Contracts is to be reviewed every four years.

<b>First Council Meeting Date:</b>	<b>30<sup>th</sup> August 2000</b>	<b>Decision No.</b>	<b>C/00/08/041/4490</b>
<b>Final Council Meeting Date:</b>		<b>Decision No.</b>	
<b>Repealed Council Meeting Date:</b>		<b>Decision No.</b>	
<b>Updated Council Meeting Date:</b>	<b>27<sup>th</sup> November 2002</b>	<b>Decision No.</b>	<b>C/02/07/034/5670</b>
<b>Considered Council Meeting Date:</b>	<b>8<sup>th</sup> June 2005</b>	<b>Decision No.</b>	
<b>Updated Council Meeting Date:</b>	<b>29<sup>th</sup> June 2005</b>	<b>Decision No.</b>	<b>C/05/06/034/7583</b>
<b>Considered Council Meeting Date:</b>	<b>25<sup>th</sup> September 2013</b>	<b>Decision No</b>	<b>C/13/09/164/19478</b>
<b>Updated Council Meeting Date:</b>	<b>9<sup>th</sup> October 2013</b>	<b>Decision No</b>	<b>C/13/10/085/19497</b>
<b>Updated Council Meeting Date</b> <i>In respect of an E Procurement Portal</i>	<b>28<sup>th</sup> January 2015</b>	<b>Decision No</b>	<b>C/15/01/105/19946</b>
<b>Considered Council Meeting Date:</b>	<b>27<sup>th</sup> September 2017</b>	<b>Decision No</b>	
<b>Updated Council Meeting Date</b> <i>In respect of increase of prescribe amount plus the addition of PID Act information</i>			

**17.2.4 REPORT ON LOCAL GOVERNMENT ASSOCIATION OF TASMANIA 105<sup>TH</sup> ANNUAL CONFERENCE, HELD AT WREST POINT, HOBART FROM THE 26-28 JULY 2017**

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

**Date:** 19 OCTOBER 2017

**Attachment**

*Memo from Deputy General Manager, A Benson*

*Extract from draft minutes LGAT General Meeting – 26<sup>th</sup> July 2017*

**DETAIL**

Report on attendance at the Local Government Association of Tasmania Annual Conference held at the Wrest Point, Hobart from the 26<sup>th</sup>-28<sup>th</sup> July 2017.

Attendance: Mayor AE Bisdee, Deputy Mayor AO Green, General Manager T Kirkwood & Deputy General Manager A Benson (Part)

Conference Theme:

Imagination, Ideas and Innovation: Developing Better Communities

Approximately 200 elected members and council managers attended.

The LGAT General Meeting and Annual General Meeting was held on Day 1.

An extract from the draft Minutes of the General Meeting held 26<sup>th</sup> July 2017 are included as an attachment. The extract relates to the Motions for which notice had been received.

The Minutes of the Annual General Meeting are yet to be produced.

Day 2 included the following Plenary Speakers:

**Dr Anton Kriz - *Transforming Your Place in the 21st Century: Regional Innovation Management by Design***

- spoke about transformation change in regions
- regions are not necessarily endowed with the best resources and there needs to be a focus on building those resources.
- knowledge of what resources exist is a good starting point

**Travis Tiddy - *An Unconforming Model for Community Change***

- founder and director of the award winning arts festival held in Queenstown 'The Unconformity'
- fifth generation west coaster
- spoke about how the Queenstown community confronted local challenges through arts and culture

**Mayor David O'Loughlin - ALGA President**

- General update on Australian Local Government Association activities

**Dr Greg Moore - *Urban Trees and Sustainable and Liveable Communities***

- spoke about the 'economic' significance of trees
- how trees perform functional roles and have a real economic value

The Workshop Program in the afternoon included the following options:

- Steven Burgess - *Making Towns and Cities Prosperous through Better Transport*
- Kirsten Lingard - *Community Resilience Leadership*
- Susan Fayad - *Come Together: Building the Future, Keeping the Past*

Day 3 - Plenary Speakers:

**Clr Emilia Sterjova - *Engaging Youth to Enrich Your Community***

- Youngest Councillor in the City of Whittlesea, located in Melbourne – sworn in at 19 years of age
- Spoke about her election campaign and in particular, her process for engaging with young people

**Panel Discussion - *The Next Big Thing!* with Roger La Salle, Errol Stewart, Stephen Yarwood and David Hammond**

- Each member of the panel share some of their business experiences and in general terms, the 'next big thing' for each focussed around the use of technology

Day 3 – Workshop Program:

- David Hammond - *Re-engaging Communities.*
- Anita Planchon - *Innovation in Community Development to Build Literacy*
- David Engwicht - *Creating Vibrant Public Spaces*

Mayor Bisdee facilitated the workshop conducted by David Hammond in his role as a member of the LGAT General Management Committee.

A Meritorious Service Award was presented to Latrobe Mayor Peter Freshney by the Life Members of the Association, and a Life Member Award was presented to Devonport City Council General Manager, Paul West.

The memorandum, prepared by Andrew Benson is included as an attachment which details his comments relating to the conference.

**RECOMMENDATION**

**THAT the information be received.**

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

**ATTACHMENT**

*Agenda Item 17.2.4*

MEMO TO      General Manager

FROM          Deputy General Manager, Andrew Benson

REF:          LGAT Conference one day registration

DATE:         July 2017



I appreciated the opportunity that Council has provided me in attending this conference, it is my firm belief that investment of Council officer time in such events adds tremendous value / benefit to what we can bring to our Community.

The following is an overview of my observations and learnings from the Conference.

**Dr Anton Kriz**

*Transforming Your Place in the 21st Century: Regional Innovation Management by Design*

Dr Kriz talked about levers as a metaphor

- Regional Innovation Management Levers
- Cluster Innovation Management Levers
- Enterprise Innovation Management Levers
- Champion Innovation Management Levers

He then covered Re-designing a “Good to Great Place” in this he referred to the elements covered in the book written by Jim Collins “Good to Great”.

He talked about the steps in redesigning a great place

Start with Context: Simple, Complicated, Complex or Chaotic

Incremental verses Radical Re-design

Know Your “Where” with Place History and Endowments

Focus on the “What” and “Why” of Your Place

Balancing Between Forces (For & Against Change)

The “How” Means Re-designing Programs Around Core Capabilities

Like Great Companies Focus on Governance and Never Stop Redesigning

Re-designing Great Places An Incredibly Challenging Task Biggest Tragedy... **To Do Nothing!**



## **Travis Tiddy**

### *An Unconforming Model for Community Change?*

Generally about various models of Community Change

Some new references and models that are worth of exploration in the Southern Midlands Context.

## **Dr Greg Moore** School of Ecosystem and Forest Sciences - Burnley

### *Urban Trees and Sustainable and Liveable Communities*

Generally trees in the landscape

- The tree cover of Australian cities is by no means as dense as many people might think, or perhaps wish.
- About half of the Local Government Areas (LGAs) in Melbourne, Sydney, Perth and Adelaide have tree cover of less than 20%.
- Even in places such as Brisbane or Hobart or Launceston where canopy cover is higher, there are significant parts of the city with less than 20% cover.
- Often canopy cover is being lost in the course of urban development at a rate of about 1.0-1.5% per annum. • London has a tree & vegetation cover that classifies it as a forest .
- There is a great need to protect what cover we have in LGAs and to provide more cover in the LGAs that are currently deficient.
- Society has invested resources in tree establishment and management
- Trees have matured as assets and provide many and diverse benefits to society
- Over thirty years tree populations and cover in most Australian cities have declined due to significant loss of private open and public open space (loss of front and back yards, redevelopment and new real estate developments (Mullaly, 2000).
- Australian cities have on average 35% cover (Canberra 56% and Adelaide 27%).
- Opportunities for vegetation to ameliorate the heat island effect, reduce wind speed, provide shade and reduce energy use are diminished.
- Such an outcome not only raises questions about the economic viability of these developments, but also about their long term environmental sustainability.

### **Tree Value and property value: 1**

- A good tree in a front garden adds \$5,000 to domestic property value
- Others put the value as high as \$50,000 or 5.4% of the property value
- There a positive return if you spend wisely on landscaping
- The real estate industry recognize the value of trees, both specifically and generally, adding to properties.
- 34% of Australians would be prepared to pay an extra \$100,000 for a house in a green and leafy area.



**Tree Value and property value: 2**

- 73% of Australians want a backyard and
- 57% of Australians want a park within a 5-10 minute walk of their home
- A tree-lined nature strip added \$30, 000 to properties in streets that had trees compared to similar houses on treeless streets two streets away (no one wanted the trees in front of their place!)
- The unnecessary removal of a safe and healthy tree from a streetscape could precipitate legal action by residents for loss of property value.

More of the session was about the value of shade and the impacts of climate change in the landscape. Also the impacts of health and wellbeing in Council parklands and sanctuaries.

**Workshop Program - Stream 2: Kirsten Lingard**

*Community Resilience Leadership – Mansfield Shire in Victoria*

1. Setting the scene
2. Community development/planning
3. Community resilience leadership program

This was a good workshop with many take home messages and actions to consider based on the Mansfield experience.

I have made contact with the presenter's team in Mansfield and gained further knowledge and I have subsequently submitted a Grant Application in many ways framed around the Mansfield experience and some of my own ideas.



## Motions For Which Notice Has Been Received

### 9 ROADS AND INFRASTRUCTURE

#### 9.1 Motion – Public Transport Services

City of Hobart/Central Coast Council

That the State Government be urged to increase its per capita spending on the provision of public transport services within metropolitan and regional Tasmania.

Carried

For	51
Against	5
Abstained	2

#### Background Comment

*"The travel needs of many city centre workers can only be met by mass public transport. As Australia's urban economies have transitioned and more jobs are located in city centres, patronage on public transport has grown significantly. In the past decade, the rate of average annual growth of public transport patronage (2.4 per cent) surpassed the rate of population growth in capital cities (1.8 per cent). Additionally, the presence of public transport infrastructure attracts higher-density development, with corridors of higher density housing and commercial premises locating along transit routes. This is an increasingly common urban form change in Australian cities."*

State of Australian Cities 2015

*Public transport usage experienced a decline over two decades but began increasing again in 1996. Between 2006 and 2011, Australia experienced the biggest increase in public transport mode share since 1976 (Mees & Groenhart 2012). The revival in public transport usage did not include Adelaide, Canberra or Hobart. Delivering sustainable urban mobility;*

Australian Council of Learned Academies (ACOLA) 2015

Tasmania has a very low public transport mode share. There is poor service coverage, low service frequency and insufficient infrastructure to lift patronage. Additional funding is required in the public transport space to improve Tasmanian's access to services, education and jobs. We cannot have growth in Tasmania without additional spending on public transport services.

#### LGAT Comment

LGAT notes that currently there are several State Government publications and plans that relate to the provision of public transport infrastructure and services. These include:

- Tasmanian Infrastructure Strategy;
- Transit Corridor Planning Project;
- Greater Launceston Metropolitan Passenger Transport Plan;
- Regional Integrated Transport Plans;



- Regional Land Use Strategies; and
- Tasmanian Urban Passenger Transport Framework

The Government's Tasmanian Infrastructure Strategy's long-term vision for transport infrastructure includes the objectives of delivering a public transport system which is:

- A first choice option providing a cost-effective alternative to more road infrastructure, and
- An integrated passenger transport system with appropriate services and concessions to alleviate social disadvantage.

#### **Tasmanian Government Agency Comment**

The Tasmanian Government invests significantly in public transport networks and currently provides over \$90 million annually to support public passenger bus services across the State. The Government recognises that increased use of public transport is an important means of reducing congestion in urban centres and for providing equity of access to those living in rural areas. The Government is working to more efficiently and effectively target the allocation of its resources and is implementing a number of activities to improve public passenger transport services across the State and increase patronage.

The Department of State Growth (State Growth) is currently undertaking an extensive review of all current public passenger bus network services and providers. The review, referred to as 'Project 2018', will focus on ensuring development of the right network and the right number of buses and services to, from and between communities. Work has also commenced on investigating the potential for unifying ticketing services across individual bus operators. This 'common ticketing' would give patrons the convenience of being able to use one smartcard to pay for bus fares across multiple operators.

State Growth is continuing to work closely with councils to make existing passenger services more efficient and attractive to patrons. State Growth has already progressed work with the Glenorchy and Hobart City Councils on opportunities to optimise bus services along the main road corridor through consideration of bus priority measures and a review of bus stop locations. Providing priority for buses is a key lever available to councils to influence the take up of passenger transport.

During the back-to-school period between 30 January and 24 February 2017, a free pre-7:00am business day bus service was trialled as a specific measure to address congestion in the Hobart urban area. This initiative aimed to encourage commuters to try something different and, at no personal cost, sample a different transport mode and avoid the back-to-school traffic. During the trial, there was a 14% increase in patronage of the pre-7:00am service.

In conjunction with these initiatives, the Government is currently finalising its Transport Access Strategy to provide better integrated and coordinated transport services for Tasmanians disadvantaged through economic circumstances, disability, frailty or age. When released, the Strategy, which focuses on transport disadvantage, will be a first critical building block for a wider, more holistic approach to passenger transport in the future.



## 10 SECTOR REFORM

### 10.1 Motion – Local Government Rates, Fees & Charges Regulator

Burnie City Council/Derwent Valley Council

That LGAT write to the Minister for Local Government seeking an investigation into the merits of introducing an independent body (similar to the prices regulator for power, water and sewerage) to be the regulator of Local Government rates, fees and charges and to oversee estimates of Capital works budgets.

Lost

For	4
Against	51
Abstained	3

#### Background Comment

In preparing budgets and developing asset and financial plans elected members rely heavily on the advice of their General Managers as they do not have the broad experience or necessarily time to be involved in the fine detail of determining the equitable setting of fees, charges and rates.

This should not be seen as a criticism of elected members but a statement of fact, as all are there to represent the community in the resolution of their daily issues predominantly. Elected members are presented with Budgets from the General Manager with the assistance of senior managers and the involvement of Aldermen/Councillors is generally to ensure a balanced operational budget and to adopt a capital works program in line with the available funds.

The level of challenge and justification of specific items in budgets is generally superficial, as the elected members do not have the detailed knowledge of the operation, hence relying on the General Manager. In recent years local government entities have established Audit Panels, however this can only scrutinise a single entity and not more broadly across the local government sector. An independent body to advise elected members as to the accuracy or justification of the rates, fees and charges would be beneficial for the community. An independent body could also examine the expenditure to ascertain whether the services provided are fair and reasonable.

An independent body could also consider the asset base of each Council examining the depreciation rates that are being used and the appropriateness of the capital works program.

Such an independent body of overarching supervision would allow for Statewide consistency in the setting of rates, fees and charges with an ability for Councils to argue factors as to whether the body should take into account disability factors of individual municipalities.

It would also highlight long term issues such as where Councils are not maintaining infrastructure or replacing it with a long term interest is maintaining the quality of assets.

There are models around Australia where State Government impose rate capping/pegging and this motion provides local government with an opportunity to be involved in an investigation with the Minister of Local Government before it is imposed on the sector.



#### **LGAT Comment**

A number of jurisdictions have imposed or wish to impose rate capping on Local Government. As articulated to Members in a paper to the November 2016 Meeting, evidence suggests that rate capping is not an appropriate mechanism for yielding efficiency dividends and leads to negative and long-lasting consequences such as: loss of autonomy and flexibility in relation to determining local infrastructure and service requirements; a propensity to develop a back log of infrastructure maintenance and renewal requirements; and the potential for inter-generational transfer or burden.

While LGAT has no position on the suggestion of an independent regulator, we note that over the last few years, through LGAT, there has been significant investment in improving the sector's approach to Long Term Financial and Asset Management planning, including officer and elected member training, practice notes, maturity assessments, new legislated requirements and a focus by the Auditor General.

It should be noted that at this stage while the Property Council is calling for the introduction of rate capping, the Government has stated this is not their intent. However, in light of the highly charged reform environment this is not a guaranteed position.

The risk of an imposed rate capping model must be weighed against the risks related to a regulated model such as outlined in this motion. For example, LGAT notes the advice of the NSW Independent Review Panel on the high cost of preparing, reviewing and determining applications around rate capping relative to the benefits delivered. This may be a risk in a new regulatory environment in Tasmania and would have to be carefully contemplated in any model going forward, along with consideration of how consideration is given to local variations in service needs and preferences (based on demographic factors, geography, council's financial circumstances, the offerings of other levels of government, and conversely any service gaps, and the community's ability and willingness to pay).

#### **Tasmanian Government Agency Comment**

The *Local Government Act 1993* (the Act) allows councils to determine appropriate rating structures that support individual service delivery and asset management objectives. The community elects councillors to make decisions on its behalf including in relation to rates, charges and asset management. In turn, councils appoint general managers who have the capacity to provide qualified advice regarding rates, charges and asset management that aligns with councils' strategic plans.

A number of mechanisms are in place to support councils to deliver sound decision making with regard to the setting of rates and charges, and with regard to financial and asset management.

The Act requires councils to implement rates and charges policies to provide transparency in decision-making, and to educate their communities about how councils raise revenue. Rating policies are required to be consistent with councils' long-term financial and asset management plans, which are also a requirement under the Act.

Each year the Auditor-General prepares a report on the financial statements and financial sustainability of councils. In recent years, this report has included data related to efficiency including rates per head of population. There may be scope to build on the Auditor-General's analysis and reporting to further enhance transparency.

The motion proposes an independent regulatory body could have powers ranging from advisory (in particular providing benchmarking information to a council as to how its budget position and plans compare with other councils) through to regulation of rates, charges and capital expenditure. The State Government does not object to this proposal in principle, if the motion is agreed by the sector. Should the sector agree to the motion,

the State Government is willing to work with Local Government to develop options as to how the regulatory body is established (or whether an existing regulator is given new powers), how it would be resourced and funded, and what new powers are to be provided.

## 11 SECTOR CAPACITY

### 11.1 Motion – Flood Mitigation Funding

#### Kentish Council/Derwent Valley Council

That LGAT lobby the State Government to boost Tasmania's disaster resilience by providing a significant increase in funding and work with the Commonwealth Government to change the disaster resilience mitigation funding under the National Partnership Agreement back to  $\frac{1}{3}$  Commonwealth,  $\frac{1}{3}$  State and  $\frac{1}{3}$  Council contributions.

#### Amendment Motion

#### West Tamar Council/Flinders Council

That LGAT lobby the State and Federal Government to boost Tasmania's disaster resilience by forming a tri-partisan arrangement containing representatives from Local, State and Federal government to consider and approve disaster relief funding requirements on a needs basis.

Lost

For	14
Against	41
Abstained	3

#### Kentish Council/Derwent Valley Council

That LGAT lobby the State Government to boost Tasmania's disaster resilience by providing a significant increase in funding and work with the Commonwealth Government to change the disaster resilience mitigation funding under the National Partnership Agreement back to  $\frac{1}{3}$  Commonwealth,  $\frac{1}{3}$  State and  $\frac{1}{3}$  Council contributions.

The Original Motion was Put and Carried

For	51
Against	4
Abstained	3





#### **Background Comment**

Kentish has a long history of major floods causing disruption to business and on-going economic and social costs to the urban and surrounding rural community.

The 2011 floods were particularly severe resulting in significant economic, psycho-social, infrastructure and environmental impacts on the community, in particular Railton where 60 houses and 14 businesses were flooded. The June 2016 flooding had a lesser impact in Railton but still resulted in a number of properties being flooded and uninhabitable houses, one of which still remains vacant, along with destruction of major infrastructure including three bridges across the Mersey River.

Following the extensive flooding of Railton in January 2011, Council was grateful to secure funding from the Natural Disaster Resilience Program (NDRP) to develop a Railton Flood Mitigation Strategy.

Engineering Consultants SEMF were engaged to review flood mitigation options for Railton and model flows and water levels. The resultant SEMF report identified flood protection measures that would, if implemented, protect Railton from major flood events in the future.

The cost of this mitigation project is \$2,465,826. Kentish Council made an application to the Natural Disaster Resilience Grants Program to minimise flooding in the township of Railton and subsequently found out that only \$400,000 was available in the current Tasmanian allocation for flood studies and mitigation works. The application was unsuccessful.

In addition approximately 7 to 10 years ago the Regional Flood Mitigation programs (1/3 Federal: 1/3 State: 1/3 Local Government funding) was replaced with the National Partnership Agreement and the National Disaster Resilience program (50:50 funding).

The Tasmanian Longford flood levy was constructed under the previous program approximately 13 years ago and the cost of just over \$5 million was more than repaid when the township was protected from the June 2016 floods. The estimated cost of damage if the township had been flooded was approximated at \$12 million in 2004.

The Launceston City Council received significant funds for their flood levy project on a 1/3 (Commonwealth) 1/3 (State) 1/3 (Local Government) basis and Council understands that the funding for this project was a one-off special pledge from the Federal Government as a result of significant lobbying over a long period of time.

The issue of availability of funding for flood mitigation work/studies is significant and the limited money available through the current National Partnership Agreement will only scratch the surface.

Council believes the mitigation funding should be substantially increased and the previous model of 1/3 Commonwealth, 1/3 State and 1/3 Local Government is the best way to fund mitigation works.

#### **LGAT Comment**

LGAT agrees that both the pool of funding for mitigation works and the current requirement under the partnership agreement for 50:50 split in contributions between the federal government and the funded organisation is inequitable, especially for smaller councils with significant risk. If funding is made available to Tasmania through future national partnership agreement or other mechanisms a more appropriate funding split should be considered as part of any grant program.

It is understood that other states provide similar mitigation programs (as agreed through





their state specific partnership agreements with the Federal Government) and that some provide a more appropriate split in contributions to make it more accessible to poorly resourced stakeholders such as small councils. Some states also provide “top up” funding to the federal government funding to increase the pool of funding available to applicants.

LGAT has raised concerns in a number of forums in relation to these issues. These include the Premiers Local Government Council Officials meeting, though our budget submission to the Tasmanian Government for the 2017/18 budget, the Flood review submission and discussions with the Productivity Commission in relation to relief and recovery funding. The lack of funding for mitigation is also an area that ALGA has a strong policy position on.

The issue of the State Government using the National Partnership Funding for what, in some circumstances could arguably be considered as a core function is of concern and impacts on the availability of funding for other stakeholders. As with other jurisdictions, grant programs and funding for mitigation in Tasmania for stakeholders other than state government should be provided under different terms with a more appropriate split. LGAT has identified this as a significant issue in the emergency management policy area.

#### **Tasmanian Government Agency Comment**

The State Government (through DPAC - Office of Security and Emergency Management) is engaged in ongoing negotiations with the Commonwealth (AGD) on national reforms to the Natural Disaster Relief and Recovery Arrangements (NDRRA) that are expected to be implemented from 1 July 2018. These reforms are likely to include new national funding arrangements that should allow access to additional Commonwealth funding for mitigation projects.

There is one more round of the 2015-17 of the National Partnership Agreement on Natural Disaster Resilience (NPA), which will be launched around September 2017 and, pending any agreed changes to the Tasmanian Implementation Plan, will provide \$400,000 towards the Natural Disaster Resilience Grants Program, \$200,000 for the Emergency Volunteer Fund, and \$565,000 for the State Emergency Management Program.

The Commonwealth has committed to an extension of the NPA, which will fund support programs at the same levels for 2017-18. However, no funding commitments have been made beyond 2017-18 as this is due to the need to await the outcome of the above NDRRA review.

The NPA requires Tasmania to match the Commonwealth funding contribution, but this may be cash or in-kind. The NPA requires a Tasmanian Implementation Plan, which specifies how project revenues/expenses are split. Since the start of the NPA, this has been on a 50% cash contribution through the NPA and a 50% cash or in-kind contribution from the applicant. Unlike the previous Regional Flood Mitigation Program, funding eligibility is now much broader and also includes Non-Government Organisations. To include a 1/3 State contribution under these circumstances would provide inequities in the proportion of the NPA/Commonwealth funding received, particularly for State Agency applicants who would have to pay 2/3 contribution.

Councils (or any other applicants) who have difficulty in meeting the 50% matching contribution (cash or in-kind) may seek an exceptional circumstances waiver on their grant application. Applicants also have the option of seeking/negotiating additional funding from additional sponsor agencies/organisations to further supplement grant applications.

## **11.2 Motion – Immunisation Programs**



**Devonport City Council/Burnie City Council**

**That the Local Government Association of Tasmania lobby the State Government to investigate the coordination of school immunisation programs being undertaken on a State wide basis, rather than being an individual council responsibility to coordinate.**

Carried

For	40
Against	16
Abstained	2

**Background Comment**

Councils are required by the provisions of the *Public Health Act 1997* to administer an "immunisation program" and therefore under this provision, the Director of Health has determined that Council must deliver a school immunisation program.

To deliver a school immunisation program, Council must obtain the services of two registered nurse immunisers.

At present, there are a limited number of nurses who are registered as "immunisers" and the result is that planned school programs are often delayed or cancelled.

This can be critical when certain vaccine booster shots are required to be delivered within a specified period. Devonport City Council is of the view that the way the program is administered should be reviewed and coordinated at the State level.

**LGAT Comment**

While the Department's Public Health Services may provide significant support to councils in the delivery of school immunisation programs, there may be opportunity to better harness this effort.

LGAT can support the issues raised in this motion by negotiating with the PHS for an approach that will assist councils with the difficulty they experience in delivering this service.

**Tasmanian State Government Agency Comment**

This motion asks the LGAT to lobby the State Government to investigate how coordination of the school immunisation programs may be done on a State wide basis rather than by councils. The motion is not supported by the Department of Health and Human Services.

The Department's Public Health Services (PHS) already provides extensive state-wide coordination of school immunisation programs.

PHS coordinates state-wide school immunisation programs through substantial and frequent consultation with Local Government and stakeholders such as education. This activity occurs individually day-to-day and in forums held several times each year. PHS provides immunisation program guidance documents – developed in consultation with Local Government – to assist all providers to deliver efficient and consistent programs.

PHS has developed and refined state-wide supporting material such as information and consent packages for children and their parents. PHS maintains a state-wide register of



authorised immunisers to support immunisation providers including Local Government. PHS coordinates access to and transport of vaccines for Local Government, and manages information about immunisation generated by the school-based programs.

Active involvement of Local Government in coordinating local delivery of school-based vaccines is an essential and appropriately local function.

The *Public Health Act 1997* includes succinct and clear requirements of Local Government:

**57. Council immunisation programs**

- (1) A council must develop and implement an approved program for immunisation in its municipal area.
- (2) *The Director may require a council to provide any information the Director determines relating to its immunisation program.*

These provisions reflect the understanding of the critical role of immunisation in ensuring the health of communities, and of the irreplaceable role of Local Government in providing locally-informed population-based immunisation services in settings such as schools.

PHS is currently participating in a program of applied research, in partnership with several other jurisdictions, to identify and implement improvements in how Human Papillomavirus vaccine is provided through school-based programs. PHS looks forward to involving Tasmanian local governments in this process, which is hoped to increase coverage of HPV vaccine from around 65% to well over 80%.

## 12 LAND USE PLANNING & ENVIRONMENT

### 12.1 Motion – Container Deposit Legislation

City of Hobart/Clarence City Council

**That the Local Government Association of Tasmania lobby the State Government to introduce container deposit legislation for the state.**

Carried

For	53
Against	2
Abstained	3

#### Hobart City Council

The introduction of a state-wide Container Deposit Scheme (CDS) would provide an effective measure to reduce container related litter as well as increase its recovery. Local Government plays a significant role in the collection of recycling and is also responsible for cleaning up public litter and are therefore burdened with the costs associated with providing these services.

By placing a significant value on recyclable containers, a CDS will provide increased recycling and reduced littering. It will also deliver benefits to local community groups, who





will become engaged in collecting containers discarded to the environment to generate revenue.

Tasmanian Local Governments are currently paying significant costs for household containers to be recycled and programs that can reduce the amount of recycling requiring collection will deliver direct financial benefits. The City supports the implementation of a state-wide CDS on the grounds of economic, environmental, and social benefits

#### **West Coast Council**

A Motion supporting Container Deposit Legislation gained Council Support. It is thought that such legislation would:

- Substantially reduce road side waste
- Reduce waste to landfill
- Provide a funding stream for the likes of Scouts/Cubs

The West Coast Council wrote to the Premier on this subject and he indicated DPIPW were undertaking a study on the NSW Legislation and looking at whether the potential exists for Tasmania.

#### **Clarence City Council**

It is noted that:

- Tasmania and Victoria are the only Australian states that have not committed to introducing a Container Deposit Scheme;
- That the West Coast Council passed a motion providing in principle support to the establishment of a container deposit scheme in Tasmania and to lobby State Government to legislate for its introduction on 17 January 2017;
- The Liberal Western Australia and Labor Queensland Governments recently committed to introducing a 10c container refund scheme and the Liberal New South Wales Government has already tabled legislation;
- Clarence's beaches and waterways are being polluted with cans and plastic bottles, which make up more than half the plastic found (by volume) on Australian beaches;
- This was highlighted in the current "Bellerive Bluff Land and Coast Care" Newsletter#84, stating that under the "I CAN-WE CAN Project" over the past 3 years they have recycled 298.5kg of cans equating to approximately 18,000 cans; with about 60 cans to the kilo, raising \$136.75; and
- This community group has conveyed this information to the Government hoping it will help advance the move for "Container Legislation".

A Container Deposit scheme could:

- Create new jobs in Tasmania, including for people living with a disability;
- Save kerbside recycling costs for Tasmanian Councils each year; and
- Benefit young Clarence residents looking for pocket money as well as schools, community groups, sporting clubs and small business enterprises.

In passing this motion the Council acknowledges that:

- A CDS is a state issue that has significant impacts on Tasmania Councils and their ratepayers;
- The State Government present draft legislation to the 2017 Local Government State Conference; and
- Clarence City Council is well placed to add its voice in lobbying for CDS as an on-going Leader in Waste and Recycling Management in Tasmania.



**LGAT Comment**

Historically there had been concern from the Tasmanian Local Government sector that the introduction of a CDS in Tasmania would undermine the viability of council recycling and it was not supported. However in 2013, LGAT, with funding from the regional waste bodies, commissioned a report which demonstrated the sector could be cautiously optimistic that a CDS would work in tandem with recycling programs in Tasmania.

That advice and the report was provided to the then State Government who commenced their own study in 2014. There was preference at State level to see what might transpire nationally and so we have been in a holding pattern for some time.

While some of the data and assumptions will need rechecking in relation to viability and impact, given time passed, LGAT welcomes the commitment of funds from State Government to further progress this work. We have been advised this is intended to be progressed in collaboration with Local Government, to ensure the right model to deliver the best overall waste outcomes for Tasmania. We fully support this partnership approach.

The LGAT Waste Reference Group has completed a Statewide Waste and Resource Management Strategy and provided this to the EPA to inform the update of the Tasmanian Waste and Resource Management Strategy. LGAT has met with the EPA to discuss the initiatives we put forward. Relevantly, the Strategy notes the lack of state government advocacy and support for implementation of national product schemes (such as CDS) has resulted in additional costs to Local Government and poor outcomes for the state. It goes on to suggest the need for statewide implementation and support of national product schemes where there is cost benefit to Tasmania.

**Tasmanian Government Agency Comment**

Under the 2017-18 State Budget, the Government is meeting its commitment to consider the feasibility of establishing a Container Deposit Scheme (CDS) for Tasmania. Funds of \$100,000 have been provided to EPA Tasmania to develop a model framework for a CDS that complements mainland schemes already in place or currently being developed.

Consultation with Local Government and industry will be integral to the development of the model CDS framework for Tasmania to make sure it provides the best levels of coverage and community access as cost effectively as possible.

EPA Tasmanian will coordinate with LGAT regarding the details of the CDS modelling initiative.

## 12.2 Motion – Smoking at School Crossings

### George Town Council/Circular Head Council

That LGAT lobby the State Government to amend the Public Health Act 1997 to declare all school road crossings and surrounds, a smoke free area under section 67B.

Carried

For	55
Against	1
Abstained	2

### Background Comment

Council officers have been working on a project to make all School crossings within the George Town municipal area smoke free areas. The project stemmed from a motion that was passed through the George Town Safety Committee (GTSC) after receiving a presentation from a member of the Student Representative Committee at Port Dalrymple High School.

The student leaders had observed that some parents were smoking while congregating at the school crossings while dropping off and waiting to pick up their children. This resulted in all children who needed to use the crossing being exposed to environmental tobacco smoke (ETS) or more commonly known as secondhand smoke.

In response to the informative presentation, the GTSC agreed that the health matter was important enough to investigate declaring the school crossings as smoke-free areas.

### LGAT Comment

The Local Government Association of Tasmania (LGAT) commends the work of George Town Council in collaboration with Public Health Services in creating awareness about the health impacts of smoking awareness at school crossings.

This motion has not previously been put to a General Meeting. LGAT notes the Government Agency comment and will be in a position to reflect the views of the membership in relation to this proposal through its regular communication with Public Health Services.

If an amendment to the Act is not supported then LGAT can support the motion via its meetings with Public Health Services and through sharing the positive collaborative results of Georgetown Council through its publications and website Better Communities Better Councils.

### Tasmanian State Government Agency Comment

This motion asks the LGAT to lobby the State Government to amend the *Public Health Act 1997* to declare all school road crossings smoke free.

Tobacco Control Officers from Public Health Services (PHS) are supporting George Town Council in their initiative to establish smoke free crossings near their primary and secondary state schools.

Smoke-free laws aim to protect the health of non-smokers, including staff and patrons of businesses, from exposure to environmental tobacco smoke; reduce uptake in young





people by denormalising smoking and making it less appealing; and support smokers by making it easier to quit and remain a non-smoker.

Section 67B(1)(c) of the *Public Health Act 1997* enables 'any area, including, but not limited to, a public street, that is not within private premises' to be designated smoke-free by the occupier. In the case of school crossings of public roads, it is understood the Council is the occupier. The *Tasmanian Tobacco Control Plan 2017-20* encourages the creation of new smoke-free areas by local councils.

PHS has developed a resource entitled *Declaring Smoke Free Areas A Guide for Local Councils*. This guide describes how to declare a new smoke-free area, consult with the public, provide smoke-free signs and undertake the responsibility to enforce it.

Declaring school crossings smoke-free requires Councils to engage with schools, children and parents, and the nearby community. It also provides an opportunity to link such initiatives to *Smoke-Free Generation – be a part* messages and resources (<https://www.smokefree.den.org.au>).

A blanket declaration (for example by amendment of the *Public Health Act 1997*) would first require Cabinet approval. If approved, it would still require substantial local work, including community consultation and education, preparation of maps, signage and planning and resourcing of ongoing enforcement. It is reasonable to consider such an amendment, noting that both a change to the Act, and the work to implement such an amendment, will take some time. In the meantime, PHS will continue to support Councils who wish to establish smoke-free areas around their school-crossings.

### 12.3 Motion – Fluoridation Act 1968

#### Kentish Council/Meander Valley Council

That LGAT requests the State Government repeal section 13 of the Fluoridation Act 1968 (amended) which states that 'a Council must not hold an elector poll under Part 6 of the Local Government Act 1993 in relation to the addition of fluoride to a public water supply'.

Repealing section 13 will enable the people of Tasmania to participate in information-sharing and debate and to state their informed position regarding the routine addition of fluoride to their drinking water, through a referendum.

#### Amendment Motion

#### Northern Midlands Council/

That LGAT requests the State Government, in regard to the fluoridation of water, that more research be undertaken and be made available.

There Being no Seconder, the Amendment Motion was Lost





**Kentish Council/Meander Valley Council**

That LGAT requests the State Government repeal section 13 of the Fluoridation Act 1968 (amended) which states that 'a Council must not hold an elector poll under Part 6 of the Local Government Act 1993 in relation to the addition of fluoride to a public water supply'.

Repealing section 13 will enable the people of Tasmania to participate in information-sharing and debate and to state their informed position regarding the routine addition of fluoride to their drinking water, through a referendum.

**The Original Motion was Put and Lost**

For	11
Against	44
Abstained	3

**Background Comment**

The fluoridation of drinking water supplies in Tasmania is regulated by the Fluoridation Act 1968. Under the Act, the need to add fluoride to a water supply is assessed by a fluoridation committee, which then provides a recommendation to the Health Minister. The Health Minister may then choose to direct the water authority to add fluoride to the water.

Tasmania was the first state in Australia to add fluoride to a public water supply, in Beaconsfield, in 1953.

Supporters of fluoride believe that topical fluoride applications promote healthy teeth and gums.

Opponents believe that fluoride, when regularly consumed over an extended period of time, is bio-accumulative and can cause adverse effects including dental fluorosis, skeletal fluorosis, arthritic symptoms, bone fracture, and can affect many other tissues besides bone and teeth, including the brain and thyroid gland.

Lancet Neurology, vol 13, issue No 3, March 2014 (a publication of the British Medical Association) officially classified fluoride as a neuro-toxin.

In 2012, the Queensland Parliament reversed the previous mandate requiring certain public potable water supplies to add fluoride to the water. To date, as a consequence of these changes, 29 councils in Queensland have either ceased the addition of, or not introduced, fluoride to town water supplies.

Local Government Association of Queensland (LGAQ) and the Queensland State Government share the same position statement on water fluoridation, that **"it is a principle of ethical public health policy that mass, involuntary medication must never proceed without the express consent of the community"**.

If people want to include fluoride as part of their dental care, it is readily and economically available in toothpastes on the supermarket shelves, as mouth rinses, or it can be professionally-applied in gels or foams. Fluoride is also available, medicinally, in the form of tablets, lozenges and liquids.



Informed consent is standard practice for all medication, and a key reason why most of Western Europe has ruled against fluoridation. If the community has no control over accepting or rejecting water fluoridation, we are allowing the State Government to do to the whole community (obliging people to take a medicine irrespective of their consent) what doctors cannot do to individual patients.

This motion is not intended as an argument for or against the addition of fluoride in drinking water. It is seeking the opportunity for the community to have a voice.

#### **LGAT Comment**

The National Health and Medical Research Council (referred to below in the State Government comment) is evaluating evidence on the health effects of water fluoridation with the final Information Paper, which summarises and assesses how these research findings are relevant to Australia and Australians, likely to be released later in 2017. The Evidence Evaluation included the following activities:

1. A comprehensive evaluation of the dental effects of water fluoridation, which consisted of:
  - a. An overview of systematic reviews on the effects of water fluoridation on dental caries;
  - b. A systematic review of recent primary studies on the effects of water fluoridation on dental caries not identified in the reviews included in the overview; and
  - c. A critical appraisal of the evidence on tooth decay and dental fluorosis reviewed by the Cochrane Collaboration (Iheozor-Ejiofor et al published on 18 June 2015);
2. A systematic review of other possible health effects of water fluoridation.

Councils are encouraged to review this paper when it is published and share it with their communities in order to determine their view on the fluoridation of drinking water supplies.

#### **Tasmanian Government Agency Comment**

This Motion seeks the repeal of s13 of the *Fluoridation Act 1968*. This section provides that a council must not hold an elector poll under Part 6 of the *Local Government Act 1993* in relation to the addition of fluoride to a public water supply. The motion is not supported by the Department of Health and Human Services.

The 'background comment' of the Motion provides just over one line about what supporters of fluoride are said to 'believe', and six lines in two paragraphs about what opponents of fluoride are said to 'believe'.

Australia's peak medical scientific body, the National Health and Medical Research Council (NHMRC), strongly recommends drinking water fluoridation as an effective and safe way to prevent dental caries across the community. The current recommended fluoridation of water is in the range of 0.6-1.1mg/L. Evidence shows that fluoridation of drinking water is especially beneficial to the dental health of children, and those experiencing socioeconomic disadvantage who have reduced access to dental care. Fluoridation of community drinking water decreases the number of children with dental caries and the number of children requiring hospitalisation from complications such as dental abscesses. Children who experience significant dental caries and do not receive treatment, risk poorer educational and employment outcomes, lower self-esteem and social exclusion as adults.

There is evidence that dental fluorosis, a problem with the appearance of teeth, is caused by a high intake of fluoride from multiple sources when teeth are developing. Most dental fluorosis in Australia is mild and does not significantly affect the appearance or function of teeth. More significant dental fluorosis is associated with much higher levels of water





fluoridation than that recommended by the NHMRC. There is reliable evidence that drinking water fluoridation in the range recommended by the NHMRC is not the cause of other health problems such as cancer, cardiovascular problems, neurological problems, skeletal problems, kidney problems or thyroid problems.

Therefore, aside from fluorosis, scientific evidence has effectively refuted the other putative adverse outcomes that the opponents of fluoride are said to believe, according to the 'background content'.

An extensive and current review of the health effects of water fluoridation is available on the NHMRC website (<https://www.nhmrc.gov.au/health-topics/health-effects-water-fluoridation>). An Information Paper on this was provided for public consultation in 2016 and will soon be published, followed by an NHMRC Public Statement that updates the Public Statement of 2007.

In Tasmania, under s10 of *Fluoridation Act 1968*, the decision to require the water authority (i.e. TasWater) to fluoridate a public water supply is made by the Minister, following the Minister's consideration of the recommendation of the Fluoridation Committee (which is appointed by the Minister under the Act). Tasmania is one of only three Australian jurisdictions in which all communities of 1000 or more persons that receive a public water supply all receive a fluoridated supply. Based on the current evidence for the safety and efficacy of fluoridation, it is therefore expected that the Fluoridation Committee will continue to recommend to Ministers that they require ongoing fluoridation of drinking water supplies by the water authority.

The objective of the motion is stated to 'enable the people of Tasmania to participate in debate through a referendum.' However, an 'elector poll' is not a referendum and does not bind the council, let alone the water supply authority which must comply with the Minister's decision. There are already many avenues for members of the public to debate this issue, including existing Local Government mechanisms such as petitions and public meetings.

## 13 PUBLIC POLICY GENERAL

### 13.1 Motion – Recognition Of Australia Day

#### City of Hobart/Brighton Council

**That LGAT, the 29 Councils and any individual Elected Members be requested to lobby the Federal Government to commence a conversation with the Australian public regarding the date of recognition of Australia Day.**

**Lost**

For	26
Against	27
Abstained	5

**Mayor Loueen Triffitt supported the Motion**



**Background Comment**

Every year there are ever increasing public rallies by both indigenous and non-indigenous people protesting against the current legislated date for Australia Day because Aboriginal people view it as Invasion Day.

Rallies held this year in capital cities drew large numbers of supporters including up to 50,000 people in Melbourne, several thousand in both Sydney and Brisbane and over 1000 in Hobart. There is a growing acknowledgement that 26 January is not a day of celebration for all Australians. The current date has only been in practice since 1994 and before that time it was celebrated on a long weekend in January.

If consideration is given to changing the date that we recognise as Australia Day it provides an opportunity to find a more inclusive date for all Australians to celebrate.

**LGAT Comment**

At the Australian Local Government Association National General Assembly (June 2017) a resolution was passed calling on the Assembly to encourage Australian councils to consider efforts they could take to lobby the Federal Government to change the date of recognition of Australia Day.

The Board of ALGA will be meeting in July to consider this and other Assembly resolutions and determine what action the Board will take. The ALGA Board noted the level of debate and the closeness of the result of the debate and will take these matters into consideration when determining a course of action.

**Tasmanian Government Agency Comment**

The Tasmanian Government is a member of the National Australia Day Network. The Network has representation from all jurisdictions and is led by the National Australia Day Council (NADC). An Australia Day Program of events and activities for Tasmania, including support for the Australian of the Year Awards, is delivered from within the Department of Premier and Cabinet.

NADC has said publicly that the Australia Day Network is committed to playing a part in the journey of reconciliation by helping all Australians to move forward with a better understanding of our shared past, and importantly how this affects the lives of Aboriginal and Torres Strait Islander peoples today and how we might build a better future together. It has stated that:

“Our national day should be authentic and mature where we can celebrate and mourn at the same time. We can honour all that is great about Australia and being Australian, remember the sufferings and our shortcomings and commit to build a more cohesive and inclusive nation.”

**14 CLOSE**

There being no further business the President declared the Meeting closed at 3.05pm.

### **17.2.5      TABLING OF DOCUMENTS**

This is to be a standing item on the Agenda.

Tabling of documents that don't necessarily require any specific action(s).

## 17.3 FINANCES

### Strategic Plan Reference – Page 34 & 35

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

### 17.3.1 MONTHLY FINANCIAL STATEMENT (SEPTEMBER 2017)

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

**Date:** 19 OCTOBER 2017

#### ISSUE

Refer enclosed Report incorporating the following: -

- Statement of Comprehensive Income – 1<sup>st</sup> July 2017 to 30<sup>th</sup> September 2017 (including Notes)
- Current Expenditure Estimates – as at 30<sup>th</sup> September 2017
- Capital Expenditure Estimates (*refer to enclosed report detailing the individual capital projects*) – as at 30<sup>th</sup> September 2017
- Cash Flow Statement – September 2017
- Rates & Charges – 12<sup>th</sup> October 2017

*Note: Expenditure figures provided are for the period 1<sup>st</sup> July 2017 to 30<sup>th</sup> September 2017 – 25% of the period.*

#### CURRENT EXPENDITURE ESTIMATES (OPERATING BUDGET)

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

Nil.

##### ***Strategic Theme – Growth***

**Sub-Program – Business** - expenditure to date (\$64,350 – 26.03%). Costs relate to the Stornoway Contract where works are undertaken on a recharge basis, and the joint OH&S / Risk Management project being undertaken by six participating Councils under a resource sharing agreement. The cost of the project is to be shared between the six (6) Councils with revenue coming back to Southern Midlands

##### ***Strategic Theme – Landscapes***

Nil.



**Strategic Theme – Lifestyle**

**Sub-Program – Childcare** – expenditure to date (\$5,000 – 66.67%). Annual donation to the Brighton Family Day Care Service.

**Sub-Program – Public Health** – expenditure to date (\$3,149 – 31.19%). An amount of \$2,159 relates to expenditure for the ‘Mens Shed’ program which is grant funded.

**Strategic Theme –Community**

Nil.

**Strategic Theme –Organisation**

**Sub-Program – Sustainability** - expenditure to date (\$624,385 – 28.33%). Expenditure includes annual costs associated with computer software maintenance (GIS/NAV) and licensing \$64,791, and annual insurance payments of \$49,060.

**RECOMMENDATION**

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

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

STATEMENT OF COMPREHENSIVE INCOME

FOR THE PERIOD

1st JULY 2017 to 30th SEPTEMBER 2017

	Annual Budget	Year to Date as at 30th SEPTEMBER	%	Comments
<b>Income</b>				
General rates	\$ 5,174,991	\$ 5,111,684	98.8%	Budget includes Interest & Penalties to be imposed to end of June 2017
User Fees (refer Note 1)	\$ 968,447	\$ 258,925	26.7%	
Interest	\$ 157,000	\$ 51,689	32.9%	
Government Subsidies	\$ 24,000	\$ 1,000	4.2%	Heavy Vehicle Licence Fees & Road Rescue MAIB reimbursements
Contract Income	\$ 0	\$ 0	0.0%	
Other (refer Note 2)	\$ 162,000	\$ 28,023	17.3%	
<b>Sub-Total</b>	<b>\$ 6,486,437</b>	<b>\$ 5,451,321</b>	<b>84.0%</b>	
Grants - Operating	\$ 3,266,489	\$ 421,084	12.9%	\$11,000 Tourism \$410,084 FAGS
<b>Total Income</b>	<b>\$ 9,752,926</b>	<b>\$ 5,872,406</b>	<b>60.2%</b>	
<b>Expenses</b>				
Employee benefits	\$ (3,950,529)	\$ (779,724)	19.7%	Less Roads - Resheeting Capitalised
Materials and contracts	\$ (3,227,729)	\$ (817,241)	25.3%	Less Roads - Resheeting Capitalised, Includes Land Tax
Depreciation and amortisation	\$ (2,719,500)	\$ (679,875)	25.0%	Percentage Calculation (based on year-to-date)
Finance costs	\$ (48,925)	\$ (4,694)	9.6%	
Contributions	\$ (209,622)	\$ 0	0.0%	Fire Service Levies
Other	\$ (161,100)	\$ (121,033)	75.1%	Incls Rate Discounts \$9,322 (annual cost)
<b>Total expenses</b>	<b>\$ (10,317,405)</b>	<b>\$ (2,402,568)</b>	<b>23.3%</b>	
<b>Surplus (deficit) from operations</b>	<b>\$ (564,479)</b>	<b>\$ 3,469,838</b>	<b>-614.7%</b>	
Grants - Capital (refer Note 3)	\$ 3,177,843	\$ 61,635	1.9%	
Sale Proceeds (Plant & Machinery)	\$ 484,000	\$ 89,481	0.0%	
Net gain / (loss on disposal of non-current assets)	\$ 0	\$ 0	0.0%	
<b>Surplus / (Deficit)</b>	<b>\$ 3,097,364</b>	<b>\$ 3,620,954</b>	<b>116.9%</b>	
<b>NOTES</b>				
1. Income - User Fees (Budget \$968,447) includes:				
- All other Programs	\$ 371,311	\$ 136,990	36.9%	Actual Income Received (i.e. excluding Debtors)
- Private Works	\$ 267,136	\$ 60,945	22.8%	
- Callington Mill	\$ 330,000	\$ 61,990	18.8%	
	<b>\$ 968,447</b>	<b>\$ 259,925</b>		

CAPITAL EXPENDITURE PROGRAM 2017-18  
AS AT 30 SEPTEMBER 2017

			BUDGET	EXPENDITURE	VARIANCE	COMMENTS
<b>ROAD ASSETS</b>						
Resheeting Program	Various	Roads Resheeting	\$ 700,000	\$ 118,682	\$ 581,318	
Reseal Program		Roads Resealing (as per agreed program)	\$ 600,000	\$ -	\$ 600,000	
		Woodsdale Road	\$ 135,000	\$ -	\$ 135,000	
		2 x 50 mtr sections - Runnymede end				
		1 x 100 mtr section - vicinity of Runnymede Fire Station				
		1 x 200 mtr section - vicinity of 'Questlands'				
		1 x 200 mtr section - vicinity of Woodsdale Cemetery				
		1 x 200 mtr section - vicinity of Back Woodsdale Road				
		Stonor Road (200 metres - approx. 5 kms in from Highway)	\$ 36,000	\$ -	\$ 36,000	
Reconstruct & Seal	C1020033	Yarlington Road (Smarts Hill - 150 metres)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
Construct & Seal (Unsealed Roads) Incls. widening component		Blackbrush Road - new seal (400 metres each end)	\$ 144,000	\$ -	\$ 144,000	
		Eldon Road (extend seal from Tunnack end for 1.0 km)	\$ 180,000	\$ -	\$ 180,000	
		Native Corners Road - new seal (500 metres)	\$ 90,000	\$ -	\$ 90,000	
	C1020035	Estate Road Widening	\$ -	\$ 182	\$ (182)	
Minor Seals (New)		Various Projects	\$ 20,000	\$ -	\$ 20,000	
		Church Road (Brighton Council end)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	C1020032	Hasting Street Junction	\$ 15,000	\$ 959	\$ 14,041	Budget c/fwd - WIP 30/6/17
Unsealed - Road Widening		Clifton Vale - (Cliff Section)	\$ 40,000	\$ -	\$ 40,000	
		Chauncy Vale Road, Bagdad	\$ 20,000	\$ -	\$ 20,000	Budget c/fwd
		Grices Road (Section Widening)	\$ 36,000	\$ -	\$ 36,000	
Junction / Road Realignment / Other	C1010037	Campania - Reeve St / Clime Street (includes Footpath)	\$ 48,827	\$ 104	\$ 48,723	Budget c/fwd WIP 30/6/17
		East Bagdad Road - Subsidence Areas	\$ 20,000	\$ -	\$ 20,000	
	C1020055	Yarlington Road - Realignment	\$ 240,000	\$ 190,123	\$ 49,877	RTR WIP 30/6/17 \$185,828
	C1020047	Lovely Banks Road (junction with Colebrook)	\$ 210,000	\$ 201,925	\$ 8,076	WIP 30/6/17 \$196,787 - Budget includes \$40K c/fwd
		Reeve St - Hall Street to Rec Ground (K&G) - 70 metres	\$ 17,882	\$ -	\$ 17,882	Budget includes \$8,800 c/fwd
		Campania - Reeve St / Hall Street (K&G)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
	C1010028	Woodsdale Road - Landslip Area (vicinity Scott's Quarry)	\$ 15,000	\$ -	\$ 15,000	Budget c/fwd
	C1010039	Woodsdale Road - Landslip Area(s) - Engineering Assessment	\$ 9,700	\$ -	\$ 9,700	
			<b>\$ 2,614,909</b>	<b>\$ 511,974</b>	<b>\$ 2,102,935</b>	

**Southern Midlands Council**  
**Agenda – 25 October 2017**

<b>BRIDGE ASSETS</b>	C1030006	Fields Road Bridge (B1851)	\$ -	\$ 1,469	\$ (1,469)	WIP 30/6/17
	C1030021	Wattle Hill Road Bridge (B1402)	\$ -	\$ 2,692	\$ (2,692)	
	C1030028	Rotherwood Road Bridge (B1137)	\$ -	\$ 432	\$ (432)	
	C1030044	Grahams Creek Road (Grahams Creek B2510)	\$ -	\$ 40,254	\$ (40,254)	RTR - WIP 30/6/17
	C1030049	Inglewood Road (B 4289)	\$ -	\$ 32	\$ (32)	Capitalised 16/17
	C1030054	Bellevale Road (B2723)	\$ -	\$ 32,050	\$ (32,050)	RTR - WIP 30/6/17
	C1030055	Link Road (Craigbourne Creek B3820)	\$ -	\$ 145,224	\$ (145,224)	RTR - WIP 30/6/17
	C1030056	Noyes Road (Limekiln Creek T268.00051)	\$ -	\$ 30,011	\$ (30,011)	WIP 30/6/17
	C1030057	Reynolds Road (Burns Creek B5301)	\$ -	\$ 67,163	\$ (67,163)	WIP 30/6/17
			<b>\$ -</b>	<b>\$ 319,327</b>	<b>\$ (319,327)</b>	
<b>WALKWAYS</b>	C1040011	Footpaths - General (Program to be confirmed)	\$ 30,000	\$ 1,043	\$ 28,957	Street Furniture
		Bagdad Township				
		- Swan Street (Blackport Rd to Green Valley Rd)	\$ 109,557	\$ 2,687	\$ 106,870	WIP 30/6/17 \$2,687 - Budget c/fwd
		- Midland Highway (Bus Shelter)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Campania Township				
		- Review Management Plan (Site Plan) / Walking Tracks (Bush	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		Colebrook Township				
		- K&G Renewal (Richmond St -southern end)	\$ 30,000	\$ -	\$ 30,000	Budget c/fwd
		- Streetscape Plan Development & Implementation (Part)	\$ 60,000	\$ 13,341	\$ 46,659	WIP 30/6/17
		Kempton Township				
		- Streetscape Plan (Review & Implementation (Part)	\$ 40,000	\$ 859	\$ 39,141	
		Parratah Township				
		- Tunnack Main Road Kerb & Gutter	\$ 14,478	\$ -	\$ 14,478	
	Tunbridge Township					
	- Main Road Kerb & Gutter	\$ 22,000	\$ -	\$ 22,000	Budget C/fwd \$7k	
	- Streetscape Project (Part Implementation) - 2 yr program	\$ 67,954	\$ -	\$ 67,954	Subject to \$50K Grant Application (Infrastructure Fund)	
			<b>\$ 383,989</b>	<b>\$ 17,929</b>	<b>\$ 366,060</b>	
<b>DRAINAGE</b>		Bagdad				
		- Midland Hwy/Swan St Drainage (McShane property)	\$ 22,500	\$ -	\$ 22,500	Budget c/fwd
		Campania				
		- Estate Road (School Farm - Easement)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		- Reeve Street Open Drain (north of Telephone Box)	\$ 35,000	\$ 4,124	\$ 30,876	WIP 30/6/17 \$3,750 - Budget c/fwd
		Oatlands				
		- Barrack Street (towards Mason Street)	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
	- High St/Wellington Street Junction	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd	
	- Queen Anne Street	7500		\$ 7,500		
			<b>\$ 90,000</b>	<b>\$ 4,124</b>	<b>\$ 85,876</b>	

**Southern Midlands Council**  
**Agenda – 25 October 2017**

<b>WASTE</b>		Oatlands WTS - General Improvements	\$ 25,000	\$ -	\$ 25,000	Budget includes \$5K c/fwd	
		Dysart WTS - General Improvements	\$ 20,000	\$ -	\$ 20,000		
		Wheelie Bins and Crates	\$ 7,500	\$ -	\$ 7,500		
			<b>\$ 52,500</b>	<b>\$ -</b>	<b>\$ 52,500</b>		
<b>PUBLIC TOILETS</b>		Lake Dulverton (New facilities - design & approvals)	\$ 83,915	\$ 21,428	\$ 62,487	Budget includes \$12K c/fwd	
		Colebrook Hiistory Room Toilets (Conversion Family Change Roo	\$ 12,000	\$ -	\$ 12,000		
			<b>\$ 95,915</b>	<b>\$ 21,428</b>	<b>\$ 74,487</b>		
<b>SIGNAGE</b>		Oatlands Signage (Info Bays) - Town Maps etc. - 2 Small & 2 Larg	\$ 9,282	\$ -	\$ 9,282	Budget c/fwd	
			<b>\$ 9,282</b>	<b>\$ -</b>	<b>\$ 9,282</b>		
<b>TOURISM</b>		Building (Wool Press Cover)	\$ 9,170	\$ -	\$ 9,170	Budget c/fwd	
		Lake Dulverton (Aquatic Club Fit-Out) - Shower / Toilet Facility	\$ 18,000	\$ -	\$ 18,000	Budget c/fwd	
		Lake Dulverton (Aquatic Club Fit-Out) - Roof Replacement	\$ 30,000	\$ -	\$ 30,000	Budget c/fwd	
		Beacon Tourism Sub-Regional Project	\$ 18,000	\$ -	\$ 18,000		
		Lake Dulverton - Cows	\$ 12,000	\$ -	\$ 12,000		
		<b>\$ 87,170</b>	<b>\$ -</b>	<b>\$ 87,170</b>			
<b>HERITAGE</b>		Callington Mill (Asset Renewals)	\$ 15,000	\$ 1,200	\$ 13,800		
	2016-17	Callington Mill (Mill Tower - Fire Detection System & Exit Lighting)	\$ 6,500	\$ -	\$ 6,500	Budget c/fwd	
		G3010010 Commissariat (79 High Street)	\$ 464,250	\$ 237,511	\$ 226,739	WIP 30/6/17 \$196,481 - Budget c/fwd \$384,250	
	Wood Stove (Women's Kitchen)		Oatlands Court House (Stabilisation & Gaol Cell)	\$ 5,000	\$ -	\$ 5,000	Budget c/fwd
		C3010002 Oatlands Gaol - Minor Capital Works	\$ 5,351	\$ -	\$ 5,351	Budget c/fwd	
		Heritage Building (Key Card System)	\$ 47,000	\$ -	\$ 47,000		
		Kempton Watch House (Fitout)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd	
		Parattah Railway Station - Guttering & Fascia	\$ 9,600	\$ -	\$ 9,600	Budget includes \$2.6K c/fwd	
		<b>\$ 560,201</b>	<b>\$ 238,711</b>	<b>\$ 321,490</b>			
<b>NATURAL</b>		Chauncy Vale - Day Dawn Cottage (Toilet Upgrade)	\$ 5,000	\$ 10,306	\$ (5,306)	Budget c/fwd	
		Dulverton Walkway Safety Upgrade	\$ -	\$ 216	\$ (216)	Grant c/fwd	
		Chauncy Vale - Interps Hut Repairs	\$ -	\$ 1,026	\$ (1,026)		
		<b>\$ 5,000</b>	<b>\$ 11,547</b>	<b>\$ (6,547)</b>			
<b>REGULATORY</b>		Kempton Council Chambers - Building & Office Improvements	\$ 23,704	\$ 3,436	\$ 20,268	WIP 30/06/17 \$577 - Budget includes \$23,704 c/fwd	
		Kempton Council Chambers - External repainting (Windows etc.)	\$ 7,500	\$ -	\$ 7,500	Budget c/fwd	
		Kempton Council Chambers - Office Furniture & Equipment	\$ 3,000	\$ -	\$ 3,000		

**Southern Midlands Council**  
**Agenda – 25 October 2017**

<b>ACCESS</b>					
		All Buildings (Priority Approach - Year 2 of 5)	\$ 50,000	\$ -	\$ 50,000
			<b>\$ 50,000</b>	<b>\$ -</b>	<b>\$ 50,000</b>
<b>RECREATION</b>					
	C4070005	Recreation Committee	\$ 30,000	\$ -	\$ 30,000
		Blue Place - external repainting	\$ 20,000	\$ -	\$ 20,000
		Colebrook Hall - Heating	\$ 3,000	\$ 12,989	\$ (9,989)
		Kempton Hall - external repainting	\$ 40,000	\$ -	\$ 40,000
		- Alexander Circle & Lyndon Road (Stage 2)	\$ 8,000	\$ -	\$ 8,000
		Playground Equipment	\$ -	\$ -	\$ -
		Rec Ground - Campania (Stormwater - eastern side)	\$ 3,000	\$ -	\$ 3,000
		Oatlands Aquatic Centre (New Pool)	\$ 3,130,000	\$ 119,848	\$ 3,010,152
	C4070033	Oatlands Aquatic Club Building	\$ 18,000	\$ 29,068	\$ (11,068)
		Rec Ground - Mt Pleasant (Upgrade Toilets)	\$ 13,000	\$ -	\$ 13,000
		Rec Ground - Mangalore	\$ -	\$ 150	\$ (150)
	C4070001	Rec Ground - Parattah (Facility Development)	\$ 14,000	\$ 407	\$ 13,593
	G4070015	Stables & Carriage Shed	\$ -	\$ 724	\$ (724)
		Tunbridge Park - Perimeter Fence (Safety)	\$ 7,500	\$ -	\$ 7,500
			<b>\$ 3,286,500</b>	<b>\$ 163,185</b>	<b>\$ 3,123,315</b>
<b>CAPACITY</b>					
	C5020001	Levendale Community Centre	\$ 8,000	\$ -	\$ 8,000
		Memorial Avenue Development (Island)	\$ 47,000	\$ -	\$ 47,000
		Memorial Avenue Development (Survey; Fencing & Aquisition)	\$ 15,100	\$ -	\$ 15,100
			<b>\$ 70,100</b>	<b>\$ -</b>	<b>\$ 70,100</b>
<b>SAFETY</b>					
		Road Accident Rescue Unit	\$ 3,000	\$ -	\$ 3,000
			<b>\$ 3,000</b>	<b>\$ -</b>	<b>\$ 3,000</b>
<b>SUSTAINABILITY</b>					
		Council Chambers - Building Improvements	\$ 15,500	\$ 4,123	\$ 11,377
		Photo Reframing	\$ 3,000	\$ -	\$ 3,000
		Council Chambers - Damp Issues & Stonemasonry	\$ 15,000	\$ -	\$ 15,000
		Council Chambers - Server Room (Fireproofing)	\$ 10,000	\$ -	\$ 10,000
	C6020009	Computer System (Hardware / Software)	\$ 67,338	\$ 18,923	\$ 48,415
		Telephone / Comms System	\$ 35,000	\$ -	\$ 35,000
C4070011	C9990002	Town Hall (General - Incl. Office Equip/Furniture)	\$ 8,000	\$ 2,742	\$ 5,258
			<b>\$ 153,838</b>	<b>\$ 25,787</b>	<b>\$ 128,051</b>



**Southern Midlands Council**

Agenda – 25 October 2017

<b>WORKS</b>						
		Kempton Depot - External Painting	\$ 10,000	\$ -	\$ 10,000	Budget c/fwd
		Depot Relocation (Site / Concept Plans etc.)	\$ 300,000	\$ 12,609	\$ 287,391	
					\$ -	
		Minor Plant Purchases	\$ 9,500	\$ 258	\$ 9,242	
		Radio System	\$ 2,000	\$ -	\$ 2,000	
		<b>Plant Replacement Program</b>				
		Refer separate Schedule (Gross)	\$ 552,500	\$ -	\$ 552,500	
		Light Vehicles (Gross)	\$ 192,000	\$ -	\$ 192,000	
		(Trade Allowance - \$180K)				
		Slasher Extra H/Duty (7ft Cut)	\$ 10,500		\$ 10,500	
			<b>\$ 1,076,500</b>	<b>\$ 12,866</b>	<b>\$ 1,063,634</b>	
		<b>GRAND TOTALS</b>	<b>\$ 8,573,108</b>	<b>\$ 1,330,315</b>	<b>\$ 7,242,793</b>	

**SOUTHERN MIDLANDS COUNCIL : CURRENT EXPENDITURE 2017/18  
 SUMMARY SHEET**

PROGRAM	TOTAL	REVISED BUDGET (GRANTS & OTHER REIMBURSEMENTS)	ACTUAL AS AT 30th SEPTEMBER 2017 25%	VARIANCE (+/-)	% BASED ON REVISED BUDGET 100%
<b>INFRASTRUCTURE</b>					
Roads	3,077,714	3,077,714	740,331	2,337,383	24.05%
Bridges	350,040	350,040	79,292	270,747	22.65%
Walkways	212,309	212,309	24,724	187,585	11.65%
Lighting	85,680	85,680	20,646	65,034	24.10%
Irrigation	0	0	0	0	0.00%
Drainage	85,132	85,132	13,706	71,426	16.10%
Waste	748,167	748,167	155,537	592,630	20.79%
Public Toilets	58,994	58,994	9,382	49,612	15.90%
Communications	0	0	0	0	0.00%
Signage	6,675	6,675	1,618	5,057	24.25%
<b>INFRASTRUCTURE TOTAL:</b>	<b>4,624,711</b>	<b>4,624,711</b>	<b>1,045,237</b>	<b>3,579,474</b>	<b>22.60%</b>
<b>GROWTH</b>					
Residential	0	0	0	0	0.00%
Mill Operations	493,706	493,706	125,528	368,178	25.43%
Tourism	241,582	241,582	6,180	235,402	2.56%
Business	997,261	247,261	64,350	182,911	26.03%
Agriculture	0	0	0	0	0.00%
Integration	7,500	7,500	0	7,500	0.00%
<b>GROWTH TOTAL:</b>	<b>1,740,049</b>	<b>990,049</b>	<b>196,058</b>	<b>793,991</b>	<b>19.80%</b>
<b>LANDSCAPES</b>					
Heritage	289,968	289,968	64,728	225,240	22.32%
Natural	164,875	164,875	39,155	125,720	23.75%
Cultural	9,600	9,600	0	9,600	0.00%
Regulatory	768,365	768,365	160,328	608,037	20.87%
Climate Change	11,181	11,181	578	10,603	5.17%
<b>LANDSCAPES TOTAL:</b>	<b>1,243,989</b>	<b>1,243,989</b>	<b>264,788</b>	<b>979,201</b>	<b>21.29%</b>
<b>LIFESTYLE</b>					
Youth	226,638	226,638	47,024	179,614	20.75%
Aged	2,500	2,500	136	2,364	5.45%
Childcare	7,500	7,500	5,000	2,500	66.67%
Volunteers	40,000	40,000	3,168	36,832	7.92%
Access	0	0	0	0	0.00%
Public Health	10,093	10,093	3,149	6,945	31.19%
Recreation	490,033	490,033	72,120	417,913	14.72%
Animals	103,767	103,767	27,233	76,534	26.24%
Education	0	0	0	0	0.00%
<b>LIFESTYLE TOTAL:</b>	<b>880,531</b>	<b>880,531</b>	<b>157,830</b>	<b>722,701</b>	<b>17.92%</b>
<b>COMMUNITY</b>					
Retention	0	0	0	0	0.00%
Capacity	27,925	27,925	4,331	23,593	15.51%
Safety	56,650	56,650	7,573	49,077	13.37%
Consultation	7,300	7,300	1,296	6,004	17.76%
Communication	12,125	12,125	1,623	10,502	13.39%
<b>COMMUNITY TOTAL:</b>	<b>103,998</b>	<b>103,998</b>	<b>14,823</b>	<b>89,175</b>	<b>14.25%</b>
<b>ORGANISATION</b>					
Improvement	7,590	7,590	0	7,590	0.00%
Sustainability	2,203,826	2,203,826	624,385	1,579,441	28.33%
Finances	277,707	277,707	33,447	244,260	12.04%
<b>ORGANISATION TOTAL:</b>	<b>2,489,123</b>	<b>2,489,123</b>	<b>657,832</b>	<b>1,831,290</b>	<b>26.43%</b>
<b>TOTALS</b>	<b>11,082,400</b>	<b>10,332,400</b>	<b>2,336,568</b>	<b>7,995,832</b>	<b>22.61%</b>

	INFLWS (OUTFWS) (July 2017)	INFLWS (OUTFWS) (August 2017)	INFLWS (OUTFWS) (September 2017)	INFLWS (OUTFWS) (Year to Date)
<b>Cash flows from operating activities</b>				
Payments				
Employee costs	- 261,471.56	- 263,280.28	- 257,356.08	- 782,107.92
Materials and contracts	- 619,314.92	- 215,561.82	- 343,225.01	- 1,178,101.75
Interest	- 4,693.83	-	-	- 4,693.83
Other	- 19,434.44	- 58,081.58	- 43,517.34	- 121,033.36
	<b>- 904,914.75</b>	<b>- 536,923.68</b>	<b>- 644,098.43</b>	<b>- 2,085,936.86</b>
Receipts				
Rates	92,911.15	813,684.96	1,586,157.29	2,492,753.40
User charges	235,490.50	96,854.23	115,773.17	448,117.90
Interest received	18,986.07	16,609.32	16,094.00	51,689.39
Subsidies	-	-	-	-
Other revenue grants	-	410,084.25	-	410,084.25
GST Refunds from ATO	-	-	-	-
Other	11,533.48	19,250.73	1,427.15	32,211.36
	<b>358,921.20</b>	<b>1,356,483.49</b>	<b>1,719,451.61</b>	<b>3,434,856.30</b>
<b>Net cash from operating activities</b>	<b>- 545,993.55</b>	<b>819,559.81</b>	<b>1,075,353.18</b>	<b>1,348,919.44</b>
<b>Cash flows from investing activities</b>				
Payments for property, plant & equipment	- 42,952.75	- 265,587.42	- 111,945.72	- 420,485.89
Proceeds from sale of property, plant & equipment	-	89,389.93	90.91	89,480.84
Proceeds from Capital grants	61,635.00	11,000.00	-	72,635.00
Proceeds from Investments	-	-	-	-
Payment for Investments	-	-	-	-
<b>Net cash used in investing activities</b>	<b>18,682.25</b>	<b>- 165,197.49</b>	<b>- 111,854.81</b>	<b>- 258,370.05</b>
<b>Cash flows from financing activities</b>				
Repayment of borrowings	- 6,514.75	-	-	- 6,514.75
Proceeds from borrowings	-	-	-	-
<b>Net cash from (used in) financing activities</b>	<b>- 6,514.75</b>	<b>-</b>	<b>-</b>	<b>- 6,514.75</b>
<b>Net increase/(decrease) in cash held</b>	<b>- 533,826.05</b>	<b>654,362.32</b>	<b>963,498.37</b>	<b>1,084,034.64</b>
Cash at beginning of reporting year	11,637,204.77	11,103,378.72	11,757,741.04	11,637,204.77
<b>Cash at end of reporting</b>	<b>11,103,378.72</b>	<b>11,757,741.04</b>	<b>12,721,239.41</b>	<b>12,721,239.41</b>

<b>SOUTHERN MIDLANDS COUNCIL</b>				
<b>SUMMARY OF RATES AND CHARGES LEVIED, REMITTED AND COLLECTED</b>				
	This Financial Year		Last Financial Year	
	12th October 2017		12th October 2016	
Arrears brought forward as at July 1		\$ 379,430.89		\$ 415,003.63
ADD current rates and charges levied		\$ 5,103,783.57		\$ 4,817,270.39
ADD current interest and penalty		\$ 22,812.64		\$ 20,921.22
<b>TOTAL rates and charges demanded</b>	<b>100.00%</b>	<b>\$ 5,506,027.10</b>	<b>100.00%</b>	<b>\$ 5,253,195.24</b>
LESS rates and charges collected	42.82%	\$ 2,357,637.20	40.45%	\$ 2,124,858.73
LESS pensioner remissions	4.12%	\$ 226,926.84	4.12%	\$ 216,237.37
LESS other remissions and refunds	0.10%	\$ 5,339.34	0.19%	\$ 10,175.43
LESS discounts	0.48%	\$ 26,200.06	0.45%	\$ 23,689.28
<b>TOTAL rates and charges collected and remitted</b>	<b>47.51%</b>	<b>\$ 2,616,103.44</b>	<b>45.21%</b>	<b>\$ 2,374,960.81</b>
<b>UNPAID RATES AND CHARGES</b>	<b>52.49%</b>	<b>\$ 2,889,923.66</b>	<b>54.79%</b>	<b>\$ 2,878,234.43</b>

**18. MUNICIPAL SEAL**

Nil.

## 19. CONSIDERATION OF SUPPLEMENTARY ITEMS TO THE AGENDA

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

### RECOMMENDATION

**THAT the Meeting be closed to the public to consider Regulation 15 matters, and that members of the public be required to leave the meeting.**

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



## **CLOSED COUNCIL AGENDA**

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

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

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

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

*Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.*

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

*Item considered in Closed Session in accordance with Regulation 15 (2) (h) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.3 SPECIAL COUNCIL MINUTES (CLOSED) - CONFIRMATION**

*Item considered in Closed Session in accordance with Regulation 15 (2) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.4 CALLINGTON MILL VISITOR INFORMATION CENTRE - CLOSURE**

*Item considered in Closed Session in accordance with Regulation 15 (2) (a) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.5 OATLANDS AQUATIC CENTRE**

*Item considered in Closed Session in accordance with Regulation 15 (2) (b) of the Local Government (Meeting Procedures) Regulations 2015.*

#### **20.6 PROPOSED KEMPTON COMMUNITY HEALTH CENTRE – HUON REGIONAL CARE**

*Item considered in Closed Session in accordance with Regulation 15 (2) (f) of the Local Government (Meeting Procedures) Regulations 2015.*

**RECOMMENDATION**

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

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

## **OPEN COUNCIL AGENDA**

### **21. CLOSURE**